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PROCEEDINGS AND DEBATES OF THE 102^d CONGRESS, SECOND SESSION

SENATE—*Wednesday, June 3, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Is any thing too hard for the Lord? * * *—Genesis 18:14. * * * *with God nothing shall be impossible.*—Luke 1:37.

Eternal God, Lord of the universe, Ruler of the nations, Your penetrating question to Abraham in an impossible situation, "Is anything too hard for the Lord?" answers itself. Dr. Luke in his Gospel responds, "* * * with God nothing shall be impossible." Help Your servants in the Senate appreciate the reasonableness, the relevance of this transcendent reality.

In perspective, what is required of the Senators is impossible: Threats of destruction in our great cities, overwhelming deficits in local, State, and Federal budgets, a foundering economy, turmoil and tension in Central Europe—all demanding resolution—complicated by a national election, broiling with controversy, fueling citizen frustration, anger, and cynicism—compounded by a profound sense of human inadequacy.

Gracious, omnipotent God, awaken Your servants to Your availability, adequacy, and love. Grant to them, individually and collectively, a fresh awareness of the possibility of divine intervention when minds and hearts are open to Your control and remedy.

In the name of the Lord who made Heaven and Earth and all things therein. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 3, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The time for the two leaders is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein not to exceed 5 minutes each.

Mr. GLENN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio [Mr. GLENN] is recognized.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN and Ms. MIKULSKI pertaining to the introduction of S. 2801 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON] is recognized under the previous order for 10 minutes.

THE VALUE OF THE PACIFIC YEW TREE AND OTHER NATURAL RESOURCES

Mr. GORTON. Mr. President, the debate over old growth forests in the Pacific Northwest continues. Congress has yet to find a balanced solution. One issue, however, has emerged upon which most can agree: The Pacific yew tree is a valuable weapon in the fight against cancer, and an abundant supply of its bark must be made available for the production of the cancer-fighting drug taxol.

Some have argued that the discovery of the important properties of taxol and the Pacific yew tree add urgency to the demand to lock up the forests of the Pacific Northwest. This argument lacks logic. When an important natural resource is discovered and its value to human beings is incalculable, the solution is not to lock up the source of that resource, throw away the key, and walk away. The answer is management—careful and sensitive management that ensures a steady supply of the raw material. The discovery of the Pacific yew does not mandate preservation. It mandates wise management.

Taxol from the Pacific yew tree could be used to treat the 12,500 patients who die annually with ovarian cancer. Ask those women whether they would like to see the drug locked away forever in our forests.

In the early 1960's, the bark of the Pacific yew was collected, along with many other species, in an effort by the U.S. Department of Agriculture and the National Cancer Institute to test hundreds of thousands of species for their ability to fight cancer cells and tumors. In 1971, researchers isolated the active ingredient in the bark of the tree and labeled it taxol. In the late seventies, the properties of taxol were studied in the lab where they illustrated the power of the drug in paralyzing the internal structure of cancer cells.

Clinical trials with taxol began in the 1980's. Of 40 women involved in the trial, 11 saw their tumors shrink by more than 50 percent. One patient saw her tumor disappear completely. This response rate of 30 percent was an unexpected success.

For years, the Pacific yew has been referred to as the "weed of the forest." In the process of harvesting Douglas-fir and other softwood species of the Pacific Northwest, the Pacific yew was

• This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

most commonly discarded and burned as slash. No one knew the Pacific yew had such promise in the medical world. Despite this, last year the U.S. Fish and Wildlife Service found that the Pacific yew is not at risk of becoming endangered at some time in the future and is not, therefore, a threatened species under the Endangered Species Act. The petitioners had attempted to establish that the Pacific yew was in short supply, when in reality its supply is abundant. We simply needed a wake-up call to realize for what the Pacific yew was worth managing.

The potential uses of taxol are obvious. Then why all the fuss?

The Pacific yew is a slow-growing tree that appears predominantly in old growth forests. In order to provide enough of the drug for a single patient, six 100-year-old Pacific yew trees must be stripped of their bark. It takes a bit more than 5,000 yew trees to produce 1 pound of taxol. Fifty-five pounds of taxol is necessary to treat the 12,500 women who die annually of ovarian cancer. This means that 275,000 Pacific yew trees must be harvested annually in order to keep up with the clinical demand.

Obviously, the problem is not protecting and preserving the Pacific yew tree. The problem is ensuring an adequate supply of taxol and, therefore, of the Pacific yew tree. Unfortunately, the process of extracting taxol from the bark of tree is time-consuming. Only 35 of the 55 pounds necessary to treat the ovarian cancer patients will be processed this year. The supplies must be increased.

Mr. President, biodiversity is a popular buzzword used today. Its definition is not widely understood. I interpret biodiversity to mean the existence of a wide variety of genetic material in living organisms around the world. Advocates of biodiversity rarely explain the inherent value in this diversity of genetic material. My assessment is that this is because much of the value placed on biodiversity is aesthetic—that is, humans simply desire to know that there exists a lot of species out there in the world.

Biodiversity also holds a certain potential direct value to human beings and their own survival and the Pacific yew tree illustrates this value. It is truly miraculous that this once discarded "weed of the forest" can have such potential for treating one of mankind's greatest medical enemies. And who knows how many other species hold the key to important medical secrets.

Unfortunately, the reaction among many is to call for the preservation of these valuable natural resources. Preservation will not ensure that the 12,500 dying ovarian cancer patients will get their treatment. Only through careful management and harvesting of this important resource can its full potential be realized. I fully expect that this call for preservation will be heard each time a naturally occurring drug is discovered and its only source is an inaccessible species of one kind or another. If the goal of biodiversity is to provide some benefit to mankind, the call for preservation must shift to a call for management.

The Pacific yew tree is not unlike any other important natural resource. True, it has the potential to save lives and for that reason, it should be managed even more intensively. But, in many respects, the Pacific yew tree is not unlike our national forests, our flowing rivers, or our mineral deposits. Those resources are critical for our housing needs, our power requirements, and our needs for minerals. Just as in the case of the Pacific yew, when these natural resources are recognized as critical to our survival, we must manage them and harness their power. When a resource is important, it makes no sense to lock it up purely for our esthetic enjoyment. We can gain that enjoyment while at the same time taking advantage of the benefits they provide.

Congress should take action now to ensure a steady supply a Pacific yew bark and of taxol to treat the thousands of suffering cancer patients who die each year. It must manage for both the planting and harvesting of the Pacific yew. Congress should also take action to ensure that we do not lock away precious resources in our national forests, on our powerful rivers, and on our treasured public lands. I continue to believe that we can manage these resources in an ecologically sound manner, while serving the needs of human beings.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Minnesota [Mr. DURENBERGER] is recognized to speak for up to 15 minutes.

Mr. DURENBERGER. Mr. President, I thank the Chair for recognition.

YOSHIRO FUJIMURA

Mr. DURENBERGER. Mr. President, Ralph Waldo Emerson once said it is one of the most beautiful compensations of life that no man can sincerely try to help another without helping himself.

Today I rise to pay tribute to a new friend of mine, whom I did not meet until he was 83 years of age, and whom I and thousands of people lost as a friend in March of this year. The man is Yoshiro Fujimura. He was born in Japan actually 85 years ago and 23 days before his death on March 18, 1992, at 15 minutes past 12 o'clock.

Why do I rise to recognize this man, whom I have known so recently, but who has lived such a full life? Simply because all of his life he lived the Ralph Waldo Emerson comment about life. He was a Japanese Naval Academy graduate, studied at the Naval Staff College, and graduated first in his class back at the early part of the century. He won the Imperial Award for Excellence. He happened to have been assigned to the Japanese Embassy in Germany as the Naval Vice Attaché on December 7, 1941. He remained in that part of the world throughout the Second World War.

Among other things, he conducted secret peace talks with Allen Dulles, head of OSS, in Geneva.

He spent the rest of his life being a friend to people all over the world. He began to change the face of Sri Lanka by growing strawberries and tea and using the proceeds to raise the economic conditions in Sri Lanka. He did much the same in parts of Brazil, and he has done that same thing in the United States.

Mr. Fujimura was honored with the key to Kansas City, MO, for his kindnesses to that community, by President Harry Truman. He received the First Order of Merit from the Brazilian Government, and the Order of the British Empire from the United Kingdom. He was also a registered member and trustee of the Institute of Moralogy in Japan, a group dedicated to promoting international peace.

He was a major industrial figure in his country, and a much beloved figure in his country. He exported a lot of aerospace components and devices to the United States and from this country to Japan. He wanted to be what the world needed and what relations between great countries need—a man and a friend of all countries. I hold him up now as an example not only of a recent friend of mine, but as a person who believed that in human relations lies the secret to relations between the countries. He is going to be honored by friends in Irvine, CA, on June 6. I trust many of us will join in holding him up as a model for the kind of international businessperson that we would all like to see.

IN COMMEMORATION OF THE 50TH ANNIVERSARY OF CAMP SAVAGE

Mr. DURENBERGER. Mr. President, on Saturday of this past week, I went to Savage, Minnesota, to honor the 6,000 Japanese-American soldiers who participated in the Pacific theater during World War II had been a well kept military secret until 1973. Last week I was able to attend the 50th anniversary of an important development in American intelligence gathering that should not pass without comment.

Fifty years ago, just a few months after the Japanese attack on Pearl Harbor, Savage, MN, became the site of a unique experiment in a little explored area of intelligence gathering. In a converted retirement home, 5,000 Japanese-Americans trained to be secret agents whose mission was to supply information about a new and perplexing enemy.

Recognizing a desperate need for linguists to do intelligence work after the war broke out, Col. Kai E. Rasmussen recruited these second-generation Japanese-Americans, or Nisei, for an intensive new program that would make them "the eyes and ears of the Allied Forces which fought the Japanese forces in the Pacific battles.

Camp Savage was a success. Through the efforts of these human secret weapons, as President Truman would call them, Gen. Charles Willoughby estimated that the war was shortened by 2 years.

Though their numbers have thinned in the half century since their training, some 350 Nisei and their wives had returned to Minnesota for last week's ceremony. Many told of their experiences after leaving the camp. As part of their duties, the soldiers spied behind enemy lines and translated documents essential to an Allied victory in the Pacific theater.

Another veteran, Harry Fukuhara, told us that in the closing days of the war it was his duty to inform Japanese prisoners of the destruction of Hiroshima. Something called an atomic bomb had leveled the city. His mother and two brothers who lived there somehow survived. A third brother died of radiation sickness.

I might add, Mr. President, that the anniversary of Camp Savage also marked a unique moment in Minnesota history: A time when Americans of very diverse backgrounds came together against a common enemy. Why did the War Department choose Minnesota for such training? Mild weather could not have been a priority. Security certainly was a factor. After all, who would suspect a nest of spies among the elms and white pines of Minnesota?

But another reason had to do with the capacity of Minnesotans to tolerate diversity in the midst of an otherwise homogeneous region. As Maj. John Aiso put it, the criteria was that a community had to be found that would accept Japanese-Americans "for their true worth—American soldiers fighting with their brains for their native America."

Some of these men were already U.S. military members, others volunteered rather than face forced relocation at internment camps built after the bombing of Pearl Harbor. One veteran told of leaving for the war without saying goodbye to loved ones. Another told of returning home to find his parents living in a tent. Their house had been looted and burned. It is a testament to the convictions of these men that the harsh environment of the internment camps and the irrational actions of others was not enough to shake their belief in America.

As President Truman said, Japanese-Americans made the difficult choice to fight against the land of their ancestors. "This they did, knowing that in victory of the American cause was victory for all mankind."

The ceremony last week was an enlightening experience for me and many Minnesotans. We can thank Del and Lucille Stallings, who know that there is great power in remembering, for arranging this event. And in preparation for the ceremony, more than $16,000 was raised by Camp Savage graduates for construction of a Japanese garden to commemorate the camp.

Congress has made an attempt in recent years to redress those Americans who were treated like they were not Americans during World War II. An estimated 75,000 Americans of Japanese descent will benefit from the Civil Liberties Act of 1988. We would never have confronted our national conscience or begun to heal this wound if it were not for my distinguished colleague DANIEL INOUYE and our late colleague and friend to us all here in this Chamber, Spark Matsunaga.

Of course, no dollar amount can compensate for the traumatic experiences of forced internment and relocation. Nor can we put a price on the injustices visited upon Japanese-Americans during the war, but we have made a start.

Japanese-Americans can be proud to know of the incalculable contributions by the soldiers of Camp Savage, and their role in bringing to an end the war.

Mr. President, I rise today to add my voice to those who have already commemorated a pioneering moment in American history.

HEALTH CARE AND ERISA

Mr. DURENBERGER. Mr. President, the current gridlock in Washington over how to resolve the health care access and cost crisis is not about to be broken any time soon. This unfortunate state of paralysis reflects deep-seated divisions within both parties and even within the administration as to the best way of resolving this very complex problem.

It is my hope that before the end of this year the President will sign into law the Bentsen-Durenberger small group health insurance market reform bill that passed the Senate earlier this year as part of the tax bill. Small group insurance market reform will represent a very important step in making access to health insurance more affordable for many small employers.

But if that is all we accomplish at the Federal level this year, millions of Americans will still find themselves without the resources to obtain health insurance. We have to do much more, but politics assures that we will continue to run-in-place for some time to come.

Mr. President, although the Federal Government refuses to act to fill the health care void, the States are taking very significant steps aimed at bringing about universal access inside their borders.

Just recently, Minnesota became the first State in the continental United States to adopt legislation taking the citizens of our State a step closer to universal health insurance coverage. Of course, Hawaii has had universal insurance in place for many years.

Vermont recently adopted legislation that will guarantee access to all of its citizens by the mid-1990's. Oregon and California are also taking meaningful steps toward achieving this common goal. Other States are sure to follow.

Mr. President, as the States move forward, they are finding a giant roadblock in financing access for the uninsured. The roadblock that will impede them is the Employee Retirement Income Security Act of 1974—ERISA.

In Minnesota, the capacity of the State to finance a risk pool for the uninsured has been severely handicapped because the State is barred by ERISA from seeking risk-pool financing from the large self-insured benefit plans. Instead, the State must rely solely on premium taxes imposed on private health insurance plans sold primarily to businesses too small to self-insure and gain the protections of ERISA. With more than 60 percent of employees covered by self-insured plans, it is plain to see that the base for this tax is far too small.

In its recently enacted HealthRight access legislation, Minnesota will be relying on a 2-percent hospital surtax and a 2-percent provider tax to partially fund subsidized health insurance premiums for the uninsured. While, in principle, I do not support taxes on hospitals and patients, such taxes at least indirectly require participants in self-insured plans to bear a portion of the cost of underwriting the State's access plan.

But even that approach to financing is seriously jeopardized. Just last week, Judge Alfred Wolin of the U.S. District Court in Newark, NJ, issued a 47-page opinion striking down a hospital surcharge, the proceeds of which were used to finance uncompensated hospital care throughout the State (*United Wire, Metal & Machine Health and Welfare Fund* v. *Morristown Memorial Hospital*, Civ. Act. No. 90-2639, May 27, 1992).

Judge Wolin ruled that the surcharge interfered with self-insured plans and union plans covered by ERISA. He ruled that ERISA's Federal preemption precluded imposition of the State surcharge on such plans. In fact, the opinion could be read to preclude any hospital cost-shifting that requires a self-insured plan to pay costs associated with a hospital's uncompensated care.

Just last year, Congress passed legislation that was ultimately signed into law that ratified the ability of States to impose uniform taxes on providers to finance a portion of their Medicaid programs. If Judge Wolin's decision is upheld, all of the State provider tax programs would well be struck down.

In my view, Judge Wolin's analysis extends the breadth of the current ERISA preemption too far. But for now, that is a matter that will have to be decided by the court of appeals and the Supreme Court. In the meantime, many States, including Minnesota will have to rethink how they finance their access to Medicaid programs.

Mr. President, when ERISA was adopted 18 years ago it was intended as remedial legislation aimed at protecting the pension and welfare benefits provided company employees. In the intervening years, ERISA has become a shield behind which selfinsured companies can avoid social responsibilities that others must bear. That is not why we adopted ERISA.

ERISA should not stand in the way of legitimate State efforts to expand access to care. In the next few weeks, I hope to introduce legislation that will allow States to apply for Federal ERISA waivers that would permit them to impose nondiscriminatory surcharges on self-insured plans as part of overall health access legislation.

I hope my colleagues on both sides of the aisle will join me in this legislation so that we do not allow Federal laws to impede the creative health access efforts taking place at the State level.

Finally, Mr. President, there is another aspect of ERISA-protected self-insurance I want to address.

Currently, there is a case pending in the Supreme Court—*Greenberg, Independent Executor of the Estate of John McGann* v. *H&H Music*, No. 91-1283—appealing a decision of the Court of Appeals for the Fifth Circuit. In this case, the deceased petitioner, while an employee of H&H Music, contracted AIDS. At the time, H&H had a commercial health insurance policy with a $1 million per employee lifetime health benefit.

After the company learned that the petitioner had AIDS, it terminated its health insurance policy and substituted an ERISA-protected self-insurance plan that retained the $1 million lifetime health benefit, but restricted the benefit for AIDS to $5,000.

Petitioner brought suit in Federal district court alleging that the company's action amounted to unlawful discrimination under section 510 of ERISA. The district court, on summary judgment, rejected the petitioner's claim. And the court of appeals affirmed the district court.

Mr. President, a court could read section 510 as precluding this suit. However, while I disagree with the court's interpretation of the law, I think the time has come for the Congress to step in and amend ERISA to insure that disease-specific discrimination is not permissible. What is the point of having health insurance if on the day you get sick, your employer can decide he does not want to pay for your particular disease?

I am also working on legislation that will address this problem. Again, I ask my colleagues to take a good long look at ERISA and work with me to find solutions that will end the unintended inequities that arise from ERISA.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE GRADUATION OF AUTHERINE LUCY FOSTER FROM THE UNIVERSITY OF ALABAMA

Mr. HEFLIN. Mr. President, on Sunday, April 26, the New York Times featured an enlightening article entitled "36 Years After the Hate, Black Student Triumphs." It is the story of Autherine Lucy Foster and the education odyssey that culminated in her graduation from the University of Alabama in Tuscaloosa with a master's degree in elementary education. The first black student to ever attend the university, she received her degree on May 9, 36 years after she was threatened and assaulted by rioters on the campus. She graduated along with her daughter, Grazia, who received a degree in corporate finance.

Enrolling for the 1956 spring semester at the University of Alabama, Autherine Lucy began attending classes on February 3. Three days later, an angry demonstration threatening her was organized. That evening, the University of Alabama Board of Trustees suspended Lucy for her safety and for the safety of other students. A court battle soon followed, but ultimately university trustees voted to expel her.

Mrs. Foster, now a 62-year-old English and world history teacher at Ensley Magnet High School in Birmingham, had already earned her bachelor's degree at all-black Miles College when she registered for courses at Alabama. She later taught secondary school in Texas, Mississippi, Louisiana, and Alabama as she moved around with her husband, the Reverend Hugh Foster.

After a speaking engagement on campus in the 1980's, Alabama professors convinced Miss Lucy to reenroll. In 1988, the university overturned her expulsion, which was technically still in effect, and she began pursuing her master's degree.

Mr. President, as a well-known columnist noted recently, "in the ugly light of a burning city, it is apparent that the United States has a long way to go in race relations." Indeed, the Los Angeles riots were a wake-up call to the whole country. However, I am inclined to believe, as the columnist does, that we have already come a great distance. The graduation of Mrs. Autherine Lucy Foster and her daughter from the University of Alabama, as well as that of hundreds of others before them over the years, proves that society and its institutions can and do change for the better.

I am pleased to offer Mrs. Foster and her daughter Grazia my congratulations and warmest best wishes for much continued success. I also commend the reading of the New York Times piece to my colleagues, and ask unanimous consent that it be printed in the RECORD following my remarks. It is the remarkable story of a truly historic journey.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 26, 1992]

CAMPUS LIFE: ALABAMA; 36 YEARS AFTER THE HATE, BLACK STUDENT TRIUMPHS

TUSCALOOSA, AL.—The first black student to attend the University of Alabama will receive her master's degree in elementary education in a few weeks, 36 years after she was threatened and assaulted by rioters, and subsequently expelled by the university's board. Her daughter, having quietly completed four years of undergraduate study here, will graduate alongside her.

"I didn't know whom to hate," said the mother, Autherine Lucy Foster, who is now a 62-year-old high school English and world-history teacher at Ensley Magnet High School in Birmingham. "It felt somewhat like you were not really a human being. But had it not been for some at the university, my life might not have been spared at all."

Mrs. Foster, a 1952 graduate of the all-black Miles College in Fairfield, Ala., enrolled in the University of Alabama in February 1956 to get what she said she believed was the best education in the state.

"If I graduated from the University of Alabama, I would have had people coming and calling me for a job," Mrs. Foster said in a recent interview. "I did expect to find isolation here. I thought I could survive that. But I did not expect it to go as far as it did."

On the third day of classes, Mrs. Foster, who was then 26 years old, faced crowds of students and townspeople as well as groups from other states who had gathered to protest her presence. At one point, the crowd pelted her with eggs. "There were students behind me saying, 'Let's kill her! Let's kill her!' " she said. From the classroom, she said she could hear the crowd chanting anti-black slogans.

That evening, the board announced that it was suspending her for her safety and that of other students. In a subsequent court battle, her lawyer contended that the university had conspired with rioters to keep her from attending class. The trustees expelled her.

In the spring of 1956, she moved to Texas and married the Rev. Hugh Foster, who is now the pastor of the Missionary Baptist Church in Birmingham. Although she had a certificate to teach English and French in secondary school, Mrs. Foster said she could not find a job at first because of the controversy surrounding her. During interviews, she said, she was told, "You were the infamous Miss Lucy, and we don't want you to come to our school."

She renewed her teaching certificate, though, and over the years taught school while her husband preached in Texas, Mississippi, Louisiana and Alabama. All the while, she said, she "kept membership in the N.A.A.C.P., went to some meetings, spoke from time to time."

Mrs. Foster was still technically expelled when she arrived on campus in 1988 after two professors invited her to speak to a class about her experience. Asked then if she had ever tried to re-enroll, she said, "No, but I might test the waters."

That prompted several faculty members to try to bring her back. In April 1988, the university board overturned her expulsion.

"Even after I left," Mrs. Foster said, "when I passed the university, I would look at those buildings, and I would say, 'Girl, you've got great aspirations.' I could see myself at that university."

She says that she wanted to return because she believed that the University of Alabama was still the best school in the state.

When she returned, she said, she was admittedly bitter, but "you just refuse to spend time thinking about it."

Her daughter Grazia Foster will receive a bachelor's degree in corporate finance. She is one of 1,755 blacks among the 18,096 students on campus. The says her mother's experience did not make her wary about enrolling at the university in January 1989, the year her mother re-enrolled.

Photos: Autherine Lucy Foster, left, who became the first black student to attend the University of Alabama in 1956, is to receive her master's degree in elementary education from the school. Mrs. Foster is to graduate alongside her daughter Grazia, who is to receive a bachelor's degree in corporate finance. (Mike Clemmer for The New York Times); A newspaper clipping after Mrs. Foster was suspended from the university for her safety and that of other students. She was expelled after a court battle.

THE PARENTS AS TEACHERS PROGRAM

Mr. HEFLIN. Mr. President, the recently reported Office of Educational Research and Improvement Act encompasses the components of S. 551, the Parents as Teachers: Family Involvement in Education Act of 1991, of which I was an original cosponsor along with Senator BOND. I applaud the hard work and wisdom of the Labor and Human Resources Committee for establishing a new Parents as Teachers Program with this legislation, which not only allows our Governors to designate organizations in their respective States to coordinate such efforts, but also provides funding for those already acting as parents as teachers programs.

Title III of the act establishes the new Parents as Teachers Program. It provides seed money for States to develop and expand parent and early childhood education programs which will increase parents' knowledge of and confidence in childbearing activities. The focus is on such activities as teaching and nurturing young children; strengthening partnerships between parents and schools; and enhancing the developmental progress of participating children. Alabama, Missouri, Rhode Island, Kansas, Illinois, and a number of other States have implemented innovative early childhood-parent education programs known as Parents as Teachers. It is my hope that other States will follow their lead in ensuring that all children enter school ready and eager to learn.

As I have stated before, there is growing understanding of the importance of the first 3 years of a child's life. It is during this period of development that subtle and overt influences may adversely affect the academic and social growth of the child. I am convinced that the Parents as Teachers Program is one of the most effective systems we have to help parents best nurture and teach their children.

The Parents as Teachers Program may also help to address some of the social problems that plague us, including the nagging problem of child abuse and neglect. Individuals from 27 States have participated in training programs in Missouri. Dr. Martha Semon was the first individual from Alabama to participate. She and Janet G. Horton initiated a pilot program in Mobile, AL, that has been in place for 2 years. It is funded in large part by the children's trust fund, with additional support coming from Scott Paper Co., the College of Medicine at the University of South Alabama, and the Mobile Community Foundation. There are also several private donors. Approximately 90 adults and 50 infants are currently participating.

Ideally, parents as teachers programs will eventually be available nationwide. The program has proven itself effective in helping young people develop their intellectual, verbal, and social skills, all of which are at high risk during infancy, but which are critically important to a child's success in school.

I hope to see all of my colleagues supporting this important legislation. Parental involvement in the education of their children is the key to long-term gains for youngsters of all income brackets. It is also an important first step in empowering people by giving them a real stake in how children are reared, knowing that the success and well-being of their communities are direct results of the values imparted upon their young.

TODAY'S BOXSCORE OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina preparing for heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Boxscore."

The information is provided to me by the staff of Senator HELMS. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at $3,942,204,041,144.24, as of the close of business on Monday, June 1, 1992.

On a per capita basis, every man, woman, and child owes $15,347.74—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

THE CHIEF JUSTICE'S SPEECH ON BANKRUPTCY

Mr. GRASSLEY. Mr. President, I rise to address the need for bankruptcy reform recently, bankruptcy reform was the topic of a speech by Chief Justice Rehnquist, which he gave at the spring meeting of the American Bankruptcy Institute. I ask unanimous consent that the text of this speech be printed in the RECORD after the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. As the Chief Justice noted, there will be 1 million new bankruptcy filings this year. This number is more than three times the number of all other civil and criminal cases that will be brought in Federal court combined. In these recessionary times, bankruptcy is receiving enormous public attention, as numerous corporations in a wide variety of industries seek bankruptcy protection.

Additionally, notwithstanding the lesser public attention given to individual bankruptcies, the Chief Justice stated that "1 in every 106 American households filed for bankruptcy in 1991, and some districts report bankruptcy filings for 1 in every 50 households."

Most important, the Chief Justice lent his support to the need to reform the bankruptcy laws. We must make the code address circumstances not foreseen when the current code was enacted in 1978. And we must reduce the excessive transaction costs that now plague the system.

This month, we will consider S. 1985, the Omnibus Bankruptcy Review Act. This bill will create a Bankruptcy Review Commission that will begin the necessary work of making our bankruptcy laws fairer, more certain, and more efficient. The Chief Justice's remarks supply further evidence of the importance of this legislation.

I commend Chief Justice Rehnquist's speech to my colleagues and urge them to support S. 1985 when it comes to the floor.

EXHIBIT 1

REMARKS OF CHIEF JUSTICE WILLIAM H. REHNQUIST, ANNUAL SPRING MEETING OF THE AMERICAN BANKRUPTCY INSTITUTE, MAY 18, 1992

Thank you Bob (Bob Feidler—current ABI President) and members of the Institute. It is my great pleasure to welcome you to the nation's capital on the occasion of your annual spring meeting. May I also extend my congratulations as you celebrate the institute's tenth anniversary of leadership and service in the field of bankruptcy. Those of us who make up the federal judiciary are keenly aware of the important contribution your organization has made and continues to make. I need not remind you how much that expertise will be needed as we watch bankruptcy issues move to center stage on both the national and the international arenas. It was not so very long ago that bankruptcy news was confined primarily to the newspapers' business sections. Today, bankruptcy commands front page coverage. This is obviously not good news for the nation's economy, but it has surely raised the "visibility" of the bankruptcy bench and bar.

It has also resulted in a staggering increase in bankruptcy filings. Since implementation of the new Bankruptcy Code in 1979, over six million bankruptcy cases have been filed. Last year alone approximately 950,000 new filings represented an increase of 20 percent over the previous year. This is almost four times the number filed just 12 years ago, and the pace is still accelerating. Estimates suggest there will be another one million bankruptcy filings in 1992, compared to 250,000 civil case filings and 50,000 criminal case filings in the federal courts. These numbers are impressive, and I commend the judges and support personnel of our bankruptcy courts for their efforts to make the system work fairly and efficiently. Their job is a difficult one and promises to become even more so as we see both a continuation of the last few years' filings trends and an increasing complexity in the issues presented by many cases.

Regrettably, the bankruptcy courts are forced to perform these tasks without the necessary complement of judges. The number of bankruptcy judges has increased only 23 percent since 1979, while the system's workload has quadrupled. In some districts, the caseload has increased by 400 percent to 600 percent with little or no increase in authorized judgeships. The average caseload for all bankruptcy judges is over 3,200 cases; some judges now carry a caseload in excess of 10,000 cases. Although not all of these cases require active judicial intervention, those that do strain the system to the point where improvements in efficiency and case handling can no longer keep pace. S. 646, which passed the Senate last summer, would create 32 new bankruptcy judgeships. The Judicial Conference has endorsed this bill and its increase in bankruptcy judgeships. I urge the House to also give it favorable consideration. Even in the rarified chambers of the Supreme Court, this wave of bankruptcy fillings is being felt. Two terms ago, we decided three cases dealing with bankruptcy. Last term, we decided five such cases. During the present term, we will have decided nine such cases. The percentage of our total docket represented by bankruptcy questions has therefore risen from roughly two percent to eight percent in just two years.

Whether we do a good job or not with these cases is a question which many of you are in a better position to decide than I am. The present composition of the Court is such that those of us who had experience in bankruptcy matters in private practice had it under the regime of the Bankruptcy Act of 1898 and the Chandler Act of 1938. The changes between that regime and the present one are substantial, and so this sort of experience with the earlier regime may be a handicap rather than a help in deciding cases of the sort which now come before us. We are in the same position as the political candidate once described by Will Rogers: "There are a lot of things he don't know, and a lot of the things he do know 'ain't so'."

The substantive rules under the old regime differed in material respects from those which obtain under the present regime. I also suspect, though I of course cannot be sure, that the ambience at the practice was quite different then than it is now. In Phoenix, where I practiced, there were several downtown restaurants frequented on occasion at mid-morning coffee-break by lawyers who had offices in nearby buildings. One of these was called the San Carlos, and quite regularly the referee in bankruptcy, as he was then known, would make an appearance there around 10 o'clock in the morning. He would be accompanied by a retinue of two or three lawyers who had offices in the same building as he did; this was the Phoenix bankruptcy bench and bar. Those of us sitting at other tables often speculated as to whether they were in the process of parceling out trusteeships, receiverships, and appointments as attorneys in bankruptcy proceedings as they had their morning cup of coffee.

The referee in Phoenix at that time was more of what would now be called a "consensus builder" than an actual arbitrator or judge. It was for this reason that those of us who represented secured creditors took advantage of the opportunity under the old regime for a secured creditor in possession to have a plenary hearing before a district judge. I remember one case I had before the referee involving a very nice question relating to the elusive hypothetical bona fide purchaser. My opponent and I argued it to him quite learnedly for about ten minutes each, when he announced that he would take a recess and wanted to see us in chambers. His message in chambers to the two of us was quite simple: You guys have latched on to a very difficult question, I don't know the answer to it; you'd better settle the case. Faced with the prospect of indefinite inaction on his part, we did just that.

How different it is today. Numbers alone cannot tell the whole story. Over the last decade we have seen how bankruptcy has directly touched the lives of countless Americans, since most of the filings represent those made by individuals. There has been tremendous growth in consumer debt and estimates suggest that between 15 and 20 million Americans are involved in bankruptcy proceedings as either debtors or creditors. One in every 106 American households filed for bankruptcy in 1991, and some districts report bankruptcy filings for one in every fifty households. These personal bankruptcies have an effect that may extend beyond those who enter the system by filing a petition. Some analysis have attributed the nationwide "credit crunch" to the escalation in bankruptcy filings. Small business loans are down, and Chapter 7 bankruptcy losses have become the second largest cost of business for consumer lenders.

Although most numerous in numbers, the individual bankruptcies neither provide the living for many of the private practitioners here today, nor do they receive much publicity on their individual merits. Both of those come from Chapter 11 of the Bankruptcy Code. Newspaper headlines inform us that there are pervasive economic problems in industries such as airlines, oil, retailing, real estate, and some manufacturing sectors. In light of these economic conditions, Chapter 11 has become a major tool for restructuring corporate America, with broad implications for employees, retirees, business competitors, and the economy as a whole. Perhaps it is stating the obvious to say that not everyone approves of this wave of high visibility Chapter 11 proceedings. Indeed, Chapter 11 has many detractors and some go so far as to reject the notion that financially troubled firms should be able to reorganize instead of liquidating. They argue that Chapter 11 has a pro-debtor, pro-incumbent management bias that does not foster efficient allocations of assets. I suspect the debate over these arguments will make the pending bankruptcy reform efforts a lively undertaking.

In addition to the sheer volume of Chapter 11 work, bankruptcy courts are also assuming more responsibility as they are called upon to solve non-traditional bankruptcy problems. This changing role is most visible as bankruptcy courts tackle the mass tort liability cases now making their way through the bankruptcy system. The movement of mass tort litigation into the bankruptcy courts has opened a new arena whereby a Chapter 11 reorganization not only discharges mass tort claims, but it also serves as a vehicle to organize consensual settlements and administer compensation to tort claimants. The Johns-Manville and the A.H. Robins cases represent two instances where the bankruptcy courts undertook this new role. The successes and failures of these efforts bear careful study as we focus on varying means for handling mass torts.

The bankruptcy courts have also been in the forefront of a national reaction to the high costs of litigation. Attorney's fees are under scrutiny everywhere, but recent bankruptcy-related concern has been fueled by the impressive amounts of professional fees in some of the major Chapter 11 reorganizations, as well as accounts of bankruptcy lawyers billing 24-hour days, choosing first class travel, and imposing billing rates that top $500 an hour. Although those phenomena are hardly restricted to the bankruptcy bar, they have become a potent subject for controversy when combined with the increasing criticism that lawyers' and experts' fees often swallow up large portions of an estate's assets, leaving little behind for creditors.

There is a good deal of dissatisfaction in the United States generally with the fees charged by attorneys. But the client who is dissatisfied with the fee charged by an attorney on a contractual basis has, in one sense, brought the problem on himself by not asking for more explicit arrangements; the client also has the option next time of shopping around to find an attorney whose fees are more to his liking. The losing defendant who is required to pay the plaintiff's attorneys fees does not have the luxury, but in the case of the losing defendant there is at least a finding that the defendant has injured the plaintiff. But in the case of a bankruptcy estate, none of these ameliorating factors come into play, and the common perception is that the payment of attorneys fees out of the estate diminishes by just that much the amount that creditors may recover. This is an area of the law in which I think the arguments are strongest for reducing transactional costs if it is humanly possible to do so—an area where transactional costs demonstrably and directly diminish the amount available to pay legitimate claims. In any revision of the Bankruptcy Code, careful thought should be given to lessening such transactional costs, if necessary by shortening, combining, or otherwise simplifying these procedures.

As reform efforts come to the fore, I trust that this body will continue to contribute to the ongoing reappraisal of our bankruptcy system, whether it be through the proposed commission of some other vehicle. In his first address as Chief Justice to the American Law Institute, Charles Evans Hughes spoke of that organization as "a roundup of intelligent discontent." He was referring to the ALI's law reform efforts and its role as a constant prod to improve the administration of justice. It seems to me that this organization can play a similar role in its chosen area of speciality, providing a level-headed, disciplined and reasoned contribution to bankruptcy law reform.

In one area—that of better understanding between the state and federal court systems, the ABI has already taken an important step and I urge you to give continued efforts to this area. I am pleased to tell you about the success of the first National Conference on State-Federal Judicial Relationships, held last month in Orlando, Florida. There, over 300 representatives of the state and federal judiciary met to discuss, first, the issues which cause friction between the systems, and second, methods for achieving better cooperation. I have been told that the Conference created a warm receptivity to further cooperative efforts, an overwhelming mutual respect, and a large agenda for future work.

As one of its purposes, the Conference sought to determine which activities of the federal courts currently provide the greatest friction point between the state and federal systems. Surprisingly, the consensus choice was not habeas corpus or diversity jurisdiction, although these continue to be a fertile source for disagreement. Instead, the work of the bankruptcy courts was widely recognized as the major friction point. I suppose that is not surprising when one considers in combination the number of bankruptcy cases in the system and the breadth of the Bankruptcy Code's automatic stay provisions. Even under the best of conditions, a state judge or administrative official may be expected to resent having put time into a matter only to see it automatically foreclosed by the filling of a bankruptcy petition, or worse yet, to see a state court litigant hauled into bankruptcy court and fined for willfully violating the Code's stay provisions. Moreover, state court counsel and the state judge may be unfamiliar with the code's procedures for lifting the automatic stay, or may not understand the justification for the wide scope of matters brought within the automatic stay provisions. The ABI has made a fine initial contribution with its booklet on "Bankruptcy Issues for State Trial Court Judges" and its programs for state judges. There are many other opportunities for you to enhance mutual understanding, including the local state-federal judicial councils that I hope can be revitalized by the efforts begun in Orlando. These councils were first formed with the encouragement of Chief Justice Burger in the early 70's. Although some continue to work actively, others have fallen into disuse. Their revitalization can create organized entities, on a local level, to facilitate cooperative state-federal education efforts.

The Bankruptcy Code was enacted almost fifteen years ago, but like many other changes in the law it takes years after enactment for such a measure to fully impress itself on bench, bar, and citizenry. The intervening period of time has shown how important is the work of the bankruptcy bench and bar, both in good economic times and bad economic times. I hope this organization, with its representations of all segments of the bankruptcy bench and bar, will continue, and perhaps to function even more than it has, as an overseer of the way the bankruptcy laws work. We need organizations performing this function in every area of the law, and I can think of none in which it is more important than in the area of bankruptcy.

TRIBUTE TO COL. WILLIAM H. MONAY

Mr. GARN. Mr. President, I rise to note the passing of a distinguished and decorated World War II hero, Col. William H. Monay.

Colonel Monay was a native of Pittsburg, KS, but has resided in my home State of Utah for many years. He had a long and outstanding career in the U.S. Air Force and was highly decorated for his bravery and service.

Following 4 years of engineering training at the University of Utah, William Monay was commissioned a second lieutenant from the Air Force ROTC in May 1931. He entered active duty in April 1941, arriving in the Philippines a week before the attack on Pearl Harbor. Shortly after the outbreak of the war, he distinguished himself as the commander of a guerrilla detachment. During this period he was wounded and subsequently received the Purple Heart Medal.

His successful direction of the construction of a hidden airbase in the Philippines during the early months of World War II was legendary, and allowed critical bombing raids to be completed by the heavily outnumbered American and Filipino forces. During this crucial time, Colonel Monay was the officer who personally arranged the transportation for Gen. Douglas A. MacArthur and his family to leave the Philippines after the attack at Pearl Harbor and the imminent fall of Luzon to the Japanese.

Following the war, Colonel Monay continued in the Air Force and was stationed from Alabama to Alaska. He served as director of maintenance at Hill Air Force Base in Utah from 1950 to 1952.

Upon retiring from the Air Force in 1959, Colonel Monay was appointed to be the vice president and general manager of the Aircraft Engineering and Maintenance Co. Later, he served as chief administrative officer for the Utah State Department of Highways.

I am proud to pay tribute to Col. William H. Monay for his lifetime devoted to service to his country, State, and community. I want to personally acknowledge the contributions of this fine man, and extend my condolences to his wife, Norma, his family and friends. He leaves behind an example and reputation that will be remembered for many years to come.

DAN DOHERTY

Mr. GLENN. Mr. President, last Wednesday, Dan Doherty who served on the staff of the U.S. Senate for over 20 years died. When Dan was so suddenly—and untimely from our viewpoint—taken from us, we all lost a wonderful friend.

No words will take away the hurt we feel from his loss. But because of the kind of person Dan was, I think it is altogether fitting that we not just mourn his death, but celebrate his life.

In one way or another, Dan's life touched many of us. Whether we knew him as a husband, father, grandfather, brother, colleague, or friend, the memories of Dan that we carry with us can never be erased.

I was in Toledo on Wednesday when the word came that Dan had died. And after the initial shock, what a flood of memories.

Dan had come to work in my office in 1977. I was a new Senator, and Dan, who had worked for United Press International in Wyoming and for Senator Gale McGee, was a seasoned veteran.

He worked for the old Senate Postal Committee prior to its inclusion into the Governmental Affairs Committee and was acknowledged to be the postal expert on Capitol Hill. If you wanted to know something about postal matters whether it was rate structures or fairness, see Dan.

Dan's work with me went way beyond postal matters, he really knew how Capitol Hill worked. Everybody knew and liked Dan, he knew the people—knew the procedures, the system—he could get things done and we need more of that.

He handled my legislative duties, shared in a reelection race, and a Presidential campaign. During long Senate sessions, he was there with information, counsel, and advice. In a few words—I depended on Dan and in 7 years he never let me down.

In 1984, Dan underwent heart surgery and in 1985 became executive director of the Alliance of Non-Profit Mailers. I did not see him as often after that, but was always glad to have him stop in the office.

Today we live with sound bites and single word descriptions of people who are referred to as self-centered, mean, spiteful, grasping, arrogant, selfish, or boastful. Not Dan Doherty, he was the opposite, caring, thoughtful, self-effacing, gentle, considerate, quiet, and kind.

Dan was loyal and dedicated, thoroughly professional and absolutely dependable. If Dan said he would do it, you could take it to the bank that it would get done.

To Dan's wife Emily and his family, may God carry you through this rough time. To Dan, we are grateful that we knew you and for what you meant to each of us. Most of all, we miss you, Dan, and we always will.

SKIP HADDAD

Mr. GLENN. Mr. President, it was with great sadness that I attended the funeral of Skip Haddad last Wednesday in Toledo, OH. Skip, a member of my staff, was killed in an automobile accident on Saturday, May 23, 1992. In addition to the funeral, Reverend Halverson, the Chaplain of the Senate, led a memorial service for Skip in the Capitol Chapel so members of my Washington, DC, staff could pay their respects.

When Skip Haddad was so suddenly snatched away from us, Toledo lost a booster, the Democratic Party lost a soldier, and we all lost a friend. No words offered will remove the pain we feel from his loss. In one way or another, Skip's life touched each of us. Whether we knew Skip as a son, a brother, a colleague, or a friend, each of us carried special memories of him that cannot be erased.

Skip came to work for me in July 9, 1991. Though my association with him was brief, I quickly came to appreciate him not just for his political skills, but for the kind of person he was. Thoroughly dependable and absolutely professional, Skip was as dedicated and loyal an employee as I have ever had. Because he cared more for people than for money, he dedicated his career to public service and volunteered his time and talents in the political arena. In Toledo, no Democratic campaign was official until Skip Haddad signed onto it.

Skip was a kind and gentle man in a business that is not always that way. He neither ducked responsibility nor tried to shift blame. He stood up for his values, without making others uncomfortable about theirs. He was a true public servant, always finding time to assist those whose lives were the hardest and whose problems were the most difficult.

Prior to serving in my office, Skip worked for Representative MARCY KAPTUR and former Ohio Secretary of State Sherrod Brown. He worked on the Gephardt for President campaign in 1988, and earned the John P. Kelly "Democrat of the Year" Award in 1991. Skip's involvement in the Toledo community extended far beyond the political. Among his pursuits was his involvement in the Village Players, where he provided lighting, sound, and other technical services.

Skip Haddad's life was wonderful—so incredibly full for one so unfairly brief. All of us who were fortunate to know Skip are grateful for the way he touched and enriched our lives. We will miss him.

INVESTIGATIONS

Mr. DOLE. Mr. President, I have finally figured out the Democrat strategy for solving this Nation's unemployment problem: Appoint as many special counsels as it takes to absorb the entire jobless pool.

The latest proposal to waste taxpayers money, and keep a few fat-cat politically correct lawyers lavishly employed, is the call by some House Democrats for a special counsel, to probe the issue of American pre-Desert Storm dealings with Iraq.

I suppose the next proposal would be to find out why American intelligence dealt with Ho Chi Minh back in the Second World War—except that happened while a Democrat was President, so it is off-limits for congressional scrutiny.

Anyway, the special counsel for Saddam would be added to the illustrious and expensive roster which now includes the endless Walsh probe; the pointless October Surprise Probe; the boundless BCCI probe; and the contentious POW/MIA probe.

And since I have not read through all my news clips today, there are probably a few more that have been proposed in the past few hours.

In fact, in light of the polls we are seeing these days, I presume that Mr. Clinton's party is soon going to start proposing some investigations of Ross Perot. He must have done something wrong. He's more popular than they are.

Mr. President, with all these investigations, the ones that might truly advance the public interest are never proposed or implemented. For example, it might be in the interest of America's national security to inquire as to how, why, and on what authority an individual Member of the House of Representatives decided to release classified documents on United States-Iraq relations to the public, by putting them in the CONGRESSIONAL RECORD.

We have laws against that in this country. We have rules against that in the Senate. Apparently they do not in the House.

Anyway, Mr. President, enough is enough. Enough witch-hunting. Enough desperate searches for dirt on President Bush or those close to him. Enough efforts to distract attention from scandals at the Democrat-run House bank, or House post office.

Enough taxpayer dollars are wasted and I think the American people, one reason they are frustrated and looking for new leadership in Congress and the executive branch is they are tired of these games that we play and the dollars that we spend in playing the games. If we did not spend anything, they would not be so upset. But all these little investigations cost a few million dollars. Which leads me to the second point.

LAVISH IRAN-CONTRA INVESTIGATION DRAGS ON AND ON

Mr. DOLE. Mr. President, for several years now, I have been suggesting that the time has come for Special Prosecutor Lawrence Walsh to shut down his costly, lavish, and unnecessary Iran-Contra investigation.

And every time I make this suggestion, I have high hopes it will be the last time I do so. I have high hopes that Mr. Walsh will finally face facts: That after 5½ years, after billing the taxpayers more than $30 million—$30 million—enough is enough.

Each time, however, the American people have been disappointed. Because each time, Mr. Walsh stumbles upon some other blind alley in which to steer his investigation, and the bill to the taxpayers just keeps getting bigger and bigger and bigger.

The latest blind alley were the unethical tactics designed to intimidate former Secretary of Defense, Caspar Weinberger.

Mr. Walsh's agents told Mr. Weinberger that unless he testified that President Reagan was involved in violations of the law during Iran-Contra, they would see that Secretary Weinberger was indicted by the grand jury.

If Mr. Walsh's hit men had done their homework, they would have discovered that Mr. Weinberger was one of the Reagan administration's most vocal opponents of Iran-Contra, and that he played no role in it.

To Mr. Weinberger's credit, he and his attorneys would not buckle into the special prosecutor's blackmail.

I do not blame Mr. Walsh for the fact that his investigation has ended in failure. He warned Congress that if they provided immunity to Colonel North and Admiral Poindexter, then any successful criminal prosecution would be difficult.

What I do blame Mr. Walsh for is turning this investigation into the "Everready rabbit," it just keeps going and going and going.

And recent news articles have suggested that it will keep on going, because Mr. Walsh has his sights set on indicting former President Reagan, no matter how much it costs the taxpayers, and apparently, no matter how ugly the tactics.

Perhaps he sees this as the only way in which he could justify the massive expenses he has racked up in his cushy Washington, DC, office.

Mr. President, since Mr. Walsh began his investigation, the Reagan administration has left office, the Ayatollah Khomeini has died, the Sandanistas were voted out of office, and the Contras disbanded.

As the Washington Times pointed out in a recent editorial:

> To continue Mr. Walsh's operation beyond those events was rather like resuming the investigation of the Teapot Dome scandal of the 1920's. * * *

Let us face it, Lawrence Walsh's failed investigation is fit for Oliver Stone, not Uncle Sam. If Mr. Walsh wants the final word in this case, he should take his wacky theories to Mr. Stone, and the two of them can spend their own money—and not the taxpayer's money—on making a movie.

TRIBUTE TO HILLSIDE HIGH SCHOOL, DURHAM, NC

Mr. SANFORD. Mr. President, I rise today to pay tribute to the students and faculty of Hillside High School in the Durham City Schools of North Carolina. Of a group of 624 participating schools, they were recently judged to be the No. 1 school in the Nation in the 6th annual American Set a Good Example Contest, a nationwide effort created by the Concerned Businessmen's Association of America. The contest is designed to involve youth actively in a campaign to get drugs off the school grounds, to encourage young people to take ownership of their education and to use commonsense standards of right and wrong, and to teach young people to lead by setting good examples for other youth in their schools and communities.

Across the country, our young are missing educational opportunities. In this moment of crisis, it is refreshing to witness the commitment and determination of Hillside students and faculty. Throughout the 1991-92 school year, they have initiated several projects that demonstrate both competence and a too-often-forgotten concern for the lives of others. Whether it be volunteering at a nearby elementary school, hosting a family day to bring parents into the school, building homes through Habitat for Humanity, or publicly recognizing exemplary students, Hillside has established a high level of citizenship, honesty, and leadership. Their success in this national competition is evidence that our Nation's future is in responsible, caring hands.

I commend Durham Mayor Harry Rodenhizer and North Carolina Gov. James Martin who have, in honor of this achievement, proclaimed June and July 1992 as "Set a Good Example Month," respectively. I applaud the Durham City School Board of Education, Richard Hicks, the school principal, Missouri Morris the school assistant principal, and other faculty members for guiding these students to such excellence. I salute the younger Hornets—the students—for inspiring their community and the country to demand and do more. You have indeed set a good example.

Again, I extend my heartfelt congratulations. Keep up the good work.

CONCLUSION OF MORNING BUSINESS

Mr. INOUYE. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The Chair would inform the Senator from Hawaii that morning business is closed.

PUBLIC TELECOMMUNICATIONS ACT OF 1991

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1504, which the clerk will now report.

The legislative clerk read as follows:

> A bill (S. 1504) to authorize appropriations for public broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

> Byrd amendment No. 1859, to require the Federal Communications Commission to promulgate regulations to prohibit the broadcasting of indecent programming.

The ACTING PRESIDENT pro tempore. The Chair will further inform the Senate that under the previous order the Lott amendment is now in order and is limited and controlled under the following circumstances. The Senator from Mississippi [Mr. LOTT] is allowed 30 minutes; the Senator from Hawaii [Mr. INOUYE], 30 minutes; and the Senator from New York [Mr. MOYNIHAN], 15 minutes.

Mr. INOUYE. I thank the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Mississippi [Mr. LOTT] is recognized.

AMENDMENT NO. 1865

(Purpose: To freeze the authorization levels for the Corporation of Public Broadcasting at present levels)

Mr. LOTT. Mr. President, I have an amendment at the desk and I now ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT], for himself, Mr. HELMS, Mr. DOLE, Mr. NICKLES, Mr. WALLOP, Mr. COATS, and Mr. BROWN, proposes an amendment numbered 1865.
>
> On page 6, strike lines 12 through 15 and insert:
>
> "(3) by inserting ', $275,000,000 for fiscal years 1994, 1995 and 1996.'"

Mr. LOTT. Mr. President, I am recognized at this time?

The ACTING PRESIDENT pro tempore. The Senator, under the previous order, has 30 minutes under his control.

Mr. LOTT. Mr. President, let me begin by stating simply what this amendment would do. It would freeze funding for the Corporation for Public Broadcasting at the current levels of $275 million for the 3-year authorization period, saving over that period of time close to $300 million. Actually it is $285 million.

I want to emphasize at the beginning that we need to know that this is a 3-year authorization bill and it comes to a total of over a billion dollars—in fact, $1.1 billion-plus—so this is a substantial authorization. I know it is the authorization, and the argument will be made it is only an authorization and the Appropriations Committee will come back and review that and will, as they have usually done, fund it at some lower level.

I maintain what we should do is provide a steady level of authorization at the existing level. And I think if you check the record, you will find it is about at the level that the Appropriations Committee will actually appropriate. They have a long history of not going to the full authorization level. But at this time in the history of our country and in view of the $400 billion deficit that we face this year, and the $4 trillion national debt, it seems to me that a little restraint is in order. Surely it should begin here, now, with this bill.

This is not about Big Bird. It is a question of whether or not we can cut the bill a little bit.

I want to emphasize also at the beginning that this is not intended at all on my part to diminish the very important role that educational TV plays. There are some very, very positive stories that can be told about what the Corporation for Public Broadcasting has done, and PBS, and the National Public Radio. In my own State of Mississippi I thoroughly enjoy listening to the public radio music. I do not enjoy a lot of the news or the commentary—the editorials—but it does provide an option that you might not get otherwise.

And I want to say I am very proud of the very fine job that our Mississippi Educational Network does. They show real discretion.

There has already been debate in the media and here on the floor of the Senate, and there will be more debate, about the objectivity, the fairness, the balance, the practices in hiring—there are all kinds of problems with this organization. I do not think there is any question that they have had some mismanagement, some problems, balance has been questioned by the right and by the left. I think that needs to be addressed. I am very much concerned about what I see and hear on the public broadcasting stations and in national radio. I can cite a lot of examples, like others. But that is not the thrust of this amendment. I am not questioning, here, their balance, or their practices, and their news, and their editorial policy. That is for other amendments and other days. I am focusing on the question of cost.

Here we are, about to engage in the next few weeks in what may be, hopefully, a historic debate about whether or not we should have a constitutional amendment for a balanced budget. And I have to ask myself, are we going to be so hypocritical that with every bill that comes through this body, we add more spending? Right before Memorial Day recess it was $1.5 billion more that was added to a genuine disaster emergency. But we added $1.5 billion on top of that, and the Senate voted that is OK, we will just add it to the deficit. Only 37 Senators voted against adding that amount to the national deficit. Now here we come again with a significant increase in authorizations—a 50-percent increase—going from $275 million to, I believe, $310 million and then $375 million, and in the third year, which is fiscal year 1996, $425 million.

So I just have to question that. But I want to cite a couple examples of some of the problems that we have had in my own State. We have a very good executive director of our Mississippi educational TV, a fellow named A.J. Jaeger. He has been very diligent in writing me letters, sending memos and faxes about his experiences in Mississippi and working with the national system.

I want to read parts of a letter I have from him because I think it sums up some of his concerns and the concerns of others.

He says his primary goal as executive director "has been to provide balanced, 'family-friendly' programming—on Mississippi ETV and on Public Radio in Mississippi—to every household" in our State. "Because I have chosen to monitor carefully and to preempt objectionable programs, we have not experienced the problems with Public Broadcasting Service programming that other States have encountered. I chose not to run "Tongues Untied," "Stop the Church," and other programs unsuited for Mississippi family viewing.

"However," he says, "the Corporation for Public Broadcasting is in no way responsible for any of my complaints about the system. CPB acts as an insulator to protect the integrity of program decisionmaking and, through its community service grants, ensures that we have the funds to purchase our evening and weekend programming."

He goes on to say, "I cannot say the same kind words for PBS and National Public Radio. As I noted in my memorandum to you last week, I have frequently protested—to the president of NPR, to its board members, to the news division—about the quality and character of the journalism practiced by NPR, whose segments are more difficult to anticipate and preempt than those on television.

"Until 2 years ago, the national PBS affiliates chose the programming that went on the system. This was a representative procedure which gave each area of the country and each State and many cities an opportunity to express their preferences and put their best foot forward. Now one person, the executive vice president for national programming, dictates what programs will be on the system. Consequently, the PBS program stream comes almost entirely from the large producing stations—Boston, New York, Pittsburgh, Chicago, Los Angeles—and the system fails to represent the less urban and rural sections of the country. I personally find this regrettable, since much of the strength and talent of our country comes from these areas.

"It is very demoralizing and frustrating for my production staff to realize that, no matter how fine a program we produce, it will never air nationally," and he cites just one program, "Return to the River," which echoes Mark Twain's assessment that the Mississippi River Basin is the body of the Nation and showcases an enormous historical, social, cultural and artistic contribution.

Participants in that program included Shelby Foote, B.B. King, Alex Haley, Justin Wilson, Eudora Welty, great authors and musicians, and yet it will never stand a chance the way the system presently works.

So there are clearly major problems with how these systems are being operated right now, and the executive director in my State feels he is not being treated fairly and he is very concerned about the programming. But he does say that he would like a steady and reliable stream of funding so they can plan with certainty. Of course, he is concerned about any limitation on future funding.

But, Mr. President, the amendment I am offering today is not about all these issues that I have been referring to at PBS and Public Radio. It is about fiscal responsibility, deficit spending, and priorities. Where are we going to spend our moneys? What are our priorities? It is not about Big Bird and "Sesame Street" being in jeopardy. So let us put that aside.

This is about increasing the 3-year budget of CPB by 50 percent. This comes at a time when our Nation is running deficits that are out of control and the people are crying for leadership and fiscal restraint. We cannot continue to hand out 50-percent increases when the Federal deficit is running at the levels we are seeing right now.

The opponents of this amendment will say for the sake of our children we should increase CPB's budget. But as many of us have said in these very Chambers, we can no longer mortgage the future of our children by increasing the deficit. It must stop for the sake of our children. They are the ones who are going to pay the price for all these increased funding bills that we are passing through the Congress week after week after week.

The people understand the value of educational programming, and we support it; I support it. But the people of my State and the Nation demand fiscal responsibility, and I am sure that they would celebrate any show of fiscal responsibility that would be passed by this body.

Earlier this spring, I asked the people of my State in an unscientific form about the issues facing the country, what they were concerned about; 85.1 percent said we need to reduce the deficit instead of increasing domestic spending; and 89 percent said they support a balanced budget amendment. You cannot have a balanced budget amendment, you cannot balance the budget if you continue to have authorization that goes up by 50 percent over 3 years.

So this amendment would try to strike a balance by promoting educational programming, while maintaining some restraint and fiscal responsibility. Educational programming for children, yes. But funding for pundits and commentary for the elite is something else and that is a lot of what is involved here.

It is a relevant question to ask whether Congress should reward CPB with this increase in view of the problems they have had, the questions about management and financial practices, and they are out there. It is also reasonable to ask these groups who are receiving Federal money who are supposedly nonprofit charitable organizations whether they are doing some things they really should not be doing in view of the fact they are getting Federal funds, including enormous salaries.

For instance, the Children's Television Workshop president is paid $624,000 a year. I presume he does not get Federal money for that. But that program, which is a very healthy one, has a president that gets $624,000 a year. What is the source? It is what is required to be filed with IRS.

The director of New York's public television station, WNET, is paid $304,000 a year. Another public television station director, KCET received

$242,000. A stagehand at WNET was paid $103,000. My staff has been trying to fill out applications. They are trying to get on as stagehands, $103,000. Yet the supporters of PBS are claiming they are in desperate financial condition and they need this increased Federal funding.

I want the record to show, Mr. President, that Children's Television Network, which receives $4 million now of taxpayers' money, and I am sure that would be anticipated to go up under the increased authorization for funding that we have in this bill, that network grosses $100 million a year—$100 million. This is a pretty successful entity—and it has an investment portfolio in stocks and bonds of $52 million. They are grossing $100 million. They have savings of $52 million. And we are giving them Federal funds? I do not understand that.

Is the taxpayers' money being spent wisely? I have my doubts. Is there wasteful spending? I feel very sure. Should Congress grant CPB a 50-percent increase in funding? No.

Let me again emphasize, this amendment is about fiscal responsibility and priorities; $275 million, is not chicken feed. That is enough dough to do the job and have some left over for the cookie monster. There is plenty of funding here. I do not want to cut it off. This is not an amendment to eliminate funding. This is just to level funding. I think the American people would understand that on every program. We are saying, look, we are not going to cut you even though we would like to in certain areas. Let us just level funding. What do we do?

If the appropriations are provided, it would cost us $300 million more unless we adopt this amendment.

So I say to my colleagues, let us talk about priorities. At a time when military bases are closing all over this country, causing economic disruption, loss of jobs, loss of revenue, cities are burning. Health care and education, some would say are in shambles and needs more funding, and we are going to put another $300 million into the Corporation for Public Broadcasting. Could we not better use that money somewhere else? Could we not use it on urban and rural poverty programs? My own State needs more job training. We need another Job Corps training center to try to help people who have dropped out, lost their job, to be trained to do something. Give me just a little piece of this $300 million—$16 million to put another Job Corps center in the poorest State in the Nation.

But instead we are debating whether to increase funding for something that clearly amounts, for the most part, although not entirely, to an upper-middle-class entitlement program.

Yes, we need it in the rural areas, whether it is Alaska or Hawaii, and my own State of Mississippi. But my question is, How much is enough? Senator HELMS, who at this very hour is being operated on and having a heart bypass, I am sure, if he were here, would be asking that same question today and he would be offering this amendment or one like it to try to keep some fiscal responsibility, some restraint.

Opponents will maybe say this is a drop in the bucket, this is a small amount of money for a worthwhile program. Where I come from $300 million is not a drop in the bucket. A $1.1 billion program is not small potatoes. So I do not think that argument will sell either.

I do not agree with everything that has been said about these programs by the media, pro and con. But George Will, a columnist, has had a lot to say about it. I saw one quote that caught my attention. He said:

> If something as marginal as public television successfully defends its subsidies, cuts can only come at the expense of Americans less affluent, educated, articulate, and skillful at lobbying than public television's aggressively moralistic constituency, and public television will be a paradigm of Government's role as servant of the comfortable and defender of the strong at the expense of the future.

Mr. President, I urge my colleagues today to exercise just a little restraint. Let us not allow a 50-percent increase over these 3 years. We are going to give them the certainty of 3-year authorizations at $275 million. That is enough. That is enough. Frankly, I do not think we should be increasing any program at this time—not increasing. Let us try to hold the line or let us rearrange our priorities, but let us not be increasing the funding for the Corporation of Public Broadcasting by $300 million.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eleven minutes, 51 seconds.

Mr. LOTT. I reserve the remainder of my time and yield the floor at this time.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 15 minutes.

Mr. INOUYE. Mr. President, I rise in opposition to the amendment offered by my friend from Mississippi because I believe that public broadcasting provides an important service to the country. I ask my colleagues to join me in opposing this amendment.

The funding levels contained in this bill are intended to give CPB and public broadcast stations the ability to overcome the effects of inflation. The amendment would not consider inflation increases in the cost of production and acquisition of programming. In addition, the proposed funding levels will enable the CPB to increase the funding available to TV and radio stations in smaller communities and rural areas and increase the number of communities that have access to public radio.

Finally, this funding will enable public television stations to increase substantially the instructional and educational programming that is provided to schools and universities in this country.

During this debate, I believe there has been too little discussion of the enormous contribution to education made by public television. Nationwide public television represents the largest contributor of video and televised instructional material for schools, colleges, and home viewers in the country. For 30 years, public TV stations have provided their local schools and State educational institutions with technical expertise and quality programs to supplement classroom instruction. Public TV stations have an impressive record of working with educational institutions to address specific education needs. Local stations and PBS are harnessing the power of TV to improve educational opportunity across the country. Public television reaches over 29 million students in nearly 70,000 schools, grades K through 12; 1.8 million teachers use public television's education services. Annually, 1,500 instructional programs, including math and science, are distributed via satellite and many more are distributed by local stations.

Public television also makes higher education accessible for working adults who cannot attend college in traditional ways. Two-thirds of America's 3,000 colleges now use PBS courses. Two million adults earned college credit from public TV in the last decade with an increase of 7 percent this year. Fully 819 hours of television credit courses are being delivered this year. At the preschool level, public TV will soon be providing training for Headstart teachers via satellite. Most of the recipients of this instruction will be in remote Alaskan villages and in native American and migrant labor populations. This is a further indication of how public TV can break down educational barriers. Public TV's nonclassroom programming for children, including such gems as "Sesame Street" and "Reading Rainbow," are unmatched anywhere on the television dial. Public TV is truly the dominant source of quality children's programming available to all Americans, regardless of their income or where they live. Moreover, public TV has a history of innovations that broaden the reach of television.

For the hearing-impaired, public TV originated closed captioning.

For the sight-impaired, public TV uses Descriptive Video Service [DVS], an optional audio narration.

And for Spanish-speakers, the "MacNeil/Lehrer Newshour" airs in many communities with a Spanish-language soundtrack.

Public TV provides additional services to those who subscribe to cable. But even more importantly, it serves millions more who do not subscribe to cable. Public TV is available in many more U.S. homes than any cable-originated channel. Public TV reaches 98 percent of U.S. households. In comparison, about 61 percent of U.S. households have cable service—and that percentage is not likely to exceed two-thirds in the foreseeable future.

Mr. President, our President has indicated that he wanted to go down in history as the education President. This Congress has dedicated itself to be the education Congress. All candidates for the Presidency have indicated they want to be the education President. This is an education bill, Mr. President. It does more for education than any other service that we have provided in this Congress.

And now, if I may speak on public radio.

Public radio is more than a broadcast signal to local communities. It is an asset whose value cannot be measured in ratings points or power output. Public radio stations provide information on community issues, are active in education, and bring together disparate groups through community outreach. National programming highlights the concerns of the larger society, while local stations focus on how national concerns are reflected at home.

The stations' ability to reach across boundaries of geography, class, and ethnicity enables them to bring people together to work on community issues. Public radio stations are playing an increasingly important role in their local communities.

Public radio's news and information programming is preferred by listeners who believe sound-bite journalism does not meet the needs of our complex world. NPR news and information programming attracts 9.1 million listeners weekly.

More people today hear a single story on NPR's "Morning Edition" or "All Things Considered" than heard public radio during an entire week in the early 1970's.

Rural and minority stations face special problems. Many have relatively small audiences that cannot fully support them.

In 1988, Congress encouraged public radio to pursue the goal of reaching unserved and underserved audiences. Since then, with very few resources public radio has worked diligently on public radio expansion through membership policies and grant programs.

Since 1991, public radio has been focused on reaching unserved and underserved audiences with an emphasis on increasing opportunities for stations, serving minority and rural audiences, and stations in markets with a limited economic base.

Both CPB and NPR have programs intended to make it easier for stations to receive CPB support and acquire national programming. CPB's sole service grants, program acquisition assistance grants, and station development grants have assisted 45 stations since fiscal year 1991.

NPR's dues adjustment policy for rural, minority, and expansion stations and the auxiliary member policy have allowed 42 stations to carry NPR programs that would otherwise have been unable to do so.

With the encouragement of the Commerce Committee, CPB and the public radio community have just completed a comprehensive review of CPB station grants and the criteria for distributing CPB funds.

The review identified ways to target additional resources to rural stations and stations serving minority audiences. CPB's commitment of more than $5.7 million to achieve this goal will ensure continued investment in expanding service to unserved populations and continued support for diversifying the program package for unserved and underserved audiences. This builds on the $1.35 million committed to this effort in fiscal year 1992 and $1.59 million planned for fiscal year 1993.

Mr. President, CPB and the public radio community have met the challenge of the 1988 act. This expansion effort has not been without risk and cost to the existing system. In 1990–91, stations were held to an average increase of $1,000 in CPB grants, 0.9 percent.

Maintaining the health of existing stations is essential to the economic vitality of the system. We cannot expand the system by putting at risk stations in which Congress and the American people have invested substantial funds over the past 20 years.

In sum, there is still much work to be done and the funding levels in S. 1504 will enable the CPB and the public radio and television stations to expand their educational and community services. For these reasons, I urge my colleagues to vote against this amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN Mr. President, I am happy to rise in support of the committee report, and the distinguished chairman has spoken so thoughtfully and carefully.

I also would like to note for my friend from Mississippi that all of us share his concerns which are for Senator HELMS, who is not here, of course, who might be offering this amendment, and we wish him every possible fortune and health.

I would like to take just a moment to go back a quarter century, Mr. President, to the debate on this floor between two giants of the Senate, John Pastore of Rhode Island, and Hugh Scott of Pennsylvania. They were on either side of the aisle, but united in the enterprise of creating the Corporation for Public Broadcasting.

Remember, this is a bipartisan measure, one of those things that makes the Senate feel good about itself and makes us all feel good about our country. This is even before Big Bird was a fantasy in the eye of Joan Ganz Cooney but it was not before Hugh Scott had some vision of what might come to pass. That wonderful man stood up here, and talked about television of the time. He described it as ranging from the mediocre to the moronic. He sort of welcomed the idea of Federal support for the public stations that the FCC had already created.

I would like to read these two paragraphs from what he said:

> There is a vast national apology going on in this country for the television. This I do not say in derogation of the great networks or of the other people who present programs. I certainly praise educational and instructional television.

He also said:

> But I should like to see public television begin to satirize. I should like to see the days of Addison, Swift, and Pope revived in this country if that be possible.
>
> I would hope that public television could bring to this country the gift of satire.

And then he quotes Robert Burns:

O wad some Pow'r the giftie gie us
To see oursels as others see us!

I dare to think that on this floor, Mr. President, in the last several years, Hugh Scott's vision has come to pass, although not precisely through the mode of public television, but rather C–SPAN. Anybody watching this body debate issues of public education and support for matters of public television would see some satire on display, or I think Addison and Swift and Pope might have though that they did.

Here we are with one of the few real winners that we have come up with in a quarter century. A quarter century ago, this was enacted and we loved it. How many children are there in this country that could not recognize Big Bird? It is part of our childhood already. It is part of our children's childhood, and we will very shortly be showing our grandchild "Sesame Street." It changed the way we think about ourselves, and for the better, and it has enormous support.

I do not know how much this is understood. So let me, Mr. President, introduce you to what needs no introduction, the tote bag, the celebrated viewer-supported broadcasting tote bag. The chairman recognizes that; we all do. And how we all contributed; we all have. The chairman has; you may be sure he will, too. All of us have; a lot of us have.

Six million people sent contributions last year to public television and public radio: 4.9 million for public television and 1.3 million for public radio. They are taxing themselves, and I grant these are people who will write a check. That means a certain level of security. They are taxing themselves so those kids in those slums who do not send checks can watch those programs, and they do.

If you had any idea of the viewing that takes place in our Mott Havens, Bedford-Stuyvesants, and East Harlems. That television, that tube is on, and it is going to be watched. And save for these programs, well, from the mediocre to the moronic understates the case today. Those kids do not have cable and they do not have check books. But 6 million people, 4.9 million in the case of television, sent checks in so they could watch.

And here the chairman, the most distinguished chairman of this committee, has proposed modest increases to, among other things, allow for the networks to expand.

There are new stations coming on all the time. People want this. The Federal Government puts up a little bit of the money, but the rest of the money comes from the neighborhoods. We ought to support that. We are getting so much more back in the way of product than we pay for. It is one of the rare Federal programs that has support everywhere. I hope that it will have support on this floor.

I want to make one little detail clear; it is a telling detail. It was remarked just a moment ago that the head of channel 13 in New York was earning $304,000 a year. That was an honest mistake, I am sure. In fact, his salary was recently raised to $225,000 from $199,500. An increase he has asked to be rescinded. But let me tell you—in slightly different terms—what Mr. William F. Baker, president of channel 13, WNET, in New York, makes. He makes near three-quarters of a million dollars less than he made on his last job. He took almost a $750,000 pay cut to go to the New York station. Mr. William F. Baker is a man who cares, and he makes one-quarter what he made as head of the Westinghouse Group W. There are not many people around who would cut their salaries by three-quarters because they think there is something children need and illiterate adults need and the American family needs, and he is willing to do it. Those are the kinds of people you have in public television. Let us support them. If we cannot lend our individual contributions, what do you say we support the chairman and defeat this amendment.

Mr. President, I would ask at this point that a number of letters I have received in support of the funding levels in the bill be included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF PUBLIC
BROADCASTING STATIONS OF NEW YORK,
Albany, NY, March 16, 1992.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Russell Senate Office Building, Washington, DC,

DEAR SENATOR MOYNIHAN: The trustees of New York's public television stations want you to know how grateful we are for your affirmative vote for cloture on S. 1504, the Public Broadcasting Act. We are deeply appreciative.

May we ask for your assistance once again. As you know, when S. 1504 reaches the floor for debate a series of amendments will be proposed. To some these amendments may appear reasonable or at worst benign. They are neither. They will damage public broadcasting in New York State and nationwide.

Some of the these amendments are expected to deal with accountability and financial reporting. As the fiduciary agents for public television stations in New York allow us to point out how unnecessary it is for additional federal regulations to be imposed on our already intensely scrutinized enterprise.

Public broadcasting is scrutinized first by, and is most accountable to, the public. The public can monitor every minute of every broadcast day simply by touching a button on their TV set. They vote for or against our programs by switching them on or off. And then, the ultimate vote, by responding, or not responding, to our appeals for financial support. Since individual Americans contributed $294,824,000 to public broadcasting last year, the public's vote for public broadcasting is in. It's an enthusiastic Aye.

That does not mean that each viewer, ourselves included, approves of every broadcast 365 days a year. It does mean that they approve of public television's overall schedule and know that overwhelmingly that schedule provides programs of exceptional value to them. That is does so is the reason we serve as trustees of New York's public television stations.

In addition to our stations' accountability to the ultimate arbiter, the public, they also are accountable to:

The FCC—Detailed reports demonstrating that stations are serving the public interest regularly must be filed with the FCC. Failure to serve that interest can cost a station its broadcast license.

New York State—Our stations report to the State quarterly, in addition to an annual report, on both their programming and finances. These reports, detailing programming, amount spent on instructional programs for classroom use, sources of stations funds, etc. are audited by the State Education Department. The annual report is audited by independent accounting firms before submission. Additional reports containing similar information must be filed with New York State's Charities Bureau and is available for public scrutiny.

Department of Commerce—Stations which receive funds from DOC's Public Telecommunication Facilities Fund for equipment are audited on the use of those funds.

Corporation for Public Broadcasting (CPB)—Stations must submit annual independent audits to CPB for review. In addition, CPB performs audits of all licensees on a regular schedule, and more frequently on those receiving large amounts of funding. These audits are not only financial, they're also performance audits: compliance with EEOC regulations, educational efforts, etc.

The U.S. General Accounting Office—All stations are subject to GAO audits of all their books and records. Moreover, by federal law, CPB has an Inspector General who audits stations activities on behalf of the GAO and the Congress.

The Public (again)—Stations must maintain financial records as part of their public inspection files. Our stations publish and distribute annual financial reports and some report this information on the air and provide viewers with opportunities to call in questions about both programming and station finances.

Finally, and not least, as station trustees we provided on-going oversight of our stations' activities. That our stations serve our communities (and your constituents) well is attested to by the fact that some 560,000 individual New Yorkers regularly contribute to our stations, along with thousands of businesses ranging from corner bake shops to corporate giants such as G.E., IBM, and Xerox.

Our stations do not need, and can scarcely afford, additional oversight and regulation. Given cuts of 45 percent in New York State support over two years our stations' financial condition is fragile. To impose additional and unneeded administrative and financial burdens on our stations can have no other consequence than the diversion of scarce resources from our stations' programming, education, and outreach efforts.

Public broadcasting in New York State is a community-controlled institution. It's essential that we keep it that way. Surely the Senate of the United States has matters of more pressing national concern than adding to the regulatory overload already borne by our stations.

We therefore need your help. When debate begins on S. 1504 we ask that you rise in opposition to the amendments that will be proposed. Whatever their siren call, however plausible these amendments appear to be, they will do damage to public broadcasting in New York State. Of that we are certain, and we believe that as overseers of New York's public television stations we are better positioned to make that judgment than Senators who will propose the amendment.

With deepest gratitude for your help.

Sincerely,

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THIRTEEN/WNET

New York, NY, June 2, 1992.

From: Bill Baker.

Re: Federal funding used for educational efforts.

To: Senator Patrick Moynihan.

Senator, as per our conversation I have asked the General Managers of the other nine public television stations to provide me with a percent of how much of their allocation of federal funds is committed to educational efforts.

Percent of total amount of Federal dollars spent on educational efforts

WNET	25
WXXI	25
WMHT	25
WNYC	25
WCNY	30
WNED	40
WNPE	65
WCFE	70
WLIW	70
WSKG	88

As you can see, almost all the stations throughout the state use approximately a third of the federal dollars allocated for educational purposes.

I am also sending you some background information on the programs we provide as part of our overall educational outreach effort.

I hope this information proves to be useful to you in today's debate. I appreciate your assistance in this matter. Thank you from all of us.

THIRTEEN/WNET

New York, NY.

THIRTEEN/WNET: BUILDING ALLIANCES FOR EDUCATION

Thirteen/WNET is the flagship station for the Public Broadcasting Service and the leading producer of programming for public television. Broadcasting to the tri-state area of New York, New Jersey, and Connecticut, Thirteen provides quality programming that is as diverse as the region itself. The daily schedule offers viewers series and programs covering a wide range of topics, including information and public affairs, science and nature, culture and entertainment, education and learning, and children and the family.

But Thirteen is more than just a number on the dial. As one of the metropolitan area's leading cultural and educational institutions, Thirteen complements its programming with outreach and educational activities that connect it closely with the community. The Teacher Training Institute is one such activity. Others include the Teen Leadership Institute, the Student Arts Festival, the annual AIDS educational hotline/helpline, a subway campaign to encourage adult literacy, screenings for special interest groups and seminars on a variety of topics for community organizations.

Since its founding in 1962, Thirteen has demonstrated television's potential as a source of lifelong learning. In addition to airing a wealth of educational programming for children and young people ranging from *Sesame Street* to *DeGrassi High*, Thirteen broadcasts 1200 hours of Instructional Television (ITV) designed for classroom use. Beyond that, programs targeted for a broader audience open up new worlds of information for viewers of all ages.

Thirteen/WNET has been a valued tool of many educators for 29 years. Today, the educational services of public television go far beyond the boundaries of traditional Instructional Television (ITV) programs, embracing new technology and focusing on lifelong learning. Public television is expanding the learning environment beyond the traditional lecture and textbook by making the home and workplace extensions of the classroom.

Listed on the following pages are some of the major areas of activity in the Educational Resources Center.

INSTRUCTIONAL TELEVISION (ITV)

Thirteen devotes over 1200 hours each school year to broadcasting more than 100 Instructional Television (ITV) series. These programs, designed especially for the classroom, correlate with existing curricula to reinforce and enhance the learning experience. ITV is a powerful teaching tool, bringing into the classroom people of many cultures, historical reenactments, dramatizations of literature, illustrations of difficult concepts and aids in the instruction of basic skills.

LEARNING LINK

Learning Link provides schools in the tri-state area with the tools to make technology an integrated part of the curriculum. An electronic communications and information system, Learning Link was created specifically for the education community. Members access the system via computer and modem, forming an interactive network that shares information and resources.

Learning Link combines computer technology with Instructional Television (ITV) information and print materials, to help teachers find, evaluate and utilize educational resources. This combination expands the traditional boundaries of the classroom, connecting and empowering educators.

ADULT LEARNING AND ILLITERACY

Thirteen's commitment to lifelong learning includes offering educational programming targeted to adults who need to certify educational competence, as well as programs aimed at increasing literacy for Americans of all ages, such as:

Telecourses, an alternative route for adults to get college credit. Different telecourses are aired each semester with enrollment available from designated area colleges.

GED on TV, 43 programs focusing on reading comprehension, writing and mathematics. Ged en Espanol started airing on Thirteen in the fall of 1991.

Project Literacy U.S. (PLUS), a collaborative effort between PBS and Capital Cities/ABC launched in 1986 to reduce illiteracy. It has resulted in 425 local Task Forces operating in all 50 states, the District of Columbia, and Canada. This year, the focus is on mentoring youth-at-risk.

Learn To Read, part of Thirteen's commitment to Project Literacy U.S. An at-home study course for adults, the series airs Monday–Friday from 6:00 to 6:30 a.m. and 11:00 to 11:30 a.m. Learn To Read, hosted by Wally "Famous" Amos, delivers 30 half-hour programs designed to teach basic reading skills to the adult non-reader.

DISTANCE LEARNING/STAR SCHOOLS

The Satellite Educational Resources Consortium represents an initiative to deal directly with a major problem facing the United States: how to make quality education in math, science and foreign languages equally and equitably available to all students across the country, regardless of their geographic location and socio-economic status. Live, interactive instruction is brought to local high schools via satellite, microwave or cable technology, allowing a course to be taught to students in many areas of the country at the same time. The students interact immediately with their instructor via telephone, computers and keypad technologies.

THIRTEENVISION

ThirteenVision is an Instructional Television service operated on a separate channel—one of a family of high frequency, "narrowcast" signals which have been reserved by the Federal Communications Commission for instructional purposes. Thirteen has targeted the education and literacy needs of adult learners, especially those with basic skills deficiencies and/or poor English skills. The first 12 ThirteenVision sites include community colleges, adult education centers, schools, and such "nontraditional" locations as correctional facilities and community social service centers.

TEACHER AWARDS

Thirteen's annual UTIE (Utilization of Television in Education) Awards, which recognize effective and imaginative use of television in the classroom, most recently went to five educators from Queens; Brooklyn; Somerville, New Jersey; and Stamford and Guilford, Connecticut. In addition, 38 teachers from across the Empire State received grants through the New York State Public Television Mini-Grant Program, a new fund designed to encourage diverse and creative uses of video technology to enhance student learning.

TEACHER TRAINING INSTITUTE

To help enhance science education in the classroom, Thirteen and Texaco launched the Teacher Training Institute for Science, Television and Technology. Focusing on successful teaching strategies that integrate the use of video into science and environmental education curricula, the Institute aims to establish a network of teachers who can serve as mentors in their schools, and spread the use of instructional television and technology throughout the tri-state area. Based on the premise of teachers teaching teachers, the yearlong project kicked off in the Summer 1990 with training sessions for over 250 elementary and secondary school educators. After a successful evaluation, TTI is being rolled out in ten national locations during 1991–92.

EDUCATIONAL PRINT OUTREACH

Educational print materials produced to accompany major series included Viewer's Guides for Crisis: Urban Education and Can't Afford to Grow Old; Teacher's Guides for Great Performances' "Show Boat," The American Experience, Black Stars in Orbit, Crisis: Who Will Do Science?, Innovation, Moyers; The Power of the Word, and Nature; and a telecourse for Art of the Western World, which has been adopted by 100 colleges. These materials have wide-ranging impact; the 110,000 packages distributed for Black Stars in Orbit, for example, reached a potential audience of 7.9 million students.

STUDENT ARTS FESTIVAL

The Student Arts Festival, begun in 1978, is an annual project involving youth from the tri-state region with the visual arts—to simulate thinking, to provide a forum for creativity and to offer a showcase for selected artwork. Building on the successes of the Festival, in 1990, the Student Arts Festival was expanded to include a video component as well as fine art and photography. Today the Festival is the metropolitan region's leading showcase of art and video created by young people.

TEEN LEADERSHIP INSTITUTE

The Teen Leadership Institute was established in 1989 to help high school juniors prepare for leadership roles. Drawing on two acclaimed Thirteen/WNET presentations, The Power of Choice and Ethics in America, it provides an opportunity for students and teachers from throughout the tri-state area to probe their values and the conflicts those values sometimes create. It is a year-round youth outreach project which challenges high school student leaders to play an active role in addressing current social issues with their peers. The Institute in 1991 examined race relations while encouraging the development of leadership skills including; effective communication, conflict resolution, critical reasoning and decision-making.

VIDEOLINK

Videolink extends educational resources to community centers with after-school and summer programs in some of New York's most deprived neighborhoods. Instructional videos and equipment, computer technology, and educational print materials address such areas as school curricula, multiculturalism, self-esteem, and collaborative learning.

Videolink is underway at ten specially-chosen community sites from a roster of thirty potential ones, including settlement houses, neighborhood clubs, and youth-service programs for children at risk of drug abuse and neglect. The initial goal is to provide a wide array of instructional television programming, training activities, and technological resources to urban community centers in need of learning tools for disadvantaged youth.

NEW EDUCATIONAL INITIATIVES

INTERACTIVE MULTIMEDIA

Thirteen will shortly launch a new effort to develop and publish programs, designed specifically for the exciting new computer-based multimedia technologies. In conjunction with this initiative, Thirteen will also be setting up a special Multimedia Center where area educators can see and learn about the latest developments in new educational multimedia products and software.

THE MEDIA LITERACY PROJECT

Educators and parents need the tools to help young people decipher and interpret the images and information they see and hear on television. In response to these needs, Thirteen proposes The Media Literacy Project—a new and innovative curriculum for school and home nationwide—that combines an active learner approach to education with the most acclaimed, new video technology for classroom use—the interactive videodisc.

The project encompasses a kindergarten through 12 critical viewing curriculum to give young people the ability to explore, select, understand, and critically evaluate the constructions of television with emphasis on the social, political and commercial implications of the medium's messages and information. The project will be designed for cross-curricula use in existing subject areas from English to social studies, or as a separate elective or mini-course.

For more information, call Educational Resources Center 212-560-2030.

THIRTEEN/WNET,
New York, NY, May 8, 1992.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: Thank you for taking the time to visit with me on May 4th. As I said to you at the Carlyle, we anticipate that the Senate will consider soon S. 1504, the "Public Telecommunications Act of 1991." This measure will authorize funding levels for the Corporation for Public Broadcasting (CPB) for Fiscal Years 1994 through 1996. We also anticipate that one of the proposed amendments to be offered would freeze, or significantly reduce, authorized funding levels for the Corporation.

I hope that you can support us in our efforts to defeat such an amendment if offered. The funding levels currently contained in S. 1504 will enable public broadcasting to continue its efforts to provide high-quality educational, informational and cultural programming for all Americans. Increased funding will also allow public television to provide educational services such as:

Programs and services that ensure that children arrive at school ready to learn;

Programs that train childcare providers to play a greater role in preschool education;

Programs that build greater awareness of, and involvement in, pressing community issues;

New technologies that are more accessible to schools and teachers;

Programs that train teachers and educators in the use of new educational telecommunications technologies; and,

New instructional programming available for use in schools.

One excellent example is the Thirteen/WNET Teacher Training Institute, which brings together elementary and secondary school teachers to develop creative approaches to teaching with instructional television. So far, in the New York area alone, this project has reached 2,500 teachers and 13,000 students. With additional support from CPB and others, this project is being expanded; and it is expected that, by the end of this year, 15,000 teachers around the country will have received training as part of this project.

I appreciate your offer to keep me informed of the status of S. 1504, and particularly any efforts to reduce authorized levels for public broadcasting. Please feel free to contact me at your convenience if I can provide any additional information. As always, we at WNET remain deeply appreciative of your support.

Sincerely,

BILL BAKER.

THE MUSEUM OF MODERN ART,
New York, NY, April 13, 1992.

Hon. DANIEL PATRICK MOYNIHAN,
Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: It has recently come to my attention that the Senate is likely to soon vote for the reauthorization of the Corporation for Public Broadcasting.

Independent production is the conduit through which we express our passions, stretch our imagination, test our ideas. It is an effective vehicle for the powerful, diverse and rich voice of a new generation in this country. It is exactly the kind of creative activity that leads to increased communication and greater understanding of the human condition.

I urge you to support the Independent Television Service, which I understand has come under fire during Senate debates over Corporation of Public Broadcasting reauthorization. There are more independent filmmakers in the state of New York than anywhere in the country. In ITVS' short history, New York's talented independent producers have particularly benefited from this resource. ITVS is an important part of public televisions's future and of the future of New York's creative community as well. Let ITVS help independents use television to reach out to audiences who have been left out, and explore a medium that is vastly underutilized. None of the programs have even aired yet—let us evaluate their impact and contributions fairly.

America's independent filmmakers are a valuable resource, saluted and rewarded around the world. Let us support them here at home.

Sincerely,

AGNES GUND.

WCNY, PUBLIC BROADCASTING
IN CENTRAL NEW YORK,
Syracuse, NY, May 27, 1992.

Hon. DANIEL P. MOYNIHAN,
The State Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: Your support of public broadcasting has been greatly appreciated. The beneficiaries will be the people it is our mission to serve.

I thought you would be interested in the enclosed column by WCNY's President and CEO, Richard Russell. I believe it addresses an aspect of public broadcasting which should have received more attention during the current debate about CPB funding.

If we can be of any assistance in providing you additional information about our educational services or any other aspect of WCNY, please do not hesitate to call on us.

Again, thank you for your support.

Sincerely,

PAUL A. DUNN,
Director,
Planning/Corporate Communications.

[From the Sunday Observer-Dispatch, May 24, 1992]

CRITICS OF PUBLIC BROADCASTING IGNORE ITS EDUCATIONAL SERVICE

(By Richard W. Russell)

The attacks on public broadcasting by columnists like George Will and politicians like Sen. Jesse Helms are unwarranted, narrow and wrong. By focusing almost exclusively upon the relatively few hours devoted to the performance arts, drama and selected public affairs programs with which they disagree, they ignore the vital educational and community programs and services public broadcasters are providing—programs and services which have little or no advertising or commercial value and will never be offered by commercial companies.

Yes, lip service is given to "Sesame Street and Mister Rogers' Neighborhood" (who could attack Big Bird or Fred Rogers?) But no mention is made of the underlying educational mission of public broadcasting. Perhaps it was a mistake to change the name from Educational Broadcasting to Public Broadcasting back in the 1960s. Whatever the name the original purpose remains.

Public Broadcasting is here to help educate, motivate and uplift an American public, which, by all accounts, finds its educational system wanting. We at WCNY are proud of the job we are doing. But we have allocated few of our precious resources to promotion. And so, even our most ardent defenders point to programs like "Nova," "Masterpiece Theatre" and, of course, "Sesame Street." Those prime time presentations are worth paying for, and almost all their support actually comes from membership and business dollars.

However, such programs—even masterpieces like "The Civil War" are but the tip of the public broadcasting iceberg.

Have you ever heard about those daytime programs which go under the heading of Instructional Television? Each week during the school year, WCNY broadcasts 25 hours of programs designed primarily for in-school use. Selected and scheduled with the advice of local educators, those programs are utilized by Central New York teachers in over 650 schools.

College students benefit, too. Many have gained college credit through the use of telecourses broadcast on WCNY. And, this month, WCNY's Director of Educational Services is meeting with Utica/Rome higher education representatives to expand the utilization of these telecourses.

George Will says public broadcasting serves an elitist segment of society. There is nothing elitist about the children who watch "Lamb Chops Play-Along," "Where in the World is Carmen Sandiego?" or "Sesame Street." There is nothing elitist about the shop foreman at a local industry who plans to utilize a recent Sunday evening program about creativity in the work place.

And there is nothing elitist about the thousands of Central New Yorkers who contributed over 23,000 hours of volunteer time to WCNY this past year. George Will, Jesse Helms and their vocal friends should talk to these volunteers and hear how much they value the contributions of public broadcasting to the quality of their families' lives. Mr. Will should talk to the librarians who know how many kids have been motivated to read because of "Reading Rainbow."

Public broadcasting has made a difference for over a quarter century. WCNY will continue to make a difference because close to 30,000 individuals and families in Central New York care enough to support us financially. And we'll make a difference because, as a public broadcaster, our bottom line is comprised of programming and service.

(Richard W. Russell is president and chief executive officer of WCNY-TV/FM.)

WMHT TV 17, WMHX TV 45, WMHT
FM 89.1, WRHV FM 88.7, WMHT
RISE 57,
Schenectady, NY, April 9, 1992.

Senator DANIEL PATRICK MOYNIHAN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: I thought you would be interested in this column which ran this week in The Capital District Business Review. It's the most recent endorsement in our local press of the importance of continued federal funding for public broadcasting.

Public approval and financial support for public broadcasting is at an all-time high—but federal funding remains an essential source of revenue for all public stations. Our resources are already strained to the utmost. New and cumbersome reporting structures will seriously jeopardize a program delivery system which already has sufficient oversight at the state and local level.

On behalf of the viewers and listeners you represent, I ask you to vote in favor of S. 1504 and oppose any amendments to change the present accounting regulations.

Sincerely,

WILLIAM E. HALEY, Jr.,
President and General Manager.

[From the Capital District Business Review, Apr. 6-12, 1992]

CONGRESS PULLING PLUG ON PUBLIC BROADCASTING

(By Jay Silverman)

Did you watch "The Civil War" on TV? Are you a regular viewer of "The McNeil/Lehrer Newshour," "Wall Street Week," "Computer Chronicles" or "Washington Week in Review"? How about your spouse and children? Do they watch "Sesame Street," "Live from Lincoln Center," "Reading Rainbow" or "Great Performances"?

These programs all come to you via public television. Locally, that's WMHT/Channel 17. But those shows may not be on your home screen for much longer if some top elected officials have their way.

Public television is an essential alternative to the purely market-driven, commercial use of this country's most powerful communications tool—television. Its programming is based on the value of the program to the viewer, not on the number of viewers delivered to advertisers or accumulated for cable subscription services.

But some of TV and radio's most popular programs, the networks that generate them, and the radio and television stations (WAMC-FM, WMHT-FM and TV, locally) that carry them are in danger of losing the federal funding that supports them.

Congress is discussing a bill reauthorizing the funding for the Corporation for Public Broadcasting for fiscal years 1994-96, known as the Public Telecommunications Act of 1991 (S1504). This is the basic law authorizing federal support of public broadcasting in the United States.

The Corporation for Public Broadcasting, in turn, distributes money to hundreds of Public Broadcasting Service and National Public Radio licensees across the country through annual grants that account for about 17 percent of individual stations' annual income.

Losing that funding would mean death for some stations; for others, it would require a severe curtainment of operations. For you and me, it would mean the loss of tremendously valuable assets—media that should continue to exist without restrictions hampering their creativity and vitality.

What does public broadcasting cost you and me? Well, the funding for the Corporation for Public Broadcasting is $1.06 for both public television and radio—80 pennies for TV and 26 cents for radio.

WMHT receives $800,000 annually from the Feds toward a $6 million budget.

The House version of S1504 passed on a voice vote last year. However, now that the bill is before Senate, seven conservative senators—Jesse Helms and Robert Dole among them—are proposing amendments that would increase federal interference in public broadcasting.

If passed, the amendment would establish a new range of reporting requirements and an additional requirement that stations and other grant recipients keep track of every government dollar spent on every program.

Why this push for greater control? These senators object to "taxpayer's dollars" being used to produce controversial programming such as "Tongues Untied," a documentary on gay black males, and "Maria's Story," which, according to the senators, glorified the lives of Salvadaoran guerrillas.

At first blush, these requirements for accountability seem fair.

Fact is, however, that New York state's public broadcasting stations, which are chartered by the state Board of Regents, have oversight from the state Education Department. And more importantly, stations like WMHT are accountable to local people and local tastes through the boards of trustees that hold their licenses.

These new reporting restrictions—oops, requirements—are both burdensome and redundant. It will make it more costly for stations to operate and hamper their abilities to develop programs.

The proposed amendments also include restrictions on program content, involving when certain programs can be aired. This should be dealt with locally, rather than through some asinine federal regulation.

Given the oversight public television has from local stations and the Federal Communications Commission, is there really any need to have some federal bureaucrat overseeing additional content-based restrictions? Are we not grown up enough to change the station or turn off the set?

Are we satisfied with public television? It certainly would appear so. For 25 years, we the public, have provided the lion's share of the funding nationwide for the enterprise called public broadcasting. At WMHT, WAMC and nationally, contributions are at an all-time high. WMHT's most recent 23-day membership drive generated 2,623 new members, giving the station about 32,000 members.

Clearly, the system works. The Corporation for Public Broadcasting deserves continued funding without cumbersome federal regulations and oversight.

WESTERN NEW YORK
PUBLIC BROADCASTING ASSOCIATION,
Buffalo, NY, May 8, 1992.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: I understand a debate and vote on the authorization bill for the Corporation for Public Broadcasting for FY 1994-1996 will be held next week. (It was approved by the House in late 1991.)

As you know, six Senators, led by Senators DOLE and HELM, have made this into a controversial bill. They have questioned the balance and objectivity of public broadcasting and have even suggested that commercial broadcasters might be willing to provide such services as broadcasts to the schools, service to GED students, undertaking broadcast literacy projects, etc. Unfortunately, many recent statements have been based on inaccurate or incomplete information and/or understanding of what public broadcasting is and how it works.

At a time when our State funding has been cut by 44% in just two years, continued Federal funding is imperative if all our citizens are to receive public TV and radio services free of charge. The new authorization bill contains funds for additional services to be provided to education, at a time when that institution is so badly in need of help.

I know that leadership of the Commerce Committee has met with the several concern Senators, with a view toward working out a compromise with some amendments and colloquy language which would allow the legislation to proceed while at the same time underlining public TV's responsibilities in the area of objectivity.

We understand additional amendments are liable to be offered by individual members. I want to ask you to support only those amendments which have the support of the Committee leadership. They are the amendments which both advocates and opponents have agreed on. Please resist any other amendments, however well-intentioned they might seem.

We would also appreciate it if you would make a floor statement of your longstanding and strong support for public broadcasting.

May I ask on behalf of our 70,000 members if you will be able to help us?

Sincerely,

J. MICHAEL COLLINS,
President.

THE STATE EDUCATION DEPARTMENT/
THE UNIVERSITY OF THE STATE OF NEW YORK,
Albany, NY, May 12, 1992.

Re. S. 1504.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: The print and electronic press have been replete of late with argument, debate and some discussion regarding the merits of funding the Corporation for Public Broadcasting (CPB) which in turn funds in part our nation's public television and public radio stations. I would like to add my opinion to the discussion and request your help in resolving this situation. I regard the funding that comes to New York State public television and public radio stations as an important part of the resources available to maintain educational quality in New York State. Because I feel that way, I am grateful for your affirmative vote in March for cloture on S. 1504, the Public Broadcasting Act. That action was quite helpful.

Now I ask for your continued support for this legislation as it comes to debate on the Senate floor. It is important to support continued federal financing of public broadcasting quite simply because it is an important, even essential element in the educational resources available to New York State citizens. Your support on the floor would be especially appreciated. Please don't permit ideologic smoke screens to obscure the reality of the need for public broadcasting, especially public television's educational services. Public television provides educational resources both on screen and through community outreach at all levels of education—preschool, K-12, college credit courses, high school equivalency (GED), literacy education, inservice teacher training and other professional staff development.

Please remember that New York State's public television and radio stations—especially WNET/New York City—depend heavily on CPB funding for production. These resources help keep New York City the communications capital of the world.

Finally, please don't allow the proposed legislation to be battered by the addition of amendments which would constrain the free expression of ideas and the healthy flow of programming.

Thank you for your consideration of my recommended support for the public broadcasting bill, S. 1504. Thank you too for your continued support of education issues and legislation. It is vital to the public health of New York State.

Sincerely,

THOMAS SOBAL.

ROCHESTER, NY,
May 15, 1992.

Senator DANIEL PATRICK MOYNIHAN,
Russell Senate Office Building,
Washington, DC.

DEAR PAT: A number of people here in Rochester has asked me to be in touch with you with respect to the Corporate for Public Broadcasting Reauthorization Bill S. 1504. I gather that there has been a good deal of discussion about this Bill, and that they center on proposed amendments concerning funding amounts, accountability, balance, objectivity and other such things.

As you undoubtedly know, WXXI here in Rochester is a strong and vital part of our community. We value all aspects of its broadcasting activities, and urge your active support on behalf of the CPB. It seems to us that those who are attacking it are doing so for reasons which fail to recognize the impact of public broadcasting on all aspects of our Community. This idea that somehow public broadcasting is an elitist activity just does not hold water. One need only look at the programs in our schools to understand that this is not so.

I understand from Bill Pearce that the disclosure amendment that has been suggested provides for an expanded public inspection file that demonstrates how CPB spends its federal funds. He tells me that WXXI can live with this amendment. He also tells me that WXXI supports the Objectivity and Balance Amendment since it changes very little our station's existing procedures to ensure balance. In a political world, a compromise is appropriate, and this amendment is supported as a compromise to facilitate passage of S. 1504.

Finally, as I am sure you know, Bill Pearce is a fine man who has done a super job in our community. I believe that he has been in touch with your people. We here in Rochester value him and his thinking very much and support him in his endeavors to maintain the role and responsibility to public broadcasting.

Many thanks and best personal regards,

Sincerely,

DAVID L. HOFFBERG.

WSKG PUBLIC BROADCASTING,
Binghamton, NY.

Office of Senator Moynihan. ATTN: Richard Eaton, Administrative Aide.

From: Michael J. Ziegler.

Date: May 18, 1992.

I thought you might be interested in this Op Ed piece which recently appeared in Binghamton. I hope we can count on the senator's support when S. 1504 comes to the floor for a vote. It is vitally important that amendments, even apparently innocuous ones, are not attached to the bill. In particular the possible McConnell amendment, if passed, will seriously undermine the goals of the 1967 Public Broadcasting Act—to have CPB serve as a heat shield between the government funding and public television (PTV) program content decisions—by giving the impression that PTV is directly funded and controlled by the government. This could call into serious question the integrity of programs like the MacNeil/Lehrer News- hour as well as WSKG's extensive local news and public affairs programs.

Please don't hesitate to call me if you'd like to discuss our position on this bill further.

[From the Press & Sun-Bulletin, May 4, 1992]

GEORGE WILL HAS WRONG VIEW OF BIG BIRD

(By Michael J. Ziegler)

Against my often positive reaction to George Will's columns, my response to his April 23 piece ("Big Bird Doesn't Need a Subsidy") was astonishment. The column was neither accurate nor honest. Even allowing for a certain conservative bias in his view, it was astonishingly shallow, badly researched, and illogical.

Mr. Will made three critical errors in his piece:

That the programs on public broadcasting are commercially valuable and ought to be sold to commercial broadcasters or cable interests.

That the reserves of the Children's Television Workshop (CTW, producer of *Sesame Street*) are obscenely large and make it inappropriate for that organization to receive any federal funding.

That the audience of public broadcasting is well-educated and wealthy, not really needing public broadcasting, and well-off enough to pay for it if they must have it.

In response, I would say simply that if the programs could be successful on commercial TV, they would already be there. I trust the functioning of the capitalist marketplace (as surely Mr. Will should) enough to be certain that if *The Civil War*, or *Nova*, or *Great Performances*, or *Sesame Street* were commercially viable, they would be seen elsewhere. There is a reason why the great programs of public broadcasting aren't seen on ABC or A&E: They don't deliver enough eyeballs to commercials to have a chance in that medium.

From personal experience, I know that most of the standouts on public TV were first "pitched" to commercial broadcasters, without success. And, when we do come up with a winner that might be useful commercially, it rapidly moves, or a clone is created. *The Muppet Show* came to life that way, and lapsed into obscurity after a few seasons on a commercial network. Virtually all the specialty cable channels which have tried to build a commercial success upon PBS lookalike programs are languishing, for sale, or out of business. And they reach only a small fraction of the audience public television serves.

Which leads to the second point Mr. Will makes in error. Children's Television Workshop does have large reserves. They give it the staying power to keep programs alive, unlike the fate of the Muppets on commercial TV. The reserves make it possible for WSKG to buy *Sesame Street* and other CTW programs at a third or less of the actual production cost. The reserves pay for the research that results in new programs being created and current programs constantly freshened. They also make possible outreach efforts that no commercial funds would ever pay for, such as the $10,000 grant WSKG has just received to pilot a project which will train day care workers to use *Sesame Street* with great educational effectiveness in their homes and schools.

The careful and responsible marketing (contrast it to the Ninja Turtles binge) of *Sesame Street* characters produces this reserve, and it could be far larger if CTW were to take the gloves off and promote their products as aggressively and as exploitatively as they would if they were profit driven.

Withholding federal funding to CTW because of its careful success would end all the commercially unattractive services and programs they provide, and in effect would be punishing them for their success.

The most insidious logic in Mr. Will's arguments lies in his thoughtless confusion between the public broadcasting audience and the public broadcasting contributors. Of course they are different, and thank God they are. The contributors are up-scale educationally and financially, as have been most philanthropists over the years. But the audience is not. The viewers and listeners virtually mirror the population of the United States. For example, 30.8 percent of all U.S. households have an income between $20,000 and $39,000 anually compared with 30.7 percent of the public TV audience.

As Bruce Christensen, president of PBS, said in response to the Will piece, "Public Television is for everyone. Its audience reflects the nation as a whole in terms of income, education level, race, occupation, age and sex. Mr. Will likely finds it hard to believe that anyone beneath his education or income level would watch intelligent public TV programming. But they do."

Viewers and listeners do not have to give, and if they don't, no one will know. But many do: Viewers and listeners make up the largest single source of funding.

One can but hope that George Will will think in a more balanced and objective manner (a characteristic that he excoriates public TV for the absence of) before he passes final judgment on public broadcasting. Or perhaps he should change advisors and reject the spurious logic of such "intellectual giants" as Jesse Helms.

The writer is president of WSKG, this area's public broadcasting radio and television outlet.

WXXI TELEVISION,
Rochester, NY, May 11, 1992.

Re Corporation for Public Broadcasting Reauthorization.

Hon. DANIEL PATRICK MOYNIHAN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: On May 12th, the Senate will re-visit the CPB Reauthorization Bill S.1504. Proposed amendments have held up funding the CPB for fiscal years 1994–1996 for several months and your support tomorrow on the Senate floor is crucial in the passage of this Bill. We strongly urge you to support this Bill, but with the funding levels restored to the levels provided in the Bill passed by the House.

We understand amendments to the Bill have been proposed. The following constitutes WXXI's position regarding the proposed amendments:

The Disclosure amendment, which provides for an expanded public inspection file to demonstrate how CPB spends its federal funds, is unnecessary in our opinion. However, WXXI would not oppose the amendment if its inclusion is necessary for CPB funding.

The Objectivity and Balance amendment would impose a requirement that WXXI already meets, and therefore the amendment would have very little effect on WXXI. We support the amendment as a compromise to facilitate passage of S.1504.

WXXI does not support the Funding Levels amendment, which may freeze annual funding at $275 million for all three years. We would prefer restoration of the funding to $310 million in 1994, $375 million in 1995 and $425 million in 1996, the levels of the Bill already passed by the House. The new monies are designated to enhance programming in areas such as pre-school and classroom education, and adult illiteracy.

These monies are urgently needed to allow WXXI to continue providing the quality programming that the Rochester community has enjoyed in the past. We trust that you will continue your support for CPB.

Sincerely,

ROBERT E. BROWN,
Chairman.

ASSOCIATION OF INDEPENDENT
VIDEO AND FILMMAKERS, INC.,
New York, NY, April 2, 1992.

Re S. 1504.

Hon. DANIEL MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing you as President of the nationwide 5,000 member Association of Independent Video and Film Makers (AIVF), an organization that includes several thousand New York residents.

I have been told that in conference committee recently Senator Dole asked if there is anyone in the Senate who supports the Independent Television Service (ITVS). Please tell Senator Inouye that you support ITVS, a vital part of S. 1504, Reauthorization of the Corporation for Public Broadcasting.

You may recall that for a decade after the 1978 Telecommunications Act was passed there was increasing evidence that independent producers were significantly excluded from funding, although the Act specifically provided for that funding. It was only after extensive efforts by the members of our organization and many others, that the Senate and House determined our claims were just and valid, and therefore enacted legislation that led to the creation of ITVS. Then extensive negotiations with CPB, which had resisted the ITVS, finally led to an agreement which is only now in place. After well over 2,000 producers submitted proposals the first 25 grants were recently announced. Half of those grants are for New York residents.

The ITVS represents the true mandate and what we believe is the most important element of public television in this country—the opportunity for the diverse viewpoints and visions of America to be seen and heard. Senators Helms and Dole, who are reported to be holding up S. 1504, must know that that diversity cannot be narrowly defined or always meet the standards of those who hold differing views. Risks may be taken to encourage that diversity, so long restricted by the media—until ITVS. Now, with ITVS, there is a new and important ground-breaking change for public television. It needs your support and the support of your colleagues so that it can flourish. When it does it will be for the benefit of the American people, who will learn much from these new programs, who will truly be in a better position to engage in the essential dialogue of our democratic system, a system which can only flourish if the diverse visions and views of its citizens has the opportunity to express itself. They will be able to do so with ITVS. That is why you and your colleagues agreed to set it up. Please keep it alive!

Yours very truly,

ROBERT RICHTER,
President.

WCNY TV,
Syracuse, NY, March 13, 1992.

Hon. DANIEL PATRICK MOYNIHAN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: We though you would like to see the enclosed editorial from today's Syracuse Post-Standard.

Your support of public broadcasting is greatly appreciated.

Sincerely,

PAUL A. DUNN,
Director, Corporate Communications.

[From the Post-Standard, Mar. 13, 1992]

TARGET: PUBLIC TV

The culture cops are at it again.

Last year they attacked the National Endowment for the Arts. In February, Pat Buchanan, Sen. Jesse Helms and Co. persuaded a gun-shy President George Bush to let go NEA chief John Frohnmayer, a dangerous radical cleverly disguised as a GOP moderate.

Now the Watchdogs of Degeneracy have set their sights on the Corporation for Public Broadcasting, whose three-year federal appropriation is up for reconsideration by the Congress.

The right-wing critics don't want tax dollars to be spent on any cultural enterprises they don't approve of. When it comes to controversial programming, like public TV's film "Tongues Untied" about gay black life, they grow apoplectic. They also complain about "liberal bias." One alleged example: Bill Moyers, that dangerous liberal, is going to cover the 1992 presidential election for PBS.

Ridiculous as their campaign may sound, the critics have managed to shelve the CPB funding measure. Which says something about our craven political climate. When politics starts calling the shots in culture and art, the quality of life in the nation faces a subtle but insidious threat.

In their unholy quest for a culture free from diversity, free from experiment and risk, the right-wingers may simply be pandering for political gain. More frightening is the possibility they really believe the hogwash they are spouting.

They should visit Berlin and catch the current exhibition of "Degenerate Art," originally staged by Adolf Hitler and Co. back in 1937.

"Hitler believed art had to reflect conventional ideas of beauty and nobility," said Christoph Stoelzl, one of the new exhibit's organizers. Sound familiar?

Hitler and his propaganda czar, Josef Goebbels, raided German museums for examples of what they thought was pornographic, subversive, anti-German art. The Nazis stuck red tags on works of subsidized artists, noting they had been "paid for by the taxes of German working people." Sound familiar?

Exhibited were paintings by "degenerates" like Paul Klee, Wassily Kandinsky and Marc Chagall, who wouldn't raise a decibel of protest today. There was also art by Otto Dix, George Grosz and Max Beckmann—strong stuff that some viewers in 1992 would still consider "degenerate."

But the point is not to please everyone. "Modern art is about individuality," said Stoelzl. "No one perception of reality can be accepted as an absolute truth. The Nazis knew they had to crush that idea in order to survive."

Speaking at the show's opening, German Foreign Minister Hans-Dietrich Genscher called the Nazi culture crackdown "a step toward the catastrophe that produced the mass murder of European Jews and the war of extermination against Germany's neighbors."

The parliament spent $2.5 million to support the exhibit—a notable gesture when Bonn must also underwrite the huge cost of rebuilding the former East Germany. That support, without strings, is a key to sustaining cultural vitality.

"Political freedom is possible only in a free culture," said Genscher. "Artistic and cultural freedom means, above all, freedom from all government influence."

Get the message, Jesse?

UNIVERSITY OF BUFFALO,
STATE UNIVERSITY OF NEW YORK,
April 22, 1992.

Senator DANIEL PATRICK MOYNIHAN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing you in my capacity as Chairman of the Board of Advisors of the National Public Radio Station WBFO at the State University of New York at Buffalo.

I urge you most strongly to support the Public Telecommunications Act of 1991 (S1504, House Bill HR2977) which pertains to the reauthorization of Public Broadcasting.

For many years, well prior to my being appointed Chairman of the Advisory Board, I have been a devoted listener to National Public Radio (NPR). In most communities, commercial radio services offer little analysis or commentary on significant national and international events. Most commercial radio news is provided as short "news bites". I believe that this is a serious deficiency in radio service which NPR programming can ameliorate with its innovative and indepth looks at important issues.

Funding for Public Broadcasting in general, and local stations in particular, is critical and the future of some local public radio/TV stations may be in jeopardy if Federal funding is reduced significantly.

I respectfully request and urge you to support the increased funding for Public Broadcasting and oppose any amendments which

(a) could infringe on a local station's right to determine the programming which best serves a local community,

(b) would interfere in any program content or editorial decision making or

(c) would require the transfer of accountability for programming decisions to be moved from the local stations to the Corporation for Public Broadcasting in Washington.

I should be delighted to offer additional comments on this issue should you require further information. Thanking you in anticipation of your consideration of this matter.

Sincerely,

ALAN J. DRINNAN, M.D., D.D.S.,
Professor and Chairman, Department of Oral Medicine; Chairman, Advisory Board, WBFO–88.7 FM.

NIAGARA MOHAWK POWER CORP.,
Syracuse, NY, March 31, 1992.

Hon. DANIEL MOYNIHAN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: Funding for the Corporation for Public Broadcasting (CPB) is again under consideration. I strongly support continued funding.

On a local basis, I have been fortunate to Chair the Board of Directors of WCNY, which is the Public Broadcasting television and radio station in Central New York. The Board consists of community leaders from all walks of life. A conscientious job of prudent spending and management oversight is followed.

The variety and quality of programming, produced locally and purchased, meets an important need in our community. Our local widely supports the station operations through membership drives, participation in auctions and other fund raisers, and utilization of the services offered.

Please continue to support funding for the Corporation for Public Broadcasting (CPB). In addition, I hope you will support during any debate of these measures continued funding in order to influence your colleagues.

Thank you.

Sincerely,

JOHN M. ENDRIES.

COMPUTER CONSOLES, INC.,
Rochester, NY, May 11, 1992.

Re Corporation for Public Broadcasting Reauthorization.

Hon. PATRICK MOYNIHAN,
Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: I am taking the liberty of writing to you as both a business person and as a trustee of WXXI Public Broadcasting Council, headquartered in Rochester, New York.

As you know, the Senate will revisit the CPB Reauthorization Bill S. 1504 on Tuesday, May 12. This funding is vital to our Public Broadcasting stations.

The following is my opinion with respect to the identified amendments.

A. We can accept the Disclosure amendment.

B. With respect to the Objectivity and Balance amendment, we support the amendment as a compromise to facility passage of S. 1504.

C. The Funding Levels amendment may propose a freeze on annual funding at $275 million for all three years. We do not support this amendment and respectfully request that you do all in your power to effectuate the passage of the CPB funding as originally proposed and passed in the House.

Thank you for your anticipated support.

Very truly yours,

LAWRENCE CHESLER.

THE FRIENDS OF THIRTEEN, INC.,
New York, NY, May 28, 1992.

DEAR SENATOR: We volunteers hope that you saw this open letter—if not we have enclosed a copy.

Just a reminder! We are counting on your good judgment on this important issue.

Good education is the major goal of public broadcasting, which means knowing all sides of an issue. Making choices based on knowledge is not easy but, it certainly is important.

Public broadcasting is there to help.

Please don't short change the American Public.

All the Volunteers are Counting on you,

BEVERLY W. LUNDQUIST,
The Friends of THIRTEEN, Inc.

[From the Washington Post, May 12, 1992]

MEMBERS OF CONGRESS PLEASE HEAR US!

We are the National Friends of Public Broadcasting. Our purpose is to encourage and act as a resource for local volunteer groups that work with public broadcasting stations in their communities. We help develop support for public broadcasting at the local level. Our goal is to develop an informed constituency that will serve both the station and the community.

We are representative of over 250,000 volunteers across America.

The National Friends of Public Broadcasting was incorporated in July 1970. For over 20 years, hundreds of thousands of volunteers have given of their time, money, energy, creativity, and love to ensure that public broadcasting remain a part of their lives.

Please don't play games, political or otherwise, with public broadcasting! It is a vital resource that serves all Americans well.

Continue to fund the Corporation for Public Broadcasting. Let us continue our important volunteer work in education, outreach, membership and fundraising in partnership with you.

Our volunteers are actively working for public broadcasting across America in Michigan, Massachusetts, Pennsylvania, Florida, Illinois, Connecticut, Texas, Montana, Louisiana, Indiana, New York, Ohio, Alabama, Georgia, New Mexico, Oregon, Virginia, Wisconsin, California, Oklahoma, Arizona, Kentucky, Kansas, Vermont, South Dakota, Minnesota, Colorado, South Carolina, Virgin Islands, Tennessee, Maryland, Utah, Washington, Missouri, Rhode Island, Puerto Rico, North Dakota, Iowa, Washington D.C., Nevada, Idaho, Alaska, Maine, Nebraska, North Carolina, Arkansas, Wyoming, New Jersey, New Hampshire, West Virginia, Hawaii and Mississippi.

The Board of Trustees of the National Friends of Public Broadcasting

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National Friends of Public Broadcasting, c/o KRMA-TV; Channel Six, 1261 Glenarm Place, Denver, Colorado, 80204-2100.

Mr. MOYNIHAN. Mr. President, I have a few moments left that I would like to reserve.

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. STEVENS. Will the chairman yield me some time?

Mr. INOUYE. Mr. President, I yield all the time the Senator wants.

Mr. STEVENS. Mr. President, I want to make sure that the Senate understands what we are doing. It was the distinguished former Senator from Arizona, Barry Goldwater, and I who sought forward funding on the Corporation for Public Broadcasting. What we are doing now is authorizing the amounts for 1994, 1995, and 1996 to be appropriated.

I want to call the attention of the Senate to the fact that it appears on page 20 of the report that accompanies this bill that we are authorizing to be appropriated an amount equal to 40 percent of the total of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each of the fiscal years. In other words, the limit on the amount of money that we really make available is 40 percent of the amount that is raised from the private sector in the 2 years preceding the amount of the appropriation. As members of the Appropriations Committee will note, the Congress really has never fully funded CPB, despite its authorization. I do think that we ought to notice that the non-Federal moneys are rapidly increasing. As a matter of fact, on page 8 of our report, we make this statement:

> The committee is pleased that public broadcasters in recent years have been able to raise $5 to $6 additional to match each Federal $1 they have received.

That demonstrates that public support for public broadcasting is increasing at a rate far greater than our proposed increase in authorization. Remember now, we cannot appropriate more than 40 percent, and the amount shall not exceed the amount that is listed for the years in the amendment. Those amounts will be $385 million in 1993—that is already in existing law—$310 million for 1994; $375 million for 1995; and $425 million for 1996.

In view of the increasing non-Federal support for public broadcasting, why should we authorize less than the amount of this increase? As a matter of fact, Senators should be aware that we authorized $200 million in 1981. We are just going up, really. By 1996, 15 years later, it will be slightly more than a 100-percent increase in the amount authorized to match 40 percent of the non-Federal contributions.

I say that when we look at the forward funding concept, we ought to recognize the increased public support. We have tried to encourage the private sector to support public broadcasting. And it is doing so. As a matter of fact, beyond corporate contributions, individuals are coming forth with even more support for public broadcasting, and to cut the amount of this increase in the authorization for the Federal matching moneys to be appropriated would be a signal to the private sector, and to individuals, that Congress really does not seek additional money from them to support this function.

As I stated on the floor yesterday, I do not think there is a State in the Union in which public broadcasting means more than in my State of Alaska. We have an area one-fifth the size of the United States, and we have many areas yet that are totally unserved. I pointed this out to the board of the Corporation for Public Broadcasting. There are many unserved and underserved areas in this country. As the chairman of our committee has indicated, we are trying to direct CPB to follow the basic authorization for the CPB, and give emphasis to those areas.

As the Senator from New York has just said, I find it very interesting when I go throughout my State and go to Eskimo villages or Indian villages and find that they now know what Big Bird is. I do not know why they should be denied the exposure to this basic educational tool that is available to the inner city. I welcome it in the inner city, but it is needed more out there where there is no other means of communication.

I urge the Senate to defeat this amendment, because I think we have adequate control on an annual basis over the amounts actually appropriated. Again, I call to the Senate's attention the fact that we have not fully funded the past authorizations, but there is no question that the private sector, the individual contributions, are increasing rapidly.

Why should we deny the sector that is supported by the Federal taxpayers? And I want to call the Senate's attention to the fact that one of the reasons he is here is the areas that are underserved and unserved have very little capability to contribute to public broadcasting.

You want to go out to the Eskimo villages; they have 85 percent unemployment and have had that for a substantial period of time, and ask them to increase their contribution? We put up 40 percent so this Corporation for Public Broadcasting can, in fact, go into the unserved and underserved areas of this country.

I urge the Senate not to do this. As the moneys start coming in from the urban areas, from the major international corporations and the sources of charitable contributions to support Corporation for Public Broadcasting, the funds should come from the taxpayers to support the availability of these services into the rural areas of this country, too. This is basically an authorization for provision of taxpayers' money to support delivering these same service to, say, the unserved and underserved areas of this country.

I have the unfortunate honor to represent a substantial portion of that. My State's economy is going down very rapidly. I have called attention to that on the floor of the Senate many times. Congress, in my opinion, unfortunately continues to block the development of the resource base of my State into the Eskimo country, in particular on the North Slope where we have vast deposits of oil and gas, we believe that could be obtained at very little harm, if any, to our environment, and certainly with greater protections than exist anywhere else in the world.

We are forcing our oil industry and our mining industry offshore. These people are losing their only opportunities for employment, and at the very time that they are losing their opportunities for employment, along comes an amendment that would deny them the increase in the moneys that would be necessary to continue the educational efforts of the Corporation for Public Broadcasting in the rural areas of America.

I oppose this amendment very strenuously. It is no news to my good friend from Mississippi. I voiced this opposition in our caucus concerning that. But I think that it is incumbent upon this body, not only on the Democratic side of the aisle, but on the Republican side of the aisle, to remember the history of Senator Goldwater. Barry Goldwater supported the Corporation for Public Broadcasting. It has continued in the vein that he intended it to continue, and I believe that those of us who want to show that same spirit on a bipartisan basis should vote to sustain the committee's recommendation for this modest increase, modest increase that will occur 3, 4, and 5 years from now. There is no reason to cut that authorization, Mr. President.

Mr. MOYNIHAN. Well said.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. How much time do I have?

The PRESIDING OFFICER. Nine minutes and seven seconds.

Mr. INOUYE. Mr. President, I yield 7 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I thank the chairman for yielding me this time, and I commend him for his leadership and for the effort he has made in bringing this bill to the point that it is today.

Let me also commend the distinguished Senator from Alaska. He has spoken in a way that I think many of us from rural areas can fully appreciate. Certainly in rural areas, we have a significant degree of appreciation for the role that public broadcasting has played, and he has spoken eloquently and very compellingly for the need for support among those of us from rural areas.

The Corporation of Public Broadcasting was established in 1967 to develop a public television and radio network in the United States that would provide educational, informational, and cultural programming for all Americans. Congress and the American public, rural and urban people alike, fully recognized the important role this new service could play, and endorsed it. For 23 years Congress has strongly supported this effort.

Our confidence in and commitment to that enterprise is richly rewarded. It has fulfilled its promise. It has done what it said it was going to do. It has reached out in ways that have been unparalleled in the private sector. Today, public broadcasting provides quality programming and community outreach services to 98 percent of America for television, 98 percent. You are going into the heart of Alaska, into the middle of an Indian reservation, down into the middle of deserts, into the heart of the big city, into all parts of this country. And in so doing, public television has educated, informed and provided cultural opportunities that the American people had never before experienced.

And virtually the same can be said for radio; 86 percent of the services provided through public broadcasting reach rural and urban areas alike.

Why is this important? It is important because public broadcasting provides the American people with access to services, as I said, that they have never otherwise enjoyed. It enriches their experience and the quality of their lives in the process. That is something that no one can deny.

To listen to many of the critics of public broadcasting, one would think that the CPB funds are spent primarily on interesting, yet perhaps extraneous, entertainment. In truth, public broadcasting is important not only for the programs that are broadcast in living rooms across America, but also for the contributions that it makes to education, community awareness, and technological innovation.

At a time when both policymakers and the public are agreed on the urgency and magnitude of the need to strengthen education in America, public broadcasting provides a cost-effective way to achieve important national education goals that might not otherwise be realized. From its early commitment to promoting the use of its programming in the classroom and as teaching tools for lifelong learning, to the initiation 2 years ago of a multiyear plan to expand the role of public broadcasting in delivering new educational programming and services, CPB, in partnership with the stations, form an essential element of a national strategy to restore American education to world prominence once again.

My distinguished colleague from South Carolina has done a thorough job in explaining the CPB reauthorization bill and making the case for the funding levels contained in the committee bill. I will not restate that case. I would, however, like to reinforce what public broadcasting has meant to rural America.

Public broadcasting was envisioned as a means of providing a wide variety of opportunities and services to all citizens. This ambitious mission is a particular challenge in rural areas, which have the lowest cable penetration and will likely be the last to receive fiber optics. Yet it is a challenge that public broadcasting has attacked with enthusiasm and vision. From its inception, public TV, and radio have worked to make sure our society is never divided into information "haves" and "have nots," whether based on geography or any other factors.

In rural areas, the lack of population density, specialized expertise and financial resources, coupled with sheer geographic expanse, makes distance learning and other advantages of public television and radio especially suited to meeting a myriad of educational, informational and cultural needs. As a Senator from one of the more rural areas of our country, I can attest to the success of public broadcasting's efforts to use its telecommunications infrastructure and creative resources to improve rural opportunity and quality of life. Rather than conceding the argument that technology must inevitably encourage the flow of citizens from rural areas to urban centers, public broadcasting in general, and South Dakota Public Broadcasting in particular, are using telecommunication technology to solve rural problems.

This effort starts with elementary and secondary education. Schools in small towns and rural locations cannot cost-effectively offer a sufficient variety of courses important for dealing with the complexities of the modern world. Public TV's technology is making a difference in filling that void.

Over 240 public television stations in the Nation are broadcasting instructional video programming specifically for use in classrooms. In my State, South Dakota Public Broadcasting has been working with the State's Technology in Education Office in scheduling and delivering 5 hours of instructional television on a daily basis, as well as overnight block feeds for VCR recording. This programming is available to more than 127,000 K through 12 students in 72 local school districts in South Dakota.

My State's school districts are using this technology, and its benefits are appreciated by students, parents, and educators. Since the debate over the CPB reauthorization bill began several months ago, I have been hearing from my constituents about the educational benefits of public broadcasting and their concerns that freezing or reducing funding for CPB will subsequently deny them access to new technology and educational programming.

Public broadcasting's partnership with education extends beyond basic elementary education. Public television is helping over a quarter of a million people per year earn college credit. A quarter of a million people have access to services provided by the Corporation for Public Broadcasting specifically to enhance their educational opportunities.

South Dakota Public Broadcasting, in conjunction with the University of South Dakota, provides distance educational opportunities to nontraditional students through the use of college-level telecourses. Annually, about 1,000 students are enrolled in a telecourse offering, representing about 51 percent of South Dakota communities.

I must say, Mr. President, that is in particular one reason why those of us from rural areas are very concerned about the degradation in service, about the cutback in the availability of opportunities in those area, where there is not any alternative, where they cannot walk across the street to attend a classroom, where they cannot visit a local lecture hall to hear a speaker they would not otherwise have the opportunity to hear.

Public broadcasting has also become an important vehicle for the delivery of specialized adult training. Like any other community, towns in rural America require certified and well-trained professionals to provide essential services such as child care, education, social work, and health care. Farmers and rural small businessmen need access to new technologies and the latest information. Yet, in South Dakota and other rural areas, the lack of population density, specialized expertise, and financial resources—coupled with long distances—makes it increasingly difficult for health care professionals to have access to recertification training, and small businessmen and farmers to have access to instruction about the latest technological innovations.

Public TV provides health care professionals, school teachers, child care providers, social workers, law enforcement authorities and other service providers with a wide variety of courses, workshops, seminars, and videoconferences at their workplaces and local educational institutions. Also, in cooperation with land-grant colleges across the United States, public broadcasting has developed the Agricultural Satellite Corp. [Ag * Sat], which transmits college credit instruction and videoconferences to agribusiness workplaces and cooperative extension offices throughout the country. Similarly, the PBS Business Channel enables rural businesses access to much of the same instructional and information services previously available only to those who live in metropolitan areas. Federal funding is vital for the continuation of these services to rural America.

Finally, for those concerned about the future of rural America, it should be noted that federal funding is especially important to small public broadcasting stations, which typically are public program providers to rural areas. Language in the reauthorization of CPB, being considered in this bill, would encourage an even greater allocation to rural public stations, especially radio stations.

For all of these reasons, access to education, opportunities for cultural services that would never otherwise be provided, and improvement in the quality of life in rural America in particular, I urge my colleagues to support the funding levels recommended in the Commerce Committee bill, and to defeat the amendment offered by the distinguished Senator from Mississippi. This measure is a sound investment in the education and cultural future of our country, and it deserves the Senate's support.

With that, I again thank the chairman for yielding me this time. I yield back the remainder of my time. I thank the Senator from Mississippi.

Mr. LOTT. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Eleven minutes and forty-seven seconds.

Mr. LOTT. I yield 4 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator LOTT, from Mississippi for his leadership on this amendment.

This amendment is not about whether or not the Corporation for Public Broadcasting does a good job. Certainly in many areas it does. I also compliment my friends, Senator INOUYE from Hawaii and Senator MOYNIHAN, for their strong statements on some of the very good accomplishments that the Corporation for Public Broadcasting has made.

While some of my colleagues have argued that increased funding is necessary to maintain these successes, I do not agree. This amendment will still allow the CPB to operate effectively. The Lott amendment is simply saying we should keep funding at the same level it was last year, which means no increase or decrease.

The bill that we have before us authorizes a 50-percent increase in funding for the Corporation for Public Broadcasting, which is a tremendously large increase.

Last year we actually appropriated $253 million, and this bill authorizes $319 million for fiscal year 1993. In 1992, $251 million is authorized, not counting funds for the CPB satellite. It would authorize a level to $310 million, increase that $375 million for 1995 and $425 million for 1996, a 50-percent increase to go from $250 million to $425 million.

So I am bewildered. I know that later this month, I hope later this month, we are going to be debating a constitutional amendment to balance the budget. One which I hope will pass the Senate because I know that some people in this body are opposed to the amendment. So I hope we can garner the necessary two-thirds vote to pass the constitutional amendment to balance the budget.

I tell my colleagues, and I will tell the American people, we cannot balance the budget if we continue to have very large increase in spending programs such as the Corporation for Public Broadcasting. This may be a decent program but it is not meritorious, in my opinion, of a 50-percent increase. A 50-percent increase over the next 3 years is extremely large, that is ridiculous.

I would hope that my colleagues would look at the amount of money we are spending today, about $1½ trillion, or the equivalent of $6,000 for every man, woman, and child in the United States. We should start showing some discipline and restraint in the total amount of money that we spend. We should start freezing or limiting the growth of spending and not expand spending in the categories of this bill, which is almost 30 percent in the first year increasing to 50 percent over the 3-year authorization.

The pending legislation is not prudent or fiscally responsible. I hope that my colleagues would adopt the Lott amendment. The amendment does not gut the Corporation for Public Broadcasting. It does not eliminate the Corporation for Public Broadcasting. It does not say we want to sell it or privatize it, although many parts of the Corporation for Public Broadcasting are quite meritorious and probably would be quite successful in the private sector.

The Lott amendment does not repeal salaries that are being paid right now to the Children's Television Network whose president is now making about $641,000. Senator LOTT does not repeal that. Basically he says they should be on the same spending level for the next 3 years, a freeze, or the same level that we have had last year. I think that is a good amendment. It is one that is supported by the administration and one I hope my colleagues would adopt.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from New York is recognized.

Mr. MOYNIHAN. I yield myself 1 minute.

In the spirit of the senior Senator from Alaska, who spoke so carefully and well, may I point out that if you go back to 1981 when the authorization was $180 million and you bring that number forward in constant dollars, it comes to some $270 million, today which is less than the current authorization.

We have barely kept up with this matter. We have not increased, and we ought to do in this modest way suggested because the networks are expanding. There are places in Alaska that still don't get their radio, their TV. The Senator from Alaska just told me that in Alaska the per capita contribution in some of those villages is $20 per person. That is a statement of need as well as commitment.

May I say on an important point, the business of salaries keeps being raised. Nobody in public television makes money like that. The television workshop, Children's Television Workshop, has been able to produce all the television it has done by marketing their products in the private enterprise market. The profits from that go into their television, and the person who does the marketing makes the marketer's price. That is what they are worth. But the profits go into public television.

Thank you, Mr. President.

Mr. NICKLES. Will the Senator yield? I made a statement on the record and I would like to know if I was correct. I made a statement that the president of the Children's Television Network is being paid $641,000. Could the Senator tell me if I am correct? If I am incorrect I want to apologize and correct the RECORD.

Mr. MOYNIHAN. No, it is the salary made by that person in charge of selling franchises and such like in the private market to make profits that the workshop can use in producing television. Not the president. Since there has been much discussion of the salaries of the presidents of WNET and the Children's Television Workshop, I ask unanimous consent that letters be included in the RECORD that will clarify the matter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CHILDREN'S TELEVISION WORKSHOP,
New York, NY, June 3, 1992.
Senator DANIEL PATRICK MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: In response to your request for salary information regarding Children's Television Workshop (CTW), a not-for-profit educational corporation in New York, the following should set the record straight:

CTW's President, David Britt, received $184,431;

William F. Whaley, President of CTW's Products Group made $641,224, he reports directly to the President and is instrumental in generating more than $20 million to provide self-support revenues for the Workshop to contribute to Sesame Street and other educational activities. His salary is based on a performance-based incentive program and is reviewed by corporation specialists.

Al Hyslop $207,013 (no longer employed by CTW) was in charge of CTW's domestic television production, his replacement was paid $135,000.

It should be pointed out that CTW itself does not receive direct pass-through grants from the Corporation for Public Broadcasting (CPB) but instead is a grant recipient for specific projects. Grants from CPB have never exceeded 3% of CTW'S annual budget.

Sesame Street has not received any direct federal money in over a decade.

Sincerely,

GARY E. KNELL,
Vice President.

THIRTEEN-WNET,
New York, NY, June 3, 1992.
Hon. DANIEL P. MOYNIHAN,
Senate Russell Building, Washington, DC.

DEAR SENATOR MOYNIHAN: Per your request, I wish to inform you that my current salary as president and chief executive officer of WNET public television in New York is $225,000 per year. The station recently ended a two-year wage freeze on all nonunion employees, including myself, and at that time my salary was increased from $199,500.

My salary is still under review by the compensation committee. At the last meeting of the committee I requested a salary reduction, which is currently being considered. However, the committee, made up of leading community members, strongly felt that, since my compensation is well below industry standards for New York, I should consider taking the salary increase.

Over a year ago, I made a commitment to the station's capital campaign of $100,000.

My last W-2 forms from my previous place of employment, where I was president of a major commercial television business and chairman of a satellite corporation, totaled $930,000.

Sincerely,

WILLIAM F. BAKER,
President.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I do have at least one additional request for time in my remaining minutes, but I would like to respond to some of the comments that have been made here and then yield to the distinguished Republican leader, Senator DOLE, in a few minutes when he does return to the floor.

With regard to the argument about barely keeping up with inflation, Mr. President, what about the people, the taxpayers? They barely kept up with inflation. In fact, they have lost ground. Why? A lot of reasons. One of them is because of the tax burden that we have put on them through the Federal Government. I do not think that argument is one that really holds water. S. 1504 still represents an increase of 50 percent over the next 3 years.

Now with regard to salaries, I do not begrudge these people making $600,000, $300,000, $200,000; that is great, in the private sector. But I just question whether or not the taxpayers should be contributing to those kinds of salaries. There is a parallel here over the problems with the United Way. Maybe Federal funds do not go directly to these salaries, but if they want to have more money to put in to rural areas and improving their programming maybe that would be a place to begin. So I think this is a valid argument about some of the salaries being totally out of line.

As far as 6 million people contributing to Public Broadcasting Services, that is great. I would like for the private contributions to be the way they get their principal funding.

Again, we are not cutting off funding. We are saying $275 million a year for 3 years. Let us encourage people to contribute more. Let us encourage corporations to contribute more.

Now, for those that would be interested and concerned, I want to say that the administration has problems with this bill in its present form and they support this amendment that would put into place the funding that the administration requested.

With regard to the argument that this has a great and distinguished past, I think in many ways that is true. It was innovative. I am sure the debate was magnificent when the two distinguished Senators, Senator PASTORE and Senator HUGH SCOTT, came up with the idea. I think we probably really needed it then, and there is still a place for it. But that was 25 years ago.

There is a lot that has changed, a lot that has happened in the past 25 years in television. Cable has brought us a revolution of diversity. You can get whatever it is you are looking for educationally. Whether it is here in Washington, DC, or in the rural areas, whether it is by cable or satellite, a tremendous diversity of programming is available that you did not have 25 years ago. Programming that is educational, informative, and cultural. Times have changed and marched forward.

I question the need for the increase in funding. When we consider that there is also tremendous duplication. I understand that there are 6 PBS stations in the New York market. There are seven PBS stations in the Washington, DC, area. Obviously, there is duplication here. Let us spread it out a little bit. Maybe we could cut back on that duplication in the major metropolitan areas and use it to get better services in Alaska, Hawaii, Mississippi, and in other places where we need it.

There is an extravagant number of people employed. In fact, I saw a transcript from an April 27 radio talk show in Detroit where a former employee said about the Public Broadcasting System: "There is a tremendous amount of dead wood there. People that I knew used to joke around and call the station their retirement city. You have as many as two or three people assigned to doing the same task when you really only need a part-time person for that task."

So let us cut down on the duplication of a number of stations serving the same market, and let us see if we cannot get by in some areas with fewer people.

Also, they have not learned their lesson over there. After the uproar that was ignited by the PBS show, "Tongues Untied," we learn now that on June 24 they are going to have another program that is going to horrify, I think, many people in this country, called "The Lost Language of Cranes."

Again, my amendment is not directed at what they have been doing, in balance and fairness and the content of some of their programs. But one way to get the message through to them—that you need to shape your act up, you are paying too high salaries, you have too much duplication, times have changed and the programs you are running are highly questionable, in many instances—is to at least freeze their funding.

My colleagues, if we cannot at least control the increase for the Corporation for Public Broadcasting, we should surrender. We cannot control the spending of the Federal Government. Every program that comes through here has merit to one group or another or one individual or another. But we have to have some control. Certainly, with the history that we have with the Corporation for Public Broadcasting, what they have been doing and what they are doing, this is a place where we can at least freeze the funding.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Mississippi has 1 minute and 27 seconds.

Mr. LOTT. Mr. President, I would like to yield the remainder of the time I have to the distinguished leader. I presume he might need some additional time. Perhaps he could use his leader time and use the remainder of our time to conclude debate in support of this amendment.

The PRESIDING OFFICER. The Republican leader also has time on this bill.

Mr. DOLE. Mr. President, I am going to be making a rather lengthy statement here which will take about an hour.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. DOLE. I will be happy to yield.

Mr. INOUYE. My colleague from Alabama has been waiting for some time. Can I give him some time?

Mr. DOLE. Certainly.

Mr. INOUYE. I yield the reminder of time on the amendment and whatever time is necessary from the bill to the Senator from Alabama.

Mr. HEFLIN. I appreciate that very much. I will make mine very brief, but I appreciate both the minority leader and Senator INOUYE'S yielding me this time.

My State of Alabama is unique in regards to public television.

Alabama Public Television as the Nation's first statewide noncommercial television network in the United States. Because of this, I feel compelled to add my voice to this debate on S. 1504 and to extol the virtues of Alabama's public broadcasting system of which Alabamians are intensely proud and to which they remain extremely dedicated.

As with all other public television and radio stations, Alabama's stations are locally operated by nonprofit community associations, universities and by State or local government authorities. This local base means that stations respond to the special needs of their particular communities through programming choices and outreach projects.

In Alabama, for example, approximately 48 percent of those individuals over the age of 25 have not earned a high school diploma or passed a high school equivalency exam. In response to this crisis, Alabama Public Television has made a strong commitment to improving adult basic education.

As a result, as many as 2,000 Alabama households tune in to their local public television station each day to watch GED preparation and literacy classes. Since 1990, an estimated 4,500 Alabamians have prepared for the GED exam by watching the 43-part GED series on public television and using the accompanying workbooks.

In addition to taking on the challenges of some of the State's longstanding problems such as adult education, Alabama public television has also quickly responded to the growing need for quality child care. For example, in April, Alabama Public Television's Educational Services Coordinator gave a presentation on using "Mister Rogers" to the Gulf Coast Day Care Association in Mobile. As a result, all 73 members of the association have ordered the "Mister Rogers Plan & Play Book" which provides information on each program and suggestions for related activities to do with the children. This group of child care professionals join day care centers already using "Mister Rogers" in Birmingham, Tuscaloosa, Huntsville, and Montgomery.

In addition to airing programming designed for a nationwide audience, Alabama produces its own programs of specific interest to its residents. Among those such programs, one with widespread popularity is Alabama Public Television's "For the Record." This program provides in-depth coverage of the State legislature including live floor action from both Houses, special reports from around the statehouse and analysis with guest experts at the APT studio, to give viewers a better understanding of how their State government operates.

Whether Alabamians tune in to locally produced radio and television shows or to those created elsewhere, one thing seems clear. They are pleased with the operational decisions being made by the Alabama public broadcasting stations, proud of their partnership in this endeavor and thankful to have this source of programming.

Among the many people who have written to me recently in support of public broadcasting, one constituent writing from Dothan commented that, "local decisions about which programs to air are best left at the local level." She went on to say that "Alabama Public Television has its hand on the pulse of Alabama" and that "local decisionmaking allows APT to address the needs of this State's citizens."

A couple writing from Birmingham remarked that public broadcasting is "something we can all be proud of because it represents a partnership between the Federal Government and people like us who help pay for it to have for all the people an educational and entertainment facility of such fine quality."

And finally, as another constituent put it, "without public television, we would see very little of excellence."

I could continue with similar passages from dozens of other letters I have received on this issue. But with individual Alabamians donating 23 percent of APT's annual budget, almost twice as much as the Corporation for Public Broadcasting contributes, it seems clear to me that Alabamians do not find this programming offensive or biased, that they do not object to Federal contributions to the service or that they believe comparable programming exists elsewhere.

To the contrary, 25 years after its inauguration, public broadcasting has been embraced by this country and its citizens for fulfilling its original mandate and for withstanding alterations in that mandate to better serve the changing needs of the American people.

In closing, I urge my colleagues to look beyond the Potomac debate over public broadcasting to the role which public television and radio actually plays in the lives of the people in their home States. If that role is as strong as the one it plays in the lives of Alabamians, they will have good reason to support this reauthorization.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield 5 minutes from the bill to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, what we are hearing today is a debate on the funding level for the Corporation for Public Broadcasting and other affiliate organizations. That is, in fact, a veil. What we are really about here is whether there should be a continued national commitment to public radio and television. What is under attack is a system that has served this Nation well for two generations.

The questions that have been raised are: Is there still a need for this national system? Have we exhausted the rationale that led to its initial establishment?

In my State of Florida while I had the good fortune to serve as Governor, we had a program of expanding public radio and television to make it available to all sections of our State. I am pleased to report that, with the significant assistance of the Corporation for Public Broadcasting, that plan has been virtually completed.

Our State benefits from the contributions that citizens from Pennsylvania and other States have made to provide us with that full system.

Mr. President, I do not believe that today we should say that other areas of the country, such as Alaska, which have not fulfilled a full service of public radio and television should be denied. We recognize that we are voting today on an authorization level. The actual level of funding that will be required to carry out an intelligent national program will be made on a year-to-year basis in the appropriations process. But I believe that there is still a commanding case for the relevance of a national position in public radio and television.

First, national programs continue to pay for the essential development of the type of informational and educational and artistic programming that would not be available through any other means. Most Americans looked with great pleasure and edification upon the Civil War series in the fall of last year. It took longer, Mr. President, to produce that program than it took to fight the Civil War. It was only because of the kind of financial support which was available through the Corporation for Public Broadcasting that that unique program has now become a part of our culture.

Second, public television has helped create the market for these expanding new means of communications. It is exactly because public television demonstrated that there was an audience for programs of nature, programs of education, science, that then made it possible for there to be the commercialization of those through networks such as A&E.

I applaud and hope that there will be further expansion of these but, rather than indicate the lack of further necessity for PBS, they underscore one of the great achievements of public broadcasting, particularly, Mr. President, in the area of children's broadcasting. There has, in fact, unfortunately been a retreat from children's broadcasting in many of the commercial channels. It has only been the public broadcasting that has brought a sustained commitment to enhanced quality of children's broadcasting.

Public broadcasting is open to all. Even today, with the great expansion of cable television, a third or more of American homes do not have access to cable TV, either because of technology or because of economics. Public broadcasting is available to all American families.

Finally, Mr. President, public broadcasting has served as a great unifying force for America. At a time when we need to better understand each other, when we need to be able to appreciate our differences without having those differences become sources of division, public television has filled that need. America needs public television today in somewhat different but equally significant way to that which justified its establishment two generations ago.

So, Mr. President, stripping away the veiled arguments of what should be the appropriate authorization level, what is at stake here is the issue of a continued national commitment to excellence in broadcasting through public broadcasting.

I am confident that this generation, that this session of Representatives of the American people will make the same judgment that our predecessors have made; and that is that America's needs require the alternative television that is available through public broadcasting and that it deserves the modest Federal support which it is currently receiving and which it would receive under the authorizations which would be adopted by the enactment of this legislation.

Mr. President, the debate on public broadcasting has become oversimplified. Big Bird has become the major issue, and we have found ourselves left with two choices: Hands off Big Bird or throw Big Bird off the air. Realistically, this issue is much more complex and meaningful.

I have always been a strong supporter of the vital service provided by public broadcasting. I start my day with "Morning Edition" on National Public Radio and typically end it with a rerun of MacNeil-Lehrer.

It is a statement of the strength and vigor of a free society that a government can support without attempting to control institutions like the Corporation for Public Broadcasting.

I find the programming on these stations to be informative, thorough, international, and credible.

On Friday's, when I begin to get homesick, I turn to Red Barber and hear his familiar voice from Tallahassee, FL.

"Sesame Street" was an essential part of my daughters' education and development while growing up in Miami and Tallahassee. I hope that my two granddaughters—one living in Tallahassee and the other in Miami—will also have this opportunity.

I am pleased and honored to share the same grandchild with the noted historian David McCullogh. Many of you have probably read or read about his new book, "Truman." David McCullogh also narrated the riveting "Civil War" documentary shown on public television. This program was not only of great quality but also had mass appeal and taught volumes about this conflict to many generations.

Some critics argue that public broadcasting caters to a narrow audience that is economically and intellectually up-scale. To the contrary, the "Civil War" audience spanned economic, racial, and geographic boundaries.

In Florida, public television has displayed diverse programming in its stations throughout the State.

Even more important than its diversity is the appropriateness of the programming, because so much of it is produced at the local level and designed for local viewers. WJCT-TV in Jacksonville produced the "The Black Family," a weekly series produced by a black woman, featuring black professionals, and dealing with issues of concern to the black community.

Miami's WPBT-TV created "Dreams of Freedom," which won the Southeastern Educational Communication Association Award. This program explored Cuban immigration into south Florida.

Through the use of archival footage, the program showed events in Cuba that led to the massive influx of Cubans into the United States in the early 1960's. The program also profiled various families living in south Florida and showed how they have put their lives back together after being uprooted from their homeland.

Just as communities around Florida produce radio and TV shows targeted to their viewers, local stations nationwide make independent broadcasting decisions based on grassroots familiarity with community tastes and needs.

Each station has a local advisory board and relies heavily on local dollars.

I have heard from many of my constituents who support public broadcasting. Since January, over 600 Floridians have written to me and asked for my support for public broadcasting and for this bill. I am pleased today to stand before the Senate to affirm my commitment to public broadcasting.

I would also like to share two of these constituent letters with my Senate colleagues.

Lee Evans-DiSalvo from St. Petersburg, FL, helped prepare her children for kindergarten by having them watch "Sesame Street" and other children's shows on public television.

As Ms. Evans-DiSalvo stated in her letter:

> Granted, there are a lot of quality programs for kids on other stations, too, but even if I let my children watch a program I consider entertaining and enriching at 4 p.m., they are often subjected to advertising for either a horror film that the station will show later that night, or clips from summer films that are R rated.
>
> It is impossible to actually control what one's children see on regular stations. It is only on PBS that I can be assured that there will be no violent images or profanity.

Public broadcasting is also unique in its adaption of new technology to serve both the hearing and sight impaired, as well as viewers whose native language is not English. Henry Tuck from Largo, FL, writes:

> I am a legally blind citizen who depends upon the public broadcasting system to keep me informed of local, State, national, and international news.

Mr. President, I ask unanimous consent to have these two letters printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, public television is diverse. Its programs come from a wide range of producers and reach a wide range of audiences. The programs offer the audiences exposure to the diverse events and ideas that make up our world. Stations all over America are able to create programs with essential material for people of all ages.

Critics also contend that public television is no longer needed because of the increase in cable channels with comparable programming.

First, public broadcasting stations on cable are among the most appreciated and watched selections.

Moreover, I submit that the emergence of such excellent networks such as Arts & Entertainment, Bravo, and Discovery came about precisely because of public broadcasting. Public broadcasting has served as the laboratory from which much that cable offers has developed.

The success of PBS programs such as "National Geographic," "Nova," and "Cosmos" paved the way for the development of commercial programming like that found on the Discovery Channel. With similar programming and viewers, public television helped to demonstrate the clear demand for television shows about science and nature.

Likewise, cultural programming on public broadcasting such as "Masterpiece Theatre," opera productions and the ballet led to cable stations like Arts & Entertainment and Bravo.

These public broadcasting programs assured their cable counterparts that they would be commercially successful.

Programs like "Sesame Street" and "Electric Company" proved the effectiveness of educational programming and created a demand for similar programming to expand and diversify. In this environment, excellent initiatives like cable in the classroom have flourished.

Who knows what the next generation of public-television-inspired cable productions will be? We do know that the role of public broadcasting in creating innovative programming cannot be understated.

George Will, in his eloquent but flawed criticism of the Corporation for Public Broadcasting, has argued that public broadcasting is elitist and reaches only the top socioeconomic segment of America. He uses WETA, Washington's public station, as an example, saying its contributors have an average household income of $94,583.

He misses the point, though, because he fails to distinguish between those who watch and those who contribute to public broadcasting. In fact, during the average week, 87 million people—about one-third of all Americans—view public television, as opposed to the 6 million that contribute money to public television annually.

In many areas cable television is not available. Others simply cannot afford it. Public broadcasting is available over-the-air, free to all citizens—not just those who are wired and can afford to pay for cable.

Public broadcasting reaches 98 percent of U.S. households, while at least 40 percent do not have or cannot get cable services. People are not required to support public broadcasting through individual contributions in order to have access to that programming. The fact that over 6 million people contribute is a strong indication of the value that the American public places on their ability to have access to this type of programming.

Public television does not cater to the elite audience that it is sometimes associated with. Approximately 30 percent of the public television audience has an annual income of less than $20,000 and approximately 60 percent of the audience has an annual income of less than $40,000.

The many cable services and other broadcast services in existence today are profitmaking entities concerned with the bottom line. As sophisticated and informative as much of cable programming has happily become, virtually every decision must be made with the profit margin in mind. This is not a criticism, it is merely a fact of business. Public broadcasting is still the only noncommercial broadcasting source available to viewers, especially parents with young children who do not wish to have their children exposed to hundreds of thousands of commercials each year.

Public television offers an alternative to viewers. It offers a mix of programming that is not available on a consistent basis from other television broadcasters or distributors. Moreover, it provides educational, informational, and cultural programming free of charge to all who care to watch.

Because public television is not driven by the need to expose audiences repeatedly to commercial messages from program sponsors, it can risk new or innovative forms of programming. This includes long form documentaries, experimental drama, or other material that may not appeal to a wide audience on a consistent basis.

While Federal support for public broadcasting accounts for approximately 23 percent of the average public radio station's annual operating budget, and just 9.3 percent of the average public television station's annual operating budget, these funds are critical to the stability and viability of the public broadcasting system. The bulk of these funds are used by stations to produce and acquire programming, finance production equipment and facilities, launch community outreach services in connection with public service programming, or pay for satellite interconnection services.

Federal funds serve an essential purpose. Besides being a substantial portion of the overall public broadcasting budget, they are the magnet that draws other funds to the system.

What philanthropic organization wants to pay administrative staff salary or equip an office when it could instead help underwrite a series as popular and respected as the "Civil War" documentary?

The Federal contribution can be used to establish the infrastructure, so producers can go out and market ideas to potential contributors.

Federal support also adds credibility in seeking private funding for innovative productions and unestablished filmmakers.

American governmental support for public broadcasting pales in comparison to other countries. In the United Kingdom, Government support for public broadcasting reaches $37.31 per capita. In Canada and Japan, that same support reaches $48.86 and $19.76 per capita, respectively for fiscal year 1990. This compares to the United States figure of $6.34 for the same period.

The time has come for the United States to stand behind the Corporation for Public Broadcasting. But in order for this to occur, it is our responsibility on the Federal level to support the funding efforts proposed by S. 1504.

EXHIBIT 1

LARGO, FL,
May 22, 1992.

Senator BOB GRAHAM,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: I am a legally blind citizen who contributes and supports WUSF–FM89.7. Their programs are excellent and I depend upon the public broadcasting system to keep me informed on local, state, national and international news. I enjoy their classical music and other cultural resources.

As my Senator, I trust you will support the Federal funding of public broadcasting while community-based stations have control over the programming provided to their audience.

WUSF–FM is too important a community resource to be crippled by loss of funding.

Yours truly,

HENRY W. TUCK.

ST. PETERSBURG, FL,
May 21, 1992.

Senator BOB GRAHAM,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: This letter is in regards to the upcoming vote regarding funding for Public Broadcasting. Please cast your vote to support Federal funding of public broadcasting. PBS offers such quality programming, available to all who wish to watch, without having to pay for cable TV. It is inconceivable to me how some Senators are arguing against public funding for PBS because surveys have shown that it is used mainly by the middle and upper classes. These are the same senators, mind you, that consistently vote against the lower-income groups in federal funding for social services. Here, they switch sides and try to portray public broadcasting somehow as an elite option available only to the few. It is available to all. By choice, people choose to watch it.

I didn't put my children into pre-school until one year before kindergarten, even though there is a lot of pressure to start children nowadays in pre-school at the age of two. I didn't want them to miss out on what other children were learning in pre-school, but by watching "Sesame Street" and other children's shows on an almost daily basis, I could see what other children were doing, what is normally taught to young children, and all that without a lot of commercials or violence thrown at them. Granted, there are a lot of quality programs for kids on other stations, too, but even if I let my children watch a program I consider entertaining and enriching at 4:00 p.m., they are often subjected to advertising for either a horror film that the station will show later that night, or clips from summer films that are R-rated. It is impossible to actually control what one's children see on regular stations. It is only on PBS that I can be assured that there will be no violent images or profanity.

Please urge others to dismiss any doubts that they may have regarding continued Federal funding for public broadcasting, and may control of it be left at the local level. Our local station does an excellent job of programming, with a wide variety of needs met through the choices they provide.

Thank you for your attention.

Sincerely,

LEE EVANS-DISALVO.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, what is it, 1 minute 30 seconds remaining?

The PRESIDING OFFICER. The Senator has approximately a minute on the amendment and time on the bill.

Mr. DOLE. That is right, I do have time on the bill.

Mr. President, I will take a couple of minutes because I am going to make an exhaustive statement later on. I hope people will just read the statement—I am certain not many people listen—but I hope they will read the statement later. All these great things about public television may be true, but there are also some great excesses that ought to be dealt with. We are going to deal with some in this bill, thanks to the cooperation of the managers on both sides. But I want to address particularly the Lott amendment now and rise in support of that amendment, and I urge my colleagues to vote for that amendment.

We are asking to increase spending for this program by 50 percent. The amendment by the distinguished Senator from Mississippi would keep that at $275,000, certainly not a paltry amount. But this amendment is not about quality programming or helping rural areas receive public television and radio, and it is not about killing Big Bird. I get all these liberal commentators talking about how we are going to kill Big Bird and all these things they do not know anything about.

This amendment is simply about priorities. Can limited Federal resources be better spent to house and clothe disadvantaged Americans? Can it be better spent on health care and education? Or, for a nominal idea, can we save it and reduce the Federal deficit?

I voted for cuts in spending in a wide variety of Federal programs and, quite simply, the Congress spends too much money on worthy causes and the spending drives up the deficit and the debt drives down economic recovery.

The amendment does not constitute slashing funding for public broadcasting. It says we cannot afford the increase; we ought to freeze it. We talk about freezes. This will be a good place to start. We are going to have a balanced budget debate before long. A lot of people are going to vote for spending and a balanced budget amendment. People back home say, "I have a Senator who believes in balancing the budget," but they do not look at the RECORD where he or she voted for all the spending. I intend to vote for that amendment. We tried everything else. Nothing has worked.

This would be a great place to start. If you are for the balanced budget amendment, this will be a little litmus test right here. It is a chance to demonstrate you mean it. When you talk about balancing the budget and spending particularly in a program where we have, as I will lay out in detail line by line—and they are facts that cannot be refuted—some of the excessive salaries being made by a lot of people in CPB, excessive profits being made in the private sector, and all these things that are going on that are not subject to the Freedom of Information Act and you cannot find out what is really going on, it really opened my eyes.

I voted against what is called educational television in 1967 because I had a fear in 1967 this is what was going to happen. It was going to get bigger and bigger and bigger and serve a certain elite class of Americans. I hope in my later statement that some who have said there is nothing wrong with this great program will just take a look at it. It is one reason we have the deficit, because we do not spend enough time looking at some of the details. If we cannot save money in public broadcasting, how are we going to save any in health programs, education, agriculture, or other areas?

It seems to me this is sort of a preliminary bout, a preliminary event; this is a warmup for the balanced budget amendment. This will be a good chance to show which team you are on.

I thank the Senator from Mississippi for offering the amendment.

Mr. President, I rise to support the amendment of the distinguished Senator from Mississippi [Mr. LOTT] and urge my colleagues to vote for the amendment.

The bill before the Senate, S. 1504, would increase the authorization for the Corporation for Public Broadcasting by nearly 50 percent. The Lott amendment would keep the level for the CPB at $275 million, certainly not a paltry amount.

The amendment is not about quality programming, helping rural areas to receive public television and radio, and it is not about killing Big Bird. This amendment is simply about priorities. Can limited Federal resources be better spent to house, clothe, and feed disadvantaged Americans? Can it be better spent on health and education? Or, for a novel idea, would it be better to save it, to reduce the Federal deficit?

I have voted for cuts in spending in a wide variety in Federal programs. Quite simply, the Congress spends too much money on worthy causes and that spending keeps driving up the deficit and the debt and drives down economic recovery.

The amendment before the Senate does not constitute slashing funding for public broadcasting, it just says we cannot afford to increase spending for the CPB for nearly 50 percent over 3 years.

We have heard a lot about the balanced budget amendment, and we hope to be able to consider the balanced budget amendment here on the floor of the Senate in the very near future. I intend to vote for that amendment, since little else we have tried has succeeded in halting the deficit spending practices that we have all grown so accustomed to.

Where, if the balanced budget amendment is adopted, would my colleagues find the spending reductions to reach a balanced budget? We can start by saving nearly $300 million right here, today, with the vote on this amendment.

If we cannot save just a little money in public broadcasting, how will we find the courage to find savings in health programs, in education programs, in farm programs?

So, this is a good test vote, a vote which will clearly separate the spenders from the savers. I urge my colleagues to vote for the Lott amendment. Let us put a little dent in the deficit. It will not balance the budget, but we can start toward that goal today.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield myself time off the bill, and I do so because I regret deeply disagreeing with my leader and good friend. If this is a test of the balanced budget amendment, I think that the balanced budget amendment is not going to pass, because I say again, the money we appropriate on this subject cannot by law exceed 40 percent of the amount that is contributed from the private sector.

I urge the Senators to read it again. We authorize an amount equal to 40 percent of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year that we appropriate money, which means we take 40 percent of what was contributed in 1992 and we appropriate for 1994, but not exceeding the amount authorized in 1994.

So if we put a freeze on this now, we are going to freeze the need for private contributions.

My State has appropriated $5,496,900 this year to assist public broadcasting. We even have what we call RATNET, the Rural Alaska Television Network, where we pay the cost of bringing down from satellites programming so they reach these Indian and Eskimo villages. That includes Big Bird.

But beyond that, the point is that even with the support of the Federal Government, it is not sufficient in rural States. I think most rural States are supplementing this public broadcasting concept today. But the trouble with the argument of my friend about the balanced budget is that we are going to start balancing the budget by putting a freeze on an authorization that will in effect limit the private-sector contribution because they are not going to continue to increase their support if we do not continue to pay the 40 percent, which represents the Federal contribution for the areas that cannot support it. As the Senator from New York said, many of my communities support public broadcasting to the tune of about $20 per person. But when you have 500 people in a town or village, even $20 per person per year is not enough money to pay for a 1-hour hookup on a satellite.

Now, the concept of saying we are going to balance the budget on the backs of those people in rural areas in America who need television and need public radio in order to keep up with the times and to be part of this system of ours I think is absolutely wrong. It is time for us to face up to the fact if we want to balance the budget—and I hope we will—you cannot balance the budget by restraining public support, non-Federal support, for concepts like public broadcasting.

I challenge the Senate to find another area where we limit the amount we are going to spend of the taxpayers' money to a percentage of the money that comes from non-Federal sources for something that we acknowledge is a public obligation, and that is to provide for a system which will assist in education and providing current news and information to these isolated areas.

I rest my case. But I say if this is the concept of what a balanced budget means, then take my name off that bill, because I want to see us do things like this. I want to see us contribute taxpayers' money according to the indication of public support of public television, and not the other way around.

The PRESIDING OFFICER. The Senator from New York has 4 minutes 4 seconds.

Mr. MOYNIHAN. Mr. President, I rise simply to thank the Senator from Alaska for his statement and ask that we consider the implications. There are villages in Alaska where the per capita contribution to public television is $20 per person.

Now, if you got that out of Philadelphia or New York, it is a lot of money. It is not enough to get a half hour's television now. It is what this bill is about. I very much hope the managers will be sustained.

I yield back the remainder of my time.

Mr. LOTT. Mr. President, I ask unanimous consent that a list of the top 20 Nielsen TV household markets which was prepared by the Corporation for Public Broadcasting that shows the CPB-supported public television stations be printed in the RECORD.

Mr. President, I also want to correct a misunderstanding. I stated that the director of New York's Public Television Station WNET, is paid $304,000 a year. Instead of director, it should be an executive producer at WNET is paid $304,000. The distinguished Senator from New York correctly pointed out that the president of New York's WNET makes $225,000.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CORPORATION FOR PUBLIC BROADCASTING, CPB-SUPPORTED PUBLIC TELEVISION STATIONS LOCATED IN THE TOP 20 NIELSEN TV HOUSEHOLD MARKETS FALL, 1991

Market and station call letters	Station city and State
1 New York:	
WEDW	Bridgeport, CT.
WLIW	Garden City-Plainview, NY.
WNET	New York-Newark, NJ, NY.
WNJB	New Brunswick-Warren, NJ.
WNJM	Montclair-Little Falls, NJ.
WNYE	Brooklyn, NY.
2 Los Angeles:	
KCET	Los Angeles, CA.
KLCS	Los Angeles, CA.
KOCE	Huntington Beach, CA.
KVCR	San Bernardino, CA.
3 Chicago:	
WTTW	Chicago, IL.
WYCC	Chicago, IL.
WYIN	Gary-Merrillville, IN.
4 Philadelphia:	
WHYY	Wilmington-Phila PA, DE.
WLVT	Allentown, PA.
WNJS	Camden-Waterford Works, NJ.
WNJT	Trenton, NJ.
WYBE	Philadelphia, PA.
5 San Francisco-Oakland-San Jose:	
KCSM	San Mateo, CA.
KMTP	San Francisco, CA.
KQED	San Francisco, CA.
KRCB	Cotati-Rohnert Park, CA.
KTEH	San Jose, CA.
6 Boston:	
WEKW	Keene, NH.
WENH	Durham, NH.
WGBH	Boston, MA
7 Washington, DC:	
WETA	Washington, DC.
WFPT	Frederick, MD.
WGPT	Oakland, MD.
WHMM	Washington, DC.
WNVC	Fairfax, VA.
WNVT	Goldvein-Falls Church, VA.
WWPB	Hagerstown, MD.
8 Dallas-Fort Worth: KERA	Dallas, TX.
9 Detroit: WTVS	Detroit, MI.
10 Houston: KUHT	Houston, TX.
11 Atlanta:	
WGTV	Atlanta, GA.
WPBA	Atlanta, GA.
12 Cleveland:.	
WEAO	Akron, OH.
WVIZ	Cleveland, OH.
13 Seattle-Tacoma:	
KCTS	Seattle, WA.
KTPS	Tacoma, WA.
14 Tampa-St. Petersburg-Sarasota:	
WEDU	Tampa, FL.
WUSF	Tampa, FL.
15 Minneapolis-St. Paul:	
KAWB	Brainerd, MN.
KAWE	Bemidji, MN.
KTCA	St. Paul-Minneapolis, MN.
KWCM	Appleton, MN.
16 Miami-Fort Lauderdale:	
WLRN	Miami, FL.
WPBT	Miami, FL.
17 Pittsburgh:	
WQED	Pittsburgh, PA.
WQEX	Pittsburgh, PA.
18 St. Louis: KETC	St. Louis, MO.
19 Sacramento-Stockton-Modesto: KVIE	Sacramento, CA.
20 Phoenix: KAET	Phoenix, AZ.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

• Mr. HELMS. Mr. President, I am grateful to Senator LOTT and Senator DOLE for offering this important amendment in my absence. I have been working with Senator DOLE and others for months in an attempt to bring more accountability and balance to PBS and NPR.

Perhaps I should reiterate—for the purpose of emphasis—what this debate is not about: It is not about Big Bird, nor is "Sesame Street" involved.

The issue is fiscal responsibility.

This bill, S. 1504, increases by 50 percent the 3-year budget for the Corporation for Public Broadcasting [CPB], which funds PBS and NPR. The pending amendment will freeze the CPB budget at the 1994 level of $275 million. This is the amount requested by the President.

Mr. President, the Federal debt run up by Congress stood at $3,942,204,041,144.24 as of the close of business on Monday, June 1, 1992. The interest on this debt amounts to over $5.5 billion a week. On a per capita basis, every man, woman, and child owes $15,347.74—thanks to the big spenders in Congress.

Mr. President, the American people are fed up with runaway spending. They expect—and demand—that Congress take action and exercise fiscal responsibility and fiscal restraint. The American people want a balanced budget.

But, Mr. President, here we go again with a $1.2 billion a year bill for the Corporation for Public Broadcasting. This is roughly a 50-percent increase over amounts authorized over the past 3 years.

When will Congress learn that the Federal Government can't spend money it doesn't have? As all of us have stated on many occasions, Congress is mortgaging the future of our children.

Mr. President, the pending amendment freezes the CPB budget for the next 3 years. It is simple and straightforward. We just can't continue to hand out 50 percent increases, when the Federal budget deficit exceeds $400 billion.

The supporters of PBS claim that the PBS stations are in desperate financial conditions and that they need even more Federal funds. Nevertheless, it is a fact that one of the directors of a PBS station is paid a salary of $242,000.

Mr. President, there is no doubt that there is rampant waste and duplication in the PBS and NPR systems. As a matter of fact, there are six PBS stations in the New York market; there are seven PBS stations in the Washington, DC, area. Obviously, there is some duplication here. Maybe PBS should cut out some of these stations instead of asking Congress for a 50-percent increase in funding.

Furthermore, Mr. President, there is a tremendous amount of waste at the PBS stations. Let me quote from a former employee of a PBS station. This comes from an April 27 radio talk show in Detroit, he said:

> There is a tremendous, tremendous amount of dead wood there. People that I knew used to joke around and call [the PBS station] Retirement City. * * * You might have two or three people assigned to doing the same task * * * when you only need a part-time person to do that task.

This former PBS employee makes a very good point. Maybe PBS should first clean up its own act.

Finally, there is the independent operation called ITVS, which is supposed to fund the production of the more controversial programs. According to the House report, this crowd spent $1.5 million on administrative costs, including $100,000 on travel alone.

Mr. President, these are merely a few examples of the questionable ways that the taxpayers' money is being spent.

Many have expressed concern about the lack of accountability of Federal funds, and a gross imbalance in programming. A report by an independent research group asserted that PBS "lacked ideological balance," which may be the understatement of the year.

Mr. President, we have worked out two amendments addressing the accountability and bias issues. Perhaps these amendments will do some good, but I'm not convinced that the people at CPB and PBS will change their ways. In my opinion, this is their last chance.

For the sake of the children and of the country, Congress must get the Federal budget deficit under control. The Senate can show that it is serious about controlling spending by voting to freeze the CPB budget. It may be that we will hear the usual cry that this budget cannot be cut because PBS is so important. That happens to be precisely the same line we hear about every Federal program.

Mr. President, it is time to stand up and be counted. Congress must show that it is willing to take responsible action to control the deficit. Voting for the pending amendment is a good first step in that direction.

Mr. President, I ask that several articles and letters be printed in the RECORD.

The material follows:

[From the Washington Post, May 27, 1992]

SPECIAL PLEADING FOR PUBLIC TV

(By Robert J. Samuelson)

You learn in college that if you're asked an exam question you can't answer, then answer the question you can answer and pretend it is the exam question. Sharon Percy Rockefeller—president of WETA, Washington's public TV station—must have done well in college. When columnist George Will proposed ending federal subsidies for public TV, Rockefeller fired off two blistering replies that managed to evade the central issue posed by Will.

It is this: How can we end federal budget deficits unless we eliminate nonessential programs like broadcast subsidies? (The answer: We can't.)

Every special pleader, like Rockefeller, wants to ignore the larger picture. In her replies, she never mentions the deficits. A+ for debating skills; F for honesty. There are principled reasons to support federal subsidies for public TV. There are also principled reasons (to which I subscribe) to oppose them. But we should be beyond this sort of delicate debate. The truth is, as Will argued, that TV subsidies are a governmental frill we can no longer afford.

It's hard to argue that America doesn't have enough TV or that it's a basic function of government to satisfy every programming taste underserved by commercial stations. It's also hard to envision that public broadcasting's best-known programs ("Sesame Street," "MacNeil/Lehrer," "Wall Street Week" or "All Things Considered") would vanish without subsidies. They could—if need be—find commercial support. (Indeed, some of these programs now feature announcements of corporate sponsorship that are first cousins to commercials.) Nor would ending subsidies doom public broadcasting. Only 17 percent of its income comes from the federal government, down from 27 percent in 1980.

Naturally, Rockefeller invokes children in defense of public TV, citing (aside from "Sesame Street") programs such as "Mister Rogers' Neighborhood" and "Where in the World is Carmen Sandiego?" I've got three small children, ages 2 to 7. These are good programs. But let's not delude ourselves: They haven't fundamentally improved the lot of poor children. And if these programs have educational value, they can be funded through the Department of Education. What we don't need are broad-based subsidies that underwrite more conversations with Bill Moyers.

Now, the point here is not to expose Rockefeller's considerable skills to deceive. It is to highlight the central issue: the budget deficits. Recall that the deficit in fiscal 1992 exceeds $350 billion and that the Congressional Budget Office projects deficits of at least 3 percent of the economy's output into the 21st century. That's about $180 billion in today's dollars. And these projections assume an economic recovery and a continued decline of defense spending (as a share of output), while excluding the one-time costs of the savings and loan bailout.

Almost every politician in America wants to be passionately against the deficits without being for any spending cuts or tax increases. This explains the appeal of a constitutional amendment requiring a balanced budget. Supporting it allows politicians to oppose the deficit while postponing any specific actions. It also explains the appeal of Ross Perot: a man who promises dramatic changes without elaborating how he will achieve them.

The trouble is that the budget deficits can't be closed without raising specific taxes or cutting specific programs. If every existing program is sacrosanct, then the cause is hopeless. Suggestions to prune such programs as TV subsidies typically evoke this reply: Don't bother, because they're too small to matter. Superficially, this is true. Axing the $251 million operating budget of the Corporation for Public Broadcasting wouldn't visibly dent the deficit.

But the argument fails on two counts. First, many other programs resemble TV subsidies: Whatever their original justification, they no longer serve an important national need. They have constituencies and supporters, who advertise public benefits that are at best modest and at worst fictional. Amtrak. Farm subsidies. Art subsidies. Water subsidies. There's a long list. In an ideal world, we might be able to afford them. But not in today's world. There are also hordes of programs where spending could be tightened. Together, the potential savings probably amount to $15 billion to $25 billion: not enough to end the deficits, but not trivial.

And second, it will be impossible to enact meaningful tax increases (an essential part of any deficit solution) until the public perceives spending is being disciplined. Here's the crux of the deficit deadlock. Republicans propose spending cuts that Democrats reject, causing Republicans to reject tax increases. But both parties are pleased, because neither truly wants to raise taxes or cut spending. The paralysis is sustained by special pleaders like Rockefeller who have a vested interest in the status quo: that is, massive deficits without political pressures to cut the least-justified programs.

The very size of the deficit has now become an excuse for irresponsibility, because no single step is sufficient to make a major difference in the deficit. The effect is to prevent government from responding to new needs. A case in point: Sen. Jay Rockefeller (D-W.Va.)—husband of Sharon—last year chaired a national commission on children. The commission made some expensive proposals (for example: a tax cut for families with children) that were simultaneously praised and dismissed as unrealistic. The reason: no money. If Sen. Rockefeller wonders why, he should look across the breakfast table.

Everyone is happy to deplore "special interests" in the abstract without the discomfort of naming names or identifying programs. The attitude is live and let live: I'll keep my favorite program, you keep yours. We can no longer tolerate this casual cynicism. People like Sharon Rockefeller enjoy unwarranted public sympathy because they defend programs deemed "worthy." In fact, she and her ilk are prime defenders of the deficits. Irresponsibility has become respectable, even chic. Until it isn't, there's no chance of making any headway.

[From the Boston Globe, May 10, 1992]

BROADCASTING: WHAT PRICE PBS?

(By Laurence Jarvik)

Could public broadcasting survive in the marketplace without federal subsidy? US Rep. Dick Armey (R-Texas) thinks so. He has introduced a bill to eliminate federal funding for public television. While it might seem hard for regular viewers of desperate pledge-week beg-a-thons to believe, there is strong evidence that Armey is right. Not only is public broadcasting "good for you," it also seems to be a good business proposition. Despite perpetual pleas of poverty, public broadcasting is already a lucrative venture on both a local and national level.

In the most recent commercial development, WGBH has announced a 10 percent investment in a chain of shops called WGBH Learningsmith. The proprietor, Marshall Smith, told the Globe in March: "The products we sell make people feel good about themselves." Among the commercial benefits he mentioned from the public-television connection were "instant credibility," "public relations" and "promotion." Smith has predicted a boom year for his shops.

WGBH already has a retailing contract with Minnesota Public Radio for the Signals mail-order catalog. With its Wireless catalog and other ventures using the public-broadcasting mailing lists and market niche, Minnesota Public Radio's trading company grossed some $77 million last year, selling such items as "She Who Must Be Obeyed" sweatshirts ($25), a sterling silver "Zen Tranquility Ball" ($29) and "Handcrafted Wooden Cats" ($15). Using revenues from this operation, the Minnesota broadcaster recently purchased a commercial radio station for $12 million and converted it to non-commercial status, earning the ire of Minnesota Association of Broadcasters head Jim Wychor, who objected to what he saw as unfair competition for advertisers.

WGBH also reports considerable direct revenues from its activities. In 1989-'90, according to the latest IRS form available, the station earned $69,343,382 from programming grants and contracts alone. It also grossed $1,751,042 from GBH Magazine, $1,345,109 from captioning and related production services, and $1,522,058 from royalties. The WGBH kitty included a stock and bond portfolio worth some $3,540,647 and land, buildings and investments worth an additional $19,204,773 after depreciation. The tax form also listed a collection of 29 silver spoons worth $2,550 among the station's assets.

BUSINESS BOOMING NATIONALLY

Meanwhile, business is booming on a national level. PBS Home Video, the videocassette marketing arm of public television, has grossed some $30 million in sales of cassettes distributed by Pacific Arts Video, a private company owned by former Monkee Michael Nesmith. Children's Television Workshop, the parent company for "Sesame Street," has a $58 million stock and bond portfolio, which it calls an "endowment," and grosses some $100 million a year in royalty, licensing and subscription revenues on some $1 billion worth of products affiliated with the television program. One division president at CTW earned over $640,000 a year during 1988-'89. In order to handle the formidable worldwide cash flow from its various business ventures, CTW has seven private companies, five of them operating on a for-profit basis. The company spends more than a million dollars a year on lobbying Congress.

In addition to creating multinational conglomerates like CTW, the present public-broadcasting setup has also created individual multimillionaires who are adept at using the cross-promotional opportunities afforded by a bureaucratic system impenetrable to all but initiates. Although Bill Moyers, for example, will not disclose the details of his financial arrangements, he has acknowledged raising some $15 million for his private production company, Public Affairs Television, Inc. David Horowitz, head of the public-broadcasting watchdog Committee on Media Integrity, has termed the system used by Moyers and other individual "nonprofiteers" in public broadcasting "reverse money-laundering." In one case, he charged that Moyers had provided his private company with $4 million from the MacArthur Foundation through a process where the funds were cleansed of their nonprofit status through a complicated and perfectly legal series of pass-throughs.

When I wrote to Moyers to check Horowitz's claims about his finances, he answered that his company "is an independently-owned production company—like so many others in the field—and our business affairs are none of your business."

Perhaps Moyers' reluctance to bare his balance sheets is rooted in the commitment of public television to providing a "noncommercial" service. For Moyers and other public-television producers do in fact sell merchandise through 1-800 numbers featured in "book tags," with their distributors often paying a commission to the host station. A commercial sponsor, General Motors, was in large measure responsible for the production of Ken Burns' "The Civil War." A commercial distributor, Time-Life, handles the videocassette market for the series. Yet because of the official status of public broadcasting, such commercial realities must be denied, and market forces are restrained from producing maximum revenues for the system.

Instead, an almost Orwellian Newspeak has developed to cover the existence of what is in reality a black market: Direct-marketing promotions are called "tags," sponsors are called "underwriters," spot advertising dubbed "enhanced underwriting," the network is called a "service" and on-air promotion of profitable products is presented as charity. A glance at any best-seller list reveals the link between exposure on public broadcasting and book sales, for example. To disguise the reality of private profiteering from a public trust, public-broadcasting executives engage in a pattern of institutional stonewalling and even deception—piously claiming to be "noncommercial" while hiding financial documents from the prying eyes of those outside the system.

THE CHANGED TV LANDSCAPE

The reason is straightforward. The original mission of public broadcasting (as defined by the 1967 Carnegie Commission) stated that the service would provide "all that is of human interest that is not at the moment appropriate or available for support by advertising and which is not arranged for formal instruction." Such language may have been appropriate for 1967, the era of a mass medium targeted to reach the lowest common denominator with the least objectionable programming. In the network era, perhaps no advertisers were interested in the "high-minded" market offered by public television's demographics.

But with the arrival of the multichannel world of cable, satellite and home video, the television landscape has changed dramatically, and so has the type of programming advertisers are willing to support. Indeed, among the greatest beneficiaries of the demographic approach to advertising has been public television, whose "halo effect" with the affluent and educated is of great appeal to sponsors.

Despite the lure of the PBS audience to sponsors, and an increase in membership from 2.6 million in 1980 to 5.2 million in 1991, the public broadcasting system has not adopted a free-market approach that would enable it to fulfill its potential. In fact, last year viewing audiences for PBS shows declined by 12 percent. The reason lies in the bureaucratic morass surrounding the public broadcasting system. Decisions are still make in a style described by independent documentary filmmaker Fred Wiseman in 1988 congressional testimony as "a mess." Adding "there is a wide consensus on the failure of the present system," he suggested that public television be reformed along the lines of Britian's Channel Four—a private commercial channel devoted to quality programming. Wiseman noted with alarm that "most competent professionals would not consider working in public television in its present form."

Since Wiseman's testimony, public television has gone from bad to worse. The scandal-marred Independent Television Service, allocated $24 million, has not produced one minute of programming in almost four years of existence, despite spending over $1,500,000 on overhead and administrative expenses, including $100,000 on travel alone. A grant from the Markle Foundation for election coverage was withdrawn and given instead to CNN.

Texaco announced it would sponsor a new performing arts series on the Bravo cable channel, and then dropped its support for "Great Performances." Ted Turner outbid PBS for David Attenborough's nature series "The Trials of Life." Summing up the dismal record of PBS, Entertainment Weekly's Ken Tucker savaged the "dreary old series and banal new offerings" in a recent article headlined "Has PBS Lost Its Edge?"

WILL 'PRIVATIZING' WORK?

The best way for public broadcasting to regain its edge is to shake free of the stranglehold exerted by those politicians in control of congressional purse strings, Democrat and Republican alike. So long as Congress pays the bills for public television, it will be tempted to interfere with what is produced and broadcast. Hodding Carter once described public broadcasting "as the perfect American screwed-up system, combining the worst of both worlds—bureaucratic Washington and opportunistic capitalism."

There is a better way. Public television could be owned by its viewers. Instead of making donations, contributors could be making investments, buying stock in a company and participating to the fullest extent possible in corporate management. As a publicly-held company, with its capital raised from markets instead of the American taxpayer, public broadcasting would enjoy truly insulated funding, free of congressional strings. It couldn't be held hostage to special-interest groups every time it needed reauthorization. No outraged senators would use their privileges to embarrass highly paid producers, stars or station executives. Liberated from the strings attached to tax dollars, the viewers of public television could directly support cultural and educational programming, taking a tax deduction for business losses and sharing in the success of profitable programming.

Is such a transformation possible? Indeed, it is. Privatization of broadcasting has worked in Italy, Spain, France and England. It is spreading to the formerly socialist states of eastern Europe, even to the former Soviet Union itself. It is time to give market forces a chance to work in American public television.

[From the Los Angeles Times, Mar. 23, 1992]

BIG BIRD DOESN'T NEED TAX HANDOUTS

(By Bob Dole)

Why are taxpayers subsidizing an organization that grosses $100 million a year and has an investment portfolio worth another $52 million?

It's a good question, because that's just what happens when Congress sends your tax dollars to the Children's Television Workshop, the so-called nonprofit production company behind "Sesame Street." Now, we all love Big Bird and the Cookie Monster, but do they really need a $14-million annual taxpayer subsidy when "Sesame Street" merchandising power rakes in piles of retail cash?

It's one example of the problems in public broadcasting, an effort launched 25 years ago with high ideals but that today, after billions of taxpayer dollars, is no longer the altruistic alternative we were promised.

The Senate has opened debate on future funding for the Corporation for Public Broadcasting (CPB), the umbrella bureaucracy that oversees public television and radio. The CPB wants Congress to authorize a 50% increase in federal funding, to $1.1 billion for 1994–1996. This sort of full funding two years in advance is rare—even the National Institutes of Health and the Education Department don't get this red-carpet treatment.

That's why a recent campaign of misinformation and hysteria on Santa Monica public radio station KCRW is so puzzling. Yes, several Republican senators placed a temporary "hold" on the CPB funding bill. What KCRW didn't tell you during its fundraising frenzy is that there is no crisis—what with National Public Radio and the Public Broadcasting Service fully funded through 1993—and that "holds" are routine in the Senate. They were invoked by members of both parties on two-thirds of the approximately 250 spending bills reported out of committee last session. (I didn't get one complaint from KCRW when liberal senators used holds to block Reagan nominees.) Republican senators have merely ensured that CPB's big-money bill will be debated in the light of day.

In my view, any time the taxpayers are asked to fork over $1.1 billion, they have a right to know how it is being spent. Unfortunately, when it comes to public broadcasting, accounting for taxpayer dollars turns into a wild-goose chase.

From the lavish offices of highly paid public television executives in Los Angeles, New York, Boston and Washington, the message is, "We're doing a great job, so don't ask any questions. And keep that taxpayer money pouring in." Taking a look at some of their salaries, expenses and benefits, you can see why they don't want too much sunshine breaking through their cloud cover: a $641,000 package for the Children's Television Workshop's president; $207,000 for its vice president; $309,000 for the executive producer at New York City's public television station WNET, $242,000 for the president of Los Angeles' KCET, not to mention $2.1 million for public-television lobbyists.

Then there is the multimillion-dollar satellite network the taxpayers recently bought for public broadcasting. Apparently, PBS and its affiliated companies and stations are now making money by renting time on the satellite.

My concerns are not with the local public stations, but rather with the East and West Coast power brokers who dominate programming. Of the $44 million in taxpayer dollars used for program development for 341 PBS stations, half goes to only two stations—WGBH in Boston and WNET in New York. Another $10 million goes to producers affiliated with WNET, to three other stations and to PBS itself. No wonder folks in Kansas think public television reflects big-city bias.

With public television and radio, you have to pay even if you're not watching or listening. It's your tax dollars feeding the meter. That doesn't mean we should use taxpayer funds for a conservative network—that would be as wrong as wasting public money for liberal cheerleaders.

Public television was a much-needed alternative to the pap that dominated commercial television decades ago. But now Americans enjoy a staggering array of programming, none of it taxpayer-subsidized. Whether it's the Arts & Entertainment Network, the Discovery Channel, Bravo, ESPN, the so-called super stations, CNN, the local video store or library, Americans enjoy almost unlimited choices for information and entertainment. Public television holds no monopoly on quality.

At the very least, the public broadcasting Establishment needs fine-tuning. Is it time to let the marketplace take control? If "Sesame Street," "Masterpiece Theater," Mister Rogers or the Civil War series were offered on the open market, they would flourish—without tax money.

So stay tuned—the debate over public broadcasting is in the public interest.

[From the Washington Post, Apr. 23, 1992]

WHO WOULD KILL BIG BIRD?

(By George F. Will)

Is nothing scared? Evidently not. Even public television is being questioned by some conservatives who evidently do not understand the importance of being earnest.

Some troglodyte Neanderthal Puritan Yahoo philistine reactionary inquisitorial Victorian barbarian blue-nosed Cromwellian know-nothing Savonarolas—that is, conservatives, as the public television lobby sees them—are wondering why taxpayers should give another $1.1 billion to public television. A good question.

The Corporation for Public Broadcasting was born 25 years ago as a final filigree on the Great Society. It already has a quarter of a billion of federal funds for 1992 and another quarter of a billion in 1993. At issue today is a 50 percent increase to $1.1 billion for 1994–96. The caliber of the defense of the CPB can be seen in Sen. Gore's *cri de coeur*. "How many senators here have children who have watched 'Sesame Street' and 'Mister Rogers' Neighborhood'? . . . . This is one thing that works in this country."

How apt: A wealthy legislator in a chamber well-stocked with people like him, calling for subsidies for his children's programming because it "works," whatever that means.

Does Big Bird need a subsidy? He is a product of Children's Television Workshop, a multi-media giant grossing more than $100 million from programming, publications and licensing fees.

The original argument for public television was that over-the-air broadcasting allows only a few competitors who are driven to seek a broad—and low—common denominator. That argument has been obviated by technology—by cable and the onset of "narrowcasting" to many small segments of the American audience.

Public television's advocates argue that almost all households can receive it, whereas only 60 percent of households are wired for cable. But leaving aside the continuing spread of cable, a crucial question is: How many people who do not have cable because they cannot afford it are watching public television? Not many. Public television's audience always has been economically and intellectually up-scale.

The original rationale for public television was wonderfully sealed against questioning. It was that government had to subsidize such programming precisely because so few people wanted it. The argument goes like this: If the public were more discerning, there would be no need for government subsidies—but, then, a discerning public would not object to government subsidies. After all, by definition, a discerning public discerns the merits of government as a provider of services.

The CPB provides 16 percent of the funding for public television stations. But those stations claim 5.2 million voluntary donors. If each would give another $70 a year (less than the average cable subscriber pays for three months of service), they would raise the $1.1 billion without requiring taxpayers to subsidize their entertainment.

Dr. Laurence Jarvik of the Heritage Foundation has another idea about what to do with the CPB: Sell it. Jarvik believes, reasonably, that there are ample cable, broadcast and home video markets for magnificent work like Ken Burns' "Civil War" series. Therefore private investors could make and syndicate such quality programming. Today, Jarvik says, public television is "a solution in search of a problem."

Walter Goodman of The New York Times asks: "Is Dr. Jarvik so satisfied with commercial TV that he can see no room for further innovations?" The answer is: No, but does Goodman believe that any possibility of "innovation" in any sector of society justifies a federal subsidy? If not, what makes television special?

Politically, what is special is public television's audience. For example, WETA, Washington's public station, says its contributors have an average household income of $94,583. They would have $94,513 after sending WETA an extra $70 to keep the senators' children wholesomely entertained.

WETA's audience would be an advertiser's dream. Indeed it is a dream for those who advertise in WETA's magazine. Thus government is entangled in subsidizing competition against private print as well as broadcasting enterprises.

The public television lobby is, in part, another example of government-as-an-interest group. It is government lobbying itself. It is an effective lobby because it is in most congressional districts—wherever there are public stations and audiences. Public television audiences are, like the members of the American Medical Association, the National Association of Manufacturers and many other muscular lobbies, largely affluent, educated and articulate.

Public television is a paradigm of America's welfare state gone awry. It is another middle-class—actually, upper-middle-class—entitlement. If you doubt the entitlement mentality of the public television lobby, hear its indignant rhetoric equating any questioning of their subsidy with censorship. The public television lobby consists disproportionately of people with the financial and educational means to provide their own entertainment, but who have the political competence to bend public power to their private advantage.

Think of it this way: The relationship of CPB spending to affluent America is approximately that of agriculture subsidies to agribusiness.

FAMILY RESEARCH COUNCIL,
Washington, DC, June 1, 1992.

Hon. BOB DOLE,
U.S. Senate,
Washington, DC.

DEAR BOB: Once again, I am compelled to write to you about what I see as abuses of taxpayers' money by the Corporation for Public Broadcasting.

In May, PBS broadcast a documentary called "What Kids Want to Know About Sex and Growing Up." Produced by the Children's Television Workshop, the show is an attack on traditional family values in the guise of a pseudo-scientific presentation. Among the more egregious elements:

The material is aimed at children as young as 8 years old. Why, in a time when teen sex is devastating lives across the nation, would we introduce 8-year-olds to hard-core, graphic sexual information designed to destroy their innocence?

Children are urged to use condoms without being informed about condoms' high failure rate (15.7%, according to Planned Parenthood) to halt pregnancy. Abstinence is mentioned in passing as the only "foolproof" method to avoid an unwanted pregnancy or sexually transmitted disease, leaving the impression that condoms are a reasonably reliable second choice.

None of the instructors use the word "marriage" in any context. Sex is portrayed strictly as a physical act, without the larger moral and social contexts that constitute the real "facts of life." "Husbands" and "wives" are not mentioned, just "partners."

Children are told that masturbation is completely harmless, which would be news to millions of kids whose parents and churches beg to differ. The program does not address the psychological implications of adults encouraging children to masturbate. This presentation amounts to sexual harassment of children.

Parents are invisible, as are clergy or any other adults who would normally articulate moral and familial ramifications of sexuality. Only near the end of the video does parental guidance merit a throwaway mention; a girl is shown climbing into her mother's car, saying: "Mom, I have a few questions."

Homosexuality is misrepresented as essentially the same experience as heterosexuality. Children are told that homosexuals typically make love "when they care about each other." While this may be true in some cases, it is not the norm. The most reliable studies about and by homosexuals show that the typical homosexual is quite promiscuous. In fact, the largest study done of homosexual males ("Homosexualities" by Bell and Weinberg, 1978) finds that nearly half have 500 or more sex partners and that 28% have more than 1,000 partners. A recent American medical Association study shows that homosexual youths are 23 times as likely to have a sexually transmitted disease than heterosexual youths, and other recent studies show a higher incidence among homosexuals of hepatitis, gonorrhea, syphilis, and other sexually transmitted diseases. In San Francisco, where "safe sex" has been preached for years, 50% of the homosexual male population is now HIV-positive.

Clearly, the homosexual lifestyle is dangerous and should not be promoted as a healthy alternative to children.

Having a baby is illustrated through an exercise in which teens carry around a bag of flour—yes, a bag of flour—for a week and then talk about how it cramps their style. While it might be useful to tell teens about the very real burdens of parenthood, the segment functions as a commercial for abortion, since the bag of flour offers no feedback or rewards whatever. Parenthood, it seems, is all "hassle." Just as the show dehumanizes sexuality, it dehumanizes babies, subordinating life itself to the cold sexual imperative.

The lengthy segment on boys is conducted by Robert Selverstone, introduced as a sex educator from Westport, Connecticut. Mr. Selverstone, however, is a past president of the Sex Information and Education Council of the United States (SIECUS), whose stated purpose is to promote "child sexuality." A 1987 SIECUS report has this advice: "We should teach teens about oral sex and mutual masturbation in order to help them delay the onset of sexual intercourse and its resulting consequences. . . . [We] have fantasized about a national 'petting project' for teenagers. . . . We need to tell teenagers that the safest sex doesn't necessarily have to mean no sex. . . . A partial list of safe sex practices for teens could include: Talking—Flirting—Dancing—Hugging—Kissing—Necking—Massaging—Caressing—Undressing each other—Masturbation alone—Masturbation in front of a partner—Mutual masturbation."

Senator, I shudder to think how SIECUS does its research on teens, but reasonable people would agree that kids who keep their clothes on have a better chance of avoiding premature sexual activity than those who take their clothes off. SIECUS, which has been peddling premarital sex and homosexuality since its founding in the early '70s by the disciples of the now-discredited sex researcher Alfred C. Kinsey, should not be entrusted with the teaching of sexuality to anyone, much less children.

We have heard a lot about how federal tax dollars are essential to keep "educational" programs like "Sesame Street" on the air. But if presenting the SIECUS agenda to children via Children's Television Workshop is an example, this is miseducation at its worst.

Furthermore, Senator, you should be aware that the Independent Television Service, which is receiving millions of dollars in federal grants, is conducting a competition to produce a series called "Television Families." According to its own statement, ITVS is seeking programs that will "test the boundaries, both of form and content, that have defined the family's role on television."

These include: "new alternative households, new patterns for adoption and birth. . . . new articulations of rights for children." The agenda here is obvious. It incorporates and goes beyond "Murphy Brown's" glorification of single motherhood. The term "alternative households" is often used to describe homosexual households. "New patterns" of adoption is a reference to adoption of children by homosexuals. "Children's rights" is the anti-parent philosophy in which the state knows best when it comes to handing out condoms, referring children to abortionists or undermining the authority of parents.

ITVS itself reiterates Vice President Quayle's sensible statements regarding the power of television to affect cultural mores: "Ironically, one of the factors that has greatly contributed to this changing landscape is television itself. Its constructs and images have profoundly influenced our notions of family and its very presence in our homes has led to new patterns of family interaction."

Typical projects funded by ITVS include a $245,000 grant to Marlon Riggs, who wrote and directed the pro-homosexual "Tongues Untied," which was so offensive that more than 100 PBS stations refused to air it, and a $70,000 grant to a lesbian filmmaker for a documentary on "lesbian and gay life in the South." Marlon Riggs sums up the ITVS philosophy in an interview: "Our collective struggle. . . . [is to] fundamentally redefine the dominant political and media discourse." A writer for the avant-guarde journal *Afterimage* says that the struggle to save ITVS and other far-left instruments is part of a cultural war: "Indeed, the far-right moral 'consensus' must be thoroughly dispelled."

The purpose? "To keep our queer culture vital."

Senator, the American people should not be subsidizing a propaganda machine designed to destroy traditional values. We need to end ITVS' funding, and to rein in a rogue Corporation for Public Broadcasting.

I ask that you support any efforts along these lines.

Thanks again, Senator, for shining a light on public broadcasting. That agency has been operating in the dark too long.

Sincerely,

GARY L. BAUER,
President.•

The PRESIDING OFFICER. The question is on agreeing to amendment

No. 1865, offered by the Senator from Mississippi [Mr. LOTT].

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from California [Mr. SEYMOUR] is necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The result was announced—yeas 22, nays 75, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—22

Bond
Brown
Coats
Cohen
Craig
Danforth
Dole
Garn
Gramm
Hatch
Kassebaum
Lott
Mack
McCain
McConnell
Nickles
Pressler
Roth
Simpson
Smith
Symms
Wallop

NAYS—75

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Cochran
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NOT VOTING—3

Helms
Johnston
Seymour

So the amendment (No. 1865) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1859

The PRESIDING OFFICER. Under the previous order, the question now occurs on the Byrd amendment, No. 1859. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. RUDMAN] and the Senator from California [Mr. SEYMOUR] are necessarily absent.

I furher announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—93

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—3

Jeffords
Metzenbaum
Wirth

NOT VOTING—4

Helms
Johnston
Rudman
Seymour

So the amendment (No. 1859) was agreed to.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I ask unanimous consent that I be might be permitted to speak as if in morning business.

The PRESIDING OFFICER. Is there objection? If not, the Senator is recognized as if in morning business.

KILLING FIELDS OF KOSOVA

Mr. D'AMATO. Mr. President, for months and months and months, I and other Senators have been sounding alarm bells about the "Butcher of Belgrade," Slobodan Milosevic.

It took a vicious aggression against newly independent Croatia, and a full-scale war aimed at annihilating the fledgling nation of Bosnia-Hercegovina, to convince many around the world—and, sadly, many in our own Government—that we were not just crying wolf.

Milosevic deserves a prize place in that "Hall of Shame" where the deeds of the likes of Adolf Hitler and Saddam Hussein are enshrined.

If we ever put up a museum of megalomaniacs, Milosevic will get his own wing.

And so—even as the world reacts in outrage to Milosevic's crimes—his guns still fire on Dubrovnik, and his storm troopers still ravage the tiny nation of Bosnia.

Mr. President, let me say something that, in light of the terrible scenes from Croatia and Bosnia—scenes of cities and towns in flame; of men, women, and children, dead and dying on the streets—let me say something that, in light of those sickening scenes, may sound unbelievable: you have not seen anything yet!

Because Milosevic's assaults on the nations of Croatia and Bosnia were only the "dress rehearsal" for the greater drama of building his, "greater Serbia." The climactic scenes are being planned and prepared for, now. And they are going to be played out in the near forgotten region of Kosova.

Kosova.

It used to be an autonomous province within the former Yugoslavia. It actually used to enjoy some semblance of autonomy, in the form of its own parliamentary assembly, and a local government that was made up of people who were more than just stooges for Belgrade.

But that, of course, was intolerable to Milosevic. And so, long before Yugoslavia fell apart and Milosevic went to war against Croatia and Bosnia, he staged a silent war against the people of Kosova. A war which led to the de facto abrogation of Kosova's autonomy; shutting down of the assembly; imprisonment, torture, and harassment of thousands; the murder of unknown scores of hundreds; and the purposeful economic devastation of an entire region.

And what did the people of Kosova do to incite Milosevic's enmity? The truth is, that they were born. Born not as Serbs and supporters of Milosevic, but born as ethnic Albanians, proud of their ancient culture; desirous of their human rights; and aspiring to a chance for a normal life for themselves and their children.

Two million people were subject to this awful mistake. They were born Albanian, in a place called Kosova, that Milosevic coveted for his greater Serbia.

And now Milosevic plans and plots for the final conquest of Kosova.

Mark my words: As soon as the fighting ends in Bosnia—and perhaps even before that—Serbian forces will seek to gobble up Kosova, exterminate or drive out the Albanians, and put the final piece into Milosevic's greater Serbian empire.

Albanians by the thousands and thousands will be slaughtered. Albanians by the hundreds of thousands will flee for their lives. An Albanian nation of 2 million people will, for all practical purposes, cease to exist.

That is what Milosevic has in mind. That is what he has on the drawing board.

He has sown the seeds in Croatia and Bosnia. And he will harvest his greater Serbia in the killing fields of Kosova.

Mr. President, the world pretty much stood by and watched while Milosevic tried to dismember Croatia. He's still trying.

Until the past few weeks, the world also stood by and watched while he rolled over Bosnia.

Finally, we have started to take some real action. Finally, we have summoned up the humanity to face up to what was really happening in Bosnia, and summoned up the courage to impose a total economic embargo on Milosevic.

I do not want to be a total pessimist. Maybe there is hope that the embargo will work. Certainly the cutoff of oil, if it holds, could at least slow down Milosevic's war machine. Maybe Bosnia can still, somehow be saved.

I will continue to hope and pray for that to happen. And, as I have since the beginning, I will continue to speak out for us to take whatever action that proves necessary—up to and including, yes, the use of arms under a U.S.-sponsored military intervention—to stop Milosevic; to save the millions of lives that are at stake and at risk.

But no matter how the ongoing conflicts of Croatia and Bosnia are resolved, Milosevic's eye still remains adamantly focused on Kosova. He intends to have it, sooner or later.

As we work for peace and a restoration of sovereignty for Croatia and Bosnia, we cannot forget or bargain away the fate of the 2 million Albanians of Kosova.

They are the next course on Milosevic's menu.

We cannot give Milosevic a green light, explicitly or implicitly, knowingly or inadvertently, to consume Kosova and its people.

Whatever agreement we reach must include real, binding assurances that the people of Kosova will have real peace; will have their rights, including the right of self-determination; they have a right to a future for themselves and their children.

The fate of 2 million people is in the balance. The killing fields of Kosova will be their future—unless we, the United States, the free world, and civilized people everywhere act, and act now.

Mr. President, we finally acted. The United States of America has acted, pursuing a course that brought about sanctions against Milosevic. We should have undertaken that course a long time ago. We should be ashamed that it took us as long as it did to summon up the courage to put an embargo in place against a dictator and a killer. We should hang our heads in shame.

The State Department was absolutely negligent and derelict in its duty and in its job to stand up for human rights. It was pussyfooting around. It was trying to buy time with this killer, with this maniac. And we saw repeatedly, just as we did with Saddam Hussein, someone who was bound and determined to bring about through violence, territorial expansion. We could have saved lives. We could have made a difference, but we did not.

I hope we do not do the same thing here. I hope we do not say you withdraw your troops after the embargo's teeth begin to sink in and we will look the other way as you annihilate the two million ethnic Albanians. They constitute 90 percent of the population in Kosova and what was their crime? Having been born as Albanians.

I did not think in this day and age to have been born as anything—black, white, Christian, Moslem—should constitute a reason for your extermination. I have to tell you something, the United States should not be proud of its lack of action in what used to be known as Yugoslavia.

I have talked to the Secretary of State, to the Deputy Secretary, and I was told that this is a European matter. Why? Why we delegated our responsibility for standing up for what is morally right?

We should have ended our relationship with him a year ago. We had ample warning. A delegation of Senators went there and saw for our own eyes the human rights violations that took place. To simply say this is a European matter and to continue with business as usual is not good enough for a great Nation such as ours. That is what is happening with far too much frequency. I hope that we do not see this tragedy repeat itself.

Had we brought about this economic embargo against Milosevic a year ago, he would have understood we were serious. Now we are talking of possibly backing up the United Nations, and using troops. It is a shameful moment in our history, that tens of thousands are killed, that hundreds of thousands, maybe millions are made refugees, because we did not have the courage to even bring about some kind of diplomatic sanctions against a killer and a thug who belongs, yes, with the likes of Hitler.

I do not know if we have ever learned. I will not keep quiet and watch this continue to take place.

I want to say this now. If the State Department does not focus on the rights of the people of Kosova, the blood that will flow when Milosevic's killing machine turns on them—the blood of the Albanian people will rest in their hands.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC TELECOMMUNICATIONS ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is time on the bill, S. 1504, with the Senator from Kansas controlling 58 minutes, the Senator from Hawaii controlling 80 minutes, the Senator from Alaska controlling 26 minutes.

The Republican leader also has 10 minutes of leader time remaining.

Mr. DOLE. Mr. President, I thank the Chair. I have indicated to my colleagues, Senators STEVENS and INOUYE, that I have a lengthy statement on public broadcasting funding. I know this would be a good time for them to do what they need to do. Then I will be off the amendment following this statement.

But I just hope staff members, or Members who may be in their offices—not that I particularly want them to listen to me, but we have spent a lot of time trying to bring together facts. So far I have heard a lot of debate but not many facts. It seems now and then we ought to have a fact or two, at least when we talk about something I think is very important. So I am pleased we are back on the public broadcasting bill, eager to give this issue the kind of review it deserves.

It does deserve to be reviewed from time to time. Let us face it, when it comes to the public broadcasting establishment, healthy debate has been long overdue. I must say, my peek into the operations of public broadcasting network has been a real eye opener. Thanks to the good work of several of my colleagues and our staffs, we have unearthed enough facts to begin asking the right questions, the kind of informed questions taxpayers expect us to ask when it comes to deciding whether any federally funded program deserves a 50-percent increase, whether it is the Corporation for Public Broadcasting, the Pentagon, the Department of Agriculture and, yes, even the Congress. I am pleased our questions have led to a series of good faith discussions between my staff and officials of every public broadcasting entity. As a result of those discussions, I am cautiously optimistic the public broadcasting establishment will better fulfill its congressionally mandated responsibilities of accountability and balance. That is what this debate is all about—accountability and balance. The American people from time to time want accountability from us and from every other Government agency or agency that is subsidized by the Government.

So that is what we are going to debate. That is what I am going to talk about in my statement—accountabilty, balance, and 50 percent increase for the Corporation of Public Broadcasting that will boost it $1.1 billion for the years 1994 to 1996. Let us face, it, $1.1 billion is a lot of money. In fact, it is enough money to rebuild Los Angeles if you think about it. Remember, it was in this Chamber just a few weeks ago we debated emergency aid for our cities in the wake of the riot in Los Angeles, and the debate is still going on. Big city mayors and Members of Congress are blasting President Bush for not spending enough. We are told $1 billion is not good enough, so Congress has added on another $1.5 billion to the so-called L.A. package.

The only problem is generally when Congress adds on $1.5 billion, we do not pay for it; we say it is up to the President to find a way to pay for it. We ought to help find a way to pay for it. Nobody wants to find a way to pay for the extra funding. Just use the Government credit card again, charge it up to your children, charge it up to your grandchildren, or whatever, just do not bother us. That is a detail, $1.5 billion; it is a detail.

No one is suggesting inner cities do not need help. Far from it. But everyone needs more help these days, and for every problem, someone is going to offer a gold-plated solution and, of course, we are the experts right here in the Congress.

The fact is that America is broke. We simply cannot pay for all the good things we have to have. We simply cannot afford all the good things for the inner cities, our military bases, our farms, our schools, hospitals, the unemployed, America's highways, mass transit, the elderly, and, yes, even for all the good things for public broadcasting. No doubt about it, it is easy to imagine all the good things we could do if we did not have to worry about the deficit, which is now over $4 trillion, that is trillion with a T, not billion with a B, $4 trillion. But the truth is, by the end of this year, it is going to exceed $4 trillion. It is $4 trillion now; it is going to get bigger. The bottom line will not go away no matter how hard we try to rationalize: Do not worry about it, it is money we owe ourselves, and all those phony arguments as many advocates of federally funded programs rationalize it, gloss over it, and say another billion will not make any difference; it is $4 trillion, why would $10 billion make a difference or $15 billion make a difference?

They tell us our programs only costs the taxpayers about a dollar a year. They tell us it is a real bargain, only 20 cents or 10 bucks per taxpayer. Pretty soon the taxpayers are going to be buried under all those bargains he or she cannot afford. I talk about costs to the taxpayers of this particular program.

So let us also keep in mind that this funding is not for this year and it is not for next year. This is funding that does not even go into effect until fiscal year 1994. It is so-called advance funding, privileged financing very few other programs ever get. Let us be clear, public broadcasting is going to be funded as it has every year since Congress created it. The question is how much? Is it going to be $1.1 billion, the 50 percent increase CPB wants, or something more in line with our deficit crisis such as the President's recommended $825 million? Let me repeat, the President of the United States says public broadcasting should get $825 million. He did not say pull the plug. He said give public radio and TV $825 million. The last time I checked, that is a lot of money. It is more than public broadcasting gets right now.

No one will argue we are going to balance the budget on the backs of public television and radio. If we are going to start to get a handle on the deficit, we have to start some day in this Chamber making tough choices.

We had a vote about a month ago now, sort of a test of wills, and we only had 24 Senators, including the Presiding Officer, support the amendment to even get a handle on spending; 24 out of 100. I have heard many of the other 76 out there advocating a balanced budget amendment, a line-item veto, and all the other things that make it seem easy without having to vote. When it comes to making the tough choices, then we have trouble getting 25 percent of this body on both sides of the aisle.

So I think most Americans say, well, if they are going to give you $825 million and you want $1.1 billion, that ought to be pretty easy. Considering that only 17 percent of public broadcasting funds come from the Federal Government, the public TV and radio will certainly survive on an $825 million tax diet. No doubt about it, there has been a tremendous interest generated by this issue ever since it was scheduled for action this session. I had one caller who said she would kill me if we did not fund PBS. I hope she is tuned in. But there has been a lot of disinformation, a lot of misinformation. So I am going to try to set the record straight.

One more time. I am a supporter of public broadcasting. I watch the programming. I watch a lot of it. I have contributed to pledge drives. I also helped secure Federal funding to expand public broadcasting services in central and western Kansas, the kind of rural areas that deserve much more attention and many more dollars from the Corporation for Public Broadcasting, national public radio, and the public broadcasting service.

No doubt about it, I am aware, as other colleagues are aware, of the educational and cultural benefits public broadcasting can bring to rural America, and all America, for that fact. In my view, this debate should focus on the two fundamental standards against which taxpayer-supported broadcasting must be measured. As I said 5 minutes ago, that is accountability: How do you spend the money, where does it go, who makes the money, and balance. There are the very same standards mandated by Congress 25 years ago when it created public broadcasting. But when it comes to meeting these standards, we see public broadcasting falling short much of the time.

We see a system that, for all its successes, still looks out of touch with mainstream America. It is a confusing, clumsy, and inefficient bureaucracy with no power at the top and too much funding flowing to a privileged few. Underscore "privileged few." It is a taxpayer-subsidized system that has allowed itself to be compromised by chummy in-house wheeling and dealing and troubling ventures into the world of private profit and commercial exploitation. It is a system that for too long has grown accustomed to "don't ask any questions about taxpayers' attitude" money. It is a system that claims it is dedicated to quality programs, but apparently is comfortable spending $500 million a year on programming and another $700 million a year on administration—$700 million on administration. Paying for quality programming is one thing, but I do not believe the taxpayers are too excited about paying for quality bureaucracy, which they call administration, $700 million to administer a $500 million program.

We are not talking about the Cookie Monster and Big Bird and Mister Rogers and the kids on the Electric Company. What we are really talking about is a taxpayer-funded multibillion-dollar corporation which reaches into almost every home in America. Make no mistake, it is still a broadcasting system that can dazzle us with quality and excellence as we saw in Ken Burns' magnificent "Civil War" series. But as good as it can be, some of us believe it can be even better: More responsive, more diverse, more balanced, and more accountable.

In the late 1960's, when I was a young Congressman, the proponents of educational television, as we called it back then, sold Congress an ambitious public broadcasting system on the strength of assurances that it would not become just another bureaucracy.

On the contrary, this new broadcasting alternative was going to be committed to fairness and balance and never allow itself to become the captive of ideology or partisanship.

It sounded too good to be true, which is why I voted against it at the time, in 1967.

Today, we are still waiting for all those wonderful promises to come true. We are in the middle of an explosion of communications creativity, and PBS seems to be out of step. Look at the way it spends its money. Funding, which has grown, I might add, way past anything we imagined back in 1967, is centralized in a $100 million program fund distributed by Washington. Programs on the national PBS feed are produced by only 7—only 7—of more than 340 local stations in the network. Of these seven, two stations, New York and Boston, produced by far the lion's share. Now let me repeat that.

We have 340 local stations and only 7 are doing any programming. Only seven. What does this mean? Well, let us take a parochial example. I am from a small rural State. It means stations in my home State of Kansas received no national programming grants from the Corporation for Public Broadcasting last year and Kansans were forced to eat from a menu of public television produced by stations which exclusively reflect what many of us regard as an Eastern elite mentality.

In fact, one frustrated official recently confided in my office that he just could not air some of the programming PBS is producing back East, and in effect forcing them to take it.

I also received a letter from another frustrated producer at the public TV station in upstate New York. Speaking strictly as a producer, he told me of the chilly reception CPB gave his creative and exciting proposal for an educational series about America's multicultural heritage, democracy, and civic responsibility, and I quote what he said. "We can't get the time of day from CPB," he wrote, despite the backing of a who's who of education and civic organizations, including NEA and the PTA, the National Council for Social Studies, the National Science Teachers Association, and the National Civic League.

I am not a television producer, but why some of these smaller television stations cannot get a piece of the action for a change, instead of the well-heeled Big Seven and their friends and their families?

In my view, public broadcasting's funding system should not look like an inverted pyramid, with a huge base at the top for the big boys and the big cities, and a tiny little point at the bottom for the little guys. No wonder local stations are constantly begging viewers for more money; they are on a starvation diet.

All the time we take in this body, all the hours, and hours, and hours we spend talking about the rich and the fat cats and all these big corporations, nobody ever says a word about the Big Seven, who get part of their money from the taxpayers from my State and other States. You kind of wonder if there is a double standard because of audience, because of people who contribute, or because somebody has not taken time to look at what public broadcasting has become.

So they have these little stations on a starvation diet. I think local stations deserve better, and could be getting their fair share if less money was going for big salaries and big buildings and big egos.

I am going to ask to put in the RECORD at this point a list of selected salaries. I am going to list just a few here because I think everybody believes we are overpaid in this body, and they are probably right, but I want to point out some of the salaries in public broadcasting that people probably never focus on, and also the benefits from the world of public broadcasting.

Educational Broadcasting Corp., WNET in New York, NY: Lester Crystal, executive producer, gets $309,375 in compensation plus a package of $92,000-plus in benefits; George Page, a director, gets $184,000-plus, plus $55,000 in benefits; Robert Lipsyte gets $180,000-plus, plus $54,000 and more in benefits; Irene Keisman, executive director, $129,000, almost $130,000, plus $38,000 in benefits. And on it goes.

I ask unanimous consent that be made a part of the RECORD.

In fact, the table is on both the front and back. Just a couple others: William Baker, president trustee, $204,000; a senior vice president, $126,000. They have a lot of vice presidents, all make $80,000, $118,000, big salaries, plus a big package of benefits.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EDUCATIONAL BROADCASTING CORP. (WNET), NEW YORK, NY, SALARIES OF SELECTED UPPER MANAGEMENT

	Compensation	Benefits
Lester Crystal, executive producer	$309,375	$92,813
George Page, director	184,717	55,415
Robert Lipsyte, host	180,808	54,242
Irene S. Keisman, executive director	129,935	38,981
Rhoda Grauer, executive producer	118,260	35 478

EDUCATIONAL BROADCASTING CORP. (WNET), NEW YORK, NY, SALARIES AND BENEFITS OF SELECTED OFFICERS AND TRUSTEES

	Compensation	Benefits
William F. Baker, president, trustee	$204,356	$61,306
George L. Miles, executive vice president	190,042	57,013
H. Melvin Ming, senior vice president, finance	143,604	43,081
Robert Kotlowitz, vice president arts and humanities	97,479	29,244
Eleanor S. Applewhaite, senior vice president, general counsel	70,865	21,260
Gary E. Knell, senior vice president, general counsel	38,364	11,509

EDUCATIONAL BROADCASTING CORP. (WNET), NEW YORK, NY, SALARIES AND BENEFITS OF SELECTED OFFICERS AND TRUSTEES—Continued

	Compensation	Benefits
Ruth Ann Burns, senior vice president, public affairs	118,471	35,541
Robert J. Kunath, senior vice president, marketing	88,462	26,539
Daniel R. Bechtel, vice president marketing	55,503	16,651
Donald Sussman, senior vice president and broadcast ops	113,693	34,108
Edward A. Campo, vice president and controller	101,499	30,450
Arnold Labaton, senior vice president	113,693	40,560
Lawrence R. Lynn, senior vice president	126,849	38,055
Harry J. Chancy, vice president	90,371	27,111
Patricia Delaney, vice president	93,862	28,159
Stella Giammasi, vice president	88,175	26,453

Source: Form 990, Fiscal Year 1989–90.

Educational Broadcasting Corp. (WNET), New York, NY, Statement of Revenue and Expenses

Government Grants to WNET Totaled $30,050,230

CPB contributed $16.7 million of this total. Other moneys comprising total taxpayer funding:	
National Endowment for the Arts	$115,857
National Endowment for the Humanities	155,051
The State of New York	9,924,129
The Energy Ass'n of New York	110,188
National Science Foundation	220,283
New York State Dept. of Education	15,000
New Jersey Council of the Arts	420,982
The State of New Jersey	138,604
N.A.S.A	69,000
The U.S. Postal Service	43,000
Other	6,800

Note.—Total revenue for FY 1989 was $104,649,048.

WASHINGTON EDUCATIONAL TELECOMMUNICATIONS ASSOCIATION [WETA], WASHINGTON, DC, SALARIES OF SELECTED OFFICERS, DIRECTORS AND TRUSTEES

	Compensation	Benefits
Ward B. Chamberlin, vice chairman of the board	$156,650	$14,465
Michael Cunningham, senior vice president finance	114,200	10,409
Salaries of other selected employees:		
Paul Duke	130,008	13,893
Gerald Slater	118,503	11,850

PUBLIC BROADCASTING SERVICE COMPENSATION OF OFFICERS

	Compensation	Benefits
Bruce Christensen, president and chief executive officer.	$102,749.93	11 percent of salary.
Neil Mahrer, executive vice president and chief operating officer.	98,000.16 (bonus $5,000).	Do.
Paula Jameson, corporate secretary, senior vice president.	97,550.08 (bonus $2,400).	Do.
Peter Downey, senior vice president, program support.	97,000.08 (bonus $2,500).	Do.

Source: Form 990, Fiscal Year 1989–90.

SALARIES OF SOME PBS OFFICIALS FROM AROUND THE COUNTRY

	Compensation	Benefits
KCTS Television, Seattle, WA (form 990, 1990):		
Burnhill Clark president and chief executive officer	$136,112	$8,507
Tom Howe, senior vice president	84,346	5,272
Walter Parsons, senior vice president	84,173	5,261
KCET Community Television of Southern California, Los Angeles, CA (form 990, 1989):		
A.B. Baggett, director, national public affairs	98,498	10,796
P. Brynen, senior marketing representative	88,558	5,256

SALARIES OF SOME PBS OFFICIALS FROM AROUND THE COUNTRY—Continued

	Compensation	Benefits
P. Brynen, senior marketing representative	88,558	5,256
D.D. Swofford, engineer	73,907	1,799
R. Franklin, director of cultural programming	73,555	7,674
R.R. Stewart, engineer	72,783	8,763
T. Conroy, vice president, marketing	93,689	13,453+4,200
D. Crippins, senior vice president, education	96,689	13,453+5,200
G. Ferrell, senior vice president, finance/chief financial officer	107,028	14,212+5,200
P. Geller, senior vice president, national producer	109,135	14,574+5,200
W. Kobin, president and chief executive officer	220,470	21,994+2,879
S. Kulczycki, senior vice president and station manager	130,271	15,926+5,200
W. Landers, vice president, engineering	103,540	13,965+4,200
G. Schroeder, senior vice president/general counsel	109,135	12,388+5,200
D. Youpa, executive vice president	149,798	17,401+2,900
Public Television Playhouse, Inc. (American Playhouse Series) New York, NY (form 1990, 1989):		
David M. Davis, president	132,742	39,823
Lindsay Law, vice president, executive producer	117,875	35,363
Roberta L. Tross, vice president, business and legal	91,258	27,377
Janet E. Young, assistant secretary	33,363	10,009
Lynn Marie Hoist, director, program development	50,388	15,116
Roger Lee Downey, coordinating producer	46,242	13,873
Nondas Voll, associate producer	40,200	12,060
Lynn M. Doherty, manager, program development	30,240	9,072
Chicago Educational Television Association Chicago, IL (form 990, 1988):		
William McCarter, president/general manager	131,482	25,970
John Callaway, director, current affairs	121,999	11,449
Ray Nordstrand, president, radio	115,110	9,836
John Rahmann, executive vice president	104,557	19,536
Richard Marschner, director, national marketage	97,430	5,360

Mr. DOLE. Many of these same public broadcasting powers tell us that their programming is for everyone. I am going to ask the question: Is it for everyone?

The Viewer magazine of WETA, Washington, DC's public TV station, attracts advertisers with some pretty staggering statistics. According to WETA, its contributors have an average household net worth of $627,000—$627,000; just one of us. And an average investment portfolio of $249,000. One out of eight contributors is a millionaire; 1 out of 7 has a wine cellar in his or her house; and 1 out of 3 spent time in Europe in the past 3 years. This is the target audience for PBS' prime-time programs.

As a WETA fundraiser told Washingtonian magazine, the big corporate giants that underwrite the most popular shows "know that during prime time, public television can deliver the demographic they want: affluent, highly educated, the movers and shakers, the socially conscious and well informed."

What about the rest of us?

Another revealing statistic comes from PBS itself. In a promotion for one of its shows, the fine, science-oriented "Newton's Apple," its promotion for "Newton's Apple" proudly boasts:

> The typical viewer of "Newton's Apple" is a skilled or professional man, age 18-49, living in a household with children, and with an annual household income of over $30,000. The composition of the "Newton's Apple" audience tracks closely with regard to education, occupation and the age of the head of household. The program is viewed slightly more heavily, compared to the overall U.S. income distribution, by those with incomes between $20,000-$40,000, and even more heavily (six percentage points above the national average) by families with incomes over $40,000.

That is his quote, not mine.

In other words, the quality of the show is somehow validated by the earning power—earning power—of its audience, its upscale, targeted audience: all those making even more than $40,000, as the show promo proudly boasts. By the way, this excellent science show is underwritten by the 3M Co., another public-funded TV show funded not by the taxpayers and not by some pledge drive, but by American business.

Let me assure you, I am not here arguing for the broadcasting equivalent of affirmative action for the people of my State or any other State. My point is, rather, that local communities seem to have less and less influence on the public television system that their tax dollars support. It is not just in Kansas but in dozens of other States as well, where the people have no alternative but to pay their money and take their chances.

And I know the argument: Well, just turn it off if you do not like it. Turn it off.

But you still have to pay. They do not turn off the taxes. You still have to pay.

The meter never stops ticking, and of course maybe some of the programs that keep rolling in from New York, and Boston, and Chicago, and Washington could occasionally reflect the tastes and interests of mainstream America, too, if you just watch long enough.

Another problem there is it seems to be more sensitive to the interests of its close friends than it ought to be. I am talking about the whole system.

I have been distressed to learn about the relationship between PBS and profit-making companies such as Bill Moyers' Public Affairs TV and Alvin Perlmutter, Inc., a spin-off form by one of Moyers' producers. These companies are capitalized with taxpayer dollars, but their profits go into deep private pockets. Sweetheart deals are for lovers, not for Government agencies.

And put aside again for a moment the issue of the quality of the programming these and other similar companies have produced. We can agree that many of these shows do represent quality, but that is not the point. Let us face it: The media can wisecrack about "Big Bird," public TV defenders can filibuster forever with their quality programming rhetoric, and conservatives can complain and complain about liberals.

But can we not work together and do the taxpayers a big favor by directing some sunshine onto this so-called insider trading going on within PBS, the big dollar deals, and the big dollar profits?

You cannot find out. Do not you have a right to find out as taxpayers where the money is being spent? We know they are not subject to the Freedom of Information Act.

What concerns me is that these multimillion dollar companies have been capitalized by tax-supported funds from the Corporation for Public Broadcasting and tax-exempt funds from charitable corporations but avoid the tax man themselves because their grants are funneled through stations in the public television system. What a scam. After producing their programs, many of these companies then turn around and merchandise retail spin-offs from their publicly supported work in the form of video cassettes, books, and other items, often receiving free air time to boot from the public television stations on which their work has appeared. And not only is this profit never returned to the Government which has created it, but these companies continue to come begging for taxpayer dollars year after year for more and more, and more.

The revenue from the spinoffs of programs such as "The Power of Myth," "The Civil War", and "The Frugal Gourmet", to name three very different examples, runs into millions of dollars—again, we are talking about pure capitalism, and pure profit.

Obviously, I am not opposed to entrepreneurs building their net worth through ingenuity and hard work. Far from it. But I am opposed to publicly funded entrepreneurship. The sort of enterprise I have just described should be supported perhaps by loans from the Small Business Administration, but not annual subsidies from the Corporation for Public Broadcasting.

CHILDREN'S TELEVISION WORKSHOP

Probably the best—or worst—example of public dollars funding a profit-making giant is the children's television workshop, the so-called nonprofit corporation behind "Sesame Street." First, Let's set the record straight—"Sesame Street" is one of the finest programs ever produced for television. It's characters are known the world over, and it has without question made a big contribution to education. But that does not mean the taxpayers have to make a big contribution, too.

Look at the facts—the dollars and cents behind "Sesame Street" and the Children's Television Workshop—and then ask the obvious: Why is Congress insisting that the taxpayers send their hard-earned dollars to a Corporation that has a stock and bond portfolio worth $51 million?

How much is $51 million? How many businesses have $51 million in their stock and bond portfolio?

Why is Congress demanding that the taxpayers send their hard-earned dollars to a Corporation that reported to the IRS an estimated total revenue for

1990 at $100 million? Why is Congress asking the taxpayers to continue to fund a Corporation that pays its divisional president William W. Whaley $641,224, and its chairman of the board more than a quarter of a million dollars in salary and benefits? Despite all these staggering big-time, big-business profits for a tax exempt outfit, the taxpayers still have to shell out nearly $15 million a year in Government grants. Now, "Sesame Street" does a great job teaching kids to count, but they do not teach anybody to count that high.

Nobody can count that high. They do not teach you how to count that high. They never ask you how big the subsidy is.

Mr. President, I ask unanimous consent that a list of financial statistics about the Children's Television Workshop be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHILDREN'S TELEVISION WORKSHOP FACTSHEET

1. In 1991 CTW revenues are estimated at $100 million on total worldwide sales of $1,000,000,000.
2. In it's 1988–1989 IRS form 990 (the latest available), CTW—the private non-profit corporation which produces Sesame Street—reported total revenues of $58,620,514.
3. Government grants accounted for $14,833,812.
4. CTW reported a stock and bond portfolio worth $51,260,822.
5. Reported interest on savings and temporary cash investments totalled $2,329,603.
6. Dividend and securities interest totalled $2,265,368.
7. Reported program production expenditures totalled only $23,003,482.
8. For FY86–FY89 reported lobbying totalled $4,000,000 nontaxable amount.
9. Grassroots lobbying in that period totalled $1,500,000 ceiling amount.
10. Product royalties were $8,954,586.
11. Program sales were $1,837,893.
12. Games and toys were $15,126,819.
13. Gross related business receipts were $35,219,887.
14. Divisional President William Whaley was paid a salary of $641,224, plus benefits of $30,000.
15. Divisional Vice President Alfred Hyslop was paid a salary of $207,013, plus benefits of $19,911.
16. Writer-Director Polkat Productions was paid $394,365.
17. Writer-Director Pec-A-Lomer, Inc. was paid $235,891.
18. Chairman Joan Ganz Cooney was paid $222,557 plus $30,000 in benefits for 96% of her time.
19. President David V.B. Britt was paid $184,431, plus $27,665 in benefits for 94% of his time.
20. CTW reported the following wholly-owned subsidiaries and affiliates; CTW Communications, Inc. (for-profit); CTW Development Co., Inc. (for-profit); CTW Productions, Inc. (for-profit); Distinguished Productions, Inc. (for-profit); Sesame Street, Inc. (for-profit); the Electric Company (non-profit) and Sesame Street, Inc. (for-profit).

Children's Television Workshop Statement of Support, Revenue and Expenses

Support and Revenue:	
Direct public support	$6,969,581
Government grants	14,833,812
Total	21,803,292
Program service revenue	11,448,855
Interest on savings and temporary cash investments	2,329,603
Dividends and interest from securities	2,265,368
Gross rents	38,527
Minus rental income	73,851
Net rental income	−35,324
Gross amount from sale of assets other than inventory	9,583,661
Minus cost or other basis and sales expenses	9,412,519
Subtotal	71,142
Gross sales minus returns and allowances	27,264,503
Minus cost of goods sold	21,653,854
Gross profit	5,610,658
Other revenue	15,126,819
Total revenue	58,620,514
Expenses:	
Program services	39,688,751
Management and general	5,954,957
Fundraising	190,028
Payments to affiliates	−318,361
Total expenses	45,515,375
Fund balances:	
Excess (deficit) for the year	13,105,139
Fund balances or net worth at beginning of year	37,279,367
Other charges in fund balances or net worth	1,243,552
Total fund balances	51,628,058

Source: IRS Form 990, fiscal year 1988/89.

Mr. DOLE. Let me just read one or two. In 1991, the Children's Television Workshop revenues estimated $100 million, on a total worldwide sales of $1 billion.

The 1988 through 1989 IRS form 990 the latest data available reported total revenues estimated $58,620,514.

Government grants were about $14 million.

Stock and bond portfolios, as I said, over $51 million.

Reported interest on savings and temporary cash investments total about $2.5 million.

Dividend and securities interests total $2.2 million.

Plus, they spent $1.5 million on grassroots lobbying, product royalties are about $9 million. This is big business.

RUSSIAN "SESAME STREET"? NYET, NOT WITH TAXPAYER DOLLARS

Before we leave our friends at "Sesame Street", let's add one more word of caution. As we speak, Congress and the President are trying to deal with the collapse of the Soviet Empire, trying to address the critical needs of the former Soviet Republics and their peoples.

From a superpower, they have fallen to almost Third World status, in desperate need of all the basics we take for granted: Food, medicine, shelter. But guess what some public broadcasters see as another "basic" for the Russian people—you guessed it, "Sesame Street". It seems the Children's Television Workshop wants a piece of America's emergency Soviet aid package; $20 million to be exact, so it can bring "Sesame Street" to Russian TV screens—that's $20 million right out of the taxpayers' pockets.

Well, let me say this—that $20 million handout, that hoped-for gift from the taxpayers—is not going to happen. I do not think it is going to happen. If the Children's Television Workshop wants to put Big Bird on Russian TV, it can dip into their lavish investment portfolio, or its $1 billion in worldwide sales. Just leave the taxpayers out of it for a change.

Whenever you say that, you are going to be criticized. I can give you a stack of editorials where I have been accused of trying to shoot Big Bird and a lot of the other things which are not true. The liberals out there never worry about the things like truth or the facts.

PROFITABLE NONPROFITS

But it is not just "Sesame Street" and Bill Moyers getting into the lucrative spinoff game.

Just recently there have been four examples of public broadcasting entities moving into some questionable territory, again with taxpayer dollars apparently backstopping public television ventures into commercial enterprise.

(1) PHILADELPHIA CON JOB

In fact, the Council of Better Business Bureaus has already requested an official Federal Communications Commission investigation into one example of unethical advertising on public TV, namely the promotion of the "Sesame Street Live" stage show.

It seems that at the end of a regular "Sesame Street" episode in the Philadelphia Area, a filmed promo popped up on the screen featuring our old friends the Cookie Monster, Grover, and Big Bird, telling kids that their stage show was coming to town, a stage show which is a commercial enterprise.

Of course, profitmaking and marketing schemes and product promotion is not new to "Sesame Street" and the Children's Television Workshop. It is the same kind of capitalism that surrounds the sales of "Sesame Street" books, lunch boxes, dolls, puppets, beach toys, watches, board games, towels, sheets and pillow cases, shampoo, baby toys, diapers, umbrellas, bicycles, tapes, videos, movies, sandboxes, swimming pools, toothpaste, chairs and tables, happy meals, pajamas, underwear, vitamins, and Band-aids, just to name a few.

Just as parents have been justifiably outraged at Saturday morning cartoon shows where it is sometimes difficult to see where the show ends and where the advertising for cereals and toys begins, taxpayers have a right to be offended by this public broadcasting sales gimmick.

Unfortunately, despite the fact that tax dollars are being abused in this scheme, and that children's watchdog groups have complained, both the TV station in question and Sesame Street's own licensing company have refused to cooperate with authorities, refused to turn over any tapes and refused to admit anything was wrong.

(2) "LEARNINGSMITH" STORES

But there is more. We now see Boston's public TV station WGBH, one of the well-heeled, big dollar stations in the PBS empire, moving into retail sales, opening up a chain of "Learningsmith" stores to sell WGBH-related goodies, such as books, toys, art supplies, games, tote bags and videos of PBS programs.

Now, opening such a store may be a great idea, and it might even produce enough revenue to ease the taxpayers burden, but we will never know because like everything else on the profit side of nonprofit broadcasting, the books are closed.

We do not have any access and Congress apparently does not want any access. We do not have the vote to get access to those records this time. We will get the votes one of these days.

Even to the folks helping pay the rent for the WGBH store, the American taxpayer, cannot find out either.

Even to the folks helping pay the rent for the WGBH store, the American taxpayer.

And guess where WGBH has decided to set up its first store? I bet you are going to say in the inner city? You have to be kidding. In downtown Boston itself? In some noncable area? No. It's opening up in what the New York Times calls "The affluent Chestnut Hill Mall in Newton, MA." The Times also tells us that the Newton store "has been so successful that another store will open in Harvard Square."

Harvard Square and the affluent Chestnut Hill Mall? It is pretty obvious these public TV stores have been carefully targeted to go where its audience is—upscale, suburban America—that same public television that goes to help poor people, poor children; all of these things.

Unfortunately, some public broadcasting officials are a little tender about disclosure, or answering questions, or explaining income and profit, or anything else about all the tax dollars coming their way. But the taxpayers have a different view, and more than ever, they want answers, not a runaround.

According to the New York Times, details of WGBH's "Learningsmith" store's finances will not be made public. They are not going to make them public. Why should they be made public?

In other words, when it comes to profit, the public does not have a right to know, even if it is public TV. Damn the public, damn the taxpayers, damn the Congress.

Finally, there is a nationally broadcast sex education show seen on PBS a few weeks ago. I am not going to get into a debate over the contents of the show, but what has me concerned is the marketing that goes with it. The show, produced by the Children's Television Workshop, aired once, and then headed directly to store shelves on videotape. The Washington Post called it "the fastest and most high-profile trip from public television to home video in the history of the market."

If you want to see the sex education show again, hurry off to your local "Learningsmith" store and plunk down your $14.95. PBS defenders never fail to lecture us that many American cannot afford cable, another reason to keep public TV on the public welfare rolls. So far, not one has said anything about those Americans who cannot afford PBS video cassettes, who cannot afford to shop in the Chestnut Hill Mall, and cannot afford to buy Bill Moyers' latest book. What is this all about? I hear all these cries about what we are trying to do for the Corporation for Public Broadcasting.

The marketing goes on. Look in the latest entertainment magazine, and what do you see? A big half-page ad for the sex education tape "for only $14.95, available at fine video stores." The ad includes an 800 number to find out where the nearest retailer is located. It says "retailer." Not once does the ad tell you that the taxpayers help fund, produce, and market this product, and not once do we see anything about taxpayer royalties.

There is another recent example of public broadcasting's big dollar product. It offers quite a glimpse into the taxpayer-funded windfalls I have been talking about. This time it turns into a nasty fight over the millions of dollars generated by public television exposure.

The host of the PBS popular "Wall Street Week," Louis Rukeyser, is publishing a monthly newsletter, and it is decidedly bullish. By mid-July, it is expected to gross about $10 million—a figure that has Maryland Public TV hopping mad. They produce "Wall Street Week," and it wants a piece of the action. Again, according to the Washington Post, public TV believes that Mr. Rukeyser is "cannibalizing what it took us over 20 years to create."

That is a quote from the Washington Post. Sadly, the taxpayers, who are helping to underwrite all this, are the real losers.

Unfortunately, this multi-million-dollar dispute showcases yet again the problems brought on by the troubling mix of public TV and big time, big time, big time profits.

Finally, there is the most important issue of all when we evaluate the current state of public broadcasting, which is the issue of objectivity and balance. You would think these individuals, who have prospered by the generosity of the American taxpayer, would at least cast a friendly eye now and then toward the American system, which has produced the wealth they have come to rely on. They like it. They are living pretty well. But this is rarely the case. Even the New York Times, usually quite flattering about public television, noted that when it comes to public affairs programs, PBS has a "chronic" tendency to produce documentaries that "lean to the left."

What a surprise that comes as to some of us. That is the New York Times, not Bob Dole. According to the Times critic, Walter Goodman:

> Neither the Corporation for Public Broadcasting nor the Public Broadcasting Service has ever come clean about the chronic bent to the left of their public affairs programs.

Some people like it that way. Some people like everything leaning to the left. Some like it straight up, and some like it leaning to the right.

We have watched a lot of this in the 1980's. All of the American people who are paying the bills for all this garbage, in some cases, on PBS saw one documentary after another cheering on the Communist Sandinistas and Communist guerrillas in Central America. These groups were rejected by their own people in democratic votes because they were so violent and dangerous. They had elections there, and the Communists got kicked out. These mandates in Nicaragua and El Salvador seem to make no impression on their taxpayer-supported cheering section here at home.

One recent independent survey supports my view that these documentaries lack balance. Prepared by the respected Center for Media and Public Affairs after a study of 225 programs, the study concludes that "PBS documentaries lack ideological balance, and the balance of opinion on these issues consistently favored liberal positions."

I ask unanimous consent that the entire Media Monitor study be printed in the RECORD as this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Media Monitor, Mar. 2, 1992]

STUDY FINDS PBS LACKS DIVERSITY AND BALANCE

Public affairs documentaries on the Public Broadcasting Service (PBS) inadequately represent women and minorities and lack ideological balance, according to a study conducted by the Center for Media and Public Affairs. The study finds support for criticism of PBS documentaries that has come from both the political left and right.

Researchers examined the topics, sources, and social and political themes that appeared on all PBS public affairs documentaries during the entire year from April 1987 through March 1988. The research team conducted a scientific content analysis of over

35,000 separate segments of 225 programs. Each segment consisted of a statement by a narrator or other source of information. Despite frequent debate over the political content of PBS programming, this is the first large-scale social scientific study of this topic. The study took four years to complete.

The findings were issued in a 160 page report, *Diversity and Balance in PBS Documentaries*, by Dr. S. Robert Lichter, Daniel Amundson, and Dr. Linda S. Lichter.

MAJOR FINDINGS

PBS documentaries lacked racial and gender diversity. Women accounted for only one out of seven statements aired (14%). Minorities accounted for one out of six statements (17%), with Hispanics especially underrepresented. These groups were used even less frequently as narrators. Minorities made up only 4% of all narrator segments and women only 6%.

PBS documentaries lacked ideological balance. The topics most frequently debated included polarizing issues involving war and peace, women and minorities, the environment, and institutional rights. The balance of opinion on these issues consistently favored liberal positions. Key issues:

War No More—Five out of six sources criticized America's participation in the arms race. Sources were evenly split over whether war could *ever* be justified.

Earth First—Three out of five sources (61%) asserted that environmental protection takes precedence over human needs, 28% argued for a balance between human needs and environmental preservation, and 11% held that human needs come first. Two out of three sources also argued that nuclear energy was unsafe.

Left Rights—Four out of five sources supported the liberal side in constitutional controversies. Majorities supported a broadly defined right to privacy (including abortion and gay rights), absolute separation of church and state, unlimited freedom of speech, and greater restrictions on police searches.

Racist America—100% of sources argued that American society discriminates against racial minorities, and 92% argued that society discriminates against women. Most sources also supported self-segregation by minorities.

According to study director Robert Lichter, "These PBS documentaries failed to meet the standards of either diversity or balance. We encountered a wide range of social and political issues but a relatively narrow range of voices speaking out on those issues."

The Center for Media and Public Affairs is a non-partisan, non-profit organization that conducts content analysis of news and entertainment media. Copies of the executive summary are available upon request.

Mr. DOLE. The liberals love it. That is why they are voting for more money. They have their own network. People are told this is all objective, facts, straight up, with balance and no tilt.

We are talking about political documentaries, which come as close to being an editorial page as an institution such as broadcasting has. Yet, in three major series in the several frontline reports on the Central Intelligence Agency put on the public airwaves during the past few years, PBS allowed the propagation of fantasies of a secret government in control of U.S. foreign policy, and of conspiracies so vast that they might make Oliver Stone blush.

One of these series, a 3-hour program, called "On Company Business," was based on the accusation of a notorious CIA defector named Philip Agee. We heard all of his lurid accusations in this documentary, but we were never told that this man was not merely a critic of our side, but an advocate of the other side. PBS made no mention of the fact that Agee himself never bothers to hide that somewhere along the line, he switched support from the American to the Communist side in the cold war.

What are we to think when we watch one of these programs? Maybe you live inside the beltway and you understand all of the politics and how the media is tilted 99 percent of the time, in any event. Maybe you do not live inside the beltway. Maybe you are lucky and live 500 miles from the beltway.

Public broadcasting started not to be an adversary, not to come off with some point of view. I turn on my PBS station, and I have to wonder, can we be as bad as public television portrays us? Do we deserve the dreary gloom and doom reports telling us what is wrong with America? Can the taxpayers not find out one time what is right about America? Or is that proposition simply not politically correct in the world of public broadcasting?

I have watched some of these, including "Listening to America" with Bill Moyers. If you ever saw propaganda or imbalance, that is it. There was a six-part series called "The American Century," which undertook a review of U.S. foreign policy since the turn of the century. It was filled with crude America-bashing and neo-Marxist cliches about what is at the root of our policies. The producers found themselves enmeshed in ironies they could not foresee. The very week a segment called "The Imperial Masquerade" was presenting the United States cold war policy as a bloody record of oppression and violence, the East German people were tearing down the wall that this country steadfastly opposed, and they embraced the democracy that it had guaranteed around the world during the past 40 years.

The only masquerade was this program's pretense to objectivity and nonpartisanship.

These are only a few examples of liberal cheerleading. In fact, the New York Times, which I have never believed to be a conservative cheerleader, had this to say, and they have been fairly blunt in a series of reviews of PBS programming when it comes to exposing blatant partisanship and left-wing propaganda.

I ask unanimous consent to print in the RECORD at this point a sampling of the New York Times critique and comments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The following accusations of bias on the part of public broadcasting were made exclusively by New York Times critics themselves on the pages of that newspaper:

GENERAL COMMENTARY

"Documentaries That Lean Left," May 6, 1991:

"[W]hen it comes to documentaries, it is difficult to argue that [PBS's] drift is anywhere but to port side. How come?"

"Pull the Plug on PBS?" March 22, 1992:

"Neither the Corporation for Public Broadcasting nor the Public Broadcasting Service has ever come clean about the chronic bent to the left of their public affairs programs. . . ."

"A Running Debate About Public TV," May 18, 1992:

"[Despite Bill Moyer's denial,] at least in prime time, PBS documentaries on subjects like foreign policy, welfare, social issues and the environment have long had a pronounced [leftist] slant."

CRITIQUES OF INDIVIDUAL SHOWS

"Cheerleaders" (Times editorial), June 15, 1982:

"People who went to the giant disarmament demonstration in Central Park Saturday reported later that the mood was overwhelmingly genial. People who watched on [PBS affiliate] Channel 13 couldn't tell that for sure from reporting that at times was strident and loaded. . . .[An interviewer] egged on the people he was interviewing. . . . They all sounded like cheerleaders, a rally squad for the disarmament rally. . . . [Such techniques] pollute public confidence."

"'The Gay Eighties,' a Documentary," May 30, 1985:

". . . glides along on liberal, tolerant, enlightened assumptions about 'sexual preference' without pausing to examine them or the antagonism they encounter. . . . The opponents [of special rights for homosexuals, to judge by 'The Gay Eighties,' are largely Ku Kluxers and dumbbells. One anti-homosexual activist is produced, who suggests that homosexuals be quarantined. . . . The questioning [of homosexual activists] is sympathetic to the point of languor. No one is pressed; no exception is taken . . ."

"Cuba's Revolution at 25" ("Cuba: 25 Years of Revolution," "Intercom" series), July 25, 1985:

"Three cheers for the revolution! . . . There is no moral disapproval [of Cuba's more repressive features]. . . . It's not an examination of 25 years of revolution; it's an apology for Cuba."

"A PBS Documentary on Guatemala" ("Guatemala: When the Mountains Tremble"), Jan. 13, 1986 [release had been delayed by PBS because it was deemed "heavy-handed"]:

". . . a vanity film, pressing a point of view: The United States and Guatemala act in concert to murder innocent people; armed revolution is the only way to obtain justice . . . [The film] never bothers to mention that the United States suspended military aid to Guatemala in 1977. It is too busy making its case. . . . [It] ought to have tried reporting. . . . The soldiers, politicians and an archbishop speak in voices full of hypocrisy and general meanness: guerrillas and other leftists sound like gentle saints. . . . In a work like this . . . journalism doesn't matter; it's political posture that counts. . . . Hooray for free speech and many points of view, but something is out of balance."

"'Frontline' Examines Nicaragua's Contras" ("Frontline": "Who's Running This War?"), March 18, 1986:

"'Frontline' . . . knows which side of [the contra matter] it favors. . . . The context is askew. The producer, Martin Smith, has taken a political position, and then selected facts to uphold the position. Journalism is supposed to work the other way around. . . . We get a selective vision here. Facts that do not fit the political position are ignored, or else brushed off in asides. Clever film editing helps. . . . [T]he program reserves most of its scorn for Americans who support the contras.

"'Portrait of a Terrorist,'" May 19, 1986:

"'Portrait of a Terrorist' is no portrait at all. It's an apology for anyone who believes that kidnapping, bombing and murders are legitimate political weapons."

"'Mandela,' Documentary," July 1, 1986:

". . . falls victim to its own reverence [for the Mandelas] . . . The problem . . . is that "Mandela," in its zeal to indict, becomes suspect in its message. It is so determined to take a moral stance that it flouts the rules of reporting."

"'Refugee Road' on [Channel] 13, on Asians," July 24, 1986:

"'Refugee Road' misrepresents recent history. . . . The United States is the oppressor and Southeast Asians are the oppressed. . . . 'Refugee Road' sees no difference between what is spurious and what is real."

"'The Hammer and the Cross': A Series of Distortions," Aug. 17, 1986:

". . . pretends to objectivity . . . one wonders whether it is stainlessly innocent or cunningly dishonest. Either way, it is a splendid example of how television can be used to disseminate propaganda. The trick is never to allow facts to stand in the way . . . [Christian] devotion is measured in terms of commitment to leftist thought. [The show] suspends all critical faculties; its sees only what it wants to see. We get the impression the producers were political pilgrims who visited Havana and Managua not so much to make a documuntary report as to confirm a political faith. . . . serves a propaganda purpose.

'Born In Flames' Is 90 Minutes of Fizzle," Aug. 24, 1986:

"Productions like this provide an argument for the abolition of Federal financing. Liberal apologists for public television pretend the programs don't exist. 'Born in Flames' is left-wing sludge . . . has a narrow-minded piety at its core . . . Only armed lesbians can set us free . . . it moves from the conventional left wing into a campy nihilism. [A station disclaimer] seems intended to free Channel 13 from any responsibility. No one chose to show 'Born in Flames' on public television, apparently, it is something that just happened. The solemn reminder is self-serving, suggesting that no one at the station can control what we see. This is not true. 'Born in Flames' makes you long for the good old days of pledge week."

"'Cuba: In the Shadow of Doubt' on [Channel] 13," Circa Sept.-Oct. '86:

"The . . . documentary . . . sells a myth. . . . The narration makes [Castro's revolution headquarters] sound like Lourdes. What follows is misrepresentation. . . . [makes only] small feints at objectivity. . . . [Portrayals of prisons, hospitals, etc. are] not true. . . . the documentary doesn't want us to think badly of Cuba at all. . . . At it's best, the documentary has a romantic infatuation with Cuba; at its worst, it is calculated propaganda."

"'Africans,' a Series on [Channel] 13," Oct. 9, 1986:

"It is difficult to think of any problem—civil strife, political corruption, even poaching—that [Ali A. Mazrui, the film's producer] does not lay at the door of the West . . . as scholarship, it runs on empty. . . . The series is a vehicle solely for Mr. Mazrui's feelings: West is bad; Islam, particularly fundamentalist Islam is better; indigenous African is best. Colonialism and capitalism march hand and hand in oppression, and totalitarian governments have their points. . . . Mr. Mazrui does not judge countries empirically, he judges them ideologically. . . . In 'The Africans' . . . we get one truth and one truth only. . . . When the National Endowment for the Humanities . . . demanded that its name be removed from the credits, it said 'The Africans' was 'narrow and politically tendentious.' It is, and the final episode . . . even stretches the notion of tendentiousness [and] condones racial war. . . . 'The Africans' is a pretentious fraud."

"'The Africans': An Attack on Western Values," Oct. 26, 1986:

"[Postulates that the] West is responsible for all of Africa's afflictions. The operative word here is 'all' . . . its own principle idea is that Western democratic values are worthless . . . [It is] capricious about facts. . . . [Its] big picture is founded on moralistic and political ordinates rather than the historical record. . . . [Even the] National Endowment for the Humanities, which helped to finance the series, said 'The Africans' was an 'anti-Western diatribe.' . . . What is disturbing about 'The Africans' is that, in being anti-Western, it is also anti-democratic."

"'Vacation Nicaragua,' Tourism and Politics, Oct. 6, 1987:

"'Vacation Nicaragua' . . . is gorgeously done propaganda. . . . This is a Nicaragua that receives no Soviet military aid and has no Cuban advisers. And the contras? This Nicaragua has them, but apparently they are not real Nicaraguans. They are members of a dark force, waiting to ambush the tourists while they float down a river toward the east coast of Nicaragua. . . . Someday ["Vacation Nicaragua"] should find its way into a museum as a classic in video propaganda."

"'Frontline,' on Granada," Feb. 2, 1988:

"'Frontline' does not seem to have uncovered anything new here [about the Granada invasion]. It wants mostly to criticize the [Reagan] Administration."

"Church as Threat to State" ("Thy Kingdom Come * * * Thy Will Be Done"), April 6, 1988:

"The fundamentalists will get you if you don't watch out. [This documentary] says they're trying to impose a theocracy; good citizens must be warned. * * * [It] sees a dark message: 'Nothing of the real America intrudes [in a religious theme park shown in the film].' Whose real America is that? Has [the writer-producer-director] never visited a suburban shopping mall, stayed in a Howard Johnson's or taken a vacation in Disneyland? [The theme park] has many of the elements they do, and they're just as real as can be. The film * * * has [anti-religious] tunnel vision."

"How Koop Surprised Friends and Foes," Oct. 10, 1989:

"Representative Henry A. Waxman, a California Democrat who was prominent in the original opposition to Dr. [C. Everett] Koop, [had] called him 'a frightening individual.' At the end of the program, Representative Waxman says, 'I made a mistake.' And I found myself wondering whether the public broadcasting producers, who are not known for delivering eulogies to conservatives, would have paid this deserved tribute to Dr. Koop if, though honest and committed to his beliefs, he had not proved so congenial to liberal positions."

"The Twilight of 'America's Century,'" Nov. 27, 1989:

"With the support of a few like-minded journalists and think-tankists, [Lewis H.] Lapham probes traumas like the loss of the war in Vietnam, the economic competition from Japan and West Germany, the Iranian hostage crisis, the killing of U.S. marines by terrorists in Lebanon and the Iran-contra revelations. . . . Mr. Lapham and most of his guests . . . speak mainly from the left [and see the Pentagon] as the Great Satan."

"A Confusing Decade, Its Roots and Its Legacy," Jan. 21, 1990:

"The first hour [of "Making Sense of the '60s"] offers a picture of the 1950s that is straight out of the New Left canon: . . . anti-Communist fanaticism, fear of atomic annihilation, sexual repression, weak career-driven fathers, mothers consigned to housework and the pall of Eisenhowerism over the land. No wonder the poor kids rebelled . . . [The film] takes the youth rebellion pretty much at its own assessment. . . . Black parents are presented as inspirations to their children, in contrast to the portrayal of white parents as grotesques. . . . [T]he work is up against the producers' rote preconceptions and the sound-bite technique."

"3 Women In a High-Security Prison" ("P.O.V.: Through the Wire"), June 25, 1990:

". . . dedicated less to exploration than to glorification [of three women convicted of activities connected with alleged terrorist organizations. The] documentary echoes the women's charges that the underground cells [in which they are imprisoned] were custom made for America's political prisoners and fit the definition of cruel and unusual punishment. In tell-us-how-noble-you-are interviews, the women . . . present themselves as martyrs, and the producer eagerly accepts their self-estimate. . . . The ingenuous viewer may be left with the impression that the three were not convicted for their connection with explosives or attempted prison breakouts or bank robberies or seditious conspiracy, but because they happened to be attending a rally in Central Park."

"Those With AIDS Virus Tell Their Own Stories" ("P.O.V.": "Absolutely Positive"), June 18, 1991:

"To Judge from the announcements of coming programs, the concerns of 'P.O.V.' (short for Point of View) have not shifted in response to criticisms from the right that the series is skewed to the left. The subjects include Seneca Indians in upstate New York, environmental dangers, a guerrilla leader in El Salvador and abortion. Well, maybe one of them will take a surprising point of view."

"The Grazing of Cattle vs. Welfare of the Land," Aug. 12, 1991:

"[The pictures in 'The New Range Wars'] weigh heavily against the [cattle] industry . . . How can a grown man, even on a horse, argue with an ecologically enlightened little girl, busy cleaning up a New Mexico river, who tells the camera, 'We're out here to help fish'? . . . [The cattle industry's assertions] are stampeded. . . . A touch of skepticism would be refreshing now and then, and this hour would have provided more to chew on if it had confronted the opposition arguments."

"Channel 13 To Show Film on AIDS Protest" (reportage), circa 9/19/91:

"The film, made entirely from the point of view of demonstrators from Act Up, an AIDS advocacy and protest group, features numerous denunciations of the Roman Catholic

> Church and John Cardinal O'Connor. The cardinal and his defenders are rendered comic through editing and camera techniques."
>
> [The film was dropped, initially at least, by PBS because it called it "inappropriate for distribution because of its pervasive tone of ridicule overwhelming its critique of policy."]
>
> "Suspicions vs. Proof In Mideast Banking Case" ("Frontline; The Bank of Crooks and Criminals"), April 21, 1992:
>
> "Like the recent 'Frontline' report on charges that supporters of Ronald Reagan delayed the release of American hostages before the 1980 elections, tonight's program suffers from the producers' evident wish to believe and to publicize more than they can prove."

Mr. DOLE. Mr. President, just let me read a few of these.

I have already indicated one quote.

March 22, 1992:

> Neither the Corporation for Public Broadcasting nor the Public Broadcasting Service has ever come clean about the chronic bent to the left of their public affairs programs. * * *

May 18, 1992:

> [Despite Bill Moyer's denial,] at least in prime time, PBS documentaries on subjects like foreign policy, welfare, social issues and the environment have long had a pronounced [leftist] slant.

That is not me. It is the New York Times.

October 6, 1987, a little documentary called "Vacation Nicaragua," Here is what the New York Times had to say about it.

> "Vacation Nicaragua" * * * is gorgeously done propaganda. * * * This is a Nicaragua that receives no Soviet military aid and has no Cuban advisers. And the contras? This Nicaragua has them, but apparently they are not real Nicaraguans. They are members of a dark force, waiting to ambush the tourists while they float down a river toward the east coast of Nicaragua. * * * Someday ["Vacation Nicaragua"] should find its way into a museum as a classic in video propaganda.

The taxpayers helped pay for this stuff. The New York Times says this about it.

Cuba's revolution, July 25, 1985. Here is what the New York Times said about it.

> Three cheers for the revolution! * * * There is no moral disapproval [of Cuba's more repressive features]. * * * It's not an examination of 25 years of revolution; it's an apology for Cuba.

So do not take my word for it. And all those people writing me, who have been led on by some talk-show host and others who must be beneficiaries of some of the public radio, whatever, just try to get the facts.

Let me talk about another flagship program called "Frontline." I watch it. I like to get the other side. And generally you get the other side if you watch "Frontline." Oh, it sounds like they are serious. They even sound like some to be the truth. But in the past year, the flagship documentary series "Frontline" has presented programs insinuating President Reagan committed treason in the Iran-Contra affair; that President Bush, not Saddam Hussein, is responsible for the present suffering in Iraq; and that the Reagan-Bush team stole the Presidency in 1980 with a conspiracy involving the Ayatollah Khomeini and American hostages in Iran; it is the wacky "October surprise" advanced by a few liberals, an alleged conspiracy which the New Republic and Newsweek magazines both recently declared to be a fraudulent, fictitious, and ridiculous concoction.

Again, this is another show that is partly funded with your tax dollars. And if you are on the left, extreme left, moderates probably could not qualify. If you are on the far left and you watch this stuff, you would say: "Isn't that great? They are condemning America, telling us what is wrong with America, what is good about Castro, what is good about Cuba, what is good about the Sandinistas."

And then for a little partisanship I will give you a little bit of the menu. They insinuate all these things about Presidents they do not agree with.

So, this is a serious business.

I raise these examples of left-wing ideology and radical bias here, and I want to make it perfectly clear, not to propose that these programs, however reprehensive I personally may find them, should be censored or taken off the air. Go ahead, let them present the left, let them present that side, because I believe at least we were told back in 1967 we are going to hear all views, get all views.

All views should have access to airwaves is what freedom in public broadcasting is about. But the people in charge of the public broadcasting system have the solemn obligation to present other, conflicting opinions and contrary points of view in their documentary programming. This, I am sad to say, simply has not happened, and it probably is not going to happen until the American people demand it.

So I look around the communications world today and I see diversity, innovation, open access, and competition of ideas everywhere—everywhere, except in the houses that public broadcasting has built, places where such qualities should be most apparent. That is what this was all about to start with. That is what we were told.

Why do we not go back and do what Congress intended back in 1967? Why do we not sunset this law and let it expire in 1 year and have another hearing? Why do we not have some innovation here?

Again, all those people who make all the speeches about the rich, President Bush, and how others in the body take care of the rich, they ought to be experts, they ought to be experts if they have listened, if they look at the record, why we cannot have the facts, why we cannot know where Bill Moyers' money goes, all the money he makes, how many spinoffs, how many private profit deals does he have or anybody else for that matter?

Let us take a look at what the American people are watching and what they are not watching. They are not watching it because they are not on. They are watching a one-sided liberal, leftist, tilted program.

It might come as a surprise to some people, despite all the efforts of some, the most watched programs on PBS are not the political programs or the opera performance. What most Americans really like to watch on PBS are nature programs. Of the 25 most watched programs of all time, 13 of them—including the 5 most popular programs ever—are National Geographic specials. Five more of the most watched shows are from the "Civil War" series, two are "Grand Ole Opry" specials, and one was a "Lawrence Welk" special. None of them is a conversation with Bill Moyers, or any other liberal journalist for that matter.

The best news yet is that the National Geographic specials are not produced with taxpayer dollars. On top of that, the National Geographic programs' appearances on PBS are underwritten by Chevron. You see, National Geographic specials do not need taxpayer subsidies to build an audience, teach our children, or win the PBS seal of quality. These universally acclaimed programs, which appeal to curious minds of all ages, continue to thrive on independent commercial stations and cable television all across America.

So, let us face it. The biggest stars of public television are the sharks, the grizzly bears, the tigers, and the polar bears featured in National Geographic specials—not the MacNeils, the Lehrers, the Moyers, or the Greiders.

And I might add I like MacNeil-Lehrer. I think it is a great program.

In fact, PBS' feature—can you imagine this—is a big objective Presidential election coverage by those two great middle-of-the-roaders, Bill Moyers and William Greider.

Anybody who believes that would believe almost anything. But nobody watched them, so maybe it does not make any difference. Ninety-seven percent of the audience were watching something else. All that time Mr. Moyers was telling what is wrong with America, Mr. Greider told us of the collapse of democracy.

They are two great commentators telling us what we ought to be thinking about in the Presidential race. I am not thinking anybody this year is going to be liberal enough for them to cover. They will figure out some way to do it.

Is it not time to ask what is wrong with PBS?

But we cannot find out. And they are not going to tell us, and we are not going to make them. We keep giving them more money, double their authorization, hope they can double the appropriation, put a few little amendments in that do not mean a great deal say, "Well, we will see you later." We give them advanced funding. They do not need it for a couple years. We give it to them early to get all the programs. They do not want to have high-paid people wait, people making $600,000, a year, or $200,000 or $300,000.

So right now it is just the American people are being shortchanged in two ways. First, when they pay their taxes and, second, when they turn the dials of their televisions and radios to PBS and NPR.

Now this is 25 years. You would think in 25 years public broadcasting might have reached maturity, and it might now be time for some adult choices. If those in control of this system insist on continuing along the path of elitism, sweetheart deals, and one-sided partisanship, then they should be prepared to see PBS privatized. And many of my conservative colleagues in the Congress have already called for that.

If PBS were a private rather than public entity, and if it stopped relying on the taxpayers' largess, then it could arrange its business affairs as it chose and take whatever politically correct positions it liked, and then let the marketplace decide. Certainly, privatization may be an option. It is not an option I am calling for.

I think public broadcasting should continue, but it ought to adopt some reforms. I do not understand why they do not want to adopt any reforms. Why do they not want to be subject to the Freedom of Information Act?

Objectivity and balance are the two pillars upon which the edifice of public broadcasting was supposed to stand. Even now, a reaffirmation of these values can provide the foundation of its future existence. But without a real commitment to objectivity and balance, and true nonprofit motivation, it is difficult to see why the American taxpayers should be asked to support it.

Mr. President, this is only the beginning. I read with interest Russell Baker's column the other day that he had some regard for me and he could not figure out why I was picking on public television. I hope Russell Baker reads what I have said because his eyes would open, too.

We have a problem. Oh, this is a worthy cause, so do not worry about it. It is double the authorization; hopefully, double the appropriation. What is another $500 million. What is $1.1 billion? When you owe $4 trillion, maybe $1.1 billion does not make any difference. As I said it could rebuild Los Angeles. That would make a difference. They are not getting PBS or anything else. They are lucky to get food.

We always have our priorities right in Congress. We take care of those who ought to be able to take care of themselves. Then we argue all week here on unemployment compensation, how we are going to help some men or women out of work, whether they ought to get 10 weeks or 12 weeks.

There is nobody here out of work, nobody in the Corporation for Public Broadcasting out of work, nobody not making big bucks. But we do not know how big the bucks are. How much? Why can we not find out? We disclose what we make. We disclose what we make in campaign funds. We disclose everything in Congress. You would think at least we would expect the same from other tax-supported institutions, whether or not they are totally Government agencies or partly Government agencies, partly funded with Government funds. Seventeen percent is enough to ask what is going on. And maybe every year they do not give us the information we ought to reduce it 1 percent—16, 15, 14, 13, 12, 11, 10, zero. It would take a long time, but it has been 25 years and we have not learned anything yet.

I want to conclude by suggesting there are other people concerned about this. I have been caricatured and roasted and toasted and everything else because I had the audacity to even raise the question about public broadcasting or public radio and how it is paid for. I do not have any agenda. I am not running for anything, except reelection. There have been a lot of people out there who have been thinking about this. I have been reading all the other stuff about why we are trying to kill Big Bird and all the other phony propaganda, flat-out inaccurate stories.

Mr. President, there have been a lot of good editorials and news reports dealing with the public broadcasting issue. Some of them can even be described as courageous in that the writers are willing to challenge the status quo, willing to take the heat and go beyond the shallow characterization of the debate as simply killing Big Bird, or so-called conservatives trying to pull the plug on public broadcasting. That has never been my intention. As I said, I like it. I even contribute some to it.

As I have detailed, there is a far more serious side to this issue—millions and millions of taxpayer dollars on the line; big private profits from a so-called nonprofit network; big bureaucracies and big salaries; questionable programming; and the steady stream of documentary cheerleading for leftwing interests. That concerns me.

I am not some rightwing nut. I am not trying to make a deal. Keep them all on there. Keep all those crazy leftwing programs. But we ought to put a bunch of the crazy rightwing programs on to make it even, or at least have balance so people could take a choice. They probably would not believe, either.

So if anybody is interested in blowing away the smokescreen the special interests have built around public broadcasting, these articles make for a pretty good start.

That is why I am pleased to include in the RECORD several outstanding analyses of the public broadcasting issue, leading off with a superb piece by the much-respected Newsweek columnist Robert J. Samuelson. I do not think anybody has ever looked at Mr. Samuelson as some ideolog, some rightwing conservative. There are also articles by George Will and other respected columnists in the Washington Post. Both of these appeared in the Washington Post.

There is an article by Andrew Ferguson from the Washingtonian magazine, entitled "Not With My Money." That makes the point I tried to make. If they want to do it, do it, but not with our money, your money. And he asks the question, "With so many alternatives on the air, does public TV still deserve a handout?" A pretty good question.

In 1967, we had three networks. Now you can get I do not know how many channels on your TV station. We have the Discovery channel, all kinds of channels, business channels, sports channels, all-news channels, children's channels, Arts and Entertainment, A&E. So there are lots of opportunities.

I ask unanimous consent that all those articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 27, 1992]

(By Robert J. Samuelson)

SPECIAL PLEADING FOR PUBLIC TV

You learn in college that if you're asked an exam question you can't answer, then answer the question you can answer and pretend it is the exam question. Sharon Percy Rockefeller—president of WETA, Washington's public TV station—must have done well in college. When columnist George Will proposed ending federal subsidies for public TV, Rockefeller fired off two blistering replies that managed to evade the central issue posed by Will.

It is this: How can we end federal budget deficits unless we eliminate nonessential programs like broadcast subsidies? (The answer: We can't.)

Every special pleader, like Rockefeller, wants to ignore the larger picture. In her replies, she never mentions the deficits. A+ for debating skills; F for honesty. There are principled reasons to support federal subsidies for public TV. There are also principled reasons (to which I subscribe) to oppose them. But we should be beyond this sort of delicate debate. The truth is, as Will argued, that TV subsidies are a governmental frill we can no longer afford.

It's hard to argue that America doesn't have enough TV or that it's a basic function of government to satisfy every programming taste underserved by commercial stations. It's also hard to envision that public broadcasting's best-known programs ("Sesame Street," "MacNeil/Lehrer," "Wall Street Week" or "All Things Considered") would vanish without subsidies. They could—if need be—find commercial support. (Indeed, some of these programs now feature announcements of corporate sponsorship that are first cousins to commercials.) Nor would ending subsidies doom public broadcasting. Only 17 percent of its income comes from the federal government, down from 27 percent in 1980.

Naturally, Rockefeller invokes children in defense of public TV, citing (aside from "Sesame Street") programs such as "Mister Rogers' Neighborhood" and "Where in the World is Carmen Sandiego?" I've got three small children, ages 2 to 7. These are good programs. But let's not delude ourselves: They haven't fundamentally improved the lot of poor children. And if these programs have educational value, they can be funded through the Department of Education. What we don't need are broad-based subsidies that underwrite more conversations with Bill Moyer.

Now, the point here is not to expose Rockefeller's considerable skills to deceive. It is to highlight the central issue; the budget deficits. Recall that the deficit in fiscal 1992 exceeds $350 billion and that the Congressional Budget Office projects deficits of at least 3 percent of the economy's output into the 21st century. That's about $180 billion in today's dollars. And these projections assume an economic recovery and a continued decline of defense spending (as a share of output), while excluding the one-time costs of the savings and loan bailout.

Almost every politician in America wants to be passionately against the deficits without being for any spending cuts or tax increases. This explains the appeal of a constitutional amendment requiring a balanced budget. Supporting it allows politicians to oppose the deficit while postponing any specific actions. It also explains the appeal of Ross Perot; a man who promises dramatic changes without elaborating how he will achieve them.

The trouble is that the budget deficits can't be closed without raising specific taxes or cutting specific programs. If every existing program is sacrosanct, then the cause is hopeless. Suggestions to prune such programs as TV Subsidies typically evoke this reply: Don't bother, because they're too small to matter. Specifically, this is true. Axing the $251 million operating budget of the Corporation for Public Broadcasting wouldn't visibly dent the deficit.

But the argument fails on two counts. First, many other programs resemble TV subsidies: Whatever their original justification, they no longer serve an important national need. They have constituencies and supporters, who advertise public benefits that are at best modest and at worst fictional. Amtrak, Farm subsidies, Art subsidies. Water subsidies. There's a long list. In an ideal world, we might be able to afford them. But not in today's world. There are also hordes of programs where spending could be tightened. Together, the potential savings probably amount to $15 billion to $25 billion: not enough to end the deficits, but not trivial.

And second, it will be impossible to enact meaningful tax increases (an essential part of any deficit solution) until the public perceives spending is being disciplined. Here's the crux of the deficit deadlock. Republicans propose spending cuts that Democrats reject, causing Republicans to reject tax increases. But both parties are pleased, because neither truly wants to raise taxes or cut spending. The paralysis is sustained by special pleaders like Rockefeller who have a vested interest in the status quo; that is, massive deficits without political pressures to cut the least-justified programs.

The very size of the deficit has now become an excuse for irresponsibility, because no single step is sufficient to make a major difference in the deficit. The effect is to prevent government from responding to new needs. A case in point: Sen. Jay Rockefeller (D-W.Va.)—husband of Sharon—last year chaired a national commission on children. The commission made some expensive proposals (for example: a tax cut for families with children) that were simultaneously praised and dismissed as unrealistic. The reason: no money. If Sen. Rockefeller wonders why, he should look across the breakfast table.

Everyone is happy to deplore "special interests" in the abstract without the discomfort of naming names or identifying programs. The attitude is live and let live: "I'll keep my favorite program, you keep yours. We can no longer tolerate this casual cynicism. People like Sharon Rockefeller enjoy unwarranted public sympathy because they defend programs deemed "worthy." In fact, she and her ilk are prime defenders of the deficits. Irresponsibility has become respectable, even chic. Until it isn't, there's no chance of making any headway.

[From the Washington Post, May 12, 1992]

$1.1 BILLION FOR PUBLIC TV?

(By George F. Will)

With a spirit stronger than the reasoning behind it, Sharon Percy Rockefeller, president of WETA, Public Broadcasting in Washington, reprimands me for advocating an end to federal subsidies for public television [op-ed, April 28]. My offense, which her riposte moves me to re-commit, is this argument: Whatever one thinks of the case made a generation ago for public funding, the case collapses in today's utterly transformed technological and fiscal contexts.

To advance the argument, I will stipulate that public television is a net enhancement of American life. If the waving of a magic wand could sustain it, the wand should be waved. But what public television wants is another $1.1 billion for three years. So the pertinent question is not whether, as Rockefeller says, public television "improves" us. Rather, the question is whether public television—a paradigm of government's ornamental activities, pleasant but inessential—has a strong claim on some of government's scarce resources. Are its claims stronger than those of child immunization, the National Institutes of Health and a thousand competing causes?

Rockefeller says public television is part of government's promotion of "the pursuit of happiness." Actually, it exemplifies government in the distorted role of deliverer of happiness. And to whom? To an economically and intellectually advantaged constituency that could and should fend for itself to satisfy its appetite for cultural services.

When public television began, before the advent of cable and the VCR, it increased from three to four the choices available to most viewers. Today most households have scores of channels to choose from, including some (e.g., Discovery and Arts & Entertainment) that offer programming comparable to much of public television's programming.

Rockefeller responds, "More outlets do not necessarily mean more choices; an increase in quantity does not automatically result in more diversity or higher quality." Surely Rockefeller is not denying the explosion of televised diversity. Instead, her argument suggests that any demand the market satisfies must be of dubious quality. The implication is that no matter how many choices the market offers, government has a duty to add others by offering programs for which the market registers no demand. That argument guarantees that government television can forever, no matter what, be called "necessary." But it achieves this guarantee at a cost: It underscores the perverse rationale for federal subsidies.

The rationale is that no matter how much programming the market provides, government is supposed to provide more. Why? Because its programming is supposed to serve an audience so small or idiosyncratic or devoted to "quality" that market forces, even those now offering a proliferation of programming to a much-segmented market, will not satisfy it.

Rockefeller says of me, "He concludes that government should consign public broadcasting—and by extension other cultural institutions—to the forces of the marketplace." And she likens public television to "public schools, universities, libraries, hospitals, museums, symphonies and national parks." But it is Rockefeller who makes an unreasonable extension. Reasonable distinctions are necessary; let's make some.

Many cultural institutions serving small and primarily affluent audiences should indeed be weaned from dependence on tax dollars, especially federal dollars. And it is not in Rockefeller's interest to put public television on any list with hospitals, which are institutions of life and death, and schools and universities, which are essential for preparing the population for freedom and social competence. Such lists underscore the fact that public television is a social adornment, not an essential.

Which brings us to today's fiscal facts as public television seeks a 50 percent increase of its subsidy.

Beginning in 1969 (two years after creation of the Corporation for Public Broadcasting), the Nixon administration debated establishing a guaranteed annual income. Debate raged concerning practicalities and ethics—but not costs. Sen. Daniel Patrick Moynihan (D-N.Y.) later published a 559-page book on the controversy, devoting just 34 lines—to costs. Back then, he says, "it was simply a given" that "money would be found" for any nice idea.

Today, although the defense budget has declined in real terms for eight years, every defender of a domestic spending program still says, "The military wastes money! Thus Bill Moyers says the military spends $200 million on marching bands, therefore Congress can vote more than six times that sum for public television.

Such crashing non sequiturs acquire a kind of crazy plausibility after a decade of fiscal vandalism. Given the $400 billion deficit, what difference does another $1 billion make? That is, no choices are necessary as long as government borrowing can push costs into the future. But the need for spending cuts is indisputable. So as it contemplates public television's subsidy, Congress should ask two simple questions: If not here, where? If not now, when?

If something as marginal as public television successfully defends its subsidy, cuts can come only at the expense of Americans less affluent, educated, articulate and skillful at lobbying than public television's aggressively moralistic constituency. And public television will be a paradigm of government's role as servant of the comfortable and defender of the strong at the expense of the future.

[From the Washingtonian magazine, July 1990]

NOT WITH MY MONEY

(By Andrew Terguson)

"I must say I find educational television very educational. The minute somebody turns it on, I go to the library and read a good book."—Groucho Marx.

In the beginning they called it educational television: black-and-white images of a skinny fellow in wire rims slapping a pointer against a blackboard; aging couples in wrinkled suits droning in French; imperious professors lecturing on "Canada: Sleeping Giant of the North" over grainy footage of Eskimos.* * *

And so on. Dull, yes, but across these 30 or more years wonderfully innocent, too. For educational television—before the phosphorescent dawn of quick-cut editing and computer-generated graphics—embodied the old notion that education might require prolonged attention and a steady mind, that learning wasn't easy or even fun.

All that is long gone. Originally a string of cracker-box operations, public television is now a billion-dollar-a-year enterprise involving Fortune 500 corporations, the feds, hundreds of independent producers, huge production facilities, countless bureaucrats, satellites, MacNeil/Lehrer and Bill Moyers.

Washington's own WETA, which began in the home of Elizabeth Campbell, its prime mover in the 1950s, now occupies a sky-lighted, plant-festooned complex in Arlington, and it's looking for still classier facilities back in DC. With an annual budget upwards of $40 million, WETA churns out such public-TV staples as the MacNeil/Lehrer News-Hour and Washington Week in Review.

Meanwhile, the original justifications for government-supported television are fading, and the reason can be summed up in one word: cable. With the demand for arts, science, and public affairs met by such enterprises as Arts & Entertainment, the Discovery Channel, Cable News Network, C-SPAN, and the Learning Channel, isn't the $170 million that Congress routinely dishes out for public television rather, well, redundant? The question is being asked more and more often, and it strikes the public-TV establishment as a distinctly unpleasant one.

The question was anticipated years ago by the estimable Mrs. Campbell. "I feel that we'll be here as long as we're needed," she said in 1986, on WETA's 25th anniversary. "And when we're not needed, we shouldn't be here. Period."

Time's up, Mrs. Campbell.

Pulling the plug will, of course, be hard to do. By design, public television is a quasi-governmental bureaucracy, and such outfits are notoriously hard to dismember. The pattern recurs throughout the long history of government expenditure: Once enthroned, a bureaucracy shifts its purpose from fulfilling its charter to self-perpetuation.

Public television has done this with the same quest for excellence that it claims for its programming. Over the years it has camouflaged itself according to changing circumstance with a skill that would make a chameleon green (than purple, yellow, red) with envy.

Public television as we know it is a creature of the Great Society, that dizzy period when the federal government decided that no journey was too difficult for Americans to undertake so long as Washington was in the driver's seat. In this spirit, the idea of noncommercial television was seized from the community-college pedants and handed over to the forces of national uplift.

Foremost among these were America's two leading institutions of corporate do-goodery, the Ford Foundation and the Carnegie Corporation. The Ford Foundation supported the tiny stations dotting the country until the mid-'60s, when the tithe got burdensome, at which point the Carnegie Corporation picked up the ball.

The virtue of noblesse oblige survives in modern America, but with a catch: When the nobility embraces an uplifting idea, its traditional obligation ends after it convinces somebody else to pick up the tab, and the sucker is invariably the taxpayer. Thus, when a man named Ralph Lowell (of the Boston Lowells) urged the Carnegie Corporation to study the Future of Public Television in America, it responded in 1967 by issuing to Congress an elaborate blueprint for a service to be funded in perpetuity by a tax on television sets.

The congressmen didn't go that far because they preferred that public TV make the yearly crawl up Capitol Hill for more money. But almost every other item on the Carnegie wish list was granted.

The Carnegie report included an elegant little manifesto written by E.B. White, which has been quoted and requoted ever since. Public television, he wrote in part, "should be the visual counterpart of the literary essay, should arouse our dreams, satisfy our hunger for beauty, take us on journeys, enable us to participate in events, present great drama and music, explore the sea and the sky and the woods and the hills. It should be our Lyceum, our Chautauqua, our Minsky's and our Camelot."

Like much of what Mr. White wrote, this is charmingly cadenced and not such a great idea. Among public-TV acolytes, however, it's become a credo, the sort of thing bureaucrats would ask Mother to embroider and hang on the wall of their cubicles, if bureaucrats had mothers.

The high purpose embodied by the original Carnegie report remains central to public television's image of itself: the elitism, the we-know-what's-good-for-'em attitude, the goo-gooism, the distrust of commerce. It was the Carnegie report that recommended changing the name from educational TV to public television, and with one swift fix of the letterhead, the chalky blackboard, the droning language lessons, and the imperious professor were gone.

Like so many government institutions, public television is hopelessly rickety and inefficient. Of course, as its establishmentarians are quick to point out, public TV is not really a government institution—it derives only about half its revenue from government at all levels, about 16 percent of the total from the feds. But you couldn't tell from looking at it. If somebody attempted a diagram of how the compartments of public television fit together, it would resemble a Rube Goldberg contraption that heaves and rises and swoons and steams and rumbles and brings forth, at last, a paper clip.

Public television has learned the dodge uniquely crucial to bureaucratic survival: Become so confusing and dull in your administration that you bore any potential critic into stupefaction. Where exactly the money comes from and where it goes, who bosses whom, which Corporation Deputy Vice President of Inter-Environmental Communication Resources is responsible for what directive about which process—all is a mystery sunk in the alphabet soup of CPB and PBS and NAPTS and NAS and NCS and NPS and NNS (which did a show about the EEOC) and ESS and SIP and STP and ALS, which you confuse with ALSS at your peril.

If the confusion doesn't get you, the boredom will. I refer not to the programming—although you've got to admit that once you've seen the first half-dozen documentaries about the Leakeys and Lucy the apelady, you've seen them all—but to the ennui that sets in when one is confronted with the arcana of a sect. I myself have covered public-television board meetings and heard sentences about "developing automated index downloading to facilitate real-time distribution of interactive instructional programs," only to find my forehead drifting toward the shoulder of the reporter in front of me. And they serve free coffee.

In all this, public television is truly a child of the Great Society. But it differs from its brother and sister programs in a significant respect, one that may be its undoing. Most such programs were organized according to Voltaire's dictum that "the art of government consists in taking as much money as possible from one class of citizens to give to another." The class that was supposed to be bled was the rich, and the beneficiaries were to be the poor.

Public television reverses this.

With a limited number of frequencies available, commercial television at its inception could survive only by appealing to the masses. To make money in television, the networks would have to seek the lowest common denominator.

Public TV, on the other hand, was founded on the proposition that almost nobody would want to watch it. If there were a significant audience for the fare it offered, there would be no need for subsidies; some ingenious entrepreneur would have smelled a buck and networks would be offering opera, quality drama, nature shows, and talking heads.

The premise proved correct: Such an audience was quite small, too small for moneymaking. (Public television's audience share seldom rises above 4 percent.) And not only was the share of viewers small, but the viewers were choice: wealthy, well educated, and white. The rest of the country cuts part of its paycheck in order to bring this well-to-do, hard-to-please crowd its "television worth watching" (the phrase is PBS's). It's not what Voltaire had in mind.

Public broadcasters bristle at the charge that they're catering to an elite—egalitarianism is part of their credo. They brandish audience breakdowns showing that their viewers are just as prole as commercial TV's. That may be true if you factor in the broad demographic spectrum of people who plop their kids in front of the tube during the day, when Sesame Street is on. But for prime-time viewing, the audience is decidedly upscale.

Why else, after all, would those Fortune 500 companies "underwrite" public television's big-ticket shows? They're preening before consumers they want to impress. As a WETA fund-raiser told me. "They know that during prime time public television can deliver the demographic they want: affluent, highly educated, the movers and shakers, the socially conscious and well-informed."

Not Ralph Kramden, in other words. Similarly, WETA's viewer magazine lures advertisers with a promise of upscale audience. For these purposes, the station admits that its contributors have an average household income of $94,583, an average investment portfolio of $249,693, and an average household net worth of $627,663. One out of eight is a millionaire; one out of seven keeps a wine cellar; one out of three visited Europe in the last three years.

Public television's toniness is found not only on the demand side but also on the supply side.

The paragon of public-television activism, both in the Washington area and nationwide, is Sharon Percy Rockefeller, recently elected president of WETA after a long career in the upper reaches of the public-broadcasting bureaucracy. Mrs Rockefeller is the sort of person who starts at the top and works her way sideways.

Bright and well-spoken, charming and well-read, she is as well-connected as Pepco, although her gross income is probably larger. Her father is former Senator Charles Percy; her godfather is Barry Goldwater; and her husband is Senator Jay Rockefeller, scion of the very wealthy family that embodies gallant public-mindedness. Her politics tilt leftward, and her interests are the interests of the well-to-do: art collecting, politics, and every manner of good works.

In the argot of pre-feminist suburbia, Mrs. Rockefeller is a joiner. Her board affiliations alone fill a page and a half of her résumé: four women's organizations, two non-profits, five educational, three fine arts, and three attached to the Rockefeller name. Her activity has been rewarded with eight honorary doctorates.

It's no surprise, then, that Mrs. Rockefeller and public television found each other. It was love at first sight. Never much of a TV-watcher, she was introduced to PBS through her children's affection for Sesame Street. Most mothers of a joining predisposition might offer to help out at the station, say, answering phones during pledge week: Mrs. Rockefeller got President Carter to appoint her to the board of the Corporation for Public Broadcasting, which hands out the federal subsidy.

As Richard Brookhiser, a former CPB board member, has pointed out, there's nothing unusual about this, for wealthy women have always performed good works. The difference is that they used to do so with their own money; now they do it with ours.

Mrs. Rockefeller jokes that she at last landed a full-time, paying job. Her salary is an estimated $125,000, on top of which she gets an entire television station with which to improve the populace. And her goals are as high as her salary: Her "Agenda for the '90s" refers to "establishing new standards in broadcasting," "achieving excellence, relevance, and impact," "never underestimating our viewers' intelligence," and, most comprehensively, "serving our neighbors and nation." All without spending a dime of her own money.

That sort of flattery is calibrated to appeal to the "affluent movers and shakers" who constitute Mrs. Rockefeller's viewers. But class factors alone—the wine cellars and the portfolios—don't determine public television's audience; there are lots of rich people who don't watch. The variable that intersects with class to make a dedicated public-videophile is ambition: specifically, the hunger of the middle-brow to be high-brow.

Public television is TV for people who pretend to hate TV. The middle-brow knows enough to think that Who's the Boss is stupid, and he knows that his interests should lie in art and learning; that uncomfortable inkling is the goad to his ambition. And yet, and yet * * * he can't quite bring himself to turn off the TV. He'd resent being called a couch potato—worse, a pretentious couch potato. Let's bring him up a notch and call him la pomme de terre à la couche.

What this pomme de terre wants can be found in books and museums and performances. But each of these requires some concentration and discipline. So in the Chevy Chase clapboard colonial, or high up in the $279,000 condo in Rosslyn, or in the quiet Georgetown eighteenth-century townhouse, after putting away the dinner dishes and resting his feet on the coffee table where the New Yorkers pile up like homework, below the built-in bookcase from which the 54-volume set of the Great Books, bound in imitation leather, looks down accusingly, the hungering middlebrow picks up the zapper and tunes to Channel 26, ready to watch Art of the Western World.

Of course, if he wants to be entertained, he'd do better to watch Cheers. And if he really wanted to learn about the art of the western world, he could haunt the National Gallery. But his conscience won't permit the former, and his ambition isn't strong enough for the latter more than once or twice a year.

So when the TV sizzles on, and the blue glow fills the room like stardust, the pomme gazes for an hour as a camera pans over great works of art and glides down gilded hallways and does cartwheels in great rotundas. Any extended contemplation is unlikely, owing to the thunderous music, the relentless movement of the camera, and the bland voice-over (though it's British and reassuring). The viewer's attention can wander from the TV to the office to the mortgage payment to the TV to the wine cellar. But when the hour ends la pomme is satisfied. He feels pretty good about himself. He reminds himself to write that check to WETA this year for sure.

Unfortunately for WETA, the chances of that check's getting written are dimmer than ever.

The original rationale for government-supported television depended upon a technological limitation: There were only so many frequencies to carry TV signals, and at least one of them had to be secure from the ravages of commerce, to allow what the market wouldn't bear.

Now cable has exploded the technological limits, bringing an average of 32 channels—with the possibility of many more—into more and more homes. This variety allows very small markets to be catered too—"narrowcasting," in TV jargon—as the creation of networks devoted solely to science, art, and education attests. By each of these, la pomme de terre à la couche is well served. Even better, cable demands that he himself pay for his high-brow ambition, rather than making the rest of us pay for it.

With public television on thinner ice, those whose livelihood depends on it grow more ingenious in justifying the burden it places on the federal balance sheet. They've had practice: Remember, this is a public service that's always said it's crucial to our society because almost nobody uses it. Once you've got that one, you're on your way.

Sharon Rockefeller, in defending public television against accusations of redundancy, points out that cable charges for its service, "but we're free to everyone." Of course, something that costs $170 million a year isn't free, although I do understand how a Rockefeller might be confused on the point.

What's more, like any government body, public television has an insatiable appetite for money. Bruce Christensen, president of the Public Broadcasting Service, says he would very much like to double its government subsidy. "You could quintuple my budget," Mrs. Rockefeller says brightly, "and I could spend it in a week!" No doubt.

Then there are arguments that verge on the tautological; in effect, that public television should be subsidized because it's subsidized. Its advocates point out that public television is more accessible than cable: It reaches more than 90 percent of American homes to cable's current 60 percent. In fact, Representative John Dingell of Michigan, public television's water-carrier in Congress, wants to increase its accessibility through "must carry" legislation that would require every cable service to include public TV in its range of programming.

Its advocates add that public television produces 1,500 hours of original shows a year, far more than such cable competitors as A&E and the Discovery Channel. "Our unique strength," says PBS's Jennifer Lawson, "is in the production of original programming."

Such strengths, of course, are consequences of the subsidy, not reasons for it. And isn't there something odd about the government's weighing in behind one enterprise as it competes with other, privately owned businesses in a tussle for a share of an upscale market? It's as if Dingell decided that the Treasury should subsidize The Sharper Image while leaving Abercrombie & Fitch to fend for itself

Public television knows it's in a tussle. It plans this year to increase its promotional budget as never before, unearthing every last pomme de terre through newspaper and magazine advertising and even commercials on other networks. In true bureaucratic chameleon fashion, public television has moved 180 degrees: A service that once disdained the mass of viewers now grovels for them.

Advertising is only part of the new strategy. Lawson, who was recently appointed chief programming executive at PBS, understands that the "viewing needs" of the pommes have changed. "As cable service and others emulate parts of our schedule," she says, viewers "will see a steady flow of distinctive programming that will keep our identity clear."

That will involve (to use E.B. White's formulation) less Lyceum and more Minsky's. Lawson has announced plans to develop a full range of programming for the 1990s, specializing in "wit, humor and fun": continuing drama series, magazine shows, talk shows, game shows, and sitcoms.

This might seem direct assault on what was once public TV's last line of defense; that of being "quality television," "television worth watching," "television with a difference." Brainy sitcoms? Thoughtful game shows? Some purist pommes are outraged.

But should they be? Public television, after all, is the Lyceum that casts Bill Moyers as a national intellectual and Fred Friendly as an arbiter of ethics. It launched or boosted the careers of such pop psychologists as Leo Buscaglia and John Bradshaw and Robert Fulghum. On this evidence, there appears to be some distance between what public television's advocates think it to be and what it is: a mechanism for satisfying the conceits of America's privileged.

As a test of public television's claim to quality, I spent a week watching as much of it as I could. (Kids, please don't try this at home.)

It happened to be pledge week, during which programs are interrupted every 45 minutes so that announcers can spend fifteen minutes telling you how satisfying it is to watch programs that are never interrupted by commercials. During the breaks, announcers love-bombed the audience. "You're the sort of viewer who's not afraid of bold, socially relevant, thought-provoking programming," went a typical comment. "Here at WETA we have great respect for your intelligence." (Honey, get the checkbook!) As the days wore on, the pledge drive took on the aura of a jihad: protecting virginal television from the onslaught of vulgar money-making.

Squeezed in among the solicitations were the programs. There was a heavy emphasis on yuppie nostalgia: the Beatles, the Grateful Dead, Joan Baez, James Taylor, and Peter, Paul and Mary. ("The phones are so busy when Peter, Paul and Mary are on public television," said the pledge lady, and I believed her.) For nostalgiasts of an older vintage, there were Julie Andrews and Nat King Cole and Gershwin and an evening of Mozart.

Public TV's nature fetish was served with hour after hour of outdoor films, most of them narrated by actors who have fallen on hard times—Richard Widmark, for example, or Peter Graves. As they intoned the script, squirrels flew from treetop to treetop, slugs slimed their way through underbrush, fleas copulated in amazing close-ups, and lions gnawed on carcasses. These shows, I noticed, seem especially popular at dinnertime. There were even nature programs explaining how nature programs are made.

But the key to "quality television," surely, is the transmission of ideas. The more of public TV's ideas I absorbed, the more hospitable I became to the idea of sitcoms and game shows. An entire Sunday was handed over to John Bradshaw, a "co-dependency theorist" who, with charts and graphs, makes the case that no matter how bad you feel, you can always blame your family.

And, of course, Bill Moyers kept popping up, interviewing academics and artists, nodding at whatever it was they might have said. His most recent triumph, repeated during pledge week, was a long series of talks with Joseph Campbell, a hitherto obscure college professor and author. For almost 50 years Campbell made a nice living squeezing his knowledge of world religions into a risk-free pantheism from which any considerations of morality and ethics were rigorously excluded. When, in the series' climax, Campbell announced that it was everyone's duty to "follow your bliss," pommes across the nation slid to the floor. That the phrase has no discernible meaning makes little difference: You can't get this on commercial TV.

Thus the flirtation with New Age claptrap has now replaced "quality" as PTV's last line of defense. It's the old uplift, wrapped in Leo Buscaglia's turtleneck. When asked at a meeting of TV critics about the justification for public television in the era of cable, Bruce Christensen said PBS would provide "a high-quality program service that, in fact, will allow people to put in context all the other things that are going on in their lives." Perhaps this is what "follow your bliss" means.

Jennifer Lawson went further: "People are looking for a lot more clarity about their lives, both in dealing with the society and dealing on a personal level." That tugging you hear is the sound of bureaucrats at the end of their tether.

If this is a need that government must meet, why not do it directly? Let's pony up for a Department of Life Clarity and Other Things Contextualization, and eliminate the middleman.

No, it's time to pull the plug. The worthy shows of public television—the British imports, the MacNeil/Lehrer News-Hour, Nova, Live From Lincoln Center, the occasional dazzling documentary series—will easily find homes on other networks.

Sharon Rockefeller can always go back to volunteer work.

And as for les pommes de terres aux couches—well, when the stardust glow of public television fades from their 27-inch sets, they can take a tip from the only Marx left to follow in the 1990s: They can read a good book.

AN ISSUE BIGGER THAN BIG BIRD

(By Laurence Jarvik)

Don't let talk about the relative merits of Big Bird of "Sesame Street" cloud the real issue surrounding public broadcasting: Should government, using your tax dollars, fund a bureaucracy that pushes a partisan agenda and generates its own private profit?

Congress is scheduled to vote tomorrow on a $1.1 billion reauthorization bill for public broadcasting. The fact is, PBS doesn't need the money.

Despite perpetual beg-a-thons, public broadcasting is a big business. Take PBS Home Video, the videocassette marketing arm of public television. It has grossed about $30 million in sales of cassettes distributed by Pacific Arts Video. Children's Television Workshop (CTW), the parent company for the "Sesame Street," has a $58 million stock and bond portfolio, which it calls an "endowment." CTW grosses about $100 million a year in royalty, licensing and subscription revenues on $1 billion worth of products affiliated with the television program.

An almost Orwellian Newspeak is being used to cover this black market: Direct-marketing promotions are "tags," sponsors are "underwriters," and on-air promotion of profitable products is called charity. To disguise what amounts to private profiteering by a public trust, public broadcasting executives engage in a pattern of stonewalling and deception—vigorously claiming to be "noncommercial" while hiding financial documents from public scrutiny.

Despite the lure of the PBS audience to sponsors, and an increase in membership from 2.6 million in 1980 to 5.2 million in 1991, the public broadcasting system has not adopted a full-blown, free-market approach to fulfill its potential. In fact, last year viewing audiences for PBS shows declined by 12 percent. The reason lies in the bureaucratic morass surrounding PBS.

Documentary filmmaker Fred Wiseman, in 1988 congressional testimony, said "there is a wide consensus on the failure of the present system," and suggested that public television be reformed along the lines of Britain's Channel Four—a private commercial channel devoted to quality programming. "Most competent professionals would not consider working in public television in its present form," Mr. Wiseman said.

Since Mr. Wiseman's testimony, public television has gone from bad to worse. The scandal-ridden Independent Television Service, allocated $24 million to produce new TV shows, has not created one minute of programming in almost four years of existence—despite spending more than $1.5 million on overhead and administrative expenses.

Meanwhile, questions have been raised in the Senate about the commitment of public broadcasters to their legal obligation to present fair and balanced reporting. The fact that the PBS prime-time schedule features election specials by Bill Moyers and William Greider, two liberal Democrats—without equal time provided for conservatives—is a violation of the spirit and the letter of the 1967 Public Broadcasting Act.

Public broadcasters are on record opposing a "right of reply" to permit viewer responses to one-sided coverage. They also oppose extension of the Freedom of Information Act to public broadcasting, effectively blocking the public's right to know how tax dollars are spent.

If public broadcasting wants to shake free of congressional oversight, the industry needs to change course. Public television could be owned by its viewers. Instead of making donations, contributors could make investments, buying stocks in a company and participating to the fullest extent possible in corporate management. As a publicly held company, with its capital raised from markets instead of the American taxpayer, public broadcasting would enjoy truly insulated funding, free of congressional strings.

Is such a transformation possible? Indeed, it is. Privatization of broadcasting has worked in Italy, Spain, France and England. It is spreading to the formerly socialist states of Eastern Europe and even to the former Soviet Union.

As long as it receives federal handouts, public broadcasting should be subject to at least the same congressional scrutiny as any other government program. There's simply no other way to prevent the abuse of a public trust for private and partisan purposes.

TELLTALE DUPE AT PBS

(By L. Brent Bozell III)

The conspiracy theorists at PBS' "Frontline" have embarrassed themselves yet again. Even when they run a report acknowledging major mistakes, they manage to concoct more foolishness.

A year ago, "Frontline" suggested there was a strong possibility that the Reagan campaign delayed the release of the Iranian hostages to win election in 1980 in an "October Surprise." But thanks to independent critiques in Newsweek, the New Republic, and even the Village Voice, "Frontline" was forced to concede its errors. A new documentary, aired April 7, denounced as liars the witnesses presented as credible experts in the first show.

The PBS program admitted: "Some self-proclaimed witnesses to an arms-for-hostages deal have turned out to be not credible at all." The first and most notorious "witness" was Richard Brenneke. In its first documentary, "Frontline" had stated: "Although Brenneke's credibility remains in question, government records show that he did work with European arms dealers supplying Iran during the 1980s. According to one document, Brenneke once informed a Pentagon intelligence officer about top secret TOW missile sales to Iran three days before President Reagan authorized them." The first documentary proceeded to buttress Mr. Brenneke's claims by arguing that Bush aid Donald Gregg lied about his whereabouts.

"Frontline" off-air reporter (and co-writer) Robert Parry also defended Mr. Brenneke last year in The Washington Post: "Brenneke's 1990 trial was the government's chance to disprove the [October Surprise] allegations once and for all. But the government failed to convince even a single juror that Brenneke had lied. The tally on the five-count indictment was Brenneke, 60, the government, zero. Despite impressing the jury, Brenneke's credibility is still assailed by [NBC producer Mark] Hosenball," Mr. Parry concluded: "Hosenball can't seem to accept government officials don't always tell the truth, while sometimes unsavory characters do."

But in the Village Voice, former ABC News producer Frank Snepp, who made the mistake of using Mr. Brenneke as a source during his tenure at ABC, showed Mr. Brenneke was lying. Credit card receipts placed Mr. Brenneke in Portland during the alleged secret meetings. On the April 7 show, "Frontline" and Mr. Parry ate their words: "Whether he lied for personal gain or for some other motive, it's a mystery why he presented his Paris story under oath to a federal judge in an unrelated case four years ago."

A second source, Ari Ben-Menashe, appeared three times in the first show, highlighted as an Israeli intelligence officer. PBS had reported that "Israeli intelligence officer Ari Ben-Menashe says he was one of half a dozen Israelis sent to Paris at Casey's request to help coordinate arms deliveries" and "Israeli intelligence officer Ari Ben-Menashe claimed that he saw intelligence reports about Casey's trip to Madrid."

After the critiques by Newsweek and the New Republic, including the information that even Mr. Ben-Menashe's wife called him a liar, PBS admitted: "His credibility with reporters collapsed because some of his assertions proved implausible, particularly his claim about George Bush."

In the first show, "Frontline" contemplated the horrible possibility that the Reagan campaign sought to delay the release of the hostages. In the second, they shifted course completely, investigating whether "Republican contacts with Iranians did exist but were intended not to delay a hostage release but to win their release as early as possible."

If "Frontline" had simply stopped at this point, this silly story would be over. But no, there just had to be more to it because the truth—"Frontline" was duped by con artists—just wouldn't do. There must have been another conspiracy going on: The CIA sent out Mr. Brenneke to lie and discredit "October Surprise" investigations!

"The allegation that Brenneke participated in Paris meetings was not at first put forward by Brenneke himself," suggested "Frontline," but by a man calling himself Mr. Razim, otherwise known as Oswald LeWinter. "He claimed that he had been hired by four American intelligence operatives to salt October Surprise allegations with enough false information to discredit the whole story."

"Frontline" went on: "LeWinter refused to say who the four people were who supposedly hired him, nor would he provide any other evidence, so his new story, too, is suspect. Is this then, a deception within a deception? If nothing else, the story of Oswald LeWinter seems to epitomize the strange nature of the riddle called the October Surprise." But it's not at all as puzzling as it would seem: PBS presented a bunch of exposed liars, and nothing they said proved anything about an October Surprise.

I have a better theory: Knowing that PBS served as a haven for leftwing anti-CIA conspiracy theorists, CIA Director William Casey decided to have some fun. He left his calendar bare, so that after his death, PBS documentary producers would embarrass themselves by spending hundreds of thousands of dollars to prove nothing. It worked.

BROADCASTING: WHAT PRICE PBS?

(By Laurence Jarvik)

Could public broadcasting survive in the marketplace without federal subsidy? U.S. Rep. Dick Armey (R-Texas) thinks so. He has introduced a bill to eliminate federal funding for public television. While it might seem hard for regular viewers of desperate pledge-week beg-a-thons to believe, there is strong evidence that Armey is right. Not only is public broadcasting "good for you," it also seems to be a good business proposition. Despite perpetual pleas of poverty, public broadcasting is already a lucrative venture on both a local and national level.

In the most recent commercial development, WGBH has announced a 10 percent investment in a chain of shops called WGBH Learningsmith. The proprietor, Marshall Smith, told the Globe in March: "The products we sell make people feel good about themselves." Among the commercial benefits he mentioned from the public-television connection were "instant credibility," "public relations" and "promotion." Smith has predicted a boom year for his shops.

WGBH already has a retailing contract with Minnesota Public Radio for the Signals mail-order catalog. With its Wireless catalog and other ventures using the public-broadcasting mailing lists and market niche, Minnesota Public Radio's trading company grossed some $77 million last year, selling such items as "She Who Must Be Obeyed" sweatshirts ($25), a sterling silver "Zen Tranquility Ball" ($29) and "Handcrafted Wooden Cats" ($15). Using revenues from this operation, the Minnesota broadcaster recently purchased a commercial radio station for $12 million and converted it to non-commercial status, earning the ire of Minnesota Association of Broadcasters head Jim Wychor, who objected to what he saw as unfair competition for advertisers.

WGBH also reports considerable direct revenues from its activities. In 1989-'90, according to the latest IRS form available, the station earned $69,343,382 from programing grants and contracts alone. It also grossed $1,751,042 from GBH Magazine, $1,345,109 from captioning and related production services, and $1,522,058 from royalties. The WGBH kitty included a stock and bond portfolio worth some $3,540,647 and land, building and investments worth an additional $19,204,773 after depreciation. The tax form also listed a collection of 29 silver spoons worth $2,550 among the station's assets.

BUSINESS BOOMING NATIONALLY

Meanwhile, business is booming on a national level. PBS Home Video, the Videocassette marketing arm of public television, has grossed some $30 million in sales of cassettes distributed by Pacific Arts Video, a private company owned by former Monkee Michael Nesmith. Children's Television Workshop, the parent company for "Sesame Street," has a $58 million stock and bond portfolio which it calls an "endowment," and grosses some $100 million a year in royalty, licensing and subscription revenues on some $1 billion worth of products affiliated with the television program. One division president at CTW earned over $640,000 a year during 1988-'89. In order to handle the formidable worldwide cash flow from its various business ventures, CTW has seven private companies, five of them operating on a for-profit basis. The company spends more than a million dollars a year on lobbying Congress.

In addition to creating multinational conglomerates like CTW, the present public-broadcasting setup has created individual multimillionaires who are adept at using the cross-promotional opportunities afforded by a bureaucratic system impenetrable to all but initiates. Although Bill Moyers, for example, will not disclose the details of his financial arrangements, he has acknowledged raising some $15 million for his private production company, Public Affairs Television, Inc. David Horowitz, head of the public-broadcasting watchdog Committee on Media Integrity, has termed the system used by Moyers and other individual "nonprofiteers" in public broadcasting "reverse money-laundering." In one case, he charged that Moyers had provided his private company with $4 million from the MacArthur Foundation through a process where the funds were cleansed of their nonprofit status through a complicated and perfectly legal series of pass-throughs.

When I wrote to Moyers to check Horowitz's claims about his finances, he answered that his company "is an independently-owned production company—like so many others in the field—and our business affairs are none of your business."

Perhaps Moyers' reluctance to bare his balance sheets is rooted in the commitment of public television to providing a "noncommercial" service. For Moyers and other public-television producers do in fact sell merchandise through 1-800 numbers featured in "book tags," with their distributors often paying a commission to the host station. A commercial sponsor, General Motors, was in large measure responsible for the production of Ken Burns' "The Civil War." A commercial distributor, Time-Life, handles the videocassette market for the series. Yet because of the official status of public broadcasting, such commercial realities must be denied, and market forces are restrained from producing maximum revenues for the system.

Instead, an almost Orwellian Newspeak has developed to cover the existence of what is in reality a black market: Direct-marketing promotions are called "tags," sponsors are called "underwriters," spot advertising dubbed "enhanced underwriting," the network is called a "service" and on-air promotion of profitable products is presented as charity. A glance at any best-seller list reveals the link between exposure on public broadcasting and book sales, for example. To disguise the reality of private profiteering from a public trust, public-broadcasting executive engage in a pattern of institutional stonewalling and even deception—piously claiming to be "noncommercial" while hiding financial documents from the prying eyes of those outside the system.

THE CHANGED TV LANDSCAPE

The reason is straightforward. The original mission of public broadcasting (as defined by the 1967 Carnegie Commission stated that the service would provide "all that is of human interest that is not at the moment appropriate or available for support by advertising and which is not arranged for formal instruction." Such language may have been appropriate for 1967, the era of a mass medium targeted to reach the lowest common denominator with the least objectionable programming. In the network era, perhaps no advertisers were interested in the "high-minded" market offered by public television's demographics.

But with the arrival of the multichannel world of cable, satellite and home video, the television landscape has changed dramatically, and so has the type of programming advertisers are willing to support. Indeed, among the greatest beneficiaries of the demographic approach to advertising has been public television, whose "halo effect" with the affluent and educated is of great appeal to sponsors.

Despite the lure of the PBS audience to sponsors, and an increase in membership from 2.6 million in 1980 to 5.2 million in 1991, the public broadcasting system has not adopted a free-market approach that would enable it to fulfill its potential. In fact, last year viewing audiences for PBS shows declined by 12 percent. The reason lies in the bureaucratic morass surrounding the public broadcasting system. Decisions are still made in a style described by independent documentary filmmaker Fred Wiseman in 1988 congressional testimony as "a mess." Adding "there is a wide consensus on the failure of the present system," he suggested that public television be reformed along the lines of Britain's Channel Four—a private commercial channel devoted to quality programming. Wiseman noted with alarm that "most competent professionals would not consider working in public television in its present form."

Since Wiseman's testimony, public television has gone from bad to worse. The scandal-marred Independent Television Service, allocated $24 million, has not produced one minute of programming in almost four years of existence—despite spending over $1,500,000 on overhead and administrative expenses, including $100,000 on travel alone. A grant from the Markle Foundation for election coverage was withdrawn and given instead to CNN. Texaco announced it would sponsor a new performing arts series on the Bravo cable channel, and then dropped its support for "Great Performances." Ted Turner outbid PPS for David Attenborough's nature series "The Trials of Life." Summing up the dismal record of PBS, Entertainment Weekly's Ken Tucker savaged the "dreary old series and banal new offerings" in a recent article headlined "Has PBS Lost Its Edge?"

WILL 'PRIVATIZING' WORK?

The best way for public broadcasting to regain its edge is to shake free of the stranglehold exerted by those politicians in control of congressional purse strings, Democrat and Republican alike. So long as Congress pays the bills for public television, it will be tempted to interfere with what is produced and broadcast. Hodding Carter once described public broadcasting "as the perfect American screwed-up system, combining the worst of both worlds—bureaucratic Washington and opportunistic capitalism."

There is a better way. Public television could be owned by its viewers. Instead of making donations, contributors could be making investments, buying stock in a company and participating to the fullest extent possible in corporate management. As a publicly-held company with its capital raised from markets instead of the American taxpayer, public broadcasting would enjoy truly insulated funding, free of congressional strings. It couldn't be held hostage to special-interest groups every time it needed reauthorization. No outraged senators would use their privileges to embarrass highly paid producers, stars or station executives. Liberated from the strings attached to tax dollars, the viewers of public television could directly support cultural and educational programming, taking a tax deduction for business losses and sharing in the success of profitable programming.

Is such a transformation possible? Indeed, it is. Privatization of broadcasting has worked in Italy, Spain, France and England. It is spreading to the formerly socialist states of eastern Europe, even to the former Soviet Union itself. It is time to give market forces a chance to work in American public television.

[From Media Research Center]

"LISTENING TO AMERICA" OR THE DEMOCRATS?

(By Tim Graham)

The first two segments of Bill Moyers' election year series, based on a Philadelphia Inquirer report "America: What Went Wrong?" have already tilted in a predictable direction. The original Inquirer series, by reporters Donald Barlett and James Steele, ran in nine parts last fall to the delight of Democrats, who waved the newspapers from the House floor and proclaimed the report proof of their indictment of the economic policies of the Reagan years. Bill Clinton held up the paperback book of the Inquirer series during a recent speech at the Wharton School of Business to illustrate the same claim.

The bias which permeates the Inquirer series, is first evident in its focus on laid-off blue-collar workers, a bias which the Moyers' program faithfully repeats. The most urgent question for Barlett and Steele, by their own account is "What happens to the people who lost their jobs?" This is a question that is old hat for Moyers, who loaded a one-sided CBS documentary, called "People Like Us," full of Reagan budget victims back in 1982, the year before the Reagan boom took off.

"Asking a laid-off factory worker what's wrong with America is like asking a typhoon victim how he feels about nature," observed Philadelphia Magazine writer Paul Keegan in one of the rare critiques of the Inquirer approach." The unstated theme of the [Inquirer] series is that the market, left unfettered by the government, does horrible things to people."

But the problem with both the Inquirer and Moyers' series goes much deeper than the angle of entry. In between the unemployment vignettes, Moyers reprises statistics from the Inquirer that have sent many professional economists climbing the walls. For example: "During the 1980s, the combined salaries of people in the $20,000 to $50,000 income group increased 44 percent, and the combined salaries of people earning $1 million or more a year increased 2.184 percent."

How did Moyers and his sources arrive at that enormous 2.184 percent gain? By ignoring the textbook rules for compiling statistics. First, no adjustment is made for inflation. Second, by never mentioning that the number of people making more than $1 million increased from 3,000 in 1980 to 51,000 in 1990. Now, clearly if you add 48,000 millionaires to the pool, the total amount of money made by millionaires is going to rise a little. But the chart misleads people by making them think that a static number of millionaires made an enormous killing.

Third, Barlett and Steele claimed that this pool of money came only from salaries, not other forms of taxable income like interest, dividends, or capital gains. But to arrive at their pool of 51,000 millionaires, they did count all adjusted gross income, making the chart statistically shoddy.

In the first Moyers program, Barlett explained their method: "I think one of things that we do, which even a lot of economists don't do, is that we base so many of the statistics, so much of the data we used in the series on tax data not, in fact, census data." This admission defines the liberal bias of the reporters and thus of the Moyers program. The Democrat-appointed Congressional Budget Office prefers IRS tax data over Census data because they provide more stilted look at the differences between rich and poor. How? For tax purposes, the IRS currently does not index capital gains for inflation and does not count any capital loss over $3,000. Both practices inaccurately inflate the income of the richest Americans, providing statistics to fuel the politics of envy.

Bartlett went on to tell Moyers: "To our way of thinking, so much of the tax data is more accurate than the Census data because when you're filling out your tax return, you're much more likely * * * to be accurate on that." Would the average American believe that everyone strives to be accurate on their tax forms? At least when you fill out Census forms, there isn't money in it for you. One of the reasons the IRS data shows an explosion of millionaires is that the 1981 and 1986 tax reforms made it more profitable to simply pay taxes than pay accountants to avoid taxes. But neither Moyers, nor Bartlett and Steele mention inconvenient facts like the increase in total taxes and tax burden paid by the rich in the last decade.

Of course statistics, however arrived at, appear to be facts, especially when "backed up" by photographic images. TV critics, like the Boston Globe's Ed Siegal, were duly impressed: Moyers and his colleagues throw statistic after example after interview to back up claims that become nearly irrefutable by the weight of the evidence."

Sometimes Moyers didn't even rely on faulty statistics, substituting unsubstantiated assertions instead. At one point, he acknowledged that "there were a lot of new jobs created in the 1980s" but found a way to make that seem like nothing. "One of the last things President Reagan did in office was to send a letter to Congress reporting that nearly 19 million non-agricultural jobs were created during his administration, that over 90 percent of them were full-time jobs and over 85 percent of those were in occupations in which average annual salaries exceeded $20,000. Fact is, the job growth was centered in the retail and service sectors, which pay the lowest wages."

In other words, "The sky is blue. Fact is, it's green." Fact is, the White House was using official Department of Labor statistics in establishing the number of new jobs. Moyers was simply asserting an interpretation of the statistic without bothering to link it to any evidence.

We may fruitlessly wait for more balance to appear in the "Listening to America" series as the election year winds on, but like nearly every other Moyers project, there's merchandising to be done. The paperback version of America: What Went Wrong? is currently at the top of the best-seller list, despite the occasional critic like Paul Keegan, who wrote: "Their series is so fundamentally flawed, its intellectual underpinnings so weak, that it actually says little about what went wrong with America, and everything about what went wrong with Bartlett and Steele." That goes double for the Moyers series, which only take a maudlin, mostly anecdotal newspaper report and adds television's power of pathos and illusion of reality to make its case. Moyers isn't listening to America, he's talking at America, and giving them only one side of the story.

[From Media Watch, April 1991]

ADDRESS DISMISSES CONSERVATIVES, IRAQ WAR VICTORY: BILL MOYERS ROOTS FOR DEMOCRATS

PBS omnipresence Bill Moyers' address to the Democratic Issues Conference should put to rest any idea that he is just an independent journalist. He told the March 8 gathering; "I left partisanship behind when I left the [Johnson] White House in 1967 for journalism, but my roots are all tangled with yours. Down there in Texas I was raised on mother's milk and Roosevelt speeches and over the years I still cherish the party's defining stands."

The House Democrats asked Moyers to advise them on their mistakes and how best to attract votes. "By the 1980s," declared Moyers the advocate, "when the Democrats in Congress colluded with Ronald Reagan and the Republicans to revise the tax code on behalf of the rich, it appeared that the party had lost its soul." In another slap at a conservative policy Moyers complained: "We spend four times as much on the Strategic Defense Initiative, Star Wars, than we do on the early education program Head Start, which works." Continuing in the Democratic spirit, Moyers asserted: "I know Ronald Reagan thumped his chest about rugged individuals and the self-made man. But Ronald Reagan was a movie, not a man, and I'm talking about real life."

"For ten years now the other party has embraced the notion that war is the health of the state. But in the long run, I dare say, the future belongs to the party that knows the health of the people precedes the health of the state," Moyers argued. There is "a hunger" for such a vision, otherwise, he condescendingly explained, "we would not be investing so much transcendental significance in a triumph of overwhelming technology and unchallenged power over a country no bigger than Texas and with roughly the same amount of people, ruled over by a paranoid psychopath, who proved to be just a video tiger, all growl and no guts."

[From National Review, Apr. 13, 1992]

PBS'S ENEMIES LIST

Any PBS viewer or NPR listener knows that scare tactics are a favorite angle for pledgeweek beg-a-thons. This mendicant approach has been a successful one for public broadcasters. In 1980 there were 2.6 million contributors, and the annual budget for the system was $580 million. Some ten years later, public broadcasting spends $1.2 billion annually and boasts 5.2 million contributors. And these are among the best-heeled television viewers in the United States. For example, one in three contributors to Washington's WETA has a wine cellar.

Yet despite its obvious financial success, public broadcasting successfully presents a public image of perpetual crisis. The latest development has been to use the Senate debate over the fairness, balance, and fiscal management of the system as a fund-raising tool.

Station KCRW in Santa Monica, California—among the richest public radio stations in the United States—has raised some three-quarters of a million dollars by airing round-the-clock bulletins about a "cabal" of Republicans headed by Minority Leader Bob Dole. Not since Orson Welles's broadcast of War of the Worlds has radio been used to stir up such baseless anxiety.

The basis for KCRW's alarmism is found in a memo from the president of the Association of America's Public Television Stations to all station managers, congressional liaisons, public-information directors, and development (i.e., fund-raising) directors. The memo asked public broadcasters to "get so much political clout brought to bear on the Congress" and to point out that "our support comes from all elements of society (including contributors to congressional political campaigns) * * *" It concluded ominously: "This will be a long battle."

A battle against whom? The memo included a handy "enemies list." Named were seven senators (Dole, Craig, Nickles, Wallop, Smith, Lott, and Helms), two representatives (Armey and Crane), four publications (National Review, the Washington Times, Mediawatch, and COMINT), and several organizations (the Scaife Trusts, the Bradley, Olin, and Fieldstead Foundations, the Center for the Study of Popular Culture, the Center for Media and Public Affairs, the Media Research Center, Accuracy in Media, and the Heritage Foundation). The list also included the names of marked individuals (David Horowitz, Richard Brookhiser, Robert Lichter, L. Brent Bozell, Reed Irvine, Larry Jarvik, Frank Shakespeare, and William Simon). What these all had in common, according to the memo, was that they were "conservative." The clear implication was that this was a dangerous situation. This was emphasized by references to the fact that the people and organizations are "interlocked"—as indeed are the sender and recipients of the memo.

Although designed to create the impression of an octopus-like conspiracy, the list seems to be nothing more than a grab bag of the letterheads of organizations the public broadcasters dislike and foundations which support them. But the conspiracy theory behind the enemies list reveals a disturbing attitude toward both the responsibilities of broadcasting and the obligations of PBS fully to represent the American public—which after all includes conservatives.

THE "ENEMIES LIST"

To: Station Managers, Congressional Liaisons, Public Information Directors, Development Directors.

Fr: David Brugger, APTS.

Dt: March 4, 1992.

Re: Senate HOLD on CPB's Reauthorization.

WHEN WILL IT END?

A few stations are already wondering if we are crying wolf on the need to use political capital to gain a favorable Senate vote and going to the well (our supporters) too often.

Yesterday's debate was just the beginning and assuming the bill passes the Senate today, the fight is joined.

It is our belief that this hold is just a step in an effort by very conservative organizations to cover public broadcasting by impugning motives or programming and placing us in a defensive posture, which like they feel they have successfully done to the arts endowment.

From a report in the latest "Public Broadcasting Report", the conservative organizations, their funders, their media and the principals are interlocked and include COMINT (David Horowitz, Richard Brookhiser), Scaife Trusts, the Bradley, Olin and Fieldstead Foundations, Center for Study of Popular Culture, National Forum Foundation, Center for Media and Public Affairs (Robert Richter), Media Research Center (L. Brent Bozell), Accuracy in Media (Reed Irvine), Heritage Foundation (Larry Jarvik, Frank Shakespeare, William Simon), The National Review, The Washington Times, and Mediawatch. They also fund PTV programs that provide access for their point of view.

WHAT'S THE LONG-TERM ISSUE?

The issue is federal government influence over programming. The amendments being offered by the conservatives involve reporting requirements on CPB, PES, NPR and stations for programs funded by source of funds, and for program descriptions. They will also attempt to do as much as possible to make CPB a Federal agency for a variety of purposes.

Aside from the obvious burden on stations, these measures would set up a future attempt to micromanage our business.

SO WHAT DO WE DO?

That so much political clout brought to bear on the Congress that there is no doubt that Public Broadcasting is not like the arts endowment, that our base of support is as broad as our range of programs; that our support comes from all elements of society (including contributors to congressional political campaigns); that the American people do not want a government controlled channel but do want public broadcasting services.

This will be a long battle. Even if the CPB bill passes, the conservatives will be persistent. Their friends in the House who have introduced bills to stop all funding for public broadcasting (Reps. Armey (TX) and Crane (IL)) and the Senators who had the holds on the bill (Sens. Dole (KS), Craig (ID), Nichols (OK), Wallop (WY), Smith (NH), Lott, (MS), Helms (NC)) will continue to use the misinformation being provided by the above conservative organizations to wear down our supporters.

We are not crying wolf and would not be asking you to go to your supporters if we did not think we needed to do so. There may well come a time when you will have to go more directly to your subscribers and other local supporters, especially if we are not convincing with whatever third party influentials you are now using to make your case.

Do not discourage any expression of support, even if the vote has occurred. This particular vote is the beginning, not the end. We must make an indelible impression on the Congress of the depth of our support.

Mr. DOLE. Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has consumed all of his time on the bill.

Mr. DOLE. Mr. President, I will be offering the amendment as soon as the managers return to the floor. I will wait until Senator INOUYE and Senator STEVENS are on the floor.

Again I would just say that I certainly respect those who have different views. I am not quarreling with any individual, any personality except I have been around long enough to understand when one side has been flimflammed for about 25 years, somebody ought to stand up and say "Hold it. Time out." What about fair play in America? Everybody believes in fair play in America. What about fair play? That word has never been used on a Bill Moyers program or some of the other propaganda shows we have heard, whether it is Frontline or whatever it is. So fair play; fair play. We demand it here in the Senate of the United States. We think we demand it or at least ask for it in everything else we do.

When you talk about finding out what is going on in this big bureaucratic network funded by millions and millions of taxpayers' dollars, you hit a stone wall. It is none of your business, in effect. Do not tell. Damn the taxpayer, damn the Senate, everything.

So I would suggest, I think the American people, if they understood the realities—it is not going to be understood this time around—but there will be an appropriation bill and I assume when this bill goes on to the House they will try to take everything, the little things that we do to try to provide some balance. They will try to kick all of those out and we will be right back where we were. But that will not be the end.

So it just seems to me, if we can focus on accountability and balance, we still will have what I think the original sponsors hoped they would have in 1967, back in the days of educational television.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I am pleased that both sides of the aisle have finally reached an agreement enabling us to proceed to a constructive debate and eventually the passage of this bill which reauthorizes the Corporation for Public Broadcasting. I have spoken of my support more than once on the floor of the Senate for the outstanding cultural and educational entertainment which public broadcasting stations provide to thousands of viewers each year and I wish to do so once again today.

During the time between last March when the Senate first took up the debate on S. 1504, and today, many an editorial page—from the Washington Post to the Spokesman Review in Spokane, WA—have run contrasting opinions debating whether the Corporation for Public Broadcasting should be financed, in part, by the Federal Government. Both sides of the debate agree, for the most part, that CPB provides first-rate programming. The agreement, for many, stops here.

Proponents of reduced funding or the abolition of funding put forward two basic arguments. First, Government support represents only 17 percent of CPB's total budget and clearly, they argue, the volume of private and corporate donations could easily make up for the Government-funded portion of its budget. Second, each Member of this Chamber is cognizant of the budget deficit which looms before this Nation. It is becoming increasingly more and more difficult to explain funding priorities to our constituents. How can we, in light of the many spending priorities which we have as a nation, rationalize spending $1.1 billion over the next 4 years on television.

While these arguments are only two of the many put forward by opponents of this bill, proponents of Federal funding of the Corporation for Public Broadcasting—this Senator included—believe that funding for CPB is not another example of frivolous and wasteful Government spending.

I challenge opponents of this legislation to tell the students in Yakima, WA, that innovative satellite hookups with the University of Washington providing advanced mathematics instruction and courses in foreign language are not a worthwhile investment of Federal funds. The students and their parents will argue, as will their future employers, that funding for public broadcasting is an investment which the Government needs to continue because, in the case of Yakima area schools, PBS programming extends educational opportunities, which, when put into practice further down the road, will spell jobs and economic opportunities for many Yakima area young people.

Each of us in this Chamber today is familiar with the innovative and diverse programming alternatives that public broadcasting provides. I have spoken previously about the need for balanced programming selections to be made available to viewers and I reiterate this point today. I believe that the Stevens amendment, on balance, will help to ensure a strong, equitable distribution of programming, airing both sides of the many controversial issues of our times.

Public broadcasting provides countless hours of both cultural and educational entertainment for thousands of citizens across our Nation. And, although this Senator realizes all too well that Congress should limit spending, the high rate of return on the Government's small investment in CPB makes it, quite simply, one of the few Government-funded entities which, for the most part, the Congress and the American public agree upon as money well spent.

Mr. BREAUX. Mr. President, I rise in support of the Public Radio and Television Broadcasting Act.

While some Members of Congress and some in the news media highlight one or two programs in order to exploit what—in their view—is wrong with public television and America today, I want to take just a moment to tell my colleagues about some of the very best public television has to offer, and some of the very best that is planned for the coming months.

Shows such as "Frontline" and the "MacNeil/Lehrer News-Hour" or "All Things Considered" are shining examples of insightful and meaningful public television and radio. But public television and public radio are more than just politics and public affairs.

Many public television stations, Mr. President, such as WYES in New Orleans, LA, WLPB in Baton Rouge, LA, and WETA, the flagship station here in Washington, DC spend up to one-third, and sometimes more, of their air-time on children's programs, such as "Sesame Street" and numerous others designed to educate and enlighten children. And many more hours are spent on prime-time performance and entertainment programming of remarkable quality.

The series titled "In Performance at the White House" opened the White House and the first family to millions of Americans—to visit the Carters, the Reagans, and even the Bush's. Through this entertaining series, Americans saw the musical tastes of our presidents reflected in first-rate talent, as stars such a Vladimir Horowitz, Andres Segovia, Gene Kelly, Merle Haggard, Dizzie Gillespie, Liza Minelli, John Denver, and many others performed from the East Room at the White House.

For years WETA has brought us two major concerts performed by the National Symphony on the grounds of the U.S. Capitol and broadcast nationwide over the public broadcasting system. I am telling my colleague, Mr. President, that if we did not already have public radio and television, we'd have to invent it!

A vivid series produced last year by Ken Burns, an independent television producer, reopened America's eyes to the hurt, pains, and growth of a nation confronted by its biggest challenge since its founding, as the letters and images of the Civil War came to life on public television. That epic series won critical acclaim from many, including the Senator, and could not have been produced without the commitment by this Congress and many others to quality public television and radio programming.

Public radio has captured the imagination and loyal following of millions of listeners with "Morning Edition," "Marketplace," Fresh Air," and "Car Talk," to Name a Few Examples of its excellent array of programming.

So, Mr. President, these are just some of the many productions and performances already assembled by public television and radio. Congress should be justly proud of its role in supporting these forms of education and enrichment in the lives of the American people. But if these achievements are not enough, let me give a preview of some quality programs that are coming soon to a public TV channel near each of you.

To my friends who hail from the great expanse in this country known as the West, you can look forward to a series that explores the rugged transformation of the West—from the first Indian settlements, to initial European encounters, to turn-of-the-century glorification by craftsmen and legend builders. The producers promise personal insights and storytelling, gathered from diaries of cowpunchers, missionaries, and homesteaders, combined with the spectacular beauty that comes from all the West has to offer. From the rugged Plains to the Rocky Mountains, from the Lone Star State to the Arizona desert and the California coast, from the Pacific Northwest to Alaska and Hawaii—this series, Mr. President, will tell an important story with a wide range of viewpoints.

Another interesting production being planned is the story of transportation. This series—titled appropriately "Coming and Going"—deals with one of our most basic and fundamental industries, which is largely ignored by much of our mass media. This series promises a hard look into potential solutions for our Nation's present and future infrastructure and transportation challenges.

Still another series addresses America's future role in the world economic marketplace. With Europe uniting and the cold war consigned to history, our future rests on our ability to deal with current domestic problems, and our ability to compete in a global economy. This series, "Challenge to America," will examine tough choices facing postelection America in 1993, including our Nation's capabilities in business, science, worker training, and capital formation, measured against models in Japan and Germany. The goal of the series is to analyze problems and offer positive strategies to solve them.

America's public television and radio programming has become a model, in fact a paragon, Mr. President, of the kind of public telecommunications that Americans have a right to expect as a fulfillment of their first amendment legacy. If we didn't already have it, we should have to invent it. We should continue to provide incentives for the development of quality programming, including that offered by independent producers.

Finally, I have saved the best upcoming public television programming for last. A major and exciting work is underway to write the history of jazz. And nowhere is the story told more forcefully and eloquently every day and every night than in the crown-jewel city of Louisiana, the grand city New Orleans.

The first part of the series will be titled "The Swing Years," and will recreate the flavor and excitement of the 1930's and 1940's for the millions who lived it. And for the younger generations, it will introduce them to the magic of hot southern jazz mixed with big city sophistication.

This toe-tapping series will include two more productions of three to four programs each, titled "The Early Years" and "Bebop and Beyond." They will trace jazz from its 19th century roots to its present legends and entertainers.

Mr. President, it was reported recently that one-third of students in grades 4 to 8 do not read—they watch television: on the average, 6 hours a day. If they are going to watch television, and we cannot stop them, then let's put quality programs on the air worth watching, and not leave all their choices to the lowest common denominator in the marketplace.

I happen to be a fan of jazz. I also am a fan of public television and radio. And as I have mentioned, jazz is just one of the many subjects that only the public communications mediums are willing to tackle.

The kind of television and radio I am talking about, Mr. President, is not just a pleasant addition to the quality of our lives; public radio and television are essential if we are to become, as Abraham Lincoln said so eloquently, "the better angels of our nature." If we did not already have the programming of public radio and television, we should be required to pursue its invention, Mr. President.

Mr. BENTSEN. Mr. President, I rise today in support of S. 1504, the Public Telecommunications Act of 1991, introduced by my distinguished colleague from Hawaii, Senator DANIEL INOUYE. This legislation, of which I am a cosponsor, authorizes appropriations for the Corporation for Public Broadcasting [CPB], which has fostered the growth of public television and radio. Since 1967, when the Public Broadcasting Act was enacted, CPB has provided our Nation's citizens with invaluable educational, informational, and cultural programming. It has maintained a commitment to linking the need of American business to have a competitive, well-educated workforce with the ability of public telecommunications to develop and deliver high-quality, low-cost educational materials to students anywhere in the United States.

In signing the Public Broadcasting Act of 1967, President Lyndon Johnson made the following comments, which clearly articulate the historical significance of public broadcasting in this country:

> While we work every day to produce new goods and to create new wealth, we want most of all to enrich man's spirit. That is the purpose of [The Public Broadcasting Act]. It will give a wider and, I think, stronger voice to educational radio and television by providing funds for broadcast facilities. It will launch a major study of television's use in the Nation's classroom and its potential use throughout the world.

Finally, and most important, it builds a new institution; the Corporation for Public Broadcasting. This Corporation will assist stations and producers who aim for the best in broadcasting; good music, exciting plays, and broadcasting reports on the whole fascinating range of human activity. It will try to prove that education can also be exciting.

> So today we rededicate a part of the airwaves—which belong to all the people—and we dedicate them for the enlightenment of all the people. I believe that the time has come to stake another claim in the name of all the people, stake a claim based upon the combined resources of communications. I believe the time has come to enlist the computer and the satellite, as well as television and radio, and to enlist them in the cause of education.

Mr. President, these words are as relevant now as they were 25 years ago. CPB's mission, now as in 1967, is to facilitate the growth of the Public Broadcasting System and the development of quality programming that addresses the needs of the American public, particularly its educational needs. By authorizing appropriations to support public broadcasting, we can bring education equity to those citizens who are currently not receiving the best that our educational system has to offer.

Our country faces no greater need or challenge than improving education and upgrading our workforce. Educating and informing the public has been the ultimate objective of each of the activities undertaken by CPB since its inception. We must continue to support this effort.

CPB supports a variety of programs to fulfill its mission—general audience programs, children's programs, instructional television for grade schools and high schools, telecourses for colleges, in-service training for teachers, and outreach in local communities.

In my home State of Texas, public television plays a vita role in the educational process. In some of the poorest areas of Texas, public television has taken a front and center role in trying to enhance the quality of life for our people. In the Rio Grande Valley, reading and language skills, as measured by standardized national tests, are far below the national average. One public television station in Harlingen, TX, KMBH-TV, went to the local school board to offer its assistance in addressing this problem. Subsequently, a local partnership with local school districts in the area was developed to provide hundreds of educational and instructional programs to over 80,000 students in south Texas. The station also established a daily afterschool program to assist youngsters in improving their reading skills while they await their parent's arrival home from work.

KLRU-TV in Austin, TX, offers over 100 instructional television series to area K-12 teachers during each school year, thereby reaching over 100,000 public and private school children. The station provides educators with print and utilization training support with its subscription-based service. KLRU is also a potential site for the CPB-supported 1992-93 teacher training institute which trains teachers to use emerging teaching technologies effectively.

KERA-TV in Dallas, TX, has sponsored an outreach program to instruct child care providers on the use of "Sesame Street" to teach preschool-aged children. Furthermore, KLRN-TV in San Antonio has consistently provided a variety of innovative programs aimed at helping children improve their academic skills.

Public radio also plays an important role in providing services to local communities. Public radio stations in Texas provide educational, informational and cultural programming that commercial radio stations usually do not provide. Notably, public radio is often the main source of comprehensive local and national news for local communities.

Generally, CPB offers a variety of programming to address our Nation's educational needs. Consider the following.

Instructional programs make up 65 percent of the daily public television schedule and, with that service, 29 million students are provided access to high-quality educational materials in vital subjects such as reading, mathematics and sciences.

Over the years, CPB has helped to fund the creation of video- and audio-based college courses and the demonstration of advanced technologies for use in education such as computers, laser discs, communications networks, and interactive video which are now available to faculty and students.

To encourage teachers to make the most of available programming by linking material in textbooks to instructional programs that cover the same topics, CPB has published correlations to science textbooks for series such as "Up Close and Natural" and "Community of Living Things." CPB funds teacher's guides for all major children's series such as "3-2-1 Contact" and "Square One TV." These guides help build lesson plans and provide followup activities for teachers to use in the classroom.

CPB has also funded Edison—educational information services online—an advanced nationwide computer network that connects teachers with a number of information databases. This database network allows teachers to research educational materials, review new material, and see which of the hundreds of instructional television series currently available can be incorporated into their lesson plans.

Another CPB project is "Learning Link." Developed by WNET/New York, Learning Link provides public television program descriptions, long-range schedules, and an avenue for exchanging teaching tips.

CPB also provides funding for the Independent Television Service [ITVS], which was mandated on a bipartisan basis by Congress in 1988 to "address the needs of unserved and underserved audiences, particularly children and minorities." Since it was established, ITVS has sought to fulfill its mission by soliciting proposals from independent filmmakers, providing funding and other support necessary to develop the proposals, and ultimately making them available for free broadcast on the Nation's public television stations. No ITVS-supported programs have been aired as yet, because initial grants awards were not made until this past December. However, I expect that several programs will begin to appear on broadcast schedules in Texas and nationwide next year.

I stated in my additional views to the committee report on the Public Telecommunications Act of 1988 that: "Our Public Broadcasting System has the unique ability to provide educational and instructional programming directly to the home and to supplement the information provided to our schools and universities as well." It is imperative that we continue our commitment to public broadcasting so that all Americans today can continue to be inspired by and to learn through this powerful and important resource. The quality of life for all Americans will be vastly improved for generations to come if we devote sufficient time and resources to developing the educational process.

Therefore, Mr. President, I urge my colleagues to support the important legislation before us today.

Mr. CRAIG. Mr. President, some incorrect assumptions have been made about my position on the reauthorization legislation for the Corporation for Public Broadcasting. I want to set the record straight; I am not here to kill Big Bird. Like many others, I have concerns that some of the programming CPB funds has been overly political, and have asked the appropriate officials to strive for greater balance in the future. But I have no plans to terminate Federal funding.

The Corporation for Public Broadcasting has an important function; it serves as the national organization, promoting the development of public radio and television broadcasting and nonbroadcast telecommunications technology in the United States. Its mandate is to provide high quality educational, informational, and cultural programming for all Americans. I am supportive of the CPB, and of this mandate. In carrying out its mandate, CPB has played an important role in the development of rural America, providing a source of information and programming that is entertaining and educational.

My concern about this legislation is not the value of the CPB. What I do question is the level of increased funding that this legislation would authorize. I have seen figures ranging from 39 percent to approximately 50 percent. Neither of these levels is acceptable. At a time when this Nation is facing a budget deficit of well over $300 billion, it is unreasonable to consider providing any program an increase of this level.

The Corporation for Public Broadcasting says its request for a 39 percent increase is necessary to expand its role in developing and broadcasting educational programming. This is an admirable goal, and one I support. Indeed, for too long, Congress has gotten away with being able to fund nearly anything anybody wanted. No priorities had to be set; no hard choices made. However, if CPB chooses this to be the focus of its efforts, then it should set some priorities within its current budget to reflect that desire.

The Government is not an endless well of money. Many good ideas surface all the time, and we'd like to be able to fund all of them. However, we simply cannot afford that kind of funding philosophy today.

The typical American family has to set spending priorities, and so should the Congress. In this time of $300-plus billion budget deficits and trillions of dollars worth of national debt, we must make those tough choices.

That is why I am here to support my colleague, Mr. LOTT. His amendment would authorize $825 million for the CPB, which equals $275 million per year over the next 3 years. This amendment is being portrayed as a spending freeze. However, when you compare it with the levels of funding that were appropriated over the last 3 years, it equals an increase of 4 percent in funding. This is still a more fiscally responsible approach than the requested increase.

I hope that my colleagues share my desire to get the budget deficit under control and will support amending this legislation to provide for a more reasonable level of increase. With a budget deficit of well over $300 billion, we should not be passing legislation authorizing a 39-percent increase for any program.

Mr. HATCH. Mr. President, for the past 25 years, public broadcasting has continued to demonstrate its importance and value to the lives of Americans, and it deserves continued Federal support.

At their best, public radio and TV are unique democratic institutions that offer a vital meeting place for Americans from all walks of life. Through hundreds of public radio and television stations across the country, Americans have unparalleled access to a vital source of information, enlightenment, and enrichment.

The quality and diversity of programming available on public broadcasting stations across this country are unmatched. These programs touch the lives of over 87 million viewers each week. More than 1 million Utahns watch and listen to public television and radio each week. For many Utahns and others throughout the country in small, rural towns, public broadcasting is their only link with the very best in music, dance, and drama. Public radio has targeted any funding increase to expand its services to rural and underserved audiences.

But public broadcasting is more than television and radio worth watching and hearing. It is a vital part of the quality of life in local communities, serving area businesses, schools, and colleges.

Public television has long been an essential educational resource to communities across America. More than 344,000 hours of instructional and educational programs are distributed by public television to homes, schools, and universities each year. In Utah, more than 250,000 schoolchildren receive instruction each week through Utah's public television stations. This year, three of Utah's public broadcasters are combining their resources to raise awareness of how parents can become more involved in their children's education.

At a time when an investment in educating our youth is imperative, public television is planning to expand its educational activities in support of a national agenda articulated by this Congress and the administration.

Public broadcasting provides a valuable service to Americans and to Utahns, who feel so strongly about its role in their communities that they help to support it. In Utah alone, more than 50,000 people support their public television and radio stations with an annual gift. Few other organizations enjoy such broad public support.

For every dollar the Federal Government gives to public broadcasting, the stations raise over 6 from non-Federal sources. Clearly, Federal funds spent on public broadcasting are a modest investment given the return Americans receive.

It is understandable that there are concerns about a few of the programs on public radio and television. Once in a while, there will be something that one of us does not like. I have been irritated by a few programs myself. However, we must keep in mind that the programs we find to be controversial represent a very small percentage of overall programming.

To deny funding on the basis of these few programs and some of our personal likes and dislikes would be a disservice to our constituents who have come to depend on public broadcasting as a healthy forum for unfettered public discourse, a marketplace of differing ideas and viewpoints, and a voice for tolerance and understanding. We cannot overlook the significant contribution that public broadcasting has made and will continue to make for this country.

Mr. KENNEDY. Mr. President, I support the pending bill and the constructive compromises that have been achieved in recent weeks, and I urge the Senate to approve this important measure.

Unfortunately, the campaign against the Corporation for Public Broadcasting has been full of distortion and disinformation. But in the weeks since the bill first came before the Senate in February, the unwarranted attacks have been effectively rebutted, and the bill can move forward with its basic programs and essential mission intact.

This is a Federal program that works, that has worked well, and that has made significant contributions to our heritage and to our understanding of our history. Enactment of this legislation will help to ensure that it continues to do so in the future.

The CPB is an exceptional enterprise, and every American with a television set knows that. WGBH in Massachusetts is an outstanding example of educational and cultural broadcasting. It is one of the Nation's finest public broadcasting stations. It is well supported by its viewers through private contributions, in addition to the public support which it receives and deserves.

Large numbers of families in communities across the country have come to rely on public broadcasting for its worthwhile educational programming, especially for the imaginative way it can help prepare children for the experience of school. A generation of children have grown up watching "Sesame Street" and "Mr. Rogers' Neighborhood." The classic, "Anne of Green Gables," has enduring appeal. And other newer programs such as "Where in the World is Carmen Sandiego," an impressive adventure in geography produced jointly by WGBH and by WQED in Pittsburgh, are making clear that young viewers will watch interesting and educational programs, if they are presented well and in an entertaining way, and most of all, if they are available.

Some of the most critically acclaimed television documentaries in recent years have been presented through the CPB, including the brilliant series of the Civil War and the extraordinary history of the civil rights movement, "Eyes on the Prize." Many Americans who cannot afford to travel have been able to watch performances of the Metropolitan Opera, Lincoln Center and American Playhouse Theatre.

These and many other programs should continue to be available to as wide an audience as possible. CPB should, be commended for the diversity, the depth, and the quality of its presentations, not condemned and castigated on the basis of some false notion of ideological balance or political correctness.

In too many debates in the Senate in recent years on the creative arts, the principles of diversity, perspective and artistic freedom have been lost. Hopefully, through this debate and the constructive legislation we are about to enact, we have begun to fight back, and recoup some of the lost ground. The Senate is an unlikely and unsatisfactory censor, and we should not be pursuing that dead-end path.

Mr. SANFORD. Mr. President, I rise today in support of S. 1504, the Public Telecommunications Act of 1991, which provides for increased funding for the Corporation for Public Broadcasting [CPB].

As many of my colleagues know, 25 years ago I served as a member of the Carnegie Commission on Educational Television which created the original blueprint for educational television resulting in the creation of the Corporation for Public Broadcasting. Over the years, I have been tremendously pleased by the success of the CPB and by the high-quality programming that public broadcasting has offered to Americans.

I firmly believe that public broadcasting's success lies in its continuing efforts to seek new challenges, and in particular I have always been particularly impressed by CPB and public broadcasting's continuing work to create and implement innovative education projects.

Public broadcasting funds are used heavily to support formal educational efforts. For example, in my State of North Carolina alone CPB funds are being used to help more than 2,600 adults work towards a college degree by taking courses through North Carolina Public Television. In addition, the University of North Carolina Center for Public Television expects more than 5,000 young persons to participate in this summer's Reading Rainbow Club which encourages beginning readers during the summer months.

Across the country, CPB and public broadcasting have helped to provide Americans of all ages with important tools to develop their educational skills. From preschoolers who are absorbing the building blocks of learning through programs like "Sesame Street" to adults who are enhancing their education as well as human potential through literacy training, people across the United States are using public broadcasting programming to engage in lifelong learning.

Through the Public Telecommunications Act, CPB aspires to strengthen the educational focus of public broadcasting which has been so successful in the past. As a Member of the body that created CPB and as a former educator, I believe this bill wisely allocates Federal resources to assist CPB to meet today's challenge of improving education at all levels.

This legislation is designed to expand significantly the role of public broadcasting in developing and delivering new educational programs and services. For example, the bill's reauthorization levels would allow CPB to direct funding toward a variety of projects including programs that train childcare providers in preschool education; programs that teach preschoolers learning and social skills; and programs that train teachers and educators to use educational telecommunications technologies.

Some of my colleagues believe we should cut back our spending on public broadcasting and the educational programming it provides. However, the increased funding levels included in this bill are almost entirely earmarked for specific projects to improve education. We cannot afford as a country to let education slide, and Congress must support CPB's efforts to expand public broadcasting's powerful role in teaching.

Public broadcasting allows the Federal Government to assist State and local governments in education in a very real way, and Congress must promote CPB's outstanding and cost-efficient efforts to expand public broadcasting's powerful role in teaching.

Each day, we are made more and more painfully aware of the despair of inner-city youth and the desperate needs of our young people across the country. Increasing educational opportunities through public broadcasting is a wise investment in their future and the future of our entire country.

Mr. President, I thank you for the opportunity to share my strong support for public broadcasting, and I urge by colleagues to join me in supporting the reauthorization of the Corporation for Public Broadcasting at full funding levels.

Mr. WOFFORD. Mr. President, I enthusiastically support this bill. The Corporation for Public Broadcasting, created in 1967, already has compiled an impressive history of bringing quality radio and television programming to all Americans. Most of us are familiar with public broadcasting through such television shows as "Sesame Street," "The MacNeil/Lehrer News Hour," and "The Civil War." Public broadcasting, however, brings into our homes a whole world of diverse programming including Project Literacy, the Descriptive Video Service for the blind and satellite-transmitted distance learning programs.

Some of my colleagues have argued that public broadcasting is a luxury our Nation can ill afford. I disagree. The vast majority of funding for public broadcasting comes from private sources—only about 16 percent of total funding comes from Congress. We need to scrutinize our spending priorities as the budget deficit continues to grow. But I do not agree that the richest nation in the world cannot spend a very small portion of its resources on one program that brings us together by bringing us history, education, and culture. It's a program that works, and it deserves our support.

Mr. MACK. Mr. President, I rise in opposition to S. 1504, the Telecommunications Act of 1991. While many of the programs which appear on public television are both educational and entertaining, our current budgetary constraints do not justify spending 1.1 billion taxpayer dollars for this purpose.

The debate on this issue has been intriguing. Proponents have done a masterful public relations job, turning the issue of funding for public broadcasting into a referendum on free speech. It's not. The issue is a referendum on leadership.

I have supported free speech even when it was not popular to do so. On the 2 Live Crew issue, I said Americans have the right to listen to whatever they choose in the privacy of their own homes. Words are words. I believe in the free exchange of ideas. America needs more freedom, not less.

The debate on public broadcasting's content is important. These are taxpayer dollars. Congress has every right to question how the money is spent—for public broadcasting or for any program receiving Government funds. But I am not here to judge public broadcasting's programming. Who can dispute the educational value of such great programming as "Sesame Street" or "Wall Street Week" or the recent "Civil War" series? In fact, who's to say those programs and many others wouldn't find success in the free market on commercial outlets?

For me, however, the issue is strictly a fiscal matter. When the Corporation for Public Broadcasting [CPB] was founded in 1967, some saw a need to fill the void in education and arts entertainment not offered by network programming. The void no longer exists. One need only scan the vast number of options offered through cable television to see that Americans have more choices in programming than ever before. Public broadcasting should not be a funding priority.

Congress has lost all sense of perspective when we allow the debate over funding "Sesame Street" to overshadow the debate on revitalizing Main Street. Americans are hurting. Young families are struggling to buy their first home. Middle-class Americans are struggling as government takes more and more from their paychecks. Older Americans are struggling with the issue of paying for retirement and health care. Yet, we're willing to spend over $1 billion to fund programming that could likely succeed on its own in the free market without our help.

The issue of funding public broadcasting is a great example of why a constitutional amendment requiring a balanced Federal budget is needed. Congress lacks the courage to say "no." We all talk about the need to bring the deficit under control—about how we don't want to pass along our debt to our children and grandchildren. Yet, when it comes time to fund luxuries like public broadcasting, members will beat down the doors to cast a "yes" vote and brag about it. What hypocrisy.

If we were to eliminate funding for public broadcasting altogether, would it make a large dent in the deficit? Probably not. But we need to start somewhere step by step. We simply cannot afford the proposal to fund public broadcasting with $1.1 billion over the next 3 years—at an incredible increase of 50 percent over current levels.

I want to stress to my colleagues that if the Federal Government decided to discontinue funding for CPB, it would not mean the demise of public television. Only 17 percent of the entire CPB budget comes from taxpayers. Demographics show the vast majority of those who watch public television could well afford to help make up for the 17-percent gap if the Federal Government stops funding PCB. By contrast, less than 5 percent of the American television viewing audience watches public television. It makes little sense to allocate $1.1 billion to accommodate 5 percent of television viewers.

Mr. President, this is an issue of less spending, less government, and more freedom. Public broadcasting subsidies are no longer needed. The free market should be the guide to public broadcasting's worth, not Congress. I have made a commitment to the citizens of Florida that I will make tough decisions to control Federal spending, reduce America's $4 trillion deficit and promote free markets. This is one of those decisions.

Mr. SEYMOUR. Mr. President, I am very pleased that the Senate will vote soon on final passage of S. 1504, legislation to reauthorize the Corporation for Public Broadcasting.

As my colleagues well know, for the past 3 months S. 1504 has been in legislative limbo so that very important concerns that I and several Members had with respect to public broadcasting could be addressed. Those 3 months were a worthwhile investment. The result is a much improved bill that represents a responsible method of ensuring that the scarce resources of the Federal Government are accounted for and consistent with the statutory mission of the CPB.

I want to take a moment to address, specifically, the Commerce Committee's amendments to the bill with respect to disclosure, and objectivity and balance, which were adopted yesterday. These issues were at the heart of my concerns on the underlying bill and the subject of many meetings so the legislation since it was first brought to the full Senate for consideration.

Mr. President, the purpose of these amendments can be summed up in one single word: accountability. In today's word of spiraling deficits, and the growing likelihood of a balanced budget amendment, accountability of taxpayer funds is critical. The American people should be able to know what programs and policies are the beneficiary of scarce public funds, including public broadcasting.

That is the essence of the Commerce Committee amendment with respect to disclosure. Specifically, this amendment requires the CPB to make available to the public its grantmaking guidelines, its rationale in the awarding of grants, as well as information on the programs themselves. Furthermore, the CPB is restricted from providing Government funds to any independent production entity unless it also provides the same information on the distribution of these funds.

Disclosure of the CPB's grantmaking procedures is an important step to ensure the accountability of the CPB and to maintain the public's trust and understanding of this important organization.

However, if we are to achieve real accountability within the CPB, there must be a means to evaluate the process by which programs are selected, and determine if it is consistent with the goals and purposes of public broadcasting. A number of programs aired on public television have prompted many Americans to question the programming decisions and the decisionmaking process of the CPB.

Of course, when the debate moves to program selection, we consistently hear the argument that Government should not be involved in the selection of individual programs. I agree. In fact, that is consistent with current law. However, let me remind my colleagues that current law requires the CPB to make programming available, and I quote, "with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature * * *."

The committee's amendment with respect to objectivity and balance is designed to offer a method to ensure that this statutory requirement is being met. It does so by, first, calling on the CPB Board to set up grievance procedure that will allow the American people to present comments to the CPB Board on the nature of the programming or other services that are offered. Second, it calls on the CPB to review regularly its national programming and determine if the mix of controversial shows offered during the period are consistent with the law, and take steps based on its review so that future grants will be consistent with the CPB's statutory mission.

This amendment answers the all-important question raised 3 months ago, "How does one achieve objectivity and balance in programming?" Its answer is a grievance procedure and a grant process within CPB that can be used as tools to achieve balance. This is a sound answer, Mr. President. After all, the CPB is a Government-funded entity. The goals and responsibilities described in the law must be the goals and responsibilities of the CPB, and specifically, the CPB Board.

In other words, Mr. President, it is the CPB Board's responsibility, as the direct recipient of taxpayer dollars, to maintain balance in the mix of controversial programming. This amendment makes the grant process the vehicle to meet this statutory responsibility, and it does so without getting Government into CPB's decisions on individual programs.

Mr. President, it's important to emphasize that these committee amendments do not break new ground or create new policy. These amendments are designed to reinforce the existing policy and responsibility of the CPB as required by law. It puts real meaning behind the law's objectivity and balance requirement and by doing so, brings accountability in the use of taxpayer dollars and a positive relationship between the CPB, PBS, and the American people.

Overall, S. 1504 as amended strikes a good balance: For those involved in public broadcasting, it represents a continuation of the Federal Government's commitment to support the unique, imaginative and educational programs and services seen and heard across our Nation. For the American taxpayer, this legislation represents what I hope will be the beginning of a trend toward greater oversight and greater accountability of how taxpayer dollars are spent to achieve important Government goals.

Mr. President, let there be no misunderstanding that the efforts by many of us these past months to achieve real accountability and balance in public broadcasting should not be seen as hostility to public broadcasting itself. Such an equation is a grave distortion.

My family and I have always enjoyed public broadcasting. While living in Orange County during my days as a small businessman and mayor of Anaheim, I enjoyed watching programs on KOCE, or Los Angeles-based KCET. And as a State senator in Sacramento, I was treated to fine programming on KVIE. As a viewer, I have enjoyed the high quality of programming offered by these public stations. As an elected official, I take particular interest and pride in the efforts by public broadcasters in California to provide programs that enhance the quality of a child's education, promote awareness in public affairs, and celebrate a community's cultural heritage and accomplishments. Those factors that have distinguished and characterized California—cultural diversity, technological innovation, and a commitment to a high quality of life—can be seen in the broad array of services and programs produced and aired at the local level in California.

Certainly, when all of us think of public broadcasting, we think of "Big Bird," the "Cookie Monster," "McNeil/Lehrer," "NOVA," "Masterpiece Theater," and "This Old House." All are first rate programs. But public television and radio, like politics, is local, and it is that element of programming that is not emphasized enough.

You can see this local initiative traveling through my own State of California. In San Francisco, public station KQED recently established the Center for Education and Lifelong Learning [CELL]. Included in CELL, is a school services unit that will build on KQED's already successful instructional television service. This service assists 80,000 California teachers, and reaches out to 1.7 million students in the San Francisco Bay Area. Indeed, KQED is known nationally for its tireless efforts to explore unique, innovative ways to improve the quality of education through the use of public broadcasting.

San Jose's KTEH joined with the Santa Clara County Office of Education Children's Services Department to launch a community outreach project that is designed to integrate children's television programming into the daily schedules of local child care centers and preschools. KTEH is also breaking new ground in locally produced programming. In 1991, KTEH provided over 300 hours of local programming, an increase of more than 900 percent over the previous 2 years. These programs range from the high-technology news magazine, the Silicon Valley Report, to PetPourri, a weekly, call-in pet care series.

In Rohnhert Park, KRCB has produced "En Camino," a monthly public affairs program in Spanish to inform its viewers of local issues of importance.

Los Angeles-based KCET is well-known to all who watch public television. Though KCET's locally produced programming is motivated by issues of great importance at the local level, it is not unusual to see their programming serve and make a difference for communities across the Nation. KCET coproduced the Oscar-nominated "Stand and Deliver," the documentary of the inspirational calculus teacher, Jaime Escalante. KCET provides instructional programming to elementary and secondary schools throughout the Los Angeles area, and even college-level telecourses to nontraditional students.

In Orange County, KOCE is the largest producer of college telecourses in the Nation, providing 1,575 hours of college course programming to 15,000 students.

Mr. President, I can go on and on and list the accomplishments of public broadcasting in California, but those that I have mentioned are the tip of a very large iceberg of commitment by local public television and radio stations to their communities. Public broadcasting is community broadcasting. These stations make real the ideal that television and radio enrich, entertain, and educate its listeners and viewers. S. 1504 represents an investment in that kind of effort, and I am pleased to have played a part in the development of this legislation.

Finally, Mr. President, I want to thank the distinguished chairman of the Communications Subcommittee, Senator INOUYE, as well as the chairman and ranking member of the full Commerce Committee, Senator HOLLINGS and Senator DANFORTH, for their leadership in bringing this important legislation to the floor. I also want to recognize the leadership of my good friends, the distinguished senior Senator from Alaska, Senator STEVENS, and the distinguished Republican leader, especially with respect to the committee amendments to the underlying legislation. They and their staffs should be commended for their efforts to improve this important legislation.

Mr. GLENN. Mr. President, I rise to express my support for S. 1504, the Public Telecommunications Act of 1991. The bill authorizes appropriations for the Corporation for Public Broadcasting [CPB] and the Public Telecommunications Facilities Program [PTFP].

Public broadcasting serves the Nation by encouraging and assisting the development of diverse quality programming for public television and radio. The CPB plays a particularly important role for the citizens of Ohio, because it bridges Ohio's rural communities with its cities through the use of sophisticated telecommunications technology. The CPB thus opens the doors of broad-based communications to our cities, to small townships, and importantly, to the rural areas, creating an interactive intrastate communications network.

Ohio Public Broadcasting, funded through the CPB authorization, is replete with a variety of services that cover the broad interests of our communities, not the least of which is education. Today, public television is the only national instrument consistently reaching virtually all American families to provide education services for preschoolers, schoolchildren, and adult learners of all kinds.

While Ohio ranks 36th in educational expenditures, it ranks among the top 10 in instructional television effectiveness, thereby proving the effectiveness of public broadcasting for educational purposes. Working through the public television stations, 8 Ohio instructional foundations provide a wide range of services to all of Ohio's 2 million elementary and secondary students. Instructional television brings essential educational resources to our classroom.

Twenty-five years ago, Ohio created and funded an educational technology equity commission to explore the use of telecommunications technologies to extend sorely needed resources to the poorest schools in urban and rural Ohio. In January 1993, the commission will initiate a project to assess instructional methods and to train teachers. This project will be managed by Ohio's public broadcasting stations, working in conjunction with the broader educational community throughout the State. This year's CPB authorization permits Federal support for initiatives such as these.

Another positive contribution of Ohio public broadcasting is evidenced by WVIZ, a public broadcast station in Cleveland. WVIZ is a central facility for video and emerging technologies and provides services to 120 school districts and 215 private, parochial, and independent schools in northeastern Ohio. These services include on-line computer networks and databases for educators, interactive class rooms, college-credit telecourses for at-home viewers, and an everincreasing number of workshops for improving educational opportunities. Clearly, public television and radio can be used to reinforce our ability to educate. I believe, Mr. President, that through our public stations we can emphasize the resourceful relationship that education and emerging technologies share.

Public radio and television stations constitute valuable local community resources to address national concerns and local problems. WOSU in Columbus, for example, played a major role in the broadcast of an historic program in central and southern Ohio when every television station in Columbus simultaneously broadcast "Our Place, Our Problem: Drugs in the Heart of it All," a special broadcast coproduced by various stations which examined the drug crisis in the community. Public broadcasting stations address social issues head-on, and use their influence to unite communities into the solution.

Another example, WVIZ donated its facilities for a minitelethon to benefit the homeless. This successful drive raised more than 90,000 volunteer hours for various social agencies. Ohioans traditionally support public broadcasting, having provided 450,000 volunteer hours over the last 2 years which entitled stations to qualify for additional Federal funds. People volunteer for many reasons, but clearly the one passion which united these Ohioans was the strong belief that public broadcasting is a part of the solution to community problems.

Moreover, public broadcasting provides quality programming that promotes and brings together a diversity of our American culture, and provides such diversity in an affordable and accessible manner. The 3-year authorization proposed by this bill will serve the invaluable purpose of furthering the education, information, mobilization, and invigoration of our communities across the Nation. Mr. President, I fully support S. 1504 as written, not only as an authorization, but also as a continuing reinforcement of the Corporation for Public Broadcasting's commitment to the enrichment of all Americans.

Mr. BRADLEY. Mr. President, I am extremely proud to support S. 1504, the Public Telecommunications Act, and encourage my colleagues to do the same. The bill authorizes Federal funding for the Corporation for Public Broadcasting of $310 million for fiscal year 1994, $375 million for fiscal year 1995, and $425 million for fiscal year 1996. A portion of this money will likely be used by New Jersey Network [NJN] and WNET/Channel 13, two public broadcasters that provide valuable television programming to the residents of New Jersey. In addition, the bill authorizes $42 million for the Public Telecommunications Facilities Program each year for capital improvements from fiscal year 1992 through fiscal year 1994.

Since 1967, Federal support for the Corporation for Public Broadcasting has enabled public television and radio stations to provide their services to virtually all Americans. The CPB distributes direct grants for operations and programming to 313 public radio stations and 192 public television grantees operating 341 stations in the United States and its territories.

Through public broadcasting, Americans have been able to explore important social issues in ways that are balanced, thoughtful, and challenging. At the same time, public broadcasting has promoted creative artistic programming, bringing musical, dance, and dramatic performances to many Americans who would otherwise not be able to enjoy them.

Public broadcasting reaches 98 percent of all American homes with public television programming and over 86 percent of all homes with public radio. The news, performance, social issues, and public service programming which comes to Americans through public broadcasting stations has greatly enhanced the quality of our lives.

One program which underscores the contribution local public broadcasting stations make to their communities is WNET's "Learn To Read" program. "Learn To Read" is an at-home study course comprised of 30 programs designed to teach basic reading skills to adult nonreaders. The series emphasizes basic phonic principles, handwriting skills, and reading tips for new readers.

Another public television station serving New Jersey, New Jersey Network [NJN], maintains the State's Project Literacy hotline, providing the only clearinghouse for literacy activities throughout New Jersey. Using an 800 number, the service responds to more than 100 inquiries each week, providing information on tutoring services and enrollment.

I am especially heartened by the fact that this bill will allow the CPB to bolster the use of emerging technologies in education. One CPB service project, the satellite resources consortium, brought 1,920 hours of direct instruction in foreign languages, advanced mathematics, and the natural sciences to students and teachers in 382 high schools in 22 States during the 1989-90 school year. Such programs can make a huge difference in our ability to compete with other nations in today's global economy.

We are all aware of the importance of popular public television programs such as "Sesame Street," "Great Performances," and the "MacNeil/Lehrer News Hour." But we should also be supportive of CBP's and public broadcasters' willingness to expand their programs further to respond to the growing and increasingly diverse needs of our Nation. I applaud the work that CPB has done and encourage this body's support.

Mr. ROCKEFELLER. Mr. President, as most of you know, I am very committed to educational television and radio programming. Public broadcasting has provided an invaluable array of educational, historical, and culturally enriching productions for this country for a quarter of a century, and I am proud to be a supporter of the pending legislation.

In the early 1970's, when my wife Sharon and I lived in Buchannon, WV, we discovered the joys of public broadcasting. We had three children under age 5 and were looking for some relief, some news, and some adult voices. Sharon found "Sesame Street" for our kids, and the Watergate hearings and National Public Radio's "All Things Considered" for herself. The rest—as many of my colleagues have noted on this floor—is history.

The beauty of public broadcasting, however, is that you don't have to be a Rockefeller to enjoy it.

Public broadcasting helps tear down the barriers of privilege. It makes the riches of our heritage and culture accessible to 97 percent of all Americans, regardless of income or geography. All in all, the money we spend on public television and radio may reach more taxpayers, more directly, than virtually any other Federal expenditure.

Programs like the "MacNeil-Lehrer Newshour," "Reading Rainbow," "NOVA," and "Morning Edition," to mention a few, have become staples in millions of American households—and hopefully those numbers will grow. We now have a commercial-free broadcast system in this country that provides an essential service to all Americans, and it is something which I think has come to be recognized on a bipartisan basis as a very important part of the fabric of the American communications system.

Mr. President, we in Congress frequently lament the educational system of this country and the need to provide better education and training for young people. I believe that public broadcasting is at a critical crossroad between the gaping need for excellence in education and the tremendous capacity that the media has to enlighten and inform.

It is well known that by the time a child reaches college age, he or she will have spent more time in front of a television set than in the classroom. In fact, kids today spend more time before their television sets than before their teachers, and almost as much time watching TV as they spend with their parents. Public broadcasters provide hope that at least some of that time is spent watching quality programs and learning.

For example, WSWP, the public broadcasting station in Beckley, WV, just developed and tested an exciting new pilot program called Homework Hotline. Modeled after a show started in Rochester, NY, "Homework Hotline" was locally produced and featured a group of teachers answering questions from local students over open phone lines.

According to WSWP's operations supervisor, the response was absolutely overwhelming. "Homework Hotline" received calls from first graders wanting to learn how to count their allowance and tell time, from parents who wanted help answering their children's questions, and from viewers outside the broadcast area who picked up the show on cable. It is exactly this kind of use of our television airwaves that provides hope that some of the hours spent in front of the TV set are productive ones.

Similarly, in rural parts of West Virginia, public broadcasting supplements a severe shortage of qualified teachers in key areas like math, science, and foreign languages.

On a typical day, close to 16,000 West Virginia students watch "Writer's Realm," a creative writing series. Later that morning, "Landscape of Geometry" teaches 9,000 junior high students the basic concepts of geometry in an award winning, animated format. And before the recess bell rings, nearly 22,000 students have tuned in to "Truly American," a biography series about the lives of great Americans.

As early as 1953, the first educational television station began broadcasts to school classrooms. Now, simply by turning on a television, teachers and students across our country can access a wide range of educational programming.

These programs make learning fun and, in many rural areas, fill in the gaps of an educational system that lacks the resources available in other parts of the country.

In addition to providing programs for elementary and secondary school students, PBS reaches thousands of nontraditional learners, including adults who are enhancing their job skills, learning to read, working toward their GED high school equivalency or college degrees, or otherwise enriching their lives.

Mr. President, I've given just a few examples of the educational value of public broadcasting. My colleagues have described many more, and we still haven't begun to cover the tremendous wealth of programming offered on commercial-free television and radio.

By enacting the Public Broadcasting Act of 1967, our Government made the support of public telecommunications a necessary public policy—one that has been continually reinforced by Congress since then. I want this worthwhile program to continue, and I urge my colleagues to take this opportunity to renew our support for public broadcasting.

Mr. KERREY. Mr. President, I will support the reauthorization of the Corporation for Public Broadcasting.

Although actual appropriations may eventually be somewhat less, the authorization for fiscal 1994-96 is more than $1 billion for programming and operating expenses and some $42 million per year in fiscal 1992-94 for public television facilities capital investment.

CPB has a broad mandate: Develop television and radio systems that would reach and serve all Americans, develop connection services that would link the public broadcasting stations nationwide, help support those stations, help ensure the production of high-quality programs from diverse sources, and provide training, instruction, recruiting, research, and development.

It is a mandate which CPB has, I believe, filled well. I have not agreed with all programming decisions, but I suspect that it is unlikely that any individual would. What public broadcasting has done is expand viewing options and offer an alternative to commercial programming.

When CPB was established, it was particularly important as an alternative to three major networks. Today, the broadcasting environment has changed: The choices have expanded. Yet, there are, I submit, numerous public service, cultural, and educational programs which would not be available were it not for public broadcasting.

For me, there are two questions here today. First, should we in today's climate of fiscal constraint and in an expanded broadcast environment continue to use taxpayers' dollars for public broadcast purposes. And, second, where does public broadcasting stand in an industry where rapid change in technology has become the norm.

Today, there are some 349 public television stations and 373 CPB-supported radio stations. They are stations dedicated to CPB's goals of exciting the mind and expanding the spirit. They are testimony to 25 years of success.

It is, I believe, instructive to reflect for a moment on the history of public broadcasting. Several points stand out. First, Newton Minter in 1961 clearly described what many Americans understood: that television of that time was a vast wasteland. Television could and should be more.

Second, even before the Minter description, the FCC, led by Frieda Hennock, had reserved 162 UHF and 80 VHS channels for noncommercial educational use. In other words, the FCC identified the airways as a public resource and determined it to be in the national interest to retain a certain portion of that resource for special use.

The passage of legislation creating the Corporation for Public Broadcasting was another milestone, this one seeking to ensure that those airways which had been reserved would be used to develop radio and television systems which would reach Americans with alternative programming.

Satellite connection of the existing stations in 1978 guaranteed the existence of a national public broadcasting network.

From recognition of a need, dedication of a resource, facilities and programming support and finally a linked system of public broadcasting brought us to the system we have today.

I believe that CPB has served us well and that it continues to serve a significant purpose, despite the proliferation of commercial services. There are many artistic and cultural programs which simply do not command the audience which commercial programming demands, yet its loss would be our loss. I count in this category symphony orchestra performances and opera. There are other programs, especially in the drama and literature fields, where there is a value in being able to follow a text or story without concern for marketing. This is particularly true when we are dealing with classics and materials for educational purposes.

Finally, public broadcasting contributes to public policy debates, especially on the local level, in a way that commercial channels simply do not. It is a local effort—local in its establishment, local in its production efforts, local in the decisions it makes on what to air.

For these reasons, I support S. 1504.

I do, however, believe that this reauthorization debate skirts a broader debate—and that is where our technology is taking us. Over the years, we have tended to view mass media services such as broadcasting and cable apart from telephony. Yet, in truth, such distinctions are giving way. Increasingly, we will see not only competition within the two broadly defined areas but competition among many elements in each. Our effort must be to promote the wise use of each and to keep always in the forefront a commitment to a common good. That commitment, I believe, must include a broad-based access to the services which can and will be available in the upcoming years.

Mr. CHAFEE. Mr. President, for the past several months legislation to reauthorize the Corporation for Public Broadcasting has been awaiting full Senate consideration. My colleagues—both Republicans and Democrats—have been meeting in good faith since March to work out their differences with the bill. I commend them for their efforts, and am pleased that the bill is being brought to the floor today.

The areas of disagreement in this debate are well known, Mr. President. Opponents of the bill charge that there is a pattern of bias—some call it liberal bias—in Corporation programming decisions. They point to several CPB-supported programs—including the controversial broadcasts of "Tongues Untied" and "Stop the Church"—to illustrate their point.

I must agree that some CPB-funded programs are distasteful. And I would imagine that most members of the Senate—even those who endorse this bill strongly—would have trouble defending the artistic merits of selected Corporation-funded programming.

But I do not believe that matters of personal taste should drive public policy.

Each year the Corporation supports thousands of projects around the country, and it is unfair to select a handful of isolated programs as representative of the overall work produced at CPB. Not only is it unfair, it's wrong.

I intend to vote for the Corporation for Public Broadcasting Reauthorization legislation for the following reasons:

First, the Corporation is an independent private organization. It was established 25 years ago to provide high quality radio and television programming—programming without Government interference. And for 25 years CPB has done just that.

The Corporation's independence allows it to serve a broad constituency. Two generations of children have fallen in love with Oscar and Big Bird on the popular "Sesame Street" program. And just last year, viewers from around the Nation were gripped by the moving history of "The Civil War," the superb documentary produced by CPB.

The simple truth is that independence comes at a price. Independence means the ability to be free from the constraints of day-to-day governmental control. And if independence at CPB means that some programming decisions may be unpopular—so be it. That is the price we must be willing to pay for top-quality programming.

Second, I do not believe that Congress should be involved in decisions about what constitutes proper programming. There is a fine line between legitimate Government interest in programming and outright Government censorship.

Certainly, I do not seek out programming that depicts half-nude bodies dancing on my television screen. Nor do I enjoy watching demonstrators disrupt the celebration of Sunday Mass at St. Patrick's Cathedral. But as offensive as I find some CPB supported programming, it would be even more upsetting to see creative talents harnessed by some giant Federal Government operation looking over the shoulder of every producer—making decisions about what is suitable for public consumption, and what is not.

The chilling effect that Government intrusion would have on programming decisions would be beyond calculation. Would top-rate broadcasting talent choose to work under burdensome Government constraints? Probably not. And those who did remain in Corporation broadcasting would surely be reluctant to test a policy that discourages anything but politically correct programming. In effect, self-censorship would be the result.

How can a nation that celebrates daily its first amendment right to free speech attempt to restrict unpopular views from public consumption?

In my view, expression on public radio or television is no different from protected expression in a public park. Both are maintained in part by Federal tax dollars, and both are forums for free speech. Preserving our first amendment rights is far better than the heavy price society would pay if every CPB program was subject to the scalpel of a Government censor.

And finally, I will support this reauthorization measure because the Corporation does an excellent job supporting public television in Rhode Island. Channel 36, the public TV station based in Providence, stands to gain nearly a half a million dollars per year—about 20 percent of its annual operating budget—under this bill.

Channel 36, and its able general manager, Susan Farmer, is a wonderful education resource for all Rhode Islanders. Through its broadcasting, Channel 36 offers postsecondary level courses through the Community College of Rhode Island. It also allows dropouts to get a leg up on high school equivalency tests through regular class broadcasts.

Of course, channel 36 also offers the award winning children's programs that have come to define public broadcasting, such as "3-2-1 Contact" and "Mister Rogers' Neighborhood."

I urge my colleagues to support the Corporation for Public Broadcasting reauthorization bill. Thank you, Mr. President.

Mr. DURENBERGER. Mr. President, I rise in strong support of S. 1504, the Public Telecommunications Act of 1991, which would reauthorize funding for the Corporation for Public Broadcasting [CPB] for the next 3 years.

For 25 years, public broadcasting has received Federal support through the CPB, a private, nonprofit organization created by the Congress in 1967. The purpose for creating this freestanding entity was to assist local broadcast stations in providing programming which focused on local needs and issues and also to fill the gaps in commercial broadcasting in many rural areas of the country.

Twenty-five years later, 86 percent of all Americans receive public radio broadcasts and 93 percent receive public television broadcasts. But the improvements fostered by CPB have not only come in broadcast infrastructure, they have come in the form of innovative, distinctive, and diverse programming with proven leadership in children's and educational programming.

Mr. President, no Member of this body is more aware than I am of the need to give utmost scrutiny to every dollar of spending we authorize. Continued inattention to the deficit is the gravest sin we commit. No program that we fund should be exempt from the mandate that significant national purposes be served in the most cost-effective manner possible.

With that mandate in mind, Mr. President, we must all take note of the fact that this legislation includes a substantial increase in authorized funding levels for the Corporation for Public Broadcasting. While I support increased funding, our colleagues in the appropriations process will need to weigh every competing priority when actual spending levels for CPB are set each year during the life of this reauthorization. I am confident that CPB will continue to demonstrate its value to the Nation.

When the Corporation was established, it was directed to find, initiate, and finance the production of high-quality educational, informational, instructional, and cultural programs. For the last 25 years, programs supported by CPB have been produced by a variety of entities, including public broadcasting stations, minority-based production companies, independent producers, and educational institutions. Through their educational content, innovative qualities, and diversity, these programs have enhanced the knowledge and imagination of all Americans.

Public broadcasting is also at the leading edge of incorporating technology into education at all levels. This service is not just conventional broadcasting, but includes the infrastructure for interactive educational programming using satellites, fiber optics, cable, and computers. This federally financed infrastructure places within our Nation's reach a comprehensive telecommunications system for all the Nation's schools.

These types of improvements do not come without cost. As we debate increasing the authorization for the Corporation for Public Broadcasting, it is essential to note that the Federal Government provides less than $1 out of every $6 needed to sustain public television and radio broadcasting. Private support for public broadcasting—from viewers, businesses and foundation—is also on the rise.

The quality of the U.S. public broadcasting system is internationally recognized. In my State of Minnesota, for example, CPB recently awarded American Public Radio in Minneapolis, a CPB Radio Program Fund Award for the classical renewal project, a project geared toward the renewal of classical programming on radio.

Funding from the Corporation also enables local stations such as KWCM-TV in Appleton, MN, to provide programming to serve a growing Hispanic audience through Spanish-language broadcasts of programs such as "Amigos" for children and adults who wish to learn English.

On a larger scale, Minnesota Public Radio, a network of several stations throughout the State, has used its support from CPB to make contributions benefiting the whole country. Examples of this contribution include Garrison Keilor's "A Prairie Home Companion" and the acclaimed new program "All Things Considered."

In recent years, Twin Cities Public Television has also emerged as one of a handful of production centers for nationally distributed programming, including regular segments on the "McNeil-Lehrer Newshour." Thanks to strong board and management leadership, KTCA-TV is now one of the Nation's best watched, best supported and most prolific producers of local and nationally distributed programming in the country.

Thanks to strong support from CPB, as well as State and private funding sources, people throughout the State of Minnesota are served by strong public television outlets in Fargo-Moorhead, Duluth, Austin, Appleton, and several other cities.

Mr. President, one of the most telling examples of the power of this medium was recently reported in the Washington Post. When the Metropolitan Opera's production of Richard Wagner's "Ring Cycle" was broadcast last year, it was seen by more people in that series of broadcasts than had seen it in live performances throughout the world since it was first performed in 1876, 116 years ago. Mr. President, the capacity of public broadcasting to expand the mind and enrich the spirit is a modern marvel.

A new project, the independent television service [ITVS], is also funded under the Corporation for Public Broadcasting. This new organization was created with bipartisan support in 1988 and actually brought into existence less than 1 year ago. I have supported this program since its inception and am pleased that ITVS is located in St. Paul.

ITVS was created to ensure that more independent film and video producers from throughout the country would have an opportunity to make programs for public television. It was created specifically to address the many new communities which should be a part of public television's future, including children and audiences currently undeserved.

Within their first year, ITVS formed a network of 24,000 independent film makers and provided funding for a broad mix of 26 programs, ranging from drama to animation, public affairs to children's programs, and views of both urban and rural life. Because of production lag time, however, none of the ITVS project have been broadcast. Broadcast of these nationally available programs will be left entirely to the discretion of the local public broadcasting stations.

Through my staff, I have engaged in many hours of contacts with ITVS officials and I believe they are seriously committed to maintaining accountability and carrying out the full intent of their congressional mandate. I do not believe it is wise public policy to punish good faith efforts to carry out the will of Congress—particularly when there is no evidence that congressional will has been undone. Therefore, I would oppose any effort to eliminate ITVS.

Congress has created this service, funded by CPB, to bring diversity and new voices to public television. There are literally thousands of voices from throughout the country who can enrich our Nation's culture by providing insight and new perspectives about life in their own communities. In the last few weeks in particular, Mr. President, our Nation has become even more aware of the need to foster understanding among the many elements of American life. I hope that my colleagues will join me in supporting this legislation to allow ITVS the chance to prove itself.

Mr. KERREY. Mr. President, I am pleased to cosponsor the amendment which requires the Corporation for Public Broadcasting to prepare a report on the establishment of a dedicated channel for preschool children.

Today there are more than 20 million children of preschool age in this country. Some attend preschools. Some are in day care. Some stay at home with a parent. Others spend their day with a relative or child-care provider. But, most children, regardless of their situation, have one thing in common: They watch an exorbitant amount of television.

According to a recent book by Ernest Boyer, a preschool child is likely to watch as much as 2½ hours of television a day. By the time a child enters kindergarten, he or she has probably watched nearly 4,000 hours of television.

Furthermore, a recent report by the National Assessment of Education Progress reveals that the amount of time children spend in front of a television grows each year.

I am not one who wants to encourage additional television viewing by preschool children; in fact, I would like to discourage it. I would prefer to see additional quality preschool programs and activities, including an expansion of Head Start.

But, I also believe that we must recognize the reality of many children's daily lives. And, where television is a significant aspect of children's daily lives, it should be a wholesome, supportive, and stimulating aspect. High quality television programming can contribute to and complement efforts to meet preschool developmental needs. It can also be used to provide information and training to parents, preschool caretakers, and teachers.

In my own State, Nebraska Educational Television [NETV] has an impressive record of educational programming, including its Emmy award winning series, "Reading Rainbow." I am confident that it can successfully expand into the preschool area.

At a time when our educational needs are great, at a time of growing recognition of the importance of early childhood training and education, it is important that we make use of all our resources to help our children develop to their full potential. By tapping into a resource available in most homes and schools, a ready-to-learn channel can be a potent educational tool.

This amendment seeks a report which will form the basis for moving forward on the establishment of a preschool ready-to-learn channel. I believe it is a good amendment.

Mr. McCONNELL. Mr. President, I come to the floor today to speak in support of the amendment offered by Senator LOTT.

This amendment is not about objectional programming or Oscar the Grouch—it is about fiscal responsibility. It is about our $4 trillion national debt, and Congress' efforts to control Federal spending.

What does S. 1504 provide? It authorizes funding for the Corporation for Public Broadcasting at a level of $1.1 billion over 3 years—an increase of 50 percent over the previous 3 years. The amendment we are considering freezes the funding levels of this bill at $275 million per year, which will result in some $285 million in savings.

It has been argued that this amendment will limit the educational and community services provided by public broadcasting. Frankly, I can think of more pressing educational and community services that would benefit from a $285 million windfall. How about using the savings to increase funding for Head Start programs, or to promote the reading ability of America's young citizens?

I wonder, Mr. President, if that during this debate, anyone has suggested that our children spend less time in front of television sets, and more time immersed in books? The findings of a report prepared by the National Assessment of Educational Progress for the Department of Education shows that students are indeed spending too much time watching TV, and not enough reading.

Let me highlight a disturbing finding in this report. Of the fourth grade students interviewed, almost half said they read 10 or fewer pages in a book per day, while one-quarter said they watch TV for 6 or more hours each day. It doesn't get any better as our kids get older—nearly two-thirds of 12th graders indicated they read less than 10 pages in a book daily.

I think the Senate might do more to encourage America's youth to tune into books, turn on to reading, and for itself, to drop out of spending habits that are ringing up an enormous national debt.

Mr. D'AMATO. Mr. President, for months now we have been debating the future of the Corporation for Public Broadcasting. When we first dealt with this issue earlier in the spring, I announced my support for public broadcasting. I rise today to reaffirm that support.

Mr. President, I have listened to the arguments of my colleagues and frankly, I am not convinced that cutting the budget of public broadcasting will be a net benefit. In fact, I believe that a cut to public broadcasting will be a counter to all that we say that we want to achieve in this body.

We have consistently stated that the education of our children is a paramount concern. Public television has served as a de facto teacher for many years. Through programs such as "Mister Rogers' Neighborhood" and "Sesame Street" to "Nova," our children have learned everything from their ABC's to the makeup of our solar system. It would be absolutely devastating to the continuing education of our children if the availability of such shows were limited.

Public Broadcasting is especially successful at introducing and delivering culture to the four corners of our Nation. Through programs such as "Great Performances" and "Live from Lincoln Center," citizens throughout our Nation are exposed to world-class talent without ever having to leave their living room.

We all marveled last year at the "Civil War" series, one of the highest rated shows in the history of public television. It was truly a masterpiece of illustrating a critical period in our country's history. However, the magnitude of this project made it virtually prohibitive to be broadcast on the networks, and to be run on cable would have made it inaccessible to a large part of our Nation that does not have cable. Public broadcasting was the logical choice for this project. However, a cut to public broadcasting will threaten future masterpieces from ever reaching wide audiences and could prevent such important programming from being shown to the public.

As I stated several months ago, there is some programming on public broadcasting that I find objectionable. But there is so much more that I find worthwhile and educational. We cannot afford to cut short the multitude of programs that many in our Nation find informational and inspirational. Public broadcasting provides a vital part of our citizens' education that must not be eliminated. I am pleased to lend my support to the passage of this important measure.

Mr. JEFFORDS. Mr. President, I rise in strong support of this piece of legislation to authorize appropriations for public broadcasting.

I strongly feel that any legislative action to restrict CPB's programming choices will have severe ramifications on CPB's ability to deliver high-quality educational programs, programs only shown on the public broadcasting system. If we impose such restrictions, we will begin a ripple effect that will undermine the tremendous benefits public broadcasting offers Americans.

It is not the role of the U.S. Senate to decide what the CPB should broadcast to the American people. If we impose restrictions on the CPB, we are debilitating the ability of public broadcasting to educate the American people in a unique and far-reaching manner.

The numerous high-quality programs that have been aired and heard through the CPB far outweigh the few programs that have caused controversy.

What types of programs receive funding from the CPB? In Vermont some of the most watched public programs receive CPB funds, like "Nature," "Great Performances," the "MacNeil/Lehrer Newshour," "Columbus: Age of Discovery," and "National Geographic Specials."

I am concerned about efforts that will be made to limit the ability of CPB to provide quality programming through reducing or freezing its funding levels. These efforts will only have a negative effect on the most important benefit of public broadcasting: providing a diverse range of educational programming to all areas of the country, especially rural areas like those in Vermont.

We all are aware of the need to improve our educational system, and we cannot underestimate the vital role public broadcasting plays in this system. Besides programs like "Mister Rogers' Neighborhood" and "Sesame Street," public broadcasting offers other little-known but important educational programs like "Project Education," which helps communities improve their educational abilities. Many public television series, like "Columbus: Age of Discovery," serve as important educational tools for teachers in the classroom. Reducing or freezing funding for CPB will only result in limiting CPB's ability to provide these educational benefits.

I am also concerned with efforts to eliminate or reduce funding for the Independent Television Service [ITVS]. As many in this body know, not one ITVS program has been aired, yet some people want to eliminate its funding before the American people have a chance to view any ITVS programming. More importantly, ITVS only funds these programs, it does not broadcast them. It is the decision of the local public television stations to decide what programs must be aired. It seems to me that any effort to eliminate ITVS' funding is premature given these facts.

I urge my colleagues to support this important piece of legislation and continue to provide the wonderful benefits of public broadcasting.

Mr. ADAMS. Mr. President, I rise in strong support of the Corporation for Public Broadcasting [CPB] and urge all my colleagues to vote for the reauthorization of S. 1504, the Public Telecommunications Act.

For 25 years, Congress has been steadfast in its commitment to public broadcasting. This support has forged a fledgling industry into an indispensable public service that reaches coast to coast. From a disjointed group of 270 public television and radio stations in 1969, public broadcasting has become a leader in providing quality informational, cultural, and educational programming and community outreach services to over 96 percent of the American population.

CPB distributes the bulk of the Federal contribution in the form of grants to radio and television stations. In Washington State, public broadcasting serves the needs of a population of wide cultural diversity. Radio station KDNA-FM, of Granger, WA, uses its community service grants to provide programming for the Hispanic population in Washington. One program, "Buenas Noches," is a very popular talk show offering public affairs programming. The majority of the listeners are farmworkers, who benefit from the station's work with the Washington State Migrant Council, the Yakima Valley Farmworker Clinic, the Office of Farmworker Housing, and the Washington State Commission on Hispanic Affairs.

In addition to programming for Hispanics, several stations in Washington offer programming directed toward the needs and interests of native Americans. KDNA airs programming each week produced by the Yakima Nation. Radio station KPBX-FM, in Spokane, WA, recently produced five half-hour programs featuring storytelling by native American tribes.

Television station KCTS-TV, in Seattle, has developed a number of programs and services for schools. For example, KCTS developed a bilingual State history and geography video disc, entitled "Over Washington," to be made available to schools. It also produced a six-part series describing the history of our planet. The station developed ancillary teaching materials for schools, in order to expand the use of the program beyond broadcast and into the classroom.

KTPS-TV in Tacoma produced a 12-part series addressing the problem of alcoholism among native Americans, and focused on recovery and personal growth.

People in Washington also benefited from the round-the-clock Desert Storm coverage provided by National Public Radio, made possible in part by an emergency infusion of funding from CBP. NPR's nationally acclaimed coverage included town meetings, overnight newscasts, and call-in shows.

In addition, public broadcasting brings theater, opera, and drama to inner cities and rural communities to people who would otherwise be unable to experience them. More people saw the opera, "The Ring Cycle," in one broadcast on public television than had ever seen it, in total, since Wagner wrote it.

Recently public television aired the final program in the series "The Constitution—That Delicate Balance." This brilliant series on constitutional issues owed its existence to funding from the Corporation of Public Broadcasting. The program's distinguished host, Fred Friendly, concluded the final program by remarking that in the entire series there were 83 televised programs and 600 seminars. He said:

> I am 76 years old. Nothing is forever. I relish the thought that in my 55 years in broadcasting journalism, 17 have also been spent in America's largest classroom—public television—with eager, thinking minds such as yours.
>
> Thank you for inviting me into your homes and for your support of our most essential agenda: not to make up anybody's mind, but to open minds; to make the agony of decisionmaking so intense you can escape only by thinking.

Public broadcasting's contributions to cultural diversity, education, the arts, and community awareness are invaluable. Public broadcasting has been and continues to be a wise investment.

Mr. HARKIN. Mr. President, I want to express my strong support for the Corporation for Public Broadcasting [CPB] and for S. 1504, the Public Telecommunications Act. As chair of the Labor, Health and Human Services Appropriations Subcommittee, which funds the CPB, I welcome this important authorization.

CPB and the public broadcasting television and radio networks play a vital role in providing educational, cultural, and public affairs programs. Especially in rural States like Iowa, public broadcasting provides a vital link to our culture and to educational resources.

I recently received a letter from an Iowan that said it all about the importance of public TV in his life. "Where else could we see an opera in George, IA?" this person asked. She also mentioned the importance of national programming such as the "Nightly Business Report" and "Wall Street Week," and Iowa Public Television's program on agriculture, "Market to Market." Their children watch shows like "Where in the World is Carmen Sandiego?" Public television and radio, more than many things that this Congress spends time and money on, has a direct, positive impact on the lives of millions of Americans with 80 percent of all Americans watching public TV at least once per month. Public radio is an important resource, especially for excellent public affairs programming and news shows like "All Things Considered" and "Morning Edition." I have received scores of letters concerning this legislation, and the response are almost unanimous in favor of public broadcasting.

Some have expressed concern about CPB-funded programs in terms of their balance, creativity, and quality. This legislation addresses those concerns, in the balance and objectivity requirements. On the whole, public broadcasting produces quality, balanced programming. That doesn't mean that public broadcasting shows are pablum, or avoid the tough issues. It means that a wide variety of opinion, from the right and the left and everything in between, are represented on public TV. Bill Moyers specials are balanced with "McLaughlin Group" and "Firing Line."

I am particularly pleased by two provisions in the current bill: The distance learning projects provision, and the language concerning people with visual- or hearing-impairment.

The distance learning projects provisions will help improve public broadcasting's impact on education in rural areas. Public broadcasting is already a vital resource to provide educational opportunities for rural students, and I anticipate that the distance learning provisions will further enhance the role of public broadcasting in rural education.

Also, as chairman of the Disability Policy Subcommittee, I am deeply concerned about expanding the responsiveness of public broadcasting to people with disabilities. Once again, public broadcasting has done an excellent job in reaching out with descriptive video and captioned broadcasting. But more needs to be done. The language emphasizing that visually-impaired and hearing-impaired people are an underserved community provides important guidance to the CPB. This bill will help to reach out to the hearing- and visually-impaired communities and increase access to public broadcasting.

Public broadcasting enriches the lives of the people of my State, and our Nation. From children who learn and have fun watching "Sesame Street," to the many viewers who learned about a crucial period of our Nation's history watching Ken Burns' "Civil War" series, to important local programming such as, in my State, "Iowa Press," and to the many listeners to public radio's national and local news and public affairs programs, Iowans benefit greatly from CPB. I urge my colleagues to join with me in supporting this legislation.

Mr. COCHRAN. I support this bill, and I hope it will be passed without any amendment that would seriously undermine the funding possibilities for our public television networks and stations and their efforts to provide educational programs that are helpful to our Nation's children.

In creating the Corporation for Public Broadcasting [CPB] 1967, the Congress recognized the need for Federal support of the development of educational programs to use in the home, classroom, and library.

The educational roots of public broadcasting run deep—it was first called "educational television" or "ETV," and many people still use the name. It has strengthened learning from preschool through college.

The State of Mississippi's ETV Authority was chaired by my father, William Holmes Cochran, and in 1969, Mississippi was the first State in the Nation to have statewide coverage with its network of transmission towers.

Today, Mississippi ETV offers six educational networks, providing more than 65 hours of educational programming each day for students, teachers, individuals, and families. On average, Mississippi's elementary and secondary schools use 7 hours of educational programming every school day.

Additional adult-oriented instruction includes college education, teacher certification, training for daycare providers, programs like "Learn To Read," and vocational and career education.

Since 1969, preschool children in Mississippi have been exposed to the educational values of "Sesame Street" and "Mr. Rogers' Neighborhood."

Nationwide, classroom television from kindergarten through high school reaches 29 million students with science, math, and reading instruction. During the school day, about 65 percent of local public television time is devoted to classroom instruction.

After school, public television programs like "Square One TV" and "Reading Rainbow" encourage youngsters to do math and to read.

College courses are available through the Annenberg/CPB Project, which began in 1981 to promote adult education. It has pioneered in interactive computer systems to improve teaching and learning.

Over 2 million students used the audio and video material in their college classes in 1991. About 250,000 students have completed project courses for college credit, and 7.5 million general interest viewers tune in to courses each week.

The Satellite Education Resources Consortium [SERC], is a coordinated effort by CPB, 23 States, and 4 communities to make quality courses in math, science, and foreign languages available in small towns and rural areas through distance learning satellite transmission.

CPB founded the initial planning and pilot semester of SERC, and it was funded by a Federal "Star Schools" grant for 2 years.

A major outreach programming effort, Project Literacy US [PLUS], has been supported by CPB to help the United States train its work force and improve its competitiveness. First Lady Barbara Bush has been an effective advocate of this effort to unite the estimated 30 million functionally illiterate adult Americans with volunteer tutors in public and private literacy organizations.

The 1990 program focused on establishing a mentor program to keep students from dropping out of school; in 1991 the program's focus was on helping families learn to read.

Another impressive program is "GED on TV," which prepares adults to take the high school general equivalency diploma exam in a nonthreatening environment.

Because of the outstanding success of this video course, the Library Services and Construction Act amendments of 1990 authorized grants to States to purchase adult education videotapes, such as this GED series, so individuals can check them out for home use.

Public broadcasting has also sought to generate better public understanding of issues before Congress. CPB funds the Public Television Outreach Alliance [PTOA], which produces programs on issues such as drug and alcohol addiction, child abuse, child care, AIDS, and the environment.

New communication technologies offer exciting opportunities to improve the quality and quantity of educational television and radio.

With the help of CPB and outside underwriters, CTW's newest and most ambitious effort since "Sesame Street" is a television-based, multimedia literacy project called "Ghostwriter."

"Ghostwriter" is designed for 7- to 10-year-olds, with a special emphasis on minority and economically disadvantaged children. It will be accessible to them in homes, after-school programs, and schools nationwide. It will enlist the support of parents, youth-serving organizations, and teachers, and will have the style that will make it appealing to today's youth. Combining education and entertainment is an approach which CTW has employed successfully from its beginnings in 1969, from "Sesame Street" and "The Electric Company" through "3-2-1 CONTACT" and "Square One TV."

With "Ghostwriter," CTW is building on an understanding of obstacles to literacy to help children read with comprehension and write with more coherence. Research indicates that at approximately age 9 or 10, too many children become discouraged from reading and writing for pleasure. They have not experienced the personal rewards of literacy. If this happens, a child's ability to learn and succeed in school is threatened.

"Ghostwriter" provides children with powerful role models for their everyday lives. It builds on children's strengths, not their deficiencies. The project's three major curriculum goals are:

First, to motivate children to enjoy and value reading and writing;

Second, to show children effective approaches to learning to read and write; and

Third, to provide children with creative opportunities to read and write as part of the program's format.

These goals are an integral part of each element of the "Ghostwriter" literacy project, starting with the weekly mystery-adventure TV series on PBS. Joining the television program to promote reading and writing skills are 20 million copies of a free "Ghostwriter" minimagazine; a newspaper column; 350,000 copies of classroom materials; and extensive outreach to children.

The program is designed to encourage partnerships with national youth-serving organizations like the YMCA, Boys and Girls Clubs, 4-H, Girls Inc., and the Girl Scouts. It also includes ties to local grassroots agencies as well as concentrated efforts in five sites: Atlanta, Los Angeles, the Mississippi Delta, Appalachia, and San Antonio.

Other programs recently funded by CPB involve redesigning and repackaging traditional children's programming on public television with instructor training and teaching materials, such as:

"Extending the Neighborhood," which adapts "Mr. Rogers' Neighborhood" for use in childcare centers to help children gain social skills that will assist them in school; and

"Sesame Street Preschool Education Programming" which provides specially prepared training and support materials to help teachers and parents use "Sesame Street" to promote early development of learning skills and the curiosity of children ages 2 to 5.

Public broadcasting has a role to play in American education. It provides information and intellectual enrichment to a broad spectrum of society.

Mr. President, I support this legislation and urge its adoption.

Mr. HATFIELD. Mr. President, as we undertake the reauthorization legislation for the Corporation for Public Broadcasting, I have tried to imagine a world without public broadcasting: a world that was not enriched by the "Eyes on the Prize" series or Ken Burns' series on the Civil War; a generation of young people who were not aided by the high-quality educational programming seen on public television; a world with students who were deprived of the opportunity to earn a high school or college education because the public broadcasting system was not there to help bring the classroom to them.

I cannot imagine such a world. A future deprived of this public service would be bleak and grey. What programs would never be seen? How many lost opportunities to educate someone eager to learn?

Few Federal ventures enjoy the broad and active public support that has been the hallmark of public broadcasting. And this is as it should be, for the true mission of public broadcasting goes to the very heart of democracy. Thomas Jefferson put it very well when he said, "Democracy demands an educated citizenry." Public broadcasting is certainly a positive force toward realizing that worthy goal.

To regard public broadcasting as merely public entertainment is to vastly underestimate its effect and its purpose. Public broadcasting is one of the Nation's exemplary educational institutions, an institution that is free in nearly every home and car in America; an institution voluntarily supported and used by millions.

Its public success is equaled by its contribution. Let me be specific: Each day in Oregon, over 40,000 preschoolers watch "Sesame Street" and "Mister Roger's Neighborhood." To duplicate this coverage in a classroom would require 1,600 classrooms of 25 students each.

Each year in Oregon, we graduate 600 high school students through the GED on TV program. I am proud to say that this represents one of the larger graduating classes in my State.

Each year more Oregonians per capita enroll in college credit courses in TV than in any other State. These courses bring a college degree within the reach of students of all ages in both urban and rural communities, handicapped students and students with children at home. These courses also relieve enrollment pressure on our community college system.

And, Mr. President, public broadcasting is not just a one-way street. Oregonians love public broadcasting, and they show it through their loyal viewership: Oregon Public Broadcasting is distinguished as the most watched public broadcaster in the United States, according to the Nielson ratings.

Oregonians also show their support for public broadcasting through their substantial monetary contributions. Currently, over 96,000 Oregon residents contribute over half of the annual operating revenues of Oregon Public Broadcasting, with Oregon businesses underwriting an additional 13 percent.

Mr. President, I urge my colleagues to recall the origins and initial purposes of this program. In 1967, this body passed the Public Broadcasting Act. As was stated at the time, public broadcasting was to fill the gap left by the market-bound commercial broadcasting industry. Public broadcasting was to serve diverse audiences that are often underrepresented in the entertainment world, where a program's fate often hinges on ratings and advertising revenue.

The act of 1967 was the seed from which a bountiful garden has grown. Public broadcasting is a marketplace of diverse ideas and a meeting place for all Americans, regardless of income, education, geographic location, or physical handicap.

As we were painfully reminded by the recent rioting in Los Angeles, we live in a world that still simmers with intolerance, and at times our troubled melting pot boils over. Public broadcasting breeds appreciation for diversity and tolerance through understanding.

In a world that is growing so rapidly and becoming more diverse every day, there is a place and a need for quality public broadcasting programs. Public broadcasting brings a vast and diverse world right into our livingrooms, helps us keep in touch with it, understand it and hopefully more fully appreciate its richness.

This need is especially great as many communities across this Nation experience economic difficulties. In good times, education is an ornament; in bad times it is a refuge. While for some of the well-off in this land, education is an ornament within easy reach, we must ensure that it remains at least a refuge for those who would be the first to lose access to it in bad times. In this respect, public broadcasting performs a vital role.

I would like to take a moment to compliment my friend from New Mexico, Senator BINGAMAN, for his foresight in sponsoring an amendment that is a step toward implementing a ready-to-learn public television channel for preschoolers. Such a channel will help parents and child care providers prepare preschool children for school. I am proud to be a cosponsor of this amendment and look forward to the report which will result from it.

While television offerings have improved substantially in recent years, television without public broadcasting would be a step back toward that television wasteland that many saw prior to the advent of public broadcasting. I urge my colleagues to support reauthorization of the Corporation for Public Broadcasting.

I yield the floor.

Mr. KERRY. Mr. President, I would like to speak in support of the legislation reported from the Commerce Committee and the funding level it provides for the Corporation for Public Broadcasting.

I would like to discuss several of the significant benefits of public broadcasting which lead me to the position I am taking. First, increasing funding for public broadcasting means increasing the educational services that are available through television. That is an investment in our future. And it is time we took television seriously as an educational tool.

Public broadcasting has begun to produce programs to address adult literacy, ready-to-learn programs for preschoolers, and classroom materials for secondary schools. With increased funding, more can be done on these fronts. We all know that our communities need help with education; public broadcasting is a cost-effective way of providing that help.

Public broadcasting doesn't just produce a radio or television program, put it on the air for anyone who might happen to see it, and then go on to the next show. Public broadcasting builds in educational components such as teachers' guides, recreates some of the programs specifically for classroom use, and develops ways to involve the audience, extending the usefulness of programs to really serve the public. It is that service that needs and deserves our support.

Second, if we do not provide sufficient funding, we are not going to have quality programs that examine critical social issues. Let me give you an example.

The public station in Boston, WGBH, produced a forum on American health care entitled "Condition Critical" which many of you may have seen. WGBH brought together representatives from all facets of health care, from all over the country and Canada, and with Phil Donahue as host, devoted 2 hours of prime time television to this pressing national concern.

But that was only the most visible action taken. WGBH also prepared and distributed educational packets to the public, outlining different systems of health care, to increase understanding and aid consideration of this complex issue. These packets went to schools and libraries, inner-city clinics, and civic organizations. And the packet included a ballot to involve citizens and ask them what system they think would best serve Americans. There was also a national telephone line viewers could call to express their opinion.

Public radio also joined in the effort with a series of reports on the national business program, "Marketplace," the week before the television broadcast. And to complement this national effort, in Boston and in cities around the country, local public television programs focused on the issue to address local concerns on the topic. And "Condition Critical" spawned local forums, panel discussions, and workshops on health care.

This is an example of public broadcasting fulfilling its mission to inform and enlighten our citizens. It didn't just produce a TV show; it reached out on a national scale to illuminate a major social issue. Such efforts are not inexpensive. Yes, public broadcasting receives some corporate and private support. But that would be nowhere nearly sufficient for efforts of this scope. Following the broadcast of "Condition Critical," WGBH and other stations around the country received hundreds of calls from viewers, and WGBH alone received a dozen calls from Members of Congress and State and local governments requesting more information or videotapes of the program.

By increasing our support for public broadcasting, we are investing in our society and in a partnership. Our support of the public broadcasting service leverages other funds—funds it and local stations work hard to raise themselves. The partnership we have created is premised on the assumption that Congress will maintain support for this service. Other contributors then do their share. That includes both corporations and individuals.

One of those individuals is a woman in Massachusetts named Ruth Anne Dingee. Ms. Dingee is in her sixties and lives alone in South Boston. She was a professional church organist and singer who loved to travel and go to museums and concerts before she was severely disabled 10 years ago. Now she is in a wheelchair, nearly a shut-in. Her neighbors take her to church on Sundays so she can still sing with the choir, but otherwise she is homebound. Ms. Dingee has a lot of time to watch television.

But she doesn't have cable and she says most of what is on commercial TV distresses her. She says that when she became disabled and her world became smaller it was public television that opened it up again. Public broadcasting took her to places she could not otherwise go, broadening her education and deepening her mind. The drama and performance programs allow her to enter theaters and concert halls. She says that when people talk with her, they never guess how little she can participate in society, because PBS allows her to be informed and involved. She doesn't have to pay someone to take her out to movies because the world comes into her home on public television. It sustains her. Ruth Anne Dingee gives money to public television. And she says she is upset with Congress for even considering reducing its support for PBS.

There are millions of Ruth Anne Dingees in this country. She is just one person among the 40 percent of our population which does not have cable. I think we owe it to her and all Americans who share with her a deep appreciation for public broadcasting, to recommit ourselves to advancing PBS and the service it provides—to help further its contributions to society rather than hold it back. I urge my colleagues to support the bill before the Senate and the funding level for public broadcasting which it contains.

In closing, I compliment the chairman of the Telecommunications Subcommittee, Senator INOUYE, the chairman of the full committee, Senator HOLLINGS, and the very capable and dedicated committee staff for their leadership and hard work which have been key to progress on this important legislation.

Mr. INOUYE. Mr. President, I will suggest the absence of a quorum and ask unanimous consent that the time not be charged against the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent to address the Senate for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING AND POPULATION GROWTH

Mr. WIRTH. Mr. President, yesterday I spoke on the floor about the need for an urgent and concerted international effort to protect the globe's land resources—soils and forests—and to protect the wondrous and largely unknown store of biological diversity around the globe.

This morning, as the negotiations at the United Nations Conference on Environment and Development get underway in Brazil, I want to address issues of the atmosphere and the related, critically important issue of rapid population growth.

In the 20 years since the Stockholm Conference on the Human Environment, the first major international conference on environmental affairs, the United States and other nations have made major strides in recognizing the problems of atmospheric pollution.

The Earth's atmosphere is a relatively thin, but immensely powerful component of our planet's environment. This veil shrouds the planet—filtering out and protecting us from the Sun's harmful rays, moderating and regulating global climate and renewing and cleansing the air we breathe. As we learned in elementary school, our unique atmosphere makes life on this planet possible. Our atmosphere is a wonder. Its unique composition distinguishes planet Earth from Mars, Jupiter, or Saturn. Remembering that simple truth, we must consider what we are doing to the atmosphere.

At the local level, we are putting harmful pollutants in the lower regions of the atmosphere. Looking south from my home in Boulder, CO, this fact is painfully clear. An ugly brown cloud hangs over my State's capitol, a constant reminder of what local air pollution means.

Since World War II, industrialized society has become increasingly proficient at loading the air over our cities with harmful pollutants. Particulates and sulfur dioxide are the major emissions. Seventy percent of the world's urban population lives in cities where particulates exceed the World Health Organization's guidelines.

So, too, we have seen the problems related to the release of nitrogen oxides, which react with other compounds and light to form ozone, otherwise known as smog. In our own country, 50 percent of the population lives in counties were the air does not meet the national ozone standard.

Finally, we have noted the effects of lead in the air. Enormous strides have been made in eliminating lead in this country. Elsewhere, one-third of the world's cities exceed the World Health Organization's standard for lead levels.

More broadly, the manmade emissions are impacting the air at the regional level. Acid rain, first recognized in the late 1960's, and ground-level ozone are now significant regional concerns. It has been well documented that ozone and acid rain are identifiable causes of forest and crop declines on at least two continents and have health and ecological impacts across an extensive area.

In response to these trends, the Convention on Long-Range Transboundary Air Pollution was developed in 1979. This agreement among the nations of Europe and North America has evolved into an effective treaty that will reduce acid rain precursors by 30 percent.

Progress has been made in reaching agreement on reductions for emissions that lead to the formation of ground-level ozone as well. In the future, it is imperative that careful attention be paid to updating these agreements to keep pace with the pollution-induced stress of ecosystems and monitor emissions trends in the developing nations, which could increase precipitously.

Local and regional air pollution have significant effects. More profound are the effects of human activity on the global atmosphere. As a species, we are fundamentally altering the composition of the atmosphere with unknown consequences for the global climate upon which we not only depend, but have based our societies on.

It is a fact that the Earth's atmosphere acts in ways similar to a greenhouse. Without a certain level of gases and water vapor in the atmosphere trapping heat near the Earth's surface, our planet would be about 60 degrees cooler than it is and the feasibility of life would be called into question.

Even without human interference, the climate record indicates that atmospheric composition of the so-called greenhouse gases has varied over geologic time. Whether these changes were the cause or effect of a changing climate is unclear. Nonetheless, there is a close correlation between the atmospheric concentration of heat-trapping gases and the global climate record.

For these reasons, the introduction of greenhouse gases into the atmosphere by man is extremely worrisome. There is no question but that our activity is changing the composition of the atmosphere. In 1988, when I first introduced comprehensive legislation to address the threat of global warming, the atmospheric concentration of carbon dioxide was about 350 parts per million—70 parts greater than it was before the advent of the industrial revolution. And today, 4 years later, atmospheric concentrations of carbon dioxide have increased to 355 parts per million.

The increased carbon content of the atmosphere is directly attributable to the tenfold increase in manmade emissions during this century. Carbon dioxide—the primary greenhouse gas resulting from fossil fuel burning, deforestation and cement production—is increasing in concentration at the rate of 0.4 percent per year. Methane—a powerful heat trapping gas that results from livestock production, the cultivation of rice, coal production, landfill decomposition, and other natural processes—is increasing at 0.7 percent annually. The story is the same with nitrous oxide and tropospheric ozone, the other greenhouse gases.

Chlorofluorocarbons—the primary agent eating away at the stratospheric ozone layer—is also a powerful heat trapping gas, and of course has been rising in concentration in the atmosphere. However, recent scientific evidence suggests that overall, the introduction of CFC's into the atmosphere has a net cooling effect, and indeed may be masking global warming that otherwise would have occurred. It is extremely important for us to keep in mind as we phase out CFC's that with reduced chlorine concentrations in the atmosphere, scientists expect a warming effect.

Based on manmade emissions, the question is no longer if the Earth will warm, but how much, how fast. During the last decade, the warmest temperatures on record have been reached eight times—a trend that does not bode well for the future.

Much has been made of the perceived scientific debate about the science of global warming. In fact, this issue has been discussed for more than 100 years, since the first postulation of global warming was written by the Swedish scientist Arrhenius.

Since the 1970's, and more intensively in the 1980's, scientific efforts have been stepped up. In a comprehensive international effort to establish the knowns and unknowns, nations joined together under the auspices of the United Nations Environment Programme and the World Meterological Organization to undertake a major international assessment. Thus, the Intergovernmental Panel on Climate Change [IPCC] was formed in late 1988.

The scientific panel of the IPCC has issued two authoritative assessments on the state of scientific understanding of global warming. The major conclusion of this assessment, peer reviewed by 380 scientists from 63 countries, is that based on current emissions we can expect a warming of 3 to 8 degrees sometime in the next century. A warming of enormous scope and unprecedented speed. To put the magnitude of such a warming in perspective, my colleagues should consider that at the height of the last ice age global temperatures were only 9 degrees cooler than they are today and ice a mile thick covered much of the northern part of our country.

In the face of these scientific understandings, the nations of the world have been working on a convention to address the issue of global climate change for more than 2 years. At the outset, we should recognize that the pace at which this issue has been confronted is remarkable. In 1988, as drought gripped much of North America, Europe, and Asia, the issue of global warming exploded in our consciousness. It is truly remarkable that diplomats have moved so far in such a short time.

Unhappily, our own United States has not been at the forefront of that effort. Indeed, we are widely regarded as being a force for inaction in the development of an international response to prevent rapid global warming.

Despite the best efforts from the community of nations, only a lowest common denominator convention could be agreed to. The pressure of the U.S. Government for less, and the desire of other nations to ensure that our President attend the Earth summit, combined to result in an agreement that was significantly weakened. The unfolding of these developments was clearly identified in a Wall Street Journal article last week.

Unhappily, the administration's strategy for a climate change convention has entailed many costs—from a biodiversity and forestry agreement to the potential for a new era of global partnership. These are major costs, major losses for our country, and history will not be kind to this administration, which reflexively responds to the politics of an old world order, while preaching the need for the new.

It is also a major underachievement for a nation the entire world is looking to for leadership. From the developing world to the industrialized community, all eyes are on the United States. We can literally make or break a treaty. If the United States sets a course, the world will follow. Unfortunately, our lead was too timid, and so was the result.

The most disconcerting aspect of our resistance to change is that we have the opportunity and the need to become more energy efficient and to develop cleaner alternatives to oil, such as our abundant reserves of natural gas.

Yesterday, the Washington Post ran an outstanding article clearly identifying the inefficiency of our country. We have a major opportunity to reduce the consumption of energy and shift investment to more productive uses. Together, this strategy will make us more competitive and allow us to market desperately needed energy efficient and clean energy technology. International competition in the market for environmentally sound technology is clearly emerging—and may define winners and losers for decades to come.

As has been documented in numerous accounts, the Germans and the Japanese are aggressively preparing to market the products of the future. They are ready for change, ready to compete. The United States, too, must engage in that competition. Economically, the need is to compete in what one businessman has called the greatest investment opportunity in history. Ecologically, the need is to provide the nations of the developing world with the technology they require to develop in a sustainable manner. Without careful attention to clean energy development, these nations—particularly China and India—will far outpace the ability of the industrialized world to the concentration of heat-trapping gases in the atmosphere.

Why should other nations stretch when we have not been willing to stretch at all?

Good questions asked in the diplomatic community, similar questions being asked in the business community. The Germans and the Japanese are well on their way toward understanding the enormous market internationally for their products in terms of cleaning up the environment, energy efficiency, and so on. The United States again lags behind particularly as this administration refuses to lead.

For all of these reasons, the nations of the world sought to establish a global partnership to tackle the challenge of global warming. That was the promise of 2 years of negotiation. Unfortunately, only the most modest of first steps has been engineered by our own country, the United States of America. The rest of the world, the developing countries, the developed countries, the island nations, all asked us for bold leadership. Our response was a paltry and halting set of steps.

Finally, Mr. President, any discussion of global climate change or global environmental crisis is incomplete without mention of the most pressing and daunting development in our history, the rapid rise of the human population.

With an estimated annual growth of one-tenth of 1 percent a year, it took until the early 19th century for human population to reach the first billion. During the Industrial Revolution, the growth rate rose to approximately 1.5 percent and human numbers reached 2 billion by 1927. Over the next 40 years, as modern health emerged and food supplies became more secure, population moved up another billion to 3. And finally, in 1970, the rate of population growth peaked at just more than 2 percent and we hit 4 billion in 1975, and 5 billion in 1988; 4 years later we are approaching 5.5 billion people. The escalation is underway. And by the end of this century, population will have eclipsed 6.3 billion.

This staggering rate of increase, 400,000 new individuals added to our numbers each and every day, is most acute in the nations that can least afford it. Population growth diminishes the efforts of the poorest nations to achieve their development goals while simultaneously influencing severely overtaxed natural resources.

Recently, the United Nations Population Fund released a report detailing the effects of this population explosion, and that report is ominous, indeed.

The report found that population growth is responsible for 79 percent of the deforestation, 72 percent of the arable land expansion, and 69 percent of the growth of livestock numbers occurring in the developing nations. Human numbers are overwhelming both our capacity to understand and respond to the increased need and impacts of a rapidly growing population.

Unfortunately, the future holds more rapid population growth. According to the best U.N. projections, the most optimistic scenario for the future would have global population stabilize at approximately 8 billion people. More likely, population will eclipse the 10 billion mark and stabilize at 11 billion. The most dire forecasts predict growth to more than 20 billion people by the middle of the 22d century.

The difference between these disparate futures—between 8, 11, or 20 billion people on the planet—could not be more clear.

Today, more than 1 billion people live in circumstances that can only be described as acute poverty. And most of the growth going on in rapid population around the world is for people who have no prospects for a job, have no prospects for education, have no prospect for the fulfillment of the human goal, the human ideal and the human potential.

It is imperative that the United States get its shoulder once again behind efforts to provide universal access to safe and effective family planning services. We have to launch major new health initiatives to provide basic maternal and child health services.

Basic needs—food, water, sanitation, and shelter—are not being met. If the peoples of this world cannot provide for one-fifth of the population in a world of finite resources, how can we possibly expect to provide for massive increases in population?

More than half a billion people have no work in the developing world. Every year during the 1990's, just to keep pace with population growth, the developing nations would have to create 30 million new jobs just to prevent unemployment from getting worse. Given the retrenchment of poverty during the 1980's—a lost decade for development—there is little hope for achieving employment, health, and food needs in the developing world. This is a timebomb waiting to explode, and we had better be prepared for it.

Simple prudence dictates that we make every effort to stabilize population at the earliest date and lowest number possible—with the goal of holding global population to less than 8 billion. This is a significant, but easily achieved goal. As set forth at the 1989 Amsterdam meeting on global population, the international community, at a cost of less than $10 billion, could provide family planning services to all individuals by the year 2000. It would be one of the wisest investments ever made.

In addition to providing universal access to safe and effective family planning services, we must launch major efforts to address the other determinants of fertility rates around the world. We can begin by working urgently to improve the status of women around the globe. We must launch major new health initiatives to provide basic maternal and child health services, reduce infant mortality and eradicate the devastation wrought by well-known, easily preventable diseases. We need to lead a worldwide educational effort—geared in particular to the needs of young females. And finally, we should join with other nations to launch a new partnership to attack poverty.

Population growth is the single most demanding challenge we face. Our ability to respond to the challenge will largely determine not just the ecological balance of the future, but also the security of an increasingly complex world in the 21st century. The objectives of global environmental protection and a new era of global cooperation and security cannot be addressed if we continue to allow the issue of population growth to be held hostage by false domestic political debates, or by ignorance and inaction.

The action plan coming out of the Earth summit will include significant recommendations for addressing population growth. Concrete goals and objectives are lacking. Incredibly, the document does not even reference family planning services. Nonetheless, we have no choice but to use the UNCED recommendations on population as a starting point for a focused and substantive discussion of population issues as nations prepare for the 1994 Conference on Population—where agreement must be reached to confront rapid population growth.

The rise in human numbers, coupled with the tremendous advances in consumption and technology that have characterized the 20th century, has occurred with such speed that we have only had limited time to understand them. But understand and deal with them we must.

In many ways, the future habitability of the planet will hinge on the actions we take in the remainder of this decade to address issues of population growth and global warming, as well as a host of other major environmental challenges. We must clearly identify the problems, their cause and solution.

Preparing for the Earth summit beginning today in Brazil, recognition and understanding of the problems has been launched. As always, this is a major step toward solution. Beyond recognition, we must develop the political will to respond. That is the challenge for Rio and beyond.

Mr. President, I ask unanimous consent that there be printed in the RECORD the Wall Street Journal article to which I referred, along with two pieces from the Washington Post which describe the very close relationship between energy and the environment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(By Rose Gutfeld)

[From the Wall Street Journal, May 27, 1992]

Earth Summitry: How Bush Achieved Global Warming Pact With Modest Goals

(By Rose Gutfeld)

WASHINGTON.—Until two weeks ago, it looked as if next week's Earth Summit in Rio de Janiero would become a widely publicized global morality play, with President Bush cast as the villain.

He was the only major world leader unwilling to sign an agreement with firm limits on the "greenhouse" gases feared to cause global warming. Mr. Bush, who as a candidate in 1988 had promised to be the "environmental president," was in danger of being tagged in Rio as No. 1 Enemy of the Earth.

But in an extraordinary coup, made final in a crowded conference room at the United Nations on a Saturday evening, Bush administration negotiators persuaded the representatives of 142 other nations to reverse course. They all agreed to sign a vaguely worded pact that sets no binding timetables for reducing emissions, makes no commitments to achieving specific levels of emissions—indeed, makes no commitments to do anything at all.

How did the White House manage to set the global-warming agenda for the coming conference on its own terms? The key, according to people familiar with the talks, was a clever bargaining ploy devised by an influential but little-known State Department official. The heart of his strategy: to use the threat that Mr. Bush would boycott the summit to wangle an agreement that wouldn't lock the U.S. into costly requirements that could threaten economic growth.

U.S. LEVERAGE

Robert Zoellick, an undersecretary of state, assumed the lead on the talks because his boss, Secretary of State James Baker, has recused himself on energy issues because of his financial holdings. Mr. Zoellick began arguing early this year that what little leverage the U.S. had came from the desire of other nations to have President Bush attend the Rio conference. If the leader of the world's only remaining superpower didn't show, they figured, the conference would be judged a failure. So as the summit drew nearer, Mr. Bush steadfastly refused to say if he would go, while allowing his advisers to carry on a quasi-public debate over whether or not he should.

Managing the issue within the administration was Clayton Yeutter, the domestic policy czar. "We felt we had a major challenge on our hands in dealing with the climate-change issue, with a substantial probability that it could provide a black eye to the president," he says. "In political terms, the conservatives of this country were frightened by the prospect of the president agreeing to a stabilization commitment * * * that could be potentially destructive to his chances of being reelected."

The politically successful outcome mainly reflects the power the U.S. can still bring to bear in world affairs, despite fears that fiscal problems and a declining share of world output weakened America's position in the post-Soviet world. "Some fear that we are in a period of protracted decline," says Sen. Tim Wirth, a Colorado Democrat who is sharply critical of the agreement. "To me, the negotiations were an affirmation of our immense power."

ELECTION YEAR EFFECT

In retrospect, even officials who argued most strenuously against Mr. Bush's going to Rio now say it was inevitable he would. "You don't want to be the only guy on the planet who didn't show up," says a Bush campaign aide, especially in an election year. Moreover, Mr. Bush clearly wanted to go. A frequent flier to international confabs, he didn't like the thought of missing one of the largest gatherings of heads of state in history. Even if the U.S couldn't reach agreement with other countries, he suggested to his advisers at one point, "maybe I should just go and explain to them why we disagree."

But by creating the impression that Mr. Bush might boycott the conference, Mr. Zoellick and his team were able to win concession beyond their fondest hopes from European nations. The U.S. is the world's largest emitter of greenhouse gases, so "a treaty without the U.S. would not be very useful," says Bert Metz, an official of the Netherlands' ministry of environments.

NO COMMITMENTS

Also, trading partners weren't willing to risk jeopardizing the relationship they have with the U.S. on a range of other issues, such as monetary policy. Finally, some Bush administration officials contend that other world leaders were actually grateful for the chance to sign a weak accord; there is uncertainty in some overseas capitals about whether tough emissions curbs are advisable or achievable, despite the rhetoric of environment ministers.

What the negotiators ended up with was a mild accord under which the developed nations will agree to try to bring emissions of greenhouse gases—such as carbon dioxide, methane and nitrous oxide—back to 1990 levels by the year 2000. But though they won't commit to any specific action, the treaty still will mark the first international effort to control the gases, which many scientists believe will cause significant global warming by the middle of the next century, perhaps resulting in droughts, flooding and damage to marine and other ecosystems.

The treaty will set up a procedure for monitoring scientific advances so that modifications could be undertaken. Developing nations will establish policies designed to limit their emissions, which nevertheless are expected to rise substantially; rich nations will provide financial and technical aid to the developing world, although amounts haven't been agreed upon. The accord doesn't cover chlorofluorocarbons, the gases that damage the stratospheric ozone layer; they are being phased out under a separate agreement already signed.

Many environmentalists say that even stabilizing emissions would fall short of what is likely to be needed to combat global warming. This worries American industry and White House officials. They fear that a strong climate-change accord would slow economic growth now and set up an international regime that would press the U.S. to institute far more costly and sweeping measures in the next century.

Even the mild accord will give encouragement to lawmakers and environmentalists to push for stronger international and unilateral action, especially if the scientific evidence builds. But for now the Bush administration feels it has dodged a bullet.

The story of how the U.S. views moved from being scorned to being accepted began last December, with the departure of White House Chief of Staff John Sununu, a powerful critic of any action to head off global warming. Although others in the administration continued to oppose such action as anti-growth—including Budget Director Richard Darman, chief economist Michael Boskin and counselor Boyden Gray—the Sununu departure invigorated officials such as National Security Adviser Brent Scowcroft who saw climate change as a global issue that required presidential leadership. Meanwhile, environmentalists and Democratic presidential hopeful Bill Clinton began pounding the president for not committing to the summit.

GREEN LIGHTS

As the debate grew, William Reilly of the Environmental Protection Agency tried to show that curbing carbon dioxide emissions didn't have to deter economic growth. To his delight, an obscure EPA program called Green Lights, under which companies voluntarily agree to install energy-efficient lighting, was proving a bigger energy saver than anticipated. The EPA believed that this and other actions undertaken through the Clean Air Act or the national energy strategy would be enough to bring emissions to 1990 levels by the year 2000.

But the Energy Department, using different assumptions about growth and the likely penetration of new technology, contended that emission limits would be far costlier. Eventually a compromise was brokered by Robert Grady, deputy director-designate of the White House budget office, holding that programs already in the works would bring emissions in the year 2000 to within 1.5 percent to 6 percent of 1990 levels.

The involvement of Mr. Grady and Mr. Zoellick was crucial because they are proteges of Mr. Darman, who remains opposed to the accord both men helped produce. At one point, a frustrated Mr. Darman urged insertion of language saying "nothing in this agreement shall be interpreted as requiring any country to take measures that would result in growth of less than 3.25% a year."

COMING AROUND

Pressure for a compromise built at a February negotiating session at the U.N. and then at an April meeting in Paris with major U.S. trading partners. At first, U.S. negotiators' refusal to countenance timetables or emission limits drew disdain from their European counterparts. But "they finally realized that we weren't kidding," says Robert Reinstein, a deputy assistant secretary of state. The Europeans began to indicate a willingness to talk. Jacques Delors, president of the EC Commission, suggested to President Bush that the Europeans might give up on their aim of a long-term stabilization of greenhouse gases if the U.S. was willing to bring emissions back to 1990 levels by 2000. But Mr. Zoellick and others stuck to a single message: no timetables for emission reductions.

Meanwhile, Democratic Rep. Henry Waxman of California was drawing increasing support for legislation requiring the U.S. to unilaterally stabilize carbon dioxide emissions at 1990 levels. At a White House meeting, counselor Gray expressed concern that reaching a compromise on climate change would give great impetus to the Waxman bill. The president snapped back, according to participants, "Since when is Henry Waxman running this government?"

As this month's final negotiating session approached, the State Department's Mr. Zoellick moved into diplomatic high gear, seeking out foreign leaders who were most anxious to have Mr. Bush attend and sign a treaty. Word came that Britain might be willing to talk. Just days before the U.N. session was to begin, Mr. Zoellick and Britain's secretary of state for the environment, Michael Howard, met in Washington to cut a deal.

As other nations moved closer to the U.S. position, EPA chief Reilly and others continued to push for an agreement. "We cannot let the president go to Rio and end up standing against the entire world," Mr. Reilly argued. "We can and must get a climate deal he can support and America can honor."

LET'S DO IT

The result was the vague language that Mr. Bush found acceptable. Just before signing off on the U.S.-authored climate change agreement that has now been accepted at the United Nations, President Bush met with a small group of top policy advisers in the White House. "Well, let's go with it," he said. "I suppose I'm going to get beat up on the right and beat up on the left. So be it. Let's go with it."

To bring Europeans along, President Bush made several calls, including one to German Chancellor Helmut Kohl. And Mr. Yeutter, to allay fears in the business community, wrote to Democratic Rep. John Dingell of Michigan stating that "there is nothing in any of the language which constitutes a commitment to a specific level of emissions at any time."

The agreement was sealed at the U.N. when Jean Ripert, a Frenchman who chairs the U.N. committee that negotiated the climate-change accord, defended the vague agreement as the only one that would gain the U.S. signature—and get Mr. Bush to Rio. "The United States is not going to change its position," he said in arguing for its approval. On Saturday, May 9, the agreement was accepted with applause from the representatives of the 143 nations and others in the U.N. visitors' gallery. Recently, Rep. Waxman withdrew, for now, his legislative proposal demanding unilateral U.S. action.

But while the Europeans clearly lost on their wish for a cap on emissions into the next century, Mr. Metz, the Dutch environment official, says the U.S. also compromised. And he predicts that because of international pressure, emissions by the year 2000 will still end up at 1990 levels. Besides, he notes, "even when you have a treaty that's very clear, if countries don't want to live by it they don't."

[From the Washington Post, June 2, 1992]

RUST-BELT EMISSIONS CLOUD EARTH SUMMIT

(By Michael Weisskopf)

LORAIN, OH.—Built on the banks of Lake Erie in 1919, the Edgewater power plant is still spinning out electricity from a steam boiler half as efficient as state-of-the-art generators. Power courses through antique transmission lines to the nearby Ford Motor Co. plant, which makes vans from steel forged the old-fashioned way, using three times the energy of new blast furnaces.

Welded, painted and fitted with a motor, the vans are moved down a long assembly line lit brightly as a jeweler's case and strewn with power tools hissing air. A new Ford Econoline rolls out every 60 seconds, built with about twice as much energy as a comparable Japanese vehicle.

Lorain is a long way from Rio de Janeiro. But the way its factories and products affect the global environment will be one of the paramount concerns of the industrialized nations gathering in Brazil Wednesday for the opening of the U.N. Earth Summit.

Unlike the developing nations of the Third World—which have to put economic survival ahead of ecology—the industrialized countries generally agree that they must become more energy-efficient if they are to improve the environment.

But here in the Rust Belt, amid orphan remnants of the Industrial Revolution, old energy habits die hard. Every additional dollop of energy put into the Econoline van means that much more carbon dioxide put into the atmosphere. The most prevalent of the "greenhouse gases" that threaten to turn up the planet's temperature, carbon dioxide is released when oil and natural gas are burned to generate power for factories, homes and vehicles in cities around the world.

Econoline, the nation's best-selling full-sized van, is by no means the least efficiently made U.S. product. But it is typical of the heavy energy consumption—and carbon dioxide bingeing—in U.S. manufacturing. And the way it is produced is illustrative of why many American industries fear strict measures to control global warming and tighten environmental protections.

Energy inefficiency is responsible for a host of problems, including smog, acid rain and forest damage, the ecological costs of coal mining, and oil disasters from the Exxon Valdez spill to leaking "tank farms" in Virginia. But literally above all, it contributes to the threat of global warming, the Earth Summit's hinge issue as representatives of more than 50 nations debate how to develop the planet without destroying it.

Thus the principal challenge facing industrialized nations at Rio is to decide among themselves on a strategy for better management of energy.

No nation has resisted the call more doggedly than the United States, which singlehandedly blocked a tougher treaty sought by the rest of the industrialized world to stabilize carbon dioxide emissions.

U.S. EMISSIONS OF CARBON DIOXIDE

Yet no nation contributes more to the threat. The United States, with less than 5 percent of the world's population, emitted 22 percent of the world's carbon dioxide in 1989, according to the Oak Ridge National Laboratory. The average American used enough energy at home, work and play to emit 5.4 metric tons (one metric ton is about 2,200 pounds), compared to 2.3 metric tons per capita in Japan, 2.9 in western Germany, 1.7 in France and 0.6 in China.

Part of the reason for that difference is a product of the coveted U.S. lifestyle: Americans generally live more comfortably in spacious homes that are much better heated, better cooled and more highly illuminated than the average in even wealthy nations.

And part is geographic: Possessing a quarter of the world's coal reserves, the United States has less need to scrimp. Cheap energy has always been a staple of industry. In addition, the vast U.S. land mass—dwarfing Japan or individual European countries—requires long-distance travel to distribute basic goods and services.

"We're blessed with a tremendous amount of natural resources, and the Japanese aren't," said Murray Weidenbaum, an economics professor at Washington University in St. Louis. "It makes sense to use the resources you have in great abundance."

But much of the disparity in national emissions of carbon dioxide is attributable to waste. According to Amory Lovins, director of the Rocky Mountain Institute in Colorado, an energy think tank, global warming will be "an artifact of the economically inefficient use of resources, especially energy."

A series of international comparisons by the federally funded Lawrence Berkeley Laboratory in California showed that efficiency was responsible for nearly half the difference in U.S. and Japanese uses of energy. When the same activity was compared for energy use, the Japanese consumed 30 percent less per unit of industrial output, 25 percent less for air conditioning and 25 percent less for auto travel.

In Europe, only Norway and Sweden exceed U.S. industrial energy use per unit of output, in large part because they concentrate in the production of energy-intensive aluminum and other basic materials. France, Germany and Britain each consumed 40 percent less energy than the United States for every unit of industrial output in 1988. Even bigger differences occur in auto fuel efficiency. Americans consume about 50 percent more gasoline for every mile traveled than Italian and Danish motorists.

THE BENEFITS OF EFFICIENCY

To understand the environmental benefits of efficiency, consider the Ford Econoline. The energy spent on each van, including the production of steel, generates 10 tons of carbon dioxide, industry experts estimated.

In Japan, producing the same vehicle with less energy would generate about 7 tons of pollution, the experts said. Modern blast furnaces run more efficiently than old coke ovens. Auto plants are equipped with super-efficient motors and laid out to minimize lighting and heat.

The 1973 oil crisis awakened Americans to the value of efficiency. And over the following 10 years, America's per capita use of fuel decreased sharply, despite a population increase of about 20 million and a 30 percent rise in gross national product. By 1987, U.S. industry cut its energy use by a third for every unit of output and U.S. vehicles used a third less gasoline per mile. Still, cars and factories lagged far behind the efficiency of Japanese and European competitors.

"The Japanese and Europeans were always more prepared to meet the world on competitive terms," said Lee Schipper, an energy economist and author of the Lawrence Berkeley studies. "As world trading nations, they can't afford to be wasteful."

No one questions the potential for reducing U.S. energy use and pollution. The Bush administration reported recently that with a few inexpensive measures, industry could offset the growth in energy consumption projected for this decade. More optimistic analyses say that halving energy use is technologically feasible and easily affordable.

But barriers to reform are rooted deeply in the nation's political system. Energy has never been taxed to reflect the full costs of its production and use, including the cleanup of environmental damage and the defense of foreign oil fields, said Eric Hirst, a corporate fellow at the Oak Ridge laboratory. Instead of taxing energy suppliers and consumers, the government passes along those costs in general taxes.

As a result, many analysts believe, energy prices have remained so low that they encourage consumption. By contrast, the high price of European gasoline—bloated by taxes to $4 a gallon in Italy—encourages conservation. Europeans buy more fuel-efficient cars and rely more heavily than Americans on public transportation.

U.S. energy suppliers not only escape taxes, but also receive federal subsidies that cover much of their costs and permit them to keep prices low. According to the Center for Renewable Resources here, a study of the fiscal 1984 budget found that there were $44 billion worth of such subsidies in the form of tax breaks, loans, loan guarantees, research grants and protection from liability. Chief recipients were electric utilities and producers of oil and coal.

The 1986 tax law eliminated some of the breaks. But when the Alliance to Save Energy, a nonprofit research and advocacy group here, recently examined the fiscal 1989 budget, it found that energy suppliers still received tax credits of $75 million for the purchase of new equipment and took $400 million in deductions for the costs of oil and gas exploration. Industry also benefited from $5.5 billion in Energy Department research programs during the 1980s to identify new techniques for producing and cleaning up fossil fuels.

"If we're sending price signals to consumers that energy is cheaper than it really is, we'll be building buildings and plants with less efficiency than we should and we'll be using more fossil fuels than would make sense from an economic point of view," said Mary Beth Zimmerman, the alliance's program manager.

All of which may help to explain what happens in Lorain, a largely blue-collar town of 75,000 people. Located on Lake Erie, within easy reach of Appalachian coal fields, it is a natural hub for heavy industry. Today's lineup of energy-guzzling plants here—construction equipment, steel and auto—makes Lorain a miniature of Cleveland 25 miles to its east and a provincial capital of carbon dioxide.

REMNANTS OF INDUSTRIAL REVOLUTION

Like so many old midwestern towns, it has never fully evolved from the culture of the Industrial Revolution.

Edgewater power plant, a fortress-like structure on the edge of downtown Lorain, began turning coal into electricity just after World War I. Used today in periods of peak demand, it is one of the least efficient U.S. facilities, federal officials say.

Officials of Ohio Edison Co., which runs Edgewater, say that the overall efficiency of their utility compensates for the relatively small output of the old Lorain plant.

But energy specialists said that keeping such plants in service, which is especially common in parts of the country where coal is plentiful, makes little sense if the goal is to economize on the use of the most polluting fuels.

Not far from Edgewater stand great mounds of iron ore mined in Minnesota for the blast furnaces of Ohio. One destination is the Cleveland Works of LTV Steel Corp., the nation's largest manufacturer of flat-rolled sheets used in everything from washing machines to Ford Econoline vans.

Steel mills devour energy and pour out carbon dioxide. But the amount can vary widely depending on the type of process selected to produce steel.

Japanese steelmakers have turned increasingly to new electric-arc furnaces that cut energy needs by two-thirds and halve carbon dioxide emissions.

For LTV, the choice was dictated by old Rust Belt logic. The new furnaces cost 10 times more to operate than blast furnaces that run on cheap coal. Although the company acquired some such new equipment in the 1980s, it stopped running it two years ago because of the expense.

"Customer demands drive our capital investment programs, and they were looking for quality and [low] cost" of steel, said Marty Suhoza, LTV's energy director. "We had to plow it into quality improvements and get whatever energy efficiency we could along the way."

With the new furnaces becoming common in Japan, steelmakers now average 17 million British thermal units (Btu) of energy per ton. In the United States, where 70 percent of steel is still made the old way, 22 million Btu are needed on the average. At LTV, last year's rate was 25 million Btu, which resulted in 3.5 million tons of carbon dioxide from the Cleveland Works alone, based on calculations from LTV's own figures.

Piled into freight cars and trucks, LTV steel is shipped to Ford's stamping plant outside of Cleveland, where it is cut into sheets, stamped and sent to Lorain for assembly into America's favorite full-sized van.

The Lorain plant, a sprawling lakeside complex, consumes more energy every year than many medium-sized cities—most of it in the form of electricity, coal burned to generate steam, and natural gas for certain processes. The assembly line is a mechanical symphony of fans, pumps, blowers and conveyor belts. The Econoline begins as a floor pan put on line by robots and encased in a frame. It is dunked in anti-corrosion baths, treated by spray guns and dried at 350 degrees.

Energy conservation measures have cut consumption by 40 percent per car since 1972. But Ford still uses twice as much energy—and thus looses twice as much carbon dioxide—as the big automakers in Japan do to produce a vehicle. General Motors Corp. is even more consumptive, exceeding Japanese energy intensity threefold, according to company statements.

To explain why American car makers emit more carbon dioxide than their Japanese rivals, it is necessary to follow the flow of power at the Ford plant. The same energy inefficiencies occur throughout much of U.S. industry, which accounts for 27 percent of the nation's total energy consumption.

Most of the electricity used at Ford's Lorain plant goes through hundreds of small motors that power fans and pumps. The standard U-frame motors long used by U.S. automakers are among the most efficient in industry. But a new, super-saver model came on the market in recent years that uses 3 percent less power to perform the same task.

According to Jim Kaman, Ford's energy conservation specialist, the new motors could cut overall energy consumption 20 percent at Lorain, significantly reducing the carbon dioxide emitted by Ohio Edison to generate power for the plant.

More and more Japanese car plants are shifting to the super-efficiency motors. But Ford has not moved beyond general discussions, Kaman said, because of a lag time before savings in electricity bills made possible by the devices would repay their initial cost. "The pie is only so big," Kaman said of the money available for capital investment. "Most funds are going now to build more competitive products to make money so we can have more to spend on efficiency."

Some efficiency, however, is cost-free. For example, Japan limits the energy spent in its auto plants by building them about 20 percent smaller than U.S. facilities.

U.S. INDUSTRY'S PAYBACK GAP

The Ford plant here covers 3.4 million square feet, including long unoccupied corridors.

Every inch is brightly lit, ventilated and temperature controlled 16 hours a day. Lighting alone accounts for 15 percent of the plant's electricity consumption.

New lighting technologies offer big savings potential in commercial and residential buildings. Compact fluorescent bulbs, for example, consume 75 percent less electricity than traditional incandescents and last 13 times longer, according to the Rocky Mountain Institute.

Four years ago, Ford began to install high-efficiency lighting at the Lorain plant. After replacing 60 percent of the bulbs, however, it balked at the prices. They were so high that the payback from lower electricity bills would have taken years.

The "payback gap" has emerged as a major obstacle to energy conservation in U.S. industry and the developed world at large. Technology breakthroughs of the past few years have led to the development of high-efficiency industrial equipment, office machines and home improvements from shower heads that cut hot water use in half to double-glazed windows that are nine times more effective in retaining heat.

Taken together, the innovations are considered so promising that some analysts predict a halving of U.S. energy use within a decade and the emergence of a new "green machine" industry to sell American energy efficiency worldwide.

If so, the nation will have to change the habits of centuries. "Energy efficiency is viewed as un-American, something for wimps," said Hirst of Oak Ridge. And yet, "We're in a global economy and are competing with other economies that are a lot smarter about managing their resources."

Mr. WIRTH. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PORTLAND TRAIL BLAZERS—FINALS

Mr. HATFIELD. Mr. President, the National Basketball Association championship begins tonight featuring the "best in the West" Portland Trail Blazers against the Chicago Bulls.

For Oregon's most outstanding team, the time for victory is now. The Trail Blazers are on their way to the championship series for the third time in their history and the second time in 3 years. They won the championship in 1977, when Jimmy Carter was President, Leonid Brezhnev was the head of the Soviet Union, and I still had dark hair.

As the excitement of the title series approaches, the city of Portland and all of Oregon is awash in the trappings of red and black. We call it Blazermania in the Northwest. At precisely 6 p.m. Pacific daylight time tonight, activity in Oregon will stop as heads turn to watch the Blazers perform their magic in Chicago Stadium.

Two years ago, the Blazers were upset by the Detroit Pistons in the finals. I might say that I have yet to pay my bet to the Senator from Michigan [Mr. LEVIN]. The bet involved a salmon from the Columbia River, but I only say that we have been undergoing some problems with the Endangered Species Act and a shortage of certain salmon fish.

This time, Mr. President, the State of Oregon and the Portland Trail Blazers will not be denied the National Basketball Association championship. "Bust a bucket," Mr. President. The Blazers are going all the way.

I yield the floor.

PUBLIC TELECOMMUNICATIONS ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF COMMISSION ON INTERSTATE CHILD SUPPORT AUTHORIZATION

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2802, a bill to extend the authorization of the Commission on Interstate Child Support, introduced earlier today by Senator BRADLEY.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2802) to extend the authorization of the Commission on Interstate Child Support and the deadline for the Commission's Report to Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BRADLEY. Mr. President, today I rise to introduce a purely technical bill to extend the life of the U.S. Commission on Interstate Child Support (the Commission) from July 1, 1992, to September 30, 1992, and extend the Commission's deadline for filing its report with Congress from May 1, 1992, to August 1, 1992. The bill I introduce today makes no other changes in the law and no additional funding for the Commission is requested. It has been cleared by both the chairman of the Finance Committee, Mr. BENTSEN, and the ranking Republican member, Mr. PACKWOOD.

The Commission on Interstate Child Support was authorized by the Family Support Act of 1988. Since 1990, its members have been working diligently to develop recommendations to improve child support enforcement in cases where the custodial parent and the noncustodial parent reside in different States. During its first year of existence, the Commission held hearings throughout the country on problems particular to interstate child support. During its second year, the Commission separated into committees and drafted preliminary recommendations in a number of substantive areas. The Commission also held briefing sessions on various aspects of the child support system which were often led by experts in the field.

On May 21, the Commission membership formally approved its recommendations. Its staff is currently working on a final report which incorporates the recommendations, but needs additional time to complete it on account of the fact that all Commission members want to have an opportunity to comment on and contribute to the report. This bill would allow the Commission sufficient time to complete its report to Congress and would not require any addition funds. I hope the Senate acts promptly on this matter.

The PRESIDING OFFICER. If there is no objection, the bill is deemed read three times and passed.

So, the bill (S. 2802) was deemed read for the third time and passed, as follows:

S. 2802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF COMMISSION ON INTERSTATE CHILD SUPPORT EXTENDED.

(a) REAUTHORIZATION.—Section 126 of the Family Support Act of 1988 (42 U.S.C. 666 note) is amended—

(1) in subsection (d)(2), by striking "May" and inserting "August", and

(2) in subsection (f)(1), by striking "July 1" and inserting "September 30".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken out of the time on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC TELECOMMUNICATIONS ACT OF 1991

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, under the unanimous-consent request earlier agreed to, I think the Senator from Kansas is to be recognized to offer an amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1866

Mr. DOLE. Mr. President, I send the amendment to the desk and indicate it has been cleared by the manager on each side. In fact, it is proposed by myself, Senator STEVENS, and Senator INOUYE.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. STEVENS, and Mr. INOUYE, proposes an amendment numbered 1866.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . In making available funding pursuant to authorizations under this Act, any independent production service established under section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) shall, to the maximum extent practicable and consistent with the provisions of the Communications Act of 1934, provide such funding to eligible recipients and project representing the widest possible geographic distribution, with the objective of providing funding to eligible recipients and project in each State from which qualified proposals are received over the course of such authorizations.

Mr. DOLE. Mr. President, while I cannot vouch for its accuracy, I received a press release today from the American Family Association. If what is alleged in the press release is true, however, I rest my case against the current so-called Public Broadcasting System.

I ask unanimous consent that the press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

AMERICAN FAMILY ASSOCIATION,
Tupelo, MS, June 3, 1992.

TUPELO, MS.—The American Family Association is urging taxpayers to watch an upcoming program on PBS. AFA says that the program is another example of how public broadcasting is using tax dollars to promote homosexuality.

On June 24, the Great Performances Series on PBS will air "The Lost Language of Cranes." The story focuses on Owen Benjamin and his son Phillip as they both "come out" to proclaim their homosexuality.

In the program, Owen watches a homosexual movie in a porn theater as he tries to initiate anonymous sex with the man in the next seat. Phillip and his lover Eliot are seen in a bed scene, engaged in open-mouthed kissing in a cab and are later shown in a graphic bed scene caressing and kissing.

Eventually, Owen grows bolder, goes to a homosexual bar and is picked up by Frank who takes him home for sex, preceded by mount-to-mouth kissing. At the film's end, Philip and his new lover, Robin, are featured engaging in sex.

"The film suggests that the men are clearly to be admired and lauded for their courage in outing themselves and taking pride in their homosexual lifestyle," said Donald E. Wildmon, president of FAF. "I wonder if this is the kind of programming taxpayers would want to give $1.1 bill to support. PBS uses some of the tax funds to promote the homosexual lifestyle." He said that he had written to members of Congress urging them to watch the film. "I hope every taxpayer in America will do the same," he stated.

Texaco, which provided funding for the series for several years, recently announced that the company was ending its support for Great Performances, Texaco said "the decision was made after looking at the current and future direction of Great Performances' programming * * *" Texaco's support will end before "The Lost Language of Cranes" is shown.

"It is regrettable that taxpayers did not have the same option as Texaco," Wildmon said.

Last summer, Wildmon encouraged viewers to watch "Tongues Untied," another pro-homosexual program on PBS. More than 200 PBS affiliates refused to air "Tongues Untied."

Mr. DOLE. Mr. President, it ought to be beyond debate that projects funded through the independent television service, the so-called ITVS, should reflect both political and geographic balance.

The story of ITVS is nothing short of a scandal. ITVS was created in the 1988 reauthorization bill to provide funding to develop creative, independent, alternative programming—something I thought was already the purpose of the existing CPB and PBS—to develop, in other words, an alternative to the alternative.

Interestingly, at the time, the concept was denounced by no less a public broadcasting stalwart than Al Vecchione, president of MacNeil-Lehrer Productions. Mr. Vecchione called it a sweetheart employment program for those who could not otherwise get work on the merits. As events proved, he was onto something.

Incorporated in September 1989, ITVS in the first year spent $450,000; absolutely no programming resulted. Not one minute. Not one frame of film. Around $100,000 was spent on travel, and about $50,000 on consultants.

To this day, no programming has been produced. For this nonproduct, ITVS has expended $1.5 million of the taxpayer's funds on administrative costs, including travel and expenses of 42 Grant-award panelists. Pretty good work if you can find it. Maybe all it takes is a friend at the CPB.

Finally, last December, 3 years after authorization and funding, ITVS announced 25 projects chosen to receive $2.6 million in funding. A list of those projects selected suggests we might have been better off when the ITVS was doing nothing more than just paying itself.

I will leave artistic judgments to my colleagues, and just ask consent that this list of the long-awaited first round of ITVS projects be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, in my view, it speaks for itself. I urge my colleagues to review it carefully. They may be pretty surprised at what the taxpayers are paying for.

The list reveals another bit of cronyism: Of the 25 grants, 15 are to filmmakers in New York City, and another 5 are to Californians. That leaves 5 for the rest of the country. I am sure there is a fair concentration of artists in those places—but they're not the only artists and potential filmmakers, Mr. President. We have got some in Kansas. I am confident that there are a good number in other States, in the Midwest, in the South, and elsewhere. In fact, this begins to make ITVS look like pretty straightforward arts pork-barreling.

We're told that ITVS provides essential cultural enrichment. Frankly, this Senator finds it hard to believe it is more essential than feeding schoolchildren, or rebuilding Los Angeles, or summer jobs for our urban youth, all causes for which we have struggled to find emergency funding. It is a luxury. With those needs, we are spending millions for this cultural playtoy.

It seems to me that the least we can do—if we're going to spend money on this boondoggle for self-appointed arts bureaucrats—is insist that it be spent fairly, across America, and give some Alaskan, or Hawaiian, or Kansan filmmaker a chance. This amendment mandates that ITVS grants be awarded on a geographically diverse basis.

In addition, I would like to clarify that in making programming funds available to ITVS, the CPB is bound by the same obligation to ensure objectivity and balance that applies to its other grantmaking and programming functions—and will likewise be held accountable.

Personally, Mr. President, I feel the last thing we need around here is another entitlement program, for an already comfortable elite. I would rather spend money on hope and employment for our urban youth than on welfare for politically correct filmmakers. But if we are going to extend this experiment, let us at least see to it that it is conducted in a way that is fair and balanced. We will be watching—the programmers, if not the programming itself.

I urge the adoption of this amendment.

Mr. President, I would just say in summary that I think this will provide some improvement. I think if I had my choice I would just knock out the ITVS, but I do not have the votes at this time.

I want to thank the manager for trying to work it out so at least we can spread out the benefits of what ITVS was certainly created for. They tell me it was supposed to be an alternative to the alternative. I noticed of the first $25,000, $15,000 went to Los Angeles and $5,000 to New York. That left $5,000 for the rest of the country.

I understand most of the artists are located in New York and California, but I have to believe there may be one in Hawaii, one in Minnesota, one in Kansas, one in Alaska. So it seemed to me we should try to work out something to address that problem.

EXHIBIT 1

ITVS GRANTS—1ST ROUND

PROJECTS SUPPORTED IN FIRST ITVS OPEN CALL

Here are the grantees, project titles, grant amounts, and ITVS's descriptions of the producers and projects:

Lynn Smith, "Sandburg's Arithmetic," $37,512—Lynn Smith is an award-winning animator whose work has been seen on the Canadian Broadcasting Corporation and PBS. "Sandburg's Arithmetic" is a lively animated film for children inspired by Carl Sandburg's poem "Arithmetic."

Paul Kwan, "Anatomy of a Springroll," $75,358—Paul Kwan is a multimedia artist whose interdisciplinary work has shown in theatrical venues from La MaMa to the Asian American Playwrights' Festival. In "Anatomy of a Springroll," Paul Kwan searches for the secret to his mother's spring roll recipe, using the metaphor of food to explore Southeast Asian culture.

Ana Maria Garcia and Eduardo Aguiar, "Endangered Species: The Toxic Poisoning of Communities of Color," $152,684—Ana Maria Garcia co-founded the Festival Cine San Juan in Puerto Rico and recently completed a film in AFI's Directing Workshop for Women. * * *

Three out of every five African Americans and Latinos are exposed to toxic waste. The film will examine this crisis and efforts to counteract it.

Helen Lee and Kerri Sakamoto, "Little Baka Girl," $26,795—Helen Lee's first film, "Sally's Beauty Spot," has gained an international profile and won a juror's award at the Black Maria Film Festival. Kerri Sakamoto is a fiction writer and producer of short films. In "Little Baka Girl," a Japanese-American and a recent Korean immigrant find romance, conflict and solace as they grapple with their Asian heritage.

David Collier, "For Better or for Worse," $34,140—David Collier is an independent producer who has worked on numerous documentaries for PBS, including "The Search for Excellence" and "The New American Revolution." "For Better or for Worse" is a funny, touching look at five elderly couples who have each been together 50 years or longer.

Joanna Priestly, "Aging Grace," $38,837—Joanna Priestly is an award-winning animator whose work has received top honors at over 80 film festivals. "Aging Grace" is a humorous animated film about the pains and pleasures of becoming middle-aged.

Kathe Sandler, "A Question of Color," $100,000—Kathe Sandler is completing "The Friends," an adaptation of Rosa Guy's award-winning novel, through the AFI Directing Workshop for Women. "A Question of Color" looks at "color consciousness" among African Americans and a value system based on physical features.

Veronica Soul, "Ghost Story," $65,425—Veronica Soul's films have screened internationally at festivals and galleries and have received numerous awards. "Ghost Story" is a short film about time and memory that moves between the past and present of a Chinese immigrant family.

Victor Masayesva Jr., "Imagining Indians." $297,000—Victor Masayesva Jr. is a Hopi producer whose works have received international acclaim, including a Gold Hugo (Chicago International Film Festival) and been broadcast on German and Spanish television. "Imagining Indians" will look at how Native Americans have been "imagined" in popular American media.

The Wooster Group, "White Homeland Commando," $55,669—The Wooster Group is a critically acclaimed experimental theater company whose work has been shown on public television and performed worldwide. Its members include Elizabeth LeCompte, Willem Defoe and others. "White Homeland Commando" is a takeoff on a TV cop show in which a special unit of the police force infiltrates a white supremacist organization.

Barbara Abrash and Esther Katz. "A Public Nuisance: Margaret Sanger and the Brownsville Clinic," $16,500—Barbara Abrash is an independent producer whose films have shown on American Experience on PBS and on Great Britain's Channel 4. Esther Katz is a professor at New York University. "A Public Nuisance" documents early public debates over birth control in the 1920s, and the power of media to shape those views.

Ela Troyano. "Once Upon a Time * * *" $100,000—Ela Troyano's films have shown in festivals and on public television in the U.S. and abroad. "Once Upon a Time * * *" is a dramatic film exploring relationships between young Latinos and Latinas whose culture straddles New York and the Caribbean.

Marlon T. Riggs, "Black Is * * * Black Ain't," $245,000—Marion T. Riggs produced the Emmy-winning "Ethnic Notions" and the internationally acclaimed "Tongues Untied," which both aired nationally on PBS. He recently completed "Color Adjustment," a documentary about black representation in prime-time entertainment television. "Black Is * * * Black Ain't."

Faith Hubley, "Tall Time Tales," $77,375—Three-time Academy Award-winning animator Faith Hubley is renowned world-wide for innovative work pioneered with her late husband, John Hubley. "Tall Time Tales" is a light-hearted, animated short that sheds light on the many faces of time.

Ellen Spiro, "Out Here," $78,604—Ellen Spiro is a southerner and producer of the award-winning video "DiAna's Hair Ego: AIDS Info Up Front." "Out Here" will look at southern gay and Lesbian culture through eccentric and traditional personalities, from Tennessee Williams and Bessie Smith to contemporary southerners.

Gary Soto, "The Pool Party," $65,000—Gary Soto is an award-winning Chicano writer and author of books for Latino children. "The Pool Party" is his second film * * * a light-hearted story of a Chicano boy who makes a splash at a pool party.

Sam Pollard, Peter Miller and John Valadez, "Citizen Dhoruba," $149,758—Sam Pollard has edited feature films for Spike Lee, and produced and directed PBS documentaries, including episodes of Eyes on the Prize. Peter Miller has worked on "Songs of the Civil War" (Ken Burns). "American Dream" (Barbara Kopple) and other documentaries. John Valadez has worked on several documentaries and is making his directorial debut with this film. "Citizen Dhoruba" tells the story of a former Black Panther who was falsely accused of a crime and served 19 years until new evidence secured his recent release.

Ruth Peyser, "Go to Hell!" $30,250—Ruth Peyser was born and educated in Australia. She has been an award-winning animator, graphic designer and illustrator for nearly 15 years. "Go to Hell!" is an animated short in which a woman trips and falls into a strange dream that ends up being a little too close to reality.

Tony Cokes, "Love, Labor, Language." $39,210—Tony Cokes is a videomaker and sculptor whose work has won awards and international acclaim, from the Whitney Biennial to the Berlin International Black Cinema Festival. "Love, Labor, Language" is a portrait of the artist's mother, whose experiences as a domestic, a public school maid and a food service worker inspire an imaginative inquiry * * *.

Christine Chang. "Be Good, My Children." $29,872—Christine Chang is a first-generation Korean-American and independent filmmaker who currently works in high-definition television. This drama about a Korean immigrant family centers on the conflict between a daughter who dreams of glamor and her disapproving mother.

Clay Walker. "Post No Bills." $92,155—Clay Walker is an emerging filmmaker who has worked with innovative independent filmmakers like Jean-Pierre Gorin, Raul Ruiz and others. "Post No Bills" follows the process of creating political street art by focusing on noted poster artist Robbie Conal.

Puhipau and Joan Lander, "An Act of War: The Overthrow of the Hawaiian Nation." $94,936—Puhipau is a Native Hawaiian and independent producer whose works have shown in video and film festivals in the U.S. and abroad and on Hawaiian public, cable and commercial television. Joan Lander is an independent producer whose documentaries on Native Hawaiians are distributed worldwide. "An Act of War" portrays the 1893 American overthrow of Hawaii from a Native Hawaiian perspective.

Shu Lea Cheang. "For Whom the Air Waves." $300,000—Shu Lea Cheang is a film and video artist whose work has been exhibited as the Whitney Museum, the AFI Video Festival and other festivals and broadcast on television. "For Whom the Air Waves" is a dark comedy that brings quirky characters together in a sushi restaurant when an environmental crisis erupts. The screenplay is by Jessica Hagedorn, whose recent novel was nominated for a National Book Award.

Suzie Baer. "Warrior: The Case of Leonard Peltier." $50,000—Suzie Haer is an emerging producer who has worked on independent features, music videos and industrial videos. "Warrior" documents the case of incarcerated Native American activist Leonard Peltier.

Edin Velez. "Memory of Fire." $197,955—Edin Velez is a critically acclaimed video artist whose work has shown internationally and been broadcast on local public television stations and on Alive from Off Center. He is a past winner of the AFI Maya Deren Award. "Memory of Fire" is a stylistically rich narrative reassessing the "discovery" of the New World by Columbus.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the amendment that was just submitted is a product of 4 hours of negotiations and consultation.

The colloquy that we will now engage in is part of that negotiation.

Mr. DOLE. Mr. President, my understanding of the amendment No. 1863 adopted yesterday which relates to objectivity and balance is that it applies to all funds appropriated to the Corporation for Public Broadcasting for national programming. In other words, it applies to any funds distributed by the CPB for national programming. Therefore, in practice, the Independent Television Service, the Public Broadcasting Service, National Public Radio and other organizations which redistribute CPB funds should strive for objectivity and balance in making their grant decisions when they elect to fund programming which is controversial in nature. Should the Board members of the CPB determine the standard has not been met, the Board is required to withhold future funds to those organizations or the CPB must itself fund additional programming to achieve the objectivity and balance, or take other appropriate action.

Mr. INOUYE. Mr. President, the Senator is correct. The objectivity and balance requirement applies to all nationally broadcast programming that is controversial in nature. It would not specifically apply to programs funded by CPB to achieve balance or arguably to a single program financed by a local station. But if the latter led to a violation of the standard, CPB would be required to fund offsetting programming, or take other appropriate action.

Mr. STEVENS. I agree with the statement of the Senators from Hawaii and Kansas.

Mr. WELLSTONE. It is my understanding that amendment No. 1866 is a directive from Congress to any independent service established under section 396(k) of the 1934 act. It should not require the renegotiation of any contracts in force as of the date of enactment.

Mr. DOLE. The Senator is correct in his interpretation of this amendment.

Mr. DECONCINI. Mr. President, I rise today in strong support of S. 1504, the Corporation for Public Broadcasting reauthorization bill and to oppose the amendment proposed by my friend and colleague from Kansas, Senator DOLE, should it be offered.

Mr. President, the distinguished minority leader is well respected for his straightforward manner. Although we may often find ourselves at odds on the merits, I have long admired him for this quality. That is why I am frankly very surprised by the amendment my friend has offered today. If the minority leader wishes to reduce program production funding for public television for its alleged sins in program objectivity and balance, his efforts should be directed toward that purpose. Indeed, the floor managers have endeavored to satisfy his every desire in this regard. Nonetheless, it would appear to this Senator that the Dole amendment goes beyond its alleged purpose and would be better served by adding funds to the Independent Television Service [ITVS], not gutting it.

The Dole amendment chills me as it should anyone who has had the privilege of serving in what many Senators label the "world's greatest deliberative body." The amendment before us today kills funding for ITVS, a small part of the Corporation for Public Broadcasting [CPB] that received program funding last year for the first time, despite the fact not one Senator, nor any other person we know of, has yet to view even 1 second, less 1 minute, of any ITVS program. As I see it, the Dole amendment is akin to burning a new library to the ground before it is stocked with books.

The Dole amendment reminds me of an old courthouse quip I understand was used in the celebrated Scopes Monkey Trial of 1925 by one of Mr. Scopes' attorneys, Mr. Malone. Mr. Malone had been blocked at every turn trying to offer evidence that evolution was a credible scientific theory. In a last ditch effort, he approached the trial judge's bench and said: "Your honor may know of the occasion some time ago when a man argued a question for the plaintiff before a judge who had a very Irish wit. After he had finished the judge turned to the defendant and said, "I don't care to hear anything from the defendant, to hear both sides has a tendency to confuse the court.""

As was the case on that hot and humid summer day in Dayton, TN, today we are deliberating in air-conditioned splendor in the "world's greatest deliberative body" whether to give all the information to the public. Will we make the same unfortunate mistake? Will this body pronounce that the public is ignorant or incapable of deciding what to view or what not to view? Will this body become the big brother of public television?

Mr. President, I think it is time we remind ourselves why Congress created the Corporation for Public Broadcasting and authorized ITVS in the first place. In its findings contained in the original act creating CPB, Congress found "that a private corporation should be created to facilitate the development of educational radio and television broadcasting from extraneous interference and control." As the Senate report emphasized: "An independent entity supported by Federal funds is required to provide programs free of political pressure."

The primary purpose of ITVS is to make television more accessible and more responsive to children, rural Americans, and minorities. In authorizing ITVS in 1988, we affirmed that the best way to achieve this goal is to give the under-served an opportunity to speak for themselves. It was a good idea then, and it is a good idea today.

Mr. President, democracies depend on having public forums on expression of ideas representing all perspectives. Television is unquestionably the most important public forum in our Nation today. Americans tune in to television for information and perspective on current events. Unfortunately, most programs serve only a narrow slice of life. Access to the airwaves is limited by money and by commercial pressure to please the majority of viewers. However, our Nation is and always has been a melting pot of many cultures, many communities, many voices, yet too many voices go unheard.

There are Americans who never see people like themselves on television, never have the opportunity to tell their stories or share their concerns. There is a tremendous richness of experience going to waste. ITVS was specifically created to fill that void and give these unheard citizens opportunities to create programs that will serve their own communities. In turn, ITVS also serves to broaden the spectrum of programming available to the entire viewing public.

Some native Americans see themselves misrepresented on television and want all others to hear their voices. One ITVS grantee who was funded by ITVS is attempting to present their views and his own on this important subject. This independent producer, Victor Masayesva, Jr., lives in Hotevilla, AZ, a Hopi community on the Third Mesa and runs a very respected television production company. ITVS was designed specifically to help him and others like him to serve underserved minorities. His ITVS grant covers a subject matter from a perspective that commercial television as we know it today cannot cover adequately. Our democracy demands that his voice and the voices of all Native Americans on this subject be aired.

Mr. President, I ask unanimous consent that a letter from Mr. Masayesva, Jr., to myself be printed in the RECORD immediately following the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DECONCINI. Mr. President, I am more than willing to concede that some programs aired on public television and public radio are unsatisfactory from my point of view. In fact, I have heard of shows that I probably would not like based upon reviews by my family and friends. I probably would have been shocked to see the infamous program entitled "Tongues Untied." But even if I have seen a program, my views should not influence public television any more than any other viewer in Arizona or America. In an era where the old world is experiencing a democratic renaissance, it is very troubling to me that some officials in the new world seek to build a new iron curtain across the airwaves.

Mr. President, I believe that the American public has the right to view a full range of stories and opinions. We do not need to be protected from unconventional points of view of independent television producers by Senator DOLE or Senator HELMS. The Independent Television Service was established precisely to avoid both intended and unintended suppression of ideas and it took our instructions seriously. ITVS went straight to the people they are supposed to serve; 24,000 independent producers from all over the United States were invited to submit proposals for the first year's programs. A door full of promises was opened. Now, before these programs have ever been seen, some of my distinguished colleagues are trying to slam that door of promise in their faces.

What kind of message would be sent to these rural Americans, minorities and children by such an act? Is it a message that will strengthen our Nation or is it just more politics of division in a land yearning for a message of healing?

Some critics charge that the viewers and listeners of public broadcasting are wealthy individuals who do not need PBS since they can already receive similar programming through cable television. Mr. President, those people need to read the letters I have received from viewers and listeners in Arizona. They are not only from the upper crust of society. These people are ordinary citizens who enjoy the wide variety of programs available on public broadcasting. The letters come from both the young and the old, the rich, the middle class and the poor. Everyone gains from public broadcasting. One college student from Tucson wrote that although he has a limited income and doesn't own a television, he is able to follow the news and listen to special programs on the radio. Without public radio this student and other citizens could not receive the news programs which are vital to maintaining an informed electorate. A retired couple living in rural Dewey, AZ, wrote that they doubled their contribution to their local station last year but they cannot contribute more since the economy is bad. An 85-year-old woman pledged $100 to station KUAT in Tucson, then apologized for not sending more, writing "I am so sorry I don't have more wealth." Their actions remind me of the saying, "Where your heart goes, your money goes also." People have their heart in public broadcasting; in fact, the largest single contributor to public broadcasting is the public itself.

Mr. President, are the Members of this Senate really aware of the types of programs which the Corporation for Public Broadcasting has funded? I assure you that they are not liberal and leftwing, as some have claimed. Programs funded by CPB are known for their quality and objective perspectives. A couple from Scottsdale put it well in another letter to my office. "Given all the endless barrage of garbage and drivel offered on the majority of television stations, it is unfathomable to believe that our elected officials wish to assassinate and deprive the American people of the one televised, consistent source of educational, stimulating, and responsible programs."

The CPB has created and maintained many of public television's hallmark series and programs, including: "The Civil War," "American Playhouse" "The MacNeil/Lehrer News Hour," "Wonderwords," and "The American Experience." "The Civil War," which aired in the fall of 1991, was a critically acclaimed masterpiece of documentary work. Ken Burns, who produced the series, was praised by conservative columnist George Will, who write that "Our Iliad has found its Homer." Yet without the CPB, this series would never have been produced. The CPB, along with corporate sponsors, funded the entire production cost of the program. Mr. Burns wrote "there's no way that "The Civil War" could have been produced anywhere but on public television." It is no wonder that public broadcasting has been called "an oasis in a vast television wasteland."

Here are some more examples of programs which were funded by CPB and were seen on public televisions stations last year. In the month of September alone, various educational programs could be seen, including a program describing the effect radar had on battles in World War II, a documentary on the science of restoring old art, and a program for children which teaches geography in a fun, innovative manner. These are not controversial, leftwing programs. They are shows which educate and entertain the diverse viewers of public broadcasting. Other examples of programs planned for the future: "A Splendid Little War," which is a documentary on the Spanish-American War of 1898; a 90-minute special on the history of the Oregon Trail and its role in American history; and study of the anti-Hitler resistance within the Germany army and civilian population. Again, these programs are not propaganda for the left; they are historical accounts of past events. Mr. President, these programs belong on public broadcasting.

Public radio also benefits from CPB funding. Almost 14 million listeners nationwide have come to rely on programs such as "All Things Considered," "Morning Edition," "Crossroads," and "Marketplace." In its 6-year history, the Radio Program Fund has awarded 107 grants for a total of $22 million—approximately half of the total production costs—fostering the development of 8,000 hours of original programming for public radio. One grant went toward the renewal of classical music programming on radio. These programs provide information, insight, and culture to the people.

Funding for the Corporation for Public Broadcasting is one of the best values for the Federal dollar that exists today. Federal support for public broadcasting results in a variety of benefits, such as high quality programming, educational services, the expansion of the public radio signal to remote areas, the development of new technologies for the hearing and visually impaired, and the promotion of new technologies to ensure that public broadcasting television and radio signals are available to as many Americans as possible.

Mr. President, our country faces no greater challenges today than improving education and job skills of our labor force. Our ability to succeed in an increasing global marketplace rests on our ability to do so. Public broadcasting programming and services already play a leading role in education in America, but their value has yet to be maximized. One way to maximize public broadcasting's contribution is by extending the impact of its programming and services through outreach activities and conversion to educational materials. For example, what made "The Civil War" such a magnificent achievement was not just its ability to rivet the Nation's attention over a five-night broadcast period. The more compelling value is in its use now as a television course by schools, colleges, and universities in dozens of States.

With the funding levels provided in this legislation, public broadcasting can use its telecommunications capabilities in cooperation with business and education to help reverse the downward trend in academic achievement and reinvigorate America's education system. In short, public broadcasting can quickly reach through geographic and institutional barriers to provide inexpensive access to educational programming in schools and at work, as well as from homes and automobiles. For this effort to be successful, Federal support for public broadcasting is crucial.

In addition, any effort to freeze, or seriously reduce funding will not allow CPB and public broadcasting to maintain current levels, for it fails to adjust for the current rate of inflation or the increased number of stations supported by the Corporation, and provides insufficient funds for the new education opportunities that I have just described, or the congressionally mandated efforts to reach underserved and unserved areas and audiences. It would also restrict already scarce resources for national programming or projects aimed at increasing opportunities for minority and independent producers.

In addition, any freeze or reduction in funds to stations would make it difficult for individual stations, particularly small stations already facing financial difficulties, to sustain their current program schedules because the cost of programming continues to rise faster than the rate of inflation and a station's ability to raise revenues.

Mr. President, in closing I urge my colleagues to reject the candy-coated poison pill amendment for the infant Independent Television Service. Diversity within a republic breeds intelligent discourse, not dangerous ideas. Danger lies only when thoughts are suppressed. One need only look to Eastern Europe to see the consequences. I urge my colleagues to vote against the proposed Dole amendment to suppress diversity—too kill ITVS—and against other proposed reduction in overall funding CPB regardless of the form of the amendment. Eastern Europe has torn its wall down—let us not erect our own.

Mr. President, I ask unanimous consent that the following newspaper editorials and article concerning Federal funding of public television be printed in the RECORD immediately following my remarks and the letter from Mr. Masayesva; two editorials from the Arizona Daily Star newspaper; one editorial from the Green Valley Sun and News; one editorial from the Christian Science Monitor, and one article by Mr. Greg Joseph which appeared in the Arizona Republic; I further ask unanimous consent that the following remarks detailing the public television and public radio programs awarded funding in the current fiscal year also be printed in the RECORD immediately following the newspaper editorials and article previously submitted for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

IS PRODUCTIONS, INC.,
Hotevilla, AZ.

Senator DENNIS DECONCINI,
Washington, DC.

As a recipient of an ITVS television grant in its first round I express my outrage at attempts to deny funding to ITVS before any programs have been produced. The programs that have been singled out for criticism derive from communities of color and serve political expediences only.

Our program concerns the representation of Native Americans in the media, particularly feature films, which would not be supported by the mainstream which thrives on this appropriation. The voices beyond public relations notices which serve only the profit machinery would not be heard if we did not receive ITVS funds to record and relay the voices from the Native American communities, from the foundations of Native American communities.

ITVS is fulfilling its congressional mandate to address underserved audiences and minority communities with the support of our program and to deny our communities a voice can only be seen as racist. We need your support in order to realize programming from diverse sectors of the American public, which are exciting, innovative and which promote equality of points of view. Thank you for considering the impact which television programming has on our future co-existence.

VICTOR MASAYESVA, Jr.,
Producer, "imagining indians."

[From the Arizona Daily Star, Mar. 6, 1992]

PUBLIC TV: GOVERNMENT SHOULD HELP FUEL IT, BUT LEAVE IT ALONE

The wonder about public television isn't that its programming is so provocative; it's that public TV manages to be as provocative as it occasionally is. A significant portion of its funding comes from the government, and that knowledge alone tends to encourage pablum over provocativeness.

So far, the strings attached to public TV's government money have been implied; Everyone simply knows that money could be cut, conditions could be attached, should government become displeased. Now a new effort to make strings explicit must be quashed.

The Corporation for Public Broadcasting, through its 25-year existence, has lived through budget cuts, presidential vetoes and threats of all sorts because people in government didn't like the content of certain programs—or the politics of certain TV personalities. While the CPB was set up to shield public stations and networks from politics, everyone in the system knows politicians are watching them in more ways than one.

The Reagan years were particularly difficult, and this year is proving no exception, thanks in part to Republican presidential contender Patrick Buchanan, who has seen public funding of the arts as a useful anti-Bush tool on the campaign trail. On Wednesday, Democratic leaders temporarily withdrew public broadcasting's funding bill from the Senate floor after conservatives upset with public TV programming threatened to tack on a number of restricting amendments.

Sen. Jesse Helms is upset about "Tongues Untied," a program about homosexual black men. Sen. John McCain criticized "Maria's Story" as a glorification of leftist guerrillas in El Salvador. Others said public TV is, in general, too liberal. They seek something called "balance in programming."

But asking public TV—which consists of a myriad of producers, stations and networks—to move in any particular political direction would only set up a system whereby decisions about artistic, scientific, intellectual and other programs would be made in accordance with the whim of whoever happened to have political power at any given time. Americans traditionally have displayed a healthy stubborn streak when it comes to such government control in their lives.

How much better, how much more intellectually honest, to support creative people in doing what they do—independently. And let the public choose whether to watch.

[From the Arizona Daily Star, May 5, 1992]

BATTLEGROUND: FUNDS FOR PBS SHOULD BE PROVIDED WITHOUT STRINGS

The conservative attack on public television reveals the attackers as elitist, out of touch and ready to stoop to coercion to get their way.

It's a sorry effort to muzzle the messenger because some in power don't like all of the message.

Funding for public television was approved by the House. In the Senate, however, it is encountering opposition from conservative senators girded for battle. Their assault on public television is fueled by the ideology of conservative think tanks. It could result in reduced funding and/or federal oversight on program content.

Opponents of public television say it has outlived its usefulness because cable networks now offer similar types of programs. This position—and the conclusion that public television should therefore be sold to the highest bidder—overlooks the vast numbers of Americans who do not subscribe to cable television. Without public television, these people would have no alternative to the slam-bam fare offered on the commercial broadcast networks.

The failure of public television's opponents to recognize this shows how removed they are from the budgetary reality of most Americans. Public television remains as essential today as an alternative to commercial television as it was when the Public Broadcasting Act created it in 1967.

The privileged few who make the assertion that cable has eliminated the need for public television did not set out to insult the average American. That was an accident born of their elite lifestyles. Their purpose in touting cable was to obfuscate the real purpose of this assault on public television. The goal is to silence ideas conservatives don't like. They damn what they see as a "liberal tilt" in public television.

But that, too, is distorting reality. They see the liberal Democrat Bill Moyers producing programs for PBS and cry foul. They choose not to focus on programs produced by such lions of conservatism as William F. Buckley Jr. and John McLaughlin.

They also fail to see that the flow of federal dollars to public television has declined over the years. Federal money now accounts for only 17 percent of the overall public television budget Corporate underwriting, foundation support and contributions from individual viewers pay the rest. Viewers send in their check because they like what they see.

By necessity, public television is responsive to the preferences of its audience. The conservative assault is a coercive attempt to make public broadcasting responsive to the political preferences of the right. It is as inappropriate as a similar demand from the left would be.

Public television should be funded without strings. It should be praised for rising above the morass, not asked to wallow in it as a condition of continued federal support.

[From the Green Valley Sun and News, Mar. 18, 1992]

PUBLIC BROADCASTING NO PLACE FOR POLITICS

Life without KUAT-TV and National Public Radio would amount to a grim existence indeed for many Green Valley area residents who depend on both for high quality, thought-provoking and substantive programming.

In the wasteland of commercial TV and the cacophony of commercial radio, public television and radio stand out as solid, informative news networks.

And both public TV and radio offer much in the way of arts, drama, comedy and other eclectic, quality programming that commercial networks generally shun.

The soft underbelly of public TV and radio is the Corporation for Public Broadcasting, the federally funded independent board that provides seed money for the networks.

CPB again is the target of attacks by far right-wing Republicans in the U.S. Senate who argue that the corporation sponsors two networks with decidedly "liberal slants."

Yet the president of the Association of American Public Television Stations quotes a study that shows that 79 percent of the viewers believe public television is neither liberal nor conservative.

Much the same can get said for National Public Radio, PBS's sibling in public broadcasting.

A bill to authorize about $1 billion over three years for the corporation will be on the Senate floor soon.

One amendment is in the right spirit; it would require disclosure of the salaries of the corporation's executives and performers.

Another would have Congress review the budget every year instead of every three years. That comes from the far right.

This change would bring more political pressure to bear.

Another effort would kill the corporation entirely, just as the first Reagan administration tried to do, because it didn't cotton to some PBS programming.

Consumers across a wide spectrum generally agree that PBS and NPR provide the public with fair and balanced reporting and a range of challenging, engaging and sometimes controversial documentaries unlike any offered regularly by commercial TV or radio.

As most Green Valley area residents know, the Corporation for Public Broadcasting provides only about 17 percent of the funds needed for individual stations to operate.

The rest of the money the stations, such as KUAT, must raise themselves. Without viewer approval, KUAT would go out of business, which is highly unlikely because of its solid base of support, particularly in the Green Valley area.

Though some politicians may not like it, part of the role of non-commercial TV and radio is to question authority, celebrate diversity and examine all points of view, regardless of whether they are "politically" correct enough for the liberals or pass the conservative litmus test.

Intelligent viewers can quickly spot—and reject—lapses into propaganda on both sides of the political spectrum.

The congressional lever in public broadcasting should not be turned into a club to bludgeon PBS and NPR, whose programming has made their work popular by being first-rate.

Congress would be wise to butt out of this fight because political agendas have no place in public television and radio.

[From the Christian Science Monitor, May 4, 1992]

POORLY AIMED SALVO AT PBS

The effort among some conservatives to eliminate public television is heavy-handed and mean-spirited. Charging that the Public Broadcasting Service is elitists and too liberal, these conservatives want to rally United States senators either to eliminate the PBS budget, or hold the $24 million increase of federal funds the House has already authorized for 1994—in effect torpedoing PBS.

Laurence Jarvik of the Heritage Foundation recently said, "What did the taxpayers get for their investment in 'Sesame Street'? A generation of kids who spray graffiti on the walls of New York City." Columnist

George Will, also siding with some mythical taxpayer who is mad as heck at Big Bird and isn't going to take it anymore, calls PBS an "upper middle-class entitlement." PBS should be dispensed with in a fashion befitting the 1980s free-market cure-alls, says Mr. Will: "Sell it."

If the multiplicity of voices and programs put together by PBS over 20 years could survive in a market where the sharp ax of profit is the main arbiter of merit, fine. But that's not likely.

We suspect it isn't the money that concerns people like Jarvik, Will, and Sen. Bob Dole. It is ideology—programming and news that often does, frankly, have a liberal worldview.

Yet conservatives do get PBS time—John McLaughlin, William F. Buckley Jr., Tony Brown, for example. Pat Buchanan made his name on PBS.

The common culture many conservatives want young people of all backgrounds to know is found on Masterpiece Theatre, which last week ran Kenneth Branagh's version of Shakespeare's "Henry V," and in science programs like Nova. The MacNeil/Lehrer NewsHour offers serious news in a medium pushing "infotainment."

That's a lot of value for a modest public investment. Less than 20 percent of PBS funds come from direct federal grants.

Keep PBS. The answer to contrary views in a democracy is to enrich the debate, not end it.

[From the Arizona Republic, Apr. 2, 1992]

McCain, Helms Join in Election-Year Crusade To Carve up Big Bird

(By Greg Joseph)

Want to boost the economy? Want to protect the taxpayer? Want to enhance competition in the TV marketplace? Want to defend the masses from subversive, left-leaning thinking? Want to be a true American?

Kill public television!

This, in case you missed it, is an election year. Politicians on both sides of the aisle are lining up for shots at big, easy-to-hit targets that lend themselves to bombast, hyperbole and, most important, headlines.

Conservative Republicans have discovered an election-year target to end all targets; public TV, home of *Sesame Street, Mr. Rogers' Neighborhood, the MacNeil/Lehrer NewsHour, Frontline, Nova, Washington Week in Review; Masterpiece Theatre, The Victory Garden, The Frugal Gourmet, The Civil War, P.O.V., Tony Brown's Journal* and—last but not least—Bill Moyers.

And what timing! The Senate is considering a three-year $1.1 billion funding package for the Corporation for Public Broadcasting, the umbrella agency that dispenses money to PBS and its member stations.

Conservatives have been queuing up to every controversial PBS show of recent memory like sharks in a feeding frenzy. But none has caught their fancy quite as much as *Tongues Untied*, the eloquent Marlon Riggs film about the gay-black lifestyle that Pat Buchanan used in a scurrilous gay-bashing TV ad, tying President Bush to the National Endowment for the Arts (which helped pay for the Riggs work).

A MATTER OF VIEWPOINT

In a speech last month on the Senate floor, citing examples of what he derisively called "liberal, left-wing programs," Republican John McCain of Arizona targeted Tongues Untied because of its content ("which I will not even describe") and Maria's Story, a P.O.V. documentary about an anti-government Salvadoran rebel, for its lack of balance. (Never mind that Maria's Story was never presented as anything but a show designed to give her point of view—thus the name of the series on which it was carried).

McCain, Senate Minority Leader Bob Dole, R-Kan., Sen. Jesse Helms, R-N.C., and their archconservative cronies argue that shows like these illustrate how public TV isn't fulfilling the mandate of its creation 25 years ago and, as a result, no longer deserves federal funding.

They contend that public TV lacks political balance. They insist that Children's Television Workshop, which produces Sesame Street, generates $100 million a year in the United States and $1 billion worldwide and shouldn't require public support. They argue that because of the availability of such cable outlets as the Discovery Channel and the Arts & Entertainment network, and of satellite home dishes and videocassettes, viewers don't need public TV anymore.

Talk about arguments you could drive Jesse Helms through. Has any of these lawmakers noticed that 40 percent of the national TV audience doesn't take cable? In the Phoenix TV market, half of the potential audience doesn't subscribe, either because they can't afford it or don't want it.

FILLING A NEED

That means no Cable News Network, for example. Remember when KAET-TV (Channel 8), the public-TV station in Phoenix, carried the Clarence Thomas confirmation hearings and the U.S. Senate's "Keating Five" hearings? What if viewers had not had PBS or cable then?

Although not having cable means not receiving A&E or the Discovery Channel, PBS contains programming similar to both. This is its hallmark—diversity, which fulfills its mandate as a true public broadcasting system.

As for Sesame Street, CTW officials point out that when Dole suggests the show gets $14 million a year in federal funding, he's wrong. The show hasn't gotten any direct federal grants since 1982, they say. Two-thirds of the annual $17 million cost of Sesame Street is paid by CTW itself, through licensing revenue; the rest comes from public-TV stations. Snapping at Sesame Street for its licensing prowess is like knocking the Japanese for building better cars that sell.

And does anybody remember or care that Sesame Street was established to teach young, disadvantaged inner-city children their numbers, letters and social concepts? The fact that it's so well-done has attracted "haves" as well as "have nots." But what would the have-nots do if PBS went away—subscribe to cable's Nickelodeon? Sure they would.

Dole apparently wants to set up annual reviews of CPB funding, instead of having them every three years, as is presently the case. How about making it every 10 years, so politicians can't use public TV as a tool to get re-elected?

CPB PROGRAM DEVELOPMENT

Mr. DECONCINI. For 25 years, the Corporation for Public Broadcasting [CPB] has been supporting the creation of high quality and innovative programming for public broadcasting. Over the years, the Corporation has evolved and changed as the industry and the needs of the audiences have changed, but the commitment remains the same: to ensure the public access to programs that enlighten, educate, and inform.

TELEVISION

CPB has created and maintained many of public television's hallmark series and programs, including: "The Civil War," "Frontline," "American Playhouse," "The MacNeil/Lehrer NewsHour," "WonderWorks," and "The American Experience."

The fund has taken special steps to ensure that all groups of outside readers and panelists are reflective of America's cultural, ethnic, and regional diversity. All readers and panelists involved in multicultural solicitations, for example, are minority. Gender, region, ethnicity, market size, rural or metropolitan location, and race are all factors considered for readers and the makeup of panels. Typically, a panel of nine consists of five independent producers and a minimum of three minority representatives. Quite often, even for broad-based solicitations, minority panelists could be in the majority.

The following are highlights of programs that been awarded dollars during fiscal year 1992:

"Methadone: Curse or Cure"—a 60-minute documentary reviewing the history and development of drug treatment in the United States centering on the methadone program.

"G.I. Brides"—a documentary examining South Korean culture, the relationship of United States servicemen in the culture, and the effect decades of interracial marriage have had on Korean women.

"The Nacionalistas"—a 1-hour documentary on the history of Puerto Rico/United States relationship centering on the 1950's when Puerto Rican nationalists stormed the halls of the United States Congress.

"Of Land and Liberty"—a 1-hour documentary on the struggle of the Gullah people of the Sea Coast Island of South Carolina to retain cultural and economic independence in the face of a rapidly emerging resort economy.

"A Splendid Little War"—a 1-hour documentary film on the Spanish-American War of 1898.

"Postcards From the Front, the American Experience"—a one-hour documentary film on the impact of the 1910–17 battles on the United States-Mexican border, as seen through the postcards that American troops circulated across the border.

"The Oregon Trail"—a 90-minute special on the history of the Oregon Trail and its role in American history.

"Sexual Harassment"—a documentary on the many dimensions of sexual harassment in the workplace.

"Africans in America, the American Experience"—a six-part series on the history of Africans in America from the 16th century to the 1850's.

"Questions of Faith"—a seven-part series that investigates the common beliefs and ideas that lie at the heart of all the great religions.

"Listening to America With Bill Moyers"—an hour-long weekly program about national and cultural issues, hosted by Bill Moyers.

"The West"—a 10-part history of the Western frontier and its impact on the history and culture of the United States.

"The Prize"—an eight-part documentary series based on Daniel Yergin's book, "The Prize," a history of oil and its role in the history of the 20th century.

"The Bill of Rights: 200 years later"—seminars on media and society, hosted by former Columbia Broadcasting System president, Fred Friendly.

"Redlining: America's Financial Apartheid"—a 60-minute investigative documentary on the institutional practice of redlining, a system used by banks, savings and loans, insurance companies, and businesses to deny financial services to minorities.

"The Restless Conscience," 9 years in the making, assisted by the Television Program Fund, premiered theatrically in New York City this February. The New York Times praised this powerful yet sensitive study of the anti-Hitler resistance within the Wehrmacht and the German civilian populace. The producer is Hava Kohav Beller.

"The Life and Work of Audre Lorde"—a 60-minute documentary on the noted African-American poet, who is suffering from terminal cancer. The film profiles her influence on an entire generation of students and writers as well as her personal trials and victories.

"Maya Lin: A Strong Clear Vision"—a 1-hour documentary of Chinese-American designer Maya Lin, creator of the Vietnam War Memorial and the Civil Rights Memorial in Atlanta. This personality profile will capture the artist involved in the process of creating as well as provide insight into the problems of being a minority, female artist in this country.

"Ancestors in America"—a proposed multipart series on the history of Asians in America. Loni Ding of Vox Productions, Inc., will be employing a format in which family trees are used.

"American Indian Dance: Creativity and Continuity" (working title)—a 90-minute performance special depicting the genesis and cultural meaning of American Indian dance and music. Three dance suites will also be staged within a follow-up documentary designed to take the viewer behind the scenes of the creative process.

"Songs of the Homeland"—a 60-minute documentary which will explore the Mexican-American experience utilizing the culture's traditional songs.

"Carmen Miranda: Bananas Is My Business"—a 60-minute documentary on Miranda. The film is about cultural identity and reflects on the creation of a Latin American icon in Hollywood.

"A Bowl of Beings"—a 1-hour adaption of the live stage play created and performed by Cultural Class, a highly regarded group of Latino comedians. The performance, specifically adapted for "Great Performances," includes sketches, monologues, dance, and drama exploring the Chicano-Latino identity.

"Nobody's Girls: Women of the American Frontier"—a 60-minute documentary film that explores the lives and legacy of the historically neglected women of the American frontier. The film will incorporate a mixture of visual sources, including old photographs, newspaper articles, original film footage, and pre-Hollywood westerns. The film's narrative will be derived from letters, diaries, frontier literary sketches, newspaper articles, obituaries, police and census reports, personal reminiscences, manuscripts, and secondary sources.

"Golden Gate"—a 2-hour feature film for "American Playhouse." This darkly comic film is set in San Francisco's Chinatown, where an FBI agent, trailing a Chinese laundryman, falls in love with his daughter.

"A Natural History of the Senses"—a five-part series that will portray the range of the senses—smell, taste, touch, hearing, and vision. In an unprecedented marriage of arts and science, the programs will heighten scientific understanding and self-knowledge.

"Highways to Heaven: The Auto Biography of America"—a documentary series that provides a comprehensive social history of the automobile in America from its invention in the late 19th century to the present.

"The Puzzle Factory"—the first new major children's daily series since "Sesame Street." This new series will feature a group of milticultural "people puppets embodying the diversity of American culture and fun and foibles of being human. The series takes place in a make-believe workshop where various puzzles help solve life's little problems. The series stories will encourage children to make choices, take risks, and experiment. There will be six main characters, two animal mascots, and a variety of additional characters. Extensive educational and outreach materials will accompany the series.

"Tierra"—an adaptation of Tomas Riviera's novel portraying the life of a poor Mexican-American boy and his migrant farm worker family, as they struggle to adopt to life in American society.

"Family Stories"—a six-part cinema-verite exploration of an extended African-American family during the course of a year, focusing on racial and economic justice issues.

"Parenting Works!"—a one-half-hour series which answers questions about parenting and helps parents raise children under especially stressful circumstances.

"Dinosaur"—a four-part series that explores the newest discoveries and theories and looks back at the history of discovering dinosaurs. "Dinosaur" uses state-of-the-art animation to bring these creatures to life, providing a vision of how they looked, walked, ate, and sounded when they ruled the Earth of 140 million years ago.

"Lectronic Comics"—a pilot program in which extensive testing will be done with children and teachers relative to the appeal of a classical story in cartoon format. Use of words on screen, limited animation, and sound effects were also tested. Producers will use results of just-completed evaluations to fine tune the show format and submit to potential underwriters.

"The Choice: A Frontline Special Report"—an in-depth examination of the major candidates' backgrounds, public lives, and political performances. Each major party candidate will be profiled in these hour-long documentaries.

"The State of Democracy: A Frontline Special Report"—a multipart series based upon the research of award-winning journalist William Grieder. The series will explore and analyze the condition of democracy in America.

"MacNeil/Lehrer Newshour Election Coverage Enhancement"—a series designed to encompass candidate profiles and campaign speeches, allowing review of the candidates and their spoken messages to the public.

PUBLIC RADIO PROGRAM DEVELOPMENT

In the short time that the CPB Radio Program Fund has been in existence, it has revitalized radio with programming from such series as "All Things Considered, "Morning Edition," Crossroads," and "Marketplace." Almost 14 million listeners nationwide have come to rely on these programs for information and insight into the events at home and abroad that shape our world. Other CPB-funded programs such as "Fresh Air" and "Afropop Worldwide," have expanded the boundaries of radio to encompass programming that is entertaining as well as culturally progressive.

In its 6-year history, the Radio Program Fund has awarded 107 grants for a total of $22 million—approximately half of the total production costs—fostering the development of 8,000 hours of original programming for public radio.

For fiscal year 1992, the Radio Program Fund selections are based on high quality, diversity, excellence, and innovation obtained from diverse sources. CPB received 272 proposals, up from 159 from fiscal year 1991. Of the 24 projects, 15 are independently produced, produced by culturally diverse people, or are by or about racial and ethnic minorities. CPB's investments in such projects will be $2.9 million or 64 percent of available funds. CPA based its selections on the advice of an 11-member panel of outside experts:

"African Democracy, The Unnoticed Revolution"—a documentary series that will capture the drama, humor, and innovation of the spreading democracy movement in Africa. This series will reflect the national and cultural diversity of Africa and will explore why Americans know so little about it.

"Afropop Worldwide"—a series expanded from the original Afropop series to include the cousins of African popular music from such locations in the diaspora as Haiti, Jamaica, Trinidad, Brazil, London, Paris, and New York.

"Baltimore Symphony Casual Concerts"—a series of occasional concerts that take risks with conductor David Zinman performing in ways that go utterly against the image of the conductor as Maestro.

"Classical Renewable Project"—a program geared toward the renewal of classical music programming on radio.

"Club Tropicana"—a series that will offer a showcase for the many forms of Latin American music now flourishing in the United States as a result of the growing immigration of Spanish and Portuguese-speaking Central and South Americans.

"Crossroads"—a weekly radio newsmagazine that focuses on multiethnic and minority cultures.

"Echoes"—a daily music program services. Echoes charts the trans-cultural experience through world music, jazz, new acoustic, and new-age music.

"Election '92 Call-Ins"—a daily 2-hour national forum that will permit voters and candidates to discuss issues with each other. This flexibility formatted program will also permit National Public Radio to focus on other international and domestic issues to accommodate breaking news during the election year.

"English-Spanish New Projects"—an exploration of whether the benefits of public radio's current $30 million investment in daily news programming can be made available to Spanish speaking audiences. Working with producers of national news programming, this project will develop and test with stations and listeners such options as newscast translations, adaptation of material from longer programs, and provision of scripts derived from English-language programs.

"Fresh Air"—a daily arts, culture, and entertainment service featuring interviews with leading writers, actors, composers, musicians, and filmmakers, as well as reviews of films, records, books, and previews of television programs.

"Hispanic Programming Satellite Network"—a public radio Spanish-language network. Programming will be available for 18 months to United States Latino-Spanish language public radio stations. Also, funding will permit the acquisition and editing of up to 300 hours of programming from Mexico's public radio system.

"Imagination Workshop"—a series of comedy programs with topical satire, original sketches, music, and the sound effects.

"Indigenous Voices"—a 1-year planning project to develop a prototype Native American cultural arts and entertainment magazine.

"Life Stories"—a series of portraits and stories of ordinary citizens from small towns, rural areas, and urban neighborhoods usually overlooked by mainstream reporting.

"The Maltese Goddess"—a comic opera for drive-time radio. It is the story of a female detective who returns to Philadelphia to close down her father's detective agency and ends up taking her father's last case.

"Marketplace"—a daily magazine of international business, finance, and the economy that relates the impact of international commerce on listeners' lives.

"The Music Makers"—thirteen 1-hour documentaries that will examine the art, the business, and the significant role that contemporary music plays in American life. Each program will include verite recordings, musical demonstrations, oral history mixed with musical illustrations, live concerts, rehearsal recordings, and rare, never-before released material.

"New Orleans '92"—a project using music from the 1992 New Orleans Jazz and Heritage Festival, mixed with short features on the food, customs, and culture of New Orleans. Included will be commissioned pieces from New Orleans writers and poets.

"Spirits of the Present"—a series that will be produced in conjunction with the Smithsonian Museum of American History. The series will be used as a companion piece to the 13-part documentary series, "Spirits of the Present: The Legacy From Native Americans."

"Unsung Educators—The Jeanes Teachers"—a series of historical reports on a group of African-American female teachers. In 1908, these teachers began teaching industrial education in rural communities throughout the South. They focused attention on the needs of black students in rural areas at a time when such education was virtually ignored by mainstream America.

"Wade in the Water"—a collaboration between NPR and the Smithsonian Museum of American History for a series of 1-hour programs about African-American sacred songs and worship traditions.

"World Cafe"—A daily music service designed to expand public radio's appeal to a younger and more racially diverse audience.

S. 1504 would ensure continued quality programming, sufficient support for the existing public radio system, and further progress on reaching the 14 percent of the population unserved by public radio. The funding levels in S. 1504 would enable public radio to meet its goal of reaching 95 percent of the population by the year 2000.

Mr. KERRY. Mr. President, I am pleased it has been possible to work out an amendment addressing the independent television service which is acceptable to Senators on both sides of the aisle. But as the Senate acts to accept that amendment, I would like to place in the RECORD what I believe to be some very important considerations with respect to ITVS.

In 1967, when Congress created the Corporation for Public Broadcasting, Congress stated that "The expansion of and development of noncommercial educational radio and television broadcasting and of diversity of its programming depend on freedom, imagination, and initiative on both local and national levels." In 1967, Congress also stated that one of the purposes of the Corporation was to "facilitate the development of telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities. * * *"

Since that time, Congress consistently has believed that one of the most effective ways of promoting diversity, and ensuring the maximum freedom, creativity, and innovation was to promote the production of programs by independent producers. In 1967, Congress specifically stated in the statute that the CPB "shall make grants and contracts for the production of public television and radio programs by independent producers and production entities. * * *" In 1981, this provision was amended to require that the CPB devote a substantial amount of its funding to productions by independent producers.

Finally, in 1988, Congress required that the CPB cause to be created an independent production service, separate from the CPB. As a result of the 1988 act, the Independent Television Service was formed and the CPB determined to award the ITVS $2 million per year for administrative expenses and $6 million a year for program production grants. While the ITVS was given funding to cover administrative expenses in fiscal years 1989 and 1990, it did not receive any funding for program production until June 1991. Upon receipt of those funds, the ITVS promptly requested grant proposals, and awarded grants for the production of 26 programs in November 1991.

At each of the points where Congress has considered the issue, it has determined—properly so in my judgment—that an independent production service was needed to promote diversity and innovation in programming. Congress also charged the ITVS with the responsibility of developing programming for unserved and underserved audiences such as children and minorities.

In other words, the purpose of ITVS is to serve audiences who turn on public TV but don't often see programs which reflect their lives with authenticity or depict life from their own point of view.

Since its inception, ITVS has reached out to and embraced the thousands of individuals in each of our States who are not employed by a television station or studio, but who produce programs on their own—stemming from the passion and commitment they feel for a particular subject or issue. I believe that independent production is one of the most effective ways of ensuring a diversity of voices which will enrich public television.

The Independent Television Service took our instructions seriously. It has established a national board of distinguished media professionals, including representatives of public television—a board which is approved by the Corporation for Public Broadcasting. It then went straight to the people it is supposed to serve. Hundreds of individuals were asked what kind of programming would meet the needs of rural Americans, minorities, and young people. Twenty-four thousand independent producers from all over the United States were invited to submit proposals.

A door was opened—a door full of promise. I am pleased and relieved that today we have been able to overcome the urge some Members of the Senate felt to slam the door so recently opened even before the first program funded by ITVS has been completed—let alone seen.

What objections would lead to advocating such action, and thereby cause us to throw away our investment before we have seen its fruits by throwing away the money that has already been awarded to producers all over the country?

Some are claiming that since ITVS has not yet put any programs on television, we should get rid of it. The facts are that ITVS was not authorized to spend one cent on new programs until June 1991—less than 1 year ago. Television programs take at least a year or more to complete, and then several months to schedule and advertise before they reach us at home. So it is unreasonable to criticize ITVS for failing to have programs on the air. Ken Burns, the celebrated producer of "The Civil War," is working on a new project right now which won't appear on television until 1996. The criticism that ITVS should be abolished because we have not yet seen its products is far off the mark.

We have heard claims that the ITVS board has traveled around the country for meetings, and for this and other reasons has incurred substantial travel expenses. That is only appropriate: The board has gone out to meet with producers in Texas, in Louisiana, in Missouri, in Oregon, and in many other States, to encourage them to be a part of the organization, to find out how it ought to be working. In my view, such travel is necessary to fulfill the congressional mandate to serve the needs of all Americans. It makes a lot more sense to have board meetings where you can meet and talk with your national constituents than to meet in the same location every time. If you want to have an organization with a board composed of a Latino who is director of cultural affairs in San Antonio, TX; an Asian-American Foundation executive from New York; an African-American producer from Georgia; a public television leader from Illinois; the president of Public Television in Minnesota; or the head of Kentucky Educational Television, airplane travel for someone is unavoidable.

This charge is particularly ironic, in view of the fact that the same individuals who attack the ITVS also claim that public broadcasting is controlled by large stations on the west and east coasts. While I do not agree with that assertion, even if it were true, ITVS does not fit that mold. The overwhelming majority of the ITVS Board is made up of individuals from the Midwest, Northwest and South. Moreover, the ITVS focused its efforts on locating producers outside of the New York and Los Angeles production communities.

ITVS is a major new national organization, one that is entirely unprecedented. So we shouldn't be surprised that establishing it took some thinking and negotiating about how it would work. Unlike the boards of most for-profit businesses—which some in the Senate want public television to become—this board receives no compensation. Its members serve because they are personally committed to the goals of public broadcasting and independent production.

We also have heard charges that this group has spent too much in startup expenses. Media organizations have substantial startup expenses, there's no getting around it. They make investments in everything from establishing national mailing lists, dealing with a national constituency, setting up shop, and purchasing equipment. But even so, ITVS underspent its startup budget. And all of its expenses were fully approved by the Corporation for Public Broadcasting. Moreover, ITVS' financial records have been audited annually by both CPB and independent auditors—and they have passed in every case with flying colors.

A few Senators are criticizing ITVS for some of the first programs they've funded. In some cases the criticism focuses on the political viewpoints some claim these programs take—even though the critics have not seen a single frame from even one of these programs. They are being criticized for what's called lack of balance. How can you talk about the balance of something you haven't even seen?

ITVS' apparently clairvoyant critics are holding up 3 or 4 programs from a first group of 26, and on the basis of nothing more than their titles and a one-line description, appear to have concluded that those programs should be neither made nor seen.

ITVS' critics never mention that ITVS has funded programs about the elderly, and high quality animations for children by award winning artists. Critics ignore the fact that ITVS is creating a major dramatic series on the American family, and a series in which teenagers are asked to talk about their concerns and contribute to the programs with their own video work, and a series which mixes programs with dramatically differing political viewpoints. No, ITVS' critics are quite silent on those programs. ITVS could provide the kind of programming that its critics claim is missing from public broadcasting, if it is given a chance.

Congress asked the Independent Television Service to open the door to voices which often have been prevented from becoming part of our national debate. We asked it to put some important new programs in the basket from which public television programmers may choose.

I believe that it is in America's interest that every citizen be a stakeholder in our country's future. We need to let all Americans know that their lives are valued, that their opinions count.

One of the hallmarks of a free society is that there's no central committee of elected officials that decides whose story gets to be told. Democracy depends on citizens having access to information—on having choices. It depends on not giving in to the temptation to silence voices before we have even heard those voices.

For these reasons, I am very pleased that ITVS critics in the Senate have dropped plans to seek to abolish or maim it. I compliment the distinguished manager of the bill, Senator INOUYE, other Senators dedicated to preserving the ITVS voice, and their staffs for the exertion which has yielded this outcome.

I will be eagerly awaiting the arrival of the fresh programming ITVS soon will be bringing to public television.

The PRESIDING OFFICER. Do Senators yield back their time on the amendment?

Mr. DOLE. I yield back my time.

Mr. INOUYE. I yield back my time.

Mr. STEVENS. Mr. President, if I have any time left, I want to thank the distinguished Republican leader and the Senator from Hawaii for their patience in the negotiations this afternoon.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. WELLSTONE. Mr. President, if I could have one quick moment at the very end.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. STEVENS. I take back 5 minutes and yield it to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, it has been a long 4 hours. I thank the Senator from Alaska and I certainly would like to thank the minority leader and the Senator from Hawaii.

As a Senator from Minnesota, I really do believe that the mission of ITVS is prophetic. We have to really start to hear one another in a different kind of way. I think we have to have a national conversation. We have to see each other through each others' eyes. I think it is going to be most cultural. I know we have some disagreement. But I am really pleased we could work out an agreement so ITVS could go forward. I think it is going to be a very important program. I think it will be healing and good for our country.

Mr. President, I have a whole list of initial projects that ITVS has looked at. It is a broad range of projects. I ask unanimous consent that that be printed in the RECORD, and also an article from the Minnesota Star Tribune, dated April 10, 1992.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FIRST ITVS OPEN CALL—SUMMARY OF INITIAL PROJECTS

Lynn Smith: "Sandburg's Arithmetic."

Lynn Smith is an award-winning animator whose work has been seen on the Canadian Broadcasting Corporation and PBS.

"Sandburg's Arithmetic" is a lively animated film for children inspired by Carl Sandburg's poem "Arithmetic."

Paul Kwan: "Anatomy of a Springroll."

Paul Kwan is a multi-media artist whose interdisciplinary work has shown in theatrical venues from La MaMa to the Asian American Playwrights' Festival.

In "Anatomy of a Springroll" Paul Kwan searches for the secret to his mother's spring roll recipe, using the metaphor of food to explore Southeast Asian culture.

Ana Maria Garcia and Eduardo Aguiar: "Endangered Species: The Toxic Poisoning of Communities of Color."

Ana Maria Garcia is the co-founder and former director of the Festival Cine San Juan in Puerto Rico and recently completed a film in AFI's Directing Workshop for Women. Her video and film works have won international awards. Eduardo Aguiar is former series producer for the WGBH series La Plaza.

"Endangered Species" begins with a startling fact: a shockingly large number of African Americans and Latinos are exposed to toxic waste. The film will examine this public health crisis and profile efforts to counteract it.

Helen Lee and Kerri Sakamoto: "Little Baka Girl."

Helen Lee's first film, "Sally's Beauty Spot," has gained an international profile and won a Juror's award at the Black Maria Film Festival. Kerri Sakamoto is a fiction writer and producer of short films.

In "Little Baka Girl," a third-generation Japanese-American and a recent Korean immigrant find romance, conflict and solace as they grapple with their Asian heritage.

David Collier: "For Better or For Worse."

David Collier is an independent producer who has worked on numerous documentaries for PBS including "The Search for Excellence" and "The New American Revolution."

"For Better or Worse" is a funny, touching look at the nature of commitment, presenting portraits of five elderly couples who have each been together fifty years or longer.

Joanna Priestley: "Aging Grace."

Joanna Priestley is an award-winning animator whose work has received top honors at more than 80 film festivals.

"Aging Grace" is a humorous animated film about the pains and pleasures of becoming middle-aged.

Kathe Sandler: "A Question of Color."

Kathe Sandler is completing "The Friends," an adaptation of Rosa Guy's award-winning novel, through the AFI Directing Workshop for Women.

"A Question of Color" looks at "color consciousness" among African Americans and a value system based on privileged physical features.

Veronika Soul: "Ghost Story."

Veronika Soul's films have screened internationally at festivals and galleries and have received numerous awards.

"Ghost Story" is a short film about time and memory that moves between the past and present of a Chinese immigrant family and uses inventive techniques to evoke their memories and thoughts.

Victor Masayesva, Jr.: "Imagining Indians."

Victor Masayesva, Jr. is a Hopi producer whose works have received international acclaim, including a Gold Hugo (Chicago International Film Festival) and have been broadcast on German and Spanish television.

"Imagining Indians" will look at how Native Americans have been "imagined" in popular American media, and the role of popular fiction in the lives of contemporary Native Americans.

The Wooster Group: "White Homeland Commando".

The Wooster Group is a critically experimental theater company whose work has been shown on public television and performed world-wide. Its members include Elizabeth LeCompte, Willem Dafoe, and others.

"White Homeland Commando" is a takeoff on a TV cop show in which a special unit of the police force infiltrates a white supremacist organization.

Barbara Abrash and Esther Katz: "A Public Nuisance: Margaret Sanger and the Brownsville Clinic".

Barbara Abrash is an independent producer whose films have shown on "The American Experience" on PBS and Great Britain's Channel 4. Esther Katz is an assistant professor of history at New York University.

"A Public Nuisance" documents early public debates over birth control in the 1920s, and the power of media to shape those views.

Ela Troyano: "Once Upon a Time . . .".

Ela Troyano's films have shown in festivals and on public television in the U.S. and abroad.

"Once Upon a Time . . ." is a dramatic film exploring relationships between young Latinos and Latinas whose culture straddles New York and the Caribbean.

Marlon T. Riggs: "Black Is . . . Black Ain't".

Marlon T. Riggs produced the Emmy-winning "Ethnic Notions" and the internationally acclaimed "Tongues Untied", which both aired nationally on PBS. He recently completed "Color Adjustment", a documentary about black representation in prime time entertainment television.

"Black Is . . . Black Ain't" is a documentary exploring what the various meanings of "blackness" are to African Americans.

Faith Hubley: "Tall Time Tales".

Three-time Academy Award-Winning animator Faith Hubley is renowned world-wide for innovative work pioneered with her late husband, John Hubley. "Tall Time Tales" is a light-hearted, animated short that sheds light on the many faces of time.

Ellen Spiro: "Out Here".

Ellen Spiro is a Southerner and producer of the award-winning video "DiAna's Hair Ego: AIDS Info Up Front".

"Out Here" will look at Southern gay and lesbian culture through eccentric and traditional personalities, from Tennessee Williams and Bessie Smith to contemporary men and women across the South.

Gary Soto: "The Pool Party".

Gary Soto is an award-winning Chicano writer and author of books for Latino children. "The Pool Party" is his second film.

"The Pool Party" is a light-hearted story of a Chicano boy who makes a splash at a pool party.

Sam Pollard, Peter Miller and John Valadez: "Citizen Dhoruba".

Sam Pollard has edited the feature films "Jungle Fever" and "Mo' Better Blues" for Spike Lee, and produced and directed PBS documentaries, including episodes of "Eyes on the Prize". Peter Miller has worked on "Songs of the Civil War" (Jim Brown and Ken Burns), the Oscar-winning "American Dream" (Barbara Kopple) and other documentaries. John Valadez has worked on several documentaries, and is making his directorial debut with this film.

"Citizen Dhoruba" tells the story of a former Black Panther who served nineteen years in prison until new evidence secured his recent release.

Ruth Peyser: "Go to Hell".

Ruth Peyser was born and educated in Australia. She has been an award-winning animator, graphic designer and illustrator for nearly fifteen years.

"Go to Hell!" is an animated short in which a woman trips and falls into a strange dream that ends up being a little too close to reality.

Tony Cokes: "Love, Labor, Language."

Tony Cokes is a videomaker and sculptor whose work has won awards and international acclaim, from the Whitney Biennial to the Berlin International Black Cinema Festival.

"Love, Labor, Language" is a portrait of the artist's mother, whose experiences as a domestic, a public school maid, a food service worker and the mother of six children inspire an imaginative inquiry into love, work, family and money.

Christine Chang: "Be Good, My Children."

Christine Chang is a first-generation Korean-American and independent filmmaker who currently works in high-definition television.

This drama about a Korean immigrant family centers on the conflict between a daughter who dreams of glamor and her disapproving mother.

Clay Walker: "Post No Bills."

Clay Walker is an emerging filmmaker who has worked with innovative independent filmmakers Jean-Pierre Gorin and Raul Ruiz.

"Post No Bills" follows the process of creating political street art by focusing on noted poster artist Robbie Conal.

Puhipau and Joan Lander: "An Act of War: The Overthrow of the Hawaiian Nation."

Puhipau is a Native Hawaiian and independent producer whose works have shown in video and film festivals in the U.S. and abroad and on Hawaiian public, cable and commercial television. Joan Lander is an independent producer whose documentaries on Native Hawaiians are distributed worldwide.

"An Act of War" portrays the 1893 American overthrow of Hawaii from a Native Hawaiian perspective.

Shu Lea Cheang: "Waste Land."

Shu Lea Cheang is a film and video artist whose work has been exhibited at the Whitney Museum, the AFI Video Festival and other festivals, and broadcast on public television.

"Waste Land" is a dark comedy that brings quirky characters together in a sushi restaurant when an environmental crisis erupts. The screenplay is by Jessica Hagedorn, whose recent novel "Dogeaters" was nominated for a National Book Award.

Suzie Baer: "Warrior: The Case of Leonard Peltier."

Suzie Baer is an emerging producer who has worked on independent features, music videos and industrial videos.

"Warrior" documents the case of incarcerated Native American activist Leonard Peltier, the subject of the biggest manhunt in FBI history.

Edin Velez: "Memory of Fire."

Edin Velez is a critically acclaimed video artist whose work has shown internationally and been broadcast on local public television stations and on "Alive From Off Center." He is a past winner of the American Film Institute's Maya Deren Award for innovation in independent film and video.

"Memory of Fire" is a stylistically rich narrative reassessing the "discovery" of the New World by Columbus.

Jim Klein and Martha Olson: "Red Car Mysteries."

Jim Klein has been making independent documentaries with Julia Reichert for twenty years, and has twice been nominated for an Oscar. His work has been broadcast on PBS and includes "Seeing Red," "Union Maids" and "Letter to the Next Generation." Martha Olson is a writer and a leading Archive Researcher for nationally recognized historical films.

Not long ago, all major American cities had electrical streetcar systems that have since died. "Red Car Mysteries" documents the story of how the trolleys were abandoned for a system of urban freeways.

[From the Minneapolis Star Tribune, Apr. 10, 1992]

OPENING UP PUBLIC TV TO THE PUBLIC

(By Laura Baenen)

Paul Kwan's quest for the perfect spring roll will take public television viewers to postwar Vietnam on a symbolic journey by a native son in search of his heritage.

It's part of an effort to take public television back to its roots as well.

Rough cuts of Kwan's "Anatomy of a Spring Roll" and other U.S. independent filmmakers' works are beginning to arrive in St. Paul at a not-for-profit company created by Congress to bring more innovation and minority representation to taxpayer-funded public TV.

"We're really mandated to provide programs that increase diversity and to serve underserved audiences," said John F. Schott, executive producer of the St. Paul-based Independent Television Service (ITVS).

The television service expects to air "Anatomy of a Spring Roll" this fall. In the short film, Kwan, 37, of San Francisco, searches for the secret to his mother's spring rolls by exploring Southeast Asian culture.

"The search for the perfect spring roll became a springboard into the culture. Food is an easy way to bridge the cultural gap," said Arnold Iger, who is producing, writing and directing the film with Kwan.

It includes scenes filmed when Kwan returned to Vietnam, his first visit since he escaped the war-torn country on a fake passport nearly 20 years ago. Cinema verite and animation in the style of Chinese shadow puppets will be part of the piece, he said.

Kwan wants to convey the mood of postwar Vietnam.

"We're trying to show the human face in the country," he said. "For us, I think it's a time for healing, forgiveness."

Kwan's mother, Lac E. Minh, 72, lives in Oakland, Calif., and appears in the film. What does she think of her son's spring rolls now?

"She still complains I don't do them right," Kwan said.

ITVS will offer films such as Kwan's free, first to the Public Broadcasting Service for national broadcast, then for regional distribution. It also will buy satellite time so that all of its programming is available, free, to the nation's approximately 340 public TV stations.

ITVS, also responsible for funding, packaging, promoting and scheduling, will package some related works into short series.

"ITVS is really mandated to take risks," said Schott, who is also the organization's executive director. He formerly held the same position at "Alive From Off Center," a national PBS arts series.

ITVS was set up to develop the work of independent U.S. producers who traditionally have felt constrained by corporate sponsorship of public TV or that they didn't fit into a typical series format. Their works will include drama, documentary, animation and the arts.

"We're going to work in every genre," said Schott, on leave as a media studies professor at Carleton College in Northfield, Minn. But, he cautioned, "That doesn't mean there's a maniacal preoccupation with experimentation."

Instead, ITVS hopes to offer something for everyone.

Congress created ITVS under the Telecommunications Act of 1988. Some independent producers believed the Corporation for Public Broadcasting had become too established and wasn't serving minorities.

Since the creation of ITVS, the two groups have joined forces. The National Coalition of Independent Broadcasting Producers nominated, and the Corporation for Public Broadcasting approved, a board of media professionals, including public broadcasters, educators and producers for ITVS.

ITVS' $800,000 annual budget comes from CPB's federal allocation. ITVS has 12 full-time staff members and $6 million annually to develop, produce and package independent works.

Last year, 26 independent producers won nearly $3 million in contracts from among more than 2,000 proposals. Proposals for a second round of projects are under consideration. The producers who won the first contracts work in New York, California, Ohio, Oregon, Hawaii, Arizona and Puerto Rico, but Schott hopes to see more geographic diversity.

He said he believes that independent producers are encouraged that it will happen, in part because ITVS isn't based in a traditional TV production center such as New York or California.

"I do think many have interpreted it as a fresh start," Schott said, "locating a national organization somewhere rather than where you would expect it."

Mr. WELLSTONE. Mr. President, I thank the Senator from Alaska.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1866, the Dole amendment.

The amendment (No. 1866) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Do Senators yield back their time on the bill?

Mr. DOLE. Mr. President, let me again thank my colleagues, the Senator from Hawaii, [Mr. INOUYE], and the Senator from Alaska, [Mr. STEVENS], not only for their cooperation today, but for the past several weeks, and for their good faith efforts to try to improve this, and some of us think it needs improving. I want the RECORD to reflect it was bipartisan. I thank them for it.

Mr. STEVENS. Mr. President, if I have any time left, and I think I do, I want to issue one word of caution. As I said before, my State depends very heavily on this system, the Corporation for Public Broadcasting. All across the land, we see efforts to test the limits of public patience with regard to funding programs by those who are at the extreme of the system.

The people who need this system are not at the extreme. They are people in their daily walks of life, in their homes. They need this system. I urge those that are managing this Corporation for Public Broadcasting to keep that in mind.

We do not need any more tests of the patience of the public in the operation of this system. We need common sense and realization that the more we go to the extreme in the use of public programs that are funded by taxpayers' dollars, the less support those programs will have in the end.

I am not suggesting censorship. I am not suggesting that we criticize here now some of the things that have been done. I must say, though, some of them I do not agree with. But what I am saying is, we are pleading for common sense in the administration of these programs so that the public can be served, the general, broad mainstream of the American public that needs this system.

I urge that other Members speak out from time to time about this concept of trying to finance with taxpayers' dollars the extremities of our civil rights. I support the exercise of those civil rights, but the taxpayers do not have to finance the exercise of civil rights at the extremities of our system.

I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. If the managers yield back their time on the bill, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Commerce Committee is discharged from further consideration of H.R. 2977, the House companion bill, and the Senate shall proceed to its immediate consideration.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2977) to authorize appropriations for public broadcasting, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of the bill is stricken, and the text of S. 1504, as amended, is inserted in lieu thereof.

The clerk will read the bill for the third time.

The assistant legislative clerk read as follows:

A bill (H.R. 2977) to authorize appropriations for public broadcasting, and for other purposes.

The PRESIDING OFFICER. Is there a request for the yeas and nays?

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Ohio [Mr. GLENN] and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from California [Mr. SEYMOUR] is necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

On this vote, the Senator from North Carolina [Mr. HELMS] is paired with the Senator from California [Mr. SEYMOUR]. If present and voting, the Senator from North Carolina would vote "nay" and the Senator from California would vote "yea."

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 84, nays 11, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—84

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Gore
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth

NAYS—11

Brown
Coats
Craig
Dole
Garn
Gramm
Mack
Nickles
Smith
Symms
Wallop

NOT VOTING—5

Biden
Glenn
Helms
Seymour
Wofford

So the bill (H.R. 2977), as amended, was passed.

The PRESIDING OFFICER. Under the previous order, S. 1504 will be placed back on the Senate Calendar.

The majority leader is recognized.

Mr. MITCHELL. Mr. President, I congratulate the distinguished Senator from Hawaii for his leadership, his persistence and diligence over a long period of time in bringing this important bill to passage by the Senate, following and overcoming a large number of objections and obstacles to its passage. It is a great credit to the Senator from Hawaii and I commend him for it.

Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I want to thank the staff of the Commerce Committee, Toni Cook, John Windhausen, Kevin Curtin, Linda Morgan, Jim Dreury, Gina Keeney and Mary McManus, for all of their work on this legislation.

Mr. BIDEN. Mr. President, had I been able to be here for the vote, I would have voted in support of the Corporation for Public Broadcasting bill. Public television has brought our Nation an extra dimension in television viewing. From children's shows like "Sesame Street" to the "MacNeil-Lehrer Newshour" to "Masterpiece Theatre," public television has brought us a range of programming that would not be available otherwise.

Frankly, I think much of the American public was surprised that public television could come under attack. But such was the case. I thought many of the points raised were without merit, and the Senate's overwhelming endorsement of the reauthorization bill shows that the extreme claims against public television fell well short of their mark.

Public television reauthorization bills are specifically structured to protect it from these political pressures. We may not all agree with each of the points raised by the documentaries that air on public television, but the alternative of a broadcast network whipped around by political winds would destroy its credibility and support. And, unfortunately, the seemingly attractive notion that public television could be replicated through the broadcast networks or cable television is without basis. The difference between the shows that predominate those media versus those on public television could not be more stark.

I commend the Senator from Hawaii for his efforts on this bill and his continuing strong support for our Nation's public television system.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

AMERICA AND THE WORLD WILL SADLY MISS AMBASSADOR PHILIP HABIB

Mr. PELL. Mr. President, I was deeply saddened by the recent passing of Philip C. Habib. Phil Habib, a career State Department official and consummate diplomat, represented the very best that the Foreign Service had to offer.

As a former Foreign Service officer, I have always had a tremendous regard for the men and women who represent our country abroad. The job, while personally rewarding, is at the same time difficult and challenging. Regrettably, our career diplomats are also in many respects underappreciated by the public at large. The American people rarely recognize the tremendous debt that we owe our Foreign Service officers for their selfless service on behalf of the Nation.

Sometimes, however, a member of the U.S. diplomatic corps rises above the rest, with accomplishments so compelling that people will sit up and take notice. Phil Habib was exactly that sort of diplomat. His achievements on behalf of the United States—whether as Middle East Presidential Envoy, as U.S. representative to the Paris talks on the Vietnam war, as Ambassador to Korea, or as Undersecretary of State for Political Affairs—stand as testimony to his devotion and energy.

Ambassador Habib carried out his missions in a manner of professionalism and confidence that was recognized by Republicans and Democrats alike. The Nation needed Phil Habib to carry out its most difficult and sensitive diplomatic work, and when Presidents called, he was there.

Phil Habib was a troubleshooter, one who could pick his way through diplomatic minefields in the search for common ground. Throughout his life and career, Phil Habib maintained an unassuming sense of who he was and where he came from: a Lebanese-American born in Brooklyn, he was direct, efficient, and tough. In Phil Habib, these were the tools by which he achieved the mastery of his art.

I will surely miss Phil Habib. He was a friend whose judgment I respected, whose counsel I valued, and whose achievements I admired. I had the privilege of hearing him speak at a conference we both attended just a few days before his death.

The greater loss is to the Nation itself, which must sadly bear the passing of one of its most accomplished servants. I know that my colleagues would want to join me in expressing deepest sympathy, as well as heartfelt gratitude, to his family.

I would like to inform my colleagues that there will be a memorial service for Ambassador Habib on Wednesday, June 10, at the National Cathedral here in Washington, at 12:30 p.m.

Mr. President, thank you for the opportunity to address the floor, and I now ask unanimous consent that three articles on Philip Habib be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 27, 1992]

PHILIP C. HABIB, 72, DIES; U.S. PEACE NEGOTIATOR

(By J.Y. Smith)

Philip C. Habib, 72, a career State Department official whose mastery of complex situations, skill at negotiation and seemingly inexhaustible patience led to key roles in efforts to bring peace to Vietnam, the Middle East and Central America, died of a heart attack May 25 in Puligny-Montrachet, France.

A resident of Belmont, Calif., since retiring from the State Department in 1978, he was on a private visit to the wine country of Burgundy when he was stricken.

The State Department issued a statement yesterday hailing Mr. Habib for his "profound contribution to U.S. foreign policy" and the "enduring legacy" of his work. It described him as a "man of great courage, unparalleled tenacity, high intellect and deep warmth."

From 1968 to 1971, Mr. Habib was a member of the U.S. delegation to the Paris talks that eventually ended the U.S. involvement in Vietnam, and for part of that time he was acting head of the delegation. Throughout his tenure his knowledge of the situation was regarded as crucial to the U.S. side, and he conducted some of the most difficult sessions with the North Vietnamese himself.

His next post was as ambassador to South Korea, where he served from 1971 to 1974. Recalled to Washington, he was named assistant secretary of state for East Asian and Pacific affairs. In 1976, he was promoted to undersecretary of state for political affairs, the highest post available to a career official.

Mr. Habib received that appointment from President Gerald R. Ford, and he continued in the job under President Jimmy Carter. He laid the groundwork for the Camp David Accords—the result of the dramatic meeting at the presidential retreat at Camp David, Md., of Carter, Israeli Prime Minister Menachem Begin and Egyptian President Anwar Sadat to discuss a settlement of the Arab-Israeli dispute.

Mr. Habib's retirement in 1978 was prompted by a heart attack—it was his second in six years—and he became a visiting professor at Stanford University and then a research fellow at the Hoover Institution.

In 1981, he was summoned by President Ronald Reagan to be his personal representative to the Middle East. The particular flash point at the time was Lebanon, torn by civil war and harried by rapacious neighbors. During two years of shuttle diplomacy Mr. Habib searched for a way to end the violence. Partly as a result of this work, Secretary of State George P. Shultz negotiated an agreement between Israel and Lebanon, but it foundered on Syrian intransigence and was never ratified. Mr. Habib, no longer welcome to the Syrians, returned to private life.

In 1986, Reagan called again. This time it was to appoint him a special envoy to the Philippines. In the same year, he was named a special presidential envoy to Central America. In 1987, he resigned when the administration ignored his advice to join an initiative that was started by other Central American governments to bring peace to Nicaragua.

Born in Brooklyn, N.Y., the son of a Lebanese grocer, Philip Charles Habib grew up a Catholic in a Jewish neighborhood. He graduated from the University of Idaho. After World War II service in the Army, he went to the University of California at Berkeley, where he earned a doctorate in economics. (His dissertation was on the economics of the lumber industry.)

By the time the degree was conferred in 1952, Mr. Habib had embarked long since on his career in diplomacy. In 1949, he was commissioned a foreign service officer. His first posts were in Ottawa and Wellington, New Zealand. He then returned to Washington. From 1958 to 1960, he was consul general in Port-of-Spain, Trinidad.

In 1962, after another period in Washington, he joined the U.S. Embassy in South Korea as political counselor. In 1965, with U.S. involvement in Vietnam deepening, he was assigned to the U.S. Embassy in Saigon, where he was chief political adviser to Ambassador Henry Cabot Lodge. In 1967, he returned to Washington as deputy assistant secretary of state for East Asian and Pacific affairs.

By that time, Mr. Habib was recognized as the State Department's leading authority on Southeast Asian affairs. He was thus a natural choice to join the talks in Paris that opened that year.

In his new memoirs, former secretary of state Henry Kissinger described Mr. Habib as being "the antithesis of the public stereotype of the elegant, excessively genteel Foreign Service officer. He was rough, blunt, direct, as far from the 'striped-pants' image as it is possible to be."

W. Averell Harriman, one of those who served as chief U.S. representative at the Paris talks during Mr. Habib's time there, once remarked that a notable strength of Mr. Habib was his ability "to understand the other man's point of view." Many colleagues remarked on Mr. Habib's capacity for hard work, and he himself was quoted as saying, "If you are working 9 to 5 and if your wife is contented, you are not doing your job."

Mr. Habib was a former president of the Foreign Service Association and a recipient of the Rockefeller Public Service Award, the President's Award for Distinguished Public Service and the Presidential Medal of Freedom.

Survivors include his wife, the former Marjorie W. Slightam, whom he married in 1942, and two daughters, Phyllis and Susan.

[From the Washington Post, May 31, 1992]

PHILIP HABIB: BRAVE BUREAUCRAT

(By Richard Holbrooke)

When a Brooklyn kid from a Lebanese Christian family named Philip Habib joined the Foreign Service in 1949, he was entering hallowed precincts then reserved almost exclusively for members of what Joseph Alsop later called the "WASP ascendancy." Yet when he died last week at 72, Phil Habib's name had long since taken its place alongside those of men like Charles Bohlen and George Kennan as one of the preeminent career diplomats in American postwar history. The kid from Brooklyn had lived out an inspiring American success story and offered our generation a triumphant, but unfortunately rare, example of professionalism and public service.

Even when he was a tough-minded and valued adviser to secretaries of state (from Rusk to Shultz) and presidents (Johnson to Reagan), he still marveled at his own success. National service had taken Phil Habib out of Brooklyn, but you couldn't take Brooklyn out of Phil Habib. Once, on his way back from a high-level meeting, he ran into a friend on the street. "Look at these," he said, holding one foot in the air and pointing at his shoes with a combination of pride and amazement. "They cost $100. Can you believe that I could ever spend $100 for a pair of shoes?"

George Kennan, the most famous career diplomat of the century, will always be remembered for his intellectual contributions to the creation of the postwar world. Phil Habib, the Foreign Service officer of his generation, was almost the exact opposite: the operational diplomat without peer who carried out the most difficult assignments with consummate skill but at the same time spoke his mind frankly only in private. (Kennan, of course, became famous for his public statements.)

But Habib, like Kennan, was that rarest of people, a brave bureaucrat, telling the most senior members of five administrations the truth as he saw it no matter how unwelcome it might be—and still keeping their respect—indeed, affection.

In part he did this by keeping his personal dissents on policy carefully hidden from public view; even among his many friends in journalism, he was a famously "lousy source."

But plenty of people in Washington don't tell the press exactly what they think. Phil's true value to the nation came from personal values that he brought to public service—honesty and integrity. When he told the famous Wise Men's dinner in March of 1968 that the war in Vietnam could not be won within a reasonable period of time, his words were painful for him and decisive to his distinguished audience of senior presidential advisors. They carried special weight because he had to say them in front of his immediate superiors, including Dean Rusk, who, although greatly disturbed by them, never wavered in their support of the mid-level diplomat. That critical moment in the history of the Vietnam War—also the most memorable moment for Phil in his own career—was only the beginning of two more decades of assignments of ever-greater importance in the Middle East, Central America and East Asia.

While personifying the American dream, Habib loved to complain about the decline and fall of almost everything, and this sometimes gave him an almost Archie Bunker-like quality. But Phil enjoyed his own life, and the human comedy in general, as much as anyone I have known. His zest for living kept him alive—and those who loved him in awe—for 20 years after a series of heart attacks that should have felled him. Those years, in which arduous diplomatic assignments and three-star restaurants alternated with painful and dangerous surgical procedures, were productive and satisfying.

The Foreign Service was always his greatest love, and he lived to see its leadership pass to a generation of officers whom he had played a central role in choosing. Nothing made him more proud than the arrival of "his boys" at the top. But none of them matched his unique combination of intelligence, integrity, humanity and humor—all of which he imposed on an environment that normally punished his kind of candor.

Phil's answer to this would have been characteristically simple: Let's stick, in both our foreign policy and our professional lives, to the very American values that had propelled him out of Brooklyn and onto the world stage.

(The writer, a former Foreign Service officer and assistant secretary of state, worked with Philip Habib from 1965 to 1981.)

[From the International Herald Tribune, May 27, 1992]

PHILIP HABIB

Philip Habib, the American presidential envoy, who has died at Puligny-Montrachet, aged 72, was best known for his intensive rounds of shuttle diplomacy in the Middle East during Israel's invasion of Lebanon in 1982.

Although he was of Lebanese descent, his professionalism was such that no-one could suspect him of dual loyalty, and in time he earned the impartial respect of many of the warring factions.

Habib had retired from a distinguished career in the State Department through illness in 1978, but his involvement in the Camp David peace process had played a significant part in the first Israeli-Arab peace treaty. His performance was so outstanding that even the Reagan administration felt it necessary to recall him.

When Israel invaded, the PLO found itself besieged in Beirut. After weeks of seemingly indiscriminate bombardment. Western opinion demanded that the shelling be halted, but the Israelis refused unless the PLO was ejected.

It tells Habib to negotiate a withdrawal of the PLO forces from the city. He accomplished this against the odds, and the Palestinians were evacuated in boats with only their side arms. Habib later returned to press for the removal of all foreign forces from the country—Israeli, Palestinian and Syrian.

He was enraged by the intransigence of Israel's Prime Minister, Menachem Begin, and frustrated by the Syrians—President Assad refused to meet him.

Despite an assassination attempt by Iranian-backed extremists in April 1983—which destroyed the American embassy in Beirut and killed 39 people—Habib secured an agreement in principle for Israel to leave later that year. He became a candidate for the Nobel Peace Prize.

Philip Charles Habib was born at Brooklyn on February 25, 1920 and educated at the universities of Idaho and Berkeley. After wartime service with the US Army he joined the US Foreign Service in 1949. He served in Canada and New Zealand, before his appointment as consul-general in Trinidad.

Later he was a political counsellor in South Korea, and in 1966 he became chief political adviser to Henry Cabot Lodge, the American Ambassador in Saigon. Habib's dispatches contributed to President Johnson's decision to halt the partial bombing of North Vietnam; and he played a key role at the Paris peace talks.

Habib was renowned for his combination of flexibility and plain speaking. "There can be no negotiated settlement to the war unless you are prepared to withdraw all North Vietnamese troops and elements from South Vietnam, Laos and Cambodia back to North Vietnam," he said.

In November 1969 Habib became the acting head of the American delegation. But the North Vietnamese resented the appointment of a nonpolitical head of the delegation; and although Habib's proposals for neutral withdrawal formed the basis of the accord, he felt that his status was obstructing its progress.

Habib requested a transfer, and was appointed Ambassador to South Korea. In 1974 he became Assistant Secretary of State for Far Eastern Affairs, as Presidents Nixon and then Ford sought to persuade Congress to maintain support for America's allies in South-East Asia.

Although his efforts ultimately failed, Habib acquitted himself well enough to be appointed Under-Secretary of State for Political Affairs, then the highest position to which a career foreign service officer could rise.

In his latter incarnation he became the Reagan administration's favorite trouble-shooter. It was said of him by cynics that his appearance signalled the imminent demise of any ally. In the Philippines in March 1986, he warned Marcos that he could no longer count upon indefinite support.

In Central America Habib's efforts to gain diplomatic support for American pressure on the Sandinista regime in Nicaragua met with less success, and he soon resigned in frustration.

He married, in 1942, Marjorie Slightam; they had two daughters.

EXTEND THE MANDATE TO PROTECT THE KURDS

Mr. PELL. Mr. President, the next several weeks will be a crucial period in the history of the Kurdish people. In the wake of the recent watershed elections for an Iraqi Kurdish parliament, the Kurds face a difficult road ahead as they attempt to consolidate their democratic achievement. The task, however, is being compounded by the fact that the mandate for Operation Provide Comfort—the allied air protection for the Kurds north of the 36th parallel in Iraq—is set to expire at the end of the month.

Operation Provide Comfort is the salvation of the Kurds. Without international protection, the Kurds would once again find themselves at the mercy of the Saddam Hussein regime. From experience, we know all too well what that means. It means oppression and torture by Saddam Hussein's security forces. It means Kurdish women will be hauled into secret police headquarters to be raped. It means the resumption of chemical weapons attacks. It means Kurds—old or young, dissident or nonpolitical—will again disappear without a trace.

As ugly and distasteful as all this sounds, I do not exaggerate. We know this to be true because, as incredible as it seems, the Iraqis documented their persecution of the Kurds on videotape, in print, and on cassette tapes. Just last month, the Senate Foreign Relations Committee participated in an effort to transport the documentation of Iraqi atrocities, which consists literally of tons of records and other evidence, to the States for safekeeping. Just a cursory study of some of the documents, now in the custody of the Foreign Relations Committee, has revealed untold horrors wrought by the Iraqi security network against the Kurds under what is now known as the "al-anfal" campaign. A more detailed study over time ought to provide the basis for obtaining judgments against Saddam Hussein and his cronies for crimes against humanity and genocide.

We must continue the air cover for the Kurds not only to prevent them from being subjected to further savagery, but also to help them reap the benefits of their experiment with democracy. Last month, Iraq's 5 million Kurds took to the polls in exemplary fashion to elect a unified leadership. While the elections produced a split result between the two main political parties, they were an extraordinary exercise in democracy in the face of adversity and will help establish the Iraqi Kurd claim for self-government.

In April, I, along with six of my colleagues in the Senate, wrote to President Bush to urge continued protection for both the Iraqi Kurds and Shi'a. I ask unanimous consent that our letter to the President and the reply from National Security Adviser Scowcroft be included in the RECORD upon conclusion of my remarks. I also ask unanimous consent to include a recent editorial from the Washington Post that addresses this same subject.

Mr. President, the expiration of the mandate of Operation Provide Comfort looms over the Kurdish people as a proverbial sword of Damoclese. The anti-

Iraq coalition has within its hands the means to ensure that Saddam Hussein's fury is not once again unleashed on the Kurds. The United States, as the preeminent player in the coalition, must take the lead in seeing that the mandate is extended.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, April 14, 1992.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our deep concern over the current situation in Iraq, particularly regarding the safety of the Kurds in northern Iraq and the Shi'a muslims in southern Iraq.

Recently, the Senate Foreign Relations Committee held a hearing to receive testimony on mass killings in Iraq under the Saddam Hussein regime. The Committee heard graphic and convincing reports of indiscriminate killings of Iraqi Kurdish civilians, particularly during the past several years. The testimony, based on official Iraqi documents and on tests conducted by forensic specialists, confirms the Committee's own research in this area. The available evidence suggests that the total number of Iraqi Kurdish deaths and disappearances may be as high as 200,000 to 300,000, or roughly 5 percent of the Iraqi Kurdish population. This information indicates that Iraqi actions against the Kurds are tantamount to an official policy of genocide.

The Kurds have effectively established a liberated zone in most of the traditionally Kurdish areas of northern Iraq. However, it is only the threat of allied military retaliation that protects this liberated zone from renewed Iraqi attack. And, from what we know, a renewed attack threatens the Kurdish people with extermination.

We therefore strongly support an extension of allied air cover under Operation Provide Comfort, currently set to expire at the end of June. We also hope the United States will urge the government of Turkey—whose support is a critical element of Operation Provide Comfort's success—to support an extension of the mandate.

In addition, we hope that the United States will make an effort to address the situation of the Shi'a population in Iraq. While the plight of the Kurds is becoming increasingly prominent, relatively little attention has been paid to the fate of the 13,000,000 Shi'a muslims who have struggled under Saddam Hussein's rule. Last year, following the uprising in the south, many of the Shi'a combatants, their civilian supporters, and Iraqi army deserters were forced into the southeastern marshlands at the confluence of the Tigris and Euphrates rivers. There they have been subject to harsh retribution from Iraqi forces, leading to numerous deaths and causing serious refugee problems. Accordingly, we would urge the United States to examine possibilities for expanding the United Nations' presence in southern Iraq and extending appropriate international protection to the Shi'a.

We appreciate your attention to these matters.

Sincerely,

Claiborne Pell, Harris Wofford, James M. Jeffords, Joseph R. Biden, Jr., Albert Gore, Jr., Paul Simon, Daniel Patrick Moynihan.

THE WHITE HOUSE,
Washington, May 26, 1992.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The President and I fully share your concerns about the current situation in Iraq which you enumerated in your letter of April 14, 1992. As we have said publicly on many occasions, United States policy toward Iraq seeks to maintain international sanctions until there is a change in leadership in Baghdad and a new government prepared to live at peace both with Iraq's neighbors and with the Iraqi people. We fully support United Nations Security Council Resolution 688 which calls on Iraq to cease repression of all Iraqi citizens.

As you noted, the coalition's Provide Comfort air cover has been critical to preventing an Iraqi attack on the areas of northern Iraq under Kurdish control. We are proud of the role coalition forces have played in curtailing the suffering of the population of northern Iraq. Let me assure you that we and our allies in Operation Provide Comfort have already begun consultations on extending the mandate for the presence with the Turkish leadership.

Our concern about the suffering of the Iraqi people naturally extends to the Shi'a population of the south as well. We have been engaged in a dialogue with the United Nations about expanding the U.N. presence in that area for some time and will continue to do so.

Sincerely,

BRENT SCOWCROFT.

[From the Washington Post, June 1, 1992]

THE KURDS' NEW DEMOCRACY

An important new element has been put in place to save Iraq's 4 million Kurds from a still-threatening Saddam Hussein. It consists of their first free and fair elections—internationally observed and perhaps the freest elections ever held in any Arab country—for a local leadership and assembly. By this act of organization, participation and choice, the Kurdish cause takes on a new political dimension in Iraq and new legitimacy internationally. But at the same time a basic dilemma sharpens.

The elections could take place only because the gulf war allies put up an air shield over the Kurds in northern Iraq after Saddam Hussein's terrible assault on them last year. The Americans, British and French send over some 40 flights daily to stave off Iraq's forces. The problem is that these planes are based in Turkey, which fears that self-rule agitation among Iraqi's Kurds will encourage its own Kurds, increasingly bent on secession. Turkey is bargaining hard over the terms of continued allied use of Incirlik air base. Among other things, it wants the Iraqi Kurds to shut down the Turkish Kurds' sanctuaries in northern Iraq.

Iraqi Kurds calculate their brave experiment in democracy will make it harder for the gulf war allies to abandon them; it should. But they are compelled to look to an uncertain future in which at some point they will again be face to face with Baghdad. From this grim prospect arises the issue on which Kurds split down the middle in their recent elections—whether or not to negotiate further now with Saddam Hussein. Their hopes draw them to try to solidify a fragile de facto independence. But harsh pressures bear in on them to fudge and claim no more self-government than they can expect to sustain.

A whole school in the United States demands that Washington unequivocally support the Kurds and other opposition elements—to promote democracy or at least to bleed Saddam Hussein. Would that this could be done without leaving the Kurds in even greater and lonelier peril. For the American government, encouraging the Kurds is not as useful as working with the Turks to hold the air umbrella open over northern Iraq and keeping the pressure on Saddam Hussein to live up to his United Nations obligations for disarmament and peace.

THE PLIGHT OF THE HAITIAN REFUGEES

Mr. PELL. Mr. President, last week the administration dealt a great setback to international standards for the protection of human rights. The administration has directed the Coast Guard to pick up Haitian boat people on the high seas and forcibly return them to their country without providing the opportunity to apply for asylum. According to the U.N. protocol relating to the status of refugees, a refugee shall not be returned to territories where he or she may face persecution. The United States is a contracting member to the protocol, and has a legal and moral obligation to determine whether those picked up on the high seas may be victims of repression. The U.N. High Commissioner for Refugees has strongly condemned the administration's action.

I am concerned not only that we are violating international law, but that we are also applying a double standard when it comes to the treatment of refugees. Not so long ago, the United States criticized Great Britain for forcibly repatriating Vietnamese boat people from refugee camps in Hong Kong. Unlike the Haitian refugees, Vietnamese refugees in Hong Kong were screened to determine their status and allowed to appeal their case.

Currently, the number of refugees worldwide is estimated at 17 million, with the vast majority hosted in developing countries. Guinea, which by almost any measure is one of the poorest countries in the world, received 325,000 refugees in 1990—10 times the number of Haitians received at Guantanamo Bay. Despite international humanitarian assistance, the huge influx had a disruptive effect on Guinea, yet there were no known cases of denial of entry or involuntary repatriation. The current United States policy toward Haitian refugees is an embarrassing example for the rest of the world.

The administration's policy is based on its belief that those sent back to Haiti are not in danger of political persecution. Yet, we hear from human rights groups that most returnees go into hiding immediately and that there has been a resurgence of human rights violations. We saw a vivid example of the fear of those being forcibly repatriated in last Sunday's Washington Post, as one returnee jumped off a Coast Guard cutter claiming he would prefer to die. While I understand the administration's position that we cannot accept every individual that wishes to enter the country, the situation in Haiti is such that no Haitian should be forced to return there at this time.

The administration argues that most of the boat people are economic migrants rather than political refugees. In my view, the current refugee crisis is primarily the result of Haiti's political tumult and will be resolved only when political order is established. The United States has always been a magnet for poor Haitians seeking economic opportunity, yet only since the coup that overthrew President Aristide last September have Haitians fled in such numbers.

Of the 34,000 Haitians who have reached Guantanamo Bay since the overthrow of President Aristide, the Immigration and Naturalization Service has cleared 30 percent to seek political asylum in the United States. Even if the INS has been able to recognize every Haitian with a legitimate asylum claim, an assertion that many human rights group contest, it is logical to assume that a similar number of those being forcibly repatriated may also have legitimate claims for political asylum. As an alternative to making a claim in Guantanamo, the Embassy has begun to allow Haitians to apply for asylum in Port-au-Prince. However, by merely appearing at the Embassy, Haitians runs an even greater risk of being a target of persecution.

While I commend the administration for calling for an intensification of humanitarian assistance efforts in Haiti, I urge the administration to review its policy of forced repatriation and seek a more humanitarian and compassionate response to the plight of the Haitian boat people that complies with international law standards.

SALTY BRINE: 50 YEARS IN BROADCASTING

Mr. PELL. Mr. President, today I wanted to recognize a man who has contributed to Rhode Island's culture and spirit. In his 50 years of radio broadcasting, Mr. Salty Brine has distinguished himself through his popularity with, and service to, countless Rhode Islanders. In recognition of Salty's unique place in the hearts of Rhode Islanders, he was recently honored for his half-century of service to our State at a gala held at the Providence Performing Arts Center. I would also like to add that Mr. Brine is no stranger to tributes; recently, a State beach and a radio studio were named in his honor.

Salty Brine began his broadcasting career at the age of 23 when he joined the staff at WHDH studios in Boston. Shortly thereafter, he moved to WPRO studios in Providence, where he has become one of the most well-known public figures in Rhode Island through his very popular morning radio show.

Throughout the years, Salty Brine has diligently worked to maintain high standards of sincerity and kindness unique in radio broadcasting. These attributes have attracted thousands of devoted Rhode Island listeners each day.

Perhaps the greatest measure of Salty's place within the Rhode Island community can be seen in what he gives back to the public. The tragic loss of one leg as a child has led him to seek out and give hope to those who are similarly impaired. Salty also acts as a beacon of friendship to many elderly Rhode Islanders who are not able to leave their homes and who listen to Salty every morning.

Mr. Brine is a credit to the State of Rhode Island and its citizens. At the age of 73 his passion for work is unabated. Rhode Island is lucky to have the continued benefit of his services.

RICHES AND BEAUTY OF NEVADA

Mr. REID. Mr. President, Nevada was first traversed by a group of hearty, courageous men. Father Escalante, Jedediah Smith, John C. Fremont, and John Wesley Powell are but a few of the pioneers who first discovered the riches and the stark beauty of Nevada.

There are modern Nevada pioneers who have come to Nevada for its beauty and riches. These modern builders are in many ways just as hearty—just as courageous as the early discoverers.

I am fortunate because I have had the opportunity to know and have as a friend, and a confidant, Jackie Gaughan. Jackie is a Nevada pioneer in the best sense of the word.

The Las Vegas Gunnery School, subsequently to be known as Nellis Air Force Base, was Jackie's first contact with the Silver State. As a college graduate with a bachelor's degree in business from Creighton University, he was a great addition to the Army Air Corps. While stationed in Las Vegas and the Tonopah Air Base, Jackie saw the potential of southern Nevada.

The Flamingo, El Cortez, Western Hotel, Union Plaza, Las Vegas Club, and the Showboat are all gaming establishments with Jackie's mark on them.

Jackie Gaughan's success has been based on a personal touch, one involving very hard work and always having time to discuss an issue, a problem, or a new venture.

Nevada charities have been part of Jackie's personality. The United Way, the Variety Club, and B'nai B'rith are all better today because of Jackie Gaughan's involvement.

Jackie was named "Man of the Year" by the Friendly Sons of St. Patrick. He was Chief Barker of Variety Club Tent 39, president of the Las Vegas Chamber of Commerce, member of the Air Force Association, and an active participant and member of the University of Nevada, Las Vegas Rebels Club. He was a recipient of Creighton University's Alumni Merit Award and president of the Las Vegas Boys Club.

Jackie Gaughan's greatest asset is his wife Bertie. She has been Jackie's partner for 50 years. Bertie and Jackie were married while he was a student at Creighton University. Just before beginning his senior year it was learned that he was going to be drafted. Jackie went to his counselor at Creighton, Father Linn, for advice. Jackie said, "Father what should I do? I have only 1 year left in school, and I think we are going to have a baby." Father Linn told him to join the Reserve, as it would take an act of Congress to call up the Reserve. Jackie followed the priest's advice and 2 weeks later, an act of Congress activated the Reserve. He was assigned to the gunnery school and then as a gunnery instructor at Tonopah. During the war, Michael and his mom spent time as guests at the El Cortez. This is fortuitous, because Jackie and Bertie later made this hotel casino famous. This is the main headquarters of the Gauhans. Bertie, the corporate secretary, works with Jackie side by side.

Michael and Jackie, Jr., their two children, are very close to their parents. They are both successful businessmen in their own rights.

Jackie Gaughan, modern-day pioneer is synonymous with the growth and vitality of the most exciting city in America, Las Vegas.

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

GOVERNMENT STREAMLINING

Mr. SANFORD. President, last month, I introduced the Federal Government Streamlining Act of 1992.

I believe this is a very important piece of legislation. In fact, I believe that the American people are asking us to do precisely what this legislation is intended to do: to make the Federal Government leaner and more efficient.

This Streamlining Act should be attractive to all of us, particularly when we face a budget deficit estimated to be over $400 billion this year alone and when the American people are calling upon us to prove that we can act responsibly with their tax dollars.

Every Member of this Chamber, every Member of the House, and every candidate running for office has spoken out for the need to cut Government waste, reduce Government spending, make the Government more responsive to the needs of the people and more efficient in its operations. This legislation addresses those issues specifically.

My legislation was designed to attract bipartisan responsibility and support. When the commission is established it will have six Democratic members and six Republican members. The members would be selected by the leaders of both parties in both Houses of Congress and by the President. Its report would have teeth. In addition to making recommendations, as so many commissions and boards have in the past, it is charged with putting before the Congress and the President specific legislation to put its recommendations into effect. To eliminate the potential for partisan and political bickering, horse trading, and possible dilution, this bill requires that we vote on the entire report in its entirety, without amendment. It will enable us to make the hard decisions that we are accused of not being able to make. Like the military base closing legislation, it will permit us to make the hard decisions that the American people want us to make.

The entire economy is undergoing a restructuring. Banks are retrenching after a record number of failures. Approximately one of every four thrift institutions has been liquidated. One percent of all businesses failed last year, a level not seen since the Great Depression. A million bankruptcies were filed last year, a record. As a consequence, companies are restructuring their operations, some involuntary through bankruptcy, many more voluntarily through internal means. Individual households being forced to or are learning to stretch their dollars. State and local governments are having to tighten their belts and try to make do with less. Very few pockets of our economy have gone untouched. All sectors of the economy are making an effort to cut the fat, become more efficient and more productive, and just get more bang for the buck.

We should do no less in Washington. There is no doubt that the taxpayers stand to gain through increased Government efficiency. Since I introduced this legislation, I have learned of several examples where it only makes sense that we examine the efficiency of delivering Government services. For example, I have learned of the following situations:

First, approximately 40 different Federal Programs are in the business of selling houses where the Government has become the owner through foreclosure or other guarantee programs.

Second, there are approximately 15 different programs attempting to deal with the drug problem in our country.

Third, the Department of Agriculture has offices in almost 3,000 different counties covering 94 percent of country while though almost all of our farms are aggregated in approximately 500 counties. In fact, the Department of Agriculture can't tell us how many offices they actually have.

Fourth, more than 20 different agencies and programs exercise responsibility over children's issues and services.

Fifth, at least four agencies share responsibility for wetlands regulation, and it is as the distinguished Senator from Nebraska has pointed out, a half dozen congressional committees, and at least as many agencies, are involved in the process of determining assistance to the old Soviet Union countries.

Certainly, there are many other examples. Although every Senator and Congressman could point out an example of the Government duplicating itself, none of us intend that or like that. So instead of dealing with each new item as we learn about it on a piecemeal basis, this legislation is intended to give a bipartisan commission the broad authority to look wherever it wants, propose whatever it determines can cut Government fat, and bring it all to our attention and make it possible for us to take decisive action in the name of the taxpayers of the Nation.

I, again, Mr. President, urge the support of my colleagues of this approach to cutting our Government waste.

I yield the floor.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 222, 93d Congress, appoints the following Senators to serve as ex officio members of the Committee on Commerce, Science, and Transportation for the purpose of participating in the National Ocean Policy Study: the Senator from Florida [Mr. GRAHAM], the Senator from North Carolina [Mr. SANFORD], and the Senator from Maine [Mr. MITCHELL].

Mr. SANFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

WAIVER OF CERTAIN PROVISIONS OF THE TRADE ACT WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 244

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit a document referred to in section 402(d)(1) of the Trade Act of 1974, as amended, 19 U.S.C. 2432(d)(1) ("the Act"), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the People's Republic of China. The document includes my reasons for determining that continuation of the waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402, and my determination to that effect.

Documents concerning the extension of the authority to waive subsections (a) and (b) of section 402 of the Act, including a determination with respect to other countries and the reasons therefor, are transmitted separately.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992.*

WAIVER OF CERTAIN PROVISIONS OF TRADE ACT WITH RESPECT TO TAJIKISTAN AND TURKMENISTAN—MESSAGE FROM THE PRESIDENT—PM 245

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974 (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Tajikistan and Turkmenistan will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Tajikistan and Turkmenistan required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to section 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Tajikistan and Turkmenistan.

GEORGE BUSH.

THE WHITE HOUSE, *June 3, 1992.*

WAIVER OF CERTAIN PROVISIONS OF TRADE ACT WITH RESPECT TO CERTAIN COUNTRIES—MESSAGE FROM THE PRESIDENT—PM 246

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the documents referred to in section 402(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2432(d)(1)) ("the Act"), with respect to a further extension of the authority to waive subsections (a) and (b) of section 402 of the Act. These documents continue in effect this waiver authority for a further 12-month period.

I include as part of these documents my determination that further extension of the waiver authority will substantially promote the objectives of section 402. I also include my determination that continuation of the waivers applicable to Albania, Armenia, Azerbaijan, Bulgaria, Byelarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Ukraine, and Uzbekistan will substantially promote the objectives of section 402. The attached documents also include my reasons for recommending the extension of the waiver authority and for my determination that continuation of the waivers currently in effect for Albania, Armenia, Azerbaijan, Bulgaria, Byelarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Ukraine, and Uzbekistan will substantially promote the objectives of section 402.

My determination with respect to the waiver applicable to the People's Republic of China and the reasons therefor is transmitted separately.

I intend to waive by Executive order application of sections 402(a) and 402(b) of the Act with respect to Tajikistan and Turkmenistan prior to July 3, 1992.

GEORGE BUSH.

THE WHITE HOUSE, *June 3, 1992*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2342. An act to amend the act entitled "An Act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq.); and

S. 2783. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

At 6 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3489) to reauthorize the Export Administration Act of 1979, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. FASCELL, Mr. GEJDENSON, Mr. WOLPE, Mr. JOHNSTON of Florida, Mr. ENGEL, Mr. MURPHY, Mr. ORTON, Mr. BROOMFIELD, Mr. ROTH, Mr. BEREUTER, and Mr. MILLER of Washington.

As additional conferees from the Committee on Armed Services, for consideration of sections 120 and 303 of the Senate amendment, and modifications committed to conference: Mr. MAVROULES, Mr. HERTEL, Mr. PICKETT, Mr. HUNTER, and Mr. KYL.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 201(c), 205, and 207 to 210 of the Senate amendment, and modifications committed to conference: Ms. OAKAR, Mr. NEAL of North Carolina, Mr. LAFALCE, Mr. LEACH, and Mr. MCCANDLESS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 120, 123, and 502 of the House bill, and sections 121, 124, 302, 305, and 306 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. SCHUMER, Mr. HUGHES, Mr. SENSENBRENNER, and Mr. GEKAS.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. NATCHER, Mr. SMITH of Iowa, Mr. YATES, Mr. OBEY, Mr. ROYBAL, Mr. BEVILL, Mr. MURTHA, Mr. TRAXLER, Mr. LEHMAN of Florida, Mr. DIXON, Mr. FAZIO, Mr. HEFNER, Mr. MCDADE, Mr. MYERS of Indiana, Mr. COUGHLIN, Mr. PURSELL, Mr. GREEN of New York, Mr. LEWIS of California, and Mr. ROGERS as managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3905. An act to amend the Historic Preservation Act to authorize appropriations for the Advisory Council on Historic Preservation, and for other purposes; and

H.R. 4801. An act to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 156. A concurrent resolution concerning the emancipation of the Baha'i community of Iran;

H. Con. Res. 297. A concurrent resolution condemning the bombing of the Embassy of Israel in Buenos Aires;

H. Con. Res. 299. A concurrent resolution expressing the sense of the Congress regarding the Kurds in northern Iraq; and

H. Con. Res. 305. A concurrent resolution commending the people of Albania for their successful democratic election, urging the acceleration of market reforms in Albania, urging the President to expedite the negotiation of a commercial agreement with Albania, and urging an increase of aid to Albania.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3905. An act to amend the Historic Preservation Act to authorize appropriations for the Advisory Council on Historic Preservation, and for other purposes; to the Committee on energy and Natural Resources.

H.R. 4801. An act to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read; and referred as indicated:

H. Con. Res. 156. A concurrent resolution concerning the emancipation of the Baha'i community of Iran; to the Committee on Foreign Relations.

H. Con. Res. 297. A concurrent resolution condemning the bombing of the Embassy of Israel in Buenos Aires; to the Committee on Foreign Relations.

H. Con. Res. 299. A concurrent resolution expressing the sense of the Congress regarding the Kurds in northern Iraq; to the Committee on Foreign Relations.

H. Con. Res. 305. A concurrent resolution commending the people of Albania for their successful democratic election, urging the acceleration of market reforms in Albania, urging the President to expedite the negotiation of a commercial agreement with Albania, and urging an increase of aid to Albania; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3326. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated May 8, 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science and Technology, the Committee on Energy and Natural Resources, the Committee on the Environment and Public Works, the Committee on Foreign Relations, and the Committee on Labor and Human Resources.

EC-3327. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend title 10, United States Code, to modify the reenlistment eligibility of certain former reserve officers; to the Committee on Armed Services.

EC-3328. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend title 37, United States Code, to aid certain members of the uniformed services who are evacuated from areas outside the United States, or other places designated by the President; to the Committee on Armed Services.

EC-3329. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on intermarket coordination for fiscal year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3330. A communication from the President of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report on savings institutions for the appointment of a conservator or receiver under the Home Owners' Loan Act for fiscal years 1993 and 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-3331. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notification on the extension of the time period for issuing a final decision by 30 days in the Commission in Ex Parte No. 346; to the Committee on Commerce, Science, and Transportation.

EC-3332. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a report on an amendment to the lease of the Metropolitan Washington Airports to the Metropolitan Washington Airports Authority; to the Committee on Commerce, Science, and Transportation.

EC-3333. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to reauthorize the Office of Justice Programs, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and for other purposes; to the Committee on the Judiciary.

EC-3334. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation to encourage State and local governments to further identify and remove regulatory barriers to affordable housing, to strengthen the link between Federal housing assistance and removal of regulatory barriers, to extend and amend certain laws providing Federal tax incentives for affordable housing, and for other purposes; to the Committee on Finance.

EC-3335. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to amend the Social Security Act to increase the limit on Federal matching funds available for the Medicaid program in Puerto Rico and to make improvements in the furnishing of and payment for equipment and related supplies provided to Medicare beneficiaries; to the Committee on Finance.

EC-3336. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, a report on Medicare and the American Health Care System; to the Committee on Finance.

EC-3337. A communication from the Assistant Secretary of State (Legal Adviser for Treaty Affairs), transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States in the sixty day period prior to May 21, 1992; to the Committee on Foreign Relations.

EC-3338. A communication from the Director of the Information Agency, transmitting, pursuant to law, the semiannual report of the USIA Office of the Inspector General from October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3339. A communication from the Chairman of the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, the semiannual report of the Inspector General from October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3340. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the semiannual report of the Securities and Exchange Commission for the first half-fiscal year 1992; to the Committee on Governmental Affairs.

EC-3341. A communication from the Acting Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the semiannual report of the Inspector General and the semiannual report on final action for the National Endowment for the Arts from October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3342. A communication from the Public Printer of the United States, Government Printing Office, transmitting, pursuant to law, the semiannual report of the Inspector General on audits and investigations covering the 6 months ending March 31, 1992; to the Committee on Governmental Affairs.

EC-3343. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-210 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3344. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-211 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3345. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-212 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3346. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-213 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3347. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-214 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3348. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-215 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3349. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-217 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3350. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-218 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3351. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-219 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3352. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-220 adopted by the Council on May 6, 1992; to the Committee on Governmental Affairs.

EC-3353. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation to authorize the Secretary of Labor to accept and utilize gifts, and for other purposes; to the Committee on Labor and Human Resources.

EC-3354. A communication from the Acting Commissioner of the Office of Educational Research and Improvement (National Center for Education Statistics), transmitting, pursuant to law, the annual report of the National Center for Education Statistics for calendar year 1991; to the Committee on Labor and Human Resources.

EC-3355. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, the annual report of the Government Printing Office for fiscal year 1991; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 1338. A bill for the relief of Chi Hsii Tsui, Jin Mie Tsui, Yin Whee Tsui, Yin Tao Tsui, and Yin Chao Tsui (Rept. No. 102-293).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GLENN (for himself, Mr. STEVENS, Ms. MIKULSKI, Mr. SIMON, Mr. AKAKA, and Mr. MCCAIN):

S. 2801. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BRADLEY:

S. 2802. A bill to extend the authorization of the Commission on Interstate Child Support and the deadline for the Commission's Report to Congress; considered and passed.

By Mr. GRAHAM:

S. 2803. A bill to mitigate the adverse effects on defense workers and defense contractors of reductions in defense spending; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM (for herself and Mr. KASTEN):

S. 2804. A bill to establish a program to provide technical assistance to employers and labor unions, in order to assist in preparing the workplace to employ women in apprenticeable occupations and other nontraditional occupations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN:

S. 2805. A bill to strengthen United States laws to enforce economic embargoes against foreign countries pursuant to a declaration of national emergency or United Nations Security Council measures, and for other purposes; to the Committee on Foreign Relations.

By Mr. GORE:

S. 2806. A bill to establish a program to ensure nondiscriminatory compliance with environmental, health, and safety laws and to ensure equal protection of the public health; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. RIEGLE, and Mr. ROCKEFELLER):

S. 2807. A bill to amend the Trade Act of 1974 to require additional information with respect to the report on trade agreements and national trade policy agenda; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN (for himself, Mr. STEVENS, Ms. MIKULSKI, Mr. SIMON, Mr. AKAKA, and Mr. MCCAIN):

S. 2801. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE FAIRNESS ACT OF 1992

Mr. GLENN. Mr. President, I rise today to introduce legislation which is designed to fix problems in the Equal Employment Opportunity complaint system. I ask unanimous consent that Senators STEVENS, MIKULSKI—Senator MIKULSKI is on the floor—SIMON, AKAKA, and MCCAIN be added as original cosponsors to this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GLENN. Mr. President, last May 16 and again on October 23, the Committee on Governmental Affairs, which I chair, held hearings on the EEO complaint system. We heard compelling testimony from several witnesses who gave first hand accounts of the flaws in the system.

We heard from Donald Rochon, a former FBI agent, who gave an eloquent account of the 4½ years he spent trying to get the system to respond to his request for relief from the racist situation confronting him in the FBI. To say the system failed him would be a gross understatement. In fact, the person who was charged with deciding his fate was also named in his complaint. So, he was in effect asking the very people for relief who were implicated in the complaint. The FBI in investigating itself, held itself blameless. That is the outcome of most of the cases in the Federal agencies.

Virginia Delgado ran into much the same problem. She was an EEO counselor in the Department of the Navy, and the system again failed when she tried to seek some sort of redress from the environment that she considered to be hostile and sexist. Five years after she filed the suit—5 years, Mr. President—the U.S. District Court agreed with her that she was dealt with unfairly. However, in retaliation for her complaint, she was fired. The supervisor, who was found to have illegally created a hostile environment, was later promoted and became one of the Navy's top experts in sexual harassment.

Other witnesses were equally as informative to the committee and, not surprisingly their case histories were very similar in tone and context. I could go on and on with different examples we had and some of the testimony we had, but I will not do that this morning in the interest of time.

I believe this legislation will move us toward a system that will be fair and responsive to the individual employee, instead of favoring the agency.

The Federal Employee Fairness Act will provide the statutory base for revising procedures that govern the process of EEO claims, a process which has not been revised since 1972.

First, this legislation would take agencies out of the business of judging themselves. It would transfer the authority for determining the merits of EEO claims from the agencies against which the claims have been filed to the EEOC, an independent agency with expertise in investigating and evaluating employment discrimination claims. Recently, Federal agencies were 72 times more likely to adopt findings of "no discrimination" than of "discrimination" as reached by EEOC administrative judges in cases tried before them. Obviously, every case is not a perfect case, but 72 times more likely? This bill would end this inequity.

Mr. President, the staff of the Governmental Affairs Committee has received many items of mail detailing case after case of agencies conducting their own investigations with predictable results.

Second, this legislation would eliminate duplication in the processing of EEO claims. The bill would eliminate the duplication that currently occurs when more than 120 different agencies each investigate claims and attempt to keep their EEO staff trained in the latest legal developments by transferring to the EEOC the authority for ensuring that claims are properly investigated and adjudicated. The agencies would still retain critical responsibilities for counseling complainants, attempting to resolve the claims and gathering relevant records. But, the bill would greatly increase the accountability for managing the processing of EEO claims by placing principal responsibility in one agency, not all over the lot, not spread all over Government, not in the many agencies that now deal with it.

In fact, in a report issued by the GAO entitled Agencies Estimated Costs for Counseling and Processing Discrimination Complaints, we may actually save money by consolidating the complaint process in a single agency.

Further, Mr. President, the bill would impose strict time limitations on the complainants, the Federal agencies against which claims have been filed, and the EEOC which would adjudicate the claims. This action will greatly reduce the inhumane delays currently confronting the parties to Federal sector EEO claims. In fiscal year 1990, the most recent year for which figures are available, the average time to fully adjudicate EEO claims in the Federal sector was 338 days, rather than the recommended 180 days. Listen to some of these other figures. Some agencies process the claims much more slowly, such as the Department of Justice, of all places, which averaged 841 days. And they are supposed to have these things done in 180 days to deal fairly with people. That is well over 2 years; and the Department of State which averaged 1,134 days, or over 3 years to adjudicate complaints. That is intolerable.

Under existing law, the complainant must file his or her EEO claim within 30 days. Often, this stringent time limit does not allow the Federal employee to determine if a claim should be filed. The Federal Employee Fairness Act which we introduced today would extend the time within which EEO claims can be filed from 30 days, at present, to 180 days, which is currently available in the private sector, affording Federal employees time to think before they must act.

The bill would provide Federal employees who eventually prevail in the system with interest on their awards of back pay to compensate for delay, just as employees in the private sector have recovered for years.

Another feature of the bill is that it ensures that hearings will be based on a complete and fair record. The bill would provide the parties with the right to conduct limited discovery of each other's position and authorize the administrative judges to ensure that the record is complete. Hearings would be based largely on a record compiled by the parties, with assistance from the judges where a party needs assistance and not, as is the current practice, on a record largely prepared from investigations that the agencies conduct themselves.

The legislation further provides these same procedural improvements to victims of age discrimination. The bill would amend the Age Discrimination in Employment Act to adopt the same procedural improvements that would be made to title VII. In addition, the bill would allow employees to file within the same 2-year period that is available to employees in the private sector. And finally, it simplifies and streamlines the processing of mixed cases where civil service and employment discrimination claims are mixed together. Rather than the current system that requires Federal employees with mixed cases to pursue a multiyear labyrinth, the bill would permit Federal employees to choose from several, greatly simplified procedures for processing their claims.

Because of the concerns raised by the managers and supervisors of some Federal agencies, my bill will include due process protection for those who are in fact found by an administrative judge to be a discriminating official.

Mr. President, there is not a lot we can do for those Federal employees who have suffered under the past system, but maybe we can do something about future complaints and make this process better where the basic issue is one of fairness. And that is it. Many people have suffered under the past system but we can do something about these future complaints.

If ever a bureaucratic system cried out for change, this one does.

It is appropriate for me in my capacity as chairman of the Governmental Affairs Committee to thank the many Government employees who have shared their experiences with us. They showed considerable guts in just coming forward to tell us about their particular position and situation.

According to the Comptroller General, Charles Bowsher of the GAO, the Federal Government needs to invest in its human resources. We can ill afford to lower the quality and morale of our Federal work force through the tactics of discrimination and delay that have been all too prevalent in this particular situation. My Federal Employee Fairness Act will help to right existing wrongs in the EEO complaint process.

Ms. MIKULSKI. Mr. President, I rise with my colleague, Senator JOHN GLENN, to introduce this very important piece of legislation, the Federal Employee Fairness Act of 1992.

I would like to congratulate the Senator from Illinois on his leadership on dealing with the issue of sexual harassment within Federal employment and also dealing with the issue of sexual harassment in the U.S. military, as well as in the U.S. military service academies.

On the issue of sexual harassment, Senator GLENN has shown that he certainly has the right stuff to deal with this most pressing issue.

Mr. President, it is critical that we correct the complaint system at the EEOC and to do it now. There is a revolt going on within the United States of America on the issue of sexual harassment, and we see that the United States of America and its people do not want the status quo of the way victims of sexual harassment have been treated in the past. They want it to be treated seriously and they want it to be treated in a timely way.

If you talk to the victims of sexual harassment the way I have, they will often tell you they were victimized by both the event in which they have been abused and then subsequently they have been abused by the very system that they turn to for help. The system is neither timely on it and certainly is not complaint friendly.

This bill is an important step in the right direction. It will give agency heads the right to impose sanctions against persons who have engaged in sexual harassment, whether they be managers, supervisors, or coworkers.

Mr. President, as we enter into this debate once again—I know that I do not like the term "sexual harassment" because I do not believe that it gives the full impact of what it means to a person who must endure this type of abuse. And make no mistake about it, it is abuse. It is as abusive as a physical blow. Sexual harassment is really a form of sexual battery. It is a form of sexual humiliation. It is a form of degradation. For those people who endure this type of abuse, this legislation is crucial.

Mr. President, I serve on the U.S. Naval Academy Board of Visitors. I was charged with the responsibility of being on a board of inquiry where allegations of sexual harassment took place at the Naval Academy.

I worked very hard to say that sexual harassment would not be tolerated by officers and now it's time we said the same to the rest of the Federal Government.

I worked to clear up the mess with the U.S. Naval Academy, and now I want to join with Senator GLENN to clear up this mess in the Federal Government.

Mr. President, during the Clarence Thomas hearings, we heard a lot of talk across this United States of America on the issue of sexual humiliation. Now it is time to take that talk and put it into action because the time has passed and the American people certainly have not forgotten.

The Clarence Thomas-Anita Hill hearings have left an indelible mark on the psyche of the American people. And why? Because at that time, we saw a woman who was treated in a way that sends a wrong and dangerous message to all women—that for those women who are subjected to sexual humiliation and want to fight back or think about taking the stand for herself, the message was this: Do not accuse anybody no matter what he does or you are going to become accused.

The message is this: Our courage in coming forward will be met with suspicion and scorn and with unproven and unsupported charges against the very victims themselves, about us being opportunists or even mentally unbalanced.

Mr. President, the United States of America went through a very important lesson on sexual harassment. If we do not pass this legislation, the Senate will once again flunk the course. Victims who have the courage to stand up and say, no, this is not right, should not be treated as if they themselves were the villains. This is where the process has failed. If you have talked to the victims of abuse the way I have, they will tell you as I said, they are often doubly victimized: First, they are victimized by that event, and then by the system.

This legislation will help change all of that. This bill will address systematic problems and the EEOC complaint system itself. It will establish timetables for agencies to respond to complaints. No longer will they be able to put it under the rug or hope the complainant will go away, and at the same time, even place the complainant at risk because very often when you follow a complaint you stay in the same situation with the same boss of which you are being accused. It is like being locked in a back alley with someone who is about to mug you and say wait until your trial comes up.

We cannot tolerate this. And we will allow employees more time to file their complaints because we know when you are a victim of sexual battery you need time to deal with your own feelings, to gather the courage to undergo this ordeal of the complaint itself. It gives the agency head the right to impose sanctions against those who harass or discriminate against their employees.

Mr. President, during the Thomas-Hill hearings, my phones were flooded by phone calls from women who suffered similar experiences, and underwent great trauma.

Mr. President, I have also been approached personally by men who tell me what it is like to hear of the sorrow of the women they love who have been victimized by harassment.

I heard husbands talk to me about what their wives endured at work. I have fathers share with me swelling up with anger as they talked about how they tried to give their daughters the best education so they could compete in a world only to be battered through sexual innuendo and harassment at the workplace.

What did those men tell me? They told me how powerless they felt to defend the woman they loved against the very system she would have had to turn to in order to be protected. Often they said to their wives or to their daughters, "Don't go ahead with it; it's just not worth what will happen to you."

Mr. President, they turned to me and said, "Senator MIKULSKI, anything you can do to change the law, to empower the victim, to give them an opportunity to present their complaint, to make sure they are not treated as the victim, go for it because we need your help."

Mr. President, if I can help it, with this legislation, I will see that the process is changed so that people feel that the system works for them and not against them. I feel very strongly about this, and I want to conclude by saying that we have an opportunity to send a message to victims everywhere and to those who work in Federal service that on the issue of sexual harassment, the United States of America wants to ensure that the silence on sexual harassment is broken and that this legislation will begin to correct the wrongs of the very system itself.

Mr. AKAKA. Mr. President, I rise today to join my colleague, Senator GLENN, in support of the Federal Employee Fairness Act of 1992, a bill to address the shortcomings in our present equal employment opportunity complaint process.

As you are well aware, sexual discrimination came to the forefront this past summer during the confirmation hearing of Supreme Court Justice Clarence Thomas. Americans came to recognize that sexual and racial discrimination continue to pervade the workplace, while millions of women and minorities struggle to overcome discrimination on the job.

Thousands of these individuals are Federal employees, men and women who work for their country—a country that claims to ensure freedom and liberty for all, a country that prohibits discrimination on the basis of race, age and gender. However, we have found that Federal agencies have broken this promise with its employees. Far too many women and minorities labor under a "glass ceiling," an invisible barrier beyond which they will never rise.

How can we expect the private sector to successfully end discrimination when we in Government seem to fail. This is a problem which affects us all, and one which the Senate Governmental Affairs Committee, of which I am a member, addressed during hearings on discrimination in the Federal workplace.

The current complaint system employed by the Equal Employment Opportunity Commission [EEOC] is "neither effective nor efficient," according to the General Accounting Office, which has recommended improvements to EEOC guidelines. The current process possesses an inherent conflict of interest when the accused agency is allowed to investigate its own claims. In addition, agency staff assigned to provide EEOC services are often inadequately trained and often perform EEOC responsibilities on a part-time basis. The commitment by the agencies to ensure equal employment opportunities is simply inadequate. This is readily apparent when you consider the time it takes for agencies to process a complaint. For instance, in 1990, the Department of State had 112 pending complaints which, on average, took 1,134 days to process. The Nuclear Regulatory Commission had eight complaints, which took, on average, over 2 years to process.

During the hearings, the committee heard the personal experiences from former and current Federal employees. These victims found the same inaction, frustration, and retaliation experienced by thousands of other Federal employees who file discrimination complaints each year. The legislation introduced by Chairman GLENN seeks to correct this injustice. It is a comprehensive approach toward fair and equal justice.

The bill introduced today would establish a timetable for agencies to respond to employees' complaints. As I stated before, many employees who file discrimination complaints must often wait several years before even receiving an initial decision from the agency. The bill also increases the statute of limitations for filing a complaint to 180 days. This will allow the individual to assess all available options before proceeding with a discrimination complaint. Under the current system, a person is given 30 days in which to submit a complaint. Often, this does not adequately allow an individual to completely assess the situation before making a complaint.

The bill makes a crucial change to the current process by prohibiting reprisals against an employee who files a complaint. Currently, complaints of retaliation equal, or even exceed, the amount of original discrimination complaints. And all too often many of the accused individuals face little or no penalty for their illegal actions. The bill gives heads of agencies the right to impose sanctions against an individual who is found to have engaged in discriminatory practices.

Most importantly, the proposal will eliminate the conflict of interest in the current process. Under the proposal, all investigative authority will be given to the EEOC. It also provides administrative law judges the authority to ensure that a complete unbiased case record for review is presented.

Mr. President, the Federal Employee Fairness Act of 1992 is the foundation upon which we will build a strong EEOC system where all our Federal employees are assured that they will be judged on merit alone. It must be a home in which racial, age and gender discrimination will not be tolerated. Only when our Federal family is secure in this knowledge, and every effort is made to provide a supportive environment in which we work, can we then help our counterparts in the private sector.

Let me thank the chairman for his leadership in this area, and ask my colleagues to join us in support of the Federal Employee Fairness Act of 1992.

By Mr. GRAHAM:

S. 2803. A bill to mitigate the adverse effects on defense workers and defense contractors of reductions in defense spending; to the Committee on Commerce, Science, and Transportation.

DEFENSE WORKERS ECONOMIC REINVESTMENT ACT

Mr. GRAHAM. Mr. President, today I am introducing legislation which addresses sweeping world changes and the impact those changes will have on the men and women of this country who have served in the defense of America.

Those loyal and committed citizens now face possible unemployment as we reduce defense spending.

Congressman JIM BACCHUS of Florida, who is joining me in this effort, is introducing identical legislation in the House of Representatives.

Our legislation provides a blueprint for action. What are we trying to achieve with this legislation?

We want to replace the defense jobs we will lose—every one of them.

We want to go further and actually expand the overall number of good-paying jobs for American workers.

We want to improve our global competitiveness by sparking innovation and creativity in the workplace.

These are our objectives. These are goals which we can achieve. But to do so we must act now, we must act intelligently and creatively to spend the dollars we save as we reduce defense spending.

Delay will cost us important competitive opportunities and result in a painful transition for our defense workers.

Mr. President, according to a February 1992 report by the Congressional Office of Technology Assessment [OTA], the United States can expect to lose an estimated 2.5 million defense-related jobs from 1991 to 2001, an average of 250,000 a year.

The decline could be uneven, according to OTA, with steep drops in short time periods, making adjustment even more difficult.

Measured in constant dollars, U.S. defense spending in 1990 was at an extremely high level by historical standards—nearly as high as at the peak of the Vietnam war, the OTA reports.

Mr. President, we could be in for a very painful period unless we start planning now. This is not a problem that is going to disappear.

But it need not become an overwhelming crisis. In fact, we can create opportunities with defense savings that could both improve our competitiveness and increase the supply of good, well-paying jobs over the long-term.

A number of States—California, Texas, Virginia, New York, Connecticut and my State of Florida—have already been hard hit by defense cutbacks. Florida, for example, is the fourth largest State in defense-related employment. According to the Florida Department of Commerce, our State could lose 12,000 jobs annually in each of the next 5 years.

Pratt & Whitney, which employs 6,400 people developing military jet engines and space products in northern Palm Beach County, has already eliminated 1,000 jobs during the past 12 months.

Other States face just as serious or even more critical adjustment problems.

The bill I am introducing today is an action plan to create jobs and strengthen our economic competitiveness.

First, our legislation establishes an economic reinvestment council that will supervise reinvestment initiatives. The council will be our guarantee that the Federal Government responds quickly to the transition needs of each and every State affected by defense spending reductions.

We back this commitment up with resources. We would authorize the Council with more than $2 billion to help States promote economic development, job growth, education and retraining, technology transfer and technology infrastructure.

Where will this money come from? It will come from the over $4 billion in defense dollars we anticipate saving as we reduce military spending.

Second, we direct the President to develop and carry out a program to assist advanced technology projects to improve the Nation's technology infrastructure.

Mr. President, it was interesting that one of the initial impetuses for the space program was to provide alternative uses for the technology that had been developed in World War II and later in the Korean war and which was potentially going to be a wasting national resource. We took that opportunity in the 1960's and converted it to one of America's greatest technological achievements.

We have similar opportunities in the 1990's in areas such as high-speed rail transportation, in areas of environmental protection, in medical technology, to take the advances that we have made, advances upon which we have spent billions of dollars, and assist in transition of those to civilian application.

Third, we establish an Office of Training Oversight and Administration in the Department of Defense to oversee retraining activities for eligible employees.

Mr. President, one area that I hope will be explored is the issue of how to facilitate the transition of highly-trained military personnel into the civilian field. As an example: Although today many States and school districts are suffering budgetary constraints that are causing restrictions, even layoffs, of professional educators, we know that America is going to require an expanded pool of technically competent and proficient teachers. One area in which that pool could be fed would be from those persons who have already had experience in the military, who have had extensive educational and training backgrounds, to now come to the service of our schools.

In the State of Florida we started several years ago with the Pensacola Naval Air Station and the University of West Florida in a program of assisting personnel, prior to their separation from the Navy, to prepare themselves to become classroom teachers. That is one example of many opportunities which I hope the Office of Training Oversight and Administration in the Department of Defense would direct its attention to.

Fourth, we authorize the Department of Commerce to enter into cooperative agreements with United States businesses interested in demonstrating commercial potential of cutting edge technology.

Fifth, we require the Department of Defense to reexamine its product specifications to ease dual military-civilian product use.

Mr. President, I recently spent a day working at a defense plant in Daytona Beach, FL which produces simulators. These simulators are used primarily for the Air Force and Army, particularly in aviation applications. I asked to what degree these simulators could also be used for civilian, for nonmilitary, training purposes. The answer was, "very limited." The reason: Because the highly specific specifications which the military requires makes it difficult for a firm to produce on the same assembly line in an efficient method for both the military and the civilian markets.

Certainly there are areas in which military specifications must be significantly different than civilian. But I believe the Department of Defense should be required to demonstrate that those differences in specifications meet legitimate military necessity, because we are paying a high price in terms of frustrating our ability to make a transition from totally military to a mix of military and civilian products in many of our industrial plants.

Mr. President, these are all examples of the initiatives that we hope to launch with this legislation. I urge my colleagues to carefully study these proposals. I know that we all have our own ideas as to how to manage this important transition. I believe this package captures many of the thoughts that we have shared over the past several months.

Mr. President, I want to congratulate Senator PRYOR on the leadership that he has displayed as chairman of the Senate Defense/Economic Conversion Task Force. He and his staff have done a superb job of organizing the efforts of the Senate to address this problem.

I also want to congratulate my friend and colleague, Congressman JIM BACCHUS, for the creativity and commitment that he continues to focus on this problem.

Mr. President, I send to the desk legislation to establish the Defense Workers Economic Reinvestment Act and ask for its appropriate referral.

The ACTING PRESIDENT pro tempore. The legislation will be received and referred to the appropriate committee.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the legislation which I have submitted, as well as a section-by-section summary, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Workers Economic Reinvestment Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—ECONOMIC REINVESTMENT COUNCIL

Sec. 101. Establishment.
Sec. 102. Duties and functions of the Council.
Sec. 103. Annual economic reinvestment progress report.
Sec. 104. Authorization of appropriations.

TITLE II—NATIONAL TECHNOLOGY INFRASTRUCTURE GOALS IMPROVEMENT AND CONSORTIA CREATION

Sec. 201. Purpose.
Sec. 202. Importance of advanced technology projects.
Sec. 203. Selection of advanced technology projects.
Sec. 204. Creation of technology consortia.
Sec. 205. Examination of procurement specifications.

TITLE III—RELIEVING LABOR SHORTAGES IN SELECTED CIVILIAN APPLICATIONS

Sec. 301. Training Oversight and Administration Office.
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Sec. 401. Promotion of commercialization opportunities.
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TITLE V—FAST RESPONSE STATE TECHNOLOGICAL COMPETITIVENESS GRANTS

Sec. 501. Purpose.
Sec. 502. Funding formula.
Sec. 503. State eligibility.
Sec. 504. Authorization of appropriations.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "qualified defense contractor" means a private business producing goods or services for the Department of Defense that, during the three years immediately preceding the date of the enactment of this Act—

(A) obtained at least 30 percent of its gross income from defense contracts or subcontracts; or

(B) had at least 30 percent of its workforce actively engaged in work directly related to defense contracts or subcontracts.

(2) The terms "Economic Reinvestment Council" and "Council" mean the Economic Reinvestment Council established under section 101(a).

(3) The term "advanced technology project" means a project funded under title II for the research, development, and application of critical technologies.

(4) The term "critical technologies" means technologies—

(A) identified as critical technologies pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); or

(B) eligible for assistance under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); or

(C) identified as critical technologies in the annual defense critical technologies plan prepared by the Secretary of Defense under section 2508 of title 10, United States Code.

(5) The terms "Office of Training Oversight and Administration" and "Office" mean the Office of Training Oversight and Administration established under section 301.

TITLE I—ECONOMIC REINVESTMENT COUNCIL

SEC. 101. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is hereby established the Economic Reinvestment Council.

(b) COMPOSITION.—The Council shall be comprised of 25 members as follows:

(1) The Secretary of Defense.

(2) Seven other employees of the Federal Government (at Under Secretary level or higher) appointed by the President.

(3) Eight representatives of qualified defense contractors appointed by the President.

(4) Nine representatives of private industry and academia appointed by the President from a list of individuals submitted jointly by the Speaker of the House of Representatives and the majority leader of the Senate.

(c) CHAIRPERSON.—The Chairperson of the Council shall be elected by the members of the Council for a two-year term.

(d) FIRST APPOINTMENT.—The members of the Council shall be first appointed not later than 180 days after the date of the enactment of this Act.

(e) TERM.—The members of the Council shall be appointed for terms of two years. Of the members first appointed, one-half of each group of members referred to in subsection (b) may be reappointed for an additional two-year term. A member may not serve on the Council for more than four years.

(f) VACANCY.—Any vacancy in the Council shall be filled in the manner in which the original appointment was made.

(g) COMPENSATION.—A member of the Council shall receive per diem compensation and travel expenses for each day of service on official business as a member of the Council.

SEC. 102. DUTIES AND FUNCTIONS OF THE COUNCIL.

(a) ADMINISTRATIVE DUTIES.—

(1) IN GENERAL.—The Council shall—

(A) administer the National Technology Infrastructure Goals Improvement and Consortia Creation program established under title II and the Fast Response State Technological Competitiveness Grants program established under title V; and

(B) have the authority to examine and approve or disapprove all other project and program selections made under this Act and funding decisions under this Act that exceed $500,000.

(2) TIME FOR REVIEW.—To the extent practicable, the Council shall complete its review of funding requests within 60 days after receiving the request. The Council shall also provide an expedited review process for time-critical decisions.

(b) ADVICE ON ECONOMIC REINVESTMENT PROGRAMS.—The Council shall advise the Secretary of Defense and the heads of other Federal agencies on the progress and success of the economic reinvestment programs established under this Act and under the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 in alleviating the adverse economic and social effects of reductions in defense spending. The Office of Economic Adjustment of the Department of Defense shall provide the Council with such information as the Council may request. The Council shall consult on a regular basis with Governors of States involved in reinvestment activities.

(c) ANNUAL STUDY OF POTENTIAL ADVERSE IMPACT OF THE BUDGET PROPOSAL OF THE SECRETARY OF DEFENSE.—Upon receiving notification of the annual budget proposal of the Secretary of Defense, the Council shall commence a preliminary study of the potential adverse economic effects the proposal may have on qualified defense contractors and communities.

(d) STAFF.—To assist the Council in carrying out its duties, the Secretary of Defense shall—

(1) detail, on a reimbursable basis, personnel of the Department of Defense to serve as a staff for the Council; and

(2) satisfy the Council's requirements for office space, meeting facilities, and office equipment.

SEC. 103. ANNUAL ECONOMIC REINVESTMENT PROGRESS REPORT.

(a) REPORT REQUIRED.—The Council shall prepare and distribute an economic reinvestment progress report on an annual basis that shall include the following:

(1) A discussion and analysis of currently available Federal programs that promote economic reinvestment and help to minimize the dislocation of workers, communities, and qualified defense contractors caused by reductions in defense spending.

(2) Any recommendations by the Council to improve these programs.

(3) A description of the status of loans and grants made under this Act.

(4) Any proposals by the Council for new initiatives to further minimize the dislocation of workers, communities, and qualified defense contractors caused by reductions in defense spending.

(b) SUBMISSION AND DISTRIBUTION OF REPORT TO CONGRESS.—The Council shall submit the annual report required under subsection (a) to the President and the Congress not later than March 31 of each year. The Council shall also distribute copies of the report to State Governors, the heads of Federal departments and agencies, and any other person who requests a copy.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Council $2,000,000 for fiscal year 1993 and each fiscal year thereafter to carry out this title.

TITLE II—NATIONAL TECHNOLOGY INFRASTRUCTURE GOALS IMPROVEMENT AND CONSORTIA CREATION

SEC. 201. PURPOSE.

The purpose of this title is to support advanced technology projects that improve the technology infrastructure of the United States, allow the United States to compete successfully globally, and maintain and improve the standard of living and quality of life in the United States.

SEC. 202. IMPORTANCE OF ADVANCED TECHNOLOGY PROJECTS.

To exploit the potential of critical technologies that would benefit our national infrastructure and create export opportunities, the President shall develop and carry out a program to assist advanced technology projects. Investments in advanced technology projects to improve the technology infrastructure of the United States are in the national interest and include (but not be limited to) projects in the following areas:

(1) Space exploration, including the development of a national launch system and improved earth observing satellites.

(2) Transportation, including projects to improve the safety and efficiency of highways and the air traffic system and to develop magnetic levitation.

(3) Environmental restoration, including hazardous waste disposal and the cleanup of military installations.

(4) Telecommunications including direct broadcast and teleconferencing technologies and assisting public education and technology transfer.

(5) Energy efficiency, including alternatives to the combustion engine, and space solar power generation and earth distribution.

(6) Health care, including improved diagnostic technologies.

(7) Education, including interactive multimedia simulation technologies for teacher and student training.

(8) Ocean technology.

SEC. 203. SELECTION OF ADVANCED TECHNOLOGY PROJECTS.

(a) PROPOSAL GUIDELINES AND SOLICITATION.—The Economic Reinvestment Council shall solicit, review, prioritize and select advanced technology projects to benefit the national technology infrastructure from among the proposals it receives. The Council shall prepare and disseminate guidelines for qualifying project proposals. Among the guidelines shall be emphasis on the following project objectives:

(1) Improving the national technology infrastructure.

(2) Benefiting the public interest.

(3) Improving national technological competitiveness.

(4) Enhancing export opportunities.

(5) Exploiting critical technologies as project components.

(b) PROJECT PROPOSALS.—

(1) INITIAL SUBMISSION.—During the 180-day period beginning on the date of the enactment of this Act, proposals for advanced technology projects shall be submitted to the Council by the heads of the following Federal departments and agencies:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Energy.

(D) The Department of the Interior.

(E) The Department of Transportation.

(F) The Department of Housing and Urban Development.

(G) The Department of Health and Human Services.

(H) The National Aeronautics and Space Administration.

(I) The Environmental Protection Agency.

(2) SUBMISSION OF PROPOSALS BY OTHER PERSONS.—Federal departments and agencies not specified in paragraph (1) may also submit proposals for advanced technology projects. The Council shall also provide for the submission of such proposals to the Council by private and public organizations, including State Governors.

(3) SUBSEQUENT PROPOSALS.—Additional project proposals may be submitted at any time after the end of the period specified in paragraph (1).

(4) CONTENT OF PROPOSALS.—Project proposals shall indicate the manner and extent to which the project would use the skill and resource base of qualified defense contractors as well as any appropriate surplus equipment and facilities of the Department of Defense. The selection of the first three proposals shall be made by the Council within 90 days after the end of the period specified in paragraph (1).

(c) ASSISTANCE TO SELECTED PROJECTS.—Once an advanced technology project is selected, the Council shall review project plans and schedules, provide funds to the project through the Department of Defense from amounts appropriated pursuant to the authorization of appropriations under subsection (e), and oversee implementation of the project.

(d) PARTNERSHIPS.—Joint ventures with combinations of industry, academic and State and Federal Government partners shall be encouraged. Primary research and development for the project will be performed by a consortium created under section 204, with oversight by the Council. Partnerships with Federal laboratories would be through regular contracts and cooperative research and development agreements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to fund advanced technology projects, including the technology consortia for those projects, $419,000,000 for each of the fiscal years 1993 through 1996.

SEC. 204. CREATION OF TECHNOLOGY CONSORTIA.

(a) CREATION REQUIRED FOR EACH PROJECT.—The Council shall coordinate and oversee creation of one consortium matched to each advanced technology project. The consortium created for a project shall focus on basic research and applied research for that project. At least 50 percent of the funding for a consortium shall be from non-Federal sources. Federal funding for a consortium created under this subsection may not exceed $5,000,000 annually and shall terminate after four years. Small businesses should be included and receive a minimum of 20 percent of the consortium research funding.

(b) OTHER CONSORTIA UNRELATED TO PROJECTS.—The Council shall solicit and evaluate other promising proposals for critical technology consortia and select at least three proposals annually. Federal funding for a consortium created under this subsection may not exceed $5,000,000 annually or more than 50 percent of the funds expended by the consortium and shall terminate after four years. Activities conducted by a consortium shall include a significant defense component, such as development of a dual-use technology or a critical technology highly relevant to defense readiness. There is authorized to be appropriated to carry out this subsection $50,000,000 for each of the fiscal years 1993 through 1996.

SEC. 205. EXAMINATION OF PROCUREMENT SPECIFICATIONS.

(a) EXAMINATION REQUIRED.—The Secretary of Defense shall reexamine existing procurement contracts to determine whether overly restrictive specifications on systems, supplies, and services that are also available commercially have been made. For those contracts exceeding $100,000 where Department of Defense specifications preclude the purchase of commercial sector products, the Secretary shall justify the necessity for developing a different specification and the unsuitability of commercial specifications. Within one year after the date of the enactment of this Act, the Secretary shall submit a report to Congress detailing procurement contracts of this type and the reasons for their unique specifications.

(b) AMENDMENT REGARDING DEFENSE CONTRACT SOLICITATION.—Section 2305(a)(1)(B) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (i);

(2) by striking out the period at the end of clause (ii); and

(3) by adding at the end the following new clause:

"(iii) encourage the use of commercially available systems, supplies, and services.".

TITLE III—RELIEVING LABOR SHORTAGES IN SELECTED CIVILIAN APPLICATIONS

SEC. 301. TRAINING OVERSIGHT AND ADMINISTRATION OFFICE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Office of Training Oversight and Administration to coordinate and oversee retraining, placement, and other transition assistance activities for eligible employees described in section 303. The Office shall be under the supervision of the Assistant Secretary of Defense (Force Management and Personnel) and shall be consolidated with existing transition assistance programs that are currently the responsibility of the Assistant Secretary.

(b) INFORMATION ON RETRAINING AND PLACEMENT.—The Office shall disseminate information to all qualified defense contractors and eligible Department of Defense employees concerning the availability, scope, and rules governing the retraining and other transition assistance programs established by section 302. The Office should ensure that each qualified defense contractor informs all employees of the contractor regarding these programs. The Office shall facilitate placement by acting as a repository for employment opportunity information and publicizing the availability of qualified employees.

(c) ASSISTANCE TO COUNCIL.—The Office shall maintain statistics to analyze the effectiveness of the retraining and placement programs in order to assist the Economic Reinvestment Council and provide any other information that the Council may request for their approval.

SEC. 302. RETRAINING AND OTHER TRANSITION ASSISTANCE PROGRAMS.

(a) SKILLS DEVELOPMENT PROGRAMS.—The Office, in cooperation with other Federal agencies, may enter into agreements for the provision to eligible employees described in section 303 of retraining assistance in skills identified by the Office as being, or projected to be, in short supply in the area in which the retraining program operates. Retraining programs may be developed and taught pursuant to the agreement by any Federal agency, State and local governments, institutions of higher learning (especially associate-degree granting colleges), educational consultants, or qualified defense contractors. The Office shall have principal responsibility for transition assistance to such eligible employees and should consult with the Secretary of Labor to avoid duplication with services provided by the Department of Labor.

(b) SCHOLARSHIP PROGRAMS.—The Office may award eligible employees one-year and two-year scholarships to educational institutions. The awards shall be based on a competitive selection process, except that the Office may give a priority—

(1) for scholarships in certain critical occupations, as determined by the Office; and

(2) to eligible employees who seek vocational training offered by associate-degree granting colleges.

(c) FEDERAL SHARE.—The Federal contribution to a training program conducted under subsection (a) may not exceed 50 percent of the costs of the program.

(d) ALLOWED EXPENSES.—Funds provided under this section for retraining programs may be used to pay employee certification, apprenticeship, or professional registration costs incurred by an eligible employee receiving retraining to enter a new profession. The Secretary may also share any other subsistence costs associated with employee transition as long as the Federal funding share does not exceed 50 percent of such costs. Extended income support requirements can be reduced by the employer through early retraining prior to employee termination.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Defense for each of the fiscal years 1993 through 1995—

(1) $100,000,000 to carry out subsection (a); and

(2) $50,000,000 to carry out subsection (b).

SEC. 303. ELIGIBLE EMPLOYEES.

(a) ELIGIBILITY REQUIREMENTS.—The following persons shall be eligible for assistance under section 302:

(1) A full-time employee of a qualified defense contractor for at least three years who—

(A) is directly involved with a Department of Defense funded project which is canceled or experiences a reduction in Federal funds equal to at least 25 percent of the Federal funds received for the project the previous year; and

(B) as a result of the cancellation or reduction, is terminated or identified by the employer as likely to be terminated within one year.

(2) a civilian employee of the Department of Defense eligible for transition assistance under current regulations.

(b) NOTIFICATION.—A qualified defense contractor shall make a good faith effort to identify as early as possible employees who meet the eligibility requirements of subsection (a), advise them on retraining options, and allow them to participate in retraining and other transition assistance programs.

(c) CERTAIN PREVIOUSLY TERMINATED EMPLOYEES.—An employee of a qualified defense contractor who was terminated during the one-year period ending on the date of the enactment of this Act shall be eligible for assistance if the Office determines that the employee—

(1) was a full-time employee of a qualified defense contractor for at least three years;

(2) was directly involved with a Department of Defense funded project; and

(3) was terminated as a result of the cancellation or a funding reduction of that project.

TITLE IV—COMMERCIALIZATION OPPORTUNITIES

SEC. 401. PROMOTION OF COMMERCIALIZATION OPPORTUNITIES.

(a) PROMOTION PROGRAM.—The Secretary of Commerce shall establish a program to assist United States businesses in creating and applying the generic technology and research results necessary to commercialize significant new scientific discoveries and technologies.

(b) MODEL.—The Secretary of Commerce shall model the program selection board after the Advanced Technology Program of the National Institute of Standards and Technology established under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n). The Secretary may contract out administration of the financial aspects of the program as described in sections 402 and 403.

(c) ASSISTANCE TO COUNCIL.—The Secretary of Commerce shall inform the Economic Reinvestment Council of the status of funded projects and information on new selections for the Council's approval as required by section 102(a).

SEC. 402. LEVERAGED SMALL SEED CAPITAL PROJECTS.

(a) COMMERCIALIZATION PROJECTS.—The Secretary of Commerce may enter into contracts and cooperative agreements with United States businesses for commercialization projects to demonstrate the feasibility of a particular technology or process up to the prototype stage. Federal funds may not exceed 33 percent of the costs of the project. A single project may not receive more than $1,000,000 in funds under this section. The Government shall receive equity in the project equal to its share of the investment acting as a limited partner. Any profits distributed to the United States from the investment shall be deposited in the General Fund of the Treasury.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce for each of the fiscal years 1993 through 1996 $50,000,000 to carry out this section.

SEC. 403. COMMERCIALIZATION LOANS.

(a) LOANS AUTHORIZED.—The Secretary of Commerce may make loans to United States businesses in an amount not to exceed $3,000,000 for any one commercialization project. No more than three loans may be made to any single company or joint venture. The loans shall be made under such terms and conditions as the Secretary may require, including the payment of fair market interest, except that repayment of any loan is due within seven years. A loan may be made to assist production if the Secretary determines that a reasonable case can be made that no other mechanism exists for production. The loan recipient shall be required to match the amount of the loan with an equal amount of non-Federal funds specifically guaranteed for use in the project.

(b) LOAN CRITERIA.—The potential for the development of a product that has military applications and nonmilitary commercial applications or dual-use shall be a funding criterion, although not an absolute requirement. Other criteria should include risk balanced against utility to consumers and the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce for fiscal year 1993 $300,000,000 to carry out this section. Funds appropriated pursuant to this subsection shall be available until expended.

SEC. 404. PROMOTION OF INDUSTRIAL PARKS.

(a) PROMOTION.—The Secretary of Defense shall encourage the creation of industrial parks or technology incubator centers, including prototyping facilities, to transfer and spinoff technology from qualified defense contractors, including those operating national laboratories, to small businesses.

(b) USES OF PATENT ROYALTIES.—The Secretary of Defense may use up to 50 percent of the royalties from the licensing of relevant Department of Defense and Department of Energy owned patents to assist local technology transfer activities conducted in close proximity to qualified defense contractor facilities and up to 25 percent of such royalties to assist technology transfer activities that are unrelated to the proximity of a qualified defense contractor facility.

SEC. 405. DEFENSE COMMERCIALIZATION AWARD.

(a) AWARD.—The Secretary of Defense, in consultation with the Secretary of Commerce, shall create and administer an awards program to foster and encourage innovation and redirection efforts by qualified defense contractors in the area of commercialization. Criteria for selection of award recipients shall include job creation, leverage of Federal funding, and product quality.

(b) MODEL.—The Secretary shall model the awards program after the Malcolm Baldridge Quality Awards provided under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

TITLE V—FAST RESPONSE STATE TECHNOLOGICAL COMPETITIVENESS GRANTS

SEC. 501. PURPOSE.

The purpose of this title is to provide Federal assistance directly to States for defense reinvestment programs. The funds shall be used to improve existing programs and to create new initiatives. Qualifying projects should stress economic development, quality job growth, education and retraining, technology transfer, technology infrastructure, and enhanced competitiveness. Technical and financial assistance should be made available in a diversified set of programs stressing innovation, flexibility and responsiveness to immediate and projected needs associated with Department of Defense spending reductions. Funds under this title shall be directed by States to those industries, workers, and communities who have been adversely affected by the overall reduction of defense spending in the State. States may use funds under this title in conjunction with other Federal or State assistance for programs within the public and private sectors, involving industry, communities, and academic institutions.

SEC. 502. FUNDING FORMULA.

(a) ALLOCATION.—From the amounts appropriated under section 504, the Secretary of Defense, based on the recommendations of the Economic Reinvestment Council, shall allocate such amounts for distribution consistent with the formula specified in subsection (b) for each of the fiscal years 1993 through 1995.

(b) FORMULA.—From the amount allocated for a fiscal year under subsection (a), the Secretary of Defense, based on the recommendations of the Economic Reinvestment Council, shall annually distribute fast response State technological competitiveness grants to States whose reinvestment programs meet the requirements of section 503 as follows:

(1) 50 percent of the total allocation for that year to be distributed among the States pro rata based on the ratio of the population of the State to the total population of all States, as determined by the latest available Federal census; and

(2) 50 percent of the total allocation for that year to be distributed among the States pro rata based on the ratio of the cumulative dollar amount of Department of Defense purchases in the State for fiscal year 1991 (including research and development, procurement, operations and maintenance, and construction) to the total dollar amount of such Department of Defense purchases in all the States as determined by the Department of Defense using its most recent official data collected after fiscal year 1990.

SEC. 503. STATE ELIGIBILITY.

(a) APPLICATION GUIDELINES.—The Economic Reinvestment Council shall develop and disseminate guidelines on State eligibility for fast response State technological competitiveness grants consistent with section 501. The guidelines shall require the following:

(1) The State shall agree to contribute to the defense reinvestment program of the State an amount equal to at least 10 percent of the amount of the technological competitiveness grant made to the State.

(2) Any program using funds provided under a technological competitiveness grant that is assisting a defense contractor shall require the contractor to provide at least a $1 funding match for every $2 expended in grant funds to assist the contractor.

(3) In addition to the matching contribution required by paragraph (1), the State shall guarantee to maintain its aggregate expenditures from all other sources for programs which provide technical and financial assistance to defense contractors at or above the average level of such expenditures in the two fiscal years preceding the date of the enactment of this Act.

(b) STATE RESPONSIBILITY.—Prior to receiving a fast response State technological competitiveness grant, the Governor of the State shall provide to the Council information about the defense reinvestment program conducted by the State. The State shall appoint a single agency or entity within the State to be the recipient of the Federal funding and to administer and oversee the State's reinvestment program. Each State must annually report on the progress of its defense reinvestment programs back to the Council and supply any analysis data that the Council may require for program evaluation.

(c) WITHHOLDING OF GRANT FUNDS.—The Secretary of Defense shall withhold a fast response State technological competitiveness grant from any State if the Council concludes that the State's defense reinvestment program or the progress of such program is unsatisfactory relative to the published guidelines. In such a case, the Council shall provide to the State the reasons for its disqualification and provide a 90-day appeal period during which the State shall be allowed to submit a revised proposal for review by the Council.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of Defense for the fiscal years 1993 through 1995 $1,000,000,000 for fast response State technological competitiveness grants under this title.

(b) AVAILABILITY.—Amounts appropriated under subsection (a) shall remain available until expended.

SECTION-BY-SECTION SUMMARY OF THE DEFENSE WORKERS ECONOMIC REINVESTMENT ACT

GOALS

The goals of this Act are to:

Mitigate the adverse effects on defense contractors and defense workers of reductions in defense spending.

Convert some defense workers to non-defense industry employment.

Transform segments of the defense industry to robust new commercial technology industries.

Develop technology infrastructure projects that benefit the nation.

Total Authorization: 3.8 billion over four years.

TITLE I—ECONOMIC REINVESTMENT COUNCIL

Sec. 101. Establishment

Designates and staffs and Economic Reinvestment Council, including DOD, defense contractor and private industry representatives.

Sec. 102. Duties and Functions of the Council

Objective evaluation, oversight and spending authority over defense reinvestment programs. Implementation and administration of the National Technology Infrastructure Goals Improvement and Consortia Creation program and the Fast Response State Technological Competitiveness Grants program.

Sec. 103. Annual Economic Reinvestment Progress Report

Annual analysis for Congress on the progress of federal reinvestment programs.

Sec. 104. Authorization of Appropriations.

Authorizes $2 million per year to operate the Council.

TITLE II—NATIONAL TECHNOLOGY INFRASTRUCTURE GOALS IMPROVEMENT AND CONSORTIA CREATION

Sec. 201. Purpose

Fund advanced technology projects that improve the technology infrastructure of the nation.

Sec. 202. Importance of Advanced Technology Projects

Exploits the potential of new technologies to benefit the national infrastructure—creates domestic employment, export opportunities and improves the nation's global leadership in development of critical technologies and their integration into complex systems. Examples of appropriate projects using new technology include space exploration and exploitation, efficient and safe transportation, environmental restoration, improved telecommunications, better health care and interactive tools for education.

Sec. 203. Selection of Advanced Technology Projects

The Council solicits, reviews, prioritizes, selects and coordinates the projects. The Council will disseminate guidelines for appropriate projects that include improving the national technology infrastructure; benefiting the public interest; improving national technological competitiveness; enhancing export opportunities and exploiting critical technologies. Proposals can be made by Federal departments and agencies, states, and private and public organizations. The guidelines encourage joint ventures with combinations of industry, academic and state and federal partners. First three projects to be funded within 9 months. Authorizes $419 million annually for FY93–FY96.

Sec. 204. Creation of Technology Consortia

(a) Research for each project to be performed by a consortium dedicated to the project. Consortia are jointly funded by industry and state partners with the federal government. A project consortium acts to facilitate communications and manage research among the joint venture partners to ensure a successful project.

(b) Also solicits proposal and selects three new consortia annually for research and development of critical technologies relevant to defense applications. Funding of these new consortia must be matched by industry. Authorizes $50 million annually for FY93–96.

Sec. 205. Examination of Procurement Specifications

Requires the Secretary of Defense to examine procurement contracts exceeding $100,000 whose specifications preclude the purchase of commercial sector products and to report to Congress within one year with justification for the restrictions.

TITLE III—RELIEVING LABOR SHORTAGES IN SELECTED CIVILIAN APPLICATIONS

Sec. 301. Training Oversight and Administration Office

Secretary of Defense to establish an Office of Training Oversight and Administration to oversee retraining and placement activities for displaced defense contractor employees.

Sec. 302. Retraining Programs

Develop and coordinate retraining programs in cooperation with the Department of Labor, state and local governments, academic institutions, educational consultants and defense contractors. Retraining makes the best match between displaced employee skills and available or projected employment opportunities in a specific region. Also establishes one and two-year scholarship programs to assist displaced employees in more intense vocational training or to develop specific skill for critical technologies. Federal share of costs limited to 50% of total expenses, which may include retraining, certification, apprenticeship and subsistence costs. Authorizes $100 million annually for the retraining and $50 million annually for the scholarship programs, for FY93–95.

TITLE IV—COMMERCIALIZATION OPPORTUNITIES

Sec. 401. Promotion of Commercialization Opportunities

Secretary of Commerce to establish and oversee two programs to assist in technology transfer and commercialization, modeled after the NIST Advanced Technology program.

Sec. 402. Leveraged Small Seed Capital Projects

Secretary of Commerce to provide grants in exchange for equity of up to $1 million per project, to not exceed 33 percent of the project cost. Projects will demonstrate feasibility of commercialization of a technology or process up tot he prototype stage. Authorizes $50 million annually for FY93–96.

Sec. 403. Commercialization Loans

Secretary of Commerce to provide loans of up to $3 million per project for commercialization of significant new research and technologies, biased toward dual-use products. Seven-year loans may be used for production and must be matched by industry. Authorizes $300 million to establish a loan fund in FY93.

Sec. 404. Promotion of Industrial parks

Encourages creation of industrial parks and technology incubator centers to facilitate technology transfer for federal entities to private industry. Allows use of up to 50% of DOD and DOE patent licensing royalties to fund technology transfer activities.

Sec. 405. Defense Commercialization Award

Establishes an awards program, operated by the Department of Defense in cooperation with the Department of Commerce, to encourage and recognize successful commercialization efforts by defense contractors.

TITLE V—FAST RESPONSE STATE TECHNOLOGICAL COMPETITIVENESS GRANTS

Sec. 501. Purpose

To encourage states to expand existing state-operated defense reinvestment programs and to create innovative new programs. Since states programs may be more flexible and responsive to local needs, federal funds with minimal matching requirements are allocated to states based on a "fair share" type formula.

Sec. 502. Funding Formula

Each state, once eligibility is established, is entitled to an annual federal grant based on its population and the amount of defense procurement spending in the state.

Sec. 503. State Eligibility

The Council must ensure a state qualifies for funds. This qualification consists of a state proposal which details its programs focused on defense reinvestment and economic competitiveness, and their results.

Sec. 504. Authorization of Appropriations

Authorizes $1 billion over three years.

By Mrs. KASSEBAUM (for herself and Mr. KASTEN):

S. 2804. A bill to establish a program to provide technical assistance to employers and labor unions, in order to assist in preparing the workplace to employ women in apprenticeable occupations and other nontraditional occupations, and for other purposes; to the Committee on Labor and Human Resources.

WOMEN IN APPRENTICESHIP OCCUPATIONS AND NONTRADITIONAL OCCUPATIONS ACT

• Mrs. KASSEBAUM. Mr. President, between now and the year 2000, over two-thirds of the people entering the labor force will be women. Unfortunately, a disproportionate number of women continue to be segregated into a cluster of low paying jobs in the service sector. Sixty percent of all minimum wage earners are women, although women comprise only 45 percent of the American labor force. According to the National Commission on Working Women, "the number of women who head households has more than doubled in the past 27 years. In 1987, one of every four mothers in the labor force was maintaining her own family. In 1986, the poverty line for a family of four was $11,203. A single mother of three working full time at minimum wage earned $6,968. After a year's work, this mother was living $4,235 below the poverty line."

I rise today to introduce the Women in Apprenticeship Occupations and Nontraditional Employment Act, and request that a copy of the bill be placed in the RECORD following my remarks. This bill is part of the Economic Equity Act of 1992; a package of bills designed to improve the economic well-being of American women. The legislation is a companion to H.R. 3475 which was introduced in the House by Representative CONNIE MORELLA.

There is little debate that a stonemason makes more money than a store clerk, an electrician is better paid than a waitress, or a heavy machine operator is better able to support a family than a hairdresser. Last year, Congress passed the Nontraditional Employment for Women Act, which amended the Job Training Partnership Act. Signed into law in 1991, this legislation expanded women's opportunities to receive training for nontraditional jobs. The reason for congressional support for the Nontraditional Employment for Women Act was the knowledge that employment in traditionally male jobs can provide women with greater wages, benefits, and opportunities for advancement.

However, training alone will not be sufficient to stimulate and maintain increased employment for women in nontraditional occupations. The Women in Apprenticeship Occupations and Nontraditional Occupations Act will provide the necessary support to help women enter and sustain employment in apprenticeships and other nontraditional occupations. The bill establishes a proactive role for the Department of Labor in efforts to place and retain women in nontraditional jobs through the provision of technical assistance to employers and unions. The purpose of this technical assistance will be to help employers and unions integrate women into trade apprenticeships and nontraditional jobs in the workplace. Authorized for $1 million, this bill requires the Department of Labor to conduct a variety of technical assistance activities such as training seminars, facilitating support groups and networks for women in nontraditional jobs, as well as developing outreach and orientation sessions to recruit women into apprenticeships and nontraditional employment.

The increasing number of single mothers and the disproportionately low wages for jobs held by women are contributing factors in the high child poverty rates in America. While the poverty rate for adults has dropped precipitously, the child poverty rate remains high—twice as high as the adult rate. According to a 1991 report from the Children's Defense Fund, one in five American children, and one in four preschoolers, is poor. If we hope to raise children out of poverty, efforts must be made to increase the earning power of their parents. The Women in Apprenticeship Occupations and Nontraditional Occupations Act is one small effort which could help many women and their families win their struggle for economic self-sufficiency.

The expanded opportunities for training in apprenticeship and nontraditional employment will be of limited use if barriers in the workplace prevent women from entering and retaining employment in these professions. I would like to urge my colleagues to join with me in working for the passage of this legislation.●

By Mr. LIEBERMAN:

S. 2805. A bill to strengthen U.S. laws to enforce embargoes against foreign countries pursuant to a declaration of national emergency or U.N. Security Council measures, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL SANCTIONS ENFORCEMENT ACT OF 1992

Mr. LIEBERMAN. Mr. President, on April 9 I introduced Senate Concurrent Resolution 285 which expressed support for the United Nations resolutions calling on Libya to hand over the suspects in the bombing of Pan Am 103. My resolution also called for stiffer sanctions in the event that Libya did not cooperate. Cosponsors included Senators KERRY and BROWN, the chairman and ranking minority member of the Senate Foreign Relations Subcommittee on Terrorism, and Senators D'AMATO and LAUTENBERG, who served on the Presidential commission which investigated the bombing. It has been more than a month since the last United Nations resolution was passed and Libya still has not complied with its terms. I believe, therefore, that we should take additional steps to drive home to Qadhafi that he will be increasingly isolated if he does not cooperate.

One important measure would be to make sure that the United Nations embargo against Libya is airtight. The U.S. Government and others are working hard to detect any sanctions violations and to take actions against violators. However, it is not an easy task. As often is the case with international sanctions, there are individuals and companies that are tempted to violate sanctions for financial gain. We should make, therefore, every effort to deter potential sanctions breakers. To that end, I am introducing legislation today that would increase the penalties for violating the sanctions. It is the International Sanctions Enforcement Act of 1992.

By way of background, on March 31, the Security Council imposed mandatory sanctions on Libya unless it complies with United Nations Security Council Resolution 731, approved unanimously on January 21. These sanctions:

Forbid air service to or from Libya except for specially approved humanitarian flights.

Prohibit the sale of aircraft, spare parts, and related services, and prevent the operation of all Libyan Arab Airlines offices;

Impose an arms embargo and prohibit any foreign military advisers from working in Libya;

Reduce the number and level of staff at Libyan diplomatic missions.

The sanctions will remain in effect until the Security Council determines that Libya has complied fully with the requests made by the United Nation Security Council in Resolution 731 of January 21. This required Libya to:

Surrender the two Libyans indicted for bombing Pan Am flight 103 for trial in the United States or the United Kingdom, and accept responsibility for their actions;

Disclose all relevant information about the crime;

Pay appropriate compensation;

Cease all terrorist actions and support of terrorist groups, which it must prove by concrete actions.

The key elements of this bill would provide stiffer penalties for those who violate the U.N. sanctions. It is intended to deter companies and individuals from doing business with Libya in violation of the sanctions and United States laws.

Section 2 of the bill would ban U.S. purchases of goods and services from foreign companies that violate U.N. sanctions. It is virtually identical to the CBW nonproliferation provisions of State Department authorization bill for fiscal year 1992–93 enacted last year and the nuclear nonproliferation bill passed by the Senate this year.

This section would also ban U.S. companies from making purchases from sanction violators. The intent is to make potential violators think twice. If they want to do business as usual with Libya, they cannot do business with the United States.

A related provision, section 7, would increase by tenfold, to $100,000, the civil penalties for Americans who violate the existing U.S. trade sanctions under IEAPA, the International Emergency Economic Powers Act. Stiff criminal penalties already exist but the increase in civil penalties would be useful.

Another provision is aimed at Americans who continue to work in Libya despite United States laws that prohibit this. Section 4 would increase civil penalties for the illegal use of United Sates passports to travel to Libya from $2,000 to $50,000. This is the figure proposed in the administrations's draft consular reform bill. There are an estimated 500 to 1,000 Americans working in Libya and it is unconscionable that they should help support a regime that bears responsibility for killing so many Americans.

Two other provisions are designed to add to the existing sanctions against Libya.

One would authorize banning air service to the United States of airlines controlled by any country violating sanctions—section 5. It is similar to legislation first used in the 1986 Comprehensive Anti-Apartheid Act of 1986 and also in the CBW sanctions of the State Department Authorization Act for 1992–93.

Another provision intended to strengthen economic sanctions against Libya would also ban the shipment of certain technical publications to Libya—section 6. This is intended to curtail how-to-do-it manuals and other technical data that might help Libya's economy; it would, of course, have no effect on the free exchange of political ideas.

And, finally, the bill includes a provision that would help protect foreign individuals who provide information that either prevented terrorist attacks or assisted in apprehending and prosecuting terrorists. Section 3 would facilitate relocating in the U.S. participants in the State Department's counterterrorism rewards program.

In the course of preparations for a hearing I conducted earlier this year for the Governmental Affairs Committee, we learned that during the gulf war, there were difficulties using existing immigration or other legislation to quickly bring in from harms way overseas and relocate in the United States, people who helped prevent terrorist attacks against U.S. targets. This amendment is intended to help persons who are not part of any organized terrorist or other crime group or otherwise do not fall under the witness protection program.

I also want to add that I consulted with administration officials at the State Department and Treasury Department when drafting this legislation.

Mr. President, I believe that it is extremely important that the U.S. Congress do what it can to support the United Nations sanctions, particularly since this is the first time that the U.N. has resorted to sanctions against terrorists. If enacted into law, this bill will demonstrate to other terrorists and their state sponsors that they will continue to be treated as international outcasts. Penalizing those companies and individuals that continue to flaunt the will of the international community will drive home that point. We must isolate terrorists in order to defeat them.

By Mr. GORE:

S. 2806. A bill to establish a program to ensure nondiscriminatory compliance with environmental, health, and safety laws and to ensure equal protection of the public health; to the Committee on Environment and Public Works.

ENVIRONMENTAL JUSTICE ACT OF 1992

• Mr. GORE. Mr. President, as world leaders gather in Rio de Janeiro, Brazil, this week for the opening of the Earth Summit to reach new international agreements on protecting the global environment, we face disturbing inequities in the way severe pollution problems are distributed here at home. In disproportionate amounts, toxic wastes and toxic emissions from industrial processes contaminate the neighborhoods of minority communities, depressing land values and posing serious threats to the health of those in our society least empowered financially and politically to do anything about it. Here in the United States, we know that if you're poor and if you're an African-American or Hispanic-American or a member of another minority, you're more likely to be threatened by toxic pollution—much more likely—but less likely to know about it or be able to respond. People facing these threats need help protecting their families and their homes. They need information, confidence in the system of regulations designed to protect them, and a better ability to be heard when they have concerns.

That is why, Mr. President, on the eve of my departure to Rio, where I plan to participate in the activities surrounding the Earth Summit as the chairman of the Senate delegation, I am introducing legislation to help those people who face the greatest risk of exposure to toxic substances and pollution right here at home. This bill, the Environmental Justice Act of 1992, calls for a comprehensive survey of every county in the country in an attempt to rank the 100 counties most severely contaminated by toxic chemical releases. The bill would support community groups in those areas with technical assistance grants, provide for comprehensive health surveys in those vicinities, require mandatory inspections of area facilities, and provide for a moratorium on new pollution sources in such communities.

Mr. President, human suffering and environmental devastation travel together. While all of us suffer, the poorest people carry the heaviest burden. The Earth Summit is about sharing that burden and ensuring that all of our children in this and the generations to follow live in a clean, safe world. That's the goal behind this legislation as well.

I am pleased to be joined in this effort by the distinguished Congressman from Atlanta, JOHN LEWIS, who will be introducing the companion legislation on the House side. And I am particularly grateful in this effort for the work of Rev. Ben Chavis, executive director of the Committee for Racial Justice of the United Church of Christ. In 1987, this committee produced a seminal study entitled "Toxic Wastes and Race in the United States: A National Report on the Racial and Soci-Economic Characteristics of Communities with Hazardous Waste Sites," that in large part forms the basis for this initiative.

I commend the study to the attention of my colleagues. Among its many significant findings, the study determined that the distribution of commercial hazardous waste facilities fit a troubling pattern: There are twice as many minorities in communities where a commercial hazardous waste facility is located and, where two or more facilities exist, the proportion of minorities is more than triple. In addition, the study found that race is the single best predictor of where commercial hazardous waste facilities are located—even when other characteristics, such as household income and average home value, are considered.

The Environmental Justice Act of 1992 is the starting point for easing the burden disadvantaged communities bear in living with the toxic byproducts of the lifestyles to which we have all grown accustomed. For too long, minority communities in America have suffered from neglect and abuse, and have slowly been transformed into the dumping grounds for America's excesses and the cancer alleys of American industry. We must set about restoring the equal protection under the laws for all the people of our country. I hope my colleagues will join Congressman LEWIS and me in this endeavor.•

By Mr. BINGAMAN (for himself, Mr. RIEGLE, and Mr. ROCKEFELLER):

S. 2807. A bill to amend the Trade Act of 1974 to require additional information with respect to the report on trade agreements and national trade policy agenda; to the Committee on Finance.

TRADE ACT AMENDMENTS OF 1992

• Mr. BINGAMAN. Mr. President, I rise today on behalf of myself and Senators RIEGLE and ROCKEFELLER to introduce the Trade Act Amendments of 1992.

This bill seeks to improve the coordination of our international trade policies with our domestic economic and technology policies in two ways. First, the bill would focus the attention of our trade policies on those technologies and industries which are critical to the long-term economic vitality and security of the United States. Second, it would require that our trade policies be judged against their effects on the international competitiveness of those technologies and industries.

THE CHALLENGE

The United States is facing a rising economic challenge from foreign competitors, especially Japan and the European Community. The U.S. economy is increasingly being integrated, like it or not, into a global economy. These trends, and the on going process of defense conversion, make it especially important that our international trade policies are harmonized with and support our domestic economic technology policies.

However, U.S. trade policy has not focused on those technologies and industries which are critical to the long-term economic vitality and security of the United States. In our efforts to open foreign markets to American goods, we have given insufficient priority to American high-technology and value-added products. There has also been insufficient attention paid to the negative effects of our trade policies on the competitive positions of those technologies and industries, especially in the new, post cold war world. Some of these policies have restricted exports of many of our most competitive products, effectively robbing our own companies of their comparative advantage, constraining their market share, and limiting their revenue for future investment. In summary, our trade policy has too often been ad hoc, reacting primarily to dying industries with political access rather than based on rational priorities or a strategic view of the economic future of the country.

The essential question is whether the United States formulates its trade plans and policies with a clear goal in mind: increasing the international competitiveness of those technologies and industries which determine whether this country has a secure economic future and a rising standard of living.

THE TRADE ACT AMENDMENTS OF 1992

Mr. President, this bill would be another step toward formulation and coordination of strategic trade policies to serve the long-term economic interests of this country, not short-term political interests.

The bill would require the President, as part of the annual report on the trade agreements program and the national trade agenda, to report on the operation of U.S. trade policies with respect to the international competitive positions of, first, national critical technologies—as determined by the National Critical Technologies Panel; second, U.S. industries developing and utilizing those critical technologies, and any other U.S. industry considered vital to the national economy. It would require that the President detail the trade actions taken by the United States and foreign governments, and the effects of those actions on the identified technologies and industries. Finally, it would require that the President explicitly state U.S. trade strategies and plans and explain how they would increase the international competitiveness of the identified technologies and industries.

CONCLUSION

The new realities of the post-cold-war world make economic matters directly and inextricably bound to matters of national security and international influence. This bill is one piece of a larger framework of bills I and others have introduced to focus this country's policies and efforts on technologies and industries which are of long-term importance to the economic vitality and security of this country. It is also intended to encourage policy formulation with those goals in mind.

Mr. President, I ask unanimous consent that the text of the Trade Act Amendments of 1992 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Act Amendments of 1992".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Advanced and emerging technologies and industries are significant contributors to the economic strength of the United States, creating jobs, improving productivity, raising standards of living, and increasing international economic competitiveness.

(2) International trade policies (particularly as such policies relate to unfair foreign imports, closed foreign markets, and international agreements) directly affect the health of advanced and emerging technologies and industries in the United States.

(3) The continued vitality of important technologies and industries, requires the United States to formulate international trade policies with full understanding of the potential effects such policies have on key technologies and industries.

(b) PURPOSE.—The purpose of this Act is to encourage the integration of United States international trade policies with the competitive position of industries and technologies which are vital to the continued economic health of the United States.

SEC. 3. ANNUAL REPORTING REQUIREMENTS.

(a) COMPETITIVE POSITION OF UNITED STATES INDUSTRIES.—Section 163(a)(1) of the Trade Act of 1974 (19 U.S.C. 2213(a)(1)) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a semicolon and "and", and by adding at the end thereof the following new subparagraph:

"(C) the operation of United States trade policies with respect to the international competitive positions of—

"(i) the technologies identified by the National Critical Technologies Panel pursuant to section 601 of the National Science and Technology Policy, Organization, and Priorities Act of 1976,

"(ii) United States industries developing and using the technologies described in clause (i), and

"(iii) any other United States industry considered vital to the national economy.".

(b) SPECIFIC INFORMATION ON TRADE ACTIONS AND STRATEGIES.—Section 163(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) The President shall include in the report the following information with respect to the technologies and industries described in paragraph (1)(C):

"(A) Trade actions taken by the United States and foreign governments, including negotiations, discussions, agreements, duties, quotas, and legal action, which affect such United States industries and technologies.

"(B) Whether the actions described in subparagraph (A) have postitively or negatively affected such United States industries and technologies.

"(c) The United States trade strategies and actions which are planned, and how such strategies and actions increase the international competitiveness of such United States industries and technologies.

"(D) The trade strategies and actions of other nations which affect the international competitives of such United States industries and technologies.".●

ADDITIONAL COSPONSORS

S. 752

At the request of Mr. CHAFEE, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 752, a bill to amend the Internal Revenue Code of 1986 to make the allocation of research and experimental expenditures permanent.

S. 2018

At the request of Mr. BOND, the names of the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 2018, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that a single Federal Agency shall be responsible for making technical determinations with respect to wetland or converted wetland on agricultural lands.

S. 2064

At the request of Mr. HATFIELD, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 2064, a bill to impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2197

At the request of Mr. GRAHAM, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 2197, a bill to promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people.

S. 2244

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 2244, a bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict.

S. 2296

At the request of Mr. AKAKA, the names of the Senator from New Hampshire [Mr. Smith] and the Senator from Nevada [Mr. Reid] were added as cosponsors of S. 2296, a bill to amend the Packers and Stockyards Act, 1921 to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 2362

At the request of Mr. McCain, the names of the Senator from Indiana [Mr. Lugar] and the Senator from Washington [Mr. Gorton] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2560

At the request of Mr. Simon, the names of the Senator from Kansas [Mrs. Kassebaum] and the Senator from Arkansas [Mr. Bumpers] were added as cosponsors of S. 2560, a bill to reclassify the cost of international peacekeeping activities from international affairs to national defense.

S. 2622

At the request of Mr. Robb, the name of the Senator from Rhode Island [Mr. Pell] was added as a cosponsor of S. 2622, a bill to establish an Office of Cambodian Genocide Investigation, to support efforts to bring to justice national Khmer Rouge leaders who committed crimes against humanity in Cambodia, and to exclude the national leadership of the Khmer Rouge from the United States.

S. 2624

At the request of Mr. Glenn, the names of the Senator from Louisiana [Mr. Breaux], the Senator from Maryland [Mr. Sarbanes], and the Senator from Massachusetts [Mr. Kennedy] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2682

At the request of Mr. Bumpers, the names of the Senator from Arizona [Mr. DeConcini], the Senator from Rhode Island [Mr. Pell], and the Senator from Minnesota [Mr. Wellstone] were added as cosponsors of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

S. 2711

At the request of Mr. Glenn, the names of the Senator from Maryland [Ms. Mikulski], the Senator from Pennsylvania [Mr. Specter], the Senator from South Carolina [Mr. Hollings], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 2711, a bill to ensure the fair treatment of members of the Selected Reserve of the Ready Reserve of the Armed Forces who are adversely affected by certain reductions in the size of the reserve components of the Armed Forces.

S. 2736

At the request of Mr. Lieberman, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 2736, a bill to prohibit the Secretary of Health and Human Services from taking any action with respect to certain alleged violations of the requirements of title IV of the Social Security Act.

S. 2752

At the request of Mr. Leahy, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of S. 2752, a bill to establish a REFORM Commission to review the field structure of the United States Department of Agriculture, and for other purposes.

S. 2763

At the request of Mr. Roth, the names of the Senator from New Mexico [Mr. Bingaman], the Senator from Wyoming [Mr. Wallop], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of S. 2763, a bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy.

S. 2794

At the request of Mr. Dole, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 2794, a bill to relieve the regulatory burden on depository institutions, particularly on small depository institutions, and for other purposes.

SENATE JOINT RESOLUTION 247

At the request of Mr. Dole, the name of the Senator from Georgia [Mr. Fowler] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. Lautenberg, the name of the Senator from Georgia [Mr. Nunn] was added as a cosponsor of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 273

At the request of Mr. Seymour, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Missouri [Mr. Danforth], the Senator from Illinois [Mr. Dixon], the Senator from Ohio [Mr. Glenn], the Senator from Utah [Mr. Hatch], the Senator from Hawaii [Mr. Inouye], the Senator from Vermont [Mr. Jeffords], the Senator from South Dakota [Mr. Pressler], the Senator from Oregon [Mr. Packwood], and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 274

At the request of Mr. Dodd, the name of the Senator from Oregon [Mr. Packwood] was added as a cosponsor of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day."

SENATE JOINT RESOLUTION 281

At the request of Mr. Grassley, the names of the Senator from Missouri [Mr. Bond], the Senator from Colorado [Mr. Brown], the Senator from Maine [Mr. Cohen], the Senator from Idaho [Mr. Craig], the Senator from New York [Mr. D'Amato], the Senator from Missouri [Mr. Danforth], the Senator from Illinois [Mr. Dixon], the Senator from Kansas [Mr. Dole], the Senator from New Mexico [Mr. Domenici], the Senator from Georgia [Mr. Fowler], the Senator from Utah [Mr. Garn], the Senator from Tennessee [Mr. Gore], the Senator from Washington [Mr. Gorton], the Senator from North Carolina [Mr. Helms], the Senator from Vermont [Mr. Jeffords], the Senator from Wisconsin [Mr. Kasten], the Senator from Connecticut [Mr. Lieberman], the Senator from Arizona [Mr. McCain], the Senator from Oklahoma [Mr. Nickles], the Senator from South Dakota [Mr. Pressler], the Senator from Oregon [Mr. Packwood], the Senator from West Virginia [Mr. Rockefeller], the Senator from Pennsylvania [Mr. Specter], and the Senator from Idaho [Mr. Symms] were added as cosponsors of Senate Joint Resolution 281, a joint resolution designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. Lieberman, the names of the Senator from Delaware [Mr. Biden] and the Senator from Maine [Mr. Cohen] were added as cosponsors of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 291

At the request of Mr. Garn, the names of the Senator from New York [Mr. D'Amato], the Senator from Arizona [Mr. DeConcini], the Senator from Connecticut [Mr. Dodd], the Senator from New Jersey [Mr. Lautenberg], the Senator from Ohio [Mr. Metzenbaum], the Senator from Alaska [Mr. Murkowski], the Senator from Tennessee [Mr. Sasser], and the Senator from California [Mr. Seymour] were added as cosponsors of Senate Joint Resolution 291, a joint resolution to designate June 10, 1992, through June 16, 1992, as "International Student Awareness Week."

SENATE JOINT RESOLUTION 303

At the request of Mr. Pell, the names of the Senator from Texas [Mr. Bentsen], the Senator from New Jersey [Mr. Bradley], the Senator from

Colorado [Mr. BROWN], the Senator from Montana [Mr. BURNS], the Senator from West Virginia [Mr. BYRD], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. CRAIG], the Senator from Missouri [Mr. DANFORTH], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. LEVIN], the Senator from Arizona [Mr. MCCAIN], the Senator from Maine [Mr. MITCHELL], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. SASSER], the Senator from California [Mr. SEYMOUR], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 303, a joint resolution to designate October 1992 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 306

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 306, a joint resolution designating October 1992 as "Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 307

At the request of Mr. MCCAIN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Hawaii [Mr. AKAKA], the Senator from Texas [Mr. BENTSEN], the Senator from Colorado [Mr. BROWN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], the Senator from West Virginia [Mr. BYRD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from California [Mr. CRANSTON], the Senator from Kansas [Mr. DOLE], the Senator from Georgia [Mr. FOWLER], the Senator from Ohio [Mr. GLENN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KASTEN], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. STEVENS], the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 307, a joint resolution designating the month of July 1992 as "National Muscular Dystrophy Awareness Month."

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Kentucky [Mr. FORD], the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. AKAKA], the Senator from Alabama [Mr. SHELBY], the Senator from Washington [Mr. ADAMS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Nevada [Mr. BRYAN], the Senator from Washington [Mr. GORTON], the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. HEFLIN], the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KOHL], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

SENATE RESOLUTION 300

At the request of Mr. DECONCINI, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Resolution 300, a resolution relating to suspension of assistance and cooperative programs with the former Yugoslavia.

AMENDMENTS SUBMITTED

PUBLIC TELECOMMUNICATIONS ACT

LOTT (AND OTHERS) AMENDMENT NO. 1865

Mr. LOTT (for himself, Mr. HELMS, Mr. DOLE, Mr. NICKLES, Mr. WALLOP, Mr. COATS and Mr. BROWN) proposed an amendment to the bill (S. 1504) a bill to authorize appropriations for public broadcasting, and for other purposes; as follows:

On page 6, strike lines 12 through 15 and insert:

"(3) by inserting ", $275,000,000 for fiscal years 1994, 1995, and 1996.'"

DOLE (AND OTHERS) AMENDMENT NO. 1866

Mr. DOLE (for himself, Mr. STEVENS, and Mr. INOUYE) proposed an amendment to the bill S. 1504, supra, as follows:

At the appropriate place, insert the following:

SEC. . In making available funding pursuant to authorizations under this Act, any independent production service established under section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) shall, to the maximum extent practicable and consistent with the provisions of the Communications Act of 1934, provide such funding to eligible recipients and project representing the widest possible geographic distribution, with the objective of providing funding to eligible recipients and projects in each State from which qualified proposals are received over the course of such authorizations.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 25, 1992, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee. The bills are:

S. 1879, to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes;

S. 1990, to authorize the transfer of certain facilities and lands in the Wenatchee National Forest, WA;

S. 2392, to establish a right-of-way corridor for electric power transmission lines in the Sunrise Mountain in the State of Nevada, and for other purposes;

S. 2397, to expand the boundaries of the Yucca House National Monument in Colorado, to authorize the acquisition of certain lands within the boundaries, and for other purposes;

S. 2606, to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands; and

S. 2749, to grant a right of use and occupancy of a certain tract of land in Yosemite National Park to George R. Lange and Lucille F. Lange, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 3, 1992, at 9:30 a.m. to hold a hearing on the effectiveness of enterprise zones as a spur to investment in economically distressed areas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Wednesday, June 3, 1992, at 9:30 a.m., in open session, to receive testimony on civil defense programs and policy, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Wednesday, June 3, 1992, at 10 a.m., in SR-332, to hold a hearing on U.S. Department of Agriculture's computer operations.

For further information please contact Andy Finkel of the Agriculture Committee staff at X4-5207.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. INOUYE. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing to consider health legislation and to conduct oversight of the Department of Veterans Affairs. The hearing will be held on June 3, 1992, at 10 a.m. in room 418 of the Russell Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, June 3, 1992, at 2:30 a.m., in open session, to receive testimony on the Department of Defense's 1994–99 Defense planning guidance and its illustrative scenarios and to consider the nomination of I. Lewis Libby to be Deputy Under Secretary of Defense for Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 3, 1992, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 3, at 10 a.m. to hold ambassadorial nominations hearing.

NOMINEES

(1) Mr. Richard Goodwin Capen, Jr., of Florida, to be Ambassador to Spain.

To be introduced by: The Honorable Dante Fascell (D–FL) and the Honorable Connie Mack (R–FL).

(2) Mr. Peter Barry Teeley, of Virginia, to be Ambassador to Canada.

To be introduced by: The Honorable Ted Stevens (R–AK).

(3) Mr. Donald Herman Alexander, of Missouri, to be Ambassador to the Kingdom of the Netherlands.

To be introduced by: The Honorable Christopher Bond (R–MO).

(4) Mr. Adrian A. Basora, of New Hampshire, to be Ambassador to the Czech and Slovak Federal Republic.

(5) Mr. William Henry Gerald FitzGerald, of the District of Columbia, to be Ambassador to Ireland.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO DOROTHY AND ROYCE VINSON, OWENSBORO, KY

• Mr. FORD. Mr. President, I would like to take a few minutes today to recognize Dorothy and Royce Vinson of my hometown of Owensboro.

In May of 1962, Dorothy and Royce opened the Royce Restaurant on West Second Street. The Royce is a family-style restaurant with good home cooking, and for 30 years now, it has served generations of Owensboroans.

In a business that often sees owners come and go, the Royce has been a pleasant exception. It is the oldest one-owner restaurant in Owensboro, and its longevity is no accident: The Royce is a success because of the hard work, dedication and good nature of the Vinsons. They work 16-hour days, they know most—if not all—of their customers by name, and they pay attention to what their customers want. They and their restaurant have deservedly become local fixtures.

The Vinsons have a knack for making everyone feel at home. Students from Kentucky Wesleyan College stop in to eat, study, and mingle. Folks drop by to catch up on the day's news. Music from an old-time jukebox adds to the atmosphere and makes the restaurant an enjoyable place to visit.

Mr. President, Dorothy and Royce Vinson have demonstrated that they have what it takes to be successful, and I am pleased to have had this opportunity to pay tribute to these fine folks as their business enters its fourth decade of operation.•

DRUNK DRIVING

• Mr. McCONNELL. Mr. President, on May 14, 1988 a light truck hit a bus in Carrollton, KY, killing 24 students and 3 adults. What amplifies the scope of this terrible tragedy is that the driver of the truck was under the influence of alcohol when the crash occurred. This was no accident. It was an alcohol-related crash that was preventable. This nightmare shocked our State and plunged an entire community into grief. The horrible fact of the matter is that every 10 hours the same number of people are killed by drunk drivers.

On May 19, of this year, Molly Evenstad of Virginia, sent my staff a very informative article from the April edition of Aide magazine which explains the toll drunk drivers have on Americans each and every day of the year. At this time I would like to thank Ms. Evenstad for her commitment to the cause of preventing drunk driving and insert the article in the RECORD: "What if 100 Jumbo Jets Crashed, and No One Survived?"

The article follows:

WHAT IF 100 JUMBO JETS CRASHED, AND NO ONE SURVIVED?

Sauced. Blotto. Polluted. Tanked. Squiffed. No matter what you call it, it means drunk. And behind the steering wheel, drunk can mean deadly.

In 1990, drunk driving killed more than 22,000 people in the United States. That's a death toll equivalent to the crash of 100 jumbo jets, with no survivors. Alcohol-related crashes injured an additional 355,000 people. A recent telephone survey conducted by the Gallup Organization found 42 percent of respondents personally knew someone who was killed or injured by a drunk driver. Mothers Against Drunk Driving (MADD) reports half of all traffic fatalities involve alcohol.

With statistics like those, if your life hasn't been affected by a drunk driving accident, you can count yourself lucky. If your life has been changed—well, these excerpts from letters written by Aide Magazine readers tell the story.

At approximately 1:30 a.m. on September 15, 1990, Allen was on his way home and either fell asleep or passed out at the wheel. Less than a mile from home, his car drifted to the left side of the road, and it looks as though he woke up and turned the wheel hard right. This caused the vehicle to roll over. He was ejected from the car, and I pray his death was immediate. His blood alcohol level was 0.25, which is two-and-one-half times the (Virginia) legal limit of 0.10.

Anger twisted around my grief when I found that three bars where Allen had been drinking failed to check his identification. (Allen was 19; in Virginia, the drinking age is 21.) These establishments advertise as "family-oriented" restaurants. Allen was wrong to drink and drive, but these establishments had a moral and legal obligation to be responsible beverage servers. The establishments did not get their licenses revoked or suspended. They were fined $2,000 apiece, which is a mere slap on the wrist. Allen paid with his life, and we, his parents and family, are left to suffer.—William H. Pierce II, Manassas, Virginia.

It was Christmas Eve 1959. The police report stated, "The occupant never had a chance." While waiting for a red light, his vehicle was hit from behind by a drunk driver. The force of the impact instantly broke his neck, partially ejected him from the car and dragged him over 100 feet. The drunk driver was not injured, nor was he insured. The deceased was 32 years old and often said, "I'm too young to need life insurance." He left behind a wife and four boys, ages 3 to 10 years old. I haven't had a Dad since. Yes, I was only 5 years old, and my life had changed forever.—Christopher M. Kelleher, Ft. Belvoir, Virginia.

I can remember sitting in the back seat of the car as my mother drove me home from school on days when I stayed late. She was an alcoholic and would invariably not be completely sober when she picked me up. She would be driving very slowly yet weave all over the road and make some very poor-judgment driving moves. I remember thinking that I, too young, and with no driver's education training, could manage a straighter and safer course.

Our family never discussed the drinking problem, and being as young as I was, I really felt I had nowhere to go with the information that my mother was driving under the influence. When I think back on those days, I'm thankful she never had an accident or hurt anyone with her DUI driving. It could so easily have been a different story, and I would have felt partly responsible as I was too scared to tell anyone about those long rides home (three miles).—Name withheld, Chicago, Illinois.

When a car hits a telephone pole at 70 miles per hour, the pole will snap in half. When six people in a car hit a telephone pole at 70 miles per hour, two people will die, one will become disabled, two will be medically discharged from Naval service, and one will spend 30 days in the Philadelphia Naval Hospital. When six people drink and one of them is the driver, all six lives will change. When one of the passengers peels the crushed roof off his best friend's body, he wonders why the driver consumed alcohol and got behind the steering wheel.—David R. Putnam, Jacksonville, Florida.

My 18-year-old brother, John Robert Ruiz, the baby of the family, was killed by a three-time-convicted drunk driver. This person, driving at an estimated speed of 110 miles per hour, lost control of his car, causing it to flip over on its top and burst into flames. This car then hit my brother's car head-on. Amazingly, out of the four persons in the two cars, no one else was seriously injured. My brother was killed on impact. I cannot begin to describe how hard it was, being 21 years old at the time, to plan my little brother's closed-casket funeral.—Norma J. Murray, Tampa, Florida.

I'll never forget the acidic pain of watching my friend, my soul mate, being dragged out of the crushed car. His head had smashed the windshield. I walked to the car and I wanted to touch him, to bring him back to life. I would have dreams in which I healed his torn face and then he would smile at me. The void in my soul will never go away.

It really makes no difference whether he was a victim or whether he brought this upon himself. Life is precarious as it is. There is no need no inject stupidity into the formula. I can never bring back the young, beautiful life that was lost for good. It still hurts.—John Doberty, South Bend, Indiana.

Hal and his wife, Helen, were enjoying retired life to the fullest. Traveling was a big part of their lives. He even managed to return once to Italy where, 45 years earlier, he had been shot down on a bombing run in his B–17. Evading enemy troops, he encountered American sympathizers who aided and fed him. Piecing together his route, he eventually found and again met some of the civilians who had, so many years before, helped this young aviator to survive and reach Allied lines four months later.

Maybe he was planning another trip when all future dreams were dashed. The automobile, without braking, slammed into the rear wheel of the bike Hal was riding. Hal was thrown over the hood of the car into a telephone pole. He was then catapulted 50 feet down the pavement, where he lay without movement or heartbeat. Today, he is paralyzed and severely brain damaged. He requires 24-hour care in a nursing home, a man much too young in years and spirit to be in a nursing home. All of the family is a victim of this tragedy. Christmas is no longer celebrated. Special times of the year only remind us of our profound loss. We take life one day at a time, coping with ongoing medical crises, crippling financial obligations and a future devoid of the love and devotion that so epitomized this once-giant of a man.—Madeline Linneweb, Las Vegas, Nevada.

Since I had plenty of beer in the back seat, I was my own mobile party ready for anything. Some curves in the road appeared just before midnight. I fastened my seat belt, floored the accelerator. Soon my speed exceeded my car's ability to hug the road. I slipped through the first turn, the tires screaming for traction. I was too dazed to react; my foot remained glued to the floor. After recovering, I felt challenged; my heart was pounding and my passenger was speechless. Gaining speed for turn two, the engine was soaring, the tires were screaming! Against my wishes, I jumped the curb. On my left was a street sign, on my right a tree. Could I squeeze between them without suffering a scratch? Probably not—so I chose to flatten the sign. I missed. The tree fought for survival, and won. Barely able, my poor car limped away. I stepped out to pull the metal away from the tires. Ooops! Police on patrol . . . "Has there been an accident? Are you and your passenger okay? Can I see your license? Where was the accident? What did you hit? Have you been drinking? You have the right to remain silent!" Almost five years of trying to forget, trying to leave it behind. Insurance companies want more money, and employers want someone else. Family members still look at me differently—as if this is my life story, as if I cannot be controlled. I'm not like that at all!—Jeffory J. Stumpf, Ponca City, Oklahoma.

At 7:00 a.m. on Thanksgiving morning, when most Americans are preparing the stuffing for their turkey, our son's eyes were removed and the corneas donated. A 17-year-old boy, who was drinking, using marijuana and speeding at about 75 miles per hour, broadsided our son, John, who was making a left turn.

Driving under the influence was not an accident, but rather involved two clear choices: to drink and to drive. The driver received only three months in juvenile hall, yet caused many innocent people unbearable sorrow and burdens. Our son spent 19 years becoming a unique creature in nature. It took years of effort and love to make such an individual, and this negligent act has removed him from life forever.—John and Maureen Rood, Mission Viejo, California.

My husband and I will never forget the morning we woke our only child, Brenda, to tell her the news following a crash the night before. A drunk driver had killed Chad Kernan, a friend of Brenda's in school. Chad was one of three students in Brenda's high school who were killed by intoxicated drivers in six months in two separate crashes. At Chad's crowded funeral, Tracy Johnson, a friend of Brenda's, said, "We have to stick together; we can't let anything like this happen again." But seven months later Brenda's and Tracy's lives were ripped away from us by a drunk driver. A drunk driver who decided to imbibe enough alcohol to cause his blood level to soar two-and-a-half times past the legal limit. A drunk driver who decided to drive the wrong way down a divided highway and crash head-on into our daughter's new car. A drunk driver who had four prior DUI arrests. A drunk driver who ignored court orders for Antabuse and alcohol counseling.

The pain only began on that evening our daughter was murdered. My mother died three weeks later from the stress of losing her granddaughter to a four-time offender. Brenda and Tracy both died strapped in their safety belts at the scene of the crash; their killer lived. He lived only to get released from the hospital still in possession of a legal driver's license. He lived to go home to his family for Thanksgiving and Christmas. He lived to hold his baby in the courtroom in an effort to portray a good father image to the jurors. We were not allowed to bring Brenda's and Tracy's pictures into the courtroom.

The injustices continue for my husband and me. Every morning we have to get up and function without our only daughter. Our birthday and Christmas presents to her are bouquets of flowers. We donate money to her memorial scholarship fund instead of exchanging Christmas gifts.—Joseph and Molly Evenstad, Falls Church, Virginia.

Driving home, having had two drinks, I approached a highly dangerous intersection in East Tampa. Unfortunately, the light control was malfunctioning. The light was green as we approached, but was green the opposite way, also. The driver of the pickup truck in front of me was disoriented by the whole situation and stopped. Then, as the driver backed away from the green light, I tried to avoid collision by turning to my left. We collided anyway, my front to his back under a green light. The investigating officer did not consider the light being green, did not consider the truck was backing up at a green light. His investigation wholly centered on whether I had been drinking. The only important fact was who had been drinking; none of the facts concerning the light function or the truck backing up while the light was green were taken into consideration. This story is a perfect testimonial that you may not be at fault in an accident, but if you have had a drink, you will be the one at fault.—Anonymous, Tampa, Florida.

The drunk driver who killed my Granddaddy Harris survived with no physical injuries. I'm sure, though, that the driver of that car lived with a tormented soul. In my own heart I feel a gaping hole where my grandfather should have been. When I look at the precious few photographs we have of him, I wonder about all the ways he could have enriched my life.—Valerie C. Beckner, Richmond, Virginia.●

REJECT MOST-FAVORED-NATION STATUS FOR CHINA

• Mr. WOFFORD. Mr. President, yesterday, only 2 days before the anniversary of the massacre of prodemocracy demonstrators in Tiananmen Square, President Bush chose to renew most-favored-nation trade status for China. That is the worst possible way to commemorate the deaths of those courageous students. And the worst message the President could send to China's leaders is to renew most-favored-nation status unconditionally at this time.

The list of reasons to reject most-favored-nation trade status for China continues to grow. The Chinese Government routinely engages in abusive trade practices, and irresponsibly exports nuclear and other weapons technologies to unreliable countries in the Middle East and elsewhere. It systematically represses proponents of democracy, free speech, and human rights through torture, intimidation, and executions.

Nothing has happened since the Congress last debated this subject to strengthen the arguments of those who wish to see an unconditional renewal of China's most-favored-nation status. In fact, the opposite has occurred. The collapse of the Soviet Union rendered the "China card," the notion that we need to support China as a balance to the Soviet Union, obsolete. Our economy has worsened and unemployment increased, showing more clearly the effects of unfair trade relations on America's workers.

New evidence of Chinese weapons proliferation has surfaced. And the Chinese Government has not let up on its relentless human rights violations both within China itself and in Tibet.

China does not deserve an unconditional renewal of most-favored-nation status. I hope that this time enough of my colleagues will reject the President's arguments and support attaching stringent conditions to China's most-favored-nation trade status. That will send the appropriate message to China's leaders: that America does care about human rights, that it does care about its workers and will protect them from unfair trade practices. It will certainly be a more fitting memorial to the victims of the Tiananmen Square massacre than the one President Bush bestowed on them today.•

COMMENDING JONATHAN DOWNING, CHEYENNE, WY

• Mr. WALLOP. Mr. President, today I would like to recognize Jonathan Downing from Cheyenne, WY. Jonathan, a student at Cheyenne East High School, took first place in the Wyoming Coal Committee's scholarship competition with his essay entitled "Wyoming Coal—Helping Wyoming's Environment and Economy." This young man competed with other students from across the State of Wyoming. Jonathan's was chosen from among the top 18 essays, which were judged by a State senator and three State representatives.

This particular scholarship program is intended to encourage Wyoming's young people to understand how the coal industry has contributed to the State's economy and environment. As Jonathan notes, Wyoming coal is low in sulfur content, creating strong demand by electric utilities around the country. Wyoming coal has so little sulfur that its use allows utilities to comply with the Clean Air Act emission standards.

As Jonathan said with much insight, "it is of concern to the citizens of our State that we protect the land while being able to derive a living from it." It strikes me that such a balance between the proper use of resources and care for the land should be common sense for all of us.

Jonathan plans to attend the University of Wyoming in Laramie this fall to pursue a degree in English communication. If his essay is any indication, it may well be his calling.

I am sure all of my colleagues recognize the importance of these scholastic events. The Wyoming Coal Information Committee's scholarship encourages bright people like Jonathan to wrestle with this intellectual topic and articulate their views. I hope my colleagues join me in congratulating Jonathan Downing in his achievement. I thank the Wyoming Coal Committee for affording Wyoming youth this opportunity.

The essay follows:

WYOMING COAL—HELPING WYOMING'S ENVIRONMENT AND ECONOMY

He was only nine years old when his father died but he can still remember his Dad coming home at the end of the shift with the tell-tale rings of coal dust around his eyes, carrying his miner's hat tucked under his arm. It was hard work being a hewer[1] on the underground coal face of a Welsh coal pit in the 1940's. The working hours were long and conditions far from pleasant in what was then the deepest coal pit in Europe. Many men died from the "black lung". There wasn't a man in the pit who wanted this life for his son. His father had a dream of a better future for his son. He wanted him to receive an education so that he would know a better way of life. This miner was my Welsh grandfather. His dream became reality when his son received a good education, yet he hadn't lived long enough to know that. He would never know how my father emigrated from the great Welsh mining area to the great State of Wyoming, the largest coal producing state in the land. Yet the coal mines of Wyoming provide sharp contrast from their Welsh counterparts.

Wyoming coal . . . what does one think of when one hears "Wyoming coal"? I think of the "larger than life", open-pit mines with thick black seams of coal that I have seen when travelling through Campbell and Sweetwater Counties. Then I think of the schools that have been built with revenue and royalties from the coal industry. I also think of the green rolling prairies of Wyoming. Green rolling prairies? When people think of Wyoming they don't usually think of green rolling prairies! They think of the brownish-tan landscapes, mixed with the pleasant odor of sagebrush in the air and maybe a few antelope grazing with a rancher's cattle, but "green rolling prairies"? Well no, not until after reclamation!

The impact of Wyoming coal on the state's environment and economy cannot be overestimated. With the passage of the new Clean Air Act in 1990, the coal industry in Wyoming will take a much greater role in our economy and environment. First, let's discuss the environment.

For many years coal has had a great influence on Wyoming's environment. As an energy source Wyoming coal is one of the better environment-friendly coals because of its low sulfur content. Eastern coal contains 5 to 9 percent sulfur whereas Wyoming coal contains only 0.5 to 1.5 percent sulfur. In a time when power plants and factories must comply with stronger emission standards set by the Clean Air Act, the demand for Wyoming coal is becoming much greater than it has ever been. Ninety-eight percent of Wyoming's coal is used for electrical generation with most of the coal being exported to twenty-nine states across the nation.

It is of concern to the citizens of our state that we protect the land while being able to derive a living from it. This is true whether we are discussing farming, ranching, building, highway construction or the coal industry. Environmentalists accuse the coal industry of engaging in poor stewardship practices in Wyoming, but a simple trip through some of our "coal counties" proves otherwise. Environmentally sound, modern mining and reclamation techniques have been used in Wyoming which, along with our stringent air, land and water quality laws, ensure that land which has been affected by surface mining will be reclaimed to a condition which is better than the land's pre-mining condition. *Minerals Today* (February 1992) tells us that "less than one percent of the nation's land has been affected by mining, and of that, forty percent has already been reclaimed.

As the number one coal producer in the nation, Wyoming's coal mines produced 184,005,701 tons of coal in 1990. Wyoming coal is more competitive with that of other states due to the fact that it is less expensive to produce. It is environmentally desirable, and we have an estimated one trillion tons of coal lying beneath our feet!

Wyoming coal produces $200 million in payroll and over $400 million in taxes and royalties each year. In 1989 through severance tax revenues and royalty distributions Wyoming coal contributed $27.6 million to public schools, $33.8 million to the highway funds and a combined total of $3.9 million to capital construction projects for cities, towns and school districts.

Currently the population of the State of Wyoming is the lowest in the nation. Most states with low populations have to impose a state income tax to produce enough revenue to adequately fund schools, highways and construction projects. Wyoming's tremendous mineral revenues have enabled citizens to keep more of their hard earned incomes. Further, the coal industry has provided many Wyoming families with their means of support through high paying jobs.

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[1] A hewer used a hand held pickax to break the coal from the coal seam. He would often work 10 hour shifts underground. It was one of the most physically challenging jobs in the mine.

Children in Wyoming are able to enjoy schools which are consistently rated among the best in the nation. Adults in practically every part of the State have access to higher education through seven fine community colleges. The State has an excellent University. Revenue from the coal industry has contributed greatly to enabling these educational institutions to receive adequate funding, build attractive campuses, attract good teachers and professors, and to offer strong academic and extra curricular programs. While providing an excellent education for their students, salaries from the employees of our schools circulate in the economies of even the smallest communities.

The people of Wyoming and the many travellers visiting or passing through our state have the benefit of well maintained highways. Our highways not only provide a pleasant trip while travelling but provide construction jobs for Wyoming citizens which in turn strengthen the local economies. This is possible, to a major degree, because of the $33.8 million dollars received by the State of Wyoming from the coal industry and used for highway projects.

The coal industry of Wyoming has certainly played a major part in providing us with a clean and beautiful environment in which to live and a secure economy on which we can depend.

I often wish that my grandfather could have been alive today to see how much safer, cleaner and environmentally sound coal mining is in Wyoming now compared to that of the Welsh mines of the 1940's. Had he had the opportunity to witness coal mining in Wyoming, I'm sure he would have been proud to have a son join him in the coal mines . . . maybe even a grandson!●

AGNEA ANTONIADES AND HER WORK TO CELEBRATE CULTURAL DIVERSITY

● Mr. WELLSTONE. Mr. President, I would like today to commend the tireless work of Agnea Antoniades of St. Paul, MN. Through her efforts, the great State of Minnesota has designated the first Sunday of June as Ethnic American Day. With the designation, our State recognizes and celebrates the rich cultural diversity of our society. As Americans continue to struggle for equality and justice for all, we must not lose sight of the diverse heritage of our Nation. From the original indigenous Americans to those who arrived as immigrants; from those who arrived under the bondage of slavery to those fleeing persecution in their homelands, all Americans have benefited from the contributions made by our diverse and rich cultural history.

I commend Ms. Antoniades on her tireless work to promote awareness of our cultural diversity, and along with her and the people of Minnesota, I will be celebrating Ethnic American Day this Sunday.●

POLITICAL DEVELOPMENTS IN TAIWAN

● Mr. MACK. Mr. President, in recent weeks I have expressed the desire that the United States should reward democratic reform in the Republic of China on Taiwan by ending the de facto ban on high-level contracts between our two Governments.

The world has experienced enormous changes in recent years. Nations all over the globe now trying the recipe for economic progress that is free markets and democracy. The United States has rightfully recognized the recent efforts many nations have made to liberalize both their markets and their political systems. We should not ignore Taiwan in this recognition.

In this context, it is appropriate to acknowledge an important recent event in Taiwan's political development. That event—on May 20—was the second anniversary in office of President Lee Teng-hui and Vice President Li Yuan-zu.

Taiwan's continuing democratic reforms underscore its importance in the world and also emphasize its continuing significance to our own economy. Taiwan is not only one of our largest trading partners, but it holds the world's largest foreign exchange reserves.

Resuming high-level contacts with Taiwan therefore serves two purposes. First, it will continue sending the important signal that the United States is rewarding democratic reform. But it also will facilitate our bilateral economic relationship by enabling greater understanding and cooperation in addressing many important trade issues, including those dealing with intellectual property rights.

Mr. President, the time for upgrading relations with Taiwan is now.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is below the budget resolution by $1.7 billion in budget authority and above by $3.6 billion in outlays. Current level is $2.9 billion above the revenue floor in 1992 and $0.7 billion below the revenue floor over the 5 years, 1992–96. Since my last report the Congress has cleared for the President's signature H.R. 4900, a bill rescinding certain funding in fiscal year 1992. This action changes the current level for budget authority and outlays.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $351.9 billion, $0.7 billion above the maximum deficit amount for 1992 of $351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 1, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through May 21, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 19, 1992, the Congress has cleared for the President's signature H.R. 4990, a bill rescinding certain funding in fiscal year 1992. This action changes the current level for budget authority and outlays.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS. AS OF MAY 21, 1992

[In billions of dollars]

	Budget resolution (H. Con. Res. 121)	Current level	Current level +/− resolution
On-budget:			
Budget authority	1,270.7	1,269.0	−1.7
Outlays	1,201.7	1,205.3	+3.6
Revenues.			
1992	850.5	853.4	+2.9
1992–96	4,836.2	4,835.5	−.7
Maximum deficit amount	351.2	351.9	+.7
Debt subject to limit	3,982.2	3,832.4	−149.8
Off-budget:			
Social Security outlays:			
1992	246.8	246.8	
1992–96	1,331.5	1,331.5	
Social Security revenues:			
1992	318.8	318.8	
1992–96	1,830.3	1,830.3	

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAY 21, 1992

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,567	727,184	
Appropriation legislation	686,331	703,643	
Mandatory adjustments[1]	(1,041)	1,105	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted[2]	1,260,314	1,199,389	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102–244)	2,706	2,706	
American Technology Preeminence Act (Public Law 102–245)			[3]
Technical Correction to the Food Stamp Act (Public Law 102–265)	[3]	[3]	
Further continuing appropriations, 1992 (Public Law 102–266)[4]	14,178	5,724	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAY 21, 1992—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Extend certain expiring veterans' programs (Public Law 102–291)	(4)	(4)	
Total enacted this session	16,881(4)	8,427(4)	(3)
PENDING SIGNATURE			
1992 Rescissions (H.R. 4990)	(8,154)	(2,499)	
Total current level	1,269,041	1,205,318	853,364
Total budget resolution [5]	1,270,713	1,201,701	859,501
Amount remaining:			
Over budget resolution		3,617	2,863
Under budget resolution	1,672		

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (Public Law 102–145) that expired Mar. 31, 1992.

[3] Less than $500,000.

[4] In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act, the amount shown for Public Law 102–266 does not include $107,000,000 in budget authority and $28,000,000 in outlays in emergency funding for SBA disaster loans.

[5] Includes revision under section 9 of the concurrent resolution on the budget (see p. S4055 of "Congressional Record" dated Mar. 20, 1992).

Note.—Detail may not add due to rounding.•

THE SUCCESS OF CHICAGO'S TEACHERS' ACADEMY FOR MATH AND SCIENCE

• Mr. SIMON. Mr. President, the Nation's Governors have called for American students to be first in the world in science and mathematics achievement by the year 2000. We have a long way to go, and only 8 short years, to reach that goal.

I rise today to applaud a Chicago program and its founder who have taken up that challenge. Dr. Leon M. Lederman is a Nobel Prize-winning physicist at the University of Chicago. He is well-known for his work in the laboratory, but less well-known is his work to strengthen America's elementary and secondary schools. His program will have a direct effect on the teaching and learning of math and science. But just as important, it will serve as a catalyst to help reform America's educational system.

When Dr. Lederman joined the University of Chicago a few years ago, he was drawn to the movement to reform Chicago's public schools. As many know, Chicago has implemented a bold reform plan which seeks to empower parents, teachers, principals, community members, the business and nonprofit sectors to raise academic achievement and spur real change in Chicago's public schools. Dr. Lederman wanted to help. In conjunction with others concerned about school reform, Dr. Lederman settled on an ambitious goal and a daring intervention strategy. The goal: To reform the educational process through improving students' math and science achievement. The strategy: To retrain the 17,000 teachers who teach those subjects, so that teachers, student, and their families are all engaged in learning. The Teachers' Academy for Math and Science was thus born on the campus of the Illinois Institute of Technology in September 1990.

The Teachers' Academy is a private, nonprofit organization which provides teachers intensive retraining, followed up by supplemental enrichment programs. Its technique is to involve the teacher, child, and parent as participants in the learning process. The academy is in its second year and has shown great promise, and has attracted some notable talent and support. However, much remains to be done so it can reach the thousands of teachers, and, in turn, the millions of students, it must in order to fulfill its goals.

I have visited the academy and have seen it work. I have seen that it can serve as a national model for teacher retraining. To that end, I will shortly introduce legislation that would provide the academy a secure funding source and ensure that its methods become available to schools throughout the Nation.

It has never been more important to influence the cycle that traps so many students in failure and despair. The Teachers' Academy can help by speeding our students on the way to becoming first in math and science achievement. Its methods should also stimulate a change in the classroom, and help raise our students' interest in school and academic achievement. As Dr. Lederman's remarks indicate, he is showing us a way to real change.

Mr. President, I ask that the text of Dr. Lederman's speech to the American Philosophical Society's symposium on the underclass of April 24, 1992, be inserted into the RECORD.

The speech follows:

TO CHANGE A CITY

(By Leon M. Lederman)

An adage I read in a business brochure calls for the courage to change the things that can be changed, the serenity to accept those that cannot be, and the wisdom to know the difference. I am chronologically advantaged enough to recall a Presidential candidate in the 1930's tell us: "one third of a nation is ill-housed, ill-clothed and ill-fed." Of course this was Franklin Roosevelt and he was talking about the underclass of 1930. So many things have happened since then. As a nation, we have grown immensely more affluent by any measure you may choose, we have had long periods of intense concern about the poor, the underclass, minorities * * * we have legislated equality, ruled against segregation, we have "Brown vs. Board of Education," we have an extensive welfare system, Head Start programs, at least some Head Start, and other public, private initiatives too numerous to know. But the 1930's assessment is still with us and although only a fool would say we have not made any progress, there seems to be an invariant—one third of a nation (still!) * * *.

This would seem to call for wisdom and serenity to conform to the adage but it is not always wisdom that shapes what one does * * * it wasn't wisdom that got me into the campaign I will tell you about. Frankly I'm not sure I know what it was. Perhaps it is arrogance, the arrogance of the scientist who has had some success in management or perhaps it's just unreasoned anger. I find myself being very angry these days but I'll try to control this and tell you what I know. It has to do with education. It has to do with public schools in large cities.

First I must tell you about my city—Chicago. With 410,000 students, it's the third largest school system in the nation. There are somewhat over 20,000 teachers and some 17,000 of them must teach some kind of math and science, largely in primary school. Like so many large cities, the school population is 88% minority, 12% Asian and white. So much for Brown vs. the Board of Education. Over 67% of the children come from families below the poverty level. The drop out rate is officially listed by the Board of Education as 45% but the more reliable estimate is that between 60 and 70% of the children never graduate from high school. For individual schools in the worst districts, the numbers can be in the high 80 percent. Chicago students do very poorly on national tests. Over half the high schools placed in the lowest one percentile of ACT scores.

Again, like all other cities in America, the streets and even the school corridors are unsafe—violence, drugs, gangs are part of the territory. Many school buildings are over 100 years old, they are over-crowded with gyms and corridors impressed into use as classrooms. Jonathan Kozol documents this so much more eloquently in his book, "Savage Inequalities." One interesting piece of data bearing on the resilience of the underclass fraction is the increase in births to single women compared to the total of live births.[1] In 1950, this was 2.9%, in 1990 it is 28%. What has this to do with education? Well one of the President's goals is that by the year 2000, all children will be ready for school. What does this mean? It means:

(1) supplemental nutrition problems for pregnant women and young children

(2) it means immunization

(3) it means prenatal care

(4) it means special attention to the babies born to poor women and

(5) it means encouraging, not discouraging family planning and sex education. Children that are part of these statistics have a high probability of being problem children in school: hyperactivity, low attention span, impaired hearing and vision, asthma and a variety of learning problems resulting from malnutrition and brain damage in utero—these children are not ready and very little is being done to change the numbers * * * "by the year 2000."

Our teachers tell us that one or two in a class can be handled without shortchanging the rest but more tends to lead to paralysis. Ernest Boyer's 1991 study indicates that 35 percent of the children in this nation are not ready for school when they enter kindergarten. With this as background, let's look again at Chicago, "* * * the worst school system in the nation," according to William Bennett, former Secretary of Education.

Something interesting happened in Chicago in 1988—a movement lead by outraged parents, eagerly assisted by university people, the private sector and many other elements of the city sharing the view of the public schools as a tragic and no longer tolerable disaster, combined to pass the most radical school reform law in the nation.

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[1] I am indebted to Mr. Irvin Harris for information on the pre-school problem.

Today, at least in principle, Chicago has almost 600 new "corporations", the CEO (principal) is installed by a Board of Directors (local school councils—elected by citizens who live around the school) and he or she must run a successful operation or be dismissed. It is far too early to comment on this reform except for the obvious benefit of stirring up of interest by the parents and citizens in the process—in running for LSC, in voting and being, even in a limited way, enfranchised by the reform of the educational system.

I was drawn to the excited discussions of how to make school reform work after moving to The University of Chicago in 1989. Out of these discussions there arose an idea for how a group of interested parents, teachers, scientists and businessmen could intervene to make a difference. And so was created the Teachers' Academy for Math and Science which, miraculously opened on the campus of IIT in mid-Chicago in September of 1990.

This private, not-for-profit entity was formally created by a Council of Presidents (all the Universities in Chicago) and has, on its board, teachers, principals, scientists from universities, from two national labs near Chicago, private sector leaders, executives of some of Chicago's leading corporations, museum directors, the Chicago Teachers' Union, Urban League and the Hispanic equivalent, UNO, and representatives of the Mayor and Governor.

The intervention we had designed was a massive retraining of the teachers—those 17,000 teachers who must teach math and science and who, for the most part, were never trained to do so.

This is a very large and very complex program. With good will all around, one has still to tread on cross-cultural, political and ethnic egg shells. Yet, its the only program I know that has the scale to address the President's further goal of "being No. 1 by the year 2000." There are many reasons why the teachers in the Chicago Public Schools are inadequately trained and this raises a host of other problems * * *. Let me simply quote: "in the broad sweep of educational history, teacher education does not emerge as a potent force—the conditions one needs for vigorous, coherent and self renewing programs of teacher preparation are not in place." Even if they were, it would be at least a decade before this would show up with significant force to have an effect. When this happens, the Teachers' Academy, as now designed, will not be needed. But let me jump ahead here to assure you that our experience with the teachers has been very positive. We find that they care, they want to be better teachers, they hate to be required to teach things that they do not understand; there is a love of children there. In our view the ultimate tragedy is to have children arrive at school, having overcome whatever obstacles their lives provide, from their bed to the schoolroom, ready to learn only to discover in their child-wise way, that the teacher is merely and unhappily using time.

Our conviction is that the teacher is the key to a positive, zestful school experience and to deploying the newest techniques for teaching math and science: hands-on, activity based, children working together, talking and doing, the teacher not the authoritative giver of all wisdom but as mentor and guide. These new techniques act as a catalyst, engage the child and the teacher, and are designed to involve the parent or the grandparent. We didn't invent this: interventions of this kind were going on all over the country—one school here, two schools there, ten, twenty, fifty teachers. There were many programs going on in and around Chicago. The best ones had magical effects: Teachers were re-enthused, children entranced by the learn-play activity were no longer sitting passively at their places, praying that they not be called upon. Now they work together in groups—wrong answers are just as welcome as correct ones—the objective is thinking skills. Here, through math and science, there is a key to true reform of the entire educational process.

Our plan was to "do" the while city. Exploiting school reform, we would contract with the principal and the LSC. We quickly realized that the scale of our mission required in-service training that is, taking the teacher out of the classroom so we'd have to supply our own replacement teacher.

We hastily concocted a sixteen week intensive training program, realizing it would evolve in time. We supplemented this with afternoon, week-end and summer programs of follow-up enrichment, technology workshops, museum programs, every possible form of outreach. To get through 17,000 teachers, we planned to do 100 the first year, 1000 the second year and 2500 from then on until year eight when we could taper back to preservice teachers and follow-up programs.

Well, reality? We indeed managed 109 teachers the first year with about 1500 teachers attending our outreach programs. We are now in our second year. We are changing things and we'll be lucky if we get through 600 teachers. We have had over 3000 teachers attend our workshops and ancillary programs. We intend to have a full-time staff person in all the schools we cover for one year as one component of what amounts to a permanent follow-up program. However, we are frustrated by the difficulties of recruiting capable staff and even more by the inexplicable difficult of securing funding.

Too many details. Let me summarize the status and my conclusions.

The good news: it works! Or to state it more carefully, it seems to show promise of working. In addition to built-in pretest and post-test measures, we record comments from teachers, principals and parents as well as our own in-school staff specialists. We measure hours of science and math taught in our schools and in the schools not yet involved and we have begun to compare truancy rates. In spite of a reasonable number of mistakes, the palpable enthusiasm of teachers who should be "burn-outs" and principals is evident. We are concentrating on K-4 now, next year we'll extent it to K-8.

If early school education can influence the cycle that traps so many minorities—the cycle of failure and drop-out, of poverty and crime, of teen age pregnancy and new candidates for the entrapment, then we have, I believe, shown a way to genuine change.

The bad news: it's an expensive program although the other things the City needs are even more expensive. When in full swing, the Chicago effort will need $30M a year * * * under present circumstances, the balk can only come from the Federal Government. We were enthusiastically supported by DOE Secretary James Watkins and succeeded in getting start-up funds from the Department of Energy and the National Science Foundation. An early grant from David Hamburg's Carnegie Corporation was enormously helpful. Last year we raised $4M from the Feds, $2M from the State and about $2M from private sector contributions. This year the State (like so many other states) looks hopeless, the city even more so. Floods are also not helpful. Our expectations for Federal support have been scaled back from $15M to $6M or $7M. Support from foundations and businesses continues to be strong but it takes a huge effort to raise one or two million dollars if you are not Harvard or Stanford.

From the beginning we have received the following criticisms of our program: What good is it to fix teachers when the family support is lacking or when learning impairment is already so advanced that a great kindergarten teacher is too late * * * or when the buildings are so old and crumbling or when * * *? My response has always been that the critic is indeed correct but that if we waited for a total solution, nothing would ever start, so we'll continue with the teachers and encourage the critic to get busy on these other things. It seems absolutely clear to me that our society had better get serious about all these issues and we must do it soon.

I have thought deeply about how we do things in this country. Suppose that what we are doing makes sense. There are 25 cities like Chicago that could do similar things. We are not marketing the specific programs adopted although we are trying to document all of our efforts and mistakes. What is unique is the marshalling of all the intellectual resources of a community to a purpose. The commitment of University President(s), CEO's of major corporations, scientists, professional educators should be enough to sway a funding agency. However, conventional reviews by the professional bureaucrats is still the rule. To extend the kind of thing we are doing to 25 cities and perhaps to intervene in an equal number of poor rural areas would require something under $1 billion. In Washington, they look at you as if you are really not with it—one billion dollars! But is this really too much to invest in the underclass—to provide a lifeline, an escape ladder out of ignorance and poverty?

Yes there is indeed a fiscal crisis yet the Republican President proposed and the Democratic Congress approved a military budget for 1993 which will allocate something like $140 billion dollars to defend Europe against an attack from the East! Is there any wonder at the irritation of the voters or the apparent frustration of legislators who are quitting or my own and, hopefully your personal anger?

My mood alternates—I oscillate from gratitude at getting any help at all (even $6 million is a huge sum of money) all the way to discouragement with the sheer weight of bureaucracy that one must penetrate in order to get anything done. This applies to the Federal Government, to the State, the City, the School System, even the University. The teacher enhancement initiative is very often greeted with great praise: "visionary," "bold," "practical" are some of the accolades. Yet, in spite of leaders at the highest level who do grasp the issues, it is also clear that they live under constraints and one still has to prevail way down in the bureaucracies where decisions are made and checks are written. All over town one finds highly skilled professionals in the best sense of the word but also in the worst sense of the word. The rhetoric is echoed: "we must break the mold, we must have radical reform," but the real understanding of these words, the real sense of urgency, the awesome implications of an existing teachers corps in which, for example, only 35,000 out of 1 million elementary school teachers (3.5%!) are specifically trained for math and science teaching, these are rarely appreciated—no, there is no priority for the underclass, it creates a most discouraging block to action.

POSTSCRIPT: A CITIES INITIATIVE

There are many successful interventions; we read and hear about wonderful people who, by the force of their energy and creativity, will turn around an entire school or two. The pre-school initiatives are another case in point. But how do we begin a national deployment of what works? How do we pull together the crucial ingredients? Let me, at substantial risk, propose something really new. Suppose we define a Special Administrator for Cities, charged with the task of bringing the educational achievements of our larger inner cities up to the standards we want our nation to have. This must include teacher retraining, some equipment, e.g. computers, a large extension of Head Start and the other early intervention programs which are needed to make children ready for school. This Special Administrator must be educationally expert, nationally known, "street smart" and city-wise. Suppose this Special Administrator, appointed by the President with the concurrence of key Congressional committee chairs, is given a budget appropriation which allows the Administrator to encourage the formation of consortia of the kind I have described for Chicago. Cities would organize these not-for-profit groupings to apply for Federal funds. The matching could be 50% Federal, 50% State, City and private sector contributions. The grants might be for a period of five years whereupon the Federal contribution begins to be reduced as local sources increase. Total appropriations for this Cities Initiative might grow to something like $5B/year some of which may be reallocated from other agencies.

The Administrator could report to a Commission on the Cities which might include the Secretaries of Education, HHS, Energy, the NSF, NIH and NASA Directors as well as the President's Science Advisor and Domestic Council chair. The size of staff of the Administrator should be legally restricted since we want to keep this new (bypass) artery as free-flowing as possible. A proposal by a City should merely be authenticated e.g. the President personally asks and receives a pledge of deep commitment from the President of the local University, the CEO of the Corporation, the Chairperson of the City School Board, the Mayor and Governor, etc. No site visits or peer review or Washington second guessing is needed. Once a year, the Administrator would ask the relevant agencies to form a visiting committee to gauge and document progress, to insure fiscal integrity and to improve intercity sharing of experience and data. One could start with three cities and gradually work up to the twenty-five or so cities that contain a large fraction of what we have been calling the underclass. Let's find the courage to change things.•

IN HONOR OF KENTUCKY'S BICENTENNIAL CELEBRATION

• Mr. McCONNELL. Mr. President, it is a privilege to rise today in honor of the Commonwealth of Kentucky's bicentennial celebration. While June 1, marked the anniversary of Kentucky's recognition as the 15th member of the United States, this date also represents a significant historic milestone for America as a whole.

In our Nation's earliest days, a profound belief in freedom and a fervent desire to foster the benefits of opportunity brought men and women from their homelands to the North American Colonies. In time, these same values caused the imaginations and talents of explorers and entrepreneurs to turn to the lands west of the Appalachian Mountains. When the first farmer's plow turned the richness of Kentucky's soil, it revealed not only the aspirations of one family, but established the means by which millions would seek the American dream.

Kentucky's heritage reflects the desire of every American to improve one's welfare through the development of one's talents and resources. While the accomplishments of Kentucky's great leaders and innovators are found throughout the annals of history, our true heros are the men and women whose names fill the record books of every county courthouse. These individuals chose to manifest their dreams by traveling into the wilds of unknown territories. Whether they ventured out into the uncertainties of nature or society, they invested all of their physical and mental energies in achieving the goals they held most dear.

The spirit of these pioneers is exemplified by the characters depicted in the 1992 Kentucky Chautauqua sponsored by the Kentucky Humanities Council. The Kentucky Chautauqua will enable the citizens of the Commonwealth to share in the lives of predecessors who display the resiliency, pride, and faith that brought Kentucky to its 200th anniversary. Mr. President, so that my colleagues may better appreciate the 1992 Kentucky Chautauqua, I ask that an article by the Louisville Courier-Journal appear in the RECORD following my remarks.

Throughout this year, communities across the State will gather to celebrate Kentucky's birthday, each taking the opportunity to share its unique traditions and talents with its neighbors. Mr. President, it is with great pride that I invite our fellow States to share in the wealth of Kentucky's heritage by joining us in celebration of the Commonwealth's bicentennial.

The article follows:

[From the Louisville (KY) Courier-Journal, May 3, 1992]

IN CHARACTER FOR KENTUCKY—BICENTENNIAL IS REVIVING SOME LEADING FIGURES IN STATE'S HISTORY

(By Andrew Adler)

Kentucky's 200 years of statehood have produced no shortage of spectacular personalities, be they governors, abolitionists, entertainers or madams. Some are celebrated by history; others are relegated to its dustiest corners. All, however, had significant impact on the commonwealth.

The Kentucky Humanities Council is determined that they won't be forgotten. As part of the state's bicentennial observances, the society matched 10 actors with an equal number of characters, set them up with period costumes and booked them for performances in each of the State's 120 counties.

It's all part of Kentucky Chautauqua, named after a tradition of touring religious/educational shows founded in Chautauqua Lake, N.Y., during the late 19th century. The current process began about a year ago, when the society mailed out 6,000 brochures inviting suggestions on appropriate characters.

Prospective presenters "either had to have some drama experience or be a scholar," project director Kathleen Pool explained.

About 120 people responded. Thirty were asked to audition, and 10 were selected. Six of them will give their opening presentations May 15 and 16 at Louisville's J.B. Speed Art Museum.

Reticent, they are not.

"I have the reputation, I suppose, of being pretty loud, pretty lively in class," said Carol Crowe-Carraco, a history professor at Western Kentucky University in Bowling Green. She's portraying Mary Carson Breckinridge, who founded the Frontier Nursing Service in 1925 and who trained generations of American and British midwives.

An acknowledged expert on Breckinridge's life and career, Crowe-Carraco has spent a decade researching her work. "I think I admire her because she recognized how effective the use of nurse-midwives could be, before the medical profession became cognizant of the idea," she said.

Crowe-Carraco and her nine Chautauqua associates were allowed to hire consultants in drama, costuming and—if necessary—scholarly background. Everything is being paid for by a $124,000 grant—$50,000 from the National Endowment for the Humanities, $50,000 from the Kentucky Bicentennial Commission and $24,000 from the Humanities Council.

The one-person productions last about 45 minutes. Under terms of the program, any county could reserve two free presentations from any character. Actors receive $300 per show and are guaranteed at least 24 performances.

Presenters vary widely in their experience. Jimmy Lowe, who is taking on the state's late Poet Laureat Jesse Stuart, teaches English in Barren County, Ky., and has written a children's biography of the author.

George J. McGee, Jr., who portrays Baptist minister and bourbon distiller Elijah Craig, is director of theater in the communications arts department of Georgetown (Ky.) College.

David S. DeWitt, who plays post-Revolutionary War land grabber Joseph Galloway, is a Centre College drama graduate who has acted as an extra in film and television.

Laura Lee Duncan O'Connell, who plays Moonlight Schools adult-education founder Cora Wilson Stewart, joins husband Michael Duncan O'Connell in her presentation. (He portrays several related characters.) Both are performing artists-in-residence at Morehead State University.

And then there's Dick "Richard" Albin, "a banjo player, storyteller and, for want of a better word, a comedian" who portrays vauderville artist Emmit Davenport. "My father used to do vaudeville," Albin explained, "and all this got me to thinking that Emmit Davenport would be a good character. This has been in the works for almost two years."

Albin, a native of Tulsa, Okla., grew up in Arkansas and lived for a time in the Red River Gorge area. He taught theater at the old Kentucky Southern College in Louisville. Portraying Davenport is a means of "paying homage to some roots," he said.

"The story is not a performance of Emmit onstage," said Albin, who now lives in Nashville. Instead, "I'm backstage getting ready for a performance," and later "I reminisce with the audience. It's almost a stream-of-consciousness format. Then when I say, 'I hear my cue to go onstage,' I take an old microphone and do a routine."

Steve Wise, an alumnus of Actors Theatre of Louisville, has spent much of his time since 1986 playing abolitionist Cassius Marcellus Clay. Wise's Chautauqua effort is adapted from his existing show, "The Lion of White Hall," which he has performed more than 500 times across the state.

"I have gone back through and rethought the whole thing," he said. "I'm trying to be as truthful to history as possible, though that is difficult with Clay," who was embroiled in numerous violent incidents both before and after retiring to Madison County, Ky.

"People find him fascinating everywhere; he was just a really colorful character," said Wise, quipping that most audiences respond to the saga's "sex and violence." Still, "the deeper I got into research, (the more) I realized that it was quite an important story that had to be told. Clay thought that he did more than anyone else, including Lincoln, to free the slaves. I think it's great fun for me to explode the myths of history."

Striving for human rights also distinguished the life of Elisha W. Green. Born into slavery, he gained fame in 1883 for refusing to give up his train set to a white man. "He was just a minister who stood for human dignity," said George T. Vaughn, an assistant professor of English at Maysville (KY.) Community College, who portrays Green.

Vaughn calls Green "one of those unsung heroes, and I think everyone should know about him. He was just as effective as our modern heroes and heroines."

Though Vaughn's previous stage experience was limited to "one line in one play as an undergraduate" at Tougaloo (Miss.) College he isn't worried. "I've sung since I was knee-high to a duck," he said.

Vaughn, who uses a script written by John Klee, a history professor at the Maysville college, says simply that he seeks "to relay (a) message, especially to a lot of young people, who can look only as far back as Martin Luther King. But there were a lot of great blacks before him that set him on his journey, but were overlooked."

Green's credo: "Nobody has to give up any thing if they stand fast," Vaughn, said.

It is something of a leap from Elisha Green to Belle Brezing, the illustrious Lexington madam, whose tombstone read, "Blessed Be the Pure in Heart."

"Until she was closed down in 1917" said Nancy Sherburne of the character she portrays, "she ran what was probably the most elegant parlor house—brothel if you will of the South. Not much is known about her clientele because that was one of her claims to fame: She was very discreet. We do know that she was born in Lexington, and about her childhood, which was pretty rough. Her mama slept around; her father beat her she was seduced at the age of 12 and had a baby at 16."

Pretty pungent stuff, so much so that a few counties have said "No, thanks" to her charms. In other quarters, however, Brezing is quite sought after.

"She's very popular with women's clubs," Pool reported. "We want something that's historically accurate, and she's part of history. You can't change that."

"I have grown very fond of her," said Sherburne, an artist-in-residence for the Kentucky Arts Council. "She was a lady in a very unladylike profession."

Sherburne's script was prepared by her husband, historical novelist James Sherburne. "It's done in very good taste," she said, and "is pretty theatrical—a play as opposed to a lecture."

Vic Hellard Jr., director of the Legislative Research Commission in Frankfort, isn't worried about his impending travels as Gov. Edwin Porch Morrow. Most of his trips "will be on weekends with maybe 2 or 2½ days of vacation time."

Meanwhile he's doing his best to maintain his professional equillibrium. He's rehearsing in private, for instance, and sparing his office colleagues. "I've tried not to bore them too much," he said. "They are around politicians every day."

The Speed museum performances scheduled for May 15 are Elijah Craig, 1 p.m.; Cora Wilson Stewart, 2:15 p.m.; Cassius Marcellus Clay, 3:30 p.m. The May 16 schedule is Belle Brezing, 1 p.m. Mary Breckinridge, 2:15 p.m.; and Jesse Stuart, 3:30 p.m.

Admission is free on a first-come basis.•

JUNTA PATRIOTICA CUBANA

• Mr. SYMMS. Mr. President, I ask that a letter from the Junta Patriotica Cubana relating to current situation in Cuba be printed in the RECORD and encourage Members and their staffs to read the document.

Certainly, I believe a Communist Cuba's days are numbered. Freedom and democracy will ultimately prevail, and it should be the United States' goal to ensure those fighting for freedom in Cuba receive the necessary support to bring about those changes.

The letter follows:

JUNTA PATRIOTICA CUBANA,
Washington, May 18, 1992.

Honorable Chairman of the Twenty-Second Ordinary Period of Sessions of the General Assembly of the Organization of American States (O.A.S.):

Honorable Ministers of Foreign Relations:

Honorable Ambassadors and Representatives of the American States:

Dintinguished Representatives of the Americas:

The Americas, as a whole, geographically and historically, have a right to participate in the restructuring of the new world order, based upon freedom, democracy, market economy, unrestricted respect for human rights and security.

The Inter-American System, the most prestigious and oldest regional organism in the world, has made a great contribution to the consolidation of the Judeo-Christian values and principles upon which our civilization is based. That is why, when this General Assembly gathers, the world sets its attention on our tasks and the Americas become, once again, the continent of hope.

We, born in the Cuban State that is a part of the Inter-American System and of the OAS, in compliance with reciprocal historical obligations, as well as exercising a right, have come to reiterate to you, once more and perhaps for the last time, what the Cuban State, as a member of the Inter-American System and of the OAS, respectfully demands of you, in your capacities as representatives of the peoples of the Americas, tired about the lack of interest that many of the governments have shown regarding the drama endured by the noble and suffering Cuban people during these long and cruel 33 years of communist regime. That is why we see ourselves forced to reiterate our complaints.

This General Assembly of the OAS gathers precisely on the year of the 500th anniversary of the encounter between Europe and the Americas (1492–1992), and vis-a-vis the collapse of the totalitarian system implemented by the Marxist-Leninist Socialism, which crisis must reach, in its full scope, the last Stalinist-Marxist-Leninist redoubt in Cuba, and on the 102nd anniversary of the Inter-American System.

Precisely now a new horizon is opening for humanity with the total failure of the Marxist-Leninist doctrine, and with the Inter-American System scoring the greatest victory in its long history. It was here, in the Americas, in 1962 at Punta del Este, Uruguay, where the most transcendental political statement by the Americas in this century was made: "The Marxist-Leninist doctrine is incompatible with the Inter-American System." History has proven us right: Not only is the Marxist-Leninist doctrine incompatible with the inter-American system, but it is also incompatible with the human dignity in all latitudes of the planet. That is why it has failed and shall be swept from the face of the Earth, after having been proven that it only was a "tragic Utopia."

Now it can be perceived with greater clarity why the communist regime of Cuba was automatically separated from the Inter-American System, while the Cuban State remains a member of the System and of the OAS. Today, that government is much more incompatible than when its incompatibility was declared.

IMPOSSIBILITY OF THE POLITICAL, ECONOMICAL, IDEOLOGICAL, MORAL AND SPIRITUAL INTEGRATION

Nobody can deny that the Cuban State is a member of the Inter-American System and of the OAS, as well as of this General Assembly, as stated in their agreements and the ample recognition by your previous deliberations. Being this so, that State must have some form of representation, thus "We are the voice of those who have no voice."

Some have tried to "integrate" the Cuban Socialist-Marxist-Leninist regime to the Inter-American System and to the OAS, and they have committed a serious historical mistake, a political, moral and ideological myopia that has affected the Americas very dearly. They have not been able to achieve it thus far, nor shall they be able to attain it in the future.

Even the least knowledgeable are aware that, in order for two or more things to get integrated, certain requirements in the physical, ideological, political, economical and moral realms must be accomplished; some factors must coincide. In the case of the present government of Cuba, none of these requisites are present, and no factors are coinciding.

The Prime Minister of Spain, Hon. Felipe Gonzalez, upon answering a question from journalists in his recent visit to Washington, about whether the government of Cuba could be integrated into the OAS, responded: "Antagonist systems cannot be politically integrated, and such different economic regimes cannot be integrated either."

It is totally impossible to integrate, "to make compatible" a Stalinist-Marxist-Leninist system with democratic regimes. That cannot be conceived, even as a hypothesis. There is no possibility whatsoever for any coincidence.

It is not possible, either, "to make compatible" a totalitarian economic system, in which there is total control of the economy by the State, bringing about a total destruction of economic freedom, of private initiative, with market-oriented regimes that have economic freedom and liberty for private initiatives.

Furthermore, this General Assembly of the OAS has neither jurisdiction nor competence to give admission to a government such as the present Cuban regime, that was automatically separated from the Inter-American System and from all of its organisms, especially the OAS, by the Reciprocal Assistance Treaty, better known as the Treaty of Rio, whose protocol, in accordance with American International Law, is a part of the Inter-American System. That is why any agreement that would be intended for enactment in order to amend, change or delete that incompatibility, would have to be enacted through the Treaty of Rio, and since this General Assembly has been convened under the OAS Charter, it lacks the authority to grant admission to the Communist regime of Cuba.

On the other hand, which country in the Americas, which of the present governments of the Americas would be willing to have the burden of historical responsibility, not only to facilitate entry to the Communist regime into the OAS, but what is even more serious: to make the Marxist-Leninist doctrine compatible with the inter-American system. That would be, not only a serious mistake but something worse than that: "A STUPIDITY," as Talleyrand told Napoleon upon commenting about a known crime: "Sire, that is more than a crime, it is stupidity."

How could we make the Marxist-Leninist system compatible with the Santiago resolution about democracy, enacted unanimously, and which not only was and is constant with the OAS Charter and with the Inter-American System, created to promote, defend and assist development and to maintain representative democracy in this continent as the irreplaceable political system, but which also set its general parameters, i.e.: Self-determination of the people to elect its rulers freely; unrestricted respect for human rights and guarantees for their own security and that of neighboring countries and of the hemisphere (the latter implies the elimination of arms races). We were in Santiago de Chile when such transcendental agreements were adopted, and we had the high privilege of participating in their adoption, from our position of ex-officio representatives of the Cuban State, a member of that Assembly.

The Resolution adopted regarding the "coup d'etat" in Haiti, which overthrew the democratically elected President, Jean Bertrand Aristide, who albeit not being the prototype of democratic president that we would want for our nations, does represent the constitutional and democratic legitimacy in Haiti. That is why the OAS Resolution refers to the Santiago Resolution, respect for human rights and guarantees for security in a state of law.

Venezuela was about to fall into the category of a "coup d'etat" such as Haiti, and the support of the OAS for the democratically elected government was prompt, in reiterating the formidable democratic proclamation about the Santiago de Chile Resolution.

Peru would not be far behind in producing a "sui-generis" coup d'etat: The democratically-elected president assumes extraordinary powers outside of the constitution, violates the constitutional rhythm and dismisses Congress and the Judiciary Power, plus suspending constitutional guarantees for a period of time.

Again, the OAS convenes in an extraordinary session and again adopts similar measures as those for Haiti, taking into account the differences between both coups d'etat and the political features of each country, but the important thing is that in the Peruvian case the same arguments are repeated, which we have already learned in the Americas to apply to any coup d'etat or to any dictatorship, be it leftist or rightist.

The Santiago de Chile Resolution about democracy is a landmark in the struggle of the Americas on behalf of the principles and values of our Judeo-Christian civilization, and in the enforcement and exercise of all democratic rights of our peoples, as well as the enforcement of a state of law and unrestricted respect for Human rights.

After having set these principles and having embraced these ideals by the founders of the Americas, it is not even possible to imagine that a troglodyte regime, that declares itself to be "Marxist-Leninist or Death," that has violated human rights in a dual dimension: institutional violation and human violation, where a state of law does not exist, and where the democratic system cannot exist, because the latter is incompatible with the totalitarian dictatorship, could be admitted into the Inter-American System and the OAS.

Jose Marti, the Apostle of Cuban Independence, said: "To see a crime in silence is the same as to commit it." Now, when some political and "revolutionary" leaders in the Americas are tearing their garments upon hearing about any human rights violation by rightist governments, we would like to see who, by "subsequent alliance," would be willing to legitimize a convicted and self-avowed Marxist-Leninist-Stalinist regime, or who would dare to "wash it in the Jordan River of the Inter-American System," in trying to reintegrate said regime into the System and the OAS.

Over 42,000 Cubans have been executed by firing squads on the death wall, while over 300,000 Cubans, male and female, have been through the Communist dungeons as political prisoners. There has existed, and there still exists, a "plantado" political group of prisoners, made up by men and women who do not accept the so-called Communist "rehabilitation."

A million and a half Cubans in exile, scattered upon the whole geography of the Americas and the world, constitute in themselves, without need for any further investigation, a painful reality of a nation of the Americas that awaits her brethren from the Continent of Hope, to give them solidarity in their fight. Our Apostle, Jose Marti, in his struggle on the last century for the freedom of Cuba, said: "I am not asking cooperation from the countries of the Americas, for fear that they may deny it and dishonor themselves." How right Marti was!

HUMAN RIGHTS

The Inter-American Commission on Human Rights has prepared seven special reports, several annual reports and it has now resolved to prepare the eighth report, because the subjective and objective circumstances that facilitate the violations against human rights are still present.

Said Commission, in view of the continuous pattern of violations of human rights, has stated in condemning the communist Cuban regime:

"The exposition performed along this section evidences the extremes reached by the government of Cuba in its repression of any manner of dissent. For that purpose, the government utilizes all resources derived from legislation enacted in order to subjugate the rights of the individual to the demands of the State which, in these cases, are those of a small group in power. This feature is the one that led the Commission to qualify the present political Cuban system as a totalitarian one, in the Seventh Report about the Status of human rights in Cuba, and to indicate that the state of law does not exist in that country."

In this paragraph of the report it must be underlined that the Commission charges the Stalinist satellite regime of Cuba with the following:

A. Institutional violation of human rights.

B. Having a totalitarian regime.

C. Being a tyranny.

D. That there does not exist a State of law in Cuba. (We have denounced and proven that, where a state of law does not exist, human rights are not respected).

E. That the rule of law does not exist in Cuba.

Not only are these violations maintained, but they also extend into an even wider area of opponents and dissidents, greater than in the past, against whom all kinds of violations are exerted, from the assaults by mobs in the so-called "repudiation acts" to physical aggressions by members of the secret police and militia. It is an inhuman and degrading system.

Institutional violation of human rights is inherent to the Marxist-Leninst system, without which violations it could not survive. We could mention many articles of the so-called Socialist Constitution of 1976, of the Penal Code and of all of the legislation in force, which they call the "Socialist Legality." In the latter, albeit it may seem paradoxical, human rights are "legally violated"; it would suffice to mention Article 61 of the Socialist Constitution in order to better understand the substance of the institutional violation that we have documented and which is known as the "Benedi Doctrine."

"Article 61. None of the freedoms recognized for citizens can be exerted against the dispositions in the Constitution and the laws, nor against the existence and purposes of the Socialist State, nor against the decision of the Cuban people to build Socialism and Communism. The violation of this principle is punishable."

After 33 long years, the United Nations Commission on Human Rights, convened at Geneva last March, resolved to appoint a Special Counsel to investigate the violations of human rights in Cuba. In that 53-member Commission, to add insult to injury, one of the members is the very Communist regime of Cuba. Condemnation is not done there only for violating human rights, because if the violating country has the necessary number of votes, as it has been happening with nations that one way or another were in the Soviet Union's orbit, they were not condemned although they might have been the greatest violators of human rights; but those other violators outside of the Soviet orbit not only had a Special Counsel appointed against them, but they were later condemned. We have nothing to object against condemning those countries which violate human rights, whatever they may be, but we object to the procedure. Justice never reached the violators, because the procedure impeded final condemnation. That is awful, to say the least. However, in the Inter-American Commission on Human Rights of the OAS, what has always mattered has been the justice of the cause, whatever the regime may have been, whether rightist or leftist. That is the way justice is done. We believe that this has been a triumph of justice over procedure, what has happened at Geneva, in this opportunity with the Cuban case, although we must underline that the totalitarian Cuban regime has already announced that it will not comply with the agreements of the UN's Commission on Human Rights, that it will not allow it to visit Cuba in order to carry out its task. Should that happen, we ask of those countries that are members of this Assembly, and which are also members of that Commission, to request that the totalitarian regime be expelled from the UN's Commission on Human Rights, because its presence there constitutes an affront.

To add insult to injury, there is the fact that has astonished many, since while the UN's Commission on Human Rights appoints a Special Counsel against the Communist regime of Cuba in order to investigate violations of human rights, it also elects a member of the Castroite regime on a vote of 38 against 15 to be a member of the most important Commission on Minorities, after preferring the Communist regime of Cuba, a violator of human rights, over the candidate from Costa Rica, who has clean and impeccable credentials of capability and respect for human rights.

THE PRESENT CUBAN REGIME, A SATELLITE OF THE SOVIET UNION

We wish to underline, for all pertinent effects, that the present Cuban Communist regime has been a satellite of Soviet Imperialism in the Americas, and in order to prove that we are going to transcribe what the Cuban communists wrote into the preamble to the so-called Socialist Constitution, enacted on February 24, 1976.

They deleted the name of God from the 1940 Constitution upon taking over the government. That Constitution was the most advanced and perhaps the most progressive in the world, and in the Constitution that they enacted in 1976 they maintained the deletion of the name of God. And not only that, but also anything that had to do with the transcendental sense of life, the vertical dimension. The preamble of the Socialist Constitution presently in force in Cuba reads: "Supported by: . . . the fraternal friendship, the assistance and cooperation of the Soviet Union. . ."

What would you think of any country in Latin America that would write such a thing into its Constitution, regarding the United States? Nobody has ever imagined such an ominous subjugation, because all nations in this hemisphere are free, independent and sovereign, and they have juridical and political equality, and they have a vote and no right to a veto in the OAS.

That preamble of the Socialist Constitution of Cuba is in force, although the Soviet Union may have disappeared. Now they will have to change the name and write Russia instead.

Consenting with that subjugation, in obedience to Soviet Imperialism and to serve the interests of the communist area and especially those of the Soviet Union, the totalitarian Cuban regime risked the annihilation of the Cuban people in an atomic extermination. That is not our assertion, it is documented on recent official statements from the totalitarian regime, whereby they said that they had taken atomic projectiles into Cuba in 1962, not to protect the regime, but to serve the Socialist camp and the Soviet Union. It was thus stated in Havana, in a recent meeting held there to commemorate the "missile crisis," and it also appears on an official document issued by the present government of Cuba, on official letterhead, distributed at the United Nations in New York.

In order to keep Cuba as a Soviet base, with a base for nuclear submarines at Cienfuegos, as well as an electronic surveillance base at Villa Lourdes, close to Havana, and the whole of Cuba at the service of the Soviet Imperialism, the totalitarian regime has not signed the Treaty of Tlatelolco on Proliferation of Nuclear Weapons in Latin America. If the present government of Cuba does not make nuclear weapons, nor it had the intention of allowing the Soviet Union to locate atomic weapons in Cuba again, as a guarantee and signal of good faith for the nations of the Americas, it should have signed that Treaty. But it did not before, nor has it done it now. It continues to maintain the option and the menace.

Furthermore, we want to remind you, Honorable Chairman and Representatives of the Americas, that in the recent meeting held in Havana to deal with the Missile Crisis, attended by representatives of the former Soviet Union, who were participants in said crisis, there were also representatives from the United States and from Cuba. It was there proven, once more, the presence of nuclear missiles with an intermediate range and with long range; but what alarmed everybody, there and outside, was what the Soviet general in charge of the missiles in Cuba at that time, said in the presence of then-Secretary of Defense of the United States, Robert McNamara: The Soviet general said that they had in Cuba at that time, also short-range missiles (30 miles) and added something unheard of: That he had the authority from the Soviet Union to launch those missiles against the United States, in case of an invasion from the latter, without any need to consult with Moscow. McNamara was astonished, and with surprise on his face he said: "A) We did not know that you had short-range nuclear misiles" and, "B) did you believe that, if you launched those nuclear missiles against our forces, we would not have retaliated?." "We would have reacted with the same arms against Cuba and the Soviet Union." Do you image, Honorable Representatives of the Americas, how close we were to witness the disappearance of Cuba in a nuclear holocaust, and how close the world was to a nuclear war? And, is that totalitarian Communist regime of Cuba the one that some have wanted to bring to the OAS? What for? That would be rewarding infamy. But the free nations of the Americas shall never commit that infamy, and should any one do it by mistake or ignorance, it would be condemned by History.

GEOPOLITICS AND GEOSTRATEGY IN CUBA

Cuban communists, with Castro, took Cuba out of its Geopolitics and incorporated it into the Soviet Geostrategy. That is an uncontested fact. In the Cold War, Cuba was a pawn handled from Moscow with the cooperation of all the communists in the Americas and the world, with crypto-communists, socialists and a sizable part of leftist intellectuals (later repented belatedly), with the North American "progressive liberals," in order to make believe that the Cuban affair was an autochthonous revolution, "as green as the palm trees." The deceit was in full, and Castro himself recognized it when he states that "if he had said during his guerrialla fight years that he was a communist, he would never have attained power." "Upon admission from a party, no proof is necessary," it was previously said. That communist movement that seized power in Cuba had no precedents in the Americas, since none of those attempted had it success. Later on, the Sandino-communism emulated the feat. In El Salvador, Guatemala, the Dominican Republic, Venezuela, Chile, Colombia, Bolivia, Uruguay and Peru, they have kept trying up to now, with great injuries to all of those people.

The Socialist-Marxist movement is very far from having been finished in Latin America, albeit it may have disguised itself under various names and programs; at the core, it is the same movement already defeated in Europe and on the way to oblivion because of the failure of the Marxist-Leninist doctrine. But the Communist Geostrategy is still in force, at several levels, in our Continent. To overlook this would be a historical error with serious consequences.

THE EMBARGO, NOT AGAINST THE CUBAN STATE, BUT AGAINST THE PRESENT GOVERNMENT OF CUBA, A TOTALITARIAN AND MARXIST-LENINIST REGIME

Now, when the Organization of American States has imposed an embargo against the revolting military in Haiti, it is timely that we will recall what has happened to the embargo imposed against Cuba, which has two stages differentiated in time, but with the same objective:

Embargo of the OAS against Cuba

The leader of democracy in the Americas, Don Romulo Betancourt, President of Venezuela, denounced before the Consultation Meeting of Foreign Relations Ministers convened in accordance with the Treaty of Rio, that the Castro regime had intervened in the internal affair of Venezuela and had attacked his country. The Consultation Meeting of Foreign Relations Ministers of the Americas condemned the Castro Communist regime for its intervention in the internal affairs of Venezuela, violating its sovereignty and attacking its people.

In Resolution No. 1 of the Ninth Consultation meeting, among other agreements, the following were adopted:

Article 3, item b): "That the Governments of the American States shall interrupt all of their exchanges, be they commerical, direct or indirect, with Cuba, except foods, medicines and medical equipment, that can be sent to Cuba for humanitarian reasons, and c) that the Governments of the American States shall interrupt all maritime transportation between their countries and Cuba, with the exception of necessary transportation for reasons of humanitarian shipments."

In Article 5, the possibility of the use of legitimate defense is left open, individually or collectively, "which may include the use of armed force . . ."

As we can clearly see on Item 5 of the above mentioned Resolution No. 1, the sphere of action for the institution of legitimate defense, individually or collectively, was already open for those actions "which show the features of intervention or aggression," concretely applied to the present Government of Cuba.

The trade embargo has a continental dimension in that Resolution No. 1.

THE UNITED STATES EMBARGO AGAINST THE PRESENT GOVERNMENT OF CUBA

This embargo was established in 1961 by then-President John F. Kennedy, after the Cuban Government, with premeditation and in accordance with the Geostrategic Plans of the Soviet Union, had already resolved to provoke and attack the United States, in order to force it to impose the embargo. The measure taken by the Cuban communist regime was the confiscation (theft) of all properties of U.S. citizens and companies, thus violating the right to property enshrined in the American Declaration of the Rights and

Duties of Man, and in the Universal Declaration of Human Rights of the United Nations.

And the Cuban communist regime not only confiscated all U.S. properties, but also every individual and enterprise properties of Cuban and foreign nationals. All properties went to State's hands, the totalitarian State's hands, and they still remain under the control of that totalitarian regime that has led, through the suppression of individual freedoms and individual initiative, to the total ruin of the country.

REGRESSIVE TRANSCULTURATION

We have denounced and proven that a regressive transculturation has taken place in Cuba. The values and principles upon which civilized coexistence rests in this Hemisphere have been destroyed, and other, falsely called values, which run counter to the traditions, culture and history of the free nations of this Hemisphere and those of Cuba, have been imposed in opposition to Judeo-Christian civilization.

THEOCENTRISM VERSUS ANTHROPOCENTRISM

The Inter American system is a Theocentrical one, and its values and principles include the belief in God, the dignity of the human person, his/her freedom, justice and peace, and the idea that the resources existing in the Amiercas are at the service of the common good, for the benefit of human beings. The Inter American System proclaims the absolute respect for human rights, fellowship and brotherhood among all, repudiates class warfare and proclaims love as opposed to hate; for all of the above, Marxism-Leninism is incompatible with the Inter American System, since the former proclaims hate against the gospel of love, the class warfare, the totalitarian state, militant atheism, the destruction of the sense of transcendence and of the human person, his/her dignity and rights; it is essentially anthropocentric.

A MYTH WHOSE FALSEHOOD HAS BEEN PROVEN: COMMUNIST EDUCATION IN CUBA

It has been proven that communist propaganda about the progress of education in Cuba, propagated by the crypto-communists and their accomplices, is a total falsehood, and not by exiled Cubans, but by international organizations, such as the United Nations and others.

When Castro seized power in Cuba, there was only a 20% rate of illiteracy, only surpassed in Latin America by Argentina and Uruguay, which had a 15% level. At the World level, according to an analysis from the University of Chicago, Cuba was in the 35th place among 156 countries in the world.

The UNESCO recognized in 1940 that all Cuban teachers, in the elementary and secondary levels, had degrees from the Teachers' Colleges for Education or from the University.

When Castro seized power, there functioned in Cuba 30,000 elementary classrooms, staffed by some 34,000 teachers who served 1,300,000 students in public schools, with half of the present population. In private schools, that were over 1,000, regulated by law, over 200,000 children were taught, according to data provided by Professor Dr. Levi Marrero.

What there has been in Cuba after communism seized power cannot be called education properly, but Marxist-Leninist indoctrination. Children of both genders have been forcibly subjected to a materialistic and atheistic indoctrination, without the vertical dimension towards God, in a regressive transculturation, with false values and principles that have no support in the reality of the present world. Besides, it is another falsehood that such an indoctrination has been free, since the cost has been deducted from the meager salaries that workers are paid.

THE MYTH OF "THE PARADISE OF THE PROLETARIAT" HAS ALSO BEEN DEBUNKED

The Cuban labor movement, formerly grouped under the Cuban Confederation of Workers (Spanish acronym CTC), was the most advanced one, not only in Latin America, but in all of the Hemisphere and a great part of the world, including the developed world. Minimum salary, eight working hours, wages paid in a currency with a real purchasing value, maternity rights for working women, freedom to change jobs, collective labor agreements, right to strike, compensation for unwarranted dismissal, freedom to unionize, protection against discrimination in employment were some of its achievements. All of those rights, social vindications that led Cuban workers to the highest level of labor development, have disappeared under communism. Nowadays, the Cuban worker is a serf, with no right to change jobs, no right to strike, no right to free unionization, no right to private initiative and evident violations of his/her human rights, both at the institutional level and at the human level. All of that is the negation of what has been falsely proclaimed by communist propaganda, and that has undoubtedly been proven in the former Soviet Union, the Eastern European nations and now in Cuba.

THE MYTH OF HEALTH HAS ALSO BEEN DEBUNKED

High-ranking officials, physicians, male and female nurses who have recently left Cuba have been the ones who have documented the abysmal failure of medicine in Cuba. Cuban officials have been forced to get out of the island in order to seek health care in Europe, the United States and other countries in Latin America. Furthermore, Dr. Enrique Huertas, President of the World Medical College and of the Cuban Medical College in Exile, has demonstrated that medicine in Cuba is far behind the advances made in the Western World. The communist regime itself has recently stated that it lacks the medicines that are plentiful at the present time in all countries of Latin America. We do not want to be too extensive in citing statistics that any of you will be able to easily obtain in your own countries.

FREEDOM OF THOUGHT AND FREEDOM OF THE PRESS HAVE BEEN SUPPRESSED IN CUBA

The Socialist Constitution itself suppresses institutional freedom of thought and freedom of the press. The latter is controlled by the totalitarian state. In 112 countries analyzed during the period when communism seized power in Cuba, it was in the 33rd place with 101 daily newspapers per 1,000 inhabitants. Only Uruguay (154 per 1,000), Argentina (154 per 1,000) and Panama (111 per 1,000) surpassed Cuba in Latin America. Mexico was 48th in that classification, with 48 daily newspapers per 1,000. In Havana, at that time, there were four first-rate dailies in the morning and three in the afternoon, an amount higher than in any of our Latin American countries. Nowadays, there is only one newspaper in Havana, "Gramma," with "news" controlled by the totalitarian state.

THERE IS NO FREEDOM OF RELIGION IN CUBA

Religious freedom and educational freedom are institutionally denied in the Socialist Constitution of Cuba.

That Constitution and the laws in force in Cuba clearly state that the totalitarian state is atheistic and materialistic, and that education shall be given in accordance with dialectical and historical materialism. Children are raised there, as well as youngsters, without God, without a transcendental sense of life, and humanities have been deleted from the teachings.

At the beginning of the communist regime, not only was the name of God deleted from the Constitution, but that deletion was repeated in the last of the Constitutions in force.

On the freighter "Covadonga" 168 Catholic members of the clergy were expelled from Cuba, among them a Bishop, and sent to Spain. They were originally Spaniards and Cubans. Religious teaching has been forbidden at all levels, Catholic, Protestant, Jewish, and other religious organizations. Many members of the clergy have endured imprisonment, insults, tortures and beatings. Several members of the so-called Jehovah Witnesses have been executed before firing squads. Executions by firing squads continue in Cuba because of political and religious matters. The last three executions were widely publicized and many others remain hidden behind the "sugar cane curtain."

There were 12,500 Jews in Cuba when communism seized power in 1959. There are presently few over 500. Why has such a large number of Jews fled from Cuba? The answer is obvious: because there does not exist a climate of freedom, because one way or another all freedoms have been threatened, persecuted, limited or outright suppressed for religious organizations, since the materialistic and atheistic state of communism is militant, anti-religious, does not believe in transcendence, does not believe in God.

THE "BALSEROS" (RAFT PEOPLE) DIE IN THE STRAITS OF FLORIDA

The suffering of the Cuban people is unspeakable. In order to have a painful and terrible idea about the martydrom of the Cuban people, besides events at the communist dungeons, where male and female Cuban political prisoners endure a "cruel, inhuman and degrading treatment," as the Inter American Commission on Human Rights has verified and declared, we must underline what is happening with the so-called "balseros" (raft people), male and female Cubans of all ages who risk their lives every day in small rafts, that they construct themselves, with automobile tires and inner-tubes. Last year, 2,800 of these people arrived in Florida United States and reliable sources affirm that out of every three who leave only one arrives alive. And however exaggerated the figure may seem to you, it is very close to reality, since male and female Cubans presently resolve to risk dying in the waters of the Straits of Florida rather than living under communist slavery.

LEGITIMACY OF COLLECTIVE ACTION

Treaties in force in the Americas, signed and ratified by your own States and by the Cuban State, when Cuban was free, authorize collective action. Furthermore, we can prove that independence and freedom were achieved by almost all peoples of the Americas through the collective intervention, of patriots and nations of the Americas, in the internal affairs of other States. Simon Bolivar, the Liberator, Sucre, Paez, San Martin, O'Higgins, are examples of that. Chile, Bolivia, Peru, Ecuador, just to mention a few, could never have attained their independence at that time, had the other American States and their leaders not intervened on their behalf, as the United States of North America intervened to assist in the independence of Mexico—which was decisive in Maximilian's defeat—as Spain, France and Cuba intervened in a decisive manner to help attain independence for the Thirteen Colonies that became the United States.

As long as the Castroite totalitarian dictorship continues to exist, it cannot be said that there is no communism in the Americas.

The Cold War has not ended in the Americas while Cuba continues to be a bastion of communism, with its slogan of "Marxism-Leninism or Death." Castro has said and repeated it: that he was a Marxist-Leninist since he was a student, and that he would be such until the day of his death.

THE COMMUNISTS' STRATEGY IN LATIN AMERICA

The communists' strategy in Latin America has two well-defined objectives to undermine and destroy, i.e.:

A. Democracy

B. Economic and social development

The democratic neo-liberal regimes that are springing up in the Americas to replace those others influenced or sympathizing with the Marxist-Socialist trends, and the populist, corporativists or military, are a positive advancement in the annals of the political development of the Americas, and a threat to the pro-Soviet organizations or groups. That is why the former Soviet Union was fomenting, and the communists in the Americas continue to promote, guerrilla, terrorist and subversive movements, in order to impede the strengthening of democracy in the Americas.

In a recent study about terrorism, performed by the U.S. Department of State, it is specified that three-fourths of terrorist assaults against that country, its citizens and their properties have taken place in Latin America, and that Castro and Cuba are the heaven for Latin American guerrillas.

Communists and their satellites and allies in Latin America apply subversive and terrorist techniques against the economic and social development in the Hemisphere, in trying to hamper or paralyze them. Thus, a human and economic decapitalization is brought about, which implies a massive exodus of "brains" (so urgently needed in Latin America) as well as the flight of national capital and the absence of foreign investment. That is the way to the paralysis or immobilization of social and economical development that is noticed presently in many countries in Latin America, plagued by that communist intervention that tries to impose its system of state control and to behead economic, individual and enterprise freedom. While that situation will continue to exist, there cannot be a favorable environment to keep the indispensable "brains" for development, nor national and foreign investments. That is the challenge that Latin America faces nowadays. We should not blame others for our own mistakes. Either we create the political and economic infrastructure for the economic and social development, or Latin America shall continue to go down to infrahuman levels of poverty and inability to fend for itself. Fortunately, the decade of 1990 signals towards an overcoming of those values, but communists and their allies, in an irresponsible manner, are still trying to bring Castro to the OAS, which would only go to serve Marxism-Leninism and Marxism Socialism.

A MONUMENT TO A NUCLEAR MISSILE

As another mockery from satellite Castro to the Americas, he has built a monument to a nuclear missile from the Soviet Union at Playa del Chivo, East of Havana. This was one of the nuclear missiles shipped to Cuba by the Soviets in 1962. It is 80 feet high, and is similar to those introduced in Cuba by the Soviets. The monument, built with concrete and marble, is very high and, although it does not have the nuclear warhead, it is a challenge and a mockery for all of the Americas, and is a proclamation that he is counting on the Soviet backing from those who have replaced it.

We ask whether this is one of the 40 missiles that remained in Cuba after the "Kennedy-Khrushchev understanding," because that would be one more violation of that "understanding" or, on the contrary, it was shipped later to Cuba by the Soviets, which would also be another violation and mockery to the leaders of the Americas, who are trying to bring satellite Castro into the OAS, including his monument to the nuclear missile.

THE "KENNEDY-KHRUSHCHEV UNDERSTANDING"

After 30 years of the unfortunate "understanding," the letters that were secret have been published, containing the agreements made between then-President Kennedy and then-Secretary General of the Soviet Communist Party, Khrushchev, to put an end to the so-called nuclear missile crisis in Cuba.

Three negative consequences derived from that "understanding": (A) The promise on Kennedy's part not to invade Cuba and not to allow other countries in the Hemisphere to invade it, despite the fact that the Treaty of Rio was in force, which authorized the use of armed force in case of aggression in its various forms, among them subversive aggression; (B) the prohibition for Cuban patriots in exile to be able to invade Cuba and fight with full freedom to attain the overthrowing of the totalitarian communist regime, and (C) the Soviet Union obliged itself, in the "understanding," not to ship atomic or offensive weapons to Cuba. However, in violation of that "understanding" the Soviets built a base for nuclear submarines in Cienfuegos, and brought down weapons that can be deemed as offensive, as submarines and airplanes capable of loading atomic weapons. In the long range, under the cover of the nefarious "understanding," the Soviets were able to place a Soviet base in Cuba, which has not yet been dismantled, and 27,000 Soviet troops still remain in Cuba, as another affront to the Americas.

In both cases, the direct and indirect results of that "understanding" have facilitated the permanence of the communist regime in Cuba for 33 years. Since that "understanding" was made between the President of the United States and the Soviet leader, on behalf and representing the Soviet Union, and the latter has disappeared, it must be deemed as finished, de facto and de jure, null and void and said "understanding" without any effect whatsoever.

We request the solidarity and cooperation of this OAS assembly, and that of each of its Member States, in order to attain the dismantling of the Soviet base and the eradication of communism.

THE GRAVE DANGER FROM NUCLEAR REACTORS BEING CONSTRUCTED IN CUBA

It is not a secret for anybody that two nuclear reactors are being built at the Jaragua plant, Cienfuegos. Those nuclear reactors are being constructed with Soviet technology and without the indispensable safeguards to insure that a nuclear disaster would not occur.

Russia has just closed two nuclear reactors that were being built at Krasnoyarsk, 1,600 miles from Moscow, in Siberia, because plutonium was being produced there, a substance that is used for the production of atomic bombs, and although the reactors located in Cuba would take a little more time, in the medium or long range of time they could also produce plutonium with the same purpose. Experts in atomic energy have stated that the reactors being built in Cuba do not meet the indispensable requisites as to guarantee that a nuclear explosion would not occur there, not only because of their faulty equipment, but also due to the place where they are being built and the lack of duly trained technical staff.

An explosion in any of these atomic reactors being built in Cuba not only would endanger the lives of millions of Cubans in the Island, but its effects would also reach Key West, Tampa, Miami, Louisiana, Texas, the Southern part of the United States and Mexico, besides Cuba's neighboring countries.

The risk is too great to overlook the pertinent measures that could prevent a Cuban Chernobyl, that would entail far more tragic consequences than those which took place in the Soviet Union. That is why we request of this OAS General Assembly its help in attaining a solution for such a serious problem, which solution could only be the closure of those two nuclear reactors in Cuba, in the same manner that the other two were closed down in Russia.

THE TWENTY-SECOND OAS GENERAL ASSEMBLY

Several issues have been included in the agenda of this Twenty-Second Ordinary Period of Sessions of the General Assembly, the treatment of which exclude, de facto and de jure, any possibility of an opening towards the totalitarian Marxist-Leninist regime of Cuba, such as:

A. A reflection about the Inter-American System.

B. A program of Action for the Strengthening of the OAS.

C. A Report about Cooperation for the Security of the Hemisphere and the Limitation of the Proliferation of War Instruments and Massive Destruction Weapons.

D. A Proposal to stimulate the conservation and strengthening of democratic systems.

E. Compliance with the resolution entitled "Human Rights and Democracy—Electoral Observation."

F. Progress achieved in the compliance with the resolution entitled "Unity for the Promotion of Democracy."

G. Report about the implementation of the resolution entitled "Support for the Initiative for the Americas."

We oppose any kind of dialogue, negotiations, coexistence, or covenant with the totalitarian Marxist-Leninist regime of Cuba and/or with communism. We emphasize, in accordance with the values and principles of the Inter-American System and of the Organization of American States, that communism is not negotiable in this hemisphere.

In Cuba today there is popular resistance against the government's violence and terror. That unstable balance is about to break towards freedom. We count on you for this final stage and for the reconstruction of Cuba.

Honorable Mr. Chairman, Honorable Ministers of Foreign Relations, Honorable Ambassadors and Representatives of the Americas: We respectfully ask of you to deem as submitted our petitions and denouncements; that the totalitarian Marxist-Leninist regime be denied admission to the Inter-American System and to the OAS; that our rights as a Member State continue to be recognized (since what is excluded is the present government of Cuba, not the Cuban State), and that we be afforded the moral and legal support to which we are entitled in full, while we exercise our belligerency rights and continue to struggle towards the second independence of Cuba, for the expulsion of the totalitarian tyranny, the eradication of communism, the dismantling of the remainder of the Soviet base; the offensive weapons (airplanes, ships, etc.) taken there by the former Soviet Union; the exit of spies and military personnel disguised as technicians, businesspersons or diplomatic personnel, and for the purpose that this year, scheduled in the historical calendar of the Americas as the 102nd, Anniversary of the establishment of the Inter American System and the Encounter Between Europe and the Americas, shall also be, on the calendar of the Continent of Hope, the Year of the Liberation of Cuba.

We remain, with our utmost consideration and respect, yours sincerely,

Dr. Manuel Antonio de Varona, Chairman, Cuban Patriotic Board, Former Prime Minister of Cuba, Former President of the Cuban Senate.•

NATIONAL WIRELESS TELECOMMUNICATIONS MONTH

• Mr. PACKWOOD. Mr. President, on the occasion of National Telecommunications Month, I would like to share with my colleagues one rather dramatic example of how wireless systems are changing the face of telecommunications.

It is hard to believe that cellular telephone technology is only 8½ years old. And already it has attracted more than 8 million subscribers.

The focus of cellular work by the Federal Communications Commission has been the licensing of 2 competing systems in each of 734 markets. The agency rejected the idea of licensing a single, national network operator.

The bottom line of this history is that, until recently, subscribing to cellular service provided limited benefits, or extra hassle, if you traveled outside your home city. Today, that's changing. The industry is busy fielding what it calls seamless roaming.

Cellular companies first worked to make it as easy to place a call when traveling as it was back home. Then, they began working to make sure a telephone call is not interrupted if you cross the boundary between two markets. And now, the most remarkable roaming innovation of all is under way. The cellular industry has begun knitting its systems together for automatic call delivery. In other words, a phone call placed to your cellular number back home will be able to automatically find you—anywhere in the United States—without you or the caller doing anything extra to make it happen.

Now, not everyone wants to have a phone call find them at any and all times. That is why the industry is also offering voice mail and call forwarding.

Mr. President, we can all understand the freedom and flexibility that's afforded by having instant access to communication in your car—or in your pocket. Seamless roaming is one more step in the wireless revolution, and another reason why American telecommunications is still preeminent in the world.•

IMPOUNDED V–22 FUNDS

• Mr. D'AMATO. Mr. President, the Comptroller General has just transmitted to Congress his finding that the Department of Defense has impounded V–22 funds authorized and appropriated last year. This conclusion, no surprise to supporters of the V–22, has been long awaited. By law, this report by the General Accounting Office [GAO] serves as a rescission, and starts the 45-day clock for the release of funds.

Can anyone in the administration still be unaware of the incredibly corrosive effect the Pentagon's bureaucratic machinations have had on relations between Congress and the administration?

It is my hope that Congress can reject this de facto rescission at the earliest possible date. I can think of at least one readily available vehicle, and intend to appeal to my chairman and ranking member to include a V–22 provision in that pending piece of legislation.

Mr. President, I ask that the Comptroller General's letter to the President of the Senate and the Speaker of the House be printed in the RECORD at the end of my remarks as if read in its entirety.

The letter follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, June 3, 1992.

To the President of the Senate and the Speaker of the House of Representatives:

This letter reports an impoundment of Department of Defense (Department) budget authority that should have been but was not reported to the Congress by the President under the Impoundment Control Act of 1974 (Act). Section 1015(a) of the Act, 2 U.S.C. §686(a), requires the Comptroller General to report to the Congress whenever he finds that any officer or employee of the United States is to establish a reserve or has ordered, permitted, or approved of such a reserve of budget authority, and the President has failed to transmit a special impoundment message with respect to such reserve. This report is submitted in accordance with section 1015(a) and has the same effect as if it were a special message transmitted by the President.

BACKGROUND

The impoundment in question occurs in the fiscal year 1992 account "Research Development, Test and Evaluation, Navy", Pub. L. 102–172, §8090, 105 Stat. 1193 (1991), and involves $790,000,000 appropriated only for the V–22 program.[1] We have previously reported on impoundments involving the V–22 program. See GAO/OGC–90–4, B–237297.3, Mar. 6, 1990 (unauthorized policy deferral of $200 million); GAO/OGC–91–8, B–241514, May 7, 1991 (unauthorized policy deferral of $165 million).[2]

CURRENT STATUS OF V–22 BUDGET AUTHORITY

In the fiscal year 1992 authorization and appropriations process, the Congress transferred the $165,000,000 reported as a deferral in our 1991 report (GAO/OGC–91–8) to the fiscal year 1992/1993 Navy RDT&E account to be merged with $625 million in new RDT&E budget authority. *See* Pub. L. 102–190 §211, 105 Stat. 1315 (1991); Pub. L. 102–172, §8090, 105 Stat. 1193 (1991). The Appropriations Act directs that these funds be obligated for a Phase II V–22 Full Scale Development Program to provide new production representative aircraft which will have the objective of demonstrating the full operational requirements of the Joint Services Operational Requirement (JSOR) not later than December 31, 1996. *Id.* The Act also requires the Secretary to provide to the Congress within 60 days of enactment of the appropriation Act a total funding plan and schedule to complete the Phase II V–22 full scale Engineering Manufacturing Development. *Id.*

By letter of January 26, 1992, the Department's Comptroller advised the Congress that substantial redesign was necessary in order to meet the JSOR. The Comptroller added that the total estimated cost of the Congressionally mandated manufacture and test of the V–22 would be in excess of $2.5 billion and that no additional source of funding had been identified. The Comptroller added that he did not believe it would be possible to satisfy the Congressionally mandated 1996 deadline even if Congress appropriated additional funding. Finally, he stated that the Department would not be able to spend the $790 million before it expired, and therefore proposed that Congress extend the availability of the funds.

By letter of April 2, 1992, Secretary Cheney provided additional information to supplement the views of the Comptroller. He noted that the Navy had presented alternative plans, none of which would satisfy the statutory mandates in Pub. L. 102–172 because the legislation was too restrictive in terms of funding, schedule, and tooling. The Secretary reiterated the Department's position that the V–22 required substantial redesign and testing. He further explained that one alternative, to revert the V–22 program to a technology demonstration project, could not be done since it would not comport with the statutory mandates expressed in P.L. 102–172. At the end of his letter, the Secretary stated:

"We do not, however, intend to execute this program, because it is not affordable within the overall constraints we face on defense resources. . . . We continue to work to find a solution which meets our amphibious medium lift needs affordably".

The Office of the Secretary of Defense is currently withholding from obligation $790 million of V–22 funds. In response to our request for the Department's legal justification for the withholding, the Department's Acting General Counsel explained that the V–22 aircrafts require major redesign. Accordingly, the Department maintains that "it is not factually or technically possible for the Department to comply with the provisions of section 8090." In so concluding, the Acting General Counsel reads section 8090 as imposing two separate requirements: (1) the

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[1] The $790 million consists of $625 million in fiscal year 1992 budget authority earmarked by §8090 out of the Navy RDT&E account and $165 million transferred from the fiscal year 1991 "Aircraft Procurement, Navy" account. Pub. L. 101-511, 104 Stat. 1864 (1990).

[2] GAO/OGC-91-8 contains a detailed history of other impoundment actions taken with regard to the V-22 program.

FY 1992 funds must be obligated for new production aircraft having the objective of demonstrating the full operational requirements of the JSOR and (2) the "aircraft must have the objective of demonstrating those requirements not later than December 31, 1996." The acting General Counsel maintains that since it is impossible to satisfy the two requirements of section 8090, the Department may not obligate these funds and thus there is no impoundment within the meaning of the Impoundment Control Act.

Finally, the Acting General Counsel explains that the Secretary of Defense's statement in his letter to the Speaker of the House that "[W]e do not, however, intend to execute this program. . . ." was not intended to have, nor should it be construed as having, Impoundment Control Act implications. Instead the Acting General Counsel cautions that the Secretary's remark reflects no more than the Department's consistent opposition to what it views as an affordable program.

ANALYSIS

The issue before us is whether the failure by the Office of the Secretary of Defense to release for obligation the $790 million of V–22 funds constitutes an impoundment reportable under the Impoundment Control Act. In this regard, our opinions distinguish between programmatic delays in obligation that are outside the reach of the Impoundment Control Act, and withholdings of budget authority that constitute impoundments under the Act's provisions. We have observed that programmatic delays typically occur when an agency is taking necessary steps to implement a program, but because of factors external to the program funds temporarily go obligated. GAO/OGC-91-8 (May 7, 1991). This assumes, of course, that the agency is making reasonable efforts to obligate.

In our opinion, the failure to release the V–22 funds cannot be viewed as programmatic under the circumstances described by the Department. It is true that the V–22 continues to experience developmental difficulties. However, when the Congress appropriated new budget authority for the V–22 in Public Law 102–172, it was well aware of these difficulties and expected the Secretary to embark on a program to correct identified deficiencies and produce production representative aircraft. H.R. Rep. No. 328, 102nd Cong., 1st Sess. 152 (1991). It is also true that the Senate Committee on Armed Services (like the Department) has expressed concern regarding the affordability of the V–22. Sen. Rep. No. 113, 102nd Cong., 1st Sess. 115 (1991). Nevertheless, in the end, both the authorization and the appropriation legislation direct, in very specific terms, the Department to continue developing the V–22.

According to the Department, section 8090 of the fiscal year 1992 Department of Defense Appropriations Act is too restrictive in terms of funding, tooling and scheduling, thereby making it "factually and technically" impossible to execute the program and obligate the funds in compliance with section 8090. We disagree.

We recognize that it may not be possible to demonstrate the full operational requirements of the JSOR within the 1996 timeframe established by the Congress, and that Congress may, if it deems it appropriate, extend the timeframe. Unlike the Department, however, we view the 1996 date as a goal rather than a firm deadline. Given the prior difficulties Congress has experienced in the Department's execution of the program, we think Congress placed the December 31, 1996 date in the statute to spur the Department to early implementation, not to condition the use of the funds for program purposes. We do not accept the view that the Department's ability to meet that date is a condition precedent to the availability of the funds for obligation. The Department's lack of confidence in its ability to fully satisfy the statutory objectives does not free it from the obligation to use its best efforts to obligate funds in faithful execution of this legislatively mandated program.

Finally, we do not agree with the Acting General Counsel's assertion that the Secretary's statement is devoid of any Impoundment Control Act implications. We view the Secretary's statement as a clear indication on his part not to execute this program. We also cannot ignore the Department's past attempts to retard the V–22 program through unauthorized withholdings. All these actions taken together reflect an intent to reserve funds that should have been, but were not, proposed for rescission.

As noted above, under the Impoundment Control Act, whenever the Comptroller General finds that the head of any department or agency of the United States, or any officer or employee of the United States has established a reserve of budget authority for which the President is required to but has not transmitted a special message with respect to such a reserve, he is required to report it to the Congress. 2 U.S.C. §686(a).

In the instant case, the Department has advised that the funds are being withheld from obligation because the statutory mandates make it impossible to obligate the funds. Thus, the Department argues that as long as the statutory provisions exist, the funds are not available for obligation. The consequence of the Department's position is that the funds are not and will not be available for obligation until the restrictive statutory conditions are changed. Alternatively, if the restrictive statutory conditions are not changed, the Department's position leads to the conclusion that the funds will be withheld until they expire. Based on the Secretary's statements, the Department's legal justification, and our prior experience with this program, we view the Department's action as attempting to effect a rescission in fact of V–22 budget authority that should have been reported as a proposed rescission.

Accordingly, pursuant to the Impoundment Control Act of 1974, we are apprising the Congress of the unreported withholding of budget authority. Since, in our opinion, the Department presently does not intend to make the $790 million in budget authority for the V–22 available for obligation prior to its expiration, we consider the funds as being reserved from obligation without a special message transmitted as required by section 1012(a) of the Impoundment Control Act of 1974, 2 U.S.C. §683(a).

We note that this impoundment report has the effect, by operation of law, of permitting the withholding to continue for 45 legislative days unless the Congress earlier disapproves the proposal. For purposes of this report and based on the current Congressional calendar, the 45-day period during which the funds may be withheld expires on August 3, 1992.

MILTON J. SOCOLAR,
Comptroller General of the United States.•

DICTATORSHIP IN ZAIRE CONTINUES

• Mr. SIMON. Mr. President, on several occasions I have drawn the attention of my colleagues to the tragic situation in Zaire, where the 27-year-old regime of Mobutu Sese Seko continues despite popular opposition and growing economic chaos. We in the Senate need to continue to state our concern for the Zairian people and our support for the process of creating a representative and accountable government which has been undertaken by Zaire's sovereign national conference.

Recently I sponsored a forum on United States policy toward Zaire, along with the African office of the National Council of Churches. I would like to insert into the RECORD the conclusions of that session. There are three specific recommendations for United States policy, endorsed by over 30 church-based and other nongovernmental organizations knowledgeable about the situation in Zaire. In addition, I include the analysis of the current state of United States-Zaire relations given by Ms. Anne Griffin, legislative director of TransAfrica, an organization which has long been respected for its activism on South Africa. I would also point out that participants in the forum have prepared a detailed list of mass executions for which Mobutu's security forces are responsible. These abuses, by a regime which has received over $1 billion of U.S. taxpayers' money over the years, are unconscionable, and again I call on our administration to indicate clearly that the United States will no longer support these abuses.

The material follows:

RECOMMENDED POLICY FRAMEWORK

PREMISES

1. Mobutu's continued hold on power, not the prospect of his departure, is the greatest threat to stability in Zaire and in the region today. The regime has lost effective control over the country, and Mobutu survives primarily because of the loyalty of two elite military units. The continued deterioration of the administrative machinery and of law and order threatens disintegration as in Liberia and Somalia. To prevent further chaos and civil war, Mobutu should step down from power and leave the country.

2. However useful Mobutu may have been as a loyal friend and ally of the U.S. in the past, his continuation in power serves neither U.S. interests nor the interests of stability and democracy in Zaire. A credible transition depends above all on restoring a legitimate framework for government. U.S. policy should support the democratic process as embodied in the sovereign National Conference. There is no justification for efforts to make the U.S. the political arbiter of the post-Mobutu order.

3. Recovery from economic disaster depends on resolving the political crisis. The identification of U.S. interests with Mobutu's survival is not credible, even in pragmatic economic terms. The longer the impasse continues, the more difficult it will become to rebuild the production and transportation infrastructures necessary for extracting and marketing Zaire's raw materials. With proper organization and management, Zaire is a country that not only can feed itself but one that can also become the breadbasket of Africa as a whole. Policy planning for recovery is necessary, but no

policy can have significant impact without a credible government and an administration to implement it.

4. As of April 1992, Zairian opposition groups have identified the following steps as necessary for the preparation of the democratic institutions of the Third Republic:

(a) Mobutu's resignation;

(b) the successful completion of the sovereign National Conference, to determine the main guidelines for institution-building and for public policy;

(c) the choice of a transitional government to administer the country and manage the transition to multi-party democracy;

(d) the setting up of a constitutional commission to draw up a new constitution;

(e) the approval, by referendum, of the new constitution;

(f) local, regional, and national elections to the new representative institutions of the Third Republic.

RECOMMENDATIONS FOR U.S. POLICY

1. The U.S. Government should use all the diplomatic leverage at its disposal to pressure Mobutu to retire from office and leave Zaire.

Measures to be taken include, but are not limited, to the following: warning that failure to leave now might complicate or even diminish his chances of obtaining asylum in a friendly country later; the freezing of his bank accounts abroad, given that they contain assets stolen from U.S. assistance; embargo of economic contacts with Zaire, with the exception of support for the National Conference and humanitarian aid protected from confiscation by Mobutu's forces.

2. The U.S. Government should respect the right of the sovereign National Conference to decide all the pertinent questions placed before it independently of any foreign pressure or manipulation.

Given the past history of U.S. intervention in the political life of Zaire, and escalating popular resentment of the U.S. role in prolonging Mobutu's rule, this implies exceptional efforts to avoid both the reality and the appearance of U.S. manipulation or favoritism in the transition to a new democratic order.

3. The U.S. Government should offer to assist the process of transition with bilateral financial support and diplomatic support for active multilateral involvement as requested by the National Conference.

The U.S. role is critical not only in terms of bilateral aid, but in terms of leadership among Western powers, in the United Nations and in other international organizations, where U.S. attention or indifference significantly affects priorities. Areas for which support is likely to be needed urgently include the following: humanitarian aid channeled through non-governmental organizations or through transitional government institutions once established; international support for demobilization of troops and building up of professional nonpartisan security forces; reconstruction of essential infrastructure as a prerequisite both for economic recovery and for communications during the electoral process; international support for the organization of elections and election monitoring; immediate debt relief once a transitional government is established.

POLICY RECOMMENDATIONS ENDORSEMENT LIST
(PARTIAL LIST)

Africa Christian Mission.

Africa Office of the National Council of Churches.

Africare.

American Baptist Churches, International Ministries.

American Committee on Africa.

Association of Concerned Africa Scholars, Dr. Jean Sindab, Co-Chair.

Baptist International Missions.

Bread for the World.

Center of Concern, John Prendergast.

Christian Missionary Alliance.

Disciples of Christ/UCC, Rev. Dan Hoffman.

Evangelical Covenant Church.

Global Exchange, Joan Heckscher.

Grace Ministries International.

International Association for Zaire.

International Labor Rights Education and Research Fund.

Literacy and Evangelism International, Robert F. Rice, Director.

Lobby of American Witnesses.

Mennonite Central Committee.

Missionaries of Africa, Richard Archambault.

National Rainbow Coalition, Jack Odell, International Affairs.

Navigators, Zaire Section.

Presbyterian Church (USA), Global Mission and Social Justice and Peacemaking Unit, Elenora Ivory, Washington, Office.

Progressive National Baptist Convention, Reverend Archie Lemone.

Sante' Rurale au Zaire (Sanru/USA).

Society of African Missionaries, Steve Price, Office of Justice and Peace.

Rainbow Lobby.

Transafrica.

United Church of Christ, Andrea Young, Office of Church in Society, Board of World Mission, Reverend Benjamin Chavis, Commission for Racial Justice.

United Methodist Church, World Division, General Board of Global Ministries.

Washington Office on Africa.

Women's International League of Peace and Freedom, Aida Bound, Legislative Director.

World Relief.

World Relief International, Dick and Judy Anderson.

Young Women's Christian Association of the U.S.A.

United States-Zaire Relations: A Foreign Policy Dilemma

(By Anne Griffin)

My appreciation to the National Council of Churches for inviting TransAfrica to this very important briefing on Zaire's political crisis. I would like to make several brief comments on the context in which U.S. foreign policy toward Zaire has been made before we proceed with the rest of the program.

For the last thirty years, American foreign policy toward Zaire and its infamous president Mobutu Sese Seku has been unconscionable. The bad news is that the U.S. government in large part, created Mobutu. And because of the decades of American financial and diplomatic support that has been heaped upon his regime, the United States is in part responsible for the resulting chaos and destruction. The good news, of course, is that with the demise of the Cold War—the justification for that behavior has eroded. The world is now on a more rational tilt, we hear. America's so-called strategic interests are no longer a priority in the region and therefore the "see-no-evil" policies of the past will most assuredly cease.

While it would appear that anti-Communist ideologies are relics of the past, it is also quite evident that the State Department has been sluggish to steer its policies from the original dead end course that was designed in the Cold War era.

For over 25 years, Mobutu has ruled his country and has been criticized by the world for his keptocracy and brutal human rights abuses. Mobutu has squandered the fortunes that were bestowed on him and his country by Western patrons. In all, the United States has given more than $1 billion in foreign aid to Zaire. The World Bank has approved $1.5 billion in loans and credits. The money proved to be a poor investment. Now, Zaire, potentially one of Africa's richest nations is facing financial ruin, an economic abyss rarely seen before. Inflation is estimated at 30,000% and climbing, banks, schools, and hospitals are dysfunctional. Everything has ground to a disturbing halt. The people struggle for basic substance, many families eating on alternate days because there is not enough money to buy food.

This meager lifestyle presents a stark contrast from Mobutu's daily existence. Mobutu, said to be one of the richest men in the world, operates from an opulent yacht, while the citizens of his country struggle to survive.

Because the United States has been one of Mobutu's prominent patrons, it is time for us, in this new era, to be his loudest critic. As the democratization movement spreads throughout Kenya, Malawi, Benin, Togo, the Congo, Ghana, South Africa and elsewhere across the African continent, the United States must be there to support the very principles that we proclaim to be the foundations of our country. Friends and foes alike must face scrutiny. The U.S. government can no longer "shield its eyes" from Mobutu's atrocities in order to protect a long ill-fated friendship. U.S. policymakers must escape from the ideological trap that was once proscribed by a misguided anti-Communist fervor.

Africa's democratization efforts are as important as the ongoing struggles in Eastern Europe and the former Soviet Union. If we ignore Africa now, it will mean a cruel double standard for the African continent that will point to an unfair and hypocritical foreign policy that can only be labeled as unresponsive, contradictory and racist.

There is, however, a glimmer of hope, and maybe there was a hint of this in the State Department's recently more aggressive criticism of Jonas Savimbi, another of the United States, ill-chosen Cold War allies. The State Department has cut all but humanitarian assistance destined for Zaire and Assistant Secretary of State Cohen has spoken publicly about the fact that Mobutu is leading his country into ruin. It is no longer in dispute that Mobutu confuses his country's state funds with his personal finances. It is acknowledged that Mobutu has commanded his security forces to brutally attack anti-government critics. It is well-known that Mobutu has attempted to disrupt the proceedings of the national conference—a process that could well lead to his ouster. Yet the State Department stops short of calling for Mobutu's unequivocal resignation.

Because the U.S. helped to create the monstrous Mobutu regime, it has a responsibility to be just as active in its destruction. We can not now stand behind the scenes and conduct foreign policy in hushed whispers.

Africa is changing and as President Soglo of Benin recently said, "the winds of change are blowing through the coconut trees of Africa." My message to you today is an expression of hope that those same gusts of wind will reach the dusty briefing books of American foreign policymakers. We must do more for the people of Zaire.•

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the conference report to accompany H.R. 2507, the National Institutes of Health reauthorization bill at 12:30 p.m. on Thursday, June 4; and that the time for consideration of the conference report be limited to 3 hours equally divided and controlled between Senators KENNEDY and HATCH, or their designees, and at the conclusion or yielding back of time, the Senate proceed to vote on the adoption of the conference report, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, June 4; that following the prayer, the Journal of Proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized for the time limits specified: the first hour of morning business under the control of the majority leader or his designee; followed by 45 minutes under the control of Senator SIMPSON or his designee; and then Senator REID for up to 10 minutes; and the remaining time until 12:30 p.m. under the control of the majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:55 p.m., recessed until Thursday, June 4, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 3, 1992:

THE JUDICIARY

LEONARD E. DAVIS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

J. DOUGLAS DRUSHAL, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO VICE JOHN M. MANOS, RETIRED.

C. CHRISTOPHER HAGY, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA VICE MARVIN SHOOB, RETIRED.

LOUIS J. LEONATTI, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI VICE CLYDE S. CAHILL, RETIRED.

DEPARTMENT OF STATE

JOHN FRANK BOOKOUT, JR., OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

DEPARTMENT OF JUSTICE

KENNETH R. MANCUSO, OF RHODE ISLAND, TO BE U.S. MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF 4 YEARS VICE DONALD W. WYATT, RESIGNED.

HOUSE OF REPRESENTATIVES—Wednesday, June 3, 1992

The House met at 12 noon.

Lt. Col. Raymond Clinton Hart, Sr., senior chaplain, Seymour Johnson Air Force Base, Goldsboro, NC, offered the following prayer:

Thank you, God, for the abiding faiths which undergird this Republic. Remind us that the affairs of our pluralistic global village and nation are under Your watchful eye. For 216 years You have blessed this nation of diversity, and worked through our political system and this deliberative body to forge a way of life still the envy of the world. Bless the American people as they approach the coming elections; may they use their abilities to select leaders who will trust You in directing our affairs of state. Blessed is the nation whose God is the Lord. Grant us love for all of our citizens, and wisely provide for the common defense. Bless Americans in uniform, and thank You for their devotion to duty. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 248, nays 97, not voting 89, as follows:

[Roll No. 151]

YEAS—248

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gradison
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Hyde
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McNulty
Meyers
Miller (CA)
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Mrazek
Murtha
Myers
Natcher
Neal (NC)
Nichols
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Ravenel
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Rowland
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schulze
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (NJ)
Snowe
Solarz
Stallings
Stark
Stenholm
Studds
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thornton
Torricelli
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Walsh
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—97

Allen
Armey
Baker
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Chandler
Coble
Coleman (MO)
Crane
Davis
DeLay
Dickinson
Doolittle
Duncan
Emerson
Fawell
Fields
Franks (CT)
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Jacobs
James
Kolbe
Kyl
Lewis (FL)
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McMillan (NC)
Michel
Molinari
Moorhead
Morella
Murphy
Oxley
Paxon
Porter
Ramstad
Regula
Rhodes
Roberts
Rogers
Ros-Lehtinen
Roth
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—89

Ackerman
Allard
Andrews (NJ)
Anthony
Barton
Berman
Boxer
Campbell (CA)
Condit
Coughlin
Cox (CA)
Cunningham
Dannemeyer
Dellums
Dingell
Dixon
Dornan (CA)
Dreier
Dymally
Early
Eckart
Edwards (OK)
Feighan
Gallegly
Gaydos
Gibbons
Gordon
Hall (OH)
Hefner
Hubbard
Inhofe
Ireland
Jefferson
Johnson (CT)
Johnson (TX)
Jones (NC)
Kennelly
Lagomarsino
Leach
Lehman (CA)
Lent
Levine (CA)
Lewis (CA)
Lightfoot
Martinez
Mavroules
McEwen
McMillen (MD)
Mfume
Miller (OH)
Miller (WA)
Mineta
Nagle
Neal (MA)
Nowak
Nussle
Oakar
Owens (NY)
Perkins
Quillen
Rangel
Ray
Ridge
Riggs
Rohrabacher
Roukema
Roybal
Russo
Savage
Scheuer
Schiff
Schumer
Smith (FL)
Smith (IA)
Spratt
Staggers
Stokes
Sundquist
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Towns
Traxler
Volkmer
Washington
Waters
Waxman
Weber

☐ 1226

Mr. GOODLING changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MAZZOLI). Will the gentleman from New York [Mr. SOLOMON] please come forward and lead the House in the Pledge of Allegiance?

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING GUEST CHAPLAIN LT. COL. RAYMOND CLINTON HART, SR.

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, I am pleased today to present our guest chaplain, Chaplain Raymond Hart, who is stationed at Seymour Johnson Air Force Base in Goldsboro, NC.

Chaplain Hart met our chaplain, Jim Ford, in Saudi Arabia where Chaplain Hart was the senior chaplain at Al Kharj Air Base, and he invited him to serve as guest chaplain after his return. Through the joint efforts of Chaplain Ford and myself, we are happy that he is here today.

Chaplain Hart was born in Washington, DC, the son of an AME Zion minister father and traveled with him all over the country before joining the Air Force to continue those travels. He is a member of the AME Zion Church. He is the father of three children and is now the senior chaplain at Seymour Johnson Air Force Base.

Mr. Speaker, it is my pleasure to have him pray today as we begin the deliberations in this Chamber. Many will think that it was planned that Chaplain Hart was invited to invoke God's blessing on this Chamber on the first day of the consideration of the defense authorization, but I assure my colleagues that it was not planned. It was pure serendipity, but I am very pleased that a chaplain of the Air Force would be the guest chaplain on a day that we begin that momentous effort.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 474. An act to prohibit sports gambling under State law.

□ 1230

CLINTON LOCKS UP DEMOCRATIC PARTY NOMINATION

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, last night, voters in States as diverse as America itself made it official: The Democratic Party has a nominee. His name is Bill Clinton. And he won the right to represent our party in November by the strength of his ideas, the steadiness of his purpose, and yes, the quality of his character.

For 8 months, he demonstrated resilience and decency, and rose above the din of negative ads and personal attacks to communicate ideas on how we can recapture our economic strength and leadership in the post-cold-war world.

He offered America a real vision of where this country must go, and how much greater this country can become.

Many good people won primaries last night; I cannot mention them all.

But I do want to congratulate Bill and Hillary Clinton, BARBARA BOXER, and Dianne Feinstein, and our great party chairman, Ron Brown. Their hard work will give America a spirited fall campaign and a new opportunity for change and greatness.

REQUEST FOR PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be permitted to sit on today, Wednesday, June 3, 1992, while the House is in the Committee of the Whole under the 5-minute rule.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Speaker, reserving the right to object, could the gentleman tell me for what purpose the committee would be sitting during the 5-minute rule?

Mr. CONYERS. Yes, Mr. Speaker, with pleasure, I would be glad to respond if the gentleman will yield.

There are three measures coming before the full committee: The John F. Kennedy assassination release of papers; the unemployment compensation legislation; and a third item, the Local Partnership Act. There are those three matters pending.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I have no problem with the committee meeting on the Local Partnership Act and on the Kennedy assassination. There is some concern on our side, though, that we have moved very quickly, without much consultation with the minority, on the issue of unemployment, and there is a good deal of concern about some of the language in that bill. So, therefore, I would have a problem with the committee's meeting on that.

Mr. CONYERS. Mr. Speaker, will the gentleman yield further to me?

Mr. WALKER. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to say to the gentleman, who himself is a former distinguished member of the Committee on Government Operations, that we understand there is a controversy attached to the legislation, but that is of no enormous significance because there is usually controversy attached to all important legislation. But I want to assure my colleague that the ranking minority leader and the Republican members of the House on the Government Operations Committee will be extended every consideration for debate and amendments that they should offer, if they should choose to do so.

Mr. WALKER. Mr. Speaker, I thank the gentleman for that assurance, and I would say to the gentleman that as far as I know, our concerns are not so much with the language that may or may not emerge from the gentleman's committee but with the overall bill, and that the time for the consideration of the House of that bill probably is being rushed to a point that would be unacceptable to us.

Mr. CONYERS. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. Yes, I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. Am I to understand that the gentleman's objection to this legislation may lie in language in other committees, and that, therefore, this committee could go forward?

Mr. WALKER. Well, Mr. Speaker, further reserving the right to object, my contention is that we are not exactly certain what the language is. We know it has been referred to the gentleman's committee because of budget implications with the bill. We are not exactly certain what those budget implications are, but we do know that it fails to meet the pay-go requirements. That is of concern to the minority, and we would like some time to look over the bill and figure out just exactly what the situation is.

Mr. CONYERS. Mr. Speaker, if the gentleman will yield finally, might I as chairman of the committee reinvite the gentleman's presence back to the Government Operations Committee so that we could visit the subject matter, because I know the gentleman from Pennsylvania would not be trying to slow down the legislative process at this stage of the Congress, and that further he would support the premise that healthy debate on these issues is highly desirable. I have heard the gentleman articulate that at least once and perhaps more during the course of this Congress.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I thank the gentleman for his kind invitation. I assure the gentleman that the only attempt to slow down here is to make certain that we understand what we are doing. From that standpoint, I think we would prefer to go just a bit slower, not to block but to slow the process down.

Therefore, Mr. Speaker, I do object.

The SPEAKER pro tempore. Objection is heard. Under the rules, it takes 10 Members to object to the gentleman's unanimous-consent request.

(Messrs. CALLAHAN, DELAY, GOSS, EWING, BEREUTER, SOLOMON, DUNCAN, ARMEY, and KYL also objected.)

The SPEAKER pro tempore. A sufficient number has objected.

Objection is heard.

WE CAN'T AFFORD BUSINESS AS USUAL BUDGETING

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, it is high noon—it is showdown time and we deserve to be shot down by the people we serve if we perpetuate business as usual budgeting. With a deficit approaching $400 billion—a Federal debt of $4 trillion weighing us down and interest payments on that debt now totaling more than $200 billion a year—things are just plain out of control. Responding to this fiscal nightmare by spending $4 for every $3 we collect is like taking more sleeping pills to prolong a bad dream. We have got to wake up.

Today, we take up the first in a string of spending bills, and despite all the hand wringing about the dire budget situation we face, incredibly we are launching into another year of status quo budgeting.

Mr. Speaker, my constituents tell me not to accept more of the same. And that is why I will vote no frequently and I hope my colleagues will do the same when we are asked to spend more than we have before we have even begun to cut out the waste. A balanced budget amendment is a fine place to start reforming the budget process—but it is no substitute for making the hard choices—including comprehensive cuts—that we have got to make. Mr. Speaker, this crisis just will not wait.

IN SUPPORT OF BURDEN-SHARING AMENDMENTS TO DOD AUTHORIZATION BILL

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the current arrangement under which the United States underwrites the defense of its allies is outdated. The collapse of the Soviet Union, a United States budget deficit of $400 billion—and the fact that we are funding the defense of nations thriving as our economic competitors—make it evident that our allies must carry a greater portion of the cost of their own defense.

Today, we can vote to require that our friends abroad play a larger financial role in defending themselves. I urge my colleagues to consider that while American taxpayers have carried the torch of freedom proudly, our allies must now commit themselves and their resources to the cause as well.

Last year, we spent a total of $25 billion to station troops in Western Europe, Japan, and South Korea. Balancing our budget will not be easy, but we certainly make a positive step in that direction when we require our allies to pay their fair share for global security.

OUTRAGEOUS EC TRADE ACT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, unfortunately, I have to call the attention of the House to another outrageous trade action on the part of the European Community.

Mr. Speaker, recently several shipments of U.S. corn gluten feed have been held up in EC ports in several countries in direct violation of a United States-European Community agreement reached last February. U.S. agriculture exporters and shippers have been forced to post excessive bonds and subjected to microscopic inspections of their cargoes—all because of the European Community's perennial and illegitimate intent to curb U.S. agricultural exports.

Mr. Speaker, this latest outrageous action against U.S. exports on corn gluten is just another attempt by the European Community to restrict U.S. agricultural exports to European Community markets. It is not coincidence that U.S. corn gluten exports are being held up in EC ports at the same time the European Community is negotiating with the United States over agriculture trade reform under the Uruguay round. It might even be that by unfairly discriminating against certain U.S. agricultural exports, such as corn gluten, the European Community is trying to gain a negotiating advantage in the talks to protect traditional European Community agriculture programs.

Additionally Mr. Speaker, this latest violation of an understanding between the United States and the European Community, comes at a time when the European Community twice has been found violating GATT rule with its oilseeds program. Again, this Member believes it is not merely coincidence that as U.S. trade officials prepare to retaliate against the European Community for violation of their GATT obligations, the European Community has broken another trade agreement with the United States.

Mr. Speaker, while the latest EC announcement to reform its agricultural programs under the common agriculture policy [CAP] was welcome news to farmers and industrial and service businesses in both the United States and the European Community and throughout the world, this latest action against U.S. corn gluten exports might well be seen as further evidence that the European Community remains committed to several unfair trade practices in agriculture.

COURAGE, NOT AMENDMENT, IS KEY TO BALANCING THE BUDGET

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the Founders of our Nation, during very difficult times had the courage, vision, and will to give us one of the greatest political documents the world has ever known—the U.S. Constitution.

The Constitution has provided us with the institutions and freedoms that have made the United States the best and greatest country on Earth.

What the Founders could not transmit across the ages was the courage to insure that each successive generation would act in the best interests of the next. Each has had to find that courage within themselves.

Lincoln did not save the Nation by amending the Constitution. It was his courage and the ultimate sacrifice of hundreds of thousands of men and women who saved it.

It was not a constitutional amendment that was Hitler's undoing. It was the resolution and nerve of a free people to do whatever was necessary to rid the world of an abhorrent evil.

Where is my generation's courage? It is locked in the soul of a procedure. A procedure that will miraculously balance our budget and save our children.

We do not need a balanced budget amendment to save our kids. We need some guts.

□ 1240

BALANCED BUDGET AMENDMENT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, this House does not have any guts.

My statement is brief, the concept simple—the Federal Government cannot continue to spend money at the current levels and rate. The economy cannot survive it; the voters will not have it. It is time Congress act responsibly by making the necessary choice to prioritize expenditures within the limits necessary to balance the budget. Continued failure to do so will temporarily please those presently receiving moneys; however, it is unconscionable to mortgage our children's future for a temporary sense of political security.

Congress must cease treating the recipients of Federal funding like spoiled brats whose whims are placated only by a reprehensible budget deficit. The American public has seen through such tactics and is no longer willing to risk the economic future of this Nation for nondiscretionary entitlement spending.

Mr. Speaker, I am calling for widespread, nonpartisan support of the balanced budget amendment for the sake of the present need for economic recovery, and for the future. I hope my colleagues will realize the importance of such an amendment before it is too late.

CONSTITUENTS PLEAD FOR PASSAGE OF UNEMPLOYMENT COMPENSATION BILL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last March Don Sanders, an unemployed worker from North Branford, CT, testified before the Public Works Committee about a jobs bill to put people back to work.

Let me quote from Mr. Sanders' testimony:

> When I get together with my friends these days the topic of conversation isn't a ball game, or fishing, or taking your kids to Little League. It's "what am I going to put on the table," and "how am I going to pay my mortgage?" It's bad here. That's all you hear from people. You don't ask about their family or the weather. You ask them if they're working today. The topic of conversation is survival.

It has been 3 months since that hearing, and the topic is still survival. Don Sanders is still unemployed.

I wish every Member of this Chamber could have been in that room with Don Sanders. I wish the President could have listened to what he had to say. I do not believe anyone who heard that man could vote against the unemployment compensation bill we will consider this week.

That bill provides needed assistance to people like Don Sanders and helps them survive until they find work.

Mr. Speaker, Don Sanders wondered if anyone in Washington was paying attention to the millions of men and women without jobs. I would like to send him a message that we are paying attention, that we are trying to help them in these very difficult times.

Let us send him that message and pass this bill.

BALANCED BUDGET AMENDMENT

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, we will soon be part of an historic event when this body takes up the balanced budget amendment to the constitution. I was proud to cosponsor House Joint Resolution 290 and will vote for this necessary discipline to require a balanced budget.

As we debate the amendment, we must do a little soul searching. No matter how we might dress it up or dress it down, what we will be voting on is the future of America.

A balanced budget amendment would once and for all force the Congress to control wasteful spending. More importantly, it would guarantee to every little boy and girl whose birthright and birthplace is America that they can look forward to a future without the burden of a mismanaged Government whose bureaucracy went astray.

Mr. Speaker, for once let us put down the swords of political rhetoric and the badges of partisan politics and stand together, Republican and Democrat, black and white, man and woman, and give to our country what hundreds of thousands of campaign promises have not yet produced—a balanced Federal budget.

PARE BACK UNNECESSARY OVERSEAS DEFENSE SPENDING

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, next week we will vote on balancing the budget in general, which for some Members will be a lot of fun. But before we do that we are going to get a chance to try to balance the budget, or at least reduce the deficit in particular. A lot of those who are for it in general are going to have a little trouble with the particulars.

Mr. Speaker, it is especially relevant as to whether Members are going to want to balance the budget at the expense of people here in America, or whether they are willing to balance it by asking people to make sacrifices in South Korea, Japan, and Europe.

This country now, many, many months after the total collapse of a Communist threat, continues to spend tens of billions of dollars every year to protect our wealthy allies from a threat that no longer exists. When we are asked why, we are told, "Well, they want us to."

That is, of course, true, Mr. Speaker, because they are not stupid.

On the other hand, for us to continue to send tens of billions of dollars to meet a nonexistent military threat to the shores of our wealthy allies, and then announce a week later we are prepared to balance the budget, is a guarantee that if we do move sharply to reduce the deficit, we will do so in ways that will come at the expense of our own domestic needs here.

ACTION NOW HEALTH CARE REFORM ACT

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I rise to voice my strong support for the Action Now Health Care Reform Act, which will be introduced later this week.

This legislation is the result of months of work by the Republican leader's task force on health and contains proposals which already have broad support and can be passed right now. There is no reason why we should wait until next year or 2 years from now to begin addressing health care reform when there are many steps we can take now to lower the cost of health care and increase access.

The Republican leader's legislation contains several provisions which many of my colleagues support, including small group insurance reform, 100-percent deduction for the self-employed, malpractice reform, paperwork reduction, managed care, and much more. These are all important first steps in health care reform, and should be enacted now.

The American people want Congress to take action to improve our health care system. The Action Now Health Care Reform Act is a good first step, I urge my colleagues to support it, and I call on the leadership in Congress to bring this legislation before the House immediately.

COURAGE

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, there are those who say that passing the balanced budget amendment is not a courageous vote. They say we are taking an easy path and leaving tough decisions to future Congresses.

If we amend the Constitution, let me assure them that I hope to be here when we make those difficult budget choices. If it is not courage to place troubles in your own path to achieve a greater good for the Nation, then define courage.

What is courage? Stop the budget hot checks—that is courage. For 21 years we have gone down the easy road of hot checks, borrow-and-spend, never-say-no-to-anyone government.

Mr. Speaker, saying, as some would, that it is courageous to vote against the amendment is like telling an alcoholic that staying drunk is more courageous than joining AA. We have got a problem. Have courage. Let us admit it and do something about it. End the binge. Pass the balanced budget amendment.

CONDITIONS FOR REMOVAL OF MFN STATUS FROM YUGOSLAV SECTORS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, in a report to the United Nations in New York yesterday, U.N. Secretary General Boutros Boutros-Ghali confirmed the presence of Croatian troops in

Bosnia-Hercegovina and stated that they are under the Republic of Croatia's control.

The report read:

> As regards the withdrawal of elements of the Croatian army now in Bosnia and Hercegovina, information currently available in New York suggests that no such withdrawal has occurred.
>
> The Croatian authorities have consistently taken the position that the Croatian soldiers in Bosnia and Hercegovina have left the Croatian army and are not subject to its authority.
>
> International observers do not, however, doubt that portions of Bosnia and Hercegovina are under the control of Croatian military units, whether belonging to the local territorial defense, to paramilitary groups or to the Croatian army.

Mr. Speaker, I would like to make it clear to the supporters of H.R. 5258, that every single one of the conditions set for removal of MFN status from the Federal Serbian Republic of Yugoslavia also applies to the newly recognized Republic of Croatia.

□ 1250

IRS IMPOSTERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, with one press release, the IRS has warned American taxpayers about IRS imposters, phony IRS agents out there with phony name cards and fake IDs.

Now with another press release, the IRS has also said that they have allowed their own agents to use phony names and fake ID cards. They said they had to do that because the American taxpayers were so irate they were threatening their agents.

Mr. Speaker, something sounds phony to me. What really bothers me, when the IRS says, "Don't panic," "one sure-fire way to tell the bad guys is, the bad guys will ask for money."

Mr. Speaker, I do not think the IRS is exactly out there collecting for UNICEF. I think it is time to crack down on the IRS and put them in order. When a Federal agent has to carry a fake ID and a fake name band, something is wrong with not only the system but with the IRS.

The American people do not trust it, and Congress should do their job and provide oversight for the IRS.

SUPPORT THE BALANCED BUDGET AMENDMENT

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. The American people want to know, Mr. Speaker, why the Democrats who control Congress are not trying to kill the balanced budget amendment. America has a deficit of between $3 trillion and $4 trillion. The budget for this year's deficit totals $400 billion. The people back home want us to balance the budget. People back home want us to live within our income as they have to live within their incomes.

They need to have us live within the available revenue just like they have to live within their revenue.

The balanced budget amendment should also contain a spending cap.

The American people cannot afford further tax increases, and we know it. Congress must face up to the fact of life, Mr. Speaker, and change its big spending ways. We must reform the congressional budgeting process and learn to live within our income.

It can be done, and we need to change the rules to do it.

We must be allowed to vote on budget-cutting measures. We must stop those take-or-leave-it votes. We must be allowed to individually make the right decisions, the individual votes to live within our means.

We can no longer write bad checks against our children's future. Let us stop the political charade and let us stop trying to kill the balanced budget amendment. It is an amendment which is vital to the future of our country. Let us support the balanced budget amendment, Mr. Speaker, on a nonpartisan basis and let us get moving.

CONGRATULATIONS TO CALIFORNIA

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, when the women of this House marched on the Senate during the Clarence Thomas hearings, little did we know what a difference it might generate. I think as many Americans watched the other body's hearings, they realized that they needed some other types in the other body.

Thank you, California. We now see a real chance to make great history in our lifetime. I congratulate the State of California for putting two women up for the Senate nomination and at least 12 more women coming to the House.

We really are starting to see a great difference this time. It is exciting. It is wonderful, and I really am pleased to see that coming from the west coast and hope all the rest of us catch on.

SUPPORTING THE BALANCED BUDGET AMENDMENT

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, almost everyone agrees that we need to balance our Federal budget. At issue is whether a constitutional amendment will help us to achieve this goal. I sincerely believe it will.

For the past 10 years the administration and Congresses have struggled to reduce this deficit with little success. In fact, it has been 22 years since we last had a balanced budget.

A balanced budget amendment will not instantly give us the leadership necessary to eliminate the deficit. But it will give us the needed framework to reach our goal.

In testimony before the Committee on the Budget, my own Governor, Gov. Douglas Wilder of Virginia, appropriately said:

> Balancing the budget will not succeed unless we are dedicated to principles. Yet, we can be certain it will not be accomplished if we are unwilling to set forth the principles.

The balanced budget amendment, House Joint Resolution 290, sets forth those principles.

I urge my colleagues to support this important amendment when it comes before this House next week.

ENTERPRISE ZONES

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, in order to make enterprise zones more effective, we need to place a greater emphasis on creating more urban entrepreneurial opportunities. I strongly believe that we need to get large corporations involved in enterprise zones. We need to encourage Fortune "500" type companies to participate without being located in an enterprise zone area but instead via assisting entrepreneurs in starting and/or further developing a business in an enterprise zone area.

Training is important, but creating more urban entrepreneurs is equally as important. After all, having an unemployed person who has not been trained is not much better than having a trained unemployed person. Entrepreneurs create jobs. Thus, the marriage between potential entrepreneurs and experienced corporate giants can only yield one end result: success.

EARTH SUMMIT: TIME FOR U.S. LEADERSHIP

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the largest conference of nations in history convenes today in Rio de Janiero; 170 nations are meeting under U.N. auspices at the Earth summit to address their common concerns for a better economic life for their people on an environmentally livable planet.

The conference, attempting to find common ground on matters such as global climate change, protection for tropical forests and biodiversity, and ocean pollution, is a success before it begins. By simply holding this conference, attracting over 100 heads of state and 30,000 participants, sustainable development is placed high on the world's priority list.

But, Mr. Speaker, clearly that is not enough. If we are to truly have a new world order, the United States must play a key leadership role to guide and help developing nations toward a better life without destruction of the environment.

Unfortunately, we are not providing that leadership, either in the 2 years of negotiations leading up to the UNCED Conference or by forcefully addressing our own inordinate contributions to global pollution.

If not us, who, Mr. Speaker; if not now, when?

□ 1300

INTRODUCING THE FAIR REPRESENTATION ACT OF 1992

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, today I rise to introduce the Fair Representation Act of 1992, a constitutional amendment that would grant full voting representation to the residents of the District of Columbia.

D.C. Councilwoman Linda Cropp has introduced a proposal that would exempt residents of the District of Columbia from paying Federal income taxes. It is worth noting that the District currently gets far more than a fair return in taxes. In fact, D.C. residents currently pay $5,707 per year on average in Federal taxes, but they get back in Federal payments more than $29,000 per person. That is six times what an individual, on average, gets in any State in the country.

While it is true that D.C. residents do greatly benefit from their special relationship as the seat of the Federal Government, it is also true that the residents of the District are denied full voting representation in Congress. The Constitution of the United States created the District of Columbia as an independent and autonomous entity separate from the control of any State and overseen by the U.S. Congress. Although it was assumed that the citizens of the District of Columbia would have their voice in the election of the Government which is to exercise control over them, they were not given the ability to govern themselves.

We corrected this inequity initially with home rule in 1973. We then went on with the ratification of the 23d amendment. Now it is time to fix the last issue, which is that no American citizens should be denied an official voice in the legislation of the country.

Mr. Speaker, I urge my colleagues to join me as cosponsors of this resolution.

THE BALANCED BUDGET AMENDMENT—THE ULTIMATE BUDGET DISCIPLINE MEASURE

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, lately opponents of the balanced budget amendment have been warning that achieving a balanced budget will not be easy. Those of us who have been advocating the amendment realize how difficult it will be, which is exactly why we are pushing for the ultimate budget discipline measure.

Do those noting that balancing the budget will be difficult mean to suggest that we never do so? Or are they suggesting that it would be somehow easier to do without a balanced budget amendment? Neither argument makes sense.

Federal spending has grown to 25 percent of gross domestic product. Federal social spending has risen by nearly 30 percent during the Reagan and Bush administrations. Claims that spending has been cut to the bone and that the Reagan tax cuts are to blame for the deficit are utterly false. Tax revenues increased in real terms during the 1980's, but spending increased more.

It is time this Congress realizes it can't be all things to all people. We can't be sugar daddy to every special interest group out there. The fact that this institution cannot come to grips with that reality is why we need a balanced budget amendment to the U.S. Constitution.

CONGRESS SHOULD SAY "NO" TO MOST-FAVORED-NATION STATUS FOR CHINA

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, it is no wonder that the people of this country are mad as hell and becoming Perotized. Congress and the administration are not listening. The latest thing is what President Bush wants to do is to renew most-favored-nation status on Communist China. Congress should rise up and say, "No, no, a thousand times no" to a country that brutalizes and kills its people, deprives them of their dignity and their rights, and to recognize them is idiocy.

We have a $13 billion trade deficit with Communist China now, only second to Japan, and we are losing American jobs to Chinese slave labor and atrocities, and then we are going to recognize and reward them. It is an insult to every American and it is an insult to every American veteran. Congress should be reducing the imports from China, not rewarding them for their badness.

MOST-FAVORED-NATION STATUS FOR CHINA—A TERRIBLE MISTAKE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, I am a Republican and I support President Bush, but my colleague from Ohio [Mr. APPLEGATE] who just spoke is absolutely correct. We are making a terrible mistake.

Yesterday, the President of the United States said that he was going to grant most-favored-nation status to China. I cannot imagine a worse thing to do. There are 10 million people, 10 million people, suffering in Communist gulags that are slave laborers in Communist China—10 million. We have been crying out on this floor for a long, long time, saying if we stand for anything in this place, it ought to be for the human rights of people round this world. There are terrible atrocities going on in Kashmir, women are being gang raped, they are being tortured, killed. The same thing is going on in Punjab up in the northwestern part of India, but nobody is saying anything about that over at the State Department. We are ignoring it, and the horrible atrocities that are taking place in Communist China.

Yesterday in Tiananmen Square they attacked some Japanese TV crews who were there to take some pictures about what was going on, so people wanted to demonstrate against the horrible atrocities that took place 2 years ago when they ground people into dog meat with those tanks.

What do we do? We are rewarding them with most-favored-nation status. I worry about the jobs, I worry about the trade imbalance, but I am very concerned about the human rights violations going on over there. Mr. President, please revisit this. You are making a big mistake.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members that the President is not to be directly addressed. All comments should be addressed to the Speaker.

SUPPORT FOR DYMALLY AMENDMENT TO DEFENSE AUTHORIZATION BILL

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, I rise today in support of the Dymally amendment to H.R. 5006, the 1993 defense authorization bill. The amendment strikes out language that prohibits the public and private shipyards in the greater Long Beach area from competing for short-term repair work on Navy vessels homeported in San Diego. Rather than forcing the Navy to conduct their repair work on a purely political basis, the Dymally amendment asks for the Navy to study and report back on the economic costs and benefits of including Long Beach into the San Diego homeport cluster. I believe that in these times of shrinking military budgets, our defense spending should be based on cost effectiveness and economic reality.

History has clearly shown that increased competition will save the Defense Department and the U.S. taxpayers millions of dollars. In addition, we will preserve an experienced and flexible ship repair industry for the substantial portion of the Navy fleet stationed on the west coast. I urge all the Members of this House to support competition, cost savings, and jobs vital to our industrial base. Support the Dymally amendment to H.R. 5006.

REPUBLICANS PROVIDE LEADERSHIP WITH THE BALANCED BUDGET AMENDMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I commend the Democrats and the Republicans who have come before the House today and expressed their support for the balanced budget amendment. There is a bipartisan effort to pass this amendment. However, there is a big difference between the leaderships of the two parties on the issue.

The Republican leadership in Congress is working hard to pass the balanced budget amendment. The leadership of the Democratic Party is doing everything it can to kill the balanced budget amendment. The Republican Party leader of the House favors the balanced budget amendment. The Democratic Party leader in the House does not. The Republican Party whip in the House favors the balanced budget amendment. The Democratic Party whip does not. So it goes down through the leadership ranks.

One other thing should be noted. The President of the United States, the most powerful elected Republican Party leader in the Nation, favors the balanced budget amendment. The Speaker of the House, the Nation's most powerful elected Democratic Party leader, does not favor the balanced budget amendment.

If the American people want leadership toward a balanced budget, it is now clear where there is a real leadership on the issue.

UNLAWFUL OBSTRUCTION BY SECRETARY OF DEFENSE OF FUNDING FOR MARINE CORPS

(Mr. GEREN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GEREN of Texas. Mr. Speaker, for 2 years the United States Congress has been trying to give the Marines a weapon system they need desperately to fulfill their missions, the V-22 tiltrotor aircraft. For 2 years Secretary Dick Cheney has stood in the way of our effort to meet the Marines' needs. For the last year he has unlawfully impounded the funds we authorized and appropriated for that purpose.

Mr. Speaker, today the Comptroller General of the United States has notified the President that Mr. Cheney's acts are unlawful. The Comptroller General of the United States agrees with what we have been saying for the last several months, "Mr. Cheney, you do not have the right to exercise a line-item veto over the acts of Congress."

□ 1310

The Marines need this weapon system.

Mr. Cheney, obey the law and let us give it to them. Let us get this program going.

GEORGE McGOVERN SUPPORTS CONSERVATIVES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. STEARNS. Mr. Speaker, Monday's Wall Street Journal had an extremely interesting article by former Senator and Democratic Presidential nominee, George McGovern.

It is an article I strongly recommend to all Members of the House and Senate because it explains how Congress frequently loses touch with the needs of small businessmen and women.

Mr. McGovern explains the extreme difficulties he has faced when operating a motel. He explains that while many taxes and regulations may be worthy in principle, legislators often neglect to weigh them against the following concept:

> Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape.

But the statement that stands out most in Mr. McGovern's article is that he wishes he had firsthand small business experience before his 24 years in high public office. This experience, he says would have made him a better U.S. Senator and a more understanding Presidential contender.

Mr. Speaker, George McGovern has met reality and now supports conservative views. Congress has a variety of legislation pending before it that would impose unreasonable mandatory benefits and requirements on small businessmen and women. It already is difficult enough to operate a small business without Congress making it worse.

KENTUCKY CELEBRATES ITS BICENTENNIAL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, June 1, 1992, Monday of this week, Kentucky, my home State and birthplace, celebrated its bicentennial. Two hundred years ago Kentucky became the 15th State of the Union.

Kentucky, the Bluegrass State. The name fairly rings with history, and tradition, and with accomplishment. Daniel Boone, Abraham Lincoln, Zachary Taylor, Henry Clay. Of more recent vintage, public servants of note are John Sherman Cooper, Happy Chandler, and Alben Barker. And we are favored to have to Members—one in our chamber, Chairman BILL NATCHER of the Second District, and our senior Senator from Kentucky, WENDELL FORD who fit this category. The Kentucky Derby and on and on.

I invite my colleagues to come to Kentucky this summer. We will have Chattaqua celebrations in all 120 counties to note the great accomplishment of Kentuckians over history. Come enjoy yourself at our 200th birthday party.

COLD WAR'S END SHOULD RESULT IN REDUCED MILITARY BUDGET

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. OLVER. Mr. Speaker, over the last several years, the fight for freedom and democracy has erupted throughout the world.

Out of a great cloud that covered Eastern Europe for decades, came the triumph of freedom. Yet unlike the last great war in Europe, this time it was simply and purely the forces of popular will, not the force of armaments, that broke the grip of tyranny, and forced change.

In America, we took great pride and joy from the march of democracy—we were again reassured that our way of governing most truly reflects the human spirit. We felt a common bond with the millions that took to the streets—remarkably, we began to see our own faces, and the faces of our revolutionary ancestors, where we once saw the face of the enemy.

And while the events in Europe affected the future of so many European nations, they also gave us the opportunity to reassess the future of America. As leaders we have been given the rare opportunity to make a fundamental choice—continue with a militarily heavy cold war economy, or reinvest in America. I challenge my colleagues to find many people, outside of the military industrial complex, that would not choose the latter.

This year's Defense authorization would seem perfectly at home—if this were 1984. But in 1992, it simply reflects the malaise that our Government is suffering under. It is tragic that while former Communist nations have made the great leap to freedom, we remain tangled in a wornout war that no one else is fighting.

I urge my colleagues to put a degree of sanity back in to our military budget—let us stop the B-2 bomber, reduce star wars, bring our troops back home, and reduce the overall level of military funding. Let us use the savings to reinvest in our people and our future. Defense conversion is a critical investment in a post-cold war economy that we can fund within the budget firewalls.

The people of western Massachusetts and all over the country are tired of wasting our resources on unneeded weaponry. They are angry, they are demanding that their Government's priorities reflect their needs. Congress must hear their anger and respond to our Nation's needs. This Defense authorization must reflect a new approach and acknowledges that the cold war has ended.

ATTACHING CONDITIONS TO EXTENSION OF MOST-FAVORED-NATION STATUS FOR PEOPLE'S REPUBLIC OF CHINA

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, this week the third anniversary of the Tiananmen Square massacre will be observed. On the eve of that observation the President of the United States has sent a request to the Congress to request a special waiver for favorable trade treatment for the People's Republic of China, thereby rewarding the butchers of Beijing.

Our colleague in the House of Representatives, the gentleman from Ohio, [Mr. PEASE] is introducing legislation today to condition most-favored-nation status for China on improvement in human rights conditions there, and on the stopping of the proliferation of nuclear weapons, and stopping the barriers to our trade going into China. This legislation is still necessary because, just a couple of weeks ago the Chinese tested a megaton bomb, 70 times more powerful than what was dropped on Hiroshima. China continues trade barriers. The trade deficit for this year for the first quarter is higher than the first quarter of last year. And the abuses of human rights and repression in China continue. That is why the legislation is still needed.

I believe we will win this time because the legislation offered by the gentleman from Ohio [Mr. PEASE] is very targeted. It will revoke most-favored-nation status on peristate or state-run industries.

I urge our colleagues who are concerned about these issues to join in cosponsoring the legislation. This year I believe we can win and maybe the President of the United States will sign the legislation.

NEED FOR A BALANCED BUDGET AMENDMENT

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, today the men and women of the United States of America will spend $600 million just on the interest payment on the national debt. Tomorrow they will spend $600 million on the interest payment on the national debt. On Friday, they will spend $600 million just on interest on the national debt. On Saturday, Sunday, 365 days out of the year, every day $600 million is paid in interest on the national debt.

Not 1 penny of that money will educate a child. Not 1 penny of that money will cure a disease, pave an inch of highway, or buy one round for an M-16. That money is wasted. And one-third of that money will go to the German and Japanese lending institutions that are buying the bonds that are subsidizing our country.

Mr. Speaker, if we are tired of squandering over $200 billion a year just in interest on the national debt, then let us not repeat the mistakes of the past. Let us pass a balanced budget amendment and see to it that this Congress and future Congresses live within their means.

LIVING WITHIN OUR MEANS

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, in 1974 the Congress enacted and the President signed the budget act of that year. In 1981 the Congress enacted and the President signed legislation called Gramm-Latta, designed to reduce our Federal budget deficits. A few years later, Congress passed and the President signed Gramm-Rudman I, and later Gramm-Rudman II, the idea of which was to, through sequestration and other means, reduce our Federal deficit.

In 1990 the Congress agreed with the President on a 5-year deficit reduction package that was hopefully going to eliminate our budget deficit, and earlier that year President Bush sent us a budget proposal for the next fiscal year which called for a budget deficit again for next fiscal year of over $300 billion, and as far as the eye can see to continue the flow of red ink.

I do not want to suggest that we need an amendment to the Constitution to mandate a balanced budget next year, or frankly to mandate a balanced budget any year. The Federal Government has responsibilities with regards to war, to economic calamities or emergencies that State governments do not have.

What we do need is to come up with something, a basic building block for sound revenue estimates, for realistic economic assumptions for a budget that builds on our future, and we need for the President to begin to lead by proposing balanced budgets, and to make it more difficult for Congress in the future to unbalance those budgets.

The status quo is not acceptable. What we have tried has not worked. The moral force and the political shield that the Constitution provides are needed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication for the Clerk of the House of Representatives:

WASHINGTON, DC,
June 3, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 2, 1992 and said to contain a message from the President wherein he transmits a document pursuant to section 402(d)(1) of the Trade Act of 1974 (Jackson-Vanik Amendment), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the People's Republic of China. Also transmitted is a copy of Presidential Determination No. 92-29, dated June 2, 1992, entitled "Determination Under Section 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority."

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives

□ 1320

CONTINUATION OF WAIVER OF APPLICATION OF PORTIONS OF TRADE ACT OF 1974 WITH RESPECT TO PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-339)

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit a document referred to in section 402(d)(1) of the Trade Act of 1974, as amended, 19 U.S.C. 2432(d)(1) ("the Act"), with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the People's Republic of China. The document includes my reasons for determining that continuation of the waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402, and my determination to that effect.

Documents concerning the extension of the authority to waive subsections (a) and (b) of section 402 of the Act, including a determination with respect to other countries and the reasons therefor, are transmitted separately.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992.*

PROVIDING FOR CONSIDERATION OF H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 474

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, clause 5(a) of rule XXI, and section 302(f) of the Congressional Budget Act of 1974 are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in this resolution. Pro forma amendments for the purpose of debate may be offered only by the chairman or ranking minority member of the Committee on Armed Services. Unless otherwise specified in this resolution, the amendments printed in the report of the Committee on Rules shall be considered in the order and manner specified in the report. Unless otherwise specified in the report, each amendment may be offered only by the named proponent or a designee, shall be considered as read when offered, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. If more than one of the following amendments relating to funding levels for the Strategic Defense Initiative is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House: (1) by Representative Dellums of California; (2) by Representative Kyl of Arizona; (3) by Representative Durbin of Illinois; and (4) Representative Aspin of Wisconsin or Representative Dickinson of Alabama. If more than one of the following amendments relating to B-2 procurement is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House: (1) by Representative Andrews of Maine; and (2) Representative Aspin of Wisconsin or Representative Dickinson of Alabama. At any time after the adoption of this resolution the Committee on Rules may file a supplemental report for the purpose of printing additional amendments relating to economic conversion and adjustments in funding levels. Amendments printed in the supplemental report shall be considered as though included in the original report to accompany this resolution except that the consideration of any amendments relating to economic conversion: (1) shall be in order not sooner than one hour after the chairman of the Committee on Armed Services announces from the floor a request to proceed thereto; and (2) shall begin with general debate on that subject for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in part II of the report of the Committee on Rules or germane modifications thereof. Amendments en bloc shall be considered as read except that modifications shall be reported. Amendments en bloc shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments en bloc are waived. The original proponent of an amendment included in amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. The chairman of the Committee of the Whole may recognize for the consideration of an amendment printed in the report of the Committee on Rules at a time other than its prescribed place in the order, but not sooner than one hour after the chairman of the Committee on Armed Services announces from the floor a request to that effect. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. Any Member may demand a separate vote in the house on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield such time as I may consume. Mr. Speaker, all time yielded during the debate on House Resolution 474 is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 474 provides for the consideration of H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993.

The rule waives section 302(f) of the Congressional Budget Act against the consideration of the bill. Section 302(f) prohibits the consideration of measures which would cause the appropriate committee spending level ceilings to be exceeded. This waiver against the consideration of the bill is necessary because it contains a provision which provides for a military pay increase.

Mr. Speaker, House Resolution 474 provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule also makes in order the Armed Services Committee amendment in the nature of a substitute, now printed in the bill, as original text for the purpose of amendment under the 5-minute rule, provides that the substitute shall be considered as having been read, and waives clause 7 of rule XVI, clause 5(a) of rule XXI, and section 302(f) of the Congressional Budget Act against the substitute. Clause 7 of rule XVI prohibits the consideration of nongermane provisions and H.R. 5006, as reported, contains provisions relating to military construction which are not germane to the bill as introduced. Clause 5(a) of rule XXI prohibits the inclusion of appropriations in a legislative bill. As reported, H.R. 5006 recommends several land exchanges which constitute direct spending. And, finally, as in the introduced bill, the committee amendment in the nature of a substitute contains a provision providing for a military pay increase, thus necessitating the waiver of section 302(f).

Mr. Speaker, in devising the rule providing for the consideration of the fiscal year 1993 Defense Department authorization, the Committee on Rules considered over 180 amendments which were submitted to the committee for possible inclusion in the rule. The proposed rule not only allows the House to debate all of the major policy issues associated with our national defense, it also allows the House to work its will on a number of amendments which deal with a variety of issues relating to the Department of Defense. However, the rule providing for the consideration of all these issues is necessarily complicated and I would like to take a few minutes to explain to the House the procedure recommended by the Rules Committee.

Only those amendments printed in the report accompanying House Resolution 474, as well as certain amendments en bloc and pro forma amendments for the purpose of debate, if offered by the chairman or ranking minority member of the Committee on Armed Services, will be eligible for consideration. The amendments made in order in the report are to be considered in the order and manner specified, and, unless otherwise specified in the rule, the amendments are debatable for 10 minutes each, to be equally divided and controlled by a proponent and opponent of the amendment. The rule also provides that unless otherwise specified, amendments may be offered only by the named proponent or a designee, and provides that the amendments shall be considered as read when offered, shall not be subject to a demand for a division in the House or in the Committee of the Whole, and waives all points of order against the amendments printed in the report.

Mr. Speaker, the printed report contains two printing errors that I would like to point out. The Kopetski-Green amendment on nuclear testing will be debated for 60 minutes; the report as filed by the Rules Committee provides for 60 minutes of debate though the printed report says "20 minutes." The printed report also combines into one amendment the Durbin SDI funding amendment and the Andrews B-2 procurement amendment. The report as filed by the committee provides for separate consideration of these matters.

Mr. Speaker, because a number of amendments made in order in the rule do deal with major policy issues, the Committee on Rules has structured the consideration of two of those issues in a king-of-the-hill procedure. The rule provides that during the consideration of amendments relating to the strategic defense initiative, that each of the four amendments eligible for consideration shall be debated for 30 minutes, with the time to be equally divided and controlled by the named proponent and an opponent. Each amendment will be debated and voted on and the last amendment agreed to shall be considered as finally adopted and reported to the House. The amendments are eligible for consideration in the following order: First, the amendment offered by Representative DELLUMS; second, the amendment offered by Representative KYL; third, the amendment offered by Representative DURBIN; and fourth, the amendment offered by Representative ASPIN or Representative DICKINSON.

A similar procedure is recommended for the consideration of two amendments relating to B-2 procurement. Only the last of the named eligible amendments adopted shall be considered as finally adopted and reported to the House. The recommended rule provides for the consideration first of an amendment to be offered by Representative ANDREWS of Maine, which shall be debatable for 40 minutes, equally divided and controlled by Representative ANDREWS and a Member opposed thereto; and, second, of an amendment to be offered by Representative ASPIN or Representative DICKINSON, to be debatable for 40 minutes, equally divided and controlled by Representative ASPIN or DICKINSON and a Member opposed.

The rule also grants the Committee on Rules the authority to file a supplemental report which will include amendments relating to economic conversion and add backs of DOD funds to reflect the spending levels envisioned in the fiscal year 1993 budget resolution. The rule provides that the amendments printed in the supplemental report shall be considered as though they had been printed in the original report accompanying House Resolution 474. However, the rule does provide that any amendment relating to defense conversion shall not be considered until 1 hour after the chairman of the Committee on Armed Services announces a request to proceed to the consideration of those amendments and until after the completion of general debate, not to exceed 1 hour on that subject. The rule provides that general debate on the issue of defense conversion shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule provides for the consideration of two amendments relating to defense conversion, both which shall be debatable for 10 minutes, equally divided and controlled. The first amendment will be offered by Chairman ASPIN, and the second, a substitute amendment, will be offered by Representative DICKINSON.

The budget resolution for fiscal year 1993 provided that $1 billion of Defense Department money should be made available for defense conversion in the postcold war world to promote long-term growth and create jobs. I am honored to have chaired an informal task force of Democratic members who have been considering this issue for the past several months, and I believe we have developed a package, in the amendment to be offered by Chairman ASPIN, Majority Leader GEPHARDT, and myself, which will stimulate economic growth and help displaced defense workers and military personnel by redirecting the expenditure of funds which were originally intended for defense.

The fiscal year 1993 budget resolution also provides for $3 billion more in Department of Defense spending than what is contained in the H.R. 5006 as reported. The rule makes in order two amendments, which will be printed in the supplemental report, dealing with additions of all or portions of that $3 billion and how those funds will be allocated within the Department. The first amendment will be offered by Representative DICKINSON and shall be debatable for 40 minutes, to be equally divided and controlled, and a substitute amendment, to be offered by Chairman ASPIN and which shall be debatable for 20 minutes, also to be equally divided and controlled.

Mr. Speaker, the rule also provides that it shall be in order at any time for the chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc consisting of amendments printed in part II of the report accompanying House Resolution 474 or germane modifications of those amendments. The en bloc amendments shall be debatable for 20 minutes, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, or their designees, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. In addition, Mr. Speaker, all points of order against the amendments en bloc are waived by the rule.

Mr. Speaker, because each of the amendments eligible for en bloc consideration was authored by individual Members of the House, House Resolution 474 provides that the original proponent of an amendment included in the en bloc amendments may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

In order to expedite the consideration of this lengthy and complicated process in the House, House Resolution 474 provides that the Chairman of the Committee of the Whole may postpone a request for a recorded vote, votes may be reduced to 5 minutes the time for voting on amendments after the first 15-minute vote in a series of votes, and may recognize for consideration of amendments out of the order in which they are printed in the report accompanying this rule, but only after 1 hour's notification by the chairman of the Committee on Armed Services.

Finally, Mr. Speaker, the rule provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The rule provides that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, the Committee on Armed Services has recommended to the House a bill which makes important choices about our defense budget as we enter the postcold war world. These choices are based on the committee's view of the force for the future and its assessments of real threats to the interests of the United States now and into the future. The rule recommended by the Committee on Rules will allow the House to fully air the major policy issues in this major debate. Mr. Speaker, I urge adoption of House Resolution 474 in order that the House may begin its work on the authorization for the Department of Defense for fiscal year 1993.

□ 1330

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Texas [Mr. FROST] and the other members of the Committee on Rules. And I want to pay tribute to the fair spiritedness of our colleagues, the gentleman from Wisconsin [Mr. ASPIN] and his ranking member, the gentleman from Alabama [Mr. DICKINSON], on the Committee on Armed Services.

In the Rules Committee, on the negotiations for this rule over the last 2 days, I found these two gentlemen and their staffs willing and really able to work with each other and with all members to deal with the major issues that surround this complex piece of legislation. This is not to say, Mr. Speaker, that what we have before us is a perfect rule. I personally cannot support the rule, because we could not reach agreement on some important Republican amendments that we would like to have seen considered on the floor.

In particular, Mr. Speaker, Congressman HOPKINS' amendment concerning presidential authority to review and prohibit foreign takeovers of U.S. firms if such takeovers might cause a diversion of sensitive defense technology to foreign interests should have been made in order. When it comes to a matter of national security, Mr. Speaker, as it does in so many mergers and acquisitions involving defense firms, a process of review by the President of the United States and the Secretary of Defense, a process like this one supported by Congressman HOPKINS, is absolutely essential.

□ 1340

Mr. Speaker, that is why I think this amendment is so important. But, under this rule, the amendment of the gentleman from Kentucky [Mr. HOPKINS] will not be allowed to be offered because the Democrat majority would not allow it to be offered here on the floor today. Moreover, Mr. Speaker, if we are seeking balance in approaching major issues, I do not think the rule serves that goal by allowing the amendment of the gentleman from Illinois [Mr. DURBIN] on the issue of funding SDI. We already have the amendment of the gentleman from California [Mr. DELLUMS], the amendment of the gentleman from Arizona [Mr. KYL], and the Committee on Armed Services' position concerning SDI made in order. To add a fourth amendment is not only a waste of the Members' time, it also contributes less balance and less fairness to what is already an unfair rule.

Mr. Speaker, the farther away we get from open rules, the more we find these types of arbitrary procedures. Certainly we have to be concerned with the amount of time consumed for debate on bills like this, but we must always be concerned about fairness first.

At this point, Mr. Speaker, I just want to say a few words about the bill itself. As my colleagues know, we still need a strong national defense. We need to be certain that this bill will provide that kind of defense.

Yes, the old Soviet Union is no more, the Berlin Wall has fallen, and I say, "Thank God for that." But let us not forget that there are still tens of thousands of armed nuclear warheads based in the unstable region that once was known as the Soviet Union. We cannot say with certainty that a new threat will not arise from that quarter.

Mr. Speaker, we must be aware of new, and perhaps more unpredictable, threats that might arise from the many terrorist regimes which exist in the world today. In an age when so many such regimes seem capable of developing missiles and weapons of mass destruction, preserving a strong national defense is the only wise course, and that is what we are sent here to do.

That is why the President is so strongly opposed to this bill as it was reported by the Committee on Armed Services. He had already cut the defense authorization for fiscal year 1993 by $7 billion below the amount he could have asked for under the Budget Enforcement Act when he submitted his defense spending request earlier this year. Here we are, however, cutting another $3 billion off of that, even if we adopt a so-called add-back amendment later.

To top it all off, Mr. Speaker, are we really certain that what we have cut will go toward reducing the deficit as the present law requires? Or will it just end up as pork barrel spending somewhere else?

Having said all this, I have to say in closing, even though I will vote no on this rule, Republican Members are free to vote their conscience on the rule. It is not perfect. It could be better. But it could also be worse.

So, Mr. Speaker, I say to my colleagues, "Use your own judgment."

Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Kentucky [Mr. HOPKINS], a member of the Committee on Armed Services.

Mr. HOPKINS. Mr. Speaker, let me take, if I may, just a second to extend my appreciation to the ranking member on the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for the effort that he makes on our behalf time and time again. So often we do not win, but it certainly is not because of the efforts of my friend, and I wanted to extend to him my personal appreciation for his attitude over the last 14 years.

Mr. Speaker, normally I do not speak on the floor. I usually sit back here on red-neck row and leave all the talking to my colleagues who, in my opinion, at least some of them, have perfected the very fine art of never having to breathe in. But today, Mr. Speaker, I rise to make a statement on a national security issue, the gravity of which, in my view, may far exceed any other issue discussed during the entire debate for the next 3 days.

Mr. Speaker, a few days ago I attended a hearing of the Subcommittee on Investigations of the Committee on Armed Services and the Policy Subcommittee. I went down there totally unprejudiced, just to listen to two intelligent men representing two respected companies argue about why one had won a bid over a company over the other one. That was my entree. It was very much like listening to two companies decide why one company had outbid another one on a McDonald's restaurant, if my colleagues will. But this issue is much more serious than a McDonald's restaurant.

I was unprejudiced, Mr. Speaker, until during that meeting I took the time to read the classified intelligence report that was made available, and I am convinced after reading that report that there is a theft taking place in our country, and it is being done in the name of transatlantic arms cooperation in furtherance of the global economy.

Mr. Speaker, I am of course talking about the French company Thomson-CSF's purchase of LTV's missile division in Texas. This is being done in concert with the U.S. Carlyle Group's purchase of LTV's aircraft division, a major subcontractor for the B-2 and the C-17. This is just not another foreign company purchasing part of our industrial base.

First, Mr. Speaker, Thomson-CSF's parent company, Thomson S.A., is 100 percent owned by the French Government with deep pockets of the French treasury to go along with it, and the Carlyle Group can tell us about those deep pockets because 50 percent, $55 million, of their cash for the purchase of the LTV aircraft division is coming from a French Government-controlled bank.

Second, LTV is not just another aerospace company. It makes some of the most sophisticated missile systems in the world. Nearly 10 percent of its business is in what we call black programs, programs not even mentioned in this bill because they are too highly classified. Seventy percent of LTV's business is what is classified as Comsec, or communication security, another highly classified, compartmented category.

Third, as part of the routine review of such a sale, the Defense Intelligence Agency reviewed the purchase of Thomson-CSF of LTV's missile division. This report is classified. But let me tell my colleagues what a news article in Defense Week says about this sale. The article indicated that the Defense Intelligence Agency has concluded there is a 100-percent chance of U.S. technology being diverted to unauthorized parties in Europe's largest electronics firms. In other words, there is no chance that security would not be compromised.

I might add that the DIA has reviewed approximately 200 similar cases and never, never has it rated the security and technology loss potential of such a purchase by a foreign company as high as 100 percent.

So, Mr. Speaker, why do I bring this issue before my colleagues today? I do so because we are talking about very big stakes. I had proposed an amendment which was very mild. All it suggested was that the Secretary of Defense be given a chair at the table so that he would have to sign off on security transfer of technology that might compromise our interests, and, if he does that, that would be fine. It does not kill the sale. That is all it asked for.

□ 1350

Mr. Speaker, that was thrown out by the Rules Committee in the late hours of that committee meeting yesterday. It had already been approved by the ranking member and the chairman of the full commmittee.

I have got to say this, Mr. Speaker: This thing is beginning to smell. I think it smells like a 20-year-old slaughterhouse personally, and I think it needs a whole lot more investigation. I have already called the senior member on the Investigations Subcommittee and asked for an investigation into this matter. I hope that is what happens. I do not care really to join the two Senators on the other side who have put in a bill to block this sale. That was not my intention. But I do think that more investigation is necessary because the French have a very poor habit of "sell now and ask questions later." They developed the Exocet missile that killed 37 sailors not too very long ago, and I wonder how those 37 families would feel if they knew about this deal being swept along.

I remember when they would not even let us fly over France when we were after Qadhafi. They would not even let us fly over their country.

Yes, Mr. Speaker, this deal needs to be investigated.

Mr. Speaker, I rise to make a statement on a national security issue the gravity of which may far exceed any other issue discussed during the entire debate of our defense authorization bill. A few weeks ago I attended a hearing of the Policy Subcommittee and a hearing of the Investigations Subcommittee.

I attended unprejudiced until I read an intelligence agency report. I thought I was going to hear two intelligent people—McDonalds.

I am convinced there is a theft taking place in America. It is being done in the name of transatlantic arms cooperation and furtherance of the global economy.

I am, of course, talking about the French company, Thomson-CSF's, purchase of LTV's missiles division, in Texas. This is being done in concert with the U.S. Carlye Group's purchase of LTV's aircraft division, a major subcontractor for the B–2 and C–17.

This is just not another foreign company purchasing part of our industrial base.

First, Thomson-CSF's parent company, Thomson SA is 100-percent owned by the French Government—with the deep pockets of the French treasury to go along with it. The Carlyle Group can tell you about those deep pockets because 50 percent, $55 million, of their cash for the purchase of the LTV aircraft division is coming from a French Government-controlled bank.

Second, LTV is not just another aerospace company. It makes some of the most sophisticated missile systems in the world. Nearly 10 percent of its business is in what are called black programs—programs not even mentioned in this bill because they are too highly classified. Seventy percent of LTV's business is what is classified as Comsec, or communications security, another highly classified, compartmented category.

Third, as part of the routine review of such a sale, the Defense Intelligence Agency reviewed the purchase of Thomson-CSF of LTV missiles division. This report is classified but let me tell you what a news article in Defense Week says about this sale. The article indicates that DIA has concluded "there is a 100-percent chance U.S. technology would be diverted to unauthorized parties in Europe's largest electronics firm." In other words—no chance that security would not be compromised.

I might add that DIA has reviewed approximately 200 other similar cases and never, never has it rated the security and technology loss potential of such a purchase by a foreign company as high as 100 percent.

So, why do I bring this issue before you today? I do so because we are talking about big stakes here. I had proposed an amendment to the Rules Committee regarding this sale. It was not a killer amendment like the one that has been filed in the other body by two senators that would block this sale. My amendment would have simply required that the President have the Secretary of Defense certify that sales such as this type would not result in the loss of highly classified information to foreign governments. Well, the Rules Committee for some unknown reason chose to exclude my amendment from consideration and at the same time, I might add, that another amendment proposed by a member of the Rules Committee related to this sale was accepted.

The Thomson-CSF-LTV buy is about one issue and one issue only: U.S. national security. It is not about, as some would portray, openness of U.S. markets and global economic cooperation.

Thomson-CSF is simply an extension of the French Government. The question is whether or not it is in the U.S. national security interests to have foreign governments, even friendly foreign governments, in the position of buying critical portions of the U.S. defense industrial base. If this purchase is allowed to go through, with the condition our defense industrial base is in, we might just as well put up a for sale sign in all of the foreign capitals of the world.

So where are we today? There is a process underway that some of you are no doubt familiar with that is governed by the Exon-Florio amendment of 1988. It is run by the Treasury Department under a process called CFIUS [the Committee on Foreign Investment in the United States] with participation by the other concerned departments of the executive branch. The Congress has no role. By July 5, Treasury will either approve this sale or recommend to the President that the sale not be approved on the basis of the risk to national security.

That all sounds very straightforward except for two things:

First, since 1988, as I mentioned the United States has had the opportunity to review approximately 700 previous cases. In only one case did they disapprove the foreign acquisition.

Second, the lawyers are at work. I have no doubt that some arcane special security arrangements will be devised that will give the appearance that classified information will not be compromised if the sale goes through. To say that through some voting trust or security clearance arrangement that we can prevent the transfer of sophisticated, highly classified technology is clearly naive.

In summary, Mr. Speaker, I strenuously object to the discriminatory treatment my amendment received from the Rules Committee and the methods of the parties involved in this purchase. This is not a closed issue. A major loss of U.S. technology is involved, and ultimately our own national security interests.

This acquisition by Thomson-CSF and the Carlyle Group is beginning to smell like a 20-year-old slaughterhouse.

The case needs more investigation and I intend to do my part to ensure that that happens.

The French Government has a history of selling now, and asking questions later. Thirty-seven of our sailors were killed in 1987 when a French-built Exocet missile was fired off an Iraqi fighter aircraft into the U.S.S. *Stark* in the Persian Gulf. How would the families of the 37 dead sailors feel if they knew.

The French Government also has a way of pursuing foreign policy interests contrary to our own. The one case that comes immediately to mind is the French refusal to let our aircraft fly through French airspace when we were retaliating against Qadhafi for his terrorist acts.

As ranking member, I'm asking for an investigation.

I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 4½ minutes to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, let me say to the Members of the House that a few weeks back this House voted not to take down the budget firewalls and let us transfer from defense to domestic programs. That vote happened because the minority party voted, unanimously, in opposition to allowing us to transfer from defense to other domestic programs.

This bill, Mr. Speaker, contains $38.4 billion—that is billion, with a "b"—for research and development for new weapons. Despite the cold war being over, this is for research and development. Yet, for all of the NIH [the National Institutes of Health] which deal with every disease that affects the American people and affects all the people of this world, we spend less than $10 billion. That is less than $10 billion. But, because the Rules Committee cannot allow us to transfer, this rule is going to allow us to spend $38.4 billion for DOD research and development.

Yet in this country, 4 million Americans are afflicted with Alzheimer's disease. That is 4 million Americans, and it costs this country $90 billion for treatment and care of Americans affected with Alzheimer's. Yet in NIH we spend less than $200 million, $198 million for research on Alzheimer's disease.

This bill spends $38.4 billion on research and development for new weapons. Asthma, in this country, affects 12 million people. It is the major cause of school absenteeism. And I repeat, we spend $40 million in the National Institutes of Health for asthma.

In cancer, Mr. Speaker, 500,000 people die annually of cancer. If we were to spend a little more money for early diagnosis and early treatment of cancer, we could save 100,000 more Americans each year. Yet this bill does not allow us to do that.

Mr. Speaker, this bill spends $38.4 billion for research on new weapons. Yet we cannot develop weapons that will fight these other things.

Let us look at AIDS, Mr. Speaker, AIDS affects 10 million people worldwide. Forty million people are going to have HIV in this world by the year 2000. In the United States, between 1987 and 1989, 20 percent of the people with AIDS were between the ages of 20 and 29. Yet we cannot spend over $10 billion in all of NIH to address research and development of drugs and products that will treat these diseases.

We cannot spend more money for a proton beam laser that will zap cancer. We have demagogues in this House on both sides of the aisles. We tell the women that we are going to address breast cancer, but the budget is not going to let us increase the budget for NIH. If we are going to increase the money for breast cancer, we are going to have to take it out of diabetes or AIDS or Alzheimer's. That is wrong, Mr. Speaker.

The American people are upset. Do we know why they are upset? Because we do not hear them. We listen, but we do not hear. How can we spend more, more, and more money on defense and not address the health problems of this country?

Mr. Speaker, in this country 67 newborns die every day in the United States, and we rank 20th internationally in the whole world in infant death mortality. Yet we will spend no money to educate the low-income woman. The gentleman from Kentucky [Mr. NATCHER] is going to mark up his bill, and he is going to have all the Members in this Chamber say to him. "Give us more for cancer, give us more for education," and then we tie his hands. We tie his hands because the Budget Act is not going to let us do it.

Yet in this bill we are going to spend $38.4 billion for research and development on weapons. I say, we do not know what we are doing.

Tuberculosis, a disease that is reappearing in this country, affects one-third of the world's population, with 10 million new cases each year. Tuberculosis has emerged as a major epidemic in the United States, with one major difference: It is now drug resistant. There is no effective treatment and no preventive vaccine. Yet our total research provides only $5.2 million, and in this bill because we will not take down the firewalls and reduce defense, we cannot do anything about it. We are going to spend $38.4 billion for new weapons to hurt more people.

That is just bad judgment, Mr. Speaker.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. MARTIN], a member of the Committee on Armed Services.

Mr. MARTIN. Mr. Speaker, I thank my colleague and neighbor for yielding this time to me.

Mr. Speaker, as I rise in opposition to this imperfect rule, I will reserve my decision on how I will vote on what will indeed be an imperfect bill to many of us.

I will just take 2 minutes to vent some of my frustrations, as we are here on the floor for the eighth consecutive year with a budget that calls for a real cut in our Nation's defense. I do not say that is at all wrong, but people do not seem to acknowledge that this is indeed the eighth year of real cuts in defense.

My frustration comes from the fact that I hear people who otherwise appear educated and otherwise appear rational say that all we have to do is cut defense in order to balance the budget. For whatever difference it makes, for the benefit of any who might listen, I want to point out that if we did away with every vestige of the Department of Defense or our military; if we laid off every single person in uniform, if we sunk every ship, if we crashed every plane, if we burned every base, if we broke every alliance we have anywhere in the world and fired all the civilian employees, it would still require some other things like making sure that our veterans and the folks who retired from the service never got their benefits in order to try to balance the budget. And that is just the start of what it would take and it still wouldn't begin to balance the budget. It fascinates me that people can still think that the only thing we have to do is cut defense to balance the budget.

The second frustration I want to speak about for just a second is this: Perhaps I live in a different world from most other people, and perhaps that comes from some of the publications that I read, but I find that there are those people who are satisfied because the Iron Curtain has come down and the Soviet Union has crumbled, they believe that never again will we fire another round in anger, that never again are we going to need those soldiers, sailors, airmen, or marines, or any of their equipment. That we could cancel all the procurement contracts, that we do not have to worry about future weapons because for once the world is at peace and will remain so, at least according to that school of thought.

The fact is that we have 25,000 nuclear-tipped weapons kicking around somewhere in the old Soviet Union, and yet the attitude is that people feel we do not need to worry about it. They say, "Don't worry about Yugoslavia, don't worry about Qadhafi, don't worry about Saddam Hussein," and so forth.

But there will come a time when we will need these young men and women and their preparedness.

Now that I have vented my frustrations, it is now time to get prepared to debate the amendments that will perhaps make the bill better.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

□ 1400

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I listened carefully to the gentleman from Massachusetts and agree with him on everything, save for one small minor detail. He says we listen, but we do not hear. The only thing I disagree with is that I think Congress does not even listen. Nor do they see, hear, or take the time to read what the hell is going on out there.

We are worried about a new world order; we had better start concerning ourselves with a new American order. We keep talking about bullets; we had better start talking about bullet training. We keep building bombs; we had better start creating jobs. We keep promoting bankruptcy; and I do not see too much profit.

Mr. Speaker, I am going to support the rule, and, with many of these amendments, if they are approved, I will support the bill. But without some of these burden-sharing amendments and other issues, I will not.

The American people are telling Congress loud and clear, and now they are starting to show you on the evening news with flames and riots, that they are tired of paying for the defense of Europe, Japan, and Germany, and they are tired of the song and dance that it is really America's national security over there.

Folks, we could send a couple intelligence officers to tell us what is going on. The Berlin Wall is a damn speed bump. The U.S.S.R. is now the C.I.S. The Iron Curtain is a screen door. Communists are now entrepreneurs. Everybody could see it, except Congress.

Let us now look at our priorities and look at them carefully. I think the committee, taking care of national security interests, has done a good job, and with many of these amendments the Committee on Rules put in order, it will be a better bill.

Mr. Speaker, one of the amendments that was not approved on my side by me would have stopped these other countries from subsidizing these foreign bids. I think the Committee on Rules and the committee made a bad move with that. But they have at least allowed my amendment that calls for some action on fraudulent labels involving these national security Buy American issues.

Mr. Speaker, down in Florence, KY, a company by the name of Mazak, a wholly owned Japanese subsidiary, had a contract with McClellan Air Force Base for specifically delineated national security items, supposed to be made in America, and they said they were making them in America.

Then one good patriot, a former marine, brought in the invoices showing they were made in Japan.

I agree with the gentleman from Kentucky [Mr. HOPKINS]. I agree with the gentleman from Massachusetts [Mr. EARLY]. I think Congress had better start looking at the economic wars and problems in America and forget about all of this so-called military war activity all over the world. I do not think it is as bad as it is.

Mr. Speaker, I want to commend the Committee on Rules for letting an awful lot of Members bring their ideas to this bill. I would hope that the defense subcommittee chairmen will look at the subsidy amendment I had that the Committee on Rules did not allow and see if we could work something out in getting it in the rule.

Mr. Speaker, finally I would like to ask the committee if they would investigate that matter with Mazak down there in Florence, KY. I am asking the gentleman from Massachusetts [Mr. MAVROULES] to give us that helping hand, because the people in Cincinnati are sick and tired with it, the people in Florence, KY, are sick and tired with it, and I know the gentleman from Massachusetts [Mr. MAVROULES] can address himself to it with a hearing.

Mr. SOLOMON. Mr. Speaker, in yielding 2 minutes to the gentleman from Colorado [Mr. HEFLEY], let me say I am getting tired of Members standing on this floor criticizing the 2 million young men and women that serve in our military. Those are honorable jobs, they are real jobs, and they are a heck of a lot more necessary than our jobs here in this Congress.

Mr. HEFLEY. Mr. Speaker, I say amen to the statement just made there.

Mr. Speaker, the small disadvantaged business program will be reauthorized in this bill. I tried to offer an amendment which would fix the problem that this particular program had.

The program is not all bad. The program does a lot of good and has gotten a lot of small disadvantaged business people involved in the process. But there are some problems with it. This was the opportunity to fix those problems and to make it work better.

First, the Defense Department seems to have tried to stack the construction category with a disproportionate amount of the set-asides.

The Subcommittee on Investigations heard testimony about the consequences of this DOD policy. From 1987 to 1991 the construction industry netted between 4.6 percent and 6.8 percent of all DOD business. During this time period the construction percentage of 1,207 set-asides ranged from 19 percent to 98.8 percent.

DOD seems to have made a conscious policy decision to use the construction industry to stack up their requirements for the set-asides, and this is creating problems both for the minority small disadvantaged businesses and the majority.

Second, DOD has taken the easy way out. Rather than allow small disadvantaged businesses access to all areas of DOD work, such as procurement and R&D, the Pentagon has made an effort to stack these set-asides in the construction market.

Section 1207 was intended to help minority-owned firms break into the market. By cramming the construction category with set-asides, how does DOD help small disadvantaged businesses which do not do construction, but do R&D or procurement work or something else?

Mr. Speaker, this program is not helping those it was intended to help, and it is hurting many small business people who want to participate in the process.

Because of the nature of this rule, my amendment that I would have offered today would have helped solve this problem. The problem now will remain, and both the construction contractors and small disadvantaged businesses will continue to suffer.

Mr. Speaker, we could have fixed the problem, but, as is usual in trying to suppress amendments in the Committee on Rules, we have hurt small business, both minority and majority.

Mr. Speaker, I urge defeat of this rule.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me respond if I may to Mr. HOPKINS' remarks. First, let me say that I was disturbed when I learned that Mr. HOPKINS' amendment had not been made in order. This amendment was jointly crafted by Mr. HOPKINS and myself, and had my full support. Frankly, I thought it was the very least we could do. The amendment reflects what we learned in our hearing last month. At that time, it became clear that the process for reviewing proposed purchases of U.S. defense firms by foreign businesses was heavily run by lawyers fascinated by proxy agreements and other methods of insulating the board of directors. Mr. HOPKINS and I felt the dangers of technology leakage did not lie with the directors, few of whom would know a technology secret if it bit them in the nose. Our concern was that the folks who know something about how secrets are stolen ought to have a voice in this process. The amendment would essentially have given experts like those in the Defense Intelligence Agency and the Under Secretary for Policy a guaranteed right to advise the Secretary of Defense. My second point is that the Investigations Subcommittee does not intend to let this matter die—especially since this amendment has been cast aside.

As soon as we get off the floor, I intend to sit down with Mr. HOPKINS and discuss the organization for a subcommittee hearing that will address the issues raised in his amendment—namely how much of a role the best minds on national security issues now have and should have in this review process.

Mr. HOPKINS. Mr. Speaker, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Speaker, first let me thank the chairman of the Subcommittee on Investigations for his attitude over the years, and certainly in this matter. This is extremely important. I am delighted to know that we are going to have an investigation.

The problem now lies with CFITUS, because they are now into their investigation. They have extended the 30 days now, because they were concerned, into another 45 days. I simply do not want that to lapse and let this go by while we are preparing to have investigations. So I hope the gentleman from Massachusetts [Mr. MAVROULES] will join me in asking whomever we have to ask to halt this thing from going through until we have completed our investigation.

□ 1410

Mr. SOLOMON. Mr. Speaker, might I just tell the two gentlemen from Massachusetts and Kentucky that they have raised such serious questions here today that I think it would be a good idea for them to ask unanimous consent, when we go to the bill in a few minutes, to make that amendment in order. I cannot see where anybody would object to it.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in opposition to the rule, but I want to thank our ranking member for his support in my attempt to offer what I think would have been one of the most important amendments to this very important piece of legislation. As a member of the committee who worked on this bill, I think it is basically a good bill, although there are some things that we can do to improve it even further.

One of the largest growth areas, as we cut defense, is that dealing with fast sealift.

Adding up last year's authorization with this year's authorization, we will be spending $3.1 billion over the next several years on fast sealift to build new ships to deal with the problems we saw during Desert Storm in moving our troops and our cargo to the Middle East.

Current law allows 15 percent of the dollars appropriated and authorized for fast sealift to be used to purchase foreign vessels that can be overhauled in this country; 15 percent of $3.1 billion is $450 million. When we have shipyards in this country that are currently suffering because of a lack of work, when we have ships that we could be buying here domestically, we are going to allow 15 percent of that $3.1 billion to go out of the country. It is absolutely outrageous.

The amendment that I was going to offer, along with the gentleman from Mississippi [Mr. TAYLOR] would have zeroed that down and would have forced all of that money to be spent in American shipyards. There are arguments that would have been given that this was necessary to keep our industrial base moving. That is hogwash.

The Navy has had 2 years to move on our fast sealift program, and they have not done a blessed thing. That is why the money is not yet obligated.

That amendment would have allowed us to spend the money right here at home, employing American workers.

The companies that are lobbying most aggressively to kill the amendment that I wanted to offer on the floor today were those companies that seek to sell their ships to America. As a matter of fact, the East Asiatic Co., which has been making contacts to Members and committee staff to help kill my amendment, seeks to sell five ships to our Navy. I have been told the value of these ships in the world market is $5 million to $10 million.

Because these foreign companies are drooling at the prospect of selling their surplus ships to America, they expect to get between $30 million and $40 million for these vessels. Let me assure, the Navy will be watching every move that they make in response to this 15 percent.

I ask my colleagues to send a strong signal and oppose this rule because of our inability to offer this very important Buy American amendment.

Mr. GORDON. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I hope we will build on the work that has been done by the committee and make some further reductions.

One argument has been that it would be imprudent to reduce because this will still be a dangerous world. Of course, it will be. There are still people who run countries who in a rational scheme of things would not even be allowed to drive cars. We ought to be very clear what the debate is about.

No one is here debating whether or not America ought to remain by a very considerable margin the strongest Nation in the world. Nothing being proposed would come remotely close to cutting the very substantial margin by which America is the strongest Nation in the world.

The question is, rather, given the collapse militarily of our major enemy over these past years, are we not able to make some reductions?

I also want to say to my friend, the gentleman from New York, that he and I must be listening to different debates, although I could not see any earphones, because he said he was tired of Members criticizing the military. I have heard no one criticize the military, particularly the young people in it. It is not criticism of young people to say that the job has been done so well that we need to put less people in a particular place. That is simply not part of any Member's argument.

We are not saying that these people are doing a poor job, only that it is no longer necessary for us to keep them there.

I have to say in particular, I have been impressed with one of the most interesting intellectual feats of acrobatics I have seen in a very long time. For most of the 1980's, I heard my conservative friends talk about how the more the Government spent, the weaker society would be economically. Reducing Government spending was a precondition to economic stimulation and growth. But it turns out they forgot to tell us that none of that reasoning had applied to military spending, because many of those who most ardently argue that any Government spending is a detraction from the total sum of our economic prosperity now have found in Government spending for the military virtues of economic stimulation heretofore unimagined.

In fact, more American money is spent overseas through the military budget than in, I believe, all the rest of our budget combined. We spend far more overseas in the military budget than in foreign aid.

There is one difference. With the military budget we only spend the money overseas in rich countries. We do not do with it to help stimulate the economies of those in need. We spend tens of billions of dollars to aid the economy of such beleaguered nations as England, Japan, Italy, and Germany.

This is the kind of spending we are talking about reducing. We are talking about stimulating the American economy by reducing money we no longer need because we have so successfully met a major threat. We are talking about continuing to be by far the strongest Nation in the world, and we are talking about bringing money home that we now spend overseas in rich nations so that we can in fact get some of the benefit from it right here.

Mr. SOLOMON. Mr. Speaker, the previous speaker always likes to stand up and talk about acrobatics. I guess he is too young to remember World War II and how prepared we were. He certainly is too young to remember what happened in the Korean war when our soldiers and marines did not even have radios that worked, did not have mortars that had sights, and their men were not even trained with live ammunition.

Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

He is wrong, because nothing in any amendment being proposed today would put our troops remotely in that degree of unpreparedness, not remotely.

Mr. SOLOMON. Mr. Speaker, I certainly disagree with the gentleman.

Mr. Speaker, the gentleman from Pennsylvania [Mr. GOODLING] was denied the right to offer amendments today. He is the senior ranking Republican on the committee of jurisdiction on retraining our military personnel that are going to be laid off to the tune of 500,000 men and women over the next 3 or 4 years; they are going to be put out on the streets because of the cuts that are being made here today.

Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding time to me.

Yesterday I went to the Committee on Rules with three very cost effective, timely, and constructive proposals and requested that they be made in order so that I could offer them as amendments to the National Defense Authorization Act for Fiscal Year 1993.

However, my three amendments were not made in order.

I am concerned about the committee's decision because my amendments were introduced as legislation many weeks ago, made available for all Members to review, unlike the proposed conversion amendments that I suppose we are going to see either today or tomorrow. Nobody has seen them yet, as far as I know.

I have major concerns about the following issues: I presented my amendments with the hope that a constructive and positive bipartisan approach would be taken to include all or some of my ideas as part of the conversion amendments to this year's Defense authorization. My first amendment would have provided a new Assistant Secretary of Defense for Economic Adjustment to direct the Government's conversion effort. This Assistant Secretary would be given three directors to deal with the problems affecting communities, businesses, and dislocated workers.

My first amendment would have also changed eligibility requirements in the existing Job Training Partnership Act to help highly skilled defense workers who would not be eligible at the present time.

My next two amendments contained part of the original amendment. As the ranking member of the Committee on Education and Labor and the Representative of the 19th District of Pennsylvania, I am concerned about a conversion amendment that utilizes moneys for new educational programs and which raises the possibility of changes in the Job Training Partnership Act without prior hearings or notification to minority members of the Committee on Education and Labor. I am concerned for the more than 50,000 constituents of mine who may be adversely affected by defense reductions.

I would ask whether this conversion package that was developed and written in the 11th hour will fit the bill of what is needed for companies, workers, and families in my district.

I have stated in the past there is no peace dividend for workers who are handed a pink slip as the result of defense reductions. I have serious concerns that the conversion legislation proposed by the Committee on Armed Services will build new bureaucracies and larger Government agencies to do the things that we can already do with existing Government entities.

□ 1420

Mr. Speaker, I have serious reservations about the rule that makes in order two conversion amendments that we have not seen. After all, we will be spending at least $1 billion, and many Members have no idea where the money will go or what the plan will encompass, how it will impact community businesses and workers, and if any opportunities will present themselves at all because of those conversion ideas.

In the area of providing assistance to dislocated workers losing jobs through reductions in defense spending, the majority bill, as I understand it, will provide $100 million in fiscal year 1993 for the establishment of a program to provide adjustment assistance and job training to defense-related dislocated workers. While we yet have to see the final language, we understand that the program will be a streamlined version of the dislocated worker program authorized under the Job Training Partnership Act, but under this package it would be administered by the Secretary of Defense. The administration has indicated that we already have many dollars available for this kind of thing.

I am not angry that my amendments were not made in order by this rule. However, I am disturbed that we will consider amendments regarding education, JTPA, and other programs under the jurisdiction of the Committee on Education and Labor which were drafted by members of other committees. We should have an opportunity to see exactly what it is they are doing.

I am concerned also that all the amendments that I heard, each from the administration, would somehow or other take $1 billion from existing JTPA funds. We do not have enough money now to help people, other than 10 percent that are eligible, and if we try to take money then we are going to take care of even less than 10 percent of those who are presently eligible from JTPA. We have to think about this and give the Committee on Education and Labor an opportunity to see it and discuss it and perhaps help to perfect it.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield two and a half minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this will be the last of 18 defense authorization bills I will vote on as a Member of the House of Representatives. Within that perspective, I see a disturbing trend that I want to call attention to, and to warn the House about.

I have seen the ability of the leadership of the Committee on Armed Services, and the membership and staff, increase dramatically over the years I have served here. I have seen the process open up admirably and become more responsive to the will of the American public. Working within this process, I have been able to work, myself, in the cause of advancing peace and national security in a way that has been very gratifying.

However, the rule before us reverses that trend toward increasing openness and responsiveness. No longer are these rules on defense bills a means of managing debate. Increasingly, they have become, in part, a device for imposing the will of the few on the many. I think that is dangerous.

I offered an amendment to shut down the production of tritium for weapons, and to reallocate that money to nuclear radioactive cleanup. By not producing tritium we do not need, we could free up about $30 billion over the next 20 years. But my amendment threatened some jobs in the districts of members of the Committee on Rules, and the committee denied the House the right to debate and to vote on whether to spend the money for tritium that we do not need.

Other Members' meritorious amendments have also been blocked from consideration by the House. I do not think this is fair. I do not think this is responsive. I do not think this is democratic.

Some will argue that it is expedient, that it gets the bill through in less time. For my part, I would rather see Congress be right than be quick.

Setting that aside, the expediency rationale seems to me to be destroyed by the way it is applied so selectively, as it is in this rule. If we want to save time, then why does the rule provide for lengthy debate on redundant committee amendments on SDI and B-2? If we pass the SDI cut or the B-2 cut, it will be clear that the House wants to cut those programs, so why does the rule then permit us to debate and vote on reversing the cuts we then will have made?

Why does the rule permit us to debate and vote on reversing the cuts we will have then just made, if the interest is in saving time? Obviously, then, it is because the committee is willing to let the House take time to have a second chance to protect the Committee's position. It is not a savings of time.

For the sake of the House in the years to come, I hope this rule is the all-time low in rules in the Committee on Armed Services. I really hope that this is not a first step in a long downward slope in which fundamental amendments that ought to be debated, even though they may be disagreed with in the Committee on Rules or other committee, are denied opportunity for debate and vote on the floor of the House.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule and the 1993 national defense authorization bill and to commend the chairman and ranking member and the Committee on Armed Services for a job well done.

Although I would like to see the authorization go somewhat further to assure peace through strength in terms of our strategic weapons systems, on balance I believe the bill represents an intelligent, bipartisan effort. While the authorization cuts approximately $7 billion from the Pentagon's request, the reductions are, for the most part, judicious and consistent with the reduced threat to our national security. I believe the bill responds appropriately to the disappearance of the Soviet menace.

I am particularly pleased with provisions of the authorization dealing with the Army's M-1 Abrams main battle tank. The bill restates the Congress' support for the program to upgrade older M-1's to the M-1A2 system and includes provisions requiring the Secretary to release funds for the upgrade to the Army within 90 days of enactment. I strongly support this effort to end Pentagon foot-dragging on the retrofit program, and I believe the committee exercised great foresight by including it.

The M-1 performed superbly in Operation Desert Storm, and the A-2 represents a tremendous leap forward in fighting capability. The upgrade program is a cost-efficient way to modernize our ground forces and preserve America's tank industrial base. The upgrade will promote tank sales to our moderate allies, while sustaining American jobs in defense and related industries.

The authorization does what is necessary to defend freedom and maintain our Nation's ability to produce a heavy forces tank. Again, I strongly endorse those provisions regarding our tank fleet, and I urge my colleagues' support for the bill.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER], a distinguished member of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from New York, the distinguished ranking member of the Committee on Rules, for yielding time to me.

Mr. Speaker, let me raise my voice in conjunction with the gentleman from Kentucky [Mr. HOPKINS] in protest of the Committee on Rules' decision not to allow his amendment with respect to the Thompson LTV sale. I want to say simply that we did have a hearing on this. The chairman of the Committee on Armed Services presided over this, and with respect to reports that were issued and given to members of the Committee on Armed Services, there were very serious national security implications with respect to this sale.

Mr. HOPKINS offered a very reasonable amendment. It is an amendment that I understand is supported by not only the chairman, the gentleman from Wisconsin [Mr. ASPIN], but also the ranking member, the gentleman from Alabama [Mr. DICKINSON], and that is to give the Secretary of Defense a seat at the table in any decisions about sales or transfers with respect to the military technology.

For those Members who are not familiar with Thompson, Thompson is the French company owned largely by the French Government which has been known to sell weapons to just about anybody who has the cash to buy them. I might say that that reputation and those facts have been borne out in reports that this member and other members of the Committee on Armed Services have witnessed.

The member of the Committee on Rules, the gentleman from Texas [Mr. FROST], when he appeared before our committee, said that he was interested in jobs in Texas and wanted to appear on behalf of the people who need jobs with respect to LTV's, but that he would leave the national security implications with the committee and with those of us who were reviewing this sale.

□ 1430

And it is absolutely a mistake for the Rules Committee to arbitrarily prohibit the gentleman from Kentucky [Mr. HOPKINS] from offering this very important amendment.

An important part of what we do here in this bill is not just to spend money on things that we need to have to have a strong national defense, but also to see to it that we have a policy that keeps important defense technology from going to people who will use it in battle, perhaps to kill American men and women.

I thank the gentleman for giving me this time.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank my good friend from New York for yielding this time.

Mr. Speaker, I oppose the rule. The reason I oppose the rule is because for the past couple of years I have been fighting pork and wasteful spending in Government, and every time there is an authorization bill or an appropriations bill that has pork in it, I try to cut it out.

We found out last week that there are some pork barrel projects in this authorization bill. Unfortunately, we got the bill on Friday and found out that any amendments had to be filed 2 days before, on Wednesday. We got the bill on Friday, but in order to cut out the pork I had to be psychic and know what was in the bill, because I had to file an amendment 2 days before.

I think that is very unfortunate. We ought to have the opportunity to cut out wasteful spending wherever we find it, and this rule precludes that possibility.

The item in question was the committee recommended $17.5 million be authorized for a competitively awarded grant for an astronomy-oriented science observatory to be located in a large urban school district. That means in an urban area somewhere around the country. This has absolutely nothing to do with defense, and yet it is in a defense authorization bill.

In addition, the military tells us that you cannot use any of the data collected from an observatory located in a city because the data is too distorted from city lights and pollution. So what we want to do is spend $17.5 million for an observatory that will have no military significance, and will not have any scientific significance because it is going to be located in an area where it cannot give us any information that is usable. It is a totally pork barrel project and it is very unfortunate, Mr.

Speaker, that the Rules Committee saw fit to preclude the possibility of us even offering an amendment to save the taxpayers of this country $17.5 million for this boondoggle.

It is a terrible waste of money. We should not be doing it, and it should not be in this bill in the first place.

I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, we have heard some Members from the other side of the aisle say that this defense bill and these cuts do not affect our military personnel. We all know that is not true. We all know that 500,000 young men and women who were promised careers in the military are going to be laid off. That means they are going to go back into the private sector looking for jobs.

We also have heard from the other side of the aisle, from the gentleman from Massachusetts [Mr. FRANK], that this bill only affects weapons systems. Ladies and gentleman, we know what happened in the Second World War, and we know what happened in the Korean war.

Does anybody remember President Jimmy Carter and what he tried to do in a sincere effort to rescue our hostages from Iran, our American hostages? He had to cannibalize about a dozen helicopter gunships just to get five that would work. But they failed too, and so did the rescue mission. We are never going to leave ourselves in that position again. We are never going to ask our military to go into combat again without being properly equipped. That is why we are going to enact a defense budget that is going to be adequate for defending this Nation.

I will tell the Members on this side of the aisle that I am going to vote against the rule. They are free to vote however they want. But I will vote "no" on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself the remainder of our time.

Mr. Speaker, I would remind my friend from New York that there are 100 amendments that were made in order today, 100 amendments covering all facets of this bill.

I would also remind my friend from New York that there will not be 500,000 people who will be released from the military. Every year there are members of the military who retire. Every year there are members of the military who choose to reenlist, and so there will not be 500,000 who will automatically be cut from jobs. There are going to be many who are going to be retiring, many that will be choosing to go on to other professions, so attrition will take care of much of it.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 136, not voting 41, as follows:

[Roll No. 152]

YEAS—257

Abercrombie
Alexander
Allen
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Bevill
Bilirakis
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeLauro
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hutto
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Nagle
Natcher
Neal (NC)
Nowak
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Yates
Yatron
Young (AK)

NAYS—136

Allard
Andrews (NJ)
Archer
Armey
Atkins
AuCoin
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilbray
Boehner
Broomfield
Bunning
Burton
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Crane
DeLay
Doolittle
Duncan
Early
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hughes
Hunter
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Leach
Lent
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCollum
McCrery
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Murphy
Myers
Neal (MA)
Nichols
Nussle
Olver
Packard
Paxon
Petri
Porter
Pursell
Ramstad
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Wyden
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—41

Ackerman
Anthony
Berman
Boxer
Campbell (CA)
Cox (CA)
Cunningham
Dannemeyer
DeFazio
Dellums
Derrick
Dornan (CA)
Dreier
Dymally
Feighan
Gallegly
Hayes (LA)
Hefner
Hubbard
Jones (NC)
Lagomarsino
Lehman (CA)
Levine (CA)
Lewis (CA)
Livingston
Martinez
McEwen
Oakar
Perkins
Ridge
Riggs
Rohrabacher
Roybal
Russo
Savage
Thomas (CA)
Torres
Traxler
Washington
Waters
Waxman

☐ 1457

The Clerk announced the following pairs:

On this vote:

Mr. Derrick for, with Mr. Thomas of California against.

Mr. Ackerman for, with Mr. Dornan of California against.

Messrs. KASICH, OLVER, and LIGHTFOOT changed their vote from "yea" to "nay."

Mr. SKEEN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF AVAILABILITY OF CLASSIFIED DOCUMENTS TO REPORT ACCOMPANYING H.R. 5095, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. McCURDY. Mr. Speaker, I would like to notify all Members of the House that the classified schedule of authorizations and the classified annex to the report accompanying H.R. 5095, the Intelligence Authorization Act for fiscal year 1993, are now available for review in the offices of the Intelligence Committee, room H-405 in the Capitol. Access to these documents, which is restricted to Members, will be provided from Monday through Friday between the hours of 8:30 a.m. and 5 p.m.

The committee expects that the intelligence authorization will come before the House in the near future. The schedule and annex contain the committee's recommendations on the fiscal year 1993 intelligence and intelligence-related activities budget, and issues pertaining thereto, which cannot be discussed publicly. Accordingly, I urge Members to take time to thoroughly review these documents so that they may be fully informed about the committee's decisions.

□ 1500

CONFERENCE REPORT ON S. 1306, ADAMHA REORGANIZATION ACT

Mr. DINGELL submitted the following conference report and statement on the Senate bill (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-546)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1306), to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "ADAMHA Reorganization Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REORGANIZATION OF ADMINISTRATION AND INSTITUTES

Subtitle A—Administration

Sec. 101. Substance Abuse and Mental Health Services Administration.
Sec. 102. Advisory councils.
Sec. 103. Reports on alcoholism, alcohol abuse, and drug abuse.
Sec. 104. Peer review.
Sec. 105. Data collection.
Sec. 106. Grants for the benefit of homeless individuals.
Sec. 107. Center for substance abuse treatment.
Sec. 108. Programs for pregnant and postpartum women.
Sec. 109. Demonstration projects of national significance.
Sec. 110. Grants for substance abuse treatment in State and local criminal justice systems.
Sec. 111. Training in provision of treatment services.
Sec. 112. Alternative utilization of military facilities.
Sec. 113. Center for Substance Abuse Prevention.
Sec. 114. Prevention, treatment, and rehabilitation model projects for high risk youth.
Sec. 115. Center for Mental Health Services.
Sec. 116. Grant program for demonstration projects.
Sec. 117. National mental health education.
Sec. 118. Demonstration projects with respect to certain individuals.
Sec. 119. Childhood mental health.
Sec. 120. Striking of certain provisions and technical and conforming amendments.

Subtitle B—Institutes

Sec. 121. Organization of National Institutes of Health.
Sec. 122. National Institute on Alcohol Abuse and Alcoholism.
Sec. 123. National Institute on Drug Abuse.
Sec. 124. National Institute of Mental Health.
Sec. 125. Collaborative use of certain health services research funds.

Subtitle C—Miscellaneous Provisions Relating to Substance Abuse and Mental Health

Sec. 131. Miscellaneous provisions relating to substance abuse and mental health.

Subtitle D—Transfer Provisions

Sec. 141. Transfers.
Sec. 142. Transfer and allocations of appropriations and personnel.
Sec. 143. Incidental transfers.
Sec. 144. Effect on personnel.
Sec. 145. Savings provisions.
Sec. 146. Transition.
Sec. 147. Peer review.
Sec. 148. Mergers.
Sec. 149. Conduct of multi-year research projects.
Sec. 150. Separability.
Sec. 151. Budgetary authority.

Subtitle E—References and Conforming Amendments

Sec. 161. References.
Sec. 162. Transition from homelessness.
Sec. 163. Conforming amendments.

Subtitle F—Employee Assistance Programs

Sec. 171. Program of grants under Center for Substance Abuse Treatment.

TITLE II—BLOCK GRANTS TO STATES REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE

Sec. 201. Establishment of separate block grant regarding mental health.
Sec. 202. Establishment of separate block grant regarding substance abuse.
Sec. 203. General provisions regarding block grants.
Sec. 204. Related programs.
Sec. 205. Temporary provisions regarding funding.

TITLE III—MODEL COMPREHENSIVE PROGRAM FOR TREATMENT OF SUBSTANCE ABUSE

Sec. 301. Demonstration program in national capital area.

TITLE IV—CHILDREN OF SUBSTANCE ABUSERS

Sec. 401. Establishment of program of services.

TITLE V—HOME-VISITING SERVICES FOR AT-RISK FAMILIES

Sec. 501. Statement of purpose.
Sec. 502. Establishment of program of grants.

TITLE VI—TRAUMA CENTERS AND DRUG-RELATED VIOLENCE

Sec. 601. Establishment of program of grants.
Sec. 602. Conforming amendments.

TITLE VII—STUDIES

Sec. 701. Report by the institute on medicine.
Sec. 702. Sense of the Senate.
Sec. 703. Provision of mental health services to individuals in correctional facilities.
Sec. 704. Study of barriers to insurance coverage of treatment for mental illness and substance abuse.
Sec. 705. Study on fetal alcohol effect and fetal alcohol syndrome.
Sec. 706. Study by National Academy of Sciences.
Sec. 707. Report on allotment formula.
Sec. 708. Report by Substance Abuse and Menial Health Services Administration.

TITLE VIII—GENERAL PROVISIONS

Sec. 801. Effective dates.

TITLE I—REORGANIZATION OF ADMINISTRATION AND INSTITUTES

Subtitle A—Administration

SEC. 101. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

(a) IN GENERAL.—Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended to read as follows:

"SEC. 501. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

"(a) ESTABLISHMENT.—The Substance Abuse and Mental Health Services Administration (hereafter referred to in this title as the 'Administration') is an agency of the Service.

"(b) AGENCIES.—The following entities are agencies of the Administration:

"(1) The Center for Substance Abuse Treatment.

"(2) The Center for Substance Abuse Prevention.

"(3) The Center for Mental Health Services.

"(c) ADMINISTRATOR AND DEPUTY ADMINISTRATOR.—

"(1) ADMINISTRATOR.—The Administration shall be headed by a Administrator (hereinafter in this title referred to as the 'Administrator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DEPUTY ADMINISTRATOR.—The Administrator, with the approval of the Secretary, may

appoint a Deputy Administrator and may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the activities to be carried out through the Administration.

"(d) AUTHORITIES.—The Secretary, acting through the Administrator, shall—

"(1) supervise the functions of the agencies of the Administration in order to assure that the programs carried out through each such agency receive appropriate and equitable support and that there is cooperation among the agencies in the implementation of such programs;

"(2) establish and implement, through the respective agencies, a comprehensive program to improve the provision of treatment and related services to individuals with respect to substance abuse and mental illness and to improve prevention services, promote mental health and protect the legal rights of individuals with mental illnesses and individuals who are substance abusers;

"(3) carry out the administrative and financial management, policy development and planning, evaluation, knowledge dissemination, and public information functions that are required for the implementation of this title;

"(4) assure that the Administration conduct and coordinate demonstration projects, evaluations, and service system assessments and other activities necessary to improve the availability and quality of treatment, prevention and related services;

"(5) support activities that will improve the provision of treatment, prevention and related services, including the development of national mental health and substance abuse goals and model programs;

"(6) in cooperation with the National Institutes of Health, the Centers for Disease Control and the Health Resources and Services Administration develop educational materials and intervention strategies to reduce the risks of HIV or tuberculosis among substance abusers and individuals with mental illness and to develop appropriate mental health services for individuals with such illnesses;

"(7) coordinate Federal policy with respect to the provision of treatment services for substance abuse utilizing anti-addiction medications, including methadone;

"(8) conduct programs, and assure the coordination of such programs with activities of the National Institutes of Health and the Agency for Health Care Policy Research, as appropriate, to evaluate the process, outcomes and community impact of treatment and prevention services and systems of care in order to identify the manner in which such services can most effectively be provided;

"(9) collaborate with the Director of the National Institutes of Health in the development of a system by which the relevant research findings of the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, the National Institute of Mental Health, and, as appropriate, the Agency for Health Care Policy Research are disseminated to service providers in a manner designed to improve the delivery and effectiveness of treatment and prevention services;

"(10) encourage public and private entities that provide health insurance to provide benefits for substance abuse and mental health services;

"(11) promote the integration of substance abuse and mental health services into the mainstream of the health care delivery system of the United States;

"(12) monitor compliance by hospitals and other facilities with the requirements of sections 542 and 543;

"(13) with respect to grant programs authorized under this title, assure that—

"(A) all grants that are awarded for the provision of services are subject to performance and outcome evaluations; and

"(B) all grants that are awarded to entities other than States are awarded only after the State in which the entity intends to provide services—

"(i) is notified of the pendency of the grant application; and

"(ii) is afforded an opportunity to comment on the merits of the application;

"(14) assure that services provided with amounts appropriated under this title are provided bilingually, if appropriate;

"(15) improve coordination among prevention programs, treatment facilities and nonhealth care systems such as employers, labor unions, and schools, and encourage the adoption of employee assistance programs and student assistance programs;

"(16) maintain a clearinghouse for substance abuse and mental health information to assure the widespread dissemination of such information to States, political subdivisions, educational agencies and institutions, treatment providers, and the general public;

"(17) in collaboration with the National Institute on Aging, and in consultation with the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism and the National Institute of Mental Health, as appropriate, promote and evaluate substance abuse services for older Americans in need of such services, and mental health services for older Americans who are seriously mentally ill; and

"(18) promote the coordination of service programs conducted by other departments, agencies, organizations and individuals that are or may be related to the problems of individuals suffering from mental illness or substance abuse, including liaisons with the Social Security Administration, Health Care Financing Administration, and other programs of the Department, as well as liaisons with the Department of Education, Department of Justice, and other Federal Departments and offices, as appropriate.

"(e) ASSOCIATE ADMINISTRATOR FOR ALCOHOL PREVENTION AND TREATMENT POLICY.—

"(1) IN GENERAL.—There shall be in the Administration an Associate Administrator for Alcohol Prevention and Treatment Policy to whom the Administrator shall delegate the functions of promoting, monitoring, and evaluating service programs for the prevention and treatment of alcoholism and alcohol abuse within the Center for Substance Abuse Prevention, the Center for Substance Abuse Treatment, and the Center for Mental Health Services, and coordinating such programs among the Centers, and among the Centers and other public and private entities. The Associate Administrator also shall ensure that alcohol prevention, education, and policy strategies are integrated into all programs of the Centers that address substance abuse prevention, education, and policy, and that the Center for Substance Abuse Prevention addresses the Healthy People 2000 goals and the National Dietary Guidelines of the Department of Health and Human Services and the Department of Agriculture related to alcohol consumption.

"(2) PLAN.—

"(A) The Administrator, acting through the Associate Administrator for Alcohol Prevention and Treatment Policy, shall develop, and periodically review and as appropriate revise, a plan for programs and policies to treat and prevent alcoholism and alcohol abuse. The plan shall be developed (and reviewed and revised) in collaboration with the Directors of the Centers of the Administration and in consultation with members of other Federal agencies and public and private entities.

"(B) Not later than 1 year after the date of the enactment of the ADAMHA Reorganization Act, the Administrator shall submit to the Congress the first plan developed under subparagraph (A).

"(3) REPORT.—

"(A) Not less than once during each 2 years, the Administrator, acting through the Associate Administrator for Alcohol Prevention and Treatment Policy, shall prepare a report describing the alcoholism and alcohol abuse prevention and treatment programs undertaken by the Administration and its agencies, and the report shall include a detailed statement of the expenditures made for the activities reported on and the personnel used in connection with such activities.

"(B) Each report under subparagraph (A) shall include a description of any revisions in the plan under paragraph (2) made during the preceding 2 years.

"(C) Each report under subparagraph (A) shall be submitted to the Administrator for inclusion in the biennial report under subsection (k).

"(f) ASSOCIATE ADMINISTRATOR FOR WOMEN'S SERVICES.—

"(1) APPOINTMENT.—The Administrator, with the approval of the Secretary, shall appoint an Associate Administrator for Women's Services.

"(2) DUTIES.—The Associate Administrator appointed under paragraph (1) shall—

"(A) establish a committee to be known as the Coordinating Committee for Women's Services (hereafter in this subparagraph referred to as the 'Coordinating Committee'), which shall be composed of the Directors of the agencies of the Administration (or the designees of the Directors);

"(B) acting through the Coordinating Committee, with respect to women's substance abuse and mental health services—

"(i) identify the need for such services, and make an estimate each fiscal year of the funds needed to adequately support the services;

"(ii) identify needs regarding the coordination of services;

"(iii) encourage the agencies of the Administration to support such services; and

"(iv) assure that the unique needs of minority women, including Native American, Hispanic, African-American and Asian women, are recognized and addressed within the activities of the Administration; and

"(C) establish an advisory committee to be known as the Advisory Committee for Women's Services, which shall be composed of not more than 10 individuals, a majority of whom shall be women, who are not officers or employees of the Federal Government, to be appointed by the Administrator from among physicians, practitioners, treatment providers, and other health professionals, whose clinical practice, specialization, or professional expertise includes a significant focus on women's substance abuse and mental health conditions, that shall—

"(i) advise the Associate Administrator on appropriate activities to be undertaken by the agencies of the Administration with respect to women's substance abuse and mental health services, including services which require a multidisciplinary approach;

"(ii) collect and review data, including information provided by the Secretary (including the material referred to in paragraph (3)), and report biannually to the Administrator regarding the extent to which women are represented among senior personnel, and make recommendations regarding improvement in the participation of women in the workforce of the Administration; and

"(iii) prepare, for inclusion in the biennial report required pursuant to subsection (k), a description of activities of the Committee, including findings made by the Committee regarding—

"(I) the extent of expenditures made for women's substance abuse and mental health services by the agencies of the Administration; and

"(II) the estimated level of funding needed for substance abuse and mental health services to meet the needs of women;

"(D) improve the collection of data on women's health by—

"(i) reviewing the current data at the Administration to determine its uniformity and applicability;

"(ii) developing standards for all programs funded by the Administration so that data are, to the extent practicable, collected and reported using common reporting formats, linkages and definitions; and

"(iii) reporting to the Administrator a plan for incorporating the standards developed under clause (ii) in all Administration programs and a plan to assure that the data so collected are accessible to health professionals, providers, researchers, and members of the public; and

"(E) shall establish, maintain, and operate a program to provide information on women's substance abuse and mental health services.

"(3) STUDY.—

"(A) The Secretary, acting through the Assistant Secretary for Personnel, shall conduct a study to evaluate the extent to which women are represented among senior personnel at the Administration.

"(B) Not later than 90 days after the date of the enactment of the ADAMHA Reorganization Act, the Assistant Secretary for Personnel shall provide the Advisory Committee for Women's Services with a study plan, including the methodology of the study and any sampling frames. Not later than 180 days after such date of enactment, the Assistant Secretary shall prepare and submit directly to the Advisory Committee a report concerning the results of the study conducted under subparagraph (A).

"(C) The Secretary shall prepare and provide to the Advisory Committee for Women's Services any additional data as requested.

"(4) DEFINITION.—For purposes of this subsection, the term 'women's substance abuse and mental health conditions', with respect to women of all age, ethnic, and racial groups, means all aspects of substance abuse and mental illness—

"(A) unique to or more prevalent among women; or

"(B) with respect to which there have been insufficient services involving women or insufficient data.

"(g) SERVICES OF EXPERTS.—

"(1) IN GENERAL.—The Administrator may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than 20 experts or consultants who have professional qualifications. Such experts and consultants shall be obtained for the Administration and for each of its agencies.

"(2) COMPENSATION AND EXPENSES.—

"(A) Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a)(1), 5724a(a)(3), and 5726(c) of title 5, United States Code.

"(B) Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1), unless and until the expert or consultant agrees in writing to complete the entire period of assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond the control of the expert or consultant that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a debt of the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

"(h) PEER REVIEW GROUPS.—The Administrator shall, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, establish such peer review groups and program advisory committees as are needed to carry out the requirements of this title and appoint and pay members of such groups, except that officers and employees of the United States shall not receive additional compensation for services as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under this subsection.

"(i) VOLUNTARY SERVICES.—The Administrator may accept voluntary and uncompensated services.

"(j) ADMINISTRATION.—The Administrator shall ensure that programs and activities assigned under this title to the Administration are fully administered by the respective Centers to which such programs and activities are assigned.

"(k) REPORT CONCERNING ACTIVITIES AND PROGRESS.—Not later than February 10, 1994, and once every 2 years thereafter, the Administrator shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the report containing—

"(1) a description of the activities carried out by the Administration;

"(2) a description of any measurable progress made in improving the availability and quality of substance abuse and mental health services;

"(3) a description of the mechanisms by which relevant research findings of the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute of Mental Health have been disseminated to service providers or otherwise utilized by the Administration to further the purposes of this title; and

"(4) any report required in this title to be submitted to the Adminstrator for inclusion in the report under this subsection.

"(l) APPLICATIONS FOR GRANTS AND CONTRACTS.—With respect to awards of grants, cooperative agreements, and contracts under this title, the Administrator, or the Director of the Center involved, as the case may be, may not make such an award unless—

"(1) an application for the award is submitted to the official involved;

"(2) with respect to carrying out the purpose for which the award is to be provided, the application provides assurances of compliance satisfactory to such official; and

"(3) the application is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the official determines to be necessary to carry out the purpose for which the award is to be provided.

"(n) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing grants, cooperative agreements, and contracts under this section, there are authorized to be appropriated $25,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

(b) REPEALS.—Sections 502, 503, and 504 of the Public Health Service Act (42 U.S.C. 290aa-1, 290aa-2, and 290aa-3) are repealed.

SEC. 102. ADVISORY COUNCILS.

Section 505 of the Public Health Service Act (42 U.S.C. 290aa-3a) is amended—

(1) by redesignating such section as section 502; and

(2) to read as follows:

"ADVISORY COUNCILS

"SEC. 502. (a) APPOINTMENT.—

"(1) IN GENERAL.—The Secretary shall appoint an advisory council for—

"(A) the Substance Abuse and Mental Health Services Administration;

"(B) the Center for Substance Abuse Treatment;

"(C) the Center for Substance Abuse Prevention; and

"(D) the Center for Mental Health Services.

Each such advisory council shall advise, consult with, and make recommendations to the Secretary and the Administrator or Director of the Administration or Center for which the advisory council is established concerning matters relating to the activities carried out by and through the Administration or Center and the policies respecting such activities.

"(2) FUNCTION AND ACTIVITIES.—An advisory council—

"(A)(i) may on the basis of the materials provided by the organization respecting activities conducted at the organization, make recommendations to the Administrator or Director of the Administration or Center for which it was established respecting such activities;

"(ii) shall review applications submitted for grants and cooperative agreements for activities for which advisory council approval is required under section 504(d)(2) and recommend for approval applications for projects that show promise of making valuable contributions to the Administration's mission; and

"(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the organization;

"(B) may collect, by correspondence or by personal investigation, information as to studies and services that are being carried on in the United States or any other country as to the diseases, disorders, or other aspects of human health with respect to which the organization was established and with the approval of the Administrator or Director, whichever is appropriate, make such information available through appropriate publications for the benefit of public and private health entities and health professions personnel and for the information of the general public; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—Each advisory council shall consist of nonvoting ex officio members and not more than 12 members to be appointed by the Secretary under paragraph (3).

"(2) EX OFFICIO MEMBERS.—The ex officio members of an advisory council shall consist of—

"(A) the Secretary;

"(B) the Administrator;

"(C) the Director of the Center for which the council is established;

"(D) the Chief Medical Director of the Veterans Administration; and

"(E) the Assistant Secretary for Defense for Health Affairs (or the designates of such officers); and

"(F) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

"(3) APPOINTED MEMBERS.—Individuals shall be appointed to an advisory council under paragraph (1) as follows:

"(A) Nine of the members shall be appointed by the Secretary from among the leading representatives of the health disciplines (including public health and behavioral and social sciences) relevant to the activities of the Admin-

istration or Center for which the advisory council is established.

''(B) Three of the members shall be appointed by the Secretary from the general public and shall include leaders in fields of public policy, public relations, law, health policy economics, and management.

''(4) COMPENSATION.—Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The remaining members of an advisory council shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent to the annual rate in effect for grade GS - 18 of the General Schedule.

''(c) TERMS OF OFFICE.—

''(1) IN GENERAL.—The term of office of a member of an advisory council appointed under subsection (b) shall be 4 years, except that any member appointed to fill a vacancy for an unexpired term shall serve for the remainder of such term. The Secretary shall make appointments to an advisory council in such a manner as to ensure that the terms of the members not all expire in the same year. A member of an advisory council may serve after the expiration of such member's term until a successor has been appointed and taken office.

''(2) REAPPOINTMENTS.—A member who has been appointed to an advisory council for a term of 4 years may not be reappointed to an advisory council during the 2-year period beginning on the date on which such 4-year term expired.

''(3) TIME FOR APPOINTMENT.—If a vacancy occurs in an advisory council among the members under subsection (b), the Secretary shall make an appointment to fill such vacancy within 90 days from the date the vacancy occurs.

''(d) CHAIR.—The Secretary shall select a member of an advisory council to serve as the chair of the council. The Secretary may so select an individual from among the appointed members, or may select the Administrator or the Director of the Center involved. The term of office of the chair shall be 2 years.

''(e) MEETINGS.—An advisory council shall meet at the call of the chairperson or upon the request of the Administrator or Director of the Administration or Center for which the advisory council is established, but in no event less than 3 times during each fiscal year. The location of the meetings of each advisory council shall be subject to the approval of the Administrator or Director of Administration or Center for which the council was established.

''(f) EXECUTIVE SECRETARY AND STAFF.—The Administrator or Director of the Administration or Center for which the advisory council is established shall designate a member of the staff of the Administration or Center for which the advisory council is established to serve as the Executive Secretary of the advisory council. The Administrator or Director shall make available to the advisory council such staff, information, and other assistance as it may require to carry out its functions. The Administrator or Director shall provide orientation and training for new members of the advisory council to provide for their effective participation in the functions of the advisory council.''.

SEC. 103. REPORTS ON ALCOHOLISM, ALCOHOL ABUSE, AND DRUG ABUSE.

Section 506 of the Public Health Service Act (42 U.S.C. 290aa–4) is amended by redesignating such section as section 503.

SEC. 104. PEER REVIEW.

Section 507 of the Public Health Service Act (42 U.S.C. 290aa–5) is amended—

(1) by redesignating such section as section 504; and

(2) to read as follows:

''PEER REVIEW

''SEC. 504. (a) IN GENERAL.—The Secretary, after consultation with the Directors of the Center for Substance Abuse Treatment, the Center for Substance Abuse Prevention, and the Center for Mental Health Services, shall by regulation require appropriate peer review of grants, cooperative agreements, and contracts to be administered through such Centers.

''(b) MEMBERS.—The members of any peer review group established under regulations under subsection (a) shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group. Not more than one-fourth of the members of any peer review group established under such regulation shall be officers or employees of the United States.

''(c) REQUIREMENTS.—Regulations promulgated pursuant to subsection (a)—

''(1) shall require that the reviewing entity be provided a written description of the matter to be reviewed;

''(2) shall require that the reviewing entity provide the advisory council of the Center involved with such description and the results of the review by the entity; and

''(3) may specify the conditions under which limited exceptions may be granted to the limitations contained in the last sentence of subsection (b) and subsection (d).

''(d) RECOMMENDATIONS.—

''(1) IN GENERAL.—If the direct cost of a grant, cooperative agreement, or contract (described in subsection (a)) to be made does not exceed $50,000, the Secretary may make such grant, cooperative agreement, or contract only if such grant, cooperative agreement, or contract is recommended after peer review required by regulations under subsection (a).

''(2) BY APPROPRIATE ADVISORY COUNCIL.—If the direct cost of a grant, cooperative agreement, or contract (described in subsection (a)) to be made exceeds $50,000, the Secretary may make such grant, cooperative agreement, or contract only if such grant, cooperative agreement, or contract is recommended—

''(A) after peer review required by regulations under subsection (a), and

''(B) by the appropriate advisory council.''.

SEC. 105. DATA COLLECTION.

Section 509D of the Public Health Service Act (42 U.S.C. 290cc–11)—

(1) is transferred to part A of title V of such Act;

(2) is redesignated as section 505; and

(3) is inserted after section 504 (as redesignated by section 104).

SEC. 106. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

(a) TRANSFER.—Section 512 of the Public Health Service Act (42 U.S.C. 290bb–1b)—

(1) is transferred to part A of title V of such Act;

(2) is redesignated as section 506; and

(3) is inserted after section 505 (as redesignated by section 105).

(b) AMENDMENTS.—Section 506 of the Public Health Service Act (as transferred and redesignated under subsection (a)) is amended to read as follows:

''GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS

''SEC. 506. (a) GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.—The Secretary, acting through the Administrator, may make grants to, and enter into contracts and cooperative agreements with, community-based public and private nonprofit entities for the purpose of developing and expanding mental health and substance abuse treatment services for homeless individuals. In carrying out this subsection, the Administrator shall consult with the Administrator of the Health Resources and Services Administration, the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health, and the Commissioner of the Administration for Children, Youth and Families.

''(b) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to entities that provide integrated primary health care, substance abuse and mental health services to homeless individuals.

''(c) SERVICES FOR CERTAIN INDIVIDUALS.—In making awards under subsection (a), the Secretary may not prohibit the provision of services under such subsection to homeless individuals who have a primary diagnosis of substance abuse and are not suffering from mental illness.

''(d) TERM OF GRANT.—No entity may receive grants under subsection (a) for more than 5 years although such grants may be renewed.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.''.

SEC. 107. CENTER FOR SUBSTANCE ABUSE TREATMENT.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by striking the heading for part B and each subpart heading in such part; and

(2) by inserting after section 506 (as transferred and redesignated by section 106) the following new part:

''PART B—CENTERS AND PROGRAMS

''Subpart 1—Center for Substance Abuse Treatment

''CENTER FOR SUBSTANCE ABUSE TREATMENT

''SEC. 507. (a) ESTABLISHMENT.—There is established in the Administration a Center for Substance Abuse Treatment (hereafter in this section referred to as the 'Center'). The Center shall be headed by a Director (hereafter in this section referred to as the 'Director') appointed by the Secretary from among individuals with extensive experience or academic qualifications in the treatment of substance abuse or in the evaluation of substance abuse treatment systems.

''(b) DUTIES.—The Director of the Center shall—

''(1) administer the substance abuse treatment block grant program authorized in section 1921;

''(2) collaborate with the Director of the Center for Substance Abuse Prevention in order to provide outreach services to identify individuals in need of treatment services, with emphasis on the provision of such services to pregnant and postpartum women and their infants and to individuals who abuse drugs intravenously;

''(3) collaborate with the Director of the National Institute on Drug Abuse, with the Director of the National Institute on Alcohol Abuse and Alcoholism, and with the States to promote the study, dissemination, and implementation of research findings that will improve the delivery and effectiveness of treatment services;

''(4) collaborate with the Administrator of the Health Resources and Services Administration and the Administrator of the Health Care Financing Administration to promote the increased integration into the mainstream of the health care system of the United States of programs for providing treatment services;

''(5) evaluate plans submitted by the States pursuant to section 1932(a)(6) in order to determine whether the plans adequately provide for the availability, allocation, and effectiveness of treatment services, and monitor the use of revolving loan funds pursuant to section 1925;

''(6) sponsor regional workshops on improving the quality and availability of treatment services;

"(7) provide technical assistance to public and nonprofit private entities that provide treatment services, including technical assistance with respect to the process of submitting to the Director applications for any program of grants or contracts carried out by the Director;

"(8) encourage the States to expand the availability (relative to fiscal year 1992) of programs providing treatment services through self-run, self-supported recovery based on the programs of housing operated pursuant to section 1925;

"(9) carry out activities to educate individuals on the need for establishing treatment facilities within their communities;

"(10) encourage public and private entities that provide health insurance to provide benefits for outpatient treatment services and other nonhospital-based treatment services;

"(11) evaluate treatment programs to determine the quality and appropriateness of various forms of treatment, including the effect of living in housing provided by programs established under section 1925, which shall be carried out through grants, contracts, or cooperative agreements provided to public or nonprofit private entities; and

"(12) in carrying out paragraph (11), assess the quality, appropriateness, and costs of various treatment forms for specific patient groups.

"(c) GRANTS AND CONTRACTS.—In carrying out the duties established in subsection (b), the Director may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities.".

SEC. 108. PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.

(a) IN GENERAL.—Subpart 1 of part B of title V (as added by section 107) is amended by adding at the end thereof the following new section:

"RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN

"SEC. 508. (a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall provide awards of grants, cooperative agreement, or contracts to public and nonprofit private entities for the purpose of providing to pregnant and postpartum women treatment for substance abuse through programs in which, during the course of receiving treatment—

"(1) the women reside in facilities provided by the programs;

"(2) the minor children of the women reside with the women in such facilities, if the women so request; and

"(3) the services described in subsection (d) are available to or on behalf of the women.

"(b) AVAILABILITY OF SERVICES FOR EACH PARTICIPANT.—A funding agreement for an award under subsection (a) for an applicant is that, in the program operated pursuant to such subsection—

"(1) treatment services and each supplemental service will be available through the applicant, either directly or through agreements with other public or nonprofit private entities; and

"(2) the services will be made available to each woman admitted to the program.

"(c) INDIVIDUALIZED PLAN OF SERVICES.—A funding agreement for an award under subsection (a) for an applicant is that—

"(1) in providing authorized services for an eligible woman pursuant to such subsection, the applicant will, in consultation with the women, prepare an individualized plan for the provision to the woman of the services; and

"(2) treatment services under the plan will include—

"(A) individual, group, and family counseling, as appropriate, regarding substance abuse; and

"(B) follow-up services to assist the woman in preventing a relapse into such abuse.

"(d) REQUIRED SUPPLEMENTAL SERVICES.—In the case of an eligible woman, the services referred to in subsection (a)(3) are as follows:

"(1) Prenatal and postpartum health care.

"(2) Referrals for necessary hospital services.

"(3) For the infants and children of the woman—

"(A) pediatric health care, including treatment for any perinatal effects of maternal substance abuse and including screenings regarding the physical and mental development of the infants and children;

"(B) counseling and other mental health services, in the case of children; and

"(C) comprehensive social services.

"(4) Providing supervision of children during periods in which the woman is engaged in therapy or in other necessary health or rehabilitative activities.

"(5) Training in parenting.

"(6) Counseling on the human immunodeficiency virus and on acquired immune deficiency syndrome.

"(7) Counseling on domestic violence and sexual abuse.

"(8) Counseling on obtaining employment, including the importance of graduating from a secondary school.

"(9) Reasonable efforts to preserve and support the family units of the women, including promoting the appropriate involvement of parents and others, and counseling the children of the women.

"(10) Planning for and counseling to assist reentry into society, both before and after discharge, including referrals to any public or nonprofit private entities in the community involved that provide services appropriate for the women and the children of the women.

"(11) Case management services, including—

"(A) assessing the extent to which authorized services are appropriate for the women and their children;

"(B) in the case of the services that are appropriate, ensuring that the services are provided in a coordinated manner; and

"(C) assistance in establishing eligibility for assistance under Federal, State, and local programs providing health services, mental health services, housing services, employment services, educational services, or social services.

"(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF AWARD.—

"(1) CERTIFICATION BY RELEVANT STATE AGENCY.—With respect to the principal agency of the State involved that administers programs relating to substance abuse, the Director may make an award under subsection (a) to an applicant only if the agency has certified to the Director that—

"(A) the applicant has the capacity to carry out a program described in subsection (a);

"(B) the plans of the applicant for such a program are consistent with the policies of such agency regarding the treatment of substance abuse; and

"(C) the applicant, or any entity through which the applicant will provide authorized services, meets all applicable State licensure or certification requirements regarding the provision of the services involved.

"(2) STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraphs (B) and (C), the Director may make an award under subsection (a) only if, in the case of any authorized service that is available pursuant to the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the applicant for the award will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the applicant will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement plan and is qualified to receive such payments.

"(B)(i) In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Director if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

"(ii) A determination by the Director of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

"(C) With respect to any authorized service that is available pursuant to the State plan described in subparagraph (A), the requirements established in such subparagraph shall not apply to the provision of any such service by an institution for mental diseases to an individual who has attained 21 years of age and who has not attained 65 years of age. For purposes of the preceding sentence, the term 'institution for mental diseases' has the meaning given such term in section 1905(i) of the Social Security Act.

"(f) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs of the program to be carried out by an applicant pursuant to subsection (a), a funding agreement for an award under such subsection is that the applicant will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

"(A) for the first fiscal year for which the applicant receives payments under an award under such subsection, is not less than $1 for each $9 of Federal funds provided in the award;

"(B) for any second such fiscal year, is not less than $1 for each $9 of Federal funds provided in the award; and

"(C) for any subsequent such fiscal year, is not less than $1 for each $3 of Federal funds provided in the award.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(g) OUTREACH.—A funding agreement for an award under subsection (a) for an applicant is that the applicant will provide outreach services in the community involved to identify women who are engaging in substance abuse and to encourage the women to undergo treatment for such abuse.

"(h) ACCESSIBILITY OF PROGRAM; CULTURAL CONTEXT OF SERVICES.—A funding agreement for an award under subsection (a) for an applicant is that—

"(1) the program operated pursuant to such subsection will be operated at a location that is accessible to low-income pregnant and postpartum women; and

"(2) authorized services will be provided in the language and the cultural context that is most appropriate.

"(i) CONTINUING EDUCATION.—A funding agreement for an award under subsection (a) is that the applicant involved will provide for continuing education in treatment services for the individuals who will provide treatment in the program to be operated by the applicant pursuant to such subsection.

"(j) IMPOSITION OF CHARGES.—A funding agreement for an award under subsection (a) for

an applicant is that, if a charge is imposed for the provision of authorized services to on behalf of an eligible woman, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the woman involved; and

"(3) will not be imposed on any such woman with an income of less than 185 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(k) REPORTS TO DIRECTOR.—A funding agreement for an award under subsection (a) is that the applicant involved will submit to the Director a report—

"(1) describing the utilization and costs of services provided under the award;

"(2) specifying the number of women served, the number of infants served, and the type and costs of services provided; and

"(3) providing such other information as the Director determines to be appropriate.

"(l) REQUIREMENT OF APPLICATION.—The Director may make an award under subsection (a) only if an application for the award is submitted to the Director containing such agreements, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Director determines to be necessary to carry out this section.

"(m) EQUITABLE ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall ensure that the awards are equitably allocated among the principal geographic regions of the United States, subject to the availability of qualified applicants for the awards.

"(n) DURATION OF AWARD.—The period during which payments are made to an entity from an award under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Director of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed to establish a limitation on the number of awards under such subsection that may be made to an entity.

"(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—The Director shall, directly or through contract, provide for the conduct of evaluations of programs carried out pursuant to subsection (a). The Director shall disseminate to the States the findings made as a result of the evaluations.

"(p) REPORTS TO CONGRESS.—Not later than October 1, 1994, the Director shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing programs carried out pursuant to this section. Every 2 years thereafter, the Director shall prepare a report describing such programs carried out during the preceding 2 years, and shall submit the report to the Administrator for inclusion in the biennial report under section 501(k). Each report under this subsection shall include a summary of any evaluations conducted under subsection (m) during the period with respect to which the report is prepared.

"(q) DEFINITIONS.—For purposes of this section:

"(1) The term 'authorized services' means treatment services and supplemental services.

"(2) The term 'eligible woman' means a woman who has been admitted to a program operated pursuant to subsection (a).

"(3) The term 'funding agreement under subsection (a)', with respect to an award under subsection (a), means that the Director may make the award only if the applicant makes the agreement involved.

"(4) The term 'treatment services' means treatment for substance abuse, including the counseling and services described in subsection (c)(2).

"(5) The term 'supplemental services' means the services described in subsection (d).

"(r) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section and section 508, there are authorized to be appropriated $100,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) TRANSFER.—For the purpose described in paragraph (1), in addition to the amounts authorized in such paragraph to be appropriated for a fiscal year, there is authorized to be appropriated for the fiscal year from the special forfeiture fund of the Director of the Office of National Drug Control Policy such sums as may be necessary.

"(3) RULE OF CONSTRUCTION.—The amounts authorized in this subsection to be appropriated are in addition to any other amounts that are authorized to be appropriated and are available for the purpose described in paragraph (1).

"OUTPATIENT TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN

"SEC. 508. (a) GRANTS.—The Secretary, acting through the Director of the Treatment Center, shall make grants to establish projects for the outpatient treatment of substance abuse among pregnant and postpartum women, and in the case of conditions arising in the infants of such women as a result of such abuse by the women, the outpatient treatment of the infants for such conditions.

"(b) PREVENTION.—Entities receiving grants under this section shall engage in activities to prevent substance abuse among pregnant and postpartum women.

"(c) EVALUATION.—The Secretary shall evaluate projects carried out under subsection (a) and shall disseminate to appropriate public and private entities information on effective projects.".

(b) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) SAVINGS PROVISION FOR COMPLETION OF CURRENT PROJECTS.—

(A) Subject to paragraph (2), in the case of any project for which a grant under former section 509F was provided for fiscal year 1992, the Secretary of Health and Human Services may continue in effect the grant for fiscal year 1993 and subsequent fiscal years, subject to the duration of any such grant not exceeding the period determined by the Secretary in first approving the grant. Subject to approval by the Administrator, such grants may be administered by the Center for Substance Abuse Prevention.

(B) Subparagraph (A) shall apply with respect to a project notwithstanding that the project is not eligible to receive a grant under current section 507 or 508.

(2) LIMITATION ON FUNDING FOR CERTAIN PROJECTS.—With respect to the amounts appropriated for any fiscal year under current section 507, any such amounts appropriated in excess of the amount appropriated for fiscal year 1992 under former section 509F shall be available only for grants under current section 507.

(3) DEFINITIONS.—For purposes of this subsection:

(A) The term "former section 509F" means section 509F of the Public Health Service Act, as in effect for fiscal year 1992.

(B) The term "current section 507" means section 507 of the Public Health Service Act, as in effect for fiscal year 1993 and subsequent fiscal years.

(C) The term "current section 508" means section 508 of the Public Health Service Act, as in effect for fiscal year 1993 and subsequent fiscal years.

SEC. 109. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

Subpart 1 of part B of title V (as amended by section 108) is further amended by adding at the end thereof the following new section:

"DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE

"SEC. 509. (a) GRANTS FOR TREATMENT IMPROVEMENT.—The Director of the Center for Substance Abuse Treatment shall provide grants to public and nonprofit private entities for the purpose of establishing demonstration projects that will improve the provision of treatment services for substance abuse.

"(b) NATURE OF PROJECTS.—Grants under subsection (a) shall be awarded to—

"(1) projects that provide treatment to adolescents, female addicts and their children, racial and ethnic minorities, or individuals in rural areas, with preference given to such projects that provide treatment for substance abuse to women with dependent children, which treatment is provided in settings in which both primary health services for the women and pediatric care are available;

"(2) projects that provide treatment in exchange for public service;

"(3) projects that provide treatment services and which are operated by public and nonprofit private entities receiving grants under section 329, 330, 340, 340A, or other public or nonprofit private entities that provide primary health services;

"(4) 'treatment campus' projects that—

"(A) serve a significant number of individuals simultaneously;

"(B) provide residential, non-community based drug treatment;

"(C) provide patients with ancillary social services and referrals to community-based aftercare; and

"(D) provide services on a voluntary basis;

"(5) projects in large metropolitan areas to identify individuals in need of treatment services and to improve the availability and delivery of such services in the areas;

"(6) in the case of drug abusers who are at risk of HIV infection, projects to conduct outreach activities to the individuals regarding the prevention of exposure to and the transmission of the human immunodeficiency virus, and to encourage the individuals to seek treatment for such abuse; and

"(7) projects to determine the long-term efficacy of the projects described in this section and to disseminate to appropriate public and private entities information on the projects that have been effective.

"(c) PREFERENCES IN MAKING GRANTS.—In awarding grants under subsection (a), the Director of the Treatment Center shall give preference to projects that—

"(1) demonstrate a comprehensive approach to the problems associated with substance abuse and provide evidence of broad community involvement and support; or

"(2) initiate and expand programs for the provision of treatment services (including renovation of facilities, but not construction) in localities in which, and among populations for which, there is a public health crisis as a result of the inadequate availability of such services and a substantial rate of substance abuse.

"(d) DURATION OF GRANTS.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $175,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994. The amounts so authorized are in addition to any other amounts that are authorized to be appropriated and available for such purpose.

"(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director of the Treatment Center shall reserve not less than 5 percent for carrying out

projects described in subsection (b)(2) and (b)(3).".

SEC. 110. GRANTS FOR SUBSTANCE ABUSE TREATMENT IN STATE AND LOCAL CRIMINAL JUSTICE SYSTEMS.

Subpart 1 of part B of title V (as amended by section 109) is further amended by adding at the end thereof the following new section:

"GRANTS FOR SUBSTANCE ABUSE TREATMENT IN STATE AND LOCAL CRIMINAL JUSTICE SYSTEMS

"SEC. 510. (a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall provide grants to public and nonprofit private entities that provide treatment for substance abuse to individuals under criminal justice supervision.

"(b) ELIGIBILITY.—In awarding grants under subsection (a), the Director shall ensure that the grants are reasonably distributed among—

"(1) projects that provide treatment services to individuals who are incarcerated in prisons, jails, or community correctional settings; and

"(2) projects that provide treatment services to individuals who are not incarcerated, but who are under criminal justice supervision because of their status as pretrial releasees, post-trial releasees, probationers, parolees, or supervised releasees.

"(c) PRIORITY.—In awarding grants under subsection (a), the Director shall give priority to programs commensurate with the extent to which such programs provide, directly or in conjunction with other public or private nonprofit entities, one or more of the following—

"(1) a continuum of offender management services as individuals enter, proceed through, and leave the criminal justice system, including identification and assessment, substance abuse treatment, pre-release counseling and pre-release referrals with respect to housing, employment and treatment;

"(2) comprehensive treatment services for juvenile offenders;

"(3) comprehensive treatment services for female offenders, including related services such as violence counseling, parenting and child development classes, and perinatal care;

"(4) outreach services to identify individuals under criminal justice supervision who would benefit from substance abuse treatment and to encourage such individuals to seek treatment; or

"(5) treatment services that function as an alternative to incarceration for appropriate categories of offenders or that otherwise enable individuals to remain under criminal justice supervision in the least restrictive setting consistent with public safety.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

SEC. 111. TRAINING IN PROVISION OF TREATMENT SERVICES.

Subpart 1 of part B of title V of the Public Health Service Act (as amended by section 110) is further amended by adding at the end thereof the following new section:

"TRAINING IN PROVISION OF TREATMENT SERVICES

"SEC. 511. (a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall develop programs to increase the number of substance abuse treatment professionals and the number of health professionals providing treatment services through the awarding of grants to appropriate public and nonprofit private entities, including agencies of State and local governments, hospitals, schools of medicine, schools of osteopathic medicine, schools of nursing, schools of social work, and graduate programs in marriage and family therapy.

"(b) PRIORITY.—In awarding grants under subsection (a), the Director shall give priority to projects that train full-time substance abuse treatment professionals and projects that will receive financial support from public entities for carrying out the projects.

"(c) HEALTH PROFESSIONS EDUCATION.—In awarding grants under subsection (a), the Director may make grants—

"(1) to train individuals in the diagnosis and treatment of alcohol abuse and other drug abuse; and

"(2) to develop appropriate curricula and materials for the training described in paragraph (1).

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

SEC. 112. ALTERNATIVE UTILIZATION OF MILITARY FACILITIES.

(a) TRANSFER.—Section 561 of the Public Health Service Act (42 U.S.C. 290ff)—

(1) is transferred to subpart 1 of part B of title V of such Act;

(2) is redesignated as section 512; and

(3) is inserted after section 511 (as added by section 111).

(b) AMENDMENTS.—

(1) Section 512(a) of the Public Health Service Act (as transferred and redesignated under subsection (a)) is amended by striking out "NATIONAL INSTITUTE ON DRUG ABUSE.—The Director of the National Institute on Drug Abuse" and inserting in lieu thereof "CENTER FOR SUBSTANCE ABUSE TREATMENT.—The Director of the Center for Substance Abuse Treatment".

(2) Part E of title V of the Public Health Service Act (42 U.S.C. 290ff) is amended by striking out the part heading.

SEC. 113. CENTER FOR SUBSTANCE ABUSE PREVENTION.

(a) IN GENERAL.—Part B of title V of the Public Health Service Act (as amended by section 112) is amended by inserting after section 512 the following new subpart:

"Subpart 2—Center for Substance Abuse Prevention".

(b) TRANSFER.—Section 508 of the Public Health Service Act (42 U.S.C. 290aa-6), as such section existed 1 day prior to the date of enactment of this Act—

(1) is transferred to subpart 2 of part B of title V;

(2) is redesignated as section 515; and

(3) is inserted after the subpart heading (as added by subsection (a)).

(c) AMENDMENTS.—Section 515(b) of the Public Health Service Act (as transferred and redesignated by subsection (b)) is amended—

(1) in paragraph (5), by striking "and intervention";

(2) by striking paragraphs (10) and (11);

(3) by redesignating paragraph (12) as paragraph (10); and

(4) in paragraph (9), by adding "and" after the semicolon at the end.

(d) NATIONAL DATA BASE.—Section 515 of the Public Health Service Act (as amended by subsection (c)) is amended by amending subsection (d) to read as follows:

"(d) The Director of the Prevention Center shall establish a national data base providing information on programs for the prevention of substance abuse. The data base shall contain information appropriate for use by public entities and information appropriate for use by nonprofit private entities.".

(e) REFERENCES.—Section 515 of the Public Health Service Act (as amended by subsection (e)) is amended—

(1) in subsection (a), in the first sentence, by striking "(hereafter" and all that follows and inserting "(hereafter referred to in this part as the 'Prevention Center')."; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking "Office" and inserting "Prevention Center".

(f) COMMUNITY PROGRAMS.—Section 509 of the Public Health Service Act (42 U.S.C. 290aa-7) as such section existed 1 day prior to the date of enactment of this Act—

(1) is transferred to subpart 2 of part B of title V of such Act (as added by subsection (a));

(2) is redesignated as section 516;

(3) is inserted after section 515 (as transferred and redesignated by subsection (b)); and

(4) is amended to read as follows:

"COMMUNITY PROGRAMS

"SEC. 516. (a) IN GENERAL.—The Secretary, acting through the Director of the Prevention Center, shall—

"(1) provide assistance to communities to develop comprehensive long-term strategies for the prevention of substance abuse; and

"(2) evaluate the success of different community approaches toward the prevention of such abuse.

"(b) STRATEGIES FOR REDUCING USE.—The Director of the Prevention Center shall ensure that strategies developed under subsection (a)(1) include strategies for reducing the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $120,000,000 for fiscal year 1993, such sums as may be necessary for fiscal year 1994.".

SEC. 114. PREVENTION, TREATMENT, AND REHABILITATION MODEL PROJECTS FOR HIGH RISK YOUTH.

(a) TRANSFER.—Section 509A of the Public Health Service Act (42 U.S.C. 290aa-8)—

(1) is transferred to subpart 2 of part B of title V of such Act (as added by section 113(a));

(2) is redesignated as section 517; and

(3) is inserted after section 516 (as transferred and redesignated by section 113(g)).

(b) AMENDMENTS.—Section 517 (as transferred and redesignated by subsection (a)) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Secretary shall ensure that projects under subsection (a) include strategies for reducing the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 517 (as transferred and redesignated by subsection (a) and amended by subsection (b)) is further amended by adding at the end the following new subsection:

"(h) For the purpose of carrying out this section, there are authorized to be appropriated $70,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

(d) REFERENCES.—Section 517(a) (as transferred and redesignated by subsection (a) and amended by subsection (b)) is further amended by striking "Office" each time that such appears and inserting "Prevention Center".

SEC. 115. CENTER FOR MENTAL HEALTH SERVICES.

(a) IN GENERAL.—Part B of title V of the Public Health Service Act (as amended by section 114) is amended by inserting after section 517 the following new subpart:

"Subpart 3—Center for Mental Health Services

"CENTER FOR MENTAL HEALTH SERVICES

"SEC. 520. (a) ESTABLISHMENT.—There is established in the Administration a Center for Mental Health Services (hereafter in this section referred to as the 'Center'). The Center shall be headed by a Director (hereafter in this section

referred to as the 'Director') appointed by the Secretary from among individuals with extensive experience or academic qualifications in the provision of mental health services or in the evaluation of mental health service systems.

"(b) DUTIES.—The Director of the Center shall—

"(1) design national goals and establish national priorities for—

"(A) the prevention of mental illness; and

"(B) the promotion of mental health;

"(2) encourage and assist local entities and State agencies to achieve the goals and priorities described in paragraph (1);

"(3) develop and coordinate Federal prevention policies and programs and to assure increased focus on the prevention of mental illness and the promotion of mental health;

"(4) develop improved methods of treating individuals with mental health problems and improved methods of assisting the families of such individuals;

"(5) administer the mental health services block grant program authorized in section 1911;

"(6) promote policies and programs at Federal, State, and local levels and in the private sector that foster independence and protect the legal rights of persons with mental illness, including carrying out the provisions of the Protection and Advocacy of Mentally Ill Individuals Act;

"(7) carry out the programs authorized under sections 520A and 521, including the Community Support Program and the Child and Adolescent Service System Programs;

"(8) carry out responsibilities for the Human Resource Development program, and programs of clinical training for professional and paraprofessional personnel pursuant to section 303;

"(9) conduct services-related assessments, including evaluations of the organization and financing of care, self-help and consumer-run programs, mental health economics, mental health service systems, rural mental health, and improve the capacity of State to conduct evaluations of publicly funded mental health programs;

"(10) establish a clearinghouse for mental health information to assure the widespread dissemination of such information to States, political subdivisions, educational agencies and institutions, treatment and prevention service providers, and the general public, including information concerning the practical application of research supported by the National Institute of Mental Health that is applicable to improving the delivery of services;

"(11) provide technical assistance to public and private entities that are providers of mental health services;

"(12) monitor and enforce obligations incurred by community mental health centers pursuant to the Community Mental Health Centers Act (as in effect prior to the repeal of such Act on August 13, 1981, by section 902(e)(2)(B) of Public Law 97-35 (95 Stat. 560));

"(13) conduct surveys with respect to mental health, such as the National Reporting Program; and

"(14) assist States in improving their mental health data collection.

"(c) GRANTS AND CONTRACTS.—In carrying out the duties established in subsection (b), the Director may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities.".

(b) CONFORMING AMENDMENTS.—Section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) is amended—

(1) by striking out ", the Surgeon General is authorized" in the matter preceding paragraph (1);

(2) by inserting "the Secretary, acting through the Director of the Center for Mental Health Services, is authorized" after the paragraph designation in paragraph (1); and

(3) by inserting "the Surgeon General is authorized" after the paragraph designation in paragraph (2).

SEC. 116. GRANT PROGRAM FOR DEMONSTRATION PROJECTS.

(a) TRANSFER.—Section 520 of the Public Health Service Act (42 U.S.C. 290cc-13) as such section existed 1 day prior to the date of enactment of this Act—

(1) is transferred to subpart 3 of part B of title V of such Act;

(2) is redesignated as section 520A; and

(3) is inserted after section 520 (as added by section 115).

(b) AMENDMENTS.—Section 520A (as transferred and redesignated under subsection (a)) is amended—

(1) in subsection (a)(1), by striking out "National Institute of Mental Health" and inserting in lieu thereof "Center for Mental Health Services";

(2) in subsection (c), by striking out "three" and inserting in lieu thereof "five"; and

(3) in subsection (e)(1), to read as follows:

"(1) For the purposes of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

SEC. 117. NATIONAL MENTAL HEALTH EDUCATION.

Section 519 of the Public Health Service Act (42 U.S.C. 290cc-12) is repealed.

SEC. 118. DEMONSTRATION PROJECTS WITH RESPECT TO CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2441 of the Public Health Service Act (42 U.S.C. 300dd-41)—

(1) is transferred to subpart 3 of part B of title V of such Act (as added by section 115);

(2) is redesignated as section 520B; and

(3) is inserted after section 520A (as added by section 116).

(b) CONFORMING AMENDMENTS.—The Public Health Service Act (as amended by subsection (a)), is amended—

(1) in part C of title XXIV—

(A) by striking out the heading for subpart I;

(B) in section 2432(a), by striking out "subpart" each place such term appears and inserting "part"; and

(C) by striking out the heading for subpart II; and

(2) in section 520B (as transferred and added by subsection (a))—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting after "Secretary" the following: ", acting through the Director of the Center for Mental Health Services,"; and

(B) in subsection (j), by striking out "1991" and inserting in lieu thereof "1994".

SEC. 119. CHILDHOOD MENTAL HEALTH.

Title V of the Public Health Service Act, as amended by the preceding provisions of this title, is amended by adding at the end the following new part:

"PART E—CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES

"SEC. 561. COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES.

"(a) GRANTS TO CERTAIN PUBLIC ENTITIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall make grants to public entities for the purpose of providing comprehensive community mental health services to children with a serious emotional disturbance.

"(2) DEFINITION OF PUBLIC ENTITY.—For purposes of this subpart, the term 'public entity' means any State, any political subdivision of a State, and any Indian tribe or tribal organization (as defined in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act).

"(b) CONSIDERATIONS IN MAKING GRANTS.—

"(1) REQUIREMENT OF STATUS AS GRANTEE UNDER PART B OF TITLE XIX.—The Secretary may make a grant under subsection (a) to a public entity only if—

"(A) in the case of a public entity that is a State, the State is a grantee under section 1911;

"(B) in the case of a public entity that is a political subdivision of a State, the State in which the political subdivision is located is receiving such payments; and

"(C) in the case of a public entity that is an Indian tribe or tribal organization, the State in which the tribe or tribal organization is located is receiving such payments.

"(2) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraph (B), the Secretary may make a grant under subsection (a) only if, in the case of any service under such subsection that is covered in the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the public entity involved will provide the service directly, and the entity has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the public entity will enter into an agreement with an organization under which the organization will provide the service, and the organization has entered into such a participation agreement and is qualified to receive such payments.

"(B)(i) In the case of an organization making an agreement under subparagraph (A)(ii) regarding the provision of services under subsection (a), the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health or mental health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(ii) A determination by the Secretary of whether an organization referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(3) CERTAIN CONSIDERATIONS.—In making grants under subsection (a), the Secretary shall—

"(A) equitably allocate such assistance among the principal geographic regions of the United States;

"(B) consider the extent to which the public entity involved has a need for the grant; and

"(C) in the case of any public entity that is a political subdivision of a State or that is an Indian tribe or tribal organization—

"(i) shall consider any comments regarding the application of the entity for such a grant that are received by the Secretary from the State in which the entity is located; and

"(ii) shall give special consideration to the entity if the State agrees to provide a portion of the non-Federal contributions required in subsection (c) regarding such a grant.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—A funding agreement for a grant under under subsection (a) is that the public entity involved will, with respect to the costs to be incurred by the entity in carrying out the purpose described in such subsection, make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

"(A) for the first fiscal year for which the entity receives payments from a grant under such subsection, is not less than $1 for each $3 of Federal funds provided in the grant;

"(B) for any second or third such fiscal year, is not less than $1 for each $3 of Federal funds provided in the grant;

"(C) for any fourth such fiscal year, is not less than $1 for each $1 of Federal funds provided in the grant; and

"(D) for any fifth such fiscal year, is not less than $2 for each $1 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the public entity involved toward the purpose described in subsection (a) for the 2-year period preceding the first fiscal year for which the entity receives a grant under such section.

"SEC. 562. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF GRANTS.

"(a) SYSTEMS OF COMPREHENSIVE CARE.—

"(1) IN GENERAL.—A funding agreement for a grant under section 561(a) is that, with respect to children with a serious emotional disturbance, the public entity involved will carry out the purpose described in such section only through establishing and operating 1 or more systems of care for making each of the mental health services specified in subsection (c) available to each child provided access to the system. In providing for such a system, the public entity may make grants to, and enter into contracts with, public and nonprofit private entities.

"(2) STRUCTURE OF SYSTEM.—A funding agreement for a grant under section 561(a) is that a system of care under paragraph (1) will—

"(A) be established in a community selected by the public entity involved;

"(B) consist of such public agencies and nonprofit private entities in the community as are necessary to ensure that each of the services specified in subsection (c) is available to each child provided access to the system;

"(C) be established pursuant to agreements that the public entity enters into with the agencies and entities described in subparagraph (B);

"(D) coordinate the provision of the services of the system; and

"(E) establish an office whose functions are to serve as the location through which children are provided access to the system, to coordinate the provision of services of the system, and to provide information to the public regarding the system.

"(3) COLLABORATION OF LOCAL PUBLIC ENTITIES.—A funding agreement for a grant under section 561(a) is that, for purposes of the establishment and operation of a system of care under paragraph (1), the public entity involved will seek collaboration among all public agencies that provide human services in the community in which the system is established, including but not limited to those providing mental health services, educational services, child welfare services, or juvenile justice services.

"(b) LIMITATION ON AGE OF CHILDREN PROVIDED ACCESS TO SYSTEM.—A funding agreement for a grant under section 561(a) is that a system of care under subsection (a) will not provide an individual with access to the system if the individual is more than 21 years of age.

"(c) REQUIRED MENTAL HEALTH SERVICES OF SYSTEM.—A funding agreement for a grant under section 561(a) is that mental health services provided by a system of care under subsection (a) will include, with respect to a serious emotional disturbance in a child—

"(1) diagnostic and evaluation services;

"(2) outpatient services provided in a clinic, office, school or other appropriate location, including individual, group and family counseling services, professional consultation, and review and management of medications;

"(3) emergency services, available 24-hours a day, 7 days a week;

"(4) intensive home-based services for children and their families when the child is at imminent risk of out-of-home placement;

"(5) intensive day-treatment services;

"(6) respite care;

"(7) therapeutic foster care services, and services in therapeutic foster family homes or individual therapeutic residential homes, and groups homes caring for not more than 10 children; and

"(8) assisting the child in making the transition from the services received as a child to the services to be received as an adult.

"(d) REQUIRED ARRANGEMENTS REGARDING OTHER APPROPRIATE SERVICES.—

"(1) IN GENERAL.—A funding agreement for a grant under section 561(a) is that—

"(A) a system of care under subsection (a) will enter into a memorandum of understanding with each of the providers specified in paragraph (2) in order to facilitate the availability of the services of the provider involved to each child provided access to the system; and

"(B) the grant under such section 561(a), and the non-Federal contributions made with respect to the grant, will not be expended to pay the costs of providing such non-mental health services to any individual.

"(2) SPECIFICATION OF NON-MENTAL HEALTH SERVICES.—The providers referred to in paragraph (1) are providers of medical services other than mental health services, providers of educational services, providers of vocational counseling and vocational rehabilitation services, and providers of protection and advocacy services with respect to mental health.

"(3) FACILITATION OF SERVICES OF CERTAIN PROGRAMS.—A funding agreement for a grant under section 561(a) is that a system of care under subsection (a) will, for purposes of paragraph (1), enter into a memorandum of understanding regarding facilitation of—

"(A) services available pursuant to title XIX of the Social Security Act, including services regarding early periodic screening, diagnosis, and treatment;

"(B) services available under parts B and H of the Individuals with Disabilities Education Act; and

"(C) services available under other appropriate programs, as identified by the Secretary.

"(e) GENERAL PROVISIONS REGARDING SERVICES OF SYSTEM.—

"(1) CASE MANAGEMENT SERVICES.—A funding agreement for a grant under section 561(a) is that a system of care under subsection (a) will provide for the case management of each child provided access to the system in order to ensure that—

"(A) the services provided through the system to the child are coordinated and that the need of each such child for the services is periodically reassessed;

"(B) information is provided to the family of the child on the extent of progress being made toward the objectives established for the child under the plan of services implemented for the child pursuant to section 563; and

"(C) the system provides assistance with respect to—

"(i) establishing the eligibility of the child, and the family of the child, for financial assistance and services under Federal, State, or local programs providing for health services, mental health services, educational services, social services, or other services; and

"(ii) seeking to ensure that the child receives appropriate services available under such programs.

"(2) OTHER PROVISIONS.—A funding agreement for a grant under section 561(a) is that a system of care under subsection (a), in providing the services of the system, will—

"(A) provide the services of the system in the cultural context that is most appropriate for the child and family involved;

"(B) ensure that individuals providing such services to the child can effectively communicate with the child and family in the most direct manner;

"(C) provide the services without discriminating against the child or the family of the child on the basis of race, religion, national origin, sex, disability, or age;

"(D) seek to ensure that each child provided access to the system of care remains in the least restrictive, most normative environment that is clinically appropriate; and

"(E) provide outreach services to inform individuals, as appropriate, of the services available from the system, including identifying children with a serious emotional disturbance who are in the early stages of such disturbance.

"(3) RULE OF CONSTRUCTION.—An agreement made under paragraph (2) may not be construed—

"(A) with respect to subparagraph (C) of such paragraph—

"(i) to prohibit a system of care under subsection (a) from requiring that, in housing provided by the grantee for purposes of residential treatment services authorized under subsection (c), males and females be segregated to the extent appropriate in the treatment of the children involved; or

"(ii) to prohibit the system of care from complying with the agreement made under subsection (b); or

"(B) with respect to subparagraph (D) of such paragraph, to authorize the system of care to expend the grant under section 561(a) (or the non-Federal contributions made with respect to the grant) to provide legal services or any service with respect to which expenditures regarding the grant are prohibited under subsection (d)(1)(B).

"(f) RESTRICTIONS ON USE OF GRANT.—A funding agreement for a grant under section 561(a) is that the grant, and the non-Federal contributions made with respect to the grant, will not be expended—

"(1) to purchase or improve real property (including the construction or renovation of facilities);

"(2) to provide for room and board in residential programs serving 10 or fewer children;

"(3) to provide for room and board or other services or expenditures associated with care of children in residential treatment centers serving more than 10 children or in inpatient hospital settings, except intensive home-based services and other services provided on an ambulatory or outpatient basis; or

"(4) to provide for the training of any individual, except training authorized in section 564(a)(2) and training provided through any appropriate course in continuing education whose duration does not exceed 2 days.

"SEC. 563. INDIVIDUALIZED PLAN FOR SERVICES.

"(a) IN GENERAL.—A funding agreement for a grant under section 561(a) is that a system of care under section 562(a) will develop and carry out an individualized plan of services for each child provided access to the system, and that the plan will be developed and carried out with the participation of the family of the child and, un-

less clinically inappropriate, with the participation of the child.

"(b) MULTIDISCIPLINARY TEAM.—A funding agreement for a grant under section 561(a) is that the plan required in subsection (a) will be developed, and reviewed and as appropriate revised not less than once each year, by a multidisciplinary team of appropriately qualified individuals who provide services through the system, including as appropriate mental health services, other health services, educational services, social services, and vocational counseling and rehabilitation;

"(c) COORDINATION WITH SERVICES UNDER INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—A funding agreement for a grant under section 561(a) is that, with respect to a plan under subsection (a) for a child, the multidisciplinary team required in subsection (b) will—

"(1) in developing, carrying out, reviewing, and revising the plan consider any individualized education program in effect for the child pursuant to part B of the Individuals with Disabilities Education Act;

"(2) ensure that the plan is consistent with such individualized education program and provides for coordinating services under the plan with services under such program; and

"(3) ensure that the memorandum of understanding entered into under section 562(d)(3)(B) regarding such Act includes provisions regarding compliance with this subsection.

"(d) CONTENTS OF PLAN.—A funding agreement for a grant under section 561(a) is that the plan required in subsection (a) for a child will—

"(1) identify and state the needs of the child for the services available pursuant to section 562 through the system;

"(2) provide for each of such services that is appropriate to the circumstances of the child, including, except in the case of children who are less than 14 years of age, the provision of appropriate vocational counseling and rehabilitation, and transition services (as defined in section 602(a)(19) of the Individuals with Disabilities Education Act);

"(3) establish objectives to be achieved regarding the needs of the child and the methodology for achieving the objectives; and

"(4) designate an individual to be responsible for providing the case management required in section 562(e)(1) or certify that case management services will be provided to the child as part of the individualized education program of the child under the Individuals with Disabilities Education Act.

"SEC. 564. ADDITIONAL PROVISIONS.

"(a) OPTIONAL SERVICES.—In addition to services described in subsection (c) of section 562, a system of care under subsection (a) of such section may, in expending a grant under section 561(a), provide for—

"(1) preliminary assessments to determine whether a child should be provided access to the system;

"(2) training in—

"(A) the administration of the system;

"(B) the provision of intensive home-based services under paragraph (4) of section 562(c), intensive day treatment under paragraph (5) of such section, and foster care or group homes under paragraph (7) of such section; and

"(C) the development of individualized plans for purposes of section 563;

"(3) recreational activities for children provided access to the system; and

"(4) such other services as may be appropriate in providing for the comprehensive needs with respect to mental health of children with a serious emotional disturbance.

"(b) COMPREHENSIVE PLAN.—The Secretary may make a grant under section 561(a) only if, with respect to the jurisdiction of the public entity involved, the entity has submitted to the Secretary, and has had approved by the Secretary, a plan for the development of a jurisdiction-wide system of care for community-based services for children with a serious emotional disturbance that specifies the progress the public entity has made in developing the jurisdiction-wide system, the extent of cooperation across agencies serving children in the establishment of the system, the Federal and non-Federal resources currently committed to the establishment of the system, and the current gaps in community services and the manner in which the grant under section 561(a) will be expended to address such gaps and establish local systems of care.

"(c) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—A funding agreement for a grant under section 561(a) is that, if a charge is imposed for the provision of services under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the family of the child involved; and

"(3) will not be imposed on any child whose family has income and resources of equal to or less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(d) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—A funding agreement for a grant under section 561(a) is that the grant, and the non-Federal contributions made with respect to the grant, will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 561(a) is that not more than 2 percent of the grant will be expended for administrative expenses incurred with respect to the grant by the public entity involved.

"(f) REPORTS TO SECRETARY.—A funding agreement for a grant under section 561(a) is that the public entity involved will annually submit to the Secretary a report on the activities of the entity under the grant that includes a description of the number of children provided access to systems of care operated pursuant to the grant, the demographic characteristics of the children, the types and costs of services provided pursuant to the grant, the availability and use of third-party reimbursements, estimates of the unmet need for such services in the jurisdiction of the entity, and the manner in which the grant has been expended toward the establishment of a jurisdiction-wide system of care for children with a serious emotional disturbance, and such other information as the Secretary may require with respect to the grant.

"(g) DESCRIPTION OF INTENDED USES OF GRANT.—The Secretary may make a grant under section 561(a) only if—

"(1) the public entity involved submits to the Secretary a description of the purposes for which the entity intends to expend the grant;

"(2) the description identifies the populations, areas, and localities in the jurisdiction of the entity with a need for services under this section; and

"(3) the description provides information relating to the services and activities to be provided, including a description of the manner in which the services and activities will be coordinated with any similar services or activities of public or nonprofit entities.

"(h) REQUIREMENT OF APPLICATION.—The Secretary may make a grant under section 561(a) only if an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in subsection (g), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"SEC. 565. GENERAL PROVISIONS.

"(a) DURATION OF SUPPORT.—The period during which payments are made to a public entity from a grant under section 561(a) may not exceed 5 fiscal years.

"(b) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall, upon the request of a public entity receiving a grant under section 561(a)—

"(A) provide technical assistance to the entity regarding the process of submitting to the Secretary applications for grants under section 561(a); and

"(B) provide to the entity training and technical assistance with respect to the planning, development, and operation of systems of care pursuant to section 562.

"(2) AUTHORITY FOR GRANTS AND CONTRACTS.—The Secretary may provide technical assistance under subsection (a) directly or through grants to, or contracts with, public and nonprofit private entities.

"(c) EVALUATIONS AND REPORTS BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to section 561(a). The evaluations shall assess the effectiveness of the systems of care operated pursuant to such section, including longitudinal studies of outcomes of services provided by such systems, other studies regarding such outcomes, the effect of activities under this subpart on the utilization of hospital and other institutional settings, the barriers to and achievements resulting from interagency collaboration in providing community-based services to children with a serious emotional disturbance, and assessments by parents of the effectiveness of the systems of care.

"(2) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated under subsection (c), and annually thereafter, submit to the Congress a report summarizing evaluations carried out pursuant to paragraph (1) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this section as the Secretary determines to be appropriate.

"(d) DEFINITIONS.—For purposes of this subpart:

"(1) The term 'child' means an individual not more than 21 years of age.

"(2) The term 'family', with respect to a child provided access to a system of care under section 562(a), means—

"(A) the legal guardian of the child; and

"(B) as appropriate regarding mental health services for the child, the parents of the child (biological or adoptive, as the case may be) and any foster parents of the child.

"(3) The term 'funding agreement', with respect to a grant under section 561(a) to a public entity, means that the Secretary may make such a grant only if the public entity makes the agreement involved.

"(4) The term 'serious emotional disturbance' includes, with respect to a child, any child who has a serious emotional disorder, a serious behavioral disorder, or a serious mental disorder.

"(e) RULE OF CONSTRUCTION.—Nothing in this part shall be construed as limiting the rights of a child with a serious emotional disturbance under the Individuals with Disabilities Education Act.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) SET-ASIDE REGARDING TECHNICAL ASSISTANCE.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than $3,000,000 for the purpose of carrying out subsection (b).".

SEC. 120. STRIKING OF CERTAIN PROVISIONS AND TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) as such title existed 1 day prior to the date of enactment of this Act, is amended by striking out sections 509B, 509C, 509E, 509F and 509G (42 U.S.C. 290aa–9, 290aa–10, 290aa-12, 290aa-13, and 290aa-14).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) in the heading for such title, to read as follows:

"TITLE V—SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

(2) in the heading for part A, to read as follows:

"PART A—ORGANIZATION AND GENERAL AUTHORITIES"; and

(3) by striking out section 518.

Subtitle B—Institutes

SEC. 121. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 401(b)(1) of the Public Health Service Act (42 U.S.C. 281(b)(1)) is amended by adding at the end thereof the following new subparagraphs:

"(N) The National Institute on Alcohol Abuse and Alcoholism.

"(O) The National Institute on Drug Abuse.

"(P) The National Institute of Mental Health.".

(b) DEFINITION.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"DEFINITIONS

"SEC. 409. For purposes of this title, the term 'health services research' means research endeavors that study the impact of the organization, financing and management of health services on the quality, cost, access to and outcomes of care.".

SEC. 122. NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM.

(a) CREATION OF SUBPART.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 14—National Institute on Alcohol Abuse and Alcoholism

"PURPOSE OF INSTITUTE

"SEC. 464I. (a) IN GENERAL.—The general purpose of the National Institute of Alcohol Abuse and Alcoholism (hereafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the prevention of alcohol abuse and the treatment of alcoholism.".

(b) ADDITIONAL PROVISIONS.—

(1) RESEARCH PROGRAM.—Subsection (b) of section 510 of the Public Health Service Act (42 U.S.C. 290bb and 290bb–1), as such section existed 1 day prior to the date of the enactment of this Act—

(A) is transferred to section 464I of the Public Health Service Act, as added by subsection (a) of this section; and

(B) is inserted after subsection (a) of such section 464I.

Such section 510, as so amended, is repealed.

(2) ADDITIONAL PROVISIONS.—Section 464I of the Public Health Service Act (as amended by paragraph (1)) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "(b) In carrying out the program" and all that follows through "Institute, is authorized" and inserting the following: "(b) RESEARCH PROGRAM.—The research program established under this subpart shall encompass the social, behavioral, and biomedical etiology, mental and physical health consequences, and social and economic consequences of alcohol abuse and alcoholism. In carrying out the program, the Director of the Institute is authorized"; and

(ii) in paragraph (3)(H), by striking out the period and inserting in lieu thereof a semicolon; and

(B) by adding at the end the following subsections:

"(c) COLLABORATION.—The Director of the Institute shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration in focusing the services research activities of the Institute and in disseminating the results of such research to health professionals and the general public.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $300,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) ALLOCATION FOR HEALTH SERVICES RESEARCH.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director shall obligate not less than 15 percent to carry out health services research relating to alcohol abuse and alcoholism.".

(c) ASSOCIATE DIRECTOR FOR PREVENTION.—Subpart 14 of part C of title IV (as added by subsection (a)) is amended by adding at the end thereof the following new section:

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 464J. (a) IN GENERAL.—There shall be in the Institute an Associate Director for Prevention who shall be responsible for the full-time coordination and promotion of the programs in the Institute concerning the prevention of alcohol abuse and alcoholism. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or expertise are experts in alcohol abuse and alcoholism or the prevention of such.

"(b) BIENNIAL REPORT.—The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.".

(d) NATIONAL CENTER FOR RESEARCH .—

(1) IN GENERAL.—Section 511 of the Public Health Service Act (42 U.S.C. 290bb and 290bb–1) as such section existed 1 day prior to the date of enactment of this Act—

(A) is transferred to subpart 14 of part C of title IV of such Act (as added by subsection (a));

(B) is redesignated as section 464K; and

(C) is inserted after section 464J (as added by subsection (c).

(2) TECHNICAL CORRECTION.—Section 464K of the Public Health Service Act (as added by paragraph (1)) is amended in subsection (b) by striking "or rental".

(d) CONFORMING AMENDMENT.—Section 513 of the Public Health Service Act (42 U.S.C. 290bb-2), as such section existed 1 day prior to the date of enactment of this Act, is repealed.

SEC. 123. NATIONAL INSTITUTE ON DRUG ABUSE.

(a) CREATION OF SUBPART.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) (as amended by section 122) is further amended by adding at the end thereof the following new subpart:

"Subpart 15—National Institute on Drug Abuse

"PURPOSE OF INSTITUTE

"SEC. 464O. (a) IN GENERAL.—The general purpose of the National Institute on Drug Abuse (hereafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the prevention of drug abuse and the treatment of drug abusers.

"(b) RESEARCH PROGRAM.—The research program established under this subpart shall encompass the social, behavioral, and biomedical etiology, mental and physical health consequences, and social and economic consequences of drug abuse. In carrying out the program, the Director of the Institute shall give special consideration to projects relating to drug abuse among women (particularly with respect to pregnant women).

"(c) COLLABORATION.—The Director of the Institute shall collaborate with the Substance Abuse and Mental Health Services Administration in focusing the services research activities of the Institute and in disseminating the results of such research to health professionals and the general public.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $440,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) ALLOCATION FOR HEALTH SERVICES RESEARCH.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director shall obligate not less than 15 percent to carry out health services research relating to drug abuse.".

(b) ADDITIONAL PROVISIONS.—Subpart 15 of part C of title IV of the Public Health Service Act (as added by subsection (a) by subsection (a)) is amended by adding at the end thereof the following new sections:

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 464P. (a) IN GENERAL.—There shall be in the Institute an Associate Director for Prevention who shall be responsible for the full-time coordination and promotion of the programs in the Institute concerning the prevention of drug abuse. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or expertise are experts in drug abuse and the prevention of such abuse.

"(b) REPORT.—The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"DRUG ABUSE RESEARCH CENTERS

"SEC. 464Q. (a) AUTHORITY.—The Director of the Institute may designate National Drug Abuse Research Centers for the purpose of interdisciplinary research relating to drug abuse and other biomedical, behavioral, and social issues related to drug abuse. No entity may be designated as a Center unless an application therefore has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such manner and contain such infor-

mation as the Secretary may reasonably require. The Secretary may not approve such an application unless—

"(1) the application contains or is supported by reasonable assurances that—

"(A) the applicant has the experience, or capability, to conduct, through biomedical, behavioral, social, and related disciplines, long-term research on drug abuse and to provide coordination of such research among such disciplines;

"(B) the applicant has available to it sufficient facilities (including laboratory, reference, and data analysis facilities) to carry out the research plan contained in the application;

"(C) the applicant has facilities and personnel to provide training in the prevention and treatment of drug abuse;

"(D) the applicant has the capacity to train predoctoral and postdoctoral students for careers in research on drug abuse;

"(E) the applicant has the capacity to conduct courses on drug abuse problems and research on drug abuse for undergraduate and graduate students, and medical and osteopathic, nursing, social work, and other specialized graduate students; and

"(F) the applicant has the capacity to conduct programs of continuing education in such medical, legal, and social service fields as the Secretary may require.

"(2) the application contains a detailed five-year plan for research relating to drug abuse.

"(b) GRANTS.—The Director of the Institute shall, under such conditions as the Secretary may reasonably require, make annual grants to Centers which have been designated under this section. No funds provided under a grant under this subsection may be used for the purchase of any land or the purchase, construction, preservation, or repair of any building. For the purposes of the preceding sentence, the term 'construction' has the meaning given that term by section 701(2).

"OFFICE ON AIDS

"SEC. 464R. The Director of the Institute shall establish within the Institute an Office on AIDS. The Office shall be responsible for the coordination of research and determining the direction of the Institute with respect to AIDS research related to—

"(1) primary prevention of the spread of HIV, including transmission via drug abuse;

"(2) drug abuse services research; and

"(3) other matters determined appropriate by the Director.

"MEDICATION DEVELOPMENT PROGRAM

"SEC. 464S. (a) ESTABLISHMENT.—There is established in the Institute a Medication Development Program through which the Director of such Institute shall—

"(1) conduct periodic meetings with the Commissioner of Food and Drugs to discuss measures that may facilitate the approval process of drug abuse treatments;

"(2) encourage and promote (through grants, contracts, international collaboration, or otherwise) expanded research programs, investigations, experiments, community trials, and studies, into the development and use of medications to treat drug addiction;

"(3) establish or provide for the establishment of research facilities;

"(4) report on the activities of other relevant agencies relating to the development and use of pharmacotherapeutic treatments for drug addiction;

"(5) collect, analyze, and disseminate data useful in the development and use of pharmacotherapeutic treatments for drug addiction and collect, catalog, analyze, and disseminate through international channels, the results of such research;

"(6) directly or through grants, contracts, or cooperative agreements, support training in the fundamental sciences and clinical disciplines related to the pharmacotherapeutic treatment of drug abuse, including the use of training stipends, fellowships, and awards where appropriate; and

"(7) coordinate the activities conducted under this section with related activities conducted within the National Institute on Alcohol Abuse and Alcoholism, the National Institute of Mental Health, and other appropriate institutes and shall consult with the Directors of such Institutes.

"(b) DUTIES.—In carrying out the activities described in subsection (a), the Director of the Institute—

"(1) shall collect and disseminate through publications and other appropriate means, information pertaining to the research and other activities under this section;

"(2) shall make grants to or enter into contracts and cooperative agreements with individuals and public and private entities to further the goals of the program;

"(3) may, in accordance with section 496, and in consultation with the National Advisory Council on Drug Abuse, acquire, construct, improve, repair, operate, and maintain pharmacotherapeutic research centers, laboratories, and other necessary facilities and equipment, and such other real or personal property as the Director determines necessary, and may, in consultation with such Advisory Council, make grants for the construction or renovation of facilities to carry out the purposes of this section;

"(4) may accept voluntary and uncompensated services;

"(5) may accept gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

"(6) shall take necessary action to ensure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the Administration and the other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than December 31, 1992, and each December 31 thereafter, the Director of the Institute shall submit to the Office of National Drug Control Policy established under section 1002 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501) a report, in accordance with paragraph (3), that describes the objectives and activities of the program assisted under this section.

"(2) NATIONAL DRUG CONTROL STRATEGY.—The Director of National Drug Control Policy shall incorporate, by reference or otherwise, each report submitted under this subsection in the National Drug Control Strategy submitted the following February 1 under section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504).

"(d) DEFINITION.—For purposes of this section, the term 'pharmacotherapeutics' means medications used to treat the symptoms and disease of drug abuse, including medications to—

"(1) block the effects of abused drugs;

"(2) reduce the craving for abused drugs;

"(3) moderate or eliminate withdrawal symptoms;

"(4) block or reverse the toxic effect of abused drugs; or

"(5) prevent relapse in persons who have been detoxified from drugs of abuse.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $85,000,000 for fiscal year 1993, and $95,000,000 for fiscal year 1994.".

(c) CONFORMING AMENDMENTS.—Section 515, 516, and 517 of the Public Health Service Act (42 U.S.C. 290cc) as such sections existed 1 day prior to the date of enactment of this Act are repealed.

SEC. 124. NATIONAL INSTITUTE OF MENTAL HEALTH.

(a) CREATION OF SUBPART.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) (as amended by section 123) is further amended by adding at the end thereof the following new subpart:

"Subpart 16—National Institute of Mental Health

"PURPOSE OF INSTITUTE

"SEC. 464T. (a) IN GENERAL.—The general purpose of the National Institute of Mental Health (hereafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the cause, diagnosis, treatment, control and prevention of mental illness.

"(b) RESEARCH PROGRAM.—The research program established under this subpart shall include support for biomedical and behavioral neuroscience and shall be designed to further the treatment and prevention of mental illness, the promotion of mental health, and the study of the psychological, social and legal factors that influence behavior.

"(c) COLLABORATION.—The Director of the Institute shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration in focusing the services research activities of the Institute and in disseminating the results of such research to health professionals and the general public.

"(d) INFORMATION WITH RESPECT TO SUICIDE.—

"(1) IN GENERAL.—The Director of the Institute shall—

"(A) develop and publish information with respect to the causes of suicide and the means of preventing suicide; and

"(B) make such information generally available to the public and to health professionals.

"(2) YOUTH SUICIDE.—Information described in paragraph (1) shall especially relate to suicide among individuals under 24 years of age.

"(e) ASSOCIATE DIRECTOR FOR SPECIAL POPULATIONS.—

"(1) IN GENERAL.—The Director of the Institute shall designate an Associate Director for Special Populations.

"(2) DUTIES.—The Associate Director for Special Populations shall—

"(A) develop and coordinate research policies and programs to assure increased emphasis on the mental health needs of women and minority populations;

"(B) support programs of basic and applied social and behavioral research on the mental health problems of women and minority populations;

"(C) study the effects of discrimination on institutions and individuals, including majority institutions and individuals;

"(D) support and develop research designed to eliminate institutional discrimination; and

"(E) provide increased emphasis on the concerns of women and minority populations in training programs, service delivery programs, and research endeavors of the Institute.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart other than section 464S, there are authorized to be appropriated $675,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) ALLOCATION FOR HEALTH SERVICES RESEARCH.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director shall obligate not less than 15 percent to carry out health services research relating to mental health.".

(b) ADDITIONAL PROVISIONS.—Subpart 16 of part C of title IV (as added by subsection (a)) is further amended by adding at the end thereof the following new section:

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 464U. (a) IN GENERAL.—There shall be in the Institute an Associate Director for Prevention who shall be responsible for the full-time coordination and promotion of the programs in the Institute concerning the prevention of mental disorder. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or expertise are experts in mental disorder and the prevention of such.

"(b) REPORT.—The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"OFFICE OF RURAL MENTAL HEALTH RESEARCH

"SEC. 464V. (a) IN GENERAL.—There is established within the Institute an office to be known as the Office of Rural Mental Health Research (hereafter in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of such Institute from among individuals experienced or knowledgeable in the provision of mental health services in rural areas. The Secretary shall carry out the authorities established in this section acting through the Director of the Office.

"(b) COORDINATION OF ACTIVITIES.—The Director of the Office, in consultation with the Director of the Institute and with the Director of the Office of Rural Health Policy, shall—

"(1) coordinate the research activities of the Department of Health and Human Services as such activities relate to the mental health of residents of rural areas; and

"(2) coordinate the activities of the Office with similar activities of public and nonprofit private entities.

"(c) RESEARCH, DEMONSTRATIONS, EVALUATIONS, AND DISSEMINATION.—The Director of the Office may, with respect to the mental health of adults and children residing in rural areas—

"(1) conduct research on conditions that are unique to the residents of rural areas, or more serious or prevalent in such residents;

"(2) conduct research on improving the delivery of services in such areas; and

"(3) disseminate information to appropriate public and nonprofit private entities.

"(d) AUTHORITY REGARDING GRANTS AND CONTRACTS.—The Director of the Office may carry out the authorities established in subsection (c) directly and through grants, cooperative agreements, or contracts with public or nonprofit private entities.

"(e) REPORT TO CONGRESS.—Not later than February 1, 1993, and each fiscal year thereafter, the Director shall submit to the Subcommittee on Health and the Environment of the Committee on Energy and Commerce (of the House of Representatives), and to the Committee on Labor and Human Resources (of the Senate), a report describing the activities of the Office during the preceding fiscal year, including a summary of the activities of demonstration projects and a summary of evaluations of the projects.

"OFFICE ON AIDS

"SEC. 464W. The Director of the Institute shall establish within the Institute an Office on AIDS. The Office shall be responsible for the coordination of research and determining the direction of the Institute with respect to AIDS research related to—

"(1) primary prevention of the spread of HIV, including transmission via sexual behavior;

"(2) mental health services research; and

"(3) other matters determined appropriate by the Director.".

SEC. 125. COLLABORATIVE USE OF CERTAIN HEALTH SERVICES RESEARCH FUNDS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 494 (42 U.S.C. 289c) the following new section:

"COLLABORATIVE USE OF CERTAIN HEALTH SERVICES RESEARCH FUNDS

"SEC. 494A. (a) IN GENERAL.—The Secretary shall ensure that amounts made available under subparts 14, 15 and 16 of part C for health services research relating to alcohol abuse and alcoholism, drug abuse and mental health be used collaboratively, as appropriate, and in consultation with the Agency for Health Care Policy Research.

"(b) REPORT.—Not later than May 3, 1993, and annually thereafter, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the activities carried out with the amounts referred to in subsection (a).".

Subtitle C—Miscellaneous Provisions Relating to Substance Abuse and Mental Health

SEC. 131. MISCELLANEOUS PROVISIONS RELATING TO SUBSTANCE ABUSE AND MENTAL HEALTH.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended to read as follows:

"FART D—MISCELLANEOUS PROVISIONS RELATING TO SUBSTANCE ABUSE AND MENTAL HEALTH

"SEC. 541. SUBSTANCE ABUSE AMONG GOVERNMENT AND OTHER EMPLOYEES.

"(a) PROGRAMS AND SERVICES.—

"(1) DEVELOPMENT.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall be responsible for fostering substance abuse prevention and treatment programs and services in State and local governments and in private industry.

"(2) MODEL PROGRAMS.—

"(A) IN GENERAL.—Consistent with the responsibilities described in paragraph (1), the Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop a variety of model programs suitable for replication on a cost-effective basis in different types of business concerns and State and local governmental entities.

"(B) DISSEMINATION OF INFORMATION.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall disseminate information and materials relative to such model programs to the State agencies responsible for the administration of substance abuse prevention, treatment, and rehabilitation activities and shall, to the extent feasible provide technical assistance to such agencies as requested.

"(b) DEPRIVATION OF EMPLOYMENT.—

"(1) PROHIBITION.—No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the grounds of prior substance abuse.

"(2) APPLICATION.—This subsection shall not apply to employment in—

"(A) the Central Intelligence Agency;

"(B) the Federal Bureau of Investigation;

"(C) the National Security Agency;

"(D) any other department or agency of the Federal Government designated for purposes of national security by the President; or

"(E) in any position in any department or agency of the Federal Government, not referred to in subparagraphs (A) through (D), which position is determined pursuant to regulations prescribed by the head of such agency or department to be a sensitive position.

"(3) REHABILITATION ACT.—The inapplicability of the prohibition described in paragraph (1) to the employment described in paragraph (2) shall not be construed to reflect on the applicability of the Rehabilitation Act of 1973 or other anti-discrimination laws to such employment.

"(c) CONSTRUCTION.—This section shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

"SEC. 542. ADMISSION OF SUBSTANCE ABUSERS TO PRIVATE AND PUBLIC HOSPITALS AND OUTPATIENT FACILITIES.

"(a) NONDISCRIMINATION.—Substance abusers who are suffering from medical conditions shall not be discriminated against in admission or treatment, solely because of their substance abuse, by any private or public general hospital, or outpatient facility (as defined in section 1624(4)) which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

"(b) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall issue regulations for the enforcement of the policy of subsection (a) with respect to the admission and treatment of substance abusers in hospitals and outpatient facilities which receive support of any kind from any program administered by the Secretary. Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital or outpatient facility subject to such regulations has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary may suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital or outpatient facility receives support of any kind, with respect to the suspension or revocation of such other Federal support for such hospital or outpatient facility.

"(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs, acting through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary under paragraph (1) to the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from substance abuse. In prescribing and implementing regulations pursuant to this paragraph, the Secretary shall, from time to time, consult with the Secretary of Health and Human Services in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.

"SEC. 543. CONFIDENTIALITY OF RECORDS.

"(a) REQUIREMENT.—Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b).

"(b) PERMITTED DISCLOSURE.—

"(1) CONSENT.—The content of any record referred to in subsection (a) may be disclosed in

accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g).

“(2) METHOD FOR DISCLOSURE.—Whether or not the patient, with respect to whom any given record referred to in subsection (a) is maintained, gives written consent, the content of such record may be disclosed as follows:

“(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

“(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

“(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor, including the need to avert a substantial risk of death or serious bodily harm. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

“(c) USE OF RECORDS IN CRIMINAL PROCEEDINGS.—Except as authorized by a court order granted under subsection (b)(2)(C), no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

“(d) APPLICATION.—The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when such individual ceases to be a patient.

“(e) NONAPPLICABILITY.—The prohibitions of this section do not apply to any interchange of records—

“(1) within the Armed Forces or within those components of the Department of Veterans Affairs furnishing health care to veterans; or

“(2) between such components and the Armed Forces.

The prohibitions of this section do not apply to the reporting under State law of incidents of suspected child abuse and neglect to the appropriate State or local authorities.

“(f) PENALTIES.—Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined in accordance with title 18, United States Code.

“(g) REGULATIONS.—Except as provided in subsection (h), the Secretary shall prescribe regulations to carry out the purposes of this section. Such regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b)(2)(C), as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

“(h) APPLICATION TO DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs, acting through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary of Health and Human Services under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from substance abuse. In prescribing and implementing regulations pursuant to this subsection, the Secretary of Veterans Affairs shall, from time to time, consult with the Secretary of Health and Human Services in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.”.

Subtitle D—Transfer Provisions

SEC. 141. TRANSFERS.

(a) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—Except as specifically provided otherwise in this Act or an amendment made by this Act, there are transferred to the Administrator of the Substance Abuse and Mental Health Services Administration all service related functions which the Administrator of the Alcohol, Drug Abuse and Mental Health Administration, or the Director of any entity within the Alcohol, Drug Abuse and Mental Health Administration, exercised before the date of the enactment of this Act and all related functions of any officer or employee of the Alcohol, Drug Abuse and Mental Health Administration.

(b) NATIONAL INSTITUTES.—Except as specifically provided otherwise in this Act or an amendment made by this Act, there are transferred to the appropriate Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health, through the Director of the National Institutes of Health, all research related functions which the Administrator of the Alcohol, Drug Abuse and Mental Health Administration exercised before the date of the enactment of this Act and all related functions of any officer or employee of the Alcohol, Drug Abuse, and Mental Health Administration.

(c) ADEQUATE PERSONNEL AND RESOURCES.—The transfers required under this subtitle shall be effectuated in a manner that ensures that the Substance Abuse and Mental Health Services Administration has adequate personnel and resources to carry out its statutory responsibilities and that the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health have adequate personnel and resources to enable such institutes to carry out their respective statutory responsibilities.

SEC. 142. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—Except as otherwise provided in the Public Health Service Act, all personnel employed in connection with, and all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred to the Administrator of the Substance Abuse and Mental Health Services Administration by this subtitle, subject to section 1531 of title 31, United States Code, shall be transferred to the Substance Abuse and Mental Health Services Administration. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) NATIONAL INSTITUTES.—Except as otherwise provided in the Public Health Service Act, all personnel employed in connection with, and all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred to the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health by this subtitle, subject to section 1531 of title 31, United States Code, shall be transferred to the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) CUSTODY OF BALANCES.—The actual transfer of custody of obligation balances is not required in order to implement this section.

SEC. 143. INCIDENTAL TRANSFERS.

Prior to October 1, 1992, the Secretary of Health and Human Services is authorized to make such determinations as may be necessary with regard to the functions transferred by this subtitle, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subtitle and the Public Health Service Act. Such Secretary shall provide for the termination of the affairs of all entities terminated by this subtitle and for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. 144. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this subtitle and the Public Health Service Act, the transfer pursuant to this subtitle of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this subtitle.

(b) EXECUTIVE SCHEDULE POSITIONS.—Any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Substance Abuse and Mental Health Services Administration to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 145. SAVINGS PROVISIONS.

(a) EFFECT ON PREVIOUS DETERMINATIONS.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges that—

(1) have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this subtitle; and

(2) are in effect on the date of enactment of this Act;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the National Institutes of Health, or the Administrator of the Substance Abuse and Mental Health Services Administration, as appropriate, a court of competent jurisdiction, or by operation of law.

(b) CONTINUATION OF PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this subtitle shall not affect any proceedings, including notices of proposed rule making, or any applica-

tion for any license, permit, certificate, or financial assistance pending on the date of enactment of this Act before the Department of Health and Human Services, which relates to the Alcohol, Drug Abuse and Mental Health Administration or the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, or the National Institute of Mental Health, or any office thereof with respect to functions transferred by this subtitle. Such proceedings or applications, to the extent that they relate to functions transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made under such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subtitle had not been enacted.

(2) REGULATIONS.—The Secretary of Health and Human Services is authorized to issue regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) EFFECT ON LEGAL ACTIONS.—Except as provided in subsection (e)—

(1) the provisions of this subtitle do not affect actions commenced prior to the date of enactment of this Act; and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) NO ABATEMENT OF ACTIONS OR PROCEEDINGS.—No action or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Health and Human Services with respect to functions transferred by this subtitle shall abate by reason of the enactment of this Act. No cause of action by or against the Department of Health and Human Services with respect to functions transferred by this subtitle, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function transferred by this subtitle, or other proceedings may be asserted by or against the United States or the Administrator of the Alcohol, Drug Abuse and Mental Health Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health, as may be appropriate, and, in an action pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(e) SUBSTITUTION.—If, before the date of enactment of this Act, the Department of Health and Human Services, or any officer thereof in the official capacity of such officer, is a party to an action, and under this subtitle any function of such Department, Office, or officer is transferred to the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health, then such action shall be continued with the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health, as the case may be, substituted or added as a party.

(f) JUDICIAL REVIEW.—Orders and actions of the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health in the exercise of functions transferred to the Directors by this subtitle shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Administrator of the Alcohol, Drug Abuse and Mental Health Administration or the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health, or any office or officer thereof, in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this subtitle shall apply to the exercise of such function by the Administrator of the Substance Abuse and Mental Health Services Administration or the Directors.

SEC. 146. TRANSITION.

With the consent of the Secretary of Health and Human Services, the Administrator of the Substance Abuse and Mental Health Services Administration and the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health are authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department with respect to functions transferred to the Administrator of the Substance Abuse and Mental Health Services Administration and the Director of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health by this subtitle; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subtitle.

SEC. 147. PEER REVIEW.

With respect to fiscal years 1993 through 1996, the peer review systems, advisory councils and scientific advisory committees utilized, or approved for utilization, by the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health prior to the transfer of such Institutes to the National Institute of Health shall be utilized by such Institutes.

SEC. 148. MERGERS.

Notwithstanding the provisions of section 401(c)(2) of the Public Health Service Act (42 U.S.C. 281(c)(2)), the Secretary of Health and Human Services may not merge the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse or the National Institute of Mental Health with any other institute or entity (or with each other) within the national research institutes for a 5-year period beginning on the date of enactment of this Act.

SEC. 149. CONDUCT OF MULTI-YEAR RESEARCH PROJECTS.

With respect to multi-year grants awarded prior to fiscal year 1993 by the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health with amounts received under section 1911(b), as such section existed one day prior to the date of enactment of this Act, such grants shall be continued for the entire period of the grant through the utilization of funds made available pursuant to sections 464I, 464O, or 464T, as appropriate, subject to satisfactory performance.

SEC. 150. SEPARABILITY.

If a provision of this subtitle or its application to any person or circumstance is held invalid, neither the remainder of this Act nor the application of the provision to other persons or circumstances shall be affected.

SEC. 151. BUDGETARY AUTHORITY.

With respect to fiscal years 1994 and 1995, the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health shall notwithstanding section 405(a), prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for their respective Institutes, after reasonable opportunity for comment (but without change) by the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Institute's advisory council.

Subtitle E—References and Conforming Amendments

SEC. 161. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Alcohol, Drug Abuse and Mental Health Administration or to the Administrator of the Alcohol, Drug Abuse and Mental Health Administration shall be deemed to refer to the Substance Abuse and Mental Health Services Administration or to the Administrator of the Substance Abuse and Mental Health Services Administration.

SEC. 162. TRANSITION FROM HOMELESSNESS.

Part C of title V of the Public Health Service Act is amended—

(1) in section 521 (42 U.S.C. 290cc-21), by striking out "National Institute of Mental Health" and inserting in lieu thereof "Center for Mental Health Services"; and

(2) in section 530 (42 U.S.C. 290cc-30), by striking out "through the National" and all that follows through "Abuse" and inserting in lieu thereof "through the agencies of the Administration".

SEC. 163. CONFORMING AMENDMENTS.

(a) TITLE V.—Title V of the Public Health Service Act is amended—

(1) in section 521 (42 U.S.C. 290cc-21), by striking "Director of the National Institute of Mental Health" and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration";

(2) in section 528 (42 U.S.C. 290cc-28)—

(A) by striking "the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse" and inserting in lieu thereof "and the Administrator of the Substance Abuse and Mental Health Services Administration" in subsection (a); and

(B) by striking "National Institute of Mental Health" and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration" in subsection (c); and

(3) in section 530 (42 U.S.C. 290cc-30), by striking "the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse" and inserting in lieu thereof "the Administrator of the Substance Abuse and Mental Health Services Administration".

(b) GENERAL PUBLIC HEALTH SERVICE ACT AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in section 227 (42 U.S.C. 236)—

(A) by striking out ", and the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (c)(2);

(B) by striking out ", the Alcohol, Drug Abuse, and Mental Health Administration," in subsection (c)(3);

(C) by striking out "and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (e); and

(D) by striking out "and the Alcohol, Drug Abuse, and Mental Health Administration" each place such term appears in subsection (e);

(2) in section 319(a) (42 U.S.C. 247d(a))—

(A) by striking out "the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Administrator of the Substance Abuse and Mental Health Services Administration"; and

(B) by striking out "Director, Administrator" in the matter following paragraph (2) and inserting in lieu thereof "Directors, Administrator";

(3) in section 402(d)(1) (42 U.S.C. 282(d)(1)), by striking out "two hundred" and inserting in lieu thereof "220";

(4) in section 487(a)(1) (42 U.S.C. 288(a)(1))—

(A) by striking out "and the Alcohol, Drug Abuse, and Mental Health Administration" in subparagraph (A)(i); and

(B) by striking out "or the Alcohol, Drug Abuse, and Mental Health Administration" in the matter immediately following subparagraph (B);

(5) in section 489(a)(2) (42 U.S.C. 288b(a)(2)), by striking out "and institutes under the Alcohol, Drug Abuse, and Mental Health Administration";

(6) in section 499A(g)(9) (42 U.S.C. 290b(g)(9))—

(A) by striking out "or the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration"; and

(B) by striking out "and the Alcohol, Drug Abuse, and Mental Health Administration"; and

(7) in section 2303 (42 U.S.C. 300cc–2)—

(A) by striking out "Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (b), and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration"; and

(B) by striking out "Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (c), and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration".

(c) OTHER LAWS.—

(1) Section 4 of the Orphan Drug Amendments of 1985 (42 U.S.C. 236 note) is amended—

(A) in subsection (b), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration,";

(B) in subsection (c)—

(i) by striking out "the Alcohol, Drug Abuse, and Mental Health Administration," in the matter preceding paragraph (1); and

(ii) by striking out "the institutes of the Alcohol, Drug Abuse, and Mental Health Administration," in paragraph (7); and

(C) in subsection (d)—

(i) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) Four nonvoting members shall be appointed for the directors of the national research institutes of the National Institutes of Health which the Secretary determines are involved with rare diseases."; and

(ii) by striking out "or an institute of the Alcohol, Drug Abuse, and Mental Health Administration" in the matter immediately following paragraph (3).

(2) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(A) in section 202(b)(1) (42 U.S.C. 3012(b)(1)), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration";

(B) in section 301(b)(2) (42 U.S.C. 3021(b)(2)), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration"; and

(C) in section 402(b) (42 U.S.C. 3030bb(b)), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration".

(3) The Protection and Advocacy for Mentally Ill Individuals Act of 1986 is amended—

(A) in section 111(c) (42 U.S.C. 10821(c)), by striking out "3-year" each place that such appears and inserting in lieu thereof "4-year"; and

(B) in section 116 (42 U.S.C. 10826), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration".

Subtitle F—Employee Assistance Programs

SEC. 171. PROGRAM OF GRANTS UNDER CENTER FOR SUBSTANCE ABUSE PREVENTION.

Title V of the Public Health Service Act (as amended by sections 114 and 120) is amended by adding at the end of subpart 2 of part B the following new section:

"SEC. 518. EMPLOYEE ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—The Director of the Prevention Center may make grants to public and nonprofit private entities for the purpose of assisting business organizations in establishing employee assistance programs to provide appropriate services for employees of the organizations regarding substance abuse, including education and prevention services and referrals for treatment.

"(b) CERTAIN REQUIREMENTS.—A business organization may not be assisted under subsection (a) if the organization has an employee assistance program in operation. The organization may receive such assistance only if the organization lacks the financial resources for operating such a program.

"(c) SPECIAL CONSIDERATION FOR CERTAIN SMALL BUSINESSES.—In making grants under subsection (a), the Director of the Prevention Office shall give special consideration to business organizations with 50 or fewer employees.

"(d) CONSULTATION AND TECHNICAL ASSISTANCE.—In the case of small businesses being assisted under subsection (a), the Secretary shall consult with the entities and organizations involved and provide technical assistance and training with respect to establishing and operating employee assistance programs in accordance with this subtitle. Such assistance shall include technical assistance in establishing workplace substance abuse programs.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.".

TITLE II—BLOCK GRANTS TO STATES REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE

SEC. 201. ESTABLISHMENT OF SEPARATE BLOCK GRANT REGARDING MENTAL HEALTH.

Part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) is amended—

(1) by amending the heading for the part to read as follows:

"PART B—BLOCK GRANTS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE"; and

(2) by striking subparts 1 and 2 and inserting the following:

"Subpart I—Block Grants for Community Mental Health Services

"SEC. 1911. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Director of the Center for Mental Health Services, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 1918. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 1917.

"(b) PURPOSE OF GRANTS.—A funding agreement for a grant under subsection (a) is that, subject to section 1916, the State involved will expend the grant only for the purpose of—

"(1) carrying out the plan submitted under section 1912(a) by the State for the fiscal year involved;

"(2) evaluating programs and services carried out under the plan; and

"(3) planning, administration, and educational activities related to providing services under the plan.

"SEC. 1912. STATE PLAN FOR COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CERTAIN INDIVIDUALS.

"(a) IN GENERAL.—The Secretary may make a grant under section 1911 only if—

"(1) the State involved submits to the Secretary a plan for providing comprehensive community mental health services to adults with a serious mental illness and to children with a serious emotional disturbance;

"(2) the plan meets the criteria specified in subsection (b); and

"(3) the plan is approved by the Secretary.

"(b) CRITERIA FOR PLAN.—With respect to the provision of comprehensive community mental health services to individuals who are either adults with a serious mental illness or children with a serious emotional disturbance, the criteria referred to in subsection (a) regarding a plan are as follows:

"(1) The plan provides for the establishment and implementation of an organized community-based system of care for such individuals.

"(2) The plan contains quantitative targets to be achieved in the implementation of such system, including the numbers of such individuals residing in the areas to be served under such system.

"(3) The plan describes available services, available treatment options, and available resources (including Federal, State and local public services and resources, and to the extent practicable, private services and resources) to be provided such individuals.

"(4) The plan describes health and mental health services, rehabilitation services, employment services, housing services, educational services, medical and dental care, and other support services to be provided to such individuals with Federal, State and local public and private resources to enable such individuals to function outside of inpatient or residential institutions to the maximum extent of their capabilities, including services to be provided by local school systems under the Individuals with Disabilities Education Act.

"(5) The plan describes the financial resources and staffing necessary to implement the requirements of such plan, including programs to train individuals as providers of mental health services, and the plan emphasizes training of providers of emergency health services regarding mental health.

"(6) The plan provides for activities to reduce the rate of hospitalization of such individuals.

"(7)(A) Subject to subparagraph (B), the plan requires the provision of case management services to each such individual in the State who receives substantial amounts of public funds or services.

"(B) The plan may provide that the requirement of subparagraph (A) will not be substantially completed until the end of fiscal year 1993.

"(8) The plan provides for the establishment and implementation of a program of outreach to, and services for, such individuals who are homeless.

"(9) In the case of children with a serious emotional disturbance, the plan—

"(A) subject to subparagraph (B), provides for a system of integrated social services, educational services, juvenile services, and substance abuse services that, together with health and mental health services, will be provided in order for such children to receive care appropriate for their multiple needs (which system includes services provided under the Individuals with Disabilities Education Act);

"(B) provides that the grant under section 1911 for the fiscal year involved will not be expended to provide any service of such system other than comprehensive community mental health services; and

"(C) provides for the establishment of a defined geographic area for the provision of the services of such system.

"(10) The plan describes the manner in which mental health services will be provided to individuals residing in rural areas.

"(11) The plan contains an estimate of the incidence and prevelance in the State of serious mental illness among adults and serious emotional disturbance among children.

"(12) The plan contains a description of the manner in which the State intends to expend the grant under section 1911 for the fiscal year involved to carry out the provisions of the plan required in paragraphs (1) through (11).

"(c) DEFINITIONS REGARDING MENTAL ILLNESS AND EMOTIONAL DISTURBANCE; METHODS FOR ESTIMATE OF INCIDENCE AND PREVALENCE.—

"(1) ESTABLISHMENT BY SECRETARY OF DEFINITIONS; DISSEMINATION.—For purposes of this subpart, the Secretary shall establish definitions for the terms 'adults with a serious mental illness' and 'children with a serious emotional disturbance'. The Secretary shall disseminate the definitions to the States.

"(2) STANDARDIZED METHODS.—The Secretary shall establish standardized methods for making the estimates required in subsection (b)(11) with respect to a State. A funding agreement for a grant under section 1911 for the State is that the State will utilize such methods in making the estimates.

"(3) DATE CERTAIN FOR COMPLIANCE BY SECRETARY.—Not later than 90 days after the date of the enactment of the ADAMHA Reorganization Act, the Secretary shall establish the definitions described in paragraph (1), shall begin dissemination of the definitions to the States, and shall establish the standardized methods described in paragraph (2).

"(d) REQUIREMENT OF IMPLEMENTATION OF PLAN.—

"(1) COMPLETE IMPLEMENTATION.—Except as provided in paragraph (2), in making a grant under section 1911 to a State for a fiscal year, the Secretary shall make a determination of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that a State has not completely implemented the plan, the Secretary shall reduce the amount of the allotment under section 1911 for the State for the fiscal year involved by an amount equal to 10 percent of the amount determined under section 1918 for the State for the fiscal year.

"(2) SUBSTANTIAL IMPLEMENTATION AND GOOD FAITH EFFORT REGARDING FISCAL YEAR 1993.—

"(A) In making a grant under section 1911 to a State for fiscal year 1993, the Secretary shall make a determination of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that the State has not substantially implemented the plan, the Secretary shall, subject to subparagraph (B), reduce the amount of the allotment under section 1911 for the State for such fiscal year by an amount equal to 10 percent of the amount determined under section 1918 for the State for the fiscal year.

"(B) In carrying out subparagraph (A), if the Secretary determines that the State is making a good faith effort to implement the plan required in subsection (a), the Secretary may make a reduction under such subparagraph in an amount that is less than the amount specified in such subparagraph, except that the reduction may not be made in an amount that is less than 5 percent of the amount determined under section 1918 for the State for fiscal year 1993.

"SEC. 1913. CERTAIN AGREEMENTS.

"(a) ALLOCATION FOR SYSTEMS OF INTEGRATED SERVICES FOR CHILDREN.—

"(1) IN GENERAL.—With respect to children with a serious emotional disturbance, a funding agreement for a grant under section 1911 is that—

"(A) in the case of a grant for fiscal year 1993, the State involved will expend not less than 10 percent of the grant to increase (relative to fiscal year 1992) funding for the system of integrated services described in section 1912(b)(9);

"(B) in the case of a grant for fiscal year 1994, the State will expend not less than 10 percent of the grant to increase (relative to fiscal year 1993) funding for such system; and

"(C) in the case of a grant for any subsequent fiscal year, the State will expend for such system not less than an amount equal to the amount expended by the State for fiscal year 1994.

"(2) WAIVER.—

"(A) Upon the request of a State, the Secretary may provide to the State a waiver of all or part of the requirement established in paragraph (1) if the Secretary determines that the State is providing an adequate level of comprehensive community mental health services for children with a serious emotional disturbance, as indicated by a comparison of the number of such children for which such services are sought with the availability in the State of the services.

"(B) The Secretary shall approve or deny a request for a waiver under subparagraph (A) not later than 120 days after the date on which the request is made.

"(C) Any waiver provided by the Secretary under subparagraph (A) shall be applicable only to the fiscal year involved.

"(b) PROVIDERS OF SERVICES.—A funding agreement for a grant under section 1911 for a State is that, with respect to the plan submitted under section 1912(a) for the fiscal year involved—

"(1) services under the plan will be provided only through appropriate, qualified community programs (which may include community mental health centers, child mental-health programs, psychosocial rehabilitation programs, mental health peer-support programs, and mental-health primary consumer-directed programs); and

"(2) services under the plan will be provided through community mental health centers only if the centers meet the criteria specified in subsection (c).

"(c) CRITERIA FOR MENTAL HEALTH CENTERS.—The criteria referred to in subsection (b)(2) regarding community mental health centers are as follows:

"(1) With respect to mental health services, the centers provide services as follows:

"(A) Services principally to individuals residing in a defined geographic area (hereafter in this subsection referred to as a 'service area').

"(B) Outpatient services, including specialized outpatient services for children, the elderly, individuals with a serious mental illness, and residents of the service areas of the centers who have been discharged from inpatient treatment at a mental health facility.

"(C) 24-hour-a-day emergency care services.

"(D) Day treatment or other partial hospitalization services, or psychosocial rehabilitation services

"(E) screening for patients being considered for admission to State mental health facilities to determine the appropriateness of such admission;

"(2) The mental health services of the centers are provided, within the limits of the capacities of the centers, to any individual residing or employed in the service area of the center regardless of ability to pay for such services.

"(3) The mental health services of the centers are available and accessible promptly, as appropriate and in a manner which preserves human dignity and assures continuity and high quality care.

"SEC. 1914. STATE MENTAL HEALTH PLANNING COUNCIL.

"(a) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will establish and maintain a State mental health planning council in accordance with the conditions described in this section.

"(b) DUTIES.—A condition under subsection (a) for a Council is that the duties of the Council are—

"(1) to review plans provided to the Council pursuant to section 1915(a) by the State involved and to submit to the State any recommendations of the Council for modifications to the plans;

"(2) to serve as an advocate for adults with a serious mental illness, children with a severe emotional disturbance, and other individuals with mental illnesses or emotional problems; and

"(3) to monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services within the State.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—A condition under subsection (a) for a Council is that the Council be composed of residents of the State, including representatives of—

"(A) the principal State agencies with respect to—

"(i) mental health, education, vocational rehabilitation, criminal justice, housing, and social services; and

"(ii) the development of the plan submitted pursuant to title XIX of the Social Security Act;

"(B) public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;

"(C) adults with serious mental illnesses who are receiving (or have received) mental health services; and

"(D) the families of such adults or families of children with emotional disturbance.

"(2) CERTAIN REQUIREMENTS.—A condition under subsection (a) for a Council is that—

"(A) with respect to the membership of the Council, the ratio of parents of children with a serious emotional disturbance to other members of the Council is sufficient to provide adequate representation of such children in the deliberations of the Council; and

"(B) not less than 50 percent of the members of the Council are individuals who are not State employees or providers of mental health services.

"(d) DEFINITION.—For purposes of this section, the term 'Council' means a State mental health planning council.

"SEC. 1915. ADDITIONAL PROVISIONS.

"(a) REVIEW OF STATE PLAN BY MENTAL HEALTH PLANNING COUNCIL.—The Secretary may make a grant under section 1911 to a State only if—

"(1) the plan submitted under section 1912(a) with respect to the grant has been reviewed by the State mental health planning council under section 1914; and

"(2) the State submits to the Secretary any recommendations received by the State from such council for modifications to the plan (without regard to whether the State has made the recommended modifications).

"(b) MAINTENANCE OF EFFORT REGARDING STATE EXPENDITURES FOR MENTAL HEALTH.—

"(1) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will maintain State expenditures for community mental health services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

"(2) WAIVER.—The Secretary may, upon the request of a State, waive the requirement established in paragraph (1) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.

"(3) NONCOMPLIANCE BY STATE.—

"(A) In making a grant under section 1911 to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with the agreement made under paragraph (1). If the Secretary determines that a State has failed to maintained such compliance, the Secretary shall reduce the amount of the allotment under section 1911 for the State for the fiscal year for which the grant is being made by an amount equal to the amount constituting such failure for the previous fiscal year.

"(B) The Secretary may make a grant under section 1911 for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in subparagraph (A).

"SEC. 1916. RESTRICTIONS ON USE OF PAYMENTS.

"(a) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will not expend the grant—

"(1) to provide inpatient services;

"(2) to make cash payments to intended recipients of health services;

"(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 1911 is that the State involved will not expend more than 5 percent of the grant for administrative expenses with respect to the grant.

"SEC. 1917. APPLICATION FOR GRANT.

"(a) IN GENERAL.—For purposes of section 1911, an application for a grant under such section for a fiscal year is in accordance with this section if, subject to subsection (b)—

"(1) the State involved submits the application not later than the date specified by the Secretary as being the date after which applications for such a grant will not be considered (in any case in which the Secretary specifies such a date);

"(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);

"(3) the agreements are made through certification from the chief executive officer of the State;

"(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

"(5) the application contains the plan required in section 1912(a), the information required in section 1915(b)(3)(B), and the report required in section 1942(a);

"(6) the application contains recommendations in compliance with section 1915(a), or if no such recommendations are received by the State, the application otherwise demonstrates compliance with such section; and

"(7) the application (including the plan under section 1912(a)) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

"(b) WAIVERS REGARDING CERTAIN TERRITORIES.—In the case of any territory of the United States whose allotment under section 1911 for the fiscal year is the amount specified in section 1918(c)(2)(B), the Secretary may waive such provisions of this subpart and subpart III as the Secretary determines to be appropriate, other than the provisions of section 1916.

"SEC. 1918. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) STATES.—

"(1) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the Secretary shall determine the amount of the allotment required in section 1911 for a State for a fiscal year in accordance with the following formula:

$$A\left(\frac{X}{U}\right)$$

"(2) DETERMINATION OF TERM 'A'.—For purposes of paragraph (1), the term 'A' means the difference between—

"(A) the amount appropriated under section 1920(a) for allotments under section 1911 for the fiscal year involved; and

"(B) an amount equal to 1.5 percent of the amount referred to in subparagraph (A).

"(3) DETERMINATION OF TERM 'U'.—For purposes of paragraph (1), the term 'U' means the sum of the respective terms 'X' determined for the States under paragraph (4).

"(4) DETERMINATION OF TERM 'X'.—For purposes of paragraph (1), the term 'X' means the product of—

"(A) an amount equal to the product of—

"(i) the term 'P', as determined for the State involved under paragraph (5); and

"(ii) the factor determined under paragraph (8) for the State; and

"(B) the greater of—

"(i) 0.4; and

"(ii) an amount equal to an amount determined for the State in accordance with the following formula:

$$1-.35\left(\frac{R\%}{P\%}\right)$$

"(5) DETERMINATION OF TERM 'P'.—

"(A) For purposes of paragraph (4), the term 'P' means the sum of—

"(i) an amount equal to the product of 0.107 and the number of individuals in the State who are between 18 and 24 years of age (inclusive);

"(ii) an amount equal to the product of 0.166 and the number of individuals in the State who are between 25 and 44 years of age (inclusive);

"(iii) an amount equal to the product of 0.099 and the number of individuals in the State who are between 25 and 64 years of age (inclusive); and

"(iv) an amount equal to the product of 0.082 and the number of individuals in the State who are 65 years of age or older.

"(B) With respect to data on population that is necessary for purposes of making a determination under subparagraph (A), the Secretary shall use the most recent data that is available from the Secretary of Commerce pursuant to the decennial census and pursuant to reasonable estimates by such Secretary of changes occurring in the data in the ensuing period.

"(6) DETERMINATION OF TERM 'R%'.—

"(A) For purposes of paragraph (4), the term 'R%', except as provided in subparagraph (D), means the percentage constituted by the ratio of the amount determined under subparagraph (B) for the State involved to the amount determined under subparagraph (C).

"(B) The amount determined under this subparagraph for the State involved is the quotient of—

"(i) the most recent 3-year arithmetic mean of the total taxable resources of the State, as determined by the Secretary of the Treasury; divided by

"(ii) the factor determined under paragraph (8) for the State.

"(C) The amount determined under this subparagraph is the sum of the respective amounts determined for the States under subparagraph (B) (including the District of Columbia).

"(D)(i) In the case of the District of Columbia, for purposes of paragraph (4), the term 'R%' means the percentage constituted by the ratio of the amount determined under clause (ii) for such District to the amount determined under clause (iii).

"(ii) The amount determined under this clause for the District of Columbia is the quotient of—

"(I) the most recent 3-year arithmetic mean of total personal income in such District, as determined by the Secretary of Commerce; divided by

"(II) the factor determined under paragraph (8) for the District.

"(iii) The amount determined under this clause is the sum of the respective amounts determined for the States (including the District of Columbia) by making, for each State, the same determination as is described in clause (ii) for the District of Columbia.

"(7) DETERMINATION OF TERM 'P%'.—For purposes of paragraph (4), the term 'P%' means the percentage constituted by the ratio of the term 'P' determined under paragraph (5) for the State involved to the sum of the respective terms 'P' determined for the States.

"(8) DETERMINATION OF CERTAIN FACTOR.—

"(A) The factor determined under this paragraph for the State involved is a factor whose purpose is to adjust the amount determined under clause (i) of paragraph (4)(A), and the amounts determined under each of subparagraphs (B)(i) and (D)(ii)(I) of paragraph (6), to reflect the differences that exist between the State and other States in the costs of providing comprehensive community mental health services to adults with a serious mental illness and to children with a serious emotional disturbance.

"(B) Subject to subparagraph (C), the factor determined under this paragraph and in effect for the fiscal year involved shall be determined according to the methodology described in the report entitled 'Adjusting the Alcohol, Drug Abuse and Mental Health Services Block Grant Allocations for Poverty Populations and Cost of Service', dated March 30, 1990, and prepared by Health Economics Research, a corporation, pursuant to a contract with the National Institute on Drug Abuse.

"(C) The factor determined under this paragraph for the State involved may not for any fiscal year be greater than 1.1 or less than 0.9.

"(D)(i) Not later than October 1, 1992, the Secretary, after consultation with the Comptroller General, shall in accordance with this section make a determination for each State of the factor that is to be in effect for the State under this paragraph. The factor so determined shall remain in effect through fiscal year 1994, and shall be recalculated every third fiscal year thereafter.

"(ii) After consultation with the Comptroller General, the Secretary shall, through publication in the Federal Register, periodically make such refinements in the methodology referred to in subparagraph (B) as are consistent with the purpose described in subparagraph (A).

"(b) MINIMUM ALLOTMENTS FOR STATES.—For each of the fiscal years 1993 and 1994, the amount of the allotment required in section 1911 for a State for the fiscal year involved shall be the greater of—

"(1) the amount determined under subsection (a) for the State for the fiscal year; and

"(2) an amount equal to 20.6 percent of the amount received by the State from allotments made pursuant to this part for fiscal year 1992 (including reallotments under section 205(a) of the ADAMHA Reorganization Act).

"(c) TERRITORIES.—

"(1) DETERMINATION UNDER FORMULA.—Subject to paragraphs (2) and (4), the amount of an allotment under section 1911 for a territory of the United States for a fiscal year shall be the product of—

"(A) an amount equal to the amounts reserved under paragraph (3) for the fiscal year; and

"(B) a percentage equal to the quotient of—

"(i) the civilian population of the territory, as indicated by the most recently available data; divided by

"(ii) the aggregate civilian population of the territories of the United States, as indicated by such data.

"(2) MINIMUM ALLOTMENT FOR TERRITORIES.—The amount of an allotment under section 1911 for a territory of the United States for a fiscal year shall be the greater of—

"(A) the amount determined under paragraph (1) for the territory for the fiscal year; and

"(B) \$50,000.

"(3) RESERVATION OF AMOUNTS.—The Secretary shall each fiscal year reserve for the territories of the United States 1.5 percent of the amounts appropriated under section 1920(a) for allotments under section 1911 for the fiscal year.

"(4) AVAILABILITY OF DATA ON POPULATION.—With respect to data on the civilian population of the territories of the United States, if the Secretary determines for a fiscal year that recent such data for purposes of paragraph (1)(B) do not exist regarding a territory, the Secretary shall for such purposes estimate the civilian population of the territory by modifying the data on the territory to reflect the average extent of change occurring during the ensuing period in the population of all territories with respect to which recent such data do exist.

"(5) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of subsection (a), the term 'State' does not include the territories of the United States.

"SEC. 1919. DEFINITIONS.

"For purposes of this subpart:

"(1) The terms 'adults with a serious mental illness' and 'children with a serious emotional disturbance' have the meanings given such terms under section 1912(c)(1).

"(2) The term 'funding agreement', with respect to a grant under section 1911 to a State, means that the Secretary may make such a grant only if the State makes the agreement involved.

"SEC. 1920. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, and subpart III and section 505 with respect to mental health, there are authorized to be appropriated \$450,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(b) ALLOCATIONS FOR TECHNICAL ASSISTANCE, DATA COLLECTION, AND PROGRAM EVALUATION.—

"(1) IN GENERAL.—For the purpose of carrying out section 1948(a) with respect to mental health and the purposes specified in paragraphs (2) and (3), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) for a fiscal year.

"(2) DATA COLLECTION.—The purpose specified in this paragraph is carrying out section 505 with respect to mental health.

"(3) PROGRAM EVALUATION.—The purpose specified in this paragraph is the conduct of evaluations of prevention and treatment programs and services with respect to mental health to determine methods for improving the availability and quality of such programs and services.".

SEC. 202. ESTABLISHMENT OF SEPARATE BLOCK GRANT REGARDING SUBSTANCE ABUSE.

Part B of title XIX of the Public Health Service Act, as amended by section 101 of this Act, is amended by adding at the end the following:

"Subpart II—Block Grants for Prevention and Treatment of Substance Abuse

"SEC. 1921. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Center for Substance Abuse Treatment, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 1933. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 1932.

"(b) AUTHORIZED ACTIVITIES.—A funding agreement for a grant under subsection (a) is that, subject to section 1931, the State involved will expend the grant only for the purpose of planning, carrying out, and evaluating activities to prevent and treat substance abuse and for related activities authorized in section 1924.

"SEC. 1922. CERTAIN ALLOCATIONS.

"(a) ALLOCATIONS REGARDING ALCOHOL AND OTHER DRUGS.—A funding agreement for a grant under section 1921 is that, in expending the grant, the State involved will expend—

"(1) not less than 35 percent for prevention and treatment activities regarding alcohol; and

"(2) not less than 35 percent for prevention and treatment activities regarding other drugs.

"(b) ALLOCATION REGARDING PRIMARY PREVENTION PROGRAMS.—A funding agreement for a grant under section 1921 is that, in expending the grant, the State involved—

"(1) will expend not less than 20 percent for programs for individuals who do not require treatment for substance abuse, which programs—

"(A) educate and counsel the individuals on such abuse; and

"(B) provide for activities to reduce the risk of such abuse by the individuals;

"(2) will, in carrying out paragraph (1)—

"(A) give priority to programs for populations that are at risk of developing a pattern of such abuse; and

"(B) ensure that programs receiving priority under subparagraph (A) develop community-based strategies for the prevention of such abuse, including strategies to discourage the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.

"(c) ALLOCATIONS REGARDING WOMEN.—

"(1) IN GENERAL.—Subject to paragraph (2), a funding agreement for a grant under section 1921 for a fiscal year is that—

"(A) in the case of a grant for fiscal year 1993, the State involved will expend not less than 5 percent of the grant to increase (relative to fiscal year 1992) the availability of treatment services designed for pregnant women and women with dependent children (either by establishing new programs or expanding the capacity of existing programs);

"(B) in the case of a grant for fiscal year 1994, the State will expend not less than 5 percent of the grant to so increase (relative to fiscal year 1993) the availability of such services for such women; and

"(C) in the case of a grant for any subsequent fiscal year, the State will expend for such services for such women not less than an amount equal to the amount expended by the State for fiscal year 1994.

"(2) WAIVER.—

"(A) Upon the request of a State, the Secretary may provide to the State a waiver of all or part of the requirement established in paragraph (1) if the Secretary determines that the State is providing an adequate level of treatments services for women described in such paragraph, as indicated by a comparison of the number of such women seeking the services with the availability in the State of the services.

"(B) The Secretary shall approve or deny a request for a waiver under subparagraph (A) not later than 120 days after the date on which the request is made.

"(C) Any waiver provided by the Secretary under subparagraph (A) shall be applicable only to the fiscal year involved.

"(3) CHILDCARE AND PRENATAL CARE.—A funding agreement for a grant under section 1921 for a State is that each entity providing treatment services with amounts reserved under paragraph (1) by the State will, directly or through arrangements with other public or nonprofit private entities, make available prenatal care to women receiving such services and, while the women are receiving the services, childcare.

"SEC. 1923. INTRAVENOUS SUBSTANCE ABUSE.

"(a) CAPACITY OF TREATMENT PROGRAMS.—

"(1) NOTIFICATION OF REACHING CAPACITY.—A funding agreement for a grant under section 1921 is that the State involved will, in the case of programs of treatment for intravenous drug abuse, require that any such program receiving amounts from the grant, upon reaching 90 percent of its capacity to admit individuals to the program, provide to the State a notification of such fact.

"(2) PROVISION OF TREATMENT.—A funding agreement for a grant under section 1921 is that the State involved will, with respect to notifications under paragraph (1), ensure that each individual who requests and is in need of treatment for intravenous drug abuse is admitted to a program of such treatment not later than—

"(A) 14 days after making the request for admission to such a program; or

"(B) 120 days after the date of such request, if no such program has the capacity to admit the individual on the date of such request and if interim services are made available to the individual not later than 48 hours after such request.

"(b) OUTREACH REGARDING INTRAVENOUS SUBSTANCE ABUSE.—A funding agreement for a grant under section 1921 is that the State involved, in providing amounts from the grant to any entity for treatment services for intravenous drug abuse, will require the entity to carry out activities to encourage individuals in need of such treatment to undergo treatment.

"SEC. 1924. REQUIREMENTS REGARDING TUBERCULOSIS AND HUMAN IMMUNODEFICIENCY VIRUS.

"(a) TUBERCULOSIS.—

"(1) IN GENERAL.—A funding agreement for a grant under section 1921 is that the State in-

volved will require that any entity receiving amounts from the grant for operating a program of treatment for substance abuse—

"(A) will, directly or through arrangements with other public or nonprofit private entities, routinely make available tuberculosis services to each individual receiving treatment for such abuse; and

"(B) in the case of an individual in need of such treatment who is denied admission to the program on the basis of the lack of the capacity of the program to admit the individual, will refer the individual to another provider of tuberculosis services.

"(2) TUBERCULOSIS SERVICES.—For purposes of paragraph (1), the term 'tuberculosis services', with respect to an individual, means—

"(A) counseling the individual with respect to tuberculosis;

"(B) testing to determine whether the individual has contracted such disease and testing to determine the form of treatment for the disease that is appropriate for the individual; and

"(C) providing such treatment to the individual.

"(b) HUMAN IMMUNODEFICIENCY VIRUS.—

"(1) REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2), a funding agreement for a grant under section 1921 is that—

"(A) with respect to individuals undergoing treatment for substance abuse, the State will, subject to paragraph (3), carry out 1 or more projects to make available to the individuals early intervention services for HIV disease at the sites at which the individuals are undergoing such treatment;

"(B) for the purpose of providing such early intervention services through such projects, the State will make available from the grant the percentage that is applicable for the State under paragraph (4); and

"(C) the State will, subject to paragraph (5), carry out such projects only in geographic areas of the State that have the greatest need for the projects.

"(2) DESIGNATED STATES.—For purposes of this subsection, a State described in this paragraph is any State whose rate of cases of acquired immune deficiency syndrome is 10 or more such cases per 100,000 individuals (as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control for the most recent calendar year for which such data are available).

"(3) USE OF EXISTING PROGRAMS REGARDING SUBSTANCE ABUSE.—With respect to programs that provide treatment services for substance abuse, a funding agreement for a grant under section 1921 for a designated State is that each such program participating in a project under paragraph (1) will be a program that began operation prior to the fiscal year for which the State is applying to receive the grant. A program that so began operation may participate in a project under paragraph (1) without regard to whether the program has been providing early intervention services for HIV disease.

"(4) APPLICABLE PERCENTAGE REGARDING EXPENDITURES FOR SERVICES.—

"(A)(i) For purposes of paragraph (1)(B), the percentage that is applicable under this paragraph for a designated State is, subject to subparagraph (B), the percentage by which the amount of the grant under section 1921 for the State for the fiscal year involved is an increase over the amount specified in clause (ii).

"(ii) The amount specified in this clause is the amount that was reserved by the designated State involved from the allotment of the State under section 1912A for fiscal year 1991 in compliance with section 1916(c)(6)(A)(ii) (as such sections were in effect for such fiscal year).

"(B) If the percentage determined under subparagraph (A) for a designated State for a fiscal year is less than 2 percent (including a negative percentage, in the case of a State for which there is no increase for purposes of such subparagraph), the percentage applicable under this paragraph for the State is 2 percent. If the percentage so determined is 2 percent or more, the percentage applicable under this paragraph for the State is the percentage determined under subparagraph (A), subject to not exceeding 5 percent.

"(5) REQUIREMENT REGARDING RURAL AREAS.—

"(A) A funding agreement for a grant under section 1921 for a designated State is that, if the State will carry out 2 or more projects under paragraph (1), the State will carry out 1 such project in a rural area of the State, subject to subparagraph (B).

"(B) The Secretary shall waive the requirement established in subparagraph (A) if the State involved certifies to the Secretary that—

"(i) there is insufficient demand in the State to carry out a project under paragraph (1) in any rural area of the State; or

"(ii) there are no rural areas in the State.

"(6) MANNER OF PROVIDING SERVICES.—With respect to the provision of early intervention services for HIV disease to an individual, a funding agreement for a grant under section 1921 for a designated State is that—

"(A) such services will be undertaken voluntarily by, and with the informed consent of, the individual; and

"(B) undergoing such services will not be required as a condition of receiving treatment services for substance abuse or any other services.

"(7) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'designated State' means a State described in paragraph (2).

"(B) The term 'early intervention services', with respect to HIV disease, means—

"(i) appropriate pretest counseling;

"(ii) testing individuals with respect to such disease, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease;

"(iii) appropriate post-test counseling; and

"(iv) providing the therapeutic measures described in clause (ii).

"(C) The term 'HIV disease' means infection with the etiologic agent for acquired immune deficiency syndrome.

"(c) EXPENDITURE OF GRANT FOR COMPLIANCE WITH AGREEMENTS.—

"(1) IN GENERAL.—A grant under section 1921 may be expended for purposes of compliance with the agreements required in this section, subject to paragraph (2).

"(2) LIMITATION.—A funding agreement for a grant under section 1921 for a State is that the grant will not be expended to make payment for any service provided for purposes of compliance with this section to the extent that payment has been made, or can reasonably be expected to be made, with respect to such service—

"(A) under any State compensation program, under any insurance policy, or under any Federal or State health benefits program (including the program established in title XVIII of the Social Security Act and the program established in title XIX of such Act); or

"(B) by an entity that provides health services on a prepaid basis.

"(d) MAINTENANCE OF EFFORT.—With respect to services provided for by a State for purposes of compliance with this section, a funding agreement for a grant under section 1921 is that the State will maintain expenditures of non-Federal amounts for such services at a level that is not less than average level of such expenditures maintained by the State for 2-year period preceding the first fiscal year for which the State receives such a grant.

"(e) APPLICABILITY OF CERTAIN PROVISION.—Section 1931 applies to this section (and to each other provision of this subpart).

"SEC. 1925. GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.

"(a) STATE REVOLVING FUNDS FOR ESTABLISHMENT OF HOMES.—For fiscal year 1993 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has established, and is providing for the ongoing operation of, a revolving fund as follows:

"(1) The purpose of the fund is to make loans for the costs of establishing programs for the provision of housing in which individuals recovering from alcohol or drug abuse may reside in groups of not less than 6 individuals. The fund is established directly by the State or through the provision of a grant or contract to a nonprofit private entity.

"(2) The programs are carried out in accordance with guidelines issued under subsection (b).

"(3) Not less than $100,000 is available for the fund.

"(4) Loans made from the revolving fund do not exceed $4,000 and each such loan is repaid to the revolving fund by the residents of the housing involved not later than 2 years after the date on which the loan is made.

"(5) Each such loan is repaid by such residents through monthly installments, and a reasonable penalty is assessed for each failure to pay such periodic installments by the date specified in the loan agreement involved.

"(6) Such loans are made only to nonprofit private entities agreeing that, in the operation of the program established pursuant to the loan—

"(A) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited;

"(B) any resident of the housing who violates such prohibition will be expelled from the housing;

"(C) the costs of the housing, including fees for rent and utilities, will be paid by the residents of the housing; and

"(D) the residents of the housing will, through a majority vote of the residents, otherwise establish policies governing residence in the housing, including the manner in which applications for residence in the housing are approved.

"(b) ISSUANCE BY SECRETARY OF GUIDELINES.—The Secretary shall ensure that there are in effect guidelines under this subpart for the operation of programs described in subsection (a).

"(c) APPLICABILITY TO TERRITORIES.—The requirements established in subsection (a) shall not apply to any territory of the United States other than the Commonwealth of Puerto Rico.

"SEC. 1926. STATE LAW REGARDING SALE OF TOBACCO PRODUCTS TO INDIVIDUALS UNDER AGE OF 18.

"(a) RELEVANT LAW.—

"(1) IN GENERAL.—Subject to paragraph (2), for fiscal year 1994 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18.

"(2) DELAYED APPLICABILITY FOR CERTAIN STATES.—In the case of a State whose legislature does not convene a regular session in fiscal year 1993, and in the case of a State whose legisla-

ture does not convene a regular session in fiscal year 1994, the requirement described in paragraph (1) as a condition of a receipt of a grant under section 1921 shall apply only for fiscal year 1995 and subsequent fiscal years.

"(b) ENFORCEMENT.—

"(1) IN GENERAL.—For the first applicable fiscal year and for subsequent fiscal years, a funding agreement for a grant under section 1921 is that the State involved will enforce the law described in subsection (a) in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18.

"(2) ACTIVITIES AND REPORTS REGARDING ENFORCEMENT.—For the first applicable fiscal year and for subsequent fiscal years, a funding agreement for a grant under section 1921 is that the State involved will—

"(A) annually conduct random, unannounced inspections to ensure compliance with the law described in subsection (a); and

"(B) annually submit to the Secretary a report describing—

"(i) the activities carried out by the State to enforce such law during the fiscal year preceding the fiscal year for which the State is seeking the grant;

"(ii) the extent of success the State has achieved in reducing the availability of tobacco products to individuals under the age of 18; and

"(iii) the strategies to be utilized by the State for enforcing such law during the fiscal year for which the grant is sought.

"(c) NONCOMPLIANCE OF STATE.—Before making a grant under section 1921 to a State for the first applicable fiscal year or any subsequent fiscal year, the Secretary shall make a determination of whether the State has maintained compliance with subsections (a) and (b). If, after notice to the State and an opportunity for a hearing, the Secretary determines that the State is not in compliance with such subsections, the Secretary shall reduce the amount of the allotment under such section for the State for the fiscal year involved by an amount equal to—

"(1) in the case of the first applicable fiscal year, 10 percent of the amount determined under section 1933 for the State for the fiscal year;

"(2) in the case of the first fiscal year following such applicable fiscal year, 20 percent of the amount determined under section 1933 for the State for the fiscal year;

"(3) in the case of the second such fiscal year, 30 percent of the amount determined under section 1933 for the State for the fiscal year; and

"(4) in the case of the third such fiscal year or any subsequent fiscal year, 40 percent of the amount determined under section 1933 for the State for the fiscal year.

"(d) DEFINITION.—For purposes of this section, the term 'first applicable fiscal year' means—

"(1) fiscal year 1995, in the case of any State described in subsection (a)(2); and

"(2) fiscal year 1994, in the case of any other State.

"SEC. 1927. TREATMENT SERVICES FOR PREGNANT WOMEN.

"(a) IN GENERAL.—A funding agreement for a grant under section 1921 is that the State involved—

"(1) will ensure that each pregnant woman in the State who seeks or is referred for and would benefit from such services is given preference in admissions to treatment facilities receiving funds pursuant to the grant; and

"(2) will, in carrying out paragraph (1), publicize the availability to such women of services from the facilities and the fact that the women receive such preference.

"(b) REFERRALS REGARDING STATES.—A funding agreement for a grant under section 1921 is that, in carrying out subsection (a)(1)—

"(1) the State involved will require that, in the event that a treatment facility has insufficient capacity to provide treatment services to any woman described in such subsection who seeks the services from the facility, the facility refer the woman to the State; and

"(2) the State, in the case of each woman for whom a referral under paragraph (1) is made to the State—

"(A) will refer the woman to a treatment facility that has the capacity to provide treatment services to the woman; or

"(B) will, if no treatment facility has the capacity to admit the woman, make available interim services available to the woman not later than 48 hours after the women seeks the treatment services.

"SEC. 1928. ADDITIONAL AGREEMENTS.

"(a) IMPROVEMENT OF PROCESS FOR APPROPRIATE REFERRALS FOR TREATMENT.—With respect to individuals seeking treatment services, a funding agreement for a grant under section 1921 is that the State involved will improve (relative to fiscal year 1992) the process in the State for referring the individuals to treatment facilities that can provide to the individuals the treatment modality that is most appropriate for the individuals.

"(b) CONTINUING EDUCATION.—With respect to any facility for treatment services or prevention actitivities that is receiving amounts from a grant under section 1921, a funding agreement for a State for a grant under such section is that continuing education in such services or activities (or both, as the case may be) will be made available to employees of the facility who provide the services or activities.

"(c) COORDINATION OF VARIOUS ACTIVITIES AND SERVICES.—A funding agreement for a grant under section 1921 is that the State involved will coordinate prevention and treatment activities with the provision of other appropriate services (including health, social, correctional and criminal justice, educational, vocational rehabilitation, and employment services).

"(d) WAIVER OF REQUIREMENT.—

"(1) IN GENERAL.—Upon the request of a State, the Secretary may provide to a State a waiver of any or all of the requirements established in this section if the Secretary determines that, with respect to services for the prevention and treatment of substance abuse, the requirement involved is unnecessary for maintaining quality in the provision of such services in the State.

"(2) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"(3) APPLICABILITY OF WAIVER.—Any waiver provided by the Secretary under paragraph (1) shall be applicable only to the fiscal year involved.

"SEC. 1929. SUBMISSION TO SECRETARY OF STATEWIDE ASSESSMENT OF NEEDS.

"The Secretary may make a grant under section 1921 only if the State submits to the Secretary an assessment of the need in the State for authorized activities (which assessment is conducted in accordance with criteria issued by the Secretary), both by locality and by the State in general, which assessment includes a description of—

"(1) the incidence and prevalence in the State of drug abuse and the incidence and prevalence in the State of alcohol abuse and alcoholism;

"(2) current prevention and treatment activities in the State;

"(3) the need of the State for technical assistance to carry out such activities;

"(4) efforts by the State to improve such activities; and

"(5) the extent to which the availability of such activities is insufficient to meet the need for the activities, the interim services to be made available under sections 1923(a) and 1927(b), and the manner in which such services are to be so available.

"SEC. 1930. MAINTENANCE OF EFFORT REGARDING STATE EXPENDITURES.

"(a) IN GENERAL.—With respect to the principal agency of a State for carrying out authorized activities, a funding agreement for a grant under section 1921 for the State for a fiscal year is that such agency will for such year maintain aggregate State expenditures for authorized activities at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

"(b) WAIVER.—

"(1) IN GENERAL.—Upon the request of a State, the Secretary may waive all or part of the requirement established in subsection (a) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.

"(2) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"(3) APPLICABILITY OF WAIVER.—Any waiver provided by the Secretary under paragraph (1) shall be applicable only to the fiscal year involved.

"(c) NONCOMPLIANCE BY STATE.—

"(1) IN GENERAL.—In making a grant under section 1921 to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with any agreement made under subsection (a). If the Secretary determines that a State has failed to maintained such compliance, the Secretary shall reduce the amount of the allotment under section 1921 for the State for the fiscal year for which the grant is being made by an amount equal to the amount constituting such failure for the previous fiscal year.

"(2) SUBMISSION OF INFORMATION TO SECRETARY.—The Secretary may make a grant under section 1921 for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in paragraph (1).

"SEC. 1931. RESTRICTIONS ON EXPENDITURE OF GRANT.

"(a) IN GENERAL.—

"(1) CERTAIN RESTRICTIONS.—A funding agreement for a grant under section 1921 is that the State involved will not expend the grant—

"(A) to provide inpatient hospital services, except as provided in subsection (b);

"(B) to make cash payments to intended recipients of health services;

"(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds;

"(E) to provide financial assistance to any entity other than a public or nonprofit private entity; or

"(F) to carry out any program prohibited by section 256(b) of the Health Omnibus Programs Extension of 1988 (42 U.S.C. 300ee-5).

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 1921 is that the State involved will not expend more than 5 percent of the grant to pay the costs of administering the grant.

"(3) LIMITATION REGARDING PENAL AND CORRECTIONAL INSTITUTIONS.—A funding agreement for a State for a grant under section 1921 is that, in expending the grant for the purpose of

providing treatment services in penal or correctional institutions of the State, the State will not expend more than an amount equal to the amount expended for such purpose by the State from the grant made under section 1912A to the State for fiscal year 1991 (as section 1912A was in effect for such fiscal year).

"(b) EXCEPTION REGARDING INPATIENT HOSPITAL SERVICES.—

"(1) MEDICAL NECESSITY AS PRECONDITION.—With respect to compliance with the agreement made under subsection (a), a State may expend a grant under section 1921 to provide inpatient hospital services as treatment for substance abuse only if it has been determined, in accordance with guidelines issued by the Secretary, that such treatment is a medical necessity for the individual involved, and that the individual cannot be effectively treated in a community-based, nonhospital, residential program of treatment.

"(2) RATE OF PAYMENT.—In the case of an individual for whom a grant under section 1921 is expended to provide inpatient hospital services described in paragraph (1), a funding agreement for the grant for the State involved is that the daily rate of payment provided to the hospital for providing the services to the individual will not exceed the comparable daily rate provided for community-based, nonhospital, residential programs of treatment for substance abuse.

"(c) WAIVER REGARDING CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Secretary may provide to any State a waiver of the restriction established in subsection (a)(1)(C) for the purpose of authorizing the State to expend a grant under section 1921 for the construction of a new facility or rehabilitation of an existing facility, but not for land acquisition.

"(2) STANDARD REGARDING NEED FOR WAIVER.—The Secretary may approve a waiver under paragraph (1) only if the State demonstrates to the Secretary that adequate treatment cannot be provided through the use of existing facilities and that alternative facilities in existing suitable buildings are not available.

"(3) AMOUNT.—In granting a waiver under paragraph (1), the Secretary shall allow the use of a specified amount of funds to construct or rehabilitate a specified number of beds for residential treatment and a specified number of slots for outpatient treatment, based on reasonable estimates by the State of the costs of construction or rehabilitation. In considering waiver applications, the Secretary shall ensure that the State has carefully designed a program that will minimize the costs of additional beds.

"(4) MATCHING FUNDS.—The Secretary may grant a waiver under paragraph (1) only if the State agrees, with respect to the costs to be incurred by the State in carrying out the purpose of the waiver, to make available non-Federal contributions in cash toward such costs in an amount equal to not less than \$1 for each \$1 of Federal funds provided under section 1921.

"(5) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall act upon a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"SEC. 1932. APPLICATION FOR GRANT; APPROVAL OF STATE PLAN.

"(a) IN GENERAL.—For purposes of section 1921, an application for a grant under such section for a fiscal year is in accordance with this section if, subject to subsections (c) and (d)(2)—

"(1) the State involved submits the application not later than the date specified by the Secretary;

"(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);

"(3) the agreements are made through certification from the chief executive officer of the State;

"(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

"(5) the application contains the information required in section 1929, the information required in section 1930(c)(2), and the report required in section 1942(a);

"(6)(A) the application contains a plan in accordance with subsection (b) and the plan is approved by the Secretary; and

"(B) the State provides assurances satisfactory to the Secretary that the State complied with the provisions of the plan under subparagraph (A) that was approved by the Secretary for the most recent fiscal year for which the State received a grant under section 1921; and

"(7) the application (including the plan under paragraph (6)) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

"(b) STATE PLAN.—

"(1) IN GENERAL.—A plan submitted by a State under subsection (a)(6) is in accordance with this subsection if the plan contains detailed provisions for complying with each funding agreement for a grant under section 1921 that is applicable to the State, including a description of the manner in which the State intends to expend the grant.

"(2) AUTHORITY OF SECRETARY REGARDING MODIFICATIONS.—As a condition of making a grant under section 1921 to a State for a fiscal year, the Secretary may require that the State modify any provision of the plan submitted by the State under subsection (a)(6) (including provisions on priorities in carrying out authorized activities). If the Secretary approves the plan and makes the grant to the State for the fiscal year, the Secretary may not during such year require the State to modify the plan.

"(3) AUTHORITY OF CENTER FOR SUBSTANCE ABUSE PREVENTION.—With respect to plans submitted by the States under subsection (a)(6), the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall review and approve or disapprove the provisions of the plans that relate to prevention activities.

"(c) WAIVERS REGARDING CERTAIN TERRITORIES.—In the case of any territory of the United States whose allotment under section 1921 for the fiscal year is the amount specified in section 1933(c)(2)(B), the Secretary may waive such provisions of this subpart and subpart III as the Secretary determines to be appropriate, other than the provisions of section 1931.

"(d) ISSUANCE OF REGULATIONS; PRECONDITION TO MAKING GRANTS.—

"(1) REGULATIONS.—Not later than August 25, 1992, the Secretary, acting as appropriate through the Director of the Center for Treatment Improvement or the Director of the Center for Substance Abuse Prevention, shall by regulation establish standards specifying the circumstances in which the Secretary will consider an application for a grant under section 1921 to be in accordance with this section.

"(2) ISSUANCE AS PRECONDITION TO MAKING GRANTS.—The Secretary may not make payments under any grant under section 1921 for fiscal year 1993 on or after January 1, 1993, unless the Secretary has issued standards under paragraph (1).

"SEC. 1933. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) STATES.—

"(1) IN GENERAL.—Subject to subsection (b), the Secretary shall determine the amount of the allotment required in section 1921 for a State for a fiscal year as follows:

"(A) The formula established in paragraph (1) of section 1918(a) shall apply to this subsection to the same extent and in the same manner as the formula applies for purposes of section 1918(a), except that, in the application of such formula for purposes of this subsection, the modifications described in subparagraph (B) shall apply.

"(B) For purposes of subparagraph (A), the modifications described in this subparagraph are as follows:

"(i) The amount specified in paragraph (2)(A) of section 1918(a) is deemed to be the amount appropriated under section 1935(a) for allotments under section 1921 for the fiscal year involved.

"(ii) The term 'P' is deemed to have the meaning given in paragraph (2) of this subsection. Section 1918(a)(5)(B) applies to the data used in determining such term for the States.

"(iii) The factor determined under paragraph (8) of section 1918(a) is deemed to have the purpose of reflecting the differences that exist between the State involved and other States in the costs of providing authorized services.

"(2) DETERMINATION OF TERM 'P'.—For purposes of this subsection, the term 'P' means the percentage that is the arithmetic mean of the percentage determined under subparagraph (A) and the percentage determined under subparagraph (B), as follows:

"(A) The percentage constituted by the ratio of—

"(i) an amount equal to the sum of the total number of individuals who reside in the State involved and are between 18 and 24 years of age (inclusive) and the number of individuals in the State who reside in urbanized areas of the State and are between such years of age; to

"(ii) an amount equal to the total of the respective sums determined for the States under clause (i).

"(B) The percentage constituted by the ratio of—

"(i) the total number of individuals in the State who are between 25 and 64 years of age (inclusive); to

"(ii) an amount equal to the sum of the respective amounts determined for the States under clause (i).

"(b) MINIMUM ALLOTMENTS FOR STATES.—For each of the fiscal years 1993 and 1994, the amount of the allotment required in section 1921 for a State for the fiscal year involved shall be the greater of—

"(1) the amount determined under subsection (a) for the State for the fiscal year; and

"(2) an amount equal to 79.4 percent of the amount received by the State from allotments made pursuant to this part for fiscal year 1992 (including reallotments under section 205(a) of the ADAMHA Reorganization Act).

"(c) TERRITORIES.—

"(1) DETERMINATION UNDER FORMULA.—Subject to paragraphs (2) and (4), the amount of an allotment under section 1921 for a territory of the United States for a fiscal year shall be the product of—

"(A) an amount equal to the amounts reserved under paragraph (3) for the fiscal year; and

"(B) a percentage equal to the quotient of—

"(i) the civilian population of the territory, as indicated by the most recently available data; divided by

"(ii) the aggregate civilian population of the territories of the United States, as indicated by such data.

"(2) MINIMUM ALLOTMENT FOR TERRITORIES.—The amount of an allotment under section 1921 for a territory of the United States for a fiscal year shall be the greater of—

"(A) the amount determined under paragraph (1) for the territory for the fiscal year; and

"(B) \$50,000.

"(3) RESERVATION OF AMOUNTS.—The Secretary shall each fiscal year reserve for the territories of the United States 1.5 percent of the amounts appropriated under section 1935(a) for allotments under section 1921 for the fiscal year.

"(4) AVAILABILITY OF DATA ON POPULATION.—With respect to data on the civilian population of the territories of the United States, if the Secretary determines for a fiscal year that recent such data for purposes of paragraph (1)(B) do not exist regarding a territory, the Secretary shall for such purposes estimate the civilian population of the territory by modifying the data on the territory to reflect the average extent of change occurring during the ensuing period in the population of all territories with respect to which recent such data do exist.

"(5) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of subsections (a) and (b), the term 'State' does not include the territories of the United States.

"(d) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

"(1) IN GENERAL.—If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this subpart be provided directly by the Secretary to such tribe or organization; and

"(B) makes a determination that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this;

the Secretary shall reserve from the allotment under section 1921 for the State for the fiscal year involved an amount that bears the same ratio to the allotment as the amount provided under this subpart to the tribe or tribal organization for fiscal year 1991 for activities relating to the prevention and treatment of the abuse of alcohol and other drugs bore to the amount of the portion of the allotment under this subpart for the State for such fiscal year that was expended for such activities.

"(2) TRIBE OR TRIBAL ORGANIZATION AS GRANTEE.—The amount reserved by the Secretary on the basis of a determination under this paragraph shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(3) APPLICATION.—In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this paragraph, it shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe.

"(4) DEFINITION.—The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act.

"SEC. 1934. DEFINITIONS.

"For purposes of this subpart:

"(1) The term 'authorized activities', subject to section 1931, means the activities described in section 1921(b).

"(2) The term 'funding agreement', with respect to a grant under section 1921 to a State, means that the Secretary may make such a grant only if the State makes the agreement involved.

"(3) The term 'prevention activities', subject to section 1931, means activities to prevent substance abuse.

"(4) The term 'substance abuse' means the abuse of alcohol or other drugs.

"(5) The term 'treatment activities' means treatment services and, subject to section 1931, authorized activities that are related to treatment services.

"(6) The term 'treatment facility' means an entity that provides treatment services.

"(7) The term 'treatment services', subject to section 1931, means treatment for substance abuse.

"SEC. 1935. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, subpart III and section 505 with respect to substance abuse, and section 515(d), there are authorized to be appropriated $1,500,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(b) ALLOCATIONS FOR TECHNICAL ASSISTANCE, NATIONAL DATA BASE, DATA COLLECTION, AND PROGRAM EVALUATIONS.—

"(1) IN GENERAL.—

"(A) For the purpose of carrying out section 1948(a) with respect to substance abuse, section 515(d), and the purposes specified in subparagraphs (B) and (C), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) each fiscal year.

"(B) The purpose specified in this subparagraph is the collection of data in this paragraph is carrying out section 505 with respect to substance abuse.

"(C) The purpose specified in this subparagraph is the conduct of evaluations of authorized activities to determine methods for improving the availability and quality of such activities.

"(2) ACTIVITIES OF CENTER FOR SUBSTANCE ABUSE PREVENTION.—Of the amounts reserved under paragraph (1) for a fiscal year, the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall obligate 20 percent for carrying out paragraph (1)(C), section 1949(a) with respect to prevention activities, and section 515(d).".

SEC. 203. GENERAL PROVISIONS REGARDING BLOCK GRANTS.

(a) IN GENERAL.—Part B of title XIX of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following:

"Subpart III—General Provisions

"SEC. 1941. OPPORTUNITY FOR PUBLIC COMMENT ON STATE PLANS.

"A funding agreement for a grant under section 1911 or 1921 is that the State involved will make the plan required in section 1912, and the plan required in section 1932, respectively, public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the plan (including any revisions) and after the submission of the plan to the Secretary.

"SEC. 1942. REQUIREMENT OF REPORTS AND AUDITS BY STATES.

"(a) REPORT.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will submit to the Secretary a report in such form and containing such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary for securing a record and a description of—

"(1) the purposes for which the grant received by the State for the preceding fiscal year under the program involved were expended and a description of the activities of the State under the program; and

"(2) the recipients of amounts provided in the grant.

"(b) AUDITS.—A funding agreement for a grant under section 1911 or 1921 is that the State will, with respect to the grant, comply with chapter 75 of title 31, United States Code.

"(c) AVAILABILITY TO PUBLIC.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will—

"(1) make copies of the reports and audits described in this section available for public inspection within the State; and

"(2) provide copies of the report under subsection (a), upon request, to any interested person (including any public agency).

"SEC. 1943. ADDITIONAL REQUIREMENTS.

"(a) IN GENERAL.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will—

"(1)(A) for the fiscal year for which the grant involved is provided, provide for independent peer review to assess the quality, appropriateness, and efficacy of treatment services provided in the State to individuals under the program involved; and

"(B) ensure that, in the conduct of such peer review, not fewer than 5 percent of the entities providing services in the State under such program are reviewed (which 5 percent is representative of the total population of such entities);

"(2) permit and cooperate with Federal investigations undertaken in accordance with section 1945; and

"(3) provide to the Secretary any data required by the Secretary pursuant to section 515 and will cooperate with the Secretary in the development of uniform criteria for the collection of data pursuant to such section.

"(b) PATIENT RECORDS.—The Secretary may make a grant under section 1911 or 1921 only if the State involved has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an activity funded under the program involved or by any entity which is receiving amounts from the grant.

"SEC. 1944. DISPOSITION OF CERTAIN FUNDS APPROPRIATED FOR ALLOTMENTS.

"(a) IN GENERAL.—Amounts described in subsection (b) and available for a fiscal year pursuant to section 1911 or 1921, as the case may be, shall be allotted by the Secretary and paid to the States receiving a grant under the program involved, other than any State referred to in subsection (b) with respect to such program. Such amounts shall be allotted in a manner equivalent to the manner in which the allotment under the program involved was determined.

"(b) SPECIFICATION OF AMOUNTS.—The amounts referred to in subsection (a) are any amounts that—

"(1) are not paid to States under the program involved as a result of—

"(A) the failure of any State to submit an application in accordance with the program;

"(B) the failure of any State to prepare such application in compliance with the program; or

"(C) any State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State under the program;

"(2) are terminated, repaid, or offset under section 1945;

"(3) in the case of the program established in section 1911, are available as a result of reductions in allotments under such section pursuant to section 1912(d) or 1915(b); or

"(4) in the case of the program established in section 1921, are available as a result of reductions in allotments under such section pursuant to section 1926 or 1930.

"SEC. 1945. FAILURE TO COMPLY WITH AGREEMENTS.

"(a) SUSPENSION OR TERMINATION OF PAYMENTS.—Subject to subsection (e), if the Secretary determines that a State has materially failed to comply with the agreements or other conditions required for the receipt of a grant under the program involved, the Secretary may in whole or in part suspend payments under the grant, terminate the grant for cause, or employ such other remedies (including the remedies provided for in subsections (b) and (c)) as may be legally available and appropriate in the circumstances involved.

"(b) REPAYMENT OF PAYMENTS.—

"(1) IN GENERAL.—Subject to subsection (e), the Secretary may require a State to repay with interest any payments received by the State *under section 1911 or 1921 that the Secretary determines were not expended by the State in accordance with the agreements required under the program involved.*

“(2) OFFSET AGAINST PAYMENTS.—If a State fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against the amount of any payment due to be paid to the State under the program involved.

“(c) WITHHOLDING OF PAYMENTS.—

“(1) IN GENERAL.—Subject to subsections (e) and (g)(3), the Secretary may withhold payments due under section 1911 or 1921 if the Secretary determines that the State involved is not expending amounts received under the program involved in accordance with the agreements required under the program.

“(2) TERMINATION OF WITHHOLDING.—The Secretary shall cease withholding payments from a State under paragraph (1) if the Secretary determines that there are reasonable assurances that the State will expend amounts received under the program involved in accordance with the agreements required under the program.

“(d) APPLICABILITY OF REMEDIES TO CERTAIN VIOLATIONS.—

“(1) IN GENERAL.—With respect to agreements or other conditions for receiving a grant under the program involved, in the case of the failure of a State to maintain material compliance with a condition referred to in paragraph (2), the provisions for noncompliance with the condition that are provided in the section establishing the condition shall apply in lieu of subsections (a) through (c) of this section.

“(2) RELEVANT CONDITIONS.—For purposes of paragraph (1):

“(A) In the case of the program established in section 1911, a condition referred to in this paragraph is the condition established in section 1912(d) and the condition established in section 1915(b).

“(B) In the case of the program established in section 1921, a condition referred to in this paragraph is the condition established in section 1926 and the condition established in section 1930.

“(e) OPPORTUNITY FOR HEARING.—Before taking action against a State under any of subsections (a) through (c) (or under a section referred to in subsection (d)(2), as the case may be), the Secretary shall provide to the State involved adequate notice and an opportunity for a hearing.

“(f) REQUIREMENT OF HEARING IN CERTAIN CIRCUMSTANCES.—

“(1) IN GENERAL.—If the Secretary receives a complaint that a State has failed to maintain material compliance with the agreements or other conditions required for receiving a grant under the program involved (including any condition referred to for purposes of subsection (d)), and there appears to be reasonable evidence to support the complaint, the Secretary shall promptly conduct a hearing with respect to the complaint.

“(2) FINDING OF MATERIAL NONCOMPLIANCE.—If in a hearing under paragraph (1) the Secretary finds that the State involved has failed to maintain material compliance with the agreement or other condition involved, the Secretary shall take such action under this section as may be appropriate to ensure that material compliance is so maintained, or such action as may be required in a section referred to in subsection (d)(2), as the case may be.

“(g) CERTAIN INVESTIGATIONS.—

“(1) REQUIREMENT REGARDING SECRETARY.—The Secretary shall in fiscal year 1994 and each subsequent fiscal year conduct in not less than 10 States investigations of the expenditure of grants received by the States under section 1911 or 1921 in order to evaluate compliance with the agreements required under the program involved.

“(2) PROVISION OF RECORDS ETC. UPON REQUEST.—Each State receiving a grant under section 1911 or 1921, and each entity receiving funds from the grant, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

“(3) LIMITATIONS ON AUTHORITY.—The Secretary may not institute proceedings under subsection (c) unless the Secretary has conducted an investigation concerning whether the State has expended payments under the program involved in accordance with the agreements required under the program. Any such investigation shall be conducted within the State by qualified investigators.

“SEC. 1946. PROHIBITIONS REGARDING RECEIPT OF FUNDS.

“(a) ESTABLISHMENT.—

“(1) CERTAIN FALSE STATEMENTS AND REPRESENTATIONS.—A person shall not knowingly and willfully make or cause to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payments may be made by a State from a grant made to the State under section 1911 or 1921.

“(2) CONCEALING OR FAILING TO DISCLOSE CERTAIN EVENTS.—A person with knowledge of the occurrence of any event affecting the initial or continued right of the person to receive any payments from a grant made to a State under section 1911 or 1921 shall not conceal or fail to disclose any such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such amount is due.

“(b) CRIMINAL PENALTY FOR VIOLATION OF PROHIBITION.—Any person who violates any prohibition established in subsection (a) shall for each violation be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

“SEC. 1947. NONDISCRIMINATION.

“(a) IN GENERAL.—

“(1) RULE OF CONSTRUCTION REGARDING CERTAIN CIVIL RIGHTS LAWS.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under section 1911 or 1921 shall be considered to be programs and activities receiving Federal financial assistance.

“(2) PROHIBITION.—No person shall on the ground of sex (including, in the case of a woman, on the ground that the woman is pregnant), or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under section 1911 or 1921.

“(b) ENFORCEMENT.—

“(1) REFERRALS TO ATTORNEY GENERAL AFTER NOTICE.—Whenever the Secretary finds that a State, or an entity that has received a payment pursuant to section 1911 or 1921, has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

“(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

“(B) exercise the powers and functions provided by the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, or title VI of the Civil Rights Act of 1964, as may be applicable; or

“(C) take such other actions as may be authorized by law.

“(2) AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (1)(A), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

“SEC. 1948. TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

“(a) TECHNICAL ASSISTANCE.—The Secretary shall, without charge to a State receiving a grant under section 1911 or 1921, provide to the State (or to any public or nonprofit private entity within the State) technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to the program involved. The Secretary may provide such technical assistance directly, through contract, or through grants.

“(b) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

“(1) IN GENERAL.—Upon the request of a State receiving a grant under section 1911 or 1921, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out the program involved and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

“(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the program involved to the State by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

“SEC. 1949. REPORT BY SECRETARY.

“Not later than January 24, 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the activities of the States carried out pursuant to the programs established in sections 1911 and 1921. Such report may include any recommendations of the Secretary for appropriate changes in legislation.

“SEC. 1950. RULE OF CONSTRUCTION REGARDING DELEGATION OF AUTHORITY TO STATES.

“With respect to States receiving grants under section 1911 or 1921, this part may not be construed to authorize the Secretary to delegate to the States the primary responsibility for interpreting the governing provisions of this part.

“SEC. 1951. SOLICITATION OF VIEWS OF CERTAIN ENTITIES.

“In carrying out this part, the Secretary, as appropriate, shall solicit the views of the States and other appropriate entities.

"SEC. 1952. AVAILABILITY TO STATES OF GRANT PAYMENTS.

''(c) IN GENERAL.—Subject to subsection (b), any amounts paid to a State under the program involved shall be available for obligation until the end of the fiscal year for which the amounts were paid, and if obligated by the end of such year, shall remain available for expenditure until the end of the succeeding fiscal year.

''(b) EXCEPTION REGARDING NONCOMPLIANCE OF SUBGRANTEES.—If a State has in accordance with subsection (a) obligated amounts paid to the State under the program involved, in any case in which the Secretary determines that the obligation consists of a grant or contract awarded by the State, and that the State has terminated or reduced the amount of such financial assistance on the basis of the failure of the recipient of the assistance to comply with the terms upon which the assistance was conditioned—

''(1) the amounts involved shall be available for reobligation by the State through September 30 of the fiscal year following the fiscal year for which the amounts were paid to the State; and

''(2) any of such amounts that are obligated by the State in accordance with paragraph (1) shall be available for expenditure through such date.

"SEC. 1953. CONTINUATION OF CERTAIN PROGRAMS.

''(a) IN GENERAL.—Of the amount allotted to the State of Hawaii under section 1911, and the amount allotted to such State under section 1921, an amount equal to the proportion of Native Hawaiians residing in the State to the total population of the State shall be available, respectively, for carrying out the program involved for Native Hawaiians.

''(b) EXPENDITURE OF AMOUNTS.—The amount made available under subsection (a) may be expended only through contracts entered into by the State of Hawaii with public and private nonprofit organizations to enable such organizations to plan, conduct, and administer comprehensive substance abuse and treatment programs for the benefit of Native Hawaiians. In entering into contracts under this section, the State of Hawaii shall give preference to Native Hawaiian organizations and Native Hawaiian health centers.

''(c) DEFINITIONS.—For the purposes of this subsection, the terms 'Native Hawaiian', 'Native Hawaiian organization', and 'Native Hawaiian health center' have the meaning given such terms in section 2308 of subtitle D of title II of the Anti-Drug Abuse Act of 1988.

"SEC. 1954. DEFINITIONS.

''(a) DEFINITIONS FOR SUBPART III.—For purposes of this subpart:

''(1) The term 'program involved' means the program of grants established in section 1911 or 1921, or both, as indicated by whether the State involved is receiving or is applying to receive a grant under section 1911 or 1921, or both.

''(2)(A) The term 'funding agreement', with respect to a grant under section 1911, has the meaning given such term in section 1919.

''(B) The term 'funding agreement', with respect to a grant under section 1921, has the meaning given such term in section 1934.

''(b) DEFINITIONS FOR PART B.—For purposes of this part:

''(1) The term 'Comptroller General' means the Comptroller General of the United States.

''(2) The term 'State', except as provided in sections 1918(c)(5) and 1933(c)(5), means each of the several States, the District of Columbia, and each of the territories of the United States.

''(3) The term 'territories of the United States' means each of the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Palau, the Marshall Islands, and Micronesia.

''(4) The term 'interim services', in the case of an individual in need of treatment for substance abuse who has been denied admission to a program of such treatment on the basis of the lack of the capacity of the program to admit the individual, means services for reducing the adverse health effects of such abuse, for promoting the health of the individual, and for reducing the risk of transmission of disease, which services are provided until the individual is admitted to such a program.''.

(b) FEDERAL ACCOUNTABILITY.—Any rule or regulation of the Department of Health and Human Services that is inconsistent with the amendments made by this Act shall not have any legal effect, including section 50(e) of part 96 of title 45, Code of Federal Regulations (45 CFR 96.50(e)).

SEC. 204. RELATED PROGRAMS.

Title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new part:

''PART C—CERTAIN PROGRAMS REGARDING SUBSTANCE ABUSE

''Subpart I—Expansion of Capacity for Providing Treatment

"SEC. 1971. CATEGORICAL GRANTS TO STATES.

''(a) GRANTS FOR STATES WITH INSUFFICIENT CAPACITY.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, may make grants to States for the purpose of increasing the maximum number of individuals to whom public and nonprofit private entities in the States are capable of providing effective treatment for substance abuse.

''(2) ELIGIBLE STATES.—The Director may not make a grant under subsection (a) to a State unless the number of individuals seeking treatment services in the State significantly exceeds the maximum number described in paragraph (1) that is applicable to the State.

''(b) PRIORITY IN MAKING GRANTS.—

''(1) RESIDENTIAL TREATMENT SERVICES FOR PREGNANT WOMEN.—In making grants under subsection (a), the Director shall give priority to States that agree to give priority in the expenditure of the grant to carrying out the purpose described in such subsection as the purpose relates to the provision of residential treatment services to pregnant women.

''(2) ADDITIONAL PRIORITY REGARDING MATCHING FUNDS.—In the case of any application for a grant under subsection (a) that is receiving priority under paragraph (1), the Director shall give further priority to the application if the State involved agrees as a condition of receiving the grant to provide non-Federal contributions under subsection (c) in a greater amount than the amount required under such subsection for the applicable fiscal year.

''(c) REQUIREMENT OF MATCHING FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (3), the Director may not make a grant under subsection (a) unless the State agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is—

''(A) for the first fiscal year for which the State receives such a grant, not less than $1 for each $9 of Federal funds provided in the grant;

''(B) for any second or third such fiscal year, not less than $1 for each $9 of Federal funds provided in the grant; and

''(C) for any subsequent such fiscal year, not less than $1 for each $3 of Federal funds provided in the grant.

''(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(3) WAIVER.—The Director may waive the requirement established in paragraph (1) if the Director determines that extraordinary economic conditions in the State justify the waiver.

''(d) LIMITATION REGARDING DIRECT TREATMENT SERVICES.—The Director may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for the direct provision of treatment services. The preceding sentence may not be construed to authorize the expenditure of such a grant for the planning or evaluation of treatment services.

''(e) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(f) DURATION OF GRANT.—The period during which payments are made to a State from a grant under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Director of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

''(g) MAINTENANCE OF EFFORT.—The Director may not make a grant under subsection (a) unless the State involved agrees to maintain State expenditures for treatment services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the first fiscal year for which the State receives such a grant.

''(h) RESTRICTIONS ON USE OF GRANT.—The Director may not make a grant under subsection (a) unless the State involved agrees that the grant will not be expended—

''(1) to provide inpatient hospital services;

''(2) to make cash payments to intended recipients of health services;

''(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

''(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

''(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

''(i) DEFINITIONS.—For purposes of this section—

''(1) The term 'Director' means the Director of the Center for Substance Abuse Treatment.

''(2) The term 'substance abuse' means the abuse of alcohol or other drugs.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $86,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

''Subpart II—Interim Maintenance Treatment of Narcotics Dependence

"SEC. 1976. INTERIM MAINTENANCE TREATMENT.

''(a) REQUIREMENT REGARDING SECRETARY.—Subject to the following subsections of this section, for the purpose of reducing the incidence of the transmission of HIV disease pursuant to the intravenous abuse of heroin or other morphine-like drugs, the Secretary, in establishing conditions for the use of methadone in public or nonprofit private programs of treatment for dependence on such drugs, shall authorize such programs—

"(1) to dispense methadone for treatment purposes to individuals who—

"(A) meet the conditions for admission to such programs that dispense methadone as part of comprehensive treatment for such dependence; and

"(B) are seeking admission to such programs that so dispense methadone, but as a result of the limited capacity of the programs, will not gain such admission until 14 or more days after seeking admission to the programs; and

"(2) in dispensing methadone to such individuals, to provide only minimum ancillary services during the period in which the individuals are waiting for admission to programs of comprehensive treatment.

"(b) INAPPLICABILITY OF REQUIREMENT IN CERTAIN CIRCUMSTANCES.—

"(1) IN GENERAL.—The requirement established in subsection (a) for the Secretary does not apply if any or all of the following conditions are met:

"(A) The preponderance of scientific research indicates that the risk of the transmission of HIV disease pursuant to the intravenous abuse of drugs is minimal.

"(B) The preponderance of scientific research indicates that the medically supervised dispensing of methadone is not an effective method of reducing the extent of dependence on heroin and other morphine-like drugs.

"(C) The preponderance of available data indicates that, of treatment programs that dispense methadone as part of comprehensive treatment, a substantial majority admit all individuals seeking services to the programs not later than 14 days after the individuals seek admission to the programs.

"(2) EVALUATION BY SECRETARY.—In evaluating whether any or all of the conditions described in paragraph (1) have been met, the Secretary shall consult with the National Commission on Acquired Immune Deficiency Syndrome.

"(c) CONDITIONS FOR OBTAINING AUTHORIZATION FROM SECRETARY.—

"(1) IN GENERAL.—In carrying out the requirement established in subsection (a), the Secretary shall, after consulation with the National Commission on Acquired Immune Deficiency Syndrome, by regulation issue such conditions for treatment programs to obtain authorization from the Secretary to provide interim maintenance treatment as may be necessary to carry out the purpose described in such subsection. Such conditions shall include conditions for preventing the unauthorized use of methadone.

"(2) COUNSELING ON HIV DISEASE.—The regulations issued under paragraph (1) shall provide that an authorization described in such paragraph may not be issued to a treatment program unless the program provides to recipients of the treatment counseling on preventing exposure to and the transmission of HIV disease.

"(3) PERMISSION OF RELEVANT STATE AS CONDITION OF AUTHORIZATION.—The regulations issued under paragraph (1) shall provide that the Secretary may not provide an authorization described in such paragraph to any treatment program in a State unless the chief public health officer of the State has certified to the Secretary that—

"(A) such officer does not object to the provision of such authorizations to treatment programs in the State; and

"(B) the provision of interim maintenance services in the State will not reduce the capacity of comprehensive treatment programs in the State to admit individuals to the programs (relative to the date on which such officer so certifies).

"(4) DATE CERTAIN FOR ISSUANCE OF REGULATIONS; FAILURE OF SECRETARY.—The Secretary shall issue the final rule for purposes of the regulations required in paragraph (1), and such rule shall be effective, not later than the expiration of the 180-day period beginning on the date of the enactment of the ADAMHA Reorganization Act. If the Secretary fails to meet the requirement of the preceding sentence, the proposed rule issued on March 2, 1989, with respect to part 291 of title 21, Code of Federal Regulations (docket numbered 88N-0444; 54 Fed. Reg. 8973 et seq.) is deemed to take effect as a final rule upon the expiration of such period, and the provisions of paragraph (3) of this subsection are deemed to be incorporated into such rule.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'interim maintenance services' means the provision of methadone in a treatment program under the circumstances described in paragraphs (1) and (2) of subsection (a).

"(2) The term 'HIV disease' means infection with the etiologic agent for acquired immune deficiency syndrome.

"(3) The term 'treatment program' means a public or nonprofit private program of treatment for dependence on heroin or other morphine-like drugs.".

SEC. 205. TEMPORARY PROVISIONS REGARDING FUNDING.

(a) REALLOTMENT OF UNPAID PORTION OF ALLOTMENT FOR FISCAL YEAR 1992.—

(1) IN GENERAL.—With respect to allotments made for fiscal year 1992 under part B of title XIX of the Public Health Service Act (as in effect on the day before the date of the enactment of this Act), any portion of the total of such allotments that has not been paid to the States as of the first day of the fourth quarter of such fiscal year shall be reallotted with the result that, subject to paragraph (2), the total allotment made for a State for fiscal year 1992 pursuant to such part (including reallotments under this paragraph) is the amount indicated for the State in the following table:

State	Amount
Alabama	$18,751,646
Alaska	$2,734,000
Arizona	$19,352,828
Arkansas	$8,927,066
California	$186,245,891
Colorado	$17,873,097
Connecticut	$16,576,000
Delaware	$3,329,654
District of Columbia	$4,896,000
Florida	$63,093,000
Georgia	$28,383,202
Hawaii	$6,279,545
Idaho	$3,422,626
Illinois	$62,631,938
Indiana	$28,563,000
Iowa	$10,017,948
Kansas	$8,929,313
Kentucky	$14,691,461
Louisiana	$19,625,929
Maine	$5,466,524
Maryland	$24,896,906
Massachusetts	$36,009,000
Michigan	$47,968,489
Minnesota	$19,061,274
Mississippi	$10,215,502
Missouri	$22,952,468
Montana	$3,523,100
Nebraska	$6,019,775
Nevada	$6,975,991
New Hampshire	$5,290,704
New Jersey	$47,170,000
New Mexico	$7,079,374
New York	$103,643,000
North Carolina	$27,237,938
North Dakota	$2,456,891
Ohio	$56,647,000
Oklahoma	$13,801,384
Oregon	$13,824,013
Pennsylvania	$61,799,000
Rhode Island	$7,336,000
South Carolina	$15,403,164
South Dakota	$3,759,000
Tennessee	$20,490,809
Texas	$80,194,508
Utah	$10,705,633
Vermont	$3,918,000
Virginia	$27,883,059
Washington	$27,284,210
West Virginia	$7,475,330
Wisconsin	$20,222,918
Wyoming	$1,584,892

(2) GRANTS FROM ALLOTMENTS; CERTAIN CONDITIONS REGARDING ALL PAYMENTS PURSUANT TO PART B FOR FISCAL YEAR 1992.—The Secretary shall make a grant to a State of the reallotment made for the State under paragraph (1) if the State agrees that the grant is subject to all conditions upon which allotments and payments under part B of title XIX of the Public Health Service Act are made for fiscal year 1992 (as in effect on the day before the date of the enactment of this Act), except as follows:

(A) Notwithstanding section 1916(c)(6)(A) such part—

(i) the percentage of the total allotment referred to in paragraph (1) that is expended for mental health activities will be not less than the percentage determined under clause (i) of such section 1916(c)(6)(A) for fiscal year 1991; and

(ii) the percentage of such total allotment that is expended for alcohol and drug abuse activities will be not less than the percentage determined under clause (ii) of such section 1916(c)(6)(A) for fiscal year 1991.

(B)(i) In the case of such a grant to the State of California: With respect to any entity that received a grant under section 509E of the Public Health Service Act for fiscal year 1991 (as such section was in effect for such year) to carry out a program of services in such State—

(I) the State will expend the grant to provide financial assistance to the entity for the purpose of continuing the program in such State, subject to clause (ii); and

(II) the amount of such assistance for the fiscal year will be an amount equal to the amount the entity received under such section 509E for fiscal year 1991.

(ii) The Secretary shall waive the requirement established in clause (i) with respect to a program described in such clause if the State of California certifies to the Secretary that the level of services provided by the program is not needed, or that the program has not provided services in an effective manner (as determined under State quality standards).

(3) INAPPLICABILITY TO TERRITORIES.—For purposes of this subsection, the term "State" means each of the several States and the District of Columbia.

(b) CONTINGENT AUTHORITY FOR TRANSFERS BETWEEN ALLOTMENTS.—

(1) SUBPART II TO SUBPART I.—In the case of any State for which an allotment for fiscal year 1993 or 1994 under section 1911 is made in an amount that is less than the mental health portion of the allotment under former section 1912A for fiscal year 1991, the Secretary shall, upon the request of the chief executive officer of the State, transfer from the allotment under section 1921 for the fiscal year involved to the allotment under section 1911 for the fiscal year such amounts as the State may direct, subject to the allotment under section 1911 not exceeding the amount of such mental health portion.

(2) SUBPART I TO SUBPART II.—In the case of any State for which an allotment for fiscal year 1993 or 1994 under section 1921 is made in an amount that is less than the substance-abuse portion of the allotment under former section 1912A for fiscal year 1991, the Secretary shall, upon the request of the chief executive officer of the State, transfer from the allotment under section 1911 for the fiscal year involved to the allotment under section 1921 for the fiscal year such

amounts as the State may direct, subject to the allotment under section 1921 not exceeding the amount of such substance-abuse portion.

(3) DEFINITIONS.—For purposes of this subsection:

(A) The term "section 1911" means section 1911 of the Public Health Service Act.

(B) The term "section 1921" means section 1921 of the Public Health Service Act.

(C) The term "former section 1912A" means section 1912A of the Public Health Service Act, as such section was in effect for fiscal year 1991.

(D) The term "former section 1916(c)(6)(A)" means section 1916(c)(6)(A) of the Public Health Service Act, as such section was in effect for fiscal year 1991.

(E) The term "mental health portion", with respect to an allotment under former section 1912A for fiscal year 1991, means the amount of such allotment that was reserved by the State for such year in compliance with clause (i) of former section 1916(c)(6)(A).

(F) The term "substance-abuse portion", with respect to an allotment under former section 1912A for fiscal year 1991, means the amount of such allotment that was reserved by the State for such year in compliance with clause (ii) of former section 1916(c)(6)(A).

(c) PROGRAM FOR PREGNANT AND POSTPARTUM WOMEN.—

(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out section 508 of the Public Health Service Act for fiscal year 1993, the Secretary shall obligate 40 percent of the amounts made available pursuant to section 1935(b) of such Act for such fiscal year.

(2) LIMITATION.—Paragraph (1) shall apply only to the extent necessary to ensure that $80,000,000 is available for fiscal year 1993 to carry out section 508 of the Public Health Service Act.

(d) DEFINITION OF SECRETARY.—For purposes of this section, the term "Secretary"' means the Secretary of Health and Human Services.

TITLE III—MODEL COMPREHENSIVE PROGRAM FOR TREATMENT OF SUBSTANCE ABUSE

SEC. 301. DEMONSTRATION PROGRAM IN NATIONAL CAPITAL AREA.

Title V of the Public Health Service Act, as amended by section 119 of this Act, is amended by adding at the end the following part:

"PART F—MODEL COMPREHENSIVE PROGRAM FOR TREATMENT OF SUBSTANCE ABUSE

"DEMONSTRATION PROGRAM IN NATIONAL CAPITAL AREA

"SEC. 571. (a) IN GENERAL.—The Secretary, in collaboration with the Director of the Treatment Center, shall make a demonstration grant for the establishment, within the national capital area, of a model program for providing comprehensive treatment services for substance abuse.

"(b) PURPOSES.—The Secretary may not make a grant under subsection (a) unless, with respect to the comprehensive treatment services to be offered by the program under such subsection, the applicant for the grant agrees—

"(1) to ensure, to the extent practicable, that the program has the capacity to provide the services to all individuals who seek and would benefit from the services;

"(2) as appropriate, to provide education on obtaining employment and other matters with respect to assisting the individuals in preventing any relapse into substance abuse, including education on the appropriate involvement of parents and others in preventing such a relapse;

"(3) to provide services in locations accessible to substance abusers and, to the extent practicable, to provide services through mobile facilities;

"(4) to give priority to providing services to individuals who are intravenous drug abusers, to pregnant women, to homeless individuals, and to residents of publicly-assisted housing;

"(5) with respect to women with dependent children, to provide child care to such women seeking treatment services for substance abuse;

"(6) to conduct outreach activities to inform individuals of the availability of the services of the program;

"(7) to provide case management services, including services to determine eligibility for assistance under Federal, State, and local programs providing health services, mental health services, or social services;

"(8) to ensure the establishment of one or more offices to oversee the coordination of the activities of the program, to ensure that treatment is available to those seeking it, to ensure that the program is administered efficiently, and to ensure that the public is informed that the offices are the locations at which individuals may make inquires concerning the program, including the location of available treatment services within the national capital area; and

"(9) to develop and utilize standards for certifying the knowledge and training of individuals, and the quality of programs, to provide treatment services for substance abuse.

"(c) CERTAIN REQUIREMENTS.—

"(1) REGARDING ELIGIBILITY FOR GRANT.—

"(A) The Secretary may not make the grant under subsection (a) unless the applicant involved is an organization of the general-purpose local governments within the national capital area, or another public or nonprofit private entity, and the applicant submits to the Secretary assurances satisfactory to the Secretary that, with respect to the communities in which services will be offered, the local governments of the communities will participate in the program.

"(B) The Secretary may not make the grant under subsection (a) unless—

"(i) an application for the grant is submitted to the Secretary;

"(ii) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(iii) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(2) AUTHORITY FOR COOPERATIVE AGREEMENTS.—The grantee under subsection (a) may provide the services required by such subsection directly or through arrangements with public and nonprofit private entities.

"(d) REQUIREMENT OF NON-FEDERAL CONTRIBUTIONS.—

"(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(e) EVALUATIONS.—

"(1) BY SECRETARY.—The Secretary shall independently evaluate the effectiveness of the program carried out under subsection (a) and determine its suitability as a model for the United States, particularly regarding the provision of high quality, patient-oriented, coordinated and accessible drug treatment services across jurisdictional lines. The Secretary shall consider the extent to which the program has improved patient retention, accessibility of services, staff retention and quality, reduced patient relapse, and provided a full range of drug treatment and related health and human services. The Secretary shall evaluate the extent to which the program has effectively utilized innovative methods for overcoming the resistance of the residents of communities to the establishment of treatment facilities within the communities.

"(2) BY GRANTEE.—The Secretary may require the grantee under subsection (a) to evaluate any aspect of the program carried out under such subsection, and such evaluation shall, to the extent appropriate, be coordinated with the independent evaluation required in paragraph (1).

"(3) LIMITATION.—Funds made available under subsection (h) may not be utilized to conduct the independent evaluation required in paragraph (1).

"(f) REPORTS.—

"(1) INITIAL CRITERIA.—The Secretary shall make a determination of the appropriate criteria for carrying out the program required in subsection (a), including the anticipated need for, and range of, services under the program in the communities involved and the anticipated costs of the program. Not later than 90 days after the date of the enactment of the ADAMHA Reorganization Act, the Secretary shall submit to the Congress a report describing the findings made as a result of the determination.

"(2) ANNUAL REPORTS.—Not later than 2 years after the date on which the grant is made under subsection (a), and annually thereafter, the Secretary shall submit to the Congress a report describing the extent to which the program carried out under such subsection has been effective in carrying out the purposes of the program.

"(g) DEFINITION.—For purposes of this section, the term 'national capital area' means the metropolitan Washington area, including the District of Columbia, the cities of Alexandria, Falls Church, and Fairfax in the State of Virginia, the counties of Arlington and Fairfax in such State (and the political subdivisions located in such counties), and the counties of Montgomery and Prince George's in the State of Maryland (and the political subdivisions located in such counties).

"(h) OBLIGATION OF FUNDS.—Of the amounts appropriated for each of the fiscal years 1993 and 1994 for the programs of the Department of Health and Human Services, the Secretary shall make available $10,000,000 for carrying out this section. Of the amounts appropriated for fiscal year 1995 for the programs of such Department, the Secretary shall make available $5,000,000 for carrying out this section.".

TITLE IV—CHILDREN OF SUBSTANCE ABUSERS

SEC. 401. ESTABLISHMENT OF PROGRAM OF SERVICES.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new part:

"PART M—SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS

"SEC. 399D. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to public and nonprofit private entities for the purpose of carrying out programs—

"(A) to provide the services described in subsection (b) to children of substance abusers;

"(B) to provide the applicable services described in subsection (c) to families in which a member is a substance abuser; and

"(C) to identify such children and such families.

"(2) ADMINISTRATIVE CONSULTATIONS.—The Administrator of the Administration for Children, Youth, and Families and the Administrator of the Substance Abuse and Mental Health Services Administration shall be consulted regarding the promulgation of program guidelines and funding priorities under this section.

"(3) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraph (B), the Secretary may make a grant under paragraph (1) only if, in the case of any service under such paragraph that is covered in the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the entity involved will provide the service directly, and the entity has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the entity will enter into an agreement with an organization under which the organization will provide the service, and the organization has entered into such a participation agreement and is qualified to receive such payments.

"(B)(i) In the case of an organization making an agreement under subparagraph (A)(ii) regarding the provision of services under paragraph (1), the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health or mental health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(ii) A determination by the Secretary of whether an organization referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(b) SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees to make available (directly or through agreements with other entities) to children of substance abusers each of the following services:

"(1) Periodic evaluation of children for developmental, psychological, and medical problems.

"(2) Primary pediatric care.

"(3) Other necessary health and mental health services.

"(4) Therapeutic intervention services for children, including provision of therapeutic child care.

"(5) Preventive counseling services.

"(6) Counseling related to the witnessing of chronic violence.

"(7) Referrals for, and assistance in establishing eligibility for, services provided under—

"(A) education and special education programs;

"(B) Head Start programs established under the Head Start Act;

"(C) other early childhood programs;

"(D) employment and training programs;

"(E) public assistance programs provided by Federal, State, or local governments; and

"(F) programs offered by vocational rehabilitation agencies, recreation departments, and housing agencies.

"(8) Additional developmental services that are consistent with the provision of early intervention services, as such term is defined in part H of the Individuals with Disabilities Education Act.

"(c) SERVICES FOR AFFECTED FAMILIES.—The Secretary may make a grant under subsection (a) only if, in the case of families in which a member is a substance abuser, the applicant involved agrees to make available (directly or through agreements with other entities) each of the following services, as applicable to the family member involved:

"(1) Services as follows, to be provided by a public health nurse, social worker, or similar professional, or by a trained worker from the community who is supervised by a professional:

"(A) Counseling to substance abusers on the benefits and availability of substance abuse treatment services and services for children of substance abusers.

"(B) Assistance to substance abusers in obtaining and using substance abuse treatment services and in obtaining the services described in subsection (b) for their children.

"(C) Visiting and providing support to substance abusers, especially pregnant women, who are receiving substance abuse treatment services or whose children are receiving services under subsection (b).

"(2) In the case of substance abusers:

"(A) Encouragement and, where necessary, referrals to participate in appropriate substance abuse treatment.

"(B) Primary health care and mental health services, including prenatal and post partum care for pregnant women.

"(C) Consultation and referral regarding subsequent pregnancies and life options, including education and career planning.

"(D) Where appropriate, counseling regarding family conflict and violence.

"(E) Remedial education services.

"(F) Referrals for, and assistance in establishing eligibility for, services described in subsection (b)(7).

"(3) In the case of substance abusers, spouses of substance abusers, extended family members of substance abusers, caretakers of children of substance abusers, and other people significantly involved in the lives of substance abusers or the children of substance abusers:

"(A) An assessment of the strengths and service needs of the family and the assignment of a case manager who will coordinate services for the family.

"(B) Therapeutic intervention services, such as parental counseling, joint counseling sessions for families and children, and family therapy.

"(C) Child care or other care for the child to enable the parent to attend treatment or other activities and respite care services.

"(D) Parenting education services and parent support groups.

"(E) Support services, including, where appropriate, transportation services.

"(F) Where appropriate, referral of other family members to related services such as job training.

"(G) Aftercare services, including continued support through parent groups and home visits.

"(d) CONSIDERATIONS IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall ensure that the grants are reasonably distributed among the following types of entities:

"(1) Alcohol and drug treatment programs, especially those providing treatment to pregnant women and mothers and their children.

"(2) Public or nonprofit private entities that provide health or social services to disadvantaged populations, and that have—

"(A) expertise in applying the services to the particular problems of substance abusers and the children of substance abusers; and

"(B) an affiliation or contractual relationship with one or more substance abuse treatment programs.

"(3) Consortia of public or nonprofit private entities that include at least one substance abuse treatment program.

"(4) Indian tribes.

"(e) FEDERAL SHARE.—The Federal share of a program carried out under subsection (a) shall be 90 percent. The Secretary shall accept the value of in-kind contributions, including facilities and personnel, made by the grant recipient as a part or all of the non-Federal share of grants.

"(f) COORDINATION WITH OTHER PROVIDERS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees to coordinate its activities with those of the State lead agency, and the State Interagency Coordinating Council, under part H of the Individuals with Disabilities Education Act.

"(g) RESTRICTIONS ON USE OF GRANT.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended—

"(1) to provide inpatient hospital services;

"(2) to make cash payments to intended recipients of services;

"(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(h) SUBMISSION TO SECRETARY OF CERTAIN INFORMATION.—The Secretary may make a grant under subsection (a) only if the applicant involved submits to the Secretary—

"(1) a description of the population that is to receive services under this section and a description of such services that are to be provided and measurable goals and objectives;

"(2) a description of the mechanism that will be used to involve the local public agencies responsible for health, mental health, child welfare, education, juvenile justice, developmental disabilities, and substance abuse treatment programs in planning and providing services under this section, as well as evidence that the proposal has been coordinated with the State agencies responsible for administering those programs and the State agency responsible for administering public maternal and child health services;

"(3) information demonstrating that the applicant has established a collaborative relationship with child welfare agencies and child protective services that will enable the applicant, where appropriate, to—

"(A) provide advocacy on behalf of substance abusers and the children of substance abusers in child protective services cases;

"(B) provide services to help prevent the unnecessary placement of children in substitute care; and

"(C) promote reunification of families or permanent plans for the placement of the child; and

"(4) such other information as the Secretary determines to be appropriate.

"(i) REPORTS TO SECRETARY.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that for each fiscal year for which the applicant receives such a grant the applicant, in accordance with uniform standards developed by the Secretary, will submit to the Secretary a report containing—

"(1) a description of specific services and activities provided under the grant;

"(2) information regarding progress toward meeting the program's stated goals and objectives;

"(3) information concerning the extent of use of services provided under the grant, including the number of referrals to related services and information on other programs or services

accessed by children, parents, and other caretakers;

"(4) information concerning the extent to which parents were able to access and receive treatment for alcohol and drug abuse and sustain participation in treatment over time until the provider and the individual receiving treatment agree to end such treatment, and the extent to which parents re-enter treatment after the successful or unsuccessful termination of treatment;

"(5) information concerning the costs of the services provided and the source of financing for health care services;

"(6) information concerning—

"(A) the number and characteristics of families, parents, and children served, including a description of the type and severity of childhood disabilities, and an analysis of the number of children served by age;

"(B) the number of children served who remained with their parents during the period in which entities provided services under this section;

"(C) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

"(D) the number of children described in subparagraph (C) who were reunited with their families; and

"(E) the number of children described in subparagraph (C) for whom a permanent plan has not been made or for whom the permanent plan is other than family reunification;

"(7) information on hospitalization or emergency room use by the family members participating in the program; and

"(8) such other information as the Secretary determines to be appropriate.

"(j) REQUIREMENT OF APPLICATION.—The Secretary may make any grant under subsection (a) only if—

"(1) an application for the grant is submitted to the Secretary;

"(2) the application contains the agreements required in this section and the information required in subsection (h); and

"(3) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(k) PEER REVIEW.—

"(1) REQUIREMENT.—In making determinations for awarding grants under subsection (a), the Secretary shall rely on the recommendations of the peer review panel established under paragraph (2).

"(2) COMPOSITION.—The Secretary shall establish a review panel to make recommendations under paragraph (1) that shall be composed of—

"(A) national experts in the fields of maternal and child health, substance abuse treatment, and child welfare; and

"(B) representatives of relevant Federal agencies, including the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and the Administration for Children, Youth, and Families.

"(l) EVALUATIONS.—The Secretary shall periodically conduct evaluations to determine the effectiveness of programs supported under subsection (a)—

"(1) in reducing the incidence of alcohol and drug abuse among substance abusers participating in the programs;

"(2) in preventing adverse health conditions in children of substance abusers;

"(3) in promoting better utilization of health and developmental services and improving the health, developmental, and psychological status of children receiving services under the program;

"(4) in improving parental and family functioning;

"(5) in reducing the incidence of out-of-home placement for children whose parents receive services under the program; and

"(6) in facilitating the reunification of families after children have been placed in out-of-home care.

"(m) REPORT TO CONGRESS.—Not later than 2 years after the date on which amounts are first appropriated under subsection (o), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report that contains a description of programs carried out under this section. At a minimum, the report shall contain—

"(1) information concerning the number and type of programs receiving grants;

"(2) information concerning the type and use of services offered;

"(3) information concerning—

"(A) the number and characteristics of families, parents, and children served;

"(B) the number of children served who remained with their parents during or after the period in which entities provided services under this section;

"(C) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

"(D) the number of children described in subparagraph (C) who were reunited with their families; and

"(E) the number of children described in subparagraph (C) who were permanently placed in out-of-home care;

analyzed by the type of entity described in subsection (d) that provided services;

"(4) an analysis of the access provided to, and use of, related services and alcohol and drug treatment through programs carried out under this section; and

"(5) a comparison of the costs of providing services through each of the types of entities described in subsection (d).

"(n) DATA COLLECTION.—The Secretary shall periodically collect and report on information concerning the numbers of children in substance abusing families, including information on the age, gender and ethnicity of the children, the composition and income of the family, and the source of health care finances.

"(o) DEFINITIONS.—For purposes of this section:

"(1) The term 'caretaker', with respect to a child of a substance abuser, means any individual acting in a parental role regarding the child (including any birth parent, foster parent, adoptive parent, relative of such a child, or other individual acting in such a role).

"(2) The term 'children of substance abusers' means—

"(A) children who have lived or are living in a household with a substance abuser who is acting in a parental role regarding the children; and

"(B) children who have been prenatally exposed to alcohol or other dangerous drugs.

"(3) The term 'Indian tribe' means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(4) The term 'public or nonprofit private entities that provide health or social services to disadvantaged populations' includes community-based organizations, local public health departments, community action agencies, hospitals, community health centers, child welfare agencies, developmental disabilities service providers, and family resource and support programs.

"(5) The term 'substance abuse' means the abuse of alcohol or other drugs.

"(p) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal years 1993, and such sums as may be necessary for fiscal year 1994.

"(2) CONTINGENT AUTHORITY REGARDING TRAINING OF CERTAIN INDIVIDUALS.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $25,000,000, the Secretary may make available not more than 15 percent for the training of health care professionals and other personnel (including child welfare providers) who provide services to children and families of substance abusers.

(b) RULE OF CONSTRUCTION.—With respect to the program established in section 399D of the Public Health Service Act (as added by subsection (a) of this section), nothing in such section 399D may be construed as establishing for any other Federal program any requirement, authority, or prohibition, including with respect to recipients of funds under such other Federal programs.

TITLE V—HOME VISITING SERVICES FOR AT-RISK FAMILIES

SEC. 501. STATEMENT OF PURPOSE.

The purpose of this title is—

(1) to increase the use of, and to provide information on the availability of early, continuous and comprehensive prenatal care;

(2) to reduce the incidence of infant mortality and of infants born prematurely, with low birthweight, or with other impairments including those associated with maternal substance abuse;

(3) for pregnant women and mothers of children below the age of 3 whose children have experienced or are at risk of experiencing a health or developmental complication, to provide assistance in obtaining health and related social services necessary to meet the special needs of the women and their children;

(4) to assist, when requested, women who are pregnant and at-risk for poor birth outcomes, or who have young children and are abusing alcohol or other drugs, in obtaining appropriate treatment; and

(5) to reduce the incidence of child abuse and neglect.

SEC. 502. ESTABLISHMENT OF PROGRAM OF GRANTS.

Part L of title III of the Public Health Service Act (42 U.S.C. 280c et seq.) is amended—

(1) by redesignating sections 399 and 399A as sections 398A and 398B, respectively; and

(2) by adding at the end the following subpart:

"Subpart III—Grants for Home Visiting Services for At-Risk Families

"SEC. 399. PROJECTS TO IMPROVE MATERNAL, INFANT, AND CHILD HEALTH.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to eligible entities to pay the Federal share of the cost of providing the services specified in subsection (b) to families in which a member is—

"(A) a pregnant woman at risk of delivering an infant with a health or developmental complication; or

"(B) a child less than 3 years of age—

"(i) who is experiencing or is at risk of a health or developmental complication, or of child abuse or neglect; or

"(ii) who has been prenatally exposed to maternal substance abuse.

"(2) Minimum Period of Awards; Administrative Consultations.—

"(A) The Secretary shall award grants under paragraph (1) for periods of at least three years.

"(B) The Administrator of the Administration for Children, Youth, and Families and the Director of the National Commission to Prevent Infant Mortality shall be consulted regarding the promulgation of program guidelines and funding priorities under this section.

"(3) Requirement of Status as Medicaid Provider.—

"(A) Subject to subparagraph (B), the Secretary may make a grant under paragraph (1) only if, in the case of any service under such paragraph that is covered in the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the entity involved will provide the service directly, and the entity has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the entity will enter into an agreement with an organization under which the organization will provide the service, and the organization has entered into such a participation agreement and is qualified to receive such payments.

"(B)(i) In the case of an organization making an agreement under subparagraph (A)(ii) regarding the provision of services under paragraph (1), the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health or mental health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(ii) A determination by the Secretary of whether an organization referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(b) Home Visiting Services for Eligible Families.—With respect to an eligible family, each of the following services shall, directly or through arrangement with other public or nonprofit private entities, be available (as applicable to the family member involved) in each project operated with a grant under subsection (a):

"(1) Prenatal and postnatal health care.

"(2) Primary health care for the children, including developmental assessments.

"(3) Education for the parents concerning infant care and child development, including the development and utilization of parent and teacher resource networks and other family resource and support networks where such networks are available.

"(4) Upon the request of a parent, providing the education described in paragraph (3) to other individuals who have responsibility for caring for the children.

"(5) Education for the parents concerning behaviors that adversely affect health.

"(6) Assistance in obtaining necessary health, mental health, developmental, social, housing, and nutrition services and other assistance, including services and other assistance under maternal and child health programs; the special supplemental food program for women, infants, and children; section 17 of the Child Nutrition Act of 1966; title V of the Social Security Act; title XIX of such Act (including the program for early and periodic screening, diagnostic, and treatment services described in section 1905(r) of such Act); titles IV and XIX of the Social Security Act; housing programs; other food assistance programs; and appropriate alcohol and drug dependency treatment programs, according to need.

"(c) Considerations in Making Grants.—In awarding grants under subsection (a), the Secretary shall take into consideration—

"(1) the ability of the entity involved to provide, either directly or through linkages, a broad range of preventive and primary health care services and related social, family support, and developmental services;

"(2) different combinations of professional and lay home visitors utilized within programs that are reflective of the identified service needs and characteristics of target populations;

"(3) the extent to which the population to be targeted has limited access to health care, and related social, family support, and developmental services; and

"(4) whether such grants are equitably distributed among urban and rural settings and whether entities serving Native American communities are represented among the grantees.

"(d) Federal Share.—With respect to the costs of carrying out a project under subsection (a), a grant under such subsection for the project may not exceed 90 percent of such costs. To be eligible to receive such a grant, an applicant must provide assurances that the applicant will obtain at least 10 percent of such costs from non-Federal funds (and such contributions to such costs may be in cash or in-kind, including facilities and personnel).

"(e) Rule of Construction Regarding At-Risk Births.—For purposes of subsection (a)(1), a pregnant woman shall be considered to be at risk of delivering an infant with a health or developmental complication if during the pregnancy the woman—

"(1) lacks appropriate access to, or information concerning, early and routine prenatal care;

"(2) lacks the transportation necessary to gain access to the services described in subsection (b);

"(3) lacks appropriate child care assistance, which results in impeding the ability of such woman to utilize health and related social services;

"(4) is fearful of accessing substance abuse services or child and family support services; or

"(5) is a minor with a low income.

"(f) Delivery of Services and Case Management.—

"(1) Case Management Model.—Home visiting services provided under this section shall be delivered according to a case management model, and a registered nurse, licensed social worker, or other licensed health care professional with experience and expertise in providing health and related social services in home and community settings shall be assigned as the case manager for individual cases under such model.

"(2) Case Manager.—A case manager assigned under paragraph (1) shall have primary responsibility for coordinating and overseeing the development of a plan for each family that is to receive home visiting services under this section, and for coordinating the delivery of such services provided through appropriate personnel.

"(3) Appropriate Personnel.—In determining which personnel shall be utilized in the delivery of services, the case manager shall consider—

"(A) the stated objective of the project to be operated with the grant, as determined after considering identified gaps in the current service delivery system; and

"(B) the nature of the needs of the family to be served, as determined at the initial assessment of the family that is conducted by the case manager, and through follow-up contacts by other providers of home visiting services.

"(4) Family Service Plan.—A case manager, in consultation with a team established in accordance with paragraph (5) for the family involved, shall develop a plan for the family following the initial visit to the home of the family. Such plan shall reflect—

"(A) an assessment of the health and related social service needs of the family;

"(B) a structured plan for the delivery of home visiting services to meet the identified needs of the family;

"(C) the frequency with which such services are to be provided to the family;

"(D) ongoing revisions made as the needs of family members change; and

"(E) the continuing voluntary participation of the family in the plan.

"(5) Home Visiting Services Team.—The team to be consulted under paragraph (4) on behalf of a family shall include, as appropriate, other nursing professionals, physician assistants, social workers, child welfare professionals, infant and early childhood specialists, nutritionists, and laypersons trained as home visitors. The case manager shall ensure that the plan is coordinated with those physician services that may be required by the mother or child.

"(g) Outreach.—Each grantee under subsection (a) shall provide outreach and casefinding services to inform eligible families of the availability of home visiting services from the project.

"(h) Confidentiality.—In accordance with applicable State law, an entity receiving a grant under subsection (a) shall maintain confidentiality with respect to services provided to families under this section.

"(i) Certain Assurances.—The Secretary may award a grant under subsection (a) only if the entity involved provides assurances satisfactory to the Secretary that—

"(1) the entity will provide home visiting services with reasonable frequency—

"(A) to families with pregnant women, as early in the pregnancy as is practicable, and until the infant reaches at least 2 years of age; and

"(B) to other eligible families, for at least 2 years; and

"(2) the entity will coordinate with public health and related social service agencies to prevent duplication of effort and improve the delivery of comprehensive health and related social services.

"(j) Submission to Secretary of Certain Information.—The Secretary may award a grant under subsection (a) only if the entity involved submits to the Secretary—

"(1) a description of the population to be targeted for home visiting services and methods of outreach and casefinding for identifying eligible families, including the use of lay home visitors where appropriate;

"(2) a description of the types and qualifications of home visitors used by the entity and the process by which the entity will provide continuing training and sufficient support to the home visitors; and

"(3) such other information as the Secretary determines to be appropriate.

"(k) Limitation Regarding Administrative Expenses.—Not more than 10 percent of a grant under subsection (a) may be expended for administrative expenses with respect to the grant. The costs of training individuals to serve in the project involved are not subject to the preceding sentence.

"(l) Restrictions on Use of Grant.—To be eligible to receive a grant under this section, an entity must agree that the grant will not be expended—

"(1) to provide inpatient hospital services;

"(2) to make cash payments to intended recipients of services;

"(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(m) REPORTS TO SECRETARY.—To be eligible to receive a grant under this section, an entity must agree to submit an annual report on the services provided under this section to the Secretary in such manner and containing such information as the Secretary by regulation requires. At a minimum, the entity shall report information concerning eligible families, including—

"(1) the characteristics of the families and children receiving services under this section;

"(2) the usage, nature, and location of the provider, of preventive health services, including prenatal, primary infant, and child health care;

"(3) the incidence of low birthweight and premature infants;

"(4) the length of hospital stays for pre- and post-partum women and their children;

"(5) the incidence of substantiated child abuse and neglect for all children within participating families;

"(6) the number of emergency room visits for routine health care;

"(7) the source of payment for health care services and the extent to which the utilization of health care services, other than routine screening and medical care, available to the individuals under the program established under title XIX of the Social Security Act, and under other Federal, State, and local programs, is reduced;

"(8) the number and type of referrals made for health and related social services, including alcohol and drug treatment services, and the utilization of such services provided by the grantee; and

"(9) the incidence of developmental disabilities.

"(n) REQUIREMENT OF APPLICATION.—The Secretary may make a grant under subsection (a) only if—

"(1) an application for the grant is submitted to the Secretary;

"(2) the application contains the agreements and assurances required in this section, and the information required in subsection (j);

"(3) the application contains evidence that the preparation of the application has been coordinated with the State agencies responsible for maternal and child health and child welfare, and coordinated with services provided under part H of the Individuals with Disabilities Education Act; and

"(4) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(o) PEER REVIEW.—

"(1) REQUIREMENT.—In making determinations for awarding grants under subsection (a), the Secretary shall rely on the recommendations of the peer review panel established under paragraph (2).

"(2) COMPOSITION.—The Secretary shall establish a review panel to make recommendations under paragraph (1) that shall be composed of—

"(A) national experts in the fields of maternal and child health, child abuse and neglect, and the provision of community-based primary health services; and

"(B) representatives of relevant Federal agencies, including the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the Administration for Children, Youth, and Families, the U.S. Advisory Board on Child Abuse and Neglect, and the National Commission to Prevent Infant Mortality.

"(p) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall, directly or through contracts with public or private entities—

"(A) conduct evaluations to determine the effectiveness of projects under subsection (a) in reducing the incidence of children born with health or developmental complications, the incidence among children less than 3 years of age of such complications, and the incidence of child abuse and neglect; and

"(B) not less than once during each 3-year period, prepare and submit to the appropriate committees of Congress a report concerning the results of such evaluations.

"(2) CONTENTS.—The evaluations conducted under paragraph (1) shall—

"(A) include a summary of the data contained in the annual reports submitted under subsection (m);

"(B) assess the relative effectiveness of projects under subsection (a) in urban and rural areas, and among programs utilizing differing combinations of professionals and trained home visitors recruited from the community to meet the needs of defined target service populations; and

"(C) make further recommendations necessary or desirable to increase the effectiveness of such projects.

"(q) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible entity' includes public and nonprofit private entities that provide health or related social services, including community-based organizations, visiting nurse organizations, hospitals, local health departments, community health centers, Native Hawaiian health centers, nurse managed clinics, family service agencies, child welfare agencies, developmental service providers, family resource and support programs, and resource mothers projects.

"(2) The term 'eligible family' means a family described in subsection (a).

"(3) The term 'health or developmental complication', with respect to a child, means—

"(A) being born in an unhealthy or potentially unhealthy condition, including premature birth, low birthweight, and prenatal exposure to maternal substance abuse;

"(B) a condition arising from a condition described in subparagraph (A);

"(C) a physical disability or delay; and

"(D) a developmental disability or delay.

"(4) The term 'home visiting services' means the services specified in subsection (b), provided at the residence of the eligible family involved or provided pursuant to arrangements made for the family (including arrangements for services in community settings).

"(5) The term 'home visitors' means providers of home visiting services.

"(r) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $30,000,000 for each of the fiscal years 1993 and 1994.".

TITLE VI—TRAUMA CENTERS AND DRUG-RELATED VIOLENCE

SEC. 601. ESTABLISHMENT OF PROGRAM OF GRANTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—TRAUMA CENTERS OPERATING IN AREAS SEVERELY AFFECTED BY DRUG-RELATED VIOLENCE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence arising directly or indirectly from illicit trafficking in drugs. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING CERTAIN PATIENTS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the population of patients that has been served by the center for the period specified in subparagraph (B) includes a significant number of patients who were treated for—

"(i) trauma resulting from the penetration of the skin by knives, bullets, or any other implement that can be used as a weapon; or

"(ii) trauma that the center reasonably believes results from violence arising directly or indirectly from illicit trafficking in drugs.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C)(i) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c); or

"(ii) agrees that such guidelines will be adopted by the system not later than 6 months after the date on which the trauma center submits to the Secretary the application for the grant.

"(3) SUBMISSION AND APPROVAL OF LONG-TERM PLAN.—The Secretary may not make a grant under subsection (a) unless the trauma center involved—

"(A) submits to the Secretary a plan satisfactory to the Secretary that—

"(i) is developed on the assumption that the center will continue to incur substantial uncompensated costs in providing trauma care; and

"(ii) provides for the long-term continued operation of the center with an acceptable standard of medical care, notwithstanding such uncompensated costs; and

"(B) agrees to implement the plan according to a schedule approved by the Secretary.

"SEC. 1242. PREFERENCES IN MAKING GRANTS.

"(a) IN GENERAL.—In making grants under section 1241(a), the Secretary shall give preference to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 2-year period specified in section 1241(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"(b) FURTHER PREFERENCE FOR CERTAIN APPLICATIONS.—With respect to applications for grants under section 1241 that are receiving preference for purposes of subsection (a), the Secretary shall give further preference to any such application made by a trauma center for which a disproportionate percentage of the uncompensated costs of the center result from the provision of trauma care to individuals who neither are citizens nor aliens lawfully admitted to the United States for permanent residence.

"SEC. 1243. CERTAIN AGREEMENTS.

"(a) COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.—The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the 3-year period beginning on the date that the center first receives payments under the grant; and

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A).

"(b) MAINTENANCE OF FINANCIAL SUPPORT.—With respect to activities for which a grant under section 1241 is authorized to be expended, the Secretary may not make such a grant unless the trauma center involved agrees that, during the period in which the center is receiving payments under the grant, the center will maintain expenditures for such activities at a level that is not less than the level maintained by the center during the fiscal year preceding the first fiscal year for which the center receives such payments.

"(c) TRAUMA CARE REGISTRY.—The Secretary may not make a grant under section 1241(a) unless the trauma center involved agrees that—

"(1) the center will operate a registry of trauma cases in accordance with the applicable guidelines described in section 1241(b)(2)(C), and will begin operation of the registry not later than 6 months after the date on which the center submits to the Secretary the application for the grant; and

"(2) in carrying out paragraph (1), the center will maintain information on the number of trauma cases treated by the center and, for each such case, the extent to which the center incurs uncompensated costs in providing trauma care.

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) LIMITATION ON AMOUNT OF GRANT.—A grant under section 1241 may not be made in amount exceeding $2,000,000.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994. Such authorization of appropriations is in addition to any other authorization of appropriations or amounts that are available for such purpose.".

SEC. 602. CONFORMING AMENDMENTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

TITLE VII—STUDIES

SEC. 701. REPORT BY THE INSTITUTE ON MEDICINE.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with a public or nonprofit private entity to conduct a study concerning—

(1) the role of the private sector in the development of anti-addiction medications, including legislative proposals designed to encourage private sector development of such medications;

(2) the process by which anti-addiction medications receive marketing approval from the Food and Drug Administration, including an assessment of the feasibility of expediting the marketing approval process in a manner consistent with maintaining the safety and effectiveness of such medications;

(3) with respect to pharmacotherapeutic treatments for drug addiction—

(A) recommendations with respect to a national strategy for developing such treatments and improvements in such strategy;

(B) the state of the scientific knowledge concerning such treatments; and

(C) an assessment of the progress toward the development of safe, effective pharmacological treatments for drug addiction; and

(4) other related information determined appropriate by the authors of the study.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary of Health and Human Services shall ensure that, not later than 18 months after the date of enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

(d) AVAILABILITY.—The report prepared under subsection (c) shall be made available for use by the general public.

SEC. 702. SENSE OF THE SENATE.

It is the sense of the Senate that the Medications Development Division of the National Institute on Drug Abuse should devote special attention and adequate resources to achieve the following urgent goals—

(1) the development of medications in addition to methadone;

(2) the development of a long-acting narcotic antagonist;

(3) the development of agents for the treatment of cocaine abuse and dependency, including those that act as a narcotic antagonist;

(4) the development of medications to treat addiction to drugs that are becoming increasingly prevalent, such as methamphetamine;

(5) the development of additional medications to treat safely pregnant addicts and their fetuses; and

(6) the development of medications to treat the offspring of addicted mothers.

SEC. 703. PROVISION OF MENTAL HEALTH SERVICES TO INDIVIDUALS IN CORRECTIONAL FACILITIES.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services, shall prepare and submit to the appropriate committees of Congress a report concerning the most effective methods for providing mental health services to individuals who come into contact with the criminal justice system, including those individuals incarcerated in correctional facilities (including local jails and detention facilities), and the obstacles to providing such services. Such study shall be carried out in consultation with the National Institute of Mental Health, the Department of Justice, and other appropriate public and private entities.

SEC. 704. STUDY OF BARRIERS TO INSURANCE COVERAGE OF TREATMENT FOR MENTAL ILLNESS AND SUBSTANCE ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Mental Health and in consultation with the Administrator of the Health Care Financing Administration, shall conduct a study of the barriers to insurance coverage for the treatment of mental illness and substance abuse. The study shall include—

(1) an assessment of the effect of managed care on the quality and financing of such treatment;

(2) an assessment of the appropriateness and cost effectiveness of treatment provided in nonprofit, non-hospital settings; and

(3) an assessment of the need for equitable coverage of severe mental illnesses as part of national health care reform.

(b) ASSESSMENT REGARDING MENTAL ILLNESS.—In making an assessment under paragraph (3) of subsection (a), the study required in such subsection shall provide for the following:

(1) The clarification of what is meant by mental health coverage differentiating between the need of individuals with severe, long-term mental illnesses and individuals with mental health problems of situational nature.

(2) Identification of the particular treatments and services required by persons with severe mental illnesses to maintain optimum functioning in the community.

(3) Evaluation of various approaches to providing equitable coverage of severe mental illnesses in private insurance and public health care financing programs. These approaches should include the following:

(A) The diagnostic approach as exemplified by certain State legislation (e.g., California State Code, section 101123.15; Texas Employers Uniform Group Insurance Benefits Act, section 11.106-11.113 (Insurance for Serious Mental Illnesses); and Maine, H.P. 1064: An Act to provide equitable insurance coverage for mental illnesses).

(B) The Service-Based Approach, as exemplified in the Model Mental Health Benefit developed under the auspices of NIMH Grant MH43703.

(C) The Functional (Severity of Disability) Approach.

(4) Evaluation of the cost benefit to insurers and the Federal Government of providing equal coverage for severe mental illness.

(5) Financing mechanisms for coverage of the rehabilitative and long-term care needs of persons with severe mental illnesses.

(c) REPORT TO CONGRESS.—Not later than October 1, 1993, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 705. STUDY ON FETAL ALCOHOL EFFECT AND FETAL ALCOHOL SYNDROME.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into a contract with a public or nonprofit private entity to conduct a study on the prevalence of fetal alcohol effect and fetal alcohol syndrome in the general population of the United States and on the adequacy of Federal efforts to reduce the incidence of such conditions (including efforts regarding appropriate training for health care providers in identifying such effect or syndrome). The Secretary shall ensure that the study—

(1) describes diagnostic tools for identifying such conditions;

(2) compares the rate of each of such conditions with the rates of other drug-related congenital conditions;

(3) evaluates the effectiveness and availability of treatment for such conditions; and

(4) evaluates the plans of Federal agencies to conduct research on such conditions and determines the adequacy of such plans in relation to the impact on public health of the conditions.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that, not later than 18 months after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

SEC. 706. STUDY BY NATIONAL ACADEMY OF SCIENCES.

(a) IN GENERAL.—In the case of programs in the United States that provide both sterile hypodermic needles and bleach to individuals in order to provide for a reduction in the risk of the individuals contracting acquired immune deficiency syndrome or related conditions, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Director of the National Institute on Drug Abuse, shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies to make determinations of the following:

(1) The extent to which the programs promote, directly or indirectly, the abuse of drugs through providing information or devices (or both) regarding the manner in which the adverse health consequences of such abuse can be minimized.

(2) In the case of individuals participating in the programs, the number of individuals who have engaged in the abuse of drugs prior to admission to the programs and the number of individuals who have not engaged in such abuse prior to such admission.

(3) The extent to which participation in the programs has altered any behaviors constituting a substantial risk of contracting acquired immune deficiency syndrome or hepatitis, or of transmitting either of the diseases.

(4) The number of programs that provide referrals for the treatment of such abuse and the number of programs that do not provide such referrals.

(5) The extent to which programs safely dispose of used hypodermic syringes and needles.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through other public or nonprofit private entities.

(c) LIMITATION REGARDING EXISTING PROGRAMS.—The study required in subsection (a) may not be conducted with respect to programs established after the date of the enactment of this Act.

(d) DATE FOR COMPLETION.—The Secretary shall ensure that, not later than 18 months after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

(e) FUNDING.—Of the aggregate amounts appropriated under the Public Health Service Act for fiscal years 1993 and 1994 for research on drug abuse, the Secretary shall make available $5,000,000 for conducting the study required in subsection (a).

SEC. 707. REPORT ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulae under which funds made available under sections 1911 and 1921 of the Public Health Service Act are allocated among the States and territories. Such study or studies shall include—

(1) an assessment of the degree to which the formula allocates funds according to the respective needs of the States and territories;

(2) a review of relevant epidemiological research regarding the incidence of substance abuse and mental illness among various age groups and geographic regions of the country;

(3) the identification of factors not included in the formula that are reliable predictors of the incidence of substance abuse and mental illness;

(4) an assessment of the validity and relevance of factors currently included in the formula, such as age, urban population and cost; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formula.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within three months make appropriate recommendations concerning such report to such committees.

SEC. 708. REPORT BY SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

(a) INTERIM REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Substance Abuse and Mental Health Services Administration shall compile and directly transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate an interim report that includes the following information:

(1) A compilation and summary of the scientific literature and research concerning the provision of health insurance, by both public and private entities, for substance abuse (including alcohol abuse) and mental health services.

(2) A review of the scientific literature evaluating the medical effectiveness of substance abuse (including alcohol abuse) and mental health services.

(3) An examination of past practices and emerging trends of health insurance coverage for substance abuse (including alcohol abuse) and mental health services, including an examination of trends in copayments, lifetime coverage maximums, number of visits, and inclusion or exclusion of such services.

(4) An identification of issues attendant to and analysis of barriers to health insurance coverage for substance abuse (including alcohol abuse) and mental illness services. Such analysis shall include a discussion of how substance abuse (including alcohol abuse) and mental health services would be affected by the various health care reform under consideration in Congress.

(5) An examination of the issues attendant to limitations placed on the use of Medicaid program funds for adults receiving substance abuse (including alcoholism services) and mental health services in intermediate care residential settings.

(b) FINAL REPORT.—Not later than October 1, 1993, such Administrator shall compile and transmit directly to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that identifies the relevant policy issues and research questions that need to be answered to address current barriers to the provision of substance abuse and mental health services. The Administrator shall design a research and demonstration strategy that examines such barriers and tests alternative solutions to the problems of providing health insurance and treatment services for substance abuse and mental health services. As soon as practicable but not later than January 1, 1994, the Secretary shall initiate research and demonstration projects that, consistent with the information contained in the reports required under this section, will study the issues identified with, and possible alternative mechanisms of, providing health insurance and treatment services for substance abuse (including alcohol abuse) and mental illness.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. EFFECTIVE DATES.

(a) IN GENERAL.—This Act takes effect on the date of the enactment of this Act, subject to subsections (b) through (d).

(b) AMENDMENTS.—The amendments described in this Act are made on the date of the enactment of this Act and take effect on such date, except as provided in subsections (c) and (d).

(c) REORGANIZATION UNDER TITLE I.—Title I takes effect on October 1, 1992. The amendments described in such title are made on such date and take effect on such date.

(d) PROGRAMS PROVIDING FINANCIAL ASSISTANCE.—

(1) FISCAL YEAR 1993 AND SUBSEQUENT YEARS.—In the case of any program making awards of grants, cooperative agreements, or contracts, the amendments made by this Act are effective for awards made on or after October 1, 1992.

(2) PRIOR FISCAL YEARS.—

(A) Except as provided in subparagraph (B), in the case of any program making awards of grants, cooperative agreements, or contracts, if the program began operation prior to the date of the enactment of this Act and the program is amended by this Act, awards made prior to October 1, 1992, shall continue to be subject to the terms and conditions upon which such awards were made, notwithstanding the amendments made by this Act.

(B) Subparagraph (A) does not apply with respect to the amendments made by this Act to part B of title XIX of the Public Health Service Act. Section 205(a) applies with respect to the program established in such part.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the title of the bill insert the following: "An Act to amend the Public Health Service Act to restructure the Alcohol, Drug Abuse, and Mental Health Administration and the authorities of such Administration, including establishing separate block grants to enhance the delivery of services regarding substance abuse and mental health, and for other puroses."

And the House agree to the same.

JOHN D. DINGELL,
HENRY A. WAXMAN,
J. ROY ROWLAND,
NORMAN F. LENT,
TOM BLILEY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
CLAIBORNE PELL,
HOWARD METZENBAUM,
CHRISTOPHER DODD,
TOM HARKIN,
BROCK ADAMS,
ORRIN G. HATCH,
DAN COATS,
STROM THURMOND,
DAVE DURENBERGER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1306), to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse, and Mental Health Administration, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enactment clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

ADAMHA REORGANIZATION

The Senate bill proposes to reorganize the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) by transferring its three research institutes (the National Institute of Mental Health (NIMH), the National Institute on Drug Abuse (NIDA), and the National Institute on Alcohol Abuse and Alcoholism (NIAAA)) to the National Institutes of Health (NIH), and by reconstituting ADAMHA as a services administration and by creating an agency to administer mental health services programs. The House amendment contains no such reorganization.

The House recedes with an amendment. The services administration will be known as the Substance Abuse and Mental Health Services Administration (SAMHSA). It will consist of the Center for Substance Abuse Prevention (CSAP), the Center for Substance Abuse Treatment (CSAT), and the Center for Mental Health Services (CMHS).

The principal purpose of the reorganization is to fully develop the Federal government's ability to target effectively substance abuse and mental health services to the people most in need, and to translate research in these areas more effectively and more rapidly into the general health care system.

It is the conferees' intent that this reorganization be implemented in a manner that strengthens the federal effort with respect to both research and services. Sufficient resources and personnel shall be made available to each of the federal agencies affected by the reorganization to enable each to carry out the functions assigned to it.

Health services research

In its effort to more clearly define the distinct research and service missions of the relevant agencies, the Senate bill explicitly affirms the authority of the institutes to conduct health services research in keeping with the view that basic, clinical and services research constitute a continuum that should not be artificially severed. That determination has been strengthened by the inclusion in the conference report of a provision modeled after the House amendment to set aside a minimum of 15 percent of the research budget of the NIMH, and apply a similar requirement to the research budgets of NIDA and NIAAA.

Health services research addresses the impact of the organization, financing and management of health services on the quality, cost, access to and outcomes of care. Each institute shall fund research projects, research centers and dissemination activities using grants, cooperative agreements, contracts and other such mechanisms as are deemed appropriate.

While the committee believes that NIMH, NIDA, and NIAAA should continue their current programs to study the causes and potential cures for mental illness and substance abuse, to develop new clinical treatments and drugs, and to collect and analyze epidemiologic data, the conferees believe that increased resources should be devoted to the critical area of services research.

Federal and state governments, private insurers and employers, and patients and their families spend billions of dollars a year supporting fragmented and often inadequate systems of care—both public and private—for the mentally ill and for those addicted to drugs and/or alcohol. Yet little is know about such basic issues as how much these systems cost and how their costs can be controlled, which models of care work best, how quality can be measured and assured, and who should pay for the care and by what mechanism. Equally important, what we do know is not being disseminated effectively to those who need the information to set policy or navigate the delivery system for themselves or a loved one.

Just as Congress has made a strong commitment to searching for cures for mental illness and substance abuse, so too must the federal government make an equally strong commitment to finding the most efficient, effective and equitable ways to deliver and finance high quality care for these populations. An investment of at least 15 percent of the research budgets of the institutes to study these important problems and to disseminate what has been learned is appropriate.

The debate over services research has been especially heated in the mental health community. The conferees are impressed with the growing importance of mental health services research and the promise it holds for improving care for the mentally ill. The conferees are particularly impressed with the new NIMH research plan entitled, "Caring for People with Severe Mental Disorders: A National Plan of Research to Improve Services." This is the first systematic, strategic plan for services research and it should be fully implemented.

The conferees are particularly concerned about the impact of severe mental illness on families and caregivers and the problem of unpredictable violent behavior that the mentally ill sometimes exhibit. The committee urges NIMH to examine these issues as it continues its strong and highly successful role in services research.

The conferees are encouraged by work begun over the last few years within NIDA's Financing and Services Research Branch of the Division of Applied Research. With the additional support provided under this bill, NIDA's research program on the cost, quality, access and utilization of drug abuse services can be significantly expanded. The NIDA funded Drug Services Research Survey provides for the first time the essential data needed for services research into access and cost-effectiveness of treatment options, and as such is an integral part of the services research program. This important survey should be continued on a periodic basis. The conference also urges NIDA to develop a research agenda, comparable to the aforementioned NIMH plan, to improve services for the drug addicted population.

NIAAA is to be commended for its efforts to study the effectiveness of treatment for alcohol related problems and to improve the cost-effectiveness of federal and state alcohol related programs. The current projects to identify the nature and extent of alcohol related problems and ways to improve the effectiveness of services should be continued. The conferees urge the institute to fund additional research into the impact of reimbursement policy on the availability, organization and cost of alcoholism treatment. The committee also urges the institute to develop a national plan for research on services.

Behavioral research

The conferees do not intend the reorganization to diminish the important behavioral science portfolios of the three former ADAMHA institutes. Indeed, the conferees expect that the transfer of these three institutes will bring to all of the NIH institutes an increased appreciation for the emphasis on behavioral science and health services research. The conferees reiterate their strong support for psychological, behavioral and social research in the understanding of mental, addictive and physical disorders.

Reports on alcohol and drug abuse

Section 506 in current law requires the Secretary to prepare triennial reports on alcohol and drug abuse. In current practice, that authority has been delegated to the Directors of NIAAA and NIDA.

Other than by redesignating the section, the conference report does not alter current law. The Secretary therefore retains authority to delegate this authority to the institutes, and is encouraged to do so.

Research training and clinical training

Under the conference agreement, research training authority is transferred with the institutes to NIH, but clinical training authority under section 303 of the Public Health Service Act and funds appropriated pursuant to that authority have been vested with SAMHSA. The institutes should exercise their training authority to the same extent as the other NIH institutes. In any event, the three institutes should not engage in activity that duplicates or substantially overlaps the clinical training activities of the Services Administration.

The conferees expect that the substance abuse clinical training activities of the Services Administration will include an appropriate emphasis on the treatment and prevention of alcohol abuse and alcoholism.

Service issues

The conferees intend that the programs administered by the new Services Administration contain a strong evaluation component. It is important for the Centers to support evaluations, including the evaluation of prevention services, using the most rigorous evaluative designs appropriate and feasible.

The Services Administration has also been charged with significant authority for data collection. The conferees recognize that the three research institutes possess experience in evaluating treatment and prevention services, and it is expected that the SAMHSA Administrator will draw upon the expertise of the appropriate institute directors during the process of shaping such evaluations and data collection efforts.

Among the responsibilities of the Administrator of the Services Administration is the coordination of federal policy with respect to the provision of treatment services for substance abuse utilizing anti-addiction medications, including methadone. Among the agencies whose activities would be subject to such coordination are the Food and Drug Administration, the Drug Enforcement Administration and NIDA. The conferees do not intend that such authority include responsibility for the development of such medications; that responsibility lies with NIDA.

Use of block grant set-aside

The conference agreement maintains the current law policy of reserving 5 percent of block grant appropriations for the conduct of technical assistance, data collection and program evaluation necessary to improve the availability and quality of mental health and substance abuse services.

The newly established Center for Mental Health Service and the Center for Substance Abuse Treatment are charged under the conference agreement with administration of the set-aside funds available under the respective mental health and substance abuse block grants. In carrying out this authority the statute authorizes the Centers to exercise broad discretion in the design of evaluation projects. Such projects should include studies that examine the effectiveness of funded services and how changes in such services could improve the quality of care.

Although these projects are not research, per se, they may follow experimental designs, including the use of random assignment. The conferees expect that the Centers will carry out comprehensive evaluation activities including evaluations of prevention policy.

The conferees are aware that under current practice, a portion of the 5% ADMS block grant set-aside has been used to support health services research in the three research institutes. While the conferees do not intend to disrupt that practice in the current fiscal year, and in fact encourage that existing obligations be met, this use of ADMS block grant funds will be prohibited after fiscal year 1992. The conferees intend that the block grant set-aside be used for technical assistance, data collection, evaluations and other activities directly related to services, but it is untenable for such funds to be transferred to entities within NIH.

Nonetheless, the conferees recognize the importance of completing multi-year grants that were funded with block grant set-aside funds prior to fiscal year 1993. For example, the Conference Committee is aware of the importance of Project Match, a nine-site study seeking to identify ways to match alcoholics with the most appropriate and cost-effective types of treatment. The conference report therefore requires that such projects continue to receive funding until the multi-year grant has expired. In the case of projects that had been funded from block grant set-aside funds and that are to be administered by the research institutes, continued funding must come from the budgets of the research institutes.

Transitions

The conferees recognize that there must be a transition period before the former ADAMHA institutes are fully integrated into the NIH structure. Several transitional measures were included in the Senate bill in recognition of this fact, and have been included in the conference report with modifications.

The current peer review processes utilized by the three former ADAMHA institutes will continue to be utilized by them through fiscal year 1996. The three institutes will have independent budgetary authority parallel to the authority of the National Cancer Institute for fiscal years 1994 and 1995. Finally, the authority of the NIH Director to merge institutes on notice to Congress will be suspended with respect to these institutes for five years from the date of enactment. With these exceptions, the three ADAMHA institutes are to be integrated into the NIH structure and be accorded all the rights and privileges of other national research institutes.

The conferees expect that the relevant committees of Congress will closely monitor the implementation of the reorganization and will take appropriate legislative action if it is determined that these transitional measures should be extended.

AIDS-related issues

Historically, issues related to HIV infection and AIDS have not received the level of attention at ADAMHA that would be expected by virtue of the importance of the issue to the program of the agency or the size of the agency's budget for AIDS. Reorganization has presented an opportunity to address these concerns.

The conferees intend that AIDS-related activities undertaken by the research institutes and the Services Administration receive appropriate attention and coordination. To assure that this takes place, the existing AIDS Office in NIMH has been codified and a parallel Office in NIDA has been created. In addition, the SAMHSA Administrator has been given specific responsibility for coordinating SAMHSA service programs that affect substance abusers with HIV infection, AIDS or tuberculosis. The Administration may choose to discharge this responsibility by creating an Office of AIDS.

MATTERS PERTAINING TO CATEGORICAL GRANT PROGRAMS

Pregnant and post-partum women and their infants

The conference agreement revises the Office of Substance Abuse Prevention's program of assistance to programs providing treatment and prevention services to pregnant addicts and their children. The agreement follows the House amendment by prioritizing support for residential treatment programs that provide a comprehensive range of services necessary to assure successful treatment and reduce the risk of relapse. It is the conferees' intent that assistance provided through this program be utilized to increase the availability of programs providing treatment services to this most vulnerable population.

The conferees agree with the conclusion of the Institute of Medicine (Treating Drug Problems; 1990) that "the benefits of (long-term residential) treatment are substantial and they virtually repay the costs on a day-to-day basis." (189). In addition, recognizing the new priority placed upon support of establishing and expanding residential and outpatient treatment capacity for this population, the agreement transfers primary administrative responsibility for the program from the Center for Substance Abuse Prevention to the Center for Substance Abuse Treatment (CSAT). The conferees intend that the CSAT collaborate closely with CSAP in assuring the development of appropriate requirements of outreach and prevention activities by entities receiving support through this program.

Capacity Expansion Program

The conference agreement establishes a new categorical grant program requested by the President in the National Drug Control Strategy. The program is designed to permit the targeting of substance abuse treatment services to those states with the greatest need for additional capacity.

The conferees note that critical shortages of treatment capacity exist in most States and that the revised allocation formula which determines allotments under the new Substance Abuse Block Grant is an appropriate and viable measure of a State's relative need for additional substance abuse treatment and prevention services. In this regard, the conferees hope that in the allocation of additional appropriations, preference will be given to funding under the block grant which assures equitable national distribution of limited Federal funds to expand treatment capacity.

Grants of national significance

Both the Senate bill and the House amendment reauthorize the current authority with respect to Grants of National Significance with modifications. The conference agreement does likewise.

The conferees have highlighted their interest in allocating funds to establish a new program of demonstration projects designed to assess the viability of providing treatment services in settings requiring participants to contribute to the community through public service. The conferees believe support of a series of innovative projects will expand the availability of treatment services while increasing public recognition of the important contribution treatment programs can make in the life of a community.

One of the other treatment modalities identified in this revised section is the provision of substance abuse treatment to women with children in the setting in which such children receive primary pediatric care or in which such women receive primary health care. This provision has been inspired by the work of the Women and Infants Clinic administered at Boston City Hospital, at which comprehensive, integrated health, social and early childhood services are offered to women who are substance abusers and their infants. Such services include primary pediatric health care, parenting and early childhood education, and substance abuse counseling utilizing a case management system.

Childhood mental health

Both the Senate bill and the House amendment propose to create a new program to establish systems of care for children with severe emotional disturbance. The Senate recedes with an amendment, although the conferees agree that the purposes of the program are those set forth in the Senate bill.

The House amendment proposes to dedicate 10% of the mental health block grant for this program; the Senate bill does not. The House recedes to the Senate, but the existing 10% set-aside in the block grant for children's services has been revised to focus resources on the development or improvement of systems of care for children in at least one geographic location in the state. In a smaller state, the development or improvement of a statewide system of care for children would satisfy this requirement.

One provision in the childhood mental health program limits administrative expenditures to 5%. The conferees intend that limit to apply to the grant recipient, not to the resulting system of care for children with severe emotional disturbance.

Employee assistance programs

The House amendment contains a grant program to encourage the development of Employee Assistance Programs (EAPs) among small businesses. The Senate bill contains no similar proposal. The Senate recedes, with technical and clarifying changes.

Under the EAP proposal, the Center for Substance Abuse Prevention will make grants to public and private entities to assist small businesses establish employee assistance programs for their employees and the families of employees. Only those small businesses that have never had employee assistance programs would be eligible for such services.

Because this program will be administered within SAMHSA, funded activities will focus on employee substance abuse issues. The conferees recognize, however, that EAPs are work-site based programs designed to assist in identifying and facilitating the resolution of behavioral health and productivity problems of employees that may adversely affect the employee's well being or job performance as a result of drug or alcohol abuse, health, emotional, marital, family, financial, legal, stress or other personal concerns that may so affect employees.

The conferees intend that EAPs established through this grant program provide comprehensive employee assistance services including (1) expert consultation and the provision of training to appropriate persons in identifying and facilitating the resolution of behavioral health or job performance problems; (2) confidential, appropriate, and timely problem-assessment services, which may include short term counseling; (3) referrals for appropriate diagnosis, treatment and assistance; (4) the establishment of linkages between workplace and community resources that provide such services; (5) follow-up services; and (6) education and information regarding the prevention of substance abuse problems.

MATTERS PERTAINING TO THE BLOCK GRANT

Split block grant

The House amendment proposes to split the current ADMS block grant into two discrete block grants: one for community mental health services and one for substance abuse treatment and prevention services. The Senate bill does not, but the Senate recedes with technical and clarifying changes. Beginning in fiscal year 1993, states will receive separate appropriations and will, subject to transition rules, be required to expend them for the purpose for which they are designated.

Transition rules under new block grants

The conference agreement follows the House bill in granting states authority to transfer funds between the new substance abuse and mental health services block grants. The authority to request such transfers are subject to the discretion of the chief executive officer of the state and are intended to minimize disruptions that may occur in the transition to programs of discrete block grants. Under the agreement, States which is fiscal year 1991 were required under the old ADMS block grant to expend an amount of their allotment for either substance abuse or mental health services which is less than the amount of their allotment in fiscal year 1993 or 1994 under the substance abuse or mental health services block grant respectively are permitted to transfer an amount equal to such deficit from the greater of their allotments under the substance abuse or mental health services block grants.

The following example is illustrative of this special transitional authority. In fiscal year 1991, a state received $10 million under the ADMS block grant. Of this amount, 50 percent, or $5 million was required by section 1916(c)(6)(A) of the Public Health Service Act to be allocated to substance abuse programs and 50 percent, or $5 million allocated to community mental health services programs. By establishing discrete block grants allocating funds to the states by separate allotment formulas, funding available to the hypothetical state for mental health services may increase relative to the amount of mental health services may increase relative to the amount of mental health funds received in FY 1991 and the amount for substance abuse may decline. In such an instance, the agreement, authorizes the Governor to request that the Secretary transfer funds from its allotment under the mental health services block grant to its allotment under the substance abuse services block grant. The only limitation placed upon such transfers is that the resulting allotment for substance abuse may not exceed $5 million, the amount the state was required to expend for substance abuse in 1991.

The conferees realize that the very few states in which the mental health portion of the current block grant exceeds 50% may face an especially difficult transition to a split block grant. If this problem proves to be serious, the fiscal year 1995 reauthorization process will provide an opportunity for the relevant committees of Congress to revisit the possibility of a longer transition for such states.

Block grant formula

The Senate bill modifies the formula under which each state's block grant allotment is determined. The House amendment proposes a new formula for the new mental health block grant contemplated in that bill, thereby altering each state's allotment. The conference report essentially adopts the Senate formula with several substantive changes:

1. The Senate formula has been split into two distinct formulae to reflect the fact that there will be two separate block grants. Appropriate adjustments have been made to accommodate the Senate formula to the new mental health block grant (e.g., urban 18 to 24 year olds are old are not double counted for the mental health formula; also, the conference agreement incorporates the House bill's mental health at-risk population cohorts.)

2. The permanent "hold harmless" in the Senate bill has been revised. Under the conference agreement, no state may receive less than their fiscal year 1991 block grant allotment for the succeeding three fiscal years.

3. The small state minimum in the Senate bill has been narrowed in that it will not apply to states that had a per capita allotment in fiscal year 1989 in excess of the national average.

4. Accommodations have been made in the fiscal year 1992 interstate and intrastate allotments to further the goal of a smooth transition to the new formula.

The conferees believe that the formula in the conference agreement represents an equitable and comprehensive balance of national interests with the competing interests of urban and rural states. The conferees wish to express their gratitude to Mr. Jerry Fastrup of the General Accounting Office for his labors over many months in helping to devise the formula adopted in the conference agreement.

Authorization levels

The conferees wish to note the significance of the authorization levels chosen for the two block grants in fiscal year 1993. The substance abuse block grant has been authorized at a level to begin to implement the core plan for comprehensive treatment for pregnant women and IV drug users advocated by the Institute of Medicine in "Treating Drug Problems" (1990). The mental health block grant has been authorized at a level to begin to recover the significant cuts in funding suffered by mental health services programs in the previous decade.

Statewide plans

The Senate bill and the House amendment both contain a requirement that states submit a plan for assessing and meeting treatment and prevention needs within that state as a condition of receiving block grant funds. The conference agreement follows the House amendment with technical and clarifying changes.

The Secretary will implement the state plan requirement by promulgating regulations by August 1, 1992. The conferees expect that the states will have appropriate input in this process, through the requirements of the Administrative Procedure Act.

With regard to the comprehensive state mental health planning requirement, the Senate has receded to the House provision requiring that mental health block grant expenditures be linked to priorities under the state plan. It is the conferees' view that people with severe mental illnesses and their families play an important role in formulating and evaluating the implementation of such priorities. The conferees recognize the important role of the state Mental Health Planning Councils, and believe that states must continue to work with consumers and family members in setting state priorities.

The conferees also intend that both the mental health and substance abuse state plan requirements are to be administered with respect to the territories, including Puerto Rico, with appropriate regard for their cultural, social and other circumstances. Territories receiving the minimum allotment under the block grant are exempt from the planning requirements.

Use of block grant

The House amendment limits the extent to which block grant funds may be used to support treatment in state correctional systems. The Senate recedes, but the conferees wish to emphasize that such a provision does not reflect a lack of congressional support for such services. On the contrary, the conferees believe that substance abuse treatment in the criminal justice system is both necessary and highly desirable. The conferees have concluded, however, that scarce block grant dollars should be devoted principally to community-based services. Other than the demonstration program authorized within SAMHSA under this Act, state correctional budgets and the federal Office of Justice Programs are the appropriate source of funds for treatment in correctional institutions.

Monitoring

The conference agreement contains a provision modified from the House amendment requiring that in fiscal year 1994 and thereafter, the Secretary shall conduct an investigation of not less than ten states each year to evaluate compliance with block grant requirements. The conferees intend this and related provisions to ensure strict compliance with block grant requirements in the future.

Set-asides

The House amendment proposed a series of new block grant set-asides. The Senate bill did not. The Senate recedes to the House to the extent that there will be (1) a set-aside of 5% in the substance abuse block grant for fiscal years 1993 and 1994 to increase services to pregnant women and women with dependent children, and (2) a set-aside of 10% in the mental health block grant for fiscal years 1993 and 1994 for the development or improvement of systems of care for children (previously described under the Childhood Mental Health heading).

In each case, the obligation of the states in fiscal years subsequent to fiscal year 1994 is to maintain the level of services attained in fiscal year 1994 using this set-aside. The set-aside does not constitute a continuing legal obligation to increase services after fiscal year 1994.

With respect to the set-aside for pregnant women, the conferees wish to emphasize that they place the highest priority upon the provision of treatment services to expectant mothers and single women with children. In "Treating Drug Problems," the Institute of Medicine concluded that "The external costs of drug abuse and dependence among this group are especially worrisome because these children's present and future welfare depends so heavily on their mother's welfare. It is especially hard for expectant women or single mothers of young children (and often, women are both) to receive intensive residential treatment, and sometimes even to maintain regular outpatient schedules, because of child care needs and other medical and social problems."

The conferees concur in the IOM recommendation that "any initiative to bring more of these women into treatment must also emphasize services that will help them find safe, decent dwellings in which to live and productive activities for themselves and their children." (p. 234) The conference agreement contains a variety of requirements to increase the access of this vulnerable population to high quality treatment services. The conferees direct the Secretary to closely monitor State compliance, particularly with respect to the use of set-aside funds, the provision of interim services and the requirements that expectant mothers be granted preference in the admission to all treatment program receiving Federal substance abuse block grant funds.

The House amendment also contained a provision effectively setting aside 12.5% of the block grant for HIV services for substance abusers. In the conference report, that requirement has been narrowed to provide for more appropriate targeting of these scarce resources.

Set-asides in existing law for IV drug abusers and women generally have been eliminated.

Availability of services to pregnant women and IV drug users

The House amendment proposes that states be required, as a condition of receiving block grant funds, to provide treatment "on demand" to pregnant women and intravenous drug abusers. While the conferees agree that treatment should be made available to all substance abusers who seek and would benefit from treatment, the conferees have concluded that there are insufficient resources at present to allow states to meet the laudable goals set forth in the House bill.

Accordingly, the conferees have decided to require that pregnant women and intravenous drug users be afforded preferential treatment in admission to treatment programs, and that interim services be made available to such individuals while they are awaiting admission to treatment. Any state that cannot provide immediate access to comprehensive treatment services for intravenous drug abusers must provide interim services within 48 hours for those persons who are awaiting admission. The conference agreement further requires that States assure that every intravenous drug abuser seeking comprehensive treatment be admitted to a comprehensive program within 120 days of seeking treatment.

The conferees have defined interim services in a broad manner to enhance state flexibility and discretion in selecting the most appropriate interim services or treatment modality.

The conferees believe, however, that, it is necessary to take extraordinary measures to slow the spread of infectious diseases (most notably HIV) among intravenous drug abusers, their partners, and their children in those areas in which treatment on demand is not available. The conferees therefore expect that such measures will, at a minimum, include counseling and education about HIV, about the risks of needle-sharing, the risks of transmission to sexual partners and infants, and about steps that can be taken to ensure that HIV transmission does not occur.

The conference agreement also includes a provision requiring the secretary to make interim methadone services available in cases in which comprehensive treatment cannot be provided. This requirement is not applicable if the Secretary finds that the risk of HIV transmission through intravenous drug abuse is minimal, that methadone maintenance is not an effective method of treating heroin, or that treatment on demand can be provided. Unless the Secretary makes such a finding, however, he is required to issue a final rule making less comprehensive methadone services available within 90 days of enactment of this legislation. If the Secretary fails to issue such a rule, previous proposals are to become final.

The conferees recognize that this action is not a full or noncontroversial response to the problems of HIV and intravenous drug abuse, but the conferees believe that such actions are the most practical response to the current limits on resources in the face of rising incidence and prevalence of HIV in this population. The conferees emphasize that states and individual programs are not required by this legislation or the Secretary's action to provide interim methadone services. Rather, the conferees intend that the Federal government allow interim methadone services to be carried out only if the State or local provider wishes to do so.

Furthermore, the state must certify that the provision of interim methadone services will not diminish the availability of comprehensive methadone services in the state. The conferees believe strongly that if interim methadone is utilized, it must supplement, not supplant comprehensive programs.

Tuberculosis

The conference agreement requires that a State receiving funds from the substance abuse block grant assure that any entity receiving funds for the treatment of substance abuse will routinely make available, directly or by contract, TB services to each individual receiving treatment for substance abuse and will refer to other TB services any person turned away from such substance abuse treatment for reasons of capacity. The agreement also makes the provision of such services an eligible use of block grant funds.

The conferees have included these provisions because of serious concern about the rising incidence of TB in the United States and a belief that the provision of TB services to persons in substance abuse treatment is an efficient point of delivery to a high-risk population

HIV services

The conference agreement requires that certain State recipients of the Substance Abuse Block grant set aside a proportion of their grant funds to provide early intervention services for HIV to persons receiving substance abuse treatment.

The States affected are those that have a rate of AIDS (as reported to and confirmed by the CDC) equal to or greater than 10 per 100,000 in the year preceding the year for which funds are received. For 1991, the Conferees understand those States to be: The District of Columbia, Puerto Rico, New York, Florida, New Jersey, California, Georgia, Nevada, The Virgin Islands, Maryland, Louisiana, Texas, Hawaii, Connecticut, Massachusetts, Illinois, Colorado, Delaware, Missouri, Washington, Virginia and Pennsylvania.

These States are to set aside a percentage of their substance abuse block grants for the provision of non-hospital HIV early intervention services for substance abusers at treatment sites. The percentage is to be at least two percent of their block grant, and, for those States whose funding in future years increases above the level received for substance abuse in 1991, is required to be an amount equivalent to the increase in funding, up to a maximum of five percent. (For example, a state whose grant is increased two percent or less above the amount received for substance abuse in 1991 would allocate two percent for HIV services; if the State's grant is increased three percent, the HIV proportion is three percent; if the State's grant is increased four percent, the HIV proportion is four percent; and if the State's grant is increased five percent or more, the HIV proportion is five percent.)

Within these funds the States are to provide outpatient early intervention HIV services to substance abusers in treatment. The conferees intend for these services to include routine offering and encouragement of HIV counseling, testing (including confirmatory and diagnostic testing such as T-cell counts), and the provision of prophylactic and antiviral prescription drugs (such as those to prevent and treat opportunistic infections and to slow the progress of illness). The conferees recognize that funds are extremely limited in this program, especially in light of the number of substance abusers who are infected with HIV, and therefore understand that the services provided are not comprehensive but rather the minimum needed to encourage a substantial number of substance abusers to learn of their HIV infection, educate them in ways to avoid transmission of HIV to others, and maintain their health.

The conference agreement also requires that these States, if they establish more than one program for HIV services, establish at least one rural program. This requirement can be waived by the Secretary if the State certifies that there is no need for such a program or that there are no rural areas.

The conference agreement also requires that the funds used for this purpose supplement ongoing State activities and be at a level above the level that the State has provided in the past. The conferees emphasize that this maintenance of effort is an important measure, and that any attempt to re-finance current programs with these funds should be viewed as a breach of the terms of the funding agreement.

TRAUMA CENTER REVITALIZATION

Both the House amendment and the Senate bill authorize a program to provide financial assistance to trauma care centers adversely affected by uncompensated care debt. The conference agreement generally follows the House amendment authorizing financial assistance to trauma centers impacted by violence attributed to drug trafficking. But the agreement includes a Senate-requested modification of the eligibility criteria that would permit blunt trauma to be considered in addition to penetrating wounds under specified circumstances. For this latter category of trauma, the center need only have a reasonable belief that the trauma resulted from drug-related violence. In this regard, the conferees do not intend to impose undue burdens on applicant trauma centers.

The conferees note the important role publicly supported trauma centers play in their communities. Often public trauma centers are the only centers in a city or region which provide Level One trauma care 24 hours a day and which assume responsibility for the most serious trauma case. Because they are public, these centers treat all patients regardless of ability to pay, and all too often their patients cannot pay because they lack independent means or third party reimbursement. Therefore public trauma centers are losing millions of dollars in their roles as the last refuge for many of the most seriously injured in their communities. The well-being of a community depends upon a functioning public trauma center.

The agreement includes the House provision granting preference to trauma care centers that serve a disproportionate share of aliens who have entered the country illegally. The conferees believe that such preference is appropriate in light of the Federal Government's responsibility for immigration policy, but do not intend that trauma centers be required to ascertain the immigration status of each patient in order to be granted preference. Such a requirement would be administratively costly and might discourage persons from seeking needed care. Rather, it is intended that trauma centers use estimates based on empirical data, such as patient surveys, Medicaid data on emergency services provided to aliens ineligible for full Medicaid benefits, and data on medical care provided to undocumented aliens granted legal status under the Immigration Reform and Control Act of 1986.

The conferees also believe the Secretary should give preference in providing assistance to those centers that have assumed greater responsibility for meeting local trauma care needs in an effort to compensate for lost services when other trauma centers have ceased participating in the state or local trauma care system.

The conferees are aware of pending legislation that would partially finance assistance provided under this program with excess unobligated funds in the Customs Forfeiture Fund. The conferees believe this method of financing particularly appropriate in this case given the vital role that trauma centers serve in response to drug-related violence. The conferees are supportive of both approaches to funding this important initiative and have authorized the program to accept financial support through both direct appropriations and other means, such as the asset forfeiture fund.

CHILDREN OF SUBSTANCE ABUSERS ACT

Both the Senate bill and House amendment authorize a new Children of Substance Abusers (COSA) program, administered through the Health Resources and Services Administration (HRSA), to provide comprehensive services to children and families affected by parental substance abuse. In addition, the Senate bill contains separate programs for training of providers of such services and for home visiting services.

COSA

The conference report follows the House amendment with modifications to clarify the definition of eligible children and establish a federal coordination mechanism for the program.

Eligibility of children for services under the Children of Substance Abusers (COSA) program should not be dependent on the parent's status within the program. Children who are cared for by relatives, foster parents, or adoptive parents are eligible for services. Services are open to all dependent children who otherwise meet the eligibility criteria and should not be restricted to infants prenatally exposed to alcohol or other drugs.

To create comprehensive, community-based service systems for children of substance abusers and their families, the programs are required to provide a broad range of services, either directly or through referral. The conferees intend that the programs develop linkages to existing providers in the community to obtain many of these services. Because these programs will not be subject to the time limitations of participation in drug or alcohol treatment, the conferees intend that their services for, and contact with, individual families be long-term in nature.

Training on substance abuse in families

The House recedes with a modification that provides that the Secretary may use up to 15 percent of COSA grant appropriations in excess of $25 million for the training of professionals and other staff (such as child welfare, education, or health care personnel) who provide services to, or come into contact with, children and families of substance abusers.

These funds are intended to remedy a lack of information and training that have hampered the ability of staff in such areas as child welfare, education, and child health to identify and address the needs of children and families affected by substance abuse. The restricted use of funds for training does not apply to training that COSA grantees may need to provide for staff in their programs.

Home visiting services for at-risk families

The House recedes, with modifications. The conference report authorizes $30 million for a program to provide home visiting services to families at risk for poor birth outcomes or related problems.

The conferees intend that the home visiting initiatives funded through this legislation should fulfill two broad objectives. First, home visitors should provide family support in the form of coaching and counseling young parents about infant health care requirements, basic nutrition, and child-rearing. Second, home visitors should serve as a community-based link between at-risk families and local service delivery systems by facilitating access to necessary health, mental health, developmental, and nutritional services as well as making appropriate referrals to health care providers and social service agencies.

Due to the severe shortage of registered nurses and trained social workers, as well as the proven ability of trained lay workers from the community to provide effective outreach for at-risk families, it is anticipated that such laypersons—operating under the supervision of a health care or social service professional—will be utilized extensively.

Because home visiting programs are intended to improve the general health status of low income women and children, as well as reduce the incidence of child abuse and neglect, it is anticipated that the Health Resources and Services Administration, the Administration on Children and Families, and the National Commission for the Prevention of Infant Mortality, shall work closely together in the development of program guidelines and the establishment of funding priorities.

In many cases, the same families that are at risk of producing low birth-weight infants are also at risk of involvement with local child protective services authorities as a result of child abuse and neglect. The conferees anticipate that programs will address as many of these issues as they can so that home visiting can be an early intervention tool that prevents subsequent health and social problems. Thus, there must be meaningful interagency collaboration on each aspect of program development.

JOHN D. DINGELL,
HENRY A. WAXMAN,
J. ROY ROWLAND,
NORMAN F. LENT,
TOM BLILEY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
CLAIBORNE PELL,
HOWARD METZENBAUM,
CHRISTOPHER DODD,
TOM HARKIN,
BROCK ADAMS,
ORRIN G. HATCH,
DAN COATS,
STROM THURMOND,
DAVE DURENBERGER,
Managers on the Part of the Senate.

REQUEST TO MAKE IN ORDER CONSIDERATION OF AMENDMENT 147 TO H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 5006 for amendment it shall be in order to consider the amendment numbered 147 as submitted to the Committee on Rules by, and if offered by, Representative HOPKINS of Kentucky, or a designee, that said amendment shall be considered as having been read, that it not be subject to amendment, that it be debatable for not more than 10 minutes as a part 2 amendment under House Resolution 474, equally divided and controlled by the proponent and a Member opposed thereto, and that all points of order against said amendment shall be waived.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Kentucky?

Mr. FROST. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3035

Mr. COOPER. Mr. President, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3035.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5132, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes, with Senate amendments thereto, disagree to the amendments of the Senate, and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MCDADE

Mr. MCDADE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCDADE moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 5132, be instructed to agree to the amendment of the Senate numbered 8.

Mr. MCDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes, and the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion that I am offering would instruct the House conferees to accept a Senate amendment which is in this supplemental calling upon Congress to adopt urban enterprise zone legislation.

Senators LIEBERMAN and KASTEN, in a bipartisan fashion, added an amendment to this dire emergency supplemental on May 20. It provides a sense of the Senate which states that, "Enterprise zones are a vital, proven tool for inner-city revitalization," and that, "Congress should adopt Federal enterprise zone legislation."

That amendment was accepted by the Senate bill managers.

Mr. Speaker, I personally believe very deeply in the concept of enterprise zones and I believe that a majority of my colleagues on both sides of the aisle do as well. There is no doubt that support for enterprise zone legislation is bipartisan in nature and it has become very clear that if there was ever a time for urban enterprise zone legislation, Mr. Speaker, that time is now. Furthermore, Mr. Speaker, there is a strong sense on this side of the aisle that any short-term response to the emergencies in Los Angeles and elsewhere might be agreeable, but only if it is accompanied within a very short time by passage of longer-term measures that can get at the root cause of the problem—the lack of opportunity for many people in inner-city neighborhoods for productive jobs and productive lives.

Mr. Speaker, I know here in the House the belief on both sides of the aisle, I think there is a general agreement, is that there is a need for Congress to clear this entire matter before the July 4 break.

Mr. Speaker, there is nothing new about enterprise zones. They have been a major domestic policy initiative of the President and our former colleague, Secretary Jack Kemp, who have proselytized about it since they took office.

Mr. Speaker, Congress has in one form or another considered enterprise zone legislation many times. The issues are known. They are not new. They have all been debated, heard, and indeed considered in this House.

Mr. Speaker, the Nation is in a time of trouble. The need for creating new economic opportunity for our citizens is apparent. Mr. Speaker, it is time for the Congress to go full speed ahead and pass this legislation in final form.

My motion, Mr. Speaker, would put the House on record along with the Senate on the need for immediate passage of enterprise zone legislation. We have a chance, Mr. Speaker, to at least begin to address the causes of our urban problems, and we ought not let this opportunity pass.

Mr. Speaker, I urge support for my motion to instruct our conferees to stand together with the Senate, with the President, with our former colleague, Secretary Jack Kemp, and take the position that the time for Congress to act on enterprize zone legislation is now.

Mr. SHAYS. Mr. Speaker, will the gentleman yield?

Mr. MCDADE. I yield to the gentleman, our colleague from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this motion and would want to make known to the House I intend to ask for a rollcall vote.

We don't need to bail out our cities, we need to rebuild them. And the way to rebuild them, is to bring business back into our cities to do two primary things: one, to pay taxes; and the other, to help create jobs.

Mr. Speaker, there is no way you are going to bring businesses back into cities unless you find a way to attract them. And the enterprise zones is a key factor in doing that.

So I congratulate my colleague, the gentleman from Pennsylvania [Mr. MCDADE], for bringing to the attention of the House what the Senate has done, and I strongly support his efforts to have the House conferees support Senator LIEBERMAN's and Senator KAS-

TEN's amendment to the dire emergency supplemental urging Congress to pass enterprise zone legislation.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no objection to the gentleman's motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. McDADE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. McDADE].

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 21, not voting 41, as follows:

[Roll No. 153]

YEAS—372

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Crane
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
Erdreich
Espy
Ewing
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Olin
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—21

Andrews (ME)
Beilenson
Clay
Conyers
Dingell
Downey
Evans
Ford (MI)
Hayes (IL)
Miller (CA)
Myers
Obey
Owens (NY)
Pease
Roemer
Sanders
Savage
Synar
Washington
Weiss
Yates

NOT VOTING—41

Anthony
Berman
Boxer
Campbell (CA)
Clinger
Cox (CA)
Cunningham
Dannemeyer
Dellums
Dornan (CA)
Dreier
Dymally
English
Fascell
Feighan
Gallegly
Gordon
Hayes (LA)
Hefner
Hubbard
Ireland
Lagomarsino
Lehman (CA)
Levine (CA)
Lewis (CA)
Martinez
McEwen
Oakar
Perkins
Pickett
Ridge
Riggs
Rohrabacher
Roybal
Russo
Smith (FL)
Thomas (CA)
Torres
Traxler
Waters
Waxman

□ 1528

Messrs. PEASE, YATES, CLAY, AND MILLER of California changed their vote from "yea" to "nay."

Ms. ROS-LEHTINEN changed her vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints the following conferees: Messrs. WHITTEN, NATCHER, SMITH of Iowa, YATES, OBEY, ROYBAL, BEVILL, MURTHA, TRAXLER, LEHMAN of Florida, DIXON, FAZIO, HEFNER, McDADE, MYERS of Indiana, COUGHLIN, PURSELL, GREEN of New York, LEWIS of California, and ROGERS.

The SPEAKER. Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

□ 1530

APPOINTMENT OF CONFEREES ON H.R. 3489, OMNIBUS EXPORT AMENDMENTS ACT OF 1991

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3489) to reauthorize the Export Administration Act of 1979, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut? The Chair hears none, and appoints the following conferees and, without objection, reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subject of the various appointments.

Before the Chair reports the conferees, the Chair wishes to make an additional statement.

On opening day of the 102d Congress, the Chair announced that "consistent with clause 6 of rule X, the Chair intends to develop and implement a policy that would enable him to the fullest extent feasible to simplify the appointment of conferees."

As the Chair is about to announce an appointment of conferees from more than one committee in the second session, and based upon the Chair's additional experience with complicated conference appointments in the first session notwithstanding his opening day announcement, the Chair will remind Members that conference committees are after all select committees in the sense that they go out of existence when their report is filed. The appointment by the Chair of various groups of conferees in the context of the particular House and Senate provisions sent to conference should not be construed as precedent binding the Speaker to subsequent joint referrals of all bills amending the work product of that particular conference.

The conferees are as follows:

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. FASCELL, GEJDENSON, WOLPE, JOHNSTON of Florida, ENGEL, MURPHY, ORTON, BROOMFIELD, ROTH, BEREUTER, and MILLER of Washington.

As additional conferees from the Committee on Armed Services, for consideration of sections 120 and 303 of the Senate amendment, and modifications committed to conference: Messrs. MAVROULES, HERTEL, PICKETT, HUNTER, and KYL.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 201(c), 205, and 207–10 of the Senate amendment, and modifications committed to conference: Ms. OAKAR and Messrs. NEAL of North Carolina, LAFALCE, LEACH, and MCCANDLESS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 120, 123 and 502 of the House bill, and sections 121, 124, 302, 305 and 306 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, SCHUMER, HUGHES, SENSENBRENNER, and GEKAS.

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

The SPEAKER. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5006.

The Chair designates the gentleman from Illinois [Mr. ROSTENKOWSKI] as Chairman of the Committee of the Whole, and requests the gentleman from Illinois [Mr. COX] to assume the chair temporarily.

□ 1534

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, with Mr. COX of Illinois (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as read the first time.

Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on behalf of the Committee on Armed Services I am pleased to bring to the floor the first Defense authorization bill for the post-Soviet world. The bill contains a number of significant steps toward reordering a small U.S. military to meet real threats, and begins the process of reinvestment of resources from purely military pursuits toward civilian economic needs.

Events of the last 3 years have altered the national security landscape in ways undreamed of until recently. The collapse of the Warsaw Pact, the disintegration of the Soviet Union, and the Persian Gulf war have fundamentally reordered the calculus of defense planning.

In response to these events, the committee developed new ways to thinking about military force structures and defense acquisition and industrial base issues. Our bottom-up approach avoids the unsatisfactory method of reduction by subtraction from the old, cold war military, the approach that produced the Pentagon's Base Force.

Largely as a result of using these new decisionmaking tools, the committee this year has launched initiatives that break new ground in shaping U.S. military forces for the future. Of particular note are initiatives concerning tactical aircraft modernization acquisition of weapons, cutting unneeded overhead, and improving the Army National Guard.

TACTICAL AIRCRAFT MODERNIZATION

Some of the most pressing questions facing defense planners today are those posed by tactical aircraft modernization. In a time of declining defense budgets, how does the nation get the aircraft it needs at prices it can afford?

The usual response of adding up the plans of each service was a casualty of Operation Desert Storm. In that conflict, perhaps for the first time in U.S. military aviation history, all services flew more or less in concert, exposing the overall weakness, and needs of tactical aviation. Those included a need for more support aircraft such as tankers, and it put into sharp relief in Navy's need for a longer range, capable new attack aircraft.

The committee felt, however, that the individual service plans would not yield the right planes at the right time at an affordable price. That judgment produced the committee's tactical aircraft initiative. This revised plan provides for robust prototyping and a rephrasing of Navy and Air Force programs to meet our most urgent need, for long-range carrier-capable attack aircraft.

ACQUISITION POLICY

The passing of the cold war and the continuing decline in the size of the U.S. military are reducing the tempo of weapons acquisition, the number of weapons purchased, and the way we buy these systems.

The practice in the past has been to develop and buy successive new generations of weapons, each fast on the heels of the preceding one. This no longer makes sense in the post-Soviet world.

The committee's industrial base policy gives the committee new tools for dealing with the equipment needs of the forces while maintaining critical elements of the defense industrial base and the high technology edge we used so successfully in Desert Storm.

It provides for the selective upgrading of systems; for low-rate procurements of existing weapons; for silver bullet procurements of new, highly capable weapons needed in small numbers; and for keeping technology fresh without producing unneeded, new generations of weapons.

CUTTING UNNEEDED OVERHEAD

The committee found that only about 25 percent of the Pentagon's $86 billion request for operation and maintenance directly affects the readiness of our forces. Most of the rest goes to support a huge bureaucracy built up during the cold war—with its excess inventories, inflated overseas basing costs, and unnecessary infrastructure.

The committee aggressively went after this unneeded overhead, cutting more than $6 billion in the process. Our work here is just beginning.

IMPROVING THE ARMY NATIONAL GUARD

For years, there has been a muted controversy between the active Army and the Army National Guard about the role of guard combat forces. It has been a controversy in the abstract, because it has been many years since large numbers of reserve component members were mobilized for war. That changed in Operation Desert Storm. Large numbers of men and women in the National Guard and the reserves performed with distinction in that conflict.

Using the experience of the Persian Gulf war, the committee is proposing a larger role for Army National Guard forces in combat, and has created a package of reforms that challenges both the Guard and the active Army to make improvements necessary for genuine involvement by the citizen soldiers of the National Guard.

In conclusion, Mr. Chairman, let me urge my colleagues to support the committee's efforts to bring our military establishment into line with today's realities and in rejecting old cold war approaches. I urge support for the committee bill.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, after 28 years working on national security issues I feel compelled to offer a few brief comments on this bill as well as on the defense drawdown our Nation is currently engaged in.

H.R. 5006, as reported out of the Armed Services Committee, is approximately $3 billion below the defense topline adopted by the House in the fiscal year 1993 concurrent budget resolution. Although our bill has its share of problems, as far as the major issues are concerned, it is one of the strongest bipartisan bills to come out of our committee in the 8 consecutive years of real decline in defense spending since 1985.

I want to thank my Republican colleagues on the committee for their hard work and support without which this bill would not have been as strong as it is. I also want to thank Chairman ASPIN for opting, in most instances, to work with Republicans instead of against us; the result of this bipartisanship is unarguably a better bill. Unfortunately, there tends to be far less of this kind of constructive bipartisanship on the floor and the bill generally suffers because of it.

Looking back over 28 years in Congress, I have been witness to the good and the bad that has befallen United States military forces since the early 1960's; Vietnam, the Total and All Volunteer Force, the hollow military of the late 1970's, Desert One in Iran, the Reagan buildup, the bombing of the Marine barracks in Lebanon, Operation Urgent Fury in Grenada, Operation Just Cause in Panama, the fall of the Berlin Wall, the dissolution of the Soviet Union, the end of the cold war, and Operation Desert Shield/Desert Storm, just to cite a few.

The very essence of how I've come to view questions of national interest and national security have been shaped by these events. So, in looking back on this remarkable period of history, and as I participate in my last defense debate on the floor of the House, I have mixed feelings about where we've been and where we are headed.

Desert Storm demonstrated beyond all doubt the successful revitalization of U.S. military forces following the neglect of the 1970's. It demonstrated the unmatched capabilities of a motivated and educated All Volunteer Force and it validated the Reagan buildup. Five weeks of war in the Middle East disproved an entire generation of critics, skeptics, and self-appointed reformers. Every Member of this House can be proud of the professionalism and dedication of our men and women in uniform, and their families. They comprise the finest military force the world has ever seen.

I approach retirement with a sense of deep gratification, satisfied in the knowledge that I was able to participate in a process that helped to rebuild United States military forces following Vietnam to the point where a Desert Storm was possible.

Unfortunately, my heart is heavy as I look to the future and try to assess the impact that massive, ongoing cuts in defense spending will have on the quality of today's force.

President Bush's base force plan calling for a 25-percent reduction in U.S. forces by 1995 is predicated on the realistic assumption that military force will remain an instrument of international politics indefinitely. Unfortunately, many of my colleagues seem to believe that the fall of the Berlin Wall somehow signaled the end of all conflict and with it, the end of any need for capable military forces. Let me take a moment and quote from the testimony of Dr. Gates, the Director of the CIA:

> History is not over. It simply has been frozen and now is thawing with a vengeance Americans ignore at their peril. After 80 years of war and revolution, the nationalist, ethnic, border, and resource conflicts of a long-ago world confront us anew, even as we seek to accommodate and adjust to the revolutionary forces set loose by the demise of communism.

It is no coincidence that our first serious challenge of the post cold war world involved the most massive employment of United States military force since Vietnam into a region of the world where conflict is as old as time itself. Let's not forget that the world is still a very dangerous place.

In almost every speech he makes these days, Secretary Cheney reminds his audience of how we, as a nation, have failed to successfully build-down our military forces following every major conflict this century. As any student of history knows, the economic and human price we have paid to redress these failures has been painfully high.

Unfortunately, too many people are not listening to the Secretary and are choosing to ignore the lessons of our own history. In all honesty, despite the Secretary's prudent warnings, the primary reason the defense build-down has been slightly moderated the last several years has had more to do with the firewalls in a 2-year-old budget agreement, artificial barriers that will disappear in fiscal year 1994.

I am frustrated that so few of my colleagues realize how slippery a slope we are on with this military build-down. If we do not proceed with extreme caution, we will unravel in a few short years what has taken a generation of hard work and sacrifice to build.

In the end, never forget that it is the people who have made this military force as fine as it is. And never forget that we will not easily or quickly regain the trust of these men and women if we break faith with them in our rush to cash in the peace dividend.

In closing, I would like to quote Gen. Creighton Abrams on the issue of America's unpreparedness at the outset of World War II and Korea:

> We paid dearly for our unpreparedness * * * with our most precious asset—the lives of men. The monuments we raised to their heroism and sacrifice are really surrogates for the monuments we owe ourselves for our blindness to reality, for our indifference to the real threats to our security, for our determination to deal in intentions and perceptions, and for our unsubstantiated wishful thinking about how war could not come.

□ 1540

Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise in support of H.R. 5006 that is now before the House for consideration. In particular, I believe that this bill takes several important actions in the areas of procurement and R&D. Let me highlight some of those actions for you now:

First, with regard to the C–17 airlift program, the committee recommended reducing the number of aircraft we buy in fiscal year 1993 from eight to six. the committee also denied requested funding for additional tooling to increase the production rate of the C–17 in future years. As many of my colleagues are already aware, the C–17 program has experienced significant problems in the past several years, including fuel leaks, delivery schedule slippages, test schedule slippages, and cost overruns. Sufficient progress on these issues has yet to be made by the contractor. In order to prevent throwing good money after bad, and to provide the contractor an even stronger incentive to correct these ongoing and deeply troubling management and production problems, this bill directs a slower, more deliberate production rate, and would require continued careful scrutiny of the program by both the Department and the Congress until C–17 problems are satisfactorily resolved. I strongly support this very responsible recommendation,.

The bill also includes a major committee initiative in the area of tactical aviation. As part of this initiative the Armed Services Committee reviewed the administration's plans for the development and production of four new tactical aircraft over the next several decades. We came to two important conclusions regarding those programs:

First, current administration plans for procuring these aircraft are simply not affordable; and

Second, the aircraft we need first—those with deep strike capability—is third in line for production.

The bill under consideration before us today addresses both of these problems. With respect to affordability, we understand that there will not be enough money to develop and buy four new airplanes in the future. The committee's initiative allows us to make smart decisions about the future course of tactical aviation by 1996. At that time, we could make decisions based on flying prototypes of the FA-18 E/F and the A-X as well as the completed development of the F-22.

With respect to the sequencing of the aircraft, the bill restructures the programs to create the possibility of earlier deployment of the system that we need first: the Navy's medium attack aircraft, or A-X.

Desert Storm underscored for us the importance of maintaining a deep strike capability. Given the declining number of U.S. bases overseas, and the need to project an American presence rapidly into future theaters of combat, the Navy component of this deep strike capability is likely to grow even more important in the future.

The bill before us supports the maintenance of a strong and capable naval aviation capability through two specific actions. First, it restructures the A-X Program to accelerate its production, while at the same time reducing program risk. These goals would be achieved through the use of a competitive prototyping process, and by relying upon components and technologies—such as engines, avionics, and current stealth technology—already developed by the Government for the A-12 and the F-22.

Second, this bill funds long-lead funding for the procurement of a new *Nimitz* class aircraft carrier to support these future deep strike aircraft. Taken together, these actions constitute a major step by the committee to provide the capabilities deemed most important for the future defense.

In addition to the actions already described, the bill also supports the maintenance of critical defense manufacturing and technology capabilities. In particular, H.R. 5006 supports continued production of the current F-18 aircraft and future production of the F-16.

Mr. Chairman, this bill reflects many thoughtful and well-crafted decisions with respect to our future defense investments. I urge my colleagues to join me in supporting this bill.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from South Carolina [Mr. SPENCE], the ranking member on the Subcommittee on Sea Power and Strategic and Critical Materials of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I have just a few comments on behalf of the sea power section of our bill. The gentleman from Florida [Mr. BENNETT] will cover it more in detail later on, I am sure.

Mr. Chairman, I want, first of all, to pay my respects to the gentleman from Alabama [Mr. DICKINSON]. I think this body owes him a great debt. He has served our committee and country long and well.

Mr. Chairman, it's been barely a year since the United States and its allies freed Kuwait from the occupation of Saddam Hussein. Yet, by the looks of this defense bill and the pending amendments, one would think that we live in a threat-free, peaceful society.

We have not been good students of history. We are heading down the same path this Nation followed after World War I, World War II, Korea, and Vietnam. In each instance, public pressure to reduce our national defense has always resulted in disaster.

In 1939, we ranked 17th in the world, between Portugal and Bulgaria, 45th according to percentage of population in the military.

H.R. 5006, the Defense authorization bill for fiscal year 1993, marks the eighth straight year of a downward funding spiral. This year also marks the first time since 1954 that we have gone without funding a submarine.

The shipbuilding program in the bill virtually mirrors the administration's request, calling for only six ships. Even though these ships, four Aegis destroyers and two Ospray mine hunters, represent the most advanced ships in their classes, this acquisition plan is a 50-percent reduction in ship construction from last year. At this rate, shipbuilding in the United States will become a lost art.

On a more positive note, the $1.2 billion in the bill for the Fast Sealift Program will go a long way toward meeting the mobility requirements study recommendations. This funding, along with the $1.9 billion already in the sealift account, will help both the shortfall in sealift and the shipyard industrial base.

I am also pleased that the committee continued to support the Naval Reserve Craft of Opportunity Program, also known as COOP. The COOP program provides the Navy with an excellent mine countermeasures capability, while also serving as an extremely cost-effective training opportunity.

Mr. Chairman, I firmly believe we are cutting too much, too fast and too deep. As this Nation continues to recognize the 50th anniversary of World War II over the next few years, we should be mindful of the 16 million Americans who served and the 300,000 Americans who died to preserve democracy and our freedom. I can't think of a more sobering reminder of why a strong national defense is so important.

□ 1550

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I rise in support of H.R. 5006, the National Defense Authorization Act for fiscal year 1993. The Armed Services Committee has labored long and hard over this bill. The subcommittee that I chair, Investigations, does not deal with money items, but considered dozens of language proposals related to acquisition, Defense Department structure, drug interdiction, and other matters.

Let me just single out one provision that has general interest. As a result of numerous complaints after Operation Desert Storm, the subcommittee held hearings on the way the services deal with the families of deceased service men and women. One clear problem was that families often never knew what official documents existed—autopsy records, investigative reports, medical exams, et cetera. And when they did know, we found they often faced the bottleneck of an unhelpful Government bureaucracy. The bill before you contains language requiring the services to tell the families of the deceased exactly what documentation exists—and it requires the services to actively help the families get any of those documents they wish to see. This provision effectively reverses the current practice so that the burden for gathering written documents lies with the services rather than the bereaved families—and that is where it properly belongs.

Let me also mention two items that my subcommittee did not work on, but in which I have considerable interest.

The future of naval aviation really rests with the continued development of the E and F models of F/A-18 aircraft. I am pleased that my colleagues on the committee have agreed that the *Hornet* is the premier naval aircraft to lead the Navy into the 21st century. The committee has recommended $599 million for R&D funding. That is double last year's funding level. That also represents the firm commitment of the Congress for the dual role of the *Hornet* until the AX comes off the line. In addition, the $1.7 billion for production of the C and D models will provide the Navy with a stable program while the E and F models are being readied for deployment.

Second, I would mention the Patriot missile. Desert Storm gave the world an impressive view of the Patriot at work—up close and personal. It did its job and did it well. We learned a lot about tactical missile defense in that short war, even making software upgrades that improved the Patriot's performance during the 6-week conflict. The bill before us provides additional R&D money to further improve the Patriot. Whether you're a critic or a defender of the Patriot's performance in Desert Storm, this additional R&D funding answers the mail.

There is much more in this rather voluminous bill that deserves attention. Overall, I have no problem commending the bill to all my colleagues. Obviously, it is the result of many, many compromises. But I feel I can say that under Chairman ASPIN and Mr. DICKINSON, our ranking Republican, the compromises have been rational, reasonable, and fair. The final document is one all the Members can be proud of.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in support of the military personnel titles of H.R. 5006, the Defense authorization bill for fiscal year 1993.

At the outset, I want to commend all my colleagues on the committee for their diligence and hard work on the difficult issues before us this year. The committee is justifiably proud of the continued progress made in the area of personnel benefits legislation.

With the budget constraints imposed for this year and the foreseeable future, we had some very difficult choices to make. I feel that our actions are both responsible and consistent with the requirements to reduce the size of the Armed Forces by mid-decade.

On the issue of end strengths, for the Active Duty Force, we approved the 100,400 end strength reduction proposed in the President's budget. For the Guard and Reserve, the committee felt the cuts contained in the President's budget were too steep. I recognize that some Members want to see no reduction in the Guard and Reserve but, given the current budget environment, that is not achievable. The President's budget would have reduced selected Reserve end strength by 115,997 below the 1992 level. The committee restored 49,050—or 42 percent—of that cut. As a result, the Army National Guard cut would be 11,200 instead of 48,100; the Army Reserve cut would be 38,840, instead of 44,340. We also restored the cut of just over 3,000 for both the Marine Corps and Coast Guard Reserves.

Other items of note include:

A 3.7-percent military pay raise, effective next January;

Improved temporary lodging expense;

The extension of a variety of expiring bonus authorities;

Improved benefits for voluntary separation incentive [VSI] recipients;

The repeal of the Senate's provision from last year requiring a reserve commission for all service academy graduates; and

Several major enhancements to military medical care, including a requirement for DOD to put positive incentives back to its Coordinated Care Program.

I am pleased to report that the committee has reaffirmed its commitment to the placement of women in combat aircraft, by directing the Secretary of Defense to implement gender neutral combat aircraft crew selection procedures within each of the services.

The bill also includes an Army Guard combat reform package which builds on considerable work done both by the personnel subcommittee and the Defense policy panel. In addition to our hearing record, the reform package is drawn from the committee's lessons learned study of Operation Desert Storm, the Army inspector general's special report on the National Guard roundout brigades, and extensive General Accounting Office studies done for the committee.

In marking up the Defense bill, we've had difficult challenges this year in the area of personnel, but I think the committee has measured up to the task. I urge my colleagues' support of H.R. 5006.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN], the ranking member on the Subcommittee on Military Personnel and Compensation, who has served so admirably along with the gentlewoman from Maryland [Mrs. BYRON], chairman of the subcommittee.

Mr. BATEMAN. Mr. Chairman, I want to thank the distinguished ranking member for yielding the time to me. I will take the first seconds of that time to pay my respects and to compliment him on the quality of his service to this Congress and to this Nation. He has indeed been at the forefront of the effort that led to the strengthening of our military resources to the point that we emerged victorious in the cold war. Few people deserve any greater thanks for that than the distinguished gentleman from Alabama [Mr. DICKINSON].

I would also like to pay tribute, if I may, to the distinguished chairman of the Subcommittee on Military Personnel and Compensation, the gentlewoman from Maryland [Mrs. BYRON], for her distinguished service to the committee and to the Congress, and to say that we will sorely miss her in future sessions.

My chairman, the gentlewoman from Maryland [Mrs. BYRON] has already summarized the major provisions, and so I will not belabor those points, but would point out some highlights. In the main, I believe that the personnel provisions represent good policy and deserve bipartisan support from the House.

The strength of the personnel section is that it continues to reflect the subcommittee's longstanding advocacy for military personnel and their families, particularly with regard to pay and benefits, and improved medical care for those remaining in the service, as well as for those leaving service.

Moreover, with respect to medical care, this bill adopts a number of important provisions which redresses DOD practices or policy which seemed to the subcommittee to be giving cost control greater weight than attention to patient needs and care.

By the same token, the personnel measures taken within the bill directly reflect the harsh reality of declining defense budgets: There is not enough money for all worthwhile projects. To our regret, we were forced to deny several meritorious legislative proposals simply for lack of resources to fund them.

With regard to improving the quality of our National Guard and Reserve forces, the initiatives adopted in the bill are perhaps the most significant to come along in recent memory. If fully implemented, the initiatives will go a long way toward correcting training and leadership shortcomings identified during Desert Storm.

I was also pleased that the bill repeals the law enacted last year which would prohibit the graduates of our service academies, as well as distinguished military graduates of ROTC and officer candidates schools from being given initial Regular commissions. Initial regular commissioning is an important step in building a lifelong bond between young officers and the services they dedicate themselves to.

My two criticisms of the personnel section will not be unfamiliar to those of you who have heard me before.

First, from a process standpoint, the personnel subcommittee members first saw the National Guard reform provision during markup, and had only the briefest time to discuss the details. Republican staff became involved only after all the major decisions about the provisions had been made. In view of the fact that the reform package is probably one of the most significant personnel issues to be dealt with by this committee in a number of years, I must condemn the process that precluded subcommittee members from taking an active role in its development.

Second, despite clear evidence that the DOD proposed cuts in the Army Reserve components were in fact directly linked to reductions in Active Forces, the committee, for the third year in a row, avoided the right policy decision and allowed politics to dictate what cuts were made to Army Guard and Reserve end strength.

Despite the two shortcomings mentioned, I believe that the personnel provisions of the bill broadly advance the interests of the people in uniform and the Department of Defense. I voted to support the provisions in subcommittee and full committee. Unless the bill is radically changed on the floor, I would anticipate again voting to support the bill.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding time to me. I really want to salute our chairman because it is like we blinked and the whole world was transformed, and the changes that were pushed upon us so rapidly meant changing priorities should also happen. Our chairman has been wonderful in leading us through that exercise, and I thank him for that.

Mr. Chairman, as chairwoman of the Subcommittee on Military Installations and Facilities, I am pleased to rise in support of and report on the military construction and civil defense portions of H.R. 5006.

H.R. 5006 authorizes $6,331,277,000 for military construction and $4,054,376,000 for family housing, for a total of

$10,385,653,000. The bill also authorizes $132,565,000 for civil defense.

With this bill, Congress has an opportunity to provide much needed military construction and to spur economic growth in communities throughout the Nation. This bill will improve the quality of life for our service men and women.

The military construction division of H.R. 5006 builds on last year's premise that the military construction pause is not acceptable. There are urgent and ongoing military construction requirements that must be addressed.

We included projects to address these urgent needs and funded these new projects by reallocating $300 million from real property maintenance, from the $2 billion total provided for real property maintenance and $100 million from the NATO infrastructure account. The committee adopted the administration's proposal to move the real property maintenance accounts from the O&M and RDT&E accounts into the military construction account.

For family housing, we provided $4 billion, which includes funding for 2,416 new units. This is a $400 million increase from fiscal year 1992.

For NATO infrastructure, we recommend a reduction of $100 million, and to prohibit the use of this money for new construction as NATO reassesses its priorities and needs in the post cold war era.

For civil defense, the committee recommends a reduction of $10 million from the budget request, to reflect the reduced threat and evolving role of civil defense as a part of the overall disaster assistance structure.

I think the military construction division of H.R. 5006 is an excellent component of the bill and urge my colleagues to support it.

□ 1600

Mr. DICKINSON. Mr. Chairman, the gentlewoman who just spoke is the chairperson of the Subcommittee on Military Installations and Facilities, and her counterpart is the gentleman from New York [Mr. MARTIN].

Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, at the very outset, I would like to pay tribute to the ranking member of the full committee, the gentleman who just yielded the time to me, the gentleman from Alabama [Mr. DICKINSON].

His efforts on behalf of this country and our allies and our legitimate defense interests around the world have been really something to behold.

You know, the gentleman from Alabama [Mr. DICKINSON], as you leave here after 28 years, I guess the test you would want to apply to that or anything else in life is that did you make a difference, and was it for the better. If you ever have any doubt about that, you can call me, because I am absolutely satisfied you did make a tremendous difference, and it was for the better.

I thank you for your efforts on behalf of the United States.

My colleagues, as ranking member of the Military Construction Subcommittee, we toiled long and hard to try to come up with a product that we could be proud of, and I guess maybe we are semiproud of it.

On the downside of things, perhaps as a consequence of the last couple of years of freezes in military construction, because of the threats of base closures and that type of thing, there were a number of projects that were deferred or canceled. It is kind of an unhappy note as we try to limit the number of add ons we did set a new record this year. I hope that that can be worked out through the appropriations process and then with the other body in terms of conference so that we will not be embarrassed.

The gentlewoman spoke about burden sharing, and perhaps now is the time to do something about it. I do appreciate that there will be some amendments offered up. I do think what the committee has done, and the administration and the Department of Defense have done quite a bit in the last few years on the issue of burden sharing without being absolutely ridiculous. As a matter of fact, in our report, and I recommend all of you might want to read this, we dedicate part of the report, particularly on pages 300 and 301, to point out what we have done in the form of burden sharing.

Burden sharing is one of those catchy words that will never die. No matter how much you do, there is always someone who will have an amendment to our bill to do far, far more or perhaps castigate the President for not doing enough while we praise him in the bill and ourselves for what we have been able to do.

There were a couple of things I wanted to highlight and perhaps that we can resolve in conference. Secretary Holmes and Secretary Cheney have worked very hard on this NATO infrastructure account over the years, and I have a letter from Dick here which underscores what he has attempted to do and been successful in doing, and that is to get NATO to negotiate, and how they have agreed, that those infrastructure funds can be used for our O&M costs for our POMCUS sites and those types of things in Europe which means that what we used to pay 100 cents on a dollar, now we will pay 28 cents on the dollar, and our allies will pay 72. Well, as a reward for the good work that Secretary Cheney and Ambassador Holmes, you will note that our subcommittee has halved the amount in the account for the infrastructure funds thereby shooting ourselves in the foot. I hope we can repair that.

The gentlewoman and I perhaps are reading out of a different bill. Our figures come out that we have actually cut family housing accounts by $25 million in this bill.

Another thing we have done, the real property maintenance account which used to be in the Readiness Subcommittee and under the O&M account, $2 billion of that has been shifted over to be our responsibility now. The reason I mentioned that is that on appearance, compared to last year, it might look as though there is a slight increase in military construction. The fact of the matter is that if you take away the O&M account that used to be in the jurisdiction of the readiness account under the able guidance of the gentleman from Florida [Mr. HUTTO], you will find that Milcon account is actually down 10 percent.

I would just ask people to take the time to read in our report, in your report, the committee's report what we feel has been done in burden sharing.

I do not know, sometimes I am concerned that perhaps it is more of a political thing than paying attention to how fast we are bringing our folks home from Europe at a rate I will be able to explain to you a little bit later on. Quite frankly it is the most orderly evacuation since Dunkirk, only we are trying to do it with families and children in schools and putting a lot of strain on those troops that we say we care so much about.

I thank the gentleman from Alabama for yielding and, again, for his great service to this country.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise in support of this bill.

The Readiness Subcommittee, which I chair, has long been supportive of the needs of our armed services, but we have also sought reductions in the levels of duplication, overhead, and waste in the Department of Defense. The demise of the Warsaw Pact and the end of the cold war, tied with pressing needs here at home, strengthened our resolve in attacking wasteful defense spending.

The $8.5 billion reductions taken to the operation and maintenance accounts represent the culmination of years of examination of the costly defense infrastructure. For example, the subcommittee has held hearings and has been looking into the excess inventory matter now for more than 3 years.

We have used General Accounting Office as well as reports by DOD's own inspector general, service auditors, and investigators. The reductions also recognize reduced cost of the military presence overseas, defense efforts to reduce overhead through the Defense management review, base closures, force structure reductions, and a strategic nuclear forces standdown.

We recognize that the world remains a dangerous place, and we do not want to let down our guard by gutting the readiness of the military that remain in service to the Nation. In the future, the readiness, adaptability, and staying power of our forces will be at least as important as how large those forces are. Although I think we are drawing down too rapidly, national security must be maintained with a smaller force structure if the forces in being are fully prepared to do their jobs in support of national security interests. That is why we have worked hard to fence and protect spending for direct operational readiness items, allowing continued high levels of training and operating tempo. We also protected funding for drug interdiction and special operations forces.

Instead, we took our reductions from marginal areas, including excessive infrastructure, and overhead. These reductions considered:

First, $2.3 billion in accumulated and anticipated excess cash balances within the industrial and stock funds, often deliberately projected beyond fiscal years 1993 through 1995.

Second, the continuing purchase of billions of dollars' worth of stocks while billions of dollars' worth of excessive stocks already exists within the Department of Defense.

Third, the need for host nations to pay more of the support costs for U.S. forces.

Fourth, the need to take corresponding reductions in the intelligence budget as forces draw down.

Fifth, realization of some of the $16 billion in potential benefit identified by the DOD audit establishment.

Sixth, unnecessary headquarters, administration, office space, consultants, and recruitment expenditures.

Also, this bill halts a planned $1 billion, 500,000-square-foot office expansion to the Pentagon and asks the Secretary to seek less costly alternatives. With forces coming down and budgetary pressure building, this expenditure is highly questionable.

Mr. Chairman, the American people want a strong national defense, but reality dictates that it be a leaner, yet effective, force in order to deal with emerging threats to our national interest. This bill provides just that.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, today I rise reluctantly in protest to the Department of Defense authorization bill. This bill is an unusual one for this Congress. Instead of adding on to the President's request, this bill comes under his request. Instead of increasing spending over last year's level, this bill decreases spending. It's just too bad that Congress does not want to dismantle the deficit as much as it wants to dismantle the Defense Department. It would not be so bad if this was a trend in the budget, but it is not, other things will continue to rise.

Certainly the changes in our world call for a reduction in defense spending. We no longer face the Soviet Union as the threat to our national security. The changes in Eastern Europe allow us to draw down our forces. But, Mr. Chairman, just because the Soviet Union is no longer a superpower does not mean that we do not have an enemy. In a number of ways, our world may be even more dangerous than ever. If you know who your enemy is you can prepare for him. It is much more difficult to prepare for an enemy who may pop up at any time.

We all witnessed the magnificent victory of our troops in the Persian Gulf war. We can conclude that our victory in the gulf stemmed from two things: Our technological advantage and the training of our soldiers. The technology used in the war was developed primarily in the 1960's and 1970's. Technology is not developed overnight, and we must stay ahead of any future adversaries. Our soldiers' training will certainly suffer with declining defense dollars. We have a moral obligation to send our sons and daughters on the battlefield with adequate training and technological advantage.

Additionally, there is a disturbing trend toward using the defense budget as a cash cow. If it were not for the firewalls, I do not know where we would be with defense. This body must awaken to the fact that our budget deficit was not caused by defense spending. Rather, it was caused by out-of-control social spending.

Mr. Chairman, I believe that we are laying the groundwork for a situation we will regret. We are, in fact, cutting too fast and too deep.

□ 1610

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas Mr. [ORTIZ].

Mr. ORTIZ. Mr. Chairman, I rise in support of this bill.

We have been hearing how this year is the beginning of a radical reshaping of our Nation's defenses. Let me say that the Readiness Subcommittee is at the forefront of this reshaping and will continue to be so in the years to come. The subcommittee's recommendations protect the vital areas of readiness that will ensure that our forces are trained and ready for any contingency. At the same time, we are making recommendations to reduce the bureaucracy, infrastructure, and overhead areas whose funding tends to remain level, even though there are major changes in force structure.

The subcommittee's reductions this year are based on years of effort, supported by many hearings and investigations. For example, the subcommittee has been attacking excess inventory problems for more than 3 years. We have required many changes in the Department's inventory policies, and followed up with inventory reductions each year to get DOD to understand the magnitude of the problem and the necessity for radical change in the way they do business. The Department's bureaucracy continues to develop plans and initiatives, yet results are few and far between.

The Department's bureaucracy is out of touch with reality and the changes that have occurred in the world. While force structure is being reduced, DOD wants to retain the infrastructure and overhead that supported a larger military. For example, even though the number of military and civilian personnel are being reduced, the Pentagon bureaucracy wants to expand the Pentagon by 500,000 square feet and spend a billion dollars to renovate the building. Another recent article says the bureaucracy also wants to spend another billion dollars to rewire the Pentagon to link all of its telecommunications and computers, even though many of them will never interact with each other.

To put it mildly, the Pentagon bureaucracy just doesn't get it. They don't seem to realize that massive reductions are needed in the overhead areas. For example, duplicate organizations and functions need to be eliminated. Why do we need four chaplain systems, four criminal investigative organizations and four separate legal services? What makes medical care so unique that each service needs its own separate system? All of these noncombat areas need to be consolidated into single systems to eliminate all the redundant overhead and associated costs.

Even readiness areas can be consolidated and improved. More realistic joint training is needed since that is the way the services will fight in the future. The JCS exercise program needs to be improved so that joint training is emphasized rather than each service doing its own thing. Other areas that need to be considered for consolidation include separate basic training and service unique training for equipment that is common to more than one service. Savings can be obtained in all these areas and the department needs to eliminate its parochialism to move toward more joint training.

As I said at the beginning of my remarks, this is a watershed year for our Nation's defenses and the Readiness Subcommittee. As our forces are reshaped, the Readiness Subcommittee will continue this attack on the bloated bureaucracy and unneeded overhead. We will be unrelenting in questioning every administrative area to determine its mission and how it is related to our combat forces. We will continue to look for duplication and inefficiencies.

Mr. Chairman, this is not a unique year for our attack on waste and inefficiency but rather a culmination of what the Readiness Subcommittee has done in the past and a taste of what we will continue to do with increased zeal in the future.

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman, I rise to express my concerns about H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993.

First, I share the concerns that will be expressed later by my friend, the gentleman from Arizona [Mr. KYL], regarding changes made in the President's budget request for the strategic defense initiative and language changes that tinker with last year's bipartisan agreement—enshrined in the Missile Defense Act of 1992—to seek initial deployment of a limited ballistic missile defense for the people of this country.

H.R. 5006 reduces funding for strategic defense programs by about $1.1 billion. The bill eliminates entirely any funding for space-based missile defense technology, including the Brilliant Pebbles Program. This was done despite the requirement of the Missile Defense Act that research and development of follow on missile defense technologies like Brilliant Pebbles is to receive robust funding. I say to my colleagues that reasonable men and women can and will disagree on how much funding will constitute a robust level, but I believe all of you would agree that no funding whatsoever is not a robust funding level.

We simply cannot afford to ignore the realities of the present day. Yes, the Soviet Union and the Warsaw Pact have ceased to be military threats to the United States and its allies. Yes, the cold war is over and we are the undisputed victors. But I would remind my colleagues that Operation Desert Storm provided us a glimpse of the future.

On some future day, Americans will once again be called upon to defend their Nation's vital interests by armed combat. On that day we will again face the possibility of attack by ballistic missiles. The Central Intelligence Agency has repeatedly cautioned that by the end of this decade another 15 countries will possess ballistic missile technology. On the day when the next threat of ballistic missile attack comes, who can say now that those missiles will not be capable of reaching the continental United States or that they will not be armed with nuclear, chemical, or biological warheads.

In a report to the Congress in March of this year, Donald Atwood, the Deputy Secretary of Defense, highlighted the need for technology like Brilliant Pebbles. Not only will this system be able to continuously monitor for a ballistic missile attack, it will provide continuous protection against missiles with ranges greater than approximately 500 miles—missiles just like the modified Scuds which Saddam Hussein launched against Israel and Saudi Arabia last year, a single one of which, armed only with a conventional high explosive warhead, cost the lives of 24 American service men and women.

Mr. Chairman, I ask my colleagues to think about that future day and ask yourself how you will explain to American mothers and fathers that today, when we had the chance and had already made the commitment to the American people, the House of Representatives failed to provide reasonable protection from ballistic missile attack.

As written, the bill also makes major reductions in funding for operations and maintenance accounts—accounts which include funding to keep our forces trained and ready to meet the stress and strain imposed by combat on a modern, high-technology battlefield. H.R. 5006 includes a reduction of some $6.7 billion in funding for operations and maintenance below the level requested by the administration.

Mr. Chairman, I am reminded of the advice given by Field Marshal Irwin Rommel, the famous Desert Fox of the German Wehrmacht. When asked why he insisted on so rigorous a training regime for his soldiers, Rommel replied, "let no dead soldier's soul cry out, 'had I the proper training.* * *'"

Finally, my colleagues, as presently written, H.R. 5006 contains authorization for 49,050 Guard and Reserve personnel who are no longer required to support the Nation's defense.

Mr. Chairman, we are presenting to the House the seventh consecutive DOD authorization bill which proposes real cuts in defense spending. Additionally, since fiscal year 1987, when active duty end-strength was authorized at 2,174,000, active duty end-strength has declined by 407,500. An entire army corps has been inactivated and removed from the force structure.

Despite these facts, H.R. 5006 retains Guard and Reserve force structure which performs missions that are no longer required or which support active duty units that no longer exist. Doing so may be good politics, but it is bad policy. It is my sincere hope we can more equitably distribute active duty and reserve forces cuts during the conference with the Senate.

Mr. Chairman, unless substantial improvements are made in the bill during consideration of amendments I shall oppose passage of H.R. 5006. I urge my colleagues to give this bill careful scrutiny and consider now that we will have to defend the United States in the 21st century with the defense capabilities we will provide with today's vote.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in strong support of H.R. 5006, the fiscal year 1993 Defense authorization bill. Looking back at my years on the Armed Services Committee, I can honestly say that this legislation in front of us is perhaps the best authorization bill that has come out of the committee. Not only is it a sensible, responsible and well thought out measure, it is also reflective of world changes and our evolving defense needs.

I attribute the success of H.R. 5006 to the outstanding leadership of Chairman ASPIN and the ranking minority member, BILL DICKINSON.

The committee's bill proposes $274 billion in spending for fiscal year 1993, a $7.2 billion cut from the administration request. Working with this figure, we have preserved the most important elements of our force posture—personnel and readiness. The administration claimed that if we cut any more from their request of $280.1 billion, that personnel would suffer. We proved them wrong. The bill provides for no reductions in the active duty component beyond the President's request. In addition we dismissed the Pentagon's list of cuts in the Guard and Reserve that came out earlier this year.

Included within H.R. 5006 is a comprehensive National Guard reform proposal to make what is already an outstanding support force, even better. The bill not only reinforces our commitment to the Guard and Reserve, but it also continues our longstanding confidence in their abilities.

Perhaps one of the lesser known areas of the DOD authorization bill concerns environmental restoration and waste management. In last year's bill I authorized an environmental restoration and waste management scholarship program to aide in the cleanup of the nuclear weapons complex. I am happy to report that the committee has reauthorized this program. Further, additional moneys have been included in the DOE section of the bill to pursue advanced remediation technologies, that will ultimately expedite the cleanup of our shrinking nuclear weapons complex.

Mr. Chairman, you will no doubt listen to a parade of amendments during consideration of this bill, that will seek to make further, sometimes drastic, reductions in the bill. I urge you to look at each carefully before casting your vote. Let us not undermine the intent of this important and timely bill. Unfortunately, the world is not an inherently safe place. Threats to our national security could develop at anytime. But the fact that we are ready to deal with whatever's presented to us, is smart planning on our behalf both from a warfighting/readiness capability and a deterrent capability. I urge support of H.R. 5006.

□ 1620

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from

Michigan [Mr. DAVIS], the ranking member on the Subcommittee on Research and Development.

Mr. DAVIS. I thank the gentleman for yielding this time to me.

Mr. Chairman, as the ranking member of the Research and Development Subcommittee, I would like to take a couple of minutes to highlight several items in our subcommittee's portion of the bill.

First, although the funding level in this bill for SDI is a big improvement over past years, there are still a couple of major concerns in this area. Specifically, the zero funding level for the space-based interceptor portion of SDI, and the modifications to the missile Defense Act.

As many of you know, the administration requested $575 million for space-based interceptors and supporting technologies. The bulk of this was to continue research and development of Brilliant Pebbles. The zero funding is especially disturbing in light of the language in last year's Missile Defense Act which stated that "robust funding for research and development for promising follow-on antiballistic missile technologies, including Brilliant Pebbles, is required." The funding level in this bill is far from robust.

The modifications to the Missile Defense Act, in the area of missile defense goals is also troubling. Some of the language we enacted last year as part of the Missile Defense Act would, under this bill, be changed to state that it is a goal of the United States to maintain compliance with the ABM Treaty and deploy a highly effective ABM system. These changes are a big step backwards from the Missile Defense Act passed last year.

Other than SDI there was substantial agreement on the majority of research and development programs. There are a number of programs which were fully funded at the administration's request including the Army's Comanche Program and the Air Force's Milstar Program. A program of particular interest to me, the National Aerospace Plane [NASP] Program, was also fully funded at $175 million.

I would also like to take a moment to thank the subcommittee chairman, Mr. DELLUMS, for his hard work on this year's bill. I have always found him to be gracious and fair in his dealings with the minority members of the subcommittee, and I thank him for that.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the chairman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 5006, the DOD authorization bill. Mr. Chairman, I want to commend the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN], and the ranking minority member, the gentleman from Alabama [Mr. DICKINSON], for a job well done, and I also want to commend our colleagues on the committee and the staff, as all of us worked together.

Mr. Chairman, I want to say that I have certainly enjoyed working with the gentleman from Alabama [Mr. DICKINSON] over the years, as well as the gentlewoman from Maryland [Mrs. BYRON].

Mr. Chairman, this is the last time they will be handling parts of this bill, and I want to thank them for a job well done.

Mr. Chairman, I would like to mention some key areas in the bill. Again, as in past years, we did not agree with the Pentagon's plan for National Guard and Reserves. DOD requested huge cuts in fiscal 1993 in the Guard and Reserve. In the meantime the DOD continued to propose drastic cuts when it is clear that the Congress wants even more emphasis to be placed on the citizen-soldier as we move into this peacetime era.

This year we put a floor on the force structure of the Army Guard as a way to preserve the units proposed to be eliminated by DOD.

Mr. Chairman, many Members have come up to me and said, "Have we protected our armories in our different communities?" I think they are. We made only a modest cut to the Army Guard strength and basically kept the strengths of the Air Guard, Air Reserve, and Marine Reserve at the same level as 1992. I wish we could have kept the strength levels of the Army and Navy Reserves higher, and we may be able to do so when we go into joint conference with the Senate.

Mr. Chairman, the bill has over $900 million in specific procurement funding for the National Guard and Reserves. In direct procurement there is $635 million for such items as trucks, helicopter upgrades, fighter aircraft upgrades, and C–130 aircraft. We also earmarked in the active component accounts over $300 million for items such as the multiple-launch rocket systems, or MLRS, and new engines for KC–135 aircraft.

The Guard and Reserve are getting new equipment.

Military construction accounts of the Guard and Reserves was increased by $244 million. The bill includes a series of reforms aimed at improving the Army National Guard.

Although I have some questions about some of the provisions, I support the efforts to increase the readiness and effectiveness of the National Guard. We should implement some of the lessons learned in the Persian Gulf war.

The bill also includes some GI education benefits. It authorizes graduate degrees for Reserve component participants in the GI bill. Also, it authorizes voluntarily separated active duty people a chance to enroll in the GI bill if they have not enrolled in that legislation.

Mr. Chairman, the planned drawdown of the Armed Forces has resulted in many individuals leaving active duty prior to completion of a full career. This will give these young men and women being pushed out of the service, an opportunity to get an education.

Mr. Chairman, I totally support the bill.

Mr. DICKINSON. Mr. Chairman, one of the most learned and best-informed Member of the House on SDI and on energy is the distinguished gentleman from Arizona [Mr. KYL]. I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I am going to oppose this bill; and one of the reasons I am going to oppose it is because of what was done with SDI this year. Not only was $1.1 billion taken out of the President's request, but we violated the bill that we passed last year, the Missile Defense Act, just a year after we adopted it, by zeroing out one of the most important parts of the SDI program, the Brilliant Pebbles part—the global defense aspect of SDI.

Last year's bill called for us to fund Brilliant Pebbles with "robust funding."

Now, we might have some disagreement about what "robust" means, but I do not think that anybody can contend that zero is a proper definition of "robust." Yet that is precisely what was presented by the chairman, and by the committee, and that is precisely what we will be voting upon when we vote tomorrow.

The bill would eliminate the entire $576 million request for this space-based interceptor development.

Now, is this important? Does Brilliant Pebbles really serve a purpose? Let me quote just one sentence from Deputy Secretary Donald Atwood's report issued in March of this year, "The modified Scud missiles launched by Iraq against Israel and Saudi Arabia would have been accessible from space and could have been intercepted far from their targets by Brilliant Pebbles." Yet this is part of the program that would be zeroed out.

The committee provides no funding whatsoever.

Mr. Chairman, it seems to me that when the President of the United States and the President of Russia are both going to be meeting this month to talk about this very subject, joint cooperation in global defense, the Congress of the United States ought not be pulling the rug out from under our President as he is beginning those negotiations.

Can wé not take "yes" for an answer? You know, years ago the people in this body used to say, "Well, the Soviets would oppose us. So let's forget about this space-based component." Now the Soviet say they are willing to talk to us about it, and now we will not take "yes" for an answer.

It seems to me also that this represents bad faith, Mr. Chairman, because part of the agreement last year in crafting the Missile Defense Act was to continue to provide funding for the space-based component. By not doing that this year, it seems to me that we break that agreement, and, therefore, I will be voting "no."

□ 1630

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, the issue before us is not complicated. The question is whether we continue to spend tens of billions of dollars a year defending Japan, Germany, and Europe against a nonexistent enemy or whether we cut military spending and reinvest that money back home to deal with long-neglected domestic needs.

Mr. Chairman, it makes no sense to me to spend billions of dollars a year defending Japan while 20 percent of our children in this country live in poverty. It makes no sense to me to spend tens of billions of dollars a year defending Germany, a nation wealthier than us while 2 million of our people are sleeping out on the street.

Mr. Chairman, when we talk about national security, what we must mean is the disintegrating health care system in our country, the environmental crisis in our country. We have got to cut back on troop deployment abroad and start paying attention to the needs back home.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I rise in support of H.R. 5006, the National Defense Authorization Act for fiscal year 1993. The Committee on Armed Services has fashioned a bill that conservatively looks toward restructuring the U.S. military forces to meet the changing circumstances of the 1990's and beyond. In some regards there is need for more adequate funding, and in a few instances further savings can be safely made. But on the whole this bill is essential to our national defense.

SUMMARY OF SHIPBUILDING RECOMMENDATIONS

The shipbuilding and conversion request for fiscal year 1993 included six new construction ships and a total authorization request of $5,319.5 million.

The request included four *Arleigh Burke* class guided missile destroyers and two coastal mine hunters. In addition the request included conversion of an oceanographic research ship, funding for future nuclear refueling overhauls of carriers and cruisers, long lead funds for *Arleigh Burke* class guided missile destroyers, and long lead funds for one *Nimitz* class nuclear powered aircraft carrier.

The committee recommends authorization of $6,520.9 million for the shipbuilding account, which provides for the ships requested and for an increase of $1.2 billion over the request of the President for the construction of sealift ships.

The President's budget proposed the creation of a sealift fund, with a request of $1.2 billion for sealift included in the fund. The committee believes that the sealift fund as proposed offered few discernible advantages, and that it would have reduced congressional oversight and control of the sealift program if enacted. Accordingly, the committee has not included legislation to create the sealift fund in H.R. 5006.

SEALIFT PROGRAMS

In 1990 legislation was enacted establishing a fast sealift program for the construction and operation of cargo vessels that incorporate features essential for military use of the vessels. At present approximately $1.875 billion, appropriated in fiscal years 1990, 1991, and 1992, is available for the program.

The experience with Operations Desert Shield and Desert Storm demonstrated that much still needs to be done to assure the availability of adequate sealift resources in the event of a war or national emergency and should have served to demonstrate that this is a matter of some urgency. However, there has been little progress in acquiring the needed ships. No contract for the design or construction of ships has yet been let.

Accordingly the committee recommends a provision that would raise the priority of sealift programs in the Department of Defense and motivate more expeditious action. The provision would condition the obligation of funds for the C–17 program during fiscal year 1993 on the obligation of funds for sealift ships. Specifically, the rate of obligations for the C–17 program would be limited to the rate of obligations for the construction of sealift ships until all sealift funds are obligated or, until the Secretary of Defense certifies to the defense committees that it is not feasible to obligate funds for the construction of strategic sealift ships during fiscal year 1993. This is a provision that seeks to expedite the construction of sealift ships. Because strategic lift programs need to be balanced to provide an appropriate mix of capabilities, the provision would restrict the obligation of funds for the C–17 program to the rate of obligations for the sealift program, unless the Secretary of Defense determined that it is not possible to proceed with the sealift program.

SHIPYARD INDUSTRIAL BASE

In 1981, the U.S. Government terminated funding for the Construction-Differential Subsidy Program for large oceangoing vessels without insisting that foreign governments do the same. As a result of this unilateral action, commercial ship construction virtually disappeared in the United States, and the industry lost one-third of its capacity during the 1980's.

Today, the principal customer for U.S. shipyards is the U.S. Navy. However, the prospect for future Navy business is bleak. By 1997, the Navy shipbuilding backlog is projected to be less than half of what it is today under the shipbuilding plan submitted with the fiscal year 1993 budget. The Navy estimates that new construction orders for 30 commercial ships per year would be required to sustain the current shipyard industrial base. Assistant Secretary of the Navy Gerald Cann testified before the committee that "many jobs will be lost and some shipyards will have to find other work or close."

While it has been the announced intent of the administration to seek the elimination of foreign shipbuilding subsidies which have rendered U.S. yards noncompetitive in the commercial market, the subsidy practices of foreign governments continue to flourish 10 years after the United States unilaterally eliminated its subsidies.

The committee is concerned that the Department of the Navy and the Department of Defense have not been sufficiently active in seeking concerted action by the U.S. Government, particularly the Commerce Department and the Office of the Trade Representative, to eliminate these subsidy practices. To that end, the committee has included a provision, section 1016, that would require development of a plan to ensure that domestic shipyards can compete effectively in the international shipbuilding market. Failure to submit the plan would trigger certain limitations on contracting.

STOCKPILE

The committee is reviewing the National Defense Stockpile in light of changed world circumstances. The 1992 report on stockpile requirements, submitted by the Department of Defense pursuant to the stockpiling act, estimates sharply lower quantities of stockpiled goods as being necessary to support national security requirements in the future. However, the committee heard testimony from administration witnesses outside the Department of Defense as well as from the General Accounting Office that raised numerous questions about some of the estimates contained in the report. Until these questions can be resolved the committee is recommending that changes in the stockpile be limited to commodities, and quantities, where there is strong agreement about requirements. Accordingly, H.R. 5006 contains a provision that would require the sale of approximately $1.4 billion of excess and obsolete stockpile materials.

In addition the bill would authorize the transfer of $612 million from the stockpile transaction fund to other defense accounts where authorized, and repeal certain restrictions on the sale of stockpile materials.

Mr. Chairman, the Defense authorization bill will provide ships that are needed for the national defense. It also continues the process of modernizing the national defense stockpile. I believe that the bill deserves the support of the Members of the House.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, the cold war has ended, the threat of nuclear war is receding, and, as a result, for the first time in probably more than 40 years this country is not building any new nuclear warheads. Now it may seem a paradox in light of that fact that this bill still contains $11.9 billion, in the part for which I was particularly responsible, dealing with defense nuclear weapons programs under the jurisdiction of the Department of Energy; $11.9 billion; I might take a minute to explain why.

First of all, let me say that we have cut this budget by $331 million. Most of those were guided by cuts identified by OMB. There were judiciously made. We added back $115 million, so the total cut is $215 million.

But the point I would make and stress is that 40 percent of this budget of $11.9 billion, pays not just for what we will do next year, but it pays for what we have done for the last 40 to 45 years and deferred, namely in the area of environmental protection. Part of this goes in making sure that we do not make the same mistakes we made in the past. It goes into waste management. Part of it goes into correcting the problems from Savannah River to Hanford, from Pantex, TX, to Mound, OK. These are problems left behind from 40 years of production in the nuclear complex, where we emphasized production over waste management and over the environment. We have not, however, this year, in dealing with the problems of environmental restoration, done what we did in 3 past years, and that is plus up the environmental restoration account by $300 to $350 million. Instead we have taken stock of the total amount of money, nearly $4 billion being spent in this area, and said we think that we should be cautious here, and not throw more money after this problem. Let's go slow; $4 billion is a lot of money to manage. So, we put this money out very prudently, and, if my colleagues will look at the add backs, I think they illustrate exactly what we tried to do. For example, we put back $45 million for environmental technology, $15 million to see if we can develop a means of transmuting nuclear waste using an accelerator, $20 million for materials production.

So, I think, Mr. Chairman, in looking at the smaller pieces of the budget like this, my colleagues will see that though we have cut the defense budget and cut it considerably, and I commend the chairman for holding the line at $274 billion, we have carefully crafted the budget and brought a good product to the floor.

Mr. Chairman, on behalf of the Armed Services Committee, and the Panel on Department of Energy Defense Nuclear Facilities, I rise to discuss the committee's recommendations relating to Department of Energy national security activities and the Defense Nuclear Facilities Safety Board for fiscal year 1993.

The committee recommends a total authorization of $11.9 billion, $215 million less than requested by the President. The world has changed dramatically over the past year, and the need for nuclear weapons has declined sharply. The President announced cancellation of the W–88 warhead for the Trident D–5 missile in his State of the Union Message—with this cancellation, the United States will not be building any new nuclear weapons next year, and currently has no plans for building new nuclear weapons in the future. The DOE's task, therefore, has shifted from production to cleanup, weapons dismantlement, and restructuring of the nuclear weapons complex. Of the $11.9 billion overall authorization, for example, almost 40 percent, or $4.7 billion, will be devoted to environmental restoration and waste management.

The committee's recommended reduction of $215 million is the net result of adding $115 million to the President's budget and subtracting $331 million. The five increases to the President's budget request are as follows:

First, $45 million for environmental management technology development for programs such as development of nonintrusive or remote sensors for waste characterization, environmentally conscious manufacturing through recycle of used electronics, and technologies for removing plumes of toxic metals from contaminated soils.

Second, $15 million for environmental technology development for research on chemical processing and waste stream minimization analyses associated with accelerator transmutation of waste.

Third, $17.31 million for the Inertial Confinement Fusion Program, consisting of a $11.84 million increase for the University of Rochester to maintain an efficient schedule for upgrading the Omega laser, and a $5.47 million increase for the Naval Research Laboratory to complete the Nike laser. This program will be helpful in efforts to prepare for further restrictions in nuclear weapons testing.

Fourth, $20 million in materials production and other defense programs to fund the Office of Nuclear Safety.

Fifth, $18 million for the new production reactor program to support conceptual and target design work on accelerator production of tritium. This action, along with an anticipated departmental reprogramming action for fiscal year 1992, would make $30 million available for these purposes over 2 years.

The committee also recommends funding three additional programs from funds available in the budget request:

First, within funds available for environmental restoration, we designated $10 million for training and education of persons who are or who may be engaged in cleanup activities at Department of Energy facilities.

Second, within funds available for technology development in the environmental restoration and waste management account, the committee designated $1 million for scholarship and fellowship programs. These funds would provide support for 20 undergraduate and 20 graduate students in fields relevant to environmental restoration and waste management for the 1993–94 school year.

Third, again within funds available for technology development, the committee designated $400,000 for Argonne National Laboratory to develop and demonstrate a continuous emission monitor using Fourier transform infrared spectrometry [FTIR].

The committee recommends four reductions to the President's budget request:

First, denial of $225.3 million budgeted for production and surveillance activities as a result of decisions by President Bush to reduce the nuclear weapons stockpile and terminate production of new nuclear weapons.

Second, denial of $6.72 million in operating and construction activities associated with Three Mile Island [TMI] waste storage at the Idaho National Engineering Laboratory.

Third, a reduction of $84.0 million in the materials production funding request as a result of a secretarial decision to phase out chemical reprocessing of spent fuel at the Idaho chemical processing plant and the Savannah River site.

Fourth, a reduction of $15 million in safeguards and security technology development activities. This program has been supported at the same general level of effort over the past few years and the subcommittee believes that a continuation of past levels of funding is no longer justified in light of the overall shrinkage of activities and proposed downsizing of activities.

The committee recommends two funding limitations in bill language section 3105 that would:

First, provide that not less than $212.31 million be obligated for the Inertial Confinement Fusion Program; and

Second, restrict the department from implementing nonnuclear consolidation until the department submits a report evaluating the economics of each option, a certification that the a discounted cash-flow analysis demonstrates that the proposed consolidation is cost effective, and 90 days have elapsed from the later of the submission of the report or the certification. This second funding request would require the department to respond to congressional criticisms of its plans for restructuring the weapons complex.

The committee recommends two additional legislative provisions.

First, a provision that would authorize payment of a $100,000 fine by the Department of Energy to the Environmental Protection Agency for missing the deadlines on required environmental reports on the Fernald facility in Ohio.

Second, a provision that would state the sense of the Congress that the President should negotiate with the member States of the Commonwealth of Independent States to achieve agreements that will assist in the control of fissile materials and nuclear weapons, and would authorize not less than $10 million for a program to develop and demonstrate means for verifiable dismantlement of nuclear warhead safeguarding and disposing of nuclear materials, and verifying a global ban on the production of fissile materials for weapons purposes. This second provision was adopted in an effort to discourage proliferation of nuclear weapons and materials.

Finally, the committee recommends authorizing $13 million for the Defense Nuclear Facilities Safety Board. The Safety Board has played an important role in tracking the department's efforts at improving the safety of the Savannah River reactors and the Rocky Flats plant.

Mr. Chairman, I urge my colleagues to support the committee recommendations.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, first, in supporting this bill, I wish to compliment the gentleman from Wisconsin [Mr. ASPIN], the chairman, on the outstanding work and leadership that he has given. This is good work. This is very good work.

Also we say to our friend, the gentleman from Alabama [Mr. DICKINSON], "We'll miss you, and thank you for your dedication through the years."

Mr. Chairman, what a difference a year makes. The Soviet Union no longer exists. Political developments in that area of the world are headed in a positive direction. As a result, the course set by the budget agreement looks much less troubling 1½ year later. Despite the cuts in both defense spending and the size of the Armed Forces, we have a good chance of saving the one institution in America that still works well, the U.S. military. We may yet be able to avoid undermining the hard-won efforts of a decade that created a new defense.

In keeping these thoughts in mind, I am pleased with the overall work of the committee on the fiscal year 1993 Defense Authorization Act. The committee charted the right course in many big and small ways. I am especially pleased by the action on the B-2, the SDI, and the National Guard reform package. I particularly compliment the committee and the leadership of the committee on the National Guard reform package. The decisions that the committee took on each of these programs will go a long way to assuring continued strength and vitality of our military.

Mr. DICKINSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will go on to consume the balance of our time by pointing out that the administration's request for this year's defense budget was approximately $281 billion. The House and Senate Budget Committees went to work to come up with what they would propose insofar as the Congress was concerned. The Senate Budget Committee came out with a figure equal to the administration's request of $281 billion. Now the House was approximately $7 billion under that, at $274 billion. The conference committee between the House and the Senate more or less split the difference, and we are looking at $277 billion in this year's defense budget, which I might add is the lowest budget we have had in many, many years. We on the House side when we marked, marked to the lowest figure, which was the House budget figure before the conference.

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After the conference the House and Senate agreed to raise that figure for both the House and the Senate. So we are approximately $3 billion under what is authorized to be spent for defense. For the first time we are in a position to add back those things that we have deleted, that we have cut out, in order to meet the budget figure.

We have met the budget figure in good faith. Now the budget figure is higher. So before we conclude consideration on the bill, it would be my intent, and I am having drawn and it is in order, an add-back provision that will add back approximately one-half of what we are allowed to add back, which amounts to about $1.5 billion, of those things that were cut out of the bill. They are not pork, they are absolutely necessary. They are defensible. They are commonsense amendments that have been added in the initial bill that were deleted as a result of the budget action. Now that we have some wiggle room, we would propose to add them back. At the appropriate time I will offer such an amendment.

Mr. SENSENBRENNER. Mr. Chairman, I support the Armed Services Committee language on National Guard force levels because I share the committee's belief that maintaining a strong National Guard is smart for both economic and policy reasons. The Committee's floor on the force structure for the National Guard will preserve many units proposed for elimination under the Pentagon's plan, demonstrating a commitment to a more cost effective force and to the importance of the citizen soldier.

The operating costs of a National Guard combat unit is one-third that of a comparable active-duty unit. With the increased experience and leadership requirements in the committee bill, the National Guard will constitute an effective and practical force prepared for activation when needed for the national defense, and capable of providing its integral state and community role at all times. I am pleased the committee recognizes the importance of the National Guard and Reserve components of our Armed Forces and sought to increase their role beyond that envisioned by the Pentagon.

Mr. BROWN. Mr. Chairman, I rise to express my support for the Defense authorization bill for fiscal year 1993, and want to bring attention to a few items of special interest, either to me, personally, or to the Committee on Science, Space, and Technology.

Let me start by addressing items of particular interest to the Science Committee, starting with the issue of support for research and development [R&D].

The Science Committee has been concerned over the relative decline over the past 10 years in civilian research and development, as compared to defense R&D. While civilian R&D has received level funding for the past decade, defense R&D experienced 76 percent real growth. In 1979, the ratio of Federal defense to civilian R&D was an evenly split 48.52. In 1986, however, the ratio had changed to approximately 70 percent defense to 30 percent civilian. This ratio has become slightly more balanced in recent years, but does not reflect the Nation's needs and interests in the altered world that we now face—a world in which the Soviet Union does not exist and where the United States faces economic challenges from all directions.

The administration's funding request for fiscal year 1993 represented a military to civilian R&D funding ratio of 59 percent to 41 percent, constituting a mere 1 percent shift from the 60:40 ratio in fiscal year 1992. The Science Committee feels that a more rapid shift in this ratio is warranted.

I do not want to suggest that there is a magical significance to be found in the ratio of spending between Federal defense and civilian R&D, because there isn't. However, this ratio does represent a statement of priorities, and we must ask ourselves if that statement is a true reflection of our priorities. I believe that our most important task today is to start making the investments that will rebuild our Nation's economic vitality, and to do that, increased funding in civilian R&D will be essential.

I fully recognize that defense R&D can yield significant civilian pay-offs. Specifically, many areas of dual-use research are very important, and have been well supported by this legislation. For example, the bill provides increased funding for the manufacturing technology [MANTECH] programs in each of the services. These efforts may provide important applications in the civilian sector. The bill also provides increased funding over the administration's request for SEMATECH, a dual-use technology development effort aimed at semiconductors. Strong support for areas such as x-ray lithography and optoelectronics could also contribute toward breakthroughs which find a niche in the civilian economy.

During consideration of the bill, we will be considering an economic reinvestment package which will serve an even further, and more focussed, purpose in relation to our economy. The Science Committee was pleased to work with the Armed Services Committee in helping fashion that package of initiatives.

The level of cooperation between our two committees has been excellent and serves as an example of how we should be conducting our business in this institution. Our committees have worked to insure that programs operating on both sides of the fire walls are in phase and focused on the same goals, namely: Restoring the competitive ability of U.S. industries as we move toward a new definition of national security. As we authorize these needed programs with the Department of Defense, we are working on legislation in the Science, Space, and Technology Committee which would enhance and expand parallel efforts at the Department of Commerce.

However, the constraints of the Armed Services' economic reinvestment package, both in terms of funding level and in terms of its limited applicability toward the civilian sector, mean that some fundamental issues have not yet been addressed. These issues include: First, our economic competitors far outstrip the United States in percentage of GNP devoted to civilian R&D investments. For example, as a percentage of GNP, the United States is only investing about two-thirds as much as Japan or Germany in civilian R&D; and second, investments in defense R&D no longer generate the sort of civilian spin-offs that they once did. In fact, technology is flowing from the civilian sector into the defense sector at least as rapidly as the other way around. As such, we need to fundamentally address the composition of our total Federal Government R&D portfolio. Just as one switches from stocks to bonds to reflect changes in the investment environment, we need to reorder our national R&D investments to reflect changes in the security environment. When the firewalls come down next year, I hope we will accomplish that objective.

Let me now address a few specific programs of interest.

In the area of space programs, we are pleased that the Armed Services Committee has provided full funding for the Landsat program. This cooperative DOD–NASA effort is aimed at restoring U.S. leadership inland remote-sensing. Landsat data is essential for a broad array of applications, including national security and global change research. The House will soon have before it the National Landsat Policy Act, reported by the Science Committee, which provides a new policy framework for the Landsat Program. We have been working on this issue with the Armed Services and the Intelligence Committees, and thus are gratified by the funding that has been provided for the program.

We have also been working with the Armed Services Committee on the national launch system and national aerospace plane, and are pleased that the committee has taken the same actions in their bill as adopted in the NASA authorization bill last month.

We also support the committee's recommendation of full funding for the single-stage-to-orbit program, which would support component development leading to a full scale operational prototype system. We believe that the single-stage-to-orbit concept holds great potential for reducing the cost and increasing the reliability of launching payloads into low Earth orbit.

Finally, let me address a few programs of particular interest to me, if not to a majority of the members of the Science Committee.

In the area of antisatellite weapons, I am pleased to see that the Armed Services Committee has terminated both the Army's kinetic kill vehicle program and the Air Force's directed energy program. Neither of these programs have any utility now that the Soviet Union has vanished. I am also glad to see that the committee has extended the 1-year ban on tests of the MIRACL laser against targets in space.

In another program of dubious military purpose, the Space Nuclear Thermal Propulsion Program, I am glad to see that the committee provides no additional budget authority. Last year's authorization bill required a report from the Pentagon that was due by March 1, 1992. That report was not delivered, which suggests that the goals, mission, cost, and schedule are difficult for the Pentagon to explain. As such, this high-risk program does not deserve additional congressional support.

Finally, regarding the strategic defense initiative [SDI], I am sorry to see that the committee has recommended such a large increase over last year's funding. I firmly believe that the SDI remains a program in search of a mission, and in search of technologies capable of satisfying that elusive mission. With the ballistic missile threat against the United States at its lowest level in 30 years, this is not the time to be rushing toward deployment of even a limited missile defense system. I support the committee's action to terminate the Brilliant Pebbles Program and to ensure that the United States continues to comply with the ABM Treaty. However, I will be actively supporting the Durbin-Sabo-Penny amendment to freeze SDI funding at last year's level of $3.5 billion.

Overall, I want to commend the Armed Services Committee for the thoughtful and deliberate fashion by which it put this bill together. The intellectual coherence of this bill is obvious, and is deeply appreciated by this Member. This is the first post-cold-war defense authorization bill, and given the constraints which the committee faced in putting it together, I feel that they produced a commendable product.

Mr. MOODY. Mr. Chairman, all Americans join in exaulting over the fall of Communism in Eastern Europe and the collapse of the Warsaw Pact. But after observing the bottom line on spending in this defense authorization, I can only conclude we were running so fast in the arms race that we haven't quite figured out how to really slow down.

It is laudable that President Bush has proposed cutting defense spending by some $9 billion compared to this year. I appreciate the work of the committee in cutting this year's funding by even more, by $16.4 billion. But, in light of the size of our national debt and our annual budget deficits, I cannot understand our reluctance to move forward with real savings.

The lesson of the collapse of the Soviet Union is that runaway defense spending beyond the limits a nation's economy can sustain can lead to ruin. The question is: How quickly will we really realize how serious our own economic situation is as a result of our own arms race and take steps to redirect funds to deficit reduction and reinvesting in America?

$16 billion a year just isn't going to cut it when we're paying annual interest on the debt at a rate fifteen times that, or some $240 billion a year. We have a national debt of $4 trillion and we're approaching our defense budget as though there is still some mythical super power to compete against, that if we don't develop every new weapons system as quickly as possible we will some how fall behind and have our security challenged.

The security of this Nation is being challenged, but it's not being challenged from without, it's being challenged from within. To suggest that we need to or that we can continue spending in the neighborhood of $300 billion a year on defense while running $400 billion deficits is to challenge the economic and political security of this Nation.

Next week, we will consider a constitutional amendment requiring a balanced budget. Those who oppose it say we don't need it, we only need to make the tough choices now.

Deeper cuts in defense spending are not a tough choice, they are an easy choice, but apparently a choice this body is not prepared to make. That's why I'm a cosponsor of the balanced budget amendment, and that's why I'm going to vote against this bill unless we achieve significantly more savings through the amendment process.

I'm going to support most of the amendments to this bill that reduce spending. We don't need five more B–2 bombers and I'm going to support the Andrews amendment. We can't seriously consider committing tens of billions of dollars to star wars, and I urge my colleagues to support the go-slow, reasonable approach of the Dellums-Boxer amendment. We can and we should take action this week to insist that our allies assume a more fair share of keeping our troops overseas. We can and we should move more quickly to decrease our military presence around the world.

My colleagues, the enemy of America today doesn't wear a helmet and hold a bayonet. The enemy of America today wears a $500 suit and holds the national debt in his hands in the form of U.S. bonds. It's time to redirect our resources. It's time to fight for America—at home.

Mr. SLATTERY. Mr. Chairman, I rise today in support of H.R. 5006, the fiscal year 1993 Defense Authorization Act, which includes a number of provisions of which I am particularly supportive.

Section 111 of the bill instructs the Secretary of Defense to release to the U.S. Army $225 million which the Congress appropriated last year for the upgrade of M1 tanks to M1A2 status. There are about 3,300 M1 tanks with outdated guns, armor, and electronics. The introduction of the next-generation tank is at least 15 years away. It is crucial that our country maintain its tank production line, currently slated to shut down in mid-1993. The Pentagon has no legal authority to withhold duly appropriated funds unless the President asks to rescind them. President Bush did not include the M1 upgrade money in his fiscal year 1992 rescission requests.

Section 141 of the bill requires the Air Force to prepare for the Congress several studies on the stealth capabilities and conventional survivability of the B–2 Stealth bomber. Section 141 also specifies that no procurement money can be released for the B–2 until a second affirmative vote, subsequent to Congress' receipt of the required reports. I have been fighting for 3 years to end further production of the B–2, a bomber we do not need and cannot afford. The additional requirements imposed in this year's defense authorization help to assure that any decision by Congress to expend further funds on the B–2 will be based on more extensive and accurate information than is now available.

Section 411 of the bill would set the fiscal year 1993 end strength of the Guard and Reserves at 1,067,750, which is 49,050 higher than the Pentagon's request. I disagree with the Pentagon's plans to reduce Active and Reserve forces on a 1:1 basis. A strong Guard and Reserve makes sense from a fiscal standpoint. This Nation faces a $400 billion budget deficit, and the defense budget is likely to decline significantly in the next decade. Guard and Reserve personnel are not paid full-time wages, but stand ready for deployment when America faces a major crisis. This means the United States can reduce safely the size of its standing army, and rely more more heavily on Guard and Reserve units.

I am also pleased that the defense authorization comes in $7 billion below the President's request, and $16.4 billion less than last year's defense budget, in real terms. This is a significant but reasonable cut in defense spending. Our Nation faces a $400 billion budget deficit this year, and we have to look for ways to trim spending.

Mr. Chairman, I urge my colleagues to support H.R. 5006.

Mr. DICKINSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. COX of Illinois). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the reported bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1993".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. CBO cost estimate.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

SUBTITLE A—FUNDING AUTHORIZATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.

SUBTITLE B—ARMY PROGRAMS

Sec. 111. M-1 Abrams tank program.
Sec. 112. Procurement of AHIP scout helicopters.

SUBTITLE C—AIR FORCE PROGRAMS

Sec. 141. B-2 bomber aircraft program.
Sec. 142. C-135 aircraft program modifications.
Sec. 143. Live-fire survivability testing of C-17 aircraft.
Sec. 144. Correction of fuel leaks on C-17 production aircraft.
Sec. 145. C-17 Aircraft program review.

SUBTITLE D—CHEMICAL DEMILITARIZATION PROGRAM

Sec. 171. Revision in stockpile elimination deadline.
Sec. 172. Alternative disposal program for low-volume sites.
Sec. 173. Revised chemical weapons disposal concept plan.
Sec. 174. Chemical weapons disposal technology consultation and exchange program.
Sec. 175. Technical amendments to section 1412.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SUBTITLE A—AUTHORIZATIONS

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Manufacturing technology development.

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Sec. 211. V-22 Osprey aircraft program.
Sec. 212. Department of Defense Comptroller.
Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 214. P-3 maritime patrol aircraft modernization program.
Sec. 215. Tactical aviation programs.
Sec. 216. One-year delay in transfer of management responsibility for Navy mine countermeasures program.
Sec. 217. Light Armored Vehicle-105 Millimeter Gun (LAV-105) program.
Sec. 218. Semiconductor cooperative research program.
Sec. 219. Advanced research projects.
Sec. 220. Flexible Computer Integrated Manufacturing Program.
Sec. 221. Superconducting Magnetic Energy Storage Project.

SUBTITLE C—MISSILE DEFENSE PROGRAMS

Sec. 231. Theater Missile Defense initiative.
Sec. 232. Strategic Defense Initiative funding.
Sec. 233. Revision of the Missile Defense Act of 1991.
Sec. 234. Development and testing of anti-ballistic missile systems or components.

TITLE III—OPERATION AND MAINTENANCE

SUBTITLE A—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Humanitarian assistance.

SUBTITLE B—LIMITATIONS

Sec. 311. Prohibition on use of funds to pay for certain patron services at commissary stores.
Sec. 312. Prohibition on the use of certain funds for Pentagon Reservation.
Sec. 313. Prohibition on the use of funds for certain service contracts.

SUBTITLE C—ENVIRONMENTAL PROVISIONS

Sec. 321. Extension of reimbursement requirement for contractors handling hazardous wastes from defense facilities.
Sec. 322. Extension of prohibition on use of environmental restoration funds for payment of fines and penalties.

SUBTITLE D—DEFENSE BUSINESS OPERATIONS FUND

Sec. 331. Limitations on the use of Defense Business Operations Fund.
Sec. 332. Capital asset subaccount.
Sec. 333. Prohibition on management of commissary funds through Defense Business Operations Fund.

SUBTITLE E—DEPOT-LEVEL ACTIVITIES

Sec. 341. Competitive bidding for tactical missile maintenance.
Sec. 342. Limitations on the performance of depot-level maintenance of materiel.
Sec. 343. Requirement of competition for selection of private contractors to perform workloads previously performed by depot-level activities of the Department of Defense.
Sec. 344. Requirement of comparable offering from private contractor contracts and Department of Defense contracts for contracts offered for competition.
Sec. 345. Expansion of competition pilot program.

SUBTITLE F—COMMISSARY STORES AND MILITARY EXCHANGES

Sec. 351. Standardization of certain programs and activities of military exchanges.
Sec. 352. Accountability regarding the financial management and use of nonappropriated funds.
Sec. 353. Demonstration program for the operation of certain commissary stores by nonappropriated fund instrumentalities.
Sec. 354. Repeal of limitations on release of information regarding sales at commissary stores.
Sec. 355. Use of commissary stores by members of the Ready Reserve.

SUBTITLE G—OTHER MATTERS

Sec. 361. Extension of certain guidelines for reductions in the number of civilian positions in the Department of Defense.
Sec. 362. Annual inventory report.
Sec. 363. Transportation of donated military artifacts.
Sec. 364. Subcontracting authority for Air Force and Navy depots.
Sec. 365. Prohibition on payment of severance pay to certain foreign nationals in the Philippines.
Sec. 366. Repeal of limitation on prohibition of payment of certain foreign severance costs.
Sec. 367. Reports on overseas basing.
Sec. 368. Consideration of vessel location for the award of layberth contracts for sealift vessels.
Sec. 369. Pilot program to use National Guard medical personnel in areas containing medically underserved populations.
Sec. 370. Authority for the issue of uniforms without charge to members of the Armed Forces.
Sec. 371. Reporting requirement for funding requests for support of sporting events.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SUBTITLE A—ACTIVE FORCES

Sec. 401. End strengths for active forces.

SUBTITLE B—RESERVE FORCES

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserve components.
Sec. 413. Army National Guard force structure allowance.

SUBTITLE C—MILITARY TRAINING STUDENT LOADS

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 4. CBO COST ESTIMATE.

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

For fiscal year:	Change in outlays:	Change in receipts:
1992	$0	Not applicable.
1993	$0	Not applicable.
1994	−$150,000,000	Not applicable.
1995	$0	Not applicable.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Army as follows:

(1) For aircraft, $1,501,259,000.

(2) For missiles, $1,083,110,000.

(3) For weapons and tracked combat vehicles, $736,641,000.

(4) For ammunition, $940,007,000.

(5) For other procurement, $3,157,893,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Navy as follows:

(1) For aircraft, $6,352,167,000.

(2) For weapons, $3,728,950,000.

(3) For shipbuilding and conversion, $6,520,872,000.

(4) For other procurement, $5,828,876,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1993 for

procurement for the Marine Corps in the amount of $931,246,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Air Force as follows:

(1) For aircraft, $10,144,817,000.

(2) For missiles, $4,937,540,000.

(3) For other procurement, $8,132,500,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Defense Agencies in the amount of $1,883,634,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Inspector General of the Department of Defense in the amount of $800,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $120,000,000.

(2) For the Air National Guard, $180,000,000.

(3) For the Army Reserve, $22,500,000.

(4) For the Naval Reserve, $122,100,000.

(5) For the Air Force Reserve, $112,200,000.

(6) For the Marine Corps Reserve, $79,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), in the amount of $526,400,000.

Subtitle B—Army Programs

SEC. 111. M-1 ABRAMS TANK PROGRAM.

(a) Tank Industrial Base.—None of the funds appropriated for the Army pursuant to this Act or for fiscal year 1991 or 1992 may be used to initiate or implement closure of any portion of the tank industrial base.

(b) FY92 Tank Upgrade Program.—(1) Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall release to the Army the amount of $225,000,000 appropriated to the Army for fiscal year 1992 for a tank upgrade program.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall obligate the funds appropriated for the Army for fiscal year 1992 and directed to be released to the Army in accordance with paragraph (1) to initiate a program to remanufacture M1 tanks to the M1A2 configuration.

(c) Repeal of Prior Year Provisions.—Section 111 of Public Law 102–190 (105 Stat. 1303) and section 142 of Public Law 101–510 (104 Stat. 1503) are repealed.

SEC. 112. PROCUREMENT OF AHIP SCOUT HELICOPTERS.

The prohibition in section 133(a)(2) of Public Law 101–189 (103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $250,000,000 for the procurement of not more than 36 OH-58D AHIP Scout aircraft from funds appropriated for fiscal year 1993 pursuant to section 101.

Subtitle C—Air Force Programs

SEC. 141. B-2 BOMBER AIRCRAFT PROGRAM.

(a) Amount for Program.—Of the amount authorized to be appropriated pursuant to section 103 for the Air Force for fiscal year 1993 for procurement of aircraft, not more than $2,686,572,000 may be obligated for procurement for B-2 bomber aircraft.

(b) B-2 Buyout and Termination.—The funds referred to in subsection (a) may be obligated only for the purpose of completing procurement for the B-2 bomber aircraft program and paying all termination costs under the B-2 program.

(c) Limitation on Number of B-2 Aircraft.—A total of not more than 20 deployable B-2 bomber aircraft may be procured.

(d) Limitation on Obligation of Funds.—None of the funds referred to in subsection (a) may be obligated unless and until—

(1) the Secretary of Defense submits to the congressional defense committees—

(A) the reports and certifications required by section 131 of Public Law 102–190 (105 Stat. 1306);

(B) the report under subsection (e); and

(C) the report under subsection (f);

(2) the Comptroller General reviews and evaluates the reports under subsections (e) and (f) and submits to the congressional defense committees a report on the results of that review and evaluation; and

(3) after the submission of the reports and certifications required by section 131 of Public Law 102–190 and the reports required under paragraphs (1) and (2), there is enacted an Act authorizing the obligation of such funds for the procurement of B-2 bomber aircraft.

(e) Report on Low Observability and Survivability.—A report of the Secretary of Defense referred to in subsection (d)(1)(B) is a report submitted to the congressional defense committees that includes the following:

(1) The assessment by the Secretary of Defense of the extent to which the B-2 aircraft will meet its original low observability (including radar cross section) operational performance objectives, including objectives which were not fulfilled in a B-2 flight test in July 1991.

(2) A full description of the information upon which the assessment required by paragraph (1) is based, including all relevant flight test data.

(3) A full description of any actions planned to improve the B-2 aircraft's low observability capabilities beyond the capabilities that have been demonstrated in flight testing by the date of the submission of the report required by this subsection, and the associated costs and benefits.

(4) A quantitative assessment by the Secretary of Defense of the survivability of the B-2 aircraft in executing in the future its primary mission as a penetrating nonnuclear bomber, as compared to the survivability of the B-2 aircraft as a penetrating nonnuclear bomber if it were to meet all of its original radar cross section operational performance objectives.

(f) Report on Cost of Program for 20 B-2 Aircraft.—A report of the Secretary of Defense referred to in subsection (d)(1)(C) is a report submitted to the congressional defense committees that describes the total acquisition costs associated with a B-2 program resulting in 20 deployable aircraft, including all costs associated with research, development, test, and evaluation and procurement (including all planned modifications and retrofits, tooling, preplanned product improvements, support equipment, interim contractor support, initial spares, any Government liability associated with termination, and other Government costs).

(g) Definition.—For the purposes of this section, the term "deployable aircraft" means all B-2 bomber aircraft other than two nonflying structural test assets and one test aircraft, none of which may be made operational.

SEC. 142. C-135 AIRCRAFT PROGRAM MODIFICATIONS.

(a) Program Authorization.—Of the amount authorized to be appropriated in section 103 for procurement of aircraft for the Air Force, $526,674,000 shall be available for the modification of C-135 aircraft.

(b) Reengining Kits.—Of the amount authorized in subsection (a), $440,300,000 shall be available for the procurement of reengining kits, from which one squadron of KC-135E aircraft shall be modified to the KC-135R configuration for the Air Force Reserve or the Air National Guard.

SEC. 143. LIVE-FIRE SURVIVABILITY TESTING OF C-17 AIRCRAFT.

(a) Applicability of Existing Law.—The C-17 transport aircraft shall be considered to be a covered system for purposes of survivability testing under section 2366 of title 10, United States Code.

(b) Authority for Retroactive Waiver.—The Secretary of Defense may exercise the waiver authority in subsection (c) of such section with respect to the application of the survivability tests of that section to the C-17 transport aircraft notwithstanding that such program has entered full-scale engineering development.

(c) Report Requirement.—If the Secretary of Defense submits a certification under subsection (c) of such section that live-fire testing of the C-17 system under section 2366 of title 10, United States Code, would be unreasonably expensive or impractical, the Secretary of Defense shall require that sufficiently large and realistic components and subsystems that could affect the survivability of the C-17 system be made available for any alternative live-fire test program.

(d) Funding.—The funds required to carry out any alternative live fire testing program for the C-17 aircraft system shall be made available from amounts appropriated for the C-17 program for fiscal year 1993.

SEC. 144. CORRECTION OF FUEL LEAKS ON C-17 PRODUCTION AIRCRAFT.

(a) Certification of Contractor Correction Under Warranty.—The Secretary of the Air Force shall (except as otherwise provided under subsection (b)) certify to the congressional defense committees that the repair of the fuel leaks on production C-17 aircraft will be carried out by the contractor (under the warranty provisions of the production contract for such aircraft) at no additional cost to the Government and with no additional consideration to the contractor for production aircraft under the C-17 program by reason of the repair of the C-17 fuel leaks.

(b) Alternative To Certification.—If the Secretary of Defense is unable to make the certification referred to in subsection (a), the Secretary—

(1) shall carry out the repair of the fuel leaks at an Air Logistics Center in the continental United States; and

(2) shall submit to the congressional defense committees a report notifying the committees that the Secretary is unable to make such a certification and setting forth a schedule for conducting the repair of the fuel leaks pursuant to paragraph (1).

SEC. 145. C-17 AIRCRAFT PROGRAM REVIEW.

(a) In General.—The Secretary of Defense may not award the Lot V production contract for C-17 aircraft until—

(1) the Secretary convenes a special Defense Acquisition Board to review the C-17 aircraft program;

(2) the special Defense Acquisition Board submits a report to the Secretary on the program, including its report on the matters described in subsection (b); and

(3) the Secretary submits the report of the board, including the material referred to in subsection (b), to the congressional defense committees.

(b) Matters To Be Included in Review.—The review conducted by the special Defense Acquisition Board shall include—

(1) an assessment of the adequacy of the requirements for such aircraft by the Joint Requirements Oversight Council (JROC);

(2) a cost-and-operational-effectiveness analysis of the C-17 program by the Assistant Sec-

retary of Defense for Program Analysis and Evaluation; and

(3) an affordability assessment of the program, performed by the Assistant Secretary of Defense for Program Analysis and Evaluation.

Subtitle D—Chemical Demilitarization Program

SEC. 171. REVISION IN STOCKPILE ELIMINATION DEADLINE.

(a) IN GENERAL.—Subsection (b) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) is amended to read as follows:

"(b) DATE FOR COMPLETION.—The Secretary of Defense shall carry out the destruction of the stockpile in accordance with a schedule adopted by the Secretary consistent with diplomatic and treaty obligations of the United States.".

SEC. 172. ALTERNATIVE DISPOSAL PROGRAM FOR LOW-VOLUME SITES.

(a) REQUIREMENT FOR ALTERNATIVE PROGRAM.—As part of the requirement of section 1412(a) of Public Law 99–145 to carry out the destruction of the United States' stockpile of lethal chemical agents and munitions, the Secretary of Defense shall develop a chemical weapons disposal program for low-volume sites that is an alternative program to the baseline chemical weapons disposal program. The Secretary shall carry out the disposal of chemical weapons at any of the low-volume sites at which the use of the alternative program is determined by the Secretary to be more cost-effective than the use of the baseline program. In addition, the Secretary may carry out the disposal of chemical weapons at sites other than low-volume sites in accordance with the alternative program (rather than the baseline program) after notifying Congress of the Secretary's intent to do so.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "baseline chemical weapons disposal program" means the chemical stockpile demilitarization program provided under section 1412 of Public Law 99–145 (50 U.S.C. 1521).

(2) The term "low-volume site" means a chemical weapons storage site at which there is stored five percent or less of the total United States stockpile of unitary chemical weapons.

(c) CRITERIA FOR DEVELOPMENT OF ALTERNATIVE PROGRAM.—In developing the alternative program, the Secretary of Defense shall—

(1) ensure that cost-effectiveness is a principal consideration, to the extent possible without jeopardizing public safety and the protection of the environment; and

(2) consider all possible technical and programmatic disposal alternatives.

(d) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsections (c), (e), (f), and (g) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to this section and to activities under this section in the same manner as if this section were part of that section 1412.

SEC. 173. REVISED CHEMICAL WEAPONS DISPOSAL CONCEPT PLAN.

(a) REVISED PLAN.—The Secretary of Defense shall submit to Congress a revised chemical weapons disposal concept plan incorporating the requirements of section 172 and reflecting the revised stockpile disposal schedule developed under section 1412(b) of Public Law 99–145 (50 U.S.C. 1521), as amended by section 171. In developing the revised concept plan, the Secretary should consider, to the maximum extent practicable, revisions to the program and program schedule that capitalize on the changes to the chemical demilitarization schedule required by the amendment made by section 171 by reducing cost and decreasing program risk.

(b) MATTERS TO BE INCLUDED.—The revised concept plan should include—

(1) revised life-cycle cost estimates and schedules; and

(2) a detailed description of the facilities, technology, and operating procedures proposed under the alternative disposal program under section 172.

(c) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsection (c) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to the revised concept plan in the same manner as if this section were part of that section 1412.

(d) SUBMISSION OF REVISED PLAN.—The revised concept plan shall be submitted not later than one year after the date of the enactment of this Act.

(e) OBLIGATIONAL LIMITATION.—No funds may be obligated for procurement, or for facilities planning and design, for a chemical weapons disposal facility at a site under consideration for the alternative program under section 172 until the Secretary of Defense submits the plan required by subsection (a).

SEC. 174. CHEMICAL WEAPONS DISPOSAL TECHNOLOGY CONSULTATION AND EXCHANGE PROGRAM.

It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish a program with other nations that are anticipated to be signatories to an international agreement or treaty banning chemical weapons under which consultation and exchange concerning chemical weapons disposal technology could be enhanced. Such a program shall be used to facilitate the exchange of technical information and advice concerning the disposal of chemical weapons among signatory nations and to further the development of safer, more cost-effective methods for the disposal of chemical weapons.

SEC. 175. TECHNICAL AMENDMENTS TO SECTION 1412.

Section 1412 of Public Law 99–145 (50 U.S.C. 1521) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "(1)" before "Notwithstanding any other provision of law,"; and

(B) by striking out paragraph (2).

(2) Subsection (c) is amended by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)".

(3) Subsection (g) is amended—

(A) in paragraph (1), by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (3)";

(B) by striking out paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out "report other than the first one" and inserting in lieu thereof "such report"; and

(D) by redesignating paragraph (4) as paragraph (3).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,481,133,000.

(2) For the Navy, $8,827,296,000.

(3) For the Air Force, $14,259,587,000.

(4) For the Defense Agencies, $9,816,833,000, of which—

(A) $261,707,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $12,983,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $4,359,346,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. MANUFACTURING TECHNOLOGY DEVELOPMENT.

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $265,587,000 shall be available for, and may be obligated only for, manufacturing technology development as follows:

(1) For the Army, $41,203,000.

(2) For the Navy, $80,384,000.

(3) For the Air Force, $115,000,000.

(4) For the Defense Logistics Agency, $29,000,000.

(b) PROGRAM AUTHORITY.—The Director, Defense Research and Engineering shall be responsible for the conduct of the manufacturing technology development program and shall consult with the Assistant Secretary of Defense (Production and Logistics) in the development of the national defense manufacturing plan.

(c) REPEAL OF LIMITATION ON AUTHORIZED PROJECTS.—Subsection (d) of section 2513 of title 10, United States Code, is repealed.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. V–22 OSPREY AIRCRAFT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research development, test, and evaluation for the Navy for fiscal year 1993, the sum of $755,000,000 may be used only for development, manufacture, and operational test of three production representative V–22 Osprey aircraft in addition to the three V–22 production representative V–22 aircraft for which funds were authorized and appropriated for fiscal year 1992. The amount authorized for fiscal year 1993 and the amounts authorized and appropriated for preceding years for the V–22 aircraft may be used only for the development, manufacture, and operational testing of a total of six production representative aircraft for operational testing.

(b) REQUIREMENT FOR FUTURE YEAR FUNDING.—The Secretary of Defense shall program for and include in future defense budget requests those funds necessary to complete development, manufacture, and operational testing of six production representative V–22 aircraft.

SEC. 212. DEPARTMENT OF DEFENSE COMPTROLLER.

During each month beginning after the date of the enactment of this Act that the Department of Defense has failed to obligate all funds appropriated for the V–22 Osprey aircraft program in accordance with the requirements of this Act, the total number of employees of the United States and members of the Armed Forces assigned or detailed to provide support functions for the Comptroller of the Department of Defense (in his capacity as Comptroller, as Chief Financial Officer of the Department of Defense, or in any other capacity) may not exceed 95 percent of the total number of such employees and members as of the last day of the preceding month.

SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1993 unless such testing is specifically authorized by law.

SEC. 214. P–3 MARITIME PATROL AIRCRAFT MODERNIZATION PROGRAM.

(a) OBLIGATION OF FISCAL YEAR 1992 FUNDS.—Unless the funds appropriated for fiscal year

1992 for the Navy for a program to adapt an upgraded propulsion plant and provide airframe payload and endurance improvements in the P-3 aircraft have been obligated by the date of the enactment of this Act, the Secretary of the Navy shall, not later than 60 days after the date of the enactment of this Act, obligate the funds provided for fiscal year 1992 for this purpose.

(b) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research development, test, and evaluation for the Navy for fiscal year 1993, the sum of $90,000,000 shall be made available for continuation of the program to adapt an upgraded propulsion plant and provide airframe payload and endurance improvements in the P–3 maritime patrol aircraft.

(c) REQUIREMENT FOR CONTINGENCY FUNDS.—The Secretary of Defense shall program for and include in future Defense budget requests those funds necessary to complete the P–3 modernization program as approved by the Defense Acquisition Board.

SEC. 215. TACTICAL AVIATION PROGRAMS.

(a) PROGRAM AUTHORIZATIONS.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research, development, test, and evaluation for the Navy for fiscal year 1993—

(1) $740,583,000 shall be available only for the A-(X) medium attack aircraft program; and

(2) $598,589,000 shall be available only for development of the FA–18E/F aircraft.

(b) A-(X) AIRCRAFT PROGRAM ACQUISITION STRATEGY AND PROGRAM MANAGEMENT.—(1) The Secretary of Defense shall restructure the acquisition strategy for the A-(X) aircraft program to provide for development, demonstration, and validation of at least two prototypes for each of the two most promising proposals received from concept exploration. In restructuring such acquisition strategy, the Secretary shall require—

(A) that the prototype designs for such aircraft—

(i) shall be limited to stealth technology that is considered to be "current generation" technology; and

(ii) shall, to the maximum extent feasible, use technologies for engines, radar, and avionics that are derived from the F–117, A–12, B–2, or F–22 aircraft programs;

(B) that the aircraft design to be used for the program be selected through the use of competitive procedures; and

(C) that the demonstration and validation phase be structured to be completed, and the selection of the aircraft design to be used for the program to be made, no later than 1996.

(2) The Secretary of Defense shall direct—

(A) that the A-(X) program shall be managed by a joint Navy and Air Force program office;

(B) that operational considerations of the Navy and the Air Force shall be included in a single statement of operational requirements for the A-(X) aircraft;

(C) that the Navy and Air Force establish before October 1, 1992, whether the A-(X) is to be a subsonic or supersonic aircraft; and

(D) that both the Navy and the Air Force shall participate in the source selection for the program.

(b) FA–18E/F AIRCRAFT PROGRAM ACQUISITION STRATEGY.—(1) The Secretary of Defense shall restructure the acquisition strategy for the FA–18E/F aircraft program to provide for at least two prototype aircraft for demonstration and validation of the aircraft design. The demonstration and validation phase shall be structured to be completed no later than 1996.

(3) During fiscal year 1993, the Secretary may not proceed with the FA–18E/F aircraft program into the Engineering and Manufacturing Development (EMD) phase.

(c) PROGRAM SCHEDULE.—The Secretary of Defense may not proceed with either the A-(X) aircraft program or the FA–18E/F program beyond the demonstration/validation phase until both programs have completed the demonstration/validation phase.

SEC. 216. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM.

Section 216(a) of the National Defense Authorization for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended by striking out "fiscal years 1993 through 1997" and inserting in lieu thereof "fiscal years 1994 through 1997".

SEC. 217. LIGHT ARMORED VEHICLE–105 MILLIMETER GUN (LAV–105) PROGRAM.

(a) REINSTATEMENT OF LAV–105 Program.—Unless the development program for the Light Armored Vehicle–105 millimeter Gun (LAV–105) has been reinstated and the funds appropriated for that program for fiscal year 1992 have been obligated by the date of the enactment of this Act, the Secretary of the Navy, not later than 60 days after the date of the enactment of this Act—

(1) shall reinstate the program for engineering and manufacturing systems development of the LAV–105; and

(2) shall obligate the funds provided for fiscal year 1992 for development and evaluation of the LAV–105 prototype.

(b) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research, development, test, and evaluation for the Navy for fiscal year 1993, the sum of $14,700,000 shall be used only for completion of the development and operational testing of the LAV–105 vehicle.

SEC. 218. SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM.

(a) AUTHORIZATION LEVEL.—Of the amounts authorized to be appropriated pursuant to section 201, $100,000,000 shall be available to continue the Semiconductor Cooperative Research program under part F of title II of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1068 et seq.; 15 U.S.C. 4601 et seq.)

(b) PROGRAM CONDITIONS.—The terms and conditions set forth in such part shall apply with respect to the use of funds referred to in subsection (a).

(c) RESTRICTIONS.—Of the amount authorized to be appropriated for such program for fiscal year 1993, not less than $10,000,000 shall be used to address environmentally safe manufacturing methods.

SEC. 219. ADVANCED RESEARCH PROJECTS.

Section 2371 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) The Secretary of Defense, in carrying out research projects through the Defense Advanced Research Projects Agency, and the Secretary of each military department, in carrying out research projects, may permit the director of any federally funded research and development center to enter into cooperative research and development agreements with any person, any agency or instrumentality of the United States, any unit of State or local government, and any other entity under the authority granted by section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). Technology may be transferred to a non-Federal party to such an agreement consistent with the provisions of sections 10 and 11 of such Act (15 U.S.C. 3710, 3710a).".

SEC. 220. FLEXIBLE COMPUTER INTEGRATED MANUFACTURING PROGRAM.

Of the amounts authorized to be appropriated pursuant to section 201, $12,500,000 shall be available only to the Secretary of Defense to implement a Rapid Acquisition of Manufactured Parts program at the Philadelphia Naval Shipyard.

SEC. 221. SUPERCONDUCTING MAGNETIC ENERGY STORAGE PROJECT.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, $50,000,000 shall be available for, and may be obligated only for, the Superconducting Magnetic Energy Storage Project.

(b) RESTRICTIONS.—No funds authorized to be appropriated pursuant to section 201 may be obligated by the Defense Nuclear Agency other than funds designated for the Superconducting Magnetic Energy Storage Project except with the written authorization of the Secretary of Defense until—

(1) all existing requirements established by law pertaining to that project have been complied with; or

(2) the Secretary of Defense submits to the congressional defense committees a detailed explanation as to why those requirements established by law have not been complied with.

Subtitle C—Missile Defense Programs

SEC. 231. THEATER MISSILE DEFENSE INITIATIVE.

(a) ESTABLISHMENT OF THEATER MISSILE DEFENSE INITIATIVE.—The Secretary of Defense shall establish a Theater Missile Defense Initiative office within the Department of Defense. All theater and tactical missile defense activities of the Department of Defense (including all programs, projects, and activities formerly associated with the Theater Missile Defense program element of the Strategic Defense Initiative) shall be carried out under the Theater Missile Defense Initiative.

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $997,725,000 may be obligated for activities of the Theater Missile Defense Initiative, of which not less than $90,000,000 shall be made available for exploration of promising concepts for naval theater missile defense.

(c) REPORT.—When the President's budget for fiscal year 1994 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for the Theater Missile Defense Initiative for fiscal year 1993, and the proposed allocation for fiscal year 1994, shown for each program, project, and activity;

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2005 for the programs, projects, and activities associated with the Theater Missile Defense Initiative;

(3) assessing the possible near-term contribution and cost-effectiveness for theater missile defense of exoatmospheric capabilities, to include at a minimum a consideration of—

(A) the use of the Navy's Standard missile combined with a kick stage rocket motor and lightweight exoatmospheric projectile (LEAP); and

(B) the use of the Patriot missile combined with a kick stage rocket motor and LEAP.

(d) EFFECTIVE DATE.—The provisions of subsections (a), (b), and (c) shall be implemented not later than 90 days after the date of the enactment of this Act.

SEC. 232. STRATEGIC DEFENSE INITIATIVE FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 or otherwise *made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $3,239,775,000 may be obligated for the Strategic Defense Initiative.*

(b) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in subsection (a)—

(1) not more than $2,134,755,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(2) no funds shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(3) not more than $528,300,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(4) not more than $576,720,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1993. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each Strategic Defense Initiative program, project, and activity under the appropriate program element.

(d) TRANSFER AUTHORITIES.—

(1) IN GENERAL.—Before the submission of the report required under subsection (c) and notwithstanding the limitations set forth in subsection (b), the Secretary of Defense may transfer funds among the program elements named in subsection (b).

(2) LIMITATION.—The total amount that may be transferred to or from any program element named in subsection (b)—

(A) may not exceed 10 percent of the amount provided in such subsection for the program element from which the transfer is made; and

(B) may not result in an increase of more than 10 percent of the amount provided in such subsection for the program element to which the transfer is made.

(3) MERGER AND AVAILABILITY.—Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

SEC. 233. REVISION OF THE MISSILE DEFENSE ACT OF 1991.

(a) MISSILE DEFENSE GOALS OF THE UNITED STATES.—Section 232 of the Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 105 Stat. 1321) is amended in subsection (a)—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by striking out "(a)" and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

"(a) MISSILE DEFENSE GOAL.—It is a goal of the United States to—

"(1) maintain compliance with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of the treaty, as modified by any protocol or amendment thereto;

"(2) deploy an anti-ballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles, which may include space-based sensors and additional deployment sites if authorized by Congress and permitted by the ABM Treaty, as modified by any protocol or amendment thereto;".

(b) DEPLOYMENT DATE.—(1) Section 233(b)(2) of such Act (105 Stat. 1322) is amended by striking out "or by fiscal year 1996".

(2) Section 236(a) of such Act (105 Stat. 1323) is amended by striking out "by fiscal year 1996".

(c) BRILLIANT PEBBLES.—Section 234(a) of such Act is amended by striking out ", including Brilliant Pebbles,".

(d) ELIMINATION OF THEATER MISSILE DEFENSE PROGRAM ELEMENT FROM SDI.—(1) Section 235(a) of such Act is amended by striking out paragraph (2) and renumbering accordingly.

(2) Section 236 of such Act is amended by striking out subsection (b) and redesignating accordingly.

SEC. 234. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—

(1) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1993, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1993 or for any fiscal year before 1993, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the development and testing described in the May 1991 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the May 1991 SDIO Report.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1993 if the transfer is made in accordance with section 1001 of this Act.

(b) DEFINITION.—In this section, the term "May 1991 SDIO Report" means the report entitled, "1991 Report to Congress on the Strategic Defense Initiative," dated May 16, 1991, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1398; 10 U.S.C. 2431).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorizations of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $13,581,406,000.

(2) For the Navy, $18,271,494,000.

(3) For the Marine Corps, $1,557,300,000.

(4) For the Air Force, $15,437,134,000.

(5) For the Defense Agencies, $9,563,094,000.

(6) For the Army Reserve, $991,219,000.

(7) For the Naval Reserve, $852,700,000.

(8) For the Marine Corps Reserve, $75,950,000.

(9) For the Air Force Reserve, $1,214,823,000.

(10) For the Army National Guard, $2,216,700,000.

(11) For the Air National Guard, $2,551,924,000.

(12) For the National Board for the Promotion of Rifle Practice, $2,700,000.

(13) For the Defense Inspector General, $218,900,000.

(14) For Drug Interdiction and Counter-Drug Activities, Defense, $1,263,400,000.

(15) For the Court of Military Appeals, $5,900,000.

(16) For Environmental Restoration, Defense, $901,200,000, and, to the extent provided in appropriations Acts, an additional $612,000,000 to be derived by transfer.

(17) For Humanitarian Assistance, $13,000,000.

(18) For the Defense Health Program, $9,089,424,000.

(19) For support for the 1996 Summer Olympics, $2,000,000.

(20) For support for the 1993 World University Games, $6,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

There is hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $16,600,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1993 from the Armed Forces Retirement Home Trust Fund the sum of $62,728,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorization in section 301(a)(17) for humanitarian assistance shall be used for the purpose of providing transportation of humanitarian aid for the people of Afghanistan and Cambodia, and for other humanitarian purposes worldwide.

(2) Of the funds authorized to be appropriated for fiscal year 1993 pursuant to such section for such purpose, not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to displaced persons or refugees who are noncombatants, including those affiliated with the Cambodian non-Communist resistance, at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to such section for fiscal year 1993 for humanitarian assistance, other than the funds described in subsection (a)(2), to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to such section for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to such section for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to such section for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) REPORTS TO CONGRESS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed

Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1993; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 304 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1290).

(C) Section 303 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1525).

(D) Section 304 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1409).

(E) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1948).

(F) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1078).

(G) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 617).

Subtitle B—Limitations

SEC. 311. PROHIBITION ON USE OF FUNDS TO PAY FOR CERTAIN PATRON SERVICES AT COMMISSARY STORES.

Section 2484 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Funds available to the Department of Defense may not be used to pay a commissary bagger for the performance of commissary bagger services.

"(2) In this subsection:

"(A) The term 'commissary bagger' means an individual licensed by the commander of a military installation to provide commissary bagger services.

"(B) The term 'commissary bagger services' means bagger services and other similar patron services provided at a commissary store for which compensation is usually provided through tips.".

SEC. 312. PROHIBITION ON THE USE OF CERTAIN FUNDS FOR PENTAGON RESERVATION.

(a) PROHIBITION.—(1) None of the funds appropriated to the Department of Defense for fiscal year 1993 may be used to contribute to the Pentagon Reservation Maintenance Fund for any purpose other than for the actual and necessary day-to-day operation (including health and safety requirements) of the Pentagon reservation.

(2) None of the funds appropriated pursuant to authorizations provided in this Act or any other Act may be transferred to the Pentagon Reservation Maintenance Fund for the purpose of renovation.

(b) REPORT.—Not later than December 31, 1992, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a revised renovation program for the Pentagon Reservation. Such program shall—

(1) provide for the renovation of only those areas of the Pentagon directly concerned with health and safety; and

(2) reduce the total overall cost of the renovation.

SEC. 313. PROHIBITION ON THE USE OF FUNDS FOR CERTAIN SERVICE CONTRACTS.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not enter into any contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A-76 or any successor administrative regulation or policy (hereinafter in this section referred to as OMB Circular A-76).

(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) shall not apply to—

(1) a contract to be carried out at a location outside the United States at which members of the Armed Forces would have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or

(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.

(c) TERMINATION OF ONGOING COST COMPARISON STUDIES.—The Secretary of Defense shall terminate all cost comparison studies being conducted on the date of the enactment of this Act under OMB Circular A-76 in contemplation of a contract subject to subsection (a).

Subtitle C—Environmental Provisions

SEC. 321. EXTENSION OF REIMBURSEMENT REQUIREMENT FOR CONTRACTORS HANDLING HAZARDOUS WASTES FROM DEFENSE FACILITIES.

Section 2708(b)(1) of title 10, United States Code, is amended by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992 and 1993".

SEC. 322. EXTENSION OF PROHIBITION ON USE OF ENVIRONMENTAL RESTORATION FUNDS FOR PAYMENT OF FINES AND PENALTIES.

None of the funds appropriated for fiscal year 1993 pursuant to the authorization for the Environmental Restoration, Defense, account provided in section 301 may be used for the payment of a fine or penalty imposed against the Department of Defense unless the act or omission for which the fine or penalty is imposed arises out of activities funded by the account.

Subtitle D—Defense Business Operations Fund

SEC. 331. LIMITATIONS ON THE USE OF DEFENSE BUSINESS OPERATIONS FUND.

(a) EXTENSION OF LIMITATION ON PERIOD OF MANAGEMENT.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1290) is amended—

(1) by striking out "April 15, 1993" and inserting in lieu thereof "April 15, 1994"; and

(2) by inserting "(in this section referred to as the 'Fund')" before the period at the end of the first sentence.

(b) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—For purposes of accounting, financial reporting, and auditing, the Secretary of Defense shall maintain—

"(1) the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity; and

"(2) separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.".

(c) IMPLEMENTATION OF DBOF.—Such section is further amended by adding at the end the following new subsections:

"(d) IMPLEMENTATION OF THE FUND.—The Secretary of Defense shall implement the Fund in three phases (referred to in this section as 'milestones') as follows:

"(1) MILESTONE I.—Not later than September 30, 1992, the Secretary of Defense shall—

"(A) substantially complete the development of the policies of the Department of Defense governing the operations of the Fund;

"(B) identify the interim systems requirements of the Fund; and

"(C) prepare an evaluation report on the adequacy of the skills and resources devoted to the Fund and its related systems.

"(2) MILESTONE II.—Not later than March 1, 1993, the Secretary of Defense shall—

"(A) develop performance measures, and corresponding performance goals, for each business area of the Fund; and

"(B) prepare a report that—

"(i) specifies the status of interim systems efforts, including efforts to improve the accuracy of information in the Fund systems;

"(ii) specifies whether the Department of Defense has selected a standard cost accounting system, and prepared an implementation plan (with milestone dates) for installing the system at the Fund's activities; and

"(iii) identifies specific tangible benefits resulting from the operation of the Fund, including, if applicable, the reduced costs of providing goods and services and the improvement of the efficiency of Fund operations.

"(3) MILESTONE III.—Not later than September 30, 1993, the Secretary of Defense shall conduct a field test of the standard cost accounting system selected by the Secretary for the Fund.

"(e) USE OF CERTAIN ACCOUNTING STANDARDS.—The Secretary of Defense shall take actions to achieve the milestones prescribed in subsection (d) and otherwise to implement the Fund consistent with—

"(1) generally accepted accounting principles;

"(2) accounting principles, standards, and requirements generally applicable to Federal agencies;

"(3) internal accounting and administrative control standards prescribed by the Comptroller General; and

"(4) the amendments made by the Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2838) and related requirements prescribed by the Office of Management and Budget.".

(d) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—Such section is further amended by adding after subsection (e), as added by subsection (c), the following new subsection:

"(f) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—

"(1) MONITORING AND EVALUATION.—The Comptroller General shall monitor and evaluate the progress of the Department of Defense in achieving the milestones prescribed in subsection (d) and in implementing the Fund, including the development of policies, performance

measures, and actions to improve the Fund's systems.

"(2) REPORTS.—

"(A) REPORT ON THE NONACHIEVEMENT OF MILESTONES BY THE DEPARTMENT OF DEFENSE.—If the Comptroller General determines, pursuant to the monitoring and evaluation conducted under paragraph (1), that the Department of Defense has not achieved any of the milestones prescribed in subsection (d), the Comptroller General shall submit to the Congress, as soon as practicable, a report containing the findings, conclusions, and recommendations of the Comptroller General with respect to the nonachievement of the milestone.

"(B) FINAL REPORT.—Not later than April 30, 1994, the Comptroller General shall submit to the Congress a report containing the findings and conclusions of the Comptroller General pursuant to the monitoring and evaluation conducted under paragraph (1) and any recommendations for administrative or legislative action that the Comptroller General considers to be appropriate.".

SEC. 332. CAPITAL ASSET SUBACCOUNT.

(a) USE OF SUBACCOUNT FOR CAPITAL ASSETS DEPRECIATION CHARGES.—Amounts for capital assets charges under the Defense Business Operations Fund shall include amounts for charges for depreciation on capital assets, set in accordance with generally accepted accounting principles. Amounts charged for depreciation shall be credited to a separate capital asset subaccount established within the Fund. The subaccount shall be available only for the payment of outlays for capital assets for the Fund.

(b) AWARD OF CONTRACTS.—The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount, to the extent provided for in appropriations Acts.

(c) ANNUAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees each year, at the same time that the President submits a budget to the Congress under section 1105 of title 31, United States Code, a report that specifies—

(1) the opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted;

(2) the estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted;

(3) the estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted;

(4) the estimated balance of the subaccount at the end of the fiscal year in which the report is submitted; and

(5) a statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

(d) AUTHORIZATION.—There is hereby authorized to be appropriated to the Fund subaccount for fiscal years 1993 and 1994 such sums as may be necessary to pay, during fiscal year 1993 and until April 15, 1994, outlays for capital assets in excess of the amount otherwise available in the subaccount.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "capital assets" means the following capital assets that have a development or acquisition cost of not less than $15,000:

(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of title 10, United States Code.

(B) Automatic data processing equipment, software, other equipment, and other capital improvements.

(2) The term "Fund" means the Defense Business Operations Fund.

SEC. 333. PROHIBITION ON MANAGEMENT OF COMMISSARY FUNDS THROUGH DEFENSE BUSINESS OPERATIONS FUND.

(a) PROHIBITION.—Section 316(b)(3) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1290) is amended by striking out "the Defense Commissary Agency,".

(b) CONFORMING AMENDMENTS.—Section 8121(a) of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1204) is amended—

(1) by striking out clause (2); and

(2) by redesignating clauses (3) through (5) as clauses (2) through (4), respectively.

Subtitle E—Depot-Level Activities

SEC. 341. COMPETITIVE BIDDING FOR TACTICAL MISSILE MAINTENANCE.

If the Secretary of Defense takes action to consolidate at a single location the performance of depot-level tactical missile maintenance by employees of the Department of Defense, the Secretary shall select the depot to perform the tactical missile maintenance through the use of competitive procedures. Any depot-level activity of the Department of Defense that is engaged in tactical missile maintenance on the date of the enactment of this Act shall be eligible to compete for such selection.

SEC. 342. LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) LIMITATION.—Section 2466(a) of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—The Secretary of a military department and the Secretary of Defense, with respect to the Defense Agencies, may not contract for the performance by non-Governmental personnel of more than 40 percent of the depot-level maintenance workload with respect to each type of materiel or equipment, including ships, aircraft, ordinance, supply, and land forces, for each of the military departments and the Defense Agencies.".

(b) CONFORMING AMENDMENT.—Section 2466(c) of such title is amended by striking out "The Secretary of the Army, with respect to the Department of the Army, and the Secretary of the Air Force, with respect to the Department of the Air Force," and inserting in lieu thereof "The Secretary of a military department and the Secretary of Defense, with respect to the Defense Agencies,".

(c) REPORT.—Section 2466(e) of such title is amended—

(1) by inserting "(1)" after "REPORTS.—"; and

(2) by adding at the end the following:

"(2) Not later than January 15, 1994, the Secretary of each military department and the Secretary of Defense, with respect to the Defense Agencies, shall jointly submit to Congress a report described in paragraph (1).".

SEC. 343. REQUIREMENT OF COMPETITION FOR SELECTION OF PRIVATE CONTRACTORS TO PERFORM WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) COMPETITION REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2469. Selection of private contractor to perform workload previously performed by depot-level activity of the Department of Defense: requirement of competition

"The Secretary of Defense or the Secretary of a military department may not change the performance of a depot-level maintenance workload that is being performed by a depot-level activity of the Department of Defense to performance by a private contractor unless, before the selection of the private contractor, the Secretary uses competitive procedures for the selection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2469. Selection of private contractor to perform workload previously performed by depot-level activity of the Department of Defense: requirement of competition.".

SEC. 344. REQUIREMENT OF COMPARABLE OFFERING FROM PRIVATE CONTRACTOR CONTRACTS AND DEPARTMENT OF DEFENSE CONTRACTS FOR CONTRACTS OFFERED FOR COMPETITION.

(a) COMPETITION REQUIREMENT.—Chapter 146 of title 10, United States Code, as amended by section 343, is amended by adding at the end the following new section:

"§2470. Contracts offered for competition: requirement of comparable offering from private contractor contracts and Department of Defense contracts

"(a) REQUIREMENT.—In offering for competition contracts for the performance of depot-level maintenance workloads, the Secretary of a military department or the Secretary of Defense shall offer contracts for the performance of workloads that are being performed by private contractors at least to the same extent as such Secretary offers contracts for the performance of workloads that are being performed by depot-level activities of the Department of Defense.

"(b) APPLICABILITY.—(1) Contracts offered for competition under subsection (a) are contracts that are not required to be performed by employees of the Department of Defense under section 2466 of this title.

"(2) The requirement described in subsection (a) shall apply to contracts for the performance of workloads with respect to each type of materiel or equipment, including ships, aircraft, ordnance, supply, and land forces, for each of the military departments and the Defense Agencies.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 343(b), is amended by adding at the end the following new item:

"2470. Contracts offered for competition: requirement of comparable offering from private contractor contracts and Department of Defense contracts.".

SEC. 345. EXPANSION OF COMPETITION PILOT PROGRAM.

Section 314(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1337) is amended by striking out the third sentence and inserting in lieu thereof the following: "The program may not involve more than 20 percent of depot-level maintenance workload with respect to each type of materiel or equipment, including ships, aircraft, ordnance, supply and land forces, for the Department of the Army and the Department of the Air Force that is not required to be performed by employees of the Department of Defense pursuant to the limitations contained in section 2466 of title 10, United States Code.".

Subtitle F—Commissaries and Military Exchanges

SEC. 351. STANDARDIZATION OF CERTAIN PROGRAMS AND ACTIVITIES OF MILITARY EXCHANGES.

(a) STANDARDIZATION OF EXCHANGES.—The Secretary of Defense shall standardize among the military departments the following programs and activities of the military exchanges of the military departments:

(1) Accounting (including account titles and item descriptions).

(2) Financial reporting formats.

(3) Automatic data processing and telecommunications data in order to facilitate the

transfer of information among military exchanges.

(b) TIME AND MANNER.—The standardization of programs and activities required by subsection (a) shall be completed not later than October 1, 1993, and shall be carried out in the most efficient manner practicable.

(c) REPORT.—Not later than March 31, 1993, the Secretary of Defense shall submit to the Congress a report on other programs and activities of the military exchanges that the Secretary determines can be economically and efficiently managed through standardization or consolidation under a single nonappropriated fund instrumentality.

SEC. 352. ACCOUNTABILITY REGARDING THE FINANCIAL MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.

(a) REGULATION OF EXPENDITURE OF NAFI FUNDS.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§2491. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds

"(a) REGULATION OF MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.—The Secretary of Defense shall prescribe regulations governing—

"(1) the purposes for which nonappropriated funds of a nonappropriated fund instrumentality may be expended; and

"(2) the financial management of such funds to prevent waste, loss, or unauthorized use.

"(b) PENALTIES FOR VIOLATIONS.—(1) A civilian employee of the Department of Defense who is paid from nonappropriated funds and who commits a substantial violation of the regulations prescribed under subsection (a) shall be subject to the same penalties as a civilian employee of the Department of Defense who is paid from appropriated funds is subject to under the provisions of Federal law that govern the misuse of appropriations.

"(2) A member of the armed forces who violates a regulation prescribed under subsection (a) shall be punished as a court-martial may direct.

"(3) The Secretary of Defense shall prescribe regulations to carry out this subsection.

"(c) NOTIFICATION OF VIOLATIONS.—(1) A civilian employee of the Department of Defense (whether paid from nonappropriated funds or from appropriated funds) or a member of the armed forces whose duties include the obligation of nonappropriated funds shall notify the Secretary of Defense of information which the person reasonably believes evidences—

"(A) a violation by another person of any law, rule, or regulation regarding the management of such funds; or

"(B) other mismanagement or gross waste of such funds.

"(2) The Secretary of Defense shall designate civilian employees of the Department of Defense or members of the armed forces to receive a notification described in paragraph (1) and ensure the prompt investigation of the validity of information provided in the notification.

"(d) PROTECTION OF CONFIDENTIALITY.—The Secretary shall prescribe regulations to protect the confidentiality of a person making a notification under subsection (c).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2491. Nonappropriated fund instrumentalities: financial management of nonappropriated funds.".

SEC. 353. DEMONSTRATION PROGRAM FOR THE OPERATION OF CERTAIN COMMISSARY STORES BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall establish a demonstration program to determine the feasibility of continuing the operation of commissary stores at military bases scheduled for closure.

(2) Under the program referred to in paragraph (1), the Secretary of Defense shall select nonappropriated fund instrumentalities to operate commissary stores located at military installations referred to in subsection (b).

(b) COVERED MILITARY INSTALLATIONS.—Subsection (a) shall apply to commissary stores located at Carswell Air Force Base and the Presidio of San Francisco.

(c) PROGRAM REQUIREMENT.—(1) Commissary stores operated under the program established in this section shall be operated in accordance with section 2484 of title 10, United States Code, relating to the payment of costs by the Department of Defense in connection with the operation of commissary stores.

(2) Subject to section 2484 of title 10, United States Code, the Secretary of Defense may authorize a transfer of goods and supplies of, and funds made available to, the Defense Commissary Agency to the nonappropriated fund instrumentalities selected under subsection (a)(2) for the purpose of operating combined exchange and commissary stores under the program, including the construction, renovation, and daily operation of the combined stores.

(d) PERIOD OF DEMONSTRATION PROGRAM.—A nonappropriated fund instrumentality selected under subsection (a)(2) shall operate the commissary store facilities referred to in subsection (b) for the period beginning on the date of the selection of the nonappropriated fund instrumentality and ending on the date of the expiration of the period referred to in subsection (e).

(e) REPORT.—Not later than the expiration of the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the implementation of the demonstration program. The report shall include the findings, conclusions, and recommendations of the Secretary, including a recommendation with respect to whether similar programs should be carried out at other military installations.

(f) DEFINITION.—In this section, the term "nonappropriated fund instrumentality" means an instrumentality of the United States under the jurisdiction of the Department of the Army or the Department of the Air Force (including the Army and Air Force Exchange Service) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

SEC. 354. REPEAL OF LIMITATIONS ON RELEASE OF INFORMATION REGARDING SALES AT COMMISSARY STORES.

(a) REPEAL OF LIMITATIONS.—Section 2487 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 147 of that title is amended by striking out the item relating to section 2487.

SEC. 355. USE OF COMMISSARY STORES BY MEMBERS OF THE READY RESERVE.

(a) IN GENERAL.—Section 1063(a) of title 10, United States Code, is amended to read as follows:

"(a) ELIGIBILITY OF MEMBERS OF READY RESERVE.—(1) A member of the Ready Reserve who satisfactorily completes 50 or more points creditable under section 1332(a)(2) of this title in a calendar year shall be eligible to use commissary stores of the Department of Defense. The Secretary concerned shall authorize the member to have 12 days of eligibility for any calendar year that the member qualifies for eligibility under this subsection.

"(2) Paragraph (1) shall apply without regard to whether, during the calendar year, the member receives compensation for the duty or training performed by the member or performs active duty for training.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to the completion of reserve points beginning in calendar year 1992.

(c) CONFORMING AMENDMENTS.—(1) The heading of section 1063 of such title is amended to read as follows:

"§1063. Period for use of commissary stores: eligibility for members of the Ready Reserve".

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

"1063. Period for use of commissary stores: eligibility for members of the Ready Reserve.".

Subtitle G—Other Matters

SEC. 361. EXTENSION OF CERTAIN GUIDELINES FOR REDUCTIONS IN THE NUMBER OF CIVILIAN POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended to read as follows:

"§1597. Civilian positions: guidelines for reductions

"(a) REQUIREMENT OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.—Any reductions in the number of civilian positions of the Department of Defense shall be carried out in accordance with the guidelines established pursuant to subsection (b).

"(b) GUIDELINES.—The Secretary of Defense shall establish guidelines for the manner in which reductions in the number of civilian positions of the Department of Defense are made. The guidelines shall include procedures for reviewing civilian positions for reductions according to the following order:

"(1) Positions filled by foreign national employees overseas.

"(2) All other positions filled by civilian employees overseas.

"(3) Overhead, indirect, and administrative positions in headquarters or field operating agencies in the United States.

"(4) Direct operating or production positions in the United States.

"(c) MASTER PLAN.—(1) The Secretary of Defense shall include in the materials submitted to Congress in support of the budget request for the Department of Defense for each fiscal year a civilian positions master plan described in paragraph (2) for the Department of Defense as a whole and for each military department, Defense Agency, and other principal component of the Department of Defense.

"(2) The master plan referred to in paragraph (1) for a fiscal year shall include the information described in paragraph (3). Such information shall include information for each of the two fiscal years immediately preceding such fiscal year and projected information for such fiscal year and each of the two fiscal years immediately following such fiscal year.

"(3) The information referred to in paragraph (2) is the following:

"(A) A profile of the levels of civilian positions sufficient to establish and maintain a baseline for tracking annual accessions and losses of civilian positions and to provide for the analysis of trends in the levels of civilian positions within the Department of Defense as a whole and for each military department, major subordinate command of each military department, Defense Agency, and other principal component of the Department of Defense. The profile shall include information for the following:

"(i) The total number of civilian employees.

"(ii) Of the total number of civilian employees, the number of civilian employees in the United States, the number of civilian employees

overseas, and the number of foreign national employees overseas.

"(iii) Of the total number of civilian employees at the end of each fiscal year covered by the master plan, the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

"(iv) Accessions and losses of civilian positions, shown in the aggregate and by the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

"(v) The number of losses of civilian positions, by appropriation account, due to reductions in force, furloughs, or functional transfers or other significant transfers of work away from the military department, defense agency, or other component.

"(vi) The extent to which accessions and losses of civilian positions are due to functional transfers or competitive actions that are related to the Defense Management Review Initiatives of the Secretary of Defense.

"(B) For industrial-type and commercial-type activities funded through the Defense Business Operations Fund, information that indicates the following:

"(i) Annual trends in the amount of funded workload for each activity, based upon the average number of months of accumulated, funded workload to be performed, or projected to be performed, by the activity.

"(ii) The extent to which such workload is funded by funds that are appropriated from appropriation accounts and managed through the Defense Business Operations Fund.

"(C) Information that indicates trends in the extent to which the military department, defense agency, or other component enters into contracts with persons outside of the Department of Defense, rather than uses civilian positions, to perform work for the military department, defense agency or other component.

"(D) Information that indicates the extent to which the Defense Management Review Initiatives and other productivity enhancement programs of the Department of Defense significantly affect the number of losses of civilian positions, particularly administrative and management positions.

"(d) EXCEPTIONS.—The Secretary of Defense may permit a variation from the guidelines established under subsection (b) or a master plan prepared under subsection (c) if the Secretary determines that such variation is critical to the national security. The Secretary shall immediately notify the Congress of any such variation and the reasons for such variation.

"(e) INVOLUNTARY REDUCTIONS OF CIVILIAN POSITIONS.—The Secretary of Defense may not implement any involuntary reduction or furlough of civilian positions in a military department, defense agency, or other component of the Department of Defense until the expiration of the 45-day period beginning of the date on which the Secretary submits to Congress a report setting forth the reasons why such reductions or furloughs are required and a description of any change in workload or positions requirements that will result from such reductions or furloughs.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1597. Civilian positions: guidelines for reductions.".

SEC. 362. ANNUAL INVENTORY REPORT.

(a) ANNUAL REPORT.—Subsection (a) of section 2891 of title 10, United States Code, is amended by striking out "for each of fiscal years 1989, 1990, and 1991" and inserting in lieu thereof "for each fiscal year".

(b) CONTENT OF REPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(9) A summary description of the circumstances surrounding cases determined by the Secretary of Defense to be major theft cases that occurred during the fiscal year preceding the fiscal year in which the report is submitted, including any case involving a loss in an amount greater than $1,000,000 or a loss of sensitive or classified items.

"(10) The value, and an analysis, of in-transit losses that occurred during the fiscal year preceding the fiscal year in which the report is submitted.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect with respect to fiscal year 1992.

SEC. 363. TRANSPORTATION OF DONATED MILITARY ARTIFACTS.

Section 2572(d)(2) of title 10, United States Code, is amended by inserting before the period the following: ", except for expenses associated with the demilitarization, preparation, and handling of the item that is the subject of the loan or gift and any ground transportation of the item in the continental United States on a military vehicle".

SEC. 364. SUBCONTRACTING AUTHORITY FOR AIR FORCE AND NAVY DEPOTS.

Section 2208(j) of title 10, United States Code, is amended by striking out "The Secretary" and all that follows through "facility" and inserting in lieu thereof "The Secretary of a military department may authorize a working capital funded industrial facility of that department".

SEC. 365. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO CERTAIN FOREIGN NATIONALS IN THE PHILIPPINES.

(a) PROHIBITION.—Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense in the Republic of the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Republic of the Philippines.

(b) PROHIBITION ON ALLOWANCE OF CERTAIN SEVERANCE PAY AS CONTRACT COSTS.—Funds available to the Department of Defense may not be used to pay the costs of severance pay paid by a contractor to a foreign national employed by the contractor under a defense service contract in the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Philippines.

SEC. 366. REPEAL OF LIMITATION ON PROHIBITION OF PAYMENT OF CERTAIN FOREIGN SEVERANCE COSTS.

Section 311(b)(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1412) is repealed.

SEC. 367. REPORTS ON OVERSEAS BASING.

(a) ANNUAL REPORT ON OVERSEAS BASING.—The Secretary of Defense shall, not later than March 31 of each year, submit to the Committees on Armed Services of the Senate and House of Representatives, either separately or as part of another relevant report, a report that specifies—

(1) the basing plan for United States military forces outside the United States;

(2) the status of closures of United States military installations located outside the United States;

(3) the schedule for the negotiation of such closures;

(4) the potential savings to the United States resulting from such closures;

(5) the potential amount of receipts from residual value negotiations; and

(6) efforts to achieve host nation offsets for United States military forces remaining in the host nation.

(b) REPORT ON BUDGET IMPLICATIONS OF OVERSEAS BASING AGREEMENTS.—The Secretary of Defense shall submit to the congressional defense committees a report on the Federal budget implications of a basing agreement entered into between the United States and a foreign nation with respect to United States military forces outside the United States. Any report required under this subsection shall be submitted in advance of the signing of the agreement.

SEC. 368. CONSIDERATION OF VESSEL LOCATION FOR THE AWARD OF LAYBERTH CONTRACTS FOR SEALIFT VESSELS.

(a) CONSIDERATION OF VESSEL LOCATION IN THE AWARD OF LAYBERTH CONTRACTS.—As a factor in the evaluation of bids and proposals for the award of contracts to layberth sealift vessels of the Department of the Navy, the Secretary of the Navy shall include the location of the vessels, including whether the vessels should be layberthed at locations—

(1) where members of the Armed Forces are likely to be loaded onto the vessels; and

(2) which maximize the ability of the vessels to meet mobility and training needs of the Department of Defense.

(b) ESTABLISHMENT OF LOCATION AS A MAJOR CRITERION.—In the evaluation of bids and proposals referred to in subsection (a), the Secretary of the Navy shall give the same level of consideration to the location of the vessels as the Secretary gives to other major factors established by the Secretary.

(c) APPLICABILITY.—Subsection (a) shall apply to any solicitation for bids or proposals issued after the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 369. PILOT PROGRAM TO USE NATIONAL GUARD MEDICAL PERSONNEL IN AREAS CONTAINING MEDICALLY UNDERSERVED POPULATIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall enter into an agreement with the Governors of the States of Tennessee, Florida, and Ohio to carry out a pilot program during fiscal year 1993 to improve the provision of health care to medically underserved populations in those States through the use of medical personnel of the National Guard and the Reserves.

(b) FUNDING ASSISTANCE.—Under the agreement, the Secretary of Defense shall provide funds for the pay, allowances, clothing, subsistence, travel, and related expenses of personnel of the National Guard and the Reserves participating in the pilot program and for medical supplies and equipment to be used to provide health care to medically underserved populations. Of the funds authorized to be appropriated for fiscal year 1993 for operation and maintenance under this title, not more than $1,500,000 may be used by the Secretary to provide funding under the agreements.

(c) SERVICE OF PARTICIPANTS.—Service by National Guard and Reserve personnel in the pilot program shall be counted toward the annual training required under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.

(d) REPORT.—The Secretary of Defense shall, not later than January 1, 1994, submit to the Congress a report on the effectiveness of the pilot program and any recommendations of the Secretary with respect to the pilot program.

SEC. 370. AUTHORITY FOR THE ISSUE OF UNIFORMS WITHOUT CHARGE TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

"§776. Issue of uniform without charge

"(a) ISSUE OF UNIFORM.—The Secretary concerned may issue a uniform, without charge, to any of the following members:

"(1) A member who is being repatriated after being held as a prisoner of war.

"(2) A member who is being treated at or released from a medical treatment facility as a consequence of being wounded or injured during military hostilities.

"(3) A member who, as a result of the member's duties, has unique uniform requirements.

"(4) Any other member, if the Secretary concerned determines, under exceptional circumstances, that the issue of the uniform to that member would significantly benefit the morale and welfare of the member and be advantageous to the armed force concerned.

"(b) RETENTION OF UNIFORM AS A PERSONAL ITEM.—Notwithstanding section 771a of this title, a uniform issued to a member under this section may be retained by the member as a personal item.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"776. Issue of uniform without charge.".

SEC. 371. REPORTING REQUIREMENT FOR FUNDING REQUESTS FOR SUPPORT OF SPORTING EVENTS.

The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, before a request for or expenditure of funds to provide Department of Defense support for a sporting event (such as the Olympics, the Pan American Games, the World Cup Games, or the World University Games) a report that contains—

(1) an assessment of the need for such support, including an assessment of potential security threats;

(2) recommendations of the Secretary for the type of assistance required to meet such need; and

(3) an estimate of and justification for the projected expenditures of the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:

(1) The Army, 598,900.

(2) The Navy, 535,800.

(3) The Marine Corps, 181,900.

(4) The Air Force, 449,900.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

(1) The Army National Guard of the United States, 420,000.

(2) The Army Reserve, 263,000.

(3) The Naval Reserve, 125,800.

(4) The Marine Corps Reserve, 42,400.

(5) The Air National Guard of the United States, 119,200.

(6) The Air Force Reserve, 82,200.

(7) The Coast Guard Reserve, 15,150.

(b) WAIVER AUTHORITY.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for any fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,611.

(2) The Army Reserve, 12,412.

(3) The Naval Reserve, 20,926.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,131.

(6) The Air Force Reserve, 636.

SEC. 413. ARMY NATIONAL GUARD FORCE STRUCTURE ALLOWANCE.

(a) REQUIREMENT.—During fiscal year 1993, the force structure allowance of the Army National Guard shall be not less than 425,000.

(b) DEFINITION.—For purposes of this section, the term "force structure allowance" means the number of authorized spaces in units and organizations, as allocated by authorization documents.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1993, the Armed Forces are authorized average military training loads as follows:

(1) The Army, 85,475.

(2) The Navy, 51,371.

(3) The Marine Corps, 18,831.

(4) The Air Force, 33,164.

(5) The Defense Agencies, 4,740.

(b) ADJUSTMENTS.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. REPEAL OF REQUIREMENT CONCERNING INITIAL COMMISSIONING OF OFFICERS.

Section 532 of title 10, United States Code, is amended by striking out subsection (e).

SEC. 502. APPOINTMENT OF CHIROPRACTORS AS COMMISSIONED OFFICERS.

(a) ARMY.—Section 3070 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(5) the Chiropractic Section.";

(2) in subsection (c), by striking out "four assistant chiefs" and inserting in lieu thereof "five assistant chiefs"; and

(3) by adding at the end the following new subsection:

"(d) APPOINTMENT OF CHIROPRACTORS.—Chiropractors who are qualified under regulations prescribed by the Secretary of the Army may be appointed as commissioned officers in the Chiropractic Section of the Army Medical Specialist Corps.".

(b) NAVY.—(1) Chapter 513 of such title is amended by inserting after section 5138 the following new section:

"§5139. Appointment of chiropractors in the Medical Service Corps

"Chiropractors who are qualified under regulations prescribed by the Secretary of the Navy may be appointed as commissioned officers in the Medical Service Corps of the Navy.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5138 the following new item:

"5139. Appointment of chiropractors in the Medical Service Corps.".

(c) AIR FORCE.—Section 8067(f) of such title is amended by inserting "and chiropractic functions" after "physician assistant functions".

(d) DEADLINE FOR REGULATIONS.—The regulations required to be prescribed by the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 503. CLARIFICATION OF MINIMUM SERVICE REQUIREMENTS FOR CERTAIN FLIGHT CREW POSITIONS.

(a) MINIMUM REQUIREMENTS.—Section 653 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "active duty obligation" and inserting in lieu thereof "service obligation"; and

(2) in subsection (c), by striking out "the term 'active duty obligation' means the period of active duty" and inserting in lieu thereof "the term 'service obligation' means the period of active duty or, in the case of a member of a reserve component, the period of service in an active status in the Selected Reserve".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of November 29, 1989.

SEC. 504. AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Section 5721 of title 10, United States Code, is amended by striking out subsection (f).

Subtitle B—Reserve Component Matters

SEC. 511. PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF RESERVES.

(a) REPEAL OF FISCAL YEAR 1992 DEADLINE.—Section 521 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1361) is repealed.

(b) PERSONNEL TO BE ASSIGNED.—Section 414 of such Act (105 Stat. 1352) is amended—

(1) in subsection (a), by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1992 and 1993";

(2) in subsection (c)(2), by striking out "1,300 officers as advisers to combat units and 700 officers as advisers to combat support units and combat service support units" and inserting in lieu thereof "2,000 members as advisers to combat units, combat support units and combat service support units";

(3) in subsection (c)(3)—

(A) by striking out "officers" and inserting in lieu thereof "members";

(B) by striking out "in fiscal year 1993" and inserting in lieu thereof "during fiscal years 1992 and 1993"; and

(C) by striking "section 401(b)(1)" and inserting in lieu thereof "section 401"; and

(4) in subsection (d), by striking out "may expand" and all that follows and inserting in lieu thereof "shall by April 1, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Secretary's evaluation of the program to that date. As part of the budget submission for

fiscal year 1995, the Secretary shall submit any recommendations for expansion or modification of the program. In no case may the number of active duty personnel assigned to the program decrease below the number specified for the pilot program.".

SEC. 512. REPEAL OF REQUIREMENT FOR REMOVAL OF FULL-TIME RESERVE PERSONNEL FROM ROTC DUTY.

(a) Repeal.—Section 690 of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to such section.

SEC. 513. ONE-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) Grade Determination Authority for Certain Reserve Medical Officers.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(b) Promotion Authority for Certain Reserve Officers Serving on Active Duty.—Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(c) Years of Service for Mandatory Transfer to the Retired Reserve.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

SEC. 514. PREFERENCE IN GUARD AND RESERVE AFFILIATION FOR VOLUNTARILY SEPARATED MEMBERS.

Section 1150(a) of title 10, United States Code, is amended by striking out "involuntarily".

SEC. 515. TECHNICAL CORRECTION AND CODIFICATION OF REQUIREMENT OF BACCALAUREATE DEGREE FOR APPOINTMENT OR PROMOTION OF RESERVE OFFICERS TO GRADES ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE).

(a) In General.—Chapter 34 of title 10, United States Code, is amended by inserting after section 595 the following new section:

"§596. Commissioned officers: appointment; educational requirement

"(a) In General.—After September 30, 1995, no person may be appointed to a grade above the grade of first lieutenant in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Naval Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or Air National Guard, unless that person has been awarded a baccalaureate degree by an accredited educational institution.

"(b) Exceptions.—Subsection (a) does not apply to the following:

"(1) The appointment to or recognition in a higher grade of a person who is appointed in or assigned for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.

"(2) The appointment in the Naval Reserve or Marine Corps Reserve of an individual appointed for service as an officer designated as a limited duty officer.

"(3) The appointment in the Naval Reserve of an individual appointed for service under the Naval Aviation Cadet (NAVCAD) program.

"(4) The appointment to or recognition in a higher grade of any person who was appointed to, or federally recognized in, the grade of captain or, in the case of the Navy, lieutenant before October 1, 1995.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 595 the following new item:

"596. Commissioned officers: appointment; educational requirement.".

Subtitle C—Education and Training

SEC. 521. PROHIBITION ON PARTICIPATION OF RESERVE PERSONNEL IN AIR FORCE PILOT TRAINING COURSES.

(a) Prohibition.—(1) Chapter 901 of title 10, United States Code, is amended by inserting after section 9306 the following new section:

"§9307. Air Force pilot training: prohibition on participation of reserves

"A member of a reserve component of the Air Force may not be selected to attend undergraduate pilot training offered by the Air Force to train members of the Armed Forces to fly fixed-wing aircraft.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9306 the following new item:

"9307. Air Force pilot training: prohibition on participation of reserves.".

(b) Effective Date.—Section 9307 of title 10, United States Code, as added by subsection (a), shall apply with respect to undergraduate pilot training courses of the Air Force beginning after the date of the enactment of this Act.

SEC. 522. ROTC SCHOLARSHIPS FOR NATIONAL GUARD.

(a) Designation of Scholarships for Army National Guard.—Section 2107(h) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end the following:

"(2) Of the total number of cadets appointed in the financial assistance programs under this section in any year, not less than 100 shall be designated for placement in the program of the Army by the Chief, National Guard Bureau, for service upon commissioning in the Army National Guard. A cadet may only be awarded financial assistance by the Chief, National Guard Bureau, through a State adjutant general for attendance at a school within that State which is a four-year accredited military college, a military junior college, or a State university or college. A cadet who receives financial assistance under this paragraph and is commissioned in the Army National Guard shall perform service as provided in subsection (b)(5)(B) and may not be accepted for service on active duty pursuant to the member's voluntary application until the completion of the period of service prescribed in that subsection.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on January 1, 1993.

SEC. 523. JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) Requirements for Enrollment.—Subsection (b)(1) of section 2031 of title 10, United States Code, is amended—

(1) by striking out "at least 14 years of age" both places it appears and inserting in lieu thereof "in a grade above the 8th grade"; and

(2) by inserting ", or aliens lawfully admitted to the United States for permanent residence," after "of the United States".

(b) Resources Provided by Department of Defense.—Subsection (c)(2) of such section is amended by inserting before the semicolon the following: "and, to the extent considered appropriate by the Secretary concerned, such additional resources (including transportation and billeting) as may be available to support activities of the program".

(c) Instructor Pay Formula.—(1) Paragraph (1) of subsection (d) of such section is amended to read as follows:

"(1) A retired member so employed is entitled to receive the member's retired or retainer pay without reduction by reason of any additional amount paid to the member by the institution concerned. In the case of payment of any such additional amount by the institution concerned, the Secretary of the military department concerned shall pay to that institution the amount equal to one-half of the amount paid to the retired member by the institution for any period, up to a maximum of one-half of the difference between the member's retired or retainer pay for that period and the active duty pay and allowances which the member would have received for that period if on active duty. Payments by the Secretary concerned under this paragraph shall be made from funds appropriated for that purpose.".

(2) The amendment made by paragraph (1) shall apply with respect to payments for periods of instructor service performed after September 30, 1992.

Subtitle D—Miscellaneous

SEC. 531. AUTHORITY FOR MILITARY SCHOOL FACULTY MEMBERS AND STUDENTS TO ACCEPT HONORARIA FOR CERTAIN SCHOLARLY AND ACADEMIC ACTIVITIES.

(a) Authority To Accept Honoraria.—Notwithstanding the prohibition on the acceptance of honoraria contained in section 501(b) of the Ethics in Government Act of 1978, a faculty member or a student at a Department of Defense school specified under subsection (d) may accept an honorarium for an appearance, a speech, or an article published in a bona fide publication if such an appearance, speech, or article is customary for scholarly or academic activities normally associated with institutions of higher learning and if—

(1) the purpose of the appearance, or the subject of the speech or article, does not relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student;

(2) the appearance, speech, or article (including the individual's time in specific preparation for the appearance, speech, or article) does not involve the use of Government time, Government property, or other resources of the Government or the use of nonpublic Government information;

(3) the reason for which the honorarium is paid is unrelated to the individual's duties or status as a member of the Armed Forces or employee of the Government or as a faculty member or student at a school specified in subsection (d); and

(4) the person offering the honorarium has no interests that may be substantially affected by the performance or nonperformance of the individual's duties as a member of the Armed Forces or an employee of the Government or as a faculty member or student at a school specified in subsection (d).

(b) Special Rule Concerning Subject Matter.—For purposes of subsection (a)(1), an appearance, speech, or article on a subject matter that is within an individual's academic or military specialty, in the case of a faculty member, or an individual's course of academic study, in the case of a student, shall not be considered to relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student if the preparation and presentation of the particular appearance, speech, or article is clearly outside of the individual's duties.

(c) Noncoverage of Highly Paid Faculty Members.—Subsection (a) shall not apply to acceptance of an honorarium by a faculty member who is employed in a position for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5302 of title 5 (or any comparable adjustment pursuant to interim authority of the President) is equal to or greater

than the rate of basic pay payable for Level V of the Executive Schedule.

(d) COVERED SCHOOLS.—(1) This section applies with respect to faculty members and students at any of the service academies and at any professional military school operated by the Department of Defense that is designated by the Chairman of the Joint Chiefs of Staff to be covered by this section.

(2) For purposes of paragraph (1), the term "service academies" means—

(A) the United States Military Academy;

(B) the United States Naval Academy; and

(C) the United States Air Force Academy.

(e) HONORARIUM DEFINED.—For purposes of this section, the term "honorarium" means a payment of money or anything of value for an appearance, a speech, or an article (including a series of appearances, speeches, or articles).

(f) MAXIMUM AMOUNT OF HONORARIUM.—The amount of any honorarium accepted under this section shall not exceed the usual and customary fee for the appearance, speech, or article for which the honorarium is paid, up to a maximum of $2,000.

(g) EFFECTIVE DATE.—This section shall apply with respect to any honorarium for an appearance or speech made, or an article published, on or after the date of the enactment of this Act.

SEC. 532. AUTHORITY OF THE UNITED STATES MILITARY ACADEMY TO CONFER THE DEGREE OF MASTER OF ARTS IN LEADERSHIP DEVELOPMENT.

(a) IN GENERAL.—(1) Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"§4357. Master of arts in leadership development

"(a) AUTHORITY.—Upon the recommendation of the faculty of the United States Military Academy, the Superintendent of the Academy may confer the degree of master of arts in leadership development upon persons who graduate from the program in leadership development offered at the Academy and fulfill the requirements for that degree.

"(b) LIMITATION ON ANNUAL NUMBER OF DEGREES.—Not more than 20 degrees of master of arts in leadership development may be conferred under subsection (a) per academic year.

"(c) REGULATIONS.—The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of the Army.

"(d) EXPIRATION OF AUTHORITY.—The authority of the Superintendent of the Academy to confer the degree of master of arts in leadership development provided by subsection (a) shall expire on September 30, 1996, except that the Superintendent may confer that degree after that date in the case of graduates who fulfill the requirements for that degree before that date.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4357. Master of arts in leadership development.".

(b) REPORT.—Not later than October 1, 1995, the Superintendent of the United States Military Academy shall submit a report to Congress describing the implementation and operation of section 4357 of title 10, United States Code (as added by subsection (a)), including a recommendation as to whether the masters degree program in leadership development should be continued.

SEC. 533. PAYMENT FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.

Section 554 of Public Law 102–190 (105 Stat. 1371) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking out "for any fiscal year"; and

(B) by striking out "provided" and all that follows and inserting in lieu thereof "available in appropriations for military personnel for fiscal year 1993."; and

(2) in subsection (d), by striking out "not later than" and all that follows and inserting in lieu thereof "not later than September 30, 1993.".

SEC. 534. NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission. The number of personnel authorizations assigned to that mission shall be maintained at not less than the level in effect on September 30, 1991.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1993.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1993 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1993, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.7 percent.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE PROVIDERS.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out "Navy or" and inserting in lieu thereof "Navy,"; and

(2) by inserting before the semicolon the following: ", or an officer in the Army Medical Specialist Corps".

SEC. 612. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND OTHER SPECIAL PAY.

(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(b) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(c) AVIATOR RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(d) EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308h(g), and 308i(i) of title 37, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof in each instance "September 30, 1993".

(e) EXTENSION OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(f) EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1992" and inserting in lieu thereof "October 1, 1993".

(g) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(h) NURSE CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(i) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

Subtitle C—Travel and Transportation Allowances

SEC. 621. TEMPORARY INCREASE IN THE NUMBER OF DAYS A MEMBER MAY BE REIMBURSED FOR TEMPORARY LODGING EXPENSES.

Section 404a of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) In the case of a change of permanent station described in subsection (a)(1) made by a member during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than 10 days if the new duty station is in a geographical area determined by the Secretary concerned to be suffering from a shortage of safe and affordable housing on account of the arrival of members of the armed forces in the area as part of the withdrawal of members from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units.".

Subtitle D—Health Care Matters

SEC. 631. IMPROVED CONVERSION HEALTH POLICIES AS PART OF TRANSITIONAL MEDICAL CARE.

(a) SEPARATED MEMBERS.—Section 1145(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "A conversion health policy offered under this paragraph shall provide coverage for not less than an 18-month period.";

(2) in paragraph (2)(A), by striking out "one-year period" and inserting in lieu thereof "18-month period"; and

(3) by adding at the end the following new paragraphs:

"(4) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to provide the conversion health policy required under paragraph (1) or any continuation coverage after the initial period of the policy, the Secretary shall offer such a policy under the Civilian Health and Medical Program of the Uniformed Services. A member purchasing a policy from the Secretary shall be required to pay into the Military Health Care Account an amount (not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for similar coverage) equal to the sum of—

"(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

"(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

"(5) In order to reduce premiums required under paragraph (4), the Secretary of Defense may offer a conversion health policy that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.".

(b) FORMER SPOUSES.—Section 1086a(a) of such title is amended—

(1) in subsection (a), by adding at the end the following new sentence: "A conversion health policy offered under this subsection shall provide coverage for not less than an 24-month period.";

(2) in subsection (b)(1), by striking out "one-year period" and inserting in lieu thereof "24-month period";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection:

"(c) Effect of Unavailability of Policies.—(1) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to offer conversion health policies under subsection (a) or continuation coverage after the initial period of the policies, the Secretary shall provide the coverage required under such a policy through the Civilian Health and Medical Program of the Uniformed Services. A person receiving coverage under this subsection shall be required to pay into the Military Health Care Account an amount (not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for similar coverage) equal to the sum of—

"(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

"(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

"(2) In order to reduce premiums required under paragraph (1), the Secretary of Defense may offer a program of coverage that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.".

(c) Application to Existing Contracts.—In the case of conversion health policies provided under sections 1145(b) or 1086a(a) of title 10, United States Code, and in effect on the date of the enactment of this Act, the Secretary of Defense shall extend the term of the policies (and coverage of preexisting conditions) as provided by the amendments made by this section.

SEC. 632. CORRECTION OF OMISSION IN DELAY OF INCREASE OF CHAMPUS DEDUCTIBLES RELATED TO OPERATION DESERT STORM.

(a) Lower CHAMPUS Annual Deductible.—In the case of health care provided under section 1079 or 1086 of title 10, United States Code, during the period beginning on April 1, 1991, and ending on September 30, 1991, to a CHAMPUS beneficiary described in subsection (b), the annual deductibles specified in these sections applicable to that care may not exceed the annual deductibles in effect under these sections on November 4, 1990.

(b) Eligible CHAMPUS Beneficiaries.—A CHAMPUS beneficiary referred to in subsection (a) is a covered beneficiary of the Civilian Health and Medical Program of the Uniformed Services who, during any portion of the period specified in that subsection—

(1) was a member or former member of a uniformed service entitled to retired or retainer pay and served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm; or

(2) was a dependent of a member of a uniformed service who served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(c) Credit or Reimbursement of Excess.—Subject to the availability of appropriated funds to the Secretary of Defense, the Secretary shall provide—

(1) for the reimbursement of the amount of any deductible paid under section 1079 or 1086 of title 10, United States Code, during the period specified in subsection (a) in excess of the amount required to be paid by operation of that subsection; or

(2) for a credit against the annual deductible required under these sections for a fiscal year equal to the amount of the excess deductible paid.

(d) Definitions.—For purposes of this section, the term "Operation Desert Storm" has the meaning given that term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991.

SEC. 633. MODIFICATION OF CHAMPUS REFORM INITIATIVE CONTRACT.

(a) Content of Request for Proposals.—The Secretary of Defense shall modify the Request for Proposals for the Coordinated Care Support Program for California and Hawaii, solicitation number MDA906–91–R–002, issued January 22, 1991, to incorporate the cost-sharing requirements for covered beneficiaries and the preferred provider option included in the contract of the Department of Defense in effect on the date of the enactment of this Act under the CHAMPUS reform initiative established under section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3899; 10 U.S.C. 1073 note). In such modification, the Secretary may permit the contractor to increase the cost-sharing requirements for covered beneficiaries to reflect inflation and changes in the intensity of health care services to be provided under the contract.

(b) Time for Contract.—To the greatest extent possible, the Secretary of Defense shall ensure that a replacement or successor contract for the management of the delivery of health care services to covered beneficiaries in the States of California and Hawaii is in effect by August 1, 1993.

(b) Definition.—For purposes of this section, the term "covered beneficiary" has the meaning given that term in section 1072(5) of title 10, United States Code.

SEC. 634. CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) Conditions.—Except as provided in subsection (b), the Secretary of Defense may not expand the CHAMPUS reform initiative underway in the States of California and Hawaii to another location until not less than 90 days after the date on which the Secretary certifies to Congress that expansion of the initiative to that location is the most cost-effective method of providing health care to covered beneficiaries in that location.

(b) Exception.—The condition specified in subsection (a) shall not apply in the case of the expansion of the CHAMPUS reform initiative to a location adversely affected by the closure or realignment of a military installation in that location.

(c) Report on Certification.—Not later than 30 days after a certification by the Secretary of Defense under subsection (a), the Comptroller General and the Director of the Congressional Budget Office shall jointly submit to Congress a report evaluating the certification.

(d) Definitions.—For purposes of this section:

(1) The term "CHAMPUS reform initiative" means the health care delivery project required by section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3899; 10 U.S.C. 1073 note).

(2) The term "covered beneficiary" has the meaning given that term in section 1072(5) of title 10, United States Code.

SEC. 635. MANAGED HEALTH CARE NETWORK FOR TIDEWATER REGION OF VIRGINIA.

(a) Reaffirmation of Commitment.—The delivery of health care services by the Department of Defense to members of the Armed Forces serving on active duty in the Tidewater region of Virginia and to covered beneficiaries under chapter 55 of title 10, United States Code, residing in that region shall be made in the manner specified in section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1402). That section shall not be construed as being limited, modified, or superceded by any provision of law contained in an appropriation Act, whether enacted before, on, or after the date of the enactment of this Act, unless that provision of law—

(1) specifically refers to that section and this section; and

(2) states that the provision of law limits, modifies, or supercedes that section.

(b) Content of Network.—Section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1402) is amended by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall modify the guidelines known as the 'Policy Guidelines on the Department of Defense Coordinated Care Program' and issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992, to provide for the operation of the program required by this subsection in a manner consistent with the military health care demonstration project underway in Charleston, South Carolina, including the following features:

"(A) A reduction of copayment and deductibles for covered beneficiaries who enroll in the program;

"(B) An opportunity for covered beneficiaries who do not enroll in the program to use the network of preferred providers established under the program and a reduction of copayment or deductibles for such covered beneficiaries; and

"(C) Continued access for all covered beneficiaries to health care in military treatment facilities regardless of enrollment status, subject to the availability of space and facilities, the capabilities of the medical or dental staff, and reasonable preferences for covered beneficiaries who enroll in the program.".

SEC. 636. POSITIVE INCENTIVES UNDER THE COORDINATED CARE PROGRAM.

(a) Inclusion of Positive Incentives for Enrollment.—The Secretary of Defense shall modify the guidelines known as the 'Policy Guidelines on the Department of Defense Coordinated Care Program' and issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992, to provide additional positive incentives to covered beneficiaries under chapter 55 of title 10, United States Code, to enroll in the coordinated care program established by the Department of Defense. Such incentives may include—

(1) a reduction for covered beneficiaries who enroll in the coordinated care program of copayment and deductibles prescribed under sections 1079 and 1086 of such title;

(2) alternative cost-sharing requirements for certain types of care; and

(3) an expansion for covered beneficiaries who enroll in the program of the benefits authorized under such sections.

(b) Effect on Certain Existing Programs.—The modification required under subsection (a) shall permit health care demonstration projects in existence on the date of the enactment of this Act (including the CHAMPUS Reform initiative, the Catchment Area Management projects, and the CHAMPUS Select fiscal intermediary program in the Southeast Region), the managed health care program established in the Tidewater region of Virginia, and future managed health care initiatives undertaken by the Department of Defense to offer covered beneficiaries who do not enroll in the coordinated care program the opportunity to use a preferred provider network of health care providers.

(c) Determination of Incentives.—The Secretary of Defense shall determine the level and types of positive incentives to be offered to covered beneficiaries to enroll in the coordinated

care program based upon the degree of choice, without prior referral or approval, that is available to covered beneficiaries in the selection of health care providers.

(d) PROHIBITION ON EXCLUSIONS.—Subject to the availability of space and facilities and the capabilities of the medical or dental staff, the Secretary of Defense may not deny access to military treatment facilities to covered beneficiaries who do not enroll in the coordinated care program. However, the Secretary may establish reasonable admission preferences for covered beneficiaries enrolled in the program as an incentive to encourage enrollment.

(e) DEFINITION.—For purposes of this section, the term "covered beneficiary" has the meaning given that term in section 1072(5) of title 10, United States Code.

Subtitle E—Montgomery GI Bill Amendments

SEC. 641. OPPORTUNITY FOR CERTAIN PERSONS TO ENROLL IN ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by adding after section 3018A the following new section:

"§3018B. Opportunity for certain persons to enroll

"(a) Notwithstanding any other provision of law—

"(1) the Secretary of Defense shall, subject to the availability of appropriations, allow an individual who—

"(A) is separated from the active military, naval, or air service with an honorable discharge and receives voluntary separation incentives under section 1174a or 1175 of title 10;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before such separation pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as service in the Navy;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before such separation elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph; or

"(2) the Secretary, in consultation with the Secretary of Defense, shall, subject to the availability of appropriations, allow an individual who—

"(A) separated before the date of enactment of this section from the active military, naval, or air service with an honorable discharge and received or is receiving voluntary separation incentives under section 1174a or 1175 of title 10;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before making an election under this paragraph pursuant to procedures which the Secretary shall provide, in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as service in the Navy, which shall be similar to the regulations prescribed under paragraph (1)(C) of this subsection;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before making an election under this paragraph to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before the one-year period beginning on the date of enactment of this section, elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph,

to elect to become entitled to basic education assistance under this chapter.

"(b)(1) The basic pay or voluntary separation incentives of an individual who makes an election under subsection (a)(1) to become entitled to basic education assistance under this chapter shall be reduced by $1,200.

"(2) The Secretary shall collect $1,200 from an individual who makes an election under subsection (a)(2) to become entitled to basic education assistance under this chapter, which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c) A withdrawal referred to in subsection (a)(1)(C) or (a)(2)(C) of this section is irrevocable.

"(d)(1) Except as provided in paragraph (3) of this subsection, an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(1)(D) or (a)(2)(D) of this subsection shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) as provided in section 3223(b) of this title, to the individual the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) of this subsection shall remain in such Account to make payments of benefits to such individual under section 3015(e) of this chapter.".

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018A the following new item:

"3018B. Opportunity for certain persons to enroll.".

(2) Section 3013(d) of such title is amended by inserting "or 3018B" after "section 3018A".

(3) Section 3035(b) of such title is amended—

(A) in paragraph (3), by inserting "or 3018B" after "section 3018A"; and

(B) in paragraph (3)(B), by inserting ", 3018B(a)(1)(C), or 3018B(a)(2)(C)" after "section 3018A(a)(3)".

SEC. 642. EDUCATIONAL ASSISTANCE FOR GRADUATE PROGRAMS FOR MEMBERS OF THE SELECTED RESERVE.

Section 2131 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking out "other than" and all that follows through "level." and inserting in lieu thereof a period; and

(2) by adding at the end thereof the following:

"(h) A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this chapter, subject to the availability of appropriations.".

Subtitle F—Miscellaneous

SEC. 651. PROVISION OF TEMPORARY FOSTER CARE SERVICES OUTSIDE THE UNITED STATES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) OVERSEAS FOSTER CARE.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1045 the following new section:

"§1046. Overseas temporary foster care program

"(a) PROGRAM AUTHORIZED.—The Secretary concerned may establish a program to provide temporary foster care services outside the United States for children accompanying members of the armed forces on duty at stations outside the United States. The foster care services provided under such a program shall be similar to those services provided by State and local governments in the United States.

"(b) EXPENSES.—Under regulations prescribed by the Secretary concerned, the expenses related to providing foster care services under subsection (a) may be paid from appropriated funds available to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1045, the following new item:

"1046. Overseas temporary foster care program.".

SEC. 652. VOLUNTARY SEPARATION INCENTIVE.

(a) ELIGIBILITY FOR INVOLUNTARY SEPARATION BENEFITS.—Section 1175 of title 10, United States Code, is amended by adding at the end the following:

"(j) A member of the armed forces who is provided a voluntary separation incentive under this section shall be eligible for the same benefits and services as are provided under chapter 58 of this title for members of the armed forces who are involuntarily separated within the meaning of section 1141 of this title.".

(b) EFFECTIVE DATE.—Subsection (j) of section 1175 of title 10, United States Code, as added by the amendment made by section (a), shall apply as if included in section 1175 of title 10, United States Code, as enacted on December 5, 1991, but any benefits or services payable by reason of the applicability of that subsection (j) during the period beginning on December 5, 1991, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

TITLE VII—ARMY GUARD COMBAT REFORM INITIATIVE

Subtitle A—Deployability Enhancements

SEC. 701. MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.

(a) ESTABLISHMENT OF MINIMUM PERCENTAGE.—The Secretary of the Army shall have an objective of increasing the percentage of qualified prior active-duty personnel in the Army National Guard to 65 percent, in the case of officers, and to 50 percent, in the case of enlisted members, by September 30, 1997.

(b) INTERIM ACCESSION PERCENTAGES.—The Secretary shall prescribe regulations establishing for each of fiscal years 1993 through 1997 an accession percentage for officers, and a separate accession percentage for enlisted members, for prior active-duty personnel so as to facilitate compliance with the objectives stated in subsection (a).

(c) QUALIFIED PRIOR ACTIVE-DUTY PERSONNEL.—For purposes of this section, qualified prior active-duty personnel are members of the Army National Guard with not less than two years of active duty, any part of which occurred not more than eight years before the member entered the National Guard. In the case of an officer of the Army National Guard, the officer must have not less than two years of active service as an officer to be considered a prior active-duty member.

(d) DEADLINE FOR REGULATIONS.—The regulations required by subsection (a) shall be prescribed not later than March 15, 1993.

SEC. 702. SERVICE IN SELECTED RESERVE IN LIEU OF ACTIVE-DUTY SERVICE.

(a) ACADEMY GRADUATES AND DISTINGUISHED ROTC GRADUATES TO SERVE IN SELECTED RESERVE FOR PERIOD OF ACTIVE-DUTY SERVICE OBLIGATION NOT SERVED ON ACTIVE DUTY.—(1) An officer who is a graduate of one of the service academies or who was commissioned as a distinguished Reserve Officers' Training Corps graduate and who is permitted to be released from active duty before the completion of the active-duty service obligation applicable to that officer shall serve the remaining period of such active-duty service obligation as a member of the Selected Reserve.

(2) The Secretary concerned may waive paragraph (1) in a case in which the Secretary determines that there is no unit position available for the officer.

(b) ROTC GRADUATES.—The Secretary of the Army shall provide a program under which graduates of the Reserve Officers' Training Corps program may perform their minimum period of obligated service by a combination of (A) two years of active duty, and (B) such additional period of service as necessary to complete the remainder of such obligation, to be served in the National Guard of the State of which the graduate is a citizen.

SEC. 703. PREFERENCE IN FILLING VACANCIES FOR PERSONS SEPARATED FROM ACTIVE FORCES.

Section 1150 of title 10, United States Code, is amended by inserting "or who is separated from the armed forces under honorable conditions during the five-year period beginning on October 1, 1992," after "October 1, 1990,".

SEC. 704. REVIEW OF OFFICER PROMOTIONS BY COMMANDER OF ASSOCIATED ACTIVE DUTY UNIT.

Whenever an officer in the Army National Guard is recommended for promotion to a grade above first lieutenant, the recommended promotion shall be reviewed by the commander of the active duty unit associated with the National Guard unit of that officer. The commander or other active duty officer designated by the Secretary of the Army shall provide to the promoting authority, before the promotion is made, a statement of concurrence or nonconcurrence in the recommended promotion.

SEC. 705. NONCOMMISSIONED OFFICER EDUCATION REQUIREMENTS.

(a) NONWAIVABILITY.—Any standard prescribed by the Secretary of the Army establishing a military education requirement for noncommissioned officers that must be met as a requirement for promotion to a higher noncommissioned officer grade may only be waived if the Secretary determines that the waiver is necessary in order to preserve unit leadership continuity under combat conditions.

(b) AVAILABILITY OF TRAINING POSITIONS.—The Secretary of the Army shall ensure that there are sufficient training positions available to enable compliance with subsection (a).

SEC. 706. TRANSIENTS, TRAINEES, HOSPITALS, AND STUDENTS ACCOUNT.

(a) ESTABLISHMENT OF PERSONNEL ACCOUNT.—The Secretary of the Army shall establish a personnel accounting category for members of the Army National Guard to be used for categorizing members of the National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment. The account shall be administered in the same manner, as nearly as practicable, as the personnel account for Army active forces known as the "Transients, Trainees, Hospitals, and Students Account".

(b) USE OF ACCOUNT.—Until a member of the Army National Guard has completed the minimum training necessary for deployment, the member may not be assigned to fill a position in a National Guard unit but shall be carried in the account established under subsection (a). A unit position intended to be filled by that member shall be carried on the unit roster as vacant.

(c) TIME FOR QUALIFICATION FOR DEPLOYMENT.—If at the end of 24 months after a member of the Army National Guard enters the National Guard, the member has not completed the minimum training required for deployment, the member shall be discharged from the Army National Guard. The Secretary of the Army may waive the requirement in the preceding sentence in the case of health care providers.

SEC. 707. MINIMUM PHYSICAL DEPLOYABILITY STANDARDS.

The Secretary of the Army shall transfer the personnel classification of a member of the Army National Guard from the National Guard unit of the member to the personnel account established pursuant to section 706 if the member does not meet minimum physical profile standards required for deployment or fails to successfully complete a physical fitness evaluation. Any such transfer shall be made not later than 90 days after the date on which the determination that the member does not meet such standards is made. If a member so transferred due to failure to successfully complete a physical fitness evaluation is not able to successfully complete such an evaluation within six months after such transfer, the member shall be separated or retired from the National Guard.

SEC. 708. PHYSICAL FITNESS ASSESSMENTS.

The Secretary of the Army shall require that—

(1) each member of the Army National Guard undergo a medical and dental screening on an annual basis and a physical fitness evaluation on a semiannual basis; and

(2) each member of the Army National Guard over the age of 40 undergo a full physical examination not less often than every two years.

SEC. 709. DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.

(a) DEVELOPMENT OF PLAN.—The Secretary of the Army shall develop a plan to ensure that units of the Army National Guard that are scheduled for early deployment in the event of a mobilization (as determined by the Secretary) are dentally ready (as defined in regulations of the Secretary) for deployment.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such plan not later than February 15, 1993. The Secretary shall include in the report any legislative proposals that the Secretary considers necessary in order to implement the plan.

SEC. 710. COMBAT UNIT TRAINING.

The Secretary of the Army shall establish a program to minimize the post-mobilization training time required for combat units of the Army National Guard. The program shall require—

(1) that unit premobilization training emphasize individual soldier qualification and training at the crew, squad, and platoon level; and

(2) that combat training for command and staff leadership include annual command post exercises to develop battalion, brigade, and division level skills, as appropriate.

SEC. 711. USE OF COMBAT SIMULATORS.

The Secretary of the Army shall expand the use of training simulators in order to increase training opportunities for those members of the Army National Guard who have greater difficulty than members of active forces in obtaining access to training ranges.

Subtitle B—Assessment of National Guard Capability

SEC. 721. DEPLOYABILITY RATING SYSTEM.

The Secretary of the Army shall modify the readiness rating system for units of the Army Reserve and Army National Guard to ensure that the rating system provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources. In making such modifications, the Secretary shall ensure that the unit readiness rating system is designed so—

(1) that the personnel readiness rating of a unit reflects—

(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its basic mission requirements; and

(B) the number of personnel in the unit who are qualified in their primary military occupational specialty; and

(2) that the equipment readiness assessment of a unit—

(A) documents all equipment required for deployment;

(B) reflects only that equipment that is directly possessed by the unit;

(C) specifies the effect of substitute items; and

(D) assesses the effect of missing components and sets on the readiness of major equipment items.

SEC. 722. INSPECTIONS.

Section 105 of title 32, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall";

(B) by striking out "and" at the end of paragraph (5);

(C) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (6) the following:

"(7) the units of the Army National Guard meet requirements for deployment."; and

(2) in subsection (b), by inserting "; and for determining which units of the National Guard meet deployability standards" before the period.

Subtitle C—Compatibility of Guard Units With Active Component Units

SEC. 731. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—The Secretary of the Army shall require that each National Guard combat unit be associated with an active-duty combat unit.

(b) RESPONSIBILITIES.—The commander of the associated active duty unit for any National Guard combat unit shall be responsible for—

(1) approving the training program of the National Guard unit;

(2) approving the accuracy of the readiness report of the National Guard unit;

(3) endorsing the manpower, equipment, and training resources requirements of the National Guard unit; and

(4) validating, not less often than annually, the compatibility of the National Guard unit with the active duty forces.

(c) IMPLEMENTATION.—The Secretary of the Army shall begin to implement subsection (a) during fiscal year 1993 and shall achieve full im-

plementation of the plan not later than October 1, 1995.

SEC. 732. TRAINING COMPATIBILITY.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (105 Stat. 1353) is amended by adding at the end the following new paragraph:

"(4) After September 30, 1994, not less than 3,000 warrant officers and enlisted members in addition to those assigned under paragraph (2) shall be assigned to serve as advisers under the program.".

SEC. 733. SYSTEMS COMPATIBILITY.

(a) Compatibility Program.—The Secretary of the Army shall develop and implement a program to ensure that Army personnel systems, Army supply systems, Army maintenance management systems, and Army finance systems are compatible across all Army components.

(b) Report.—Not later than September 30, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the program under subsection (a) and setting forth a plan for implementation of the program by the end of fiscal year 1997.

SEC. 734. EQUIPMENT COMPATIBILITY.

Section 115b(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) A statement of the current status of the compatibility of equipment between the Army reserve components and active forces of the Army, the affect of that level of incompatibility on combat effectiveness, and a plan to achieve full equipment compatibility.".

SEC. 735. DEPLOYMENT PLANNING REFORM.

(a) Requirement for Priority System.—The Secretary of the Army shall develop a system for identifying the priority for mobilization of Army reserve component units. The priority system shall be based on regional contingency planning requirements and doctrine to be integrated into the Army war planning process.

(b) Unit Deployment Designators.—The system shall include the use of Unit Deployment Designators to specify the post-mobilization training days allocated to a unit before deployment. The Secretary shall specify standard designator categories in order to group units according to the timing of deployment after mobilization.

(c) Use of Designators.—(1) The Secretary shall establish procedures to link the Unit Deployment Designator system to the process by which resources are provided for National Guard units.

(2) The Secretary shall develop a plan that allocates greater funding for training, full-time support, equipment, and manpower in excess of 100 percent of authorized strength to units assigned unit deployment designators that allow fewer post-mobilization training days.

(3) The Secretary shall establish procedures to identify the command level at which combat units would, upon deployment, be integrated with active component forces consistent with the Unit Deployment Designator system.

SEC. 736. QUALIFICATION FOR PRIOR-SERVICE ENLISTMENT BONUS.

Section 308i(c) of title 37, United States Code, is amended by striking out the period at the end and inserting in lieu thereof "and may not be paid a bonus under this section unless the skill associated with the position the member is projected to occupy is a skill in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service.".

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. CODIFICATION OF SECTION 1207.

(a) Codification.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2322 a new section 2323 consisting of—

(A) a heading as follows:

"§2323. Contract goal for minorities";

and

(B) a text consisting of the text of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), revised—

(i) by replacing "each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993" in subsection (a)(1) with "each of fiscal years 1987 through 2000";

(ii) by replacing "each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993." in subsection (h) with "each of fiscal years 1987 through 2000."; and

(iii) by replacing "of title 10, United States Code," in subsection (e)(2) with "of this title".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2322 the following new item:

"2323. Contract goal for minorities.".

(b) Conforming Repeal.—Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973) is repealed.

SEC. 802. PROVISIONS RELATING TO SMALL DISADVANTAGED BUSINESSES AND SMALL BUSINESSES.

(a) Nonmanufacturing Rule and Subcontracting Plan Requirements.—Section 2323 of title 10, United States Code, as inserted by section 801, is amended—

(1) by redesignating subsection (h) as subsection (k); and

(2) by inserting after subsection (g) the following new subsections:

"(h) Rule Relating to Nonmanufacturers.—(1) An otherwise responsible business concern that is in compliance with the requirements of paragraph (2) shall not be denied the opportunity to submit and have considered its offer for a procurement contract for the supply of a product to be awarded under the program provided for by this section solely because such concern is other than the actual manufacturer or processor of the product to be supplied under the contract.

"(2) To be in compliance with the requirements referred to in paragraph (1), such a business concern shall—

"(A) be primarily engaged in the wholesale or retail trade;

"(B) be a small business concern under the numerical size standard for the Standard Industrial Classification Code assigned to the contract solicitation on which the offer is being made;

"(C) be a regular dealer, as defined pursuant to section 1(a) of the Act of June 30, 1936 (41 U.S.C. 35(a)) (popularly referred to as the Walsh-Healey Act), in the product to be offered the Department of Defense; and

"(D) represent that it will supply the product of a domestic small business manufacturer or processor, unless a waiver of such requirement is granted—

"(i) by the Secretary of Defense, after reviewing a determination by the contracting officer that no small business manufacturer or processor can reasonably be expected to offer a product meeting the specifications (including period for performance) required of an offeror by the solicitation; or

"(ii) by the Secretary of Defense for a product (or class of products), after determining that no small business manufacturer or processor is available to participate in the Federal procurement market.

"(i) Subcontracting Plan.—The Secretary of Defense shall prescribe regulations to ensure that potential contractors submitting sealed bids or competitive proposals to the Department of Defense for procurement contracts to be awarded under the program provided for by this section are complying with applicable subcontracting plan requirements of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(j) Evaluation of Contracting Officers.—The administration by a contracting officer of the regulations prescribed under subsection (i) shall be a factor in the evaluation of the performance of the contracting officer.".

(b) Additional Evaluation Factor for Solicitations.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) With respect to a sealed bid or competitive proposal for which the bidder or offeror is required to negotiate or submit a subcontracting plan under section 8(d) of the Small Business Act (15 U.S.C. 637(d)), the subcontracting plan shall be a significant factor in evaluating the bid or proposal and shall be included in the statement required pursuant to paragraph (2)(A).".

SEC. 803. CLARIFICATION OF CALCULATION OF CONTRACT GOAL.

Section 2323 of title 10, United States Code, as inserted by section 801 and amended by section 802, is further amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) Calculation of Contract Goal.—For purposes of calculating the goal of subsection (a), the total combined amount obligated for contracts and subcontracts entered into with the entities described in subparagraphs (A) through (C) of subsection(a)(1) shall be construed as being the aggregate of the amounts of—

"(1) all prime contracts entered into by the Department of Defense with such entities; and

"(2) all subcontracts entered into with such entities and awarded under prime contracts entered into by the Department of Defense other than prime contracts referred to in paragraph (1).".

Subtitle B—Miscellaneous Acquisition Policy Matters

SEC. 811. REPEAL OF PROCUREMENT LIMITATION ON TYPEWRITERS.

(a) Repeal.—Subsection (c) of section 2507 of title 10, United States Code, is hereby repealed.

(b) Conforming Amendment.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

SEC. 812. PROCUREMENT LIMITATION ON BALL BEARINGS AND ROLLER BEARINGS.

Section 2507 of title 10, United States Code, as amended by section 811, is further amended by adding at the end the following new subsection:

"(f) Ball Bearings and Roller Bearings.—(1) During fiscal years 1993, 1994, and 1995, the Secretary of Defense may not procure ball bearings or roller bearings unless the ball bearings or roller bearings are produced or manufactured in the United States.

"(2) The Secretary of Defense may waive the limitation in paragraph (1) in the case of a particular procurement of ball bearings or roller bearings if the Secretary determines that—

"(A) adequate supplies of ball bearings or roller bearings manufactured in the United States are not available to meet Department of Defense requirements on a timely basis; and

"(B) carrying out a proposed procurement in accordance with the limitation in that case is not in the national security interests of the United States.".

SEC. 813. PROCUREMENT LIMITATION ON FUEL CELLS.

(a) LIMITATION.—Subject to subsections (b) and (c), during fiscal year 1993, the Secretary of Defense may not procure fuel cells unless the fuel cells are produced or manufactured in the United States.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in subsection (a) in the case of a particular procurement of fuel cells if the Secretary determines that carrying out a proposed procurement in accordance with the limitation in that case is not in the national security interests of the United States.

(c) TYPE OF FUEL CELLS COVERED.—The limitation in subsection (a) applies only to fuel cells that contain synthetic fabric or coated synthetic fabric.

SEC. 814. EXPANSION AND EXTENSION OF AUTHORITY UNDER MAJOR DEFENSE ACQUISITION PILOT PROGRAM.

(a) EXPANSION OF COVERAGE OF PROGRAM.—(1) Section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101-510; 104 Stat. 1593) is amended—

(A) by striking out "major defense acquisition program" each place it appears and inserting in lieu thereof "defense acquisition program";

(B) by striking out "major defense acquisition programs" each place it appears and inserting in lieu thereof "defense acquisition programs"; and

(C) by striking out subsection (i).

*(2) The heading for such section is amended by striking out "**MAJOR**".*

(b) EXTENSION.—Subsection (h) of section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510; 104 Stat. 1595) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 815. ACQUISITION WORKFORCE IMPROVEMENT.

(a) 5-YEAR REVIEW OF ASSIGNMENTS.—Section 1734(e)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "Reviews under this subsection shall be carried out after October 1, 1995, but may be carried out before that date."

(b) WAIVER OF ASSIGNMENT PERIODS FOR DEPUTY PROGRAM MANAGERS.—(1) Section 1734(a) of such title is amended—

(A) in paragraph (1), by inserting "and paragraph (3)" after "Except as provided under subsection (b)"; and

(B) by adding at the end the following new paragraph:

"(3) The assignment period requirement of the first sentence of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.".

(2) Section 1734(b) of such title is amended—

(A) in paragraph (1)(A), by inserting "(except as provided in paragraph (3))" after "deputy program manager"; and

(B) by adding at the end the following new paragraph:

"(3) The assignment period requirement under subparagraph (A) of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.".

(c) FULFILLMENT STANDARDS FOR MANDATORY TRAINING.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall develop fulfillment standards, and implement a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of title 10, United States Code. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.

(2) The fulfillment standards developed under paragraph (1) shall take effect as of November 5, 1990, and shall cease to be in effect on October 1, 1997.

(3) The fulfillment standards required under paragraph (1) shall be developed not later than 90 days after the date of the enactment of this Act.

(d) EXPERIENCE REQUIREMENTS FOR DEPUTY PROGRAM MANAGERS.—Section 1735(b)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out "or deputy program manager"; and

(B) by striking out "and" at the end;

(2) in subparagraph (B)—

(A) by striking out "or deputy program manager"; and

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) a deputy program manager of a major defense acquisition program, must have at least six years of experience in acquisition, at least two years of which were performed in a systems program office or similar organization; and

"(D) a deputy program manager of a significant nonmajor defense acquisition program, must have at least four years of experience in acquisition.".

(e) BUSINESS MANAGEMENT TRAINING AND EDUCATION.—(1) Clause (ii) of section 1732(b)(2)(B) of such title is amended by inserting before the period the following: "or equivalent training as prescribed by the Secretary to ensure proficiency in the disciplines listed in clause (i)".

(2) The Secretary of Defense shall prescribe equivalent training for purposes of clause (ii) of section 1732(b)(2)(B) of title 10, United States Code (as amended by paragraph (1)), not later than 120 days after the date of the enactment of this Act.

(f) REVISED DEADLINE FOR CONTROLLER GENERAL REPORT.—Section 1208(a) of Public Law 101-510 (10 U.S.C. 1701 note; 104 Stat. 1665) is amended by striking out "Not later than two years after the date of the enactment of this Act," and inserting in lieu thereof "Not later than February 1, 1993,".

SEC. 816. CERTIFICATION OF CONTRACT CLAIMS.

(a) CERTIFICATION OF CONTRACT CLAIMS.—(1) Section 2410 of title 10, United States Code, is amended to read as follows:

"§2410. Contract claims: certification

"(a) A contract claim, request for equitable adjustment to contract terms, request for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.), or other similar request by a contractor that exceeds $100,000 may not be paid unless the contractor provides, at the time the claim or request is submitted—

"(1) the certification required by section 6(c)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)(1)); and

"(2) the supporting data for the claim or request.

"(b) The certification required under subsection (a) shall be signed by—

"(1) an officer of the contractor;

"(2) an employee of the contractor who has been designated in writing, by name or position, by the officer referred to in paragraph (1) to be responsible, either directly or in a supervisory role, for the preparation, submission, and negotiation of a claim or request in the amount of the claim or request being submitted; or

"(3) an employee of the contractor who has been designated in the contract, by name or position—

"(A) to be responsible, either directly or in a supervisory role, for the preparation, submission, and negotiation of a claim or request in the amount of the claim or request being submitted; and

"(B) to certify the claim or request on behalf of the contractor.

"(c) For purposes of this section, a certification of a claim or request is deemed to be signed by an appropriate official and otherwise in appropriate form if the Government has not rejected the certification on grounds that it was signed by the wrong official or that the form of the certification is otherwise defective within three months after the date the claim or request was submitted.".

(2) Section 2410 of title 10, United States Code, as amended by paragraph (1), shall apply with respect to claims or requests submitted after the expiration of the 60-day period beginning on the date of the enactment of this Act.

(b) ADJUSTMENT OF SHIPBUILDING CONTRACTS.—Section 2405 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (a), the price under a shipbuilding contract may be adjusted for an amount set forth in a claim, request, or demand that arises out of events occurring more than 18 months before submission if—

"(1) the claim, request, or demand is a resubmission of a claim, request, or demand that was previously submitted within the time limit specified in subsection (a);

"(2) the previously submitted claim, request, or demand was determined to be deficient because of the title, status, or scope of authority of the individual who certified the claim, request, or demand;

"(3) the claim, request, or demand is resubmitted by the date which is the later of—

"(A) 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993; or

"(B) 30 days after the later of—

"(i) the date the contracting officer for the contract notifies the contractor in writing of the deficiency in the previously submitted claim, request, or demand; or

"(ii) the date on which a Board of Contract Appeals or a court makes a final decision (after all appeals have been made or all time for filing appeals has expired) that the previously submitted claim was deficiently certified; and

"(4) the certification of the claim, request, or demand under subsection (b) is based on the supporting data that existed on the date of the previous submission and is in a form that is valid under law and regulations in effect at the time of the resubmission.".

SEC. 817. DEADLINE FOR REPORT ON RIGHTS IN TECHNICAL DATA REGULATIONS.

(a) REQUIREMENT TO SUBMIT REPORT WHEN CONGRESS IS IN SESSION.—Section 807(a)(3)(A) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1421) is amended by striking out "transmit" and inserting in lieu thereof the following: "transmit, on a day on which both Houses of Congress are in session,".

(b) COMPUTATION OF PERIOD OF RESTRICTION.—Section 807(c)(2) of such Act is amended—

(1) by striking out "30 days" and inserting in lieu thereof the following: "occurring after 30 days of continuous session of Congress have expired"; and

(2) by adding at the end the following new sentence: "For purposes of this paragraph, the continuity of a session of Congress is broken only by an adjournment of the Congress sine

die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.”.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) DESIGNATION OF VICE CHAIRMAN AS MEMBER OF THE JCS.—Subsection (a) of section 151 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Vice Chairman.”.

(b) ADVICE AND OPINION.—Section 151 of such title is further amended—

(1) in subsection (d)(1)—

(A) by striking out “(other than the Chairman)” in the first sentence and inserting in lieu thereof “who is a Chief of Service”; and

(B) by striking out “If a member” in the second sentence and inserting in lieu thereof “If such a member”;

(2) in subsection (e), by striking out “The members of the Joint Chiefs of Staff” and inserting in lieu thereof “The Chairman, the Vice Chairman (when acting as Chairman), and the Chiefs of Service”;

(3) in subsection (f), by striking out “a member of the Joint Chiefs of Staff” and inserting in lieu thereof “the Chairman or a member of the Joint Chiefs of Staff who is a Chief of Service”; and

(4) by adding at the end the following:

“(h) DEFINITION.—In this section, the term ‘Chief of Service’ means any of the following:

“(1) The Chief of Staff of the Army.

“(2) The Chief of Naval Operations.

“(3) The Chief of Staff of the Air Force.

“(4) The Commandant of the Marine Corps.”.

(c) DUTIES AND RESPONSIBILITIES.—Subsection (c) of section 154 of such title is amended to read as follows:

“(c) DUTIES AND RESPONSIBILITIES.—The Vice Chairman is subject to the direction and control of the Chairman, performs duties prescribed by the Chairman, and is responsible for activities delegated by the Chairman.”.

(d) CONFORMING AMENDMENTS.—(1) Section 154(f) of such title is amended by striking out “may participate in all meetings of the Joint Chiefs of Staff, but”.

(2) Section 155(a)(1) of such title is amended by striking out “and the Vice Chairman”.

SEC. 902. CONSOLIDATION OF CRIMINAL INVESTIGATION FUNCTIONS.

(a) CONSOLIDATION.—To provide more effective, efficient, and economical administration and operation of criminal investigative activities of the Department of Defense and to eliminate duplication of such activities among the military departments, the Secretary of Defense shall consolidate in the Defense Criminal Investigative Service of the Department of Defense the following criminal investigative functions of the military departments:

(1) The United States Army Criminal Investigation Command.

(2) The Navy Investigative Service Command.

(3) The Air Force Office of Special Investigations.

(b) COMPLETION.—The consolidation of functions required by subsection (a) shall be completed not later than September 30, 1994.

SEC. 903. REPEAL OF REQUIREMENT THAT DEPUTIES AND ASSISTANTS OF THE INSPECTOR GENERALS OF THE ARMY AND AIR FORCE BE OFFICERS OF THE ARMY OR AIR FORCE.

(a) ARMY.—Section 3020 of title 10, United States Code, is amended by striking out subsection (e).

(b) AIR FORCE.—Section 8020 of such title is amended by striking out subsection (e).

SEC. 904. REPORT ON ASSIGNMENT OF SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than February 1, 1993, the Secretary of Defense shall submit to Congress a report describing the implementation of the requirement contained in section 167(b) of title 10, United States Code, that all active and reserve special operations forces of the Armed Forces stationed in the United States be assigned to the special operations command unless otherwise directed by the Secretary.

(b) COMMAND AND CONTROL RESPONSIBILITIES.—The report required by subsection (a) shall delineate the respective responsibilities of the commander of the special operations command and the chiefs of the reserve components regarding the peacetime command and control of reserve component special operations forces.

(c) OTHER MATTERS TO BE INCLUDED.—The report shall also specifically address the following matters:

(1) Establishment of training and readiness standards.

(2) Military and civilian personnel management.

(3) Programming and budget execution functions.

(4) Conduct of operational training.

SEC. 905. FISCAL YEAR 1992 ROLES AND MISSIONS REPORT OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress the most recent report submitted to the Secretary by the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, relating to the roles and missions of the Armed Forces.

(b) ADDITIONAL MATTER TO BE INCLUDED WITH REPORT.—The Secretary shall include with that report a reassessment of the historic roles and missions assigned to each of the Armed Forces (under the Key West agreement and subsequent actions by the various Secretaries of Defense and the Congress) in light of the new national security environment resulting from the end of the Cold War.

Subtitle B—Professional Military Education

SEC. 921. APPLICATION OF DEFINITION OF PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

Section 912(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1452) is amended by striking out “October 1, 1993” and inserting in lieu thereof “January 1, 1994”.

SEC. 922. PROFESSIONAL MILITARY EDUCATION TEST PROGRAM FOR RESERVE COMPONENT OFFICERS OF THE ARMY.

(a) TEST PROGRAM.—The Secretary of the Army shall carry out a test program to improve the provision of professional military education to reserve component officers of the Army by assigning officers described in subsection (b) to attend professional military courses offered at the Army Reserve Forces schools that correspond to the courses offered at the Army Combined Arms and Services Staff School and the United States Army Command and General Staff College.

(b) ELIGIBLE OFFICERS.—A reserve component officer of the Army shall be eligible for assignment under the test program if the Secretary of the Army determines that the officer—

(1) is unable to attend professional military education courses while in the active service; and

(2) satisfies such other criteria as the Secretary may prescribe.

(c) DUTY STATUS AND PAY.—A reserve component officer of the Army assigned under the test program shall attend professional military education courses in an inactive-duty status and shall be entitled to compensation under section 206 of title 37, United States Code, while in that status.

(d) REPORT.—Not later than March 31, 1995, the Secretary of the Army shall submit to Congress a report describing the effectiveness of the test program in improving the provision of professional military education to reserve component officers of the Army. The report shall include a description of—

(1) the method by which reserve component officers of the Army are selected to participate in the test program;

(2) the effect of the test program on units of the Selected Reserve and the management of duty assignments in the Selected Reserve; and

(3) the capabilities of the Army Reserve Forces schools.

(e) RESERVE COMPONENT OFFICER OF THE ARMY DEFINED.—For purposes of this section, the term “reserve component officer of the Army” means an officer of the Army National Guard of the United States or the Army Reserve who is assigned to a unit of the Selected Reserve.

SEC. 923. SUPPORT FOR PROFESSIONAL MILITARY EDUCATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the maintenance of an effective system of professional military education is increasingly important during this current period in which United States military forces are being reduced to their lowest levels since World War II; and

(2) the pressures generated by reductions in military forces should not be allowed to negate the actions taken by the Department of Defense in response to the recommendations contained in the report—

(A) prepared by the Panel on Military Education of the Committee on Armed Services of the House of Representatives; and

(B) published on April 21, 1989.

(b) STATEMENT OF CONGRESSIONAL POLICY.—The Congress urges, as a matter of policy, and fully expects the Secretary of Defense to—

(1) continue efforts to maintain the quality of the schools of the professional military education system and the joint curriculum taught at these schools; and

(2) make every effort to improve the quality and availability of professional military education courses for reserve officers who are unable to attend such courses while in the active service in order to ensure a continued source of qualified leaders for the reserve components.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1993 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. CLOSING OF APPROPRIATION ACCOUNTS AVAILABLE FOR INDEFINITE PERIODS.

Section 1555 of title 31, United States Code, relating to closing of appropriation accounts available for indefinite periods, is amended by striking out "for any purpose, if—" and all that follows through "(2) no disbursement" and inserting in lieu thereof "for any purpose, if no disbursement".

Subtitle B—Naval Vessels and Related Matters

SEC. 1011. EAST COAST HOMEPORTS FOR NUCLEAR-POWERED AIRCRAFT CARRIERS.

(a) FINDINGS.—Congress finds that—

(1) while the Navy is continuing to implement a strategic homeporting strategy, the Secretary of the Navy is not implementing the strategic homeporting concept for the carrier fleet; and

(2) the single-siting on the East Coast of nuclear aircraft carriers presents a national security risk.

(b) DEVELOPMENT OF SECOND HOMEPORT ON THE EAST COAST.—The Secretary of the Navy shall establish a second homeport on the East Coast of the United States for nuclear-powered aircraft carriers. The development work at the site selected for such a homeport shall include dredging of the berthing areas, channel, and turning basin, pier upgrades, power upgrades, new shore maintenance facilities, and such other activities as necessary to homeport a nuclear-powered aircraft carrier.

SEC. 1012. PROHIBITION ON EXPANSION OF SAN DIEGO HOMEPORT AREA.

The Secretary of the Navy may not expand the area administratively designated as the San Diego Homeport Area to include Long Beach or San Pedro, California.

SEC. 1013. TRANSFER OF CERTAIN DECOMMISSIONED VESSELS.

The Secretary of the Navy shall transfer to the Department of Transportation the following vessels, to be assigned as training ships to Texas A&M University at Galveston, Texas, and to the Maine Maritime Academy at Castine, Maine, on the date of the decommissioning of those vessels:

(1) The U.S.N.S. Chauvenet (T-AG-29).

(2) The U.S.N.S. Harkness (T-AG-32).

SEC. 1014. NAVY MINE COUNTERMEASURE PROGRAM.

(a) EVALUATION.—The Secretary of the Navy shall submit to the congressional defense committees a detailed report on actions and plans of the Navy for consolidation and centralization of control over forces assigned to the mine countermeasure mission. The report shall evaluate all facets of the mine countermeasure mission, including—

(1) proposed location of vessels, helicopters, and explosive ordinance detachment (EOD) units;

(2) proposed command structure;

(3) proposed training policies; and

(4) proposed vessel procurement policies.

(b) EVALUATION OF INGLESIDE, TEXAS, AS HOMEPORT FOR MINE COUNTERMEASURES PROGRAM.—The report under subsection (a) shall include a detailed evaluation and analysis of Ingleside, Texas, as the homeport for all mine warfare ships and a comparison of homeporting alternatives for mine warfare ships (including evaluation of homeporting such ships at bases on the East and West Coasts).

(c) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than December 31, 1992.

SEC. 1015. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1684) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

SEC. 1016. REVITALIZATION OF UNITED STATES SHIPBUILDING INDUSTRY.

(a) IN GENERAL.—The Secretary of Defense shall direct that all sealift ships built under the fast sealift program established in section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) shall be constructed and designed to commercial specifications.

(b) ESTABLISHMENT OF AN INTERAGENCY WORKING GROUP TO FORMULATE A COMPREHENSIVE PROGRAM TO PRESERVE THE SHIPYARD INDUSTRIAL BASE.—(1) The Secretary of Defense shall establish an interagency working group for the sole purpose of developing and implementing a comprehensive plan to enable and ensure that domestic shipyards can compete effectively in the international shipbuilding market.

(2) The working group shall meet regularly, not less than four times every year, and shall include representatives from all appropriate agencies, including the Department of Defense, the Department of State, the Department of Commerce, the Department of Transportation, the Department of Labor, the Office of the United States Trade Representative, and the Maritime Administration.

(3) The Secretary of Defense shall submit to Congress concurrent with the Department of Defense budget request for fiscal year 1994 the comprehensive plan developed by the working group.

(c) PENALTY FOR FAILURE TO COMPLY.—If the Secretary of Defense fails to submit to Congress with the Department of Defense budget request for fiscal year 1994 a comprehensive plan as required by subsection (b), no funds appropriated to the Department of Defense for fiscal year 1993 may be used, after the date of the submittal of the fiscal year 1994 budget request, to enter into a contract for the construction, repair, or purchase of any product or service with any company physically located in or with headquarters in any country that continues to provide a subsidy to a foreign shipyard for the construction or repair of vessels or that engages in ship dumping practices.

(d) DEFINITIONS.—For purposes of subsection (c):

(1) The term "foreign shipyard" includes a ship construction or repair facility located in a foreign country that is directly or indirectly owned, controlled, managed, or financed by a foreign shipyard that receives or benefits from a subsidy.

(2) The term "subsidy" includes any of the following:

(A) Officially supported export credits and development assistance.

(B) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

(i) grants;

(ii) loans and loan guarantees other than those available on the commercial market;

(iii) forgiveness of debt;

(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

(v) preferential provision of goods and services; and

(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

(C) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(E) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

(G) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

(3) The term "vessel" means any self-propelled, sea-going vessel—

(A) of not less than 100 gross tons, as measured under the International Convention of Tonnage Measurement of Ships, 1969; and

(B) not exempt from entry under section 441.

SEC. 1017. PROCUREMENT OF SHIPS FOR THE SEALIFT PROGRAM.

(a) ACQUISITION AND CONVERSION OF U.S. BUILT VESSELS.—Notwithstanding any other provision of law, the Secretary of the Navy may use funds available for the Fast Sealift Program—

(1) to acquire vessels for the program from among available vessels built in United States shipyards; and

(2) to convert in United States shipyards vessels built in United States shipyards.

(b) ACQUISITION OF FIVE FOREIGN-BUILT VESSELS.—Notwithstanding any other provision of law, funds available for the Fast Sealift Program may be used for the acquisition of five vessels built in foreign shipyards and for conversion of those vessels in United States shipyards if the Secretary of the Navy determines that acquisition of those vessels is necessary to expedite the availability of vessels for sealift.

SEC. 1018. REQUIREMENT TO EXPEDITE CONSTRUCTION OF SEALIFT SHIPS.

(a) REQUIREMENT.—The Secretary of the Navy shall promptly carry out a program for the construction of sealift ships.

(b) LIMITATION.—In order to achieve a more proper balance between the sealift program and the airlift program to increase strategic lift capability, during fiscal year 1993 obligations for the C-17 program, including obligations for research and development and for procurement, may not exceed, at any time during the year,

the obligations for construction of ships for the sealift program. This subsection shall not apply if all funds appropriated for the sealift program have been obligated or if the Secretary of Defense certifies to the congressional defense committees that it is not feasible to obligate funds for the construction of strategic sealift ships during fiscal year 1993. Any certification under this subsection shall include a full and complete explanation of the reasons and circumstances for the certification.

Subtitle C—Counter-Drug Activities

SEC. 1031. SUPPORT TO OTHER AGENCIES FOR COUNTER-DRUG ACTIVITIES.

Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1629), as amended by section 1088 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1485), is further amended—

(1) in subsection (a), by striking out "and 1993," and inserting in lieu thereof "1993, and 1994,"; and

(2) by striking out subsection (g) and inserting in lieu thereof the following new subsection:

"(g) Availability of Funds.—Of the amount made available for a fiscal year to the Armed Forces and other activities and agencies of the Department of Defense for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out this section.".

SEC. 1032. COUNTER-DRUG DETECTION AND SURVEILLANCE SYSTEMS PLAN.

(a) Requirements of Detection and Surveillance Systems.—The Secretary of Defense shall establish requirements for detection and surveillance systems to be used by the Department of Defense in the performance of its mission under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States. Such requirements shall be designed—

(1) to minimize redundancy between counter-drug detection and surveillance systems;

(2) to promote commonality and interoperability between such systems in a cost-effective manner; and

(3) to maximize the potential of using such systems for other defense missions whenever practicable.

(b) Evaluation of Systems.—The Secretary of Defense shall identify and evaluate existing and proposed counter-drug detection and surveillance systems in light of the requirements established under subsection (a).

(c) Systems Plan.—Based on the results of the evaluation under subsection (b), the Secretary of Defense shall prepare a plan for the development, acquisition, and use of improved counter-drug detection and surveillance systems by the Armed Forces. In selecting a detection or surveillance system for inclusion in the plan, the Secretary shall give priority to assets and technologies of the Department of Defense that are already in existence or that would require little additional development to be available for use. The plan shall include an estimate by the Secretary of the full cost to implement the plan, including the cost to develop, procure, operate, and maintain equipment used in counter-drug detection and surveillance activities performed under the plan and training and personnel costs associated with such activities.

(d) Report.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements established under subsection (a) and the results of the evaluation conducted under subsection (b). The report shall include the plan prepared under subsection (c).

(e) Limitation on Obligation of Funds.—Funds appropriated pursuant to an authorization of appropriations contained in this Act for the procurement or upgrading of a counter-drug detection or surveillance system, for research and development regarding such a system, or for the lease or rental of such a system for a new capability, may not be obligated until after the date of the submission of the report under subsection (d).

(f) Definition.—For purposes of this section, the term "counter-drug detection and surveillance systems" means detection and surveillance systems suitable for use by the Department of Defense in the performance of its mission under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

Subtitle D—Technical Amendments

SEC. 1041. REORGANIZATION OF SECTION 101 DEFINITIONS.

Section 101 of title 10, United States Code, is amended to read as follows:

"§101. Definitions

(a) In General.—The following definitions apply in this title:

"(1) The term 'United States', in a geographic sense, means the States and the District of Columbia.

"(2) The term 'Territory' (except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States) means any Territory organized after August 10, 1956, so long as it remains a Territory.

"(3) The term 'possessions' includes the Virgin Islands, Guam, American Samoa, and the Guano Islands, so long as they remain possessions, but does not include any Territory or Commonwealth.

"(4) The term 'armed forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

"(5) The term 'uniformed services' means—

"(A) the armed forces;

"(B) the commissioned corps of the National Oceanic and Atmospheric Administration; and

"(C) the commissioned corps of the Public Health Service.

"(6) The term 'department', when used with respect to a military department, means the executive part of the department and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the department. When used with respect to the Department of Defense, such term means the executive part of the department, including the executive parts of the military departments, and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of Defense, including those of the military departments.

"(7) The term 'executive part of the department' means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

"(8) The term 'military departments' means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

"(9) The term 'Secretary concerned' means—

"(A) the Secretary of the Army, with respect to matters concerning the Army;

"(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy;

"(C) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

"(D) the Secretary of Transportation, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

"(10) The term 'service acquisition executive' means the civilian official within a military department who is designated as the service acquisition executive for purposes of regulations and procedures providing for a service acquisition executive for that military department.

"(11) The term 'Defense Agency' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

"(B) that is designated by the Secretary of Defense as a Defense Agency.

"(12) The term 'Department of Defense Field Activity' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department; and

"(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.

"(13) The term 'contingency operation' means a military operation that—

"(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

"(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 672(a), 673, 673b, 673c, 688, 3500, or 8500 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

"(14) The term 'supplies' includes material, equipment, and stores of all kinds.

"(15) The term 'pay' includes basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

"(b) Personnel Generally.—The following definitions relating to military personnel apply in this title:

"(1) The term 'officer' means a commissioned or warrant officer.

"(2) The term 'commissioned officer' includes a commissioned warrant officer.

"(3) The term 'warrant officer' means a person who holds a commission or warrant in a warrant officer grade.

"(4) The term 'general officer' means an officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

"(5) The term 'flag officer' means an officer of the Navy or Coast Guard serving in or having the grade of admiral, vice admiral, rear admiral, or rear admiral (lower half).

"(6) The term 'enlisted member' means a person in an enlisted grade.

"(7) The term 'grade' means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

"(8) The term 'rank' means the order of precedence among members of the armed forces.

"(9) The term 'rating' means the name (such as 'boatswain's mate') prescribed for members of

an armed force in an occupational field. The term 'rate' means the name (such as 'chief boatswain's mate') prescribed for members in the same rating or other category who are in the same grade (such as chief petty officer or seaman apprentice).

"(10) The term 'original', with respect to the appointment of a member of the armed forces in a regular or reserve component, refers to that member's most recent appointment in that component that is neither a promotion nor a demotion.

"(11) The term 'authorized strength' means the largest number of members authorized to be in an armed force, a component, a branch, a grade, or any other category of the armed forces.

"(12) The term 'regular', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office in a regular component of an armed force.

"(13) The term 'active-duty list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 620 of this title) which contains the names of all officers of that armed force, other than officers described in section 641 of this title, who are serving on active duty.

"(14) The term 'medical officer' means an officer of the Medical Corps of the Army, an officer of the Medical Corps of the Navy, or an officer in the Air Force designated as a medical officer.

"(15) The term 'dental officer' means an officer of the Dental Corps of the Army, an officer of the Dental Corps of the Navy, or an officer of the Air Force designated as a dental officer.

"(c) Reserve Components.—The following definitions relating to the reserve components apply in this title:

"(1) The term 'National Guard' means the Army National Guard and the Air National Guard.

"(2) The term 'Army National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

"(A) is a land force;

"(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

"(C) is organized, armed, and equipped wholly or partly at Federal expense; and

"(D) is federally recognized.

"(3) The term 'Army National Guard of the United States' means the reserve component of the Army all of whose members are members of the Army National Guard.

"(4) The term 'Air National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

"(A) is an air force;

"(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

"(C) is organized, armed, and equipped wholly or partly at Federal expense; and

"(D) is federally recognized.

"(5) The term 'Air National Guard of the United States' means the reserve component of the Air Force all of whose members are members of the Air National Guard.

"(6) The term 'reserve', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office held as a Reserve of one of the armed forces.

"(d) Duty Status.—The following definitions relating to duty status apply in this title:

"(1) The term 'active duty' means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

"(2) The term 'active duty for a period of more than 30 days' means active duty under a call or order that does not specify a period of 30 days or less.

"(3) The term 'active service' means service on active duty or full-time National Guard duty.

"(4) The term 'active status' means the status of a reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

"(5) The term 'full-time National Guard duty' means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

"(6) The term 'inactive-duty training' means—

"(A) duty prescribed for Reserves by the Secretary concerned under section 206 of title 37 or any other provision of law; and

"(B) special additional duties authorized for Reserves by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

Such term includes those duties when performed by Reserves in their status as members of the National Guard.

"(e) Rules of Construction.—In this title—

"(1) 'shall' is used in an imperative sense;

"(2) 'may' is used in a permissive sense;

"(3) 'no person may * * *' means that no person is required, authorized, or permitted to do the act prescribed;

"(4) 'includes' means 'includes but is not limited to'; and

"(5) 'spouse' means husband or wife, as the case may be.

"(f) Reference to Title 1 Definitions.—For other definitions applicable to this title, see sections 1 through 5 of title 1.".

SEC. 1042. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS.

(a) Title 37, United States Code.—Title 37, United States Code, is amended as follows:

(1) Section 301d(c) is amended—

(A) in paragraph (2), by striking out "owned" and inserting in lieu thereof "owed"; and

(B) in paragraph (3), by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991" and inserting in lieu thereof "November 5, 1990".

(2) Section 303a(b) is amended by striking out "301d," after "such sections".

(3) Section 406(g)(1)(A) is amended by inserting a semicolon after "title 10".

(4) Section 406b(d) by striking out "Section 420" and inserting in lieu thereof "Section 421".

(5) Section 559(c)(3)(A)(i) is amended by striking out "of this subparagraph".

(6) Section 1007(i)(3) is amended by striking out "and warrant officers" and inserting in lieu thereof ", warrant officers, and limited duty officers".

(b) Base Closure Act.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in section 2903(c)(4)—

(A) by striking out "(4)" the first place it appears; and

(B) by striking out the first sentence; and

(2) in section 2906, by striking out "(d) Account" and inserting in lieu thereof "(e) Account".

Subtitle E—Miscellaneous Matters

SEC. 1051. USE OF AIRCRAFT SAFETY AND ACCIDENT INVESTIGATION REPORTS.

(a) Treatment of Reports of Aircraft Accident and Safety Investigations.—(1) Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2254. Treatment of reports of aircraft accident and safety investigations

"(a) In General.—(1) Whenever the Secretary of a military department conducts an accident investigation or a safety investigation of an accident involving an aircraft under the jurisdiction of the Secretary, the records and report of the investigations shall be treated in accordance with this section.

"(2) For purposes of this section, a safety investigation is an investigation conducted solely to determine the cause of an aircraft accident and to obtain information that may prevent the occurrence of similar accidents. An accident investigation is any form of investigation concerning the accident that is not a safety investigation.

"(b) Disclosure of Safety Investigation Results to Congressional Committees.—(1) The Secretary concerned shall furnish the records and reports of a safety investigation to the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives upon the request of the chairman and ranking minority member of that committee.

"(2) An individual to whom access is provided to the records or reports of a safety investigation as furnished under paragraph (1) shall preserve confidentiality of the contents thereof and may not publicly disclose any information contained therein.

"(c) Public Disclosure of Certain Accident Investigation Information.—(1) The Secretary concerned shall publicly disclose unclassified tapes, scientific reports, and other information pertinent to an aircraft accident investigation, before the release of the final accident investigation report relating to the accident if the Secretary concerned determines that release of such information or reports—

"(A) would not undermine the ability of accident investigators to continue to conduct the investigation; and

"(B) would not compromise national security.

"(2) A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

"(d) Findings Regarding Causation of Accident.—Following a military aircraft accident—

"(1) if the facts and circumstances surrounding the accident show the cause or causes of the accident by clear and convincing evidence (as determined by the Secretary concerned), the final report of the accident investigation shall contain a clear conclusory statement or determination setting forth the cause or causes of the accident; and

"(2) if the facts and circumstances surrounding the accident do not show the cause or causes of the accident by clear and convincing evidence (as determined by the Secretary concerned), the final report of the accident investigation shall contain a section describing those factors that, in the opinion of the investigators who conducted the accident investigation, substantially contributed to or caused the accident.

"(e) Use of Information in Civil Proceedings.—For purposes of any civil or criminal pro-

ceeding arising from an aircraft accident, the conclusions or statements of factors contributing to the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such information be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2254. Treatment of reports of aircraft accident and safety investigations.".

(b) EFFECTIVE DATE.—Section 2254 of title 10, United States Code, as added by subsection (a), shall apply with respect to accidents occurring on or after the date of the enactment of this Act.

SEC. 1052. SURVIVOR NOTIFICATION AND ACCESS TO REPORTS RELATING TO SERVICE MEMBERS WHO DIE IN THE LINE OF DUTY.

(a) AVAILABILITY OF FATALITY REPORTS AND RECORDS.—

(1) REQUIREMENT.—The Secretary of each military department shall ensure that fatality reports and records pertaining to any member of the Armed Forces who dies in the line of duty shall be made available to family members of the service member in accordance with this subsection.

(2) INFORMATION TO BE PROVIDED AFTER NOTIFICATION OF DEATH.—Within a reasonable period of time after family members of a service member are notified of the member's death, but not more than 30 days after the date of notification, the Secretary concerned shall ensure that the family members—

(A) in any case in which the cause or circumstances surrounding the death are under investigation, are informed of that fact, of the names of the agencies within the Department of Defense conducting the investigations, and the existence of any reports by such agencies that have been or will be issued as a result of the investigations; and

(B) are furnished, if the family members so desire, a copy of any investigative report and any other fatality reports and records that are available at the time family members are provided the information described in subparagraph (A).

(3) ASSISTANCE IN OBTAINING REPORTS.—(A) In any case in which an investigative report or other fatality reports and records are not available at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death, the Secretary concerned shall ensure that a copy of such investigative report and any other fatality reports and records are furnished to the family members, if they so desire, when the reports and records become available, to the extent such reports and records may be furnished consistent with section 552 and 552a of title 5, United States Code.

(B) In any case in which an investigative report or other fatality reports and records cannot be released at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death because of section 552 or 552a of title 5, United States Code, the Secretary concerned shall ensure that the family members—

(i) are informed about the requirements and procedures necessary to obtain a copy of such reports and records; and

(ii) are assisted, if the family members so desire, in complying with such requirements and procedures.

(C) The requirement of subparagraph (B) to inform and assist family members in obtaining copies of fatality reports and records shall continue until a copy of each report and record is obtained, or access to any such report or record is denied by competent authority.

(4) WAIVER.—The requirements of paragraph (2) or (3) may be waived on a case-by-case basis, but only if the Secretary of the military department concerned determines that compliance with such requirements is not in the interests of national security.

(b) REVIEW OF FATALITY NOTIFICATION PROCEDURES.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the fatality notification procedures used by the military departments. Such review shall examine the following matters:

(A) Whether uniformity in fatality notification procedures among the military departments is desirable, particularly with respect to—

(i) the use of one or two casualty notification and assistance officers;

(ii) the use of standardized fatality report forms and witness statements;

(iii) the use of a single center for all military departments through which fatality information may be processed; and

(iv) the use of uniform procedures and the provision of a dispute resolution process for instances in which members of one of the Armed Forces inflict casualties on members of another of the Armed Forces.

(B) Whether existing fatality report forms should be modified to include a block or blocks with which to identify the cause of death as "friendly fire", "U.S. ordnance", or "unknown".

(C) Whether the existing "Emergency Data" form prepared by members of the Armed Forces should be revised to allow members to specify provision for notification of additional family members in cases such as the case of a divorced service member who leaves children with both a current and a former spouse.

(D) Whether the military departments should, in all cases, provide family members of a service member who died in the line of duty with full and complete details of the death of the service member, even in cases where such details may be graphic, embarrassing to the family members, or reflect badly on the military department concerned.

(E) Whether, and when, the military departments should inform family members of a service member who died in the line of duty about the possibility that the death may have been the result of friendly fire.

(F) The criteria and standards which the military departments should use in deciding when disclosure is appropriate to family members of a member of the military forces of an allied nation who died in the line of duty when the death may have been the result of fire from United States armed forces and an investigation into the cause or circumstances of the death has been conducted.

(2) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). Such report shall be submitted not later than March 31, 1993, and shall include recommendations on the matters examined in the review and on any other matters the Secretary determines to be appropriate based upon the review or on any other reviews undertaken by the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) The term "fatality reports and records" includes investigative reports and any other reports or records pertaining to the cause or circumstances of death of a member of the Armed Forces in the line of duty (such as autopsy reports or pictures, battlefield reports, and medical records).

(2) The term "family members" means parents, spouses, adult children, and such other relatives as the Secretary concerned considers appropriate.

(3) The term "Armed Forces" does not include the Coast Guard.

SEC. 1053. ADMISSION OF CIVILIANS AS STUDENTS AT THE UNITED STATES NAVAL POSTGRADUATE SCHOOL.

(a) CIVILIAN ATTENDANCE.—Chapter 605 of title 10, United States Code, is amended—

(1) by redesignating section 7047 as section 7048; and

(2) by inserting after section 7046 the following new section:

"§7047. Students at institutions of higher education: admission

"(a) ADMISSION PURSUANT TO RECIPROCAL AGREEMENT.—The Secretary of the Navy may enter into an agreement with an accredited institution of higher education to permit a student described in subsection (b) enrolled at that institution to receive instruction at the Naval Postgraduate School on a tuition-free basis. In exchange for the admission of the student, the institution of higher education shall be required to permit an officer of the armed forces to attend on a tuition-free basis courses offered by that institution corresponding in length to the instruction provided to the student at the Naval Postgraduate School.

"(b) ELIGIBLE STUDENTS.—A student enrolled at an institution of higher education that is party to an agreement under subsection (a) may be admitted to the Naval Postgraduate School pursuant to that agreement if—

"(1) the student is a citizen of the United States or lawfully admitted for permanent residence in the United States; and

"(2) the Secretary of the Navy determines that the student has a demonstrated ability in a field of study designated by the Secretary as related to naval warfare and national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 7047 and inserting in lieu thereof the following new items:

"7047. Students at institutions of higher education: admission.

"7048. Conferring of degrees on graduates.".

SEC. 1054. EXTENSION OF OVERSEAS WORKLOAD PROGRAM.

Section 1465(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1700; 10 U.S.C. 2341 note) is amended by striking out "fiscal year 1991 or 1992" and inserting in lieu thereof "fiscal year 1991, 1992, or 1993".

SEC. 1055. COMPETITIVE PROTOTYPE PROGRAM STRATEGY FOR DEVELOPMENT OF MAJOR DEFENSE ACQUISITION SYSTEMS.

(a) REINSTATEMENT OF REQUIREMENT.—Subsection (e) of section 2365 of title 10, United States Code, is repealed.

(b) INCLUSION OF HIGHLY CLASSIFIED PROGRAMS.—Subsection (d)(2) of such section is amended by striking out "program that—" and all that follows through "is estimated" and inserting in lieu thereof "program that is estimated".

(c) EFFECTIVE DATE.—Section 2365 of title 10, United States Code, as amended by this section, shall apply to major weapons systems that enter the advanced development stage after the date of the enactment of this Act.

TITLE XI—DEFENSE REINVESTMENT FOR ECONOMIC GROWTH

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1993 the sum of $1,000,000,000 for programs authorized by law before the date of the enactment of this Act for programs under title 10, United States Code, that have applicability to defense reinvestment or economic conversion. Sums ap-

propriated pursuant to the preceding sentence shall remain available until expended. The Secretary of Defense shall provide for the allocation of funds appropriated pursuant to such authorization among programs referred to in the first sentence of this section.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1993".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$99,300,000
	Fort McClellan	$10,100,000
Arizona	Fort Huachuca	$3,350,000
Arkansas	Pine Bluff Arsenal	$26,800,000
California	Sierra Army Depot	$2,450,000
Colorado	Fitzsimons Army Medical Center	$25,400,000
Georgia	Fort Gillem	$2,700,000
	Hunter Army Airfield	$5,400,000
Hawaii	Schofield Barracks	$5,800,000
Kentucky	Fort Knox	$15,600,000
Louisiana	Fort Polk	$7,400,000
Mississippi	Camp McCain	$18,300,000
New Jersey	Fort Dix	$2,000,000
	Fort Monmouth	$3,550,000
New York	Fort Drum	$21,500,000
	United States Military Academy, West Point	$1,600,000
North Carolina	Fort Bragg	$8,200,000
Oklahoma	Fort Sill	$1,500,000
Pennsylvania	Letterkenny Army Depot	$5,400,000
Texas	Corpus Christi Army Depot	$21,200,000
	Fort Bliss	$24,960,000
	Fort Hood	$33,000,000
	Red River Army Depot	$3,600,000
Utah	Tooele Army Depot	$9,200,000
Virginia	Fort Pickett	$5,800,000
CONUS Classified.	Classified Location	$2,710,000
	Classified Locations	$700,000

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	$11,600,000
Kwajelein Atoll	Kwajalein Atoll	$19,800,000
CONUS Classified.	Classified Locations	$1,000,000

SEC. 2102. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(7)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Hawaii	Oahu Various	200 units	$23,000,000

Army: Family Housing—Continued

State	Installation	Purpose	Amount
Texas	Fort Hood	227 units	$28,000,000
Virginia	Fort Pickett	26 units	$2,300,000

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(7)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $8,940,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(7)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $149,160,000.

SEC. 2104. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(3), the Secretary of the Army may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at Camp McCain, Mississippi, in the total amount of $18,300,000.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,735,735,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $349,220,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $32,400,000.

(3) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $18,300,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $54,803,000.

(5) For repair of real property authorized by section 2805 of title 10, United States Code, $448,795,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $112,300,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $211,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,375,517,000, of which not more than $358,241,000 may be obligated or expended for the leasing of military family housing worldwide.

(8) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $133,000,000, to remain available until expended.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2106. EXTENSIONS OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) Extensions.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189, 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1993, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1994, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

Army: Extension of 1990 Project Authorizations

State or country	Installation or location	Project	Amount
Colorado	Fitzsimons Army Medical Center.	Child development center	$2,100,000
Kansas	Fort Riley	Child development center	$1,500,000
Louisiana.	Fort Polk	Range modernization	$9,600,000
Pennsylvania.	New Cumberland Army Depot.	Hazardous material storage facility	$14,000,000
Virginia	Fort Lee	Enlisted Petroleum Training Facility	$8,300,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Camp Pendleton, Marine Corps Base	$25,500,000
	Lemoore, Naval Air Station	$680,000
	Mare Island Naval Shipyard	$8,000,000
	Miramar Naval Air Station	$9,700,000
	Port Hueneme, Naval Construction Battalion Center	$14,300,000
	Seal Beach, Naval Weapons Station	$2,150,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$4,600,000
Connecticut	New London, Naval Submarine Base	$12,500,000
Florida	Cecil Field, Naval Air Station	$5,850,000
Georgia	Albany, Marine Corps Logistics Base	$4,100,000
Hawaii	Barking Sands, Pacific Missile Range Facility	$4,580,000
	Honolulu, Naval Communication Area Master Station, Eastern Pacific	$1,400,000
	Pearl Harbor, Naval Supply Center	$7,700,000
	Pearl Harbor, Navy Public Works Center	$24,900,000
Indiana	Crane, Naval Surface Warfare Center	$6,000,000
Maryland	Annapolis, United States Naval Academy, Annapolis	$11,000,000
	Indian Head, Naval Ordnance Station	$7,590,000
	Patuxent River Naval Warfare Center, Aircraft Division	$60,990,000
Mississippi	Meridian Naval Air Station	$1,100,000
Rhode Island	Newport, Naval Education and Training Center	$540,000
	Newport, Naval Undersea Warfare Center	$14,000,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
South Carolina	Charleston, Naval Weapons Station	$1,110,000
Tennessee	Memphis, Naval Air Station	$14,110,000
Texas	Corpus Christi, Naval Air Station	$4,900,000
	Kingsville, Naval Air Station	$20,120,000
Virginia	Damneck, Fleet Combat Training Center	$19,427,000
	Little Creek, Naval Amphibious Station	$13,300,000
	Norfolk, Naval Air Station	$3,450,000
	Norfolk, Naval Station	$880,000
	Norfolk, Naval Station, Fort Story Annex	$5,650,000
	Norfolk, Naval Supply Center	$12,400,000
	Oceana, Naval Air Station	$3,190,000
	Yorktown, Naval Weapons Station	$1,100,000
Washington	Bangor, Trident Refit Facility	$1,550,000
	Bremerton, Puget Sound Naval Shipyard	$14,800,000
	Bremerton, Naval Inactive Ship Maintenance Facility	$1,200,000
	Everett, Naval Station	$5,600,000
	Puget Sound Naval Station	$13,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Souda Bay, Naval Support Activity	$7,600,000
Various Locations.	Host Nation Infrastructure Support	$3,000,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Camp Pendleton Marine Corps Base.	300 units	$30,600,000
	San Diego Navy Public Works Center.	300 units	$30,400,000
Connecticut	New London, Naval Submarine Base.	100 units	$11,850,000
Hawaii	Kauai, Pacific Missile Range Facility.	13 units	$2,330,000
	Oahu, Naval Complex.	100 units	$11,820,000
New Jersey	Earle, Naval Weapons Station.	Community Center	$1,100,000
Washington	Bangor/Bremerton Naval Complex.	200 units	$19,500,000
	Kitsap County	200 units	$19,500,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $14,200,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $198,340,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,889,242,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $312,277,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $10,600,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $67,123,000.

(4) For repair of real property authorized by section 2805 of title 10, United States Code, $389,133,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,292,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $339,640,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $696,177,000, of which not more than $104,470,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $50,990,000 (the balance of the amount authorized under section 2201(a) for the construction of the Large Anachoic Chamber Facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base	$960,000
	Maxwell Air Force Base	$10,700,000
Alaska	Clear Air Force Station	$2,250,000
	Eielson Air Force Base	$2,550,000
	Elmendorf Air Force Base	$6,550,000
	Galena Airport	$4,850,000
	King Salmon Airport	$6,400,000
	Shemya Air Force Base	$3,350,000
Arizona	Libby Army Air Field	$15,300,000
	Davis Monthan Air Force Base	$3,500,000
Arkansas	Little Rock Air Force Base	$710,000
California	Beale Air Force Base	$5,600,000
	Edwards Air Force Base	$19,500,000
	March Air Force Base	$2,250,000
	McClellan Air Force Base	$9,900,000
	Travis Air Force Base	$11,680,000
	Vandenberg Air Force Base	$26,250,000
Colorado	Peterson Air Force Base	$3,500,000
	United States Air Force Academy	$4,260,000
Delaware	Dover Air Force Base	$21,260,000
District of Columbia.	Bolling Air Force Base	$9,400,000
Florida	Cape Canaveral Air Force Station	$40,800,000
	Eglin Air Force Base	$1,680,000
	Homestead Air Force Base	$1,200,000
	Patrick Air Force Base	$7,700,000
Georgia	Moody Air Force Base	$780,000
Illinois	Scott Air Force Base	$960,000
Kansas	McConnell Air Force Base	$960,000
Louisiana	Barksdale Air Force Base	$3,320,000
Maryland	Andrews Air Force Base	$820,000
Mississippi	Keesler Air Force Base	$6,550,000
Missouri	Whiteman Air Force Base	$65,570,000
Montana	Malmstrom Air Force Base	$1,100,000
Nebraska	Offutt Air Force Base	$6,190,000
Nevada	Nellis Air Force Base	$10,930,000
New Jersey	McGuire Air Force Base	$8,970,000
New Mexico	Cannon Air Force Base	$2,800,000
	Holloman Air Force Base	$11,420,000
North Carolina.	Pope Air Force Base	$22,150,000
	Seymour Johnson Air Force Base	$5,230,000
North Dakota	Cavalier Air Force Station	$1,450,000
	Grand Forks Air Force Base	$6,500,000
	Minot Air Force Base	$6,600,000
Ohio	Wright-Patterson Air Force Base	$12,170,000
Oklahoma	Altus Air Force Base	$7,300,000
	Tinker Air Force Base	$21,280,000
	Vance Air Force Base	$2,350,000
South Carolina.	Charleston Air Force Base	$30,000,000
	Shaw Air Force Base	$2,380,000
South Dakota.	Ellsworth Air Force Base	$3,880,000
Texas	Dyess Air Force Base	$7,300,000
	Kelly Air Force Base	$21,360,000
	Lackland Air Force Base	$9,000,000
	Laughlin Air Force Base	$6,000,000
	Randolph Air Force Base	$1,250,000
	Sheppard Air Force Base	$6,990,000
Utah	Hill Air Force Base	$8,100,000
Virginia	Langley Air Force Base	$1,750,000
Washington	Fairchild Air Force Base	$2,510,000
	McChord Air Force Base	$2,540,000
Wyoming	F.E. Warren Air Force Base	$1,050,000
Various Locations.	Various Locations	$3,900,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Rhein-Main Air Base	$3,100,000
Greenland	Thule Air Base	$24,900,000
Guam	Andersen Air Force Base	$23,240,000
Portugal	Lajes Field	$8,450,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or country	Installation	Purpose	Amount
California	March Air Force Base	320 units	$38,351,000
Florida	Patrick Air Force Base	250 units	$16,000,000
Georgia	Robins Air Force Base	55 units	$3,153,000
New Mexico.	Cannon Air Force Base	361 units	$32,951,000
Utah	Hill Air Force Base	82 units	$6,353,000
Portugal	Lajes Field	Water wells	$865,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $7,457,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $227,824,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,318,836,000.

(1) For military construction projects inside the United States authorized by section 2301(a), $535,510,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $59,690,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $82,000,000.

(4) For repair of real property authorized by section 2805 of title 10, United States Code, $276,394,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $95,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $332,954,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $937,288,000 of which not more than $150,800,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1) and, in the case of the projects described in paragraphs (2), (3), (4), and (5) of section 2403(c), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency.	Defense Reutilization and Marketing Office, March Air Force Base, California	$630,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	$1,700,000
	Defense General Supply Center, Richmond, Virginia	$2,900,000
Defense Medical Facility Office.	Beale Air Force Base, Califiornia	$3,500,000
	March Air Force Base, California	$18,000,000
	Fitzsimons Army Medical Center, Colorado	$390,000,000
	Walter Reed Army Medical Center, District of Columbia	$147,300,000
	Fort Leonard Wood, Missouri	$3,000,000
	Fort Bragg, North Carolina	$250,000,000
	Millington Naval Air Station, Tennessee	$15,000,000
Defense Nuclear Agency.	Eglin Air Force Base, Florida	$64,000,000
National Security Agency.	Fort Meade, Maryland	$6,700,000
Section 6 Schools.	Fort Bragg, North Carolina	$3,950,000
Strategic Defense Initiative Organization.	Barking Sands, Hawaii	$5,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Medical Facilities Office.	Classified Location	$8,000,000
Defense Nuclear Agency.	Johnston Island	$1,500,000
National Security Agency.	Classified Locations	$6,000,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(10), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,734,318,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a) $112,850,000.

(2) For military construction projects outside the United States authorized by section 2401(b) $15,500,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, as amended, $27,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $16,000,000.

(5) For military construction projects at Homestead Air Force Base, Florida, authorized by section 2401(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993, $10,000,000.

(6) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $40,114,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $85,818,000.

(9) For conforming storage facilities constructed under the authority of section 2404(a) of the Military Construction Authorization Act, 1987, as amended, $3,580,000.

(10) For energy conservation projects authorized by section 2402, $60,000,000.

(11) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526), $440,700,000.

(12) For base closure and realignment activities as authorized by the Defense Realignment and Closure Act of 1990, section 2092 of the National Defense Authorization Act for Fiscal Year 1991, (Public Law 101–510, Stat. 1810), $1,743,600,000.

(13) For repair of real property authorized by section 2805 of title 10, United States Code, $140,756,000.

(14) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $28,400,000, of which not more than $23,559,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1993 for military construction functions of the defense agencies that remain available for obligation on the date of enactment of this Act are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2401(a) for the Defense Logistics Agency.

(c) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $134,000,000 (the balance of the amount authorized for construction of the Walter Reed Institute of Research, District of Columbia);

(3) $32,000,000 (the balance of the amount authorized for the construction of the Climatic Test Chamber at Eglin Air Force Base, Florida);

(4) $240,000,000 (the balance of the amount authorized for construction of the Army Medical Center at Fort Bragg, North Carolina); and

(5) $388,000,000 (the balance of the amount authorized for Fitzsimons Army Medical Center, Colorado).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $121,200,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1992, for the costs of acquisition, architectural and engineering services, repair of real property, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $199,411,000; and

(B) for the Army Reserve, $31,500,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $37,772,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $261,259,000; and

(B) for the Air Force Reserve, $56,380,000.

TITLE XXVII— EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1996 for military construction contracts, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EFFECTIVE DATES.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall be in effect as of October 1, 1992 or the date of enactment of a Military Construction Authorization Act for Fiscal Year 1993, whichever is later.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. DEFINITION OF MILITARY CONSTRUCTION.

(a) Revision in Military Construction Activities.—Subsection (a) of section 2801 of title 10, United States Code, is amended—

(1) by inserting "alteration, repair," after "conversion,"; and

(2) by striking out "of any kind carried out with respect to a military installation." and inserting in lieu thereof "of any kind that is carried out with respect to a military installation, costs more than $15,000, and extends the useful life of a facility.".

(b) Conforming Definition.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The term 'extends the useful life of a facility' means any work that goes beyond preserving the physical structure of a facility or its support systems.".

SEC. 2802. UNSPECIFIED MINOR CONSTRUCTION AND REPAIR.

(a) Military Construction Funding.—Subsection (a)(1) of section 2805 of title 10, United States Code, is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), within an amount equal to 125 percent of the amount authorized by law for such purpose, the Secretary concerned may carry out military construction not otherwise authorized by law. Military construction authorized by this section is—

"(A) a minor military construction project for a single undertaking at a military installation that has an approved cost equal to or less than $1,500,000; or

"(B) a repair project that costs more than $15,000 and extends the useful life of a facility.".

(b) Operation and Maintenance Funding.—Subsection (c)(1) of such section is amended—

(1) by striking out "military construction project costing not more than $300,000." and inserting in lieu thereof "minor military construction project or repair project that costs not more than $15,000."; and

(2) by adding at the end the following new sentence: "Unspecified minor construction projects and repair projects at facilities funded by working capital funds established pursuant to section 2208 of this title may be funded by the working capital funds and shall not be subject to the dollar limitation prescribed in this paragraph.".

(c) Conforming Repeal Regarding Renovations.—Section 2811 of title 10, United States Code, is repealed.

(d) Authorized Cost Variations.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "subsection (c) or (d)" and inserting in lieu thereof "subsection (c), (d), or (e)"; and

(2) by adding at the end the following new subsection:

"(e) This section does not apply to minor construction projects or repair projects authorized by section 2805 of this title.".

(e) Clerical Amendments.—(1) The heading of section 2805 of title 10, United States Code, is amended to read as follows:

"§2805. Unspecified minor construction and repair".

(2) The table of sections at the beginning of subchapter I of chapter 169 of such title is amended—

(A) by striking out the item relating to section 2811; and

(B) by striking out the item relating to section 2805 and inserting in lieu thereof the following:

"2805. Unspecified minor construction and repair.".

SEC. 2803. REDUCED AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS TO CARRY OUT SMALL PROJECTS INVOLVING RESERVE COMPONENT FACILITIES.

Section 2233a(b) of title 10, United States Code, is amended by striking out "$300,000" and inserting in lieu thereof "$15,000".

SEC. 2804. NOTICE AND WAIT REQUIREMENTS FOR EMERGENCY CONSTRUCTION.

Section 2803(b) of title 10, United States Code, is amended—

(1) in the second sentence, by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking out the third sentence;

(3) by inserting "(1)" after "(b)"; and

(4) by adding at the end the following new paragraph:

"(2) A military construction project under this section may be carried out only after—

"(A) in the case of a project determined by the Secretary concerned to be vital to national security, the end of the five-day period beginning on the date the report required by paragraph (1) is received by the appropriate committees of Congress; and

"(B) in the case of a project determined by the Secretary concerned to be vital to the protection of health, safety, or the quality of the environment, the end of the 21-day period beginning on the date such report is received by such committees.".

SEC. 2805. AUTHORITY TO CARRY OUT ENERGY CONSERVATION CONSTRUCTION PROJECTS.

Section 2865 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Energy Conservation Construction Projects.—The Secretary of Defense may carry out a military construction project for energy conservation, not previously authorized, using funds appropriated or otherwise made available for that purpose.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2821. DEMONSTRATION PROJECT FOR THE USE OF NATIONAL RELOCATION CONTRACTOR TO ASSIST DEPARTMENT OF DEFENSE.

(a) Use of National Relocation Contractor.—The Secretary of Defense shall enter into a one-year contract with a private relocation contractor that operates on a nationwide basis to test the cost-effectiveness of using national relocation contractors to administer the homeowners assistance program under section 2832 of title 10, United States Code. The contract shall be competitively awarded not later than 30 days after the date of the enactment of this Act.

(b) Report on Contract.—Not later than September 30, 1993, the Comptroller General shall submit to Congress a report measuring the effectiveness of the national contractor in terms of total program cost and efficiency against the total cost of the program as operated by the Corps of Engineers using its own employees or through contracts with relocation companies located at the site of each base closure or realignment.

SEC. 2822. CHANGE IN DATE OF REPORT OF COMPTROLLER GENERAL TO CONGRESS AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2903(d)(5)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out "May 15 of each year" and inserting in lieu thereof "April 15 of each year".

Subtitle C—Land Transactions

SEC. 2831. EXCHANGE OF CERTAIN REAL PROPERTY FOR REPLACEMENT FACILITIES, TUSTIN, CALIFORNIA.

(a) In General.—Notwithstanding section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and subject to subsection (b), the Secretary of the Navy may convey, through one or more transactions, all right, title, and interest of the United States in and to a tract of real property consisting of approximately 1,250 acres and comprising the operations portion of Marine Corps

Air Station (MCAS), Tustin, California. The operations portion of MCAS Tustin is that portion of the installation other than family housing, related personnel support facilities, and the Armed Forces Reserve Center. The transfer of the property shall be by competitive procedures and at not less than the fair market value of the property, as determined by the Secretary of the Navy.

(b) CONSIDERATION AND USE OF PROCEEDS.—(1) In consideration for the conveyance authorized by subsection (a), the transferee shall provide construction of new facilities and renovations of existing facilities at Marine Corps Base/MCAS Camp Pendleton or Marine Corps Air Ground Combat Center, Twentynine Palms, or the remaining portion of MCAS, Tustin, California, or any combination of these locations, as determined by the Secretary of the Navy to be necessary to support the remaining portion of MCAS Tustin and the missions of the Marine Aircraft Groups and supporting units being relocated or composited as a result of the conveyance authorized by subsection (a).

(2) If the combined value of the renovations and newly constructed facilities is less than the fair market value of the property conveyed pursuant to subsection (a), the transferee shall make a cash payment to the United States of an amount equal to the difference.

(3) All payments received under paragraph (2) shall be paid into the Department of Defense Base Closure Account 1990, established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(c) EXPIRATION OF AUTHORITY.—(1) The authority provided by this section shall expire 12 months after the date of the enactment of this Act, unless the Secretary determines that—

(A) there is a reasonable likelihood of executing an agreement accomplishing the conveyance authorized by subsection (a) within an additional period not to exceed twelve months; and

(B) further efforts to effect the conveyance authorized by this section are in the best interests of the United States.

(2) Upon making a determination under paragraph (1), the Secretary may extend the authority provided by this section for an additional period not to exceed twelve months.

(3) Upon the expiration of the authority provided by this section, the closure of the operations portion of MCAS Tustin shall proceed as a closure under the provisions of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The exact acreage and legal descriptions of lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(2) All renovations and new construction obtained under this section shall be performed to commercial standards to the maximum extent feasible.

(3) Any agreement entered into under this section shall be subject to such other terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2832. MODIFICATION OF LAND EXCHANGE, SAN DIEGO, CALIFORNIA.

Section 837 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1529), is amended—

(1) in subsection (a) by striking out "or the San Diego Energy Recovery Project, a joint powers agency of the city and county of San Diego (hereinafter in this section referred to as 'SANDER'),";

(2) by striking out subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (e) and (f);

(4) by inserting after subsection (b) the following new subsections:

"(c) ALTERNATIVE CONSIDERATION.—(1) In lieu of the 120 acres of land referred to in subsection (b) as consideration for the conveyance under subsection (a), the Secretary of the Navy may permit the City to convey to the Secretary—

"(A) other real property suitable for use, as determined by the Secretary, for military family housing;

"(B) an amount equal to the fair market value of the parcel conveyed under subsection (a), as determined by the Secretary; or

"(C) a combination of real property and cash.

"(2) The Secretary may permit the alternative conveyance under paragraph (1) only if the Secretary determines that the City will use the 120 acres of land for purposes associated with the clean water program of the City that are compatible with the mission and operations of the adjacent Naval Air Station, Miramar.

"(d) FAIR MARKET VALUE; USE OF PROCEEDS.—The total value of the consideration to be provided to the United States under subsections (b) and (c) shall be at least equal to the fair market value of the lands conveyed under subsection (a), as determined by the Secretary of the Navy. The City shall pay any difference to the United States. To the extent provided in appropriation Acts, the Secretary may use any amounts paid under this section solely for the purpose of acquiring in the San Diego area a suitable site for, or constructing or acquiring by direct purchase, military family housing. Any funds received by the Secretary under this section and not used within 30 months after receipt shall be deposited into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h))."; and

(5) in subsection (e), as redesignated by paragraph (3), by striking out "or SANDER or by the City and SANDER".

SEC. 2833. LAND ACQUISITION AND EXCHANGE, MYRTLE BEACH AIR FORCE BASE AND POINSETT WEAPONS RANGE, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The Myrtle Beach Air Force Base was recommended for closure in the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President to Congress on July 10, 1991, pursuant to section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note).

(2) The Myrtle Beach Air Force Base is situated on some 3,744 acres of land, which the Secretary of Defense is required to dispose of under section 2905 of the Defense Base Closure and Realignment Act of 1990.

(3) The United States currently leases from the State of South Carolina and three other owners some 8,357.96 acres of land, located 7.5 miles south of Shaw Air Force Base in Sumter County, South Carolina. The Air Force has developed these leasehold tracts into a weapons and bombing range known as the Poinsett Weapons Range, which is used for weapons, air-to-ground ordnance, and bombing practice by aircraft from Shaw Air Force Base, Pope Air Force Base, Seymour Johnson Air Force Base, the South Carolina Air National Guard, the Ohio Air National Guard, Cherry Point Marine Air Station, and Beaufort Marine Air Station.

(4) The State of South Carolina has offered to convey to the United States its fee simple estate in the Poinsett Weapons Range, together with constituent parcels owned by other persons which the State will acquire and any contiguous parcels the Air Force may desire for range enhancement and reconfiguration, in exchange for land and improvements at Myrtle Beach Air Force Base that are equal in value.

(5) By acquiring title to the Poinsett Weapons Range, the Air Force will be able to enhance the utility of the Poinsett Weapons Range as a bombing and weapons range.

(b) CONVEYANCE.—Subject to subsection (c), the Secretary of the Air Force may convey to the State of South Carolina all right, title, and interest of the United States in and to all or a portion of the land and improvements comprising Myrtle Beach Air Force Base, South Carolina.

(c) CONSIDERATION.—(1) As consideration for the conveyance authorized under subsection (b), the State of South Carolina shall convey to the United States land and improvements in the Poinsett Weapons Range, which are currently being leased from the State of South Carolina, and any contiguous and surrounding parcels which the State may own or acquire to improve or enlarge the configuration of the Poinsett Weapons Range to suit the needs of the Air Force. The fair market value of the real property conveyed to the United States shall be at least equal to the fair market value of the real property conveyed to the State under subsection (b).

(2) The Poinsett Weapons Range contains approximately 8,357.96 acres and is situated in Sumter County, South Carolina. Its perimeter boundaries are described by bearings and distances on a plat of survey prepared by Palmer B. Mallard and Associates, South Carolina Registered Land Surveyors, dated May 1, 1967, last revised in October 1981.

(d) ACQUISITION OF ADDITIONAL LAND.—The Secretary of the Air Force may acquire by lease or purchase such additional parcels of land in the vicinity of the Poinsett Weapons Range as the Secretary considers to be necessary to reconfigure and enhance the Poinsett Weapons Range. Such acquisition shall be consistent with the requirements of section 2662(a) of title 10, United States Code.

SEC. 2834. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army may convey, without reimbursement, to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania, all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) known as the Hays Army Ammunition Plant and consisting of approximately 11.9983 acres in the Borough of West Homestead and the City of Pittsburgh, Pennsylvania.

(b) CONDITION OF TRANSFER.—The Secretary of the Army may not make the conveyance authorized by subsection (a) unless the Secretary is able to issue a statement of condition certifying that the Hays Army Ammunition Plant is environmentally clean and safe for nonmilitary use.

(c) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of such survey shall be borne by the Urban Redevelopment Authority of Pittsburgh.

(d) OTHER TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LEASE OF PROPERTY AT THE NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) LEASE AUTHORIZED.—Subject to subsections (b) and (c), the Secretary of the Navy may lease to the Union Pacific Railroad Company (in this section referred to as the "Company") not more than 15 acres of real property, together with improvements thereon, located at the Naval Supply Center, Oakland, California.

(b) TERM OF LEASE; RESTRICTIONS ON USE.—The lease entered into under subsection (a) shall be for an initial period of not more than 25

years. The Company shall be given an option to extend the lease for an additional period of not more than 25 years. The lease shall contain the condition that use of the leased property is restricted to freight transportation purposes.

(c) CONSIDERATION.—As consideration for the lease of the real property under subsection (a), the Company shall pay to the Secretary of the Navy—

(1) the fair market rental value of the leased property;

(2) an amount, determined by the Secretary and the Company, equal to the replacement cost of those facilities on the leased property requiring replacement by the Secretary; and

(3) an amount, determined by the Secretary and the Company, equal to the expenses to be incurred by the Secretary to relocate Navy operations currently conducted on the leased property to another location at the Naval Supply Center, Oakland, California.

(d) USE OF FUNDS.—(1) To the extent provided in appropriation Acts, the Secretary of the Navy may use amounts received under subsection (c)(1) to pay for improvement, maintenance, repair, construction, or restoration at the Naval Supply Center, Oakland, California.

(2) To the extent provided in appropriation Acts, the Secretary may use amounts received under paragraphs (2) and (3) of subsection (c) to pay for relocation expenses and constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities on the leased property. Amounts received in excess of the amounts used under this paragraph may be used for the purposes set forth in paragraph (1).

(e) AUTHORITY TO DEMOLISH AND CONSTRUCT FACILITIES.—Under the terms of the lease, the Secretary of the Navy may authorize the Company to demolish existing facilities on the leased property and construct new facilities on the property for the use of the Company. In lieu of payments required under subsection (c)(2), the Secretary may authorize the Company to construct replacement facilities for use by the Navy.

(f) ADDITIONAL TERMS.—The Secretary of the Navy may require such additional terms and conditions in connection with lease authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. GRANT OF EASEMENT AT NAVAL AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) AUTHORITY TO GRANT EASEMENT.—Subject to subsection (b), the Secretary of the Navy may grant to San Diego Gas and Electric Company (in this section referred to as "SDG&E") an easement on a parcel of real property consisting of approximately 120 acres that is located in the northeast portion of Naval Air Station, Miramar, California (in this section referred to as the "Air Station"). The purpose of the easement is to enable SDG&E to construct, operate, and maintain an electric transmission substation and associated electric transmission lines.

(b) CONSIDERATION.—(1) In consideration for the grant of an easement to SDG&E under subsection (a), SDG&E shall pay to the United States an amount that is not less than the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from SDG&E, in lieu of payment of up to 50 percent of the agreed consideration, the following:

(A) The establishment of an alternative source of 12 kilovolts of electric power for the Air Station.

(B) Such improvements to the electrical distribution system of the Air Station as the Secretary designates for the purposes of this paragraph.

(c) USE OF PROCEEDS.—(1) The amounts of consideration paid under subsection (b) shall be deposited in the special account established for the Department of the Navy under section 2667(d)(1)(A) of title 10, United States Code.

(2) To the extent provided in appropriations Acts, of the sums in such account—

(A) there shall be available for facility maintenance and repair and for environmental restoration by the Department of the Navy the amount equal to 50 percent of the total agreed consideration for the grant of the easement under subsection (a); and

(B) there shall be available for facility maintenance and repair or environmental restoration of the Air Station, the amount equal to the excess (if any) of 50 percent of such total consideration over the amount equal to the sum of—

(i) the total cost incurred by SDG&E for the establishment of the alternative power source pursuant to subsection (b)(2)(A); and

(ii) the total cost of the improvements made by SDG&E pursuant to subsection (b)(2)(B).

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by SDG&E.

(e) ADDITIONAL TERMS.—The Secretary may require any additional terms and conditions in connection with the grant of an easement under this section that the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Miscellaneous

SEC. 2841. REAL PROPERTY TRANSACTIONS: REPORTS TO THE ARMED SERVICES COMMITTEES.

Section 2662 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) The reporting requirements of subsections (a), (b), and (e) are waived under the provisions of this subsection in the event of a declaration of war, in the event of a declaration of a national emergency by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.), or for real property transactions required in connection with a contingency operation. The Secretary of a military department shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than 30 days after entering into a transaction for which the prior congressional notification requirements imposed by this section are waived by operation of this subsection.".

SEC. 2842. CLARIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY.

Section 2667(b)(4) of title 10, United States Code, is amended by inserting ", in the case of the lease of real property," after "shall provide".

SEC. 2843. STORAGE AND DISPOSAL OF HAZARDOUS MATERIALS ON ARSENAL PROPERTY IN CONJUNCTION WITH THIRD-PARTY CONTRACTS.

Section 2692(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(8) the storage or disposal of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated by a private person in connection with the authorized and compatible use by that person of an industrial-type facility of the Department of Defense.".

SEC. 2844. LIMITATION ON LEASING OF MILITARY FAMILY HOUSING WORLDWIDE BY THE DEPARTMENT OF THE ARMY.

Section 2105(a)(6)(B) the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1512) is amended by striking out "$360,783,000" and inserting in lieu thereof "$395,783,000".

SEC. 2845. REPORT ON CONTINUED MILITARY NEED FOR BELLOWS AIR FORCE STATION, HAWAII.

(a) REPORT REQUIRED.—The Secretary of Defense, the Secretary of the Air Force, and the Secretary of the Navy shall jointly prepare a report evaluating the military necessity of maintaining Bellows Air Force Station on the Island of Oahu, Hawaii, as a military installation of the Department of Defense.

(b) COMMUNICATION FACILITY.—As part of the report, the Secretary of the Air Force shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the communication operations currently conducted at Bellows Air Force Station and the cost of relocating such operations.

(c) MARINE CORPS TRAINING.—As part of the report, the Secretary of the Navy shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the training activities of the Marine Corps periodically conducted at Bellows Air Force Station.

(d) SUBMISSION OF REPORTS.—The report required by this section shall be submitted to Congress not later than March 1, 1993.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $4,103,909,000, to be allocated as follows:

(1) For research and development, $1,175,900,000.

(2) For weapons testing, $429,500,000.

(3) For production and surveillance, $2,172,600,000.

(4) For program direction, $325,909,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD–101, general plant projects, various locations, $28,650,000.

Project GPD–121, general plant projects, various locations, $27,350,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $2,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 93–D–123, complex–21, various locations, $26,000,000.

Project 92–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $35,000,000.

Project 92–D–122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado, $5,300,000.

Project 92–D–123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $8,700,000.

Project 92–D–126, replace emergency notification systems, various locations, $10,900,000.

Project 91–D–127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $6,300,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $50,120,000.

Project 90–D–126, environmental, safety, and health enhancements, various locations, $9,200,000.

Project 88–D–104, safeguards and security upgrade, Phase II, Los Alamos, National Laboratory, New Mexico, $1,000,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $34,400,000.

Project 88–D–122, facilities capability assurance program, various locations, $87,100,000.

Project 86–D–130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $4,865,000.

Project 85–D–105, combined device assembly facility, Nevada Test Site, Nevada, $3,610,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $229,835,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $128,200,000.

SEC. 3102. NEW PRODUCTION REACTORS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out new production reactor activities necessary for national security programs in the amount of $141,510,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out new production reactor activities necessary for national security programs as follows:

Project 88–D–154, new production reactor capacity, various locations, $149,290,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out new production reactor activities necessary for national security programs in the amount of $6,000,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $125,000,000.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,952,918,000, to be allocated as follows:

(1) For corrective activities—environment, $2,431,000.

(2) For corrective activities—defense program, $7,386,000.

(3) For environmental restoration, $1,380,670,000.

(4) For waste management, $2,186,260,000.

(5) For technology development, $330,700,000.

(6) For transportation management, $19,335,000.

(7) For program direction, $26,136,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD–171, general plant projects, various locations, $83,285,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $1,000,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12, Oak Ridge, Tennessee, $1,800,000.

Project 93–D–175, industrial waste compaction facility, Y–12, Oak Ridge, Tennessee, $2,200,000.

Project 93–D–176, Oak Ridge reservation storage facility, K–25, Oak Ridge, Tennessee, $4,000,000.

Project 93–D–177, disposal of K–1515 sanitary water treatment plant waste, K–125, Oak Ridge, Tennessee, $1,500,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $2,700,000.

Project 93–D–180, environmental monitoring-RCRA groundwater monitoring installation, Richland, Washington, $8,700,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $350,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $4,495,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $10,300,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $1,500,000.

Project 93–D–185, landlord program safety compliance, Phase II, Richland, Washington, $849,000.

Project 93–D–186, 200 area unsecured core area fabrication shop, Richland, Washington, $1,000,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $2,000,000.

Project 93–D–188, new sanitary landfill, Savannah River, Aiken, South Carolina, $2,000,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,000,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $1,900,000.

Project 92–D–173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $3,000,000.

Project 92–D–180, inter-area line upgrade, Savannah River, Aiken, South Carolina, $5,840,000.

Project 92–D–181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $8,000,000.

Project 92–D–182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $3,700,000.

Project 92–D–183, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, $5,860,000.

Project 92–D–184, Hanford infrastructure underground storage tanks, Richland, Washington, $3,700,000.

Project 92–D–185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington, $6,500,000.

Project 92–D–187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $1,724,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $1,000,000.

Project 92–D–402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, California, $5,500,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory, California, $10,100,000.

Project 91–EM–100, environmental and molecular sciences laboratory, Richland, Washington, $28,500,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $21,800,000.

Project 91–D–172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $57,530,000.

Project 91–D–173, hazardous low-level waste processing tanks, Savannah River, South Carolina, $15,300,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $981,000.

Project 90–D–103, environment, safety, and health improvements, various locations, Los Alamos National Laboratory, $6,315,000.

Project 90–D–174, decontamination laundry facility, Richland, Washington, $7,442,000.

Project 90–D–175, landlord program safety compliance-I, Richland, Washington, $4,753,000.

Project 90–D–176, transuranic (TRU) waste facility, Savannah River, South Carolina, $5,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $41,700,000.

Project 89–D–122, production waste storage facilities, Y–12 Plant, Oak Ridge, Tennessee, $4,200,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $44,950,000.

Project 89–D–173, tank farm ventillation upgrade, Richland, Washington, $7,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $15,795,000.

Project 89–D–175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,900,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $81,471,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $3,386,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $2,755,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,612,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $149,198,000, to be allocated as follows:

(1) For corrective activities—defense programs, $1,120,000.

(2) For waste management, $128,749,000.

(3) For technology development, $16,200,000.

(4) For transportation management, $465,000.

(5) For program direction, $2,664,000.

SEC. 3104. NUCLEAR MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department

of Energy for fiscal year 1993 for operating expenses incurred in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For nuclear materials production, $1,420,475,000.

(2) For verification and control technology, $222,215,000.

(3) For nuclear safeguards and security, $81,837,000.

(4) For security investigations, $58,289,000.

(5) For security evaluations, $15,150,000.

(6) For nuclear safety, $20,000,000.

(7) For naval reactors development, $634,400,000.

(8) For enriched material, $77,000,000.

(9) For education programs, $22,400,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials production:

Project GPD–146, general plant projects, various locations, $38,260,000.

Project 93–D–147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $1,000,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $2,000,000.

Project 93–D–153, uranium recovery hydrogen fluoride system upgrade, Y–12 Plant, Oak Ridge, Tennessee, $2,400,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $16,200,000.

Project 92–D–141, reactor seismic improvement, Savannah River, South Carolina, $5,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $11,700,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $8,000,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $4,100,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $3,500,000.

Project 90–D–141, Idaho Chemical Processing Plant fire protection, Idaho National Engineering Laboratory, Idaho, $1,553,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $39,685,000.

Project 90–D–150, reactor safety assurance, Phases I, II, and III, Savannah River, South Carolina, $4,210,000.

Project 89–D–149, additional separations safeguards, Savannah River, South Carolina, $13,104,000.

Project 89–D–148, improved reactor confinement system, Savannah River, South Carolina, $4,240,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $11,651,000.

Project 86–D–152, reactor electrical distribution system, Savannah River, South Carolina, $5,647,000.

Project 85–D–139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $15,000,000.

Project 85–D–145, fuel production facility, Savannah River Site, South Carolina, $17,000,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $10,000,000.

(3) For nuclear safeguards and security:

Project GPD–186, general plant projects, Central Training Academy, Albuquerque, New Mexico, $2,000,000.

(4) For naval reactors development:

Project GPN–101, general plant projects, various locations, $8,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,200,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $7,500,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $13,600,000.

Project 90–N–103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 90–N–104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,900,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For nuclear materials production, $80,900,000.

(2) For verification and control technology, $9,500,000.

(3) For nuclear safeguards and security, $5,327,000.

(4) For naval reactors development, $60,400,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced—

(1) by $400,000,000 (for recovery of overpayment to the Savannah River Pension Fund); and

(2) by $31,082,000 (for anticipated savings).

SEC. 3105. FUNDING USES AND LIMITATIONS.

(a) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses and plant and capital equipment, $212,310,000 shall be available for the defense inertial confinement fusion program.

(b) NONNUCLEAR RECONFIGURATION.—None of the funds appropriated or otherwise made available for the Department of Energy for fiscal year 1993 may be obligated to implement the reconfiguration of nonnuclear activities of the Department of Energy until the occurrence of the following:

(1) The Secretary of Energy submits a report to the congressional defense committees that contains an analysis of the projected costs and benefits of the proposed nonnuclear reconfiguration and an analysis of the alternatives considered. The analyses shall take into account all relevant costs and benefits and shall include a discounted cash flow analysis of each alternative.

(2) The Secretary of Energy submits to the congressional defense committees a certification that the discounted cash flow analysis demonstrates—

(A) that the proposed nonnuclear reconfiguration is cost-effective; and

(B) in the case of components proposed to be produced in a government-owned, contractor-operated facility, that such production is cost-effective on a component-by-component basis.

(3) A period of 90 days has elapsed after the later of—

(A) the submission of the report under paragraph (1); and

(B) the submission of the certification under paragraph (2).

(c) ALLOWABLE FUNDING.—Nothing in this subsection prohibits the obligation of funds for studies, analysis, or preparation of conceptual designs that are necessary to assess the cost-effectiveness or feasibility of nonnuclear reconfiguration.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—

(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—

(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—

(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

Subtitle C—Miscellaneous

SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY ASSESSED AGAINST FERNALD ENVIRONMENTAL MANAGEMENT PROJECT.

The Secretary of Energy may pay to the Environmental Protection Agency, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3103, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Fernald Environmental Management Project.

Subtitle D—International Fissile Material and Warhead Control

SEC. 3141. FINDINGS.

The Congress makes the following findings:

(1) The United States is now observing a de facto moratorium on the production of fissile materials and has not produced highly enriched uranium for nuclear weapons since 1964, while Russia has ceased production of highly enriched uranium for nuclear weapons but continues to operate reactors for the production of plutonium for nuclear weapons.

(2) The United States and Russia have recently announced major reductions in their nuclear arsenals well below the levels required by the START Treaty, and both nations expect to make further reductions in strategic arms, which will create a large surplus of nuclear weapons material.

(3) On February 12, 1992, the government of Russia proposed a reciprocal exchange of information between all nuclear powers on inventories of nuclear weapons and fissile materials, and on nuclear weapons production, storage, and elimination facilities.

(4) On May 29, 1991, the President called on the nations of the Middle East to implement a verifiable ban on the production of nuclear weapons material in order to control the proliferation of nuclear weapons.

(5) A bilateral or multilateral ban on the production of nuclear weapons materials would raise nonproliferation barriers because nuclear weapons cannot be built without adequate supplies of these materials. If such a ban were extended to other nations it would prevent the production of nuclear weapons by countries that do not possess nuclear materials.

(6) Inspection and safeguards procedures for verifying dismantlement of downloaded and retired nuclear warheads and the disposition of the removed fissile materials should be examined for inclusion in future arms reduction agreements or verification protocols, for the purpose of making reductions in nuclear arsenals irreversible. Such inspections and safeguards would insure against rapid redeployment of warheads in the empty spaces on downloaded missiles, bar potential reuse of surplus warheads on delivery systems not limited by existing agreements, and reduce inventories of nuclear materials available for potential breakout from the agreement.

SEC. 3142. NEGOTIATIONS.

(a) IN GENERAL.—The Congress urges the President to enter into negotiations with member states of the Commonwealth of Independent States, to complement ongoing and future arms reduction negotiations and agreements, with the goal of achieving verifiable agreements in the following areas:

(1) Dismantlement of nuclear weapons.

(2) The safeguard and permanent disposal of nuclear materials.

(3) An end by the United States and member states of the Commonwealth of Independent States to the production of plutonium and highly enriched uranium for nuclear weapons.

(4) The extension of negotiations on these issues to all nations capable of producing nuclear weapons materials.

(b) EXCHANGES OF INFORMATION.—The Congress urges the President, in order to establish a data base on production capabilities of member states of the Commonwealth of Independent States and their stockpiles of fissile materials and nuclear weapons, to seek to achieve agreements with such states to reciprocally release information on—

(1) United States and the member states nuclear weapons stockpiles, including the number of warheads and bombs by type, and schedules for weapons production and dismantlement;

(2) the location, mission, and maximum annual production capacity of United States and member states facilities that are essential to the production of tritium for replenishment of that nation's tritium stockpile;

(3) the inventory of United States and member states facilities dedicated to the production of plutonium and highly enriched uranium for weapons purposes; and

(4) United States and members states stockpiles of plutonium and highly enriched uranium used for nuclear weapons.

(c) TECHNICAL WORKING GROUPS.—The Congress urges the President, in order to facilitate the achievement of agreements referred to in subsection (a), to establish with member states of the Commonwealth of Independent States and with other nations capable of producing nuclear weapons material bilateral or multilateral technical working groups to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the verification of—

(1) information on mission, location, and maximum annual production capacity of nuclear material production facilities and the size of stockpiles of plutonium and highly enriched uranium;

(2) nuclear arms reduction agreements that would include provisions requiring the verifiable dismantlement of nuclear warheads; and

(3) bilateral or multilateral agreements to halt the production of plutonium and highly enriched uranium for nuclear weapons.

(d) REPORT.—The President shall submit to the Congress, not later than December 15, 1992, a report on the progress made by the President in implementing the actions called for in subsections (a) through (c).

(e) PRODUCTION BY COMMONWEALTH OF INDEPENDENT STATES.—The Congress urges the Presidents of the member states of the Commonwealth of Independent States—

(1) to institute a moratorium on production of plutonium and highly enriched uranium for nuclear weapons; and

(2) to pledge to continue such moratorium for so long as the United States maintains its moratorium on production of such materials.

SEC. 3143. AUTHORITY TO RELEASE CERTAIN RESTRICTED DATA.

Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended by adding at the end the following new subsection:

"f. Notwithstanding any other law, the President may publicly release Restricted Data regarding the nuclear weapons stockpile of the United States if the United States and member states of the Commonwealth of Independent States reach reciprocal agreement on the release of such data.".

SEC. 3144. DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) PROGRAM.—The Secretary of Energy shall use not less than $10,000,000 of the funds available to the Secretary for national security programs of the Department of Energy for fiscal year 1993 to carry out a program—

(1) to develop and demonstrate a means for verifiable dismantlement of nuclear warheads;

(2) to safeguard and dispose of nuclear materials; and

(3) to develop reliable techniques and procedures for verifying a global ban on the production of fissile materials for weapons purposes.

(b) REPORT.—The Secretary shall include a report on such program in budget justification documents submitted to Congress in support of the budget of the Department of Energy for fiscal year 1994. The report shall be submitted in both classified and unclassified form.

SEC. 3145. PRODUCTION OF TRITIUM.

Nothing in this part may be construed as intending to affect the production of tritium.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1993, $13,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Modernization Program

SEC. 3301. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—In order to modernize the National Defense Stockpile, the President shall dispose of obsolete and excess materials currently contained in the stockpile. The materials subject to disposal under this subsection and the quantity of each material to be disposed of by the President are set forth in the following table:

Required Stockpile Disposals

Material for disposal	Unit	Quantity
Aluminum Oxide, Abrasive Grain.	ST	50,904
Aluminum Oxide, Abrasive Grain, NSG.	ST	118
Aluminum Oxide, Fused Crude.	ST	249,867
Antimony	ST	2,000
Antimony, NSG	ST	7
Asbestos, Amosite	ST	34,005
Asbestos, Amosite, NSG	ST	1
Asbestos, Chrysotile	ST	9,787
Asbestos, Chrysotile, NSG.	ST	916
Bismuth	LB	1,825,955
Cadmium	LB	6,328,570
Celestite	SDT	13,500
Chromite, Chemical & Met. Grade Ore.	SDT	1,200,000
Chromite, Chem. & Met. Grade Ore, NSG.	SDT	217,441
Chromite, Refractory Grade Ore.	SDT	232,414
Chromium, Ferro, NSG	ST	18,990
Cobalt	LBCO	6,000,000
Columbium Group, NSG	LB Cb	1,201,725
Copper	ST	29,047
Copper, NSG	ST	604
Fluorspar, Acid Grade	SDT	892,856
Fluorspar, Acid Grade, NSG.	SDT	899
Fluorspar, Metallurgical Grade, NSG.	SDT	100,822
Graphite, Natural, Malagasy, Crystalline.	ST	17,217
Graphite, Natural, Malagasy, Crystalline, NSG.	ST	9
Graphite, Natural, Other than Ceylon & Malagasy.	ST	1,933
Graphite, Natural, Other, NSG.	ST	870
Industrial Diamond Bort	KT	14,020,961
Industrial Diamond Stones.	KT	2,500,000
Iodine	LB	6,054,564
Iodine, NSG	LB	1,342
Jewel bearings, NSG	PC	51,778,337
Lead, NSG	ST	10
Kyanite	SDT	1,300
Manganese Ore, Chem. & Met. Grades.	SDT	1,600,000
Manganese Ore, Chem. & Met. Grades, NSG.	SDT	882,969
Manganese, Battery Grade, Natural Ore.	SDT	169,511
Manganese, Battery Grade, Natural Ore, NSG.	SDT	19,425
Manganese, Battery Grade, Synthetic Dioxide.	SDT	3,011
Mercury	FL	156,853
Mercury, NSG	FL	3
Mica, Muscovite Film, 1st & 2nd Qualities.	LB	1,155,698
Mica, Muscovite Film, 1st & 2nd Qualities, NSG.	LB	640
Mica, Muscovite Splittings.	LB	14,355,260
Mica, Muscovite, Block, Stained & Better.	LB	4,699,701
Mica, Muscovite, Block, Stained & Better, NSG.	LB	206,730
Mica, Phlogopite Block, NSG.	LB	114,027
Mica, Phlogopite Splittings.	LB	1,486,596
Quartz Crystals, Natural.	LB	800,000
Quinidine	Av Oz	2,471,359
Quinidine, NSG	Av Oz	1,691
Quinine	Av Oz	2,770,115
Quinine, NSG	Av Oz	475,950
Rutile	ST	39,130
Rutile, NSG	ST	56
Sapphire & Ruby	KT	16,305,502
Sebacic Acid	LB	5,009,697
Silicon Carbide	ST	45,080
Silver	Tr Oz	20,000,000
Talc	ST	1,081
Thorium Nitrate	LB	7,097,687
Tin	MT	20,000
Vegetable Tannin, Chestnut.	LT	11,692
Vegetable Tannin, Quebracho.	LT	121,642
Vegetable Tannin, Wattle.	LT	14,997
Vegetable Tannin, Wattle, NSG.	LT	1

(b) CHANGES IN STOCKPILE REQUIREMENTS.—The stockpile requirement established pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) for the quantity of a material to be stockpiled under that Act shall not apply with respect to a material set forth in the table in subsection (a) to the extent that the stockpile requirement for that material is inconsistent with the required disposal of that material under that subsection.

(c) SPECIAL RULE FOR SILVER.—The disposal of silver under subsection (a) may only occur in the form of coins.

(d) EFFECT ON PREVIOUS DISPOSAL AUTHORITIES.—The authority provided to the President under subsection (a) to dispose of specific quantities of materials in the stockpile shall supersede any authority of the President or the National Defense Stockpile Manager in effect on the day before the date of the enactment of this Act regarding the disposal of specific quantities of materials in the stockpile.

(e) DEFINITIONS.—For purposes of this part:

(1) The terms "National Defense Stockpile" and "stockpile" mean the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "NSG", with regard to a material specified in the table in subsection (a), means non-specification grade material.

SEC. 3302. REQUIREMENTS OF MODERNIZATION PROGRAM.

(a) EXISTING DISPOSAL AND ACQUISITION PROCEDURES.—The disposal of materials in the National Defense Stockpile under section 3301(a) shall be carried out in the manner provided in section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(b)), including the requirement to avoid undue disruption of the usual markets of producers, processors, and consumers of such materials.

(b) USE OF BARTER AUTHORIZED.—The President may enter into barter arrangements to dispose of materials under section 3301(a) in order to acquire strategic and critical materials for, or upgrade strategic and critical materials in, the stockpile.

(c) DEPOSIT OF PROCEEDS.—All moneys received from the sale of materials under section 3301(a) shall be deposited in the National Defense Stockpile Transaction Fund established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3303. REPORT ON IMPLEMENTATION OF MODERNIZATION PROGRAM.

Not later than February 15, 1993, the President shall submit to Congress a report describing the manner in which the President is implementing and carrying out the disposal of stockpile materials under section 3301(a).

SEC. 3304. ADVISORY COMMITTEE REGARDING MODERNIZATION PROGRAM.

(a) APPOINTMENT.—Not later than December 1, 1992, the President shall appoint an advisory committee under section 10 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1) to assist the President in the preparation of the report required by section 3303 and to advise the President regarding the disposal of stockpile materials under section 3301(a).

(b) MEMBERSHIP.—The members of the committee shall include—

(1) employees of Federal agencies (including the Departments of Commerce, Defense, Interior, and State) who have expertise regarding strategic and critical materials;

(2) representatives of mining, processing, and fabricating industries that would be affected by the modernization program; and

(3) other persons who have expertise regarding strategic and critical materials.

SEC. 3305. TRANSFER OF STOCKPILE FUNDS TO SUPPORT OTHER DEFENSE ACTIVITIES.

(a) TRANSFER AUTHORIZED.—During fiscal year 1993, the Secretary of Defense may transfer, to the extent provided in advance in appropriation Acts, an amount not to exceed $612,000,000 from the unobligated balance of the National Defense Stockpile Transaction Fund established under section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) to appropriation accounts available to the Department of Defense and authorized by law to receive the transfer. A transfer may be made under this subsection only if the President determines that the amount to be transferred is excess to current and projected funding needs for the modernization of the National Defense Stockpile.

(b) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under subsection (a).

Subtitle B—Programmatic Changes

SEC. 3311. REPEAL OF CURRENT DISPOSAL LIMITATIONS.

(a) LIMITATION ON EXCESS BALANCE IN FUND.—Section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)) is amended—

(1) by striking out "(1)"; and

(2) by striking out ", or (2)" and all that follows through "$100,000,000." and inserting in lieu thereof a period.

(b) FISCAL YEAR 1993 DISPOSAL PROGRAM.—Section 3301 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1583) is repealed.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $132,565,000 for fiscal year 1993 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Act Amendments of 1992".

SEC. 3502. COSTS OF DISSOLUTION.

(a) In General.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1304 the following:

"DISSOLUTION OF COMMISSION

"Sec. 1305. (a)(1) The Commission shall conduct a study of—

"(A) the costs associated with the dissolution of the Commission, including the costs of the office authorized to be established under subsection (b); and

"(B) costs and liabilities incurred or administered by the Commission that will not be paid before the date of that dissolution.

"(2) The Commission shall submit to the Congress, by not later than September 30, 1996, a report on the findings and conclusions of the study under this subsection. The report shall include an estimate of the period of time which may be required to close out the affairs of the Commission after the termination of the Panama Canal Treaty of 1977.

"(b) The Commission shall establish an office to close out the affairs of the Commission that are still pending after the termination of the Panama Canal Treaty of 1977.

"(c)(1) There is established in the Treasury of the United States a fund to be known as the 'Panama Canal Commission Dissolution Fund' (hereinafter in this section referred to as the 'Fund'). The Fund shall be managed by the Commission until the termination of the Panama Canal Treaty of 1977 and by the office established under subsection (b) thereafter.

"(2)(A) Subject to paragraph (5), the Fund shall be available after September 30, 1998, to pay—

"(i) the costs of operating the office established under subsection (b); and

"(ii) the costs and liabilities associated with dissolution of the Commission, including such costs incurred or identified after the termination of the Panama Canal Treaty of 1977.

"(B) Payments from the Fund made during the period beginning on October 1, 1998, and ending with the termination of the Panama Canal Treaty of 1977 shall be subject to the approval of the Board provided for in section 1102.

"(3) The Fund shall consist of—

"(A) such amounts as may be deposited into the Fund by the Commission, from amounts collected as toll receipts, to pay the costs described in paragraph (2); and

"(B) amounts credited to the Fund under paragraph (4).

"(4)(A) The Secretary of the Treasury shall invest excess amounts in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the manager of the Fund.

"(B) Securities invested under subparagraph (A) shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(C) Interest earned on securities invested under subparagraph (A) shall be credited to and form part of the Fund.

"(5) Amounts in the Fund may not be obligated or expended in any fiscal year unless the obligation or expenditure is specifically authorized by law.

"(6) The Fund shall terminate on October 1, 2004. Amounts in the Fund on that date shall be deposited in the general fund of the Treasury of the United States.".

(b) Conforming Amendments.—

(1) Availability of Toll Receipts.—Section 1302(c) of the Panama Canal Act of 1979 (22 U.S.C. 3712(c)) is amended—

(A) in paragraph (1), by inserting after "toll receipts" in the first sentence the following: "(other than amounts of toll receipts deposited into the Panama Canal Commission Dissolution Fund under section 1305)"; and

(B) in paragraph (3)(A), by inserting "and the Panama Canal Dissolution Fund" after "Panama Canal Revolving Fund".

(2) Bases of Tolls.—Section 1602(b) of the Panama Canal Act of 1979 (22 U.S.C. 3792(b)) is amended by striking "Panama Canal," and inserting "Panama Canal (including costs authorized to be paid from the Panama Canal Dissolution Fund under section 1305(c)),".

(c) Clerical Amendment.—The table of contents in section 1 of the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1304 the following new item:

"1305. Dissolution of Commission.".

SEC. 3503. RECOMMENDATIONS BY PRESIDENT ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) Report.—The President shall develop a plan setting forth recommendations for such changes to the Panama Canal Commission for the operation of the Panama Canal during the period before the termination of the Panama Canal Treaty of 1977 as the President determines would facilitate and encourage the operation of the canal through an autonomous entity under the Government of Panama after the transfer of the canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The President shall submit the plan to Congress, together with a legislative proposal containing any changes to existing law required to implement the plan, not later than one year after the date of the enactment of this Act.

(b) Preparation of Plan.—Recommendations to the President for purposes of the plan required by subsection (a) shall be prepared with the participation of a representative of each of the following:

(1) The Secretary of State.
(2) The Secretary of Defense.
(3) The Secretary of the Treasury.
(4) The Secretary of Commerce.
(5) The Secretary of Transportation.
(6) The Panama Canal Commission.

(c) Plan To Be Consistent With Panama Canal Treaty.—The plan submitted by the President pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

SEC. 3504. REPORT BY COMPTROLLER GENERAL ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) Report.—The Comptroller General shall submit to Congress a report analyzing the effectiveness of the fiscal, operational, and management structure of the Panama Canal Commission and setting forth recommendations for such changes to that structure as the Comptroller General determines would, if implemented, enable the Commission to operate more efficiently and, thereby, serve as a model for the Government of Panama for the operation of the Panama Canal after the transfer of the Panama Canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The Comptroller General shall submit the report to Congress not later than one year after the date of the enactment of this Act.

(b) Preparation of Report.—In developing the report required by subsection (a), the Comptroller General shall seek the views of each of the following:

(1) The Secretary of State.
(2) The Secretary of Defense.
(3) The Secretary of the Treasury.
(4) The Secretary of Commerce.
(5) The Secretary of Transportation.
(6) The Panama Canal Commission.

(c) Report To Be Consistent With Panama Canal Treaty.—The recommendations in the report submitted by the Comptroller General pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

The CHAIRMAN. No amendments to the committee amendment in the nature of a substitute are in order except those amendments printed in House Report 102–545 or amendments en bloc described in House Resolution 474.

Pro forma amendments for the purpose of debate may be offered only by the chairman or ranking minority member of the Committee on Armed Services.

Unless otherwise specified in House Resolution 474, the amendments printed in House Report 102–545 shall be considered in the order and manner specified in the report.

Unless otherwise specified in the report, each amendment may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

If more than one of the amendments relating to funding levels for the strategic defense initiative is adopted, only the last amendment adopted shall be considered as finally adopted and reported to the House.

If more than one of the amendments relating to B–2 procurement is adopted, only the last amendment adopted shall be considered as finally adopted and reported to the House.

Pursuant to House Resolution 474, the Committee on Rules may file at any time a supplemental report for the purpose of printing additional amendments relating to economic conversion and adjustments in funding levels.

Amendments printed in the supplemental report shall be considered as though included in the original report to accompany House Resolution 474, except that the consideration of any amendments relating to economic conversion shall be in order not sooner than 1 hour after the chairman of the Committee on Armed Services announces from the floor a request to proceed thereto and shall begin with general debate on that subject for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall be in order at any time for the chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc consisting of amendments printed in part II of House Report 474 or germane modifications thereof. Amendments en bloc shall be considered as read, except that the modifications shall be reported.

Amendments en bloc shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 474.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for the consideration of an amendment printed in House Report 102-545 at a time other than its prescribed place in the order, but not sooner than 1 hour after the chairman of the Committee on Armed Services announces from the floor a request to that effect.

The Chair will announce the number of the amendment made in order by the rule and the name of its sponsor in order to give notice to the Committee of the Whole as to the order of recognition.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, I was about to make a point of order that a quorum is not present. My parliamentary inquiry is that if I should not do that at this moment and a quorum is not established, would it be in order for a Member of the House at some point during the debate on amendments to make a point of order that a quorum is not present?

The CHAIRMAN pro tempore. The gentleman is correct. During the 5-minute rule or amendment process one point of order of no quorum is in order during debate, until a quorum is established by a recorded vote.

Mr. SOLOMON. Mr. Chairman, one point of order on a quorum not being present is allowable?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. SOLOMON. Mr. Chairman, in that case I would not make that point of order at this time, pending negotiations on what is happening up in the Committee on Rules right now. I will not disturb the House. I will let it continue with its business.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 1 printed in part I of House Report 102-545.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KASICH: Insert after section 367 (page 82, after line 17) the following new section (and redesignate the subsequent sections accordingly):

SEC. 368. DEFENSE BURDENSHARING.

(a) DEFENSE BURDENSHARING AGREEMENTS.—The President shall consult with the foreign nations described in subsection (b) to achieve an agreement on defense burdensharing with each such nation under which such nation shall, by September 30, 1994—

(1) assume an increased share of the costs to the United States with respect to United States military installations in the foreign nation to include—

(A) all labor, utilities, and services;

(B) all military construction projects and real property maintenance;

(C) all leasing requirements associated with United States military presence;

(D) all environmental restoration activities; and

(2) relieve United States military forces of all tax liability incurred on a United States military installation located in the nation under the laws of the nation and locality where the military installation is located; and

(3) ensure that goods and services furnished to United States military forces are provided at minimum cost and without imposition of user fees.

(b) COVERED NATIONS.—The foreign nations referred to in subsection (a) are each member nation of the North Atlantic Treaty Organization (other than the United States) and the Republic of Korea.

(c) FUNDING LIMITATIONS.—(1)(A) Of amounts made available to the Department of Defense for fiscal year 1993 for operation and maintenance for overseas basing activities, the amount that may be obligated to conduct overseas basing activities shall be reduced by the amount specified in subparagraph (B). The amount specified in subparagraph (B) shall be reallocated for operation and maintenance activities at military installations located inside the United States.

(B) The amount referred to in subparagraph (A) is the amount that equals the greater of—

(i) five percent of the amounts made available to the Department of Defense for fiscal year 1993 for operation and maintenance for overseas basing activities; or

(ii) the amount that represents the savings to the United States achieved as a result of agreements reached under subsection (a).

(2)(A) Of amounts made available to the Department of Defense for fiscal year 1994 for operation and maintenance for overseas basing activities, the amount that may be obligated for overseas basing activities shall be reduced by the amount specified in subparagraph (B). The amount specified in subparagraph (B) shall be reallocated for operation and maintenance activities at military installations located inside the United States.

(B) The amount referred to in subparagraph (A) is the amount that equals the greater of—

(i) ten percent of the amounts made available to the Department of Defense for fiscal year 1994 for operation and maintenance for overseas basing activities; or

(ii) the amount that represents the savings to the United States achieved as a result of agreements reached under subsection (a).

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. KASICH] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I rise to offer this amendment along with the distinguished gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget.

Initially I would like to suspend a second to talk about my colleague, the gentleman from New York [Mr. MARTIN], who has been really so involved and interested and concerned about the drift of where we go and the whole burden sharing question.

Mr. Chairman, I want to say off the bat that I have great respect for the gentleman from New York [Mr. MARTIN], and it is not with any joy that at times on burden sharing I have had to rise to oppose him, although on some of these amendments we are going to be in agreement.

Mr. Chairman, I do not know how the gentleman from New York [Mr. MARTIN] feels about this amendment, but I want to say to the gentleman that I do appreciate his work and his interest in this overall matter.

Mr. Chairman, what this amendment attempts to do is to get at the issue of burden sharing. I know it is not a new subject, but, frankly, I think this amendment that the gentleman from California [Mr. PANETTA] and I propose today is the most constructive, reasonable approach to trying to get our allies to do more. It is based on a very rational model; namely, the model of the Japanese.

Essentially what this amendment offered by the gentleman from California [Mr. PANETTA] and myself does is say this: That the United States is willing to pay for the support of its troops for exercises that we in fact use to train our people, but that the physical facilities themselves, the real property maintenance, the construction, the support of foreign nationals, so many of the things that we in fact pay for now, we should not have to continue to bear the burden of those costs, but that in fact the host government should be required to do that.

The way in which we want to get this done and negotiated by our people is to say that we would like our negotiators to be able to strike a deal with the foreign governments that would force the foreign governments to pay for all these nonsalary issues. If they do not, we will reduce by 5 percent the total amount of support costs that we send over there for these physical facilities, and those moneys will be sent back to the United States to help us with the problems that we have here.

If in fact our negotiators are successful, and there is no reason why they should not be, then we will have the foreign governments beginning to support the payment for severance pay for foreign nationals, the cost of foreign nationals, all labor, utility services, and military construction.

In essence we are asking them, the NATO countries and Korea, some of whom have very powerful economies, to do nothing more than what the Japanese have already agreed to do.

□ 1650

This does not call for the withdrawal of any troops. This is a very modest and reasonable approach to getting our allies around the world to begin to really support U.S. forces around the world. It does work in mutual security, but we are willing to bear our cost of the burden which is 30 percent of the cost. And we would like the foreign governments to pick up the other 70 percent of costs which are the costs of the physical facilities. The formula makes very good sense.

It is one that was established by U.S. negotiators and, frankly, I think we have got to give our own people a reason to go out and demand this and to change the attitude of people, particularly in the State Department, who do not seem willing to go out and negotiate what is a fair burdensharing agreement.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I am pleased to join the gentleman in offering this amendment, because I think it is a rational response to a changing world, at a time when our own Nation faces a budget deficit of unprecedented and damaging proportions.

There are three basic arguments in support of this amendment: First, that it is a changing world and that we have to recognize that. Second, that we simply cannot afford not to adopt an amendment like this. And third, it provides for a reasonable transition.

First of all, it does recognize the changes that are going on in the world with the collapse of communism in the former Soviet Union and in the Eastern European area. We know that we are embarking now on a fundamental change of priorities, and that involves additional burden sharing as part of that reordering of priorities.

Even as the United States remains mired in a recession and the staggering deficit, our European and Korean allies continue to prosper. Every one of those nations is enjoying higher rates of growth in terms of their wage levels. Every one of those nations is enjoying a higher gross in GNP than the United States.

Surely they can participate. And in particular, Germany; Germany was able to give Russia $7 billion simply as a reward for its agreement to withdraw troops from the former East Germany. Certainly we can expect it to pay its fair share or even 70 percent of the cost of our stationing of thousands of troops in Germany.

Second, we cannot afford not to do this. We are in the process now of discussing the possibility of a constitutional amendment to balance the budget. Why? Because we are $400 billion in deficit, $4 trillion national debt. We spend today about $8.8 billion with regard to these overseas operations, $6.6 billion in our NATO-allied areas as well as Korea. We cannot continue to increase our own deficit to continue to borrow in order to assist countries that are outcompeting us and outgrowing us in terms of the economy.

The third and final point is that this amendment provides for a reasonable transition. We are not saying to simply cut off everything. We are saying, do what the administration promised us it would do, negotiate, negotiate an agreement.

We give the administration 18 months to negotiate that agreement, and we encourage them to do it in the model fashioned with the United States-Japan Host Nation Support Agreement of 1991.

Given the administration's reluctance to undertake these serious talks, we say, "If you don't do it, then we are going to reduce spending by 5 percent in operations and maintenance and spending in Europe and Korea after the first year because we are trying to encourage those negotiations."

The savings could amount to as much as $1 billion over 2 years.

The United States at this point cannot afford to bankroll the defense of Europe and Korea. We do not mind contributing our fair share, but the days of American largesse are over. We can work with our allies to develop and devise a fairer distribution of the burden, and we cannot afford to do otherwise.

It is that simple. We cannot afford to do otherwise.

Mr. KASICH. Mr. Chairman, I reserve the balance of my time.

Mr. BILBRAY. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The gentleman from Nevada [Mr. BILBRAY] will be recognized for 15 minutes.

Mr. BILBRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to initially thank the gentleman from Ohio for his kind remarks about myself. I know we will continue to work together on issues of common interest. And I want to salute the gentleman from California, my friend, for his worthy attempt here on behalf of what some would call burdensharing.

I just do not happen to agree at all. This amendment, I will have to admit, sounds good, but as a practical matter, I do not think it is workable at all. And I do not think it is prudent.

As I said, it really sounds good. It is interesting to note in this amendment, according to what the gentleman from Ohio [Mr. KASICH] said, that we are going to model all burdensharing on the basis of what the gentleman refers to as the "Japanese model."

We take great pride in what the Japanese are spending to keep the troops on their soil for our purposes, not theirs, but how do we suppose we got to this model in the first place? Did the Japanese call and say, "You are paying too much, let us pick it up?" No.

That has been a function, I am very proud, of the Department of Defense, Ambassador Holmes, in trying to get these people to pony up what they ought to be paying. But I love this amendment. One size fits all. The troops in Japan, the troops in Germany, the troops wherever they might be in the world, it is all one deal. They are all the same.

Sometimes we forget that we limited the Japanese, and I am glad we did, as to how much defense they can have. That was when we wrote their constitution.

I am rather pleased and I know the Australians, last time I checked, and others are relatively pleased that they do not have the size of forces some of our NATO allies do. But what we are going to do is take that model, because the Japanese are spending more money on our troops because they do not have to spend money on their troops, which they cannot have. And we are saying, that model is going to fit all.

Let me tell my colleagues what the amendment does. The amendment says to the President that "What you have to do is go negotiate with our allies, whether it is in our interests or not, to make sure that you do everything according to the Japanese model. And, Mr. President, whether you are successful or not, here is what we are going to do. We are going to punish our U.S. troops wherever they might be in the world by cutting their O&M account."

Now, is that not some incentive? After we have already said, "Ambassador Holmes, all the things that you have done on negotiating burdensharing, whether it be in Japan or whether it be in Korea, who, incidentally, they will fit in here fine, too, we do not pay any attention to the fact that they are not taking over the lead as far as the ground combat is concerned. Don't pay attention. It is much easier. One size fits all."

But my favorite part of it is punishing guess who? The poor slob U.S.

Army soldier, marine or sailor or airman, that is who we are going to punish if this one size fits all, wondrous, simplified amendment does not work.

I think that this is kind of the legislative equivalent of the young cavalry officer riding through the valley after the battle shooting the wounded. Who are we going to punish here with our frustrations? None other than our troops.

I would really appreciate it, with these kinds of amendments, and I know the gentlewoman from Colorado, and there is nobody any fairer about allowing people to come in front of our subcommittee and offer this or whatever kind of amendment. Our doors are literally open all the time to people to come in, but here we have this one size fits all, do everything according to the Japanese model. And then say to the President, "You haven't done anything, although we do like what you have done with the Japanese model."

Forget about the infrastructure, the NATO infrastructure negotiations they went through and concluded just 2 weeks ago, saying that the infrastructure could now be used for O&M.

□ 1700

"You didn't do well enough. We want to punish some more troops."

In case the Members have not figured it out, I think that this is ill thought out, notwithstanding the prominence of both of the authors.

Mr. MARTIN. Mr. Chairman, will the gentleman yield further?

Mr. BILBRAY. Mr. Chairman, I will yield the speaker as much time as he wants. We have 10 minutes remaining. He may have it all.

The CHAIRMAN pro tempore (Mr. COX of Illinois). Without objection the gentleman from New York [Mr. MARTIN] will control 10 additional minutes.

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I heard the gentleman, and I apologize, I came in a little late. The gentleman was criticizing this, because he says it was an adaption of the Japanese model that did not work in Europe. I would ask the gentleman if he knew the Japanese model was a congressional creation forced on an unwilling administration. I would ask the gentleman, as we evaluate his view of the Japanese model, was he in favor when the House voted to impose the Japanese model on the administration?

Mr. MARTIN. Mr. Chairman, if I can reclaim my time, I think I have a different recollection than my dear friend, the gentleman from Massachusetts [Mr. FRANK] as to just how that worked. We have had in front of our subcommittee Ambassador Holmes and various Secretaries of Defense for all the time I have been there, talking about burdensharing and urging them to do more, which they have. I am not one that says the only good things that happen in the world happen to be generated by this body.

It occurs to me that some people feel the best judgments and decisions made, particularly with respect to international relations, are made not in the State Department or the Defense Department or the administration, but somehow are made up in here on the floor of the House, because after all, for those of us who have the opportunity to be here at this time, we are, after all, considering this matter for a full 30 minutes; we are going to change the whole policy with a one-size-fits-all, based on our thorough investigation after 30 minutes of debate here on the floor of the House.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I will yield one more time to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, Mr. Chairman, I want to make clear that the caricature which the gentleman was having fun painting has, as far as I am concerned, no remote connection to reality. I do not know who the gentleman is talking about when he says there are people who say all the good ideas come from here. I understand, however, why he wanted to switch from the specific to the general, because I think the facts are very clear. The Japanese model he refers to come as a result of an amendment adopted on the floor of the House a couple of years ago over the objection of the administration.

No, I do not think all good ideas start here. Some of them die here. But I do think the facts will show that the case of forcing the Japanese to start paying some money, that model he talks about which he now likes, resulted from a vote on the floor of the House over the objection of the administration, and I thought the gentleman had been opposed to it, which would explain why he is still not that crazy about it.

Mr. MARTIN. Mr. Chairman, I have to reclaim my time to recommend to the gentleman that he read the report here. There are some on this committee, and this is not a committee amendment, but there are some here in the committee that are very proud of what we have all been able to do as far as burdensharing is concerned.

The gentleman from California makes a particularly poignant point when he talks about the Germans being able to spend the equivalent of million to pay the Soviets to go home. That is a little bit different than the Japanese situation, their having to pay $7 million to get 250,000 homeless people, and that is what the Russian Army is in Germany, back into the Soviet Union someplace. They still have not figured out how they are going to do it. But that is not the kind of financial burden that Japan has, so that model, they can pay an awful lot more to maintain those troops that are our troops and there for our purposes on their soil.

I do not buy into the arguments that I hear here from time to time that somehow American troops are in Europe, and it is not just Germany, but anywhere in Europe, somehow to defend those folks against each other, or that somehow our troops are in Japan to defend Japan against the Russians. That was never my idea. If there is an American troop anywhere, I hope they are there for our interest and not for somebody's intramural interest.

Mr. Chairman, I reserve the balance of my time.

Mr. KASICH. Mr. Chairman, let me say I am glad the distinguished gentleman from New York brings up the committee report, because the committee report says, and I quote, "The committee strongly believes that the U.S.-Japan Host Nation Support Agreement of 1991 is a model for all of our overseas basing agreements." That is out of the committee report. That is exactly what we are doing, using it as a model.

Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, traditionally I would be reluctant to support a legislative proposal that should, by necessity or by tradition, be the province of the administration. However, this year with a diminished threat around the globe both in Europe and in other parts of the world, and the diminished security competition that we face, and the need for a new economic reality, I think it mandates that we need to impose some pressure on the administration to negotiate in good faith, and with the support of our allies, to negotiate a more reasonable host nation support agreement.

My colleagues, we are going to be debating next week or so a balanced budget amendment. I am one who supports it, but I believe that in order to be honest that we need to apply pressure, that we need to make cuts, that we need to look for ways to economize, because the biggest challenge facing this Nation today is not the physical security vis-a-vis a Soviet threat; the real challenge is how do we revitalize our economy and put people in America back to work.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO], the chairman of the Subcommittee on Readiness of the Committee on Armed Services.

(Mr. HUTTO asked and was given permission to revise and extend his remarks.)

Mr. HUTTO. Mr. Chairman, I rise in support of Mr. Kasich's burdensharing amendment.

The Readiness Subcommittee has held a number of hearings on the burden sharing issue over the past few years that have highlighted the many problems we face in this area.

Our major differences now are with our NATO allies—with Germany—and Korea. These countries have sophisticated, thriving economies that compete in many economic arenas with the United States at the same time we are financing a disproportionate share of maintaining our troops in their countries for their defense.

In addition to providing for their defense, these countries benefit economically in two ways by having us pick up the bill for stationing our troops in their countries.

First, we are supporting the local economies with our tax dollars. More importantly, by paying for their defense, the U.S. taxpayer is allowing these countries to use their funds for economic investment, some of which is probably used to compete against us.

Continuing to maintain and pay for our troops in these other countries is both ludicrous and economically self-destructive. It is time for these countries to pay for their own defense, and since they desire a continued U.S. presence, they should be prepared to pay for it.

Mr. Kasich's amendment would not only increase the contributions of these countries to supporting a U.S. presence, but would transfer these additional funds to support our bases herein the United States. Any Member of this House who has a military base in their district knows that these facilities need additional funds to maintain their infrastructure. Mr. Kasich's amendment would assist in providing those funds.

I urge all Members to support this amendment.

Mr. MARTIN. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the cost-sharing arrangements between the United States and Japan reflect the unique conditions in Japan. As has been pointed out, they primarily involve financial offsets for United States costs. Japan is able to provide these offsets largely because it is a wealthy country. It does not spend as much as other allies on its own defense, partly because of constitutional limitations which we imposed upon them.

I might also point out that Japan was the principal beneficiary of our reflagging in the Persian Gulf and of the Persian Gulf war, when we protected the oil coming from that part of the world. Since they are the largest consumer of it, it is right they pick up a larger portion of the burden. Our relationship with them is unique as opposed to the other NATO countries and to Korea.

From a comprehensive viewpoint, considering all the other ways in which our allies contribute to our mutual security interest, some of them are already doing at least as much as Japan. Japan does not spend nearly as much on its own defense, or deploy nearly as capable a force as Korea or as the NATO allies, for example.

The Department of Defense opposes this amendment on the grounds that, in addition to the above, it is unrealistic in its approach to the U.S. security relationship, and it is harmful to promising ongoing U.S. Government efforts to secure more equitable burden-sharing arrangements.

The United States has been successfully engaged in renegotiating the burden-sharing around the world. The efforts in Japan that have made it a model are a result of the efforts on the part of the United States. We have just recently made an agreement with our NATO allies, as has been pointed out by the gentleman from New York [Mr. Martin], in addition to the 28 percent that we are paying toward the infrastructure of NATO, to be able to use this for the first time for operation and maintenance, not just for the infrastructure as it was originally set up.

□ 1710

This means that instead of us paying 100 percent for operation and maintenance, now we can use the infrastructure money, which means that we pay 28 cents on the dollar and not 100 cents on the dollar for these activities which came about as negotiation and ongoing negotiations with our allies.

I think we should not mandate by law in this forum right now what the United States must do. I think the United States, through its Department of Defense, through its State Department, is negotiating on a continuing basis to arrive at a fair and equitable solution for settlement of what the contributions of the various countries are. I think this is not a good amendment at this time, and for that reason I and the administration oppose it.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. Machtley].

Mr. MACHTLEY. Mr. Chairman, there is an axiom in law school that if you do not have the facts, argue public politics. Unfortunately, we are hearing too much public politics. The facts are contained in the DOD publication which spells out exactly how much is being spent. This year we are going to spend about $20 billion in foreign overseas bases. Half of that is in salaries.

Anyone who says we can just do away with salaries has not really looked at the reality of what we do with the troops. We are going to be bringing troops home. We are going to be bringing them back at a rate that is far exceeding what was originally planned.

But the other half, $8 billion is the O&M account. What the Kasich amendment is saying is look, we have countries such as the Netherlands and we are giving them $222 million a year. We are asking for a 5-percent incentive for them to pick up some of the extraordinary expenses that they would ordinarily pay if they were defending their own shores. That amounts of about $500 million, and $500 million of a $20 billion overseas foreign expenditure is a pretty reasonable expenditure on the part of other countries.

Korea gets $2 billion, and yet last year, even though they had a surplus in their national budget, they only contributed $500 million.

This is a fair amendment; I think it is a reasonable amendment; and I suggest it is one that we should support.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. Pickett] a member of the Readiness Subcommittee.

Mr. PICKETT. Mr. Chairman I rise in support of the Kasich amendment.

It's simply time that our allies paid more of these costs. The Japanese have demonstrated that it can be done, and our NATO allies are just as capable of bearing the cost.

Here at home we face severe economic needs while our allies prosper at our expense in the trade battle. For years our allies have benefited from the hundreds of billions of dollars spent for their defense.

Moreover, bases in the United States face severe funding shortfalls, and thousands of civilians working on these bases face losing their jobs. This amendment would channel these allied contributions to support our bases in the United States. The amendment is about equity in support of our commitment, and it is about time we received this support from our allies.

Mr. KASICH. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. Santorum].

Mr. SANTORUM. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this is an amendment whose time is welcome.

John Miller, Tom DeLay, myself, and John Kasich put together a budget last year which had this provision in it to be able to reduce the deficit. This is something that makes perfectly good sense.

Those Members who have not been home and who have not been listening to the people back home who are complaining that somehow we are subsidizing and the Federal Government has continued to subsidize all of these foreign governments who just thumb their nose at us when it comes to supporting what we want to do, this is an amendment that says let us just be fair about it. This is not a ceiling, a 70-percent ceiling, but this is a floor. We can do better in negotiating. This is not a cap. We can actually do better, so this is not a one-size-fits-all. We can make it even more, and I mean we allow them as an incentive.

Mr. KASICH. Mr. Chairman, although I would like to yield more time, I can only yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Ohio for yielding me the time and I rise in support of this amendment.

I would reiterate what the gentleman said. This is a model. The committee said that the Japanese model is a model and, therefore, I think his amendment is terribly important. This is not Japanese bashing. This is Japanese praising.

I think when we look at our European allies, Members will find out that they are every bit as capable of doing as much as the Japanese.

The other issue is what are we spending per capita. When we look at the United States in 1991, we were spending $1,180 per capita for the defense of the world, whereas Germany was only spending $446 per capita and Japan was spending $265 per capita, and I could go on and on. But there is a tremendous imbalance there.

All we are saying is that we ought to use that Japanese model for our troops stationed overseas in these very wealthy countries that could certainly afford it, and I salute them for the amendment and support it resoundingly.

Mr. KASICH. Mr. Chairman, I yield my final 1 minute to the gentleman from California, [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this amendment is essentially, I think, a wakeup call to this country that things are changing in the world and changing within our own society as well. The time has come when we need to reorder our priorities because of that changing world.

What we try to do here, I think, provides a reasonable transition. It allows the administration 18 months to negotiate with our allies and with Korea regarding burdensharing requirements—18 months. That is more than enough time to allow for that transition to take place.

Second, it acknowledges that because these other nations are in fact outcompeting, outgrowing us, their wage levels are increasing above that of the United States, that it is time for them to share with us in this burden of providing for the security of the world.

Last, and very simply, we cannot afford to do otherwise. We are in the process of talking about what we do to balance our budget. This is the beginning of the choices that have to be made if in fact we are going to do that.

I urge support for the amendment.

Mr. MARTIN. Mr. Chairman, I yield myself my remaining 3 minutes.

Mr. Chairman, I rise in defense of the committee position on this bill. As I said before, it is one of those amendment that certainly sounds good, and it is probably good politically.

The Secretary of Defense, who I think has done a most commendable job, is very strong in opposition to this amendment. And I do not blame him. I do not think it reflects well on this body that we should be praising him for the job that has been done in this very area, only to say in this amendment that you will go negotiate this model whether it fits or not. And if you do not succeed, what we are going to do, even if you act in good faith, is cut by a percentage, drawn out of the air, the amount of operation and expense money and exact a price out of the hide of the young American troops that are stationed in those countries. That is really some way to do business.

I do not think that those troops, wherever they might be training, wherever they might be living, are to blame for any failure of negotiations with any country in the world. But that is who this amendment takes it out on. I do not think it is fair, I do not think it is reasonable, I do not think it is prudent, and neither does the Secretary of Defense.

I realize that some, because they do not know them, because they do not see them, because they have not trained with them, view some of these troops as just so many unneeded widgets that we do not really need, and we do not really care about. But keep in mind that one four-hundred and thirty-fifth of them Members are going to hear from sooner or later, because here we are with an amendment that if the President is not successful in doing what we think, or some might think is prudent, we are going to take it out on the troops, and I urge Members to vote in the negative.

Mr. Chairman, I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of Mr. KASICH's burdensharing amendment. There is no doubt that most Americans want our allies to increase their support for offsetting the costs associated with stationing U.S. troops overseas.

The Readiness Subcommittee held hearings on this issue both this year and last year. We were told that since World War II the United States has made property investments of about $5 billion. We were also told that the only thing the United States really owns in Europe is a little old schoolhouse in Belgium.

The Germans are spending $10 to $12 billion to support the Russian forces in Germany. Yet very little is paid in support of our forces.

The Kasich amendment simply requires that our allies now start supporting the United States. The proposal is simply to support our overseas cost in a manner similar to the Japanese model. Korea provides less than $500 million in burdensharing support.

The amendment reduces overseas expenditures. If our allies contribute and they offset our costs, then the savings are reinvested in United States or Conus bases.

Mr. Chairman, the time has come for our allies to help. The time also has come to spend this money here at home on our own bases.

□ 1720

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 9, not voting 29, as follows:

[Roll No. 154]

AYES—396

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson

Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—9

Bateman
Byron
Dickinson
Hansen
Hunter
Martin
Michel
Skelton
Spence

NOT VOTING—29

Andrews (NJ)
Anthony
Boxer
Campbell (CA)
Dannemeyer
Dornan (CA)
Dreier
Dymally
Hayes (LA)
Hefner
Hubbard
Jones (GA)
Kolter
Lagomarsino
Lehman (CA)
Levine (CA)
Lewis (CA)
Martinez
Morrison
Oakar
Perkins
Riggs
Roybal
Russo
Sharp
Thomas (CA)
Torres
Towns
Traxler

□ 1741

Mr. HASTERT and Mr. LIGHTFOOT changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. COX of Illinois). It is now in order to consider amendment No. 2 printed in part I of House Report 102–545.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title X (page 202, after line 23), insert the following new section:

SEC. . REDUCTIONS FOR ACCELERATED WITHDRAWAL OF UNITED STATES FORCES FROM EUROPE, JAPAN, AND KOREA OR INCREASED HOST-NATION SUPPORT.

(a) OVERALL AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated by this Act for fiscal year 1993 is the sum of the separate authorizations contained in this Act for that fiscal year reduced pay $3,500,000,000.

(b) TROOPS IN EUROPE, JAPAN, AND KOREA.—Reductions in amounts authorized to be appropriated to the Department of Defense to achieve the overall reduction required by subsection (a) may only be made from funds for programs, projects, and activities for the support of United States forces assigned to or stationed in Europe, Japan, or Korea. The effect on those programs, projects, and activities of such reductions in amounts authorized to be appropriated may be accounted for through either or a combination of the following:

(1) Increases in the level of host-nation support.

(2) Accelerated withdrawal of United States forces or equipment assigned to or stationed in Europe, Japan, or Korea.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. MARTIN. Mr. Chairman, I oppose the amendment.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. MARTIN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I will begin by yielding 3 minutes to the coauthor of this amendment, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman and Members of the House, while the United States and the Soviet Union were fighting a cold war, Western Europe, Japan, and the other Asian rim nations were fighting an economic war and dividing the spoils. This is the contest we should be in. We should be competing economically.

Mr. Chairman, as a coauthor, I rise in support of the amendment of the gentleman from Massachusetts [Mr. FRANK] for the very obvious fact that we do not need the number of troops that we have overseas. And if our allies feel our troops are needed, then they should be willing to help pay their cost.

The cold war has ended. The world is a dangerous place, but it is not the same world that has existed for the last 51 years.

A few years ago Lech Walesa walked down this aisle, stood up at that dais, and thanked the American people for what they did. He said, "For you, World War II ended in 1945 and the cold war began. For us, World War II ended in 1989."

The war has ended. We do not need the number of troops we have in Western Europe, Japan, and Korea. And if in fact we need a large number of troops there, then the host countries must be willing to pay for them.

Our amendment would reduce the defense budget by $3.5 billion and go directly for deficit reduction. There would either be reductions in our troops overseas, and the costs associated with them, or our allies would contribute $3.5 billion, or a portion thereof, to cover the cost of keeping them.

Mr. Chairman, there is a peace dividend. But there is no peace dividend if Members do not vote for it.

I have not yet seen a peace dividend realized. I have not seen this House vote for one.

We have problems in this country and we must address them. There is an opportunity cost for our spending the kind of money overseas that we are spending. The opportunity cost is that we are not reducing our deficits or addressing the problems that we have here in the United States.

I support this amendment. It makes logical sense. Our allies should be willing to contribute to the cost of our troops overseas, and if they are not willing to, we need to bring more of them home.

Mr. MARTIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I listened attentively to my colleague, the gentleman from Connecticut, state that we have too many troops, particularly in Western Europe. He is absolutely correct. This amendment does not address the most important subject, I think, that we should be talking about today, and that is to let the world know what heretofore has been a secret.

Let me tell you how fast the Department of Defense is bringing down the troop strength in Europe since the falling of the Berlin Wall.

Last year alone, if I may have the attention of the House while I reveal this secret, in the last year alone, this country has returned from Western Europe 72,000 soldiers, 91,000 family members, which is just about the equivalent of moving Savannah, GA, in 1 year.

General Powell has said "Enough is enough." The strain that we are putting on the families, that again, I know a lot of people do not see or perhaps care much about, but the strain we are putting on those families as well as the troops is just about as far as we can go. To hear some people talk, nothing has happened since the collapse of the Warsaw Pact.

Think of it, 78,000 uniformed personnel. Every day while we are in session, we are bringing 500 more troops along with their families and along with their children, irrespective of whether or not their kids have not completed school, irrespective of the burden it makes on them. But here is a really good bumper sticker issue: "What the heck, bring them home in boxcars, bring them home any way we can, twice as fast."

Mr. Chairman, I am fascinated as to how fast we have been bringing them home, and I think this amendment is ill-conceived.

□ 1750

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER], the chairwoman of the subcommittee that has been dealing with this burdensharing.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. FRANK] for yielding this time to me, and I want to say one of the things that we all do in this business is we often get engaged in doing very silly things, and one time, or several times, I have been stuck in the Capitol Steps, that singing group, and they want me to sing that part of the song that says: "Immense expense is mainly in defense."

Mr. Chairman, that is really what the gentleman's amendment is all about.

Let us put this in the context of the balanced budget amendment that is floating around our there; 56 percent of discretionary spending this year is in defense in our budget; 5 percent is in foreign aid. That is very, very high. When we look at what our other allies and economic competitors are spending, it is very different.

I hear the pleas about the strains on families. I hear the pleas that they are bringing home 500 a day. But let me tell my colleagues that we all know we can do more, or our allies can do more, to help sustain the costs.

Our allies keep saying, "But you didn't ask us to do this in 1948." But 1948 was a very different day. Those economies were on their back, and we had to do everything we could to help build them. Here we are today with very, very wealthy economies, all our allies reassessing, and we are in a fiscal crisis.

So, Mr. Chairman, this is not mandating either one or the other. It is saying, "You have a choice. We may have to bring them home if you're not spending more money and helping," and I think that is exactly where we have to be because unfortunately it seems to be very difficult to have alies change their spending patterns unless they really get the idea that this body is serious and we are really out of patience.

I think the American people are out of patience. They feel that they have done more than their fair share to hold up the free world and it is now time for some others to be sharing some of that, or we have to rethink it.

Mr. MARTIN. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the Frank-Shays amendment.

Let me point out to my colleagues that this amendment really hurts the personnel in Europe and other parts of the world. It cuts too fast; $3.5 billion will be cut from the infrastructure of our forces in Europe, Japan and Korea. It is a cross-cut, Mr. Chairman. It cuts weapons system, it cuts personnel, it cuts training, and it cuts logistics.

Now the amendment says that Secretary Cheney is not bringing back enough forces quick enough. Listen to this, and the gentleman from New York [Mr. MARTIN] touched on it: We are bringing 6,000 military personnel a month home. We are bringing 8,000 dependents home each month. We are bringing 27,000 cars and household goods. We cannot bring them home any quicker. We have no place to put them.

Under this amendment we will fly them in on airplanes, and bring them home and put them out at some base in some motel, and, if we do not bring them home, we leave them over there with no support by adopting this amendment. We have a lot of Army equipment in Europe, and, if we do not keep personnel over there to repair and store this equipment, we are going to get ourselves in a lot of trouble.

Mr. Chairman, this amendment has not been thought through. This amendment should be defeated. The reason is it certainly would be hard on our personnel who fought in the Persian Gulf, who have been over in Europe, and they are entitled to better treatment than this.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise in support of the amendment of the gentleman from Massachusetts [Mr. FRANK] for one very simple reason. The crisis is here in America, not in Europe, not in Japan, not in Korea.

Mr. Chairman, at a time when we are running $400 billion deficits, and domestic spending has been cut back over the last 12 years, there is no way we can justify spending billions of dollars abroad to subsidize our allies' defense.

A recent Brookings Institution report states that the U.S. contribution to the nonnuclear defense of Europe came to approximately $136 billion in 1990. That was more than 40 percent of the defense budget. If we include strategic and tactical defense in that figure, it would be 50 percent of defense authority. There is no need, no justification, for this. Mr. Chairman, I would argue that, if we did nothing but spend that money in America, we would be better off as a nation.

I would like to commend the gentleman from Wisconsin [Mr. ASPIN] for his work on this bill in moving restructuring of our forces forward, but I think the amendment of the gentleman from Massachusetts [Mr. FRANK] goes one step further, insuring that we no longer spend scarce resources protecting Germany from East Germany and freeing up those dollars for more productive means and more pressing matters. We need drastic action, we must fund what is essential, and I dare say that what is essential is here at home, not abroad.

Support the Frank amendment.

Mr. MARTIN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise in opposition to the Frank-Shays amendment, which would cut $3.5 billion from funding for support of U.S. troops overseas during fiscal year 1993.

This would decimate our defense and be disastrous for our troops.

This amendment ignores several fundamental facts:

Our forces are deployed forward primarily in our own national interests.

While we can, should and do expect our allies to pay their fair share of the cost of maintaining forces overseas in our mutual interests, we cannot expect them to pay all of the costs for what we choose to do in support of our own interests.

Our allies continue to pay a larger and larger share of overseas basing costs. From 1991 to 1993 the cost of basing United States forces overseas will decrease 24 percent; by 1995, it will cost less to base our forces in Japan than it would to base those same forces in the United States.

Our forces are being withdrawn from Europe as fast as transportation can be made available to return them and as fast as U.S. installations and surrounding communities can accommodate them; 163,000 soldiers and family members are being returned this year alone.

Our most senior military officials, beginning with General Powell and General Galvin, commander of U.S. forces in Europe, have stated unequivocally that to try and bring people home and close bases any faster would only break the force and devastate morale.

GAO has concluded that "increasing the pace of drawdown will only make substantial problems worse."

Furthermore, the Armed Services Committee has already made substantial cuts in the DOD-requested operations and maintenance funds, the account that would be most impacted by this amendment. The committee's action reduced the DOD request by $6.2 billion.

The debate over the size of U.S. forces in Europe after September 30, 1995—more than 3 years from now—need not be decided now.

The Chairman of the Joint Chiefs of Staff has repeatedly stated that we are reducing our European troop strength as rapidly as we can for now, we cannot go any faster.

The Commander, U.S. Army Europe, testified before the Armed Services Committee in April that in fiscal year 1992 the Army in Europe will redeploy 72,500 soldiers, 91,000 family members, 27,000 cars, and all the possessions of 45,000 households—more than the population of Panama City, Florida, my hometown, " I am on the edge of breaking my force, breaking my ability to train at the same time I redeploy, breaking my ability to provide services, breaking readiness, and breaking confidence of the soldiers in their leadership."

The GAO testified in March that the pace of the current drawdown is exceeding the Army's ability to manage it.

Huge amounts of Army equipment not needed in Europe will remain for years because the system cannot process it for repair and/or salvage fast enough.

Over 25,000 major end items—trucks, tanks, other vehicles—valued at $5.8 billion are stacking up in storage yards and maintenance facilities.

Soldiers and families are arriving in the United States from overseas to find bases already overcrowded. On-post housing is unavailable. Off-post housing is either unavailable or unaffordable.

Soldiers are suffering financially and the current pace of the drawdown is having a negative impact on soldier and family morale and quality of life.

Mr. Chairman, I agree wholeheartedly with the Department of Defense assessment regarding troop withdrawal plans for the period covered by this amendment, "we cannot bring home our troops, their dependents, their household goods, and their military equipment any faster than we are already doing. To try to do so would impose tremendous personal hardship on our men and women in uniform and their dependents. It would also undermine the readiness of our armed forces."

I urge my colleagues to vote no on the Frank-Shays amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. FRANK] for yielding this time to me.

Mr. Chairman, I will support the Frank amendment, as I did last year, and I will point out that I was only one of nine Republicans to support this amendment last year. There were reasons, perhaps, not to support it. It was over twice the amount of savings that are being credited to the deficit reduction this year. There were some questions about observing the firewalls. None of those apply this year.

Mr. Chairman, I would ask particularly Republicans to give serious consideration to supporting this amendment because it is prologue to the realities of living under a balance budget amendment, and there is nothing that says that, if we are going to be serious about supporting that amendment, we should not begin by supporting real reductions in spending, and this is one. This is $3.5 billion of deficit reduction that will not go to domestic programs, that will not go to other spending accounts. It will go toward deficit reduction.

I say to my colleagues, "If you are serious about making a head start on any kind of balanced budget mechanism, I encourage you to support this timely legislation."

Now I am not here to disparage the Pentagon's timetable for reducing its troop strength in Europe, South Korea, or Japan. But the fact of the matter is all of us—if the balanced budget agreement passes—must live under its constraints. That means the Pentagon, as well as all of us in Congress. I see no harm in getting a head start on what we all purport to support in this Congress, which is meaningful spending reductions in concert with a strict constitutional mandate to reduce spending.

So, for that reason, Mr. Chairman, I would hope that on this side of the aisle there will be considerably more than just nine Republicans who will in a sense put their money where their mouth is and support the Frank-Shays amendment.

□ 1800

Mr. MARTIN. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, three times this century we have had the syndrome in this country of bringing the troops home. Let us not fall into that trap once again.

Faster and deeper reductions are neither practical nor in our interests. The number of American troops in Europe is coming down as quickly as possible toward the goal of 150,000 in 1995. U.S. troops are being reduced from a strength of 316,000 in 1990 to 150,000 in 1995. As of April of this year there are approximately 235,000 military personnel located in the European theater, with a projected department rate of 6,000 military personnel per month. That does not include their dependents.

Mr. Chairman, there are practical factors limiting how quickly troops and their families can be returned, including the number of moving vans, packers, shipping space, and the availability of housing upon return to our country.

In many cases these servicemen and women must also worry about the standdown of their units, the turning in of equipment, the accountability of hundreds of items and pieces of equipment, and the welfare of military personnel for whom they are responsible. All of this is taking place in a time when these men and women are also wondering what future they have in tomorrow's smaller Armed Forces.

A typical infantry sergeant in Europe faces a daunting challenge. He is responsible for the maintenance and turn in of equipment worth several million dollars. He is married and has young children. His household goods may be packed on short notice, perhaps with only a few hours advance notice, and are likely to arrive months before or after he and his family have come back to the States. His car will arrive many weeks later after his other goods.

Once he is back in America he will have to find off-base housing, which he can probably barely afford, while waiting a year or longer for on-base housing to become available.

In some cases he will be transferred to a new duty station in advance of his family's departure, or his family may leave many weeks before he is transferred.

Of course, this same soldier is a leader, responsible for the morale and well-being of a squad of soldiers, all of whom face the same challenges and problems.

Mr. Chairman, a continued U.S. military presence in Europe is in the interest of our country. The Soviet military threat has collapsed, and with it the risk of all-out global war. However, it is in our best interests to maintain a viable military force in Europe. It is a sign of American commitment to the future of Europe. A viable military presence enhances stability and security. A viable military presence in Europe also allows us to rapidly shift military forces to nearby regions and provides a hedge against uncertainty. In the last 21 months we have deployed European-based American forces eight times for humanitarian assistance, peacekeeping missions, and for combat.

Mr. FRANK of Massachusetts. Mr. Chairman, on behalf of the tripartisan amendment, I yield 1½ minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is no secret that the American people in increasing numbers by the tens of millions hold not only the President of the United States in contempt, but they hold this institution in contempt. One of the reasons is that despite all of the 4-second sound bites and press releases that come out of here, the American people know that this institution by and large does not have the guts to stand up and do the right thing.

Now, what are we talking about today? What we are saying is, as we all know, that throughout this country we face enormous problems. In our cities and towns our infrastructure, our educational systems, our police departments, and our fire departments lack money, and we have cut back on Federal aid to the cities and towns.

Our children are facing desperate problems; 20 percent of our kids live in poverty. We have underfunded WIC and underfunded Head Start. Five million children in America go to bed hungry.

Two years ago, this institution and the President cut back Federal aid to veterans programs and cut back on Medicare.

Today is the time for those people who send out all of the press releases about the exploding Federal deficit to do the right thing. Those of you who are concerned about the need to rebuild America, now is the time to act. We do not need to defend Germany, Japan, and Europe. We need to pay attention to America.

Let us support this good amendment.

Mr. MARTIN. Mr. Chairman, may I inquire how much time each side has remaining?

The CHAIRMAN pro tempore (Mr. COX of Illinois). The Chair would announce that each side has 6 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment. I think it is a wonderful first start for us. I think we need to point out that there is an option to all this pullback at these great speeds of reducing troops. The option is that Germany and some of the other allies in the NATO countries can pay more to keep them there.

Mr. Chairman, that has not been said. All the negatives we have heard have been talking about this rapid pullback. Germany has been spending billions of dollars to return Soviet troops to the former Soviet Union. They have been building them homes back in the former Soviet Union, using the dollars that we have saved them because we have been using American taxpayer dollars to defend them.

I understand recently that the Departments of State and Defense renegotiated an agreement that increases the severance pay that we make with American taxpayer dollars to foreign national employees in Germany. We do not have such generous severance pay for our own workers, and we all know that we have hundreds of thousands of workers out of work in our own country.

Mr. Chairman, I support this amendment. I think it is going exactly in the right direction. It gives the State Department and the Defense Department some options. I urge support of this amendment.

The CHAIRMAN pro tempore. The Committee will rise informally in order that the House may receive a message.

SUNDRY MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. WILSON) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1818

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

The Committee resumed its sitting.

Mr. MARTIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, on its face this is an attractive amendment. I believe though we should be cautious. We should not attempt to micromanage the problems that the President has and that the Department of Defense has. Unfortunately, I think this amounts to micromanagement.

Twice in my lifetime the Congress has with a great amount of enthusiasm brought our troops home, and twice in my lifetime they have turned around and had to redeploy those troops.

Yes, the cold war is over. I know it. We all know it. We do not know exactly what the future holds for us though. Substantial reductions are being made in our troop strength. The people that are doing it are good, fine, patriotic people, and they are making the kind of decisions that must be made.

□ 1810

Increases are being made in the amount of support that foreign countries are asked to give to support our troops there. But I think this amendment, as attractive as it appears on its face, is an attempt to micromanage a situation that we should leave to those who are better prepared than we, Members of Congress.

None of us can predict what the outcome is going to be in Europe. None of us can predict what the outcome is going to be in Korea. Those troops are not there to protect them. They are there to protect the American interest. Thank God the situation looks a lot better now, but as one cynic said, "It ain't over till the fat woman sings." And we have got some waiting to do. We have got to be patient.

I believe the right thing to do is leave this kind of decision to the President of the United States.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

One of the previous speakers on the other side of this issue said, "We are all ready bringing home the equivalent of Savannah." Well, we would not be bringing home the equivalent of Savannah if we had not sent Atlanta over there in the first place.

While we were sending Atlanta to Europe, we were sending Cleveland to Asia and paying for the privilege.

We talk about burden sharing. Let us understand how one sided this is. None of our allies, to my knowledge, are spending a penny of their money here in the United States. Our economy gets no stimulus whatsoever from the prosperous economies of South Korea, Japan, Germany, the Netherlands, England, et cetera. Apparently, the mindset is such that we assume that we owe them a whole lot.

Let us also deal with this notion that somehow we will be unprepared. If this amendment passes, we will be spending, if this amendment passes and, wonder of wonders, is adopted in the other body without any compromise, if this amendment becomes law, the U.S. taxpayers will be supporting overseas with their money a larger and more expensive network of troops and equipment than any other country in the history of the world except ourselves has ever done. Why do we get into this mindset that somehow we have to be the bottomless pit?

By the way, if our European and South Korean and Japanese allies do have a sense of danger, this will not mean any reduction. I recognize the President is the Commander in Chief. This does not give him orders about how to do it. It says, of the tens of billions we are now spending over there, we want the President to spend $3½ billion less, a fairly small amount. "And you can get it by getting more from South Korea and more from the Netherlands, more from Norway, more from Japan, more from Germany, or by reducing troops and equipment or by some combination."

So apparently it is simply assumed by Members on the other side of this issue that our allies only want those troops if they get them for nothing. Where are all the free marketers? Do they not understand, do they not remember their lesson? Offer somebody something for nothing or for a very reduced price and they will buy a lot more of it than if we made them pay for what they need.

If my colleagues want to make the world safer, pass this amendment, because if we tell the South Koreans, the Japanese, and the Western Europeans that they have got to pay the Americans a substantial part of what we pay, they will feel very safe all of a sudden. Their sense of danger will evaporate if they are not getting it for free.

I admit this will cause some problems. The Pentagon does not like it. I have been here 11 years. No department has yet come up and said, "Boy, have I got too much money. Cut me." No department has said that. And they do good things. But we are now, we just learned, we have underestimated the demand for Pell grants. Kids who were supposed to get Pell grants may not get them. We have got health research that is not being done. We have got streets that need police officers on them that do not have them. We cannot do everything.

Do our allies take none of the risk and bear none of the burden? Does America's victory in the cold war have no fiscal dividend to the American people in the year to come?

And by the way, to those of my colleagues who next week will be voting for a balanced budget amendment, which I will vote against, this all goes now into the deficit. I hope in future years, because this is not just a one-time reduction, we will repeat it in future years. We will be able to use it for other purposes. We want to balance the budget. This is $3½ billion because the walls are still up that go into deficit reduction. So if we do not do this, where are we going to balance it? Research in Alzheimer's? Law enforcement? Funds for public housing? Environmental cleanup? Pell grants? Where is it going to come from?

We cannot balance the budget in general. We must balance it in specific. And cannot some of the specifics come from wealthy nations overseas that have been the recipients of American protection and defense for years and years?

Let me say, when we go to conference, if Members can show that we are going to have trouble resettling people here, I will gladly say, let us take half a billion of this $3½ billion and spend it here in America easing the path of those who may return. If Members agree, as my friends do, that none of our allies will come up with another penny, because that is again what they are saying, has America not earned the right, after 45 years in defense of freedom at the expense of the American people, to begin to enjoy a little savings? And $3½ billion seems to me to be quite little.

Mr. MARTIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, bring the troops home? Yes; we are bringing them home. We have cleared out of the Philippines. We are leaving Europe. We are leaving Korea. We are leaving Japan in large numbers. But the reduction of these troops are my colleagues' constituents and my constituents, and they are coming home to our districts.

They are coming home to unemployment. They are coming home to lack of housing, and they are coming home to no health care.

We have accelerated the withdrawal and now we are bringing 500 people a day, 3,500 people a week to bases in the United States that are full. There is no housing. The schools are full.

We have to take care of our military personnel here and abroad. We should not penalize our service members because of lack of host-nation contributions. We already have in this bill before us today $7 billion less than the President had requested, $3 billion less than the Senate, $3 billion under the budget resolution, and we have protected our personnel in this bill.

We do not have another $3.5 billion.

Mr. MARTIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to support fully the comments of the gentlewoman from Maryland. I serve on the committee with the gentlewoman from Maryland [Mrs. BYRON], and I want to guarantee, there is no one on this floor that knows more about military personnel than the gentlewoman from Maryland.

We have a strange dichotomy in this country. We laud the people that fight our wars but then we scale down. We scale down, and my friend, the gentleman from Massachusetts [Mr. FRANK], I will give the gentleman Europe because I am not familiar with that community, but let me tell the gentleman from personal experience a couple that I am.

Does the gentleman believe that we are not going to be in another conflict in the next 20 years? I think we will.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I very well fear that we might. And that is why I am in favor of keeping an American force that will dwarf the forces of any other nation as we will have if my amendment is adopted.

Mr. CUNNINGHAM. Mr. Chairman, I think that when we are cutting back in the Philippine Islands, that if the gentleman knows what yoma sikura is, does the gentleman know what yoma sikura is? Does the gentleman know what team spirit is, what those terms mean?

Does the gentleman know the term yoma sikura or team spirit, what they are?

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I heard team spirit. What was the other term?

Mr. CUNNINGHAM. Yoma sikura.

Mr. FRANK of Massachusetts. Yoma sikura, no. I do not believe I am familiar with those terms.

Mr. CUNNINGHAM. Those are the exercises on which I worked on the Seventh Fleet staff. Those are the defense of those two particular countries. Yoma sikura for Japan and team spirit for Korea.

In both cases we have to supplement those services with reserves just to maintain those exercises.

When we run those exercises, we have already pulled out of the Philippines. The closest base that we have is Guam. That line of communication is too far.

I can guarantee my colleagues that if there is a conflict between Korea and we pull out any more troops, we are going to have a difficult problem.

□ 1820

If we bring those home, we have already cut training ranges back here in the States. The Desert Protection Act is one of those. Are we going to provide additional hospital care? We are undermanned for doctors. Go to the bases and look at the hospital care. They are undermanned, and we are going to dump those folks back here all of a sudden.

There are base closings. We have already cut into Milcon. Are they going to provide the additional housing for these people, the training ranges in themselves? No, they are not.

I would encourage my colleagues to vote against the Frank amendment. We are cutting defense by over 30 percent in additional cuts beyond the budget, and the limitations, which is below the budget agreement, would be devastating to our forces.

Mr. MARTIN. Mr. Chairman, I yield myself the final 30 seconds.

Mr. Chairman, the committee has made substantial cuts over the last 8 years in the Department of Defense budget. The $3.5 billion cut and slash is absolutely unconscionable. That is aiming right at the heart of some of the finest people that we have serving in the Armed Forces of the United States, causing them untold misery for no good reason. The Members heard the gentleman from Florida [Mr. GIBBONS], who got into Europe one time the hard way, and the gentleman from Mississippi [Mr. MONTGOMERY], and the gentlewoman from Maryland [Mrs. BYRON], and all these people try to lay it on the table about what it means to our constituents, those people we used to honor and who wore the uniform.

I ask the Members to vote in the negative.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes, 185, not voting 29, as follows:

[Roll No. 155]

AYES—220

Abercrombie
Ackerman
Allard
Andrews (ME)
Annunzio
Applegate
Atkins
AuCoin
Bacchus
Ballenger
Beilenson
Bennett
Berman
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown
Bruce
Bryant
Camp
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coble
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Ewing
Fawell
Feighan
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gilchrest
Glickman
Gordon
Goss
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hayes (IL)
Henry
Hertel
Hobson
Hochbrueckner
Horn
Hughes
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klug
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDermott
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moody
Moran
Morella
Mrazek
Murphy
Myers
Neal (MA)
Neal (NC)
Nowak
Nussle
Oberstar
Obey
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Porter
Poshard
Price
Pursell
Ramstad
Rangel
Reed
Regula
Ridge
Ritter
Roe
Roemer
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Roybal
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Slaughter
Smith (FL)
Snowe
Solarz
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tauzin
Torres
Torricelli
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Walker
Washington
Waters
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Zeliff
Zimmer

NOES—185

Alexander
Allen
Anderson
Andrews (TX)
Archer
Armey
Aspin
Baker
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Browder
Bunning
Burton
Bustamante
Byron
Callahan
Chandler
Clinger
Coleman (MO)
Coleman (TX)
Combest
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeLay
Dickinson
Dicks
Doolittle
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Fascell
Fazio
Fields
Fish
Foglietta
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gradison
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hefley
Herger
Hoagland
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hunter
Hutto
Hyde
Inhofe
Johnson (CT)
Johnson (TX)
Jones (NC)
Kasich
Kleczka
Kolbe
Kyl
Lancaster
Laughlin
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Machtley
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murtha
Natcher
Nichols
Olin
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Pease
Petri
Pickett
Pickle
Quillen
Rahall
Ravenel
Ray
Rhodes
Richardson
Rinaldo
Roberts
Rogers
Ros-Lehtinen
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stump
Sundquist
Tanner
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Volkmer
Vucanovich
Walsh
Weber
Weldon
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Andrews (NJ)
Anthony
Boxer
Campbell (CA)
Dannemeyer
Dornan (CA)
Dreier
Dymally
Hayes (LA)
Hefner
Hubbard
Ireland
Jones (GA)
Kolter
Lagomarsino
Lehman (CA)
Levine (CA)
Lewis (CA)
McDade
Nagle
Oakar
Perkins
Riggs
Russo
Thomas (CA)
Towns
Traxler
Waxman
Whitten

□ 1844

The Clerk announced the following pairs:

On this vote:

Mrs. Boxer for, with Mr. Dornan of California against.

Mr. Waxman for, with Mr. Thomas of California against.

Mr. EDWARDS of Oklahoma and Mr. MILLER of Ohio changed their vote from "aye" to "no."

Mr. WISE, Mr. ZIMMER, Mrs. ROUKEMA, and Messrs. JAMES, McCURDY, RAMSTAD, HOBSON, FROST, and CARPER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word, and if I could have the attention of the chairman of the full committee, the hour is now 6:45, and I wondered if the chairman of the full committee could inform us what the plans are for the rest of the evening as far as the program on the bill now pending. It is now 6:45.

Is it planned to go through later tonight, I wondered?

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, let me just say that we have now done two of the four burdensharing amendments. We have scheduled two more burdensharing amendments, the Schroeder amendment and the Gephardt amendment, both of which are eligible to be debated for up to 30 minutes, 15 minutes on a side, so that should take us, along with an anticipated vote in each case, until about 8:15 to do both of those amendments.

It would be then the chairman's intention to do some of the debate and the amendments having to do with general amendments. We are making rapid progress in putting these general amendments into a form in which the gentleman from Alabama and his side and we on our side can accept for the en bloc amendments, probably coming before the committee for approval on Friday.

We have, as it turns out, only three amendments left. They are each eligible for debate 5 minutes on a side, 10-minute amendments, and it would be my intention that after the burdensharing amendments, we would do those three amendments, debating those three amendments, 10 minutes, three amendments, 10 minutes each, about 30 minutes, and then cluster the votes, so that means that we would start voting on those at roughly, say, 8:45 with up to three votes with 15, 5, and 5, and finish voting, and that would be it for the day.

Mr. DICKINSON. Then the gentleman would move that the Committee would rise?

Mr. ASPIN. If the gentleman will yield further, for the Committee to rise, say, around 9 or 9:15.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mr. COX of Illinois). It is now in order to consider amendment No. 3 printed in part 1 of House Report 102-545.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: At the end of title X (page 202, after line 23), insert the following new section:

SEC. 1056. REDUCTION IN THE AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE.

Subsection (c)(1) of section 1002 of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended in the first sentence by inserting after "235,700" the following: "members before September 30, 1995, and 100,000 members on and after that date".

The CHAIRMAN pro tempore. Is there a Member who rises in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 15 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

□ 1850

Mrs. SCHROEDER. Mr. Chairman, I think that this is probably the easiest of the four burden sharing amendments, mainly because last year this body adopted this amendment as a sense of the Congress resolution and all we are doing today is putting teeth in it. What we did last year was to say it was a sense of the Congress resolution that by fiscal year 1995 the troop strength in Europe should be at 100,000. What we are saying tonight is forget the sense of Congress. The troop level should be 100,000.

I feel rather strange here tonight because usually I am the one far to the left here. I now tend to be far to the right on these burden sharing amendments, and it is exciting to have seen all the votes we have had tonight as they have gone in.

But let me put this into a little context. The reason that we adopted that number last year was because there was a blue ribbon commission, headed by ex-Secretary of Defense Harold Brown and ex-Secretary of the Treasury, Bill Simon. They studied very carefully with all sorts of scholars what the proper troop strength in Europe should be and came up with the number 100,000. That is why I think this body voted for it resoundingly last year.

Now this year actually there is another blue ribbon commission that has now come out and talked about 50,000, so if we adopt this amendment we will be 50,000 over the latest thinking; but the problem is if we do not adopt the 100,000 figure, the Pentagon is planning to go with the 150,000, which is about half of what we had at the height of the cold war. I think most people concur that we could do much better than that.

Let me just answer a few questions that I am sure are going to come up.

No. 1, if we adopt this amendment, we do not have to change the glide path of the number of people we are withdrawing from Europe. It is just that we continue it a little longer and we will be there.

This does not make it go faster. We have heard many people talking about we are going too fast. We stay right on that glide path. We just keep it going and we will end up at our goal.

No. 2, there are all sorts of places they could be based in the United States, believe me. I chair the Subcommittee on Military Installations, and we are closing down bases all over America. I have got 6,000 housing units in Denver if we are desperate. So the idea of bringing them back and we do not have any place to put them is wrong.

The next idea that we have tried to push over and over again has been the idea of dual basing, that after Desert Storm we find that one of the best ways to move people around is to have them based in the United States and send the service members to wherever they must go to drill or to practice, and then if there is ever a conflict they are flexible and they can go anywhere.

The whole idea of having tremendous numbers in Europe was because it was a bipolar world and we knew exactly where the line was in that bipolar world. Today it is multipolar. We have no idea where they are going to go.

I also must say in today's world probably the most iffy place is Korea, and we have many fewer troops in Korea and no one is saying that we turned our backs on them. So therefore it still looks like 100,000 is about three times what we have in Korea. I would think no one would believe the danger is three times the level of what is going on in Korea today.

I think that the dual basing works much better, too. We have seen it working very well in Norway. In Norway we have pre-positioned supplies. People go there and train and it works very well. But this would still leave 100,000 troops there as a core, as a base.

People will also argue that we take people out of Europe and send them to neighboring regions. Yes, we do, but let us look at the numbers. In Sharp Edge, we sent 2,000 troops from Europe to that. Now, that is important, but that still would leave 98,000 troops if that were going on under my amendment.

In Proven Force we sent 5,000 troops out of Europe to join in that. Well, that would still leave 95,000 troops there. So if we decided to do it, we would still have a lot of flexibility because they are there.

I think we need to set this goal. If something changes, we can always change it, but the problem, as we have heard today on the other amendments, is people saying we are drawing down too fast. As I said, this keeps it on a level field. If we do not vote to keep it on this level field to get to 100,000 and two years from now decide we want it at 100,000, then we will have real chaos in withdrawing.

So Mr. Chairman, I think this makes sense, and I urge people to vote for this amendment.

Mr. Chairman, I rise in support of my amendment to lower the authorized endstrength level for troops permanently assigned to Europe to 100,000 by the end of fiscal year 1995.

We have witnessed dramatic change in Europe in recent years. The Berlin Wall fell, the Warsaw pact crumbled, Germany reunited and the Soviet Union dissolved. Even the hard liners admit that the cold war is definitely over.

During the 1980's over 300,000 U.S. troops were permanently assigned to Europe. Just over a year ago, despite these dramatic changes, this troop level remained unchanged.

Last year we began debate on how many U.S. troops should be in Europe. During consideration of the fiscal year 1992–93 authorization bill, we debated a sense of the Congress resolution reaffirming our support of NATO and calling for an end strength of less than 100,000 by 1995. Amendments were adopted in both the House and Senate, and this provision was included in the authorization act.

This amendment merely takes the next step and implements the troop level ceiling at the end of fiscal year 1995.

Since we enacted the sense of the Congress provision last year, the world has continued to change, and the situation has continued to improve. As the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, testified before the Armed Services Committee earlier this year, "the principal threat which has guided our military planning over the past 45 years—a Soviet onslaught into the heart of Western Europe—has disappeared."

And our NATO allies have responded to this new threat, by reevaluating their security needs. Our neighbors in Canada have totally withdrawn from Europe. Other NATO allies are cutting troop levels and defense budgets. We should not shy away from reevaluating where we should be in the future.

The Pentagon has begun drawing down in Europe and is proceeding at a fast clip. At first it planned to drop down in the 200,000 range, then 165,000 and now 150,000 by the end of fiscal year 1995. To its credit, the Army, which has the largest European presence, will reach its 1995 level 2 years early.

This amendment would not require an increased rate of withdrawal. We are already proceeding at a pace that would allow a reduction to 100,000 by the end of 1995. I know that the GAO has testified that the pace of the current drawdown was exceeding the Army's ability to manage it. Part of that problem is obviously one of management. But again, this amendment does not increase the pace of the drawdown, but would only continue it through 1995.

The debate on the level of the permanent United States military presence in Europe is focusing on much lower levels in the future, in the range of 50,000 to 70,000 troops. For example, the project on defense alternatives, in its detailed report "Reasonable Force: Adapting the U.S. Army and Marine Corps to the New Era" proposes no more than 50,000 U.S. troops permanently stationed in Europe in peacetime, keeping pre-positioned stocks in Europe with reinforcements stationed in the United States. Frankly, I believe that these levels adequately respond to the evolving security needs of Europe, and may in fact be even lower.

However, my amendment is a conservative estimate of where our end strength should be at the end of fiscal 1995. If we need to lower this number in future years, as we approach fiscal 1995, we can still do so.

This less than 100,000 proposal was developed by a blue-ribbon working group at Johns Hopkins University, chaired by former Defense Secretary Harold Brown and former Treasury Secretary William Simon. It represented mainstream thought a year ago. Given the improvements in the global security situation, I believe that this group would be far under 100,000 if they were to meet again today.

If additional troops are needed in Europe, then reinforcements can be sent from the United States. For years, we have urged the Pentagon to explore the concept of dual basing: stationing forces inside the United States with rotating short-term assignments to overseas bases for training, exercises, meeting obligations to other nations or carrying out other international security responsibilities.

But the Pentagon has failed to seriously consider dual basing as an option. The General Accounting Office has informed me that past Pentagon studies of dual basing failed to consider relevant cost factors and rotation options, and did not explore how services deal with family issues raised by unaccompanied tours.

The Pentagon also says that they need larger number of troops in Europe to support deployments in neighboring regions. But if you look at typical deployments of U.S. troops in Europe to neighboring regions, they nearly always number less than 10,000. For example, we sent 2,000 troops to Liberia for Sharp Edge in June 1990, and 5,000 to Turkey and Iraq for Proven Force in January 1991. Desert Storm was, of course, the only major exception, and it also needed massive reinforcements from the United States, not only from Europe.

Some argue that it is premature to make a determination of end-strength for the end of 1995, and can be better made as we get closer to 1995. But in order to plan for a level 3 years away, planning must begin now. If we wait until next year, or the year after, planning for 1995 will be a fait accompli. We should plan now for an orderly drawdown, and avoid the management problems that have already developed.

So let's begin that planning process today, with a vote to approve this amendment. As we close bases here at home, analyzing what our military needs really are for domestic bases, we should not ignore what our real needs are overseas. I ask for your support.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, earlier this year Secretary Cheney and General Powell appeared before the Foreign Affairs Committee to outline the President's request for the fiscal year 1993 Department of Defense budget.

As an integral part of their testimony, Secretary Cheney and General Powell detailed the administration's rationale for maintaining a viable U.S. military force in Europe for the foreseeable future.

What is clear from that hearing and subsequent briefings on this issue, is that a continued U.S. military presence in Europe is in the fundamental foreign policy and national security interests of the United States.

It is in our Nation's interests for several reasons. First, while the Soviet military threat has collapsed and with it the risk of all-out global war, a credible U.S. military presence enhances stability and security, particularly in Eastern Europe. Second, a viable military force strengthens U.S. influence over political and economic events in Europe which are important to our Nation. And third, a credible U.S. military presence allows us the flexibility to quickly deploy forces to protect U.S. national security interests.

In that regard, it should be noted that in the last 21 months, the United States has deployed European-based U.S. forces eight times to support our national security and foreign policy interests in humanitarian assistance efforts, peacekeeping missions, and for combat.

It is equally clear to me that, right now, 150,000 U.S. troops in Europe in 1995 constitutes a viable U.S. military presence consistent with our foreign policy and national security interests.

Yet, I would be the first to recognize that it may be appropriate, and even necessary, to adjust at some point the number of U.S. troops in Europe in 1995. But that is not clear now. It may be clearer over the next year as we reassess our foreign policy and national security interests, the challenges to our interests and the military requirements necessary to protect those interests in this rapidly changing world.

Therefore, it is not necessary to mandate, as a part of the fiscal year 1993 DOD bill, what our troop levels must be in fiscal year 1995. Setting a reduced goal now is premature and unwise.

It is particularly unnecessary to address in this bill fiscal year 1995 levels of U.S. troop strength in Europe given the fact that our current rate of drawdown is at its maximum level. Two years ago we had over 315,000 troops in Europe. Currently we have 235,000 military personnel. This year alone we will be bringing home 72,000 soldiers and 91,000 dependents.

Accordingly, I urge my colleagues to avoid making any premature decision on this important issue. My colleagues, let us keep our options open for reasoned future discussion.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Let me confess immediately, I am not a foreign policy expert, which might allow me to think more clearly about some of these issues.

Let me just recall a couple weeks ago when a chief economist of the Deutsch Bank in Japan came and testified before a committee of the Congress. He said something interesting. He said in 1997, in his opinion, Japan will become the world's leading manufacturing country.

Then he said just after the year 2,000, Japan will assume the mantle of the world's economic leader.

It seems to me that with all this evidence of our losing, of our not retaining our edge in international competition, that we ought to understand that things cannot go on as they have been going on.

□ 1900

We cannot continue to spend our money defending the rest of the free world, we just cannot do it. The chief economist of the Deutsche Bank pointed out something else which I think is very interesting: He said the Japanese spend $440 billion a year more than we do, every year, on new plant and equipment. That makes them more productive. That means they win. When they win, that means jobs and economic opportunity move in their direction, not ours.

Mr. Chairman, the point I am making is we have got to start doing things differently. One of the things we have to do differently is we cannot afford to bankroll everybody around the world, we cannot afford to have 300,000 troops in Europe, we cannot afford to have 225,000 troops in Europe. Why should we have 150,000 troops in Europe?

I think this amendment is a good amendment. In fact, I think we probably ought to go lower. Oh, I respect the case that has been made. Heck, I would bet there are people who are smart enough to stand on this floor and make a strong case for putting a million men or a million troops in Sweden. You can make a case for that, I suppose, and it would sound good to some people.

But it does not sound good to me, because we have to change the way we are doing business. This country is not doing well. We are sinking in debt. We have got real problems.

On this issue, what we are saying is we want other countries to start paying their fair share.

Now let me make one final point: If the administration had done what it is supposed to have done, we would not even have this debate today. We passed an amendment on this floor last year that is now law that says to the President:

> You have two responsibilities, Mr. President: No. 1, you have the responsibility to go out and negotiate with our allies on burden-sharing agreements, and, No. 2, you have the responsibility to report back to us with whom you negotiated and what the results were.

Well, I have no idea whether negotiations have gone on. I do know this: No report has been made. It has been postponed three times, and we still have no report, several months past the statutory deadline.

If the administration had done what it should have done, we would not be on the floor with these burden-sharing amendments today. We are doing this because we have to force the issue, to tell the administration and the American people some of us stand for change. What we have been doing is wrong, and we cannot continue to do it if this country wants to remain a strong country, healthy country, a country that can compete.

This amendment makes a lot of sense, and I hope we pass it.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman for yielding.

Mr. Chairman and Members of the House, it is a matter of some genuine concern to me to hear our discussion framed in the context of our deploying troops in Western Europe to defend them. I would have thought our experience in two great world wars would have taught us that our defense, our national security is very much bound up by collective security arrangements with friendly Western nations. That is why we have troops there, as part of a collective security agreement, which is the essence of our own defense, not the American taxpayer expending their funds to defend Germans or Frenchmen or Spaniards. That is not the case.

One would have thought that we would have learned after the disaster of World War II, when we refused to participate in collective security agreements during the twenties and the thirties, at the incredible cost that we ultimately had to bear, that we would have learned that lesson.

We are told that former Secretary of Defense Harold Brown and academics have concluded that we do not need 150,000 troops stationed in Western Europe, that we can make do with 100,000. I would hope it counts for something with the Members of this House that the Secretary of Defense and the Joint Chiefs of Staff, who led us to the most colossal victory of American arms in our history in Desert Storm, know at least as much about our military requirements as does a former Secretary of Defense.

I would hope they would give some credit to the committee which has deliberated on this bill and sent it to the floor without this beautiful amendment, which was never offered in the committee.

Is it not about time, as you come to the floor, that you give some credit to the people who spend all of their days and all of their careers trying to plan for the adequate defenses of this Nation and not on an ad hoc, spontaneous basis overrule, overturn and disregard their most solemn recommendations to us?

It also occurs to me that this is, in essence, a frivolous amendment in that what it is saying addresses a troop strength level in Western Europe in 1995. This is the fiscal year 1993 budget authorization bill. This mandates nothing in terms of fiscal year 1993. If we need to make changes after fiscal year 1993, they can be made. The one thing that I do know from our hearings, which have been extensive, is that the Army is bringing back so many people so rapidly that they are stretching the system, even as confirmed by General Accounting Office studies, even to the extent of not being able to engage the transport to bring the people back that they are trying to bring back.

We do not need this amendment. We ought to reject it.

Mrs. SCHROEDER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, one of the frustrations in this debate is we seen to talk past each other and it is almost like we do not listen to each other.

I do not think there is anyone here talking about pulling out of the multinational agreements. No, no one wants to pull out of multinational agreements.

The issue is how do we best deal with those agreements? It used to be forward basing. In a bipolar world, you forward base your troops. And that made sense. And maybe we made mistakes in the 20th century by thinking that there was not a bipolar world and we did not need so many troops.

But today it is now a multipolar world, plus our delivery capacity is much faster, much better, much more rapid than clearly it ever was in World War I or World War II.

And so finally, too, the other thing we know that is so important is family stability, family rootedness. And we see that with the concept of dual basing, you can base people in the United States. The family does not have to move all around. So you are not putting all the strain on the family that we are talking about today. They are able to sink a root. Then you send the service member, you deploy them wherever they need to go in whatever parts of the globe, with whatever multinational groups we need, for training; for training in rapid deployment, for showing how we did the Desert Storm thing. That is a win-win-win-win solution.

It would be great if we could forward deploy people if we knew where to forward deploy them. But we do not know where to forward deploy them.

This amendment is very simple. The House voted for it last year. This year says we really need it and we really mean it. It says leave 100,000 troops in Europe by fiscal year 1995. I think that is way too conservative.

In fact, the new blue-ribbon group that came out, Project on Defense Alternatives, reasonable force, adopting the U.S. military, Marine Corps to the new era and purposes, came out saying 50,000. So this thing is 50,000 over the newest report that is out and on the street.

But I am saying the reason it is important that we adopt it is if you do not keep that drawdown glide path going smoothly, then we will be hesitant to adopt it because it will be too jerky and would cause too much chaos.

I think all we are saying here is that we meant what we said last year. If anything, it is even more conservative than it was last year.

It does not do anything about our commitments to NATO or any of the multinational things. It is saying this is how we now can serve them best in the world as it has been reconfigured—unbelievably fast—but it has been reconfigured in the last year.

Mr. Chairman, I would hope people would listen to that and we would not be talking about how we are withdrawing, leaving ourselves exposed, and doing all of these things. Once we get through this phase, I think we will have a much saner way of approaching it.

Mr. DICKINSON. Mr. Chairman, at this time I yield 4 minutes to the very distinguished, erudite, articulate, and persuasive gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. I thank the gentleman for yielding to me and for his comments.

Mr. Chairman, I am sure the gentlewoman from Colorado is convinced that all of the things that she just told us are so. And I can understand, therefore, having convinced oneself that maintaining an adequate military presence in Europe is a lower number than some of us think perhaps is true in terms of providing for our national security.

I can also understand if one has convinced oneself that, because of the mobility of our force, that we do not need the forward deployment that we once did. I can understand some may convince themselves of that.

But having sat through the House Armed Services Committee hearings, there is one inescapable truth that no one can convince themselves of, and that is that we can come home faster than we have logistical support, faster than we can move families and their belongings and their cars in an organized way to get them back here and get them deployed and keep their families together and psychologically sound. Now that is an inescapable fact.

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Mr. Chairman, it seems to me we ought to look at what some of the people who are doing this exercise have to say. For example, General Galvin told the House Committee on Armed Services on March 24, 1992, "If we had to move this any faster, I simply could not control it."

Then Gen. Crosbie Saint, commander of the U.S. Army, Europe, told us on April 2 that in 1992 the Army will redeploy 72,500 soldiers, 91,000 family members, 27,000 cars and all the possessions of 45,000 households, and he went on to testify:

> We are doing the best we can, but, I am on the edge of breaking my force, breaking my ability to train at the same time I redeploy, breaking my ability to provide services, breaking readiness, and breaking the confidence of the soldiers in their leadership. I recommend we steady the course and that within our plan maintain stability.

Now those are the words of the people who are commanding the withdrawal, the pullback, the redeployment of our forces, and so, while it is true that our defense needs have changed, we need to look at ways to sensibly reduce the force, and Secretary Cheney, quite frankly, has proposed such reductions.

So, I suppose that there are those who voted for the first amendment, the amendment that immediately preceded this one, who will like this one as well. But this is not the plan, the sensible plan, that we have set out to accomplish.

In my opinion this amendment is not sensible. It calls for a move that truly is quite extreme, does nothing to enhance our national security, or, equally important, it will disrupt the lives of thousands of men and women who have volunteered to serve our country.

So, Mr. Chairman, I stand in strong opposition to this amendment, and I hope that many people on both sides of the aisle will join me.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from New Jersey [Mr. SAXTON] for yielding.

Mr. Chairman, I just want to point out that the Government Accounting Office said that the Army is having trouble managing this. They kind of overloaded themselves. But they are getting it on track. And, second, this amendment does not do anything about changing that pace. They unilaterally sped up.

Now this talks about keeping it on target, getting us to 1995 and getting us to 100,000, not 150,000, and I think that is very important because the gentleman's point is that, if we sped up too fast, it gets real messy, and that is all the more reason, I think, we need to set the stage for 1995 so that we draw it down.

I also think that we do not want to leave the impression that we are doing a terrible thing to American servicemen to bring them home. It is tumultuous for them to go through the move, but they are very happy to be routed back to the United States.

Mr. SAXTON. Mr. Chairman, reclaiming the balance of my time, I just say this: If I am not mistaken, this amendment provides that, instead of us ending up at 150,000 by the end of 1995, that we are preparing to vote for an amendment that says 100,000 by the end of 1995. Now, we cannot get from 150,000 to 100,000 without bringing more people home more quickly.

Mr. DICKINSON. Mr. Chairman, I yield myself 1 minute to close.

Mr. Chairman, let me say that I would have to agree with the gentleman who just spoke, the gentleman from New Jersey [Mr. SAXTON]. I was in the hearing when General Galvin was speaking. He said we are bringing people home as fast as we possibly can. To bring them home any faster, in his words, would break the system. He said, as a matter of fact, and this is his testimony before the committee:

> We are bringing home families so fast from Germany that we've had to go to Great Britain to rent moving vans to bring them to Germany to take the families to ports so that they can bring home their family, their furniture, their children, in addition to their automobiles.

So Mr. Chairman, I cannot understand the logic or the arithmetic of the gentlewoman from Colorado [Mrs. SCHROEDER] who says requiring an additional 50,000 in the same length of time will not speed up the process. They have been bringing over 1,000 per week home. I think they are doing more than we have required them to do. What the gentlewoman's amendment would affect is not this year's budget, but go forward into 1995. We could deal with that next year, if we had to.

So, Mr. Chairman, I would rather see us just leave it alone. I do not think there is any need to put it forward at this time. I would hope that we vote down the amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would close by just saying one more time this keeps it on the glide path we are on. I think this makes all the sense. The House has gone on record on this before, and I find it a little amazing that we do not think we are able to bring home a few hundred families each day when we were able to deploy tens of thousands of people or hundreds and thousands of people to the Persian Gulf with equipment and everything else. I think this can be done. I think this makes sense. It is not unilateral withdrawal. It is just fitting the world as we see it, and I think it is time we do this.

I urge an "aye" vote.

Mr. RAY. Mr. Chairman, I rise today in opposition to the amendment offered by my colleague, the gentlewoman from Colorado.

We already plan to reduce our European troop level to 150,000 by 1995. Currently 6,000 military personnel are leaving Europe each month. In fiscal year 1992 72,000 soldiers, 91,000 family members, 27,000 cars, and all accompanying household goods will be sent back to the United States from Europe. This is the equivalent of moving a small city like Savannah, GA.

Gen. Crosbie Saint, commander of Army Forces in Europe, told the House Armed Services Committee in a hearing that he is on the edge of breaking his forces, his ability to train, his ability to provide services, and breaking the confidence of his soldiers in their leadership, as a result of the pace of the European drawdown.

Mr. Chairman, I am thrilled that world events allow us to make the cuts we are making to our troop levels in Europe. However, I do not believe that we can do it any faster than we already are. The demands we are placing on our European soldiers in this great move are extraordinary.

Picture, if you will, a typical infantry sergeant in Europe who has been informed that he and his unit will be transferred back to the United States. He must maintain and turn in his equipment. He has to pack up his household goods, often on short notice, and he must make arrangements for his wife and family to return to the United States.

Typically his car and other household goods arrive weeks after he and his family are already back in the United States. When he returns to the United States most likely he will have to secure some type of off-base housing. This will be expensive. Perhaps he will be transferred to a unit in another location. Perhaps his family will leave many weeks after he already has. And, all the while, the sergeant is responsible for the morale and well being of those he leads.

We are not even considering the possibility that this sergeant and many like him will be coming out of the military. The domestic job market is going to have a serious problem absorbing those exiting the military. I am concerned that if we speed this up we are asking for trouble.

Mrs. SCHROEDER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote as taken by electronic device, and there were—ayes 241, noes 162, not voting 31, as follows:

[Roll No. 156]

AYES—241

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Beilenson
Bennett
Berman
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dingell
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
English
Espy
Evans
Ewing
Fawell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gillmor
Glickman
Gordon
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hayes (IL)
Hefley
Henry
Hertel
Hoagland
Hochbrueckner
Holloway
Horn
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McEwen
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Moody
Morella
Morrison
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Penny
Peterson (MN)
Petri
Porter
Poshard
Price
Rangel
Ravenel
Reed
Richardson
Ritter
Roe
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Roybal
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thornton
Torres
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Zimmer

NOES—162

Alexander
Allard
Allen
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Brooks
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Cramer
Crane
Cunningham
Davis
Dickinson
Dicks
Dixon
Doolittle
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Fascell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Gonzalez
Goodling
Goss
Gradison
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Herger
Hobson
Hopkins
Horton
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
James
Johnson (CT)
Johnson (TX)
Klug
Kolbe
Kyl
Lancaster
Laughlin
Lent
Lewis (FL)
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nichols
Olin
Packard
Parker
Patterson
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pursell
Quillen
Rahall
Ramstad
Ray
Regula
Rhodes
Ridge
Rinaldo
Roberts
Roemer
Ros-Lehtinen
Rowland
Saxton
Schaefer
Schiff
Schulze
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Torricelli
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wylie
Young (AK)
Young (FL)
Zeliff

NOT VOTING—31

Andrews (NJ)
Anthony
Boxer
Campbell (CA)
Cox (CA)
Dannemeyer
Dornan (CA)
Dreier
Dymally
Hayes (LA)
Hefner
Hubbard
Ireland
Jones (GA)
Kleczka
Kolter
Lagomarsino
Lehman (CA)
Levine (CA)
Lewis (CA)
McDade
Moran
Oakar
Oxley
Perkins
Riggs
Russo
Thomas (CA)
Towns
Traxler
Whitten

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Mr. PICKETT changed his vote from "aye" to "no."

Messrs. PETRI, GUARINI, BOEHLERT, CLEMENT, ENGLISH, DeLAY, KENNEDY, HOAGLAND, and VISCLOSKY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. Cox of Illinois). It is now in order to consider amendment No. 4, printed in part I of House Report 102-545.

AMENDMENT OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEPHARDT: At the end of title X (page 202, after line 23), insert the following new section:

SEC. 1056. REDUCTION OF DEFENSE EXPENDITURES OUTSIDE THE UNITED STATES

(a) REDUCTION IN UNITED STATES FORCE LEVELS ABROAD.—On and after September 30, 1995, no appropriated funds may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in nations outside the United States at any level in excess of 60 percent of the end strength level of such members on September 30, 1992.

(b) EXCEPTIONS.—Subsection (a) shall not apply in the event of a declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization, Japan, the Republic of Korea, or other ally of the United States. The President may also waive operation of subsection (a) if the President declares an emergency and immediately notifies Congress.

The following are the amendments relating to nuclear nonproliferation:

The CHAIRMAN pro tempore. Is there a Member who rises in opposition to the amendment?

Mr. BATEMAN. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 15 minutes, and the gentleman from Virginia [Mr. BATEMAN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise today to offer an amendment to accelerate the reduction of American troops deployed throughout the world.

My amendment would mandate a 40-percent reduction—below fiscal year 1992 levels—of American troops serving outside the United States, to be accomplished by fiscal year 1995.

There is wide agreement in the defense community that the United States cannot prudently handle greater troop reductions in fiscal year 1993 than already contemplated by the Secretary of Defense. I share this view. My amendment would simply extend the drawdown schedule through fiscal year 1994 and fiscal year 1995 at a time when the Bush administration either has no game plan or cuts the rate of reductions back to a snail's pace—depending on the region of the world.

In short, this amendment provides a realistic approach to ushering in new world realities. Troop reductions will eventually free up resources from the battle behind us for new programs that will help us win the battle before us.

The amendment recognizes that economic strength and national security are now inextricably linked.

In spite of our cold war victory and the collapse of the Soviet Union as a unified military threat, in spite of the eastern bloc's transition from Communist governments to embryonic democracies embracing the western world, and in spite of much rhetoric about the new world order, our troops are deployed as if the old threats still exist.

The United States today still has close to 400,000 troops deployed overseas: over 200,000 in Europe and over 120,000 in the Pacific as well as an estimated 50,000 dispersed outside of these 2 regions.

When you factor in military dependents and DOD civilians—the number of Americans serving in Defense Department related missions is almost 1 million.

And although the number of major bases overseas is being reduced—even after scheduled closures—the United States will still retain more than 85 percent of the level of a decade ago at the height of the cold war.

In addition to maintaining nearly 100 major bases in 16 foreign countries, the United States currently is negotiating arrangements with 38 additional countries to allow troop and equipment deployments in new areas.

We are reaching out for new military commitments at the same time we are cutting back on our economic investments. This policy is backward, and this amendment tries to set it right.

In offering this amendment I want to extend our collective thanks to the outstanding men and women in uniform who serve our country at locations scattered among 50 foreign countries. They fought the good fight. They won the cold war. They made America proud. And they remade the world.

Now we must seal their victory by bringing many of them home to a grateful Nation, so that we can rebuild our industrial capacity and fight the battles of the future. Although the administration will not acknowledge this reality, the Congress should.

My amendment is not burden shirking; my amendment is post-Gorbachev realism.

The fundamental change in the threats faced by our military must be reflected in a fundamental restructuring of our national security establishment. That is what I am trying to accomplish with this amendment.

The baby steps of the administration must now give way to a more confident stride—a bold march away from the known terrain of the cold war world to a much needed engagement of our economic agenda and long-neglected urban agenda.

I urge Members to support my amendment.

□ 1940

Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not rise with my sense of confidence that the outcome on this amendment will be different than those that preceded it, but it should. We are in the course of doing something, I think, very ill-considered on the part of this House. We are, as a legislative body, involving ourselves in national security decisions at the most minute of levels, even to include telling the Commander in Chief of the Joint Chiefs of Staff how many troops they can deploy and where they can deploy them. This is certainly unprecedented, and I suggest to the Members that it is not a sound precedent for our national security. For us to substitute our legislative judgment purely legislatively, without regard to strategic and security concerns, is a very poor way to structure our national defense.

We are doing here something beyond that. We are showing little or no regard for the nature of the post-cold-war world and the peculiar security environment that it presents. If we look at Western Europe, what we are doing today is saying to our NATO allies and to the rest of the world that the Congress of the United States is weary, tired, and is seeking to reduce the engagement of America as the leading power on the Earth.

It disturbs me more than a little that there is more opposition to this country being a superpower in this Congress than there is in any responsible legislative body anywhere in the world, including our former enemies and our allies. That is a very poor kind of signal for this Congress to be sending.

We face a situation of tremendous instability throughout the Balkans, throughout Eastern Europe. We do not at this time want to send signals that the United States is unconcerned and wishes primarily to decrease our level of engagement, especially if we are going to do it in a mindless kind of way, devoid of any policy considerations. We should not be wanting to take this vote and to pass this amendment in the context of the formation of a German-French core, which has all kinds of significance in terms of what role this country will play, if it chooses to play one, in Western Europe, and how we will relate as allies within NATO to the Western European union, to the European Community, some of which would like to see a very diminished role in influence of these United States of America, but certainly does not serve the national security interests of these United States of America.

□ 1950

We would propose here to reduce our troop levels in Korea at a time when we have as a national security decision determined that we should delay planned withdrawals from Korea because of the North Korean nuclear threat that is emerging, and about which we, frankly, do not know enough. We know enough to know that it presents a very serious policy and security consideration for us.

Is this the time then as we seek to assure compliance of the North Koreans to the nuclear nonproliferation agreement and inspections for us to be withdrawing our forces from Korea? Is this the time for the Congress of the United States to mandate, or virtually so, reductions of our troop strength in Korea, at a time when the President of the United States, who I thought was our chief architect of foreign policy, has advised the South Koreans and the Japanese that we would not reduce our forces there without prior consultation with them? What is it that we are about?

I, frankly, find this a very alarming mood that we are passing through, and I hope that we will pass through it very rapidly and return to a more constructive engagement and at least to give some credence to those who have planned our national security who we have entrusted with defending the Nation, and at least give some credence to the committee which has reviewed all of the requests of the administration, has made reductions and changes that have been thoughtfully done after debate and discussions. But, today, here we are on the floor of the House making major changes in this defense authorization bill, virtually at whim, ad hoc, without any adequate time for debate and discussion that these subjects rightfully deserve.

This is not the way to make the national security policy of these United States.

Mr. Chairman, I reserve the balance of my time.

Mr. GEPHARDT. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank my leader for yielding time to me.

This is a historical and a very significant evening for this body and for this Congress. I stood in the well here 2 years ago and offered a burden-sharing amendment that related to Japan. The amendment basically said we have got 50,000 troops stationed in Japan costing American taxpayers $5 billion a year, and yet we have a $45 billion trade deficit with the Japanese. That makes no sense. The amendment passed, and we started the process of addressing the domestic needs here at home and the real needs to the perceived threat and the reduced threat as a result of the collapse of the Soviet Union this past summer.

But is spite of the collapse of the Soviet Union and the urgent domestic needs here at home, as the gentleman from Missouri [Mr. GEPHARDT] has said, the United States still has close to 400,000 troops overseas. As much as 20 percent of our forces are protecting our allies, many of whom can afford to pay for their own defense. That does not make any sense.

And while we are closing bases here at home, the United States still maintains nearly 100 bases in 16 countries, more than 85 percent of the foreign bases we maintained during the cold war.

While unemployment here in this country is technically at 7.2 percent, in reality about 13 percent if we count those who are structurally unemployed and those who cannot get full-time work, while the unemployment hovers at those high levels, we provide jobs and economic vitality to our allies abroad through this military presence. It is time, Mr. Chairman, it is time for a change. America and our Armed Forces, as our leader says, can stand tall and proud for our accomplishments over the last 50 years, but it is time to start taking care of Americans here at home who need jobs, who need work, who need education, who need hope for the future.

The Gephardt amendment is simple. It requires a 40 percent reduction in overseas troop levels by fiscal year 1995, and it does it in a way in which the administration will have latitude on where the cuts are to be made in the three regions presented in the previous chart. It is estimated that this amendment will save over $8 billion, $8 billion. That is money that we could spend to reinvest in our country, to pave the roads, to rebuild our schools, to create jobs and to make our country competitive once again.

I urge my colleagues to vote for this amendment.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Chairman, is the gentleman aware that under the current base burden-sharing agreement with the Japanese it costs us more to station our troops in the United States than it does to have them in Japan?

Mr. BONIOR. The gentleman in the well is aware that we have 40,000 troops in Japan and that we are paying the lion's share of the burden for keeping those troops there, in spite of the amendment that the gentleman from Michigan had adopted and which was signed into law, and that it is time that they started to pick up a share of the cost of those troops over there, or it is time that we bring them home.

Mr. BATEMAN. Will the gentleman yield further?

Mr. BONIOR. I yield to the gentleman from Virginia.

Mr. BATEMAN. The fact of the matter is if the 40,000 troops, or whatever the number stationed in Japan were brought back to the United States, and all of the responsibility for them fell upon the taxpayers, we would be spending more money, not less.

Mr. BONIOR. That is why the amendment of the gentleman from Michigan stated, and which was signed into law, that we will keep our troops there, but they will pick up their fair share. They pick up the cost. They pick up their fair share of the cost. The option is either way. It gives the administration and the Japanese Government the latitude to negotiate on a reasonable position to maintain our defense in Asia as well as to make them pick up their fair share, and our taxpayers not be paying for the defense of Japan.

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it boggles my mind in light of all of the evidence presented to the Armed Services Committee, which has been that the Japanese in their funding of American troops stationed in Japan save the American taxpayer money versus what it would cost if those troops were billeted and deployed and based in the continental United States. This is information that I would vouch the RECORD that that is the testimony.

It is of further concern to me, and I will not consume all of our time on this side of the aisle, that we hear complaint that the United States is negotiating for the possibility of American forces being allowed to be deployed or stationed in I think the number was 16 countries. I have no information as to which 16 countries. That has not been mentioned. But it sounds to me like it might be a very good idea if you care about the national security of the United States of America, which is what we ought to be caring about.

Mr. Chairman, I yield back the balance of my time.

Mr. GEPHARDT. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for yielding time to me.

For many years now, Mr. Chairman, I have consistently opposed amendments which would have unilaterally reduced the number of American forces stationed overseas in Europe, Korea, and Japan, because under the circumstances which existed at the time I thought they were unwise and unsafe.

I rise now in support of the Gephardt amendment because I believe, given the end of the cold war, this represents an entirely reasonable and responsible reduction in the total number of American forces that would be stationed abroad.

I fully agree with those who believe that even after the end of the cold war the world remains a dangerous place. Territorial disputes, ethnic tensions, irredentist ambitions, acts of terrorism can all generate unexpected challenges to vital American interests and fundamental American values. But if the world remains a dangerous place, it is a far less dangerous place than it used to be now that the cold war has come to an end.

I believe it ought to be possible, as this amendment provides, to achieve further reasonable and responsible reductions in the number of our troops stationed abroad but beyond the levels proposed by the administration.

Under the Gephardt amendment, by 1995 we would still have almost a quarter of a million American troops stationed overseas, and if we assume that the administration went down to a level of 100,000 troops in Europe, and if it maintained the 45,000 troops we now have in Japan and the 37,000 troops we have in Korea, which add up to a total of 182,000 troops, it would still, under the Gephardt amendment, enable us to maintain 23,000 troops in the Middle East and about 30,000 in our own hemisphere, which is about the levels we currently maintain both in our own hemisphere and in Asia.

Consequently, far from requiring the elimination of the American military presence abroad, I believe the Gephardt amendment is consistent with the continued deployment of a responsible level of American troops in Europe, in Asia, in both Korea and Japan, as well as in our own hemisphere and the Middle East, while at the same time, by virtue of the reductions it would achieve of about 100,000, 160,000 troops, would save the billions of dollars which we could use to deal with our economic and social problems here at home.

So I think this is responsible abroad, and it makes sense at home, and I urge the adoption of the amendment.

Mr. GEPHARDT. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, we have an opportunity here to help a great nation get its legs. Great nations often fail because they are ready to challenge a previous enemy; they are ready to combat a war that is over.

This Nation is in peril today not because of a shortage of troops placed overseas. The dangers we face are not an inadequate military force in Europe to face what is left of the Soviet Union, as the President proposes another $6 billion in much-needed aid there. The danger to this country, its strength, its ability to lead the free world is that we are misusing our resources.

The reality is that if you just bring the troops home, you help the economy. You reduce the outlays on foreign bases. We will spend $28 billion this year, $28 billion on bases in Europe. If you bring those troops home, not only do they reinvigorate the American economy by renting here rather than in Europe, by spending their money in shops here rather than in Europe, but we begin to use those dollars to build our economy.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I am happy to yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, is the gentleman going to vote against the *Seawolf* submarines in Connecticut?

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, the gentleman makes my point. The gentleman makes my point. If you cut defense spending in this country, you shut down the economy.

I reclaim my time. The only place that you can cut defense spending without injuring the American economy is by bringing those troops home from Europe, bring them back from Asia, put them back here on American soil and have the dollars to spend on our economy at home.

We need an economy that faces conversion and diversification. We need to bring the troops home in America so that the dollars stimulate our economy, not the German economy.

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent to reclaim the remainder of my time previously yielded back.

The CHAIRMAN pro tempore (Mr. COX of Illinois). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BATEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me just make a couple of points. First, in the wake of the cold war, as several Members have stated, there is a tremendous amount of dangerous situations residing yet in the world. We have entered an era of terrorists with high technology especially in the Middle East.

We see a growing nuclear threat in Korea and China. We see ethnic bloodshed in the wake of the Soviet breakdown, and I guess my point is the policies that we have been engaged in over the last 20 years have worked, and the presence of American troops on foreign soil is not an end in itself. They back up and implement American policy.

If we are going to reduce that presence around the world, then we should do so in coincidence with the evolving of American foreign policy. We should not precede the changing of American foreign policy or attempt to force it by moving American troops back to the United States.

What we are really trying to do today, at least what the amendment would do, is to try to force a policy change on an administration that has been very, very successful in handling American foreign policy.

Our movements and our activities in Europe forced the Soviets to back off with their big weapons, with their nuclear systems and ultimately to break down. Our systems and our presence in Korea have at least held North Korea to a stalemate. Our presence in the Pacific has stabilized the Pacific and, of course, our presence in the Middle East brought allies to our side when we had to deal with Saddam Hussein.

So the point is that the Bush administration and the Reagan administration have been dealing very successfully with foreign policy, and this amendment would attempt to force a change in that policy through the movement of troops. The movement of troops should not precede a change in policy. It should follow it and be coincident with it.

Mr. BATEMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is of considerable concern that we are here discussing something that purports to be a way that we are going to save $8 billion in the defense budget.

Mr. Chairman, there is nothing in this amendment that assures any savings of anything like that magnitude, if anything is saved. I would remind the Members of the House again that every troop that we withdraw from Japan and bring back to the United States will cost the taxpayers money.

The amendment has no provision in it, as indicated earlier on the floor, which says you do not have to abide by these limitations as long as the country, the host country, is paying all of the cost. The administration can work that out. There is nothing that provides that in this amendment.

This is an incredible micro-management of our national security without regard to policy and simply doing it by legislative whim.

Mr. Chairman, I yield back the balance of my time.

Mr. GEPHARDT. Mr. Chairman, I yield 1 minute, to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for yielding me this time.

You know, we ought to really put this in perspective when we talk about costs and what it costs the United States and whether or not the other nations are paying their fair share.

At the present time more than 50 percent of the defense budget is for offshore capability and national security. I do not have any argument with that, because we never ever want to become isolated.

What the majority leader is proposing very sensibly, and it makes an awful lot of sense because he gives to the administration the latitude and the flexibility to be making their own decisions with regard to national security.

Let us keep one thing in mind: We are talking about troops coming back, numbers of men and women. We are not talking about naval forces, by the way, which are many in number and very potent, by the way, that are traveling along the seas and the oceans. We do not give credit enough to our country for the wonderful technology that we have with the Air Force. We are not giving credit to what we have.

The qualitative technologies that we have and the edge that we have more than make up the difference. The economy of our country demands, I believe in my judgment, this kind of amendment.

I urge my colleagues to support it.

Mr. GEPHARDT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I take this time to simply inform the Members that this vote will be taken now, it is my understanding, under the rule, and there will be one other amendment taken up after it.

I am told the debate time on that amendment is approximately 10 minutes. So Members could expect, if they are trying to plan their schedule, that they would probably come to the last vote at 20 minutes to 9 or 8:45.

□ 2010

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the amendment offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEPHARDT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, nays 177, not voting 32, as follows:

[Roll No. 157]

AYES—225

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Beilenson
Bennett
Berman
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Engel
English
Espy
Evans
Ewing
Fawell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gillmor
Glickman
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hayes (IL)
Hefley
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Penny
Peterson (MN)
Petri

Pickle
Poshard
Price
Rangel
Reed
Regula
Richardson
Roemer
Rohrabacher
Rose
Rostenkowski
Roth
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thornton
Torricelli
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Zimmer

NOES—177

Allard
Allen
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CO)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Davis
DeLay
Dickinson
Dicks
Doolittle
Edwards (TX)
Emerson
Erdreich
Fascell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gibbons
Gilchrest
Gilman
Gingrich
Gonzalez
Goodling
Goss
Gradison
Grandy
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lancaster
Laughlin
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nichols
Olin
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Peterson (FL)
Pickett
Porter
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Ros-Lehtinen
Roukema
Rowland
Santorum
Saxton
Schaefer
Schiff
Schulze
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Tanner
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

NOT VOTING—32

Andrews (NJ)
Anthony
Boxer
Campbell (CA)
Dannemeyer
Dornan (CA)
Dreier
Dymally
Hatcher
Hayes (LA)
Hefner
Horton
Hubbard
Jones (GA)
Kolter
Lagomarsino
Lehman (CA)
Levine (CA)
Lewis (CA)
McDade
Moakley
Oakar
Perkins
Riggs
Roe
Russo
Tauzin
Thomas (CA)
Torres
Towns
Traxler
Whitten

□ 2031

The Clerk announced the following pairs:

On that vote:

Mr. Moakley for, with Mr. Thomas of California against.

Mrs. Boxer for, with Mr. Dornan of California against.

Mr. RINALDO and Mr. BEREUTER changed their vote from "aye" to "no."

Mr. COSTELLO changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an important announcement to make for the Members.

We have two more very short amendments and possible votes to deal with, and then we are finished for the night. We have a 10-minute amendment, 5 minutes on each side, offered by the gentleman from Texas [Mr. FROST] and another 10-minute amendment to be offered by the gentleman from Illinois [Mr. EVANS], 5 minutes on a side, and then we will vote on both or either of those amendments at the end of those two.

Mr. Chairman, at the end of that 20-minute period we will be finished for the evening.

The CHAIRMAN pro tempore (Mr. COX of Illinois). It is now in order to consider amendment No. 1 of part II of House Report 102-545.

AMENDMENT OFFERED BY MR. FROST

Mr. FROST. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FROST: At the end of title VIII (page 157, after line 16), insert the following new section:

SEC. 818. LIMITATION ON SALE OF ASSETS OF CERTAIN DEFENSE CONTRACTORS.

(a) REQUIREMENT.—The Secretary of Defense shall require that, in any contract entered into with the LTV Aerospace and Defense Company (hereinafter referred to as the "contractor"), the terms of the contract shall include the requirements set forth in paragraph (2).

(2) A contract referred to in paragraph (1) shall prohibit the contractor (including any subsidiaries of the contractor) from selling, after April 1, 1992, all or any part of its operating assets to any other person or entity unless the person or entity agrees to assume, to the extent required under any collective bargaining agreement entered into by the contractor, all the liabilities of the contractor to all of the employees of the contractor who have retired. For purposes of this paragraph, such liabilities include all retirement health and life insurance and pension benefits payable (at the time of sale or any time after the sale) to, or for the benefit of, such retired employees, their spouses, and their dependents.

(b) APPLICABILITY.—The requirements of subsection (a) shall apply with respect to any contract entered into after April 1, 1992, and any contract in existence as of April 1, 1992, with the LTV Aerospace and Defense Company. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify contracts in existence as of April 1, 1992, and contracts entered into between April 1, 1992, and the date of the enactment of this Act, to reflect the requirements of this section.

(c) TRANSITION.—(1) If a person or entity (in this subsection referred to as the "purchaser") purchases the LTV Aerospace and Defense Company during the period beginning on April 1, 1992, and ending 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify any transferred contracts to require the purchaser to assume all the liabilities of the LTV Aerospace and Defense Company to all of the employees of such company who have retired (including all the liabilities described in subsection (a)(2).

(2) For purposes of paragraph (1), a transferred contract is a contract entered into by the purchaser and the Department of Defense which contains terms and obligations (A) which are similar to the terms and obligations of a previous contract between the LTV Aerospace and Defense Company and the Department of Defense, and (B) which the purchaser agreed to assume as part of the terms of the purchase of such company.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. FROST] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. FROST].

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Chairman, the purpose of this amendment is to ensure that any purchaser of LTV Aerospace and Defense Co. shall agree to assume, to the extent required under any collective bargaining agreement entered into by LTV Aerospace, all liabilities of LTV Aerospace relating to retirement, health, life insurance, and pension benefits payable to retired employees of LTV Aerospace. The amendment requires the Secretary of Defense to modify any Government contract to require the purchaser of LTV Aerospace to assume all of such liabilities.

A United States bankruptcy judge has approved the sale of LTV's aerospace and missiles divisions to the French company, Thomson-CSF, along with its partner, Carlyle Group. Both these divisions are currently located in Grand Prairie, TX, in the district I represent in Congress. The employees of these two divisions are scattered throughout north central Texas and live in a number of congressional districts, though I probably represent more of the employees than any other Member of the House.

Let me provide you with some history on this issue. When LTV filed for chapter 11 bankruptcy protection on July 17, 1986, it attempted to unilaterally cancel the health and life insurance benefits of more than 70,000 LTV retirees nationwide. The majority of those retirees were from the various steel-related operations of the company; however, more than 5,000 of these retirees were from the aerospace and missile divisions in Texas. I do not exaggerate when I tell you that I have never seen a more emotional issue in my 14 years of service in the United States House of Representatives. Most of these retirees are otherwise uninsurable because of age or the condition of their health and were threatened with loss of these very valuable benefits that they had relied upon.

There was such a furor nationwide on this issue that within 14 days the company had backed down and restored the health and life insurance benefits pending the outcome of the chapter 11 proceedings.

As a result of the action attempted by LTV, Congressman LOU STOKES, Congressman Peter Rodino, and I joined together to seek an amendment to the U.S. bankruptcy code to make sure that no American company could ever again attempt to unilaterally terminate the health and life insurance benefits of its retirees simply by filing a chapter 11 proceeding.

We were successful and the bankruptcy code was amended on June 16, 1988, to provide that a hearing must be held before a bankruptcy judge and a showing of necessity must be made before any alteration or termination of such benefits can be made as a result of a chapter 11 proceeding. Further, retirees are allowed the right to representation during bankruptcy proceedings.

In 1991, LTV announced that it would sell its defense business as part of its bankruptcy reorganization. That brings us to this date. There have been two major prospective purchasers of the LTV aerospace and missile divisions. One of those teams, Lockheed and Martin Marietta, specifically provided in its purchase offer that the health and life insurance benefits would be continued at existing levels for retirees. However, the Bankruptcy Court overseeing LTV's reorganization selected the bid submitted by the Thomson-Carlyle team. I have asked both Thomson and Carlyle interests for comparable commitments and I received letters from both promising to honor LTV retiree health benefits.

Yet, there remains the concern that the Thomson-Carlyle team is not legally obligated to continue the benefits, despite their assurances, and that future events could prompt one or both to terminate or substantially modify the benefits. This is a vital issue for thousands of otherwise powerless individuals, and what happens in this sale will set a precedent for the sale of other defense contractors, either as a part of a chapter 11 proceeding or otherwise as the defense build-down continues and more consolidations occur in the defense industry.

We must do everything possible to protect the retirement benefits of defense workers who have loyally served our Nation during its time of need. To do otherwise would be a callous disregard of the workers and their valuable service to America.

My amendment would protect those benefits for current LTV retirees. It would ensure that anyone purchasing any or all of LTV's operating assets would have to assume LTV's liabilities to its retirees. It would ensure that benefits promised to the men and women who retired from LTV after years of dedicated service to our Nation's defense effort are honored.

I ask my colleagues for their support in approving this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ASPIN], the chairman of the Committee on Armed Services.

Mr. ASPIN. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Texas [Mr. FROST].

Mr. DICKINSON. Mr. Chairman, I do not intend to ask for a recorded vote on this. I am aware that this is a matter of a great deal of controversy, the subject matter, not the amendment itself.

Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. HOPKINS] for the purposes of entering into a colloquy with whomever he wishes on the general subject matter.

Mr. HOPKINS. Mr. Chairman, I appreciate the gentleman from Alabama [Mr. DICKINSON] yielding this time to me.

Mr. Chairman, there is some controversy involving this issue, but let me make it very clear to my colleagues that I am in support of the amendment of the gentleman from Texas [Mr. FROST].

As I understand the amendment of the gentleman from Texas [Mr. FROST], it is merely to protect the interests of his voters in the district which he represents, and he is doing that by asking the Secretary of Defense to be sure before this deal is consummated that all of the protections that were afforded to his voters through LTV would be afforded to those people through the Thomson company should this deal be consummated.

☐ 2040

My question, and I would like to ask the gentleman from Texas [Mr. FROST], since the gentleman was the member on the Committee on Rules who objected and took my amendment out, which I really feel offended by because I felt that it would place this body in a much stronger position, my question is, because national security is involved, why the gentleman from Texas [Mr. FROST] would not extend to all of the people of this country the same courtesy by giving them protection on national security that he chooses to give his voters in his district?

Mr. FROST. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I yield to the gentleman from Texas.

Mr. FROST. Mr. Chairman, I will be happy to respond. Under existing law, under the provisions of the Exon-Florio procedures, there is a procedure that has already been commenced within the Department of Defense to determine the national security issue on this measure. The amendment of the gentleman from Kentucky [Mr. HOPKINS] would amend the Exon-Florio law and would delay a decision to be made regarding the national security issue.

Mr. Chairman, I share the concern of the gentleman that the national security interests of the United States must be met. My concern is that this matter be resolved expeditiously under a procedure that has already been begun under the current law by the Secretary of Defense and that the decision not be delayed.

Mr. HOPKINS. Mr. Chairman, reclaiming my time, may I ask the gentleman from Texas [Mr. FROST] if he would further answer, did the gentleman read the defense intelligence report?

Mr. FROST. Mr. Chairman, if the gentleman will yield further, I did not read the defense intelligence report. I would respond to the gentleman that I have confidence that the procedures under current law, as spelled out in Exon-Florio and as administered by the Secretary of Defense, will resolve this issue of national security.

Mr. HOPKINS. Mr. Chairman, let me say to the gentleman from Texas [Mr. FROST] that I regret very much that he did not look at the Defense Intelligence Agency report, which stated very clearly that if this goes through, that there is a 100-percent risk that security will be compromised. Anyone that I have talked to who has read the intelligence report agrees with me that further evidence is needed. That is why I had entered into an agreement with the chairman of the Subcommittee on Investigation that further hearings are going to be held, and we are going to insist on that, and slow this down until we are assured that the same type of security is given to all of America that the gentleman from Texas [Mr. FROST] elects to give to just his voters.

Mr. DICKINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I thank the distinguished ranking member of the Committee on Armed Services for yielding.

Mr. Chairman, I would simply like to point out that under the proposed redistricting plan in Texas, many of the current constituents of the gentleman from Texas [Mr. Frost] and the gentleman from Texas [Mr. Armey] will possibly become my constituents if I am successful in winning the election.

I would like to support the amendment of the gentleman from Texas [Mr. Frost]. I am totally cognizant of the concerns of the gentleman from Kentucky [Mr. Hopkins]. I think the gentleman has every right to offer those. I would hope we would support the Frost amendment.

The CHAIRMAN pro tempore (Mr. Cox of Illinois). The time of the gentleman from Alabama [Mr. Dickinson] has expired.

The gentleman from Texas [Mr. Frost] has 1½ minutes remaining.

Mr. FROST. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. Frost].

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 9 printed in Part II of House Report 102–545.

AMENDMENT OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

Text of the amendment is as follows:

Amendment offered by Mr. Evans:

At the end of subtitle D of title XXXI (page 282, after line 3), insert the following new section:

SEC. 3146. NUCLEAR WEAPONS STOCKPILE INFORMATION

(a) Declassification of Restricted Data.—Pursuant to section 142(a) of the Atomic Energy Act of 1954, the Secretary of Energy shall declassify and remove from the category of Restricted Data all information which can be published without undue risk to the common defense and security of the United States.

(b) Report.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(27) a report, prepared jointly by the Secretary of Energy and the Secretary of Defense, concerning the Nation's nuclear weapons stockpile. The report shall include actual and projected levels for the following categories of information over a 10-year period, including actual data on the previous 4 fiscal years, the approved levels for the current fiscal year, proposed levels for the next fiscal year, and projected levels for the following 4 fiscal years:

"(A) The inventory of nuclear warheads and bombs in the United States stockpile, including the number of strategic and nonstrategic weapons in the custody of each military department and the Department of Energy (and its predecessor agencies), listed by individual warhead or bomb types, and including the number of each type and the delivery systems used or planned.

"(B) The number of new warheads and bombs produced, by type.

"(C) The number of warheads and bombs modified, by type.

"(D) The number of warheads and bombs retired, by type.

"(E) The annual production, if any, and year-end Department of Defense, Department of Energy, and total inventories of the following:

"(i) Plutonium metal in stockpile weapons and available for weapons.

"(ii) Highly enriched uranium metal in stockpile weapons and available for weapons.

"(iii) Plutonium in nonmetallic form available for weapons.

"(iv) Highly enriched uranium in nonmetallic form available for weapons.

"(v) Tritium in weapons and available for weapons, including the working inventory and supply pipeline.".

(c) Historical Annex.—When the report described in paragraph (27) of section 1105(a) of title 31, United States Code (as added by subsection (b)), is submitted for the first time, it shall include—

(1) an historical annex providing a comprehensive record of United States nuclear weapons production and materials inventories for the period 1945–1990 covering for each year all the categories of information set forth in such paragraph; and

(2) a review by the Secretary of Energy, pursuant to section 142(b) of the Atomic Energy Act of 1954, of any Classification Guides issued for determining what constitutes Restricted Data, including an evaluation of appropriate modifications thereto.

(d) Form of Report.—The report required under subsection (b) shall be submitted in unclassifed form with a classified annex as necessary.

(e) Determination of Classification.—For any category or subcategory of information required by subsection (b) or (c) which the Secretary of Energy determines cannot be declassified without posing an undue risk to the common defense and security of the United States, the unclassified portion of the report shall include a statement describing in detail the technical and policy reasons for such determination.

The CHAIRMAN pro tempore. Is there a Member who rises in opposition to the amendment offered by the gentleman from Illinois [Mr. Evans].

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. Evans] will be recognized for 5 minutes, and the gentleman from Arizona [Mr. Kyl] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. Evans].

Mr. EVANS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today my colleague John Conyers and I are offering an amendment that would require the President to submit a report along with the annual budget submission declassifying data on our nuclear weapons stockpile. Specifically, the bill would declassify data on the number of nuclear weapons and the amounts of fissile material and tritium in our arsenal. It also includes a provision that directs the Secretary of Energy to review the guidelines set in the Atomic Energy Act of 1954 for classifying data. Finally, it includes a provision that allows the Secretary of Energy to waive all of the data release requirements if he finds that releases of certain categories of data are not in the interest of our national security.

Despite the administration's arguments that this information is sensitive, releasing it would neither help our potential enemies or help other nations design or develop nuclear weapons. The cold war era Soviet threat drove the policy. Any justification for this secrecy disappeared with the breakup of the Soviet Union.

Today the greatest threat we face is the proliferation of nuclear weapons. We need an international effort to have all nations declare their nuclear capabilities. Other nations will not do so if we refuse to acknowledge what weapons and fissile materials we possess. Recognizing this, Russian President Boris Yeltsin offered a reciprocal exchange of weapons data in his latest arms control proposal. Unfortunately, the administration has not taken any action on this offer. If we are serious about nonproliferation, we must act on this.

I also believe that the American people have a right to this information. Congress will be making important decisions in the future on the size and shape of the nuclear weapons production complex. For years, the public was kept in the dark about the operation of the complex, all in the name of national security. It was during this time that some of the worst abuses of the environment and of worker health and safety were committed at the plants. Considering the hundreds of billions of dollars it may take to clean up this mess, the public will no longer allow these decisions to be made behind closed doors.

The administration's policy on this issue has been scatter shot at best. While towing the official line on the sensitivity of this data, officials of the Department of Energy have been disclosing information on the stockpile in piecemeal fashion. Secretary Watkins has appeared numerous times before congressional committees and made statements that have unilaterally declassified data on tritium and the number of warheads in the U.S. arsenal. The DOE's disclosures undermine the arguments they have made about the sensitivity of this information.

I believe our amendment will allow us to reveal information in the public interest on the nuclear weapons stockpile and at the time ensure that vital national security information is not compromised. I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very important amendment. It would result in the declaration of the most serious and most important secrets of this Government, and it cannot be allowed to pass.

Mr. Chairman, let me quote from the amendment language itself. The Secretary would be required to issue a report of actual and projected levels for the inventory of nuclear warheads and bombs in the United States stockpile, including the number of strategic and nonstrategic weapons in the custody of each military department and the Department of Energy, listed by individual warhead or bomb type, and including the number of each type and the delivery systems used or planned. Also the number of new warheads and bombs produced, by type; the number of warheads and bombs modified, by type; and the number of warheads and bombs retired by type.

Mr. Chairman, this amendment asks for us to do something truly incredible. It asks for the report to provide the world with information about the annual production and total inventories of our plutonium metal, highly enriched uranium metal, plutonium in nonmetallic form, highly enriched uranium in nonmetallic form, and tritium in weapons and available for weapons, including the working inventory and supply pipeline.

Never in the history of our country has this information been released. The fact that the cold war is over does not mean that we no longer have any secret information.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. KYL. Mr. Chairman, I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is a radical amendment that is based on the assumption that we do not have to worry now that the cold war is over.

□ 2050

I would suggest North Korea is very close to developing a nuclear weapon. I would suggest Iran, Libya, Iraq, and other countries, Pakistan has developed a nuclear bomb, India and China have nuclear bombs. And to assume that we put all our cards on the table, that the world is now a peaceful place because there is no more Soviet Union is childishly naive, dangerously naive.

I hope this amendment is resoundingly defeated.

Mr. KYL. Mr. Chairman, I thank my colleague for making the point. The U.S. News & World Report talks about Saddam's secret bomb being developed with declassified information. The information that is called for here would be provided to the entire world.

And as one of the individuals at the Department of Energy said, any high school student would be able to make the bomb from it.

Mr. Chairman, I reserve the balance of my time.

Mr. EVANS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, at 10 minutes to 9 o'clock the hysteria is about to break out.

In this amendment, if my colleagues would read it for just 1 second, the amendment does not require the President to declassify any data that he believes would damage our national security. Even the Energy Secretary has said he does not know why we classify this information.

The hysteria, Mr. Chairman, is entirely uncalled for. The President retains the full right to determine what should be declassified and not.

I commend the gentleman from Illinois for joining me in this amendment.

Mr. EVANS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ASPIN], chairman of the Committee on Armed Services.

Mr. ASPIN. Mr. Chairman, let me just say to the gentleman from Arizona [Mr. KYL] and to the gentleman from Illinois [Mr. HYDE], I think what the gentlemen are looking at is the amendment before it was modified. The gentleman from Illinois introduced an amendment that sounded like the one the gentleman from Arizona was talking about, but I think what we have now is a modified version of it, which is more along the lines of what the gentleman from Michigan [Mr. CONYERS] was talking about. I just think that there is confusion here.

Mr. EVANS. Mr. Chairman, I would just indicate that the gentleman has not read fully the amendment because it gives broad discretion to the Department of Energy to determine if any part of the report itself cannot be classified because of national security reasons.

Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, when this amendment was offered in our subcommittee, I opposed it because of the way it was drafted. It would have required unilateral release of information, declassified, without any reciprocal exchange from the Soviet Union.

The idea here is to encourage reciprocal exchange of this sort of information with the Commonwealth of Independent States.

Since 1954, the Atomic Energy Act has called for the Commission, the AEC, to maintain a continuous review of restricted data, restricted nuclear data, and to release this data which can be published without undue risk to the common defense and security, causing it to be declassified and removed from the category of restricted data.

Since we considered the matter in committee, the gentleman has added that particular language out of the Atomic Energy Act, saying that nothing has to be released, nothing has to be declassified except, unless and if the Secretary of Energy determines that it cannot be published without undue risk to the common defense and security of the United States. It is his call.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The time of the gentleman from Illinois [Mr. EVANS] has expired.

The gentleman from Arizona [Mr. KYL] has 2½ minutes remaining.

Mr. KYL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to make a very important point to my colleagues. We know full well what this amendment says.

The amendments say that the information I read to my colleagues must be declassified unless the Secretary of Energy determines that it cannot be declassified without posing an undue risk to the common defense, and the unclassified portion of the report shall include a statement describing in detail the technical and policy reasons for such determination.

The gentleman from Michigan inferred that the Secretary of Energy agreed that this information could be declassified. In a letter to the Speaker today the Secretary of Energy says, and I quote:

> This information cannot be presented in unclassified form. Release of such sensitive information would jeopardize national security interests and could adversely affect the U.S. efforts to control nuclear weapons proliferation.

That is a very important point. We are trying to restrain the number of nations that produce these weapons. By making this information public, paradoxically, we would be providing to nations like Iraq and Iran and Libya and Algeria, Syria and other such countries the very information that they need to produce these weapons. So instead of restraining the production of these weapons, we would be actually creating the ability of the countries to produce it.

My colleagues, the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Illinois [Mr. EVANS] has all good intentions, I understand. What they are basically telling us is that if the information cannot be classified, it does not have to be declassified. That is the existing law.

But what this proposal adds is a statement that if the Secretary decides not to declassify it, we must describe in detail the technical and policy reasons for such determination. It is that language, what the Secretary believes, that would provide the kind of technical information that itself would pose a security risk.

In other words, it is impossible to provide the kind of detail and technical and policy reasons, the determination not to provide the information, without disclosing classified material in the process.

Either, Mr. Chairman, this amendment is absolutely unnecessary because it mirrors existing law, or it is pernicious because it would add an existing, it would add an additional burden beyond that already existing for the Secretary of Defense and the Secretary of Energy to declassify extraordinary import information, information which the Secretary of Energy today says he simply cannot declassify.

I urge my colleagues to vote "no."

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois [Mr. EVANS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 83, noes 318, not voting 33, as follows:

[Roll No. 158]

AYES—83

Abercrombie
Andrews (ME)
Atkins
Beilenson
Berman
Blackwell
Bonior
Bruce
Clay
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
DeFazio
Dellums
Dixon
Donnelly
Downey
Durbin
Eckart
Edwards (CA)
Evans
Foglietta
Ford (MI)
Frank (MA)
Gonzalez
Hayes (IL)
Hochbrueckner
Jacobs
Jefferson
Jontz
Kanjorski
Kennedy
Kopetski
Kostmayer
Lehman (FL)
Lewis (GA)
Lipinski
Markey
Martinez
McDermott
Miller (CA)
Mineta
Moody
Moran
Mrazek
Neal (MA)
Oberstar
Obey
Olver
Owens (NY)
Owens (UT)
Payne (NJ)
Pelosi
Poshard
Roybal
Sanders
Sangmeister
Savage
Scheuer
Schroeder
Serrano
Sikorski
Slaughter
Smith (FL)
Staggers
Stark
Stokes
Studds
Swett
Synar
Torres
Traficant
Unsoeld
Washington
Waters
Waxman
Weiss
Wheat
Wolpe
Wyden
Yates

NOES—318

Ackerman
Alexander
Allard
Allen
Anderson
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Dooley
Doolittle
Duncan
Dwyer
Early
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Henry
Herger
Hertel
Hoagland
Hobson
Holloway
Hopkins
Horn
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lent
Levin (MI)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nowak
Nussle
Olin
Ortiz
Orton
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Williams
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—33

Andrews (NJ)
Anthony
Boxer
Campbell (CA)
Dannemeyer
Dorgan (ND)
Dornan (CA)
Dreier
Dymally
Gaydos
Hayes (LA)
Hefley
Hefner
Horton
Hubbard
Jones (GA)
Kolter
Lagomarsino
Lehman (CA)
Levine (CA)
Lewis (CA)
McDade
Moakley
Oakar
Perkins
Rangel
Riggs
Roe
Russo
Thomas (CA)
Towns
Traxler
Whitten

☐ 2114

Messrs. McCLOSKEY, ESPY, McMILLEN of Maryland, and WILLIAMS changed their vote from "aye" to "no."

Mr. SIKORSKI and Mr. NEAL of Massachusetts changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to inform the committee that I have requested the chairman of the Committee of the Whole to recognize for consideration amendments printed in the rule in an order other than specified under the rule. I have asked for Members to be recognized as follows to begin consideration of the DOD tomorrow when we begin at noon:

First, will be amendments related to nuclear nonproliferation;

Second, will be the AuCoin No. 8 amendment on reproductive rights;

Third, will be the Kopetski amendment No. 18 on nuclear testing; and

Fourth, will be the reinvestment amendments printed in the supplemental report.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DURBIN) having assumed the chair, Mr. COX of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, had come to no resolution thereon.

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during Rollcall votes No. 151, 152, 153, 154, and 157. Had I been present on the House floor, I would have cast my vote as follows:

Rollcall No. 151: "Yea" on approval of the House Journal of June 2, 1992.

Rollcall No. 152: "Yea" on House Resolution 474, the rule providing for consideration of the Defense authorization bill for fiscal year 1993.

Rollcall No. 153: "Yea" on Mr. McDADE's motion to instruct House conferees for H.R. 5132, the Dire Emergency, Supplemental Appropriations Act of 1992, to agree to Senate Amendment No. 8, favoring urban enterprise zones.

Rollcall No. 154: "Aye" on Mr. KASICH's amendment to H.R. 5006, the Defense authorization bill for fiscal year 1993, to direct the President to achieve agreements with NATO nations and South Korea to agree to a greater share of the costs of United States military installations.

Rollcall No. 157: "Aye" on Mr. GEPHARDT's amendment to H.R. 5006, the Defense authorization bill for fiscal year 1993, to reduce by 40 percent below the fiscal year 1992 level the number of U.S. military personnel stationed outside the United States by the end of fiscal year 1995.

WAIVER OF CERTAIN PORTIONS OF TRADE ACT WITH RESPECT TO TAJIKISTAN AND TURKMENISTAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying reports, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974 (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Tajikistan and Turkmenistan will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Tajikistan and Turkmenistan required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to section 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Tajikistan and Turkmenistan.

GEORGE BUSH.

THE WHITE HOUSE, *June 3, 1992*.

CONTINUATION OF VARIOUS WAIVERS OF AUTHORITY UNDER TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To The Congress of the United States:

I hereby transmit the documents referred to in section 402(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2432(d)(1)) ("the Act"), with respect to a further extension of the authority to waive subsections (a) and (b) of section 402 of the Act. These documents continue in effect this waiver authority for a further 12-month period.

I include as part of these documents my determination that further extension of the waiver authority will substantially promote the objectives of section 402. I also include my determination that continuation of the waivers applicable to Albania, Armenia, Azerbaijan, Bulgaria, Byelarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Ukraine, and Uzbekistan will substantially promote the objectives of section 402. The attached documents also include my reasons for recommending the extension of the waiver authority and for my determination that continuation of the waivers currently in effect for Albania, Armenia, Azerbaijan, Bulgaria, Byelarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Ukraine, and Uzbekistan will substantially promote the objectives of section 402.

My determination with respect to the waiver applicable to the People's Republic of China and the reasons therefor is transmitted separately.

I intend to waive by Executive order application of sections 402(a) and 402(b) of the Act with respect to Tajikistan and Turkmenistan prior to July 3, 1992.

GEORGE BUSH.

THE WHITE HOUSE, *June 3, 1992*.

WHAT ABOUT THE OTHER PARTY'S NOMINEES?

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. EMERSON. Mr. Speaker, as the son of a retired working mother and the son-in-law of a political activist mother-in-law and the husband of a working career wife and the father of four daughters, two of whom are educated and pointed in their career paths, two more are still at home, going to school, learning so that they may pursue all of the opportunities that America has to offer, I am very sensitive to the role of women in American society, to the problems and opportunities that lie out there for them.

We are engaged in a debate in this Congress over bias and over funding for public broadcast. I returned to Washington this morning from my district and tuned in to the news on NPR so that I could get current election returns. What I heard was that two very distinguished women had received their party's nomination in California and that Californians will have the opportunity to simultaneously elect two women to the Senate when that time comes this fall.

What I did not hear on the news was that there will be an election in November and that these two nominees will be opposed by someone from the other party in those elections.

I think this is biased, and I think it is very discriminatory reporting.

[From the Washington Post, May 31, 1992]

IS AMERICA IGNORING GOP WOMEN?

(By Bob Dole)

As a proud resident of the only state in America with a woman U.S. senator, a woman U.S. representative and a woman governor, I fully understand that neither gender has a monopoly on any political office.

Unfortunately, when it comes to U.S. Senate elections, it appears that one party's women candidates do have a monopoly on the media's attention, as we are seeing again this year in the wide national coverage of women candidates in Pennsylvania and Illinois.

Despite a long record of nominating qualified, dynamic and distinguished women to run for the Senate, the Republican Party's female candidates have never enjoyed the unrelenting media and interest-group cheerleading we hear these days for women Democratic candidates. Apparently, the key to being taken seriously—to being declared a force for "change"—by the media and the so-called women's groups is a liberal agenda, not the female gender.

Now, don't get me wrong. I'm all for more women in government, and I have no problem with the Democrats nominating women candidates. Throughout my career in public service, I've worked with highly talented women—in the House, in the Senate and on the highest levels of my staff, including my longtime chief of staff and her fellow staff experts on health care, disabilities, nutrition, arms control, budget and tax policy. I also happen to be married to someone who knows a lot about being a woman in public service.

Across the nation, Americans are being deluged with television and newspaper stories proclaiming that 1992 will be a "breakthrough" year for women candidates. A recent editorial in a major newspaper raved about Democratic women candidates, declaring that "the fallout from the [Clarence] Thomas hearings has produced viable female Senate candidates in a half-dozen states. That's welcome evidence of progress." Like nearly every story on women candidates, the editorial ignores the fact that well-qualified women were running for the Senate long before anyone ever heard of Anita Hill. And why should "welcome progress" be defined by the number of women candidates from the Democratic Party?

Where was all the media cheerleading in 1990, a banner year for women candidates, when a half-dozen Republican, women—well qualified women with serious messages—were running hard for the Senate? These top-flight candidates included Sen. Nancy Kassebaum of Kansas; U.S. Reps. Lynn Martin of Illinois, Pat Saiki of Hawaii and Claudine Schneider of Rhode Island; a New Jersey state official, Christine Whitman; and a prosecutor from Delaware, Jane Brady—not exactly an unseasoned lot of public servants.

How many stories did you see in 1990 pointing out that these six outstanding women were running for the Senate as Republicans, while the Democrats were fielding only two women candidates? Instead of rave editorials and "breakthrough" stories, the media turned on its censorship machine, keeping America in the dark about this historic field of women candidates taking on the status quo. Kassebaum was reelected, but when all five women challengers were defeated by their male opponents there was no editorial outcry that the old boy network had prevailed again. (Let me add that two of these talented women now serve in the Bush administration—Lynn Martin as secretary of labor and Pat Saiki as head of the Small Business Administration.)

And when Republicans, long before the Thomas-Hill hearings, introduced comprehensive women's-rights legislation—including the first-ever monetary remedies for sexual harassment in the workplace, specific provisions to fight violence against women and the first proposal dealing with corporate discrimination against women—the media gave the plan nothing but the cold shoulder. Regrettably for America's working women, women's rights and Republicans simply don't mix in our nation's newsrooms.

Let's face the facts. Democratic U.S. Senate nominees Carol Moseley Braun and Lynn Yeakel are fast becoming household names. But when was the last time you saw a story on Charlene Haar, another so-called "outsider" who happens to be the Republican U.S. Senate candidate in South Dakota? Notwithstanding a fine opponent, did the Republican former mayor of Charlotte, Sue Myrick, get the same kind of free national hype before North Carolina's Senate primary that we saw in Pennsylvania on the Democratic side?

How many stories have you seen pointing out that since 1980, Republicans have nominated more women to run for the Senate than have the Democrats? Have you ever heard that women have been the Republican U.S. Senate nominee in New Jersey three out of the four most recent elections? Or that despite being outspent by nearly $9 million, Christine Whitman came within three points of unseating an incumbent Garden State senator in 1990? If she had gotten half the media attention Lynn Yeakel has, Christine Whitman might very well be sitting in the Senate today.

Unfortunately, it seems that the media and a few special interest groups have decided that Republican women are not "politically correct." Whether they meet some groups' self-proclaimed litmus tests or not, qualified Republican women—whether they are pro-choice or whatever—never seem to merit the support of the groups that say they are so dedicated to electing more women to office, women who could have been already on the job, making a difference on Capitol Hill.

In fact, time and time again, the so-called liberal women's organizations such as the National Women's Political Caucus have done everything possible to defeat talented Republican candidates. There are many fine women's organizations in America, some of which supported these candidates, but it seems obvious that most of the self-styled women's groups are more interested in agendas than gender.

So the next time you hear criticism of the "98 percent male" Senate, or statements that we need "more women" in the Senate, ask yourself whose fault that really is. The female candidates have been there. Regrettably, the votes, the attention and the political will have not.

A BALANCED BUDGET

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ATKINS. Mr. Speaker, next week the House will take up the balanced budget amendment, another gimmick designed to keep us talking about the deficit instead of acting on it.

Mr. Speaker, let us act for a change. We have an obligation to offer or to support a specific plan, to show what changes a balanced budget will require. We need to tell taxpayers how we will balance the budget, rather than to tell them that we will somehow in the future by hook or crook balance the budget by some yet-to-be-determined formula.

I am convinced that we can balance the budget without disrupting the economy, without raising tax rates and without placing the burden on America's most vulnerable families.

Today I am submitting for the RECORD a plan to balance the Federal budget by 1996. This plan reduces deficit spending by $1 trillion over 5 years.

If we are truly serious about balancing the budget, we must address the programs to be cut, the revenue to be raised and the changes and reforms that must be made in Government programs.

Next week's vote will not shave a dime off the deficit unless it is accompanied by a specific plan and budget action.

A PLAN TO ELIMINATE THE FEDERAL DEFICIT

While nearly everyone in Congress and across America supports a balanced budget amendment, no one has taken the next step of providing a plan to put our fiscal house in order. Even the Presidential candidates have offered few concrete suggestions to reduce the Federal Budget. The following proposal cuts the Federal deficit to zero by fiscal year 1996 and extends budget projections to fiscal year 1997. This plan trims $1 trillion from the anticipated total Federal deficit during the five year period from fiscal year 1993 to fiscal year 1997. The plan is divided into six categories to provide a context for the cuts and savings. Most dollar figures are based on current year savings projected out over five years, and estimates by congressional committees. Slight discrepancies in certain totals are due to rounding.

I. CLEANING OUT THE COLD WAR CLOSET

The cold war is over yet the President is requesting only a 3-percent yearly decrease in defense. Does that mean that only 3 percent of our nuclear forces, submarines, tanks, aircraft, and intelligence activities were based on the Superpower conflict? By cutting the defense budget in real terms by 50 percent over the next four years, $556.175 billion can be saved, B-2 bomber, Seawolf submarine, Minuteman II Missile, Midgetman Missile, and reducing spending on armed personnel, intelligence activities, and aircraft procurement. Our defense policy has changed from one based on national defense to one based on preserving jobs. That is a poor way to run an army and an economy. The way to preserve jobs is not to pretend that we must produce unnecessary weapons. We need a conversion policy to use our tremendous defense knowledge base to create civilian jobs for the future; not protect defense jobs of the past.

The Selective Service should be abolished saving the Federal Government $150 million over five years. The days of a potentially massive European ground conflict requiring millions of troops are over.

In 1954, the Department of Defense designated wool and mohair strategic items. Now that the mohair crisis is over, it is past time to eliminate the subsidy and save $570 million over the next five years.

TV Marti remains an ineffective tool to overthrow Cuba. The broadcasts are easily scrambled by the Cuban Government and the program represents an era of foreign policy which is obsolete; $2.5 billion over five years can be saved by eliminating all U.S. overseas broadcasting including Voice of America.

$1.060 billion over five years can be saved by phasing out the special defense acquisition fund. This program, which is used to help foreign countries buy arms in emergency situations, can be adequately replaced by selling U.S. surplus weapons which will become obsolete when our force structure is reduced.

$2 billion over five years can be saved by eliminating foreign military assistance to all countries except for the fulfillment of our treaty obligations to Egypt and Israel.

$6.2 billion over five years can be raised by selling off most items from DOD's Stockpile of Strategic and Critical Materials. Most of these items are no longer strategic nor critical, and they are nearly all readily available in the market. Even during the cold war, DOD argued that the strategic stockpile was far overgrown. Some examples: lead, rubber, tin, rayon, asbestos, nickel, talc, zinc, aluminum, and 16 million karats of rubies and sapphires.

The Strategic Petroleum Reserve is another dinosaur of the cold war. Currently, the reserve has enough oil to keep America running for 76 days. We should stay at this level and quit the practice of buying more oil to fill a reserve that is already too large. This will save $1 billion over five years.

II. AIR AND SPACE—HIJACKED BY THE AEROSPACE INDUSTRY

Cancel space station *Freedom* and save $11.2 billion over five years. Scientists don't want it, physicists don't want it. Only contractors support this $40 billion-plus public works project.

Cancel NASA's Advanced Solid Rocket Motor. This congressional pork project will save NASA $2.55 billion over 5 years. ASRM is designed to increase shuttle payload capacity in order to expedite the construction of space station *Freedom*.

Terminate NASA's Space Exploration Initiative (the mission to the moon and mars) and save $480 million over five years. During times of astronomical Federal deficits, space exploration can wait. The moon and Mars will be available for exploration once our budget is balanced.

$10.5 billion over five years can be saved by eliminating airport modernization grants. Airports are allowed to levy passenger fees of up to $3 per ticket. They also raise funds through concessionaire rents, landing fees, and airline lease payments. Why should they receive further taxpayer subsidies? The 30 busiest airports bring in $1 billion per year in passenger fees alone, and they can issue bonds for the rest.

The FAA has limited the number of airport landing slots creating a market for this scarce commodity. However, the airlines are given free use of this commodity at taxpayer expense; $1.5 billion over five years can be raised by following market principles and establishing fees for airport takeoff and landing slots.

50 percent of the FAA's 16,000-person air traffic operations are funded from the general treasury. There is no reason for the taxpayer to pay any portion of this airline service. It should be funded entirely by users. $7.050 billion over five years can be raised by imposing a fee for air traffic control services.

III. CHANGING THE WAY WE DO BUSINESS

Congress should be held accountable by adopting the modified line item veto. This would allow the President to rescind earmarked appropriations items. Under the plan, Congress would be forced to vote on each item, and could override the President with a simple majority. Savings: an estimated $6.2 billion over five years.

A 10-percent cut in House and Senate legislative appropriations would save $390 million over five years while reducing waste in the legislative branch.

Eliminating postal subsidies for nonprofit organizations will save $1.9 billion over five years. Anyone who wishes they received more mail from nonprofits please step forward. This would still preserve the subsidy for libraries and organizations serving the physically handicapped.

Eliminating the Economic Development Administration will save $1.4 billion over five years. The EDA makes grants to State and local governments which only benefit the local area, and encourage businesses to relocate from one distressed community to another. The EDA has a high overhead and a poor track record.

Deregulation in the 1980's cut the responsibilities of the Interstate Commerce Commission, trucking safety is regulated by the Federal Highway Administration, following through on the last step in deregulation (abolishing the Interstate Commerce Commission) would save $130 million over five years. The ICC has barely any real authority except to create reams of paperwork for the trucking and intercity bus industry. The Congressional Budget Office estimates savings in the billions of dollars for the transportation industry in reduced costs of regulation.

The Federal Government guarantees up to 90 percent of business loans with reduced interest rates. Small Business Administration loans tend to flow to businesses least likely to create stable employment, improve technology or productivity. Eliminating the SBA Loan Program except for the Minority-Owned Businesses and Disaster Relief Program would save $1.65 billion over five years.

Construction of new public housing is not the way to address poverty nor housing problems. There are thousands of already appropriated public housing units still in the pipeline to be built. There are thousands of vacant and abandoned public housing apartments. $1 billion over five years can be saved by eliminating new public housing construction money while preserving funds for major rehabilitation of dilapidated projects. Let's fix what we already have.

Streamline and consolidate the USDA's farm agencies field offices to save $530 million over five years. According to the general Accounting Office, 85 percent of the 3,150 counties in the United States have Agricultural Stabilization and Conservation Service, and Soil Conservation Service field offices; 60 percent have Farmers Home Administration offices and over 90 percent have Extension Service offices. These offices reproduce like rabbits and they should be spayed.

Auction off the right to use the public radio spectrum for cellular telephone services raising $3.5 billion. This public property shouldn't be given away to the highly profitable cellular phone industry.

$7,050 billion over five years can be saved by making direct loans to students participating in student loan programs. This direct lending will eliminate the middle man and save billions in administrative costs which have gone to subsidize the banking industry. The government makes direct loans for homes, they should make direct loans for education.

IV. ELIMINATE SUBSIDIES THAT KILL AND POLLUTE

The Army Corps of Engineers provides thousands of permits to businesses to discharge industrial waste into public waterways. By placing a cost on industrial discharge we can raise $9.1 billion over five years and help convince businesses to dispose of their waste more responsibly.

The EPA gives similar permits to businesses that emit toxic substances into the air. A similar fee on a variety of toxic air pollutants will encourage industries to further increase pollution prevention and raise $22.4 billion over five years. Shouldn't we make polluters pay?

Charge a one-time tax on gas guzzling cars (fuel efficiency below 27.5 miles per gallon) to reduce oil demand and raise $21.5 billion over five years. This would reduce our dependency on foreign oil by a tremendous amount.

For 200 years the U.S. Government has kowtowed to the tobacco industry. A modest increase of 25-cents per cigarette package will raise $18.6 billion over five years. That is still only a fraction of the cost of treating cancer patients over the same period. It will also have an impact on reducing the number of people who smoke. According to the most recent studies, 500,000 Americans are expected to die from cigarette smoking each year for the next ten years.

V. CONTROLLING ENTITLEMENT SPENDING

By means testing the premium for physicians' services under Medicare, $9.6 billion can be saved over five years. Currently all enrollees of Supplementary Medical Insurance pay a 25-percent copayment for physician services. If seniors with income over $50,000 and senior couples over $65,000 in gross income are required to pay 50 percent, the savings are dramatic and only 7 percent of the senior population is effected.

Should a family of four earning $46,900 per year receive school lunch subsidies? If the answer is no, collect your $2.6 billion savings over five years. Under current law, even the wealthiest families receive a daily thirty cent subsidy for their child's school lunch.

By increasing the taxable portion of Social Security benefits to 85 percent for the wealthiest 5 percent of all recipients, $9.8 billion over five years can be raised. This would cover single seniors with income of $60,000 and couples at $78,000. At that point, 85 percent (up from 50 percent) of their SS benefit will be considered taxable income. This is the same rate that all other pensions are taxed.

$4.3 billion over five years can be saved by eliminating Social Security cost of living adjustments for single seniors with over $60,000 in taxable income and couples with incomes over $78,000. Both of these proposals will help to get a handle on the growing Social Security budget which for the first time in fiscal year 1993 will be the largest expenditure of the Federal budget.

Cap the mortgage interest tax deduction at $400,000 to save $7.9 billion over five years. Under current law, millionaires with million-dollar homes receive a $200,000 tax subsidy from the Federal Government. This six-figure gift to the very rich should be abolished.

Currently, individuals earning above $130,000 have their Medicare payroll tax capped at that level. By repealing the cap, and requiring individuals to pay the 1.45 Medicare tax for all earned income, $27.8 billion over five years can be added to the coffers.

$15.5 billion over five years can be saved by reducing the tax deduction on entertainment and dining from 80 to 50 percent for businesses. The Federal Government should not be footing the bill for businesses to wine and dine clients at their taxpayer subsidized Fenway Park skybox.

The Federal Government wastes millions of dollars processing handwritten and typed Medicare claims from the relatively few doctors that do not computerize their billing. Under this plan, $980 million over five years can be raised by charging a fee to doctors who do not bill Medicare electronically.

$1.35 billion over five years can be saved from the Medicaid budget by following the Inspector General's recommendations for tightening Medicaid's estate-recovery processes for long-term care. The standards imposed are similar to those in effect in Massachusetts.

$2.2 billion over five years can be saved by replacing the $15 billion dollar possessions tax credit with a wage credit. The possession tax credit is a deep Federal subsidy for businesses which locate in Puerto Rico or any other U.S. possession. By replacing it with a wage credit, the subsidy will help employees and employers.

Current law exempts taxation on employer contributions to defined benefit retirement plans for pensions that will pay recipients up to $140,276 per year plus Social Security annually at age 65. This level is so generous that only 1 percent of all employees pay any taxes on their employer contribution. By decreasing this exemption to a level where employees will receive an annual pension of $55,500 plus Social Security, $20.9 billion over five years can be raised. This would still affect only the wealthiest 6 percent of all employees with pension plans.

The Federal Government should follow the lead of the private sector and the Financial Accounting Standards Board, and pre-fund the Federal Retirees' Health Insurance program. This would save $15.95 billion over five years without affecting service.

$1.7 billion over five years can be saved by using the same payment system used by Medicare to reimburse hospitals that treat individuals with Federal health insurance benefits.

VI. REDUCING ENTITLEMENTS FOR BUSINESSES AND OTHERS

The Rural Electric Administration was started in the 1930's to bring electricity to rural areas. Most rural communities now have electric and telephone service, but they can receive ongoing loan subsidies from REA to maintain these services. Increasing the interest rate charged to cover the cost to the Treasury would save $1.050 billion over five years.

The Department of Energy charges Pacific Northwest utility customers artificially low electricity rates because it does not have to make regular payments on its construction debts. Requiring DOE to pay off the existing $14 billion debt to the Treasury on a regular basis would save $1 billion over five years. American taxpayers subsidize the Pacific Northwest to the point where consumers pay the lowest amount for electricity than those of any other region.

Hardrock miners currently have full access to public lands for mining and only have to perform $100 worth of work a year on the claim. Requiring miners to pay $100 a year for the right to mine would save $240 million over five years. A small percentage of western ranchers graze sheep and cattle for less than it costs the government to run the program. Increasing grazing fees would save $120 million. Charges for water in the west are so artificially low that the Bureau of Reclamation doesn't reclaim its costs, let alone charge market rates. Targeting subsidies to small farms would save $85 million over five years.

Eliminate below cost timber sales from national forests to save $260 million over five years. We should not subsidize the deforestation of public lands—especially when the timber and the manufacturing jobs are often shipped to Japan.

Private, for-profit users of the public radio spectrum would have to pay a royalty equal to 4 percent of their revenues, raising $8.8 billion over five years.

The Alternative Minimum Tax is a floor for upper income individuals who reduce their income through a variety of tax deductions. Raising the rate from 24 to 28 percent raises this floor, saves $27 billion and eliminates loophole deductions for the richest taxpayers.

Raising the corporate AMT from 20 to 25 percent puts a floor on corporate tax and improves the fairness of the tax system. Savings of $11.7 billion over five years.

Tighten USDA commodity subsidies by reducing target prices to save $13.3 billion over five years. Deficiency payments are determined in part by the difference between the market price of a crop and a target price. The larger the gap between the market price and the target price, the higher the deficiency payments will be. This encourages agri-businesses to over produce.

Eliminate the 0/92 and 50/92 USDA commodity program to save $1.7 billion over five years. Current law allows participants in USDA price and income support programs to receive 92 percent of their deficiency payments, even though they may plant as little as 50 percent of their eligible acreage in the program crop (cotton and rice—50/92); or even though they do not plant any of the program crop (wheat and feed grains—0/92). There is no need to pay people artificially high prices for their crops—even when they don't grow them. These programs are outdated as the Secretary of Agriculture now has considerable discretion to increase unpaid acreage reduction requirements, so there is no need to pay farmers to cut acreage.

Restrict eligibility for certain USDA price support programs to $40,000 per person and disqualify people whose adjusted gross income exceeds $100,000. These eligibility restrictions would save $1.63 billion over five years. Eligibility restrictions would force large operators to be more responsive to the market while still allowing smaller farmers, who are more likely to need assistance, to receive benefits.

Eliminate the honey subsidy to save $40 million over five years. Bees will continue to pollinate without a subsidy. It is ridiculous for the government to spend millions of dollars on a program which benefits only 2,000 beekeepers in the United States—or $20,000 per beekeeper. That's quite a sting for the taxpayer.

Reduce USDA short and intermediate export loan guarantees made by commercial banks to save $1.65 billion over five years. This loan guarantee program provides a huge safety net to commercial banks and agribusiness, but leaves the American taxpayer holding the bag when developing countries default. The American taxpayer should not have to pick up the tab for agri-business and the banks. By limiting the loan guarantee program we would eliminate the riskiest borrowers and take the financial burden away from the American taxpayer.

Eliminate the Export Enhancement Program (EEP) to save nearly $3 billion over five years. The EEP provides cash bonuses to U.S. grain exporters after negotiating a price with buyers in a targeted country. This program is targeted at European Community markets to give U.S. grain access to those markets by depressing world commodity prices. The largest recipient of subsidized grain sales is the People's Republic of China.

By replacing Federal crop insurance with Federal disaster assistance we would save $3.5 billion over five years. Disaster assistance would be in the form of direct payments for any shortfall in harvest below 60 percent of that county's normal yield. Farmers would still be eligible for assistance but only in the case of sharp losses and only if the county as a whole, and not just the individual, suffers significant losses.

By carefully targeting USDA export marketing programs to products that actually need funding we will save $60 million over five years. This program organizes trade shows and demonstrations in conjunction with large agri-businesses to promote a particular commodity. It is ridiculous for Fortune 500 tobacco companies and financial giants like Sunkist to receive taxpayer financed start up and marketing grants from USDA.

Eliminate the Eximbank program to save $3.7 billion over five years. Presently we guarantee bank loans to foreign countries to purchase American goods from Big Board companies like Boeing, AT&T, General Electric, and Caterpillar. Once again the Federal Government is funneling taxpayer dollars to help profitable corporations make even bigger profits.

Reduce the Export Administration (EA) to save $150 million over five years by limiting its scope to cover only technology that can be used for chemical and nuclear weapons production. The EA is a bloated and outmoded bureaucracy that was established to delay and prevent the sale of American commercial high technologies to foreign countries. Billions of dollars in sales have been blocked by this blizzard of red tape. No other country in the world has such a bureaucracy in place that kills the sale of its own commercial technology. The EA clearly did not stop Saddam Hussein from getting the technology to build advanced weapons of destruction.

The Federal Government shares revenues generated by commercial activities on Federal lands with local communities. By switching from a gross to a net receipt basis, we would save $1.05 billion over five years. The Federal Government should cover all its costs before sharing with local communities.

Raise base acreage ineligible for deficiency payments from 15 to 25 percent to save $4 billion over five years. By decreasing the number of acres eligible to receive deficiency payments from 85 to 75 percent of base acreage, total Federal deficiency payment figures would decrease and producers would be free to plant any program crop on the additional unpaid land without losing eligibility for future program benefits. This proposal would give increased flexibility to the farmer to make production decisions based on the needs of the market and not on the rules of the farm program.

Eliminate the overseas market promotion program to save $900 million over five years. Again, there is no good reason why the American taxpayer should pay advertising costs for corporations like McDonald's. These corporations benefit directly from advertising and market promotion, they can afford the investment, and they should bear the full costs.

Require producer contributions for the dairy price support program to save $1.15 billion over five years. Dairy producers would assume more of the financial burden when the Federal Government purchases milk and other dairy products to guarantee a fair market price.

Auction import quotas on textiles and sugar to save $14.4 billion over five years. Foreign producers and suppliers aggressively seek to sell textiles and sugar in the United States because of higher prices. Auctioning off these import quotas will raise additional revenue, and foreign suppliers will still make a sizable profit.

BUDGET DEFICIT REDUCTION PACKAGE

[Proposal by U.S. Representative Chet Atkins, May 1992, in millions of dollars]

	Fiscal year—					Total
	1993	1994	1995	1996	1997	
Cleaning out cold war closet	28,895	74,505	120,355	166,410	172,780	562,945
Controlling entitlement spending	8,520	22,905	25,965	29,355	33,110	119,980
Eliminate entitlements for top bracket and business	11,330	20,565	20,450	21,660	27,235	101,265
Air and space: The hijack	5,620	6,545	6,805	7,030	7,300	33,280
Changing the way we do business	5,450	5,680	4,075	4,225	4,310	23,760
Subsidies that kill and pollute	12,300	15,000	14,900	14,800	14,700	71,800
Total cuts and savings	72,115	145,200	192,550	243,480	259,435	913,030
CBO projected deficit	267,000	234,000	220,000	234,000	265,000	1,220,000
Estimated debt service savings	2,000	7,000	16,300	25,300	39,500	90,100
Projected budget balance	(192,885)	(81,800)	(11,150)	34,780	33,935	
Cleaning out the cold war closet (program):						
Limit foreign military assistance (except Israel and Egypt)	400	400	400	400	400	2,000
Abolish Selective Service System	30	30	30	30	30	150
Eliminate wool and mohair subsidy			190	190	200	570
Eliminate overseas broadcasting	400	500	500	500	600	2,500
Eliminate Special Defense Acquisition Fund	450	260	220	90	30	1,060
Eliminate most items from stockpile of strategic and critical materials	1,200	1,200	1,200	1,300	1,300	6,200
Stop filing strategic petroleum reserve	200	200	200	200	200	1,000
Defense cuts (50 percent real cut thru fiscal year 1996)	26,215	71,915	117,615	163,700	170,020	549,465,

BUDGET DEFICIT REDUCTION PACKAGE—Continued

[Proposal by U.S. Representative Chet Atkins, May 1992, in millions of dollars]

	Fiscal year—					Total
	1993	1994	1995	1996	1997	
Total cleaning out the cold war closet	28,895	74,505	120,355	166,410	172,780	562,945
Air and space: Hijacked by the aerospace industry:						
Terminate NASA's advanced solid rocket motor	480	500	510	530	550	2,550
Terminate NASA's space exploration initiative	90	95	95	100	100	480
Terminate NASA's space station freedom	2,100	2,150	2,250	2,300	2,400	11,200
Eliminate airport grant-in-aid	1,950	2,050	2,100	2,150	2,250	10,500
Charge for airport take-off and landing slots	300	300	300	300	300	1,500
Impose user fees for air traffic control	700	1,450	1,550	1,650	1,700	7,050
Total air and space	5,620	6,545	6,805	7,030	7,300	33,280
Changing the way we do business:						
10 percent cut in House and Senate legislative approps	70	80	80	80	80	390
Modified line item veto	1,200	1,200	1,200	1,300	1,300	6,200
Eliminate postal subsidies for nonprofits	350	360	380	390	400	1,900
Eliminate Economic Development Administration	270	270	280	290	300	1,400
Abolish Interstate Commerce Commission	25	25	25	25	30	130
Reduce public housing new construction to include only major rehabilitation	190	200	200	210	210	1,010
End SBA Loan Program except minority and Disaster Relief Program	310	320	330	340	350	1,650
Auction radio spectrum licenses	1,700	1,800				3,500
Replace guar. student loans with direct loans	1,300	1,350	1,450	1,450	1,500	7,050
Eliminate program activities of Int'l Trade Admin	160	170	180	190	190	890
Streamline farm agency field offices	35	75	130	140	140	530
Total changing the way we do business	5,610	5,850	4,255	4,415	4,500	24,650
Controlling entitlement spending:						
Cap Mortgage interest deduction at $400,000	100	1,400	1,700	2,100	2,500	7,900
Repeal Medicare taxable premium currently capped at $130,000 gross income	2,600	5,600	6,000	6,500	7,100	27,800
Reduce deductions for meals/entertainment from 80 percent to 50 percent (business)	1,600	3,400	3,400	3,500	3,600	15,500
Social Security—8.5 percent taxable above $60,000 income for single seniors; $78,000 for couples	675	1,425	1,575	1,725	1,950	7,350
Decrease limits on contrib., pensions and profit sharing and allow retirement income up to $75,000	1,600	4,300	4,700	5,100	5,200	20,900
Replace possessions tax credit w/a wage credit (U.S. business in Puerto Rico)	200	400	500	500	600	2,200
Tighten Medicaid's estate recov. and long-term care (national standards—same as Massachusetts)	75	150	250	400	450	1,350
Means test Medicare phys. service co-pay and increase deductible for single seniors > $50,000; couples > $65,000	290	1,200	1,200	2,500	4,450	9,600
Prefund Federal retiree insurance		2,950	4,300	4,350	4,350	15,950
Modify hosp. reimburse, for Fed. health benefits		120	300	560	710	1,700
Require Medicare claims billed electronically	230	260	220	170	100	980
Limit COLA's for seniors with income over $60,000	750	800	850	900	1,000	4,300
Eliminate school lunch subsidies for families with income greater than $46,900	400	900	970	1,050	1,100	4,450
Total controlling entitlement spending	8,520	22,905	25,965	29,355	33,110	119,980
Subsidies that kill and pollute:						
$0.25 increase on cigarette tax	3,000	4,000	3,900	3,900	3,800	18,600
Excise tax on water pollutants	1,400	1,900	1,900	1,900	1,900	9,300
Excise tax on air polluants	3,600	4,800	4,800	4,700	4,700	22,400
Extend gas guzzler tax to replace CAFE standards	4,300	4,300	4,300	4,300	4,300	21,500
Total subsidies that kill and pollute	12,300	15,000	14,900	14,800	14,700	71,800
Reduce Rural Electric Admin. subsidies	200	210	210	220	230	1,050
Raise Federal hydroelectric power rates		260	250	240	220	970
Raise mining, grazing, Federal water fees	25	90	105	110	110	445
Reduce USDA commodity subsidies	440	1,550	2,150	3,200	5,950	13,250
Eliminate 0/92 + 50/92 USDA Commodity Program	190	490	400	270	370	1,700
Restrict Elig. for certain USDA price support prog.	160	400	340	380	360	1,630
Eliminate honey subsidy	20	20				35
Reduce USDA export guarantees	(45)	410	420	450	400	1,650
Eliminate Export Enhancement Program	310	740	670	640	610	2,950
Eliminate Federal crop insurance	890	630	640	650	670	3,500
Reduce Medicare payment for intraocular lenses	120	190	200	200	200	900
Eliminate below cost timber sales	25	40	50	65	80	260
Reduce USDA Export Marketing Program	10	10	10	10	10	50
Eliminate Federal subsidies for law schools	5	5	5	5	5	25
Eliminate Eximbank Program	700	700	700	800	800	3,700
Reduce Export Administration	30	30	30	30	30	150
Subtotal entitlements for upper income brackets and business	3,080	5,775	6,180	7,270	10.045	32,265
Change from gross to net for commercial activity on Federal lands	200	200	210	210	220	1,050
Raise base acreage from 15 percent to 25 percent	410	960	910	810	890	4,000
Eliminate Market Promotion Program	100	200	200	200	200	900
Require contribution for Dairy Price Support Program	140	230	250	270	280	1,150
Impose royalty payment for radio spectrum users	1,500	1,600	1,800	1,900	2,000	8,800
Raise individual amount from 24 percent to 28 percent	1,100	5,400	5,300	6,100	9,200	27,000
Raise corporate amount from 20 percent to 25 percent	2,300	3,500	2,700	1,900	1,200	11,700
Auction import quotas—textiles and sugar	2,500	2,700	2,900	3,000	3,200	14,400
Subtotal entitlements for upper income brackets and business	8,250	14,790	14,270	14,390	17,190	69,000
Total entitlements for upper income brackets and business	11.330	20,565	20,450	21,660	27,235	101,265

ORDER OF BUSINESS

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that the special orders granted for today to the gentleman from Georgia [Mr. GINGRICH], and the gentleman from Oregon [Mr. SMITH], be switched.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

□ 2120

THE NEED FOR A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CAMP] is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, next week the House of Representatives will vote to amend our Constitution to require that our Government balance its budget every year.

The sad fact is that this body has not balanced a budget in 24 years. Think about that for just a minute. Congress has run deficits for nearly a quarter of a century—1969 was the last year this

Government took in as much as it spent.

Since then, we have had 24 budgets and 24 straight years of deficits. This year Congress passed a budget that calls for $1.4 trillion in spending while at the same time running a $400 billion deficit.

In 1977, just 15 years ago, the entire budget of the United States was the same size as the deficit for 1992. In 1982, the U.S. Government was run on $750 billion, but today it takes double that amount, $1.4 trillion. Despite all the talk about huge slashes in spending over the past 10 years, revenue to the Federal Government, and that is taxpayer dollars, increased 100 percent. In spite of that, the budget has increased at twice that rate.

All along, those in Congress were telling the American people that they were cutting the budget. The American people were told that Congress was making the tough choices and simply could not cut any more. But Congress spends more every year. Congress raises taxes every year, and Congress borrows more every year, and our Government has gotten bigger every year.

Today the U.S. Government is the world's largest power producer, insurer, lender, borrower, hospital system operator, landowner, tenant, holder of grazing lands, timber seller, grain owner, warehouse operator, ship owner, and truck fleet operator. Our Government owns one-third of the U.S. land mass and occupies four times the office space available in our Nation's four largest cities. Our Government spends $92,000 a second, roughly $8 billion a day.

Despite all of this, Congress has avoided dealing with the deficit and will not recognize the problem. The problem is that spending is out of control, and Government has grown too big.

The American people deserve responsible decisions and want action. Let us pass the balanced-budget amendment.

A PLAN TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts [Mr. ATKINS] is recognized for 5 minutes.

Mr. ATKINS. Mr. Speaker, next week the House will take up the balanced budget amendment—another gimmick designed to keep us talking about the deficit instead of acting on it.

Let us act for a change.

Our Federal deficit is the Nation's most serious national security problem. It affects our ability to compete internationally. It hinders our ability to educate our children. It keeps us from investing in research, development, and new technologies for our civilian economy.

The deficit blunts nearly all new initiatives for reform of our broken social programs.

It is the prime example of the total dysfunction that exists in the legislative and executive branches.

But we are only kidding ourselves if we believe that next week's budget amendment vote will shave a dime off our debilitating debt.

First, it will take years for States to ratify the amendment. We do not have years to solve this crisis.

Second, there is no plan to cut spending. With no plan there is no action.

Supporters of the amendment ought to tell taxpayers how we will balance the budget, rather than tell them we will, somehow, in the future, by hook or crook, balance the budget by some yet to be determined accounting magic wand.

Those opposed should not take our worse possible budget scenario and turn it into a Stephen King fiscal horrow show.

For the last several weeks, I have combed through the Congressional Budget Office reports and other budget documents.

I am convinced that we can balance the budget without disrupting the economy, without raising taxes, and without placing the burden on America's most vulnerable families.

Today, I have submitted a detailed proposal to balance the Federal budget by fiscal year 1996 with projections out to fiscal year 1997. I am proposing total cuts and savings of more than $1 trillion over 5 years.

Here is a brief summary of the proposal. The full plan has been submitted for the RECORD:

The cold war is in the history books yet the President is requesting only a 3-percent yearly decrease in defense spending.

Does that mean only 3 percent of our nuclear forces, subs, fighter planes, and intelligence activities were geared toward the Soviet Union?

Our defense policy has changed from one based on national security to one based on preserving jobs. That is a bad way to run an army and an economy.

We can cut defense by 50 percent in real terms. Cold war dinosaurs like TV Marti and Voice of America should be abolished. Over $6 billion can be saved by selling off much of our pork-ridden stockpile of strategic and critical materials like tin, rayon, asbestos, and 16 million karats of rubies and sapphires. Total defense and cold war savings: $563 billion.

Next year, Social Security will take up a larger portion of our budget than defense. I am proposing cuts of $122 billion over 5 years for all entitlement spending including Social Security.

Wealthy seniors with income over $60,000 will receive a delay in their cost-of-living adjustments.

The mortgage interest tax deduction, by far the largest subsidy program in the Federal Government, will be capped at a still generous $400,000. Million dollar homeowners should not receive $200,000 taxpayer financed housing subsidies.

My plan eliminates the school lunch subsidy for families of four with income above $46,900. With a Federal deficit approaching $400 billion, we must target our nutrition programs to those who need it.

NASA and airport programs have been hijacked by eager contractors who have broken the bank at taxpayer expense. It is time to say goodbye to the space station—a multibillion dollar mistake. The advanced solid rocket motor is unnecessary. We should stop funding airport construction grants through the General Treasury.

We can save at least $25 billion over 5 years by granting the President limited line-item veto authority and killing other archaic Government programs.

We should abolish do-nothing Federal agencies which have stood the test of time for no apparent reason, like the Interstate Commerce Commission. The ICC has tied up the trucking and interstate busing industry amidst a blizzard of red tape.

House and Senate legislative appropriations should be pared by 10 percent.

Let us get rid of the postal subsidy for nonprofit organizations. We will spend $1.9 billion over the next 5 years to subsidize mail much of which will likely end up in the garbage unopened.

My plan drastically reduces the tax break which allows businesses to buy a Fenway Park skybox and deduct 80 percent of the cost off their taxes. It also kills about a dozen agricultural entitlements which line the pockets of agribusinesses.

In 1954, the Department of Defense declared wool and mohair strategic materials in short supply. Now that the mohair crisis is over, shouldn't we eliminate the $570 million subsidy?

Congress has been rolled by the tobacco industry for 200 years. My plan ups the cigarette excise tax a modest 25 cents and raises $18.6 billion over 5 years.

It also places a fee on permits that allow industry to destroy our ozone layer and fill our lakes with acid rain. If industry does not like the fee, they can clean up their act using already existing technologies.

Including estimated savings on debt service, this plan cuts one trillion dollars from our projected budget. In fiscal years 1996 and fiscal year 1997 we will be running surpluses of over $30 billion.

Yes, we can dramatically reduce spending. Yes, it will sting. No, it will not disrupt our economy nor place the burden of deficit reduction on the most vulnerable families in America.

In 4 years we will have a balanced budget, and a lean Federal Government prepared to meet the challenges of the 21st century.

Time for talk is over; let us act.

□ 2130

THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. SMITH] is recognized for 60 minutes.

Mr. SMITH of Oregon. Mr. Speaker, tonight we begin a long and hopefully successful discussion about what ought to happen to the finances in America. Tonight we are going to talk with each other and hopefully to the American people about a balanced budget amendment to the Constitution. For just a moment, the history of this might be of some interest to Members and to the public.

Thomas Jefferson, by the way, was kind of the originator of this whole idea. He said in a muse one time,

> If I only had one amendment that I would offer to the Constitution, it would be that the Federal Government should be denied from borrowing money.

That was the first effort to try to balance the budget in America.

Well, from there, of course, we have gone to this day which most of us know about, the $400 billion deficit, the largest in the history, and a $4 trillion debt.

Reorganizing this along the way, 10 years ago I came to the House of Representatives and at that time Barber Conable, a very honorable Member from the State of New York was here, offering the balanced budget amendment. I joined and when Barber Conable retired, Larry Craig and I took up the cause. Then CHARLIE STENHOLM joined us and then we began to accumulate Members on both sides of the aisle with respect to what ought to be done about the deficit of this country. All of us agreed that this is the major problem facing the people of America and surely the Congress.

From that time, we have been jeopardizing our efforts because Republicans blame Democrats for social spending, Democrats blame Republicans for defense spending. We all know that little inside game.

The Congress blames the President and the President blames the Congress, and here we are languishing in the result of that huge debt and deficit.

So we must change it, and Democrats and Republicans agree that it must be changed. We have a design to change it. We want to talk about that tonight quickly.

I just want to go through what now has become the Stenholm-Smith amendment, with others joining from each side, for just a moment and then we can discuss any of these issues that may come forward from Members.

First of all, this is a very simple amendment to the Constitution. We need to keep it in constitutional language. The first provision says that the President and the Congress must enact an estimate of receipts, a law, estimating receipts for that fiscal year. Then that estimate of revenues could not be exceeded by outlays unless three-fifths of the Members of Congress voted to do so. That is a supermajority. That is the first provision.

Next, we would require the same supermajority if the debt were to be extended by necessity of extending the deficit. As the debt builds up, we must extend the debt, so a supermajority of 60 percent would be necessary to extend the debt.

Third, we have all heard that the President is not a player in this game. Well, we require that the President submit a balanced budget. Now, that does not mean it is the only budget he can submit, but he now becomes a player in this process because he, the President of the United States, must submit a balanced budget.

Our provision says that no revenue-increasing bill can become law without a constitutional majority of both Houses, which means 218 votes in the House by rollcall vote, 51 votes in the Senate. We think that is sufficient to guard against increasing taxes.

We also have a waiver in any fiscal year where there is a declaration of war.

We have a provision here that defines receipts and outlays, which is very important in our little budgetary fun games around here. We have organizations that estimate receipts and then estimate outlays and we never seem to get our act together between the White House and the Congress. This decides the issue. There will be a definition of receipts, of outlays, that everybody agrees to.

Of course, then that will be agreed to by the Congress.

Finally, the effective date we have extended from 1995 to 1997 or until a necessary number of States have ratified the amendment to the Constitution.

This is a time for change. This country demands change. We have had problems here in the House of check bouncing and the post office problems, and we have surely had for along time this question of deficit and debt building. We are passing that on to our children. That must change, and I think it will change with this amendment.

I am delighted that a number of Democrats are here and a number of Republican tonight to show everybody that this is not just one party or the other.

I would like to introduce to those who have not met him the gentleman who is the primary sponsor of this amendment to the Constitution, the gentleman from Texas [Mr. STENHOLM], and I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I thank my colleague, the gentleman from Oregon, for yielding to me.

I will just take a few minutes tonight to talk a little bit further about how we come to be here at this particular point in time.

I would call the attention of my colleagues to a GAO report that was just issued today. This was a report that was requested by Senator BILL BRADLEY of New Jersey and Senator DOMENICI of New Mexico. I will just highlight a few of the things that this report says:

> A continuation of our current taxing and spending policies would, if sustained, slow economic growth, drive the deficit to 20.6 percent of GNP and lead to a world in which the Federal Government pays rapidly increasing interest bills, rapidly increasing health care costs and an enormous retirement bill. The sooner action is taken to bring the deficit under control and to make composition of federal spending more conducive to investment, the less they sacrifice and the greater the benefit.

The report says:

> Inaction is not a sustainable policy. If no action is taken to slash the deficit, real per capita GNP in the year 2020 would not change from the current level of $24,000 a year, resulting in no improved standard of living for the next generation and a public debt totally a staggering $45 trillion.

Now, that is a report just out today. We have heard a lot of contradicting reports and you are going to hear more of them as we approach next week in the debate that will occur on the floor of this House next Wednesday and Thursday.

We have 278 cosponsors. The gentleman from Oregon has been one of the prime cosponsors. On our side there is TOM CARPER, JIM MOODY, and 117 other Democrats.

As of tonight, I believe that we can almost count a majority on our side of the aisle. The gentleman from Oregon has done a little better on his side, about 97, 98.5-percent pure in rounding up support.

Many of our critics are saying this is not necessary. I suggest one thing in particular tonight. To those who say this is not necessary, would we be here tonight discussing this? Would the Budget Committee have convened this afternoon beginning to look at how we are going to implement this should it and when it passes?

□ 2140

The answer obviously is "no." And the reason why many of us have come to the conclusion that we must do as Thomas Jefferson observed, we must put additional restraint, yes, into our Constitution to give us the backbone, the courage, whatever it is that we are lacking on both ends of Pennsylvania Avenue, to deal with this important question of the deficit.

If this generation, you and I and those of our generation are to leave our children and grandchildren what our fathers and grandfathers and grandmothers left us, and that is a better chance, a better country, a better opportunity for an increased standard of living, this is a sacrifice we must make now and we believe that it is absolutely important that we set this amendment on the right path, that we put it into the Constitution, that it pass the House, that it pass the Senate, that we send it to the States.

No question in my mind that three-fourths of the States will ratify it because poll after poll after poll shows that 80 to 85 percent of the American people want us to do what we have been unable to do.

Mr. Speaker, I will have additional comments to make later on, but I yield back to our colleague.

Mr. SMITH of Oregon. Mr. Speaker, I yield to the leader from the State of Utah, Mr. JIM HANSEN, who has been not only a leader in the Congress but certainly a strong and long supporter of a balanced budget amendment to the Constitution for America, the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, in my former life before I came to Congress, I was the speaker of the Utah House of Representatives. In that position as speaker of the house of that small State, we had a balanced budget amendment, and we had a line-item veto.

What did that mean? That meant to us that we could not go over the amount of revenue we brought in, we could not expend a dollar more.

I remember right after taking the oath of office, I had the attorney general come to me and say, "You are personally responsible if you go over that amount."

Mr. Speaker, that was a very chilling effect. I remember distinctly when people came from our various committees on appropriation who would come in and say, "We got to have a few million more for this road," or "this school," or "the fish and game," or whatever it might be. We had to say, "Sorry, we haven't got the money. We can't help you."'

As we got to the end of our 60 days and the clock started getting close to midnight, we had to tell a lot of people, "No, we just don't have the money."

But out of that we always had a surplus. As I later went on into the National Conference of State Legislators, I found that 42 other States had this and they had to say "no."

In the aggregate, Mr. Speaker, we had billions of dollars in the black because we had a balanced budget amendment.

Now, of course, as I pointed out, in those old Western States out there we kind of have some of that pioneer blood. I still remember my grandmother saying, "Fix it up, wear it out, make it do or do without." I think to a certain extent we are to the point where we just have not learned that in some of these areas.

Congress just does not seem to get it. Possibly we got too many millionaires around here. Maybe we have too many people who have not had to budget, to budget to put braces on their children's teeth or for vacations or to buy a set of tires for their car. Maybe these things have come too easy.

I remember when I was first here in the early 1980's, we had an illustrious Senator who said that, "If we pass my amendment, we won't have to do it again. From here on, we will always be in balance." However, we did not live up to what that gentleman said.

Then we came up with Gramm-Rudman. We all voted for that and said, "This is the answer. We have finally done it. We don't have to worry about sequestration because we are all strong enough to save it." However, we were not that strong. Something went wrong. We did not make it. We all fell apart.

Then we had the famous budget agreement. We sent them out to Andrews Air Force Base, and the group got smaller and smaller, and finally they all took the oath: "If we agree on this, we got this thing licked." Again, we failed.

We can go back to years and years going through these things. As we pointed out, Jefferson made the statement, "Bind them down with the chains of the Constitution." Those people who are of the opinion that the Constitution does not matter have not read history.

Possibly, the most important thing we can do is not be too proud to see what 43 of our States do who live within their income, who have money in the black and are able to say "no."

We are much like the ones in the show, "Oklahoma," we "just can't say no."

What the world is looking for and what the people of this country are looking for is Members of the House and the Senate who can square their shoulders and say "no" and live within their income. Apparently, we need an enforcement tool, and that enforcement tool is called a balanced budget amendment.

I think it makes no sense at all to put it off. Let us give the American people what they want. Let us show that we can be as good as our States and live within our income.

Mr. SMITH of Oregon. I thank the gentleman from Utah.

Mr. Speaker, I yield to an outstanding Member, the gentleman from Florida, EARL HUTTO.

Mr. HUTTO. Mr. Speaker, I appreciate very much the gentleman yielding to me. It has been a pleasure to work with the gentleman from Oregon as well as the gentleman from Texas [Mr. STENHOLM], and the others on both sides of the aisle for many years on the balanced budget amendment. In a couple of years we came very close to passing it, within seven of getting two-thirds.

I believe the American people are demanding it. I hope now we can pass it.

Mr. Speaker, many Members of this body will be making eloquent speeches on both sides of the balanced budget amendment issue. I realize that some Members have serious concerns about the consequences of enacting a balanced budget amendment. But, the bottom line is that the consequences of not passing a balanced budget amendment are far greater, especially for future generations.

It is critical that we listen to the will of the people on the issue of forced fiscal responsibility. Tonight I want to read a recent editorial from the Pensacola News Journal that expresses how my constituents, and many of yours, feel about the balanced budget amendment.

BUDGET AMENDMENT? WHY NOT DO IT NOW!

How much government do we want? How much are we willing to pay for?

Congress appears ready—finally—to address these questions, and we say it's about time!

We urge Sens. Connie Mack and Bob Graham and Rep. Earl Hutto to loudly and enthusiastically support the balanced budget amendments circulating in Congress. We urge voters to write their members of Congress and urge them on. And we offer them a way to do it, but more on that later.

If all goes well both houses should vote before July. Then, following ratification by 38 states, the Constitution will require—absent certain special exemptions, such as war—that the federal budget be balanced.

Hallelujah!

It's easy to see why it's needed, and we're not talking about the $3 trillion national debt or the $400 billion budget deficit this year.

The reaction by many to the amendment is horror. Why, they exclaim, it will mean terrible tax increases or—perish the thought—drastic reductions in spending! What about all those needed programs?

Which is exactly the point. Too many people—in Congress, in the White House and elsewhere—still don't get it. They'd rather keep borrowing than face fiscal reality.

And reality is that the ruinous fiscal policies of the government, left unchecked, will bring on financial disaster. It will make the Great Depression look like a picnic.

Because at some point there won't be enough money to both pay the debt and run the government.

Who knows what the response will be of the future Congress and president faced with bankruptcy? Will they use the U.S. Mint to print the way to hyperinflation? Will the government repudiate its debts, wiping out the pensions and life savings of millions of Americans?

Sounds sensationalist, doesn't it? Even ridiculous.

But that's mild compared to reality. In Germany, in the early 1920s—before complete economic collapse—factory workers were paid twice a day, in cash (workers needed wheelbarrows and baskets to hold all the currency), and let off work to go shopping before prices went up.

Yes, we're a long way from that.

But it took this nation 205 years to achieve a debt of $1 trillion, and only eight years more to triple it. At current deficit levels we'll add another trillion dollars in debt—and $70 billion in annual interest payments—every three years.

States and local governments are required to balance their budgets—the federal budget hasn't balanced in 22 years.

The federal government spends 27 percent of its revenue paying interest on the debt. At the current pace, interest payments will soon be the single-largest budget item, crowding out both defense and social spending.

It must stop, and a balanced budget amendment is the place to start.

As far as how voters can help, at the bottom of this page are cards, addressed to Hutto, Graham and Mack, for voters—you—to use to register your feelings about a balanced budget amendment. Don't wait for them to ask you how you feel about it, tell them now.

□ 2150

We must stand up to the responsibilities of balancing our Federal budget. We need a constitutional amendment to not only mandate that we cut spending and balance our budget, but also to ensure that this Nation does not get in this fiscal position ever again. I urge my colleagues to do the right thing and support the Stenholm balanced budget amendment.

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman from Florida [Mr. HUTTO].

Mr. Speaker, I am pleased to yield 5 minutes to my good friend, the gentleman from Washington [Mr. CHANDLER], a great Member.

Mr. CHANDLER. Mr. Speaker, I thank the gentleman from Oregon [Mr. SMITH] for yielding, and I would like him to know that I called one of his most important constituents just before this discussion began, my mother, to tell her that we were talking about the balanced budget constitutional amendment, and she told me she is watching the Blazer-Chicago game, but, because of the subject it is the gentleman from Oregon [Mr. SMITH], she was going to switch on for a while.

Mr. Speaker, my colleague, the gentleman from Oregon, and I grew up in the same part of eastern Oregon. We share a tradition and a friendship that is a deep one. We learned some values out in that part of the world that have served us both well, the values of family, honest dealings, that a man or a woman must keep their word. That is about all we really have in the long run, the values of hard work.

But one very important value that, I think, was hammered into me, and I know into my colleague, the gentleman from Oregon [Mr. SMITH], was: "If you can't pay for it, then wait until you can."

Those values we tried to bring to Congress, and he and I both, as we campaigned in 1982, he in Oregon, me in my new area in the State of Washington, supported and worked on behalf of the constitutional amendment calling for a balanced budget.

Well, my colleagues heard this speech earlier tonight ridiculing the idea of a balanced budget constitutional amendment. We heard the same ridicule then. That speech would have been just the same in those days as it is now.

Mr. Speaker, we were told:

> Show some courage. Come out with your spending plans. Reduce spending. Show some courage, and get in there and vote against those popular programs.

Well, I think our voting records, most everybody on the floor tonight, will speak for themselves. We have done that. We have made every attempt at every turn to reduce spending. But deficits persist, and they are here today bigger than ever.

As I listen to the people in my State of Washington, they are telling me not that they are just concerned about the budget deficit, but they are frightened. People are fearful for the future, the future for their children, the future for their grandchildren. What kind of a country—are we going to have a country at all—will we have to hand off to them and those future generations? And they are demanding that we do something now, no more excuses, they want change. And they want no more of the business as usual which will continue to occur if we do not have the requirement of a balanced budget.

People of the country also need to have no more excuses. I say to my colleagues, "It is a very short line at the window marked 'sacrifice,' a very short one." I have to say I understand human nature. I think we all do. No one is going to line up and offer up their benefit, their program or whatever it might be. We in Congress need this discipline. But so do the American people, and I think they recognize it. Tell me we are ready.

Mr. Speaker, this is not going to be painless. Balancing this budget will require some sacrifice from us, from them, and I think this balanced budget constitutional amendment is what brings about that change that they are demanding so that Congress has no excuse, the President has no excuse, the people of the United States no longer have any more excuse. No more of that "Take it out of his program, but not out of mine." We all have to line up at that window marked "sacrifice."

But I think this is important because, if we do not do this, we are not going to be able to look in the eyes of our children and our grandchildren, let alone those generations of the future who are depending upon us today to reimplement, to put back in place, that value that the gentleman from Oregon [Mr. SMITH] and I learned out home: "If you can't pay for it, then wait until you can."

Mr. Speaker, I want to say I admire my pal from Oregon and also my friend from Texas for the work they have done and the leadership that they have provided. We have had one vote on the constitutional amendment for a balanced budget already. Next week we will have another one. This time I am convinced we will prevail because the American people are demanding change.

Finally, I think this Congress will respond, and I thank the gentleman for his leadership and for yielding.

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman from Washington [Mr. CHANDLER] for an outstanding statement.

I am delighted to yield to the gentleman from Alabama [Mr. BROWDER], an outstanding Member of the House of Representatives.

Mr. BROWDER. Mr. Speaker, I thank the gentleman from Oregon [Mr. SMITH] for yielding to me, and I also want to congratulate the Members who are seeking here tonight and making very good arguments for the balanced budget amendment.

Mr. Speaker, let's put aside, for the moment, the important issue of cutting programs versus increasing taxes, and let's cut through the political flack about courage and hypocrisy, in order to focus on a critical point totally ignored thus far in the balanced budget amendment debate.

My argument here is not for or against the balanced budget amendment. I am making my argument for the balanced budget amendment elsewhere. The point I am raising here tonight, a point that has been virtually ignored, is one of procedural American democracy government of the people and by the people, as well as for the people.

My point is that, with balanced budget action scheduled for the House of Representatives next week, the balanced budget debate must be expanded, purposefully and in a timely manner, beyond the Washington beltway.

To be specific, it is imperative that House consideration of the measure next week be limited to the simple balanced budget amendment [BBA] proposed by Mr. CHARLIE STENHOLM and forced to the floor by an historic discharge effort that collected the needed 218 signatures in 1 day.

Should the amendment be passed and sent to the States for possible ratification, then Congress and our country can begin a full and open public debate on how best to balance the budget.

Sure, there is some logic for linking the budget balancing directive with an implementation plan, such as that proposed by Representative RICHARD GEPHARDT exempting some social programs from the balancing ax, and an enforcement mechanism such as that of Representative LEON PANETTA mandating, if necessary, both service cuts and new revenues. But overloading next week's BBA proposal represents, in a very significant respect, the same kind of inside-the-beltway mentality, the same kind of inside-baseball politics, that got us into this deficit mess.

Consider the past decade. Back in the old days of unabashed tax-and-spend government, the American people knew when they got their tax-deducted paychecks what was going on. But since the Washington crowd, on both ends of Pennsylvania Avenue, switched to borrow-and-spend politics and got mired up in the inscrutabilities of Gramm-Rudman-Hollings and behind-closed-doors budget agreements, Washington politicians have in effect excluded the American people from meaningful participation in this very important debate. If these politicos had engaged the American people in the debate over what the deficit was doing to our country along the way during the 1980's, then I doubt they would have dug, or would have been allowed to dig, such a huge deficit hole.

Now, forcing a legislative implementation and enforcement plan onto the adoption of a constitutional amendment in a slam-bam package, without structuring an intervening public debate and participation, would be an act of repetitive irresponsibility.

My plea is grounded in more than theoretical homage to democratic concepts. There simply is an entire world of citizens and other governments who have a stake in this process. For example, in last weeks's Governor's Bulletin, the question "How would a balanced budget affect States? the National Governors Association executive director said:

> First, States must play a significant role in framing the implementation of a balanced budget constitutional amendment in order to minimize the shortrun disruption on State governments. Second, States must begin to develop a common position on key State implementation concerns. The long-run benefits of a balanced budget amendment could be significant, but it must be implemented in a rational and thoughtful way.

The argument for delinking the amendment from implementation and enforcement is straightforward from the standpoints of both constitutional and political responsibility.

In the first place, the BBA and any implementation/enforcement plan are two different assignments, and they belong to different legal processes and institutions. The BBA would incorporate into our fundamental law the principle that the Federal Government cannot spend more money than it takes in, except under certain circumstances. That principle rightly fits in the Constitution and would not, as some suggest, trivialize that basic institution. However, specifying an implementation/enforcement plan with detailed policy directives—such as exempting Social Security or specifying a 50-50 percent split between service cuts and new revenues—properly is a legislative assignment and would indeed be a case of constitutional trivialization.

Second, polls have clearly demonstrated that the American people are pretty much in agreement on constitutionally mandating a balanced budget, so we in Congress should go ahead and consider the proposed BBA, with all its simplicity and undefined policy implications. But there certainly is no consensus among the American people about exactly how to balance the budget, so any policy plan should be the end result of a full and open debate, which would educate all of us about the balancing options and allow members of Congress to consult with their constituents along the way.

The balanced budget amendment may or may not be the best way to address the annual deficit, and admittedly it is no perfect substitute for legislative courage. But it is on our schedule next week; and it has a decent chance of passing.

Our congressional leaders—and the Congress as a whole—ought to have the good sense next week to separate the balanced budget amendment from any implementation and enforcement plan and expand this important budget balancing debate beyond Congress, beyond the beltway, to the American people.

□ 2200

Mr. SMITH of Oregon. Mr. Chairman, I am delighted to yield to the gentleman from Arizona [Mr. KOLBE], an outstanding Member of Congress.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding. I want to commend both the gentleman and my good friend and fellow colleague on the Committee on the Budget, the gentleman from Texas [Mr. STENHOLM], for the work they have done on the balanced budget amendments.

Mr. Speaker, since I came to Congress I have always looked to the gentleman from Oregon [Mr. SMITH] for the kind of good leadership and wisdom on these fiscal matters. The gentleman has demonstrated it before and certainly is demonstrating it today with the leadership on the balanced budget amendment.

Similarly, my colleague on the other side of the aisle, the gentleman from Texas [Mr. STENHOLM], has been a leader among those that have called for fiscal responsibility—not only called for it, but acted upon it—and I commend the gentleman for that.

Mr. Speaker, the balanced budget amendment is an idea whose time has come. I have heard it said by some that it is a bad idea whose time has come. I do not think it is a bad idea, but it is an idea whose time has come.

I serve on the Committee on the Budget, as I just mentioned, and every day that I serve on that and every day that I serve on the Committee on Appropriations, where we spend the money, it becomes more obvious to me that we need to have this kind of discipline that is forced, that is imposed upon the Congress.

Mr. Speaker, this is one of the good things I guess that has come out of this year politically. It is a strange year politically. I do not think if it had not been for the strange things that are happening all across this land and the mood that all of us sense in the public, I do not think we would be here tonight talking about something that we are going to be debating on the floor legislatively next week, the idea of sending to the voters, to the States rather, a balanced budget amendment, a constitutional amendment.

But I am glad that those kinds of changes, that mood, is apparent to Members of Congress, that mood change among the American people, and that we are doing this.

We have heard all those arguments against the balanced budget amendment; it is too difficult, it is going to be very painful to enforce, it is really not necessary, and that we have all the tools that are needed now to do it.

Well, my answer to that is yes, we have the tools to balance the budget now by simply voting to balance the budget, but we have not done it. We have even had laws that have told us to balance the budget. We had the Budget Act of 1974, Gramm-Rudman, the Budget Deficit Reduction Act of 1990. All those told us to do it, but we have not.

If we need any illustration of the problem that we have, I think we saw it this year with the budget resolution that we considered in the House of Representatives.

Just two years ago we adopted a Deficit Reduction Act, the so-called budget summit of 1990, that called upon Congress to take certain steps to make certain reductions in the deficit each year to move toward a balanced budget.

Yet we could not quite get the will to do it this year. We simply waived that Budget Act and simply moved on in another direction. That is why the discipline of a constitutional amendment is so necessary.

I like to think some of us who have served in the legislatures of our States understand that perhaps better than some of our colleagues that did not.

Twelve years ago when I was in the Arizona State Senate and chairman of the Judiciary Committee I led the fight for a resolution calling for a Constitutional Convention to propose a balanced budget amendment to be sent to the States for ratification. As I recall, we fell two States short of getting that.

Mr. Speaker, some might argue that is good that that happened, that the Constitutional Convention opens up a Pandora's box. I am not sure that it does, but that is moot at this point.

But I cannot help but think how many billions—no, trillions of dollars of debt we might have saved had we moved 12 years ago toward a balanced budget amendment, what might we have done for the future of our country and for the next generation.

At that time when I served in the Arizona State Legislature, the total budget of the U.S. Government was less than the deficit that we are facing this year. Whether that is $399 billion or $362 billion, various estimates have been made of that deficit this year, it is huge. It is an enormous amount by any statistical measure.

As a percentage of the Federal budget, as a percentage of the gross domestic product, the deficit is rising, and the total debt is rising. Interest, as some of my colleagues have already pointed out, if not this year, next year, within the next 2 or 3 years, will be the largest single item in the budget of the United States.

This year we are spending $212 billion on interest. That is not one dime that does anything for a homeless person, not a dime that does anything for the aging, deteriorating infrastructure of this country, not a dime that provides for national defense, not a dime that does anything for health care.

Those of my colleagues, particularly among my liberal colleagues, who say they do not like a balanced budget amendment because of what it might do, I would point out to them that the interest costs that we are paying for our past spending habits is no friend of the poor and the disadvantaged in this country. That is not a transfer of wealth to the poor and the disadvantaged. It does not do anything for those who are in need.

So that is why we need the discipline of a balanced budget amendment. The interest groups who so dominate the political process around here simply must be curbed, and our appetite for spending must be curbed. A balanced budget amendment will do that.

Mr. Speaker, so I said that the time has come. It is time for us to adopt a balanced budget amendment and send that amendment to the States for ratification. It is time to do for this Government what all of our State governments must do, and that is use some kind of fiscal discipline.

So let us when we conclude this debate next week, and when the 102d Congress finally adjourns this fall, let us be able to go home and say that we have left at least this legacy for succeeding Congresses and the next generation, that this Congress began the process, the long and painful path back to fiscal stability for our country.

□ 2210

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for those great words.

I now yield to the gentleman from Texas [Mr. DELAY], a leader in the House of Representatives.

Mr. DELAY. Mr. Speaker, I, too, want to add my thanks to the gentleman from Oregon and the gentleman from Texas for all the really hard work over the many years that they have toiled at trying to bring some sort of sanity and morality to our Government and to our Nation. I just hope and pray that next week we will see the fruition of their hard work come in the passage of a balanced budget amendment.

The gentleman from Oregon took this special order for 1 hour. During this 1 hour, as we speak, the debt will have increased over $45 million, over $45 million we have put our children in debt in just the hour that we have been speaking. In fact, in just the few minutes that I will speak, the debt will increase by several million dollars. It is incredible, when we think about it, it is incredible when we think that today, as I stand here in the well of this House and contemplate the idea that the debt is around $4 trillion.

If we count all the liabilities of the Government today, we are approaching $12 trillion of debt and liabilities of the Federal Government. Most people do not even know what a trillion dollars is.

I saw it written the other day, and I have said it many times, what is a trillion dollars? A trillion? That is incredible, a thousand billions.

I saw it put in a very wonderful way. If we take a million dollars of a thousand dollar bills, very tightly packed together, it measures 4 inches high. If we take a billion dollars of a thousand dollar bills, tightly packed together, it measures 300 feet high. But if we take a trillion dollars of a thousand dollar bills, tightly packed together, it measures 64 miles high. And we are in debt or have liabilities as a Federal Government today at 12 64-mile high of thousand dollar bills. That is mind-boggling.

If we do not do something in the very near future, we could see that debt tripled in just a couple of years. We could see, as has already been pointed out by the speakers this evening, an incredible legacy for our children that could well lead to such hyperinflation that it could absolutely bring our economy down.

My generation, I think, unless we do something and do something now, will go down in history as the most irresponsible generation in the history of mankind. Where we have had the chance of creating even more magnificent wealth, even more of an incredible standard of living for man, not just in this country but worldwide, and we blew it because we sunk this country into such incredible debt that not only would we bring this country down because the whole world is tied to our economy, we could very well bring down the economy of the world.

We have the chance, though, to make amends for this devastation. We have a chance to do something for our children, a chance to make things right.

I am asked time and time again by my constituents, why are Members opposed to balancing the budget? Why are Members opposed to bringing discipline to this House? Why would anyone in his right mind be opposed to some sort of discipline that would balance our budget?

The only thing I can suspect is that some believe that a balanced budget would bring a discipline and a pressure to restrain spending, and they want to spend, thereby removing that pressure to raise taxes so that they continue spending. That is the only answer that makes any sense whatsoever of why Members would even want to oppose such a proposal as a balanced budget.

Things will not change if we bring new Members here. I have heard my constitutes say, we can get a hold of the spending practices and the taxing practices of the Members up there in Congress if "we bring term limits to this Congress."

It will not change by changing, putting new Members here, because the American people also need discipline. The American people are like children. If we are constantly feeding them candy, they will constantly eat it. If we are constantly feeding them programs that take away their ability to have responsibilities for their ownlives, they will take it. And they will run with it. It is human nature.

So not only do we in this House need the discipline of a balanced budget amendment, the American people also need a balanced budget amendment.

Even the most conservative group in this country has its own pet Government program that it would like to spend on. The balanced budget is the only way.

It has taken us 200 years to understand what Jefferson meant when he said, because we are living what he warned us against and living out his predictions, when he spoke of the hope of "Our moral principles are not yet in a stage of degeneracy," because we are at that stage.

Jefferson said:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of the Constitution; I mean an additional article taking from the Federal Government the power of borrowing.
>
> To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

Mr. SMITH of Oregon. Mr. Speaker, I am delighted to yield now to the gentleman from Colorado [Mr. ALLARD], a relatively new Member but already has made his place in the Congress.

Mr. ALLARD. Mr. Speaker, I would like to thank the gentleman from Oregon for yielding. It is a pleasure to be able to join him this evening in discussing the merits of a balanced budget amendment to our Constitution.

I would like to praise his leadership, the gentleman from Oregon [Mr. SMITH], and the leadership of the gentleman from Texas [Mr. STENHOLM] in bringing this very important measure to the floor this coming week. It has not been an easy time. They have had to discharge the amendment from committee, required 218 votes on the floor. They did that in 9 hours, which was some sort of a record, I understand.

I want to commend both of the gentleman for their courage and leadership. Certainly, it is not easy to bring this type of change to the floor of the House.

I have been an advocate of change and accountability in the legislative process. I think that this is the single most important action that this House can take.

By the actions of this House in the past, we know that statutes alone are not enough. We have to have more. The perspective that I bring, as a new Member to the U.S. House of Representatives, is that of one who had had to serve in a State legislature where we have a balanced budget amendment in the Constitution. I come from the perspective of a small businessman who started his own business and had to worry about balancing my budget, as I did as a State senator in the State of Colorado.

From that experience, I know it is extremely important that we have this commitment to future Americans and a promising future for America.

There are those who will try and cloud the issue, but when we look at their arguments, and I think we simply need to look at the States and see what is happening in the States, one of the arguments that we hear from time to time is that working under a balanced budget amendment, we are going to have to set some figures at the start of the session. We are going to have to start with some revenue-setting figures and some estimates of how much we are going to spend in various programs.

□ 2220

Somehow or other, this is going to create a problem in our being able to manage our finances. But in the State of Colorado, we learned how to do this. We went and evaluated our revenues coming into the State on a quarterly basis. Every 3 months we looked at the amount of revenues that were coming into the State and we were looking at our expenditures, and if they were going out of kilter. In other words, if revenues were not anticipated as we had originally thought they were going to come in, we were in a position to adjust that every 3 months, or if expenditures for some reason or another exceeded what was anticipated, then we had to go back to the budget and look it over and make those necessary adjustments.

I suggest that we can do the same thing here in the Congress. We can look at the changing figures as we move through the budget year. We are here during that time of the year, just before the end of the year, and if we need to make those changes we can make them. It would be my hope that those changes would be done on a quarterly basis, because it avoids having to make a very dramatic change at the end of the fiscal year.

That is what we learned in State government, is if you waited to the end of the year to make those adjustments, it had a dramatic impact on the budget, so we learned to make our adjustments throughout the year. So that at any one time we did not have an unnecessary impact on our budget, it was spread out through more months, so the impact on programs was minimal.

I have to share the concerns of many of my colleagues here on the House floor about the skyrocketing costs of interest and trying to service a total debt that is now beginning to approach $4 trillion. This year we are going to have it looks like greater than a $401 billion deficit.

I just think our situation is very serious, and we need to be acting now. This is not something that we should be putting off for next year or future years. We need to act this year. The problem is that serious, and I have a lot of concerns, as do my constituents, and a lot of other people that I visit with, about our inability to control spending.

I would just like to say that the issue is one of accountability, and again remind the Members of this House that the American people are expecting accountability. This is a very important first step in trying to regain some confidence in this institution.

My colleagues, our children and our children's children are placing their futures in our hands. We must take this opportunity and regain control of the uncontrolled spending of this Nation. I would like to thank the gentleman from Oregon [Mr. SMITH] for yielding to me.

Mr. SMITH of Oregon. Mr. Speaker, I am delighted to yield to the gentleman from Virginia [Mr. ALLEN], who because of reappointment is only going to serve one term. That does not mean he will not be back in the Congress, and I hope very shortly.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Oregon [Mr. SMITH] for those kind remarks, and for the comments he has made.

Mr. Speaker, I also agree with many of the comments that have been made by people from Colorado, Alabama, Washington, and various States. It is commonly thought by the American public these days that Congressmen are not capable of balancing their own checkbooks, much less the Federal budget, and such fiscal irresponsibility in a budget deficit of nearly $400 billion looming over this economy, certainly this year just alone is that amount, with a $4 trillion debt looming as well in the future, is certainly convincing evidence that there is no better time to vote on and pass a balanced budget amendment to the Constitution of the United States.

The real scandal here, Mr. Speaker, is not whether Congressmen can balance their own checking accounts. It is not the House Bank scandal, but the scandal, the real scandal, is that Congress is writing checks with insufficient funds on the accounts of our children and grandchildren.

Seeing how I have had Mr. Jefferson's district in the House of Delegates, and Mr. Jefferson has been quoted right often here, I want to mention that he did say that we have to fear future generations with perpetual debt.

Few would disagree that Congress' continual lack of backbone and the constant budget crises warrant serious measures to return fiscal soundness to our economy and to our Government. Congress is faced with several proposals, but we should be careful to choose the one that will reduce the size and the influence of the Government, rather than provide an excuse for higher taxes and more bureaucracy. At issue will be the provisions of this constitutional amendment.

I want to quote from Mr. James C. Miller III, in an article that appeared in the Wall Street Journal on May 26, 1992. He is the chairman of Citizens for a Sound Economy.

Mr. Miller wrote that the balanced budget is not a new idea. He went on to say that:

> Thomas Jefferson opposed granting the Federal Government the power to borrow money, and in 1798 advocated a constitutional amendment to take away this power. While Jefferson's amendment was not needed during the early years of the Republic—between 1789 and 1930 the Federal Government ran substantial deficits only in wartime * * *. Since 1930, the Federal Government has balanced its budget only eight times—

Only eight times since 1930.

Mr. Miller went on to say that—

> an amendment must not be an excuse for Congress to raise taxes. The balanced budget amendments sponsored by Senator Paul Simon (D-Illinois) and by Representative Charles Stenholm (D-Texas) would require a majority of the membership of each House (instead of a majority of those present and voting) to approve any bill to increase revenue.

So the question is, will this allow Congress to balance the budget on the backs of the American taxpayers, or will it force a discipline on the irresponsible Congress which provides protection to the American people against higher taxes and increased debt.

I agree with and I commend the hard work and the motives and the intentions of the gentleman from Texas [Mr. STENHOLM] in his amendment. It certainly is better than what we have now. But the legislation does not contain any mechanism to prevent Congress from balancing the budget on the backs of the American families by increasing taxes. Congress, it has to be noted, has only balanced the budget once in the last 30 years, once in the last 30 years, but it has raised taxes 56 times.

The gentleman from Arizona [Mr. KYL] has introduced House Joint Resolution 143, and I introduced House Joint Resolution 447. We have worked together and taken the best of the Kyl and Allen bills and have drafted an amendment which would protect Americans from increased taxes and prevent their tax dollars from being squandered on needless, often ridiculous porkbarrel projects. Every day Congress spends $1 billion more than the Treasury receives.

First, we must control the growth of Government spending by including a Federal spending limit in the balanced budget amendment. The measure that Congressman KYL and I are working on limits Federal expenditures to 19 percent of the gross national product, which is the average amount of spending during the last 25 years.

Most importantly, this provision would encourage economic growth, growth policies, and this provision eliminates incentives for Congress to raise taxes because excess revenues with this sort of a provision could not be spent but would have to be applied to the deficit.

For added taxpayer protection we require a three-fifths vote of Congress that would be required if Congress wanted to spend more than 19 percent of the GNP, and it would require a three-fifths vote if they wanted to violate the balanced budget provisions.

Also unique to our amendment, the Kyl-Allen initiative, is that, like 43 Governors, we would give the President the power of the line-item veto. Forty-three Governors have this power. The line-item veto would prevent Congress from spending scarce Federal dollars on projects such as studying animal manure, storage of Vidalia onions, prickly pear cactus, endives, and asparagus, and all these other unnecessary projects.

Then after the President line-item vetoed these programs or singled them out, the measure could go back to the Congress, and the Congress, if they so desired, could override the President's veto.

This provision, in my opinion, is key to reducing the size of the Government and the weight of the Federal spending. Our deficit was created by spending too much, not by taxing too little.

I want to give a summary comparison of these amendments. The Kyl-Allen amendment includes a line-item veto for the President. The Stenholm amendment does not. The Kyl-Allen amendment limits spending as part of the GNP. The Stenholm amendment does not. Third, we require a three-fifths vote to increase taxes or spending, and the Stenholm amendment does not.

□ 2230

The time, I say to my friend from Oregon, Mr. SMITH, and my friend from Texas, Mr. STENHOLM, is clearly now to pass a balanced budget amendment. However, Congress should take time to consider which proposal is the best for the American people and for the economy.

I will conclude with Mr. Jefferson's appropriate insights:

> In the questions of power let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

DETAILS OF REPROGRAMMING OF LEGISLATIVE BRANCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 60 minutes.

Mr. FAZIO. Mr. Speaker, I rise today to make public the details on all reprogramming of legislative branch funds for the most recent fiscal year. I want to remind my colleagues that complete lists of recent transfers and reprogrammings have been inserted in the RECORD on two previous occasions—on February 5, 1992, and July 31, 1989. But in a further effort to be as open as possible, I recently volunteered to provide all the details of each transfer. Only one newspaper took me up on my offer, however, so I am now inserting the information—in the form of the letters we received requesting the transfers—for public review.

I also want to remind my colleagues and the public that any transfers made from areas where savings have been achieved to areas where shortfalls occur, or where sound management dictates that an unforeseen expenditure be made, are approved only with the full consent of the distinguished ranking Republican member of the Appropriations Subcommittee on the legislative branch.

Further, the legislative branch has already turned back $40 million in fiscal year 1991 savings to the Treasury. Should any funds remain after all outstanding bills and obligations have been reconciled, they too would be available for rescission.

I would also reassure the American people that House funds are publicly audited on a regular basis by the General Accounting Office.

Therefore, what follows are all approved requests for reprogrammings of fiscal year 1991 funds:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 26, 1991.

Hon. JAMES BILLINGTON,
The Librarian of Congress, Washington, DC.

DEAR DR. BILLINGTON: We have your September 24, 1991, request to reprogram fiscal year 1991 funds in order to provide the resources necessary to effect the transfer of the National Demonstration Laboratory for Interactive Education Technologies (NDL) from the Smithsonian Institution to the Library of Congress. While there is a question as to the exact amount of your request, we have presumed it to be the $110,000 mentioned for a one-year personal services contract. The funds, presumably once again, would come from unobligated balances in salary accounts provided under the "Salaries and expenses, Library of Congress" appropriation in Title II of P.L. 101–520, the Legislative Branch Appropriations Act, 1991.

From what we have observed, the NDL is an impressive collection of hardware and software tools that convey valuable information on the potential for interactive multimedia technologies in the potential for interactive multimedia technologies in both formal and informal education settings. While its format is technological, the NDL is educational in content and aim, as an examination of the log of visitors to the Smithsonian exhibit reveals.

Without question, education policy and programs are enormously important, especially at this time when there is serious public debate as to the quality of education provided in our schools. There is definitely a need for more awareness and more resources at national, state, and local levels, and I believe those goals are shared by a vast majority of Americans. In order to be most productive, however, the necessary resources must be focused into the institutions that are designed to deal with educational content and delivery.

While the aim of NDL is something I think I could support wholeheartedly, it does not appear to be a comprehensive adjunct to the primary purposes of the Library of Congress to assemble and preserve the collections. Such reading of the LOC mission seems clearly to be the intent of the fundamental statutory authority set out in 2 U.S.C. 131, et seq., and that is consistent with the Committee's approach in reviewing the annual work program and budget needs of the Library.

Furthermore, there are many other requirements which you have enumerated in the last two budget cycles which were not able to be met because of the severe budget constraints placed on domestic programs. Just a partial list of the budget items that were denied includes additions to acquisition and bibliographic resources, important book preservation activities, reading room staff, security procurement and payroll processing assistance, automation equipment, improving employee first aid, and financial management improvements. It would be difficult to counsel or justify a new initiative, and one in which other institutions have more direct responsibilities, in the face of the well known budget dilemma at the Library which has caused 40 percent of the collections to be in an arrearage status.

The additional idea to utilize NDL for internal staff training requires further elaboration, perhaps in your next budget submission. Your agency already has extensive capabilities in the optical disk and automation areas which we have supported with significant funding. It would be a major surprise if the technology represented by NDL, is not already well understood by present Library of Congress technical staff, who have the necessary skills and resources to develop or upgrade existing training programs.

If the Smithsonian does not plan to continue this exhibit, it would appear most logical that NDL would find a home at the Department of Education, or perhaps be supported by one of their grant programs.

The Committee does not approve this request.

Sincerely,

VIC FAZIO,
Chairman,
Subcommittee on Legislative.

THE LIBRARIAN OF CONGRESS,
Washington, DC, September 24, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you know, I wrote to the Joint Committee on the Library on August 2, 1991 requesting their approval of the transfer of the National Demonstration Laboratory for Interactive Educational Technologies (NDL) from its current location in the Smithsonian Institution to the Library's Madison Building. Both Senator Pell and Congressman Rose have expressed their support for the move, as indicated in the enclosed letters to me.

I would like now to request authorization from you to proceed with the transfer. The Library can fund the necessary expenses related to the transfer and operation of the Laboratory within existing resources. We estimate a total annual operating budget of $150,000, of which $110,000 is for the salaries of the two individuals who run the facility. I propose that the Library contract for the services of these two individuals for one year, using lapsing salary funds available in the Library of Congress Salaries and Expenses appropriation for fiscal year 1991. During the first year of operation, we will make every effort to secure gift funds to support the additional operating expenses ($40,000) and to sustain the operation of the facility in future years. Interest among potential donors is high, and I am very hopeful that we can make the NDL self-sustaining.

The Laboratory would help the Library to serve the Congress, by enhancing our ability to examine ways of using state-of-the-art technologies to preserve, display and disseminate the collections. It would also give us a much needed means of training our staff in new technologies directly related to our mission performance, and serve as a physical link between the substance of Congress's unique Library and an established network of educators, policymakers, industry representatives and others concerned with leading-edge interactive technologies.

I understand your staff has visited the NDL and spoken at some length with the Director and with members of my staff about our plans. I hope you will agree that the transfer is in the best interest of the Congress and the Library, and that we may proceed to obligate the $110,000 for a one-year contract with the NDL staff this week. If you have any questions, please do not hesitate to call me or Mrs. Rhoda Canter, Associate Librarian for Management.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 3, 1991.

Hon. JIM BILLINGTON,
Librarian of Congress,
Washington, DC

DEAR DR. BILLINGTON: We have an August 15, 1991, request to reprogram funds appropriated under the heading "Library of Congress, Salaries and Expenses" in fiscal year 1991, P.L. 101-520, at 104 Stat. 2270. This request, which was made by Mrs. Rhoda W. Canter as Acting Librarian of Congress, is to reprogram $527,000 from salary funds into the purchase of workstations and software to support cataloging operations ($439,000) and reading room and administrative services ($88,000).

The Committee has no objection to the actions outlined in the request.

Sincerely,

VIC FAZIO,
Chairman,
Subcommittee on Legislative.

THE LIBRARIAN OF CONGRESS,
Washington, DC, August 15, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I wish to thank you and your Committee for supporting the level of funding for the Library's automation requirements as expressed in the Library's fiscal 1992 budget. Automation is the key to unlocking the Library's treasures, and your support will speed our progress in modernizing our aging systems.

As noted in the House of Representatives report (No. 102-82) accompanying the Legislative Branch Appropriations Bill for fiscal 1992, we do have surplus funds in the fiscal year 1991 appropriation for the Library of Congress, Salaries and Expenses. Due to uncertainties over our level of funding for fiscal 1991, we put in place a freeze on hiring during the latter part of fiscal 1990 that lasted until our fiscal 1991 budget level was approved in early November. While we proceeded to fill the newly funded arrearage positions with all deliberate speed, we have identified a surplus of $527,000 in Collections Services' salary funds that we request your approval to reprogram for automation needs. Specifically, we propose to use the reprogrammed funds for the purchase of computer workstations and software both to support cataloging operations in Collections Services ($439,000) and to improve reading room and administrative services in Constituent Services ($88,000).

Your favorable consideration of this request would be deeply appreciated and would help the Library of Congress in making improvements in this key area. Please let us know if you need further information on this matter.

Sincerely,

RHODA W. CANTER,
Acting Librarian of Congress.

THE LIBRARIAN OF CONGRESS,
Washington, DC, April 5, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Appropriations, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Over the past two months, we have discussed with you the need for additional security measures at the Library of Congress. We are grateful that you have appropriated $74,000 in Fiscal 1991 to hire police to conduct building entrance inspections.

As directed, we have carefully examined our security requirements and have developed a plan to further civilianize our police force. The Library of Congress police administrative function and its physical and electronic security functions have already been civilianized. Additionally, we believe that civilians can effectively perform exit inspections now conducted to prevent the unauthorized removal of Library collections. With the funds you recently appropriated, we can contract for exit inspection services. Uniformed personnel will continue to perform entrance inspections started earlier this year and will patrol Library buildings and grounds.

Although you did not approve our prior request for detection equipment, we still believe it is an essential element in our overall security plan. Volumes numbering in the tens of thousands have been stolen from our collections. In addition, many printed materials have been excised from their bindings with cutting instruments. Pictorial and illustrated works are particularly subject to this kind of abuse. This security equipment is so important to us that we seek your Committee's approval to reprogram $42,300 to purchase metal detectors for the nine buildings entrances where we are now conducting manual entrance inspections.

Consistent with the Fiscal 1991 supplemental appropriation, the Library revises its Fiscal 1992 budget amendment request for 28 police and 3 mailroom technician positions totaling $1,052,000 to $434,810. This revised amount will annualize contract costs for the buildings exit inspections and will provide for 3 mailroom technicians. This does not include $54,600 for mailroom X-ray inspection equipment. Rather than submitting an additional amendment for this equipment, we suggest that this amount be considered a high priority within our current Fiscal 1992 Furniture and Furnishings request.

I am convinced that the plan just outlined is both fiscally responsible and a significant step towards protecting our staff and collections.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

LIBRARY OF CONGRESS FISCAL YEAR 1991 REPROGRAMMING/1992 BUDGET AMENDMENT, SECURITY EQUIPMENT/POSITIONS

SECURITY PLAN

Historically, the Library has conducted exit inspections of persons exiting Library buildings to deter the theft and unauthorized removal of Library collection materials. The Library has now begun also to conduct entrance inspections to screen for weapons and explosives being brought into Library buildings. We propose the installation of metal detectors at 9 entrances as part of the entrance inspection process, and the installation of X-ray equipment in the Library's mail room to minimize the possible introduction of explosive materials. Entrance inspections will be conducted by Library police. Exit inspections will be conducted by contract civilian personnel. In addition to the equipment, the Library also requires an additional 3 mail room positions to staff the equipment in the mail room and funds to support contract civilian staff.

Furniture & Furnishings—Equipment Requirements

FY 1991 REPROGRAMMING

Metal detectors, which consist of walk-through portals and hand-held wands, to detect weapons carried by individuals. This equipment will be placed at the following 9 entrances:

Northeast Entrance, LJ; Cargo Entrance, LJ; West Entrance, LA; Garage Entrance, LA; Cargo Entrance, LA; Independence Ave. Entrance, LM; Garage SB Entrance, LM; C Street Entrance, LM; Loading Dock, LM.

Cost Per Unit: @ $4,700—$42,300.

FY 1992 BUDGET AMENDMENT

X-Ray inspection systems to screen incoming mail for explosives and weapons, to be placed in the Library's mail room:

Costs for Office Systems Services Mail Room, LM—$54,600.

Note: LJ=Thomas Jefferson Building; LA=John Adams Building; LM=James Madison Building.

Salaries and Expenses, Library of Congress:

Present staffing resources are inadequate to operate and monitor this equipment. Partial funding was provided via the fiscal year 1991 supplemental and full year funding is required for fiscal year 1992 as reflected below:

Operating costs for X-ray equip*Fiscal year 1992* ment:

	Fiscal year 1992
1 GS–5 Mail Technician at $16,973	$17,109
2 GS–3 Mail Clerks at $13,515	27,248
Total	44,357
Personnel benefits	12,243
3 positions	56,600
Training	3,000
Maintenance and repair of equipment	3,000
Total, X-ray equipment	62,600
Operating costs for metal detectors:	
Maintenance	4,050
Total, metal detectors	4,050
Operating costs for exit inspections:	
Contract	368,160
3 positions/total requirements	434,810

SUMMARY

	S&E, LC	F&F	Total
Fiscal year 1991 reprogramming:			
Metal Detectors	0	$42,300	$42,300
Total, fiscal year 1991	0	42,300	42,300
Fiscal year 1992 budget amendment—revised:			
X-ray equipment	62,600	54,600	117,200
Metal detectors	4,050	0	4,050
Contract exit inspect	368,160	0	368,160
Total, fiscal year 1992	434,810	54,600	489,410

THE LIBRARIAN OF CONGRESS,
Washington, DC, March 4, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Appropriations, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I wish to thank the Committee for supporting the Copyright Office's level of funding as expressed in the fiscal 1991 Legislative Branch Appropriations Act, P.L. 101-520. Funding for the 30 vacant positions will enable the Copyright Office to maintain their level of service in the immediate future. However, the number of copyright claims grows continuously and we must find ways to improve our productivity.

An integral component of this effort is the need to modernize the copyright registration process. To achieve this, the Copyright Office seeks approval to reprogram $500,000 within the "Salaries and Expenses, Copyright Office" appropriation for an optical disk system. Because of the uncertainty of levels of funding and the Library's hiring freeze during the latter part of fiscal 1990, the Copyright Office severely limited filling positions until the fiscal 1991 budget was approved in November 1990. While the Copyright Office is proceeding to fill the 30 vacant positions approved by Congress and other essential vacancies, a savings of approximately $500,000 in salaries will result from the delay in filling positions. These funds are available to support the first phase of procuring and implementing an optical disk system. The Copyright Office's fiscal 1992 budget request includes an item for $500,000 to complete the one million dollar project.

Our experience with the successful operation of the Congressional Research Service's optical disk system has shown that the Copyright Office can eliminate hand-stamping registration numbers two million times annually on applications and copyrighted works; can automate printing 650,000 certificates, eliminating the manual photocopying process; can eliminate microfilming applications; and can automate retrieving records, eliminating the refiling of paper applications. In addition, with the implementation of an optical disk system, approximately 4,000 square feet of critically needed space will become available as the six million unbound paper applications are scanned, and the need for an additional 300 square feet of storage space annually will be alleviated.

Estimated additional fee receipts will fully offset the cost of the system, and within three years of system implementation, the Copyright Office will realize a savings in personnel and equipment costs of $365,000 annually. A more detailed listing of costs is as follows:

Copyright Office Optical Disk System Estimated Costs

System Acquisitions for FY 1991:	
Scanning and Storage Devices; Workstations	$375,000
Software	50,000
Engineering and Installation	75,000
Subtotal, Fiscal 1991	500,000
System Acquisitions for FY 1992:	
Printer and Workstation Equipment	250,000
Engineering and Telecommunications	50,000
Computer Software	100,000
System Maintenance	100,000
Subtotal, Fiscal 1992	500,000
Total cost	1,000,000

Your favorable consideration of this request would be appreciated and would help the Copyright Office not only maintain but also improve their level of service to the copyright community. Please let us know if you need further information on this matter.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

THE LIBRARIAN OF CONGRESS,
Washington, DC, January 16, 1991.

Hon. HARRY REID,
Chairman, Subcommittee on Legislative Branch, Committee on Appropriations, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: I wish to thank you and your Committee for supporting the level of funding for the Library's arrearage reduction project as expressed in the Library's fiscal 1991 budget. Funding for this effort is clear evidence of Congressional commitment to making available the Library's vast collections to the nation.

An essential element of this effort is the need for additional space for storing and processing special collections. Action on our request for a secondary storage facility was deferred pending the completion of a study by the Architect of the Capitol on the total legislative branch storage needs. The Senate report (No. 101-533) indicated that a reprogramming request for space would be considered for fiscal 1991. We seek your approval to reprogram up to $800,000 within the "Salaries and Expenses, Library of Congress" appropriation in P.L. 101-520 for temporary space and associated shelving, transportation, and make ready costs. These funds would be reprogrammed from the new salary funds approved for the arrearage project. Due to uncertainties over our level of funding for fiscal 1991, we put in place a freeze on hiring during the latter part of fiscal 1990 that lasted until our fiscal 1991 budget level was approved in early November. We are proceeding with all deliberate speed to fill the arrearage positions approved by the Congress, but we estimate that $800,000 of these salary funds will be available to support the need for additional space. The Library's fiscal 1992 budget includes a request for $400,000 to continue the use of this temporary space, since we plan to use the reprogrammed funds for staff to tackle the arrearages next year.

Our success in processing the arrearages coupled with a continuing growth in the collections will result in an acute shortage of space unless this request is approved. We plan to use the space as a staging area for the arrearage project as well as to free up work areas on Capitol Hill. The funds requested will acquire, outfit, and support 25,000 square feet of warehouse space, including shelving and transportation costs. Enclosed is a breakdown of our estimated cost for this space. Our survey of the present real estate situation indicates that there is vacant warehouse space in close proximity to our existing Landover, Maryland facility.

Your favorable consideration of this request would be deeply appreciated and would help the Library of Congress in working on this major priority—the processing of collections in the arrearage. Please let us know if you need further information on this matter.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

Library Of Congress—Temporary Space, Estimated First Year Cost

1. Rental of Space:	
Collections Stg.: 25,000 Sq. Ft./Warehouse	$212,500
Underground Stg.: 5,000 Sq. Ft./Underground Stg.	27,000
Recurring Cost: Utilities	25,000
2. Shelving:	
2,020 Sections @ $150/Section	303,000
Decking: Materials and Installation	83,500
3. Transportation: Rental of Trucks and Operating Expenses	25,000
4. Telecommunications: Equipment Procurement and Installation	24,000
5. Engineering and Design Services	100,000
Total	800,000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 23, 1991.

Hon. ROBERT ROE,
Chairman, Committee on Public Works and Transportation, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Library of Congress requires additional space to transfer parts of their collections that have begun to overflow in their existing buildings. It is intended the secondary storage facility will have some of the special collections, a portion of the serials collection, and provide much needed temporary space to process and catalog the vast collections backlog that cannot be fully accessed until that processing is completed.

As you know, we attempted to provide temporary authority in the dire emergency supplemental for the Architect of the Capitol to lease 25,000 square feet for such purpose until your Committee had an opportunity to review the entire question of providing the Architect of the Capitol general leasing authority for Library of Congress space. Your point of order, which was quite proper and understandable, delayed the acquisition of that much needed space.

Since that time, we are not aware that any further action has been undertaken by the Committee on Public Works to provide the necessary authority. In the meantime, we have marked up the fiscal year 1992 appropriation and, in deference to your authorization jurisdiction, have again not provided the needed resources to the Library of Congress or the Architect of the Capitol. Instead, we have provided authority to transfer the necessary funds, subject to authorization.

Under existing authority, the Library would be obligated to pay over $15 per square foot for such space. That would result in an expenditure of over $1,000,000 in excess of what we believe comparable space could be made available through a directly negotiated lease. We just do not have those excess funds available within our 602(b) allocation under the budget resolution.

Many of these special collections languish unprocessed until this issue is resolved. Some of them, such as the NAACP, Look Magazine, the Leadership Conference on Civil Rights, the League of Women Voters and many others, cannot be accessed by scholars or other researchers in the meantime.

I hope your Committee will act soon on this matter. It is of some urgency.

Sincerely,

VIC FAZIO,
Chairman, Subcommittee on Legislative.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, July 16, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with respect to the structural repairs to the U.S. Botanic Garden Conservatory, as there are developments in this project's progress of which I feel you should be aware.

As you may recall, funds in the amount of $100,000 were appropriated in the Legislative Branch Appropriations Act, 1989, P.L. 100-458, approved October 1, 1988, for an architectural and engineering study of the Conservatory to determine the functional integrity of the building and its systems. The consultant's final report was submitted to the Architect in July, 1990, after completion of the fiscal year 1991 budget process. The delay in the report's completion was due to my direction to the associate architect to prepare a phased renovation program extending over several years rather than a single phase project. I made this decision in order to provide the Congress the option of funding the renovation over several years rather than appropriating one large sum for a single phase. In anticipation of this final report, and based on the initial findings, a request was made for funds in the amount of $500,000 in fiscal year 1991 for design of the Conservatory's structural repairs and renovation, and these funds were appropriated in the Legislative Branch Appropriations Act, 1991, P.L. 101-520, approved November 5, 1990.

The associate architect's report indicated exfoliation of the aluminum laminate structural members in the Palm House has advanced to a greater extent than had been previously assumed. The report warned of the immediate hazard of falling debris as well as the potential for catastrophic collapse of the Palm House portion of the Conservatory due to structural safety factors normally associated with such structures that may be exceeded. In order to provide immediate protection for the public and Botanic Garden staff, I closed the Palm House and erected a wooden frame passageway across the area connecting the East and West wings.

In light of the hazardous condition that continues to exist, I directed the associate architect to proceed with the first portion of the total design effort, the preparation of necessary drawings and specifications for dismantling the Palm House. That effort is nearing completion in preparation for further action that I believe is prudent at this time; that is, to transfer the Palm House botanical collection to safer locations and to proceed with the removal of all glass panes from the Palm House structure. This will protect the collection, remove substantial weight from the fragile aluminum structure, and minimize the possibility of catastrophic collapse of the entire Palm House structure due to unpredictable wind or snow loads.

I am confident that adequate funds exist in the unobligated balance of the $500,000 appropriated in fiscal year 1991 to accomplish both the transfer of the collection and the partial demolition of the Palm House. I am, therefore, requesting a reprogramming of not to exceed $456,000 from the unobligated balance for the purposes described herein.

A similar letter has been forwarded to the Honorable Harry Reid, Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, United States Senate.

I shall, of course, be pleased to provide you with any additional information on this matter you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, July 16, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request a reprogramming in an amount not to exceed $314,000 from moneys appropriated in Public Law 100-458, the Legislative Branch Appropriations Act, 1989, approved October 1, 1988, for "House Monumental Steps, East Front" in the "Capitol Buildings, No Year" appropriation. These funds will be used to renovate space in the Capitol made available for use by the House of Representatives when the Document Room was relocated to the Ford House Office Building.

I shall, of course, be pleased to provide you with any additional information on this matter you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, February 14, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, my request for sixteen additional positions in the "Salaries" appropriation for fiscal year 1991 was denied. However, S. Report 101-533 accompanying the Legislative Branch Appropriations Bill, 1991, contained the following language "* * * the Committee will consider a request to convert existing positions to higher priority needs * * *".

In this regard, a review of vacant positions has been conducted and six positions have been identified for conversion to urgent and higher priority needs.

The positions to be converted and their present organizational locations are: Capitol Grounds, Truck Driver and Gardener; House Office Buildings, Air Conditioning Equipment Mechanic Foreman and Industrial Equipment Mechanic Worker; Senate Office Building, Air Conditioning Equipment Mechanic; and Capitol Power Plant, Laborer. With your approval, the six positions will be used to establish the following:

(1) GS-12, Safety Specialist—Hazardous Material Management.

(2) GS-12, Staffing Specialist.

(3) GS-12, Employee Development Specialist.

(4) GS-12, Computer Specialist (MIS).

(5) GS-12, Safety Specialist (Manager).

(6) GS-12, Incentive Awards Program Administrator.

In support of this request, I wish to reiterate my position during the 1991 hearing process; that is, over the past several years we have tried to operate with a "lean and mean" attitude toward staffing. Whereas this management approach has been beneficial in terms of operation efficiency, and we have taken advantage of technological advances to assist in keeping pace with our workload, we have reached the time where we can no longer respond to the proper levels of service that the Congress requires. In addition, new program requirements have been placed on our organization, such as the hazardous waste disposal program, occupational safety programs, incentive awards program, workers compensation programs, drug free work place programs, etc., have been neglected for the simple reason that my staff members are already fully occupied. Other new programs will impose an additional workload demand. For example, the Congress recently passed the Americans with Disabilities Act, which will increase personnel requirements. Further, we find that some of the technology that we have used creates its own need for staffing to ensure that we are getting the most productivity out of our data processing and personal computer operations. With this in mind, I wish to recommend approval for the conversion of the six positions previously discussed.

A similar letter has been forwarded to the Honorable Harry Reid, Chairman, United States Senate, Subcommittee on Legislative Branch Appropriations.

I am available to meet with you to discuss this matter, if you deem that appropriate, and would be pleased to provide any additional information you may desire.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, March 28, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. I am writing in furtherance of a letter recently sent to you by the United States Capitol Police Board regarding the procurement of six weapons detection portals.

The Board's letter, dated March 4, 1991, requested approval to procure these additional weapons detection portals for locations not previously identified to the Committee.

As you are aware, I have the sometimes complicated responsibility of wearing two hats with respect to the Capitol Police Board. As a Member thereof, I am involved in the matters of determining Board policy. As the Architect of the Capitol, however, I am responsible for carrying out certain financial responsibilities for the Board, among them the fiduciary administration of the security programs under the jurisdiction of H. Con. Res. 550.

The request for approval to obligate the funds necessary to procure the six weapons detection portals from monies available in the Security System, Capitol Complex, H. Con. Res. 550 account is, of course, my responsibility. At that point, a letter should have been written from my Office to you as Chairman of the House Subcommittee on Legislative Branch Appropriations for approval to proceed as the Board has requested.

This delay in submitting my request to the Committee may have caused confusion, and so, I offer my sincere apologies. Please be assured that I, as Architect of the Capitol, shall inform the Members of the Capitol Police Board, of the appropriate procedure for similar requests should they arise in the future.

I have determined that sufficient funds are available in the unallotted contingency allotment for the "Capitol Buildings, Security System, Capitol Complex, No Year" appropriation to provide for the acquisition of this equipment. No increase in the H. Con. Res. 550 limitation of costs, which has been increased over the years to its present limitation of $8,707,000, would be required to proceed with this procurement. I therefore request your approval to proceed as the Capitol Police Board desires. Four of these units are replacements, and two additional new units will be procured for protective details and training.

A letter has been sent to the Honorable Harry Reid, Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, United States Senate, regarding this matter.

I shall, of course, be pleased to furnish any additional assistance you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

U.S. CAPITOL POLICE BOARD,
Washington, DC, March 4, 1991.

Hon. VIC FAZIO,
Chairman, Appropriations Committee, U.S. Capitol, Washington, DC.

DEAR CHAIRMAN FAZIO: As a result of the increased security posture for the Capitol Complex, the Police Board respectfully requests your Committee's assistance in the procurement of six weapons detection portals. If approved, the new FAA approved machines will be installed at the below mentioned locations on Capitol Hill.

The locations are: Second and Third Street entrances to the Ford House Office Building; West Entrance to the Capitol Police Headquarters Building, 119 D Street, N.E.; Delaware & C Street, S.W. entrance to the lower west garage (loading dock); and two units for usage by the United States Capitol Police Technical Security Division to be used during protective details and during training exercises for our police personnel etc.

After conferring with the manufacturer, the Capitol Police have been informed the total cost for the new machines would be approximately $23,460.00. The price quote was for "Octokumpu Model 120" walk through portals similar to existing equipment in the Capitol Buildings.

Therefore, if there are sufficient moneys remaining in the House Con. Res. 550 account to cover this purchase, the Board seeks your approval in authorizing the purchase of the aforementioned security screening equipment.

Sincerely,

MARTHA S. POPE,
Chairman, Capitol Police Board.
JACK RUSS,
Member, Capitol Police Board.
GEORGE M. WHITE,
Member, Capitol Police Board.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, December 21, 1990.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request approval to proceed, as directed in Section 314, Public Law 101–520, the Legislative Branch Appropriations Act, 1991, approved November 5, 1990, to obligate funds in the amount of $180,000 for a professional services contract for the planning and design of a visitors' center as proposed in the Capitol Complex Security Enhancement Plan, with such enhancements as may be approved by the Committees on Appropriations. The funds that will be obligated for this purpose were appropriated to the Clerk of the House in the Fiscal Year 1986 Urgent Supplemental Appropriations Act, Public Law 99–349, and subsequently transferred to the Architect of the Capitol pursuant to the Legislative Branch Appropriations Act, 1989, Public Law 100–458.

A similar letter has been sent to the Honorable Harry Reid, Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, United States Senate.

I shall be pleased to provide you with any additional information on this matter you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA.

A similar letter has been sent to the Honorable Harry Reid, Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, United States Senate.

I shall be pleased to provide you with any additional information on this matter you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, September 11, 1991.

MEMORANDUM

To: Emanuele Crupi.
Via: William L. Ensign, FAIA.
From: James E. Ellison, FAIA.
Subject: Conceptual Design of the Capitol Visitor Center; Additional Funds Requested for Project.

We requested approval to obligate an additional amount of $15,500 toward this project for two purposes, explained below.

Purpose 1

At the time this project was initiated, the Visitor Center was conceived as a relatively discrete facility, attached to the Capitol building only at the point of pedestrian entry—under the central grand staircase leading to what is now Room EF–100 at the first floor level. The professional services contract for the planning and design of the Visitor Center was prepared and RTKL began work with this assumption. Four preliminary design schemes were prepared and following a great deal of discussion of the pros and cons of each, RTKL was directed to develop one scheme in greater detail.

During these discussions, it became apparent that two or three of the schemes offered a substantial opportunity to address and perhaps improve service functions and facilities in the Capitol, through careful coordination with the new facilities in the Visitor Center and by augmenting service access corridors along the lengthy connection of the Visitor Center to the Capitol. In the final conceptual design scheme, this connection is situated across the full width of the East Central Front of the Capitol, and extends to the Cannon-Capitol tunnel on the House side and to the subway on the Senate side.

To take full advantage of the opportunity, it was deemed prudent to engage Cini-Little, a consulting firm that is very familiar with the service facilities of the Capitol, to conduct a specific review and conceptual analysis of food service and materials handling issues related to the Visitor Center project. The consultant provided a valuable perspective and contribution to the conceptual plan. The fee paid was $5,000.

Purpose 2

The original professional services contract did not list a final report as a "deliverable." It was expected that the principal means of communicating the final conceptual design would be through presentation materials including rendered floor plans, elevations, sections, site plan, and interior and exterior sketches and rendering. However, RTKL conducted a thorough review of a range of prior security studies, service needs studies, and historical and as-built documentation. Four alternative design concepts were prepared. A preliminary building analysis pertaining to life safety issues was completed. Structural, mechanical and electrical building systems were discussed conceptually. Security system recommendations were prepared. A conceptual construction cost analysis was completed. Finally, under separate funding, a compatible landscape and paving plan for the East Plaza was prepared by consultant EDAW, Inc.

It became clear that this wealth of information should be carefully preserved in a form that would express the complexity and the thoroughness of the conceptual design process. Hence, it was decided that a formal final report would be produced. The cost of preparing and editing the report was $6,600; the cost of 150 copies was $3,900.

The report has been or will be distributed as follows:

26 copies: Committee on House Administration.

57 copies: House Committee on Public Works and Transportation.

1 copy: Senate Committee on Rules and Administration.

2 copies: House Committee on Appropriations and Subcommittee on the Legislative Branch.

7 copies: Senate Committee on Appropriations and Subcommittee on the Legislative Branch.

2 copies: Chairman and Vice Chairman, Capitol Preservation Commission.

1 copy: Capitol Historical Society.

8 copies: Architect of the Capitol Executive Committee.

8 copies: Architect of the Capitol Budget Staff.

6 copies: Other Architect of the Capitol Staff.

32 copies: Held in Reserve for Interested Members of Congress and Unanticipated Needs.

Please advise if you need further information.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, December 21, 1990.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR VIC: I am writing to request approval to proceed, as directed in Section 314, Public Law 101–520, the Legislative Branch Appropriations Act, 1991, approved November 5, 1990, to obligate funds in the amount of $180,000 for a professional services contract for the planning and design of a visitors' center as proposed in the Capitol Complex Security Enhancement Plan, with such enhancements as may be approved by the Committees on Appropriations. The funds that will be obligated for this purpose were appropriated to the Clerk of the House in the Fiscal Year 1986 Urgent Supplemental Appropriations Act, Public Law 99–349, and subsequently transferred to the Architect of the Capitol pursuant to the Legislative Branch Appropriations Act, 1989, Public Law 100–458.

A similar letter has been sent to the Honorable Harry Reid, Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, United States Senate.

I shall be pleased to provide you with any additional information on this matter you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, December 17, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR VIC: I am writing to request a reprogramming in an amount not to exceed $1,000,000 from monies appropriated in Public Law 101–520, the Legislative Branch Appropriations Act, 1991, approved November 5, 1990, for "House Office Buildings, Longworth Electrical and Fire Protection Improvements, No Year," and "House Office Buildings, Cannon Electrical and Fire Protection Improvements, No Year." These funds will be used for the purpose of funding repairs to leaks and renovating space at the northwest corner of the Cannon House Office Building.

As you may be aware, the Cannon tunnel has suffered water penetration for some time. Water is penetrating below the building's exterior terrace and stair to the sidewalk, then migrating to the tunnel area. Brick masonry and finishes have been damaged, and structural steel has been corroded. As a result of a report provided by a consultant, there are concerns about the long term structural integrity of the area. Although there is concern, there is no serious threat at this time. However, failure to stop the water leaks and complete repairs on a timely basis could lead to a more serious structural situation. Approval of a reprogramming of funds for the repair and renovation work at this time will permit the work to proceed in a timely manner. Depending upon the decision as to how the space will be used, a request for the funds necessary will be submitted to the Committee.

If the entire $1 million is required to be obligated during fiscal year 1991, I would propose to reprogram $200,000 from the Longworth project, and $800,000 from the Cannon project. Reprogramming of these funds will not significantly delay work on either project. I intended to leave the amendments reprogrammed from each project in the base in order to complete the funding for the intended work.

I have also requested $1 million in the fiscal year 1992 budget for completion of this work. In my estimation, work should proceed as soon as possible in order to investigate the problem further and develop a comprehensive repair scope based on actual conditions. The first step in resolving the leak problem must be an investigation to determine the actual extent of the structural problems involved. This investigation would lead to a comprehensive plan for completing all necessary repairs.

I shall, of course, be pleased to provide you with any additional information on this matter you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 1992.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In my letter to you dated October 17, 1991, I requested transfer authority for Miscellaneous items, Allowances and Expenses and for the Office of the Postmaster, Salaries, Officers and Employees. Pursuant to transfer authority included in Public Law 101–520 (104 Stat. 2261, 2262) I respectfully request additional approval of the following reprogramming of funds for these two accounts.

Fiscal year 1991

Transfer from:	
Allowances and expenses: Office equipment	$130,000
Salaries, O&E: Office of the Doorkeeper	23,000
Transfer to:	
Allowances and expenses: Miscellaneous items	130,000
Salaries, O&E: Office of the Postmaster	23,000

For Miscellaneous Items: This request has been triggered by unanticipated post fiscal year expenses of $117,000. The breakdown of these expenditures includes $87,000 for gratuities, $23,000 for House Autos and $7,000 for Interparliamentary Receptions.

The Office of the Postmaster requires a transfer of funds for overtime earned during fiscal 1991 and paid in fiscal 1992. The Office of Finance has spoken with the Office of the Postmaster and has been assured that no further outstanding fiscal year 1991 obligations are pending.

Your approval regarding this transfer will be greatly appreciated.

With warm personal regards, I am

Sincerely your,

DONNALD K. ANDERSON,
House of Representatives.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, November 6, 1991.

Hon. DONNALD K. ANDERSON,
Clerk, House of Representatives, Washington, DC.

DEAR DONN: We have your October 17, 1991, request to reprogram certain funds within accounts under the "House of Representatives, Salaries and Expenses" appropriation for both fiscal years 1990 and 1991. Specifically, you plan to utilize the authority conferred by P.L. 101–520 (at 104 Stat. 2261–2), the Congressional Operations Appropriations Act, 1991, to transfer $10,710,000 among various accounts and to utilize the authority conferred by P.L. 101–163 (at 103 Stat. 1048–9), the Congressional Operations Appropriations Act, 1990, to transfer $2,760,000 among various accounts.

The Committee has no objections to the actions outlined in your letter.

Sincerely,

VIC FAZIO, CHAIRMAN,
Subcommittee on Legislative.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 17, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: Pursuant to transfer authority included in Public Law 101–520 (104 Stat 2261, 2262), I respectfully request approval of the following reprogramming of funds:

Fiscal year 1991

Transfer from:	*Amount*
	Amount
Committee employees	$3,885,000
Allowances and expenses:	
Government contributions	300,000
Office equipment	4,500,000
Office equipment	17,000
Official mail costs	1,519,000
Salaries, O&E: Office of the Doorkeeper	489,000
Total	10,710,000
Transfer to:	
Members' Clerk hire	3,885,000
Allowances and expenses:	
Reemployment annuitants	300,000
Supplies, materials	4,500,000
Miscellaneous items	17,000
Supplies, materials	1,519,000
Salaries, O&E:	
Office of the Clerk	100,000
Sergeant At Arms	24,000
Office of the Postmaster	360,000
Office of the Chaplain	5,000
Total	10,710,000

The shortfall in Members Clerk Hire is due to the increase in the authorization resulting from the January 1991 Speaker's Pay Order.

The Reemployed Annuitants shortfall is due to concerns and subsequent changes by Federal employees regarding potential changes in the Federal Retirement System.

For Supplies, Materials, Administrative Costs and Federal Tort Claims, we are simply reprogramming the amount withheld from the fiscal 1991 budget authority. Originally we applied the reduction to the Supplies, Materials account and have found that the money is required in that account.

For Miscellaneous Items, a shortfall of $17,000 has resulted in the unexpected number of gratuity payments processed in fiscal 1991.

The Office of the Clerk requires reprogramming due to the creation of new positions, unbudgeted action taken in the Speaker's Pay Order of January 28, 1991, and reclassifications. I notified you of the anticipated shortfall in the Office of the Clerk by letter in August of this year.

The Office of the Sergeant at Arms was authorized one additional position by the Committee on House Administration this year.

The Office of the Postmaster underwent a major reorganization this year. Reprogramming of funds is required due to the creation of several new positions and an unusually high usage of overtime. In my two letters to you this past year (May 15 and August 15), I informed you of the actions taken by the Committee on House Administration and the need to fund for such action through a transfer of funds.

The FY '91 balance remaining for the Office of the Doorkeeper is sufficient to cover the shortfalls in the other Officer's accounts because funds were provided for the folding room (Publications Distributions Service) to carry out their normal operations. This past year marked a dramatic decline in Members' mass mailings thus reducing the workload for the folding room (Publications Distribution Services).

The transfer from Official Mail Costs to Supplies, Materials, Administrative Costs and Federal Tort Claims is to fund for the acquisition of postal equipment for the House to comply with the regulations set out in Sec. 311 of Public Law 101–520, the 1991 Legislative Branch Appropriations Act.

Pursuant to transfer authority included in Public Law 101–163 (103 Stat. 1048, 1049), I respectfully request approval of the following reprogramming of funds:

Fiscal year 1990

Transfer from:	*Amount*
	Amount
Allowances and expenses: Office equipment	$500,000
Standing committees, Special and select	2,000,000
Allowances and expenses: Office equipment	260,000
Total	2,760,000
Transfer to:	
Allowances and expenses: Supplies, materials	2,500,000
Allowances and expenses:	
Government contributions	200,000
Miscellaneous items	60,000
Total	2,760,000

The shortfall in Supplies, Materials, Administrative Costs and Federal Tort Claims for FY '90 results in greater than anticipated post fiscal year expenses.

Although we reprogrammed Government Contributions one year ago in the amount of $6,425,000, the reprogramming was insufficient to cover the post fiscal year payments for unemployment compensation.

We also reprogrammed Miscellaneous Items one year ago by reducing the requirement by $150,000. Since last October, we have received gratuity payments of nearly $60,000 thus creating a shortfall in the overall account.

Your approval regarding this transfer will be greatly appreciated.

With warms personal regards, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 1991.

MEMORANDUM

Subject: October 17, 1991 Transfer Request.

From: Michael Heny, Acting Chief, Office of Finance.

To: Ed Lombard, Staff Assistant, Committee on Appropriations, Subcommittee on Legislative Branch.

This supplemental information is provided in support of our transfer request of October 17.

Relating to the request to transfer in 'FY 91 into Supplies, Materials, Administrative Costs and Federal Tort Claims, $4,500,000, the amount provided in the 'FY 91 bill was $19,950,000. Sec. 312(a)(1) withheld $4,500,000 for obligation or expenditure from the amount appropriated for "Salaries and Expenses". At the time the bill was passed, the Finance Office elected as a bookkeeping adjustment to reduce Supplies, Materials by $4,500,000. The obligations for that account were not reduced and the estimated funding level of $19,950,000 was correct and the bills came due and were paid.

The surplus in Office Equipment resulted in lower maintenance costs than projected.

The Committee on House Administration created the following new positions: nine for the office of the Clerk, one for the office of the Sergeant at Arms, and for the Office of the Postmaster nine. None of these positions were funded in the 'FY 91 bill.

The surplus in the Office of the Doorkeeper is attributed to lower overtime cost than projected for the Publication Distributions office.

For 'FY 90 the surplus in Standing Committees, Special and Select is due to increased revenues to HIS.

Miscellaneous Items was reprogrammed one year ago and $150,000 was transferred out. Since then gratuity payments have been processed requiring $60,000 to be transferred back into Miscellaneous Items.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, June 26, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on House Administration has been in the process of reviewing proposals from the Doorkeeper and Postmaster for the purpose of utilizing presorted mail discount rates and complying with the Official Mail Allowance provisions of the Legislative Branch Appropriations Act of 1991.

After careful review of these proposals we believe that a one-time investment of approximately $1.6 million will be necessary to acquire the mailing equipment and software needed for this purpose.

We believe this equipment and software will create substantial savings through the use of USPS presorted discount rates and through on-site address correction capabilities.

We understand that this expense was not anticipated during debate on the Legislative Branch Appropriations Act for FY '91 and since the amount is significant we are requesting that your Committee approve any necessary transfers from existing surplus funds to cover the anticipated cost.

Thank you for your kind consideration and should you require additional information related to this request please don't hesitate to contact us.

With our very best wishes,

Sincerely,

CHARLIE ROSE,
Chairman.
BILL THOMAS,
Ranking Minority Member.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 15, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, U.S. House of Representatives, Washington, DC.

DEAR VIC: Pursuant to transfer authority included in Public Law 101–520 (104 Stat. 2261), I respectfully request approval of the following reprogramming of funds:

Fiscal Year 1991.

From: Allowances and Expenses, Office Equipment, $500,000.

To: Allowances and Expenses, Furniture and Furnishings, $500,000.

The transfer into Furniture and Furnishings is require due to the need to replenish necessary furniture and furnishings (such as file cabinets, carpeting, lamps etc.) now. The demand for needed items has grown past the point of urgency.

I look upon this transfer as an emergency supplemental for Furniture and furnishings to relieve the immediate needs and to allow for the very careful obligation of our appropriations for fiscal year 1992 to accommodate all offices of the House.

Your approval of this transfer will be greatly appreciated.

With warm personal regards, I am

Sincerely yours,

DONNALD K. ANDERSON
Clerk, House of Representatives.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 11, 1991.

Hon. DONNALD K. ANDERSON,
Clerk, House of Representatives, Washington, DC.

DEAR DONN: Your August 15, 1991, request approval to reprogram $500,000 of the funds provided in the fiscal year 1991 Congressional Operations Act, Title I. of P.L. 101–520. These funds would be transferred within the account subheading "Allowances and Expenses," from "Office Equipment" to "Furniture and Furnishings."

The Committee has no objection to the action outlined in your letter.

Sincerely,

VIC FAZIO,
Chairman, Subcommittee on Legislative.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 30, 1991.

Hon. RAYMOND W. SMOCK,
Historian Office of the Historian, House of Representatives, Washington, DC.

DEAR MR. SMOCK: We have your September 27, 1991, request to reprogram $1,800 of unexpended fiscal year 1991 funds for the purchase of computer software.

The Committee has no objection to the action outlined in your letter.

Sincerely,

VIC FAZIO,
Chairman, Committee on Legislative.

OFFICE OF THE HISTORIAN,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Committee on Appropriations, H-302, The Capitol Washington, DC.

DEAR MR. CHAIRMAN: This is a request that we be permitted to use approximately $1800 of unexpended funds, appropriated to this office in FY 1991, for the purchase of computer software. Our budget has a $4000 Stationery and Supplies line. If we order the software we have in mind, the cost will exceed our stationery allowance by approximately $1800. We have, however, unexpended funds in several other categories of our budget that will adequately cover this amount. For example, we expend only $3000 of our $4000 travel budget, and none of the $10,000 line for "Other Services," such as consultants.

I hope you will be able to grant this request, and I thank you for your kind attention to this matter.

Cordially,
RAYMOND W. SMOCK,
Historian.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, August 1, 1991.

Hon. CHARLIE ROSE,
Chairman, Joint Committee on Printing, 818 Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your July 10, 1991, request to reprogram funds within the appropriation provided to the Joint Committee on Printing in the fiscal year 1991 Legislative Branch Appropriations Act, Public Law 101–520. As I understand it, you plan to transfer $15,000 that had been provided for staff salaries to temporary and contract personnel expenses. These funds are needed for the services of an arbitrator/factfinder.

The Committee has no objection to this request.

Sincerely,
VIC FAZIO,
Chairman, Subcommittee on Legislative.

JOINT COMMITTEE ON PRINTING,
Washington, DC, July 10, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on the Legislative Branch, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 305 of Title 44, United States Code, the Joint Committee on Printing acts as the final board of appeal on wage bargaining matters at the Government Printing Office (GPO). Currently a bargaining impasse exists between the GPO management and the American Federation of Government Employees-Printing Crafts Joint Council (AFGE–PCJC). In order to properly adjudicate this matter, the Committee has decided to employ the services of an arbitrator/fact-finder to attempt mediation in this situation, and, should mediation fail, to make recommendations to the Committee regarding an equitable settlement.

We anticipate that the services of the arbitrator/fact-finder will cost approximately $10,000, with the potential for some additional miscellaneous expenses. However, our Fiscal Year 1991 budget for temporary and contract personnel will likely be insufficient to meet the anticipated costs of these services. Accordingly, the Joint Committee is requesting your approval to reprogram up to $15,000 in existing FY 1991 funds, which are currently designated for personnel expenses, to pay for the arbitration/fact-finding process.

If there are any questions regarding this request, please contact Rick Oleszewski, Staff Director of the Joint Committee, at 224–5241.

With my very best wishes,

Sincerely,
CHARLIE ROSE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, January 29, 1991.

MS. MARTHA POPE,
Chairman, Capitol Police Board, Washington, DC.

DEAR MS. POPE: We have your letter requesting authority to reprogram $11,000 of fiscal year 1991 funds provided for "General Expenses", "Capitol Police" in the Legislative Branch Appropriations Act, 1991 (P.L. 101–520). You plan to reprogram these funds from motorcycle purchases in order to acquire an electric pallet truck for the off-site delivery center.

The Committee has no objections to the actions outlined in your letter.

Sincerely,
VIC FAZIO,
Chairman, Subcommittee on Legislative Appropriations.

U.S. CAPITOL POLICE BOARD,
Washington, DC, January 29, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, the Captiol Police Board initiated a project for screening deliveries to the Capitol Complex approximately two years ago. This stringent security measure's sole purpose was to reduce the threat level to the Captiol from the numerous deliveries from sources outside the control of our police department. Due to the crisis in the Persian Gulf, the number of these screenings has dramatically increased, resulting in a greater workload at the Off-Site Delivery Center. More equipment is urgently required to perform the screenings. One such piece of equipment is an electric pallet truck used in offloading the delivery trucks. One pallet truck has been located that may be purchased immediately. Otherwise, there will be a 60 to 90 day delay for delivery of this equipment.

Therefore, the Capitol Police Board requests authorization to reprogram approximately $11,000 within the Capital Asset object class to purchase this pallet truck. These funds were initially appropriated for the purchase of motorcycles.

Again, may I express the appreciation the Board has for your continued support of the Capitol Police. Your committee's expeditious consideration of this request is most appreciated.

Sincerely,
MARTHA S. POPE,
Chairman, Capitol Police Board.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 20, 1991.

MS. MARTHA S. POPE,
Chairman, Capitol Police Board, S–321, The Capitol, Washington, DC.

DEAR MS. POPE: This responds to your request of February 11, 1991, to reprogram an unspecified amount of fiscal year 1991 Capitol Police salary funds to certain security-related uses within the appropriation for "Salaries", "Capitol Police", "Capitol Police Board" provided in the Congressional Operations Appropriations Act, 1991 (P.L. 101–520; 104 Stat. 2263). The Committee has no objection to the reprogramming of up to $1,000,000 of salary funds to replenish Capitol Police overtime funds. Based on information provided by the Capitol Police, within the account cited $513,000 of the reprogramming funds will be derived from the salary funds appropriated to the Sergeant at Arms of the House of Representatives, and $487,000 will be derived from funds provided to the Sergeant at Arm and Doorkeeper of the Senate.

With respect to the other items in the reprogramming request, the Committee has deferred consideration until the fiscal year 1991 security supplemental for the Capitol Police has been marked up.

Sincerely,
VIC FAZIO,
Chairman, Subcommittee on Legislative.

U.S. CAPITOL POLICE BOARD,
Washington, DC, February 11, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Appropriations, H–302, Capitol, Washington, DC.

DEAR MR. CHAIRMAN: As a result of Operation Desert Storm, and contingent upon the approval of our FY91 urgent supplemental request, the Capitol Police have submitted a request to reprogram their salary and benefit account to allow for the continued payment for overtime. Currently, the Capitol Police only have sufficient overtime funds to cover expenses through the middle of February.

Concurrent with this request, the Police are also requesting authorization to immediately hire ten additional civilian freight handlers on the Senate Rolls and to upgrade twelve of the proposed fifty civilian positions that are currently under consideration by the Committee on House Administration to K–9 handlers. Approval of this request would result in only thirty-eight police positions on the House Rolls being converted to civilian positions during FY91.

Even with approval of this request, we must stress that this is only a temporary measure contingent upon approval of the supplemental request for FY91. Approval of this reprogramming request would authorize the funds for the immediate need; however, all the funds in the respective salary and benefits accounts would be exhausted by mid-August. It would still be imperative to act on the supplemental request to ensure funding for personnel expenses for the remainder of 1991.

Again, the Board would like to express our appreciation for your support of the Capitol Police and the mission they perform. Your committee's expeditious consideration of this request is most appreciated.

Sincerely,
MARTHA S. POPE,
Chairman, Capitol Police Board.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, August 1, 1991.

MS. MARTHA S. POPE,
Chairman, U.S. Capitol Police Board, S–321, The Capitol, Washington, DC.

DEAR MS. POPE: We have your request dated July 8, 1991, concerning reprogramming authority to purchase a bus and storage trailer for use by the Capitol Police. As I understand it, you plan to utilize $136,500 provided in fiscal year 1991 appropriations for "General expenses, Capitol Police" for civil disturbance equipment and weapons for these more current needs.

Sincerely,

VIC FAZIO,
Chairman,
Subcommittee on Legislative.

U.S. CAPITOL POLICE BOARD,
Washington, DC, July 8, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Appropriations, H–302, Capitol, Washington, DC.

DEAR MR. CHAIRMAN: As a result of Operation Desert Storm, supplemental funds were appropriated to the Capitol Police to purchase various items of supplies and equipment. Using fiscal restraint in their procurement process, a savings was realized in their purchase of civil disturbance equipment due to quantity discounts and weapons because of a trade-in value exceeding what had been anticipated. The Capitol Police are requesting permission to reprogram these funds to facilitate the purchase of one Blue Bird Coach at an approximate cost of $130,000.

For many years, the Capitol Police had two busses for use in transporting our personnel for various functions such as CDU training and firearms qualification at various military bases and to augment our transportation needs during mass demonstrations, as well as members of the Congressional community during special occasions. Recently, one bus was disposed of through GSA due to safety concerns and its unreliability leaving only one large capacity transport vehicle.

Concurrent with this request, the Police are also requesting permission to purchase one twenty-four foot storage trailer to house their civil disturbance unit equipment. This trailer will not only provide adequate storage, but will also provide a mobile response capability for this equipment. This trailer can be purchased at a cost of approximately $6,500.

Again, the Board would like to express our appreciation for your support of the Capitol Police and the mission they perform. Your committee's expeditious consideration of this request is most appreciated.

Sincerely,

MARTHA S. POPE,
Chairman, Capitol Police Board.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, December 20, 1990.

Dr. JAMES BILLINGTON,
Library of Congress,
Washington, DC.

DEAR DR. BILLINGTON: We have reviewed your request of September 18, 1990, and the subsequent information follow-up of November 27, 1990, concerning space and staffing needs for the Library of Congress acquisition program in the Philippines. Also, we have seen the cable sent to you by Ambassador Platt regarding this matter.

The Committee has no objection to the actions outlined in your request.

Sincerely,

VIC FAZIO,
Chairman,
Subcommittee on Legislative.

THE LIBRARIAN OF CONGRESS,
Washington, DC, November 27, 1990.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, House of Representatives Washington, DC.

DEAR MR. FAZIO: Your letter of September 24, 1990, requested further information regarding our request to rent space in the USIS Cultural Center in Manila for our acquisitions program.

As is widely known, the security situation in the Philippines is deteriorating. The government is increasingly unable to maintain law and order. American embassy policy increasingly is to confine official Americans to their offices and homes. The embassy advises Americans not to travel to many outlying regions. The government of the Philippines does not, however, restrict American activities such as the acquisition of publications.

Because of the deterioration of security in the Philippines for Americans, the Library of Congress wants to replace one of the present contract Americans with a Filipino. This person would make acquisitions calls within Manila and acquisitions trips outside the capital. We have used local contract personnel in other countries with considerable success. For example, we have employed local representatives in the Sudan and Ethiopia since the 1960s. These representatives have been able to acquire publications for the Library during periods of political turmoil and social strife because they are familiar with the local scene. They know what they can collect and what they cannot; where they can go and where they cannot. Through their efforts, the Library was able to supply important documents to Congress and other policy makers. We think the same strategy will work in the Philippines.

The Jakarta field office is in close consultation with the U.S. Embassy in Manila about this proposed change of personnel. Ambassador Platt fully supports the change as is noted in his cable, which is enclosed, to me.

Presently we employ two American spouses at a total cost of $15,000 per year. Since we do not have an office, there are no overhead expenses. We would replace one of the part-time Americans with one full-time Filipino at a salary of $7,000 per year. The Filipino would do all the acquisitions travel, both within Manila and without. The remaining part-time American would manage office computer files and act as a liaison with the embassy in Manila and the field office in Jakarta. Salaries for one part-time American ($8,000) and one full-time Filipino ($7,000) would come to $15,000 per year. Rent and utilities would add $18,000 per year, giving a total of $33,000. The net difference in current operating costs ($15,000) and the proposed $33,000 would be $18,000 per year.

In fiscal year 1989, the two Americans acquired 4,000 pieces of purchase and exchange material. Depending on the state of publishing in the Philippines in the near future, we expect the workload to increase somewhat if a Filipino does the acquiring. The office space we would rent is 1,650 square feet and is located in the American Cultural Center under the auspices of the U.S. Embassy.

One of the advantages to taking over American Historical Library (AHL) space is permission to film those parts of the collection that the Library wants. If the Library does not take custody of the collection, it probably will go to a Philippine university with consequent uncertainties as to the integrity of the collection, its preservation, and access to it. We would have to seek permission from the university to microfilm materials off campus. There is no certainty that we would be able to obtain this permission.

The AHL is owned by a private board of expatriate Americans. Over the years, the collections were built from donations of expatriates and now total 12,000 volumes. The AHL space comes equipped with a telephone. The Library of Congress has no previous relationship to the AHL.

I hope this information is helpful.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 24, 1990.

Hon. JAMES BILLINGTON,
Librarian of Congress, Library of Congress, Washington, DC.

DEAR DR. BILLINGTON: Your letter of September 18, 1990, requests the concurrence of the Subcommittee on Legislative with the desire of the Library of Congress to lease space in the USIS cultural center in the Philippines.

According to the information in your letter, you plan to expand your acquisition activities in the Philippines, hire Philippine staff to replace the work of part-time American spouses, and provide space to American scholars who use the American Historical Library.

Before considering this request, we would like to have some additional information. Specifically, what is the current security situation and policy in the Philippines with respect to U.S. activities, and to what extent has the State Department been consulted? With respect to the plans to replace American spouses with Philippine staff, please provide more detail on current and expected salaries, workload, and other costs. Also, how much space is involved and at what locations?

Although you plan to divert some Jakarta office funds, what will be the total annual outyear costs of this new activity? Presumably, the American Historical Library holdings may be microfilmed independent of the instant decision. What are the alternatives to acquiring those holdings?

Finally, provide information on the American Historical Library, its ownership, size of collection and facilities, and its relationship to the Library of Congress.

I am mindful of the upcoming lease expiration. A comprehensive response to our questions will be helpful in that regard.

Sincerely,

VIC FAZIO,
Chairman, Subcommittee on Legislative.

THE LIBRARIAN OF CONGRESS,
Washington, DC., September 18, 1990.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Committee of Appropriations, House of Representatives, Washington, DC.

DEAR MR. FAZIO: The Library of Congress would like to rent a small office in the USIS cultural center in Manila for our acquisitions program. In keeping with the importance and closeness of the relationship between the United States and the Philippines, we are attempting to improve coverage of this country's publications. We now employ on a part-time basis American spouses who work out of their homes ferreting out important publications; but we want to replace them with Philippine staff, who must have office space and telephones to do the job well.

An opportunity presents itself in the shape of the American Historical Library (AHL), an excellent research library on the Philippines used regularly by American scholars. In the past the AHL was given free space in the USIS cultural center. However, the Foreign Buildings Office of the Department of State recently ruled that the AHL could not remain in the embassy space because it is not official United States agency. Ambassador Platt has offered this space to the Library of Congress for a modest rent of $25,000 per year as a means of both of helping us improve our acquisitions program in the Philippines and of keeping the AHL accessible to American scholars.

The Ambassador's offer has the added advantage of allowing us to microfilm parts of the collection not in our holdings on the Philippines. We estimate that this would add about 5,000 titles, many of them very rare books on the Japanese period, giving scholars in the United States unique resources for the study of this important historical period.

The Jakarta field office is so convinced of the value of this opportunity that it has offered to find a way within its current resources to cover the additional rent in Manila. Even though rental of this space would have no budgetary impact, we do not want to proceed without your concurrence.

I appreciate your attention to this matter and look forward to hearing from you soon. The lease on the space expires at the end of September. I have sent a similar request to Senator Reid.

Sincerely,

JAMES H. BILLINGTON,
The Librarian of Congress.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 5, 1991.

Hon. GEORGE WHITE,
Architect of the Capitol,
Washington, DC

DEAR GEORGE: I have your letter of September 3, 1991, which outlines your intention to fund an additional period for the video teleconferencing pilot project. You indicate the amount required, $26,912, is available within the fiscal year 1991 funds provided for the development of telecommunications in the Capitol complex.

The Committee has no objections to the actions outlined in your letter.

I should also correct a misimpression that appears in your letter. Due to the constraints imposed by budget limitations placed upon our bill, we did not provide the funds requested by the General Accounting Office for this project in P.L. 102-90, the fiscal 1992 Legislative Branch Appropriations Act. It may be that GAO will ask for a reprogramming of funds in this area, but we are not in receipt of any such request.

Sincerely,

VIC FAZIO,
Chariman, Subcommittee on Legislation.——

THE ARCHITECT OF THE CAPITOL,
Washington, DC, September 3, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Attached is a copy of a brief status report prepared by GAO regarding the Video Teleconferencing Pilot Project. As you know, we assisted in this effort by coordinating and funding the project with MCI. The original period of performance of the pilot project was from March 4 through September 4, 1991. GAO is funded to continue and to expand the program in Fiscal Year 1992. However, GAO has requested that we fund the project for the remainder of Fiscal Year 1991, in order that the existing equipment and system can be kept in service. Unless you have a reservation, I am prepared to fund this additional pilot period of service in the amount of $26,912,00 (see attached proposal from MCI) from funds remaining in my 1991 account available for the development of Telecommunications in the Capitol Complex.

A similar letter has been sent to the Honorable Harry Reid, Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations of the United States Senate.

I shall, of course, be happy to discuss this matter further as you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA,
ARCHITECT OF THE CAPITOL.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, April 30, 1991.

Hon. CHARLES A. BOWSHER,
The Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: We have your letter of April 16, 1991, requesting that the Committee on Appropriations lift the restrictions imposed by House Report 101-648 on the obligation of $5,300,000 in fiscal year 1991 budget authority. Those funds were provided for microcomputers and other automated data processing and software. The restrictions were contingent upon review of a General Accounting Office pilot test evaluation plan.

The Committee has received the April 8, 1991, test plan draft and it has been discussed with Mr. Milton Socolar, Special Assistant to the Comptroller General, and other members of your staff. It should be noted that the draft test plan is aimed at only data collection and analysis, and does not yet cover the other components of the audit and evaluation process that GAO plans to incorporate in the local area network project. There is an understanding that GAO will not proceed with implementation of a network to assist your audit and evaluation work until the entire system objective is evaluated and its results reported to the Committee.

In the meantime, the Committee approves your request.

Sincerely,

VIC FAZIO,
Chairman, Subcommittee on Legislative.

COMPTROLLER GENERAL
OF THE UNITED STATES
Washington, DC, April 16, 1991.

Hon. VIC FAZIO,
Chairman, Subcommittee on Legislative, Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: As you know, the Committee instructed GAO in its report accompanying the Legislative Branch Appropriations Bill for 1991 not to obligate the $5,300,000 provided for additional microcomputers, other hardware, and software, pending review of the pilot test evaluation by the committee. When we tesified before you on our FY 1992 request we indicated that based upon that review, we would be developing a revised test plan which we were confident would permit us to evaluate the use of a network in performing our audit and evaluation work. Since that time we have completed work on the revised plan and have discussed it with committee staff. We are confident that our plan will result in a thorough test and evaluation of the use of network technology in accomplishing our work.

In order for us to proceed with the acquisition of microcomputers critical to our ongoing operations we are requesting that the current restrictions on the $5,300,000 be lifted by the committee. The majority of this funding will not be used for network related purchases, but for stand alone equipment and accompanying software badly needed by our auditors in the performance of their normal tasks. We do not intend to proceed with full implementation of the network until the test is complete and we are satisfied with the results.

I appreciate the support that you and members of the subcommittee have given GAO in our efforts to improve our responsiveness to the Congress.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General
of the United States.

NEED FOR A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PAYNE] is recognized for 60 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, I want to continue the discussion that we started in the last hour, and I would begin by yielding to my friend, the gentleman from Oregon [Mr. SMITH] to close out the last hour, and then I will begin my remarks.

Mr. SMITH of Oregon. I truly thank the gentleman for yielding to me for a moment in our common effort to wrap up this evening.

Mr. Speaker, I was delighted to have such an array of leaders from the Democratic Party here on the floor helping us out, as well as the Republicans. I think you have gotten a flavor of how well balanced this whole effort truly is, and you will hear more about it as we go into next week.

It occurred to me as we were listening that maybe the thought of this whole thing has not really fallen upon the ears that it should. For instance, it occurred to me, and always has since I have been in Congress, that the old idea of spend, spend, elect and elect, the old James Farley program of the 1930's seems to be alive and well in the Congress. It has worked pretty well because the idea is the more that I can dig in Uncle's pocket here while I am here, I can go home to Oregon, facetiously, and I can say look what I have done for you, and they will be so enamored with me that they will surely reelect me. And if I am not reelected, the whole country surely will fall.

That has been the attitude. So I, probably not as much as some, but we are all guilty of trying to do something for our own districts. We are trying to bend some of Uncle's largess to our areas. That is the way this thing was organized.

We have done it so well that we are $4 trillion in the hole. It is a wonder with 535 people here of great expertise and intelligence that we are not $8 trillion in debt. But we have done that.

So I think what we are doing here is changing the psychology of the Congress. I think what we are doing here is stripping out the easiest way to deficit finance. I mean, the easiest way to get more pork for your home district, you surely do not want to increase taxes. My goodness, that is terrible. The Members of Congress want to be Santa Claus. They do not want to increase taxes. And you ask the President of the United States, this one, if increasing taxes is popular, or ask the State of New Jersey. They replaced the legislature in the State of New Jersey, as you probably know. So I do not want to increase taxes to get my program.

And I surely do not want to cut budgets. My goodness, that is a horrible thing to do. Why, reduce spending in America? We need more spending, more for my reelection.

The easiest thing for me to do is to deficit finance, is it not, because nobody knows. Nobody knows what I am doing. What is $4 trillion in debt? It has not hurt us yet. We have had a recovery or two, and my goodness, this cannot hurt the Nation. We have just a little bit more, we will add to that $4 trillion and make it $5 trillion.

So you see, I believe we together want to change the psychology of the Congress. We want to make it more difficult to deficit finance, and we want to put the debate where it belongs, honestly, straightforwardly. If you want new programs, you are either going to have to raise taxes or you are going to have to cut some budget somewhere to make room for your program. That is where the debate belongs. That is the honesty we need, and when we get it to that point, then I think we have done the American people a great favor.

I thank the gentleman for yielding and look forward to listening to his remarks.

Mr. PAYNE of Virginia. I thank the gentleman very much, and thank him for taking out a special order, and thank him and my colleague and friend, CHARLIE STENHOLM, for the leadership that both of you have provided on this balanced budget amendment issue.

Mr. Speaker, almost everyone agrees that we need to have a balanced budget. The issue is how do we achieve it.

Last fall, the Budget Committee sought to find a way to balance the budget. Chairman PANETTA held almost 40 bipartisan caucuses, during which we studied every area of the Federal budget, looking for savings. The committee's report on this process, "Restoring America's Future: Preparing the Nation for the 21st century" set out a course of action to eliminate the deficit by the year 2001.

This course of action includes: Streamlining the Government, looking at every area of spending in order to find the needed deficit reduction, and maintaining our investments in economic growth. The committee stressed the need to reduce the rate of growth of entitlements, particularly through health care reform.

It was disappointing to see that, after all of our efforts, that so little attention was given to these recommendations. In addition, the fiscal year 1993 budget resolution did not address the need for further deficit reduction. Most importantly, no one on the presidential campaign trail is addressing a way to reduce the deficit.

What can be more compelling that the fact that our annual deficit is growing at a rate of $756,000 every minute of every day and that our deficit problem is not going away?

The recent resurgence of attention to the balanced budget amendment has returned the deficit issue to its rightful place at the forefront of national interest. Passage of the balanced budget amendment will ensure that the deficit issue is never again ignored.

I am one of 278 cosponsors of House Joint Resolution 290, the balanced budget amendment sponsored by Mr. STENHOLM and Mr. SMITH. This amendment has been carefully crafted over the last decade. The amendment encourages the administration and Congress to work together to first agree on an estimate of receipts and then to enact a balanced budget. The amendment provides for the uncertainties which occur in the event of war or a recession, by allowing three-fifths of the Congress to vote to incur a deficit.

There are some who would contend that we don't need to pass a constitutional amendment to ensure that Congress and the President remain committed to deficit reduction. I agree that it takes leadership to balance the budget. I agree that a balanced budget amendment will not instantly give us the leadership necessary to eliminate the deficit. But, the balanced budget amendment will give us the needed framework for seeing that we reach our goals. In testimony before the Budget Committee, Virginia's Governor Wilder said, "[Balancing the budget] will not succeed unless we are dedicated to principles. Yet, we can be certain it will not be accomplished if we are unwilling to set forth the principles." The balanced budget amendment sets forth those principles.

The amendment will not only set forth the principle of a balanced budget, but, after we achieve a balanced budget, the amendment will ensure that the budget remains balanced.

This is an important goal for our Nation. As the Budget Committee has held hearings on our Nation's fiscal health, economist after economist have said over and over again how crucial it is for us to balance the budget and stop spending the Nation's savings. Deficit reduction is an indisputable public policy objective. Debating the means to achieve a balanced budget is an important discussion for our Nation which I am happy to participate in.

When we buy things we are not willing to pay for, we leave the responsibility for correcting our irresponsibility to our children. A balanced budget amendment will protect the rights of our children and the unborn. Thomas Jefferson has spoken at length on this need for us to be responsible to future generations. I live within a few miles of Jefferson's home, Monticello, and I hold very dear his teachings. We should listen carefully to his counsel.

In a letter to James Madison, Thomas Jefferson said, "The question is whether one generation of men has a right to bind another * * * is a question of such consequences as not only to merit decision, but place also, among the fundamental principles of every government."

In a letter to John Wyles Eppes, Mr. Jefferson said, "Ought not then the right of each successive generation to be guaranteed against the dissipations and corruptions of those preceding, by a fundamental provision in our Constitution?"

Jefferson recognized that, if we balance the budget, we will have the resources needed to invest in our country. In a letter to Albert Gallatin, he said, "I consider the fortunes of our Republic as depending, in an eminent degree, on the extinguishment of the public debt. That done, we shall have revenue enough to improve our country in peace and defend it in war."

Yet, in the same letter, Mr. Jefferson feared what might happen under the situation we now face. He said, "If the debt should once more be swelled to a formidable size, its entire discharge will be despaired of."

Some would like to let our despair of the current situation, particularly the cuts and reforms needed to reduce the deficit, prevent us from doing what is needed. We cannot fear doing the right thing. Enacting the balanced budget amendment and then working together in a bipartisan fashion to achieve a balanced budget is the right thing for our country today and for future generations.

I urge my colleagues to vote for House Joint Resolution 290, the balanced budget amendment, when it is voted on next week.

□ 2240

Mr. Speaker, I would like to conclude by thanking my colleagues once again for the fine leadership that they have provided on a bipartisan basis for this matter of such great importance to our country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RIGGS of California (at the request of Mr. MICHEL) for today on account of personal family matters.

Mr. HEFNER (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. INHOFE, for 60 minutes each day, on June 4 and 10.

Mr. CAMP, for 5 minutes, today.

(The following Members (at the request of Mr. BROWDER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BRUCE, for 5 minutes, today.

Mr. PEASE, for 60 minutes, today.

Mr. CARPER, for 60 minutes, on June 4.

Mr. PAYNE of Virginia, for 60 minutes, on June 4.

Mr. NAGLE, for 60 minutes, on June 9.

Mr. JONTZ, for 60 minutes each day, on June 4 and 9.

Mr. GONZALEZ, for 60 minutes each day, on July 7, 10, 20, 24, 27, and 31.

Mr. OWENS of New York, for 60 minutes each day, on July 1, 2, 8, 9, 10, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SMITH of Oregon) and to include extraneous matter:)

Mr. BROOMFIELD.
Mr. SOLOMON in three instances.
Mr. ARCHER.
Mr. CLINGER.
Mr. RINALDO.
Mr. HYDE.
Mr. GILMAN.
Mrs. BENTLEY.
Mr. FIELDS.
Ms. ROS-LEHTINEN in six instances.
Mr. GUNDERSON.
Mr. GALLEGLY.
Mr. GALLO.
Mr. JOHNSON of Texas.

(The following Members (at the request of Mr. BROWDER) and to include extraneous matter:)

Mr. LEHMAN of Florida.
Mr. BARNARD.
Mr. MANTON.
Mr. SMITH of Florida.
Mr. RANGEL.
Mr. DYMALLY.
Mr. NAGLE in two instances.
Mr. ATKINS in two instances.
Mr. HALL of Ohio.
Mr. PANETTA.
Mr. HAMILTON.
Mr. MOODY.
Ms. LONG.
Mr. SKELTON in four instances.
Mr. MATSUI.
Mr. LUKEN.
Mr. KANJORSKI in two instances.
Mr. PAYNE of New Jersey.
Mr. MOODY.
Mr. DE LUGO.
Mr. ASPIN.
Mr. FEIGHAN.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 474. An act to prohibit sports gambling under State law; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2342. An act to amend the Act entitled "An Act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes," approved October 25, 1972 (86 Stat. 1168 et seq.); and

S. 2783. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices and for other purposes.

ADJOURNMENT

Mr. SMITH of Oregon. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 4, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3647. A letter from the Assistant Secretary, Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin magistrate for the quarter January 1, 1992, through March 31, 1992, pursuant to Public Law 101–165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

3648. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the annual report covering the operations of the Board during calendar year 1991, pursuant to 15 U.S.C. 57a(f)(6); to the Committee on Banking, Finance and Urban Affairs.

3649. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act, 9–219, "Omnibus Budget Support Temporary Act of 1992," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3650. A letter from the Acting Commissioner, National Center for Educational Statistics, transmitting a report entitled "The Condition of Education, 1992 Edition," pursuant to 20 U.S.C. 1221e–1(d)(1); to the Committee on Education and Labor.

3651. A letter from the Deputy Director, Department of Labor, transmitting the Department's annual report for fiscal year 1991, pursuant to 29 U.S.C. 560; to the Committee on Education and Labor.

3652. A letter from the Secretary of Health and Human Services, transmitting a report entitled "Patterns of Health Care Utilization in the Nonelderly Medicaid Population of Selected States," pursuant to 42 U.S.C. 1396a note; to the Committee on Energy and Commerce.

3653. A letter from the Director, Office of Management and Budget, transmitting a pay-as-you-go status report for direct spending and receipts legislation enacted as of May 20, 1992, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

3654. A letter from the Secretary of Health and Human Services, transmitting the semiannual report of the inspector general for the period October 1, 1991, through March 31, 1992, and management report, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

3655. A letter from the Secretary of the Interior, transmitting a copy of the semiannual report on the activities of the inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3656. A letter from the Secretary of Transportation, transmitting the semiannual report of the inspector general for the period October 1, 1991, through March 31, 1992, and management report, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3657. A letter from the Chairman, Consumer Product Safety Commission, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3658. A letter from the Chairman and CEO, Farm Credit Administration, transmitting a copy of the semiannual report on activities of the Inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3659. A letter from the Chairman, National Labor Relations Board, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3660. A letter from the Chairman, National Science Board, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3661. A letter from the Acting Director, Peace Corps of the United States, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3662. A letter from the Thrift Depositor Protection Oversight Board, transmitting a copy of semiannual report on activities of the inspector general for the period October

1, 1991, through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3663. A letter from the Administrator, U.S. Agency for International Development, transmitting the semiannual report of activities of the inspector general covering the period October 1, 1991, through March 31, 1992, and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3664. A letter from the Acting Secretary of Commerce, Secretary of the Interior, transmitting the 10th report on activities of the Department of Interior and the Department of Commerce with respect to the emergency Striped Bass Research Study, pursuant to 16 U.S.C. 757g; to the Committee on Merchant Marine and Fisheries.

3665. A letter from the Secretary of transportation, transmitting the 10th annual report of accomplishments under the Airport Improvement Program for the fiscal year ending September 30, 1991, pursuant to 49 U.S.C. app. 2203(b)(2); to the Committee on Public Works and Transportation.

3666. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a copy of a study of the Lower Hillsborough River and Curiosity Creek, FL; to the Committee on Public Works and Transportation.

3667. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of a report on the need for health care providers by Indian health programs, pursuant to 25 U.S.C. 1616a; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3668. A letter from the Secretary of Health and Human Services, transmitting the health insurance advisory service for Medicare beneficiaries for fiscal year 1991, pursuant to section 4359(f) of the Omnibus Reconciliation Act of 1990; jointly, to the Committees on Ways and Means and Energy and Commerce.

3669. A letter from the Secretary, Department of Commerce, transmitting the 1991 annual report on U.S. automotive parts trade with Japan, pursuant to 15 U.S.C. 4702; jointly, to the Committees on Ways and Means, Foreign Affairs, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. Supplemental report on House Resolution 474 (Rept. 102-545, Pt. 2).

Mr. DINGELL: Committee of Conference. Conference Report on S. 1306 (Rept. 102-546).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER (for himself, Mr. JENKINS, Mr. ARCHER, Mr. MCGRATH, Mr. MATSUI, Mr. SUNDQUIST, and Mr. MCDERMOTT):

H.R. 5308. A bill to amend the Internal Revenue Code of 1986 to impose a moratorium on the inclusion of certain sponsorship payments in the unrelated business income of tax-exempt organizations; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 5309. A bill to provide an antitrust exemption for medical self-regulatory entities when engaged in standard setting and enforcement activities designed to promote the quality of care and for other purposes; to the Committee on the Judiciary.

By Mr. BACCHUS:

H.R. 5310. A bill to mitigate the adverse effects on defense contractors and defense workers of reductions in defense spending; jointly, to the Committees on Armed Services, Science, Space, and Technology, Energy and Commerce, Merchant Marine and Fisheries, Banking, Finance and Urban Affairs, and Education and Labor.

By Mr. BARNARD:

H.R. 5311. A bill to consolidate the positions of Comptroller of the Currency and the Director of the Office of Thrift Supervision into one position, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5312. A bill to amend the Internal Revenue Code of 1986 to provide that information returns shall be filed with the Internal Revenue Service with respect to interest, dividends, royalties, and certain other amounts paid to corporations; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 5313. A bill to eliminate the scourge of illegal drugs and fight drug abuse; jointly, to the Committees on Foreign Affairs, Ways and Means, Banking, Finance and Urban Affairs, the Judiciary, Armed Services, Intelligence (Permanent Select), Education and Labor, Energy and Commerce, Government Operations, Public Works and Transportation, Merchant Marine and Fisheries, and Science, Space, and Technology.

By Mr. FIELDS (for himself and Mr. TAUZIN):

H.R. 5314. A bill to provide for lease sales in the Outer Continental Shelf under certain conditions, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. GUNDERSON:

H.R. 5315. A bill to provide for improvements to the health of farm families, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. JOHNSON of Connecticut:

H.R. 5316. A bill to amend title IV of the Social Security Act to increase State responsibility and flexibility in designing services, ensuring quality control, and evaluating programs designed to help troubled families and their children, and to shift the role of the Department of Health and Human Services from program and financial oversight to planning and coordination of research and technical assistance; to the Committee on Ways and Means.

By Mr. MOODY:

H.R. 5317. A bill to amend title XVIII of the Social Security Act to expand coverage of speech-language pathology and audiology services under the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PEASE (for himself, Ms. PELOSI, Mr. GEPHARDT, Mr. STARK, Mr. CARDIN, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. AUCOIN, Mr. DELLUMS, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. GONZALEZ, Mr. JONES of Georgia, Mr. LANTOS, Mr. LAROCCO, Mr. LEHMAN of Florida, Mr. LIPINSKI, Mr. MILLER of Washington, Mr. MORAN, Mr. OWENS of Utah, Mr. PANETTA, Mr. PAYNE of New Jersey, Mr. PORTER, Mr. RICHARDSON, Mr. RITTER, Mr. ROSE, Mr. SKAGGS, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SWETT, Mrs. UNSOELD, Mr. WOLF, and Mr. YATES):

H.R. 5318. A bill regarding the extension of most-favored-nation treatment to the products of People's Republic of China, and for other purposes; jointly, to the Committees on Ways and Means and Rules.

By Ms. PELOSI:

H.R. 5319. A bill to authorize the Secretary of Transportation to convey for scrapping by the National Maritime Museum Association a vessel in the National Defense Reserve Fleet that is scheduled to be scrapped; to the Committee on Merchant Marine and Fisheries.

By Mr. RAHALL:

H.R. 5320. A bill to amend the Federal Water Pollution Control Act to reauthorize the State water pollution control revolving loan program, to provide assistance to economically distressed rural communities in the construction of wastewater treatment works and public water systems, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SYNAR:

H.R. 5321. A bill to amend title 11 of the United States Code with respect to cases under chapter 13; and for other purposes; to the Committee on the Judiciary.

By Mr. SYNAR (for himself and Mr. GLICKMAN):

H.R. 5322. A bill to extend the period during which chapter 12 of title 11 of the United States Code remains in effect; to the Committee on the Judiciary.

By Mr. MORAN:

H.J. Res. 501. Joint resolution proposing an amendment to the Constitution of the United States to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. ROSE:

H. Con. Res. 328. Concurrent resolution providing for the printing of the book entitled "Year of the American Indian, 1992: Congressional Recognition and Appreciation" as a House document; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

474. By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to drift net fishing; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

475. Also, memorial of the Senate of the State of Missouri, relative to enactment of the POW/MIA truth bill; jointly, to the Committees on Armed Services, Foreign Affairs, Government Operations, and Intelligence (Permanent Select).

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. VOLKMER, Mr. INHOFE, Mr. GEKAS, Mr. GRANDY, Mr. VENTO, Mr. GLICK-

MAN, Mr. OWENS of New York, Mr. HAYES of Louisiana, Mr. ANDREWS of New Jersey, Mr. BOUCHER, Mr. RITTER, Mr. WILLIAMS, Mr. GRADISON, Mr. ANDREWS of Texas, and Mr. THOMAS of Georgia.

H.R. 66: Mr. SKELTON, Mr. GUNDERSON, and Mr. KASICH.

H.R. 371: Mr. GOODLING.

H.R. 617: Mr. BROWDER.

H.R. 856: Mr. TRAFICANT.

H.R. 931: Mr. MAVROULES.

H.R. 1147: Mr. VOLKMER.

H.R. 1218: Mr. ANDREWS of New Jersey and Mr. NAGLE.

H.R. 1241: Mr. COX of California, Mr. HUNTER, and Mr. STEARNS.

H.R. 1411: Mr. ROBERTS, Mr. HAMMERSCHMIDT, Mr. MORRISON, and Mr. BROWDER.

H.R. 1502: Mr. GIBBONS, Mr. CAMPBELL of California, Mr. KENNEDY, and Ms. MOLINARI.

H.R. 1515: Ms. LONG and Mr. SABO.

H.R. 1573: Mr. ANDREWS of Texas, Mrs. BOXER, Mr. RAY, and Mr. HAMMERSCHMIDT.

H.R. 1598: Mr. MARTIN.

H.R. 1753: Mr. RAHALL.

H.R. 2070: Ms. LONG.

H.R. 2089: Mr. GUNDERSON.

H.R. 2419: Mr. DOWNEY and Mr. PETERSON of Minnesota.

H.R. 2448: Mr. BONIOR.

H.R. 2782: Mr. WELDON, Mr. FISH, Mr. CARDIN, and Mr. HOYER.

H.R. 2912: Mr. JOHNSTON of Florida.

H.R. 2966: Mr. HUTTO and Mr. DOOLEY.

H.R. 3047: Mr. RITTER.

H.R. 3250: Mr. HAYES of Illinois, Mr. SAVAGE, and Mr. LIPINSKI.

H.R. 3373: Mr. ENGLISH and Mr. WELDON.

H.R. 3473: Mrs. BOXER.

H.R. 3503: Mrs. BOXER.

H.R. 3570: Mr. POSHARD.

H.R. 3598: Mr. VALENTINE and Mr. GUARINI.

H.R. 3662: Mr. DOOLEY, Mr. SMITH of Texas, Mr. TALLON, and Mrs. PATTERSON.

H.R. 3776: Mr. MARKEY and Mrs. BOXER.

H.R. 3927: Mr. RITTER.

H.R. 4082: Mr. BLAZ, Mr. DAVIS, Mr. SANGMEISTER, Mr. FROST, Mr. SOLOMON, and Mr. LANCASTER.

H.R. 4133: Mr. MARKEY.

H.R. 4149: Mr. TRAXLER.

H.R. 4178: Mr. WHEAT, Mr. GREEN of New York, and Mr. ENGEL.

H.R. 4207: Mr. STUMP, Mr. NUSSLE, Mr. DOOLITTLE, and Mr. FAWELL.

H.R. 4279: Mr. BROWN, and Mr. UPTON.

H.R. 4300: Mr. BOUCHER, Mr. DELLUMS, Mr. ENGEL, Mr. FLAKE. Mr. HUGHES, Mr. LAFALCE, Mr. NEAL of North Carolina, Mr. SIKORSKI, Mr. TORRES, Mrs. UNSOELD, Mr. WEISS, and Mr. WOLPE.

H.R. 4305: Mr. CUNNINGHAM, Mr. RIGGS, and Mr. ROHRABACHER.

H.R. 4331: Mr. MCDERMOTT.

H.R. 4333: Ms. NORTON.

H.R. 4340: Mr. HUGHES.

H.R. 4366: Mrs. BOXER and Mr. RICHARDSON.

H.R. 4399: Mr. ROYBAL, Mr. ERDREICH, Mr. COYNE, and Mr. SERRANO.

H.R. 4400: Mr. CAMPBELL of California, Mr. LANTOS, Mr. MFUME, and Mr. ECKART.

H.R. 4425: Mr. SPENCE.

H.R. 4432: Mr. FROST and Mr. HAYES of Illinois.

H.R. 4435: Mr. APPLEGATE and Mr. DUNCAN.

H.R. 4486: Mr. HAYES of Illinois.

H.R. 4502: Mr. GALLEGLY, Mr. FOGLIETTA, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. LEWIS of California, Ms. ROS-LEHTINEN, Mr. DARDEN, Mr. SAVAGE, Mr. APPLEGATE, Mr. MCCOLLUM, Mr. GILMAN, Mr. VISCLOSKY, Mr. JENKINS, Mrs. PATTERSON, Mr. PICKETT, Mr. BILBRAY, Mr. PARKER, and Mr. STAGGERS.

H.R. 4537: Mr. HAYES of Illinois.

H.R. 4542: Mr. SUNDQUIST, Mr. RANGEL, Mr. GONZALEZ, and Mr. JEFFERSON.

H.R. 4551: Mr. MANTON, Mr. HUGHES, Mr. MAVROULES, Mr. BLAZ, Mr. BAKER, and Mrs. MORELLA.

H.R. 4591: Ms. KAPTUR.

H.R. 4595: Mr. RIDGE.

H.R. 4761: Mr. COLORADO.

H.R. 4779: Mrs. BOXER.

H.R. 4882: Mr. PEASE and Mr. HAYES of Illinois.

H.R. 4883: Mr. PEASE and Mr. HAYES of Illinois.

H.R. 4910 Mr. HORTON, Mrs. MORELLA, and Ms. KAPTUR.

H.R. 4912: Mr. WALSH, Mr. FIELDS, Mr. ZELIFF, Mr. SKEEN, and Mr. SARPALIUS.

H.R. 4924: Mr. GUNDERSON.

H.R. 4929: Mr. SHAW.

H.R. 5092: Mr. CLEMENT.

H.R. 5126: Mr. ALLEN, Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. ATKINS, Mr. BARRETT, Mr. BEILENSON, Mr. BILIRAKIS, Mr. BLILEY, Mr. BONIOR, Mr. CLAY, Mr. COLEMAN of Texas, Mr. DARDEN, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DONNELLY, Mr. DUNCAN, Mr. ERDREICH, Mr. EWING, Mr. FOGLIETTA, Mr. HAYES of Louisiana, Mr. HERGER, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. GILMAN, Mr. KANJORSKI, Ms. KAPTUR, Mrs. KENNELLY, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. JAMES, Mr. LEWIS of Florida, Ms. LONG, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MARLENEE, Mr. MAZZOLI, Mr. OWENS of Utah, Mr. PASTOR, Mrs. PATTERSON, Mr. PENNY, Mr. PORTER, Mr. RAHALL, Mr. RAVENEL, Mr. ROE, Mr. ROYBAL, Mr. SANDERS, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHULZE, Mr. SLATTERY, Mr. STALLINGS, Mr. STUDDS, Mr. SYNAR, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. TOWNS, Mrs. VUCANOVICH, Mr. WOLF, and Mr. YOUNG of Alaska.

H.R. 5166: Mr. KLUG, Mr. GUARINI, Mr. LIPINSKI, Mr. SANTORUM, and Mr. FRANK of Massachusetts.

H.R. 5192: Mr. JONES of Georgia, Mr. STAGGERS, Mr. HARRIS, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 5193: Mr. STAGGERS, Mr. HARRIS, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 5208: Mr. VENTO, Mr. TORRES, Mr. SHAYS, and Mr. CLAY.

H.R. 5211: Mr. HORTON, Mr. GUARINI, Mr. POSHARD, Mr. RANGEL, and Mrs. COLLINS of Illinois.

H.R. 5217: Mr. LUKEN, Mr. DWYER of New Jersey, Mrs. MINK, and Mr. SHAYS.

H.R. 5237: Mr. MOODY, Mr. SPRATT, Mr. BOEHNER, Mr. SISISKY, Mr. HAMILTON, and Mr. PAYNE of Virginia.

H.R. 5238: Mr. BARNARD.

H.R. 5240: Mr. HAYES of Illinois, Mr. RINALDO, Mr. OWENS of Utah, Mr. EVANS, Mr. RAHALL, and Mr. HUBBARD.

H.R. 5263: Mr. STAGGERS, Mr. HARRIS, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 5269: Mr. DERRICK.

H.R. 5282: Mr. HAYES of Illinois, Mr. LIPINSKI, and Mr. EVANS.

H.R. 5293: Mr. GINGRICH.

H.J. Res. 143: Mr. NICHOLS.

H.J. Res. 237: Mr. CHAPMAN, Mr. ROBERTS, Mr. FASCELL, Mr. FORD of Tennessee, Mr. STOKES, Ms. WATERS, Mr. VANDER JAGT, and Mr. GEREN of Texas.

H.J. Res. 354: Mrs. MEYERS of Kansas.

H.J. Res. 400: Mr. KOLTER, Mr. POSHARD, Mr. HERTEL, Mr. LIPINSKI, Ms. MOLINARI, Mrs. MORELLA, Mr. FAZIO, Mr. FROST, Mr. BUSTAMANTE, Mr. TORRICELLI, Mr. GEKAS, Mr. MATSUI, Mr. BONIOR, Mr. MANTON, Mr. YOUNG of Florida, Mr. MINETA, Mr. KANJORSKI, Mr. OBERSTAR, Mr. SERRANO, Mr. LENT, Ms. PELOSI, Mr. SOLARZ, Mr. QUILLEN, Mr. GUARINI, Mr. GALLO Mr. WOLF, Mr. GORDON, Mr. PAXON, Mr. MOAKLEY, Mr. HORTON, Mr. MOLLOHAN, Mr. MCMILLEN of Maryland, Mr. SCHEUER, Mrs. VUCANOVICH, Mr. WALSH, Mr. MONTGOMERY, Mrs. UNSOELD, Mr. PRICE, Mr. MURTHA, Mr. RANGEL, Mr. HARRIS, Mr. SAXTON, Mr. DELLUMS, Mrs. LOWEY of New York, Mr. MCDADE, Mr. BLILEY, Mr. DOWNEY, Mr. ACKERMAN, Mr. APPLEGATE, Mr. FLAKE, Mr. SCHUMER, Mr. ROE, Mr. LEVIN of Michigan, Mr. BOEHLERT, Mr. FISH, Mr. NOWAK, Mr. HOCHBRUECKNER, Mr. MAVROULES, Mr. VENTO, Mr. SANGMEISTER, Ms. NORTON, Mr. WEISS, and Mr. GONZALEZ.

H.J. Res. 422: Mr. BONIOR, Mr. BORSKI, Mr. BUNNING, Mr. FAZIO, Mr. LEHMAN of California, Mr. LEVINE of California, Ms. MOLINARI, Mrs. PATTERSON, Mr. RAMSTAD, Mr. RIGGS, Mr. ROSE, Mr. SISISKY, Mr. YOUNG of Alaska, Mr. POSHARD, Mr. BLAZ, and Mr. TORRICELLI.

H.J. Res. 442: Mr. LAFALCE, Mr. COX of California, Mr. FROST, and Mr. JONES of Georgia.

H.J. Res. 445: Ms. SNOWE, Mr. ZIMMER, Mr. APPLEGATE, Mr. STEARNS, Mr. GONZALEZ, Mr. DARDEN, Mr. FROST, Mr. KLUG, and Mrs. COLLINS of Illinois.

H.J. Res. 450: Mr. EWING.

H.J. Res. 455: Mr. VANDER JAGT and Mr. BLILEY.

H.J. Res. 479: Mr. RITTER, Mr. FROST, and Mr. JEFFERSON.

H.J. Res. 482: Mr. FROST, Mr. JONES of Georgia, Mrs. COLLINS of Illinois, Mr. JEFFERSON, and Mr. MOORHEAD.

H. Con. Res. 77: Mr. TAYLOR of North Carolina.

H. Con. Res. 180: Mr. BACCHUS.

H. Con. Res. 257: Mr. ENGEL, Mr. KILDEE, Mr. MINETA, and Mr. SHAYS.

H. Con. Res. 276: Mr. SAXTON, Mr. JONES of Georgia, Mr. TORRES, Mr. HAYES of Illinois, Mr. DICKINSON, Mr. LANTOS, Mr. VANDER JAGT, Mr. ZELIFF, Mr. SCHEUER, Mr. KASICH, and Mr. LIVINGSTON.

H. Con. Res. 295: Mr. ACKERMAN, Ms. HORN, Mr. WELDON, Mr. EARLY, and Mr. VENTO.

H. Con. Res. 309: Mr. GUARINI and Mr. HATCHER.

H. Con. Res. 316: Mr. WALSH, Mr. KOSTMAYER, Mr. LENT, Mr. MCMILLEN of Maryland, Mr. MARTINEZ, Mr. EVANS, Mr. WAXMAN, Mr. SANTORUM, Mr. WELDON, Mrs. LOWEY of New York, and Mr. AUCOIN.

H. Con. Res. 317: Mr. WALSH, Mr. OWENS of Utah, and Mr. POSHARD.

H. Res. 271: Mrs. LOWEY of New York and Mr. MAVROULES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3035: Mr. COOPER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

160. The SPEAKER presented a petition of County Administrator, Camden County, NJ, relative to support of H.R. 917; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

REASSESSING OUR TIMES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. BONIOR. Mr. Speaker, we all lead extremely busy and hectic lives, and though we may try, we simply are not able to read as much as we would like. I am fortunate to have a wise friend who every so often sends me articles or books that he feels I must read and may find very interesting, well-written, and pertinent. The following essay by Lewis Lapham, which appeared in the April 1992 issue of Harper's magazine, is just that.

During this time of political unease, economic strife, and general irritance at the occurrences taking place, it is only natural to want to make sense of it all. Lapham's essay does not try to make sense of it all, but is successful at offering at least an understanding of how it all may have come to be. I am sure you will feel the same way after reading it.

I commend this thoughtful article to you.

NOTEBOOK—WINTER OF DISCONTENT

(By Lewis H. Lapham)

Of comfort no man speak!
Let's talk of graves, of worms, and epitaphs,
Make dust our paper, and with rainy eyes
Write sorrow on the bosom of the earth.
Let's choose executors, and talk of wills.
For God's sake let us sit upon the ground
And tell sad stories of the death of kings!—
Richard II.

Ten years ago this spring I listened to a smiling deputy secretary at the Treasury Department explain the mechanics of the economic miracle bestowed on his fortunate countrymen by the election of President Ronald Reagan. I remember that his office windows overlooked the White House lawn and that his voice was high-pitched and thin, like the voice of a young man likely to have won a prep-school Latin prize. If I cannot now remember anything the deputy secretary said, it's because even at the time (in full view of the flip charts and free to ask questions) I didn't understand how the numbers proved the general theory of self-reliance. The young man wore a bow tie and was devoted to his faith in the Laffer curve. He was certain that if people followed the few simple rules of economic behavior provided for them in the computer models, the recession through which the country was then passing would vanish like an early morning mist or fog. Even teamsters and short-order cooks would find themselves promoted to the ranks of the prosperous middle class.

The deputy secretary's complacence was symptomatic of the age. Ronald Reagan had come to Washington with the promise of his salesman's smile and his repeated assurances that he meant to be President of a country in which it always would be possible—now and forever, world without end, Amen—for everybody to get rich. For a few years it looked as if he had made good on the guarantee of prosperity. Real estate prices improved, and cities as distant from the nation's capital as Waco, Texas, acquired a taste for luxury. With funds borrowed from the Japanese, the country staged a show of opulence that could have been set to music by Cole Porter or Cecil B. DeMille. All the instruments of the mass media (backed up on piano and drums by the journals of the best literary and political opinion) agreed that wonders would never cease and that Paradise was at hand.

If not quite everybody was as fortunate as everybody else, the errors of omission merely proved that the benign deities of the free enterprise system moved in mysterious ways. During the spring and summer of 1982 a good many of the nation's farmers went broke, as did many of the factory workers stranded in the nation's old and technologically incorrect Rust Belt. Among the legion of the unemployed, blue-collar workers outnumbered white-collar workers outnumbered white-collar workers by a ratio of two to one, and the congenial and popular wisdom of the age maintained that only poor people suffered accidents of economic recession. The casualties were written off as the price of progress and the cost of doing business.

The timeless prophets of the moment (among them George Will, Pat Buchanan, and William F. Buckley) explained that adversity was a blessing in disguise. Self-reliance was what America was all about, and hard times strengthened the sinews of character. The lessons were deemed especially useful to people who were illiterate, anonymous, or poor, the kind of people otherwise inclined to lie around drinking milk or gin at the government's expense. Hard times taught them the value of a dollar, encouraged them to seize the reins of entrepreneurship, transformed them into honest Republicans.

The national news media whole-heartedly-endorsed the same complacent sentiment, and for the better part of a decade (i.e., for as long as the facade of the Reagan prosperity remained more or less safely in place) the market in great expectations rose as steadily as the market in French silk and Italian leather. The seers and augurs employed by the American Enterprise Institute stepped forward to say that financial success was proof of moral or ideological virtue, and that a fortune in shopping malls was synonymous with a state of spiritual grace.

The fashion magazines illustrated the good news with four-color advertisements for gold watches and castles in Spain. The texts and photographs flattered the subscribers with testimonials to their collective magnificence, and the expansive and upwardly mobile American middle class learned to admire itself as the eighth wonder of an envious world. The admissions committee welcomed new money in any and all denominations, and every week the lists of new members multiplied at a rate that brought joy to the hearts of the world's wine merchants, the world's tennis coaches, the world's hairdressers. The media were unstinting in their expenditure of adjectives, and as the decade reached toward its zenith the great American middle class started at its reflection in the mirrors of the news and saw that it was good—successful, clear-eyed, hardworking, accustomed to the standards of excellence, dressed by Ralph Lauren, deserving of all things bright and beautiful.

If the flattery had stopped at this point, the subsequent destruction of the images of middle-class self-esteem might not have seemed so barbarous. But the oracles and the fashion consultants didn't rest content with the delusions of grandeur with which they already had decorated so many empty rooms. They pushed the envelope of fulsome praise even closer to the sun and awarded their patron the last and glittering attribute of self-reliance.

The adjective was preposterous—as preposterous as proclaiming Henry Kissinger the equal of Napoleon because both gentlemen were short—but such was the vanity of the age that a courtier's lying compliment passed as plain statement of good old-fashioned American fact. The joke was worthy of Molière. No class of businessmen in the history of the known world had been so cosseted by the servants of government than the class of American businessmen that enjoyed the grace and favor of the Reagan Administration.

For ten years I have listened to self-styled entrepreneurs (men of vision, men of genius, etc.) bang their fists on grillroom tables and complain of the thousand and one ways in which government regulations strangled their initiative and bound the arm of honest labor. I'm sure that much of what they said was true, but never once did I hear any of them acknowledge their abject dependence on the gifts of government subsidy—the mortgage deductions on residential real estate, myriad investment credits and tax exemptions, preferential interest rates, Social Security payments, subsidies to entire industries (defense, real estate, agriculture, highway construction, etc.), tariffs, the bankruptcy laws, the licenses granted to television stations, the banking laws, the concessions given to the savings and loan associations. Of all the federal money distributed as transfer payments to individual Americans during the decade of the 1980s only a relatively small percentage found its way into the hands of the poor. The bulk of the donative sustained the pretensions of the mostly affluent and well-to-do. Without the help of the government, the self-reliant American middle class was as helpless as a child without its nurse.

In October 1987 some of the more alert children in the nursery (the ones playing closer to the doors and windows) noticed an ill wind blowing through the trees beyond the tennis court. The stock market lost 500 points in one day, and Nanny was so alarmed that she stopped reading the bedtime story by Tom Clancy. It was a swell story (all about tanks, and Russians, and planes), and if Nanny stopped reading it, maybe something was wrong.

Four years later even Nanny's slowest children (the ones in the center of the room playing with the blocks) knew that the storm of recession had blown away most of the sailboats on the lake. President Bush did his best to calm everybody's nerves (by stag-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ing a Tom Clancy story in the Persian Gulf), but by October 1991 the emotion loose inside the nursery was close to panic.

Something was clearly amiss with the general theory of self-reliance. An appreciable number of the nation's largest corporations (among them IBM, AT&T, and General Motors) began to eliminate from their payrolls tens of thousands of dues-paying members of the middle class—educated people, people who carried briefcases and commuted from the suburbs, nice people, people who subscribed to Time and watched public television, white people, people who wore bow ties and won Latin prizes—and in the ensuing alarm and confusion it was discovered that the stern economic remedies so invigorating to the poor failed in their results when administered to residents of Fairfield, Connecticut, and Brentwood, California. Once-upon-a-time advertising executives and bank vice presidents refused to square their shoulders and gratefully sweep the streets. They turned instead to drink and politics (some of them going so far as to threaten reprisals at the polls), and so the augurs at the American Enterprise Institute re-examined the entrails and understood that in at least one important particular what was good for the poor was bad for the rich.

After first ascertaining that in the current recession the ratio between the blue-collar and the white-collar unemployed stands at one to one, the augurs produced a slight amendment of the general theory—among members of the lower classes, failure was a property of individuals; among members of the middle classes, failure was a property of the state. A poor man failed because he was lazy or stupid or criminal. A rich man failed because of a tax policy or the Clean Air Act. Nobody knew why this was so. It was a great mystery, like the mystery of existence, but nobody, at least nobody important, doubted the truth of so sublime a paradox.

The media immediately changed their f-stops and lenses and cast the middle class in the comfortable and familiar role of a citizenry betrayed. Victims all—seduced and abandoned, tricked by circumstance, delivered into bondage by vicious confidence men selling cheap imitations of the American Dream. The public-opinion polls suddenly acquired the aspects of a funeral march, and the mathematical proofs of pessimism began to show up in the newspapers like a procession of chanting monks. The still-timeless prophets of the age (among them George Will, Pat Buchanan, William F. Buckley) put on the robes of hired mourners, cherishing the wounds of the American body politic as if they were the stigmata of the murdered Christ.

The expressions of self-pity serve as another form of flattery because they presume a state of prior perfection. No matter how severe the adjectives, the emphasis remains fixed on a subject of supreme interest and importance—the beauty of the self, once glorious and now lost. The acknowledgment of weakness becomes proof of spiritual refinement, something comparable to a house in Nantucket or a feather boa bought at an auction on behalf of public television. The exquisite sorrow distinguishes its possessor from the anonymous crowd of stolid and capable citizens who endure their lives with a minimum of self-dramatization. Who pays attention to people who don't make piteous cries? Who wants to pay $100,000 for the movie rights to their chronicles of marriage and divorce? Who bothers to take their photograph for Vogue or travels to New Hampshire to buy their votes?

This winter's presidential campaign appealed to the emotions of self-pity, and as I watched the Democratic candidates carry their laments and promises through the snows of New Hampshire in January, I thought of Shakespeare's grieving Richard II returned to England to find himself abandoned by his mercenary armies. He had been deprived of his kingdom by reason of his extravagance and indecision, but he continued to believe himself omnipotent. His humiliation astonished him because it never had occurred to him that the indignities of hunger, loneliness, and death routinely visited upon lesser human beings could be visited upon the majesty of an anointed king.

By the third week of January I understood that the phrase "the forgotton middle class" was a term of art, a euphemism for the modestly affluent and well-to-do, the not-poor and the non-black. Like the Republicans before them, the Democrats had learned to divide the country into only two classes—the middle class (both remembered and forgotten) and the underclass, which was invisible. The candidates were interested only in the first of these classes, in the prospective voters among whom they could recognize the presence of both money and resentment.

As I watched the gentlemen on C-Span, either debating one another or making their financial presentations in clean, well-lighted rooms, I understood that I was looking at a troop of mutual-fund salesmen, drumming up business among a crowd of nervous investors. With the exception of Jerry Brown, they had come to sell the suckers a choice of what Wall Street calls "financial products"—tax and investment credits, depreciation allowances, insurance policies, rebates and exemptions, etc., etc.—and they canvassed the state, offering to perform (exclusively for those among the middle class who could still afford the price of admission) one or more of the hoped-for economic miracles. Were too many people out of work? Elect Tsongas or Kerrey or Clinton or Harkin, and within a matter of months (if not weeks or days or hours), lo and behold, out of the ground or over the hills from Vermont, jobs will arrive by the regiment or battalion. Did too many people lack health insurance? Were too many people unable to buy a house or send their children to decent schools? Were too many people worried about the departure of the American Dream? Elect Tsongas or Kerrey or Clinton or Harkin, and within a matter of months (if not weeks or days or hours), lo and behold, out of the sky or from lands far away * * *

None of which, of course, was new to the Republicans. On January 28 President Bush made of his State of the Union address the political equivalent of an automobile dealer's pitch for a Labor Day sale. He offered a complete portfolio of financial goods and services, but he improved the Democratic deal with cash back from this year's withholding tax and with an accelerated rate of depreciation for companies that bought expensive equipment (mainframe computers, corporate aircraft, etc.) between February 1, 1992, and January 1, 1993. The budget director, Richard Darman, explained the small print to the Senate Finance Committee, and as I watched him flip deftly through the finance charts, I wondered why he didn't sing a variation on one of those television car commercials in which the pretty girl tells everybody to buy now and save.

What was so dispiriting about the political presentation in both New Hampshire and Washington was the contempt with which the salesmen regarded their customers. They had come to buy votes, and they were willing to tell the suckers whatever the suckers wanted to hear, but only if the suckers lived in one of the richer zip codes and accepted the terms and conditions of the offering. A vote was a commodity; so was a tax break, and so was medical insurance; and it wasn't going to do anybody any good to lose sight of the politics of the bottom line. The election was about what was in it for me—me the candidate, me the voter, me the purveyor of band music and public-opinion polls.

By consenting to define the election as a matter of narrow interests and short-term profits, the electorate and their paid representatives escaped the more difficult and fundamental questions about the long-term purpose of the common American enterprise. Nobody uttered a word or a phrase that might have been mistaken for idealism. All present complacently assumed that America, like Richard II, already existed in a state of moral perfection, and that what was wrong with the country could be corrected by a few judicious rearrangements of the bond portfolio and the porch furniture. But if we continue to believe our own self-congratulatory press notices—America the great and the good, America the invincible, or, as President Bush put it in the State of the Union address, America the kindest, freest, strongest nation on earth—we will come, as did the dreaming King Richard, to a melancholy end.

LISA LEMOI RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Lisa Lemoi of Barrington as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Barrington High School in Barrington, RI.

This award is presented to the student, chosen by Barrington High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Lisa Lemoi has more than fulfilled this criteria. While serving as an editor on the yearbook staff, Lisa was an active participant in several clubs including WAC, SADD, the international club and the environmental club. She also devoted herself to community voluntarism with Special Olympics and the Barrington Substance Abuse Task Force.

I commend Lisa Lemoi for her outstanding achievements and wish her all the best in her future endeavors.

TRIBUTE TO ESTHER DON TANG

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. PASTOR. Mr. Speaker, today it is with great pride that I rise to pay tribute to one of Tucson's finest citizens, Esther Don Tang. I also congratulate Esther on her recent receipt of an honorary doctorate of humanities from the University of Arizona, her alma mater.

Mrs. Tang's long list of accomplishments and contributions to her community reflect her strong interest in the education and social welfare of the residents of Tucson. A native of Tucson, Mrs. Tang has devoted much of her life to the betterment of the community. She has served on the Pima Community College Board, and is a member of the University of Arizona National Humanities Advisory Board. Mrs. Tang has also championed the cause of adult education, serving in a variety of capacities on the Tucson Adult Education Council.

Her concern for her fellow Tucsonans has led Mrs. Tang to lend her time and efforts to a wide variety of organizations, including the YWCA, the YMCA, the United Way campaigns, and adult literacy efforts. Mrs. Tang has also served as executive director of the Pio Decima Neighborhood Center, an organization she has worked with for 20 years.

Friends describe her as a dynamo, yet a woman who successfully maintains the delicate balance between family, business, and community involvement. She makes a point of cooking a special meal for her entire family each and every Sunday. In addition to all of her other talents, Mrs. Tang is fluent in Spanish and several dialects of Chinese.

Mrs. Tang has been recognized for her outstanding achievements by many organizations, including the Knights of Columbus, the YWCA, the Phoenix Chinese Chamber of Commerce, the city of Tucson, and the University of Arizona.

I commend Esther Don Tang for her outstanding accomplishments, her longstanding record of service to the community, and her dedication to improving the lives of all Tucsonans. I urge my colleagues to rise with me today in support as I pay tribute to this remarkable lady.

SPECIAL THANK YOU TO CONGRESSIONAL PAGES

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. KANJORSKI. Mr. Speaker, this week our dedicated and hard-working pages will reach the end of their tenure here. I would like to take this opportunity to extend my personal thanks for all they have done over the past few months.

A page's life is not as glamorous as it looks. In fact, these young people often work very long hours, assisting us well into the night. They are expected to keep up with their school work and, no matter how late they worked the night before, they must be at class at 6 a.m. sharp. However, because these students are among the best and the brightest, they have grown from the experience and I am positive will be among the leaders of the future.

Speaking as a former page myself, I hope each and every one of these young people have learned from this experience and hope they will treasure the memories from their time here. It is, indeed, a unique and special experience.

The following pages have proven their strength and their maturity by coming to Washington, leaving their friends and family and growing as individuals. They are:

Hiram R. Andrews, Mary Marlene Atkinson, Allison P. Beard, Veronica S. Bernal, Sean D. Bielat, Nakia L. Buchanan, Jason L. Campbell, Sarah D. Carr, Heather M. Childress, Jackie Cohen, Katharine M. Collin, Hannah M. Cothern, DeAndre J. DeVane, John F. Dinusson, Mary F. Doyle, Patricia Draper, Lisa A. Eckel, Marita C. Etcubanez, Kathryn R. Farrell, Tamika Finch, Maya E. Goehring, Anja K. Hansen, Chareese H. Hayes, Ethan F. Hayward, William F. Head, Scott W. Henry, Lisa O. Hensley, Carrie Ayn Hiser, Karrie N. Howard, William Dale Howard, Carly E. Jacobs, William David Johnson, Jenna Keith, Amanda J. Kiefner, Paul F. "Hinch" Knece, Joshua R. Kramer, Tanya S. Kuehnis, Sean P. LaSalle, Kelly J. Lauritzen, Constance Elizabeth McDaniel, Hector Morales, Franklin P. Mosley III, Patricia Perry Narro, April D. Neveau, Brantley Adam Newsome, Jessica L. Nierenberg, Josef R. Novotny, Karen L. Nuckols, William F. Raw, Paul B. Reinhardt, Kerry E. Rhodes, Jade L. Riley, Jessica R. Robinson, Renee S. Rosen, Hal N. Schwartz, Rachel H. Sontag, Aubrey L. Spriggs, Michaela D. Starr, Judy M. Sung, William J. Thinnes, Joshua C. Wallenstein, Moira A. Whelan, Lindsey P. Winick, Heather Yeckes, Elizabeth Carden Yeiser, and Laura E. Zachman.

Mr. Speaker, I am sure that my colleagues join me today in extending our gratitude to these fine young people for a job well done.

TRIBUTE TO WKSU

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to congratulate WKSU, the winner of the Press Club of Atlantic City's National Headliner Award.

This outstanding public radio station not only won the National Headliner Award, but also received second place in the category "outstanding documentary or series by a station, all markets." The winning series addressed the Cuyahoga River's history and current uses.

Mr. Speaker, I applaud WKSU in its recent victory. The station stands above the crowd in the field of public radio and its commitment to excellence provides its listeners with the best in public radio programming.

HIALEAH HIGH STUDENT ALINA ALONSO ELECTED TO SCHOOL BOARD POSITION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Alina Alonso, a junior at Hialeah High School, who has been selected to represent the interests of students on the Dade County School Board. At 16 years, Alina was editor of her high school yearbook and an outstanding member of the mock trial team in the government class taught by Michelle Ivy.

Alina Alonso was elected to the post of student advisor to the school board by a panel of high school student government presidents. She impressed the panel with her enthusiasm and honesty.

The Miami Herald published an article on Alina Alonso, which I would like to include in the RECORD:

HIALEAH JUNIOR MAKES BIG SPLASH AT SCHOOL BOARD

(By Ana Acle)

The newset student member of the Dade County School Board has an idea which could make many of her peers uneasy: She wants to require parents to pick up their child's report card.

"I know most of them won't agree with it, but it's in their best interest," said Hialeah High junior Alina Alonso. A panel of high school presidents last week picked Alonso to become the next student adviser to the School Board.

Alonso, 16, is editor of her school yearbook, and she has never been involved in student government. Nevertheless, she impressed the panel with her impromptu speech and candor. "I didn't have any notes," she said. "I spoke as I went along."

It worked. "She's energetic and she's very honest," said Kito Bess, president of Northwestern High and a panel member. "She didn't get into a subject she didn't know about. She said she wanted to research it before she spoke about it."

When asked for suggestions on solving the schools' budget problems, she responded: "How do you expect a 16-year-old student to come up with a solution if the president of the United States hasn't been able to?"

As student adviser, Alonso will spend about 25 hours a week visiting schools, talking to students and making recommendations to the board. She doesn't have a vote, but will serve as a liaison between students and the elected board members.

"It's the most interesting experience that a teenager in this school system can have," said Douglas Kelly, a Carol City High senior and the outgoing student adviser.

Alonso said she plans on working to increase parental involvement in schools. Alonso thinks parents should pick up report cards because too many students are forging their parents' signatures, she said.

Michelle Ivy, who teaches government at Hialeah High, said Alonso will make a good student representative. "She's one of our outstanding lawyers on the mock trial team," Ivy said. "She's very good at putting what the rest of us think into words."

Her new role won't leave much time for extracurricular activities. Alonso already gave up the yearbook editor position and said she might have to stay out of some advanced placement courses, such as European history.

"I know I'm going to miss out on stuff my senior year, but if you want something you have to give a little bit of yourself up," she said.

Mr. Speaker, I commend Alina Alonso for her demonstrated abilities and her willingness to sacrifice to serve her peers. She shows a spirit that is an outstanding example for her community and for all of us in this Chamber.

RUTH SHIEBLER RETIRES AFTER LIFETIME OF DEDICATION TO MUSIC EDUCATION AT MECHANICVILLE SCHOOLS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. SOLOMON. Mr. Speaker, we all know of people whose contributions to something are so great that their departure is hard to imagine.

Such a person is Ruth Shiebler, who is retiring as bandleader and advisor at Mechanicville, NY, Junior-Senior High School.

Mr. Speaker, we have all wrestled on this floor over ways to maintain the excellence of our schools. We've often forgotten that in every state and every district and every school there are impressive pockets of excellence, usually made possible by the skills, dedication, and professionalism of individual teachers. Such is the case with Ruth Shiebler.

She literally has given her entire life to music education in Mechanicville schools. It is impossible to count the number of students whose lives have been enriched by the teaching of Ruth Shiebler, and who have then gone on to enrich the lives of others. That is what education is all about.

Mr. Speaker, let us add our own voices to the local commemorations of this outstanding teacher. Ruth Shiebler has made a difference. And while we can all wish her the best on her retirement, I know I speak for many when I say she will be missed.

MAJOR GENERAL SHIRKEY'S ADDRESS ON NATIONAL PRISONER OF WAR DAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. SKELTON. Mr. Speaker, on April 9 of this year, National Prisoner of War Day, Maj. Gen. Robert L. Shirkey, AUS (Ret.) of Kansas City, MO, made a speech in his home community honoring servicemen who were caught up in the ill-fated Bataan Death March which occurred 50 years ago.This is such an outstanding speech, I include it in the RECORD for the Members of this body:

NATIONAL PRISONER OF WAR DAY SPEECH BY MAJ. GEN. ROBERT L. SHIRKEY

The President has proclaimed April 9, 1992, as National Prisoner of War Day to honor all former prisoners of war. April 9 marks the day 50 years ago when the joint United States/Philippine command ordered all Allied forces on Bataan to surrender. Surrender was not of the servicemen's choosing but the duty of the soldier is to obey and obey you did.

Today we honor especially you battling heroes of Bataan who staved off overwhelming forces of the enemy from December 7, 1941, to April 9, 1942, thereby giving America the crucial time necessary to shore up its defense posture in the Pacific and achieve ultimate victory over all the Axis powers.

Allied forces consisting of 10,000 Americans and 80,000 Filipino soldiers—as well as many civilians—embarked on what became known as the Bataan Death March. Because the enemy did not believe surrender was honorable, they expected only about 40,000 prisoners of war. As a consequence, those of you who were fortunate enough to complete the tortuous march to POW camps were faced with totally inadequate accommodations. Only one in eight prisoners survived the ordeal to tell of the horrors you and they experienced. Truly, only you—the individual who experienced that historic march and the privations of POW camp—stand tall enough in this hour to pay homage to those courageous Americans.

I served on Bataan with the Alamo Scouts for nine months in 1945, and it was a group of Alamo Scouts who were fortunate enough to lead the raid liberating prisoners at the Cabanatuan POW camp, thereby saving them from ordered execution.

Later, in walking that hallowed ground on Bataan, I saw the refuse of war and the foxholes—many of which had been hurriedly dug with bayonets. The prisoners' attitude as epitomized in gallows humor by War Correspondent Frank Hewlett still echoed amongst the jungle folliage—

We're the battling bastards of Bataan
No momma, no papa, no Uncle Sam
No uncles, no aunts, no nephews, no nieces
No pills, no planes, no artillery pieces
And nobody gives a damn.

I could not help but sense the thoughts of you and those other valiant men who, at first, were jubilant that aid would soon arrive from the States or that rescue was at hand. As day after day unfolded, all of you faced the stark realization that you were expendable. With wistful pride you accepted whatever fate had in store.

Only later did it become clearly evident that the ignominy and sacrifice you suffered in defeat were the price you paid for America to achieve ultimate victory. In the words of William Lindsay White, author of They Were Expendable, "Where Do We Get Such Men?"

Lest we forget, it was these Battling Heroes of Bataan—many of whom gave all their tomorrows for our todays—who not only gave America the precious time that ultimately changed the course of the war and history, but they set for us a higher standard of noble sacrifice. Dare you and I do any less?

CONGRESSMAN LAROCCO'S TRIBUTE TO VETERANS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. EVANS. Mr. Speaker, I rise today to thank our distinguished colleague from Idaho, LARRY LAROCCO, for his service to our country's veterans. As the following article from Stars and Stripes states, Congressman LAROCCO has ensured that the men and women of Operation Desert Storm receive the recognition that they deserve.

[From Stars and Stripes, May 25, 1992]

BUSH SIGNS SILVER MEDAL BILL

Representative Larry LaRocco's first bill, to award a silver medallion to the service men and women of Operation Desert Storm, was signed into law 13 May by President Bush.

"This is truly win-win legislation," said the first-term Idaho Democrat. "It helps the silver miners of North Idaho while giving overdue recognition to the men and women who served our nation in the Persian Gulf. And it doesn't ask taxpayers to foot the bill."

The Silver Medal Act was included in the 1992 Omnibus Commemorative Coins and Medal Act, H.R. 3337, signed by the President 13 May. The bill also includes the Christopher Columbus Quincentenary Coin, the White House 200th Anniversary Commemorative Coin, the World Cup U.S.A. 1992 Commemorative Coin and a President James Madison coin honoring the Bill of Rights.

The Silver Medal Bill, introduced 25 Feb., 1991, authorizes Congress to award a silver medallion to troops that took part in operations Desert Shield and Desert Storm as a token of Congress' appreciation for their efforts. It is not meant to take the place of any military medals.

The medallion will be financed by sales to the public of a bronze duplicate. Surplus silver from the nation's silver stockpile will be used to cast the medallions. No taxpayer money will be used to finance the medallion. "In fact, if sales of the bronze duplicate medallion go well, the act will make money for the U.S. Treasury," said LaRocco, who, stipulated that all surplus funds from sales of the duplicates must go toward reducing the national debt.

Design of the medallion will be determined by the U.S. Mint, which will produce and market it. LaRocco has suggested that the design highlight the role women played in Operation Desert Storm.

GUNJAN SHAH RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Gunjan Shah of Pawtucket as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for William E. Tolman Senior High School in Pawtucket, RI.

This award is presented to the student, chosen by Tolman High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Gunjan Shah has more than fulfilled this criteria. While serving as vice president of the senior class Gunjan was an active participant in the student council and senior board. He was also duly distinguished as a winner of the DAR award for leadership and respect and devoted a great deal of time to organizing school events in his community.

I commend Gunjan Shah for his outstanding achievements and wish him all the best in his future endeavors.

CHIEF NURSE OF THE WASHINGTON STATE ARMY NATIONAL GUARD TO BE DISCHARGED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, one of the stupidest and most unfair things the

Bush administration is doing currently is discharging a woman of unchallenged ability, experience, and dedication from her post as chief nurse of the Washington State Army National Guard, because she acknowledged recently that she is a lesbian. Colonel Margarethe Cammermeyer is universally regarded as an outstanding army officer. For her to be so summarily thrown out of her life's work is an example of the grave harm that is done both to the Army and to America's sense of fair play by this ban on gay men and lesbians from serving in the military.

I was pleased to see that the American Nurses Association expressed its "distress and outrage" at this unfair discharge. The American Nurses Association is of course the premiere organization in this country dedicated to the improvement and advancement of the nursing profession. It is very relevant to note that this organization deplores so strongly the firing of an extremely dedicated nurse and administrator of nursing because of her sexual orientation. I ask that this statement from the American Nurses Association be entered into the CONGRESSIONAL RECORD at this point.

AMERICAN NURSES ASSOCIATION OPPOSES DISCHARGE OF WASHINGTON STATE ARMY NATIONAL GUARD CHIEF NURSE

WASHINGTON, May 29.—The following is a statement in reaction to yesterday's announcement of the discharge of Col. Margarethe Cammermeyer of the Army National Guard due to her sexual preference:

The American Nurses Association is distressed and outraged at the discharge of Colonel Margarethe Cammermeyer, the Washington State Army National Guard's chief nurse, who is not only a decorated Vietnam veteran but is known for her impeccable character and her outstanding leadership ability. Colonel Cammermeyer is being removed from service due to a policy practiced by the U.S. military that is based upon no rational or empirical basis. The association is opposed to discrimination of any sort, including discrimination based upon sexual orientation.

In a statement and letter (dated May 8) sent to Secretary of Defense Richard B. Cheney, we have asserted that the American Nurses Association believes that the Department of Defense policy is contrary to the public interest by excluding qualified individuals from serving in the military and fostering widescale discrimination and prejudice. We call on the secretary to expeditiously change the policies of the Department of Defense to permit all qualified individuals regardless of sexual orientation to serve within the Armed Forces.

ONIX MORERA BUILDS TALENT AT TEATRO MARTI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring my colleague's attention to the marvelous opportunity for artistic expression and learning presented to children by Teatro Marti in Miami. Every second Sunday, 25 to 30 children, like 10-year-old singer, dancer, and composer Liza Quintana, present "El Mundo de los Minos," a variety show, to families from all over the area. Onix Morera, a retired actress, created Teatro Marti to give kids a continuous outlet for their talents and to let them build confidence and overcome stage fright. She is working to improve the program with donations of costumes and musical instruments.

Teatro Marti is working the way Onix Morera designed it. Sara Oviedo brings her three children regularly, and says it inspires them to practice and practice. Jose Manuel Vega, 13, who would sing from a corner when he started, now has the confidence to move around the stage and mingle with the audience. Yoreslen Rios, who has wanted to sing and act for her entire 9-year life, finds her dream-come-true at Teatro Marti.

The Miami Herald published an article describing the Teatro Marti program, which I would like to include in the RECORD:

FOR THESE KIDS, ALL THE WORLD'S A STAGE FOR FUN

(By Marilyn Garateix)

Every other Sunday, Liza Quintana puts on a bright red dress and dances to the rhythm of rumbas and other dances from her parents' homeland.

"I love to dance Afro-Cuban," said Liza, 10. Cuban singer Celia Cruz is her idol. "I compose, sing and dance. I just love it."

Liza is one of 25 to 30 kids who take part in "El Mundo de los Ninos," The World of Children, at Teatro Marti, 420 SW Eighth Ave. They will perform at 2 p.m. Sunday.

Onix Morera, a retired actress, created the variety shows and skits to give kids a steady outlet for artistic talents.

"There are kids who learn things at school, but when they get on a stage they are terrified," Morera said. "This helps them to develop confidence."

She started staging the shows every Sunday in January. But poor attendance forced Morera to cut back weekly shows. She now has them every other week.

"I started with the idea that a lot of people would follow me," Morera said. "But now I'm scared."

Tickets are $7 for adults and $5 for kids, but it costs $600 to rent Teatro Marti, Morera said.

She is applying for nonprofit status under the name of Talento Artistico Juvenile. Juvenile Artistic Talent. Hoping to attract a bigger audience and sponsors to donate costumes and musical instruments, Morera is preparing a program about the shows.

Hialeah resident Sara Oviedo brings her three children—including 4-year-old Abraham, who mimics Michael Jackson—for the shows.

"My kids get home and they're ready to practice and practice," said Oviedo.

Liza's mom, Amparo Quintana, also is a fan of the shows.

"The kids have a chance to express themselves," said Quintana, who lives in Kendall. She heard about Morera's shows through a friend. They help unite families, Quintana said. "The families of the kids all come and that's important," she said.

At first, a shy Jose Manuel Vega, 13, used to stand in a corner singing. Now, he moves around the stage and mingles with the audience.

Jose, a seventh-grader at Jose Marti Middle School, said he loves the shows. "It's a way of expressing our talents," he said.

For Yoreslen Rios, who used to sing and dance on her porch in Cuba before coming to Miami four years ago, the shows are a dream come true.

"I've always wanted to sing and be an actress," said Yoreslen, 9.

Mr. Speaker, I commend Onix Morera's commitment to building her community through the arts and through commitment to helping children, and I congratulate the children who are learning artistry and self-confidence at Teatro Marti.

INTRODUCTION OF THE NATIONAL ENERGY SECURITY ACT OF 1992

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. FIELDS. Mr. Speaker, I am pleased to introduce today along with our distinguished colleague from Louisiana, Congressman BILLY TAUZIN, the National Energy Security Act of 1992.

While I had hoped to offer the text of this legislation to H.R. 776, the so-called Comprehensive Energy Policy Act, regrettably the House was denied the opportunity to debate the merits of my proposal.

As a result, the House approved an energy bill that does nothing to encourage the development of our offshore energy resources or to stop our growing dependence on foreign oil imports.

During the last 4 years, that dependence has increased from 27 to over 45 percent of our energy needs. Unless we find new oil and gas resources, our foreign dependence will grow to 60 to 70 percent of our petroleum requirements by the year 2000. As a nation, we can ill afford to allow this to occur.

I would ask each Member to consider the following:

First, production from Prudhoe Bay, AK, which now provides 25 percent of our energy, is falling and this decline will rapidly accelerate during the next 10 years.

Second, by the year 2010, the United States is expected to produce about 7.8 million barrels per day, while we will consume 22.6 million. This represents a staggering shortfall of 14.8 million barrels per day.

Third, the domestic oil industry rig utilization rate is now at its lowest point in history. In fact, even in the Gulf of Mexico, which is one of the few areas not entirely covered by moratoria, the utilization rate is a paltry 37 percent.

Fourth, as recently as 5 years ago, our domestic energy industry invested nearly 70 percent of its capital here in the United States. Today, more than half of this capital is spent abroad because the oil industry is being forced out by leasing moratoria, drilling bans, and other punitive actions.

Fifth, the Department of the Interior just conducted an OCS lease sale in the central Gulf of Mexico. At that sale, it received the second lowest number of leasing bids in history. Further, the number of drilling plans filed since 1990 is down 26.7 percent, and,

Sixth, according to the Department of Energy, the United States spends about $120 million each and every day to buy imported oil. It is the single largest component of our trade deficit. In 1991, we spent $56 billion to acquire imported crude oil and that represented nearly one-half of our total trade deficit.

Mr. Speaker, there is an energy crisis in America. While it may not be as obvious as the gas lines of the 1970's, it is far more dangerous because we are systematically destroying any incentive to invest and to find the domestic energy resources we will need to survive in the future.

In my State, there has been a depression in the oil industry. Domestic employment in oil and gas extraction fell from over 770,000 in 1982 to about 390,000 today. This is a loss of 380,000 jobs, or four times as many jobs lost in the automobile industry. By comparison, there were over 16 million more private sector jobs in 1991 than 1982, a 22-percent increase.

This bipartisan legislation is a straightforward attempt to deal with the serious problem of our growing dependence on foreign crude oil. If enacted, it would allow the President to lease certain OCS moratoria areas if several stringent conditions are met. These conditions are:

First, the level of oil imports must exceed 50 percent for more than 4 consecutive months, as determined by the Energy Information Agency;

Second, the President can only lease those OCS planning areas that have undergone sufficient environmental review to fully comply with the National Environmental Policy Act; and

Third, the Minerals Management Service must certify that a proposed planning area has significant quantities of oil or gas resources.

Furthermore, under the Fields/Tauzin bill, the President is required to submit an annual report containing a forecast of both oil production and domestic consumption and the steps he will take to reduce our dependence to less than 50 percent.

Mr. Speaker, the President should have this authority and I hope the House will have an opportunity to act on this proposal in the near future.

What I am suggesting will not endanger our environment but it may well protect our national security.

While much has been written about OCS leasing and development, there is no evidence that OCS leasing is a danger to our environment.

In fact, the OCS program is our Nation's safest energy extraction program. Since 1975 when current Federal offshore safety regulations went into effect, about one one-thousandth of 1 percent of the oil produced on the Federal OCS has been spilled. This represents a 99.99-percent safety record. In addition, there has never been a blowout or a major oilspill from any oil exploration well drilled in U.S. waters.

In the past 15 years, nearly 5 billion barrels of oil have been produced from the Federal Outer Continental Shelf. Less than 900 barrels have been spilled. Indeed, urban runoff dumps more oil into the ocean than do offshore rigs.

Mr. Speaker, according to the National Academy of Sciences, oil from tankers and other forms of transportation account for 45 percent of the oil pollution in the sea, while oil from offshore production is less than 2 percent.

Of the 60 largest oilspills that have occurred in the waters of this Nation, only one was the result of OCS oil and gas activity, and subsequent technological advances have made another spill of that type virtually impossible. The remaining 59 oil spills were mainly caused by tankers, the majority of which were carrying imported crude oil.

While it may be good politics for some to prohibit leasing on 500 million acres of our Federal offshore lands, this policy is a disaster for America because it costs jobs, threatens our economy, exacerbates our trade deficit, undermines our national security, and increases our dependence on foreign oil.

What is tragically ironic about the moratoria debate is that it is self defeating because the net effect of leasing prohibitions is more tanker traffic and more oil spills. The real risk to our environment is in oil tanker transportation, not OCS development.

Mr. Speaker, under current law, our domestic oil industry must comply with 74 sets of Federal regulations and nearly three dozen major Federal laws concerned with environmental protection and safety.

Under the National Energy Security Act, none of these laws are waived and, in fact, I have added the additional conditions of the 50 percent import penetration level and the significant oil or gas resources test.

Mr. Speaker, it is clearly not in our Nation's best interests that we obtain 60 percent of our crude oil from unstable foreign sources. At a minimum, the President should be given the authority to lease certain offshore areas, when the level of imports reaches 50 percent.

After all, these offshore Federal lands and the energy resources they may contain belong to the people, all of the people, of the United States.

In an emergency, which I have defined as an import level greater than 50 percent, our citizens must have access to the 25 billion barrels of oil and 204 trillion cubic feet of natural gas that the Minerals Management Service has estimated exist on the Federal OCS.

Mr. Speaker, in closing, my bill would establish a fail-safe procedure, by allowing us to obtain stable and safe sources of domestic energy from the Federal OCS without endangering our coastal environment.

The Federal OCS program has had an outstanding safety record for nearly 40 years. It is time we develop these resources and stop importing so much foreign oil which is being transported to America in leaky foreign tankers.

I ask my colleagues to review this legislation and to join with BILLY TAUZIN and me in urging the adoption of the National Energy Security Act of 1992.

MISSOURI RESOLUTION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. SKELTON. Mr. Speaker, the eighty-sixth general assembly of the State of Missouri recently passed the Senate Committee Substitute for Senate Concurrent Resolution Nos. 14 and 16, which ratifies the 27th amendment to the U.S. Constitution. I include a copy of this resolution as follows:

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTIONS NOS. 14 AND 16

Whereas, the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by a Constitutional majority of two-thirds thereof, has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring,* That the following [Article] be proposed to the Legislatures of the several states, as [an Amendment] to the Constitution of the United States, . . . which [Article], when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes as part of the said Constitution, viz:

"[An article] in addition to, and Amendments of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several states, pursuant to the fifth Article of the original Constitution.

"Article the second . . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Whereas, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed amendment to the Constitution of the United States; and

Whereas, the proposed amendment to the Constitution of the United States has already been ratified by the Legislatures of the following states in the years indicated, to wit: Maryland in 1789; North Carolina in 1789; South Carolina in 1790; Delaware in 1790; Vermont in 1791; Virginia in 1791; Ohio in 1873; Wyoming in 1978; Maine in 1983; Colorado in 1984; South Dakota in 1985; New Hampshire in 1985; Arizona in 1985; Tennessee in 1985; Oklahoma in 1985; New Mexico in 1986; Indiana in 1986; Utah in 1986; Arkansas in 1987; Montana in 1987; Connecticut in 1987; Wisconsin in 1987; Georgia in 1988; West Virginia in 1988; Louisiana in 1988; Iowa in 1989; Idaho in 1989; Nevada in 1989; Alaska in 1989; Oregon in 1989; Minnesota in 1989; Texas in 1989; Kansas in 1990; Florida in 1990; and North Dakota in 1991; and

Whereas, Article V of the United States Constitution does not state a time limit on ratification of an amendment submitted by the Congress, and the First Congress specifically did not establish a deadline for the ratification of this particular proposed amendment; and

Whereas, the United States Supreme Court has ruled in the case of Coleman v. Miller, 307 US 433 (1939), that a proposed amendment to the United States Constitution, submitted without any deadline, may be ratified by states at any time and Congress must then determine whether a reasonable amount of time has elapsed since its initial submission when—in the presence of certified ratifications from the requisite number of states—the time arrives for the promulgation of the adoption of the amendment; and

Whereas, the General Assembly of the State of Missouri finds that the proposed amendment is still meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed amendment was first submitted for its adoption: Now, therefore, be it

Resolved, by the Missouri Senate, the House of Representatives concurring therein, That the proposed amendment to the Constitution of the United States as aforequoted be and the same hereby is ratified by the Eighty-sixth General Assembly of the State of Missouri; and be it further

Resolved, That the Secretary of the Missouri Senate be instructed to send a certified copy of this resolution to the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and to each member of the United States Congress from Missouri with the request that it be printed in full in the Congressional Record.

FROM THE UNITED STATES CONGRESS TO GALWAY, NEW YORK: HAPPY 200TH BIRTHDAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. SOLOMON. Mr. Speaker, our 24th District is often regarded as a virtual cross-section of America, and with good reason.

One thing that makes it typical of America at its best is the number and quality of its small towns. One of the best of those small towns, Galway, in southern Saratoga County, will celebrate its 200th birthday on June 13th.

Galway is a great place to visit and a great place to live. Depending on how energetic you are, Galway is a short drive or a day's drive to Montreal, Lake George, or the Adirondacks to the north, the Finger Lakes to the west, Boston to the east, and the Catskills or New York City to the south. It's the best of both worlds, rural, yet close to the amenities of urban living. And like Saratoga County in general, Galway is rich in history.

But most important of all is the quality of life in our small towns like Galway. There is an indefinable grace, a respect for one's neighbors, that is not always found in our biggest cities. What really makes Galway, however, is its people, including its elected officials and all the people who live and work there.

Mr. Speaker, I ask you and everybody present to join me in wishing Galway, an All-American town in an all-American district, a happy 200th birthday.

TRIBUTE TO LEE KROLOPP

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. TRAFICANT. Mr. Speaker, there is a very special young man in my 17th District of Ohio to whom I would like to wish happy birthday. His name is Lee Krolopp.

Lee's early days in this world were clouded with fear and hesitation. Lee's health never seemed to improve. Soon, however, physicians discovered that Lee needed a new heart to survive. Luckily, with the help of the American Heart Association, Lee's wait was not long and on March 29, 1992 Lee celebrated his first birthday.

Mr. Speaker, Lee's heart may have been weak, but his spirit has the strength of an Olympic athlete. Lee's future is now painted brightly with such a heart and spirit. I am proud to wish Lee the first of many happy birthdays.

GROWTH AND THE ENVIRONMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, June 3, 1992 into the CONGRESSIONAL RECORD:

GROWTH AND THE ENVIRONMENT

Americans can be proud of what we have accomplished over the last twenty years in the area of environmental protection. Laws like the Endangered Species Act, the Clean Air Act, and the Wilderness Act have succeeded, among other things, in bringing the American bison back from the edge of extinction, reducing the levels of lead in the air, encouraging the development of cleaner cars, and increasing ten-fold the amount of protected wilderness.

While few dispute the importance of protecting our environment, there is growing debate about its costs. Some contend that environmental regulations can cost jobs and curtail industrial growth and development of natural resources. According to this view, new environmental regulations are particularly harmful in times of economic recession.

The challenge facing the U.S. is finding an appropriate balance between preserving our environment and promoting economic growth. My view is that we do not have to sacrifice environmental protection to get economic growth. We can have both, and a high priority of U.S. policy should be to achieve sustainable growth. Growth creates jobs and increases our standard of living; environmental protection improves public health, conserves valuable resources upon which growth depends, and preserves the natural beauty of this country.

THE SPOTTED OWL

The case of the Northern Spotted Owl presents a useful example of the need to balance these competing interests. The Endangered Species Act protects plant and animal species, like the Spotted Owl, which are threatened or endangered. The owl's listing has blocked or slowed timber harvests on federal lands in the old growth forests of the Pacific Northwest that are home to the owl.

Loggers and communities that depend on the resources of the forests want to proceed with planned harvests. They say that logging is critical to future jobs and economic viability in the region. Owl supporters say that, if heavy logging continues, there will soon be neither owls nor jobs. For them the issue is not simply jobs vs. the owl. The owl is a symbol for the disappearing and precious old growth forests. They point to the role that the forests play in maintaining global climate, stabilizing soil and water resources, and safeguarding other animal and plant species. They also note that heavy logging has seriously hurt irrigation, salmon fisheries and other industries. They acknowledge that jobs will be lost in the region, but note that broader market forces are shifting most timber jobs to the Southeast, where production costs are cheaper and climate is more advantageous.

The basic idea behind the Endangered Species Act is to maintain the nation's natural diversity. Despite the perception that the law has created conflict and paralysis, my sense is that overall the Act has worked reasonably well. Once a species is listed, the law protects it against manmade encroachments. Many remember that the snail darter delayed construction of a large dam in Tennessee and that the owls have curbed logging in the Northwest, but these are really exceptions.

From 1987 to 1991 about 35,000 projects were proposed in areas where there was potential harm to endangered species. In all but a few cases the projects went ahead once modifications were made to protect the species. The government cancelled 18 of these projects because they would harm a species. So, in most cases, projects have gone forward without a loss of jobs or economic growth, and, during that time, as least 700 plant and animal species have been protected from extinction.

GLOBAL PERSPECTIVE

The tension between environmental protection and economic growth is also a global concern. Over the last 20 years global population has increased 66% to 5.3 billion, while world economic output has nearly doubled. The growing population and expanding economy are placing enormous strains on the global environment. Every country today faces problems with air, water and ground pollution. Ozone depletion and global warming may also pose risks to public health and economic growth.

The problem is that as the global economy expands and the world population increase, natural ecosystems and habitats are being destroyed at a high rate. Some biologists fear the extinction of perhaps a quarter of the world's plant and animal species in the next 50 years. In their view these organisms are part of the interdependent web of life that is vital to all species including man. Most scientists would agree that over time the quality of human life declines as the quality of natural ecosystems decline.

There has been an increasing movement towards global cooperation to address environmental concerns. In June 1992, the United Nations will hold the Earth Summit, the first major international conference on the world environment and development. Over 100 countries will be working to finalize international treaties on several environmental issues, including global warming, ocean pollution and biological diversity.

The global community must develop ways to promote economic growth, particularly in poorer regions of the world, while also protecting the environment. Most of the growth in the world's population has occurred in recent years in developing countries. As these nations industrialize, they will be hard-pressed to pay for pollution controls and other resource protection measures. The smog alerts in Mexico City are evidence of the dangers of rapid development. The U.S. and other industrialized nations must take the lead in promoting growth strategies in poorer countries that do not foul the environment. In Europe, for example, there have been proposals to help countries in the former Soviet Union and Eastern Europe install pollution control devices.

CONCLUSION:

Most Americans support responsible management of our resources. Even with the budgetary constraints we face today, the immediate costs of environmental protection are far smaller than the future cost of cleaning up neglected problems. My guess is that it may take generations before development is reconciled with nature. We are only beginning a long and rocky journey. In the end, though, no one wants poisoned rivers, lost forests and fouled skies, and we will all have to make our way toward sustainable development.

SOME REFLECTIONS FROM A COLLEAGUE'S DISTINGUISHED CAREER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. GILMAN. Mr. Speaker, next year the House will no longer have the outstanding good leadership and company of one of our most senior and thoughtful Members—BILL BROOMFIELD.

After representing Michigan in Congress for 36 years, and serving as the ranking Republican on the Foreign Affairs Committee for much of that time, BILL BROOMFIELD has decided to retire in order to spend more time with his wife, Jane, and with his children and grandchildren.

BILL's career in Congress spanned eight Presidents, 10 Secretaries of State, and virtually the entire cold war. He brought to every meeting of the Foreign Affairs Committee a wisdom and a prudence based on a close involvement in the foreign policy process for more than three decades.

In a final newsletter to his constituents, BILL has put down some of his impressions of the issues and events of those years, including the Gulf of Tonkin resolution, the Camp David accords, and the House debate on the resolution to authorize military action in the Persian Gulf.

BILL's article has some important insights on recent American foreign policy that I know will be of interest to his fellow Members, and I request that it be reprinted at this point in the RECORD:

REFLECTIONS ON A CAREER NEAR THE CENTER OF THE COLD WAR

Recently one of the truly great men of the 20th Century spoke to the leadership of the United States Congress.

The speaker was Mikhail Gorbachev, the former President and former Communist Party leader of a nation which is also described with the word "former"—the former Soviet Union.

As he spoke, two thoughts crossed my mind. The first was that so few people really appreciate the magnitude of his accomplishment. Right in front of stony-faced Soviet generals, under the nose of a treacherous and murderous KGB, and in the face of almost 75 years of Communist Party doctrine, he single-handedly brought down one of the great tyrannies known to man and effectively ended the 45-year long Cold War. He bent history to his will, and his courage will be long remembered.

The second thought that crossed my mind was that I have been privileged to have had a seat near the center of that epic and protracted conflict—through all sorts of Cold War conflicts, major and minor: the Hungarian Revolution in 1956, the year I was elected to Congress; the construction of the Berlin Wall in 1961; the Cuban Missile crisis in 1962; the war in Vietnam in the 1960s and '70s; the Solidarity Movement in Poland; the dismantling of the Berlin Wall in 1989; the freeing of the Captive Nations; the collapse of the Soviet Union in 1991; and all sorts of other conflicts ranging from the Falkland Islands to the Congo to Teheran to Tiananmen Square.

Four years after coming to Washington, I was chosen for a seat on the prestigious Foreign Affairs Committee. In 1975, I became the senior Republican on the committee, serving as Vice Chairman and working closely with the Chairman to develop a bipartisan foreign policy that would have the broad support of the American people.

I have served with eight Presidents, and have witnessed some extraordinary events and some great changes in our national government over 36 years.

The most significant change is the size of Washington. In 1956 it was still a small town. The whole federal budget was only $70 billion. And the federal government that year actually ran a surplus of $4 billion.

Ike was criticized in those days for being the President of the status quo. Well, things weren't half-bad in the 1950s, and there are plenty of people in this country, up and down the economic scale, who would be quite happy to turn the clock back in some areas.

We may not have had as much in the way of material wealth as we do nowadays, and certainly there are many people, particularly black Americans, who welcome the civil liberties and opportunities they have achieved in the last 30 years—but there's a good chance that they, in fact, especially they, would welcome a return to the traditional values that held together the social fabric in the 1950s.

During the Kennedy Administration I was the Ranking Republican on the Subcommittee on Asian Affairs. The Chairman of the subcommittee, Clement Zablocki of Wisconsin, and I took a trip to South Vietnam to meet with its then-President, Ngo Dinh Diem, and his brother, Ngo Dinh Nhu.

One of the issues at the time was Madame Nhu, Ngo Dinh Nhu's wife, whose callousness toward her countrymen and impolitic remarks had made her both a thorn in the side of the Vietnamese people and an embarrassment to the Kennedy Administration. When we brought the subject up in a meeting with the two Vietnamese leaders, Ngo Dinh Nhu responded angrily: "You show me anyone, Vietnamese, American or otherwise, who can control his wife!" Clement and I dropped the subject.

Since the tragic assassination of President Kennedy, his reputation has taken a roller coaster ride. He may not have been quite as good as his early biographers made him out to be, but he certainly was not as bad as recent scandal sheets suggest.

His legacy will be that he prepared the nation for the sweeping policy changes that his successor, Lyndon Johnson, wrote into legislation.

Johnson was an extraordinary man. My favorite picture sequence of Johnson showed him towering over one of his fellow Senators, leaning his head down, going nose-to-nose, eyeball-to-eyeball, backing the Senator up against a table, and no doubt exercising every bit of his considerable persuasive powers.

Lyndon Johnson was a superb politician, although he was a better Senate Majority Leader than he was a President. He got Congress to support his actions in Vietnam through pure trickery. I voted for the Gulf of Tonkin resolution, as did every other Member of the House, but still resent the way that whole issue was handled. He used the resolution, passed by a Congress that was misled about the details of the episode, to mobilize millions of young Americans to fight in Vietnam.

Tactics like that gave rise to the term 'credibility gap.' When Johnson felt he had to resign in 1968, it wasn't so much a matter of popular opposition to the war itself, but a repudiation of Johnson's leadership. The American people had simply lost confidence in him.

Johnson did have the good sense to retain Dean Rusk, Secretary of State in the Kennedy Administration. Secretary of State is the premier appointive post in the nation. Over the years, it has attracted a group of men who, it can be said without irony, are truly among the best and the brightest that America has to offer.

Of all of the Secretaries of State, Dean Rusk was one of the best. While other Johnson officials were painting a glowing picture of the situation, Dean Rusk consistently told Congress the unvarnished truth about Vietnam.

And about other issues. For example, in the mid-60s I introduced an amendment to cut off aid to Indonesia, whose President then was the corrupt and fiercely anti-American, Achmad Sukarno. The Johnson Administration publicly opposed the amendment, but I was determined to bring it to a vote because of a belief that we shouldn't be giving foreign aid to governments that would take our money and dump all over us at the same time.

One day, the Speaker called. President Johnson had asked if I'd be willing to allow the President the flexibility to waive the cut-off if he felt that Sukarno was changing his ways.

I readily agreed, and the Administration made sure the amendment sailed through the Democrat-controlled Congress. Some time later, while at a dinner party on the President's yacht, *Sequoia*, Dean Rusk pulled me aside to offer his quiet thanks for introducing the amendment. He said it had given the Administration the extra leverage it needed not only with Sukarno, but also with other foreign governments.

Lyndon Johnson's real legacy will remain his conception of the Great Society, the blizzard of legislation that sought to right every wrong in America. I voted for the 1964 Civil Rights Act. It was the right thing to do, and it was a long time in coming.

Some of Johnson's Great Society legislation was imprudent. Some of it didn't work. Yes, he pushed it entirely too fast. He admitted so himself. But America did the right thing at the right time, and Lyndon Johnson deserves much of the credit.

It will be a long time before Lyndon Johnson's successor, Richard Nixon, gets the credit he deserves. The Watergate break-in was not only criminal, it was senseless. President Nixon was already the all-but-declared winner over George McGovern.

What Nixon's aides thought they could accomplish with this political trick is still a mystery. It destroyed the reputation of a man who may have been the smartest, most competent President in office during my years in Congress.

He was certainly the best informed President. That became apparent in one of the first leadership meetings in his White House.

Most Presidents open up such meetings with a few generalities and then pass the discussion on to their National Security Adviser or a lower-ranking aide to fill in the details.

Not Nixon. At that first meeting, he reviewed what Henry Kissinger had accomplished in a recent diplomatic trip and then described just what it meant, point by point. When he finished, some 15 minutes later, he looked over at Kissinger and asked him if he had anything to add. Not a thing, responded the former Harvard professor, who looked like he had just been upstaged.

President Nixon got America out of Vietnam, and did it while doing his best to preserve our national honor and our reputation around the world for keeping our commitments—all in the face of a determined opposition in this country that ranged from concerned patriots to sincere pacifists to out-and-out supporters of Ho Chi Minh.

President Nixon's successor was my longtime congressional colleague from Michigan, Gerald Ford.

He was about the most open, honest, friendly, and considerate man I have met in politics. He was an Eagle Scout as a young man, and he never lost that basic Midwest decency. As a result, he was also the perfect man to take the reins of the presidency in the wake of Watergate.

In restoring the confidence of the nation he gave up his chance to win the presidency on his own. He must have known that he was sacrificing his political career when he pardoned Richard Nixon.

In retrospect, it was the only thing he could have done. And he chose the right time to do it. Gerry Ford knew that this nation had to get the "long national nightmare" behind it. He did the right thing at the right time, and paid for it by losing a close election to Jimmy Carter.

President Carter is probably the most disparaged President in recent years.

That he came to Washington unprepared to take on the burden of the presidency is probably true. He spent entirely too much time in detail work, and he chose poorly when it came to selecting his closest advisers. Yet he was a decent man.

His presidency will have one great legacy. He helped achieve the first real breakthrough in the Middle East. That was no small accomplishment. For 30 years, Israel had not been able to find an Arab neighbor that had the courage to live in peace with its Jewish neighbor.

Jimmy Carter found one in Anwar Sadat, one of the great men of this century.

It was an extraordinary moment in diplomatic history when Sadat decided on his own to fly to Israel, to walk into the tent of the enemy and seek a just peace. He was a man of great heart, of great vision, and of great courage. After he was assassinated I attended his funeral as part of a Presidential delegation including former Presidents Nixon, Ford and Carter. We all recognized that America had lost an important ally and the world had lost a great peacemaker.

Without President Carter's persistent prodding, the Camp David Accords never would have come off. He deserves every bit of recognition he got for that breakthrough.

Between the time Jimmy Carter left office in 1981 and Ronald Reagan turned over the reins to George Bush in 1989, the world definitely took a turn for the better. It was Ronald Reagan's determination and persistence, his commitment to a strong defense, especially to the Strategic Defense Initiative, that convinced the Soviets that they simply could not continue to feed their insatiable appetite for military adventure and feed their people at the same time. President Reagan, in the face of heated criticism from some at home, was tough as nails with the Soviet leadership. His strategy worked, and the world is a more peaceful place because of it.

The Soviets understood those who were tough with them. This lesson was proved in a limited way on a trip with Dante Fascell, the current Chairman of the Foreign Affairs Committee, that included a scheduled visit to the Kremlin for what became a four-hour meeting with the new Soviet leader, Mikhail Gorbachev.

RETURNING BIPARTISANSHIP TO FOREIGN POLICY

Gorbachev's aids stated just before the meeting that the American ambassador to Moscow, Arthur Hartman, would not be allowed to attend the meeting because of strained relations between the two superpowers. Gorbachev, then in his early days as Soviet leader, was still very much the hardliner.

Dante and I put our collective foot down. As we stood in an anteroom in the Kremlin we informed our Soviet hosts: no Hartman, no meeting.

Several times the Soviet aids went into a huddle with their leader. We stood our ground. Eventually, worn down, they returned to the anteroom to tell us that Gorbachev had changed his mind. The lesson from that exchange: stick to your guns and the Soviets will do business with you.

Ronald Reagan left George Bush an America that was widely recognized as the one great power left in the world, one that could be counted on to support its allies and one that could be counted on to have a commitment to preserving world peace.

President Bush made good use of the legacy when he committed America's prestige and power to defending the people of Kuwait from the pillaging armies of Saddam Hussein.

Our victory over Iraq was not only America's most successfully fought war, it was a real contribution to future world peace. President Bush and Secretary of State Baker had the good sense to bring together a massive coalition of nations to oppose Saddam, a coalition that included many Arab nations.

He also received the backing of Congress, and with it the backing of the American people. His advisers had originally encouraged him to bypass Congress. They were afraid, among other things, that Congress would use its appropriating and investigative powers to frustrate the President's objectives. And it was clear that a number of liberals planned to do just that.

Prior to the beginning of hostilities, I proposed legislation that would authorize the use of force in Kuwait. At first, the Administration opposed the move, but eventually it gave in.

The debate went on for several days and is generally thought to be one of the finest moments in recent congressional history. The resolution gave George Bush the support he needed in Congress and among the American people to mount the kind of massive operation that eventually swept the Iraqis out of Kuwait.

When I first came to Congress, it was generally agreed that partisan politics stopped at the water's edge. That bipartisan consensus on foreign policy was lost during the Vietnam War and during later crises like the wars in Angola and El Salvador.

In retrospect, the debate over supporting the President in the Persian Gulf may well have helped restore some semblance of bipartisanship to American foreign policy.

The American-led victory in the Persian Gulf was a great moment for the United States and a personal triumph for George Bush. For this Congressman from Michigan, it was an extraordinary way to conclude an exciting career.

Little did I know when driving to Washington in late 1956 to begin serving in Congress that I would be sitting across the table from hundreds of world leaders such as Chiang Kai-Shek, Deng Xiaoping, Mikhail Gorbachev, Queen Elizabeth II, Margaret Thatcher, and Anwar Sadat, not to mention eight Presidents of the greatest nation on earth.

This job could not have been done without the support and encouragement of the people back home, who have given me the freedom to vote my convictions and the goodwill to sustain me through 36 years as a Congressman. It's been a wonderful career, and it was possible only because of the support and trust of some many wonderful Michiganders.

RESTORING DEMOCRACY AND PROVIDING ASSISTANCE TO THE PEOPLE OF HAITI

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. DE LUGO. Mr. Speaker, I rise in support of the legislation introduced by the gentleman from Michigan which seeks to establish a national policy regarding Haiti.

The goal of this policy is to:

Restore democracy to the people of Haiti;

Enact meaningful sanctions that will impact those who hold unlawful power;

Further press for the return of the democratically elected President, Jean-Bertrand Aristide;

Provide humanitarian relief for the people of that beleaguered nation;

Allow temporary status and a safe haven for Haitians fleeing their country during this crisis; and

Continue search and rescue measures but discontinue the forceable return of Haitian refugees so long as the military dictatorship remains in power.

Mr. Speaker, our great Nation has long been a world leader known for compassion, boldness, and righteousness. However, our policy regarding Haiti has been callous, timid, and morally wrong.

We have endorsed a half-hearted embargo that starves poor and powerless Haitian people but leaves unscathed those holding the reins of corrupt and repressive power.

We have thrown back the innocent people most hurt by flimsy sanctions, people who have sought to escape a country we have helped to impoverish.

All the while, we have denied any reasonable humanitarian assistance to the Haitian people whose very lives are now endangered.

Mr. Speaker, we cannot allow this to continue. In the absence of leadership from the President, Congress must act, to establish a real and workable policy, to direct the administration to follow it, and to bring an end to the suffering and the travesty in Haiti.

I commend Chairman CONYERS for his leadership and urge that the Members support his bold initiative.

THE STATE INITIATIVES IN CHILD WELFARE ACT OF 1992

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mrs. JOHNSON of Connecticut. Mr. Speaker, over 2.5 million children were reported abused or neglected in 1990, and more than 1,200 died as a result. The State agencies charged with investigating reports of child abuse and placing children in foster care are overwhelmed by the sheer volume of their caseloads and are feeling the squeeze of tough State and Federal fiscal times. They are laboring under a complicated and categorical child welfare system that subjects services for preventing family breakup to the Federal appropriations process, yet provides States with an open-ended entitlement for placing children in foster care and for State administration and training expenses.

For 3 years, Congress has been working on child welfare legislation. We are already hearing predictions that Congress will need to put off major child welfare reform until next year, because of its cost. We must not let that happen. The child welfare bill I am introducing today will offer the chance to accomplish real program reform and provide considerable new money for services to children and families, yet stay within the budget discipline required of Congress.

My bill locks in a significant amount of new money budgeted for child welfare in the next 5 years and allows States flexibility in using these funds. This feature of my bill is especially important because recent Congressional Budget Office projections show that, as a result of slower than expected increases in the foster care caseload, States will not receive all the money in the budget baseline. The bill creates a new capped entitlement from foster care and adoption administration and training money, title IV–E of the Social Security Act, but unlike current IV–E dollars, States could spend this money in the manner they think will best address child welfare, including innovative prevention and family reunification programs.

Second, my bill puts a 2-year moratorium on the authority by which the U.S. Department of Health and Human Services now conducts section 427 reviews. The 427 review process was set up in 1980 to assure the safety of children under State protection. However, the District of Columbia passed its 427 review shortly before being sued for failing to protect children. During the 2-year moratorium in our bill, a federally appointed commission will study child welfare accountability and recommend to Congress a better approach to guaranteeing the safety of children in the foster care system.

An important advantage of this approach is that it will substantially reduce the amount of time caseworkers must spend on paperwork. During hearings before the Ways and Means Committee, Human Resources Subcommittee, we heard testimony that some caseworkers spend up to 80 percent of their time on paperwork. Caseworkers will no longer have to document how much time they spent on administration, training, or services; determining AFDC eligibility for administration and training reimbursement; or preparing paperwork for the extensive 427 reviews.

Third, my proposal stimulates State commitment to child welfare research and evaluation by providing States with a 90-percent match for data systems. My bill also awards money to 10 States to create large-scale demonstration programs on foster care prevention, family reunification, or timely termination of parental rights so that a child can be placed permanently in a secure and loving family. By providing States with the resources and flexibility to conduct good research on fundamental issues of child welfare, I hope to help initiate a process of State innovation like the one that led to welfare reform in the late 1980's.

My goal is to provide significant new money, increase State flexibility and radically refocus the efforts of State agencies from that of paperwork to services for children. I hope my colleagues who share my commitment to the well-being of children and to providing needed, timely reform to the child welfare system, will join me in support of this bill.

TRIBUTE TO UNIVERSITY HOSPITAL'S VOLUNTEERS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in extending recognition to a very dedicated and caring group of people—the volunteers of University Hospital at the University of Medicine and Dentistry of New Jersey.

In a time when there is a great deal of discouragement and pessimism over the many problems facing our society, it is indeed inspirational to find enthusiastic men and women making a positive difference by contributing their time and talent to ease the burden of others.

This coming Sunday, June 7, there will be a ceremony honoring the 410 volunteers who serve in 32 units throughout the hospital. In attendance will be Mr. Langston Booth, who has been named Volunteer of the Year.

Ms. Barbara Tapp Webb, the coordinator of volunteer services, also deserves recognition for her success in recruiting so many outstanding volunteers.

As the sponsor in Congress of the Abandoned Infants Assistance Act, I am especially grateful to the hospital's volunteers for their active role in addressing the needs of "boarder babies," infants who are left at the hospital because their parents are unable to care for them.

These compassionate volunteers have provided loving care for babies in need of comfort and attention during such a critical stage of their early lives. It is very difficult for the professional hospital staff, who are already overworked and often have to deal with more pressing emergencies, to give these babies the attention they require.

Mr. Speaker, I am proud of the volunteers' accomplishments and I know my colleagues join me in offering appreciation for all they have done.

TRIBUTE TO THE CIVIL AIR PATROL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. ASPIN. Mr. Speaker, today I rise to pay tribute to the Wisconsin Civil Air Patrol for providing 50 years of distinguished service in air search and rescue and the training of future aviators.

Wisconsin's 35 Civil Air Patrol squadrons and 1,200 men and women volunteers are part of a nationwide network our country relies on in times of air crashes and other disasters to perform air searches and rescue. Because civilian aviators and other citizens volunteer their time to the Civil Air Patrol, the cost of these services to U.S. taxpayers is exceptionally low, although their services are invaluable.

Our national Civil Air Patrol was established by an act of Congress on December 1, 1941, just days before the U.S. entered World War II. The purpose was to organize the light-plane aviation interests into a unified national system that would bolster our Nation's existing military air power.

The outbreak of World War II and the subsequent submarine menace near U.S. shores gave the Civil Air Patrol its first mission. Without benefit of modern-day satellite tracking systems, our Civil Air Patrol volunteers patrolled our waters for submarines, worked as skywatchers, and provided ferry service and target towing.

An important early objective of CAP was to recruit both civilian adult aviators and youth groups with the idea that senior members would train youth to become potential military recruits. Currently, seven former Wisconsin Civil Air Patrol cadets are serving in U.S. military academies. Many other cadets have chosen careers in public service as police officers, firefighters, teachers, and nurses.

Today, the Wisconsin Civil Air Patrol carries on a proud tradition of air search and rescue service and the training and guidance of youth, which together contribute tremendous benefits to our country and its citizens.

PITTSBURGH PENGUINS: A CHAMPION TEAM FOR A CITY OF CHAMPIONS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. COYNE. Mr. Speaker, the people of Pittsburgh have cause to celebrate: the Pittsburgh Penguins have brought yet another champion title home to our city of champions. The Penguins have taken the National Hockey League's Stanley Cup with a clean sweep of the final four-game series against the Chicago Blackhawks, and join the record books among the game's best teams in claiming the Stanley Cup 2-years in a row.

The Pittsburgh Penguins have won their place in the record book. They are the only hockey team to sweep a final series since 1983 when the Edmonton Oilers achieved this feat. The Penguins also have the distinction of being the first team to win two consecutive Stanley Cup victories since the Edmonton Oilers did so in 1987 and 1988.

This has been a tumultuous year for the Pittsburgh Penguins, but they have exhibited the same spirit of hard work and excellence that reflects the city of Pittsburgh. Pittsburgh fans will long remember this season during which Bob Johnson, who coached the team to Stanley Cup victory last year, died of brain cancer. Hall of Famer and five-time Cup winner Scotty Bowman was named interim coach and led the Penguins to their second consecutive Stanley Cup victory. The Penguins began the road to the Stanley Cup with victory over the Washington Capitols. Along the way, team star Mario Lemieux was injured during a game against the New York Rangers and missed the series against the Boston Bruins. The Penguins displayed their champion spirit in the face of these adversities and kept on winning game after game.

The success of the Pittsburgh Penguins in the face of these many challenges reflects the remarkable talent of the team's players. It also is a credit to the outstanding organizational effort of everyone involved in making the Penguins a champion team. The Penguins had the support and encouragement of an ownership and front office committed to victory. General Manager Craig Patrick is to be commended for his efforts at keeping the team in fighting spirit following the tragic loss of Bob Johnson and the transition to coach Scotty Bowman.

The city of Pittsburgh is proud of its champion teams. The Pittsburgh Penguins join our other champions, the Pittsburgh Steelers and the Pittsburgh Pirates, to make it clear that Pittsburgh is truly a city of champions. I join my friends and neighbors in Pittsburgh in congratulating the Pittsburgh Penguins for their great victory in claiming their second consecutive Stanley Cup.

THE HAITIAN REFUGEES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. SERRANO. Mr. Speaker, I rise today to again express my disgust and dismay with the Bush administration's continued complicity in the persecution of the Haitian people.

On September 30, 1991 Haiti's first democratically elected President, Jean-Bertrand Aristide, was overthrown in a coup staged by elements of the Haitian military. In the immediate aftermath of the coup, troops attacked the homes of presumed Aristide supporters in the poor neighborhoods and shantytowns of Port-au-Prince, killing hundreds of innocent people.

As you know, Mr. Speaker, the persecution of the Haitian people did not end when the coup leaders consolidated their power. No, the thugs in power continue to beat and kill Haitians who are even remotely associated with Haiti's exiled President.

Last Wednesday, Georges Izmery, the brother of one of Father Aristide's most important supporters, was gunned down outside of his store, which is just down the street from a police station. On Monday, heavily armed police surrounded the cathedral at which the funeral Mass for Mr. Izmery was taking place and attacked the hundreds of mourners as they exited the church. More than a dozen people were beaten with nightsticks and rifle butts and carted off to jail in pickup trucks for having committed the crime of attending a funeral.

Political violence such as this has prompted many thousands of Haitians, in fear for their lives, to flee their homes by sailing rickety boats into dangerous seas. But in its latest callous response to the continuing crisis in Haiti, the Bush administration has ordered the U.S. Coast Guard to thwart the desperate efforts of Haiti's refugees and return them immediately by force to Port-au-Prince.

Mr. Speaker, this is an outrage. The so-called leader of the free world, rather than make greater efforts to end the reign of terror or Haiti's outlaw government, has decided instead to condemn those who have risked so much to escape it. What makes the administration's actions more chilling still is the documented fact that the regime in Haiti is carefully identifying for future torment the hapless souls our Coast Guard is so helpfully depositing into its hands.

Of course, as Members of this esteemed body we also bear responsibility for the actions of the U.S. Government. I personally am deeply ashamed. We must do all that is in our power to put an end to the persecution of the Haitian people. Only when the killings and the beatings have stopped can we consider forgiveness for the innocents we have caused to suffer.

CELESTE M. DONOVAN RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Celeste M. Donovan of Lincoln as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Lincoln Junior-Senior High School in Lincoln, RI.

This award is presented to the student, chosen by Lincoln Junior-Senior High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Celeste Donovan has more than fulfilled these criteria. While a member of the top 8 percent of her senior class, Celeste was deservedly named to the National Honor Society. She was also very active in the school community as coordinator of a schoolwide blood drive and as student director of the drama club.

I commend Celeste Donovan for her outstanding achievements and wish her all the best in her future endeavors.

TRIBUTE TO ELAINE HEDTKE, TUCSON'S FIRST FEMALE CHIEF OF POLICE

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. PASTOR. Mr. Speaker, today it is with great pleasure that I rise to pay tribute to and congratulate Elaine Hedtke, Tucson's first female chief of police. Her history-making appointment as chief tops a long line of firsts in the Tucson Police Department, including becoming the first woman lieutenant in 1982, the first woman captain in 1986, and most recently serving as assistant police chief.

Chief Hedtke brings 17 years of experience with the Tucson Police Department to her new job. She has commanded the department's south side unit, internal affairs, and midtown patrol unit, and has headed the metropolitan area narcotics squad. Most recently, Hedtke commanded the operations support bureau, which includes community services, the 300-member volunteer services, and the hostage negotiations unit.

Chief Hedtke holds a bachelor's degree in social sciences from Alverno College in Milwaukee, and a master's degree in oriental studies from the University of Arizona. Her husband, Charles Hedtke, is an associate professor of oriental studies at the University of Arizona. The couple has four children.

When asked what she believes is the number one problem facing Tucson, Chief Hedtke said,

> The same problems facing the city and the nation: disillusionment within society. The department must work to give people hope, and the main focus is working with children as part of a crime prevention program aimed toward the future.

I commend Chief Hedtke for her outstanding work and wish her continued success in her new job. I urge my colleagues to do the same.

ST. JOHN NEPOMUCENE PARISH CELEBRATES CENTENNIAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. KANJORSKI. Mr. Speaker, this summer the parishioners of St. John Nepomucene Parish in Freeland, PA, will celebrate its centennial.

In the late 19th century, many Slovak people immigrated to America. A number of these immigrants settled in and around Freeland. In 1889, a group of Slovak men organized and founded St. John's lodge. Plans were made to erect a place of worship and Bishop O'Hara granted permission to begin work on the church. The building was built by Mr. Lou Lentz for a sum of $6,500. In 1890, the completed church was dedicated by the bishop and it was named St. John Nepomucene Roman Catholic Church. Father John Libar Jakovick served as its first parish priest.

By 1915, the parish had outgrown its building. The church which houses the present day parish was completed in 1917. Father Joseph Korman was the pastor at this time. The archives of the church are extensive and have chronicled the lives and times of its parishioners. Sadly, these records show the first funeral held in the parish to be that of an 11-year-old boy who was killed while working in the local coal mines.

St. John's church has never been a wealthy parish. However, its parishioners have always cared for and maintained the church as they would their own homes. They consider the building to be a tribute to God, and to their ancestors, who sacrificed to provide it. There is a community spirit among these proud people that has been evident since the church's humble beginnings in 1889. Father John Boyle, who presently leads the congregation, challenges his parishioners to not only maintain the structure itself, but to build and develop the community of faith known as St. John Nepomucene Church. Father Boyle can be extremely proud to be associated with a parish so rich in history and heritage. It pleases me today to recognize St. John's parish on the occasion of its 100th anniversary.

TRIBUTE TO VAL CARANO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Val Carano, honoring him as he retires as the director of adult and vocational education for the Youngstown City School District.

Mr. Speaker, Val Carano began his career in education in 1953 in the Brookfield School District teaching social studies and serving as yearbook advisor and athletic director. From 1959 through 1967, Val was the special education teacher and guidance counselor at Hillman Junior High School while also coaching basketball. In 1967, Val was appointed coordinator of vocational work experience programs where he coordinated full-time evening adult education programs. Then in 1970, Val became director of the Youngstown Skills Center where he was instrumental in developing adult vocational education programs. Finally, he was named director of adult and vocational education for the Youngstown City School District.

Mr. Speaker, Val Carano has worked with both young minds and old, transforming and molding these students into better citizens. For the last 15 years, Val has been instrumental in working with adults unselfishly. I hope that he thoroughly enjoys his retirement. I want to congratulate him on a job well done.

CELEBRATING THE MONTH OF JUNE AS NATIONAL FRESH FRUIT AND VEGETABLE MONTH

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. DE LA GARZA. Mr. Speaker, as researchers increase our knowledge about how the food we eat affects our health, the more we find out how important the consumption of fresh fruits and vegetables is in maintaining good health.

Medical researchers have found that a diet rich in fruits and vegetables—coupled with exercise—significantly decreases the risk of contracting several forms of cancer. There is also evidence suggesting that eating fruits and vegetables may also protect against heart disease. And, of course, eating more fruits and vegetables helps protect us against the No. 1 diet-related health problem in America—obesity.

The key to getting people to eat better is education. That is the purpose of two education and promotion efforts by the United Fresh Fruit and Vegetable Association, a national trade association representing the U.S. produce industry.

One part of the association's effort is to promote the celebration of the month of June as National Fresh Fruit and Vegetable Month. During June, the association will conduct a nationwide educational outreach program to make more Americans aware of the importance of fruits and vegetables in their diets.

The other part of the industry effort is to promote the consumption of fruits and vegetables through its five-a-day campaign. The goal of this effort is to encourage Americans to eat five or more servings of fruits and vegetables each day, the amount recommended under new government nutrition guidelines.

Fresh fruits and vegetables are not only an important part of a healthy diet, they are also a vital part of the U.S. food economy.

Farmers sell nearly 20 billion dollars' worth of fruits and vegetables annually, which is more than 10 percent of all farm cash receipts. When imports are included, fruits and vegetables and their end products account for $125 billion of annual food sales, representing 20 to 25 percent of the U.S. consumers' food spending.

I commend the members of the United Fresh Fruit and Vegetable Association and the entire produce industry for their efforts to make more Americans aware of the healthful benefits of their products. I hope Americans will explore and get hooked on the delightful tastes of the hundreds of healthful fruits and vegetables our Nation has—not only in June, but every month of the year.

TRIBUTE TO DR. RUDOLPH F. CREW

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MATSUI. Mr. Speaker, I rise today to salute the winner of this year's Sacramento Distinguished Citizen Award Winner, Dr. Rudolph F. Crew. On June 11, 1992, the Boy Scouts of America will present Dr. Crew with this award at an event in his honor. I wanted to take this opportunity to share with you some of Dr. Crew's truly impressive accomplishments.

Rudy Crew joined the Sacramento City Unified School District as superintendent in 1989, after serving for 2 years as deputy superintendent chief operational officer for the district's instructional programs. As superintendent, Dr. Crew is responsible for the quality of education in the Sacramento City Unified School District. Dr. Crew should be congratulated for the close relations he has developed within the Sacramento educational community and for his tremendous contributions to the city of Sacramento.

Before coming to the 50,000 student urban district, Dr. Crew was deputy superintendent, Curriculum and instruction, for the Boston Public School System. Dr. Crew also served as assistant superintendent, instruction/personnel for the Duarte Unified School District in Duarte, CA; principal, Hawthorne High School, Hawthorne, CA, administrative assistant to the superintendent, Inglewood Unified School District, Inglewood, CA; principal, San Antonio High School, Claremont, CA; and coordinator, magnet programs/staff development, English High School, Boston, MA.

Dr. Crew holds a doctor of education degree in educational administration from the University of Massachusetts in Amherst, a master of education degree in urban education from the same, and a bachelor's degree from Babson College, in Wellesley, MA

Dr. Crew is a strong advocate of parent participation in schools and is actively engaged in restructuring the Sacramento City Unified School District to encourage greater democratization and full participation of parents, staff, and the community. He has been an inspirational leader for our students, our teachers, and our school administrators, and indeed has made a tremendous contribution to the quality of education in Sacramento.

Mr. Speaker, it is with great pleasure that I rise to recognize Rudolph F. Crew. I can think of no more deserving recipient of the Boy Scouts of America's Sacramento Distinguished Citizen Award and I invite my colleagues to join me in congratulating Dr. Crew.

MATTHEW MIRANDA RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Matthew Miranda of Tiverton, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Tiverton High School in Tiverton, RI.

This award is presented to the student, chosen by Tiverton High School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Matthew Miranda has more than fulfilled this criteria. While ranked as No. 18 in his senior class, Matthew was distinguished as a member of the National Honor Society. He also devoted his time to school activities such as the yearbook, newspaper, model legislature, and mock trial organizations.

I commend Matthew Miranda for his outstanding achievements and wish him all the best in his future endeavors.

ROCKWAY MIDDLE SCHOOL STUDENTS WORK WITH HOMELESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring my colleague's attention to a program at Rockway Middle School in Miami in which the students are not just talking about the homeless. They are talking to homeless people, and doing something to help them. TRUST, a program whose name stands for "To Reach Ultimate Success Together," is designed to steer kids away from gangs and drugs by not only teaching constructive values, but acting on them. The students have become the primary source of clothing donations for homeless families at Camillus Health Concern, and also regularly bring in donations of food.

Students like 13-year-old Lisa Fraga, who emptied her closet to clothe homeless people she had talked to in the program, and Toni Taliaferro who cleared out the pantry to feed them, are enthusiastic about their involvement. Lisa told a Miami Herald reporter that she wanted to help before, but never had a way to do it. She hoped the program would continue, because she could bring more clothes. Rockway principal Jorge Sotolongo considers this program much more effective in turning problem kids around than punishment ever was. He is a strong supporter of the program developed by TRUST counselor Alicia Arrondo.

The Miami Herald published an article describing the TRUST program, which I would like to include in the RECORD.

KIDS GET IN TOUCH WITH HOMELESS—AND THEMSELVES

(By Harold Maass)

Lisa Fraga, 13, emptied her closet.

Toni Taliaferro, 10, cleared out the pantry.

Students at Rockway Middle School searched all over for goods to give to homeless women and their families. They handed it all over Tuesday to some of the women they were helping and, school administrators said, learned a little about life in the bargain.

"I cleaned my room and took everything out of my closet. I got some of my clothes, and my sister's, too," Lisa said.

"I brought a lot of canned foods, because I wanted to help the people because some people are dying because they don't have enough food," Toni said. "I had never seen and talked to homeless people like that before. I got to know them a little bit."

One of the four homeless women who visited the school had lost her house in a fire. Two had lost their jobs. One could not yet work legally in the United States.

The lesson was simple.

"Not everything in life is material things and winning the lottery," counselor Alicia Arrondo said. "We try to create an awareness that there are other people, needy people, in the community, and we should share some of what we have."

Arrondo is TRUST counselor at the school at 9393 SW 29th Ter. TRUST is a program designed to steer kids away from drugs and gangs and help them follow constructive paths. The acronym stands for To Reach Ultimate Success Together.

Two years ago, Arrondo began asking students to think about and help the homeless as she taught about values. She asked them to bring clothes and food to get them more involved.

The students' donations have become the key source of clothing for homeless families, especially kids, for Camillus Health Concern, said Delia Carricaburu, a social worker there.

"This is the kind of thing that turns kids around. Punishment doesn't change behavior," Rockway Principal Jorge Sotolongo said.

The idea caught on quickly.

"I would have liked to help them before, but I never had a way to do it," Lisa Fraga said. "Is the project over? Because I could bring in some more clothes."

Mr. Speaker, I commend the innovation and commitment to action of Alicia Arrondo, and the involvement and willingness to help others shown by all of the students who participate in the program.

THE CASE FOR A BALANCED BUDGET AMENDMENT

HON. CHARLES LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. LUKEN. Mr. Speaker, after his election in 1960, President John F. Kennedy delivered his famous "Ask not * * *" speech. By the end of next year, Americans may need to rekindle that spirit to help solve a problem that threatens the economic security of America—the Federal deficit.

Before July 4, there is an excellent likelihood that Congress will consider and pass the balanced budget amendment. Because it is an amendment to the Constitution, it requires a two-thirds vote of both the House and the Senate to pass. Thirty-eight States must ratify the amendment for it to become law.

A quick review of Washington spending patterns points to the need for drastic reform. Our national debt took two centuries to get to $1 trillion; but in the last 12 years, it has grown to four times that.

This year alone, interest on the debt will exceed $200 billion. The real cost of the debt, though, is its effect on our economy. The debt drives up interest rates, drains national savings, and, in a nutshell, retards real economic growth.

These facts demand a meaningful solution. Other attempts to rein in Federal deficits, most notably Gramm-Rudman, have failed miserably. The most recent attempt, the Budget Reconciliation Act of 1990, promises to be an equally large flop. Already congressional leaders are scheming to get around it.

These legislative solutions were attempted in part because many legislators and scholars do not like the idea of tinkering with our Constitution over a matter that clearly could be accomplished legislatively if there were the political will. Moreover, some see a need for flexibility that the balanced budget amendment would curtail.

Robert Reischauer, Director of the Congressional Budget Office, and an aggressive advocate of deficit reduction, argues that the balanced budget amendment would negate the Government's ability to respond during times of recession. Unemployment compensation, for example, is usually used to offset the effects of slow growth and unemployment. Many agree with the analysis that a balanced budget amendment would handcuff Congress' ability to respond to changing circumstances of all kinds.

But the size of the deficit has legislators frightened. Traditional balanced budget amendment foes are rethinking their position. "In principle, I'm against it," says Senator WARREN RUDMAN. "BUT THIS SITUATION HAS ME PETRIFIED." SENATOR RUDMAN announced he is retiring from the Senate based in large part on the inability to control the deficit.

There are several versions of a balanced budget amendment, but the one that is likely to pass has two essential components. First, the amendment requires the President to submit a balanced budget to the Congress. The last time that was done was around 1970.

Second, Congress must pass a budget where expenditures equal the estimate of revenues. Now here's the catch: three-fifths of both Houses of Congress—the House of Representatives and the Senate—can permit a specific deficit.

Obviously, there are problems. The amendment requires the President and Congress to agree on an estimate of revenues. What if they do not agree?

There is also a concern about taxes. If, as is proposed in the amendment, a simple majority of Congress can raise taxes, would the amendment be an easy excuse for tax hikes?

Significant other reservations exist about the balanced budget amendment. But the uncertainty surrounding the implementation of a balanced budget amendment is far preferable to the certainty of the present situation.

Consider recent congressional action in the face of this year's $400 billion deficit:

First, an attempt is underway to increase the amount spent on legislative appropriations—Members' staffs, committee staffs, franking, et cetera.

Second, Congress is actively discussing rescinding the Budget Reconciliation Act of 1990, and the spending limits imposed by the bill have already been challenged.

Third, Los Angeles and Chicago disaster relief is a "dire emergency appropriation." That is what Congress does when it wants to add something to the debt without offsetting spending cuts.

Fourth, pork barrel projects continue to flow like mother's milk to the districts of high-ranking—Republican and Democrat—committee members.

But having noted the abuse with which many of us are familiar, it needs to be emphasized that trimming the budget into balance will not come without sacrifice, and therein comes the reference to John Kennedy's "Ask not * * *" speech. Cuts will go beyond what is traditionally referred to as "pork barrel projects" or even "waste in government."

There will, in fact, be real pain felt by many Americans. I am convinced, however, that if Americans believe Washington is working honestly toward a brighter economic future, Americans will be willing to make the sacrifice. It will, however, require leadership not seen for many years to summon up the national will to get this done.

For too many years, the Congress has treated taxpayer money like Monopoly money. For legislators, the party has been great fun. Now the party is over.

Many are retiring from the House and Senate, complaining of legislative gridlock often caused by budgetary constraints. They do not want to stay around to clean up the mess.

The grim reality for those who stay is that "bringing home the bacon" will be increasingly difficult. Instead, House Members will be defending decisions that reduce spending and programs often to the detriment of their own constituents. For many, it will be a new and unpleasant experience.

In my district, a recent questionnaire revealed that people identified the deficit as the number one problem we face. Many recommended reducing the deficit at the expense of someone else's ox; but a surprising number recognized the need to address the deficit in a way that would spread the budget—even to themselves.

It falls to Congress to decide sensible priorities. Right now people are skeptical about our ability to do that. History justifies that skepticism.

This fall's election will bring to Washington around a 25-percent change in House membership. With this change, it is possible to begin to rebuild the relationship between the Congress and the American people.

A balanced budget amendment, while not perfect, will help provide a foundation upon which to build that new relationship.

WELCOMING ALBANIA TO THE FOLD OF DEMOCRATIC NATIONS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. ATKINS. Mr. Speaker, I rise today both to congratulate Albania for her successful transition from authoritarianism to democracy and to remind this body and the administration how crucial our moral and material support is for a country only now emerging from 48 years of Marxist-imposed isolation.

As you know, Mr. Speaker, March 22 of this year heralded the end of nearly five decades of one-party rule as the Democratic Party, headed by the 47-year-old physician Sali Berisha, won 92 seats in the 140-seat Albanian Parliament. And, although this election is an extremely important one for Albania's political future, much work remains to be done if all traces of late dictator Enver Hoxha's regime are to be erased.

During Albania's historic elections earlier this year, Democratic candidates told Albanians that only their party was capable of winning Western aid and support. As a result, public expectations for democracy are high. The Washington Post reported a farmer saying "Sali Berisha and James Baker will bring order and prosperity to Albania." And as crowds cheered election results, there were reportedly as many American as Albanian flags at a public rally in Tirana's Skanderbeg Square.

As citizens of the only remaining superpower, Americans have a special responsibility to lend assistance to fledgling democracies as they try to shake off the shackles of the cold war, even though these times of fiscal restraint makes massive United States aid a difficult option. Private investment, whether it be to rebuild Albania's crumbling infrastructure or to provide needed services, should be the natural result of a stabilizing political situation. Western advice to deal with the lack of a legal advocacy system, impartial courts or an independent judiciary, is also critical.

In addition, we must be doing all we can to encourage American private citizens to assist Albania independent of our Federal Government bureaucracy or United States financial constraints. A group of citizens from Massachusetts exemplify this type of private aid. The New England Albanian Relief Organization [NEARO] was formed in response to the desperate conditions witnessed in Albania by the group's founders. Now, NEARO regularly ships relief aid to Albania and this summer, will, with the assistance of the Pentgon's Office of Global Affairs, send eight shipping containers filled with medical supplies, textbooks, and food to this poverty-stricken country. Efforts by private citizens like the members of NEARO must be encouraged.

If Albanians wish to shed the label and, more importantly, the burden of being the poorest country in Europe, they must all work to transform their scarred counter. It is, of course, ultimately up to them. But in light of the Democratic Party promises and the esteem in which many Albanians hold America, encouragement from the United States is essential. Mr. Speaker, this resolution and the initial shipment of United States assistance to Albania represent a reasonable first step. But if Albania, the poorest and until now, most repressed country in Europe, can succeed and emerge from the ruins of communism, she will serve as a beacon of democracy to all of Eastern Europe. We must encourage her valiant attempts.

TRIBUTE TO MRS. FAYE BAUER STERLING

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. LAUGHLIN. Mr. Speaker, I rise today to honor the many achievements of Mrs. Faye Bauer Sterling. Mrs. Sterling is a longtime resident of Port Lavaca, a city in the 14th District of the State of Texas. For almost 40 years she has resided in the community and is now vice-president of a non-profit organization, Port Lavaca MainStreet, Inc. Thjs group is dedicated to business development and the renovation of historic older downtown buildings.

Mrs. Sterling is a dedicated mother to four and a member of Grace Episcopal Church. Her family has a long tradition of service to the area; her father was honored as the first gamewarden in Calhoun County. She has been a strong and treasured member of the Port Lavaca community since January 13, 1914. Although she now walks with a cane, her efforts remain endless.

While helping in the restoration of the Mainstreet buildings, her strong personality and will led to the discovery of a mural dated back to 1900 that would have otherwise been overlooked. Mrs. Sterling herself assumed the supervision of the renovation and cleanup efforts. Due to her care and dedication, the city of Port Lavaca now has a more attractive downtown area.

On June 23, 1992, the city plans to honor her by commemorating the beautiful Mainstreet park in her name. Mrs. Sterling is a fine lady that I am proud to represent and I am thankful for her tireless efforts and contributions to the city of Port Lavaca.

INTRODUCTION OF LEGISLATION TO PRESERVE PRIVATELY SPONSORED CULTURAL AND SPORTING EVENTS

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. CHANDLER. Mr. Speaker, as many of our colleagues are now aware, the Internal Revenue Service has recently proposed that corporate sponsorships of certain public events be considered unrelated business income and, therefore, taxable. This action is an expansion of the IRS decision to tax football bowl games produced by universities and nonprofit amateur sports organizations.

Unfortunately, the IRS tax proposals, which were issued in the form of proposed guidelines, threaten many other community events currently enjoyed by citizens in Washington State and across the country.

Over the last decade, many community and cultural organizations, as well as many fairs and festivals, have increasingly relied on corporate sponsorship income as a major source of revenue.

In fact, for many of these nonprofit organizations, corporate sponsorship can make the difference between an event returning revenue to support the organization's operations and programs, or one which loses money and drains funds away from important community activities.

If implemented as currently drafted, the IRS guidelines could have a devastating financial impact on such treasured community events as the Seattle Seafair, the Tournament of Roses Parade, and the Dance Theater of Harlem. Numerous other community festivals, agricultural fairs or arts events would also be forced to shut down.

Mr. Speaker, it is in response to this threat that I am introducing legislation today to help preserve our privately sponsored cultural and community events.

My legislation would impose a moratorium on the taxation of sponsorship payments received by tax-exempt organizations. The bill also directs the Secretary of the Treasury to conduct a study of these sponsorship payments.

In introducing this legislation, I am well aware that it does not answer the underlying questions of when corporate sponsorship payments may constitute taxable income or for which events; and, those questions must be answered.

However, this bill will provide all the interested parties with the time and information necessary to thoroughly review all aspects of this important issue. At the same time, it will allow the many organizations which are threatened by the IRS-proposed guidelines to continue their valuable community services.

A summary of the bill's provisions follows this statement.

Mr. Speaker, I urge my colleagues to help preserve the many fairs, festivals, arts and sporting events, and other local celebrations their communities currently enjoy by sponsoring this important legislation.

EXPLANATION OF H.R. 5308

H.R. 5308 would impose a moratorium on the taxation of certain sponsorship payments received by tax-exempt organizations. H.R. 5308 would accomplish this by amending Internal Revenue Code section 513(c). In its present form, section 513(c) provides that an activity (such as advertising) does not lose its identity as a separate trade or business merely because it is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors.[1] Under present law, if a tax-exempt organization receives sponsorship payments in connection with conducting a public sporting or cultural event, in return for which the sponsor's name is affiliated with the event or the organization provides other ancillary services or facilities to the sponsor, the solicitation and receipt of such sponsorship payments is treated as a separate activity. The Internal Revenue Service (IRS) has taken the position that, under some circumstances, such sponsorship payments are subject to the unrelated business income tax (UBIT), even though the public event itself is substantially related to the organization's tax-exempt purpose.[2]

H.R. 5308 would amend section 513(c) so that the activity of soliciting and receiving qualified sponsorship payments with respect to a qualified public event occurring prior to January 1, 1995, by a tax-exempt organization would not be treated as a separate trade or business. Rather, activities giving rise to qualified sponsorship payments would be considered to be part of the public event with respect to which such payments are received. Consequently, under the bill, if a qualified public sporting or cultural event conducted by a tax-exempt organization is substantially related to the organization's tax-exempt purpose (and thus income received directly from the conduct of the event itself is not subject to the UBIT), then the solicitation and receipt of qualified sponsorship payments with respect to the event would be treated as part of the public event and likewise would be exempt from tax.

The bill applies to qualified sponsorship payments received before January 1, 1996, with respect to qualified public events occurring before January 1, 1995. For purposes of the bill, a "qualified sponsorship payment" would be defined as any payment made by a person engaged in a trade or business with respect to which there is no arrangement or expectation that such person will receive any substantial return benefit other than (1) the use of the name or logo of such person's trade or business in connection with the qualified public event or other arrangements (including advertising) in connection with such event which acknowledge such person's sponsorship or promote such person's products or services, or (2) the furnishing of facilities or services in connection with such event to individuals designated by such person.[3]

Under the bill, the term "qualified public event" would be defined as: (1) any public sporting or cultural event conducted by an organization described in section 501(c)(3) (charities), section 501(c)(4) (social welfare organizations), section 501(c)(6) (business leagues and chambers of commerce, etc.), or a State college or university described in section 511(a)(2)(B); and (2) any qualified public entertainment activity defined under present-law section 513(d)(2)(B), which exempts from UBIT certain entertainment or recreational activities conducted at fairs or expositions promoting agricultural and educational purposes. For example, events that would be governed by the provisions of the bill would include intercollegiate athletic events, concerts, museum exhibitions, fine-arts festivals, and county fairs.

Thus, under the bill, if a qualified public event is substantially related to the tax-exempt purpose of the organization that conducts the event, then the activity of soliciting and receiving qualified sponsorship payments with respect to such event also would be treated as substantially related to the tax-exempt purpose of the organization and, therefore, exempt from UBIT.[4]

The bill would be effective for qualified sponsorship payments received before January 1, 1996, with respect to qualified public events occurring before January 1, 1995, including events occurring prior to the date of enactment of the bill.

In addition, the bill directs the Secretary of the Treasury to conduct a study of qualified sponsorship payments received by tax-exempt organizations with respect to qualified public events. The study should include an analysis of the ramifications of IRS proposed examination guidelines contained in Announcement 92-15, 1992-5, I.R.B. 51 (or any other similar guidelines or rulings governing sponsorship payments received by tax-exempt organizations). The Secretary is to submit the results of this study not later than July 1, 1993, to the House Committee on Ways and Means and the Senate Committee on Finance.

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[1] See *United States* v. *American College of Physicians*, 475 U.S. 834 (1986) (holding that activity of selling advertising in medical journal was not substantially related to the organization's exempt purposes and, as a separate business under section 513(c), was subject to tax).

[2] See Announcement 92-15, 1992-15 I.R.S. 51 (announcing proposed audit guidelines distinguishing payment in return for which there is mere acknowledgment of sponsor—and thus no UBIT liability—in contrast to payments in return for which substantial economic benefits are conferred upon the sponsor and UBIT liability may be asserted by the IRS).

[3] It is intended that the bill's "in connection with" requirement would be satisfied only if benefits provided to the sponsor (or individuals designated by the sponsor) are provided within a reasonable time period compared to when the public event itself is conducted and only if the benefits are provided in a manner reasonably related to the conduct of the public event activities (e.g., providing advertising in a program or brochure distributed to event patrons, or providing special seating at the event, or related pre- or post-event functions, to employees of the sponsor).

[4] Similarly, if a public event (although not satisfying the substantially related test) is not subject to UBIT because it is not regularly carried on, then the solicitation and receipt of qualified sponsorship payments with respect to the event also would be exempt from UBIT under the bill.

AMERICAN JEWISH COMMITTEE ANNOUNCES CLERGY SUPPORT FOR ISRAEL

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. FEIGHAN. Mr. Speaker, on the occasion of Israel's 44th birthday, over 100 American clergy members and lay people announced their support for the State of Israel. This group of distinguished individuals underscored the closeness of the United States-Israel relationship: Israel's record as our most dependable ally in the Middle East, the democratic values that we share, and our joint commitment to peace.

The American Jewish Committee [AJC], an organization that has a proud tradition of working for the security of Israel and for greater understanding among ethnic, racial, and religious groups, placed the attached public service announcement in recent editions of the New York Times and the New Republic. I want to commend these individuals for their statement and AJC for its continuing work in this area. A copy of the announcement follows:

CHRISTIANS SPEAK OUT

We support democracy.

We support Israel.

The last couple of years have seen a profound change in much of the world—a change to democracy. That change augurs well for a more stable and secure international community.

Sadly, that change has not reached the Middle East. There, democracy is still absent except in one country—Israel.

Threatened by well-armed neighbors and terrorist groups pledged to its destruction, Israel's security needs are real. So are its yearnings for peace. Even in times of war, most recently as Scud missiles rained down from the sky, Israel has held fast to its original mission: providing a haven for persecuted Jews from around the world. From Ethiopia. From Russia. From anywhere. Regardless of danger or cost. Every day.

Throughtout its history Israel has been America's most dependable ally and friend in the Middle East. Both countries are bound by shared values and a deep commitment to democracy and peace.

That's why, as Israel celebrates its 44th birthday, we, American Christian clergy and lay people, support Israel.

Dr. William Angell, Wake Forest University, Winston Salem, NC.

Rev. Donald Armstrong, United Church of Christ, Buffalo, NY.

Rev. Karl H. Baehr, United Church of Christ, Garden City, NY.

Dr. Thomas E. Bird, Consultant to the National Conference of Catholic Bishops, Little Neck, NY.

Lois Blewett, Interfaith Circles, Minneapolis, MN.

Robert Blewett, Interfaith Circles, Minneapolis, MN.

Dr. David M. Bossman, Seton Hall University, South Orange, NJ.

Sr. Mary C. Boys, Boston College, Boston, MA.

Frank Brennan, Publisher, National Dialogue Newsletter, Stamford, CT.

Rev. Kelly E. Brown, Jr., Ebenezer Baptist Church, Delray Beach, FL.

Rev. Stephen W. Brown, Key Life Network, Miami, FL.

Rev. Robert W. Bullock, Our Lady of Sorrows Church, Sharon, MA.

Bishop John H. Burt, The Episcopal Church, Marquette, MI.

Dr. Harry James Cargas, Webster University, St. Louis, MO.

Dr. James Carpenter, General Theological Seminary, New York, NY.

Nancy Gabriela Carroll, National Christian Leadership Conference for Israel, Winnetka, IL.

Linda Compton, Marin Interfaith Council, San Rafael, CA.

Rev. Rufus Cornelsen, Evangelical Lutheran Church in America, Swarthmore, PA.

Sr. Joyce Cox, Archdiocese of Seattle, WA.

Rev. Archie R. Crouch, Presbytery of the Palisades Presbyterian Church (USA), Englewood, NJ.

Rev. Richard A. Davis, Hope Presbyterian Church, Richfield, MN.

Rev. Walter Debold, Seton Hall University, South Orange, NJ.

Rev. Paulina K. Dennis, Christian Clergy for a Better Understanding of Judaism, Brooklyn, NY.

Sr. Celia Deutsch, Barnard College, New York, NY.

James H. Doherty, National Christian Leadership Conference of Israel, Los Angeles, CA.

Rev. Robert S. Drinan, Georgetown University Law Center, Washington, DC.

Msgr. John J. Eagan, DePaul University, Chicago, IL.

Dr. Frank Eakin, University of Richmond, Richmond, VA.

Dr. A. Roy Eckardt, Lehigh University, Lehigh Valley, PA.

Dr. Alice Eckardt, Lehigh University, Lehigh Valley, PA.

Rev. Larry Ehrlich, Twin City Fellowship, Minneapolis, MN.

Dr. Frank Eiklor, Shalom International, Costa Mesa, CA.

Sr. Anna Marie Erst, Sacred Heart of the Child Jesus, Chicago, IL.

Dr. William Estep, Southwestern Baptist Theological Seminary, Fort Worth, TX.

Rev. Robert A. Everett, Emanuel United Church of Christ, Irvington, NJ.

Rev. Jerry Falwell, Liberty University, Lynchburg, VA.

Rev. Edward H. Flannery, Diocese of Providence, RI.

Msgr. John J. Gilchrist, Our Lady of Fatima, North Bergen, NJ.

Matthew R. Guiffrida, Director of Interfaith Understanding, American Baptist Churches, Valley Forge, PA.

Rev. Robert M. Goldstein, Grace Lutheran Church, LaGrange, IL.

Rev. John C. Hagee, Cornerstone Church, San Antonio, TX.

Rev. Herman Harmelink, III, Reformed Church of America, Poughkeepsie, NY.

Rev. Edward Harper, Bethany Baptist Church, Newark, NJ.

Dr. Walter Harrelson, Vanderbilt University, Nashville, TN.

Rev. Donald S. Harrington, Community Church, New York, NY.

Rev. Linda B. Harter, Falling Spring Presbyterian Church, Chambersburg, PA.

Rev. William H. Harter, Falling Spring Presbyterian Church, Chambersburg, PA.

Rev. Vincent Heier, Archdiocese of St. Louis, MO.

Rev. Allen Hollis, Union Congregational Church, West Palm Beach, FL.

Barabara Horsham Braithwaite, Ministry for Black Catholics, Diocese of Rockville Center, NY.

Rev. Douglas Huneke, Westminister Presbyterian Church, Tiburon, CA.

Rev. Robert W. Huston, First Methodist Church, Huntington, NY.

Bishop E. Harold Jansen, Evangelical Lutheran Church in America, Washington, DC.

Canon William A. Johnson, Cathedral of St. John the Divine, New York, NY.

Rev. Arleon L. Kelley, New York State Council of Churches, Albany, NY.

Sr. Mary Noel Kernan, Seton Hill College, Greensburg, PA.

Dr. Andre Lacocque, Chicago Theological Seminary, Chicago, IL.

Rev. Christopher Leighton, Presbyterian Church (USA), Baltimore, MD.

Rev. David A. Lewis, Christians United for Israel, Springfield, MO.

Rev. Franklin H. Littell, United Methodist Church, Merion, PA.

Dr. Hubert G. Locke, University of Washington, Seattle, WA.

Dr. Richard C. Lux, Sacred Heart School of Theology, Hales Corners, WI.

Rev. James R. Lyons, The Ecumenical Institute, Southfield, MI.

Rev. Robert MacLennan, Hitchcock Presbyterian Church, Scarsdale, NY.

Rev. P.T. Mammen, San Francisco Association of Evangelical Churches, San Francisco, CA.

Rev. Richard Martin, Larchmont Ave. Church, Larchmont, NY.

Bro. William Martyn, Archdiocese of New York, NY.

Rev. George Mason, Wilshire Baptist Church, Dallas, TX.

Rev. Michael McGarry, St. Paul's College, Washington, DC.

Sr. Joan McGuire, Archdiocese of Chicago, IL.

Rev. Carl McKenzie, Immanuel Lutheran Church, Chicago, IL.

Msgr. John R. McMahon, St. Joan of Arc Church, Boca Raton, FL.

Rev. Tom Messinger, Bethany Presbyterian Church, Minneapolis, MN.

Dr. Virginia Ramey Mollenkott, William Paterson College, Wayne, NJ.

Rev. Donald Moore, Fordham University, New York, NY.

Bishop Emerson J. Moore, Archdiocese of New York, NY.

Rev. William B. Moore, Tenth Memorial Baptist Church, Philadelphia, PA.

Rev. John F. Morley, Seton Hall University, South Orange, NJ.

Rev. George Morrison, Faith Bible Chapel, Arvada, CO.

Dr. F. Burton Nelson, North Park Theological Seminary, Chicago, IL.

Rev. Richard John Neuhaus, Editor, First Things, New York, NY.

Sr. Jeanne O'Laughlin, Barry University, Miami Shores, FL.

Rev. Arnold T. Olson, Evangelical Free Church of America, Minneapolis, MN.

Dr. Robert Polk, Consultation on Church Union, New York, NY.

Sr. Donna Quinn, National Coalition of American Nuns, Chicago, IL.

Sr. Carol Rittner, Religious Sisters of Mercy, Scranton, PA.

Rev. Leon Rosenthal, Grace Lutheran Church, River Forest, IL.

Rev. Richard W. Rousseau, University of Scranton, Scranton, PA.

Rev. Edmund Siedlecki, Five Holy Martyrs Church, Chicago, IL.

Dr. Kenneth Smith, Chicago Theological Seminary, Chicago, IL.

Rev. William O. Smith, Shadow Rock Congregational Church, Phoenix, AZ.

Rev. Bruce Southworth, Community Church, New York, NY.

Rev. John Steinbruck, Luther Place Memorial Church, Washington, DC.

Rev. Thomas P. Stewart, Westminster Presbyterian Church, Buffalo, NY.

Rev. David W.A. Taylor, General Secretary, Consultation on Church Union, Princeton, NJ.

Sr. Rose Thering, National Christian Leadership Conference for Israel, New York, NY.

Dr. John T. Townsend, Episcopal Divinity School, Cambridge, MA.

Sr. Margaret Ellen Traxler, Institute of Women Today, Chicago, IL.

Rev. William Treacy, Sacred Heart Church, Bellevue, WA.

Rev. Reginald Tuggle, Memorial Presbyterian Church, Roosevelt, NY.

Rev. Carol Vassallo, Lord of Life Lutheran Church, Itasca, IL.

Rev. Carl Hermann Voss, United Church of Christ, Jacksonville, FL.

Dr. Murray L. Wagner, Bethany Theological Seminary, Oak Brook, IL.

Rev. Dieter E. Walk, International Fellowship of Christians and Jews, Dayton, OH.

Rev. David Wayne, St. Augustine's Episcopal Church, Croton-on-Hudson, NY.

Rev. Charles White, North America Interfaith Network, Buffalo, NY.

Paul Whitham, National Christian Leadership Conference for Israel, Rockford, IL.

Dr. Marvin R. Wilson, Gordon College, Wenham, MA.

Dr. James Wood, Jr., Baylor University, Waco, TX.

Dr. David S. Wyman, University of Massachusetts, Amherst, MA.

Rev. Victor R. Yanitelli, Church of St. Ignatius Loyola, New York, NY.

FARM AND RURAL MEDICAL EQUITY REFORM ACT OF 1992

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. GUNDERSON. Mr. Speaker, during the last decade, health care spending in the United States has more than doubled from $230 billion in 1980 to $738 billion in 1991. Since 1980, health care costs in Wisconsin have risen 123 percent, but amazingly, this is the second lowest increase in the Nation.

While health care costs have exploded over the past decade, access to primary care services has declined, particularly in the inner city and rural America. The current estimate for health professional shortage areas in the United States is 2,000. Wisconsin's shortage areas have risen from 27 in 1980 to 42 in 1992, 9 are located in western Wisconsin.

In addition to the lack of providers in many parts of the United States, another factor affecting declining access is the high cost of health insurance. The number of uninsured has sharply increased from 24.5 million in 1980 to over 35 million in 1992.

A significant component of the uninsured population is the American farm family. Ten percent of farmers are uninsured. Of those who can afford insurance, 11 percent are underinsured because they cannot afford the high premiums. One reason farmers must pay more for health insurance is their profession is defined as high risk. There are over 120,000 disabling farm-related injuries per year. The

National Safety Council recently reported that farm injuries account for over 14 percent of all work place injuries.

To address both the accessibility and affordability problems affecting rural America's health care delivery system, I am introducing the Farm And Rural Medical Equity Reform [FARMER] Act of 1992. This bill is a first response to both concerns and recommendations raised at health care seminars and town hall meetings that I have conducted over the last year in western Wisconsin. This legislation is the first step in making health care more accessible and affordable, especially for rural Americans. The key components of the Farm and Rural Medical Equity Reform Act are:

One hundred percent deductibility for the self-employed: All self-employed individuals would be entitled to deduct 100 percent of the cost of their health insurance premiums. Under current law, self-employed individuals deduct 25 percent of their health insurance policy. My provision will help 8 million people in the United States who are self-employed, 176,000 are Wisconsin residents.

Medical savings account: This provision will enable individuals to save, tax free, for medical expenses. Any amount deposited into the account is tax deductible up to an applicable limit. This limit is equal to $4,800 per year plus $600 for each dependent. Funds withdrawn from the amount are nontaxable if used for qualified medical services approved by the Internal Revenue Service.

Uniform claim/electronic card/electronic billing: There are 1,400 insurance companies in the United States and each has a separate insurance form. To alleviate the paperwork burden, my bill will establish uniform health claim reimbursement forms for hospitals and physicians. These two forms would be the only forms used by all private health insurers and the Federal Government. In addition, electronic cards would be developed that would store a patient's insurance information and medical records. Both hospitals and physicians would be required to use electronic means to transmit billing information from hospitals and physicians to insurers.

Portability: Portability means that no individual will have to fear losing health insurance coverage for any length of time when switching policies or changing occupations. Today's work force is one which is mobile. The Department of Labor estimates the average American will change jobs between 5 and 6 times during a lifetime. Thus, it is important that individuals feel free to move to another occupation or switch to another insurance policy without the concern of whether or not they will lose key benefits. To address this issue, I have included two key portability provisions: (a) elimination of preexisting conditions as exclusions from coverage and (b) health insurance carriers would only be allowed to set the maximum percent increase in renewal premiums at 5 percent plus the percent change in the base premium rate. The base premium rate is the lowest premium the insurer may charge for a group with similar demographic characteristics, excluding factors related to health status, claims history, or duration of coverage. This provision should especially bring some relief to the high cost of health insurance premiums for farm families.

Emergency medical services [EMS]: The average U.S. citizen will need emergency care at least twice in a lifetime and that care is not always available, especially in rural communities. My bill has three key provisions to enhance emergency medical services: (a) Establishment of a Federal EMS Office which will provide technical assistance to State and local agencies, develop and review EMS guidelines pertaining to health professionals, equipment, training, and examine the unique needs of underserved inner city and rural communities; (b) Establishment/Enhancement of State EMS offices will improve the availability and quality of EMS in the States through a Federal/State matching grant program over 3 years. These offices will coordinate all State EMS activities and provide technical assistance; (c) Development of a Telecommunications Demonstration Program that will enable patients and health professionals in rural communities to link up with medical specialists in larger health facilities for consultations regarding lifesaving treatment through telecommunications.

Extend Medicare dependent hospital status: There are over 600 hospitals classified as Medicare dependent. Wisconsin has 22 Medicare dependent hospitals, including 7 in western Wisconsin. Hospitals eligible for this adjustment are rural, have 100 beds or fewer, have 60 percent Medicare patient days or discharges, and are not classified as sole community hospitals. The legislation authorizing Medicare dependent classification is scheduled to expire this year. My provision will enable hospitals to continue their Medicare dependent status for one additional year.

Rural health outreach grants demonstration program: This provision will formally establish a grants program that will deliver health care services to underserved rural populations/communities or to enhance access and utilization of existing available services. These services are delivered through a consortium arrangement among three or more separate and distinct entities. This initiative is intended to permanently authorize these grants which are now funded through a demonstration program. One successful demonstration project is located in Balsam Lake, Wisconsin. This project, called Kidscare, provides medical and dental services to children in rural communities who do not have health insurance and are not covered by Medicaid.

The Farm and Rural Medical Equity Reform Act of 1992 will strengthen rural hospitals, assist farmers and other self-employed individuals, begin to alleviate the paperwork burden for both patients and health professionals, and improve the delivery of health care services to rural populations.

ELIMINATION OF THE INFORMATION RETURN EXEMPTION FOR CORPORATIONS

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. BARNARD. Mr. Speaker, 4 years ago I introduced a bill intended to eliminate the current exemption for corporations receiving information returns on the interest, dividends, and royalties that they earned. I am today introducing that same bill, which I believe has the potential to bring in significant revenues to the Treasury and will begin to stem the declining rate of corporate compliance in this area. I also strongly believe that corporations do not deserve this preferential exclusion that is not afforded to individual taxpayers, sole proprietors, and partnerships. I would also note that even with this statutory exclusion, almost 25 percent of the total information returns—over 50 million—are already being filed for corporations on a voluntary basis.

I do not want the approach of corporate matching to be lost because of some administrative and accounting problems that currently exist with the concept. The September 1991 GAO report, entitled "Benefits of a Corporate Document Matching Program Exceed Costs," indicates that these hurdles can be overcome.

Indeed, document matching for the individual taxpayer has become a powerful tool for significantly increasing the voluntary compliance of the individual taxpayer. This has occurred despite the initial arguments of many who thought the administrative burdens on the IRS and taxpayer would exceed the benefits of the program. IRS now publicly acknowledges that the individual reporting and matching program has a tremendous deterrent effect for individuals and an important role in enhancing voluntary compliance.

Almost 5 years ago my Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs held a hearing on a corporate information and reporting program and recommended that the IRS conduct a comprehensive study to estimate the costs and benefits of such an information returns and document matching effort for corporations. We also recommended that the General Accounting Office monitor the progress of the IRS and conduct their own independent study utilizing some of the available IRS data. The results of the two studies were radically different and their testimonies this past summer were also quite dissimilar.

IRS indicated that the benefits from such an effort were marginal and would bring in around $500 million, but the GAO indicated that once up and running the system could bring in almost $1 billion annually. Both studies were incomplete in that they left out the costs to the business taxpayer and the payer community. However, after listening to this testimony, I concluded that such an effort can bring in substantial revenues even with these additional costs if it is done hand-in-hand with the corporate community.

Passage of this bill will significantly increase the woefully low compliance rate of corporations, especially small corporations, which has decreased 25 percent between 1980 and 1987 from 81 to 61 percent. I believe the compliance of these businesses would be even worse today if a new statistical analysis were done. In addition, the audit rate for corporations in 1991 was only 2.6 percent, less than half of the 6.5 percent rate in 1980. Compliance for individuals is assured by an effective document matching program that brings in almost $2 billion in revenues annually. I believe that corporations should at least be required to receive information returns for the income they receive from interest, dividends, and royalties. Although the payor community complains about the massive cost of filing these returns, over 50 million are filed voluntarily each year.

In my Government Operations 1991 report, entitled "The Feasibility of Initiating a System for the Verification of Corporate Tax Returns Through an Information and Document Matching Program at IRS," House Report 102–419, Dec. 10, 1991, it was noted that IRS needs to find out once and for all if the revenues to justify such an effort do exist. This bill is one way IRS could answer that question.

I hope this legislation can be the catalyst to stimulate action on this important issue by the Congress.

SALUTE TO PAT AND ANN CIMMARUSTI

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor two outstanding southern Californians as they celebrate their 50th anniversary.

Pat and Ann Cimmarusti have been a tribute to the Italian-American community in southern California. They have generously donated both time and money to many organizations in need—the Sons of Italy, the Orphans of Italy, the Catholic Church, the Starlight Foundation and the Disabled American Veterans to name just a few.

Ann and Pat have also been involved with their family business and the futures of their children. Their influence and guidance have given all three children the opportunity to own and operate a total of more than 32 restaurants in the Western United States, employing over 1,500 employees at one time. There children have also achieved success in real estate management and development in southern California.

Recently, the patriotic Cimmarusti family were proud to be part of the funding of the Ronald Reagan Presidential Library in Simi Valley.

Mr. Speaker, Ann and Pat Cimmarusti have proven that with love and perseverance, the great American dream can come true. I ask my colleagues to join their family and me in wishing them well on their golden anniversary.

CONSTITUTIONAL INTERPRETATION

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mrs. BENTLEY. Mr. Speaker, pursuant to a constituent request by the Moorish Science Temple I am resubmitting remarks made by Senators Sumner, Davis, Doolittle, Saulsbury, Powell, McDougall, and Hendricks on the day of April 9, 1864, as a reminder of the difficulties in interpreting the Constitution:

The learned Senator from Massachusetts, I apprehend, has made a very radical mistake in regard to the application of this language of the French constitution. The purpose for which this language was used in the original constitution of the French republic of 1791, was to abolish nobility and privileged classes It was a mere political reformation relating to the political rights of Frenchmen, and nothing else, It was to enable all Frenchmen to reach positions of eminence and honor in the French Government, and was intended for no other purpose whatever. It was never intended there as a means of abolishing slavery at all. The Convention of 1794 abolished slavery by another and separate decree expressly putting an end to slavery within the dominions of the French republic and all its colonies

Now, sir, I wish as much as the Senator from Massachusetts in making this amendment to use significant language, language that cannot be mistaken or misunderstood; but I prefer to dismiss all reference to French constitutions or French codes, and go back to the good old Anglo-Saxon language employed by our fathers in the ordinance of 1787, an expression which has been adjudicated upon repeatedly, which is perfectly well understood both by the public and by judicial tribunals, a phrase, I may say further, which is peculiarly near and dear to the people of the Northwestern Territory, from whose soil slavery was excluded by it. I think it is well understood, well comprehended by the people of the United States, and that no court of justice, no magistrate, no person, old or young, can misapprehend the meaning and effect of that clear, brief, and comprehensive clause. I hope we shall stand by the report of the committee.

Mr. SUMNER. My proposition is withdrawn, the Chair understands.

Mr. DAVIS. I was going to make one remark in relation to the proposed verbiage of the Senator from Massachusetts. I think that that Senator and all Senators ought to be very guarded in the terms they adopt when they take $500,000,000 of property from other people, in which they have no interest themselves, and purpose to give them no compensation for it. When the Parliament of England liberated the slaves in the West Indies they appropriate 20,000,000 as compensation to their owners.

Sir, the owners of no property of that value ever voluntarily dispossessed themselves of it. When ever any such legislation as that has taken place in the world the legislation has been of power and by a people that did not own the property. If at the commencement of the war of 1812 a proposition had been made, by legislation or by a change of the Constitution, to take all the shipping interest of New England, and the other States had been strong enough to carry such a measure in the form of legislation or amendment of the Constitution, there did not live a man within the States of New England at that time but what would have been in open revolt against it.

Here are these gentlemen, uninterested in slave property, and, with the exception of one or two in this body, having no interest whatever in it, who actually come up and propose to amend the Constitution and take that property from a great number of people more loyal than themselves, more true to their Government, more true to the true principles of the Constitution and the Union, without making them one cent's worth of compensation for that property. Everything is as smooth as a marriage bell when men who do not own the property propose to take it from those who do own it. It makes no odds what the amount of it is, or in what manner it is to be done, if it is just in accordance with their will. Whatever may be the origin of that will it is all fair, all proper, all politic.

Mr. President, the proposition that I assume I believe to be irrefragably true, that the power of amending the Constitution does not authorize the abolition of slavery. I deny that the power of amendment is illimitable. I deny that it carries every power which the amending power may choose to exercise. I deny that the power of amendment carries the power of revolution. It is an absurdity to say that this power of amendment will impart the power to change the Government and to establish a monarchy if the different departments and authorities authorize to enact the amendment choose to adopt it. It cannot be done, legitimately at any rate.

Mr. President, if the men who are to pass this amendment were as much interested in this property as those who are opposing it here and elsewhere, there is not one of them but would be found in opposition to it. It is a very beautiful operation, to be sure. They say to us, "We will take from you your property; we will make you no compensation for it; and we will do it under the power to amend the Constitution." Sir, property is a matter of State or domestic institution. The General Government have not legitimately, and were never intended to have, any jurisdiction or authority over the subject of property. What subjects should constitute property, how it should be regulated, whether it should exist and continue in one subject or be discontinued in another subject, are questions which were never intended to be intrusted to the General Government. That is a great and fundamental feature of our Federal and State system of governments. The proposed amendment takes that principle to be true in relation to but one subject of property; but if it strikes at it in relation to one subject of property, it may in relation to all.

The power of amendment as now proposed to be exercised imports a power that would revolutionize the whole Government, and that would invest the amending power with a faculty of destroying and revolutionizing the whole Government. In my judgment, it is absurd to say that the power of amendment, which is simply a power to reform, a power to improve, imports and authorizes the exercise of a power to destroy.

I think, if gentlemen are determined to abolish the property in slaves, they have as much right so to amend the Constitution as to make compensation to the owners of the property as they have to deprive the owners of that property of them. If they think the abolition of slavery and the depriving of so many loyal owners of such a large amount of property is such an exercise of authority as that the permanent good of the nation requires it to be done, they ought to have the grace, the justice, the magnanimity to make provision for a reasonable compensation to the owners of that property which they take from the owners. They have as much power to make the compensation as they have to take the property from them.

But, sir, in a closing word, I make my protest against men who have no interest in such a large amount of property as the slave property owned by the loyal people of the United States, undertaking to seize this property without any compensation, ruthlessly, unjustly, and in defiance of the guarantee of property and of justice that the Constitution and Government of the United States gave to all its people. Although I know that the protest of an angel would not be heard, much less the protest of as feeble a worm as I am, I make my last protest against a class of gentlemen, against a portion of the people of the United States, against the great preponderating sectional power of the United States, depriving loyal owners of millions of property, without having the justice, the magnanimity, or the grace to make the least provision for compensation, as the English Parliament did to the slaveholders in the West India islands.

Mr. DOOLITTLE. I should be glad if I had the time to reply to some of the remarks of the Senator from Kentucky; but I will forbear doing so, hoping that we shall now come to a vote. On some future occasion I may answer him.

The VICE PRESIDENT. The Senator from Massachusetts may withdraw his amendment, if there be no objection.

Mr. SUMNER. It is entirely within my power, as the yeas and nays have not been ordered.

The VICE PRESIDENT. It is within the province of the Senator to withdraw it without the consent of the Senate, as no vote has been had upon it, and the yeas and nays have not been ordered. The amendment is withdrawn.

Mr. SAULSBURY. I wish to know whether the amendment I sent up some time since is now in order.

The VICE PRESIDENT. That will be in order as a substitute; but all the other amendments are first in order.

Mr. SAULSBURY. I offer mine as a substitute for the whole.

The VICE PRESIDENT. The Chair so understood the Senator. If no other amendment be offered the Senator from Delaware proposes to strike out all of the words reported by the committee, and to insert what will be read.

The Secretary read, as follows:

ARTICLE XIII

SEC. 1. All persons shall have the right peaceably to assemble and worship God according to the dictates of their own conscience.

SEC. 2. The use of the public press shall not be obstructed; but criminal publications made in one State against the lawful institutions of another State shall be allowed.

SEC. 3. The right of citizens to free and lawful speech in public assemblies shall not be denied. Access of citizens to the ballot box shall not be obstructed either by civil or military power. The military shall always be subordinate to the existing judicial authority over citizens. The privilege of the writ of *habeas corpus* shall never be suspended in the presence of the judicial authority.

SEC. 4. The militia of a State or of the United States shall not be employed to invade the lawful rights of the people of any of the several States; but the United States shall not be hereby deprived of the right and power to defend and protect its property and rights within the limits of any of the States.

SEC. 5. Persons held to service or labor for life, in any State under the laws thereof, may be taken into any Territory of the United States south of north latitude 36° 30′ and the right to such service or labor shall not be impaired thereby, and the territorial Legislature thereof shall have the exclusive right to make and shall make all needful rules and regulations for the protection of such right, and also for the protection of such persons; but Congress or any territorial Legislature shall not have power to impair or abolish such right of service in the said Territory while in a territorial condition without the consent of all the States south of said latitude which maintain such service.

SEC. 6. Involuntary servitude, except for crime, shall not be permanently established within the District set apart for the seat of Government of the United States; but the right of sojourn in such District with persons held to service or labor for life shall not be denied.

SEC. 7. When any Territory of the United States south of north latitude 36° 30′ shall have a population equal to the ratio of representation for one member of Congress, and the people thereof shall have formed a constitution for a republican form of government, it shall be admitted as a State into the Union, on an equal footing with the other States; and the people may in such constitution either prohibit or sustain the right to involuntary labor or service, and alter or amend the constitution at their will.

SEC. 8. The present right of representation in section two, article one, of this Constitution, shall not be altered without the consent of all the States maintaining the right to involuntary service or labor south of latitude 36° 30′, but nothing in this Constitution or its amendments shall be construed to deprive any State south of said latitude 36° 30′ of the right of abolishing involuntary servitude at its will.

SEC. 9. The regulation and control of the right to labor or service in any of the States south of latitude 36° 30′ is hereby recognized to be exclusively the right of each State within its own limits; and this Constitution shall not be altered or amended to impair this right of each State without its consent: *Provided*, This article shall not be construed to absolve the United States from rendering assistance to suppress insurrections or domestic violence, when called upon by any State, as provided in section four, article four, of this Constitution.

SEC. 10. No State shall pass any law in any way interfering with or obstructing the recovery of fugitives from justice, or from labor or service, or any law of Congress made under article four, section two, of this Constitution; and all laws in violation of this section may, on complaint made by any person or State, be declared void by the Supreme Court of the United States.

SEC. 11. As a right of comity between the several States south of latitude 36° 30′ the right of transit with persons held to involuntary labor or service from one State to another shall not be obstructed, but such persons shall not be brought into the States north of said latitude.

SEC. 12. The traffic in slaves with Africa is hereby forever prohibited on pain of death and the forfeiture of all the rights and property of persons engaged therein; and the descendants of Africans shall not be citizens.

SEC. 13. Alleged fugitives from labor or service, on request, shall have a trial by jury before being returned.

SEC. 14. All alleged fugitives charged with crime committed in violation of the laws of a State shall have the right of trial by jury, and if such person claims to be a citizen of another State, shall have a right of appeal or of a writ of error to the Supreme Court of the United States.

SEC. 15. All acts of any inhabitant of the United States tending to incite persons held to service or labor to insurrection or acts of domestic violence, or to abscond, are hereby prohibited and declared to be a penal offense; and all the courts of the United States shall be open to suppress and punish such offenses at the suit of any citizen of the United States or the suit of any State.

SEC. 16. All conspiracies in any State to Interfere with lawful rights in any other State or against the United States shall be suppressed; and no State or the people thereof shall withdraw from this Union without the consent of three fourths of all the States, expressed by an amendment proposed and ratified in the manner provided in article five of the Constitution.

SEC. 17. Whenever any State wherein involuntary servitude is recognized or allowed shall propose to abolish such servitude, and shall apply for pecuniary assistance therein, the Congress may in its discretion grant such relief not exceeding one hundred dollars for each person liberated. But Congress shall not propose such abolishment or relief to any State.

Congress may assist free persons of African descent to emigrate and colonize Africa.

SEC. 18. Duties on imports may be imposed for revenue; but shall not be excessive or prohibitory in amount.

SEC. 19. When all of the several States shall have abolished slavery, then and thereafter slavery or involuntary servitude except as a punishment for crime shall never be established or tolerated in any of the States or Territories of the United States, and they shall be forever free.

SEC. 20. The provisions of this article relating to involuntary labor or servitude shall not be altered without the consent of all the States maintaining such servitude.

Mr. SAULSBURY. In offering these proposed amendments to the Constitution of the United States, I wish to say that there are embodied in them some things which, as a private citizen, I would not approve; some things that do not meet my personal approbation; but considering the situation in which we are placed and the sate of the country, I have been willing to meet the great questions involved in the controversy in the spirit of compromise and concession. For instance, as an original question I would not have agreed to any prohibition with reference to slavery in District where the capital of the United States is situated; but knowing the feelings engendered and excited on that question, I have waived my personal opinions, and offer this simply as a compromise. I shall make no speech in behalf of these propositions. They were matured by men more learned in the law than myself, and submitted to me for my approval. I have consented to offer them to the Senate of the United States as a peace offering. I offer them in that spirit. Without attempting to enter into any argument to enforce them upon the consideration of Senators, I will content myself simply with their presentation and let the Senate vote upon them.

The amendment to the amendment was not agreed to; there being, on a division—ayes 2, noes not counted.

The amendment made as in Committee of the Whole was concurred in.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. POWELL. The Constitution requires us, I believe, to take the question on the passage of such a resolution as this by yeas and nays.

Mr. MCDOUGALL. Before the final vote is taken I think it due to myself to make a few remarks, so that my exact position is regard to this whole question can be understood.

It may be known to a least one or two gentlemen upon this floor that for more than a quarter of a century I have been the friend of freedom and free institutions in the Republic of which I am a citizen. It does not become any man to boast; but I have the right to say that in the far West, when to favor free institutions was regarded by the populace as criminal, in the very year in which Lovejoy was killed at Alton, I, a stranger to all those consequences, entertaining the opinions I now entertain, and which opinions I have not changed, did myself march upon fifty rifles of East Tennesseeans and Kentuckians, mad with wine, who were undertaking to mob a few young gentlemen from Massachusetts and New Hampshire because they had signed a petition to abolish slavery in the District of Columbia, and I quelled that mob. I did it alone.

I was born in the North; I early went to the West, and became acquainted with these controversies, maintaining the opinions of my youth. I maintain them now, and have done so since I came into this Senate Chamber. It is convenient for men who seek to run with the current of the stream, or to float with the tide, to espouse doctrines when they may become convenient to them. That has not been my course of policy or my habit of conduct from my youth upward in the various States in which I have lived. I say this much, and there are men of the Republican party high in office to-day who might not have been well in health at this time had it not been for my maintaining them in their young manhood when it happened to be my opportunity. Therefore I shall not be set down in any place by any man as a person who does not love freedom in all its forms.

I have protested, as I did a few days since, against these controversies that are not germane to the business of the Federal Congress or to the Government as it is to-day with the legitimate offices on its hands. I do not believe that from Maine, or Vermont, or New Hampshire, or Massachusetts, or Connecticut, or Rhode Island, or from any northern or eastern State there comes a man who is more attached to the establishment and maintenance of free institutions than I am myself. But I was told in my youth that it was the duty of a lad to speak the truth, and it grew into my manhood, and I dare maintain it here as I have maintained it always, as far as my best judgment and my highest conscience permitted.

I think with regard to these movements that we are by them doing our country a great wrong. I say it not because I please to say it, for I say it with a sense of pain. We are doing our country and our people a great wrong, and then we are doing to another people a great wrong. The evening after we passed the bill to abolish slavery in the District of Columbia, I went to my lodgings, quite late in the evening. A colored man who was the dining-room servant, and a very polite man, waited upon me alone at the dinner table. He was evidently enjoying what he seemed to regard a triumph for his people. I said to him, "Frederick, do not be rejoiced; it may happen as a consequence of this act and other things that will follow this present action that they might as well take you to the Potomac and drown you." I look upon this policy as being a policy for sacrificing the whole of the colored people now occupying parts of this Republic. It has fallen within my own experience to see a beautiful valley, I think the most beautiful in the world, the valley of Napa. It is from ten to three miles in width; it is about thirty miles long. In the valley of Napa grow up the tallest oaks that I have ever seen or witnessed in my time, beautiful groves, a country such as is not in my judgment (and I am so told by men who have traveled throughout the world, which I have not done) paralleled in Spain, or Italy, or France. About the time that I first found myself on the western shores of this continent, there were twenty-five thousand native population; they may be called in one sense free American citizens. When I left my home to come here into the Federal Senate there were not two hundred of them. They had been destroyed by our own people, by our vices, our luxuries, and our violence.

I have no doubt the Senator from Indiana was correct when he stated yesterday that two hundred and fifty thousand of the people of African descent in this country had been prematurely destroyed. This policy will ingulf them. It is as simple a truth as has ever been taught by any history. The slaves of ancient time were not the slaves of a different race. The Romans compelled the Gaul and the Celt, brought them to their own country, and some of them became great poets, and some eloquent orators, and some accomplished wits, and they became citizens of the republic of Greece, and of the republic of Rome, and of the empire. This is not the condition of these persons with whom we are now associated and about whose affairs we undertake to establish administration. They can never commingle with us. It may not be within the reading of some learned Senators, and yet it belongs to demonstrated science, that the African race and the Europeans are different, and I here now say it as a fact established by science that the eighth generation of the mixed race formed by the union of the African and European cannot continue their species. Quadroons have few children; with octoroons reproduction is impossible. It establishes as a law of nature that the African has no proper relation to the European, Caucasian blood. I would have them kindly treated. In the experience of my life and in my practices, I will not allow any person to say that he has been more kind to the people of that race than have I been myself, and I have seen much of them.

But we are undertaking now here to antagonize them, and with what? To antagonize them with immediately the ascendant white race of the South where they belong; and what must be the result? We hear what is said now with regard to their present position. It comes from those persons who go as missionaries and who go as agents by the employment of the Government into the South for the purpose of taking care of these people. Along the shores of the Mississippi they are wanderers without a roof under which to rest, without food to support their animal system, lost people, men, women, and infants. These are facts which have thrust themselves upon the country, and with which every man in the Senate is conversant. It may be within our pleasure to make these evils more complete. It may be within the pleasure of our ignorance to say these things are true and just and right; but nature revolts at the affirmation; truth gives it a firm denial. I will not admit that I am less the friend of the people of the African race than any other gentleman on this floor, even the champion from Massachusetts. I would be their friend, I would protect and preserve them, as I would the men who occupied our groves and fields and hills before the Pilgrims landed at Plymouth Rock; but it must be done by just and wise policy, and not by any of these extravagant measures not asked for or demanded by the day, but sought for by a greedy appetite which, maddened with a present sense of power, seeks to accomplish today what they fear may not be within their grasp tomorrow. Against all such policy and all such conduct I shall protest as a man, in the name of humanity and of law and of truth and of religion.

The VICE PRESIDENT. The question is on the passage of the joint resolution, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HENDRICKS, (when Mr. Buckalew's name was called.) I desire to say that Mr. Buckalew is not able to be in his seat to-day, and he expressed a wish that I should say that if he were present he would vote against the proposition.

The call of the roll having concluded, the result was announced—yeas 38, nays 6; as follows:

"Yeas—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Harlan, Harris, Henderson, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Wilkinson, Willey, and Wilson—38.

"Nays—Messrs. Davis, Hendricks, McDougall, Powell, Riddle, and Saulsbury—6."

The VICE PRESIDENT announced that the joint resolution, having received the concurrence of two thirds of the Senators present, was passed. Its title was amended to read: A joint resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States.

Mr. SAULSBURY. I rise simply to say that I now bid farewell to any hope of the reconstruction of the American Union.

Mr. MCDOUGALL. I desire to ask a question for the purpose of understanding a ruling of the Chair. The ruling, I understand, is that the vote as it stands now has no relation to the States not represented on the floor. I think our vote now being a final vote should have relation to all the States as recognized under the Constitution.

The VICE PRESIDENT. The Chair rules that a majority of all the Senators is a quorum, and two thirds of the number voting, provided a quorum votes, is sufficient to pass any resolution proposing an amendment to the Constitution.

Mr. MCDOUGALL. I only desire the privilege of saying that such is not the opinion I entertain.

MISSOURI GENERAL ASSEMBLY RATIFIES THE 27TH AMENDMENT

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. WHEAT. Mr. Speaker, on May 20 the House passed a resolution affirming the 27th amendment to the Constitution, an amendment prohibiting midterm pay raises for Members of Congress. Today I would like to insert into the CONGRESSIONAL RECORD a resolution passed by the Missouri General Assembly on May 5, 1991, ratifying the amendment and expressing the sense of the general assembly that the ratification is sufficiently contemporaneous for the amendment to be certified by the Archivist.

Whereas, the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by a Constitutional majority of two-thirds thereof, has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following [Article] be proposed to the Legislatures of the several states, as [an Amendment] to the Constitution of the United States, * * * which [Article], when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes as part of the said Constitution, viz:

"[An article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the fifth Article of the original Constitution.

"Article the second * * * No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Whereas, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed amendment to the Constitution of the United States; and

Whereas, the proposed amendment to the Constitution of the United States has already been ratified by the legislatures of the following states in the years indicated, to wit: Maryland in 1789; North Carolina in 1789; South Carolina in 1790; Delaware in 1790; Vermont in 1791; Virginia in 1791; Ohio in 1873; Wyoming in 1978; Maine in 1983; Colorado in 1984; South Dakota in 1985; New Hampshire in 1985; Arizona in 1985; Tennessee in 1985; Oklahoma in 1985; New Mexico in 1986; Indiana in 1986; Utah in 1986; Arkansas in 1987; Montana in 1987; Connecticut in 1987; Wisconsin in 1987; Georgia in 1988; West Virginia in 1988; Louisiana in 1988; Iowa in 1989; Idaho in 1989; Nevada in 1989; Alaska in 1989; Oregon in 1989; Minnesota in 1989; Texas in 1989; Kansas in 1990; Florida in 1990; and North Dakota in 1991; and

Whereas, Article V of the United States Constitution does not state a time limit on ratification of an amendment submitted by the Congress, and the First Congress specifically did not establish a deadline for the ratification of this particular proposed amendment; and

Whereas, the United States Supreme Court has ruled in the case of Coleman v. Miller, 307 US 433 (1939), that a proposed amendment to the United States Constitution, submitted without any deadline, may be ratified by states at any time and Congress must then determine whether a reasonable amount of time has elapsed since its initial submission when—in the presence of certified ratifications from the requisite number of states—the time arrives for the promulgation of the adoption of the amendment; and

Whereas, the General Assembly of the State of Missouri finds that the proposed amendment is still meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed amendment was first submitted for its adoption; now, therefore, be it

Resolved by the Missouri Senate, the House of Representatives concurring therein, that the proposed amendment to the Constitution of the United States as aforequoted be and the same hereby is ratified by the Eighty-sixth General Assembly of the State of Missouri; and be it further

Resolved that the Secretary of the Missouri Senate be instructed to send a certified copy of this resolution to the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and to each member of the United States Congress from Missouri with the request that it be printed in full in the Congressional Record.

THE MEDICARE COMMUNICATION DISORDERS AND SERVICES AMENDMENTS ACT OF 1992

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MOODY. Mr. Speaker, I rise today to introduce the Medicare Communication Disorders and Services Amendments Act of 1992. This bill would improve Medicare's coverage of services related to communication disorders by providing access to a variety of services that Medicare currently restricts.

The ability to communicate effectively is vital to all Americans. Older Americans and individuals with disabilities are particularly vulnerable to speech, language, hearing, and related disorders such as swallowing or balance. More than 8 million Americans over 65 years of age have some degree of hearing loss. Almost 11 out of every 1,000 Americans 65 or older have a speech impairment—and these figures only cover those Americans who are not in nursing facilities where the numbers reach 25 percent of the population. Communication disorders are among the most prevalent kinds of disabilities among older Americans. These disabilities lead to social isolation and the need for longterm care.

Today, Medicare beneficiaries who seek professional assistance to improve their communication find their access to services severely limited. Their choice of speech-language pathologist is restricted to one who works in a hospital, nursing home, or rehabilitation agency, even if a speech-language pathologist in a free standing clinic is geographically closer. An older American who has a hearing loss is not covered by Medicare if he or she has a hearing test and there is not an active ear disease. If the provider is not certain of the cause of hearing loss, Medicare coverage is in question. If an individual on Medicare requires rehabilitation to learn how to make a listening environment more conducive to their hearing loss or how to take advantage of visual speech cues for greater understanding, Medicare will not reimburse an audiologist for providing the service even though they are appropriately trained to provide such a service.

The current law results in shallow Medicare coverage that excludes many people with communication disorders. A person who suffers a stroke, a head injury, or a progressive disease such as Alzheimers is faced with the risk of complete loss of the neurological ability to regain speech due to a lack of Medicare coverage for proper rehabilitation. A person confronting such problems still has the ability to communicate. However, it is locked up. Modern technology provides the tools and therapy necessary to unlock this ability, however, current Medicare coverage does not provide for the essential instruments to achieve this. As the situation stands, there is no reimbursement for purchase of these rehabilitation devices or for training to use them. Under these terms a person faced with a communication disability that is not covered by Medicare is often left without hope of regaining the ability to communicate and the independence that lies therein.

It is important to recognize the vital role that communication plays in daily life. Without proper rehabilitation for a communication disorder, a person is left isolated and very dependent on the help of others. Not only does this fail to facilitate healing but it also destroys self worth.

My legislation provides for a more complete Medicare coverage of speech-language pathology and audiology services by making amendments to title XVIII of the Social Security Act. These changes will broaden the choice of beneficiaries to see speech-language pathologists or audiologists, allow for extended coverage to independently practicing speech-language pathologists, reimbursement for vital augmentative communication devices needed for adequate rehabilitation, and clarify Medicare coverage for hearing tests.

As I have stated before it is time to move Medicare reimbursement and coverage up to the 1990's. It is my belief that current Medicare coverage regarding the rehabilitation of communication disorders is insufficient. However, with the proposed amendments to title XVIII of the Social Security Act, a more comprehensive and beneficial program can be enacted. This new proposal will help many otherwise neglected people both stay independent or become independent. It is an important amendment and I hope my colleagues will support my efforts.

TRIBUTE TO THE McGOWAN TWINS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to recognize Tony Tartaro, a proud grandfather of twins. Of course, Mr. Speaker, we all know Tony as a reporter of debates for the House.

We would be lost without people like Tony who has been on the Hill since 1952. He has been on the House floor since 1982.

As we all know, being a parent is one of the greatest joys of life, but being a grandparent is better. When you are a grandparent, you can enjoy your new children without having to pay your dues so to speak. All of the dirty work is taken care of by your own children.

But since Tony was blessed with twin grandchildren, his joy and pleasure are doubled. I hope that Alyssa Helene and Ian Anthony, born on May 18, give him more happiness than should be humanly allowed. And I wish the parents of the children, Colin and Laura Tartaro McGowan congratulations and the best of luck with the two little rascals.

DEVORAH STAJCHER RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Devorah Stajcher of Providence, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for New England Academy of Torah in Providence, RI.

This award is presented to the student, chosen by New England Academy of Torah, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Devorah Strajcher has more than fulfilled this criteria. While distinguished as a member of the National Honor Society, Devorah was chosen by her peers to be student council president. She also represented her school as a member of the mock trial team and was a valuable asset to the faculty as a teacher's aide.

I commend Devorah Strajcher for her outstanding achievements and wish her all the best in her future endeavors.

NEW GROWTH

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. HUCKABY. Mr. Speaker, I'd like to bring to my colleagues' attention an article which appeared in the June 8, 1992, Forbes magazine entitled "New Growth," by James Cook. The article focuses on Stone Container's operations in Costa Rica, and says that:

> Businesses like Stone Container are doing more to rebuild the world's forests than professional tree huggers with their noisy rhetoric.

The article is a tribute to Stone Container and that company's vision of how proper forest management can provide for healthy forests, enhance the economy, and provide for a sound environment.

As the article points out, the land base under Stone's management was a tropical rainforest until it was cleared for homesteading 90 years ago, and it reverted to scrub land or cattle ranching. However, in 1989, Stone began planting 27 million *melina arborsa* seedlings, which is a hardwood tree native to India. Given the report and climatic conditions, such trees can reach 90 feet in height and 22 inches in diameter within 5 years, thereby establishing a working forest. Stone has spent $15 million on the project, and has provided jobs for 1,300 Costa Ricans while infusing $2.5 million a year into the economy of Costa Rica. As Gerald Freeman, president of the company's forest products subsidiary points out, this project will restore tropical forests which were destroyed years ago and also provide new sources of wood fiber to meet increased worldwide demand for forest products.

The article compliments the efforts and the foresight of Stone Container and Mr. Freeman, and I am honored to join in this praise. This is truly a success story which needs to be told. What this company has done should be an example to our government and the public. Also, this should be a positive example of where business and environmental interests coincide to the leaders of world's governments as they meet at the United Nations Conference on the Environment and Development in Rio de Janeiro. It shows how sound forestry is utilized to improve our global environment while also providing affordable wood products for the world from our only renewable resource—the forests.

I commend the Forbes article to my colleagues and request that the entire article be printed at this point in the RECORD.

[From Forbes Magazine, June 8, 1992]

NEW GROWTH

(By James Cook)

Over the past 50 years Costa Rica's tropical forests have shrunk by nearly 80%. Environmentalists like to use sound bites like that to make their case that greedy capitalists are raping the environment. But in fact it is an absence of capitalists that is to blame for much of the deforestation in Costa Rica and elsewhere in the developing world. The poor people who live there cut down their forests for fuel, burn them down to flush out game or to clear the land for agriculture.

Gerald M. Freeman is a capitalist. He is also an ecologist who is doing more than most environmental activists to reverse the deforestation process and to pump more oxygen into the atmosphere.

As senior vice president and general manager of the forest products division of $5.7 billion (revenues) Stone Container Corp., Freeman is in charge of the company's managed forest programs. Managed forests, says Freeman, are healthier, more productive and less likely to catch fire than forests kept forever wild—witness the 800,000 acres burned at Yellowstone four summers ago. Thanks to managed forests, U.S. timber reserves are 20% larger than they were 20 years ago, despite the tremendous growth in demand for pulp, paper and other forest products since that time.

Stone Container has self-interested reasons for worrying about the state of the forests. Unlike Weyerhaeuser, International Paper and most of its other big competitors, Stone has virtually no forest reserves of its own. It depends on recycled paper for roughly 30% of its wood fiber needs and buys the rest on the open market. A steady supply of good-quality, relatively low-cost pulp, wood and wood chips is crucial to Stone's long-term survival.

For over a decade now, the company has been providing agricultural consulting services to some 3,800 tree farmers who control about 1.7 million acres in the southern U.S. But what has Freeman really excited these days is Ston Forestal, a four-year-old reforestation project Stone Container has under way in heavily deforested Costa Rica. Freeman says the 60,000-acre tree farm project will restore tropical forests that disappeared decades ago, and will produce pulp for world markets on a continuous basis—"sustained yield," as the industry called it long before sustainability became an environmental buzzword.

Stone's Costa Rican reserve was a tropical rain forest until it was cleared for homesteading 90 years ago. When the farms didn't pay out, the banana companies took over the land. Then the communists tried to organize the banana workers in the Fifties, so the banana plantations, too, got out. Within a few years the land reverted to scrub or to cattle ranching.

Starting in 1988, Stone bought 2,500 acres of land and is leasing another 57,500 for 18 years near Palomar Norte, southwest of San Jose. In 1989 it began planting the first of 27 million *gmelina arborea* seedlings. The *gmelina arborea* is a hardwood tree native to India. It grows so rapidly that you can practically see it growing. Given the right soil and climate conditions, such trees reach 90 feet in height and as much as 22 inches in diameter inside five years. In that time the *gmelina* will yield 100 tons an acre of harvestable pulpwood. It would require 40 years to produce an equal quantity of pulpwood in the American South, 70 years in the American Northwest.

With 17,000 acres planted so far and another 7,000 ready to be planted by early June, Stone's first *gmelina* trees will be harvested in 1995; thereafter the forest should yield 600,000 tons of pulpwood per year. Let the trees grow four or five years longer, and they're big enough to be sawed into lumber. Freeman says he expects to grow 10% to 15% of the crop for the lumber market.

This kind of enviromanagement is not inexpensive. So far Stone Container has spent $15 million on the project. Although the first harvest is still three years away, the project already has provided jobs for 1,300 people and pumps $2.5 million a year into the Costa Rican economy. Once the first crop is harvested, the country should earn around $12 million a year from exporting the pulpwood into the world markets.

Stone has been trying to develop a second forest reclamation project in Honduras, but it has been stymied by hard-line environmentalists. Stone hoped to boost the volume of a vast pine forest in the La Mosquitia region from 15 tons of pulpwood an acre to 60 tons on a sustained-yield basis. The project would mean $20 million a year for the Honduran economy. But environmental opponents charged it would destroy what remained of the original forest and suggested Stone had bribed government officials to get the project off the ground. Both charges, says Freeman, are false.

Freeman isn't giving up in Honduras. "We were invited back by the Honduras government, and we expect to announce a new agreement at the end of the month," he says. "But we expect we'll be barraged again by some of the environmentalists."

But true environmentalists should rejoice. Costa Rican forests that were destroyed generations ago are regenerated; the pressure to raze existing original forests in Costa Rica and elsewhere is reduced. Young forests absorb more carbon dioxide than old forests do and emit more atmosphere-refreshing oxygen.

Instead of agitating for more government controls, perhaps the people meeting in Rio de Janeiro to discuss global warming ought to encourage projects like Stone Container's.

TRIBUTE TO JOHN HOGLUND

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to John Hoglund, a Maywood, CA police officer who was murdered recently as he confronted robbers at a neighborhood market in Maywood. At the same time I wish to express my grief and pay respects to John's family and friends he left behind. This is an especially heartfelt grief for me because John's ex-partner, Michael Gibson, a part-time member of my daughter Lynn's campaign staff is overcome with a heavy heart at the loss of John. We all express our sorrow for this tragedy.

Too often we take for granted the great risks inherent in duties of police officers, failing to realize that they risk their lives time after time so that we may go about our lives in peace. On Friday, May 29, 1991, John Hoglund made the ultimate sacrifice while trying to protect citizens of Maywood, CA. The following was taken from the Los Angeles Times:

> A Maywood police officer was fatally shot Friday as he confronted armed robbers fleeing a neighborhood market, becoming the first member of the tiny Police Department to be killed in the line of duty in its 68-year history. John A. Hoglund, 46, was responding to a silent burglar alarm at George's Market, a family-owned grocery and liquor store, when he was shot at least three times in the chest and head as he stepped from his patrol car, Maywood Police Chief Ted Heidke said. Hoglund did not have a chance to draw his own gun, Heidke said. Deputy Hal Grant said four or five clean-cut young men escaped in two cars.
>
> The store is widely known in the blue-collar neighborhood as a place where area factory workers cash their checks each Friday. Witnesses said the thieves looked like gang members because they wore white T-shirts and baggy pants, but a sheriff's spokesman said there was no evidence they were gang members.
>
> Hoglund's response to an alarm drew him to the scene. In a gesture typical of Hoglund, the 16-year veteran was not assigned to take the call, but volunteered because he was the closest officer. Maywood officers usually ride alone. A spokesman said, "even if he wasn't assigned a call he always went. He was always working." By the time a backup car with two reserve officers arrived minutes later, Hoglund had been fatally wounded.
>
> Hoglund, who was known for his dry sense of humor, was the only officer in the Maywood force who refused to wear a bulletproof vest. The fatal wound was to the head, however, so a vest would not have made a difference. A divorced father of three, Hoglund was pronounced dead at Santa Maria Hospital. John A. Hoglund, a good and decent man will be missed not only by his many friends and family, but also by all of us in the communities in which he served for so many years.

THE AMERICAN HUMANE ASSOCIATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. HYDE. Mr. Speaker, on May 28 we debated the conference report on the reauthorization of the National Institutes of Health, and one of its most controversial aspects, the use of fetal tissue from induced—as distinguished from spontaneous—abortions, and tissue from ectopic pregnancies.

In the course of the debate, I was handed a letter from American Humane, an organization concerned with protecting animals since 1877, which expressed support for this legislation in that it would provide "alternatives" for animals used in medical research.

As I interpreted this letter, it seemed to me that this organization was urging the protection of animals over the unborn children involved in abortions, and I said so in the debate. I have since been contacted by Ms. Adele Douglass, director of the Washington office of American Humane taking me to task for an erroneous and harmful interpretation of their letter and pointing out that the term "alternatives" in no way means preferring animals to humans, but as used within the context of animal research refers to refinements or modifications of the test procedure that reduce or eliminate animal pain and suffering through the use of methods that reduce the number of animals required, and even other approaches that replace animals with nonanimal methods. An example of the latter is where one animal test that was used to screen intravenous fluids for the presence of toxic bacterial contaminants is now replaced by a simpler and cheaper test that uses blood extracts from the horseshoe crab, saving thousands of rabbits each year.

I have also learned that the American Humane association has two divisions, an Animal Protection Division and a Child Protection Division.

I regret my superficial interpretation of the short letter I used in debate, and my misunderstanding of the contextual meaning of the word "alternatives." I salute the American Humane Association for its most useful and compassionate work and apologize for the inaccurate and thus unfair criticism I directed at them during the debate.

U.S. POWER COULD BE RESTRICTED UNDER GATT

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Ms. LONG. Mr. Speaker, I comment for the RECORD today to bring attention to an important issue regarding some very troublesome provisions contained in the December 21, 1991 General Agreement on Tariffs and Trade [GATT] final act text.

Specifically, I am concerned about the provisions that would empower an international trade panel with the authority to compel the U.S. Congress to change our domestic laws. I know that many of my colleagues in the House and in the Senate agree that we should be concerned about any agreement which contains such inherently troublesome characteristics.

In this regard, today, a number of us are sending a letter to President Bush expressing our concerns. I have taken the liberty of inserting the letter in the RECORD for the benefit of my colleagues and others who are interested in this important matter.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 1992.

The Hon. GEORGE BUSH,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are pleased that your Administration continues to participate in the Uruguay Round of the General Agreement on Tariffs and Trade (GATT). We want to support a trade agreement that would provide jobs, open markets, and strengthen the economy. However, we are concerned about provisions in the Uruguay Round "Final Act Text" that would empower an international trade panel with the authority to pressure the U.S. Congress to change our domestic laws (Uruguay Round Final Act Text, S.17.1 and S.20.2). We respectfully urge you to ensure that such provisions not be included in the Agreement. It will be very difficult for us to vote in favor of any agreement that contains such inherently troublesome characteristics. In fact, a resolution to this effect has garnered more than 150 cosponsors in the House of Representatives.

Specifically, we are concerned about the extreme power granted in the December 21, 1991 GATT Final Act Text to international trade bureaucrats with regard to the dispute settlement and enforcement provisions. As described in a Congressional Research Service (CRS) legal analysis, the GATT language would make it virtually impossible for the United States to stop a trade panel ruling calling for the U.S. to change one of our laws. Under the current GATT agreement, a single country may block a decision of a GATT panel. In contrast the December 21, 1991 Text provides that a panel decision will be upheld unless a consensus of the entire GATT votes to override the panel. According to CRS, "Thus, that party would no longer have control over whether or not it must change that particular policy or law to conform with the GATT." These same provisions would also allow for automatic adoption of trade sanctions against the U.S. if the Congress did not change the law in question.

As Members of the House and Senate, we are elected by the people of our Districts and States to represent their viewpoints on legislation affecting our country. Many of the laws which could be challenged under the terms of the Uruguay Round, such as those affecting health and safety and the environment, are integral to U.S. domestic policy. Allowing an international panel the authority to pressure the Congress to change our laws undermines the very essence of our U.S. Constitution and the Bill of Rights.

Mr. President, each of us desires to vote in favor of a good trade agreement which would help our country. For this reason, we respectfully urge you to delete or significantly alter these unacceptable provisions.

In advance, thank you for your consideration of our views in this regard.

Sincerely,

Jill Long, Ron Marlenee, Jolene Unsoeld, Peter DeFazio, Henry Waxman, Frank McCloskey, Helen Delich Bentley, Jim Jontz, Barney Frank, Louis Stokes, Nick Mavroules, Charles Schumer, James H. Scheuer, Jim Chapman.

David Skaggs, Pete Peterson, Martin Lancaster, Peter H. Kostmayer, Austin J. Murphy, Gerry Studds, Thomas Foglietta, Glenn Poshard, Howard Berman, Charles A. Hayes, Joan Kelly Horn, John W. Olver, Lane Evans, Glen Browder.

Members of Congress.

Alan Cranston.
U.S. Senator.

ROBERT JASON CONKLIN RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Robert Jason Conklin, of Coventry, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for School One in Providence, RI.

This award is presented to the student, chosen by School One, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Robert Conklin has more than fulfilled this criteria. While serving honorably as the student representative to the board of directors, Robert was distinguished among his peers to be part of a student advisory council. He also is a published poet and devoted himself to starting a writing group for other young authors at his school.

I commend Robert Conklin for his outstanding achievements and wish him all the best in his future endeavors.

MAYS MIDDLE SCHOOL DEMONSTRATES COMMUNITY VALUES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I want to call my colleagues' attention to Mays Middle School in Dade County, a monument to the commitment of parents to educating future generations.

Mays started out as one of the first schools for black children in South Dade County, in a room in Mount Pleasant Missionary Baptist Church. It was founded by Arthur and Polly Mays, black pioneers, in 1916, and included first through third grades. Fourth through sixth grades were added later, at New Bethel Church.

In 1926, Mays administrators asked the school board to build a black school in the area. Under financial pressure, the board rejected the request. It took Mays parents nine more years to convince the school board, and the present building was started in 1935. The building has now been declared an historical landmark, after a similar, 10-year, campaign by local activists.

The Miami Herald published an article on this landmark to parental commitment, which I would like to include in the RECORD:

MAYS MIDDLE HAS MUCH TO CELEBRATE

(By Irene Mederos)

Mays Middle School celebrated the old and the new Friday.

The 57-year-old school commemorated its designation as a Dade historical site, and hailed several million dollars' worth of renovations and additions.

"The school serves as a major institution for the community." said principal Robert Stinson. "Many people who live in this area have graduated from Mays, and so did I. It's an important part of the history of Dade County."

Several School Board members, Dade Schools Superintendent Octavio Visiedo and scores of residents attended the dedication at the school, 11700 Hainlin Mill Dr.

For the past 10 years, a community group has been petitioning Dade County to designate the school as a historical landmark, Stinson said. The commission approved the designation Dec. 18, and the plaque was handed to the school Friday.

Mays was originally established by black pioneers Arthur and Polly Mays in 1916 and was one of South Dade's first all-black schools.

It actually began inside a room in Mount Pleasant Missionary Baptist Church, where first-through third-grade kids were taught. Mays then expanded into another classroom at New Bethel church and hired a second teacher for fourth through sixth grades.

Mays administrators proposed a resolution to build a new black school in the area in 1926. The school board, under financial pressure, rejected the request.

"The black community in Goulds felt it was important to have their children educated and they did everything in their power to see that that happened, even against great odds." said Teresa Lenox, historian for Metro's division of historic preservation.

Mr. Speaker, I congratulate principal Robert Stinson of Mays Middle School on the historical designation of his school, as well as its new renovations. I hope it will stand for many, many years as a symbol of our commitment to education for all our Nation's children.

CONGRATULATIONS TO MR. AND MRS. PAUL LEVIN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. LEHMAN of Florida. Mr. Speaker, on Friday, June 26, 1992, the mayor of the town of Boulogne, France will join in matrimony Paul Stuart Levin of the United States and Emmanuelle Votat-Celbert of France. On the following evening, Paul and Emmanuelle will be married in a religious ceremony at Domaine de Binanville 78790 Septeuil, France.

Paul is the stepson and son of the vice mayor of the city of North Miami Beach, Jule Littman and his wife, Sherry, who are longtime friends of mine.

I share in their joy, and that of Mr. and Mrs. Votat-Celbert, on this happy occasion. It represents not only the joining of two lives and two families, but it also symbolizes the close relationship that our two great countries have enjoyed for over two centuries.

My warmest best wishes to the bride and groom for a happy and productive life together. I would also like to extend greetings to the honorable mayor and other public officials of the town of Boulogne.

JUNE IS NATIONAL WIRELESS TELECOMMUNICATIONS MONTH

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. RINALDO. Mr. Speaker, June is National Wireless Telecommunications Month, which should remind us of the role instant communications has come to play in our society. Recently, the Washington Post noted that the telephone has become our civilization's "social lifeline" and that "increasingly, our sense of personal well-being, of 'connectedness,' depends on instantaneous voice communications."

There is a revolution afoot in the world of wireless communications that will, in fact, ease our stress while giving us more control over how and when we communicate. There is no single recognizable name or acronym for this, although it's been tagged with such names as "Personal Phone Service." "One Person, One Number," "Easy Reach," "One Number for Life Service."

The premise is fairly easily stated: What if you had a single telephone number that followed you everywhere, from home to car to office to sidewalk to neighbor's house to strange city? And what if the system could execute instructions for routing or storing incoming calls when you did not want them?

Such a system is very close to becoming a reality. Trials of the new technology have been announced in the Baltimore-Washington area, in Pittsburgh, in Connecticut, and in two Canadian provinces. At the same time, a long-distance carrier recently announced it will begin a service this spring that allows subscribers to program call-forwarding instructions from any touchtone phone using a 700 phone number that they can keep for life.

When you remember that the ability to call people without regard to place evolved only in recent years with the construction of cellular systems, it is clear we really are discussing a revolution that's occurring in the telecommunications industry.

National Wireless Telecommunications Month is giving us a chance to think about what is coming—and how we might use it.

IN HONOR OF GENERAL JAMES MOORE—A DEDICATED LEADER

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. PANETTA. Mr. Speaker, on Saturday, June 6, the cities, businesses, and citizens within my district and surrounding the Fort Ord Military Reservation will be honoring a man who has dedicated himself to over 40 years of service to the Nation and to the community.

Lt. Gen. James Edward Moore, Jr., U.S.A. (Ret.), began his illustrious career upon entering West Point in 1950. In 1954, he graduated from the Academy and 2 weeks later married his beautiful wife, Joan, at Carlisle Barracks, PA. For the next 35 years, Jim Moore was assigned ever increasing responsibilities; from company commander with the 82d Airborne Division at Fort Bragg, NC, in 1960, to command of a combat infantry battalion in Vietnam in 1967. He was promoted to colonel in 1973 and moved to Monterey to command the 3d Basic Training Brigade and, a year later, the First Brigade of the 7th Division. In 1979, he received his first star and was promoted to the rank of brigadier general. A second star came in 1982 and a third, that of lieutenant general, in 1985. Flag rank responsibilities included; command of the 7th Infantry Division at Fort Ord, CA, command of the Combined Field Army in Korea, and command of the Sixth Army at the Presidio of San Francisco.

But, it is not only because of General Moore's outstanding military service to the country that we will be honoring him this Saturday. In 1990, the Fort Ord community suffered a most severe economic and social setback. Word was received that the Army would be moving the 7th Infantry Brigade and the Fort Ord military installation would be closing. The community was faced with a myriad of problems; the effects on housing, on medical care, on local businesses. The impact of the base closure would have a direct effect on most every household in the area. We looked for someone who had the leadership, the knowledge and tact to bind us together, keep us focused on the issues and help devise a strategy to redevelop the base property. We found Jim Moore.

After 35 years of service, at a time when General Moore justly deserved his time in the sun or on the first tee at Pebble Beach, he volunteered to coordinate all the activities of the Fort Ord community task force. Refusing any salary, Jim was one man doing the work of 10. He was the man who worked with the Army. He was the man who worked with the media. He was the man who worked with the State, county, and city elected officials, the advisory groups, and with individual citizens. He could be found at the task force headquarters from 8 a.m. to 5 p.m. And, most every evening, he was called upon to address a town meeting or an advisory group seminar. Jim Moore was putting in 60 hours a week of voluntary service when most would say they paid their dues and not get involved at all.

Today, when the public searches for a few true heroes, someone who puts family, country and fellow citizen ahead of personal wants and desires, our community is blessed. They need to look no further than Gen. James Moore.

Mr. Speaker, on behalf of the citizens of my district, I ask my colleagues to join me in recognizing General Moore for his unprecedented contributions, and also to thank his wife, Joan, and his family for sharing him with us. He has served his country and community above and beyond the call of duty. Let it be said of Jim Moore he has commanded swords when it was important to the military security of this Nation; and now he has commanded the conversion of these swords to plowshares when it was important to the economic security of this community. Unlike the old soldiers of the West Point ballad, he did not "just fade away." And for that, we are extremely thankful for his commitment, his dedication, and his leadership.

FRANCES LAUN HONORED

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. SKELTON. Mr. Speaker, today I pay tribute to a dedicated Missourian from the Fourth Congressional District, Frances Laun. She is the chief program assistant at the Lafayette County Office of the Agricultural Stabilization and Conservation Service [ASCS] in Higginsville, MO. I take this means to congratulate her for being awarded the U.S. Department of Agriculture Honor's Award, this is the USDA's highest form of recognition.

This award acknowledges Frances Laun's service to agriculture and, in particular, her efforts to manage the county office during the 7-month absence of Stanton Thompson, county executive director who was recalled to active military duty during the Persian Gulf war. As acting county executive director, her principal responsibility was the supervision of the day-to-day operations of the Lafayette County ASCS.

While she was in charge, she supervised the distribution of $7 to $8 million in farm loans and serviced approximately 1,500 to 1,700 farm producers. At the same time she was faced with two challenges: The first being the supervision of the Emergency Conservation Program, which appropriated Government funds to farmers in the county, and the second being the supervision of the 1990 Farm Law, which applied to the 1991 crop year.

Frances Laun is truly someone who brings distinction to the Lafayette County office of the ASCS. She has made a major contribution to Lafayette County and I congratulate her on this well deserved honor.

HOME BUILDERS ASSOCIATION OF DAYTON AND THE MIAMI VALLEY CELEBRATE 50TH ANNIVERSARY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to the Home Builders Association of Dayton and the Miami Valley, which tonight is holding a banquet to celebrate a half century of service to six counties of southwestern Ohio. For five decades now, the members of this association have been assisting generations of Ohioans to realize the quintessential American dream of owning their own home. Before the Second World War, only about 45 percent of our population were homeowners. Efforts by groups such as the Home Builders Association of Dayton and the Miami Valley, in concert with government programs, have raised this statistic to an average of 65 percent over the past decade.

In addition, it has been traditional for the home building industry to play a crucial role in leading our Nation out of recession. The industry is ready to play a similar role in the current recession. I salute the homebuilders and their contributions to my community, past, present, and future.

IN RECOGNITION OF LEROY WALKER, MISSISSIPPI WINNER OF THE "GOLDEN ARCH AWARD"

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. ESPY. Mr. Speaker, today, I want to recognize an outstanding African-American businessman and current resident of Mississippi who has received the highest honor given to operators of McDonald's restaurants.

Leroy Walker, who owns six McDonald's in the Jackson, MS, metropolitan area, was recently named winner of the Golden Arch Award. He is one of 14 winners of the award which was presented at McDonald's annual meeting in Orlando, FL. According to McDonald's Corp., the Golden Arch Awards are presented every other year to the McDonald's operators worldwide who are the very best. Other winners were from New Zealand, Germany, Canada, and The Netherlands.

Like the Oscar for movies, or the Grammy for recordings, the Golden Arch Award represents the pinnacle of success for McDonald's operators. It is given to honor the very best operators in one of the world's very best franchises.

Leroy Walker is the kind of African-American role model all Americans need to know, particularly now. At a time when millions of African-Americans are shut out of the mainstream of this society, he is an example of what can be achieved with dedication, with hard work, and with commitment. When so many have lost faith in their ability to fulfill their potential, he demonstrates what can be accomplished with courage and with conviction.

A native of Memphis, TN, Leroy Walker received a Bachelor's Degree in Zoology from Tennessee State University in 1972. Since acquiring his first McDonald's franchise in 1984 in Nebraska, and his second there in 1987, he has bought six more McDonald's stores in the Jackson area. Today, he is president-elect of McDonald's Mid-Mississippi Co-Op, which governs 28 outlets in Mississippi.

What is more, Leroy Walker delights in working with youth and teaching them the keys to success. He said recently that "being able to rationalize with employees and talking with them about different perspectives in life has carried me a long way. It's gratifying to talk to young people working for you and getting them to improve their personal skills."

But Leroy Walker's reach also extends beyond those youth who are fortunate enough to be employed in his restaurants. He is the president of 100 Black Men of Jackson, providing inspiration and leadership to African-American youth who need it most. He is also active in the Jackson Chamber of Commerce and Junior Achievement of Jackson.

Mr. Speaker, Leroy Walker's accomplishments give us reason to hope that the doors of opportunity in America can be opened for many other African-American entrepreneurs.

His life demonstrates the kind of dedication and commitment necessary to take advantage of those opportunities.

INTRODUCTION OF DUTY SUSPENSION LEGISLATION

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. ARCHER. Mr. Speaker, recently I introduced H.R. 4879 a bill to suspend temporarily the import duties on four chemicals. This bill would help an internationally competitive American company control its costs by suspending a duty on four products which are not produced in this country. The imported chemicals which are the subject of this bill are used in the United States to produce drugs for a variety of ailments, including prostrate cancer, high blood pressure, certain bronchial conditions, and allergies.

The chemicals are currently subject to substantial duties: two are dutiable at 6.8 percent, and the other two at the very high compound rate of 15.6 percent plus 3.7 cents per kilo. These duty rates are well above the average U.S. tariff; and in this case serve no particular purpose because they do not protect a U.S. manufacturer. A duty suspension will support the manufacturing of finished pharmaceutical products in the United States, including investment in extensive research and development efforts, and the jobs and tax revenues that this entails. The revenue impact of providing these duty suspensions will be modest, and will amount to less than $5 million a year.

Our trading partners, particularly the European Community, grant duty suspensions for pharmaceutical products on an even broader basis. Where—as in this case—no U.S. manufacturer would be harmed, we should make similar efforts to support our research and development-based industries which are the cornerstone of America's competitiveness in international markets. H.R. 4879 is intended to further these goals.

TRIBUTE TO DAVE WRIGHT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. CLINGER. Mr. Speaker, I am pleased to take this opportunity to recognize Mr. Dave Wright, a forest supervisor for the Allegheny National Forest, headquartered in Warren, PA. This summer Dave will be moving to Coeur d'Alene, Idaho, to continue his career as a supervisor for the Panhandle National Forest. During his 5-year tenure, Dave has served as a model forest supervisor, and made an invaluable contribution to sound forest management in my district.

When Dave came to Warren in 1987, he had excellent credentials. He began his career in 1962 with the Forest Service in California. Dave also worked as a Forest Manager in Missoula, MT, at the northern regional headquarters of the Forest Service. His education includes a B.S. from Oregon State, and in 1989 he completed his graduate studies at Harvard University's John F. Kennedy School for Government, as a senior executive fellow.

During his tenure with the Allegheny National Forest, Dave has received recognition for his outstanding service. Dave was honored in 1990 with a Superior Service Award from the Department of Agriculture for his innovative management of mineral operating procedures. In 1991, the Department recognized him again, this time for developing a cooperative work program between the Federal Bureau of Prisons and the Allegheny National Forest. He was also the recipient of the Eastern Region Award for his vision of the future and the steps he has taken to fulfill this vision.

Dave has also been active as a member of numerous Government task forces. He is presently a member of the National Accountability Task Force, which is working to build a new system of accountability for the U.S. Forest Service.

Mr. Speaker, on behalf of the thousands of people who visit and enjoy the Allegheny National Forest each year, my staff and I would like to thank Dave Wright, and commend him for all of his efforts toward the preservation of the forest. Dave is truly dedicated to the future of forest management, and has encouraged the people in my district to appreciate the forest as one of our most valuable natural resources.

DANTE FASCELL: A TRULY GREAT COMMITTEE CHAIRMAN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. BROOMFIELD. Mr. Speaker, one of the truly great committee chairman of our time is retiring. For 8 years DANTE FASCELL has brought dignity and honor to the proceedings of the Foreign Affairs Committee.

As ranking Republican, I have worked alongside DANTE for all 8 of those years. I have never met a committee chairman who was his equal for fairness.

As chairman of a committee that is potentially one of the most partisan on Capitol Hill, he has managed our business with good humor and with uncommon good sense.

For DANTE, politics truly does stop at the water's edge. His spirit of bipartisanship and his sincere concern for the rights of the Republican minority have made the committee's work not only more enjoyable but a lot more productive.

DANTE FASCELL is a great statesman, a warm human being, a true friend, and I will genuinely miss him.

Several articles have recently reported on his retirement and mentioned some of his many contributions to the House that he has loved and the Nation to which he has contributed so much from his abundance of energies and talents. I ask that they be reprinted in the RECORD, along with an article by the chairman himself.

[From the Miami Herald, May 28, 1992]

THE NATION'S GREAT LOSS

Dante Fascell retiring? Say it isn't so! But it is: Yesterday the veteran South Dade congressman announced in Washington that he won't seek a 20th term on Capitol Hill. Neither will he convert to his personal use, though legally he could, the $500,000 or so in his campaign treasury. That's fully consistent with his integrity, public and private.

Representative Fascell is a close second in seniority, but a clear first in esteem, among the members of Florida's congressional delegation. He has served with distinction as chairman of the House Foreign Affairs Committee.

Never was his wisdom on better display than during 1990's congressional debate of America's role in the Persian Gulf. His reasoned support for deploying multinational forces against Saddam Hussein was pivotal to winning House approval of President Bush's policies.

Yet Mr. Fascell, 75, also knows full well that violence rarely resolves international disputes. Long before Iraq's invasion of Kuwait, for instance, he had built a solid record of support for negotiations to bring peace to the Mideast while ensuring Israel's security. He also played a key role in congressional efforts to end violence and injustice in Central America and to restore democracy and human rights in Cuba, Haiti, Nicaragua, El Salvador, and Chile.

Less visible but arguably as important was Mr. Fascell's work in concert with leading European parliamentarians on behalf of human rights behind the Iron Curtain. Their efforts to free dissidents and goad the Eastern bloc to honor the Helsinki accords may well have helped hasten tyranny's demise and the Cold War's end.

For Floridians losing Dante Fascell—especially now—is a major blow to the state's dwindling influence on Capitol Hill. Florida's congressional delegation already had lost seniority and clout with the death in 1989 of Rules Committee Chairman Claude Pepper. This year's previous retirement announcements from Reps. William Lehman, Larry Smith, Craig James, and Andy Ireland—coupled with redistricting that pits other incumbents against each other—mean that Florida will have one of the least experienced delegations when Congress reconvenes next year. With its House delegation expanding to 23 members from 19, Florida already was guaranteed four freshmen. Now it will have at least nine and possibly several more.

Mr. Fascell says that the new district carved for him—a misshapen, elongated blob that stretches north from Key West through the Keys and South Dade to include much of West Broward—was not the determining factor in his decision.

If he says that it wasn't, then it wasn't. Among Mr. Fascell's endearing traits is one all too rare among elected officials: candor. He still has a way of cutting through baloney to get to the point. You can believe what he says.

You can also believe, however, that Mr. Fascell might leave some things unsaid in deference to his longtime colleagues and to an institution that he loves. Some retiring congressmen have spoken bitterly of their disillusionment with politics and of the "poisonous atmosphere" pervading Capitol Hill. Mr. Fascell said that it was simply time to go after nearly 38 years of service.

Even so, there's cause for concern over Mr. Fascell's departure. Granted, many term-limits advocates would argue that he had already stayed on too long. It ought to be worrisome, though, when able public servants no longer feel that serving in Congress is rewarding enough or enjoyable enough to make them want to stick around.

For the nation and for Florida, then, Mr. Fascell's retirement is a loss. Beyond that, though, the obvious erosion in public service's attractiveness to candidates of his stature is an even greater loss.

[From the Miami Herald, May 31, 1992]

DANTE'S FAREWELL

(By Dante B. Fascell)

As I write this, it's less than 24 hours since I announced that I will be leaving Congress at the end of this year. I will be completing 38 years of service on Capitol Hill and 42 years in elective office.

People keep asking me: "What does it feel like to be leaving?"

I'm tempted to say: "Fantastic!"—and let it go at that. But, I recognize that it's a serious question and it deserves a thoughtful and honest answer. The truth is that I feel a lot of joy and a very human trace of sorrow.

The President of the United States called me at home last night and extended his good wishes. The Prime Minister of Canada called me at the office this morning. That's heady stuff for a guy who came out of five years in the Army back in 1946 determined to do something with his life that would make a contribution. For me, planning just to make a living wasn't going to cut it.

When I look back on all my years of public service since then, I don't think it would be immodest of me to say that I have made that contribution.

And now it's time to try something new.

People also ask if I am leaving the Congress because of some dissatisfaction, some disappointment—maybe even the feeling that I couldn't garner enough votes this time around.

The answer to all three is a resounding No.

I have no negative feelings. And I would win if I choose to run. I am leaving at the end of this term purely and simply because I feel that now is the best time in my life to close out this part of my career and go do something different. My health is good. My enthusiasm for life is riding tall. And I've got an energy level high enough to pour into some new adventure as a private citizen.

I don't know what that will be yet, but I'm worried. Maybe I'll teach democracy or maybe I'll consult on foreign affairs. The main thing is that I've fulfilled my commitment to the people I represent and, beyond that, to the nation. I've done my job, and now it's somebody else's turn.

That's not to say that I won't be active in public affairs and public issues. I consider our democracy too important not to stay involved. But now for the first time in many years I'll bring to the table the perspective of a private citizen.

Not everyone realizes that we all have a role to play in this participative democracy of ours. If you have a job and pay taxes, you are basically involved. And if you go the additional step and make your opinions heard, then you are helping democracy function. Granted, a person like me who gets elected to represent a group of constituents has an opportunity for a more direct effort. But under our system, everyone gets a chance to speak up, to participate—and everyone should exercise that opportunity at whatever level.

So, I'd rather not say that I'm retiring. I'm still going to make a contribution, but in a different way. And I have no regrets.

Congress doesn't always function to its fullest potential but there is no way I can be negative about it as an institution. I have found that, for the most part, that Congress has always been responsive to the will of the American people. Without public opinion on its side, Congress can't move very much one way or the other.

For me, it's been a great honor to serve in the Congress and it's personally given me a great deal of satisfaction to know that I've helped to make a difference in furthering the cause of our democracy.

We all should be proud of whatever part we have done to promote the American dream. For all its faults, our method of self-government allows for more tolerance of other people and their views, more compromise when our opinions differ and more willingness to listen to other people's problems than any government I have dealt with in my long association with other nations.

So, remember: I'm not retiring. I'm just redirecting my efforts.

I am tremendously appreciative of all the people who have helped and supported me through the years. Most of all my family. This decision, as you might imagine, was made after long consultation with my wife, Jeanne-Marie, and the rest of our family. I owe her and them a great deal of gratitude. They have supported me through the years. They have participated in my career. And, yes, they have paid the price, both in the lack of time spent together and the lack of privacy that goes hand-in-glove with public life.

I thank them. I thank the people of the 19th District. And I thank the people of Florida.

God bless you all.

FASCELL ANNOUNCES RETIREMENT; HAMILTON LIKELY TO ASCEND

(By Carroll J. Doherty)

Facing the prospect of competing for election in a redrawn district with an unfamiliar constituency, House Foreign Affairs Committee Chairman Dante B. Fascell announced May 27 that he would not seek election to a 20th term.

At a news conference attended by several Foreign Affairs members, the Florida Democrat said his decision was "purely a personal one," predicated on a desire "to do other things."

The crusty, cigar-smoking Fascell has been in politics for 42 years, serving in the House for 38 years. "This seems like a good time for a change in my life," he said.

If Democrats retain control of the House in 1993, Lee H. Hamilton, D-Ind., will be in line to succeed Fascell. Hamilton said he plans to seek the chairmanship, and other Foreign Affairs members predicted that he would encounter no serious opposition.

Committee members lavishly praised Fascell for emphasizing a bipartisan approach to foreign policy. "He's an institution around here," said Henry J. Hyde, R-Ill. "He's been a fair, fine leader."

Hamilton said simply, "He's one of the giants."

Fascell, 75, has chaired Foreign Affairs since 1984. He has been a strong advocate of aid for Israel, a tireless critic of Cuban dictator Fidel Castro, and, unlike many Democrats, favored U.S. aid to the contra rebels during their war in Nicaragua. Such international affairs were also local politics for Fascell, whose district included sizable Jewish and Cuban-American constituencies.

When most Democrats opposed authorizing President Bush to use military force to reverse Iraq's invasion of Kuwait, Fascell helped organize a group of key House committee chairmen to back the president.

At his May 27 news conference, he cited congressional support for the war as an example of the democratic process working, even if imperfectly. Bush and Congress "struggled in this decision," he said. "But it worked out in the final analysis as the best way to do it because the president, wound up with broad-based support.'

But Foreign Affairs and its counterpart, the Senate Foreign Relations Committee, have failed in their most fundamental legislative task: No foreign aid authorization bill has been enacted since 1985. Fascell complained in 1990 that his committee's work had become "almost irrelevant."

In announcing his retirement, Fascell insisted that because of the "sensitivity that goes with the word 'foreign aid' * * * it is very difficult to authorize it, to lay down the policy which would be followed by the administration or which would be followed by the appropriators."

The Foreign Affairs membership will change significantly in 1993. Fascell asked ranking Republican William S. Broomfield, Mich., to join him at the podium during his news conference, joking that "you started this." Broomfield, 70, announced his retirement last month.

Nine of the panel's 45 members are leaving the House this year—seven Democrats and two Republicans. But Hyde predicted that the panel would be unlikely to change dramatically if Hamilton becomes chairman. "He is not a radical guy; I think it'll be steady as she goes." Hyde said.

FLORIDA'S REDISTRICTING

The Florida delegation will also have some new faces. Five incumbents—including the state's only two members of the Appropriations Committee—have announced plans to leave Congress. And as a result of reapportionment, the state's 19-member House contingent will grow by four. (Departure chart, p. 1558)

Congressional redistricting apparently contributed to Fascell's decision to retire. He would have lost most of his Dade County constituency under a map that a panel of three federal judges approved May 29. More than three-quarters of the voters in his new district would have come from Broward County. (Redistricting, p. 1556)

Fascell said he was willing to "slug it out" in a new district. But when asked if he would have retired if his district had not changed, he said, "I don't know, that's an 'if' I can't answer."

Other members said privately that, while Fascell's health is reported to be excellent, the chairman and his wife have grown weary of the constant travel required of a congressman.

Fascell is also one of a number of members eligible to convert unspent campaign funds to personal use. By law, a member who retires before 1993 is permitted to spend "for any lawful purpose" excess campaign funds that were on hand on Nov. 30, 1989, according to a Federal Election Commission spokesman. (1991 Weekly Report, p. 72)

At the end of 1989, Fascell had amassed $596,914 in contributions. A spokesman said he was uncertain how much Fascell could tap. The chairman said he intends "basically not to use it for personal purposes in the sense of converting it to my personal use. * * * I do not intend to use it to buy myself a new pair of shoes, new clothes, a new airplane or a new house."

HASSEN A. SAYEED RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Hassen A. Sayeed of Lincoln as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for the Wheeler School in Providence, RI.

This award is presented to the student, chosen by the Wheeler School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Hassen Sayeed has more than fulfilled this criteria. While serving as president of the speech and debate club, Hassen was honorably distinguished as a National Merit Scholarship Winner and as the winner of a State writing competition. He also participated in Model Legislature and the Academic Decathalon in addition to presiding over the Disciplinary Committee.

I commend Hassen A. Sayeed for his outstanding achievements and wish him all the best in his future endeavors.

TRIBUTE TO GERALD L. McKINSEY

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. CONDIT. Mr. Speaker, I rise today to honor Modesto Chief of Police Gerald L. McKinsey, who will retire later this month after serving 37 distinguished years in local law enforcement.

Gerald McKinsey is a product of the local public school system in central California. He graduated from Ceres High School and Modesto Junior College. While working on his dairy ranch in 1954, he heard a radio ad that the Stanislaus County Sheriff's office was accepting applications for deputy sheriff. He applied for a position and in January 1955, Mr. McKinsey became a deputy sheriff for Stanislaus County. In 1958, Mr. McKinsey was promoted to sergeant, and served in the patrol and administrative divisions of the sheriff's department. As the department's first administrative sergeant, Mr. McKinsey initiated the sheriff's air squadron and the county jail's work furlough program.

In 1963, Gerald McKinsey joined the Modesto City Police Department as the captain of the patrol division. In 1969, he transferred to the administrative division of the department. In 1975, he was promoted to assistant chief of police, and in 1976, Gerald McKinsey was made Modesto Chief of Police where he has served for the last 16 years.

Under his watch, Chief McKinsey initiated a number of important programs in the Modesto Police Department. These include the special investigation detail; community service officers; crime prevention unit/neighborhood watch; community and problem-oriented policing; drug abuse resistance education [D.A.R.E.]; gang intervention education; school police officers; K-9 unit; equestrian unit; special emergency reaction team; crime analysis unit; gang violence suppression unit; tactical police/street gangs unit; pawn shop detail; identification unit.

Chief McKinsey has been a leader in local law enforcement groups including the regional justice training committee where he has served as chair; the Stanislaus Drug Enforcement Agency where he served as the operations manager; and the Stanislaus County Chiefs', Sheriff's and District Attorney's Association where he is a past president.

Chief Gerald McKinsey displays the highest standards of integrity, honesty, and dedication both to his department and the community it serves. Under his direction, the Modesto Police Department has accomplished a major transition from a small city police department to a law enforcement agency serving the safety needs of the 18th largest city in the State of California. We thank him for his great leadership for nearly four decades in our community.

CONGRESS SHOULD SHUT DOWN FOR A YEAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. SOLOMON. Mr. Speaker, I hate to say it, but the best thing this Congress could do for the economy is shut down for a year.

But you don't have to take my word for it. I hope you saw this article in the May 24 New York Times about a study by investment banker Eric Singer.

He studied the stock market from 1945 to 1991—and what did he find?

The stock market—and listen to this—does a lot better when Congress is not in session.

The gain in the Dow Jones industrial averages is 17 times greater when both Houses of Congress are closed.

The increase in the Standard & Poor's 500-stock index is four times greater when we are not in session, dreaming up ways to spend money and raise taxes.

In the same article, Mark Melcher, director of Washington Research for Prudential Securities, was quoted as saying;

> The typical lawmaker views the markets not as one of the country's greatest assets, a place where capital is honestly priced, but as a gambling institution, where a lot of fat cats are playing sophisticated games.
>
> Their ignorance on the importance of the makets is pretty profound.

To that, Mr. Speaker, I would add my own conclusions.

Public respect for Congress has never been lower, and it's not going to get any higher until we stop thinking we're smarter than the people who elected us, and get off the backs of those Americans who know how to create wealth and create jobs.

We certainly do not.

DEBORAH SUE FELDSTEIN RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Deborah Sue Feldstein of Providence as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for St. Dunstan's Preparatory School in Providence, RI.

This award is presented to the student, chosen by St. Dunstan's Preparatory School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Deborah Feldstein has more than fulfilled this criteria. A member of student council since her sophomore year, Deborah was duly elected senior class president as well as president of the student council. She also devoted herself to her community as an active member of SADD and as a Hebrew teacher for children in her synagogue.

I commend Deborah Feldstein for her outstanding achievements and wish her all the best in her future endeavors.

SKELTON ADDRESSES THE FORT LEAVENWORTH SCHOOL OF ADVANCED MILITARY STUDIES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. SKELTON. Mr. Speaker, on May 29, I had the honor of addressing the graduates of the School of Advanced Military Studies at Fort Leavenworth, KS. This group of graduates of all services finished the second year course, and now each graduate will be prepared for a major staff position. I set forth my speech as follows:

ADDRESS BY CONGRESSMAN IKE SKELTON

INTRODUCTION

Let me begin today's address by thanking you for the honor you do me by having invited me to address you. I well understand that I am speaking to the future leaders of the Army, and the other three services represented here today. This is indeed a significant milestone in the career of each of you who is graduating today, a day that brings to an end 10 months of hard work. One chapter in your life, in your military career, has ended but another is about to begin.

Let me also say thanks to LTG Shoffner and BG Steele for hosting my visit today. I have had the pleasure of meeting them on other occasions—here and in Washington. I enjoy meeting with them whenever I can because I always learn something new. Both of them are combat veterans, one an Army War College graduate, the other a National War College graduate, soldier scholars. Men of action and thought, they are the kind of officers who inspire by their example.

The officers who graduate today well understand the need for both field experience and education. This requirement was best expressed by the noted British soldier and author of the last century Sir William Francis Butler:

"The nation that will insist upon drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking done by cowards."

I first became aware of the School of Advanced Military Studies in the fall of 1987 when the panel on military education of the House Armed Services Committee, which I chair, began its work. Our panel visited Fort Leavenworth the following January and took testimony from Maj. Gen. Gordon Sullivan. I must say, he has done well for himself, and those who would attribute his subsequent success to his efforts here would not be all wrong.

The statistics reveal that the School of Advanced Military Studies has graduated some 457 officers since opening its doors in the fall of 1983—392 from the advanced military studies program and 65 from the advanced operational studies fellowship. From your ranks will come the future George Marshalls, Dwight Eisenhowers, Norman Schwarzkopfs, Colin Powells, John Galvins, and Gordon Sullivans of the Army. You are an elite—in the finest sense of that word—a chosen group. You will be the keepers of the sacred flame, the repository of knowledge of how to win wars during a time of uncertainty in the world and a time of great change in the U.S. military.

A WORLD TRANSFORMED

Ten years ago, the cold war seemed a permanent feature of the world geopolitical landscape. The Soviet Union had been actively building socialism for more than six decades. For more than three decades Soviet rulers had been challenging the West for world leadership. What a difference 10 years makes.

We Americans are a unique people. We have experienced 203 years of unprecedented freedom under the Constitution—freedom made secure by those who have worn the uniforms of our Nation's Armed Forces. Without them, freedom and democracy would long have since vanished. While the near-term is marked by turbulence and transition in the world, we need to remind ourselves of the great achievement of recent American statecraft. We have led the winning side in the two EPIC struggles of this century—the fight against fascism and the less costly but more complex struggle against Soviet communism. American resolve and leadership has helped shape a better world for untold millions.

Last year's Persian Gulf war was a stunning victory. The flower of America's youth sailed the ships, attacked across the desert, and flew in combat to defeat a brutal foe. All the world witnessed the great skill, determination, and professionalism of the American military. Among other things, it showed that our investment in quality people, tough training, and first-rate weapon systems, both combat and support systems, over the 1980's was money well-spent. Those who fought in the gulf helped write another magnificent chapter in American military history.

A NOTE OF WARNING

But in the midst of this tribute to our success, let me sound a note of warning to my fellow countrymen. Maj. George C. Marshall, the future World War II Army Chief of Staff, noted in 1923, "the regular cycle in the doing and undoing of measures for the national defense." He observed that, "We start in the making of adequate provisions and then turn abruptly in the opposite direction and abolish what has just been done." Today, we are in the midst of making one of those changes in direction. This is now the eighth year of real defense budget cuts, and we know that more dramatic reductions are in store.

Secretary Cheney and General Powell crafted a plan almost 2 years ago that will result in a 25 percent reduction in the size of our forces and the size of the defense budget by the middle of this decade. A further cut of $50 billion over the next 5 years has been recommended by the President as a result of events last August in Moscow when the old Communist order finally collapsed. I believe the Secretary and his military advisors have put together a pretty good plan, not perfect, but pretty good. But to readjust the plan every year in a dramatic fashion as some would have them do, is simply more than we should do in light of the uncertainty of the world around us.

As many of you know so well, there are more than a few self-styled "defense experts," who would increase the pace and extent of the planned cuts. My warning is against our Nation engaging in a military disarmament binge. In 1997 our Nation's military forces would be at the breaking point in responding to a Desert-Storm contingency and a conflict in Korea at the same time. General Powell acknowledged this troubling possibility in testimony before the Congress this past February.

Those who would slash our military even further than the planned 25 percent reduction, while sincere and well-meaning, lack an understanding of history's lessons. Time and time again, in this century we have followed the dangerous and costly path of demobilization, disarmament, and unpreparedness, only to regret that course of action a few short years later.

After the First World War we withdrew from world affairs and allowed our military to whither away. As a matter of fact, at the time of the fourth naval disarmament conference of 1935, the seeds of the Second World War had already been sown. But we ignored the gathering storm and were caught unprepared when it came. After our tremendous victory over Germany and Japan in 1945 we once again cut our military. And once again, we were caught unprepared when war broke out in Korea less than 5 years later.

Here is a brief catalogue of the cuts we are making today and are planned for the future. A year ago the Army possessed 18 active divisions. Two have been demobilized and the plan is to demobilize four others by 1997. The Navy reached a high water mark of 570 ships in its effort to build to 600 ships. This past December there were 499 ships in the fleet and current plans will have the navy at the 450 ship level by 1997. The Air force is also reducing. It had 41 fighter wing equivalents in 1988. By this year it will have reduced its force structure to 28. By 1995 it will have 26, 15 active and 11 in the Guard and Reserve.

If we go much more beyond these cuts in force structure, we will end up in the same situation in which we have found ourselves after almost every other war we have fought in our history—with a military force ill-prepared to fight. We should remember the high cost of unpreparedness: Bataan in 1941, the Kasserine Pass in 1942, Pusan in 1950, and Desert One in 1980. This cost was paid by the blood of young Americans in uniform. Never again should we allow this to happen. Let us learn from history rather than repeat it.

We still live in a dangerous and uncertain world. The kaleidoscope of the future is unpredictable:

We Americans were surprised by the signing of the nonaggression pact of August 23, 1939 between the Soviet Union and Nazi Germany. The consequences were horrific;

We were surprised by the attack of the empire of Japan on Naval forces of the United States at Pearl Harbor in 1941;

We were surprised by the onset of the Cold War in 1946;

We were surprised by the attack of North Korea against the South in the early summer of 1950;

We were surprised when the Berlin Wall went up in August 1961 and surprised yet again when it went down in November 1989;.

We were surprised when Khrushchev tried to put missiles in Cuba in the fall of 1962;

We were surprised by the fall of the Shah of Iran in 1979;

We were surprised by the attack of Iraq against Iran in the fall of 1980;

And most recently we were surprised by the attack and occupation of Kuwait by Iraq.

I mention these surprises because we really do not have a very good record for predicting the future.

The end of the cold war has been accompanied by a resurgence of nationalism—in some places militant nationalism. This resurgence poses a major challenge to the established political and economic order. The disintegration of states—Yugoslavia, the Soviet Union, Ethiopia, maybe even Canada—will generate conflict about the distribution of assets.

This is now the fourth great wave of state creation since the end of the Napoleonic wars in 1815. The first was in Latin America after the withdrawal of Spanish power there; the second occurred in Europe and the Middle East after the collapse of the Austro-Hungarian, Turkish, and Russian empires. The third took place after World War II when Britain, France, and Holland relinquished control of their respective empires, some more willingly than others. The end of Communist rule in what was the Soviet Union marks the fourth great period of state creation. In short, the world will not be a particularly stable place.

The fault lines of international security are shifting in many directions. Eastern Europe has now become Central Europe; southwest Asia has given way to central Asia. The continued utility of military force for good or evil has not been eliminated, nor have principles of deterrence (conventional as well as nuclear) lost strategic relevance. But the nonmilitary aspects of security—social, economic, political—will now assume greater importance in the strategist's appreciation of the forces at play.

CURRENT CHALLENGES

The challenges that you will face in the Army, in the military, that we together face here at home and in the world cannot be underestimated. I understand the great stress the Army is under. Your capacities to hold it together will be tested to the utmost over the next few years.

One of the great challenges that you must meet will be the next war. Success sometimes is seductive. The great victory won in the desert last year cannot be allowed to contribute to complacency this year and in the future.

As a Nation we emerged victorious from World War II in no small measure because of the moral and intellectual strengths at the highest levels of the American officer corps.

Unfortunately, after the war we became complacent. Strategic thinking atrophied after 1945. In the nuclear age many believed that the ideas and thoughts associated with classical military history and strategy had been rendered obsolete.

Maurice Comte De Saxe, the famous french military analyst, noted that "few men occupy themselves in the higher problems of war. They pass their lives drilling troops and believe this is the only branch of the military art. When they arrive at the command of armies they are totally ignorant, and in default of knowing what should be done—they do what they know."

Doing what one knows, rather than what should be done, is a problem which many military commanders have faced throughout history. It's a problem not unfamiliar to the American military in the recent past. I would content that in Vietnam the American military did what it knew—fighting the conventional war which it had fought in World War II and Korea—rather than knowing what to do—fighting the revolutionary war in which it became engaged. It took 10 years to put together a strategy to win the war. By that time it was too late. The patience of the American public had come to an end.

The bitter experience of Vietnam, which resulted from a loss of strategic vision, sent American military men back to the study of war and military history. You here today are the beneficiaries of this renewed interest in the study of war. For some of you, there has been much to catch up on. For all, however, this educational opportunity as meant extensive reading, serious research, written analysis, seminar discussions, and old-fashioned thinking.

You must not lose the ability to fight the big war. In light of last year's victory I am reasonably confident that you will maintain this ability. At the same time, however, you must devote more attention to the difficult problems posed by small wars—or to use the more current phrase, low intensity conflict. Over our short history we have had difficulty dealing with unconventional warfare—in the late 1800's fighting the Indians, early this century pacifying the Philippines, and then in Vietnam.

As I look close to our shores—Peru, Columbia, Haiti, the drug war—these are the kind of conflicts that will require more or our attention in the years to come. Elsewhere throughout the world, we may have to deal with the consequences of the spread of nuclear, chemical, ballistic missile, and other weapons technology.

DIFFICULT DAYS

I must confess to you the concern I have about the security of our country as I look to the future. My fear is that in some ways we may return to the difficult days of our military that we went through in the 1930's and more recently after Vietnam.

I do not believe that our Nation will make the drastic cuts it made in its security in the 1930's, but these next few years for those in the military will be difficult ones nonetheless. I am very concerned about the efforts to try to save money in defense spending by cutting those funds for operations and maintenance, which means training dollars. As the budget process moves along I think that we will be able to restore some of those cuts.

The American people understand George Washington's wise counsel that "to be prepared for war is one of the most effectual means of preserving peace." I am convinced they will support measures needed to maintain an adequate and credible national defense.

The temptation to become discouraged will grow. Please, do not give in to it. In moments of doubt, recall the words of Douglass MacArthur. "Duty, honor, country: those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems little cause for faith, to create hope when hope becomes forlorn."

There has been some talk over the past few years about the decline of America. I believe that it has been exaggerated. Yes, we do have serious problems here at home, Let's not understate them—the S&L fiasco, weak banks, a troubled educational system, urban poverty. At the same time no other country has the economic, military, scientific, ideological, and cultural strengths across the board that we do.

Let me quote from a recent book, "Bound to lead: The changing nature of American Power," by Joseph Nye: "America is rich but acts poor. In real terms, GNP is more than twice what it was in 1960. . . . If one compares the 1980's with a prewar year such as 1938, the U.S. Economy's share of global production is roughly the same, at about 23 percent."

We met with success in the war against Saddam Hussein's Tyranny. The display of American competence, resolution, and leadership can usher in a more positive mood here at home about our abilities to manage and overcome our own problems at home.

CONCLUSION

Let me also add that this Nation of ours is very fortunate to have individuals such as you willing to protect our interests at distant points of the glove. The sacrifices of those in the military willing to go far from home and assume such heavy responsibilities are not always appreciated in our society. Even less appreciated are the sacrifices of military families. To the less appreciated are the sacrifices of military families. To the spouses and children of these men who are about to assume new duties, some far from home, let me express a heartfelt thanks. Your support is crucial to the well-being of these men and to our country as a whole.

To the graduates, I wish you God's protection and wisdom as you embark on the Journey of securing America's interests from your new high level of rank and responsibilities. I have every confidence that the history you write will be worthy of the finest who wore the American uniform in days gone by. Thank you. God bless.

BETH AM DAY SCHOOL BUILDS READING SKILLS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the achievements of Lisa Berrin, Rebecca Kendall, and Jessica Steiner, and their staff on the Beth Am Day School yearbook. Lisa, Jessica and Rebecca are sixth graders who were selected to be the editorial staff of Beth Am's award-winning yearbook. While their achievements in writing and editing are outstanding, that is not unusual at Beth Am Day School.

Beth Am, led by director Ceil Coonin, concentrates on reading and writing skills. Students begin reading and writing in preschool, and develop their writing skills until they are second nature. Beth Am writing specialist Susan Moss says: "What we try to do is give them a gift they can take with them forever."

The Miami Herald published an article on Beth Am Day School, and its yearbook, which I would like to include in the RECORD:

The kids at Beth Am Day School believe in writing. And they prove it at the end of each school year.

For the past eight years, Beth Am sixth-graders have published a yearbook that features pictures, stories and a literary magazine with samples of writing from kids of all grades. It's not a slap-dash thrown-together, notebook-paper affair, either.

The Beth Am yearbook is printed on glossy paper and has a hardbound cover. This year's edition went on sale Thursday for $15. This year, there was also a separate yearbook for the pre-school classes.

"The kids do just about everything, from writing to layout to taking pictures," said teacher Mickey Lipton. "it's really the culmination of our writing program and something we are very proud of."

The book has garnered some attention for the school. In its short publication life, it has already won three First Class and one All-American awards from the National Scholastic Press Association.

At Beth Am, 5950 North Kendall Dr., writing is a priority. At the school's annual fair, which also started Thursday, a visitor can't turn around without seeing some type of writing. There are poems, fiction pieces, research papers and reports galore.

"Our kids are not afraid to write," school director Ceil Coonin said.

Most of them start writing in preschool, said writing specialist Susan Moss. The school published four volumes of students' works each year. By the time most get to sixth grade, writing is almost second nature.

"They're good writers," Moss said "What we try to do is give them a gift they can take with them forever."

The yearbook is a similar gift. Under Lipton's direction, the work starts in September. The kids must audition and win their jobs, then work after school, and sometimes on weekends, to put the yearbook together.

Rebecca Kendall, 13, got the job of layout editor.

"I thought it would be a cinch, but I had no idea what it was all about," she said. "It was hard. You had to be very exact."

Jessica Steiner was photo editor. Although she enjoyed taking pictures of people who posed for her, she also got quite good at sneaking up on folks.

"I like to catch them when they're not looking," the 12-year-old said. "I'm proud of what we did. The whole book came out great."

Like the rest of the staff of 28 who worked on the yearbook editor Risa Berrin wasn't sure exactly what she was getting into. She ended up interviewing teachers for a section on the school's 20th anniversary, in addition to her other jobs.

"I remember seeing the book each year, and I used to think it came out of nowhere," she said. "Now, I know different. It's a lot of work, but it's worth it."

Mr. Speaker, I commend Ceil Coonin, Susan Moss, Mickey Lipton and the Beth Am Day School. Their story shows that our schools can learn to motivate students, and develop the information skills that our children need, and our countries needs, for the 21st century.

TRIBUTE TO DR. ABE FISCHLER

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. SMITH. Mr. Speaker, as the school year and summer vacations begin for both students and teachers, Nova University in Broward County, Florida, is losing a fine educational leader. I am speaking of Abraham Fischler, who will leave his position as president of Nova University in July.

Forty years ago, Abe earned his bachelor's degree in biochemistry at the College of the City of New York. He obtained his master's degree in science education from New York University and was awarded his Ph.D. by Columbia University in 1959. He gave up the secure life of a tenured professor at the University of California at Berkeley when he decided to move to Fort Lauderdale to become dean of education for a struggling 5-year-old institution. In 1969, Abe was asked to serve as president of Nova to help the university overcome its growing challenges.

I have known Abe for many years, and three words come to mind when I think of this friend of education: vision, determination, and dedication.

The school had 17 graduate students when he arrived 25 ago; today nearly 12,000 students are learning from Nova's innovative programs, both on its suburban campus in Davie, Florida, and in numerous off-campus locations.

Under his able leadership, the school has expanded to include an undergraduate division, a nationally recognized law school, an oceanography center, and off-campus learning sites in two dozen States and two foreign countries.

For more than a quarter of a century, Abe and his wife Shirley have invested much of their time in philantropic, civic, and community programs and projects, making significant contributions with their guidance and enthusiasm. They are well-respected for their tireless commitment.

Abe hopes to continue to contribute to our nation's educational system, and we are blessed that he remains committed to helping our young people. He was expressed interest in working with the Broward County public school system. I am certain his efforts in this area will help to improve the academic lives of thousands of students in Broward County.

For his more than 22 years of achievement as Nova's president, the people of South Florida are most grateful to Dr. Abe Fischler. I look forward to more public service from this educational pioneer and leader.

JENNIFER A. SALAMON RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jennifer A. Salamon of Warren, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Warren High School in Warren, RI.

This award is presented to the student, chosen by Warren High School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Jennifer Salamon has more than fulfilled this criteria. While distinguished as a member of the National Honor Society. Jennifer was very active in Student Council as her class secretary for 4 years and was honored with the DAR good citizen award. She also represented her school as a renowned All-State swimmer and was nominated as Rhode Island Swimmer of the Year.

I commend Jennifer Salamon for her outstanding achievements and wish her all the best in her future endeavors.

TRIBUTE TO EDWARD F. LYNCH

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. MANTON. Mr. Speaker, the Sunnyside Chamber of Commerce will celebrate its 44th Annual Dinner Dance. Each year the Chamber honors outstanding individuals who have, through their tireless efforts and dedication, contributed towards the improvement and enhancement of the community.

This year the Chamber of Commerce will honor Edward F. Lynch for his service to the Queen's community. Edward F. Lynch was born in May 1925, at Rockaway Beach, Long Island, NY. He moved to Sunnyside in 1931. Mr. Lynch received his grammer school education at P.S. 125, St. Teresa's and St. Ann's Academy of New York. He graduated from Mount St. Michael's High School and College of Holy Cross in 1948.

Mr. Lynch served in the United States Navy from 1943 to 1946. He became a licensed Funeral Director in October 1947, and joined in the business with his father, Edward D. Lynch, founder of the Edward D. Lynch Funeral Home. The Lynch Funeral Home has served the needs of all nationalities and religious denominations in the Sunnyside and Woodside area for 60 years. Mr. Lynch has personally served his professional associations as Past-President of Metropolitan Funeral Directors Association. He continues to serve as a committee member of the National Funeral Directors Association.

Mr. Speaker, in 1970, Ed was elected to the Board of Directors of the Sunnyside Savings and Loan Association, a savings institution founded by his father, Edward D. Lynch and several others in 1947. Today, the savings institution is known as the Financial Federal Savings and Loan Association. Mr. Lynch still serves as Senior Member of the Board.

Mr. Lynch has served the Chamber area for over 40 years as Chamber President in 1964, and as Kiwanis President in 1958. He was Post Commander of Daniel's V.F.W. and Blissville Post. Ed Lynch is also active in church and civic organizations.

Ed married Mary L. Dooher of Brooklyn in May, 1950. Ed and Mary worked closely together on many community projects until her untimely death on December 13, 1990. They had six children: Maureen, Edward, Patricia Ogle, Gerald, Margaret and Cathleen.

Mr. Speaker, for more than 40 years Edward F. Lynch has dedicated himself to the Queen's community. He has been successful in improving the quality of life for all businessmen, youth, and senior citizens of Sunnyside and Woodside.

PALMETTO ELEMENTARY STUDENTS DRAFT BILL OF RIGHTS FOR SPACE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to a legislative effort prepared by the kindergarten through third-grade classes at Palmetto Elementary School in Miami. The Palmetto students won a national competition, sponsored by the Young Astronauts Council and McDonald's, to prepare a bill of rights for outer space.

Students, like 7-year-old Jamarah Harris and 9-year-old Josh Levy, spent a month making up their space laws in small committees. Then the whole group voted on the recommendations of the committees to decide which ones to adopt and send to the competition. As a result of their outstanding efforts, the students won an opportunity to visit with Brig. Gen. Charles Duke of Apollo 16.

The Miami Herald published an article on the space bill of rights prepared by the Palmetto School students which I would like to include in the Record:

KIDS GET THE MOON AT TALK

(By Jon O'Neill)

Second-grader Jamarah Harris has always wanted to know more about the moon, because, as she says, "you can't see it too close from here."

Wednesday, she got a chance to talk to someone who had been there. Brig. Gen. Charles Duke, a veteran of the Apollo 16 moon shot, paid a visit to Palmetto Elementary School.

The kindergarten through third-grade kids in the school's gifted center won a visit from Duke in a national competition to design a Bill of Rights for outer space. The Palmetto kids were among 10 grand prize winners in the contest sponsored by the Young Astronauts Council and McDonald's.

"I'm really enjoying this," said Duke, who gave two presentations before having launch with some of the kids. "There kids are enthusiastic and they want to hear about space. It's also exciting to see how ingenious they can be."

Duke told Jamarah what she wanted to know about the moon. "He told me it was like walking on sand and dirt," the 7-year-old said.

Jamarah, a student at Pinecrest Elementary, is one of 140 kids who come to the Odyssey Center at Palmetto, 12401 SW 74th Ave.

The kids spent a month making up their space rules under the direction of teacher

Diane Lescard. They drew from their study of America's Bill of Rights and worked in small groups. Then they voted on which versions to adopt and submit to the contest.

"I was proud of them before I knew they won," Lescard said.

Josh Levy, 9, said he was a little nervous about meeting Duke.

"How can you chill out?"Josh said "This guy has been on the moon." •

SPACE BILL OF RIGHTS

Here's the Palmetto Elementary "Space Bill of Rights," as designed by the kindergarten through third grade students in the school's Odyssey Center:

I. Everyone is equal in space, regardless of religion, nationality, race, sex or handicap.

II. International conferences will be held once a month and must be attended by countries traveling and living in space to discuss everything. There will be international space laws.

III. There will be an international space court and fair trials. All countries may have the right to space travel, but they have the responsibility not to bother each other.

IV. Everyone in space has the right to receive medical help from any country.

V. An international code will be made and used by all, so communication will be possible. For example, the "Black Hole" will be marked by a sign understood by all.

VI. Space should be pollution and litter free. Clean fuels must be used and trash should disintegrate or be recycled by each country.

VII. Space should be drug and alcohol free. Abusers return to Earth.

VIII. Space pilots will be trained and licensed by an international committee. Safety rules must be followed.

IX. Each country provides fuel, food and other supplies for its ships, but will share when needed. Each country will have its own biosphere for growing food.

X. There will be an international school for children with trained teachers.

Mr. Speaker, I commend the work of Diane Lescard and her forward-thinking students. Although this is the year of the Earth summit, it is not too soon to start planning for the agreements that will be needed in space. Their training in the process of legislation will be valuable as they become voters and, perhaps, legislators.

DOING THE RIGHT THING FOR AMERICA: A HEALTHY ECONOMY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. GALLO. Mr. Speaker, although our economy is showing signs that it is climbing out of recession, there are still fundamental steps that we must take to strengthen our economy at home and prepare us to be more competitive in the international marketplace of the 21st century.

In spite of my efforts in Congress, and those of many of my colleagues, to forge a bipartisan economic growth package emphasizing long-term growth and job creation, the only action taken by the majority controlling the House was to pass a bill raising $90 billion in new taxes and threatening more than 100,000 existing jobs.

This is nothing more than a continuation of business as usual for the majority in Congress. These are the same people, with the same basic philosophy, who have controlled the U.S. House of Representatives for 38 years in a row.

In the last 20 years, the amount of money paid into the Federal Government has increased by 500 percent. But, Federal spending has increased over the same period by 600 percent.

It is no wonder that the effect of these policies has been slower growth at home and competitive disadvantages overseas.

Clearly, government has not caused all of our economic imbalances and government cannot solve every one of the resulting problems, but there are a number of important steps that the Federal Government should take to restore confidence in our economy and encourage long-term planning for growth and jobs creation.

For more than a year, I have been advocating an economic growth plan that incorporates five basic elements:

Change the Tax Code to encourage capital formation.

Provide permanent incentives for research and development.

Encourage all Americans to save and invest in their future.

Get Federal spending under control and reduce the deficit.

And, last but certainly not least, we must not raise taxes.

This basic formula for our future has been widely discussed for many months, yet we are no closer today to agreement on an economic incentive measure than we were those many months ago.

Mr. Speaker, I believe these are the first steps we must take to restore confidence in our economy and to promote cooperation between government and the private sector. But, if we are to take this step, we must stop fighting among ourselves and concentrate on our real competitors—the Japanese, the Germans, the Pacific rim countries, a united Europe, and a growing South American economic sphere.

In order to do the right thing for America, we must agree upon what the right thing is, and that will be our biggest challenge during the remainder of the 1990's. But it is a challenge we must undertake, if we are to continue as an economic leader in the world.

We should neither be complacent nor fearful; we should be confident, but realistic about our future. And part of that realism must be to turn down the rhetoric and get back to work making America work for all of its people.

THE RURAL COMMUNITY ENVIRONMENTAL ASSISTANCE ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 3, 1992

Mr. RAHALL. Mr. Speaker, last Thursday I introduced H.R. 5294, the Environmental Infrastructure Assistance Act. Today, I am introducing the Rural Community Environmental Assistance Act. This measure is another step in addressing the problems incurred by small, economically disadvantaged communities in meeting environmental mandates which have been imposed on them by the administration and by Congress.

In 1972, the goal established by the Clean Water Act was to make all navigable waters in the United States fishable and swimmable. This is certainly a laudable goal and one that I wholeheartedly support. With cities and towns spewing out all kinds of horrible wastes into our rivers, mandates requiring at least secondary treatment of sewage were essential. At that time, the Clean Water Act also provided the means to aid communities to meet these mandates. Title II of the Clean Water Act provided grants to communities to build wastewater treatment facilities.

The problem was so big that to attack it efficiently the title II grants were focused on the largest polluters—the cities and large towns. This process was quite effective, and over time, there has been a marked improvement in the conditions of our rivers, lakes, and streams. However, contrary to what the administration believes, the problem has not been solved.

The EPA's 1990 needs survey on wastewater treatment facilities reports that the current need for these facilities is estimated at $110.6 billion. Furthermore, 80 percent of all communities in violation of sewage treatment requirements are rural.

There are 44 communities in my State of West Virginia which clearly illustrate this problem. These towns have no wastewater treatment systems to speak of. Residents of these communities either rely on outhouses and inadequate septic systems, or raw sewage is dumped into nearby streams. They are not alone, there are many people in towns all over this country who must endure these same hardships.

As I said, under title II, grants were focused on the largest polluters. Small communities were virtually ignored. Even though 70 percent of all municipalities are under 3,500 persons, they only received 11.7 percent of wastewater treatment construction grants.

In 1990, before small communities had the opportunity to take advantage of them, the construction grants program was discontinued. In its place, the State Revolving Fund [SRF] Program was created. With the SRF it is clear, again, that small communities are being left in the lurch.

Because of the requirement that the SRF should eventually be self-sustaining, loans through this program are focused not on areas with the most need but on areas which are good financial risks. For a program which could have far reaching environmental and public health impact, I don't think it makes much sense.

Small, disadvantaged communities still must answer to all the environmental mandates to which large cities are subject, but they are almost completely ignored as far as aid to meet these mandates are concerned.

The problem of small, disadvantaged communities is not confined only to wastewater treatment. Naturally, these communities are also having difficulty meeting the requirements of the Safe Drinking Water Act [SDWA] amendments. In fact, in 1988, small water systems accounted for 92 percent of all Safe Drinking Water Act violations.

Furthermore, the EPA Office of Drinking Water estimates that 69 percent, or $1.2 billion annually, of total compliance costs for the new drinking water regulations, will fall upon small community water systems.

EPA estimates that current small system noncompliance rates are the result of insufficient financial and technical resources. It is predicted that small system noncompliance will increase as the SDWA amendments are enforced, because small systems lack access to funding necessary to implement both capital improvements and increased monitoring responsibilities, such as required sampling and water testing.

In 1986 when the SDWA amendments were adopted, it was estimated that the need to cover capital improvement costs in order to comply with the act would total over $10 billion. EPA expects new regulations to raise local capital costs to an average of $3 billion per year and they are expected to reach as high as $19 billion per year by the year 2000.

There are no provisions in the Safe Drinking Water Act to assist small communities to meet the financial burden created by these mandates and under current law, the Federal contribution to SRF's will end in 1994. It is clear that this will bring a major shift by the Federal Government away from a significant role in the funding of wastewater treatment facilities and public water systems, if not total abandonment of our small, disadvantaged communities.

I do not view phasing out Federal capitalization for water quality mandates as sound or smart, especially because there appears to be no end to the mandates which are imposed on small communities. As we reauthorize the Clean Water Act, more mandates are sure to come. No one gains with this catch 22. Small, poor communities are caught between meeting mandates they can little afford or facing the consequences of noncompliance, which are financially burdensome fines and other added costs. This does nothing to provide safe affordable water for our citizens to drink, cook with or bathe in. Nor does it add to the cleanliness of our rivers, lakes, and streams.

I am submitting with my statement a fact sheet which explains how my bill works to address this far reaching problem. It is my hope that my colleagues will join me in helping our small, rural areas in meeting this challenge.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 4, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 5

9:30 a.m.

Governmental Affairs

To hold hearings on information available to consumers regarding the adequacy of protection from sunscreens and sunglasses.

SD–342

Joint Economic

To hold hearings to examine the employment-unemployment situation for May.

SD–628

10:00 a.m.

Finance

Deficits, Debt Management, and International Debt Subcommittee

To hold hearings to examine the long-term economic implications of the federal budget deficit, focusing on the General Accounting Office report "Budget Policy: Prompt Action Necessary to Avert Long-Term Damage to the Economy."

SD–215

JUNE 8

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for military construction programs, focusing on base closures.

SD–192

2:00 p.m.

Joint Economic

Technology and National Security Subcommittee

To hold hearings to examine the economies of the former Soviet Union and Eastern Europe.

SD–628

JUNE 9

9:00 a.m.

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on Department of Energy workforce transition and conversion issues, S. 2483, to provide certain assistance to Department of Energy employees at defense nuclear facilities who are adversely affected as a result of a significant reduction or modification in Department programs, projects, or activities at such facility, and S. 2506, to require the development and implementation of a plan for restructuring of the employee work force of the Department of Energy nuclear facilities.

SR–222

9:30 a.m.

Finance

To resume hearings to examine comprehensive health care reform, focusing on proposals for expanding employment-based health insurance coverage.

SD–215

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the utility of expanded lamb reporting services by the Department of Agriculture.

SR–332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for the Department of the Interior.

S–128, Capitol

10:30 a.m.

Governmental Affairs

To hold hearings to examine the United Nation's peacekeeping efforts.

SD–342

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for foreign assistance programs.

SD–138

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.

S–128, Capitol

Armed Services

To hold closed hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the Department of Defense Special Access Programs and Procedures.

S–407, Capitol

JUNE 10

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine competition in the airline industry, and on S. 2312, to revise the Federal Aviation Act of 1958 to enhance competition at, and the provision of essential air service with respect to high density airports.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

JUNE 11

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine State regulation of natural gas production.

SD–366

Governmental Affairs

To hold hearings on S. 1958, to authorize funds for functions and activities under the Federal Property and Administrative Services Act of 1949, including operations of the General Services Administration, and S. 2619, to revise the Federal Property and Administrative Services Act of 1949 to enact provisions governing negotiation and award of contracts under the multiple award schedule program of the General Services Administration.

SD–342

11:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Gregory F. Chapados, of Alaska, to be Assistant Secretary of Commerce for Communications and Information.

SR-253

2:00 p.m.

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To resume hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the bomber "road map" and related bomber programs.

SR-222

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine telecommunications technology as related to the field of education.

SR-253

Finance

To resume hearings to examine comprehensive health care reform, focusing on proposals for instituting universal coverage through public health insurance programs.

SD-215

Rules and Administration

Business meeting, to mark up pending calendar business.

SR-301

10:00 a.m.

Veterans' Affairs

Business meeting, to mark up pending calendar business.

SR-418

2:00 p.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings to examine issues relating to maritime reform.

SR-253

JUNE 18

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 2232, to require manufacturers of new automobiles to affix a label containing certain consumer information on each automobile manufactured after a specified year.

SR-253

Finance

To continue hearings to examine comprehensive health care reform, focusing on proposals for tax-incentive based health care reform.

SD-215

2:00 p.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold oversight hearings on the U.S. and Foreign Commercial Service, Department of Commerce.

SR-253

JUNE 23

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the National Telecommunications Information Administration, Department of Commerce.

SR-253

10:00 a.m.

Foreign Relations

To hold hearings on the Treaty Between the U.S. and USSR on the Reduction and Limitation of Strategic Offensive Arms (The Start Treaty), signed in Moscow on July 31, 1991, and Protocol thereto dated May 23, 1992 (Treaty Doc. 102-20).

SD-419

JULY 1

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on mobile communications.

SR-253

JULY 2

10:00 a.m.

Veterans' Affairs

To hold hearings on S. 2028, to revise title 38, United States Code, to improve and expand health care and health-care related services furnished to women veterans by the Department of Veterans Affairs.

SR-418

SENATE—*Thursday, June 4, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Today's prayer will be offered by our guest chaplain, the Reverend Harry L. Seawright, pastor of the Union Bethel African Methodist Episcopal Church in Brandywine, MD.

PRAYER

The Reverend Harry L. Seawright, pastor, Union Bethel African Methodist Episcopal Church, Brandywine, MD, offered the following prayer:

Let us pray:

Our most reverent Father, our God who is in Heaven, we bow at this moment to give thanks and praise to Your holy name. We pray that Your power will continue to reign throughout our Nation and You will acknowledge our prayers for peace and justice throughout the land. We pray for the unity of Your Spirit, that our hearts and minds will be on one accord. We pray that Your love and strength will prevail as the leaders of this, our Nation seek to bring about a greater sense of unity and strength among Your people. Remind us, dear God, that we are all Your children and You love us one and all; therefore, may Your Spirit knock down the walls of racism and hatred that would attempt to bind and separate us as a people and may the spirit of injustice and inequity be eradicated from our midst. We pray for our President, for our Senators here, as well as other leaders of our Nation who are working every moment to make our Nation what it should be. We pray for our families and those loved ones who are struggling to make ends meet and live in dignity and respect. We pray for those who have given up on life—and pray that laws and solutions will come forth from this Senate that will give hope and resolution to their ills. We thank You God for hearing our many prayers of the past and because of who You are, we know that You will hear our prayer now, and in the future. In Your name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour shall be under the control of the majority leader or his designee.

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Tennessee.

COMPLIMENTS TO THE VISITING CHAPLAIN

Mr. GORE. Mr. President, may I, first of all, compliment our visiting chaplain. I found his opening prayer most moving and inspiring and I commend it to the attention of those who read this RECORD. I thought it was extremely well done and we appreciate it, all of us.

THE EARTH SUMMIT

Mr. GORE. Mr. President, today the United States Senate will send a bipartisan delegation to the Earth summit in Brazil. The ceremonial opening of the Earth summit occurred yesterday. The business sessions will begin today.

I am honored to be joined by the distinguished Senator from Rhode Island [Mr. CHAFEE] who is the ranking Republican member of this delegation. We have a very strong delegation on both sides of the aisle. We will do our best in representing the Senate and the American people as they look to the Senate to discharge our constitutional responsibility to advice and consent whenever treaties are being negotiated in anticipation, of course, that these treaties will be brought here to the Senate for either ratification or rejection as the Senate sees fit.

This process is one which consciously mimics the observer group that was established to monitor the ongoing arms control negotiations when the START process began. We will be meeting with our counterparts from other countries. We will be meeting regularly and working closely with the negotiators for our Government from the executive branch. The President, of course, speaks for our country in negotiations with foreign countries, and our role is limited to that contemplated in the 200-year-old phrase I used a moment ago, "advice and consent."

Mr. President, as we depart for the Earth summit, we—may I speak for myself alone on this point. I am filled with a sense of great anticipation and optimism because in spite of all the disappointment that many have felt over weaknesses in the documents that have been negotiated for signature at Rio, there is a tremendous sense throughout the world of a new era dawning. Just as conferences at the end of World War II created the United Nations and the Bretton Woods Conference created the world financial system as we know it, just as NATO and GATT and the other institutions of our modern world were created after that tumultuous period of change that came immediately after World War II, in just that same way the Earth summit is the first of many efforts by the global community to reorganize itself in the wake of communism's collapse.

The world is entering a new era because we are leaving the bipolar competition between communism and freedom because freedom has won. American ideas are ascendant throughout the world—self-government, economic freedom, the freedom of speech, freedom of religion.

May I say, as well, I think that this country has an additional mission in the world. We stand for freedom. We also stand in a world torn by racial and ethnic and religious hatred for the proposition is that people of very different backgrounds and traditions cannot only get along but can enrich each other with the tremendous diversity that we can bring to our common purposes. That challenge is particularly evident at the Earth summit in Rio because, of course, there will be 181 nations representing circumstances as widely varied as one can possibly imagine.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There has been a great deal of discussion about the division between north and south, meaning of course the division between industrial countries relatively better off in the circumstances in which their people live and developing countries which often find themselves in circumstances that include tremendous human suffering on a scale that is unknown in our Nation.

But in spite of the diversity in circles and traditions and ethnicities and religions, the world community is coming together. It will take some time. And it is worth emphasizing that at the beginning of the Earth summit that the Earth summit itself is a beginning, the first step in a long journey toward a new set of arrangements in the world.

I believe that it will soon be apparent that the task of saving the Earth's environment is the new central organizing principle in the post-cold-war world.

Just as the struggle by the West to defeat communism was the organizing principle for democracies in the last half century, leading to efforts to pass all manner of policies and programs and initiatives—partly because they served that organizing principle, advancing freedom and defeating communism—in the same way, we will soon see the emergence of a common effort throughout the world to advance policies in each nation that will serve this new principle of healing the relationship between human civilization and the Earth's environment.

It is about people, because people will suffer unless we heal this relationship to the Earth's environment. And in order to heal the relationship we have to recognize the new terms of the relationship.

Rapid population growth leading to an additional number of people equivalent to the entire population of China every 10 years—that is the first of three dramatic changes in the terms of our relationship to the Earth's environment. The second represents a change just as dramatic as the population explosion: the scientific and technological revolution which is expanding and magnifying our power to have an impact on the Earth's environment, with technology like chlorofluorocarbons. Even internal combustion engines, when multiplied by the many billions who use them, now give us the capacity to have a tremendous impact on the Earth's environment.

The third and final cause of this dramatic change is the most subtle but the most significant, and that is our way of thinking; specifically, an assumption that we are somehow separate from the rest of nature and that what we do has no significant consequence for the Earth's natural systems. It is that way of thinking which is the principle target of the world's efforts at the Earth summit now beginning.

We must now conceive of ourselves as part of the Earth's ecological system, responsible for our actions, with a moral obligation to others with whom we share our lives and others in future generations who will inherit the Earth's environment when we pass it on to them.

This conference will, I predict, be looked back upon when it is over as a tremendous success, if for no other reason than because the attention of all the world's nations and peoples has been focused on the same subject at the same time in the same place. And the results will, almost inevitably, be a change in that way of thinking about our relationship to the Earth's environment and our obligation to the future.

I want to concentrate now, briefly, on the specifics of the documents that we will be paying attention to and monitoring while our delegation is in Rio. There are two treaties which have been negotiated. The first is the climate change treaty. The second is the biodiversity treaty. Although both have been completed, there are ongoing discussions about some items in the biodiversity treaty. And, of course, there are already discussions about ways to strengthen the climate change treaty which was greatly watered down prior to its completion.

In addition to these two treaties there is a statement of principle still being negotiated with respect to the protection of forests on the Earth. There are negotiations ongoing on a document known as the Rio Declaration, a statement of principles about the relationship between humankind and the Earth's environment, and ongoing negotiations about Agenda 21, a list of actions deemed to be advisable as we rebuild this relationship between civilization and the environment.

There are, in the Agenda 21 document, a number of topics that have reached insufficient attention, including the challenge of stabilizing world population which will receive a good deal of discussion in Rio. And as the developing countries have made the rest of the world aware, more attention is needed where the subject of decertification comes up.

In closing let me say that, in my opinion, the Earth summit is about building a brighter future for people here in the United States as well as around the world. We need to recognize now that to allow environmental degradation to continue at the pace we now see is to allow human suffering to build. This is true not only in other countries where some 37,000 children die each day from causes that are very much related to environmental degradation: water pollution, air pollution, soil degradation. It is also true in the United States.

After a seminal 1987 study done by the United Church of Christ Commission on Racial Justice we know that those in our own country who are economically disadvantaged and politically less powerful are much more likely to suffer from the results of environmental degradation. But those who are being imposed upon the most, those who are being asked to bear the biggest burden as a result of our pollution, are those least able to defend themselves, those in future generations. We have a responsibility to recognize that and acknowledge our responsibility to change what we are doing, because what we are doing now degrades the Earth's environment and diminishes our human capacity and human spirit.

The Earth summit affords us the opportunity to break the chains that bind us to a way of exploitation that causes so much suffering for so many. In this historic gathering of so many people from so many backgrounds and diverse points of view, we truly do have an opportunity to chart a new course. Never before have so many come together for the same cause at the same time. We simply cannot allow this opportunity to pass.

We know that being a leader in charting this new course offers tremendous economic opportunities for our country, and we are proud of those business leaders who have paved the way by making profits at the same time that they are charting this new course by building the new products and processes that foster economic progress without environmental degradation.

What we have perhaps not yet fully grasped, however, is the incredible potential of this Earth summit to inspire and motivate. The problem is very large and is looming, but we are anxious for the challenge. It is up to us to seize this truly momentous opportunity, and we will do our best to do so.

Mr. President, before I yield the floor let me compliment my colleague from Massachusetts who is on the floor and who has been a very active, leading Senator in these areas. I look forward to his comments on this subject.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

A UNIQUE OPPORTUNITY

Mr. KERRY. Mr. President, I thank the distinguished Senator from Tennessee first for yielding the floor but, much more important, I thank him for his extraordinary leadership in this field. As a member of the delegation that is going to Rio, I want to compliment him on the extraordinary agenda and organizational effort he has made. I think the Senate is going to be extremely well represented and well led, both by him and by Senator CHAFEE. But the Senator from Tennessee has gone to greater lengths than most Senators go to, to develop an expertise on this issue and to help this country understand some of the choices we ought to be making. We are truly all well served by what he has done and is doing.

I think it is not an understatement to say, as Senator GORE has said, that this is a unique opportunity, an extraordinary opportunity, for us to show leadership and to help the public understand the dynamics of what is going on throughout the world.

We often hear the President talk about a new world order, and I regret that I suspect when the President talks about a new world order, he only sees a new world order through the eyes of a World War II veteran and a cold warrior, through the eyes of a generation that really is not fully tuned in to the kinds of shifts in the dynamics of world politics and the ingredients that will make up the international arena of the next decade and into the next century.

We are no longer engaged in an arms race; we are no longer engaged in the same kind of East-West polarization. All over the world, nations are struggling to develop, struggling to develop market economies, struggling to develop our degree of affluence, our level of security and, sometimes dangerously in the face of possible violence from their own authorities, our degree of freedom.

In almost every one of those countries—Czechoslovakia, Poland, Hungary, the former Republics of the Soviet Union—you can see environmental degradation such as we have never seen anywhere else on the face of this planet. In Czechoslovakia, there is an area around their powerplants where you can pick up gray ash in your hand and where there is not even a live bush or tree within 50 miles.

You have Poland, a country which is not going to have any potable water by the year 2000 unless environmental technology is applied to their drinking systems and to their agriculture.

There is not one country in this world you can point to where these kinds of problems do not exist. You can go to China and look at the deforestation around the Yellow River and the flooding that takes place as a consequence of that. We have 40,000 babies a day on this planet of ours who die simply because of waterborne diseases.

I have had the privilege in my role as a Senator of flying over certain territories—the Philippines, Laos, Thailand, Guatemala—and I have seen the most extraordinary deforestation caused by clearcutting which leads to erosion and all kinds of other problems. It is a sorrowful sight to see.

Brazil, where the conference will be held, is one of the prime sites of that kind of destruction. The species that are being destroyed in the process of that destruction will deprive someone of the cure of a disease since so much of our drugs comes from those plants and those species in those forests.

We are literally depriving ourselves of life itself, of sustainable life. That is different from building missiles and plunking them in a hole and looking at some future threat, some future Armageddon. This is, in fact, a kind of ongoing, creeping Armageddon. And here we have nations all over the world coming to Rio saying: Let us get together and get reasonable and discuss this and see what we can do all together as a matter of humanity to try to deal with this.

I am delighted that the President of the United States has decided, after months of indecision—which in and of itself is an extraordinary signal to send in the face of what we are looking at; in terms of choices, that in itself is its own message—but I am delighted he is now going to the global environmental summit which began yesterday.

And in so doing, he is going to join over 100 other leaders of nations, who had already agreed to attend, incidentally, just to signal the difference. Hundreds of other leaders, months ago, said: "You bet I'm going."

But the President, who stands in the well of the United States Congress talking about how great we are, having vanquished Iraq, and how powerful we are as a nation, has been reluctant to use that power and that good will on the global environment. For months, he has delayed, but now finally he says he is going. That, at least, is a symbolic commitment. It is important; I am not going to diminish it. We are glad he is going.

But as Senators will recall, on April 7 of this year, we approved a resolution calling on the President to take the lead in assuring that the Rio summit would be a success. That concurrent resolution was agreed to by a vote of 87 to 11, demonstrating a strong bipartisan commitment in support of U.S. participation and leadership in the summit. I would like to think that its adoption served as something of a wake-up call to the President, a sign that concern about this issue was deep and broad and not about to go away.

But the demands of leadership, or even the definition of leadership, are not met by a symbolic trip. I well suspect that the President's journey to Rio may be more like his recent journey to Japan than the kind of trip it should have been, exhibiting international leadership with respect to these issues.

It is the President's policies, not his presence in Rio, that will be at issue. And it is those policies that will affect the health and the stability of this planet in future years.

I think, unfortunately, the Senator from Tennessee and the rest of us who are part of this delegation are inheriting an unwanted mantle in going to Rio, because the lack of United States leadership on this issue now places upon the U.S. Senate delegation the burden of convincing many of the leaders of these countries and many of their delegations that the policies of the administration and the President do not accurately reflect the desires and goals and aspirations of the people of the United States of America. And I deeply believe that they do not.

I am convinced that the people of this country want a more aggressive effort to deal with these kinds of issues and are willing and desirous of having the leadership that will help us get there.

The American people understand, even if the President does not, what a great opportunity for real accomplishment this summit represents. The American people understand, even if the President does not, that the distinction his own administration has drawn between economic growth and environmental health is a false distinction and that we can have both and we must have both.

Part of this conference is an exhibit of environmental technologies by countries all over the world. I am proud that Massachusetts is going to be well represented in those environmental technologies. In recent months, I have been meeting with groups of environmental companies in Massachusetts who now represent a job base of some 30,000 people, bigger than biotechnology, a job base that will grow faster than many other high technologies, a job base that offers the capacity for real growth to put people back to work in Detroit, in Washington, in south central Los Angeles, in Miami, and all over the rest of this country.

There are countless jobs to be created in America designing and manufacturing and marketing the products that we can sell to other countries that want to develop but want to do so in an environmentally friendly fashion.

Where is our leadership on that? We keep talking about competitiveness and technology. MITI and Japan are going to have an enormous display and all you have to do is read some of the statements that have been made in recent months by Japan and by observers of the business scene and you will see the aggressiveness with which the Japanese have targeted the environmental sector as an area of growth for the future. They are there; they are in those Eastern European countries. They are in Southeast Asia. They are traveling the world, pulling in the contracts of the future in order to guarantee that they will have a transitional economy.

We, on the other hand, are fighting the prospect of going to the conference, and are failing absolutely to take the lead.

I think the American people understand, even if the President does not, that the threat of ozone depletion, of climate change, of deforestation, of ocean and fresh water pollution, and of uncontrolled population growth are not theoretical; they are real. And if we do not respond to them, if we sit on our hands and ridicule those who propose solutions, those problems will steadily degrade our quality of life, and they will endanger our security and place an intolerable burden and cost on the health and well-being of the people of our country and future generations, the people on whose behalf we are supposed to act.

It is no secret that many Americans have been disappointed over the past months by the attitude that some in the administration have had toward the UNCED conference. Instead of viewing it as a rare opportunity to accomplish a goal, they have treated it like a continuing damage control exercise that they had no choice but to endure.

On issue after issue—and the Senator from Tennessee knows this better than anybody because he has been following these negotiations closer than any of us and he has been in New York and talking with the people—the U.S. negotiating position has been to weaken language, to substitute generalities for specifics, guidelines for binding schedules, vague promises for firm commitments, and we seem to have taken the lead not in trying to break through the obstacles to global cooperation but rather to paper them over and to achieve not the strongest possible set of agreements but, rather, a set of least-common-denominator agreements designed to produce the appearance of doing something while minimizing the reality. And nowhere has this tendency been more visible or more damaging than our leadership, so-called, in the area of global warming.

The resolution approved overwhelmingly by this Senate urged the President to support an agreement that would, if implemented, actually reduce the threat to the environment posed by global climate change. We were looking for more than a commitment to research or to vague and indefinite timetables. We were looking for a firm commitment to action, to pollution reduction, to progress.

I know that some question the reality of the threat posed to us by global climate change. They state, accurately, that there is no scientific unanimity on the subject. Well, Mr. President, if scientific unanimity were the standard we were to apply to every environmental issue, we would never take action on anything. Over the past decade, I can recall scientists telling committees on which I served that acid rain was not really happening; that offshore oil drilling was good, not bad, for fish; that nuclear power plant accidents essentially could not happen; that action on ozone depletion would be premature and even that smoking has not been proven—not really proven—harmful to our health.

Well, I am not a scientist, but I do know that we are pumping 24 billion tons of carbon dioxide into the atmosphere every year and that, unless we act, that amount will rise by 50 percent within the next 25 years. I know that serious scientists have predicted that global warming could disrupt agricultural patterns, threaten our water supplies and—through sea level rise—devastate our coasts. I know that the union of concerned scientists, in a statement signed by 49 Nobel laureates and 700 other distinguished scientists, called climate change "the most serious environmental threat of the 21st century." And I know that the National Academy of Sciences has testified before Congress that—notwithstanding the scientific uncertainty that exists—we ought to act and act now to provide "an insurance policy for our planet."

The administration's hesitancy on this issue has been justified on economic grounds. It is said that we should not commit ourselves to anything that would limit economic growth. Studies have been cooked up to demonstrate the allegedly disastrous impact of stabilizing CO_2 emissions at 1990 levels. But those studies were based on two assumptions: First, that our economy will expand at a rate far in excess of most other predictions; and second, that our country will do virtually nothing to conserve fuel and electricity between now and the end of the decade.

The National Academy of Sciences, on the other hand, estimated more than a year ago that we could reduce greenhouse emissions by 10 to 40 percent from 1990 levels at little cost—or perhaps a net savings—through conservation and the use of renewable fuels. Even the administration now admits that we can maintain CO_2 emissions at no cost to the economy. Despite this, the administration continued to oppose—and succeeded in preventing—an international convention that would have included binding commitments on this point.

Mr. President, I believe that the failure of the administration to lead on this issue is a serious mistake. America is—because of the size of our economy—the leading emitter of greenhouse gases, including carbon dioxide, there is no way we can expect other countries to act, at potential risk to their own economic growth, if we do not act ourselves.

The Rio summit provided an opportunity to establish a precedent for controlling emissions of greenhouses gases that could ultimately have been applied not only to developed nations, but to less-developed nations, as well.

That is, Mr. President, absolutely essential to our national interest. Consider our future if we do not act. Consider the prospect of entering the next century with world population growing at a rate of 100 million people a year and no constraints on the release of CO_2.

Consider the possibility of a continual, year by year, increase not only in the amount of greenhouse gases already accumulated in the atmosphere, but in the rate at which that accumulation is increasing.

Consider the possibility, the very real possibility, that 10 or 20 or 30 years from now we will achieve that long-sought scientific consensus only to find that the consensus is that global climate change is real, deadly and irreversible—all because at Rio in 1992 we failed, as a direct result of U.S. policy, to get it under control.

Mr. President, if we have learned anything over the last few years, it is that there is a cost attached to putting off hard choices, not just a monetary cost—although there is often that and the American people deserve better than that—but there is an extraordinary cost in terms of the quality of life, the well-being and health of our citizens, and over time it gets more difficult and more complicated to solve some of these problems and to make real progress. You can look at any of these developing countries. If they do not move to CFC-free refrigeration capacity, then what happens when China or other less-developed nations of huge populations suddenly start buying the very products that we know create this problem?

These are real choices. It seems to me that we are owed something more than simply a process of delay. We are also owed a better understanding of economics. This country has been built on technology advances. Seventy-five percent of the productivity increases in America since World War II have come from technology advances. We put $80 billion a year of Federal money into research and development, but 60 percent of it is still going into defense. If that were reversed and that 60 percent were now going into environmental technology, alternative fuels, renewables, all of the kinds of things that we need in order to make products environmentally friendly, we would be far better off. If the President were to begin to lead this country in that direction, I think the American people would feel a lot more confident about their future.

The Rio summit provides the best chance since the Stockholm Conference 20 years ago to make progress, not only on global warming but on the full range of environmental and natural resource issues. It is a chance to design a strategy to encourage economic growth, using methods that will preserve and enhance our environment rather than simply consume natural resources and ultimately reduce our capacity for future growth. I think it offers a chance to do something genuinely good and right by the next generation and those after that and also by those other countries that are looking to us for leadership.

Although the President has obviously been engaged in some sort of political balancing act on this issue, trying to weigh the pros and cons with the election in mind, the fact is this is not a partisan question. Both parties have champions of the environment, and certainly there are many in the administration at the working level who have endeavored to influence U.S. policy and to make the Rio summit a success. Certainly the desire for a healthy and stable environment is a universal desire.

I had hoped that the President by now would have reached the moment in his calculations where a decision for real action would have been taken. So I go to Rio with the Senator from Tennessee and the Senator from Rhode Island and others with the hope that we can communicate to the rest of the world that these issues are not secondary to us, that this is not somehow something we look at merely in political terms, but that there are many of us in this country dedicated and committed to the notion that these choices are the most important choices we have on the table; that you cannot talk about international trade policy today without also talking international environmental policy; you cannot talk about marketing products abroad without talking about what the impact of those products will be; you cannot talk about joint international security today without environmental implications as we saw from the Kuwaiti oil fires. There are countless ways in which we are now linked inextricably to each other, in ways that redefine sovereignty to a degree that challenges us to think outside our nationalistic tendencies and inside of a whole new paradigm of international consequences and choices.

I think we need leadership, Mr. President, that is going to begin to offer those choices to the American people, and no greater opportunity could have been presented to us than a moment when you have an Earth summit, the second one in 20 years, with leaders from all over the world. What a chance. It is not too late. My hope is that the President will lay that kind of agenda out still and that the people of this country will be able to be proud of the leadership that this Nation offered in trying to create a true new world order, not simply a rhetorical phrase that seems to sound good but in reality grows out of a mindset locked in the past.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1872 MINING LAW

Mr. REID. Mr. President, it was recently pointed out on the floor of the Senate within the framework of a reference to the mining law that the people "of this country are very angry, and, furthermore, that they may be angry about the wrong thing."

I could not agree more. I agree that they are angry, and I think I know why they are angry. I believe they are angry because they are losing their jobs; along with the job loss, the right to provide a decent quality of life for themselves and their families.

Just as they are angry over the loss of the jobs, they are also sick and really tired of Members of Congress attacking a successful business with proposals for legislative overhaul.

It seems that when we have a successful group of businesses in this country we figure out a way to attack them. I can remember during the era of the corporate takeover that the only businesses that were attacked for corporate takeover were the successful businesses and generally speaking, if they were not ruined, they were dramatically affected. Well, I am going to talk today about a successful business. The successful business about which I will speak is mining.

We have calls periodically for overhauling legislatively the mining law. This presents the mining industry with the specter of job loss, and an insufficient means of dealing with the oppressive economic times we now find ourselves in.

Reforms to the mining law that have been proposed here in Congress by those that are misinformed would do just exactly that—take away jobs, place more people on the unemployment and welfare lines, placing a chilling and debilitating effect on the infrastructure needs of the many small communities supported by the mining industry.

It was also suggested that perhaps the people of this country do not know enough about the mining law, and I agree. In fact, innuendo and half truths that have created the myth about the mining industry that I have seen expressed in various national periodicals and newspapers have generally started on the floor of this body. They have gone a long way to misinform the American people about the realities of the mining industry.

So, Mr. President, I am going to take this opportunity to begin the process of informing the American people about the truth regarding the mining industry in this country. In the next few days I will distribute to Members of this body a booklet that illustrates the many Federal statutes that govern the mining industry, the amendments that have been made to the mining law, the environmental regulations that the mining law is subject to today, and the economic impact of the reform bills that are before Congress.

I would urge each of my colleagues to take a look at this publication that I will pass around because it will provide useful information on a subject that seems to be sorely misunderstood.

It does not address all the issues related to the mining industry, but I will, in future weeks, inform the Members of the Senate about many other related issues that affect the mining industry.

I also am going to follow in the next few weeks with statements on investment, economic issues that affect mining, ownership, patent exploration, and other matters.

Mr. President, I think it important to recognize that the mining industry is important to this country. The mining industry currently employs just over 750,000 people in the United States. The jobs average $590 a week compared to $340 a week in other industries. And mining, which is a private industry, has a multiplier effect. For every mining job created in the mining industry, two jobs can be expected to be created in the service industry. There is a total of at least 3 million jobs in the service industry that support mining accounts. Taxes paid by the mining industry amount to hundreds of millions of dollars a year.

Mr. President, in 1980, the United States imported 80 percent of all of our gold needs. In 1990, 10 years later, we produced enough gold to balance our manufacturing needs, and we are now producing a surplus and we are exporting gold, one of the few industries in this country where we have a net export.

In 1991, that surplus amounted to over $1 billion. There are some who would suggest that we should just do away with mining. I would submit, and I will on the floor of this body as time goes on, the importance of not only having an energy policy—we hear a lot about that—but also the need in this country for safety and security of a minerals policy, which we have not had and which we need to develop.

Mr. President, I brought today a number of charts that have been extracted and reprinted from that handbook that I referred to that each Member of the Senate will get. I would like to spend a little bit of time looking at these charts. When I am finished, I think that everyone will clearly see what has been referred to as this unbelievably outrageous legislation passed and signed by Ulysses Grant and which is still on the books is, in fact and in reality, a law which has been amended numerous times.

Mr. President, we have acknowledged that the general mining law did pass and was signed by Ulysses Grant. We have heard such statements on this floor. Is it not about time we did something about it? Is it not about time we amended this law? This law has been amended numerous times. It is the 1872 mining law, as amended dozens of times. It was amended in 1875, 1880, and 1891. In 1891 there was provision set up for protection and compensation for surface improvements.

This part of the mining law was totally replaced in 1976 by the famous FLPMA law, that law that does a great deal in controlling what goes on in this country on the surface of the public land.

There were amendments in 1897 and 1902. In 1904, there was an amended description of vein claims and the use of monuments on the ground to govern conflicting claims. These deal with unpatented claims. The 1872 law covers that.

Growing up in a mining State, as I did, I can remember looking at the location monuments, which were little stacks of rocks, and normally in these monuments were Prince Albert pipe tobacco cans, and in that would be a description of the claim and who located it. That has been amended since then a number of times as to how you locate claims. You do not have to do it. That is the way it was done when I was a young boy. You no longer have to build the rocks at the corners of the locations. You do it now so there is very little disturbance of the land.

In 1906, the law was amended to authorize the President to establish national monuments. All over the Western part of the United States and other parts of the country, there are national monuments. All these monuments are closed to mineral exploration.

Mr. President, this is one example of how the law has been changed. We have another amendment in 1910. In 1916, one of the most important amendments that affected the 1872 mining law was a law that set up national parks; created the National Park Service, and most of the areas, at that time about 79 million acres, administered by the National Park Service were closed to mineral exploration, period.

We have the newest national park in our system in Nevada, the Great Basin National Park. That was created in 1987. In that park, there is no mineral exploration. That goes back to 1916.

In 1920 and 1921, there were amendments. I note this amendment, because this was one of numerous changes to the 1872 mining law that affected how you do assessment work; that is, you go prove up an unpatented claim, and thereafter you had to do assessment work; that is, work so you could show those coming in later that you were actively working the claim. This has been changed numerous times as to how you report your annual assessment work and in fact how you do it.

There was a 1925 amendment.

In 1938, the law was amended, and again in 1944. In 1947 an important amendment came which removed common variety materials from location. What this did, in effect, was address the many concerns, and rightfully so, about people locating nonessential, nonmetallic minerals, like sand, for example some of the big abuses to the 1872 mining law came prior to 1947. Some of these are still being litigated in the courts. But the law was changed to stop common variety materials from being located. This is something that we are still working on.

There was an amendment in 1949 dealing with assessment works. There were amendments in 1950 and 1954.

In 1955, there was an amendment which prevents claimants use of unpatented mining claims for other purposes than mining and related uses. We are, this year, going to work on the same type of procedure for patent claims; that is, if you locate a claim for mining purposes, you cannot use that claim for any other purpose.

You cannot build a hotel on it. You cannot build a ski resort. This was done with unpatented claims back in 1955. In fairness and justice, Congress set up a system whereby those people who lived on unpatented claims could, if they proved up certain rights, continue living on that, but they had to give up all mineral rights. That was done on one occasion that I am aware of in the Searchlight, NV, area. That is as a result of the law being amended in 1955.

Mr. President, again, in 1955, there were other changes made in the law dealing with power development. If there were developments of power, and you could not do mineral exploration in those areas with few exceptions. Again, in 1958 it was amended. There was another 1958 amendment, and one in 1960.

A most important amendment that affected the 1872 mining law occurred when the 1964 Forest Service Wilderness Act passed. That act restricted mining when wilderness areas were created in the State of Nevada and elsewhere. The last State that I am aware of to complete a general Forest Service Wilderness Act was Nevada. I worked on that 4 or 5 years when I was in the other body and then in this body.

In Nevada, we established about 1 million acres of Forest Service wilderness, areas that were to be maintained in their pristine state, areas that would be left to my children and my children's children in their primitive state.

The reason that is important, Mr. President, is that in those areas it was said you cannot mine anymore. There were a few instances where they could go ahead, under certain strict conditions, and continue working there. But, generally speaking, in wilderness areas, you cannot do any mining. That affected approximately 1 million acres in the State of Nevada. And many, many other States were similarly affected. For example, we will find as we go through this chart, Alaska had a lot more land than Nevada affected by wilderness where you simply could do no mineral exploration.

In 1964, there were other amendments. In 1965, there was an amendment. There was a 1966 amendment dealing with the national historic preservation.

Mr. President, the National Wildlife Refuge System was established in 1966. This withdrew about 87 million acres of land in the Western United States without mineral entry, again affecting the 1872 mining law. A couple years later, there was the National Trail System. Mineral entry could also be withdrawn in the trail system.

Mining and national parks. We have talked about that. There were other amendments related to that in 1976.

In 1980, 150 million acres were withdrawn from mineral exploration in Alaska. It was done as a result of the Alaska National Interest Lands Conservation Act. Very controversial. But it had an effect on the 1872 mining law. The final amendment was in 1986.

Mr. President, the point of the discussion here today is to indicate a number of things.

First of all, mining in America is important. It affects the lives of millions of people, and we have made progress in the last decade, so that now we are an exporter of gold. And also for those misinformed who come and say, "Why do we not change this ancient law?" Regarding this ancient law, the 1872 mining law, as we have clearly established has been changed many, many times.

We are going to discuss further on the floor of the Senate how there are other laws that have, in reality, changed the 1872 mining law. We have not discussed today at all, all of the many environmental regulations that directly affect the way we extract minerals from the U.S. lands.

These are only Federal laws. We have not touched upon, but we will, some of the State laws that also directly affect the 1872 mining law.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent to speak for 5 minutes in morning business and to have that time not charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

Mr. WIRTH. Thank you very much, Mr. President.

THE ENVIRONMENT

Mr. WIRTH. Mr. President, as we are all aware the Rio Earth summit opened yesterday, an enormous opportunity for mankind to really define what this new world order is going to be.

As we move away from the cold war and we move away from the confrontation between the superpowers, I think increasingly we are aware of the fact that there is only one remaining superpower and that is, in fact, Earth. In many ways what we have done for the last 20 or 25 years in particular is to declare war on the globe. What the Rio summit is all about is for mankind to get together and say hey, wait a minute, let us slow down this ravaging of our home, let us slow down this ravaging of our future and let us start to think together how we might develop a sustainable future for the rapidly growing population of the state of the globe. How are we going to go about doing this? To get 180 nations together is a remarkable achievement.

This is the most important meeting of world leaders that has occurred in the history of mankind, coming together around a set of issues that we all understand is increasingly important. Probably it is understood more by young people than older people. I am struck by the fact that if first graders could vote in the United States we would probably have a much, much more progressive attitude in this country towards environmental issues than we do today. Certainly, the coming generations are understanding the criticality of this.

I wanted to make a comment on the process as well, Mr. President. I was in New York a couple weeks ago during the last times of the negotiations on the global climate change treaty phase. It was a very trying experience in a quite different way than I expected.

I went there and found that the rest of the world is looking to the United States for very aggressive leadership. The developing countries, the so-called G-77 countries are looking to the United States to lead. The Europeans are looking to the United States to lead. This at a time when we in this country are going through a time of being very down on ourselves. The world is looking to us and saying, hey, you all have the responsibility. You have the opportunity. It was a very confirming time and a very reaffirming sense of being in America and our sense of world responsibility and world leadership.

Unhappily, I do not believe that we are as well as we should be picking up on those leadership responsibilities and requests. I suspect that coming out of this history is not going to treat this administration and the role United States has played very well.

On global climate change, we really dug in our heels in an area in which it is very clear that there are a number of things we could have and should have been doing. Instead, we sort of toned everything down and, I think, adhered more to political pressures than realities of what we ought to do.

On the timber convention, the United States has just not stood up as it should on this. We said to the rest of the world: Do not cut down your rain forest. But we continue the nearly wanton destruction of our own. On the Biodiversity Treaty, we said we are not going to sign up, citing some good reasons relating to intellectual property rights, but not developing a negotiation status where we could sign, where we would get something back in return for more flexibility.

I hope, as we move into Rio and then come out of this, that the fears that many have about the recalcitrance of the United States will not be well-founded. I hope, and I said to people in New York that I thought that this was just a start. It could have been more of a running start, but at least we are all there, at least a process is beginning.

And maybe the parallel between the Chlorofluorocarbon Treaty, which occurred in Montreal, will be a good one. That started with an international discussion, I believe, in Austria, and moved from there to the final very, very good treaty that the whole world adhered to. Let us hope that we have that same kind of process on global climate change, on biodiversity, on timber, and on all of the other issues we have to face.

Mr. President, this is a very, very exciting time for the world. We may be finding ourselves turning a corner or going over a watershed, as we say in my part of the country, for now we are going to flow down in a different direction, beyond the old confrontation of the cold war. We are now into a new set of international agreements, politically, economically, socially, in all kinds of fashions. It is a very exciting process.

I look forward, as a Member of the Senate observer group, to being there. We are leaving this afternoon. It should be a time we all value, and I hope we find that the promise of Rio becomes a reality.

Mr. President, I thank you for your recognition, and I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. There shall now be 45 minutes under the control of the Senator from Wyoming [Mr. SIMPSON] or his designee.

The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, as Senator SIMPSON's designee, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

EARTH SUMMIT IN RIO—A CHALLENGE TO THE WORLD

Mr. SYMMS. Mr. President, this evening, 10 of my colleagues and I will be departing for Brazil to participate as observers in the U.N. Conference on the Environment and Development. I am pleased that Senator DOLE asked me to represent him and the Senate in this task. I believe we can take a clear message to Rio.

That message is simply this: The United States of America, with its market-driven economy and respect for private property, is a leader in the environmental movement. Without the entrepreneurial spirit of the United States of America and other democratic capitalist economies, we would not have a chance to win the battle to have a safe, clean environment for our globe.

There is no question, Mr. President, that the solution to pollution is to design new and better technologies to do things in a cleaner, simpler, energy-saving way, and that comes about from capital accumulation, entrepreneurial spirit, and people trying to build a so-called better mousetrap, and do it in the spirit of America and capitalism and seeking ways to do things better and more efficiently. And that is the main driving force that will help us have a cleaner world.

We can be a leader and we are a leader, notwithstanding some of the criticism that I constantly hear from my colleagues on the other side of the aisle that we are not being a leader enough. The reason we can be a leader is because we are able to afford it. But, I want to say this, Mr. President, I do not believe the American people want us to subsidize the environmental movement around the world.

As Edward Mortimer said yesterday in his column in the Financial Times, the more one thinks about it, the clearer it is that the financial resources so badly needed for global environmental cleanup "are not going to be available unless there is rapid economic growth throughout the world, and the only stimulus likely to accelerate world growth is expanding world trade."

We simply cannot have it both ways. If we are going to have a clean environment, we have to have a strong economy.

However, much of the discussion, negotiation, and decisionmaking leading up to the Earth summit has been based on the command and control philosophy of Government.

The command and control philosophy of Government has been a dismal failure. All one has to do is go to those countries that were former Communist bloc countries and you can see where the environment has been decimated, where the government owned not only the factories that spewed out the fumes, but the land that it spewed it on. There was no one that was concerned about what happened.

As George Will said in his column Sunday, the Third World countries "would rather redistribute the First World's wealth than abandon the statism that is the basis of their power. Statism also is the impediment to their people's prosperity and therefore a cause of environmental injury."

History has shown us that command and control approaches to managing the environment have been tested, and they failed. The former Soviet Union and those nations which were members of the East bloc are environmental catastrophes and indisputably demonstrate that socialist management fails to care for the world's natural resources.

I believe we have an obligation to the people we represent, and those are the American taxpayers. In Rio, and beyond Rio, we must recognize the direct and positive relationship between economic, technological and scientific betterment and the quality of the environment. It is a partnership where environmental responsibility and economic growth go hand-in-hand.

What lies ahead of us is one of the greatest challenges of our time because we have allowed ourselves to be influenced by the ecopessimists. In the late sixties it was predicted that we would not be able to prevent large-scale famines and that the battle to feed humanity was already lost; but since 1968, world grain production has increased 60 percent. For 30 years, world excess food stocks relative to consumption have grown faster than population. In the seventies it was global cooling and a predicted approach of a full-blown 10,000 year ice age. And now, some of the same scientists who predicted global cooling are now warning of impending doom and global warming.

So let me close by adding this: Sound objective science should be central to any policy we set or action we take to care for our natural resources. We must not rely on the latest fad prediction. We must recognize that resources must have value attached to them so that individuals have the incentive to care for them. Scientific facts, economic realities and impacts on humans should be the critical components of our decisionmaking process.

Mr. President, I think one other thing that needs to be emphasized over and over and over, and that is the private ownership part of the United States believes that it is part of our heritage to own private property. That has been one of the driving forces of economic growth and development and the preservation of a good environment. And without that, no country will be successful in protecting the environment.

It has been true all across Eastern Europe; in the former Soviet Union. If you go to Brazil and go to the Amazonia, you will see the big status, government-financed project, financed by the Latin American Development Bank, financed by the World Bank, much of that money coming from the taxpayers of the United States that have provided the capital to clear off millions of acres of the Amazonia, done by government planners in Brazil who decided that they should build a huge city up in Brazil and force people to move from along the seacoast, where they wanted to live, to force them to move up to Brazilia, and then on out to settle their so-called western expansion into the Amazonia.

Government planning oftentimes is the worst solution to solve problems. And the best solution to solve these problems is private ownership and allowing people to own something so they can preserve it and protect it, and allowing them an entrepreneurial environment of profit and loss economy so that they have a motivation to design new and better things, so that they will come up with the designs and the technologies that make more affordable uses of energy. And it makes a better profit system in the conservation. Therefore, you have a better environment.

Mr. President, I want to say one other thing, then I will yield to my colleague from Wyoming.

A lot of people are criticizing the President because he appears to be dragging his feet in going into some of these agreements. He is absolutely right to be hesitant in order to make sure that sound science is what we get ourselves into, not some pie-in-the-sky agreement that, if we sign on to it, we find will jeopardize the economy of the United States of America and help those other economies.

What do the Japanese lose, for example, if they have to give up the burning of more coal? Not much, because they have not much coal. What do the Western Europeans give up? Not much, because they do not have much. And they live in smaller areas, more suitable for mass transportation.

We have a different situation. The best thing we can do in this country to help preserve, long-term, a good environment for the globe is to see that the United States of America has a good, strong growth economy and more trade with these countries so they can have a good, strong growth economy. Then we will be able to afford a better environment and we will have the capital base and scientific base to know what we are doing.

It is interesting to note that, with all the hysteria we watch now on television stations about global warming, just recently a group of scientists came out and said that the Pinatubo volcanic eruption in the Philippines will offset all of the carbon gases released by the human race since the industrial revolution. It will offset it and cool off the globe by 2 degrees. So I think we should stand back, not jump onto the first hypothesis that somebody comes by with, be careful about this, take note of what the environmental risks are, what the economic risks are, and in what way the United States can be the leader. We are the country that will be able to set a standard for the rest of the world.

I think we cannot do it without a strong, healthy economy. We should look to that. Then we can have an environmental protection policy and we can also have jobs and raise our families.

I have to say one other thing in closing. When I hear our colleagues talking about how we are recklessly cutting down our forests, I say, when you compare temperate forests with Amazonia, that is like comparing apples and oranges. The best way you can help the world with the temperate forests like those in Alaska and the United States is to harvest the old dead and dying trees, older mature trees, and get new trees growing so they have a rapid growth rate and become a carbon sink. If you leave old forests out there and think you are helping the environment, it is a joke. What happens is either they will burn up rapidly and put out carbon, like the Yellowstone fire, or they will do it in a slow fashion when they rot with disease and die, and they put out slow carbon and they do not sink carbon.

So I think we should not continually sell ourselves short as Americans. We have a record that no other nation, I think, can match in terms of economic growth and development and respect for our environment. And a lot of it is based on the fact that people own something in this country. The respect for private property has been one of the mainstays in the protection of the environment.

Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator from Wyoming, under the designation of the Senator from Idaho, has approximately 33½ minutes.

Mr. SYMMS. Mr. President, I yield such times as the Senator from Wyoming [Mr. WALLOP] would like, and designate Senator NICKLES to be the designate of Senator SIMPSON.

The PRESIDING OFFICER. The Senator from Wyoming is recognized—for how long?

Mr. SYMMS. For such time as he may need.

THE SCIENCE OF RIO

Mr. WALLOP. Mr. President, the world is watching this week as its leaders rush off to Rio, either physically or electronically, to observe the Earth summit.

For some, it will be the global version of Woodstock—but rather than promoting a counterculture to save the world, they advocate a new ecoculture. Relying on a philosophy that borders on the mystical, they argue that we are destroying our planet due to the economic progress of the developed countries. The answer is a green version of socialism. Centralized planning did not disintegrate when the Berlin Wall collapsed, or on Christmas day last year when the Soviet Union collapsed, it merely adopted a new guise. Twenty years ago, the proponents of a new society used the peace symbol of Woodstock. Now, they have the Earth symbol in Rio.

Mr. President, no one doubts there are serious environmental problems confronting the global community. The Rio conference will focus much attention on oceans and forestry policies, on soil erosion, and on sustainable development. There are also solutions to our real environmental problems. But they are, as my colleague from Idaho just suggested, solutions to be derived by accurate science, by technological progress, and by economic growth.

However, the language of the Earth charter, and the Declaration of Principles, relies on ideological posturing. The documents ignore the possibilities of market-oriented solutions. In fact, they deny them. A careful reading of the documents and arguments of the Rio crowd reveals that they have two principal objectives.

First, they want to create new wealth transfer programs from the developed countries to the developing countries. Second, they want to control our economic development through the subterfuge of such rhymes as targets and timetables. The mechanism for promoting this agenda is the argument over global climate change. I have discussed this issue at length previously. I would just note today that the scientific community is unanimous in the opinion that the scientific evidence on climate change is still more guesswork than fact. It will be another decade before we will have sound scientific evidence on whether the climate is warming due to greenhouse gases. This is from hearings just completed the Senate Energy Committee. Current policies proposed by this administration—and included in the National Energy Security Act—will provide the necessary insurance against any adverse climate change in the immediate future. They will, for example, have frozen U.S. carbon dioxide emissions at 1990 levels, without having gone to the confines of the treaty.

But there are other problems with what is happening in Rio. For instance, take the Declaration of Principles. Principle 23, even manages to promote the objectives of the Palestinian Liberation Organization against Israel. This is not the way to solve the problem of global climate change.

One of the most irritating aspects here on the floor of the Senate and in the Rio conference is that much of the environmental debate is driven by emotion rather than science.

If you can terrorize a sufficient number of Americans, you can cloud their judgment, goes the reasoning.

Several days ago, 218 among the world's most notable scientists, 46 of them Americans, including 27 American Nobel Prize winners, issued the Heidelberg appeal.

Mr. President, I ask unanimous consent that, at the conclusion of my remarks, the Heidelberg appeal of these 218 scientists be printed in the RECORD as it was drafted.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WALLOP. This was the declaration pleading that those in charge of our planet's destiny not make decisions which are supported by pseudoscientific arguments or false and nonrelevant data. This appeal is a powerful indictment of the philosophy which has driven much of the debate on global climate change, biodiversity, and other environmental issues at Rio. It is not an accident that these 218 noted scientists in the world came to the conclusion that they should speak out lest others use Rio's scientific consensus in their attempts to terrorize the world.

As the debate on global environmental issues proceeds, I urge the Senate to pay heed to this Heidelberg appeal.

The President of the United States has proceeded with caution. The position of the United States at Rio is in keeping with the counsel of the Heidelberg declaration. Americans should view that with pride as America leads the world. Neither we, nor any other country in the world, has such wealth that we can afford to divert our efforts from actions to achieve real results for the satisfaction of the emotional tirades of false fears, created solely for political purposes.

Mr. President, I yield the floor.

EXHIBIT 1

BEWARE OF FALSE GODS IN RIO

(Forty-six prominent scientists and intellectuals in the U.S., including 27 Nobel Prize winners, have joined 218 scientists in other countries in an appeal to the heads of state attending the Earth Summit in Rio this week. They call their petition the Heidelberg Appeal, after a conference held in Heidelberg, Germany, in April on hazardous substance. The full text is below, followed by the names of U.S. signers.)

The undersigned members of the international scientific and intellectual community share the objectives of the "Earth Summit," to be held at Rio de Janeiro under the auspices of the United Nations, and support the principles of the following declaration.

We want to make our full contribution to the preservation of our common heritage the Earth.

We are however worried, at the dawn of the twenty-first century, at the emergence of an irrational ideology which is opposed to scientific and industrial progress and impedes economic and social development.

We contend that a Natural State, sometimes idealized by movements with a tendency to look toward the past, does not exist and has probably never existed since man's first appearance in the biosphere, insofar as humanity has always progressed by increasingly harnessing Nature to its needs and not the reverse.

We fully subscribe to the objectives of a scientific ecology for a universe whose resources must be taken stock of, monitored and preserved.

But we herewith demand that this stocktaking, monitoring and preservation be founded on scientific criteria and not on irrational preconceptions.

We stress that many essential human activities are carried out either by manipulating hazardous substances or in their proximity, and that progress and development have always involved increasing control over hostile forces, to the benefit of mankind.

We therefore consider that scientific ecology is no more than an extension of this continual progress toward the improved life of future generations.

We intend to assert science's responsibility and duties toward society as a whole.

We do however forewarn the authorities in charge of our planet's destiny against decisions which are supported by pseudo-scientific arguments or false and non-relevant data.

We draw everybody's attention to the absolute necessity of helping poor countries attain a level of sustainable development which matches that of the rest of the planet, protecting them from troubles and dangers stemming from developed nations, and avoiding their entanglement in a web of unrealistic obligations which would compromise both their independence and their dignity.

The greatest evils which stalk our Earth are ignorance and oppression, and not Science, Technology and Industry whose instruments, when adequately managed, are indispensable tools of a future shaped by Humanity, by itself and for itself, overcoming major problems like overpopulation, starvation and worldwide diseases.

Bruce N. Ames, director, National Institute of Environmental Health Sciences Center, Berkeley;

Philip W. Anderson, Nobel (Physics), department of physics, Princeton;

Christian B. Anfinsen, Nobel (Chemistry), biologist, Johns Hopkins;

Julius Axelrod, Nobel (medicine), Laboratory of Cell Biology, National Institute of Mental Health;

Samuel H. Barondes, Langley Porter Psychiatric Institute;

Baruj Benacerraf, Nobel (Medicine), National Medal of Science, Dana-Farber Inc.;

Hans Albrecht Bethe, Nobel (Physics), Newman Laboratory of Nuclear Studies, Cornell;

Nicolaas Bloembergen, Nobel (Physics), Harvard;

Thomas R. Cech, Nobel (Chemistry), University of Colorado;

Stanley Cohen, Nobel (Medicine), professor of biochemistry, Vanderbilt;

Morton Corn, director of Environmental Health Engineering, Johns Hopkins;

Erminio Costa, director, Fidia-Georgetown Institute for Neurosiciences, Georgetown Medical School;

Gerard Debreu, Nobel (Economics), professor emeritus of economics, University of California;

Carl Djerrassi, professor of chemistry, Stanford, U.S. Academy of Sciences;

Leon Eisenberg, professor of social medicine, Harvard;

Ivar Giaever, Nobel (Physics), professor of physics, Rensselaer Polytechnic Institute;

Donald A. Glaser, Nobel (Physics), physicist, University of California;

Roger Guillemin, Nobel (Medicine), Whittier Institute;

Dudley R. Herschbach, Nobel (Chemistry), professor of science, Harvard;

Roald Hoffmann, Nobel (Chemistry), professor of chemistry, Cornell;

Jerome Karle, Nobel (Chemistry), chief scientist, U.S. Naval Research Laboratory;

Wen Hsiung Kuo, Department of Sociology, University of Utah;

Abel Lajtha, director, Center for Neurochemistry, The N.S. Kline Institute for Psychiatric Research;

M. Daniel Lane, director, Department of Biochemistry, Johns Hopkins;

Arthur M. Langer, director, Environmental Science Laboratory, Institute of Applied Science, Brooklyn, College;

Yuan T. Lee, Nobel (Chemistry), Department of Chemistry, University of California, Berkeley;

Wassily Leontief, Department of Economics, NYU;

Richard S. Lindzen, U.S. National Academy of Sciences, MIT;

Harold Linstone, professor emeritus of system science, Portland State University;

William N. Lipscomb, Nobel (Chemistry), Department of Chemistry, Harvard;

Brooke T. Mossman, professor of pathology, University of Vermont;

Joseph E. Murray, Nobel (Medicine), professor emeritus of surgery, Harvard;

Daniel Nathans, Nobel (Medicine), professor, John Hopkins;

Robert P. Nolan, Environmental Science Laboratory, Institute of Applied Science, Brooklyn College;

Linus Pauling, Nobel (Chemistry, Peace), Linus Pauling Institute of Science and Medicine;

Arno A. Penzias, Nobel (Physics), Bell Laboratories;

Malcolm Ross, Research Mineralogist, U.S. Geological Survey;

Jonas Salk, professor in International Health Sciences, The Sarl Institute for Biological Studies;

Joseph F. Sayegh, research scientist, N.S. Kline Institute for Psychiatric Research;

Elie Shneour, director of Biosystems Institutes Inc.;

Charles Townes, Nobel (Physics), physicist, University of California;

Harold E. Varmus, Nobel (Medicine), microbiologist, University of California;

Thomas Huckle Weller, Nobel (Medicine), professor emeritus, Harvard;

Elie Wiesel, Nobel (Peace), Boston University;

Torsten N. Wiesel, Nobel (Medicine), President, Rockefeller University;

Robert W. Wilson, Nobel (Physics), head, physics research department, AT&T Bell Laboratories.

COMMON SENSE ON THE ENVIRONMENT

Mr. NICKLES. Mr. President, I yield myself as much time as necessary.

Mr. President, I wish to compliment my colleague, Senator WALLOP, and also Senator SYMMS for their outstanding statements, for what I would say would be common environmental sense. A lot of times we have heard a lot of discussion when we talk about environmental problems, and we come to conclusions that do not make common sense and so I wish to compliment them for their statements and also I wish Senator SYMMS well on his visit to the Rio conference.

Mr. President, I wish to make a couple of general comments. Senator WALLOP talked about the need for science and listening to scientists. I think that is vitally important. There is no question we have some very significant environmental problems throughout the world and the Rio conference, hopefully, will address those problems. At Rio, we will work in a concerted effort with many of our friends across the planet to solve those problems, to work together to share advice and counsel.

We have solved many of those problems in the United States, although not all those problems. We still have some challenges, needless to say. But I think we are decades ahead of many of our countries throughout the world and we can help them, we can assist them, but I do not think we can pay for solving all of their environmental problems.

Frankly, I wish to compliment President Bush because he has shown some restraint in the face of pressure from many people to make a grab for U.S. dollars to pay for world environmental problems, problems that we are not responsible for, problems of which we are not the originators. So, therefore, I do not think that we should be the primary sponsor for solving those problems. I think we can share our experience, we can share our expertise, but, frankly, I think President Bush has shown great wisdom in showing some reluctance to go full scale toward some of what I would say environmental extremists would like for us to do in Rio.

I will mention just a couple of the proposals. One is the Global Warming Treaty regarding which many have been castigating the President because he did not go far enough. I have heard some of our colleagues say, "well, the President gutted the Global Warming Treaty because he would not abide by the idea of having exact timetables of mandating that each country would not have emissions of greater than 1990, even in the year 2000."

I will just tell my colleagues, one, before they make that statement, they should realize what kind of statement that is. If we sign a treaty that says that our country will not have emissions of CO_2 greater in the year 2000 than were emitted in 1990, many people state the only way that we can achieve that goal is through passage of a carbon tax. It is likely that, to be effective, a carbon tax would have to be the equivalent of about $10 per barrel of oil or 25 cents per gallon of gasoline. Very few people have talked about what that would do to the economy. It would certainly raise the price of farming goods.

I see my colleague from Mississippi who has worked so tirelessly in agriculture. If you increase the price of diesel fuel, if you increase the price of gasoline 25 cents per gallon, that will have a significant, negative impact on our economy.

Some European countries, I think 5 out of the 12, have said they might go along with the carbon tax of that amount. Their land area is not nearly so great in Europe as it is in the United States. They have much lower transportation costs. I might add that the Europeans have said they would only tax themselves if the United States did, probably knowing full well the United States would not go along with an expensive proposal that would be so detrimental to our economy.

So I compliment the President. He said instead of having mandates that would dictate that we would arbitrarily pick a figure of 1990 emission levels and sign a treaty that says we would meet and reach that goal, he said, let us have it as a goal but let us not mandate it, and then let us have each individual country develop a plan to try to achieve that goal.

Again, we can use our experience and our expertise in trying to make significant reductions without real harm and significant loss to the economy.

I have to think that we can have both a strong economy and a sound environment. They happen to go hand in hand. Frankly, if you have a poor economy, in most cases you will have very poor environmental results. If a company, if an industry is losing money, they do not have the money generated, they do not have the profits generated necessary to make environmental improvements and, therefore, many times or in many cases they will not use the best environmental solutions available.

So I think it is vitally important that we encourage both a sound economy and sound environmental practices. I think that is what the President is saying, both in the Climate Change Treaty and also by his refusal to sign on at this point in time to the Biodiversity Treaty.

I think he happens to be exactly right by not signing this treaty, one, because it does not protect intellectual property rights and that is vitally important. That is vitally important to our country, that is vitally important if free enterprise is to develop new technological solutions to energy and environmental problems. And, two, and this is equally as important because it provides for a funding process, but the Biological Diversity Treaty provides for a funding process that basically allows the Third World countries to spend our money. I think the President objects to that, and I believe he is just as right as he can be.

I have a real problem when I see a lot of people wanting to use the Rio summit as a method or a means to have this be a basic income transfer from the wealthier countries to the developing countries. I might mention to the so-called developing countries that we are not so wealthy. Yes, maybe our GNP is large, but as a country, we happen to be broke. We have a deficit this year that already is projected to be close to $400 billion. We have a debt in this country that will exceed $4 trillion this year.

How in the world can we be expected to pick up all the costs, or even a significant portion, of solving the environmental problems that now exist throughout the world, environmental problems which some people have estimated that the industrialized world needs to provide assistance funding of up to $125 to $140 billion per year?

Some of the provisions in the Biological Diversity Treaty and in Agenda 21 that they are negotiating in Rio address financing and trying to figure out how we can develop income transfers from some of the wealthier countries to the developing countries to where the developing countries will have total control over the money. Again, everyone assumes that we have the money in the United States, which we do not.

Some of us will be aggressively pursuing a balanced budget amendment, hopefully within the next couple of weeks in both the House and the Senate. I hope and pray it will pass both the House and the Senate and that it will be ratified by the necessary States, three-fourths of the States in the country. I hope that will happen. But I will tell you, it will not be easy to balance the budget when you are spending about $400 billion more than you are taking in. That is the present case.

We are spending right now, this year, $1.5 trillion. That is about $6,000 for every man, woman, and child in the United States. That is without the obligation of picking up the environmental problems that exist throughout the world. So we need to look for solutions, good solutions and, in this Senator's opinion, market-oriented solutions, solutions that encourage private property, solutions that encourage a free enterprise system and new development. Many projects that we have seen funded either through the World Bank or other multilateral assistance mechanism, have not been environmentally safe, they have not been environmentally sound. The United States is continuing to work in Rio to improve the environmental sensitivity of the World Bank and of the institutions.

Mr. President, I will insert in the RECORD at this point two articles, one entitled "Rio Agenda: Soak the West's Taxpayers" and, two, "Deregulator in Rio." Both of these talk about solutions. One is complimentary of the President because he does have the interest of protecting American jobs while protecting the environment. And the other one discusses the agenda of Rio by many people to try to transfer wealth from the United States, wealth that we do not have, wealth that we cannot afford.

So, Mr. President, I ask unanimous consent to print both of these articles in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 3, 1992]

RIO AGENDA: SOAK THE WEST'S TAXPAYERS

(By Patricia Adams)

The Third World's elite and their global groupies have descended upon the U.N. organized Earth Summit meeting this week in Rio de Janeiro with plans to extract up to $140 billion a year from Western taxpayers. "Fear by the North of environmental degradation provides the South the leverage that did not exist before," Prime Minister Mahathir Mohamad of Malaysia told fellow G–77 members (the Third World's answer to the G–7) a month ago in Kuala Lumpur. "It is fully justified for us to approach it this way."

The only way for Third World countries to avoid environmental damage, Dr. Mahathir went on, "is for them to receive substantial material help." Translation: If the West expects countries like Malaysia to stop razing their tropical forests, the West will have to pay the price.

To compensate Third World nations for protecting their environments, Brazil and Argentina have suggested a long list of mechanisms in a joint submission to the United Nations General Assembly.

Among them would be a tax on newspapers. A mere one-tenth of a cent levy on each of the 63,546,000 papers read each day in the U.S. alone would yield almost $23.2 billion a year. Brazil and Argentina envisage taxing newspaper readers in all OECD countries.

AGENDA 21

Another Brazilian-Argentina proposal is what they call Green Mail: "An environmental stamp would be created to be used compulsorily in all international correspondence." The two governments happily note that more than 8 billion pieces of mail were sent across international borders in 1989.

Call it Green Mail or call it blackmail, Rio will almost certainly start the ball rolling on Agenda 21—the U.N.'s 900-page master plan to save the world's environment in the 21st century. Less certain will be who controls the transfer of funds from Western taxpayers to Third World treasuries, and how big the heap's to be. The U.N. estimates an eventual requirement of $125 billion per year. The World Bank believes a mere $80 billion—jointly financed by the Third World and the West—will do the job.

The rich G–7 countries' candidate to control whatever money does get transferred is the Global Environment Facility—a three-year-old experiment in environmentally friendly funding run by the World Bank and two U.N. agencies. But the poorer countries assembled in the misnamed G–77 (the group actually has 128 members) is leery of letting these large sums be controlled by institutions under developed country thumbs. They want a Green Fund financed by the rich countries but with a "democratic" structure—one country, one vote. China wants rich countries "assessed" in proportion to their gross domestic product.

While this tug of war between G–7 and G–77 goes on, few have awakened to what either's pork barrel would mean for the global environment. A Green Fund would bankroll countries like Malaysia, whose governments have seized vast native landholdings in the past decade and then doled out logging licenses for them to favored concessionaires. In the Malaysian state of Sarawak on the island of Borneo—scene of some of the world's most indiscriminate logging of ancient rainforests—almost all timber concessions are owned by Malaysian politicians, their relatives or their companies.

Other advocates of the proposed tax grab of the developed countries' resources—the governments of China, India, Pakistan and Ghana—make no less outrageous custodians of their peoples' environments. The Chinese government champions Green Funds to combat soil and water degradation. But it plans to build an economically and environmentally ruinous dam on the Yangtze.

A feasibility study could justify the Yangtze project's $10.7 billion cost only by grossly overestimating benefits and understating costs. To minimize estimated resettlement costs, it was assumed that 500,000 people would be left to live in the flood storage area on the reservoir's rim. To minimize foreign exchange costs, the study assumed China's administered rate for the yuan, rather than the far less flattering free-market rate. Though the Yangtze is a major transport artery, the study altogether ignored disruption to the port at Chongqing and destinations downstream during the dam's 18-year construction period. The costs of soil erosion and damage to coastal farming were also slighted, as were the costs of relocating the 1.2 million people who would have to move.

India, like China, has played fast and loose with its people's environment. The once thriving agricultural community of Singrauli in north India has been reduced to destitution by contamination from the 12 state-owned open-pit coal mines and the five state-owned coal-fired electricity-generating plants they have as neighbors. Water infused with coal-ash slurry and air laden with dust and sulphur dioxide have precipitated a public health disaster.

Eighty thousand Ghanaian farmers and fishermen lost their homes to make way for the foreign-aid financed Akosombo dam and what became the world's largest man-made lake, Lake Volta. Residents in the vicinity of Lake Volta have become infected with bilharzia, a debilitating disease spread by a snail that thrives in large bodies of still water. Erosion of the Ghanaian coastline—no longer replenish by upstream sediment—has swept tens of thousands of homes in the seaside town of Keta into the sea. The erosion has also affected neighboring Togo, destroying the coastal highway, submerging palm oil plantations and threatening the piers from which the country's phosphates are exported. Now foreign aid donors have pledged another $50 million to undo the damage the original foreign aid did.

The World Bank's track record is no less bad. Its Polonoroeste project, a vast colonization scheme in Brazil's Amazon watershed, lured a million settlers into the region with subsidies and promises of fertile land. But beneath the lush, rainforest canopy, the soils were poor, and the settlers were forced into wave upon wave of additional clearances, creating a 15,000 square mile wasteland. The World Bank's publicists have since put a bright face on the disaster, claiming in 1990 in their first annual environmental report, that the resulting adverse publicity "fostered a growing political and public commitment to preserve the Amazon's remaining natural resources."

GOVERNMENT THE PROBLEM

Recklessness on this scale has led many environmentalist and citizen activists throughout the Third World to conclude that money in the hands of their governments is the cause of environmental problems, not their solution. Without easy money from foreign aid organizations and foreign banks, Third World governments could not have afforded the host of uneconomic development projects—from dams to logging operations to mining schemes—that have expropriated private and village land to ruinous economic and environmental results. Unaccountable governments and international institutions with the power to extinguish local property and customary rights for the supposed "national good" are at the root of many of the Third World's environmental disaster.

Third World governments want money, and to get it are prepared to hold hostage their people and the environment upon which their people depend. The Western governments—reeling from often justified criticism of their own environmental records—want to buy the silence of their critics. But throwing money at the problem only promises to compound the damage, while ignoring the Third World public's increasing demands that their governments respect local property and customary rights. The Western leaders should listen to the presumed beneficiaries of their largess, and say "no" to more money.

(Ms. Adams, executive director of Probe International, a Toronto environmental group, is the author of "Odious Debts: Loose Lending, Corruption, and the Third World's Environmental Legacy" (Earth-scan, 1991.)

[From the Wall Street Journal, June 3, 1992]

DEREGULATOR IN RIO

There's a good reason why George Bush was the last major world leader to sign up for this week's Earth Summit in Rio. He doesn't fit in.

On paper, at least, the summit has a common goal, protecting the environment. Problem is, too many of the people at Rio believe, fervently, that the best method of achieving that protection is the creation of new rules for everyone else's daily life. This approach is a nonstarter in the United States. President Bush's attitude reflects that reality.

The American political community is currently trying to discern why Ross Perot is so popular. One reason, we're certain, is that a great many Americans have had it up to here with public rulemaking. Whether one's contact with public-sector rules comes at the level of the welfare office, Medicare, the department of motor vehicles, asbestos abatement mandates or litigation over some rule's undecipherable meaning, the growing feeling in the U.S. is that it's all become too much.

By now, for instance, many people who live in relatively small American communities have seen their town's budget hit hard by the cost of complying with an order from the state environmental bureaucracy. That state bureaucracy, in turn, is acting under the authority of directives from the Environmental Protection Agency in Washington. And the EPA is a protectorate of the U.S. Congress, America's own land of Oz.

Professional environmentalists or those who still believe in the efficacy of regulatory activity won't like this view, but at the level of practical politics Ross Perot and George Bush have recognized that people in the United States don't want to absorb, or pay yet again for, any more rules from Oz.

In past months, Mr. Bush himself or his administration have taken several major steps to slow or thwart higher levels of regulation. The President sided with Vice President Dan Quayle and against EPA Administrator William Reilly in deciding how utilities would have to comply with the pollution-control requirements of the Clean Air Act.

Then the administration's "God Squad," led by Interior Secretary Manuel Lujan, ruled a few weeks ago to exempt some loggers' jobs from elimination by the Endangered Species Act's protection of the spotted owl. (Meanwhile a federal judge this week ruled to take the owls and the Northwest's economy under his wing; good luck to all.)

Last week Mr. Quayle's office announced that not all bioengineered food products would have to endure the FDA's costly approval process. Both consumers' pocketbooks and the U.S. biotech industry will benefit. Finally, just before Mr. Bush left for Rio, the State Department announced that the U.S. wouldn't be signing the summit's "biodiversity" treaty.

By some accounts, all these deregulatory actions were "election year politics." We guess this means that the people are getting in the way again. Under Beltway political theory, the regulatory carrying capacity of the American voters is infinite. Clean air, fuel-mileage standards, wetlands, banking, securities, new drugs, disability laws, Medicare—just pile on more perfectibility and they will somehow figure out how to live with it and pay for it.

Except, of course, that in the U.S. we hold elections. And to the great discomfort of the Washington establishment, for whom regulation is a kind of jobs program, Presidents Carter, Reagan, and Bush all made deregulation a significant part of their political platforms. This in turn means that, unlike most of those nations now in Rio, the U.S. government since 1976 has developed an intellectual argument to underpin its deregulatory philosophy.

Across three U.S. presidencies in the 1970s, the '80s and now the '90s, the regulatory exuberance for benefits has been balanced against the reality of costs. Saving pairs of spotted owls is a benefit; ordering into oblivion the source of income for 35,000 logging families is a cost. Cleaner utilities is a benefit; allowing the Sierra Club, with EPA's support, to tangle utilities in procedural knots over pollution permits is a cost, which consumers pay.

This balance is the political principle that George Bush brings to Rio. Rio, however, will be filled with people chanting for a heavy rain of rules and treaties—to stop global warming, close the ozone hole, make a list of all the species on earth, make Detroit manufacture cars that run on sunshine and export more money from the American middle class to create EPAs all over the world. Amid this, we hope that Mr. Bush has an opportunity to explain to his colleagues why the elected leader of the American people won't be signing up for all of it.

Mr. NICKLES. Mr. President, I yield the floor.

The PRESIDING OFFICER. The time now controlled by the Senator from Oklahoma is 17½ minutes.

Mr. NICKLES. Mr. President, I yield the Senator from Wyoming as much time as he should desire, as well as control of the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

EARTH SUMMIT

Mr. SIMPSON. Mr. President, I thank the Senator from Oklahoma. I appreciate very much his remarks. I also appreciate the powerful statement of Senator SYMMS. I also thank my friend, Senator WALLOP, for an exceedingly and extraordinarily powerful statement on the issue.

I do know that all of us here are pleased that there is a participation by our Government in the Rio summit.

It is curious to me that we have heard so often Members from the other side of the aisle railing and carping in this Chamber about President Bush not doing enough to protect the environment. Hopefully, they will dispense with that rhetoric in the future. Initially, they urged him to go, and railed about that. Then, when he decided to go, they railed about that, too.

So the President is going to Brazil, and when he comes back, I am sure there will be something new to rail about. I think we will all be pleased when the Earth summit is concluded. Many good things will come out of the meetings in Rio, and the administration deserves a great deal of credit in helping to bring some good, common sense to the process.

I must say it surely does get tiresome listening to some of my colleagues on the other side of the aisle pump out the extreme rhetoric about the greenhouse effect, and global climate change, and the positions taken by the administration on these issues. Everyone would agree that ozone depletion is a serious issue. No one objects to addressing that important matter. Global warming is simply not the same issue. It is an unknown of indefinable dimension.

I was quite fascinated by a series of articles in the Washington Post recently that dealt with this subject. It has been fascinating to observe the coverage of the Washington Post over the years on this one. Often you will see a factual news article explaining that there is no scientific evidence whatsoever that industrial activity was actually causing significant warming of the Earth. Such an article would then be followed by an editorial calling for drastic measures to curtail carbon dioxide emissions in order to head off a catastrophe of global dimension. The editorial opinions have not matched up with the facts being presented in articles within the same paper.

One of the most interesting articles was by Boyce Rensberger in the Sunday edition. I would like to share a brief quote from that article:

> Scientists generally agree that it has been getting warmer over the last hundred years, but the average rate of change is no greater than in centuries past, and there is no consensus that human activity is the cause. And while there is no doubt that continued emissions of "greenhouse gases" tend to aid warming, it is not clear that cutting back on emissions could do much to stop a natural trend, if that is what is happening.

In my view, the most critical problem which threatens our global environment is not greenhouse gases. It is not something easily addressed by science. It is not an issue defined in terms like "risk assessment." It is not those issues raised in pseudo-scientific journals. The real problem—and I will bet you it will not even get addressed in Rio—is the overpopulation of the Earth. That is the real issue. There is no other more critical issue. And when you get into this one, you are into the areas of political correctness. You are into the areas of religion. You are into the areas of ethnicity.

But I say to my colleagues and to anyone who is involved in this issue, if you are going to be honest about the global environment, we must deal with the population of the Earth. How many footprints can the Earth sustain? It is that simple. We must first wrestle with this issue. And then we really will start a national, and even global debate.

But maybe that is one reason people are wary of politicians. They know that in Rio we will be examining global studies. We will be watching models. We will be watching persons who will talk in extraordinary terms from treatises and white papers.

But when they get up to the gut issue of how many footprints can the Earth sustain, it will all be remarkably vague. And that is too bad, because that is the toughest issue of all.

I happened to visit recently the ruins of Tikal in Guatemala. Here was a society of extraordinary dimension with regard to geometry and astrology and government and social structures. That civilization began before Christ and then in the years 950 A.D. to 1000 A.D. it ended—just ended.

Some said it was disease. Some said it was the plague. Some said perhaps some huge atmospheric cataclysm. But one of the great students of Tikal and the Mayan culture said simply that when you get to the point where the food gatherer of the family suddenly knows that his family will perish without further food—then that person will take the last animal, will catch the last fish, will kill the last bird, and that is exactly the way it is.

You need only look around the world to know what is occurring with the global population issue, and we all sit silently by and watch it happen and talk about vapors and whether cattle will give off methane that will destroy the Earth. I mean it is absolutely absurd.

So I throw out the challenge to my friends on the other side of the aisle and those on this side: How many footprints will fit on the Earth? And then maybe we will get to some sensible discussion of what it is that will save the Earth.

I have studied the issue, yet not to the degree of scientists, who cannot seem to agree at all on global warming. They agree that the Earth has been getting warmer over the last 100 years, but the average rate of change is no greater than in centuries past. And there is no consensus that human activity is the cause. And while there is no doubt that continued emissions of greenhouse gases tend to aid warming, it is not clear that cutting back on emissions could do much to stop a natural trend.

That is what I shared with you previously from the article.

Some of the Senators who have been the most outspoken critics of the administration—and they come here to this floor regularly to share that; yes, it is almost a litany now—they have positions that I see seem to be way out in front of science. Yet some scientists have said that their own computer models can't predict rapid warming. But, let us face it, even the most advanced computer models involving the complex global climate cannot account for all of the variables in nature.

So it is good to see from time to time that facts percolate through the emotion and the hidden agendas and make it to the surface—and please do not believe that there are not a ton of hidden agendas in this issue.

So I would ask that the article from the Washington Post be placed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. I would like to commend President Bush and Secretary of State Baker for their fine leadership in this issue. During a time when the debate and the charges have been quite heated, we are fortunate that cooler heads have prevailed.

Finally, we should take a closer look when we talk of overpopulation—at what is happening in Haiti.

The President takes a ton of flak on that one. But he should not, because either you follow the refugee laws or you change the refugee laws.

Our refugee laws and the United Nation's refugee laws are quite clear. A refugee is a person fleeing persecution based on race, religion, or because of membership in a national organization or political organization. A refugee under the United Nations and the United States law is not a person fleeing poverty. Get that. You may not like that definition, but that is the present definition of a refugee.

So, as the President said, it is not our function to provide solace for every economic refugee. If you did, there would be 16 to 20 million people who would be right here, right now.

So you either stick with the definition of refugee or you change it.

What do we have there in Haiti? We have a population there wreaking havoc with the environment by chopping down trees by the thousand in order to make products, charcoal that can be sold for a few cents a day. That is also happening in Africa, in India, in Bangladesh, and many other places.

Population growth coupled with deforestation should be the focus of our concern and the concern of U.N. organizations. Yet most of us here seem to prefer to flagellate the American people for not doing enough to protect the environment while countries of other participants continue with fertility rates of 1.8 or 2.5 or 3.2 percent. What do we think will happen to the world?

Slash and burn agriculture is increasing in the world at an alarming rate. As everyone knows, this only serves to deplete the natural carbon dioxide sink and causes depletion of the nutrient and shallow soils so the trees will never grow back for generations.

Quickly growing urban populations in underdeveloped countries also cause a myriad of environmental problems as more rural people flock to the cities in search of economic opportunity.

We need to get our priorities straight. We need to understand that the less developed world needs help. But we also need to recognize that these countries love to heap criticism on us. This is designed to make us feel guilty for problems we did not create. And we are doing more to correct the environmental problems than the rest of the world combined. And it is unfair to place impossible demands on our country especially in view of our Nation's environmental record.

We get to 95 percent purity and 95 percent control of a pollution activity, but the cost of going from 95 to 100 percent will break us. Meanwhile the countries who chip on us and battle us haven't even started with even 1 percent clearup.

So we ought to sponge away the guilt, now that we have a unique leadership role in the world. That role also includes telling the truth by saying that unless certain countries begin to deal with their own overpopulation problems, we face the greatest threat to global destruction. That is ultimately going to be the real issue. So I would love to hear how we will address this. I will be waiting for that.

Meanwhile, Americans have done an awful lot for the global environment and an awful lot for the environment of this country. We will not be stampeded into taking action that is not in our best interests. We will continue to take actions that are mutually beneficial for all countries of the world. We will continue to adequately address our own environmental problems—thank you very much, right here at home—and we have done a beautiful job of that.

EXHIBIT 1

[From the Washington Post, May 31, 1992]

AS EARTH SUMMIT NEARS, CONSENSUS STILL LACKING ON GLOBAL WARMING'S CAUSE

(By Boyce Rensberger)

While most of the planet's heads of state converge on Rio de Janeiro for the Earth

Summit to set policy on coping with global warming, most of the scientists who specialize in the subject still can't figure out whether anything unusual is actually happening to Earth's climate.

Scientists generally agree that it has been getting warmer over the last hundred years, but the average rate of change is no greater than in centuries past, and there is no consensus that human activity is the cause. And while there is no doubt that continued emissions of "greenhouse gases" tend to aid warming, it is not clear that cutting back on emissions could do much to stop a natural trend, if that is what is happening.

Seldom, in fact, has an issue risen to the top of the international political agenda while the facts of the matter remained so uncertain.

For example, in the single most comprehensive effort to synthesize the state of scientific knowledge about global warming, the United Nations Environment Program and the World Meteorological Organization called together several hundred working scientists from 25 countries—most of the top specialists with expertise in the subject—and asked them to write a comprehensive report on the situation.

That group, the Intergovernmental Panel on Climate Change (IPCC), produced a 365-page report in 1990 that was the scientific basis for a climate treaty to be adopted in Rio. It concluded that the future warming rate could speed up considerably, with Earth's mean temperature climbing about 2 degrees Fahrenheit by 2025 and 5 degrees by 2100.

That report gave impetus to one of the most ambitious international efforts ever undertaken, yet when read closely the document gives only two conclusions it calls "certain":

There is a natural greenhouse effect that keeps Earth warmer than it would otherwise be. It's been operating for billions of years, as scientists have long known.

Emissions of greenhouse gases from human activities are pushing up the concentration of those gases in the atmosphere. That, too, has been known for decades.

With less confidence, the IPCC scientists said there is fairly reliable evidence that the average temperature of Earth's surface has risen by about 1 degree Fahrenheit over the last hundred years and that sea level has risen by four to eight inches in the same time.

"The size of the warming is broadly consistent with predictions of climate models, but," the panel cautioned, "it is also of the same magnitude as natural climate variability."

In other words, the changes measured to date in the environment are no bigger than those the Earth has undergone in recent centuries through entirely natural processes.

"It is not possible at this time," the report said, "to attribute all, or even a large part, of the observed global-mean warming to the enhanced greenhouse effect [the extra warming attributable to those human-produced gases] on the basis of the observational data currently available."

A MATTER OF PERSPECTIVE

If these measured words represent the consensus of climate experts, what about all the voices calling for drastic action, all those experts so widely publicized in the crescendo leading to Rio?

The fact is that most of them are part of the consensus. They differ not so much on what can be said scientifically but on what they think society should do in response. The major confrontation, as in so many scientific controversies, derives less from what the data say and more from the personalities of the scientists. The controversies reveal as much about the temperaments of researchers as the temperature of Earth.

The most visible scientists have tended to be those who express alarm and call for immediate, massive action in the name of prudence. They are most visible because many are backed by large activist organizations and because the news media traditionally give alarm calls prominence. But there are also more circumspect scientists who say the data are still much too uncertain to rush into action, especially expensive action, to curtail greenhouse emissions.

The most prominent climatologist to sound the alarm was James E. Hansen of NASA's Goddard Institute for Space Studies. He triggered much of the current concern by announcing in 1988 that "global warming has reached a level such that we can ascribe with a high degree of confidence a cause and effect relationship between the greenhouse effect and observed warming. It is already happening now."

One of the alarmists' severest critics is S. Fred Singer, the first director of the U.S. weather satellite program and a well-known skeptic of doomsday scenarios. Yet Singer calls the IPCC report "an excellent compilation . . . filled with appropriate cautions and qualifications." And he agrees that global warming is likely to continue but suspects the rate will be "modest."

What follows is a guide to the facts behind the issues to be discussed at Rio Wednesday through June 14—drawn heavily from the data published in the IPCC's original report, its update of that report and other analyses by numerous scientists, including the National Academy of Sciences' Greenhouse Warming Synthesis Panel. It may serve as a "tool kit" for nonspecialists who believe the future of the planet should be taken seriously.

TRENDS IN HISTORY: WILD CLIMATE SHIFTS

To hear the debate over global warming, you'd think Earth's climate had always been steady as a rock and is only now being forced to change on account of human activity. In fact, for at least the last 2 million years, the climate has been swinging wildly between ice ages (the most common condition) and interludes of warmth—often far more warmth than the planet is now experiencing.

Many climatologists think the chief cause of these repeated swings is a change in the intensity of sunlight as a result of shifts in the tilt of Earth's axis. Even a slight change can cause a significant cooling or warming.

Some scientists note that it takes a change of only a few degrees in average temperature—6 or 8 degrees Fahrenheit—to turn a moderate climate into an ice age or vice versa. Other scientists agree but point that such changes have been occurring all along without any human input. Extreme climate shifts are perfectly natural. Temperature swings in the past were enough to raise or lower sea level by 400 feet.

There is no way, those other scientists say, to tell whether the recent warm years (in which the temperature rise over the past century has been just 1 degree F) are part of a natural fluctuation or something new. Even if Earth warmed as fast as is predicted by many theories, the rate of change would not necessarily be faster than in the past. Recent studies of ancient climate shifts show that they can occur in just a few decades—the time scale environmental activists are warning about now. This, of course, does not mean it would be easy for people and ecosystems to adapt. Past climate shifts have caused major waves of extinctions.

Tracking natural climate change is complicated by the fact that global temperatures have not simply oscillated between warm and cold. There have been oscillations within oscillations.

TRACKING THE BILL CHILL . . .

Take the latest ice age, It began waning about 15,000 years ago. The glaciers began melting, retreating northward. The meltwater made sea levels rise. But about 10,500 years ago, the trend suddenly reversed itself. In less than century the ice age returned. Temperatures fell, the retreating glaciers advanced again and sea level dropped.

Nobody knows exactly what caused the change, but many experts suspect the huge volume of melting ice disrupted circulation in the oceans. The meltwater, being colder and less dense than salt water, could have suppressed, for example, the Gulf Stream, which normally heats northern latitudes with tropical water.

The cold period lasted about 500 years; then, as abruptly as the cooling began, a spell of global warming set in again.

By about 6,000 years ago the post-ice age climate reached its warmest, with a global average temperature about 2 degrees F higher than now. Then Earth cooled again, dropping about 2½ degrees. So much water became locked into glaciers that the sea level during Greco-Roman times was six feet lower than it is today.

. . . . AND THE LITTLE ICE AGE

Then the roller coaster went up again so that between 2,000 and 500 years ago the Earth was about 1 degree F warmer than now. From about the 10th century through the 13th century, for example, Europe was so warm that Greenland was, in fact, green with plants.

Then global cooling set in again, and about the year 1550 there began an episode now known as the Little Ice Age. It didn't let up until about 1850. Iceland, which today is locked in sea ice only one to three weeks a year, was then icebound five or six months a year. In London, the Thames River froze over every winter, something it didn't do before or after.

Since 1850 Earth has generally warmed, climbing unevenly out of the Little Ice Age. Which brings up one of the contentious points of the current debate. Some experts say the warm years of the last decade are a sign of something new. Others say we may simply still be coming out of the Little Ice Age. They note that we have not yet returned to the warmth of the medieval era, when Scandinavians grew grain near the Arctic Circle.

The warming trend of the past century is by no means smooth. Much of it happened before 1940, when carbon dioxide levels were much lower than they are now. Then the warming stopped and reversed. Global cooling prevailed from 1940 to the mid-1960s, even as industrial activity soared, pouring carbon dioxide into the atmosphere. Some scientists warned then that it might signal a new ice age.

But around 1965, the warming resumed and has been increasing quite rapidly ever since. The eight warmest years of the 20th century have all come since 1979. But as the long view shows, they were by no means the warmest years ever. It was considerably hotter just a few centuries ago.

Global Cooling: The Parasol Effect

This may be the year of the parasol effect, the year the public notices that along with phenomena that would warm the climate, there are others that would cool it. Climate change depends on which of the two forces is more powerful. This year it is almost certain to be the parasol effect from Mount Pinatubo, the largest volcanic eruption since Indonesia's Krakatau in 1883.

According to Alan Robock, a University of Maryland climatologist, Pinatubo put enough light-blocking material into the atmosphere to blot out 2 percent of incoming sunlight. The cooling effect of that event is believed to be larger than the warming effect of all the "greenhouse gases" emitted since the beginning of the Industrial Revolution.

Pinatubo's dust fell back quickly, but its sulfur dioxide is expected to stay aloft for two or three years. Each sulfur atom absorbs sunlight, shading a tiny part of Earth's surface. In addition, the sulfur causes water vapor to condense on it, creating a droplet of water. The result is increased cloudiness.

This means that the next few years are likely to be much cooler than the warm years of the 1980s. But because the sulfur will eventually come down, its cooling effect will decline and Earth will return to its previous climate trend.

Pinatubo's cooling effect, however, is a piker compared to that of Mount Tambora in Indonesia. Its eruption in 1815 caused such a cooling that 1816 became known as "the year without a summer." In New England, for example, it snowed several times that summer.

But volcanoes are not the only source of sulfur dioxide. Industries that burn sulfur-bearing coal and oil put out enough sulfur that, according to one estimate, it blocks 7.5 percent of the sunlight that would otherwise reach the ground in the northeastern United States. Unlike volcanoes, which shoot their emissions high into the upper atmosphere (where they stay for years), industrial emissions usually fall out (as acid rain) within a few hundred miles of their source. Still, climatologists suspect they may have helped keep the climate from warming as much as it might otherwise.

Because of the acid rain problem, of course, industries are being forced to cut sulfur emissions—a step that could also furl the parasol.

A cooling effect is probably also provided by natural clouds. But this remains controversial. It is widely known that daytime clouds keep the surface cool (by simple shading) and that nighttime clouds keep the surface warm (by a greenhouse effect), but it has not been clear whether one outweighed the other, or which might predominate. Climatologists have looked at clouds from both sides now and some researchers have tentatively concluded they are net coolers. Slight variations in how cloud effects are interpreted lead to changes up or down of several degrees in predicted global warming.

Some climate experts predict greenhouse warming will increase cloud cover. If so, this could offset the warming. There are indications that Earth has undergone a very slight increase in cloudiness over the last 40 years.

The Greenhouse Effect: What It Is, How It Works

When sunlight enters a greenhouse, it passes through the glass and strikes the surfaces inside. Some light is reflected back into space and some is absorbed by the soil and plants. The light's energy is stored as heat. (Earth receives no heat directly from the sun.) The warmed objects then radiate the heat into the surrounding air.

Two things happen at this point. First, the heated air rises—a phenomenon called convection—but is trapped by the glass. This is what accounts for nearly all the temperature rise in a greenhouse but it is not a factor in Earth's atmosphere—which makes "greenhouse effect" a misleading term. Second, the heat coming off the warmed surfaces (infrared radiation) is absorbed by the glass, which gets warmer. It is this small warming effect that also happens in the atmosphere.

Most of the gas in the air plays little or no role in the greenhouse effect. Nitrogen and oxygen (which makes up 99 percent of dry air) are largely transparent to light and heat. But other gas molecules act like glass. They let light in but capture heat going out. The most abundant of these are water vapor and carbon dioxide.

Environmentalists may damn the greenhouse effect, but it has been happening for billions of years and it is what keeps Earth from being as cold as Mars, which lacks natural greenhouse gases. If it were not for the natural greenhouse effect, scientists have calculated, Earth's average surface temperature would be about 5 degrees Fahrenheit. The oceans would be frozen solid. Instead the average year-round temperature is about 68 degrees.

Environmentalists don't dispute this. They point not to Mars but to Venus, where a runaway greenhouse effect is blamed for boosting the surface temperature to nearly 900 degrees.

Carbon Dioxide's Growth: A Well-Documented Worry

Contrary to popular conception, carbon dioxide is not the main contributor to the greenhouse effect. Water vapor is. But for all practical purposes, it is virtually ignored in the debates because it is not thought to be increasing significantly, there is not much that can be done about it and you wouldn't want to anyway because we need the rain.

But the concentration of infrared-absorbing gases in the atmosphere is definitely increasing—this is one of the few certainties of the current debate—and the chief contributor to the increase is carbon dioxide, or CO_2. It is growing largely because of human activity. CO_2 is produced by burning any organic matter—from fossil fuels (coal, oil, gas) in giant power plants to wood fires at backpackers' campsites.

Vast amounts of forest clearing also contribute either through burning the wood or simply by cutting it and letting it decay. Wood is a carbon-rich material and both burning and decay convert much of it back into carbon dioxide. This is the same carbon that the trees took out of the atmosphere in the process of photosynthesis as they were growing.

It is a misconception, however, that forests simply take carbon dioxide out of the air and give off oxygen. Plant metabolism consumes oxygen and gives off carbon dioxide just as animal metabolism does. The only time plants consume CO_2 is during photosynthesis, when the consumed carbon is incorporated into carbohydrate compounds and locked away in the tissue of the plant. This occurs only while the plant is growing in size. Once a forest has reached maturity, the amount of carbon dioxide it consumes is equal to the amount it loses during metabolism and from the decay of naturally dead leaves and wood. In other words, a mature forest is in a carbon equilibrium with the environment.

Along with deforestation, large parts of Earth are being reforested—especially in the Northern Hemisphere—and some estimates indicate this growth may be extracting carbon dioxide from the air in quantities comparable to those released by forest burning in the tropics.

Measurements of the concentration of CO_2 in the air over the last two centuries have been retrieved from air bubbles trapped in old ice. They showed that around 1800—well before the greatest increase of population and industry—the CO_2 concentration was about 280 parts per million. Samples from younger ice show progressively higher levels. Since 1958, direct measurements have been made atop Mauna Loa in Hawaii, far from industrial sources. In what John Firor of the National Center for Atmospheric Research in Boulder, Colo., says "may turn out to be the most important geophysical measurement of the 20th century," the data show uncontestably that the carbon dioxide level has grown every year since.

Today the CO_2 concentration is 356 parts per million—27 percent higher than in preindustrial times—and is growing at about 1.5 parts per million each year. These inarguable facts underlie a large part of the current worry that human-produced carbon dioxide may be enhancing the natural greenhouse effect.

Estimating Emissions: Fossil Fuels and Deforestation

Most of the increase in carbon dioxide comes from burning coal, oil and gas for electricity, transportation and heating, as well as from the manufacture of cement, in which carbon-containing minerals are burned. These emissions are estimated to have grown at an average of about 4 percent per year from 1860 until the early 1970s, with slow-downs during the world wars and the Great Depression. The 1973 oil shortage halved the rate and for a while, CO_2 output did not grow at all. From 1979 to 1985 the release was steady at 5.3 billion tons of carbon per year—showing that energy conservation can have an effect. Then it started to rise again, reaching 5.7 billion tons by 1987.

About 95 percent of the emissions come from the industrialized countries of the Northern Hemisphere. Emissions there amount to about 5 tons of carbon per person per year. In developing countries, the comparable figure is about 0.2 to 0.6 tons. But the rate of increase in the Third World is about 6 percent a year, compared to 1 percent a year in Western Europe and North America.

Deforestation also releases CO_2 but estimates of the amount vary widely, from 0.6 billion tons to 2.5 billion tons. Even at the high end, this would be less than half the carbon released from burning fossil fuels for electricity, transportation and heating in the industrialized world.

Comparisons of the amount of carbon dioxide being released each year with the concentration in the atmosphere have led to a major mystery: About one-third of the Co_2 being released is—fortunately—not staying in the air. It is disappearing, going someplace where it can't intensify the greenhouse effect. The oceans may be soaking it up and incorporating it into algae or the calcium carbonate shells of marine organisms. Land vegetation may be taking it up. Perhaps soil microbes are extracting it from the air. The bottom line is: Nobody knows. More significantly, nobody knows whether a warmer Earth will reduce this beneficial carbon-scavenging effect, worsening a warning trend, or will enhance it, helping save us from warming.

The Other Gases: CH_4, CFCs, N_2O

Experts estimate that carbon dioxide accounts for only about 61 percent of the enhanced greenhouse effect. The other sizable contributors are methane (15 percent), CFCs (11 percent) and nitrous oxide (4 percent).

Methane is also known as marsh gas because it is produced by the decomposition of organic matter in marsh bottoms. It is also the main component of natural gas. While the amount of methane—CH_4—being put into the atmosphere is only about 1/50th the amount of carbon dioxide going up, each pound of it has 20 to 60 times the greenhouse effect of CO_2, the effect declining with time because it is taken out of the air fairly rapidly.

About 525 billion tons are released each year (compared with 26,000 billion tons of carbon dioxide), most of it from natural wetlands, rice paddies and flatus of animals. Only about 20 percent of methane comes from industrial activities that offer hope of reducing output, such as gas drilling and landfills.

The atmospheric concentration of CH_4 was fairly steady during recent centuries. Since the mid-1800s, however, it has doubled and is still climbing—twice as fast as the carbon dioxide level—mainly as the result of increasing rice cultivation.

Chlorofluorocarbons, or CFCs, are by far the most potent greenhouse gases. They are all human made, mostly for use as solvents, refrigeration coolants and aerosol propellants. They are, pound for pound, 1,500 to 7,300 times as powerful at warming Earth as carbon dioxide. One thing that keeps CFCs from roasting the planet, ironically, is that they damage the ozone layer. While the ozone hole is a different phenomenon from global warming, ozone is a greenhouse gas. So its destruction offsets much of the warming from CFCs.

Nitrous oxide, N_2O, is nearly 300 times more potent than carbon dioxide, but the amount going into the atmosphere each year is tiny by comparison. The normal sources are natural decay; but the atmosphere concentration has been growing because of increased use of nitrogen fertilizers, which soil bacteria convert to nitrous oxide.

Global Warming: Disparate Impact

Even if Earth warms appreciably in the next few decades, that would not mean it will get warmer everywhere. Indeed, the climate models forecast that some places will cool while the planet as a whole warms.

The bad news, according to some models, is that central North America and Eurasia are likely to get the most heating. The good news is that Antarctica may get colder or, at least, not much warmer. This is good because about 90 percent of Earth's ice is in Antarctica. Though there were early fears that the ice mass could melt and raise sea level by yards, new analyses cited by a National Academy of Sciences panel indicate it is highly unlikely to melt in the next century. In fact, it may accumulate more ice if snowfall increases, as some models predict. This could offset any sea-level rise from other causes.

Greenland's ice, on the other hand, which is about 9 percent of the world supply, is expected to melt around the edges. It is thought to have been doing that for decades, contributing to the sea-level rise of about six inches this century. Forecasts of sea-level rise vary from none to perhaps two feet over the next hundred years.

At worst, this could cause serious flooding of low regions all over the world including a third of Bangladesh and much of the most valuable real estate in Florida, Louisiana and Texas. If the rise happened suddenly, nearly 200 million people would be flooded out.

Far more widespread are the projected effects of agriculture, though not always bad. While the latitudes suitable for specific crops would move north if growing seasons lengthened, a more significant change is likely to be in the distribution of rainfall.

In some scenarios, the United States loses enough rain to cut farm productivity by a third—until cropping patterns adapt—and Russia benefits both from more rain and the warming parts of Siberia now unsuitable for farming. But climate forecasters emphasize that their regional prognostications are much less reliable than those for the globe overall.

Because carbon dioxide is, after all, plant food, rising CO_2 levels might well act as fertilizer, making plant growth more abundant. This would remove the gas from the air and might boost food production. In the laboratory, plants have responded this way if they had extra soil nutrients and water. But there has been no test in a natural ecosystem.

Natural ecosystems may be the hardest hit if the changes come fast. Temperature zones may move north faster than forests can keep up through natural dispersal of seeds. Margaret B. Davis of the University of Minnesota has developed computer models that show shifting climates will leave many trees standing where they cannot survive. The eastern hemlock, for example, now ranges as far south as the mountains of North Carolina. In one projection, Davis estimates that in 100 years it will retreat to the latitude of New York City; in an alternative projection, she concludes that the tree will not be found south of Maine. Some experts also predict that drier weather will kill many southern temperate forests, turning them to grasslands.

The great unknown is not so much whether it will get warmer—even skeptics agree it probably will—but how fast the warming will come. If it warms slowly, humans may be able to adapt without major stress and ecosystems also may be able to change at that pace. But if it continues to heat up as it has during the past 15 years, the ecological and economic changes could be catastrophic.

Computer Models: Fine-Tuning Forecasts

If the computer simulations that predict global warming are right, Earth's climate should already have gotten hotter than it has in recent years.

In other words, the computer models that are the chief basis for forecasts of gloom and doom are flawed. The proprietors of various models have always been the first to point this out, but their caveats are usually overlooked in the popular debate.

The flaw becomes evident not when the computers are asked to simulate future climate but when they are given the climate of the past and asked what it will be like in the present if carbon dioxide levels increase from past levels to those we know exist now.

"What happens is that the computers tell you we should have gotten twice as much warming as we actually have. That tells you there's something missing in the models," said Andrew Solow, a specialist in climate models at the Woods Hole Oceanographic Institution in Massachusetts. "Everybody knows the models are crude."

Another problems is "model drift." When the models are run to predict the current climate, their results are not always the same. Sometimes, Solow said, they "predict" that we should now be in an ice age. To correct for this, computer operators tinker with the program, making "flux corrections." These change the rate at which simulated phenomena happen—such as the transfer of heat from the ocean to the air.

The tinkering continues until the model reproduces the current climate more accurately. Then the models are asked to simulate the future, without knowing if the adjusted flows of energy will stay the same.

Although there are different climate models that give different outcomes, they work much the same way: Earth is divided into a grid of several thousand boxes. The atmosphere in each box is sliced into layers; so is the ocean. The computer treats each layer in each box as a separate parcel of climate.

A set of conditions is fed into the computer for each parcel—temperature, wind, sunlight, carbon dioxide and so on, along with standard formulas for the behavior of gases, liquids and solids.

Then the computer calculates how the phenomena in each parcel would affect surrounding parcels and feeds those new numbers up, down or midways. Once the changes propagate through all parcels, the computer recalculates everything again as if an interval of time had passed.

Modeled days pass into modeled months. To simulate a century of climate change, the world's fastest supercomputers must run continuously for about three weeks.

In recent years climate modelers have improved their methods, getting closer to how the world really works. The most dramatic result has been to roll back the early forecasts. Just three years ago some models predicted a warming of 8 to 10 degrees Fahrenheit by the middle of the next century. Today's improved models forecast considerably less warming—4 to 5 degrees—by the end of the next century.

Mr. SIMPSON. I yield the remainder of my time to my friend from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 4 minutes.

NECESSARY REFORM OF FOREIGN AID

Mr. KASTEN. Mr. President, I rise today to call to the attention of my colleagues a system of serious abuses in America's spending on aid to foreign countries.

As chairman—and subsequently ranking member—of the Foreign Operations Subcommittee, I have long shared the conviction of my colleagues that any foreign assistance from the United States must include a very strong provision encouraging the purchase of U.S. goods and services. But it has become more and more clear over the years that our "buy American" policy is an empty shell; it is not working.

In Mozambique, for example, United States foreign aid is providing a direct and substantial subsidy to Toyota and Mercedes Benz dealerships. We have provided the hard currency for the purchase of more than 800 of these foreign-made vehicles.

In Cambodia, where the United States spent $270 million on peacekeeping forces in the last year alone, American truck manufacturers are getting frozen out of the market for Jeeps. Here again, it is Toyota of Japan that benefits.

That is wrong any way you look at it. But at a time when the American people are more conscious than ever before of the waste of their taxpayer dollars, we simply have to crackdown on this kind of U.S. subsidy to foreign businesses. We have to make our foreign aid programs live up to their billing, as a valuable investment in the U.S. economy, as well as in the economies of other nations.

The U.S. Agency for International Development [AID] has not been responsive to these concerns. As a matter of fact, they have engaged in an outright stonewall for the last 3 years. I have asked them repeatedly to provide an accurate figure for the percentage of foreign-aid dollars which are spent on U.S. goods and services and yet no answer.

For years, we have heard the statistic that 70 percent of U.S. foreign aid money is used to purchase U.S.-generated goods and services. This is no longer accurate. It has not been accurate for a long time. And we need to start being honest about it.

I am today calling on Secretary of State James Baker to launch a complete investigation of this problem. In a letter to the Secretary that I am releasing today, I am also asking him to make a number of immediate and necessary changes in the administration of U.S. foreign aid.

First, I am asking Secretary Baker to immediately stop the CIP Program in Mozambique until we have assurances that AID will aggressively seek United States vendors for this program.

Second, I am urging the Secretary to ensure that every waiver of the buy American policy is approved by AID assistance administrators in Washington, not in the field. The latter practice has been largely to blame for the abuses we are seeing today.

Third, AID has to determine whether there are any other programs like the one in Mozambique, programs that exclude United States companies from their benefits.

Fourth, we have to expand the AID Program that is charged with informing U.S. businesses about opportunities involving foreign aid.

Fifth, the Secretary has to make it clear to AID—and to all of the employees of AID—that buy American is a top priority of the administration.

Sixth, I am asking the Secretary to stop immediately any further disbursement of funds to the Cambodian peacekeeping program until United States truck manufacturers are treated fairly. Right now, the U.N. vehicle specifications are written basically to include Toyota and exclude U.S. companies. We need concrete assurances from the United Nations that this will not continue. Our bottom line has to be: no fair play for U.S. trucks, no more flow of U.S. money.

Seventh, the Secretary ought to instruct the U.S.-U.N. mission in New York that it is their responsibility to ensure that this kind of procurement discrimination against American manufacturers does not continue.

Eighth, we need to start being honest about where the U.S. money is going. That is why I am calling on Secretary Baker to determine the true percentage of U.S. foreign aid that is being used to purchase U.S. goods and services.

No more stonewalling. The American people, the Congress want action, and we want answers.

We Americans believe in extending a helping hand to the needy. We do not believe in handouts to the greedy, in foreign countries and foreign companies or anywhere else for that matter. Secretary Baker has an opportunity to make important and necessary reforms in the conduct of U.S. foreign aid policy. I urge him to seize the opportunity, and I urge my colleagues to join me in insisting on these reforms.

Mr. President I ask unanimous consent that my letter to Secretary Baker be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 3, 1992.

Hon. JAMES A. BAKER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: The United States' foreign assistance program is becoming increasingly difficult to support. Our inability to enact a regular FY92 Foreign Operations bill underscores this fact.

One of the more intractable issues in the last several years, while not a major foreign policy issue but nonetheless significant in terms of garnering support for foreign aid, is United States private sector involvement in the U.S. aid program, especially as it relates to procurement. Matters relating to this issue seem to be getting worse.

A U.S. assistance program in Mozambique is directly and substantially subsidizing Toyota and Mercedes Benz vehicle dealerships.

The vehicle procurement specifications for truck buys by the United Nations for Cambodian peacekeeping operations are written in a way which excludes American truck manufacturers, notwithstanding that the U.S. provides $270 million for this program in fiscal year 1992 alone.

The Agency for International Development, despite requests by the Senate Appropriations Committee going back three years, is either unwilling or unable to provide reliable figures on the percentage of U.S. economic assistance used to procure U.S. goods and services.

Mr. Secretary, your immediate attention to these issues is required.

AID TO TOYOTA AND MERCEDES BENZ

Beginning in 1984, the Agency for International Development began a commodity import program for Mozambique which was designed to stimulate and support the private sector in that country. This program provides hard currency to private businesses in Mozambique which in turn import goods into that country for resale, primarily in the private agricultural sector. The objective of the program is surely laudable. The problem, however, is that the only private sector outlets that A.I.D./Mozambique seem to be able to find in the vehicle area is foreign dealerships. U.S. foreign aid checks are being sent directly to Toyota of Japan and Mercedes Benz of Germany. We have all complained in the past of Japanese and German government assistance to private Japanese and German concerns, but little did we know that the United States government was also providing such assistance to Japanese and German companies. My understanding is that we have provided hard currency for more than 800 vehicles and, but for my inquiries, the program would continue to provide more such aid.

Navistar, the leading manufacturer of medium and heavy duty trucks in North America, was assured several years ago that whenever any such opportunities arose, it would be given the chance to become involved. No one has made any effort to contact Navistar with regard to Mozambique, nor was any American company for items other than vehicles contacted, as far as we know.

U.N. ACTIONS BAR THE U.S. FROM COMPETING ON VEHICLE CONTRACTS IN CAMBODIA

Based on information provided by the International Affairs office of the Chrysler Corporation, it appears that the United Nations Field Missions Procurement Section has put out RFP's for vehicles in Cambodia which can only be successfully answered by Toyota. It is anticipated that the United Nations Transitional Authority for Cambodia will be procuring an estimated $1.9 billion in equipment included some 10,000 vehicles. The United States will provide a substantial amount of this funding and our products ought not to be specifically excluded from U.N. procurement specifications. In this case, according to Chrysler, 'for sport utilities, the specs "fit" a Toyota Land Cruiser, i.g., minimum 4-liter diesel engine and 6 passenger seating (our Jeep Cherokee has a 2.1 liter turbo-diesel engine and seats 5)." "For pickup trucks—where only the American manufacturers make the larger ones and we do offer a turbo diesel engine above 4 liters—the specs call for a carrying capacity of up to one ton, thus permitting the Japanese to quote their smaller pickup trucks." The engines for these trucks are manufactured in Kenosha, Wisconsin. This U.S. foreign aid practice is thus directly harming Wisconsin workers.

Adding insult to this injury as you will see from the enclosed correspondence I have received from Chrysler, they have been treated poorly by U.S. State Department officials in New York at the U.S. mission to the U.N.

AGENCY FOR INTERNATIONAL DEVELOPMENT UNABLE OR UNWILLING TO PROVIDE DATA ON PERCENTAGE OF ECONOMIC ASSISTANCE USED TO PROCURE U.S. GOODS AND SERVICES

For many years, and as recently as one year ago, the Agency for International Development held that 70% of U.S. foreign economic assistance program was used to procure U.S. goods and services. This assertion was used to garner support for the foreign assistance program. Several years ago, it became clear to me and others that the 70% figure was high. This was confirmed in some limited studies done by A.I.D. indicating that in selected countries, the percentage was actually under 20%. For the last three years, we have sought this data from A.I.D. They have spent more than $600,000 on consulting contracts, and still we have not received the requested data. On numerous occasions, the Agency has provided answers to different questions—questions that they proposed, like the percentage after excluding various parts of the program, or including other aspects. The absurdity of this was highlighted recently when it was revealed that A.I.D. had instructed the field to count as U.S. source and origin Japanese computers. I can understand why A.I.D. would not want us to know the actual numbers, but they do have a responsibility to respond to the Appropriations Committee in its oversight capacity.

Mr. Secretary, I know that when you learn of these matters, you will be as concerned as I am. I want to work with you to solve these problems. Otherwise, we will not be able to sustain support for foreign assistance.

Indeed, I will not support the foreign aid program any longer unless these and related matters are resolved.

I would respectfully suggest that you consider the following actions with respect to these issues.

(1) Request that A.I.D. immediately stop the CIP program in Mozambique until we have assurances that A.I.D. will aggressively seek U.S. vendors for this program, including truck, tractor, and other vehicle manufacturers.

(2) Notwithstanding flexibility for programs in Africa vis-a-vis waivers of Buy America, I would urge that any waivers in Africa or anywhere else be only approved by A.I.D. assistant administrators in Washington. Further, appropriate committees in Congress should be kept apprised when such waivers are executed on a bi-monthly or quarterly basis.

(3) A.I.D. should determine whether there are any other CIP programs of the type in Mozambique which exclude American companies from their benefits.

(4) Consider whether it would be advisable to establish a "Buy American" advocate within A.I.D. to ensure that these things don't happen in the future.

(5) Expand the program which A.I.D. now has involving only one person which seeks to apprise American businesses of opportunities with respect to the foreign aid program.

(6) A.I.D. and its employees must understand that utilizing American manufacturers for foreign assistance procurement is a top priority of the Bush administration.

(7) I would ask that you cease disbursement of funds to the peacekeeping operation in Cambodia until you are given concrete assurances from the U.N. that it will no longer discriminate against American manufacturers.

(8) I would hope that you would instruct the U.S. U.N. mission in New York that it is their responsibility to ensure that American manufacturers are not discriminated against in procurement, and that the treatment afforded Chrysler personnel by the U.S. U.N. mission is unacceptable.

(9) Finally, I request that you ask A.I.D. the following question, and provide the answer to our subcommittee; What is the percentage of U.S. bilateral economic assistance which is utilized to purchase U.S. goods or services?

Mr. Secretary, as I already mentioned, I want to work with you to solve these problems, and I intend to vigorously and publicly pursue these matters. At the same time, I am confident that your own view parallels mine and that these aberrations do not reflect this administration's policies.

Sincerely,

ROBERT W. KASTEN, Jr.

The PRESIDING OFFICER. All time has expired under the control of the Senator from Wyoming.

Mr. COCHRAN. Mr. President, what is the parliamentary situation at this time in the Senate?

The PRESIDING OFFICER. From now until 12:30 we are in morning business. The time is controlled by the majority leader.

Mr. COCHRAN. With the proviso that Members may be recognized therein for 5 minutes each?

The PRESIDING OFFICER. The Senator is correct.

THE ISSUE OF THE ENVIRONMENT

Mr. COCHRAN. Mr. President, I want to compliment the distinguished assistant Republican leader and those who have spoken this morning on the issue of the environment.

I think it is very important for the Senate to recognize the fact that there are some widely divergent views on the subject of the Rio summit in terms of how much the United States should be willing to commit financially to assistance for other countries in complying with any agreements that might result from that conference.

There is also some question about the sacrifice of sovereignty over issues that are particularly the business of sovereign nations in agreements that might be entered into at that conference.

Those are two issues that I think the Senate should consider with some caution, and with a commitment to make sure that whatever agreements we may be called on to ratify serve the interests of the United States not only environmentally, economically, and politically, but are consistent with our nations of our constitutional sovereignty as a Nation.

Having said that, I think it is also important that we recognize the leadership that the United States has already provided in the environmental movement. The example that the United States is setting is very important for the rest of the world. Not only are we developing scientific technologies to deal with threats to environmental quality, but we are also taking action on a wide range of issues, from safe drinking water to clean air to protection of soil and water resources in production agriculture. There are just three areas where this Senator remembers legislation being debated here on the floor and where the Congress has taken action, with the support of the administration, to make sure that we take the necessary precautions; that we have Federal laws and regulations that help protect our environment against damages that we understand can be caused through pollutants, through industrial activity, and in other ways that might jeopardize the health and safety of American citizens.

And so our Congress and this administration have been at the forefront in trying to develop an appropriate response to the challenge of making sure that we have good quality air and water; that we do not damage our natural resources here in the United States unnecessarily; that we try to do what is right to protect this Earth.

I hope that everyone recognizes the fact that the United States should not be approaching the Rio summit as if we are not already very much involved in helping to make a constructive contribution to protecting the quality of life on this Earth, because the United States is at the forefront in many areas, setting an example.

I congratulate the President on his decision to attend the Rio summit. I think it is a very important thing for him to do as a leader in the environmental movement personally, and for the purpose of also helping to bring the influence of the United States to bear in shaping the agreements that might be approved at this summit.

There are two agreements in particular which this administration supports. The Rio Declaration on Environment and Development, and the Agenda 21, both of which were called for in the United Nations resolution that was adopted in 1989, both of which were contemplated in the U.N. resolution as being nonbinding. There may be changes which can be negotiated to improve these agreements, and they should be fully discussed. I think we should not prejudge the negotiating effort and condemn it before it has even begun at the summit. So I hope we can continue to support the President in his effort to provide leadership in this area.

One other point, and that is that I think we should also insist and urge the administration to consider the importance of lending financial assistance to developing nations through the existing Global Environmental Facility, which is administered by U.N. agencies and the World Bank.

It is also my hope that the administration will urge that an agreement be adopted at the summit on forestry management principles. The President has recently announced a major initiative in this area, and he should be applauded for that.

I commend those who have spoken this morning, to suggest that we make sure that we have a thoughtful and balanced approach to the challenges the Rio summit presents.

The Earth summit in Rio de Janeiro is a watershed event and a significant first step by the world community to begin addressing, on a global scale, the need to maintain environmental quality in conjunction with development activities.

I believe the United States is a leader in the environmental movement. We should continue to take an approach based on facts, and common sense, rather than emotion. The science of modeling the climate is still developing with major disagreements on how to treat the influence of clouds and ocean. Policy decisions, made without benefit of adequate scientific understanding of the complex global change phenomenon, could have far-reaching and unnecessary social and economic impacts.

I commend the President for his environmental leadership and his planned trip to Rio de Janeiro, and I wish him much success in the negotiations in behalf of the United States.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized, and under the previous order, the remaining time until 12:30 is under the control of the majority leader.

Mr. MITCHELL. I thank the Chair.

(The remarks of Mr. MITCHELL, Mr. BIDEN, Mr. PELL, Mr. KENNEDY, and Mr. LEAHY pertaining to the introduction of S. 2808 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware, Mr. BIDEN.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 2808 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

PRESS CONFERENCE ON A BALANCED BUDGET

Mr. METZENBAUM. Mr. President, this evening the President of the United States will hold a press conference. In this press conference he has asked the national media to carry it on live television during prime time. I do not know whether they will or they will not. But I want to talk about the subject of that press conference because the President reportedly is going to address himself to the balanced budget constitutional amendment.

I do not rise today to speak about that constitutional amendment. I rise today to say that, before the President of the United States goes to that press conference, he ought to do something that he can do and should do and I hope he will do to balance the budget. It is not that difficult.

We read in the paper this morning that the RTC attorneys who are bringing the litigation where there has been fraud against the savings and loan directors are being fired. Why? It is the President's obligation to find out. The President ought to call in the general counsel, Mr. Jacobs, today. He ought to call in the heads of the RTC and say to them, "I want to know why these attorneys are being fired," before he goes to the American people and talks about something in the future about a constitutional amendment to balance the budget.

Mr. President, I say to you, your actions speak louder than your words. I call upon you, I beg of you, I entreat you, I encourage you, I ask you to do something about this action that is costing the American people billions of dollars. We cannot bring back all the losses from the savings and loans, but these men and women, counsel for the RTC, who have been doing a good job—according to the General Accounting Office, according to the statements made before the Banking Committee, according to the report made to the Congress, these people are doing a good job, and for their efforts, they are being asked to leave the service.

And the worst part of it is that they are being fired at the very time that the statutes of limitations are running out on the right to file those lawsuits.

Why? What possible reason can there be to be firing the people who are doing a good job for their Government?

Mr. President, please, before you speak out on the constitutional amendment tonight, which might have some impact, according to your claims—and I do not agree with that—but even those who agree with it, would want to know why, why, Mr. President, you would not want to take some action today that would have some impact upon the whole question of balancing the budget.

The American taxpayers are being called upon to spend $500 billion to bail out the savings and loans, and we are told we can do nothing about it. But these men and women have been doing something about it. I am not sure they have done everything that is perfect. Of course not. But the one man who is in charge, Mr. John Beatty, is no longer in the employ of the RTC. He was asked to leave. Was he a good man? I do not know Mr. Beatty. At least to the best of my knowledge, I do not know Mr. Beatty. But the GAO, the impartial, objective arm of Government that reports to the Congress as to their findings, rated Mr. Beatty an A. Yet, Mr. Beatty is no longer there.

Half of the employees, half of the attorneys are being forced out. There are 465 more savings and loans to investigate, and they are cutting back on the men and women who know what they are doing. And they say they are going to bring in some new people. Sure. It will take 9 months to a year to train those new people, and by that time the statute of limitations will have run out.

What is going on here? The statute of limitations is running out daily with respect to these issues. Yet we find that they are terminating the services of men and women capable of doing the job and who are doing the job. Four out of the five top California attorneys who were involved in bringing these actions in a leadership role are being sent back to the FDIC. Some of those attorneys have been quoted publicly in the Washington Post today. Some attorneys said the RTC General Counsel Jacobs was unwilling to authorize the filing of negligence lawsuits against savings and loan officers and directors.

Why is Mr. Jacobs unwilling to do that? Ask him, Mr. President. Ask him. Every lawyer knows that when you file a lawsuit it does not necessarily mean you are always going to win, but if you have a chance of winning and it is a reasonable chance of winning, you have a responsibility and an obligation, if you represent the Government, to bring the lawsuit. And these lawyers who are being let go were doing just that.

Then you read in the paper that some officers and directors were complaining that they did not want to be sued. Of course, they do not want to be sued. Who would want to be sued? But they were in the position of being officers and directors of savings and loans that have bellied up, that have failed, that are costing the American people billions of dollars. And the American people show their gratitude by terminating them.

Ask them. Ask them, Mr. President, why, before you make a speech telling us about a constitutional amendment to balance the budget.

I am not here to address myself as to whether people should be or not be for the balanced budget constitutional amendment. I am only on the floor because there is a chance to do something about balancing the budget and there is only one person in this Nation that can do anything about it, and this is the President of the United States.

We talk with you about what has happened in this situation. In an August 1991 memorandum to the executive director of the RTC, the RTC general counsel reported that 140 lawyers would be needed to sue those who caused the failure of savings and loans through mismanagement and fraud.

Since that memo, RTC's workload has increased dramatically. The number of claims has more than doubled, and another 100 claims are expected to be filed this year. Yet, to date, less than about a year and a half after that, there are less than 70 attorneys handling fraud suits when the August 1991 memorandum called for 140 lawyers.

And now we learn that the most experienced of those lawyers, the most knowledgeable attorneys that they have, are being terminated. These are the lawyers who are managing the litigation effort at the RTC. The GAO officials, reviewing the RTC program to find and sue those who cause savings and loan failures, told my staff this morning that two top RTC lawyers lied to the GAO about the cuts. The statement to the GAO came at a May 28 meeting. I will not mention those names on the floor of this Senate. But, Mr. President, I am willing to share those names with you. They should be made available to you, and if you have one of your staffers call, we will be glad to tell them the names of the two RTC lawyers that the GAO says lied to the GAO about the cuts.

Even though the GAO had been investigating the RTC program against fraud for some time, it was not even informed of the plan to cut the program, to cut back on the number of lawyers. The GAO heard about the cuts as a rumor, according to the GAO.

Mr. President, I say to the President of the Senate and the President of the United States, how could this be happening? It is politics of the rankest order. Do they not want to sue any more savings and loan officials? Is that the answer, that they decided they did not want to sue anymore S&L officials? Are they protecting someone? Does somebody have the fix in? Does somebody have an in with this RTC so that they are in a position to bring a cessation of the actions being brought against savings and loan officers and directors? Are they trying to hide the savings and loan bailout before the election? Are they trying to sweep it under the rug? What is going on here?

Every several months, we are called upon to come up with another $30, $50, $70 billion to bail out the savings and loans. But the savings and loans which have gone under did not just happen; there were officers, directors, many of whom were involved in special deals, enriching themselves, their own pocketbooks, they own slimy deals, and they are subject to being sued. But they are not going to be sued if the RTC does not have adequate legal counsel. Instead of adding to the team, they are cutting back on the team.

As to the number of savings and loans involved, the RTC's 1991 annual report said that "62 percent of the failed savings and loans had fraud suspected at them." Listen to that number. The annual report of the RTC said "62 percent of the failed savings and loans had fraud suspected at them." There were 677 failed savings and loans, so that would mean 417 of the 677. Yet, the RTC is cutting back on its best lawyers. It is not an evaluation that this Senator makes; it is an evaluation from the GAO, which is an objective, impartial part of the Government.

Mr. President, I cannot tell you how strongly I ask that we do something about it today, find out why this is happening and put a stop to it. I hope that in your press conference tonight that someone will ask you what you are going to do about it, what you have done about it, and I hope you will be able to say: I have put a stop to it; this afternoon I learned about it and it should not have been happening. We are bringing back the top lawyers, and we will keep the top lawyers who were there. We are going to try to protect the American people.

I think that will mean more to the American people, Mr. President, than a speech about the need for a constitutional amendment to balance the budget.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, while Senator HELMS of North Carolina is recuperating from his open heart surgery, he asked if I would submit in the RECORD each day the "congressional irresponsibility boxscore" that he started some time ago.

He has done that daily since February 26. I wish to continue to do so, and let me announce that, today, the Federal debt stands at $3,940,928,660,593.31.

On a per capita basis, every man, woman, and child owes of this debt, in this country, $15,345, thanks to the big spenders here in the Congress of the United States.

Paying the interest on this massive debt averaged out to be about $1,127 per year for each man, woman, and child of America—or, to look at it another way, for each family of four, a tab of about $4,511 dollars per year.

It is even more appropriate today, Mr. President, as I give that boxscore, that in the Budget Committee of this Senate, the committee is taking testimony from a variety of experts in constitutional law, as to the feasibility of a constitutional amendment to our Federal budget. As many of us know, the House is now preparing to vote on an amendment, and it appears they will be debating and voting on the 10th and 11th on such an amendment to our Constitution.

Several weeks ago, I introduced a version that I had worked on while in the House with Congressman STENHOLM of Texas.

That version is before us, along with versions of Senator SIMON of Illinois and others that are recognizing the importance, without question, of this phenomenal debt structure that this country has built up and that now must be resolved in a much more exact and clearer form than has ever been proposed before.

Let me ask unanimous consent that my full statement be printed in the RECORD that I prepared for the Budget Committee and for Prof. Laurence Tribe of Harvard who is there today, once a strong opponent of a balanced budget amendment to our Constitution, who is now suggesting that, yes, it is possible and it may in fact be the proper approach to construct an amendment to our Constitution that would require a federally balanced budget. Although he is concerned about the ramifications and the implementation of such an amendment, as I believe we are all are, I believe that clearly the time has come that within the course of the next Monday this Senate will debate and I hope will pass a constitutional amendment that will begin a process that a decade or so from now I or anyone else serving in this body will be able to stand and give a congressional responsibility box score that speaks of a balanced budget, that speaks of a reduction of Federal debt, that speaks of not the progressive indebtedness of future generations and ultimately the destruction of the economy of this country.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LARRY CRAIG ON THE BALANCED BUDGET AMENDMENT TO THE CONSTITUTION (H.J. RES. 290/S.J. RES. 298)

Today, the Senate Budget Committee is holding hearings on the constitutional law aspects of proposed versions of the balanced budget amendment to the Constitution. These hearings are both welcome and important as we embark on a historic series of debates that, I firmly believe, will finally result in the Congress submitting this amendment to the States for ratification later this month.

I have had a chance to review the written testimony submitted by Prof. Laurence Tribe of Harvard. Professor Tribe has long-standing credentials as an ardent and thoughtful opponent of such an amendment—until now. I am quite please to find, upon reviewing of his written statement, that, on a fundamental level, he is another one of the converts cropping up all over these days in support of the balanced budget amendment.

Professor Tribe now writes that, at a conceptual level, a balanced budget amendment is the kind of provision that fits into the Constitution; he has identified precisely the political and economic reasons why such an amendment would be beneficial, and now remain concerned only that any such amendment must be workable.

I agree with his definition of a constitution as a document meant to "pre-commit ourselves to certain choices and institutional arrangements that will promote our long-run best interests and help us resist the temptations of the short term" and "to provide readily enforceable restraints against destructive short-term impulses". I believe it is imperative that we adopt a balanced budget amendment and I agree that these are standards against which such a proposal should be measured.

I want to focus for a moment on the concerns Professor Tribe nevertheless has raised about the Stenholm-Smith-Carper-Barton amendment, H.J. Res. 290, the version that will go to the House Floor next week. Over here in the Senate that same version in the Craig-Gramm-Symms-Hatch amendment, S.J. Res 298. I am both honored to and humbled to find myself in the cosponsorship company of some of the Congress' foremost advocates of the balanced budget amendment and a preeminent expert on budget process.

Professor Tribe's written statement notes—correctly—that providing for an estimate of receipts in our amendment means that the budget process would not be reopened continually throughout a fiscal year when there was a revenue shortfall. That is precisely correct and that is intended. In fact, that provision was prompted by Members of Congress—including many of our Democratic cosponsors in the other body—that the system have some flexibility and some procedural certainty. Once we make our budget decisions, we shouldn't spend all year revisiting them.

He also notes—correctly—that, all things being equal, the temptation could exist for both the Congress and the President to use "rosy scenario" estimates of receipts. He also notes—correctly—that simply requiring a three-fifths majority to increase the level of Federal debt held by the public would not, in itself, result in balanced budgets.

From my reading of his statement, however, Professor Tribe seems to analyze these two provisions separately and somewhat abstractly.

Now, when the Framers originally wrote our Constitution, they did not just propose ideas, in the abstract, that sounded like good ideas for a constitution. They drew on their experiences as colonists under a tyrannical monarchy—hence, the Bill of Rights prohibitions on unreasonable search and seizure and quartering soldiers in civilian homes, among others. And they drew on their experiences under the failed Articles of Confederation.

We, too, have had first-hand experiences as to how our current system works and how human nature produces certain predictable patterns in governance. Probably no event is more distasteful for the administration and the congressional leadership in both parties, in both Houses, than the periodic necessity to raise the limit on the Federal debt.

Back in 1985, our colleague from Texas [Senator Gramm] rounded up 51 Senators and held the debt-limit bill hostage until a hostile House of Representatives and some reluctant proceduralists a few blocks down Pennsylvania Avenue gave in and accepted the Gramm-Rudman-Hollings amendment.

Now, administrations and the congressional leadership just hate when a debt limit bill is used for purposes like that. And if the likelihood of such riders was increased, by allowing a Senator to hold that bill hostage with as few as 41 Senators, then, I really believe that our leaders and our President would do anything to avoid that situation—that they would even go so far as to balance the budget and use reasonable revenue estimates. After all, success in avoiding a deficit means success in avoiding a three-fifths vote on increasing the debt held by the public.

Professor Tribe, and some others who have expressed concerns about enforcement and workability, have seemed to overlook the point that these provisions were designed in the Stenholm and Craig-Gramm-Symms-Hatch amendments to interact in this way. They are based on real-life experiences, and would provide a self-enforcement mechanism in the amendment. I have requested that Professor Tribe be offered this information during today's hearing and asked how well the process outlined in our amendment would address the concerns he has raised.

Because the other body does appear ready to go first on a balanced budget amendment, next week, and while I am a cosponsor and strong supporter of S.J. Res 18, the Simon-Thurmond amendment, I also commend my colleagues' attention to our S.J. Res. 298, the exact companion of the version about to be passed by the House.

Mr. CRAIG. I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

PHARMACEUTICAL INDUSTRY: GOOD MEDICINE FOR MADISON AVENUE

Mr. PRYOR. Mr. President, yesterday morning in the Washington Post, the Pharmaceutical Manufacturers Association ran another ad in its series of well-designed and very expensive advertisements. Yesterday's advertisement, Mr. President, says "Everytime I take my heart medication, I ask myself * * * how can something so small cost so much?" What follows is the explanation of how this medication costs so much.

This ad is part of a $7 million public relations campaign that the pharmaceutical manufacturers recently launched to improve the image of the drug industry inside and outside the Beltway.

Mr. President, guess who is paying for these advertisements? Guess who is paying for this $7 million public relations program?

The same people who cannot afford the medications in the first place—the sick, elderly of our country. Yes, they are the ones who are paying for this advertising campaign.

They are the people who are underwriting the costs of these ads, which have been appearing over the last several weeks, in a number of different journals and newspapers.

The ad says that, according to the studies done by the Pharmaceutical Manufacturers Association, it takes $231 million to bring a new drug to market. This ad concludes by stating "Pharmaceuticals: Good Medicine for America."

The fact of the matter is that it will take more than a very slick advertising campaign and smart slogans to convince us that this industry really cares about the American public's having access to life saving medications. Mr. President, what strikes me about this campaign and what should strike all of us about this particular advertisement material is not what these ads say about the drug industry, but what these advertisements do not say.

Here is what they do not say. Year after year, the drug industry in America continues to tell us how much they invest in research and development. What they fail to tell us is how much they invest in marketing and advertising. They can tell us down to the last dollar their total cost for research and development. Mr. President, the taxpayers, the consumers, help to pay for this research and development. The drug companies can tell us precisely how fast these R&D costs are increasing. They can rattle off time after time the number of new drugs that they have in their so-called research pipeline.

Yet, Mr. President, they give us no more than a shrug of their shoulders when we ask them how much do you spend, Mr. Pharmaceutical Manufacturer, on advertising and on promotion of the new drugs, many of which are basically me-too drugs, with no new therapeutic value? How much are you spending there? They say, well, we do not keep very good track of these expenses. The manufacturers say that they do not really know how much of their exorbitant price increases year after year go to underwrite the lavish marketing and advertising campaigns that they develop to convince doctors to prescribe their products. In fact, just last Monday, Mr. President, a study published in a leading medical journal, the Annals of Internal Medicine and reported on the front page of the Washington Post found that not only are many of these ads wasteful and costly, many of them are misleading and far from educational.

The fact is they do not want us to know how much they spend on marketing, because today, what the drug companies are spending on marketing is more than they are spending on research. For example, although the 1991 data are not in yet, in 1990, the drug industry spent more on marketing and advertising, in fact $1 billion more, than they did on research. They have a nice catchy slogan that they have developed for this $7 million campaign to influence Congress maybe or, as they say, to educate the American public, their slogan is "Pharmaceuticals: Good Medicine for America."

Mr. President, they ought to have another slogan. It ought to be: "Pharmaceuticals: Good Medicine for Our Balance Sheets."

Let me also tell you there is something else that this ad does not say. It does not say that the American taxpayers are already subsidizing a good part of this new drug research and development through hundreds of millions of dollars in generous tax credits and tax breaks that we give to the drug industry each year. It does not say that our own National Institutes of Health spend billions of dollars each year in research and development on new drugs for AIDS, cancer, Alzheimer's. All of these subsidies help ultimately to reduce the cost of R&D for the drug companies. But do they ever mention one word to the policymakers or the American public about subsidies? Of course not.

In the recent debate that we had on this very floor some weeks ago, on S. 2000, the Prescription Drug Cost Containment Act, we heard the industry and its allies argue that the reason they need these high prices and huge profits is to find the cure for AIDS, Alzheimer's, cancer and other diseases of our time. Without these profits, they say research will go away, it will dry up, and we will kill the "goose that laid the golden egg."

Mr. President, nothing is further from the truth. Even after their $11 billion in research and development investment, the drug industry continues to spend lavishly on marketing and advertising, and still makes monopoly-type profits. In 1991, the drug industry had total sales of some $80 billion in America alone. After counting for their cost of production, and even after counting for their cost of research, this industry still had $50 billion left over to pay for their marketing and advertising campaigns, and to claim the title of America's "most profitable industry."

These ads in the Washington Post, the New York Times, USA Today, Roll Call, and the National Journal just confirm what I have been saying all along: That the drug industry has more money than it knows what to do with. Again, we ask, who is paying for this campaign? I am, and you are, Mr. President, all of us are, in the form of higher drug prices.

It is time now we started setting the record straight. And, although I do not have millions of dollars to spend on advertisements to counter each and every ad placed in the media by the Pharmaceutical Manufacturers Association, I do have, and I think many of us have, a commitment to pointing out the real and simple reason behind the cost of skyrocketing prescription drug prices. And that, Mr. President, is greed.

Mr. President, I thank the Chair for recognizing me and at this time I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

The Chair would advise that the time for morning business was to expire at 12:30.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the time be extended for 8 minutes, so that I may make a few remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mr. CRANSTON. I thank the Chair.

(The remarks of Mr. CRANSTON pertaining to the introduction of S. 2808 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MEETING THE COMPETITION

Mr. LIEBERMAN. Mr. President, recent economic news from Japan has not been good. Although the Japanese economy remains strong, it is in a recession. Are the Japanese finally proving that they are mere economic mortals?

The answer to that question is a flat "No." While Japan may be suffering from an economic slowdown, there are signs that this is merely a retrenchment and that the Japanese economy will be back on track stronger than ever in the not too distant future. Japan appears to be using this slowdown to weed out weaker firms, strengthen stronger ones, and bring inflation-prone sectors, such as real estate, under control.

I am submitting for the RECORD testimony that Dr. Kenneth Courtis, senior economist for Deutsche Bank Asia and a leading observer of the Japanese economy, delivered before the Joint Economic Committee on May 8 which supports that point of view. Dr. Courtis' testimony and the accompanying documentation, paint a very different portrait of Japan than we read about in the daily business section of our newspapers. His conclusion is that the investment gap between Japan and the United States is enormous and continues to widen in Japan's favor at an accelerating rate. He provides sobering statistical data about the realities of world economic competition and the decline of the United States economy relative to Japan's. He concludes that:

In real dollars adjusted for inflation, Japan out-invested the United States in 1991 by $230 billion.

While the United States in recent years invested slightly over 10 percent of its GNP in new plant and capital equipment, Japan invested at twice that rate. Not once in a quarter of a century has the United States invested as much as Japan.

Currently, the United States manufacturing sector is $1.2 trillion annually, while Japan's is $1 trillion. If current investment trends continue, Japan will surpass the United States as the world's largest manufacturing power by 1996.

Assuming these trends continue, Japan will pass the United States as the world's largest economy by 2004.

Perhaps the most painful data Dr. Courtis presented concerns investment per capita. In 1991, Japan invested $5,320 per capita while the United States invested $2,177. Why does this matter as long as we are still close in absolute investment totals? Because these per capita investment figures tell us what we are investing in the job future and standard of living for every American. The data tells us that we are investing less than half what Japan is in the economic future of each of our citizens.

I recommend that my colleagues take a look at Dr. Courtis' testimony as we consider our own economic future. My intention is not to take aim at Japan, but ask that we take aim at ourselves and what we need to do to get our economy back on track. I ask unanimous consent that Dr. Courtis' testimony and its attachments be printed in the RECORD immediately following my statement.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY DR. KENNETH COURTIS BEFORE THE JOINT ECONOMIC COMMITTEE, MAY 8, 1992

Good Morning, my name is Kenneth Courtis; I am First Vice-President of Deutsche-Bank Capital Markets, and lecture at Tokyo and Keio Universities. As Strategist and Senior Economist for the Deutsche Bank Group in Asia, I conduct analysis on major economic, industrial, technological and financial developments in Japan and the Pacific, and attempt to assess their impact on the world economy. It is an honour to be with you today.

You have asked me today to address the questions of recent developments in Japan's domestic economy and financial markets, the longer-term trends at work in the Japanese economy, and to compare these with U.S. industrial performance.

Japan today is facing a number of serious problems. After five years of unprecedented expansion, during which the economy grew by an amount equal to the entire annual GNP of France, the world's fourth largest economy, Japan is today in recession. Although both the equity and real estate markets have fallen substantially from the peak of early 1990, both markets are yet to bottom. More pain is ahead. Caught in the tightening jaws of a policy-induced liquidity squeeze, a sharp decline in earnings, and the inability to raise new funds in the equity market, corporate Japan has entered still another phase of sharp cost cutting, and rationalization.

One immediate result of this situation is that wage increases this year will be the lowest since 1985, and so consumer spending, which has already slowed from the heady pace of the late 1980's, will slow still further. That is the key reason why imports to Japan have been so weak in recent months, and are set to remain anemic during the period ahead. At the same time, Japan's exports have surged.

The direct and immediate result of these dynamics is that Japan is currently running a trade account surplus at an annual rate of $132 billion. That is two and half times the trade surplus in 1984, on the eve of the Plaza Accord which was presented at the time as the panacea for eliminating Japan's trade surplus.

The key reason that Japan's exporters have moved so aggressively back on to the attack in world markets, however, is not the recession in Japan's domestic economy. Rather, it is the result of the unprecedented levels of private sector plant and equipment investment and the building commitment to research and development that now characterize Japan's domestic economy.

From 1986 through the end of last year, total private sector plant and equipment investment in Japan's domestic economy exceeded $3 trillion dollars. In addition, Japan committed another $500 billion to research and development. It is this massive investment that has been critical to the strategic repositioning of the Japanese economy since the mid-1980's and which, despite the present recession, positions Japan to continue to have the fastest growing economy in the OECD economy through the 1990's.

Indeed, rather than the current recession announcing the eclipse of Japan as an economic super-power, analysis of the deeper, long-term forces at work in the economy suggests that the effect of the current transition will be to set the economy on track for a new period of explosive expansion, and a still stronger international competitive position than the country enjoys today.

Further, should current long-term trends continue, I expect Japan to become the world's number one manufacturing power by the mid-1990's, and surpass the United States as the world's largest economy early in the next decade. That would perhaps leave the United States as the world's leading political power, but would mean that America would have slipped to second place as a world economic power.

Today, America's manufacturing sector is roughly $1.2 billion and that of Japan $1 trillion. Should present trends remain in place, Japan's manufacturing sector would exceed that of the United States in absolute terms as early as 1996.

Three forces at work in the economies of Japan and the United States are key to driving these shifts in the international economic, industrial, and financial balance of power:

1. A building investment gap between Japan and the United States which is seeing Japan widely out-distance America in the installation of new investment in plant and equipment.

2. As widening deployment gap that see Japan deploy state of the art manufacturing equipment faster and more widely than the United States.

3. An expanding performance gap which is seeing Japan's leading corporations play an increasingly dynamic and leading a role overall in an ever larger number of critical industrial sectors for the future.

Of these, the most striking factor is the investment gap between Japan and the United States.

In absolute dollar terms, Japan has been out-investing the United States by an increasing amount since the late 1980's. On the basis of nominal data, Japan out invested the United States by just over $110 billion in 1991.

When one thinks of the relative price structure of the two countries, the widely documented difference in prices between the two countries leads at first to think that nominal figures overstate the investment gap. Is it not the case that typically Japanese products that one finds in the shops of America are cheaper then they are in Japan?

That certainly is the case for a wide variety of consumer products. But when one considers only investment goods, it is the reverse that is the case. Capital equipment is typically cheaper in Japan than it is abroad. As a result, when investment figures are set on a real basis, after adjusting for inflation, the investment gap widens still further, and was some $230 billion last year.

But even these figures do not allow to measure the real extent of the building investment gap between Japan and the United States.

Japan's economy is only three-fifths that of the United States, and its population is only just half of that of America. What is critical from an international competitive perspective is not absolute dollar values of capital investment, but rather the investment effort a country is making relative to its overall GNP.

From this perspective, not once in a quarter of a century has America invested as much as Japan. And the gap has doubled since the mid-1980's such that while America has invested just over 10% of its GNP in new plant and capital equipment in recent years, Japan has climbed up to 20% of its GNP.

In absolute dollar terms, on an inflation-adjusted basis, that means that Japan out-invested America last year by some $440 billion. While capital investment will be down this year and next in Japan because of the recession, this already massive investment gap is set to widen still further through mid-decade.

When measured on a per capita basis, which analysts agree is the most appropriate base of measure, the investment gap takes on its full, critical importance. In 1991, Japan invested some $5,320 per capita, while America invested $2,177. When measured on a total population basis, that means that the investment gap was an enormous $794 billion dollars in 1991.

Some analysts contest these figures and argue that purchasing price parity (PPP) adjustments to the data must be made in order to take a real measure of the comparable investment effort being made in the two economies. With estimates of the PPP yen to dollar exchange varying between 138 and 212 yen to the dollar, it is far from clear how useful such calculations are for analytical work.

Further, PPP calculations are based on comparable baskets of consumer goods, between economies, and so do not capture what is really at issue: the international competitive effect of the widely different investment effort being made by Japan and the United States. Since capital equipment is typically cheaper in Japan than the U.S., it makes little sense to use the consumer PPP to measure differing levels of investment between the two nations.

But even when the PPP exchange rate most favorable to the United States is used, the trend to a widening investment gap remains unchanged. America's investment gap with Japan is absolutely enormous and continues to expand on a long-term basis.

Mr. Chairman, I would ask permission at this point to submit for the record a series of charts on the investment performance of the United States and Japan.

I would be happy to respond to any questions. Thank you.

JAPAN AND UNITED STATES—THE WIDENING INVESTMENT GAP AND THE EMERGING RESEARCH GAP

(By Kenneth S. Courtis, Strategist and Senior Economist, Deutsche Bank Capital Markets (ASIA)

(Hong Kong and Tokyo, May 1992)

JAPAN AND UNITED STATES TOTAL CAPITAL INVESTMENT

[In nominal billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	163	173	194	217	317	386	498	534	596	661
United States	414	400	469	504	492	497	545	571	587	550
Investment gap (United States minus Japan)	251	227	275	287	175	111	47	37	−9	−111

Note.—Data are nominal and based on total private sector plant and equipment investment for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES CAPITAL INVESTMENT TO GNP

[Percent of nominal GNP]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	14.9	14.5	15.2	16.1	15.9	15.9	17.1	18.5	19.5	19.5
United States	13.1	11.7	12.4	12.5	11.5	10.9	11.1	10.9	10.6	9.7
Investment gap (United States minus Japan)	−1.8	−2.8	−2.8	−3.6	−4.4	−5.0	−6.0	−7.6	−8.9	−9.8

Note.—Data are based on total nominal private sector plant and equipment investment for Japan and United States. Currency conversions are based on PPP exchange from IMF.

JAPAN AND UNITED STATES CAPITAL INVESTMENT PER CAPITA

[In nominal U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	1,372	1,449	1,610	1,791	2,601	3,159	4,057	4,331	4,672	5,320
United States	1,783	1,707	1,979	2,106	2,036	2,037	2,213	2,308	2,348	2,177
Investment gap (United States minus Japan)	411	258	369	315	−565	−1,122	−1,844	−2,023	−2,324	−3,143

Note.—Data are based on total nominal private sector plant and equipment investment for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES TOTAL CAPITAL INVESTMENT

[In real billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	164	178	198	222	331	422	552	590	640	725
United States	418	406	473	504	483	481	513	524	530	495
Investment gap (United States minus Japan)	253	228	275	282	152	59	−39	−66	−110	−230

Note.—Data are based on total real private sector plant and equipment Investment for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES CAPITAL INVESTMENT TO GNP

[Percent of real GNP]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	15.8	15.8	16.7	18	18.5	19.2	21.2	23.2	25.1	25.3
United States	11.6	11.0	12.5	12.5	11.8	11.8	12.3	11.7	11.6	11.2
Investment gap (United States minus Japan)	−4.2	−4.8	−4.2	−5.5	−6.7	−7.4	−8.8	−11.5	−13.5	−14.1

Notes.—Data are based on total real private sector plant and equipment investment for Japan and United States. Current conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES CAPITAL INVESTMENT PER CAPITA

[In real U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	1,375	1,455	1,615	1,791	2,635	3,257	4,201	4,527	4,831	5,491
United States	1,800	1,733	1,996	2,106	1,999	1,972	2,083	2,118	2,120	1,960
Investment gap (United States minus Japan)	425	278	381	315	−636	−1,285	−2,118	−2,409	−2,711	−3,531

Note.—Data are based on total real sector plant and equipment investment for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES TOTAL CAPITAL INVESTMENT

[In billions of U.S. dollars on a PPP basis]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	147	161	188	217	287	316	382	404	411	464
United States	414	400	469	504	492	497	545	571	587	550
Investment gap (United States minus Japan)	267	239	281	287	205	181	163	167	176	86

Note.—Data are based on total real private sector plant and equipment investment for Japan and United States. Currency conversions are based on PPP exchange rate from IMF.

JAPAN AND UNITED STATES CAPITAL INVESTMENT PER CAPITA

[In U.S. dollars on a PPP basis]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	1,240	1,351	1,584	1,791	2,356	2,586	3,108	3,275	3,317	3,735
United States	1,783	1,707	1,979	2,106	2,036	2,037	2,213	2,308	2,348	2,177
Investment gap (United States minus Japan)	543	356	395	315	−320	−549	−895	−967	−969	−1,558

Note.—Data are based on total private sector plant and equipment investment for Japan and United States. Currency conversions are based on PPP exchange from IMF.

JAPAN AND UNITED STATES PER CAPITA INVESTMENT GAP ON A TOTAL UNITED STATES POPULATION BASIS

[In billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Nominal (PPP basis)	−126	−83	−94	−75	77	134	220	239	242	394
Real (PPP basis)	−129	−88	−101	−75	94	169	279	323	327	478
Nominal	−95	−60	−87	−75	137	274	454	500	581	794
Real	−98	−65	−90	−76	154	302	522	596	678	891

JAPAN AND UNITED STATES INVESTMENT GAP ON A PROPORTION OF GNP BASIS

[In billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Nominal (PPP basis)	17	31	35	48	79	87	134	166	187	232
Real (PPP basis)	43	55	53	74	119	144	192	242	267	309
Nominal	20	33	36	48	87	121	174	220	264	332
Real	20	33	36	48	87	121	174	220	264	440

JAPAN AND UNITED STATES TOTAL R&D

[In billions of nominal U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	26	30	33	37	55	68	83	86	90	100
United States	81	88	100	116	122	128	136	145	151	157
Investment gap (United States minus Japan)	55	58	67	79	67	60	53	59	61	57

Note.—Data are nominal and based on total R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D PER CAPITA

[In nominal U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	221	253	276	308	448	556	675	695	725	854
United States	349	376	422	485	503	523	554	585	603	622

JAPAN AND UNITED STATES R&D PER CAPITA—Continued

[In nominal U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Investment gap (United States minus Japan)	128	123	146	177	55	−33	−121	−110	−122	−232

Note.—Data are nominal and based on total R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D TO GNP

[Percent of nominal GNP]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	2.4	2.5	2.6	2.8	2.7	2.8	2.9	3.0	3.0	3.1
United States	2.6	2.6	2.6	2.9	2.8	2.8	2.8	2.8	2.7	2.8
Investment gap (United States minus Japan)	.2	.1		.1	.1		−.1	−.2	−.3	−.3

Note.—Data are based on total R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES TOTAL R&D

[In real billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	27	31	34	37	55	68	84	85	89	102
United States	87	92	102	116	120	124	129	133	134	137
Investment gap (United States minus Japan)	60	61	68	79	65	56	45	48	45	35

Note.—Data are based on total real R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D TO GNP

[Percent of real GNP]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	2.4	2.5	2.6	2.8	2.8	2.9	2.9	3.1	3.2	3.3
United States	2.4	2.5	2.6	2.9	2.9	2.9	2.9	2.9	2.9	3.0
Investment gap (United States minus Japan)				.1	.1			−.2	−.3	−.3

Note.—Data are based on total real R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D PER CAPITA

[In real U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Japan	229	259	279	308	448	559	681	690	716	822
United States	375	393	432	486	497	509	526	536	537	544
Investment gap (United States minus Japan)	146	134	153	178	49	−50	−155	−154	−179	−278

Note.—Data are based on total real R&D spending for Japan and United States. Currency conversions are based on average annual exchange rate.

JAPAN AND UNITED STATES R&D GAP ON A PROPORTION OF GNP BASIS

[In billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Nominal (PPP basis)	−6.3	−3.4	0	−4	−4.3	0	4.9	10.4	16.6	17
Real (PPP basis)	0	0	0	4.1	−4.2	0	0	9.2	13.9	13.8
Nominal	−6.3	−3.4	0	−4.4	−4.3	0	4.9	10.5	16.5	22.7
Real	−3.6	0	0	4.1	4.2	0	0	9.1	13.9	13.8

JAPAN AND UNITED STATES PER CAPITA R&D GAP ON A TOTAL UNITED STATES POPULATION BASIS

[In billions of U.S. dollars]

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Nominal (PPP basis)	−39	−36	−38	−43	−22	−13	−1	−4	−7	8
Real (PPP basis)	−35	−33	−36	−42	−23	−17	−9	−15	−22	−6
Nominal	−30	−29	−34	−42	−13	8	30	27	31	59
Real	−34	−31	−36	−43	−12	12	38	38	45	70

EULOGY TO AMBASSADOR PHILIP C. HABIB

Mr. SYMMS. Mr. President, on May 25, the Nation lost one of its great diplomats and a truly fine human being and a man I considered a friend and trusted adviser. Ambassador Philip C. Habib was 72 years old when he suffered a fatal heart attack while traveling in France. His survivors include Marjorie, his wife of 50 years, and two daughters, Phyllis and Susan.

Over three decades in the Foreign Service, Philip Habib gained a reputation as a tough, blunt, direct, and highly successful negotiator. As described by Henry Kissinger in his memoirs, Habib was "the antithesis of the public stereotype of the elegant, excessively genteel Foreign Service officer." Indeed, he was. And those character traits were rewarded with some of the great diplomatic successes of 20th century American diplomacy.

From 1968 to 1971, Mr. Habib was a principal negotiator in the Paris talks that led to the American withdrawal from Vietnam. Years later, as Under Secretary of State for Political Affairs, he laid the groundwork for the Egyptian/Israeli peace accords. And in the early 1980's, called out of retirement by President Reagan, Ambassador Habib negotiated an agreement between Israel and Lebanon which, though never ratified, did help end the violence then tearing the Lebanese people apart in civil war.

Apart from his most distinguished career as a Foreign Service officer, during which time he rose to the highest post available to a career diplomat, Ambassador Habib was a proud and active alumnus of my alma mater, the University of Idaho. In the 1940's, he graduated from the College of Forestry and Wildlife and Range Sciences, and he went on to obtain his Ph.D. in agricultural economics at the University of California at Berkeley.

After retiring from the State Department, the Ambassador established an endowment at the University of Idaho for the study of environmental issues and world peace. I know the entire university community in Moscow, Idaho is proud of this distinguished alumnus and the legacy he has left to them.

I ask unanimous consent that a New York Times article and an obituary appearing in the Washington Post be printed in the RECORD following my remarks, and I take this opportunity to offer my sincere condolences to Mrs. Habib and her family. I hope they will take comfort in the knowledge that their husband, father, and friend dedicated his intellect and talent to the enduring benefit of his Nation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 27, 1992]

PHILIP C. HABIB, LEADING U.S. DIPLOMAT IN ASIA AND MIDDLE EAST, IS DEAD AT 72

(By Catherine S. Manegold)

Philip C. Habib, a Brooklyn-born Lebanese-American who was one of the United States policymakers in the Middle East and Asia for decades, died Monday while vacationing in France. He was 72 years old.

Mr. Habib died of a heart attack, the United States Embassy said. He lived in Belmont, Calif.

Mr. Habib served in the Foreign Service for nearly three decades, and many years in retirement as a trouble-shooter, crafting for himself a reputation as a tough and shrewd negotiator. He is credited with helping to arrange the cease-fire in Lebanon and the Palestine Liberation Organization's withdrawal from that country in 1982 following the Israeli invasion. He also played an important role in persuading President Ferdinand E. Marcos of the Philippines to go into exile in 1986.

ADVISOR TO THREE ADMINISTRATIONS

A former Ambassador to South Korea, he helped craft foreign policy across the region both in that capacity and later as a top advisor to three Administrations. Although he officially retired from the Foreign Service in 1978, citing health problems, he was recalled just a year later to work as a special adviser to Secretary of State Cyrus R. Vance.

He became known as a tough trouble-shooter on behalf of the United States. His final assignment came in 1987, when he was called upon by President Reagan to be a special envoy in Central America. He resigned that post, and severed his ties with Government in August of that year.

Just before his death, Mr. Habib had travelled to Evian, France to give a speech at the Bilderberg Conference, an annual meeting of European and United States scholars and intellectuals. Dr. Henry A. Kissinger, who also spoke at that conference, yesterday recalled Mr. Habib as "every Secretary of State's ideal of a great foreign service officer."

MET IN VIETNAM

Dr. Kissinger first met Mr. Habib in Vietnam in the mid 1960's and recalled having been immediately impressed with his acumen and irreverence.

"I was taken to meet him by Ambassador Lodge," Dr. Kissinger said in a telephone interview, referring to Henry Cabot Lodge, who was then United States Ambassador to Saigon. "And when I met him, he said, 'I bet you are one of those Harvard smart alecs who knows everything.' Then he told me to go to the provinces and 'see what was really going on.'"

In his speech at the Bilderberg Conference, Mr. Habib spoke about the need to maintain the North Atlantic Treaty Organization and the importance of America's ties with Europe. Then, according to those who attended, in a departure from his usual preoccupations with foreign affairs, he spoke at length about United States domestic issues, stressing the need for America to stand by its moral principles.

Friends said his involvement in that conference was typical of the elder statesman who, despite near fatal heart attacks dating to the late 1970's and two open-heart surgeries, never abandoned his interest in world affairs.

"He had no business going to these things," said Leslie H. Gelb, a former Pentagon and State Department official who worked with Mr. Habib in the 1960's at the height of the Vietnam conflict. "But he wanted to live, not just stay alive." Mr. Gelb is now a columnist with The New York Times.

REMEMBERED BY FRIENDS

Mr. Habib was remembered yesterday by friends as a man of zest, creativity and relentless earnestness in the face of great odds.

"He was the guy everybody knew," said Morton Abramowitz, the president of the Carnegie Endowment for International Peace, and a veteran of 30 years in the State Department, "Phil's career runs the gamut of all U.S. foreign policy. But he was particularly involved in the transformation of Asia. He contributed fundamentally to the shaping of foreign policy in that area."

Although Mr. Habib's expertise in the Foreign Service was mostly in Asia, particularly in Vietnam in the 1960's, where he was involved in the behind-the-scenes politics in Washington that eventually led President Johnson in 1968 to press for a negotiated end to the war, he was perhaps best remembered in later years for his work in the Middle East.

LEBANESE FROM BENSONHURST

A Lebanese Maronite Christian who grew up in a predominantly Jewish section of Bensonhurst, Mr. Habib became Undersecretary of State for Political Affairs in 1976. He remained in that post in the new Carter Administration and continued until he suffered the first of his heart attacks in December 1977.

In retirement, he became a popular trouble-shooter for President Reagan. He was called upon to help hammer out a peace settlement in Lebanon, which later collapsed. For that work, he was awarded the Presidential Medal of Freedom, in 1982.

In fact, his diplomatic career started almost on a whim. According to his daughter, Phyllis, Mr. Habib had planned a career as a forest ranger. A graduate of the College of Forestry and Wildlife and Range Sciences at the University of Idaho, Mr. Habib was studying for his Ph.D. in agricultural economics at the University of California at Berkeley when spotted a notice for a test to enter the State Department. "He decided to take the test," said Ms. Habib. "And he passed it." His first assignments took him to posts in Canada and New Zealand.

The Vietnam War changed his life, however, and established his career as a diplomat.

"He was one of my heroes," Mr. Kissinger said. "The great thing about him was that he was a terrific soldier." Inside the State Department he won a reputation as a man who would fight over issues about which he cared deeply. Yet he was known, too, as a professional who followed orders.

During his tenure as Secretary of State, Mr. Kissinger said he relied heavily on Mr. Habib's advice. "I might not do what he said," he recalled. "But I wouldn't make a move without finding out what he thought."

Mr. Habib, a gourmet and connoisseur of fine wines, was on a vacation with friends in the Puligny/Montrachet, in the Côte d'Or region, when he collapsed, his daughter, said Agence France-Presse, the French news agency, reported that he suffered a heart attack at his hotel and could not be revived by a medical team.

Mr. Habib was living in retirement in the family's home of 17 years in Belmont, California. He was a Senior Research Fellow at the Hoover Institution at Stanford University, and was on the Board of Directors of the American University in Beirut. He also served on the Board of Directors of the Audi Bank of California, according to his daughter.

After his retirement, Mr. Habib remained an active alumnus of the University of Idaho where he set up the Philip Habib Endownment for the Study of Environmental Issues and World Peace.

Among other honors, Mr. Habib was decorated commander of France's Legion of Honor in 1988.

He is survived by his wife, Marjorie W. Habib; two daughters, Phyllis, and Susan W. Michaels of Vestal, N.Y. and a granddaughter, Maren K. Michaels.

[From the Washington Post, May 27, 1992]

PHILIP C. HABIB, 72, DIES; U.S. PEACE NEGOTIATOR

(By J.Y. Smith)

Philip C. Habib, 72, a career State Department official whose mastery of complex situations, skill at negotiation and seemingly inexhaustible patience led to key roles in efforts to bring peace to Vietnam, the Middle East and Central America, died of a heart attack May 25 in Puligny-Montrachet, France.

A resident of Belmont, Calif., since retiring from the State Department in 1978, he was on a private visit to the wine country of Burgundy when he was stricken.

The State Department issued a statement yesterday hailing Mr. Habib for his "profound contribution to U.S. foreign policy" and the "enduring legacy" of his work. It described him as a "man of great courage, unparalleled tenacity, high intellect and deep warmth."

From 1968 to 1971, Mr. Habib was a member of the U.S. delegation to the Paris talks that eventually ended the U.S. involvement in Vietnam, and for part of that the time he was acting head on the delegation. Throughout his tenure his knowledge of the situation was regarded as crucial to the U.S. side, and he conducted some of the most difficult sessions with the North Vietnamese himself.

His next post was as ambassador to South Korea, where he served from 1971 to 1974. Recalled to Washington, he was named assistant secretary of state for East Asian and Pacific affairs. In 1976, he was promoted to undersecretary of state for political affairs, the highest post available to a career official.

Mr. Habib received that appointment from President Gerald R. Ford, and he continued in the job under President Jimmy Carter. He laid the groundwork for the Camp David Accords—the result of the dramatic meeting at the presidential retreat at Camp David, Md., of Carter, Israeli Prime Minister Menachem Begin and Egyptian President Anwar Sadat to discuss a settlement of the Arab-Israeli dispute.

Mr. Habib's retirement in 1978 was prompted by a heart attack—it was his second in six years—and he became a visiting professor at Stanford University and then a research fellow at the Hoover Institution.

In 1981, he was summoned by President Ronald Reagan to be his personal representative to the Middle East. The particular flash point at the time was Lebanon, torn by civil war and harried by rapacious neighbors. During two years of shuttle diplomacy Mr. Habib searched for a way to end the violence. Partly as a result of this work, Secretary of State George P. Shultz negotiated an agreement between Israel and Lebanon, but it foundered on Syrian intransigence and was never ratified. Mr. Habib, no longer welcome to the Syrians, returned to private life.

In 1986, Reagan called again. This time it was to appoint him a special envoy to the Philippines. In the same year, he was named a special presidential envoy to Central America. In 1987, he resigned when the administration ignored his advice to join an initiative that was started by other Central American governments to bring peace to Nicaragua.

Born in Brooklyn, N.Y., the son of a Lebanese grocer, Philip Charles Habib grew up a Catholic in a Jewish neighborhood. He graduated from the University of Idaho. After World War II service in the Army, he went to the University of California at Berkeley, where he earned a doctorate in economics. (His dissertation was on the economics of the lumber industry.)

By the time the degree was conferred in 1952, Mr. Habib had embarked long since on his career in diplomacy. In 1949, he was commissioned a foreign service officer. His first posts were in Ottawa and Wellington, New Zealand. He then returned to Washington. From 1958 to 1960, he was consul general in Port-of-Spain, Trinidad.

In 1962, after another period in Washington, he joined the U.S. Embassy in South Korea as political counselor. In 1965, with U.S. involvement in Vietnam deepening, he was assigned to the U.S. Embassy in Saigon, where he was chief political adviser to Ambassador Henry Cabot Lodge. In 1967, he returned to Washington as deputy assistant secretary of state for East Asian and Pacific affairs.

By that time, Mr. Habib was recognized as the State Department's leading authority on Southeast Asian affairs. He was thus a natural choice to join the talks in Paris that opened that year.

In his memoirs, former secretary of state Henry Kissinger described Mr. Habib as being "the antithesis of the public stereotype of the elegant, excessively genteel Foreign Service officer. He was rough, blunt, direct, as far from the 'striped-pants' image as it is possible to be."

W. Averell Harriman, one of those who served as chief U.S. representative at the Paris talks during Mr. Habib's time there, once remarked that a notable strength of Mr. Habib was his ability "to understand the other man's point of view." Many colleagues remarked on Mr. Habib's capacity for hard work, and he himself was quoted as saying, "If you are working 9 to 5 and if your wife is contented, you are not doing your job."

Mr. Habib was a former president of the Foreign Service Association and a recipient of the Rockefeller Public Service Award, the President's Award for Distinguished Public Service and the Presidential Medal of Freedom.

Survivors include his wife, the former Majorie W. Slightam, whom he married in 1942, and two daughters, Phyllis and Susan.

JACKSON STATE UNIVERSITY GOLF TEAM WINS NATIONAL TITLE

Mr. COCHRAN. Mr. President, over the years, the college and university athletic teams from Mississippi have been very successful in national athletic competition, especially in baseball, basketball, and football. Now, I am happy to report that another sport has been added to this list by the Jackson State University golf team.

Coached by Eddie Payton, the Tigers' varsity golf team recently won the National Minority Golf Championship for the third consecutive year. Jackson State won out over 14 other teams on the links in Cleveland, OH.

Under Coach Payton's guidance, the team's score of 620 led the field with South Carolina State second at 627, and Texas Southern and Hampton Institute tying for third with a 637 score.

I take this opportunity to commend the Jackson State University golf team for this significant and impressive accomplishment. It is difficult enough to win even one national tournament championship, but to win 3 years in a row is indeed a remarkable testament to the skill and dedication of these young golfers and to the excellent coaching they have received.

I am sure we will see the Jackson State golf team continue to be a contender for additional honors. I congratulate them for their outstanding performance and extend to them my best wishes for much success in the future.

A POLITICIAN'S DREAM

Mr. ROTH. Mr. President, the political economist, Henry George, once wrote that "We must pay the greatest attention to our public affairs; we should be prepared to change our minds, to renounce our old views and adopt new ones. We should cast prejudices aside and argue with a completely open mind." He wrote that "A sailor who raises the same sail regardless of changes in the direction of the wind will never reach his port."

Mr. President, it is with respect for a former colleague of ours that I come to the floor today—a colleague who I believe has some insight and advice for each one of us. All of us know of—and many of us have the opportunity of knowing—George McGovern, the distinguished Senator from South Dakota and Democratic Presidential candidate in 1972.

In the June 1 edition of the Wall Street Journal, George McGovern demonstrates that he pays attention to our public affairs; he is a man who is willing to change and adopt new views. And he encourages each of us to do the same. His opinion-editorial, entitled "A Politician's Dream Is a Businessman's Nightmare," outlines the experience and frustration George McGovern suffered trying to do business with the regulations, tax burdens, and liabilities that spill forth from this Hill and from State legislatures around the country like water from a broken dam. We forget sometimes that as legislators—most often keeping ourselves exempt from the laws we pass—that we are standing on the dry ground.

It is the people trying to keep the economy alive in the valley that are washed away. This happened to George McGovern and his Stratford Inn in Connecticut. In retrospect he writes:

> I * * * wish that during the years I was in public office, I had had * * * first hand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. Senator and a more understanding presidential contender.

He goes on to explain how needless regulations, Federal, State, and local rules—many that he says he supported—created impossible conditions for doing business. He writes:

> While I never * * * doubted the worthiness of any of (the) goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

Mr. President, we cannot afford to ignore this wisdom any longer. Our policies must keep the economy in mind. We must provide a foundation upon which the great American entrepreneur can build the great American economy. Government cannot create prosperity. We cannot tax or regulate a future filled with opportunity for our workers and their families. But as our former colleague now realizes, our stewardship requires that we encourage an environment, as he says, "where entrepreneurs will risk their capital against an expected payoff." We are not doing this now; but we must begin immediately.

I ask unanimous consent that the opinion-editorial by George McGovern be submitted in the RECORD. And I laud his courage to share the experience of a very difficult lesson with those of us who can benefit from his wisdom.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A POLITICIAN'S DREAM IS A BUSINESSMAN'S NIGHTMARE

(By George McGovern)

"Wisdom too often never comes, and so one ought not to reject it merely because it comes late."—Justice Felix Frankfurter.

It's been 11 years since I left the U.S. Senate, after serving 24 years in high public office. After leaving a career in politics, I devoted much of my time to public lectures that took me into every state in the union and much of Europe, Asia, the Middle East and Latin America.

In 1988, I invested most of the earnings from this lecture circuit acquiring the leasehold on Connecticut's Stratford Inn. Hotels, inns and restaurants have always held a special fascination for me. The Stratford Inn promised the realization of a longtime dream to own a combination hotel, restaurant and public conference facility—complete with an experienced manager and staff.

In retrospect, I wish I had known more about the hazards and difficulties of such a business, especially during a recession of the kind that hit New England just as I was acquiring the inn's 43-year leasehold. I also wish that during the years I was in public office, I had had this firsthand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. senator and a more understanding presidential contender.

Today we are much closer to a general acknowledgment that government must encourage business to expand and grow. Bill Clinton, Paul Tsongas, Bob Kerrey and others have, I believe, changed the debate of our party. We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities.

My own business perspective has been limited to that small hotel and restaurant in Stratford, Conn., with an especially difficult lease and a severe recession. But my business associates and I also lived with federal, state and local rules that were all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc. While I never doubted the worthiness of any of these goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

For example, the papers today are filled with stories about businesses dropping health coverage for employees. We provided a substantial package for our staff at the Stratford Inn. However, were we operating today, those costs would exceed $150,000 a year for health care on top of salaries and other benefits. There would have been no reasonably way for us to absorb or pass on these costs.

Some of the escalation in the cost of health care is attributed to patients suing doctors. While one cannot assess the merit of all these claims, I've also witnessed firsthand the explosion in blame-shifting and scapegoating for every negative experience in life.

Today, despite bankruptcy, we are still dealing with litigation from individuals who fell in or near our restaurant. Despite these injuries, not every misstep is the fault of someone else. Not every such incident should be viewed as a lawsuit instead of an unfortunate accident. And while the business owner may prevail in the end, the endless exposure to frivolous claims and high legal fees is frightening.

Our Connecticut hotel, along with many others, went bankrupt for a variety of reasons, the general economy in the Northeast being a significant cause. But that reason masks the variety of other challenges we faced that drive operating costs and financing charges beyond what a small business can handle.

It is clear that some businesses have products that can be priced at almost any level. The price of raw materials (e.g., steel and glass) and life-saving drugs and medical care are not easily substituted by consumers. It is only competition or antitrust that tempers price increases. Consumers may delay purchases, but they have little choice when faced with higher prices.

In services, however, consumers do have a choice when faced with higher prices. You may have to stay in a hotel while on vacation, but you can stay fewer days. You can eat in restaurants fewer times per month, or forgo a number of services from car washes to shoeshines. Every such decision eventually results in job losses for someone. And often these are the people without the skills to help themselves—the people I've spent a lifetime trying to help.

In short, "one-size-fits-all" rules for business ignore the reality of the market place. And setting thresholds for regulatory guidelines at artificial levels—e.g., 50 employees or more, $500,000 in sales—takes no account of other realities, such as profit margins, labor intensive vs. capital intensive businesses, and local market economics.

The problem we face as legislators is: Where do we set the bar so that it is not too high to clear? I don't have the answer. I do know that we need to start raising these questions more often.

A KILLER BEE AMENDMENT?

Mr. BYRD. Mr. President, some decades ago, agronomists and entomologists in Brazil wanted to produce a better honey bee.

According to those scientists, the old, comfy honey bee common in North and South America was too easygoing, too docile, and too stingy in making honey.

Somebody down in Brazil got the notion of crossing their domestic honey bees with African honey bees.

The perfect answer, they said.

Over millions of years, African honey bees had been forced to compete against all kinds of enemies. To survive, the African honey bees had evolved into fierce, strong, and vicious combatants. Lions, hyenas, elephants—it did not matter. Whatever got in the way of the African honey bee got the devil stung out of it. In great swarms, African honey bees would attack a potential enemy and sting it and sting it and sting it until it died.

The Brazilians corralled a swarm or two of African honey bees and brought them across the Atlantic. Then, the scientists mated those vicious African honey bees with domestic honey bees.

The result was a disaster.

The new bees made less honey than the old American bees made. Certainly, the new bees lost their domestic docility. But in the place of docility, the new bees had all the meanness and bad temper of their African antecedents.

But, worse, one day, somebody let a swarm of the new Africanized bees lose. Out of the laboratory they flew. Outside, these Africanized bees—these "killer bees"—spread throughout Brazil. The killer bees expanded into Venezuela, Colombia, Panama, Costa Rica, into Mexico, and, finally, Mr. President, years later, the killer bees reached Texas.

Scores of people have been killed by these bees. Hundreds of people—men, women, and children—and countless cattle have been stung by them. The killer bees so far are unstoppable, and they are probably headed toward Washington.

Mr. President, I tell this story as an example of what can happen when people do not stop to consider the ramifications—the practical results—of something new before they put it into action.

We have a problem—Federal budget deficits, a nearly $4 trillion national debt, and all that those fiscal dilemmas threaten.

Some people claim that a balanced budget amendment to the U.S. Constitution will solve those fiscal problems. The balanced budget amendment is being extolled as a panacea for all that ails our economy. If only the Congress will pass this balanced budget amendment, the White House claims, we can end all this wasteful deficit spending and pay off the national debt, and Nirvana will be just around the corner.

Mr. President, at this point, nobody knows what a balanced budget amendment will do to the country. There are all kinds of balanced budget amendments floating around. But what this one, that one, or another one will do, as compared with what an amendment which might ultimately be adopted would do, is anybody's guess. Nobody knows that a balanced budget amendment would solve our fiscal problems or make them worse. But some of us have a pretty good idea. Nobody really knows—because it has not been tried—what the social, political, or economic impact of a balanced budget amendment to the Constitution would be 10 years from now, 50 or 100 years from now.

Mr. President, this balanced budget proposal might just be another "killer bee," a killer-bee amendment that we and our children and grandchildren will rue for generations to come and for which we in this Congress would be blamed as long as man remembers our names.

Perhaps worse than anything else, this proposal for a balanced budget amendment to the Constitution is an "election-year quickie"—a quick fix, easy way, a demagog's dream.

These balanced budget amendment proposals allow candidates to jump up and down about the irresponsible Congress. They can beat their breasts and shout, "It is not me." I might want to use good grammar, "It is not I," but I will say it the colloquial way, "It is not me. Look, I voted for a balanced budget amendment. I cannot be blamed for this fiscal mess."

We get this amendment into the Constitution, time goes by, and we are out of office. Those of us who vote for this will be out of office. We are back home living on our pensions and complaining about the mess that Congress is making of the country. And we who voted for the amendment helped to make the mess, but we won't mention that. We will go home and retire with our pensions. And we will say: I voted for the amendment, somebody else ought to make it work. What a mess this country is in. Somebody else must cut off the funds for education, not I, because I will have voted for the amendment. I will be home rocking in the old rocking chair, collecting my pension. Let somebody else cut the funds to education, let somebody else close down the schools, let somebody else cut the money for veterans programs and take the heat; it will not be I. I voted for a constitutional amendment to fix this mess. So do not blame me. Blame the guys who are up there now. Somebody else can find the money to repair the holes, potholes, in the interstate highways and prop up the rusting bridges across the Mississippi or the Hudson. Somebody else, Mr. President, can find the money for Medicare, for cancer research, for police to make our cities safer, for money to pay mine inspectors, money for harbor improvements, for financial security; somebody else, but not me.

You and I will be retired before the constitutional amendment really is drafted into the Constitution. We may be retired by then, so we can point fingers at somebody else standing in our place, someone else presiding over the Senate. Let them fix it. "I voted for the constitutional amendment to balance the budget," one can say.

Mr. President, if the White House wants a balanced budget amendment to the Constitution, and I understand that it does, I challenge the White House to tell us how we are supposed to get to this balanced budget. Since Inauguration Day 1981, the White House has been demanding a balanced budget, but not once in all those years did President Reagan or President Bush send to Congress a balanced budget, not once. "Here," they have said, "here is the budget." They have sent it up. And they say, we know it is not in balance, but that is a problem for Congress. Let Congress balance the unbalanced budget. But do not raise taxes. "Read my lips." Do not raise taxes. We want to pour more money into the Pentagon, into military spending. "We do not know where you are going to get the money, but we want a balanced budget amendment," the White House has said.

In 1981, when Mr. Reagan took over, the national debt was a little under $1 trillion.

Today, the national debt is approaching $4 trillion.

In 1981, when Mr. Reagan took over, the United States was the world's largest creditor nation.

Today, the United States is the greatest debtor nation in history.

And not once in all the years since 1981 did the President send Congress a balanced budget.

So much for "voodoo economics."

If the President wants a balanced budget amendment, he should tell us and the American people how he proposes to balance the budget once the amendment is in place. What is the plan to enforce a balanced budget amendment? Where are the teeth in the amendment? If an amendment is going to be sent to the American people for their ratification, it should state on its face exactly what the pain is, what the sacrifice is, and how it will be enforced. I have not seen any amendments around here that would do that.

What is the plan to enforce the balanced budget amendment? Where are the teeth in the amendment? Where is the plan to keep the Government going if the money runs out?

So far, all of the proposals for a balanced budget amendment are like somebody's "granny"—cute, feisty, but with no teeth. We cannot "gum" the deficit out of existence.

Mr. President, I want to balance the Federal budget, too. I want to pay down the national debt. I do not know anybody in the Senate who is not in favor of cutting deficit spending and reducing the national debt, Republican or Democrat.

But the balanced budget amendment to the Constitution, presently making the rounds, is not going to reduce Federal deficits or cut the national debt. The balanced budget amendment that I have seen is a magician's hat with no rabbit in it.

Doing those things will take courage and hard decisions, and we are the only people in this body who can make those decisions—we, the elected representatives of the people, and the President of the United States, working together, with the well-being of the country in mind, with the future of the United States in mind, and with the well-being of our children in mind, and not with just the next election in mind or the futures of the Republican and the Democratic parties in mind.

This is an hour for statesmanship, for patriotism, for maturity and wisdom, and not the hour for another "quick fix." We have heard all of these "feel-good" messages over the years. I hope that tonight the President will tell us specifically how he plans to make a balanced budget amendment work. Tonight, I hope that the President will tell us his plan—that he will put his money where his lips are. So that we can "read" his lips as to where the pain and sacrifice and suffering are going to come from in balancing the budget, by way of a constitutional amendment. The American people deserve to know how the President proposes to put our fiscal house in order through a balanced budget amendment. The American people have a right to know the price tag for a balanced budget amendment.

Mr. President, I hope that we will see some "profiles in courage" in this Senate when the amendment is taken up. The majority leader is committed to trying to bring up one of these constitutional amendments.

I hope that we will see some profiles in courage and I hope that the American people will not listen to the feel-good messages that they have heard now for 12 years coming out of the White House, messages telling the people that there is a free lunch: "Good morning, America." Feel good. "It can all be done with a constitutional amendment and we will just grow our way out of the deficit."

Well, we have not grown our way out of the deficit. We have grown our way deeper into the deficit. So, now comes the time when Senators will have the opportunity to write that profile in courage. It will not be easy for those of us who oppose this constitutional amendment. It sounds like an easy, simplistic, quick-fix way of taking care of the whole business. Just vote for a constitutional amendment.

"Give me," says the President of the United States, "what the States have. Let us have what the States have. They have constitutional amendments. They have to balance their budgets." But the States do not really balance their budgets. They have an operational budget. They may balance that with gimmicks or otherwise. But they also have a capital budget and they sell bonds to build their roads and their buildings and so on and so on. They do not balance their capital budgets. They, too, are in debt.

The Federal Government and State governments operate in two different spheres under the Constitution. So beware of this quick fix, quack remedy: "Give the Federal Government a balanced budget to the Constitution like the States have." Senators, take a look at the States. See how much debt they have.

Mr. President, I thank the Chair.

NUCLEAR REACTORS IN THE FORMER SOVIET UNION

Mr. BIDEN. Last month, Secretary Baker announced the United States' intention to join in a multilateral program to improve the safety of nuclear reactors in the former Soviet Union. Addressing these serious problems was listed as a priority area in the aid package sent to Congress by the administration, and is in the aid package recently reported by the Senate Foreign Relations Committee.

The Republics of the former Soviet Union are in an unenviable position—they know that many of the Soviet-designed reactors are unsafe, but they desperately need the electricity they produce. The West is in a similar bind—it knows that the reactors are ticking time bombs, but immediate closure of all of them would devastate any economic recovery in the region.

In July, the members of the G-7 are expected to announce the details of an emergency assistance program to improve the safety of the region's reactors. The details that have appeared to date look to be a well-planned approach to bringing the most dangerous reactors up from the abysmal conditions they now operate in. But it is by no means a program that will bring the reactors up to Western standards. All the assistance program will do is bring the risk of an accident at the plants down to a level that is viewed as an acceptable risk in the short-term, under the existing conditions.

But what the United States and other Western countries do in addition to this emergency program is the truly crucial part. The danger exists that this nascent emergency program could evolve into a long-term program to keep the Soviet-designed reactors on line. That, I would argue, would be a mistake of epic proportions.

As part of any role we take in making the Soviet-designed reactors less dangerous, we must keep in mind a few points. First, most of the reactors can never be brought up to Western safety standards. Either through basic design flaws or faulty construction, the hazards associated with the reactors are believed to run very deep.

Second, our top priority should be finding ways to shut down the reactors, not to keep them going. While in the short-term, we cannot reach this goal, our program over the next few years should be geared toward this most important of objectives.

Third, any emergency assistance plan should also include efforts to develop alternative sources of energy for the Republics. This last aspect is often overlooked, but is the most important step we can take to assure that the safety risks of the reactors are eliminated.

So while there is no doubt that we must provide assistance on the region's nuclear safety problems, we must avoid being pulled into a deepening morass. If we put all our funds into just fixing the reactors, with no funding for alternatives, we will likely find ourselves back here in 5 years making the same statements—that the risks of continued operation of the plants is considerable, but the citizens of the region have no option.

A broader analysis of the situation shows that continued operation of the nuclear reactors fails on economic as well as environmental grounds. The Chairman of the U.S. Nuclear Regulatory Commission has estimated that needed upgrades to region's reactors could cost $20 billion. And history would lead us to believe that those costs could easily balloon to even higher levels.

At a hearing I chaired on environmental problems in the former Soviet Union, the question of how to address these serious safety questions arose. Testimony at the hearing made clear that we would be much better off if we took some of the resources that members of the G-7 appear so willing to commit in a futile effort to make those reactors safe and instead put them toward energy conservation, energy efficiency, and alternative sources of energy. In fact, a full-blown effort to address so-called "demand side" aspects of the energy equation in the former Soviet Union could result in energy savings almost triple the output of the nuclear reactors.

An article in yesterday's Journal of Commerce highlighted the risks Western governments run in stepping over the line of keeping open plants that should be closed. The article reports that an order had been signed to restart Russia's nuclear energy program. I ask that the article be reprinted at the conclusion of my remark.

If this decision has been made, it is a truly shocking development. Although Russia has the right to make this decision, it would appear to make an already dangerous situation worse. And based on our experience and that of many other countries, it would be the wrong answer to their problems. The years and money that would be invested in this response to their energy situation would be better spent focusing on reducing their excessive levels of energy use.

If Russia moves ahead on restarting construction of reactors, then the West must be even more careful in the assistance it provides to the Republics. But with or without a restart of the Russian reactor program, I would urge that all of us think carefully about where we are ultimately heading in any assistance program to upgrade existing reactors. I believe our wisest course is to create conditions that will allow the closure of as many of the reactors as soon as possible.

[From the Journal of Commerce, June 3, 1992]

RUSSIA ORDERS RESUMPTION OF NUCLEAR ENERGY PROGRAM

MOSCOW.—Russia has ordered the resumption of its nuclear energy program, effectively halted after the 1986 Chernobyl disaster, the world's worst nuclear accident, a government official said Tuesday.

Yuri Rogozhin, an official with the State Nuclear Energy Safety Agency, confirmed a report published by Komsomolskaya Pravda newspaper.

"I agree that our nuclear energy industry is ill as is the whole of the country's economy. But it should be treated. You do not cut off a head when it is aching," he said.

Komsomolskaya Pravda said First Deputy Prime Minister Yegor Gaidar had signed the order March 26 to resume construction of a number of new nuclear plants and to increase the capacity of existing ones.

The document, not yet made public, grants considerable privileges to regions where construction of nuclear stations is being renewed. This might head off public protests, but Komsomolskaya Pravda predicted an angry reaction from environmental groups abroad.

Ukrainian authorities said that 6,000 to 8,000 people have died since being exposed to radiation from the explosion at the Chernobyl nuclear plant in the early hours of April 26, 1986.

The explosion killed 31 people in its immediate aftermath and blasted radioactive particles across much of Europe.

The development of the then-Soviet nuclear program was effectively halted after the disaster and worldwide protests.

"Even (former Soviet President Mikhail) Gorbachev, who in his time spoke a lot about severe energy shortages, did not dare to revive the atomic program as the consequences were too unpredictable," Komsomolskaya Pravda said.

Worldwide concern over the safety of Chernobyl-type reactors was renewed in March by a leak of radioactive gas at the Sosnovy Bor plant near St. Petersburg.

European politicians demanded that all 16 Chernobyl-type reactors on the territory of the former Soviet Union be closed and others be put under strict international control.

Eleven reactors in Russia were built on the same model as that in Chernobyl. Three similar plants are operating in Ukraine and another two are in the Baltic state of Lithuania.

Komsomolskaya Pravda said that all Russian reactors had the same defect that caused the accident at Sosnovy Bor.

But Russia can hardly afford a decline of its nuclear energy.

"Shortages of electric energy have become a major problem for the Far East, Siberia and about 10 central Russian regions," the newspaper said.

Just under 12% of Russian electricity is generated from nuclear power. Hydroelectric power stations account for a further 17% and the remaining electricity comes from thermal electric stations using coal or gas.

NEED FOR UNITED STATES POLICY ON RUSSIAN FORCES IN BALTIC STATES

Mr. PRESSLER. Mr. President, ever since the Baltic States began resisting their Soviet occupiers, I have been addressing the Senate and offering amendments on that subject. The time has come for the United States to make clear its opposition to the continuing presence of Russian military forces and factories of the Russian military-industrial complex in Estonia, Lithuania, and Latvia.

The Senate will have just such an opportunity when it considers S. 2532, the assistance bill for the successor states to the former Soviet Union, by supporting an amendment I plan to offer with Senator DOMENICI. American assistance should be conditioned on a phased, early exit of Russian forces and transformation of the military factories of the former Soviet military-industrial complex. Our amendment would impose this conditionality.

Through their efforts to negotiate a reasonable timetable with the Russians for an end to military basing and use of their territory for maneuvers, Baltic governments are attempting to exercise a fundamental aspect of sovereignty. It simply makes no sense for the United States to remain silent while troops loyal to a Russian Government that calls itself democratic are intransigent about returning to their home bases.

Mr. President, Russian authorities also are creating the impression of inflexibility in another area I will address when the Senate considers S. 2532—the so-called ruble stabilization fund. I believe the United States should consider Russia no more than the first among equals when it comes to the Baltic States and the states of the former U.S.S.R. But the lion's share of assistance and policy concerns in the monetary area has been focused on making the Russian ruble convertible.

It turns out that Baltic governments and some of the other states desire convertible currencies that are not the ruble or are not held hostage to the ruble. I understand that the Department of the Treasury is very concerned about this important issue. However, I think the U.S. Government as a whole must be careful not to put all its eggs—or rubles—in one basket.

Mr. President, I commend to all Senators an insightful article from the June 4 issue of the Washington Post. It was written by Jim Hoagland and is entitled "Baltics: The Mice That Roar." Most of us know the story of the clever Peter Sellars movie on which the headline is based. In the movie, a small country declared war on the United States and by a series of coincidences was able to dictate its terms.

Lithuania, Latvia, and Estonia have a great desire for close relations with the United States. In the areas of currency conversion and unwarranted military forces, bases, maneuvers, and manufacturing facilities, the Baltic States rely heavily on the ability of the United States to encourage Russia to behave differently than the Communist government of the Soviet empire.

Mr. President, I ask unanimous consent that Mr. Hoagland's article be inserted in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, June 4, 1992]

Baltics: The Mice That Roar

(By Jim Hoagland)

Tallinn, Estonia.—At a moment still secret but almost certain to come in the next two weeks, tiny Estonia will give content to its independence from Soviet rule by issuing its own money.

The larger, more powerful republics that declared independence from Moscow last year have not yet dared take this step, which will create initial economic hardship for Estonians and put an even harsher squeeze on the 500,000 Russian civilians and troops in Estonia.

Replacing the Russian ruble with the Estonian kroon will not be a quixotic or spiteful act of nationalism, as Moscow is likely to assert. It is a carefully calculated decision by Estonia to gain control of its economy and to step up pressure on Russia to dismantle the Russian military-industrial presence in all three Baltic states.

Estonia, Latvia and Lithuania plan to be the mice that roared in one other way. They are threatening to block the final declaration of the 52-nation Conference on Security and Cooperation in Europe summit in Helsinki next month. Adopting the declaration requires unanimous consent by all CSCE member states.

The Baltic states are demanding that Russia agree before the conference begins to set a date by which all Russian troops will be withdrawn from their territory. "It will be extremely difficult for us to sign any document that does not include these questions," Estonian Foreign Minister Jaan Minitsky told me.

Threatening to rain on a parade to be attended by George Bush, Boris Yeltsin and all of Europe's leaders is an audacious act that the Baltic states may hesitate to carry out in the end.

But it reflects the growing intensity of the Russian-Estonian conflict. Estonians fear that Russia hopes to restore imperial rule here after rebuilding its army. The West does not understand how limited an amount of time the Balts have, Estonians say, and is not doing enough to help them escape into Europe and away from Russia before the bear stirs again.

Russian civilians make up 36 percent of Estonia's 1.4 million population. The majority of the Russians work in the sprawling defense factories and military bases that are on Estonian territory but are effectively still under Russian control. Estonian officials frankly concede they have no idea what is being done in many of those bases and factories.

These officials are vague on how and by whom Russian workers on the bases and Russian military retirees will be paid once Estonia abandons the ruble and imposes exchange controls and other economic regulation of its frontier with Russia. The likely date is on or before June 20, the 52nd anniversary of the beginning of Soviet occupation.

The rising temperature of Estonian nationalism is captured in the newly militant declarations of Arnold Ruutel, the weathervane chairman of Estonia's state council. the paternal, reassuring Ruutel once cooperated closely with the Soviet policy machine here. Now he speaks of how eager the Russian in Estonia must be to get home and exploit the vast untapped farmlands of Russia.

Russia says that the estimated 20,000 troops stationed here will eventually leave. But Moscow refuses in its negotiations with Estonia even to discuss repatriation of Russian civilians, Foreign Minister Minitsky says. Estonians see this attitude as proof that Moscow has not made a genuine political decision to order the army to leave.

Their long struggle to resist Soviet occupation has earned the Balts the right to lecture Americans and West Europeans about Russian intentions, an they are quick to exercise it on visitors.

Even the gentle, wise writer and filmmaker Lenart Meri, until recently Estonia's foreign minister, bridles at repeated Western advice for the Balts and the Russians to bury their differences and get along for the sake of world stability.

"How can the world integrate Russia into the international system when Russia has not yet found its own identity or settled on its own borders?" Meri asks.

"The West has to use two completely different languages with Russia—a friendly language with the democratic forces, who must be given hope that Russia will gain much from having three friendly neutral nations on its border, and a tough language that shows that international aid will be directly tied to how Russia treats the Baltics." Meri then adds:

"It is likely the West will have to use both languages to the same people."

Men's advice is heartening because it implicitly assumes that Russia's imperialist nature can be changed. Almost against experience and instinct, Meri and other Estonian moderates hold open the possibility of reasoning with and affecting the behavior of the people who invaded and brutally occupied their land for half a century.

Meri's advice is clear: The West has an important role in helping Russia shed imperialist temptations and in bolstering Baltic independence at the same time. These have to be joint objectives that proceed in tandem.

WOMEN'S COMMISSION FOR REFUGEE WOMEN AND CHILDREN

Mr. KENNEDY. Mr. President, next week the Women's Commission for Refugee Women and Children will hold a special symposium here at the Capitol on "Going Home: The Prospect of Repatriation for Refugee Women and Children."

Under the chairmanship of the distinguished actress Liv Ullmann, the conference will examine the economic, social, and political challenges faced by the world's millions of refugees—most of whom are women and children.

Refugee situations across the world offer enormous opportunities today to finally resolve and repatriate refugees torn from their homes and lands for decades—in Cambodia, Afghanistan, and several countries of Africa. But to seize these opportunities will require far greater resolve and funding than has to date been offered.

This special symposium will highlight the challenges before the international community, and I know all interested Members of the Congress will be welcomed to participate.

Mr. President, for the record, I would like share some background information on the symposium and the work of the Women's Commission for Refugee Women and Children, and I ask that it be printed at this point in the Record.

There being no objection, the information was ordered to be printed in the Record, as follows:

GOING HOME: MEETING THE REPATRIATION NEEDS OF REFUGEE WOMEN AND CHILDREN

(Observations of the Women's Commission for Refugee Women and Children, June 1992)

The Women's Commission for Refugee Women and Children was founded by Liv Ullmann and Catherine O'Neill in 1989, under the auspices of the International Rescue Committee, to address the special needs of refugee and displaced women and children around the world who have been forced to flee their homes because of persecution, war, civil strife, or famine.

BACKGROUNDER

At no point in contemporary history have more refugees faced the prospect of going home: already, more than 5,000 cross the border to Afghanistan daily; more than two thousand return every day from Thailand and Bangladesh to Burma. For millions more—80% of whom are women and children—repatriation and the challenges of reintegration are around the corner, awaiting the resolution of tentative peace agreements and pending negotiations. For each of them, going home poses potential threats to physical safety, and countless economic political and physical challenges.

On June 8, 1992, the Women's Commission for Refugee Women and Children will host a symposium, "Going Home: The Prospect of Repatriation for Refugee Women and Children," which will bring together field workers, members of Congress, representatives of the United Nations High Commissioner for Refugees, national and international policy makers, and private international organizations, Women's Commission members, refugee women, as well as others committed to the cause of refugees. The day-long conference will focus particular attention on the needs of refugee women and children. An opportunity for dialogue, the symposium seeks to devise solutions and strategies for the reintegration and economic participation of women in the rebuilding of their war-torn countries.

Since 1989, Women's Commission delegations have conducted missions to 17 countries in Asia, Africa, and Central America to observe and report the plight of refugee women and children. Their findings have shaped and guided this symposium. Each mission addressed the issues of returning refugees, including: protection and human rights, assistance priorities, and the involvement of refugee and displaced women in repatriation and development program planning and implementation. The following summarizes Women's Commission delegation findings as well as recommendations for immediate action:

(1) Human rights and protection of returnees

Physical safety is the single most common concern of refugee and displaced women who are planning to go home. These women and children are vulnerable to physical violence and coercion and vast numbers suffer physical and other abuses every day. Often, they are ill-informed of their rights. Inadequate mechanisms exist for monitoring the safety and security of women and children after they have reentered their home communities. The proliferation and land mines during war time is a special problem for returning women, who often have the responsibility for food production in these mine-infested lands.

Call to action: The Women's Commission calls upon the United Nations High Commissioner for Refugees, as a matter of urgency, to develop measures to ensure that women and children who are returning home can do so in safety and dignity. The Commission urges the appointment of female protection officers with the express responsibility for ensuring the safety of returning women and children.

(2) Assistance priorities for return and reintegration

Few programs exist in countries of asylum that help returning women and children prepare for return. Even fewer countries of origin are prepared for the mass return of thousands of their citizens, especially such groups as women-headed households, unaccompanied minors, and the handicapped. The lack of sufficient education, skills training, and credit programs make it even more difficult for returning women to become economically self-reliant. Many returning women and children face problems obtaining food and health care, particularly where the country's infrastructure has been destroyed by years of warfare. Women and children who have been victimized and traumatized by recurrent human rights violations and violent conflict face severe reintegration problems.

Call to action: The Women's Commission calls for the immediate implementation of programs to address urgent health, mental health, and nutritional requirements of returning women and children. Since 80% of all refugees are women and children, assistance priorities must address their specific needs, including skills training, education, and income generation programs that build economic self-sufficiency for women-headed households.

(3) Participation in program development and implementation

Although their very survival is often at stake, refugee and displaced women have not traditionally been involved in the planning and implementation of assistance programs, including those related to repatriation. As women and children comprise such a large number of the refugee and displaced populations, women constitute a large number of refugee heads of household, it is self-evident that the long-term success of any repatriation effort depends on their support and participation. Refugee and displaced women want to be part of the quest for solutions. They have already been active in conceiving, organizing, and implementing programs for refugee women, often at considerable personal risk. Donors and international organizations must heed the knowledge and experience of these women. The development of refugee women's organizations and centers as reliable ways to disseminate information to residents of refugee camps and settlements is crucial. Similar organizations in countries of origin can be effective partners in managing effective reintegration programs.

Refugee women remain the central force in their families' social and economic lives; without involving them substantially in planning and taking advantage of their multiple skills, international organizations miss important opportunities. If women are involved in planning for return, children's safety shall be a priority. Torn from their traditions, communities, and families, refugee women face many obstacles in their struggle to survive. Unless support is proffered at this critical juncture, they will face even more obstacles upon their return home.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, pursuant to the previous order, I submit a report of the committee of conference on H.R. 2507 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 18, 1992.)

The PRESIDING OFFICER. The time for debate on this conference report is limited to 3 hours equally divided and controlled between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Utah [Mr. HATCH]. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself as much time as I might use.

Mr. President, I urge the Senate to approve the conference report on H.R. 2507, the National Institutes of Health Reauthorization Act. The reauthorization passed the Senate 87 to 10 on April 2, 1992, and the conference report deserves equally strong support.

Today, we are on the threshold of breakthroughs unimaginable even a few years ago when we last reauthorized the NIH in 1988. Congress and the American people should be proud of the investment in NIH and its role in maintaining excellence in biomedical research. The goal of this research is to improve health and save lives. The pending legislation is a comprehensive initiative to guarantee America's continued leadership and excellence in biomedical research through the end of this century.

The conference report reauthorizes and improves a wide array of programs at the National Institutes of Health that have already led to major discoveries of causes, treatments, and cures of a range of devastating diseases.

Among its most important provisions, this legislation will do the following:

It reauthorizes the National Cancer Institute and the National Heart, Lung, and Blood Institute. These two Institutes oversee research on the two biggest killers in our society, cancer and heart disease.

It establishes new initiatives and expands existing endeavors in women's health; it also directs the National Cancer Institute to significantly increase research efforts on breast cancer and prostate cancer.

It requires the inclusion of women and minorities as research subjects in clinical trials. It establishes an Office of Research on Women's Health, and charges it with overseeing clinical trials and monitoring the status of women's health research.

It authorizes a peer-review matching grant program for extramural facilities construction, in order to begin reversing over two decades of declining Federal support.

It extends the National Research Service Award Program, which provides training grants for scholars across the Nation to assure a continuing supply of talented scientists for the future.

It authorizes vital research activities by the National Institute on Aging.

It establishes a new program of Child Health Research Centers to speed the transfer of knowledge gained from basic research to clinical applications that will benefit the health of children.

It provides support for the development and implementation of a comprehensive strategy for the control and eventual eradication of the AIDS virus.

It establishes sensible impartial procedures to address ethical concerns, so that meritorious research can proceed without undue ideological obstructions.

And it establishes new Federal policies on scientific misconduct, conflicts of interest, and retaliation against whistleblowers in connection with research supported by the NIH.

The conference report contains the House provision designed to prevent unwarranted inferences with health research. This provision is intended to reach unlawful conduct aimed at disrupting, damaging, or destroying federally funded research facilities. It is no way intended to punish protected first amendment activities or prevent legitimate protests by animal rights groups.

Whistleblowers and demonstrators are not targeted by this bill. It is not intended to prohibit the reproduction and copying of any material for the purpose of reporting violations of any State or Federal law. Nothing in this bill limits the exercise of any right granted by State or Federal whistleblower protection laws.

The report also includes important and appropriate Federal policies regarding scientific misconduct, conflict of interest, and retaliation against whistleblowers in connection with research supported by the NIH. These policies represent a careful balance designed to protect the integrity of the research process without threatening individual rights, chilling scientific inquiry, or impeding economic development.

In addition, the conference report includes other important initiatives advanced by many different Members of the Senate.

The study of HIV vaccines for therapy and prevention of HIV infection in women, infants, and children, sponsored by Senator HATCH, will assess the safety and effectiveness of these vaccines for the treatment of HIV infection, and for the prevention of the infection in unborn infants of HIV-infected pregnant women.

The experimental program to stimulate competitive research, sponsored by Senator COCHRAN, will enhance research competitiveness of institutions in States that have experienced low success rates in obtaining research awards for the NIH.

The children's vaccine initiative, sponsored by Senator BRADLEY, will establish a program to develop affordable new and improved vaccines for the prevention of infectious diseases.

The prostate cancer research and prevention programs, sponsored by Senator DOLE, will expand and strengthen prostate cancer research activities at the NIH, and provide early detection, screening, and prevention services to high-risk and low-income individuals through programs administered by the Centers for Disease Control.

The provision on research on tropical diseases at the National Institute of Allergy and Infectious Diseases, sponsored by Senator KASSEBAUM, will support expansion of research activities in this important area.

The provisions of NIH facilities and infrastructure, sponsored by Senator MIKULSKI, will provide for the development of a comprehensive plan for the renovation or replacement of inadequate and decrepit facilities. This is an increasingly serious problem impairing the quality of the Nation's scientific research.

The programs on chronic fatigue syndrome, sponsored by Senator PELL and myself, support the need for research on the cause of this often debilitating illness.

The legislation also requires a report on leading causes of death, which was sponsored by Senator NICKLES, an evaluation of employee-transported contaminant releases, which was sponsored by Senator JEFFORDS, and the establishment of a national program for cancer registries, which was sponsored by Senator LEAHY.

Finally, the only major controversy in this legislation is the provision authorizing the Secretary of Health and Human Services to conduct or support research on the transplantation of human fetal tissue for therapeutic purposes, subject to specific review, notice, and consent requirements. This step was recommended by the 1988 NIH Human Fetal Tissue Transplantation Research Panel, and was passed by the Senate.

Five years ago, the National Institutes of Health asked the administration to fund an approved research project involving transplantation of human fetal tissue. The administration refused. Instead, it banned this type of research, despite numerous recommendations by advisory panels and NIH Directors that the research should proceed. As a result, millions of citizens in this country may be suffering needlessly because of a politically biased decision that is unjustified on scientific, ethical, or humane grounds.

By unilaterally imposing this ban, the administration has withheld support for research that has real potential for leading to treatments for Parkinson's disease, Alzheimer's disease, diabetes, inherited metabolic disorders, spinal cord injury, leukemia, and other chronic and incurable diseases and disorders.

Over 14 million Americans have diabetes, 4 million have Alzheimer's disease, and 1.5 million have Parkinson's disease. The health care costs associated with these three diseases total well over $100 billion a year.

Scientists have been using fetal tissue for disease research since the 1950's. NIH today supports research on human fetal tissue involving cell culture, tissue culture, and transplantation into animals. The administration does not prohibit that kind of research on fetal tissue, and it makes no sense to impose a ban on transplantation research. The internal logic of the administration's own position is defective. There is no justification for its ban on transplantation research.

It is difficult to imagine where we would be today if all research with fetal tissue had been prohibited 40 years ago. At that time, 50,000 Americans became infected with polio every year. Human fetal cells were essential to growing the polio virus and to conducting the research that led to the development of the polio vaccine. As a result, polio was eradicated, and countless numbers of people in America and throughout the world have been spared the ravages of that disease. A generation from today, diabetes, Parkinson's disease, Alzheimer's disease, and other chronic diseases may be relegated to the status of polio, largely eradicated from our society. These patients are waiting for our answer. They deserve help and hope, and the same opportunity for a healthy life. They should not be pawns in the Bush administration's craven capitulation to the demands of antiabortion politics in this election year.

The measure before us is not about abortion. It is about whether to allow fetal tissue, which would otherwise be destroyed, to be used for medical research to save lives. Nothing in this bill provides encouragement for abortion.

In fact, if its promise is fulfilled, the research may well lead to fewer abortions. Evidence presented before the Committee on Labor and Human Resources at a hearing on November 21, 1991 indicates that recent success in the private sector with fetal-to-fetal transplantation to correct genetic defects may actually lead to reductions in the incidence of abortion, if the research fulfills its potential.

There is no evidence whatsoever for the administration's specious claim that more women will decide to have abortions if they know that fetal tissue will be available for transplantation research. The administration's own inconsistent position allows a great deal of fetal tissue research to go forward today. Fetal tissue has been used for research since the 1950's, with no linkage whatsoever to the incidence of abortion. It is preposterous to claim that the incremental additional research that will take place involving will somehow tilt the balance for any significant number of women on this highly personal issue of abortion.

In 1988, the NIH Human Fetal Tissue Transplantation Research Panel, appointed by the Reagan administration, concluded after extensive study that support for fetal tissue transplantation research is acceptable public policy.

The NIH panel proposed guidelines and procedures to address concerns about maintaining separation between research and abortion. The panel included theologians, physicians, scientists, and lawyers, many of whom are opposed to abortion. They carefully considered, in public forums, the ethical, legal, and scientific ramifications of this research and voted overwhelmingly that it should go forward.

In other areas as well, society agrees that comparable research is appropriate. Tissues and organs from human cadavers used for purposes of tissue or organ transplantation saves lives, and no one claims that it encourages murder. In these cases, there is a virtually unanimous consensus that the focus should shift away from the circumstances that caused the death, and focus instead on the capacity of the organs and tissues to save the lives of others.

The provisions of this bill will put effective guidelines into place for all fetal tissue research. The bill establishes clear safeguards, as recommended by the NIH task force, to ensure the full separation between research and the decision to perform such an abortion.

The bill makes it a crime to sell fetal tissue. It makes it unlawful to purchase or donate tissue to a designated recipient. No family member or friend could benefit from a particular abortion. It prohibits payments for the costs associated with abortion. It stipulates criminal penalties for violations. It imposes even stricter standards than now apply for other types of organ donation.

The bill prohibits physicians or researchers from altering the timing, method, and procedure used to terminate a pregnancy for the purpose of collecting tissue for research.

The measure requires that fetal tissue be obtained with written informed consent. The donor may not specify a recipient.

The attending physician must certify that no request for donation of tissue was made and no consent for donation was obtained before consent was given for abortion.

Attending physicians must make full and complete disclosure to the donor of any direct involvement they have in the research. They must also disclose any known medical risks to the donor that may be associated with collection of the tissue during the abortion procedure.

All researchers and recipients involved in a research project must be informed that the tissue is human fetal tissue and that it may have been obtained pursuant to an abortion.

The General Accounting Office must audit these safeguards within 2 years to ensure that they are being followed.

We have made a good faith effort to ensure that these guidelines are as thorough as possible. They are designed to prohibit any possible abuse. They have been reinforced by incorporating the suggestions of many Senators, including those who oppose this measure.

In an 11th hour move to derail this legislation, President Bush recently issued an Executive order creating a fetal tissue bank, and claiming the bank would be sufficient to guarantee that the needed research can go forward. The bank would do nothing of the kind. It is simply a smokescreen.

Last month, the Senate considered a similar proposal to establish a tissue bank, with similar restrictions on the sources of tissue. The tissue bank approach will not work, because the sources of tissue are limited to ectopic pregnancies and spontaneous abortions. These abortions are sporadic and unpredictable. Tissue from these sources is rarely suitable for transplantation. It is often diseased, and it may have genetic abnormalities.

In addition, when spontaneous abortions and ectopic pregnancies occur, they take place as medical emergencies. To be useful for medical research, any tissue must be collected rapidly. Consent must be obtained for needed blood tests to assure that the tissue is safe for transplantation. Additional steps must be taken to see that the tissue retains its effectiveness for transplantation.

To achieve these goals, a team of experts—a neurosurgeon, a neuranatomist, scientists familiar with preservation techniques, and trained nurses would have to be available and on call, 24 hours a day at each hospital. As a practical matter, these steps would be prohibitively expensive, even if the tissue itself were suitable for transplantation, which it is not.

We know the devastating effect that the administration's ban has had. Tissue banks that previously supplied fetal tissue for use in research have been put out of operation as a result of the chilling effect of the ban. Individuals with Parkinson's disease are paying as much as $30,000 to participate in transplantation clinical trials, because the NIH is prohibited from supporting this important research.

The administration's proposal was debated and soundly defeated on the floor of the Senate. I urge the Senate to reject this latest veiled attempt to prevent the lifting of the ban on fetal tissue transplantation research.

Both the House and Senate have overwhelmingly supported lifting the ban on this research. There is still time for the administration to reconsider its ideological opposition, and let this needed medical research go forward, and I hope that President Bush will do so. As many Senators and Representatives have pointed out, the responsible pro-life position is to end the current ban and permit this lifesaving research to proceed.

In conclusion, the National Institutes of Health Reauthorization Act is a comprehensive and important bipartisan legislation that will advance our knowledge of medical science. There are few better investments in our future than the investment we make in biomedical research. The passage of this bill will mark the beginning of a new chapter of creative support for the Nation's scientists, and insure that the United States remains the world leader in biomedical research. This measure has bipartisan legislative support, and I urge its approval.

Mr. President, I will be glad to yield. How much time does the Senator desire?

Mr. ADAMS. Fifteen minutes.

Mr. KENNEDY. I yield that time.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mr. ADAMS. Mr. President, I rise today to speak on behalf of the National Institutes of Health conference agreement. I first want to compliment the chairman, Senator KENNEDY, and the others on the conference committee for the work they have done and also for the work in carrying forward this authorization to this point.

The value of NIH's biomedical research clearly speaks for itself. The National Institutes of Health is one of our treasured assets, and it is essential that we pass this bipartisan bill today and that we move forward rapidly. I hope that there will not be any opposition from the administration or elsewhere to the prompt passage of this bill and the appropriation of the funding necessary in order to carry it out, because, when we enhance the ability of NIH to perform research, we take a great step toward improving the health of all Americans.

The conference report offers hope for many Americans and, in particular, the conference report offers hope to women. For years, NIH has neglected research on women's health. The conference report requires the inclusion of women in clinical trials, except, of course, where it is inappropriate. But it was very inappropriate in the past to have, for example, clinical studies that were directed toward cardiovascular disease where the entire study sample consisted of 45-year-old white males. That is not a way to proceed. As our colleague, Senator MIKULSKI, has put it very well, at one time there did not even seem to be any female mice out at NIH.

This conference report requires that NIH devote resources and attention particularly to diseases that we have neglected among women, such as breast cancer, cervical cancers, and osteoporosis. American women have been at risk long enough, and it is time to close the health gap that exists for women today. This bill moves a long way towards doing that.

The conference report also offers hope to minorities, who historically have been excluded from clinical trials and research. In an attempt to correct this inequity, we will require the inclusion of minorities in NIH clinical trials. The conference report offers hope to millions of Americans suffering from debilitating and often fatal diseases because it reopens the door, Mr. President, to life-saving research that was closed by the Reagan administration. I regret this door was closed. It was closed by the action of the Secretary, and I want to give a little bit of the background because it is terribly important that this Congress, and particularly this Senate, pass this bill with an overwhelming vote so that we deliver a message that this should and will become law.

I speak at this point of fetal tissue transplantation research. It is a long name, but it is terribly important one because it has tremendous promise for treating. Parkinson's disease, juvenile diabetes, genetic diseases, and Alzheimer's disease.

Frankly, the ban on Federal funding of this research has been in place since 1988 and with each day, another person gets sick; with each day, another person dies. The ban on the use of fetal tissue for transplantation is a terrible misuse of government. The ban goes against the administration's own panel and the panel of the Reagan administration, its panel of experts, who, in their expert opinion, stated that the use of fetal tissue is appropriate public policy.

We have heard from former Secretary Otis Bowen, who established the ban initially, that the ban should be lifted, and it is lifted by this conference report. As he stated last week: "In 1987, we needed answers about the science and ethics of this new research, and now we have them. With those answers, we should go forward to work for cures for diseases affecting millions of Americans."

We have heard from over 40 medical organizations and disease groups fighting these types of diseases that this ban should be lifted. The Reagan-appointed expert panel concluded that fetal tissue transplantation research would not encourage abortions and has great potential for saving lives. The chairman of that group was pro-life, so this is not an abortion issue; it is really like organ transplantation.

But the administration, unfortunately, ignored their findings in 1988 and continues to ignore them to this day.

The administration has said that fetal tissue transplantation research should be limited to the use of tissue from miscarriages or tubal pregnancies. They have announced a creation of a bank for this tissue. This announcement came days before the House vote on this conference report. They call this a compromise. I call it smoke and mirrors. The administration says that the use of tissue from spontaneous abortions and ectopic pregnancies is less controversial than lifting the ban.

This is no compromise. These sources are unsuitable. Federal funding of research using this tissue is already allowed under the ban. So nothing is being offered in terms of a compromise. And researcher after researcher has told me that this tissue may be infected, and very often is, or genetically damaged, and very often is, and the researchers tell me it is not safe. We considered this issue in an amendment in April, and the Senate defeated this amendment 77 to 23.

So I would state to all of my colleagues we have been through this issue before. We have voted 77 to 23. Let us vote that way again in support of this conference report.

The use of this tissue in a tissue bank does not move research forward. The establishment of a tissue bank may actually siphon off resources from promising research. The source of the tissue should not be an issue. The administration says the lifting of the ban will encourage abortion. Their own expert panel concluded that it would not. Pro-life Senators and Members of the House, including my colleagues, Senators THURMOND and Senator HATFIELD, have eloquently stated that the issues of abortion and research can and should be separated with proper safeguards in place, and those proper safeguards are put in place with this bill.

For these Senators and Dr. Bowen, this bill has redefined what it means to be pro-life and pro-research. The Reagan-appointed expert panel—and I want to particularly call this to the attention of my colleagues who may have any concern about this conference at all—the Reagan-appointed expert panel voted 18 to 3 that with the proper safeguards, funding fetal tissue transplantation research, regardless of the source of tissue, is acceptable public policy. They voted for having fetal tissue transplantation research.

Once again, my colleagues, we voted to pass this bill, in April, 87 to 10—87 to 10. I hope we will do that again. Members from both sides of the aisle and from both sides of the abortion issue are outspoken supporters of lifting the ban. The safeguards in the conference build a solid wall between abortion and the research.

The decision before us is really very simple: do we allow scientists to use the tissue for lifesaving research, or do we just throw it away? We have wasted too much time and too many lives. We must lift the ban and let the research move forward and begin to save lives.

As a conferee on this legislation, I am very proud of our work. I wish to thank Senators KENNEDY and HATCH for their excellent leadership and commitment to NIH, and I wish to thank Senator KENNEDY for his assistance and support in lifting the ban on fetal tissue transplantation. It will bring hope to millions of Americans.

That is what we are talking about. We are looking into the eyes and into the faces of people with diseases such as Parkinson's, who knows that they have no cure and a long, slow, lingering disease that slowly incapacitates them and ends in their death after much suffering and the suffering of their families. We all know the suffering caused by Alzheimer's.

Fetal tissue was used to develop the polio vaccine. Fetal tissue transplantation research gives hope to these people.

I call on my colleagues to pass the conference report and, in particular, I urge the President to sign it. Let us start bringing this country together on fundamental issues like this that all are in support of and which can do so much to make this a kinder, better, healthier country.

Mr. President, I ask unanimous consent at this point that Laura Brown, a health fellow in my office, may have privileges of the floor during today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I conclude my remarks by simply saying that this to me is one of the most important issues in terms of human life, human suffering and the ability of our country to remain in the lead of research for health-giving, health-improving and lifesaving research in the entire world. So I hope we will vote for this conference report, and I hope we will vote for it by an overwhelming majority.

I thank the chairman for yielding me this time.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Utah is recognized.

Mr. HATCH. I have enjoyed listening to the remarks of my colleagues, and I can see they feel very strongly about this bill. But I am here to say I warned everybody when we were on the floor before that if they wanted to play this game of allowing the abortion issue to creep into this matter, they would set back fetal tissue research for many years. And that is exactly the posture we are in right now.

This bill will pass out of here. There is no question about it. There is no question at least in my mind it is going to be vetoed. And if it is vetoed, I believe the House will sustain that veto, something I predicted in the authorization fight on this floor a while back.

I am for fetal tissue research. I would like to see it go forward. I would like to see us make the innovative breakthroughs that can possibly come from fetal tissue research.

The fact is, when I became chairman of the Labor Committee in 1981, we had not reauthorized the National Institutes of Health authorization bill for 10 years, or almost 10 years. And the reason we had not is because we allowed the ethical and moral issues to cloud the real issues of whether or not research was going to go forward. By getting rid of those issues, we were able, Senator KENNEDY and I and others, to reauthorize the National Institutes of Health, and it has been running very well ever since, including some fetal tissue research.

Now we are in danger of stopping even that. The fact is I am for fetal tissue research. I believe we will have enough specimens with ectopic pregnancies and spontaneous abortions or miscarriages to be able to carry on the work that is necessary without all of the fighting, all of the screaming, and without the abortion issue rearing its ugly head once again and maybe causing us to not be able to reauthorize the National Institutes of Health for the next 10 years.

But the fact is it is pathetic we are in this posture. There is a split in the medical community. I know Senators can cite Dr. Bowen. I will cite Dr. Koop. We can go back and forth. I know pro-choice doctors that are arguing what Senators are arguing for, and I know pro-life doctors that are arguing what I am arguing for. All would like to have fetal tissue research, but they realize that if we keep playing the abortion game we will stultify fetal tissue research. That is where we are right now.

We can argue all these esoteric concepts all we want, but the abortion issue has reared its ugly head on both sides, and both sides are wrong. And here we are, where we are probably going to pass this conference report this day, not with my support are we going to. And then we will wind up having a veto and the veto sustained. Then we will have to start over again next year.

I rise in opposition to this conference report because we are making some tragic mistakes here that will stultify, deter, maybe even wipe out fetal tissue research of the National Institutes of Health. It is all because people are not willing to face this issue head on.

I will make this comment: If there are not enough tissue samples from spontaneous abortions and ectopic pregnancies, if there are not enough tissues from spontaneous abortions or miscarriages—remember we only had about 60 transplantations in the last 30 years. Some of the estimates of fetal tissue available estimate we will have as much as 7,000 tissue samples.

Dr. Mason at HHS makes the point that the minimum number would be about 2,000 specimens. Remember, only about 60 transplantations in 30 years up until now have been conducted. If there are not enough specimens, if HHS proves to be wrong in their estimates, then and only then, will I move forward with my colleagues from Massachusetts and Washington to find the fetal tissues to use in fetal tissue transplantation research.

But why get us in the middle of this moral and ethical debate that stultifies the research when you have enough tissue without getting into that debate?

So I have to rise in opposition to this conference report today. I think it is the wrong thing to do.

I wish I could support this legislation. I could think of few things more important than our Nation's investment in its biomedical research infrastructure. You cannot pick up the newspaper without seeing how important NIH research is and the health and well-being of our people. But the economic health and well-being of our Nation matters as well, and the ravages of deficit spending are severe too.

The bill is flawed in every respect and is far worse from the philosophical, fiscal, and management viewpoint than either of the bills passed in the House or the Senate.

First and foremost, the conference report authorizes spending of an estimated $3 billion above the President's fiscal year 1993 budget request. This Nation is facing a budget deficit of approximately $360 billion this year. Here we are being asked to pass a massive bill that would add substantially to our country's debt. It is now a staggering $3.1 billion above the President's budget. Let me repeat that: A whopping $3.1 billion over the President's budget.

We simply cannot allow this to continue. We are going to have to pay the piper. We ought to start now. I wish we had the $3.1 billion. I would feel a lot better about this bill, but we do not. We are just robbing Peter to pay Paul, and robbing the future of our young people and the future.

The bill specifically authorizes appropriations that are $1.2 billion above the President's fiscal year 1993 budget. The total reaches $3.1 billion when the HHS estimate of $1.9 billion to purchase 300 acres of land for a NIH satellite campus and renovate facilities is included.

Without any assessment of need, this bill now contains 24 titles requiring a multitude of earmarks for specific diseases. Examined one by one these earmarks may seem beneficial. But taken together, they threaten the ability of the NIH to set priorities based on research needs and opportunities.

The bill includes requirements for at least 24 new centers, 24 new studies, some are studies of other studies, 18 reports or plans, 2 commissions, and 28 new programs or entities. That is what this bill does.

This bill takes dollars away from research for the curing of diseases and instead spends it on administration and a bigger bureaucracy. After all, someone has to staff the centers, fill out the forms, issue the guidelines, and evaluate the work, audit the programs and do the studies and write the reports. But to paraphrase an old commercial slogan, "Where is the research?" That is what NIH is for.

We have been told that this legislation is about scientific freedom. Well, I would think that this bill sets the groundwork for the demise of the very scientific freedom that NIH has long enjoyed and that benefits the health of all Americans. The bureaucracy and micromanagement of this bill will surely squelch it.

The conference report now ups the ante to $7.3 billion. Members who are serious about reducing the Federal deficit cannot possibly vote for this bill in good conscience. How can we stand on this floor today and pass this bill and tomorrow come back and seriously debate a constitutional amendment to balance the budget?

My friends passing this bill would authorize the addition of $3 billion to the budget deficit and say to the American people that Congress is not all serious about balancing the budget. I challenge my colleagues to show the American people that we can be responsible and do our jobs without a constitutional amendment. I do not think we can. This is a perfect illustration of why we can.

Moreover, the Appropriations Committee left with the greater burden of fiscal responsibility will not be able to grant such a huge increase in funding for the NIH. Like me, it is not that they would not want to. We would all like to if we could. It is because they cannot.

So what is the message here? We can afford to be generous in our authorization, promising all kinds of great things for the American people, promising that significant good will result, but that when the check has to be written and signed, the Appropriations Committee can look like the greatest of all grinches.

We are holding out false hopes for those who look to the NIH for a cure.

Second, the conference report includes a provision that requires the HHS Secretary to appoint an ethics advisory board comprised of private citizens whenever he declines to fund research on ethical grounds. The decision of these private citizens could then overrule objections by the Secretary and the President.

Thus these new boards would have unilateral authority to make important decisions concerning the major research initiatives. While this provision is usually discussed in the context of fetal transplantation, it has much wider implications. This provision clearly violates the appointments clause of the Constitution, and I consider it blatantly unconstitutional.

Third, the conference report contains the fractious and contentious issue of fetal tissue transplantation research. Human fetal tissue transplantation research presents serious and contentious ethical issues. Most notable is the use of tissue obtained as a result of induced abortions. The abortion connection is widely recognized as an insurmountable problem, and it is a major impediment to enacting this bill, no matter what side of the abortion issue one happens to be on.

We now have a solution to this problem of advancing research goals in this area while avoiding the ethical dilemma. On May 19, 1992, the President established a human fetal tissue bank using tissue exclusively ectopic pregnancies and spontaneous abortions by Executive order.

The proponents of fetal tissue transplantation research using tissue from induced abortions have attempted to discredit the feasibility of the tissue bank. I would like to address some of the myths that have been circulated about this proposal.

No. 1, only a small percentage of tissue from spontaneous abortions may be viable for research purposes they say. This is true. But what the critics forget to say is that a comparable percentage is all that would be available from induced abortions.

In a letter to the President, Dr. Maria Michejda and Dr. Joseph Bellanti, from Georgetown University Medical Center state:

> Reliable data clearly indicate that 7 to 10 percent of all spontaneous abortions provide suitable sources of viable tissue.

They go on to say:

> * * * this percentage of fetal tissue compares favorably with the percentage available from the controversial source of induced abortions. What has been consistently overlooked in the fetal tissue research debate is the fact that current techniques for induced abortions result in extensive damage to the fetal tissue with the result that only 6 to 9 percent are suitable for research needs.

That is their comment about induced abortions.

So the very argument that those who do not like the use of spontaneous abortions or miscarriages they are using applies against their position.

There is no question that if you used induced abortion, you will have much more fetal tissue, but there is a big question of whether you need that much more, or whether you need any of that type of fetal tissue at all, because you would have enough from ectopic pregnancies or spontaneous abortions.

Myth No. 2: The proponents argue the number of potentially useful miscarriages is so low it would require a significant number of highly trained specialists scattered in hospitals around the country to collect even a few specimens. A tissue bank is not feasible, some say.

The fact is that a fetal tissue bank concept has been established and operational for more than 30 years. The fetal tissue bank in Seattle, WA, the very city from which the good Senator comes, is a good example.

Myth No. 3: They say the ectopic pregnancy is a surgical emergency; once diagnosed, it needs immediate attention. Delaying the procedure to get consent and to assemble a team to collect and preserve the tissue would be unethical, they say, and severely dangerous to the pregnant woman.

However, in a letter supporting the establishment of a tissue bank, Dr. Bernadine Healy, Director of National Institutes of Health, states that tissue from ectopic pregnancies "is apt to be uninfected and more likely to be genetically normal. Furthermore, with existing * * * technology, ectopic pregnancies are being detected earlier resulting in the opportunity for surgical removal of viable and intact fetal tissue. * * *"

I ask unanimous consent that her letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> NATIONAL INSTITUTES OF HEALTH,
> *Bethesda, MD.*
>
> Hon. ORRIN HATCH,
> *U.S. Senate, Washington, DC.*
>
> DEAR SENATOR HATCH: I know the Senate will be considering the Conference Report on H.R. 2507. I would concur with the recommendation to the President to veto the Bill. I have several concerns. For example, the highly intrusive language of the Bill micromanages some of NIH's important research programs. In the area of women's health, while I fully support the spirit and the goals listed in this section, the NIH is currently moving forward with aggressive programs on the health of women and minorities and their career development and on the inclusion of women and minorities in clinical trials. The Bill also imposes activities and a number of advisory committees, including an Ethics Board, on NIH that are costly, unnecessary and duplicative, and in some cases intrude on the existing authorities of the Secretary.
>
> With regard to the fetal tissue transportation moratorium, my own personal views are well know. However, in terms of the fetal tissue bank, I can state unequivocally as a physician and scientist that this approach is feasible and should be given a chance to prove its efficacy in terms of furthering one of the many needed research options for treatment of diseases such as diabetes, Parkinsons and certain inherited disorders.
>
> I believe that such a bank with an established and NIH funded tissue procurement effort will provide a means to continue the transplantation research effort. In particular, harvesting tissue from ectopic pregnancies, which are life threatening to women, should be vigorously pursued. Such tissue is apt to be uninfected and more likely to be genetically normal. Furthermore, with existing echocardiographic diagnostic technology, ectopic pregnancies are being detected earlier resulting in the opportunity for surgical removal of viable and intact fetal tissue in some of these cases. Indeed, in the case of the widely reported success story of fetal tissue transplantation into a young child from Texas for a devastating disease called Hurlers syndrome, the resource of the successful transplant was an ectopic pregnancy.
>
> NIH is committed to establishing the bank and determining its efficacy within one year of its initiation. We will report to the Secretary on the progress with the bank. Using this tissue we hope also to accelerate research to establish human fetal cell lines in laboratory cultures where they can be properly characterized, assured of being pathogen free, and in some cases genetically engineered to be more therapeutic value.
>
> NIH exists to find the best ways to enhance the health and quality of life of the American people. A simple extension of appropriation authorization would be the most effective way to continue our work.
>
> Sincerely yours,
>
> BERNADINE HEALY, M.D.,
> *Director.*

Mr. HATCH. In addition, one of the most widely reported and highly touted examples of fetal transplantation is that of the Walden family. And interestingly enough, the tissue for that procedure was from an ectopic pregnancy. Does that mean that the woman in this case was put in danger in order to obtain the fetal tissue needed for the Walden's baby? I am sure that this was not the case.

Myth No. 4: They say that miscarriages and ectopic pregnancies will not provide a sufficient amount of tissue to support the research demand. The fact is that there are 750,000 spontaneous abortions and 100,000 ectopic pregnancies every year. That is a total of 850,000 specimens from these two non-controversial sources. The Public Health Service conservatively estimates that from these two sources the tissue bank can obtain—this is a conservative estimate—2,000 suitable donations per year. Given that the total number of transplants in the United States over the last 30 years is about 60, this number should certainly be ample to meet the research needs.

Myth No. 5: They argue that the emphasis on fetal transplantation research indicates that NIH is currently doing little research on Parkinson's, diabetes, and Alzheimer's diseases. But in fiscal year 1993, the National Institutes of Health will spend an estimated $600 million on Parkinson's disease, diabetes, and Alzheimer's disease research. In terms of current developments with regards to diabetes, for example, promising treatments are being developed such as insulin microcapsules with 2- to 6-month effectiveness.

Researchers are also working on the development of created organs, "organoids," such as the artificial liver made from Gore-tex, Collagen, and Heparin-binding Growth Factor-1. The development of an artificial pancreas to replace the beta cells in a patient with diabetes shows greater promise for the future of diabetes treatment than tissue transplantation. That is not to say fetal tissue transplantation research is not important, only that I want you to know NIH is doing a lot in this area, in addition to fetal tissue transplantation. I would like to see the fetal tissue transplantation go forward, but this bill is not going to get it.

Mr. President, we should be able to affirm that our research should be consistent with the highest ethical standards. Let us not settle for a utilitarian standard where human life is involved. The solution is the development of regional tissue banks using fetal tissue from miscarriages or spontaneous abortions and ectopic pregnancies.

I am gratified that President Bush, as well as many distinguished researchers, found merit in my proposal to facilitate research with fetal tissues by establishing fetal tissue banks and registries and cell lines. Unlike the majority of my colleagues, President Bush saw that these three programs provided a more efficient means for researchers to access fetal tissue than currently existed without compromising anybody's ethical beliefs. He recognized that only through the establishment of these programs that important research could move forward.

My prediction, when offering my amendment during floor consideration of H.R. 2507, was that the ethical issues that surround the transplantation of fetal tissue into human patients could cause this entire bill to fail. Unfortunately, it now appears that my prediction is likely to come to pass. I had hoped that my colleagues, along with the President and members of the research community, would see the wisdom of this alternative approach to capturing fetal tissue for research. The tissue bank established by the President, is a viable alternative to tissue from induced abortions. Unlike this bill, it will guarantee that this important research will go forward. In fact, I have been told that implementation of the fetal tissue banks is already underway.

Fourth: The conference report is weighed down with a new construction program for universities, authorizing spending of an additional $100 million. This is not new money. It will have to come out of existing research dollars. In real terms, it will mean the loss of 400 research grants per year. This $100 million, in addition to the $1 billion in indirect costs for the maintenance, renovation, and replacement of university-owned facilities that the Federal Government is already paying.

Fifth: Mr. President, I say categorically that there should be no discrimination against women and minorities with respect to their inclusion in clinical research studies. I not only encourage the inclusion of women and minorities in clinical research, but I insist on it. To respond to past problems, the National Institutes of Health, in February 1992, issued 80 pages of detailed guidelines ensuring the inclusion of women and minorities as subjects in research. The conference report attempts to address what many believe remains a legitimate concern. However, its solution follows a similar pattern to the remaining provisions of this bill: well-intentioned, but crafted so poorly that it harms the very cause it was intended to address.

The conference report dictates the study design and the manner that the study should be carried out. It attempts to provide for a valid statistical analysis of whether the variables being tested in the study affect women and members of minority groups differently than others. I am sure our elite biomedical scientists will be shocked to learn that Congress is now directly interfering with the design and analysis of their complicated research projects.

Let us look at how this mandate is going to affect research in the real world. The biostaticians of the National Heart, Lung, and Blood Institute of NIH were asked to look at how the requirements of this legislation would affect their current studies and to provide examples. Board No. 1, right here, shows this first chart, the current study of the digitalis investigation group of the National Heart, Lung, and Blood Institute, or NHLBI. This study is determining whether digitalis reduces mortality for those suffering from heart failure. This trial randomly assigns patients with heart failure to a treatment group or a placebo group. The sample size is 7,000 subjects to assure that statistical differences between the groups can be detected.

The cost of the study is $16 million. You have the digitalis group of 3,500 subjects. It is expected they will spend $8 million. The placebo has 3,500 subjects at a cost of another $8 million, for a total of 7,000 subjects with a cost of $16 million.

Let me show you the next chart. Let us look at the study designed as it would be transformed under the conference report. It was not too difficult to see how simple it was under the scientific approach. There is the congressional approach. To get the gender and minority mandate of statistically valued examples, we now have five male ethnic groups and we have five female ethnic groups, as you can see—American Indians and Alaskan Natives, Pacific islanders, blacks, Hispanics, and whites, for both sexes.

These ethnic groups, as I have said, include American Indian/Alaskan Natives, Asians, black, Hispanics, and whites. To meet the requirements of the conference report, the study would need 70,000 subjects at a cost of $160 million. Make the comparison. This is what the scientists wanted to do which would get us there. The digitalis group, 3,500 subjects, $8 million; the placebo group, 3,500 subjects, $8 million; total subjects 7,000, cost $16 million. This new gender group, by Congress dictating to the scientists what ought to be done, will now have 5 categories for males, 5 for women, 70,000 subjects, $160 million in cost to do the same thing we could have done for $16 million. You wonder why the American people are going crazy?

Let us look at all the complexities of this. Let us put up the next chart.

Let me repeat while we talk about it. That study will cost $160 million compared to $16 million, or 10 times the amount of the current study. This one example demonstrates that this provision of the legislation, while well-intentioned, and I cannot fault anybody for wanting for their good intentions, but it is totally unrealistic in the real world.

The bottom-line effect of this provision is that biomedical research will be stifled. Under current law, 10 studies could be conducted for the price of 1 under the conference report. The cost of research, National Heart, Lung, and Blood Institute, for digitalis, cost of current study, $16 million. That will get us the same distance. It would not look as good, but it would get us the same distance. It would give us the same results.

The potential cost of study under the conference report, $16 million. Section 131 in designing research studies and guidelines, "May not provide that the costs of including women and minorities in clinical research are a permissible consideration."

I would just say that the bottom-line effect of this provision, well-intentioned, is totally unrealistic. Biomedical research will be stifled. Under current law—under current law, 10 studies could be done for the price of one. I believe that the specific provisions contained in this conference report, including inclusion of women and minorities in clinical research, can and need to be readdressed. I do not think this is impossible or even difficult. It just requires some additional thought.

The women's research provisions contained in this bill simply will not work. The enormous price tag increase of the study because of the unrealistic requirement undermines the inclusion of women and minorities in clinical research.

Just think of the difference between now, the gerrymandering into a great big massive thing, and what it was before.

You can play this game many times over as to how we in Congress make things 10 times more expensive then they need to be just because we want to look good with our constituents. Serious stuff.

Let me quote from a letter I received from Secretary Sullivan, and I would like to introduce this in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, June 4, 1992.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR ORRIN: This is in further response to our mutual concern about the peer review provisions contained in the conference agreement on H.R. 2507, the NIH Reauthorization Act of 1991.

Of critical concern is Section 131 of this bill, which—while well intentioned—is unacceptable and unworkable on scientific grounds. This section would require that a large percentage of the clinical trials conducted or supported by the NIH assess gender and racial differences in treatments under evaluation even in the absence of a scientific reason to suspect that such differences exist. Such an inflexible requirement could in fact jeopardize the initiation of NHI clinical trials, including the very trials that would provide valuable data relevant to women's health.

As you know, the conference agreement on H.R. 2507 contains a number of other unacceptable provisions previously addressed by the Administration. Those provisions are discussed more fully in the attached Statement of Administration Policy.

Sincerely,

LOUIS W. SULLIVAN, M.D.

Mr. HATCH. He goes on to say:

Of critical concern is section 131 of this bill—

That is this part right now here, which while well-intentioned—

which while well-intentioned is unacceptable and unworkable on scientific grounds.

This is the lead doctor in America today, the head of Health and Human Services. Nobody can say he is conservative. I cannot think anybody can say he is ideological at all. But he is pointing out to us that that particular provision is unworkable on scientific grounds.

He goes on to say:

This section would require that a large percentage of the clinical trials conducted or supported by the NIH assess gender and racial differences in treatments under evaluation even in the absence of a scientific reason to suspect that such differences exist.

He goes on to say:

Such an inflexible requirement could in fact jeopardize the initiation of NIH clinical trials, including the very trials that would provide data relevant to women's health.

That is the Secretary of Health and Human Services.

Finally, I would like to quote several passages from the memorandum sent to the Director of NIH from Dr. Vivian Pinn, Director, Office of Research on Women's Research, and Dr. William Harlan, Associate Director of Disease Prevention, and I ask unanimous consent to print this in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Bethesda, MD, May 27, 1992.

To: Bernadine Healy, M.D., Director, NIH.

From: Associate Director for Disease Prevention.

Subject: NIH Reauthorization Legislation.

The purpose of this memorandum is to alert you to the potential impact on clinical research of proposed Clinical Research Equity (Title I, Subtitle B) of the NIH Reauthorization Legislation.

Women and minorities should be included in clinical research studies and attention should be directed to insuring their inclusion and we all endorse the need for their representation. However, the following requirement has grave implications for clinical research. It specifies that, "the NIH Director shall ensure that the project is designed and carried out in a manner sufficient to provide a valid analysis of whether the variables being tested in the research affect women or minorities differently than other research subjects." As specified, this would have the effect of multiplying the required sample sizes for clinical trials and epidemiological studies. The sample sizes for observational and interventional studies are based on providing adequate power to reliably detect estimated differences in effect. If the differences must be detected for each group the total sample needed would be multiplied by factors of 5 or 10. Assuming 5 minority groups, a single gender study such as the Women's Health Initiative would need 5 times the current estimated size of 50,000 women to reliably detect differential responses of each race/ethnic group. A clinical study comprising both men and women would need approximately tenfold increase in size to test for differential effects by gender and ethnicity.

This requirement would affect the design of all clinical studies despite the fact that no important differences in effect across race/ethnic groups are expected for most clinical questions. Where differences would have been expected, the study design including sample size has been altered to provide for reliable group analysis.

This provision would have a stultifying effect on clinical research and paradoxically could hamper planned investigation of racial/ethnic differences that have been identified. As the sample size increases severalfold, issues of feasibility, availability of all groups within a particular geographic region and cost are similarly multiplied. Researchers in some geographic areas may not have adequate numbers of certain minority groups available. Several studies are under way or being planned to explore differences in disease risk or treatment response in a particular racial/ethnic group (e.g. hypertension in African Americans). Would these studies be required to increase the sample size so as to include other groups? This could actually impede scientific investigation of important differences.

In summary, the provision would profoundly and adversely affect the conduct of clinical research, however well intentioned it may be.

WILLIAM R. HARLAN, M.D.
Associate Director for Disease Prevention.

VIVIAN W. PINN, M.D.,
Director, Office of Research on Women's Health.

Mr. HATCH. Referring to the research mandate in the conference report, these two research physicians state:

The following requirement has grave implications for clinical research.

This provision would have a stultifying effect on clinical research and paradoxically could hamper planned investigation of racial/ethical differences that have been identified.

In summary, the provision would profoundly and adversely affect the conduct of clinical research, however, well-intentioned it may be.

It is well-intentioned. I do not find any fault with my colleagues for their good intention. But, let us listen to these scientists. Let us not just impose our own ideas of social justice here. Let us just listen to the scientists.

I might add, finally, the bill authorizes the NIH to purchase 300 acres of land in a specified State for a satellite campus. The administration letter correctly points out that this provision statutorily confers special benefits to a single geographic location without any consideration whatsoever to the advisability or merits of locating the facility in another of the 49 States.

So in conclusion, we have a conference report that is defective on several accounts. You do not even have to get into the substance to see that.

This bill is riddled with problems.

It is a prime example for deficit spending by anyone's estimates. It is full of special new mandates and programs. It violates America's—across-the-board—ethical beliefs, good signs and the U.S. Constitution. It is opposed by the President, the attorneys general, the Secretary of HHS, the NIH Director. I keep asking myself what do these people know that I do not. The answer is easy. The conference report is not a responsible piece of legislation.

So I am going to suggest that through this debate today really should not center on biomedical research at all. It really is not the fetal issue; it is about congressional responsibility, fiscal and moral.

I think our constituents deserve more than that, our President deserves more than that, the National Institutes of Health deserve more than that.

I urge a "no" vote.

Finally, I think we ought to quit micromanaging the NIH. It happens to be a great agency that does a great job.

I know the distinguished Senator from Massachusetts and I have gone down the road together in this for years. I know he is not responsible for all this micromanaging. It basically comes from the House but it is there. And it is going to kill NIH and is going to hurt research and in the end it is going to hurt everything we are trying to do.

When you start looking at simple studies versus the complex ones that the Congress is saddling the NIH with, compared to simple studies that they think are adequate to do the job and they are scientists, we are not, this simple chart versus all of this complexity chart, you have to say: My gosh, when are we going to start doing what is fiscally responsible around here. And there is one illustration. We could give many others. The fact is that we are not fiscally responsible.

Within the next few days, the House is going to bring up the balanced budget constitutional amendment and I believe that they have a good chance of passing it in the House. The odds are against us in the Senate and I think it is easy to see why, because many in the Senate want to spend more. I would like to, too, if we just had the moneys. There is a lot of good we could do if we had more money to spend. Someday we are going to reach a point we have to make priority choices among competing programs.

If we can get the same bang for the buck by this program that just has two aspects to it but will get us down the same road compared to this program which has 20 aspects to it versus 2, it seems to me we ought to make the priority choice to go with the simpler program rather than this complex approach just because certain lions here on Capitol Hill think this looks better. It may look better, but it costs us 10 times as much to do the same thing. Unfortunately, we do that all the time around here, and I, for one, am getting tired of it. I think it is not the way to go.

With regard to the fetal tissue research thing, I feel badly. If this bill is vetoed, and I believe it will be, and if that veto is sustained in the House, I feel badly that we will not, for 1 more year, again have reauthorized the National Institutes of Health bill. I know that the distinguished Senator from Massachusetts wants to do that. I want to do that. But I do not see how we can. And I think we will have stultified, because of allowing the moral and ethical issues to come into this—in other words, abortion—we will have stultified fetal tissue research at a time when we could have gone forward. And there is not a person in this body who is stronger for fetal tissue research than I am.

I kind of resent the way the last debate was presented by some of the media, who never mentioned that I was for fetal tissue transplantation research. I feel this is the only way to get us down the road to get it done. I think we have enough specimens to do it, according to the scientists. In this split between the scientists, we still have enough effective and intelligent scientists who say we can get down the road with the ectopic pregnancies and spontaneous abortions and that would be a far better thing to do than get us involved in the abortion debate on this very, very important issue.

I know that it is not the desire of the distinguished Senator from Massachusetts to do that, but some cynically have done it because they love the abortion debate. Frankly, I hate the abortion debate. I wish we did not have to debate it. I wish we could resolve it in some reasonable manner in the best interest of everybody. But, unfortunately, it cannot be resolved. Therefore, by getting us into that and not allowing a system to go ahead that might work, and I think will work, and that scientists say will work, and maybe not getting this bill reauthorized, again, I think we stultify the NIH and we stop doing some of the good things this bill can do in favor of things that basically will not be done.

So, Mr. President, I am concerned about it. I like it a lot better when the distinguished Senator from Massachusetts and myself can walk together on these issues and can be together on these issues. I think when we are, we have a lot less opposition. On the other hand, I know that there are people who are very sincere on both sides of these issues, and I commend them for that and recognize that, and I do not want to find fault with them.

But there are some who are not so sincere, too who, callously love the abortion issue more than they love anything else. They think they are going to get an advantage with that issue. All they are doing is stultifying medical research.

I think we could go forward if we stay out of that particular area unless or until we can absolutely prove that induced abortion tissue is the only way we can go down this road. If that is the absolute scientific proof and the facts show that, then I will do everything in my power to see that fetal tissue transplantation research goes forward on that basis. I would like not to have to do that, but I feel that deeply about fetal tissue transplantation research.

But let us at least try. Let us at least try to go as far as we can on what the Assistant Secretary of Health says, on what the Secretary of Health and Human Services says, on what the Director of NIH says, and, of course, on what so many scientists across the land say as well—that we can advance the research with noncontroversial sources of tissue and avoid the moral or ethical debate that stultifies fetal tissue research.

Mr. President, this is an important debate, it is an important bill, it is an important approach. I presume it will pass here today, but I have to say I hope that my colleagues look at the extra costs being built into this bill. I hope they look at some of these gerrymandered, crazy approaches, and I hope they look at some of the lack of science that we have talked about, and I hope they look at the micromanagement that is going into this bill that basically, I think, makes NIH less of a research institution than it should be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from Oregon desires.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Thank you, Mr. President.

Mr. President, I have just returned from my State of Oregon where I spent several days during the Memorial recess focusing on medical research. I had the unique opportunity of meeting with people engaged in medical research, everything from AIDS to breast cancer to EB [epidermolysis bullosa]. I found, again, the need to be out into the constituency to put human faces on many of the issues that we deal with here in the Congress.

Mr. President, I am a visual learner. And I must say in my years of work on the Appropriations Committee, sometimes we get so involved with dollar figures and dollar increases or dollar reductions in the budget and appropriations process that we lose the human factor or we miss the human face attached to and for which the dollars are but a means to an end.

Mr. President, it seems to me that as we look at this conference report for the NIH reauthorization bill, we have to make certain that we relate these policies, these statistics, these data, these rules, these regulations to the human face, the human person. Otherwise, we are dealing with faceless, nameless decisions. And I think this is especially true today in our consideration of fetal tissue research. We must literally focus on the millions of people who suffer from a myriad of diseases which may be helped through this promising technology.

While we are not abandoning our concern for all life—and my position on pro-life issues is well documented. Long before Roe versus Wade brought the abortion question into the picture that we face today, Mr. President, a former Senator from Utah, Mr. Wallace Bennett, and a Senator from Iowa, Mr. Harold Hughes, and I joined together in raising this as a public issue to be dealt with. I will take a back seat to no Senator on this floor as far as my pro-life position is concerned.

Mr. President, I have voted against abortion every time that issue was presented on this floor. I am unalterably opposed to abortion on demand. I believe in it only in the case of saving the life of the mother. I do not condone the kind of abortion mills that have been set up across this country, where millions of lives are being aborted. I want to make that very clear. And, Mr. President, I oppose the death penalty for the same reason, my reverence for human life. I oppose war for the same reason. And I again would remind my colleagues, I was the only Senator out of 100 who voted against both the Democratic resolution for war and the Republican resolution for war in the Persian Gulf, because of my abhorrence for war.

But, Mr. President, this is not an abortion issue. I repeat, this is not an abortion issue. And I have stood shoulder to shoulder with my colleague, the ranking member of this committee, and the leader of the Senate for so many causes. I have stood shoulder to shoulder on the abortion question with him, time and time again. But I respectfully and very deeply regret the fact that I must separate myself at this point because I do not view the fetal tissue research as strictly an abortion issue. Abortion-related? Yes. But it is not an abortion issue as such, as we have faced on so many occasions on this floor.

I believe that fetal tissue research is one of the very things that we have to give, to our people who suffer, some hope—some hope and promise from the research that fetal tissue provides. I think it is disheartening that this issue has become less of a research issue, as I say, and is being identified as "an abortion issue." I have heard all the arguments in opposition to this research, that it will promote abortion, that it provides an incentive for abortion. And I believe these concerns have been addressed. They are legitimate concerns. However, through the safeguards and restrictions included in this legislation, it now has reached a point where I believe it is not singly and solely an abortion issue.

Fetal tissue for research is not about abortion, I repeat, it is about saving lives, the lives of once-productive members of our society, the lives of our family members.

Let me address the policy changes in this legislation that do not make it an abortion issue. Currently, there are no regulations that apply to privately funded fetal tissue transplant research. No law prevents the sale of tissues. No law prevents a woman from being compensated for the tissue. No law prevents a woman from designating the recipient of the tissue in privately funded research settings. The regulations today are only on public research, publicly funded research.

The legislation before us changes that whole picture. For the first time restrictions now will be placed on both public and privately funded fetal tissue transplant research. Specifically, this bill prohibits the sale of tissue. This bill prohibits compensation for the donation of tissue. In addition, it requires that the identities of the donor and the recipient remain confidential. It breaks the existing linkage between donor and recipient.

In other words, a woman under this legislation could not designate a family member or a friend as the recipient of the tissue. Furthermore, it prohibits changes in the timing or procedure used to terminate a pregnancy. And physicians are prohibited from discussing tissue donation until consent has been received for the abortion.

Think of this. These are the safeguards that this bill will provide. The physician must certify that that process was followed, and any violator of the above restrictions would be subject to stiff criminal penalties, including fines and/or imprisonment.

I join with my colleague from Utah, I would like to remove all the abortion on demand. I would like to make that the mode of this country. But it is not today possible to do that. We have to face the reality that abortion on demand is in place and being practiced, whether we agree or disagree with that issue. That is the reality of the moment.

I think I could not state it more plainly by supporting the fetal tissue provisions of this bill, for we are absolutely and positively ensuring that abortions are not being performed in order to obtain fetal tissue, which is true today. It can be and it is being practiced. We have heard those stories of people who can say, well, I will get pregnant in order to abort the pregnancy in order to provide the tissue for a transplant. This bill will prohibit that in the sense of being able to identify the recipient of the tissue resulting from the abortion.

If my colleagues choose to oppose this bill they are not only closing the doors on promising research, they are permitting possible abuse by refusing to enact these regulations on private research.

Last week the President issued an Executive order to establish a fetal tissue bank to supply researchers with fetal tissue from tubal pregnancies and miscarriages. This initiative is an improvement. However, it does not sufficiently open the door to comprehensive fetal tissue research. Over and over it has been stated by researchers that in the majority of cases this type of tissue is unreliable. It is often diseased and unusable.As many of you know, the current ban allows researchers to use tissue from tubal pregnancies and miscarriages, and these researchers have found it to be of little value. In fact, research using this tissue is practically nonexistent.

The bill before us represents a carefully designed research program. If it is defeated or vetoed there are no alternatives and there will be no hope for the human faces, literally begging for this opportunity.

It is time to look past the abortion politics and to realize the long-term benefits of fetal tissue transplant research. No one is holding fetal tissue research out as a medical silver bullet. However, basic research has demonstrated the promise of fetal tissue transplants.

When viewing life in the broadest perspective we must ask ourselves, can we pass by the opportunity to find cures for diseases which diminish the quality of life for so many? Can we hide the human faces of suffering all across this Nation? Can we erase these painful images from our minds? Mr. President, I have wrestled with this problem for a very long time, and I must say I started on the premise that it was an abortion issue, that I would have to oppose. But I have come to the conclusion, after careful research and careful consideration, and prayerful thought, that it is not. Therefore, I hope that our colleagues would support this bill and that the President would give us an opportunity to enact it into law.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I want to say a few words in support of the conference report on H.R. 2507 and in particular in regard to the provision on Juvenile arthritis.

H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992 is important legislation. It creates new programs for breast cancer and prostate cancer research. It extends programs in heart disease research, the No. 1 cause of death in America. The measure before us also authorizes funding for research on aging, vaccines for children, and osteoporosis.

Mr. President, the debate today is centered on the provision that provides for fetal tissue transplantation. I believe in the promise of the research and support lifting the ban now in place. My concerns about ensuring that this important medical research does not encourage abortion have been met. I am also satisfied that appropriate oversight measures have been included. Literally millions of Americans are currently suffering from incurable diseases such as Alzheimer's and Parkinson's disease, juvenile diabetes and juvenile arthritis, hurlers syndrome and numerous genetic disorders which debilitate the unborn.

Every Member of this Senate has been or will be affected in some way by one of these tragic diseases. At some point, a family member, friend or neighbor will be affected. With longer life expectancy in America, the chances are good that a number of us in this body will experience an illness that today is incurable. Fetal tissue has been used in research since the 1950's and was vital for the development of the polio vaccine. As well, fetal tissue is extremely adaptable, grows well and rarely causes the rejection that is common in organ transplants. I believe the research in question is too important to allow it to remain caught up in politics.

Of particular importance to me is a provision that I believe to be a major step forward in research into juvenile arthritis. I would like to take this opportunity to thank the senior Senator from Massachusetts and his able staff, as well as my former colleague on the House Subcommittee on Health and Environment, HENRY WAXMAN and his staff, for including this much needed provision in the conference report.

Mr. President, growing up in today's society is not easy. However, growing up with arthritis poses an even tougher set of problems and challenges for the estimated 250,000 children in the United States who have some form of the disease. Arthritis can strike at any age and can last a lifetime. As with adults, juvenile arthritis can make even simple tasks, such as walking or tying shoes, seem difficult and frustrating, affecting the quality of life for our future citizens and leaders. It is a crippling condition that attacks the joint and major organs such as the heart, liver, spleen, and even the eyes. There is no cure.

Despite the fact that juvenile arthritis is the No. 1 chronic disease affecting children in the United States. Despite the fact that a recent survey of rheumatologists determined that 10 percent of all arthritis sufferers are in the pediatric and teenage groups, little research has been conducted at NIH. I applaud the Senator from Massachusetts for including this in the bill.

Section 801 directs the National Institute on Arthritis and Musculoskeletal and Skin Diseases [NIAMS] to significantly expand its research commitment to arthritis affecting children. NIAMS has been sorely lacking in allocating resources toward understanding the causes and developing treatment for juvenile arthritis. I am especially pleased that section 801 requires the establishment of at least one, multipurpose arthritis and musculoskeletal disease research center to expand research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitations of children suffering from arthritis and musculoskeletal diseases.

Mr. President, this legislation is too important to biomedical and behavioral research to be discarded over one issue. It provides NIH with the necessary authorities to meet the challenges ahead. I strongly support the adoption of the conference report.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, with all due respect for the Senator from Utah whom I continue to respect and believe in his conviction, I think it is really important, crucially important, that we pass this NIH reauthorization bill.

Mr. President, I simply do not believe that this is a debate about abortion, and if my memory serves me correctly, there have been two panels, at least: One under President Reagan, one under President Bush. Those panels were comprised of members who were pro-life and pro-choice, and those panels overwhelmingly approved fetal tissue transplant research. Both those panels really were very conclusive in what they had to say, which is that there is a clear wall of separation, there are clear safeguards within this reauthorization bill.

Mr. President, I do not think the issue has anything to do with abortion. I think it has to do with whether we are going to discard fetal tissue or whether it is going to be used to save lives.

Mr. President, I want to respond for a moment to comments that have been made on the floor that perhaps some of us who speak so strongly for this reauthorization bill are not really serious. We are very serious. Nobody is trying to play politics, and from my point of view, much of our debate on the floor of the Senate really is very personal, and is about peoples' lives.

Mr. President, both my parents had Parkinson's disease. That is why I have been in the middle of this debate from the very time that it came before our committee, the Labor and Human Resources Committee. All I can say is I think back to my struggle with my parents—neither of them are alive today—and I think about some of the people who I have come in touch with, such as Joan Samuelson who came from California and testified. Her testimony put me in tears. Ann Udall, whose father Mo Udall suffers from Parkinson's disease and, for that matter, all the men and women I marched with just a couple of weeks ago when we had a March for Parkinson's research, some of them with Parkinson's, many of them with relatives who have had Parkinson's disease.

Mr. President, I have to tell you that from the point of view of many people in our country, whether it be Alzhemier's, Parkinson's, or diabetes, there is a real impact when they hear about the potential of some of the research that is being done.

With Parkinson's, we can talk about the University of Pennsylvania or the University of Colorado—there is some real hope. And that is what this is all about. It is not about abortion. There is a clear wall of separation. There are clear safeguards. Two commissions have so ruled. It is about whether or not we will be able to use some of the fetal tissue for research that could make a huge difference, a huge difference to people who are now suffering.

Mr. President, I am going to say on the floor what I said one time before because I just think it makes the point. A very close friend of mine, Michel Minot from Northfield, MN, has walked across different parts of the country in behalf of Parkinson's disease, in behalf of research to cure Parkinson's disease.

There are now walks. The one that I took part in for Mo Udall was named after Michel Minot. It was in honor of Mo Udall but it was the Michel Minot walk. I will never forget how one day in Northfield, MN, sitting in a restaurant, actually McDonald's—when my father got older, he loved McDonald's because there were all kinds of kids there and lots of bright colors. It was a bad day for my father, and anyone who has had a relative with Parkinson's knows what I am talking about. He was really having trouble walking. He was having trouble speaking. He had the gait, and he was shaking, and he looked bad and was really down.

I saw Michel at the front of the restaurant and usually we went out the front door. That day we walked my dad out the back door. My dad did not know why. I did not want to walk my father past Michel who then was about 38. I did not want Michel to see his future. I did not want Michel to lose hope.

I want to make it clear on the floor of the Senate today that for Michel Minot, Joan Samuelson, and Ann Udall and all sorts of other people, with Parkinson's, Alzheimer's, diabetes, the cruelest thing we can do is not pass this bill by such an overwhelming vote that it is clear to the President that we will override any veto. The cruelest thing we can do is to pour cold water on the spark and the hope that people now suffering from these diseases have that this research could really make a difference for them.

Mr. President, I yield the rest of my time.

Mr. REID. Will the manager of the time yield time to the Senator from Nevada?

Mr. KENNEDY. How much time does the Senator want?

Mr. REID. Fifteen minutes.

Mr. KENNEDY. I yield 15 minutes.

The PRESIDING OFFICER (Mr. DODD). The Senator is recognized.

Mr. REID. Mr. President, I rise today in support of this NIH reauthorization bill. I would like to extend my appreciation to the committee and its chairman, the Senator from Massachusetts, for bringing this bill to this body. I am grateful that the conference was able to be completed with a bill as strong as it is.

I want to talk about a number of things today, Mr. President. But I would also like to talk initially about a trip I took to the National Institutes of Health. I recommend that every Member of this body should visit and spend a day at the National Institutes of Health. We hear so much everyday about the Government being castigated, where the Government is spending too much money in this area, not enough money in this area, we are not working hard enough, traveling too much—all kinds of negative things about government on the national, State, local level. But I recommend that every Member of this body go to the National Institutes of Health because you will feel good about Government.

The National Institutes of Health is what is good about our Government. It is there that the United States is predominant. We are, by far, the leading country, as far as research dealing with health, and the reason we are is because we have the National Institutes of Health.

The day that I spent at the National Institutes of Health was truly a remarkable experience—meeting the directors of those institutes—people who have devoted their lives to making people well and finding the reasons people get sick.

This bill that is now before the Senate addresses a number of different issues. One issue that has been talked about on a number of occasions already today is the direction this legislation takes toward addressing health issues relating to women.

Mr. President, several years ago, in my Las Vegas office, I was asked to visit with three women. These women did not want to be in my office. They came out of desperation. They came because they had a disease, a disease that afflicts 500,000 people in America today, a disease called interstitial cystitis—a disease that afflicts the bladder. This is a disease that women have; not men, but women.

When these women came to see me, there had been no research done on the disease. No one knew what caused it, how to cure it, or even how to relieve the pain that accompanies this disease—debilitating, it affects peoples' lives. Many of the people who have this disease wind up being divorced.

They talked to me about the disease. I was flabbergasted. I never heard of this disease. I came back to Washington, and I learned that there are other diseases that afflict women that have been ignored, not only the disease we call IC, interstitial cystitis, but lots of other diseases—lupus, osteoporosis, multiple sclerosis, a disease which afflicts many women, and of course ovarian cancer, breast cancer.

Why? We could go into a lot of reasons why these diseases in women have been ignored, but the main reason, quite frankly, Mr. President, is that we have had for decades and decades male-dominated legislatures.

Hopefully, we are going to become more concerned. This reauthorization will necessitate the National Institutes of Health, this preeminent research body, to now be more interested in diseases that afflict women. This bill provides for permanent authority for an Office of Women's Health within the office of the NIH Director. It mandates clinical research equity in every institute, which ensures that women and minorities will have their share of research.

We have heard about the aspirin study to determine the effect of aspirin on heart conditions. I do not remember the exact number. I think, Mr. President, 20,000 people were tested. That is the kicker. Not a single woman; only men. And this is the way it has been. So this legislation will require women's interests to be considered.

This legislation requires research on the aging process in women. That is also important because, unfortunately, Mr. President, physicians have a poor understanding of the effects of aging on the development of disease in older women. One-third of the women in America are postmonopausal and doctors are without the tools to treat the accompanying aging problems. This bill requires research on the aging process in women, especially on the effects of menopause and the loss of ovarian hormones.

Further, $40 million is appropriated for research of osteoporosis, a disease afflicting one-third to one-half of postmenopausal women and resulting in 50,000 deaths annually. We think of osteoporosis as something that will cause you to fall, maybe and break your leg, but it can result in death. In addition to research in osteoporosis is the study of Paget's disease and other related bone disorders.

Information is the greatest necessity, I believe, Mr. President, in women's health today, and we have too little information that is available.

This legislation will also require a woman's health registry and data bank. This will provide information for prevention and also, more importantly, research. There is $225 million for breast cancer research, prevention, education, and research centers. In the small State of Nevada, more than 200 women will die this year, 1992, as a result of breast cancer.

It is important that we all support this legislation for the health of our wives, daughters, mothers, and all American women.

I talked initially about the trip I took to the National Institutes of Health. I talked about being impressed with some of the people with whom I met there, with all of the people with whom I met, specifically some people. I remember meeting with Dr. Murray Goldstein, who is Director of one of the Institutes. He talked about something that had just come into being at that time. It has been a year or so ago. It was a study which related to paralysis. We have, every day, tragedies that occur, most of it with young people diving into pools that are too shallow or bodies of water too shallow, motorcycle accidents, automobile accidents, where paralysis develops.

Dr. Goldstein talked about how, on one occasion, a group of scientists came to him and talked about how they believed heavy doses of steroids would slow down paralysis. They ran the test. It was a failure. The scientists did some more work in the lab, came back again to Dr. Goldstein and said, "We think this will work. We need to try it again." Again, they did a nationwide test of this program. It failed again. It did not work. It did not do anything to stop paralysis.

On the third time they came back, they said, "We know this will work. It has worked on animals. It has worked on computer models. We think it will work." So for the third time they, after much urging, tried this experiment, and it worked. Now, Mr. President, in every trauma center in the United States, these steroids are available to prevent paralysis from trauma. Basically, they have to do it within the first hour of injury. It is inexpensive, costs less than $100.

I was in a town called Yerington, NV, this past week and saw one of my friends who had been involved in an accident. She was in a dune buggy in the desert, turned over, and she was paralyzed. She has three children. I talked to her a little bit. I said, "I went to the National Institutes of Health and it is too bad you did not have the opportunity to have these steroids given to you right after the accident." She said, "I did, not right after the accident, but they were given and they have helped me. I was paralyzed much higher than I am now."

These programs work. The National Institutes of Health is a great program. We have dedicated people there. We have a program that this committee developed early on for people who are willing to do research in AIDS, the AIDS plague that is sweeping this country and the world.

If scientists were willing to come and work at the National Institutes, a program would be developed to forgive some of their student loans, a great program. I did not know that program existed when I went to the Institutes. I talked to one of the directors there and said, "What can we do to get more people here?" Because every place I went they were complaining because of the lack of scientists. They said, "We can't keep scientists here. We can't get scientists to come." Why? Because when a medical student gets out of school they owe, on an average, $50,000. That means, of course, some owe nothing and some owe $100,000 or more. This is really burdensome and you cannot get a physician who is interested in medical research to come to one of the institutes because they are trapped in debt.

So I explained an idea I had. Why not, for every year they are willing to stay here, forgive a percentage of their loan? And the man I was talking to said, "We do this with AIDS."

Well, to make a long story short, Mr. President, this legislation adopted my legislation and the provision in this bill is my bill that does allow scientists to come to the National Institutes of Health, work there, and have part of their student loans forgiven.

This is important legislation to get these bright young minds from these great medical schools we have in the country to come and do medical research at the National Institutes of Health. Again, I extend my appreciation to this committee for adopting this as part of this reauthorization. This is important legislation. This program is going to attract scientists to work not only in the AIDS area, but in other areas—cancer, Alzheimer's, heart disease, Parkinson's, and on and on—with a multitude of diseases like interstitial cystitis. We are now spending money on that program, doing research in interstitial cystitis. I think it is important to recognize that these young men and women who are going to medical school, who want to do medical research, now will receive relief, so to speak, and be able to do that. We want to ensure that the National Institutes of Health remain the finest biomedical research facility in the world. It is now the finest facility in the world, bar none. There is not a close second choice.

So I encourage my colleagues to visit the National Institutes of Health. But more important, Mr. President, I encourage my colleagues to support this legislation. Let us continue making America No. 1.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I rise today in strong support of the conference report for H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992. Title I of this bill includes a provision which would lift the current ban on federally sponsored fetal tissue transplantation research that was imposed in 1988.

Everyone in this Chamber knows that I am a strong opponent of abortion, and I emphasized that when we first began debate on this bill in April. However, this is not an abortion issue, but a research issue. It is not about taking lives—it is about saving and improving lives.

A major concern with lifting the ban is that it will encourage abortion. I do not believe this is the case, and if I felt this bill would in any way encourage abortions, I would not support it. The fact is, fetal tissue transplantation research holds a great deal of promise for curing diabetes, Parkinson's, Huntington's, and Alzheimer's diseases, and the ban makes it extremely difficult at best for researchers to obtain the tissue they need.

I believe that the safeguards included in the bill will keep the decision to terminate a pregnancy independent from the retrieval and use of fetal tissue. This is important, and this is what the public ought to be concerned about. These safeguards are:

First, the attending physician may ask the pregnant woman to donate the fetal tissue only after the decision to abort has been made;

Second, payment, or other forms of compensation may not be received for the fetal tissue; and

Third, the pregnant woman may not designate the recipient of the tissue.

In fact, these safeguards are based on the recommendations of the 1988 National Institutes of Health Human Fetal Tissue Transplantation Research Panel, which concluded that this research should be allowed.

There has been much discussion with regard to the feasibility of creating a tissue bank to store fetal tissue from spontaneous abortions and ectopic pregnancies for use in transplantation research. Recently, President Bush issued an Executive order establishing such a tissue bank. This is certainly a step in the right direction.

However, I am concerned that limiting the sources of tissue to that obtained from spontaneous abortions and ectopic pregnancies would severely limit research as well. It is highly questionable as to whether tissue obtained from these sources is suitable for this type of research. I believe the best approach is to lift the ban and allow all tissue to be used in research aimed at finding desperately needed cures.

Mr. President, in closing, as I said before, this is not a debate about abortion. This is a debate about allowing federally sponsored research that may save thousands of lives and improve the quality of life for many others with devastating diseases and disabilities. This is an issue that should transcend partisanship and politics and be judged on its merits alone. I urge my colleagues to support the conference report and allow this important research to go forward.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 7 minutes to the distinguished Senator from New Hampshire, and if he needs more time, I will be happy to yield that to him.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 7 minutes.

Mr. SMITH. I thank my colleague from Utah for yielding time to me. I wish to compliment Senator HATCH for having the courage to take the position that he has on this issue. It is very contentious.

Mr. President, I rise to speak in opposition to the conference report on H.R. 2507, the fetal tissue bill.

America is perched on the brink of a decision over whether to enact a Federal policy legalizing the harvest of fetal tissue from induced abortions for research. The medical community is diligently trying to find whatever cures are available for debilitating diseases. However, there is a moral line we cannot cross—even in medical research.

Fifty years ago, the world repulsed at revelations of Nazi scientific experiments on living human beings. After that time, the civilized world decided that human tissue could not ethically be used for medical research or transplantation without the consent of the subject. Before we begin carving holes in that doctrine and abandon our code of ethics, we should take a very long look at the potential consequences to our society.

At the outset, let me say that I am aware of the suffering of many Americans whose friends and families struggle with diabetes, Alzheimer's disease, Parkinson's disease, and other crippling illnesses. I have an uncle who has had diabetes for over 40 years. My father-in-law has Alzheimer's disease, so I can sympathize with those who cling to the hope that using tissue from preborn children can provide the miracle cure which can return their relatives to productive and healthy lives.

Were my father-in-law able to stand here and comprehend this issue and speak—and he cannot—I think he would say—in fact, I know he would say—that he would not want to see an unborn child lose its life for him.

Because of my own experiences, I particularly object to the way operatives have manipulated extremely sick people to their own political ends in connection with this controversy. We have received sanctimonious platitudes from the pro-abortionists about whether this dangerous step would be useful in treating victims of disease, whether it would encourage a substantial increase in abortions, and whether the tissue needed for transplants is just as available from other sources. But their assertions are devoid of empirical backing and contradict the evidence we have. The truth is as follows:

First, unless the method of performing abortion in America is altered in a way which would increase the danger to the mother, the abortion procedure ensures that most aborted infants cannot be used for transplant or research. Most abortions performed in the United States each year are performed with a vacuum suction machine that dismembers and destroys much of the fetal tissue, making it unusable for research or transplantation. Only 10 percent of early aborted babies would be usable for transplants under current practices, according to Janice Raymond—a feminist women's studies and medical ethics professor at the University of Massachusetts. Dr. Raymond also warned that "the number of elective abortions will never be enough for the amount of fetal tissue that doctors need."

Second, it is a fallacy to suggest that fetal tissue implantation has been demonstrated to be some panacea to a wide range of neural maladies. Claims to have successfully treated disorders in the body's chemistry or nervous systems through transplants are still the subject of hot debate in the medical community. Although two recent studies argued that modest improvements in a small number of Parkinson's patients had been achieved by fetal tissue transplantation, the fact is that only a very small number of fetal tissue transplants have occurred in the United States over the past 20 years.

In the medical journal Lancet, Dr. C.G. Clough, a British physician and researcher, concluded, "Although 100 operations with fetal implants have now been completed, there is little evidence of implant survival. * * * The technical difficulties of the procedure suggest that neural implantation is unlikely to benefit many patients with Parkinson's disease."

Third, new therapies could render tissue transplant obsolete. For example, just last month, NIH scientists announced an exciting new breakthrough in the use of GM-1 ganglioside to cure Parkinson's disease—a breakthrough which was achieved in spite of the moratorium and which will be pursued without fetal tissue from induced abortion. In the past few months, the possibility of coaxing nerve cells to regenerate themselves has also been achieved for the first time. We should not allow the focus on tissue transplanted from induced elective abortions to detract from ethically acceptable and innovative new research efforts.

Fourth, allowing the use of tissue from induced abortions could allow a woman in an emotionally wrenching situation to justify and feel good about the abortion, much like the feeling that one gets from giving blood. If this research and transplantation were to become prevalent, it could produce an escalating societal demand for aborted children, adding a new factor which could tilt the decisions of individual women in favor of abortion. For example, if a woman with an unwanted pregnancy is struggling to determine whether or not to have her baby or abort it, being told that her preborn infant's tissue may be used in medical research could push her to elect abortion and an innocent human life would be lost.

Although abortion proponents reject the idea that fetal transplantation procedures could increase the incidence of abortion, Harvard Law Prof. Laurence Tribe—testifying in favor of the so-called Freedom of Choice Act—disagreed. He stated, "each currently lawful abortion that State or local rules might delay or prevent represents a potential source of * * * liberty-enhancing and lifesaving medical information. * * *"

Fifth, pro-abortionists also argue that the propriety of using the tissue can be divorced from the tissue's source. They maintain that, because abortion is legal, the only question is whether aborted tissue will be wasted or used. This argument simply does not pass ethical muster. If induced abortions are unethical, tissue harvesting from those abortions is also unethical.

Sixth, despite all of the representations to the contrary, the fact is that usable fetal tissue can be produced without resorting to induced abortions. In an April 20, 1989, article in the New England Journal of Medicine, the Stanford University Medical Center Committee on Ethics stated:

> If tissue from spontaneous abortions could reasonably satisfy medical demands in both quantity and quality, it would be preferable to avoid the ethical problems of using tissue from induced abortions.

All of us support an increase in efforts to develop treatments for victims of debilitating diseases. However, this research and transplantation can be done with tissue from spontaneous abortions, ectopic pregnancies, and cell cultures without any of the ethical implications of using tissue from induced abortions. There are at least 100,000 ectopic pregnancies a year—at least 1 to 2 percent of which would produce tissue suitable for transplantation. In three hospitals alone, there were 3,518 miscarriages over a 10-year period; and 5 to 7 percent of these were found to produce tissue suitable for transplantation. Furthermore, the cells of a single donor can be cultured to benefit as many as seven recipients.

Since April 1988, when the moratorium on the use of tissue from induced abortions was implemented, the National Institutes of Health have spent more than $23.4 million to support 295 research projects involving the use of human fetal tissue using alternative sources. Scientists such as Yale University Medical School Associate Dean Myron Genel concede that federally funded fetal transplant research has continued unabated. The Central Laboratory for Human Embryology at the University of Washington has supplied nearly 10,000 fresh human embryonic and fetal specimens to hundreds of clients, even though it says it does not provide fetal remains from elective abortions.

Seventh, notwithstanding the safeguards contained in the fetal tissue bill, there is a serious danger that, if this procedure became popular, women could become incubators for the new demands of medical science. As we are seeing with respect to efforts to alter last year's civil rights compromise and 1990's budget summit agreement, compromises such as the fetal tissue safeguards can be changed. Janice Raymond has stated:

> Women become the resources whose bodies are mined for scientific gold * * * handmaidens for medical procedure transplants.

Mr. President, why has such an obscure and untried technology as transplanting human brain cells being treated as a miracle cure? One suspects that, in the case of many proabortion groups, this is hardly more than a cynical attempt to enlist another group of hope-starved Americans into efforts to achieve abortion on demand. The radical abortion-on-demand lobby is taking advantage of the highly charged emotions surrounding the issue of medical research in order to further their own agenda of abortion at any time, for any reason.

Using the remains of an aborted child for medical research is just one more way to justify the abortion of unwanted babies—abortions conducted for the convenience of the mother rather than respecting an innocent human life. It is time to end the manipulation.

For the reasons I outlined, I will vote against this conference report and I will vote to sustain the Bush administration's inexorable veto. Federal funding of fetal transplantation experimentation would allow taxpayer's dollars to provide for a system of treatment that depends solely upon a steady and increasing flow of aborted babies. This will create a higher societal demand for aborted infants. Surely, America has higher ethical standards and more important national priorities than harvesting of preborn children for medical spare parts.

I commend President Bush for having the courage to stand up and say that he will veto this legislation.

I thank my colleague from Utah for yielding time.

Mr. HATCH. I yield to the Senator from Connecticut.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Connecticut is recognized.

Mr. DODD. I thank my colleague from Utah, and I will try to be brief because I know a number of my colleagues are waiting. I want to thank the distinguished members of the Labor and Human Resources Committee who brought this to the floor. It is obviously a contentious issue, fetal tissue transplantation research. But I also think there is a point here that should not be overlooked in the midst of this debate and that is the emphasis within this conference report on those research projects that address medical problems and diseases that are unique to women, or impact women in disproportionate numbers.

In the past, as has been mentioned by others here today, we have seen too many studies conducted where women have been entirely excluded. The most egregious example of that was, of course, the recent study done with aspirin and heart conditions where 22,000 people were subjected to that test to determine whether or not there was a relationship between the use of aspirin and reducing heart conditions. Of the 22,000 people who were subjected to that exam, not a single individual was a woman: an absolutely ludicrous use of research dollars, to exclude, entirely, the women of this country.

This report makes an effort to address those shortcomings by focusing on such diseases as osteoporosis, ovarian cancer, and breast cancer. In fact this report sets up the Office of Research on Women's Health at NIH to ensure support for research on women's health. I think the committees in both the other body and this Chamber, Mr. President, deserve a great deal of credit for that.

On the fetal tissue issue, I think the Senator from South Carolina [Mr. THURMOND] has said it well. This is not an abortion issue. That issue gets debated endlessly in this Chamber, and elsewhere, and will continue to be an issue of great contention.

This is an issue that goes beyond that particular question. As long as abortion is legal in this country, and it is, the question is whether or not fetal tissue can be used for research purposes, and this conference report makes that possible while imposing important safeguards. I think it is important to note these.

I would not support any proposal that would encourage abortion. While there is a great concern that this legislation would encourage abortion the safeguards in this bill ensure that the decision to terminate a pregnancy will be independent from the retrievel and use of fetal tissue. In addition to the extensive ethical, technical, and scientific review that all research application must undergo this measure would require that informed consent be obtained only after the decision to terminate the pregnancy has been made. In addition it would prohibit women from designating recipients or from being informed of the identity of the recipient. There are a number of other safeguards. I think those are worthwhile.

The important issue here is that critical research that is vitally important to people who are suffering from debilitating and terminal illnesses proceed.

So, Mr. President, I commend the committee for their efforts. I hope that this conference report will be adopted. And I hope that the President would see through the difficulties he has with the fetal tissue issue, and sign this conference report into law. It is a critical piece of legislation.

I thank the distinguished Senator from Utah for yielding me time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 10 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is doubtful that much if anything new can be added to this debate. The subject, however, is significant enough, and important enough, and divisive enough so Members should express their own views on the subject.

Clearly, fetal tissue research has been important in the past to the people of this country, and of the world, and will be important in the future. It has led to the vaccine for German measles, to successful research for the treatment of Rh blood disease, for genetic defects, and in the future it has real promise with respect to diabetes, Alzheimer's, Parkinson's, spinal cord injuries, and a number of prenatal diseases at the same time.

Nevertheless, there is a real issue and a real concern by reason of its relationship with abortion. And it is a commonly held truth that fetal tissue research should not be used in order to encourage abortions which would not otherwise take place. As a consequence, President Reagan appointed a 21-member panel of medical experts and ethicists to study the problem. The very substantial majority of that group came out in favor of allowing such research with clear restrictions on it. To those recommended restrictions, others have now been added. The bill codifies those restrictions, and adds others to them, in order to separate the decision to have an abortion from the decision to donate fetal tissue.

This Senator, at least, is convinced that separation is complete as can possibly be made under the law and that under those circumstances the value of such research should be paramount. As a consequence, I think it is appropriate, perhaps even urgent, that the conference committee report be approved by the Members of the Senate and sent to the President.

It is a divisive issue. It is an issue on which thoughtful arguments are made on both sides. It is an issue on which the great weight, in the view of this Senator, comes down in favor of allowing such research under the restrictions set forth in this bill.

The PRESIDING OFFICER. Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, I yield 3 minutes to the distinguished Senator from Indiana. If he needs more, I will be happy to yield it.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator from Utah for yielding me time. I will try to confine my remarks to the 3 minutes. I appreciate his generosity offering to yield more if I need it.

Mr. President, when this legislation came before us just a short time ago, I gave a lengthy statement on this floor relative to my decision on this very, very difficult issue. I struggled with this personally because of personal family experiences. I struggled with this from an ethical and a moral standpoint and I outlined what I thought were ethical and moral considerations that I did not believe the legislation addressed.

I supported Senator HATCH's alternative because I thought it provided a way in which we could continue needed research in the use of fetal tissue in treatment for some very serious diseases. I thought Senator HATCH's provision was well thought out, documented by scientific evidence and support, and was a way in which we could accomplish the goals that we were attempting to accomplish without raising these extraordinarily difficult ethical and moral questions. I was disappointed that his effort failed.

I supported the full NIH reauthorization because of the very important work that NIH does, not because I was happy that Senator HATCH's effort failed, but because the rest of the bill contained very important authorization for some very important projects.

I was hoping that the conference committee would take some of the questions that I had raised, Senator HATCH and others had raised, and try to address those and report back to us a conference report that incorporated some of those concerns. They have not done that, in my opinion.

I am reluctantly then going to vote against this conference report. There are many projects within the NIH authorization and work that NIH conducts that obviously I support and that I think are important and should go forward.

My vote against the whole bill, however, is based on the fact that through press accounts of this and through public discussion of this and almost the entire focus of the discussion in the House of Representatives, in the conference and even today, the entire focus is on the fetal tissue research. That has become the bill in itself. That has become, in my opinion, the vote. I regret that.

I am not exactly sure what the President should do. I think he should veto it and make a statement and take a stand because these ethical-moral questions have not been adequately addressed.

I hope that we could then sustain that veto and get back together and press forward with a much needed reauthorization for NIH, but adopting something along the line of what Senator HATCH has proposed as an alternative way of continuing Federal funding for important research, but in doing so in such a way that we do not encourage or use fetal tissue from elective abortions—not spontaneous, not ectopic pregnancies, but elective abortions. I think that is a line drawn that needs to be discussed, and that is what raises the question for so many of us.

With that, Mr. President, I thank the Senator from Utah for his tireless work and efforts on this, for fighting the good fight. I regret he has come up short, but hopefully he has laid the groundwork for negotiations at a future time that will allow us to accomplish the goals everyone wants to accomplish with this legislation.

I yield back the remainder of my time.

Mr. HATCH. I thank the Senator. I yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER (Mr. DODD). The Senator from Vermont is recognized for 3 minutes.

Mr. JEFFORDS. Mr. President, I rise today in support of the NIH conference report, which endorses the Research Freedom Act. I strongly urge my colleagues to do the same, free of any limiting amendments.

The Congress is compelled to act on the issue of fetal tissue research by three undeniable facts. First, as we sit here today, millions of Americans are suffering and dying from progressive, deadly diseases—Parkinson's disease, diabetes, pediatric disorders, Alzheimer's, and many more—with no cure in sight. Second, fetal tissue transplant research holds enormous promise to give those suffering significant therapeutic help, maybe even cures. Third, against all logic, the administration refuses to allow support for this research to move ahead.

For 40 years, medical science has thrived on the use of fetal tissue research—the polio vaccine, just to name one, owes its discovery to this work. In 1988, though, the Reagan administration ignored the advice of its own expert panel and refused to allow the NIH to proceed with a human clinical trial using an implant of fetal cells. In the ensuing 4 years, this moratorium has stagnated and stalled scientific progress: the research exists only narrowly in the United States today, and scientific advancements are a pale shadow of what they would be if research freedom were allowed.

If there were any good reason for the moratorium, maybe the added suffering, and delays, and uncertainty would be justified. But there is not. Strong ethical guidelines, recommended by the Reagan administration's NIH panel and followed by the research community, fully separate the use of tissue from the abortion decision and procedure. The one cannot, and does not, influence the other. If this bill becomes law, those provisions would become Federal law, with criminal sanctions for violation. As the NIH panel found, there is no evidence—none—that any abuses have occurred, or would in the future.

I have carefully considered the arguments raised against lifting the moratorium. I am convinced that the moral, humane, logical choice is to use this tissue to save lives where we can. I also have reviewed the so-called compromise option, of only using the tissue from spontaneous abortions and ectopic pregnancies. If this were truly a viable alternative, it would be in use now. It is not.

As a result, we have only one option that responds to the great need of the millions of Americans who suffer from incurable diseases. This research offers them—and their many millions more loved ones—a gift of hope. The clock is ticking for each one of them. We cannot turn our backs on them any more. It is time for us to act. I feel very strongly that we should vote in favor of the Research Freedom Act, as provided in the NIH conference report.

I would also like to take this opportunity to thank the conferees for retaining an amendment that I offered to the NIH Reauthorization Act during Senate consideration of the bill. This amendment is the Workers' Family Protection Act which addresses the poisoning of American families with chemicals from the workplace. Toxic materials leaving the workplace on workers' clothing has been documented many times dating back to at least 1935.

Much has been said by me and others on the issue of fetal tissue research and the need to protect fetuses. Well, my provision protects fetuses. Studies have shown that fetuses and children are at risk from exposure to toxic chemicals inadvertently brought home from the workplace. For example, the lead levels of the newborn babies of the wives of lead workers have been found to be high enough to pose a risk to the baby. The Workers' Family Protection Act will reinforce much of the research done by NIH to protect the health of mothers, fathers, children, and fetuses. The greater good will be served by enacting this bill.

Before closing, however, I would like to express my concern over the funding provisions for the Workers' Family Protection Act as contained in the conference report. I have always worked and will continue to work hard to help NIOSH funding. I have carefully designed this legislation so as not to impose a significant burden on any Federal agency. The highest cost in any year is projected to be roughly $300,000. To hold this provision hostage to obtaining an additional $25 million for NIOSH seems unfair. I look forward to working with my colleagues to reach an acceptable resolution to the funding of the Workers' Family Protection Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, I found a very interesting editorial in the Chicago Tribune, today's date, June 4, 1992, entitled "Trying To Make Abortion the Source of Miracles." It is written by Stephen Chapman.

I would like to read this editorial, because I think it means a great deal. It says.

> Abortion is often associated with death, for some mysterious reason, but pro-choicers now portray it as a fountain of life. With a few precious cells from an aborted fetus, we are told, science can banish one awful illness after another—Parkinson's disease, Alzheimer's, diabetes. Even some pro-lifers have concluded that if abortions are going to continue, some good may as well come of them.
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> These coming medical miracles have persuaded both houses of Congress to swallow any qualms. Despite the prospect of a presidential veto, they've recently voted to lift the Bush administration's ban on federal funding of experiments using fetal tissue from elective abortions.
>
> The administration prefers to set up a national tissue bank for this sort of research, collecting tissue taken from fetuses doomed by nature, not human choice—those lost in miscarriages and ectopic pregnancies. Critics say it won't work: Either allow aborted fetuses to be used or forget about helping all the people afflicted by devastating but potentially curable diseases.
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> One of the people invited to testify against the ban last year was Guy Walden, Baptist minister from Texas, who told a Senate committee that a fetal tissue transplant done in the womb may save his son Nathan from a rare enzyme deficiency that killed two of his other children. A strong argument against President Bush's policy? Not exactly: Nathan Walden's transplant came from an ectopic pregnancy.
>
> Likewise, pioneering work on treating Parkinson's disease with fetal brain cells was

> carried out in Mexico, using exactly the sort of material—tissue from miscarriages—that the president's critics say we can't rely on.
>
> Plenty of medical experts defend the administration plan. Robert Cefalo, a professor at the University of North Carolina at Chapel Hill medical school, voted with the majority as a member of a 1988 federal advisory panel which endorsed repeal of the existing ban. He says the proposed tissue bank has "great merit."
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> The head of the National Institutes of Health, Bernadine Healy, who also voted in 1988 to lift the ban, says, "I can state unequivocally as a physician and scientist that this approach is feasible." Former Surgeon General C. Everett Koop agrees.
>
> The opponents scoff, noting that few miscarriages take place in hospitals, where the remains can be preserved, and that most miscarriages and ectopic pregnancies yield no usable tissue. True. But of the 750,000 miscarriages that take place very year in this country, about 100,000 do occur in hospitals. About that many ectopic pregnancies also occur annually, all of which require surgery.
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> Experts estimate that from 5 to 7 percent of these would produce usable tissue, which—surprise—is about the same percentage as for elective abortions. So the administration's tissue bank could be expected to collect several thousand fetuses a year. That should be plenty for any foreseeable research needs, since fewer than 100 transplants using fetal tissue have ever been done in this country.
>
> Whether medical miracles await isn't clear. The president's critics talk as if only his obstinacy stands in the way of a speedy remedy for Parkinson's disease, which causes a severe loss of muscular control and can lead to dementia. In fact, fetal tissue transplants have yet to provide a cure for the ailment and may never.
>
> British researchers concede that such treatments aren't likely to help many patients. Neurosurgery professor Robert J. White of Case Western Reserve University in Cleveland says the experiments done so far "have demonstrated little measurable, lasting improvement" and finds scant evidence to suggest they will lead to a cure. For diabetes and Alzheimer's, where far less research has been done, the possibilities are even more speculative.
>
> Honest medical experts may differ on the value of the administration's tissue bank, or of fetal tissue research itself. The real force for lifting the current ban, however, comes from abortion rights advocates. They would like to endow abortion with a humane aura, as a source of immense benefits to the sick and dying.
>
> Turning abortion into the source of medical breakthroughs, real or potential, would make it that much harder to restrict or prohibit. If, on the other hand, fetal tissue research can proceed with material from miscarriages and ectopic pregnancies, one excuse for abortion on demand evaporates.
>
> Lifting the administration ban is part of a strategy to obscure the ugly fact at the heart of abortion—that it kills a living being which is recognizably human. If pro-choicers want to combat death and suffering, they're starting in the wrong place.

Mr. President, I do not know whether all of these great scientists who say that we can find enough fetal tissue, healthy fetal tissue, from ectopic pregnancies and miscarriages are right or wrong. But I believe in some of these people who have made these comments. They are great scientists. They are great medical physicians. They are great medical practitioners.

Now, there are others on the other side who dispute this. On the other hand, I warned, when we brought this bill up originally, if there is any reason to base an opinion that ectopic pregnancies and miscarriages will produce enough healthy fetal tissue to continue the research, then there is no reason to get caught up in the abortion debate.

I resent people coming here and indicating that I am not for fetal tissue transplantation research, because I am hoping that we will find enough healthy tissue from ectopic pregnancies and miscarriages to do the job without getting into the ugly issue of abortion. I think we can. Medical science thinks we can. Innumerable doctors and scientists think we can. The President thinks we can. The top doctor at the Department of Health and Human Services thinks we can do this. Dr. Mason, who heads the Public Health Service, thinks we can do this. The top official at the National Institutes of Health thinks this is viable, and many, many others.

And yet here we are, exactly where I said we would be, insisting on this language being part of this conference report, knowing that the President will probably veto this bill, and he will probably veto it because it is $3 billion over his recommended budget for fiscal 1993.

A number of good things in this bill will not go forward either, all because my colleagues are not willing to see if the fetal tissue banks that the President has established by an Executive order will work. And, the Executive order is already being implemented. No, they want to rush ahead and have people at these family planning clinics, many of which are nothing but abortion mills, to tell these little teenaged girls that they are doing a great thing for society by aborting their babies so that society can use the tissue from those abortions in saving lives. Although saving lives is something that we all hope will happen through fetal tissue transplantation research, some scientists feel that the therapeutic benefit from fetal tissue has not yet been demonstrated.

I think we need to reauthorize the National Institutes of Health bill. This bill is not going to make it. In the process, the wrong message goes to our scientists at NIH that—other than what the President has done through the fetal tissue bank—Congress literally is not going to be in full support through authorization. And in the end, I think fetal tissue research is hurt by this very issue and by the very way it is being put forth today.

I have also made it clear that if all these scientists, including the head of HHS, the Assistant Secretary in charge of health at HHS, the head of NIH, and so many other scientists, including C. Everett Koop, in whom all of us have a lot of confidence, are all wrong, I will then help to use induced aborted tissue, and that is no small offer. But I say this because I feel very deeply about seeing that fetal tissue transplantation research goes forward. I do not know, but I believe that fetal tissue may be efficacious. I want to see all research avenues open to scientific investigation.

Yet, in this regard, we need to recognize that HHS has already begun implementation of the fetal tissue research bank under the Executive order of the President. It is going forward, and so we do not have to get into the ugly issue of abortion or the use of elected abortion tissue.

Mr. President, I have been yielding my time to the other side because we are short on time and I want to accommodate my friends and colleagues in the Senate. How much time should I yield?

Mrs. KASSEBAUM. Mr. President, I would like 2 or 3 minutes.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 minutes.

Mrs. KASSEBAUM. Mr. President, I very much appreciate the Senator from Utah [Mr. HATCH] yielding me a couple of minutes to speak to this conference report.

The President has said he would veto it. That has been debated rather extensively this afternoon. He has spoken to the fact that it is $3 billion over his budget authorization.

Mr. President, that is what I would like to speak to for a moment because I think it is very important for us to understand the difference between an authorization and an appropriation. We have $3.1 billion in funding authorized over the level that was requested by the President. But when the appropriation is brought to the floor for the National Institutes of Health, that appropriation will be, or should be, within the President's request. I am just as concerned as the next person about costs, and I think we must be more vigilant than we have been.

I would certainly be supportive of the President's efforts in the appropriations process to make sure they fall within the President's guidelines. I believe that we can. I am not concerned at all that we cannot meet that budget request at the time of the appropriation.

Let me give you an example of the funds that are authorized and are I think ones that can easily be maintained within the guidelines of the President's request: The conference report authorizes $2.67 billion for the National Cancer Institute; $1.4 billion for the National Heart, Lung, and Blood Institute; and $500 million for the National Institute on Aging.

The conference report does not authorize $1.6 billion for a new clinical research center at the National Institutes of Health. It does authorize what sums might be needed. This is over a 7-year period, it is my understanding. This is not a figure even that is there. At the time of the appropriation is when we should monitor what exact sum would be appropriated for that amount.

The conference report does not authorize $324 million for the purchase of 300 acres of land at the National Institutes of Health. That is an authorization statement that was made, again, with no sum of money that was determined or over what period of time.

I really believe, Mr. President, that the concerns with cost can easily be met. I share the worry of Senator HATCH who spoke to some of the micromanaging of the earmarks. I think we worry about that in a number of other areas of Government and where we must be more vigilant is in the oversight that we can exercise, in how the programs are run, and at the time of the appropriations.

The National Institutes of Health conference bill and the issues it addresses are far too important to be derailed by potentially correctable disputes over the authorization level. I am absolutely convinced this is so, and I think it would be very misleading for us to not understand the difference between an authorization and an appropriation of this kind.

I urge my colleagues to join me in sending this bill out of the House and Senate and to the President's desk, and I urge support for the passage this afternoon.

I yield time.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes 42 seconds.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, I want to express appreciation to Senator KASSEBAUM for addressing the issue of the investment in biomedical research that this particular authorization legislation authorizes.

I do not know why it is when we talk about investing in the health of our fellow Americans to prevent the 1 million cancer deaths each year or the over a million deaths from cardiovascular disease we are told that we are spending too much money. These are real people dying from diseases that we have the potential to cure. So why is it when we try to invest in biomedical research the administration sees that as unwarranted spending? But it's OK to spend billions of dollars on the B-2 bomber or SDI.

So, Mr. President, I am proud. The $5.34 billion that we have authorized for these important programs is an investment in our future and I hope that we will fight to appropriate the necessary funds to assure our country's leadership in biomedical research. During the last 12 years, the NIH has seen modest growth of 2 to 3 percent per year above inflation over the past decade, the success rate for NIH competing research projects has declined from 1 in 3 funded applications to 1 in 4. Inadequate funding of the NIH threatens to impede the critical progress we have made and forecloses us from developing desperately needed treatment and cures.

This legislation will assure that the Federal commitment to biomedical research will be there.

Mr. President, on the issue of the abortion versus research, let me just summarize very briefly our position. The measure before us is not about abortion. It is about whether to allow the use of tissue that would otherwise be discarded, for medical research to save lives. Nothing in the bill will provide encouragement for abortion. In fact, if its promise is fulfilled, the research may lead to fewer abortions.

There is no foundation or corroboration for the administration's claim that women will decide to have abortions in order to donate tissue for research. Instead, there is a sound evidence to refute that assumption. Fetal tissue has been used for research since the 1950's with no link to the incidence of abortion.

We listened to the debate on this issue when we considered the bill last month, and we are hearing the same groundless arguments as we consider the conference report. Where is the evidence? Where is the evidence for the allegations, the charges, and the misrepresentations that a woman's decision to have an abortion will be influenced by Federal support of fetal tissue transplantation research? The evidence is not there, and it has not been put forward to the Senate this afternoon.

Fetal tissue transplantation research as an incentive for abortion is especially unlikely since there will be no assurance that a tissue from a particular abortion could be or would be used for research. Evidence presented before our Committee on Labor and Human Resources at a hearing on November 21, 1991, indicates that recent success in the private sector with fetal to fetal transplantation to correct genetic defects would actually lead to reductions in the instance of abortion if the research were to receive Federal support.

So, Mr. President, it has been pointed out, the 1988 NIH human fetal tissue transplantation research panel appointed by the Reagan administration overwhelmingly, 18 to 3, recommended the course of action which we are putting forward to the Senate here today. Then the additional advisory committee unanimously recommended these recommendations to the Secretary of HHS. That panel included theologians, physicians, scientists, and lawyers, many of whom are opposed to abortion. They considered, in public forums, the ethical, legal, and scientific ramifications of this research and vote overwhelmingly that this research should go forward.

Finally, Mr. President, I want to include in the RECORD—I will extend the remarks with regard to the micromanaging in particular with regards to the women's issue and inclusion of minorities.

NIH has neglected the health needs of women and minorities for too long. According to a GAO report, the NIH has failed to properly implement its own policy. These provisions simply take steps toward closing the health gap women and minorities face today. We have set out in the conference report to direct the Director of the NIH to establish guidelines, including specification of circumstances where inclusion would be impractical. We must assure that women and minorities have the ability to participate in NIH-supported clinical trials.

Finally, Mr. President, I want to address the administration's fetal tissue registry restricting the source of fetal tissue to spontaneous abortions and ectopic pregnancies. An estimated 15 to 20 percent of recognizable pregnancies, or about 700,000 end in spontaneous abortions in the first trimester, according to the Journal of the American Medical Association; 60 percent are due to chromosomal abnormalities and are not suitable for transplantation, cited in the current Reviews and Obstetrics and Gynecology. That leaves 280,000; 77 percent of spontaneous abortions do not result in recognizable fetal tissue, cited in the Journal of the American Medical Association. This leaves 70,000. Most spontaneous aborted fetuses die in the uterus 2 or 3 weeks prior to abortion. One group found fewer than 1 in 500 specimens yield tissue that was viable and useful for transplantation—this leaves about 140 potential sources of tissue in the Nation; 140, to be collected from 50 States, and thousands of hospitals for the proposed tissue bank.

The figures for ectopic pregnancies are similar, Mr. President. There are approximately 88,000 ectopic pregnancies a year. With early diagnosis, 75 percent can be treated with surgery and chemical therapy. Of the ectopic pregnancies treated by surgery, 95 percent have no viable tissue. Of the remaining 5 percent, there is a high frequency of genetic abnormalities. It is estimated that less than 500 ectopic pregnancies per year would be appropriate for use in humans.

The President's program is not an alternative. The potential benefits of fetal tissue transplantation research offers extraordinary hope to tens of thousands of families that are afflicted with Parkinson's disease, Alzheimer's disease, diabetes, cannot and must not be denied by this body here this afternoon.

So I hope, Mr. President, that we will get a strong voice in support of this program. It is an investment in the health and the well-being of all the families here in this country and there is no higher priority.

Mr. HARKIN. Mr. President, I rise today to urge approval of the conference report accompanying H.R. 2507, the National Institutes of Health Reauthorization Act of 1992. The conference agreement contains a number of important changes and advancements to our world-leading biomedical research program and will significantly enhance the work of the National Institutes of Health [NIH]. It will continue to move us forward in searching out causes, treatments and preventive strategies to health problems affecting so many Americans.

Mr. President, I am particularly pleased that the conference agreement includes several initiatives I have worked on for some time. First, the agreement maintains the provisions of S. 1887, the National Institute for Nursing Research Act of 1991, legislation I introduced in October of last year along with my colleagues, Senators KENNEDY, INOUYE, BURDICK, and DASCHLE. This proposal would appropriately elevate the status of the successful National Center for Nursing Research [NCNR] at the National Institutes of Health to that of an institute—the National Institute for Nursing Research.

Mr. President, it is appropriate that Congress take the important step of elevating the status of the Nursing Center to that of an institute, for it is long overdue. America's nearly 2 million nurses have for too long been denied the recognition and status they deserve within our health care system. Throughout our Nation's history, nurses have been at the core of our health care system, providing high quality and cost-effective care. Yet, the role and accomplishments of nurses within the health care system have too often not been given appropriate and equal recognition. And so it has been in the area of research. While NCNR has proven itself as a major force within NIH, and despite a structure and list of activities which put it on par with other Institutes, it has not been duly recognized through designation as an Institute.

The National Center for Nursing Research has been tremendously successful in its short history. Through its Division of Extramural Programs and Division of Intramural Research, NCNR has produced critical research findings that are already resulting in more affordable, higher quality health care for many Americans. For example, through a grant from NCNR, nurse researchers at the University of Iowa are developing cost effective ways of reducing the incidence of falls among frail older Americans. The results of this research will greatly improve the quality of life for many older Americans, while lowering long-term care costs for themselves and their families by reducing the incidence of broken hips, a leading cause of nursing home admissions. This is the type of specific health outcome research that will allow the NCNR to further build on its impressive beginning at the NIH.

Mr. President, I also am pleased that S. 966, the Contraceptive and Infertility Research Centers Act of 1991, a proposal that I introduced last year along with Senators PACKWOOD, HATFIELD, MIKULSKI, SIMON, CRANSTON, and LIEBERMAN has been maintained in the conference agreement. This bipartisan initiative would provide specific $20 million authorization for the establishment of three research centers focused on developing improved methods of contraception and two research centers focused on improving our ability to diagnose and treat infertility. As a method of addressing the shortage of qualified researchers in these areas, a loan repayment program for graduate students and health professionals who agree to conduct research on contraception and infertility, is also authorized.

There is a tremendous need for these changes. The United States is without question the world leader in biomedical research. Yet, when it comes to research and development in the areas of infertility and contraception, we have lagged behind a number of industrialized nations in the world. This is true despite the fact that infertility and contraception are central concerns to millions of Americans of child-bearing age.

Nearly 2½ million couples desiring to have children struggle with the heartbreak and frustration of infertility. And each year about 3 million American women anguish over an unwanted pregnancy. All of these individuals can benefit from intensified research on these basic family planning issues.

Mr. President, we can all agree that abortion is no one's first choice for avoiding unintended births. Yet, of the 3 million women who unintentionally become pregnant each year, about half will terminate their pregnancies. And, nearly half of the abortions that occur each year involve women who have unintentionally become pregnant because the contraceptive method they were using failed. The fact is that there are only a limited number of safe and effective methods of preventing pregnancy. More research is clearly needed into improved contraceptive methods so that the number of unintended pregnancies, and thus abortions, can be reduced. That is a result we can all embrace—regardless of our political or religious beliefs.

And just as those who are not prepared to bear children should have access to safe and effective contraceptive methods, those who want to become parents should have access to safe and effective methods to help them conceive and bear children. The causes of infertility are often not easy to diagnose, nor are they uniformly treatable. Treatments are usually expensive, costing Americans approximately $1 billion in 1987. Yet even with such a large expenditure of funds, today only about 60 percent of infertility cases are treated successfully. Clearly, more research is needed into the causes of and treatment for infertility in both men and women. This legislation takes important and long awaited steps to improve our research efforts both on infertility and contraception.

Mr. President, H.R. 2507 also includes important portions of the Women's Health Equity Act. Enactment and effective implementation of these provisions are essential if we are to assure fairness in biomedical research. Improvements are needed in a number of areas, including the number of women and minorities included in NIH sponsored clinical trials, the number of research projects and clinical programs focused on women's health issues, and the number of women in higher level positions at the NIH. These provisions would go a long way toward righting an historical wrong and improving our efforts with regard to women's health research. I want to especially commend my colleague on the Labor Committee, Senator MIKULSKI, for her excellent leadership in this critical area.

H.R. 2507 also authorizes a major increase in our efforts to combat breast cancer, a terrible disease that strikes one in nine American women. Last year we were able to significantly increase support for breast cancer research at NIH through the appropriations process. The $133 million appropriated for fiscal year 1992 will provide a long overdue boost to breast cancer research. But clearly more must be done. H.R. 2507 recognizes this and authorizes $400 million for fiscal year 1993. It also authorizes $75 million for research on ovarian, cervical, uterine and other cancers of the female reproductive system and a more vigorous program to combat prostate cancer in men. We simply have to make a greater commitment to research in these areas.

Mr. President, the component of this legislation that has received the most public attention is the lifting of the Bush administration ban on federally funded fetal tissue research. This ill-conceived ban blocks research that holds great promise for millions of Americans who suffer from conditions such as Parkinson's disease, Alzheimer's and diabetes. The little privately funded fetal research that has been done has shown great promise.

The ban must be lifted so that legitimate and potentially life-giving research can be expanded and so that we can assure that all such research meets national uniform standards. The conference agreement achieves these important goals and provides comprehensive and appropriate safeguards against misuse or abuse. The Senate on a strong bipartisan vote rejected the misguided arguments that lifting the ban in some way might promote or encourage abortion. Senators with very different views on the issue of choice stood shoulder to shoulder in support of lifting the ban last month. Even Otis Bowen, M.D., the very person who as Secretary of HHS ordered the research ban under the Reagan administration, now believes that the ban should be lifted based on changed circumstances. For the sake of the millions of American men, women, and children for whom this research offers hope where this is none now, I call upon President Bush to put politics aside and support this provision. His decision on this issue will be a true test of presidential character.

Mr. President, there are too many other important components of this legislation for me to touch on them all, but I want to also mention one important addition it makes toward combatting another overwhelming problem confronting our Nation—traumatic brain injury [TBI]. TBI is the leading disabler and killer of children and young adults. Every year 2 million Americans sustain a traumatic brain injury. The legislation before us takes the important step of authorizing funds to ensure the identification and assessment of victims, allow accurate assessment of insurance needs and provide a basis for a more rational allocation of resources by establishing TBI as a separate reporting category in Federal data collection system.

Mr. President, besides my position on the Labor and Human Resources Committee which reported out this legislation, I also serve as chairman of the Appropriations Subcommittee that funds the National Institutes of Health and other health, education, and social services programs. As chairman, I have made expanded support of biomedical research a priority. In 3 years, we have been able to increase support for work at NIH by 26 percent, from $7.1 billion in fiscal year 1989 to $9.0 billion in fiscal year 1992. I wish we could have been able to provide even more, because I believe biomedical research is an essential national investment and a critical component of our health care system. However, we have been constrained by an ill-conceived 1990 budget agreement that has paralyzed our ability to effectively deal with the health care, education and job training needs of the American people—an agreement that denied Congress the ability to make decisions about national priorities. This agreement, if left unchanged, will force significant reductions in many important programs within our subcommittee's jurisdiction. The President's fiscal year 1993 budget reduces outlays for programs within our subcommittee by about 4 percent from their fiscal year 1992 levels. At these levels, we simply will not be able to make the necessary investments in our human infrastructure, including biomedical research.

We need to change our spending priorities to recognize the changing nature of the world. The cold war is over. We won. That provides us with the opportunity to address long neglected needs at home. Last year, I attempted a first step toward seizing this opportunity, by offering an amendment to the fiscal year 1992 Labor, Health and Human Services, Education appropriations bill to shift $3 billion from unnecessary Department of Defense procurement funds approved before the fall of the Berlin Wall to several vital health and education programs. My transfer amendment would have increased funding for NIH research by $570 million. While this initial effort did not prevail, I believe it has set the stage for a significant and essential shift in spending priorities this year. I encourage my colleagues who join in support of this critical legislation to work with me to assure that we can meet the goals of this bill by reordering our national priorities.

Mr. President, the legislation before us is vital to human life. It must not be sacrificed to election year politics. The American people are looking to the Congress and the President to put saving lives above politics and to provide the leadership and political will necessary to quickly enact this legislation into law.

FACILITY PROTECTION PROVISIONS

Mr. President, I would like to entertain the distinguished chairman of the Labor and Human Resources Committee in a brief colloquy to clarify one point that has been brought to our attention regarding the health facility protection provisions included in the conference agreement.

I have been contacted by individuals in the disability community who are concerned that the intent of the establishment of criminal penalties for those found to "knowingly deter, through any degree of physical restraint, any individual from entering or exiting the health facility" might be to deter peaceful actions by them in their effort to promote greater public and Government support for personal assistance services. Does the Senator share my understanding that this clearly is not the intent of this provision?

Mr. KENNEDY. Yes. As chairman of the Senate conferees, I certainly share the Senator's understanding that that is not the intent of the provision. This provision originated in the House and the House report on H.R. 2507 makes it clear that this is not the intent of its authors.

Mr. HARKIN. I thank the Senator for his clarification.

Mr. HATCH. Mr. President, I yield 30 seconds to the distinguished Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I support the passage of this conference report. Mr. President, in every news article I have read about this bill, it has been referred to as a fetal tissue bill. In most of these articles, there has been no mention whatsoever of the real scope of this bill.

This National Institutes of Health Reauthorization Act of 1992 provides the authorization necessary to continue the activities at several of the NIH research institutes that have discovered causes and cures for many diseases. The work at these institutes has saved millions of lives and enhanced the quality of life for many others.

The two largest institutes at NIH—the National Cancer Institute and the National Heart, Lung, and Blood Institute—focus on finding new ways of understanding and treating the two largest killers in the United States—heart disease and cancer. In addition to reauthorizing the general activities of these institutes, the bill authorizes a new program for the study of pediatric cardiovascular diseases.

As a result of this bill, there will be a new emphasis for research on breast cancer, which is now the most frequently occurring cancer in women, and prostate cancer, which is now the most frequently occurring cancer in men.

Also in this bill is authorization for continuation of the activities of the National Library of Medicine, which has as one of its missions keeping health professionals in rural areas abreast of the latest medical information. This is very important in States such as mine where rural health professionals frequently do not have the resources to acquire the type of information which may be made available by the National Library of Medicine.

There is also a provision in the bill, which I sponsored, which will help provide a broader base of research expertise throughout the country by providing grants to States that have not historically succeeded in the highly competitive NIH grant process. This is not a set-aside of research funds but is a program to award grants to States to help them improve their research infrastructure, so that their colleges and universities have the capability to be more competitive. This will provide more students in these colleges and universities the ability to participate in research of national significance, thus encouraging them to pursue a career of their own in scientific research.

The bill before us also authorizes the National Eye Institute to establish and support centers for clinical research on eye care for those who have diabetes. Diabetes is the leading cause for new cases of blindness; people with diabetes are 25 times more likely to become blind than those who do not have the disease. Within a decade, almost 9 percent of the population of the United States will have diabetes. Research now may help reduce the incidence of blindness in these patients in the future.

There are many programs and activities authorized in the bill which are necessary if we are to make progress in battling these threats to public health. The National Institutes of Health are envied throughout the world for their contributions to the health and well-being of mankind. This important work should continue.

I urge the Senate to approve this conference report.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, this is one issue that is not an easy one for any of us, and under normal circumstances we would leap to the opportunity to support research that held out the promise of advancement in solving the tragedy of diabetes, Alzheimer's, Parkinson's, and other similar conditions. But in this debate, this instance, it has been complicated by legitimate ethical concerns raised regarding abortions.

Mr. President, this Senator is a consistent supporter of legislative efforts to place limits on abortions in this country. Those who support the continuation of the ban on the use of fetal tissue obtained from elective abortions argue that in lifting the ban it may in fact encourage abortions.

But, Mr. President, after careful deliberation I am not persuaded that permitting this research will increase the incidence. Women arrive at the very difficult decision to have an abortion after a great deal of personal thought. This decision, to permit donation of tissue will be made after the initial decision is made. The legislation contains specific safeguards to provide that a wall be erected between the abortion decision and the decision to donate tissue.

There are additional safeguards to prohibit any payments or renumeration and compensation for the tissue in question. The woman is also prohibited from designating the recipient of the fetal tissue transplant. These guidelines were developed based on the recommendations of the Human Fetal Tissue Transplantation Research Panel—many of whose members held the same deep reservations regarding abortion that I hold.

Mr. President, I was perhaps most strongly persuaded to support the lifting of the ban by the comments of the Reverend Guy Walden. Reverend Walden, a Baptist preacher from Texas, is also an outspoken pro-life advocate. But, Reverend Walden argued that this debate is not about abortion, it is about life.

We can all agree that there is a tremendous need for a medical breakthrough in the treatment of a myriad of diseases. Given the great promise of fetal tissue transplants and the protections against abuse of the abortion decision, I believe, as do many of my colleagues, that to support this research is the true pro-life position.

Mr. President, I yield the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 1 minute to the distinguished Senator from California.

Mr. SEYMOUR. Mr. President, I rise today to urge my colleagues to support this very important bill. The reauthorization of the National Institutes of Health is perhaps one of the most worthy pieces of legislation we will vote on this year. The bill covers funding for research of thousands of life-threatening diseases. The NIH has worked for over 100 years to improve the health of American's through its own research as well as supporting the endeavors of some of our finest research institutions.

The most discussed portion of this bill is fetal tissue transplantation research. I was a cosponsor of the Research Freedom Act and believe strongly in the promise it affords those afflicted with chronic diseases such as Parkinson's and Alzheimer's disease. The use of fetal tissue transplantation research has provided Parkinson's patients and victims of such life-threatening diseases such as Alzheimer's, diabetes, and epilepsy with the hope of leading fulfilling lives free of frustration and pain. It is fetal tissue transplantation research which contributed to the development of the polio vaccine. It is time to lift the moratorium on NIH-supported fetal tissue. Secretary Bowen, the Secretary for HHS who imposed the moratorium has come forth to urge this action as well. Those on both sides of this issue agree that there is undisputed value in fetal tissue research. The problem lies in its source.

The solution proposed by the administration does not go far enough. The proposed bank of tissue from spontaneous abortions and ectopic pregnancies will not provide enough usable tissue to do the kind of research necessary to find the cures for these diseases. Tissue taken from ectopic pregnancies or miscarriages is often defective or diseased and not suitable for research.

Although the focus for debate on this legislation has been on the fetal tissue transplantation research provision, I would like to take this opportunity to turn the attentions of my colleagues to what I consider to be the most important piece of this bill: clinical research equity regarding women and minorities. Through this legislation, the Director of NIH must ensure that women and minorities must be included in research projects where appropriate, and provide an analysis of the variables being tested as to their effect on women and minorities. Research ranging from gender differences in clinical drug trials, treatments for diseases, obstetrical and gynecological health conditions, and the aging process are among the many research projects made possible by this bill, all of which I believe deserve our unanimous support.

As Members of the U.S. Senate, we engage ourselves in extensive research and experimentation to determine the feasibility of laws we create to govern our Nation. Political science attempts to engage all sectors or our society equally, in order to have successful results. However, our attempts to provide equity in the health sciences field have failed to achieve that balance.

The largest imbalance is that in research trials. Women generally suffer from more illnesses than men, and while the life span of women is generally 6 to 7 years longer, this increased longevity is often compromised by an inferior quality of life. Yet, in trials to discover cures and treatments for disease, medical researchers have excluded women from the clinical research. Heart disease is the No. 1 killer of U.S. women, yet most clinical studies and investigations do not include women. Men and women are indeed different in their physiological makeup, and doctors cannot be clear whether the results found in a male study can be extrapolated to women. This scenario is repeated in innumerable diseases—AIDS, mental illness, addictive disorders, et cetera. The list goes on.

Another way that women have been short changed by our health system is through allocation of dollars. Historically, female-specific diseases such as breast and ovarian cancer, osteoporosis, and others have been underfunded. Increasing attention and funding has been given to these diseases, in recent years, but they are still behind in terms of progress being made.

Let me illustrate the consequences of this inequity: 44,800 women will die this year in the United States of breast cancer. Each year, 176,000 women will be diagnosed with breast cancer with an alarming 4,700 in my State of California alone. This dreadful disease accounts for over 18 percent of all female deaths in this country, and will continue to take the lives of women unless we can find a cure.

Breast cancer costs this country expenditures we can no longer afford—the cost of human life, and the economic cost. Each year we spend $8 billion in direct and indirect costs for treating women with breast cancer. We now have the opportunity to reduce the number of lives lost and dollars spent through this important piece of legislation that will invest $325 million in the National Institutes of Health for breast cancer research, and $75 million for ovarian cancer research. It is imperative that special attention is given to women's health as specified in the provisions laid out in this bill.

Rather than thinking of this in terms of population, think of the women in your life that are at risk—your wife, your daughter, your mother who may have breast cancer or who may contract this disease in the days to come. This legislation provides new hope, and new focus for the women and for the research community within this country.

Once again, Mr. President, I strongly urge my colleagues to join me in support of the H.R. 2507 conference report.

Mr. HATCH. Mr. President, I was interested in Senator DOLE'S citing Reverend Walden's situation. The Walden case is one of the most widely reported and touted examples of fetal transplantation. Interestingly enough, the tissue for that transplantation procedure was from an ectopic pregnancy, exactly what I have been arguing for.

Does that mean that the woman in this case was put in danger in order to obtain the fetal tissue needed for the Walden's baby? I am sure that was not the case.

Mr. President, there are many reasons why people should vote against this bill.

First, excessive authorizations for spending—$3 billion above the President's 1993 budget request.

Second, the provision requires the Secretary of HHS to appoint an ethics advisory board of private citizens whenever he declines to fund research on ethical grounds.

These people can overrule objections by the Secretary of HHS and the President, unilaterally. They have unilateral authority to make important decisions concerning major research initiatives. This clearly violates the appointments clause of the Constitution. That alone is reason to vote against this bill.

Third, the transfer of moneys to research for new and costly construction programs that take money away from necessary research. As I stated earlier, women have to be included in this bill in the clinical research. I have been at the forefront of that. For example, I offered amendments to the earlier authorization bill to include studies of the causes of miscarriages and ectopic pregnancies, to include women and children in the AIDS vaccine trials, and to intensify breast cancer research.

Finally, Mr. President, there is the question of fetal tissue transplantation research. I would like to point out that the NIH Human Fetal Tissue Transplantation Research Panel was a 21-person advisory board. Only about five of the members were known to hold prolife views. Five out of 21.

Be that as it may, I believe fetal research should go forward, and I resent anybody implying that I believe otherwise. I have said that if we do not have enough healthy tissue from ectopic pregnancies and miscarriages, then I will lead the fight to use any kind of tissue.

But, why get into the abortion debate if we do have enough? The President of the United States says we have enough, the Secretary of Health and Human Services says we have enough, and the Assistant Secretary for Health says we have enough. Bernadine Healy, head of the NIH, who personally believes in this research, says we have enough. C. Everett Koop, the former Surgeon General of the Public Health Service, says we have enough. Moreover a number of other top research scientists all over this country say that they believe there is enough quality tissue available.

So why get locked up in this debate, knowing the President has to veto this bill, knowing the House is going to sustain that veto, and setting back the reauthorization of the NIH? That is my point. I think it is a valid point.

I warned this body about that a few months ago, and they ignored the warning, and now we are in this posture. Now people are going to vote for this when in fact, because of their approach, they are probably setting the NIH reauthorization bill back at least a year.

The President's fetal tissue research bank is working; it will work. We will have enough healthy tissue through ectopic pregnancies and miscarriages to do this. It is crazy to get into a divisive public debate in this country over the issue of abortion.

I agree, fetal tissue transplantation research ought to be outside of the issue of abortion. The best way to do it is the way I am suggesting. Most people would admit that privately—even though we have to have this big public debate over an approach that does not warrant public support.

Mr. President, I feel very deeply about this. I really resented some of the media indicating that I am some sort of a Neanderthal arguing against fetal research. That is pure bunk. I am arguing for it. Let us do it the right way and not get into this fight that irritates everybody year after year.

I pay tribute to my colleague, Senator JESSE HELMS. We are all praying he will be all right. He asked me to make it clear that if he were here today, he would vote against this bill for a variety of reasons. I, too, have to vote no, because I believe that this is an exercise in futility that will ultimately deter reauthorizing the NIH.

Mr. SIMPSON. Mr. President, I rise in support of this legislation. My colleagues know that as a rule and as a member of the leadership, I am a vigorous supporter of the President's legislative agenda—so far as it comports with the needs and desires of my own constituents and the Nation as a whole. But on this issue, I do respectfully disagree with him—as do many people in the State of Wyoming and across this land. I think that our fine President has simply gotten some bad advice from a small cadre of advisors who are more concerned with the potential political fallout from a group of very committed activists than they are with scrutinizing the substantive aspects of a very complicated issue.

Mr. President, I believe it is time to get real about the emotional issues that seem always to confront us here and to stop allowing our good sense and reason to be coopted by the shrill rhetoric of political polemicists. It is time we focus on—and decide—the real issues before us, with a view to fashioning sound public policy. Not politics, not polemics, but rational, intelligent policy.

As many of my colleagues know, I worked long and hard with Senator CHAFEE and others to forestall the release of the so-called gag rule, an ill-conceived regulation which restricts the information available to women who receive reproductive health care at title X family planning clinics. I accept that this administration continues a policy of discouraging anything which would encourage or promote abortion, and I wholeheartedly agree with that. But the gag rule is not about abortion, and it is unfortunate that it was ever cast as such. But that is a debate for another day. The point is, if we are to do our jobs here, then it is time we get away from unbending ideology that polarizes this body to the exclusion of any meaningful dialog or factually based discussion of the real issues.

Similarly, Mr. President, the conference report on the NIH reauthorization bill—which would lift the ban on Federal funding of fetal tissue transplantation research—is not about abortion, either. This provision is about expanding the scope of research that offers real hope of finding cures for Parkinson's Disease, from which my dear father suffers, childhood diabetes, and devastating genetic disorders. Mr. President, this provision is about saving lives.

Unfortunately, this issue has from the beginning been entangled in the abortion debate—a place it most assuredly does not belong. When the former HHS Secretary imposed the ban on fetal tissue research funding, he did so solely on the basis of an unproved and unfounded assumption: that such research would increase the demand for abortions * * * that knowledge of this research would lead women more often than not to opt to terminate their pregnancies for purposes of donating tissue. There was no scientific argument advanced against this research. The sole basis of the objection was a presumption that American women somehow suffer from a diminished capacity for moral choice. As husband, father, neighbor, I can tell you that I have never found that to be the case.

Mr. President, I don't want to get trapped in a discussion of abortion here, except to emphasize one point—one essential, factual bit of history in the evolution of this issue.

In 1988, the National Institutes of Health, at the Secretary's request, convened an outside panel of experts on fetal tissue research to study the ethical, legal, and scientific issues associated with the research. This panel, which was composed of lawyers, theologians, physicians, and scientists, voted overwhelmingly to approve the transplantation research as acceptable public policy. That decision was adopted unanimously by the advisory committee to NIH. Concerning the likely social effects of expanded research activity, the panel noted: "Research using fetal tissue has been conducted for 30 years and there is no evidence the research has encouraged abortion."

Just to ensure that the scales are never tipped in favor of abortion, the legislation before us today contains a number of ethical safeguards—all recommended by the NIH experts—to completely separate a woman's decision to terminate her pregnancy from her decision to donate tissue for research. These safeguards are sufficient in my mind to allay any possible fear of improper or misguided decisions. Moreover, these regulations would control both public and, for the first time, privately funded research as well.

Mr. President, fetal tissue transplantation research holds such tremendous promise for so many American families who are suffering from disabilities and diseases for which there are as yet no known cures, nor effective therapies. The NIH advisory panel noted that experimental transplant therapy on Parkinson's patients "has resulted in significant clinical improvement and real quality of life changes". Juvenile diabetes, head and spinal cord injuries, genetic abnormalities which result in so many elective abortions—all of these have shown evidence of responding to fetal tissue therapy. What logic is it that would hamstring efforts to pursue these promising areas of inquiry?

To quote Dr. J. Sanford Schwartz, president of the American Federation of Clinical Research:

> Fetal tissue transplantation research can be a very useful path to combat pain and suffering * * * it [also] may be the only bridge to even greater discoveries on the course of disability and disease. But we can only cross that bridge if we are allowed to pursue the research.

In the future, will good science have to be in some ways better than just good? Will it also have to be politically correct? If that is the case, we have lost the foundation of research achievement in the United States.

It is time to separate abortion from science and politics from research. We have heard much today about research freedom and scientific integrity.

I am heartened to see that, on this issue at least, so many of my colleagues have devoted to the pending proposal the thorough, thoughtful review and consideration it deserves. I urge my colleagues: continue to let reason be your guide.

Mr. PELL. Mr. President, I strongly support the conference report to H.R. 2507, the National Institutes of Health Reauthorization Act of 1992. This legislation will greatly enhance existing NIH programs and will broaden and strengthen the preeminent position of the NIH, the world's premier biomedical research institution. It will also make needed changes in Federal policy that have hindered—and in some cases halted—scientific research in this Nation and throughout the world.

As an original cosponsor of the Senate reauthorization bill and as a long-time supporter of past attempts to reauthorize NIH programs, I am encouraged and pleased that this excellent legislation is before us today. This comprehensive reauthorization bill will revitalize many existing programs at NIH—including research on breast and prostate cancer, AIDS, and women's health needs—as well as create some important new ones. I am especially pleased and gratified that the conferees included and expanded provisions contained in the Senate-passed bill that address a disease of great importance to many Rhode Islanders and others across this Nation: chronic fatigue syndrome [CFS], also known as chronic fatigue immunodeficiency syndrome [CFIDS].

Mr. President, the most controversial part of this bill is also one of its most important accomplishments. I strongly support the provisions of this bill that overturn the Bush administration's ban on fetal tissue transplantation research. While the questions surrounding the debate are complex and require careful consideration, I firmly believe that the Federal Government should resume funding this vital research—research that holds great promise for victims of many debilitating and painful diseases, including Parkinson's and Alzheimer's disease.

There are several other sections of this bill, Mr. President, that are of particular importance to me. I strongly favor those provisions that provide additional support to the National Cancer Institute, and in particular, to its research and cancer control programs. As the author of the legislation that created the NCI's International Cancer Research Data Bank [ICRDB], which assists in the exchange of information on the diagnosis and treatment of cancer between clinicians here and abroad, I am very pleased that the Senate Labor and Human Resources Committee, in its report, recognizes the ICRDB's important work and calls for the NCI to explore further ways to serve the ICRDB's services and needs. I hope that the NCI will undertake this effort with the diligence and care that it deserves, and I am confident that, under the excellent leadership of Dr. Samuel Broder, the NCI will give the ICRDB its continuing—and its strongest—support.

I also strongly support the provisions to assist in the collection of data about traumatic brain injury and encourage research on the brain and on human behavior. During committee consideration of this bill, I urged—and am delighted that the legislation includes—a recognition of the need for both biomedical and behavioral programs and facilities dedicated to the study of violence as a major health problem, and effective programs of intervention and prevention.

In summary, Mr. President, I think the legislation before us is excellent and farsighted and I strongly urge passage of this important conference report.

Mr. LEAHY. Mr. President, today the Senate will send to the President legislation that moves the country forward in discovering new ways to prevent disease. The NIH reauthorization bill offers hope for reducing the enormous human suffering and economic losses from illness, and improving the quality of life and health of all Americans. It preserves our country's preeminence in biomedical research.

I am proud that the cancer registries bill Congressman SANDERS and I introduced just a few short months ago is included in this important legislation. The bill establishes a national system of cancer registries that will bolster our efforts to win the war on cancer. It will give researchers the information they need to track cancer rates and strengthen prevention efforts. And my legislation takes aim at one particular cancer that has reached epidemic proportions—breast cancer—by launching a comprehensive study to determine why it hits women in the Northeast and Mid-Atlantic States hardest.

Mr. President, the cancer registries bill passed the Senate earlier this year with overwhelming, bipartisan support. A recent article in Reader's Digest called the bill the cancer weapon America needs most, and I ask unanimous consent that the article be included in the RECORD.

The President has made it clear that he will veto this bill because of the provision authorizing fetal tissue transplant research. This research holds tremendous promise for the treatment and cure of incurable diseases like Alzheimer's, Parkinson's, and juvenile diabetes. For the millions of American families touched by these diseases, fetal tissue research is the light at the end of a long and very dark tunnel.

Since 1987, the Reagan and Bush administrations have prohibited the use of Federal funds for fetal tissue research on the grounds that this research would encourage women to have abortions. Two separate panels of experts convened by the National Institutes of Health concluded that, with adequate standards, this important research would in no way encourage abortions. The administration ignored those conclusions.

The administration's ban on funding this research is unconscionable. Given the safeguards included in this bill—and supported by more than three-fourths of the Senate, including many Senators who oppose abortion rights—there is no sound reason for the President to veto this bill. Asserting that lifting the ban on fetal tissue transplant research would encourage abortions is nothing more than a red herring.

I do not want to go back to Vermont today and tell Vermonters that the cancer registries bill and the entire NIH reauthorization has fallen victim to election year politics. President Bush should disregard the pleadings of special interest groups to veto this important bill. The health and well-being of millions of Americans hand in the balance.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Reader's Digest]

THE CANCER WEAPON AMERICA NEEDS MOST

(By John H. Healey, M.D.)

Donald Austin was astonished by what he saw that day in 1975. As chief of the California cancer registry, Austin directed one of the largest storehouses of local cancer statistics in the world, and researchers frequently consulted him about the incidence of the disease in the San Francisco area.

On this afternoon, Austin had been asked for a tally of all cases of breast, uterine and ovarian cancer. As his eyes skimmed the computer printout, he was startled by a disturbing trend: year by year, cases of uterine cancer were climbing dramatically.

Austin found that since 1969, uterine cancer in the Bay Area had risen by 50 percent. Worse, the incidence among women age 50 and over from affluent Marin County had doubted. Why were these well off women at greater risk?

It didn't take long to finger a possible culprit. Between 1965 and 1975, prescriptions of estrogen—the hormone used to treat symptoms of menopause—had tripled nation wide. Large doses (far larger than are prescribed today) were being given, mostly to affluent women over 50.

Many in the medical profession doubted the link. To them, estrogen was a wonder drug. But to be safe, the Food and Drug Administration advised that women receive only the smallest possible dose and that doctors balance its effects with the hormone progesterone. Within three years, the rate of uterine cancer returned to normal. Thanks to a good cancer registry, at least 3000 women a year—in California alone—are spared.

With no cancer registry at their disposal, Massachusetts health officials were baffled by a sudden epidemic of cancer in Woburn, a Boston suburb. Only days after Anne Anderson's 3½-year-old son, Jimmy, was found to have leukemia, she learned that two other neighborhood children also had the disease. Then a fourth case cropped up. And when Anderson brought Jimmy to Boston's Massachusetts General Hospital for treatment, she was amazed to see a number of familiar Woburn faces in the waiting room. Could there be something in Woburn that's giving leukemia to our children? she wondered.

By October 1979, Anderson and her pastor, the Rev. Bruce A. Young, had tracked down 12 leukemia cases in Woburn—double the normal incidence. That same year, state environmental engineer Richard Chalpin suspected that toxic chemicals illegally dumped in Woburn had made their way into the water supply. He checked two municipal wells and discovered dangerously high levels of an industrial solvent. Then Harvard professors Marvin Zelen and Steve Lagakos found that, on average, the children with leukemia had consumed twice as much contaminated water as other Woburn youngsters had.

Jimmy Anderson died in 1981, but his mother was determined to help other kids. That's when she and Bruce Young helped persuade the Massachusetts legislature to create a cancer registry. Clusters of the disease are now detected long before they become as widespread as the tragic Woburn cases.

These two battles in the war against cancer illustrate how vital statistics can be. Ideally, researchers should be able to gather intelligence on all forms of cancer, not only because the disease is so widespread (one in three Americans are expected to contract some type of it in their lifetime) but also because it is infinitely complicated. It comes in dozens of different forms, and each cancer can have many causes—some inborn, others environmental. There are also dozens of ways to treat the disease. To battle such a beast, researchers need an exact statistical profile.

But many parts of the United States lack such information. Ten states have no cancer registries. Most of the others do not record all cases within their borders. And more than a third fail to record how patients are treated or whether they have been cured.

Back in the 1930s and 1940s, many states passed laws requiring health officials to keep track of cancer. But in almost every case, these laws went unfunded. (The notable exception was Connecticut, which has operated a model registry since 1935.)

Then, in the early 1970s, the National Cancer Institute began keeping accurate records for cancer patients in five states (Hawaii, Utah, New Mexico, Iowa and Connecticut) and four metropolitan areas (Detroit, Atlanta, San Francisco and Seattle). These SEER (Surveillance, Epidemiology and End Results) registries cover roughly ten percent of the nation's population. They are useful for making broad estimates of cancer rates. But because the registries ignore 90 percent of the population, they miss smaller trends such as the leukemia outbreak in Woburn.

Three years ago, the American College of Surgeons, with the help of the American Cancer Society, started a second national registry, the National Cancer Data Base, to track how well different treatments work. The data base covers only 30 percent of all cancer patients and misses victims cared for outside hospitals or in hospitals without registries.

Gilbert, H. Friedell, director of Kentucky's state registry, uncovered exactly the kind of problem that neither SEER nor the National Cancer Data Base would have picked up. While reviewing state statistics, he noticed that women in Kentucky's poverty-stricken Appalachian areas were dying of cervical cancer at twice the national rate. Friedell found that many women there were unaware of the importance of regular pap smears, which can detect cervical cancer when it is still curable. Kentucky officials have established a community outreach program to correct the problem.

Even if SEER and the National Cancer Data Base kept track of more cancer patients, they are not geared to spot local trends. By contrast, a good state registry can identify dozens of cancer clusters every year. Even when a cluster cannot be linked to some special circumstance, it is important that the public understand the situation.

Consider the 1990 scare in Taylorville, Ill., where neuroblastoma, a rare cancer of the nervous system, had stricken three infants. Such a rate was several times the expected incidence, and parents suspected the children had been harmed before birth by contaminants their mothers inhaled from a toxic-waste site. After extensive interviews, however, the Illinois State Cancer Registry determined none of the mothers had been at the site, and careful monitoring showed that no contaminants had made their way to the outside air. The town of Taylorville heaved a sigh of relief.

As important as the need for good registers is the need for uniform statistics. Unless data from all 50 states can be tallied, we cannot get detailed pictures of rare cancers.

Consider osteogenic sarcoma, or bone cancer. Even at major facilities like New York City's Memorial Sloan-Kettering Cancer Center, we cannot collect enough data to detect broad trends in the disease. But in Sweden, which operates an excellent cancer data base, orthopedists recently discovered that the mean age of people afflicted with bone cancer—generally considered a disease of growing bones—has gradually been increasing. Perhaps, then, we should be watching for a second variety of osteogenic sarcoma, caused by different genetic mechanisms than in the younger person's form of the disease. If we could track the cancer's path through the entire U.S. population, who knows what we might learn?

It would also be useful to track the rare side effects people experience from cancer therapies. Some reactions, such as the minor brain damage that can develop in leukemia patients who have received whole-brain radiation, occur many years after a patient is treated. So unless all cancer victims are followed for their entire lives, we cannot study these debilitating side effects and develop alternative therapies.

Why does the United States lag behind many other Western nations in gathering cancer data that could save thousands of lives and billions of dollars? Perhaps policy makers have always assumed that money is best spent on research and patient care. Record-keeping pays off only well into the future, after data have been collected long enough to reveal trends. Thus we tend to gamble it won't be necessary.

> Treating an advanced case of breast cancer, for example, may cost $60,000 more than treating a case detected early. Good registries could save these costs by pinpointing areas where women are not getting mammograms or performing self-examinations.
>
> Although not as glamorous, cancer tabulation can be more important in the fight against cancer than performing an intricate operation or an elegant experiment. A network of cancer registries can be our most potent new weapon against the disease.
>
> The Cancer Registries Amendment Act of 1992 could solve this problem by enabling each state to have a registry operating under uniform standards. Cost to federal taxpayers would run about $30 million.
>
> The Cancer Registries Act—and funding to support it—is needed now. Please write your Senators and your Representative to urge creation of uniform registries.
>
> People do not naturally rally round a cause like cancer recordkeeping because no one can point to victims who will suffer without it. Rather, it is our larger understanding of cancer that suffers. And thus, we are all victims.

Ms. MIKULSKI. Mr. President, I went to NIH last November to participate in a town meeting. I heard many good ideas about what we should be doing for NIH to prepare for the 21st century.

I consider NIH one of the crown jewels in our Government. It is one of our flagship institutions. I want to make sure that the capacity of this institution is not only maintained, but made stronger.

That is why I am proud that parts of the NIH revitalization bill, a bill that I introduced earlier this year, has been included in this bill.

My bill will address many of the issues I heard about from my constituents at NIH—helping NIH recruit and retain personnel; helping NIH retool for cutting-edge research; and streamlining procedures to assure that a dollar's worth of taxes means a pound of cure.

NIH's clinical center is over 40 years old. Its electrical system is outdated. Its ventilation system is dangerous. Expensive equipment clutters the halls because there is no room to store it. The Army Corps of Engineers who reviewed NIH's infrastructure in November of 1991 agree that NIH must have a new building.

In supporting this bill, I have been accused of playing pork-barrel politics by Members of the other body. This is ridiculous and short-sighted. NIH is our premier research organization. It deserves our support in keeping America No. 1 in medical breakthroughs that save lives and save money.

I also want to thank my fellow Senators for working with me on all of the women's health issues that were brought to our attention in the fall of 1990.

Not long ago, women were not being included in research studies. The large study that told us that an aspirin a day keeps a heart attack away only including men. This bill will make sure women are not seen as research problems by making sure women are included in research.

Under the leadership of Dr. Bernadine Healy, NIH has improved its work on women's health. But Dr. Healy will not be there forever, and past experience has shown us that we need this legislation so that NIH will fulfill its promise to women that they will never be overlooked again.

We have also included an increase in breast cancer research money. One out of nine women get breast cancer today. Only 1 of 20 got it in 1960. We need to find a cure to preserve families.

I have received letters from constituents urging me to keep fighting against breast cancer. One letter from a constituent, whose wife died in January of breast cancer, was especially touching. He said to me:

> If you have never lost your partner, who in my case was not only my wife and mother of a fine young man, but my very best friend, then you cannot know my pain, nor my total emptiness. * * *
>
> I only ask that you do something for the wives, the daughters, and the mothers who are still with us * * * don't pay lipservice to this war on breast cancer.

We are increasing research money to breast cancer so that families like these are not torn apart any more.

Other parts of the bill that support better research on women's health are:

The Office of Women's Health Research;

More research money for gynecological cancers;

A databank on women's health research;

Research on osteoporosis;

Study of the aging process in women; and

Contraceptive and infertility research centers.

Women are half the population. We deserve to be included at that level in the research agenda of the 21st century.

I thank the chairman and the ranking minority member for working with me on these issues. And I thank my Senate colleagues for their support.

Mr. SANFORD. Mr. President, I rise today in support of the conference report on H.R. 2507, the National Institutes of Health Reauthorization Act of 1992.

The debate over this legislation has mainly focused on a single provision—the provision that would lift the administration's ban on aborted fetal tissue transplants. My colleagues have spoken eloquently on the merits of lifting this ban, and I see no need to restate these arguments. I will say briefly, however, that I believe that fetal tissue research is a medical issue, not an abortion issue. Some of the staunchest antiaborton legislators in the Senate agree that this type of research may open the door to finding cures for numerous fatal diseases and genetic defects. In April, these men and women, Democrat and Republican, stood together in support of lifting the ban on fetal tissue research. It is my hope that we will stand together again today.

When this bill is taken as a whole, I find it difficult to understand how any of my colleagues could vote against it. In fact, I fear that consideration of the other provisions in this comprehensive bill has been lost in the shadow of the debate over fetal tissue. In addition to providing funding for vital entities such as the National Cancer Institute, the National Heart, Lung, and Blood Institute, and the National Institute on Aging, H.R. 2507 would expand much-needed research on women's health and the health needs of minorities. The bill would establish and implement a comprehensive program to address the AIDS epidemic, including research into possible drugs. Infertility technology research would also be expanded, and funds would be authorized for improvements on public and nonprofit medical research facilities. Moreover, H.R. 2507 would also improve the machinery for investigating scientific misconduct and provide whistleblower protection for those who cooperate in these investigations. In short, the provision to lift the ban on fetal tissue research represents only a fraction of the impact this bill would have on medical research in this country.

Apparently this research doesn't mean very much to our President. Proving that he is willing to play politics with the very health of American citizens, George Bush has promised to veto this entire package if the fetal tissue provisions are not removed. This bill will pass the Senate today, and it will soon be on the President's desk. If he is at all concerned with the future health of this Nation, he should sign it into law.

I thank the Chair, and I yield the floor.

Mr. JOHNSTON. Mr. President, the legislation pending before the Senate today is an important step toward realizing the obligations with which we are entrusted to provide for an improved quality of life for our children. Only by supporting the preeminent role of the National Institutes of Health and the many areas of biomedical research they undertake can we begin to fulfill this pledge.

I have already spoken at length of my support for the women's health provisions in this bill. They ensure that research on women's health will no longer be relegated to second-class status, but will, instead, become a distinct and equal partner in all fields of medical inquiry. In my view, implementation of these programs is long overdue, and we must proceed expeditiously toward realization of this measure to correct past discrepancies in women's health research.

This legislation also reaffirms our commitment to effectively combat the two greatest sources of death and medical spending in this Nation—cancer and cardiovascular disorders. Increased funding for breast, cervical, ovarian, prostate, and colon cancer research as well as heart, blood vessel, lung, and blood disease prevention and control programs are vital investments in the future health of our citizens. The work of the National Cancer Institute and the National Heart, Lung, and Blood Institute must be promoted if we are to find cures for these diseases.

In addition, this legislation addresses long-neglected issues in minority health research, the establishment of child health research centers, expansion of child vaccination research and delivery, treatment of traumatic brain injury, and expansion of biomedical and behavioral research centers.

AIDS research and treatment is also addressed in substantive ways. I support the authorization of studies to determine the relationship between AIDS and opportunistic infections and cancers. Also, by requiring the Secretary of Health and Human Services to provide for three studies on drug development and approval, we will hopefully speed up the process and give renewed hope to those patients who do not have the luxury of time to find a cure.

I am also very supportive of the work of the National Center for Human Genome Research, which is given statutory authority under this measure. This project will provide information about the basic components of human life which will propel medical research by a quantum leap into the next century. I can think of no more important scientific project which merits our support.

Finally, I believe that fetal tissue research is an important component in the quest to unlock the elusive secrets of certain types of medical research. Indeed, during initial consideration of this legislation, I supported the amendment offered by my friend from Utah to establish a fetal tissue bank for tissue derived from spontaneous abortions and ectopic pregnancies. Although the amendment failed to pass, I am pleased that the President has signed an Executive order to establish such banks.

Despite my objections to the fetal tissue provisions included in the conference report, I believe that this legislation is of compelling importance to every American, particularly to women. It is my hope that the President will reconsider his stated intention to veto the bill so that we may move forward in our quest to unlock the secrets of biomedical research.

Mr. CHAFEE. Mr. President, I would like to take a moment to express my support for the conference report on the National Institutes of Health Reauthorization Act of 1992. The NIH is considered to be one of the world's premiere research institutions, and this legislation takes significant steps forward furthering its mission by reauthorizing the National Cancer Institute and the National Heart, Lung and Blood Institute, NIH's two largest components.

Its enactment will ensure that recent impressive strides in the fights against cancer research and cardiovascular disease, the two biggest killers in our society, will continue with the strong Federal support. In addition, this measure devotes greater resources to the health of women and minorities, two groups which often have been neglected in clinical research trials.

As we all know, however, the bulk of the debate on this bill has been focused on the provision to lift the moratorium on Federal funding for fetal tissue transplantation research. Federal funding for this research has been banned since 1988, despite the fact that a panel of experts appointed by then-President Reagan, concluded that the research should continue. In my view, it is a shame that this moratorium has remained in place, for it has blocked encouraging avenues of research which could provide cures for diseases such as Parkinson's, diabetes, and leukemia. There are probably very few of us in this body who do not have a family member or friend who could benefit from this research. And these individuals are being denied the possibility of some treatments and cures which could prolong, improve, and in some instances, save their lives.

There are some who oppose this research, claiming that it will encourage women to have abortions and will create a demand for fetal tissue which will have to be met with more induced abortions. This is nonsense. This measure contains all of the safeguards recommended by the NIH panel to prevent just such an occurrence. These safeguards will ensure that the decision to donate tissue is made only after a woman has already decided to terminate her pregnancy. It prohibits any form of monetary compensation for the tissue and women will be prohibited from designating who is to receive the tissue. So, I ask you, Mr. President, where is the increased incentive for a woman to terminate her pregnancy?

In closing, let me just say that once again we are dealing with an issue that is not about abortion, but rather about sound and ethical medical research. Unfortunately, there are many who would like support for this measure to be considered a proabortion vote. I maintain that support for this bill is the ultimate pro-life vote because allowing this critical research to continue will mean that millions of lives will be prolonged and saved. On March 31, the Senate approved the NIH reauthorization bill by an overwhelming vote of 87 to 10. I hope that there will be similar support for the conference report before us today.

Mr. BOND. Mr. President, the NIH reauthorization before us contains some important legislative proposals which I hope will be enacted, particularly provisions which would focus on vital women's health issues. These include making permanent the NIH Office of Research on Women's Health, requiring NIH to include women in clinical research on women's health issues. I commend Dr. Healy for her pioneering efforts in this area and urge her to continue her work to focus resources on important women's health concerns. I support additional funding for illnesses affecting women. In fact, I joined several other Senators in urging the Labor Committee to include more money for breast cancer research.

Also, I support the critical fetal tissue research proposed in this bill. I believe that this type of research should proceed in an effort to find cures for debilitating diseases like Alzheimer's, Parkinson's, and juvenile diabetes. It is one of many promising avenues of research currently taking place. However, while I support fetal tissue transplantation research and believe it should continue, this bill overrules a decision by the Secretary of HHS to use tissue from miscarriages and ectopic pregnancies for the research instead of tissue from elective abortions. This poses many moral and ethical questions that are troubling to me.

In my view, this need not have happened. We had an alternative. I am disappointed that the Senate rejected Senator HATCH's proposal to create a fetal tissue bank using specimens from miscarriages and ectopic pregnancies, a proposal which the administration is now implementing as a matter of policy. This proposal is thought by many in the scientific research and medical community to be workable, and have merit. Others do not agree. However it seems premature to insist on using a method which is ethically troubling to many before we know if a method which is not ethically troubling works. That is what is happening here, and I believe a more cautious approach is called for. Certainly, if we were to try the tissue bank approach and find that it did not work, we could revisit the issue. But we should try the Hatch approach first.

There is another portion of the bill which I object to, debate over which has been negligible due to the focus on the fetal tissue transplantation issue. Specifically, the bill would empower an ethics advisory board to make decisions regarding the implications of research conducted by NIH. In fact these boards could override the decisions of elected and, therefore, accountable officials and their appointees charged with the responsibility for the research. I do not believe this is good public policy for any issue and believe it should be struck from the final bill.

Mr. DOLE. Mr. President, this year approximately 132,000 men will be confronted by the same diagnosis that I had to face a few months ago: cancer of the prostate. It is the same diagnosis that Senators TED STEVENS, JESSE HELMS, and ALAN CRANSTON also had to face. And, as our population ages, it is a diagnosis that more men will learn that they, too, are among the 1 in 11 who has contracted the disease.

Prostate cancer is the most common malignancy among American men and the second leading cancer killer, second only to lung disease. It claims the lives of 34,000 men each year in the United States.

Yet, despite these startling figures, we spend only $28 million on prostate cancer research.

No wonder we know so little about the disease.

No wonder we know so little about its causes or its prevention.

And no wonder that we still do not have definitive information on the beneficial effects of early treatment.

I hear it all the time—Senator, you didn't need surgery. You would have died with the disease, not of it. Well, maybe, but how do you explain that to the widows and family members of the 34,000 who die of it every year.

Because prostate cancer often presents no symptoms until its advanced stages, at least 40 percent of men with prostate cancer have metastatic disease—disease that spreads outside the prostate gland—disease that is not easy to treat—disease that will claim lives.

Contrary to popular belief, prostate cancer is not exclusively an old man's disease. Although it is much more common with age, even men in their thirties can have prostate cancer, and not even know it. And few men living a normal lifespan will be free of the disease.

That's why we need additional research funds. The amendment that I have offered with Senators STEVENS, HELMS, and CRANSTON that has been accepted by the conferees will expand prostate cancer research efforts. By increasing funding to the National Cancer Institute from $28 to $100 million, and by providing $20 million in funding to the Centers for Disease Control, we can increase outreach programs for greater public education. We will also gain valuable information about the causes, prevention, detection, and treatment of prostate cancer.

Now, I'm not trying to pit one disease against another, but compare the $28 million we are spending on prostate cancer to the $2.1 billion we spend—and should be spending—on AIDS research. Yet, both diseases claimed about the same number of lives last year.

It is my hope that my providing additional funding to research prostate cancer, more information will become available to the health providers, to the victims, and the potential victims of this disease. Prostate cancer is curable. I am convinced that this action, today, will bring us one step closer to saving lives.

Mr. MACK. Mr. President, I rise in support of adoption of the conference report to accompany H.R. 2507, to revise and extend the programs of the National Institutes of Health. I do so, however, with reservations about certain aspects of this legislation.

I am extremely pleased that this bill focuses on the vital work being performed at the National Cancer Institute. One need only look at the grim statistics to see that cancer research must be a priority.

According to the American Cancer Society, approximately 83 million Americans now living will eventually develop cancer. More than 8 million Americans alive today have a history of cancer, more than half of which were diagnosed 5 or more years ago. More than 1.1 million Americans will develop cancer in 1992 alone. This year, more than half-a-million of our citizens will die from cancer, about 1,400 people per day. One in five deaths in the United States is cancer-related.

Like many American families, my family has been touched by cancer. I am a cancer survivor, having been successfully treated for a malignant melanoma. During the past year, my wife, Priscilla underwent a mastectomy and 6 months of chemotherapy following breast cancer. Our daughter is a survivor of cervical cancer, and my mother is a survivor of breast cancer.

This bill designates that special attention is paid to cancer control activities in the areas of breast, cervical and prostate cancer. Breast cancer is one area in which we are actually losing ground. Last year, the American Cancer Society estimated that 1 in 10 American women would develop breast cancer. This year, it is 1 in 9. Recently, three of our colleagues bravely came forward to announce have undergone treatment for prostate cancer. This is one of the most preventable and treatable forms of cancer. Estimates show that the 5-year survival rate for prostate cancer is 88 percent.

The authorization contained within this legislation will help the National Cancer Institute continue its innovative research and cancer control activities.

I must, however, raise my serious reservations about several other aspects of this bill.

Most significantly, I am extremely distressed that more than half of the increased authorization over the President's budget request is for two projects. Nearly $2 billion is being authorized to renovate the NIH campus in Bethesda, MD, and to acquire 300 acres of land nearby. This is an expense we simply cannot afford at this time.

On the issue of fetal transplantation, I am hopeful the fetal tissue bank, established by the President's Executive order, will provide valuable treatment options for diseases such as diabetes, Parkinson's and inherited disorders. Tissue from this bank will be retrieved from fetuses resulting from spontaneous abortions and ectopic pregnancies. According to Dr. Bernadine Healy, Director of the National Institutes of Health [NIH] and advocate for fetal tissue transplantation, the tissue bank is "feasible and should be given a chance to prove its efficacy". This approach is free of ethical concerns and ought to be pursued as the principle means of securing fetal tissue for transplantation.

I am also extremely concerned with the establishment of an Ethics Review Panel of private citizens, which will have the unprecedented authority to overrule the Secretary of Health and Human Services in the awarding of medical research grants. The Department of Justice believes this provision is unconstitutional under the appointments clause. Under article II section 2, of the Constitution, Cabinet members are appointed by the President, with advise and consent of the Senate. Decisions on the funding of research projects is a function of the Secretary of Health and Human Services. Therefore, officials at the Department of Justice strongly believe the ability of an Ethics Review Panel to overrule the Secretary is a violation of the appointments clause.

Finally, it concerns me greatly that this bill impedes upon the rights of Americans to express themselves freely on some of today's most emotional issues. This conference report contains language making it a Federal crime, punishable by up to 5 years imprisonment, for a person to "knowingly deter, through any degree of physical restraint, an individual from entering or exiting a health facility" which receives Federal funds. While I certainly do not condone lawlessness, Americans must have the right to express themselves freely, within the law, and without fear of retribution.

With these concerns, I will vote today to support adoption of the conference report on H.R. 2507.

Mr. BROWN. Mr. President, I rise today to explain why I will vote for passage of the conference report on H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992.

I am aware that this bill is over budget and that this bill is likely to be vetoed by the President. However, it is my understanding that the veto threat is not based upon the budget issues surrounding this bill, but rather on the removal of the current ban on Federal funding of fetal tissue research.

If the President's veto threat was based on the budget problems with H.R. 2507, I would be voting against the bill and supporting the President's veto.

I have consistently supported Federal funding for fetal tissue research. I cosponsored S. 1902, the Research Freedom Act on January 30 of this year, and voted for passage of H.R. 2507 on April 2. I believe the safeguards adopted by the Conference Committee will insure integrity in this area of research and the GAO report required by this bill on the effect of these safeguards on actual research and the number of violations will be helpful to Congress in shaping future policy in this area.

Because I support Federal funding for fetal tissue research, I will vote for passage of this conference report and will vote to override a Presidential veto of this bill.

Mr. NICKLES. Mr. President, the reauthorization of the National Institutes of Health [NIH] is a major opportunity to guarantee America's leadership in biomedical research through the end of the century. When the bill is ultimately passed, Congress will have paved the way toward finding a cure to many of the deadly diseases that haunt every American family.

The goal of this legislation is to improve health and save lives. I wholeheartedly support most of the provisions in this bill. Specifically, I support provisions such as: reauthorization of a wide array of programs at NIH that have led to major discoveries of causes, treatments, and cures of a range of devastating diseases; specific increases of 28 percent for the National Cancer Institute and 38 percent for the National Heart, Lung, and Blood Institute; and expanding existing endeavors in the areas of women's health such as directing the Cancer Institute to boost efforts on breast cancer as well as emphasizing research on women's health issues.

These and many other provisions in this legislation are critically important if we are to find causes and cures to the diseases that plague our loved ones. However, there is one section in this legislation that, if passed, will cost many innocent lives. This is the provision that allows for use of fetal tissue from induced abortions in federally funded research.

This provision has politicized a bill that the vast majority of us strongly support. It also has assured that the President will veto this legislation, despite his strong support for medical research.

Mr. President, this controversy is completely unnecessary. The President does not oppose NIH sponsorship of research that involves the use of fetal tissue; neither does the Secretary of HHS or the Director of NIH. What they oppose—and what I oppose—is the use of fetal tissue that is taken from induced abortions.

To emphasize his support for fetal research, the President has issued an Executive order establishing a national network of tissue banks. These tissue banks will use tissue taken from miscarriages and ectopic pregnancies. This Executive order assures that research into cures for Parkinson's, Alzheimer's, diabetes, and other diseases can go forward without raising the controversy over abortion.

Some have argued that the President's approach would not meet the demand among researchers for human fetal tissue. It is estimated that 5 to 7 percent of all in-hospital spontaneous abortions are potentially suitable for transplantation. This conservatively amounts to suitable tissue from about 5,000 spontaneous abortions. In addition, there are over 100,000 ectopic pregnancies each year with an estimated 1,000 to 2,000 yielding tissue potentially suitable for transplantation. Taken together, these two sources would provide tissue for an estimated 6,000 to 7,000 transplants.

In the last 30 years, there have only been 60 patients treated with fetal tissue transplants in the United States. It is estimated that current research needs in the United States indicate that fetal tissue would be needed for less than 200 transplantations. There appears to be enough tissue available from spontaneous abortions and ectopic pregnancies to satisfy these research needs.

Mr. President, this view is supported by the Director of NIH and by leading researchers across this Nation. Over the past several weeks, many distinguished scientists—including former Surgeon General Dr. C. Everett Koop—have stated that the President's Executive order is workable. We should give it a chance to work, and we should give this bill a chance to become law by stripping it of unnecessary and controversial provisions.

As I stated earlier, I support the majority of provisions in this bill, but I cannot justify the potential mass harvesting of the unborn to produce an undetermined benefit.

The President's advisors have recommended that he veto this bill primarily because of the requirement that Federal funds be used in research on fetal tissue from induced abortions. Had the Hatch amendment been adopted, the President would have signed this bill. Even if the President vetos this bill, I am confident that an agreement will be reached for funding the vital programs contained in this legislation. My vote against this bill is not a vote against NIH, but a vote for unborn children and ethical research.

Mr. BRADLEY. Mr. President, it is with great pleasure that I rise today to support S. 1523, the NIH reauthorization bill. Special recognition is due for Senator KENNEDY for his skillful leadership on this important piece of legislation.

This bill includes a provision to continue the valuable research to improve vaccines for children. This provision would authorize Federal support for the continuing development of a children's vaccine to help immunize children in America and overseas against a wide range of diseases. The legislation authorizes $15 million for 1993, rising to $30 million in 1996.

Mr. President, there was once a time in America when it was left almost to chance whether a child would grow to reach adulthood. Many large families took it for granted that at least one of their children would be lost to polio, diphtheria, measles, or another contagious disease before adolescence. For most parents who sent their children back to school this fall with their inoculation records and booster shots, those days are history, thanks to the greatest lifesaving invention in all of medicine—vaccines.

But the diseases that our children complain about getting shots for because they have never heard of them are still a matter of daily life—and death—for millions of children around the world. Each year, 3 million kids die from the major diseases that can be prevented by vaccines. Only about 70 percent of the infants in the developing world were immunized in 1990. That's a tremendous improvement over the 5 percent that were immunized in 1974, and most of the improvement can be attributed to the U.N. immunization program, supported in part by the Child Survival Fund. But it's still not enough to eradicate killer diseases in the way that we have eliminated polio in the United States and smallpox worldwide.

In most countries in the past decade, UNICEF, the World Health Organization, the U.S. Agency for International Development, and other groups have built an adequate system for delivering vaccines to children. In very poor areas, children never see a doctor at all, or they receive only partial immunization. About 70 percent of the children in Jersey City, NJ, are not properly immunized. We must continue to work to make primary health care, including immunizations, a basic right of all children. But universal immunization will also require a bigger goal—better vaccines. A few forward-looking scientists and public health officials have a vision of a children's vaccine. Administered once in infancy, it could prevent about a dozen diseases for a lifetime.

Mr. President, immunizing every child in the world today is made more difficult by the characteristics of the vaccines we have available: Children need too many different vaccines keyed to different diseases. American schoolchildren must get three separate vaccine mixtures, including two that prevent three diseases each, and regular booster shots. In countries where illnesses like yellow fever are prevalent, even more distinct vaccines are required. The children's vaccine would immunize a child against numerous diseases at once, including regional plagues like Japanese encephalitis and many for which good vaccines are not yet available.

To remain effective, current vaccines require too many regular booster shots. Recent severe outbreaks of measles in high schools and on college campuses in New Jersey recently have been attributed to neglect of booster shots. The children's vaccine would need to be administered only once in a lifetime, in infancy.

Most vaccines need constant refrigeration in order to remain potent. This makes it more difficult to bring the vaccines to isolated areas or store them in small, rural medical facilities. The children's vaccine would be stored and transported at room temperature.

Most vaccines are administered by injection, which not only requires more equipment but makes children reluctant to return for boosters. The children's vaccine would be administered orally, like the Sabin polio vaccine.

The children's vaccine is an ideal, like JFK's vision of putting a man on the Moon. It may take anywhere from 10 to 30 years of research before that single once-in-a-lifetime vaccine reaches the market. Each step along the way, though, will lead to more and better vaccines and help children live longer, healthier lives.

But the revolution in biotechnology makes the children's vaccine more than just a dream. Scientific research into vaccines peaked in the 1930's and declined with the introduction of antibiotics. New insights into the structure of the immune system and our ability to tinker with the very DNA of a virus make it likely that the 1990's will bring renewed progress in the development of human vaccines.

The only obstacle to this progress is an economic one. Vaccines are a public good; they are not particularly profitable for pharmaceutical companies, especially if they need to be administered only once in a lifetime. If we are to realize the major advances that recent science makes possible, governments will have to play a stronger role. Currently, the United States provides $140 million for worldwide vaccine research. Developing the children's vaccine is an Apollo project for the world's children, and this legislation will provide resources adequate to this lifesaving task.

The development of the children's vaccine has been endorsed by the World Health Organization's Scientific Group of Experts for the Programme on Vaccine Development. In addition, the National Vaccine Program convened a special meeting of experts at the National Institutes of Health last year about the technical feasibility of such an initiative. The results of that meeting also were overwhelmingly positive. Given the outpouring of support for the development of the children's vaccine, last year Congress provided $6 million to HHS and AID for early development work. It is my hope and expectation that more funds will be provided this year for this important initiative. I thank my colleagues for their support.

It is noteworthy that the NIH bill more fully recognizes the unique health problems for women, and the need for further research to address them. One significant provision steps up our fight against breast cancer, one of the most deadly diseases for women in our time. We know that about 50,000 Americans were killed during the decade of the Vietnam war. Breast cancer kills about that many women every single year. This bill will allow the leading scientific researchers to help us find breakthroughs to this tragic disease.

The bill also properly responds to the fact that women are too often excluded from clinical trials on crucial health issues. Scientific findings that state that a drug has been proven effective may prove to be faulty if women have not been included in those clinical trials. I commend Senator MIKULSKI and Senator ADAMS for their leadership on these important issues of concern.

Mr. HATCH. I am prepared to yield the remainder of my time.

Mr. KENNEDY. I yield the remainder of my time.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is an adoption of the conference report on H.R. 2507.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER], is necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS], is absent due to illness.

I further announce that if present and voting, the Senator from North Carolina [Mr. HELMS], would vote "nay."

The PRESIDING OFFICER (Mr. DIXON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—85

Adams
Akaka
Baucus
Bentsen
Biden
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Fowler
Garn
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—12

Bond
Burns
Coats
Craig
D'Amato
Ford
Gramm
Hatch
Nickles
Pressler
Smith
Symms

NOT VOTING—3

Bingaman
Durenberger
Helms

So the conference report was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. WALLOP. Will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from Wyoming.

CHANGE OF VOTE

Mr. WALLOP. Mr. President, I ask unanimous consent that my vote on rollcall No. 115 on the adoption of the conference report to accompany the NIH authorizations bill be changed from "nay" to "yea." This does not affect the outcome of the vote, and this has been agreed to after consultation with both the majority and minority leaders.

The PRESIDING OFFICER. Is there objection to the request of the distinguished Senator from Wyoming?

Without objection, it is so ordered.

(The foregoing tally has been corrected to reflect the above order.)

REAL REFORMS ENACTED IN SENATE DEBATE; ARE SOME REPORTERS AFRAID OF THE COOKIE MONSTER?

Mr. DOLE. Mr. President, yesterday the Senate voted to reauthorize the Corporation for Public Broadcasting for fiscal years 1994, 1995, and 1996 at a cost of $1.1 billion. By a vote of 84 to 11, the Senate approved this 50 percent increase in funding, a figure far above the more reasonable, but still generous $825 million recommended by the President.

But before anyone misreads the vote, or begins the celebration anew, let us be clear that some significant reforms have been enacted, even if the Senate once again missed an opportunity to cut spending—looks like all the talk lately about the deficit crisis and a balanced budget amendment is just a lot of happy talk: No wonder people cannot stand Congress.

MEDIA SHORTCHANGED TAXPAYERS

The taxpayers also got shortchanged by some of the media coverage of the public broadcasting issue because a few reporters—call them cheerleaders—were unable to get beyond silly and shallow characterizations of this issue: conservatives were out to starve the cookie monster, they wisecracked.

But despite some of our efforts to articulate many of the very real problems within the system—multimillion-dollar problems bordering on outright scandal—some reporters simply turned on the censorship machine and made it all go away, as they are so good at doing when they cover this Chamber and what happens in this Chamber. Most of them are right out there with the other left-wing leading reporters.

Well, we have now put the facts in the record. The leads are there. The information is there. Let us see if their is any follow up by the investigative reporters on the left and others who cover the Senate, see if they are out there looking for the things that have been happening, see if they have the courage to pursue it all—unless, of course, they are all afraid of the Cookie Monster.

The good news is, two long-overdue reforms are included in the bill that passed yesterday and I urge the CPB Board to use these new tools to help give the taxpayers the broadcasting system they deserve.

REFORM NO. 1: BALANCE

The first reform is what has been called the balance amendment, which I sponsored along with two strong proponents of public broadcasting, Senators DAN INOUYE of Hawaii, and TED STEVENS of Alaska. Our amendment requires adherence to a requirement that has been long ignored by taxpayer-financed broadcasting—programming which contains controversial material must be objective and balanced.

This requirement has been in place since 1967, the year Congress created educational television. Unfortunately, public broadcasting has chosen to ignore this requirement, and has energetically funneled millions and millions of dollars into leftwing, American-bashing documentaries, gloomy one-sided reports on "What's wrong with America," and all kinds of other mischief.

The amendment adopted by the Senate should change that imbalance by mandating a comprehensive review by the Board.

It also requires the Board to establish a new system to field complaints by those who are paying the bills—the American taxpayer. After all, shouldn't they have the final word when it comes to programming and quality and not some special interest group?

Finally, it requires the Board to take action when the objectivity and balance standard is violated, including the withholding of funds from offending organizations.

In a colloquy with Senators INOUYE and STEVENS, we made clear that the standard applies to recipients of programming funds as well. Therefore, the Independent Television Service, the Public Broadcasting Service, and National Public Radio all must seek balance and objectivity in awarding contracts.

With respect to the Independent Television Service, a separate amendment sponsored by Senators INOUYE, STEVENS, and this Senator requires what we call "geographic diversity" in grant awards. This reform was prompted by the initial grant announcements by ITVS, revealing what many of us feared—the vast majority of the taxpayers' money going to producers in Hollywood and New York City, and little to the rest of America.

REFORM NO. 2: ACCOUNTING FOR TAX DOLLARS

The second major reform of the system was an amendment we referred to as accountability. The Corporation for Public Broadcasting is not officially a government agency and is therefore not covered under the Freedom of Information Act, despite the fact that last year Congress sent 275 million dollars' worth of tax dollars to this organization. While some reporting requirements are currently in place, there is no central repository of information about what happens to the more than one-quarter of a billion dollars the taxpayers are shelling out each year. Let us finally find out who gets this money, why they are getting it and what they are doing with it. Sounds reasonable to me. We will also find out what producers are getting funding year after year at the expense of producers in Kansas, in Alaska, in Hawaii, and in State after State that are apparently "politically incorrect."

This repository of information is an important step. What we will not get, and what I will continue to pursue is information on the huge profits realized by public TV personalities off their sales of spinoff products such as books, videocassettes, toys, and newsletters.

As I noted in my statement yesterday, when taxpayers subsidize Louis Rukeyser or Bill Moyers, or the booming Children's Television Workshop, should not the taxpayers get their fair share of the return, a specific portion of the profits from the sales of licensed products and the like? I say yes.

Right now, we are unable to get an accounting of those profits, because the books are closed. However, as I stated, we will finally get an accounting of the tax dollars spent on public broadcasting. And that is an important first step.

SUPPORT PUBLIC BROADCASTING

I voted against final passage of the bill, but I support the concept of public broadcasting and have even supported it with my own contributions. I strongly support the needed reforms added by the Senate.

Remember, the Senate bill has increased the amount authorized for Public Broadcasting by 50 percent at a time we are struggling to find additional funds for the innercities, unemployment, the hungry, the homeless, for education, the environment, for agriculture, disaster assistance, health care, and all the other worthy causes.

I do look forward to working with my colleagues and the members of the new Board of Directors at the Corporation for Public Broadcasting in instituting these reforms.

Let me also make a promise to the taxpayers: I will continue to monitor the Public Broadcasting System, to make certain the system works for you, not against you.

Mr. KENNEDY. Mr. President, I want to thank all of the Members for their participation in this debate and for the very, very strong support for the conference report. This bill is one of the most important pieces of health legislation that we will consider this session of Congress. Even though my good friend and colleague, the Senator from Utah, and I differed on some of the provisions in the conference report, there are, I know many provisions in the bill which all Members can support. The conference report reflects the informed, balanced judgment of the members of our committee and the Members of the greater body of the research priorities of our Nation.

I want to thank several individuals who have been instrumental in the passage of this bill. First, our colleague, BROCK ADAMS, has played a leadership role in the development of the research freedom, fetal tissue transplantation, and women's health provisions of the bill. I appreciate his dedication and commitment to the passage of the legislation.

I also want to thank Guy Walden, Joan Samuelson, and Ann Udall. Ann

Udall is a very special individual. I think all of us in this body who have had the opportunity to know Mo Udall loved him and continue to. Ann has brought enormous energy to this issue and was enormously, powerfully persuasive in visiting with our colleagues. I commend them for their tireless efforts to educate the Members of Congress and America about the importance of fetal tissue transplantation. I am especially grateful for all of their help and also for their assistance and efforts on behalf of research freedom.

I also want to thank my staff, Van Dunn, Daryl Jodrey, Grant Carrow, Mona Safrity, David Nexon, Nick Littlefield, and the staff on the Labor Committee, especially Laura Brown, Robin Libner, Phyllis Albritton, Vicki Otten, Kimberly Barnes, Dr. Ann Labelle, Dr. Scott Daniels, Dr. Gary Noble, and Christy Fischer for their herculean efforts. Again, I thank the majority leader for scheduling this measure.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished majority leader is recognized.

ADAMHA REORGANIZATION ACT—CONFERENCE REPORT

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the conference report to accompany S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration reauthorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I move to proceed to the conference report to accompany S. 1306.

Mr. GRAHAM. Mr. President, I ask that the conference——

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I ask that the conference report be read.

The PRESIDING OFFICER. The Senator from Florida has that right. The clerk will read the report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1306—

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I ask unanimous consent that the reading be interrupted solely for the purpose of permitting me to make a statement of explanation of the situation we are in and to permit the Senator from Florida to do the same.

The PRESIDING OFFICER. Is there any objection?

The majority leader.

Mr. MITCHELL. Mr. President, I have just made a motion to proceed to the conference report on S. 1306, which will reauthorize the Alcohol, Drug Abuse, and Mental Health Administration. That is a nondebatable motion which would be subject to a vote by the Senate immediately but for the fact that the Senator from Florida, exercising his right, has insisted that the conference report be read in its entirety.

I am advised that the conference report will take several hours to read in its entirety, and although that right exists for any Senator on any bill, in all of the time I have been majority leader no Senator has insisted upon exercising that right. If the Senator from Florida insists, as he has the right to do, that it be read, that will simply delay for several hours the vote which will occur today on the motion to proceed to the conference report.

I repeat, the vote will occur today. It is either going to occur shortly or it will occur several hours from now after the reading of the conference report is completed.

I believe that reading to be a waste of time. The conference report is available for every Senator to read individually. The time used for the reading could be spent debating the conference report, and the Senator from Florida could express to the Senate his objections to the conference report and seek to persuade other Senators to vote with him in opposition to the motion to proceed or to the bill itself.

I am prepared to arrange the Senate schedule in whatever manner is convenient for the Senator from Florida to enable him to present his arguments in opposition to the legislation; a session for as long as he wishes this evening, a session of the Senate tomorrow, a session of the Senate Saturday, a session of the Senate Monday. The Senator from Florida could take such time as he wished on any or all of those days to make his case.

But I must say, in all candor, I believe a purely dilatory action such as requiring the full reading of the conference report will, at least in my judgment, accomplish no useful purpose. And if that does occur, then I repeat, we will simply wait until the conference report is read. If any opportunity presents itself during the reading, of course, the distinguished manager would seek consent to terminate the reading. Therefore, the presence of the Senator from Florida would be required on the floor at all times to protect his interests. And on the completion of it, we will simply be in a position that we would be in now if we adopted the motion to proceed.

Since the Senator from Florida has made clear, again as is his right, to oppose this legislation by any means at his disposal, it will be necessary to file cloture on the conference report to seek to prevent unlimited debate on the conference report itself. Again, I do not prefer that alternative and would in any event, even if cloture is filed, attempt to arrange the schedule to give the Senator from Florida as much time as he wishes to make his case on the subject.

Therefore, I inquire of the Senator from Florida, knowing that we have discussed this matter privately both yesterday and immediately prior to now, whether he would be agreeable to permitting us to proceed to the conference report and then whether he would wish to debate it and for what period of time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the generosity of the majority leader, and I would like to answer his question first with some background.

The issue that we are debating today is the reauthorization of the basic Federal program that allocates funds to States for alcohol, drug, and mental health purposes. Needless to say, all of us are very concerned about this issue. Unfortunately, my State has been in some sense the front line of drug issues in America, and therefore has been especially impacted by the pernicious effect of drugs, and therefore particularly in need of the funds that have been available through this program to assist in effective rehabilitation and treatment programs.

On behalf of the citizens of my State, I wish to express our appreciation to this body and to the citizens of America for the support which they rendered.

Our concern with this legislation is twofold. First, there is a proposed change in the formula for allocation. That change is based on a study which was conducted more or less a decade ago, based on standards of what would be the most appropriate allocation of funds among the 50 States. This bill itself carries with it the seeds of a recognition of suspicion as to the validity of that study, because this same bill which adopts a decade-old study as the basis of a formula then directs another study to determine if that formula is in fact appropriate.

I will not further debate the issue of the formula beyond saying that I have serious questions about it, which I look forward to sharing with the Members of the Senate.

That, however, is not my primary objection and the reason why I reluctantly have taken the course of action that we are engaged upon. Rather, it is the fact that this bill passed the Senate sometime in the middle of the first session of this Congress, or approximately 9 to 12 months ago. At that time, the proposal was that whatever formula emerged from the conference committee would go into effect as of October 1, 1991—that is, for the fiscal year 1992.

The conference was an extended one. In fact, it was not until May 14 that the conference report was finally filed, over halfway through the 1992 fiscal year. The proposal contained in this report now is that there would be an application of this formula to this year, and beginning with the fourth quarter of 1992 a redeployment of funds consistent with this new formula.

The practical effect of that, Mr. President, on about 9 or 10 States is going to be a very devastating reduction in their funds for alcohol, drug, and mental health programs in the last 90 days of this fiscal year.

The practical effect is going to be that in this program and other programs in which the States look to the Federal Government to be a partner in funding, there is going to be a new level of concern and skepticism as to what kind of last-week-of-the-year changes are going to be made in these formulas.

The practical effect is that hundreds, if not thousands, of people who depend upon these funds for part of their mental health, drug and alcohol rehabilitation services are going to be effectively denied service. Obviously, Mr. President, there are going to be some winners.

In fact, there are going to be numerically a substantially greater number of States who will be winners than losers. But even their the ability to effectively deploy these funds in the last 90 days of the year I think is suspect. And the larger issue of the credibility and reliability of the Federal Government would be an outweighing factor.

Having said all of that, Mr. President, my goal is a simple one. I would like to reach a point in which this new form will, if it has to be adopted, would be adopted for the period beginning with the 1992 fiscal year and not be made applicable in the last quarter of the 1992 fiscal year, and by so doing avoid the disruption that will clearly follow from the adoption of this bill as it is currently printed.

This matter, Mr. President, has been before the House of Representatives. Just 2 weeks ago the House first voted the bill down on a recall that had been submitted, and then voted to refer it to the conference committee. That is some indication that there were issues within the bill that caused concern in the House.

Frankly, many of those issues were on subjects other than the formula having to do with the use of needles by drug users and other questions such as that. But I believe that that history indicates it was not the intention of the Senate when it passed this bill to have it have the impact that it is going to have should it become law at this time; that is, the tremendous disruption of the bill becoming effective in the fourth quarter of 1992.

Having said that, Mr. President, I hope we might be able to arrive at some arrangement in which there could be essentially a deferral of this debate until the early part of next week at which time cloture petition would be filed and considered, and then we would see what happened thereafter.

I hope that maybe good people who I think are all committed to the goals of this legislation and are desirous of best serving the interests of this institution could arrive at a method of dealing with this legislation in order to avoid an unnecessary delay this evening through the course of reading the bill.

But if we read the bill, I am certain we will find it to be an interesting literary experience and a learning one in terms of what the conference committee has recommended for this proposal.

Mr. President, I yield.

Mr. MITCHELL. Mr. President, I would like to ask the distinguished Senator from Massachusetts who is the manager of the bill to respond to the substantive assertions made by the Senator from Florida, and then I will comment on the matter of procedure of taking it up.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will put a more complete response in the RECORD.

I am glad to take whatever time that the Senator from Florida would like to address that particular issue.

It was a study that was done in 1986 by the Institute of Medicine which made a recommendation to our committee with regard to trying to assure the best, most efficient allocations of resources, Federal resources allocations, to deal with the issues of substance abuse and also mental health. That was in 1986.

Our committee started in 1988 to review the results of the study by the Institute of Medicine. It was in 1990 that the GAO did a review, a careful review, of existing programs and also of the recommendations of the Institute of Medicine.

I will include the appropriate provisions in the GAO report.

Their testimony before our committee, Mr. President, when asked was by Lawrence Thompson, Assistant Comptroller General for Human Resources of the GAO, as follows:

> Mr. Chairman, I am pleased to be able to come and give you a pretty good stamp of approval. I will not take very long. You are right.
>
> We looked at the formula used to distribute the block grant money among the States. We think the formula that you have included in S. 1306 is a major improvement over the current law, and I would say there are three reasons for that.
>
> First, it is an improvement in that it adopts a better measure of the relative needs of each State's population.
>
> Second, it introduces an explicit adjustment for differences in cost of labor and office space, and among the various States.
>
> And, third, by doing those first two things, it restores the principle that those States having lower fiscal capacity should have somewhat greater Federal aid per capita. That principle has been sort of eroded because of the way the current formula works.
>
> So for those three reasons, we think that the formula that you have included is in fact a major improvement. And I am happy to elaborate on any other aspect.

We have tried with the development of help for the problems of substance abuse that exist in the major cities of this country, but also now is increasing in rural communities. We have tried to respond to that.

I do not represent a rural State. I have rural areas in my State. We are served by maintaining a current formula that gives an urban weight. But we have tried to respond to what had been the sound scientific and medical recommendations in terms of trying to take scarce resources and target the areas of need.

Now my good friend from Florida raises this issue and we have the general discussion at the time of the authorization. He wants an additional review to find out whether, given the changing and evolving challenge that we face with substance abuse and mental illness, even the one that we had in the bill that was authorized was going to be satisfactory.

We agreed to that. We accepted it. We are glad to do it. I would like to believe that our committee tries with our objectives to target the resources where the needs are.

So we accepted that. We are glad to work with it in this particular program. But as all of us know, once you come to any formula considerations, there are some realities that this body ought to face.

If I could just take another minute or two, the conference report provides that Florida will receive an allotment of $63.1 million in 1992. That is precisely the same amount that Florida was due to receive under the Senate bill which passed by unanimous consent after specific discussions on the point with the two Senators from Florida.

The only difference between the Senate bill and the conference report with respect to Florida is that the State received its $63 million sooner in the year rather than later, because the money was paid out at a higher rate for the first three quarters. But the equities in the situation have not changed.

At my request, Secretary Sullivan notified every State last year that its block grant allotment was subject to change. Florida in particular knew that it was likely to receive $63 million since that was the amount it would receive under the Senate bill.

At the same time the Senate bill passed, the Senators from Florida asked for a particular provision in the bill to address their formula concerns and these provisions have been included in the conference report.

First, the cost index in the bill which does not favor Florida must be updated prior to fiscal year 1993.

And, second, the formula itself would be the subject of a major independent review by the National Academy of Sciences. We support that.

Finally, Florida benefits significantly from the hold harmless provision in the formula. Without it, Florida would receive $59 million under the new formula. But with it, the State can fall no lower than its fiscal year 1991 level of $63 million for the life of the bill.

So in fact the State is likely to gain money as soon as appropriations increase. But appropriations can only increase if we reauthorize the program and provide for a formula that equitably balances the convenient interests of urban and rural States.

I just point out, as I mentioned to the body, that my own State of Massachusetts would not gain one dime from fiscal year 1991–92 under the new formula. In that regard, Massachusetts is just like Florida.

But I am willing to endorse this formula as the fairest way to allocate scarce resources. There are many important initiatives in this bill. Many are categorical grant programs that Florida would be well suited to compete for.

I do not fault the Senator from Florida for fighting for his State but I ask him to recognize the overriding needs to pass this bill, reauthorize these programs, to strengthen the Federal effort against substance abuse and mental health. We have been 5 years trying to address this issue, and we have included in this legislation the best in terms of medical research to deal in terms of substance abuse, and mental health.

There is important structural changes in terms of mental health, particularly with regards to children which are enormously important.

Known as someone who does not mind investing in these kinds of issues, I am delighted to work with the Senator from Florida to see if we cannot get more funding for the whole effort. I think we had in the debate—the majority leader remembers when we were considering the omnibus drug bill, the Senate went on record indicating support for 50–50 allocation between the demand and supply side. It is 70–30 now. Some adjustment had been made by the excellent leadership of the chairman of the Appropriations Committee a year ago; that brought it up to 67–33, about. We are far away from that. I strongly believe that we ought to be at least at the 50–50, which would provide additional resources in the areas of substance abuse, and for all the Members of this.

I will work with him on that issue and others to try to increase funding. We are where we are at this particular time and, as we all know from the various formula issues, there are some that benefit, and we have tried to have the ones that benefit benefit for the reasons that are justified in terms of mental health and substance abuse.

Mr. STEVENS. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. My question to the Senator is: Has there been some change in this formula for small States? I am getting calls from Alaska indicating that Alaska has a changed allocation under this program and will be denied allowances, except on a pure per capita basis. Is this the case?

Mr. KENNEDY. If I could address the Senator, the Senate formula contained a small-State minimum. I support the small-State minimum because of the needs of the small States. The House contained no such minimum, and the House conferees fought us on that. They argued the formula should be revised to reflect the needs of the States, not the cities. We did our best to hold on to every aspect of our formula. The small-State minimum eventually had to compromise. We agreed that the minimum would apply only to those small States that have a per capita allotment lower than the national average, which is most small States.

The Senate conferees would have preferred the small-State minimum be to all States. But it is a product of a compromise, and this was a reasonable compromise. The average allotment is 47.78. Alaska's is 5.16. So it did not receive the small-State minimum. The State is held harmless at the 1991 level, $2.73 million, so it is neither a formula winner or loser.

Mr. STEVENS. Mr. President, I am going to have to study that. It is my understanding that what happened is that the administrative allowance for conducting these programs in very large geographical areas such as ours has been knocked out, and we now have a per capita allowance based upon a different formula. I do not join the Senator from Florida in the request that the report be read, but I do intend to have a series of questions for the Senator from Massachusetts concerning this new formula.

Mr. KENNEDY. I would be glad to take whatever time the Senator would like on this issue. We find that many of the States will be increased because of a change in the way to try and deal with the rural problems. Regarding many of those States, I have talked to those Senators and they say we are still not up to the national average.

It is a difficult thing. All of us know that, and the Senator from Alaska knows very well that you just have a very difficult time in terms of trying to develop a formula where everybody is going to win. There will always be some who will do better than some other States.

We believe that based upon various studies done by the Institute of Medicine and GAO that this is the best formula for this time, and we welcome the additional kinds of study that are included in this program, so that we will be able to make further adjustments the next time down the road. We are glad to do that.

We believe that the Institute of Medicine study suggested by the Senator from Florida is a reasonable way to go. We are for it. I would hope that people would believe, based upon what we have done, that we are interested in making sure that scarce resources are going to be targeted in the areas where they will be needed. That is why we are in this kind of pickle now, because we made some adjustment and change. But I do think it is justified in terms of the policy reasons.

I thank the majority leader.

Mr. MITCHELL. Mr. President, the rules of the Senate permit any Senator to employ a variety of tactics to delay action from occurring. It is a common event in the Senate, understandable to Senators, but less understandable, I think, to the American people. But it is clear now from the comments made by the Senator from Florida that he will insist on the reading of the report. I regret that very much, because it is my judgment that such reading serves no useful purpose and will not cause any delay in the ultimate action on the measure. As I said earlier, we will either vote on the motion to proceed to this conference report now or we will vote 6 hours from now.

At that time, in view of the stated position of the Senator to employ such tactics, as he appropriately may under the rules to delay the matter, there will be no alternative but to file cloture on the conference report, setting up a cloture vote on next Tuesday morning. Therefore, Senators should be aware that we will now, at the insistence of the Senator from Florida, proceed to the reading of the conference report. Following the completion of that reading, the Senate will vote on the motion to proceed to the conference report. Thereafter, it is my intention to file cloture on the conference report which will set up a cloture vote for Tuesday morning.

In the meantime, if the Senator from Florida wishes to advise me of his desires with respect to further debate on the matter, to give him the opportunity to more fully explain his reasons for opposition, I will be pleased to accommodate him in any way that I can.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I say to our colleagues who have worked so hard on this and other issues, as I indicated, I have some concerns about the formula, which I look forward to discussing. But that would not be an issue that would cause me to take the action that we are taking this afternoon. Rather, it is the fact that we are about to make this formula applicable for the last 90 or 100 days of this fiscal year, an event which is going to cause a substantial amount of disruption. Programs that are already in place, operating on a certain assumption as to what their level of resources will be, are going to have to make a radical change in a very short period of time, causing a serious disruption of services to people who depend upon them in their efforts to lift themselves out of the addition of alcohol or drugs, or to deal effectively with their mental illness.

It does not seem to me on June 4 that it is an excessive request to say let us have this formula, whatever we may think of it, go into effect on October 1, not in the last few weeks of the 1992 fiscal year. That is the essence of what my request is and why I hope that we can arrive at some procedure that might move us toward that reasonable objective.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I am about to yield the floor so that the reading of the conference report can continue. I am advised that, to my knowledge, there is no request on the Democratic side for a rollcall vote on the motion to proceed to the conference report.

I inquire of the distinguished Republican leader whether there is any request on his side.

Mr. DOLE. There is no request on this side.

Mr. MITCHELL. That being the case, it is my intention that we will proceed to the reading, as insisted upon by the distinguished Senator from Florida, following which the motion to proceed to the conference report will be adopted by a voice vote.

In the interim, I hope that we can discuss the matter further and see if I can accommodate the scheduling desires of the Senator from Florida.

Mr. KENNEDY. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. KENNEDY. I would like to make a very brief response to the last point of the Senator from Florida, just so we do have it in the RECORD, in reference to the request that we continue the current formula through the end of this year.

Mr. President, the fact remains if we did not have the increase on the supplemental, if we did not have the increase that was supported by the Appropriations Committee, Florida would be receiving $59 million instead of the $63 million which is included in this legislation.

The increase that was put into that by the Appropriations Committee was put in there solely—solely—for the reason of the changed formula so that we could accommodate States so they would be held harmless.

We are attempting to keep faith with the Appropriations Committee that made the adjustment and the change. They had hoped that we would have resolved the conference report so only half the year would have gone by.

If we were to follow and accede to the request of the Senator from Florida, there are 38 States that have been waiting all year long that will be further disadvantaged.

And that is why I would like, if we had additional resources and funding, to accommodate the Senator from Florida. But with the limited resources we have now, if we were to say Florida and the other States will be receiving it, we are basically disadvantaging the other States. And I daresay I doubt very much, as someone who negotiated with the Appropriations Committee—I am sure, as a matter of fact—they would not have put the additional money in there.

Finally, Mr. President, I will put in the RECORD the notification from the Department of Health and Human Services that was sent out to all the States. In this case it was sent to Dr. Groves, Assistant Secretary, Alcohol, Drug Abuse, and Mental Health, Department of Health and Rehabilitative Services, Tallahassee, FL. I will put it all in the RECORD. But it does point out: "In addition, the annual allotment is subject to adjustment based upon possible future congressional action as part of the reauthorization process. The amount of funds awarded in this action, however, shall be considered final."

The effect of this was once they got it out, once they mailed it out on the quarters, there was not going to be any attempt to withdraw it. But what it was was the notification that this formula was subject to this process. That is why we got ourselves into this particular difficulty.

I appreciate the opportunity and ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALCOHOL, DRUG ABUSE, AND
MENTAL HEALTH ADMINISTRATION
Rockville MD, November 26, 1991.

Dr. IVOR D. GROVES,
Assistant Secretary, Alcohol, Drug Abuse and Mental Health, Department of Health and Rehabilitative Services, Tallahassee, FL.

DEAR DR. GROVES: Enclosed is the initial grant award notice for the fiscal year (FY) 1992 Alcohol and Drug Abuse and Mental Health Services (ADMS) Block Grant to your State. Please distribute copies of the award document to other departments/divisions/officials in the State that require the information; five additional copies are enclosed to facilitate the distribution process.

This initial grant award is being issued under FY 1992 Continuing Resolution funding authority which permits us to fund you at last year's annual level for 57 days. The amount of this initial award, on line 9a, therefore represents approximately 12 percent of the State's provisional allotment. The total amount of the ADMS Block Grant allotment (shown on line 8 of the award notice) has been calculated in accordance with current Section 1912A of the Public Health Service Act. When a final Federal appropriation is enacted, appropriate adjustment will be made in subsequent awards. This line also reflects the minimum reduction permitted under Section 1926 of the PHS Act (.02 of your FY 1986 allotment) which we are withholding until such time as the National Institute of Mental Health completes its review of the State implementation status of State Comprehensive Mental Health Services Plans required under Section 1925 of the PHS Act. These funds will be restored in the first quarterly award issued subsequent to a finding of State compliance. (In the meantime, quarterly allotments will be calculated as if the reduction had not been taken.) In addition, the annual allotment (line 8) is subject to adjustment based upon possible, future Congressional action as part of the reauthorization process. The amount of funds awarded in this action (line 9.a.), however, should be considered final. Any adjustments in the total allotment will be specified in a subsequent quarter's Notice of Block Grant Award

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PRIVILEGE OF THE FLOOR—S. 1306

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the consideration of S. 1306, Adam Gelb, legislative fellow on the staff of Labor and Human Resources, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 1306

Mr. GRAHAM. Mr. President, I ask unanimous consent that during the consideration of S. 1306, Kathleen Hallasey, of my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

The PRESIDING OFFICER. The clerk will resume reading of the report.

The assistant legislative clerk resumed the reading of the conference report.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the clerk dispense with further reading of the conference report, and I ask unanimous consent that I be permitted to speak for 10 minutes and then that we return to the exact same place in the reading of the report.

The PRESIDING OFFICER (Mr. WOFFORD). Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

THE ADAMHA AUTHORIZATION BILL

Mr. DOMENICI. Mr. President, I rise to praise the Senate committee and conferees for what they have done in this bill that is before us, the ADAMHA authorization bill. I will talk only about two aspects of it, but I think they are two aspects that are vitally important.

Let me first say to the Senate and those who are interested in this proceeding, in the last decade more has been found out, discovered, become knowledge of our scientists about the human brain than in all of history. We, for centuries upon centuries, practiced the healing arts as it pertained to serious mental illnesses without any knowledge whatsoever about how the physiology of the brain, how the biology of the brain and the body combined to cause serious mental illnesses such as schizophrenia, manic depression, severe depression or bipolar illness.

As a matter of fact, Mr. President, these scourges on humankind found little or no sympathy. Most of those who were victims of this horrible disease, serious mental illness, found themselves sooner or later encaged within prisons called hospitals or sanitariums or insane asylums or the nut house, or whatever people chose to call them. There was human suffering that went on as a result of these illnesses not only to the victim, the seriously ill person, but to their families, to their friends, to their brothers and sisters, because this was thought to be something that somebody in the family was responsible for.

How many times can we remember growing up when people would talk about somebody who was insane and it took on the dimensions of witchcraft or terrible upbringing or parents who did horrible things to the child and, thus, they came to this horrible end called schizophrenia.

Mr. President, it is now becoming scientific knowledge that the brain is not functioning properly for most of these people with most of these horrible diseases. And, Mr. President, the breadth of this damage in society is not yet even understood by Americans. For instance, these diseases, the ones just enumerated, called serious mental illnesses or diseases, are 50 times more prevalent in America than cystic fibrosis. They are 60 times more prevalent in America than muscular dystrophy. Two and half million Americans day by day suffer from schizophrenia, and maybe we do not even have the total dimension of that number. Perhaps as many as 40 million Americans suffer from some aspects of mental illness with depression leading the way. Serious depression is the principal cause of suicide in America, both among our teenagers and elders.

So suffice it to say that within this tremendous entourage of national health institutes that the United States has, the National Institutes of Health—there is nothing like them in the world—this bill sets aside a new, freestanding National Institute of Mental Health. It separated it out from all the other important functions under ADAMHA.

It is high time. Over the last 7 to 8 years this Senator and a few good stalwart supporters have pushed ever higher each year the amount of funding that the appropriators, not the authorizers but that the appropriators, put into investigation and research in serious mental illness.

Mr. President, some of us are very proud that in tight budget times we have been increasing this fund on average 20 percent a year. We are up to over $500 million now. So that no one will get carried away and think we have overdone it or even done it adequately—remember, we are spending over $2 billion on AIDS and well we should, well over $1.2 billion on cancer and well we should.

But, Mr. President, there are more Americans suffering under these diseases in hospitals in America than from cancer. We believe today there are 100,000 seriously mentally ill American men and women in the prisons of America and the city jails because it is so difficult to handle these kinds of people that they end up in prisons for stealing hot dogs and running when they are in one of their mental frenzies and they end up the first round in city jails, the second round in prison if they have not killed themselves.

Many parents have talked to this Senator, as he meets with the many, many Americans who belong to the NAMI group. The people who belong to this group called NAMI are all relatives or close friends of the seriously mentally ill, and if you visit the Alliance for the Mentally Ill Convention and talk to those parents, you will find them each talking about the life they live with a seriously mentally ill child. Most will tell you of suicides or threats. Most will tell you of incarcerations or beatings. Many will tell you of their children who walk the streets of America as homeless.

Now, Mr. President, we are on the way. The good news is that with great research and pharmaceutical investigations, science, we can cure 80 percent of the depressives in America if they just get the right doctor with the right kind of treatment, the right kind of case management, the right kind of medicine. And, yes, schizophrenia is tough, but we are getting there. We may, indeed, be able to control and stabilize 50 percent of the schizophrenics in America. We do not yet dedicate and devote enough special attention, special kinds of legislative acts that would address the homeless mentally ill, but we are getting there.

Five years ago, we had nothing. We have programs in excess of a half billion dollars directed at that. We have housing programs of $200 or $300 million trying to marry housing and treatment for the mentally ill in our streets, and the President regularly asks for more, not less, in those programs. Regardless of what is generally said about the President and Republicans who do not care about these things, these programs are going up, not down. As a matter of fact, just as an aside, Congress has funded the homeless programs less than the President asked for in the last year, substantially less. Just an aside.

Mr. President, in this bill, we are clearly going to set aside as one of those formidable institutes of research, an institute called the National Institute of Mental Health. It will get funded and from its funding it will have an intramural program and a extramural program with grants to the very best scientists and institutions in America that can put together proposals to further solve these problems, further find medications and treatments for these kinds of Americans.

I compliment the administration for their recommendations, but most of all our Senators who are on the conference who got this job done. And that does not mean that the rest of ADAMHA is not important. It is. It has a lot to do with how you service and care for alcoholics and the mentally ill. But under the research umbrella taking its place right up along side of those great institutes for cancer research and others now we have one that is there as a National Institute for the Mentally Ill. That is one good one.

Now, Mr. President, we cannot rest on our laurels of having science move in the right direction. We have only a short time as decent people, as policymakers, to address a very important issue, and that is the issue of what do we do with the seriously mentally ill when we reform the health care system of America.

Are we going to reform the system in the next 18 months in a major way so that we deliver more care for less money with all the new approaches to changing this delivery system which is costing too much and delivering too little? Are we going to say, well, we are going to deal the mentally ill out of that coverage again?

Mr. President, the insurance companies in the United States—and I do not stand here critical of them; I merely state the facts—have found it very easy to exclude serious mental illness from coverage under most insurance policies. Or if they have coverage, Mr. President—and only about 10 percent have significant coverage. But if they do, they cap the lifetime allowance for those diseases and illnesses. They do not cap it on cancer. They do not cap it on kidney disease. They do not cap it on any of the others. But if you have a child with schizophrenia, you will spend that $50,000 the first 3 or 4 years of their dread, dread emergency situations. And then there is none. Almost all have caps like that.

Mr. President, this bill clearly could not direct the coverage for the seriously mentally ill in the next round of reforms in our health care system. That is not the bill. That is not the vehicle. But it does an exciting thing for it recognizes that this is a serious problem and it directs the National Institute of Mental Health to forthwith establish and complete a comprehensive study on how we would cover this comprehensively as we do other diseases and tells them to establish the way and the costs, so there will not be any excuse as the reform bills find their way through, the reform bills on health care will not be any excuse for us to be under the table, under the desk, in the hallway on the issue of whether we are going to include the seriously mentally ill within the national programs of health care coverage. It will give us some answers.

Now, Mr. President, I am somewhat proud of that because actually before this language was written and agreed to, I introduced a bill, actually a strange sort of bill because it is directed at Congress itself. Essentially, it says to Congress you will, when you do the reform in health care, put serious mental illness right up on par with the other serious illnesses as you contemplate the reform and the methods of reform and the like.

I am not sure we will pass that, but I will tell you every single Senator is going to find out how serious this problem is because the mentally ill in the United States, the parents, the friends, the neighbors, the grandmothers and grandfathers of a very beautiful 17-year-old, that last year of high school, all of a sudden started doing very strange things and ends up being diagnosed 2 years later as schizophrenic, those people are going to start bombarding our offices with petitions and letters and telegrams saying we do not want to be discriminated against when you pass the new health care reform. We want equity for those who are seriously mentally ill, and they are going to make their case. I hope they do.

But I can tell Senators if they do not, and it is not in the reform measures, you will get your chance to vote on whether you are going to deal them out, continue this enormous discrimination, perpetuate the next round of civil rights violations, and close your eyes to them as the mentally ill are incarcerated in our prisons, a civil rights issue if every there was one. You are going to hide all that under the rug or you are going to take it right up on top and say it deserves the same kind of attention as the other serious illnesses that we so valiantly and so openly and with so high, high regard, say we are going to take care of because we are concerned about the health of Americans.

So, with that, again, I extend my appreciation to the committee for their excellent work in this regard and hopefully we can pass this ADAMHA reauthorization bill soon. I do not think one argues with the provisions I am talking about. If there are others that cause concern, obviously I do not know that issue at this point, so I do not know where I am. But I think the committee, with everything I know anything about, did a marvelous job. I appreciate it and thank them.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The clerk will resume reading the conference report.

The assistant legislative clerk, the legislative clerk, and the assistant bill clerk alternately resumed reading the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 3, 1992.)

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I ask unanimous consent that the present matter be laid aside and I can proceed as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TIME TO GET TOUGH WITH SERBIA

Mr. PELL. Mr. President, 2 weeks ago the nation of Bosnia-Hercegovina was admitted to the United Nations. This act turned a civil war into a bloody international conflict. For 3 months, Yugoslav National Army forces and militias backed by the Serbian Government have been shelling the cities and town of Bosnia-Hercegovina. For 3 months, Bosnian-Serbian militias have been engaged in a brutal policy to purify the self-styled Serbian republic of Bosnia-Hercegovina by forcing out the Moslem and Croatian population in the two-thirds of Bosnian territory claimed by the Serbs. The purification tactics employed by the Serbs include shelling, forced evacuation, terror, and murder. So far at least 5,000 people, almost all civilians, have died in this war.

In the 7 months of Iraqi occupation of Kuwait, some 5,000 Kuwaitis perished. This toll has been exceeded in just 3 months in Bosnia-Hercegovina.

Bosnian-Serbian militia are carrying out most of the atrocities in Bosnia-Hercegovina. But they are not acting in the name of the Serbian people of Bosnia-Hercegovina. Most Serbs in Bosnia-Hercegovina have lived in peace and friendship with their Moslem and Croatian neighbors. Bosnia had been a model of ethnic and religious harmony in a very troubled region. Indeed, many of the militia's victims are Serbs who died with their neighbors as apartment buildings and villages are shelled.

The Bosnian-Serbian militias are essentially gangs of thugs and thrill killers. They could not continue their bloody work but for the material and military support from the Serbian-led rump Yugoslav federation. The rump Yugoslavia seeks to unite all Serbs into a single country. Nor is the rump Yugoslavia modest about its territorial ambitions. Even though Serbs constitute just one-third of the population of Bosnia, Serbia wants to carve out two-thirds of Bosnia's territory for them. And Serbia claims nearly half of Croatia's territory, even though the Serb minority in that newly independent country is just 12 percent. Finally, the Serbian Government denies the Albanian people of Kosova the right to their own homeland, keeping them subjugated on behalf of a resident Serbian population of less than ten percent. The Serbian Government claims the right to rule Kosova because Kosova was the site of a battle critical to Serbia's history. That battle took place over 600 years ago.

Serbia is led by Slobodan Milosevic, Europe's last Communist. I spent more than an hour with Mr. Milosevic over Easter, 1991, and I found him a singularly disagreeable man. It was his obstinancy and willingness to compromise that made it impossible for the old Yugoslav federation to continue. It is his bloody mindedness that is responsible for the war in Bosnia.

The United Nations has imposed Iraq-style economic sanctions against Serbia and its Montenegran partner. Now it is argued that sanctions should be given time to work. After all, the international coalition waited 6½ months before initiating military action against Iraq. However, after Iraq seized Kuwait, the situation in Kuwait was relatively calm. The world could afford to wait for diplomacy to work. Not so in Bosnia-Hercegovina. As we speak, war is being waged against innocent people. Each passing day brings hundreds of new casualties. The historic and beautiful cities of Sarajevo and Mostar are being reduced to rubble. As lives are lost, so too is the cultural heritage of Europe and the world.

It is time to consider further steps to save lives. First, the blockade against

Serbia and Montenegro must be tightly enforced. The United States, our NATO partners and our Russian and Ukrainian friends have enormous naval resources in the vicinity of Yugoslavia. We should promptly seek a U.N. Security Council resolution authorizing the use of these naval assets to blockade the coast of Montenegro.

Second, the United States acting in the United Nations should consider immediate military action to stop the killing now. The airspace over Bosnia-Hercegovina should be closed to the aircraft of the rump Yugoslav federation. We should seek a Security Council resolution authorizing the use of air power against Serbia. A United Nations declared intention to defend the airspace over Bosnia could be sufficient to keep Serbia out.

Finally, acting either under article 57 or pursuant to a Security Council mandate, the United States and our friends and allies should consider military action against the artillery now pounding Sarajevo. Militias shelling innocent civilians in a major city are not a military force, but a bunch of cowards. It is easy to be brave when firing a big gun at unarmed people miles away. I suspect that such bravery will quickly disappear with the arrival of just a few well-directed smart bombs.

The United States cannot become the policeman of the world. Even with our military force, we cannot right every injustice around the globe or bring peace to every regional conflict. For this we need to reform and strengthen United Nations peackeeping, including providing forces from many countries that can be on call and by securing a reliable source of funding.

Seventy-four years ago, as assassination in Sarajevo plunged Europe into a bloody civil war that destroyed three empires, remade the map of Europe, gave birth to the twin totalitarian ideologies of communism and nazism, and took tens of millions of lives. Just now the world is emerging from the aftermath of the conflict set in motion by the assassination in Sarajevo. Just now we can contemplate a new world order based on democracy, on the rights of States large and small, and on the peaceful settlement of all disputes. Yet this new world order will be another empty promise if we stand aside and allow Serbia to continue the slaughter in Bosnia-Hercegovina.

We have come full circle. Two world wars and one cold war trace their origin to Sarajevo. Now the world can step in and end a bloody war that is destroying Sarajevo. By saving Sarajevo and Bosnia-Hercegovina, we can achieve the promise of a very different and much more hopeful world.

ADAMHA REORGANIZATION ACT—CONFERENCE REPORT

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, following discussion with the distinguished Senator from Florida, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany S. 1306; that Senator GRAHAM of Florida then be recognized to move to recommit the conference report; that I then be recognized to send a cloture motion to the desk; that the Senate resume consideration of the conference report on Tuesday, June 9, at 9:30 a.m., and that there be 3 hours for debate on the motion to recommit equally divided and controlled between Senators GRAHAM and KENNEDY or their designees; that the Senate stand in recess from 12:30 p.m. until 2:15 for the two party luncheon conferences; that at 2:15 p.m. Senator KENNEDY be recognized to move to table the Graham motion to recommit; that if the motion to recommit is tabled, the Senate vote on the motion to invoke cloture on the conference report without any intervening action or debate and with the live quorum required under rule XXII being waived; that if the motion to recommit is not tabled, the Senate proceed to vote on the Graham motion to recommit without any intervening action or debate; and that following the disposition of the conference report to accompany S. 1306, the Senate proceed to the consideration of Calendar No. 164, S. 55.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MOTION TO RECOMMIT

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, pursuant to the unanimous consent agreement, I send to the desk a motion to recommit.

The PRESIDING OFFICER. The clerk will read the motion.

The assistant legislative clerk read as follows:

MOTION TO RECOMMIT TO CONFERENCE

Mr. President: I move to recommit to the Committee on Conference the conference report on the bill S. 1306, to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes, with instructions to the Managers on the part of the Senate as follows: That the Managers on the part of the Senate insist on including in the bill a provision stating that the formula for allotting funds under part B of title XIX of the Public Health Service Act (as such title is amended by such S. 1306) shall become effective beginning with amounts made available for allotment under such title on the first day of fiscal year 1993.

Mr. GRAHAM. Mr. President, I offer a motion to recommit this conference report to the conferees.

The conferees should be required to look again at the effective date of the funding formula.

The House voted on May 28 to recommit the bill to the conferees, with instructions addressing other concerns about the bill.

The RECORD will show clearly that many of the votes cast in the House to recommit the bill were cast based on the unfairness of the funding formula effective date.

Yet, the conferees did not address this issue.

I asked for an opportunity to address conferees to offer our case and some compromises, but my request was denied.

In fact, it was never even answered.

The motion to recommit instructs the conferees to address the formula issue and direct that they change the effective date so that the new formula is applicable at the beginning of fiscal year 1993, this October 1.

It is only fair that States be allowed to proceed with those expenditures that were authorized to be allocated at the beginning of the fiscal year by statute.

Some will argue that the States were warned that this legislation was in the pipeline and not to count on the allocation being certain.

Mr. President, this sets a very serious precedent.

As a former Governor, I can attest to the difficulty of developing a balanced State budget given the numerous uncontrollable factors.

But to begin telling States not to count on a certain level of Federal funding at the beginning of a fiscal year because Congress may or may not change the law, this is absurd.

It will reak havoc with State's ability to budget.

What if the American taxpayers told the Federal Government—we know we are supposed to hand over a certain amount in taxes this year for you to provide services, but at the last minute we may decide not to.

The Federal Government could not operate this way.

The States should not have to either.

This bill is a breach of faith with the States of Florida, Texas, Nevada, Virginia, California, Arizona, Colorado, Delaware, and Maryland.

Congress should not be able to wave its magic wand and take back money in the middle of the year the law has already promised would be allocated.

I urge Senators to object to this precedent setting action, and to support the motion to recommit.

The PRESIDING OFFICER. The majority leader is recognized.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I now send a cloture motion to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act:

Edward M. Kennedy, J. Lieberman, J.R. Biden, Jr., Patrick Leahy, Claiborne Pell, Howard Metzenbaum, D. Pryor, Alan Cranston, Bob Kerrey, Paul Wellstone, Christopher Dodd, Brock Adams, Harry Reid, Daniel P. Moynihan, Paul Simon, John Glenn.

Mr. MITCHELL. Mr. President, I thank the Senator from Florida for his cooperation in resolving this matter. There will be no further rollcall votes this evening. The Senate will be in session on a pro forma basis only tomorrow. There will be no session on Monday. The Senate will return to session on Tuesday morning and will return to consideration of the conference report to accompany S. 1306 at 9:30 a.m. There will be a vote at or about 2:15 p.m. on next Tuesday on the motion by Senator KENNEDY to table the Graham motion to recommit the conference report.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. LEVIN pertaining to the submission of Senate Resolution 306 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LETTER SENT TO PRESIDENT BUSH REGARDING V-22 AIRCRAFT

Mr. SPECTER. Mr. President, today, a letter signed by 40 U.S. Senators was forwarded to the President concerning the V-22 tiltrotor aircraft, which has been approved by the Congress of the United States in legislation signed by the President, but which has not been acted upon by the Department of Defense.

This craft supplies very significant defense needs. In the era where existing helicopters are insufficient, the tiltrotor craft, the V-22, presents the unusual technology of an airplane which rises like a helicopter and moves forward like a fixed-wing craft. It has been supported by the leading proponents of Defense, by the Marines, and by the Navy, because it would be a useful tool for rapid deployment. It also has unique characteristics for civilian deployment.

Beyond that, as candidly stated, there are serious considerations in my State in terms of job opportunities. Nonetheless, the V-22 tiltrotor has been advanced in terms of what it can do on national defense, and it has been budgeted within existing programs.

My colleague, Congressman CURT WELDON, who represents Delaware County, has been a forceful leader on this issue in the House of Representatives. Others of my colleagues, not from Pennsylvania, who serve with me on the Defense Appropriations Subcommittee, have taken the position that they would not vote for a defense appropriations bill that excluded the V-22 tiltrotor aircraft. I think it is important to note, albeit briefly, the action which has been taken by 40 U.S. Senators. Had we taken longer, I think additional Senators' signatures could have been obtained. It is our hope that this will be resolved without the necessity of further congressional action.

Mr. President, I ask unanimous consent that the full text of this letter, with the 40 signatures, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 4, 1992.

Hon. GEORGE BUSH,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, in the fiscal years 1990, 1991, and 1992 Defense Authorization and Appropriations bills, Congress continued strong support and funding for the V-22 tiltrotor aircraft. And, once again, the Department of Defense has refused to obligate the funds appropriated for the program.

Each year, Congressional support for the V-22 has grown significantly as it has become increasingly clear that tiltrotor represents a national transportation asset and a national economic asset.

The V-22 was initiated as a true joint services program and has been shown by numerous studies to be the most cost-effective way to meet a number of current critical military needs of the United States' "911" military forces in today's new world order, the Marine Corps and the Special Operations Forces.

Mr. President, as important as the military needs are, it is the potential civil application of tiltrotor technology and the export potential of this technology by the United States that makes it a national transportation and economic asset that must not be lost.

NASA/FAA studies have shown the potential for tiltrotor technology to revolutionize air travel and have also shown large potential domestic and foreign markets for tiltrotor aircraft.

This is an American technology. A 1991 Office of Technology Assessment study concluded that the United States has currently about a five-year lead in tiltrotor development. Yet, as the U.S. government continues to second-guess our own ingenuity, a Japanese company, Ishida, now has a facility in Texas to develop and build a tiltwing aircraft; and a European Consortium, EuroFar, has been established to develop a tiltrotor aircraft for Europe.

As we deal with reductions in defense budgets, in military force structure, and in the defense industrial base, the V-22 is exactly the type of dual-use technology we should be aggressively pursuing. Additionally, it is the type of program that exemplifies your National Technology Initiative. As we look for ways to convert segments of the defense industry, the V-22 and tiltrotor technology offer built-in economic conversion from military to commercial tiltrotor aircraft. Moreover, as we deal with our large trade imbalance, we have in this technology the ability to maintain our country's world leadership in aerospace.

The benefits of tiltrotor technology for the United States are real: military, economic, and transportation. However, there must be a military V-22 first, just as there was a military helicopter first and just as there was a military jet engine first. It must be first to allow the civil infrastructure to be put in place, but more importantly, it must be first to convince domestic carriers and foreign investors that the United States is committed to tiltrotor technology.

Mr. President, it is time to end the impasse. We urge you to begin working with the Congress on continuing the V-22 and tiltrotor technology, for sound military reasons, for sound transportation reasons, and for sound economic reasons. Let us not lose this national asset.

Sincerely,

Arlen Specter, John Glenn, Harris Wofford, Richard Bryan, Alan Cranston, Lloyd Bentsen, John Seymour, John McCain, John Chafee, Alfonse D'Amato.

Dennis DeConcini, Slade Gorton, Mark Hatfield, Connie Mack, Steve Symms, Larry Craig, Frank Lautenberg, Richard G. Lugar, Wendell Ford, Tom Harkin.

Patrick Leahy, Terry Sanford, Dan Coats, Thomas A. Daschle, David L. Boren, Conrad Burns, Orrin G. Hatch, Robert W. Kasten, Jr., Jake Garn, John B. Breaux.

Wyche Fowler, Jr., Bob Packwood, Thad Cochran, James M. Jeffords, J. Bennett Johnston, Daniel K. Akaka, John D. Rockefeller, IV, Jesse Helms, Pete Domenici, Warren Rudman.

SUMMER YOUTH JOBS

Mr. SPECTER. Mr. President, I would like to comment about the pending supplemental appropriations bill which is now the subject of a conference between the House and the Senate. The legislation is directed at a number of important issues, foremost among them an effort to provide summer youth jobs.

Following the incidents in Los Angeles, I have met with a number of mayors from my State and from other States. There is a consensus that the top of the priority list for immediate aid to the cities is summer youth jobs. Mayor Raymond Flynn, of Boston, put it most succinctly when he said that—speaking for his city, Boston—"the most important item to keep the lid on was to take care of kids and cops."

The proposals which are now pending in the conference committee would add $675 million, which would be enough, illustratively, to provide an additional 5,000 youths for summer jobs in Philadelphia. The question remains unresolved, as our conference just concluded, as to how the formula for the provision of these funds would be worked out. But I think we took a significant step forward in this conference, which I am hopeful will be concluded tomorrow. We adjourned a few minutes ago at the call of the Chair.

It is our hope and plan that this legislation would be cleared by Congress promptly, perhaps by next week, so that it can go to the desk of the President, so that these funds can be appropriated yet in June of this year to take care of the very serious problems that are posed by the coming summer. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COPYRIGHT AMENDMENTS ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 756.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 756) entitled "An Act to amend title 17, United States Code, the copyright renewal provisions, and for other purposes," do pass with an amendment.

Strike all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Amendments Act of 1992".

TITLE I—RENEWAL OF COPYRIGHT

SEC. 101. SHORT TITLE.

This title may be referred to as the "Copyright Renewal Act of 1992".

SEC. 102. COPYRIGHT RENEWAL PROVISIONS.

(a) Duration of Copyright: Subsisting Copyrights.—Section 304(a) of title 17, United States Code, is amended to read as follows:

"(a) Copyrights in Their First Term on January 1, 1978.—(1)(A) Any copyright, the first term of which is subsisting on January 1, 1978, shall endure for 28 years from the date it was originally secured.

"(B) In the case of—

"(i) any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or

"(ii) any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire,

the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of 47 years.

"(C) In the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work—

"(i) the author of such work, if the author is still living,

"(ii) the widow, widower, or children of the author, if the author is not living,

"(iii) the author's executors, if such author, widow, widower, or children are not living, or

"(iv) the author's next of kin, in the absence of a will of the author,

shall be entitled to a renewal and extension of the copyright in such work for a further term of 47 years.

"(2)(A) At the expiration of the original term of copyright in a work specified in paragraph (1)(B) of this subsection, the copyright shall endure for a renewed and extended further term of 47 years, which—

"(i) if an application to register a claim to such further term has been made to the Copyright Office within 1 year before the expiration of the original term of copyright, and the claim is registered, shall vest, upon the beginning of such further term, in the proprietor of the copyright who is entitled to claim the renewal of copyright at the time the application is made; or

"(ii) if no such application is made or the claim pursuant to such application is not registered, shall vest, upon the beginning of such further term, in the person or entity that was the proprietor of the copyright as of the last day of the original term of copyright.

"(B) At the expiration of the original term of copyright in a work specified in paragraph (1)(C) of this subsection, the copyright shall endure for a renewed and extended further term of 47 years, which—

"(i) if an application to register a claim to such further term has been made to the Copyright Office within 1 year before the expiration of the original term of copyright, and the claim is registered, shall vest, upon the beginning of such further term, in any person who is entitled under paragraph (1)(C) to the renewal and extension of the copyright at the time the application is made; or

"(ii) if no such application is made or the claim pursuant to such application is not registered, shall vest, upon the beginning of such further term, in any person entitled under paragraph (1)(C), as of the last day of the original term of copyright, to the renewal and extension of the copyright.

"(3)(A) An application to register a claim to the renewed and extended term of copyright in a work may be made to the Copyright Office—

"(i) within 1 year before the expiration of the original term of copyright by any person entitled under paragraph (1)(B) or (C) to such further term of 47 years; and

"(ii) at any time during the renewed and extended term by any person in whom such further term vested, under paragraph (2)(A) or (B), or by any successor or assign of such person, if the application is made in the name of such person.

"(B) Such an application is not a condition of the renewal and extension of the copyright in a work for a further term of 47 years.

"(4)(A) If an application to register a claim to the renewed and extended term of copyright in a work is not made within 1 year before the expiration of the original term of copyright in a work, or if the claim pursuant to such application is not registered, then a derivative work prepared under authority of a grant of a transfer or license of the copyright that is made before the expiration of the original term of copyright may continue to be used under the terms of the grant during the renewed and extended term of copyright without infringing the copyright, except that such use does not extend to the preparation during such renewed and extended term of other derivative works based upon the copyrighted work covered by such grant.

"(B) If an application to register a claim to the renewed and extended term of copyright in a work is made within 1 year before its expiration, and the claim is registered, the certificate of such registration shall constitute prima facie evidence as to the validity of the copyright during its renewed and extended term and of the facts stated in the certificate. The evidentiary weight to be accorded the certificates of a registration of a renewed and extended term of copyright made after the end of that 1-year period shall be within the discretion of the court.".

(b) Registration.—(1) Section 409 of title 17, United States Code, is amended by adding at the end the following:

"If an application is submitted for the renewed and extended term provided for in section 304(a)(3)(A) and an original term registration has not been made, the Register may request information with respect to the existence, ownership, or duration of the copyright for the original term.".

(2) Section 101 of title 17, United States Code, is amended by inserting after the definition of "publication" the following:

"'Registration', for purposes of sections 205(c)(2), 405, 406, 410(d), 411, 412, and 506(e), means a registration of a claim in the original or the renewed and extended term of copyright.".

(c) Legal Effect of Renewal of Copyright Unchanged.—The renewal and extension of a copyright for a further term of 47 years provided for under paragraphs (1) and (2) of section 304(a) of title 17, United States Code, (as amended by subsection (a) of this section) shall have the same effect with respect to any grant, before the effective date of this section, of a transfer or license of the further term as did the renewal of a copyright before the effective date of this section under the law in effect at the time of such grant.

(d) Conforming Amendment.—Section 304(c) of title 17, United States Code, is amended in the matter preceding paragraph (1) by striking "second proviso of subsection (a)" and inserting "subsection (a)(1)(C)".

(e) Registration Permissive.—Section 408(a) of title 17, United States Code, is amended by striking "At" and all that follows through "unpublished work," and inserting "At any time during the subsistence of the first term of copyright in any published or unpublished work in which the copyright was secured before January 1, 1978, and during the subsistence of any copyright secured on or after that date,".

(f) Copyright Office Fees.—Section 708(a)(2) of title 17, United States Code, is amended—

(1) by striking "in its first term"; and

(2) by striking "$12" and inserting "$20".

(g) Effective Date; Copyrights Affected by Amendment.—(1) Subject to paragraphs (2) and (3), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by this section shall apply only to those copyrights secured between January 1, 1964, and December 31, 1977. Copyrights secured before January 1, 1964, shall be governed by the provisions of section 304(a) of title 17, United States Code, as in effect on the day before the effective date of this section.

(3) This section and the amendments made by this section shall not affect any court proceedings pending on the effective date of this section.

TITLE II—NATIONAL FILM PRESERVATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Film Preservation Act of 1992".

SEC. 202. NATIONAL FILM REGISTRY OF THE LIBRARY OF CONGRESS.

The Librarian of Congress (hereinafter in this title referred to as the "Librarian") shall establish a National Film Registry pursuant to the provisions of this title, for the purpose of maintaining and preserving films that are culturally, historically, or aesthetically significant.

SEC. 203. DUTIES OF THE LIBRARIAN OF CONGRESS.

(a) Study of Film Preservation.—(1) The Librarian shall, after consultation with the Board established pursuant to section 204, conduct a study on the current state of film preservation and restoration activities, including the activities of the Library of Congress and the other major film archives in the United States. The Librarian shall, in conducting the study—

(A) take into account the objectives of the national film preservation program set forth in clauses (i) through (iii) of subsection (b)(1)(A); and

(B) consult with film archivists, educators and historians, copyright owners, film industry representatives, including those involved in the preservation of film, and others involved in activities related to film preservation.

The study shall include an examination of the concerns of private organizations and individuals involved in the collection and use of abandoned films such as training, educational, and other historically important films.

(2) Not later than 1 year after the date of the enactment of this Act, the Librarian shall submit to the Congress a report containing the results of the study conducted under paragraph (1).

(b) Powers.—(1) The Librarian shall, after consultation with the Board, do the following:

(A) After completion of the study required by subsection (a), the Librarian shall, taking into account the results of the study, establish a comprehensive national film preservation program for motion pictures, in conjunction with other film archivists and copyright owners. The objectives of such a program shall include—

(i) coordinating activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(ii) generating public awareness of and support for those activities; and

(iii) increasing accessibility of films for educational purposes, and improving nationwide activities in the preservation of works in other media such as videotape.

(B) The Librarian shall establish guidelines and procedures under which films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first publication.

(C) The Librarian shall establish procedures under which the general public may make recommendations to the Board regarding the inclusion of films in the National Film Registry.

(D) The Librarian shall establish procedures for the examination by the Librarian of prints of films named for inclusion in the National Film Registry to determine their eligibility for the use of the seal of the National Film Registry under paragraph (3).

(E) The Librarian shall determine which films satisfy the criteria established under subparagraph (B) and qualify for inclusion in the National Film Registry, except that the Librarian shall not select more than 25 films each year for inclusion in the Registry.

(2) The Librarian shall publish in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3) The Librarian shall provide a seal to indicate that a film has been included in the National Film Registry and is the Registry version of that film.

(4) The Librarian shall publish in the Federal Register the criteria used to determine the Registry version of a film.

(5) The Librarian shall submit to the Congress a report, not less than once every two years, listing films included in the National Film Registry and describing the activities of the Board.

(c) Seal.—The seal provided under subsection (b)(3) may be used on any copy of the Registry version of a film. Such seal may be used only after the Librarian has examined and approved the print from which the copy was made. In the case of copyrighted works, only the copyright owner or an authorized licensee of the copyright may place or authorize the placement of the seal on a copy of a film selected for inclusion in the National Film Registry, and the Librarian may place the seal on any print or copy of the film that is maintained in the National Film Registry Collection of the Library of Congress. The person authorized to place the seal on a copy of a film selected for inclusion in the National Film Registry may accompany such seal with the following language: "This film is included in the National Film Registry, which is maintained by the Library of Congress, and was preserved under the National Film Preservation Act of 1992.".

(d) Development of Standards.—The Librarian shall develop standards or guidelines by which to assess the preservation or restoration of films that will qualify films for use of the seal under this section.

SEC. 204. NATIONAL FILM PRESERVATION BOARD.

(a) Number and Appointment.—(1) The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of up to 18 members, who shall be selected by the Librarian in accordance with the provisions of this section. Subject to subparagraphs (C) and (O), the Librarian shall request each organization listed in subparagraphs (A) through (P) to submit to the Librarian a list of not less than 3 candidates qualified to serve as a member of the Board. Except for the members-at-large appointed under paragraph (2), the Librarian shall appoint 1 member from each such list submitted by such organizations, and shall designate from that list an alternate who may attend those meetings to which the individual appointed to the Board cannot attend. The organizations are the following:

(A) The Academy of Motion Pictures Arts and Sciences.

(B) The Directors Guild of America.

(C) The Writers Guild of America. The Writers Guild of America East and the Writers Guild of America West shall each nominate not less than 3 candidates, and a representative from 1 such organization shall be selected as the member and a representative from the other such organization as the alternate.

(D) The National Society of Film Critics.

(E) The Society for Cinema Studies.

(F) The American Film Institute.

(G) The Department of Theatre, Film and Television of the College of Fine Arts at the University of California, Los Angeles.

(H) The Department of Film and Television of the Tisch School of the Arts at New York University.

(I) The University Film and Video Association.

(J) The Motion Picture Association of America.

(K) The National Association of Broadcasters.

(L) The Alliance of Motion Picture and Television Producers.

(M) The Screen Actors Guild of America.

(N) The National Association of Theater Owners.

(O) The American Society of Cinematographers and the International Photographers Guild, which shall jointly submit 1 list of candidates from which a member and alternate will be selected.

(P) The United States members of the International Federation of Film Archives.

(2) In addition to the Members appointed under paragraph (1), the Librarian shall appoint up to 2 members-at-large. The Librarian shall select the at-large members from names submitted by organizations in the film industry, creative artists, producers, film critics, film preservation organizations, academic institutions with film study programs, and others with knowledge of copyright law and of the importance, use, and dissemination of films. The Librarian shall, in selecting 1 such member-at-large, give preference to individuals who are responsible for commercial film libraries. The Librarian shall also select from the names submitted under this paragraph an alternate for each member-at-large, who may attend those meetings to which the member-at-large cannot attend.

(b) Chairperson.—The Librarian shall appoint 1 member of the Board to serve as Chairperson.

(c) Term of Office.—(1) The term of each member of the Board shall be 3 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) A vacancy on the Board shall be filled in the manner in which the original appointment was made under subsection (a), except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term.

(d) Quorum.—9 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) Basic Pay.—Members of the Board shall serve without pay. While away from their homes or regular places of business in the performance of functions of the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5701 of title 5, United States Code.

(f) MEETINGS.—The Board shall meet at least once each calendar year. Meetings shall be at the call of the Librarian.

(g) CONFLICT OF INTEREST.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and the responsibilities of the Board.

SEC. 205. RESPONSIBILITIES AND POWERS OF BOARD.

(a) IN GENERAL.—The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and shall consult with the Librarian, as provided in section 203, with respect to the inclusion of such films in the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant.

(b) NOMINATION OF FILMS.—The Board shall consider, for inclusion in the National Film Registry, nominations submitted by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers and other creative artists, producers, film critics, film preservation organizations, and representatives of academic institutions with film study programs. The Board shall nominate not more than 25 films each year for inclusion in the Registry.

(c) GENERAL POWERS.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board considers appropriate.

SEC. 206. NATIONAL FILM REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS.

(a) ACQUISITION OF ARCHIVAL QUALITY COPIES.—The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of the Registry version of each film included in the National Film Registry. Whenever possible, the Librarian shall endeavor to obtain the best surviving materials, including preprint materials.

(b) ADDITIONAL MATERIALS.—The Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film included in the National Film Registry, such as background materials, production reports, shooting scripts (including continuity scripts) and other similar materials.

(c) PROPERTY OF UNITED STATES.—All copies of films on the National Film Registry that are received by the Librarian and other materials received by the Librarian under subsection (b) shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

(d) NATIONAL FILM REGISTRY COLLECTION.—All copies of films on the National Film Registry that are received by the Librarian and other materials received by the Librarian under subsection (b) shall be maintained in a special collection in the Library of Congress to be known as the "National Film Registry Collection of the Library of Congress". The Librarian shall, by regulation, and in accordance with title 17, United States Code, provide for reasonable access to films in such collection for scholarly and research purposes.

SEC. 207. SEAL OF THE NATIONAL FILM REGISTRY.

(a) USE OF THE SEAL.—(1) No person shall knowingly distribute or exhibit to the public a version of a film which bears the seal described in section 203(b)(3) if such film—

(A) is not included in the National Film Registry; or

(B) is included in the National Film Registry, but such copy was not made from a print that was examined and approved for the use of the seal by the Librarian under section 203(c).

(2) No person shall knowingly use the seal described in section 203(b)(3) to promote any version of a film other than a Registry version.

(b) EFFECTIVE DATE OF THE SEAL.—The use of the seal described in section 203(b)(3) shall be effective for each film after the Librarian publishes in the Federal Register the name of that film as selected for inclusion in the National Film Registry.

SEC. 208. REMEDIES.

(a) JURISDICTION.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 207(a).

(b) RELIEF.—(1) Except as provided in paragraph (2), relief for a violation of section 207(a) shall be limited to the removal of the seal of the National Film Registry from the film involved in the violation.

(2) In the case of a pattern or practice of the willful violation of section 207(a), the United States district courts may order a civil fine of not more than $10,000 and appropriate injunctive relief.

SEC. 209. LIMITATIONS OF REMEDIES.

The remedies provided in section 208 shall be the exclusive remedies under this title, or any other Federal or State law, regarding the use of the seal described in section 203(b)(3).

SEC. 210. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this title.

(b) EXPERTS AND CONSULTANTS.—The Librarian may, in carrying out this title, procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS-15 of the General Schedule. In no case may a member of the Board be paid as an expert or consultant under such section.

SEC. 211. DEFINITIONS.

As used in this title—

(1) the term "Librarian" means the Librarian of Congress;

(2) the term "Board" means the National Film Preservation Board;

(3) the term "film" means a "motion picture" as defined in section 101 of title 17, United States Code, except that such term does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disks;

(4) the term "publication" means "publication" as defined in section 101 of title 17, United States Code; and

(5) the term "Registry version" means, with respect to a film, the version of the film first published, or as complete a version as the bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright owner can compile in those cases where the original material has been irretrievably lost.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian such sums as are necessary to carry out the provisions of this title, but in no fiscal year shall such sum exceed $250,000.

SEC. 213. EFFECTIVE DATE.

The provisions of this title shall be effective for four years beginning on the date of the enactment of this Act. The provisions of this title shall apply to any copy of any film, including those copies of films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988, except that any film so selected under such Act shall be deemed to have been selected for the National Film Registry under this title.

SEC. 214. REPEAL.

The National Film Preservation Act of 1988 (2 U.S.C. 178 and following) is repealed.

TITLE III—OTHER COPYRIGHT PROVISIONS

SEC. 301. REPEAL OF COPYRIGHT REPORT TO CONGRESS.

Section 108(i) of title 17, United States Code, is repealed.

Mr. FORD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CRIMINAL SANCTIONS FOR VIOLATION OF SOFTWARE COPYRIGHT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 437, S. 893, a bill to amend title 18, United States Code, to impose criminal sanctions for the violation of software copyright.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 893) to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1868

(Purpose: Technical correction)

Mr. SPECTER. Mr. President, on behalf of Senator HATCH, I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. HATCH, proposes an amendment numbered 1868.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 2, line 25, strike "49" and insert "50".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1868) was agreed to.

Mr. HATCH Mr. President, I am pleased that the Senate is acting today on S. 893, which I introduced last year. This bill will, if enacted into law, provide a strong tool for prosecutors who seek to limit the growing problem of computer software piracy.

In 1982, Congress provided strong criminal penalties for persons involved in the unauthorized production or distribution of multiple copies of phonorecords, sound recordings, and motion pictures. It is my understanding that this law, the criminal infringement of copyright statute found at 18 U.S.C. 2319, has worked well since its enactment. S. 893 provides the same recognition that the large-scale, commercially oriented copying of computer programs should be treated as a criminal offense.

The willful infringement of copyright in computer software programs is a widespread practice that is threatening the U.S. software industry. The easy accessibility of computer programs distributed in magnetic media format, together with distribution of popular applications programs, has led to persistent large-scale copying of these programs. Studies indicate that for every authorized copy of software programs in circulation, there is an illegal copy also in circulation. Losses to the personal computer software industry from all illegal copying were estimated to be $1.6 billion in 1989. If we do not address the piracy of these programs, we may soon see a decline in this vibrant and important sector of our economy.

Not only is the software industry seriously damaged, but the public is also victimized by these acts of piracy. The consumer is paying full price for a product which he believes is legitimate. However, not only may there be imperfections in the actual reproduction, but the quality of the product is often lower as a result of cheap equipment. Furthermore, the consumer is ineligible for the important support and backup services typically offered by the software publisher.

As noted during the 1982 hearings on increasing the penalties for illegal copying of records, sound recordings and motion pictures, stiffer penalties toward piracy do act as a deterrent to these types of crimes. I am confident that the enactment today of these new penalties for large-scale violation of copyright in computer software will have a similar deterrent effect.

Currently there is no differentiation in penalties between small and large acts of piracy. Because acts of software piracy are only misdemeanors for the first offense, prosecutors are deterred from prosecuting, and there is little deterrence for these criminal acts. The current penalties in these software cases are far too lenient as compared to other theft and forgery statutes for other schemes which are also very lucrative.

Under the language of S. 893, a person involved in software piracy will be subject to a fine of up to $250,000 and imprisonment of up to 5 years if the offense involves the reproduction or distribution of at least 50 copies in 1 or more computer programs during any 180-day period. For offenses involving more than 10 but less that 50 copies, the penalties will include a fine of up to $250,000 or imprisonment of up to 2 years.

This provision was adopted by a unanimous voice vote of the Senate when it was proposed last year as part of the crime bill. When it was considered last fall as a separate bill by the Senate Judiciary Committee, it was also approved by unanimous vote. By enacting S. 893 today as a separate bill, we increase the likelihood that this legislation will become law and that the serious problem of unauthorized computer software copying will be brought under some degree of control.

The PRESIDING OFFICER. Without objection, the bill is deemed to have been read three times and passed.

So the bill (S. 893) was deemed passed, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2319(b)(1) of title 18, United States Code, is amended—

(1) in paragraph (B) by striking "or" after the semicolon;

(2) redesignating paragraph (C) as paragraph (D);

(3) by adding after paragraph (B) the following:

"(C) involves the reproduction or distribution, during any 180-day period, of at least 50 copies infringing the copyright in one or more computer programs (including any tape, disk, or other medium embodying such programs); or";

(4) in new paragraph (D) by striking "or" after "recording,"; and

(5) in new paragraph (D) by adding ", or a computer program", before the semicolon.

(b) Section 2319(b)(2) of title 18, United States Code, is amended—

(1) in paragraph (A) by striking "or" after the semicolon;

(2) in paragraph (B) by striking "and" at the end thereof and inserting "or"; and

(3) by adding after paragraph (B) the following:

"(C) involves the reproduction or distribution, during any 180-day period, of more than 10 but less than 50 copies infringing the copyright in one or more computer programs (including any tape, disk, or other medium embodying such programs); and".

(c) Section 2319(c) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period at the end thereof and inserting "; and"; and

(3) by adding at the end thereof the following:

"(3) the term 'computer program' has the same meaning as set forth in section 101 of title 17, United States Code.".

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the bill as amended was passed.

Mr. FORD. I move to lay that motion on the table.

The motion was agreed to.

ORDER TO PRINT S. 1671

Mr. FORD. Mr. President, I ask unanimous consent that S. 1671, Waste Isolation Pilot Plant, be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE FIRST INFANTRY DIVISION ON ITS 75TH BIRTHDAY

Mr. SPECTER. I send a resolution to the desk and ask for its immediate consideration to commend the 1st Infantry.

The PRESIDING OFFICER. The clerk will state the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 305) to commend the 1st Infantry Division (MECH) on its 75th anniversary.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, thousands of current and former members of the 1st Infantry Division will celebrate the 75th anniversary commemoration of the "Big Red One" at Fort Riley, KS, on June 7 and 8.

I offer this resolution commending the 1st Infantry Division for its 75 years of service in the defense of freedom. For 75 years, the 1st Division distinguished itself as America's premier fighting force and earned the title "Big Red One" for being the first called when freedom was challenged.

The 1st Infantry Division began its storied history by landing in France on June 24, 1917. After the war, the Big Red One remained on occupation duty for 10 months, returning to America in the fall of 1919.

In July 1942 the 1st Division left for Great Britain and did not return home for 13 years. On D-day and the days that followed, the Big Red One helped clear a vital beachhead for allied equipment and at one point during World War II, the 1st Division amassed a total of nearly 6 months of continuous battle with the enemy. The 1st Division ended the war in Czechoslovakia and remained in Germany as occupational troops. Then as partners in NATO, they protected Europe, coming home to Fort Riley, KS, in 1955.

In the 1960's the Big Red One was the first division committed to combat in Vietnam. The 1st Division gave 5 years of service in Southeast Asia fighting a brutal war and training the people of

South Vietnam to help themselves. Following Vietnam, the 1st Division again returned home to Fort Riley.

Most recently, the Big Red One answered the call once again. The soldiers of the 1st Division distinguished themselves as the finest fighting force in the world by decimating Saddam Hussein's vaunted Republican Guard. They were the first American troops to enter Iraq during the Persian Gulf war.

From "Black Jack" Pershing to the heroes of Desert Storm, the Big Red One has always been the first to answer the call. Their motto tells it all: "No mission too difficult, no sacrifice too great—duty first."

I urge my colleagues to join me in commending the Big Red One and urge the adoption of this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 305

Whereas, the 1st Infantry Division (MECH), Fort Riley, Kansas, will celebrate its 75th anniversary on June 8, 1992; and

Whereas, the "Big Red One" has a long history of being "first," which began in June 1917 when General John "Black Jack" Pershing arrived in France with the first American Expeditionary Force, and was renamed the 1st Infantry Division, and

Whereas, names like St. Michel and the Argonne Forest will forever be associated with the gallant story of the "Fighting First," and

Whereas, the distinction of being first is a tradition the division has carried for 75 years; and

Whereas, the list of firsts for the Big Red One includes; First in France in World War I; first Americans in combat World War I; first to reach England in World War II; first Americans to encounter Germans in North Africa and Sicily; first Americans on the beaches at Normandy on D-Day, June 6, 1944; first to capture a major German city in World War II when the city of Aachen fell after a bitter fight; first division committed to Vietnam in the summer of 1965; and most recently, the first division to enter Iraq during Operation Desert Storm; and

Whereas, all Americans are proud that the Big Red One continues its defense of America by training in the heartland of America and heartily endorse its motto: No mission too difficult, no sacrifice too great, duty first: Now, therefore be it

Resolved, That the United States Senate commends the "Big Red One" on its 75th anniversary and formally recognizes its long and historic contribution to freedom.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Nos. 439, 469, 474, 475, and 477; that the committee amendments, where appropriate, be agreed to; that the bills be deemed read three times and passed; that the motion to reconsider the passage of these items be laid upon the table en bloc; that the consideration of these items appear individually in the RECORD; and any statements appear at the appropriate place.

Mr. SPECTER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF MICHAEL WU

The bill (H.R. 1917) for the relief of Michael Wu, was deemed read the third time, and passed.

PALO ALTO BATTLEFIELD NATIONAL HISTORIC SITE ACT OF 1992

The bill (H.R. 1642) to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes was considered, deemed read the third time, and passed.

MARSH-BILLINGS NATIONAL HISTORICAL PARK ESTABLISHMENT ACT

So, the bill (S. 2079) to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marsh-Billings National Historical Park Establishment Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to interpret the history and evolution of conservation stewardship in America;

(2) to recognize and interpret the contributions and birthplace of George Perkins Marsh, pioneering environmentalist, author of Man and Nature, statesman, lawyer, and linguist;

(3) to recognize and interpret the contributions of Frederick Billings, conservationist, pioneer in reforestation and scientific farm management, lawyer, philanthropist, and railroad builder, who extended the principles of land management introduced by Marsh;

(4) to preserve the Marsh-Billings Mansion and its surrounding lands;

(5) to recognize the significant contributions of Julia Billings, Mary Billings French, Mary French Rockefeller, and Laurance Spelman Rockefeller in perpetuating the Marsh-Billings heritage.

SEC. 3. ESTABLISHMENT OF MARSH-BILLINGS NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—There is established as a unit of the National Park System the Marsh-Billings National Historical Park in Windsor County, Vermont (hereafter in this Act referred to as the "park").

(b) BOUNDARIES AND MAP.—(1) The park shall consist of an historic zone, including the Marsh-Billings Mansion, surrounding buildings and a portion of the area known as "Mt. Tom", comprising approximately 555 acres, and a protection zone, including the areas presently occupied by the Billings Farm and Museum, comprising approximately 88 acres, all as generally depicted on the map entitled "Marsh-Billings National Historical Park Boundary Map" and dated November 19, 1991.

(2) The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

SEC. 4. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall administer the park in accordance with this Act, and laws generally applicable to units of the National Park System, including, but not limited to—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes, approved August 25, 1916 (16 U.S.C. 1, 2–4); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) ACQUISITION OF LANDS.—(1) Except as provided in paragraph (2), the Secretary is authorized to acquire lands or interests therein within the park only by donation.

(2) If the Secretary determines that lands within the protection zone are being used, or there is an imminent threat that such lands will be used, for a purpose that is incompatible with the purposes of this Act, the Secretary may acquire such lands or interests therein by means other than donation.

(3) The Secretary may acquire lands within the historic zone subject to terms and easements providing for the management and commercial operation of existing hiking and cross-country ski trails by the grantor, and the grantor's successors and assigns.

(c) HISTORIC ZONE.—The primary purposes of the historic zone shall be preservation, education, and interpretation.

(d) PROTECTION ZONE.—(1) The primary purpose of the protection zone shall be to preserve the general character of the setting across from the Marsh-Billings Mansion in such a manner and by such means as will continue to permit current and future compatible uses.

(2) The Secretary shall pursue protection and preservation alternatives for the protection zone by working with affected State and local governments and affected landowners to develop and implement land use practices consistent with this Act.

SEC. 5. MARSH-BILLINGS NATIONAL HISTORICAL PARK SCENIC ZONE.

(a) IN GENERAL.—There is established the Marsh-Billings National Historical Park Scenic Zone (hereinafter in this Act referred to as the "scenic zone"), which shall include those lands as generally depicted on the map entitled "Marsh-Billings National Historical Park Scenic Zone Map" and dated November 19, 1991.

(b) PURPOSE.—The purpose of the scenic zone shall be to protect portions of the natural setting beyond the park boundaries that are visible from the Marsh-Billings Mansion, by such means and in such a manner as will permit current and future compatible uses.

(c) ACQUISITION OF SCENIC EASEMENTS.—Within the boundaries of the scenic zone, the Secretary is authorized only to acquire scenic easements by donation.

SEC. 6. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into cooperative agreements with such persons or entities as the Secretary determines to be appropriate for the preservation, interpretation,

management, operation, and providing of educational and recreational uses for the properties in the park and the scenic zone.

(b) FACILITIES.—The Secretary, through cooperative agreements with owners or operators of land and facilities in the protection zone, may provide for facilities in the protection zone to support activities within the historic zone.

SEC. 7. ENDOWMENT.

(a) IN GENERAL.—In accordance with the provisions of subsection (b), the Secretary is authorized to receive and expend funds from an endowment to be established with the Woodstock Foundation, or its successors and assigns.

(b) CONDITIONS.—(1) Funds from the endowment referred to in subsection (a) shall be expended exclusively as the Woodstock Foundation, or its successors and assigns, in consultation with the Secretary, may designate for the preservation and maintenance of the Marsh-Billings Mansion and its immediate surrounding property.

(2) No expenditure shall be made pursuant to this section unless the Secretary determines that such expenditure is consistent with the purposes of this Act.

SEC. 8. RESERVATION OF USE AND OCCUPANCY.

An owner of improved residential property within the boundaries of the historic zone may retain a right of use and occupancy of such property for non-commercial purposes for a term not to exceed 25 years or a term ending at the death of the owner, or the owner's spouse, whichever occurs last. The owner shall elect the term to be reserved.

SEC. 9. GENERAL MANAGEMENT PLAN.

Not later than 3 years after the date funds are made available to carry out this section, by donation or otherwise, the Secretary shall develop and transmit a general management plan for the park to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

SEC. 10. AUTHORIZATION OR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The amendment was agreed to.

So the bill (S. 2079) was deemed read a third time, and passed.

LOS PADRES CONDOR RANGE AND RIVER PROTECTION ACT

The bill (H.R. 2556) entitled the "Los Padres Condor Range and River Protection Act," was deemed read the third time, and passed.

Mr. SEYMOUR. Mr. President, I rise today in strong support of H.R. 2556, the Los Padres Wilderness bill. H.R. 2556 is the companion bill to S. 1225 which I introduced 1 day shy of a year ago.

The Los Padres National Forest, located in southern California, stretches from Monterey to Los Angeles. It is home to a wealth of wildlife, including the endangered California condor. The forest is the largest unprotected wilderness in California and within 100 miles of population centers totaling 10 million people.

H.R. 2556 creates seven new wilderness areas within the Los Padres National Forest, totaling almost 400,000 acres. The Sespe Wilderness totals 220,500 acres, which contains the California condor sanctuary and is the site of our Nation's ongoing condor release program; the Matilija Wilderness totals 30,000 acres; San Rafael, 43,000 acres; Garcia, 14,600 acres; Chumash, 38,200 acres; Ventana, 38,000 acres; and Silver Peak, 14,500 acres.

The Los Padres bill also protects eight rivers that run through the forest. The full 33 miles of the Sisquoc River and 18.9 miles of Big Sur are designated as wild and scenic; 49 miles of the Piru Creek, 23 miles of the Little Sur River, 16 miles of the Matilija Creek, and 11 miles of the Lopez are all to be studied for designation. The Sespe Creek is also permanently protected along 31.5 of its miles, and an additional 10.5 miles of the creek is studied for designation.

The Los Padres wilderness bill is the product of negotiation and compromise. The notion of further wilderness designation in the Los Padres National Forest is not new. Senators WILSON and CRANSTON, along with Congressman LAGOMARSINO have all previously introduced measures to assure the protection of the region's forests and streams.

Prior to my arrival in the Senate, competing measures in both the Senate and the House prevented some of Los Padres' most distinctive and delicate natural areas from receiving the permanent protection they required. Through diligent work and compromise, Senator CRANSTON, Congressman LAGOMARSINO, Congressman PANETTA, and I were able to craft a reasoned and balanced bill.

As a product of compromise, the Los Padres bill is not all things to all people. The bill contains some measures with which I do not agree. Taken as whole, though, H.R. 2556 is an important bill that will not only assure the protection of the beautiful natural assets found in the Los Padres National Forest, but also will ensure that the public will be able to enjoy these wonders.

Mr. President, I would like to take this opportunity to thank Congressman LAGOMARSINO, Senator CRANSTON, and Congressman PANETTA, for their diligent work on the protection of the Los Padres National Forest. I would also like to thank Senators WALLOP, MURKOWSKI, JOHNSTON, and BUMPERS, along with their staffs, for their time and effort on this legislative endeavor.

RELIEF OF TSUI FAMILY

The bill (S. 1338) for the relief of Chi Hsii Tsui, Jin Mie Tsui, Yin Whee Tsui, Yin Tao Tsui, and Yin Chao Tsui, was deemed read the third time, and passed; as follows:

S. 1338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Chi Hsii Tsui, Jin Mie Tsui, Yin Whee Tsui, Yin Tao Tsui, and Yin Chao Tsui shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct five numbers from the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas that are made available to such natives under section 202(e) of such Act.

Mr. SANFORD. Mr. President, I rise today to share my excitement that the Senate today is taking up S. 1338, a bill to grant permanent residency to a very special person, Charlie Two Shoes, and his family.

It is very exciting indeed that we are ready to grant permanent residency to a man who has had such longstanding ties to the United States. In fact, it was 1945 when a group of marines from the 6th Division stationed in China after World War II adopted an 11-year-old boy, who they nicknamed "Charlie Two Shoes."

When the marines pulled out of China in 1949, Charlie Two Shoes begged to go with them, but it could not be arranged. However, the marines did promise to stay in touch and to one day bring him to the United States.

After the Communists took control of China, Charlie suffered greatly because of his close ties to the marines and to the United States. He and his wife were both fired from their jobs, and Charlie remained under house arrest for 20 years.

In 1980, when relations between China and the United States were normalized, Charlie was able to make contact with the marines to whom he still felt so close. And 3 years later, Charlie finally had his dreams come true when he was able to come to the United States and be reunited with the marine veterans who had adopted him almost 40 years before.

Charlie fell in love with the United States and decided he wanted to stay. He was granted an indefinite stay of deportation in 1985 and was allowed to bring his wife and three children to America.

For the last 6 years, the Tsui family have lived happily in Chapel Hill where they operate a local restaurant and have become a beloved part of the community. However, Charlie's one remaining wish is to become a citizen of the United States of America.

I introduced this legislation last year because I believe Charlie and his family have waited long enough. It is time to take the next step of granting them permanent residency so that Charlie can obtain his long hoped for goal of becoming a U.S. citizen.

My colleagues, I am certain, are as touched as I am by the compelling story of Charlie's love and devotion to the United States. I appreciate their support on this bill, and I am very excited that the Senate is prepared to pass this important piece of legislation and help to make Charlie Two Shoes' dream come true.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:25 p.m., a message from the House of Representatives, delivered by Mr. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate.

S. 756. A bill to amend title 17, United States Code, the copyright renewal provisions, and for other purposes.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 776. An act to provide for improved energy efficiency; to the Committee on Finance.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 4, 1992, he had presented to the President of the United States the following enrolled bills:

S. 2342. An act to amend the Act entitled "An Act to provide for the disposition of funds appropriated to pay judgement in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes," approved October 25, 1972 (86 Stat. 1168 et seq.); and

S. 2783. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Duane Acker, of Virginia, to be an Assistant Secretary of Agriculture;

Daniel A. Sumner, of North Carolina, to be an Assistant Secretary of Agriculture; and

Daniel A. Sumner, of North Carolina, to be a member of the Board of Directors of the Commodity Credit Corporation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself, Mr. Biden, Mr. DeConcini, Mr. Pell, Mr. Leahy, Mr. Kennedy, Mr. Simon, Mr. Cranston, Mr. Moynihan, Mr. Wellstone, Mr. Sarbanes, Mr. Inouye, Mr. Riegle, Mr. Bradley, and Mr. Wallop):

S. 2808. A bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment until 1993 provided certain conditions are met; to the Committee on Finance.

By Mr. HATCH:

S. 2809. A bill to amend title IV of the Social Security Act to increase State responsibility and flexibility in designing services, ensuring quality control, and evaluating programs designed to help troubled families and their children, and to shift the role of the Department of Health and Human Services from program and financial oversight to planning and coordination of research and technical assistance; to the Committee on Finance.

By Mr. GORE (for himself, Mr. Grassley, Mr. Dole, Mr. Ford, Mr. Breaux, Mr. Exon, Mr. Lott, Mrs. Kassebaum, Mr. Burns, Mr. Pressler, Mr. Simpson, Mr. Stevens, Mr. Kohl, Mr. Kerry, Mr. Thurmond, Mr. Daschle, Mr. D'Amato, Mr. Cochran, Mr. Murkowski, Mr. Kasten, Mr. Bond, and Mr. Specter):

S. 2810. A bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSTON:

S. 2811. A bill to extend until January 1, 1966, certain existing temporary duty suspensions; to the Committee on Finance.

S. 2812. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

By Mr. GORE (for himself, Mr. Ford, Mr. Sarbanes, and Mr. Simon):

S. 2813. A bill to establish in the Government Printing Office an electronic gateway to provide public access to a wide range of Federal databases containing public information stored electronically; to the Committee on Rules and Administration.

By Mr. RIEGLE (for himself, Mr. Chafee, Mr. Mitchell, Mr. Pryor, Mr. Cohen, Mr. Bond, Mr. Rockefeller, Mr. Pressler, Mr. Graham, Mr. Adams, Mr. Moynihan, Ms. Mikulski, Mr. Dodd, Mr. Daschle, Mr. Kennedy, Mr. Hollings, Mr. Leahy, Mr. Simon, Mr. Cranston, Mr. Johnston, Mr. Sarbanes, Mr. Burns, and Mr. Breaux):

S. 2814. A bill to ensure proper and full implementation by the Department of Health and Human Services of medicaid coverage for certain low-income medicare beneficiaries; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. Garn) (by request):

S. 2815. A bill to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mrs. Kassebaum):

S. Res. 305. A resolution to commend the First Infantry Division (MECH) on its 75th anniversary; considered and agreed to.

By Mr. LEVIN (for himself, Mr. Mitchell, and Mr. Dole):

S. Res. 306. A resolution relating to the enforcement of United Nations Security Council resolutions calling for the cessation of hostilities in the former territory of Yugoslavia; to the Committee on Foreign Relations.

By Mr. DANFORTH (for himself, Mr. Graham, Mr. Bond, Mr. Cohen, Mr. Conrad, Mr. DeConcini, Mr. Levin, Mr. Robb, and Mr. Rudman):

S. Res. 307. A resolution entitled "Deficit Reduction: A Call for Debate."; to the Committee on the Budget.

By Mr. D'AMATO (for himself, Mr. Biden, Mr. DeConcini, and Mr. Dole):

S. Res. 308. A resolution to condemn the assassination of Judge Giovanni Falcone; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. Dole):

S. Res. 309. A resolution to authorize testimony by an employee of the Senate in Robinson v. Addwest Gold, Inc., et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself, Mr. Biden, Mr. DeConcini, Mr. Pell, Mr. Leahy, Mr. Kennedy, Mr. Simon, Mr. Cranston, Mr. Moynihan, Mr. Wellstone, Mr. Sarbanes, Mr. Inouye, Mr. Riegle, Mr. Bradley, and Mr. Wallop):

S. 2808. A bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment until 1993 provided certain conditions are met; to the Committee on Finance.

UNITED STATES-CHINA ACT OF 1992

Mr. MITCHELL. Mr. President, 2 days ago, President Bush announced his intention to extend again to China the trade status of most-favored-nation.

Yesterday, according to an ABC News report, a lone, courageous demonstrator in Tiananmen Square was beaten and arrested for daring to publicly remember the demonstrators on the Square 3 years ago. Western news reporters were beaten by plain clothes police, taken into custody, and beaten again by uniformed police for the crime of recording the arrest.

Today I introduce legislation for the third time to end the President's mistaken, failed, and morally wrong policy toward the Communist Government of China.

Similar legislation is being introduced in the House. The differences in the bills are minor.

The bill I introduce requires the President to certify three things: First, that China has acted to adhere to the requirements of the Universal Declaration of Human Rights; second, that China will keep the specific promises made to Secretary of State James Baker last year to allow dissident Chinese to leave the country; and third, that China will stop the export of goods made by forced labor.

The House bill focuses on an accounting of those imprisoned after Tiananmen Square and release of those still being held. On the issues of weapons proliferation and sales and of fair trade practices, the measures are substantively identical.

But on the central issue of holding China accountable, of creating a real incentive for change in place of wishful thinking, there is no difference in the two proposals.

A majority in both Houses of Congress has for 3 years recognized that a policy based on hopes which are regularly betrayed by Chinese actions, is wrong. It doesn't serve American interests. It doesn't strengthen international peace. It doesn't improve the living standards of the Chinese people. It doesn't restore the independence of Tibet.

The President has been able to persuade a minority in the Senate to ignore American interests and support this unwise policy.

But time and the Chinese regime are running against that minority. I hope the events of the last 3 days and the memory of all that has transpired in the last 3 years will finally be enough to persuade our colleagues that the American national interest should take priority in this matter.

The Nation will be here for many years after this President and many others. So will China. There is a time appropriate for political choices and there is a time when politics should end. With China, that time is now.

Three years ago today, Americans and free people all around the world saw tanks and uniformed soldiers sweep into the world's largest public square and crush the world's largest demonstration for democracy and freedom.

Today, Tiananmen Square is a bloodstained name in the annals of government repression. It stands beside the killing fields of Cambodia, the Moscow Show Trials, the ravine at Babi Yar—among the bloodiest chapters in a bloodstained century. It is a disgrace to humanity. It is an insult to a world weary of government repression, a reproach to the courage of those who died for freedom.

Ten days ago, Americans celebrated Memorial Day. All across this country, survivors of our wars, families of veterans, families of those who died and people in communities who have never been personally scarred by war gathered to commemorate the courage of ordinary Americans who gave their lives to preserve freedom, to protect liberty and to ensure a future in which American ideals of liberty could flourish.

We did not take boys from the cornfields of Iowa or the fishing villages of Maine or the streets of the Bronx to defend Communist tyrannies. It is an insult to them to pursue a policy favoring exactly the same kind of tyranny they fought to the death.

Three years have passed since the Communist Chinese Government brutally repressed peaceful demonstrations for political liberty. These 3 years have seen no progress toward the free and democratic society the demonstrators sought. But for 3 years, President Bush has said his policy would produce a freer, more democratic Chinese society. He has been wrong. His policy has produced no positive results at all. It has produced, instead, more repression.

Three years is long enough.

It has been too long for the uncounted persons still imprisoned for the crime of having political opinions. It has been too long for the Tibetans who have had to watch as their culture and their country have been destroyed. It has been too long for the goal of world stability and world peace.

Three years is enough time, even for those who believed the President when he said that the Chinese Communists have been given time. The facts are in. The record is clear.

The Chinese Communists have mocked international treaties and agreements. They still export goods made with prison labor to the United States in flagrant violation of our laws. Their officials stand indicted of conspiring to violate bilateral textile quotas.

Two years ago, the Chinese Communists carried out the largest underground nuclear explosion in Chinese history—an explosion of 1,000 kilotons, the equivalent of 1 million tons of TNT. Nearly 20 years ago, in the midst of the cold war the United States and the Soviet Union were able to agree not to exceed a 150-kiloton test level. Two weeks ago, China detonated a nuclear explosion seven times more powerful. President Bush said nothing.

Instead, he wants to continue business as usual. Chinese jails are full of dissidents; Chinese weapons transfers threaten regional peace halfway across the world; the Chinese trade imbalance reaches its highest level ever; the Chinese Communists insult the freely elected representatives of the American people by refusing them entry visas.

The President's policy toward China is wrong.

It is inconsistent with American ideals. It is contrary to American economic interests. It is a travesty of effective policy. It demands change.

This bill preserves the President's powers to act. It does not seek to micromanage foreign policy. But it does seek to place American policy once again in the service of American interests, American values and American honor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-China Act of 1992".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) On June 4, 1989, thousands of Chinese citizens courageously demonstrated that they were prepared to risk their lives and futures in pursuit of democratic freedom and respect for human rights.

(2) Despite this massive outpouring of desire for self-determination and observance of fundamental principles of human rights, the Government of the People's Republic of China, a member of the United Nations Security Council obligated to respect and uphold the United Nations charter and Universal Declaration of Human Rights, continues to flagrantly violate internationally recognized standards of human rights, including—

(A) torture and cruel, inhuman, or degrading treatment or punishment;

(B) arbitrary arrest, unacknowledged detention without charges and trial, and jailing of persons solely for the nonviolent expression of their political views; and

(C) use of prison labor to produce cheap products for export to countries, including the United States, in violation of international labor treaties and United States law.

(3) The Government of the People's Republic of China continues to deny Chinese citizens who have supported the prodemocracy movement and others, the right of free emigration despite having given a pledge to the Secretary of State to do so during his visit last year to China.

(4) The Government of the People's Republic of China continues to use army and police forces to intimidate and repress the Tibetan people who nonviolently seek political and religious freedom.

(5) The Government of the People's Republic of China continues to engage in unfair trade practices against the United States by

raising tariffs, employing taxes as a surcharge on tariffs, using discriminatory customs rates, imposing import quotas and other quantitative restrictions, barring the importation of some items, using licensing and testing requirements to limit imports, and falsifying country of origin documentation to transship textiles and other items to the United States through Hong Kong and third countries.

(6) Although the Government of the People's Republic of China has pledged to adhere to the guidelines and parameters of the Missile Technology Control Regime, there are continuing reports of Chinese transfers of missile technology controlled by such regime to the Middle East, Africa, and Asia;

(7) The Government of the People's Republic of China continues to unjustly restrict and imprison religious leaders who do not adhere to the dogma and control of state-sponsored religious organizations.

(8) It is the policy and practice of the Government of the People's Republic of China's Communist Party to control all trade unions and suppress and harass members of the independent labor union movement.

(9) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and restrict broadcasts by the Voice of America.

(b) POLICY.—It is the sense of the Congress that—

(1) with respect to the actions of the People's Republic of China in the areas of human rights, weapons proliferation, and unfair trade practices the President should take such actions as necessary to achieve the purposes of this Act, including but not limited to—

(A) directing the United States Trade Representative to investigate and take necessary and appropriate action pursuant to section 301 of the Trade Act of 1974 with respect to the continuing unfair trade practices of the People's Republic of China which are determined to be discriminatory, and which unreasonably restrict United States commerce; and

(B) encouraging members of the Missile Technology Control Regime and other countries as appropriate, to develop a common policy concerning the People's Republic of China's transfer of missile technology to other countries;

(2) the sanctions being applied against the People's Republic of China on the date of the enactment of this Act should be continued and strictly enforced; and

(3) the President should direct the Secretary of Commerce to consult with leaders of American businesses who have significant trade or investments in the People's Republic of China, to encourage them to adopt a code of conduct which—

(A) follows basic internationally recognized human rights principles,

(B) seeks to ensure that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief,

(C) does not knowingly use prison labor,

(D) recognizes workers' rights to organize and bargain collectively, and

(E) discourages mandatory political indoctrination on business sites.

SEC. 3. MINIMUM STANDARDS WHICH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA MUST MEET TO CONTINUE TO RECEIVE NONDISCRIMINATORY MOST-FAVORED-NATION TREATMENT.

Notwithstanding any other provision of law, the President may not recommend the continuation of a waiver for a 12-month period beginning July 3, 1993, under section 402(d) of the Trade Act of 1974 for the People's Republic of China unless the President reports in the document required to be submitted by such section that the government of that country—

(1) has taken appropriate actions to begin adhering to the provisions of the Universal Declaration of Human Rights in China and Tibet, and is fulfilling the commitment made to the Secretary of State in November 1991 to allow the unrestricted emigration of those citizens who desire to leave China for reasons of political or religious persecution, to join family members abroad, or for other valid reasons;

(2) has provided an acceptable accounting of Chinese citizens detained, accused, or sentenced as a result of the nonviolent expression of their political beliefs and, by the date of the enactment of this Act, has released citizens so detained, accused, or sentenced, to credibly demonstrate a good faith effort to release all those imprisoned as a result of the events which occurred during and after the violent repression in Tiananmen Square on June 3, 1989;

(3) has taken action to prevent export of products to the United States manufactured wholly or in part by convict, forced, or indentured labor and has agreed to allow United States Custom officials to visit places suspected of producing such goods for export; and

(4) has made overall significant progress in—

(A) ceasing religious persecution in the People's Republic of China and Tibet, and releasing leaders and members of religious groups detained, imprisoned, or under house arrest for expressing their religious beliefs;

(B) ceasing unfair trade practices against American businesses, and providing them fair access to Chinese markets, including lowering tariffs, removing nontariff barriers, and increasing the purchase of United States goods and services; and

(C) adhering to the guidelines and parameters of the Missile Control Technology Regime and the controls adopted by the Nuclear Suppliers Group and the Australian Group on Chemical and Biological Arms.

SEC. 4. REPORT BY THE PRESIDENT.

If the President recommends in 1993 that the waiver referred to in section 3 be continued for the People's Republic of China, the President shall state in the document required to be submitted to the Congress by section 402(d) of the Trade Act of 1974, the extent to which the Government of the People's Republic of China has complied with the provisions of section 3, during the period covered by the document.

SEC. 5. NONDISCRIMINATORY TREATMENT FOR PRODUCTS FROM NONSTATE-OWNED ORGANIZATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon the occurrence of an event described in subsection (b), nondiscriminatory treatment shall apply to any good that is produced, manufactured, marketed, or otherwise exported by a business, corporation, partnership, qualified foreign joint venture, or other person that is not a state-owned organization of the People's Republic of China. Such nondiscriminatory treatment shall be in effect for the period of time the waiver referred to in section 3 would have been effective had it taken effect.

(b) EVENTS.—Nondiscriminatory treatment as described in subsection (a) shall apply if—

(1) the President fails to request the waiver referred to in section 3 and reports to the Congress that such failure was a result of his inability to report that the People's Republic of China has met the standards described in that section; or

(2) the President requests the waiver referred to in section 3, but a disapproval resolution described in subsection (c)(1) is enacted into law.

(c) DISAPPROVAL RESOLUTION.—

(1) IN GENERAL.—For purposes of this section, the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on ____________ with respect to the People's Republic of China because the Congress does not agree that the People's Republic of China has met the standards described in section 3 of the United States-China Act of 1992.", with the blank space being filled with the appropriate date.

(2) APPLICABLE RULES.—The provisions of sections 153 (other than paragraphs (3) and (4) of subsection (b)) and 402(d)(2) (as modified by this paragraph) of the Trade Act of 1974 shall apply to a resolution described in paragraph (1).

(d) DETERMINATION OF DUTY STATUS OF ORGANIZATIONS.—

(1) The Secretary of the Treasury shall determine which businesses, corporations, partnerships, companies, or other persons are state-owned organizations of the People's Republic of China for purposes of this Act and compile and maintain a list of such businesses, corporations, partnerships, companies, and persons.

(2) For purposes of making the determination required by paragraph (1), the following definitions apply:

(A) The term "state-owned organization of the People's Republic of China" means a business, corporation, partnership, company, or person affiliated with or owned, controlled, or subsidized by the government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by central or provincial government authorities.

Any business, corporation, partnership, company, or person that is a qualified foreign joint venture or is defined by such authorities as a collective or private enterprise shall not be considered to be state-owned.

(B) The term "qualified foreign joint venture" means any person or entity—

(i) which is registered and licensed in the agency or department of the government of the People's Republic of China concerned with foreign economic relations and trade as an equity, cooperative, or contractual joint venture;

(ii) in which a foreign investor owns or controls (directly or indirectly) at least 33 percent (by value or voting interest) of the total of such interests;

(iii) in which the foreign investor is not a business, corporation, partnership, company, or other person of a country the government of which the Secretary of State has determined under section 6(j) of the Export Administration Act of 1979 to have repeatedly provided support for acts of international terrorism; and

(iv) which does not use state-owned organizations of the People's Republic of China to export its goods or services.

(C) The term "foreign investor" means a person or entity other than a state-owned organization as defined in subparagraph (A), a natural person who is a citizen of the People's Republic of China, or a corporation or other legal entity if less than 33 percent of such corporation or entity is owned or controlled by persons who are not citizens of the People's Republic of China.

(e) PETITION FOR CHANGE IN DUTY STATUS.—Any person who believes that a particular business, corporation, partnership, or company should be included on or excluded from the list compiled by the Secretary under subsection (d) may request that the Secretary review the status of the business, corporation, partnership, or company.

SEC. 6. SANCTIONS BY OTHER COUNTRIES.

If the President decides not to seek a continuation of a waiver in 1993 under section 402(d) of the Trade Act of 1974 for the People's Republic of China, he shall, during the 30-day period beginning on the date that the President would have recommended to the Congress that such waiver be continued, undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take similar action with respect to the People's Republic of China.

SEC. 7. DEFINITIONS.

For the purposes of this Act:

(1) DETAINED AND IMPRISONED.—The terms "detained" and "imprisoned" include, but are not limited to, incarceration in prisons, jails, labor reform camps, labor reeducation camps, and local police detention centers.

(2) CONVICT, FORCED, OR INDENTURED LABOR.—The terms "convict", "forced", or "indentured" labor has the same meaning given to such terms by section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(3) VIOLATIONS OF INTERNATIONALLY RECOGNIZED STANDARDS OF HUMAN RIGHTS.—The term "violations of internationally recognized standards of human rights" includes but is not limited to torture, cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, secret judicial proceedings, and other flagrant denial of the right to life, liberty, or the security of any person.

(4) MISSILE TECHNOLOGY CONTROL REGIME.—The term "Missile Technology Control Regime" means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology.

(5) SIGNIFICANT PROGRESS.—(A) The term "significant progress" in section 3, means the implementation of measures that will meaningfully reduce, or lead to the end of the practices identified in that section.

(B) With respect to section 3(4)(C), progress may not be determined to be "significant progress" if, after the date of the enactment of this Act, the President determines that the People's Republic of China has transferred—

(i) ballistic missiles or missile launchers for the M-9 or M-11 weapons systems to Syria, Pakistan, or Iran; or

(ii) material, equipment, or technology that would contribute significantly to the manufacture of a nuclear explosive device to another country, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of such weapon.

Mr. BIDEN. Mr. President, while the majority leader is on the floor, let me compliment him on his continued leadership. It is not only a serious political and security issue for the United States, but a compelling moral issue. I find it incredibly difficult to be able to square the rhetoric of the President of the United States and this administration with its actions on many things but particularly with regard to China. To use a phrase that was used in another context some 5 or 6 years ago by a very conservative Communist, "They obviously love capital communism more than capital." They are in a situation where it makes it, to me, inconceivable to think that this policy could continue. That a nuclear test seven times as large as that which the rest of the world has limited itself to, even back in the midst of the cold war, would be detonated and the President would say nothing is again an inconsistency.

I will be brief this morning and confine my remarks to the question of Chinese arms sales. Let me begin by repeating the majority leader's main point: The Bush administration's policy toward China has been a failure.

The administration claims its policy has succeeded because some progress has been made recently in areas of weapons proliferation. But the point is that such limited progress as we have seen is a direct and unquestionable result of the pressure applied on the Chinese from this body, from this Congress, in spite of the President's assertions.

In the area of weapons proliferation, Mr. President, we have seen some positive steps. The Chinese have recently pledged to abide by the Missile Technology Control Regime, the so-called MTCR, and have joined the Nuclear Non-Proliferation Treaty. If they live up to their pledges in this area, the bill that the majority leader has introduced this morning will not—I repeat, will not—revoke China's most-favored-nation status, if they live up to the pledges they have recently made with regard to nonproliferation.

This is a very reasonable bill, Mr. President. Just as the conditions on weapons proliferation can easily be met through some very limited steps on the parts of the Chinese, so can the human rights in trade conditions be met. This bill does not impose onerous conditions on proliferation, on trade, or on human rights.

Mr. President, if the President of the United States would only read this bill, I think he would recognize how reasonable it is, and I suspect that the impasse that continues to plague the Congress and the President on this issue might very well come to an end.

But, instead of reading this bill and recognizing its merits, the President seems determined to side with the gerontocracy in Beijing.

Lest I leave a false impression, as, I might add, the administration continually attempts to do on this question, I must point out that we continue to receive extremely disturbing intelligence reports about Chinese proliferation.

So far, the State Department has said that Chinese have not violated MTCR. But this view, I might point out and should point out to my colleagues, is not unanimously held.

Without going into detail, which would be totally inappropriate for me to do at this point, let me say this: There is strong concern that China will continue to sell missile technology to Syria, Pakistan, and Iran. And if the State Department continues to interpret the MTCR as narrowly as it has, they will be able to claim no violation.

The irony though is that if the State Department judged Chinese compliance with the MTCR using the same standards they used to judge Soviet compliance with the ABM Treaty and with the SALT II Treaty, we would have had numerous reports by now on Chinese violations.

The only point I wish to make here is the jury is still out on whether or not the Chinese will abide by their commitment on nonproliferation. One thing all of our experts in this—CIA, the intelligence community, the State Department, the Defense Department, everywhere—all of our experts are agreed on is virtually unanimous agreement on this point, that unless Beijing knows it will pay a heavy price, its pledges on nonproliferation are no more than scratches in the sand.

The reason the Chinese have done even as little as they have done thus far, according to the virtual unanimous opinion of our experts, not in the Congress but outside the Congress in the administrative, is that the Chinese understand that they will have to pay a price for noncompliance with their verbal commitments. We know that if China's leaders are forced to choose between dangerous arms sales worth millions of dollars to their economy in trade with America, which is worth billions of dollars to their economy, they will stop this dangerous practice and abide by the rules.

Mr. President, the Chinese have acted within, from their perspective, totally within their self-interests; this present Government. They will go as far as they are allowed to go by the world community. They will do what is in their naked self-interest to do. It will be in their naked self-interest, given no price to pay for doing it, to sell tens of millions of dollars worth of arms to other parts of the world. What difference does it make to them? But it makes a lot of difference to the world.

We went through a debate on this floor a year ago on the Persian Gulf war. Every American was riveted to their television with reports about missiles, Scud missiles, that were aimed at American troops and aimed at Israel. And we were told, with accuracy, about what danger they posed. But those Scud missiles are to the M-9 and M-11 missiles that the Chinese wish to sell to the same people in the Middle East, they are like comparing a 1953 Chevrolet to a 1992 Chevrolet Corvette. They are of a different magnitude.

If, God forbid, there is another war in the Middle East—and who among us could sit here and say that the constellations are so aligned that we know there will be no more war in the Middle East, there will be peace in the Middle East—if there, God forbid, is another war and the Chinese go through with their arms sale of these sophisticated missiles and nuclear technology to Middle Eastern countries, can you imagine what it will mean in terms of the human carnage that will occur? For no Patriot missile can stop these missiles. We will not be in a position of being able to defend, and it will be a very different and much more dangerous world.

So, Mr. President, without the leverage of withholding most-favored-nation status, which means between $15 and $18 billion, $15 and $18 billion, to the Chinese Government, the Chinese people, without the leverage and the threat of withholding that $15 to $18 billion benefit that they derive from trade with us, they are going to go forward, get the benefit of that trade and make an extra $200, $300, $500, $700 million on selling the weapons that we know they negotiated to sell, that they want to sell and that they intend to sell. And all this legislation does with regard to proliferation is say if you want the $18 billion, give up the $700, $200, $100—depending on how much you sold—million that come from arms sales.

They are bright folks, Mr. President, this leadership in China. They are not dummies. They understand. And our experts have already told us they understand the stark choices. But if we do not make it clear that that is a stark choice they make, we are certain to see the Chinese armed with sophisticated missiles, intermediate-range missiles and short-range missiles, in an area of the world which continues to be the tinderbox, continues to be the place that is most likely to draw American blood as well as American treasure.

Mr. President, now is the time for us to be serious about nonproliferation. A serious nonproliferation policy means using all the leverage we have at our disposal to stop Syria from getting modern ballistic missiles, to stop Iran from getting nuclear weapons and modern ballistic missiles, and to stop Pakistan from escalating the arms race in South Asia.

At this moment in time, Mr. President, we can do something about Chinese arms sales. We can do it now. In a year, 2, 3, 5 years, it will be done, Mr. President. The genie will be out of the bottle. When have we ever been able to, once the arms have been proliferated, when have we been able to easily collect them, figuratively speaking, and put them back in the barn?

Mr. President, this is a moment in time where we can do something, and this is a moment in time where if we do not do something our children and, quite frankly, our brothers and sisters before too long will be able to hold us accountable for not having done something.

As our trade deficit with China rises from last year's $12 billion to as much as $15 to $18 billion, as I said before, which will occur this year, our leverage only increases, not decreases.

Mr. President, we are morally bound and legally correct to pursue the policy laid out in the bill that has been introduced this morning. We have the leverage. We know the danger. And the legislation will enable us to act. It is reasonable. It is not imposing upon China anything that it cannot easily do. It does not require a total remake of Chinese society. It does not require the Chinese leadership to inflict a self-inflicted wound on themselves and diminish their ability to maintain power and control, as much as we would like to do that. It just asks for some modicum of decency, some modicum of restraint, in a very dangerous world.

Mr. President, I conclude by complimenting the majority leader, Senator MITCHELL, for his continued leadership in this area. I sincerely hope my colleagues who were willing to buy on to the administration's argument 3 years ago and 2 years ago and 1 year ago will begin to assess whether or not the arguments made 3 years ago and 2 years ago and 1 year ago have held any water.

We have something against which to judge their assertions, Mr. President. This is not a case of first instance. We have a track record of 3 years of this administration's assertions relative to what their policy of engagement would do to modify the outrageous behavior of the Chinese Government.

I hope my colleagues will look at it. Each time we have addressed this question, we have garnered more support for jettisoning the administration's position. I believe that we will have sufficient support to override the President's veto once we pass this, based upon the actions of the Chinese and the inaction of this Government, our Government, over the last 3 years.

I yield the floor.

Mr. PELL. Mr. President, I rise in support of the bill to extend to the People's Republic of China renewal of nondiscriminatory—most-favored-nation—treatment until 1993 provided certain conditions are met. This bill was just introduced by the distinguished majority leader, Senator MITCHELL and is, I believe, an excellent one.

This measure is a welcome response to the administration's annual folly of extending to China nondiscriminatory trade treatment without any conditions.

I understand the President's objective. His goal, I believe, is our goal. We both want China to abide by international standards in human rights, trade, and in controls on the proliferation of weapons of mass destruction. We differ in the means to those ends.

He does not want to isolate China, neither do we. He wants China to improve its behavior, so do we. He wants China to stop imprisoning and torturing those who advocate democracy, so do we. He wants China to stop stealing American copyrighted and trademarked goods, so do we. He wants China to stop exporting missiles and nuclear weapons systems to the Middle East, so do we.

But China has not stopped any of these actions.

Each year the President renews China's preferential trade access to America's markets, each year China's notorious behavior continues.

A recent study by the human rights group Asia Watch of one province in China demonstrates that hundreds of prodemocracy activists continue to be arrested and tortured.

The administration itself just reported to Congress about continued human rights violations in China. It mentions that a few people have been released. The report was suppose to cover Tibet. Tibet is not mentioned. Why not? Because there has been no improvement in Tibet. A recent film entitled "A Song for Tibet" shows video footage of Tibetan monks being tortured by the Chinese.

Reports continue to be received about China's failure to comply with international agreements in trade and proliferation. In its reports to the Congress, the administration always mentions that it has been encouraged by Chinese willingness to endorse international agreements in these areas. What the administration carefully avoids stating is that China is complying fully with these agreements.

The bill introduced today does not cut off nondiscriminatory trade treatment for China as some charge. It conditions trade on China's compliance with international agreements that it has already endorsed. In effect, this bill provides the President with the stick he needs to complement the carrot of most favored nation that he has given to the Chinese. He needs the leverage of both if he is to be successful in the policy objective both the Congress and the President desire: China's responsible participation in ensuring world order and development, and a decent regard for human rights.

Mr. KENNEDY. First of all, Mr. President, I join my colleagues in congratulating the majority leader, ator MITCHELL, for bringing this measure up before the Senate and giving it the strong support that he has.

I give my strong support to this measure to condition President Bush's renewal of most-favored-nation trade status for the People's Republic of China on improvements in China's record on human rights, trade, and arms control.

Since the bloody Tiananmen Square massacre 3 years ago today, the Beijing regime has done little to end its repressive policies.

Only yesterday, Chinese police brutally beat peaceful protesters seeking to commemorate the loss of their courageous fallen friends. Seven foreign journalists on hand, including two Americans, were also beaten and detained.

President Bush's recent decision to renew China's MFN trade status for another year without conditions undermines the efforts of democracy and human rights advocates throughout the world, and sends the wrong message to the brutal regime in Beijing.

Despite the extraordinary gains in many lands in recent years, the people of China and Tibet continue to be denied their basic rights and liberties. They are denied the right to choose their own leaders. And they are imprisoned for peacefully supporting democratic reforms.

Chinese troops continue to occupy Tibet illegally. Under orders from Beijing, the army has extended its cruel repression of the Tibetan people and expanded policies to destroy the Tibetan culture. Reports of torture and abuse of the Tibetans are common.

Yet the Bush administration remains an apologist for Beijing.

Rather than isolating the Chinese regime, the administration has appeased it, and resisted the imposition of meaningful penalties.

From the secret missions in which high level officials toasted the regime's leaders only weeks after the blood had dried on Tiananmen Square, to the veto of congressional sanctions regarding OPIC, trade assistance, munitions, satellites, nuclear cooperation, and the extension of student visas, the administration has kow-towed to Beijing and shamefully betrayed the forces of freedom still bravely enduring within China and Tibet.

The U.S. policy of constructive engagement has been a dismal failure. The Chinese Government has failed to honor even the promises made to Secretary of State James Baker during his visit to Beijing last November.

The Chinese regime promised to allow a group of dissidents to leave the country, but then failed to do so. It promised to halt the export of products made by slave labor to the United States, but was recently caught exporting tools and diesel engines made by prisoners.

It promised to account for the status of 800 political prisoners jailed after the Tiananmen Square massacre, but then provided only the barest information, some of which has already been proven false.

During the past few months China has engaged in openly provocative acts, including the underground testing of a massive nuclear weapon. It has harassed and assaulted American reporters, denied visas to the chairmen of the Senate Intelligence and Foreign Relations Committees, and failed to make any significant improvement in human rights.

In addition, Beijing has dumped products on the U.S. market, devalued its currency, and violated export quotas in violation of fair trading laws. These practices are leading to a projected United States-China trade deficit of $20 billion by the end of this year.

By indicating to the butchers of Beijing that it will proceed with business as usual, the administration has put America on the wrong side of the movement for freedom and democracy in China and Tibet.

The legislation being introduced today conditions MFN status on improvements by China in human rights, trade, and arms sales. It prohibits the renewal of MFN status in July 1993 unless President Bush certifies that the Government of China has:

First, taken action to adhere to the Universal Declaration of Human Rights for China and Tibet;

Second, begun releasing individuals imprisoned for expressing their political beliefs;

Third, taken steps to prevent the export to the United States of products made from slave labor; and

Fourth, made "overall significant progress" in ending religious persecution in China and Tibet, ending unfair trade practices against the United States, and adhering to the missile control technology regime and the controls adopted by the nuclear suppliers' group and the Australian group on chemical and biological arms.

In addition, in this year's legislation, denial of MFN will pertain only to state-owned enterprises. Accordingly, suspending China's preferential trading status would not directly affect American business or the Chinese civilian population.

I strongly support this legislation. Its conditions are realistic and reasonable. America cannot continue to pursue business as usual with a regime that fails to honor even the most fundamental human rights of its citizens.

I hope that the Congress will move quickly to enact this important measure and put America on the side of freedom and democracy for the people of China and Tibet.

Mr. CRANSTON. Mr. President—today, on the anniversary of the tragic, bloody events of Tiananmen Square—I voice my full support for the United States-China Act of 1992. I am pleased to join the majority leader as an original cosponsor of this important legislation.

I stood on this floor 1 year ago and outlined the evidence in support of conditioning China's trade privileges. Today, the same exact proof—China's dismal record on weapons proliferation, human rights, and trade practices—persists.

Mr. President, in its own May 26 report to Congress the administration says that "Chinese missile proliferation practices have been of concern to the U.S. Government for some time." This unclassified report—and I urge all of my colleagues to read the report's classified material—states that China is assisting Iran and Pakistan's nuclear programs and is exporting goods and technologies that can also be used in chemical weapons production.

The administration reports that progress has been made in encouraging China to adhere to international standards, but it does not state that China is adhering to these standards.

The administration reports that China has assumed an obligation, under the Nuclear Non-Proliferation Treaty, not to assist any nonnuclear weapon state to develop or acquire nuclear explosives. The Administration does not vouch that China is meeting that obligation.

The administration reports that, on March 23, China agreed to act in accordance with the existing missile technology and control regime [MTCR] guidelines. Yet, Mr. President, on May 21, China conducted the largest underground nuclear blast in the history of its nuclear program. Experts suggest that the megaton size of the explosion indicates that China is attempting to develop large yield offensive nuclear warheads for long-range missiles. China's record of exporting missiles and missile-related technologies suggests that once it has a new product to export, it will sell it.

China's record is one of signing international agreements and then surreptitiously evading them.

Mr. President, China is a signatory to the Convention Prohibiting the Development, Production, and Stockpiling of Biological and Toxin Weapons. The administration's report does not address whether or not China is actually abiding by this important agreement.

Perhaps the President knows what China is doing. If he does, he is not sharing that with the American people or with Congress. The Arms Control Compliance Report, required by Congress, was due January 31. It is not yet here. This critical annual report would detail China's compliance with its arms control commitments. What is the President trying to hide? Is the administration afraid to share China's arms control record at a time it is trying to renew China's preferential trade status?

Mr. President, there is no evidence that China's promises to curb weapons proliferation will be kept. The administration itself reports that "there continue to be aspects of China's behavior that are of concern" despite its new commitments. Note the vague language "behavior that are of concern" and so forth.

This bill will guarantee that China keeps its promises. The legislation would ensure that if China fails to abide by its new commitments, then it would not receive the trade privileges that have brought it a $17.2 billion trade surplus with the United States.

This bill will also encourage the improvement in basic human rights in China. According to the State Department, China's human rights practices continue to fall short of internationally accepted norms. The legislation simply requires China to adhere to the principles of the Universal Declaration of Human Rights in China and Tibet.

China must provide an acceptable accounting for all those sentenced, arrested and detained for the peaceful expression of their political views.

China must release all those imprisoned for their peaceful involvement in events at Tiananmen Square exactly 3 years ago.

China must stop persecuting individuals for their religious beliefs. Since 1989, the Chinese Government has curbed religious practices by arresting and detaining religious leaders. At least 32 Catholic bishops were arrested at a 1989 conference. Some have been released since, but others have been sentenced unfairly.

China must cease the inhuman practice of exploiting forced labor for export production. Exporting goods produced with slave labor violates the International Labor Organization's Convention against Forced Labor. Importing goods made with slave labor violates U.S. law.

The United States must continue to press for humans rights reform in China. We must not betray the Chinese people who took such brave actions 3 years ago in Beijing. We must not let their spirit dwindle by turning a blind eye to China's persistent pattern of gross human rights violations, and they are, indeed, gross.

Finally, Mr. President, this bill is an important tool for ensuring that China stops its unfair trade practices. The Chinese leadership must back up its promise to stop intellectual property right infringement. It must unblock unfair barriers to market access. If China is to reap our trade benefits, then it must play fairly.

China's intransigence on issues of vital importance to the United States indicates that stricter measures are needed to make our position clear. The fact that the Senate returns to this issue time and again indicates our dissatisfaction with current United States-China policy.

Mr. President, I urge my colleagues to support the majority leader and the other cosponsors of this bill. The time for Congress to take a comprehensive approach to correcting United States policy toward China is long overdue.

Mr. DECONCINI. Mr. President, here we go again. Once again President Bush has chosen to ignore China's deplorable human rights record—to say nothing of its continued proliferation of weaponry to rogue nations around the world—by continuing our trading relationship with China.

On Tuesday, June 2, the President again extended nondiscriminatory—most-favored-nation—trade status to the People's Republic of China. Today marks the third anniversary of the bloody Government crackdown on peaceful, pro-democracy demonstrators in Beijing's Tiananmen Square. The determined visages of those brave students have not been forgotten by the millions around the world who yearn for democracy. Sadly, however, this principled stand for the beliefs upon which our own country was founded has been forgotten by President Bush who argues that we should not "isolate China if we hope to influence China," and who clings to the discredited policy that constructive engagement will turn the Chinese Government around.

This did not happen in South Africa. It was only after strong sanctions were imposed against that country that Nelson Mandela was freed and the racist apartheid system legally repudiated. It did not happen in Iraq. As is becoming apparent, President Bush's policy of engagement of Saddam Hussein—almost to the day of Saddam's invasion of Kuwait—only emboldened that dictator to pursue his deadly policies against the Kurds, the Shiites, and the Kuwaitis.

It is truly a sad commentary on President Bush that he stubbornly clings to his outdated beliefs that only he, a former United States Ambassador to Beijing, really knows the Chinese and how to approach them. As one of the Chinese students living in the United States has commented, the China that George Bush remembers no longer exists. It is also unfortunate that Congress has been unable to muster enough courage, and enough votes, to override the President's annual vetoes of even the most reasoned legislation placing conditions China must meet for renewal of MFN status next year.

Once again, the majority leader has taken the lead in drafting legislation aimed at upholding longstanding United States policy on human rights, fair trade, and missile nonproliferation while giving the President the leverage he needs to encourage a change in the Chinese Government's behavior. I am pleased to be a cosponsor of this legislation which places the mildest conditions on any future renewal of China's MFN.

As the leader knows, I would prefer a much stronger bill. In previous years, I have introduced legislation which would immediately suspend MFN for China. I recognize, however, that in order to be effective, we need legislation which will pass with the largest possible majority. It is for that reason that I have joined in supporting the leader's bill.

It is important that all of my colleagues support this reasoned and thoughtful legislation. They should do so not to embarrass the President, though some will say that is the intention of this bill, but to send the message to the Chinese Government that violation of human rights will not be tolerated and to reaffirm our commitment to human rights to others around the world who may be confused by this gross blindspot in United States foreign policy.

Mr. LEAHY. Mr. President, we Senators disagree often about many things. We certainly have disagreed about the size of the defense budget, how to deal with crime and despair in our cities, how to meet our energy needs and protect the environment, and to reduce the deficit.

But I would hope that we as Senators have no disagreements about the values of democracy and the fundamental rights and freedoms which underlie it. These are not just the rights of Americans. They are basic human rights. They are values shared by all peoples—Americans, Europeans, Africans, and Asians alike.

I think of that today as I hear the distinguished majority leader, the Senator from Massachusetts, the Senator from Rhode Island, the Senator from Delaware, and others, speak of the People's Republic of China. I feel privileged as a Member of the Senate to have traveled to China. I believe I led the only Senate delegation to Tibet. I felt it my duty as an American and a United States Senator to raise the issue of human rights, including the time when I was invited to Tibet. I said I would not go and would not bring my party there unless independent outsiders, independent media, and others were allowed also to go into Tibet at the same time because of the human rights violations that we all know have occurred there.

Today, as always, the world looks to the United States for a champion of human and civil rights, which are inherent in any democracy. Without our leadership, other countries are hesitant to fill the void and democracy and human rights suffer.

Circumstances differ from country to country, but basic human rights are internationally recognized. No country, particularly those like China that are signatories to the Universal Declaration of Human Rights, can legitimately assert that the rights to freedom of expression, to be free from torture, arbitrary arrest, the denial of due process and equal protection of the law, and from cruel and inhuman punishment are solely domestic concerns. These are rights that are shared by all humanity, of legitimate concern to all humanity.

We take it as our birthright in the United States, but it is more than our birthright as American citizens. It is our birthright as human beings. But the People's Republic of China, with over a billion people, and one of the world's most repressive governments, violates this international principle.

A year ago when the President of the United States spoke to a graduating class at Yale, he defended his decision to renew most-favored-nation trade status for China. He argued: "You do not reform a world by ignoring it. MFN is a means to bring influence of the outside world to bear on China. The point is to pursue a policy that has the best chance of changing Chinese behavior."

We all agree with that goal, but there is not a shred of evidence that the President's policy is achieving a change in China.

Why should they change when we are giving them what they want?

It reminds me of South Africa, and our failed constructive engagement policy there. A policy staunchly defended by then Vice President Bush even after the Congress finally imposed sanctions. We were told that, by being nice to the South African Government, it would improve; we were warned not to isolate South Africa, even as South Africa itself isolated its own country from the standards and norms of human behavior.

And what happened? As long as the administration was able to defeat sanctions, South Africa did the bare minimum to create the impression that constructive engagement was working. Occasionally it would release a prisoner who had already languished behind bars unjustly for decades and say, "See, it is working," and our own U.S. administration became a victim of its own propaganda and lost sight of the fact that nothing really changed.

After Congress imposed the sanctions, it became obvious that sanctions had been necessary to force the South African Government to finally begin the dismantling of apartheid.

Iraq is another example: On the floor of the United States Senate when we were trying to cut off what turned out to be one of the biggest foreign aid giveaways to Iraq, the White House had its lobbyists up here saying, "We cannot do that; Saddam Hussein is modifying his behavior. If we are nice to Iraq, maybe he will change." At the same time they were lobbying against cutting off a foreign aid giveaway to Saddam Hussein, he had his tanks rolling toward Kuwait.

Incidentally, without belaboring the point, Mr. President, not only did our mollifying Saddam Hussein not stop him in any way but, to make it worse, this year—this year—the American taxpayers will, because of that mistake of the administration, have to pay $1.9 billion in U.S. tax dollars to pay the foreign aid bills of Saddam Hussein.

I mention this because every time we make the mistake of ignoring human rights, of ignoring the suppression of democracy, of ignoring our own basic birthright as Americans in dealing with other countries, it comes back to haunt us. It does not work. When we stand up for our principles, we stand up for what made this country great, and we succeed. When we pretend that dictators are not dictators, when we pretend that repressive tyrants are not repressive, when we pretend that human rights violations have not occurred, that is when we end up hurting ourselves as a nation committed to democracy and human rights.

It happened with Iraq. It happened with South Africa. It happens now as we spend $1.9 billion for the mistake of pretending Saddam Hussein was not a tyrant. And on Tuesday of this week, despite overwhelming evidence that engagement has utterly failed to bring about any significant lessening of the brutal repression, the President announced he would unconditionally renew most-favored-nation status to China.

It is only 3 years since the massacre at Tiananmen Square when Chinese tanks crushed innocent prodemocracy students and thousands of young demonstrators were rounded up and either shot or sent to prison and tortured. Despite all the quiet diplomacy and public engagement, human rights in China are no further advanced today than they were in 1989. Led by the same factions that ordered the massacre 3 years ago, only the people have suffered in China, certainly not China's leaders.

One need look no further than our own State Department's human rights report published 3 months ago to see that China is one of the most horrendous abusers of human rights anywhere. I cannot believe the President has read this report. It describes in chilling detail widespread repression of the Chinese people. Arbitrary arrests and torture are routine. Prison conditions are reminiscent of the Dark Ages. Prisoners, including those jailed for expressing their nonviolent political and religious beliefs, have been hung from the ceiling until their arms dislocated, beaten with sticks, shackled, shocked with electric cattle prods, starved, raped, killed. A government that does this is one we want to support? This is a government we want to send American money to? This is a government we want to give America's imprimatur of most-favored nation?

How can we do that? That shames America's standard of human rights and decency. That turns our back on our own birthright as Americans, a birthright embedded in the deepest principles of human rights.

Of the students arrested in Tiananmen Square, a thousand were sent to labor camps for demonstrating for basic human rights, and others were shot.

Some were publicly executed, because they had the courage to say: We are human beings. We have basic rights; God-given, natural rights as human beings. And simply because they asked for them, they were arrested, tortured, and shot.

Freedom of the press is nonexistent in China. Three weeks ago, the office of an American reporter was ransacked. She was threatened with arrest for publishing articles critical of the Government.

In March, President Bush rejected efforts of the Congress to put conditions—only conditions—on the renewal of MFN. I do not think we should give it at all, but if we are going to give it, at least impose some conditions.

Why do we have to give a blank check to every repressive regime in the world? When will we learn? When will we say: If you want a favor from the United States, at least respect the human rights of your own citizens. These conditions required significant progress in China's behavior in three critical areas: Human rights, trade barriers to United States products, and missile proliferation. Instead, the President assures us: Give a blank check, and we are making a difference in China by being engaged.

The statement from Deng Xiaoping just 3 weeks later belied that claim. He told the Peoples Daily that:

> When the forces of turmoil reappear in the future, we will not hesitate to use any means to eliminate them. We can use martial law or measures harsher and stricter than martial law to prevent interferences from the outside.

We all know who the forces of turmoil are in China—they are the forces of democracy.

So much for the President's best chance of changing Chinese behavior.

I have heard law and order speeches by Members of the Senate. They decry the erosion of our democratic society. But what of the arbitrary law and order imposed by a totalitarian regime where free speech is not tolerated and due process does not exist?

What are our principles as a country? What do we say to the rest of the world? What do we tell them democracy means to the United States?

Amnesty International and Asia Watch recently issued reports that contain page after page of eyewitness accounts of recent instances of torture, forced labor, religious persecution and show trials, and executions of political detainees.

The men who had the audacity, or I should say the courage, to throw paint on the portrait of Mao in Tiananmen Square are now serving 16- and 20-year prison terms in unlighted, unheated cells the size of closets.

I am sure all of us, the President and Members of Congress, applauded their courage. We applauded the courage of that lone figure that faced down the tanks in Tiananmen Square 3 years ago. All of us thought how brave they were. Speech after speech was given on this floor extolling it.

I wonder how many of those who gave speeches on this floor saying how brave those people were are now going to stand up also to the political pressure of the White House. They extol the courage of somebody who can stand up to a tank rolling down upon them.

I would ask those same Senators to stand up to the lobbyists from the White House and say: We are not going to roll over and play dead for China. Those acts of courage in China merit support, not silence. The Chinese people deserve our help. Their leaders have earned only our disdain. Let us say so.

Reasonable people can differ about the effectiveness of trade sanctions. The President obviously thinks they can be effective. He is supporting them this moment against Serbia. I applaud President Bush for doing that. But let us do the same thing in China.

The evidence is indisputable that the Chinese leaders have only acted to improve human rights when they wanted to get something in return.

In December, when the Chinese refused to honor United States patents and trademarks, the administration threatened to impose double tariffs on some key Chinese exports. If we will not stand up for our democratic principles and human rights, at least we will stand up for our pocketbook.

And when the Chinese saw we meant business and they were on the verge of losing a major source of foreign exchange, they accepted our demand. They are not fools. If they think they can get it for nothing, they will do nothing. And usually our response has been to give it to them for nothing. But if we would say what we expect in return, and they know we are serious, we would get it.

Let us use the same approach on human rights. It is leverage the Chinese understand. But they take advantage of any weakness we display in dealing with them, and we have certainly displayed a lot.

Time and again, the Chinese go back on their word. In March, the President cited China's agreement to accede to the Nuclear Nonproliferation Treaty, as grounds for rejecting human rights conditions on MFN. Yet, 2 weeks ago, the Chinese detonated a huge 1,000 kiloton nuclear explosion.

Its leaders pledged to cease exporting goods produced by prison labor, but they have not stopped. They promised to account for the hundreds of political prisoners jailed after Tiananmen Square, but many are still missing and unaccounted for. They agreed to stop the proliferation of missile technology. Ask the administration if they suspect they are still selling it to other countries, including some hostile to the United States and our allies.

The President says they are willing to discuss our human rights concerns. Deng Xiaoping says there is nothing to discuss.

It is obvious the United States does not hold much of a threat to China. The Chinese Government figures we will bluff, but not hold them accountable. Empty threats from America are parried by token, calculated maneuvers by the Chinese.

I believe the President is well-meaning on this, but his policy is wrong and it merely prolongs the agony of the Chinese people. I agree with the President in not wanting to cut ties with China. Nobody wants to do that. If I felt that way, I would not have traveled there. That period of our relationship ended years ago. Its huge land mass and population cannot be isolated from the rest of the world.

But there are criteria of democracy and freedom that all nations must be measured by. China today resists every principle America stands for. To reward them with most-favored-nation trading status, we are rewarding systematic and horrible, physical and psychological abuse of thousands of human beings, the kind of abuse if it was inflicted on animals in our own country it would be a crime. But we ignore it when it is done to human beings.

We share responsibility to protect democracy and human rights. The President has a special responsibility, speaking for all Americans, to enforce those democratic beliefs in a manner befitting the leader of the oldest democracy in the free world.

Look what has happened in Russia. We see a democratic revolution, after the human spirit had been silenced for more than half a century.

The democratic restoration sweeping through Eastern Europe is a result of America's willingness to speak out against totalitarianism. It was often costly and unpopular to maintain that policy, but it gave hope and inspiration to millions trapped behind the Iron Curtain.

Most-favored-nation status with China can be a death sentence for millions of Chinese who look to the United States as a beacon of hope in the darkness that now engulfs them.

Once again, the President will probably have the votes, not a majority of votes, but at least enough to sustain a veto. Once again election-year politics and political expediency will rule the day.

But I believe our people are as tired of political expediency as the Chinese people are of subjugation. The American Revolution ended 200 years ago, and it has been an example for every freedom-seeking society since that time. The revolution in Eastern Europe is alive and vibrant and playing out before our eyes. Let us not say that we preserve democracy in our country and around the world by ignoring human rights violations in China. China today remains in darkness and so do its millions of people who wonder how many generations will pass before they are free.

I ask my fellow Senators. When you decide how to vote on MFN, think of that solitary figure who stood in front of the tank in Tiananmen Square. Think of the students who have disappeared to labor camps or prisons or firing squads. Think of them and ask who you will stand with when you vote. Will you stand with them? Or will you stand with the repressive dictators in China?

I believe all Americans, of whatever political stripe, identify with the new freedom-loving generation in China. And we can lift their spirits and further their cause by refusing to give most-favored-nation status to their government captors. Let us stand with the people. Let us stand up for the principles we believe in; the principles that made this country. Let us say, as we go into the next century, that for two centuries America has been a beacon of democracy, hope, and human rights, and that beacon will shine even brighter in the future.

Mr. BRADLEY. Mr. President, I rise today to cosponsor Senator MITCHELL's United States China Act of 1992 and to commemorate the third anniversary of the Tiananmen Square massacre. Three years ago today we sat glued to our televisions as we watched the Chinese militia open fire on thousands of peacefully protesting students. We will never forget the image of the lone college student facing the tanks and the ranks of suppression. That student paid the ultimate price in the name of freedom and democracy. For him, and the rest of his people, freedom and democracy still has not come. Chinese prison labor camps, or gulags, are filled with prodemocracy activists who have been since detained. China's fledgling democracy movement has been crushed.

Mr. President, the past week highlights the administration's inability to send a strong message to the Government of China to stop its abusive human rights policies. On May 31 AsiaWatch released a report detailing the torture and repression of 1989 prodemocracy activists in the central Chinese province of Hunan, where at least 150 protestors are still in jails or labor camps. Yet, yesterday, the administration announced its intention to extend unconditional most-favored-nation trade status to China for another year without condemning China's denial of human rights. President Bush continues to maintain that trade with China should be unconditional. He claims most-favored-nation trading status fosters reform, free markets and greater freedom. There is overwhelming evidence to the contrary.

Mr. President, human rights abuses stand to be the tip of the iceberg. On May 21, China set off its largest ever underground nuclear test. The implication is that the Chinese are trying to develop large-yield offensive nuclear warheads for long-range missiles. This complicates nonproliferation objectives by signaling other countries like India and Cuba to expand their nuclear program.

What leverage do we have to correct these abuses if we hastily grant complete, unconditional MFN status? None. Experience has already shown that giving the Chinese unconditional MFN status, in the hope that they will feel honor bound to listen to our legitimate concerns is a feeble way to negotiate. Only when we have stood up for our principles and threatened to use the full force of sanctions, has China negotiated in good faith and progress has been made.

Mr. President, I call upon the administration to commemorate the anniversary of the Tiananmen Square massacre by urging the Chinese Government to release all those imprisoned for nonviolent political activity, including those in Hunan. The administration quietly admits China has not progressed on the human rights front. We should insist that the Chinese Government detail the charges for those detained and their condition. They should open their prison systems and detention centers to regular international inspection by the International Committee of the Red Cross. We should expect a nuclear testing moritorium treaty to which the United States would respond in kind.

Furthermore, I urge the administration to actively lobby to slow down and restrict the consideration of World Bank loans to China and to oppose granting new IDA "soft loans" due for renewal in 1993, until and unless China makes substantial human rights improvements.

Instead of renewing China's MFN status unconditionally, the administration should apply selective tariff penalties on key Chinese exports produced by government-owned industries. These could be imposed and incrementally increased until political prisoners are released, religious freedom is respected, and labor camps and prisons are opened for international inspection. Trade sanctions can be a lever to effect change in Chinese human rights policies.

Mr. President, those many hundreds who died in and around Tiananmen Square 3 years ago, and many thousands more who are still languishing in prison or suffering official repression, deserve more from America than this administration's business as usual attitude. It is time we do more than wring our hands over human rights abuses and nuclear testing.

By Mr. HATCH:

S. 2809. A bill to amend title IV of the Social Security Act to increase State responsibility and flexibility in designing services, ensuring quality control, and evaluating programs designed to help troubled families and their children, and to shift the role of the Department of Health and Human Services from program and financial oversight to planning and coordination of research and technical assistance; to the Committee on Finance.

STATE INITIATIVES IN CHILD WELFARE ACT OF 1992

Mr. HATCH. Mr. President, today, along with my colleague Congresswoman NANCY JOHNSON, I am introducing the State Initiatives in Child Welfare Act, a bill which I believe will go far in providing States more flexibility and more needed resources to deal with the serious problems affecting our child welfare system.

The recent report from the American Public Welfare Association's National Commission on Child Welfare and Family Preservation shows that State agencies are making heroic efforts to deal with the increasingly complex problems of foster care and adoption, yet their efforts are complicated by a myriad of Federal requirements.

Under current law, which is an open-ended entitlement based on a number of factors, if a State's caseload decreases, or if the rate of growth of the caseload declines, States receive less money.

The Hatch-Johnson proposal creates a capped entitlement program based on 1992 OMB estimates for administration and training costs from 1993 through 1997. States will receive a total of $8.8 billion over 5 years from 1993 through 1997, including $4.6 billion in new money. Under our proposal, States are guaranteed to get the full $8.8 billion, even if their foster care caseloads don't increase as rapidly as was once projected.

To protect the States from a deficiency in payment amount for an unexpected caseload increase under this capped entitlement approach, a provision authorizing supplemental payments is included in the bill.

A second problem with the way the system works now is that States must spend the money first and then wait years or months for reimbursements. Under our proposal States will know immediately how much money they can count on for the next 5 years. This will make it easier for States to budget while avoiding the administrative and financial burden of begging for reimbursement.

Another advantage with the approach in our bill is that States will have the flexibility to spend foster care money in whatever way they think will best address child welfare, including innovative prevention and reunification programs. They will be relieved of the burdensome redtape associated with documenting administrative costs. And this means that more energy, effort, and money can be focused on providing services to help children, rather than jumping through Federal hoops.

In addition, this bill places a 2-year moratorium on Federal reviews in exchange for the Governors' written assurance, confirmed by a third party audit, that the child welfare dollars are being spent according to the State plan.

Our bill also provides the States with Federal funds for establishing automated data systems and for analyzing existing administrative records. The bill also rewards up to 10 States for conducting large-scale demonstration programs on foster care prevention, family reunification, or timely termination of parental rights.

I hope my colleagues in the Senate will join us in this effort.

By Mr. GORE (for himself, Mr. GRASSLEY, Mr. DOLE, Mr. FORD, Mr. BREAUX, Mr. EXON, Mr. LOTT, Mrs. KASSEBAUM, Mr. BURNS, Mr. PRESSLER, Mr. SIMPSON, Mr. STEVENS, Mr. KOHL, Mr. KERRY, Mr. THURMOND, Mr. DASCHLE, Mr. D'AMATO, Mr. COCHRAN, Mr. MURKOWSKI, Mr. KASTEN, Mr. BOND, and Mr. SPECTER):

S. 2810. A bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure; to the Committee on Commerce, Science, and Transportation.

LOCAL EXCHANGE INFRASTRUCTURE MODERNIZATION ACT

• Mr. GORE. Mr. President, for more than 100 years, our Nation has led the world in the use of telecommunications to meet the needs of both an expanding economy and an increasingly complex society. But as the end of the century draws near, the United States is in danger of losing its lead. Unless we act soon, our Nation will miss opportunities to improve the day-to-day lives of its people—and it will lose one of its most important sources of competitive advantage in an integrated global economy.

Just as we recognize the need for modernization of our roads, bridges, water supply, and transit systems, so too must we realize the need to modernize our telecommunications infrastructure. In 1956, this Nation committed itself to the construction of an Interstate Highway System that has been a primary influence on our economy. Today, Federal and State governments must take a series of regulatory and statutory actions to ensure Americans have access to the world's most advanced communications capabilities.

As a first step in this process, I sponsored the High Performance Computing Act of 1991, to accelerate the deployment of a national fiber optic network. This bill became law last year.

It is important that States act on telecommunications policy issues within their jurisdiction. My State recognizes, as a document from the Tennessee Department of Economic and Community Development indicates, that "telecommunications eliminates barriers of geography and time on service and coordination. It has redefined the base level of customer service in entire industries and changed the process of market innovation in others."

In response to the need to promote investment in telecommunications, the Tennessee Public Service Commission and State telephone companies developed FYI Tennessee, a 10-year master plan for the development of new and expanded telecommunications infrastructure in all 95 Tennessee counties. Several other States have adopted similar plans or are giving them active consideration.

Mr. President, today 20 of our colleagues join me in introducing the Local Exchange Infrastructure Modernization Act of 1992 to address the particular needs of the public switched network, the universally accessible telephone system to which any user can connect through local telephone companies.

The Communications Act of 1934 has proven highly effective in meeting its stated goal of making "available, so far as possible, to all the people of the United States rapid, efficient, nationwide * * * wire and radio communications service."

But because significant changes have occurred since 1934, not the least of which was the breakup of AT&T, and the emergence of enhanced telecommunications services, national telecommunications policy must be revised to account for these new realities.

Just as the Communications Act of 1934 has been effective for voice telephone service, the legislation I and my colleagues introduce today, would establish a policy to promote the deployment, sharing, and reliability of a national public switched network for enhanced telecommunications services.

Mr. President, if we are to ensure that our Nation has a telecommunications infrastructure that will serve our needs in the 21st century, Congress must act.

Prior to its breakup, AT&T performed two functions that were important to the development and operation of the public switched network. First, AT&T functioned as the network banker through its management of settlement procedures which divided the revenues among telephone companies. Second, AT&T managed the public switched network and through Western Electric and Bell Laboratories, planned the deployment of facilities and services and set standards for the provision of telephone service.

When AT&T was divested of its operating companies, a void was created. The financial responsibility exercised by AT&T was replaced by the National Exchange Carriers Association, which administers the banking function. However, the network planning and standard setting responsibilities for the telephone industry were not replicated by a similar mechanism. While the Nation's 1,300 telephone companies have sought to maximize the efficiency and reliability of the public switched network through voluntary arrangements, there is neither a comprehensive nor formal mechanism for overall network management. My colleagues and I believe that such management and planning is essential to ensure not only the continued interconnectivity and interoperability of the public switched network, but also to guarantee the reliability of the existing universal voice telephone service. Certainly, the dramatic network disruptions that occurred last summer in various parts of the country, were ample evidence that deployment of new technologies to upgrade the public switched networks must be done through a careful and prudent process. Our society and economy have too much at stake to allow anything less.

Therefore, Mr. President, our legislation provides for necessary changes in our national telecommunications policy to promote not only the continuation of our existing highly reliable, interoperable and interconnected public switched network, but also the evolution of that network.

Specifically, our legislation seeks to ensure:

Universal service at reasonable rates;

Universal availability of advanced network capabilities and information service;

A seamless nationwide distribution network;

High standards of quality for advanced network services; and

Adequate communications for public health, safety, defense, education, and emergency preparedness.

In other words, our legislation seeks to guarantee that every American, regardless of where they live, will have an opportunity to participate in the information age.

AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934

We would accomplish these goals by amending the Communications Act in two meaningful ways.

A. NETWORK PLANNING AND INTERCONNECTION STANDARDS

The legislation directs the FCC to prescribe, within 180-days of enactment, regulations that require joint coordinated network planning by local exchange carriers in the provision of the public switched network infrastructure and services.

In order to ensure the continued growth of competitive alternatives in long distance and local telephone service, the legislation further requires the development of standards for interconnection between the local exchange carriers' public switched network and other telecommunications providers and users. The standards are to be developed by appropriate standard-setting bodies.

B. INFRASTRUCTURE SHARING

To ensure that consumers served by smaller telephone companies or rural customers are not left behind in the information age, the legislation calls for regulations to empower local exchange carriers lacking economies of scale to obtain from another local exchange carrier, the sharing of that carrier's public switched network infrastructure. The legislation directs that when such a request for infrastructure sharing is made, the carrier receiving the request, is required to share its infrastructure.

The Commission has 180 days from enactment to promulgate regulations governing the business arrangements between local exchange carriers emanating from infrastructure sharing. In the short term, infrastructure sharing will ensure that all consumers have access to sophisticated services made available by introducing intelligence into the local telephone networks. Services such as caller I.D., return call, and call forwarding, are just the first generation of these intelligence services and these services may not be available in rural telephone exchanges unless the customers can access a sophisticated switch, owned by another company, in an adjoining service area. By the same token, the arrangements necessary for rural telephone customers to make 800 calls require access to sophisticated data bases. Apparently, routine services such as credit card calls cannot be offered by local telephone companies unless they have the ability to validate the credit card. This requires access to a data base which may be maintained by a different telephone company.

Other advanced services, such as new video conferencing and electronic imaging systems which could, for example, permit much closer consultation between practitioners in small rural clinics and specialists in major metro-

Analysis

Signalling is an important technical component of an advanced telecommunications network. It functions as a separate network to set up, maintain and disconnect message traffic. Information passed over the signalling network may also inform the local exchange carrier about how to route a call, whom to bill and what features should be provided. The signalling function takes on added importance as more advanced functions, such as new information services, are offered to customers. Signalling infrastructure is very expensive and many local exchange carriers would therefore be unable to offer advanced information services to their customers without the authority granted in this bill.

The Bell Operating Companies ("BOCs") already have an exemption under the "Modification of Final Judgment" ("MFJ") to allow signalling for administrative services they provide for themselves. This section would allow BOCs upon request, to provide the same signalling services for LECs.

Intrastate Communication

This section makes clear that nothing in this bill supersedes state authority over intrastate communication.

Analysis

This section merely reaffirms State jurisdiction over intrastate communication services.

ANTITRUST IMMUNITY FOR LOCAL EXCHANGE CARRIERS

Section 4 provides antitrust immunity under the Sherman Act, Clayton Act, the Robinson-Patman Act, the FTC Act and all State Antitrust Laws for actions taken pursuant to the bill.

Analysis

A narrow antitrust immunity is required to implement the authority granted in the sections on network planning and standardization, infrastructure sharing and signalling. This section is needed so as to permit the contemplated activity to occur, to make clear that it is in the public interest and thus not in violation of the antitrust laws.

• Mr. GRASSLEY. Mr. President, I am delighted to join my colleague from Tennessee in introducing the Gore-Grassley Local Exchange Infrastructure Modernization Act of 1992.

With this legislation, we are literally paving the road to America's future—to improve our economy, to enhance our world competitiveness, and to maintain our preeminence in the field of telecommunications.

Today, we are taking decisive steps to assure that all Americans share the benefits of a modern telecommunications infrastructure, regardless of whether they live and work in rural or urban areas. These benefits include not only expanding job opportunities, but also the delivery of social services, education, and health care which are crucial to an improved quality of life.

At the outset, I want to extend my appreciation for the leadership and initiative of the officials and members of the U.S. Telephone Association [USTA] which represents well over 1,100 of America's local telephone companies.

For several years, I have been working hard to assure that rural Americans enjoy the benefits of state-of-the-art telecommunications services, and to seek the means to assure that rural economic development and rural quality of life are encouraged by these advances. For instance, I worked extensively to assist Iowa telephone companies put together what is now called the Iowa Network Services. And as a member of the congressional board to the Office of Technology Assessment, I requested that a study be conducted to determine how we can best encourage these rural development goals through telecommunications. More recently, during the consideration last year of S. 173, the Telecommunications Equipment Research and Manufacturing Competition Act of 1991, I worked vigorously to secure the adoption of the Pressler-Grassley rural telephone protection amendment.

Recognizing my keen interest and active involvement in rural telecommunications and economic development issues, last December, USTA representatives approached me to seek my leadership in shepherding this proposal through the Senate. Since this legislation will be referred to both the Senate Judiciary Committee and Commerce Committee, USTA wanted a lead Senator from both committees. I am proud to join Senator GORE in this task.

I am also pleased to note that this legislation has the wholehearted support of telephone interests which make up what is called the Rural Telephone Coalition. Its members include the National Rural Telecom Association, the National Telephone Cooperative Association and the Organization for the Protection and Advancement of Small Telephone Companies.

In a letter thanking me for my leadership in this effort, they stated that the bill "is of vital importance to all consumers. It will significantly help in preserving the availability of universal service at reasonable rates on the nation's local exchange network."

Mr. President, during the 1939 World Fair, the most popular attraction was General Motors' "Futurama" exhibit which provided a glimpse into the future. It was a look ahead to the year 1960.

Central to that 1939 vision of the future was a system of express highways which GM believed would be a key component in renewing America's cities, in developing rural areas, in creating new jobs, and in improving the efficiency of the economy.

Like many visions, it might have been dismissed as another impossible or impracticable utopia. But for the most part, what seemed impossible in 1939, became a reality.

And consequently, our Nation developed a modern system of interstate and State highways which has been crucial to the economic growth of largely rural areas such as my home State of Iowa.

Today, for example, there are nearly 113,000 miles of highways throughout the State of Iowa as well as 26,000 highway bridges. These highways and bridges are a critical part of the transportation infrastructure of our State which, along with our railroads, airports, and rivers, support our principal industries such as manufacturing, agriculture, finance, and services.

But just as in 1939, today we must have a vision of tomorrow. Today, we must see that a different kind of infrastructure will be just as critical to our ability to compete in an information economy.

It is the telecommunications infrastructure that will support the growth of new information-based industries and will permit existing information-intensive industries—such as the insurance industry which is a major presence in Iowa—to expand and to become more efficient.

Telecommunications infrastructure will also enable manufacturers to operate more efficiently and to develop products which will be more competitive in the global marketplace. For example, companies like John Deere which employs well over 13,000 families in Iowa, can take advantage of telecommunications to strengthen its position as a leader in the manufacture of farm machinery and equipment.

There is no question that the United States is well-positioned generally to compete in a global information economy. We have the best telecommunications infrastructure of any of the world's leading economic powers, including Japan. But how long will this last?

Mr. President, I would remind my colleagues that at one time the same could be said of our transportation infrastructure. Unfortunately, that is no longer the case. Of those 26,000 highway bridges in Iowa to which I referred, about 1 out of 3 is either functionally obsolete or structurally deficient.

In New York, that number is 2 out of 3 and we have all read stories of concrete and steel bridges in New York City being propped up by wooden pillars as a stopgap measure. By one estimate, we have an infrastructure deficit in this country of $750 billion. While Congress has recently enacted legislation to help close this gap in our traditional infrastructure, we are now being asked to pay the bills for years of neglect.

As we play catch-up, traffic flows freely over the autobahn in Germany and the French move ahead with high-speed trains.

I am concerned that this scenario—a decline from world leader to also ran—does not repeat itself in the arena of telecommunications.

To prevent that from happening, we must take steps today to see that our telecommunications infrastructure is modernized.

Furthermore, it is crucial that the benefits of a modern telecommunications infrastructure are available to all parts of the country. We cannot ensure long-term economic growth in this country if we fail to make the necessary investments in technology, capital and infrastructure.

Competition, and the proliferation of networks spawned by competition, are major factors in the relative strength of our telecommunications infrastructure today. However, equally important is the role played by the public switched telephone network.

I am particularly proud of the crucial role small telephone companies play in providing the local exchange portion of this network. Their facilities are among the most advanced in the world and these companies have been instrumental in extending the reach of the telephone network to nearly every household and business in the country.

There are over 150 telephone companies and cooperatives in my State of Iowa. In fact, Iowa has bragging rights to having more telephone companies than any other State.

Through my years of working with the people who own and operate these telephone companies, I have learned firsthand just how critical their role has been in facing the challenges of assuring that Iowans enjoy the technological advances in telecommunications which have come at breakneck speed.

The people behind Iowa's telephone companies care about their communities. They care about the economy, about jobs, and about the future of our children. And they realize that in this fast-moving information age, either rural Americans must get on board, or be left behind in the dust. Consequently, they have worked hard to overcome the challenges of advancing technology and the unique obstacles of difficult terrain and sparse population in order to deliver to Iowans state-of-the-art telecommunications services.

A study released last year by the Office of Technology Assessment gave me occasion to be very proud of Iowans who operate and manage our telephone companies. I serve on the congressional board to the OTA, and I had earlier requested that OTA analyze the links between communications technologies and rural economic development. The study is entitled "Rural America at the Crossroads: Networking for the Future."

One portion of the OTA study showcased the successful effort by 128 of Iowa's independent telephone companies to create what we call the Iowa Network Services as an example to be followed by other telephone companies from other States. By joining forces, the Iowa Network Services has been able to provide an independent fiber optic network as well as signalling system seven [SS7] which allows telephone company computers to communicate with each other.

My great appreciation for the tremendous foresight and leadership of these people is one reason I introduced recently a joint resolution designating September 14, 1992 as National Rural Telecommunications Services Week. So far, 51 Senators have joined me as cosponsors, but this is something all Senators should want to support. We should take time out to provide special recognition and offer a special thanks to the accomplishments and community contributions of the leaders of America's small independent telephone companies.

Certainly, words of praise, recognition, and thanks are warranted.

But America needs more than words from Congress; we need action. The Gore-Grassley Local Exchange Infrastructure Modernization Act of 1992 does just that.

America's telecommunications infrastructure, is, indeed, at a crossroad. Leadership from Congress today is crucial.

It was as recently as the end of World War II that almost half of the households in the United States did not have telephone service. The number of have-nots was even higher in rural states such as Iowa. But by adopting the right public policies, including the expansion of the Rural Electrification Administration Program, we have seen telephone penetration grow to 93.4 percent nationwide and to 95.6 percent in Iowa.

We must not allow ourselves to slip backward into an era of haves and have-nots. But to assure this, we must take steps to remove impediments to the modernization of the telephone network and to universal access to advanced network capabilities.

If we fail to take these steps, the effects would be especially severe in rural areas, particularly at a time when the rural economy in America is already facing serious problems. I would remind my colleagues that 24 percent of the Nation's population and 28 percent of its workforce live in rural areas.

A report prepared for the Rural Economic Policy Program of the Aspen Institute identified both the problem and the opportunity for rural America:

> What makes telecommunications so attractive as a rural development strategy is its potential for promoting long-term growth, diversification and stability. Rural communities are not just losing their traditional industries; they are not attracting the more specialized entrepreneurial businesses that provide value-added services to niche markets. By investing in an enhanced telecommunications infrastructure that can serve the information-intensive needs of today's businesses, rural America can hitch its wagon to a rising star.

Mr. President, a modern telecommunications infrastructure can help overcome the major disadvantage of rural communities—primarily distance from, and lack of access to, information sources, education, and health care. Telecommunications infrastructure can provide vital links which will permit expanded economic development in rural areas.

For example, telecommunications opens the door for workers in rural areas to a variety of jobs in the growing services sector of the economy that would otherwise be inaccessible to them. These include opportunities in insurance, financial services, telemarketing and other information-intensive sectors. Quality of life in rural America is also improved through a modern telecommunications infrastructure by facilitating the delivery of social services, education and healthcare.

On the other hand, the lack of access to a modern advanced telephone network, and to the services and applications it supports, could exacerbate the economic problems and diminish the quality of life in rural America.

The "Rural America at the Crossroads" OTA study I mentioned earlier provided several suggestions to help policymakers assure that rural economic development is encouraged, not discouraged, by rapid advances in telecommunications. It also warned that existing "regulatory restrictions and antitrust considerations often prevent or impede—the cooperation" by which "telecommunications providers can distribute the high costs and diminish some of the risk of investing in advanced telecommunications technology in rural areas."

Unfortunately, in the face of these regulatory and antitrust obstacles, we nevertheless expect and rely upon our Nation's 1,300 local exchange carriers to plan and manage the public switched network without the benefit of a formal agreement. Incredibly, in the aftermath of the breakup of the old Bell System and in an era of increasing competition, we are depending on goodwill and on voluntary cooperation among all these telephone companies to keep this critical portion of our infrastructure working.

Both of these problems are addressed in the Gore-Grassley legislation we are introducing today. The Local Exchange Infrastructure Modernization Act of 1992 has two objectives.

First, it will permit coordinated network planning by the local exchange carriers, including the development of standards for interconnection among the local exchange carriers and between those carriers and other telecommunications providers and users.

Second, it will permit the sharing of public switched network infrastructure among the local exchange carriers which is especially important for smaller telephone companies serving rural areas for the customers of those companies.

Achieving these objectives is extremely important for our nation as a

"CHAPTER 40—GOVERNMENT PRINTING OFFICE: ONLINE ACCESS TO GOVERNMENT ELECTRONIC INFORMATION

"Sec.
"4001. Establishment of program for access to electronic information.
"4002. Duties of Superintendent of Documents.
"4003. Fees.
"4004. Request for public comment; annual report.
"4005. Authorization of appropriations.

"§4001. Establishment of program for access to electronic information

"The Superintendent of Documents, under the direction of the Public Printer, shall establish a program for providing to the public access to public electronic information. The program (in this chapter referred to as the 'GPO Gateway') shall provide the public access to a wide range of government electronic databases in accordance with section 4002 of this title and shall be established and maintained after consultation with and consideration of comments from Federal agencies, potential users, and others likely to be affected by the program.

"§4002. Duties of Superintendent of Documents

"In establishing and maintaining the GPO Gateway, the Superintendent of Documents, under the direction of the Public Printer, shall—

"(1) within one year after the date of enactment of this chapter, provide electronic access to the Congressional Record and the Federal Register;

"(2) provide access to such agency databases as are reasonably appropriate, based upon input from Federal agencies,database users, libraries, and others likely to be affected;

"(3) rely, to the maximum extent feasible, upon agency computer and data storage systems and retrieval software for accessing agency databases;

"(4) enable agencies to utilize Government Printing Office computer systems, retrieval software, and data storage or contract for such facilities and services through the Government Printing Office;

"(5) provide for access to the GPO Gateway through a wide range of electronic networks, including the Internet and the National Research and Education Network, to allow broad, reasonable access to the data;

"(6) permit depository libraries to connect to, access, and search and retrieve information through the GPO Gateway without charge; and

"(7) facilitate the adoption of compatible standards for electronic publishing and dissemination throughout the Federal Government.

"§4003. Fees

"(a) Superintendent of Documents, under the direction of the Public Printer, may (except as provided in section 4002(e) of this title) charge reasonable fees for providing access to databases through the GPO Gateway. The Superintendent shall set such fees on the basis of subsection (b) of this section.

"(b)(1) The fee charged under this section for databases maintained by the Government Printing Office should approximate the Government Printing Office's incremental cost of dissemination of the data, without regard to section 1708 of title 44, United States Code.

"(2) The fee charged under this section for databases maintained by agencies and accessed through the GPO Gateway should approximate the incremental cost of dissemination of the data, which shall include the incremental costs incurred by the agencies to provide access through the GPO Gateway. Such costs shall be reviewed and approved by the Superintendent and the Superintendent shall reimburse the agency from the sales revenue received.

"§4004. Request for public comment; annual report

"The Superintendent of Documents, under the direction of the Public Printer, shall each year publish a notice in the Federal Register requesting public comment on the services, prices, and policies relating to the GPO Gateway and on such other issues as the Public Printer shall determine. On or before March 1 of each calendar year the Public Printer shall publish an annual report on the GPO Gateway describing the program; specifying the number of users, total revenues collected, and expenses reimbursed to each Federal agency; summarizing public comment on the GPO Gateway; and stating the steps the Public Printer has taken to address the comments received. Such report shall be submitted to the Committee on Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Joint Committee on Printing.

"§4005. Authorization of appropriations

"There is authorized to be appropriated to the Government Printing Office for the purposes of this chapter only, $3,000,000 for fiscal year 1993 and $10,000,000 for fiscal year 1994, to be expended by the Superintendent of Documents.".

(b) The table of chapters for title 44, United States Code, is amended by adding at the end the following new item:

"40. Government Printing Office; Online Access to Government Electronic Information .... 4001".•

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. PRYOR, Mr. COHEN, Mr. BOND, Mr. ROCKEFELLER, Mr. PRESSLER, Mr. GRAHAM, Mr. ADAMS, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. HOLLINGS, Mr. LEAHY, Mr. SIMON, Mr. CRANSTON, Mr. JOHNSTON, Mr. SARBANES, Mr. BURNS, and Mr. BREAUX):

S. 2814. A bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries; to the Committee on Finance.

MEDICARE ENROLLMENT IMPROVEMENT AND PROTECTION ACT

• Mr. RIEGLE. Mr. President, last year I introduced S. 1574, the Medicare Enrollment Improvement and Protection Act of 1991 to solve the problems that keep low-income seniors and disabled citizens from receiving financial assistance with their out-of-pocket Medicare costs through the Qualified Medicare Beneficiary [QMB] Program. Today, I am reintroducing this legislation with minor technical modifications and improvements based on comments we received on the bill. I am pleased that Senators CHAFEE, MITCHELL, PRYOR, COHEN, BOND, ROCKEFELLER, PRESSLER, GRAHAM, ADAMS, MOYNIHAN, MIKULSKI, DODD, DASCHLE, KENNEDY, HOLLINGS, LEAHY, SIMON, CRANSTON, JOHNSTON, SARBANES, BURNS, and BREAUX have joined me in cosponsoring this important legislation.

Just 4 years ago, Congress acted to protect low-income seniors and disabled citizens from the increasing costs of deductibles, copayments, and premiums under the Medicare Program. The Qualified Medicare Beneficiary Program [QMB] was to be implemented by the Department of Health and Human Services [HHS] and the States beginning in 1989. For the 2.2 million seniors who are entitled to this benefit, the Medicaid Program pays for seniors' out-of-pocket expenses for Medicare coverage. These seniors could face direct costs in excess of which may be well over $1,000 a year if they are hospitalized just once, and that doesn't include copayments for physicians' services. Recently, a woman from Grand Rapids, MI, wrote to tell me that she had no idea she could get help with her Medicare premiums until she saw an article in the newspaper. She wrote "That $31.00 will help a lot with my prescriptions, which are over $100 a month, or it will help with food. But if this was passed a few years ago, how come I'm only getting it now?" Last year, a report by Families U.S.A. indicated that millions of Medicare beneficiaries nationwide are not receiving benefits to which they are entitled because they do not know they are eligible or face other barriers that make it difficult to apply for the benefits.

HISTORY OF NOTIFICATION AND COORDINATION PROBLEMS

I was among those who worked to preserve this benefit when the Medicare Catastrophic Coverage Act of 1988 was repealed. Since then, based on reports from national advocacy groups and Michigan citizens, I have initiated congressional letters to the Secretary of HHS pointing out problems of implementation and urging administrative changes and more outreach.

Together with many of my colleagues, 4 years ago, I asked Secretary Sullivan to notify beneficiaries about and fully implement this important program. Later, we wrote another letter calling on the Secretary to immediately design a program to seek out, notify, and enroll seniors and disabled persons eligible for the program. A recent followup report by Families U.S.A. indicates that almost half of the seniors eligible for this important benefit still have not received it.

This legislation improves the process of enrolling people into the QMB program. It strengthens information and notification programs, provides grants for outreach to a variety of organizations, and makes enrollment easier by implementing programs to accept applications and make them available in Social Security offices and by mail.

Mr. President, low-income seniors, especially those with serious medical problems, have a hard time meeting basic needs, such as food and rent. Congress intended to relieve some of their financial burden by alleviating their costs under Medicare. It's time we ensure they receive this relief, and I hope more of my colleagues will join me in supporting this bill.

I ask unanimous consent that a summary and the full text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Enrollment Improvement and Protection Act of 1992".

TITLE I—IMPROVING ENROLLMENT

SEC. 101. NOTIFICATION.

(a) In General.—Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended—

(1) by striking "and" at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting ", and",

(3) by inserting after paragraph (3) the following new paragraph:

"(4) a clear, simple explanation (designed to attract the reader's attention and stated in plain English and any other language determined by the Secretary) of the eligibility requirements and application procedures for receiving payment of medicare cost-sharing (as defined in section 1905(p)(3)) by qualified medicare beneficiaries (as defined in section 1905(p)(1), qualified disabled and working individuals (as defined in section 1905(s)), and individuals described in section 1902(a)(10)(E)(iii).", and

(4) by adding at the end thereof the following new sentence: "The portion of the notice containing the explanation described in paragraph (4) shall also be prepared in a manner suitable for posting and shall be distributed to physicians, hospital offices, other medical facilities, and entities receiving grants from the Secretary for programs designed to provide services to individuals age 65 or older.".

(b) Toll-Free Hotline.—The Secretary of Health and Human Services shall establish a toll-free telephone number to provide individuals with information on medicare cost-sharing (as defined in section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)), including the availability of and requirements for obtaining such medicare cost-sharing, where to go for applications, and other information. All notices described in section 1804(4) of the Social Security Act (42 U.S.C. 1395b-2(4)) shall include this toll-free telephone number.

(c) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 102. USE OF SOCIAL SECURITY ADMINISTRATION OFFICES AND SIMPLIFIED APPLICATION PROCESSES.

(a) In General.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end thereof the following new section:

"ALTERNATIVE LOCATIONS FOR PROCESSING APPLICATIONS FOR QUALIFIED MEDICARE BENEFICIARIES

"Sec. 1931. (a) In General.—The Secretary, through the Social Security Administration and the Health Care Financing Administration, shall provide, as an alternative to the procedure established by State agencies under State plans under this title, a procedure (including appropriate training of personnel by the Health Care Financing Administration) to accept by mail or in-person an application form described in subsection (b) at Social Security Administration offices (and any other Federal office as determined by the Secretary).

"(b) Simplified Application Forms.—The Secretary shall develop a short simplified application form to determine if an individual meets the requirements for status as a qualified medicare beneficiary under section 1905(p)(1), a qualified disabled and working individual (as defined in section 1905(s)), or an individual described in section 1902(a)(10)(E)(iii). The form shall be developed with the consultation of consumer advocates and States agencies and shall be available in offices described in subsection (a).

"(c) Additional Uses of Forms.—The Secretary shall also use the form described in subsection (b) in periodic mailings (as determined by the Secretary) to individuals potentially eligible for the status described in such subsection, and shall provide such form to counselors in organizations described in section 106 of the Medicare Enrollment Improvement and Protection Act of 1992 for use in determining an individual's eligibility for such status.

"(d) Submission of Forms.—The application forms described in subsection (b) shall be referred to the appropriate State agency designated under this title for review and decision.

"(e) Certification of Determination of Status.—(1) Notwithstanding subsection (d), if the Secretary, based upon an application described in subsection (b), makes a determination that an individual meets the requirements for the status described in such subsection, the Secretary shall certify such determination to the State in which the individual resides.

"(2) If the Secretary certifies to the State that an individual meets the requirements for such status, the individual shall be deemed to have met the requirements for such status.

"(3) Nothing in paragraph (2) shall be construed to prohibit a State from requiring an individual to continue to meet the requirements of such status after the individual is deemed to have met the requirements of such status under paragraph (2).".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 103. MANDATORY DIRECT ENROLLMENT OF PART A ELIGIBLES.

(a) In General.—Paragraph (1) of section 1818(e) of the Social Security Act (42 U.S.C. 1395i-2(e)) is amended by striking "shall, at the request of a State made after 1989, enter into a modification of an agreement entered into with the State pursuant to section 1843(a)" and inserting "shall enter into an agreement with each State under terms described in section 1843".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 104. OPTIONAL PRESUMPTIVE ELIGIBILITY.

(a) In General.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920 the following new section:

"PRESUMPTIVE ELIGIBILITY FOR QUALIFIED MEDICARE BENEFICIARIES

"Sec. 1920A. (a) In General.—A State plan approved under section 1902 may provide for making medical assistance available for medicare cost-sharing (as described in clauses (i), (ii), and (iii) of section 1905(a)(10)(E)) to qualified medicare beneficiaries (as defined in section 1905(p)(1)), qualified disabled and working individuals (as defined in section 1905(s)), and individuals described in section 1902(a)(10)(E)(iii) during a presumptive eligibility period.

"(b) Definitions.—For purposes of this section—

"(1) the term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified provider determines, on the basis of preliminary information, that the family income of the individual does not exceed the applicable income level of eligibility under the State plan, and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of the individual for medical assistance described in subsection (a) under the State plan, or

"(ii) in the case of an individual who does not file an application by the last day of the month following the month during which the provider makes the determination referred to in subparagraph (A), such last day; and

"(2) the term 'qualified provider' means any provider that—

"(A) is eligible for payments under a State plan approved under this title, and

"(B) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(c) Duties of State Agency, Qualified Providers, and Presumptively Eligible Individuals.—(1) The State agency shall provide qualified providers with—

"(A) such forms as are necessary for an individual described in subsection (a) to make application for medical assistance described in subsection (a) under the State plan, and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) A qualified provider that determines under subsection (b)(1)(A) that such an individual is presumptively eligible for such medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which the determination is made, and

"(B) inform the individual at the time the determination is made that such individual is required to make application for such medical assistance under the State plan by no later than the last day of the month following the month during which the determination is made.

"(C) Such an individual who is determined by a qualified provider to be presumptively eligible for such medical assistance under a State plan shall make application for such medical assistance under such plan by no later than the last day of the month following the month during which the determination is made.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1993, without regard to whether or not regulations to implement such amendment are promulgated by such date.

a wholly owned U.S. Government corporation by the Export-Import Bank Act of 1945. The principal role of the Eximbank is to promote U.S. exports by aiding in their financing. The Eximbank has a variety of export financing programs, including direct loans, financial guarantees to private lenders, commercial, and political risks credit insurance and working capital guarantees.

This year's reauthorization of the Eximbank is most important because exports are crucial to our nation's economic health and export financing is a key component of export competitiveness. The United States cannot neglect this area, as it has neglected so many other areas essential to our nation's economic competitiveness during the last decade. Congress must ensure that the Eximbank has the resources to enable it to fulfill its statutory mandate to provide financing on terms and conditions which are fully competitive with those offered by foreign official export credit agencies. It was the Congress that saved the Eximbank's direct lending program when some in the Reagan administration tried to eliminate that program in the 1980's. The Reagan and Bush administrations have not understood that we are in an age of global economic competition. We have no national competitiveness strategy and no national export promotion and financing strategy. In contrast, our principal competitors, in mapping out their national economic strategies, have recognized the crucial role of export financing.

I am working with the chairman of the International Finance and Monetary Policy Subcommittee of the Banking Committee, Senator SARBANES, to craft legislation to renew and amend the Eximbank Act and to ensure that our export promotion efforts are based on a comprehensive and coordinated strategy. I would hope that we might move this legislation before the end of July.

I ask unanimous consent that the administration's bill I am introducing with Senator GARN be printed in the RECORD, together with the sectional analysis.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2815

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 101. Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended by striking out the last sentence in that subparagraph in its entirety.

SEC. 102. (a) Section 2(b)(2)(B)(i)(I) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(i)(I)) is amended by striking out "Marxist-Leninism" and inserting in lieu thereof "Marxism-Leninism".

(b) Section 2(b)(2)(B)(i)(II) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(i)(II)) is amended by striking out "the Union of Soviet Socialist Republics or on any other Marxist-Leninist country" and inserting in lieu thereof "any other country which maintains a centrally planned economy based on the principles of Marxism-Leninism".

(c) Section 2(b)(2)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(ii)) is hereby repealed.

(d) Section 2(b)(2)(B)(i) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(i)), as amended by subsection (a) of this section, is amended by:

(1) redesignating clause 2(b)(2)(B)(i) as subparagraph 2(b)(2)(B); and

(2) redesignating subclause 2(b)(2)(B)(i)(I) as clause 2(b)(2)(B)(i), and

(3) redesignating subclause 2(b)(2)(B)(i)(II) as clause 2(b)(2)(B)(ii).

(e) Section 2(b)(2)(C) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(C)) is hereby repealed.

(f) Section 2(b)(2)(D)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(D)(ii) is hereby repealed.

(g) Section 2(b)(2)(D)(iv) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(D)(iv)) is hereby repealed.

(h) Section 2(b)(2)(D) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(D)), as amended by subsection (f) and (g) of this section, is amended by:

(1) redesignating subparagraph 2(b)(2)(D) as subparagraph 2(b)(2)(C); and

(2) redesignating clause (iii) as clause (ii).

SEC. 103. (a) Section 2(b)(3)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(3)(ii)) is amended by striking out "(ii) in an amount" and all that follows through "Union of Soviet Socialist Republics,".

(b) Section 2(b)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(3)), as amended by subsection (a) of this section, is amended by redesignating clause (iii) as clause (ii).

SEC. 104. (a) Section 2(b)(6)(B)(vi) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(B)(vi)) is hereby repealed.

(b) Section 2(b)(6)(B)(iv) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(B)(iv)) is amended by inserting "and" after "United States;".

(c) Section 2(b)(6)(B)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(B)(v)) is amended by:

(1) inserting "loan," before "guarantee"; and

(2) striking "; and", and inserting in lieu thereof a period.

SEC. 105. (a) Section 2(b)(9)(A)(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(A)(c)) is hereby repealed.

(b) Section 2(b)(9)(A)(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(A)(a)) is amended by inserting "or" after "enforce apartheid;".

(c) Section 2(b)(9)(A)(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 365(b)(9)(A)(b)) is amended by striking out "; or" after "that determination" and inserting in lieu thereof a period.

(d) Section 2(b)(9)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)) is amended by striking out "The certification requirement" and all that follows in that paragraph.

SEC. 106. (a) Section 2(b)(11) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(11)) is hereby repealed.

(b) Section 2(b)(12) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(12)) is hereby repealed.

SEC. 107. Section 3(d)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(1)(A)) is amended by striking out "twelve" and inserting in lieu thereof "15".

SEC. 108. (a) Section 7(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by striking out "$40,000,000,000" and inserting in lieu thereof "$75,000,000,000".

(b) Section 2(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(c)(1)) is amended by striking out the first two sentences and by striking out from the third sentence all that follows after "Fees and premiums shall be charged" and inserting in lieu thereof "commensurate, in the judgment of the Bank, with risks covered in connection with the contractual liability which the Bank incurs for guarantees, insurance, coinsurance, and reinsurance against political and credit risks of loss".

SEC. 109. (a) Section 7(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is hereby repealed.

(b) Section 7(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by:

(1) redesignating paragraph 7(a)(1) as subsection 7(a); and

(2) redesignating clause 7(a)(2)(A)(i) as subparagraph 7(b)(1)(A); and

(3) redesignating subclauses 7(a)(2)(A)(i)I, II, and III as clauses 7(b)(1)(A) (i), (ii), and (iii), respectively; and

(4) redesignating clause 7(a)(2)(A)(ii) as subparagraph 7(b)(1)(B); and

(5) redesignating clause 7(a)(2)(B)(i) as subparagraph 7(b)(2)(A); and

(6) redesignating clause 7(a)(2)(B)(ii) as subparagraph 7(b)(2)(B); and

(7) redesignating paragraph 7(a)(3) as subparagraph 7(c).

(c) Section 613 of the Trade Act of 1974 (19 U.S.C. 2487) is hereby repealed.

SEC. 110. Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1998".

SEC. 111. (a) Section 9(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(d)) is hereby repealed.

(b) Section 9(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(e)) is hereby repealed.

SEC. 112. (a) Section 15(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(c)(2)) is amended by striking out "through fiscal year 1992".

(b) Section 15(e)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(e)(1)) is amended by:

(1) inserting in the first sentence thereof ", and for each of fiscal years 1993 and 1994, such sums as may be necessary to carry out the purposes of this section" after "$500,000,000"; and

(2) striking out from the second sentence "until expended" and inserting in lieu thereof "through September 30, 1994".

SECTION-BY-SECTION ANALYSIS

Section 101 of the bill repeals the requirement enacted in the early 1970's that Eximbank include in its Annual Report to Congress a statement assessing the impact of each Eximbank loan made to foreign borrowers for the development of energy-related industries abroad on the availability of energy products, services, or supplies in the United States. Since the availability of such equipment and services is no longer a concern, this requirement has been deleted.

Section 102 of the bill recognizes the major changes that have taken place in the world since Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended, was last amended and modifies the prohibitions on Eximbank support for exports to Marxist-

Leninist countries. The new provision defines a Marxist-Leninist country as any country which maintains, or is economically or militarily dependent on any other country which maintains, a centrally planned economy based on the principles of Marxism-Leninism. This section also repeals the Marxist-Leninist country list, but maintains the requirement of a presidential determination to enable Eximbank to support exports destined for "Marxist-Leninist" countries. Finally, this section eliminates the requirement that a separate determination be issued for all transactions involving Marxist-Leninist countries in excess of $50,000,000.

Section 103 eliminates the requirement that Eximbank notify Congress of the details of all financing in support of exports of fossil fuel technology to the Soviet Union. Instead, like any other transaction, these transactions would be subject to the other reporting requirements contained in section 2(b)(3) of the Export-Import Bank Act of 1945.

Section 104 extends Eximbank's authority to finance the sale of defense articles to foreign countries when the articles will be used for anti-narcotics purposes. Instead of a separate termination date, authorization for this program will now expire when Eximbank's charter expires.

Section 105 eliminates the requirement that the Secretary of State certify that any private buyer of U.S. exports in South Africa seeking Eximbank financing has proceeded to implement the so-called "Sullivan" principles regarding human rights. This section recognizes the progress that has taken place in South Africa in recent years and would enable Eximbank to finance exports to the private sector in South Africa in the same way that it finances exports to the private sector in any other country where Eximbank is open for business.

Section 106 recognizes the changes in the political and economic situation in Angola and eliminates two prohibitions on Eximbank financing in support of exports to Angola. Currently, Eximbank may not provide financing for exports to Angola unless the President certifies that (1) no combatant forces of Cuba or any other Marxist-Leninist country remain in Angola, and (2) that free and fair elections have been held in Angola and that the Government of Angola has taken steps to implement various human rights reforms. This section eliminates these provisions in their entirety. As long as Angola is considered a Marxist-Leninist country, a presidential determination would be required under Section 2(b)(2) before Eximbank could finance U.S. exports to that country.

Section 107 increases the size of Eximbank's Advisory Committee from 12 to 15 members.

Section 108 increases the ceiling on the total amount of support that may be outstanding under all of Eximbank's programs at any one time from $40 to $75 billion. This change allows for the recent expansion in the Bank's activities which is expected to continue in the future. In addition, the section recognizes the impact of credit reform on budgetary accounting and provides for guarantees, insurance and direct loans to be charged in the same way against this ceiling.

Section 109 repeals the $300,000,000 aggregate annual limit contained in both section 7(b) of the Export-Import Bank Act and section 613 of the Trade Act of 1974 on loans, guarantees, or insurance issued by Eximbank in support of exports destined for the Soviet Union. This section also removes the prohibitions and limitations on exports destined for the Soviet Union in support of fossil fuel research, exploration, production, processing and distribution.

Section 110 authorizes Eximbank to continue to provide financing in furtherance of its purposes and objectives until September 30, 1998.

Section 111 repeals the requirement that Eximbank include in its Annual Report to Congress a statement detailing the actions taken by Eximbank to maintain the competitive position of "key linkage" industries in the United States. This provision is unnecessary in light of the detailed reporting contained elsewhere in the Annual Report.

Section 111 of the bill also eliminates the requirement that the Comptroller General of the United States submit a report to Congress on Eximbank's interest subsidy payment program since the authority for that program has now expired.

Section 112 extends Eximbank's tied aid credit fund for two years through fiscal year 1994 and authorizes appropriations for the program for such fiscal years in such amounts as may be necessary to fulfill the purpose of the fund. Continuation of the tied aid credit fund will permit Eximbank to enforce compliance with and facilitate efforts to negotiate and establish international arrangements restricting the use of tied aid and untied aid credits.

Mr. GARN. Mr. President, I rise today to join the chairman of the Banking Committee in introducing the administration's Export-Import Bank charter renewal legislation. Avoiding any disruption of Bank authority is vitally important at a time when United States exporters are looking to the Bank to support expanding sales to Latin America and the newly emerging markets in the former Soviet Union. If export expansion is to continue to be a source of growth for the U.S. economy, it is critical that the Congress move expeditiously to extend the Bank's authority.

Eximbank's record over the last few years has been very impressive under the leadership of John Macomber. Exports assisted in 1991 were at their highest level in 10 years, up nearly 30 percent over 1990. Assisted exports should climb to $13 billion in 1992. Not only are the levels impressive but the program innovations and new products being launched by the Bank hold great promise for continued expansion of assistance to our exporters in the future.

The Bank's guarantee programs have helped to attract a growing number of commercial banks back into export financing. New and innovative financing approaches, such as the Bank's bundling program, have created new mechanisms for financing smaller deals and packaging them for sale into the capital markets. The Bank is pursuing project financing and cofinancing arrangements with Japan in order to expand the range of possible support for United States exporters. Direct support for small and new exporters is being expanded through new outreach programs and fine tuning of the Bank's working capital and insurance programs.

Another major achievement in the last year has been the negotiation of a new and tougher international agreement restricting the use of tied-aid credits for commercially viable projects. If aggressively monitored and enforced, this new agreement holds great promise of restricting the distortion of trade flows through use of predatory financing subsidies by foreign governments.

I have long supported the Export-Import Bank and I believe that the recent record certainly justifies continued strong support for the institution. It is my hope that the Congress will use the occasion of this charter extension to support strongly the initiatives the Bank has launched and to do so with a minimum of controversy and all possible speed. I urge the support of my colleagues for this legislation.

ADDITIONAL COSPONSORS

S. 1324

At the request of Mr. METZENBAUM, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1324, a bill to amend the Public Health Service Act to generate accurate data necessary for continued maintenance of food safety and public health standards and to protect employees who report food safety violations, and for other purposes.

S. 1557

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1557, a bill to improve the implementation and enforcement of the Federal cleanup program.

S. 1578

At the request of Mr. THURMOND, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Michigan [Mr. LEVIN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1578, a bill to recognize and grant a Federal charter to the Military Order of World Wars.

S. 1698

At the request of Mr. SARBANES, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1698, a bill to establish a National Fallen Firefighters Foundation.

S. 1912

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1912, a bill to amend the Public Health Service Act and the Social Security Act to increase the availability of primary and preventive health care, and for other purposes.

S. 1932

At the request of Mr. BUMPERS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1932, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented ven-

Mr. President, the deeply troubling events that are unfolding in the Balkans threaten not only the people of that region; the threat of an ever-widening conflict is real. Thus far, the United Nations has condemned the aggression and introduced sanctions. But as of yet, while there are expressions of hope for peace, there are denials that the United Nations should consider enforcing the peace with an international military force if necessary.

I believe the United Nations should consider enforcing the peace with an international military force and one step toward that is adopting a plan and a budget to do it.

The United States should do at least two things, one short-term and specific to the war in the Balkans and one long-term and broader. The United States needs to exercise leadership in the Security Council to see that United Nations experts obtain a plan to bring peace to the former Republics of Yugoslavia. How much would it cost, and how big a force would it take? What specifically would be necessary? Only when there are answers to those questions can the world rationally decide on the best course, and seeking such an estimate could also signal serious intent and concern.

It is not enough to state, as the Secretary General did recently, that neither a peacekeeping effort nor an enforcement effort is at present feasible for Bosnia, when it has not been estimated what it would take to stop this war before it spreads, perhaps consuming a whole region and destroying a historic opportunity for the creations of multinational mechanisms to prevent such wars, and that leads to my next point.

The United States can and should lead in the creation of an international United Nations sanctioned force to quell regional conflicts pursuant to chapter 7 of the United Nations Charter. The United States cannot and should not be the world's policemen enforcing our will through massive military superiority.

The United States cannot unilaterally sustain that policeman role morally or politically or economically, nor should it try. But the United States is probably the only nation on earth with the moral authority and military leadership capable of leading an effort to create new broad-based international collective arrangements to prevent emerging threats to peace from developing.

The escalating war in what used to be Yugoslavia is a clear example of why such an arrangement is needed.

The carnage in the Balkans shows no sign of letup, and the possibility of spilling into Kosovo and Macedonia and beyond is real. If that happens, other nations in the area may become involved, and the end result would be an ever-broadening tragedy.

The U.N. Security Council has passed numerous resolutions denouncing the rapidly deteriorating situation in the former republics of Yugoslavia. One resolution follows another. On April 7, 1992, the Security Council unanimously passed Resolution 752 that demands that all parties in Bosnia stop the fighting immediately and demands that all forms of interference from outside Bosnia cease. The resolution also demands that units of the Yugoslav People's Army [JNA] and elements of the Croatian Army must either be withdrawn or be disbanded and disarmed under international monitoring. These demands, as well as the demand that all irregular forces in Bosnia be disbanded and disarmed, were not met, so the U.N. Security Council passed Resolution 757 on May 30, 1992. Resolution 757 reaffirms the previous U.N. resolutions on the conflict in what used to be Yugoslavia, and institutes sanctions against Serbia and Montenegro. These sanctions include a ban on all trade with the republics of Serbia and Montenegro—excluding medicine and food—severing international air travel, suspending cultural and scientific exchanges, and exclusion from international athletics, including the Olympics.

But, the United Nations is not utilizing or creating or even considering an enforcement mechanism to ensure that these demands are met.

Serbian Orthodox Church itself openly denounced the Milosevic regime, breaking almost 50 years of silent submission to Communist power. In an unprecedented condemnation, the Bishops' Assembly of the Serbian Orthodox Church last week called for the replacement of the current regime with a government of "national salvation and national unity."

Recently, former U.N. Ambassador Jeane Kirkpatrick wrote about the war in the Blakans, and the lack of international will and leadership to stop it. She wrote:

> How flimsy the structures of conflict resolution and peacekeeping turn out to be. How limited the Western commitment to collective security is when confronted with guns and determination—even when slaughter and civil war occur in the heart of Europe, in the very city where World War I was born.

Ambassador Kirkpatrick went on to write:

> Without the option of force to deal with force, there is no collective security. Neither diplomacy nor economic sanctions are an adequate shield against tanks and mortars.

Ambassador Kirkpatrick concludes:

> There is anarchy today in Yugoslavia. There is timidity in Brussels and Washington. So let us not speak yet of a new world order. It remains to be built.

Leslie Gelb, the Foreign Affairs writer for the New York times, put it this way:

> The United Nations, the European Community and the United States keep on threatening the killers with ever greater diplomatic and economic sanctions. And the killers just go on about their deadly business. * * * Everyone concerned with the Yugoslavia problem knows there is only one decent chance to stop this horror: Peacemakers have to establish the only kind of credibility killers understand. They have to convince themselves, and then convince the Milosevics, that they are ready and able to use force.

Mr. President, in summary, we urge the President to seek a Security Council directive to U.N. officials to present a plan to the world about what it would take to resolve the war in the Balkans. We do this because, at a minimum, the nations of the world should know what it would take to stem this war before it expands and consumes all that is near. It is possible at least that the world community will accept the risks and the costs because those costs are likely to be less now than what they are likely to be without such intervention. Further, it is also possible the world will decide to take advantage of the present unique moment in world history when it may be possible to create an effective international, broad-based, multilateral fire brigade to stop threats to international security at their source by the unanimous vote of the U.N. Security Council. Until the collapse of the Soviet Union, the Soviet's veto in the Security Council was used in endless cold war confrontations and "Nyets." Russia has now assumed that seat on the Security Council, and the recent nonuse of its veto opens an important door for the first time in 50 years.

Mr. President, the threat is ominous. The opportunity may never come again. That is why it is important that the President urge the United Nations to come up with a specific plan and budget of what it would entail to enforce the resolutions the Security Council has already passed concerning the carnage occurring in the former republic of Yugoslavia. That is what this resolution by Senators MITCHELL and DOLE and I provides for, and I urge its prompt consideration by the Senate.

SENATE RESOLUTION 307—RELATIVE TO DEFICIT REDUCTION

Mr. DANFORTH (for himself, Mr. GRAHAM, Mr. BOND, Mr. COHEN, Mr. CONRAD, Mr. DECONCINI, Mr. LEVIN, Mr. ROBB, and Mr. RUDMAN) submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 307

Whereas the Senate affirms that—

(1) the growing national debt is a legacy of bankruptcy which will make America's economy steadily weaker and more vulnerable than it is today;

(2) to amass a national debt of $4,000,000,000,000 and an annual deficit of $400,000,000,000 is to breach trust with present and future Americans; and

(3) national interest in controlling the deficit takes precedence over partisan advantage;

Whereas we believe that—

(1) it is the responsibility of candidates for President and for Congress to discuss the deficit, if the priority issues facing our country are to be effectively and honestly addressed; and

(2) the American people will provide a mandate for governmental action, if given information and serious choices for deficit reduction that calls for shared sacrifice; and

Whereas the Senate states that—

(1) the frequency and level of public comment on this issue by public officers and candidates, including those who hold and seek the office of the President, are so insignificant as to constitute irresponsibility;

(2) by and large, the candidates, Congress, and the media have ignored or trivialized this issue by suggestions such as that meaningful deficit reduction can be accomplished merely by attacking waste, fraud, and abuse;

(3) entitlement and interest spending are the fastest growing components of the Federal budget and are at an all-time high;

(4) other than taxes devoted to Social Security pensions, the level of taxation relative to the United States economy has been lower in the last decade than it was in any year between 1962 and 1982;

(5) the existing reckless Federal fiscal policy cannot be addressed in a meaningful way without including consideration of restraining entitlements and increasing taxes, as well as reducing defense and domestic spending; and

(6) to suggest that meaningful deficit reduction can be accomplished without shared sacrifice constitutes deception of the American people: Now, therefore, be it *Resolved*, That the Senate calls upon—

(1) public officials and candidates for public office to make proposals and engage in extensive and substantive discussion on reducing the deficit;

(2) the candidates for President to agree to a formal discussion that focuses entirely on the Federal budget deficit, its implications and solutions; and

(3) all candidates for office to affirm their support for this statement of principles and to resolve, in the course of their campaigns, to seek a mandate from the electorate with which they can effectively address the Federal budget deficit if elected,

SENATE RESOLUTION 308—CONDEMNING THE ASSASSINATION OF JUDGE GIOVANNI FALCONE

Mr. D'AMATO (for himself, Mr. Biden, Mr. DeConcini, and Mr. Dole) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 308

Whereas, Judge Giovanni Falcone was brutally assassinated along with his wife Francesca on a highway outside of Palermo, Italy on May 23, 1992;

Whereas, his death was an attack on the state of Italy and the Italian-American Working Group, of which Judge Falcone was a member, and which is jointly chaired by the Attorney General of the United States and the Italian Minister of the Interior, and which is dedicated to the investigation and prosecution of organized criminal activities.

Whereas, Judge Falcone has achieved the status of national hero for his great work;

Whereas, he led a successful operation that culminated in the December 1987 convictions of 342 Mafiosi, who received a total of 2,665 years in prison, including 19 life sentences for their legion of crimes;

Whereas, he successfully pursued major international investigations including the 1986 New York "Pizza Connection" cases that led to the conviction of 17 people for importing heroin worth $1.6 billion;

Whereas, Judge Falcone was the Justice Ministry's Director of Penal Affairs and was in line to be nominated for the post of "super anti-Mafia prosecutor," a position which he had long advocated;

Whereas, his intricate knowledge of the Mafia created enormous confidence among informers and investigators alike: Now, therefore, be it

Resolved, It is the sense of the Senate that—

(1) the assassination of Italian Judge Giovanni Falcone is a profound loss to Italy, the United States, and the world and is strongly condemned; and

(2) the Italian-American Working Group, of which he was a member, should vigorously continue its primary mission as well as investigate and prosecute those who perpetrated this violent crime.

• Mr. D'AMATO. Mr. President, I rise today to introduce a Senate resolution to condemn the assassination of Italian Judge Giovanni Falcone. I was privileged to meet and get to know Judge Falcone. His death is a profound loss. There are few people that I have known who possessed as much fortitude and courage as did Judge Falcone.

Judge Falcone, along with his wife, Judge Francesca Morvillo, and three bodyguards, were murdered in cold blood last week on a highway while traveling from the Punta Raisi Airport in Palermo. While his assassins may have silenced Judge Falcone, they have caused an uproar in the international community and a resolve to pursue his vision of justice.

Judge Louis Freeh, a Federal judge in the Southern District of New York, in an article entitled "The Stuff of Heroes," states:

> Judge Falcone led a great crusade against the octopus which has gripped his native Sicily with its evil for centuries. Against overwhelming obstacles this man of the law rose up with remarkable fearlessness. In 1986, he engineered Italy's historic judicial assault on the Mafia in a mass trial which resulted in 350 Mafia members sentenced to long prison terms. In his wake, the powerful coterie of village and provincial Mafia leaders who rule the island underworld and exported death and terrorism throughout the world retreated.

In 1980, Judge Falcone began prosecuting Mafia cases as an investigating magistrate. Unfortunately, some of his magistrate colleagues were also murdered by these criminal cowards. Last year Judge Falcone was appointed Director-General of Criminal Affairs at the Ministry of Grace and Justice. As a result of his remarkable ability and perseverance, he was in line to become Italy's first chief anti-Mafia prosecutor.

Judge Falcone was a member of the Italian-American working group which was established to further joint prosecutions in Italy and the United States. In 1985, the famous "pizza connection" prosecutions in New York and Italy led to the conviction of scores of criminals. This is where Judge Louis Freeh, formerly an assistant U.S. attorney, began a working relationship with Judge Falcone. This heinous attack on Judge Falcone was, in reality, an attack on this working group and the successes it had. The United States must, now more than ever, be resolved to carry on the work of this brave man.

According to Judge Freeh, the response by the working group to this violent attack should be the following:

Convening an emergency meeting to adopt a joint prosecutive plan;

Posting a reward not to exceed $500,000 for information regarding this act of terrorism;

Asserting U.S. statutory jurisdiction for prosecuting this case under the extraterritorial provisions of the Federal Witness Protection Act;

Relying upon enterprise [RICO] and well-settled conspiracy principles to target this assassination for Federal prosecution; and

Employing all available law enforcement techniques and international justice assistance operations to identify the perpetrators of this crime.

On June 8, 1987, Judge Falcone appeared as a witness at a Senate caucus on international narcotics control hearing in New York on the topic of "The National and International Security Threat of Narcotics Trafficking." It became apparent that this gentle and decent man faced danger every day. He traveled with many bodyguards. His house was a virtual fortress and he lived under constant fear for his family. But this did not deter him. He was not easily intimidated. He believed that the pursuit of justice was more important than his life.

It was indeed a distinct honor to have known this man. As Judge Freeh writes, "The memory of Judge Falcone will linger fondly with all who were privileged to be his colleagues, and honored to have been his friends. His work and death exemplify the beatitude of true public service with all of the humility and integrity which permeated Judge Falcone's entire life. He was * * * a model and wellspring from which all public servants and decent people can forever draw strength."

Mr. President, I strongly urge all my colleagues to support this important resolution.•

SENATE RESOLUTION 309—AUTHORIZING TESTIMONY BY A SENATE EMPLOYEE

Mr. MITCHELL (for himself and Mr. Dole) submitted the following resolution; which was considered and agreed to:

S. Res. 309

Whereas in the case of Robinson v. Addwest Gold, Inc., et al., Civ. No. 91-20-BU-order which determines that there is not a material issue of fact with respect to the complaint and—

"(i) which finds that the violation has not occurred and dismisses the complaint; or

"(ii) which finds that the violation has occurred and sets out the remedies and penalties that the Secretary determines are appropriate for the violation and the information forming the basis for such finding;

"(B) a consent order which sets out the remedies and penalties which the Secretary determines are appropriate and to which the alleged violator has agreed; or

"(C) for a determination of whether or not the violation has occurred and appropriate remedies and penalties for the violation if the violation has occurred, an order instituting a proceeding which includes an oral hearing on the record before an administrative law judge in accordance with section 554 of title 5, United States Code.

"(3) PARTIES TO AN ALJ PROCEEDING.—If the Secretary issues an order instituting a proceeding before an administrative law judge under this subsection, both the Department of Transportation and the person filing the complaint shall be parties to the proceeding if they so elect, and the administrative law judge may designate additional parties to the proceeding.

"(4) POWER OF ALJ TO COMPEL PRODUCTION OF DOCUMENTS.—An administrative law judge to whom a complaint under this subsection is assigned may compel the production of documents and other information necessary to determine whether the violation has or has not occurred.

"(5) DEADLINE FOR ALJ DECISION.—Not later than the 180th day following the date on which the Secretary issues an order instituting a proceeding before an administrative law judge under this subsection, the judge shall issue an order—

"(A) which finds that no violation has occurred and dismisses the complaint; or

"(B) which finds that a violation has occurred and sets out the remedies and penalties that the administrative law judge determines are appropriate for such violation.

"(6) DEADLINE FOR FINAL ORDER.—Not later than the 60th day following the date of issuance an order by an administrative law judge under this subsection, the Secretary shall issue a final order with respect to the complaint. If the Secretary does not issue the final order by the last day of such 60-day period, the order of the administrative law judge shall be deemed to be a final order of the Secretary.

"(g) TREATMENT OF CERTAIN REDUCED CRS SERVICES.—If any computer reservation system service being provided to a participant in such system for a participant fee is reduced without a corresponding reduction in the participant fee, the participant fee shall be treated, for purposes of this section, as being increased by the vendor.

"(h) REGULATIONS.—

"(1) GENERAL AUTHORITY.—The Secretary may issue regulations to carry out the objectives of this section and such other regulations relating to computer reservation systems as the Secretary determines appropriate. Such regulations shall not be inconsistent with the provisions of this section.

"(2) ENFORCEABILITY.—The enforceability of this section shall not be affected by any delay or failure of the Secretary to issue regulations to carry out the objectives of this section.

"(i) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) ARBITRATOR.—The term 'arbitrator' means either an individual not associated with any party or a panel of 3 such individuals.

"(2) COMPUTER RESERVATIONS SYSTEM.—The term 'computer reservations system' means—

"(A) a computer system which is offered to subscribers for use in the United States and contains information on the schedules, fares, rules, or seat availability of 2 or more separately identified air carriers and provides subscribers with the ability to make reservations and to issue tickets; and

"(B) a computer system which was subject to the provisions of part 255 of title 14 of the Code of Federal Regulations (relating to computer reservation systems) on June 1, 1991.

"(3) COMPUTER SYSTEM.—The term 'computer system' means a unit of one or more computers, and associated software, peripherals, terminals, and means of information transfer, capable of performing information processing and transfer functions.

"(4) INTERNAL RESERVATION SYSTEM.—The term 'internal reservation system' means a computer system which contains information on airline schedules, fares, rules, or seat availability and is used by an air carrier to respond to inquiries made directly to the carrier by members of the public concerning such information and to make reservations arising from such inquiries.

"(5) INTEGRATED DISPLAY.—The term 'integrated display' means a computerized display of information which relates to air carrier schedules, fares, rules, or availability and is designed to include information pertaining to more than 1 separately identified air carrier. Such term excludes the display of data from the internal reservations system of an individual air carrier when provided in response to a request by a ticket agent relating to a specific transaction.

"(6) PARTICIPANT.—The term 'participant', as used with respect to a computer reservations system, means an air carrier which has its flight schedules, fares, or seat availability displayed through such system.

"(7) PARTICIPANT FEE.—The term 'participant fee' means any fee, charge, penalty, or thing of value contractually required to be furnished to a vendor by a participant for display of the flight schedules, fares, or seat availability of the participant through the computer reservation system of the vendor or for other computer reservation system services provided to the participant.

"(8) PARTICIPANT TRANSACTION CAPABILITY.—The term 'participant transaction capability' means a service, product, function, or facility with respect to any computer reservation system which is provided by a vendor to any participant and which is capable of benefiting the air transportation business of such participant, including the quality, reliability, and security of communications provided by the vendor linking such vendor's computer reservation system to the computer system or data bases of any participant, the loading into the system of information on schedules, fares, rules, or seat availability, the booking or assignment of seats, the issuance of tickets or boarding passes, the retrieval of data from the system, or a means of determining the timeliness with which a participant will receive payment for air transportation sold through the system.

"(9) PROTOCOL.—The term 'protocol' means a set of rules or formats which govern the information transfer between and among computer reservation systems, participants, and subscribers.

"(10) SUBSCRIBER.—The term 'subscriber' means a ticket agent which uses a computer reservation system in the sale and issuance of tickets for air transportation.

"(11) SUBSCRIBER CONTRACT.—The term 'subscriber contract' means an agreement, and any amendment thereto, between a ticket agent and a vendor for the furnishing of computer reservations services to such subscriber.

"(12) SUBSCRIBER TRANSACTION CAPABILITY.—The term 'subscriber transaction capability' means any capability offered through a computer reservation system to a subscriber with respect to air transportation, including the capability of a ticket agent through a computer reservations system to view information on airline schedules, fares, rules, and seat availability or to book space, assign seats, or issue tickets or boarding passes for air transportation to be provided by air carriers.

"(13) VENDOR.—The term 'vendor' means any person who owns, controls, or operates a computer reservations system.".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title IV of such Act the following:

"Sec. 420. Computer reservations systems.
"(a) Prohibitions against vendor discrimination.
"(b) Subscriber contract restraints.
"(c) Prohibition of subscriber modification of information.
"(d) Reporting.
"(e) Arbitration of participant fees.
"(f) Special rules for certain nonfee violations.
"(g) Treatment of certain reduced crs services.
"(h) Definitions.".

Mr. McCAIN. Mr. President, today I am introducing, along with Senator LIEBERMAN, an amendment to S. 2312, the Airline Competition Enhancement Act of 1992. This amendment modifies the computer reservation system [CRS] provisions in S. 2312.

Most of the changes incorporated in this amendment have resulted from recommendations made by travel agents, who share our goal of providing a level playing field in the use of CRS services. With this amendment, the American Society of Travel Agents now endorses passage of S. 2312.

Study after study, by the General Accounting Office [GAO], the Department of Justice [DOJ], and the Department of Transportation [DOT] have documented the anticompetitive effects of CRS's on the airline industry. The two dominant CRS systems have been able to generate hundreds of millions of dollars in extra profits for their airline owners. These excess profits have come at the expense of non-CRS owning airlines and have contributed to the increasing concentration in the airline industry.

Given current airline financial problems, it is critical that we provide every assurance that competition is fair, so as to increase the likelihood that the consumer will continue to benefit from the improved service and lower fares promised by airline deregulation.

A major change made to S. 2312 by this amendment is dropping the requirement that airlines that own CRS's must dehost those CRS's from the airline's internal computer reservation system. American and United Airlines have estimated that a dehosting requirement would cost from $50 million up to $250 million to implement.

This amendment retains and strengthens provisions in S. 2312 that prohibit CRS display bias and require equal functionality in the use of CRS systems. The amendment also retains caps on liquidated damages, arbitration of booking fees, and prohibitions on minimum use requirements.

Finally, the amendment adds several new provisions that allow use of third-party software in CRS displays and establish procedures whereby DOT must address issues involving compliance with the requirements of S. 2312.

Frankly, Mr. President, there should not need to be legislation to implement many of the reforms now proposed in S. 2312. Many of the proposals in S. 2312—such as the use of third-party software, limits on the terms and rollover of travel agent contracts, and minimum use requirements—come directly from DOT's own notice of proposed rulemaking.

That proposed rulemaking was issued on March 19, 1991. Unfortunately, there is uncertainty whether many of these provisions will remain in the final rule. Furthermore, DOT has just extended, until December 11, 1992, the current CRS rules. Given the present state of the airline industry, we cannot endlessly wait for DOT to decide how to deal with this problem.

Mr. President, the Aviation Subcommittee of the Senate Commerce Committee has scheduled a hearing on June 10 to examine competition in the airline industry and S. 2312. I believe this hearing is most timely, given the current threat to airline deregulation and the need for legislation such as S. 2312.

Mr. President, I ask unanimous consent that a letter from Philip G. Davidoff, president and chief operating officer of the American Society of Travel Agents, endorsing S. 2312, as modified, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN SOCIETY OF TRAVEL AGENTS,
Alexandria, VA, June 3, 1992.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: I am writing you to express ASTA's sincere thanks for your efforts in introducing amendments to S. 2312, the "Airline Competition Enhancement Act of 1992".

ASTA represents 10,000 domestic travel agencies with 16,000 locations throughout the United States. The problems confronting our agents in dealing with the airline owners of the computer reservation systems is one of our top priorities. Your actions will benefit a multitude of small businesses and the traveling consumers who number in the millions.

ASTA believes this legislation is vital to restoring a level playing field and a fair competitive environment for the travel industry. This legislation has our wholehearted endorsement. We look forward to the opportunity to testify during the June 10 hearings, and hope you can then move the bill through the Senate process and obtain its passage before the August recess. We at ASTA stand by to assist in any way concerning this effort.

Sincerely,

PHILIP G. DAVIDOFF, CTC,
President and
Chief Operating Officer.

CRIMINAL SANCTIONS FOR VIOLATIONS OF SOFTWARE COPYRIGHT

HATCH AMENDMENT NO. 1868

Mr. SPECTER (for Mr. HATCH) proposed an amendment to the bill (S. 893) to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright, as follows:

On page 2, line 25, strike "49" and insert "50".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TAXATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Taxation of the Committee on Finance be authorized to meet during the session of the Senate on June 4, 1992, at 10 a.m. to hold a hearing on executive compensation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, June 4, 1992, at 9:30 a.m., to hold a hearing on S. 2013, a bill to amend chapter 1 of title 17, United States Code, to enable satellite distributors to sue satellite carriers for unlawful discrimination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, June 4, 1992, at 10 a.m. to hold a hearing on Susan H. Black, to be U.S. circuit judge for the 11th circuit; Irene M. Keeley, to be U.S. district judge for the Northern District of West Virginia; Loretta A. Preska, to be U.S. district judge for the Southern District of New York; and Sonia Sotomayor, to be U.S. district judge for the Southern District of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, June 4, at 9:30 a.m. for a hearing on the subject: DOD contract management problems.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., June 4, 1992, to receive testimony on S. 2527, to restore Olympic National Park and the Elwha River Ecosystem and Fisheries in the State of Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, June 4, 1992, at 9:30 a.m. to conduct a hearing on the Exon-Florio provision of the 1988 trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY AND SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology and the Subcommittee on Conventional Forces and Alliance Defense of the Senate Armed Services Committee be authorized to meet on Thursday, June 4, 1992, at 2:30 p.m., in open session, to receive testimony on the impact of the defense builddown on the ability of the U.S. industrial and technology base to meet national security requirements, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, June 4, 1992, at 9:30 a.m., for a hearing on Child Support and S. 2343, the Child Support Assurance Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, June 4, 1992, to consider the nominations of Duane Aker, to be Assistant Secretary for

"(6)(A)(i) If the complaint is not dismissed under paragraph (5)(A), the administrative law judge shall make a determination, after an opportunity for a hearing, on the merits of each claim that is not dismissed under such paragraph. The administrative law judge shall make a determination on the merits of any other nonfrivolous claim under this title, and on any action such Federal employee may appeal to the Merit Systems Protection Board, reasonably expected to arise from the facts on which the complaint is based.

"(ii) In making the determination required by clause (i), the administrative law judge shall—

"(I) decide whether the aggrieved Federal employee was the subject of unlawful intentional discrimination in a department, agency, or other entity of the Federal Government under this title, section 102 of the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, section 4 of the Age Discrimination in Employment Act of 1967, or the Equal Pay Act of 1963; and

"(II) if the employee was the subject of such discrimination, contemporaneously identify the person who engaged in such discrimination.

"(iii) As soon as practicable, the administrative law judge shall—

"(I) determine whether the administrative proceeding with respect to such claim may be maintained as a class proceeding; and

"(II) if the administrative proceeding may be so maintained, describe persons whom the administrative law judge finds to be members of such class.

"(B) With respect to such claim, a party may conduct discovery by such means as may be available in a civil action to the extent determined to be appropriate by the administrative law judge.

"(C) If the aggrieved Federal employee or the respondent fails without good cause to respond fully and in a timely fashion to a request made or approved by the administrative law judge for information or the attendance of a witness, and if such information or such witness is solely in the control of the party who fails to respond, the administrative law judge may, in appropriate circumstances—

"(i) draw an adverse inference that the requested information, or the testimony of the requested witness, would have reflected unfavorably on the party who fails to respond;

"(ii) consider the matters to which such information or such testimony pertains to be established in favor of the opposing party;

"(iii) exclude other evidence offered by the party who fails to respond;

"(iv) grant full or partial relief to the aggrieved Federal employee; or

"(v) take such other action as the administrative law judge considers to be appropriate.

"(D) In a hearing on a claim, the administrative law judge shall—

"(i) limit attendance to persons who have a direct connection with such claim;

"(ii) bring out pertinent facts and relevant employment practices and policies, but—

"(I) exclude irrelevant or unduly repetitious information; and

"(II) not apply the Federal Rules of Evidence strictly;

"(iii) permit all parties to examine and cross-examine witnesses; and

"(iv) require that testimony be given under oath or affirmation.

"(E) At the request of any party or the administrative law judge, a transcript of all or part of such hearing shall be provided in a timely manner and simultaneously to the parties and the Commission. The respondent shall bear the cost of providing such transcript.

"(F) The administrative law judge shall have authority—

"(i) to administer oaths and affirmation;

"(ii) to regulate the course of hearings;

"(iii) to rule on offers of proof and receive evidence;

"(iv) to issue subpoenas to compel—

"(I) the production of documents or information by the entity of the Federal Government in which discrimination is alleged to have occurred; and

"(II) the attendance of witnesses who are Federal officers or employees of such entity;

"(v) to request the Commission to issue subpoenas to compel the production of documents or information by any other entity of the Federal Government and the attendance of other witnesses, except that any witness who is not an officer or employee of an entity of the Federal Government—

"(I) may be compelled only to attend any place—

"(aa) less than 100 miles from the place where such witness resides, is employed, transacts business in person, or is served; or

"(bb) at such other convenient place as is fixed by the administrative law judge; and

"(II) shall be paid fees and allowances, by the party that requests the subpoena, to the same extent that fees and allowances are paid to witnesses under chapter 119 of title 28, United States Code;

"(vi) to exclude witnesses whose testimony would be unduly repetitious;

"(vii) to exclude any person from a hearing for contumacious conduct, or for misbehavior, that obstructs such hearing; and

"(viii) to grant any and all relief of a kind described in subsections (g) and (k) of section 706.

"(G) The administrative law judge and Commission shall have authority to award a reasonable attorney's fee (including expert fees and other litigation expenses), costs, and the same interest to compensate for delay in payment as a court has authority to award under section 706(k).

"(H) The Commission shall have authority to issue subpoenas described in subparagraph (F)(v).

"(I) In the case of contumacy or failure to obey a subpoena issued under subparagraph (F), the United States district court for the judicial district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence.

"(7)(A)(i) The administrative law judge shall issue a written order making the determination required by paragraph (6)(A), and granting or denying relief.

"(ii) The order shall not be reviewable by the respondent, and the respondent shall have no authority to modify or vacate the order.

"(iii) Except as provided in clause (iv) or subparagraph (B), the administrative law judge shall issue the order not later than—

"(I) 210 days after the complaint containing such claim is filed on behalf of a Federal employee; or

"(II) 270 days after the complaint containing such claim is filed on behalf of a class of Federal employees.

"(iv) The time periods described in clause (i) shall not begin running until 30 days after the administrative law judge is assigned to the case if the administrative law judge certifies, in writing, that such 30-day period is needed to secure additional documents or information from the respondent to have a complete administrative record.

"(B) The administrative law judge shall issue such order not later than 30 days after the applicable period specified in subparagraph (A) if the administrative law judge certifies in writing, before the expiration of such applicable period—

"(i) that such 30-day period is necessary to make such determination; and

"(ii) the particular and unusual circumstances that prevent the administrative law judge from complying with the applicable period specified in subparagraph (A).

"(C) The administrative law judge may apply to the Commission to extend any period applicable under subparagraph (A) or (B) if manifest injustice would occur in the absence of such an extension.

"(D) If the aggrieved Federal employee shows that such extension would prejudice a claim of, or otherwise harm, such Federal employee, the Commission—

"(i) may not grant such extension; or

"(ii) shall terminate such extension.

"(E) In addition to findings of fact and conclusions of law, including findings and conclusions pertaining specifically to the decision and identification described in paragraph (6)(A)(ii), such order shall include formal written notice to each party that before the expiration of the 90-day period beginning on the date such party receives such order—

"(i) the aggrieved Federal employee may commence a civil action in an appropriate district court of the United States for de novo review of a claim with respect to which such order is issued; and

"(ii) unless a civil action is commenced in such 90-day period under clause (i) with respect to such claim, any party may file with the Commission a written request for review of the determination made, and relief granted or denied, in such order with respect to such claim.

"(F) Such Federal employee may commence such civil action at any time—

"(i) after the expiration of the applicable period specified in subparagraph (A) or (B); and

"(ii) before the expiration of the 90-day period beginning on the date such Federal employee receives an order described in subparagraph (A).

"(G) The determination made, and relief granted, in such order with respect to a particular claim shall be enforceable immediately, if such order applies to more than one claim and if such employee does not—

"(i) commence a civil action in accordance with subparagraph (E)(i) with respect to the claim; or

"(ii) request review in accordance with subparagraph (E)(ii) with respect to the claim.

"(g)(1) If a party timely files a written request in accordance with subsection (f)(5)(B)(i) or (f)(7)(E)(ii) with the Commission for review of the determination made, and relief granted or denied, with respect to a claim in such order, then the Commission shall immediately transmit a copy of such request to the other parties involved and to the administrative law judge who issued such order.

"(2) Not later than 7 days after receiving a copy of such request, the administrative law judge shall transmit to the Commission the record of the proceeding on which such order is based, including all documents and information collected by the respondent under subsection (d).

"(3)(A) After allowing the parties to file briefs with respect to such determination, the Commission shall issue an order applicable with respect to such claim affirming, reversing, or modifying the applicable provisions of the order of the administrative law judge not later than—

"(i) 150 days after receiving such request; or

"(ii) 30 days after such 150-day period if the Commission certifies in writing, before the expiration of such 150-day period—

"(I) that such 30-day period is necessary to review such claim; and

"(II) the particular and unusual circumstances that prevent the Commission from complying with clause (i).

"(B) The Commission shall affirm the determination made, and relief granted or denied, by the administrative law judge with respect to such claim if such determination and such relief are supported by substantial evidence in the record taken as a whole. The findings of fact of the administrative law judge shall be conclusive unless the Commission determines that they are clearly erroneous.

"(C) In addition to findings of fact and conclusions of law, including findings and conclusions pertaining specifically to the decision and identification described in subsection (f)(6)(A)(ii), the Commission shall include in the order of the Commission formal written notice to the aggrieved Federal employee that, before the expiration of the 90-day period beginning on the date such Federal employee receives such order, such Federal employee may commence a civil action in an appropriate district court of the United States for de novo review of a claim with respect to which such order is issued.

"(D) Such Federal employee may commence such civil action at any time—

"(i) after the expiration of the applicable period specified in subparagraph (A); and

"(ii) before the expiration of the 90-day period specified in subparagraph (C).

"(h)(1) In addition to the periods authorized by subsections (f)(7)(F) and (g)(3)(D), an aggrieved Federal employee may commence a civil action in an appropriate district court of the United States for de novo review of a claim—

"(A) during the period beginning 300 days after the Federal employee timely requests an administrative determination under subsection (f) with respect to such claim and ending on the date the administrative law judge issues an order under such subsection with respect to such claim; and

"(B) during the period beginning 180 days after such Federal employee timely requests review under subsection (g) of such determination with respect to such claim and ending on the date the Commission issues an order under such subsection with respect to such claim.

"(2) Whenever a civil action is commenced timely and otherwise in accordance with this section to determine the merits of a claim arising under this section, the jurisdiction of the administrative law judge or the Commission (as the case may be) to determine the merits of such claim shall terminate.

"(i) A Federal employee who prevails on a claim arising under this section, or the Commission, may bring a civil action in an appropriate district court of the United States to enforce—

"(1) the provisions of a settlement agreement applicable to such claim;

"(2) the provisions of an order issued by an administrative law judge under subsection (f)(7)(A) applicable to such claim if—

"(A) a request is not timely filed of such claim under subsection (g)(1) for review of such claim by the Commission; and

"(B) a civil action is not timely commenced under subsection (f)(7)(F) for de novo review of such claim; or

"(3) the provisions of an order issued by the Commission under subsection (g)(3)(A) applicable to such claim if a civil action is not commenced timely under subsection (g)(3)(D) for de novo review of such claim.

"(j) Any amount awarded under this section (including fees, costs, and interest awarded under subsection (f)(6)(G)), or under title 28, United States Code, with respect to a violation of subsection (a), shall be paid by the entity of the Federal Government that violated such subsection from any funds made available to such entity by appropriation or otherwise.

"(k)(1) An entity of the Federal Government against which a claim of discrimination or retaliation is alleged under this section shall grant the aggrieved Federal employee a reasonable amount of official time, in accordance with regulations issued by the Commission, to prepare an administrative complaint based on such allegation and to participate in administrative proceedings relating to such claim.

"(2) An entity of the Federal Government against which a claim of discrimination is alleged in a complaint filed in a civil action under this section shall grant the aggrieved Federal employee paid leave for time reasonably expended to prepare for, and participate in, such civil action. Such leave shall be granted in accordance with regulations issued by the Commission, except that such leave shall include reasonable time for—

"(A) attendance at depositions;

"(B) meetings with counsel;

"(C) other ordinary and legitimate undertakings in such civil action, that require the presence of such Federal employee; and

"(D) attendance at such civil action.

"(3) If the administrative law judge or the Commission (as the case may be), makes or affirms a determination of intentional unlawful discrimination as described in subsection (f)(6)(A), the administrative law judge or Commission, respectively, shall—

"(A) impose appropriate sanctions on such Federal employee; and

"(B) not later than 30 days after issuing the order described in subsection (f)(7) or (g)(3), as appropriate, submit to the Special Counsel the order and a copy of the record compiled at any hearing on which the order is based.

"(4)(A) On receipt of the submission described in paragraph (3)(B), the Special Counsel shall conduct an investigation in accordance with section 1214 of title 5, United States Code, and may initiate disciplinary proceedings against any person identified in a determination described in subsection (f)(6)(A)(ii)(II), if the Special Counsel finds that the requirements of section 1215 of title 5, United States Code, have been satisfied.

"(B) The Special Counsel shall conduct such proceedings in accordance with such section, and shall accord to the person described in subparagraph (A) the rights available to the person under such section.

"(l) This section, as in effect immediately before the effective date of the Federal Employee Fairness Act of 1992, shall apply with respect to employment in the Library of Congress."; and

(6) by adding at the end the following new subsection:

"(o)(1) Each respondent that is the subject of a complaint that has not been resolved under this section, or that has been resolved under this section within the most recent calendar year, shall prepare a report. The report shall contain information regarding the complaint, including the resolution of the complaint if applicable, and the measures taken by the respondent to lower the average number of days necessary to resolve such complaints.

"(2) Not later than October 1 of each year, the respondent shall submit to the Commission the report described in paragraph (1).

"(3) Not later than December 1 of each year, the Commission shall submit to the appropriate committees of the House of Representatives and of the Senate a report summarizing the information contained in the reports submitted in accordance with paragraph (2).".

SEC. 3. AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT.

(a) ENFORCEMENT BY EEOC.—Section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a) is amended—

(1) by striking subsections (c) and (d); and

(2) by inserting after subsection (b) the following:

"(c)(1) Any individual aggrieved by a violation of subsection (a) may file a complaint with the Equal Employment Opportunity Commission in accordance with subsections (c) through (m), and subsection (o), of section 717 of the Civil Rights Act of 1964.

"(2) Except as provided in subsection (d), such subsections of section 717 shall apply to a violation alleged in a complaint filed under paragraph (1) in the same manner as such section applies to a claim arising under section 717 of such Act.

"(d)(1) If an individual aggrieved by a violation of this section does not file a complaint under subsection (c)(1), such individual may commence a civil action in an appropriate district court of the United States for de novo review of such violation—

"(A) not less than 30 days after filing with the Equal Employment Opportunity Commission a notice of intent to commence such action; and

"(B) not more than 2 years after the alleged violation of this section occurs.

"(2) On receiving such notice, the Equal Employment Opportunity Commission shall—

"(A) promptly notify all persons named in such notice as prospective defendants in such action; and

"(B) take any appropriate action to ensure the elimination of any unlawful practice.

"(3) Section 717(m) of the Civil Rights Act of 1964 (as redesignated by section 2 of the Federal Employee Fairness Act of 1992) shall apply to civil actions commenced under this subsection in the same manner as such section applies to civil actions commenced under section 717 of the Civil Rights Act of 1964.".

(b) OPPORTUNITY TO COMMENCE CIVIL ACTION.—If a complaint filed under section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a) with the Equal Employment Opportunity Commission is pending in the period beginning on the date of the enactment of this Act and ending on December 31, 1992, the individual who filed such complaint may commence a civil action under such section not later than June 30, 1993.

SEC. 4. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) GRIEVANCE PROCEDURES.—Section 7121 of title 5, United States Code, is amended—

(1) in subsection (a)(1) by inserting "administrative" after "exclusive"; and

among the lowest in the industry. This spring a five member team at our Gary Works plant won first place in the national Quality Cup competition sponsored jointly by USA Today and the Rochester Institute of Technology. We're very proud of our entire team at the Gary Works plant.

Because American steel plants are more productive, we are also able to offer our customers lower prices. U.S.-produced steel is now among the lowest-priced in the world. In 1990, for example, carbon steel products in the U.S. averaged approximately $520 per ton. This compared to a price range of $575 to $600 that prevailed in Germany, Japan, France, and the U.K.

Our industry has also taken major steps to provide for workers whose jobs have been lost as the industry has restructured itself in recent years to compete more effectively. Under the worker retraining program instituted by Congress in 1984, the steel industry has spent millions to assist displaced workers to obtain skills and opportunities to start over. For existing employees, the domestic industry during 1990 and 1991 spent almost $180 million to provide retraining in the operation of modernized equipment and the development of technical steelmaking skills.

Mr. Chairman, let me now turn to the not-so-good news. Overall, our manufacturing sector continues to decline. In 1983, one of every four private sector jobs was in manufacturing; now it is just one in five. These jobs have gone to the service sector, which increased total employment over the same period from 67 million to 85 million, an increase of more than 27%.

What's troubling about these statistics is that swapping a manufacturing job for a service sector job is not an even exchange. The average pay of a manufacturing job is $460 per week, compared with the average pay of $361 per week for the private sector as a whole. Therefore, when a worker loses his manufacturing job and has to take a service job instead, the worker suffers a pay cut of nearly 22%. That's pretty tough for a family to endure when it is just trying to make ends meet in these difficult times. Moreover, once a worker with manufacturing skills slips back into the service sector, it is very difficult and costly to retrain that worker for manufacturing again: manufacturing skills once lost usually remain lost.

The past year in particular has been a difficult one for the domestic steel industry. Here are just a few figures that show how hard our industry has been hit:

For 1991, U.S. steel companies have experienced operating losses in excess of $2.5 billion.

Industry operating rates for 1991 fell to 74%, from an 85% operating rate in 1990.

The number of jobs in the domestic steel industry shrunk by an additional 20,000 during 1991, with total employment dropping to 183,200, down from 204,000 in 1990.

Domestic steel industry shipments to the auto industry in 1991 totaled just 9.4 million tons, a decrease of one million tons from 1990. The 1991 figures represent a 25-year low for the domestic steel industry.

These figures show that despite the best efforts of the American steel industry, our markets continue to shrink and our operating losses continue to mount. Unquestionably, the economic downturn is a significant factor, but over the long run, if the American steel industry is to compete effectively in the global marketplace, we must fully understand what our competitors are doing, and we must be prepared to adjust our nation's trade and economic policies accordingly.

IMPACT OF TRADE DEFICITS

The domestic steel industry continues to find itself affected by the uneven playing field of international trade. Nowhere is the field more uneven than in the area of automotive manufacturing, where Japan's excess automotive manufacturing capacity is being used to target the American market. These imports directly endanger the domestic steel industry's position as the largest materials supplier to the U.S. auto industry. Consider just a few telling statistics about the U.S.-Japan trade deficit:

Over the past 10 years, Japan has accounted for nearly 40% of the overall U.S. trade deficit. Out of a total U.S. trade deficit of $1 trillion, Japan's share exceeds $400 billion.

Our annual trade deficit with Japan exceeds $42 billion. Of this amount, nearly ¾—or $31 billion—is attributable to imports of automobiles and auto parts. A 1991 report by the Transportation Research Institute at the University of Michigan projects that if we continue on our present course there will be a 23% increase in the U.S.-Japan automotive trade deficit between now and 1994, to $38.15 billion.

Over the past four years, our trade deficit with other countries has come down sharply—from $70 billion in 1987 to $28 billion last year (and virtually this entire amount is attributable to crude oil imports). However, the trade deficit with Japan remains stubbornly high; the U.S.-Japan trade deficit has come down only minimally during the past four years.

Japanese manufacturers account for 30% of the U.S. auto market, and 10% of the European market (where Japanese auto imports are controlled). By contrast, only 3% of the Japanese auto market is supplied by non-Japanese manufacturers.

The U.S. automobile plant closings that we have been reading and hearing about over the past 24 months—GM alone is planning to close 21 plants, with expected layoffs of 74,000 workers—and the parallel retrenchment that the steel industry has been experiencing, threaten the long-term viability of our basic manufacturing sector. We have been the victims of unfair international trade practices, many of them stemming from Japan. These include, for example, dumping of below-market priced manufactured goods, exemption from regulation, discriminatory tax and certification systems, and closed distribution systems and dealer networks, all reflecting the anticompetitive relationship between Japanese vehicle and parts manufacturers and automobile dealers. Our nation simply cannot stand by while our manufacturing base disappears under an onslaught of underpriced Japanese cars and automotive parts.

In my judgment, major changes are needed in our trade and tax policies if we want to reverse these trends.

TRADE INITIATIVES

Last month, the domestic steel industry took steps on its own to confront unfair trading practices by our trading partners. On May 8, the six largest domestic steel producers announced the initiation of consultations with the Department of Commerce and the International Trade Commission preliminary to the filing of cases against unfairly traded steel. The companies are, in addition to USX, Armco, Bethlehem, LTV, Inland, and National. The cases under discussion involve dumped and subsidized imports of flat-rolled carbon steel products, including hot-rolled sheets, cold-rolled sheets, and galvanized and plate steel.

Our companies will show that certain of our major trading partners have been unfairly subsidizing their steel, and selling their flat rolled steel products at prices below value and in some instances below the costs of producing the product. We believe that subsidies are continuing in 12 countries, including Brazil, Mexico, Spain, and Turkey. In addition, new subsidy programs have been initiated in another 11 countries, including France, India, Indonesia, and Thailand. In developing countries, government-owned or government-controlled steel companies have become the rule: in such countries, nationally owned or operated companies increased their share of steel output from 32% to 55% between 1968 and 1986.

In just the last 12 years, we believe foreign countries have spent more than $100 billion to subsidize their steel industries. Europe alone spent more money on steel subsidies than the U.S. spent in putting a man on the moon. It is not uncommon to find foreign companies that sell steel in the U.S. at 60% less than its value. We also expect to prove that large unfair margins exist, and that these margins are causing substantial injury to our industry.

However, the industry cannot be expected to act wholly on its own to correct the nation's trade imbalances. We strongly believe that legislative action to strengthen our nation's trade laws is needed in addition.

Mr. Chairman, let me just briefly suggest a few steps that I believe should be undertaken.

First, we need to renew "super 301" authority under Section 310 of the Trade Act for an additional five years, from 1993 through 1997. This power, which required USTR to annually identify barriers and trade-distorting practices in our trading partners, and to initiate section 310 investigations on the basis of these findings, proved to be a useful tool. Congress should renew this provision without further delay.

Second, we believe legislation should be adopted that requires the initiation of a Section 301 case aimed at Japan's systemic anticompetitive practices in auto parts. These practices prevent U.S. parts manufacturers from penetrating the Japanese distribution system. Such a proceeding would also determine whether Japanese auto parts are sold in the U.S. below their fair market value or cost of production. Should Japanese auto parts be proved to be dumped, appropriate duties should be imposed.

Third, we need more effective mechanisms for preventing circumvention of outstanding countervailing duty and antidumping cases. For example, the scope of antidumping orders should include parts and components supplied by companies in third countries that have historically supplied such parts to the original producer, particularly if such parts are included in products assembled in the United States or a third country.

Fourth, we need to take direct action to reduce the Nation's trade deficit, particularly that with Japan. We support legislation that would mandate that the trade deficit with Japan be reduced by a set percentage each year, such as 20%. To put teeth in this mandate, if Japan refuses to take the steps necessary to achieve the 20% annual reductions, its share of the U.S. car market should be reduced by 250,000 units per year over the next five years.

A reduction of 20% in the trade deficit would greatly improve the job picture in this country. A 20% reduction would shave $8 billion from the U.S.-Japan trade deficit, and this in turn would enable an additional 180,000 Americans to go back to work. Similar gains would be realized in the second, third, fourth, and fifth years as well.

At a minimum, Congress should consider requiring the President to negotiate voluntary restraint agreements with Japan regarding autos and light trucks. Such VRA's for Japanese auto imports would give the U.S. automotive industry the breathing room it needs to restore competitiveness.

Fifth, legislation is needed to bolster the rights of companies aggrieved by unfair foreign trading practices with a private cause of action in federal court to redress these grievances. Unfortunately, under our current trade law regime, the real injured parties—U.S. companies—are not allowed direct access to the courts to obtain immediate redress. Legislation has been proposed that would provide U.S. companies with the right to stop trade law violations without having to rely on the executive branch to impose discipline on our trading partners. There are alternative proposals that would direct the executive branch to negotiate new rules in this area with our trading partners.

If Congress proceeds with this legislation, it is important to provide for a private right of action for three particularly damaging foreign trading practices: customs fraud, dumping and subsidy violations. As I am sure you are aware, the steel industry has been substantially damaged over the past two decades by illegal dumping and subsidies, and we believe it is absolutely essential that these be included in an effective private right of action bill.

Finally, we also have to be attentive to decisions that are made in the international arena, and to ensure that our existing trade sanctions remain fully effective under the GATT. In this regard, I am strongly against the proposed dumping and subsidy code revisions that were circulated earlier this year by GATT Director General Arthur Dunkel.

For example, the Dunkel Draft would leave existing U.S. trade laws vulnerable to attack by GATT panels. It would also fail to close loopholes for dumping and subsidies, and leave many unfair practices in developed and developing countries completely untouched. In addition, the Dunkel antidumping proposals fail to explicitly recognize the cumulation of dumped imports from multiple countries when an injury determination is made. Current U.S. practices regarding cumulation would again be vulnerable to a negative GATT panel ruling. This runs the risk of further weakening our trade remedies.

I hope this committee will join with me in urging that these provisions be substantially modified at such time as the Uruguay Round negotiators resume their talks.

TAX AND OTHER INITIATIVES

We are concerned about the direction tax policy has taken in this country since 1982. Tax legislation since that time has been revenue driven with little consideration given to effects on international competitiveness even though our markets and our competitors are global. As a result, our current tax law is anti-competitive and gives our foreign competitors a distinct advantage. We need changes in several areas.

First of all, one of the most anti-competitive aspects of current tax law is the alternative minimum tax, or AMT, which went into effect in 1987.

The AMT was designed to insure that corporations with substantial economic income would not be able to avoid significant federal income tax liability. With the perception of fairness as an overriding objective, Congress did not sufficiently focus on the perverse impact the AMT would have on capital intensive companies and especially those which operate in cyclical industries such as energy, steel, motor vehicles, chemicals, airlines and others.

Our 1991 results provide a dramatic example of the impact of the AMT on corporations such as USX. In 1991, on a reported earnings basis, we lost $578 million, and had a corresponding substantial net operating loss for regular tax purposes.

Despite these financial and net operating losses, USX paid Alternative Minimum Taxes for 1991. The primary reason for this result is that under the AMT framework, capital cost recovery is much slower than under the regular tax. USX capital spending has amounted to nearly $6.6 billion since 1987. Investment of this magnitude has and will continue to be necessary for us to maintain our international competitiveness, but the AMT depreciation treatment punishes these productive investments.

Prior to 1987, the cash flow effect of federal income taxes tended to be counter-cyclical. Taxes reduced corporate cash flow as taxable income increased and had a positive impact in loss years due to the ability to carry losses back to prior years and receive a current refund. This relationship changed drastically as a result of the AMT. What we now face is a tax system which is pro-cyclical in that it amplifies the negative cash flow effect of a recession on companies, thereby leading to slower economic recovery.

Second, we are deeply concerned over proposals for higher energy and environmental taxes which would jeopardize the ability of U.S. industry to compete internationally. These proposals would have anti-competitive impacts far beyond what energy tax proponents may realize and will put U.S. manufacturers, including USX, in a dangerous international competitive position.

During negotiations on the 1991 federal budget, Congress looked at a variety of energy and environmental taxes as potential revenue sources. These proposals include an increase in the motor fuel tax, a new BTU tax, taxes on "virgin" materials, new ad valorem energy taxes, and a carbon energy tax. Fortunately, other than a five-cent per gallon increase in the motor fuel tax, none of these proposals were enacted. We wish to reemphasize our opposition to any renewed consideration of energy tax initiatives.

Third, we must have different tax treatment for our mushrooming environmental expenditures. EPA estimates that the domestic steel industry faces up to $5-6 billion in environmental compliance expenditures under the air toxics provisions of the 1990 Clean Air Act Amendments. In 1990 alone, the domestic steel industry invested more than a quarter of a billion dollars in air, water, and solid waste control. Although we recognize the need to clean up our environment, and we are committed to doing our part, these expenditures divert capital which would otherwise be available to improve the steel industry's competitive position. To mitigate this impact, the tax laws should be amended to allow the immediate expensing or enhanced depreciation of pollution control expenditures, and such expenditures should not be subject to the AMT.

Fourth, I am convinced that our present tax system must change if U.S. industry is to be world competitive. Virtually all of America's major trading partners already have a border-adjustable tax that is levied on imports and rebated on exports. Under the current tax system, American companies' sales are taxed twice. They are subject to U.S. income taxes on products manufactured here, and a value-added tax is imposed by most of the countries where American products are shipped. However, when foreign companies export products to our market, those sales are exempt from their home country value-added tax and there is no comparable U.S. tax imposed on these imports as they enter our borders. The adoption of a properly constructed border-adjustable tax would help put domestic industries on a more equal tax footing with most of our foreign competitors. Such a tax would have a further positive impact as it would apply to foreign companies which now largely escape U.S. taxes altogether. We support the concept of replacing the entire present income-based business tax system with a broad-based consumption type border-adjustable tax. If carefully crafted, this new approach would leave U.S. companies essentially revenue neutral as compared to the present system, but would finally impose comparable U.S. tax costs on foreign companies who choose to sell in our Nation's markets.

Finally, I hope Congress will address the issue of health care reform during the current session, and we appreciate your leadership in health care policy. In our industry, health care costs have risen by 177% over the past decade, and our annual health care bill now exceeds $1 billion. Many American automotive and steel plants employ older labor forces, often in urban areas, and thus are faced with staggering health benefit costs. By contrast, the newer Japanese transplant factories tend to employ largely rural, relatively young labor forces, with significantly lower health care costs. We hope Congress will take a close look at requiring the use of regional reimbursement schedules by hospitals and physicians, and the imposition of national spending targets and improved quality measurement systems.

Mr. Chairman, the American steel industry of 1992 is not the one that existed in 1972 or 1982. We are now in all respects world class. We have made the tough adjustments that we needed to make. We are efficient and we produce top quality products. But we are not operating in a vacuum. Our trade policies must provide us with a level playing field to compete fairly and effectively with our trading partners. Our tax polices must be restructured to enable us to remain fully competitive and productive.

Mr. Chairman, we need your help in remedying our Nation's tax and trade policies. We will accomplish the rest of the task on our own.

That completes my prepared statement. I would be happy to answer any questions the Committee may have.•

CAPT. WILLIAM PINKNEY

• Mr. KERRY. Mr. President, history is being made in Boston today. Capt. William Pinkney will sail into Boston Harbor, becoming the first African-American to sail solo around the world.

His inspiring journey has been followed by enthusiastic Massachusetts students, thanks to Boston Voyages in Learning. During the 1990-91 school year, 25 teachers and their classes from the greater Boston public schools integrated Captain Pinkney's trip from Boston, MA, to Hobart, Tasmania, into their curricula in mathematics, envialways manages to find time for various charitable and service activities. He gives generously of his time and resources to improve the lives of countless others. I know that Dave will continue to give freely of his time and self because these qualities are so much a part of his character.

The Retired Detectives Association is also honoring Councilman Ed Buscemi. In addition to his city council duties Ed volunteers as the executive director and vice president of the Long Beach Chamber of Commerce. He has spent all of his adult life in public service. Ed is an altruist whose generosity has been acknowledged many times in the past and is most deserving of the tribute that is being paid to him this month. To be the recipient of this award is something to be most proud of. Ed has demonstrated the kind of strong leadership that this country so vitally needs, both now and in the future. Ed Buscemi is one of those outstanding personalities whose law enforcement and governmental service have won him a place of high regard in New York. Mr. President, it is my honor to pay tribute to both of these fine gentlemen today.●

ORDER OF BUSINESS

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

AUTHORIZATION FOR TESTIMONY BY SENATE EMPLOYEE

Mr. MITCHELL. Mr. President, on behalf of myself and the distinghished Republican leader, Senator DOLE, I send to the desk a resolution on authorization for testimony by a Senate employee and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 309) to authorize testimony by an employee of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the plaintiff in an action pending in Federal district court in Montana seeks payment from the defendant for services the plaintiff claims to have performed, including his alleged efforts to obtain a mining permit for the defendant by seeking the assistance of the office of Senator BAUCUS. The defendant in the case seeks to depose Sharon Peterson, a Senate employee on the staff of Senator BAUCUS, in order to help demonstrate that the mining permit was not obtained as a result of any efforts by the Senator's office. The following resolution would authorize Ms. Peterson to testify in this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 309), with its preamble, is as follows:

S. RES. 309

Whereas in the case of Robinson v. Addwest Gold, Inc., et al., Civ. No. 91–20–BU–PGH, pending in the United States District Court for the District of Montana, the defendant seeks the testimony of Sharon Peterson, an employee of the Senate on the staff of Senator Max Baucus;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate:

Whereas pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities: Now, therefore, be it

Resolved, That Sharon Peterson is authorized to testify in Robinson v. Addwest Gold, Inc., et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Sharon Peterson in connection with the testimony authorized by section one of this resolution.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR FRIDAY, JUNE 5 AND TUESDAY, JUNE 9, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, June 5; that when the Senate meets on Friday, it meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 9 a.m. on Tuesday, June 9; that on Tuesday, following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator GORTON recognized for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:20 p.m., recessed until Friday, June 5, 1992, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 1992:

OVERSEAS PRIVATE INVESTMENT CORPORATION

DONALD M. KENDALL, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 17, 1992, VICE J. CARTER BEESE, JR., RESIGNED.

DONALD M. KENDALL, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1995. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

MAJ. GEN. HUGH L. COX III, USAF (RET) [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. WILLIAM P. BLAND, JR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. CHARLES M. BUTLER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. NELSON E. DURGIN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. ALLEN W. BOONE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. BRUCE G. BRAMLETTE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RENDELL F. CLARK, JR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES R. HENDRICKSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JACK D. KOCH, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ALLEN M. MIZUMOTO, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. GARY P. MORGAN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. C.D. PAYNE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ROBERT L. PRIVETT [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. XEL SANT'ANNA, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. LORAN C. SCHNAIDT, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. FRED R. SLOAN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOHN H. SMITH, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ALBERT H. WILKENING, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RICHARD B. YULES, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM S. CARPENTER, JR., [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN J. YEOSOCK [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTED TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES R. ELLIS [redacted], U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. BARRY R. MCCAFFREY [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (LOWER HALF) RONALD RHYS MORGAN, [redacted] U.S. NAVAL RESERVE.

REAR ADM. (LOWER HALF) JOHN TWOHEY NATTER, [redacted] U.S. NAVAL RESERVE.

REAR ADM. (LOWER HALF) KENNETH WILLIAM PETTIGREW [redacted] U.S. NAVAL RESERVE.

AEROSPACE ENGINEERING DUTY OFFICER

REAR ADM. (LOWER HALF) KENNETH PAUL MANNING, [redacted] U.S. NAVAL RESERVE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

GARY V. CASIDA, [redacted]

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS TRAINING CORPS, USN

To be ensign; permanent

ROGER D. ALLENBAUGH
MICHAEL A. ANDREWS
CARIN C. ARMSTRONG
BRADLEY T. BORDEN
ALEXIS K. BOYKIN
FREDRICK L. BROUSSARD
BRENT A. BURKIS
MARK A. CALDERON
TRINA M. CALLI
PAUL A. CARELLI
JOHN P. COULURIS
CHRISTOPHER S. COWAN
ROBERT D. CROXSON
MATTHEW A. DEAN
KENNETH T. DESJARDINS
TIMOTHY D. ESH
ROBERT M. GAETA
ARLENE J. GRAY
MARK C. GRINDLE
JAMES T. HALL
JOHN D. HARRELL
RICHARD K. HARRISON
PATRICIA A. HOSKINSON
LYMAN D. HOWARD
CHRISTOPHER T. JOHNSON
PHILIP J. KASE
DANIEL J. KENDA
BRIAN S. LENK
JOHN A. LONG
SCOTT H. LOUDENBECK
JOHN A. LYONS
SEAN P. MCDONALD
MARK A. MELSON
CHARLES N. MILLER
JAMES A. MITCHELL
KYLE S. MOSES
COLEY R. MYERS, III
BRIAN K. NEELY
FRANCO F. NETO
LANCE D. PARNELL
JILL M. PATTERSON
PETRONILA L. REYES
JOSEPH R. SCHAFF
THEODORE R. SPICER
PHILLIP A. STARR
JONATHAN D. SULLIVAN

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOHN W. MORONEY
RICHARD V. TIMMS

THE FOLLOWING NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CHARLES J. BAKER
JAMES R. GLENN
JOHN R. JOHNSON
MATTHEW K. JONES
KENNETH F. KEANE
DALE A. LOKEY
JERRY S. NESSETH
MARVIN P. RUSH
PETER J. STAUFENBERGER
ROBERT W. THOMPSON

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JEFFREY D. BENNET
WALTER M. BENNETT
TODD A. BRAYNARD
PETER Y. CHEUNG
JEFFREY D. GRANT
LANCE C. HALL
ANTON J. HARTMAN
RUSSELL A. HERMANN
JANET C. JACOBSON
SEAN P. KELLEY
MATTHEW J. LEHMAN
SHANE W. MANEVAL
VICTOR S. SCHWARTZ
BRIAN W. SULLIVAN
MARC J. VALADEZ
JOHN O. WESSON
MICHAEL D. WHEELER

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

DAVID A. BOLTON
JOSEPH W. HETTICH
PAUL S. KRUSH
ROBERT D. MILLER

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

RAYMOND ALEXANDER
PETER J. CAHILL
STEPHEN D. MCDERMITT

THE FOLLOWING U.S. NAVY OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CHARLES R. REUNING

THE FOLLOWING U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LYLE W. SWANSON

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR APPOINTMENT INTO THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531:

To be major

DONALD R. GIBBS, [redacted]

To be captain

JEFFERY A. AIVAZ [redacted]
KELLY D. ALLENDER [redacted]
DAVID P. BACKUS, [redacted]
BARRY K. BAKER, [redacted]
ROBERT C. BERRY [redacted]
DANIEL R. BEVAN, [redacted]
JAMES L. BIGGERS, JR [redacted]
ROBERT L. BOWDEN, III [redacted]
JOSEPH G. BOWE, [redacted]
ERIC V. BRYANT, [redacted]
WILLIAM H. BUCKEY, [redacted]
ELOY CAMPOS, [redacted]
RICHARD E. CARRASCO, [redacted]
CARL W. CARRELL, [redacted]
ROBERT J. CHARETTE [redacted]
JERRY T. CHRISTENSEN [redacted]
TROY M. COMISKEY, [redacted]
EDWIN B. COYL, III, [redacted]
WILLIAM D. CURRY, [redacted]
JOHN J. DALY [redacted]
HUBERT A. DAVIS, III [redacted]
WILLIAM P. DELANEY [redacted]
PATRICK J. DELONG [redacted]
PETER J. DEPATIE [redacted]
CURTIS C. DEPPNER [redacted]
JON D. FLEMING, [redacted]
PATRICK D. FORD [redacted]
RICHARD A. FORTE, JR [redacted]
GREGORY T. FRAZIER [redacted]
JAMES D. GRIFFIN, III [redacted]
JAMES R. HALL [redacted]
ERIC C. HANLY, [redacted]
PHILLIP D. HARWARD [redacted]
RADFORD D. HASTINGS [redacted]
BRUCE T. HILGARTNER [redacted]
LESTER B. HOPKINS [redacted]
JERRY G. JAMISON [redacted]
RICHARD B. JAQUES [redacted]
MICHAEL P. JONES [redacted]
DARREN S. JUMP [redacted]
SCOTT H. KENDRICKS, [redacted]
GREGORY F. KLEINE [redacted]
MICHAEL K. KOZIK, [redacted]
DANIEL J. LECCE [redacted]
ALAN D. LECLERC [redacted]
CHRISTOPHER D. LEE [redacted]
TODD L. LEHFELDT [redacted]
TODD L. LLOYD, [redacted]
EARL LOWERY, JR [redacted]
ROBERT D. LOYND, [redacted]
MATTHEW P. LUTZ, [redacted]
DOUGLAS J. MACKENZIE [redacted]
JAMES P. MCDERMOTT, [redacted]
BRIAN R. MCINTYRE [redacted]
JOSEPH A. MICHALEK, III [redacted]
RICHARD O. MILES, JR [redacted]
KURT L. MILLER [redacted]
ROBERT M. MILLER [redacted]
JEFFERY M. MONIZ [redacted]
BOBBY A. MOSLEY, [redacted]
DANIEL E. MURNER [redacted]
MICHAEL A. OHALLORAN, [redacted]
DANIEL G. PURCELL [redacted]
MICHAEL C. REILLY, [redacted]
LAMONT W. RHONDEAU, [redacted]
PATRICK R. RINK, [redacted]
THOMAS M. ROBERTSON, [redacted]
CHRISTOPHER P. ROUSSEY [redacted]
LORI M. SAFRIT, [redacted]
DOUGLAS L. SAMPSON, [redacted]
MICHAEL L. SAUNDERS, [redacted]
PETER H. SENNETT [redacted]
SHANNON A. SHY, [redacted]
THOMAS G. SMYTH, [redacted]
MICHAEL T. SOLARI, [redacted]
WENDY A. STEWART, [redacted]
CHARLES W. STUBBS, [redacted]
MARK A. TAYLOR, [redacted]
GREGORY M. TOLLIVER [redacted]
HECTOR J. VELEZ [redacted]
JIMMY D. WALLACE, II [redacted]
LARRY W. WEIDNER, II, [redacted]
WILLIAM J. WEISS, JR [redacted]
EDWARD C. WILLIAMS, [redacted]
HENRY B. WILLIAMSON, [redacted]
DAN B. WILLIS, [redacted]
ANTHONY L. WINTERS, [redacted]
ERIK M. WOLF, [redacted]
WALTER W. WRIGHT, [redacted]

To be first lieutenant

JAMES N. ADAMS, [redacted]
JULIAN D. ALFORD [redacted]
GINO P. AMOROSO, [redacted]
STEVEN J. ANDERSON [redacted]
WALTER T. ANDERSON, [redacted]
GLENN R. ARMAGOST, [redacted]
SOREN P. ASHMALL, [redacted]
EUGENE M. AUGUSTINE, JR [redacted]
BRUCE W. BARNHILL, [redacted]
JOHN W. BATEMAN, [redacted]
TERRANCE A. BEATTY [redacted]
PETER G. BLACKWELL [redacted]
BRIAN J. BLANCHARD, [redacted]
DAVID J. BLIGH, [redacted]
PATRICK S. BLUMBAUGH, [redacted]
MICHAEL S. BODKIN, [redacted]
GREGORY A. BRANIGAN, [redacted]
ROBERT P. BRYANT, [redacted]
PETER D. BUCK, [redacted]
STEVEN L. BUCKLEY, [redacted]
RICKY A. BURGESS, [redacted]
SCOTT A. BURK, [redacted]
DENNIS T. BURKE, [redacted]
ROBERT C. BURNS, [redacted]
THEODORE E. CALDWELL, JR [redacted]
RICHARD J. CAPITAN, [redacted]
WAYNE A. CARDONI, JR, [redacted]
PATRICK B. CASEY, [redacted]
ANDREW S. CAUTHEN, [redacted]
DANIEL J. CERNIGLIA [redacted]
JEFFREY R. CHESSANI [redacted]
WILLIAM J. CONLEY, JR [redacted]
MARK E. COSTELLO, [redacted]
CHRISTOPHER J. CROTEAU [redacted]
ROBERT H. DAHLA, [redacted]
JOHN M. DANTIC, [redacted]
SCOTT D. DAVIS, [redacted]
DARRIN DENNY, [redacted]
FRANCIS L. DONOVAN, [redacted]
CHRISTOPHER S. DOWLING, [redacted]
LY T. DRUMMOND, [redacted]
JEFFREY W. DUKES, [redacted]
BLANE D. DYE, [redacted]
KIRK S. EBBS, [redacted]
KENNETH E. ENNEY, JR [redacted]
TODD L. ERLINGER, [redacted]
ROBB P. ETNYRE, [redacted]
DAVID G. FISCHER, [redacted]
ROBIN A. GALLANT, [redacted]
JOSEPH E. GEORGE [redacted]
ROBERT L. GLENDENING [redacted]
JOSEPH P. GRANATA [redacted]
ANTHONY P. GRAVESBUCKINGHAM, [redacted]
PAUL D. GREATSINGER [redacted]
MARK L. GRISSOM, [redacted]
CHRIS M. GROOMS, [redacted]
CHARLES J. GUMMOW, [redacted]
DONALD K. HANSEN, [redacted]
BLAISE D. HARDING, [redacted]
JORDAN W. HARDING, [redacted]
DAVID E. HARMAN, [redacted]
THOMAS P. HAWKINS, [redacted]
TIMOTHY M. HEATHERMAN, [redacted]
STUART B. HELGESON [redacted]
PAUL V. HICKEY, [redacted]
JEFFREY M. HINES [redacted]
MARK R. HOLLAHAN, [redacted]
JAMES G. HORTON, [redacted]
SCOTT A. HUELSE, [redacted]
KIMBERLY A. HUNTER, [redacted]
MICHAEL A. HUNTER, [redacted]
VINCENT M. HUTCHERSON, [redacted]
RICHARD G. JETHON, [redacted]
BRIAN T. JOSTEN [redacted]
WILLIAM M. JURNEY [redacted]
DUFF G. KELLY [redacted]
MARK A. KOCKLER, [redacted]
DAVID P. KRIZOV, [redacted]
JAMES F. KROMBERG [redacted]
ROD M. KRUTULIS, [redacted]
CHRIS D. LANDRY, [redacted]
ROBERT M. LEMBKE, [redacted]
JAMES J. LENEGHAN [redacted]
STEPHEN B. LEWALLEN, JR [redacted]

STEVEN G. LIGHTFOOT, [redacted]
PAUL K. LITTLE, II, [redacted]
MARCO B. LLOYD, [redacted]
JON A. MACCARTNEY, [redacted]
HECTOR C. MARCAYDA, [redacted]
JOHN F. MARCHILDON, [redacted]
REY Q. MASINSIN, [redacted]
WHITNEY MASON, [redacted]
KEVIN F. MCCRAY, [redacted]
DANIEL J. MCGOUGH, [redacted]
BRYAN D. MCKINNEY, [redacted]
ROBERT J. MEAGHER, JR, [redacted]
KEVIN G. MECHLER, [redacted]
REID K. MERRILL, [redacted]
MICHAEL S. MILLER, [redacted]
RONALD D. MILLS, [redacted]
JAMES J. MINICK, [redacted]
STEVEN J. MULLEN, [redacted]
STEPHEN M. MURRAY, [redacted]
JOHN K. NATHAN, [redacted]
JOHN D. NESBIT, [redacted]
CRAIG W. NORDLIE, [redacted]
MICHAEL R. NORFLEET, [redacted]
EDWIN V. ODISHO, II, [redacted]
JAMES L. PARKER, [redacted]
CRAIG B. PENROSE, [redacted]
PAUL A. POND, [redacted]
EDWARD F. RAMSEY, [redacted]
STEPHEN E. REYNOLDS, [redacted]
ROD D. ROBISON, [redacted]
KEITH W. ROLEFF, [redacted]
JOHN F. SCHEINOST, [redacted]
PATRICK H. SCHOLES, [redacted]
LEE F. SCHRAM, [redacted]
DOUGLAS J. SCOTT, [redacted]
JON E. SHEARER, [redacted]
RICHARD F. SHEEHAN, JR, [redacted]
SUZETTE A. SHIJE, [redacted]
RICHARD N. SHIZURU, [redacted]
CHRISTOPHER J. SILL, [redacted]
GREGORY L. SIMMONS, [redacted]
JEFFREY S. SMALL, [redacted]
BRIAN K. SMALLWOOD, [redacted]
MILTON J. STATON, [redacted]
JOHN C. STEVE, [redacted]
JAMES B. STOPA, [redacted]
RONALD J. STRICKLAND, [redacted]
MIKEL E. STROUD, [redacted]
SAMUEL T. STUDDARD, [redacted]
YVETTE L. SUTTEN, [redacted]
MICHAEL M. SWEENEY, [redacted]
MICHAEL E. SWEITZER, [redacted]
TRACY J. TAFOLLA, [redacted]
JEFFERSON D. TANT, IV, [redacted]
RONALD S. THORNTON, JR, [redacted]
PHILIP A. TORRETTI, II, [redacted]
DOUGLAS E. TRENT, [redacted]
SCOTT W. VANZANDBERGEN, [redacted]
SCOTT A. WALKER, [redacted]
THOMAS J. WALSH, JR, [redacted]
THOMAS D. WEIDLEY, [redacted]
ROBERT L. WELBORN, [redacted]
WILFRED V. WEST, IV, [redacted]
BRIAN D. WHETSTONE, [redacted]
MARK E. WINN, [redacted]
JUSTIN M. WISDOM, [redacted]
MARK A. WORKMAN, [redacted]
MICHAEL H. YAROMA, JR, [redacted]
NICKEY F. YATES, [redacted]
WILLIAM S. ZAROSINSKI, [redacted]
PHILIP J. ZIMMERMAN, [redacted]

To be second lieutenant

KEVIN P. COLLINS, [redacted]
ROSS D. HETTIGER, [redacted]
JOSEPH P. JESSEN, [redacted]
LAWRENCE M. LANDON, [redacted]
THOMAS A. SCHELLIN, [redacted]
ROGER D. STANDFIELD, [redacted]
RALSTON W. STEENROD, III, [redacted]

THE FOLLOWING NAMED LIMITED DUTY OFFICERS OF THE REGULAR MARINE CORPS FOR APPOINTMENT AND DESIGNATION AS UNRESTRICTED OFFICERS IN THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589:

To be major

MICHAEL J. COOPER, [redacted]

To be captain

FRANCIS E. CROUCHER, [redacted]
DANIEL F. CROWL, [redacted]

To be first lieutenant

DANNY J. BURK, [redacted]
ANTONIO COLMENARES, [redacted]
WILLIAM G. COSTA, [redacted]
ANTHONY C. CRUZ, [redacted]
GARY L. DIXON, [redacted]
GEORGE J. GREEN, [redacted]
THOMAS W. HEASLEY, [redacted]
THOMAS D. IGNELZI, [redacted]
SCOTT A. KERR, [redacted]
JAMES P. RETHWISCH, [redacted]
JEFFREY A. RIPA, [redacted]
STANLEY M. SLUPSKI, [redacted]
CRAIG E. STEPHENS, [redacted]
PHILLIP W. WOODY, [redacted]

HOUSE OF REPRESENTATIVES—*Thursday, June 4, 1992*

The House met at 12 noon.

Rev. W. Douglas Tanner, Jr., executive director, Faith & Politics Institute, Washington, DC, offered the following prayer:

O Lord, You have created us, You sustain us, and You redeem us. We go into session this day in the early summer of 1992 in need of Your spirit and Your guidance. It is no secret to any of us, and least of all to You, that the citizens of this Nation have less faith in their Government than at any time in our lives.

In the face of that reality, we are readily tempted to blame the other party, or an earlier Congress and administration, or the mass media, or the special interests. Guide us in this season, we pray, to become less interested in blaming and more given to patiently solving the problems before us.

Free us from the fears and resentments that bind our spirits and inhibit our capacity to lead. Grant us the grace to take risks for the truths we know. And grant the people of this land the grace to recognize the strengths as well as the weaknesses of those in this body, and to reward them accordingly. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. LANTOS] please come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2977. An act to authorize appropriations for public broadcasting, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2802. An act to extend the authorization of the Commission on Interstate Child Support and the deadline for the Commission's report to Congress.

The message also announced that pursuant to Senate Resolution 222, 93d Congress, the Chair, on behalf of the President pro tempore, appoints Mr. GRAHAM, Mr. SANFORD, and Mr. MITCHELL, to serve as ex officio members of the Committee on Commerce, Science, and Transportation for the purpose of participating in the National Ocean Policy Study.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that he will limit to 10 Members on each side requests to proceed for 1 minute.

ON THE ANNIVERSARY OF THE TRAGEDY OF TIANANMEN SQUARE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the Butchers of Beijing have just been given their annual anniversary present. The administration has once again extended most-favored-nation trade privileges to the regime that 3 years ago today—before the eyes of the horrified world—unleashed its tanks on the brave, unarmed men and women who stood up for our values, who stood up for our principles, and whose bodies were crushed for freedom and democracy.

Following 3 years of failure in its policy of appeasement, the Bush administration has again caved in to the Communist thugs who rule China—despite their continued repression of human rights, despite their continuing sale of high technology weapons to terrorist nations, despite their contribution to nuclear proliferation, and despite their unfair trade practices aimed at the United States.

Mr. Speaker, I earnestly hope that my colleagues across the entire political spectrum will reverse this stupid and shameless administration policy.

BALANCED BUDGET AMENDMENT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I rise today to set the record straight. Many of the Democrats, in stating their opposition to a balanced budget amendment, have attempted to focus attention away from their own fiscal irresponsibility by blaming the President of the United States. Their own lack of self-control is the problem.

The Constitution is absolutely clear. Congress is vested with "all legislative powers." How dare the Democrat leadership, controlling this institution, point accusatory fingers at the President when the blame for the Federal deficit spinning out of control is their own?

What effort have we seen from the House Budget Committee, controlled by the Democrats for the whole of its existence, to produce a balanced budget? The answer is: none.

To the contrary, the Democrat-controlled Congress has increasingly authorized spending in excess of revenues.

Let us examine the voting records of Members on both sides of the aisle. Obviously the liberal tax-and-spend Democrats are scared that a balanced budget amendment has a real chance of succeeding.

Mr. Speaker, I say to the Members on both sides of the aisle, vote for a real balanced budget amendment, not for one that is watered down.

ADMINISTRATION ADMITS UNDERCOUNTING IN UNEMPLOYMENT FIGURES

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, once again Republicans are using every trick in the book to stop help for Americans who, through no fault of their own, have been put out of work.

Today's headlines in the Washington Post, I think, tell us how out of touch the administration is. The Labor Department admitted it yesterday. They confirmed the report that they massively undercounted how many Americans lost jobs. Yes, undercounted. Not by 10, 20, but by 32 percent. That is 600,000 workers never counted, forgotten.

Mr. Speaker, Republicans have no trouble remembering some things like tax breaks for wealthy, defense subsidies for the Japanese, and billions in aid to Russia. But when it comes to Americans desperate for a job, suddenly they develop this amnesia.

Mr. Speaker, it is time to help the people get back to work. It is time to

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

help those who have been thrown out of jobs.

PASS HEALTH CARE REFORM NOW

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, it is past time to adopt a comprehensive health care reform bill. We have held endless hearings and seminars, and we have debated over 40 different health care proposals here in the Congress. While these proposals strive to expand access to the uninsured, there are cost implications that most plans ignore. Some want more Government bureaucracy; others want to tax employers. I favor improvements in the private market.

But one thing is certain, we cannot wait any longer. Today the House Republican leadership has laid before us a bill to deliver services in the private sector and fundamentally reform the insurance industry. The Action Now Health Care Reform Act tackles some of the most pressing problems—small group health insurance reform and cost control. It reaches up to 20 million of the uninsured by allowing small businesses to pool their purchasing power, to improve the rural health care delivery system, and to revise antitrust laws to encourage the sharing of facilities.

Mr. Speaker, while these measures go to great lengths to increase access to health insurance and control costs, there are other areas I look forward to working on, such as providing vouchers for low-income people and providing long-term care for the elderly. I hope my colleagues share my concern for these two measures so we may expand universal access and improve our Nation's health care delivery system.

□ 1210

REPUBLICAN "MEDISPEND" HEALTH CARE PACKAGE

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, later today, House Republicans will announce what they are billing as a major health care initiative. They call it MediSave.

But a more accurate title might be "MediSpend." Because that is what American families would be doing—in record amounts—if it became law.

It does not do a thing to take on the special interests that are driving health care spending through the roof, so it cannot do a thing to control costs.

Remember the election-year fig leaf that the President sent up as his health care plan, a full 3 years into his Presidency? Well, this is it, with a little more spit and polish:

A proposal that is satisfied with the status quo;

A proposal that will not do a thing about the billions of dollars wasted by public and private bureaucracies;

A proposal that would just send billions of dollars over a dam that is already broken.

I welcome my Republican friends to the table—late as they are—but this plan makes none of the hard choices that it is going to take to get America's health care bills back under control.

Democrats are committed to controlling costs and we are working toward a consensus bill that will be the tough medicine that this system needs.

VOTE NO ON KOPETSKI AMENDMENT TO BAN NUCLEAR WEAPONS TESTING

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, it is obvious that the chaplain's prayer urging us to not blame each other and cast a lot of blame around, but get to solving problems is falling on deaf ears from the remarks made by some of the previous speakers.

I would like to change the subject and talk about an amendment that we are going to be voting on today in the defense authorization bill to ban all nuclear testing in the United States. The Secretary of Defense has written a letter indicating that this ought to be defeated, that it is a dangerous idea. As long as we have nuclear weapons we have to test them. These are the most complex weapons in our arsenal, and while we test the infantryman's rifle and pistol, we are urged here not to test these most complex nuclear weapons. It does not make sense.

Second, we test them for safety reasons, and the Drell Commission pointed out that this does require limited testing.

What is the ostensible rationale for the ban on all nuclear testing? That other nations might follow, and, indeed, Canada said it would. It is not Canada today that we are worried about, Mr. Speaker. It is Iraq, Iran, Libya, Algeria, Syria, and countries like this who do not care whether we stop testing.

The amendment will not help; it will hurt, and I would urge my colleagues to vote "no" on the Kopetski amendment on a test ban on nuclear weapons.

SUPPORT URGED FOR GEPHARDT AMENDMENT ON DEFENSE DIVERSIFICATION PROGRAMS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, only a few months ago I stood in an empty building that once housed a small defense manufacturing company. This company had employed almost a hundred workers and had supplied needed components for the defense products built by several large defense manufacturers.

Today it is empty. The company is closed. The workers are gone. Some are lucky and have found other jobs. Others are probably not as fortunate.

My visit pointed out both the vulnerability of small defense dependent businesses and the unique problems they will experience as we reorganize our military priorities over the next decade. That is why I introduced a defense diversification plan that included special assistance for small defense businesses.

Today we have an opportunity to offer that assistance. The Gephardt amendment to the Defense authorization will provide $1 billion for diversification programs. I am pleased that the amendment includes similar assistance to small businesses. It will provide the resources and avenues to planning expertise that they would otherwise not have.

I urge my colleagues to support the Gephardt amendment. If we act now we can help these companies before they close. Help them prepare for the future, protect our Nation's industrial base, and save thousands of jobs.

Support the Gephardt amendment—it offers needed assistance in the short term and a plan for the future of our defense industry.

HEALTH CARE REFORM

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, today the Republican Task Force on Health will introduce a comprehensive health care reform package aimed at increasing accessibility to quality health services and controlling health care costs.

This bill is the product of more than a year of extensive research and development. In crafting this legislation, we attempted to do what other health care bills have failed to do: Improve America's system without scrapping the finest health care available in the world.

We do not need to throw out our current medical care system. We just need to ensure that all Americans have access to the high-quality, affordable health care to which they are entitled.

By offering such visionary innovations as tax-free MediSave accounts, malpractice reform, small group insurance reform and increased rural health care access, our bill will improve accessibility and affordability, while maintaining the quality and personal choice all Americans want to preserve.

I encourage all Members to take a good look at our proposal and join us in supporting meaningful health care reform legislation that will help improve America's health care now.

LEAVING OUR CHILDREN A CHOICE

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, the debate on a balanced budget amendment is also a debate on the right to self-government for future Americans.

If we look at debt service in terms of forgone opportunities, it becomes clear how the deficit affects self-government.

The consequences of the borrow-and-spend policies of the 1980's and their continuation deny us a choice today on health care, as well as taking away our children's freedom to address problems and challenges unforeseen today.

Mr. Speaker, the balanced budget amendment is a necessary guarantee of our children's right to self-government and should be added to our constitutional protections. I urge its passage.

BALANCED BUDGET AMENDMENT

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, I want to commend the previous gentleman for his remarks and join him essentially in the same sentiment.

Mr. Speaker, I rise today to appeal to my colleagues for support of a constitutional amendment that necessarily transcends party lines. This amendment would afford the occasion for a much needed congressional facelift.

Our constituents, Republican and Democrat alike, are alarmed by the economic ills plaguing America. One of the most visible and prominent symptoms of those ills is the reprehensible practice of deficit financing and deficit spending.

Mr. Speaker, I strongly urge the Members of this body to support the constitutional discipline of a balanced budget amendment. It would create a timely opportunity to regain the trust of the American people.

Since World War II the Federal Government has irresponsibly appropriated $1.59 for every $1 raised in new taxes. This year we will spend $300 billion in interest on the national debt, all nonproductive spending. The result, a $400 billion deficit this fiscal year, a $4 trillion aggregate Federal budget deficit that is stifling economic growth and sapping the life from future generations.

Mr. Speaker, this amendment would freeze spending and Congress as an institution could prove to the taxpayers that it is serious about creating an environment that will encourage economic recovery and eventually economic growth.

The effectiveness of this Congress is dependent on the support of the voters. This type of amendment presents the opportunity we need to again regain the voters' trust. Take advantage of the chance to act responsibly and support a balanced budget amendment when it comes to the House floor for a vote next week.

□ 1220

WHERE HAVE THE JOBS GONE?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, everybody in America remembers the famous political line, "Read my lips, no new taxes."

But everybody seems to have forgotten the real big commitment by Mr. Bush. He said, "If I am elected, in 8 years I will create 30 million jobs."

Thirty million jobs, well, you and I both know that we have lost jobs. In fact, the controversy is, how many jobs have we lost just since 1990? The administration wants us to believe it was about 1.6 million.

Now the Government tells us it is 2.2 million. Evidently the administration truly believes that 600,000 people went overseas with their jobs to work because they are not around here.

Mr. Speaker, the economy of America is in a shambles. We are going bankrupt. Everybody knows it. Companies are going overseas. Laborers are going overseas.

It is getting so bad that even Ed Rollins and Hamilton Jordan have jumped ship. That says a lot.

THE BALANCED BUDGET AMENDMENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, why are the Democrats who control Congress trying to kill the balanced budget amendment?

Mr. Speaker, I come to this well to join a vast majority of my colleagues in calling for an idea whose time has not only come, but is also long overdue. I am speaking of the call for a balanced budget amendment to our Constitution, a call which is being echoed across the Nation.

In the primaries held since early spring, the ballot box has delivered one clear message from the electorate:

> The American taxpayer is sick and tired of seeing his or her paycheck being eaten away by taxes, with nothing to show for it except a bleak future for the next generation which will have to face a monstrous deficit.

The widespread congressional endorsement for a balanced budget amendment is evidence that Democrats are finally listening.

However, Democrat leaders may not have gotten the whole message. The American people are not about to let them get away with passing legislation that is not worth the paper on which it is written. A balanced budget amendment that does not contain a spending limit provision is unacceptable.

Mr. Speaker, it is time for the House to pass a balanced budget amendment, and to pass one that addresses the deficit head on. It is time for an amendment with spending limits.

THESE GUYS ARE SAVIORS?

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, as chief of staff for President Jimmy Carter, Hamilton Jordan presided over the most arrogant and most incompetent White House staff in modern memory. Under his leadership, the Carter White House gave daily seminars on how not to run a country. Mr. Jordan's style of politics is more responsible than anything else I know for the collapse of the Democratic Party in the eighties.

As campaign director for Ronald Reagan in 1984, Ed Rollins was more responsible than any person I know for successfully hiding the truth from the American people that the Republican economic policies of the eighties were destroying the country by shrinking the ability of the middle class to earn a decent living and destroying the country with unparalled debt.

Both men admittedly know how to win elections, but if these two are the evidence that the national press will point to to suggest that Mr. Perot will be able to lead the country out of the wilderness, God help Mr. Perot, and God help this country.

KEEP THE HEALTHY S&L'S

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, today's Wall Street Journal contains the news that Tim Ryan, the head of the Office of Thrift Supervision, is announcing that he will begin this week to close about 20 or so savings and loans that he considers not viable, even though it will be a very expensive process, more expensive than if he had the money in the normal course of affairs from the Resolution Trust Corporation legislation that we have not voted for and not given him in the past few months.

I find this to be outrageous, primarily because Mr. Ryan himself has opposed the one thing that would truly save money in this area and which could allow for the provision of the sum of the moneys that he is seeking from this Congress, and that is a provision which would save from closing at least five, perhaps six or more of the S&L's that he is about to put into this receivership category that he has announced today.

The reason why that is so is because the proposal that I have offered that he is opposing and that we have not been allowed to have a vote here on would fill an accounting hole that Congress has canceled a deal on back in 1989. That is the real reason these institutions are labeled nonviable. They are perfectly healthy. The institutions I am talking about are in the black. They are institutions that have good assets. They are working real well, but the problem is that they took on supervisory goodwill under an agreement with the Federal Government back in the 1980's and then we canceled the deal for accounting purposes, saying they cannot count that goodwill toward capital back in 1989. Now on the books they look like they are bad, even though they are perfectly good.

My proposal would substitute cash for that and make them viable and keep them open and save billions and billions of dollars, but Ryan opposes that and now he has the gall to go about closing those institutions in an even more costly method than he otherwise would have to.

TIME TO STOP THE BLEEDING

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, all the Presidential candidates say we have to balance the budget, but nobody says how they are going to do it.

Now, I want you to listen to the Applegate 5-year, jump-start plan.

First, we are going to start off by cutting foreign aid by 60 percent. Then we are going to change the trade policy to give American business equal access to the American and the world markets.

We are going to resurrect American business through tax incentives to offset foreign subsidies.

Then we want to reduce defense by $100 billion.

We are going to collect back Federal taxes from cheaters.

We want to collect payment of defaulted Government loans from the deadbeats, cut waste and fat from all the Federal agencies and tax foreign corporations doing business in the United States, and then we are going to say, "Mr. President, submit a balanced budget which you talk about all the time, but which you fail to do."

I think this is important. This would mean no new taxes and we would not have to eliminate any of the programs to Americans who have made this country and who have paid the taxes.

Mr. Speaker, it is time that we stop the bleeding.

HEALTH CARE RELIEF TO MILLIONS OF AMERICANS

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Speaker, everyone interested in health care reform realizes that it could take years to reach a consensus on a reform package that encompasses every health care challenge facing our Nation. But Congress can and should pass the comprehensive health reform bill introduced this week by Republican Leader BOB MICHEL's task force on health, which will provide immediate relief to millions of Americans.

Under the Republican health reform initiative, health insurance coverage would be extended to 20 million Americans who are not presently covered. Our plan would enable the self-employed to deduct 100 percent of their health care insurance premiums.

Finally, and perhaps most importantly, our health care reform plan will cut the skyrocketing health care costs. Administrative reforms and paperwork simplification will reduce administrative costs by $10 billion. Another $15 billion can be saved from the malpractice reforms made by this bill. These and other cost-cutting measures will ultimately translate into lower health insurance premiums for everyone.

Nearly 1 year's work by this task force went into creating the innovative and extensive health care reform package introduced this week.

For the sake of millions of Americans who cannot afford to wait years for Congress to act, I think we should act now. One cannot come late to something that has not happened. The people deserve more than campaign speeches. This act should be passed at this time.

STENHOLM BALANCED BUDGET AMENDMENT DESERVING OF SUPPORT

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I am anxiously awaiting the House consideration of a balanced budget amendment to the U.S. Constitution. Now is the time to take action to force future Government spending in the right direction—down.

Unfortunately, Federal deficit spending has become the norm. Our Government has run deficits for 21 years in a row and for 52 of the last 60 years. The interest on our $3.7 trillion debt is outrageous. The American people want Government spending for necessary programs, not for interest payments.

I realize that reducing and eventually eliminating our debt will mean substantial reductions in quality Government programs. Our constituents will endure the results to get this Nation back on track. Americans are tough and we, in this body, must rise to the occasion and do the right thing.

A constitutional amendment is the most effective way to address our long-term budget deficit problem. The prospect of moving toward balanced budgets in the near future would force the President and the Congress to set stringent priorities rather than allowing us to continually postpone tough decisions.

Make the right decision and support the Stenholm balanced budget amendment.

IN SUPPORT OF THE ACTION NOW HEALTH CARE REFORM ACT OF 1992

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, later today I will join with Republican Leader BOB MICHEL and several of our Republican colleagues in introducing the Action Now Health Care Reform Act of 1992. This bill, which was developed over the past year by the Republican leader's task force on health, will have a profound impact on the debate over health care reform in this country and, if enacted, would make tremendous strides toward our goal of ensuring that all Americans have access to affordable health care.

The Action Now Health Reform Act makes changes in the small group health insurance market that will help to make coverage available to some 20 million uninsured Americans. It will encourage small employers to form groups for the purpose of purchasing health insurance coverage, thus enabling them to increase their purchasing power. The Action Now Health Reform Act places limits on preexisting condition exclusions, and limits on rates of annual premium increases. This bill will increase the authorization for community health centers to expand access to primary care services in underserved areas.

Mr. Speaker, no health care reform proposal would be complete, however, if it did not contain provisions aimed at controlling the spiraling costs of health care in this country. The Action Now Health Reform Act will help lower health care costs.

This bill includes important provisions that have the potential of saving billions of dollars each year in additional costs by streamlining the insurance billing system. State mandated coverage for small business health plans would be eliminated, leading to lower premiums.

States would be given the flexibility to manage their Medicaid programs more efficiently through the use of alternative delivery systems, such as health maintenance organizations or preferred provider organizations.

Finally, the Action Now Health Reform Act will allow communities to coordinate their health care delivery systems by exempting such activities from certain antitrust laws. Communities should not be penalized for attempting to better utilize their scarce health care resources.

When I am back in my district, I hear from both businessmen, consumers, and providers to do something about the high costs of health care. The Action Now Health Reform Act will make insurance coverage more affordable and control costs, permitting us to provide better care at less cost to all. This bill represents a package of reforms that we can all agree upon and enact this year.

Mr. Speaker, let us quit posturing over the issue of health care reform, and enact common sense solutions to our nation's health care system. Let us pass the Action Now Health Reform Act.

□ 1230

NATIONAL GUARD, RESERVES PLAY BIG ROLE IN RESTRUCTURING OF NATIONAL DEFENSE PRIORITIES

(Mr. LAROCCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAROCCO. Mr. Speaker, I rise today to commend Chairman ASPIN and my distinguished colleagues on the House Armed Services Committee for their hard work in crafting H.R. 5006, the Department of Defense authorization for 1993.

As most of my colleagues will agree, the end of the cold war and last year's allied victory in the Persian Gulf have revealed that now is the time for the United States to begin restructuring its national defense priorities.

The committee bill offers well-thought-out solutions on questions of force structure—and stresses the important role of our part-time forces, the National Guard and Reserves. While I recognize the need to pare down the defense budget, reductions must come first from obsolete weapons systems and the realignment of our troops abroad.

Mr. Speaker, as you know, the part-time components of the U.S. military have been tested dramatically in recent years. The Idaho National Guard's contribution to the ground and air campaigns of Operation Desert Shield and Desert Storm is evidence of this fact.

They have made—and continue to make—significant contributions to national security at a maximum savings to American taxpayers. This is why I am pleased to support a bill which secures jobs for nearly 50,000 more reservists than requested by the administration.

Again, I commend the Armed Services Committee for its tireless work on H.R. 5006, and I urge my colleagues to voice their strong support for the future mission of America's Guard and Reserves.

H.R. 2862, JACOB WETTERLING CRIMES AGAINST CHILDREN REGISTRATION ACT

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, Minnesotans are once again shaken and saddened. Another child has been abducted.

Monday evening, a little 5-year-old girl, Corrine Erstad of Inver Grove Heights, MN, was abducted while playing in a park right beside her home; 2½ years ago Jacob Wetterling, then only 11 years old, was abducted at gunpoint while returning home from a convenience store with two other friends.

Mr. Speaker, these two abductions and the horrifying, tragic statistic that every child abductor in America commits 117 offenses of child molestation or kidnapping before being arrested underscore the need for a national registration system of convicted child abductors.

Fifteen States have already passed State statutes, but law enforcement authorities in these States as well as Federal authorities are crying out for such a law.

Last year I introduced H.R. 2862, the Jacob Wetterling Crimes Against Children Registration Act, to create this national network. This is part of the crime bill, but it is apparently dead in the Senate—the crime bill, that is.

It is imperative now that the Congress pass the Jacob Wetterling bill as a separate measure, and I strongly urge my colleagues to sign on as cosponsors of H.R. 2862.

REFORMING THE CHILD WELFARE SYSTEM TO MEET THE NEEDS OF OUR NATION'S CHILDREN

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, one way we can make life better for our children and grandchildren is to pass the balanced budget amendment. Another way is to pass legislation that addresses the welfare of our Nation's children.

Mr. Speaker, today, I join my colleague, Congresswoman NANCY JOHNSON, in sponsoring such legislation which addresses the welfare of our Nation's children.

Statistics show that in 1990, over 2.5 million children were victims of maltreatment. In spite of State, Federal, and local efforts, hundreds of thousands of children are still being starved, abandoned, burned, beaten, berated, and belittled.

Congresswoman JOHNSON and I have joined forces to introduce legislation which reforms the current child welfare system and provides money for services to children and families, all within the budget discipline required of Congress.

The focus of this legislation is to allow States more flexibility and authority in the use of these funds for child welfare services.

Education and the preservation of family values are our best tools for reducing child abuse and neglect. Giving States a freer hand in decisions will make room for innovative programs which can promote child safety without creating a mountain of redtape.

Mr. Speaker, I urge my colleagues on both sides of the aisle to join me and Congresswoman JOHNSON in supporting this measure to reform the child welfare system and meet the increasing needs our Nation's children.

STATE INITIATIVES IN CHILD WELFARE ACT OF 1992

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, over 2.5 million children were reported abused or neglected in 1990. More than 1,200 died as a result. Many of these children will reach adulthood with limited ability to flourish unless we act soon to reform child welfare services and the way we fund them.

For 3 years, Congress has been working on child welfare legislation and may put off action again this year. We must not let that happen. This week, I introduced a bill, along with my colleague, LIZ PATTERSON, that will offer the chance to accomplish significant reform, provide new money for services to children and families, and yet stay within the budget discipline we adopted to prevent our mounting deficit from paralyzing our economy and compromising our children's future.

Our bill—the State Initiatives in Child Welfare Act of 1992—locks in significant new money. It creates a new capped entitlement and gives States flexibility over how best to use their funds for innovative prevention and family reunification programs, as well as administration and training. Ironically, current law provides States with unlimited funds to remove children from their families and limited funds to keep children with new families. This bill will help States reform their system to faster preservation and strengthening of families.

Second, our bill will radically reduce administrative costs by addressing the three most costly administrative requirements of current law. Since we had testimony that social workers spend 80 percent of their time doing paperwork, not helping children, administrative reforms are imperative. Caseworkers will no longer have to document how much time they spend on administration, AFDC eligibility for administration and training reimbursement; or preparing paperwork for the extensive 427 reviews.

Lastly, our proposal provides States with a 90-percent match for data systems and will set up 10 State demonstrations on foster care prevention, family reunification, or timely termination of parental rights so that a child can be placed permanently in a secure and loving family.

My goal is to provide significant new money, increase State flexibility, and radically refocus the efforts of State agencies from that of paperwork to services for children. I hope you will join us in support of the "State Initiatives in Child Welfare Act of 1992."

MONEY PLUS POLITICS EQUALS A WITCHES' BREW

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Madam Speaker, I have spoken often over the recent months and years in favor of campaign finance reform and I have voted for the toughest form of those bills.

I have done so because I believe that money and politics is a witches' brew. It is a very explosive, corrosive mixture.

Mr. Bill Greider's new book posits that American Government no longer belongs to the people, the governed, but to the political action committees, to big money, and to the special interests.

In today's New York Times, Anthony Lewis' article entitled "Dollars and Cynicism" indicates that voters are cynical and distrustful in large part because they believe political decisions are not made on the merits or demerits, but are driven by money and not by the public need.

This public cynicism, Madam Speaker, is deepened by the fact that the President just vetoed the campaign finance reform bill and threatens to veto the motor-voter bill which would ease voter registration.

Let us come to our senses, Madam Speaker, let us get big money out of politics, and let us restore the public's confidence in their Government.

THE ARROGANCE OF POWER UNCHECKED

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the Sunday Outlook section of the Washington Post, May 31, 1992, carried a shocking report, written by Susan Tolchien, on the possible sale of LTV to the French-owned Thomson CSF Co.

Testimony had been given to a Senate committee by the DOD counsel assuring the Senators that were Thomson to buy LTV, walls would be placed around LTV's defense business "preventing Thomson from being other than a passive investor."

The story continues that former Secretary of Defense Frank Carlucci, a principal in the sale—understanding that this action could be a deal buster—left the room, called DOD, and "appeared on the witness stand less than an hour later with the Defense Department's guarantees revoked."

This is an absolutely outrageous action—exposing to the world the power of supposedly former officials to run roughshod over duly appointed agency heads and the concerns of the House and the Senate.

I am calling attention to this arrogance of power because I feel so strongly it should not go unrecognized, or unrewarded.

During the next few days for special orders, I will address what suitable awards might be given to former officials who have made a business of the selling of America.

□ 1240

WHY OUR PRESIDENT SCHEDULED AN 8 P.M. NEWS CONFERENCE

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, for most of his Presidency, George Bush has been a not ready for prime time player. So, why, oh why, has the President scheduled an 8 p.m. news conference for what one White House aide called quality face time with the American people?

Mr. Speaker, I say to my colleagues, "You don't need the great detective Hercule Poirot to figure it out." Ross Perot has his exit polls. Bill Clinton has his sax on Arsenio Hall. So, now the President needs a media event.

Instead of having a press conference, Mr. Speaker, I ask, "Why won't the President just do his job? Why won't the President say he'll sign unemployment benefits insurance? Why won't the President submit a balanced budget? Why won't the President continue the fight he declared last winter for fair trade?"

What the American people want is not press conferences, but action; not talk and promises, but leadership.

When 8 p.m. rolls around, I think most of America will still be listening to Dr. Clifford Huxtable. Now that's entertainment.

THE REPUBLICAN HEALTH REFORM PROPOSAL TAKES ON SPECIAL INTERESTS

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, I sat here a few minutes ago and watched the gentleman from California [Mr. FAZIO] come to the well and shrilly damn the Republican health reform proposal for, among other things, not taking on the special interests. I would suggest to the gentleman from California that, instead of writing his partisan political speeches, he should read the bill.

No. 1, we asked for insurance reform, therefore taking on the insurance industry. No. 2, we asked that we take on the lawyers in pushing malpractice reform. No. 3, we asked for administrative reforms, thereby taking on the hospitals, and No. 4, we put restrictions on the physician's ability to refer patients to the labs owned by that physician, thereby taking on the doctors.

Mr. Speaker, that is a pretty good hit: doctors, lawyers, insurance companies, and hospitals. What other special interests would the gentleman like us to take on?

I would suggest to the gentleman from California [Mr. FAZIO] that this is too important an issue to just play petty partisan politics with, and let us be honest when dealing with the American people on health care reform.

COPYRIGHT AMENDMENTS ACT OF 1992

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 756) to amend title 17, United States Code, the copyright renewal provisions, and for other purposes and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—COPYRIGHT RENEWAL PROVISIONS

SECTION 101. COPYRIGHT RENEWAL PROVISIONS.

(a) Duration of Copyright: Subsisting Copyrights.—Section 304(a) of title 17, United States Code, is amended to read as follows:

"(a) Copyrights in Their First Term on January 1, 1978.—(1)(A) Any copyright, the first term of which is subsisting on January 1, 1978, shall endure for 28 years from the date it was originally secured.

"(B) In the case of—

"(i) any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or

"(ii) any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire,

the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of 47 years.

"(C) In the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work—

"(i) the author of such work, if the author is still living,

"(ii) the widow, widower, or children of the author, if the author is not living,

"(iii) the author's executors, if such author, widow, widower, or children are not living, or

"(iv) the author's next of kin, in the absence of a will of the author,

shall be entitled to a renewal and extension of the copyright in such work for a further term of 47 years.

"(2)(A) At the expiration of the original term of copyright in a work specified in paragraph (1)(B) of this subsection, the copyright shall endure for a renewed and extended further term of 47 years, which—

"(i) if an application to register a claim to such further term has been made to the Copyright Office within 1 year before the expiration of the original term of copyright, and the claim is registered, shall vest, upon the beginning of such further term, in the proprietor of the copyright who is entitled to claim the renewal of copyright at the time the application is made; or

"(ii) if no such application is made or the claim pursuant to such application is not registered, shall vest, upon the beginning of such further term, in the person or entity that was the proprietor of the copyright as of the last day of the original term of copyright.

"(B) At the expiration of the original term of copyright in a work specified in paragraph (1)(C) of this subsection, the copyright shall endure for a renewed and extended further term of 47 years, which—

"(i) if an application to register a claim to such further term has been made to the Copyright Office within 1 year before the expiration of the original term of copyright, and the claim is registered, shall vest, upon the beginning of such further term, in any person who is entitled under paragraph (1)(C) to the renewal and extension of the copyright at the time the application is made; or

"(ii) if no such application is made or the claim pursuant to such application is not registered, shall vest, upon the beginning of such further term, in any person entitled under paragraph (1)(C), as of the last day of the original term of copyright, to the renewal and extension of the copyright.

"(3)(A) An application to register a claim to the renewed and extended term of copyright in a work may be made to the Copyright Office—

"(i) within 1 year before the expiration of the original term of copyright by any person entitled under paragraph (1) (B) or (C) to such further term of 47 years; and

"(ii) at any time during the renewed and extended term by any person in whom such further term vested, under paragraph (2) (A) or (B), or by any successor or assign of such person, if the application is made in the name of such person.

"(B) Such an application is not a condition of the renewal and extension of the copyright in a work for a further term of 47 years.

"(4)(A) If an application to register a claim to the renewed and extended term of copyright in a work is not made within 1 year before the expiration of the original term of copyright in a work, or if the claim pursuant to such application is not registered, then a derivative work prepared under authority of a grant of a transfer or license of copyright that is made before the expiration of the original term of copyright, may continue to be used under the terms of the grant during the renewed and extended term of copyright without infringing the copyright, except that such use does not extend to the preparation during such renewed and extended term of other derivative works based upon the copyrighted work covered by such grant.

"(B) If an application to register a claim to the renewed and extended term of copyright in a work is made within 1 year before its expiration, and the claim is registered, the certificate of such registration shall constitute prima facie evidence as to the validity of the copyright during its renewed and extended term and of the facts stated in the certificate. The evidentiary weight to be accorded the certificate of a registration of a renewed and extended term of copyright made after the end of that 1-year period shall be within the discretion of the court.".

(b) Legal Effect of Renewal of Copyright is Unchanged.—The renewal and extension of a copyright for a further term of 47 years as provided under paragraphs (1) and (2) of section 304(a) of title 17, United States Code, (as amended by subsection (a) of this section) shall have the same effect with respect to any grant, before the effective date of this section, of a transfer or license of the further term as did the renewal of a copyright before the effective date of this section under the law in effect at the time of such grant.

(c) Conforming Amendment.—Section 304(c) of title 17, United States Code, is amended in the matter preceding paragraph (1) by striking "second proviso of subsection (a)" and inserting "subsection (a)(1)(C)".

(d) Registration Permissive.—Section 408(a) of title 17, United States Code, is amended by striking "At" and all that follows through "unpublished work," and inserting "At any time during the subsistence of the first term of copyright in any published or unpublished work in which the copyright was secured before January 1, 1978, and during the subsistence of any copyright secured on or after that date,".

(e) False Representation.—Section 506(e) of title 17, United States Code, is amended by inserting after "409," the following: "in the application for a renewal registration,".

(f) Copyright Office Fees.—Section 708(a)(2) of title 17, United States Code, is amended—

(1) by striking "in its first term"; and

(2) by striking "$12" and inserting "$20".

(g) Effective Date; Copyrights Affected by Amendment.—(1) Subject to paragraphs (2) and (3), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by this section shall apply only to those copyrights secured between January 1, 1963, and December 31, 1977. Copyrights secured before January 1, 1963, shall be governed by the provisions of section 304(a) of title 17, United States Code, as in effect on the day before the effective date of this section.

(3) This section and the amendments made by this section shall not affect any court proceedings pending on the effective date of this section.

SEC. 102. REPEAL OF COPYRIGHT REPORT TO CONGRESS.

Section 108(i) of title 17, United States Code, is repealed.

TITLE II—FILM PRESERVATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Film Preservation Act of 1991".

SEC. 202. FINDINGS.

The Congress finds that—

(1) motion pictures are an indigenous American art form that has been emulated throughout the world;

(2) certain motion pictures represent an enduring part of our Nation's historical and cultural heritage;

(3) because of deterioration or loss, less than one-half of the feature-length films produced in the United States before 1951, including only 20 percent of the silent films, still exist and many of the films produced after 1951 are deteriorating at an alarming rate; and

(4) it is appropriate and necessary for the Federal Government to—

(A) recognize motion pictures as a significant American art form deserving of protection, including preservation and restoration; and

(B) establish a National Film Registry of films that represent an enduring part of our national, historical, and cultural heritage, which Registry should be established and maintained in the Library of Congress; and

(5) to the extent possible, and with the permission of the copyright owners, films selected for inclusion in the National Film Registry should be made widely available to the American public in their Registry versions.

SEC. 203. NATIONAL FILM REGISTRY OF THE LIBRARY OF CONGRESS.

The Librarian of Congress (hereafter in this title referred to as the "Librarian") shall establish a National Film Registry under the provisions of this Act, for the purposes of recognizing and preserving films that are culturally, historically, or aesthetically significant.

SEC. 204. DUTIES OF THE LIBRARIAN OF CONGRESS.

(a) Duties.—The Librarian shall, after consultation with the Board established under section 205—

(1) after completion of the study required under section 212, establish a comprehensive national film preservation program for films, in conjunction with other major film archives, with the objectives of—

(A) coordinating activities to assure that ongoing efforts of archivists and copyright owners, and others in the public and private sector are effective and complementary;

(B) generating public awareness of and support for those activities;

(C) increasing accessibility of films for educational purposes; and

(D) improving nationwide activities in the preservation of works in other media such as videotape;

(2) establish criteria and procedures pursuant to which films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first publication;

(3) establish procedures whereby the general public may make recommendations to the Board regarding the inclusion of films in such National Film Registry;

(4) establish procedures for the examination by the Library of Congress of copies of films named for inclusion in the National Film Registry to determine eligibility for the use of the seal of the National Film Registry;

(5) determine which films satisfy the criteria developed under paragraph (2) and qualify to be included in the National Film Registry, except that the Librarian shall not select more than 25 films each year for inclusion in such Registry;

(6) publish in the Federal Register the name of each film that is selected for inclusion in the National Film Registry;

(7) provide a seal to indicate that a film is included in the National Film Registry;

(8) to the extent practicable, ensure, subject to the rights of copyright owners, that there is a Registry version of each film selected for the National Film Registry;

(9) publish in the Federal Register the standards for preservation or restoration that shall qualify films for use of the seal; and

(10) submit an annual report to the appropriate committees of the Congress, listing films included in the National Film Registry and describing the activities of the Board.

(b) SEAL.—A seal provided for a film under subsection (a)(7) may be used on any copy of the Registry version of such film as defined in section 211(6). Before such seal may be used, the Library of Congress shall have examined and approved the print from which the copy was made. In the case of copyrighted works, only the copyright owner or his duly authorized licensee may place or authorize the placement of a seal on a copy of a film selected for inclusion in the National Film Registry. In the case of works no longer protected by copyright, the Library may affix a seal. The person authorized by this subsection to place a seal on a copy of a film selected for inclusion in the National Film Registry may accompany such seal with the following language: "This film is included in the National Film Registry, which is maintained by the Library of Congress, and was preserved under the National Film Preservation Act of 1991.".

SEC. 205. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—(1) The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of 17 members, selected by the Librarian in accordance with the provisions of this section. Each organization listed in subparagraphs (A) through (P) shall submit a list of not less than three qualified candidates to the Librarian. With the exception of the member listed in subparagraph (Q), the Librarian shall appoint 1 member from each such list submitted by the following organizations, and shall designate from that list an alternate who may attend those meetings to which the individual appointed to the Board cannot attend. Such organizations shall include—

(A) the Academy of Motion Picture Arts and Sciences;

(B) the Directors Guild of America;

(C) the Writers Guild of America East and West, appointed in accordance with paragraph (2);

(D) the National Society of Film Critics;

(E) the Society for Cinema Studies;

(F) the American Film Institute;

(G) the Department of Theatre, Film and Television, College of Fine Arts at the University of California, Los Angeles;

(H) the Department of Film and Television at New York University Tisch School of the Arts;

(I) the University Film and Video Association;

(J) the Motion Picture Association of America;

(K) the National Association of Broadcasters;

(L) the Alliance of Motion Picture and Television Producers;

(M) the Screen Actors Guild of America;

(N) the National Association of Theater Owners;

(O) the American Society of Cinematographers and the International Photographers Guild, appointed in accordance with paragraph (2)(B);

(P) the United States Members of the International Federation of Film Archives; and

(Q) a member at large.

(2)(A) Each organization under paragraph (1)(C) shall nominate 3 candidates. The Librarian shall appoint a candidate from 1 organization as a member of the Board, and shall select a candidate from the other organization as an alternate.

(B) The American Society of Cinematographers and the International Photographers Guild shall jointly nominate 3 candidates.

(3) The member at large listed in paragraph (1)(Q) shall be chosen by the Librarian from names submitted by organizations in the film industry, creative artists, producers, film critics, film preservation organizations, academic institutions with film study programs, and others with knowledge of copyright law and of the importance, use, and dissemination of films. The Librarian shall also select from the names submitted in this paragraph an alternate member at large who may attend those meetings which the member at large cannot attend.

(b) CHAIRPERSON.—The Librarian shall appoint 1 member to serve as Chairperson.

(c) TERM OF OFFICE.—(1) The term of each member of the Board shall be 3 years. There shall be no limit to the number of terms that any individual member may serve.

(2) A vacancy on the Board shall be filled in the manner prescribed by the Librarian, except that no entity listed in subsection (a) may have more than 1 nominee on the Board at any time.

(d) QUORUM.—Nine members of the Board shall constitute a quorum, but a lesser number may hold hearings.

(e) BASIC PAY.—Members of the Board shall serve without pay. While away from their home or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5701 of title 5, United States Code.

(f) MEETINGS.—The Board shall meet at least once each calendar year. Meetings shall be at the call of the Librarian.

(g) CONFLICT OF INTEREST.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

SEC. 206. POWERS OF THE BOARD.

(a) IN GENERAL.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Librarian and Board considers appropriate.

(b) NOMINATION OF FILMS.—The Board shall consider, for inclusion in the National Film Registry, nominations submitted by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers and other creative artists, producers, film critics, film preservation organizations and representatives for academic institutions with film study programs.

(c) SELECTION OF FILMS.—The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and consult with the Librarian and make recommendations with respect to the selection of films for the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant. The Board shall recommend and the Librarian shall select not more than 25 films a year for inclusion in the Registry.

SEC. 207. NATIONAL FILM REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS.

(a) COPY OF FILM.—The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of a Registry version of each film included in the National Film Registry. Whenever possible the Librarian shall endeavor to obtain the best surviving materials, including preprint materials.

(b) ADDITIONAL MATERIALS.—In addition, the Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film, such as background materials, production reports, shooting scripts (including continuity scripts) and other similar materials. Such materials shall become a part of the collection described in subsection (d).

(c) PROPERTY OF THE UNITED STATES.—All copies of films, and other materials, received by the Librarian shall become the property of the United States Government, except that nothing in this title shall infringe on the copyright owners' rights under title 17, United States Code.

(d) REGISTRY COLLECTION.—All copies of films received by the Librarian shall be maintained in a special collection in the Library of Congress to be known as the "National Film Registry Collection of the Library of Congress". The Librarian shall, by regulation, subject to the limitations of title 17, United States Code—

(1) provide for reasonable access to films in such collection for scholarly and research purposes; and

(2) to the extent practicable, and with the permission of the copyright owners, endeavor to exhibit or encourage the exhibition of such films to the public.

SEC. 208. SEAL OF THE NATIONAL FILM REGISTRY.

(a) USE OF THE SEAL.—No person shall knowingly distribute or exhibit to the public a copy of a film which bears a seal as described under section 204(a)(7) if such film—

(1) is not included in the National Film Registry; or

(2) is included in the National Film Registry, but the print from which such copy was made was not examined and approved for use of the seal by the Library of Congress pursuant to section 204(b).

(b) EFFECTIVE DATE OF THE SEAL.—The use of the seal as described in this section shall be effective for each film after publication by the Librarian in the Federal Register of the name of that film selected for inclusion in the National Film Registry.

SEC. 209. REMEDIES.

(a) JURISDICTION.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 208 upon the application of the Librarian to the Attorney General of the United States acting through the several United States Attorneys in their several districts.

(b) RELIEF.—(1) Except as provided in paragraph (2), relief shall be limited to the prospective removal of the seal of the National Film Registry.

(2) In any case in which the Librarian finds a pattern or practice of the willful violation of this title, the United States District Courts may order civil fines of not more than $10,000 and appropriate injunctive relief.

(c) EXCLUSIVE REMEDIES.—The remedies provided under this section shall be the exclusive remedies under this title or any other Federal or State law, regarding the use of the seal as described by section 204(a)(7).

SEC. 210. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate.

(b) EXPERTS AND CONSULTANTS.—The Librarian may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS-15 of the General Schedule, and in no case may a Board member be paid as an expert or consultant.

SEC. 211. DEFINITIONS.

For purposes of this title:

(1) The term "Board" means the National Film Preservation Board.

(2) The term "copy" used in reference to a film means a copy fixed on film stock, not on other media such as videotapes or laser disks.

(3) The term "film" means a motion picture as defined in section 101 of title 17, United States Code, except that such term excludes any works not originally fixed on film stock, such as videotapes or laser disks.

(4) The term "Librarian" means the Librarian of Congress.

(5) The term "publication" means a publication as defined in section 101 of title 17, United States Code.

(6) The term "Registry version" means, with respect to a film, the version of the film first published or as complete a version as bona fide preservation and restoration activities by the Library of Congress or another archive acting pursuant to section 204 can compile.

SEC. 212. STUDY BY THE LIBRARIAN OF CONGRESS.

The Librarian, after consultation with the Board, shall conduct a study on the state of film preservation and restoration, including the activities of the Library of Congress and the other major film archives in the United States. The Librarian shall consult with film archivists, educators and historians, copyright owners, film industry representatives, including those involved in the preservation of film, and others involved in activities related to film preservation. No later than 1 year after the date of enactment of this section, the Librarian shall submit to the Congress a report containing the results of the study conducted under this section.

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Library of Congress, such sums as are necessary to carry out the provisions of this title, but in no fiscal year shall such sum exceed $250,000.

SEC. 214. EFFECTIVE DATE.

The provisions of this title shall be effective on the date of the enactment of this Act through September 30, 1997. The provisions of this title shall apply to any copy of any film, including films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988. Films selected for the National Film Registry under the National Film Preservation Act of 1988 shall be deemed to have been selected under this title.

SEC. 215. REPEAL.

The National Film Preservation Act of 1988 (2 U.S.C. 178 et seq.) is repealed.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Brooks: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Amendments Act of 1992".

TITLE I—RENEWAL OF COPYRIGHT

SEC. 101. SHORT TITLE.

This title may be referred to as the "Copyright Renewal Act of 1992".

SEC. 102. COPYRIGHT RENEWAL PROVISIONS.

(a) DURATION OF COPYRIGHT: SUBSISTING COPYRIGHTS.—Section 304(a) of title 17, United States Code, is amended to read as follows:

"(a) COPYRIGHTS IN THEIR FIRST TERM ON JANUARY 1, 1978.—(1)(A) Any copyright, the first term of which is subsisting on January 1, 1978, shall endure for 28 years from the date it was originally secured.

"(B) In the case of—

"(i) any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or

"(ii) any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire,

the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of 47 years.

"(C) In the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work—

"(i) the author of such work, if the author is still living,

"(ii) the widow, widower, or children of the author, if the author is not living,

"(iii) the author's executors, if such author, widow, widower, or children are not living, or

"(iv) the author's next of kin, in the absence of a will of the author,

shall be entitled to a renewal and extension of the copyright in such work for a further term of 47 years.

"(2)(A) At the expiration of the original term of copyright in a work specified in paragraph (1)(B) of this subsection, the copyright shall endure for a renewed and extended further term of 47 years, which—

"(i) if an application to register a claim to such further term has been made to the Copyright Office within 1 year before the expiration of the original term of copyright, and the claim is registered, shall vest, upon the beginning of such further term, in the proprietor of the copyright who is entitled to claim the renewal of copyright at the time the application is made; or

"(ii) if no such application is made or the claim pursuant to such application is not registered, shall vest, upon the beginning of such further term, in the person or entity that was the proprietor of the copyright as of the last day of the original term of copyright.

"(B) At the expiration of the original term of copyright in a work specified in paragraph (1)(C) of this subsection, the copyright shall endure for a renewed and extended further term of 47 years, which—

"(i) if an application to register a claim to such further term has been made to the Copyright Office within 1 year before the expiration of the original term of copyright, and the claim is registered, shall vest, upon the beginning of such further term, in any person who is entitled under paragraph (1)(C) to the renewal and extension of the copyright at the time the application is made; or

"(ii) if no such application is made or the claim pursuant to such application is not registered, shall vest, upon the beginning of such further term, in any person entitled under paragraph (1)(C), as of the last day of the original term of copyright, to the renewal and extension of the copyright.

"(3)(A) An application to register a claim to the renewed and extended term of copyright in a work may be made to the Copyright Office—

"(i) within 1 year before the expiration of the original term of copyright by any person entitled under paragraph (1) (B) or (C) to such further term of 47 years; and

"(ii) at any time during the renewed and extended term by any person in whom such further term vested, under paragraph (2) (A) or (B), or by any successor or assign of such person, if the application is made in the name of such person.

"(B) Such an application is not a condition of the renewal and extension of the copyright in a work for a further term of 47 years.

"(4)(A) If an application to register a claim to the renewed and extended term of copyright in a work is not made within 1 year before the expiration of the original term of copyright in a work, or if the claim pursuant to such application is not registered, then a derivative work prepared under authority of a grant of a transfer or license of the copyright that is made before the expiration of the original term of copyright may continue to be used under the terms of the grant during the renewed and extended term of copyright without infringing the copyright, except that such use does not extend to the preparation during such renewed and extended term of other derivative works based upon the copyrighted work covered by such grant.

"(B) If an application to register a claim to the renewed and extended term of copyright in a work is made within 1 year before its expiration, and the claim is registered, the certificate of such registration shall constitute prima facie evidence as to the validity of the copyright during its renewed and extended term and of the facts stated in the certificate. The evidentiary weight to be accorded the certificates of a registration of a renewed and extended term of copyright made after the end of that 1-year period shall be within the discretion of the court.".

(b) REGISTRATION.—(1) Section 409 of title 17, United States Code, is amended by adding at the end the following:

"If an application is submitted for the renewed and extended term provided for in section 304(a)(3)(A) and an original term registration has not been made, the Register may request information with respect to the existence, ownership, or duration of the copyright for the original term.".

(2) Section 101 of title 17, United States Code, is amended by inserting after the definition of "publication" the following:

"Registration", for purposes of sections 205(c)(2), 405, 406, 410(d), 411, 412, and 506(e), means a registration of a claim in the original or the renewed and extended term of copyright.".

(c) LEGAL EFFECT OF RENEWAL OF COPYRIGHT UNCHANGED.—The renewal and extension of a copyright for a further term of 47 years provided for under paragraphs (1) and (2) of section 304(a) of title 17, United States Code, (as amended by subsection (a) of this section) shall have the same effect with respect to any grant, before the effective date of this section, of a transfer or license of the further term as did the renewal of a copyright before the effective date of this section under the law in effect at the time of such grant.

(d) CONFORMING AMENDMENT.—Section 304(c) of title 17, United States Code, is amended in the matter preceding paragraph (1) by striking "second proviso of subsection (a)" and inserting "subsection (a)(1)(C)".

(e) REGISTRATION PERMISSIVE.—Section 408(a) of title 17, United States Code, is amended by striking "At" and all that follows through "unpublished work," and inserting "At any time during the subsistence of the first term of copyright in any published or unpublished work in which the copyright was secured before January 1, 1978, and during the subsistence of any copyright secured on or after that date,".

(f) COPYRIGHT OFFICE FEES.—Section 708(a)(2) of title 17, United States Code, is amended—

(1) by striking "in its first term"; and

(2) by striking "$12" and inserting "$20".

(g) EFFECTIVE DATE; COPYRIGHTS AFFECTED BY AMENDMENT.—(1) Subject to paragraphs (2) and (3), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by this section shall apply only to those copyrights secured between January 1, 1964, and December 31, 1977. Copyrights secured before January 1, 1964, shall be governed by the provisions of section 304(a) of title 17, United States Code, as in effect on the day before the effective date of this section.

(3) This section and the amendments made by this section shall not affect any court proceedings pending on the effective date of this section.

TITLE II—NATIONAL FILM PRESERVATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Film Preservation Act of 1992".

SEC. 202. NATIONAL FILM REGISTRY OF THE LIBRARY OF CONGRESS.

The Librarian of Congress (hereinafter in this title referred to as the "Librarian") shall establish a National Film Registry pursuant to the provisions of this title, for the purpose of maintaining and preserving films that are culturally, historically, or aesthetically significant.

SEC. 203. DUTIES OF THE LIBRARIAN OF CONGRESS.

(a) STUDY OF FILM PRESERVATION.—(1) The Librarian shall, after consultation with the Board established pursuant to section 204, conduct a study on the current state of film preservation and restoration activities, including the activities of the Library of Congress and the other major film archives in the United States. The Librarian shall, in conducting the study—

(A) take into account the objectives of the national film preservation program set forth in clauses (i) through (iii) of subsection (b)(1)(A); and

(B) consult with film archivists, educators and historians, copyright owners, film industry representatives, including those involved in the preservation of film, and others involved in activities related to film preservation.

The study shall include an examination of the concerns of private organizations and individuals involved in the collection and use of abandoned films such as training, educational, and other historically important films.

(2) Not later than 1 year after the date of the enactment of this Act, the Librarian shall submit to the Congress a report containing the results of the study conducted under paragraph (1).

(b) POWERS.—(1) The Librarian shall, after consultation with the Board, do the following:

(A) After completion of the study required by subsection (a), the Librarian shall, taking into account the results of the study, establish a comprehensive national film preservation program for motion pictures, in conjunction with other film archivists and copyright owners. The objectives of such a program shall include—

(i) coordinating activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(ii) generating public awareness of and support for those activities; and

(iii) increasing accessibility of films for educational purposes, and improving nationwide activities in the preservation of works in other media such as videotape.

(B) The Librarian shall establish guidelines and procedures under which films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first publication.

(C) The Librarian shall establish procedures under which the general public may make recommendations to the Board regarding the inclusion of films in the National Film Registry.

(D) The Librarian shall establish procedures for the examination by the Librarian of prints of films named for inclusion in the National Film Registry to determine their eligibility for the use of the seal of the National Film Registry under paragraph (3).

(E) The Librarian shall determine which films satisfy the criteria established under subparagraph (B) and qualify for inclusion in the National Film Registry, except that the Librarian shall not select more than 25 films each year for inclusion in the Registry.

(2) The Librarian shall publish in the Federal Register the name of each film that is selected for inclusion in the National Film Registry.

(3) The Librarian shall provide a seal to indicate that a film has been included in the National Film Registry and is the Registry version of that film.

(4) The Librarian shall publish in the Federal Register the criteria used to determine the Registry version of a film.

(5) The Librarian shall submit to the Congress a report, not less than once every two years, listing films included in the National Film Registry and describing the activities of the Board.

(c) SEAL.—The seal provided under subsection (b)(3) may be used on any copy of the Registry version of a film. Such seal may be used only after the Librarian has examined and approved the print from which the copy was made. In the case of copyrighted works, only the copyright owner or an authorized licensee of the copyright may place or authorize the placement of the seal on a copy of a film selected for inclusion in the National Film Registry, and the Librarian may place the seal on any print or copy of the film that is maintained in the National Film Registry Collection of the Library of Congress. The person authorized to place the seal on a copy of a film selected for inclusion in the National Film Registry may accompany such seal with the following language: "This film is included in the National Film Registry, which is maintained by the Library of Congress, and was preserved under the National Film Preservation Act of 1992.".

(d) DEVELOPMENT OF STANDARDS.—The Librarian shall develop standards or guidelines by which to assess the preservation or restoration of films that will qualify films for use of the seal under this section.

SEC. 204. NATIONAL FILM PRESERVATION BOARD.

(a) NUMBER AND APPOINTMENT.—(1) The Librarian shall establish in the Library of Congress a National Film Preservation Board to be comprised of up to 18 members, who shall be selected by the Librarian in accordance with the provisions of this section. Subject to subparagraphs (C) and (O), the Librarian shall request each organization listed in subparagraphs (A) through (P) to submit to the Librarian a list of not less than 3 candidates qualified to serve as a member of the Board. Except for the members-at-large appointed under paragraph (2), the Librarian shall appoint 1 member from each such list submitted by such organizations, and shall designate from that list an alternate who may attend those meetings to which the individual appointed to the Board cannot attend. The organizations are the following:

(A) The Academy of Motion Pictures Arts and Sciences.

(B) The Directors Guild of America.

(C) The Writers Guild of America. The Writers Guild of America East and the Writers Guild of America West shall each nominate not less than 3 candidates, and a representative from 1 such organization shall be selected as the member and a representative from the other such organization as the alternate.

(D) The National Society of Film Critics.

(E) The Society for Cinema Studies.

(F) The American Film Institute.

(G) The Department of Theatre, Film and Television of the College of Fine Arts at the University of California, Los Angeles.

(H) The Department of Film and Television of the Tisch School of the Arts at New York University.

(I) The University Film and Video Association.

(J) The Motion Picture Association of America.

(K) The National Association of Broadcasters.

(L) The Alliance of Motion Picture and Television Producers.

(M) The Screen Actors Guild of America.

(N) The National Association of Theater Owners.

(O) The American Society of Cinematographers and the International Photographers Guild, which shall jointly submit 1 list of candidates from which a member and alternate will be selected.

(P) The United States members of the International Federation of Film Archives.

(2) In addition to the Members appointed under paragraph (1), the Librarian shall appoint up to 2 members-at-large. The Librarian shall select the at-large members from names submitted by organizations in the film industry, creative artists, producers, film critics, film preservation organizations, academic institutions with film study programs, and others with knowledge of copyright law and of the importance, use, and dissemination of films. The Librarian shall, in selecting 1 such member-at-large, give preference to individuals who are responsible for commercial film libraries. The Librarian shall also select from the names submitted under this paragraph an alternate for each member-at-large, who may attend those meetings to which the member-at-large cannot attend.

(b) Chairperson.—The Librarian shall appoint 1 member of the Board to serve as Chairperson.

(c) Term of Office.—(1) The term of each member of the Board shall be 3 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a), except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term.

(d) Quorum.—9 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(e) Basic Pay.—Members of the Board shall serve without pay. While away from their home or regular places of business in the performance of functions of the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5701 of title 5, United States Code.

(f) Meetings.—The Board shall meet at least once each calendar year. Meetings shall be at the call of the Librarian.

(g) Conflict of Interest.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and the responsibilities of the Board.

SEC. 205. RESPONSIBILITIES AND POWERS OF BOARD.

(a) In General.—The Board shall review nominations of films submitted to it for inclusion in the National Film Registry and shall consult with the Librarian, as provided in section 203, with respect to the inclusion of such films in the Registry and the preservation of these and other films that are culturally, historically, or aesthetically significant.

(b) Nomination of Films.—The Board shall consider, for inclusion in the National Film Registry, nominations submitted by the general public as well as representatives of the film industry, such as the guilds and societies representing actors, directors, screenwriters, cinematographers and other creative artists, producers, film critics, film preservation organizations, and representatives of academic institutions with film study programs. The Board shall nominate not more than 25 films each year for inclusion in the Registry.

(c) General Powers.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board considers appropriate.

SEC. 206. NATIONAL FILM REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS.

(a) Acquisition of Archival Quality Copies.—The Librarian shall endeavor to obtain, by gift from the owner, an archival quality copy of the Registry version of each film included in the National Film Registry. Whenever possible, the Librarian shall endeavor to obtain the best surviving materials, including preprint materials.

(b) Additional Materials.—The Librarian shall endeavor to obtain, for educational and research purposes, additional materials related to each film included in the National Film Registry, such as background materials, production reports, shooting scripts (including continuity scripts) and other similar materials.

(c) Property of United States.—All copies of films on the National Film Registry that are received by the Librarian and other materials received by the Librarian under subsection (b) shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

(d) National Film Registry Collection.—All copies of films on the National Film Registry that are received by the Librarian and other materials received by the Librarian under subsection (b) shall be maintained in a special collection in the Library of Congress to be known as the "National Film Registry Collection of the Library of Congress". The Librarian shall, by regulation, and in accordance with title 17, United States Code, provide for reasonable access to films in such collection for scholarly and research purposes.

SEC. 207. SEAL OF THE NATIONAL FILM REGISTRY.

(a) Use of the Seal.—(1) No person shall knowingly distribute or exhibit to the public a version of a film which bears the seal described in section 203(b)(3) if such film—

(A) is not included in the National Film Registry; or

(B) is included in the National Film Registry, but such copy was not made from a print that was examined and approved for the use of the seal by the Librarian under section 203(c).

(2) No person shall knowingly use the seal described in section 203(b)(3) to promote any version of a film other than a Registry version.

(b) Effective Date of the Seal.—The use of the seal described in section 203(b)(3) shall be effective for each film after the Librarian publishes in the Federal Register the name of that film as selected for inclusion in the National Film Registry.

SEC. 208. REMEDIES.

(a) Jurisdiction.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of section 207(a).

(b) Relief.—(1) Except as provided in paragraph (2), relief for a violation of section 207(a) shall be limited to the removal of the seal of the National Film Registry from the film involved in the violation.

(2) In the case of a pattern or practice of the willful violation of section 207(a), the United States district courts may order a civil fine of not more than $10,000 and appropriate injunctive relief.

SEC. 209. LIMITATIONS OF REMEDIES.

The remedies provided in section 208 shall be the exclusive remedies under this title, or any other Federal or State law, regarding the use of the seal described in section 203(b)(3).

SEC. 210. STAFF OF BOARD; EXPERTS AND CONSULTANTS.

(a) Staff.—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this title.

(b) Experts and Consultants.—The Librarian may, in carrying out this title, procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for GS-15 of the General Schedule. In no case may a member of the Board be paid as an expert or consultant under such section.

SEC. 211. DEFINITIONS.

As used in this title—

(1) the term "Librarian" means the Librarian of Congress;

(2) the term "Board" means the National Film Preservation Board;

(3) the term "film" means a "motion picture" as defined in section 101 of title 17, United States Code, except that such term does not include any work not originally fixed on film stock, such as a work fixed on videotape or laser disks;

(4) the term "publication" means "publication" as defined in section 101 of title 17, United States Code; and

(5) the term "Registry version" means, with respect to a film, the version of the film first published, or as complete a version as the bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright owner can compile in those cases where the original material has been irretrievably lost.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian such sums as are necessary to carry out the provisions of this title, but in no fiscal year shall such sum exceed $250,000.

SEC. 213. EFFECTIVE DATE.

The provisions of this title shall be effective for four years beginning on the date of the enactment of this Act. The provisions of this title shall apply to any copy of any film, including those copies of films selected for inclusion in the National Film Registry under the National Film Preservation Act of 1988, except that any film so selected under such Act shall be deemed to have been selected for the National Film Registry under this title.

SEC. 214. REPEAL.

The National Film Preservation Act of 1988 (2 U.S.C. 178 and following) is repealed.

TITLE III—OTHER COPYRIGHT PROVISIONS

SEC. 301. REPEAL OF COPYRIGHT REPORT TO CONGRESS.

Section 108(i) of title 17, United States Code, is repealed.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] is recognized for 1 hour.

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 756, the Copyright Amendments Act of 1992, includes three titles that will enhance the operation of our Nation's copyright system. It incorporates the substance of two bills that were considered by the Committee on the Judiciary and passed earlier in this Congress: H.R. 2372, which passed the House last November 25, and H.R. 1612, which passed last November 18.

Title I, the Copyright Renewal Act of 1991, provides for the automatic renewal of copyrighted works that were published before January 1, 1978. It would replace an archaic renewal system that in the past has occasionally worked an injustice on copyright holders.

Title II of S. 756 reauthorizes the National Film Preservation Board for an additional 4 years. The Board was established in 1988 to recommend films for placement on a national film registry, and to carry out other film preservation and labeling responsibilities with respect to films on the registry. Title II of the bill will continue the Board with some modifications and provide a modest authorization of $250,000 a year to carry out these responsibilities.

The remaining title of S. 756, title III, simply repeals an obsolete reporting requirement relating to photocopying of copyrighted works by libraries.

Mr. Speaker, I urge adoption of S. 756, as amended, and I want to take this opportunity to pay tribute to the chairman of the Subcommittee on Intellectual Property and Judicial Administration, the gentleman from New Jersey [Mr. HUGHES]. As usual, he is overseeing these copyright related matters, as well as all other issues in his subcommittee's jurisdiction, with the highest competence and diligence, and in that he has been aided and abetted by none other than the gentleman from California [Mr. MOORHEAD].

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, this bill relates in part to the National Film Preservation Act program that has been on the books for some time and is very, very important to the people of this country. We passed all three pieces of this legislation in the House of Representatives previously. The Senate had passed slightly different versions and for some time the chairman of our subcommittee, the gentleman from New Jersey [Mr. HUGHES], the chairman of the full committee, the gentleman from Texas [Mr. BROOKS], and myself and others have dealt with the Senate in trying to reconcile the differences between the different versions of the legislation. We have been successful in accomplishing this, and I think that the bill that we have before our colleagues today is one that is of great benefit in this area and will accomplish the job that we all wanted to accomplish.

I want to compliment the gentleman from New Jersey [Mr. HUGHES] for his efforts in this particular piece of legislation. He has done a marvelous job, and I want to also compliment the gentleman from Texas [Mr. BROOKS], the chairman of the full committee who, as always, has done a very fine job in bringing about the result that we have before us today.

Mr. Speaker, I ask for strong support for this legislation.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES], chairman of the subcommittee.

Mr. HUGHES. Mr. Speaker, S. 756 consists of three titles designed to improve this Nation's copyright system and continue important film preservation efforts. The bill is an amendment in the nature of a substitute incorporating, with amendments, two bills passed by the House during the first session of this Congress. Titles I and II incorporate, as amended, H.R. 2372, passed by the House on November 25, 1991. Title III incorporates, as amended, H.R. 1612, passed by the House on November 18, 1991.

Title I is the Copyright Renewal Act of 1991. This title reforms the archaic renewal system presently in place for copyrighted works published before January 1, 1978, by providing for their automatic renewal. Currently, authors of works first published between 1964 and 1977 must file a timely renewal application with the Copyright Office during the 28th year after the first publication. Failure to file such an application results in loss of a second, 47-year term of protection, called the renewal term. The renewal requirements are highly technical and have resulted in the unintended loss of valuable copyrights. In addition to countless individuals who do not have knowledge of the requirements, even famous directors such as Frank Capra have fallen victim. Capra's "It's a Wonderful Life," starring Jimmy Stewart and Donna Reed, went into the public domain when the film production company that owned the copyright went bankrupt and no one was around to file the renewal application.

S. 756 will prevent such losses. At the same time, the bill recognizes that public records containing information about the creation and ownership of copyrighted works are desirable. In order to encourage—but not require—copyright owners to provide such information, the bill contains incentives for copyright owners to continue to file renewal applications.

First, a renewal registration will give the copyright owner prima facie evidence of the validity of the copyright. Second, consistent with the Supreme Court's 1990 decision in Stewart versus Abend, where the author dies before the renewal term begins, a renewal registration will prevent the exploitation during the renewal term of derivative works prepared during the original term under a license from the copyright owner, unless authorization is obtained from the author's successors. Of course, as under current law, if the author lives until the renewal period vests, any contract permitting exploitation of the derivative work during the renewal term is enforceable according to the terms of the contract.

The bill also clarifies when the renewal period vests. Where a renewal application has been made within 1 year prior to the expiration of the original term, the renewal term vests in the person who was entitled to the renewal at the time the application was made. However, where no application or registration is made during the 28th year of the original term, the renewal term vests, on the first day of the 29th year, in the person entitled to the renewal on the last day of that 28th year.

S. 756, as amended by the substitute bill before us today, contains a few improvements over H.R. 2372 as previously passed by the House. First, the substitute bill deletes a provision giving the Register of Copyrights the authority, by regulation, to require an original term registration when no such registration has been made at the time a renewal application is filed. While I agree that copyright information regarding the original term may be useful, the Copyright Office can obtain this information administratively simply by amending its existing renewal form. There is no need to require two separate applications and two separate fees. The substitute bill therefore contains amendments making an original registration unncessary when a renewal registration is sought during the renewed and extended term. At the same time, the bill gives the Register of Copyrights authority to request information about the original term when a renewal application is filed and there is no original registration.

Under the amendment, a renewal registration alone is sufficient to satisfy the requirements of sections 205(c)(2), 405, 406, 411, and 412. The effective date of the registration is that provided in section 410(d).

The substitute bill also revises provisions on remedies. The approach taken in the substitute bill is best described as parallelism: Works subject to automatic renewal under the bill will be entitled to the same remedies, but under the same conditions, as works created on or after January 1, 1978, the effective date of the 1976 Copyright Act. Thus, all works, regardless of the date of their creation, are treated identically. This is particularly important in connection with the statutory damages and attorney's fees provided for in sections 504(c)(2) and 505, respectively. For these remedies, the requirements of section 412 apply in pari materia to original registrations and to situations where only a renewal registration is obtained.

Title II reauthorizes the National Film Preservation Board for a period of 4 years from the date of enactment. An important component of the title is a study to be conducted by the Librarian of Congress not later than 1 year after the date of enactment concerning the current state of film preservation and restoration activities. That study shall include an examination of the concerns of private organizations and individuals involved in the collection and use of films abandoned by their copyright owners, including training and educational films.

Title III repeals the requirement that the Copyright Office, every 5 years, report to Congress the extent to which section 108 of title XVII—governing the conditions under which library photocopying is permissible—has achieved its intended purpose of balancing the rights of creators and the needs of users. The Copyright Office has already delivered two comprehensive reports to Congress under this provision. There is agreement by those affected by section 108 that further studies are unnecessary.

I urge my colleagues to join me in passing this important legislation. I yield back the balance of my time.

☐ 1250

Mr. BROOKS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the amendment in the nature of a substitute and the Senate bill.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. BROOKS].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

☐ 1251

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, with Mr. COX of Illinois, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 3, 1992, amendment No. 9 printed in part II of House Report 102-545 had been disposed of.

It is now in order to consider amendment No. 5 printed in part I of House Report 102-545.

AMENDMENT, AS MODIFIED, OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that the pending amendment may be considered in the modified form that I have placed at the desk.

The CHAIRMAN pro tempore. The Clerk will designate the original amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ASPIN: At the end of division A (page 203, line 14), insert the following new title:

TITLE XII—NUCLEAR NONPROLIFERATION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Nuclear Threat Reduction Act of 1992".

SEC. 1202. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the proliferation of nuclear weapons is one of the most serious threats to the national security of the United States in the post-Cold war era;

(2) nuclear nonproliferation policy of the United States should seek to limit both the supply of nuclear weapons and the demand for nuclear weapons and should undertake to reduce the existing threat from nuclear proliferation;

(3) the Secretary of Defense should, under the guidance of the President and in coordination with the Secretary of State, actively assist in United States nuclear nonproliferation policy, emphasizing activities such as improved capabilities to detect and monitor nuclear proliferation, to respond to nuclear terrorism, theft, and accidents, and to assist with interdiction and destruction of nuclear weapons and material.

SEC. 1203. REPORT ON DEPARTMENT OF DEFENSE NONPROLIFERATION ACTIVITIES.

(a) PREPARATION OF REPORT.—The Secretary of Defense shall submit to the committees of Congress named in subsection (d) a report describing the role of the Department of Defense with respect to nuclear nonproliferation policy. The report shall—

(1) address how the Secretary intends to integrate and coordinate existing intelligence and military capabilities of the Department of Defense with the nuclear nonproliferation policy of the United States;

(2) identify existing capabilities within the Department of Defense, the Department of State, and the Department of Commerce to detect clandestine nuclear weapons programs, to respond to nuclear terrorism, nuclear accidents, or theft of nuclear materials, and to assist with interdiction and destruction of nuclear weapons and materials, including a description of the degree to which the unified combatant commands have incorporated a nonproliferation mission into their overall mission and how the Special Operations Command might support the commanders of the unified and specified commands in that mission; and

(3) consider the appropriate role of the Defense Advanced Research Projects Agency (DARPA), the Department of Energy, the Arms Control and Disarmament Agency, the On-Site Inspection Agency, and other departments and agencies in providing technical assistance and support for the efforts of the Department of Defense with respect to nuclear nonproliferation.

(b) COORDINATION WITH OTHER AGENCIES.—The report shall be prepared under the guidance of the President and in coordination with the Secretary of State and the heads of other appropriate departments and agencies.

(c) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form and, as necessary, in classified form.

(d) COMMITTEES TO RECEIVE REPORT.—The committees of Congress referred to in subsection (a) are—

(1) the Committee on Armed Services, the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1204. NUCLEAR NONPROLIFERATION TECHNOLOGY INITIATIVE.

(a) DARPA NUCLEAR PROLIFERATION MONITORING RESEARCH PROGRAM.—(1) The Secretary of Defense, acting through the Defense Advanced Research Projects Agency, shall continue to develop new nonproliferation technologies under the Nuclear Proliferation Monitoring Research Program of that agency.

(2) There is hereby authorized to be appropriated for fiscal year 1993 for research, development, test, and evaluation for the Defense Agencies, in addition to any other amounts authorized to be appropriated by this Act, $20,000,000 for nonproliferation technology programs of the Defense Advanced Research Projects Agency, as follows:

(A) For proliferation detection and other technologies (including ultra-sensitive, portable radiation sensors and improved methods for effluent analysis for remote sensing), $15,000,000.

(B) For seismic stations and arrays to detect low-level nuclear testing, $5,000,000.

(b) DEPARTMENT OF ENERGY.—There is hereby authorized to be appropriated for fiscal year 1993 for the Department of Energy, in addition to any other amounts authorized to be appropriated by this Act, $40,000,000 for nuclear nonproliferation detection technology and other projects and activities of the Department of Energy as follows:

(1) For verification control technology, $20,000,000, of which—

(A) $18,000,000 is in addition to the amount authorized under section 3104(a)(2); and

(B) $2,000,000 is in addition to the amount authorized under section 3104(c)(2).

(2) To enhance other Department of Energy programs with application to problems of nu-

clear proliferation, nuclear safety, or nuclear security, $20,000,000, to be available for programs such as the completion of the nuclear nonproliferation information network, construction of the Nuclear Safeguards Technology Lab at Los Alamos National Laboratory, and funding for NEST training, research and development, and equipment.

(c) OFFSETTING REDUCTION.—The amount provided in section 104 for procurement for the Defense Agencies is hereby reduced by $60,000,000.

SEC. 1205. INTERNATIONAL NUCLEAR NONPROLIFERATION ACTIVITIES.

(a) INTERNATIONAL EFFORTS.—The Congress encourages the Secretary of Defense to participate actively in United States efforts to stem the proliferation of nuclear weapons. To that end, the Secretary of Defense under the guidance of the President and in coordination with the Secretary of State, may spend not to exceed $40,000,000 during fiscal year 1993 for international nonproliferation activities such as the following:

(1) Financial support for and technical cooperation with international organizations such as the United Nations Special Commission on Iraq and the International Atomic Energy Agency, to support more aggressive full-scope safeguards and verification of the Nuclear Non-proliferation Treaty, including in-kind contributions of Department of Defense personnel, equipment, training, and other forms of assistance.

(2) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(3) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(b) FUNDING.—The President, to the extent provided in an appropriations law, may during fiscal year 1993 transfer to the appropriate Defense accounts funds for the purposes of this section in amounts not to exceed $40,000,000 from funds appropriated to the Department of Defense for fiscal year 1993 or from balances in working capital accounts. The provisions of subsections (a)(2), (b), (c), and (d) of section 221 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228) shall apply with respect to the program under this section in the same manner as they apply to activities under part B of that Act.

(c) DETERMINATION BY DIRECTOR OF OMB.—No funds may be obligated during fiscal year 1993 for the program under this section unless expenditures for that program during fiscal year 1993 have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) REPORTING REQUIREMENTS.—(1) Not less than 15 days before any obligation of funds under this section, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the President plans to obligate such funds.

(2) Not later than 30 days after the end of each quarter of fiscal years 1993 and 1994, the President shall transmit to the Congress a report of the activities to reduce the nuclear proliferation threat carried out under this section. Each report shall set forth the following:

(A) Amounts spent for such activities and the purposes for which they were spent.

(B) The source of the funds obligated for such activities.

(C) A description of the participation of the Department of Defense, and the participation of other government agencies in such activities.

(D) A description of the activities for which the funds were spent.

SEC. 1206. SOVIET WEAPONS DESTRUCTION.

(a) FINDINGS.—The Congress finds—

(1) that programs established under the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228) will contribute significantly to the destruction of weapons of mass destruction of the states of the former Soviet Union and the reduction of the threat from such weapons and the potential for their proliferation; and

(2) that it is in the national security interests of the United States to continue to reduce the threats from the huge weapons arsenals of the former Soviet Union and to protect against the potential proliferation of these weapons and the materials removed from them, as well as the potential hazards resulting from the faulty storage of those weapons or materials.

(b) ADDITIONAL FUNDING.—(1) Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 105 Stat. 1695) is amended by striking out "$400,000,000" and inserting in lieu thereof "$650,000,000".

(2) Section 221(e) of such Act is amended—

(A) by inserting "for fiscal year 1992 or fiscal year 1993" after "under part B";

(B) by inserting "for that fiscal year" after "for that program"; and

(C) by striking out "for fiscal year 1992" and inserting in lieu thereof "for that fiscal year".

(c) TECHNICAL REVISIONS TO PUBLIC LAW 102–229.—Public Law 102–229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out "contained in H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "(title II of Public Law 102–228)"; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out "H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "Public Law 102-228 (105 Stat. 1696)"; and

(B) by striking out "of H.R. 3807".

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. ASPIN: At the end of division A (page 203, after line 14), insert the following new title:

TITLE XII—NUCLEAR NONPROLIFERATION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Nuclear Threat Reduction Act of 1992".

SEC. 1202. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the proliferation of nuclear weapons is one of the most serious threats to the national security of the United States in the post-Cold war era;

(2) nuclear nonproliferation policy of the United States should seek to limit both the supply of nuclear weapons and the demand for nuclear weapons and should undertake to reduce the existing threat from nuclear proliferation;

(3) the Secretary of Defense should, under the guidance of the President and in coordination with the Secretary of State, actively assist in United States nuclear nonproliferation policy, emphasizing activities such as improved capabilities to detect and monitor nuclear proliferation, to respond to nuclear terrorism, theft, and accidents, and to assist with interdiction and destruction of nuclear weapons and material; and

(4) in a manner consistent with United States nuclear nonproliferation policy, the Department of Defense should maintain a credible military capability to track and respond to nuclear proliferation.

SEC. 1203. REPORT ON DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY NONPROLIFERATION ACTIVITIES.

(a) PREPARATION OF REPORT.—The Secretary of Defense and the Secretary of Energy shall jointly submit to the committees of Congress named in subsection (d) a report describing the role of the Department of Defense and the Department of Energy with respect to nuclear nonproliferation policy. The report shall—

(1) address how the Secretary of Defense and the Secretary of Energy intend to integrate and coordinate existing intelligence and military capabilities of the Department of Defense and the intelligence and emergency response capabilities of the Department of Energy with the nuclear nonproliferation policy of the United States;

(2) identify existing capabilities within the Department of Defense and the Department of Energy to detect and monitor clandestine nuclear weapons programs, to respond to nuclear terrorism, nuclear accidents, or theft of nuclear materials, and to assist with interdiction and destruction of nuclear weapons and materials, including for the Department of Defense a description of the degree to which the unified combatant commands have incorporated a non-proliferation mission into their overall mission and how the Special Operations Command might support the commanders of the unified and specified commands in that mission;

(3) consider the appropriate role of the Defense Advanced Research Projects Agency (DARPA), the Defense Nuclear Agency and other Department of Defense agencies as well as the Department of Energy and other departments and agencies in providing technical assistance and support for the efforts of the Department of Defense and the Department of Energy with respect to nuclear nonproliferation; and

(4) identify existing mechanisms for integrating Department of Defense and Department of Energy nonproliferation activities with those of other departments and agencies and recommend ways to improve communication and collaboration.

(b) COORDINATION WITH OTHER AGENCIES.—The report shall be prepared under the guidance of the President and in coordination with the Secretary of Sate and the heads of other appropriate departments and agencies.

(c) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not after than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form and, as necessary, in classified form.

(d) COMMITTEE TO RECEIVE REPORT.—The committees of Congress referred to in subsection (a) are—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Com-

mittee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1204. NUCLEAR NONPROLIFERATION TECHNOLOGY INITIATIVE.

(a) DARPA NUCLEAR PROLIFERATION MONITORING RESEARCH PROGRAM.—(1) The Secretary of Defense, acting through the Defense Advanced Research Projects Agency, shall continue to develop new nonproliferation technologies under the Nuclear Proliferation Monitoring Research Program of that agency.

(2) There is hereby authorized to be appropriated for fiscal year 1993 for research, development, test, and evaluation for the Defense Agencies, in addition to any other amounts for the Defense Agencies, in addition to any other amounts authorized to be appropriated by this Act, $20,000,000 for nonproliferation technology programs of the Defense Advanced Research Projects Agency, as follows:

(A) For proliferation detection and other technologies (including ultra-sensitive, portable radiation sensors and improved methods for effluent analysis for remote sensing), $15,000,000.

(B) For seismic stations and arrays to detect low-level nuclear testing, $5,000,000.

(b) DEPARTMENT OF ENERGY.—There is hereby authorized to be appropriated for fiscal year 1993 for the Department of Energy, in addition to any other amounts authorized to be appropriated by this Act, $40,000,000 for nuclear nonproliferation detection technology and other projects and activities of the Department of Energy as follows:

(1) For verification control technology, $20,000,000, of which—

(A) $18,000,000 is in addition to the amount authorized under section 3104(c)(2); and

(B) $2,000,000 is in addition to the amount authorized under section 3104(c)(2).

(2) To enhance other Department of Energy programs with application to problems of nuclear proliferation, nuclear safety, or nuclear security, $20,000,000, to be available for programs such as the completion of the nuclear nonproliferation information network, construction of the Nuclear Safeguards Technology Lab at Los Alamos National Laboratory, and funding for emergency response training, research and development, and equipment.

(c) OFFSETTING REDUCTION.—The amount provided in section 104 for procurement for the Defense Agencies is hereby reduced by $60,000,000.

SEC. 1205. INTERNATIONAL NUCLEAR NONPROLIFERATION ACTIVITIES.

(a) INTERNATIONAL EFFORTS.—The Congress encourages the Secretary of Defense and the Secretary of Energy to participate actively in United States efforts to stem the proliferation of nuclear weapons. To that end, the Secretary of Defense and the Secretary of Energy, under the guidance of the President and in coordination with the Secretary of State, may spend not to exceed a total of $40,000,000 during fiscal year 1993 for international nonproliferation activities such as the following:

(1) Support for and technical cooperation with relevant international organizations (such as the International Atomic Energy Agency and the United Nations Special Commission on Iraq) to support more effective international safeguards and innovative detection and verification techniques, including in-kind contributions of personnel, equipment, training, and other forms of assistance.

(2) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(3) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(b) FUNDING FOR FISCAL YEAR 1993.—(1) There is hereby authorized to be appropriated for fiscal year 1993 for the purposes of carrying out this section, in addition to any other amounts authorized to be appropriated by this Act, $40,000,000.

(2) The amount provided in section 104 for procurement for the Defense Agencies is hereby reduced by $40,000,000.

(c) DETERMINATION BY DIRECTOR OF OMB.—No funds may be obligated during fiscal year 1993 for the program under this section unless expenditures for that program during fiscal year 1993 have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) REPORTING REQUIREMENTS.—(1) Not less than 15 days before any obligation of funds under this section, the Secretary of Defense, in coordination with the Secretary of Energy, shall transmit to the committees of Congress named in subsection (e) a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

(2) Not later than 30 days after the end of each quarter of fiscal years 1993 and 1994, the Secretary of Defense, in coordination with the Secretary of Energy, shall transmit to the committees of Congress named in subsection (e) a report of the activities to reduce the nuclear proliferation threat carried out under this section. Each report shall set forth the following:

(A) Amounts spent for such activities and the purposes for which they were spent.

(B) A description of the participation of the Department of Defense, and the participation of other government agencies in such activities.

(C) A description of the activities for which the funds were spent.

(e) COMMITTEES TO RECEIVE REPORT.—The committees of Congress referred to in subsections (d)(1) and (d)(2) are—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1206. SOVIET WEAPONS DESTRUCTION.

(a) FINDINGS.—The Congress finds—

(1) that programs established under the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) will contribute significantly to the destruction of weapons of mass destruction of the states of the former Soviet Union and the reduction of the threat from such weapons and the potential for their proliferation;

(2) that it is in the national security interests of the United States to continue to reduce the threats from the huge weapons arsenals of the former Soviet Union and to protect against the potential proliferation of these weapons and the materials removed from them, as well as the potential hazards resulting from the faulty storage of those weapons or materials; and

(3) that the threats to nuclear safety and security described in section 211 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 105 Stat. 1693) remain of urgent concern and that additional resources are necessary to meet these threats, particularly in areas such as safe and secure storage of fissile material, dismantlement of missiles and launchers, and the destruction of chemical weapons.

(b) ADDITIONAL FUNDING.—(1) Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 105 Stat. 1695) is amended by striking out "$400,000,000" and inserting in lieu thereof "$650,000,000".

(2) Section 221(e) of such Act is amended—

(A) by inserting "for fiscal year 1992 or fiscal year 1993" after "under part B";

(B) by inserting "for that fiscal year" after "for that program"; and

(C) by striking out "for fiscal year 1992" and inserting in lieu thereof "for that fiscal year".

(c) TECHNICAL REVISIONS TO PUBLIC LAW 102-229.—Public Law 102-229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out "contained in H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "(title II of Public Law 102-228)"; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out "H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "Public Law 102-228 (105 Stat. 1696)"; and

(B) by striking out "of H.R. 3807".

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the original request of the gentleman from Wisconsin?

Mr. KYL. Mr. Chairman, reserving the right to object, it is my understanding the amendment at the desk is the later version that had been agreed to by all parties. The difference between it and the version printed in the RECORD are that:

An additional point has been added to the sense of Congress in section 1202 which says that the Department of Defense should maintain a credible military capability to track and respond to nuclear proliferation.

The report required in section 1203 must be submitted jointly by the Department of Defense and the Department of Energy, rather than the Department of Defense alone.

Reports on international activities addressed in section 1205 will be submitted by the Secretary of Defense to the four relevant committees rather than by the President to the Congress.

Point one under section 1205 has been reworded to make this assistance more broadly applicable to international nonproliferation efforts.

The funding mechanism under section 1205 has been simplified.

Is that correct?

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Wisconsin.

Mr. ASPIN. The gentleman is correct. Mr. Chairman, the amendment that was printed in the report of the Rules Committee was an earlier version of the amendment and does not reflect the status of changes that had been negotiated and agreed to by the parties involved—both sides of the aisle, on the Armed Services and Foreign Affairs Committees. The revised version is the one that was agreed to by all, submitted to the Rules Committee prior to their having met, but was not the version printed in the report.

Mr. KYL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. ASPIN] that the amendment be modified?

There was no objection.

The CHAIRMAN pro tempore. Does any Member rise in opposition to the amendment, as modified?

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 10 minutes, and the gentleman from Arizona [Mr. KYL] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this point I would like to explain a little bit about this nonproliferation amendment that I am offering on behalf of the Committee on Armed Services, and also on behalf of the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs.

Basically what we are doing here is putting together an amendment that addresses the new nuclear threat. The new nuclear threat is the threat of nuclear weapons falling into the hands of Third World countries, terrorist organizations, or whatever. It is a challenge that raises very serious questions about our nonproliferation efforts, and this is an attempt to get an agreement among all the relevant players on what we ought to do about that new situation.

Mr. Chairman, this has principally four parts, and I would like to just briefly outline the four parts.

First, the amendment requires a joint Department of Defense-Department of Energy report on how they intend to integrate and coordinate their technical intelligence and military capabilities with U.S. nuclear nonproliferation policy. We need to get the Defense Department and the Energy Department much more involved, much more integrated in the nonproliferation effort. We hope to do that with the first part of this amendment.

Second, the amendment also provides a nuclear nonproliferation technology initiative to enhance detection and monitoring of nuclear proliferation. A little more research in how you would detect nuclear capabilities or facilities overseas, as well as nuclear materials or weapons that might be covertly imported into the United States. Ongoing research in proliferation technology has shown tremendous promise, and this would extend that.

The third part of this amendment would authorize up to $40 million to encourage greater DOD and DOE cooperation with, and participation in, international nuclear nonproliferation activities, such as the IAEA, the U.N. special commission, and other agencies that have had a lot to do with nuclear nonproliferation efforts. This helps to provide them a little more technical support. It would also allow joint technical projects to improve international monitoring, collaborative international nuclear security and nuclear safety projects, and technical cooperation and support for international organizations.

Finally, the amendment provides an additional $250 million in transfer authority for the dismantlement of the former Soviet Union's nuclear weapons and missile launchers.

The most likely source of proliferation in this modern era, with the breakup of the Soviet Union, is the creation of new nuclear states with the breakup of the Soviet Union and various Republics. Fissile material or weapons themselves being stolen or sold on the black market is the second most serious source of proliferation. The third biggest source of concern is that the nuclear scientists who work on these programs, and who might go to work for bad guys like Saddam Hussein, or Qadhafi, or otherwise offer their services to the highest bidder.

This money would go to counter these dangers, and this is something that we have already done in past legislation. It would add a little bit more money for these purposes.

Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not object to the goal of this amendment, but I have serious reservations as to whether the additional funding is necessary.

Section 1206 of the Aspin-Fascell amendment provides an additional $250 million for dismantlement assistance to the former Soviet Union.

Last year the Congress agreed to appropriate $400 million in dismantlement aid, provided that the Commonwealth of Independent States [the CIS] complied with the following conditions:

First, making a substantial investment of its resources for dismantling or destroying nuclear weapons. It is doubtful that that has been accomplished.

Second, foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction. Clearly that goal has not been satisfied.

The other goals we simply do not know. Foregoing any use of fissionable or other components of destroyed nuclear weapons in new nuclear weapons; facilitating U.S. verification of weapons of mass destruction; complying with all relevant arms control agreements; and observing internationally recognized human rights. We simply do not know about those.

Only a small portion of the $400 million has been used today. Now we want to provide an additional $250 million in this amendment. And that is the essence of my question. Can it be spent wisely?

On April 10, Secretary Eagleburger certified to the Congress that Russia, Belarus, and the Ukraine have complied with the intent of last year's law. The administration's certification is at best, in my opinion, an amateur assessment of compliance of the criteria. It is an advocate's view, not an objective analysis.

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We all want the democratic elements of the former Soviet Union to succeed, but this certification that was supplied is too charitable to the hard-liners who have too much to say about what occurs, particularly in the Republic of Russia, and who still exercise considerable influence there.

For example, when the Senate Committee on Armed Services visited Russia earlier this year, officials admitted to the Senators that a strategic weapons modernization program was underway, and there are several references in this Senate report, dated January 31, to that effect.

For example, just to cite a note or two, one knowledgeable Russian official conceded that the strategic weapons modernization program was under way. One well-informed source indicated that continuing modernization programs stemmed from conservatives within the military/industrial complex who are still concerned with maintaining parity with the United States. According to this source, modernization would continue, even if Boris Yeltsin ordered its cessation.

General Butler, commander of Stratcom, has indicated that Russian modernization of the SS-25 continues, and we also know that modernization of the SS-18 continues.

Even the Eagleburger report could not deny continued modernization. It asserted only that the strategic modernization has slowed down, not that it had stopped.

Many will argue that the production is merely a result of inertia in Russia. And I guess the question I have is: Are we really serious about these conditions?

When I visited Moscow earlier this year, leading a delegation of members of the Committee on Armed Services, Russian officials admitted that plutonium production continued at two reactor sites.

Mr. Veilikov and Mr. Volsky both recognized that the continued production of fissile material for inclusion in new warheads was contrary to the conditions that we had imposed on the first $400 million. And the President's own arms control compliance report notes that since 1930, the former Soviet Union has not been in compliance with the Biological and Toxic Weapons Convention [BWC]. The Eagleburger report notes that Russia is lagging in implementation of the convention. That is a very generous description of their activities. Clearly Russia is not in compliance.

My question is, again, why do we apply conditions if a reasonable effort is not going to be made to comply? We have the report of the delegation that I lead, which describes in more detail the response to Russian officials, indicating that there was a violation of the conditions that we had required in last year's bill.

Here is a copy of the compliance report for the fiscal year 1992 Defense authorization bill. Just to quote a line or two from it, "Russia has not explicitly accepted President Bush's challenge to limit its ICBM development program to a single warhead ICBM." It goes on to note that they continue to modernize the SS-18 and SS-25.

Mr. Chairman, the point is that the author of the amendment and the rest of us on the committee and in the Congress are going to have to be much firmer, I think, in ensuring that the conditions that were insisted on in last year's bill be satisfied to insist upon the proper implementation of this program. Because the implementation of this program is so important, so critical to ensure that these weapons are dismantled and that the issues of nuclear safety that the chairman discussed are met with a high degree of support from the United States, I supported this bill last year and certainly do not object to the additional support for the program this year, although, again, I question whether this additional money is necessary. This is the kind of effort that we have got to support. It is the kind of effort that makes the next amendment, that of the gentleman from Massachusetts [Mr. MAVROULES], totally unnecessary, because we are going to be able to achieve the goals through this kind of positive program.

I have one question that I would like to pose to the chairman of the committee. Some have suggested that this bill, providing for this assistance in nuclear dismantlement and other nuclear safety activities, actually in some way represents aid to the former Soviet Union.

I would like to ask the chairman to respond to that question that has been raised.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I think the answer is that it does not. The money is to be used to help dismantle and to do away with nuclear warheads and nuclear fissile material in the Soviet Union, but it is not money that goes to the Soviet Union. It is not aid to the Soviet Union.

It is for people working for the U.S. Government that will assist in this program.

Mr. KYL. Mr. Chairman, if I could ask a further question, much of this money is basically to continue to pay U.S. officials or to have officials who would be paid by the United States to perform this activity, and also, where construction activities are necessary, to have U.S. funds, to the extent possible, go to U.S. contractors who would perform this work; is that correct?

Mr. ASPIN. Mr. Chairman, if the gentleman will continue to yield, the gentleman is absolutely correct.

Mr. KYL. Mr. Chairman, I thank the gentleman. For all of these reasons, as I said, I think it is important for us to proceed with this kind of activity.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, let me ask the gentleman from Arizona [Mr. KYL] and the chairman a question or two, if I may.

The chairman mentioned that the Soviet arms, the brain drain, Soviet experts to Third World nations is a problem and a severe problem we are going to face.

I would just ask the gentleman if this amendment addresses this problem in any way.

Mr. ASPIN. Mr. Chairman, if the gentleman will continue to yield, the thing that the administration has been proposing and working on to address this issue is the science center that the Secretary of State announced in collaboration with the German Government. We do not have any additional money in this bill for that center. It is a $25 million project, the United States share is 25 million. I forget now what the German portion of that is, but that was the major initiative in terms of employing the nuclear scientists who otherwise would be unemployed.

Mr. HUNTER. Mr. Chairman, I thank the gentleman.

Mr. KYL. Mr. Chairman, I might add, for the gentleman, an additional $10 million was made available for the same kind of activity in the Ukraine.

Mr. ASPIN. Mr. Chairman, the gentleman is correct.

Mr. KYL. Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I support the amendment offered by the two distinguished chairmen. Their efforts in the area of nonproliferation are commendable.

In my judgment this amendment hits the nail on the head. The best method of addressing the spreading proliferation threat, is not by building up our forces or developing new weapons systems. The most effective, and by far the most economical way of defeating this threat, is by bolstering our nonproliferation efforts.

Yes, the cold war is over. But face the facts: unless we act now the threat of loose nukes will only grow. And so may the unchecked production of fissile material. I say to my colleagues the only way to counter these threats is by a stronger nonproliferation policy.

I know that some of my colleagues on the other side of the aisle find it repulsive to be providing aid to our former enemy. And on this side of the aisle, some say we can not afford to send more money overseas. My colleagues, we cannot afford to not provide these funds. Nonproliferation, it is the key to strengthening our national security.

Further, we must continue to develop better technologies for detection and monitoring nuclear material production. We can not expect to fight this new war without the necessary weapons. This is how we won the cold war, and this is how we must fight the proliferation war. The Aspen-Fascell amendment gives the International Atomic Energy Agency and the United Nations the ammunition they need for winning the fight.

Mr. Chairman, I urge my colleagues to support a worldwide end to the proliferation of nuclear weapons and material. Please support this amendment.

Mr. KYL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I would like to ask a question to the chairman of the Subcommittee on Investigations, very briefly.

I think that one of the things that has been developed by the committee and by the information that we have received is that there is a great deal of truth in what the chairman said with respect to the flow of technical people out of the Soviet Union into positions of employment with terrorist nations and with those who are not going to use nuclear power in a responsible manner.

I would ask the chairman of the Subcommittee on Investigations, because this is right on target with what he thinks the direction we need to go is, if we could hold some hearings in which we could try to come up with some way to assist the administration in terms of chilling or deterring this flow from the Soviet Union to Third World nations of some of their best technical people?

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I would be very delighted to talk with the gentleman first and then certainly with the staff members. The gentleman and I have discussed this issue and other issues on many other occasions. I would be delighted to sit and chat with the gentleman.

Let us place a format in front of us, let us find out where the State Department is coming from, and I would be delighted to accommodate not only the gentleman but other Members who would request a hearing.

Mr. HUNTER. Mr. Chairman, I thank the gentleman.

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Mr. KYL. Mr. Chairman, subject to the caveat that we are going to have to continue to monitor the expenditure of this money very carefully to be sure that it is properly spent, I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I rise in strong support of the Aspin-Fascell amendment, which would provide additional moneys for nonproliferation activities within the Departments of Defense and Energy and an additional $250 million in transfer authority for the dismantlement of nuclear weapons and launchers in the former Soviet Union.

Although the cold war may have ended and the Soviet nuclear threat has diminished, the threat of nuclear proliferation still exists. Investments in technology development for detection and monitoring of nuclear proliferation activities are essential. Portable radiation detectors and satellite verification and compliance are two examples of promising technologies which remain underfunded.

If the United States is to continue to lead the effort in stemming nuclear proliferation activities, we must continue to encourage the Departments of Defense and Energy to integrate their activities with our nuclear nonproliferation policy, invest in high-payoff monitoring and detection technologies, and strengthen international cooperation in nonproliferation activities, such as those at International Atomic Energy Agency.

The former Soviet Union's nuclear arsenal is still an attractive opportunity for anxious buyers in such countries as Iran and Libya. The additional authorization provided in this amendment will help ensure that the former Soviet Union's nuclear arsenal is dismantled in a safe effective manner.

This amendment underscores the important role the United States must continue to play in stemming nuclear weapons proliferation throughout the world. I urge this amendment's adoption on both sides of the aisle.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I commend the chairman of the Armed Services Committee and the gentleman from Florida [Mr. FASCELL], chairman of the Committee on Foreign Affairs, for the amendment.

Mr. Chairman, I rise today in support of the Aspin-Fascell amendment to assist the former Soviet Union in dismantling nuclear weapons.

The concern over proliferation from the nuclear weapons and technical expertise is well founded, and that is why this amendment is an important continuation of the effort begun last year to take advantage of United States technical expertise to foster the dismantlement of nuclear weapons in the former Soviet Union. But a second nuclear challenge still exists in the former Soviet Union. The challenge of nuclear reactor safety in Eastern Europe and the former Soviet Union poses a world threat. I am joining Mr. STARK and Mr. McCURDY in offering an amendment to H.R. 5006, to focus attention on this critical problem of nuclear reactor safety. This puts the Congress on record in support of bilateral and multilateral initiatives to address this challenge, as well as requiring the administration to provide an immediate assessment of this situation, with a description of initiatives and actions contemplated.

I was among the first Americans to visit Chernobyl after the 1986 accident. I saw first hand the devastation it caused, up to $352 billion in monetary damages, and leaving more than 4 million people living on land contaminated with radiation. There are currently 16 Chernobyl-type RBMK reactors still in operation in the former Soviet Union republics with the same design flaws, poor construction, and outdated procedures that were evident at Chernobyl. The recent leak of a graphite nuclear reactor near St. Petersburg, along with the incidents in Bulgaria and other emerging nations, has highlighted the horrific potential of what Maurice Strong, Secretary General of the United Nations Conference on Environment and Development characterized as "Forty Chernobyls waiting to happen". Alexi Yablokov, President Yeltsin's environmental adviser, has stated that "in reality they are no less dangerous than nuclear weapons".

Currently, there are plans for the establishment of two nuclear science centers in Kiev and Moscow; $35 million has been set aside for these centers, and a major responsibility of these centers will be to foster nuclear reactor safety in the emerging Republics. This amendment complements my amendment to address this issue. I commend Mr. ASPIN and Mr. FASCELL for their continued support for addressing the nuclear dismantlement.

I strongly urge my colleagues to support the Aspin-Fascell amendment.

Mr. Chairman, I would like to ask, if the chairman would not object, I assume that we could have an effort maybe in the appropriations process to use resources to help deal with the problem of how we can operate and work with the Soviets on how they operate these reactors more safely, and I think this is an important issue.

Mr. STARK. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California, who has been a cosponsor of our effort.

Mr. STARK. Mr. Chairman, I thank the gentleman for yielding and just wanted to associate myself with his remarks and thank the distinguished gentleman from Washington for his efforts in this noble matter.

Mr. FASCELL. Mr. Chairman, I rise in strong support of the Aspin-Fascell amendment and urge its bipartisan, if not unanimous adoption. Simply stated, this amendment provides the House with an opportunity to bring greater clarity of purpose and scope to United States worldwide nonproliferation efforts.

For the last 47 years, the United States and the Soviet Union have been engaged in a costly and relentless nuclear arms race which once neared the precipice of global nuclear confrontation at the time of the Cuban missile crisis. We were not alone in this race. Great Britain and France also acquired nuclear weapons, as did the People's Republic of China. These acknowledged nuclear weapons states formed what many arms controllers called the club of five but as we all know, there are other nations who have longstanding nuclear ambitions.

We know for instance that India and Pakistan possess the capabilities to engage in a smaller but much more volatile nuclear arms race on the Asian subcontinent. We were equally dismayed to discover the robust nuclear aspirations of the renegade government of Saddam Hussein in Iraq. We remain concerned over the prospects of North Korea's potential to seek admittance in the nuclear club. We have similar concerns with other nations throughout the global community as well.

This amendment goes a long way in addressing those concerns. In this regard, the

Aspin-Fascell amendment is straightforward in purpose. The amendment seeks to reduce the nuclear threat that confronts the United States and others in the postcold war, postgulf war II environment. This environment retains both risk and opportunity. The risk lies in shirking our responsibilities to strengthen U.S. nonproliferation policies at a time when the opportunity is bright in seeking deep reductions in worldwide nuclear stockpiles and capabilities. The opportunity also lies in facing our responsibilities to do whatever we can in order to prevent the nuclear genii for emerging from his bottle in other parts of the world. Adoption of this amendment achieves that purpose.

This amendment contains several practical steps which will help advance U.S. nuclear nonproliferation efforts. Specifically, this amendment:

Delineates lines of authority concerning U.S. nuclear nonproliferation policy—by establishing policy guideline authority from the President, and then with greater coordination between the Secretaries of State and Defense to refine and implement those policies;

Specifies the need for improved coordination on nuclear nonproliferation policy between all concerned Government departments and agencies, particularly the Department of Defense [DOD], the Department of Energy [DOE], and the Defense Advanced Research Projects Agency [DARPA];

Allocates that $60 million be spent by DOE, DARPA, and other Defense agencies on nonproliferation technology programs to improve detection, verification, safety, and security;

Further authorizes an additional $40 million in financial support and in-kind assistance during fiscal year 1993 for international nonproliferation activities such as those of the International Atomic Energy Agency [IAEA] and the United Nations Special Commission on Iraq [UNSCOM];

Amends the Soviet Nuclear Threat Reduction Act of 1991, thereby allowing remaining unspent funds from the $400 million authorized in that act to be spent past the October 1992, deadline, and into fiscal year 1993; and

Adds an additional $250 million in future funding for nonproliferation and disarmament activities with the newly independent republics of the former Soviet Union in addition to rolling over that $400 million into the new fiscal year.

Thus, the Aspin-Fascell amendment represents new thinking and a new approach to the problem of proliferation. It represents a significant effort to a larger, more comprehensive, and continuing nonproliferation effort which resulted from the end of the cold war and that of the second Persian Gulf war.

In this regard, the Committee on Foreign Affairs has attempted to spearhead this nuclear nonproliferation effort by authorizing funds last year and again this year for disarmament and nonproliferation activities with the former Soviet Union. The committee also legislated nuclear nonproliferation sanctions which were vetoed by the President, and expanded upon nonproliferation efforts beyond that of nuclear proliferation to include all weapons of mass destruction, conventional weapons systems defined as major defense equipment, and by legislation further implementing and strengthening the missile technology control regime.

We have all been witness to the extraordinary changes that have occurred throughout the global community since the fall of the Berlin wall. These changes continued to occur at a rapid pace in both 1991 and in 1992. These changes and fluctuation mandate that U.S. foreign policy and arms control policy must be fundamentally and almost continually reassessed. New directions and priorities must be set if the United States is to reassert its leadership position and successfully meet the new security challenges of the next decade. We must avoid a return to cold war mentalities and forge a consensus of new thinking on the problems of the future.

In this time of momentous changes, the proliferation of weapons of mass destruction and their related technologies has emerged in the eyes of Congress as a serious threat to our own security and to international security and global stability. The new world order of the 1990's certainly has not eliminated the demand for nuclear weapons, ballistic missiles, even chemical and biological weapons. In fact, one could reasonably argue that the thirst for such capabilities is on the rise. We see evidence of this in the persistent desire to acquire such capabilities in regional troublespots such as the Middle East, the Korean peninsula, and potentially elsewhere.

The collapse of the Soviet Union and the resulting internal economic and political instability there has created an ominous challenge for nonproliferation efforts. The Committee on Foreign Affairs and the Congress acted quickly and effectively to try to assist Russian and other newly independent republics' efforts to dismantle their nuclear and chemical weapons, as well as to prevent brain drain from former Soviet states to would be proliferators.

In November 1991, the Congress responded to these unprecedented developments in the Soviet Union, and passed legislation—Public Law 102-28—which authorized the President to utilize up to $400 million to assist the former Soviet Union in the destruction of their nuclear and chemical weapons. This legislation established guidelines and purposes for which these funds could be utilized.

In March 1992, the House Committee on Foreign Affairs passed a bipartisan legislative initiative to establish a nonproliferation and disarmament fund, H.R. 4549, which addresses the security challenges and arms control and disarmament opportunities of the postgulf war and postcold war era, not only in the former Soviet Union but worldwide.

An illustrative list of the challenges demonstrates the need to reduce the proliferation threat from all over the world of all types of weaponry. Here are but a few of the proliferation challenges we continue to face today: Iraq's continued desire to maintain and rebuild its military capabilities; North Korea's nuclear weapons program; what appears to be a typical business as usual arms sales to the Middle East; Chinese missile sales to Saudi Arabia, Syria, and Iran; and, India and Pakistan's continued nuclear weapons programs.

While this initial effort was modest in scope, only $75 million, it granted the President discretionary authority to provide training, personnel, and equipment in support of bilateral and multilateral efforts to halt the proliferation of all types of weaponry. The Aspin-Fascell amendment is a legislative initiative along the same lines as this nonproliferation and disarmament fund, H.R. 4549.

In closing, I would advise my colleagues that the Aspin-Fascell amendment is a comprehensive approach to the problem of future proliferation. In this regard, the Aspin-Fascell amendment is a genuine attempt to achieve real arms control through the implementation of solid nonproliferation policies that will make the world a much more safer place. For these reasons, Mr. Chairman, I urge the unanimous adoption of this important amendment.

Mr. BROOMFIELD. Mr. Chairman, in the wake of the allied victory in the Persian Gulf and the collapse of the Soviet Union, the United States faces new national security and arms control challenges and opportunities. One of the most pressing threats to international security and global stability is the proliferation of weapons of mass destruction and related technologies.

Last November, the Congress, recognizing the threats in this area and the unprecedented developments in the Soviet Union, authorized and appropriated $400 million to assist former Soviet republics in their efforts to destroy nuclear and chemical weapons.

In adopting this legislation, the Congress made funds available to facilitate the transportation, storage, safeguarding, and destruction of nuclear and other weapons in the Soviet Union, its republics and any successor entities, and to assist in the prevention of weapons proliferation. To date, the administration has notified the Congress of its intent to obligate approximately $135 million of the $400 million.

In a modest attempt to build upon this important legislation, Chairman FASCELL and I introduced H.R. 4549, a bill to establish a nonproliferation and disarmament fund. The purpose of this new security assistance account is to provide the President with additional discretionary authority to transfer funds specifically for the purpose of supporting bilateral and multilateral efforts to halt the proliferation of conventional arms and weapons of mass destruction.

I am pleased to note that H.R. 4549 will be incorporated into the Soviet aid bill which the House will consider later this year. Further, I would note that the funds made available under the amendment we are now considering can be used to support the purposes of H.R. 4549.

It is with this purpose in mind that I strongly support the amendment before us which further addresses nonproliferation efforts and gives the President the authority to transfer up to an additional $250 million to assist in the dismantlement and destruction of nuclear and other weapons in the former Soviet Union.

In addition, it is possible that the President could utilize the funds made available under this new authority to support other projects including:

Immediate payment of United States support to IAEA and consideration of special supplements to strengthen IAEA efforts in Iraq and elsewhere;

Additional assistance to the United Nations for the destruction of Iraqi arms production and warfighting capabilities;

Computer and communication link support to the multilateral conventional arms restraint regime, Permanent Five and/or United Nations;

Development of MTCR data exchanges among member states, soliciting formal Russian membership in the MTCR and funding of working groups to support and bolster the MTCR;

Research and development projects to convert United States and Soviet military infrastructure to civilian purposes;

Exchanges bringing Russian scientists, engineers, managers and technicians to the United States to learn aspects of our nuclear safeguards and chemical dismantlement and disarmament process;

Technical assistance to countries such as Argentina to dismantle their missile program;

Site survey, technical, and engineering assistance to the Russian chemical weapons destruction program;

Funding for U.N. factfinding work on CW/BW use;

Technical and equipment support to enhance the monitoring of demilitarized zones established pursuant to U.S. and/or U.N. peacekeeping efforts; and

Joint projects with the Russian defense industry and Russian scientists for peaceful commercial purposes including arms control verification and nonproliferation purposes, and environmental cleanup.

In closing, I am pleased that the Committees on Foreign Affairs and Armed Services were able to agree on the language of this amendment and would urge my colleagues to support this amendment.

Mr. ASPIN. Mr. Chairman, I have no more requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. COX). The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN], as modified.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. DURBIN. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 159]

ANSWERED "PRESENT"—406

Abercrombie
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
Davis
DeFazio
de la Garza
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

☐ 1335

The CHAIRMAN pro tempore. Four hundred and six Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Illinois [Mr. DURBIN] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 356, noes 54, not voting 24, as follows:

[Roll No. 160]

AYES—356

Abercrombie
Alexander
Allard
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Archer
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Browder
Brown
Bryant
Bunning
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
Davis
DeFazio
de la Garza
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini

Gunderson
Hall (OH)
Hamilton
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Porter
Price
Pursell
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Ritter
Roberts
Roe
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Vucanovich
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (FL)
Zimmer

NOES—54

Allen
Andrews (NJ)
Applegate
Armey
Bilirakis
Bliley
Brewster
Burton
Coble
Collins (MI)
Combest
Cox (CA)
DeLay
Doolittle
Dornan (CA)
Duncan
Ewing
Franks (CT)
Gaydos
Gekas
Hall (TX)
Hammerschmidt
Hancock
Holloway
Hopkins
Inhofe
Johnson (TX)
Jontz
Kolter
Moorhead
Murphy
Perkins
Petri
Poshard
Quillen
Rahall
Ray
Roemer
Rogers
Roth
Schaefer
Sensenbrenner
Smith (OR)
Solomon
Stump
Taylor (NC)
Traficant
Valentine
Volkmer
Walker
Walsh
Waters
Young (AK)
Zeliff

NOT VOTING—24

Ackerman
Anthony
Bruce
Bustamante
Campbell (CA)
Dannemeyer
Edwards (TX)
Engel
Feighan
Gibbons
Hefner
Hubbard
Jones (GA)
Lehman (CA)
Levine (CA)
Nowak
Olin
Owens (NY)
Pickett
Rinaldo
Tallon
Thomas (CA)
Traxler
Wylie

☐ 1344

Messrs. BILIRAKIS, JONTZ, HANCOCK, ZELIFF, BURTON of Indiana, FRANKS of Connecticut, VOLKMER, BLILEY, and RAHALL changed their vote from "aye" to "no."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. Speaker, earlier today, having been unavoidably detained in a meeting with the President, I missed rollcall vote 159 and rollcall vote 160. Had I been here I would have voted present on rollcall vote 159 and "Aye" on rollcall vote 160. I ask that the preceding statement be inserted in the RECORD immediately following rollcalls 159 and 160.

The CHAIRMAN pro tempore (Mr. COX of Illinois). It is now in order to consider amendment No. 6 printed in part I of House Report 102–545.

AMENDMENT OFFERED BY MR. AUCOIN

Mr. AUCOIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. AUCOIN:

At the end of subtitle C of title XXXI (page 275, after line 26), insert the following new section:

SEC. . DISMANTLEMENT OF TACTICAL NUCLEAR WEAPONS.

(a) REQUIREMENT.—The Secretary of Energy shall dismantle all tactical nuclear weapons of the United States. The Secretary of Defense shall transfer all tactical nuclear weapons in the inventory of the Department of Defense to the Secretary of Energy for purposes of this section. Such transfer shall be carried out as rapidly as practicable.

(b) FUNDING LIMITATION.—Effective six months after the date of the enactment of this Act, no funds available to the Department of Defense for operation and maintenance may be obligated for tactical nuclear weapons other than for expenses necessary for transferring such weapons to the Department of Energy pursuant to subsection (a) or for interim inactive storage of such weapons pending such transfer.

The CHAIRMAN pro tempore. Is there a Member who rises in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. AUCOIN] will be recognized for 10 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oregon [Mr. AUCOIN].

POSSIBLE EXPANSION OF SAN DIEGO HOMEPORT

(By unanimous consent, Mr. DYMALLY was allowed to speak out of order.)

Mr. DYMALLY. I thank the chairman very much indeed.

Mr. Chairman, I want to thank the chairman of the full committee, the gentleman from Wisconsin [Mr. ASPIN], and the gentleman from California, [Mr. HUNTER] for permitting me to take this matter up for just 1 minute.

The gentleman from California [Mr. ROHRABACHER] today will offer an amendment for me which deals with the Long Beach Naval Shipyard. This bipartisan amendment directs the Navy to study the feasibility of expanding the San Diego homeport area to include Long Beach and San Pedro areas. This amendment will allow the Long Beach Naval Shipyard and other private shipyards to bid on short-term repair on homeported ships in San Diego.

Mr. Chairman, our amendment is prompted by language inserted on the subcommittee level which prohibits the Secretary of the Navy to expand that homeport from Long Beach to San Diego.

The amendment is important not only for California but it is important for the entire Navy, the entire Nation, indeed. It is predicated on the principle of free competition, which is the foundation of our economy.

I conclude, Mr. Chairman, by saying my good friend from San Diego is one of the strongest advocates of the open-market free competitive system which we are asking the Japanese and the Russians and Africans to adopt.

I thank the gentleman from San Diego and the chairman for permitting me to address the House for 1 minute.

Mr. Chairman, I am offering this bipartisan amendment together with Representatives DORNAN, ANDERSON, and ROHRABACHER to promote competition in Navy ship repair bidding and, more importantly, to ensure the survival of the Long Beach Naval Shipyard, one of the best public shipyards in the United States.

Section 1012 of the bill is anticompetitive and if enacted will perpetuate a history of Federal cost overruns and an inability to meet completion dates.

Mr. Chairman, section 1012 runs counter to the interests of both the Navy and this Nation's taxpayers. It countermines the efforts to reduce defense spending, as our Nation suffers an economic recession and in the midst of defense downsizing, by severely restricting competition for the maintenance of our fleet. It will restrict bidding on all short-term ship repair work to the private shipyards in San Diego where 70 percent of the west coast surface fleet is homeported. The net impact of section 1012 is to deny work to the Long Beach Naval Shipyard which has a long and consistent track record of successfully competing with the private sector for short-term work.

Many crucial services and facilities found in the Long Beach Naval Shipyard are not available in the private shipyards of San Diego. Long Beach Naval Shipyard's Drydock No. 1 is one of only two drydocks on the west coast capable of docking nuclear aircraft carriers. Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff and Donald Atwood, Deputy Secretary of Defense have stated that closure of the Long Beach Naval Shipyard would seriously degrade drydock capability for all large ships in the southern California area. Alternatives in Hawaii and Washington simply cannot provide the services found in Long Beach.

Mr. Chairman, the Long Beach Naval Shipyard over the last 3 years has been a financial success by achieving a total cost savings of $99 million to the Navy and the taxpayers. Additionally, while Long Beach was the only west coast shipyard awarded a meritorious unit commendation for excelling itself in the areas of schedule adherence, financial performance, and production management, the record of the private shipyards within San Diego shows at least seven schedule delays in short-term work during fiscal year 1991 ranging between 18 to 85 days. This underscores the fact that before homeporting further ships in San Diego, these shipyards cannot complete their workload on time resulting in additional costs, and prohibiting the availability of these ships for fleet use.

Long Beach Naval Shipyard provides shipchecks, guarantee and customer support work, self-help habitability assistance and emergent work to the U.S. Navy fleet in San Diego on an on call basis. The shipyard has a strike-free work force and it is the planning yard for the FFG–7 class ships and supports the private shipyards by providing accurate plans and drawings prior to a ship undergoing an availability. Long Beach Naval Shipyard is the only shipyard in southern California with the capability and expertise to accomplish sonar dome rubber window repair and replacement. In fact, Long Beach is presently doing work on two ships in San Diego under contract to private shipyards because they do not have the facilities or the qualified expertise to do the necessary complex work that these ships required during their availability.

Mr. Chairman, I call your attention to the findings of the 1991 Defense Base Closure and Realignment Commission Report to the President, which Congress tasked the job of making recommendations of saving money by closing military bases: "The Navy should expand the San Diego homeport area to include private repair facilities now in the Long Beach area * * *."

We are simply asking that the Navy be allowed to study the feasibility of expanding the San Diego homeport area to include the Long Beach/San Pedro area and to implement the findings.

Mr. Chairman, the only argument against free competition is the quality of life for the sailors. Long Beach/San Pedro is only 98 miles from San Diego. There are already two or three other homeports which include shipyards farther away than Long Beach and San Pedro. These include Baltimore, 170 miles, and Norfolk, Staten Island, 125 miles, and Philadelphia, and Charleston, and Jacksonville, 200 miles.

If denying competition to the Long Beach Naval Shipyard were to result in its eventual closure then all aircraft carriers, large amphibious and replenishment ships would be forced to leave southern California for drydocking. The nearest alternative drydocks are at Puget Sound, 1,500 miles, and Pearl Harbor, 2,600 miles. The resulting crew relocation and family separation would cause a major degradation in the quality of life for the crews of these ships. By including the Long Beach Naval Shipyard in the San Diego homeport area, few, if any, families would have to relocate during major repairs or overhauls.

Finally, Mr. Chairman, I call your attention to the instructions from the chief of naval operations, Admiral Kelso, regarding the mission of naval shipyards: "It is also imperative that we guarantee a competitive base for ship repair and retain a skilled work force which supports the Navy * * *."

I urge you to support the amendment as it will promote healthy economic competition that will enhance cost savings to the Navy and the taxpayers, reduce waste, protect thousands of jobs and ensure the long-term viability and survival of the Long Beach Naval Shipyard.

□ 1350

The CHAIRMAN pro tempore (Mr. Cox of Illinois). The gentleman from Oregon [Mr. AuCoin] is recognized for 10 minutes on his amendment.

Mr. AuCOIN. Mr. Chairman, last September President Bush unilaterally retired most of the U.S. tactical nuclear weapons. He ordered the ground-launched weapons dismantled and the sea-launched weapons be taken off our ships. This was an unexpected and farsighted move, and I give him full credit for it. My amendment merely finishes the job by retiring all of our remaining tactical nuclear weapons.

What is a tactical nuclear weapon? Textbooks tell us it is a battlefield weapon with a short range, a few hundred miles or less. A strategic weapon's range, on the other hand, is from 3,600 miles on up.

But the real distinction is that a tactical nuclear weapon is one that was created on the ridiculous premise that we could use it as an extension of conventional warfare, and then go back to fighting a conventional war. The sheer, obvious insanity of this doctrine demonstrates that we should never have built these things in the first place.

Two recent developments make it even more possible for us to get rid of these weapons now and more urgent that we do so. The staggering improvements in conventional weapon technology, demonstrated in Desert Storm, highlight the military irrelevance of tactical nukes. And the rapidly escalating threat of nuclear terrorism tells us to take these things apart before they take us apart.

I have spent my life working for bilateral arms control. In most cases, that's the way to go. But when it comes to tactical nukes, we don't need to wait for anyone else. We need to act on our own.

In today's world a tactical nuclear weapon is not a military tool; it's military trouble—for whoever owns it. A tactical nuclear weapon is no longer an asset; it's a liability. My amendment says, let's stop spending the taxpayers' money to maintain liabilities.

What good is a tactical nuclear weapon? I challenge anyone here to tell me where and when we could use a tactical nuke to our advantage.

The fact is we cannot. We cannot use it against a nuclear-armed adversary because we'll just get nuked back, bigger and better. Then both sides will escalate until there are no winners and nothing left to win.

We also cannot use a tactical nuclear weapon against a nonnuclear adversary because of the moral and political penalties that would far exceed whatever military gain that would be realized.

In fact, with today's conventional weapons, the military advantages of tactical nukes is zero. That's why Gen. Colin Powell told the House Defense Appropriations Subcommittee, "What they hope to do militarily with weapons of mass destruction, I can increasingly do with conventional weapons and far more effectively." General Powell's testimony was specifically about chemical weapons, but the same principles apply to tactical weapons.

There are those who say tactical nukes may not be useful in battle, but we need them to reassure NATO.

Reassure them against what? Can anybody tell me what we are reassuring against? The silence is deafening.

Tactical nukes are worse than useless. For at least two reasons, they're liabilities for us, for Americans.

First, tactical nukes are liabilities because they weaken our conventional capability. Just 2 days ago the former captain of a battleship was in my office complaining about the people and space he had to waste storing and guarding the tactical nukes he knew he would never use.

Now we have the nuclear Tomahawks off the ships, but they're still wasting the taxpayers' money. If we converted them to conventional Tomahawks, they'd be useful weapons. As nukes, they're million-dollar museum pieces.

Second and most important, tactical nukes are liabilities because they impair our efforts to stop the spread of nuclear weapons. For the first time since the Civil War, today we face the threat of large-scale military destruction of cities on the U.S. mainland. If a terrorist gets his hands on a nuclear weapon and smuggles it into one of our cities, in 1 minute we could lose more people than were killed on all sides combined in the entire Vietnam war.

If we want to go to nations that don't have nuclear weapons and tell them to stay that way, we have to have credibility. We need to show some strongly visible signs of restraint ourselves. This amendment gives us a painless way to do it.

In the past I would say, let's negotiate with the Russians, get rid of our tactical nuclear weapons together. But now I say, let's do it—but let's not waste time and money in negotiations. When we give up tactical nukes, we give up no asset whatsoever.

The fact is, Russian tactical nukes are an even bigger headache for them than ours are for us. If we set out to get rid of ours first, it'll make it politically easier for Mr. Yeltsin to get rid of his and to do so more quickly.

Let us not be stuck in thinking of the past. We ought to look forward. Let us think boldly today. If, by giving up weapons we do not need, we decrease the chance of someday facing a Qadhafi terrorist strike with a tactical nuclear weapon, is that not a good deal? In my judgment it clearly is.

President Bush saw the uselessness of tactical nukes last September when he took them out of service, and I think today we ought to finish the job.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. AuCoin. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, The gentleman from Oregon [Mr. AuCoin] has just presented us with the kind of vision we've come to expect from him. He's always followed his own judgment, set his own course, and our military security is better today as a result. Today he has raised the issue of tactical nuclear weapons in this world of new nuclear dangers. He has made a number of very good points.

I agree that tactical nuclear weapons are increasingly more of a danger than a deterrent. We should build on the steps already taken by President Bush and begin a dialog on this issue.

But we need to consult closely with our allies, who have depended for decades on the U.S. nuclear umbrella. And because I'm more concerned about the safety and security of Soviet nuclear weapons than U.S. nuclear weapons, I think this is something we ought to do bilaterally.

So, Mr. Chairman, while I compliment the gentleman from Oregon [Mr. AuCoin] on many of his arguments, consideration of this issue may be somewhat ahead of its time. Next year would be a better time to look at it.

Mr. AuCoin. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. Aspin] for his statement and kind words.

My purpose today in offering this is to commence a debate. I think a world free of tactical nukes is a safer world. I am not going to push this amendment today, but I merely wanted to launch that debate.

Mr. Chairman, I appreciate the gentleman's comments. Next year I do expect this amendment to be brought up again, but for this year I do ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN pro tempore. The amendment offered by the gentleman from Oregon [Mr. AuCoin] is withdrawn.

It is now in order to consider amendment No. 7 printed in part I of House Report 102-545.

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Mavroules: At the end of title X (page 202, after line 23), insert the following new section:

SEC. 1056. NUCLEAR WEAPONS REDUCTION.

(a) Findings.—The Congress finds that—

(1) on February 1, 1992, the President of the United States and the President of the Russian Federation agreed in a Joint Statement that "Russia and the United States do not regard each other as potential adversaries" and stated further that, "We will work to remove any remnants of cold war hostility, including taking steps to reduce our strategic arsenals";

(2) in the Treaty on the Non-Proliferation of Nuclear Weapons, in exchange for the non-nuclear-weapon states agreeing not to seek a nuclear weapons capability nor to assist other non-nuclear-weapon states in doing so, the United States agreed to seek the complete elimination of all nuclear weapons worldwide, as declared in the preamble to the Treaty, which states that it is a goal of the parties to the Treaty to "facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery" as well as in Article VI of the Treaty, which states that "each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament";

(3) carrying out a policy of seeking significant and continuous reductions in the nuclear arsenals of all countries, besides reducing the likelihood of the proliferation of nuclear weapons and increasing the likelihood of a successful extension and possible strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons in 1995, when the Treaty is scheduled for review and possible extension, has additional benefits to the national security of the United States, including—

(A) a reduced risk of accidental enablement and launch of a nuclear weapon, and

(B) a defense cost savings which could be reallocated for deficit reduction or other important national needs;

(4) proposals by the President of the United States and the President of the Russian Federation to reduce strategic nuclear arsenals to approximately 4,700 and 2,500 weapons, respectively, are commendable intermediate stages in the process of achieving the policy goals described in paragraphs (1) and (2);

(5) before the unsuccessful 1991 coup d'etat in the former Soviet Union, the National Academy of Sciences proposed the possibility of eventual reductions of strategic nuclear warheads to 1,000 to 2,000 in the United States and the former Soviet Union;

(6) the current international era of cooperation provides greater opportunities for achieving worldwide reduction and control of nuclear weapons and material than any time since the emergence of nuclear weapons 50 years ago; and

(7) it is imperative in the security interests of both the United States and the world community for the President and the Congress to begin the process of reducing the number of nuclear weapons in every country.

(b) United States Policy.—It shall be the goal of the United States to—

(1) encourage and facilitate the denuclearization of Ukraine, Byelarus, and Kazakhstan, in accord with the stated desires of these former Soviet republics;

(2) implement agreed mutual reductions under the Strategic Arms Reduction Talks (START) Treaty on an accelerated time schedule, and facilitate the ability of the Russian Federation, Ukraine, Byelarus, and Kazakhstan to accomplish these reductions;

(3) reach immediate agreement with the Russian Federation to reduce the number of strategic nuclear weapons in each country's arsenal to a level within a range defined by the levels proposed by the President of the Russian Federation, 2,500, and the President of the United States, 4,700, to include the downloading of multiple warhead ballistic missiles;

(4) as soon as practicable after such an agreement is achieved, reach agreement with the Russian Federation, the United Kingdom, France, and the People's Republic of China to reduce the number of strategic nuclear warheads in each country's arsenal to the lowest level consistent with the National Academy of Sciences-endorsed range of 1,000 to 2,000 for the United States and the Russian Federation, with lower levels for the other countries, that maintains stategic stability;

(5) through continuing negotiations reach subsequent agreements with the Russian Federation, the United Kingdom, France, the People's Republic of China, and threshold nuclear states to make significant, stage-by-stage reductions in the number of nuclear weapons in all countries, with the pace of such reductions being contingent on several factors, including—

(A) advances in verification, safeguard, and export control methods and technologies;

(B) increased participation in the Treaty on the Non-Proliferation of Nuclear Weapons and other nuclear nonproliferation agreements;

(C) strengthened and improved political relations among all countries; and

(D) the degree to which further multilateral nuclear arms reductions will enhance rather than hinder United States national security;

(6) continue and extend cooperative discussions with the appropriate authorities of the former Soviet military on means to maintain and improve secure command and control over nuclear forces;

(7) in consultation with other member countries of the North Atlantic Treaty Organization and other allies, initiate immediate multilateral negotiations to facilitate the eventual elimination of tactical nuclear weapons in all countries;

(8) provide immediate United States assistance that would be available to securely disable, transport, and store, and ultimately dismantle, former Soviet nuclear weapons and missiles for such weapons; and

(9) achieve a worldwide, verifiable agreement to end by 1995 the production of plutonium and highly enriched uranium for weapons purposes and to place existing stockpiles of such materials under bilateral or international controls.

(c) ANNUAL REPORT.—By January 1 of each year, the President shall submit to the Congress a report on—

(1) the actions that the United States has taken, and the actions the United States plans to take during the next 12 months, to achieve each of the policy objectives set forth in paragraphs (1) through (9) of subsection (b); and

(2) the actions that have been taken by the Russian Federation, by other former Soviet republics, and by other countries to achieve those policy objectives.

These reports shall be unclassified, with a classified appendix if necessary.

The CHAIRMAN pro tempore. Is there a Member rising in opposition?

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 10 minutes, and the gentleman from Arizona [Mr. KYL] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, the United States is at a crossroad. For 50 years we have been barrelling down the path known as nuclear weapons buildup. Our goal has been nuclear superiority—and we have pursued it with relentless vigor. But now the cold war is over. The United States can claim victory. It is time to decide whether or not to abandon the road we have grown to know so well.

There are some who claim that it is not prudent to depart from this well-worn path. They feel that the time is not right. I ask you, "If not now, when?" The opportunities we face today may not present themselves again.

There are others who believe the United States and the world would be safer if we forged ahead on a road toward immediate nuclear disarmament. I ask you, "With current technologies and controls, can you be sure all nuclear weapons have been dismantled? Are you willing to take the risk?"

In my opinion our new road must liberate future generations from the danger of nuclear weapons, but keep strategic stability intact until the last weapon has been dismantled.

The Mavroules-Stark-Fascell-Hamilton-Evans amendment sets an intelligent course for decreasing the number of nuclear weapons in the world's arsenals. Specifically, this amendment establishes the following goals:

First, eliminate all nuclear weapons in Ukraine, Byelarus, and Kazakhstan.

Second, accelerate START Treaty reductions.

Third, reach agreement with the Russian Federation to reduce the number of strategic nuclear weapons in both countries to a level within a range of 2,500 to 4,700.

Fourth, through multilateral negotiations with Russia, the United Kingdom, France, and China, reduce the number of strategic nuclear warheads in the arsenals of the United States and Russia to a level within a range of 1,000 to 2,000, with lower levels for the other countries.

Fifth, continue multilateral negotiations with nuclear and nuclear threshold states, to seek additional safe, stage-by-stage reductions in the nuclear arsenals of all countries.

Unthinkable only 3 years ago, these goals are now within our reach. Surely your constituents ask you the same question that mine ask me: "What are the spoils of the cold war victory?" I say that they include a more secure country and a safer world in which we can negotiate meaningful reductions in the nuclear arsenals of all countries. I say they are here, in this amendment.

In sum, amendment calls for logical, step-by-step reductions that maintain strategic stability. As the United States stands at this crossroad, my friends, this amendment defines the new path we must take. We would be cheating our country and future generations, if we did not pursue this path with the same vigor that we embraced the old. I strongly urge you to support this amendment and begin the process to worldwide denuclearization.

□ 1400

Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to my colleagues that there are three things wrong with this amendment. First of all, it is unnecessary, second, it is unworkable, and third, it is undesirable.

It is unnecessary because we are already making dramatic progress in reducing the number of nuclear weapons in our arsenal. Second, it is unworkable because it is impossible to comply with it. We are already working the Pantex plant to its absolute maximum. And third, it is undesirable because it would be very dangerous for us and for the Soviets to change our targeting strategy, which undoubtedly would be required by this kind of reduction at this time, in effect to make the cities rather than military targets the objects of our nuclear deterrent. In that regard, I would add that I think it would be immoral and, I think, very destabilizing.

Let me address each of these points quickly. First of all, we are all well aware of the dramatic steps that have been taken in the last several months by our President and our Government regarding the reductions in our nuclear capability. We have recently concluded negotiations with Russia, Ukraine, Kazakhstan, and Belarus to facilitate this ratification of the Strategic Arms Reduction Treaty, which is the landmark agreement cutting the superpowers' strategic nuclear arsenals by approximately 40 percent.

Since the time the START agreement was signed, President Bush has proposed in his State of the Union Message deeper reductions to 4,700 strategic weapons, even before ratification by the Senate. President Boris Yeltsin responded positively and also has proposed reductions to around 2,500 strategic nuclear weapons.

In the area of tactical nuclear weapons, the vast majority of both United States and Soviet tactical weapons has been withdrawn from active duty to storage, with most of these slated for eventual elimination. In fact, the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, testified that the Department of Defense intends to keep only 1,600 of these tactical nuclear weapons in the future.

In addition, on September 27, of last year, President Bush announced a number of unilateral and reciprocal steps, to include the following:

Elimination of ground-launched tactical nuclear weapons;

Withdrawal of tactical nuclear weapons from ships, submarines, and P-3 antisubmarine warfare bases;

Standdown of strategic bombers from alert;

Standdown of ICBM's that are scheduled for deactivation under START;

Cancellation of the Peacekeeper and small ICBM mobility programs;

Cancellation of the SRAM-II short-range attack missile; and

A proposal of joint elimination of MIRVed ICBM's.

Mr. Chairman, I recount this history to reinforce the fact that clearly our Government and the President have been in the forefront in the development and announcement of very bold and forward-looking proposals to reduce the numbers of and the risks associated with nuclear weapons and ballistic missiles. The record is clear on this point, and despite the positive series of developments and progress that have been made to date, despite the fact that we fully anticipate additional important cooperative measures to be announced at the upcoming Bush-Yeltsin summit hearing in Washington, despite all of this, the amendment offered by my colleague, the gentleman from Massachusetts, says it is not good enough. My answer is, why prejudice these discussions with this kind of an amendment at this time?

I believe the amendment is unnecessary, in light of the President's clear commitment to dramatically reduce the number of nuclear weapons. For this reason alone, I strongly urge my colleagues to oppose the amendment.

But there is a second argument against the amendment. As I pointed out, our only facility for dismantling these weapons, our Pantex plant in Texas, would need more money to generate additional facilities capabilities as well as personnel capabilities if we were to proceed with the dismantlement any faster than we already are. So it is not workable for us at this point to unilaterally declare that we are going to reduce our number of weapons any faster than they are being dismantled.

Finally—and this is perhaps the most dangerous point and the one with which, frankly, I am the most concerned—when you reduce the nuclear arsenal to the levels called for in this amendment, the numbers of weapons that the Soviets and the United States have would no longer be adequate to target the military targets that are spread out all over the country, and, thus, the kind of stability—the deterrence we have had for 40 years—I am very concerned, and experts are very concerned, would be jeopardized. Dr. Keith Payne, for example, in testimony before our committee, noted the fact that when you begin reducing these arsenals down to the levels that the President and Boris Yeltsin have even suggested, down to lower levels, not to mention the levels that my colleague, the gentleman from Massachusetts [Mr. MAVROULES], has suggested, we get to the point where the strategy on both sides has got to change from deterrence by retaliation against military targets to the doctrine of mutual assured destruction based upon deterrence by attacking the opposition's cities. That puts our populations directly at risk. That is a very pernicious concept. I believe it would be immoral, but unfortunately, it is the inevitable result of the very well motivated desire by our colleague, the gentleman from Massachusetts. Therefore, for that reason alone, I believe the amendment ought to be opposed.

So, Mr. Chairman, because the amendment is unnecessary, because it is unworkable, and because it is undesirable, I believe it should be defeated.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KYL. I am happy to yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding, and I want to associate myself with his remarks.

Mr. Chairman, I would just remind my colleagues that this is a question of leadership and one which the President has undertaken with great vigor and efficiency. It has been initiated, as planned, to do the following:

To eliminate ground-launched tactical nuclear weapons;

Withdraw tactical nuclear weapons from ships, submarines, and P-III bases;

Stand down strategic bombers from alert;

Stand down ICBM's that are scheduled for START deactivation;

Cancel the Peacekeeper, as the gentleman mentioned, and the small ICBM mobility programs;

Cancel the SRAM-II short-range attack missile;

Simplify strategic command and control under STRATCOM;

And as proposed also, joint elimination of Mirv'd ICBM's.

The executive branch has undertaken a very vigorous, aggressive program along the direction that the gentleman from Massachusetts wants to see us move. We should not send a message of division within the Government to the people who are our adversaries and allies with whom we will shortly be negotiating.

So, Mr. Chairman, I agree with the gentleman's proposition. This is a matter that the President has been addressing very effectively as a leader of the United States. We should let him run this program and stay out of it at this time.

□ 1410

Mr. KYL. Mr. Chairman, I appreciate my colleague's remarks, and would note the fact that this amendment was not presented to the Committee on Armed Services. It is not supported by the Committee on Armed Services, and I urge my colleagues to defeat it.

Mr. Chairman, I reserve the balance of my time.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chairman, I have joined my colleagues, Mr. MAVROULES, Mr. STARK, Mr. HAMILTON, and Mr. EVANS, in offering my support for this amendment which calls for deeper reductions in nuclear arsenals worldwide.

Specifically, the amendment outlines a phased reduction plan in the world's nuclear arsenals. The U.S. policy goals delineated in the amendment include:

Phase 1: Reducing the United States and Russian strategic nuclear arsenals down from the current levels of roughly 10,000 weapons on both sides to a range of between 2,500 weapons, President Yeltsin's proposal, and 4,700 weapons, President Bush's proposal;

Phase 2: Further reducing United States-Russian nuclear arsenals down to a range between 1,000 and 2,000 nuclear weapons, with lower levels negotiated for the United Kingdom, France, and China; and

Phase 3: Reductions to lower levels consistent with U.S. national security.

By acknowledging the changed world in which we live due to the collapse of communism and the breakup of the Soviet Union, this amendment attempts to provide a statement of United States policy goals to guide us in this new world.

The lower arsenals at the ranges described in this amendment are consistent with U.S. national security interests and have been endorsed by arms control experts in numerous studies, including the study by the Committee on International Security and Arms Control of the National Academy of Sciences.

This amendment appropriately provides the President with enormous flexibility regarding how to reach and implement these goals. In fact, to the degree that both Presidents Bush and Yeltsin have endorsed the concept of deeper reductions, this amendment is not a departure from their positions, but rather a logical extension of their thinking and congressional support for deep reductions.

Deep reductions in the nuclear arsenals of all countries will reduce the likelihood of the proliferation of nuclear weapons. Such reductions would also increase the likelihood of a meaningful extension of and strengthening of the Nuclear Non-Proliferation Treaty at its review conference in 1995.

In addition to the goal of deeper reductions, this amendment also calls for multilateral negotiations to eliminate tactical nuclear weapons in all countries and seeks to achieve a worldwide ban on the production of plutonium and highly enriched uranium for weapons purposes by 1995.

Bringing an end to the nuclear arms race is more than a laudable goal; it now seems to be within reach. We should waste no time in achieving this goal.

This amendment is an important step in the right direction.

I urge my colleagues to support the Mavroules-Stark-Fascell-Hamilton-Evans amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the Gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Mavroules-Stark amendment making deep cuts in our arsenal of nuclear warheads.

This amendment builds on the President's historic announcement last September of revolutionary changes in U.S. nuclear policy. Since then, our principal nuclear threat, the Soviet Union, has disintegrated. Last week, the Strategic Air Command was disbanded.

This amendment sets an interim goal of 2,500 to 4,700 warheads, or at least half the levels agreed to in start, for the United States and Russia, the legal successor to the Soviet Union. Following this, talks would begin among all the nuclear powers to further reduce warhead arsenals. The amendment also calls for global production bans on weapons grade plutonium and enriched uranium by 1995.

This amendment acts on the Congressional Budget Office's findings that deep nuclear reductions would improve

U.S. security, give other countries incentive to scale back their nuclear and missile programs, and save up to $15 billion a year. It would also encourage Ukraine, Belarus, and Kazakhstan to fulfill their pledges to give up their nuclear weapons, since any United States cuts would be conditioned on matching Russian reductions.

I urge my colleagues to join me in support of this amendment.

Mr. MAVROULES. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. STARK], a coauthor of this amendment.

Mr. STARK. Mr. Chairman, I am pleased to join with my colleagues, the gentleman from Massachusetts [Mr. MAVROULES], the gentleman from Florida [Mr. FASCELL], the gentleman from Indiana [Mr. HAMILTON], and the gentleman from Illinois [Mr. EVANS], in offering this amendment. I would like to relate what I feel is the olive branch extended by the gentleman from Florida [Mr. FASCELL] to my distinguished colleagues from California and Arizona.

Mr. Chairman, I think that I, too, share the feeling that it was the intention that this was to applaud and bring a bipartisan support to the President's program.

Mr. Chairman, I have reread the amendment. It is bilateral. There is nothing unilateral in it. It seems to me that it is restricted from doing anything that would not enhance national security, and I presume that would be decided by the administration.

Mr. Chairman, I would hope that our opponents would see that in getting our support and joining in this effort, we would make the effort stronger. It is in that spirit that I would urge all Members to support this amendment, and, as I said, let the Congress go on record along with the administration to reduce as rapidly, as practically, and as safely as we can the number of nuclear warheads in the world. I would look forward to Members joining with us to that end.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. EVANS], a member of the Committee on Armed Services and a coauthor of the amendment.

Mr. EVANS. Mr. Chairman, I would like to encourage my colleagues to support the Mavroules-Stark-Fascell-Hamilton-Evans amendment that sets a new direction for reducing the world's nuclear weapons stockpile.

The world is a much different place since 50 some years ago when the Manhattan project created the world's first nuclear weapon. With cold war tensions all but a memory, we now have a once-in-a-lifetime opportunity to reduce the threat of nuclear war and proliferation. It is therefore fitting that a number of arms control groups have adopted the name Manhattan project II for their coalition created to spur further reductions in nuclear weapons.

We should have the same sense of national urgency in reducing nuclear weapons as we did with the Manhattan project in building them. Our security will be enhanced if the nuclear stockpiles of the nations of the world are negotiated to minimal levels. This amendment will go far in furthering this goal. The amendment calls for reductions in the world's nuclear weapons stockpiles by setting national goals for arms control agreements to as low as 1,000 to 2,000 warheads and directing efforts to negotiate even further below these levels.

The amendment also sets a national goal of achieving a worldwide and verifiable ban on the production of fissile material such as higher enriched uranium and plutonium that is used in nuclear weapons. We currently do not produce fissile materials or have plans to produce additional stocks of material. It is therefore to our advantage to seek an end to its production. This is perhaps one of the greatest contributions our Nation can make to the cause of nonproliferation.

Despite new realities, we cannot truly obtain peace and stability until the nations of the world reduce their nuclear weapons stockpiles. I urge my colleagues to make this our Nation's goal and support the Mavroules-Stark-Fascell-Hamilton-Evans amendment.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, these goals Members are talking about are laudable. But there are still between 25,000 and 30,000 nuclear warheads in the old Soviet Union. We have got a long way to go before those are dismantled and we know what the end result is going to be.

As I listen to this debate, I think back in history to after World War I. In World War I, after the war was over they said, We are going to make sure we don't ever have any more wars. We are going to disarm. Everybody is going to disarm. Because of that we are going to guarantee peace.

So they went overboard. They had a disarmament conference in Geneva and started dismantling aircraft, started sinking ships, everything.

What happened? Some fellow named Adolf Hitler came out of nowhere. Britain even sold him aircraft engines for the Luftwaffe. We ended up with a war much worse than World War I.

Mr. Chairman, we need to be prepared. During this very critical time we need to proceed with caution, and this kind of amendment is wrong-headed.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ASPIN], the chairman of the Committee on Armed Services.

Mr. ASPIN. Mr. Chairman, I rise in support of the Mavroules-Stark amendment on reducing nuclear weapons. This amendment establishes an important set of goals for significantly reducing the number of both strategic and tactical nuclear weapons worldwide.

Each of the goals outlined by the amendment is very useful. I would note the importance of prioritizing these goals, so that we focus our immediate efforts and energies on attaining the most urgent goal first—the denuclearization of Ukraine, Kazakhstan, and Belarus.

This amendment also calls for the United States to pursue bilateral reductions below START, and then multilateral reductions to even lower levels. It does not, however, specify particular warhead limits to be achieved at any given stage. The absence of specific warhead limits is appropriate. I would suggest that the exact number of weapons in the United States or Russia is less important than two other issues. First, is reducing the number of nuclear countries we might have to defend ourselves against. And second, is continuing dialog with the Russians to reduce our own nuclear weapons, in support of stemming proliferation.

I am optimistic, given the current climate, that our ongoing negotiations with the Russians can further improve the United States-Russian relationship, while enhancing our mutual security. Pursuing the goals of this amendment will strengthen this important process. I urge my colleagues to support the Mavroules-Stark amendment.

Mr. MAVROULES. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I do not think we have any deep disagreements here, having heard the arguments from the other side. As a matter of fact, the countries we are referring to are the same countries in the bill and the amendment.

We also go beyond. We have China, France, and Great Britain. We want to make this a kind of negotiation taken worldwide. When we do that, for heaven's sake, let us have some confidence in the technology of our country. We brag about it so much, that we are the best in the world. Let us take advantage of that fact and lower the levels.

Mr. Chairman, I think this is a great amendment.

I ask for its passage.

The CHAIRMAN. The gentleman from Arizona [Mr. KYL] has 3 minutes remaining.

Mr. KYL. Mr. Chairman, the two primary reasons our colleagues have given in support of this amendment is, first, that if cutting almost 15,000 warheads is a good idea, cutting 20,000 warheads must be an even better idea. Second, our colleague from California [Mr. STARK] urged that we, as the Congress, should go on record in supporting the President's reductions.

Well, as to that second argument, I think we do that best by voting no here, because, of course, the administration does not support this amendment.

The second reason goes back to point No. 1. We are reducing our nuclear warheads by almost 15,000. That was the reason I listed all of those items we are cutting, and the reason my colleague, the gentleman from California [Mr. HUNTER], reiterated that the President is cutting, many in connection with the Soviet Union, and many unilateral actions on our part.

☐ 1420

We are reducing our nuclear warheads by dramatic numbers, by as fast a pace as is permitted at the Pantex plant, which is in the process of dismantling those warheads. That is why I say it is really not possible to go any faster.

As I pointed out before, there is a danger in that as well, which I want to come back to.

While it is not easy for my colleagues to see, this is the chart that Gen. Colin Powell used in testimony before the committee in pointing out that we have gone from 21,000 nuclear warheads, that we will be going down to a level of 4,700 nuclear warheads.

The chairman of the committee has indicated that we could perhaps even go to somewhere around 2,500 but with an important condition. I totally agree with the chairman on this point. If we are going to draw the warheads down to the level that we hope to be able to draw them down to, we have to concomitantly develop a defense against nuclear ballistic missiles. That is something many of our colleagues have not been willing to support. So when we talk about these goals, we ought to be at the same time talking about the critical goal of supporting the strategic defense initiative, which will allow us the defense in the event of cheating. There is a little example here, an analogy I could make. If we have two gunfighters out on the street and both of them have five out of six chambers loaded with bullets and one of them cheats by putting in one extra bullet, it is not going to affect the equation when they go out on that dusty street. But if they both are supposed to have one bullet in the chamber and one of them cheats by putting an extra bullet in the chamber, he has got a 100-percent advantage over the other side. Cheating, when we get down to that very low level, becomes a very important factor. That is why we have got to have a defense against ballistic missiles in that case. So if we have only 1,000 warheads as a goal, we have also got to be supporting defenses, which has not yet been the case.

I want to close by making this point. This amendment is not the committee position. I hope my colleagues understand. One of the reasons is because those who understand this issue, the experts, realize that going down to this kind of a level would most probably require that we totally change our strategy of targeting and our opposition would have to do the same. If we want our cities, our people rather than military targets, to be the targets of nuclear deterrent then vote for this so that we take our levels down to the point where that is all that could be done by the nuclear weapons in our arsenal. But if we do not want to do that, if we want to retain the position that it ought to be military targets that are the object of our deterrents, then I urge my colleagues to vote "no" on the Marvoules amendment.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DURBIN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The Chair will announce that this is a regular quorum call followed by a 5-minute vote.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 161]

Abercrombie
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden

Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

☐ 1445

The CHAIRMAN pro tempore (Mr. COX of Illinois). Four hundred one Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Illinois [Mr. DURBIN] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Five minutes will be allowed for the vote.

The vote was taken by electronic device, and there were—ayes 278, noes 135, not voting 21, as follows:

[Roll No. 162]

AYES—278

Abercrombie
Alexander
Anderson
Andrews (ME)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Camp
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hastert
Hayes (IL)
Hayes (LA)
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Riggs
Ritter
Roe
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Taylor (MS)
Taylor (NC)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOES—135

Allard
Allen
Andrews (NJ)
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bliley
Boehner
Bunning
Burton
Byron
Callahan
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Derrick
Dickinson
Dingell
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Goss
Gradison
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hefley
Herger
Holloway
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kolbe
Kyl
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Michel
Miller (WA)
Molinari
Moorhead
Myers
Nichols
Oxley
Packard
Paxon
Payne (VA)
Porter
Pursell
Quillen
Ray
Rhodes
Roberts
Rogers
Roth
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Tauzin
Thomas (GA)
Thomas (WY)
Vucanovich
Walker
Weber
Wilson
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—21

Ackerman
Anthony
Bustamante
Campbell (CA)
Dannemeyer
Gaydos
Gibbons
Hatcher
Hefner
Hubbard
Jones (GA)
Lehman (CA)
Levine (CA)
Olin
Rinaldo
Sharp
Tallon
Thomas (CA)
Traxler
Vander Jagt
Wylie

☐ 1454

The Clerk announced the following pair:

On this vote:

Mr. Bustamante for, with Mr. Thomas of California against.

Mr. SAXTON and Mr. COLEMAN of Missouri changed their vote from "aye" to "no."

Mr. HOBSON and Mr. TAYLOR of Mississippi changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. COX of Illinois). It is now in order to consider amendment No. 8 in part I of House Report 102–545.

AMENDMENT OFFERED BY MR. AUCOIN

Mr. AUCOIN. Mr. Chairman, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. AUCOIN: At the end of subtitle D of title VI (page 121, after line 20), insert the following section:

SEC. 637. REPRODUCTIVE HEALTH SERVICES IN MEDICAL FACILITIES OF THE UNIFORMED SERVICES OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074c the following new section:

"§ 1074d. Reproductive health services in medical facilities of the uniformed services outside the United States

"(a) PROVISION OF SERVICES.—A member of the uniformed services who is on duty at a station outside the United States (and any dependent of the member who is accompanying the member) is entitled to the provision of any reproductive health service in a medical facility of the uniformed services outside the United States serving that duty station in the same manner as any other type of medical care.

"(b) PAYMENT FOR SERVICES.—(1) In the case of any reproductive health service for which appropriated funds may not be used, the administering Secretary shall require the member of the uniformed service (or dependent of the member) receiving the service to pay the full cost (including indirect costs) of providing the service.

"(2) If payment is made under paragraph (1), appropriated funds shall not be considered to have been used to provide a reproductive health service under subsection (a). The amount of such payment shall be credited to the accounts of the facility at which the service was provided.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074c the following new item:

"1074d. Reproductive health services in medical facilities of the uniformed services outside the United States.".

The CHAIRMAN pro tempore. Is there a Member who rises in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. AUCOIN] will be recognized for 10 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in support of the AuCoin amendment. This is not a decision I have reached lightly, or without considerable thought and contemplation, but during this past year, I have been faced with serious, personal, medical decisions. I've fought cancer and I have overcome it.

Along the way, I have had access to quality medical care and treatment, which I feel all women should have access to. And I have worked hard to see to it that women's health care gets the attention and the resources it deserves. We have made some progress, but we all know we have got a long road ahead.

But I have also had to fight to make decisions about my own options for recovery which I feel should have been my decisions alone. I have made my own choices, and I have been blessed by a full and complete recovery. This has led me to take a long, hard look at the position I have held for so long against access to abortion services.

As many of you know, I have never condoned abortion. I hope that all women would choose life. That is why I have worked to provide women access to family planning programs which serve women seeking to avoid unplanned pregnancies.

I have supported passage of legislation to reauthorize funding for the title X family planning program. Through access to the services provided by these clinics, countless pregnancies and abortions have been prevented. That is where our efforts must lie. We must make sure that all women have access to information to help them make informed decisions, and avoid unplanned pregnancies, so more abortions do not occur.

But since the Supreme Court allowed women access to safe and legal abortion in 1973, this has essentially been a privacy issue; one which each woman must make on her own, and live with, based on her personal convictions.

Because I value the right to make my own decisions about my health care and treatment options, especially during a time of personal crisis, I have become convinced that all women should have access to the best reproductive health care services available when faced with their own difficult and trying decisions.

The AuCoin amendment, which allows military personnel and their dependents stationed abroad access to abortion services, which they pay for themselves, is a beginning step to ensuring that military personnel and their dependents stationed overseas have safe access to reproductive health care.

Mr. DICKINSON. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Illinois [Mr. HYDE].

□ 1500

Mr. HYDE. Mr. Chairman, we are not talking about women's health care. We are not talking about a choice. We are not talking about equal access to medical care. We are talking about the surgical procedure that dare not speak its name, abortion. They call it reproductive health care. They call it choice. They call it anything but what it is, the intentional killing of a defenseless unborn child.

Now, that is what we are talking about, and the question presented by the amendment of the gentleman from Oregon is whether we are going to mandate the prompt provision of abortion on demand at the duty station wherever in the world it is requested.

Besides the tragedy of killing, exterminating an innocently inconveniently unwanted child, this amendment does a lot more. It erroneously refers to abortion as just another type of medical care, when the Supreme Court itself has said in Roe versus Wade that abortion is inherently different from every other medical procedure, because it takes a human life.

Now, under present law, public hospitals can refuse to perform elective abortions, no matter who pays for them; but if this amendment is adopted, we mandate that every military hospital and the personnel attached thereto provide abortions on demand. That is far beyond Roe versus Wade.

There are no reasons required. There are no gestational age requirements, no trimesters, and it violates the conscience of people who are required to perform this grisly service.

Vote no on this amendment.

Mr. AUCOIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me this time.

The very first thing I want to do is answer the gentleman from Illinois, because we have a conscience clause that applies to all employees of military hospitals. There is absolutely no one who will be mandated to do this, and I think it is very important we clear that up.

Second, I come to this well saying there is nothing I can say that was not said by the gentlewoman from Tennessee. She hit this right on the head.

This is a fundamental issue about how we are going to treat the people whose lives are on the line overseas protecting our rights.

I find it incredible that we are willing to uproot them, send them thousands of miles away from home and then not extend to them the same rights they would have and that they fight for us to have.

I also want to answer the trimester issue that was put out by the gentleman from Illinois. We are talking about *Roe* v. *Wade*. There are no abortions in the final trimester under *Roe* v. *Wade* unless the life of the mother is in danger or the fetus is in such critical shape that it cannot survive independently.

Please, please, this is a very simple issue for all the women on active duty and for spouses of dependents overseas.

When they are living in an environment that does not prevent reproductive choices, how in the world can we prohibit their being able to purchase them fully, pay for them fully in the military hospitals overseas?

If we do not allow them that option, they do not have an option. Let us be clear about that. The idea that they can be transported somewhere else, that they have to take time off, all sorts of other things are life-threatening, can be career-threatening or can be so expensive they cannot do it.

Mr. Chairman, I urge support for the AuCoin amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland [Mrs. BYRON], the chairwoman of the Subcommittee on Military Personnel and Compensation of the Committee on Armed Services.

Mrs. BYRON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon [Mr. AUCOIN].

Current law prohibits the use of appropriated funds to perform abortions, except where the life of the mother would be endangered. The gentleman's amendment would permit abortions to be performed in military hospitals overseas, if the service member of dependent pays the full cost, including indirect costs, of the abortion.

Prior to June 1988, a limited number of abortions were performed at military hospitals overseas on a reimbursable basis. Since then, prepaid or reimbursable abortions have been barred by DOD directive.

Pre-1988 DOD policy and the gentleman's amendment are inconsistent with both the letter and the spirit of the law barring the use of government funds for abortion, other than to save the life of the mother. Congress clearly did not intend that any other type of abortion be performed in military hospitals, and abortions performed on a reimbursable basis circumvent that intent. Last years' DOD bill was finally resolved with this amendment deleted.

While I commend the gentleman's interest in assisting U.S. military personnel and their families stationed overseas, these individuals do have the option of returning to the United States to seek an abortion, at their own expense, if they are unable to obtain acceptable care in the local community overseas.

I must continue to oppose this amendment.

Mr. AUCOIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, there are those in this Chamber who wish to make this an issue of pro-choice or pro-life. Frankly, I believe that disguises the real issue.

This is not an issue of fairness. This is not an issue of law. That is clear by the *Roe* v. *Wade* case. This is an issue of discrimination in its most baseless and most obvious methods against service people, particularly women in the military and the dependents of servicemen.

There are 400,000 dependents who are stationed around this world. There are 40,000 women at any given time who as members of the armed services are ordered, not asked voluntarily, but ordered to go overseas.

We have said, not by law, but by administrative dictatorial decision, that these women will not have the same rights as other women in this country. That is unacceptable.

During Desert Storm, 10,000 women served our Nation. At any given time, 26,000 women are in Latin American countries. Ninety-nine percent of these women are stationed in countries where no reproductive services are permitted by law.

We must, as a Nation, provide our servicemen and women and their dependents with the same services which they are provided here in this country.

This ought not to be a debate on prochoice or pro-life, or pro-abortion or the choice issue. It ought to be a right for people, women and dependents, to seek the same and to provided the same services regardless whether they are in the service or civilians.

Listen to these statistics. Eight women on average per year go into the Subic Bay Hospital for care for illegal services which they had to seek outside as military personnel.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, if enacted into law, the AuCoin amendment will force overseas DOD health facilities to provide abortion on demand at any time during pregnancy.

The AuCoin amendment would turn U.S. military health facilities into abortion mills where the noble art of healing, curing, and nuturing human life would be subverted by the butchering of innocent children.

I would respectfully submit that the attempt to frame this issue as an equal access to health care debate fails miserably—and smacks of Orwellian doublespeak.

There is absolutely nothing healthy, there is nothing caring about abortion on demand especially from the baby's point of view. Construing abortion on demand to be health care, it seems to me, is the ultimate oxymoron.

Mr. Chairman, abortion on demand is dehumanizing to children and reduces the lives of babies to the status of tumors, cysts, and diseases.

The AuCoin amendment forces military health facilities to abuse and batter their youngest patients. Instead of funding prenatal and maternal health care only the AuCoin amendment requires taxpayers provision of suction machines designed to dismember babies, various baby poisons which are injected not to treat but mistreat, and ultimately chemically kill the infant. Finally the AuCoin amendment ensures that a DOD-paid abortionist is on hand to implement these destructive acts.

Let us be honest, the AuCoin amendment is antichild and as such should be rejected.

Mr. Chairman, let me note here that last year, during debate on the AuCoin amendment to the Department of Defense authorization bill, Representative AUCOIN stated:

> Under the law, under the Constitution, nobody gets an abortion in the third trimester unless the life or health of the mother is at risk or if the fetus cannot survive outside the womb because it is so deformed.

Mr. AUCOIN's statement is factually incorrect in describing Roe.

Today, Mrs. SCHROEDER, in like manner, has inaccurately described the Roe decision.

Roe v. *Wade* did not impose any restrictions on abortion; it removed them. Roe does allow States to impose some very limited restrictions on third-trimester abortions, but it is up to the State to put those limitations into place by law, as Pennsylvania did.

Roe v. *Wade* says: "If the State is interested in protecting fetal life after viability, it may go so far as to proscribe abortion during that period, except when it is necessary to preserve the life or health of the mother." States may proscribe certain third-trimester abortions; they are not proscribed by the Supreme Court in Roe or any other court decision.

Military hospitals are Federal facilities, governed by Federal law. There is no Federal law prohibiting third-trimester abortions, or regulating abortions under any circumstances.

Nor does the AuCoin amendment impose any limitations. On the contrary, its says that a "member of the uniformed services," or his or her dependent, "is entitled to the provision of any reproductive health service * * * in the same manner as any other type of medical care." Just as prenatal care is given throughout the 9 months of pregnancy, under this amendment, abortions would be allowed at any time during pregnancy.

Make no mistake. The AuCoin amendment would allow abortion on demand for any reason and at any time during a pregnancy.

□ 1510

Mr. AUCOIN. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON] for the purpose of entering into a colloquy.

Mr. GUNDERSON. I thank the gentleman for yielding this time to me.

I asked him to yield at this time for the purposes of this colloquy.

Mr. Chairman, as a Member of Congress who traditionally votes along the pro-life philosophy, I supported the gentleman's amendment last year because it provided the same protections of the law eligible to every American to those military families assigned abroad. However, many pro-life groups now suggest the gentleman's language mandates that military hospitals abroad must provide abortions on demand at any stage in the pregnancy. They suggest that the gentleman's amendment creates an entitlement to abortion without restrictions. Is this the intent of the gentleman from Oregon?

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman.

Mr. AUCOIN. I appreciate the gentleman from Wisconsin bringing this charge to the attention of the House, because nothing could be further from the truth. It is the intent of the language, and I quote it, "in the same manner as any other type of medical care," to provide military personnel stationed abroad the same access to the options allowed to them under *Roe* v. *Wade* that are allowed to every other American stationed here at home.

So this colloquy should serve to clarify legislative intent on that point and to guide DOD's writing of any regulations that would follow. And I should note here that during the period in which DOD allowed private paid abortions in military facilities overseas, the regulations then clearly permitted third-trimester abortion only to preserve the life or physical health of the woman. In keeping with that, DOD should implement this provision in keeping with whatever limitations regarding *Roe* v. *Wade* are a part of Federal law at the time that the rules are promulgated, and not beyond.

Mr. GUNDERSON. I appreciate the gentleman's clarification.

Based on that, Mr. Chairman, I intend to continue to support the amendment of the gentleman, in fairness to the military.

Mr. DICKINSON. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I come to the well without much passion today because I just withstood an onslaught of $650,000 of abortion money—admitted up front, we think there is lots hidden—$650,000 in 11 days. And I won, 60 to 40. So, obviously, there is still some credibility to standing up for your principles on a pro-life issue.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Let me say, Mr. Chairman, that colloquy a moment ago between Mr. GUNDERSON and Mr. AuCOIN was one of the most confusing—and misleading—I have ever seen since I have been here.

Mr. DORNAN of California. I agree.

Mr. SMITH of New Jersey. As we all know, Roe versus Wade, in regard to the third-trimester abortions, gave certain very limited powers to the States. Over the years, only a few of the States, like Pennsylvania, have enacted restrictions on abortion for babies who are over 6 months old or in the third trimester. Therefore, if the AuCoin language is enacted into law, we will have a situation where abortion on demand right up until birth is permitted in DOD health facilities—and there were some 4,000 third-trimester abortions in the land, according to Dr. Koop, when he looked into the matter while still Surgeon General. Let me remind Members that there is no Federal restriction on third-trimester abortions in effect.

Therefore, what would prohibit it? The plain language of AuCoin says reproductive services must be provided "in the same manner as any other type of medical care." Prenatal care is provided throughout all 9 months of pregnancy. Abortion, therefore, would be treated in the same manner. Regardless of the gentleman's intent, exactly what would prohibit a third-trimester abortion? Where is it written in the body of the amendment that the gentleman from Oregon [Mr. AuCOIN] is sponsoring? It is not there.

Mr. DORNAN of California. I thank the gentleman.

Remember, 1,250 women were sent home from Desert Storm on good swift Air Force jets to get abortions back here at private expense. The bottom line is, for all of you who are worried about Federal funds, this is a Federal-funds-for-abortion issue, period, through, clear.

Mr. AUCOIN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I am in strong support of the amendment offered by the gentleman from Oregon because it really does provide equity between women who happen to serve in the military and those in the rest of our society in regard to their reproductive rights.

Mr. Chairman, I would now like to yield to the gentle and victorious lady, the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, my friends, I cannot imagine why anyone in this Chamber would want to make our women in the military second-class citizens. They have put their lives on the line for their country, for America, and they deserve our support, our trust, our respect. I think if you trust these women to defend us, then let them defend their own bodies and make their own decisions.

Women in this country deserve respect, and *Roe* v. *Wade* is the law of the land. For equal treatment in the military, Mr. AuCOIN is so correct. He is a such a courageous leader on this issue. It is only fair.

Please vote "aye" for this very important amendment.

Mr. DICKINSON. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I stand in strong opposition to the amendment offered by Mr. AuCOIN. This amendment would require that abortions be performed, on demand, at overseas U.S military facilities. This amendment would include third-trimester abortions and does not impose any limitations or conditions. Military hospitals are Federal facilities, governed by Federal law. There is no Federal law prohibiting third-trimester abortions, or regulating abortions under any circumstances. Therefore, unless the author of the amendment is willing to put conditions or limitations on his amendment, it is abortion on demand for any reason and at any time during a pregnancy. A "yes" vote on this amendment is a vote for abortion. I urge a "no" vote.

Mr. DICKINSON. Mr. Chairman, I have the right to close, but I will yield 1 minute to the very distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding time to me.

Mr. Chairman, I strongly oppose the AuCoin amendment. It seems that each time this issue is brought to the House floor Members in support of this amendment cite situations which have no relation to the issue we are debating. They are talking about an abortion being performed in federally financed hospitals.

Passage of this amendment would require U.S. military hospitals overseas to provide abortions for any reason at any point during pregnancy.

I would like to point out that the current policy already permits the performance of abortions in military facilities when the mother's life is endangered.

We owe it to the dedicated men and women who serve in our Nation's military to offer our genuine support. Programs for these loyal individuals should not be held hostage by those who seek to advance a national policy of abortion on demand. Last year, this extreme provision was dropped from the Defense authorization and appropriations bills.

I urge my colleagues to oppose this renewed effort to force U.S. taxpayers to facilitate such an extreme policy.

Mr. AUCOIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the AuCoin amendment, which would simply restore constitutional rights to military women.

Mr. Chairman, I rise in strong support of the AuCoin-Machtley amendment to the Defense authorization bill, and I want to thank my colleagues for their perserverance in bringing this important issue before the House again this year.

This amendment would overturn current Pentagon policy by allowing military personnel and their dependents to use their own funds to pay for abortions at overseas military health facilities. I believe that this amendment is consistent with U.S. law. It simply would allow servicewomen to obtain the same range of health services at those facilities as they can now obtain at home. The amendment does not affect the current prohibition on DOD funding of abortions, except when the woman's life is endangered.

Mr. Chairman, this is not a complicated issue. The amendment would assure the women of our Armed Forces that they need not sacrifice their constitutional rights in order to serve their country. It also, of course, assures our military men that their spouses would retain their full rights.

I urge my colleagues to join me in support of the AuCoin-Machtley amendment.

Mr. AUCOIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise to extend constitutional rights to American servicewomen serving overseas.

Mr. Chairman, today I rise in strong support of the AuCoin-Machtley-Fazio amendment. This is not a debate on the legality of abortions or on the appropriateness of *Roe* v. *Wade*.

Mr. Chairman, this is about fairness, and about equal rights for all American women, no matter where they are, including women who have chosen to serve and defend our country in the armed services, and the spouses and the daughters of servicemen.

Abortions have been safe and legal in the United States since 1973. No longer must American women subject themselves to unscrupulous doctors or unsafe medical practices. No longer must American women seek dangerous back alley abortions.

Unless this amendment passes, women serving their country overseas do not have the same rights as women in the United States. Mr. Chairman, not only is this unfair, it is extremely dangerous. In most cases, for women stationed in the Third World, the Middle East, Asia, and some allied nations American military hospitals represent the only safe medical facilities available. If we do not allow women to have abortions at these hospitals, using their own money then we force these women to seek a dangerous and sometimes fatal alternative.

Mr. Chairman, the House passed this exact same amendment last year when 220 Members voted in favor of this bill. I urge my colleagues to support this amendment and allow women serving their country through military service the same rights as their civilian counterparts.

Mr. AUCOIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in strong support of the AuCoin amendment.

Mr. AUCOIN. Mr. Chairman, what is the time situation?

The CHAIRMAN pro tempore (Mr. COX of Illinois). The gentleman from Oregon [Mr. AUCOIN] has 1½ minutes remaining, and the gentleman from Alabama [Mr. DICKINSON] has 2½ minutes remaining.

Mr. AUCOIN. Mr. Chairman, it is my understanding I have the right to close.

The CHAIRMAN pro tempore. It is the understanding of the Chair that the gentleman from Alabama [Mr. DICKINSON] has the right to close. He represents the committee position at this point.

□ 1520

Mr. AUCOIN. No, I do not believe the gentleman from Alabama [Mr. DICKINSON] does represent the committee position, Mr. Chairman. I think the committee position, if I am not mistaken, is silence on this issue.

The CHAIRMAN pro tempore (Mr. COX of Illinois). It is the perception of the Chair that the gentleman from Oregon [Mr. AUCOIN] seeks to amend the substitute amendment of the Committee on Armed Services in a manner which could have been but was not included in the Armed Services substitute. Against such an amendment the precedents give the committee representative the right to close controlled debate. Therefore, the gentleman from Alabama [Mr. DICKINSON] has the right to close.

Mr. AUCOIN. May I make an inquiry of the gentleman from Alabama, or may I address that to the Chair? I would be interested in knowing if the gentleman from Alabama [Mr. DICKINSON] has one speaker remaining.

The CHAIRMAN pro tempore. Is it correct that the gentleman from Alabama has only one speaker remaining?

Mr. DICKINSON. Mr. Chairman, I have one unanimous-consent request and one speaker remaining.

I yield such time as he may consume to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Oregon [Mr. AUCOIN].

Mr. DICKINSON. Mr. Chairman, I have one speaker to close. I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. In closing on our side, Mr. Chairman, I am going to address some of the distortions advanced by he opposition.

First, this amendment would not, allow abortion in the ninth month for any reason. Under constitutional law there are no legal third-trimester abortions in this country except to save the life or the physical health of the mother, or, as in a very few cases, where the fetus has such severe abnormalities that it would not survive outside the womb. That is the standard set up by Roe versus Wade, and, as both the language of the amendment and my colloquy with the gentleman from Wisconsin made clear, that is the standard to which DOD must, under this amendment, adhere. In fact, the laws and regulations governing military medicine required DOD, or permit DOD, to be even more restrictive than *Roe* v. *Wade*, and this amendment does not change that.

So, Mr. Chairman, I do not want my colleagues to be misled. This amendment in no way goes beyond *Roe* v. *Wade*. It simply says this:

It says that women who defend us, stationed abroad, shall have the same rights under the Constitution as women who live here at home. It is equal protection under the law.

If anyone on that side of the aisle or anywhere else thinks the principle of equal protection under the law for service women stationed abroad is an extreme view, I am here to beg to differ with them.

Support this amendment is in the name of fairness and justice for women who are bravely defending us at this moment as we speak. I ask for support for this amendment.

Mr. DICKINSON. Mr. Chairman, my next speaker is not here, so I yield the balance of my time to the distinguished gentleman from California [Mr. DORNAN] to finish his earlier statement.

Mr. DORNAN of California. Mr. Chairman, may I gently remind my good friend and colleague, the gentleman from Oregon [Mr. AUCOIN], that the 20th anniversary of Roe-Wade is coming up next January? In all those two decades there has not been a single indictment, court case or trial of anybody for anything in the second or third trimester. The reality is Roe-Wade, as interpreted for two decades, is abortion for all 9 months for any reason under the Sun.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman from California [Mr. DORNAN] for yielding to me.

Mr. Chairman, I would just like to say to my dear friend, the gentleman from Oregon [Mr. AUCOIN], that one of his problems is he knows so many things that are not so. He does not understand *Roe* v. *Wade*, and for these many years as Mr. Abortion I would think he would understand what the case says. Abortions are permitted at any time during the third trimester; that is, the last 3 months.

Now the Federal Government has not. The State may forbid abortions except to save the life or the health of the mother, and then health is defined in the companion case, Doe versus Bolant, as involving the emotional well-being of the woman.

Mr. DORNAN of California. Whoa. What a hole in the law.

Mr. HYDE. So, if a woman is 9 months pregnant and emotionally distressed, fought with her husband, said, "I won't carry your child," her health is affected. She gets an abortion under *Roe* v. *Wade*.

Now, if we can ever understand that, we can argue intelligently and coherently about the law. *Roe* v. *Wade* authorizes abortion on demand the entire 9 months so long as her health is affected.

Mr. DORNAN of California. Amen.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. No, no, I cannot because I only have about 20 seconds.

I can recall two cases before Roe-Wade where doctors suffocated a live-born infant. One doctor kicked out of Massachusetts forever. The other was an 11–1 decision. Nothing since. Nothing, nada, nothing.

Ms. PELOSI. Mr. Chairman, I rise today to add my support for the AuCoin, Machtley, and Fazio amendment which overturns a 1988 Department of Defense administrative policy prohibiting military medical facilities overseas from offering abortion services to service personnel and their dependents. This amendment would allow service personnel and their dependents to use their own private funds for abortion services, at no cost to the military medical facility or the Government.

This amendment merely provides Americans who are overseas on American military bases access to the same health care options that are available to women in the United States. This amendment is not far reaching or outlandish; it does not supersede any American abortion law currently in place; it simply permits women stationed at American military bases abroad access to full health care options, at their own personal expense.

Mr. Chairman, I urge my colleagues to support this important amendment to allow all Americans access to the same health care services.

Mr. EMERSON. Mr. Chairman, the AuCoin amendment, if passed, will confer an absolute statutory entitlement to abortion in military hospitals abroad. This entitlement will exist regardless of how far along the pregnancy has come—4, 5, or even 8 and 9 months. It will exist regardless of the reasons the abortion is desired: it would include, for example, sex selection. This statutory entitlement will compel military medical personnel to perform abortions even if that doctor decides that taking an innocent unborn life is against his or her conscience. Under this amendment, that doctor must perform that abortion against his or her will, or violate the law of the United States. What kind of choice is that?

Current Department regulations allow military medical doctors and nurses to decline to participate in abortion on the basis on conscience. But these regulations would be in jeopardy under the AuCoin amendment. If passed, this amendment would be the only statutory law governing the provision of abortions in U.S. military facilities, other than a Federal funding provision. By creating such a broad statutory entitlement to abortion on demand, the Congress will have essentially have thrown the Department's conscience regulations out the window.

This amendment is an extreme approach to abortion—in overseas military hospitals, U.S. abortion policy becomes one of "any": anytime, any reason, anyone. I strongly urge Members to vote against this amendment and defeat this attempt to create a statutory entitlement to abortion on demand.

Mr. DORGAN of North Dakota. Mr. Chairman, last year when the AuCoin amendment was offered in the U.S. House I voted against it. While I believed that American women at overseas military installations should have available non-Federal funded abortions, I was concerned that the rules for permitting necessary abortions would go beyond the provisions of *Roe* v. *Wade.* During the debate last year it was represented that there were no restrictions that would prevent abortions in the third trimester or under other conditions that would go beyond Roe versus Wade.

Today I have been assured by the colloquy between Representative STEVE GUNDERSON and Representative AUCOIN. It is clear that the rules intended by this measure, shall not go beyond the restrictions in *Roe* v. *Wade.* The representations by the sponsor of the amendment clearly identify the intended scope of this authority, and I am satisfied that this is not opening, wider than Roe versus Wade, the conditions for allowable abortions. Therefore I will vote "yes."

I have not changed my mind about abortion. I would like to see the number of abortions reduced. But, sadly, there are occasions when it is necessary, and under those conditions, women at overseas bases should have the availability of safe abortions when they are necessary.

Mr. ROSTENKOWSKI. Mr. Chairman, members of the American military make great sacrifices to serve their country. They deserve fairness from us in return. At minimum, they deserve the same rights that are guaranteed to millions of their fellow Americans who don't serve in the military and are not based abroad.

Virtually any American woman now has the option of getting an abortion if that is her choice. But women in American military families who are based abroad are denied this right. That's simply not right.

Our vote today is a reaffirmation of an appropriate policy that worked well during the 1980's. It would allow such women access to abortion at American facilities abroad but would require them to pay for the procedure.

This is a difficult time for the American military. Basic questions are being asked and roles being redefined. During such a time of stress, it is particularly important that we vote for fairness and support the AuCoin amendment.

Mrs. UNSOELD. Mr. Chairman, amazingly, thousands of women who put their lives on the line to serve our country abroad are denied a basic right available to every American woman at home—the right to a safe and legal abortion.

A 4-year-old DOD decision, issued without congressional approval, prohibits women from receiving abortion services at overseas military hospitals. This is true even in countries such as Saudi Arabia and the Philippines where safe and legal abortions are nearly impossible to obtain. Our servicewomen are left to take their chances on a hazardous local abortion, to wait precious weeks for leave time and a space-available military flight, or to go through with an unwanted pregnancy. What a reprehensible way to treat women who have dedicated their careers to their country.

The AuCoin-Machtley-Fazio amendment to the Department of Defense reauthorization has one basic purpose—to restore the right of women stationed overseas to obtain abortions at the only safe facilities they have access to. Many of these women have already volunteered to lay down their lives for our Nation and the basic fundamental rights it represents. They shouldn't have to give up these rights and risk their health to satisfy some faceless bureaucrats at the DOD.

Mr. SCHEUER. Mr. Chairman, I rise today in support of the AuCoin, Machtley, and Fazio amendment that would allow military medical facilities overseas to offer abortion services to military personnel and their dependents stationed abroad. These services would be paid for by the individual not by the military.

We have discussed the abortion issue many times—during the debate to reserve the Mexico City policy in the foreign aid reauthorization bill, during the debate to lift the gag rule from title X, and recently during the fetal tissue research debate. Each time we have stressed the fundamental right for an American woman to make her own decision regarding an unwanted pregnancy.

That right was given to her by the Supreme Court in *Roe* v. *Wade* 20 years ago. Although the last two Republican administrations have chipped away at this right, it is still the law of the land. If a woman in the U.S. military wishes to have an abortion at a U.S. military base overseas—and is willing to pay for it with her own money—then she, as a citizen of this country, should not be denied.

I strongly urge my colleagues to spare military women from the tyranny of the minority of individuals who have politicized the abortion issue in this country. Give back to our servicewomen and their dependents the right to choose. Support the AuCoin, Machtley, and Fazio amendment.

Mr. ANDREWS of Texas. Mr. Chairman, I rise in support of the AuCoin amendment to the Department of Defense reauthorization.

Once again, we find ourselves having to address a dastardly regulation that the administration adopted without any congressional consultation. In 1988, along with the now infamous gag rule and ban on fetal tissue research, the Reagan administration adopted another regulation that adversely affects thousands of American women who serve in our military. As you know, the regulation we are discussing today prohibits military personnel and their dependents from obtaining abortions in military facilities, even if all costs are assumed by the patient.

The Bush administration, in upholding these policies, continues to impose its anti-choice agenda on American women. This time, unfortunately, the women suffering are those who have volunteered to serve their country.

Passage of the AuCoin amendment will allow military women the same access to abortions as their counterparts in the United States. Since 1988, women stationed overseas have not been allowed to receive abortions in military facilities, even if these women pay for the service. In fact, this regulation applies regardless of whether adequate local, nonmilitary health facilities are available and even if the woman's life is threatened.

The very reason we established medical facilities worldwide was to meet the needs of military personnel and their families where facilities are inadequate. In most Islamic countries, for example, safe, legal abortions are almost impossible to obtain in local facilities. This policy has driven many servicewomen to back alleys and, in countries like Japan, women are spending their life savings on expensive abortion services.

The AuCoin amendment will not involve any public funds. The patient will pay the full cost. Let's be honest about this issue and give our overseas servicewomen and families the same treatment under the law as they would receive back home. I strongly urge my colleagues to support the AuCoin amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon [Mr. AUCOIN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. AUCOIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 193, not voting 25, as follows:

[Roll No. 163]

AYES—216

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Blackwell
Boehlert
Boucher
Boxer
Brewster
Brooks
Brown
Bryant
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fawell
Fazio

Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hamilton
Hayes (IL)
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kennedy
Kennelly
Klug
Kolbe
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Lloyd
Long
Lowey (NY)

Machtley
Markey
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Moody
Moran
Morella
Morrison
Mrazek
Nagle
Neal (NC)
Obey
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (FL)
Pickett
Pickle
Porter
Price
Ramstad
Rangel
Reed
Richardson
Ridge
Riggs
Rostenkowski
Roukema
Rowland
Roybal

Sabo
Sanders
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Zeliff
Zimmer

NOES—193

Allard
Allen
Annunzio
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonior
Borski
Broomfield
Browder
Bruce
Bunning
Burton
Byron
Callahan
Camp
Clinger
Coble
Coleman (MO)
Combest
Costello
Cox (CA)
Crane
Cunningham
Davis
de la Garza
DeLay
Donnelly
Doolittle

Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
English
Ewing
Fields
Fish
Gallegly
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hobson
Holloway
Hopkins
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (TX)

Kanjorski
Kaptur
Kasich
Kildee
Kleczka
Kolter
Kyl
LaFalce
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Luken
Manton
Marlenee
Martin
Mavroules
Mazzoli
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McNulty
Michel
Miller (OH)
Moakley
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (MA)
Nowak

Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Perkins
Peterson (MN)
Petri
Poshard
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Ritter
Roberts
Roe

Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Staggers

Stallings
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Thornton
Upton
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Yatron
Young (AK)
Young (FL)

NOT VOTING—25

Ackerman
Anthony
Bustamante
Campbell (CA)
Dannemeyer
Dymally
Feighan
Gaydos
Gibbons

Hatcher
Hefner
Hubbard
Jones (GA)
Lehman (CA)
Levine (CA)
Nichols
Oakar
Olin

Rinaldo
Rose
Thomas (CA)
Traxler
Vander Jagt
Whitten
Wylie

□ 1545

The Clerk announced the following pair:

On this vote:

Mr. Thomas of California for, with Mr. Rinaldo against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. COX of Illinois). It is now in order to consider amendment No. 18 printed in part I of House Report 102–545.

AMENDMENT OFFERED BY MR. KOPETSKI

Mr. KOPETSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOPETSKI: At the end of subtitle C of title XXXI (page 275, after line 26), insert the following new section:

SEC. 3132. ONE-YEAR MORATORIUM ON NUCLEAR TESTING.

During the one-year period beginning on the date of the enactment of this Act, none of the funds made available under any provision of law may be available to conduct any explosive nuclear weapons test unless the President certifies to Congress that any of the independent states of the former Soviet Union has conducted an explosive nuclear weapons test during that period.

The CHAIRMAN pro tempore. Is there a Member in opposition to the amendment?

Mr. KYL. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. KOPETSKI] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. KYL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I rise in support of the Kopetski-Gephardt amendment.

Mr. Chairman, I rise to express my very strong support for the Kopetski-Gephardt amendment to ban any nuclear testing by the United States for 1 year, unless any of the former Soviet Republics conduct such a test. As a cosponsor of H.R. 3636, upon which this amendment is based, I am pleased to see the House considering this provision.

The United States is the only Nation with a continuing nuclear testing program. As I understand it, we are scheduled to conduct a total of six tests this year. This includes two nuclear effects tests to examine the effect of nuclear explosions on other military systems, one test of a now-canceled strategic defense initiative project, and the three other classified tests.

Contrast this with the Russian Republic, which has not conducted a test since October 1990, and will not conduct one until at least October of this year. And with independent Kazakhstan, home to the major former Soviet nuclear test site, which has announced a permanent test ban as well as its intention to sign several arms control treaties dealing with nuclear weapons. And with France, which earlier this year suspended its nuclear test program in order to give a boost to international efforts to halt all nuclear testing.

Among nuclear states, only China, in addition to the United States, has an active testing program. Just a few weeks ago, the Chinese conducted a nuclear test with an explosive power as high as 1.5 megatons. It was interesting to note that the administration condemned the test, not for being conducted at all, but for its size. The United States and the Commonwealth of Independent States are limited by treaty to tests under 150 kilotons, and apparently President Bush thinks it is unfair for anyone else to conduct a larger test.

I think Mr. Bush should rethink his strategy. If the United States wants to limit the Chinese nuclear testing program, we should immediately halt our testing program and resume negotiations for a comprehensive nuclear test ban treaty.

Without such action, I fear the Soviet and French testing moratoria will come to nothing. We will keep on testing, they will resume testing, the British will continue testing—at our test site—and efforts to limit the spread of nuclear weapons will have suffered another setback.

In my view, there are no valid reasons for the United States to continue nuclear testing. With the cancellation of the W–88 warhead for the D–5 missile, the United States is not scheduled to produce any nuclear weapons during fiscal year 1993. We are unlikely to initiate new weapons designs in the foreseeable future, and certainly there are no plans to test any new designs in fiscal year 1993. Most safety issues have been addressed by operational changes and reductions in nuclear arsenals, where weapons withdrawals will focus on older, less safe designs. Reliability concerns have been the subject of extensive testing, and would not be compromised by a 1-year moratorium.

On the other hand, stopping U.S. tests would have many direct benefits. It would support Russian and French efforts to limit testing. It would bolster resumption of United States-British-Russian negotiations for a comprehensive nuclear test ban. It would help U.S. efforts to obtain international agreement to renew the Nuclear Non-Proliferation Treaty [NPT], central to efforts to stop the spread of nuclear weapons.

Finally, it would give Congress time to consider the role of nuclear weapons and nuclear testing in the post-cold war world. Many of us support a comprehensive nuclear test ban, but others have legitimate questions about the effects of such a measure on nuclear weapons safety and reliability. A 1-year moratorium would allow us to examine these issues, while not undermining efforts in other countries to limit nuclear testing. A 1-year test ban would not lead directly to a CTB—although that should be our goal—but it certainly would not preclude it. Simply put, it maintains our options.

I urge my colleagues to support the Kopetski-Gephardt nuclear testing amendment.

Mr. KOPETSKI. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, today we debate whether our Nation should continue to test nuclear bombs. This issue is very familiar to the House of Representatives. For years, many of my colleagues in this body have questioned our policy of nuclear testing. Some of these opponents to testing will take the floor shortly but it is important to note that today's debate is the result of many Members' time and energy. I am personally indebted to their leadership through the years and guidance today on this important issue. It is also equally important to note that this issue is alive in grassroots America. From Salem, OR, to Salem, MA, this issue demonstrates the power of the people to communicate with and still influence our legislative process.

So let's get right to the point. The most recent arguments used to justify continued nuclear weapons testing include safety, reliability and survivability. The arguments for reliability and survivability have been thoroughly refuted by well respected scientists and they will be today again. I want to focus the bulk of my remarks on the safety issue.

I also want to point out that the Kopetski amendment advocates a 1-year nuclear testing moratorium; it does not call for a permanent end to nuclear testing.

President Bush has announced dramatic reductions in the nuclear weapons stockpile. I commend the President for these reduction. One result of the President's action to retire or destroy all nuclear warhead produced before 1979 is a diminished need for nuclear testing.

Let us look closely at which warheads remain in our weapons stockpile. There are three main elements to stockpile safety; they are: First, enhanced nuclear detonation safety [ENDS]; second, insensitive high explosive; and third, fire resistant pit.

The stockpile contains the MX Peacekeeper (W87), the ground launch cruise missile (W84), and the B83 strategic bomb. These warheads contain all three modern safety standards. Next the stockpile contains the B61 tactical bomb, the W80 cruise missile, and the Pershing II (W85) and all of these warheads contain both ENDS and insensitive high explosive. It is the conclusion of an Air Force panel that quote, "Bombs and cruise missiles with ENDS and insensitive high explosive, but without fire resistant pits should not be modified to incorporate fire resistant pits."

Finally, our stockpile contains the Trident I (W76), the Trident II (W88), the Minuteman (W78). These warheads contain only ENDS. The Trident I, Trident II, and the Minuteman are the only remaining warheads in question. However, according to Bob Barker, Assistant to the Secretary of Defense and I quote, "there is not now sufficient evidence to warrant our changing either warheads or propellants." Thus, according to the Department of Defense, the DOD has no intention to incorporate any additional safety features into the Trident I, Trident II, and Minuteman at this time. Thus it is very reasonable to conclude that no nuclear weapons tests are necessary to meet current DOD needs.

Realizing the DOD decision may change, at sometime in the future, safety upgrades could take place by substituting warheads with other safer warheads.

Mr. Chairman, the United States must not continue to conduct nuclear weapons tests only for the sake of testing. If we test, let us have a sound scientific reason to test. After over 900 nuclear tests, it is time for the United States to examine closely the need for continued nuclear weapons test. Let us do this during this 1-year moratorium. In fact, let us invite the world community to participate in this discussion. The Soviet Union no longer exists. Let us discuss nuclear disarmament in the context of the new world configuration. Let us timely set the example for the world to follow. This is a good amendment, I urge all of my colleagues on both sides of the aisle to support it.

□ 1550

Mr. KYL. Mr. Chairman, I yield myself 3 minutes for the purpose of opposing this amendment.

Mr. Chairman, there are basically three reasons why we should be voting "no" on this amendment. First of all, as long as we have a nuclear deterrent, we have got to test it in order to ensure that it is safe and it is reliable.

Second, the idea that ceasing testing will somehow lead to an end to the development of these weapons by other countries is simply not valid. Countries like Iraq and others have demonstrated that they do not care who is testing or not testing, they are going to develop weapons to suit their own national goals.

Third, it is not workable, a point that I am going to get to in just a moment. However, let me first read a letter that the Secretary of Defense has sent to us. He said in the first line of the letter, and this is a letter to the Speaker, dated today, "I am writing to express my strong opposition to a moratorium on nuclear testing." He goes on to demonstrate some of the reasons why.

He notes, for example, "Both the Congress and the administration share the goal of assuring the safety of our nuclear stockpile. Continued nuclear testing is critical to this end." He also notes with respect to the rationale for ending testing that other nations might stop if we stop, "The nonproliferation challenge will not be eased by the cessation of nuclear testing * * *. Rogue nations such as Iraq or North Korea will not be deterred from pursuing nuclear weapons programs by a halt in U.S. nuclear testing."

Let me quote from the National Academy of Sciences report called "the Future of U.S.-Soviet Nuclear Relationship." It notes,

> In the final analysis most countries will make their decisions about the utility of the NPT regime or their maintenance of a nuclear option on the basis of their perception of their own security interests, not on the actions of the United States or Soviet Union or other nuclear weapons states on testing.

And Dr. Sidney Drell, who is quoted by both sides in this debate, noted in testimony before the Committee on Armed Services,

> I do not know the implication of a comprehensive test ban treaty for nonproliferation at this time. I cannot see any reason that Mr. Saddam Hussein or Mr. Qadhafi will be affected by whether we are testing or not. I have no idea whether India or Pakistan will or will not go the nuclear route whether we test or not.

So, Mr. Chairman, the point here is that while we may feel that we are doing something good by stopping, as a matter of fact, this is not going to deter those nations who are really the rogue nations in the world from testing.

Mr. Chairman, I said I would get to a third point why it is not workable. This test ban would exist unless the President certifies that a nation has violated, the Soviet Union or Russia, rather, has violated it. Dr. John Immele from the Los Alamos National Laboratory came up with some very interesting testimony not too long ago. He and his colleagues were visiting in Russia and he learned the following, that the Russians conducted a contained nuclear explosion that the United States could not detect on our seismic sensors. The result of that is this, that the President would have no ability to certify whether or not the Russians were complying with the test ban because they apparently have the capability of conducting these tests in a closed container.

These are just three of the reasons why I believe we should vote "no" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOPETSKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GREEN], who is one of the most knowledgeable Members on this issue.

Mr. GREEN of New York. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Kopetski-Green amendment. The global community is approaching a milestone in terms of its nonproliferation efforts. The Nonproliferation Treaty expires in 1995. At that time, under the terms of the treaty, it does not automatically renew. Instead, the parties to the treaty must decide whether to renew the treaty or not.

The issue is not whether there may be one or two rogue states with which we are going to have to deal. The issue is whether there is going to be wholesale proliferation following 1995. I attended a portion of the 1990 Nonproliferation Treaty Review Conference, and it was plain to me that the unwillingness of the United States to tie progress toward a nuclear test ban with extension of the Nonproliferation Treaty in 1995 prevented the 1990 Review Conference from reaching consensus on a final document reaffirming the Nonproliferation Treaty.

A subsequent meeting in New York in connection with the efforts of a number of the parties to the Limited Test Ban Treaty to convert it into a comprehensive test ban treaty yielded a similar conclusion.

This whole situation puts the Nonproliferation Treaty's continuation and our effort to prevent wholesale development of nuclear weapons around the world in great jeopardy. We are facing a very serious deadline in 1995. Is there any reason for us not to recognize this deadline and to move toward a nontesting regime?

Physicist Ray Kidder of Lawrence Livermore National Laboratories argues that concern about the safety of our nuclear stockpile should not limit U.S. consideration of a comprehensive test ban. Dr. Kidder argues that, particularly with the weapons that have been taken out of service by President Bush, a small, finite number of tests would enable us to cease testing by 1995 and still ensure that our stockpile of nuclear weapons is in compliance with modern safety standards.

He also states, and I quote:

> The reliability of the stockpile of nuclear weapons can be maintained by nonnuclear testing alone.

In short, we are faced with a situation where we are risking wholesale proliferation of nuclear weapons around the globe unless by 1995 we draw our testing enterprise to a close.

□ 1600

So today I ask my colleagues, is there any greater security challenge facing the 1990's than wholesale nuclear proliferation?

The House has long pushed the administration on the urgent issue of a test ban, and with 1995 approaching the situation is more urgent than ever.

For that reason, I strongly urge a vote for the Kopetski-Green amendment.

Mr. KYL. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Kopetski amendment to ban nuclear weapons testing for 1 year. I am strongly opposed to any moratorium on nuclear testing. As long as there is a need for a nuclear deterrent, it is essential that we maintain the reliability and safety of our weapons.

I am aware of the moratorium adopted by the Russian and French Governments. However, I am also aware that China recently conducted its largest underground nuclear blast, with a force equivalent to just under 1 million tons of TNT, to test a thermonuclear warhead meant to be deployed on a new intercontinental ballistic missile. The cold war may be over, but as long as other countries such as China and Iraq continue to pursue nuclear capability the United States must continue its own testing to protect its national security interests and to discourage the proliferation of nuclear weapons to other countries.

Mr. Chairman, defense spending cuts have reduced the number of United States nuclear tests to six a year, the lowest level since the 1958–61 United States-Soviet test moratorium. As long as we have nuclear weapons we must ensure their safety and reliability.

Finally Mr. Chairman, President Yeltsin is coming to Washington next week to meet with the President. By passing this moratorium today Congress simply will be undermining the President's negotiating position with President Yeltsin and I believe that would be a mistake.

I urge my colleagues to defeat this amendment.

Mr. KOPETSKI. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, the gentlewoman who preceded me mentioned the fact that we had condemned the Chinese for their nuclear weapons test that was held on May 20. We cannot successfully set an example in this world, however, if we continue to test six times a year. We have to set an example by joining with the French and the Russians—who've acted responsibly in taking temporary moratoria—in reaching a permanent test ban treaty.

We can act today by putting this moratorium in place for 1 year to move in that direction, and we can do it without seriously impairing the safety of our stockpile, which I know is on the minds of all of us, if we act for only 1 year. We are not committing ourselves to a permanent test ban. We are taking the step of setting an example, showing the way and allowing others to follow us. I believe that chance is good and that they will.

So I think that at this point, as the preeminent nuclear power in the world, we ought to take this small risk, that by setting this example, we can bring others to our side, we can join with others who have taken even greater risks, and we can avoid giving the Soviet Union a reason to go back to testing once again.

This is a very modest proposal, a very worthy one, and I urge support.

Mr. Chairman, I rise in strong support of the Kopetski amendment.

At the same time the United States condemns the Chinese Government for its nuclear weapons test on May 20, we are continuing our own, aggressive nuclear weapons testing program. In fact, the United States is the unquestionable leader in nuclear weapons testing.

Six a year—compared to one in the last 2 years for China. Both Russia and France, on the other hand, have stopped testing altogether—for now.

Unfortunately, Mr. Chairman, its the same old story from this President and this administration—"Listen to what I say, not what I do."

Whatever happened to the President's new world order? How can the administration legitimately condemn China's recent test when the United States continues to be the undisputed leader in this area?

Mr. Chairman, we cannot continue our senseless and blind indifference to the world around us. Our own testing program only serves to encourage other countries, like China, to continue their nuclear weapons development and testing programs. And, if we continue our testing, then Russia is likely to restart its program.

Mr. Chairman, the Kopetski amendment is a modest proposal. It only institutes a 1-year moratorium on weapons testing. During this time, legitimate questions about the safety of our nuclear weapons arsenal can be explored.

But, this moratorium will also signal to the rest of the world that we are prepared to live up to the standards we have set for other countries. It will signal that we are serious about stopping nuclear weapons proliferation, beginning with our own country.

The Kopetski amendment would support Russian and French efforts to limit testing. It would help reignite United States-British-Russian negotiations for a comprehensive nuclear test ban. And, finally, it would help with renewal of the Nuclear Nonproliferation Treaty, scheduled for 1995.

Today, Mr. Chairman, we have a chance to put our money where our mouth is. I strongly urge my colleagues to support the Kopetski amendment.

Mr. KYL. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Chairman, I rise today in opposition to the Kopetski amendment. I want to talk about two primary reasons to continue testing of our nuclear weapons: reliability of these weapons and the survivability of our military systems.

First, reliability.

One-half of every nuclear weapon type deployed since 1970 has required postdevelopment nuclear testing to verify and fix problems or resolve questions that concerned the weapon's safety, reliability, or nuclear performance.

Selected nuclear weapons are withdrawn at periodic intervals from the stockpile for examination. Unexpected deterioration in certain components of a warhead, or unforeseen conditions to which the warhead may have been exposed can cause varying degrees of uncertainty about the performance of the warhead.

For example, the warhead for the Polaris submarine ballistic missile was discovered to have undergone some corrosion several years after its deployment. A nuclear test of the Polaris warhead showed that the corrosion was seriously affecting the performance of the warhead. This defect, if left uncorrected, would have caused a major portion of our sea-launched ballistic missile deterrent force to be inoperable.

In the future we will most likely have only one nuclear warhead for our sea-launched ballistic missiles. If problems occur with it, a very possible event, we will not have a reliable submarine based nuclear deterrent unless we are allowed to conduct nuclear tests to correct the problem.

We must always remember that there is no guarantee that we will control the use of nuclear weapons against us. Our strategic or conventional forces can be attacked with nuclear weapons by an ever-growing number of nations. We must make sure that every potential attacker knows we are prepared to survive attack.

If deterrence is to work, U.S. forces must not present easy targets for preemptive attack in a crisis. Our retaliatory forces, as well as the warning sensors and command and control systems that alert and provide direction to them, must be capable of performing critical functions during and after exposure to nuclear effects.

The value of our deterrent is strongly dependent on being confident that our aircraft, our tanks, as well as other military systems, will operate as designed—a confidence that must be perceived by any potential adversary.

Nuclear testing is the only way to ensure that such confidence is achieved. Changes to existing military systems, such as guidance upgrades, safety modifications, and new fuses, must be validated to ensure that they do not compromise the systems' survivability, and testing is the only way to do that.

Mr. KOPETSKI. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. FASCELL], chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I cannot believe that we are so deficient in this country that we cannot stand a moratorium on weapons testing for 1 year. If we are in that bad a shape, we had better do something other than what we are doing. But even the scientists tell us and the military people tell us that we can maintain deterrence with a test ban and that we can have confidence in the safety and reliability of our stockpile during a test ban.

Some can make a case for testing six times a year, and some can also make a case for testing in the air, in the water, and underground. But that is unnecessary and detrimental to the cause of nonproliferation and world security. What we are trying to do here is set a trend toward a policy to encourage other nations to do what the Soviets and the French have already done—suspend their nuclear testing. After all, it is not a new idea. Six Presidents of the United States have supported the concept of a total nuclear comprehensive test ban. We find it extremely difficult to get there because of military reasons and other fears.

I am all for national security, but for goodness sake, why can't we take advantage of the climate that exists right now where the Soviets have extended their moratorium, the French have announced a moratorium, and the United States, as the leader in the world, can help set the direction? We may not get anybody else to agree, but at least we can tell our people and the rest of the people of the world that we tried.

So if there is any way that stopping testing for 1 year could lead toward a better and a safer world, and a more secure world, we ought to take that opportunity, particularly when it does not do 1 ounce of damage to our military security.

The collapse of communism and the disintegration of the Soviet Union bring forth a new era of opportunities for cooperation with the former Republics of the Soviet Union. It is incumbent on us to recognize these opportunities and explore all avenues of cooperation.

In this regard, the amendment offered by my distinguished colleagues, Mr. KOPETSKI, Mr. GREEN, Mr. DELLUMS, and Mr. ASPIN—which calls for a 1-year moratorium on United States nuclear testing as long as a member state of the Commonwealth of Independent States does not test—affords us just such an opportunity to cooperate with our former adversary in this new era.

Historically, the primary reason for U.S. nuclear testing—the Soviet threat—has disappeared. In fact, Russia has not conducted a nuclear test since October 1990 and has extended its moratorium on nuclear testing through the end of the year.

In my judgment, now is an opportune time to take advantage of the Russian moratorium on testing and do everything in our power to see that the moratorium continues.

A 1-year moratorium on United States testing could prod the Russians into extending their moratorium further and could prod this administration into taking the next step toward negotiations with the Russians for a permanent ban on nuclear testing. Such a bilateral ban could be extended to all countries, thereby strengthening the nonproliferation regime and deescalating arms races around the world.

A United States-Russian testing ban would also be an important signal to the developing countries that the United States and the Russian Federation are willing to take concrete steps to implement article 6 of the Nuclear Nonproliferation Treaty [NPT], which states that:

> Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.* * *

The developing countries have made article 6 of the Nuclear Nonproliferation Treaty the litmus test for extending the treaty at its review conference in 1995. The goal of the NPT—to curb and control weapons activities around the world—is a key element of the world's nuclear nonproliferation regime. We must preserve this regime and the integrity of the NPT.

The knowledge of how to make bombs and the fissile material to make bombs exists in many countries. While it is certainly important to stop the production of fissile material for weapons purposes, it is also important to stop the testing of nuclear weapons in order to discourage other countries from pursuing weapons development. These are two complementary and key elements of a comprehensive arms control policy.

Nuclear testing can further lead to the development of more advanced and deadly weapons, sending a signal to other countries that if they want to be players on the world stage, they should follow this course. A far better course of action is to end nuclear testing worldwide and work to strengthen the nuclear nonproliferation regime. The world we live in today demands that we do so.

France has recently announced a suspension of their testing for the rest of the year and have requested that the United States and other nuclear powers discuss an end to their testing as well. Now could not be a better time to take advantage of the French and the Russian suspension of testing to make it permanent.

The amendment offered by Mr. KOPETSKI, Mr. GREEN, Mr. DELLUMS and Mr. ASPIN for a mutual 1 year moratorium on testing is an important step in the right direction.

I strongly urge my colleagues to support this amendment.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, my friend, the gentleman from Florida [Mr. FASCELL], chairman of the Committee on Foreign Affairs, made an excellent statement that I think we should all consider when he said if there is no safety problem, and if it would make the world more safe and more secure if we had a testing moratorium, why not pursue this. And following with the very articulate argument of the gentleman from Louisiana [Mr. MCCRERY] with respect to the need for testing in essence so that we can ensure that we have reliability and survivability, let me say that the need for safety in our nuclear systems is a third compelling reason to have testing.

Members of this body should be aware that a vote in favor of the Kopetski-Green amendment is, in effect, a vote against improving the safety and security of U.S. nuclear weapons.

Why should Members care about improving the safety of U.S. nuclear weapons? The answer is obvious: We must care because, despite the improvement in the United States-Russian political relationship, and despite the progress being made in reducing the size and destructiveness of the nuclear arsenals of the United States and former Soviet Union, nuclear weapons are here to stay; they cannot be disinvented. The technical know-how and tools needed to design and fabricate a nuclear weapon are proliferating widely. The unfortunately all too accurate cliche is that any senior physics major at a major American or international university should have the skills—if not the materials—required to design and build a nuclear bomb. Simply put, no matter how much we might wish it to be so, we cannot put the nuclear genie back in the bottle.

Because nuclear weapons are here to stay—and they are—and even if the number of nuclear weapons in the U.S. arsenal is going down—and it is—we have a responsibility to ensure that these weapons are made as safe and secure as possible. Unfortunately, the Kopetski-Green amendment would prohibit us from taking several important steps to improve the safety of those nuclear weapons that are slated to remain in the U.S. inventory for the remainder of the decade.

Some might argue the U.S. nuclear weapons designs are safe enough—that is, because there hasn't been an accidental or inadvertent nuclear explosion, then there is nothing to worry about. Here, let me quote from a white paper on nuclear testing prepared by experts in the Department of Defense. According to DOD:

> The nuclear weapons of the United States are safe, but new technologies, such as insenstive high explosives (IHE), have become available to make them safer. Over the past 40 years there have been several accidents involving nuclear weapons. They have ranged in severity from those that did not involve any dispersal of radioactive materials (as occurred at the Titan missile site in Damascus, Arkansas), to a few accidents in which the high explosives in the weapons detonated, resulting in the dispersal of radioactive materials (but never a nuclear explosion). Our consciousness of the dangers imposed by the dispersal of hazardous materials into the environment is much greater now than at the height of the Cold War. Although the record of the U.S. military in avoiding castastrophic nuclear calamities has been exemplary these past forty years, we can and should do more to safeguard our population and our environment.

The DOD white paper continues:

> Amazingly, some test ban proponents argue that the stockpile is "safe enough." An alternative, responsible perspective was presented in a recent review by an independent Congressionally-appointed panel (chairman by Dr. Sidney Drell.) The panel recommended that the United States strike a new balance between "the desired military characteristic [of nuclear weapons] and requirements for enhanced safety." To do so, the United States should give greater emphasis to designs that would make nuclear weapons "as safe as practically achievable." We know how to develop such designs, but to do so will require nuclear testing.
>
> These safety improvement include the use of insensitive high explosives, that is, explosives that are virtually impossible to detonate in a great majority of violent accidents. Other safety improvements include electrical systems that incorporate enhanced nuclear detonation safety for a nuclear warhead. Such electrical systems would, for example, protect a weapon from the effects of spurious electrical signals such as lightning. Scientists at the Department of Energy's National Labortories have designed imaginative ways to incorporate these safety features into nuclear weapons already in the nuclear stockpile. These weapons are being designed to make it virtually impossible for them to give off a nuclear yield if they are accidentally detonated. A significant portion of our nuclear tests these past few years were primarily concerned with testing these new safety features. Several tests this coming year are also primarily concerned with testing safety designs. These designs will continue to require extensive testing before they can replace existing warheads. The Drell Panel and other committees that have addressed the issue of nuclear weapons safety have understood the need for nuclear testing in order to enhance the safety of the nuclear stockpile.

The DOD white paper's discussion of safety concludes:

> High confidence in these enhanced safety designs is not possible without a responsible test program. The development of insensitive high explosives for use in our nuclear weapons required a substantial number of nuclear tests throughout the 1970s. Likewise, development of a nuclear warhead capable of withstanding the heat of an aircraft fire without dispersing plutonium vapors has been going on for the past several years. Several nuclear tests have been required to get us to the point where specially designed nuclear weapons now have fire protection against certain classes of accident scenarios. More tests will be required to compledte this development to include all types of nuclear weapons and greater ranges of fire protection.

Does this mean that the only means of improving nuclear safety is through nuclear testing? Of course not. There are a number of steps the United States can take, and is taking, to enhance the safety of the nuclear stockpile, including retiring older weapons from the stockpile that fail to meet modern safety design criteria; adopting operational procedures to reduce handling and transporting risks; and performing a variety of laboratory experiments to develop a data base that is required for sound analysis of the risks of initiating a nuclear yield or of dispersing plutonium under a variety of abnormal circumstances for existing weapons.

But, as Dr. Sidney Drell testified to the House Armed Services Committee Defense Nuclear Facilities Panel on March 31 of this year.

> [T]o go further and design new warheads with safety-optimized designs, or just simply safer configurations, it will be necessary to perform underground nuclear tests.

Thus, a halt to nuclear testing, as would be required were this amendment to become law, would severely restrict our ability to make improvements in nuclear safety. I strongly urge my colleagues to vote against the Kopetski-Green amendment.

Mr. Chairman, I include for the RECORD a letter to the Honorable ROBERT H. MICHEL from Dick Cheney, our Secretary of Defense, on this subject matter.

> THE SECRETARY OF DEFENSE,
> *Washington, DC, June 3, 1992.*
>
> Hon. ROBERT H. MICHEL,
> *Republican Leader, House of Representatives, Washington, DC.*
>
> DEAR BOB: I am writing to express my strong opposition to a moratorium on nuclear testing. Nuclear deterrence will continue to play a key role in the future of our nation's security, and continued nuclear testing is needed if we are to be confident in the safety, security, effectiveness, survivability and reliability of the smaller nuclear stockpile.
>
> Both the Congress and the Administration share the goal of assuring the safety of our nuclear stockpile. Continued nuclear testing is critical to this end. It is essential both for incorporating additional safety features into our weapons and for identifying, assessing, and correcting aging, safety, and other problems that may arise.
>
> Many believe that nuclear testing contributes to an arms race or hinders the important effort to stem nuclear proliferation. This is not the case. The nonproliferation challenge will not be eased by the cessation of nuclear testing. Revelations regarding the Iraqi nuclear program have demonstrated once again that testing is not required to develop a basic nuclear weapon capability. Rogue nations such as Iraq or North Korea will not be deterred from pursuing nuclear weapons programs by a halt in U.S. nuclear testing.
>
> As to contributing to an arms race, our nuclear testing program did not hamper the very deep nuclear reductions being brought

about by START and the President's initiatives on September 27, 1991 and January 28, 1992. Full implementation of START and the President's recent initiatives would reduce our stockpile size to about 30 percent of its September 1990 level—a dramatic demonstration that further testing limits are not required for deep and stabilizing arms reductions.

A halt to our nuclear testing would not eliminate any nuclear weapons, nor would it increase international security. However, it would erode our confidence in our remaining nuclear deterrent, prevent us from making desirable safety improvements, and severely restrict our ability to insure that our nuclear deterrent will meet the requirements of our national security.

Sincerely,

DICK CHENEY.

☐ 1610

Mr. KOPETSKI. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. DOWNEY], who has been one of the great leaders on this issue through the years.

Mr. DOWNEY. Mr. Chairman, let us just review the bidding for a moment.

The Soviet Union is no more. Indeed, the only debates we have about Russia these days are how much aid to give it. So let us not use the Soviet threat that as an example of why we continue to need to test.

If the Iraqis and the Syrians invited Mother Teresa to run their countries, the nuclear weapons lab fraternity still want us to continue nuclear weapons tests. They are a singled minded group of people who, since 1945, have lived and breathed nuclear weapons. Testing is no longer about safety or reliability or building new weapons. It is about preserving their position, their jobs, their experience. I understand that. It does not justify more nuclear weapons tests.

But there is a greater calling, and the greater calling that the gentleman from Oregon has asked us for is to have a 1-year moratorium so that we might move to a comprehensive test ban.

Remarkably enough, even the French, one of the most ardent countries interested in safety and reliability in weapons development, have agreed to a moratorium.

One of the other reasons for a testing ban is that our weapons testing creates pressures inside Russia. They have a scientific community, and they continue to tell people like Yeltsin "If the Americans are continuing to test, we need to be worried about that." So if for no other reason, if we were to end testing, it would be simply to inhibit the Russians from resuming their own tests. There are ample other reasons for ending testing; having to do with nuclear proliferation.

Please, support the Kopetski effort. It is a noble and important one.

Mr. KYL. Mr. Chairman, I yield 5½ minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise in opposition to the Kopetski amendment.

Why do we continue to have a testing program. We must have confidence that our nuclear stockpile is safe. Nuclear weapons are complex systems which must be tested. Modern weapons incorporate insensitive high explosive and other devises to enhance safety as well as features which preclude unintended nuclear detonation. We must give greater emphasis to designs that would make nuclear weapons as safe as practically achievable. We know how to develop such designs, but to do so will require nuclear testing.

In addition, despite the great advances in computer programs, nuclear weapon design remains a highly technical field. The history of nuclear warhead development makes it abundantly clear that computer calculations could hardly substitute for a nuclear test to confirm that a warhead has been properly designed.

Those who support the Kopetski amendment argue that the stockpile is already safe. However, an alternative, responsible perspective was presented by an independent was presented by an independent congressional appointed panel to the Department of Energy Defense Nuclear Facilities Panel of the Armed Services Committee. The congressional appointed panel, known as the Drell Panel, recommended that the United States strike a new balance between "the desired military characteristics of nuclear weapons and requirements for enhanced safety."

Mr. Chairman, the security of the United States and its allies for the foreseeable future depends on a safe and reliable nuclear stockpile. Chairman ASPIN outlined in his report on the new threat-based strategy for our nuclear policy. In it he outlined the growing proliferation of nuclear weapons around the world. Countries such as Iraq, North Korea, China, Libya, Iran, and others are obtaining the capability of delivering a nuclear weapon. Just recently, China conducted an underground nuclear test. Do you believe the Chinese would have halted its nuclear testing program if the United States had a moratorium? Can there be any doubt that Saddam Hussein would have pursued his nuclear weapons program even if the United States had ceased nuclear testing?

A halt to nuclear testing will not eliminate any nuclear weapons. The problem is not testing; it is the thousands of nuclear weapons.

Mr. Chairman, the administration has also spoken out against this amendment. Both Secretary Cheney and Secretary Watkins have written letters opposing this amendment for the very same reasons I speak of.

Mr. Chairman, I also have serious reservations that the Kopetski-Green amendment could have major ramifications on the upcoming summit with Russian President Boris Yeltsin.

Recently, high-ranking U.S. officials have presented to President Bush several proposals listing alternative nuclear testing options that the President can present at the upcoming summit with President Yeltsin.

We should not put the President at a disadvantage and tie his hands when he meets with President Yeltsin. Passage of the Kopetski-Green amendment would do just that.

While the United States has already significantly reduced its level of testing to its lowest point in decades, the United States must continue to maintain a modest but effective program, testing only as much as is required for a safe and reliable nuclear weapons stockpile. I urge defeat of the Kopetski amendment.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I am happy to yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, in 1986 the Soviets unilaterally imposed a moratorium for 18 months. They had no Kazahki problem then. Why does the gentleman think that they did that at that time?

Mr. BILBRAY. Reclaiming my time, I think they ceased testing at that period of time because, just as we have our ups and downs in testing, if you remember during the Carter administration, we ended our phase of testing. It was to our benefit to go ahead and cease testing. The Russians went on with testing. They had ended, according to the scientists who testified before the committee that I sat on, that they ended their cycle of testing during that period of time.

Mr. AUCOIN. If the gentleman will yield further on that point, they offered to make it permanent if we would match them.

Mr. BILBRAY. They offered to make it permanent?

Mr. AUCOIN. They offered to make it permanent if we matched them, and we failed to do so in 1986. They had no Kazakh problem at that time.

Mr. BILBRAY. I understand they did. But the fact was that no one believed that future Russian administrations would keep that word as in the past.

I think it is very important to understand that I am not sitting here telling you that nuclear testing should go on forever. I just think that until we get our stockpile down to a minimal amount or completely nonexistent, and the fact that the Government can certify that they can certify the safety and reliability of nuclear weapons, we are going to have to continue testing, and I admire those that are proposing the amendment. I just think it is the wrong amendment at this time.

I urge my colleagues to vote no on the Kopetski amendment.

Mr. KOPETSKI. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER], the distinguished chair of the Subcommittee on Military Installations.

□ 1620

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Oregon for carrying this amendment. I think it is one of the most important amendments we will deal with. I have carried this amendment before and I think it is awfully critical that we look at it.

I am amazed as we listen to this debate. We are living in a city where half the children cannot get vaccinations, and yet we have got to keep funding testing, when no one in the world is doing it, even the French are willing to pull back.

We also sit here and talk year after year that we have to meet the threat. We have a chance to stop nuclear proliferation, to move toward a comprehensive test ban treaty and to get on with it.

I think so many of the arguments we are hearing here today boil down to nothing but a rice bowl argument. It is someone's rice bowl. It is someone's job. That is painful to talk about, but when you look at the deficit problems of this country, when you look at the things we are not doing in this country, when you look at how the world has changed so we have options to move those priorities around and to finally make some progress on this, certainly a 12-month moratorium is a very conservative step.

Mr. chairman, I urge an "aye" vote on the gentleman's amendment.

Mr. KYL. Mr. Chairman, I yield myself 1 minute to respond to what the gentlewoman from Colorado just said. she is plain wrong.

We save money by testing, not by doing this on computers.

As a matter of fact, George Miller of the Livermore Laboratory estimates that we would spend two to three times as much trying to achieve the same results through a computer analysis and a method of determining the safety and reliability of our weapons through computer simulation as we do with our current underground testing.

So it is a bogus argument to claim that we can do away with testing and save money.

Mr. KOPETSKI. Mr. Chairman, I yield 30 seconds to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me this time.

I think the gentleman from Oregon knows the answer to that, as does everyone else. That is not what we are talking about. We are talking about moving toward a comprehensive test ban treaty, period. We are moving to stop nuclear proliferation, period. We are moving to new priorities, and that is the issue. That is what the beginning of this is all about. I think that is very important, and I salute the gentleman from Oregon for framing this debate.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I agree with my colleagues on the other side of the aisle that we need to reduce military weapons. I am a strong defense advocate, and if there is anything I could do to reduce arms in the United States, France, and Great Britain and Third World countries, I would do that; however, if I had a squirrel rifle in a corner, I think I would take it out once in awhile and check it just to make sure I could shoot squirrels with it. The same thing, in realizing that a nuclear weapon is not a squirrel weapon, but the testing is mandatory.

I listened to Secretary Cheney this morning talk about the importance of this testing. I think it is interesting, the gentlewoman from Colorado is an expert all the way from abortion yesterday to trying to decide what the size of the military is, and now she is talking about nuclear proliferation.

Let us let the testers test what we need to do to make sure that our nuclear weapons are safe.

I do not think they are going to launch a missile. I think a Third World country someday is going to drive a nuclear weapon into the Port of New York or San Diego and explode it. I want to reduce those things, but testing is necessary for our own protection.

Mr. KOPETSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. OWENS], who has been a tremendous leader in this whole issue through the years.

Mr. OWENS of Utah. Mr. Chairman, there are many reasons that we should pass the amendment offered by our colleague, the gentleman from Oregon, this afternoon. I subscribe to those I have heard spoken by, among others, the distinguished chairman of the Foreign Affairs Committee, on which I serve.

In the name of all that is sane in the world, which seems increasingly insane, we should put an end to our nuclear testing so long as our putative possible enemies in the former Soviet Union will do so.

But we in Utah have a very special reason for pursuing that objective.

Fourteen years ago I began as an attorney to represent down winders, victims of the nuclear bomb testing of the fifties and sixties, people who patriotically did their duty and were innocently poisoned by their Government's atomic fallout. It was my opportunity after working for 14 years, first as a lawyer, and then as a Congressman, to help pass legislation containing a formal apology of this country to those good people and some accompanying compensation. Some few weeks ago, along with Senator ORRIN HATCH, I helped present the first check in compensation, pitiful compensation, for the damage that our Government had done to their dead ancestors.

I recall seeing an interesting film a few years ago. If I can capture the spirit of Monte Python, in a way that is not out of decorum in this important body, he said, in essence, in one scene, "We break wind in your general direction." It was intended as the ultimate expression of disrespect and was also a humorous moment in the film.

The United States, when it breaks nuclear wind, breaks it toward Utah. Utah is always downwind when there is a venting following a nuclear test. Every since the early fifties, in fact, every single atomic or nuclear test that has been detonated in Nevada, either underground or aboveground, has been detonated when the wind was blowing toward Utah, so we are downwind from the testing as it is ongoing, and we are literally sick of it. We've had enough.

We have seen our own people poisoned and killed, given cancers and leukemias from the atomic bomb testing. We do not want the testing in Nevada. We have had all the nuclear garbage that we can stand.

So we seek a new public policy. I urge the passage of this amendment, and Utahns have a special reason to hope that it passes.

Mr. Chairman, I rise in strong support of the amendment to halt nuclear testing for 1 year, provided that the States of the former Soviet Union continue their current testing moratorium.

As the world's foremost nuclear power, it is our responsibility to lead the effort to halt nuclear proliferation and the accompanying ravages to our environment. Sadly, on this issue we have been followers.

Mr. Chairman, at long last we have the opportunity to halt nuclear testing.

But I am disturbed that once again the administration is missing every opportunity to miss an opportunity. The all-too-typical reaction from the executive branch is a sad testament of the cold warriors petrified at the thought of a world safe from nuclear holocaust.

In particular, I would like to note Admiral Watkins' amendment. The admiral writes that he is "convinced that a 1-year moratorium could prove detrimental to the national security interests of the United States * * *" and would do nothing to "discourage proliferant countries, like Iraq from seeking nuclear weapons themselves."

If this patriotic and pessimistic appeal was not written on the stationery of the Secretary of Energy, it would be laughable. Instead, it demonstrates the administration's complete lack of vision and innovation.

To continue to insist that our national security is threatened if we halt nuclear testing for 1 year is an insult to the intelligence of the American people.

Mr. Chairman, after 40 years of nuclear standoff and mutually assured destruction, it is time to try something new. Without a doubt, we can halt nuclear testing for 1 year, safely and without imperiling our security. At the end of the year, we can evaluate the situation with the knowledge gained from the experience.

The fact is, that at no time since World War II is America's security more stable. And since the dawn of the nuclear age, there has never been a better opportunity to halt nuclear testing.

Two generations of Americans have grown up knowing only the looming danger of World War III and the telltale mushroom cloud of a nuclear explosion. Let us let their children grow up knowing peace and teach them that mushrooms belong on pizza.

I am proud to be an original sponsor of this amendment and I urge its adoption.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I appreciate the gentleman yielding me this time.

Let me say first of all, Mr. Chairman, that I supported the Hamilton-Mavroules amendment to take us down to between 1,000 and 2,000 nukes. I am for fewer of these nuclear weapons. I have opposed nuclear systems.

Let me tell you something, though, that amazes me when I come to this floor. If you really want to talk about ways to end the proliferation of these weapons of mass destruction, then I really wish that many of my friends on the liberal side of the aisle, and we have some liberals over here, I say to my colleague, the gentleman from California, but I want to say to the Democrats, many of whom come out here and scream and yell about proliferation, you know what you do, you turn around and vote for the Export Administration Act which is designed to put technologies in the hands of Third World countries who want to develop nuclear weapons, so you come out here and you vote for the Export Administration Act, and then somehow you want to link the fact that we want to test for reliability or for safety, and you say that somehow this is going to contribute to the spread of weapons.

I say to my colleagues, Mr. Chairman, we are trying to put together a bill that is going to have some credibility when we get over in the Senate. We have done a number of things in this bill. To now go the extra step and say we should not even be able to test to find out what we can do to improve safety or reliability is a mistake. We have already passed the Hamilton amendment which reduces the total number of nukes, that calls on the total number of nukes to go down to 2,000.

I think what we ought to do is stop the passage of the Export Administration Act, which really contributes to the proliferation of all kinds of weapons in this country and allow us to be able to test our weapons for safety purposes and for reliability.

I mean, it makes no sense to do this at this point.

Mr. Chairman, what I would urge my Republican colleagues to do is to please come to the floor and oppose this amendment.

My colleague, the gentleman from Oregon [Mr. KOPETSKI], I do not think he has any dastardly plot here to try to shoot anything down. I think it is a political move, but I do not think it is necessary. I think we are on the path that we all want to be on have fewer nuclear weapons that have greater stability.

Mr. KOPETSKI. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. AUCOIN], who has been a great leader in this fight over the years.

Mr. AUCOIN. Mr. Chairman, let us face reality. We do not need to test for safety.

I heard a colleague say a few minutes ago that if we are going to prevent an unintended nuclear explosion, we have got to then go forward and have intended nuclear explosions. That is just absurd.

We do not need to test for reliability, either. A basic principle of nuclear deterrence is that unreliable nukes are stabilizing: Good for retaliation, not good for first strike. What is not good for first strike is good for stability.

Testing to learn about the effects of nuclear weapons is useful, but in today's world it is absolutely not worth the cost. In reality, the only reason to continue testing of nuclear weapons is that the nuclear bureaucracy wants to keep the door open to return to the good old days of spending taxpayer's money to develop generation after generation of new nukes.

Do we need new nukes? No.

Do we need to stop the spread of nukes to people like Qadhafi? Yes.

□ 1630

Do we need to set an example for Third World countries when we tell them to go without nukes? Yes. Is a test ban the way to do this? Yes. Testing is the most visible evidence of our nuclear weapons. That alone is a reason for this amendment.

The French have done it, the Russians have done it. We must do it.

We can have nuclear testing, or we can have a world free of nuclear terrorism. We cannot have both, my friends.

So take your pick, make your choice. My choice is the Kopetski amendment.

Mr. KOPETSKI. Mr. Chairman, I yield 3½ minutes to the chairman of the Armed Services Committee's Department of Energy and Defense Nuclear Facilities Panel, the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, this amendment for me is a close call. I will vote for it, but I have to acknowledge I see the wisdom on both sides of this issue.

There is wisdom in continuing to test nuclear weapons. It is through testing that we perfect the safety of these weapons. It is through testing we continue to check their reliability, and it is through testing that we maintain nuclear competence, as the physicists and engineers who are the stewards of our nuclear arsenal put it. There is no question about it, we have to concede that the other side has made that point and made it well.

Let me just comment on safety aspects which were just mentioned. Today, less than a fourth of our nuclear arsenal, the warheads in it are equipped with what is called IHE, instant high explosives. In a perfect world, we would have them all equipped with IHE because IHE does not detonate easily if it is struck by lightning or engulfed in flames. We take the conventional high explosives out and put IHE in. But that can only be done if we can test the results.

Today, we would like to substitute some warheads, have pit reuse, take pits out of one warhead and put them in another warhead and then substitute IHE and enhance the safety.

Today, one of the long-range objectives at Los Alamos and Livermore is to develop a warhead in which you do not have the plutonium and the high explosive cheek by jowl, placed against each other so that if the high explosive goes off, the weapon does not necessarily go into a nuclear reaction but you have plutonium dispersal, scattered all over the place.

This would definitely give us a safer arsenal, and so long as we have a nuclear arsenal, we want it to be as safe as we absolutely can.

So there is wisdom in weight on the part of those who say we ought to test and on the part of those who say mathematical modeling is the substitute. It is not quite the substitute. It is getting better and better. With higher powered computers and sophisticated three-dimensional modeling, no question about it. One of the things we could do is say to the testing community we want you to use a few limited tests to perfect mathematical models.

I made the case briefly in the time I have for testing.

But there is another case to be made, and I do not think there is a better example of why it is to our advantage to consider a moratorium right now. In our response just a few days ago to the Chinese when they tested a 1-megaton bomb in China, we were almost empty-handed. We lacked the moral suasion to come down on the Chinese and we lacked the moral suasion in the world. We have not taken the moral high ground to lead the world toward a renewal of nonproliferation treaty when it comes up for renewal in 1995.

If we were truncating our testing, restricting it according to type and according to the number and according to the yield, at least we could make the case if we are downsizing and phasing out and phasing away from nuclear testing.

We do not have a complete range of choices here. I would prefer a phasedown rather than a phaseout. But this is just a 1-year moratorium.

Given the choice between the status quo and stopping for 1 year, I say let us stop, let us stop and rethink the aims and purposes of our nuclear weapons testing program. Let us consider whether or not we can have a truncation of phasedown where we restrict the type, we concentrate on safety truly, we concentrate on the limited needs for testing for reliability, we concentrate on preparing for the eventuality of a nuclear nonproliferation treaty and severe limitation on testing. We devote our program to those purposes.

Given those choices before us, I say Kopetski-Green is a better choice.

Mr. Chairman, the Kopetski-Green amendment is a close call for me. I will vote for it, but I have to acknowledge that I see wisdom on both sides of the issue.

The wisdom of continuing to test nuclear weapons lies in the need to ensure the safety and reliability of our nuclear deterrent. Stewardship of our nuclear weapons is a serious responsibility. It requires a relatively small cadre of scientists and engineers with what they themselves call nuclear competence. This cadre reckons with complex engineering and physics challenges, even after a weapon has been designed and deployed; for example, serious deficiencies were uncovered in the warheads for the Minuteman missile, the Polaris submarine's ballistic missile, nuclear artillery shells deployed in Europe, and bombs carried by the B–52 after these systems were deployed with our forces.

If we end nuclear testing, it would eliminate the option of unquestionably resolving an issue raised about the safety and reliability of the stockpile. Computer modeling and nonnuclear explosive and component testing cannot substitute for testing the entire system underground—in testimony before the committee, the nuclear weapons lab directors refer to information gained from underground testing as the ground truth.

Assuring the continued deterrent effect, the reliability of our current arsenal requires only about one nuclear test each year. The major purpose of our nuclear weapons testing program this year and in the future is to develop weapons concepts that would improve the safety of currently deployed systems. Indeed, virtually all the tests to be performed next year are for just this purpose.

Safety has been a major concern of our committee—in June 1990 we commissioned three eminent physicists, Dr. Sidney Drell of Stanford, Dr. John Foster, chairman of the Defense Science Board, and Dr. Charles Townes of the University of California at Berkeley, to evaluate nuclear weapons safety issues. This distinguished panel recommended that the United States equip all weapons in the stockpile with modern enhanced nuclear detonation safety [ENDS] systems. They also recommended that a policy review should be undertaken to determine the acceptability of retaining missile systems in the arsenal without insensitive high explosives [IHE]. Only about one-quarter of the weapons in the U.S. arsenal contain insensitive high explosive, which is used to fire the primary, and only about half contain nuclear detonation devices with enhanced safety features. Insensitive high explosive or IHE is much less likely to detonate than conventional explosive in the case of an accident involving a nuclear weapon, such as being dropped from an airplane or a crane, or damaged in a truck crash. The newest nuclear detonation devices or ENDS genuinely enhance safety; they reduce the risk that a weapon might be electronically detonated by accident in a fire or by a bolt of lightning.

The percentage of weapons with IHE and ENDS will increase as we retire older weapons, indeed, we will probably reach our goal on ENDS through retirements; but if we are to incorporate IHE into all weapons in the arsenal in order to reduce the risk of plutonium scatter as a result of an accident, nuclear explosive testing will be required. The Nation currently has no plans to build new nuclear weapons but the DOE is developing and testing pit reuse technology to improve the safety of weapons in the arsenal such as the W–76 and W–88 Trident missile warheads and the W–69 SRAM–A warhead. The department is also working on what the Drell panel referred to as safety-optimized designs that would physically isolate plutonium from high explosives or simply eliminate plutonium from warheads altogether. Dr. Drell testified before the committee that development of such designs is likely to require at least a decade.

Preparing for a test ban or for further restrictions on nuclear testing is another reason for continuing testing. For all of their understanding and experience, weapons scientists have only a limited knowledge of the physics of a nuclear explosion. Modeling the processes involved in such explosions is constantly being improved by the results of nuclear weapons testing. Recently, testing has been performed specifically for this purpose. More testing will be required if weapons scientists are to be able to develop the tools to certify the safety and reliability of nuclear weapons without testing. Finally, we test to understand the effects of nuclear weapons on other military hardware.

While there is much wisdom in the reasons for continuing nuclear testing, the wisdom of limiting testing is also undeniable. How can the United States expect to use moral suasion to prevent regional arms races, such as that which may be reignited by China's recent 1-megaton nuclear test, if the administration steadfastly refuses to discuss further testing limits with the state of the former Soviet Union? For over 2 years now, the Bush administration has stuck to its decision of January 1990 that there are no additional restrictions on nuclear testing that are in the national security interest.

If our national interests were not evident then, they should be now. With the dissolution of the Soviet Union, we face a new world in which the threat of nuclear proliferation is uppermost—North Korea may be within a few years of developing a bomb and Iraq was far along before Desert Storm. It was not until the subsequent United Nations inspections and destruction of equipment for producing fissile materials and other weapons components that we truly realized how close Iraq was to developing a usable nuclear weapon.

Just before the United States agreed to reflag Kuwaiti tankers in 1987, I went to Baghdad with an Aspin codel, and met there with the Iraqi Foreign Minister, Tariq Aziz. I asked Tariq Aziz how his country, a signatory to the Geneva Convention, defended its use of chemical weapons. He said that Iraq's policy was officially to deny that it used such weapons, but that the evidence was too plain for him to fall back on offical denial. Tariq Aziz said that the Iran-Iraq war may have begun as a border war, but that it had become a war for survival of his country and its religion and way of life. "Yes, we are using chemical weapons," he said, "and if we had nuclear weapons, we would use them too."

His candor was a chilling reminder of why the world needs a Nuclear-Nonproliferation Treaty. Probably the most important reason for continuing negotiations toward a test ban is that these negotiations can add strength and support to a nonproliferation regime. The preamble of the Non-Proliferation Treaty, signed on July 1, 1968, cites the determination of the signatories to the 1963 Partial Test Ban Treaty "to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end." Article VI of the Non-Proliferation Treaty goes on to state.

> Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

I know agreement on a CTB will not come easily. And I do not believe that a CTB will ensure that a madman like Saddam Hussein cannot develop a nuclear weapon. But Saddam and other international outlaws cannot develop nuclear weapons without outside assistance, and a strong nonproliferation regime can discourage firms and individuals from assisting such outlaws.

For my part, I am not at all convinced that we should cease testing completely. But if we continue to eschew negotiations, we will send a message to the world that we are avoiding one of our responsibilities under the Nuclear Non-Proliferation Treaty.

I will vote for the Kopetski-Green moratorium because it will send a message to the administration to resume negotiations on testing restrictions and to prepare for further restrictions in the future.

I think we should take up negotiations aimed at achieving phased reductions in the threshold, or explosive power, of nuclear weapons testing, and the overall number of tests each year. Reductions in both levels would allow us to refine verification techniques and to demonstrate that we have abandoned plans for modernizing our nuclear weapons. Phased reductions would allow the Nation's nuclear weapons labs to work on the reliability and safety of the nuclear weapons arsenal, and prepare to certify the safety and reliability of the arsenal in the event of a Comprehensive Test Ban Treaty.

So, while I think phased reductions would be in our national security interest, I question the advisability of concluding a comprehensive test ban at this time.

In summary, Mr. Chairman, I support this amendment, because I think the administration should begin preparing for further restrictions in nuclear weapons testing. Nuclear nonproliferation should be a strong priority; and if we are to keep the NPT, we need to keep faith with its provisions. I do think, however, that we should move away from testing in phases, lowering first the maximum yield and annual number of tests, and continuing those nuclear tests that prove the viability of safety features.

Mr. KYL. Mr. Chairman, I yield 2 minutes to myself to respond to the arguments of the gentleman from South Carolina [Mr. SPRATT]. It has always been a real pleasure for me to work with Mr. SPRATT on our panel because he is so knowledgeable and objective in his point of view. And he displayed that again today by laying out arguments both pro and con. And I appreciate that.

I would like to also note I am sure he would agree with me that Dr. Sidney Drell, whose name was taken in vain somewhat a while ago, is an objective expert on this, not someone who would support limited testing just because he has something to do with it. Indeed, he does not. He is a renowned Stanford physicist and spoke objectively on this before our subcommittee.

So to those who say that the only people who support testing have some personal reason for wanting to do that beyond science I think is an incorrect statement. I am sure Mr. SPRATT would agree with me on that.

The primary argument that my colleague, however, persuaded him to vote for this amendment is that we did not have the moral suasion after the recent Chinese nuclear test; and this amendment would provide that.

I submit that moral suasion does not work in the case of the Chinese or other rogue nations. Certainly denial of the most-favored-nation status that we have been debating here and debating with our administration has not worked. That has been the whole point of the majority of us in the Congress, including many of us on the Republican side, and we have disagreed with our administration. We have got to be firm with the Chinese with regard to the most-favored-nation status—moral suasion does not work. They are not subject to that kind of an appeal. Therefore, I doubt very seriously whether we pass this or not that the Chinese would stop doing what they do. As I pointed out, the National Academy of Sciences reached the conclusion that in the end countries are going to develop weapons or not, based upon whether or not they believe it is in their self-interest, not on whether we ban testing. And as Secretary Cheney pointed out, and again I am quoting from his letter:

> Rogue nations such as Iraq or North Korea will not be deterred from pursuing nuclear weapons programs by a halt in nuclear testing.

So at the end of the day I just want to say I do not think that is an argument to have a test ban. We are simply not going to persuade others not to develop weapons by a ban on testing ourselves.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to make a point because we have raised the Third World—I have to make my statement to the gentleman from New York. I would love to yield to him, and I will if I have time. In fact, the gentleman has time, he can get the gentleman from Oregon [Mr. KOPETSKI] to yield time to him.

But here is the deal: You keep talking about the Third World. The way that Iraq and all these countries are getting their technology is by us selling it to them. Our companies selling it to them. It is not by us transferring nuclear weapons to them. It is by the simple fact of the matter that the gentleman's side keeps passing and trying to shove down our throat the Export Administration Act. If you take a look at Iraq and if you take a look at the proliferation of missiles and you take a look at the proliferation of equipment that contributes to proliferation, it comes through our companies selling it. And there are Democrats who are the sponsors of the Export Administration Act, which is designed ultimately to make technology available to the world.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I will be glad to yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

Mr. Chairman, I do not believe the gentleman is disingenuous, because every Member on this side of the aisle is not being tarred by this broad brush, and I would appreciate if the gentleman would make that clear.

Mr. KASICH. Let me say this, I think that this is a problem on both sides of the aisle.

Mr. DELLUMS. I just ask the gentleman to clarify the matter.

Mr. KASICH. This is a problem on both sides. The point of the problem is that somehow we are linking the testing of our weapons to the spread of weapons of mass destruction in the Third World? I mean you have the chairman of the Committee on Banking, Finance and Urban Affairs, who is doing an investigation into the fact that it is businesses in this country that sold the technology to the Iraqis. If you really want to talk about the problems of proliferation, it is the fact that we have allowed technology that can be used to develop weapons of mass destruction to flow into the Third World.

The idea that we want to test our weapons for purposes of safety or for proper design, as the gentleman who is the chairman of the Subcommittee on Armed Services in Charge of Energy, the gentleman from South Carolina [Mr. SPRATT], says the safety question is for real, the reliability question is for real. If we are trying to get at the matter of nuclear proliferation, we are barking up the wrong tree. I would urge all my colleagues to sign onto the bill the gentleman from Wisconsin [Mr. OBEY] and I are going to introduce that is going to put limits on Export Administration and the transfer of technology that lets Kim Il-song and the Iraqis be able to develop weapons of mass destruction. That is where we have got to go.

Mr. KOPETSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH], one of the outspoken and consistent voices to halt testing.

□ 1640

Mr. LEACH. Mr. Chairman, let me first make a comment or two about the big picture and then turn to some of the specific arguments that have been presented to the House today.

Like all of recorded history, the 20th century has been hallmarked by war, but what distinguishes this generation of citizens compared to all others that have already lived is that for the first time we cannot only wage war, but destroy civilization. That means that we have no choice but to constrain development of weapons of mass destruction.

It is no accident that the oldest arms control issue of the post-World War II era is a comprehensive test ban. For six administrations, from Eisenhower through that of Mr. Carter, the United States held that we would support a test ban once the Soviets accepted onsite inspection. Now there is no Soviet Union, but the successor states have agreed to onsite inspection. Suddenly the United States has shifted argument away from verification to safety and reliability. I must say to my colleagues there is an element of credibility to the safety and reliability argument, but the argument is hardly compelling if it leads to a less safe world, if it leads to more countries testing, if it leads to more nuclear explosions.

One cannot deny the implications of the United States continuing to test. Ironically, to use an out-of-date word, "freeze," if we froze testing at this point in time, we would be strategically in an advantageous position because we may be the only country in the world with such extraordinary testing data that we can extrapolate with confidence even if it costs two to three times as much to use computers instead of tests. We also can replace our system with like-designed weaponry if over time we come to doubt any reliability features. Replacement of systems is a very adequate answer to the safety and reliability problem.

As for the Non-Proliferation Treaty [NPT], let me just say to this body as president of an international association of legislators that the prospect of the NPT being renewed in 1995 is very tenuous unless the United States moves on a test ban.

As for China, I agree we cannot affect everything they do, but United States complaints about the recent Chinese explosion clearly lack legitimacy in the absence of a comprehensive test ban.

If I could just conclude, let me stress just as strongly as I can that, if we do not have a test ban, we will not be able to count on our hands and toes the number of nuclear powers by the turn of the century. To give up a test ban simply because it costs a few dollars more to extrapolate by computers is nuts.

Mr. KYL. Mr. Chairman, I yield myself 1 minute to respond to my colleague, the gentleman from Iowa [Mr. LEACH].

The gentleman notes that we have to do something about nuclear weapons. Well, we are doing something about nuclear weapons. We are bringing them down from about 21,000 warheads to about 4,700 warheads in this country, but we still have to test that which we have. The gentleman noted the necessity of maintaining safety and reliability.

I submit that there is no cause and effect relationship between our testing and other nations' development. That is what the National Academy of Sciences has said, that is what Secretary Cheney has said, and that is what logic says. The Iraqis, and the Chinese, and the Libyans, these kinds of people, are going to continue to develop weapons whether we have a test ban or not, and, as Dr. Sidney Drell has pointed out, we are going to have safer weapons in our arsenal only if we test.

So, it seems to me we are doing something about our nuclear weapons arsenal, and testing them for safety is one of the things that we have to continue to do.

Mr. Chairman, I reserve the balance of my time.

Mr. KOPETSKI. Mr. Chairman, I yield 1 minute to a great champion, to the gentlewoman from Maryland [Mrs. MORELLA], cochair of the arms control and foreign affairs caucus.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Kopetski-Green amendment.

This amendment contains the language of H.R. 3636, the Nuclear Testing Moratorium Act, legislation introduced by the gentleman from Oregon and which I have cosponsored. The amendment simply calls for a 1-year moratorium on nuclear testing as long as republics of the former Soviet Union refrain from testing.

We no longer need testing to assure safety and reliability. According to Dr. Ray Kidder, senior physicist at Lawrence Livermore Nuclear Laboratory, "the reliability of the stockpile of nuclear weapons can be maintained by nonnuclear testing alone."

Following the President's speech last September announcing changes in U.S. nuclear policy, his former START negotiator, Richard Burt, called for a serious look at a test ban. He noted that:

> If the United States and the Soviet Union stopped testing nuclear weapons, it's going to be that much more difficult for small countries in the Third World to do that.

India's recent missile test, closely following and in direct response to China's testing of a nuclear weapon, clearly demonstrates the destabilizing effect of nuclear tests. A United States moratorium would further pressure the Chinese to halt testing.

Already Russia and France have announced testing moratoria. Canadian Prime Minister Mulroney and Kazakh President Nazarbayev also support a moratorium. The United States, as well as Britain, should join them.

I urge my colleagues to join me in support of the Kopetski-Green amendment.

Mr. KYL. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Chairman, I thank the gentleman from Arizona [Mr. KYL] for yielding this time to me, and the reason I asked for time was to ask a question of the author of the amendment.

The one thing I find puzzling about this moratorium, unless I misunderstand it, we are only talking about the nations of the former Soviet Union. Why is there not a provision against all nations that might test? Why is the ban not global? Why is it targeted toward certain nations?

Mr. KOPETSKI. Mr. Chairman, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from Oregon.

Mr. KOPETSKI. Mr. Chairman, there has been great debate over this very fact, and the gentleman from Iowa [Mr. GRANDY] points out a good point.

Mr. Chairman, until just a few weeks ago China did not participate in any test, and the fact is that the strength of the successor states of the Soviet Union and the United States is recognized as the leading proponents of nuclear weapons in the world and are still looked to by many nations as the example.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DELLUMS] chairman of the Subcommittee on Research and Development.

Mr. DELLUMS. Mr. Chairman, it is with a great deal of pride that I rise with my distinguished colleague, the gentleman from Oregon [Mr. KOPETSKI], in support of and a sponsor of this amendment.

I would like to touch upon a broader framework and address some of the geopolitical implications. In so doing, I would make the following observations:

Last October Russia announced a 1-year nuclear moratorium. In early April, France announced it had suspended its 32-year-old testing program. As recently as late April the United States conducted a nuclear test.

Mr. Chairman, both Russia and France are challenging the United States to follow their lead and declare a moratorium on nuclear testing. Several Russian parliamentarians have written the United States asking for us to help them uphold their testing moratorium by enacting one of our own. This country is the most powerful military force in the world. It seems to me that we should have the self-confidence to provide moral leadership to the rest of the world on this issue instead of reluctance to follow the examples of others.

Mr. Chairman, China continues to test their weapons, and this fact has been used by some of our colleagues who are opponents of this amendment to suggest that this is a reason to continue. I would argue just the reverse. We should exert leadership by example. If the Russians, and the French, and the United States are in concert in halting testing, this would turn up pressure on the Chinese to themselves halt as well. Continuing our testing aligns us with the Russian military industrial interests and against the democratic forces in their country at a very critical and tenuous point in their history.

Mr. Chairman, a 1-year moratorium would not pose any national security risk to this country. No country can catch up with the United States which conducts more tests than any other nation combined and has conducted 938 tests so far. It is seen by other nations as hypocritical, indeed by this gentleman as hypocritical, that this Nation could call for strengthening of our nuclear nonproliferation regimes while at the same time refusing to take steps to reduce our own testing. The cost to continue these programs is approximately $1 billion a year, with nothing to lose and everything to gain.

Mr. Chairman, we would be foolish to miss this historical moment to step back from the brink of nuclear madness. Our leadership at this moment is important. I urge support for the amendment of my distinguished colleague.

□ 1650

Mr. KYL. Mr. Chairman, I yield myself 1 minute, primarily for the purpose of responding to my friend, the gentleman from California [Mr. DELLUMS].

There have been basically two arguments made throughout the day. First, the ban is just 1 year, and second, we have to exercise moral leadership.

On the moral leadership question, I think we have to acknowledge that testing is not immoral, and a ban on testing is not the same thing as banning nuclear weapons.

Finally, a ban on testing will not affect the world's nations who will continue to develop weapons whether we continue to test or not.

I have made that point repeatedly now, and it has not been refuted by anyone here, and I do not think it can be.

With regard to the question of a ban for just 1 year, a lot of my colleagues on the committee understand what getting out of business for an entire year would mean. The scientists, and there are not very many of them in our country who are capable in this area, those nuclear physicists and others would leave this area. They are not going to hang around and do nothing.

That is the biggest problem that lab directors have when we stop a program and then we try to restart it later on. The people who are capable in the area just are not around.

That is why it matters. In fact, you need a limited number of tests each year in order to keep their capability and ability up to snuff. So I do not think those arguments call for a ban.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. KYL. I am happy to yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, on the moral issue, I think it is immoral to pursue the madness of nuclear war. Second, a moral issue was laid out by the distinguished gentleman from Utah when he pointed out that he lived downwind and people are dying of cancer and other illnesses. I would suggest that it is a moral position to stop this absurdity.

Mr. KYL. Mr. Chairman, I yield myself another 30 seconds just to respond to what my colleague said.

Mr. Chairman, we are not involved in the madness of nuclear war here. We are reducing our weapons down to a smaller number each year, as the President has announced.

Second, there has not been any environmental leakage in any of these tests since 1970. So the environmental issue is not really a valid issue.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would just like to say two things. One, the Export Administration Act is tougher on nuclear exports and nuclear technology exports than the administration is willing to accept. They are threatening to veto our bill based on the nuclear export language that we are working on now.

Second, the systems that got to Saddam Hussein went there because of NSD-26, because the President wanted to send them that technology, not because of any weakness in the Export Administration Act.

I would just like to correct that statement of a previous speaker on your side.

Mr. KOPETSKI. Mr. Chairman, might I inquire the amount of time remaining on both sides?

The CHAIRMAN pro tempore (Mr. COX of Illinois). The gentleman from Oregon [Mr. KOPETSKI] has 5 minutes remaining, and the gentleman from Arizona [Mr. KYL] has 4 minutes remaining.

Mr. KOPETSKI. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY], the chairman of the Permanent Select Committee on Intelligence.

Mr. MCCURDY. Mr. Chairman, I would not have voted for this amendment 2 or 3 years ago. I was reluctant at that time to support a comprehensive test ban because of the issue of verification and the question about the threshold.

But that is no longer an argument. The world has changed. The nuclear threat has diminished. Now we hear an argument about safety and reliability.

I would submit that our deterrence is overwhelming; it is reliable without testing. We should support a 1-year moratorium. It is not only the moral position, it is the right thing to do. It is leadership by example. I urge adoption of the Kopetski amendment.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just wanted to make this point again in rebuttal, because it has been talked about on several occasions. This Congress hired Sidney Drell and the Drell Commission to study the idea of testing, whether it was necessary.

This gentleman, who is revered by political moderates, conservatives, and liberals, and his Commission, did review our testing program, and came to the conclusion we can have safer systems and safer weapons, but that it is necessary to test, and that is, a compelling reason to continue testing.

Mr. Chairman, several Members have said we can stop testing and we will have no safety problems. That is not the weight of authority coming from the Commission and the gentleman that this Congress employed and deployed to investigate the question.

Our contractor, the guy that we hired for this job, tells us, our expert, that we have to continue to test if we are going to really ensure that we have safe systems. And nobody has advocated abolishing the systems. If we are going to keep them, if we are going to have them in inventory, we have to test.

That is the weight of evidence that came back to this House.

Mr. KOPETSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ASPIN], chairman of the Committee on Armed Services.

Mr. ASPIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Kopetski amendment this afternoon. In the days when we relied on nuclear weapons as the equalizer for Soviet conventional forces, it was necessary to conduct nuclear weapons tests, primarily for developing new, more capable weapons. But no more.

There is also an affirmative reason to stop nuclear testing, and it goes to the point being made by the gentleman from Ohio [Mr. KASICH] and the discussion we had here a few minutes ago.

Basically if we are going to do something about nonproliferation in the World today, it is going to be a cooperative approach. Our old way of dealing with the old nuclear threat was deterrence. We were dealing with a nuclear threat from one country, a massive nuclear threat from one country, and we did it ourselves with deterrence.

The new threat is a proliferation threat, where nuclear weapons get into the hands of a lot of countries or terrorist groups or Third World countries. In order to deal with that, it is a lot more complicated than the old threat we were dealing with, and it is going to require cooperation. Cooperation in imposing regimes that prevent the export of fissile material, cooperation in inspections, cooperation with the IAEA, cooperation with the U.N. special commission, all of that has got to be cooperation.

Now, how do we set the standard for cooperation? We have got to show a little good faith on our side. The way to do that is to pass the Kopetski amendment. Because the nuclear testing sticks in the throat of everybody when we come to them with cooperative measures.

Mr. Chairman, I do not really think that people are not going to test if we stop testing. I think it is more of an excuse than anything else. But it is an evidence of good faith. It is an evidence of our bona fides in terms of we wanting to establish a cooperative regime dealing with nuclear proliferation.

We have no chance of stopping proliferation of nuclear weapons unless we have a cooperative regime among all countries. In order to get that, it is important for us to stop nuclear testing, and we should pass the Kopetski amendment.

Mr. KYL. Mr. Chairman, I yield myself 30 seconds to respond to the argument of the gentleman from Wisconsin [Mr. ASPIN].

Mr. Chairman, Mr. ASPIN said cooperation is going to be the name of the game. But, as the chairman said, he does not really think other nations will stop testing if we do. I am not sure what we establish, if we establish our bona fides by stopping testing.

As the Secretary of Defense has said, as the National Academy of Sciences has said, and as no one here has refuted, the rogue nations of the World are going to continue to develop nuclear weapons, whether we stop testing or not.

The chairman is right: It is no longer an issue between the Soviet Union and us, between Russia, the Ukraine and us. The issue is with these rogue nations. If we stop testing, that does not affect them one iota.

I think the chairman would have to agree with me that establishing bona fides just for the sake of that is not going to advance the cause of peace.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. KOPETSKI] has 2 minutes remaining, and the gentleman from Arizona [Mr. KYL] has 2½ minutes remaining.

Mr. KOPETSKI. Mr. Chairman, under the rule we have the right to close. We just have one speaker remaining.

The CHAIRMAN pro tempore. Consistent with the Chair's ruling on the last amendment and the precedents, it is the opinion of the Chair that the gentleman from Arizona [Mr. KYL] as a member of the reporting committee has the right to close.

PARLIAMENTARY INQUIRY

Mr. AUCOIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. AUCOIN. Mr. Chairman, this matter came up earlier in the day. I would like to inquire of the Chair one more time on this.

If the committee is silent on a provision, and a Member comes to the floor and offers an amendment that the committee bill is silent on, is it the opinion of the Chair then that silence on a matter represents opposition by the committee to the amendment offered on the floor?

The CHAIRMAN pro tempore. It is the opinion of the Chair that where the amendment could properly have been included in the reported substitute that forms the original text before the House, a Member of the reporting committee controlling time in opposition claiming to represent the committee position is entitled to close debate.

□ 1700

Mr. KOPETSKI. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that I want to commend the gentleman from Arizona [Mr. KYL] for the quality of the debate here today. I think the House and the people of this country were well served by both sides.

This is a very important issue, and this is the way this institution ought to work with this kind of debate.

The gentleman from Missouri [Mr. GEPHARDT], the majority leader, was going to close for our side. He was the chief sponsor of H.R. 3636, which is the language from which this amendment is drawn.

We have been preaching to the world community about the perils of nuclear proliferation even as we cling to our own testing program.

Now is our chance to lead without lecturing.

The defining nuclear issue of the day is not hard target kill capacity vis-a-vis Moscow—it is stemming the perilous tide of proliferation.

Even before the Soviet coup occurred, Mikhail Gorbachev led his country in adopting a 1-year nuclear testing moratorium.

Boris Yeltsin has offered to extend the test ban provided the United States jumps on the band wagon.

If the collapse of the Soviet Union as a unified military threat means anything—it means that we have eliminated the need for nuclear weapons to counter massive Soviet forces arrayed against NATO Europe.

Substantively, there is no good reason to continue testing.

Politically, there is every good reason to stop.

Let's pass this amendment and send Boris Yeltsin and the world community a strong message: We are dead serious about ending the arms race and deeply concerned about stemming the tide of nuclear proliferation.

I also want to thank the gentleman from New York [Mr. GREEN] and the gentleman from California [Mr. DELLUMS] for their support and activity and leadership on this amendment.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

I thank my colleague from Oregon for his remarks. This has been a good debate. We have been able to match each other's arguments, and I think that does characterize the very best about this institution.

Mr. Chairman, in conclusion, I want to argue the following two points against this amendment. The underlying question is why do we test? These are the most complex weapons in our inventory. These are some of the most complex things in the world. They are clearly some of the most dangerous things in the world. We test the infantryman's rifle. if this were Ralph Nader, he would be asking us to test products over and over again to ensure their consumer safety.

Yet it is suggested here that we should not test the most dangerous weapons on Earth to ensure their safety.

That is unthinkable to me. It is important to note, Mr. Chairman, that every one of the tests that are being conducted by the United States this year are tests to ensure the safety of our nuclear weapons. That is why we test.

I wanted my colleagues to listen to excerpts from two letters from the directors of the Los Alamos and Livermore Laboratories. Mr. Sig Hecker wrote in a letter yesterday:

> As the director of Los Alamos National Laboratory, I have a special responsibility. I am required to personally certify that the weapons we have designed at Los Alamos are safe and will work if needed. I must be certain. Nuclear testing has been an integral part of my confidence in providing such certification. I believe that must continue to be the case. In summary, I believe that a moratorium on nuclear testing is not consistent with current or evolving national defense policy.

And from Mr. John Nuckols, of the Livermore Laboratory, this:

> The moratorium on underground testing currently being debated by the House of Representatives would adversely affect the ongoing build down to a much smaller, safer, highly stable nuclear deterrent. In particular, a moratorium would halt the development of an inherently safe terrorist-proof nuclear weapons and could halt the development of a capability to deter and disable Third World and/or terrorist nuclear weapons.

He concludes by saying:

> While our computer-simulation capabilities and above-ground testing have improved over the last several decades, our simulation capabilities are not capable of accurately calculating the most complex problems in nuclear weapons design.

Mr. Chairman, as we conclude this debate, all of the experts, the Secretary of Defense, these laboratory directors, Mr. Sidney Drell and the National Academy of Sciences, all of these experts have said we need nuclear testing to maintain the safety and reliability of our stockpile. We do not achieve any purpose by banning nuclear testing for a year in this country. It may make us feel better, but it is not going to deter the Saddam Husseins of the world from developing that nuclear capability.

Therefore, at the end of the day, it does not serve our purpose to pass this ban.

Moreover and finally, it will undercut the efforts of our administration, of our President, when he meets with Mr. Yeltsin next week and talks to him about the future stability of the world.

For all of these reasons, I urge my colleagues to vote no on this amendment, to vote "no" on the Kopetski amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today to strongly urge our colleagues to support passage of the U.S. nuclear test ban amendment to H.R. 5006, the fiscal year 1993 defense authorization bill, offered by the distinguished gentleman from Oregon, the Honorable MICHAEL J. KOPETSKI, and our distinguished colleagues, Representatives BILL GREEN, RONALD DELLUMS, and Armed Services Chairman LES ASPIN.

Mr. Chairman, the substance of this amendment is of historymaking dimension. The world stands at a moment in time where either we move forward toward global peace and harmony or we step back and sink into a morass of nuclear paranoia and Armageddon-inspired nightmares.

The time for decisive action on our Nation's nuclear arms testing policy is now.

Within the past year, the nations of Russia [CIS] and France have taken monumental steps forward by unilaterally imposing moratoriums on their nuclear testing programs. Russian President Yeltsin and French President Mitterrand have demonstrated courage, leadership and foresight by adopting this nuclear testing policy for their people. By doing so, these leaders of vision have transcended mere national interests for protection of the welfare and future of the planet as a whole.

These leaders now look to the United States for confirmation that their courses of action were right. The countries of the world, both democracies as well as dictatorships, join Russia and France's focused gaze on our Nation as we now grapple with this moral and philosophical dilemma.

Mr. Chairman, let us not fail in setting the right course of action for America, too. It is time that our Nation, the world's leading democracy, step forward to answer Russia and France's call for a comprehensive test ban. Mere rhetoric cannot suffice where other governments have acted; especially, where continuation of their nuclear testing bans is directly contingent on U.S. reciprocity.

The measure before us, Mr. KOPETSKI's amendment, is clearly the stuff of which the dreams are made: A world no longer held hostage to nuclear destruction. The amendment is the soul and spirit of H.R. 3636, a measure calling for a 1-year ban on U.S. nuclear testing, which Mr. KOPETSKI and the Honorable RICHARD GEPHARDT introduced, and of which I am proud to say that I am a cosponsor.

As a Member from the Pacific region, I have grown up immersed in the controversy of nuclear testing for a long time. This issue has been in the forefront of my mind since childhood. We Pacific islanders know from firsthand experience the horrors of nuclear testing. Even now, decades later, the legacy of the U.S. testing program in the Marshall Islands is still being felt. People there, for example, are still troubled by memories of the offspring of Pacific islander women infected by radiation fallout—where babies were born dead that didn't look human and were termed "jelly babies."

Yes, Mr. Chairman, I am very sensitive to what happens in the aftermath of nuclear testing joy.

Hence, when France announced its recent moratorium, effectively shutting down for the year its nuclear testing program in French Polynesia, this news was occasion for great celebration throughout the Pacific. For decades, Pacific islanders have stridently criticized the French for using their backyard—Tahiti's Moruroa and Fangataufa atolls and surrounding waters—as a waste repository for close to 200 nuclear detonations. Last year, I introduced legislation, House Concurrent Resolution 243, which recognizes the concerns of the South Pacific people by calling upon the Government of France to cease all nuclear testing in French Polynesia.

The radioactive damage from France's nuclear testing to the fragile coral atolls, marine environment, and island populations nearby can only be imagined, as the French—for good reason—have not allowed unhindered study. It does not take a rocket scientist, however, to realize that when the equivalent of more than 200 Hiroshima-class bombs have been detonated in a small area, the effect will be monstrous. The world bears witness to the hades-like destructiveness of a mere two detonations in World War II. Only the passage of years shall reveal the true legacy of France's nuclear testing in the South Pacific.

With President Mitterrand's action, however, today is the dawning of a new era. France's moratorium has temporarily brought the nuclear nightmare in French Polynesia to an end. I hope the nightmare never resumes.

Whether it does or not, Mr. Chairman, greatly depends on how our country responds to the question before us. Let our great Nation, America, join Russia, France, and all others that have responded to the call for sanity in a world often teetering on the brink of nuclear madness. Let's make this dream of a better, safer world for our children a reality. Mr. Chairman, I cannot more strongly urge our colleagues to pass Mr. KOPETSKI'S measure.

Mr. Chairman, the legislation referred to follows:

H. CON. RES. 243

Whereas the Government of France has been conducting nuclear tests in the atolls of Moruroa and Fangataufa in French Polynesia since 1966;

Whereas these tests have included more than 130 underground nuclear tests;

Whereas there is considerable concern among the countries of the South Pacific about the possibility of radioactive contamination in the region as a result of these underground tests;

Whereas the members of the South Pacific Forum agreed at the Forum's annual meeting in July 1991 to "give consideration to an expanded programme of opposition to France's nuclear testing in the region";

Whereas despite French claims that its nuclear testing program is absolutely safe, there is some scientific evidence to suggest both that some radioactive leakage has already occurred at the testing site and that additional, more serious leakage might occur in the next 10 to 100 years;

Whereas there is also concern in the region that the Moruroa atoll is in danger of disintegration as a result of the testing program; and

Whereas the Government of France would have the option of using United States nuclear testing facilities if it gave up testing in the South Pacific: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should recognize the concerns of the people of the South Pacific and call upon the Government of France to cease all nuclear testing at Moruroa and Fangataufa Atolls.

H.R. 3636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Testing Moratorium Act".

SEC. 2. ONE-YEAR MORATORIUM.

During the one-year period beginning on the date of the enactment of this Act, the Secretary of Energy may not conduct any explosive nuclear weapons test unless the President certifies to Congress that the Soviet Union (or a successor state of any part of the Soviet Union) has conducted an explosive nuclear weapons test during that period.

Mr. BROOMFIELD. Mr. Chairman, one of the key arguments that opponents of underground nuclear testing have used is that a cessation of U.S. nuclear testing will help to dissuade renegade Third World nations from developing their own nuclear weapons. This argument seems to imply some sort of causal link between the U.S. underground nuclear test program and certain Third World nations' efforts to develop or acquire nuclear weapons.

This argument is false, and represents a fundamental misreading of the goals and intentions of some Third World regimes.

Can there be any doubt that Saddam Hussein would have pursued his nuclear weapons program even if the United States had ceased nuclear testing?

Does anyone really believe that North Korea's dictator Kim Il-Sung, or his son and heir apparent, Kim Chong-Il, would abandon that nation's program to covertly develop an indigenous nuclear weapons production capability, even if the United States were to conduct a modest number of underground nuclear tests in fiscal year 1993?

Some supporters of this amendment point to the People's Republic of China [PRC] as one nation that would be influenced by a United States decision to terminate its underground nuclear testing program. But is this the case? Even though the number of United States nuclear tests has steadily declined over the past decade, the Peoples Republic of China's pursuit of a larger, more sophisticated nuclear missile force has intensified, not waned. China's leaders made their intention known in this regard recently when they conducted a massive underground nuclear test—a test which, according to experts, was aimed at proving out the design for a more lethal warhead to fit atop a new intercontinental ballistic missile [ICBM] to be targeted against the United States.

And what about Libya's Colonel Qadhafi? We know he would like nothing more than to get his hands on a nuclear device. Do any of you really believe that Colonel Qadhafi will abandon his single-minded pursuit of nuclear weapons to threaten Israel's very survival and to blackmail Western nations even if the United States were to stop underground nuclear testing today?

Simply put, there is no evidence to support the contention that halting America's extremely modest underground nuclear test program would lessen the dangers of nuclear proliferation.

In fact, it should be quite obvious that outlaw regimes such as Libya, North Korea, and Iraq would not be influenced one iota by a decision by the United States to hold its underground nuclear testing program.

For this reason, and for other important reasons such as the need to develop new, safer weapons designs and to better understand and improve the survivability of our military systems, the United States must continue with a modest program to conduct underground nuclear weapons explosive tests.

Mr. SPENCE. Mr. Chairman, as noted by several of my colleagues, one practical effect of the Kopetski-Green amendment, were it to become law, would be to deny the United

States the ability to conduct underground nuclear tests aimed at developing safer nuclear warhead designs.

That continued underground testing of nuclear weapons can contribute to improving the safety of the U.S. nuclear weapons stockpile is recognized by most experts, including Dr. Sidney Drell, who chaired a Nuclear Weapons Safety Panel established to provide Congress with a technical analysis of the safety of U.S. nuclear weapons as a basis for debating future policy decisions. The Drell Panel, as it became known, was the first and only independent comprehensive review of the safety of the U.S. nuclear stockpile since World War II. The study was initiated by the House Armed Services Committee because of concerns about the safety of several weapon systems in the U.S. arsenal.

Dr. Drell appeared before the Armed Services Committee's Defense Nuclear Facilities Panel on March 31, 1991, to testify on the future of U.S. nuclear weapons testing. I ask unanimous consent, Mr. Chairman, that Dr. Drell's testimony, together with the Drell Panel report on "Nuclear Weapons Safety," be included in the CONGRESSIONAL RECORD immediately following my remarks.

Dr. Drell is a noted expert in the field of nuclear weapons design and safety, and I would like to share with my colleagues a few excerpts from his March 31 testimony before the Armed Services Committee, as it bears strongly upon the issue before us—namely, whether a moratorium on U.S. underground testing of nuclear weapons is in this Nation's security interests.

Dr. Drell began his testimony by stating:

> Viewed from a technical perspective, continued underground testing of nuclear weapons can contribute to improving the safety of the U.S. nuclear weapons stockpile. It is my view that increased safety is the main reason and indeed the only compelling one for continuing underground testing.

He goes on to note that:

> I would emphasize that we can and should make important progress toward enhanced safety of the nuclear stockpile.

After describing a number of measures for improving safety that do not require underground nuclear testing, he states that, "to go further and design new warheads with safety-optimized designs or just simply safer configurations, it will be necessary to perform underground nuclear tests."

The Drell panel found that:

> Unintended nuclear detonations present a greater risk than previously estimated for some of the warheads in the stockpile.

Advances in supercomputers, however, have made it possible to carry out more realistic, three-dimensional calculations to trace the development of nuclear detonations. According to Dr. Drell, "we now appreciate * * * how inadequate, and in some cases misleading, were the earlier two-dimensional calculations." Importantly, however, his testimony notes that underground tests were required to confirm the validity of the findings from these new, three-dimensional calculations.

In discussing some modern safety features, such as the so-called enhanced nuclear detonation safety systems [ENDS], Dr. Drell also noted that "limited testing would be required if we were to choose to deploy the newest and still safer implementations of ENDS that could help make the weapons more terrorist proof."

Then, with respect to another safety feature known as insensitive high explosives [IHE], Dr. Drell testified that,

> A program to make an important improvement in the safety in the U.S. arsenal by removing all conventional HE [high-explosives] and replacing it by IHE in the stockpile for the 21st Century would require only a modest and limited underground test program.

Turning to yet another modern nuclear weapons safety feature, the fire resistant pit [FRP], Dr. Drell testified:

> The requirements for underground testing to develop FRPs for U.S. warheads are limited depending upon whether existing warheads with FRPs are adapted to new systems or whether, because of design constraints imposed by existing missiles and their re-entry vehicles, it proves necessary to develop new warheads.
>
> The safety effectiveness of FRPs is limited to temperatures encountered in aircraft fires. They cannot assure containment if they are also crushed in an accident leading to a fire. Nor will they provide plutonium containment against the much higher temperatures created by burning missile propellant. For enhanced safety in such circumstances it is necessary to develop new and more advanced weapons design concepts.

Of course, developing such new, more advanced weapons designs will require some limited amount of underground nuclear testing.

In answering the question; How extensive a test program is required and how many years will it take to fully meet the appropriately conservative safety criteria for the U.S. nuclear stockpile? Dr. Drell answers as follows:

> I believe that, with adequate resources, an underground test program directed to develop such advanced concepts that enhance safety, perhaps, as suggested, by requiring an arming action in order to physically collocate the fissile and the high-explosive components, could be accomplished within a decade. The results of such a program would be a weapons stockpile that meets desired safety criteria and that can be relied on with confidence without requiring continued testing for reliability.

In other words, in order to achieve a high level of confidence that our remaining nuclear weapons are extremely safe, we need to apply adequate resources—both funding and manpower—and continue with a modest nuclear test program for about another decade.

While noting that safety record of the U.S. nuclear establishment is very good, Dr. Drell noted in his testimony that:

> There is still room for substantial improvements. * * * Some of these improvements can be achieved by retiring older weapons and modifying existing ones; some can be achieved by changes in the handling procedures. However, in order to implement further improvements, continued testing is required.

In considering whether a comprehensive nuclear test ban [CTB] would aid United States and international nonproliferation efforts, Dr. Drell argued the following:

> Looking ahead to 1995 and beyond I presume that there will come a time when a CTB Treaty will help strengthen the nonproliferation regime. Meanwhile, however, I support a testing program designed to advance the possibilities and understanding of enhanced safety, and thereby helping us prepare for the possibility of a comprehensive test ban.

Dr. Drell continued:

> In pursuing such a program I also recommend that the U.S. abandon its current official position that we must continue to test as long as we have nuclear weapons. It should be replaced by a policy that limits underground tests to those that are required to insure that all the weapons constituting our future nuclear forces—that is, warheads together with their delivery systems and their operational handling procedures—can be certified as meeting appropriately conservative criteria for nuclear weapons safety. This program would consist of several low yield tests per year.

In summary, Mr. Chairman, while I differ with Dr. Drell on his view that the United States no longer needs to test for reliability purposes, there should be little or no disagreement over the need for the United States to take all appropriate steps to ensure that the remaining nuclear weapons in the U.S. inventory should be as safe and secure as possible.

Unfortunately, the Kopetski-Geren amendment turns a blind eye to this responsibility, and would deny us a key tool—underground nuclear testing—at our disposal to implement the goal of ensuring a safe U.S. nuclear stockpile.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the amendment offered by the gentleman from Oregon [Mr. KOPETSKI].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KOPETSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 167, not voting 30, as follows:

[Roll No. 164]

AYES—237

Abercrombie
Alexander
Anderson
Andrews (ME)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Browder
Brown
Bruce
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gilman

Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hayes (IL)
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Ray
Reed
Regula
Roe
Roemer
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Shays
Sikorski
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Taylor (NC)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—167

Allard
Allen
Andrews (NJ)
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Brooks
Broomfield
Bunning
Burton
Callahan
Camp
Chandler
Chapman
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Ewing
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Murtha
Myers
Nussle
Ortiz
Oxley
Packard
Patterson
Paxon
Pickett
Quillen
Ramstad
Ravenel
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Thomas (WY)
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—30

Ackerman
Anthony
Bryant
Bustamante
Byron
Campbell (CA)
Clinger
Dannemeyer
de la Garza
Dingell
Dymally
Gaydos
Gibbons
Hatcher
Hefner
Herger
Hubbard
Jones (GA)
Lehman (CA)
Levine (CA)
Nichols
Oakar
Olin
Rose
Sharp
Thomas (CA)
Traxler
Vander Jagt
Whitten
Wylie

□ 1727

The Clerk announced the following pairs:

On this vote:

Mr. Bustamante for, with Mr. Herger against.

Mr. Anthony for, with Mr. Thomas of California against.

Mr. RICHARDSON and Mr. RIGGS changed their vote from "aye" to "no."

Ms. KAPTUR changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mr. Cox of Illinois). Pursuant to House Resolution 474, it is now in order to debate the subject matter of economic conversion.

The gentleman from Wisconsin [Mr. Aspin] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. Dickinson] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. Aspin].

□ 1730

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Today, the House will consider an amendment that provides $1 billion for a defense reinvestment package.

This amendment is the product of months of work on the question of how to address the problems created by the defense drawdown. Work on the amendment was largely done by a task force established by the majority leader and ably chaired by my colleague Mr. Frost.

At the House Armed Services Committee, the lead on this issue has been taken by Dave McCurdy, who chaired the committee's industrial base panel, and Nick Mavroules, who championed the idea 2 years ago and negotiated in conference a $200 million package to help displaced defense workers and communities adjust.

Before I invite my colleagues to introduce the specifics of the amendment let me say that I believe that it is not enough in this new world to get the size and shape of our military forces right—and the defense authorization bill before us today makes a good start on that. We have to get the economic side of it right, too. This amendment is intended to seed economic growth while assisting in the orderly drawdown of the U.S. Defense Establishment and the maintenance of the technological and industrial base essential for defense in the future.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. Penny].

Mr. PENNY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the Aspin-Frost-Gephardt amendment relative to designation of funds under the economic conversion title of the Defense authorization. I want to draw particular attention to the provision which establishes the Service Members' Occupational Conversion and Training Program. We are especially grateful to the Armed Services Committee for including this provision in the authorization bill. This program comes out of the considerable work I have done to find ways for the armed services to meet our commitment to the fine young men and women who have served so capably on our country's behalf. Many of them expected to make the military their career and planned their lives accordingly. As part of our Nation's obligation to these service members, we have a responsibility to provide them—most of whom are part of the volunteer force—with the skills they need to achieve outside military service just as they have within the military.

The proposed program is also a valuable force management tool. It will enable the Secretary of Defense to accomplish the necessary force reduction by providing departing service members with job training assistance. This will enhance the Secretary's ability to quickly achieve force reduction objectives. The program is designed to ease the transition of service members, particularly those whose military specialties—such as combat arms—are not readily transferable to the civilian workplace.

Since we are eager for this program to get off the ground immediately, the amendment calls for the Secretary to implement the program within 69 days of enactment. The need for this assistance exists today.

The on-job training program is designed to provide significant training in stable and permanent positions for departing service members. Through financial incentives to employers, service members will move more smoothly to civilian employment which will result in lower unemployment insurance costs to the Department of Defense as well.

The program is structured with sufficient safeguards to ensure that service members are placed in and remain in skilled jobs. In fact, payment to employers, which is up to $10,000 for most service members and $12,000 for service-disabled participants, will be made in phases. One-third of the payment would be paid at the half way point in the training, one-third on completion of the training program, and the remainder when the person has been employed for 6 months beyond training.

I believe we have developed a good program which will encourage more service members to voluntarily separate from the military and move to training and employment in the private sector. That creates a win for the service member and a win for DOD as well.

I want to thank Chairman ASPIN and my Chairman SONNY MONTGOMERY for their leadership and assistance with this legislation. I urge adoption of the amendment.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Chairman, members of the committee, this amendment was put together with a lot of hard work by a lot of different people, and I think that of the issues we will deal with this year, this is obviously one of the most critical and important to our constituents.

We won the cold war because we had the best military in the world, and we built an industrial base that was without peer. Workers, families, communities, and industries fused with government funds and led by inspired national leadership made our victory over communism possible. The patriotic spirit of our people made it inevitable.

Now we must enlist the heroes of the cold war in our country's contemporary cause, a battle for economic competitiveness in a rapidly changing world.

The proposal for transition or adjustment or conversion that we announced today embraces this fundamental reality in the new world. In unprecedented ways, our Nation's security depends on economic strength, and the country will not prosper until our investments reinforce both the military and civilian sectors of our country.

The defense industry has for years attracted the cream of our professional crop employing 15 percent of American electrical engineers, 50 percent of American aircraft assemblers, and 50 percent of American shipfitters.

The initiatives embodied in this investment package will build on the skills of this work force by fostering a transition of talent to new growth sectors in our economy. Defense businesses will receive incentives to grow in civilian markets by gaining access to dual-use technology, assistance in promoting commercialization, and use of more venture capital.

The communities dependent on defense contracting jobs or the presence of a military installation will be provided the tools for growth in a post-cold war period. That is why the House's reinvestment package funnels over $1 billion right now, this year, as a first installment in a sound plan to reinvest in growth enterprises, rebuild the work force for growth industries, and revitalize communities for growth economies.

Our proposal stands in stark contrast to the recent and inadequate measures announced by the President. Our plan is coordinated. The plan of the White House is fragmented. Our plan addresses the enormous losses of jobs and income among all defense workers, civilian and military. The White House plan deals mainly with Government employees. Our plan contemplates an industrial and technology policy for defense conversion that will bolster our economy. Their plan tells displaced workers and distressed communities and endangered companies, just as they have told auto workers and engineers in the semiconductor industry, "Do not worry, the free market will take care of you."

Our initiatives will not only wean workers, communities, and businesses away from dependence, but will preserve our defense industrial base. Our package is not a bailout of the defense establishment. It is the beginning, just the beginning, of a game plan for economic strength and American competitiveness.

The victors of the cold war, the American people, deserve no less than a blueprint, a game plan, a set of proposals and specific ideas to move our economy from one that has been based on defense to one that is now based on commercialization and competitiveness in the modern world.

I congratulate the Members who are here who will speak who have worked long and hard to put this plan together. It is a worthy plan, and I urge your support for this amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as has been pointed out, we are dealing with what we refer to as a plug for $1 billion that was identified to be used for conversion, as we draw down our defense capabilities and production.

We really did not know how to go about it. We did not know the smartest way. We did not know the most effective way.

When this bill came out of our committee and when we brought it up to be voted on, we reserved in one section of the bill $1 billion to be used for this purpose. Since the bill was reported out of the committee, our chairman, working with the gentleman from Missouri [Mr. GEPHARDT] and others, has come up with a plan or a scheme to implement and to take advantage of this billion-dollar plug for defense conversion to go from a military operation to a civilian operation to help ease the pain of economic distress and relocation of people that are losing their jobs and are being put out of work as a result of the drawdown of our defense.

Just a few days ago, we got a copy of my chairman's amendment which we are discussing now, and this is the amendment we were asked to dissect and digest and discuss and accept on the floor.

□ 1740

Well, my staff and I have looked at it, with those on this side. I will say that it is well-intentioned, and there is much in here with which we agree. We just think that it probably goes too far when it mandates certain things.

For instance, the provisions to which I refer, and I think they are probably too stringent, require, first, that defense companies offer a special early out retirement option to separating workers. This is a requirement laid on defense contractors for any contract to be signed now and for the future. Anybody who wants to do business with the Department of Defense has to agree to these provisions on any contract from here on out if this plan is approved.

It says that they have to offer special early out retirement options to separating workers. They have to give hiring preference policies to displaced defense industry workers, the Department of Defense must provide the affected companies with 6 months' notice before they can terminate a contract, and defense contractors to list job openings for local employment services. These are among the many things that are required here, but I think these are probably the most onerous.

The gentleman from Kentucky [Mr. HOPKINS] and I have come up with what we think is a reasonable alternative, a perfecting amendment to this amendment, at the conclusion of the debate here. The essence of the Dickinson-Hopkins amendment is to make mandatory provisions, which are in this amendment, discretionary for the Department of Defense.

Corrections to the four sections that I have mentioned are necessary because the sections as written represent good intentions gone bad.

It appears to be the intent of this House to use defense dollars to cushion the pain that will be inflicted on people and communities as a result of an ever-accelerating defense drawdown. In its zeal to offer as much protection as possible to workers of defense contractors, the Aspin conversion package would require an already fragile defense industry to meet a new set of onerous, costly contractural arrangements as a condition of doing business with the Department of Defense in the future.

The effect of the four sections will be to create intrusive provisions that will help drive more companies out of the defense industrial base, thereby leading to more layoffs and dislocation.

There will be additional discussion on these things as we go into the hour, but it is included in this and there are to be discussed two provisions, one by the gentleman from Wisconsin [Mr. GUNDERSON] and the other by the gentleman from Pennsylvania [Mr. GOODLING] of what they consider a necessary part of this. That is to make a study, identify and to mark wherein our economy has the biggest need, rather than just a scattergun approach. They will speak to this particular provision in a few minutes.

I really believe that the intent is well meant by the chairman and the majority leader. Much of this is good. But it goes too far in mandating and giving no discretion on the part of the Department of Defense.

The gentleman from Kentucky [Mr. HOPKINS] and I simply say that if this is something that is good, at least let us make these elements discretionary on the part of the Secretary so that he can exercise his judgment and spend the money where it is most needed and where it will do the most good.

Mr. Chairman, the Dickinson-Hopkins amendment is a noncontroversial effort to make small corrections to only four sections of the Aspin economic conversion package that contains 62 sections and more than 75 pages of closely printed legal text.

The essence of the Dickinson-Hopkins amendment is to make mandatory provisions discretionary for the Secretary of Defense.

Corrections to the four sections are necessary because the section as written represent good intentions gone bad.

It appears to be the intent of this House to use defense dollars to cushion the pain that will be inflicted on people and communities as a result of an ever accelerating defense drawdown. And in its zeal to offer as much protection as possible to workers of defense contractors, the Aspin conversion package would require an already fragile defense industry to meet a new set of onerous, costly contractual arrangements as a condition of doing business with the Defense Department.

The effect of the four sections will be to create intrusive provisions that will help drive more companies out of the defense industrial base thereby leading to more layoffs and dislocation. Small businesses will be hurt the worst.

DOD has told us unequivocally that the provision, as drafted will increase the cost of defense contracts. That seems counterproductive at a time when all of us are looking for defense savings.

Over the past 10 years, virtually all independent commissions that have studied defense acquisition have named social policy requirements like those established by the four sections as the root of the problems ailing the defense acquisition. Why don't we listen to the advice of the experts for once? That way we might save the Nation at some future date the cost of another set of studies which will again seek to tell us what's wrong with the defense acquisition system?

I could provide other reasons why the Hopkins-Dickinson amendment makes good sense, but I think my point is clear.

I am all for affording help and assistance to ease the pain of workers caught in the ill effects of the defense drawdown. It does not make sense, however, for this body to adopt policies which have just the opposite effect and also increase the cost of defense.

The Dickinson-Hopkins amendment will help prevent this.

I urge my colleagues to vote "yes" on Dickinson-Hopkins.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. FROST], the chairman of the caucus task force.

Mr. FROST. Mr. Chairman, I rise in support of an amendment that the gentleman from Wisconsin [Mr. ASPIN], House Majority Leader RICHARD GEPHARDT, and I are offering to H.R. 5006 that will provide $1 billion for defense conversion.

Several months ago, the majority leader asked me to chair a task force of Democratic Members to consider this most important subject. Participants represent a cross-section of the Democratic caucus, and have included the gentlewoman from Connecticut [Ms. DELAURO], the gentleman from Texas [Mr. EDWARDS], the gentleman from Florida [Mr. BACCHUS], the gentleman from Rhode Island [Mr. REED], the gentleman from New York [Mr. WEISS], the gentleman from New York [Mr. DOWNEY], the gentleman from Maine [Mr. ANDREWS], the gentleman from California [Mr. BROWN], the gentleman from Montana [Mr. WILLIAMS], the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from South Carolina [Mr. SPRATT], the gentlewoman from Ohio [Ms. OAKAR], the gentlewoman from California [Mrs. BOXER], the gentleman from Pennsylvania [Mr. FOGLIETTA], and the gentleman from New York [Mr. HOCHBRUECKNER]. These Members and their staffs have devoted a great deal of thought and energy to this project.

The task force examined a number of proposals with the objective of using the $1 billion provided by the budget resolution for conversion to promote long-term growth and create jobs. I believe the conversion amendment we've crafted effectively accomplishes this goal.

The amendment has three basic components which would: First, help defense businesses grow in civilian markets by giving them access to dual-use technology, promoting commercialization, and providing venture capital; second, provide additional job-training assistance for civilian workers and military personnel; and third, help communities to prepare for this transition. Let me provide some details.

First, we believe that the key to any reinvestment initiative must be the effective use of available defense resources to stimulate growth by encouraging increased cooperation between DOD and commercial high tech firms. To that end, we've proposed several initiatives that will help foster innovation in manufacturing and high-technology-oriented industries. The real growth of these enterprises will create new jobs, thereby providing a new workplace for displaced defense workers. Some specific examples include:

A DOD Technology Extension Program to facilitate access for current and former defense suppliers to DOD-developed technology;

Dual-use technology consortia to promote collaboration between private industry and the national laboratories; would allow Defense Advanced Research Projects Agency [DARPA] to create consortia like Sematech;

Partnerships in technology industrialization to help commercialize specific high-payoff applications for dual-use critical technologies; and

Assistance to help small defense businesses reposition into nondefense work.

Second, effective utilization of emerging new technologies will require a skilled and trained work force. The package we are developing will help train this work force for these jobs. Included are:

Assistance for service members and DOD and DOE civilians currently possessing skills in math and science, and who will be displaced by the defense builddown, to enter our classrooms and help fill the need for experienced teachers in these and other disciplines;

DOD scholarships and training assistance to enable individuals to qualify for employment in the field of environmental restoration and waste management in the Department of Defense;

Grants to community colleges for training in environmental restoration and hazardous waste management; and

Assistance to dislocated defense workers, including a hiring preference in DOD contracts and broadening eligibility for the Job Training Partnership Act [JTPA].

A third component will help affected local communities needing assistance to deal with the effects of the builddown. Many States and cities have programs in place to help workers and businesses adapt to changing economic circumstances. We believe that we should utilize these programs to help target assistance to the workers and businesses most in need.

This is just a sampling of the types of programs we have included, but I believe it illustrates the approach we have taken to reinvest the $1 billion available to us this year.

We have a golden opportunity to stimulate economic growth and help displaced defense workers and military personnel by redirecting money originally planned for defense. It is a time to be creative and a time to be bold. We have seen an unparalleled defense buildup in the last decade and now, as defense spending is decreased, we must find ways to provide new jobs for the thousands of defense workers who will be out of work and the thousands of active-duty military who will no longer be needed by our country.

I urge my colleagues to support our amendment so that we can begin addressing the economic problems and loss of defense jobs that will arise as a result of reductions in defense spending.

Mr. HOPKINS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I find myself in the familiar position of speaking from the Republican side of the aisle on the issues of defense conversion.

A few years ago when the Congress decided to spend $200 million on conversion, I was in this same position, at that time questioning the wisdom of that approach and offering a more moderate and modest approach.

The concern at that time was that we were launching into some kind of a new entitlement program for a problem that was still evolving and very much in question. The gentleman from Massachusetts [Mr. MAVROULES] carried the spear on the other side, and I compliment him on his victory.

Of course, I lost on that and some $200 million for this purpose was rammed down the Pentagon's throat, roughly $160 million of which has yet to be spent.

Now here we are, Mr. Chairman, some 3 years later. Things, however, have changed. There is no more Soviet Union, no more superpower threat, and an increasingly broad consensus is forming to accelerate the defense drawndown, shut down the production lines and bring our troops home.

All of this means that the need for conversion has gone from the theoretical problem of a few years ago to the reality of dislocation on the factory floors and main streets of affected regions across the country.

Mr. Chairman, I reserve the balance of my time.

Mr. FROST. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I thank the gentleman for the yielding of time.

Mr. Chairman, I rise in support of the Aspin-Gephardt-Frost sensible, humane, and fiscally responsible economic conversion and readjustment amendment.

I commend Chairman ASPIN as well as the cosponsors of the amendment, Mr. GEPHARDT and Mr. FROST, for offering this amendment to assist an orderly drawdown of our defense work force, initiate economic growth, and keep our industrial base viable. It is imperative that this amendment be adopted as we draw down our defense forces.

This amendment will reinvest defense resources to stimulate economic growth by encouraging cooperation between the Department of Defense and commercial high-technology firms especially in the development of dual use technologies. The focus is on innovation in manufacturing and high-technology-oriented industries to create new, high-quality jobs thereby providing a new work place for displaced defense workers.

With respect to defense personnel, $122 million is authorized to assist those who will be leaving the military. It provides separation pay provided for civilian employees, authorizes early retirement benefits for displaced defense workers. Companies seeking defense contracts are encouraged to give a hiring preference to former defense workers and former service personnel.

The amendment provides alternative career opportunities as the forces are drawn down as well as protecting and enhancing employee benefits. It encourages transition of troops to teachers at a time when our Nation needs teachers especially in the fields of math and science. The employee benefits are particularly critical to ensuring the rights of all defense workers.

I urge the House to support this amendment.

Mr. FROST. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in strong support of the reinvestment amendment to assist the women and men of our military forces, defense contractors, and Department of Energy defense workers affected by the reduction of defense money.

The committee is very concerned about the human consequences of the defense drawdown. We are currently in a recession and the administration has not developed manageable proposals for a reinvestment strategy which will stimulate the economic growth of our country. We must be sensitive to the needs of the American people. The demise of the Soviet Union has reduced a threat we were concerned with for over 40 years.

This amendment will extend and/or expand existing programs designed to assist those communities and workers already impacted by the defense drawdown, to preserve our industrial base and help civilian technology become a better competitor in the world today.

Programs will be implemented to place engineers and scientists in school systems desperately in need of science and math teachers, not only at the elementary and secondary level, but our institutions of higher learning. All educational institutions will benefit. These individuals will receive teacher certifications and help continue to develop our children's intellectual capabilities in continued pursuit of the advances that their grandparents and parents have begun.

Another approach is technology transfer. An excellent example of this approach is the cooperative research and development agreements [CRADAS] currently being used by the Department of Energy, particularly at Oak Ridge National Laboratories. It allows non-Federal entities to work with Federal laboratories in conducting technology research and development. The results are excellent and have been applauded by companies such as Coors and Allied Signal.

Many of our defense workers can be retrained to use the skills they developed to build our nuclear weapons capability in dismantling these weapons, but also to conduct cleanup activities. Wouldn't it be advantageous for us to learn now from our mistakes so that if we ever had to rebuild a nuclear weapons capability to the extent we had during the cold war, we could preserve our environment and eliminate hazardous waste.

My fellow colleagues in the House, the proposals being offered by our leadership will demonstrate to the American people that our responsibility and concern is with their welfare. Our leadership has stepped up to the task and challenge of trying to stimulate our economy, preserve the key defense technologies we have built, and give our children and grandchildren a better tomorrow.

Mr. FROST. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this conversion amendment which is so important to the State of California.

Mr. Chairman, I rise in strong support of the amendment, and I want to commend Chairman ASPIN for the foresight that went into this amendment and into this bill.

I think we all realize that defense reductions are here and are real. Military and civilian personnel, communities, and the defense industry are all being affected. Chairman ASPIN's amendment begins the process of making the transition to a civilian-based economy. The $1 billion we have set aside for reinvestment and economic growth will be used in several important ways.

First, we provide assistance to defense and aerospace firms to help them develop new products and technologies for commercial markets. This transition assistance will help maintain production capabilities that are important to the Nation's defense, but which also have commercial applications. This assistance is provided through a combination of direct grants, public-private cooperative research efforts, State programs, and small business loans.

As part of these commercialization programs, the committee has highlighted the role that electric vehicle development can play in helping with the transition. Recent studies indicate that the base of technology and manufacturing capabilities now used by the aerospace industry can also be used in the development of an electric vehicle technology and infrastructure industry. Moreover, electric vehicles will be an area of tremendous growth over the next few years, creating new production, manufacturing and engineering jobs to replace those lost in the defense industry.

In this amendment we also propose to help communities impacted by defense cuts by providing additional planning assistance to State and local governments. We also provide communities and businesses with technical assistance and loans to help in diversifying their local economies. Finally, we provide for the transfer of excess DOD equipment, such as computers and tractors, for use by commercial ventures and State and local governments.

Finally, and perhaps most importantly, this amendment provides additional benefits to defense industry and civil service workers who lose their jobs because of defense cuts. We require a 120-day prior notification for reductions-in-force as opposed to the current 60-day requirement. We expand DOD- and government-wide job listing services. We authorize the payment of separation pay to retirement-eligible personnel to encourage voluntary separations as opposed to forced separations. We also authorize DOD to underwrite a program to bring separating military personnel, and DOD and DOE civilians with math, science, and engineering experience into the classroom of America.

The $1 billion investment we propose to make under this amendment is the only way we can help defense-dependent businesses, workers, and communities make a successful transition to a civilian-based economy. It is an effort to address the new problems and new opportunities we face that have come about because of the end of the cold war. I commend the chairman and the committee for the outstanding work they have done in crafting this initiative, and I urge my colleagues to support the amendment.

Mr. FROST. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I rise in support of the economic conversion package being presented at this time.

Mr. FROST. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the amendment offered by my colleagues, Representatives GEPHARDT, FROST, and ASPIN. I thank the Chair for creating the panel and for Members who have served and the staff that have worked long and hard on the panel.

The White House would like us to believe that the economy is strong enough to absorb the 1 million defense workers who are expected to be laid off in the next several years. This hands-off approach to the inevitable consequences of significant cuts in defense spending ignores the fact that America's defense manufacturers have done business in a surreal, one-customer market and that their capabilities are critical to our national defense longterm economic security.

Government can and should play a pivotal role in maintaining a critical skills base in this country should a security threat emerge in the future. More importantly, we can meet our national defense needs while expanding our overall manufacturing base. As a percentage of gross national product, America lags far behind our economic competitors in West Germany and Japan in manufacturing capacity. With no technological investment strategy, our engineers and technicians have been forced into low-skill, low-wage jobs to survive. I do not believe that we can sell hamburgers or pizzas to each other and survive economically.

It has been my privilege to serve as the chairman of a special panel which has assessed the impact of the decline in defense spending on the defense industrial base. In April, we presented a comprehensive series of short- and long-term recommendations to maintain a vibrant industrial base and stimulate economic growth. The key finding of our panel was that conversion is not simply a matter of turning missile factories into bicycle plants. Conversion should involve a much broader plan for our national economy where workers' skills can be used to solve urgent national needs. In this way, we guarantee that these skills will be available in the future should our national security be threatened.

I am pleased that many of my panel's proposals are contained in the amendment now under consideration. Funds provided in this amendment for dual-use technology consortia programs, technology extension programs, and expansion of the Small Business Innovation Research Program are examples of defense fund reinvestment which will spur job growth in commercial markets.

Mr. Chairman, if we can develop Patriot missiles that can shoot down Scud missiles, surely we can use our technology to learn how to incinerate hazardous waste.

If we can build sophisticated weapons systems that read road maps, we can apply these same skills to develop intelligent highway systems.

I believe it is essential to look beyond a 1-year authorization and develop a plan which provides for the Nation's long-term economic security.

With constructive use of defense savings, we can preserve our essential skills base, address urgent national needs, and assist in economic growth. This amendment moves us in that direction. I urge its support.

Mr. HOPKINS. Mr. Chairman, I yield 5 minutes to the senior member of the full committee, the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman and Members of the House, there is no dispute that there is indeed a very significant problem facing all of the people of America in converting that portion of its defense industrial base to other productive uses. There is no doubt, certainly in this Member's mind, that as the number of defense items being procured declines and it impacts upon the labor force in districts throughout America, and there is no district where the potential impact is any greater than it is in the district that I represent, that this Government, this Congress, needs to be sensitive and it needs to be helpful in every way that it reasonably can within the proper sphere of what it is the Government's responsibility to do.

□ 1800

For that reason, Mr. Chairman, I applaud the fact that we did have the industrial base protection panel of the Committee on Armed Services and was very pleased to serve on it. I am very pleased that we are addressing this question of economic conversion today. But I guess it is the old maxim of: When is enough enough?

There is much in this package that certainly I applaud. I am glad it is before us and that these provisions are contained. I am, however, quite fearful that there are elements of this package that are very ill-advised, and should not be in it and that the country will be much better off if they are removed.

I am glad that this economic conversion package has been agreed upon as a billion-dollar package instead of an open-ended Pandora's box where we might have done things which would drain money from other vitally needed areas, but really, frankly, accomplishing very little by having been expended. I am glad that there is agreement that that which is a part of the economic conversion package must be scored against the 050 account, the defense account, and that unless the programs which are presented in this conversion package qualify, under OMB scheduling or scoring for that purpose they would not be qualified and implemented.

Let me address my measure, that in the troops to teachers program that it was fine-tuned, as I understand it, per my suggestion that we could not implement this program whereby the Department of Defense would be paying dollars to former service personnel to teach science and math in the high schools if we were going to do it or implement it in a way that simply displaces existing competent teachers who are already in a classroom but who might be displaced because their replacements would be paid by the Department of Defense instead of the local school district. I am glad those provisions are in there, hopefully with that refinement.

Let me address those items which are of principal concern, however, that remain in and should be removed. This package would mandate on private employers and defense industries that they must have early separation benefits for their employees. This is something that I find appalling that the Congress of the United States would mandate upon private businesses whether or not they happen to be engaged in fulfilling defense contracts. I see nothing in this that relates to the problem that occurs when a Westinghouse or a General Electric, which fulfill many contracts not related to defense, and how it relates upon a mandate as to all of the employees of that company simply because they do defense contract work. I do not think that is feasible. I do not think that is fair. It does not serve the public interest. It will simply drive up the costs of doing business with the government as the defense contractor because of the burden we have imposed upon industry. It may even deter because of the costs which may not be fully covered by the Government companies from even being wiling to perform defense contracts for the government.

There are provisions in this package which were salutary in purpose, would mandate hiring preferences for civilian employees of the Department of Defense that would make them in a sense a privileged class among all other government employees as they go out and compete for jobs within the government sector as civil service employees. I do not think that is wise. I do not think that is discreet.

Mr. Chairman, this package needs to be scrubbed, it needs to be considered, and it needs to be limited to avoid these labor direct provisions, which it is not the prerogative of the Government of the United States to fairly impose.

Mr. FROST. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise in strong support of this amendment.

I want to commend the chairwoman, Mrs. BYRON, and the chairman, Mr. ASPIN for their hard work on this issue. I came to Chairwoman BYRON with a problem. Military personnel who lose their jobs do not enjoy equal health insurance coverage with their civil service counterparts. Currently, separated military personnel are allowed to continue their CHAMPUS benefits for either 60 or 120 days depending on their length of service. Following that, they are able to join a plan operated by a private insurer, usually for 3 month periods. The problem is that renewal of these policies is not automatic, and is subject to the willingness of the carrier to continue the insurance. Some members of the military can be forced out of the health insurance plan. The maximum an individual can stay in the program is for four periods, or 1 year.

During our tough economic times, 1 year may not be enough time for an individual to find employment, leaving the person and his family without health insurance coverage.

Chairman ASPIN and Chairwoman BYRON have included in this amendment a provision that will solve this problem. What they have done is to allow a 2-year demonstration project that will allow separated military the option to join the Federal Health Benefits Program [FEHBP] for up to 18 months, just as current civil servants can do under existing COBRA provisions. In order to be sure that this will not negatively impact the FEHBP Program, the committee has included provisions that provide the separated employee to pay the employee and agency contribution and administrative expenses. In addition, because of concerns raised that a problem of adverse selection might increase FEHBP costs, the Director of OPM is allowed to charge an additional surcharge if this program results in substantial increases to the FEHBP Program.

The bottom line is that this amendment will merely provide the same rights to military people suffering a separation as civil servants in the Department of Defense. It solves a critical problem in that military separatees cannot be assured of health care coverage for an 18-month period, should no other coverage be available. This is a significant step forward, and I commend and thank the chairman and chairwoman for working so closely with me to resolve this issue.

Mr. FROST. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise in support of the amendment by Chairman ASPIN to provide $1 billion for a defense reinvestment program.

This amendment is a very timely package as we begin to draw down our military complex. However, we must not forget those individuals who have joined America's frontline soldiers in preserving our security and peace around the world.

Those individuals I am speaking of are the thousands of Department of Energy workers who are facing the inevitable downsizing of the weapons complex.

Since November of last year, I have been working with my colleague, Representative SKAGGS, on legislation to help those DOE workers make the transition from weapons production/testing work to decommissioning and cleanup work and to civilian jobs.

For more than four decades, workers at our Nation's nuclear weapons facilities have worked with numerous radioactive materials under severe conditions.

These individuals did their part for a strong and secure defense policy. It would be wrong to treat those workers who have dedicated their careers to this difficult and sometimes dangerous national defense mission.

The amendment we consider today addresses their needs.

The package provides a work force restructuring plan that emphasizes worker retraining, education, and job placement assistance for those individuals seeking new jobs.

One area in the package that I believe is a perfect match is the retraining of those individuals from building weapons to cleaning up their facilities.

Retraining for environmental jobs is clearly a requirement that needs to be addressed. The highly skilled and disciplined employees, such as those at the Nevada test site, could benefit from this proposal. The Nevada test site, just as all DOE facilities, has a huge unmet need for environmental cleanup.

At the test site, a cleanup program is in the process of drilling 100 wells to track radioactive contaminants in ground water supplies and cleaning up ponds where contaminated wastewater has been stored. This is just one of the projects that can be performed which will lead to a complete cleanup of contamination from the weapons-testing program.

Mr. Chairman, we cannot abandon those individuals who have given so much to this country. I urge support of the Aspin amendment.

Mr. FROST. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the defense conversion package.

I would point out to my colleagues that the cold war is over. We spent $11 trillion to build weapons systems to fight World War III. Thank God that war never came.

Who won the cold war? Working America did. These workers built the finest weapons systems in the history of the world. But those very same workers who should be receiving a pat on the back are getting pink slips. That is wrong. The end of the cold war must not break the backs of American workers.

We must reinvest in America. Instead of spending billions of dollars on the B–2 bomber and SDI, let's spend money creating new jobs—and good jobs—here at home. That way the workers who won the cold war of the last 40 years will help us win the economic wars of the next century.

To win our next challenge, we need new answers and a new way of thinking. And we're certainly not getting it from the White House. George Bush and Dick Cheney have no industrial policy. Their only strategy is to fight defense cuts. That is a tragic miscalculation and a disservice to the working men and women of America.

I want to add my strong belief that this package should benefit all workers and all industries hurt by defense cuts. This includes closed military bases. The assistance must not focus only on private industry.

Military bases and their workers must be allowed to make the transition to other industries.

In my district in Philadelphia, the proposed closing of the Philadelphia Naval Shipyard can be a great opportunity. In addition to its work on Navy ships, the yard can work on countless numbers of other projects to rebuild America.

In that respect, I look forward to working with my chairman to ensure that communities hurt by military base closings will be eligible for the funds in this package. I applaud the work of Chairman ASPIN, Congressmen MCCURDY, and FROST, and Majority Leader GEPHARDT in developing this conversion legislation.

Support the American worker. Support the American economy. Support this amendment.

Mr. FROST. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, the fall of the Soviet Union and our victory in the cold war give this Chamber the unique opportunity to downsize the defense budget on a permanent basis. Unluckily, the sweet taste of victory is soured by the stark realization that tens, perhaps hundreds of thousands of service members and civilians now working in the defense arena will become unemployed. In communities around the country, from Massachusetts to California, businesses can expect cutbacks and layoffs in the face of continued base closures, contract terminations, and personnel reductions.

It is our duty to address these changes. The very workers and soldiers who spent the past 40 years fighting the cold war will soon find themselves in the unemployment line as a direct result of their great work. That clearly is not right: We ought to reward their efforts with opportunity, not unemployment.

And that's what this language proposes to do. Opportunity is offered in the $1 billion set aside for economic adjustment and conversion. We can provide former defense workers and military personnel the opportunity to share their knowledge with America's youth; we can reinvest our defense resources for economic growth in high-wage, high-technology industries. And we can aid those communities that will be devastated by the defense drawdown.

I would like to highlight one provision which targets small high-technology companies. The package before us today would expand the Small Business Innovation Research Program, which earmarks a percentage of Federal R&D funds for small business. In addition to doubling the percentage, it would emphasize the commercial potential in the SBIR project selection process, and expand the pools of available DOD funds. This provision is similar to one approved recently by the Small Business Committee, of which I am a member. SBIR has a definite role to play in defense diversification.

Mr. Chairman, now is the time to utilize our Nation's resources to bring about a new age of international relations and economic prosperity. The next best step is to reinvest the knowledge and technology of the defense industry for more peaceful pursuits. Thus, I urge my colleagues to support this important program at the full $1 billion authorization level.

Mr. HOPKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentleman from Kentucky [Mr. HOPKINS] for yielding this time to me realizing, quite a few months ago, that the 6,000 people in my district that are somewhat dependent or directly dependent on defense contracts were going to be in a difficult time because those contracts were being canceled that they thought were good for another 3, 4, and 5 years.

Mr. Chairman, my staff on the Committee on Education and Labor on the minority side, and my own staff and I sat down and developed a program which I presented to the Committee on Rules hoping that we could develop a bipartisan effort. After hearing the rhetoric here on the floor today, I realize I must be awfully naive because it was obvious that was not to be.

Nevertheless, Mr. Chairman, what I had hoped to do was present a program, which I did, to the Committee on Rules that would deal with this problem in relationship to the communities, in relationship to the businesses, in relationship to the dislocated workers, and also keep some of the talented people in place.

□ 1810

I have become very concerned here. I saw what happened after World War I when we had a rapid meltdown. I saw what happened after World War II when we had a rapid meltdown. I believe we are probably going to make the same mistake again. So I included in there keeping some line to these talented people, so if tomorrow we happen to need them very quickly, they are still in place.

Mr. Chairman, I was trying to use existing bureaucracies rather than creating new ones, because that is usually the big problem we have around here—we create another bureaucracy. We operate out of another department.

I also tried to lean heavily on JTPA, which is the Committee on Education and Labor's program and jurisdiction, modifying it, because at the present time, of course, these people we are talking about could not be trained through the program, but modify it so they could. That program is in place and could be used for that purpose.

For a while I was worried. I was hearing reports from the White House, from our side, and from the other side, that somehow or other they were going to take money from JTPA. We are now only covering 10 percent with the JTPA money we have of those eligible for training, so we surely should not take anything from them.

So my hope again was in this conversion effort we would have a bipartisan effort. We would rely on the existing programs that are out there. We would expand those programs. We would not create a lot of new bureaucracies. We would not create a lot of new ideas that could destroy the whole idea of conversion.

I would hope that when we are finished with all of this, that the Committee on Education and Labor will play a great role, both sides of the aisle, and we will come up with a program not creating new bureaucracies, not creating a whole new army out there, but, as a matter of fact,building on what we presently have, and modifying those laws so we can do the job that has to be done for the communities, for the businesses, and for the dislocated workers.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of the Aspin, Gephardt, Frost economic conversion amendment. This initiative will go far in assisting workers who are adversely affected by the build down of the defense establishment. A number of the elements of this package amend statutes within the jurisdiction of the Committee on Education and Labor. This amendment creates programs within the Department of Defense that parallel job training and employment and education programs administered by Departments of Education and Labor. In supporting this amendment, the Committee on Education and Labor in no way relinquishes its jurisdiction over the subject matter, programs, and statutes related to matters under the committee's jurisdiction established under House rules and precedent.

I submit for the RECORD a letter I have received from Chairman ASPIN reflecting this understanding.

COMMITTEE ON ARMED SERVICES,
Washington, DC, June 4, 1992.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This week the House will consider H.R. 5006, Department of Defense Authorization Act for Fiscal Year 1993. During consideration of the bill, I plan to offer an amendment providing specific details on how the $1 billion for defense reinvestment and economic conversion authorized in the bill should be spent. My amendment dedicates a significant portion of this defense reinvestment for economic growth package to job training and employment and educational opportunities for displaced defense workers.

The amendment which I will propose, in places such as Section 4325, amends statutes within the jurisdiction of the Committee on Education and Labor, including the Job Training Partnership Act. In addition, my amendment, in establishing programs for displaced defense workers, grants to the Secretary of Defense and the Department of Defense authorities parallel to those presently in law under JTPA and within the aegis of the Secretary of Labor and the Department of Labor.

Mr. Chairman, it is not my intention to circumvent or undermine the jurisdiction of the Committee on Education and Labor with respect to job training, employment and educational opportunities for displaced workers. On the contrary, I would prefer to employ existing authority to secure funding for statutes within your Committee's jurisdiction which would serve our shared goal of defense reinvestment for economic growth.

I have, by necessity, set out a Department of Defense-based job training, employment, and education program in order to ensure that funds appropriated to assist these displaced workers is counted toward the defense category of discretionary appropriations.

I am prepared to continue my work with you in sustaining the jurisdictional claim of the Committee on Education and Labor to the job training, employment, and education programs included in Department of Defense.

With kind regards,
Sincerely,

LES ASPIN,
Chairman.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. HOPKINS. Mr. Chairman, I yield 30 seconds to the gentleman from Mississippi [Mr. MONTGOMERY].

The CHAIRMAN pro tempore (Mr. Cox of Illinois). The gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 1 minute and 30 seconds.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the amendment and would like to comment on the merit of one of its provisions which establishes a new program of occupational conversion for separating service personnel affected by the downsizing of our Nation's Armed Forces.

Because of the force reductions, hundreds of thousands of servicemen and women will be leaving the active duty military over the next 3 years. The program authorized under subtitle D of title XLIII, the Service Members Occupational Conversion and Training Act of 1992, would provide the Secretary of Defense with an important, effective tool by which to manage this reduction in military personnel levels.

All of us are anxious to avoid imposing involuntary separations on those who have served with distinction in our Armed Forces. We prefer that those leaving active duty do so with confidence—looking forward to their future in the civilian job market. The current economic uncertainty and lingering recession, however, have discouraged many service members, particularly those whose military skills may not be easily converted to use in the civilian sector, from making the decision to leave active duty. The program established under subtitle D would diminish those concerns by providing military personnel affected by the drawdown with an opportunity for civilian employment and retraining.

Under this program, participation would be restricted to those discharged from service on or after August 2, 1990. The Secretary of Defense would provide an incentive for employers to hire and train former military personnel. In order to defray the costs of training, an employer would be paid up to 50 percent of a participant's starting wage, with a maximum reimbursement of $10,000. The cap would be $12,000 for a veteran with a service-connected disability rated 30 percent or greater.

Employers would be required to provide training for at least 12 months in growth industry occupations or those requiring the use of new technological skills.

The purpose of this provision is twofold: First, to provide an additional means by which the Secretary of Defense can manage the drawdown of the Armed Forces, and second, to provide additional forms of assistance to members of the Armed Forces who are induced or forced to leave military service because of the drawdown and need jobs.

I want to stress that the legislation requires that the program be implemented within 60 days. Servicemembers seeking civilian employment face serious challenges, and the opportunity for employment and retraining must be made available to them by the Secretary of Defense as quickly as possible. I also want to note that the Secretary has the option of enlisting the assistance of the Secretary of Veterans Affairs and the Secretary of Labor in implementing this program.

Mr. Chairman, the program established under subtitle D is an important part of the overall package, and I urge my colleagues to support it. This program will be very helpful to the Secretary of Defense in his force manning efforts and will provide the fine men and women serving in our Armed Forces the tools they need to ease their transition into the civilian community.

Mr. HOPKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I compliment the graciousness of my committee chairman, the gentleman from Michigan [Mr. FORD]. I only wish everything the gentleman said were true and accurate.

Folks, this is not how to do it. Let us be honest. There was no bipartisan cooperation among the Committee on Armed Services in the effort to write the defense conversion legislation. There was no cooperation between the Committee on Education and Labor and the Committee on Armed Services in trying to do this. And there was no effort to make this public. Because I can tell Members, this language was not available until the first thing this morning so someone could see what was in it.

Mr. Chairman, I would like to get up here and say this is a good amendment, and I would like to get up here and believe my words would make a difference. But I know that none of my colleagues have read this either, because it was not available.

I do not know if anyone recognizes what this is going to do. First and foremost, we have in here four mandates. First, that any defense contractor during the time period of this must provide automatic hiring preference for any displaced defense worker in that particular field.

We have in here a requirement that any defense contractor must have a listing of suitable employment openings with any local employment service office.

We have in here a requirement that any DOD contract must be given a 6-month notice before that contract is canceled.

I wonder what they are going to do if we decide in September that we are not going to appropriate the funds for that contract in the next fiscal year? I have no idea, because there is no provision in there.

Listen to this one: This bill would require that as a condition of any contract with a major defense contractor, they would provide the option of a special early retirement benefit to any employee who is laid off or terminated due to defense cutbacks.

Now, if those four mandates were not enough, listen to this: there is absolutely no targeting in this amendment at all. If some Members happen to come from one of those four States with 9, 10, and 11 percent unemployment, what are you going to say to your constituents when you go home and tell them that one of those States with major defense displacement, even though their SDA has 3, 4, or 5 percent unemployment, is going to get a part of this billion dollars?

We are not going to target one dime of this money to areas of high unemployment. We are not under this amendment going to target one dime of this money to areas of people with special job skills.

Mr. Chairman, let us step back for just a second. Let us take a look at the defense industrial establishment in this country.

Is there any Member in this room who does not believe that they tend to be the best trained, the best educated, and some of the best paid people in America? Most of those people have not only a baccalaureate degree, they have a master's or graduate degree. And we are going to give them priority for $1 billion in defense conversion here. We are going to tell all these individuals over here, displaced and disadvantaged workers in our society with one or two barriers to employment, that they do not get the money.

Mr. Chairman, you are about to create the greatest defense boondoggle of all time because we are unwilling to sit down in this Congress and take the experience we have in the Committee on Education and Labor with training and retraining programs, and sit down with the Committee on Armed Services and do what you are trying to do properly in the defense industrial conversion area, and see if we can come up with an efficient, comprehensive delivery package.

Mr. Chairman, this does not do it. Regrettably, what we are going to do is create a situation where we do not serve those who most need that service among us.

Mr. Chairman, I plead with my colleagues. Later in this discussion the gentleman from Alabama [Mr. DICKINSON] is going to offer an amendment. He is going to offer an amendment with only 10 minutes debate. But he is going to talk about the fact that probably these mandates of 6-month notice and automatic rehires ought to be optional, not mandatory, especially when you get into the area of mandatory early retirement programs for any displaced worker. Think what that means to a pension.

□ 1820

He is also including within his amendment a provision that says we ought to target the Job Training money to those areas of highest unemployment and to those people who are in greatest need of skill training and retraining.

That, my friends, begins to make sense and puts some sense into this effort. I encourage my colleagues to support it at that time.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Wisconsin [Mr. ASPIN].

The change in world order resulting in the decreased need for defense programs will require significant downsizing in uniformed and civilian defense personnel within the Federal Government. Although I am grateful that it has become necessary to take these steps, there will be adverse effects on more than just the hardware of war. These actions will require changes for the workers of the Department of Defense—not just our uniformed personnel, but the civilian personnel as well. In order to overcome some of the hardships and to ease the impact of this transition on Federal civilian employees, the Committee on Post Office and Civil Service, by a vote of 20 to 0, approved H.R. 4991, the Displaced Federal Employees Assistance Act of 1992. As a result of the cooperation of my colleague, the gentleman from Wisconsin, the chairman of the Armed Services Committee, this amendment incorporates my committee's legislation.

Approximately half of all Federal civilian personnel are employed by the Department of Defense. As a result of downsizing, DOD will eliminate 44,000 civilian positions in fiscal year 1992, 43,000 in fiscal year 1993 and almost 250,000 positions before 1997. The General Accounting Office does not think that DOD can achieve these reductions through attrition and a freeze on hiring. As a result, DOD will be forced to initiate involuntary separations.

This amendment provides essential programs to ease the adverse effects of these reductions. Enactment of this amendment will minimize the number of employees who must be involuntarily separated; will ease the transition for those who are separated; and will enhance their ability to find new positions in the Federal Government.

Specifically, this amendment provides a temporary authorization by which the Secretary of Defense may offer lump sum payments equal to 6 months pay to encourage employees who are eligible to retire to do so. It includes a temporary requirement to ensure that the Department of Defense provides adequate notice to affected employees and their communities of impending separations. It establishes a temporary obligation on the part of DOD to continue to pay the Government's share of the Federal employees health insurance premium for 18 months after an employee has been involuntarily separated due to a reduction in force. Finally, the amendment ensures that the Office of Personnel Management does a better job of informing the separated workers of employment opportunities within the Federal Government and guarantees that displaced DOD employees will receive full consideration for vacancies in other Federal agencies.

These provisions are designed to provide limited, but essential, assistance to DOD civilian employees within the limits imposed by the budget agreement and the budget enforcement procedures.

Our Nation stands to benefit from downsizing. But unless steps are taken to alleviate the immediate impact on DOD civilians, and uniformed personnel, and workers in defense-related industries, the short-term consequences of downsizing will be disastrous. If we genuinely care about the welfare of Federal workers, we owe it to these men and women to adopt the provisions of this amendment.

Mr. HOPKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. MACHTLEY], a valued member of the full committee.

Mr. MACHTLEY. Mr. Chairman, I believe it is an important topic and it is an important issue that we should address today, how we transition from an economy which in many cases has been driven by the defense budget and must transition to one which is driven by civilian demand. But I think we must also recognize that this country has never done a particularly good job in making that transition.

If we look historically after World War II, the defense spending fell 90 percent. While there was an enormous demand which absorbed the employees who were no longer employed in defense, we never had an effective plan for transition.

After Vietnam, the defense spending terminated about 400,000 jobs. Again, we never had a particularly good plan. And when it became necessary to reconstitute our military, conversely we did not do that very well.

I think we should look at what happened between 1985 and 1992. In fact, the defense budget has already gone down 23.7 percent in the last 5 years. If you look at the President's budget, we can expect at a minimum the defense budget will go down another 14.6 percent.

Why then, if we have had historical downsizing of the defense budget, is it necessary for us to try and figure out how to make this transition?

I think the reason is simple. Our economy is not good. Despite many good intentions and despite many good programs, there is no silver bullet to solve this problem. The best approach to helping a transition from a defense-oriented economy to one which is civilian oriented is a good economy, and right now we do not have a good economy.

In fact, we have an uneven distribution of unemployment rates. In 1991 there were 6 million people employed by the defense industry. In my State we have 2.7 percent of the employment defense related. We must, in fact, work in these programs at the beginning and not the end.

It is my hope that every Member who looks at this program will not consider this to be the resolution of the problem but only the beginning. Next year the problem will be even greater.

I would like to suggest that as we look at this, we offer a few suggestions, as we try and figure out how to approach this issue.

First, the program must be decentralized, and it must force the issue down to the lowest level. That is the community. There will not be a universal downsizing across this country.

It will have impacts which are uneven across this country. We must go to the communities which are impacted the most.

Second, the ideas in the programs which we adopt must be universal. They ought not to just apply to defense-related industries.

It is in this area that I suspect we could do a little better, and that is why I intend to support the Dickinson-Hopkins amendment because we are merely looking at defense industry and not generally across the board.

Also, we must look at proactive programs. What we have done poorly in the past is predict what is going to happen. We know how we are going to downsize. Let us help our industry and communities and personnel who are now employed in defense-related industries to anticipate their downsizing.

Finally, I think it is important that we get the academic world involved here. We have lots of experts out there. I am delighted to see that as part of this we now have a Center for Defense Economic Adjustment, which will help us as we come back here next year and try and move forward with an additional sum of money to help the community.

I would suggest there is no special program. There is no single idea which is going to help the transition. A good economy is the best thing we can do.

I trust that we will all work to that goal and that this is just the beginning and that while we can support this program as a start, we will recognize it is not the end.

Mr. FROST. Mr. Chairman, we would like to call on a succession of speakers to equalize the time or to attempt to equalize the time.

Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, we are about to witness a singular moment in the Nation's history. We are redefining the term "national security."

That is what the Committee on Armed Services has managed to do. We are redefining what national security is, and we are going to redefine it on behalf of the American people.

We are reallocating savings within defense for the conversion on behalf of those who will be affected in all sectors, civilian and military.

This is a great day for America. We should march in here, cheering and singing and clapping, and vote this amendment through.

I see some Members of the minority. Now they are getting religion about unemployment. They are worried about displaced workers all of a sudden. Congratulations. Thank you for joining up with this great crusade.

Today is the day we are going to do it. We are converting to peace in America, and it is a great, great day.

Let us vote this baby through right now.

Mr. FROST. Mr. Chairman, I would like to yield to several Members to more equalize the time.

Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, I want to add my accolades to the gentleman from Texas [Mr. FROST] for the fine work that he has done. This is an historic moment because there is a recognition now within the confines of this bill that a strong defense means a strong economy, that to have a strong economy, we need to recognize the contributions that have been made by the defense industry.

We need to make sure that our industrial base remains strong. This bill does that.

We need to make sure that the workers who helped us to win the cold war are not left out in the cold. This bill does that.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I rise in support of this amendment to provide $1 billion for economic conversion.

Over the past decades the United States has invested heavily in building up and maintaining the world's most powerful military. But while we're developing the most powerful military the world has ever known, we have allowed the world's preeminent economy to deteriorate. Federal investment that should have been used to promote economic growth and development went instead to develop the B-2, the MX, SDI, and a host of other mighty weapon systems. Vast amounts of Federal research dollars and the Nation's best scientists and engineers flowed into the development of these new and ever more destructive weapons. However, as we developed these weapons our civilian research and production suffered, and we watched other nations take the lead in critical new technologies and industries.

As the threat that provided the justification for this massive military buildup has disappeared, it is time we produce a defense budget that accurately reflects the threats that still exist. We must refocus our resources toward long neglected domestic needs. However, this reduction will cause real economic pain unless we develop a plan for postcold war spending.

A plan to convert defense industries we will also provide a unique opportunity to reinvigorate the Nation's economy. Billions of dollars can be invested in the productive infrastructure of the Nation; we can improve roads and bridges, increase assistance to our schools, and bolster our health care system.

These investments will strengthen the economic foundation of the United States, providing the base upon which we can build a robust economy. Reduced defense spending and a more National policy of Federal investment will allow the expertise of those engineers and scientists and the advanced technical skills of defense workers, who until now have been devoted to building new bombers, tanks, and missiles, to begin shifting their talents to the work of developing new productive civilian goods.

There have been calls to slow the reduction in the defense budget to soften the blow to communities and workers that have become dependent on defense spending. When the Congress considers how the Nation should spend for defense we should be debating how much is needed to provide the Nation with an appropriate level of security, not about the number of jobs that will be lost. The defense budget is not, and should never become, a jobs bill.

This is not to say that we should walk away and abandon those workers whose livelihoods have been based upon the production of defense weapons and systems. We must not. If we are to restore the Nation's economy to its former strength and vibrancy, we must employ the technologies developed by military contractors, and supported by Federal dollars. In brief, this Nation needs a strong and comprehensive program of economic conversion.

This amendment is an important and valuable development, but it must be only the first step, a downpayment on the tasks that lie ahead of us. This must be the start of an effort that continues in the years to come.

For many years, I have been introducing legislation, the Defense Economic Adjustment Act, that addresses the very issue that faces us today. An essential element of my legislation is the recognition of the need for advanced planning. To adequately address an issue of this magnitude it is necessary to have formulated a plan, a course of action, for what to do when the defense dollars stop flowing. What will a defense manufacturer do when its contract is canceled? What economic activity remains for a community when its military base has closed down? These are questions that must be addressed if severe economic dislocation is to be avoided. If we as a nation had seriously started thinking about the consequences of large cuts to the defense budget in years past, or even 1 year ago, the economic transition the Nation must now make would be that much easier.

The reduction of the defense budget may cause significant pain for the Nation; but it also presents us with a rare opportunity. We must find a way to assist the soldiers who will soon be leaving the armed services, the many thousands of defense workers who already have, or will soon, lose their jobs. We must be prepared to address the crippling job losses and community devastation that can occur when a major defense plant or military installation is closed. But we must also be ready to seize this defense downsizing to construct a framework of reinvestment and growth for the American economy.

The amendment that we consider today is a good start to the great task that lies ahead of us. One billion dollars is a significant sum of money, but it will take more dollars and continued effort if we wish to avoid severe economic dislocation and address conversion in a meaningful manner. I support this important first step and urge my colleagues to vote for the Aspin-Frost-Gephardt amendment.

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Mr. FROST. Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise today in strong support of the Aspin-Frost-Gephardt amendment on economic reinvestment.

There are many issues before us as we decide the best allocation of funds within the Department of Defense. I remain particularly concerned with the downsizing of this country's defense industry. As we begin to assess our security needs in the post-cold-war era, I believe Congress must take steps to ensure that important components of our defense infrastructure are not abandoned.

While I wish that more resources could be dedicated to this problem, this package begins to address many of those concerns. I would like to speak for a moment about several provisions in this amendment which I am pleased to say are very similar to proposals which were included in my own economic conversion legislation.

This amendment authorizes over $200 million of Defense Department resources for the research and development of technologies with dual-use purposes. This program would promote creation of new Government-private sector consortia to develop critical technologies with both military and civilian applications. Not only would Federal and private funds be available to these groups, but they would also have access to Federal laboratories operated by the Department of Defense.

Steps must be taken to create and exploit new fields of research in order to continue challenging the many individuals whose skills will no longer be needed in the defense sector. This proposal is a positive beginning.

This amendment would also create a temporary Assistant Secretary of Defense for Reinvestment. This individual would be charged with overall supervision of the implementation of economic reinvestment programs.

With the level of defense cuts being discussed and the uncertainty of cuts in years to come, it is imperative that one agency be responsible for overseeing the transition to an economy much less dependent on defense dollars. Most firms have never experienced a downsizing of this magnitude and will need guidance. Because of the Secretary high-level position in the Defense Department and detailed knowledge of impending layoffs, he or she will be able to provide this guidance.

An early notification provision is also included. Too often, we hear of firms trying their best to evade their duty to notify workers of impending layoffs at the earliest possible date. Under provisions of this legislation the Secretary of Defense would be required, to the extent possible, to provide 6 months advance notice to a defense contractor of any cancellation or substantial reduction in a defense contract that will adversely affect the defense contractor. All employees would then have to be notified within 2 weeks of that time.

Without our help, those communities, workers, and industries that made it possible to win a ground war in 100 hours will be left to fend for themselves as the defense budget shrinks.

The cold war ended during a recession. That is reality. But does this mean we can simply wait out the bad times and hope for the best? Only innovative and far-reaching leadership and concrete planning will allow us to successfully deal with this problem. This amendment helps start us down that path.

Mr. FROST. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is a worthwhile approach to our solution for defense conversion.

The Defense authorization bill of fiscal year 1993 includes $100 million matching fund for Sematech, the semiconductor manufacturing consortium in Austin, TX. DARPA matches this sum. Sematech was established 5 years ago by Congress and has, by producing excellent results, earned another year of funding. Sematech is an important national program which helps American competitiveness, and I want to touch on a few reasons why Sematech is a strong program, worthy of our enthusiastic support.

SEMATECH WORKS

VLSI Research, Inc., a respected and impartial observer of the semiconductor market, recently reported that the U.S. semiconductor equipment industry has reversed its decline in market share. Last year the U.S. semiconductor industry gained 3 percent in world market share, from 38 to 41 percent. VLSI stated that the turnabout represents "a noteworthy milestone for Sematech, which has been working closely with all of these companies to improve American manufacturing."

SEMATECH CREATES AMERICAN JOBS

Last year, Motorola opened up a $650 million semiconductor chip fabrication facility in Austin, TX. Early in the planning stages, Motorola anticipated having to use 75 percent foreign equipment for the plant. By the time the plant was completed, Motorola was able to use 80 percent American equipment for the plant. Both National Semiconductor and Intel have credited Sematech with improving the quality of American semiconductor equipment to the extent that both companies have dramatically increased their purchases of American equipment. In short, Sematech has helped keep high-wage jobs in America.

SEMATECH HAS THE RIGHT VISION FOR THE FUTURE

Sematech's new mission for fiscal year 1993 and beyond is to create fundamental change in manufacturing technology so that U.S. semiconductor companies have the flexibility to maintain world class status. Three trends mark the future semiconductor manufacturing facilities: complexity, high cost, and the need for flexibility to respond quickly to market demand. Sematech's focus on these areas in its future factory design effort will pave the way for a competitive semiconductor industry in the 21st century.

THE CUSTOMER IS ALWAYS RIGHT

The Defense Advanced Research Projects Agency [DARPA] has consistently been pleased with Sematech and have supported extending Sematech. Every major weapons system, from the F–18 to Tomahawk and Patriot missiles to advanced military communications systems, uses technology on which Sematech works. Sematech's member companies have already agreed to put $100 million into the consortium for next year. DARPA and private industry have been enthusiastic in their support for Sematech.

Chairman ASPIN and the Armed Services Committee are to be commended for supporting the continuation of Sematech, and I urge Members to support the bill.

Mr. FROST. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Chairman, I am proud that I helped craft this amendment, and I congratulate the gentleman from Texas [Mr. FROST] and his strong leadership. The gentleman from New York [Mr. DOWNEY] is right; the men and women who won the cold war must not be left out in the cold. We need them, we need their skill and their creativity. We need all the resources, all the hopes, all the help of returning servicemen and servicewomen, and displaced defense workers alike, if we hope to survive and succeed in this new world. This amendment is just the beginning, but it is a beginning.

Mr. FROST. Mr. Chairman, I yield 30 seconds to the gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Mr. Chairman, a recent CBO report found that the St. Louis metropolitan region, which my colleagues from Missouri, Mr. CLAY and Mr. GEPHARDT, and I represent, was one of the most defense-dependent communities in the United States. Over 160,000 jobs are directly or indirectly sustained by defense spending, producing more than $4 billion annually in wages and salaries. Within the last 2 years tens of thousands of these good jobs have been lost.

This amendment helps the American taxpayer and our good American workers start to get a return on the investment of the hundreds of billions of dollars that have gone into defense-related technology. We need to bring those into the commercial sector.

Mr. Chairman, I rise in favor of this amendment and to commend the chairman for his work to redirect defense thinking. This is a very bold undertaking. The priorities outlined here show the realities of a new world.

The amendment we are now considering redirects $1 billion in DOD savings to programs that will reinvest in economic growth in the United States. This is critically important to revitalizing our Nation's economy. A solid manufacturing base is essential to securing our global competitive edge and maintaining our standard of living. And it is essential to ensuring we have an industrial base capable of supplying the defense needs of this country should the realities of today's world drastically change.

I am very pleased that the bill will contain $75 million to implement programs included in legislation I introduced last year and again this year. These provisions instruct the Secretary of Defense to enter into partnerships with industry to work with dual use technologies, such as microelectronics, special materials, and robotics, to integrate U.S. commercial and defense needs. It also directs DOD to set up regional critical technology applications centers to work with industry and State and local agencies. These strategies are essential to commercialize new technologies, in this country, for both our economic and military security.

In St. Louis, we have structures in place to convert defense technologies into commercial products; what we need are the resources to complete this task.

A recent CBO report found that the St. Louis metropolitan region—within which my district is contained—was one of the most defense-dependent communities in the United States. Over 160,000 jobs are directly or indirectly sustained by defense spending—producing more than $4 billion in wages in salaries. The report focused on McDonnell Douglas, our major prime contractor, but also highlighted that the over 600 prime contractors and subcontractors in the region "might not be able to stay in business" unless they are able to find new customers.

In 1990, McDonnell Douglas announced plans to immediately lay off 4,500 workers in St. Louis due to defense drawdowns. Another 5,000 people were terminated after the A–12 contract was canceled in January 1991. Local leaders, cooperating with DOD's Office of Economic Adjustment, set up the St. Louis Economic Adjustment and Diversification Committee to plan and coordinate strategies leading to the diversification and growth of the St. Louis economy. This community-based effort sorted through the research and recommendations—not to mention the bureaucracy—to initiate reemployment and diversification efforts. The St. Louis effort has been described by DOD as an effective model that can succeed in promoting diversification if the resources are available.

Mr. Chairman, a strong defense infrastructure demands a strong industrial base. Spending funds for this purpose is an appropriate and needed aspect of the new realities of today's world. I ask my colleagues to support this vital amendment.

Mr. FROST. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island [Mr. Reed].

Mr. REED. Mr. Chairman, I want to first commend the gentleman from Wisconsin [Mr. Aspin], the chairman, and the gentleman from New York [Mr. Frost], for their leadership. I rise in strong support of the amendment. The Aspin reinvestment package is a long-overdue recognition from Congress that this Nation cannot truly declare victory on the homefront until we have revived real long-term employment opportunities for American workers. It is our first real downpayment on the peace dividend.

Mr. Chairman, I rise in strong support of the reinvestment package developed by the House Armed Services Committee in conjunction with the leadership task force led by Mr. Frost.

Mr. Chairman, as an active member of the task force, I am well aware that this amendment is not a panacea for the thousands of American working men and women facing defense cuts. It is however, much more than the President would provide for these heroes of the cold war. Like many of my colleagues, I view this amendment as a down payment on the peace dividend and I look forward to working with Chairman Aspin and others on new initiatives in this area.

I am particularly proud that this amendment includes two proposals I suggested. My first proposal would authorize a high-technology research and development program for environmental cleanup with an emphasis on robotics and oceanographic/marine technologies. This program includes the formation of a public/private consortium to develop new technologies, such as robotics and containment techniques, to meet the specific cleanup needs of the Department of Energy and the Department of Defense.

The cold war while impacting our economic standing, has also deeply affected the environment. Nowhere is this environmental devastation more visible than at the many DOD and DOE sites in need of massive environmental cleanup. By getting a head start on new technologies, We have the ability to not only clean up America, but to become world leaders in the growth area of environmental remediation.

The second important element included in the reinvestment package is language which ensures that any technology extension program authorized by this legislation would allow Rhode Island—and other States that do not currently have an extension program in place—to start such programs. A technology extension program, modeled on the existing agricultural extension service, will help defense dependent manufacturers, especially small firms with some civilian customers already, develop and market new products with the potential for economic growth.

There are many more reasons to vote for this package: an increase in loan guarantees for companies trying to diversify, an expansion of the Small Business Innovation Research Program, a more responsive system of job training for defense workers and veterans, and much more.

The Aspin reinvestment package is a step forward to help this country move from military confrontation to economic competition. It is a long overdue recognition for Congress that this Nation cannot truly declare victory on the homefront until we provide real, long-term employment opportunities for American workers that have been impacted by defense budget cuts.

I urge my colleagues to join me in supporting this amendment and supporting the workers who played an important role in our victory in the cold war.

Mr. FROST. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama [Mr. Browder].

Mr. BROWDER. Mr. Chairman, I rise to support this legislation and to congratulate the gentleman from Texas [Mr. Frost] and the task force, the gentleman from Wisconsin [Mr. Aspin], the gentleman from Oklahoma [Mr. McCurdy], the gentleman from Massachusetts [Mr. Mavroules], of the Committee on Armed Services, and the staff of the Committee on Armed Services. This is indeed a breakthrough in national defense, and it is a day for all of us to be proud.

Mr. FROST. Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut [Ms. DeLauro]. I believe she plans a colloquy with the committee chairman, the gentleman from Wisconsin [Mr. Aspin].

Ms. DeLAURO. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. Aspin] for entering into this colloquy regarding the $75 million loan guarantee assistance program for defense small businesses contained in the reinvestment amendment.

It is my understanding that the package will also fund administrative defense diversification programs that agree to provide small defense companies with business and marketing planning assistance. This is important in that it will help many small businesses who might otherwise be unable to develop successful diversification plans to do so in support of their requests for loan guarantees.

I would ask the gentleman from Wisconsin, is my understanding of the intent of this part of the amendment correct?

Mr. ASPIN. Mr. Chairman, will the gentlewoman yield?

Ms. DeLAURO. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, yes, the gentlewoman is correct. An important feature of our package is the help that it provides and that it makes possible for these defense-dependent small businesses.

Ms. DeLAURO. I would ask the gentleman, is it also correct that the Assistant Secretary of Defense for Reinvestment designated in the amendment is required to coordinate efforts with the appropriate Federal agencies, such as the Small Business Administration?

Mr. ASPIN. If the gentlewoman would yield further, the gentlewoman is also correct on that point. The Members can be sure that we will work in conference to maintain and enhance these important provisions in the final bill.

Ms. DeLAURO. Mr. Chairman, I congratulate the gentleman from Wisconsin, the gentleman from Texas [Mr. Frost], and the majority leader for their vision and leadership in this amendment.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. Skaggs], who also wishes to enter into a colloquy with the chairman of the committee.

Mr. SKAGGS. Mr. Chairman, I want to thank the authors of this amendment for accepting my proposal dealing with the DOE's defense nuclear workers, who have made a great contribution to our success in winning the cold war. In that connection, I would like to engage the chairman in a brief colloquy about section 4314 of this amendment.

Subsection (c) gives the Secretary of Energy guidance and lists measures that should be included. The intent of this amendment is to require the Secretary to be guided by each element in preparing the plan. Is that correct?

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Yes, the gentleman is correct.

Mr. SKAGGS. And subsection (c) further calls for assistance to terminated employees. I think we should make clear that this assistance is intended for employees who will be terminated, not just after they have been laid off. Again, is this a correct interpretation?

Mr. ASPIN. If the gentleman would yield further, the gentleman is correct also on that point.

Mr. SKAGGS. I appreciate the chairman's colloquy on this point.

Mr. Chairman, I want to state my strong support for the Aspin-Frost-Gephardt amendment on defense reinvestment and economic conversion activities. I especially want to highlight one provision of the amendment that addresses the difficulties Department of Energy defense nuclear workers now face. That provision, drawn from the defense nuclear workers' bill of rights which I introduced last November, has been refined through the efforts of Representatives TONY P. HALL, SID MORRISON, RICHARD STALLINGS and others. I urge the House to support it.

As we enter the postcold war era, we cannot forget that one reason we enjoy this unprecedented opportunity for real peace is the dedicated effort of tens of thousands of defense nuclear workers like those at the Rocky Flats plant in my district. Many of these workers, however, will soon be caught up in the downsizing of the weapons complex. Their future is clouded; for some of them, the new world order could mean unemployment and the upheaval that goes with it.

I think it's necessary to point out that defense workers at sites like Rocky Flats are no different from uniformed or civilian employees of the Department of Defense. They have all served their country by providing for our national defense; and when they lose their jobs, they suffer, their families suffer, and their communities suffer.

I see the frustration of these men and women firsthand at Rocky Flats. DOE has announced that the work force will be cut nearly in half over the next few years. But, so far nothing concrete has been put in place to ease the transition these workers will face when jobs begin to disappear. The Department of Energy has issued important, general assurances about retraining and relocation assistance, but a specific transition plan for Rocky Flats is still on the drawing board.

And although I focus on the facility most familiar to me—Rocky Flats—these are problems that face defense nuclear workers at Fernald, Savannah River, Hanford, INEL, and throughout the weapons complex.

I am happy to say that the Aspin-Frost-Gephardt amendment contains a comprehensive provision to deal with the problems defense nuclear workers face with the downsizing of the weapons complex. It lets them know that their contribution to our Nation has been respected, not just with words but with real practical assistance. This portion of the economic conversion amendment will require DOE to:

Minimize layoffs through the use of retraining of employees, early retirement, attrition, and other options;

Provide first preference to current DOE employees when filling new positions—for environmental cleanup, for example—in the weapons complex;

Retrain employees when needed for new DOE jobs;

Provide relocation assistance to employees who choose to transfer to openings at other facilities;

Assist DOE employees who are to be laid off in obtaining employment retraining, education, and reemployment assistance; and,

Provide local impact assistance to communities affected by the restructing plan being developed by DOE.

DOE will be required to submit to Congress a plan to carry out this program within 180 days after the enactment of the Defense authorization bill, and to update the plan each year. In developing the plan, DOE is directed to consult with representatives from State and local governments, employee unions, State and local educational institutions, community groups, and the Secretary of Labor. To facilitate transition efforts, employees at the defense nuclear facilities and nearby communities will be entitled to at least 120 days notice prior to any major reductions in work force.

For more than 40 years, workers at the Nation's nuclear weapons plants have been among America's frontline soldiers in the cold war. The Federal Government has a moral obligation to assist these workers, and the communities where they live, as we cut back the production of nuclear weapons.

The approach I'm proposing in this amendment will provide as smooth a transition as possible for defense nuclear workers displaced by the downsizing of the nuclear weapons complex, addressing their specific and special problems. I urge my colleagues to demonstrate how much they care about the defense nuclear workforce—just as through the years they have spoken proudly about our uniformed defense forces. Do the right thing: support the Skaggs proposal be adopting the Aspin-Frost-Gephardt economic conversion amendment.

I do regret, however, that we did not take the opportunity afforded by this bill to address another major concern of some defense nuclear workers who lose their jobs—the difficulty they face in obtaining new jobs due to past exposure to radioactive and other hazardous substances.

The particular hazards of exposure to plutonium and other radioactive materials—the most toxic substances know—bring special health concerns. Long-latency periods for many radiation-caused diseases further complicate the picture. And that is aggravated by a great deal of popular misunderstanding about the real risks involved. With the skyrocketing cost of health insurance, with the prejudice and misinformation about radiological health effects, and with a soft economy, most companies are not going to put their health insurance plans at risk or endure huge premium increases by hiring nuclear workers with potential health problems. This is what former DOE nuclear weapons workers now face, and the problem will only grow.

That's why I had proposed that we address this unique predicament by requiring DOE to fund a health reinsurance program for former defense nuclear workers who have suffered significant radiation exposure or have worked a substantial period in so-called hot facilities. I believe that this is necessary to ensure that these workers have a real chance at finding new jobs. I am disappointed that the rule did not enable us to address these concerns in this bill.

Mr. FROST. Mr. Chairman, I would inquire of the Chairman how much time remains for each side.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The gentleman from Texas [Mr. FROST] has 4 minutes remaining, and the gentleman from Kentucky [Mr. HOPKINS] has 2 minutes remaining.

Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gracious gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, on July 30, 1991, the House voted by an overwhelming margin to approve the Base Closure Commission's recommendations for the latest round of base closures. This vote was very important, apparently more important than many Members of this body seem to realize.

We were not simply deciding to shut down military bases and to reduce spending. We were taking on the enormous responsibility of ensuring that the communities which have benefited from military bases were able to adjust to life suddenly without millions of dollars' worth of investment in their community. We were voting to guarantee that the Federal Government would do everything within its power to ease this painful transition, not to leave them out on a limb without appropriate Federal assistance. As I said on the floor before we voted, our responsibility did not end with that legislation. It was just beginning.

I offer these words as a caution to my colleagues in the House. Our experiences with this process in Maine could be visited upon you and your constituents if there is a military facility in or near your districts, because there will be two more rounds of base closures to come, in 1993 and 1995.

A fundamental element of the Congress' role in the closure process was oversight of the military to make sure that it lived up to its own important commitments. And I can tell you, based on my own experiences with the closure of Loring Air Force Base in Limestone, ME, that the military needs very close monitoring.

I am sorry to report that the Air Force has consistently abdicated its responsibilities to the local communities at Loring.

It all began, of course, with a hideously flawed closure process in which noncriteria such as quality of life came to play a bigger role in determining the closing bases than operational flexibility or geostrategic location. But since last year, the Air Force has thrown up one obstacle after another to aggravate an already severe economic situation at Loring. These obstacles well likely preclude a timely and orderly transition to civilian life for the communities near Loring.

Perhaps the key impediment to conversion of Loring Air Force Base is hazardous waste contamination. Loring, like some other bases, is on the Superfund national priorities list of the Nation's most contaminated sites.

No business in its right mind is going to invest its money in a Superfund site. Hazardous waste contamination is a glaring disincentive to investment, and thus to conversion and redevelopment.

One would think the Air Force would have recognized this fact and accepted the responsibility that goes along with it; certainly I and other members of the Maine delegation made the point to them on numerous occasions. And at first, in announcing plans for accelerated cleanups, it appeared that the Air Force may have understood. But the message, obviously and unfortunately, did not get through.

All of the rhetoric in the world can't clean up acres upon acres of contaminated soil and groundwater without money. Funding is the preeminent indicator of commitment. On this count, the Air Force has effectively disregarded the communities around Loring.

Last year, a lack of clear communications between the Defense Department, and the authorizing and appropriations committees resulted in a completely chaotic situation in which funding for environmental cleanups at closing bases was restricted. The Air Force made the worst of a bad situation.

Thanks to strict interpretations of the law, it shut off the spigot of cleanup funds, and Loring's restoration project, and the projects at other bases, ground to a halt. Sensitive to the severe implications of this delay, the Maine delegation met with the Secretary of the Air Force to request a reallocation within the closure account so that high-priority, time-sensitive projects like Loring's cleanup could be funded. We, and the communities around Loring, were completely stonewalled.

This refusal to cooperate will cause delays in the conversion of Loring, and lead to even greater economic hardship. The Air Force has reneged on its responsibilities and ignored its commitments, and my constituents are the ones who will suffer, even though they gladly cooperated when the Air Force decided to originally build Loring AFB in Limestone.

Mr. Chairman, we in the Congress had an opportunity with this year's Defense authorization to make sure that these kinds of problems would not be repeated. Earlier this year, I introduced a bill, H.R. 4421, on defense conversion which addressed these and some of the other problems with the conversion process.

I am pleased to see that some of my concerns have been addressed in the Aspin-Frost-Gephardt amendment before us. And, I would like to comment on a few of the provisions in this economic conversion amendment that are worthwhile.

Specifically, this amendment contains provisions that give a hiring preference on Defense Department contracts to displaced defense workers with the appropriate skills. The Aspin-Frost-Gephardt amendment also increases the funding level for the Defense Department's planning grants to State and localities from its Office of Economic Adjustment. These two provisions will be very helpful to communities trying to recover from a base closure.

But the key problems, the ones that have the greatest potential to stifle economic redevelopment, will not be remedied by this measure.

One of our colleagues, Mr. CONDIT from California, brought an amendment to the Rules Committee which would have helped to guarantee that bases are clean before the DOD pulls out and leaves an economic void. Specifically, his amendment would have required that the DOD complete 75 percent of a cleanup project before a base can be closed or operations substantially reduced; within 2 years of cleanup, all restoration would be finished. The Condit amendment was similar to a provision in my bill, H.R. 4421, and I firmly support his approach.

Yet, the Rules Committee decided that this amendment would not be in order, and this body missed an opportunity to reaffirm its commitment and its obligations to closing base communities.

Another important conversion issue is local contracting for these multimillion dollar restoration projects. In my bill, qualified local contractors would be given preference for cleanup contracts to keep federal investment in the communities as long as possible. Unfortunately, this issue remains unaddressed in the conversion package.

The pressing needs of local communities facing a base closure are not being fully addressed by this amendment. Consequently, the people in Aroostook County, ME. and many other parts of the country who have to live with the consequences of our lukewarm commitment to conversion.

In addition, to the cleanup provisions, I have proposed that any economic conversion legislation include provisions that give the local towns and communities around a closed military base the first option of claiming the base and its facilities. Under current law, each agency and department of the Federal Government is given an opportunity to claim portions of a base or its facilities, before the base is turned over to the local community for reuse. The chances of a local community developing a reuse plan will be enhanced if the community does not have to worry about federal agencies and departments picking and choosing which facilities on a closed military base they want to use, and leaving to the community any leftovers.

Also, I have proposed that the Defense Department develop a program that would help both military and civilian employees obtain credit for personal, consumer-type loans once the decision to close a base has been reached but prior to its final implementation, because frequently once the initial base closure announcement has been made, these individuals are denied credit by most lenders.

Finally, I have suggested that the manner in which the U.S. Army Corps of Engineers is administering its Homeowners Assistance Program [HAP] be modified to better serve military and Federal civilian employees who are forced to relocate due to a base closure.

In particular, the Army Corps of Engineers should pay up to 90 percent of the fair market value of the employee's home, instead of the current level of 75 percent, which devastates the local real estate market. In addition, the Tax Code's treatment of HAP funding should be modified. Instead of considering these benefits as earned income, HAP assistance should be considered as income earned from the proceeds on the sale of a home for tax purposes.

Once the House adopts H.R. 5006, I intend on working with Chairman ASPIN and the House conferees during the conference committee with the Senate to address my concerns about economic conversion legislation. It is essential that the final version of this bill contain a comprehensive, viable economic conversion title.

The Congress has a long-term responsibility to provide as much assistance to the local communities affected by military base closures as possible. Our responsibilities did not end when the Base Closure Commission's recommendations were implemented. To the contrary, they have only just begun.

I will be working diligently to ensure that the Congress fulfills all of its responsibilities to them on this important matter. All of the people who are being so negatively impacted by the closure of military bases deserve no less from their federal government.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I deeply appreciate my dear friend, the gentleman from Texas [Mr. FROST], yielding this time to me.

Mr. Chairman, when I heard about conversion I was basically skeptical, but then I looked at the specifics of this particular bill, and I must commend Mr. FROST and his colleagues for, I think, a very thoughtful approach. Rather than trying to take defense facilities and somehow magically convert them into civilian facilities, we are talking here about dual use critical technology. We have already seen this work with Sematech. We also here have job retraining, which is another, I think, credible approach. I very much support taking individuals and trying to give them further training, and also taking individuals and using them for educational purposes.

I think this amendment is well-crafted, well-thought out, and will help us in this very difficult task. There is consideration given to civilian workers and defense workers who lose their jobs, and giving them some severance benefits. I think that is also good, so I strongly urge my colleagues to support this amendment.

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Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding me the time.

Mr. Chairman, I am very pleased and very grateful that the text of the service members occupational conversion and training subtitle is essentially the same as H.R. 5254, legislation which the gentleman from Minnesota, TIM PENNY and I coauthored to reestablish the Veterans' Job Training Act. Like many in this body, the gentleman from Minnesota [Mr. PENNY] and I recognized that the rapid downsizing of the Department of Defense will lead to the early dismissal of tens of thousands of uniformed personnel. It seemed to me that we needed to have, and we have a duty to have a new veterans' comprehensive plan for their readjustment to civilian employment.

I am very happy to say that our subcommittee unanimously approved this legislation, as did the full Veterans' Affairs Committee. I am also very happy to say that special safeguards have also been included in this job training program which will protect the taxpayer as well as the employees. Wages paid to the veterans, for example, must be similar to those offered to other workers and cannot result in the displacement of current employees. The payment by the employer will be 50 percent of the first year's salary, limited to $12,000.

This is a good plan. I fully support it.

Mr. FROST. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, this is perhaps the most important thing that we will be doing in this entire bill. I know other Members consider individual weapons systems and individual amendments that they had to be very important, but there is nothing more important than planning for the future and for the transition.

I only harken back to the personal experience of my own family. My father was an aerospace engineer for his entire career. I remember in the late 1960's and the early 1970's when there was another downturn in defense, and my father was unemployed for 1 year. He knew that ultimately he would be able to come back and get another job in the defense industry, as he did. The people who are losing their jobs now do not have that same prospect. Those jobs are gone.

We must plan for the future, and we must help these people and their communities and their companies make this transition.

The CHAIRMAN pro tempore (Mr. COX of Illinois). All time has expired.

It is now in order to consider amendment No. 1 printed in House Report 102-545, part 2.

AMENDMENT OFFERED BY MR. FROST

Mr. FROST. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FROST:

Strike out title XI (page 203, lines 1 through 14).

At the end of the bill, add the following:

DIVISION D—DEFENSE REINVESTMENT FOR ECONOMIC GROWTH

Sec. 4001. Short title.
Sec. 4002. Findings.

TITLE XLI—IMPLEMENTATION

Sec. 4101. Authorization of appropriations.
Sec. 4102. Budget determination by the Director of OMB.
Sec. 4103. Assistant Secretary of Defense for Reinvestment.
Sec. 4104. Collection and use of information regarding defense reinvestment.
Sec. 4105. Long-range plans of action for national needs.
Sec. 4106. Establishment of a Center for the Study of Defense Economic Adjustment within the National Defense University.

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL SUPPORT PROGRAMS

Sec. 4201. Defense dual-use critical technology consortium program.
Sec. 4202. Defense technology extension program.
Sec. 4203. Defense small business assistance and diversification program.
Sec. 4204. Expansion of Small Business Innovation Research (SBIR) program for defense research and development activities.
Sec. 4205. Cooperative agreements for advanced research projects.
Sec. 4206. Regional defense technology clusters.

TITLE XLIII—EDUCATION AND TRAINING PROGRAMS

Subtitle A—Defense Efforts to Relieve Shortages of Elementary and Secondary School Teachers and Teachers' Aides

Sec. 4301. Teacher and teacher's aide placement program for separated members of the Armed Forces.
Sec. 4302. Teacher and teacher's aide placement program for terminated defense employees.
Sec. 4303. Teacher and teacher's aide placement program for displaced scientists and engineers of defense contractors.
Sec. 4304. Funding for fiscal year 1993.

Subtitle B—Environmental Education and Retraining Provisions

Sec. 4311. Environmental scholarship and fellowship programs for the Department of Defense.
Sec. 4312. Grants to community colleges to provide training in environmental restoration and hazardous waste management.
Sec. 4313. Environmental cleanup training demonstration grant program.
Sec. 4314. Department of Energy defense nuclear facilities work force restructuring plan.

Subtitle C—Job Training and Employment and Educational Opportunities

Sec. 4321. Training, adjustment assistance, and employment services for discharged military personnel, terminated defense employees, and displaced employees of defense contractors.
Sec. 4322. Defense contractor hiring preference for displaced defense workers.
Sec. 4323. Participation of discharged military personnel in upward bound projects to prepare for college.
Sec. 4324. Improvements to employment and training assistance for dislocated workers under the Job Training Partnership Act.
Sec. 4325. Job Bank program for discharged military personnel, terminated defense employees, and displaced employees of defense contractors.

Subtitle D—Service Members Occupational Conversion and Training

Sec. 4351. Short title.
Sec. 4352. Findings and purposes.
Sec. 4353. Definitions.
Sec. 4354. Establishment of program.
Sec. 4355. Eligibility for program; duration of assistance.
Sec. 4356. Employer job training programs.
Sec. 4357. Approval of employer programs.
Sec. 4358. Payments to employers; overpayment.
Sec. 4359. Entry into program of job training.
Sec. 4360. Provision of training through educational institutions.
Sec. 4361. Discontinuance of approval of participation in certain employer programs.
Sec. 4362. Inspection of records; investigations.
Sec. 4363. Coordination with other programs.
Sec. 4364. Counseling.
Sec. 4365. Information and outreach; use of agency resources.
Sec. 4366. Authorization of appropriations.
Sec. 4367. Report by Secretary of Defense.
Sec. 4368. Time periods for application and initiation of training.

TITLE XLIV—TRANSITION INFORMATION SERVICES

Sec. 4401. Notice of termination of defense employees in the case of base closures and realignments.
Sec. 4402. Improvement in preseparation counseling for members of the Armed Forces.
Sec. 4403. Improved coordination of job training and placement programs for members of the Armed Forces.
Sec. 4404. Defense contractor requirement to list suitable employment openings with local employment service office.
Sec. 4405. Notice required upon cancellation of defense contracts.

TITLE XLV—PLANNING AND TECHNICAL ASSISTANCE

Sec. 4501. Expansion of adjustment assistance available to States and local governments from the Office of Economic Adjustment.
Sec. 4502. Pilot project to improve economic adjustment planning.
Sec. 4503. Assistance to small businesses in defense industry that are adversely affected by defense reductions.
Sec. 4504. Defense procurement technical assistance program.
Sec. 4505. Plan for the transfer of certain nonlethal supplies to State and local governments for economic growth.

TITLE XLVI—DISPLACED DEFENSE PERSONNEL ASSISTANCE

Sec. 4601. Reduction-in-force notification requirements.
Sec. 4602. Government-wide list of vacant positions.
Sec. 4603. Temporary measures to facilitate reemployment of certain displaced Federal employees.
Sec. 4604. Separation pay.
Sec. 4605. Continued health benefits for defense civilian employees.
Sec. 4606. Temporary continued health coverage for members and dependents upon the separation of the members from active duty, for former spouses of members, and for emancipated children of members.
Sec. 4607. Special early retirement for displaced defense workers.

SEC. 4001. SHORT TITLE.

This division may be cited as the "Defense Reinvestment Act of 1992".

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) Profound changes in the military threat to the United States as a result of the collapse of the Soviet Union will lead to a significant decrease in the defense budget of the United States over the next five years.

(2) The reductions in the defense budget during that period may mean the elimination of over 1,100,000 defense industrial and Department of Defense civilian jobs and the separation of over 350,000 active-duty military personnel from the Armed Forces.

(3) These reductions, combined with low levels of economic growth or recession, will cause serious and severe dislocations for defense dependent communities and limit employment opportunities for displaced defense workers and military personnel separated from active and reserve duty unless immediate steps are taken.

(4) Over the same five-year period, United States economic security will continue to come under challenges that will require a comprehensive, cooperative response from government, business, and labor.

(5) The skills of displaced defense workers and the expertise of defense industries form the foundation of the critical industrial and technical skill base on which the military depends and that the Nation can ill afford to lose.

(6) The men and women separating from the Armed Forces represent a valuable national resource as a result of the nation's investment in their education and training.

(7) In the interest of national security and the United States international competitive position, the Department of Defense should undertake a more active and direct role in managing the defense build-down through a program of reinvestment of defense resources that—

(A) promotes economic growth in high-wage, high-technology industries and preserves the industrial and technical skill base;

(B) bolsters the national technology base, including support and exploitation of critical technologies with both military and civilian application;

(C) supports retraining of separated military, defense civilian, and defense industrial personnel for jobs in activities important to national economic growth;

(D) assists those activities being undertaken at the State and local level to support defense economic adjustment and diversification efforts;

(E) provides direct support to small businesses adversely affected by the defense build-down; and

(F) builds on existing Federal programs in this area.

(8) The Department of Defense should assume a leading role in the development of a long-range plan of action to preserve militarily critical technologies and skills essential for national security.

(9) Such a defense reinvestment program complements the traditional role of the Department of Defense to provide for the security of the United States.

(10) The breadth and scope of the long-term economic problems resulting from the drawdown over the next five fiscal years in the Department of Defense budget will require continued Federal government involvment, particularly on the part of other Federal agencies which traditionally have expertise relating to such economic problems.

TITLE XLI—IMPLEMENTATION

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1993 the sum of $1,000,000,000 for defense reinvestment programs authorized by this title. Sums appropriated pursuant to the preceding sentence shall remain available until expended.

SEC. 4102. BUDGET DETERMINATION BY THE DIRECTOR OF OMB.

(a) REQUIREMENT FOR DETERMINATION.—No amount appropriated pursuant to the authorization in section 4101 may be obligated for any program established by a provision of this title unless expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EFFECT ON APPROPRIATIONS FOR PROGRAMS NOT COUNTED AGAINST DEFENSE CATEGORY.—Any amount appropriated for fiscal year 1993 for a program established by this title that is determined by the Director of the Office of Management and Budget under subsection (a) not to be counted against the defense category (as described in that subsection) shall be reallocated to the programs under this title that are counted against the defense category. The allocation of all such amounts shall be made on a proportionate basis so that the funding levels, relative to each other, of programs under this title that are counted against the defense category shall be the same as if the amounts allocated had reverted to the Treasury.

SEC. 4103. ASSISTANT SECRETARY OF DEFENSE FOR REINVESTMENT.

(a) DESIGNATION OF ASSISTANT SECRETARY.—During the five-year period beginning on October 1, 1992, there may be an Assistant Secretary of Defense for Reinvestment, appointed from civilian life by the President, by and with the advise and consent of the Senate. The Assistant Secretary appointed under this subsection shall be in addition to the Assistant Secretaries of Defense authorized by section 136 of title 10, United States Code.

(b) SUPERVISION AND COORDINATION OF ADJUSTMENT ACTIVITIES.—The principal duty of the Assistant Secretary shall be the overall supervision of the implementation of economic reinvestment, adjustment, and retraining activities undertaken by the Department of Defense in connection with the redeployment and reutilization of defense resources following reductions in military programs, projects, and activities. The Assistant Secretary shall be the principal adviser to the Secretary of Defense regarding such reinvestment, adjustment, and retraining activities. The Assistant Secretary shall coordinate the economic reinvestment, adjustment, education, and retraining activities of the Department of Defense with those of other Federal agencies.

(c) RESPONSIBILITY FOR OFFICE OF ECONOMIC ADJUSTMENT.—The Assistant Secretary shall be responsible for the operation of the Office of Economic Adjustment of the Department of Defense, including the activities of the Office under section 2391(b) of title 10, United States Code, to assist State and local governments to plan and carry out community adjustment and economic diversification programs. The director of the Office shall serve as the Deputy Assistant Secretary of Defense for Reinvestment.

(d) ASSIGNMENT OF FUNCTIONS WHEN POSITION NOT FILLED.—If the position of Assistant Secretary of Defense for Reinvestment is not filled, the Secretary of Defense shall provide that the functions and duties assigned by this Act to that Assistant Secretary shall be performed by an officer in the Office of the Secretary of Defense whose appointment was made by the President, by and with the advice and consent of the Senate.

(e) COMPENSATION.—The Assistant Secretary of Defense for Reinvestment shall, subject to the availability of appropriations, be paid at the rate of basic pay payable for level IV of the Executive Schedule, as provided in section 5315 of title 5, United States Code.

SEC. 4104. COLLECTION AND USE OF INFORMATION REGARDING DEFENSE REINVESTMENT.

(a) COLLECTION.—The Assistant Secretary of Defense for Reinvestment shall collect and analyze on an annual basis information regarding the effect of changes in defense spending on the economy of the United States, including the effect of these changes on specific types of defense and civilian industries and on particular regions of the United States.

(b) USE.—The Assistant Secretary shall use the information collected under subsection (a) to advise the Secretary of Defense regarding, and improve the operation of, economic reinvestment, adjustment, and retraining activities undertaken by the Department of Defense in response to changes in defense spending.

SEC. 4105. LONG-RANGE PLANS OF ACTION FOR NATIONAL NEEDS.

(a) LONG-RANGE PLANS.—The Assistant Secretary of Defense for Reinvestment shall survey the resources and national security requirements of the Department of Defense and shall develop a long-range plan to preserve the critical national industrial and technological skill base, with attention to the security problem of responding as a nation to unforeseen military threats. The plan shall report on the prospects of using defense resources to address national needs of the United States by including the following:

(1) A long-range plan for technology development and model demonstration facilities for environmental restoration and waste management.

(2) A long-range national transportation plan to develop advanced technology to carry out transportation projects that are militarily critical.

(3) A long-range national energy plan to achieve the objectives of energy independence, availability, and environmental compatibility.

(4) A long-range national communications networking plan.

(b) CONSULTATION.—To develop the long-range plans required by this section, the Assistant Secretary shall consult, as appropriate, with the Office of Science Technology Policy, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Transportation, and such other Federal officials as may be appropriate.

(c) INTERIM REPORT.—Not later than six months after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committee on Armed Services of the Senate and House of Representatives a report regarding the progress made on developing the long-range plans required by this section.

SEC. 4106. ESTABLISHMENT OF A CENTER FOR THE STUDY OF DEFENSE ECONOMIC ADJUSTMENT WITHIN THE NATIONAL DEFENSE UNIVERSITY.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall establish within the National Defense University a Defense Economic Adjustment Center for the study of issues related to the conversion and reutilization of defense personnel, resources, and facilities. The Center shall be affiliated with the Industrial College of the Armed Forces and the Institute for National Strategic Studies of the National Defense University and the activities of the Center shall be integrated with existing activities and studies regarding acquisition, mobilization, the defense industrial base, and reconstitution.

(b) PRIMARY RESPONSIBILITIES.—In conducting studies of economic conversion, the Center shall focus on the development of defense economic adjustment methods and the technical assistance necessary to implement these methods. In accordance with procedures established by the Secretary of Defense, the Center shall coordinate its activities with other education and training elements of the Department of Defense that the Secretary may establish or assign to assist in the defense conversion effort.

(c) PROVISION OF INFORMATION; PROMOTION OF COOPERATION.—The Center shall—

(1) develop and provide information regarding the conversion of defense-related industries toward operations for the nondefense economy and the retraining of defense workers, including funding resources and Federal programs available to support economic adjustment and conversion; and

(2) facilitate the cooperation of the Department of Defense with other entities involved in defense economic adjustment and transition, such as institutions of higher education, private defense contractors, and other Federal agencies.

(d) STAFF AND FACILITIES.—The staff and facilities of the Center shall be provided using funds made available under subsection (i). Upon the request of the Secretary of Defense, the head of a Federal agency may detail, on a reimbursable basis, personnel of the agency to serve on the staff of the Center.

(e) OTHER SERVICES.—(1) The Center may make office space available to personnel of universities and defense contractors invited to participate in defense economic adjustment activities of the center.

(2) To the extent personnel are detailed to the Center with the requisite expertise, the Center shall collect and make available information regarding job training resources and community programs to facilitate the reemployment of displaced defense workers.

(f) ADDITIONAL CENTERS AND CONVERSION ACTIVITIES.—The Secretary of Defense shall establish additional Defense Economic Adjustment Centers or similar entities within the educational and training structure of the Department of Defense or shall assign additional economic conversion functions to existing organizations within such structure as may be necessary to assist the Center established pursuant to subsection (a). These additional functions may include the provision of training and technical assistance to implement economic adjustment methods developed by the Center.

(g) TIME FOR ESTABLISHMENT.—The Secretary of Defense shall—

(1) establish the Center not later than 60 days after the date of the enactment of this Act; and

(2) take such additional measures as may be required by subsection (f) not later than 120 days after the date of the enactment of this Act.

(h) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the implementation of this section.

(i) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.2 percent shall be made available to the Secretary of Defense to carry out this section.

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL SUPPORT PROGRAMS

SEC. 4201. DEFENSE DUAL-USE CRITICAL TECHNOLOGY CONSORTIUM PROGRAM.

(a) IN GENERAL.—(1) Chapter 150 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2527. Defense dual-use critical technology consortium program

"(a) ESTABLISHMENT OF PROGRAM.—(1) The Secretary of Defense shall carry out a program under this section to encourage the development and application of dual-use critical technologies through projects carried out (in the case of any such technology) in cooperation with a consortium of commercial firms that have expertise and experience with that technology. The program under this section shall be known as the 'dual-use critical technology consortium program'. The goal of the program shall be to encourage the maintenance of a responsive defense technology base that can rapidly adapt and exploit advances in commercial technology.

"(2) Projects which shall be carried out in cooperation with consortia under this section shall include projects in the following areas or on technologies that are otherwise suitable to the goal of the dual-use critical technology consortium program:

"(A) Digital communications and processing methods.

"(B) Optical electronics.

"(C) Lightweight, low-clearance multipassenger ground vehicles.

"(D) Advanced materials.

"(E) Interferrometric synthetic apature radar technology.

"(F) Electrical propulsion of ground vehicles for reduced signature emission.

"(G) Marine biotechnology.

"(H) Environmentally compliant manufacturing technologies in the production of computers and other items for both military and commercial use as may be identified by the consortium.

"(I) Fuel cell and high-density energy storage.

"(J) Unexploded ordnance disposal technology.

"(K) Microchip Module integration.

"(L) Robotics application to defense environmental restoration activities.

"(b) IDENTIFICATION OF QUALIFYING CONSORTIA.—A consortium of commercial firms that desires to participate in the dual-use critical technology consortium program shall apply to the Secretary of Defense for such participation. The Secretary shall establish criteria for the selection of consortia under the program. Among the criteria for selection shall be requirements that—

"(1) the consortium encourage representation of small business concerns;

"(2) the consortium be composed only of United States firms (as defined in subsection (j); and

"(3) firms in the consortium, in selecting personnel to work on projects under the program, shall give preference to former and retired members of the armed forces, to former Department of Defense employees, and to former defense industry employees, who are separated or displaced due to reductions in defense spending or closure or realignment of military installations.

"(c) DOD AGREEMENT WITH SELECTED CONSORTIUM.—The Secretary shall enter into an agreement with the consortium selected for purposes of the program for a particular dual-use critical technology. The agreement shall include a requirement that the costs of any project undertaken under the program shall be shared by the consortium and the Department of Defense in an equitable manner, as determined by the Secretary of Defense (with the share of the costs allocated to the consortium to be not in excess of 50 percent of the costs of the program).

"(d) DARPA.—The Secretary of Defense shall carry out the dual-use critical technology consortium program through the Director of the Defense Advance Research Projects Agency, in consultation with the Assistant Secretary of Defense for Reinvestment and the National Institute of Standards and Technology. In carrying out the program, the Director shall consult with appropriate officials in the Department of Commerce, including particularly officials with responsibilities relating to technology development and exploitation.

"(e) Use of DOD Labs.—The Secretary of Defense shall make available, as appropriate for the work to be performed by each consortium, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) to a consortium recognized under this section for purposes of any project that is approved by the Secretary for the development and exploitation of that technology. The consortium involved in a particular project shall select the laboratory at which the project will be carried out, subject to the approval of the Secretary of Defense.

"(f) Coordination With State and Local Government Agencies.—Before a project is carried out at a laboratory, the Secretary and the consortium shall consult with appropriate State and local government agencies with responsibilities relating to technology development and exploitation.

"(g) Technology Diffusion to Industry.—The Secretary of Defense shall encourage a consortium that is recognized under the program and that carries out joint projects with Department of Defense laboratories for the development and exploitation of a dual-use critical technology to conduct activities (including periodic industry conferences) to provide for the diffusion to United States firms of the results of such projects.

"(h) Coordination With Other Programs.—The Secretary of Defense shall administer the dual-use critical technology consortium program in a manner consistent with other related Department of Defense programs, including the SEMATECH program and the programs under this chapter and chapter 149. The Secretary may not reduce activities under those programs by reason of the establishment of the dual-use critical technology consortium program.

"(i) Funding.—(1) The Secretary of Defense shall provide that funds available for any fiscal year for Department of Defense laboratories shall be available for projects under the dual-use critical technology consortium program in a total amount not to exceed 5 percent for fiscal year 1993 and 10 percent for each subsequent fiscal years of the total amount of funds available for that fiscal year for those laboratories.

"(j) Regulations.—The Secretary of Defense shall prescribe regulations for the dual-use critical technology consortium program.

"(k) Definitions.—In this section, the term 'United States firm' means a company or other business entity that (as determined by the Secretary of Commerce)—

"(1) conducts the preponderant level of its research, development, engineering, and manufacturing activities in the United States; and

"(2) is a company or other business entity the majority ownership or control of which is by United States citizens.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2527. Defense dual-use critical technology consortium program.".

(b) Fiscal Year 1993 Funding.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, the Secretary of Defense shall obligate 15 percent for the purpose of projects under the dual-use critical technology consortium program established by section 2527 of title 10, United States Code, as added by subsection (a). For fiscal year 1993, the maximum amount specified under subsection (i) of such section shall be reduced by the amount made available for the program pursuant to the preceding sentence.

(c) Deadline for Implementing Regulations.—Regulations for the administration of such program shall be prescribed under subsection (j) of such section not later than 90 days after the date of the enactment of this Act.

(d) Effective Date.—Section 2527 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1992.

SEC. 4202. DEFENSE TECHNOLOGY EXTENSION PROGRAM.

(a) In General.—Section 2517 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) DOD Technology Extension Program.—(1)(A) The Secretary of Defense shall carry out a program in the Department of Defense to facilitate access by qualifying firms (particularly small business firms) to information and manufacturing processes and technologies developed and used by the Department of Defense that have potential for both military and commercial application. The program shall be known as the Department of Defense Technology Extension Program.

"(B) The goals of the program shall be—

"(i) to encourage the maintenance of a viable defense supplier base consisting of diversified small- and medium-sized businesses;

"(ii) to encourage modernization through the extension of technology and information developed and used by the Department of Defense in order to modernize manufacturing processes of small- and medium-sized businesses as a means of improving efficiency; and

"(iii) to assist those defense suppliers that may need to seek alternative markets due to defense budget reductions and program terminations.

"(2) The Secretary shall identify those processes and technologies developed by the Department of Defense that have potential for both military and commercial application and that are otherwise appropriate for inclusion in the technology extension program under this section. For purposes of the program under this section, the Secretary may provide qualifying firms—

"(A) assistance in the same manner as is provided by State, local and university technology extension services, as determined by the Secretary;

"(B) counseling services on market development and other business practices to promote diversification;

"(C) access to manufacturing and training facilities of the Department of Defense for the purpose of technology diffusion;

"(D) access to technologies developed by Department of Defense that would have commercial application;

"(E) access to the Defense Technology Information Network; and

"(F) grants for the construction or renovation of facilities for manufacturing technology transfer centers.

"(3) The expansion of technology and manufacturing extension activities of the Department of Defense authorized by this subsection shall include the following:

"(A) Computer-aided acquisition and logistics support.

"(B) Production modeling and simulation of prototypes.

"(C) Flexible computer-aided manufacturing.

"(D) Product data exchange specifications.

"(E) Concurrent engineering.

"(F) Rapid acquisition of manufactured parts.

"(4) A firm is a qualifying firm for the purposes of the program under this subsection if the firm is a United States firm that—

"(A) is a supplier to the Department of Defense under a covered defense contract or subcontract; or

"(B) is a firm that has been, or is threatened to be, substantially and seriously affected (as defined in paragraph (7)) by—

"(i) the closure of a military installation;

"(ii) the termination of a covered defense contract or subcontract; or

"(iii) reductions in defense spending.

"(5) The program under this subsection shall be carried out through the Director of Defense Research and Engineering, in consultation and coordination with the Director of the Office of Small and Disadvantaged Business of the Department of Defense. There shall be established under the Director a separate office to be responsible for the administration of the program.

"(6) The Secretary shall carry out the program under this subsection in coordination with manufacturing, technology, and industrial extension service programs operated by States and universities across the United States and in coordination with the Secretary of Commerce.

"(7) In this subsection:

"(A) The term 'substantially and seriously affected', with respect to a business firm, means a firm that—

"(i) held a covered contract with the Department of Defense or covered subcontract before a reduction in the defense budget;

"(ii) experiences a reduction, or the threat of a reduction, of—

"(I) 25 percent or more in sales or production; or

"(II) 80 percent or more of the workforce of such firm in any division of such firm or at any plant or other facility of such firm; and

"(iii) establishes, by evidence, that the reductions referred to in clause (ii) occurred as a direct result of a reduction in the defense budget.

"(B) The term 'covered contract or subcontract' means—

"(i) a covered contract with the Department of Defense in an amount not less than $100,000 (without regard to the date on which the contract was awarded); and

"(ii) a subcontract which—

"(I) is entered into in connection with a contract described in clause (i) (without regard to the effective date of the subcontract); and

"(II) is in an amount not less than $50,000.".

(b) Technical Amendments.—Such section is further amended—

(1) in subsection (a), by inserting "Improvement of the Subtier Defense Industry.—" after "(a)"; and

(2) in subsection (b), by inserting "Support of Non-DOD Manufacturing Extension Programs.—" after "(b)".

(c) Effective Date.—The Secretary of Defense may not carry out the Department of Defense Technology Extension program authorized by subsection (c) of section 2517 of title 10, United States Code, as added by subsection (a), before October 1, 1992.

(d) Regulations.—The Secretary of Defense shall prescribe regulations for such program. Such regulations shall be prescribed not later than 90 days after the date of the enactment of this Act.

(e) Funding for Fiscal Year 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs 2.5 percent shall be made available for the program authorized by section 2517(c) of title 10, United States Code, as added by subsection (a).

SEC. 4203. DEFENSE SMALL BUSINESS ASSISTANCE AND DIVERSIFICATION PROGRAM.

(a) In General.—Section 2517 of title 10, United States Code, as amended by section 4202, is further amended by adding at the end the following new subsection:

"(d) Small Business Assistance and Diversification.—(1) The Secretary of Defense shall carry out a program to provide small business defense contractors and subcontractors with access to services that would enable them to develop new products and attain the technical support needed to bring those new products to market. The goal of the program shall be to encourage the maintenance of a viable defense supplier base consisting of diversified small businesses.

"(2) The program shall provide the following services or alternative services that support the goal of the program:

"(A) Access to a national network of scientists and engineers that can help minimize technical risk, assist in making better technical decisions, and help in solving technical problems.

"(B) Access to the world's technical and marketing literature through an interactive process that enables the small business firm to work jointly with a searching expert in finding the needed print material.

"(C) Access to a vendor service enabling ready identification of suppliers, joint venture partners, subcontractors, and other related business firms.

"(D) Access to information on other sources of assistance (such as Manufacturing Technology Centers, Small Business Development Centers, and Procurement Technical Assistance Centers) and to information on technologies and products that have been developed with Federal funds.".

(b) Funding for Fiscal Year 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 1 percent shall be made available for the program authorized by section 2517(d) of title 10, United States Code, as added by subsection (a).

SEC. 4204. EXPANSION OF SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM FOR DEFENSE RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) Extension of Duration of Program.—Subject to subsection (h), the Small Business Innovation Research Program shall apply to the Department of Defense (including the military departments) as if the date specified in section 5 of the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note) for the repeal of such program was October 1, 2000 (rather than October 1, 1993).

(b) Repeal of Exclusion of Certain DOD R&D Activities.—Subsection (e)(1) of section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking out "except that for the Department of Defense" and all that follows through "development, and".

(c) Repeal of Exclusion of DOE Defense-Related R&D Activities.—Subsection (f) of such section is amended—

(1) by striking out "(1)" after "(f)"; and

(2) by striking out paragraph (2).

(d) Inclusion of Certain DOD Intelligence Activities.—Subsection (e)(2) of such section is amended by striking out "any agency within the Intelligence Community (as such term is defined in section 3.4(f) of Executive Order 11333 or its successor orders)" and inserting in lieu thereof "any agency for which funds are provided through the National Foreign Intelligence Program (as such term is defined in section 3.4(g) of Executive Order 11333 or its successor orders)".

(e) Percentage of Required Expenditures for SBIR Contracts.—The Small Business Innovation Research Program shall apply to the Department of Defense (including the military departments) as if the percentage specified in section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) with respect to fiscal years after fiscal year 1982 were 2.5 percent (rather than 1.25 percent).

(f) Increase in Allowable Amount of Awards.—The maximum amount of a contract that the Department of Defense (including the military departments) may award under the Small Business Innovation Research program in the first phase of a particular small business innovation research program generally should not exceed $75,000.

(g) Encouragement of Commercialization Under SBIR Projects.—The Small Business Innovation Research Program shall apply to the Department of Defense (including the military departments) by substituting for subparagraphs (A), (B), and (C) of section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)) the following:

"(A) a first phase for determining, insofar as possible, the scientific and technical merit and feasibility of ideas that appear to have commercial potential (as described in subparagraph (C)) and that are submitted pursuant to SBIR program solicitations;

"(B) a second phase, to further develop proposed ideas which meet particular program needs, in which awards shall be made based on the scientific and technical merit and feasibility of the idea as evidenced by the first phase and by giving consideration to factors relating to the commercial potential of the idea, such as—

"(i) whether or not the idea is proposed by a small business concern that has been successful in the commercial application of SBIR research;

"(ii) whether or not there are commitments for contributions to second phase funding of the idea;

"(iii) whether or not there are third phase, follow-on commitments for the idea; and

"(iv) whether or not the idea has other qualities indicating commercial potential; and

"(C) where appropriate, a third phase in which non-Federal capital pursues commercial applications of the research or research and development and which may also involve follow-on, non-SBIR funded awards with a Federal agency for products or processes intended for use by the United States Government and which is a continuation of research or research and development that has been competitively selected using peer review or scientific review criteria established pursuant to subparagraphs (A) and (B).".

(h) SBIR Program Defined.—For purposes of this section, the Small Business Innovation Research Program is the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

(1) Paragraphs (4) through (7) of subsection (b).

(2) Subsections (e) through (k).

(i) Effective Date.—This section, and the amendments made by this section, shall take effect on October 1, 1992, and shall apply with respect to fiscal years after fiscal year 1992.

SEC. 4205. COOPERATIVE AGREEMENTS FOR ADVANCED RESEARCH PROJECTS.

(a) Fiscal Year 1993 Funding.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 5 percent shall be made available to carry out section 2371 of title 10, United States Code (relating to cooperative agreements for advanced research projects).

(b) Condition of Cooperative Agreements, Etc..—Section 2371(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary shall require as a condition of a cooperative agreement or other transaction under this section that the other party to the agreement or transaction, in selecting personnel to work on a project for which funds are provided through such agreement or transaction, shall give preference to former and retired members of the armed forces, to former Department of Defense employees, and to former defense industry employees, who are separated or displaced due to reductions in defense spending or closure or realignment of military installations.

SEC. 4206. REGIONAL DEFENSE TECHNOLOGY CLUSTERS.

(a) Establishment of Program.—(1) Section 2524 of title 10, United States Code, is amended to read as follows:

"§2524. Regional defense technology clusters: assistance program

"(a) Establishment of Program.—The Secretary of Defense shall conduct a program to provide assistance for the activities of eligible regional defense technology clusters and consortia in the United States. The program shall be carried out in consultation and coordination with the Secretary of Commerce. The goals of the program shall be—

"(1) to increase the availability to the Department of Defense of technology that enhances national security; and

"(2) to preserve the defense industrial and technology base on which the military depends.

"(b) Eligible Regional Defense Technology Clusters.—A regional technology cluster is eligible for assistance under the program if—

"(1) the purpose of the cluster is to facilitate the use of one or more defense critical technologies for defense and commercial purposes by an industry in the region served by that cluster in order to maintain within the United States industrial capabilities that are vital to the national security of the United States; and

"(2) the cluster meets the other requirements of this section.

"(c) Program Participants.—(1) The participants in a regional defense technology cluster shall include eligible firms that conduct business in the region of the United States served or to be served by the cluster and a sponsoring agency in that region. The participants may also include other organizations considered appropriate by the Secretary of Defense.

"(2)(A) A sponsoring agency of a cluster may be any agency described in subparagraph (B) that, as determined by the Secretary, provides adequate assurances that it will—

"(i) meet the financial requirements in subsection (e); and

"(ii) provide assistance in the management of the cluster.

"(B) An agency referred to in subparagraph (A) is any of the following:

"(i) An agency of a State or local government.

"(ii) A nonprofit organization established, or performing functions, pursuant to an agreement entered into by two or more States or local governments.

"(iii) A membership organization in which a State or local government is a member.

"(d) ACTIVITIES AUTHORIZED.—The activities of a cluster may include the following:

"(1) Facilitation of the sharing of information, equipment, personnel, and expertise among eligible firms participating in the cluster and by such firms and other sources of labor, capital, and technological expertise in the region served by the cluster when such sharing will enhance the ability of such firms to use a national critical technology for a commercial purpose that strengthens the defense technology base and enhances national security.

"(2) Other activities designed to enhance the degree of communication and collaboration among participants in a cluster for the purpose of increasing the productivity and ability to compete internationally of such participants.

"(3) The joint provision, by participants in the cluster to other participants in the cluster, of services that, as jointly determined by the eligible firms participating in the cluster, will enhance directly the ability of each such firm to use a national critical technology for a commercial purpose. Such services may include the following—

"(A) operation of equipment testbed and scale-up facilities;

"(B) development, testing, and evaluation of prototypes;

"(C) sharing of technical expertise relating to design and management;

"(D) dissemination of information relating to market trends and technical advances in materials and production equipment;

"(E) technical education and worker training;

"(F) quality testing and standards certification;

"(G) identification and promotion of export opportunities;

"(H) facilitation of communication between managers and workers; and

"(I) other services that no such firm is likely to provide for on its own.

"(4) Joint research and development that—

"(A) is generally applicable to the needs of all of the eligible firms participating in the cluster; and

"(B) is jointly determined by such firms, will enhance directly the ability of such firms to use a national critical technology for a commercial purpose.

"(5) Subject to subsection (e)(2), proprietary research and development that, as determined by one or more eligible firms participating in the cluster, will enhance directly the ability of any such firm to apply a national critical technology for a commercial purpose.

"(e) ASSISTANCE AUTHORIZED.—(1) Under the program, the Secretary may provide—

"(A) financial assistance for the activities of a regional defense technology cluster (including, in the case of a proposed cluster, the establishment of such a cluster) in any amount not in excess of 50 percent of the cost of conducting such activities (including the cost of establishing a proposed cluster) during the period covered by the financial assistance; and

"(B) technical assistance for the activities (and, in the case of a proposed cluster, the establishment) of a cluster awarded financial assistance authorized by subparagraph (A).

"(2) The Secretary may not provide financial assistance under the program for construction of facilities.

"(3) The Secretary may furnish assistance to a regional defense technology cluster under the program for not more than six years.

"(f) FINANCIAL CONTRIBUTIONS OF CLUSTER PARTICIPANTS.—(1) The sponsoring agency of a regional defense technology cluster and the eligible firms participating in the cluster shall pay at least 50 percent of the total cost incurred each year for the activities of the cluster. Funds contributed for the activities of the cluster by institutions of higher education or private, nonprofit organizations participating in the cluster shall be considered as funds contributed by the sponsoring agency.

"(2) If the right to use or license the results of any research and development activity of a cluster is limited by participants in the cluster to one or more, but less than half, of the eligible firms participating in the cluster, the non-Federal Government participants in the cluster shall pay the total cost incurred for such activity.

"(g) MANAGEMENT PLAN.—A regional defense technology cluster shall operate under a management plan that includes provisions for the eligible firms participating in the cluster to have the primary responsibility for directing the activities of the cluster and to exercise that responsibility through, among any other means, majority voting membership of such firms on the board of directors of the cluster.

"(h) ADMINISTRATION OF PROGRAM.—The Secretary shall prescribe regulations that, to the extent practicable, apply the same requirements and authorities in the administration of this section as apply under subsections (d) and (e) of section 2523 of this title.

"(i) SELECTION CRITERIA.—The criteria for selection of a cluster to receive financial assistance under this section shall include the following:

"(1) The potential for the activities of the cluster to result in—

"(A) increased availability of technology for the enhancement of national security;

"(B) increased international competitiveness and productivity of eligible firms within the region to be served by the cluster in support of the critical technology base on which the military depends; and

"(C) the emergence in such region of new firms that are capable of applying dual-use critical technologies.

"(2) The extent to which the proposed activities of the cluster meet important commercial needs of eligible firms within the region to be served by the cluster and the quality of those activities for meeting such needs.

"(3) The potential for the cluster to be able to apply critical technology research and development supported or conducted by Federal laboratories and institutions of higher education in the advancement of national security interests of the United States.

"(4) The potential for the cluster to sustain itself through support from industry and other non-Federal Government sources after the termination of the Federal assistance provided pursuant to this section.

"(5) The level of involvement of appropriate State and local agencies, institutions of higher education, and private, nonprofit entities in the center.

"(6) The potential for assisting participating eligible firms to convert from defense-related production to nondefense commercial production.

"(7) Such other criteria as the Secretary prescribes.

"(i) SELECTION REQUIREMENT.—As a condition of providing assistance to a regional cluster under this section, the Secretary of Defense shall require firms participating in the cluster, in selecting personnel, to work on projects for which financial assistance is provided under this section, shall give preference to former and retired members of the armed forces, to former Department of Defense employees, and to former defense industry employees, who are separated or displaced due to reductions in defense spending or closure or realignment of military installations.".

(2) The item relating to such section in the table of sections at the beginning of chapter 150 of such title is amended to read as follows:

"2524. Regional defense technology clusters: assistance program.".

(b) FUNDING.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 2.5 percent shall be made available for the program authorized by section 2524 of title 10, United States Code, as amended by subsection (a).

(c) DEADLINE FOR IMPLEMENTING REGULATIONS.—Regulations for the administration of the program authorized by section 2524 of title 10, United States Code, as amended by subsection (a), shall be prescribed not later than 90 days after the date of the enactment of this Act.

TITLE XLIII—EDUCATION AND TRAINING PROGRAMS

Subtitle A—Defense Efforts to Relieve Shortages of Elementary and Secondary School Teachers and Teachers' Aides

SEC. 4301. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR SEPARATED MEMBERS OF THE ARMED FORCES.

(a) PLACEMENT PROGRAM.—(1) Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides

"(a) PLACEMENT PROGRAM.—The Secretary of Defense shall establish a program—

"(1) to assist eligible members of the armed forces after their separation from active duty to obtain—

"(A) certification as elementary or secondary school teachers; or

"(B) the credentials necessary to serve as teachers' aides; and

"(2) to facilitate the employment of such members by local educational agencies experiencing a shortage of teachers or teachers' aides.

"(b) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—The Secretary of Defense, in consultation with the Secretary of Education, shall—

"(1) conduct a survey of States to identify those States with alternative certification requirements for teachers;

"(2) periodically request information from States identified under paragraph (1) to identify local educational agencies in these States that are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, or engineering teachers; and

"(3) periodically request information from all States to identify local educational agencies that are experiencing a shortage of teachers' aides.

"(c) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the placement program if the member—

"(A) during the five-year period beginning on October 1, 1992, is discharged or released from active duty after six or more years of continuous active duty immediately before the discharge or release;

"(B) has received—

"(i) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(ii) in the case of a member applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) satisfies such other criteria for selection as the Secretary may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(3) The Secretary may accept an application from a member who was discharged or released from active duty during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act if the member otherwise satisfies the eligibility criteria specified in paragraph (1).

"(d) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program on the basis of applications submitted to the Secretary before the date of the discharge or release of the members from active duty. In the case of members referred to in subsection (c)(3), the Secretary shall establish a reasonable time period after the date of the enactment of this section for the submission of applications. An application shall be in such form and contain such information as the Secretary may require. The Secretary shall make applications available to members when they receive preseparation counseling under section 1142 of this title.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational or military experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsections (f) and (g) with respect to that member.

"(e) AGREEMENT.—A member selected to participate in the program shall be required to enter into an agreement with the Secretary in which the member agrees—

"(1) to obtain, within one year after the discharge or release of the member from active duty, certification as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of a member selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under subsection (b)(2), to begin the school year after obtaining that certification; or

"(B) in the case of a member selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under subsection (b)(3), to begin the school year after obtaining the necessary credentials.

"(f) STIPEND FOR PARTICIPANTS.—(1) The Secretary of Defense shall pay a $5,000 stipend to each participant in the program to assist the participant with living expenses while the participant—

"(A) is obtaining teacher certification or the necessary credentials to serve as a teacher's aide; and

"(B) is seeking employment as an elementary or secondary school teacher or teacher's aide.

"(2) A stipend provided under paragraph (1) shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(g) GRANTS TO FACILITATE PLACEMENT.—(1) In the case of a participant in the program obtaining teacher certification, the Secretary of Defense shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the participant as a full-time elementary or secondary school teacher after the participant obtains teacher certification.

"(2) In the case of a participant in the program obtaining credentials to serve as a teacher's aide, the Secretary shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

"(3) Under an agreement referred to in paragraph (1) or (2)—

"(A) the local educational agency shall agree to employ the participant full time for not less than two consecutive school years at a basic salary to be certified to the Secretary; and

"(B) the Secretary shall agree to pay to the local educational agency an amount equal to the lesser of—

"(i) the basic salary to be paid by the local educational agency to the participant during the two years; and

"(ii) $50,000.

"(4) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(5) If a participant leaves the employment of a local educational agency before the end of the two years of required service, the local educational agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the two years of required service.

"(6) The Secretary may not make a grant under this subsection to a local educational agency if the Secretary determines that the agency terminated the employment of another employee in order to fill the vacancy so created with a participant.

"(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the placement program fails to obtain certification or employment as an elementary or secondary school teacher or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the two years of required service, the participant shall be required to reimburse the Secretary of Defense for the stipend provided under subsection (f) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the two years of required service.

"(2) The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary. Any amount owed by a participant under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the placement program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving on active duty as a member of the Armed Forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary or secondary school for a single period not to exceed 27 months; or

"(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary of Defense.

"(2) A participant shall be excused from reimbursement under subsection (h) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

"(j) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'alternative certification requirements' means State or local teacher certification requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides.".

(b) INFORMATION REGARDING PLACEMENT PROGRAM IN PRESEPARATION COUNSELING.—

Section 1142(b)(4) of such title is amended by inserting before the period the following: "and information regarding the program established under section 1151 of this title to assist members obtain employment as elementary or secondary school teachers or teachers' aides.".

SEC. 4302. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR TERMINATED DEFENSE EMPLOYEES.

(a) Placement Program.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides

"(a) Placement Program.—The Secretary of Defense shall establish a program—

"(1) to assist eligible civilian employees of the Department of Defense and the Department of Energy after the termination of their employment to obtain—

"(A) certification as elementary or secondary school teachers; or

"(B) the credentials necessary to serve as teachers' aides; and

"(2) to facilitate the employment of such employees by local educational agencies experiencing a shortage of teachers or teachers' aides.

"(b) Eligible Employees.—(1) A civilian employee of the Department of Defense or the Department of Energy shall be eligible for selection by the Secretary of Defense to participate in the placement program if the employee—

"(A) during the five-year period beginning on October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense or the Secretary of Energy, as the case may be;

"(B) has received—

"(i) in the case of an employee applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(ii) in the case of an employee applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) The Secretary of Defense may accept an application from a civilian employee referred to in paragraph (1) who was terminated during the period beginning on October 1, 1990, and ending on the date of the enactment of this section if the member otherwise satisfies the eligibility criteria specified in that paragraph.

"(c) Selection of Participants.—(1) The Secretary of Defense shall select civilian employees to participate in the program on the basis of applications submitted to the Secretary after the employees receive a notice of termination. An application shall be filed within such time, in such form, and contain such information as the Secretary of Defense may require.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary of Defense shall give priority to civilian employees who—

"(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary of Defense may not select a civilian employee to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under the program with respect to that member.

"(d) Agreement.—A civilian employee selected to participate in the program shall be required to enter into an agreement with the Secretary of Defense in which the employee agrees—

"(1) to obtain, within one year after the termination of the employee, certification as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of an employee selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification; or

"(B) in the case of an employee selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

"(e) Stipend; Placement of Participants as Teachers and Teachers' Aides.—Subsections (f) through (j) of section 1151 of this title shall apply with respect to the placement program established under this section.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides.".

SEC. 4303. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR DISPLACED SCIENTISTS AND ENGINEERS OF DEFENSE CONTRACTORS.

(a) Placement Program.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides

"(a) Assistance Program.—The Secretary of Defense may enter into a cooperative agreement with a defense contractor in order—

"(1) to assist an eligible scientist or engineer employed by the contractor whose employment is terminated to obtain—

"(A) certification as an elementary or secondary school teacher; or

"(B) the credentials necessary to serve as a teacher's aide; and

"(2) to facilitate the employment of the scientist or engineer by a local educational agency experiencing a shortage of teachers or teachers' aides.

"(b) Eligible Defense Contractors.—(1) The Secretary of Defense shall establish an application and selection process for the participation of defense contractors in a cooperative agreement under subsection (a).

"(2) The Secretary shall determine which defense contractors are eligible to participate in the program on the basis of applications submitted under subsection (c). The Secretary shall limit participation to those defense contractors or subcontractors that—

"(A) produce goods or services for the Department of Defense pursuant to a defense contact or operate nuclear weapons manufacturing facilities for the Department of Energy; and

"(B) have recently reduced operations, or are likely to reduce operations, due to the completion or termination of a defense contract or program or by reductions in defense spending.

"(3) The Secretary shall give special consideration to defense contractors who are located in areas that have been hit particularly hard by reductions in defense spending.

"(c) Defense Contractor Applications.—(1) A defense contractor desiring to enter into a cooperative agreement with the Secretary of Defense under subsection (a) shall submit an application to the Secretary containing the following:

"(A) Evidence that the contractor has been, or is expected to be, adversely affected by the completion or termination of a defense contract or program or by reductions in defense spending.

"(B) An explanation that scientists and engineers employed by the contractor have been terminated, laid off, or retired, or are likely to be terminated, laid off, or retired, as a result of the completion or termination of a defense contract or program or reductions in defense spending.

"(C) A description of programs implemented or proposed by the contractor to assist these scientists and engineers.

"(D) A commitment to help fund the costs associated with the assistance program by paying $2,500 of the stipend provided under subsection (g) to an employee or former employee of the contractor selected to receive assistance under this section.

"(2) Once a cooperative agreement is entered into under subsection (a) between the Secretary and the defense contractor, the contractor shall publicize the program and distribute applications to prospective participants, and assist the prospective participants with the State screening process.

"(d) Eligible Scientists and Engineers.—An individual shall be eligible for selection by the Secretary of Defense to receive assistance under this section if the individual—

"(1) is employed or has been employed for not less than five years as a scientist or engineer with a private defense contractor that has entered into an agreement under subsection (a);

"(2) has received—

"(A) in the case of an individual applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(3) has been terminated or laid off (or received notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending; and

"(4) satisfies such other criteria for selection as the Secretary may prescribe.

"(e) SELECTION OF PARTICIPANTS.—(1) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to individuals who—

"(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary may not select an individual under this section unless the Secretary has sufficient appropriations to carry out this section available at the time of the selection to satisfy the obligations to be incurred by the United States under this section with respect to that individual.

"(f) AGREEMENT.—An individual selected under this section shall be required to enter into an agreement with the Secretary in which the participant agrees—

"(1) to obtain, within one year after the selection of the individual, certification as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of an individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification; or

"(B) in the case of an individual selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

"(g) STIPEND FOR PARTICIPANTS.—(1) The Secretary of Defense shall pay a $5,000 stipend to each participant selected under this section to assist the participant with living expenses while the participant—

"(A) is obtaining teacher certification or the necessary credentials to serve as a teacher's aide; and

"(B) is seeking employment as an elementary or secondary school teacher or teacher's aide.

"(2) A stipend provided under this section shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (g) through (k) of section 1151 of this title shall apply with respect to the placement as teachers and teachers' aides of individuals selected under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides.".

SEC. 4304. FUNDING FOR FISCAL YEAR 1993.

Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 18 percent shall be made available for the programs authorized by sections 1151, 1598, and 2410c of title 10, United States Code, as added by this subtitle.

Subtitle B—Environmental Education and Retraining Provisions

SEC. 4311. ENVIRONMENTAL SCHOLARSHIP AND FELLOWSHIP PROGRAMS FOR THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT.—The Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall conduct scholarship and fellowship programs for the purpose of enabling individuals to qualify for employment in the field of environmental restoration and waste management in the Department of Defense.

(b) ELIGIBILITY.—To be eligible to participate in the scholarship or fellowship program, an individual must—

(1) be accepted for enrollment or be currently enrolled as a full-time student at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(2) be pursuing a program of education that leads to an appropriate higher education degree in engineering, biology, chemistry, or another qualifying field related to environmental restoration and waste management, as determined by the Secretary;

(3) sign an agreement described in subsection (c);

(4) be a citizen or national of the United States or be an alien lawfully admitted to the United States for permanent residence; and

(5) meet any other requirements prescribed by the Secretary.

(c) AGREEMENT.—An agreement between the Secretary and an individual participating in a scholarship or fellowship established in subsection (a) shall be in writing, shall be signed by the individual, and shall include the following provisions:

(1) The agreement of the Secretary to provide the individual with educational assistance for a specified number of school years (not to exceed 5 years) during which the individual is pursuing a course of education in a qualifying field. The assistance may include payment of tuition, fees, books, laboratory expenses, and (in the case of a fellowship) a stipend.

(2) The agreement of the individual to perform the following:

(A) Accept such educational assistance.

(B) Maintain enrollment and attendance in the educational program until completed.

(C) Maintain, while enrolled in the educational program, satisfactory academic progress as prescribed by the institution of higher education in which the individual is enrolled.

(D) Serve, upon completion of the educational program and selection by the Secretary under subsection (e), as a full-time employee in an environmental restoration or waste management position in the Department of Defense for the applicable period of service specified in subsection (d).

(d) PERIOD OF SERVICE.—The period of service required under subsection (c)(2)(D) is as follows:

(1) For an individual who completes a bachelor's degree under a scholarship program established under subsection (a), a period of 12 months for each school year or part thereof for which the individual is provided a scholarship under the program.

(2) For an individual who completes a master's degree under a fellowship program established under subsection (a), a period of 24 months for each school year or part thereof for which the individual is provided a fellowship under the program.

(e) SELECTION FOR SERVICE.—The Secretary shall annually review the number and performance under the agreement of individuals who complete educational programs under the scholarship and fellowship programs during the preceding year. From among such individuals, the Secretary shall select individuals for environmental and waste management positions in the Department of Defense, based on the type and availability of such positions.

(f) REPAYMENT.—(1) Except as provided in paragraph (5), any individual participating in a scholarship or fellowship program under this section shall agree to pay to the United States the total amount of educational assistance provided to the individual under the program, plus interest at the rate prescribed in paragraph (4), if—

(A) the individual does not complete the educational program as agreed to pursuant to subsection (c)(2)(B), completes the educational program but is not selected by the Secretary under subsection (e), or is selected by the Secretary under such subsection but declines to serve, or fails to complete the service, in a position in the Department of Defense as agreed to pursuant to subsection (c)(2)(D); or

(B) in the case of an individual selected by the Secretary under subsection (e), the individual is voluntarily separated from service or involuntarily separated for cause from the Department of Defense before the end of the period for which the individual has agreed to continue in the service of the Department of Defense.

(2) If an individual fails to fulfill the agreement of the individual to pay to the United States the total amount of educational assistance provided under a program established under subsection (a), plus (except as provided in paragraph (5)) interest at the rate prescribed in paragraph (4), a sum equal to the amount of the educational assistance (plus such interest, if applicable) shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the Department of Defense, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method provided by law for the recovery of amounts owing to the United States.

(3) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) Except as provided in paragraph (5), the total amount of educational assistance provided to an individual under a program established under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(5) The requirement to pay interest under this subsection shall not apply to an individual who completes an educational program

as agreed to under subsection (c)(2)(B) but is not selected by the Secretary under subsection (e).

(g) PREFERENCE.—In evaluating applicants for the award of a scholarship or fellowship under a program established under subsection (a), the Secretary shall give a preference to—

(1) individuals who are, or have been, employed by the Department of Defense or its contractors and subcontractors or by the Department of Energy or it contractors and subcontractors who have be engaged in defense-related activities; and

(2) individuals who are or have been members of the Armed Forces.

(h) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under this section shall be taken into account in determining the eligibility of the individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(i) AWARD OF SCHOLARSHIPS AND FELLOWSHIPS.—(1) Subject to paragraph (2), the Secretary shall award not less than 100 scholarships (for undergraduate students) and not less than 30 fellowships (for graduate students) in fiscal year 1993.

(2) The requirement under paragraph (1) to award not less than 100 scholarships and not less than 30 fellowships shall apply only to the extent there is a sufficient number of applicants qualified for such awards.

(j) REPORT TO CONGRESS.—Not later than January 1, 1994, the Secretary shall submit to the Congress a report on activities undertaken under the programs established under subsection (a) and recommendations for future activities under the programs.

(k) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs—

(1) 0.7 percent shall be made available to carry out the scholarship and fellowship programs established in subsection (a); and

(2) 0.3 percent shall be made available to provide training to Department of Defense personnel to obtain the skills required to comply with existing environmental statutory and regulatory requirements.

SEC. 4312. GRANTS TO COMMUNITY COLLEGES TO PROVIDE TRAINING IN ENVIRONMENTAL RESTORATION AND HAZARDOUS WASTE MANAGEMENT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense may establish a program to assist community colleges to provide education and training in environmental restoration and hazardous waste management.

(b) FINANCIAL ASSISTANCE.—The Secretary may award grants to community colleges under the program established under subsection (a).

(c) ELIGIBILITY AND SELECTION.—(1) To be eligible for financial assistance under this section, a community college shall submit to the Secretary a proposal for such assistance in the time and manner and containing the information required by the Secretary.

(2) The Secretary shall select community colleges to receive funding under this section based upon—

(A) the extent to which a community college proposes to provide training and education under the program that is applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities; and

(B) any other criteria prescribed by the Secretary.

(d) DEFINITION.—In this section, the term "community college" has the meaning given the term "junior or community college" in section 312(e) of the Higher Education Act of 1965 (20 U.S.C. 1058(e)).

(e) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.5 percent shall be made available to carry out the program established under subsection (a).

SEC. 4313. ENVIRONMENTAL CLEANUP TRAINING DEMONSTRATION GRANT PROGRAM.

(a) IN GENERAL.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2709. Environmental cleanup training demonstration grant program.

"(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Labor, may make grants to substate grantees, employers, representatives of employees, labor-management committees, and States to carry out demonstration projects to train eligible employees to—

"(1) carry out environmental cleanup at military installations, including cleanup of hazardous waste at such installations; and

"(2) carry out the destruction or disposal of weapons at such installations.

"(b) PURPOSE.—The purpose of the demonstration grant program established under subsection (a) is to increase the number of individuals qualified to conduct environmental restoration or hazardous waste cleanup at military installations.

"(c) DEFINITIONS.—In this section:

"(1) The term 'eligible employee' has the meaning given such term in section 325 of the Job Training Partnership Act (29 U.S.C. 1662d).

"(2) The terms 'labor-management committees', 'State', and 'substate grantee' have the meanings given such terms in section 301(b) of such Act (29 U.S.C. 1651(b)).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2709. Environmental training cleanup demonstration grant program.".

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.5 percent shall be made available to carry out section 2709 of title 10, United States Code, as added by subsection (a).

SEC. 4314. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORK FORCE RESTRUCTURING PLAN.

(a) IN GENERAL.—The Secretary of Energy (hereinafter in this section referred to as the "Secretary") shall develop a plan for restructuring the work force of Department of Energy defense nuclear facilities that takes into account—

(1) reconfiguration of defense nuclear facilities; and

(2) the plan for the nuclear weapons stockpile that is the most recently prepared plan at the time of the development of the plan referred to in this subsection.

(b) CONSULTATION.—(1) In developing the plan referred to in subsection (a) and any updates of the plan under subsection (e), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of individuals employed at Department of Energy defense nuclear facilities, appropriate representatives of departments and agencies of State and local governments, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.

(2) The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).

(c) OBJECTIVES.—In preparing the plan required under subsection (a), the Secretary shall be guided by the following objectives:

(1) Changes in the work force at Department of Energy defense nuclear facilities—

(A) should be accomplished so as to minimize social and economic impacts;

(B) should be made only after the provision of notice of such changes not later than 120 days before the commencement of such changes to such employees and the communities in which such facilities are located; and

(C) should be accomplished, when possible, through the use of retraining, early retirement, attrition, and other options that minimize layoffs.

(2) Employees whose employment in positions at such facilities is terminated shall, to the extent practicable, receive preference in any hiring of the Department of Energy (consistent with applicable employment seniority plans or practices of the Department of Energy and with section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1682)).

(3) Employees shall, to the extent practicable, be retrained for work in environmental restoration and waste management activities at such facilities or other facilities of the Department of Energy.

(4) The Department of Energy should provide relocation assistance to employees who are transferred to other Department of Energy facilities as a result of the plan.

(5) The Department of Energy should assist terminated employees in obtaining appropriate retraining, education, and reemployment assistance (including employment placement assistance).

(6) To the extent that funds are authorized and appropriated for such programs, the Department of Energy should provide local impact assistance to communities that are affected by the restructuring plan and coordinate the provision of such assistance with—

(A) programs carried out by the Department of Labor pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) programs carried out pursuant to the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (10 U.S.C. 2391 note); and

(C) programs carried out by the Department of Commerce pursuant to title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.).

(d) IMPLEMENTATION.—The Secretary shall work on an ongoing basis with representatives of the Department of Labor, work force bargaining units, and States and local communities in carrying out the plan required under subsection (a).

(e) PLAN UPDATES.—Not later than one year after issuing the plan referred to in subsection (a) and on an annual basis thereafter, the Secretary shall issue an update of the plan. Each updated plan under this subsection shall—

(1) be guided by the objectives referred to in subsection (c), taking into account any changes in the function or mission of the Department of Energy defense nuclear facilities and any other changes in circumstances that the Secretary determines to be relevant;

(2) contain an evaluation by the Secretary of the implementation of the plan during the year preceding the report; and

(3) contain such other information and provide for such other matters as the Secretary determines to be relevant.

(f) Submittal to Congress.—The Secretary shall submit the plan referred to in subsection (a) and any updates of the plan under subsection (e) to the Speaker of the House of Representatives and the President of the Senate. The plan shall be submitted not later than 180 days after the date of the enactment of this Act.

Subtitle C—Job Training and Employment and Educational Opportunities

SEC. 4321. TRAINING, ADJUSTMENT ASSISTANCE, AND EMPLOYMENT SERVICES FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) In General.—Title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) is amended by inserting after section 325 the following new section:

"SEC. 325A. DEFENSE DIVERSIFICATION PROGRAM.

"(a) In General.—

"(1) Grants to substate grantees.—The Secretary of Defense, in consultation with the Secretary of Labor, shall make grants to substate grantees to provide defense diversification or conversion assistance to affected facilities and training, adjustment assistance, and employment services to eligible individuals described in subsection (b) located within the substate area of such grantee who are directly affected by reductions in expenditures by the United States for defense or by closures of United States military facilities. If a substate grantee fails to apply for a grant under this paragraph within 60 days after notification of the dislocation or potential dislocation of eligible individuals (or such reasonable time as the Secretary of Defense may prescribe in the case of training, assistance, and services for eligible members of the Armed Forces), the Secretary shall make such grants as provided in paragraphs (2) and (3).

"(2) Grants to employers, representatives of employees, and labor-management committees.—If a substate grantee fails to apply under paragraph (1) before the end of the application period provided such paragraph, the Secretary of Defense shall make grants to employers, representatives of employees, or labor-management committees which are located in the substate area of such grantee for the purpose of providing the services described in such paragraph.

"(3) Grants to States.—If a substate grantee fails to apply under paragraph (1) and the entities described in paragraph (2) fail to apply under such paragraph, the Secretary of Defense shall make grants to States in which such grantees are located for the purpose of providing the services described in paragraph (1).

"(4) Definitions.—For purposes of this section:

"(A) Labor-management committee.—The term 'labor-management committee'—

"(i) has the meaning given such term in section 301(b)(1); and

"(ii) includes a committee established at a military installation to assist members of the Armed Forces who are being separated and civilian employees of the Department of Defense and the Department of Energy who are being terminated.

"(B) Defense contractor.—The term 'defense contractor' means a private person producing goods or services pursuant to—

"(i) one or more defense contracts which have a total amount not less than $500,000 entered into with the Department of Defense; or

"(ii) one or more subcontracts entered into in connection with a defense contract and which have a total amount not less than $500,000.

"(b) Individuals Eligible for Training, Assistance, and Services.—

"(1) Certain members of the armed forces.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

"(A) was on active duty or full-time National Guard duty on September 30, 1990;

"(B) during the five-year period beginning on that date—

"(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

"(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

"(C) is not entitled to retired or retainer pay incident to that separation; and

"(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

"(2) Certain Defense Employees.—A civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(A) during the five-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

"(B) is not entitled to retired or retainer pay incident to that termination or lay off.

"(3) Certain Defense Contractor Employees.—An employee of a private defense contractor (as defined in section 4405(d) of the Defense Reinvestment Act of 1992) shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(A) during the five-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense, except that, in the case a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off;

"(B) on the date of such termination or lay off, was employed for not less than five years with that private defense contractor; and

"(C) is not entitled to retired or retainer pay incident to that termination.

"(c) Application Requirements.—

"(1) In general.—To receive a grant under subsection (a), an applicant shall submit to the Secretary of Defense an application which contains such information as the Secretary may require and which meets the following requirements:

"(A) Conversion plan.—

"(i) Substate grantees.—In the case of an applicant that is a substate grantee, such grantee shall, in conjunction with the labor-management committee established pursuant to subparagraph (B)(ii) at the affected facility, submit a conversion plan developed in consultation with the State dislocated worker unit (and where appropriate, representatives from the Department of Defense) that meets the requirements of clause (v).

"(ii) Employers and representatives of employees.—In the case of an applicant that is an employer or representative of employees, such employer or representative of employees shall, in conjunction with the labor-management committee established pursuant to subparagraph (B)(ii) at the affected facility of such employer or representatives of employees, submit a conversion plan developed in consultation with the State dislocated worker unit (and where appropriate, representatives from the Department of Defense) that meets the requirements of clause (v).

"(iii) Labor-management committees.—In the case of an applicant that is a labor-management committee, such committee shall submit a conversion plan developed in consultation with the State dislocated worker unit (and where appropriate, representatives from the Department of Defense) that meets the requirements of clause (v).

"(iv) States.—In the case of an applicant that is a State, such State shall, in conjunction with the labor-management committee established pursuant to subparagraph (B)(ii) at the affected facility, submit a conversion plan developed in consultation with the State dislocated worker unit (and where appropriate, representatives from the Department of Defense) that meets the requirements of clause (v).

"(v) Requirements.—A conversion plan meets the requirements of this clause if such plan—

"(I) provides an assessment of basic skills, career interests, and income needs of eligible individuals;

"(II) provides a preliminary outline of a program to convert the defense base or facility to a commercial facility; and

"(III) contains economic development strategies, new product marketing strategies, plant or military base conversion proposals, a labor market analysis, and proposals for the effective use or conversion of surplus Federal property.

"(B) Provision of State dislocated worker services.—The applicant shall provide verification that the State dislocated worker unit has provided, or is in the process of providing, in addition to the services described in section 311(b)(3) and 314(b), the following activities and services:

"(i) The State dislocated worker unit, in conjunction with the substate grantee (and where appropriate, representatives from the Department of Defense), has established onsite contact with employers and employee representatives affected by a dislocation or potential dislocation of eligible individuals not later than 2 business days after notification of such dislocation.

"(ii) The State dislocated worker unit has assisted in the formation of a labor-management committee in the case of a facility affected by an employee dislocation or potential dislocation in accordance with section 314(b)(1)(B), including the provision of technical assistance and, where appropriate, financial assistance to cover the start-up costs of such committee. If the labor-management committee has not been established by the State dislocated worker unit, the Secretary of Defense, in consultation with the Secretary of Labor, may waive the requirement described in the preceding sentence if the Secretary determines that the State dislocated worker unit has made a good-faith effort to establish such committee.

"(iii) The State dislocated worker unit has provided, in conjunction with the labor-management committee established pursuant to clause (ii), the following services:

"(I) An initial survey of potential eligible individuals to determine the approximate number of such individuals interested in receiving services under this section, orientation sessions, counseling services, and early intervention services for eligible individuals and management. Such services may be provided in coordination with representatives from the United States Employment Service, the Interstate Job Bank, the Department of Defense, and the National Occupational Information Coordinating Committee.

"(II) Initial basic readjustment services in conjunction with such services provided by substate grantees.

"(C) SKILLS ENHANCEMENT RETRAINING.—The applicant shall provide assurances satisfactory to the Secretary of Defense, in consultation with the Secretary of Labor, that if the applicant uses amounts from a grant under subsection (a) for skills enhancement retraining at defense facilities pursuant to subsection (f)(2)—

"(i) the applicant will maintain its expenditures from all other sources for skills enhancement retraining at or above the average level of such expenditures in the fiscal year preceding the date of the enactment of this section; and

"(ii) such retraining will not be conducted during the individual's normal working hours.

"(2) TECHNICAL ASSISTANCE.—The Secretary of Labor may provide technical assistance to an applicant for the purpose of assisting the applicant to meet the application requirements under paragraph (1).

"(3) TIMELY DECISION.—The Secretary of Defense shall make a final determination with regard to an application received under paragraph (1) within 60 days after receipt of the application.

"(4) TIMELY NOTIFICATION.—The Secretary of Defense shall provide timely written notification to an applicant upon determination by such Secretary that the applicant has not satisfied the requirements under paragraph (1).

"(d) SELECTION REQUIREMENTS.—

"(1) NEEDS-RELATED PAYMENTS REQUIREMENT.—The Secretary of Defense, in consultation with the Secretary of Labor, shall not approve an application for a grant under subsection (a) unless the application contains assurances that the applicant will use amounts from a grant to provide needs-related payments in accordance with subsection (h).

"(2) SUBSTATE GRANTEES.—In reviewing applications for grants to substate grantees under subsection (a)(1), the Secretary of Defense shall select applications—

"(A) from areas most severely impacted by the reduction in defense expenditures and base closures, particularly areas with existing high poverty levels or existing high unemployment levels;

"(B) from areas which have the greatest number of eligible individuals, taking into account the ratio of eligible individuals in the affected community to the population of such community; and

"(C) which include the input and participation of the labor-management committee in the development of the conversion plan required under subsection (c)(1)(A).

"(3) PRIORITY FOR LABOR-MANAGEMENT COMMITTEES.—In reviewing applications for grants under subsection (a)(2), the Secretary of Defense shall give priority to applications received from labor-management committees.

"(e) RETENTION OF PORTION OF GRANT AMOUNT BY SECRETARY.—

"(1) PORTION RELATING TO CONVERSION PLAN.—The Secretary of Defense shall retain 25 percent of the amount of a grant awarded under subsection (a) and shall disburse the amount not later than 90 days after the date on which such Secretary determines that the applicant has satisfied the requirements of the conversion plan required under subsection (c)(1)(A).

"(2) PORTION RELATING TO STATE DISLOCATED WORKER SERVICES.—The Secretary shall retain up to 20 percent of the amount of the grant awarded under subsection (a) (not to exceed $100,000) to reimburse the State dislocated worker unit for expenses incurred in providing the services described under subsection (c)(1)(B).

"(f) USE OF FUNDS.—Subject to the requirements of subsections (g), (h), and (i), grants under subsection (a) may be used for—

"(1) any purpose for which funds may be used under section 314 of this part; and

"(2) skills enhancement retraining at defense facilities which are being converted to commercial facilities for the purpose of supplementing existing skills enhancement efforts for non-professional and non-managerial positions at such facilities.

"(g) ADJUSTMENT ASSISTANCE REQUIREMENTS.—The adjustment assistance requirements described in section 326(e) shall apply for purposes of grants made under subsection (a) for adjustment assistance.

"(h) NEEDS-RELATED PAYMENTS REQUIREMENTS.—The Secretary of Labor shall prescribe regulations with respect to the use of funds from grants under subsection (a) for needs-related payments in accordance with the requirements described in section 326(f) in order to enable eligible individuals to complete training or education programs. Priority for needs-related payments shall be given to eligible individuals participating in certificate vocational training or education programs of 1 year or more.

"(i) DEPARTMENT OF DEFENSE FINANCIAL ASSISTANCE REQUIREMENT.—The Secretary of Defense, in consultation with the Secretary of Labor, shall prescribe regulations to ensure that student financial assistance authorized under programs for employees of the Department of Defense and veterans is provided prior to adjustment assistance under subsection (g), needs-related payments under subsection (h), and any other student financial assistance provided under Federal law.

"(j) DEMONSTRATION PROJECTS.—In carrying out the grant program established under subsection (a), the Secretary of Defense, in consultation with the Secretary of Labor, may make grants to the entities referred to in that subsection for the purpose of developing demonstration projects to encourage and promote innovative responses to the dislocation resulting from reductions in expenditures by the United States for defense or by the closure of United States military installations. Such demonstration projects may include—

"(1) projects to facilitate the placement of eligible individuals in occupations experiencing skill shortages that will make use of the skills acquired by the eligible individuals during their employment;

"(2) projects to assist in retraining and reorganization efforts designed to avert layoffs that would otherwise occur as a result of such reductions or closures; and

"(3) projects to assist communities in addressing and reducing the impact of such economic dislocation.".

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 10 percent shall be made available to carry out section 325A of the Job Training Partnership Act, as added by subsection (a).

SEC. 4322. DEFENSE CONTRACTOR HIRING PREFERENCE FOR DISPLACED DEFENSE WORKERS.

(a) CONDITION OF DEFENSE CONTRACTS.—Any contract entered into by the Secretary of Defense with a major defense contractor during the period specified in subsection (g) shall include a provision requiring that during the period that the contract remains in effect the contractor, in hiring new employees in an occupational specialty, shall give a first right of hire to any displaced defense worker with skills in that occupational specialty.

(b) DISPLACED DEFENSE WORKER DEFINED.—For purposes of this section, an individual shall be considered to be a displaced defense worker if the individual was employed for a period of not less than five years as an employee of the Department of Defense, of a contractor of the Department of Defense, or of the national security laboratories of the Department of Energy immediately preceding a qualifying dislocation.

(c) QUALIFYING DISLOCATION DEFINED.—For purposes of this section, a qualifying dislocation is a termination of employment that the Secretary of Defense or the Secretary of Energy, as the case may be, determines was due to reductions in levels of defense expenditures.

(d) MAJOR DEFENSE CONTRACTOR DEFINED.—For purposes of this section, a business firm shall be considered to be a major defense contractor if the average annual dollar volume of contracts of that firm with the Department of Defense for the fiscal years 1989, 1990, and 1991 was greater than $100,000,000.

(e) PROTECTION OF FURLOUGHED WORKERS.—Subsection (a) may not be construed to require a contractor to hire a displaced defense worker in preference to recalling a furloughed employee of the contractor.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to relieve an employer of the affirmative action requirements pertaining to veterans set forth in section 4212 of title 38, United States Code.

(g) APPLICABILITY.—This section shall apply to contracts entered into after the end of the 90-day period beginning on the date of the enactment of this Act and before October 1, 1997.

SEC. 4323. PARTICIPATION OF DISCHARGED MILITARY PERSONNEL IN UPWARD BOUND PROJECTS TO PREPARE FOR COLLEGE.

(a) PROGRAM.—The Secretary of Defense may carry out a program to assist a member of the Armed Forces described in subsection (b) who is accepted to participate in an upward bound project assisted under section 417C of the Higher Education Act of 1965 (20 U.S.C. 1070d–1a) to cover the cost of providing services through the project to the member to assist the member to prepare for and pursue a program of higher education upon separation from active duty. Assistance provided under the program may include a stipend provided under subsection (d) of such section.

(b) ELIGIBLE MEMBERS.—A member of the Armed Forces shall be eligible for assistance under subsection (a) if the member—

(1) was on active duty or full-time National Guard duty on September 30, 1990;

(2) during the five-year period beginning on that date, is discharged or released from such duty (under other than adverse circumstances); and

(3) submits an application to the Secretary of Defense within such time, in such form, and containing such information as the Secretary of Defense may require.

(c) NOTIFICATION OF MEMBERS PREVIOUSLY SEPARATED.—To the extent feasible, the Secretary of Defense shall notify members of the Armed Forces who, between September 30, 1990, and the date of the enactment of this Act, were discharged or released from active duty or full-time National Guard duty regarding the availability of the program under subsection (a). The Secretary may establish a time limit within which such members may apply to participate in the program.

(d) PROVISION OF ASSISTANCE.—

(1) DETERMINATION OF AMOUNT.—The amount of assistance provided under subsection (a) to a member of the Armed Forces shall be equal to the anticipated cost of providing services to the member through an upward bound project, subject to the limitation that such amount may not exceed the monthly basic pay to which the member is entitled at the time of the separation of the member. The Secretary of Defense may provide assistance in excess of that limitation if the Secretary determines, on a case by case basis, that such assistance is warranted by the special training needs of the member.

(2) CONSULTATION.—The Secretary of Education may assist the Secretary of Defense in determining the amount to be provided under paragraph (1).

(e) USE OF ASSISTANCE.—A member of the Armed Forces who is selected to participate in the program may receive services through any upward bound project assisted under section 417C of the Higher Education Act of 1965 (20 U.S.C. 1070d-1a) to the same extent as other individuals eligible to receive such services. A member may not participate after the end of the two-year period beginning on the date on which the member is discharged or released from active duty, except that, in the case of a member described in subsection (b) who was discharged or released from active duty before the date of the enactment of this Act, the period for participation in the program shall be two years from the date of the enactment of this Act.

(f) REIMBURSEMENT.—Upon submission to the Secretary of Defense of a request for reimbursement of the costs to provide services to a participant, the Secretary shall reimburse the upward bound project submitting the request for the actual cost of providing services (including a stipend) to the member, not to exceed the amount provided under subsection (d)(1). Funds provided under this subsection shall be in addition to the funds otherwise provided to the project under the Higher Education Act of 1965. Not more than 10 percent of the funds provided under this subsection may be used for administrative costs.

(g) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.5 percent shall be made available to provide assistance under this section.

SEC. 4324. IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS UNDER THE JOB TRAINING PARTNERSHIP ACT.

(a) ADDITIONAL STATE DISLOCATED WORKER UNIT ASSISTANCE REQUIREMENTS.—Section 311(b) of the Job Training Partnership Act (29 U.S.C. 1661(b)) is amended—

(1) in paragraph (3)(D), by inserting before the semicolon at the end the following: ", including immediate notification to substate grantees of current or projected permanent closures or substantial layoffs in the substate area of such grantee to continue and expand the services initiated by the rapid response teams";

(2) in paragraph (9), by striking "on the plan; and" and inserting "on the plan;";

(3) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(11) the State unit will provide the Secretary with a cost breakdown of all funds made available under this title used by such unit for administrative expenditures; and

"(12) the State will not transfer any of the rapid response assistance functions of the State unit under section 314(b) to any other entity.".

(b) EXPANDED DEFINITION OF SUBSTANTIAL LAYOFF FOR RAPID RESPONSE ASSISTANCE PROVIDED UNDER SECTION 325.—Section 314(b) of such Act (29 U.S.C. 1661c(b)) is amended by adding at the end the following new paragraph:

"(3) For purposes of rapid response assistance provided by a State dislocated worker unit, the term 'substantial layoff' means a layoff of 50 or more individuals.".

(c) LIMITATION ON USE OF FUNDS FOR NEEDS-RELATED PAYMENTS AND SUPPORTIVE SERVICES.—Section 315(b) of such Act (29 U.S.C. 1661d(b)) is amended by striking "Not more than 25 percent" and inserting "Except for funds expended under section 325 or 325A, not more than 25 percent".

(d) PROHIBITION OF USE OF FUNDS UNDER JOB TRAINING PROGRAMS FOR TRANSFER OF FEDERAL PROPERTY AND EQUIPMENT BETWEEN FEDERAL AGENCIES.—Section 141 of such Act (29 U.S.C. 1551) is amended by adding at the end the following new subsection:

"(q) Notwithstanding any other provision of law, the transfer of Federal property and equipment to a job training program under this Act or an education program shall be provided to such program at no cost.".

SEC. 4325. JOB BANK PROGRAM FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) INTERSTATE JOB BANK PROGRAM.—The Secretary of Defense may establish a program to expand the services of and provide access to the Interstate Job Bank program in the United States Employment Service to individuals eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and, in the case of members of the Armed Forces so eligible, the spouses of such members. The Secretary may establish such program in coordination with the Defense Outplacement Referral System and other automated job opening networks.

(b) SERVICES INCLUDED.—The program established under subsection (a) may include the following services:

(1) A phone bank reachable by a toll-free number, staffed by an international "help desk" of individuals familiar with the services provided under section 1144 of title 10, United States Code, and related transition programs under chapter 58 of such title (in the case of members of the Armed Forces, priority shall be given to recently-discharged veterans, members of the Armed Forces who have been separated from active duty, and their spouses).

(2) Interstate Job Bank satellite offices or systems at defense contractor plants by State employment security agencies and at all military bases for direct access and self service to job listings.

(3) Specialized job banks to integrate with the Interstate Job Bank for specialized listings or services such as the Defense Outplacement Referral System (DORS) of résumés, National Academy of Sciences Network, commercial systems, and the outplacement of defense-related personnel in high-tech occupations through the expansion and coordination of existing networks to ensure that resources are available at all service locations.

(4) A system by which individuals and public and private organizations may access the Interstate Job Bank using individual modems or related automated employment systems (such system shall also demonstrate a fee-for-service access to the Interstate Job Bank).

(c) FUNDING FOR FISCAL YEAR 1993.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.6 percent shall be made available to carry out program established under subsection (a).

Subtitle D—Service Members Occupational Conversion and Training

SEC. 4351. SHORT TITLE.

This subtitle may be cited as the "Service Members Occupational Conversion and Training Act of 1992".

SEC. 4352. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the men and women serving in our Nation's Armed Forces are of the highest caliber—intelligent, dedicated, and disciplined—and hundreds of thousands of these service members will be separating from the Armed Forces due to the drawdown in military personnel;

(2) these men and women will be entering the civilian workforce during a time of economic instability and uncertainty;

(3) many of these service personnel specialized in critical skills such as combat arms which will not transfer to the civilian workforce;

(4) as part of the Nation's obligation to these service members, the Secretary of Defense has a unique responsibility and obligation to provide them with the tools they need to be reassimilated into the civilian community and continue to be outstanding, productive citizens;

(5) the rapid placement of separated military personnel in civilian employment and training opportunities will significantly reduce the Department of Defense's costs relative to unemployment compensation for ex-service members;

(6) military personnel are a national resource whose skills and abilities must be absorbed by and integrated into the civilian workforce; and

(7) providing such training will reduce the total cost of the drawdown and is important to the national defense function of the Department of Defense.

(b) PURPOSE.—The purpose of this subtitle is to provide additional means by which the Secretary of Defense can manage the drawdown of the Armed Forces and to provide additional forms of assistance to members of the Armed Forces who are forced or induced to leave military service by reason of the drawdown of the Armed Forces, thereby facilitating the Secretary's ability to achieve end strength reductions caused by the drawdown.

SEC. 4353. DEFINITIONS.

For the purposes of this subtitle:

(1) The term "Secretary" means the Secretary of Defense.

(2) The terms "compensation", "service-connected", "State", and "active military, naval, or air service" have the meanings given such terms in paragraphs (13), (16), (20), and (24), respectively, of section 101 of title 38, United States Code.

SEC. 4354. ESTABLISHMENT OF PROGRAM.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this subtitle, the Secretary shall carry out a program in accordance with this subtitle to assist eligible persons in obtaining employment through participation in programs of significant training for employment in stable and permanent positions. The Secretary may enter into an agreement with the Secretary of Veterans Affairs and the Secretary of Labor for the implementation of the program. The program shall be carried out through payments to employers who employ and train eligible persons in such positions. Such payments shall be made to assist such employers in defraying the costs of necessary training.

(b) STATE APPROVING AGENCIES.—(1) The implementing official may enter into contracts or agreements with State approving agencies, as designated pursuant to section 3671(a) of title 38, United States Code, to carry out any duty of the implementing official under this subtitle. Payment may be made to such agencies pursuant to any such contract or agreement for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out such duties. Each such payment may be made only from funds available to the implementing official pursuant to section 4366(a)(3).

(2) Each State approving agency with which a contract or agreement is entered into under this section shall submit to the implementing official on a monthly or quarterly basis, as determined by the agency, a report containing a certification of such expenses for the period covered by the report. The report shall be submitted in the form and manner required by such official.

SEC. 4355. ELIGIBILITY FOR PROGRAM; DURATION OF ASSISTANCE.

(a) IN GENERAL.—(1) To be eligible for participation in a job training program under this subtitle, an eligible person—

(A) must be an eligible person described in paragraph (2)—

(i) who—

(I) is unemployed at the time of applying for participation in a program under this subtitle; and

(II) has been unemployed for at least 10 of the 15 weeks immediately preceding the date of such eligible person's application for participation in a program under this subtitle;

(ii) who separates from the active military, naval, or air service and whose primary or secondary occupational specialty in the Armed Forces is (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) not readily transferable to the civilian workforce; or

(iii) who served in the active military, naval, or air service and is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more, as determined by the implementing official; and

(B) who submits an application under subsection (b) during the period ending four years after the date of the last discharge or the date of enactment of this subtitle, whichever is later.

(2) For purposes of paragraph (1), an eligible person referred to in paragraph (1) is a veteran described in section 101(2) of title 38, United States Code, who was discharged on or after August 2, 1990, and—

(A) served in the active military, naval, or air service for a period of more than 90 days; or

(B) was discharged or released from active duty because of a service-connected disability.

(3) For purposes of paragraph (1), an eligible person shall be considered to be unemployed during any period such person is without a job and wants and is available for work. In determining whether a person is unemployed for purposes of paragraph (1), the implementing official shall not take into consideration part-time or temporary employment, as defined by such official.

(b) APPLICATION PROCESS.—(1) An eligible person who desires to participate in a program of job training under this subtitle shall submit to the implementing official an application for participation in such a program. Such an application—

(A) shall include a certification by the eligible person that the eligible person meets the criteria for eligibility prescribed by clause (i), (ii), or (iii) of subsection (a)(1);

(B) shall include an opportunity for the eligible person to request counseling under section 4364(a); and

(C) shall be in such form and contain such additional information as such official may prescribe.

(2)(A) Subject to subparagraph (B), an application by an eligible person for participation in a program of job training under this subtitle shall be approved unless the implementing official finds that the eligible person is not eligible to participate in a program of job training under this subtitle.

(B) Approval of an application of an eligible person under this subtitle may be withheld if the implementing official determines that, because of limited funds available for the purpose of making payments to employers under this subtitle, it is necessary to limit the number of participants in the program carried out under this subtitle.

(3)(A) Subject to section 4362(c), the implementing official shall certify as eligible for participation under this subtitle an eligible person whose application is approved under this subsection and shall furnish the eligible person with a certificate of that eligible person's eligibility for presentation to an employer offering a program of job training under this subtitle. Any such certificate shall expire 180 days after it is furnished to the eligible person. The date on which a certificate is furnished to an eligible person under this paragraph shall be stated on the certificate.

(B) A certificate furnished under this paragraph may, upon the eligible person's application, be renewed in accordance with the terms and conditions of subparagraph (A).

(c) PERIOD OF TRAINING.—The maximum period of training for which assistance may be provided on behalf of an eligible person under this subtitle is 15 months.

SEC. 4356. EMPLOYER JOB TRAINING PROGRAMS.

(a) MINIMUM PERIOD.—(1) Except as provided in paragraph (2), in order to be approved as a program of job training under this subtitle, a program of job training of an employer approved under section 4357 must provide training for a period of not less than 12 months in an occupation in a growth industry or in an occupation requiring the use of new technological skills.

(2) A program of job training providing training for a period of at least 6 months may be approved if the implementing official determines (in accordance with standards which the Secretary shall prescribe) that the purpose of this subtitle would be met through that program.

(b) ENTRY INTO PROGRAM.—Subject to section 4360 and the other provisions of this subtitle, an eligible person who has been approved for participation in a program of job training under this subtitle and has a current certificate of eligibility for such participation may enter a program of job training that has been approved under section 4357 and that is offered to the eligible person by the employer.

SEC. 4357. APPROVAL OF EMPLOYER PROGRAMS.

(a) IN GENERAL.—(1) An employer may be paid assistance under section 4358(a) on behalf of an eligible person employed by such employer and participating in a program of job training offered by that employer only if the program is approved under this section.

(2) Except as provided in subsection (b), a proposed program of job training of an employer shall be approved unless the implementing official determines that the application does not contain a certification and other information meeting the requirements established under this subtitle or that withholding of approval is warranted under subsection (g).

(b) INELIGIBLE PROGRAMS.—A program of job training—

(1) for employment which consists of seasonal, intermittent, or temporary jobs;

(2) for employment under which commissions are the primary source of income;

(3) for employment which involves political or religious activities;

(4) for employment with any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission); or

(5) for employment outside of a State,

may not be approved under this subtitle.

(c) APPLICATION.—An employer offering a program of job training that the employer desires to have approved for the purposes of this subtitle shall submit to the implementing official a written application for such approval. Such application shall be in such form as such official shall prescribe.

(d) CERTIFICATION.—An application under subsection (c) shall include a certification by the employer of the following:

(1) That the employer is planning that, upon an eligible person's completion of the program of job training, the employer will employ the eligible person in a position for which the eligible person has been trained and that the employer expects that such a position will be available on a stable and permanent basis to the eligible person at the end of the training period.

(2) That the wages and benefits to be paid to an eligible person participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in a comparable program of job training.

(3) That the employment of an eligible person under the program—

(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring an eligible person in such job under this subtitle.

(4) That the employer will not employ in the program of job training an eligible person who is already qualified by training and experience for the job for which training is to be provided.

(5) That the job which is the objective of the training program is one that involves significant training.

(6) That the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and of comparable training opportunities in such occupation, to accomplish the training objective certified under paragraph (2) of subsection (e).

(7) That each participating eligible person will be employed full time in the program of job training.

(8) That the training period under the proposed program is not longer than the training periods that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided.

(9) That there are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as needed to accomplish the training objective certified under subsection (e)(2).

(10) That the employer will keep records adequate to show the progress made by each eligible person participating in the program and otherwise to demonstrate compliance with the requirements established under this subtitle.

(11) That the employer will furnish each participating eligible person, before the eligible person's entry into training, with a copy of the employer's certification under this subsection and will obtain and retain the eligible person's signed acknowledgment of having received such certification.

(12) That, as applicable, the employer will provide each participating eligible person with the full opportunity to participate in a personal interview pursuant to section 4364(b)(1)(B) during the eligible person's normal workday.

(13) That the program meets such other criteria as the Secretary, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, may determine are essential for the effective implementation of the program established by this subtitle.

(e) HOURS AND TRAINING CONTENT.—A certification under subsection (d) shall include—

(1) a statement indicating (A) the total number of hours of participation in the program of job training to be offered an eligible person, (B) the length of the program of job training, and (C) the starting rate of wages to be paid to a participant in the program; and

(2) a description of the training content of the program (including any agreement the employer has entered into with an educational institution under section 4360) and of the objective of the training.

(f) STATUS OF CERTIFIED MATTERS.—(1) Except as specified in paragraph (2), each matter required to be certified to in paragraphs (1) through (11) of subsection (d) shall be considered to be a requirement established under this subtitle.

(2)(A) For the purposes of section 4358(c), only matters required to be certified in paragraphs (1) through (10) of subsection (d) shall be so considered.

(B) For the purposes of section 4361, a matter required to be certified under paragraph (12) of subsection (d) shall also be so considered.

(g) WITHHOLDING APPROVAL; DISAPPROVAL.—In accordance with regulations which the Secretary shall prescribe, the implementing official may withhold approval of an employer's proposed program of job training pending the outcome of an investigation under section 4362 and, based on the outcome of such an investigation, may disapprove such program.

(h) ON-JOB TRAINING.—For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 3687 of title 38, United States Code, shall be considered to meet all requirements established under the provisions of this subtitle (other than subsection (b) and (d)(3)) for approval of a program of job training.

SEC. 4358. PAYMENTS TO EMPLOYERS; OVERPAYMENT.

(a) PAYMENTS.—(1)(A) Except as provided in subsection (b) and subject to section 4355(c), the implementing official shall make payments to employers in accordance with this section. The amount payable to such an employer on behalf of an eligible person with respect to an approved program of job training under this subtitle shall be determined by such official at the beginning of such program. Except as provided in subparagraph (B), that amount shall be equal to 50 percent of the product of (i) the starting hourly rate of wages paid to the eligible person by the employer (without regard to overtime or premium pay), and (ii) the number of hours to be worked by the eligible person during the entire program period.

(B) In no case may the amount determined under subparagraph (A) exceed—

(i) $12,000 for an eligible person with a service-connected disability rated at 30 percent or more; or

(ii) $10,000 for an eligible person not described in clause (i).

(2)(A) Except as provided in subparagraph (B) of this paragraph and subject to the provisions of section 4359, the payments described in paragraph (1) shall be made to an employer of an eligible person participating in an approved program of job training under this subtitle as follows:

(i) One-third of the amount determined under paragraph (1) shall be paid upon completion by such eligible person of one-half of the period of training for which payment is to be made under this subtitle;

(ii) One-third of such amount shall be paid upon completion of such period of training; and

(iii) One-third of such amount shall be paid at the end of the six month period of employment beginning on the date of completion of such period of training.

(B)(i) In any case in which the employment of the eligible person is terminated for any reason described in clause (iii) during a period after a payment is made under subparagraph (A) and before the next payment is due under such subparagraph, the payment for such period shall be equal to the pro rata share of the payment for that period based on the hours actually worked, determined in accordance with the formula specified in paragraph (1)(A).

(ii) In any case in which the employment of an eligible person is terminated, in any period with respect to which a payment is to be made under clause (i), (ii), or (iii) of subparagraph (A), for any reason other than one described in clause (iii), no payment may be made with respect to such eligible person for such period.

(iii) The reasons referred to in clauses (i) and (ii) are the following:

(I) The eligible person voluntarily leaves employment with the employer.

(II) The eligible person becomes disabled and unable to continue his employment.

(III) The eligible person is terminated for good cause shown.

(b) LIMITATIONS.—(1) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person until the implementing official has received—

(A) from the eligible person, a certification that the eligible person was employed full time by the employer in a program of job training during such period; and

(B) from the employer, a certification—

(i) that the eligible person was employed by the employer during that period and that the eligible person's performance and progress during such period were satisfactory; and

(ii) of the number of hours worked by the eligible person during that period.

With respect to the first such certification by an employer with respect to an eligible person, the certification shall indicate the date on which the employment of the eligible person began and the starting hourly rate of wages paid to the eligible person (without regard to overtime or premium pay).

(2) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person for which a request for payment is made after two years after the date on which that period of training ends.

(c) OVERPAYMENTS.—(1)(A) Whenever the implementing official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result of a certification, or information contained in an application, submitted by an employer which was false in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

(B) Whenever such official finds that an employer has failed in any substantial respect to comply for a period of time with a requirement established under this subtitle (unless the employer's failure is the result of false or incomplete information provided by the eligible person), each amount paid to the employer on behalf of an eligible person for that period shall be considered to be an overpayment under this subtitle, and the amount of such overpayment shall constitute a liability of the employer to the United States.

(2) Whenever such official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result of a certification by the eligible person, or as a result of information provided to an employer or contained in an application submitted by the eligible person, which was willfully or negligently false in any material respect, the amount of such overpayment shall constitute a liability of the eligible person to the United States.

(3) Any overpayment referred to in paragraph (1) or (2) may be recovered in the same

manner as any other debt due the United States. Any overpayment recovered shall be credited to funds available to make payments under this subtitle. If there are no such funds, any overpayment recovered shall be deposited into the Treasury.

(4) Any overpayment referred to in paragraph (1) or (2) may be waived, in whole or in part, in accordance with the terms and conditions set forth in section 5302 of title 38, United States Code.

SEC. 4359. ENTRY INTO PROGRAM OF JOB TRAINING.

Notwithstanding any other provision of this subtitle, the implementing official shall withhold or deny approval of an eligible person's entry into an approved program of job training if such official determines that funds are not available to make payments under this subtitle on behalf of the eligible person to the employer offering that program. Before the entry of an eligible person into an approved program of job training of an employer for purposes of assistance under this subtitle, the employer shall notify such official of the employer's intention to employ that eligible person. The eligible person may begin such program of job training with the employer two weeks after the notice is transmitted to such official unless within that time the employer has received notice from such official that approval of the eligible person's entry into that program of job training must be withheld or denied in accordance with this section.

SEC. 4360. PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.

An employer may enter into an agreement with an educational institution that has been approved for the purposes of chapter 106 of title 10, United States Code, in order that such institution may provide a program of job training (or a portion of such a program) under this subtitle. When such an agreement has been entered into, the application of the employer under section 4357 shall so state and shall include a description of the training to be provided under the agreement.

SEC. 4361. DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN CERTAIN EMPLOYER PROGRAMS.

(a) FAILURE TO MEET REQUIREMENTS.—If the implementing official finds at any time that a program of job training previously approved for the purposes of this subtitle thereafter fails to meet any of the requirements established under this subtitle, such official may immediately disapprove further participation by eligible persons in that program. Such official shall provide to the employer concerned, and to each eligible person participating in the employer's program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. The employer and each such eligible person shall be notified of such disapproval, the reasons for such disapproval, and the opportunity for a hearing. Notification shall be by a certified or registered letter, and a return receipt shall be secured.

(b) RATE OF COMPLETION.—(1) If the implementing official determines that the rate of eligible persons' successful completion of an employer's programs of job training previously approved for the purposes of this subtitle is disproportionately low because of deficiencies in the quality of such programs, such official shall disapprove participation in such programs on the part of eligible persons who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, such official shall take into account appropriate data, including—

(A) the quarterly data provided by the Secretary of Labor with respect to the number of eligible persons who receive counseling in connection with training under this subtitle, are referred to employers under this subtitle, participate in job training under this subtitle, and complete such training, or do not complete such training, and the reasons for noncompletion; and

(B) data compiled through the particular employer's compliance surveys.

(2) With respect to a disapproval under paragraph (1), the implementing official shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

(3) A disapproval under paragraph (1) shall remain in effect until such time as the implementing official determines that adequate remedial action has been taken.

SEC. 4362. INSPECTION OF RECORDS; INVESTIGATIONS.

(a) RECORDS.—The records and accounts of employers pertaining to eligible persons on behalf of whom assistance has been paid under this subtitle, as well as other records that the implementing official determines to be necessary to ascertain compliance with the requirements established under this subtitle, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

(b) COMPLIANCE MONITORING.—Such official may monitor employers and eligible persons participating in programs of job training under this subtitle to determine compliance with the requirements established under this subtitle.

(c) INVESTIGATIONS.—Such official may investigate any matter such official considers necessary to determine compliance with the requirements established under this subtitle. The investigations authorized by this subsection may include examining records (including making certified copies of records), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this subtitle, or where any of the records of the employer offering or providing such program are kept.

(d) DEPARTMENT OF LABOR.—Functions may be administered under subsections (b) and (c) in accordance with an agreement between the Secretary and the Secretary of Labor providing for the administration of such subsections (or any portion of such subsections) by the Department of Labor. Under such an agreement, any entity of the Department of Labor specified in the agreement may administer such subsections.

SEC. 4363. COORDINATION WITH OTHER PROGRAMS.

(a) VETERANS EDUCATION PROGRAMS.—(1) Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period of time described in paragraph (2) and to such eligible person under chapter 30, 31, 32, 35, or 36 of title 38, United States Code, or chapter 106 of title 10, United States Code, for the same period of time.

(2) A period of time referred to in paragraph (1) is the period of time beginning on the date on which the eligible person enters into an approved program of job training of an employer for purposes of assistance under this subtitle and ending on the last date for which such assistance is payable.

(b) OTHER TRAINING AND EMPLOYMENT.—Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period if the employer receives for that period any other form of assistance on account of the training or employment of the eligible person, including assistance under the Job Training Partnership Act or a credit under section 51 of the Internal Revenue Code of 1986 (relating to credit for employment of certain new employees).

(c) PREVIOUS COMPLETION OF PROGRAM.—Assistance may not be paid under this subtitle on behalf of an eligible person who has completed a program of job training under this subtitle.

(d) PROMOTION.—(1) In carrying out section 3116(b) of title 38, United States Code, the Secretary of Veterans Affairs shall take all feasible steps to establish and encourage, for eligible persons who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training under this subtitle.

(2) In carrying out an agreement entered into under section 4354(a) of this subtitle, the Secretary of Veterans Affairs shall take all feasible steps to ensure that, in the cases of eligible persons who are eligible to have payments made on their behalf under both this subtitle and section 3116(b) of title 38, United States Code, the authority under such section is utilized, to the maximum extent feasible and consistent with the eligible person's best interests, to make payments to employers on behalf of such eligible persons.

SEC. 4364. COUNSELING.

(a) IN GENERAL.—The implementing official shall, upon request, provide, by contract or otherwise, employment counseling services to any eligible person eligible to participate under this subtitle in order to assist such eligible person in selecting a suitable program of job training under this subtitle.

(b) CASE MANAGER.—(1) The implementing official shall provide for a program under which—

(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 4103A(a) of title 38, United States Code, is assigned as a case manager for each eligible person participating in a program of job training under this subtitle;

(B) the eligible person has an in-person interview with the case manager not later than 60 days after entering into a program of training under this subtitle; and

(C) periodic (not less frequent than monthly) contact is maintained with each such eligible person for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the eligible person to appropriate counseling, if necessary, (iii) facilitating the eligible person's successful completion of such program, and (iv) following up with the employer and the eligible person in order to determine the eligible person's progress in the program and the outcome regarding the eligible person's participation in and successful completion of the program.

(2) No case manager shall be assigned pursuant to paragraph (1)(A)—

(A) for an eligible person if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the implementing official determines that there is no need for a case manager for such eligible person; or

(B) in the case of the employees of an employer, if the implementing official determines that—

(i) the employer has an appropriate and effective employee assistance program that is available to all eligible persons participating in the employer's programs of job training under this subtitle; or

(ii) the rate of eligible persons' successful completion of the employer's programs of job training under this subtitle, either cumulatively or during the previous program year, is 60 percent or higher.

(3) The implementing official shall provide, to the extent feasible, a program of counseling or other services designed to resolve difficulties that may be encountered by eligible persons during their training under this subtitle. Such counseling or other services shall be similar to the counseling and other services provided pursuant to chapter 77 of title 38, United States Code, and sections 1712A, 4103A, and 4104 of such title.

(c) CASE MANAGER REQUIRED.—Before an eligible person who voluntarily terminates from a program of job training under this subtitle or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this subtitle, such eligible person must be provided by the Secretary of Labor, after consultation with the implementing official, with a case manager.

SEC. 4365. INFORMATION AND OUTREACH; USE OF AGENCY RESOURCES.

(a) IN GENERAL.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly provide for an outreach and public information program—

(A) to inform eligible persons about the employment and job training opportunities available under this subtitle and under other provisions of law; and

(B) to inform private industry and business concerns (including small business concerns), public agencies and organizations, educational institutions, trade associations, and labor unions about the job training opportunities available under, and the advantages of participating in, the program established by this subtitle.

(2) The Secretary, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, shall promote the development of employment and job training opportunities for eligible persons by encouraging potential employers to make programs of job training under this subtitle available for eligible persons, by advising other appropriate Federal departments and agencies of the program established by this subtitle, and by advising employers of applicable responsibilities under chapters 41 and 42 of title 38, United States Code, with respect to eligible persons.

(b) COORDINATION.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall coordinate the outreach and public information program under subsection (a)(1), and job development activities under subsection (a)(2), with job counseling, placement, job development, and other services provided for under chapters 41 and 42 of title 38, United States Code, and with other similar services offered by other public agencies and organizations.

(c) AGENCY RESOURCES.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall make available such personnel as are necessary to facilitate the effective implementation of this subtitle.

(2) In carrying out the responsibilities of the Secretary of Labor under this subtitle, the Secretary of Labor shall make maximum use of the services of Directors and Assistant Directors for Veterans' Employment and Training, disabled veterans' outreach program specialists, and employees of local offices, appointed pursuant to sections 4103, 4103A, and 4104 of title 38, United States Code. To the extent that the implementing official withholds approval of eligible persons' applications under this subtitle pursuant to section 4355(b)(2)(B), the Secretary of Labor shall take steps to assist such eligible persons in taking advantage of opportunities that may be available to them under any other program carried out with funds provided by the Secretary of Labor.

(d) SMALL BUSINESS.—The implementing official shall request and obtain from the Administrator of the Small Business Administration a list of small business concerns and shall, on a regular basis, update such list. Such list shall be used to identify and promote possible training and employment opportunities for eligible persons.

(e) ASSISTANCE TO PARTICIPATE.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall assist eligible persons and employers desiring to participate under this subtitle in making application and completing necessary certifications.

(f) COLLECTION OF CERTAIN INFORMATION.—The Secretary of Labor shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans' Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of eligible persons who receive counseling services pursuant to section 4364, who are referred to employers participating under this subtitle, who participate in programs of job training under this subtitle (including a description of the nature of the training and salaries that are part of such programs), and who complete such programs, and the reasons for eligible persons' noncompletion.

SEC. 4366. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—(1) Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 10 percent shall be made available for the purpose of making payments to employers under this subtitle. The Secretary of Veterans Affairs and the Secretary of Labor shall submit an estimate to the Secretary of the amount needed to carry out any agreement entered into under section 4354(a), including administrative costs referred to in paragraph (3). Such agreements shall include administrative procedures to ensure the prompt and timely payments to employers by the implementing official.

(2) Amounts made available pursuant to this section for a fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated.

(3) Of the amounts appropriated under this subsection for a fiscal year, three and one-half percent of such amounts may be used for the purpose of administering this subtitle, including reimbursing expenses incurred.

(b) AVAILABILITY OF DEOBLIGATED FUNDS.—Notwithstanding any other provision of law, any funds appropriated under subsection (a) for any fiscal year which are obligated for the purpose of making payments under section 4358 on behalf of an eligible person (including funds so obligated which previously had been obligated for such purpose on behalf of another eligible person and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the implementing official for obligation for such purpose. The further obligation of such funds by such official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

SEC. 4367. REPORT BY SECRETARY OF DEFENSE.

Not later than two years after the date of enactment of this subtitle, the Secretary of Defense, after consulting with the Secretary of Veterans Affairs and the Secretary of Labor, shall submit a report to the Congress assessing the effectiveness of the employment training program established by this subtitle in meeting the purposes of this subtitle and in providing the needed training for employment in stable and permanent positions, along with such recommendations the Secretary of Defense considers appropriate to strengthen the program.

SEC. 4368. TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING.

Assistance may not be paid to an employer under this subtitle—

(1) on behalf of an eligible person who initially applies for a program of job training under this subtitle after September 30, 1995; or

(2) for any such program which begins after March 31, 1996.

TITLE XLIV—TRANSITION INFORMATION SERVICES

SEC. 4401. NOTICE OF TERMINATION OF DEFENSE EMPLOYEES IN THE CASE OF BASE CLOSURES AND REALIGNMENTS.

Section 325 of the Job Training Partnership Act (29 U.S.C. 1662d) is amended by adding at the end the following new subsection:

"(e) NOTICE OF TERMINATION FOR DEFENSE EMPLOYEES.—(1) In the case a civilian employee of the Department of Defense employed at a military installation being closed or realigned, the inclusion of the military installation in a report described in paragraph (2) shall be considered to be a notice of termination to the employee for purposes of determining the employee's eligibility for training, adjustment assistance, and employment assistance under this section.

"(2) The report referred to in paragraph (1) is a base closure and realignment report transmitted to the Congress under—

"(A) section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); or

"(B) section 202(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note).".

SEC. 4402. IMPROVEMENT IN PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES.

(a) ADVANCED NOTICE OF SEPARATION TO MEMBER.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended by striking "Upon the discharge" and inserting "As soon as possible before, but in no event later than 90 days before, the date of the discharge".

(b) CREATION OF TRANSITION PLAN.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(10) The creation of a transition plan for the member to attempt to achieve the educational, training, and employment objectives of the member and, if the member has a spouse, the spouse of the member.".

SEC. 4403. IMPROVED COORDINATION OF JOB TRAINING AND PLACEMENT PROGRAMS FOR MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall consult with the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Economic Adjustment Committee to improve the coordination of, and eliminate duplication between, the following job training and placement programs available to members of the Armed Forces who are discharged or released from active duty:

(1) The defense diversification program added by section 4321.

(2) Sections 1143 and 1144 of title 10, United States Code.

(3) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(4) Chapter 41 of title 38, United States Code.

(5) The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(6) The Act of August 16, 1937 (Chapter 663; 50 Stat 664; 29 U.S.C. 50 et seq.), commonly known as the National Apprenticeship Act.

(7) The Wagner-Peyser Act (29 U.S.C. 49 et seq.)

SEC. 4404. DEFENSE CONTRACTOR REQUIREMENT TO LIST SUITABLE EMPLOYMENT OPENINGS WITH LOCAL EMPLOYMENT SERVICE OFFICE.

(a) In General.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2410c, as added by section 4303(a), the following new section:

"§ 2410d. Defense contractors: listing of suitable employment openings with local employment service office.

"(a) Regulations.—The Secretary of Defense shall promulgate regulations containing the requirement described in subsection (b) and such other provisions as the Secretary considers necessary to administer such requirement. Such regulations shall require that each contract described in subsection (c) shall contain a clause requiring the contractor to comply with such regulations.

"(b) Requirement.—The regulations promulgated under this section shall require each contractor carrying out a contract described in subsection (c) to list immediately with the appropriate local employment service office, and where appropriate the Interstate Job Bank (established by the United States Employment Service), all of its suitable employment openings under such contract.

"(c) Covered Contracts.—The regulations promulgated under this section shall apply to any contract entered into with the Department of Defense in an amount of $100,000 or more.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2410c, as added by section 4303(b), the following new item:

"2410d. Defense contractors: listing of suitable employment openings with local employment service office.".

(b) Effective Date.—Section 2410d of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after September 30, 1992.

SEC. 4405. NOTICE REQUIRED UPON CANCELLATION OF DEFENSE CONTRACTS.

(a) Secretary of Defense Notice Requirement.—To the extent practicable, the Secretary of Defense shall provide six-months advance notice to a defense contractor of any cancellation or substantial reduction in a defense contract that will adversely affect the defense contractor.

(b) Defense Contractor Notice Requirement.—Not later than two weeks after a defense contractor receives notice under subsection (a) of the cancellation or substantial reduction in a defense contract, the contractor shall notify each representative of employees of the defense contractor (or, if there is no such representative at that time, to each employee) of such cancellation or substantial reduction.

(c) Constructive Notice of Termination for Employees.—The notification provided under subsection (b) to the employees of a defense contractor shall be considered to be a notice of termination to the employee for purposes of determining the employee's eligibility for training, adjustment assistance, and employment assistance under section 325A of the Job Training Partnership Act, as added by section 4321.

(d) Defense Contractor Defined.—For purposes of titles XLIII and XLIV, the term "defense contractor" means a private person producing goods or services pursuant to—

(1) one or more defense contracts which have a total amount not less than $500,000 entered into with the Department of Defense; or

(2) one or more subcontracts—

(A) entered into in connection with a defense contract; and

(B) which have a total amount not less than $500,000.

TITLE XLV—PLANNING AND TECHNICAL ASSISTANCE

SEC. 4501. EXPANSION OF ADJUSTMENT ASSISTANCE AVAILABLE TO STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) Operational Assistance.—Subsection (b) of section 2391 of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4)(A) In the case of a State or local government eligible for assistance under paragraph (1), the Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist the State or local government to carry out a community adjustment and economic diversification program (including State industrial extension or modernization efforts to facilitate the economic diversification of defense contractors and subcontractors) in addition to planning such a program.

"(B) The Secretary shall establish criteria for the selection of community adjustment and economic diversification programs to receive assistance under subparagraph (A). Such criteria shall include a requirement that the State or local government agree—

"(i) to provide not less than 10 percent of the funding for the program from non-Federal sources;

"(ii) to provide business planning and market exploration services under the program to defense contractors and subcontractors that seek modernization or diversification assistance; and

"(iii) to provide training, counseling, and placement services for members of the armed forces and dislocated defense workers.".

(b) Clerical Amendments.—Such section is further amended—

(1) by inserting "Reuse Studies.—" after "(a)";

(2) by inserting "Adjustment and Diversification Assistance.—" after "(b)";

(3) by inserting "Annual Report.—" after "(c)";

(4) by inserting "Military Installation Defined.—" after "(d)"; and

(5) by inserting "Assistance Subject to Appropriations.—" after "(e)".

(c) Funding for Fiscal Year 1993.—(1) Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 10.3 percent shall be made available as community adjustment and economic diversification assistance under section 2391(b)(4) of title 10, United States Code, as amended by subsection (a)(2).

(2) The Secretary of Defense may provide up to 5 percent of the amount made available pursuant to paragraph (1) for the purpose of providing preparation and assistance to those States intending to establish the types of programs funded by this section.

SEC. 4502. PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) Pilot Project.—During fiscal year 1993, the Secretary of Defense shall conduct a pilot project to examine methods to improve the provision of economic adjustment and diversification assistance under section 2391(b)(1) of title 10, United States Code, to State and local governments adversely affected by the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending.

(b) Planning Grants.—Under the pilot project, the Secretary of Defense shall make planning grants under section 2391(b)(1) of title 10, United States Code, to State and local governments in five study areas selected by the Secretary. The total amount of grants under the pilot program may not exceed $400,000 per study area.

(c) Study Areas.—In selecting study areas for inclusion in the pilot program, the Secretary of Defense shall ensure that—

(1) one study area covers an area in which the local economy is heavily dependent on a defense contractor that is in the process of terminating a major defense contract or closing a major facility;

(2) one study area covers an area in which the local economy would be adversely affected by changes in the use of a national laboratory previously needed for the testing of nuclear weapons;

(3) one study area covers an area in which the local economy would be adversely affected by the closing of a military installation; and

(4) one study area covers an area in which the local economy would be adversely affected by at least two of the changes referred to in the preceding paragraphs.

(d) Use of Grants.—Grants made under the pilot program may be used to determine the needs of the communities in a study area as they experience the economic dislocation associated with the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending and develop responses tailored to those needs through the use of a wide variety of sources and expertise in the communities.

(e) Monitoring of Grant Use.—The Secretary of Defense shall monitor the activities under the pilot project to develop a more complete understanding of the unique needs of each type of study area and the methodologies that may be successful in addressing similar economic dislocation in other communities in the United States.

(f) Funding.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 0.2 percent shall be made available for grants under this section.

SEC. 4503. ASSISTANCE TO SMALL BUSINESSES IN DEFENSE INDUSTRY THAT ARE ADVERSELY AFFECTED BY DEFENSE REDUCTIONS.

(a) In General.—The Secretary of Defense shall carry out a program to provide financial assistance and technical assistance to qualifying small businesses in the defense industry. The assistance shall be provided in order to assist qualifying small businesses in diversifying into nondefense work or into other types of Department of Defense work. The goal of the program shall be to preserve a viable defense supplier base consisting of diversified small businesses.

(b) QUALIFYING FIRMS.—(1) A firm is a qualifying firm for the purposes of the program under this section if the firm is a United States firm that—

(A) is a supplier to the Department of Defense under a covered defense contract or subcontract;

(B) is a firm that has been, or is threatened to be, substantially and seriously affected by—

(i) the closure of a military installation;

(ii) the termination of a covered defense contract or subcontract; or

(iii) reductions in defense spending; or

(C) is a firm that is managed by and employs workers who were formerly employed by firms described in subparagraph (A) or (B).

"(2) In this subsection:

"(A) The term 'substantially and seriously affected', with respect to a business firm, means a firm that—

"(i) holds a covered defense contract or subcontract (or held such a contract or subcontract before a reduction the defense budget);

"(ii) experiences a reduction, or the threat of a reduction, of—

"(I) 25 percent or more in sales or production; or

"(II) 80 percent or more of the workforce of such firm in any division of such firm or at any plant or other facility of such firm; and

"(iii) establishes, by evidence, that the reductions referred to in clause (ii) occurred as a direct result of a reduction in the defense budget.

"(B) The term 'covered contract or subcontract' means—

"(i) a contract with the Department of Defense in an amount not less than $100,000 (without regard to the date on which the contract was awarded); and

"(ii) a subcontract which—

"(I) is entered into in connection with a contract described in clause (i) (without regard to the effective date of the subcontract); and

"(II) is in an amount not less than $50,000.

(c) PROVISION OF ASSISTANCE.—Assistance under this section shall be provided through the Office of Small and Disadvantaged Business of the Department of Defense. Subject to the availability of appropriations for such purpose, the Secretary of Defense, acting through the Director of that Office, may provide assistance under this section to any firm designated under subsection (b). Under regulations prescribed under this section, the assistance available under this section shall be provided by loan guarantees.

(d) LOAN GUARANTEES.—(1) To assist a qualifying small business firm under this section, the Secretary of Defense may guarantee in whole or in part any public or private financial institution (including any Federal Reserve bank) against loss of principal or interest on any loan, discount or advance, or on any commitment in connection therewith, which may be made by such financial institution for the purpose of financing the conversion of that business firm from the production or supply of goods or services primarily for national defense-related purposes to the production or supply of goods or services for other commercial purposes of potential use by the Department of Defense or from the production or supply of goods or services in one aspect of national defense-related purposes to the production or supply of goods or services for other aspects of national defense-related purposes. Such a guaranty may be provided by commitment to purchase, agreement to share losses, or otherwise.

(2) The Secretary of Defense may make a guaranty under paragraph (1) without regard to provisions of law relating to the making, performance, amendment, or modification of contracts.

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the program under this section. Such regulations shall be prescribed not later than 90 days after the date of the enactment of this Act.

(g) FUNDING.—Funds for the program under this section for any fiscal year shall be provided from funds appropriated to the Department of Defense for national defense functions. Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 7.5 percent shall be made available for such program.

(h) EFFECTIVE DATE.—The Secretary of Defense may not carry out the program authorized by this section before October 1, 1992.

SEC. 4504. DEFENSE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) INCREASE IN LIMITATION ON ASSISTANCE.—Section 2414(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "$300,000" and inserting in lieu thereof "$600,000"; and

(2) in paragraph (2), by striking out "$150,000" and inserting in lieu thereof "$300,000".

(b) AUTHORITY TO PROVIDE CERTAIN TYPES OF TECHNICAL ASSISTANCE.—(1) Chapter 142 of such title is amended—

(A) by redesignating section 2418 as section 2419; and

(B) by inserting after section 2417 the following new section:

"§ 2418. Authority to provide certain types of technical assistance

"(a) The procurement technical assistance furnished by eligible entities assisted by the Department of Defense under this chapter may include—

"(1) technical assistance relating to contracts entered into with (A) Federal departments and agencies other than the Department of Defense, and (B) State and local governments; and

"(2) technical assistance relating to procedures for entering into contracts to export goods or services.

"(b) An eligible entity assisted by the Department of Defense under this chapter also may furnish information relating to assistance and other programs available pursuant to the Defense Reinvestment Act of 1992. In providing such information, an eligible entity may consult with the Assistant Secretary of Defense for Reinvestment and with the small and disadvantaged business utilization office in the Office of the Secretary of Defense.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2418 and inserting in lieu thereof the following:

"Sec. 2418. Authority to provide certain types of technical assistance.

"Sec. 2419. Regulations.".

(c) FISCAL YEAR 1993 FUNDING.—Of the amount appropriated to the Department of Defense under section 4101 for fiscal year 1993 for defense reinvestment programs, 2.5 percent shall be made available for carrying out the provisions of chapter 142 of title 10, United States Code, as amended by this section.

SEC. 4505. PLAN FOR THE TRANSFER OF CERTAIN NONLETHAL SUPPLIES TO STATE AND LOCAL GOVERNMENTS FOR ECONOMIC GROWTH.

(a) FINDINGS.—The Congress makes the following findings:

(1) The reduction in the size of the United States military will result in an increase in nonlethal supplies of the Department of Defense that are in excess of current and projected requirements of the Department of Defense.

(2) Agencies of State and local governments, many of which are suffering economic hardship, may be able to use the excess nonlethal supplies to create jobs for the citizens of the United States and to stimulate national economic growth.

(3) Agencies of State and local governments that demonstrate how they would utilize the supplies to create jobs and stimulate economic growth should be given priority in the transfer of the supplies by the Department of Defense.

(b) DEVELOPMENT OF PLAN FOR THE TRANSFER OF CERTAIN NONLETHAL SUPPLIES.—(1) The Secretary of Defense shall develop a plan to transfer to agencies of State and local governments nonlethal supplies that the Secretary of Defense determines are in excess of current and projected requirements of the Department of Defense. The plan shall provide—

(A) that agencies of State and local governments shall be eligible to receive the supplies before the supplies are made available for transfer to other Federal agencies or non-Federal entities;

(B) that the supplies shall be available for transfer to agencies of State and local governments without reimbursement, except that the cost of transportation and repair of the supplies shall be paid by the agency receiving the supplies;

(C) that, before supplies may be transferred to an agency of a State or local government, the agency shall submit to the Secretary of Defense an operational plan that is subject to the approval of the Secretary of Defense and that details how the agency will utilize the supplies to create jobs or stimulate economic growth;

(D) that supplies transferred under the plan may not be transferred by the agency receiving the supplies to any individual, public or private person, or other agency before the end of the 5-year period beginning on the date on which the supplies are transferred to the agency;

(E) that supplies available for transfer under the plan are supplies that are located in the continental United States;

(F) for the fair and equitable allocation among States and local governments of supplies transferred under the plan; and

(G) for such other matters that the Secretary of Defense considers appropriate to carry out the plan.

(2) Not later than February 15, 1993, the Secretary of Defense shall submit to the Congress a report containing the plan referred to in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) The term "State" includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

(2) The term "supplies" has the meaning given such term in section 101 of title 10, United States Code, and shall include training software and other appropriate vocational educational materials used by the Armed Forces.

SEC. 4601. REDUCTION-IN-FORCE NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—(1) Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Except as provided under subsection (e), an employee may not be released, due to a reduction in force, unless—

"(A) such employee and such employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (2), at least 60 days before such employee is so released; and

"(B) if the reduction in force would involve the separation of a significant number of employees, the requirements of paragraph (3) are met at least 60 days before any employee is so released.

"(2) Any notice under paragraph (1)(A) shall include—

"(A) the personnel action to be taken with respect to the employee involved;

"(B) the effective date of the action;

"(C) a description of the procedures applicable in identifying employees for release;

"(D) the employee's ranking relative to other competing employees, and how that ranking was determined; and

"(E) a description of any appeal or other rights which may be available.

"(3) Notice under paragraph (1)(B)—

"(A) shall be given to—

"(i) the appropriate State dislocated worker unit or units (referred to in section 311(b)(2) of the Job Training Partnership Act); and

"(ii) the chief elected official of such unit or each of such units of local government as may be appropriate; and

"(B) shall consist of written notification as to—

"(i) the number of employees to be separated from service due to the reduction in force (broken down by geographic area or on such other basis as may be required under paragraph (4));

"(ii) when those separations will occur; and

"(iii) any other matter which might facilitate the delivery of rapid response assistance or other services under the Job Training Partnership Act.

"(4) The Office shall prescribe such regulations as may be necessary to carry out this subsection. The Office shall consult with the Secretary of Labor on matters relating to the Job Training Partnership Act.

"(e)(1) Subject to paragraph (3), upon request submitted under paragraph (2), the President may, in writing, shorten the period of advance notice required under subsection (d)(1)(A) and (B), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

"(2) A request to shorten notice periods shall be submitted to the President by the head of the agency involved, and shall indicate the reduction in force to which the request pertains, the number of days by which the agency head requests that the periods be shortened, and the reasons why the request is necessary.

"(3) No notice period may be shortened to less than 30 days under this subsection.".

(2) The amendment made by paragraph (1) shall apply with respect to any personnel action taking effect on or after the last day of the 90-day period beginning on the date of enactment of this Act.

(b) SPECIAL RULE.—(1) The provisions of section 3502(d) and (e) of title 5, United States Code (as added by subsection (a)) shall apply to employees of the Department of Defense according to their terms, except that, with respect to any reduction in force within that agency that would involve the separation of a significant number of employees (as determined under paragraph (1)(B) of such section 3502(d)), any reference in such section 3502(d) to "60 days" shall, in the case of the employees described in paragraph (2), be deemed to read "120 days".

(2) The employees described in this paragraph are those employees of the Department of Defense who are to be separated, due to a reduction in force described in paragraph (1), effective on or after the last day of the 90-day period referred to in subsection (a)(2) and before February 1, 1998.

(3) Nothing in this subsection shall prevent the application of the amendment made by subsection (a) with respect to an employee if—

(A) the preceding paragraphs of this subsection do not apply with respect to such employee; and

(B) the amendment made by subsection (a) would otherwise apply with respect to such employee.

(4) The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

SEC. 4602. GOVERNMENT-WIDE LIST OF VACANT POSITIONS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3329. Government-wide list of vacant positions

"(a) For the purpose of this section, the term 'agency' means an Executive agency, excluding the General Accounting Office and any agency (or unit thereof) whose principal function is the conduct of foreign intelligence or counterintelligence activities, as determined by the President.

"(b)(1) The Office of Personnel Management shall establish and keep current a comprehensive list of all vacant positions within each agency for which applications are being (or will soon be) accepted.

"(2) The list shall not include any position which has been excepted from the competitive service because of its confidential, policy-determining, policy-making or policy-advocating character.

"(c) Included for any position listed shall be—

"(1) a brief description of the position, including its title, tenure, duties and responsibilities, qualification requirements, and rate of pay;

"(2) application procedures, including the period within which applications may be submitted; and

"(3) any other information which the Office considers appropriate.

"(d) The list shall be available to members of the public.

"(e) The Office shall prescribe such regulations as may be necessary to carry out this section. Any requirement under this section that agencies notify the Office as to the availability of any vacant positions shall be designed so as to avoid any duplication of information otherwise required to be furnished under section 3327 or any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3328 the following:

"3329. Government-wide list of vacant positions.".

SEC. 4603. TEMPORARY MEASURES TO FACILITATE REEMPLOYMENT OF CERTAIN DISPLACED FEDERAL EMPLOYEES.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "agency" means an Executive agency (as defined by section 105 of title 5, United States Code), excluding the General Accounting Office and the Department of Defense; and

(2) the term "displaced employee" means any individual who is—

(A) an employee of the Department of Defense who has been given specific notice that such employee is to be separated due to a reduction in force; or

(B) a former employee of the Department of Defense who was involuntarily separated therefrom due to a reduction in force.

(b) METHOD OF CONSIDERATION.—In accordance with regulations which the Office of Personnel Management shall prescribe, consistent with otherwise applicable provisions of law, an agency shall, in filling a vacant position for which a qualified displaced employee has applied in timely fashion, give full consideration to the application of the displaced employee before selecting any candidate from outside the agency for the position.

(c) LIMITATION.—A displaced employee is entitled to consideration in accordance with this section for the 24-month period beginning on the date such employee receives the specific notice referred to in subsection (a)(2)(A), except that, if the employee is separated pursuant to such notice, the right to such consideration shall continue through the end of the 24-month period beginning on the date of separation.

(d) APPLICABILITY.—(1) This section shall apply to any individual who—

(A) became a displaced employee within the 12-month period ending immediately before the date of the enactment of this Act; or

(B) becomes a displaced employee on or after the date of the enactment of this Act and before October 1, 1997.

(2) In the case of a displaced employee described in paragraph (1)(A), for purposes of computing any period of time under subsection (c), the date of the specific notice described in subsection (a)(2)(A) (or, if the employee was separated as described in subsection (a)(2)(B) before the date of enactment of this Act, the date of separation) shall be deemed to have occurred on such date of enactment.

(3) Nothing in this section shall be considered to apply with respect to any position—

(A) which has been filled as of the date of enactment of this Act; or

(B) which has been excepted from the competitive service because of its confidential, policy-determining, policy-making or policy-advocating character.

SEC. 4604. SEPARATION PAY.

(a) IN GENERAL.—(1) Subchapter IX of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5597. Separation pay

"(a) For the purpose of this section—

"(1) the term 'Secretary' means the Secretary of Defense;

"(2) the term 'defense agency' means an agency of the Department of Defense, as further defined under regulations prescribed by the Secretary;

"(3) the term 'employee' means an employee of a defense agency, except that such term does not include—

"(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

"(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); and

"(4) the term 'FEPCA' means the Federal Employees Pay Comparability Act of 1990, as contained in the Treasury, Postal Service and General Government Appropriations Act, 1991.

"(b) In order to avoid or minimize the need for involuntary separations due to a reduction in force, base closure, reorganization, transfer of function, or other similar action affecting 1 or more defense agencies, the Secretary shall establish a program under which separation pay may be offered to encourage eligible employees to take immediate or early retirement.

"(c) Under the program—

"(1) separation pay may be offered by a defense agency only—

"(A) with the prior consent, or on the authority, of the Secretary;

"(B) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Secretary may require; and

"(C) to an employee who—

"(i) is eligible for immediate or early retirement under 1 of the retirement systems referred to in subsection (a)(3)(A), or will be so eligible as of such employee's date of separation; and

"(ii) agrees to take voluntary retirement upon separating; and

"(2) payment of separation pay may be made contingent on such proof of retirement as the Secretary may require.

"(d)(1) Separation pay—

"(A) shall be paid in a lump sum;

"(B) shall be equal to 6 months' basic pay, computed at the employee's rate of basic pay immediately before the date of separation; and

"(C) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit.

"(2) For the purpose of paragraph (1), the term 'basic pay' includes premium pay under section 5545(c)(1), a comparability payment under section 5304, an interim geographic adjustment under section 302 of FEPCA, and a special pay adjustment under section 404 of FEPCA.

"(e) This section shall cease to be effective as of October 1, 1997, and no amount shall be payable under this section based on any separation occurring on or after that date.

"(f) The Secretary shall prescribe such regulations as may be necessary to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"5597. Separation pay.".

(b) SOURCE OF PAYMENTS.—(1) For fiscal years after fiscal year 1993, separation pay shall be paid by an agency out of any funds or appropriations available for salaries and expenses of such agency.

(2) Of the amount appropriated pursuant to section 4101 for fiscal year 1993, 7 percent shall be made available for payment of separation pay under section 5597 of title 5, United States Code, as added by subsection (a).

SEC. 4605. CONTINUED HEALTH BENEFITS FOR DEFENSE CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Section 8905a(d) of title 5, United States Code, is amended—

(1) in paragraph (1)(A) by striking "An individual" and inserting "Except as provided in paragraph (4), an individual";

(2) in paragraph (2) by striking "in accordance with paragraph (1))" and inserting "in accordance with paragraph (1) or (4), as the case may be)"; and

(3) by adding at the end the following:

"(4)(A) If the basis for continued coverage under this section is an involuntary separation from a position in or under the Department of Defense due to a reduction in force, contributions shall be made in accordance with the preceding provisions of this subsection, except that—

"(i) the amount to be paid by the individual shall be equal to the sum of—

"(I) the employee contribution which would be required in the case of an employee enrolled in the same health benefits plan and level of benefits; and

"(II) an amount equal to 10 percent of the employee and agency contributions referred to in paragraph (1)(A)(i); and

"(ii) the agency which last employed the individual shall be required to pay into the Employees Health Benefits Fund, under arrangements satisfactory to the Office, an amount equal to—

"(I) the total amount under paragraph (1)(A); minus

"(II) the amount to be paid by the individual under clause (i)(I) of this subparagraph.

"(B) This paragraph shall apply with respect to any individual whose continued coverage is based on a separation occurring on or after the date of the enactment of this paragraph and before—

"(i) October 1, 1997; or

"(ii) February 1, 1998, if specific notice of such separation was given to such individual before October 1, 1997.".

(b) SOURCE OF PAYMENTS.—(1) Any amount which becomes payable by an agency as a result of the enactment of subsection (a) shall be paid out of funds or appropriations available for salaries and expenses of such agency.

(2) Of the funds appropriated pursuant to section 4101 for fiscal year 1993, 0.2 percent shall be available for benefits under section 8905a(d)(4) of title 5, United States Code, as added by subsection (a).

SEC. 4606. TEMPORARY CONTINUED HEALTH COVERAGE FOR MEMBERS AND DEPENDENTS UPON THE SEPARATION OF THE MEMBERS FROM ACTIVE DUTY, FOR FORMER SPOUSES OF MEMBERS, AND FOR EMANCIPATED CHILDREN OF MEMBERS.

(a) MEMBERS, FORMER SPOUSES, AND EMANCIPATED CHILDREN.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078 the following new section:

"§1078a. Continued coverage

"(a) PROVISION OF CONTINUED HEALTH COVERAGE.—The Secretary of Defense shall establish a program for the temporary provision of health care to persons described in subsection (b) who elect in accordance with the provisions of this section to obtain coverage. The Secretary shall implement and carry out this program through an agreement with the Director of the Office of Personnel Management (in this section referred to as the 'Director'), who shall be responsible for the operation of this program as part of the program to provide continued health coverage to former civilian employees and other persons under section 8905a of title 5.

"(b) ELIGIBLE PERSONS.—The persons referred to in subsection (a) are the following:

"(1) A member of the armed forces who—

"(A) is discharged or released from active duty (or full-time National Guard duty), whether voluntarily or involuntarily, under other than adverse conditions, as characterized by the Secretary concerned;

"(B) immediately preceding that discharge or release, is entitled to medical and dental care under section 1074(a) of this title; and

"(C) after that discharge or release and any period of transitional health care provided under section 1145(a) of this title, would not otherwise be eligible for any benefits under this chapter.

"(2) A person who—

"(A) ceases to meet the requirements for being considered an unmarried dependent child of a member or former member of the armed forces under section 1072(2)(D) of this title;

"(B) on the day before ceasing to meet those requirements, was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

"(C) would not otherwise be eligible for any benefits under this chapter.

"(3) A person who—

"(A) is an unremarried former spouse of a member or former member of the armed forces; and

"(B) on the day before the date of the final decree of divorce, dissolution, or annulment was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

"(C) is not a dependent of the member or former member under subparagraphs (F) or (G) of section 1072(2) of this title or ends a one-year period of dependency under subparagraph (H) of such section.

"(c) NOTIFICATION OF ELIGIBILITY.—The Director, in consultation with the Secretary of Defense, shall prescribe regulations to provide adequate notification of eligibility to persons described in subsection (b) as follows:

"(1) In the case of a member who becomes (or will become) eligible for continued coverage under subsection (b)(1), the Secretary concerned shall notify the member of the member's rights under this section as part of preseparation counseling conducted under section 1142 of this title or other law.

"(2) In the case of a child of a member who becomes eligible for continued coverage under subsection (b)(2)—

"(A) the member may provide written notice to the Secretary concerned of the child's change in status (including the child's name, address, and such other information as the Director may require); and

"(B) the Secretary concerned shall, within 14 days after receiving that notice, inform the child of the child's rights under this section.

"(3) In the case of a former spouse of a member or former member who becomes eligible for continued coverage under subsection (b)(3), necessary notification provisions and a 60-day election period under subsection (d)(3) shall be prescribed.

"(d) APPLICATION.—In order to obtain continued coverage under this section, an appropriate written election (submitted in such manner as the Director may prescribe) shall be made as follows:

"(1) In the case of a member described in subsection (b)(1), the written election shall be submitted to the Director before the end of the 60-day period beginning on the later of—

"(A) the date of the discharge or release of the member from active duty;

"(B) the end of the applicable period of any transitional health care under section 1145(a) of this title; or

"(C) the date the member receives the notice required under subsection (c)(1).

"(2) In the case of a person described in subsection (b)(2), the written election shall be submitted to the Director before the end of the 60-day period beginning on the later of—

"(A) the date as of which the person first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title; or

"(B) the date the person receives notice under subsection (c)(2)(B),

except that if the Secretary concerned determines that a parent fails to provide the notice required under subsection (c)(2)(A) in timely fashion, the 60-day period under this paragraph shall be based only on the date under subparagraph (A).

"(3) In the case of a person described in subsection (b)(3), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(A) the date as of which the person first ceases to meet the requirements for being considered a dependent under section 1072(2) of this title; or

"(B) or other date as the Director may prescribe.

"(e) COVERAGE OF DEPENDENTS.—A person eligible under subsection (b)(1) to elect to receive coverage may elect coverage either as an individual or, if appropriate, for self and dependents. A person eligible under subsection (b)(2) or (b)(3) may elect only individual coverage.

"(f) CHARGES.—(1) Under arrangements satisfactory to the Director, a person receiving continued coverage under this section shall be required to pay into the Employees Health Benefits Fund established under section 8909 of title 5 an amount equal to the sum of—

"(A) the employee and agency contributions which would be required in the case of a similarly situated employee enrolled in a health benefits plan under section 8905a(d)(1)(A)(i) of title 5;

"(B) an amount, determined under regulations prescribed by the Director, necessary for administrative expenses; and

"(C) such additional amount determined by the Director to be necessary to ensure that outlays from the Fund as a result of the program established under this section do not exceed amounts paid under this paragraph.

"(2) If a person elects to continue coverage under this section before the end of the applicable period under subsection (d), but after the person's coverage under this chapter (including any transitional extensions of coverage) expires, coverage shall be restored retroactively, with appropriate contributions (determined in accordance with paragraph (1)) and claims (if any), to the same extent and effect as though no break in coverage had occurred.

"(3) In order to determine the appropriate level of charges under subparagraphs (B) and (C) of paragraph (1), the Director shall require health benefit plans to establish for the persons receiving continued coverage under this section a separate group for experience rating purposes.

"(g) CONTRIBUTION.—Subject to the availability of appropriations for this purpose, if the basis for continued coverage under this section for a member of the armed forces under subsection (b)(1) is the involuntary separation of the member or the separation of the member under section 1174a or 1175 of this title, contributions shall be made in accordance with subsection (f)(1), except that—

"(1) the amount to be paid by the member shall be equal to the sum of—

"(A) the employee contribution which would be required in the case of a similarly situated employee enrolled in a health benefits plan under section 8905a(d)(1)(A)(i) of title 5;

"(B) the amounts required under subsection (f)(1)(C) of subsection (f); and

"(2) the Secretary of Defense shall be required to pay into the Employees Health Benefits Fund, under arrangements satisfactory to the Director, an amount equal to—

"(A) the agency contribution which would be required in the case of a similarly situated employee enrolled in a health benefits plan under section 8905a(d)(1)(A)(i) of title 5; and

"(B) the amount that would be paid by the member under subsection (f)(1)(B).

"(h) PERIOD OF CONTINUED COVERAGE.—(1) Continued coverage under this section may not extend beyond—

"(A) in the case of a member described in subsection (b)(1), the date which is 18 months after the date the member ceases to be entitled to care under section 1074(a) of this title and any transitional care under section 1145 of this title;

"(B) in the case of a person described in subsection (b)(2), the date which is 36 months after the date on which the individual first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title; and

"(C) in the case of a person described in subsection (b)(3), except as provided in paragraph (4), the date which is 36 months after the later of—

"(i) the date on which the final decree of divorce, dissolution, or annulment occurs; and

"(ii) if applicable, the date the one-year extension of dependency under section 1072(2)(H) of this title expires.

"(2) Notwithstanding paragraph (1), if a person—

"(A) ceases to meet the requirements for being considered an unmarried dependent child;

"(B) on the day before so ceasing to meet those requirements, received coverage under this section as the child of a member receiving continued coverage under this section; and

"(C) so ceases to meet those requirements before the end of the 18-month period beginning on the date on which the member became eligible for coverage under this section,

extended coverage under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

"(3) Notwithstanding paragraph (1), in the case of a person—

"(A) who becomes eligible for continued coverage under this section based on a divorce, dissolution, or annulment from a member or former member;

"(B) who, as of the day before the date of the divorce, dissolution, or annulment, was receiving continued coverage under this section based on the discharge or release of the member or former member from active duty; and

"(C) whose divorce, dissolution, or annulment occurs before the end of the 18-month period beginning on the date of that discharge or release,

extended coverage under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

"(4)(A) Notwithstanding paragraph (1), in the case of a former spouse described in subparagraph (B), continued coverage under this section shall continue for such period as the former spouse may request.

"(B) A former spouse referred to in subparagraph (A) is a former spouse of a member or former member (other than a former spouse whose marriage was dissolved after the separation of the member from the service unless such separation was by retirement)—

"(i) who has not remarried before age 55 after the marriage to the employee, former employee, or annuitant was dissolved;

"(ii) who was enrolled in an approved health benefits plan under this chapter as a family member at any time during the 18-month period before the date of the divorce, dissolution, or annulment; and

"(iii)(I) who is receiving any portion of the retired or retainer pay of the member or former member or an annuity based on the retired or retainer pay of the member; or

"(II) for whom a court order (as defined in section 1408(a)(2) of this title) has been issued for payment of any portion of the retired or retainer pay or for whom a court order (as defined in section 1447(8) of this title) or a written agreement (whether voluntary or pursuant to a court order) provides for an election by the member or former member to provide an annuity to the former spouse.

"(i) TERMINATION.—Notwithstanding the period for which continued coverage is available under subsection (h), the program required by this section shall terminate on September 30, 1994, and continued coverage under this section shall not extend beyond that date.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078 the following new item:

"1078a. Continued coverage.".

(b) TRANSITIONAL PROVISIONS.—The Director of the Office of Personnel Management shall provide a period for the enrollment for health benefits coverage under this section by members and former members of the Armed Services for whom the availability of transitional health care under section 1145(a) of title 10, United States Code, expires before section 1078a of such title, as added by subsection (a), is implemented.

(c) TERMINATION OF APPLICABILITY OF OTHER CONVERSION HEALTH POLICIES.—(1) No person may purchase a conversion health policy under section 1145(b) or 1086a of title 10, United States Code, on or after the date on which the Director of the Office of Personnel Management announces that section 1078a of such title is implemented. A person covered by such a conversion health policy on that date may cancel that policy and enroll in a health benefits plan under section 1078a of such title.

(2) No person may be covered concurrently by a conversion health policy under section 1145(b) or 1086a of such title and a health benefits plan under section 1078a of such title.

(d) FISCAL YEAR 1993 FUNDING.—Of the amount appropriated pursuant to section 4101 for fiscal year 1993, 5 percent shall be made available for benefits under section 1078a of title 10, United States Code, as added by subsection (a).

(e) Effective Date.—Section 1078a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1992.

SEC. 4607. SPECIAL EARLY RETIREMENT FOR DISPLACED DEFENSE WORKERS.

(a) Condition of Defense Contracts.—Any contract entered into by the Secretary of Defense with a major defense contractor shall include a provision requiring that during the period that the contract remains in effect the contractor, in terminating employees, shall provide the option of special early retirement benefits to any employee described in subsection (d). Each such contract shall include the provisions required by subsections (b) through (e).

(b) Amendment of Pension Plans.—Each major defense contractor shall be required to amend any pension plan that it maintains for its employees in order to provide the employees employed by the contractor who meet the qualifications set forth in subsection (d) with special early retirement benefits.

(c) Special Early Retirement Benefits.—Special early retirement benefits provided an employee of a major defense contractor for purposes of this section shall be specified in the contract with the Department of Defense and shall include the following:

(1) The right of the employee to a basic lifetime pension benefit under the employer's pension plan that covers that employee, which pension benefit shall be the same as the normal retirement benefit provided under that plan without reduction for age and which shall commence on the date on which the employee meets the eligibility criteria set forth in subsection (d).

(2) A supplemental pension benefit equal to $500 per month, which shall commence on the date on which the employee meets the eligibility criteria set forth in subsection (d) and which shall terminate one month after the month in which the employee attains age 62.

(d) Eligible Employee Defined.—An employee of a major defense contractor shall be eligible for the special early retirement benefits under this section if the employee—

(1) is laid off or terminated from employment under a Department of Defense contract held by the contractor (whether or not the contract is one that itself includes the contract provisions required by this section);

(2) is a participant in a pension plan maintained by the contractor;

(3) has attained the age of 55 years at the time of the layoff or termination or will have attained that age by December 31st of the year following the layoff or termination; and

(4) has at least 10 years of credited service under that pension plan as of the date of the layoff or termination.

(e) Voluntary Eligibility.—An employee who meets the age and service requirements under subsection (d) for the special early retirement benefits but who is not laid off or terminated may, by mutual agreement with the employer, volunteer to be laid off and receive special early retirement benefits, if the employer agrees to retain in employment an employee with less seniority or age who otherwise would be laid off or terminated in lieu of the individual who volunteers for the special early retirement benefits.

(f) Major Defense Contractor Defined.—For purposes of this section, a business firm shall be considered to be a major defense contractor if the average annual dollar volume of contracts of that firm with the Department of Defense for the fiscal years 1989, 1990, and 1991 was greater than $100,000,000.

(g) Effective Date.—This section shall apply to contracts entered into after the end of the 90-day period beginning on the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. HOPKINS TO THE AMENDMENT OFFERED BY MR. FROST

Mr. HOPKINS. Mr. Chairman, on behalf of Mr. Dickinson, I offer an amendment to the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. Hopkins to the amendment offered by Mr. Frost:

In the matter proposed to be inserted by the amendment—

(1) strike out—

(A) section 4322 (relating to defense contractor hiring preference for displaced defense workers);

(B) section 4404 (relating to defense contractor requirement to list suitable employment openings with local employment service office);

(C) section 4405 (relating to notice required upon cancellation of defense contracts);

(D) Section 4607 (relating to special early retirement for displaced defense workers); and

(2) add at the end the following new sections:

SEC. 4607. DEFENSE CONTRACTOR EFFORTS TO ASSIST DISPLACED DEFENSE WORKERS AND ADVANCE NOTICE OF DEFENSE CONTRACT CANCELLATIONS.

(a) Employment Openings and Hiring of Displaced Defense Workers.—The Secretary of Defense should encourage defense contractors—

(1) to list with the appropriate local employment service office, and where appropriate the Interstate Job Bank (established by the United States Employment Service), all of its employment openings suitable for displaced defense workers; and

(2) to give a first right of hire when hiring new employees in an occupational specialty to any displaced defense worker with skills in that occupational specialty.

(b) Special Early Retirement Benefits for Contractor Employees.—The Secretary of Defense shall encourage defense contractors to explore the feasibility of providing an option of special early retirement benefits to employees of the contractors whose employment is terminated as a result of reductions in levels of defense expenditures.

(c) Advance Notice of Defense Contract Cancellations.—To the extent practicable, the Secretary of Defense shall make every effort to provide at least six-months advance notice to a defense contractor of any cancellation or substantial reduction in a defense contract that will adversely affect the defense contractor.

(d) Displaced Defense Worker Defined.—For purposes of this section, an individual shall be considered to be a displaced defense worker if the individual—

(1) was employed for a period of not less than five years as an employee of the Department of Defense, of a contractor of the Department of Defense, or of the national security laboratories of the Department of Energy immediately preceding the termination of the employment of the employee; and

(2) was terminated as a result of reductions in levels of defense expenditures, as determined by the Secretary of Defense or the Secretary of Energy, as the case may be.

SEC. 4608. STUDY TO DETERMINE THE DISLOCATION EFFECTS OF CURRENT AND FUTURE REDUCTIONS IN SPENDING FOR THE NATIONAL DEFENSE.

(a) Study.—The Secretary of Defense and the Secretary of Labor shall jointly conduct a study to determine the dislocation effects that are projected to occur as a result of current and future reductions in spending for the national defense.

(b) Conduct of Study.—In carrying out the study under subsection (a), the Secretaries shall—

(1) consider the reemployment potential of workers losing jobs as a result of reduced defense spending, including the probability that such workers will be absorbed into other comparable jobs in the Federal Government or other comparable jobs in the geographic locality of such workers;

(2) include projections on a yearly basis for—

(A) dislocation in the private sector defense industry, dislocation of active duty military, and dislocation of civilians working for the Department of Defense; and

(B) secondary dislocation in communities that are substantially and seriously affected (as defined in section 4003(5)(A) of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (Public Law 101-510; 104 Stat. 1848; 10 U.S.C. 2391 note)) where job loss occurs as a consequence of the closing or reduction in force of military facilities, or the cancellation or reduction in defense contracts in such community;

(3) include information on the regional impact of reduced defense spending as it applies to worker dislocation;

(4) include a comparison of the characteristics of the workforce population being dislocated as a consequence of reduced defense spending to the characteristics of the general dislocated workforce population in the United States, including characteristics relating to education status, income level, and occupation;

(5) include projections on how dislocations occurring as a consequence of reduced defense spending will impact on other Federal programs that serve dislocated workers (particularly programs in which funding is based on unemployment statistics), including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(6) include a comparison of the average length of advance notice received by workers being dislocated as a consequence of reduced defense spending to the average length of advance notice received by workers being dislocated for other reasons.

(c) Report.—Not later than 6 months after the date of the enactment of this Act, and periodically thereafter, the Secretary of Defense and the Secretary of Labor shall jointly submit to the Congress a report containing—

(1) the findings and conclusions of the Secretaries resulting from the study under subsection (a); and

(2) recommendations for assistance to dislocated workers based on the findings and conclusions referred to in paragraph (1).

(d) Use of Study.—Upon submission of the report under subsection (c), the Secretary of Defense and the Secretary of Labor shall use the study contained in the report to determine the priority to give certain applications for grants under section 325A of the Job Training Partnership Act, as required by subsection (d)(4) of such section.

In section 4321 of the amendment (relating to training, adjustment assistance, and employment services for discharged military personnel, terminated defense employees, and displaced employees of defense contractors) insert after subsection (d)(3) of section 325A of the Job Training Partnership Act, as added by section 4321 of such amendment, add the following new paragraph:

"(4) PRIORITY FOR CERTAIN APPLICANTS.—In reviewing applications for grants under subsection (a), the Secretary of Defense, in consultation with the Secretary of Labor, shall make every effort to give priority to applications received from applicants that—

"(A) will provide the job training, adjustment assistance, and employment services in a substate area with a high number or percentage of dislocated workers and eligible individuals; and

"(B) have included in such application a program to target eligible individuals most in need of job training, adjustment assistance, and employment services based on education status, income level, and occupation level, as determined by the Secretary of Defense and the Secretary of Labor.

The CHAIRMAN pro tempore. Each amendment is debatable for 10 minutes and the debate time will be treated as fungible. Therefore, the gentleman from Texas [Mr. FROST] will be recognized for 10 minutes, and the gentleman from Kentucky [Mr. HOPKINS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ASPIN], chairman of the Committee on Armed Services to speak in support of our amendment.

Mr. ASPIN. Mr. Chairman, this is a very, very important amendment as shown by the general debate that we have just had. It addresses the problems created by the defense drawdown for separating military defense civilians and dislocated workers as well as industry and communities, and I urge its adoption.

Mr. HOPKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment before the House is fairly straightforward.

Let me first tell you what it is not.

It is not an attempt to kill or oppose the Aspin conversion package; it is not an attempt to change the earmark of $1 billion for conversion, and, it is not a substitute conversion amendment.

What it is, is a modest attempt at perfecting a small number of provisions contained in the Aspin package that we identified as problem areas.

As discussed during general debate, we chose not to put together a comprehensive alternative conversion package, and instead tried to work within the parameters of the Aspin package.

In discussions with Mr. ASPIN, some of our concerns with initial drafts were accommodated, and some were not. The perfecting amendment before us deals with two areas where our concerns were not adequately addressed in these discussions, directed labor policy and the targeting of JTPA retraining benefits.

I will briefly cover our provisions on the labor policy provisions and defer to the ranking Republican on the Subcommittee on Employment Opportunities, Mr. GUNDERSON, to explain the job retraining provisions.

The Aspin package before the House contains a series of labor policy provisions which impose sweeping new requirements on defense contractors. As drafted, these provisions would require defense contractors to follow prescribed hiring preferences, provide early-out retirement programs and other requirements as conditions of future contracts. In other words, these provisions would say to industry "If you want to do business with the Department of Defense in the future, you must carry out these labor policy initiatives."

Mr. Chairman, while well intentioned, these provisions will dramatically increase the cost of doing business with DOD, impose more burdens on an already faltering defense sector and ultimately contribute to part of the problem this package is trying to fix—keeping a strong and viable defense industrial base.

Some of these provisions sound hauntingly familiar; the contract cancellation notification provisions sounds and smells a lot like the plant notification bill that was so popular around these parts a few years ago. In sum, Mr. Chairman, we believe that these provisions, as drafted, cause more harm than good.

Therefore, our perfecting amendment modifies them by keeping the essential goal intact, but also giving the Secretary of Defense wide latitude in how to encourage defense industry to adopt such policies, where appropriate. The bottom line is, we feel these provisions at the very least should be discretionary instead of mandatory.

We consider this to be an important, positive change to the Aspin package that should be supported by this House.

Mr. Chairman, I reserve the balance of my time.

Mr. FROST. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I rise in opposition to the amendment.

The substitute offered by Mr. DICKINSON guts a principal goal of the entire package—helping dislocated defense workers cope with the impact of layoffs caused by budget reductions. The Dickinson substitute proposes to help displaced workers by removing all—and, I repeat—all of the protections in this package for displaced defense workers. Some help.

There are two protections in our package: a hiring preference, which the Dickinson substitute would cut out, and early retirement protection, which the Dickinson substitute proposes to cut out.

The hiring preference in our package is essential to preserve a work force for growth by taking advantage of the skills resident in the defense work force.

The early retirement provisions are essential to the fairness of the package. Early retirement is often used by employers to manage reduction in force. We think it is appropriate that all major defense contractors institute such a program. And let me remind my colleagues, we are talking about early retirement for those workers who cannot strap on a golden parachute. We are talking about the hard-working men and women who have toiled long and hard to give us the defense equipment that won the cold war and the battles of Desert Storm. It is simply not fair to reduce the protections contained in this package.

I urge my colleagues to reject the Dickinson amendment and preserve our defense reinvestment package.

☐ 1850

Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. DICKINSON], the senior Republican on the Committee on Armed Services.

Mr. DICKINSON. Mr. Chairman, let me just try to set straight the thrust of my amendment to be, and certainly the intent.

There is no way that we want to say that 190 pages that have been brought in here and put to us as the Aspin-Gephardt amendment is all bad. We are not offering a substitute. We are saying that, as we understand it, and we have not had enough time to study it all, that there are four areas that we know should be discretionary on the part of the Secretary of Defense. They might be good, they might not be good, but we do not think that they should be mandatory or binding. In addition, we think that the thrust of the amendment should be where the jobs are needed, not broadcasted everywhere but where the impact is the hardest.

So, that is what the gentleman from Wisconsin [Mr. GUNDERSON] and his addition to my amendment would do. We feel very strongly that some help has to be given to those in the defense industry who are being displaced, but we think this goes to far without enough study. All we are asking for in these areas is that some discretion be given to the Secretary of Defense.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Dickinson amendment which would eliminate hiring preferences and early retirement options for defense workers losing their jobs to budget cuts.

After helping win the cold war and in these recessionary times, workers in their fifties, forties, and thirties with families to support and children to send to college will be laid off. The least we can do for these that we owe so much to is provide separation assistance for health care and other needed programs like job retraining.

The Aspin-Gephardt amendment creates a hiring preference to assist those who lose their jobs to begin again, and it has requirements to ensure that displaced workers receive prompt notification of employment opportunities.

The Dickinson amendment would eliminate various reasonable provisions.

Vote for the American worker. Vote "no" on the Dickinson amendment. Vote for the Aspin-Gephardt amendment.

Mr. HOPKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, I plead with you to support the Dickinson amendment, because the Dickinson amendment is intended to try to make the defense conversion element of the bill much, much better.

I would like to talk to you about those particular efforts we are focusing on in the area of targeting. The first provision of the Dickinson amendment is one that would require the Secretary of the Department of Defense and the Secretary of the Department of Labor to get together, and within 6 months at the very latest, to put together a study that would consider the reemployment potential of those displaced, consider projections for secondary dislocation, to focus on a yearly basis exactly how many of the uniformed and nonuniformed military personnel are going to be displaced, to compare the characteristics of the work force being dislocated as a consequence of the defense conversion with those being dislocated in other industries.

Once we have an idea of exactly what the demographic profile of these individuals is, the second part of the provision comes into place, and that is a requirement that is a priority for all of the job training grants under this defense conversion provision.

We would give priority to two areas. The first area would be those sub-State areas affected by defense dislocation that already have very high rates of unemployment; and, second, give priority in the training to those individuals who would benefit the most from that training.

As I tried to say in my general remarks, let us be honest, folks, some of these people have not only baccalaureates, they have master's, they have graduate degrees. They are not exactly the kinds of people you train through a job training partnership program.

What we have got to do is figure out who are the dislocated defense workers most in need of retraining, and that is what we have to prioritize our money for. If we have enough for everybody, wonderful, but I will tell you from experience with our present dislocated program, we do not have enough money for 10 percent of the present dislocated people in America, and with the $50 to $100 million a year we are going to spend here, you are not going to meet the needs you have for the dislocated defense workers. So let us target. Let us prioritize. That is exactly what the Job Training Partnership Act is about.

The Dickinson amendment is trying to accomplish that.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in strong opposition to the amendment to the Aspin conversion amendment.

This amendment gives a blank check to defense contractors across this country to simply discard unneeded workers without a second thought. Some of the most important provisions of the Aspin amendment would be so completely watered down as to make them worthless. Rather than require the Secretary of Defense and defense companies to offer early retirement packages for defense workers, give hiring preferences to displaced defense workers, provide proper notification of contract cancellations, and post suitable job openings with local employment agencies, as the Aspin amendment does, this amendment would only strongly urge them to do so.

Supporters of this amendment call these requirements unprecedented and heavyhanded. Let me say that passage of this amendment would be an unprecedented and heavyhanded abandonment of people who have given years to securing our Nation.

For years, defense firms have benefited from our country's need to remain strong. However, the profits realized during that time were made possible only by the dedication of their workers. Simply telling these workers, thank-you, good-bye, we will call you if we need you," does not suffice. We must assist these workers in their transition to a new life. Please join me in voting against this amendment.

Mr. FROST. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I, too, rise in opposition to the amendment, but I wanted to address one point.

The package itself does include job retraining, but it is clear that in this economy today, no matter what your level of skill is, if there is not an employment base out there, if there are not jobs being created, then clearly it is not going to do any good to just have retraining.

In the industrial base panel which has drawn broad support from industry, the American defense preparedness panel and other associations, we made it perfectly clear that the first requirement was to have a skills assessment performed by the Pentagon to understand exactly what skill sets there are within industry, within the civilian sector that supports defense, in order that we can have those priorities made.

As to the kinds of critical skills we ought to be protecting, I am not an expert on the job training provision, but, Mr. Chairman, I find it amazing today that we see the opposition considering that the Assistant Secretary of Defense for Defense Industrial Base appeared before our panel and testified that there was not a problem, that the free market would take care of the defense industrial base, and that after the drawdown that they were confident that there would be sufficient defense industrial base to meet any future security needs, and that basically the free market would apply, and that government had no role whatsoever, ignoring the fact that this is a monopsony, a single customer, a single buyer of defense systems, and for the administration now to be dancing around trying to find means of opposition, I think, is a little late and obviously many dollars short and not very well intentioned.

It is clear that today the challenge we have is in the economic growth package as a part of this, that we need to have dual-use technology, we need to encourage consortia and, at the same time, we need to encourage those skills be directed into other very valuable areas of the economy.

Mr. HOPKINS. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SPENCE], a very senior member of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I rise in support of the Dickinson-Hopkins amendment.

Mr. Chairman, defense is a business. In the past, our defense business has been kept healthy due to a worldwide military threat. Now, we are being faced with a new threat to our economic security.

□ 1900

The proposed cuts in this bill are having a disastrous effect on our economy.

Yes, defense is a business. It employs people in the active and reserve parts of our military, civilian employees, and workers at jobs in support of our military. Like other employees, they earn salaries. They support families. They pay taxes. They purchase goods and services from other businesses.

To a large degree, our industrial base depends on the defense business, especially shipbuilding, aerospace, and electronics.

Shipbuilding alone has lost 150,000 jobs in the past, and is expected to lose an additional 200,000 in the future.

Nineteen major construction shipyards have closed since 1981. Twenty-five more major repair yards have closed since 1981.

Navy ships are the only ones being built right now in our construction yards. No commercial ships are being built. The Navy is being reduced from 546 ships down to 450. Under some plans, it will be cut to 340. This year we only approved six new ships for construction, down for the 8th straight year, and one-half the number we approved last year. For the first time since 1954, no submarines have been authorized for construction.

General Motors recently closed some plants. They put 16,000 people out of work.

The DOD cuts 16,000 people each month from its rolls.

In 1991, we had 6 million people in this country employed in defense and related businesses. We will cut 2.5 million people by the year 2001, and the way we are going right now, that means 250,000 jobs each year.

How can all these people be trained or retrained and find work in an already depressed job market?

If we were not cutting so fast, so deep, we would not have a problem of the magnitude we are dealing with now. It is truly ironic that some of those who want to cut so fast, so deep, are really causing the problem to be exacerbated.

Mr. FROST. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Chairman, I rise in support of the Gephardt-Frost-Aspin amendment and commend our colleagues for this visionary approach to dealing with this critical problem facing America and American workers.

Mr. FROST. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in strong opposition to the diversification substitute. This is another example of a hollow promise. It claims to offer assistance to those affected by defense cuts, but it does not.

While the Aspin amendment requires placement preference for defense workers, the substitute would only encourage such actions.

While the Aspin amendment provides better notification procedures in the face of defense reductions, the substitute only suggests that contractors give their workers advance notice.

Where the Aspin amendment orders a job listing for laid-off defense workers, the substitute just says it is a good idea.

The Aspin amendment gives veterans, heroes of the cold war, preferences in hiring, and also recognizes the role of defense workers in this victory, but the substitute fails to truly recognize this Government's responsibility for those men and women.

Mr. Chairman, I urge defeat of the substitute and strong support for the Aspin-Gephardt proposal, the real reinvestment act.

Mr. HOPKINS. Mr. Chairman, I yield our final 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I want to congratulate the Democrats. For many years they have sought to convert our national defense to just another big social welfare spending program. With the Aspin amendment, they have finally succeeded. Congratulations, Democrats.

Congratulations, liberal big spenders.

Condolences to the hard-pressed American taxpayer. There is just one hope. Vote for the Dickinson amendment.

Mr. FROST. Mr. Chairman, I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I have not had an opportunity to read all the 190 pages of this amendment, much of which I am sure is very laudatory.

In this brief time, and it is ridiculous to be debating something of this consequence in such a brief time, let me tell you what is in this amendment, unless it is modified by the Dickinson amendment, as it relates to one area, the special early retirement provision. By this language in the amendment as filed, this Congress is saying to every major defense contractor in America, you will never receive another defense contract unless you accord to all of your employees special early retirement provisions or pensions if you are 55 or more years of age.

In addition to that fact that you must confer this benefit, and it must be at the same level as any existing or preexisting pension plan, you shall in addition give a supplemental pension benefit equal to $500 per month.

It also has a provision in here that you do not have to do any of this if there is no pension plan.

Do we really want to tell employers to avoid something that is as mischievous as this, that they should deny pension benefits to all employees?

Do we want to bankrupt existing pension plans by saddling upon every major defense contractor these requirements and these costs?

Do we want a janitor in a defense plant who loses his job, who is 55 years of age, but gets a comparable job next week, next door the entitlement to a special early retirement plan with a $500 a month kicker until he reaches age 62?

This is an absurdity and it needs to at best be made discretionary, not mandatory.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, if the idea is to help defense industries, the Aspin amendment does not do it. How do you help companies by imposing conditions that make it harder for them to stay in business?

The Dickinson amendment would ameliorate some of the mandates imposed by the Aspin-Frost amendment, such as requiring the early retirement options, hiring preferences, and advance notice of closure.

The Aspin amendment simply makes it more costly to stay in operation, so the result will be the opposite of that intended.

My own State of Arizona has already implemented good programs with tax incentives, technical assistance, and a special form of enterprise zones to help the defense industries in our State. That is the kind of positive assistance we need, not more government mandates hung around the neck of business. That is why the Aspin amendment should be defeated and the Dickinson amendment adopted. It would allow the Secretary the kind of discretion to provide positive, not negative, incentives.

The gentleman from Wisconsin [Mr. GUNDERSON] earlier pointed out the specifics of the Dickinson amendment that accomplished that result.

The Aspin amendment is not friendly to the defense businesses that employ our defense workers. Just ask the businesses whether they favor the Aspin amendment. They will say, "Thanks, but no thanks."

There is a great line from a great historical character that said, "Reform? Don't talk to me about reform. Things are bad enough already."

Let us not make things worse. Vote "yes" on Dickinson, "no" on Aspin.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I implore you to perfect the Aspin-Frost-Gephardt amendment with Dickinson and Hopkins, particularly in the State areas.

I speak for many States here, but particularly for California which has a treasure of investment imbedded in our defense industry.

Many of our States already have in place economic adjustment programs. The Federal Government has no comparable programs in place. It would take years to set up anything valuable. An industrial assistance grant program would partner Federal funds with these existing programs and this means no new bureaucracy.

□ 1910

We need, Mr. Chairman and Mr. ASPIN, immediate programs to target funds to create these new businesses and to save our defense people.

Mr. Chairman, my State has more Medals of Honor, more Silver Stars, more POW-MIA's, more people killed in action and more defense workers than most States. Give us a break and weld us to the State programs.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN. I thank the gentleman for yielding to me.

Mr. Chairman, in cutting defense spending, we will eliminate thousands of good-paying U.S. jobs in manufacturing, engineering, and technology development. Defense has become a major part of our Nation's R&D effort and of our manufacturing base. If we carry out this defense cut without any plan for boosting economic activity and employment in civilian, nonmilitary defense sectors, then we are really shooting ourselves in the foot not only in economic terms but in terms of maintaining a defense industrial base.

From my standpoint as chairman of the Science, Space, and Technology Committee, I am impressed with this amendment's program to create public-private consortia to develop critical technologies with dual, military, and commercial uses and with the program to provide technology extension services to help small defense manufacturers incorporate state-of-the-art competitive techniques and machinery.

I am also pleased with the programs to help displaced defense employees find other Federal jobs and to provide health insurance for military and civilian families for 18 months after separation from the Defense Department.

Mr. Chairman, in summary, I am hopeful that, while Democrats and Republicans have sometimes disagreed about particular defense up-sizing strategies, that we can agree about actions to take that will help soften the economic blow to defense employees and communities and, at the same time, help strengthen our Nation's economy.

Mr. ASPIN. Mr. Chairman, I yield to the next Senator from the State of California, the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the chairman for his kindness.

Mr. Chairman, I rise in support of this amendment. It is very important that this country have a strategy as we move from a military-based economy to a civilian-based economy. This is a small step in that direction. It is going to help our local government, it is going to help our workers, it is going to help our businesses, and finally we can say we are really doing something at this critical juncture.

So I hope we will all vote for this, both Democrats and Republicans alike.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the chairman for yielding.

Mr. Chairman, I rise in support of the Aspin amendment. I point out to my colleagues this $1 billion package contains $100 million set aside for young men and women who will be discharged from the service who cannot get jobs, and we will be able to take some of this money and pay to an employer to hire this young man or woman up to $10,000 to help them get jobs. It is a wonderful cause to help these people coming out of the service.

If you are a point person on an infantry squad, you really do not have any skills going into civilian life. What we have done in this bill will help these young men and women find jobs. There is $100 million to help young men and women get jobs, and I hope that the House will support this amendment.

Mr. ASPIN. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. FROST].

Mr. FROST. I thank the chairman for yielding.

Mr. Chairman, we will have two votes in succession. The first vote is on the Dickinson amendment. I urge my colleagues to vote "no" on Dickinson. The second vote is on the Aspin-Frost-Gephardt amendment, and I urge my colleagues to vote "yes" on that.

The Dickinson amendment would make some of the major provisions voluntary, "Let's have a study, let's delay." Mr. Chairman, the time is past for us to delay, it is past the time for us to study; the time is now, the time is for action.

Mr. Chairman, I ask a "no" vote on Dickinson and a "yes" vote on Aspin.

Mr. COYNE. Mr. Chairman, the United States owes a great debt of gratitude to America's military personnel and civilian defense workers who helped to win the cold war. We must not forget these men and women at a time when necessary defense budget reductions put at risk their jobs and the economic security of their families.

The House Armed Services Committee is to be commended for its authorization of $1 billion for economic conversion activities. The House has an obligation to provide assistance for service personnel and defense workers making the transition to a post-cold-war economy. However, successful economic conversion will not take place unless the House provides specific guidelines for the promotion of economic opportunities for service personnel leaving the military and displaced defense workers.

The Aspin, Frost, and Gephardt economic conversion amendment provides the required guidance for economic conversion efforts. The amendment creates an Assistant Secretary of Defense for Reinvestment to supervise the economic reinvestment, adjustment and retraining activities. In addition, the amendment ensures that the Office of Management and Budget properly scores funds expended for economic conversion as defense spending covered by the spending limits established as part of the 1990 budget agreement.

This amendment would also authorize spending levels for specific programs which are vital for a successful economic conversion effort. The Defense Department would be directed to provide $200 million to foster dual-use technologies offering benefits for both military and civilian uses. An additional $200 million would be targeted for job training programs administered by the Defense Department, for service personnel leaving the military, eligible Defense and Energy Department civilian employees, and displaced defense workers.

The amendment would also provide $122 million for programs to help departing service personnel and displaced defense workers. Defense Department workers would be eligible for separation pay and extended health care coverage and displaced defense workers would qualify for early retirement benefits. An important element of this provision would be to encourage companies seeking defense contracts to give hiring preference to former service personnel and former defense workers.

American schools would benefit from the entry of dedicated and skilled former service personnel into the teaching profession through provisions for a $180 million teacher training program for men and women leaving the military. Small businesses in our country would be encouraged to do business with the Defense Department through a $125 million program to create a defense technology extension program and expand the Small Business Innovation Research Program. Finally, local communities hit hardest by the closure of military bases and defense plants would be eligible for assistance from a $100 million fund providing increased aid to State and local governments from the Defense Department's Office of Economic adjustment.

Mr. Chairman, this amendment will help to ensure the success of needed economic conversion efforts. The House should not pass the buck to the administration or any other body to establish an effective economic conversion policy. The House should accept its responsibility to remember the men and women who won the cold war and accept the Aspin, Frost and Gephardt amendment.

Mr. DREIER of California. Mr. Chairman, we all agree that some defense cutbacks are merited due to the fall of the Soviet Union, although we must be sure that we do not leave our Nation vulnerable to unforseen attacks. Global aggression did not die along with the cold war, and a strong defense remains important now that threats to our Nation are less clearly defined.

At the same time, we must also be mindful of the severe economic impact that these defense cutbacks will have on our communities. Many defense workers in the government and private sector will find themselves jobless as a direct result of these cutbacks. We should work to ensure that their great skills in science, engineering, and math do not go to waste.

The proposals we are considering today on defense conversion contain some good provisions. However, many of these proposals were developed in haste, and I believe that they miss out on a fundamental element in this debate. Instead of just providing new jobs for displaced defense workers with Government-subsidized programs, we should encourage defense-related industries to take up new work instead of closing up shop. Thousands of workers can remain at their jobs if industries diversify to address some of the other problems facing our Nation.

Transportation and environmental cleanup are just two of the potential areas where top-quality research and development is needed. I believe that massive Government subsidies for such efforts are unnecessary, as there are growing global markets for these technologies. High-speed trains, clean-burning fuels, efficient mass-transit systems, and cleanup technologies are areas that will demand our attention. Any assistance we can provide to help this transition along will be helpful.

As a member of the California Task Force on Defense Reinvestment and Economic Development, I have looked at a number of proposals that would help defense-related industries make the transition to nondefense areas of production. One plan by the task force would create a public-private consortia to develop critical dual-use technologies such as electric vehicles, digital communications, optical electronics, lightweight buses, advanced materials, fuel cells, and biotechnology. Another plan would facilitate technology transfers from Federal laboratories to small businesses. These technologies could have important commercial applications. I believe that initiatives like these will help our industries become competitive again, not dependent on government handouts.

Of course, we cannot and should not downsize our defenses all at once. During this long process of reevaluating our defense structure, we should explore these ideas and others to cushion the impact that defense cuts are already having in many of our communities. We should be careful not to throw money at these problems; rather, we should assist industries in gaining the tools necessary to make it on their own.

Mr. GEJDENSON. Mr. Chairman, I rise in support of the Aspin-Frost-Gephardt economic conversion amendment. This important initiative is timely and vital not only to defense-dependent communities across the Nation, but as well to the preservation of our industrial base and this Nation's economic competitiveness.

The end of the cold war has given us a unique opportunity to reduce expenditures for the defense of Europe, and to thank U.S. defense workers and military personnel—the veterans of the cold war—for a job well done. I am pleased that the House is taking these important steps in the amendments we passed last night, reducing U.S. troops and expenditures abroad, and in the amendment before us now. After paying for the cold war, U.S. taxpayers deserve to reap some of the benefits of Europe's political change, and that is where savings should be found, not from the paychecks of American workers.

I have long been an advocate of economic diversification and conversion, and am proud to have worked with my colleagues 2 years ago to pass the first-of-its-kind $200 million package to assist workers and communities with the transition to lower levels of defense spending. And while President Bush delayed the release of these funds from getting into the hands of areas, like eastern Connecticut, the initial $200 million that we were able to get in 1990 is beginning to have an impact in helping defense dependent communities to adjust. I am pleased that today's package is even broader in scope, recognizing the needs of workers, military personnel, DOD employees, small businesses, communities, and technology development to a greater extent than ever before.

Across the Nation—in St. Louis, Dallas-Fort Worth, New England, and southern California—communities which answered their Nation's call for defense products cannot be left to wither on the vine. The Aspin-Frost-Gephardt amendment provides $100 million in aid to State and local governments affected by defense cuts, as well as subsidies for the salaries of ex-military personnel who retrain to become teachers. I support these examples of renewed federalism, particularly in light of the drastic decline in Federal assistance to State and local governments throughout the 1980's.

Further, this amendment provides substantial funding for dual-use technology development through public/private consortia, and assistance for small businesses. These provisions are vital to the cutting-edge, high-technology suppliers DOD has developed over the years, many of which will soon have to make the difficult transition to doing business in a cutthroat competitive global economy.

The defense community is a network of highly skilled individuals whose dedication to their work has made the United States the world's only superpower. The Aspin-Frost-Gephardt amendment provides them the opportunity to expand their skills so that they will be completely prepared to bring their expertise to new jobs, enhancing U.S. competitiveness and technological leadership.

Mr. Chairman, I am pleased to support this amendment, which builds on the work my colleagues and I brought to this Chamber 2 years ago. I hope the full House will support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. HOPKINS] to the amendment offered by the gentleman from Texas [Mr. FROST].

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 235, not voting 52, as follows:

[Roll No. 165]

AYES—147

Allard
Allen
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Callahan
Camp
Carr
Chandler
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—235

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Bennett
Berman
Bevill
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Campbell (CO)
Cardin
Carper
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gilman
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hoagland
Hochbrueckner
Horn
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olver
Ortiz
Orton
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski

Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wyden
Yates
Yatron

NOT VOTING—52

Ackerman
Anthony
Beilenson
Bilbray
Burton
Bustamante
Byron
Campbell (CA)
Clinger
Collins (IL)
Dannemeyer
de la Garza
Dingell
Dwyer
Dymally
Edwards (OK)
Feighan
Gaydos
Gibbons
Green
Hatcher
Hefner
Herger
Hertel
Hubbard
Jones (GA)
Kolter
Lancaster
Lehman (CA)
Levine (CA)
Miller (CA)
Miller (WA)
Morella
Morrison
Murtha
Nichols
Oakar
Olin
Owens (NY)
Pelosi
Peterson (MN)
Porter
Pursell
Scheuer
Slattery
Thomas (CA)
Traxler
Unsoeld
Vander Jagt
Whitten
Wolpe
Wylie

□ 1935

Messrs. GEJDENSON, OBERSTAR, and MURPHY changed their vote from "aye" to "no."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. Cox of Illinois). The question is on the amendment offered by the gentleman from Texas [Mr. FROST].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ASPIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will announce this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 275, noes 105, not voting 54, as follows:

[Roll No. 166]

AYES—275

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bennett
Bentley
Berman
Bevill
Bilirakis
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins (MI)
Condit
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gejdenson
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olver
Ortiz
Orton
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NOES—105

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bliley
Boehner
Broomfield
Bunning
Callahan
Camp
Carr
Coble
Combest
Cox (CA)
Crane
Davis
DeLay
Dickinson
Doolittle
Dreier
Duncan
Ewing
Fawell
Fields
Gallegly
Gallo
Gekas
Gingrich
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Holloway
Hopkins
Houghton
Hyde
Inhofe
James
Johnson (TX)
Klug
Kolbe
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Michel
Miller (OH)
Molinari
Moorhead
Myers
Nussle
Oxley
Quillen
Ramstad
Rhodes
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Wolf
Zeliff
Zimmer

NOT VOTING—54

Ackerman
Anthony
Beilenson
Bilbray
Burton
Bustamante
Byron
Campbell (CA)
Clinger
Collins (IL)
Conyers
Dannemeyer
de la Garza
Dingell
Dymally
Edwards (OK)
Emerson
Feighan
Gaydos
Gibbons
Green
Hatcher
Hefner
Herger
Hertel
Hubbard
Ireland
Jones (GA)
Kolter
Lehman (CA)
Levine (CA)
Miller (CA)
Miller (WA)
Morella
Morrison
Murtha
Nichols
Oakar
Olin
Owens (NY)
Pelosi
Porter
Pursell
Riggs
Scheuer
Slattery
Swift
Thomas (CA)
Traxler
Unsoeld
Vander Jagt
Whitten
Wolpe
Wylie

□ 1944

The clerk announced the following pair:

On this vote:

Mr. Beilenson for, with Mr. Thomas of California against.

Mr. CUNNINGHAM and Mr. LENT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWIFT) having assumed the chair, Mr. Cox of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, had come to no resolution thereon.

DISPENSING WITH REQUIREMENT PERTAINING TO DISCHARGE OF COMMITTEE AND MODIFICATION OF HOUSE RESOLUTION 450, PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 290, BALANCED BUDGET AMENDMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order pursuant to clause 3 of rule XXVII on Monday, June 8, 1992, be dispensed with, and that it be in order on Wednesday, June 10, 1992, for Representative STENHOLM or his designee, to call up House Resolution 450 for consideration under the same terms as if discharged from the Committee on Rules pursuant to clause 3 of rule XXVII.

Further, I ask unanimous consent that the period of general debate provided for in House Resolution 450, if adopted, be expanded to 9 hours, to be equally divided and controlled by Representative BROOKS of Texas, Representative FISH of New York, and Representative STENHOLM of Texas, or their designees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, it is not my intent to object. I would like to ask the majority leader if I am correct in my understanding that this unanimous-consent agreement will allow for the consideration of the leading balanced budget constitutional amendment under the rule, House Resolution 450, exactly as outlined in House Resolution 450, the rule discharged on May 20, with two exceptions:

No. 1, the general debate will be increased to 9 hours, with the division of time maintained proportionally as it is in House Resolution 450; and No. 2, consideration of this matter will begin on Wednesday, June 10, rather than the discharge day of Monday, June 8.

Would the gentleman please confirm this understanding?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TOMORROW FRIDAY, JUNE 5, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I have taken this moment to inform Members that we will continue, when we go back into the Committee, working on the bill that we had been working on. At probably around 9:15, we will go to a resolution with regard to a request that has been made to the House with regard to materials from a deposition concerning former Secretary Weinberger made by the special counsel, and that will take a maximum of an hour from that time. And there could be a vote at that time at the end.

That is the schedule for the remaining time this evening.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, that surprises us some on this side. As I understand it, the next amendment to be offered would be offered by the gentleman from California [Mr. DELLUMS], which is a 40-minute amendment. And it being 10 of, that would take us until 8:30.

The schedule that the gentleman from Missouri [Mr. GEPHARDT], the majority leader, proposes would take us until 9:15.

We had two 10-minute amendments in here. I wonder if the gentleman would yield to the gentleman because I thought we would be finished here before 9 today with our business.

□ 1950

Mr. ASPIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the next amendment which was in the plan was, of course, the amendment from the gentleman from California [Mr. DELLUMS], 40 minutes and the vote. There were a couple of other odds and ends that we hoped to finish tonight, which would clear the decks for us to be able to finish the bill at a reasonable hour tomorrow.

One of those was, and I was going to propose that we take the Owens amendment on the C–17 study out of order, it is one that I think we can deal with fairly quickly. I would also like to bring up the en bloc amendment tonight. That was a 20-minute debate, and perhaps a vote on the en bloc, and then there were three 10-minute amendments that we would like to try and work in as much of those as we can tonight before we turn the matter over to the issue of the subpoena.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I would say to the gentleman that this colloquy would not be necessary if we would be consulted as we go along on these things. I thought we had an understanding, and it did not have anything to do with the amendments that were just mentioned, that we were going to finish a little before 9 o'clock. Then if we had to go into this thing about the subpoenas, that is fine. I am just surprised we are going to bring up two more things we had not even mentioned. It helps if we know beforehand.

Mr. ASPIN. Mr. Speaker, if the gentleman will continue to yield, I understand. And if the gentleman from Alabama [Mr. DICKINSON] will understand, we are kind of scrambling to get things organized here. It is not for the lack of wanting to consult. It is a question of scrambling to try to make everything fit here tonight.

Mr. DICKINSON. Mr. Speaker, when the decisions are made, it would be nice to be informed before they are announced on the floor.

Mr. ASPIN. The gentleman has a good point.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I want to speak for myself and to say that I think the scheduling around here is so messed up. If Members are trying to maintain families, for example, we went in today at 12 o'clock. We could have gone in at 9 o'clock, we could have gone in at 10 o'clock, we could have gone in at 11 o'clock. Anyone who wants to go home, and now people have people who are graduating next Monday, Tuesday, Wednesday, votes have been added at different times. I for one would say that I resent the fact that the leadership has added those things. We could go in tomorrow at 8 a.m. Many people get up very early. But this House is run in such a way that it is impossible to be a father and have a family and have regular schedules. And I think the leadership owes it to the Members to have better schedules.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5260, UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (102–549) on the resolution (H. Res. 475) providing for the consideration of the bill (H.R. 5260) to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1790

Mr. HAYES of Louisiana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1790.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

□ 1954

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, with Mr. COX of Illinois (Chairman pro tempore) in the chair.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to officially notify the House where we are going on this defense bill. We had a little bit of a discussion earlier with the gentleman from Alabama [Mr. DICKINSON], but just to make the official notification for the House on the issue of what amendments are to be taken in what order.

We will first do the amendment by the gentleman from California [Mr. DELLUMS] for 40 minutes, followed by a vote. Then we will take the Owens amendment No. 17, possibly 20 minutes and the vote, but probably not that much. Then that would be followed by the en bloc amendment, 20 minutes, a possible vote. There are three 10-minute votes, or three 10-minute amendments. If we have any votes on those I would like to roll them. They are the Dymally amendment No. 4, the Hutto-Kasich amendment No. 10, and the Skaggs amendment No. 71.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentlemen from Illinois.

Mr. YATES. Mr. Chairman, I thought I understood the majority leader to say that the Committee would rise at 9:15.

Mr. ASPIN. The majority leader was making a guess that it would happen about 9:15.

Mr. YATES. And we would finish before we go into the other business.

Mr. ASPIN. Certainly.

Mr. YATES. I thank the gentleman for his response.

The CHAIRMAN pro tempore. When the Committee of the Whole House on the State of the Union rose earlier today, the amendment offered by the gentleman from Kentucky [Mr. HOPKINS] and the gentleman from Texas [Mr. FROST] printed in the supplemental report to House Report 102-545 had been disposed of.

It is now in order to consider amendment No. 9, printed in part I of House Report 102-545.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS: Page 12, before line 5, insert the following new section:

SEC. 5. 10 PERCENT REDUCTION ON TOTAL AUTHORIZATION.

Notwithstanding any other provision of this Act, the total amount that is authorized to be appropriated by this Act is the amount equal to the sum of the individual authorizations of appropriations contained in this Act reduced by 10 percent.

The CHAIRMAN pro tempore. Is there a Member rising in opposition to the amendment offered by the gentleman from California [Mr. DELLUMS]?

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, the House Committee on Armed Services reported a military budget to the floor of this Congress to the tune of $274 billion. This amendment is sponsored by myself and my distinguished colleague, the gentlewoman from California [Ms. WATERS]. However, I might hasten to point out that if we were to expand the sponsorship of this amendment, certainly the gentleman from Oregon [Mr. AUCOIN] and the gentleman from Vermont [Mr. SANDERS], who have been very eloquent and articulate in their concerns about the size and the direction of the military budget, would be sponsors of this amendment.

I am sponsoring this amendment with the gentlewoman from California [Ms. WATERS] in the hopes that the statement, the politics, and the symbolism will be missed by no Member of this Chamber.

In supporting my amendment, Mr. Chairman, I would make several observations. First, our national security is under attack now, Mr. Chairman, with huge budget deficits, a crumbling infrastructure, environmental deterioration, education failing, quality health care only for the wealthy, joblessness, homelessness, and hopelessness all reaching epidemic proportions, and the city is ready to explode.

Against the backdrop of these threats to our national security, the Committee on Armed Services reported a military budget which in this gentleman's opinion does not reflect new world realities. It is a mere 2.3 percent reduction in the administration's request.

Consider the following. The present Director of the Central Intelligence Agency, William Gates, and Director of the Defense Intelligence Agency, Lieutenant General Clapper, on June 23 in an appearance before the Senate committee in the other body made the following observations: former Soviet military, on the decline; new weapons procurements from Russia, down by 80 percent; research and development, down by 30 percent; former Soviet nuclear capability, on the decline; former Soviet military capability, posed no conventional threat to the United States and the Soviet Union.

Conclusion: Mr. Chairman, the cold war is over. The Berlin Wall is down. The Warsaw Pact has vanished off the radar screen, and the Soviet Union dissipated. The threat to this country is on the decline.

I do not know if the Members are aware of this fact but we have been spending approximately $300 billion per year on the military budget. The Soviet threat and the so-called Warsaw Pact threat have represented between 50 and 70 percent of our total budget, which means on an annual basis in this country we have been spending between $150 and $210 billion per year on those two threats alone; one, Mr. Chairman, off the radar screen, and one in significant decline.

□ 2000

One does not have to be a brilliant rocket scientist to realize that if those two threats are gone, in the aggregate spending between $150 and $210 billion, that a $2.3 billion cut in a post-cold war, post-Soviet environment is a very meager approach. So, Mr. Chairman, intelligent observation is that the cold war is over, the Soviet threat gone, and we can certainly make significant reductions in the military budget.

The Dellums-Waters amendment does not cut specific programs or accounts. It merely states that the overall funding level should be reduced by 10 percent.

During the budget debate just a few short weeks ago we laid out in specific terms how we could arrive at the cuts. But in this particular amendment we are simply saying that a 10-percent cut in a $274 billion military budget can be justified. We can make these determinations together, you and I using our brilliance, our genius and our vision. We can make the 10-percent cuts. Looking at a changing threat environment, lessons learned from the Persian Gulf, greater burden-sharing greater reliance on international cooperation and diplomacy can be the framework for much more dramatic cuts in the military budget.

The Dellums-Waters amendment does not specify what should be done with this $27.4 billion. Depending on the will of Congress, some or all of this money could go for deficit reduction. So for those of you who want to balance the budget and bring money to the deficit, theoretically this entire $27.4 billion could be used for deficit reduction. Those of you who want more economic conversion, use it for that. Those of you who want social programs, help for economic dislocation, you can use it for that. Or we can wrap it in some combination. That is not the decision we make here today. We leave that for a judgment down the road.

But if you are for balancing the budget, if you are for deficit reduction, here is a way to free the money. If you want conversion, here is a way to free the money. If you want to free money to address the living and the dying, the people trapped in the urban environment in this country, here is a way to cut it. If you want to help the family farms and people living in misery in America, here is the way to free the money. We do not need this.

Ask yourselves, Mr. Chairman, is there no excess spending in a cold war military budget after the cold war is over? I believe there is. And I believe that you know in your heart of hearts that there is.

While there has been a cry for fundamental reassessment of American military policy, we are presented with a business-as-usual military spending bill. At this extraordinary moment, Mr. Chairman, pregnant with enormous potential for change, let us turn the corner. I ask Members to support the Dellums-Waters amendment to cut $27.4 billion from this military budget, and then let us have a rational, intelligent discourse about where we take this money.

The cold war is over, and our military budget ought to reflect that.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have many reasons here why this amendment should be rejected out of hand. We are on the downhill slope of our defense spending. By the year 1996, as it is presently proposed, DOD outlays will be approximately 3.6 percent of GNP, which is the lowest level since World War II. The share of Federal outlays for defense will fall to 18 percent versus 27 percent in the mid-1980's, which is also the lowest percentage since Pearl Harbor. The figures in fact go on and on.

Let me just sum it up, and I am not going to go into a great deal of detail. I would like to see us get a defense bill through because we have been working on it all spring. We need one, and I would like to get one.

But if you want to make sure that we do not have a defense bill, then just vote for this amendment.

Look what we have done to this bill already. We have eliminated any nuclear testing, which the administration says they very definitely need. We have taken 100,000 additional troops out of our overseas bases. In the Frank amendment we have deleted another $3.5 billion for overseas spending. We have allowed the right of abortion in military facilities overseas. In the conversion package that was just passed, we have made it almost impossible for our major defense contractors to continue to do business with the Department of Defense under the onerous terms and conditions contained therein.

Now the gentleman from California [Mr. DELLUMS], wants to cut $27 billion more out of this bill after we already had the budget summit agreement, and we are under it already. We are trying to have an orderly build-down.

If this amendment should pass, I can guarantee that we will not have a defense bill. I think that is all we need to know. Do we want a defense bill this year? If so, vote no. If we do not want one, support the gentleman from California [Mr. DELLUMS].

That is all I have to say.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished gentlewoman from California [Ms. WATERS], the coauthor of the amendment before the body at this time.

Ms. WATERS. Mr. Chairman, it is with great pride that I join my friend and colleague, the gentleman from California, RON DELLUMS, in offering the amendment before us.

To many of us, the idea of a reduced military budget is not new. Neither, may I add, are the consequences of a neglected domestic agenda. Nonetheless, it must be said, if we are ever to seriously address the pressing social needs of this country, military spending must come down in order to pay for it.

For too long, an exaggerated emphasis on military spending has led us to underfund public policy that can make a difference in the lives of millions of Americans, the very Americans who have said to us most recently in Los Angeles last month, "Wake up, America."

It should be clear to everyone now that the priorities which have brought America to this point must change. That is the essence of the Dellums-Waters amendment. Without a clear break from the policies of the past, people will continue to linger in a state of hopelessness, desperation and anger.

Mr. Chairman, I am saddened as I watch what is going on in my country. I am saddened as I watch the neglect of our cities. I am saddened as I watch the way we have squeezed the middle class in America. I am saddened that we have dropped urban America and rural America off of America's agenda.

I have watched in recent years how we have devastated family farms and we have watched as they have defaulted on their loans, and we have let those farmers go without aid. I have watched while we continue to manufacture and pay for things that we do not need anymore. We have passed a budget with B–2 bombers, *Seawolf*, and other technology that is not needed. What are we preparing for? What war do we anticipate next?

I can tell Members, Mr. Chairman, the wars are in our cities. The wars now increasingly are in the minds of Americans all over America. They are sick and tired of the neglect. They do not understand why we can be concerned about everything except them.

Not only do we not need this obscene military budget, they know it is reasonable to cut this budget by 10 percent. They know that the bridges are falling down in America, that the infrastructure needs repair. They know that our highways and our roads could use a little help, and they want jobs. They want an investment in America. They do not mind 10 percent being cut from this budget. Yes, they say, while you are doing the downsizing, invest some money in economic conversion, and make sure that people who will not be in the military are taken care of. We should have been doing that. We have not had the vision to do that. We can do economic conversion. We can dedicate dollars to economic conversion and make sure we have training to use the skills that people have learned in the military to be provided in our private sector, and even in our public sector. They know that we can do that. We can provide for jobs and economic development. We can reduce the tax burden of the middle class, and yes, we can begin to think about our cities and our rural communities.

□ 2010

That is what this is all about. I come from Los Angeles. For those of you who have watched the events of the last several weeks, you watched the frustration and the hopelessness, and many of you come from cities where you said, "My God, I hope it does not happen here," and you called your mayors and you wanted to know what your police departments were doing.

Well, most police departments cannot protect you if you have these kinds of breakouts, because they, too, are under budget. We have allowed police departments in America to go without the support that they should have in order to help provide for a secure environment.

What wars are you getting ready for? What wars do you want to fund?

Let me draw your attention back to these cities and tell you that maybe you do not need to fund the soldier in the same way that you did in the past, but God knows your cities need some help; your police departments need some help; we need some help in health care and education.

Now is the time for good public policy. Now is the time to join this debate.

Do you want to talk about a constitutional amendment to balance the budget? How can you talk about that without talking about the opportunities that are provided to us right now? We can reduce the military budget and begin to pay some attention to our own country.

Mr. GLICKMAN. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, just to reinforce what the gentlewoman says, I saw some statistics recently which said that if you took basically 5 percent of what we spend in Europe, or about $3 billion, and allocate it to hiring police officers only in this country, you could hire 600 additional law enforcement people in every single one of the 100 largest cities in America. I mean, it is just an example, and if public safety is one of the issues, and the people's security is an issue we are concerned about, there is a relationship between the defense budget and what is being spent at home.

Ms. WATERS. The point is well made.

Mr. HUNTER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I am absolutely liberaled out. I came back from a primary, and I have watched every single Democrat liberal amendment pass this House floor to cut defense.

Defense means jobs in this country. It means economy. And the liberals want to give, to give, to give, and they forget that there is a direct reference to the employer and employee by the amount of jobs available.

The President has vowed to cut defense 30 percent, the lowest since before World War II, 30 percent, and I mean, I have had it. I have been in this body for almost 17 months, and I have watched the Committee on Rules control this House, and they say that there is no domestic agenda, if you had let the President's domestic agenda on the floor out of the Committee on Rules, then maybe we could do something for the inner cities.

You talk about crime. You passed the weakest crime bill we could conceivably pass, the liberal crime bill. We had a guy executed in California named Harris. We did nothing to support Habeas Corpus reform.

Mr. DELLUMS. Debate us on the issues.

Mr. CUNNINGHAM. We are. I am addressing what the young lady, the gentlewoman from California, just spoke about. You talk about the inner cities and what we want to do with the money. Well then, pass the crime bill. That is why Harris spent 14 years on death row at taxpayers' expense.

You want to talk about jobs in the inner cities and in the heart of America. Then we will; 30 percent cut in defense means jobs.

We are putting 235,000 men and women out of work into a recession. Those men are earning a paycheck. They are paying their mortgage. They have health care, and you fire them, you RIF them, and now you put them into unemployment.

Where is the peace dividend? There is none. You put them back into your inner cities without a job and dissatisfied, and you are doing an injustice to the American people.

You talk about a recession. Well, those jobs that you are trying to cut by cutting 10 percent, look at Rohr, look at General Dynamics, look at McDonnell Douglas, look at all the defense companies that are laying off tens of thousands of people. And who do you think you are hurting? You are hurting the same people that you are trying to help.

There is a war in the cities. We need to address it. But we address it with jobs.

A 30-percent cut; cut any other program 30 percent and see how it hurts. You cannot continue to cut defense, cut jobs, and readiness.

I have got kids at Miramar sitting there with limited fuel to fly airplanes and train.

We are taking a look at a balanced budget amendment. Are you going to support a balanced budget amendment, Mr. DELLUMS? Mr. DELLUMS, are you going to vote for a balanced budget amendment?

Mr. DELLUMS. I have given you a way to balance the budget.

Mr. CUNNINGHAM. Are you going to vote for a balanced budget amendment?

Mr. DELLUMS. Mr. Chairman, will the gentleman yield to me? You do not have to ask me.

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman.

Mr. DELLUMS. How much time do you want to yield to me?

Mr. CUNNINGHAM. About 10 seconds with a yes or no.

Mr. DELLUMS. Yield a minute to me, and then I can talk to you.

Mr. CUNNINGHAM, Are you going to vote for a balanced budget amendment?

Mr. DELLUMS. No.

Mr. CUNNINGHAM. Reclaiming my time, we are spending $1.3 billion per day, $1.3 billion, not just in defense but domestic poor spending. And where you want to cut defense, the more people you have working, the more money you have paying into the tax account and the more dollars you have for education and things that you want to accomplish.

You keep firing people, and we are not going to stand for it.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield? Will the gentleman yield?

Mr. CUNNINGHAM. No. I do not have enough time.

I want you to take a look at this floor over the 17 months. We gave you the weakest crime bill, striker replacement, which hurts business and cuts jobs, the unemployment bill.

When you rip the additional 10 percent of people out of the military and cut spending, you are going to make them unemployed in a recession. You are going to come back and try and increase an unemployment bill. The last one was $7.5 billion to increase the deficit.

I would rather have those people working than give them unemployment dollars.

Again, we are in a recession. You want to cut, and you say the Soviet threat is not there. We may have over 10,000 nuclear warheads pointed at this country today, and you do not call that a threat. They are still building submarines. They are still building airplanes.

No, you think we are going to be in another conflict in 20 years? I do. I think we will be in a conflict within the next 20 years, and I want my sons and my daughters to have the same protection as we did in Desert Storm. So they can come back safe.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I want to commend the author of this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I am proud to be up here and to support the important amendment brought forth by the gentleman from California [Mr. DELLUMS] and the gentlewoman from California [Ms. WATERS].

Sometimes I think that the people in this institution and in the White House are really losing contact and not knowing what is going on with the American people. In case you do not know and you have not seen the latest polls, the American people hold the President of the United States in contempt. They hold this institution in contempt. They hold the Republican Party in contempt. They hold the Democratic Party in contempt.

They think that maybe, given all of the crises facing this country, it is about time that there was some bold leadership here, and that this institution made some hard choices, and this is what the choice is about.

We are spending $270 billion a year on the military, but we do not have a major enemy. I know it hurts your feelings. I know you are upset about it. I know you are hoping and praying that maybe we will have another war, that maybe somebody will rise up, but it ain't happening.

The Soviet Union does not exist. The Warsaw Pact is through. Who are you worried about? Iraq? Panama? Who are you worried about?

I will tell you who I am worried about: I am worried about the fact our workers are seeing a decline in their standard of living. They want to see our industry rebuilt. That is what they want to see; no more B-2 bombers, no more Star Wars.

Let us make the quality products we need. Let us invest in American industry.

The American people want to see our kids educated. They want a Head Start Program. They want their kids to be able to go to college. They want to wipe out the fact that 5 million children in this country go to bed hungry. They want child care for their kids.

□ 2020

They want decent education.

Let us have the guts to give some leadership to this country. The cold war is over. Let us reinvest in America. Let us support this amendment.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Let me just make a couple remarks about the debate so far.

First, the gentleman from California offered his amendment and asked that we have a rational, intelligent discussion, about the expenditures of the moneys that would be saved under this amendment.

Let us just respond that we have had over the last several months in the Committee on Armed Services in the hearings, many of which the gentleman himself has chaired, a rational debate over how we should shape the defense posture of the United States.

We had discussions about the personnel cuts that are ongoing right now and the level of forces that we should have in all the armed services, the balance between the active duty services and the Guard and the Reserve, a very heated discussion sometimes, but I think a very useful one.

We had a number of discussions about how we are going to shrink the Navy, and we are shrinking the Navy very substantially. The so-called 600-ship Navy is going down almost to 50 percent of that 600 ships.

We talked about how it is going to be very difficult to man the few carriers that we have with fully mission capable combat aircraft.

We talked about the training problems that we have with this reduced defense budget, how we are going to be able to maintain a ready force, a cadre, if you will, of trained personnel who when we need to mobilize, and I agree with the gentleman from California [Mr. CUNNINGHAM] that we will have another war. I agree with the Secretary of Defense who has said we will have another war and we must be ready. We need to have that cadre of personnel who can train new enlistments when they come into the force and when we have a mobilization. We discussed that issue very, very thoroughly.

We discussed a large number of weapons systems and how we could possibly bring down the numbers coming off the line and yet maintain the research and development that is necessary to keep this Nation ready should we have to go to war.

So we have had a rational, intelligent discourse.

Let me just go over a few of the things that we talked about. We did talk about the fact that DOD outlays are going to be going down to 3.6 percent of the gross national product. I want to put that in historical perspective.

Under John Kennedy, we spent about 9 percent of GNP on defense and that did include Social Security at that time when we ran out the formula on that. It was 9 percent of GNP, and it was about 47 percent of the total Federal budget.

Under Ronald Reagan, at the high point of defense spending it was about 6 percent of the GNP, and we are going down now to about 3.6 percent of GNP, so roughly one-third of what the defense budget was under JFK and about half what it was under President Reagan.

Now, historically, we have cut the defense budget too severely going out of a war, whether it was a shooting war like World War II in the wake of which we found ourselves in Korea with unprepared troops and with the lack of equipment, or the hollow Army that we found ourselves with in the late 1970's after the Vietnam war and the Navy in which we had a thousand enlisted personnel chief petty officers a month getting out of the Navy because they did not make enough money, when we had our young men and women on food stamps because we had not given our personnel enough, when we had that hollow army that was spoken of in 1978 and 1979, or having won the cold war, which was not a shooting war, but one nevertheless in which we matched a large military force against a large adversary, that being the Warsaw Pact and the Soviet Union, we have historically cut the defense too much.

The worst disservice we can do, and I notice the gentleman from Vermont [Mr. SANDERS] had a display here that showed American military power at a very high level and all our potential adversaries, Libya, Cuba, Iraq, et cetera, at a low level.

Let me tell the gentleman from Vermont [Mr. SANDERS], I like that. That is what I like, because that means when we have a shooting war in a place like the Persian Gulf, instead of taking enormous casualties, we have enough personnel and we have good enough equipment that we can get the job done with a maximum number of young Americans coming home with all their arms and legs intact, able to come home to this land of opportunity and make something of themselves in the civilian world without having lost massive casualties and left a large number of their friends on the battleground.

Because we have had strength, we have maintained peace, an uneasy peace in the cold war, and we have brought about ultimately the dissollusion of the Soviet Empire. That has been good. It has not been bad, and if sometimes we spent more than we needed, that also has been good because it resulted when we had to shoot, when we had to go to a shooting war, in having a minimum of American casualties.

So let me just say to the gentleman who is the author of this amendment, and a gentleman I respect, we have had a rational, intelligent discourse about the shape of this Nation's military posture, and notwithstanding a number of the amendments that passed today that I do not agree with, and I know a number of members of the committee do not agree with that we think makes some mischief in the area of nuclear testing and other areas, I think we came up with a pretty good set of numbers. It is a set of numbers that was derived from the democratic process and this open process we have of bringing our experts in, listening to them, talking among ourselves, voting and coming up with a defense bill.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, first, I thank my distinguished colleague, the gentleman from California [Mr. HUNTER].

I apologize for getting angry, but the gentleman well knows that this gentleman has never attempted to take the floor of the House to use the occasion to engage in partisan politics whenever there is an issue on the floor. All I was suggesting to my colleague, the gentleman from California, if you want to debate me, fine, that is what this is all about, but let us engage each other at the level of ideas; but when you use the Dellums-Waters bill to make some statement about leadership or some partisan statement, that is not what this is about. Engage me on a substantive level.

Mr. Chairman, I thank the gentleman. He knows full well that in the context of the Armed Services Committee, that is exactly how I have always attempted to conduct myself.

It is very frustrating when you have worked very hard to put an amendment down here and it becomes an occasion to engage in other politics extraneous to the subject matter before the body.

I thank the gentleman for letting me make that statement.

Mr. HUNTER. Mr. Chairman, let me just say one thing in defense of my colleague, the gentleman from California [Mr. CUNNINGHAM].

The gentlewoman from California did talk about economic growth that we are all interested in.

It has been a great frustration on this side of the aisle to see initiatives that we think would create jobs and economic growth turned down time and again without a fair hearing before this full body.

I think there is room for those of us who are talking about unemployment in America and the use of these dollars that the gentleman is talking about. I can understand the frustration of the gentleman from California [Mr. CUNNINGHAM] with respect to our inability to get what we think is a good growth package up and for a successful package and in front of the President of the United States for signature.

Mr. DELLUMS. Mr. Chairman, I accept that and I thank the gentleman for giving me the opportunity to make the statement.

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, with respect to my friend, the gentleman from California, the reason I made my statements is that the gentlewoman from California [Ms. WATERS] brought up domestic inner cities. She brought up police. She brought up the rest of it.

If I felt that another 10-percent cut would help those areas, I would support it, but I believe in my heart that if we continue cutting defense, cutting defense, first, we are going to be in another conflict within 20 years and we are not going to be prepared for it.

I look at the kids who are flying the machines, who are driving the tanks now today, and I see the cutbacks. I see the pullback from Europe and I see the other problems that we are having in the inner cities.

For example, when you talk about infrastructure, Japan only has a 1-percent capital gains and then they turn that in 1 year back into infrastructure, first to create jobs, and second, to provide for roads and highways in the inner cities. We cannot get that through here and it is very discouraging, for the enterprise zones that Jack Kemp wants. Those are the kinds of things that I would support for the inner cities and fight for, and I think there is bipartisan support for those, but if we keep cutting defense and cutting jobs, that takes people out of work and puts them into a recession where there is no work and it exacerbates the problem.

□ 2030

For this gentleman it has been very, very frustrating to fight for something that I know is right, for something that is right, and then you keep wanting to cut it more.

The President has guaranteed he would cut defense by 30 percent.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentlewoman from California.

Ms. WATERS. I thank the gentleman for yielding.

Mr. Chairman, I would like to clarify what I said earlier and to focus this body on the fact that, yes, there are problems in inner cities, but there are problems in America. We have many people, blue-collar workers from all over this country, who have lost their jobs. Jobs have been exported to Third World countries for cheap labor. It is not simply the inner cities hurting, it is all of your communities.

Many of your communities are in need of additional police officers. It is not simply inner cities. Let us be clear: This gentlewoman from California talked about inner cities, talked about the middle class, talked about rural America. They are really hurting in rural America. I am talking about an investment in America.

Mr. CUNNINGHAM. Mr. Chairman, I agree with the gentlewoman from California.

The CHAIRMAN pro tempore (Mr. SYNAR). The Chair would like to inform the gentleman from California [Mr. HUNTER] that he has only 1 minute remaining, and he will be allowed to close the debate. He may use that at this time.

The gentleman from California [Mr. DELLUMS] has 6 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield the remaining time to close debate to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding.

Mr. Chairman, I agree with the gentlewoman from California [Ms. WATERS] that all of America is hurting. It is not just inner cities with respect to these things that we are talking about. But if you look at the massive jobs that we are laying off already, even with the 30-percent cut it cannot help any of the areas across America, whether it is rural America, inner cities, or whether it is not. If you put people out of work and then we have to pay them unemployment and welfare because they cannot get jobs, then we are killing America, we are killing all of America. It is frustrating to this gentleman to see those kinds of things happen without the other things that we can do to go and help all of America, like capital gains reduction and some of the other things that I mentioned. And it is not for political reasons. I truly believe those items will help all of America.

My friend from California, I want him to understand I really believe another 10 percent cut in defense will not only hurt us defensewise but it will help destroy this country as far as jobs.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let us understand that the military budget is a budgetary response to our national security needs. Our national security needs are based upon the threat assessments as we perceive them. The military budget is not a jobs bill, it is a response to legitimate national security needs.

If we perceive the threat to be reducing, our national security needs changing, then the military budget should reflect that change.

Finally, I would say the military budget is capital intensive, not labor intensive. If you want to create jobs, spend a dollar in the nonmilitary side of the sector.

Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman from California and the gentlewoman from California for their leadership on this amendment.

Mr. Chairman, this is the truth test amendment. Many of you here are going to support a balanced budget constitutional amendment. You talk about it all the time.

Well, here is your chance to put your money where your mouth is.

You tell your constituents you want to balance the budget, you tell them, "Read my lips, no new taxes." That means, my friends, you want to cut spending. Well, where are you going to cut it from? Are you going to cut military spending, or are you going to leave it untouched?

If you are going to cut military spending, this 10 percent cut is a bare minimum, a first installment, and I hope every balanced budget fan in this room will realize that they have an obligation to vote for this amendment, if they are serious about their position on the balanced budget constitutional amendment.

And if the press in this country has any intelligence at all, it will compile a list of Members who vote against the Dellums-Waters amendment, and yet vote for a balanced budget constitutional amendment. And any Member who votes that way, I just want to say to you, you are saying that what you are doing is that you want to cut the budget by cutting domestic programs alone.

Well, this is a year when voters are demanding political honesty. So let me put Members on notice now. You had better have a list. If you are unwilling to cut military spending and you want a balanced budget constitutional amendment, you had better have a list of those people programs you are prepared to cut, and how they add up to eliminating the budget deficit. And you had better be prepared, my friends, to share that list with the public.

The voters are going to ask you to do that. We will ask you again and again and again.

The question is, Why are you so determined to protect the military-industrial complex while you are willing to let the heart of our society die and crumble around you? You had better have an answer because the American public is going to demand it.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, there has been a lot of discussion from the preceding gentleman from California about jobs related to defense. Let us look at the jobs.

Yes, if you spend $27 billion on the military, you get about 300,000 jobs. It is very capital intensive, as Mr. DELLUMS said. That is a lot of jobs, 300,000 jobs.

But wait a minute. What if we spend $27 billion on infrastructure? I am on the Committee on Public Works and Transportation. That would produce about 750,000 jobs; that is more than twice as many.

How about education? 900,000 jobs. If you want a jobs program, $27 billion can be a lot better spent there than on turkeys like the B-2 bomber or things that will never work, like star wars.

Yes, that employs a few scientists, but there is a whole heck of a lot better ways to spend the money both for security, the future security of this Nation, militarily, and economically.

Mr. DELLUMS. Mr. Chairman, for the purpose of closing debate, I yield the final 2½ minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. HAYES of Illinois. Mr. Chairman, will the gentleman yield to me?

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. HAYES of Illinois. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Dellums-Waters amendment. This amendment takes a bold step in letting the country know that we are responsible and intelligent enough to respond to the changes that have occurred in the world. This amendment provides the perfect opportunity to shrink this outrageous and unnecessary military monster that has grown uncontrollably over the last 12 years. The Dellums-Waters amendment would make a modest cut of 10 percent from this enormous defense budget and we should respond in kind by voting for its passage.

With the changes in the world, we must reexamine our priorities and that includes our military commitments. Despite enormous changes taking place in the world, we are still planning to spend $274 billion on defense in the upcoming fiscal year, which is more than we spent during the height of the cold war. It is sad that this type of spending is happening when the Nation is facing urgent, unmet domestic needs in areas such as housing, education, and health care. It is also morally repulsive when the infrastructure of our cities is crumbling for lack of investment. In addition, essential modest programs that provide for emergency help to victims of this economic recession are being rejected because of budget cuts, something that is happening in every major city in this country.

I know that the so-called firewalls are still in effect and a savings of 10 percent cannot be used for domestic spending. However, we can take a stand today and let the American public know that we are not in favor of continuing this military monster while our cities are decaying. If we want to change our priorities when the firewalls are removed, we must start now. Cutting a modest 10 percent can and should be done without compromising our military posture. I urge my colleagues to be courageous and vote in support of the Dellums-Waters amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I congratulate the gentle people from California for an act of statesmanship. That is what they are giving the House a chance to do.

Mr. Chairman, I have enormous respect for the dedication and the skill and the courage of the people in the military. And I think it disserves them to treat them as if they were the last survivor of the New Deal and that they were primarily a jobs agency.

Military work is dangerous, it is difficult, it is not always productive. We hope it is not productive. Most of the time, we want our military to be standing around ready, if necessary, to put their lives on the line. And when we do not need the degree of readiness we now have, then the rational thing to do is to reduce it.

Members have said, "Well, but in the past, after World War II, we reduced too quickly." I do not know whether the Republican 80th Congress which controlled that period 1947–48 deserves such a condemnation. But let us pass over that.

We are also told, "Well, you have got too low a percentage of the GNP." You do not fight wars with GNP percentages. Yes, we are at 3.6 at some point in the future of an enormously greater GNP. The fact that we have increased the GNP geometrically makes that a fairly irrelevant comparison.

What we are saying is that we agree that America shall be, will be, I believe should be, by far the strongest Nation in the world. That is not even remotely in question. The issue then is: Well, is it inefficient? And I am surprised, I mean this quite literally—unlike some of the things you sometimes say in debate—that some of my friends on the other side have so little confidence in the American private sector.

For 10 years they have been telling us that Government spending detracts from our economic vitality, that the more the Government spends the less well we would do. The more the deficit, the more you were taking capital out of the private sector into the public, the more you were displacing resources the worse off you were.

But it turns out that did not apply to defense. Somehow, magically, defense spending was different. As a matter of fact, as the gentleman from Oregon has said, if you are looking purely for jobs, defense is not the most efficient way by far to do it. In the first place, by far the largest share that we spend overseas comes out of the military budget.

□ 2040

Mr. Chairman, it is also the case, when we put our best talent, as we have, into making weapons, they are not for sale. The best rational way to respond to our economic problems is to support the great leadership that we are being offered by our friends from California and vote for this amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I am voting against the Dellums amendment for a 10-percent cut in this fiscal year in the defense budget.

My objection is not to the level of the proposed cut but rather I object to the method.

I am prepared to vote for cuts of 10 percent or greater in the defense budget. The cold war is over and clearly we can reduce, by a substantial amount, the level of defense spending. This defense bill reduces spending by $17 billion. We can do more than that.

But it seems to me that we should structure defense cuts in a multiyear period in order to phase down the level of troops and phase out weapons programs. We need to prepare to deal with the economic consequences of base closures and large reductions in troop levels.

In addition, I believe we should reduce, by a significant amount, the money spent on SDI, and the money spent on B–2 bombers.

Finally, I believe the cuts should be targeted to the significant spending in our defense budget to defend Japan, Western Europe and our other allies. The U.S. taxpayers should not be asked to continue to pay the defense costs of the free world.

So I do and will support major cuts, but I want them to be done the right way.

Mr. PENNY. Mr. Chairman, I am voting against the Dellums amendment to cut the defense authorization bill by 10 percent. While these cuts were unspecified, I do intend to support additional specific cuts in the B–2 bomber program and the star wars program. In addition, I have proposed legislation to cancel the D–5 missile. Clearly, deeper cuts in the Pentagon budget will be necessary if we are to meet the requirements of a balanced budget amendment.

I did not support the Dellums motion because of my concern that a 10 percent cut in addition to the $17 billion we have already cut below last year's level which is probably more than we can prudently accommodate in a single year. However, more cuts will be necessary. Dramatic changes in the world and budget realities here at home demand that we phase in deeper cuts over time.

The CHAIRMAN pro tempore (Mr. SYNAR). The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 283, not voting 61, as follows:

[Roll No. 167]

AYES—90

Abercrombie
Anderson
Andrews (ME)
Applegate
Atkins
AuCoin
Blackwell
Bonior
Boxer
Bruce
Bryant
Clay
Collins (MI)
Conyers
Cox (IL)
Coyne
DeFazio
Dellums
Dixon
Durbin
Early
Eckart
Edwards (CA)
Evans
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Hayes (IL)
Henry
Jacobs
Jefferson
Jontz
Kennedy
Kennelly
Kildee
Kopetski
Kostmayer
Leach
Lewis (GA)
Lowey (NY)
Markey
Mazzoli
McCloskey
McDermott
Mfume
Mineta
Mink
Moody
Neal (MA)
Nussle
Oberstar
Obey
Olver
Payne (NJ)
Pease
Perkins
Rahall
Rangel
Rostenkowski
Roybal
Russo
Sabo
Sanders
Savage
Schroeder
Schumer
Serrano
Shays
Sikorski
Skaggs
Smith (FL)
Solarz
Staggers
Stark
Stokes
Studds
Synar
Towns
Traficant
Vento
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wyden
Yates

NOES—283

Alexander
Allard
Allen
Andrews (NJ)
Andrews (TX)
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bunning
Burton
Callahan
Camp
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
DeLauro
DeLay
Derrick
Dickinson
Dicks
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Ewing
Fascell
Fawell
Fazio
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Kanjorski
Kaptur
Kasich
Kleczka
Klug
Kolbe
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Manton
Marlenee
Martin
Martinez
Matsui
Mavroules
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Miller (OH)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nowak
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—61

Ackerman
Annunzio
Anthony
Beilenson
Bilbray
Broomfield
Bustamante
Byron
Campbell (CA)
Carr
Clinger
Collins (IL)
Dannemeyer
Davis
de la Garza
Dingell
Dwyer
Dymally
Edwards (OK)
Feighan
Fields
Gaydos
Gephardt
Gibbons
Green
Hatcher
Hefner
Herger
Hertel
Horton
Hubbard
Ireland
Jones (GA)
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Levine (CA)
Michel
Miller (CA)
Miller (WA)
Moran
Morella
Morrison
Murphy
Nichols
Oakar
Olin
Owens (NY)
Patterson
Pelosi
Porter
Pursell
Roe
Scheuer
Thomas (CA)
Traxler
Unsoeld
Vander Jagt
Whitten
Wolpe

☐ 2102

The Clerk announced the following pairs:

On this vote:

Mr. Owens of New York for, with Mr. Annunzio against.

Mr. Wolpe for, with Mr. Bilbray against.

Mrs. Collins of Illinois for, with Mr. Bustamante against.

Mr. Dymally for, with Mr. Anthony against.

Mr. MOAKLEY and Mr. DONNELLY changed their vote from "aye" to "no."

Mr. VENTO and Mr. FORD of Tennessee changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

We are very close to finishing the work on the DOD bill for tonight. We have a couple more cat-and-dog amendments that we would like to take up tonight and then roll the vote toward the end tonight, if we could do that. If we have the cooperation of the Members, we could get through this, I think, in a very short amount of time.

PARLIAMENTARY INQUIRIES

Mr. ARMEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. Cox of Illinois). The gentleman will state it.

Mr. ARMEY. Mr. Chairman, is a unanimous consent request in order?

The CHAIRMAN pro tempore. The gentleman may make certain unanimous consent requests yes.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that any other votes that are ordered tonight be held over and voted on as the first order of business tomorrow morning.

The CHAIRMAN pro tempore. That is not a proper request in Committee of the Whole. It is in violation of the rule.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that the rules be waived.

Mr. ASPIN. Mr. Chairman, reserving the right to object, we do not know whether we are going to have any more votes on the defense bill. Why do we not wait?

We were going to roll them until the finish of all the debate. According to the majority leader, we would like to do the issue of the subpoena tonight. We are trying to accommodate the Members by finishing the bill that we are dealing with before us by 3 o'clock tomorrow. That is the thing that we would really most like to do, is to accomplish getting this bill done by 3 o'clock tomorrow.

If we have the cooperation of the Members, I think we can get to a position where we can clearly finish by tomorrow.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, do I understand the gentleman to say then, that he has some additional amendments that he would hold the votes on, and then after the Committee rose, we would conduct some other business yet still tonight?

Mr. ASPIN. Mr. Chairman, the majority leader announced earlier tonight that there was going to be this other matter brought before the body after we finish the work on the DOD bill.

Mr. ARMEY. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for that explanation.

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Chairman, under the rule for this bill, did we need unanimous consent to roll the votes?

The CHAIRMAN pro tempore. No.

Mr. WALKER. The Chairman has the power to roll the votes?

The CHAIRMAN pro tempore. The gentleman is correct, under the rule.

It is now in order to consider amendment No. 17, printed in part I of House Report 102–545.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS of Utah: Page 22, after line 6, insert the following new sections:

SEC. 146. REPORT ON TERMINATION OF C–17 PROGRAM AND RESTART OF C–5B PRODUCTION.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the costs and benefits of terminating the C–17 program and restarting the production line of the C–5B aircraft to meet the mission need for which the C–17 aircraft is intended. The report shall include information reflecting cost overruns and schedule delays in the C–17 program to the date of the report, anticipated operational costs for the C–17 aircraft, and performance evaluations of that aircraft.

The CHAIRMAN pro tempore. Is there a Member who rises in opposition to the amendment?

Mr. HANSEN. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. OWENS] will be recognized for 10 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Utah [Mr. OWENS] will be recognized for 10 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, at the outset, I want to commend the chairman of the Armed Services Committee for slashing C–17 in this year's bill, as well as in the already enacted fiscal year 1992 measure.

My amendment is intended to expand on the committee language. It should be noncontroversial! It merely mandates a report from the Secretary of Defense on the costs and benefits of, first terminating the C–17 Program, and second, restarting the C–5 line to meet the mission for which the C–17 is intended. The amendment requires the report to include information, much of which has been publicized recently, on the cost overruns and scheduling delays in the C–17 Program, as well as anticipated operational costs and performance evaluations of the C–17, and contrast that with the costs and benefits of building more C–5B's.

In the fiscal year 1993 bill, the committee has mandated that Secretary Cheney convene a special defense acquisition board to review the performance requirements and affordability of the C–17 Program. Last year, the committee adopted a provision requiring DOD to report on the performance of the C–17. My amendment would expand on these provisions by specifically requiring that the Secretary of Defense study the costs and benefits of terminating the C–17 and restarting the C–5 line.

To the best of my knowledge, there is no report that calls for the comparison my amendment specifically mandates. While the GAO issued such a comparison between the C–17 and C–5 in the early 1980's, there is a wealth of new information that will demonstrate the costly folly of continuing the C–17. In light of the total mismanagement, diminished performance and huge increases in the cost of the C–17 Program, I don't think it is too much to ask the Pentagon to run the numbers and give us an objective evaluation and a new perspective of the C–5B's performance.

Mr. Chairman, since its inception, the C–17 has been a failure. It is years behind schedule and, according to the recent air force testimony $1.3 billion over the fixed-price development contract.

Initially, the total program cost for the development and procurement of 210 planes was $32 billion. In 1990, Secretary Cheney reduced the plane buy to 120 aircraft. Today, according to the Pentagon's own cost estimates, the total program cost is nearly $40 billion, and that is for 90 fewer planes. The current projected cost of the C–17 is $333 million per plane.

When I offered the amendment to kill the C–17 in 1987, the cost of the program was projected to be $185 million per plane, which was twice the then current price of $95 million for the C–5B, which carried nearly twice as much cargo.

A recent GAO study faults its manufacturer for failing to implement recommended cost and schedule performance improvements. The GAO also reports that the C–17 schedule will slip another 21 months.

In recent months, our colleague from Michigan, Mr. CONYERS, the chairman of the Government Operations Committee, conducted a series of hearings on the C–17. The committee received a study from the GAO, in which the GAO described about quality control deficiencies and other production irregularities. The GAO reported that fuel leaks, structural problems with the wings, flap failure and cracking, serious software problems, and nose gear retraction system difficulties continue to plaque the C–17.

In fact, cracks developed on some of the jet's parts after just a few minutes of testing. And other parts used in C–17 tests buckled, collapsed, or melted during heat tests.

Yet the Pentagon continues to insist that the C–17 is the answer to America's airlift needs. But beyond defending a plane that is so clearly deficient, so categorically and undeniably a failure, the Pentagon has actually given the C–17 special treatment by protecting it from the standard live fire testing.

In a perfect illustration of the Air Force's overprotective treatment of the C–17, in March 1991 the Air Force found 75 C–17 defects, including certain range and payload specifications that were not met. Just 5 days later, the Air Force agreed to reduce the C–17's performance specifications, and 6 weeks later the military airlift commander testified that the C–17 specification reductions were not due to the contractors inability to meet the original specifications. The alleged performance attributes of the C–17, which constituted the Pentagon's chief justification for the C–17 to begin with, will not be met.

I am not foolish enough to think that the Pentagon will write a report calling for the termination of the C–17 and the restart of the C–5. But I think it is important to lay the cards on the table and challenge the Air Force to justify the C–17 to the American people.

There are alternatives to the C–17. First, we can undertake an expanded service life extension program for the C–141's already in service. This will help overcome the existing airlift shortfall.

Second, we can cancel the C–17 and, for less money, restart the C–5. In the 1980's, the C–5 Program was restarted with great success. The stupidity of the Pentagon's decision to proceed with the C–17 and to terminate the C–5, is that after having spent 25 years developing a good aircraft, which in its infancy had every conceivable developmental problem, there finally came into being a competent, efficient, workhorse airlift plane. Of course, after ironing out all of its problems, the Air Force immediately began providing for the C–5's replacement.

That is, of course, the Pentagon's psychology. If something works, you either fix it, or get something that doesn't; hence, the introduction of the C–17.

The C–5B can carry almost twice as heavy a load for farther distances than the C–17. In addition, it is capable of landing on the same short runways the C–17 can land on, and since it would require fewer flights than the C–17 to carry the same load, the C–5B's larger crew virtually pays for itself.

As I mentioned, in 1987, the C–5B cost $95 million a copy. Today, the C–5 can be restarted, and upgraded C–5's produced for $150 million per plane, less than half of the price of the C–17. I believe that restarting the C–5 line and terminating the C–17 is the most cost-effective route. We will get more plane for less money.

The C–17, with its contracts strategically distributed in over 100 Congressional districts in 28 States is a prime example of a pork-barrel project. At least a dozen Members told me that they could not support my amendment in 1987 because, as they said, "it's being built in my State." My response to them was "of course, it's being built in every State."

My State has little if any stake in either the C–17, the C–5 or any alternative. However, as originally planned, the C–17 was to be partially built in my district, and when I first offered the amendment to kill the C–17 in 1987, I was roundly criticized in Utah for opposing it.

It is as simple as this: We should be outraged as taxpayers and as Members of Congress, that the C–17, was authorized and is still very much alive, perhaps, as some say, the C–17 is unassailable.

Mr. Chairman, it boggles the mind that this administration, facing enormous budget deficits and an increasingly angry public, would continue a program that is so obviously flawed and so flagrantly ripping off the taxpayers.

Over and over we have insisted on giving our fighting men and women the very best. The C–17 is not only far from the very best, it is classic example of the very worst. It is unreliable, unsafe, and unaffordable, and it is yet to fly even a single mission.

With all we know about the C–17 we should be calling for the immediate termination of this shamefully conducted program.

[From the Wall Street Journal, June 1, 1992]

RENEWED DEFENSE OF THE EMBATTLED C–17 IS SLATED ON CAPITOL HILL BY MCDONNELL

(By Jeff Cole)

McDonnell Douglas Corp. plans this week to take a reinvigorated defense of its embattled C–17 Air Force transport to Washington, where the company will warn that any further government stretching of production would add at least another $1.6 billion to costs.

David Swain, the executive vice president overseeing military transport programs for the St. Louis-based aerospace company, wouldn't give details of plans for presenting the company position. But he said he would meet beginning tomorrow with "anyone who will listen" in Congress, and in other forums to make the case that widespread criticism has exaggerated the C–17 program's difficulties and that another big funding cut will drive up costs needlessly.

"I am concerned that if stretchouts continue, the program presents a disadvantage to taxpayers," Mr. Swain said in an interview. He added that he believes continued unjustified criticism and cutbacks could slowly kill or cut short the $35.8 billion program, which calls for a total of 120 transport planes. "I am worried about that spiraling effect," he said.

HEAVY CRITICISM CITED

The program, designed to simplify the shuttling of troops and equipment to battle zones, has come under heavy fire from congressional critics in light of development problems and a Pentagon investigation into alleged funding improprieties. The latter charges focus on whether McDonnell Douglas was improperly advanced more than $200 million in progress payments in late 1990 to ease the company's financial straits. McDonnell Douglas maintains that there wasn't impropriety.

Overruns have pushed the cost of development, through the first six transports, to $7.39 billion. Some Air Force estimates suggest the cost could rise further. The company, which has to cover any added cost beyond the original fixed-priced ceiling of $6.6 billion, has said costs won't rise. Mr. Swain described costs as 11 "right on target" for a second production lot of four aircraft for $1.1 billion, with a profit margin of 8 percent to 10 percent of sales expected for these and all remaining planes.

Nonetheless, company hopes of proceeding to full-rate annual production of 18 aircraft are facing growing resistance from critics, some of whom want to scuttle the C–17 program. A seeming reluctance by the Air Force to firmly define the program in public also has raised doubts about its support.

PRODUCTION EFFICIENCY LOST

McDonnell Douglas says a funding slowdown last year added six months to the delivery timetable for the first 50 aircraft, and tacked on $1.1 billion in costs for the larger program due to lost production efficiency. A House Armed Services Committee fiscal 1993 budget proposal would add seven more months to the schedule with an extra cost that Mr. Swain said would range between $1.6 billion and $1.8 billion. Other House and Senate committees will debate funding this month.

McDonnell Douglas officials allow that corporate reorganizations run up expenses early in development of the technologically complex transport, partly by dislocating large numbers of workers. However, Mr. Swain and other managers also point to cost problems caused by years of funding delays in the 1980s, and more than $1.7 billion in funding shortages during the past three years.

Critics have singled out various missteps in development, including problems with riveting, fuel leaks (lost 50 days flight tests due to leaks, not a minor problem), software (no software for shortfield assault landings), and deficient parts. But Mr. Swain said that, compared with other air-transport programs, the C–17 is neither terribly troubled nor a stellar performer. Rather, he said, it is "about middle-of-the-road in terms of problems." He added that software problems with 44 onboard computers have been overstated, and that riveting work never was substandard.

Some deficient materials were replaced early in testing, Mr. Swain said, while a low resistance to engine heat that was discovered in some wing parts is being corrected with improved materials. He said that improper trimming by subcontractor Grumman Corp. led to inspections that found three potentially troublesome cuts on each of two production C–17s. The added $20 million in costs, including those for test delays, will be borne by Grumman, of Bethpage, N.Y., Mr. Swain said.

"Fuel leaks probably have been the most aggravating problem," he said, noting that three leaks were found on "T–1," the initial test aircraft, at an engine pylon and along other edges of fuel tanks in the wings. Changes in training, inspection and production have led to "substantial improvement" in dealing with those problems, and have tacked on less than $5 million in overall costs, Mr. Swain added.

[From the Wall Street Journal, May 13, 1992]

LAWMAKERS CALL FOR DEEP CUTS IN C–17 PROGRAM

(By Andy Pasztor)

WASHINGTON.—Angered by major new production problems on McDonnell Douglas Corp.'s C–17 cargo jet, leaders of the House Armed Services Committee decided to slash funding for the plane and block it from going into full-rate production.

The proposed 30 percent cut in C–17 funding to $1.9 billion for next year—combined with a number of private complaints and public allegations about substandard parts and shoddy assembly practices—shows that the once-sacrosanct program is in jeopardy on Capitol Hill.

With the C–17 already more than a year behind schedule, hundreds of millions of dollars over budget and bedeviled by everything from leaking fuel tanks to inadequate landing gear and flaps, yesterday's closed-door debate on the jet indicates that lawmakers are looking to slow down and restructure the $35 billion-plus program greatly. The full committee is expected to go along with the leaders' recommendations. Criticism of the C–17 has been more muted in the Senate, but lawmakers there too have complained that the Air Force hasn't been forthcoming about the extent of the plane's problems.

For McDonnell Douglas, which has been betting on the C–17 as a mainstay of its military business, the worst news is likely to come today. Congressional investigators will testify that certain parts used in the C–17's wings buckled and melted during heat tests over the past two years.

The General Accounting Office also is slated to tell a House Government Operations subcommittee that cracks developed in some of the jet's parts after barely a few minutes or an hour of vibration testing. A draft GAO report asserts that even after repairs, the metal pieces showed internal cracking after being tested for less than 10 percent of their required service life.

In St. Louis, a McDonnell Douglas spokesman said the decision to block full-rate production wasn't "good news at all." The company said the proposed cuts could prompt layoffs at many of the 350 companies that help produce the aircraft.

As lawmakers wrestled with the issue, Pentagon spokesman Pete Williams disclosed that "workmanship flaws" could make some of the cargo plane's flight-control surfaces fall or come apart in flight. The plastic composite parts, manufactured by Grumman Corp., are critical to steering the plane. Mr. Williams said the suspect parts on the first C–17 undergoing flight tests will be inspected after every 20 hours in the air, and that flight restrictions have been imposed to reduce stress on the composite material. Noting that the contractors are responsible for all repair costs, he said "it's too soon to tell" what "impact this will have on the delivery and the flight test schedule."

House Armed Services Committee leaders were aware of this problem, along with other problems the GAO hasn't yet made public.

In a statement, Grumman and McDonnell Douglas acknowledged that a faulty production procedure may have damaged some composite materials, but insisted that no actual flaws have been discovered. McDonnell Douglas also said that the cracking and overheating of the flaps were discovered in normal testing and have been repaired.

Besides the production problems, GAO investigators and high-ranking Defense Department officials are expected to testify that two years ago, when McDonnell Douglas was facing a cash crunch, Chairman John McDonnell personally sought hundreds of millions of dollars in unusual payments on the C-17 and other programs. The Pentagon's senior representative at the company plant in Long Beach, Calif., where the C-17 is assembled, is expected to testify that Air Force brass decided on and then carried out a plan to help the company.

After months of investigation, members of the Government Operations subcommittee will have a chance to publicly grill John Welch, the head of Air Force acquisition, about what other Pentagon officials have described as an ambitious bailout plan intended to funnel as much as $500 million in extraordinary "progress payments" to the company.

The company has steadfastly denied getting any special treatment from the Pentagon.

HOUSE PANEL IS EXPECTED TO TRIM DEFENSE BUDGET

WASHINGTON.—The House Armed Services Committee today is expected to adopt a $287.2 billion bill that trims Pentagon spending at the margins and avoids fundamental changes in weapons procurement or personnel.

Crafted by the committee's Democratic leadership, the measure seems designed to minimize election-year layoffs, while trying to defuse defense spending as a presidential campaign issue. The Bush administration, in fact, is likely to get nearly all the money it wants for its two most controversial weapons programs: the B-2 Stealth bomber and the development of ground-based defenses against both short-range and long-range missiles.

Instead of big-ticket items, the bulk of the savings are slated to come from relatively painless, one-time cuts such as reducing purchases of certain spare parts.

The committee is expected to authorize about $4 billion for continued testing and purchase of as many as five more B-2 bombers built by Northrop Corp. But most of the money won't become available unless the Air Force convinces Congress, in a separate vote, that the plane's cost escalation and radar-evading problems have been resolved.

Roughly $4.3 billion is expected to be earmarked for continued development of tactical anti-missile systems and research on a nationwide defense against ballistic missiles known as the Strategic Defense Initiative.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to advise Members, we have no objection to this amendment.

Mr. OWENS of Utah. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as pointed out by my friend from my home State, he said this amendment merely asks for a study to see if the C-17 should be implemented, moved, and the C-5 should be brought on.

Let me point out, if I could, to the gentleman what has happened in regard to the C-17 in the last 10 years.

Here are the studies that have been done on this same thing that was just called for: A 1992 mobility requirement study, an OSD Program analysis and evaluation, Air Force major aircraft review, Airlift Master Plan 1963. This study has been done five times that we are calling for already in this redundant amendment. What did they find in the studies? The results are right here.

□ 2110

The alternates on the C-17 versus the 747, the C-17 versus the C-114, the C-17 versus the new C-5, these studies have really been done. I do not think we should take the body's time to go through this again.

Why do we look at a C-17, anyway? Those of us who watched the Persian Gulf thing where we were all transfixed by this amazing thing that occurred, what did we find out? What did Secretary Cheney say? What did Colin Powell say? What did they say at the end? They said the kind of war we will now fight will be: can we move men; can we move equipment; can we get it someplace in a hurry and bring it back. Now we have the old C-5 that we have rewinged three times, we have old technology in a C-114, and we have a plane that is now flying in the C-17.

I urge the Members not to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OWENS of Utah. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. CONYERS], the chairman of the Committee on Government Operations, which has held significant and substantial hearings on the C-17, which I think will stand in clear refutation of the comments of my colleague from Utah.

Mr. CONYERS. I would say to the Members, the evening is late and I am surprised that the Owens amendment would have to be debated. The gentleman on the other side said there had been a lot of studies, but he did not tell us what the studies showed with relation to the C-17 and the C-5B, because what we think might happen if such a study were commenced, and this is the reason I support the amendment, is that we might find that the C-17 airlift plane is about $2 billion over budget, it is several years behind schedule, and that each C-17 will cost $330 million, but that the C-5B can be restarted for $150 million per plane, and if my addition is correct, we are talking about a $28 billion savings.

We are asking that the Pentagon just hold fast until we have made such a study. This amendment enhances the already good provisions in this bill concerning the C-17. My last question to this body is, if there is a better alternative to C-17, which has more problems, and it is the classic way not to build an airplane that has ever been put into history. If there is anything we have learned, it is that there has to be a cheaper way.

However, let us have someone make a study and bring it back. I cannot imagine that this committee would vote down this reasonable amendment. I urge its passage.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me ask the author of the amendment, I am not sure that I understand the import or the thrust of the amendment. Is the gentleman simply asking for another study, or is he asking that something be held in abeyance until the study is made and the report comes back to the Congress? Could that be explained again, what is the proposal?

Mr. OWENS of Utah. Mr. Chairman, I am delighted to respond to the ranking member of the committee. It does not ask that anything be suspended. It is a directive to the Secretary of Defense to report back within 6 months as to the costs and overruns and problems with the C-17, and to contrast that, if it is a contrast, but to also provide the cost estimates and the efficiency estimates for restarting the C-5 to accomplish the same task. It is merely a study, ordinarily not thought to be controversial at all. The committee, of course, has accepted it. The majority side has accepted it.

Mr. DICKINSON. The gentleman would accept a lot of things that I would not agree with. Let me say to the gentleman on my own time, I really do not know. The committee has not had any opportunity to consider the amendment, other than it just being presented here. I do not know the import of it.

I do know that the C-17 has had more than its share of troubles. I know it has had troubles becoming airborne. I know it has had trouble with cost overruns. But to compare this to the C-5, I think we have had that discussion and we have had that vote 10 years ago. To bring it up now, I do not know what it would accomplish.

Mr. OWENS of Utah. Mr. Chairman, if the gentleman will yield briefly, I would point out that the chairman of the Committee on Government Operations has just testified of dramatic new findings and cost overruns on the C-17. It is in the light of those kinds of cost overruns that I think there should be a study to compare the two. That has not been done in any substance for a long period of time.

Mr. DICKINSON. Mr. Chairman, it would really be more helpful for this

Member if it had been brought up in another way, by going through the committee, and let us have a hearing, if need be, instead of just being a matter of first impressions.

Mr. OWENS of Utah. Mr. Chairman, I yield myself 1 minute to respond to that.

Mr. Chairman, I would say to the gentleman from Alabama that it has been in front of the committee. The amendment was approved by the Committee on Rules. The committee was notified a week or 10 days ago of this request.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I thank the gentleman for yielding me this time. I want the body to understand what the committee did. For fiscal year 1993 the committee authorized six aircraft, reducing the budget request by two aircraft. Let me tell the Members what else we did in the report language, so they will understand. The committee also included a legislative provision that strengthens the oversight by the Secretary of Defense. Before obligating any 1993 funds, the Secretary must convene a special defense acquisition board to review the performance requirements and affordability of the C–17. The committee also included a provision that requires the Government not to pay any more money to the contractor to fix the fuel leaks.

We have tied this thing up and we do not need another study. I would tell the gentleman from Michigan [Mr. CONYERS], we copy the language from the inspector general's report that was made to the Committee on Government Operations. I do not know what else we can do.

Mr. HANSEN. Mr. Chairman, let me just say, if I may, the gentleman asked me what the study was showing. As the gentleman from Virginia pointed out, it shows that the C–17 is far superior to the C–5. It shows the C–5 is old avionics, it requires a large group. We have done this study numerous times. We have crossed this bridge a number of times. Let us get on with this and go to the more important things. I urge the body to vote against this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I think when we are looking at this proposal we should understand that the C–5 is a totally different airplane than the C–17. To talk about studying this, we are talking about studying apples and oranges, in a way. The C–17 is designed as an aircraft that can take off from the Continental United States and fly into a combat zone 5,000 to 7,000 miles away. The C–5 is designed to fly, yes, from the Continental United States, but into developed airports and into secure areas, air bases and the like. Just comparing the C–17 and the C–5 is not something that is going to prove beneficial, because we are comparing apples and oranges.

Yes, the C–17 has some problems, but every single aircraft in our inventory had problems in the beginning. If we tried to study all of these aircraft to death, we would not have any planes in our inventory. The fact is the C–17 is new technology, and it has to go through a time period when they are getting out all the mistakes and all the things that go with building a new aircraft. Now is not the time for another study, especially when we are studying things that are totally irrelevant.

Mr. Chairman, I urge my colleagues, let us move forward. This is a plane for the postcold war era. It will permit the United States to bring our troops back to the United States and then to project American power anyplace in the world. This is something of great value to us.

□ 2120

I voted to bring our troops home from Europe just yesterday. This is the plane that will permit us to do that type of thing and still be able to project our forces in different parts of the world.

I would urge my colleagues to vote no on this amendment.

Mr. OWENS of Utah. Mr. Chairman, I yield myself 1 minute to respond.

The C–17 is a different airplane. It will cost twice as much as the C–5 would cost and only carries basically half as much cargo.

What we are saying is in light of the new studies that there are terrible overruns, and a reduction from 230 to 120 aircraft, and the requirement yet for maintenance at the same price tag, we are saying it is time to study it again. I do not know what the gentlemen are concerned about with a study. It does not slow down the C–17. It simply requires a fresh look by the Secretary at the costs of the C–17 and its efficiencies and contrast it with the C–5 and the possibilities and the efficiencies of restarting the C–5. It delays nothing.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DARDEN]

Mr. DARDEN. Mr. Chairman, I thank the distinguished gentleman from Utah for yielding me time.

Mr. Chairman, I bring no particular expertise to this debate. But I do want to commend my friend from Utah for having the tenacity to stay with a cause in which he so deeply believes.

If I recall correctly, Mr. Chairman, it was in 1987 that the gentleman from Utah [Mr. OWENS], the gentleman from Georgia [Mr. JENKINS], and myself brought to this floor an amendment to terminate the C–17 program, expressing the very same concerns, the very same reservations that have in fact come true about the C–17 program. Quite candidly, I think that the possibilities of terminating this program have since expired.

However, I think that we do need to realistically look at this aircraft program, like any other program and consider the fact that yes, in fact, it has gone far over the projected costs, and has gone far beyond the time by which it was supposed to have been completed. I do regret deeply, Mr. Chairman, that we did not have the benefit of a C–17 aircraft in time for Operation Desert Storm, as we had been told that we would. Somehow, miraculously the United States, with a combination of C–141's, C–6B's, and C–130's were able to pull off a great and miraculous airlift exercise in the desert of Saudi Arabia, and that it turns out that the C–17 is not in fact indispensable. In fact, it was not there when we needed it.

So I want to commend the gentleman and thank him for yielding the time to me, and encourage him to continue his fight for fiscal responsibility and accountability in our military airlift programs.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I thank my colleague for yielding me the time.

Mr. Chairman, on the surface, on the face of it, the amendment offered by my colleague and good friend from Utah appears to be harmless, and I do not think that the amendment itself would do much harm to this overall bill. But there have been a number of statements made this evening that I think are incorrect, that are misleading and cast a very negative light on the performance of this aircraft.

It has been stated that our committee has restricted the funding. We reduced the overall procurement this year from eight to six. But the statements made earlier about the GAO report, et cetera, that was a 2-year-old GAO report. Since that time, this program is coming back onto schedule. Every time we reduce the number of aircraft bought, that means the price goes up. You reduce the quantity, the price goes up. It is a simple fact.

It is impossible today for us to go back and reopen the C–5 line and expect to have any efficient production whatsoever.

This program is 13 months behind schedule, not 2 years. It is not the billions of dollars that everyone says it is over budget.

I think we need to be honest. This is one of the highest priority programs for the Army. Those of us who voted last night to withdraw troops from Europe, to make this a CONUS-based force, need airlift capability. The C–5 has performed well, but it was over budget, it was off schedule, and to come back now and say that we can somehow out of the blue open up a production line at a facility, by the way, that is now going to be producing F-22's is not realistic.

So first of all, the amendment probably would not do harm; it is a study. But it is redundant, it is senseless, and I think it is important that we clarify some of the statements made this evening.

Mr. OWENS of Utah. Mr. Chairman, I yield myself 1 minute to conclude.

Since when is redundancy in one Member's view a reason for not doing a study? A lot of other Members do not believe it to be redundant, as we have heard the distinguished chairman of the Government Operations Committee say today.

What the gentleman from Oklahoma, a respected authority in this area has said, and with the weight that he carries, it is important, but there have been immense changes in the C-17. There is an opportunity conceivably that would better serve America's airlift requirements to look at the C-5.

This is not an expensive amendment. It is, as the gentleman says, probably not mischievous, and it does not delay in any way the C-17. The committee language is very, very good to that effect, and I have already commended them for it. It ought not to be controversial. A number of us think they ought to compare the C-17 to the C-5 again and restarting it in view of the developments that have occurred.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. Certainly. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, we have compared it ad infinitum a number of years ago. We voted on the C-5B. A number of my colleagues from Georgia and elsewhere came forward and offered their amendments. They were defeated. We had comparisons. They did the air mobility study. They have examined this airplane up and down, inside and out.

The problems today that were not addressed in the GAO report were regarding the fuel leaks. The fuel leaks have now been stopped. We are moving down the learning curve. This program will get back onto schedule, it will fly. There has not been a single production program in the Department of Defense, I am sad to say, that has not experienced problems.

But one last point, if I may. We have also talked about a $1 billion industrial base package. We are talking about Long Beach, California, and the gentleman wants to close down a production line. If you want to put an additional 20,000 people on the ground, you vote for a crazy amendment like this.

Mr. OWENS of Utah. I will reclaim my time. I do not want to close down the production.

I would remind Members that this is basically a noncontroversial study. It does not slow down the C-17 at all. It is an attempt to look at the C-17 in light of the new information about the very serious overruns and the delays in it, and the imperfections, and in view of that relook at the C-5 and see if reopening, restarting the C-5 makes sense.

The committee has accepted it, at least on the majority side, and I move its adoption.

Mr. HANSEN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I know that my good friend offers this in all sincerity. I have been on a humanitarian trip with this gentleman to Jerusalem. I like the C-5.

I was with the gentleman from Illinois [Mr. HYDE], in Moscow in the middle of winter and saw a big one there with that beautiful American flag up on the T-tail unloading food. But there were fields in the Soviet Union, hundreds of them, in the ex-Soviet Union where people were starving, and the C-5 could not get to them. They had to do it by truck from Germany.

This C-17 does not have guns on it. This is a defense system that someday, somewhere we are going to see this great airplane go into the thousands, I mean literally thousands of fields around the world to help starving people, as we see today in Somalia and Kenya, not just in Ethiopia. There are fields in the former nation of Yugoslavia where people are tearing one another apart, where we might want to insert a humanitarian effort, if not something else.

I am telling the gentleman, we cannot build any more C-5's. But the C-17 is going to be able to land on highways, as I did in 1969, 12 times with 15 tons of protein C-extract to help children dying of kwashiorkor in the failed breakaway state of Biafra. This is a humanitarian system and a defense system. We need it as quickly as we can get it, and I know the gentleman, if he had all of the facts in front of him, would agree with everything that the gentleman from Oklahoma said.

In closing, Mr. Chairman, let me point out that the C-17 has a better flight test record than nearly any other test aircraft. Just ask the experts in the Air Force, not the armchair quarterbacks in Congress. To compare the C-17 with the C-5B is comparing apples and oranges. The C-17 is a tactical airlifter that can takeoff and land and operate on unimproved airstrips, I repeat, 10,000 more airfields around the world than the C-5B is able to fly into. We don't need more C-5's, we don't need more studies, we need more versatile airlift and the best design, even if you started totally from scratch, would be the C-17.

So, please take a few moments to read the following article by the Military Airlift Command regarding the importance of the C-17.

C-17 PRODUCTION MUST KEEP ON TRACK

Everyone agrees that America needs the C-17. The question is how quickly.

The production rate of the C-17 is of vital concern to the nation. Slowing production is bad for American workers, bad for American taxpayers, and bad for America.

More than 25,000 workers in 41 States are building the C-17. In addition to the 10,000 McDonnell Douglas employees in California, Missouri, Ohio, and Georgia, some 15,000 workers at more than 300 suppliers and subcontractors are involved in the program. When the FY92 acquisition was reduced from six to four airplanes, it had a serious impact on nearly a third of the workers. Slowing the assembly line drops the demand for components from sub contractors to a rate that has already forced some firms to lay off employees.

While keeping faith with American workers is an important issue, keeping down the cost to the taxpayers is likewise important. Slowing production drives up the cost. The assembly line becomes less efficient because workers don't repeat their processes in a timely manner, and the learning curve flattens, creating less than peak efficiency.

Cutting acquisition to four aircraft per year could add up to a billion dollars to the overall program cost. The Air Force expects to produce eight aircraft in FY93, and 12 in FY94. Anything less than eight in FY93 would lead to a break in production, with very expensive consequences.

Besides the cost to American workers and American taxpayers, the C-17 production schedule has a broader, more far-reaching impact. America's airlift capability depends on having reliable airlift aircraft. The clock is ticking on the C-141, which is retiring, beginning in FY93. As the replacement for the C-141, the C-17 must be brought into the airlift fleet as the C-141 retires, or the nation will lose a significant portion of the airlift capability.

Airlift gives America the capability to send food to starving people, conduct joint exercises to strengthen ties with allies, and deliver combat power to deter or defeat aggressors. Keeping C-17 production on track assures America will keep all these capabilities.

□ 2130

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the amendment offered by the gentleman from Utah [Mr. OWENS]

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OWENS of Utah. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 474 and the Chair's prior announcement, further proceedings on the amendment offered by the gentleman from Utah [Mr. OWENS] will be postponed until after disposition of all other amendments this evening.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, pursuant to House Resolution 474, I offer the en bloc amendments. This package contains 66 amendments.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The Clerk designated the amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will report the modifications to the amendments en bloc.

The Clerk read as follows:

Modifications to amendments en bloc offered by Mr. ASPIN:

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. BROWN

At the end of title II (page 44, after line 20), insert the following new subtitle:

Subtitle D—Joint Research and Development Programs

SEC. 241. PROGRAMS WITH STATES OF FORMER SOVIET UNION.

The Congress encourages the Secretary of Defense to participate actively in joint research and development programs with the independent states of the former Soviet Union, including participation through any non-governmental foundation established for this purpose. To that end, the Secretary of Defense may spend not to exceed $25,000,000 during fiscal year 1993 for support, technical cooperation, in-kind assistance, and other activities with the following purposes:

(1) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(2) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(3) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(4) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(5) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent proliferation of weapons technologies and the dissolution of the technological infrastructure of those states.

SEC. 242. FUNDING.

(a) FUNDING FOR FISCAL YEAR 1993.—(1) There is hereby authorized to be appropriated for fiscal year 1993 for the purposes of carrying out this section, in addition to any other amounts authorized to be appropriated by this Act, $25,000,000.

(2) The amount provided in section 104 for procurement for the Defense Agencies is hereby reduced by $25,000,000.

(b) DETERMINATION BY DIRECTOR OF OMB.—No funds may be obligated during fiscal year 1993 for the program under this section unless expenditures for that program during fiscal year 1993 have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 243. REPORTS.

Not later than 30 days after the end of each quarter of fiscal years 1993 and 1994, the Secretary of Defense shall transmit to the Congress a report on the activities carried out under this section. Each report shall set forth the following:

(1) Amounts spent for such activities and the purposes for which they were spent.

(2) A description of the participation of the Department of Defense, and the participation of other government agencies in such activities.

(3) A description of the activities for which the funds were spent.

MODIFICATION TO THE AMENDMENT OFFERED BY MRS. BYRON

(Amdt. #3 in part II of the Report of the Committee on Rules)

The amendment as modified is as follows:

At the end of title X (page 202, after line 23), insert the following new section:

SEC. . VOLUNTEERS INVESTING IN PEACE AND SECURITY (VIPS) PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part II of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 89—VOLUNTEERS INVESTING IN PEACE AND SECURITY

"Sec.

"1801. Volunteer program to assist independent states of the former Soviet Union.

"1802. Participants in program.

"1803. Determining needs for volunteers; role of the Secretary of State.

"1804. Compensation and benefits.

"1805. Termination of program.

"§ 1801. Volunteer program to assist independent states of the former Soviet Union

"The Secretary of Defense shall, in coordination with the Secretary of State, carry out a program in accordance with this chapter to provide technical assistance to address the infrastructure needs of the independent states of the former Soviet Union. Assistance under the program shall be provided by volunteers who are retired members of the armed forces, or who are former members of the armed forces, who have been recently released from active duty.

"§ 1802. Participants in program

"(a) The Secretary of Defense shall select the volunteers to participate in the program. Volunteers shall be selected from among individuals—

"(1) who have retired from active duty or been released from active duty under a voluntary separation program; and

"(2) who possess technical skills relevant to the infrastructure needs of the independent states of the former Soviet Union (as identified by the Secretary of State pursuant to section 1803(a) of this title), including skills in areas such as civil engineering, electrical engineering, nuclear plant safety, environmental cleanup, logistics, communications, and health care.

"(b) Volunteers shall be selected from among individuals who were separated from active duty not more than two years before the date of the enactment of this chapter. The Secretary of Defense may waive the limitation in the preceding sentence in the case of any individual.

"(c)(1) The Secretary of Defense may employ volunteers, by contract, to provide services that use their technical skills for the benefit of governmental or nonprofit nongovernmental entities in any of the independent states of the former Soviet Union.

"(2) A person who is employed as a volunteer under paragraph (1) shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-relate injuries, and to be an employee of the Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of such employment as a volunteer.

"(d) Volunteers shall be required to agree to serve in an independent state of the former Soviet Union for a period of two years (in addition to such period of education and training provided under section 1803(c) of this title) except to the extent the Secretary of State determines otherwise.

"(e) The Secretary of Defense shall prescribe procedures for the selection of volunteers, including procedures for the submission of applications.

"(f) The Secretary of Defense shall maintain a registry of applicants who are qualified to be volunteers, including the skills of such applicants.

"§ 1803. Determining needs for volunteers; role of the Secretary of State

"(a) The Secretary of Defense, in consultation with the Secretary of State, shall identify the technical skills that could be provided by volunteers pursuant to this chapter and identify opportunities for the placement of volunteers with governmental or nongovernmental entities in each participating country.

"(b) The Secretary of State shall approve the functions to be performed by each volunteer assigned pursuant to this chapter and the assignment of each volunteer to an independent state of the former Soviet Union.

"(c) The Secretary of State may provide volunteers with language training, cultural orientation, and such other education and training as the Secretary determines appropriate. Any expenses incurred by the Secretary of State in carrying out this subsection shall be reimbursed by the Secretary of Defense from accounts currently available to the Secretary of Defense.

"(d) Each volunteer shall serve under the authority of the United States chief of mission to the participating country and shall be considered to be a member of the United States mission to that country.

"§ 1804. Compensation and benefits

"(a) Each volunteer shall be paid a stipend at the annual rate of $25,000, subject to the availability of appropriations.

"(b) If the Secretary of Defense determines that it is necessary to do so in order to recruit qualified volunteers, the Secretary may provide volunteers with the allowances and other benefits considered appropriate by the Secretary, including the following:

"(1) Round-trip transportation for the volunteer and his or her dependents.

"(2) Medical care for the volunteer and dependents, if the volunteer is not otherwise eligible for medical care from the Department of Defense or such medical care is otherwise not reasonably available.

"(3) A housing allowance.

"(4) An overseas cost-of-living allowances.

"(5) Expenses of education of dependents.

"(c) A period of time during which an individual serves as a volunteer under this chapter shall be creditable for purposes of civil service retirement under chapter 83 or 84 of title 5 and for purposes of retirement under the Foreign Service Act of 1980.

"§ 1805. Termination of program

"The selection of volunteers to participate in the program under this chapter shall terminate on September 30, 1995.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

"89. Volunteers Investing in Peace
and Security .... 1801".

(b) FUNDING.—(1) The President may transfer to the appropriate defense accounts appropriated to the Department of Defense for fiscal year 1993 or from balances in working capital accounts established under section 2208 of title 10, United States Code, an amount not to exceed $10,000,000 for use under the program established under chapter 89 of title 10, United States Code, as added by subsection (a).

(2) The amount provided in section 104 for procurement for the Defense Agencies is hereby reduced by $10,000,000.

(c) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense shall reimburse other departments and agencies for all costs, direct or indirect, of participation in the program established under chapter 89 of title 10, United States Code, as added by subsection (a).

(d) EFFECTIVE DATE.—Chapter 89 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1992.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. MCCLOSKEY

(Amdt. #5 in part II in the Report of the Committee on Rules)

At the end of Division A (page 203, after line 14), insert the following:

TITLE XII—EQUITY IN BENEFITS FOR TEMPORARY EMPLOYEES OF THE DEPARTMENT OF DEFENSE

SEC. 1201. SHORT TITLE.

This title may be cited as the "Temporary Defense Employees Benefits Equity Act".

SEC. 1202. HEALTH BENEFITS.

(a) IN GENERAL.—Section 8913(b) of title 5, United States Code, is amended—

(1) in paragraph (3) by striking "or" after the semicolon;

(2) in paragraph (4) by striking "8906a(a)." and inserting "8906a(a); or "; and

(3) by adding at the end of the following:

"(5) a temporary employee, within the Department of Defense, who—

"(A) has completed 1 year of current continuous employment, excluding any break in service of 5 days or less; or

"(B) in the aggregate, has completed 4 years of service as a temporary employee (in the same or different positions) within a 6-year period, as determined under chapter 90.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8906a of title 5, United States Code, is amended—

(1) by inserting after subsection (a)(2) the following:

"(3) The preceding provisions of this subsection shall not apply with respect to a temporary employee under subsection (e).";

(2) in subsection (b)(1) by inserting "(other than a temporary employee under subsection (c))" after "under this section"; and

(3) by adding at the end the following:

"(c) The contributions payable by or on behalf of a temporary employee described in section 8913(b)(5) shall be determined in accordance with section 8906.".

SEC. 1203. LIFE INSURANCE.

Section 8716(b) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking "3401(2) of this title)," at the end of paragraph (3) and inserting "3401(2)); or"; and

(3) by adding at the end of the following:

"(4) a temporary employee, within the Department of Defense, who, in the aggregate, has completed 4 years of service as a temporary employee (in the same or different positions) within a 6-year period, as determined under chapter 90.".

SEC. 1204. RETIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—The second sentence of section 8347(g) of title 5, United States Code, is amended by striking "3401(2) of this title)," and inserting "3401(2)) or any temporary employee, within the Department of Defense, who, in the aggregate, has completed 4 years of service as a temporary employee (in the name or different positions) within a 6-year period, as determined under chapter 90.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8402(c)(1) of title 5, United States Code, is amended by striking "3401(2))." and inserting "3401(2)) or a temporary employee, within the Department of Defense, who, in the aggregate, has completed 4 years of service as a temporary employee (in the same or different positions) within a 6-year period, as determined under chapter 90.".

SEC. 1205. PROCEDURES FOR DETERMINING AGGREGATE SERVICE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 90—TEMPORARY EMPLOYMENT

"Sec.
"9001. Definitions; applicability.
"9002. Regulations.

"§ 9001. Definitions; applicability

"(a) For the purpose of this chapter—

"(1) the term 'service' performed as a temporary employee' means, with respect to a benefit, service performed as a temporary employee which is creditable for purposes of determining eligibility for such benefit; and

"(2) the terms 'eligible' and 'eligibility', as used with respect to a benefit, include being eligible or having eligibility by virtue of satisfying the requirements for being considered a non-excludable employee for purposes of such benefit.

"(b) This chapter applies with respect to any benefit, eligibility for which is based on the completion, in the aggregate, of at least a certain amount of service as a temporary employee (in the same or different positions) within a fixed period of time, but only if the provisions of this chapter are specifically cited, by law, as the means for determining whether that service requirement has been met.

"§ 9002. Regulations

"(a) The Office of Personnel Management shall prescribe regulations for determining, for purposes of any benefit with respect to which this chapter applies, whether an employee satisfies the service requirement necessary to be eligible for such benefit.

"(b) The regulations shall accomplish at least the following:

"(1) Establish procedures setting forth the time, form, and manner in which a temporary employee may apply for any benefit with respect to which this chapter applies, including provisions relating to any documentation or other supporting evidence which may be necessary to establish that the service requirement has been met.

"(2) Require agencies to take such measures, both on an intraagency and interagency basis, as may be necessary to allow current or prospective temporary employees to readily ascertain, and obtain supporting evidence as to, the aggregate amount of temporary service such employee has performed in any agency.

"(3) Require agencies to take appropriate measures to ensure that temporary employees are notified as to—

"(A) any benefits for which they may be eligible by virtue of the amendments made by the Temporary Defense Employees Benefits Equity Act, and the procedures for establishing eligibility (if appropriate); and

"(B) any resources or assistance which may be available to them in connection with obtaining those benefits.

"(4) Establish procedures to ensure that applications are considered, and that final decisions on applications are rendered, in the most expeditious manner possible.

"(5) Consistent with applicable provisions of law, specify the time and manner in which a benefit begins or becomes available if a favorable decision under paragraph (4) is rendered.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 89 the following:

"90. Temporary Employment .... 9001".

SEC. 1206. EFFECTIVE DATE; SPECIAL RULES; REGULATIONS.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect as of the 90th day after the date of the enactment of this Act, subject to subsection (b).

(b) SPECIAL RULES.—(1) In the case of a temporary employee who, immediately before the effective date under subsection (a), is contributing to the Employees Health Benefits Fund under section 8906a of title 5, United States Code, any change in the contributions payable by or on behalf of such employee into such fund as a result of the amendments made by section 1202 shall become effective as of the first applicable pay period beginning on or after such date.

(2)(A) Subject to subparagraph (B), in administering the amendments made by this title, service may be taken into account whether performed before, on, or after the date of the enactment of this Act.

(B) For purposes of the amendments made by section 1204, any service performed as a temporary employee before the effective date under subsection (a) which, but for such section, would otherwise be excluded from the operation of the retirement system involved, may not be taken into account except for purposes of determining whether or not an employee may be excluded under section 8347(g) or 8402(c)(1) of title 5, United States Code, as applicable.

(c) REGULATIONS.—Any regulations necessary to carry out the amendments made by this title shall be prescribed by the Office of Personnel Management not later than the effective date under subsection (a).

MODIFICATION TO THE AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

(Amdt. #6 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of subtitle C of title I (page 22 after line 6), insert the following new section:

SEC. 146. POST-START ICBM BASING PLAN.

(a) CONGRESSIONAL VIEWS ON MIRVS.—The Congress—

(1) supports the President's call to negotiate removal of all multiple independently

targeted re-entry vehicle (MIRV) warheads from intercontinental ballistic missiles (ICBMs); and

(2) encourages the President to move as quickly as possible in negotiations to terminate the Peace-keeper ICBM program and to reduce the number of warheads on the Minuteman III ICBMs from three to one.

(b) LIMITATION ON REDEPLOYMENT OF MINUTEMAN III ICBMS.—Funds authorized to be appropriated for fiscal year 1983 or any preceding fiscal year in this or any other Act may not be obligated or expended for the redeployment or transfer of operationally deployed Minuteman III missiles from one Air Force ICBM base to another unless and until the Secretary of the Defense submits to Congress a plan for restructuring the ICBM and bomber forces of the United States described in subsection (c).

(c) REVISED FORCE STRUCTURE PLAN FOR ICBMS AND STRATEGIC BOMBERS.—The plan referred to in subsection (b) shall be consistent with the terms of the Strategic Arms Reduction Treaty (START) signed by the United States and the Soviet Union. The plan shall include the following:

(1) A description of the size and makeup of the strategic nuclear force triad and the rationale for the proposed decisions.

(2) A discussion of the force structure options that were considered in developing the plan, and in particular, a discussion of which options are consistent with the President's proposed plan for an ICBM force from which all MIRV's warheads have been removed.

(3) For each option discussed under paragraph (2), a statement of the location at which strategic bombers and Minuteman III ICBMs would be deployed and the number of each such system at each location, including the number of ICBM warheads deployed at each location.

(4) The cost of each such option, including—

(A) the costs of transferring bomber and missile assets from one operating location to another;

(B) military construction costs associated with such a transfer;

(C) the costs of the conversion of silos from the Minuteman II and Peacekeeper configurations to the Minuteman III configuration; and

(D) the operations and maintenance costs or savings, by operating base, under each option.

(5) A discussion of factors other than cost, such as survivability (either through dispersal or silo hardness) or target achievability, which underlay each of the options.

(6) A discussion of the potential advantages or cost savings associated with dual basing of strategic bombers and ICBMs.

(7) In the case of any base which currently has a missile wing which the plan proposes to disestablish or move to another base, plans for the disposition of that base or the transfer of the remaining functions or missions at that base, together with a statement of the costs associated with any such change.

(8) A timetable for the initiation of the START drawdown and deadlines for the performance of certain activities, such as silo conversion or missile redeployments, which would occur under the plan in order to meet warhead sub-limits established under the START Treaty.

(d) CONFORMING REPEALER.—Section 153(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1313) is repealed.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. OWENS OF UTAH

Page 37, after line 18, insert the following new sections:

SEC. 222. RESTRICTION ON USE OF FUNDS FOR NONVALIDATED BIOWARFARE THREATS.

(a) PROHIBITION.—None of the funds appropriated pursuant to authorizations in this Act may be obligated or expended for product development or for research, development, test, and evaluation of medical countermeasures against biowarfare threat agents that have not been validated by the Armed Forces Medical Intelligence Center in conjunction with the national intelligence community.

(b) DEFINITION.—For purposes of subsection (a), a validated biowarfare threat agent is a biological agent that the national intelligence community has assessed as being developed or produced for weaponization purposes.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. ANDREWS OF NEW JERSEY

At the end of title X (page 202, after line 23), insert the following new section:

SEC. . REPORT ON COMPLIANCE WITH DOMESTIC SHIP REPAIR LAW.

(a) REPORT REQUIRED.—The Secretary of the Navy shall submit to Congress a report describing the practice of the Department of the Navy in complying with section 7309 of title 10, United States Code, relating to restrictions on construction or repair of vessels in foreign shipyards. The Secretary shall include in such report sufficient data to demonstrate the degree of compliance or noncompliance of the Department of the Navy with that section.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. ASPIN

At the end of subtitle A of title II (page 29, after line 3), insert the following new section:

SEC. 204. ENDOWMENT FOR DEFENSE INDUSTRIAL COOPERATION.

(a) SUPPORT FOR ENDOWMENT FOR DEFENSE INDUSTRIAL COOPERATION.—The amount provided in section 201 for the Defense Agencies is hereby increased by $10,000,000, to be available for the United States' share of the initial capitalization of a United States-Israel Endowment for Defense Industrial Cooperation with the following objectives:

(1) To promote and support joint defense industrial activities of mutual benefit to the United States and Israel.

(2) To promote and support joint commercialization of defense technologies of mutual benefit to the United States and Israel.

(3) To strengthen a mutually beneficial defense trade program between the United States and Israel.

(b) OFFSETTING REDUCTION.—The amount provided in section 201 for the Navy is hereby reduced by $10,000,000, to be derived from funds for advanced submarine system development.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. ASPIN

At the end of subtitle G of title III (page 86, after line 21), insert the following new section:

SEC. 372. CONSIDERATION OF COMMUNITY ABILITY TO COMPETE FOR THE RELOCATION OF FINANCE AND ACCOUNTING ACTIVITIES.

(a) CONSIDERATION OF FACTORS.—In evaluating and selecting communities as sites for the relocation of financial and accounting activities under the management of the Defense Finance Accounting Service, the Secretary of Defense shall ensure that consideration is provided to the ability of States and communities to compete for the relocation based upon their relative size and potential to make offers of incentives for the relocation.

(b) REPORT.—The Secretary of Defense shall, with respect to the relocation described in subsection (a) and not later than February 28, 1993, submit to the Committee on Armed Services of the Senate and House of Representatives a report on the advisability of using competitive procedures among communities to acquire property (through lease or otherwise) and other incentives without providing reimbursement to the community for such property or support.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. ASPIN

At the end of title XXVI (page 226, after line 23), insert the following:

SEC. 2602. AIR NATIONAL GUARD CONSTRUCTION, TRUAX FIELD, WISCONSIN.

(a) CONSTRUCTION AUTHORIZED.—Of the amounts appropriated for the Air National Guard of the United States pursuant to the authorization of appropriations in section 2601(3)(A), $4,250,000 shall be available to the Secretary of the Air Force to carry out construction projects for the Air National Guard of the United States at Truax Field, Madison, Wisconsin, for the purposes, and in the amounts, as follows:

(1) Alteration of hanger, $2,250,000.

(2) Alteration of fuel cell maintenance dock, $2,000,000.

(b) OFF-SETTING REDUCTION.—Within the authorization of appropriations in section 2601(3)(A), the account for repair of real property for the Air National Guard of the United States is hereby reduced by $4,250,000.

AMENDMENT TO H.R. 5006, AS REPORTED—
OFFERED BY MR. BATEMAN

Page 215, in the table beginning after line 2, strike out the item relating to Langley Air Force Base, Virginia, and insert in lieu thereof the following:

"Virginia Langley Air Force Base $7,050,000".

Page 218, line 5, strike out "$535,510,000" and insert in lieu thereof "$540,810,000".

Page 218, line 14, strike out "$276,394,000" and insert in lieu thereof "$271,094,000".

MODIFICATION TO THE AMENDMENT OFFERED
BY MR. BENNETT

(Amdt. #16 in part II of the Report of the Comm. on Rules)

At the end of subtitle G of title III (page 86, after line 21), insert the following new section:

SEC. 372. PROGRAM TO COMMEMORATE WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense may, during fiscal years 1992 through 1995, conduct a program to commemorate the 50th anniversary of World War II and to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and governments, and other persons.

(b) USE OF FUNDS.—During fiscal years 1992 through 1995, funds appropriated for operation and maintenance, Defense Agencies appropriations, of the Department of Defense shall be available to conduct the program referred to in subsection (a).

(c) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

(2) to thank and honor veterans of World War II and their families;

(3) to pay tribute to the sacrifices and contributions made on the homefront by the people of the United States;

(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

(6) to inform wartime and postwar generations of the contributions of the United States military to the Nation;

(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

(8) to highlight the role of the United States military, then and now, in maintaining world peace through strength.

(d) AUTHORITY OF THE SECRETARY.—(1) The Secretary of Defense may, in accordance with regulations prescribed by the Secretary, authorize the manufacture, reproduction, use, sale, or distribution of logos, trademarks, seals, and similar items for the program referred to in subsection (a), and grant exclusive or nonexclusive licenses for such purposes.

(2) The Secretary may, in furtherance of the program referred to in subsection (a) and in accordance with regulations prescribed by the Secretary, grant exclusive or nonexclusive licenses for any copyrighted material for which the Secretary holds an exclusive license or owns the copyright as transferred through assignment, bequest, or otherwise. Notwithstanding any other provision of law, any proceeds received as a result of these activities shall be deposited into the account established by subsection (e).

(e) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury an account to be known as the "Department of Defense 50th Anniversary of World War II Commemoration Account" which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

(2) The Secretary may use the funds in the account established in paragraph (1), except that the funds may be used only for the purpose of conducting the program referred to in subsection (a).

(3) Not later that 60 days after the termination of the authority of the Secretary to conduct the commemoration program referred to in subsection (a), the Secretary shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(f) PROVISIONS OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee of the Federal Government for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, and to be an employee of the Federal Government for the purposes of chapter 176 of title 28, United States Code, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.

(3) The Secretary of Defense may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

(g) SENSE OF CONGRESS.—(1) The Congress finds that—

(A) more than 16,000,000 Americans served in the Armed Forces during World War II;

(B) more than 400,000 American men and women gave their lives in the defense of freedom around the world;

(C) World War II fundamentally reshaped the international geopolitical landscape, as well as the Nation's economic, political, and cultural institutions;

(D) World War II involved a clear choice between democracy and tyranny and involved the Nation as a whole in a worldwide battle against the forces of fascism and oppression;

(E) other nations are developing or have established permanent exhibitions about their own role in World War II, such as the Battle of Normandy Museum of Peace in Caen, France; and

(F) numerous organizations and individuals across the United States have expressed interest in or are engaged in efforts to draw attention to the 50th anniversary of World War II.

(2) It is the sense of the Congress—

(A) that the anniversary of World War II should not go unrecognized at the national level;

(B) that, between 1992 and 1995, the Federal Government should encourage appropriate 50th anniversary commemorations of the role of the United States in World War II, the contribution to the Allied victory of American military men and women as well as ordinary citizens, and the enduring values to which the Nation's participation in that struggle was dedicated;

(C) that the construction of a memorial to honor all members of the Armed Forces who served in World War II should be completed by the time of the anniversary celebration; and

(D) that an organization, such as the National World War II Memorial Fund, Inc., should oversee the planning, design, construction, and operation of any national World War II memorial.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. BERMAN

At the end of title X (page 202, after line 23), insert the following new section:

SEC. . LIMITATION ON SUPPORT FOR UNITED STATES CONTRACTORS SELLING ARMS OVERSEAS.

The Secretary of Defense shall prescribe such regulations as necessary to ensure that any support provided by the Department of Defense at overseas military trade shows or conventions to United States firms is provided subject to a requirement that the Department of Defense be fully reimbursed for its expenses and that no cost to the public be incurred in providing such support.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. BONIOR

(Amdt. #18 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of title V (page 106, after line 22), insert the following new section:

SEC. 535. AIR RESERVE TECHNICIANS.

The Secretary of the Air Force shall carry out the High-Year Tenure (HYT) program of the Air Force Reserve so as not to require the removal of an Air Reserve technician from active status as a Reservist before attaining age 60 in the case of any such technician who has a total of not less than 33 years of active duty and reserve military service before January 1, 1992, and who is otherwise qualified for retention as an Air Reserve technician.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. BOUCHER

At the end of title XXVI (page 226, after line 23), insert the following new section:

SEC. 2602. NATIONAL GUARD ARMORY, VIRGINA.

(a) CONSTRUCTION AUTHORIZED.—Of the amounts appropriated for the Army National Guard of the United States pursuant to the authorization of appropriations in section 2601(1)(A), $2,137,000 shall be available to the Secretary of the Army to construct a new National Guard Armory on the campus of the Southwest Virginia Community College in Richlands, Virginia.

(b) OFF-SETTING REDUCTION.—Within the authorization of appropriations in section 2601(1)(A), the account for repair of real property for the Army National Guard is hereby reduced by $2,137,000.

AMENDMENT TO H.R. 5006 AS REPORTED
OFFERED BY MRS. BOXER

At the end of title V (page 106, after line 22), insert the following new section:

SEC. 535. MENTAL HEALTH EVALUATIONS OF MEMBERS OF ARMED FORCES.

(a) REGULATIONS.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations that contain the requirements set forth in subsections (b), (c), and (d). In prescribing the regulations, each Secretary shall take into account any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian health organizations.

(b) PROCEDURES FOR OUTPATIENT AND INPATIENT EVALUATIONS.—(1) The regulations shall require that, except as provided in paragraph (4), a commanding officer shall consult with a mental health professional prior to referring a member of the Armed Forces for a mental health evaluation to be conducted on an outpatient basis.

(2) The regulations shall require that, except as provided in paragraph (4)—

(A) a mental health evaluation of a member of the Armed Forces conducted on an inpatient basis shall be used only if and when such an evaluation cannot appropriately or reasonably be conducted on an outpatient basis, in accordance with the least restrictive alternative principle; and

(B) only mental health professionals, or, in cases in which a mental health professional is not available, physicians, may admit a member of the Armed Forces for a mental health evaluation to be conducted on an inpatient basis.

(3) The regulations shall require that, when a commanding officer determines it is necessary to refer a member of the Armed

Forces for a mental health evaluation, the commanding officer shall ensure that, except as provided in paragraph (4), the member is provided with a written notice of the referral. The notice shall, at a minimum, include the following:

(A) The date and time the mental health evaluation is scheduled.

(B) An explanation of why the referral is considered necessary.

(C) The name or names of the mental health professionals with whom the commanding officer has consulted prior to making the referral. If such consultation is not possible, the notice shall include the reasons why.

(D) The positions and telephone numbers of authorities, including attorneys and inspectors general, who can assist a member who feels referral for mental health evaluation is without basis or is made for retributive reasons and wishes to challenge the referral.

(E) The rights of the member under this section, including rights of redress.

(F) The member's signature attesting to having received the information described in subparagraphs (A) through (E). If the member refuses to sign the attestation, the commanding officer shall so indicate in the notice. If the member believes the referral is in retaliation for making disclosures protected under section 1034 of title 10, United States Code, information regarding such belief shall, upon the request of the member, be included in the notice.

(4) The regulations shall require that, during emergencies, the procedures required by subsection (d) shall be followed in lieu of the procedures required by this subsection.

(c) Member Rights to Seek Redress.—The regulations shall require that, in any case in which a member of the Armed Forces is referred for a mental health evaluation other than in an emergency, the following provisions apply:

(1) Upon the request of the member, an Inspector General or attorney who is a member of the Armed Forces or employed by the Department of Defense and who is designated to provide advice under this section shall advise the member of the ways in which the member may seek redress under this section. If a member of the Armed Forces submits to an Inspector General an allegation that the member was referred for a mental health evaluation in violation of this section, the Inspector General of the Department of Defense (or the Inspector General of the Department of Transportation, in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) shall conduct or oversee an investigation of the allegation.

(2) The members shall have the right to also be evaluated by a mental health professional of the member's own choosing. An evaluation by a mental health professional who is not an employee of the Department of Defense shall be conducted within a reasonable period of time after being referred for an evaluation and shall be at the member's own expense.

(3) No one shall interfere with or prohibit the member from communicating with an Inspector General, attorney, member of Congress, or others about the member's referral for a mental health evaluation.

(4) In situations other than emergencies, the member shall have at least two business days before a scheduled mental health evaluation to seek advice from an attorney, Inspector General, chaplain, or other appropriate party. If a commanding officer believes the condition of the member requires that such evaluation occur sooner, the commanding officer shall state the reasons in writing as part of the notice required under subsection (b)(3).

(5) In the event the member is aboard a navy vessel or in a circumstance related to the member's military duties which makes compliance with any of the procedures in subsection (b) impractical, the commanding officer seeking the referral shall prepare a memorandum setting forth the reasons for failure to comply with such procedures.

(d) Additional Rights of Members and Procedures for Emergency or Involuntary Inpatient Evaluations.—

(1) The regulations shall require that a member of the Armed Forces may be admitted, under criteria for admission set forth in the regulations, to a treatment facility for an emergency or involuntary mental health evaluation when there is reasonable cause to believe that the member may be suffering from a mental disorder. The regulations shall include definitions of the terms "emergency" and "mental disorder".

(2) The regulations shall require that, in any case in which a member of the Armed Forces is admitted to a treatment facility for an emergency or involuntary mental health evaluation, the following provisions apply:

(A) Every effort shall be made, as soon after admission as the member's condition permits, to inform the member of the reasons for the evaluation, the nature and consequences of the evaluation and any treatment, and the member's rights under this section.

(B) The member shall have the right to contact, as soon after admission as the member's condition permits, a friend, relative, attorney, or the Inspector General.

(C) The member shall be evaluated by a psychiatrist or a physician within two business days after admittance, to determine if continued hospitalization and treatment is justified or if the member should be released from the facility.

(D) If a determination is made that continued hospitalization and treatment is justified, the member must be notified orally and in writing of the reasons for such determination.

(E) A review of the admission of the member and the appropriateness of continued hospitalization and treatment shall be conducted in accordance with procedures set forth in the regulations as required under paragraph (3).

(3) The regulations shall include procedures for the review referred to in paragraph (2)(E). Such procedures shall—

(A) specify the appropriate party or parties outside the individual chain of command to conduct the review;

(B) specify the appropriate procedure for conducting the review;

(C) require that the member have the right to representation in such review by an attorney of the member's choosing at the member's expense, or by a judge advocate;

(D) specify the periods of time within which the review and any subsequent reviews should be conducted;

(E) specify the criteria to be used to determine whether continued treatment or discharge from the facility is appropriate;

(F) require the party or parties conducting the review to assess whether or not the mental health evaluation was used in an inappropriate, punitive, or retributive manner in violation of this section; and

(G) require that an assessment made pursuant to subparagraph (F) that the mental health evaluation was used in a manner in violation of this section shall be reported to the Inspector General of the Department of Defense (or the Inspector General of the Department of Transportation, in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy) and included by the Inspector General as part of the Inspector General's annual report.

(e) Construction.—Nothing in the regulations prescribed under this section shall be construed to discourage referrals for appropriate mental health evaluations when circumstances suggest the need for such action.

(f) Prohibition Against the Use of Referrals for Mental Health Evaluations to Retaliate Against Whistleblowers.—(1) No person may refer a member of the Armed Forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of title 10, United States Code, and applicable regulations. For purposes of this subsection, such communication also shall include a communication to any appropriate authority in the chain of command of the member.

(2) An inappropriate referral for a mental health evaluation, when taken as a reprisal for a communication referred to in paragraph (1), may be the basis for a proceeding under section 892 of title 10, United States Code. Persons not subject to the Uniform Code of Military Justice who fail to comply with the provisions of this section are subject to adverse administrative action.

(g) Definitions.—In this section:

(1) The term "member" means any member of the Army, Navy, Air Force, Marine Corps, or Coast Guard.

(2) The term "Inspector General" means—

(A) an Inspector General appointed under the Inspector General Act of 1978; and

(B) an officer of the Armed Forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the Armed Forces.

(3) The term "mental health professional" means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work or a psychiatric clinical nurse specialist.

(4) The term "mental health evaluation" means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing a member's state of mental health.

(5) The term "least restrictive alternative principle" means a principle under which a member of the Armed Forces committed for hospitalization and treatment shall be placed (A) in the most appropriate and therapeutic available setting and that is no more restrictive than is conducive to the most effective form of treatment, or (B) in a setting in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.

(h) Deadline for Regulations.—The Secretary of Defense and the Secretary of Transportation shall prescribe the regulations required by this section not later than 180 days after the date of the enactment of this Act.

(i) Report.—At the same time as the regulations required by this section are prescribed, the Secretary of Defense and the Secretary of Transportation shall each submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the process of preparing the regulations, including—

(1) an explanation of the degree to which any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian mental health organizations were considered;

(2) the manner in which the regulations differ from any such civilian guidelines; and

(3) the reasons for such differences.

(j) CONFORMING REPEAL.—Subsection (g) of section 554 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is hereby repealed.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MRS. BYRON

At the end of subtitle D of title VI (page 121, after line 20), insert the following new section:

SEC. 637. CONTINUATION OF CHAMPUS COVERAGE FOR CERTAIN MEDICARE PARTICIPANTS.

(a) INCLUSION OF END STAGE RENAL DISEASE PATIENTS.—Section 1086(d)(2)(A) of title 10, United States Code, is amended by inserting before the semicolon the following: "or section 226A(a) of such Act (42 U.S.C. 426-1(a))".

(b) COVERAGE OF CARE PROVIDED SINCE SEPTEMBER 30, 1991.—The amendment made by subsection (a), and the amendment made by section 704(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1401), shall apply with respect to health care benefits or services received after September 30, 1991, by a person described in subsection (d)(2) of section 1086 of title 10, United States Code, if such benefits or services would have been covered under a plan contracted for under such section 1086.

(c) CONFORMING AMENDMENTS.—(1) Section 704 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1401) is amended by striking out subsection (c).

(2) Section 8097 of the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1197), is repealed.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MRS. BYRON

Strike out section 652 (page 129, lines 1 through 19) and insert in lieu thereof the following:

SEC. 652. VOLUNTARY SEPARATION INCENTIVE.

(a) RECOUPMENT OF ACTIVE OR RESERVE PAY.—Subsection (e) of section 1175 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "shall forfeit" and all that follows and inserting in lieu thereof "may elect to have a reduction in the voluntary separation incentive payable for the same period in an amount not to exceed the amount of the basic pay or compensation received for that period."; and

(2) in paragraph (3), by adding at the end the following new sentence: "If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced accordingly.".

(b) CREDITING OF MILITARY SERVICE FOR CIVIL SERVICE RETIREMENT.—Subsection (e) of such section is further amended by striking out paragraph (6).

(c) ELIGIBILITY FOR INVOLUNTARY SEPARATION BENEFITS.—Such section is further amended by adding at the end the following:

"(j) A member of the armed forces who is provided a voluntary separation incentive under this section shall be eligible for the same benefits and services as are provided under chapter 58 of this title for members of the armed forces who are involuntarily separated within the meaning of section 1141 of this title.".

(d) EFFECTIVE DATE.—The amendments to section 1175 of title 10, United States Code, made by subsections (a), (b), and (c) shall apply as if included in section 1175 of title 10, United States Code, as enacted on December 5, 1991, but any benefits or services payable by reason of the applicability of the provisions of those amendments during the period beginning on December 5, 1991, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MRS. BYRON

At the end of subtitle B of title V (page 97, after line 16), insert the following new section:

SEC. 516. DISABILITY RETIRED OR SEVERANCE PAY FOR RESERVE MEMBERS DISABLED WHILE TRAVELING TO OR FROM TRAINING.

(a) CONFORMANCE WITH OTHER PROVISIONS OF LAW.—Sections 1204(2) and 1206(6) of title 10, United States Code, are amended by inserting after "inactive-duty training" the following: "or of traveling directly to or from the place at which such duty is performed".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to disabilities incurred on or after November 14, 1986, but any benefits or services payable by reason of the applicability of those amendments during the period beginning on November 14, 1986, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. CRAMER

(Amdt. #26 in part II of the Report of the Comm. on Rules)

At the end of subtitle E of title X (page 202, after line 23), insert the following new section:

SEC. 1056. PROVISION OF CERTAIN FACILITIES AND SERVICES OF THE DEPARTMENT OF DEFENSE TO CERTAIN EDUCATIONAL ENTITIES.

(a) PROVISION OF FACILITIES AND SERVICES.—Chapter 152 of title 10, United States Code, is amended by adding at the end of the following new section:

"§2551. Facilities and services: certain educational entities

"(a)(1) Notwithstanding any other provision of law, the Secretary of Defense may conduct activities referred to in subsections (b) and (c) with an entity referred to in paragraph (2) that the Secretary determines will assist that entity in achieving its educational goals.

"(2) Eligible entities under paragraph (1) are any of the following:

"(A) The United States Space Camp.

"(B) The United States Space Academy.

"(C) The Aviation Challenge.

"(b)(1) The Secretary may permit the use by an entity referred to in subsection (a)(2), on a reimbursable basis, of any facilities of the Department of Defense that the Secretary determines will assist that entity in achieving its educational goals.

"(2) The Secretary shall prescribe reasonable rates of reimbursement for the use of facilities under paragraph (1).

"(c) The Secretary may make available to an entity referred to in subsection (a)(2), without reimbursement, the services of any member of the Armed Forces or employee of the Department of Defense who the Secretary determines will assist that entity in achieving its education goals.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2551. Facilities and services: certain educational entities.".

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. CUNNINGHAM

At the end of subtitle B of title II (page 37, after line 18), insert the following new section:

SEC. 222. JOINT REMOTELY PILOTED VEHICLES PROGRAM.

(a) FUNDING.—within the amount provided in section 201 for the Defense Agencies—

(1) the amount provided for Joint Remotely Piloted Vehicles is hereby increased $25,000,000; and

(2) the amount provided for the Balanced Technology Initiative is hereby reduced by $25,000,000.

(b) MEDIUM-RANGE UNMANNED AERIAL VEHICLES.—Of the amount provided for the Joint Remotely Piloted Vehicles program (as modified by subsection (a)) within the amount provided under section 201 for the Defense Agencies, the sum of $68,200,000 may be obligated only for medium-range unmanned aerial vehicles.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. DICKS

At the end of title X (page 202, after line 23), insert the following new section:

SEC. . NUCLEAR SAFETY IN EASTERN EUROPE AND THE FORMER SOVIET UNION.

(a) FINDINGS.—The Congress finds that—

(1) the Chernobyl nuclear reactor accident on April 26, 1986, has resulted in $283 to $352 billion worth of damage, with more than 4,000,000 people still living on land contaminated with radiation;

(2) there are 16 Chernobyl-type RBMK reactors now operating in Russia, Ukraine, and Lithuania, all of which have faulty designs, poor construction, and dangerously lax and outdated operating procedures;

(3) there are dozens of Soviet-designed reactors now operating in Eastern Europe and the former Soviet Union with poor construction and lax and outdated operating procedures;

(4) a serious nuclear reactor accident in one of the newly freed states of Eastern Europe and the former Soviet Union would seriously exacerbate these states' difficult progress towards economic recovery and could lead to political instability;

(5) retrofitting the RBMK reactors with modern Western safety equipment will result in only marginal safety improvements at great expense; and

(6) alternative power source, such as natural gas turbines, and modern energy efficiency measures and technologies could displace the need for much of the power which these reactors provide.

(b) UNITED STATES POLICY.—It is the sense of Congress that the President should undertake bilateral and multilateral initiatives, including trade initiatives, to—

(1) assist in bringing on line enough replacement power and modern energy efficiency measures and technologies in the states of Eastern Eruope and the former Soviet Union so that the RBMK reactors may be shut down as soon as possible and placed

in stable condition to prevent radiological contamination;

(2) assist the states of Eastern Europe and the former Soviet Union in upgrading their other nuclear reactors to Western standards of safety and in ensuring that all of their nuclear reactors receive routine maintenance and repairs;

(3) encourage and provide technical assistance to Russia and Ukraine to enact domestic legislation governing nuclear reactor safety;

(4) negotiate formal agreements for nuclear cooperation with Russia and Ukraine;

(5) identify nuclear safety research as a principal focus of the soon-to-be created nuclear science centers in Ukraine and Russia; and

(6) make greater resources available to the International Atomic Energy Agency to promote programs of nuclear safety in Eastern Europe and the former Soviet Union.

(c) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report with a systematic assessment of the nuclear reactor safety situation in Eastern Europe and the former Soviet Union, with a description of specific bilateral and multilateral initiatives the Administration is taking and plans to take to address these nuclear safety issues.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. DORGAN OF NORTH DAKOTA

At the end of title VIII (page 157, after line 16), insert the following new section:

SEC. 818. REQUIREMENT TO MAINTAIN LIST OF PERSONS CONVICTED OF DEFENSE-CONTRACT RELATED FELONIES.

Section 2408 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) LIST OF PERSONS UNDER PROHIBITION.—The Secretary of Defense or the Attorney General shall transmit to the Administrator of General Services at least once every six months a list of persons under a prohibition under subsection (a). The Administrator of General Services shall maintain and publish the list as part of, and in the same manner as, the list of parties excluded from Federal procurement or nonprocurement programs (commonly known as the debarment list).".

MODIFICATION TO THE AMENDMENT OFFERED
BY MR. DREIER OF CALIFORNIA

(Amdt. #30 in part II of the Report of the
Comm. on Rules)

The amendment as modified is as follows:

At the end of title X (page 202, after line 23), insert the following new section:

SEC. . REPORT ON PROLIFERATION OF MILITARY-BASED SATELLITES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the proliferation to other countries of ownership or control of satellites with capabilities for military applications and the implications of such proliferation for the United States. The report should include a description of—

(1) the current military satellite capability of Third World countries and other countries and the projected threat posed by such capabilities to the United States in the future;

(2) current and planned efforts by the United States to develop an antisatellite capability to counter the global proliferation of satellites with capability for military applications; and

(3) the United States military requirement for antisatellite capabilities and the mechanism for the coordination of United States antisatellite programs.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act and shall be submitted in unclassified form and, as necessary, in classified form.

MODIFICATION TO THE AMENDMENT OFFERED
BY MR. FAZIO

(Amdt. #31 in part II of the Report of the
Comm. on Rules)

The amendment as modified is as follows:

At the end of subtitle B of title X (page 176, after line 8), insert the following new section:

SEC. 1019. TRANSFER OF OBSOLETE VESSEL.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsection (c) of section 7308 of title 10, United States Code, but subject to subsections (a) and (b) of that section, the Secretary of the Navy or the Secretary of Transportation (depending on which Secretary has jurisdiction over the vessel) may transfer the obsolete vessel Wahkiakum County (LST 1162) to the organization known as Ships for Youth and the Environment, a nonprofit corporation operating under the laws of the State of California, to be used for education and environmental purposes.

(b) TERMS AND CONDITIONS.—The Secretary making the transfer may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. GRADISON

Strike out section 4 (page 12, line 1 through the table after line 4).

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. HORTON

Strike out section 343 (page 64, lines 3 through 24) and insert in lieu thereof the following new section:

SEC. 343. REQUIREMENT OF COMPETITION FOR THE PERFORMANCE OF WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) COMPETITION REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition

"The Secretary of Defense or the Secretary of a military department may not change the performance of a depot-level maintenance workload that is being performed by a dopot-level activity of the Department of Defense to performance by a private contractor or by another department, agency, or activity of the Department of Defense unless, prior to the selection of the private contractor, department, agency, or activity, the Secretary uses competitive procedures for the selection.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition.".

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. HUNTER

At the end of subtitle B of title II (page 37, after line 18), insert the following new section:

SEC. 222. CHARGED PARTICLE BEAM PROGRAM.

(a) FUNDING.—Of the amount provided in section 201 for the Defense Agencies—

(1) the amount provided for the Defense Advanced Research Projects Agency is hereby increased by $6,000,000, to be available for the Charged Particle Beam program; and

(2) the amount provided for Advanced Launch Systems (program element 0604408F) is hereby reduced by $6,000,000.

(b) GEOGRAPHIC INFORMATION SYSTEMS PROGRAM.—(1) Of the amount provided for modeling and simulation within the amount provided in section 201 for the Army, $450,000 shall be available for a grant awarded through the use of competitive procedures to an institution of higher education to purchase research equipment in the area of geographic information research, including digital mapping and remote sensing analysis.

(2) The Secretary of the Army shall select an institution for award of a grant under subsection (a) based on requirements that the institution—

(A) is a comprehensive institution with special emphasis on science and mathematics;

(B) is a Department of Defense map depository;

(C) is located within 50 miles of a United States military installation;

(D) is situated in a remote area with wide variety of terrain and vegetation with access to United States Forest and National Park land; and

(E) is located in a region with distinct four-season climate, including extended winter snow cover.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. HUNTER

At the end of subtitle B of title X (page 176, after line 8), insert the following new section:

SEC. 1019. LIMITATION ON OVERSEAS SHIP REPAIRS.

Section 7309 of title 10, United States Code, is amended by adding at the end the following new subsections.

"(e)(1) In the case of a naval vessel the homeport of which is not in the United States (or territory of the United States), the Secretary of the Navy may not during the 15-month period proceeding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

MODIFICATION TO THE AMENDMENT OFFERED
BY MR. IRELAND

(Amdt. #37 in part II of the Report of the
Comm. on Rules)

The amendment as modified is as follows:

At the end of title VIII (page 157, after line 16), insert the following new section:

SEC. 818. INDEPENDENT COST ACCOUNTING IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Defense, acting through the Deputy Secretary of Defense, shall take such actions as necessary to strengthen independent cost accounting in the Department of Defense.

(b) DEFICIENCIES IDENTIFIED IN DOD IG REPORT.—Actions to be taken pursuant to subsection (a) include correction of the cost accounting deficiencies identified by the Inspector General of the Department of Defense in Report No. 92-028, dated December 30, 1991. As part of the correction of those deficiencies, the Secretary of Defense shall take actions to—

(1) enhance the capability of the Cost Analysis Improvement Group (CAIG) in the Office of the Secretary of Defense and focus its activities on performance of the independent cost estimating function;

(2) ensure close adherence within the Department of Defense to existing Departmental regulations with respect to independent cost estimates that implement section 2434 of title 10, United States Code; and

(3) limit the participation of any firm that has a contract with the program office, or that is the prime contractor or any subcontractor, of a defense acquisition program (including a highly sensitive classified program) in the preparation of an independent cost estimate prepared with respect to that program.

(c) FUNCTIONS OF SERVICE COST ACCOUNTING CENTERS.—In carrying out subsection (a), the Secretary shall consider assigning.

(1) the Army Cost and Economic Analysis Center, Department of the Army, to the Assistant Secretary of the Army for Financial Management;

(2) the Naval Center for Cost Analysis, Department of the Navy, to the Assistant Secretary of the Navy for Financial Management; and

(3) the Air Force Cost Center and Independent Cost Analysis Program, Department of the Air Force, to the Assistant Secretary of the Air Force for Financial Management.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. IRELAND

(Amdt. #89 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of subtitle A of title X (page 167, after line 8), insert the following new section:

SEC. 1003. TREATMENT OF CERTAIN "M" ACCOUNT OBLIGATIONS.

(a) LIMITATION.—The Secretary of Defense may not reobligate any sum in a merged (or so-called "M") account of the Department of Defense until the Secretary has identified an equal sum under section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1680) that can be canceled.

(b) REQUIREMENT FOR RECIPROCAL CANCELLATION.—Whenever the Secretary of Defense reobligates funds from a merged (or so-called "M") account of the Department of Defense, the Secretary shall at the same time cancel with the Treasury of the United States a sum in the same amount as the reobligation from a merged account of the Department of Defense.

(c) MONTHLY REPORTS.—The Secretary of Defense shall submit to the congressional defense committees a monthly report, for each month beginning after the date of the enactment of this Act through September 1993, on the amount of funds reobligated during the month from merged accounts of the Department of Defense and the amount of funds canceled during the month from such accounts. Each report shall be submitted not later than the 21st day of the month after the month covered by the report.

(d) NOTICE-AND-WAIT.—(1) Whenever the Secretary of Defense proposes to reobligate from a merged (or so-called "M") account of the Department of Defense any sum in an amount greater than $10,000,000, the reobligation may not be made until—

(A) the Secretary notifies Congress of the amount to be reobligated, the source of the funds to be reobligated, and the purpose the funds will be reobligated for; and

(B) a period of 30 days passes after the notice is received.

(2) The limitation in paragraph (1) applies to reobligations for a single purpose in a sum greater than the amount specified in that paragraph. Such a reobligation may not be divided into several smaller sums to avoid such limitation.

(e) DURATION OF LIMITATIONS.—Subsections (a) and (b) shall cease to apply when all audits and cancellations of balances required by section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1680) have been completed.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. IRELAND

(Amdt. #40 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of title X (page 202, after line 23), insert the following new section:

SEC. 1056. SENSE OF CONGRESS REGARDING THE TIME LIMITATIONS FOR CONSIDERATION OF MILITARY DECORATIONS AND AWARDS.

(a) FINDINGS.—Congress finds the following:

(1) Former members of the Armed Force, military units, and veteran organizations throughout the United States will be celebrating the 50th anniversary of World War II at reunions and other events through 1995.

(2) A number of individuals who served in the Armed Forces during World War II, and groups of former members of the Armed Forces who served together in units during World War II have expressed interest in individual and unit decorations and awards involving their World War II serve that were never presented.

(3) In some cases, the Secretaries of the military departments have declined to consider individual and unit decorations and awards involving World War II service that were established by administrative action solely because of time limitations established administratively on the submission of recommendations for the decorations and awards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretaries of the military departments should consider a recommendation for a decoration or award for World War II service without regard to time limitations on the consideration of the recommendation if the recommendation—

(1) is submitted before December 31, 1995;

(2) involves a decoration or award that is not established by Act of Congress; and

(3) presents new information or evidence that the original recommendation was not submitted or was mishandled due to administrative error.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. JONES OF NORTH CAROLINA

At the end of section 304(d) (page 48, line 22), insert the following new sentence: "Nothing in this section shall be construed as waiving the requirements of section 2631 of title 10, United States Code and sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f).".

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. LAGOMARSINO

At the end of subtitle C of title XXVIII (page 247, after line 23), insert the following new section:

SEC. 2837. LAND CONVEYANCE, NAVAL RESERVE CENTER, SANTA BARBARA, CALIFORNIA

(a) CONVEYANCE.—Subject to subsections (b) and (c), the Secretary of the Navy may convey to the City of Santa Barbara (in this section referred to as the "City") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately one acre and known as the Santa Barbara Naval Reserve Center.

(b) CONSIDERATION.—As consideration for the conveyance authorized in subsection (a), the City shall be required to pay to the United States an amount equal to the lesser of—

(1) $2,400,000; and

(2) the actual cost to construct a naval reserve center to replace the Santa Barbara Naval Reserve Center conveyed under subsection (a).

(c) CONDITIONS OF SALE.—The conveyance authorized by subsection (a) shall be subject to the following conditions;

(1) The City shall be required to enter into an agreement with the Coast Guard under which the City—

(A) will permit the Coast Guard to remain indefinitely at its current location on the property being conveyed under subsection (a) at no cost to the Federal Government; or

(B) will provide substitute facilities, acceptable to the Coast Guard, at no cost to the Federal Government.

(2) The City shall be required to enter into an agreement with the National Oceanic and Atmospheric Administration under which the City—

(A) will permit the National Oceanic and Atmospheric Administration to remain at least until May 1, 1993, at its current location on the property being conveyed under subsection (a), at no cost to the Federal Government; or

(B) will provide substitute facilities, acceptable to the National Oceanic and Atmospheric Administration, at no cost to the Federal Government.

(3) The City shall be required to enter into an agreement with the Secretary of the Navy under which the City will permit the Navy to continue to occupy, without cost to the Federal Government, the property being conveyed under subsection (a) until the replacement facility constructed under subsection (d) is suitable for occupancy.

(d) USE OF PROCEEDS.—The Secretary of the Navy may use the amounts paid by the City under subsection (b) to construct a replacement naval reserve center to be located upon the Naval Construction Battalion Center, Port Hueneme, California, or at another suitable location, as determined by the Secretary.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. LANCASTER

At the end of subtitle D of title VI (page 121, after line 20), insert the following new section:

SEC. 636. COMPREHENSIVE HOME HEALTH CARE SERVICES UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (15)(D);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(17) the Secretary of Defense may establish a program for the individual case management of a person covered by this section or section 1086 of this title who has extraordinary medical or psychological disorders and, under such a program, waive benefit limitations contained in this subsection or section 1077(b)(1) of this title and authorize the payment for comprehensive home health care services, supplies, and equipment that the Secretary determines are cost-effective and appropriate.".

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MRS. LOWEY OF NEW YORK

At the end of subtitle C of title Z (page 179, after line 12), insert the following new section:

SEC. 1033. SENSE OF CONGRESS REGARDING AN INTERNATIONAL EFFORT TO LIMIT THE SUPPLY OF ILLEGAL NARCOTICS.

(a) FINDINGS.—Congress finds the following:

(1) Illicit drug use is increasing in virtually all regions of the world including nations with which the United States has mutual defense agreements.

(2) Illicit drug production, trafficking, and consumption threaten international security.

(3) The Department of Defense expended over $1,000,000,000 in fiscal year 1991 to combat the international production and trafficking of illegal narcotics.

(4) The largest share of international resources devoted to disrupting the production of illegal narcotics at their source is provided by the United States.

(5) To the extent interdiction efforts are successful, all nations benefit.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all nations which are experiencing problems with illegal narcotics should contribute commensurate with their resources to efforts to curb the production of illicit narcotics at their source; and

(2) the United States should encourage nations with which it has mutual defense agreements to make greater contributions to this effort in the interest of preserving international security.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. MARLENEE

At the end of subtitle D of title V (page 106, after line 22), insert the following new section:

SEC. 535. USE OF ARMED FORCES INSIGNIA ON STATE LICENSE PLATES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1057. Use of armed forces insignia on state license plates

"(a) The Secretary concerned may approve an application by a State to use or imitate the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on motor vehicle license plates issued by the State to an individual who is a member or former member of the armed forces.

"(b) The Secretary concerned may prescribe any regulations necessary regarding the display of the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on the license plates described in subsection (a).

"(c) In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1057. Use of armed forces insignia on state license plates."

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. MAVROULES

In section 816 of title VIII, insert after paragraph (2) of subsection (a) (page 155, after line 7) the following:

(3) Section 2410 of title 10, United States Code, as amended by paragraph (1), shall also apply with respect to a claim or request—

(A) which is submitted after October 1, 1978; and

(B) with respect to which the certification has not been rejected by the Government on the grounds that it was signed by the wrong official or that the form of the certification was otherwise defective before the final decision on the claim or request is made by the contracting officer for the contract concerned.

MODIFICATION TO THE AMENDMENT OFFERED
BY MR. MAVROULES

(Amdt. #47 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of subtitle B of title X (page 176, after line 8), insert the following new section:

SEC. 1019. MODIFICATION OF FAST SEALIFT PROGRAM.

Section 1424(b) of Public Law 101–510 (104 Stat. 1683), as amended by section 1015 of Public Law 102–190 (105 Stat. 1458), is amended by striking out paragraph (4) and inserting in lieu thereof the following new paragraphs:

"(4) The vessels constructed under the program shall incorporate propulsion systems whose main components (that is, the engines, reduction gears, and propellers) are manufactured in the United States.

"(5) The vessels constructed under the program shall incorporate bridge and machinery control systems and interior communications equipment which—

"(A) are manufactured in the United States; and

"(B) have more than half of their value, in terms of cost, added in the United States.

"(6) The Secretary of Defense may waive the requirement of paragraph (5) with respect to a system or equipment described in that paragraph if—

"(A) the system or equipment is not available; or

"(B) the costs of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. MAVROULES

At the end of subtitle C of title X (page 179, after line 12), insert the following new section:

SEC. 1033. REPORT ON ASSISTANCE FOR DRUG DEMAND REDUCTION PROGRAMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report assessing the feasibility and desirability of providing funds appropriated to the Department of Defense for drug interdiction and counter-drug activities (including funds made available for the counter-drug activities of the National Guard) to assist State outreach programs intended to reduce the demand for illegal drugs among young people. As part of the report, the Secretary shall determine whether the provision of such assistance would complement, rather than duplicate, similar efforts undertaken by other Federal agencies.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Chief of the National Guard Bureau.

(c) DATE OF SUBMISSION.—The report required by subsection (a) shall be submitted to Congress not later than six months after the date of the enactment of this Act.

MODIFICATION TO THE AMENDMENT OFFERED
BY MR. MCMILLEN OF MARYLAND

(Amdt. #49 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

Strike out subtitle D of title I (page 22, line 7, through page 27, line 4) and insert in lieu thereof the following:

Subtitle D—Chemical Demilitarization Program

SEC. 171. REVISION IN STOCKPILE ELIMINATION DEADLINE.

(a) IN GENERAL.—Subsection (b) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) is amended to read as follows:

"(b) DATE FOR COMPLETION.—The Secretary of Defense shall carry out the destruction of the stockpile in accordance with a schedule adopted by the Secretary consistent with diplomatic and treaty obligations of the United States.".

SEC. 172. CHEMICAL DEMILITARIZATION ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Chemical Demilitarization Advisory Commission".

(b) DUTIES.—(1) The Commission shall determine which technologies are specifically appropriate as alternatives to incineration for use for an alternative disposal program in disposing of the lethal chemical agents and munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)) at each of the three low-volume sites.

(2) For purposes of this section, the term "low-volume site" means a chemical weapons storage site at which there is stored less than 5 percent of the total United States stockpile of unitary chemical weapons.

(c) REPORT.—(1) Not later than January 1, 1994, the Commission shall submit to the Secretary of Defense and the Congress a report on its determinations.

(2) The report shall include the following for each of the alternative technologies referred to in subsection (b):

(A) The estimated development costs, construction costs, operation costs, and dismantling costs related to the use of such alternative technology for disposing of the chemical agents and munitions referred to in subsection (b).

(B) An estimated schedule for completing the disposal of such agents and munitions using such alternative technology.

(C) A comparison of the public health and safety risks associated with the use of that alternative technology for disposing of such agents and munitions and—

(i) the public health and safety risks associated with the use of incineration for disposing of such agents and munitions; and

(ii) the public health and safety risks associated with the use of each of the other such alternative technologies for disposing of such agents and munitions.

(d) MEMBERSHIP.—(1) The Commission shall be composed of 12 members who represent interested parties in the matters within the responsibility of the Commission.

(2) Of the 12 members—

(A) one shall be a representative of the Department of the Army who shall be designated by the President;

(B) one shall be a representative of the Federal Emergency Management Agency who shall be designated by the President;

(C) one shall be a representative of the Environmental Protection Agency who shall be designated by the President;

(D) three shall be representatives of State governments, one from each of the States in which the low-volume sites are located, who have responsiblities related to matters of the Commission and who shall be appointed by their respective Governors; and

(E) six shall be appointed jointly by the Speaker of the House of Representatives, majority leader of the Senate, minority leader of the House of Representatives, and minority leader of the Senate from among private citizens, of whom—

(i) three shall be citizens from each of the affected areas who possess a distinguished technical, legal, academic, or business background, an affected area being defined as that area within a 50-mile radius of a low-volume site;

(ii) two shall be representatives of the academic community who are specifically distinguished experts in the technical matters relating to the commission; and

(iii) one shall be a representative of an environmental organization who possesses outstanding technical experience in the matters relating to the Commission.

(e) CHAIRMAN.—The Speaker of the House of Representatives shall designate the chairman of the Commission from among the members of the Commission.

(f) MEETINGS.—The Commission shall meet at the call of the chairman. The first meeting shall be held not later than January 30, 1993.

(2) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the responsibilities of the Commission. Upon request of the chairman of the Commission, the head of such department or agency shall furnish the requested information to the Commission.

(h) PAY AND EXPENSES.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall, subject to the availability of appropriations, be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(i) STAFF.—(1) The chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) Any Federal Government employee may be detailed to the Commission without reimbursement. Such a detail shall be without interruption or loss of civil service status or privilege for the detailed employee.

(4) The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(j) CONFLICTS OF INTEREST.—For a period of five years after the termination of the Commission, no corporation, partnership, or other organization in which a member of the Commission, a spouse of a member of the Commission, or a natural or adopted child of a member of the Commission has an ownership interest may be awarded—

(1) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)); or

(2) a subcontract under such a contract.

(k) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (c).

SEC. 178. ALTERNATIVE DISPOSAL PROGRAM FOR LOW-VOLUME SITES.

(a) REQUIREMENT FOR ALTERNATIVE PROGRAM.—As part of the requirement of section 1412(a) of Public Law 99–145 to carry out the destruction of the United States' stockpile of lethal chemical agents and munitions, the Secretary of Defense shall develop a chemical weapons disposal program for low-volume sites that is an alternative program to the baseline chemical weapons disposal program. In developing the alternative disposal program, the Secretary shall make the determinations of the Chemical Demilitarization Advisory Committee a central consideration. The Secretary shall carry out the disposal of chemical weapons at any of the low-volume sites at which the use of an alternative program is determined by the Secretary either to be significantly safer or more cost-effective than the use of the baseline program. In addition, the Secretary may carry out the disposal of chemical weapons at sites other than low-volume sites in accordance with an alternative program (rather than the baseline program) after notifying Congress of the Secretary's intent to do so.

(b) DEFINITION.—For purposes of this section, the term "baseline chemical weapons disposal program" means the chemical stockpile demilitarization program provided under section 1412 of Public Law 99–145 (50 U.S.C. 1521).

(c) CRITERIA FOR DEVELOPMENT OF ALTERNATIVE PROGRAM.—In developing the alternative program, the Secretary of Defense shall—

(1) ensure that cost-effectiveness, public safety, and the protection of the environment are the principal criteria upon which the Secretary's decision are based; and

(2) consider all possible technical and programmatic disposal alternatives.

(d) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsections (c), (e), (f), and (g) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to this section and to activities under this section in the same manner as if this section were part of that section 1412.

SEC. 174. REVISED CHEMICAL WEAPONS DISPOSAL CONCEPT PLAN.

(a) REVISED PLAN.—The Secretary of Defense shall submit to Congress a revised chemical weapons disposal concept plan incorporating the requirements of section 173 and reflecting the revised stockpile disposal schedule developed under section 1412(b) of Public Law 99–145 (50 U.S.C. 1521), as amended by section 171. In developing the revised concept plan, the Secretary should consider, to the maximum extent practicable, revisions to the program and program schedule that capitalize on the changes to the chemical demilitarization schedule required by the amendment made by section 171 by reducing cost and decreasing program risk.

(b) MATTERS TO BE INCLUDED.—The revised concept plan should include

(1) revised life-cycle cost estimates and schedules; and

(2) a detailed description of the facilities, technology, and operating procedures proposed under the alternative disposal program under section 173.

(c) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsection (c) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to the revised concept plan in the same manner as if this section were part of that section 1412.

(d) SUBMISSION OF REVISED PLAN—The revised concept plan shall be submitted not later than 180 days after the date on which the Chemical Demilitarization Advisory Commission submits its report under section 172.

(e) OBLIGATIONAL LIMITATION.—No funds may be obligated for procurement, or for facilities planning and design, for a chemical weapons disposal facility at a site under consideration for the alternative program under section 173 until the Secretary of Defense submits the plan required by subsection (a).

SEC. 175. CHEMICAL WEAPONS DISPOSAL TECHNOLOGY CONSULTATION AND EXCHANGE PROGRAM.

It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish a program with other nations that are anticipated to be signatories to an international agreement or treaty banning chemical weapons under which consultation and exchange concerning chemical weapons disposal technology could be enhanced. Such a program shall be used to facilitate the exchange of technical information and advice concerning the disposal of chemical weapons among signatory nations and to further the development of safer, more cost-effective methods for the disposal of chemical weapons.

SEC. 176. TECHNICAL AMENDMENTS TO SECTION 1412.

Section 1412 of Public Law 99–145 (50 U.S.C. 1521) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "(1)" before "Notwithstanding any other provision of law,"; and

(B) by striking out paragraph (2).

(2) Subsection (c) is amended by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)".

(3) Subsection (g) is amended—

(A) in paragraph (1), by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (3)";

(B) by striking out paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out "report other than the first one" and inserting in lieu thereof "such report"; and

(D) by redesignating paragraph (4) as paragraph (3).

EN BLOC AMENDMENTS TO H.R. 5006, AS REPORTED OFFERED BY MR. MOAKLEY

In the table of contents, after the item relating to section 1101, insert the following:

TITLE XII—MILITARY RESERVE TECHNICIANS

Sec. 1201. Military reserve technicians.

At the end of Division A (page 203, after line 14), insert the following:

TITLE XII—MILITARY RESERVE TECHNICIANS

SEC. 1201. MILITARY RESERVE TECHNICIANS.

(a) IN GENERAL.—(1) Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3329. Appointments of military reserve technicians to positions in the competitive service

"(a) For the purpose of this section, the term 'military reserve technician' has the meaning given such term by section 8401(30).

"(b) The Secretary of Defense shall take such steps as may be necessary to ensure that, except as provided in subsection (d), any military reserve technician who is involuntarily separated from technician service, after completing 20 years of such service, by reason of ceasing to satisfy the condition described in section 8401(30)(B) shall, if appropriate written application is submitted within 1 year after the date of separation, be offered a position described in subsection (c) not later than 6 months after the date of the application.

"(c) The position to be offered shall be a position—

"(1) in the competitive service;

"(2) within the Department of Defense;

"(3) for which the individual is qualified; and

"(4) the rate of basic pay for which is not less than the rate last received for technician service before separation.

"(d) This section shall not apply in the case of—

"(1) an involuntary separation for cause on charges of misconduct or delinquency; or

"(2) a technician who, as of the date of application under this section, is eligible for immediate (including for disability) or early retirement under subchapter III of chapter 83 or under chapter 84.

"(e) The Secretary of Defense shall, in consultation with the Director of the Office of Personnel Management, prescribe such regulations as may be necessary to carry out this section.".

(2) The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3328 the following:

"3329. Appointments of military reserve technicians to positions in the competitive service.".

(b) APPLICABILITY.—The amendments made by this section shall not apply with respect to any separation occurring before the date of enactment of this Act.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. MOAKLEY

At the end of subtitle D of title VI (page 121, after line 20), insert the following new section:

SEC. 637. EXCEPTION FROM FEDERAL ACQUISITION REGULATION FOR MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by adding at the end the following new sentence: "A participation agreement negotiated between a Uniformed Services Treatment Facility and the Secretary of Defense under this subsection shall not be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)).".

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. MONTGOMERY

At the end of title X (page 202, after line 23), insert the following new section:

SEC. . AUTHORITY FOR GOVERNMENT OF OMAN TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)) is amended by striking out "fiscal year 1990" and inserting in lieu thereof "fiscal year 1991".

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MOODY

(Amdt #53 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of subtitle B of title II (page 53, after line 20), insert the following new section:

SEC. 222. MEDICAL INFORMATION DEMONSTRATION PROGRAM.

(a) DEMONSTRATION PROGRAM.—The amount provided in section 201 for the Defense Agencies is hereby increased by $15,000,000, to be available for a grant awarded through the use of competitive procedures to a medical college to provide facilities that will allow access to educational and research data through electronic networks to facilities clinical decisionmaking.

(b) QUALIFICATIONS.—The Secretary of Defense shall select an institution for award of the grant under subsection (a) based on the requirements that the institution—

(1) already has established or is in the process of establishing a health information technology center that has a collection of computer networks that links educational, commercial, government, and military institutions worldwide;

(2) has an existing statewide ethics network that has access to the complete Medline data base;

(3) can make use of an already existing computerized clinical information abstraction tool to explore the feasibility of performing quality of care review for ambulatory care; and

(4) has provided consulting support to the Health Care Financing Administration on hospital mortality and other quality assurance-related research.

(c) COST-SHARING REQUIREMENTS.—The grant under this section should be available for initial construction of a facility to house the processing equipment, the Federal share of which may not exceed 50 percent of the total cost.

(d) OFFSETTING REDUCTION.—The amount provided in section 201 for the Navy is hereby reduced by $15,0000,000, to be derived from funds for advanced submarine system development.

MODIFICATION TO THE AMENDMENT OFFERED BY MRS. MORELLA

(Amdt #54 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of subtitle C of title XXVIII (page 247, after line 23), insert the following new section:

SEC. 2837. LAND CONVEYANCE, FOREST GLEN ANNEX, WALTER REED ARMY MEDICAL CENTER, MARYLAND.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army shall convey, without consideration, to the Maryland-National Capital Park and Planning Commission (in this section referred to as the "Commission") all right, title, and interest of the United States in and to approximately 10 acres of real property at the Forest Glen Annex of the Walter Reed Army Medical Center, consisting of woodlands located north and west of Ireland Drive.

(b) CONDITION ON USE OF CONVEYED PROPERTY.—The conveyance required by subsection (a) shall be subject to the condition that the Commission use the property conveyed only as a public park and maintain the property in its entirety as woodlands for the public benefit.

(c) REVERSION.—If the Secretary of the Army determines at any time that the Commission is not complying with the condition specified in subsection (b), all right, title, and interest in and to the property conveyed pursuant to subsection (a) shall revert to the United States.

(d) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary of the Army. The Commission shall bear the expense of the survey.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. ORTIZ

(Amdt #55 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

Page 168, line 8, strike out "**DECOMMISSIONED**".

Page 168, line 14, strike out "on the date of the decommissioning of those vessels" and insert in lieu thereof "when those vessels are no longer required for use by the Navy".

AMENDMENT TO H.R. 5006, AS REPORTED, OFFERED BY MR. ORTIZ

Page 13, after line 7, insert the following new subsection:

(c) NAVY P–3 MARITIME PATROL AIRCRAFT.—(1) Of the amount provided in subsection (a) for procurement of aircraft for the Navy, $35,000,000, shall be available for the procurement of one P–3B maritime patrol aircraft configured with an Airborne Early Warning (AEW) radar system.

(2) The aircraft procured pursuant to this subsection shall be assigned to the commander, United States Atlantic Command for use as a counter-narcotics surveillance asset.

(3) The provisions of section 1032 shall apply to the procurement authorized by this subsection.

(4) Within the amount provided in subsection (a) for procurement of aircraft for the Navy, amounts provided for P-3 aircraft modification programs are hereby reduced as follows:

(A) From the P-3-B/C special projects aircraft modification program, $15,879,000.

(B) From the P-3C Update III block upgrade program, $19,121,000.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. PANETTA

(Amdt #57 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of subtitle B of title IX (page 165, after line 17), insert the following new section:

SEC. 924. FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

(a) EMPLOYMENT OF CIVILIAN FACULTY MEMBERS AUTHORIZED.—(1) Section 1595 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "and the Foreign Language Center of the Defense Language Institute" after "National Defense University"; and

(B) in subsection (c), by striking out "This section" and inserting in lieu thereof "In the case of the National Defense University, this section".

(2) In the case of a person who, on the day before the date of the enactment of this Act, is employed as a professor, instructor, or lecturer at the Foreign Language Center of the Defense Language Institute, the Secretary of Defense shall afford the person an opportunity to elect to be paid under the compensation plan authorized by section 1595(b) of title 10, United States Code, or to continue to be paid under the General Schedule (with no reduction in pay) under section 5332 of title 5, United States Code.

(3)(A) The heading of such section is amended to read as follows:

"§ 1595. National Defense University and Foreign Language Center: civilian faculty members".

(B) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1595. National Defense University and Foreign Language Center: civilian faculty members.".

(b) ROLE IN COUNTER-DRUG ACTIVITIES.—The Secretary of Defense shall use the Foreign Language Center of the Defense Language Institute to provide training for linguists participating in counter-drug activities.

(c) REPORT ON TECHNOLOGIES TO ENHANCE AUTOMATED TRANSLATION CAPABILITIES.—Not later than December 1, 1993, the Foreign Language Center of the Defense Language Institute shall submit to the Secretary of Defense a report evaluating the feasibility of using the latest advances in computer and telecommunications technologies to enhance linguist automated translation capabilities and training.

AMENDMENT TO H.R. 5006, AS REPORTED, OFFERED BY MR. PANETTA

At the end of subtitle B of title XXVIII (page 234, after line 12), insert the following new section:

SEC. 2823. CLARIFICATION ON AVAILABILITY OF EXCESS AND SURPLUS FEDERAL PROPERTY TO ASSIST THE HOMELESS.

(a) AVAILABILITY.—To facilitate the reutilization and disposal of excess and surplus Federal real property, including real property subject to disposal under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) or the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), the quarterly canvassing and publishing requirements for Federal public buildings and other Federal properties imposed by subsections (a) and (c) of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) shall be considered to be limited to—

(1) buildings and other properties that have not been previously reported; and

(2) buildings and other properties that have been previously reported as unavailable to assist the homeless, but subsequently become available to assist the homeless.

(b) TECHNICAL CORRECTION.—Section 501(f)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(f)(2)) is amended by inserting "or" after "Unutilized".

MODIFICATION TO THE AMENDMENT OFFERED BY MR. PETERSON OF FLORIDA

(Amdt #59 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of title V (page 106, after line 22), insert the following new section:

SEC. ____. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1129. Purple Heart: members killed or wounded in action by friendly fire.".

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. PICKETT

At the end of subtitle G of title III (page 86, after line 21), insert the following new section:

SEC. 372. EXTENSION OF DEMONSTRATION PROJECT FOR THE USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY.

(a) EXTENSION OF PROGRAM.—Section 343(d) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1344) is amended by striking out "terminate at the end of the one-year period" and inserting in lieu thereof "terminate at the end of the two-year period".

(b) REPORT.—Section 343(e) of such Act is amended by striking out "one-year period" and inserting in lieu thereof "two-year period".

AMENDMENT TO H.R. 5006 OFFERED BY MR. PICKETT

At the end of title , (page , after line), insert the following new section:

SEC. . DESIGNATION OF UNITED STATES MILITARY PHYSICIANS AS CIVIL SURGEONS UNDER THE IMMIGRATION AND NATIONALITY ACT IN CONNECTION WITH THE ARMED FORCES IMMIGRATION ADJUSTMENT ACT OF 1991.

Notwithstanding any other provision of law, United States military physicians with not less than four years professional experience shall be considered to be civil surgeons for the purpose of the performance of physical examinations required under section 234 of the Immigration and Nationality Act (8 U.S.C. 1224) of special immigrants described in section 101(a)(27)(K) of such Act (8 U.S.C. 1101(a)(27)(K)).

AMENDMENT TO H.R. 5006 OFFERED BY MR. PICKETT

At the appropriate place in the bill, insert the following new section:

SEC. . SURVIVOR BENEFIT PLAN ANNUITY.

(a) ELECTION TO PROVIDE ANNUITY.—For purposes of determining the eligibility of Charlotte S. Neal, of Lynchburg, Virginia, former wife of the late Lieutenant Commander Michael D. Christian, United States Navy retired, to an annuity under the Survivor Benefit Plan, Lieutenant Commander Christian shall be deemed to have made an election under section 1448(b)(3) of title 10, United States Code, to provide an annuity to Charlotte S. Neal in accordance with the separation agreement incorporated into their divorce decree of August 19, 1983. Such election shall be deemed to have been made as of September 24, 1983, notwithstanding the death of Lieutenant Commander Christian on September 4, 1983.

(b) LUMP-SUM PAYMENT.—The Secretary of Navy shall pay in a lump sum to Charlotte S. Neal the aggregate amount to which she is entitled by reason of subsection (a) for the period beginning on October 1, 1983, and ending on the last day of the month in which this Act is enacted.

(c) DEFINITION.—For purposes of this section, the term "Survivor Benefit Plan" means the program provided under subchapter II of chapter 73 of title 10, United States Code.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. RAVENEL

Page 36, line 20, insert "(a)" before "Of the".

Page 36, after line 24, insert the following:

(b)(1) The amount provided in section 201 for the Defense Agencies is hereby increased by $11,500,000, to be available only to continue the Rapid Acquisition of Manufactured Parts Test and Integration Facility program within the Naval Supply Systems Command.

(2) The amount provided in section 201 for the Air Force, the amount provided in section 203 for manufacturing technology development, and the amount provided in section 203(3) for the Air Force are each hereby reduced by $11,500,000.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. RAY

At the end of subtitle C of title III (page 54, after line 17), insert the following new section:

SEC. 323. PILOT PROGRAM FOR EXPEDITED ENVIRONMENTAL RESPONSE ACTIONS.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program to expedite the performance of on-site environmental response actions at—

(1) military installations scheduled for closure under the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2623);

(2) military installations scheduled for closure under the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 104 Stat. 1485); and

(3) facilities for which the Secretary is responsible for response actions under the Defense Environmental Restoration Program established in section 2701 of title 10, United States Code.

(b) SELECTION OF INSTALLATIONS AND FACILITIES.—(1) For participation in the pilot program, the Secretary shall select—

(A) 2 military installations referred to in subsection (a)(1);

(B) 2 military installations referred to in subsection (a)(2); and

(C) not less than 5 facilities referred to in subsection (a)(3) with respect to each military department.

(2) The selections under paragraph (1) shall be made not later than 60 days after the date of the enactment of this Act.

(3) The installations and facilities selected under paragraph (1) shall be representative of—

(A) the different types of response actions required for facilities under the Defense Environmental Restoration Program and for military installations scheduled for closure under the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2623) and the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 104 Stat. 1485); and

(B) the different sizes of such response actions to provide, to the maximum extent possible, opportunities for the full range of business sizes to enter into contracts with the Department of Defense and prime contractors to perform response actions under the pilot program.

(c) EXECUTION OF PROGRAM.—Subject to subsection (d) and to the maximum extent possible, the Secretary shall, in order to eliminate redundant tasks and to accelerate response actions, use the authorities granted in existing law to carry out the pilot program, including—

(1) the development and use of innovative contracting techniques;

(2) the use of all reasonable and appropriate methods to expedite necessary Federal and State administrative decisions, agreements, and concurrences; and

(3) the use (including any necessary request for the use) of existing authorities to assure that response actions under the pilot program are conducted expeditiously, with particular emphasis on interim responses and removal actions.

(d) PROGRAM PRINCIPLES.—The Secretary shall carry out the pilot program consistent with the following principles:

(1) Activities of the pilot program shall be carried out subject to and in accordance with the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, and any other applicable Federal and State laws and regulations.

(2) The use of competitive procedures to select the contractors.

(3) The consideration, in addition to cost, of the experience and ability of the contractors as a factor to be evaluated in the selection of the contractors.

(e) DEFINITIONS.—In this section:

(1) The term "response action" has the same meaning given the term "response" in section 2707(1) of title 10, United States Code.

(2) The term "Secretary" means the Secretary of Defense.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. RAY

At the end of subtitle G of title III (page 86, after line 21), insert the following new section:

SEC. 372. ARMY PROGRAM TO PROMOTE CIVILIAN MARKSMANSHIP.

(a) ANNUAL AUTHORIZATION OF APPROPRIATIONS FOR CIVILIAN MARKSMANSHIP PROGRAM.—Section 4308 of title 10, United States Code, is amended to read as follows:

"§ 4308. Promotion of civilian marksmanship: authority of the Secretary of the Army

"(a) The Secretary of the Army, under regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, shall provide for—

"(1) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

"(2) the instruction of citizens of the United States in marksmanship, and the employment of necessary instructors for that purpose;

"(3) the promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of those arms, and the issue, without cost, of the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and appliances necessary for those purposes, to gun clubs under the direction of the National Board for the Promotion of Rifle Practice that provide training in the use of rifled arms to youth, the Boy Scouts of America, 4-H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition;

"(4) the award to competitors of trophies, prizes, badges, and other insignia;

"(5) the loan or sale, at fair market value, of caliber .22, caliber .30, and air rifles, and the sale of ammunition, at fair market value, to gun clubs under the direction of the National Board for the Promotion of Rifle Practice that provide training in the use of rifled arms;

"(6) the sale, at fair market value, of the arms (including surplus M-1 Garands, ammunition, targets, and other supplies and appliances needed for target practice) to citizens of the United States who are over the age of 18 and current members of a gun club under the direction of the National Board for the Promotion of Rifle Practice;

"(7) the maintenance of the National Board for the Promotion of Rifle Practice, including provision for its necessary expenses and those of its members, and the payment of incidental expenses to conduct annual meetings;

"(8) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor; and

"(9) the transportation of employees, instructors, and civilians to give or to receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance instead of subsistence, of members of teams authorized by the Secretary to participate in matches or competitions in the use of rifled arms.

"(b)(1) Subject to paragraph (1), there is authorized to be appropriated annually such sums as may be necessary for the necessary and incidental costs of, or personnel services connected with, the programs conducted by the Department of the Army to promote marksmanship among civilians (including the costs of the 'National Matches' referred to in section 4312 of this title) that are not covered by revenues generated by the collection of fees for such programs.

"(2) The amount of funds appropriated for any fiscal year pursuant to paragraph (1) shall not exceed the amount appropriated pursuant to such paragraph for fiscal year 1993.

"(c) The Secretary may provide personnel services (in addition to pay and nontravel-related allowances for members of the armed forces) in carrying out the authority of the Secretary under this section and sections 4310 through 4312 of this title.

"(d) The Secretary may establish reasonable fees for persons and gun clubs participating in any program conducted by the Secretary for the promotion of marksmanship among civilians.

"(e) Amounts collected by the Secretary under subsection (d) and from the sale of arms, ammunition, targets, and other supplies and appliances under subsection (a) shall be credited to the appropriation account used to pay the costs of the programs conducted by the Department of the Army to promote marksmanship among civilians.".

(b) USE OF FEES COLLECTED AT MILITARY RANGES.—Section 4309 of that title is amended to read as follows:

"§ 4309. Rifle ranges: available for use by members and civilians

"(a) RANGES AVAILABLE.—All rifle ranges constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by persons capable of bearing arms.

"(b) MILITARY RANGES.—(1) In the case of a rifle range referred to in subsection (a) located on a military installation, the Secretary concerned may establish reasonable fees for the use by civilians of that rifle range.

"(2) Use of a rifle range referred to in paragraph (1) by civilians may not interfere with the use of the range by members of the armed forces.

"(c) REGULATIONS.—Regulations to carry out this section shall be prescribed by the authorities controlling the rifle range, subject to the approval of the Secretary concerned.".

(c) NATIONAL RIFLE MATCHES AND SMALL-ARMS SCHOOLS: EXPENSES.—Section 4313 of that title is amended to read as follows:

"§ 4313. National rifle matches and small-arms school: expenses

"(a) Competitors at special clinics and the National Matches referred to in section 4312 of this title who are under 18 years of age or from a gun club organized from the students of a university or college may be paid a subsistence allowance in such amount as the Secretary of the Army shall prescribe.

"(b) A travel allowance in such amount as the Secretary of the Army shall prescribe may be paid to a competitor referred to in subsection (a) instead of travel expenses and subsistence while traveling, and the allowance for the return trip may be paid in advance.

"(c) Funds appropriated for programs conducted by the Department of the Army to promote marksmanship among civilians may be used to pay the personnel costs and travel and per diem expenses of reserve component personnel conducting training support under this section beyond their scheduled annual training period.".

(d) REPORT.—Chapter 401 of such title is amended by adding at the end the following new section:

"§ 4316. Reporting requirements

"The Secretary of the Army shall biennially submit to the Congress a report that specifies the overall expenditures for programs and activities under this chapter and any progress made with respect to achieving financial self-sufficiency of the programs and activities.".

(e) CONFORMING AND CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by striking out the item relating to section 4313 and inserting in lieu thereof the following:

"4313. National rifle matches and small-arms school: expenses."; and

(2) by adding at the end the following new item:

"4316. Reporting requirements.".

MODIFICATION TO THE AMENDMENT

OFFERED BY MR. RHODES

(AMDT #66 IN PART II OF THE REPORT OF THE COMM. ON RULES)

The amendment as modified is as follows:

At the end of subtitle C of title XXVIII (page 247, after line 23), insert the following new section:

SEC. 2837. LAND CONVEYANCE, WILLIAMS AIR FORCE BASE, ARIZONA.

(a) IN GENERAL.—(1) Subject to subsections (c) and (d), the United States shall acquire by condemnation or otherwise all right, title, and interest of the State of Arizona in and to the trust lands of the State of Arizona described in paragraph (2).

(2) The trust lands referred to in paragraph (1) are as follows:

(A) A parcel consisting of approximately 81,121 acres located in the Goldwater Aerial Gunnery Range, Yuma County and Maricopa County, Arizona, and used by the Air Force for activities relating to aerial gunnery and bombing practice.

(B) A parcel consisting of approximately 7,563 acres located in the Yuma Test Station, Yuma County, Arizona, and used by the Army for activities relating to field artillery testing.

(C) A parcel consisting of approximately 1,537 acres located in the Fort Huachuca East Range, Cochise County, Arizona, and used by the Army for activities relating to field training exercises.

(D) A parcel consisting of approximately 133 acres located in Davis-Monthan Air Force Base, Tucson, Arizona.

(b) CONSIDERATION.—As consideration for the acquisition by the United States of the trust lands of the State of Arizona under subsection (a), the Secretary of the Air Force shall convey to the State of Arizona all right, title, and interest of the United States in and to a parcel of real property located at Williams Air Force Base, Arizona, together with any improvements thereon, that is approximately equal in fair market value to the fair market value of the property acquired under that subsection.

(c) CONDITIONS.—The Secretary of the Air Force may make the conveyance described in subsection (b) only if—

(1) the fair market value of the real property acquired by the United States under subsection (a) is at least equal to the fair market value of the property conveyed by the Secretary of the Air Force under subsection (b);

(2) the conveyance of the Secretary of the Air Force to the State of Arizona under subsection (b) is accepted as full consideration for the conveyance of property to the United States under subsection (a) and terminates all right, title, and interest of all parties other than the United States in and to the property conveyed to the United States under subsection (a); and

(3) the Secretary of the Air Force has complied with all environmental protection, remediation, and restoration laws that are applicable to the disposal of Williams Air Force Base, Arizona.

(d) LIMITATION ON CONVEYANCE AUTHORITY.—The conveyance of real property described in subsection (b) may not be made until adequate prior opportunity has been provided for the disposition of such property under provisions of law to which the disposition of excess property and surplus property is subject under section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), except the requirement of disposition by public advertising.

(e) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary of the Air Force shall determine the fair market value of the parcels of real property to be acquired pursuant to subsection (a) and conveyed pursuant to subsection (b). Such determinations shall be final.

(f) DESCRIPTIONS OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be acquired pursuant to subsection (a) and conveyed pursuant to subsection (b) shall be determined by surveys that are satisfactory to the Secretary of the Air Force. The cost of such surveys shall be borne by the State of Arizona.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require any additional terms and conditions in connection with the conveyance and acquisitions under this section that the Secretary determines appropriate to protect the interests of the United States.

MODIFICATION TO THE AMENDMENT

OFFERED BY MR. SCHIFF

(Amdt #67 in part II of the Report of the Comm. on Rules)

The amendment as modified is as follows:

At the end of title VI (page 129, after line 19), insert the following new section:

SEC. . MODIFICATION TO SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

Section 1405 of the Military Survivor Benefits Improvement Act of 1989 (10 U.S.C. 1448 note) is amended in subsection (g)—

(1) by inserting "(1)" before "If a person"; and

(2) by adding at the end the following:

"(2) Paragraph (1) does not apply in the case of the death of a person making an election under subsection (a) if the beneficiary of that person under the election is the person's spouse and that spouse was entitled, before November 1, 1990, to receive dependency and indemnity compensation benefits from the Department of Veterans Affairs based on a previous marriage to another member or former member of the uniformed services.".

AMENDMENT TO H.R. 5006, AS REPORTED

OFFERED BY MRS. SCHROEDER

At the end of title X (page 202, after line 23), insert the following new section:

SEC. 1056. PROVISION OF SUPPLIES AND EQUIPMENT TO ASSIST INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) ASSISTANCE AUTHORIZED.—Chapter 151 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2551. Supplies and equipment: international peacekeeping activities

"(a) PROVISION OF ASSISTANCE.—The Secretary of a military department may contribute or lend supplies and equipment under the jurisdiction of that department to the United Nations to support international peacekeeping activities conducted by the United Nations.

"(b) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of State, shall prescribe regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2551. Supplies and equipment: international peacekeeping activities.".

AMENDMENT TO H.R. 5006, AS REPORTED

OFFERED BY MRS. SCHROEDER

At the end of title X (page 202, after line 23), insert the following new section:

SEC. 1056. BURDENSHARING CONTRIBUTIONS BY KUWAIT.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465) is amended in subsections (a) and (f) by inserting ", Kuwait," after "Japan".

(b) AVAILABILITY OF CONTRIBUTIONS.—Subsection (c) of such section is amended by striking out "in the country making the contributions".

(c) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1045. BURDENSHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.".

AMENDMENT TO H.R. 5006, AS REPORTED

OFFERED BY MRS. SCHROEDER

At the end of subtitle C of title III (page 54, after line 17), insert the following new section:

SEC. 323. OVERSEAS ENVIRONMENTAL COMPLIANCE.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that in carrying out environmental restoration activities at military installations outside the United States, the President should seek to shift the burden of paying for such restoration to the nation in which the installation is located.

(b) REPORT.—The Secretary of Defense shall include in each Report on Allied Contributions to the Common Defense prepared under section 1003 of Public Law 98–525 information, in classified and unclassified form, describing the efforts undertaken and the progress made by the President in carrying out subsection (a) during the period covered by the report.

AMENDMENT TO H.R. 5006, AS REPORTED

OFFERED BY MR. SKELTON

At the end of subtitle B of title V (page 97, after line 16), insert the following new section:

SEC. 516. SERVICE CREDIT FOR CONCURRENT ENLISTED ACTIVE DUTY SERVICE PERFORMED BY ROTC MEMBERS WHILE IN THE SELECTED RESERVE.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof ", other than any period of enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.".

(2) Section 2107(g) of such title is amended by striking out the period at the end and inserting in lieu thereof ", other than concurrent enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.".

(b) AMENDMENT TO TITLE 37.—Subsection (d) of section 205 of title 37, United States Code, is amended to read as follows:

"(d) Notwithstanding subsection (a), a commissioned officer may not count in computing basic pay a period of service after October 13, 1964, that the officer performed concurrently as a member of the Senior Reserve Officer Training Corps, except that service after July 31, 1990, that the officer performed while serving on active duty other than for training as an enlisted member of the Selected Reserve may be so counted.".

AMENDMENT TO H.R. 5006, AS REPORTED, OFFERED BY MR. SPRATT

Page 239, beginning on line 12, strike out section 2833 of the bill through line 10 on page 242, and insert in lieu thereof the following new section:

SEC. 2833. LAND ACQUISITION AND EXCHANGE, MYRTLE BEACH AIR FORCE BASE AND POINSETT WEAPONS RANGE, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The Myrtle Beach Air Force Base was recommended for closure in the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President to Congress on July 10, 1991, pursuant to section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note).

(2) The Myrtle Beach Air Force Base is situated on some 3,744 acres of land, which the Secretary of Defense is required to dispose of under section 2905 of the Defense Base Closure and Realignment Act of 1990.

(3) The United States currently leases from the State of South Carolina and three other owners some 8,357.96 acres of land, located 7.5 miles south of Shaw Air Force Base in Sumter County, South Carolina. The Air Force has developed these leasehold tracts into a weapons and bombing range known as the Poinsett Weapons Range, which is used for weapons, air-to-ground ordnance, and bombing practice by aircraft from Shaw Air Force Base, Pope Air Force Base, Seymour Johnson Air Force Base, the South Carolina Air National Guard, the Ohio Air National Guard, Cherry Point Marine Air Station, and Beaufort Marine Air Station.

(4) The State of South Carolina has offered to convey to the United States its fee simple estate in the Poinsett Weapons Range, together with constituent parcels owned by other persons which the State will acquire and any contiguous parcels the Air Force may desire for range enhancement and reconfiguration, in exchange for land and improvements at Myrtle Beach Air Force Base that are equal in value..

(5) By acquiring title to the Poinsett Weapons Range, the Air Force will be able to enhance the utility of the Poinsett Weapons Range as a bombing and weapons range.

(b) CONVEYANCE.—Subject to subsection (c), the Secretary of the Air Force may convey to the State of South Carolina all right, title, and interest of the United States in and to all or a portion of the land and improvements comprising Myrtle Beach Air Force Base, South Carolina.

(c) CONSIDERATION.—(1) As consideration for the conveyance authorized under subsection (b), the State of South Carolina shall convey to the United States land and improvements in the Poinsett Weapons Range, which are currently being leased from the State of South Carolina, and any contiguous and surrounding parcels which the State may own or acquire to improve or enlarge the configuration of the Poinsett Weapons Range to suit the needs of the Air Force. The fair market value of the real property conveyed to the United States shall be at least equal to the fair market value of the real property conveyed to the State under subsection (b).

(2) The Poinsett Weapons Range contains approximately 8,357.96 acres and is situated in Sumter County, South Carolina. Its perimeter boundaries are described by bearings and distances on a plat of survey prepared by Palmer B. Mallard and Associates, South Carolina Registered Land Surveyors, dated May 1, 1967, last revised in October 1981.

(d) REVERSIONARY INTEREST.—The major portion of the land to be conveyed by the State of South Carolina under subsection (c)(1) was originally conveyed to the South Carolina State Forestry Commission by the United States under the Bankhead-Jones Farm Tenant Act (50 Stat. 522; 7 U.S.C. 1000 et seq.), subject to reservation of mineral rights and subject also to a reversion of title if the State ceased to use such properties for public purposes. The conveyance of such land to the United States under subsection (c)(1) shall be deemed to be in compliance with the public purpose covenants imposed upon conveyance to the South Carolina State Forestry Commission.

(e) RESERVATION FOR FOREST PRODUCTS HARVESTING.—The Secretary of the Air Force may accept the land to be conveyed by the State of South Carolina under subsection (c)(1), subject to a reservation allowing the South Carolina Forestry Commission to harvest forest products on such terms as the Secretary may prescribe.

(f) ACQUISITION OF ADDITIONAL LAND.—The Secretary of the Air Force may acquire, to the extent provided in appropriation Acts, such additional parcels of land in the vicinity of the Poinsett Weapons Range as the Secretary considers to be necessary to reconfigure and enhance the Poinsett Weapons Range. Such acquisition shall be consistent with the requirements of section 2662(a) of title 10, United States Code.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. TAYLOR OF MISSISSIPPI

At the end of subtitle A of title I (page 14, after line 14), insert the following new section:

SEC. 108. LIMITATION ON SHIPBUILDING AND CONVERSION.

(a) AMOUNT FOR LHD–1 PROGRAM.—Of the amount provided in section 102 for Shipbuilding and Conversion, Navy, for fiscal year 1993, $70,000,000 shall be available only for the LHD–1 amphibious assault ship program.

(b) FUNDING.—(1) The amount provided in section 102(a)(3) for "Shipbuilding and Conversion, Navy" is hereby increased by $70,000,000.

(2) The amount provided in section 102(a)(4) for "Other Procurement, Navy" is hereby reduced by $70,000,000.

AMENDMENT TO H.R. 5006, AS REPORTED OFFERED BY MR. TAYLOR OF MISSISSIPPI

At the end of subtitle G of title III (page 86, after line 21), insert the following new section:

SEC. 372. EXTENSION OF AUTHORITY TO TRANSFER EXCESS PERSONAL PROPERTY.

Section 1208(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 372 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

AMENDMENT TO H.R. 5006 OFFERED BY MR. TRAFICANT

At the end of title VIII (page 157, after line 16), insert the following new section:

SEC. 818. DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall debar the person from contracting with the Federal Government for a period of not less than 3 years and not more than 5 years. For purposes of this section, the term "debar" has the meaning given that term by section 2393(c) of title 10, United States Code.

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the modifications to the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 10 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the 66 amendments have been agreed to by the minority side and the majority side. I would like to thank the gentleman from Alabama for his cooperation in this undertaking. Eighteen of these amendments have been modified from the version printed in part II of the report of the Committee on Rules, providing for consideration of H.R. 5006 which is House Report 102–545.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the en bloc amendments which contain a provision which prohibits the use of forced mental health evaluations to harass whistleblowers in the military. Congresswoman BOXER has worked tirelessly on this issue, and I want to commend her for her important efforts.

It seems unthinkable that our own Department of Defense would resort to the tactics of harassing an individual by forcing psychiatric treatment. But documented cases have confirmed that this harassment is occurring within our military. Individuals who are committed to their service in the military, yet who also are deeply committed to their country and their own sense of right and wrong, undergo great duress in deciding to speak their conscience when they are aware of wrongdoing.

Attempts to intimidate or silence these individuals with forced psychiatric evaluations, treatment, or hospitalization constitutes a gross abuse of power. Such abuse not only damages individual lives, it endangers our national security when wrongdoing is not exposed and corrected. These scare tactics have no place in our military or anywhere else in our country, and today's amendment would ensure they are prohibited.

I strongly support the Congresswoman's efforts today, as does the American Psychiatric Association and the American Psychological Association. I appreciate her commitment to this very important issue and I urge my colleagues to vote "yes" on the en bloc amendments.

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I am happy to yield to the gentlewoman from California.

Mrs. BOXER. Mr. Chairman, I want to thank the gentleman, as I think this body understands that the gentleman is very expert in the whole area of psychiatric medicine and the fact that in our military today we still have cases where whistleblowers are subjected to harassment in the form of being sent for psychiatric evaluation and maybe even commitment, without having really the same kind of rights that a civilian would have, which is really a frightening thought. I am very happy my amendment was included in the en bloc, because I think what we are doing here is giving some very stringent standards and guidelines to the military so that our people will have, in the military, the same rights as those outside.

Mr. McDERMOTT. I want to commend the gentlewoman for her efforts on behalf of the members of the military.

Mrs. BOXER. I thank the gentleman for his help, and I thank the chairman for his help.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, in February 1991, Donald Fitz of Horicon, WI, heard a knock on his door, and when he opened it, he understood the message immediately. A veteran himself, he knew the presence of two soldiers could mean only one thing, that his 18-year-old son Michael had been killed in the Desert Storm war.

Weeks later came a second heartbreaking message for he and his wife, Elaine. Because Michael had been killed by friendly fire, he was not eligible for a Purple Heart award.

Michael Fitz never knew what or who had killed him, nor did 34 other brave Americans in the Desert Storm war who never knew who fired the shot, planted the mine, or dropped the bomb which took their young lives. They were all killed by American weapons and killed by American soldiers, and each one of them died an American hero.

Tonight, let us correct the Pentagon policy that is indefensible. The proposed Peterson amendment to the defense bill included the package before us right now will guarantee that victims of friendly fire will now be eligible to receive the Purple Heart award.

Michael Fitz' family has already received its Purple Heart award, because my colleague, the gentleman from Wisconsin [Mr. ASPIN], and I were able to convince the Pentagon it had made a serious mistake, but tonight for the sake of those other brave young soldiers and their families, I hope we can count on the support of the Members to overrun an absolutely foolhardly Pentagon policy.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. McMILLEN].

Mr. McMILLEN of Maryland. Mr. Chairman. I rise in support of the chairman's en bloc amendment. This amendment contains important language to modify the current chemical demilitarization program which I have worked closely on with the chairman and Mr. HOPKINS.

This amendment requires that decisive action be taken to modify the existing disposal program by creating an independent Commission to assess and report on the alternative technologies available to dispose of weapon stockpiles at the three low-volume sites in Maryland, Kentucky, and Indiana.

This Commission allows for the participation of citizens from the affected communities and non-Federal experts. The findings of this Commission will be used as the central consideration for the Army's development of an alternative disposal program.

I am particularly pleased that this Commission will finally allow for the participation of local residents in decisions affecting this program. The Commission includes a citizen from each of the affected communities in the process of developing an alternative disposal program. It is only right to give the people most affected by the disposal method a true voice in the planning process.

In addition, this amendment is important because it elevates the importance of health consideration in the decisionmaking process. It makes it clear that advantages in safety cannot be overlooked because they may be more costly. The affected communities deserve the safest disposal method as possible and this amendment lets them have it.

I want to thank the chairman and Mr. HOPKINS for their cooperation, and commend the chairman for his leadership on this bill. I urge my colleagues to support its adoption.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I want to express my appreciation to the chairman and to the ranking member for including amendment No. 42 in this en bloc amendment series.

This would permit the Secretary of the Navy to convey to the city of Santa Barbara, the Naval Reserve Center building there in exchange for funding to build a new center at Port Hueneme Naval Base. It is a win-win: A win for the city of Santa Barbara which transferred that center to the Navy at the start of World War II for $1, and it is a win for the Navy, because they can construct with the proceeds a facility much better suited to the training than the one they are now using.

Mr. ASPIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in strong support of the en bloc amendment offered by the chairman of the Committee on Armed Services, and I want to thank him for including the amendment which would make it very clear that our allies should bear more of the financial burden of international drug control activities.

Mr. Chairman, I rise in support of the en bloc amendment offered by the chairman of the House Armed Services Committee and want to thank him for including my amendment expressing the sense of the Congress that our allies must bear more of the financial burden of international drug control activities.

It is an undeniable fact that the use of illegal narcotics increased worldwide in the 1980's and 1990's. Based on drug seizure data, it appears that cocaine use has joined heroin as a growing problem in Europe. Seizures of illegal drugs by Western European customs authorities increased to 14 metric tons in 1990 from just 126 pounds in 1979. Experts believe that this amount doubled in just the last year, and it is anticipated that the escalation will continue.

According to the Drug Enforcement Administration, cocaine and opium have begun to show up in Japan, where previously the major drug problem had been restricted to the illegal use of methamphetamine. Before 1989, less than 2 kilograms of cocaine a year was seized in Japan. In 1990 and 1991, 92 kilograms were seized.

Despite this increase in international drug use, the United States alone continues to pick up the tab for a majority of world-wide drug control efforts. Last year, the U.S. Department of Defense spent over $1 billion as part of the national drug control strategy. Most of this money was used for drug interdiction, intelligence, communications, and tracking. Increased funding for these types of activities is needed, but we should not be expected to continue bearing a disproportionate share of the burden of drug control efforts.

Our Allies, on the other hand, have been spending considerably less on drug control efforts than they appropriately should. Most of their efforts are coordinated through the U.N. fund for drug abuse control. Contributions to this fund from our allies and other nations totaled only $38.5 million in 1990.

The United Kingdom gave $1.6 million to this fund in 1990. Japan gave slightly more than $1 million. Germany gave just $290,000. At the same time, American taxpayers are shelling out over $1 billion to fight an international antidrug war.

Increased funding for international drug control efforts should come from our allies. It is burden sharing that is long overdue. The United States has entered into mutual defense agreements with other nations to address security concerns. The international trade of illegal narcotics is certainly a threat to international security. My amendment would prod all nations with which we have mutual defense agreements to do more to help fight the dangerous threat presented by illegal drug trafficking.

If we are to succeed in attacking supplies of illegal drugs, then the entire international community benefits. If not, we all suffer. Therefore, we must encourage our allies to commit more of their own resources to meeting this international problem.

I thank the chairman of the Armed Services Committee for including my amendment in the en Bloc, and I urge my colleagues to support it.

Mr. ASPIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I rise also in support of the en bloc amendments and thank the gentleman for the inclusion of the peacekeeping forces in-kind assistance, the burden sharing by Kuwait, and the overseas environmental compliance.

Mr. Chairman, I wanted to take a few minutes to talk about three amendments I have in the en bloc amendment. All three relate to the larger issue of burden sharing, which we voted on last night.

AMENDMENT NO. 68, IN-KIND ASSISTANCE TO U.N. PEACEKEEPING FORCES

This amendment would authorize secretaries of military departments to contribute or lend supplies and equipment to the United Nations.

United Nations peacekeeping forces provide true collective security, using contributions of its members to provide peacekeeping services in volatile areas around the world. This amendment demonstrates that burden sharing is not a one-way street, that we are willing to provide our fair share. Establishing explicit authority to provide in-kind assistance demonstrates our commitment to contribute to that collective security.

AMENDMENT NO. 69, BURDEN SHARING BY KUWAIT

This amendment would allow the United States to accept cash contributions from Kuwait for burden sharing. Section 1045 of the 1992–93 Defense Authorization Act included a provision to allow the United States to accept cash contributions from Japan and the Republic of Korea for burden sharing. This amendment would extend that authority to include cash contributions from Kuwait.

The United States recently signed an agreement with Kuwait that provides for support of all United States forces in Kuwait. The agreement contains a requirement for Kuwait to provide logistical support to United States forces and if Kuwait is unable to provide timely logistical support, then the United States may purchase or provide support and bill Kuwait quarterly. The Department of Defense supports the amendment.

AMENDMENT NO. 70, OVERSEAS ENVIRONMENTAL COMPLIANCE

This amendment would express the sense of the Congress that the President should seek to shift the cost of environmental restoration at overseas military installations to the host nation.

The United States has responsibilities under laws and international agreements for environmental restoration at overseas bases. As part of base rights, status of forces agreements, residual value and other negotiations, the United States and host nations determine the responsibilities of the parties for paying for and conducting environmental restoration. Those prosperous allies who can afford to pay more should pay more. Those allies who can bear the entire burden of cleanup should do so.

For years the United States provided military security to host nations at little or no cost, thus freeing up resources in the host nation to be spent elsewhere to meet social needs. This amendment would attempt to have the host nation burden share for some of that security. U.S. negotiators are already attempting to shift the burden of environmental compliance to the host nation.

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Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise also in support of the en bloc amendments.

I appreciate very much that one of the amendments in which I am interested is included.

Mr. Chairman, as part of the consideration of the Defense Department authorization bill for fiscal year 1993, I am offering an amendment to make available to the Government of Oman access to excess United States Defense articles [EDA] suitable for its defense. I appreciate Chairman ASPIN including this amendment in his en bloc amendments.

For more than a decade, the United States-Oman security relationship has been a remarkably successful and truly bipartisan foreign policy achievement. It was the offspring of the Carter doctrine, made operational in the Reagan era and galvanized during the Bush administration.

While the successful results of Operation Desert Shield/Storm reminded many of the importance of military preparedness and coordination among allies, many Americans are not aware of Oman's key support to coalition forces in projecting military power to the Saudi/Kuwaiti border in the early days of the crisis. For example, on August 10, 1990, elements of the 336 TFW were deployed to Thumrait, Oman, and a squadron of F–15's was deployed there for 4 months.

In addition, 24 C–130 aircraft and 900 military personnel were deployed in Thumrait throughout the campaign. This allowed the warehousing of replenishing stocks transited to the area by C–141, C–5 and civil freighter aircraft and later moved forward to the theatre by the C–130 wing. On August 11, the first convoy carrying prepositioned weapons and other war stocks left Seeb, Oman and commenced continuous and extensive movements to locations throughout the gulf theater. These are just a few of the many examples of strategic cooperation that Oman provided for the United States during Operation Desert Shield/Storm, prompting Centcom commander in chief Gen. J.P. Hoar to testify in recent House Armed Services Committee hearings that, "Oman's steadfast cooperation with the United States improves our ability to respond to threats throughout the region and is key to the success of our strategic planning."

Oman's timely and unwaivering support for the United States during Desert Shield/Storm came as no surprise to those familiar with Oman's demonstrated leadership in support of peace and preparedness in the Gulf region. The 1980 United States-Oman access agreement—renewed for 10 years following amicable negotiations in 1990—was the first such agreement with a Gulf State. Over the past 12 years, the agreement facilitated the projection of United States military presence into the gulf region through joint United States-Oman military exercises, as well as the provision of operational support during the Kuwaiti tanker reflagging operation. Further, as a result of the agreement, the two countries developed a mechanism to save U.S. naval aircraft from imminent loss at sea, and in fact saved a number of aircraft over the last decade. Additionally, during the cold war, Oman permitted the regular use of its facilities by United States Navy P–3's dedicated to tracking increased Soviet submarine activity in the Indian Ocean.

If history is any guide, the primary beneficiary of the decision to provide excess defense articles to Oman will be the United States. The Armed Services Committee's assessment of "lessons learned" from the gulf war indicates the strategic value for the United States in prepositioning materials in the gulf region to ensure timely availability. Indeed, the gulf war evidenced the importance of not taking for granted the availability of critical operational equipment. We also learned not to take for granted that, in the future, the United States will have several months to transport such equipment. I certainly hope that the Department of Defense, in implementing its authority to provide Oman excess defense articles, will ensure that Oman is given an opportunity to acquire equipment that is particularly suited to United States needs in the region, like transport and refueling equipment.

Today, the United States-Oman military relationship serves the role it was designed to fill: a credible deterrent providing the necessary physical infrastructure for the rapid projection into the region, where required, of substantial United States military power. The United States is well served by recognizing Oman's farsightedness in choosing to align with, and thus strengthen, the Western defense alliance at a time when it was not necessarily fashionable to do so. It is now prudent on our part to continue to build this relationship in a way that both rewards Oman and enhances the strategic defense posture of the United States.

My colleagues on the Armed Services Committee who have worked for years to encourage other countries in the region and elsewhere to conclude similar security arrangements with the United States, look to Oman as both a friend and a model. I am confident that the United States decision to provide excess defense articles to Oman will continue to help build the bonds of a strong friendship and strategic relationship based on common interests, shared values, and mutual respect.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise tonight in support of this en bloc amendment. It addresses numerous important measures affecting our national defense institution.

Contained in this en bloc amendment is a policy amendment to change the eligibility for the award of the Purple Heart. Current policy does not allow the award of the Purple Heart to persons killed or wounded from friendly fire.

Mr. Chairman, friendly fire is an unfortunate fact on the battlefield in this day. In fact, with more and more high technology weaponry, we are likely to see more, not fewer incidents of friendly fire in the future.

My provision in this en bloc amendment recognizes and honors those Americans killed or wounded by friendly fire while directly engaged in combat with the enemy by making them eligible for the award of the Purple Heart.

Mr. Chairman, I submit that those wounded or killed by friendly fire are not less heroic, no less courageous nor their service to their country any less honorable than those killed or wounded by enemy fire.

Mr. Chairman, I urge my colleagues to support this en bloc amendment and to correct this eligibility omission.

Mr. DORNAN of California. Mr. Chairman, I rise in support of this amendment. There are people on both sides speaking in support of this, so we have no trouble in conference.

In all the wars since George Washington began the Purple Heart and it disappeared for the better part of this century, they were called wound chevrons and they were awarded to anybody who was hurt in combat.

When we brought back the designation Purple Heart in the midthirties, it became a little more precise. My father was awarded three wound chevrons in World War I, two for poison gas. Sometimes our own gas blew back on our lines. Everyone got a wound chevron.

In World War II, there are literally thousands upon thousands of people hurt in the fog of combat on both sides. Everybody got a Purple Heart. We did not have television cameras on the battlefield until lately.

Nothing is more painful to a parent or a loved one or a wife than friendly fire. The Purple Heart must go to everyone who gives his life or is wounded in service to their country.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, last year, we authorized $11.5 million for 2 years for a program called rapid acquisition of manufactured parts, or RAMP, and a flexible computer integrated manufacturing center, or FCIM. Both of these projects were inadvertently left out of the administration's request this year.

This amendment restores the authorization.

For you folks not yet familiar with RAMP, let me explain it. RAMP represents the technology to thrust American manufacturing into the 21st century. Initiated by the Naval Supply Systems Command and managed by the South Carolina Research Authority, RAMP was developed to provide spare parts on demand. Through the application of computer integrated technology, RAMP reduces the acquisition time for selected classes of out of stock or out of production spare parts by as much as 90 percent. The current average for the delivery of certain manufactured parts is 300 days. Using what they call PDES, or product data exchange specification, RAMP is able to engineer, manufacture, and ship parts within 30 days after the receipt of a requisition. RAMP was designed to shorten procurement leadtimes, reduce inventories, and lower costs. The Navy's experience has been so successful that the Army and the Air Force have recently demonstrated an interest in acquiring the technology.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I rise today in support of my amendment which the distinguished gentleman from Wisconsin, chairman of the Armed Services Committee, has graciously agreed to include in his en bloc amendment.

This amendment would reverse a misguided year-old policy that subsidizes defense contractors' attendance at military trade shows and helps to make the United States the preeminent arms pusher worldwide. For 25 years—during the height of the cold war—we required that private arms manufacturers use their own money to promote weapons sales abroad. Any assistance provided by the Department of Defense was fully reimbursed.

The Bush administration has reversed this policy and, as a result, taxpayers are assuming the costs of lending and transporting military equipment for the purpose of promoting commercial arms. This amendment would put an end to this ill-conceived program, forbidding the Defense Department from providing any further support without demanding repayment for all costs incurred for these services.

Conventional arms proliferation around the world poses a serious threat to U.S. security. The scope and destructiveness of the gulf war constituted a powerful wake-up call on the dangers of unchecked accumulation of advanced weapons. Unless we stop the arms spiral in the region, United States troops will, in the not-too-distant future, likely face an Iran, a Libya, a Syria, or an Iraq, armed with the deadliest and most destructive weapons that late 20th-century technology has to offer.

It was my profound hope that the administration had learned this critical lesson. One month after the end of the gulf war, President Bush told the world that, "It would be tragic if the nations of the Middle East were to embark on a new arms race." At that time, the President called on the other major arms exporting countries to curtail their weapons sales so that we could work together to end the dangerous and destabilizing arms spiral.

However, while the United States has urged the other major arms exporting nations to curb their sales, the administration has done everything it can to increase global weapons purchases from U.S. companies. At the same time the President was calling for restraint, his administration was reversing its 25-year policy of not subsidizing arms manufacturers and began using taxpayer money to underwrite the sales of American weapons abroad.

The administration's actions tragically illustrate the cynical double standard of calling on others to curb transfers, while continuing to push weapons and vigorously pursue new markets.

How can we tell the Russians and the Chinese to retrain their sales when we ourselves continue business as usual? How can we ask these countries to curtail these transfers when the United States, since the end of the gulf war, has transferred over $21 billion in arms to the Middle East alone.

How can we expect Britain and France to work with us in building a responsible arms supplier regime if we continue to forfeit any moral authority to exert the leadership to make this a reality?

Mr. Chairman, we will begin by ending this unwise and unjustified use of tax dollars which is simply another mechanism to promote the proliferation of sophisticated weapons systems. We must send a message that the United States is serious about arms control and is prepared to take the actions necessary to build multilateral support for this objective. This amendment is a step in that direction and I thank the Armed Services Committee for accepting it in their en bloc amendment. I would also include for the RECORD the views on this issue of the leading groups interested in global arms control.

GET THE ARMS DEALERS OFF THE TAXPAYER'S BACK! SUPPORT THE BERMAN AMENDMENT!

MAY 29, 1992.

Dear Member of the House of Representatives:

The undersigned organizations concerned about U.S. security, urge you to cast your vote for the Berman amendment to the Defense Authorization Act. The Berman amendment will reverse a trial policy under which the Pentagon pays for costs incurred by private U.S. arms exporters when they market their wares at international weapons fairs (see enclosed Washington Post article).

We see the vote on the Berman amendment as a crossroads for U.S. policy toward the developing world, where four out of five people in the world live, and in whose security and economic future the U.S. has a clear stake. A heavily militarized developing world means continued high U.S. military spending and threatens once again to involve U.S. forces in regional conflicts.

As arms-makers' DOD orders fall in the aftermath of the Cold War, some are turning to arms exports to the developing world rather than making the inevitable transition to civilian production. Will we help them compete with other nations' companies to militarize the developing world, fueling arms races and strengthening dictators and anti-democratic military forces, or will we sponsor a multilateral push for demilitarization in order to spur political freedom and economic growth? Recent events from Thailand to Malawi, from Peru to Haiti, show us the kind of world we will have to live in and try to prosper in if we choose poorly.

The Berman amendment is not just critical to our security, but to our economic future as well.

As the enclosed fact sheet demonstrates, the consequences of the choice represented by the Berman amendment are a matter of hundreds of billions in American exports and millions of American jobs. Arms exports spur regional arms races that impoverish economies and turn small conflicts into devastating ones. By destabilizing already shaky economies, arms exports erode the developing world's demand for U.S. exports and become the only exports that cost American jobs.

The arms exporters being subsidized by the Pentagon couch this debate in terms of U.S. jobs, leaving aside issues of democracy or human rights in the developing world. But the two issues cannot be separated. A demilitarized world will be a growing world, with growing U.S. exports. Will the jobs program of the 1990s be militarization, with a few thousands short-term jobs, or demilitarization, with millions of long-term jobs? The answer will be found in your vote on the Berman amendment. Please cast your vote for the Berman amendment.

Sincerely,

(Project on Demilitarization and Democracy)

QUICK FACTS: MILITARIZATION IN THE DEVELOPING WORLD

The 1980s recession in developing countries cost the U.S. $440 billion in U.S. export earnings and 1.8 million jobs, a full quarter of U.S. unemployment. Excessive military spending and war-torn economies did much to bring on this recession.

Developing nations spend $200 billion annually on their armed forces. This drain on their economies exceeds their debt payments and foreign aid combined.

40 million people have died in some 125 wars and conflicts in the developing world since 1945—the year in which the two superpowers decided that they could best advance their ideological views around the globe by arming developing countries.

At any given time there are civil wars raging in over a dozen developing countries, devastating not just their people but their economies as well by destroying infrastructure and driving out foreign and domestic investment. Peru is only the most recent case in point: hundreds of millions of dollars in investment have recently fled that country. While arms imports alone do not cause conflict, they magnify the amount of damage done when negotiation turns to armed conflict.

The U.S., the biggest source of weapons for developing countries, transfers $20 billion worth annually. In contrast, the U.S. provides them with only $10 billion in economic aid. Ironically, the five permanent members of the U.N. Security Council—U.S., Russia, China, France and Great Britain—account for nearly 90 percent of arms sales to the developing world, and the U.S. for 45 percent alone.

Today, half of developing countries—accounting for two billion people—live under military-backed dictatorships. Furthermore, one quarter lives under governments which, though elected, have little authority to bring the militaries under the judicial system's control. Political instability in both types of countries also drives out investment and reduces economic growth.

More than a dozen developing countries already have nuclear, chemical, or biological weapons.

Stephen Young, Associate Legislative Director, 20/20 Vision National Project.

Robert Tiller, Director, Office of Government Relations, American Baptist Churches USA.

Darryl Fagin, Legislative Director, Americans for Democratic Action.

Jim Matlack, Director, American Friends Service Committee, Washington Office.

Sean Meyer, Political Director, Business Partnership for Peace.

Timothy A. McElwee, Director, Church of the Brethren, Washington Office.

John Parachini, Executive Director, Committee for National Security.

Michael Ledoux, OFM, Director of Justice and Peace, Conference of Major Superiors of Men.

John Isaacs, President, Council for a Livable World.

Tanya Domi, Analyst, Council for a Livable World Education Fund.

Lora Lumpe, Project Director, Federation of American Scientists.

Joe Volk, Executive Secretary, Friends Committee on National Legislation.

Maurice S. Paprin, President, Fund for New Priorities in America.

Tom O'Brien, Director, Maryknoll Justice and Peace Office.

Delton Franz, Director, Mennonite Central Committee, Washington Office.

Greg Bischak, Executive Director, National Commission on Economic Conversion and Disarmament.

Caleb Rossiter, Director, Project on Demilitarization and Democracy.

Burt Glass, Legislative Coordinator, SANE/FREEZE: Campaign for Global Security.

Rabbi Lynne Landsberg, Associate Director, Religious Action Center for Reform Judaism, Union of American Hebrew Congregations.

Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association of Congregations.

Thomas Cardamone, Jr., Research Director, Vietnam Veterans of America Foundation.

Sima Osdoby, Legislative and Field Director, Women's Action for New Directions.

Jane Midgley, Executive Director, Women's International League for Peace and Freedom.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the shy, retiring gentleman from California [Mr. DORNAN].

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I appreciate the fact that the committee saw fit to include my amendment in the en bloc amendment. Mine deals with a company who illegally affixes a label "Made in America" when the product was not made in America.

Down in Cincinnati, OH, a company by the name of Mazak, Inc., a wholly owned Japanese subsidiary had a contract with the McClellan Air Force Base under a sensitive Buy American clause for national security reasons dealing with machinery, spare parts, and tools in that industry.

One good young patriot, a former marine, brought to the attention of our Government that they were not making the product in Florence, KY, as they said they would, but they were importing it from Japan into New Orleans and into Houston.

My amendment says that those individuals once convicted would be barred for a period of time from doing business with the Pentagon.

Let me say this to the Members of the Congress. If something says it is made in America, it should be made in America. If it is not, our Congress should be putting its foot down.

So Mr. Chairman, I appreciate the support of the committee chairman and commend him for the bill.

Mr. DICKINSON. Let me say, Mr. Chairman, I think we have concluded with all the speakers who want to be heard on this side.

In conclusion, let me say that we have examined the amendments that are considered in this package. There are 78 of them. Our staffs have gone over them very conscientiously and very closely. I have not personally read each and every one of them, but I understand from my staff and working with the majority side, they are good amendments, noncontroversial so far as I know, and so while with the caveat that I have not read every one of them, I am assured that they do no harm, so I will support the package of amendments, 78 of them.

Mrs. MINK. Mr. Chairman, I rise today in strong support of the amendment authored by Representative MCCLOSKEY which has been included in the chairman's en bloc amendments. The McCloskey amendment will provide health insurance and other benefits to Department of Defense workers who are employed on a temporary basis.

Federal workers classified as temporary or seasonal have been systematically denied access to Government health care insurance and other benefits. Agencies including the Department of Defense have circumvented OPM regulation and avoided the obligation of extending health insurance and other benefits to Federal employees and their families.

Under current law managers are able to terminate temporary workers just short of the consecutive year period necessary to qualify them for benefits, and rehire these trained and productive personnel shortly thereafter to resume their positions without eligibility for Federal benefits.

Mr. Chairman, it is profoundly disturbing that the Department of Defense and other agencies use this loophole to deny workers and their families medical care, life insurance and retirement benefits.

I have many Federal workers in my district who have fallen victim to this kind of practice, working for over a decade for the Federal Government, yet consistently denied their rightful benefits. And I have introduced legislation similar to this amendment that requires Federal agencies to provide health benefits to those employees who are categorized as temporary, yet actually serve as full-time employees.

While the experience of my constituents have been primarily with another agency in the Federal Government, I feel that the McCloskey amendment to the Department of Defense authorization bill is an important first step in correcting this terrible injustice against all Federal employees.

At a time when the Congress and the American public are engaged in a crucial debate on national health care, it is wrong for the Federal Government to deny its own employees the health benefits they have rightfully earned.

It is the moral responsibility of the Federal Government to assure our workers fair and equitable treatment. And the McCloskey amendment would help to assure that the hard-working men and women who have worked for the Federal Government for a total of 4 years within a 6-year period are provided with all the benefits for which they are entitled.

I urge my colleagues to support the McCloskey amendment and correct this abuse of our temporary Federal workers.

Mr. SYNAR. Mr. Chairman, I have some grave concerns about Representative SCHROEDER'S amendment to the Defense authorization bill, which expresses the sense of the Congress that the President should seek to shift the burden of paying for environmental restoration at U.S. military bases overseas to the nation where these bases are located.

In a number of reviews conducted at the request of the Subcommittee on Environment, Energy and Natural Resources, which I chair, the U.S. General Accounting Office has found that overseas U.S. military personnel have mismanaged hazardous materials in a manner that threatens human health and the environment and, even more troubling, continue to do so. In fact, there are some very serious environmental problems at some of these overseas bases. Two of those reports were classified by the Defense Department. Apparently, DOD was afraid that, should the populace of host countries discover what the GAO had found with respect to the extent of U.S. military hazardous waste management and contamination problems at overseas bases, the United States might lose its bases in those countries, which in turn would jeopardize our own national security. Given the problems revealed by the General Accounting Office, I am concerned that a sense of the Congress resolution seeking to shift all of the financial burden for cleanup of these overseas installations to the host countries may be ill-advised and shortsighted.

Representative SCHROEDER'S amendment seems to say that the United States should shift the entire cost of environmental cleanup activities at these overseas bases to the host nations, rather than share the financial burden in some sort of equitable manner, taking into account other considerations, such as the value of any improvements made by the United States on the property to be returned to the host nation.

I understand the gentlelady's position that the host nations will likely be receiving substantial improvements on the property to be vacated by the U.S. military. I share Representative SCHROEDER'S belief that the United States should seek to obtain contributions to environmental restoration costs from countries who are able to pay. However, I am concerned that the gentlelady's amendment seeks to shift the financial burden for environmental restoration to the host nation regardless of the host nation's ability to pay. We have several bases in developing countries that may not have sufficient funds to pay for cleanup of environmental contamination caused by the presence of the U.S. military. If these nations are unable to pay for environmental restoration, cleanup of these bases may not occur—increasing the threat to human health and the environment. I am afraid the United States might find itself having contaminated a foreign country and left that country's citizens with terrible problems which cannot be corrected by the host country because of a lack of money.

Mr. Chairman, some have said that the United States does not have the money to pay for domestic base cleanups, let alone environmental restoration activities at its overseas installations. I would like to note that the administration has failed to request sufficient funds to address the extensive contamination problems at all of our military installations. But if Congress can find the funds for five more B–2 bombers, which will cost over $2 billion, and for SDI, then we can put some resources into both domestic and overseas base cleanups.

The President is about to travel to the global environmental conference in Rio de Janeiro to send the message that the health of our global environment must be paramount, and that developing nations should take whatever steps are necessary to protect their environment and natural resources, even if it means slowing their rate of development. I am afraid this amendment sends a contrary message of "Do as I say, not as I do."

Certainly, we have provided vitally needed security to these allied nations. But we have also caused extensive environmental contamination at countless oveseas military installations. This amendment seems to say "that's OK; let's stick the host country with the cost of cleanup."

I understand that this amendment is not intended to excuse the U.S. military from its legal obligation to ensure that its practices at overseas installations protect human health and the environment. However, I am not sure the language of the amendment spells this point out clearly. We must not send our military personnel a mixed signal. We have an obligation as a good tenant to act in a responsible manner when managing and disposing of hazardous waste at overseas installations.

Finally, Mr. Chairman, I am also concerned that the SCHROEDER amendment could endanger our ability to keep the facilities we have overseas and that it could impair our ability to obtain facilities in future, should we need them. I would not want to see this amendment lead to a national security problem for the United States.

Mr. Speaker, I have discussed these concerns with my good friend, Representative SCHROEDER, and I believe she shares some of my concerns with respect to countries unable to pay for environmental restoration.

Mr. DERRICK. Mr. Chairman, I rise in support of the en bloc amendment offered by the chairman of the Armed Services Committee, Mr. ASPIN. Included in this en bloc amendment is language developed by Congressman MOAKLEY and myself to assist National Guard technicians. Last year I introduced H.R. 1188, legislation to allow National Guard technicians who lose their military positions to continue their civilian employment unless separated from the job for cause. Since that time, Congressman MOAKLEY and I have worked together to draft the language that has been included in the en bloc amendment under consideration at this time.

The National Guard technicians are a special group of Federal employees because of the dual status nature of their employment. Current law requires that technicians must not only meet civil service requirements but must also be members of the part-time National Guard as a condition of their Federal employment. One unfortunate result of dual status is that employees are forced to leave their technician jobs if they lose their military status. Because technicians are reviewed automatically after serving 20 years by the State's enlisted qualitative retention board, it is at this point that a majority of technicians lose their jobs for reasons unrelated to performance on their civilian jobs such as failure to meet certain physical or weight requirements.

Involuntary separations have harsh consequences for technicians and their families.

Not only does the loss of military status leave the technician with no civilian job to support his family, but it may also jeopardize any retirement benefits he may have accrued as well. This places a particular hardship on technicians who have served many years in the National Guard. In short, the retirement system afforded to National Guard civilian technicians does not properly compensate these dedicated employees whose careers are cut short through no fault of their own.

Under the Moakley-Derrick amendment military reserve technicians with 20 years or more of military service who are involuntarily separated under circumstances that do not involve misconduct would be offered a position in the competitive civil service within 6 months of separation if an appropriate written application is completed. This legislation would only cover those technicians ineligible for retirement who suffer the harshest consequences of involuntary separation.

The Moakley-Derrick amendment builds on current law which allows technicians who are involuntarily separated through the loss of military status to transfer into the competitive civil service. The Moakley-Derrick amendment provides an option for those technicians who are involuntarily separated and are not eligible for retirement. This group would be guaranteed a job in the competitive civil service—fair treatment for a group that has dedicated so much to our Nation's security.

Mr. Chairman, I would like to take this opportunity to thank Congressman MOAKLEY for all the hard work he has done to develop this amendment with me. In addition, I want to thank the technicians in South Carolina as well as their union the National Federation of Federal Employees and the National Association of Government Employees for bringing this problem to my attention. Finally Chairman ASPIN and Chairman CLAY deserve praise for their assistance in including the Moakley-Derrick amendment in this bill.

Mr. RAY. Mr. Chairman: I rise to briefly discuss an amendment I am offering to H.R. 5006 that will require the Secretary of Defense to establish a pilot program for expedited environmental response actions.

This amendment is in response to growing concerns about the rather slow pace of the DOD cleanup program and the need to speed things up if the Department is going to live up to its assurances to the American people that it will have all cleanups underway by the year 2000.

To meet this goal, DOD is going to have to aggressively explore every legal, administrative and contractual means to cut through red tape and foster innovative technical and management solutions. Equally important will be DOD's ability to achieve better cooperation with Federal, State, and local regulatory authorities who oversee the military's environmental cleanup efforts. Likewise, DOD is going to have to encourage increased public participation to achieve the level of community confidence necessary to support the use of expedited and innovative cleanup efforts.

The challenges facing DOD's expedited cleanup efforts are serious, but there is room for greater innovation without changing existing laws. I know this because I helped to bring about supplemental agreements at two Georgia DOD national priority listed sites—Robins Air Force Base, and the Albany Marine Corps Logistics Base. By fostering better cooperation between the Air Force and Marine Corps. and the environmental protection agency and the Georgia Department of Natural Resources, study and review times were reduced by over a year at each base. I have been amazed at how much can be accomplished when the focus of attention is switched from "who is in charge" to "how do we get results."

The amendment I am offering extends this innovative and cooperative approach through a major DOD pilot program involving cleanups at 15 active installations and 4 base closure sites to be selected by the Secretary of Defense.

This amendment does not change any existing environmental laws or regulations. It does not change any existing Federal procurement laws or regulations.

What it does do, however, is require the Secretary of Defense to employ, to the maximum extent possible, all the authorities in existing law to develop and use innovative contracting techniques at sites in the pilot program. Moreover, the Secretary is directed to use all reasonable and appropriate methods to expedite necessary Federal and State regulatory reviews and oversight. Last, the Secretary is to use existing authorities, including EPA's early action guidance, and the increased use of interim responses and removal actions, to expedite cleanups at pilot program sites.

I also want to emphasize that this pilot program has the support of all major segments of the environmental industry. This is because the pilot program calls for maximum competition and the full participation of large, medium and small businesses. To achieve this kind of mix, the amendment requires the Secretary of Defense to select for the pilot program various sized installations to provide opportunities for the full range of business sizes. In this way, I am confident that this pilot program will provide business opportunities for all qualified environmental contractors. But most important, being able to draw upon the greatest number of qualified environmental contractors will allow the taxpayer to reap the benefits of cost-effectiveness, technical quality, and superior management.

Another benefit from the establishment of this DOD pilot program will be to identify what laws and regulations need to be changed to improve the speed, technical quality, and cost-effectiveness of environmental cleanups. Properly implemented, the pilot program can provide a roadmap for future legislative and regulatory actions.

There is one issue, however, which I believe can and should be addressed without the need for a pilot program or test period—the issue or risk sharing. I have long felt that the department's ability to satisfactorily respond to contractor concerns about liability and indemnification issues is crucial to the success of the DOD cleanup program. The current absence of a comprehensive DOD policy on risk-sharing could result in the department's inability to draw upon an adequate pool of qualified environmental contractors. The problem has been identified, and various solutions proposed. There is no need for a test program.

The Department of Defense should institute contractor liability and indemnification initiatives department wide as soon as possible—without time or scope limitations. Therefore, the pilot program for expedited environmental response actions established under this amendment focuses on how to encourage and apply innovative technical and management methods to expedite cleanup efforts and does not provide for nor should it be used as a vehicle to explore such indemnification initiatives.

I urge the adoption of my amendment.

Mr. PANETTA. Mr. Speaker, tonight the House of Representatives passed legislation establishing the Defense Language Institute's statutory charter and the basis for a new personnel system for the Institute's faculty and staff. That vote of approval marked a major watershed in the legislation's progress, and I would like to take a moment now to remark upon the work of the House in this regard.

The Panetta amendment, accepted by Chairman ASPIN of the Armed Services Committee in the amendments adopted en bloc, represented the hard work of dozens of individuals ranging from DLI itself to the Department of Defense, to the members and representatives of the National Federation of Federal Employees. I have already thanked the members of the Committee on Armed Services for their ready cooperation and assistance as we moved to amend the defense authorization bill. I would also like to thank Chairman SIKORSKI of the Civil Service Subcommittee for his contribution to the progress and improvement of the measure. Beginning in 1988, all these good people and their representatives added their careful work to the crafting of this measure.

The final form of the amendment, standing alongside my colloquy with Representative SKELTON and a letter from the Assistant Secretary of Defense for Force Management and Personnel, grants the DLI administration and faculty and union the ability to implement the new personnel system just as we have envisioned all along. The amendment, the colloquy and the Assistant Secretary's letter guarantee that the DLI administration will have the ability to implement the legislation according to the intent of my original legislation, H.R. 1685. In particular, the DLI administration will have the authority to institute a system of tenure for the faculty, to consult with the local union officials in the development of regulations implementing the legislation, and to devise a hierarchy of faculty positions aligned with higher levels of compensation.

Importantly, the legislation exempts DLI's faculty and staff from the Civil Service in order to allow the DLI administration and union to work together to create the unique personnel system required by the special characteristics of the Institute's mission and workforce. At the same time, all the essential rights and privileges we honor for our Federal employees will remain available to the employees of the Defense Language Institute.

Finally, the amendment collates the charter for DLI in title X of the United States Code with the National Defense University. This is the appropriate place in the code for DLI's authorization, inasmuch as DLI is very much a Defense Agency, serving not only all armed services but other Federal agencies as well.

With the House's passage of the Panetta amendment, the faculty, administration and staff of the DLI can look forward to its passage by the full Congress and the implementation of its provisions in 1993. Once again, I am grateful for my colleagues' support for the amendment, and I look forward to its acceptance by the other body.

Mr. JONES of North Carolina. Mr. Chairman, the war in the Persian Gulf once again demonstrated how important sealift is to the success of our Armed Forces.

As a result, in this bill and in other legislation, Congress is pressing the Pentagon to enhance its sealift capabilities in a massive way.

But everyone agrees that Government-owned sealift vessels by themselves can't provide the support our troops need. We also must have U.S.-flag commercial vessels and American merchant seamen.

Therefore, it would be a mistake if this bill inadvertently diminished existing Federal policies encouraging the U.S.-flag merchant marine.

Section 304 of H.R. 5006, as reported, deals with humanitarian assistance provided by our Armed Forces. I am concerned that the language of section 304 may inadvertently supersede existing laws that require that certain percentages of U.S. Government-impelled cargoes which move by vessel be transported on commercially operated U.S.-flag ships.

Certain existing laws provide that specified percentages of Government-impelled cargoes should go on U.S.-flag commercial vessels, if they are available and if their rates are reasonable. Generally, existing law requires that all military cargoes moved by ship be transported on U.S.-flag vessels. Fifty percent of most other Government-impelled cargoes are to go on U.S.-flag vessels—for certain "give-away" programs of U.S. farm products, there is a 75-percent requirement.

My amendment simply makes clear that section 304 does not supersede existing cargo preference laws. It neither expands nor diminishes these statutes.

If section 304 cargoes go by air carrier, the Government-impelled cargo laws have no application, and my amendment does not change that. But if these cargoes are to be shipped commercially by vessel, my amendment serves to ensure that the Cargo Preference Act of 1904 and sections 901(b) and 901b of the Merchant Marine Act, 1936, remain in force with regard to these shipments.

My amendment ensures that today's bill will preserve key programs supporting our U.S.-flag merchant marine. It will help ensure that American vessels will be there to answer the next call to support our Armed Forces.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I urge the approval of the en bloc amendments, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the en bloc amendments, as modified, offered by the gentleman from Wisconsin [Mr. ASPIN].

The en bloc amendments, as modified, were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 of part 2 of House Report No. 102–545.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, as the designee of the gentleman from California [Mr. DYMALLY], I offer the Dymally amendment, made in order by the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROHRABACHER: Strike out section 1012 (page 168, lines 3 through 7) and insert in lieu thereof the following new section:

SEC. 1012. REPORT ON SAN DIEGO HOMEPORT AREA.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Congress a report with respect to expanding (for purposes of soliciting bids and proposals for short-term ship overhaul and shipyard repair work) the area administratively designated as the San Diego Homeport Area to include Long Beach, California and San Pedro, California. The report shall contain—

(1) an assessment of the feasibility of the expansion;

(2) an analysis of the costs associated with the expansion, including the likely benefits and losses; and

(3) any recommendations of the Secretary of the Navy with respect to the expansion.

(b) IMPLEMENTATION.—(1) The Secretary of the Navy shall begin implementation of the recommendations made pursuant to subsection (a) not later than 15 days after the Secretary makes the submission required by such subsection.

(2) The Secretary of the Navy shall complete the implementation of such recommendations not later than 90 days after such submission.

The CHAIRMAN pro tempore. Is there a Member rising in opposition to the amendment?

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] will be recognized for 5 minutes and the gentleman from California [Mr. HUNTER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

□ 2150

Mr. ROHRABACHER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the Dymally amendment removes section 1012 of the bill, which prohibits the Navy from expanding the San Diego home port bidding area to include Long Beach and San Pedro.

The Dymally amendment instead asks the Navy to study the home port issue and act on its own findings.

A "no" vote today is a vote against competition. Voting "no" favors perpetuating overruns as is documented in these GAO reports. The Dymally amendment will allow the Long Beach Naval Shipyard, the most efficient in the system, 98 miles from San Diego, and private yards in Long Beach and San Pedro, to compete for repairing the one-third of the Pacific Fleet stationed in San Diego.

The bottom line here is competition equals cost savings.

The 1991 Defense Base Closure Commission recommends this. Section 1012 goes against this recommendation. The Dymally amendment then, is consistent with the Base Closing Commission's recommendation for more competition.

The Dymally amendment increases the number of bidders for Navy repair work in southern California. The more bidders there are, the more money the taxpayer is going to save.

Vote for the Dymally amendment.

The argument that the quality of life of our sailors will be harmed by this amendment won't wash for three reasons.

First, the home port bidding area for ships in Norfolk, VA, includes Baltimore. Long Beach is much closer to San Diego than Baltimore is to Norfolk.

Second, a large part of a ship's crew has to stand watch every day regardless of where the ship is home ported or being repaired, so they do not get to go home every night even if repairs are being done in the same harbor complex as the home port.

Third, Long Beach Naval Shipyard employees now must travel to San Diego because some vital repairs there can't be done without them. The quality of life argument goes both ways.

Support competition and cost savings. Vote for the Dymally amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge you to take the committee position. It was a bipartisan position that has been in effect for a long time.

Let me explain it a little bit here. The Navy home port policy says that when you have ships home ported in a particular home port and because that generally applies where the Navy families live and because people go out, that is our service personnel go out and do as much as 6 months at a time at sea away from their families, when they come home and their ships are being repaired in the short-term work, under 6 months, that is, you do that work in the home port so that the sailors are there with their families.

Now, when you have a ship being repaired, a sailor will do three shifts a week, 8-hour shifts. For home ported ships in San Diego, if the Dymally amendment passes, this is what you will see: You will see service men and women going out and doing 6 months at sea, coming home, going through the door, being able to kiss their wife or husband hello, they are then told they are going to have to drive 250 miles a day at all hours of the day and night to go up to the Long Beach area to attend their ship while it is being repaired.

The committee has considered this many times over the years. It is a true hardship on Navy families.

We urge you, the committee urges you, to vote "no" on the Dymally amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from California [Mr. ANDERSON], a hero in Long Beach and champion of the working man.

Mr. ANDERSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Dymally amendment. A similar amendment received the support of the chairman during the committee markup of H.R. 5006, but due to a few absent Members, misinformed proxy votes, and some admitted confusion on behalf of Members, the measure narrowly failed. The critical importance of this amendment has compelled my colleagues and I to continue our fight before the collective conscience of the assembled House.

Although the brief time allotted for debate does not allow for an adequate discussion of the amendment, allow me to put it succinctly. This amendment is consistent with current Navy practices. It allows the Navy to choose the most efficient and cost effective repair facilities.

It encourages cost savings through increased competition. And it preserves a vital and responsive industrial base.

I urge Members to support the Dymally amendment.

Mr. Chairman, I know we are not going to vote on this tonight, but we are going to vote on it tomorrow.

I am going to pass out a little slip tomorrow, signed by 12 Members of this House, both Democrats and Republicans. We call it the Dymally amendment, and it shows on the sheet "Dymally No. 1," then right next to him, even with him is ROBERT K. DORNAN, then you have Democrat and Republican there. My name is next, GLENN ANDERSON, and then DANA ROHRABACHER, RONALD DELLUMS, DAVID DREIER, JULIAN DIXON, CHRIS COX, GEORGE BROWN, JR., EDWARD R. ROYBAL, ESTEBAN TORRES, and MATTHEW MARTINEZ.

So you have a pretty good spread of Members of this House who have signed on for this bill. They urge a "yes" vote on the Dymally amendment, and it will solve some of our major problems out there.

I will pass these out tomorrow morning when we take up the bill again.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Subcommittee on Seapower, the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I rise in opposition to the Dymally amendment.

Mr. Chairman, the committee bill would protect Navy personnel from unnecessary family separation. The amendment offered by Mr. DYMALLY could adversely affect Navy personnel and their families.

The committee bill would require that San Diego and Los Angeles be considered as separate homeports when awarding contracts for short-term repairs of naval vessels. The committee adopted this position taking into account both consideration of avoiding hardship for Navy families by minimizing ship repair done at a distance from a ship's homeport, and ensuring that Navy repair work is done at a reasonable price.

Los Angeles and San Diego are approximately 100 miles apart. During debate in the committee on this matter it was indicated that it typically takes 2 or more hours to travel between the cities by automobile. The committee concluded that it is not reasonable to consider these two geographic areas to be a single area in defining a homeport.

The present Navy policy, which would continue to operate under the committee bill, is that short-term repair work be done in the homeport where adequate competition exists. This policy assures that the public interest is preserved, and a fair price results, by obtaining competition for repair work. At the same time the policy has work done in the homeport in most instances and avoids unnecessary family separation for Navy personnel.

Mr. Chairman, I urge that the Dymally amendment be defeated.

Mr. ROHRABACHER. Mr. Chairman, I yield 30 seconds to my distinguished colleague, the gentleman from California [Mr. TORRES].

Mr. TORRES. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this bipartisan amendment which will promote competition in Navy ship repair bidding and, more importantly, to ensure the survival of the Long Beach Naval Shipyard, one of the best shipyards in this United States.

I wish to point out to the committee that section 1012 of this bill is anticompetitive and if enacted will perpetuate a history of Federal cost overruns and an inability to meet completion dates.

Mr. Chairman, section 1012 runs counter to the interests of both the Navy and this Nation's taxpayers. It undermines the efforts to reduce defense spending, as our Nation suffers an economic recession and in the midst of defense downsizing, by severely restricting competition for the maintenance of our fleet. It will restrict bidding on all short-term ship repair work to the private shipyards in San Diego where 70 percent of the surface fleet is homeported. The net impact of section 1012 is to deny work to the Long Beach Naval Shipyard which has a long and consistent track record of successfully competing with the private sector for short-term work. Many crucial services and facilities found in the Long Beach Naval Shipyard are not available in the private shipyards of San Diego. In fact, Long Beach Naval Shipyard is presently doing work on two ships in San Diego under contract to private shipyards because these private shipyards do not have facilities or the qualified expertise to do the necessary complex work that these ships required during their availability.

Mr. Chairman, the chief of naval operations instructions states:

> It is also imperative that we guarantee a competitive base for ship repair and retain a skilled work force which supports the Navy * * *.

I urge my colleagues to support the amendment as it will promote healthy economic competition that will enhance cost savings, reduce waste, protect thousands of jobs, and ensure the long-term viability and survival of the Long Beach Naval Shipyard.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. PICKETT], a member of the committee.

Mr. PICKETT. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the Dymally amendment.

This is an issue that was considered carefully by the Committee on Armed Services, and the language which in the bill reflects the committee's view that including Long Beach/San Pedro in the San Diego homeport area would adversely affect the quality of life for our Navy personnel. It would also undermine a longstanding Navy policy of having short-term repair work performed in the homeport of the ship. As long as adequate competition exists within the homeport, as it does in this case, this policy has properly balanced the competitive needs of the Navy with the equally important needs of our personnel.

This amendment could result in Navy personnel having to commute more than 200 miles round-trip from Long Beach. Already, Navy families endure long separations due to ship deployments. Let's not add 4 hours of daily commuting to these burdens when their ship is in for repairs.

I urge my colleagues to vote "no" on the Dymally amendment.

□ 2200

Mr. ROHRABACHER. Mr. Chairman, I yield my final 1 minute in this debate on our side to the distinguished gentleman from California [Mr. DORNAN], the articulate one.

Mr. DORNAN of California. Mr. Chairman, before I get any Sidewinders or Sparrows here, could I politely ask the attention of our key leader on defense, the gentlewoman from Colorado [Mrs. SCHROEDER], the chairman of one of our important committees?

I just wanted to point to the gentlewoman from Colorado that what we have here on this amendment, and we would like her to join us, is a virtual Who's Who of the majority stars from southern California. Just listen to this rollcall:

The gentleman from California [Mr. DYMALLY], the gentleman from California [Mr. ANDERSON], the gentleman from California [Mr. DELLUMS], the gentleman from California [Mr. DIXON], the gentleman from California [Mr. BROWN], the gentleman from California [Mr. TORRES], the gentleman from California [Mr. ROYBAL], and the gentleman from California [Mr. MARTINEZ], and all these distinguished colleagues of hers are asking for is a study, just a study. It is a study that will promote competition, and it will go along with the recommendation of the 1991 base closure realignment commission which the gentlewoman from Colorado [Mrs. SCHROEDER] supported. It fosters cost savings, and it is a formalization of a cost saving practice.

We have eight yards, eight Navy yards. Only three make money. One made $250,000. One, over $1 million. But the Long Beach yard saved $17 million last year, $21 million and $23 million in the years preceding that. Please, my colleagues, give us this study.

Mr. HUNTER. Mr. Chairman, I yield the balance of our time to the gentleman from San Diego, California, [Mr. CUNNINGHAM], a gentleman who has personal experience with this Navy quality of life issue.

Mr. CUNNINGHAM. Mr. Chairman, my good friend, the gentleman from California [Mr. ROHRABACHER] did not have the committee assignment, so he had the gentleman from California [Mr. DORNAN] bring us up before the committee, and it failed based on merit.

First of all, when they say there is cost savings, it is based on a naval industrial formula. That is an estimate only, and it is the only reason why Long Beach has come back with cost savings. This is stated in a 40-page report, GAO and Navy report. It is refuted. So, the savings is totally inexplicable.

I say to my colleagues, "If you get a $100 million, and you give back $70 million, you turn in $30 million, it looks like a $30 million savings, but, if you had an estimate over that, you're not given any cost. It's a political attempt to keep the Long Beach area from fiscal year 1993 base closures. You can't support this. It's wrong to put politics before people. It's wrong because the GAO says it is. The committee voted against it, but in essence it's not 90 miles. It is over 125 miles from San Diego to Long Beach."

Mr. Chairman, I drove it this weekend. We cannot ask our troops to drive back and forth to that. It comes after a 6- or 7-month deployment overseas, and then we are going to ask these people to be ripped away from their family, and they do not drive Lincoln town cars. These kids are driving motorcycles and maybe even trucks like the gentleman from California [Mr. HUNTER) has, and they will not make it.

The CHAIRMAN pro tempore (Mr. COX of Illinois). The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 474 and the Chair's prior announcement, further proceedings on the amendment offered by the gentleman from California [Mr. ROHRABACHER] will be postponed until after the disposition of all other amendments this evening.

It is now in order to consider amendment No. 10 in part II of House Report 102-545.

AMENDMENT OFFERED BY MR. HUTTO

Mr. HUTTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUTTO: At the end of subtitle B of title III (page 53, after line 20), insert the following new section:

SEC. 314. LIMITATION ON USE OF FUNDS TO PAY THE COSTS OF ADMINISTRATIVE SPACE AND RELATED SERVICES IN THE NATIONAL CAPITAL REGION.

(a) LIMITATION.—In the case of a lease for administrative space and related services entered into by an agency or person who subsequently provides all or part of the administrative space and related services to the Department of Defense (including any department, agency, or instrumentality of the Department of Defense), the Secretary of Defense may not pay an amount for the administrative space and related services that exceeds the amount paid by the agency or person for the pro rata share of the administrative space and related services attributable to the Department of Defense.

(b) DEFINITIONS.—In this section:

(1) The term "administrative space and related service" means administrative space and related services (including the operation and management of the administrative space) in the National Capital Region.

(2) The term "National Capital Region" means the geographic area located within the boundaries of—

(A) the District of Columbia;

(B) Montgomery and Prince Georges Counties in the State of Maryland;

(C) Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia; and

(D) all cities and other units of government within the geographic areas of such District, Counties, and City.

Mr. SAVAGE. Mr. Chairman, I rise to claim the 5 minutes in opposition time.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. HUTTO] will be recognized for 5 minutes, and the gentleman from Illinois [Mr. SAVAGE] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, the amendment that I and the gentleman from Ohio [Mr. KASICH] propose is the result of hearings that I chaired to look into the leasing policies of the Department of Defense.

During its review of the budget request, the committee found that the Department of Defense appears to be spending more and more for leases at a time of significant downsizing and troop reductions. The fiscal year 1993 President's budget estimated the department will pay over $1 billion for lease payments, and specifically, DOD's rental payments to the General Services Administration [GSA] for office and administrative space have increased from $385 million in fiscal year 1991 to $401.4 million for fiscal year 1993, an increase of $16 million or 4 percent.

The amounts the Department of Defense pays to the General Services Administration for office and administrative space in the National Capitol Region has increased to the point where the majority of the funds given to GSA is diverted into the Federal building fund. The DOD is precluded by law from leasing needed space in the National Capitol Region as the General Services Administration is the overall manager of all Federal office space.

The Federal building fund has been completely unresponsive to the needs of the Department of Defense which, in one case, lead to Congressional action that removed the Pentagon from the control of GSA and gave it back to DOD. Other Federal agencies have experienced the same frustration with the Federal building fund. For the last several years, the Department of Agriculture has been precluded by appropriations acts from paying more than the actual lease costs for its office space.

The General Services Administration charges DOD the prevailing rental rates for leased office space in the NCR which are near the highest in the Nation. After the General Services Administration makes payments to the lessors, the difference of what it costs to maintain office space and the payments by the Department remains in the Federal building fund. In some cases, over 66 percent of the lease amounts the department pays to the General Services Administration remains in the Federal building fund. I do not question the need for Federal office buildings in general; however, I do feel that the DOD budget should not be used as the primary funding vehicle for this program.

Mr. Chairman, the need for a change to the present system is urgently needed and there is overwhelming support within the Armed Services Committee for these changes.

Therefore, Mr. Chairman, it is my intention to withdraw the amendment so that the committees of jurisdiction and the Armed Services Committee may have sufficient time to look at this problem and offer specific solutions. Pending the withdrawal of the amendment, I would like to yield to the ranking member of the Readiness Subcommittee for his comments and then I will yield to the gentleman from Illinois [Mr. SAVAGE], the chairman of the Public Buildings and Grounds Subcommittee of the Public Works and Transportation Committee, to the ranking member the gentleman from Oklahoma [Mr. INHOFE], and then to the gentleman from Maryland [Mr. HOYER], a distinguished member of the Appropriations Committee, to engage in a colloquy on this issue.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I appreciate the gentleman from Florida [Mr. HUTTO] yielding this time to me.

Let me in a nutshell explain what this is because, if we do not get this thing resolved in the next couple of months, we are going to come back next year.

I want to give my colleagues one example of what the situation is. The Pentagon rents space from a place called the Hoffman Building. To pay for that space costs the Pentagon $3 million. But the Pentagon pays the GSA $9 million. The GSA pays $3 million as the renting agency to the Hoffman Building and puts $6 million in their fund.

Mr. Chairman, if the Pentagon rented the space directly, it would cost the Pentagon $3 million. But since they use GSA as an agency, it costs them $9 million. So, the GSA gets $6 million that they put in a fund, and then they use this money to go out and build courthouses, and armories, and who knows all that they are building?

Now this is a bad system. I have talked to the gentleman from Maryland [Mr. HOYER] about this. He was concerned. I know that numerous members on the Committee on Appropriations have had concern. The bottom line is that we have got to take a look at this overall building fund and the way that it works.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, we have government buildings, courthouses, all over the country that the courts and the Justice Department are paying rent on although we paid for them years ago. So, renting a building and getting more for that is nothing compared to that.

Mr. KASICH. Mr. Chairman, let me say to the gentleman from Iowa [Mr. SMITH] that, first of all, this provision only applies in the National Capital area. Two agencies have exempted themselves from this provision, the Department of Transportation and the Department of Agriculture. They do not pay into this GSA building fund, and the problem is, when it comes time for the military to do their renovation, there is no money left because the money has been spent on nonmilitary activities.

So, Mr. Chairman, what the gentleman from Florida [Mr. HUTTO] has agreed to do, and I concur with this, is to give the people involved a chance to take a look at this. This has never been approached before in this bill or any discussion in committee or on the floor. We got everybody's attention, we are willing to look for any reasonable solution to this, but we have got to get a reasonable solution. This practice simply cannot continue, and we need some absolutely fundamental reform in this part of the law.

☐ 2210

Mr. HUTTO. Mr. Chairman, I thank the gentleman from Ohio [Mr. KASICH] for his contributions.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. SAVAGE].

The CHAIRMAN pro tempore (Mr. COX of Illinois). The gentleman from Illinois [Mr. SAVAGE] is recognized on his 5 minutes.

Mr. SAVAGE. Mr. Chairman, let me, if I may, explain. I happen to be the chairman of the authorizing committee involved, the Subcommittee on Public Buildings and Grounds, and there is some misunderstanding here.

I first want to commend both my colleagues for their proper concern and their diligence in this matter. I agree with the gentlemen that we should revisit and review this matter. But I do not acknowledge that there is this critical need or that there is this unfairness and inequitableness before or in advance of making such a review.

Mr. Chairman, let me tell you why. If DOD is the primary funder in the National Capital region for the building fund, it is only because DOD is also the primary beneficiary. Understand that. The reason DOD pays more in leasing is because it gets more out of the building fund.

How does it get more out of the building fund? DOD is not only the largest lessee in the National Capital region, just last week my subcommittee authorized $150 million for new construction for the Army Corps of Engineers in the Southeast Federal Center.

Mr. Chairman, that is some of that extra money you are talking about. DOD puts in extra money, but it gets extra money out. Nobody pockets the money out of the Federal building fund. The money goes into construction, maintenance, alteration, and repairs, and the main entity receiving construction, alteration, maintenance, and repairs is DOD. So they get back in proportion to what they put in.

This is not to argue against the point of making the review, it is just to make it clear that no other agency is receiving a free ride on DOD.

To give an example, if you say by eliminating a public school somewhere you can reduce taxes, that may be true. But it is not enough to just simply propose that. You also need to propose what do you do to satisfy the educational needs that that public school may have been serving.

The same thing is true here. You may need an altogether different way of funding and supplying Federal office needs, but it is not to be done in a 10-minute debate in an amendment attached to the Defense bill. It needs to be carefully looked at, because, after all, this did not just come about by accident. The Federal office needs are supplied without appropriations by this body. All Federal office needs, construction, repair, maintenance, and what have you, come out of that Federal building fund, making it unnecessary to place additional burdens upon the taxpayer. That is the reason for it.

Prior to 1972, when the public buildings enactments were enacted, the situation with regard to the real estate needs of the Federal Government were chaotic and overly expensive because they were not professionalized nor centralized.

Mr. INHOFE. Mr. Chairman, will the gentleman yield?

Mr. SAVAGE. Mr. Chairman, I gladly yield to the gentleman from Oklahoma, the ranking member.

Mr. INHOFE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I know as the ranking member of the Subcommittee on Public Buildings and Grounds the natural thing for me would be to try to protect our turf. However, my conservative instincts would probably prevail. And if this would come to a vote, it might surprise some people, but I would vote for it.

But let us understand what it is before we get carried away. The building fund we are referring to is made up of the difference between the GSA charges and the commercial equivalent.

I do not think anyone really understands what the commercial equivalent is, but there is enough in there that it is a large block of money that goes in.

Now, we had a meeting today. We passed out six or seven 11–B's on Federal buildings, on courthouses, on renovations. Just 2 weeks ago we passed out a courthouse in San Francisco, a laboratory building in Lakewood, CO, a White House remote delivery site, a Federal building and courthouse in Ft.

Myers, in El Reno, NV, Long Island, NY, an annex Federal building in Concord, NH, and it goes on and on.

What I would suggest is, if this comes up for a vote, either now or later, and if the fund is not replenished, then, as the ranking member of the Subcommittee on Public Buildings and Grounds, I will keep this vote. And when those individuals who voted for it come in because they want their courthouse or they want their Federal building or their renovation, I am not going to say that we would turn them down, but it is going to stimulate a lively debate.

Mr. Chairman, I appreciate what the gentleman from Florida [Mr. HUTTO] and the gentleman from Ohio [Mr. KASICH] are trying to do, but I do not think it will work.

Mr. SAVAGE. Mr. Chairman, reclaiming my time, let me note that the reason for the increase for DOD was because it increased its space holdings.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I would not like to engage in a discussion with the gentleman from Maryland [Mr. HOYER].

Mr. HOYER, would you agree with me that the current system of charging Federal agencies for office space is in critical need of a thorough review, and that during the coming year I can have your commitment that you will work together with the committee to solve this issue?

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would like first of all to thank the distinguished chairman of the Readiness Subcommittee for the leadership and foresight for bringing this issue to the attention of our colleagues. I do agree that the entire process of establishing equitable charges for office space needs a thorough review. I would also like to inform the gentleman from Florida that the Appropriations Committee has already begun this process with a recently completed study, which we will make available to you, on the fairness of the rate structures.

The gentleman from Florida has my commitment that we will work together and find an acceptable solution in the next Congress.

Mr. HUTTO. Mr. Chairman, if the gentleman will yield further, I would thank the gentleman from Maryland [Mr. HOYER].

Mr. Chairman, with that kind of commitment, I reluctantly withdraw the amendment.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

It is now in order to consider amendment No. 71 printed in part II of House Report 102-545.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKAGGS:

Page 282, after line 3, insert the following:

Subtitle E—Defense Nuclear Workers

SEC. 3161. PROGRAM TO MONITOR DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program for the identification and on-going medical evaluation of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

(b) IMPLEMENTATION OF PROGRAM.—(1) In establishing and carrying out the program referred to in this section, the Secretary shall—

(A) identify the hazardous substances and radioactive substances to which current and former Department of Energy employees may have been exposed as result of such employment;

(B) prescribe guidelines for determining the levels of exposure to such substances that present such employees with significant health risks;

(C) prescribe guidelines for determining the appropriate number, scope, and frequency of medical evaluations and laboratory tests to be provided to such employees to permit the Secretary to evaluate fully the extent, nature, and medical consequences of such exposure;

(D) identify (pursuant to the guidelines referred to in subparagraph (B)) each employee referred to in subparagraph (A) who received a level of exposure referred to in subparagraph (B); and

(E) provide (pursuant to the guidelines referred to in subparagraph (C)) the evaluations and tests referred to in subparagraph (C) to the employees referred to in subparagraph (D).

(2)(A) The Secretary will carry out his responsibilities under subparagraphs (A) through (C) of paragraph (1) with the concurrence of the Secretary of Health and Human Services.

(B) In prescribing guidelines under paragraph (1)(C), the Secretary shall permit the participation of appropriate representatives of the following entities:

(i) The American College of Physicians.

(ii) The National Academy of Sciences.

(iii) Any labor organization or other bargaining unit authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(C) The Secretary of Health and Human Services shall carry out his responsibilities under this paragraph with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health.

(3) The Secretary shall notify each employee identified under paragraph (1)(D) and provided with any medical examination or test under paragraph (1)(E) of the identification and the results of any such examination or test. Each notification under this paragraph shall be provided in a form that is readily understandable by the employee.

(4) The Secretary shall collect and assemble information relating to the examinations and tests carried out under paragraph (1)(E).

(5) The Secretary shall commence carrying out the program described in this subsection not later than one year after the date of the enactment of this Act.

(c) AGREEMENT WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Secretary of Health and Human Services pursuant to which the Secretary and the Secretary of Health and Human Services shall carry out the respective activities of the Secretary and the Secretary of Health and Human Services under this section.

SEC. 3162. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Department of Energy defense nuclear facility" means—

(A) a production facility or utilization facility (as that term is defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities;

(B) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

(C) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the test site facility in Nevada; the Pinnellas Plant, Florida; and the Pantex facility, Texas);

(D) a nuclear weapons research facility that is under the control or jurisdiction of the Secretary (including the Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

(E) any facility described in paragraphs (1) through (4) that—

(i) is no longer in operation;

(ii) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

(iii) was operated for national security purposes.

(2) The term "Department of Energy employee" means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor or subcontractor of the Department of Energy employed at such a facility.

(3) The term "Secretary" means the Secretary of Energy.

The CHAIRMAN pro tempore. Does a Member rise in opposition to the amendment?

Mr. KYL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SKAGGS] will be recognized for 5 minutes, and the gentleman from Arizona [Mr. KYL] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the amendment I now offer would establish an ongoing medical evaluation program for current and former DOE employees who have suffered significant exposure to radiation or toxic substances. This program would identify the problems defense nuclear workers face because of on-the-job exposure to ionizing radiation and other hazardous materials, and create a base of knowledge from which we can work authoritatively to mitigate and avoid the harm caused by such exposure. I want to recognize the efforts of Representatives TONY P. HALL, SID MORRISON, and RICHARD STALLINGS, each of whom has put a great deal of time and work into this proposal.

Defense nuclear workers have for years dedicated their lives to the defense of our Nation. I believe that we owe it to them to ensure that we and they know, to the extent reasonably possible, of any health consequences of the risks to which they may have been subjected.

I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, no one argues that defense workers should not be protected. They are being protected today. The Secretary of Energy is doing all of the things that are set forth in this amendment, and indeed is consulting with the Department of Health and Human Services with regard to the standards that are being established by the Department of Energy.

Mr. Chairman, there have been problems in the facilities that the gentleman from Colorado [Mr. SKAGGS] is concerned with. This Secretary of Energy, when he came into office, began cleaning up those problems. I do not even think the gentleman from Colorado [Mr. SKAGGS] would disagree with the proposition that the Department has made tremendous progress in this regard.

Mr. Chairman, this amendment is really not necessary. As a matter of fact, all of the language of the amendment, save one provision, was originally agreed to be part of the en bloc amendments. The problem with the amendment primarily is the insertion of the language that requires that the Secretary of Energy and the Secretary of Health and Human Services concur with the establishment of each of these provisions.

□ 2120

When we have two different Secretaries in charge of the same thing, without any kind of division of responsibility or ultimate authority or responsibility, we have a recipe for disaster.

As a result, what was offered to the gentleman from Colorado was language which provided that all of these things be done by the Secretary of Energy. I am quoting now, "With the participation of and in consultation with the Secretary of Health and Human Services."

That ought to be good enough. Why the gentleman continues to insist upon the magic words "with the concurrence of the Secretary of Health and Human Services," is really beyond me.

We could resolve this matter quite quickly if the gentleman would agree to that proposition. If he does not, then we unfortunately have to oppose this because there is no way that what the gentleman seeks can work if we have two different people with the responsibility of seeing that it gets done.

We need one person with responsibility who is required then to participate and consult with the other. That is the way it ought to be done, and that is why we oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Colorado for yielding time to me.

I think the gentleman is absolutely right on. There is a real reason why we want the Secretary of Health and Human Services involved, and that is because this is his expertise. And under him, he happens to have—or she happens to have—the National Institutes of Health, the Center for Disease Control, all of these very important medical researchers.

The Department of Energy is not really into medicine. This is not really their specialty. Believe me, they have had a terrible record.

I think for people who work for the Department of Energy and put their lives on the line and really want this medical monitoring amendment, they deserve to have the best expertise that the Federal Government can have. That is what this amendment is asking.

When we look at the laissez faire attitude that they have had in the past, this is just one more thing to say, this time we are really going to get to it. Both of these secretaries work for the same Commander in Chief. I really do not understand it, and I think if we do not pass this amendment, we will only find the workers more and more suspicious about what is really going on.

What is wrong with this? Let us defer to the Cabinet official that has the most expertise. We do that all the time here.

I think the amendment of the gentleman from Colorado makes unbelievable sense. I cannot believe we are fighting over it.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, what we are fighting over is really not much, because we have offered the gentleman an amendment which we have redrafted. And I will offer it again. I will tender it again, if the gentleman would care to accept it by way of unanimous consent. That has only one change of significance and substance from what he is seeking tonight.

We simply would like to have unity of command. Instead of asking two department secretaries to work in tandem, we are simply saying that the Secretary of Energy should be responsible for the people who work for him, for his Department. And in fact, it is the Department of Energy which is the office, the Department that has this expertise and has had the expertise in health physics, radiological sciences from the very beginning.

They have medical officers in every plant, every field location. They have the ability to carry out the screening that this amendment calls for.

They recognize that. They want to perfect it. And HHS does also, because they have entered into an MOU. And HHS has willingly deferred to the Department of Energy and recognized their expertise. So except for this single principle, we are in complete agreement.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, this single principle is the most important principle that the gentleman has in his amendment. For crying out loud, if that is true, then what is wrong with having Health and Human Services involved?

We know the long history of the distrust of the Department of Energy.

Mr. SPRATT. Mr. Chairman, reclaiming my time, I would say they are involved because the text that we offer says that the Secretary of Energy would work with the participation of and in consultation with the American College of Occupational Physicians, the National Academy of Sciences, NIH, the CDC, everywhere, they are still open to him under this amendment.

We are simply saying he has the expertise. HHS recognizes it. Let them perfect it in accordance with this amendment and carry it out, the responsibilities that we want to perform.

Mr. SKAGGS. Mr. Chairman, I yield myself 30 seconds.

Let me just say to the gentleman from South Carolina, for whom I have the utmost respect, I was able to make this provision in order with the acquiescence of our colleagues on the Committee on Energy and Commerce by committing to them a commitment that I feel obliged to keep that I would not accept further changes in language without their agreement, which I do not have.

This language existed in the proposal that was submitted to the Committee on Rules when the gentleman from South Carolina was aware of it, before we got the rule made in order. So I offer that by way of explanation.

Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Chairman, I rise to speak in strong support of the amendment offered by my colleague and friend from Colorado [Mr. SKAGGS]. This is an important amendment and deserves our full support.

I have worked closely with Mr. SKAGGS, Mr. HALL of Ohio, Mr. MORRISON, and others to bring this issue to the floor. As a Member that represents a major Department of Energy facility with over 13,000 employees, I am deeply concerned about the health of these dedicated workers.

For more than 40 years, workers at the Idaho National Engineering Laboratory and other facilities in our nuclear weapons complex have played an important role in meeting our national security needs.

Dramatic changes in the Soviet Union and the President's plan to reduce our nuclear weapons arsenal offer hope for a more peaceful world.

However, as a result of these positive developments, the Department of Energy plans to modernize and consolidate the Nation's nuclear weapons complex.

As this transition takes place, it is our responsibility to provide the necessary help and assistance for these workers who may face serious and unique problems regarding their health and future employment.

This amendment addresses the needs of these nuclear defense workers and provides a responsible plan for helping them. An effective program to monitor Department of Energy workers exposed to hazardous and radioactive substances is a welcome addition to the defense authorization bill.

I urge my colleagues to support passage of this important amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HALL], who was deeply involved in this effort.

Mr. HALL of Ohio. Mr. Chairman, I stand up in support of the Skaggs amendment. I have a facility in my district that the Department of Energy is trying to close.

If they are successful, and I hope that DOE is not, the workers will be protected and helped relative to their health care and concern and surveillance that is written into this amendment.

But most important is what really has already been discussed, the fact that the Secretary of HHS will share responsibility in the surveillance and monitoring. That is something that I really support.

The Department of Energy in regard to my own district in trying to close this facility has shown great callousness and great arrogance. Right now I do not trust them really to help their own workers.

For that reason, I would ask my colleagues to support the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield myself such time as I may consume.

In closing, let me just say, if we can expect the Congress and the President to reach agreement on revenue estimates for purposes of a balanced budget amendment, surely we can expect the Secretaries of Energy and HHS to reach agreement about health protocols under this amendment. It is not a big deal.

What is a big deal is cutting through the legacy of mistrust that attaches to the Department of Energy's exclusive control over these matters of health and safety of the nuclear defense work force.

I urge support of this amendment.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

It seems to me that this matter could be easily resolved if the gentleman from Colorado would withdraw the amendment. We could work this out, resolve it in the conference committee.

Somebody has to have the responsibility here. The Secretary of Energy has the responsibility. While it is very true that there have been concerns in the past, no one has argued here tonight that Secretary Watkins is not carrying out his responsibility, that he is not consulting with the Secretary of Health and Human Services and that there is any problem whatsoever with any of these regulations.

□ 2230

It is a legacy of the past, as one of the speakers on the other side noted. I think that the gentleman from South Carolina [Mr. SPRATT] was absolutely correct when he said that it is important for us to identify the Secretary of Energy. He is doing his job, and we ought to defeat this amendment so we can get on with the work here. If there needs to be a change, it can be resolved in the conference committee. Either the amendment should be withdrawn or should be defeated. I urge that it be defeated, if there is a vote.

The CHAIRMAN pro tempore (Mr. MURTHA). The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 474, proceedings will be resumed on those amendments on which further proceedings were postponed. Votes will be taken in the following order:

The amendment offered by the gentleman from Utah [Mr. OWENS], number 17 in part 1; and the amendment offered by the gentleman from California [Mr. ROHRABACHER], number 4 of part 2.

The Chair will reduce to 5 minutes the time for electronic votes following the first vote.

The pending business is the demand of the gentleman from Utah [Mr. OWENS] for a recorded vote on the amendment offered by the gentleman from Utah [Mr. OWENS] on which further proceedings were postponed and on which the Chair announced that the noes appeared to have it.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN pro tempore. The pending business question is the demand of the gentleman from Utah [Mr. OWENS] for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN pro tempore. The pending business is the request of the gentleman from California [Mr. ROHRABACHER] for a recorded vote on the amendment offered by the gentleman from California [Mr. ROHRABACHER], on which further proceedings were postponed and on which the Chair announced that the noes appeared to have it.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California [Mr. ROHRABACHER] for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. TAUZIN. Mr. Chairman, title 35 of H.R. 5006, the National Defense Authorization Act for fiscal year 1993, is identical to H.R. 1558 as passed by this body on March 31, 1992. H.R. 1558 was introduced by my colleague, the Honorable JACK FIELDS, ranking minority member of the Coast Guard and Navigation Subcommittee, in an effort to bring about greater consideration for the Federal Government's policies toward the Panama Canal and its future as a dependable, bicoastal route for international maritime trade.

Title 35 will require the President, in consultation with the Panama Canal Commission and Federal agencies of jurisdiction, to present a plan setting forth recommendations for changes in the Commission to facilitate its operation as a more autonomous and independent entity and require an independent analysis by the General Accounting Office.

Title 35 will create a dissolution fund to aid in the transfer of the canal and dissolution of the Canal Commission in accordance with the Panama Canal Treaty of 1977.

Mr. Speaker, the emphasis of H.R. 1558 is to set forth a mechanism for the continued, safe, and financially independent operation of the Panama Canal.

Section 35 is a compromise agreement between the House Merchant Marine and Fisheries Committee and the House Armed Services Committee.

Let me complement my colleague, JACK FIELDS, for bringing about this agreement. Let me also thank my colleagues on the Armed Services Committee for their assistance, cooperation, and concern for the benefit of the international maritime industry and the world.

I urge my colleagues' support of section 35 of H.R. 5006 regarding the Panama Canal.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to H.R. 5006, the fiscal year 1993 Department of Defense authorization.

Although this legislation contains several proposals with regard to procurement from disadvantaged business enterprises which I initiated and fully support, I believe that overall it pure and simply fails to recognize the drastically reduced threat to the United States posed by the former Soviet Union.

The paradox put forth by this legislation is enough to make your head spin. Just imagine that we are spending billions of dollars to protect Europe and Japan from the Soviet Union—which no longer exists—while at the very same time preparing to send billions of dollars to the former Soviet Union in foreign aid to help prop up their failing economy.

Meanwhile, Main Street U.S.A. is crumbling under the weight of 12 years of neglect from the Reagan and Bush administrations. Certainly nobody in this body would argue that our military should be pared down to levels which would jeopardize our national security. But what good is a strong defense when there is nothing left here at home to defend?

Since I began serving in Congress in 1973, I have waited for the day when we could begin discussing our military budget without the threat from the Soviet Union clouding the debate. Now when we finally have the chance to make meaningful cuts in our military forces, many of my colleagues are finding that old habits are indeed hard to break. This budget is filled with billions of dollars in military boondoggles that either don't work, the military doesn't want, or are designed to fight an enemy which no longer exists. That means that rather than funding Head Start, we're funding B–2 bombers. Rather than expanding health research, were building the V–22 Osprey, even though the Defense Department doesn't want it. And rather than rebuilding our inner cities, we're spending billions of dollars on an unproven, untested, and unneeded star wars program.

While I believe H.R. 5006 does not go far enough in reducing and restructuring our military in the aftermath of the cold war, I am particularly pleased, Mr. Speaker, that several parts of my bill H.R. 852, the Small Disadvantaged Business Fair Share Act, were included into this Department of Defense authorization bill. While reauthorizing the Department of Defense SDB Program for 7 years, H.R. 5006 also includes language to strengthen the current program by assuring that defense contractors are actively seeking and including minority businesses in their subcontracting programs. Furthermore, this legislation lifts restrictions which require participants in the SDB program to manufacture the product they sell to the Department of Defense. Current policy unfairly restricts disadvantaged businesses from many sectors of defense procurement process.

Unfortunately, Mr. Chairman, the Rules Committee failed to make in order an amendment I proposed which also would have helped small businesses and disadvantaged businesses alike by altering restrictions in the Small Business Act that currently require at least 50 percent of a contract be performed by the small business that is awarded the contract. This restriction has served as an impediment to many small businesses seeking large or complex contracts, thus limiting the growth of these businesses. This amendment would have had a special significance to many of America's small, disadvantaged businesses, which are primarily minority-owned. Typically, minority-owned businesses are relegated to smaller, narrower contracts even when they are awarded contracts under what has been referred to as the section 1207 program. Many of these businesses are entirely competent to administer large, complex contracts, for which they would directly perform a sizable share of the work, while subcontracting with others for sizable shares. But the 50-percent rule, as it is now in force, prevents them from being awarded such contracts. In fact, it imposes a type of "glass ceiling" on the growth and development of these minority businesses.

Many of my colleagues have proposed amendments to require our European allies and the Japanese to pay their fair share of the tab for defending them, as well as to accelerate the return of our troops from overseas, and I fully support these efforts. Furthermore, I plan to support the amendment offered by my colleague, Mr. AUCOIN, which will give military women serving overseas the same access to abortion that their colleagues serving here in the United States would have.

Mr. Chairman, my colleagues on the other side of the aisle often argue that we must begin to cut spending on those Government programs which have outlived their usefulness. Clearly our bloated military is one of those programs, and I urge my colleagues to reject this authorization.

Mr. RANGEL. Mr. Chairman, I take this opportunity to comment upon the counterdrug provisions in H.R. 5006, National Defense Authorization Act for fiscal year 1993. The ability of DOD to make a positive contribution to the war on drugs is undisputed, however, no matter how successfully the Department carries out its mission, the drug war will not be won cheaply or quickly. Law enforcement is a critical component of the war on drugs and the use of military assets to support law enforcement agencies has been invaluable in making drug trafficking more costly and dangerous. Nevertheless, our military no matter how dedicated cannot win the war on drugs by itself. We must rely on a comprehensive strategy encompassing law enforcement, use of the military, foreign policy initiatives, drug education, treatment, and research to bring the drug problem under control. Casual drug use has apparently declined, but hard-core drug use and addiction are increasing. The people who are still using drugs are using more of them, and crack has injected an added element of violence into American society with tragic consequences for many.

Mr. Chairman, H.R. 5006, provides $1,263,000,000 for DOD drug interdiction and counter-drug activities, the same overall amount requested by the administration. The bill, however, establishes some different priorities from those proposed by DOD. The Department requested an authorization of $10 million for support to law enforcement agencies, however, the Committee on Armed Services recommends an additional $30 million for such support. Because of the proven importance of the Civil Air Patrol to counternarcotics operations, the Armed Services Committee recommends an increase of $1 million to the requested authorization of $1 million.

H.R. 5006 directs DOD to provide funding for the Gulf States counterdrug initiative, in addition to those amounts currently identified for the National Guard counterdrug support activities. Because many drug shipments are targeted for delivery to the southeastern United States, I support this initiative.

Section 1032 would require the Secretary of Defense to develop and submit to the Congress a surveillance systems requirements plan to identify and prioritize those systems and capabilities needed to carry out the Department's counternarcotics detection and monitoring mission. The bill authorizes $5 million to be appropriated to develop counternarcotics systems that show promise for increased capability at reduced costs. Mr. Chairman, intelligence plays a critical role in successful drug interdictions. When a drug shipment is coming in law enforcement agencies must be able to pool their information and move quickly or the shipment will be gone. I, therefore, support any reasonable steps which DOD can take to improve its intelligence gathering capabilities. The bill directs the Secretary of Defense to provide the House Armed Services Committee an assessment of these systems as soon as possible. This provision is necessary if the Congress is to effectively exercise its oversight responsibilities.

Mr. Chairman, to fund congressional priorities, including a new consolidated surveillance systems account, the House Armed Services Committee recommends a number of program reductions or eliminations.

Mr. Chairman, I commend the Armed Services Committee for its strong support of our active military role in our Nation's antidrug efforts, and I support the committee's recommendations for DOD's counterdrug programs.

Mr. STARK. Mr. Chairman, I am quite pleased to see the Defense authorization bill before us contains a small provision designed to improve the Army's DCM [Director of Civilian Marksmanship] Program. The program, under a requirement of the 1990 Defense authorization bill, had been destined for reform, and that process continues.

I believe the DCM Program will prosper if it is given a chance to stand on its own two feet. This provision simply requires that the Army charge fair market value for ammunition, access to military rifle ranges, and an end to free junkets to Camp Perry, OH, for the annual national matches. Think of it: the Federal Government's $5 million boondoggle had put private gun stores and private rifle ranges at a distinct competitive disadvantage through a Federal Government giveaway of roughly 40 million rounds of ammunition annually.

I was proud to work with private gun stores and private rifle ranges to put an end to this free bullet welfare program. With the cold war over, and the natural downscaling of Pentagon programs, giving away 40 million rounds of free ammunition and giving free access to military rifle ranges just made no sense. How could Members of Congress explain closing down hundreds of our military bases and reduction of hundreds of thousands of military personnel, while at the same time justifying a $5 million boondoggle? One of the best observations I've just read of the DCM program was sent to my office by a Camp Perry neighbor. It's the best local insight on the DCM Program. I'd like to include this letter for the Record:

> A local newspaper gives specific numbers of NRA funding, one says $4 million for '92, one says $5 million. The DCM (Director of Civilian Marksmanship) according to this article sponsors 350,000 youth between 12 and 19 years of age. If each member paid $15 a year, they would generate $5,250,000. If 100,000 senior club members paid $20 a year that's $2,000,000.
>
> Seems to me there's no reason to repeal H.R. 4739 [note: H.R. 4739 was the 1990 Defense authorization bill]. Any private concern could make $3 million plus. Somebody needs to take a good look at this. There's no need for government funding.
>
> I never belonged to this program when I entered the service. I spent 20 weeks at Ft. Campbell, Kentucky. 90% of the time we trained with an M-1 rifle. Seems like the difficulty is giving up the free-bee program, not the cost. $15 for junior members and $20 for seniors is a drop in the bucket. $5 million can feed a lot of hungry people or a lot of unemployment and medicare payments.
>
> YMCA membership costs more than the above fee. Shooters in the National Matches pay a fee which pays the volunteers. Regardless of what is said about this being a youth program, 90% of the shooters are adults and military. Don't let them get this bill repealed. It's very able to be self-supporting.
>
> The NRA doesn't need government support. They can afford 4 page ads in magazines and entire pages of newspapers. How many Members of Congress and the President's Cabinet and perhaps the President himself are members of the NRA? How can we expect those who are members to be objective? This election they'll find out, the people intend to be heard. No money spent foolishly!

That letter, Mr. Chairman, says it all. I understand the White House supports this reform, and so does OMB. Therefore, I ask my colleagues to support the well-crafted reform of the DCM Program.

Mr. IRELAND. Mr. Chairman, I have grave concerns about the Defense business operations fund [DBOF]—a matter handled by Mr. HUTTO's Readiness Subcommittee.

I expressed my concerns about DBOF in a letter to Mr. HUTTO on May 6, 1992—on the eve of his subcommittee markup. I had heard that there would be a proposal to scrap the DBOF Program and wanted to offer my support for that idea.

I remain concerned that DBOF could become a slush fund to replace the $30 billion merged surplus account that Congress closed in December 1990. When the remaining M accounts are closed in September 1993, DOD will no longer have a readily available supply of excess cash to cover a continuing practice of overobligating appropriations accounts—a surreptitious way of circumventing the Antideficiency Act and the will of Congress.

As currently structured, DBOF would breakdown the integrity of the various appropriations accounts. Personnel, O&M, procurement, RDT&E, and military construction appropriations will be pumped into DBOF, but the separation and integrity of those accounts will not be maintained once inside DBOF. All these money are being merged in one big pot of money as they were in the M accounts—clearly a recipe for abuse.

I have concluded that DBOF is not consistent with sound financial management, congressional oversight, and the law governing the use of appropriations—31 U.S.C. 1301(a).

I fully intended to introduce an amendment to kill DBOF in the full committee, but that turned out to be unnecessary—thanks to Mr. HUTTO and his fine staff.

Mr. HUTTO's staff had already crafted language imposing strict controls on DBOF. They also turned to in a highly responsive manner, modifying the bill language to address my most immediate concerns. The provision—subtitled D of title III, section 331—covering DBOF now includes a requirement that DOD maintain the fiscal year and account identity of appropriations paid into DBOF. I had hoped this language would keep DOD from diverting excess DBOF cash balances to unauthorized purposes—beyond the purview of Congress.

Well, Mr. Chairman, that's what I thought until yesterday—until I had a glimpse of the $2.3 billion fiscal year 1992 omnibus reprogramming action, No. FY92–1 PA. DBOF is to be the major source of financing. A total of $838 million is to be drawn from excess DBOF cash balances—cash generated by jacking up prices paid by the military services to finance all sorts of questionable schemes. The $838 million is a plug figure. We don't know where that money came from, and we don't know where the money is going. Using DBOF to finance reprogrammings is not consistent with the intent of DBOF, and it is not consistent with congressional oversight. If that's its real purpose, DBOF should be terminated.

The proposed reprogramming just does not smell right, so I have asked the GAO to begin looking into it.

Mr. Chairman, I would like to praise two members of Mr. HUTTO's Readiness Subcommittee staff—Mr. Will Cofer and Mr. Stephen Rossetti. I want to compliment them for the way they conduct themselves. They carry out their oversight responsibilities in a most professional, objective, and honest way. I thank them for their help. We need more like them.

I also want to thank Mr. Archie Barrett and Mr. Warren Nelson for working with me to find more reasonable and acceptable legislative remedies for bringing a greater degree of independence and integrity to DOD cost estimating and for bringing DOD into compliance with the "M" account legislation.

Mr. MOAKLEY. Mr. Chairman, I rise today in strong support of the en bloc amendment offered by the distinguished chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN].

Included in the en bloc package is an amendment that will aid a group of hard working and dedicated public servants, National Guard technicians. I have worked closely with my colleague from South Carolina [Mr. DERRICK] to craft a provision that would ease the undue hardship and financial burden placed on these technicians and their families as a result of the loss of their job through no fault of their own.

The National Guard technicians are a truly unique group of civil servants. As a condition of their civilian employment, these technicians must maintain military status as members of the part-time National Guard. If they are involuntarily separated from the National Guard as a result of a military drawdown or as a result of evaluation by the Enlisted Qualitative Retention Board, technicians also lose their civilian job. As a result, many of these men and women are left without incomes and without the retirement benefits for which they have been working. I would like to point out as well, that for the purposes of this act, it should be clear that involuntary separation should include failure to meet certain weight or physical standards that do not have any effect on the performance of the civilian job.

In current law, technicians who are involuntarily separated are allowed to transfer into the competitive civil service. The Moakley/Derrick amendment would take this process a step farther and would allow the technician, who has been involuntarily separated, to apply for such a transfer and guarantees a comparable job will be made available within 6 months of the application. The Moakley/Derrick amendment would simply take care of those technicians who have at least 20 years of service but are not yet eligible for any retirement benefits. It is a seemingly small gesture but one which will ensure that technicians and their families affected will not be coldly turned out after dedicating much of their life to the service of their country.

I want to express my gratitude to my friend Mr. DERRICK for all of his hard work on this matter and for his guidance. I would also like to recognize the willingness of Mr. ASPIN and his staff and Mr. CLAY, chairman of the Post Office and Civil Service Committee, and his staff for all of their cooperation in bringing this amendment to fruition. Finally, I would like to express my thanks to the technicians in Massachusetts and across the country who, along with the National Association of Government Employees and the National Federation of Federal Employees, brought this unfair situation to my attention.

Ms. OAKAR. Mr. Chairman, I rise in support of the Defense economic adjustment/conversion/reinvestment amendment offered by the chairman of the Armed Services Committee, Representative ASPIN.

I feel the Armed Services amendment represents a major advance for defense conversion in this country. The amendment takes the Nation's defense adjustment/conversion/reinvestment effort from the $200 million level of 1990 to a $1 billion level for fiscal year 1993, and, in my opinion, Majority Leader GEPHARDT, Chairman ASPIN, and Representative FROST are entitled to commendation for this accomplishment.

This is the year of the Armed Services Committees in defense conversion, and their involvement and leadership roles are welcome supplements to the overall effort. The emphasis of these committees begins, understandably, with defense related matters, such as maintenance of the defense industrial base, which my service as chair on the Economic Stabilization Subcommittee for 4 years led me to conclude is an absolutely essential policy matter. I also hope the Defense Production Act is finally enacted this year to roundout this effort.

The Aspin amendment also contains variants of provisions proposed by my own economic adjustment/conversion/reinvestment bill, H.R. 5116, such as loans to small business, enhancement of the Defense Department Small Business Innovation Research Program, certain retraining and reeducation benefits for Defense personnel, support for advanced manufacturing technology, and some consideration of export potential. I appreciate the consideration of my proposals by the majority leader and his staff, as well as the Armed Services Committee and the task force set up for these purposes.

PROGRAM IS NONPARTISAN

At the press conference on June 3, 1992, announcing this amendment, the question arose as to whether this was a partisan effort. I would like to set the record straight on this question. In all the years I have been working on this program, there has never been a hint of partisanship by any one involved.

Between 1988 and 1990, the House Subcommittee on Economic Stabilization, under my chairmanship, held a half-dozen hearings on this subject. Representatives MAVROULES, GEJDENSON, WEISS, and others testified at those hearings. It is a fact that no Republican Members joined them. When we introduced a composite bill in February 1990, H.R. 3999, it is also a fact that we had no Republican cosponsors. When the amendment drawn from H.R. 3999 and other bills came to the floor in September 1990, the Republican position was that the problem should, indeed, be recognized, but no money should be spent on it.

But, congressional Republicans were far ahead of the Bush administration. The official position of the administration was stated in the President's Economic Report for 1991, as follows:

> Defense (budget) cuts are an opportunity to allow market forces to redirect resources toward other productive uses (page 151).

Actions speak louder than words. For the past 3 years, during which Defense adjustment/conversion/reinvestment has become an increasingly urgent matter, the operating budget for the Pentagon's Office of Economic Adjustment—the only office solely devoted to this activity—was as follows:

DEFENSE DEPARTMENT OFFICE OF ECONOMIC ADJUSTMENT BUDGET

[Dollars in millions]

	Operating budget	Grants	Total
Fiscal year:			
1990	$2.2	1.3	3.5
1991	2.5	4.5	7.0
1992	2.5	5.0	7.5
Totals	7.2	10.8	18.0

Source: Department of Defense.

My understanding, from the House Armed Services Committee, is that what the administration has actually been willing to budget for this activity over the past 3 years has been $7.2 million. The additional grant money was taken from another account—operations and maintenance—after Congress lifted the ceiling on spending in this account.

DEVELOPMENTS IN 1991

After Congress has authorized and appropriated $200 million for these purposes in November 1990, the Defense Department refused to disburse the funds to the Departments of Labor and Commerce. It required a public hearing by Representative MAVROULES in the Investigations Subcommittee of House Armed Services on May 16, 1991, before the Defense Department would agree to release the money. Even then, the Department of Commerce refused to accept the funding for community assistance.

Meanwhile, in March 1991, the Democratic National Committee adopted a resolution favoring a long-term Defense economic adjustment/conversion/reinvestment program that would be funded adequately to cope with the projected 5-year builddown of America's defense forces.

Those of us interested in economic conversion sought an additional $100 million for the program in 1991, but the House Budget Committee did not go along with our request.

MAJOR CONGRESSIONAL PROPOSAL IN 1992

In February of this year, Majority Leader GEPHARDT and I advocated a $3.1 billion program to the same House Budget Committee, which responded by reporting out a $2.956 billion budget for Defense economic conversion—see House Concurrent Resolution 287, House Report 101–450, page 233–33.

PRESIDENTIAL PROPOSALS

After it became clear that the House would vote this week on at least a $1 billion package of Defense adjustment/conversion/reinvestment programs, President Bush announced, on May 28, that:

> We will dedicate more than $1 billion additional dollars through 1996 on a number of additional programs (of Defense economic conversion) including new GI bill benefits and an expansion of job training, employment, and educational opportunities.

Remarks for delivery by President George Bush before the veterans coalition, Phoenix, AZ.

I am greatly encouraged that President Bush has recognized the benefits of intelligently managing the process of defense economic transition. I commend the President for adopting a long-term, 5-year approach to defense conversion. This is progress. We welcome the President's cooperation in this effort.

ANALYSIS OF PRESIDENTIAL PROPOSALS

A close look at the President's statement reveals the President contended in Phoenix, and in a factsheet released in Washington on the same day, that: "Our plan already includes spending more than $7.1 billion to address defense transition over the next 2 years." Wait a minute, Mr. President, we have just identified $7 million in the administration's budgets over the past 3 years for defense economic conversion purposes. The claim that this has suddenly become $7 billion is just not believable.

COMPARSION OF CONGRESSIONAL AND PRESIDENTIAL PROPOSALS

We should observe that the Aspin amendment is for $1 billion for fiscal year 1993, while the President's proposal is for $1 billion over a 5-year period.

We should also note that the 1990 legislation—Public Law 101–510—raises the President's Committee on Economic Adjustment to a statutory level, so the various efforts in behalf of defense economic adjustment/conversion/reinvestment can be adequately coordinated. I found no reference in the President's material to this coordinating mechanism. I would like to suggest that the President convene a meeting of his committee, in order to send a signal to his Departments of Defense, Labor, and Commerce that the funds authorized and appropriated by Congress for these purposes be promptly and efficiently expended.

So, although the parties may differ on the desirability of defense economic adjustment/conversion/reinvestment policy and individual programs, I do not believe any partisanship has been involved. My party, I am proud to say, recognized a need and has, for the past several years, attempted to do something about it. We welcome the ideas, the constructive criticisms, the proposals, the support, and the expertise of all concerned, including the President and his administration. The American people deserve no less.

SUMMARY

This 1992 amendment represents a significant advance in the level of effort to provide temporary and transitional help to workers, communities, and businesses that are impacted by the contemplated 20-percent reduction in the Defense budget that will take place between now and 1997.

I hope we will go on to supplement the programs enacted in both the 1990 and 1992 legislation. I hope the amounts involved in this effort will rise to the level where we can get optimum cost effectiveness in recycling our prime defense skill and assets. I hope civilian-oriented initiatives launched in the 1990 legislation will be more fully developed.

However, I believe the 1992 Aspin amendment is a constructive forward step and is worthy of the support of this House.

Mr. MARLENEE. Mr. Chairman, I urge my colleagues to support the inclusion of my amendment into the en bloc package that would permit States, if they so choose, to use military insignia on novelty motor vehicle license plates.

Let me give my colleagues some background on my amendment. Earlier this year, I was informed of a unique fundraising proposal for the Montana State Veterans' Cemetery to help offset the declining funds received from the State and Federal level. During the 1990 session of the Montana State Legislature, the State approved selling a special series of motor vehicle novelty license plates to veterans. The extra proceeds would go toward upkeep of the State veterans' cemetery.

The license plates would have the insignia of the specific branch of the Armed Forces in which the veteran served. Veterans had to show proof that they served in the specific branch of the Armed Forces to be eligible for the special license plates.

However, this project almost failed. Just before issuing these license plates, the Montana Motor Vehicle Division, and the Montana Veterans' Affairs Division discovered that it would be illegal to place military insignia on motor vehicle license plates from the Pentagon. After going through a long and difficult process of securing permission for the use of the military insignia from each branch of the service, Montana was finally able to proceed with the project.

While this has resulted in a positive outcome for Montana, I can't but help think that other States would like to do similar projects. That's why I introduced H.R. 4112 last January, which is in essence the amendment I am offering today, to help bring some order to this process. It makes no sense for each State to reinvent the approval process for the use of military insignia on motor vehicle license plates.

My amendment would permit States to place military insignias on motor vehicle license plates, but would give the secretaries of the respective service branches the right to prescribe any regulations they deem fit regarding the display of such insignias.

The intent of my amendment is not to circumvent any authority given to the secretary to approve or deny uses of their military insignias. It only requires them to establish a clear list of procedures and criteria for the issuance of such permission.

If a State does not follow these criteria, which the respective military service branches determine themselves, then the State will not be able to proceed with the issuance of these special motor vehicle license plates.

Because my amendment effectively gives the secretaries of the respective services the final word on approving State applications for the use of military insignias on motor vehicle license plates, I would anticipate little or no opposition to my amendment from the administration.

Once again, Mr. Chairman, thank you for your kind indulgence, and I submit my amendment. I urge my colleagues to approve the amendment.

AMENDMENT TO H.R. 5006, AS REPORTED
OFFERED BY MR. MARLENEE OF MONTANA

At the end of subtitle D of title V (page 106, after line 22), insert the following new section:

SEC. 535. USE OF ARMED FORCES INSIGNIA ON STATE LICENSE PLATES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1057. Use of armed forces insignia on state license plates

"(a) The Secretary concerned shall approve an application by a State to use or imitate the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on motor vehicle license plates issued by the State to an individual who is a member or former member of the armed forces.

"(b) The Secretary concerned may prescribe any regulations necessary regarding the display of the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on the license plates described in subsection (a).

"(c) In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1057. Use of armed forces insignia on state license plates."

Mrs. BOXER. Mr. Chairman, I want to thank the chairman of the Investigations Subcommittee, Mr. MAVROULES, for accepting my amendment to stop the Pentagon's insidious practice of punishing whistleblowers and others in the military by subjecting them to unwarranted and humiliating psychiatric evaluations.

It would require the Department of Defense to write effective regulations to establish procedures for the appropriate use of mental health evaluations. Most importantly, my amendment would make it illegal to use these evaluations to harass or punish military whistleblowers and would subject violators to court-martial proceedings.

This is the second time the Committee has addressed this issue in legislation. Two years ago, as part of the fiscal year 1991 Defense Authorization Act, the Department of Defense was required to convene a committee of military and civilian psychiatrists, psychologists, and lawyers to propose regulations prohibiting the use of mental health evaluations to harass whistleblowers. They were also to establish procedures governing the appropriate use of evaluations, particularly when members were involuntarily hospitalized.

Unfortunately, the Department of Defense did not take the congressional direction seriously. Their proposed regulations did not fully comply with congressional intent. The regulations, which were 6 months late, did not establish criteria for appropriate evaluations, nor set forth a procedure for reviewing involuntary hospitalizations. My concern about these failures was shared by Chairman MAVROULES, as well as the American Psychiatric Association and the Government Accountability Project, a public interest group which represents whistleblowers.

Mr. MAVROULES and I communicated our concern to the Assistant Secretary of Defense for Health Affairs, Dr. Enrique Mendez, but Dr. Mendez not only declined to strengthen the purposed regulations, but essentially denied there was a problem.

Coincidentally, about the same time we received the letter from Dr. Mendez, the Dallas Morning News published a lengthy article about the continuing use of these evaluations by commanders to punish service members. The paper documented a number of cases and my office received scores of phone calls and letters from current and former military members after the article was printed charging that they had also been victims of this insidious tactic.

A civilian member of the congressionally mandated committee who wrote the flawed regulations also told my staff that it was his impression that DOD does not consider this a problem. Therefore, insufficient time and staff were devoted to the task. This individual said he did not even have the opportunity to review the proposed regulations before they were submitted to Congress.

For all these reasons, Congress must revisit this issue and send DOD back to the drawing board with specific direction, to get them to do the job they should have done in the first place. We must stop this abuse.

Again, I thank the chairman for supporting me on this, and I thank Congressman JIM MCDERMOTT, who supported my amendment 2 years ago and does so again today. I also want to express my appreciation to representatives of the American Psychiatric Association and to the Government Accountability project for their support of my amendment and their invaluable advice and insight.

Mr. PETERSON of Florida. Mr. Chairman, I rise tonight in support of this en bloc amendment for it addresses numerous important measures affecting our defense institution.

Contained in this en bloc amendment is a policy amendment regarding the eligibility for the Purple Heart Award. This amendment is based on my bill, H.R. 4502, which has strong bipartisan support.

I introduced the bill this past March; however, this issue came to my attention last year when I discovered that the Executive order governing the award of the Purple Heart did not specifically address friendly fire as a condition for awarding the medal. I wrote to President Bush at that time requesting him to amend the Executive order to include those servicemen and women who have been wounded or killed by friendly fire while in direct action with the enemy. I never received a response from the President.

A recent Pentagon accounting revealed that at least 35 out of 148 American men and women killed and 72 out of 467 American men and women wounded in the Persian Gulf war stemmed from 28 separate incidents of friendly fire. According to a study by Army Lt. Col. Charles R. Shrader, there were 90 friendly fire incidents during the Vietnam war and 173 in World War II.

Although I understand that the Department of Defense believes that the "criteria are sufficiently broad to allow senior field commanders to apply their best judgment in the timely and appropriate" award of the Purple Heart, I do not. A perfect example is a friend of mine—someone many of you might know—Max Cleland. He was responsible for veterans affairs under President Carter and is now the secretary of state for the State of Georgia. Mr. Cleland was severely wounded by friendly fire in Vietnam. He did not receive the Purple Heart and should have.

Mr. Chairman, friendly fire is an unfortunate fact of battlefield life. From my personal perspective, battlefields are becoming more and more reliant on high-technology weaponry resulting in more complicated identification of friend or foe. In short, we will see more not fewer incidents of friendly fire in future battlefield encounters. I am confident that the Department of Defense will ultimately do its part in making a commitment to prevent such tragedies. However, it is a fact that these incidents have occurred and are likely to occur again.

My amendment does not cover training exercises. It does not cover two Jeeps colliding on base. It does not reopen cases to determine whether or not someone was killed by friendly fire. What it does do is recognize and honor those American men and women killed or wounded by weapon fire while directly engaged in armed conflict regardless of the origin of the fire. It is also important to note, Mr. Chairman, that with the exception of the Bronze Star and the Purple Heart, all of the major military awards are created by statute, not Executive order. My amendment will codify the Purple Heart, the oldest and at the time of its origin by Gen. George Washington in 1782, the highest military award of the land.

Mr. Chairman, I submit to you and my colleagues in this body that those wounded or killed by friendly fire are not any less valiant, their acts any less courageous, or their service to their country any less honorable than those wounded or killed by enemy fire. I urge my colleagues to vote for this amendment. It is the right thing to do.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise in support of the Aspin en bloc amendment to the Defense authorization bill, H.R. 5006. I want to note, in particular, two modified amendments which I offered and which have been included in the chairman's amendment.

LIMIT ICBM REDEPLOYMENT AND SUPPORT WARHEAD CUTS

The first amendment supports the President's call to eliminate the Peacekeeper/MX missile and de-MIRV all other ICBM's, while limiting ICBM redeployments until the Pentagon submits a comprehensive plan on strategic forces. The amendment, as modified, represents consensus language which I have worked out with both the majority and minority on the Armed Services Committee.

The amendment represents sound arms control and defense policy. It puts Congress four square behind President Bush and his remarkable plan to terminate the MX missile and to remove all other MIRV warheads from Minuteman III ICBM missiles. It also requires that the Defense Department provide Congress with information it needs to carry out its constitutional obligation to raise and support military forces.

The amendment will ensure that we do not prematurely remove major assets from dual-mission strategic bases such as Minot and Grand Forks Air Force Bases in North Dakota. It specifically limits redeployment of operational ICBM missiles from one Air Force base to another unless and until the Secretary of Defense reports to Congress on a series of detailed questions. They are raised to make sure that we do not start reshuffling our bomber and missile forces until we know what is our Nation's strategic plan.

For example, Pentagon's report must describe the size and makeup of our planned strategic triad. It must outline the force structure options that were considered, including the disposition of bombers and missiles at each base in question. The report would also detail the costs of transferring bomber and missile assets, the advantages or cost savings associated with dual basing of missiles and bombers, and a discussion of other factors such as survivability which underlay each of the options.

The amendment, as I indicated, does urge that we remove multiple warheads and replace them with single warheads. It supports the policy of having a less provocative force in place at all strategic bases.

At the same time, my amendment does not prejudice or justify decisions about any base or future force structure. It merely requires that the Pentagon lay out a clear strategic plan before spending tax dollars on reorganization of our ICBM and strategic bomber forces.

ANTIFRAUD ENFORCEMENT

My second amendment included en bloc simply implements a recent GAO recommendation to require Federal agencies to prepare a list of all persons convicted of defense contract fraud. This would help to implement an earlier amendment of mine—now law—which bans employment of such persons. The GAO report recommended that either the Department of Defense of the Department of Justice provide the list to fill a data gap so that defense contractors can readily abide by the law.

GAO found that neither the Department of Defense nor the Department of Justice has made an accurate list of individuals convicted of defense-related contract fraud. Its study found that over 20 percent of individuals convicted of such crimes were not named on the present Government list of contractors excluded from defense work.

The information gap complicates and makes difficult the ability of contractors to comply with the law. If they don't know who the felons are, they can't be expected to keep such persons off company payrolls.

Whether big or small we must ensure that we stop the hemorrhage of taxpayer dollars that now occurs via defense fraud. Antifraud efforts must receive high priority attention by the Congress. This amendment moves us down that road.

The amendment originally directed the Defense Department to prepare a monthly list of convicted felons. I have agreed to make two modifications.

The modified version allows either the Department of Defense or the Department of Justice to discharge the responsibility. That would give the executive branch maximum flexibility. My goal is not to burden Federal agencies but to aid enforcement and to make compliance for contractors as easy as possible.

I have further agreed to a committee recommendation to change the publication of the list from a monthly to a semiannual basis, so as to reduce the paperwork involved. The amendment had merely tracked the GAO recommendation, but I believe that the modification is workable.

I want to thank Chairman ASPIN, and ranking member DICKINSON, and their staffs for agreeing to include these important amendments en bloc.

Mr. INHOFE. Mr. Chairman, there is a big misconception regarding abortion and the issue of women and their right to protect their bodies. It is not that right that I object to, but the right that is given them to kill an unborn fetus—an unborn child.

I want to share with you a story that my colleague, CHRIS SMITH told some time ago on this very floor. Ana Rosa Rodriguez is an abortion survivor. At birth she was a healthy 3 pound baby girl except for her injury—she was missing an arm.

Ana survived a botched abortion. Her mother attempted to get an abortion in her 32d week of pregnancy when she was perfectly healthy—8 weeks past what New York State law legally allows. In the unsuccessful abortion attempt the baby's right arm was ripped off, however they failed to kill Ana Rosa. She lived.

Pro-life supporters agreed that nightmare situations like the Rodriguez case are probably not common, but abortion-related deaths and serious injuries occur more frequently than most people are aware.

It is amazing that we can pay so much attention to issues such as human rights abroad and can allow the violent destruction of over 26 million children here at home. We are fortunate that Ana was not one of those children—she survived.

Mr. DREIER of California. Mr. Chairman, I am pleased that the en bloc amendments we are considering today include my amendment asking the Department of Defense to research and submit a report to Congress on the growing proliferation of military satellites in the Third World. As the Persian Gulf war clearly illustrated, high-technology weaponry gave U.S. troops a distinct advantage over Saddam Hussein's forces. However, if Iraq had had the satellite surveillance systems they were trying to develop just prior to the Persian Gulf war, the outcome could have been different, and more U.S. lives could have been lost. With accurate satellite data, Saddam could have tracked American forces and pinpointed his attacks more accurately.

On the other hand satellite information enabled the United States to closely monitor Iraqi troop movements, detect Iraqi Scud missiles, forecast the weather, and provide navigation information to pilots.

We should be concerned not only about Iraq's attempts to develop advanced satellite technologies, but also about other Third World countries that are attempting to develop this technology as well. India, Brazil, Indonesia, Pakistan, South Korea, North Korea, and Taiwan are just a few of the nations that are developing satellite systems that could have military capabilities. Other countries are gaining satellite information that is being sold on the open market by the French, the Chinese, and the Russians.

I believe that we need to look at this situation and develop a comprehensive approach to combating the spread of satellite information with military capabilities. My amendment would require that the Department of Defense evaluate the proliferation of satellites that can be used for military purposes, as well as the current and planned efforts by the United States to counter this proliferation with a comprehensive antisatellite program.

I would like to commend the chairman and the ranking member of the Armed Services Committee for including my amendment in their group of en bloc amendments. I believe that Members from both sides of the aisle will agree that it is important to investigate the possible threat that Third World satellite proliferation may hold for the United States.

Mr. VANDER JAGT. Mr. Chairman, as the Desert Storm operation demonstrated, our Army and ground forces performed magnificently in pursuing combat operations. A principal reason for their success was certainly the equipment, and thus the companies and technologies on which their weapons systems relied.

The Army's primary weapons systems are based on armored vehicles and the technology which provides both a platform and safety. Without question the M–1 tank, the

Bradley fighting vehicle, and other current armored vehicles built over the last two decades, and fielded in Desert Storm, demonstrated the wisdom of providing and maintaining such high-technology products. The armored systems modernization program is the sole Army technology effort, funded by this Defense bill, to develop the fighting systems that will be required for the future. Well after the current systems, a quarter of a century down the road, may have been passed by technologically, we will need to assure continued conventional force, armored, superiority.

We would all hope that Desert Storm will not find itself repeated in another place, another time. The world, however, is an unstable place, as we see in the wake of the end of the cold war and the struggle for democracy and freedom in nation after nation. No one can predict what our soldiers may face, and we have a responsibility to assure that we pursue the technology and development necessary to provide the advanced systems they may need. We can do no more, so they are assured of being able to do no less.

It is my understanding that an amendment may be offered to this Defense bill which would add back $35 million for the Army's armored systems modernization program. Should this valuable effort be included in the add-back amendments, I urge my colleagues to support the program as in the best interest of continued excellence and superiority in our armored weapons systems.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the amendment offered by my good friend and colleague from Florida; Congressman PETERSON.

Mr. Chairman, historically the Purple Heart has been awarded to honor those soldiers who have made enormous sacrifices on the battlefield.

That sacrifice is no less than life or limb.

It is the oldest military honor which our country can bestow on our fighting men and women.

In the opinion of many this award is more prestigious than the Medal of Honor itself, for a soldier must be wounded or killed in battle in order to be awarded the Purple Heart.

I was dismayed to learn that service men and women wounded by friendly fire are not eligible for this honor.

Unfortunately, friendly fire casualties have become a harsh reality of the modern battlefield.

These men and women are just as brave and just as courageous as those killed or wounded as a result of enemy fire.

Who among us will be the first to stand up and tell the 72 soldiers injured by friendly fire in the gulf war that they are undeserving of the Purple Heart?

And who will be the first to tell the families of the 35 soldiers killed by friendly fire that their spouse, son, daughter, father, or mother was not brave enough to win the Purple Heart?

There is no reason to ignore what is duly deserved by men and women who have survived or experienced such tragedy and sacrifice.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. COX of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I missed three recorded votes as a result of my duties as an official House delegate to the United Nations Conference on Environment and Development. Had I been present in the House Chamber, I would have cast the following votes: Rollcall No. 165, the Hopkins-Dickinson amendment to give the Department of Defense discretion in implementing the provisions of the Aspin amendment, "aye"; Rollcall No. 166, the Aspin amendment mandating $1 billion in defense conversion spending, "no"; and, Rollcall No. 167, the Dellums amendment to cut 10 percent from the bill, "no".

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, I was unavoidably absent for the portion of the Defense bill considered today. Had I been present, I would have voted in the following manner on the fiscal 1993 Department of Defense authorization bill. I would have voted "no" on rollcall vote No. 164, "aye" on rollcall vote No. 165, "no" on rollcall vote No. 166, and "no" on rollcall vote No. 167.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Speaker, because of my attendance at the United Nations Conference on the Environment and Development, I missed rollcall votes 165 to 167. Had I been present during consideration of amendments to the Defense bill, H.R. 5006, and final passage of that bill, I would have voted as follows:

"Yes" on rollcall No. 165, the Hopkins amendment to the Frost amendment.

"Yes" on rollcall No. 166, the Frost amendment in support of much-needed economic conversion funding.

"Yes" on rollcall 167, the Dellums amendment cutting the bill's authorization by 10 percent.

PERSONAL EXPLANATION

Mrs. PATTERSON. Mr. Speaker, I regret that I was not present for the following rollcall vote during consideration of H.R. 5006, the National Defense Authorization Act for fiscal year 1993. I was attending my son's high school graduation services. Had I been present, I would have voted "nay" on rollcall Nos. 167.

PERSONAL EXPLANATION

Mr. FIELDS. Mr. Speaker, due to official business in my district, I was unable to vote on the Dellums amendment. Had I been here, I would have voted against the Dellums amendment, No. 167.

ANNOUNCEMENT REGARDING VOTE ON HOUSE RESOLUTION 477

(Mr. HAMILTON asked and was given permission to address the House for 1 minute.)

Mr. HAMILTON. Mr. Speaker, I intend to offer momentarily a privileged resolution. I am informed that there has been an agreement made by the leadership that in the event a rollcall is demanded on the resolution, we will roll that until tomorrow morning.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I certainly have no objection to that, but when the gentleman says it would be rolled over until in the morning, does he know whether or not that would be the first item of business, or if it would come somewhere later? I ask that to determine whether or not our defense bill will be the first thing up, or if the gentleman's vote will be first.

Mr. HAMILTON. I regret to advise the gentleman I do not have that information. I will try to get it for the gentleman promptly.

The SPEAKER pro tempore. That will be up to the Speaker to decide tomorrow.

Mr. DICKINSON. I believe we are coming in at 9 o'clock.

PRIVILEGES OF THE HOUSE—DIRECTING THE FURNISHING OF CERTAIN DOCUMENTS IN CONNECTION WITH A DEPOSITION OF FORMER SECRETARY OF DEFENSE CASPAR W. WEINBERGER ON JUNE 17, 1987

Mr. HAMILTON. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 477) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 477

Whereas, the House of Representatives in the 100th Congress, 1st Session, adopted House Resolution 12 on January 7, 1987 establishing the Select Committee to Investigate Covert Arms Transactions with Iran, and authorizing that committee, during its continuance, to respond to judicial or other process consistent with Rule L;

Whereas, the House of Representatives in the 100th Congress, 1st Session, adopted House Resolution 330 on December 10, 1987 providing for the termination of that Select Committee on March 1, 1988 and for the transmittal of its records to the Clerk of the House for storage in the National Archives;

Whereas, the Office of Independent Counsel as part of its continuing criminal investigation of Iran/Contra matters has in a letter to the General Counsel to the Clerk dated June 1, 1992 requested certain testimonial and documentary information in connection with the June 17, 1987 deposition of former Secretary of Defense Casper W. Weinberger (taken in a closed proceeding of that Select Committee pursuant to House Resolution 12);

Whereas, by the privileges of the House, no evidence under the control of the House can, either by the mandate of process of the ordinary courts of justice or pursuant to requests by appropriate Federal or State authorities, be taken from such control except by the permission of the House: Now, therefore, be it

Resolved, That the testimonial and documentary evidence in connection with the June 17, 1987 deposition of former Secretary of Defense Casper Weinberger as outlined in the request of June 1, 1992 by the Independent Counsel, be furnished at the direction of the Clerk of the House in a manner consistent with the privileges and precedents of the House.

Mr. HAMILTON (during the reading). Mr. Speaker, I ask unanimous consent that the privileged resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The resolution states a question of privilege. The gentleman from Indiana [Mr. HAMILTON] is recognized for 1 hour.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am today introducing a privileged resolution. This resolution relates to certain documents created in 1987 by the House Select Committee To Investigate Covert Arms Transactions With Iran.

By adopting this resolution, the House would authorize the Clerk of the House to provide certain testimonial and documentary information to the Office of the Iran-Contra Independent Counsel, Judge Lawrence Walsh. This resolution would also authorize several former employees of the select committee to provide, by means of interviews, information which Judge Walsh believes to be necessary to the proper conduct of his inquiry.

The limited information sought by the Independent Counsel relates to a deposition given to the select committee by former Defense Secretary Casper Weinberger on June 17, 1987. The Independent Counsel has indicated that his request relates to the possibility—and I emphasize that, at this time, it is simply a matter of inquiry—that Secretary Weinberger made material false statements of intentionally withheld relevant material from the select committee. If this were the case, it would, of course, be a matter of extreme concern to the House, which must be able to have full confidence in the information provided by executive branch officials.

As Members will recall, the 100th Congress created the select committee to conduct an investigation into the Iran-Contra affair. I served as the chairman of the select committee.

The select committee completed its work and reported its finding and recommendations to the House in November 1987. Upon completion of its work, the House, by adoption of House Resolution 330 of the 100th Congress, made specific provision for the retirement and retrieval of the records of the select committee.

The select committee and the House were aware that certain information obtained during the congressional investigation might be material and relevant to the parallel criminal investigation being conducted by the Independent Counsel. Judge Walsh had been appointed Independent Counsel by the court of appeals upon the application of then-Attorney General Edwin Meese.

When the select committee concluded its work, it decided to provide a variety of materials to Judge Walsh. Since that time, the Independent Counsel has made several requests for information. The relevant committees of the House—Intelligence, Foreign Affairs, or Armed Services—have responded affirmatively to these requests.

Today we are faced with an unusual request. The information now sought by Judge Walsh has been retired by the House and is under the legal control of the House and its Clerk. The requested information is not under the control of any active committee. The Parliamentarian has advised—and the Speaker and the Bipartisan Legal Advisory Group have unanimously determined—that the proper procedure for us to follow is for the House to adopt a resolution authorizing the provision of this information to the Independent Counsel.

What information is the Independent Counsel requesting?

The Independent Counsel seeks to interview four former staff members of the select committee, as well as the House stenographer who transcribed Secretary Weinberger's deposition. In addition, the Independent Counsel seeks copies of any documents which evidence certain technical matters relating to the deposition, the transcript of which was made public by the select committee.

For example, the Independent Counsel desires to learn whether the deposition transcript was formally filed with the select committee, whether any errata sheet was filed, who administered the oath to Secretary Weinberger, and whether a copy of the rules of the select committee and its organic resolution were provided to Secretary Weinberger or his representatives. Judge Walsh and his staff have indicated that this information might have certain technical evidentiary value. The information requested is described in further detail in the Independent Counsel's letter and attached memorandum of June 1, 1992, which have been made a part of the record.

The Independent Counsel's letter of May 21, 1992, indicates that they believe, and I quote:

> The requested information is necessary to assist us in determining whether Secretary Weinberger made material false statements to the House Select Committee to Investigate Covert Arms Transactions with Iran, and whether relevant material, requested by the committee, was intentionally withheld.

Mr. Speaker, it is not the proper role of the House to determine whether or not criminal charges are justified or should be brought. Our system places that responsibility with the prosecutor, in this case the Independent Counsel.

A decision to respond favorably to Judge Walsh's request would not, in any way, signify that the House or its Members have taken a position on the question of Secretary Weinberger's truthfulness or responsiveness during his testimony to the select committee. Adoption of this resolution simply means that the House will honor the narrowly drawn request of the Independent Counsel, who has stated that the information he seeks is necessary to the proper conduct of his investigation.

Adoption of this resolution also would not signify an endorsement of the prosecutorial decisions made by the Independent Counsel. Members may have differing views on the efficacy of the Independent Counsel statute or its operation in regard to this investigation. Those questions are for other times or other places.

Our focus today is on how to respond to the narrow request of Judge Walsh. He has stated that he believes that the interest of justice can best be served by making this information available. The bipartisan leadership of the House and of the select committee have, in consultation with counsel to the House, reviewed this request. They have reached the conclusion that authorizing the provision of this information is consistent with the precedents and privileges of the House.

I would like to note one further step which the bipartisan leadership has taken. House counsel has been instructed to provide to Secretary Weinberger an appropriate description of the nature and extent of documentary materials that are provided pursuant to this resolution.

Mr. Speaker, I believe we have a responsibility to respond favorably to the Independent Counsel's request for information. I ask the House to adopt this privileged resolution.

□ 2240

Mr. Speaker, I ask unanimous consent to put in the RECORD the letter from the Office of Independent Counsel dated June 1, 1992, and addressed to Mr. Steven R. Ross, the general counsel to the Clerk, U.S. House of Representatives.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Indiana?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so to find out: the letter that I have before me that was directed to the House counsel, Mr. Ross, also had an addendum to it. Is that addendum also going to be put in the RECORD at this point? It is labeled "Memorandum to Steve Ross from Craig Gillen."

Mr. HAMILTON. Mr. Speaker, if the gentleman will yield, yes. I thank the gentleman for pointing that out. It is entitled "Memorandum," and it should also be included in the RECORD, and I ask that that be included in my unanimous-consent request.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I would ask a question. The memorandum does list virtually all of the materials being asked for by the special counsel so that in the RECORD will appear, for the purposes of Secretary Weinberger's information, all of the materials that have been requested from the House; is that correct?

Mr. HAMILTON. That is my understanding. It does list all of those materials.

Mr. WALKER. Further reserving the right to object, just to clarify one other point, the gentleman indicated in the resolution that this material will be transmitted to the special counsel by the Clerk. That is what the resolution, I think, reads. Is there anybody that will have an obligation to transmit this to Secretary Weinberger?

Mr. HAMILTON. Not under the terms of the resolution. But I think there has been an agreement to which I referred in my comments, an agreement by the bipartisan leadership of the House to instruct the House counsel to provide to Secretary Weinberger an appropriate description of the nature and the extent of the documentary evidence that is being supplied pursuant to this resolution.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, my understanding is the Clerk will transmit the materials specified in the resolution or specified by the special counsel to the special counsel, but it will be the job of the House counsel to transmit this information to Secretary Weinberger; is that correct?

Mr. HAMILTON. The gentleman is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I just have three quick questions. How long has the Iran-Contra investigation been going on by Judge Walsh; how much has it cost thus far; how much more is it going to cost; and how much more are we going to have to endure before this thing comes to a conclusion?

Mr. HAMILTON. Mr. Speaker, if the gentleman will yield, I am not able to respond to the gentleman with respect to those facts. I do not have them. I do not know the cost. I have not been supplied that information.

The Independent Counsel was appointed by Attorney General Meese. I thought I had the date, but I do not have the date in front of me. It was 1987.

Mr. BURTON of Indiana. Further reserving the right to object Mr. Speaker, I was informed, and I think these figures are fairly accurate, the investigation has been going on now for 5 years at a cost of close to $40 million of American taxpayer dollars. It just seems to be never ending, and it is like a search-and-destroy mission, and you are going after everybody. And I just wonder when is this going to end? The American people, I think, are tired of this, and I think that many Members of Congress would like to see it come to a conclusion.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HAMILTON. Mr. Speaker, the materials to which I referred are as follows:

OFFICE OF INDEPENDENT COUNSEL,
Washington, DC, June 1, 1992.

Re June 17, 1987, Deposition of Caspar W. Weinberger.

STEVEN R. ROSS, Esq.,
General Counsel to the Clerk, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. ROSS: Please find enclosed a memorandum entitled Priorities of OIC for Weinberger Requests.

This memorandum lists our present requests for documents and interviews regarding our investigation of former Secretary of Defense Caspar W. Weinberger.

We have prioritized our requests into three categories:

(1) material necessary to establish essential elements of a possible crime;

(2) material helpful to establishing essential elements; and

(3) material relevant to investigative leads.

This priority listing is essentially a rearrangement of our earlier requests listed in my May 21, 1992 letter to you; however, we have substantially narrowed the scope of our prior request listed in paragraph 14 of my May 21st letter.

I hope this will be useful in expediting our request.

In addition to identifying the reporter who prepared the transcript of Secretary Weinberger's June 17, 1987 deposition, we request an opportunity to interview the reporter as well.

I thank you in advance for your attention to our requests.

I remain,
Very truly yours,
CRAIG A. GILLEN,
Deputy Independent Counsel.

MEMORANDUM

To: Steve Ross.
From: Craig Gillen.
Date: June 1, 1992.
Re: Priorities of OIC for Weinberger Requests.

Material necessary to establish essential elements:

(1) Please determine whether the transcript of Secretary Weinberger's deposition testimony was filed with the Clerk and, if so, please produce copies of each document reporting such filing.

(2) Please determine whether the Select Committee's jurisdiction, mandate and/or areas of material interest were contracted or altered in any way during the life of that Committee.

(3) Please determine whether Secretary Weinberger and/or any representative acting in his behalf (including but not limited to Department of Defense (DoD) General Counsel H. Lawrence Garrett, III) reviewed the transcript of Secretary Weinberger's deposition testimony before it was filed and, if so, please produce copies of each document, such as any *errata* sheet, that indicates such review.

(4) Please identify the reporter(s) who prepared the transcript of Secretary Weinberger's June 17, 1987, deposition.

(5) Please determine whether an oath was administered (the record refers to Secretary Weinberger having been "previously sworn") and, if so, what oath and by whom.

Material helpful to establish elements:

(1) Please determine whether Secretary Weinberger and/or any representative acting in his behalf ever signed the transcript of his deposition testimony and, if so, please produce copies of each document containing such signature.

(2) Please determine whether Secretary Weinberger and/or any representative acting in his behalf received a notice of deposition and, if so, please produce copies of each written notice of deposition and each document reporting that such notice was given.

(3) Please determine whether Secretary Weinberger and/or any representative acting in his behalf was given a copy of House Resolution 12 (creating the Select Committee) and/or any rules of the Select Committee, and, if so, please produce copies of each document reporting the transmission of such material.

(4) Please determine whether Secretary Weinberger and/or any representative acting in his behalf was advised that his deposition testimony would be deemed to have been given in the District of Columbia and, if so, please produce copies of each document reporting such advice.

(5) Please determine whether Secretary Weinberger and/or any representative acting in his behalf was advised that his deposition testimony was constructively being given to the House Select Committee and, if so, please produce copies of each document reporting such advice.

(6) Please determine whether any guidelines or rules applied to the taking of depositions by representatives of the Select Committee and, if so, please produce copies of each document reporting guidelines or rules.

Material relevant to investigative leads:

(1) Please provide access to House Select Committee files and documents that relate to any Committee request (either written or

verbal) to the Department of Defense, and responses thereto, regarding production of any notes, diaries, memoranda, calendars, or marginialia that was produced by or in the possession of Caspar W. Weinberger. This request includes any attorney or investigator notes or memoranda concerning communications with Caspar W. Weinberger, Larry Garrett, Ed Shapiro, Colonel James Lemon, and Colonel William Matz regarding the production of any of the above-listed materials.

(2) Please assist us in scheduling interviews at mutually convenient times with the following individuals:

a. Robert W. Genzman (now United States Attorney in Tampa, Florida).

b. Ellen P. Rayner (now employed by the House Government Operations Committee).

c. Joseph P. Saba.

d. Roger L. Kruezer.

□ 2250

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to support the resolution, but somewhat reluctantly, because, quite frankly, the whole issue of this Iran-Contra investigation, like the gentleman from Indiana just pointed out, bothers me a great deal. I recall the abuses that appear to have occurred in the Independent Counsel Act for some time now, that Mr. Walsh has been engaged in this Iran-Contra investigation, if that is what it is called.

I do not think there is a better example anywhere in the time of the history of the Independent Counsel Act when we have had a better example of why this act should not be here and why it should be ended. The fact of the matter is that Mr. Walsh has been doing this for over 5 years, and during that 5-year period of time, he has spent about $40 million, to kind of respond to what the gentleman from Indiana [Mr. BURTON] was asking a minute ago, and that effort was supposed to find criminal wrongdoing in the Iran-Contra affair. I do not see where he has found anything, anybody who has been guilty where the guilty charges have been sustained on appeal for anything, and even those things he has found somebody guilty of had nothing to do with the original theory of the case, conspiracy of some sort that was supposedly maybe out there to wrongfully circumvent the Boland amendment and to provide assistance to the Nicaraguan Contras due to arms sales, et cetera, and so on, with Iran. None of that has ever borne any fruit, and there is no indication that anything like that is ever going to bear any fruit, because the record is pretty clear from both our hearings way back in 1987 on which the gentleman from Indiana and I served as well as the time that Mr. Walsh has been fiddling around looking for people to indict and convict, that the Boland amendment applied to intelligence agencies and was a prohibition on the U.S. Government to supporting them during a certain period of time through the intelligence agencies of our country, not the White House, not Oliver North, not Poindexter, et cetera, et cetera.

What we have been left with, what Walsh has been seeking to get indictments on, have been a series of things related to something hither or yon, a shredding of a document or, in the case of, I guess, Caspar Weinberger, a question of whether or not he committed perjury in the process of this whole involvement with the Iran-Contra committee.

I understand that this is not a light matter, and I certainly think if he perjured himself before Congress, that is one thing, and it probably should be investigated, and I am all for giving the records over. But as I understand this whole process, it does not look to me like there is a shred of evidence there that is likely to come forward from any of this that would indicate there was such a perjury. Apparently he made a misstatement, or allegedly did, of a fact during a deposition of whether he kept notes of some sort.

But Caspar Weinberger, as Secretary of Defense, was the one person in the administration who apparently opposed whatever the activities were there were so criticized during that period of time. I think it highly unlikely there will ever be any proof out there or anything that would even remotely resemble an act that would show criminal conduct of any sort to intentionally mislead Congress or perjure himself before us. It just does not look to me like that is on the record from what is available.

Mr. Speaker, if this matter were before Congress, I do not think we would even be here debating it today. Mr. Walsh has carried on his activities, he has gone wild with this process, and I tell you what is really wrong here, the Independent Counsel Act, the Independent Counsel Act is too open-ended. There is nobody to oversee the independent counsel.

The independent prosecutor who is out there, once he is established, does not have an end. There is no end to this. The only way he could be taken out of office is by the Attorney General determining that he has, indeed, broken faith, and for good cause remove him from office, something that is just not going to happen.

The only other way that his job ends is when some court concludes that there is nothing more to investigate. That is not going to happen as long as you keep digging up this straw or that straw or looking under this hat or that hat.

This counsel act is wrong in the sense it has no oversight and no control. You go back to the history of it, you can see a lot of Members of Congress, when it was established, pointed the fact out that it was wrong, and that we had the power in the Attorney General to have an independent prosecutor. There was one for the Teapot Dome scandals, and there have been numerous independent prosecutors by the executive branch, and there was no real history or need for this, but now we have got it. It has been operating. Walsh has spent $40 million. I think we probably ought to ask him for a refund based on his performance out there right now.

It seems to me that the victims of this case are fast becoming the targets and the subjects of this investigation.

The Congress is not the victim. The American public is the victim. Instead, the people are hounded by an independent counsel desperate to bring an indictment before the statute of limitations runs out, which it will on several of these matters, including this one, in the next month or so.

I will support the resolution, but Mr. Walsh should hear the message from this body that we are tired of the floundering around that he has been doing and the wasting of taxpayers' money.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

While I rise to support the resolution, Mr. Speaker, I must also rise to protest this newest chapter in an unproductive and now disgraceful saga.

Mr. Speaker, Special Prosecutor Lawrence Walsh is at it again, unfazed by the fact that he has wasted an estimated $40 million in taxpayers' money; unfazed by admonitions from Federal courts that he was conducting political trials; unfazed by having his convictions, that he did obtain, being overturned; unfazed by being an absolute laughingstock in the legal community and not abiding by simple rules that freshman criminal law students recognize to be the law of the land. Well, Mr. Walsh is now unfazed by virtually everything—he now seems hell bent on indicting former Defense Secretary Caspar Weinberger on grounds flimsier than gossamer a threat.

Amazingly, Mr. Walsh is now going after a man who, from the very beginning, opposed the Iran-Contra deal. Not only was Caspar Weinberger not involved in Iran-Contra, he actually at one point called it flatout absurd.

But Mr. Walsh, desperate for an excuse to continue sucking money from the American taxpayer, is now going after a man whose stalwart policies helped the United States win the cold war against communism.

Mr. Walsh has had 5 years to find some wrongdoing by Mr. Weinberger and other members of the administration, and I find it very curious that he is suddenly claiming that he has found enough evidence now, 2 weeks before the statute of limitations sets in on Caspar Weinberger, that he comes before us with the need for this additional information. It is clearly a move grounded more in politics than in law, but that is not anything new for Mr. Walsh.

Even one of his former assistants, one who shared Walsh's liberal convictions, wrote a book discrediting the investigation as being politically motivated. Jeffrey Toobin, the former assistant, wrote that prosecutors like Walsh sometimes criminalize, and I quote, "honest disagreements, policy tussles and close calls, and in so doing jeopardizes the whole edifice of the law."

Members of the House, Lawrence Walsh has been on the Federal payroll longer than 26 U.S. Presidents. In that time he has been looking in vain for blood, trying desperately to find a reason to continue sucking the taxpayer dry.

He is a leech, and he should be cut off at the lifeline, no more subpoena power, no more money. Let us end this farce.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to correct a statement I made erroneously a moment ago. I informed, and I think it was in answer to the gentleman from Indiana [Mr. BURTON], that Mr. Walsh had been appointed in 1987. That is not correct. He was appointed in December of 1986.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished majority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman, my colleague, for yielding me this time.

Mr. Speaker, I rise at this rather late hour this evening to respond to some of the comments that have been made.

I listened with interest as some of my colleagues on the Republican side of the aisle have charged that Mr. Walsh has gone "wild"; "it is a disgraceful saga."

☐ 2300

"He is a leech."

Mr. Speaker, to hear some of my Republican colleagues, the independent counsel is the real criminal here.

I think some of our friends have forgotten what really happened. The independent counsel did not sell weapons to the ayatollah. It was Ronald Reagan.

The independent counsel did not launder proceeds through drug runners and arms dealers. That was the Republican White House.

The independent counsel did not illegally divert funds to the Contras. That was the Reagan administration.

And most importantly, Mr. Speaker, the independent counsel did not lie to the American people to cover up these crimes. That was Elliot Abrams, the Assistant Secretary of State, and Clare George, the Deputy Director of the CIA, and Allan Feirs, the head of the CIA Contra Task Force, and on an on.

Now, so far the independent counsel's work has resulted in 10 criminal convictions, including felony convictions, for perjury, for obstructing Congress, for theft of Government property, for conspiracy to defraud the United States, and the list goes on and on. That is what really happened; but you on this side of the aisle rise and you cheer and you blame the independent counsel.

Mr. Speaker, Lawrence Walsh is not the problem here. He did not cause the Iran-Contra scandal. If the Reagan administration had not committed the crimes, and if they had not lied under oath to cover up these crimes, we would not need an independent counsel or a resolution like this one.

We need to put the responsibility where it belongs and stop shifting the focus.

And why do my colleagues over here on this side of the aisle keep complaining about this investigation? Do you not want to know the truth?

You keep talking about the cost of the independent counsel. I agree. It has been expensive. The American people should not have to pay millions of dollars to get to the bottom of a scandal. But why is the investigation so expensive? Because the Reagan administration officials continue to obstruct this process.

Yes, Mr. Speaker, it costs money and it takes time to get to the truth when the key figures are determined to withhold necessary information. But my Republican colleagues are forgetting the real cost of the Iran-Contra scandal.

What about the cost of Ronald Reagan's misguided war in Nicaragua where tens of thousands of people died and billions of United States tax dollars were wasted in the pursuit of an ideological fantasy?

What about the cost of the integrity of the Constitution? What about the cost to the Constitution when the administration flagrantly lied to the American people?

Now we are finding out about another coverup on this side of the aisle. This time it is the Bush administration's secret coddling of Saddam Hussein right up until the time he invaded Kuwait. When will the deception end? That is the real cost of 12 years of Republican leadership, my friends, and the American people are still paying for it.

Mr. Speaker, the Iran-Contra scandal is a sad chapter in our history, as is this discussion tonight, because of the continued refusal of you on this side of the aisle to understand that lying to your Government, lying to the American people, causes an irrefutable harm to the Constitution of the United States, and the only way to get to the bottom of this is to let the independent counsel do his job.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DORNAN.]

Mr. DORNAN of California. Mr. Speaker, I want to say to my distinguished friend, I have been guilty of a little yelling here, too, at some of the rewriting of history.

Today is the 50th anniversary of the Battle of Midway. At 3:30 in the afternoon today, Washington time, was when torpedo bomber pilots all gave their lives throwing the Japanese fighters down on the deck, and then came the dauntless dive bombers, fairly new to the fleet, and all the squadron commanders, McCloskey, Lesley, all over 40 years of age, these were career soldiers who turned the war in the Pacific 50 years ago this afternoon.

We were sort of united against an enemy then.

In this discussion tonight, with all the mistakes that were made, and I told Colonel North in front of room 227, "Don't cut any corners, Colonel. As soon as Tip O'Neill gives us a vote, we are going to win." And when we did get that vote in June 1986, right during this contentious period, we won $100 million for the Contra freedom fighters, $30 million of it in what we termed lethal aid.

I think there were some corners cut. There were lots of hurtful things done, but nothing was more obnoxious, more arrogant, more disgraceful, than Members of this Chamber going down into enemy country, into the offices of the Communist thugs who were torturing people to death in 16 concentration camps all around Nicaragua at that moment, kicking out our State Department people and conspiring with the Communist enemy on how to win a victory for communism north of the Panama Canal in the small little nation of Nicaragua.

When I went down—yes, consorting with the enemy, giving them public relations lessons. Telling them why not go to Moscow, after we had just given them a victory in this House by many of the Members, one of whom spoke here tonight. This was a disgraceful page in history.

There may be a coverup of what has happened with Members in the South consorting with the enemy and that is worse than anything Walsh has been able to uncover.

Mr. McCOLLUM. Mr. Speaker, would the gentleman be willing to yield to us over here, for the purpose of my being able to provide some time, maybe 10 minutes or something? Would that be appropriate?

Mr. HAMILTON. Mr. Speaker, I yield 10 minutes to the gentleman from Florida [Mr. McCollum] for purposes of debate only.

Mr. McCOLLUM. And I might divide that time up among Members over here and yield to myself as well?

Mr. HAMILTON. That is a decision the Chair would have to make.

Mr. McCOLLUM. Would that be appropriate, Mr. Speaker?

The SPEAKER pro tempore. (Mr. MURTHA). Without objection, the gentleman from Florida may be recognized for purposes of debate only and to divide the time among the Members on the Republican side.

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had quite a little debate here that the gentleman from Michigan [Mr. BONIOR] just engaged us in, which went far afield from what I had intended to discuss here today on the Independent Counsel question and on this request, but it brings back memories of what happened about 5 or 6 years ago when we got involved with this.

In 1987, when the Iran-Contra hearings took place, we had a very orderly process. The gentleman from Indiana, I was proud to serve under him in that committee. We had quite a lengthy investigation. We had differences of opinion. We wrote opinions and we had dissent and it was a very orderly process, but out of all of that I do not think any of us concluded the kind of harsh judgment that the gentleman from Michigan [Mr. BONIOR] just put on the Reagan administration with respect to this or anyone else. I do not think the record bears that out.

To try to take all the emotion out of it, the fact remains that when you look at Iran-Contra in history, you are going to see something very simple. You are going to see that a President of the United States and his folks wanted to help the Nicaragua Contras overcome communism, overcome a tyrannical regime and at a point in time in history the United States Congress cut off the funding and made a decision not to allow any support to go down there from the Intelligence Agencies through what was known as the Boland amendment.

The end product of all that was that many of us wanted to seek assistance for the Contras anyway through other means, and there were plenty of other means.

I remember in the dissenting opinions that I helped write, what I put into that report personally as a member of that committee, I pointed out the fact that I would have preferred if the President had gone through the process of calling on the American people by saying, "I opened a bank account at the First National Bank of Chicago and I want you all to contribute and we will send whatever you give and whatever you send to us down there."

I think that would have been a perfectly smart and legitimate thing for him to have done.

I do not think, frankly, that what happened at any point in time that Oliver North or anybody else did to aid the Contras was in any way in contravention of the Boland amendment. We are not here tonight to redebate Iran-Contra; but the point I want to make before I yield, and I am going to yield to some of my colleagues over here, is that what happened out of all this became a very politicized thing between Democrats and Republicans.

In the last analysis, though, there was never any criminal activity, never any proof of violating the so-called Boland amendment, nothing ever proven.

The point is that the independent counsel, Mr. Walsh, has never gotten to first base in any of his prosecutions with claims that that very fundamental thing occurred, never. All the convictions, even those that were overturned of Colonel North, and they have been overturned as we know, were based upon other extraneous material and things that came along, incidents that occurred on the trial, but having nothing to do with the fundamental allegations that were in my judgment highly political throughout that process.

□ 2310

And tonight, to have the gentleman from Michigan slam the Reagan administration Republicans on the basis of lies, on the basis of somehow horrible maneuvering to assist the Contras in some presumably illegal fashion is just a total distortion of history. And I would urge my colleague to think about it that way.

Mr. Speaker, at this point I have a couple of requests, and I will yield 1 minute to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding just to ask him a question. The relevant question before us tonight is an investigation of Caspar Weinberger. In the deliberations done by the Iran-Contra committee on which the gentleman served, was there ever any determination by the Iran-Contra committee that Caspar Weinberger did anything wrong in the course of the Iran-Contra matter?

Mr. McCOLLUM. No, not one scintilla or hint of that in anything we reported or found.

Mr. WALKER. I thank the gentleman.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding. I want to support the gentleman's statement because I agree wholeheartedly with it.

I also point out that I have spoken with people who have been prosecuted throughout this episode, and I will tell the gentleman that it is their contention that they were told by this special prosecutor that if they did not plead guilty to the charges with which they were faced, whether they be misdemeanors or lesser felonies, that they would spend the rest of their life defending themselves and spend their fortune paying lawyers to defend them in court.

It seems to me that if once you get to a point in America where people, innocent people, realize that if they do not plead guilty to misdemeanors, that their entire fortunes and their entire life's work is on the line and that they may be ruined for the rest of their lives, then frankly it seems to me that we are running into a situation where the rights of individuals are transgressed in total contravention of the U.S. Constitution. And it worries me.

It worries me greatly that we have gone way too far with this special prosecutor, with Mr. Walsh, who is now taking out his vendetta against Casper Weinberger, one of the main leaders of the Reagan administration who was against the Iran-Contra affair.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, this is a system of checks and balances. The legislative, judicial, and executive branches; sometimes we lose our balance.

I want to direct my remarks to my friend, the majority whip. I would think certainly especially Members of this House would now have a sensitivity for the fact that we conduct our legislative business in a rough-and-tumble area in which there are a lot of bruises and bangs. But for our Government to function properly, there has to be a place for the reservation of some honor, there has to be a reservation of a refuge where our families can live a good life, a decent life, without having to be worried constantly about governmental prosecutorial action because someone in the legislative, judicial, or executive branch has lost their sense of balance.

Now, we all know that the initial undertakings of Mr. Walsh were not directed at Caspar Weinberger, or whether or not somebody forgot to read his notes before he went to a hearing or whether or not he took notes when he went to a hearing. And I understand that that is now the thrust, this last residue of prosecutorial material Mr. Walsh is concentrating on, not as the majority whip said whether or not there were arms sales involved, involving Mr. Weinberger, not whether or not there were country-to-country negotiations that were illegal involving Mr. Weinberger. Nobody alleges that.

But now we are down to the bottom of the process, and we are down to a prosecutor that I think Mr. LIVINGSTON has summed up very effectively, as a part of the Government, someone who has lost his balance.

We are a check on that loss of balance, and it is time for us to act. And if you look at the record and you look at all of the enormous resources that went into the prosecution of Ollie North, if you look at the enormous resources we dedicated to prosecuting Mr. North and we came up ultimately, I think, with the fact that he had a home security system to protect his family from terrorists; that may have been prosecutorial ammunition for Mr. Walsh. It was not the intent of the American people to spend that kind of money on that kind of a prosecution on that kind of a man.

And I think we do our system real harm when we lose this sight of the importance of us now exercising a check on this division of the executive branch, Mr. Walsh.

Mr. Walsh has lost his balance with respect to this particular prosecution. There is no substantive material left. It is time for him to dissolve the empire and do what is very difficult for all of us to do in Government, and that is to give it up, give up that power and go home.

Mr. McCOLLUM. Mr. Speaker, at this time, if it is appropriate, I would like to reserve the 2 minutes' time that I believe I have left from the 10 minutes. If there are any more speakers that the gentleman from Indiana has—I did not expect that we would get into the debate this way tonight, but we have. If the gentleman from Indiana does not have other speakers and if it is appropriate, I would be glad to consume those remaining 2 minutes.

Mr. HAMILTON. The gentleman may proceed with the remaining 2 minutes. I have no more remaining speakers.

Mr. McCOLLUM. I thank the gentleman.

Mr. Speaker, I yield 1 minute of the 2 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. I thank the gentleman for yielding.

Mr. Speaker, I rise for a particular purpose, to pick more than a nit with one of the preamble clauses in this resolution. It says,

> Whereas, by the privileges of the House, no evidence under the control of the House can, either by the mandate of process of the ordinary course of justice or pursuant to requests by appropriate Federal or State authorities, be taken from such control except by the permission of the House; * * *

In other words, we are to sign onto a legal position which is wholly without basis that this Congress is above the law.

I think the purpose of, the lesson of Watergate, is that no man, including the President of the United States, is above the law.

When I had the opportunity to serve as legal counsel in the White House, we took pains to make sure that, as a matter of comity, as a matter of cooperation, all evidence was provided in any case such as this.

The Congress, likewise, ought not to assert that it is above the law. And I think that this is extraneous matter in a "whereas" clause. But I just point out to my colleagues that we must not sign onto a position that the Congress is above the law and immune to the subpoenas of our courts.

Mr. McCOLLUM. Mr. Speaker, I yield myself the remaining minute. In that time I want to conclude by simply saying I want to make one final point, and make it clear to everybody that I am not, and I do not think Members on our side generally are opposing this resolution. We do need to make sure that the record is clear. If the special prosecutor wants to have this information from the Iran-Contra hearing files, he is certainly welcome to it. There are no secrets. There is nothing to be hidden. None of us believes that Caspar Weinberger committed any offenses, and we are happy to have the record demonstrate that. But it is somewhat of a fishing expedition. A lot of our Members think it is pretty darn broad. Above all else, we think this thing has gone on too far. It is very politicized. Unfortunately so. Way beyond the time that one would have imagined that one would imagine real meaningful results could be given. And if we are going to get any convictions of any meaning out of $40 million that has been spent so far, it would have been clear to the American public long before now; we would have had those convictions, those indictments and they would have been upheld. There have not been those kind of results. There are not going to be. Mr. Walsh is a prime example of an independent counsel run wild, and an independent counsel statute that simply ought not to be this way.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 2320

ILLINOIS FEDERAL CRIME INSURANCE PROGRAM SAVED FROM ELIMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, earlier this year, I had strongly protested the administration's proposal to eliminate Illinois from the Federal Crime Insurance Program. I recently received a letter from the Administrator of the Federal Insurance Administration informing me that the program will be continued for another year in the State of Illinois.

Since 1981, the Reagan and Bush administrations have repeatedly called for the elimination of this program, which has provided affordable and accessible crime insurance to tens of thousands of businesses and residences since its inception in 1970. Since taking office, the Bush administration has eliminated the Federal Crime Insurance Program in 9 of the 26 ped only slightly in those areas.

Unfortunately, it took a tragedy such as the riots and social unrest in Los Angeles to halt the administration's practice of strong-arming States into dropping the Federal Crime Insurance Program. The underlying policies and concepts supporting the program are as strong today as they were in the 1960's when it was conceived, in large part, to respond to the Watts riots.

Many of our Nation's urban neighborhoods have been discriminated against, and outpriced or abandoned by the private insurance industry. A survey of 900 Korean businesses damaged or destroyed by the Los Angeles riots found that 20 percent had no insurance and 40 percent had insurance from companies unregulated in the State. Many of these unregulated companies are located offshore, and have an alarming tendency to disappear in times of crisis.

California Insurance Commissioner John Garamendi recently concluded:

> I am convinced (that) redlining exists. The bottom line is either you can't get (it) or can't afford it. For the long term growth of these [urban] communities, insurance is absolutely critical.

Rather than strong-arming States into dropping the Federal Crime Insurance Program, the administration should be actively promoting it in cities to help the uninsured and underinsured foster economic development. I am proud to have helped Illinois stave off this unwarranted attempt by the administration to eliminate the Federal Crime Insurance Program in Illinois. The administration should change its policy and promote this important urban program, rather than try to eliminate it.

RECOGNIZING VARIOUS IMPORTANT WORLD WAR II DATES—50 YEARS AGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, because of the late hour, I will try and use less than 5 minutes, but, with the rush of business in this distinguished body the last 2 months, we have passed some auspicious dates in the heroic history of the United States in World War II 50 years ago.

There was but brief mention on this floor on April 9, about the terrible collapse of our forces in Bataan, more American people taken prisoner, including some Army nurses, than in any conflict in our history. Seventy-six thousand were taken prisoner if we include our Filipino allies.

Also last month, on May 6, it passed almost without notice, the fall of Corregidor 50 years ago when again thousands of Americans, starved almost to collapse, again with some American nurses still there, although most had escaped by submarine. Again a terrible day in American history.

But in between those two events was the courageous, the phenomenal, raid led by a lieutenant colonel, of great aviation fame both in civilian and military life, Jimmy Doolittle with 16 land-based B–25 bombers loaded on to the carrier *Hornet* at Alameda and 800 miles from their target because of a sighting by a radio equipped Japanese fishing boat. They launched against five Japanese cities and so tore up the will and the morale of the Japanese war lords that it forced their hand to move on Midway sooner then they planned. They had 5,000 invasion forces and troop ships. They sent the very same four carriers that had torn up Pearl Harbor 50 years ago last December, and we had broken the code, the famous Purple Code, and knew their every move.

Mr. Speaker, we knew that two of the lighter carriers that had attacked Pearl Harbor were attacking Dutch Harbor, Kiska, Attu, and we did not give it but a token resistance up there because we took our stand at Midway today.

What I wanted to point out, and I did not close the loop in my remarks a few minutes ago about the special counsel. Ollie North was a hero from a distant war, Vietnam, and in our struggle in Central America, if he made any mistakes, they were the mistakes to help those fighting for freedom, and Oliver North was about the age of the leaders of our dive bombers at Midway. Just let me briefly account for you, Mr. Speaker, and I know the leader sitting in the chair is a student of history and a field officer in the Marine Corps, so all I am doing is just jogging your memory a bit.

But we all get the impression that America was caught off guard at Pearl Harbor, and we certainly were. The Louisiana war games the year before, we had men with tin cans on sticks simulating mortars and old Army trucks from the early 1930's, late 1920's that said "tank" on the side. A young lieutenant colonel, Ike Eisenhower, was getting his first field command there with large division sized units. We were not prepared. But, as many good young men and women that joined our military services on December 8, and somewhere lining up in front of closed recruiting positions on that very Sunday, December 7, it was the regular cadre, the regular officers, NCO's and enlisted men, who turned the tide at Midway. Those torpedo squadrons that arrived in a bad quirk of fate uncoordinated, that were devastated, of the 18 planes shot down in the first few waves only one survived, one crew man and one plane, Ensign Gay. Had a 2-day front row seat in his Mae West floating around in the water watching the battle that ensued for the next 4 days.

But the decisive day was this afternoon at 3:30 Washington time 50 years ago when the dive bombers arrived. The torpedo pilots, and their backseaters and bombardier navigators had not dived in vain because they had drawn down the Japanese fighters who killed them. The dive bombers came in at 10:30, and there were the four carriers that tore up Pearl Harbor a few months before. The two lead commanders, and I have the honor of meeting one at the dedication where I was honored to speak 10 years ago, of a fast frigate, and FFG–6 class frigate, McCluskey and Admiral Leslie, who I got to speak to, were both over 40 years of age, and 41 and one 42 when they rolled in in their Dauntless dive bombers and sank in that critical next 40 minutes the *Kaga*, the *Soryu*, and the *Akagi*. The *Hiryu* was knocked out about 4 o'clock this afternoon, D.C. time, the same day. All four carriers fatally wounded by dive bomber pilots in the turning point of the war in the Pacific, and the battle, I repeat, Mr. Speaker, was won with regular naval officers who had been on active duty for years.

So, in closing, Mr. Speaker, it is fitting that we mark the 50th anniversary of one of America's greatest military victories, the Battle of Midway. I also believe it is helpful to look back at this important point in history before we make hasty decisions today which may endanger our security in the future.

First, I would like to point out that one of the key events leading up to this decisive battle was the courageous raid on Tokyo and four other war industry cities in Japan led by Gen. Jimmy Doolittle. Since the United States possessed no forward bases or long-range aircraft capable of hitting the Japanese homeland, then Lt. Col. Jimmy Doolittle was forced to fly land-based B–25 bombers off the decks of naval carriers to strike Japan. We today face similar problems as we draw our forces back from overseas bases and rely on aging, limited-range forces such as the United States Air Force and United States Navy Aircraft which struck Libya.

Today, thank heavens, we won't have to rely only on short-range attack bombers off carriers to strike at the enemy. Instead, we can launch B–2 Stealth bombers from bases here in the United States to attack any target in the world on short notice. But instead of producing an effective combat force of 20 aircraft, 20 aircraft that have been approved by the House Armed Services Committee, some are still intent on limiting this program to only 15 aircraft. Why 20 aircraft?

Twenty B–2's, due to normal testing, training, and maintenance, will provide an operational force of 16 aircraft, the same number of B–25's that struck Japan 50 years ago. Sixteen operational aircraft will yield two 8-plane squadrons. One squadron can immediately take the fight to the enemy while the other deploys to a forward base to allow continuous bombing operations. In addition, a force of 20 total aircraft can attack 300 more targets per week than a 15-plane force—300 American lives that won't have to be risked in much less survivable aircraft.

While the Doolittle raid forced the hand of the Japanese war lords and helped to bring the enemy fleet to Midway, it was American naval aviation, United States air power that struck the decisive blow and turned the tide of war in the Pacific. Since our forces were outnumbered and overmatched in obsolete aircraft such as the F4F Wildcat fighter and TBD–1 Devastator torpedo bombers, the result of this great battle was still very much in question this day 50 years ago. We were not to enjoy the air supremacy that we held later in the war until the appearance of much more advanced aircraft such as the F6F Hellcat fighter and TBF–1 Avenger torpedo bomber—the same aircraft President Bush flew in combat in 1944. Fortunately, through the skill and bravery of our pilots, as well as a little luck, we were able to overcome these deficiencies and decisively defeat the Japanese carrier forces at Midway.

Today, we still fly aging obsolete naval strike aircraft such as the A–6 Intruder. Even though the Navy has a combat proven strike aircraft in the F/A–18 Hornet, an aircraft the Navy wants to upgrade in a new E/F version to help immediately replace the A–6, the Armed Services Committee cut E/F funding and directed that prototypes be built before the aircraft enters production. In the words of Secretary of the Navy Garrett, "* * * the F/A–18 A/C is the F/A–18 E/F prototype. Constructing a separate prototype is unwarranted, would increase cost and delay fleet introduction." Amen.

Meanwhile, the committee added this funding to the AX program which, unfortunately, still remains only a "paper design." If we had waited after Midway for the F8F Bearcat, instead of immediately producing the F6F Hellcat, we may have very well lost the momentum achieved at Midway by forcing our pilots to fight the rest of the war in the obsolete Wildcat. The Bearcat was not available in large numbers until after the war and fought only in the 1950's in Vietnam alongside the French Air Force.

Aviation, or should I now say aerospace, has a long tradition of contributing to the success of this country, both in battle and in the civilian sector. Do we really need another Hitler with V–2, V for vengence, terror rockets before we proceed forward with an effective form of ballistic missile defense including Brilliant Pebbles space-based interceptors? Do we really need another powerful adversary like the former U.S.S.R. to introduce a dominant jet fighter like the twin engine Mig-19 before we fully develop another American air superiority fighter such as the F–100 Super Sabre, which I flew in the late 1950's, or the F–22 Lightning II, which is now being threatened by cut-backs today? The lessons of Midway and the Persian Gulf are clear: in the words of Air Force Chief of Staff General McPeak, "* * * having the second best air force is a bad investment."

As we continue to trim the defense budget, let's be careful not to weaken one of the most effective means of warfare available—airpower. Fifty years ago this week we learned this lesson at Midway. Last year we learned this lesson in the Persian Gulf. Let's make sure we don't have to relearn this lesson again next year or 50 years from now. Let's fully fund vital aerospace programs such as the B–2, the F/A–18E/F, SDI, and the F–22. Future victories and future lives may depend on our vision.

Mr. Speaker, I would also like to include for the RECORD an article discussing the Battle of Midway as an honor to those who fought and died so bravely 50 years ago this week.

"DO THE BEST WE CAN WITH WHAT WE HAVE"

(By Robert J. Cressman)

Japanese planners had cast interested glances at Midway—a place they regarded as "the sentinel for Hawaii"—since before hostilities began with the devastating surprise attack on Pearl Harbor. On December 7, 1941, two destroyers had shelled the atoll to cover Vice Admiral Chuichi Nagumo's retirement westward. The idea of taking Midway, however, generated little urgency until April 18, 1942, when the Halsey-Doolittle Raid, while causing scant material damage, prompted a fateful decision on the part of the enemy's high command. To prevent another such affront to the sacred homeland, and draw out the elusive Pacific Fleet carriers that had operated with virtual impunity against the Japanese "Greater East Asia Co-Prosperity Sphere," Admiral Isoroku Yamamoto, Commander in Chief of the Combined Fleet, no longer encountered any opposition to his plan to overpower the "Sentinel." Animated by the confidence that had seen them through successive victories in the Pacific, not even the setback they had been dealt at Coral Sea—where they lost the services of two carriers—could dampen Japanese spirits.

The Japanese, while confident in their own ability to carry out their plans, knew precious little about the American dispositions. Admiral Chester W. Nimitz, Commander in Chief, Pacific Fleet, however, thanks to the ceaseless monitoring of the enemy's naval communications, knew the intent and scope of the Japanese plans. To deceive the Japanese as to where his carrier strength lay, Nimitz had dispatched TF–16—under Vice Admiral William F. Halsey, Jr., with Enterprise (CV–6 and Hornet (CV–8)—to the South Pacific in late April. Their very presence in that area led the Japanese into believing that every American carrier then in the Pacific was in the region of the Coral Sea. Overoptimistic Japanese reports of the damage they had inflicted on TF–17 at Coral Sea—that not only "Saratoga" (actually Lexington) was sunk but Yorktown as well (she had only been damaged)—prompted the enemy to think that no American carriers would oppose them at Midway.

Nimitz's visit to Midway on May 2 and 3, 1942, to see the atoll's defenses for himself left him satisfied that with appropriate reenforcement, the atoll would stand a good chance of turning back a Japanese amphibious landing. Nimitz did his best to see that Midway got what it needed to defend itself. Men and materiel, transported by sea and air, strengthened the garrison.

On May 27, 1942 (May 26 at Pearl Harbor), the Japanese carrier striking force sailed from Japanese home waters. A second force, comprising transports and their escorts, carried assault and occupation troops. Enemy submarines fanned out across the sea lanes between Hawaii and Midway to intercept any reinforcements coming by sea, but, deployed too late, they missed the passage of the two task forces that Nimitz deployed to defend Midway.

Principally, the battle in the offing boiled down to one of carrier strength. To oppose the four Japanese carriers, Adm. Nimitz sent to sea the only three he had: *Enterprise and Hornet*, in TF–16—Halsey having "expedited" their return—and TF–17 with *Yorktown*. *Yorktown* returned to the fray with patched bomb damage and a scratch air group: VF–3 (actually a mix of VF–3 and VF–42 pilots), VB–3 and VT–3, and VB–5 (which became, temporarily, V"S"–5). Only V"S"–5 and some of the pilots in VF–3 (which included the VF–42 veterans of Coral Sea) had seen action. *Enterprise* carried a good percentage of veterans in her VF–6, VB–6, and VT–6, while VS–6 had had a good percentage of new pilots due to the attrition from the early Pacific raids. *Hornet's* VB–8, VF–8, VS8, and VT–8 had yet to see combat.

Command of the carrier task forces—since Vice Admiral Halsey was incapacitated by a painful case of shingles—devolved into the hands of Rear Admiral Frank Jack Fletcher, whom Nimitz called an "excellent, seagoing, fighting naval officer" and who had done a "fine job" and exercised "superior judgement" at the helm of TF–17 at Coral Sea. On Halsey's recommendation, Nimitz replaced Halsey at the helm of TF–16 with Rear Admiral Raymond A. Spruance, a gifted and competent flag officer who had commanded TF–16's cruisers from the outset of hostilities. Neither Fletcher nor Spruance was an aviator, but both wisely sought the advice and counsel of aviators on their respective staffs.

Vowing "to greet our expected visitors with the kind of reception they deserve," Nimitz gave Midway "all the strengthening it could take." Kitty Hawk (APV-1) brought out Grumman F4F-3s and Douglas SBD-2s, and pilots to fly them, to reinforce the Brewster F2A-3 Buffaloes of VMF-221 and SB2U-3 Vindicators of VMSB-241, respectively. By June 4, 1942, Navy PBYs, Army B-17s and B-26s, and Navy Grumman TBF-1 Avengers from VT-8 crammed the atoll. The PBYs and B-17s drew search duties; the B-26s, TBFs, SB2Us, and SBDs the attack tasks; while the F2As and F4Fs and F4Fs drew the duty of aerial defense. Nimitz promised Admiral Ernest J. King that the Pacific Fleet would "do the best we can with what we have."

The sparring between American and Japanese search planes began in the waning days of May. With each side seeking the others whereabouts, encounters between search planes occurred, PBYs dueling Betty bombers from Wake Island. Although the PBYs usually emerged bloodied, the lumbering Catalinas, although vulnerable, soon proved their worth. On June 3, a prowling PBY spotted two Japanese minecraft on their way to join the occupation force. B-17s launched from Midway ultimately located the inbound Japanese transport force, but their high-altitude bombing, while surprising the enemy, failed to score any hits. That night, a four-PBY night torpedo attack (three from VP-24 and one from VP-51), the first attempted during the war, holed the oiler *Akebono Maru*. One Catalina strafed the transport *Kiyozumi Maru*.

Nagumo had, at that point, 227 operational planes: 73 Mitsubishi A6M2 Type 00 carrier fighters (Zeros), 72 Aichi D3A1 Type 99 carrier bombers (Vals), 81 Nakajima B5N2 Type 97 carrier attack planes (Kates), and one Yokosuka D4Y1 Type 13 special reconnaissance plane (Judy). Nagumo planned to launch a strike force of 108 planes—36 Zeros, 36 Vals, and 36 Kates—approximately half of those he had available to him. Nagumo's intelligence sources pinpointed only 30 fighters available to oppose them.

At 0428, 240 miles northwest of Midway, Nagumo's carriers commenced launch. By 0440, the entire striking force had gotten aloft; it took departure at 0445. Mechanical difficulties compelled only one plane, a Kate from *Hiryu*, to return. Nagumo retained a second strike group of 36 Vals (18 each onboard *Hiryu* and *Soryu*); 36 Kates (18 each in *Kaga* and *Akagi*); and 25 Zeros (seven in *Kaga* and six on each of the others). This was in case his search planes—put aloft from the heavy cruisers *Tone* and *Chikuma* and the battleship *Haruna* after his strike force had set out on its mission so that presence of Japanese scouts would not tip Nagumo's hand—spotted an American task force. Delays onboard the cruisers, however, prevented the timely deployment of the admiral's airborne "eyes." Nagumo detached a cruiser division to bombard Midway.

As the Japanese bore down upon it, NAS Midway had stirred in the predawn hours. Marine F2As had covered the launch of the PBYs and B-17s and then landed, as the island stood down, planes with radios energized and engines warm. Soon thereafter, however, reports came in from the wide-ranging PBYs. A VP–23 PBY spotted something below through the low cumulus clouds and scattered showers and reported the "main body" of the Japanese fleet, thus putting Midway on the alert. All aircrews manned their planes and stood by with their engines turning over. Another VP–23 PBY, 100 miles northwest by north of the atoll, subsequently spotted over 50 planes heading for the atoll and warned, in plain language, at 0544: "Many planes heading Midway." Those reports ended the suspenseful wait.

While the Marine antiaircraft batteries received orders to fire upon all planes not identified as friendly, at 0600, the reports of the location of the Japanese carriers, provided by the PBYs and reports of incoming aircraft, prompted Midway to clear the field of all operable aircraft. As the Japanese droned toward them, VMF–221's 20 F2As and four F4Fs scrambled to intercept. Quickly following the fighters came the six TBFs, the four Army torpedo-armed B–26s, and VMSB–241—16 Douglas SBDs and 12 Vought SB2Us—each carrying a 500-pound bomb. The two groups of Marine scout bombers, minus one whose cowling blew loose, met at Point "Afirm" 20 miles from the island and set course to attack an enemy carrier 180 miles northwest of Midway.

The Japanese, meanwhile, spotted the atoll about 0615. Three divisions of VMF–221 had been vectored out to intercept, while two others had been told to orbit 10 miles out, in case another group of enemy planes showed up on a different bearing. At the outset, VMF–221 enjoyed an advantage: Kates in the lead, with Vals behind and above them. The Zeros trailed the entire formation. Two divisions of Buffaloes and one of Wildcats flamed two of the first group of six Kates from Hiryu and sent away three with heavy damage and trailing smoke. Another formation of Type 97s from Soryu suffered three planes hit, one of which failed to reach its carrier. Unfortunately for the Marines, after their initial interception at about 14,000 feet and their first successful pass through the superbly disciplined enemy formations, the overwhelming number of Zeros quickly gained the upper hand, while the Kates and Vals bombed their objectives on Eastern and Sand Island targets. As a black plume of smoke corkscrewed skyward from burning fuel tanks, only a pitiful few Marine fighters returned to the Eastern Island strip.

While Midway's defenders evaluated the damage and succored the wounded, VAdm. Nagumo, although confronted with conflicting reports about the damage his flyers had inflicted and not knowing whether or not American carriers lurked nearby, ordered (at 0715) his second attack wave to be reequipped with bombs.

Shortly before the Japanese admiral reached that decision, however, part of the strike group scrambled from Midway attacked his carriers. The six TBFs led the way, followed by the four Army B–26s that arrived almost simultaneously. Antiaircraft fire and fighter opposition downed five of the six TBFs and two of the B–26s.

Another difficulty now confronted Nagumo, and he postponed his planned second strike on Midway when a Tone plane informed him of a formation of 10 surface ships (with no details as to types), steaming 240 miles north by east of Midway. At 0739, shortly after his carriers had begun recovery of the morning strike, Nagumo altered course and, at 0745, ordered his carriers to

"Prepare to carry out attacks on enemy fleet units. Leave torpedoes on the planes which have not yet been changed to bombs. . . ." Two minutes later, he directed Tone's plane to "Ascertain types [of ships] and maintain contact. . . ."

Soon after Nagumo made those dispositions of his force, Major Henderson and his group, flying at 9,500 feet, sighted the Mobile Force at 0755. Zeros shot down six of the Marine SBDs. The remaining planes attacked Hiryu but scored only one near miss and inflicted some damage from strafing. Radio gunners in the SBDs splashed one Zero.

Soon after the last of the Marine SBDs had cleared the area, Nagumo received the unexpected and disturbing news from Tone's Jake (at 0820) that a carrier appeared to be in the American force. Nagumo's ordering his planes rearmed for a strike on surface ships, however, delayed the launch of planes to deal with the threat. In the meantime, ships in the screen dealt with the presence of the submarine Nautilus (SS–168), which had crept into the midst of his disposition, while Nagumo's men proceeded to rearm a portion of a strike. Soon afterward, the rest of VMSB–241 attacked the battleship Haruna with no success. The Army B–17s, which finally located the Japanese at that juncture, loosed their bomb loads but their targets, the carriers, easily evaded them. While neither the TBFs, B–26s, SBDs, SB2Us, nor B–17s scored any damage, they had seriously disrupted Nagumo's routine.

At 0600, as planes from Midway had been scrambling to get airborne in the path of Tomonaga's incoming strike, Fletcher had ordered Spruance to proceed to the northwest. At 0603, as TF–16 was settling on its new course, Fletcher and Spruance received the unauthenticated report pinpointing two carriers—not the four that intelligence estimates had predicted—and battleships 175 miles to the southwest.

His search planes still aloft, Fletcher ordered Spruance to "Proceed southwesterly and attack enemy carriers as soon as definitely located," and informed him: "I will follow as soon as planes recovered." He thus kept TF–17 in reserve while Spruance an his staff decided upon an 0700 launch when the enemy would, by their calculations, be 155 miles to the west southwest of TF–16. Meanwhile, Yorktown's dawn search returned empty-handed. Flight operations completed, Fletcher turned TF–17 to follow TF–16, Yorktown's squadrons to be held in reserve.

Enterprise and Hornet commenced getting planes aloft at 0700. Hornet put up 10 fighters to escort 34 SBD–3s: 15 from VS–8; the Hornet air group two-plane section; and 17 planes from VB–8. Fifteen TBDs from VT–8 brought up the rear. From Enterprise rose the three-plane air group section, 15 SBD–3s of VS–6, and 15 SBDs from VB–6. Mechanical casualties forced four Dauntlesses to be struck below. Delays—light wind conditions and the necessity of spotting VT–6's 15 TBDs and the escorting VF–6 F4Fs on deck—prompted Spruance, at 0745, to order his planes to "Proceed on mission assigned." Enterprise's air group commander plotted his course to intercept the Japanese to the southwest. The TBDs were to join up en route.

While TF–16 was getting its planes airborne, TF–17 steamed to the southwest at 25 knots. Frank Jack Fletcher, eager to find the other two Japanese carriers believed to be a part of the enemy striking force, waited until the report of a snooper near TF–17, shortly after 0800, changed the complexion of things. Fletcher decided at 0838 to launch 17 SBDs of VB–3, 12 TBDs of VT–3, and six F4Fs of VF–3 to attack the same carriers against which Spruance had sent his planes. He would reserve the 17 SBDs of V"S"–5 for either a search or for a second attack. Although basing their estimate on the two-hour old contact report, Yorktown's strike planners plotted an interception. Yorktown, steaming to the southeastward, then drew away from TF–16 as she launched planes.

Hornet's VT–8 located Nagumo first, unaware that their fighter escort had strayed resulting in VF–6's following VT–8. Ultimately, all 10 of VF–8's F4Fs had to ditch. Undeterred, VT–8 bravely bore in on Nagumo's carriers. Antiaircraft fire and *Zeros*, however, splashed all 15 *Devastators.* Only one pilot survived—by hiding beneath his seat cushion in the midst of the Japanese Fleet—to tell the tale of what transpired soon thereafter. *Enterprise's* VT–6 came next. Although it did not suffer the losses inflicted by flak and fighters on *Hornet's* ill-fated *Devastators*, it likewise enjoyed no success.

Both VT–8 and VT–6 had, however, drawn down the Japanese combat air patrol. After the slaughter of TF–16's torpedo planes, Nagumo's carriers steamed in disarray, the morning's emergency maneuverings having broken up their disposition. *Hiryu* steamed off to the north, protected by a front, with *Akagi*, *Soryu*, and *Kaga* trailing. At about that juncture, the *Enterprise* air group appeared on the scene, having sniffed out the scent by following the speeding destroyer *Arashi* (which Nagumo had detached to stay behind and deal with the pestiferous *Nautilus*) as she headed for the main body of the Japanese striking force. Almost simultaneously, but in wholly spontaneous fashion, *Yorktown's* strike group arrived.

Both groups attacked as soon as circumstances permitted.

VT–3, from *Yorktown*, brought up the rear of the torpedo attack, but despite the valiant efforts of the six-plane escort, *Zeros* took their toll of Torpedo Three's men and machines.

In only a few minutes, the SBDs from the two American carriers pummeled three of the once-proud Japanese flattops into blazing and exploding junk. VB–3—although diminished by some pilots' having inadvertently dropped their bombs en route due to a switch malfunction—knocked *Soryu* out of the fight while VB–6 and VS–6 did the same to *Kaga* and *Akagi*.

Hiryu, however, off to the north, momentarily escaped destruction, to achieve some measure of vengeance. Search planes having pinpointed TF–17's location, a force of *Vals* escorted by *Zeros* set upon *Yorktown*, scoring three bomb hits despite furious antiaircraft fire and a dogged defense by VF–3 planes that were augmented by those from VFs 8 and 6. Stopped dead in the water, *Yorktown* lay helpless as her screen deployed around her and her returning strike group landed onboard *Enterprise* and *Hornet*.

Spruance detached two heavy cruisers and two destroyers to lend a hand. Fletcher, realizing that he could no longer exercise tactical command, transferred his flag to the cruiser *Astoria* (CA–34) and turned over the reins to Spruance. That afternoon, a search, launched by *Yorktown* earlier that day, spotted *Hiryu*. A second strike, comprised of planes from *Enterprise* (which included ex-*Yorktown* planes among them) then mortally wounded *Hiryu*, which was abandoned and sank the next morning.

Yorktown's damage control people eventually got her underway in time to be hit by a second Japanese attack—this time by torpedo planes that had been launched from *Hiryu* before the *Enterprise* pilots had found her—that stopped the ship for the second time and forced her abandonment. The screening ships of TF–17 took onboard the carrier's survivors and moved off, with Fletcher leaving one destroyer to guard the crippled flattop. Ultimately, the Japanese submarine *I–68* torpedoed *Yorktown* a second time, on June 6, while a salvage party—gathered on the 5th—labored mightily to get her underway. The gallant lady sank on the morning of June 7.

The cruiser division detached by Nagumo to shell the atoll ran into difficulty. The fleet submarine *Tambor* (SS–198) happened across the division and, in the resultant confusion, the cruisers *Mogami* and *Mikuma* collided. Search planes picked up their trail and subsequent strikes, launched from Midway by VMSB–241 and from *Enterprise* and *Hornet*, eventually sank *Mikuma* and badly damaged *Mogami*. Air strikes from *Hornet* and *Enterprise* missed damaging the destroyer *Tanikaze*, as did a B–17 strike.

The heavy losses inflicted by the men from *Yorktown*, *Enterprise*, and *Hornet* forced Adm. Yamamoto to abandon his plans for trying to take Midway on June 4. The action on the 6th against the fleeing *Mikuma* and *Mogami* proved to be the last undertaken before RAdm. Spruance broke contact with the Japanese. Over subsequent days, PBYs rendered important service in ranging over the Pacific either aiding or affecting the rescue of survivors from both sides.

Adm. Nimitz and his subordinate commanders, RAdms. Fletcher and Spruance, knew of the enemy's capabilities and intent. Merely knowing what the Japanese planned to do, however, was not enough. The Pacific Fleet's carrier striking force, formed around the only three flattops available at that time, had to prove equal to the task of denying the enemy's carrying out its plans. That task was accomplished with a high loss of men and planes—reminding at least one participant that war was a "grim and terrible business"—but they had achieved a victory. They had written what Adm. Nimitz proudly called "a glorious page in our history."

MORE ABOUT SPECIAL PROSECUTOR WALSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I ask the gentleman from California [Mr. DORNAN] to join me if he is so inclined.

Mr. Speaker, I came in on the tail end of this discussion about our Special Prosecutor, Mr. Walsh, and his continued pursuit of former Secretary of Defense Caspar Weinberger, and I just thought it was maybe important to say a few more words about this issue.

As my colleagues know, I think we all watched the Iran-Contra affair play out, and I think a lot of Americans who watched this Special Prosecutor, this man with special power that could literally make or break the lives of other Americans—I think as the American people watched this program play out, in his office develop and pursue people, I think many people became disappointed with what they saw because I think they saw in reality a replay of that old game that takes place or that old play that has taken place in Washington ever since we have had a country, and that is people who start in government, even the legislative, or judicial or executive branch with a mandate from the people to do a limited job, beginning to like their job more and more, and beginning to accrue power and see that power being exercised in a way that affects other people in a very severe way, and they become somewhat unbalanced in their approach to the job that was given to them by the American people.

☐ 2330

I think we all watched with some interest as Mr. Walsh initially pursued Oliver North and uncovered facts that he thought were relevant and were important for the American people and relevant for his own potential prosecution.

I think we became a little bit puzzled at his aggressiveness when it appeared that there were no substantive crimes that had been committed by Mr. North, and we saw him turn to Mr. North's personal life and his personal actions, and I am talking about the fact that he bought at one time supposedly with money that came from one of the middlemen in his dealings with foreign nations, we saw that he bought a home security system for his family because he had been targeted for assassination by several people in the Mideast who did not care for him much.

The American people looked at that and said well, that is interesting, but is that really something we should be spending millions of dollars doing? And maybe, gee, I would maybe have done that myself if I had been in that same position.

I think we saw in Ollie North a man who was a decent person, who has given much to his country, and who had committed no substantive crime. And when Mr. Walsh failed to convict him of a substantive crime, we then I think became disappointed in seeing him pursue Mr. North, Oliver North, for what we considered to be insubstantial matters.

I think that the home security system, after you spent tens of millions of dollars, would fall into the realm of an insubstantial matter.

Now, we do know with respect to Mr. Weinberger that the Secretary of Defense, who has served this country many years, and, incidentally Mr. DORNAN may be interested in this, if I am not mistaken Caspar Weinberger left Corregidor with Douglas MacArthur shortly before the fall of Corregidor. In fact, it was on the same boat. I am an Army guy, so I call ships boats.

Mr. DORNAN of California. So did they. A PT boat.

Mr. HUNTER. It was a PT boat. He was side by side with Douglas MacArthur. He served the country, served the State of California and this Nation in a very honorable fashion, and helped to rebuild American strength and the national defense.

Because of that we were able to face down the Soviet Union in the 1980's. We went into the 1980's with Ronald Reagan with three countries, Guatemala, Honduras, and Nicaragua, all under military dictatorships when Ronald Reagan walked in, this guy we thought we were told by the American left would be a militaristic man and a person who would do little to bring freedom to the world.

We saw at the end of the Reagan administration, in which Cap Weinberger played a significant role as Secretary of Defense, three voting republics in Guatemala, Honduras, and Nicaragua, where verified elections were held before international observers, with all that evolution taking place under this administration in which Cap Weinberger played a significant part.

He played a significant part in rebuilding America's defenses, the same defenses that did such magnificent service in the Gulf war.

You know, Cap Weinberger is like a lot of us who come to Washington. We want to be able to do our job and do it effectively and leave a little bit of space for personal honor and for our family. If you do not have that, and if you have a system in which one part of the system can fall out of balance, and in this case I think Mr. Walsh has fallen out of balance, you develop an environment in which nobody wants to serve this country.

I think when one branch of Government or one agency in Government, in this case Mr. Walsh's shop, loses its balance—and we certainly did not ask Mr. Walsh to get involved to see whether or not Cap Weinberger took notes—we are now down to the point where this is analogous in my estimation to bringing a person to a deposition to ask him about a crime, a substantive act.

One of the questions that you raise later on is, "Well, didn't you tell us you drove to the deposition in a Chevy? Well, we have learned that it is a Ford. Because it is a Ford, we are now going to prosecute you for perjury."

As I understand it, the substance now of Mr. Walsh's final attempt at a prosecution is he thinks Mr. Weinberger took notes on a certain occasion, and when he was asked if he took notes, he said he did not think he had any, or he did not have any notes. Now they think he has notes. Because of the fact that he relayed that he did not have any notes, when in fact they think he had notes, they think they can prosecute him for perjury.

Well, let me say that I take notes on dozens of occasions during the day, and nine-tenths of those notes, after the event is over, the speech or the time on the floor, I forget about those notes. They may go back to some dusty notebook.

But certainly I think any Member of this House would feel outraged if they were prosecuted on the basis that they were not sure whether or not they had taken notes during a certain debate. I think that is outrageous. It is outrageous that we now have lowered this office, or Mr. Walsh has inadvertently lowered this office, and lowered the reputation of the special prosecutorial system to the point where he is not looking at Iran-Contra and not looking at Central America, but he is looking at whether or not Cap Weinberger took notes on occasion when he said he did not take notes.

If we do not allow a little breathing space for human beings, that is people who forget sometimes if they take notes or do not take notes, if we do not allow a little breathing space for great Americans like Cap Weinberger who serve in public office, at a great loss, incidentally, of personal income, and at a great sacrifice concerning their private lives, if we do not give a little breathing space in this system for those people by having a Government in which all parts of the Government—legislative, executive, and judicial—are in balance, then we will not have quality people serving in Washington, DC.

It was interesting to me that with all the tribulations that this House has gone through with respect to our own institution, and now the possibility of a prosecutor with respect to this institution, that we now apparently have lost all sensitivity to the idea of justice and balance and evenness and reasonableness. We now realize that special prosecutors, if they want to, can prosecute ad infinitum on things that are of little consequence or little interest to the American people or to any reasonable system of justice.

I yield to my colleague from California, because he is an eloquent speaker who started this whole thing off with that story about Corregidor in which Cap Weinberger took a part.

Mr. DORNAN of California. Would an Army paratrooper allow an Air Force flyboy to just give you a Navy definition of a boat. With the sole exception of submarines, a boat is anything that can be picked up and put by crane on a ship. And that certainly qualifies for those leaky PT boats of Commander Bulkeley, who we honored in the rotunda when we put that Medal of Honor in there. He is also a Medal of Honor winner. If you call him today, he picks up the phone and says, "Report."

It was Commander—people keep misspelling it "Buckley", but it was Bulkeley—who took MacArthur and Cap Weinberger off that island.

Cap Weinberger did serve with great distinction in World War II. He served in the California Assembly, in our house of assembly there. He served at OMB under Richard Nixon, and then went to HEW and implemented some of those Great Society programs that Richard Nixon did continue after the Johnson years.

Cap has had a great life of service, and he is one of the heroes of the defense buildup that helped break the Soviet Union. It certainly exhausted us. It certainly has given us debt, but it is the cheapest price any superpower has ever paid to stop another superpower from launching yet another, beyond-our-imagination, destructive world war.

Cap Weinberger served 7 out of the 8 years that President Reagan gave us that victory over communism. Why he left that eighth year I never was able to determine. I always meant to ask him. Was it that he did not want to see some of it torn apart and built down from what he had built up? But he turned it over to one of his associates to finish out that last Reagan year.

Cap Weinberger is a good man. I have never met a better public servant. And to have his life brought under scrutiny now at such a late date, it is just phenomenal to me.

I cannot imagine what you said about the family. It just was handed to me his years as head of Health and Human Services, 1973 through 1975, after his years as head of Office of Management and Budget.

I just hope that we will put this phase of history behind us. I got a little hot under the collar here because there were some ugly mistakes made by Members of this Congress in consorting with these Communist thugs, the Ortega brothers.

□ 2340

Our own distinguished Speaker here brought Ortega into his office in this building on Veterans' Day and then took him for a tour of the Vietnam Wall, that sacred wall down there. I cannot believe some of the things that happened.

It was basically a constitutional struggle between the executive branch, which had carried 49 States in the 1984 election. And this issue was discussed coast to coast during that campaign, people of different opinions in this Chamber and the other great body.

I wish we could put the history behind us, and it is somewhere between $40 and $100 million we have spent, when we will get that reckoning. To get a few petty crimes adjudicated and less than $200,000 in fines collected. It has sure been a lot of work for a lot of young lawyers. I think it has given them a lousy introduction to life inside the beltway, chasing their tails for years now to try and ruin the name of good Americans who won the cold war and gave Violetta Chamorra a great election that I got to her inauguration in Managua, the first woman president of any nation or entity in this entire hemisphere, before Columbus 500 years ago this October, and all during the Aztecs and all the old empires before that.

The first woman president ever in this hemisphere, because of Cap Weinberger, Ollie North, and a lot of people before and after. We won. You who gave public relations advice to the Ortega thugs who tortured people to death, you lost. Take it like a man and let us stop this endless investigation and destruction of people's reputations.

Mr. HUNTER. Mr. Speaker, I appreciate the very articulate words of my friend from California, who I really enjoy serving with.

REGULATIONS CONTRIBUTE TO THE RECESSION

The SPEAKER pro tempore (Mr. BLACKWELL). Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 30 minutes.

Mr. DUNCAN. Mr. Speaker, we have been through a very painful recession in this country and are just now very slowly coming out of it. The sad thing is that this is a recession that we should never have gone through and that we would never have gone through had it not been for the policies of our own Federal Government.

First, the recession was caused by big government liberalism, which has brought about far too much Federal spending and has left us with a $4 trillion national debt and losses of $1 billion a day at the present time adding to that. This has been like a chain of debt hanging around the neck of our economy, slowly but surely strangling this Nation to death economically.

Second, this needless recession was caused by environmental extremists, who almost always come from upper income groups, advocating policies which have destroyed millions of jobs and have really hurt the working men and women and the lower income people of this Nation.

I previously have pointed out that we imported $50 billion worth of oil and oil products last year. Our trade deficit fell to $7 billion, thank goodness. If we had drilled for oil in just two small parts of this country, the Arctic National Wildlife Refuge in Alaska and Point Arguello, off the California coast, we could have had a trade surplus and created up to 1 million new jobs in this country.

Instead, we sent this money overseas to the detriment of our own people.

Now, the environmentalists always say we should not use so much oil and that everyone should use mass transit. But they do not have much mass transit in the small towns and rural areas, and I hope we never get so dictatoral in this country and get to the point that we force everyone to live in the big cities.

These environmental extremists are alarmed at the prospect of drilling for oil in the Arctic National Wildlife Refuge. ANWR is over 19 million acres in size. The area where the oil is and where drilling needs to be done is only 12,000 acreas, far less than 1 percent of the total area.

This oil exploration could be done in a clean and safe way without harming a single animal. Ninety million acres in what is basically a frozen wasteland.

I represent about half of the Great Smoky Mountains National Park, the most heavily visited park in the Nation. The Smokies are 560,000 acres in size.

We could drill for oil in ANWR and leave almost the full 19 million acres untouched and yet, because the environmental extremists control the political agenda in this country today, we will not do it because most of our political leaders are scared to death of the environmental movement.

All over this world countries are collapsing economically because of too much government, too much bureaucracy. Hundreds of millions want to come here because of our freedom and opportunity and because of our free enterprise system. Many of those impoverished nations have a wealth of natural resources. And they, too, would prosper with a free enterprise system and private ownership of property. Yet they have had too much government, and the people have suffered, in several places have even starved. Yet we do not seem to be able to learn from this.

Last year alone we added over 66,000 pages of laws, rules and regulations and redtape to the Federal Register. We already have so many laws, rules and regulations on the books, millions, that no computer can even keep up with them much less a human being.

Now we have just passed an energy bill of over 1,500 pages of fine print. I am sure the people of this Nation will be thrilled when they find out that we have added even more rules, regulations and laws to the books. Ultimately, this bill will drive up the already far-too-high cost of energy in this Nation.

If we do not reverse direction and reemphasize free enterprise and private property and individual freedom in this country once again, then at some point, and probably sooner rather than later, we will see happening here what has happened in other nations. We will see Americans starving in the streets or standing in line for 8 or 9 hours to get a pound of sausage, hoping the government does not run out of it before it gets to be their turn.

Just over a month ago Senator CONRAD, a liberal Democrat from North Dakota, stood on the floor of the Senate and said that he was retiring from the Senate, even though he is only 44 years old and has served just 6 years, one term. He said he was giving up because he saw no hope to turn around our national debt and to stop our continuing tremendous deficit.

The next night in a live interview with Tom Brokaw, Senator WARREN RUDMAN, a conservative Republican and one of the most respected men in the Senate, said the country was headed for economic disaster. His words, not mine, "economic disaster."

Here we have two well-respected Senators, certainly not kooks, from two different philosophical directions saying basically the same thing.

Now, I am not as pessimistic as Senator CONRAD or Senator RUDMAN. I think we can still turn this country around, but anyone who does not realize that the financial condition of this Nation is at a very serious, perhaps even a very dangerous point, is closing his or her eyes to reality.

We are regulating our economy to death.

According to Thomas Hopkins, an economist at the Rochester Institute of Technology, regulation now costs every U.S. household up to $5,400 per year. According to the Pacific Legal Foundation of Sacramento, annual costs of just environmental regulations alone is $120 billion.

I voted for the Clean Air Act of 1990, the toughest clean air in the world. I want to have a clean environment, but I also want jobs for our people. I want the people of this country to be able to have a good standard of living.

If we go too far in the direction of environmental overregulation and environmental overkill, we will turn this country into some kind of Third World country. We will have a clean but poverty-stricken Nation.

Why do I raise these points tonight? Quite simply, it is because of the so-called Earth summit in Rio. President Bush has already been severely criticized for not agreeing in advance to all sorts of environmental restrictions, restrictions that may not harm some poor Third World country where everyone is already trying to leave but which would be very harmful to the United States.

This country is already doing more to fight all forms of pollution than any other nation in the world, such as our very tough and very expensive Clean Air Act.

Yet there is something in the liberal mindset and in the minds of environmental extremists which somehow always finds the United States to be the bad guy. They are never satisfied. We can never do enough when it comes to the environment.

I sometimes think the only way they would ever be happy would be for all human and animal life to leave the United States so it could not be polluted.

□ 2350

Yet it is always clear that they do not want anyone to use the land except for themselves and their yuppie environmentalist friends. Why have these environmental extremists been so successful politically? It is because they have scared the people. They use scare tactics, sensationalism, and scientific faddism. They have grabbed headlines, with ofttimes wild charges, to paint a very false picture of this country.

Dixy Lee Ray, former Chairman of the Atomic Energy Commission, wrote a book published in 1990 called "Trashing the Planet." In the preface to that book she summed up the point I am trying to make here tonight. She wrote:

> I believe too many people are losing touch with common sense. Reading the headlines and lead stories in newspapers or listening to television and radio news, one could conclude that we Americans are the most gullible of people, and certainly the most easily frightened. From simple scare stories about carcinogens lurking in everything we eat, breathe, and touch, to truly stupendous claims of Earth-destroying holes in the sky, global changes in climate, and doom for Western society, we have been panicked into spending billions of dollars without knowing whether they are real.

Ms. Ray continued:

> Whatever happened to healthy skepticism? Whatever happened to the "show me before you spend my money" attitude? Shouldn't we question the assumption that every industrial product may be a danger to life and limb? Should every new development be fought against to protect us from everything, including ourselves.

This distinguished scientist, who once served as Governor of Washington and as President Carter's top adviser on science, went on to debunk many of the myths perpetrated on us by environmentalists in recent years. I do not have time tonight to cover every scare tactic used by environmental extremists, but the main concern of the Rio summit is so-called global warming. I do not intend to go into this in the length I should, but let me just briefly mention a few things about global warming.

A Washington Post editorial in 1990 said:

> The evidence of global warming is confused and inconclusive. Three MIT scientists, after reviewing ocean temperature data being kept since the mid-19th century, wrote in Technology Review magazine, "One of the most striking results suggested by the data is that there appears to have been little or no global warming over the past century."

William Booth, a Washington Post science writer, reported that—

> The most dire predictions about global warming are being toned down by many experts who now predict that temperatures and sea levels in this century will not rise as dramatically as once feared.

A study by the National Oceanic and Atmospheric Administration concludes that—

> The small amount of global warming that is taking place would increase food production, enhance forest growth, and enlarge water supplies.

The Center for Science, Technology, and the Media polled members of the American Meteorological Society and the American Geophysical Union about global warming, and discovered that while 60 percent of those polled believed that average temperatures have increased over the past century, only 19 percent attribute this trend to anything humans are doing or not doing. Also, 70 percent rate media performance in informing the public about global warming as fair to poor.

According to the Science and Environment Policy Project, the major warming during the past 100 years took place before 1940, mainly around 1920, which was before most greenhouse gases entered the atmosphere. The 1930's, not the 1980's, were the warmest in U.S. history, according to this project.

This year in a paper published by the Oak Ridge National Laboratory, two distinguished scientists report on the study of temperatures from across the world's northern half for most of this century. They determined, one, something other than carbon dioxide must be involved in these slightly higher temperature lows and the slightly lower highs observed.

Two, possibly the trends have little to do with humans.

Three, the trends are beneficial to humans.

Twenty years ago environmentalists began worrying about climate change, but not global warming. On the cover of one book published back then were two ominous questions: Has the next ice age already begun? Can we survive it? A blurb on the back cover of this book by Stephen Schneider, who was in Washington recently to talk about global warming, he warned 20 years ago that—

> The threat of cooling could be as awesome as any we might face, and massive worldwide actions to hedge against that threat deserve immediate consideration.

Quoting again from Dr. Ray in testimony given here before the Congress just a few days ago—

> Actual temperatures for the past 100 years show no consistent upward trend. There are, indeed, ups and downs. There was a slight warming trend that occurred between 1910 and 1938. That year, 1938, is still the warmest year on record.

During the past World War II industrial boom and over the period when carbon dioxide was continuously increasing, there was a slight drop in temperature change.

Again, from Dr. Ray, the whole history of the planet Earth is one of weather and climate change. During the early Middle Ages the weather was so mild that wine grapes grew in Scotland. It used to be possible to grow citrus fruit in the American Southeast, all the way up to the Carolinas. Now oranges will not ripen north of Orlando, FL. Cave paintings dated about 6,000 years ago and located in the Sahara Desert show elephants, giraffes, hippotamus, and crocodiles.

The significance of these episodes is that no one knows what caused them, any more than anyone knows what industrialization or the burning of fossil fuel will do. Dr. Marc Cathay, director of the National Arboretum, said, "The trees and the plants have been telling us, unambiguously, that the U.S. climate has (recently) been cooling in some areas, not warming."

Dr. Patrick Michaels, associate professor of Environmental Sciences at the University of Virginia and State climatologist for Virginia, said:

> The fear of crop failure and mass starvation is fading. These predictions were premised on the assumption that daytime temperatures would soar, greatly increasing evaporation and drying out of the soil, but actual data suggest that if average temperatures are going up, it is mostly due to an increase in night time low temperatures. This would have the effect of lengthening the growing season by reducing the likelihood of frost and would not increase the likelihood of drought.

Dr. Michaels also said, "I have a hard time following why longer growing seasons, lower energy prices, and fewer subzero days in North Dakota are the new apocalypse," showing once again that the trends from global warming are beneficial to humans and not harmful.

Dr. Fred Singer, former Deputy Assistant Administrator of the EPA and current director of the Science and Environmental Policy Project, oversaw a survey of more than 100 atmospheric scientists, most of whom worked on a U.N. panel studying climate change.

Speaking of the survey, he said:

> Some 80 percent (of the scientists) agree that there was no clear evidence in the climate record of the last 100 years for enhanced greenhouse warming due to human activities, as might have been expected. And 90 percent expressed skepticism about the reliability of the theoretical climate models used to predict a future catastrophic warming.

A study by the Danish Meteorological Institute in 1991, which covered 130 years, concluded that the temperature of the sun and not carbon emissions had caused what little global warming there has been.

In a paper by the Heritage Foundation, they summed up part of the problem, at least, in this way. They said:

> To cut back on global warming and to help provide funds for the U.N.'s idea of sustainable development in the Third World, various U.N.C. documents call for a tax on products that release carbon gases into the atmosphere. These are primarily gasoline for cars and the oil and coal burned to produce electricity or run factories. Proponents say that the tax would raise money for the third World and deter use of pollutants in the industrial world. To do this, however, the taxes would have to be high and in the U.S. would certainly cause a change in life styles.

For example, it could force Americans to use smaller, more dangerous cars. It could drive up heating oil prices and force the poor to curtail or do without indoor heating during the winter. But most of all, it could cost Americans their jobs, slow down the economy, and benefit foreign competitors like Japan who rely more heavily on nuclear energy than does the U.S. Nuclear energy does not emit greenhouse gases, and thus would not be affected by a U.N.-imposed cutback on them.

The Heritage Foundation, which is one of the most respected think tanks in our country, said this:

> President Bush should be aware of some economic facts about misguided attempts to contain emissions of greenhouse gases. These are, one, using data provided by the Congressional Budget Office. One group of experts estimated that 700,000 Americans would lose their jobs by 1997 if the U.S. agreed to limit carbon emissions to the 1990 levels, which is one goal of the Rio summit.

□ 2400

Also, second, stabilizing carbon dioxide emissions would require a tax of $200 for every ton of carbon in such fuel sources as oil, coal, and natural gas. This would add about $26 to the cost of a barrel of oil, $120 for a ton of coal, and $3.20 per million cubic feet of gas. Were these taxes levied in 1991, the loss to America's gross national product would have been about $95 billion, making the recession even deeper and longer and making economic recovery much harder to come by.

Third, the Heritage Foundation said a carbon tax of $200 per ton would produce annual losses in the American economy of 1.7 percent of the GNP by 2020 to 2.4 percent by 2100. Thus, by the year 2020 this tax would cut America's gross national product by close to $150 billion.

I raise these points at this time because of the Rio summit, but also because our own economy is presently on such thin ice.

If we agree to something in Rio because it sounds good on the surface, but which will ultimately cause us to drastically decrease our standard of living or possibly even go into a depression, we will be very, very sorry indeed.

I have small children. I want the children of this Nation to have a better future than we have had in the past.

To sum up, I would like to quote once again from the book "Trashing the Planet," again from Dixy Lee Ray in which she said this:

> * * * but what can the common, everyday, sensible, taxpaying citizen do? Here are some suggestions:
>
> First, a person can put pressure, individually and through groups, on members of the legislative branch, both state and federal, to refrain from acting precipitously on expensive "cures" for unproven environmental ills. Ask for evidence. It's public tax money that they are proposing to spend; it should not be wasted.
>
> Second, don't succumb to the argument put forward by political environmentalists that action must be taken in advance of understanding the problem, "just in case." Keep in mind that they have a job or position to protect. Remember, the alarmists depend on continued crises, even if they are contrived, to keep themselves in business. Insist on facts.
>
> Third, keep a sense of perspective. This old earth has been through a lot, including drastic climate changes, without any help from humans. It will continue to change. The earth has never been stable or remained the same for long.
>
> Finally, humans cannot live on earth without altering it and without using natural resources. Our responsibility is to be good stewards of the environment and to remember that a well-tended garden is better than a neglected woodlot. It is demeaning beyond belief to consider mankind simply another species of animal, no better and no worse than wild beasts.
>
> We human beings are what we are—imperfect but well-meaning and capable of improvement. We learn from mistakes. We have the ability to think rationally; and we should do so more often. We also have the gift to make conscious choices; and we should choose to pursue knowledge and understanding that will better the lot of all species on the planet.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. UNSOELD (at the request of Mr. GEPHARDT) for today after 7 p.m. and the balance of the week, on account of official business.

Mr. HERGER (at the request of Mr. MICHEL) from 4 p.m. today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOBSON) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 5 minutes, today.

Mr. RIGGS, for 60 minutes, on June 5.

Mr. MCCOLLUM, for 60 minutes, on June 5.

Mr. BARTON of Texas, for 5 minutes, today, and for 60 minutes each day on June 9 and 10.

Mr. BURTON of Indiana, for 60 minutes each day, on July 1, 2, 7, 8, 9, 10, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

Mr. DUNCAN, for 30 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on June 5, 19, 22, 23, 24, 25, and 26.

(The following Members (at the request of Mr. BLACKWELL) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Texas, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Hobson) and to include extraneous material:)

Mr. McCollum.
Mr. Regula.
Mr. Gilman.
Mr. Sundquist, in two instances.
Mr. Oxley.
Mr. Gunderson.
Mr. Schaefer.
Mr. Schulze.
Mr. Young of Florida.
Mr. Blaz.
Ms. Ros-Lehtinen, in four instances.

(The following Members (at the request of Mr. Blackwell) and to include extraneous material:)

Mr. Ackerman.
Mr. Mfume.
Mr. Stark.
Mr. Rose.
Mr. LaRocco in two instances.
Mr. Atkins.
Mr. Lantos.
Mr. Faleomavaega in two instances.
Mr. Scheuer.
Mr. Hertel.
Mr. de Lugo.
Mr. Conyers.
Mr. Kildee in two instances.
Mr. Jacobs.
Mr. Foglietta.
Mr. Murtha.
Mr. Fazio.
Ms. Pelosi.
Mr. Hoyer in two instances.
Mr. Fascell.
Mr. Sikorski.
Mrs. Lloyd.
Mr. Skelton.
Mr. Traficant in three instances.
Mr. Jontz.
Mr. Hochbrueckner.
Mr. Weiss.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2802. An act to extend the authorization of the Commission on Interstate Child Support and the deadline for the Commission's Report to Congress; to the Committee on Ways and Means.

ADJOURNMENT

Mr. DUNCAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 12 o'clock and 4 minutes a.m.) under its previous order, the House adjourned until today, Friday, June 5, 1992, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3670. A letter from the Comptroller General, the General Accounting Office, transmitting an impoundment of Department of Defense budget authority that should have been but was not reported to the Congress by the President under the Impoundment Control Act of 1974, pursuant to U.S.C. 686(a) (H. Doc. No. 102–342); to the Committee on Appropriations and ordered to be printed.

3671. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to repeal section 7299a(a) of title 10, United States Code, to permit distribution of assignments and contracts for construction of combatant vessels and escort vessels on the basis of economic and military consideration; to the Committee on Armed Services.

3672. A letter from the Assistant Secretary for Environment, Safety and Health, Department of Energy, transmitting the Department's 1991 annual report on progress in implementing requirements concerning the Nation's worst hazardous waste sites, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

3673. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations, pursuant to Public Law 102–138, section 181 (105 Stat. 682); to the Committee on Foreign Affairs.

3674. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Department's Office of Inspector General for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3675. A letter from the Attorney General, Department of Justice, transmitting the semiannual report of activities of the inspector general covering the period October 1, 1991 through March 31, 1992, and management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3676. A letter from the Chairman, Federal Housing Finance Board, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3677. A letter from the Administrator, General Services Administration, transmitting the semiannual report of activities of the inspector general covering the period October 1, 1991 through March 31, 1992, and management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3678. A letter from the Commissioner, Social Security Administration, transmitting the Social Security Administration's 1992 Annual Report to Congress, pursuant to 42 U.S.C. 904; to the Committee on Ways and Means.

3679. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer by lease of three naval vessels to the Coordination Council for North American Affairs; jointly, to the Committees on Armed Services and Foreign Affairs.

3680. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the Board's findings, conclusions, recommendations relating to high-level radioactive waste or spent nuclear fuel, pursuant to 42 U.S.C. 10268; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3681. A letter from the Attorney General, Department of Justice, transmitting the 1991 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; jointly, to the Committees on the Judiciary and Intelligence (Permanent Select).

3682. A letter from the Secretary of Energy, transmitting a report entitled "Pinon Pine Integrated Gasification Combined Cycle Demonstration Project," proposed by Sierra Pacific Power Co., pursuant to Public Law 101–512; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

3683. A letter from the Secretary of Energy, transmitting a report entitled "Wabash River Coal Gasification Repowering Project," proposed by Wabash River Coal Gasification Repowering Project Joint Venture, pursuant to Public Law 101–512; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

3684. A letter from the Secretary of Energy, transmitting a report entitled "Micronized Coal Reburning Demonstration for No$_x$ Control on a 175–MWe Wall-Fired Unit," proposed by Tennessee Valley Authority, pursuant to Public Law 101–512; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3711. A bill to authorize grants to be made to State programs designed to provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared foods, and for other purposes; with an amendment (Rept. 102–540, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 4368. A bill to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces, and for other purposes; with an amendment (Rept. 102–548). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 475. Resolution providing for the consideration of H.R. 5260, a bill to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes (Rept. 102–549). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 4342. A bill to amend title 38, United States Code, to expand job assistance programs for Vietnam era veterans, and for other purposes; with amendments; referred to the Committee on Armed Services for a period ending not later than June 8, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c) of rule X. (Rept. 102-547, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TORRICELLI (for himself, Mr. FASCELL, Mr. BROOMFIELD, Mr. LAGOMARSINO, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. LANTOS, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. COLORADO, Mr. ROTH, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. GOSS, Ms. ROS-LEHTINEN, Mr. SMITH of Florida, Mr. GUARINI, and Mr. MCCURDY):

H.R. 5323. A bill to promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people; jointly, to the Committees on Foreign Affairs, Ways and Means, Energy and Commerce, Post Office and Civil Service, and Merchant Marine and Fisheries.

By Mr. HERTEL (for himself, Mr. JONES of North Carolina, Mr. DAVIS, Mr. STUDDS, Mr. BATEMAN, Mr. TAUZIN, and Mr. SAXTON):

H.R. 5324. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration Fleet Replacement and Modernization Program for fiscal years 1993 through 1997; to the Committee on Merchant Marine and Fisheries.

By Mr. MICHEL (for himself, Mr. GINGRICH, Mr. LEWIS of California, Mr. EDWARDS of Oklahoma, Mr. HUNTER, Mr. MCCOLLUM, Mr. WEBER, Mr. VANDER JAGT, Mr. ARCHER, Mr. GRADISON, Mr. MCDADE, Mr. MCMILLAN of North Carolina, Mr. SOLOMON, Mr. BILIRAKIS, Mr. BLILEY, Mr. CHANDLER, Mr. GOSS, Mr. GRANDY, Mr. GUNDERSON, Mr. HASTERT, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. LENT, Mr. MCGRATH, Mr. ROBERTS, Mr. WALKER, Mr. BAKER, Mr. BALLENGER, Mrs. BENTLEY, Mr. BROOMFIELD, Mr. BUNNING, Mr. CAMP, Mr. CLINGER, Mr. DOOLITTLE, Mr. EWING, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GEKAS, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. HAMMERSCHMIDT, Mr. HEFLEY, Mr. HENRY, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HOUGHTON, Mr. INHOFE, Mr. JOHNSON of Texas, Mr. KOLBE, Mr. LAGOMARSINO, Mr. LEWIS of Florida, Mr. LOWERY of California, Mr. MCCRERY, Mr. MARLENEE, Mrs. MEYERS of Kansas, Mr. MILLER of Ohio, Mr. MYERS of Indiana, Mr. OXLEY, Mr. PETRI, Mr. PURSELL, Mr. RAMSTAD, Mr. RHODES, Mr. RIGGS, Mr. RITTER, Mr. ROTH, Mr. SANTORUM, Mr. SCHULZE, Mr. SENSENBRENNER, Mr. SHAW, Mr. SKEEN, Ms. SNOWE, Mr. SPENCE, Mr. SUNDQUIST, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mr. UPTON, Mrs. VUCANOVICH, Mr. WOLF, Mr. VYLIE, and Mr. ZELIFF):

H.R. 5325. A bill to improve access to health insurance and contain health care costs, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, the Judiciary, Education and Labor.

By Mr. LEWIS of Georgia (for himself, Mr. MILLER of California, Mr. TOWNS, Mr. OWENS of New York, Ms. NORTON, Mr. DELLUMS, Mr. DIXON, Ms. COLLINS of Michigan, Mr. HAYES of Illinois, Ms. WATERS, Mr. PAYNE of New Jersey, and Mr. BLACKWELL):

H.R. 5326. A bill to establish a program to assure nondiscriminatory compliance with all environmental health and safety laws and to assure equal protection of the public health; jointly, to the Committees on Energy and Commerce, Education and Labor, Public Works and Transportation, and Agriculture.

By Mrs. LLOYD (for herself, Ms. OAKAR, Mr. DOWNEY, Mr. HUGHES, and Mr. ROYBAL):

H.R. 5327. A bill to improve housing for elderly persons that is assisted by the Federal Government, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MCCOLLUM:

H.R. 5328. A bill to amend title 35, United States Code, with respect to the late payment of maintenance fees, and for other purposes; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 5329. A bill to amend the Job Training Partnership Act to improve employment and training assistance for dislocated workers, and for other purposes; jointly, to the Committees on Education and Labor and Armed Services.

By Mr. VISCLOSKY:

H.R. 5330. A bill to permit a diversion of water from Lake Michigan to the town of Lowell, IN; to the Committee on Public Works and Transportation.

By Mr. WEBER (for himself and Mr. PENNY):

H.R. 5331. A bill to authorize an endowment grant to support the establishment of regional centers to promote locally based, volunteer-operated, private citizens' scholarship programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MCMILLAN of North Carolina:

H.R. 5332. A bill to extend until January 1, 1995, the existing suspension of duty on gripping narrow fabrics; to the Committee on Ways and Means.

By Mr. MFUME:

By Mr. BONIOR:

H. Res. 475. Resolution providing for the consideration of the bill (H.R. 5260) to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the unemployment compensation program, and for other purposes; House Calendar No. 139. House Report No. 102-549.

By Mr. MCDERMOTT:

H. Res. 476. Resolution to amend the Code of Official Conduct in the Rules of the House of Representatives to require that any chairman or ranking minority party member of a committee or subcommittee who is indicted for a crime shall cease to be chairman or ranking minority party member unless the charges are dismissed or that Member is found not guilty; to the Committee on Standards of Official Conduct.

By Mr. HAMILTON:

H. Res. 477. Resolution relating to noncurrent records of the former Select Committee to Investigate Covert Arms Transactions with Iran, 100th Congress; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 371: Mr. ROBERTS.

H.R. 727: Mr. KOPETSKI.

H.R. 843: Mr. EVANS and Mr. PETERSON of Minnesota.

H.R. 1254: Mr. ANNUNZIO, Mr. GORDON, Mr. RAHALL, Mr. JONES of North Carolina, Mr. MORAN, Mr. SANTORUM, Mr. DE LUGO, Mr. LANTOS, Mr. RICHARDSON, Mrs. MORELLA, Mr. JACOBS, Mr. FEIGHAN, Mr. BERMAN, Mr. SISISKY, Mr. DYMALLY, Mr. EMERSON, Mr. MATSUI, Mr. DARDEN, and Ms. DELAURO.

H.R. 1300: Mr. ACKERMAN.

H.R. 1408: Mr. KILDEE.

H.R. 1512: Mr. JONES of North Carolina.

H.R. 1536: Mr. PETERSON of Minnesota, Mr. JOHNSTON of Florida, and Mr. GOODLING.

H.R. 2618: Mr. WEBER, Mr. EDWARDS of California, Mr. JOHNSON of South Dakota, Mr. SMITH of New Jersey, Mr. MONTGOMERY, Mr. CHAPMAN, Mr. WILLIAMS, Mr. POSHARD, Mr. VANDER JAGT, Mr. JACOBS, Mr. CLINGER, Mr. DAVIS, Mr. ERDREICH, Mr. HUGHES, Mr. LEHMAN of Florida, Mr. MURTHA, Mr. SARPALIUS, and Mr. OWENS of Utah.

H.R. 3164: Mr. STUDDS and Mr. GUARINI.

H.R. 3195: Mr. PETERSON of Minnesota.

H.R. 3278: Mr. ZIMMER.

H.R. 3425: Mr. ENGLISH.

H.R. 3438: Mr. OXLEY.

H.R. 3439: Mr. OXLEY.

H.R. 3440: Mr. OXLEY.

H.R. 3441: Mr. OXLEY and Mr. ZIMMER.

H.R. 3442: Mr. OXLEY.

H.R. 3501: Mr. GUARINI.

H.R. 3509: Mr. SANDERS and Mr. ENGEL.

H.R. 3545: Mr. TOWNS and Mr. GUARINI.

H.R. 3602: Mr. PRICE.

H.R. 3605: Mr. OXLEY.

H.R. 3625: Mr. TORRES and Mr. MILLER of California.

H.R. 3673: Mr. BROWN, Mr. CAMPBELL of California, and Mr. FAWELL.

H.R. 3780: Mr. ZIMMER.

H.R. 3832: Mr. CLAY, Mr. OWENS of New York, and Mr. EVANS.

H.R. 3849: Mr. ENGEL and Mr. HAYES of Illinois.

H.R. 4045: Mr. OWENS of New York.

H.R. 4054: Mr. GALLO, Mr. THOMAS of Wyoming, and Mr. GILLMOR.

H.R. 4083: Mr. OLIN and Mr. DOWNEY.

H.R. 4124: Mr. SCHUMER and Mr. JOHNSTON of Florida.

H.R. 4144: Mr. OXLEY.

H.R. 4212: Mr. JOHNSON of South Dakota.

H.R. 4304: Mr. LIPINSKI.

H.R. 4342: Mr. STAGGERS, Mr. JONES of Georgia, Mr. HARRIS, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. COLORADO.

H.R. 4349: Mr. KILDEE.

H.R. 4368: Mr. JONES of Georgia, Mr. STAGGERS, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. COLORADO.

H.R. 4406: Mr. DICKINSON and Mr. GALLEGLY.

H.R. 4530: Mr. VENTO.

H.R. 4742: Mr. EVANS.

H.R. 4848: Mr. MARKEY.

H.R. 4986: Mr. GILCHREST.

H.R. 5011: Mr. HORN.

H.R. 5012: Mr. FASCELL.

H.R. 5113: Mr. VISCLOSKY, Mr. FAWELL, and Mr. GILLMOR.

H.R. 5150: Mr. MOODY, Mr. BEREUTER, Mr. GUARINI, Mr. MFUME, Mr. EVANS, Mrs. MINK, Mr. JONES of Georgia, Mr. EMERSON, Mr. BRUCE, Mr. BRYANT, Mr. OWENS of New York, Mr. FISH, Mr. ROE, Mr. MCNULTY, and Mr. MAZZOLI.

H.R. 5155: Mr. SKEEN.

H.R. 5209: Mr. KOPETSKI, Mr. RANGEL, and Mr. TOWNS.

H.R. 5216: Mr. PASTOR.

H.R. 5254: Mr. STAGGERS, Mr. JONES of Georgia, Mr. BREWSTER, Mr. HARRIS, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 5269: Mr. LAROCCO.

H.J. Res. 107: Mr. RINALDO, Mr. ANDREWS of New Jersey, Mr. LAUGHLIN, and Mr. DELAY.

H.J. Res. 143: Mr. JOHNSON of Texas, Mr. HOLLOWAY, and Mr. DUNCAN.

H.J. Res. 237: Mr. HERTEL, Mr. KILDEE, Mr. PURSELL, Mr. DYMALLY, Mr. GUARINI, and Mr. MCDERMOTT.

H.J. Res. 271: Mr. WALSH, Mr. STARK, Ms. WATERS, Mr. BERMAN, Mr. LIVINGSTON, and Mr. GILLMOR.

H.J. Res. 336: Mrs. BOXER and Mr. HAYES of Illinois.

H.J. Res. 357: Mr. OXLEY.

H.J. Res. 459: Mr. BOUCHER, Mr. BREWSTER, Mr. BROOKS, Mr. DELLUMS, Mr. DOOLITTLE, Mr. ECKART, Mr. FLAKE, Mr. GEJDENSON, Mr. HERTEL, Mr. HUNTER, Mr. JENKINS, Mr. LANTOS, Mr. MANTON, Mr. MCHUGH, Mrs. MORELLA, Mr. MURPHY, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. POSHARD, Mr. SANDERS, Mr. SOLARZ, Mr. SOLOMON, Mrs. UNSOELD, and Mr. WAXMAN.

H.J. Res. 478: Mr. HAYES of Illinois, Mr. LUKEN, Ms. DELAURO, and Ms. MOLINARI.

H.J. Res. 480: Mr. ALLEN, Mr. ARMEY, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BOEHNER, Mr. BUNNING, Mr. COMBEST, Mr. CRANE, Mr. CUNNINGHAM, Mr. DANNEMEYER, Mr. DELAY, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. EMERSON, Mr. FRANKS of Connecticut, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HERGER, Mr. HOUGHTON, Mr. HUNTER, Mr. INHOLFE, Mr. JOHNSON of Texas, Mr. LIVINGSTON, Mr. PACKARD, Mr. RHODES, Mr. SMITH of New Jersey, Mr. ZELIFF.

H.J. Res. 495: Mr. VENTO and Mr. PAYNE of Virginia.

H. Con. Res. 42: Mr. BUSTAMANTE.

H. Con. Res. 210: Mr. CAMPBELL of California.

H. Con. Res. 232: Mr. BEREUTER.

H. Con. Res. 246: Mr. KENNEDY, Mr. SISISKY, Mr. TAYLOR of Mississippi, Mr. HOAGLAND, Mr. WATERS, Mr. TRAFICANT, Mr. ANNUNZIO, Mr. CAMPBELL of Colorado, Mr. HEFNER, and Mr. COOPER.

H. Con. Res. 276: Ms. DELAURO, Mr. WOLPE, Mr. ALEXANDER, and Mr. RAY.

H. Con. Res. 282: Mr. COSTELLO, Mr. PASTOR, Mr. SANGMEISTER, and Mr. HOYER.

H. Con. Res. 309: Mr. CONDIT and Mr. OLIN.

H. Con. Res. 316: Mr. LIPINSKI, Mr. ENGEL, Mr. FROST, Mr. RICHARDSON, Mr. FEIGHAN, Mr. GOSS, Mr. WOLPE, Mr. ERDREICH, and Mr. ALEXANDER.

H. Res. 399: Mr. SOLOMON, Mr. JEFFERSON, and Mr. STUMP.

H. Res. 448: Mr. LIPINSKI and Mr. JOHNSON of South Dakota.

H. Res. 472: Mr. ROHRABACHER, Mr. CLINGER, Mr. HANSEN, Mr. PARKER, Mr. POSHARD, and Mr. JAMES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1790: Mr. HAYES of Louisiana.

EXTENSIONS OF REMARKS

THE BIRTH OF THE DEMOCRATIC PARTY

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. ROSE. Mr. Speaker, the following article describes the circumstances surrounding the emergence of the political party system in our country, and the birth of the Democratic Party. It was written by Wayne Goodwin, 25, a Democrat from Hamlet, NC. He holds elected offices in the North Carolina Eighth Congressional District Democratic Party, the Young Democrats of North Carolina, and in Democratic Party groups in his community. He is a veteran of numerous campaigns.

Wayne graduated from UNC in 1989 with honors in political science, receiving the Terry Sanford Award for Excellence for the best honors thesis in the department. Wayne also received the Morehead Scholarship and a U.S. Senate—William Randolph Hearst Scholarship. He graduated on May 10 from the University of North Carolina School of Law, and he plans to practice law in North Carolina.

The article follows:

THE DEMOCRATIC PARTY CELEBRATES 200 YEARS: A BRIEF HISTORY OF ITS BIRTH

(By Wayne Goodwin)

Although many Democrats know that Thomas Jefferson, the Sage of Monticello, founded the Democratic Party, most have not heard how he and other brave patriots banded together to create it. Read on for a short history of what is now the oldest political party in the world.

THE GENESIS

In 1787 the Founding Fathers gathered to deliberate over what would become the United States Constitution. One intense debate concerned the amount of power the federal government should have. Some leaders, led by Alexander Hamilton, supported a centralized, aristocratic national government; others supported a decentralized government, one whose powers were only flexed when necessary—as in times of national security—and when most convenient. Part and parcel of this belief was empowerment of the commoner, not control by the patrician. Thomas Jefferson passionately believed in this message.

Two years later the United States elected General George Washington their first President. He ran on no platform; he hailed from no political party. But this did not save his administration from divisiveness. Why? The Chief Executive chose Mr. Hamilton as his Secretary of the Treasury and Mr. Jefferson as his Secretary of State. From there the country felt the first pangs of political parties.

POLITICAL PARTIES EMERGE

No political parties existed before Washington's first term. In fact, most Americans distrusted them and considered them seeds for divisiveness and corruption. The Constitution itself fails to mention them. Notwithstanding, a free society allows differences of thought and opinion.

Jefferson, for example, expressed concern over Hamilton's December 1790 proposal to establish a national bank. The future President said it went beyond the bounds of the Constitution and would further aid the monied elite, not the general public. He challenged Hamilton's interpretation of the Constitution, governmental economic policies, and the aim of foreign policy. First in Cabinet meetings, then in private letters to leading officials of the day, Jefferson emerged as the champion of the opposition. His unauthorized introduction for Thomas Paine's American edition of The Rights of Man augmented Jefferson's name recognition as former Governor of Virginia and author of the Declaration of Independence. Soon he would play an equally important role in American history.

In the Spring of 1791 Mr. Jefferson joined Virginia Congressman and political colleague James Madison for a visit to New York. Though claiming the New England trip was solely a botanical tour, historians note that more than just budding azalea bushes highlighted their journey.[1] Hamilton's allies as well as the general public discussed the possible political, and not recreational or scientific, motives of Jefferson and Madison. They and historians have speculated that the two met with northern supporters, namely Robert Livingston and Aaron Burr. These supporters joined the travelers in planning unified opposition to Hamilton.

Within a few months the plan unfurled itself: Jefferson hired Madison's classmate Philip Freneau, a newspaper editorialist, as a clerk in the Office of the Secretary of State. This business decision gave Jefferson a mouthpiece to the states: Freneau's newly-established National Gazette of Philadelphia. Born of a partnership arranged by Madison, Jefferson arranged for subscriptions nationwide.[2] Beginning in Fall 1791 the Hamilton-Jefferson feud entered the headlines.

Hamilton did not allow Jefferson to tip the scales. His own editor, John Fenno, published the Gazette of the United States. Jefferson called it "a paper of pure Toryism, disseminating the doctrines of monarchy, aristocracy, and the exclusion of influence by the people."[3] Freneau and Fenno attacked each other in the press, then counterattacked, both newspapers serving as precursors to the political parties to come. Hamilton personally entered the fray, claiming that the National Gazette was a Jefferson tool.

President Washington then attempted to mediate between the two cabinet members, urging reconciliation. Jefferson confirmed his differences with the Secretary, but pledged that he did not control the newspaper nor had he ever published an article without his name: He merely encouraged contributing authors; he also was selective as to what Freneau might access for publication.[4] Hamilton, meanwhile, dourly noted that he had "seen a party formed in the [Congress] under [Jefferson's] auspices, bent upon my subversion"[5]

However, the split in the Cabinet alone did not create the two political parties of the time. Congress itself began to gather allegiances, some to policies consistent with those of Jefferson, others to policies of Hamilton.

Battles cannot be fought without battle lines. Similarly, collective political viewpoints cannot be described without names. First and foremost Hamilton supported a strong federal government. Therefore, like believers became known as Federalists. Opponents called them Tories, Monocrats, Monarchists, anti-Republicans, or more derogatory names.

Jefferson and Madison, especially the former, favored a democratic republic much like the one then developing in France. Likeminded Americans became known by a host of names. Among these were Anti-Federalists, Jeffersonians, and Republicans—not to be confused with the modern-day Republican party founded in 1854. The name "Republican" at the time was derived from our form of government, i.e., a republic. Opponents called them Jacobins (after the French supporters in a decentralized French government), disorganizers, or Democrats, originally a derogatory term because it meant "mob rule." Eventually some state groups called themselves Democratic-Republicans and by the time of Andrew Jackson, simply Democrats. During Jefferson's day, though, the party commonly used the name Republican.

THE PARTY APPEARS IN CONGRESS

During the 2nd Congress a "faction"[6] appeared that also became known as "the republican interest". On or about May 23, 1792, Jefferson acknowledged that a party had formed. This is most evident in a letter the Secretary of State mailed to President Washington:

"Dear Sir,—I have determined to make the subject of a letter what for some time past has been a subject of inquietude to my mind. . . . Had no change of circumstances intervened, I should not, with any hopes of success, have now ventured to propose to you a change of purpose. But the public mind is no longer confident and serene; and that from causes in which you are no ways personally mixed. . . . The republican party, who wish to preserve the government in its present form, are fewer in number; they are fewer even when joined by the two, three, or half dozen anti-federalists, who, though they dare not avow it, are still opposed to any General Government; but, being less so to a republican than a monarchical one, they naturally join those whom they think pursuing the lesser evil. . . ."[7]

THE PARTY FIELDS ITS FIRST NATIONAL CANDIDATE—1792

Both Thomas Jefferson and his supporters continued to organize throughout 1792. That year George Washington sought re-election as President. Republicans instead focussed on a bid for Vice President of the United States. If they replaced John Adams then they could implement their political goals and minimalize Federalist power. However,

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Footnotes at end of article.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

because the Twelfth Amendment would not appear until 1804, a successful vice presidential bid required a second-place showing in the number of electoral votes due a candidate. [Today a party nominates a Vice President to run on the same ticket as its presidential nominee. The Twelfth Amendment requires separate balloting for President and Vice President by the Electoral College.]

Republican interests began organizing their national election plan. The most influential Republicans agreed that no Republican could win nationally unless several states unified their efforts. As a result Virginia, Pennsylvania, and New York joined together in grooming the right candidate.

New York Republicans and "other principal movers" such as later Presidents Monroe and Madison concluded this candidate search on October 16, 1792. Their choice: New York Governor George Clinton. The next step involved gathering support among the states. Some Republicans journeyed to neighboring states. Others penned letters to state leaders. One wrote to Mr. Madison that "the most influential and proper Characters in the Virginia assembly could be timely appraised of the thing, and invited to act in concert."[8] He continued by asking both Madison and Monroe to spend one day "urging our principal republicans"[9] of Virginia to back Clinton and to contact friends in North Carolina. Pennsylvania organizers also mailed letters to Republicans in South Carolina and Georgia. The United States witnessed the first national political party organization, crude yet effective.

Voters nationwide re-elected George Washington in 1792. They also re-elected John Adams, but not without a fight. Republicans forged unanimous electoral votes for Governor Clinton in several states, namely New York, Virginia, North Carolina, and Georgia. Furthermore, voters sent more Republicans to Congress. Jefferson and Madison had performed quite well with only a few months planning. Today's Democratic Party was on its way.

NATIONAL ELECTIONS—1796

Secretary of State Jefferson grew tired of national politics and retired to Monticello in 1793. Madison took full control of the party helm both within and without Congress. Soon friend and foe alike deemed it "Madison's party." By late 1794 Republican "societies" or groups had blossomed from Maine to Georgia.

Before Jefferson could fully begin the life of a former statesman, supporters cast him back into the national arena. Washington had chosen to forego a third term, thus allowing an open contest for the top two offices in the land. Madison and fellow Republicans meanwhile addressed the concerns of the merchant, farmer, and immigrant, organizing them for Jefferson's rule for the Presidency. As a result, Jefferson polled the second highest number of electoral votes to John Adams in a campaign filled with party spirit and strengthening party lines, thus becoming vice president under the Federalist President Adams. With that the Republicans had their first nationally elected official.

Republican "tickets" for both state and national elections were first used in 1796. As in 1792, Republicans continued to grow in the legislative chambers nationwide.

THE ELECTION OF 1800

In 1798 the Republican party lost several of its elected Members of Congress. As a result, party adherents increased their efforts. Virginia, New Jersey, and other states set their sights on 1800 as the year for victory. Republicans in Congress formed the bulwark of this new national party. Even counties joined the act, naming committees of Republicans who would help lead the fight.

Unlike four years earlier, the Party devised a way to select its candidates for President and Vice President: the caucus. The Party then organized its platform. It stressed a decrease in the national debt, reduction in taxes, freedom of the press, good government without religious intolerance, peace, and rejection of Federalists' monarchical tendencies. The Party also wanted to increase direct popular control over the government, widen the right to suffrage, and protect by the constitution the rights of States.

Meantime, Federalists published slanderous material about presidential nominee Thomas Jefferson in its party newspapers. Republicans themselves added to the growing tensions by acts on behalf of their party.

On Election Day 1800, less than a decade after the Party formed, the new century witnessed a Democratic majority. Not only did Thomas Jefferson garner the highest number of electoral votes, his vice presidential candidate Aaron Burr received the same number. John Adams, the incumbent President, placed third.

Jefferson himself said that "the revolution in 1800 . . . was as real a revolution in the principles of our government as that of 1776 was in its form. . . ."[10]

CONCLUSION

Two hundred years have passed since the nascent days of the Democratic Party. It has witnessed its share of strong years and lean years, persevering through each. The Democratic Party has withstood the peaks and pitfalls that have been a part of these United States from the very start, and intertwined itself with the history of our Nation.

As we commemorate the bicentennial of the Democratic Party, let us recall what its founding and existence brought to this land: life and flesh for the framework of democratic governance established by our Constitution; an accommodation of the honest differences of the Nation's people; a mechanism to ensure that the freedoms provided by our Government are honored; a guarantee that complaints against the government could be redressed; and a means of effectuating the choice of the electorate in a peaceful transfer of political power.[11] For as long as the universal goals of Jefferson and Madison remain the heart of the Democratic Party, then all Americans, regardless of party or belief, will find this an anniversary akin in importance to that of 1976.

FOOTNOTES

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[1] See, e.g., Wilford E. Binkley, American Political Parties: Their Natural History (1955) at 64, 77–78; Samuel Eliot Morison and Henry Steele Commager, The Growth of the American Republic (1950), I, at 343; Noble E. Cunningham, Jr., The Jeffersonian Republicans (1957); Noble E. Cunningham, Jr., In Pursuit of Reason: The Life of Thomas Jefferson (1987) at 168–169.

[2] Cunningham, supra, at 169.

[3] Jefferson to Thomas Mann Randolph, Jr., May 15, 1791, in Julian P. Boyd, et al. (ed.), The Papers of Thomas Jefferson (1950–).

[4] Cunningham, supra, at 171.

[5] Arthur M. Schlesinger, Jr., History of U.S. Political Parties, Vol. 1, (1973) at 243.

[6] See, e.g., Hamilton to Edward Carrington, May 26, 1792, in Henry Cabot Lodge, ed., The Works of Alexander Hamilton, IX, (1904). 513-535; Schlesinger, supra, at 241, 277.

[7] Jefferson to President Washington, May 23, 1792, in Adrienne Koch and William Peden, the Life and Selected Writings of Thomas Jefferson (1944) at 510, 512.

[8] Beckley to James Madison, October 17, 1792, The Jeffersonian Republicans, supra, at 49.

[9] Id.

[10] Jefferson, Works (Federal ed.), XII, 136 (Sept. 6, 1819).

[11] See S. 2047, 102nd Cong., 1st Sess. (Nov. 25, 1991) (a bill to establish a commission to commemorate the bicentennial of the establishment of the Democratic Party of the United States; idea for the bill originated with the author).

THE 1355TH PRESENTED MERITORIOUS UNIT COMMENDATION

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise today to announce that the 1355th Supply and Service Company headquartered in Ocean Springs, MS, with a detachment in Bay St. Louis, has been awarded a meritorious unit commendation.

The citation is awarded for the unit's distinguished service while deployed to Southwest Asia, in support of United States-led Multi-National Forces during Operation Desert Shield/Storm.

The 1355th was one of six units operated under the auspices of the 365th Supply and Service Battalion during the Persian Gulf conflict. I can attest that all six units performed their mission in an exceptional manner while operating in a hostile environment. On two occasions, I visited with these men and women while they were deployed to the region.

The battalion established and operated mission sites providing supply and service support to EAC units in the 593d Area Support Group's area of responsibility. This battalion was also responsible for the receipt, storage, and issue of theater reserve stocks consisting of supply classes, I, II, III, III(P), IV, VII, IX throughout the theater in support of the ARCENT campaign plan.

This battalion assured the responsiveness of the receipt, issue, and storage process to maximize the flow of supplies from the GSSB to DSU's through the theater. The 365th Supply and Service Battalion proved itself to be an essential component of the greatest logistical move in history.

The performance of the 365th is in keeping with the highest traditions of the military and reflects distinct credit upon its soldiers, the U.S. Army Reserve, the U.S. Army and the Department of Defense.

TRIBUTE TO JOSEPH RAYMOND BUCIK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today with exuberance to wish a great man in my 17th District of Ohio the best as he retires from the Calex Corp., in Campbell, OH.

After 38 years of dedicated service, Joe's retirement will be a well-deserved era of relaxation. In 1954, Joe, at age 16, began a fruitful life for himself working at the Calex Corp. During the following years, Joe attended St. Matthias Church and later met Josey Traficant Snyder at the Oop Shoop. The two were married in 1972. Josey is my aunt, my father's sister.

On Saturday June 27, 1992, Lil Sowder and Dolly and Tim Ponzi as well as Michael, Bob, Tony, Ken, Donna, Shannon, and Marie Viglio will host a surprise retirement party for Joe. I compliment the efforts of this outstanding group of people. Their dedication is well spent on a man such as Joe.

I've known Joe since high school and he is a responsible, goal oriented man who is not afraid to work. He carried on the tradition of good work practiced by his parents. Mr. Speaker, 38 years of service to one corporation, the Calex Corp., speaks to a part of America's past where loyalty and hard work made America great. Joe epitomizes that spirit which encompasses the importance of family, community, and God.

Mr. Speaker, I am honored to pay tribute to Joe Bucik as he retires. I wish he and his family God's blessings.

PREMONITIONS OF WHITE MAN IN INDIAN CULTURES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the "Year of the American Indian." This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the "Year of the American Indian," and as part of my ongoing series this year, I am providing for the consideration of my colleagues a portion of congressional testimony Dan Katchongva, a member of the Hopi Tribe, as published in a book entitled "Native American Testimony." The testimony speaks of a prophesy in the Hopi culture of the coming of the white man:

> In ancient times it was prophesied by our forefathers that this land would be occupied by the Indian people and then from somewhere a White Man would come. He will come either with a strong faith and righteous religion which the Great Spirit has also given to him, or he will come after he has abandoned that great Life Plan and fallen to a faith of his own personal ideas which he invented before coming here. It was known that the White Man is an intelligent person, an inventor of many words, a man who knows how to influence people because of his sweet way of talking and that he will use many of these things upon us when he comes. We knew that this land beneath us was composed of many things that we might want to use later such as mineral resources. We knew that this is the wealthiest part of this continent, because it is here the Great Spirit lives. We knew that the White Man will search for the things that look good to him, that he will use many good ideas in order to obtain his heart's desire, and we knew that if he had strayed from the Great Spirit he would use any means to get what he wants. These things we were warned to watch, and we today know that those prophecies were true because we can see how many new and selfish ideas and plans are being put before us. We know that if we accept these things we will lose our land and give up our very lives.
>
> DAN KATCHONGVA,
> *Hopi.*

MEMPHIS WONDERS

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. SUNDQUIST. Mr. Speaker, I am pleased to bring to the attention of my colleagues the great success of Wonders, the Memphis International Cultural Series, in bringing celebrated cultural exhibits to the Midsouth.

With the inauguration in Memphis of the magnificent exhibition "Splendors of the Ottoman Sultans," relations between the Republic of Turkey and the United States have been greatly enhanced.

This outstanding exhibition is the largest collection of Ottoman treasures ever displayed outside of Turkey. Consisting of 275 objects, this exhibition, which has been curated by Dr. Nurhan Atasoy, the noted Islamic art scholar and dean of the faculty of letters, Istanbul University, explores the role of the sultans of the Ottoman Empire as statesmen, military leaders, and patrons of the arts, as well as portrays the opulence of the Ottoman court.

Of special note, Memphis has been entrusted by the Ministry of Culture of the Republic of Turkey with the loan of the Topkapi Dagger as the grand centerpiece of the "Splendors of the Ottoman Sultans" exhibition. The Memphis display of this masterpiece of Ottoman art marks the first and only visit of this renown treasure in the Western Hemisphere and the second time in history that this object has been permitted to leave Turkey. It is the symbol of the Topkapi Palace Museum.

The significance of this important cultural exchange between Turkey and the United States was symbolized during a series of grand inaugural events which were conducted April 15–17 in Memphis. These events included the Memphis visit of His Excellency Fikri Saglar, Minister of Culture of the Republic of Turkey, and His Excellency Nuzet Kandemir, the Ambassador of the Republic of Turkey to the United States. Of particular importance was the North American debut in Memphis of the highly acclaimed 115-member Istanbul State Symphony Orchestra conducted by Maestro Alexander Schwinck which performed two magnificent concerts featuring the pianists Suher and Guher Pekinel and violinist Suna Kan. This great orchestra was joined by the U.S. Army Herald Trumpets in the offering of several outstanding musical selections.

In addition, an international seminar on "Doing Business in Turkey" was conducted by the American-Turkish Friendship Council, and an international symposium on Ottoman art was organized by Memphis State University.

Crowning these activities was the attendance of a delegation of parliamentarians from the Turkish Parliament and officials of the city government of Adana, Turkey, who are currently working with Memphis Mayor Dr. W.W. Herenton in the establishment of a sister-city relationship between Adana and Memphis.

"Splendors of the Ottoman Sultans" is another major project organized by Wonders: The Memphis International Cultural Series for the enhancement of international understanding through cultural exchange, and I am confident that relations between Turkey and the United States will be further enhanced through this insightful and scholarly endeavor.

HONORS FOR BROTHER ELLIS ON HIS RETIREMENT FROM LA SALLE UNIVERSITY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. FOGLIETTA. Mr. Speaker, I rise today to acknowledge the fine works of Brother F. Patrick Ellis, the recently retired president of La Salle University in Philadelphia, PA.

Brother Ellis became La Salle University's 26th president on January 1, 1977, and quickly established himself as one of the Nation's leading spokespersons for Catholic higher education. Under his direction, La Salle has enjoyed a significant amount of academic and physical expansion. The Commonwealth of Pennsylvania conferred university status on the institution in 1984.

Born in Baltimore in 1928, Brother Ellis has been a member of the Brothers of the Christian Schools since 1946 and joined the La Salle staff in 1960 as an assistant professor of English. He is Phi Beta Kappa and was the president of the Phi Beta Kappa Association of Philadelphia for two terms.

Along with his memberships on the board of trustees of Manhatten College, NY, St. Mary's College of California, St. Mary's College of Minnesota, and St. John's College High School, Washington DC, Brother Ellis is active in many national and local educational and civic organizations. He is past chairman of the board of directors of the 220 member Association of Catholic Colleges and Universities and chairman of Philadelphia's Campus Boulevard Corp., a cooperative organization of institutions located adjacent to La Salle University on Olney Avenue in Philadelphia.

Brother Ellis recently completed terms on the boards of American Council on Education, the Afro-American Historical Museum, Community Leadership Seminar, Salvation Army, Archdiocesan Council of Managers, World Affairs Council, and Greater Philadelphia First Corp.

Brother Ellis was recently honored by his colleagues, friends, and supporters at a testimonial dinner that benefited the Brother Ellis Scholarship Fund.

Although Brother Ellis has stepped down from his position as president of La Salle University, he will continue to leave his positive footprint in the educational and civic community both in Philadelphia and throughout the country.

CONGRESSMAN KILDEE HONORS MR. & MRS. CALHOUN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to Mr. Max Calhoun and his wife Mrs. Joan Calhoun, symbols of excellence in education. Mr. and Mrs. Calhoun are retiring after nearly 30 years of exemplary service to the Flint community schools and will be honored in Flushing, MI on Tuesday, June 16, 1992.

Born in Leburn, KY in 1940, Mr. Calhoun earned his bachelor of science degree at Morehead State University and his first masters degree from Indiana University in 1962. After beginning his professional career at Merrill Elementary School in Flint as a community school director, he earned a second masters degree in community education from Eastern Michigan University. During his years of service, Mr. Calhoun acted as staff assistant of conferences and visitations, consultant in recreation office, community school director at Eisenhower Elementary, assistant principal at Merrill and Dort Elementary, principal at Merrill Elementary, and the principal at Pierce Elementary.

Mr. Calhoun's commitment to education extends beyond his time at the office. He has been a member of several organizations and served on various boards including the Michigan Community Education Association, the National Community Education Association, the Michigan Education Association, the National Community Education Association, the Michigan Education Association, the National Parks and Recreation Association, the American Association of Health, Physical Education and Recreation, two terms on the YMCA Board, the National Paddleball Board of Directors, the Big Brothers Board of Directors, the Genesee County Parks and Recreation Advisory Board, and the Greater Flint Olympian and CANUSA Organization.

Mr. Calhoun's wife, Joan, has also given a lifetime committment to improving education. Born in Smithsboro, KY, she attended Union Methodist College and Morehead State University, completing her bachelors degree at the University of Michigan in 1966. In 1976 she received her masters degree in vocational education. During her 30 years of service she taught at Durant Tuuri Mott Elementary, Northern Community High School where she was also vocational coordinator, Carman High School, Southwestern High School, and Schools of Choice.

Mrs. Calhoun's committment to excellence in education, like her husband's, transcended classroom work. She was a member of and served on the Michigan Education Association, the National Education Association, the National Business Education Association, the Michigan Alternative Education Organization, the Flint Community Education Women's Club where she was president for 1 year and secretary for 12 years, and the Mott Middle College Advisory Board for 2 years.

Mr. and Mrs. Calhoun's combined 60 year devotion to the education of Flint area students fully deserves community and congressional recognition. They have both earned the respect of teachers, students, fellow administrators, and parents alike. Mr. Speaker, it is an honor and a privilege for me to ask you and my fellow Members of the U.S. Congress to join me in honoring Mr. Max Calhoun and Mrs. Joan Calhoun for their committment to educational excellence in the Flint community.

TRIBUTE TO RICHARD C. DARLING

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Richard C. Darling for his outstanding service in Government and business. Dick began his career in Washington on October 1, 1945 when he was appointed a U.S. Senate page boy. He served in several positions on the Senate floor, eventually becoming an assistant to the secretary for the majority. Subsequently, Dick served in several different capacities during President Lyndon Johnson's administration and was awarded the Distinguished Service Award in 1967.

In 1969, Dick left Government service and joined the J.C. Penney Washington office. Over the years Dick has served with distinction on many committees and associations. Dick was instrumental in establishing the Business Roundtable, served as a member of the board of directors of the American Retail Federation, and serves on the National Retail Merchants Association.

In 1985, Dick was appointed manager of Federal Government relations, making him responsible for all Federal Government relations activity for J.C. Penney in Washington.

Mr. Speaker, I commend Mr. Darling for his outstanding service and devotion to his family, his community, and his country.

LEADERSHIP, GENEROSITY, AND COMMITMENT

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. SIKORSKI. Mr. Speaker, Bruce Dayton has served as a trustee for the Minneapolis Institute of Fine Arts for 50 years. In that time Bruce has demonstrated leadership, generosity, and commitment. Bruce's compassion for the arts has made an impression on all of Minnesota. L'etoile Du Nord is not only the land of 10,000 lakes, it is also the land of 210 professional orchestras, 400 nonprofit professional theaters, and 210 professional dance companies. In recognition of Bruce Dayton's dedication to a higher quality of life in Minnesota, I submit the following article by Elmer L. Andersen, of the ABC Newspapers, to the RECORD:

> When Bruce Dayton graduated from Yale, his parent's graduation present was Rembrandt's etching of his print-seller, Clement de Jonghe. It reflected the values of the parents and the interest of young Bruce. Sometime later, while he was in the military service he received word that he had been elected a trustee of the Minneapolis Institute of Fine Arts. He was 23 years old. It was four years before Bruce attended his first meeting, but the choice was a wise one for in the ensuing 46 years few have done as much as he to add to the collections of the Institute as well as giving generously to its fund raising campaigns and providing leadership in motivating others to contribute.
>
> To honor Dayton for his 50 years as a trustee, Evan Maurer, director, and his staff have mounted an exhibition of the Bruce B. Dayton collection which is open free to the public. It reflects the broad range of Dayton's interests and the high standards of quality he maintained in his purchases. He constantly had the institute in mind, and regularly consulted on "what was needed" to build its collections. The exhibition ranges from oils and water colors of the French 17th to 19th centuries, bronze sculptures, glassware, Chinese cabinetry and furniture, native American, and much more.
>
> Wrote Dayton in the preface to the splendid catalog that lavishly illustrates and describes the collection, "While I enjoy living on a daily basis with works of art in our home, I receive equal or more satisfaction from giving a work of art to the Institute, where it can be enjoyed by many. I believe that one does not really own a work of art but merely has temporary possession of it and, hence, has a responsibility to find its highest or best use." Both Director Maurer and Dayton pay tribute to Dayton's wife Ruth "for her unfailing support and generous contributions; her intelligence, wit, and courage have been inspiring".
>
> Minnesota's quality of life and the lives of all its people, and those who visit here, are enriched by Bruce B. Dayton's vision, taste, commitment and generosity.

CITY OF MIAMI HONORS ITS OUTSTANDING CITIZENS OF THE YEAR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize five distinguished Miami citizens who were honored by the city of Miami with its fourth annual Citizens of the Year award. These outstanding citizens were nominated by the mayor and the city's commissioners for their work in civic and cultural affairs, as well as their significant efforts to improve our community.

The five recipients of this award were recognized with a presentation ceremony, as part of the state of the city address, at the Omni International Hotel. These dedicated citizens included Dr. Olga Perez-Nodal, Orlando Urra, and Josefina Carbonell.

Dr. Olga Perez-Nodal was nominated by vice mayor Dr. Miriam Alonso. Dr. Perez-Nodal has provided services to the needy citizens of Dade County for the past 21 years, through her position at the State of Florida's Aging and Adult Services. She has also dedicated much of her time to helping abused children.

Orlando Urra, the executive director of Allapattah Community Action, Inc., was nominated by commissioner Victor De Yurre. For more than 20 years, he has worked for those in Miami's Allapattah area. In his present position, he directs an important program which assists Allapattah's elderly residents. He is also active on the boards of many other community organizations including the Allapattah YMCA, the Allapattah and Melrose Development Advisory Boards, and the city of Miami Housing and Conservation Development Agency.

Josefina Carbonell, the president and CEO of the Little Havana Activities and Nutrition Center, was nominated by Miami commissioner J.L. Plummer. She was described as a tireless worker for the benefit of all segments of our community. Under her leadership, the Little Havana Activities and Nutrition Center was transformed, from a small outreach project, into the single largest provider of health and social services to the elderly in the State of Florida. Among her other important achievements was initiating the first education, employment, and housing programs geared to assist immigrants from Cuba, Haiti, and Nicaragua.

Also nominated for this prestigious award were Attorney Alan Weisberg, who was nominated by Mayor Xavier Suarez; and Poitier Funeral Home director, Bernard Poitier, who was nominated by Commissioner Miller Dawkins.

Each of the award winners have gone beyond the call of duty to assist the needy, and less fortunate members of our community. These distinguished citizens were not only successful in their careers, but have also found personal reward from day-to-day through helping others. They have helped others not only financially but with their hard work and dedication to various causes. They are truly a significant part of Miami's contribution to the thousand points of light who throughout our Nation work to help people in their local communities.

BIRDS OF PREY

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. LaROCCO. Mr. Speaker, last year the House passed my bill, H.R. 2141, to provide permanent protection for the Snake River birds of prey natural area in Idaho. A hearing on the bill was held in the Senate at the end of May, and I hope it will soon be considered.

Because the Snake River birds of prey area is home to the largest nesting concentration of raptors in North America, it has drawn attention from around the world. Providing permanent protection for the area is critical for raptor populations, but is also important to Boise—home of the Peregrine Fund, the World Center for Birds of Prey, and Boise State University, which boasts the world's only college raptor biology program.

Today, I would like to bring to the attention of my colleagues a May 26 article from the Spokane, WA, Spokesman Review, about the birds of prey, and I ask that it be printed in the RECORD.

RESEARCH ON RAPTORS BOOMING

(By Dean Miller)

BOISE.—Idaho has become the hub of international research on falcons, hawks, owls, vultures and eagles; the sharp-eyed, razor-beaked birds of prey.

That's because The Peregrine Fund, a wildlife organization devoted to the rescue of raptorial bird species, has moved its research and breeding programs to Boise.

The concentration of raptor biologists led to the creation of the world's only college raptor biology program at Boise State University in 1986, where 14 master's degree candidates are currently at work.

There are plenty of the birds for them to study. The Snake River Canyon south of Boise hosts the largest concentration of raptors in the world.

For the next few years, the Bureau of Land Management and National Guard will spend about $1 million per year on a study to determine the effects of military training on wildlife, specifically birds of prey.

"There's no place else in the world that has this much going on," said ornithologist Tom Cade, founder of The Peregrine Fund. "In part because we're here, in part because of the raptor research program at BSU and also because of this big research project the BLM and National Guard are jointly supporting.

"There are between 20 and 30 raptor specialists working here now," he said. "It's so many that I don't even know for sure any more."

It's no accident that The Peregrine Fund, founded 22 years ago at Cornell University in upstate New York, chose Idaho when it was looking for a new place to roost.

The same natural features that made Idaho famous as the buckle of the potato belt also hatched an enormous population of feathered predators.

Before potatoes, the vast dry flatlands of the Snake River Plain were breeding grounds for millions of mice and gophers: the staple of the hunting birds' diet. Untilled areas of the desert still teem with tiny mammals.

Centuries before it was dammed to irrigate potato fields, the Snake River slashed a canyon across Idaho that still offers secluded nesting sites favored by hunting birds.

Anyone who has driven Interstate 84 across southern Idaho or boated on the Snake has seen evidence of this in the form of wheeling pairs of hunters soaring about in search of food or thermal updrafts.

In 1971, after much pestering by well-known Boise falconer Morley Nelson, the federal government set aside 26,000 acres and then in 1989 expanded that to 483,000 acres of special raptor refuge lands along the Snake River.

With 19 raptor species nesting in an 80-mile stretch of the canyon, the Snake River Birds of Prey Area is known as the most populace raptor community on Earth, according to the Bureau of Land Management. At last count there were 700 pairs of nesting birds.

Idaho's congressional delegation is wrangling with ranchers, farmers and the military about how much permanent protection the area needs. But for now, it is a tourist draw for people willing to brave a bumpy desert road to watch the world's original air show hot-dogs.

All this attention to birds of prey started 30 years ago with the falcon, domesticated centuries ago by European hunters.

By the mid-1960s, the peregrine falcon was almost extinct in the United States. Gone east of the Mississippi and driven to 10 percent of their former population in the West, the peregrine was a victim of DDT.

The pesticide killed insects and became then more concentrated in its killing power as it moved up the food chain to the top: the falcons who ate the birds who ate the sprayed bugs.

When Cade, a Cornell professor at the time, founded The Peregrine Fund in 1970, there were only about 30 known pairs of the birds still alive in the United States.

In 19721, the U.S. government realized DDT weakened falcon egg shells to the pont that they were often broken in the nest, and DDT was banned.

Refining age-old falconry techniques, Cade developed a system for hatching falcons in captivity and releasing them in the wild.

In what some say is the most sustained and successful effort on behalf of any species' survival, The Peregrine Fund has raised and released 3,500 pairs of falcons since 1970.

Idaho got into the act in the mid-1980s, when the Peregrine Fund's falcon breeding center was being forced out of Fort Collins, Colo., by the construction of a brewery on neighboring land.

Peregrine Fund officials started looking for a permanent home far from the intrusions of commerce.

Morley Nelson, the falconer and birds of prey enthusiast from Boise, had known Cade since the 1950s and began lobbying for the Fort Collins facility to be moved to Boise.

Working with the BLM and the mayor of Boise, he found a remote sage-brush-covered hump south of town that the BLM bought back from the city and transferred to The Peregrine Fund.

In time, The Peregrine Fund's headquarters followed the breeding program and finally Cade arrived in Boise in 1988.

"Morley being here had developed a lot of public sympathy and support for birds of prey, that was a big plus for us," Cade said.

Nelson and his fierce birds perched on a gloved fist are a regular fixture at schools and on television in Boise.

"Pearl," a bald eagle shot in Minnesota and sent to Nelson for nursing, is perhaps the best-known of the Boise birds. She stars in the Express Mail television commercials and dominates their advertising logo.

No more imposing than a small cluster of ranch buildings, The Peregrine Fund's headquarters are confidently called the World Center for Birds of Prey.

The center houses about 25 employees, 200 adult birds and a constantly eating and cheeping flock of hatching falcons and other raptors. In addition, the center raises more than 100,000 quail per year, which are killed and fed to the falcons.

Supported by donations from individuals, corporations and grants, the center has a $2 million annual budget.

Even though the visitors center currently consists of only a small classroom where volunteers show live birds to the public, the World Center for Birds of Prey attracts 12,000 people per year.

Neil Kraus, an assistant news editor at the Idaho Statesman in Boise, is one of the volunteers who spend spare time leading tours of the center and showing falcons to visitors.

"I've been a bird nut ever since I was a kid," he said beaming as he held a falcon on his fist for a photographer. "I love this because it's a great public service."

Across the parking lot from the low-slung office building, The Peregrine Fund is building a 6,000-square-foot visitors' center this summer. When it opens in the fall, the $625,000 building will house a lecture room and slide-show screening areas. For the first time, admission will be charged.

What started as a peregrine falcon organization has spread its wings to help all sorts of birds of prey because of the center's expertise in breeding and hatching birds.

These days, all flight paths lead to Boise in the raptor world, whether you are studying the Harpy eagle of Central America's rain forests, the peregrine falcon population of chilly Greenland, or the endangered fish eagle of the island of Madagascar off the coast of southern Africa.

Peregrine Fund officials recognize that by protecting the birds of prey, humans can protect the food chain that supports them and the food chain's habitat.

EMPLOYEE HEALTH PROGRAM IN MT. VERNON, IL, DESERVES RECOGNITION

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. DURBIN. Mr. Speaker, I would like to call to the attention of my colleagues an innovative employee health program at the General Tire plant in Mt. Vernon, IL.

The program began when quality control employee Danny Bayer suggested that the plant form a committee to work for better health among the plant's employees. A committee of employees was soon meeting.

As the committee began talking about what could be done, several important initiatives developed. The food choices in the plant cafeteria were revised to offer healthier menu selections, and programs were developed to address the problem of tobacco use.

The committee recognized that the most important step many employees could take to improve their health was to stop smoking. People around them would also benefit from reduced exposure to secondhand smoke. So the committee developed a comprehensive plan which was soon put into place.

First, the committee studied the issue and wrote a report on the hazards of smoking and exposure to secondhand smoke, so that employees could understand the risks they face. Then, they began to take action.

Cigarette machines were removed from the plant.

The company began offering smoking cessation classes based on a program developed by the American Cancer Society. These classes are proving to be very popular, and employees' families are welcome at them.

There are plans to make nicotine patches available at a minimal cost to help those employees who need additional assistance to break their addiction.

Educational efforts are conveying the dangers of chewing tobacco as well as cigarettes, and supervisors and management personnel have been prohibited from using smokeless tobacco.

The number of smoking areas in the plant has been reduced, and the plant will eventually be made smoke-free after employees have been given ample opportunity to quit smoking.

Mr. Speaker, the American Cancer Society was so impressed by this program that it awarded General Tire in Mount Vernon its Great American Smokeout Par of Excellence Award, an award given to only a few programs around the entire country each year.

I salute General Tire for its comprehensive approach to the No. 1 preventable cause of death and disease in America. I hope that the program will help many of its employees to quit the habit and live longer, healthier lives, and that the program will spread to other plants as well.

I ask that an article from the May 8, 1992, edition of the Mount Vernon Register-News be reprinted in the RECORD, so that my colleagues may have further information about this exciting development in Mount Vernon, IL.

GENERAL TIRE HONORED FOR PROGRAM PROMOTING HEALTH OF EMPLOYEES

(By Mary Kaye Koch)

MOUNT VERNON.—A program initiated by General Tire employees has propelled them into the national spotlight.

Mount Vernon's General Tire recently received the American Cancer Society's GASPAR (Great American Smokeout Par of Excellence) award. The award is one of only four given nationwide.

Many projects are intertwined in the winning of the award, but the key to the award was a suggestion by one employee and the willingness of other employees to participate in a program which could save their lives.

Floyd Brookman, communications director at the plant, said the company began its Star Program to give employees a chance to better plant operations.

"This all started as we initiated our STAR Program, which stands for saving time and resources. It is an employee-oriented program in which employees write up suggestions and review suggestions. They then implement and review the suggestions. The employees then share in a monetary gain if there is any from the ideas suggested," Brookman said.

After the program got under way, quality control employee Danny Bayer suggested the plant form a committee to work towards bettering the health of the company's employees.

Since suggesting the idea, the plant and its employees have been on a health crusade which is bettering not only their work, but also their personal lives.

Bayer formed the committee, Prevention and Health Employees Team (PHET). The basic target of the plan is to help employees lead healthier lives. Six other employees make up the team.

With direction from PHET, the company's cafeteria service has drastically reduced serving fried and fatty food.

Employees now have the opportunity to eat selections including "light choice" a meal under 400 calories; and "smartburgers", a hamburger with less fat.

In addition to helping employees eat more nutritionally, the committee is aiding employees in the fight to quit smoking—a top priority.

"The one thing at the top of the list which was unanimous to improve the health of employees was to help people quit smoking to improve their health and also those around them," Bayer said. "We didn't want to appear as a nonsmoking group but this was something we just couldn't ignore since it was at the top of the list."

Bayer and his PHET committee conducted studies and wrote a report on smoking and the hazards of second-hand smoke.

Cigarette machine were yanked out of the plant and the company is implementing programs to help people kick the habit.

GT is offering Fresh Start classes which are an offshoot of the American Cancer Society. The plant hopes to make the classes ongoing and already have 89 employees registered to participate.

The program is also open to employee's families.

Although not all 1,850 employees were included, Bayer said that a survey estimated 25 percent of 1,724 employees used tobacco.

Bayer explained the Fresh Start program.

"The program consists of four sessions which we try to get done in two weeks. The first session we talk about the addiction. There are three major types of addiction: physical, psychological and habitual. The second session is about withdrawals. The third is on barriers and the fourth is how to stay off of cigarettes for good," Bayer said. "People are always looking for a quick fix, but Fresh Start is education. We didn't want a program that just comes out and tells people what to do. We wanted a positive approach.

Brookman said that eventually General Tire will be smoke-free and the company wants to give employees every option to quit the habit now.

The number of smoking areas have also been cut down and the company is trying to communicate that chewing tobacco is just as unhealthy and addictive as smoking. Smokeless tobacco has been banned to supervisors and management.

Employees will also have the opportunity to deal with their smoking habits by using nicotine patches.

Physicians will be coming to the plant to prescribe the patches, which are intended to help wean employees from nicotine addiction. Employees will be able to participate in the program for $3 per month.

American Cancer Society Executive Director Kevin Lister said General Tire should be proud of winning the GASPAR award.

"There were 150 nominees from across the country and only 20 are awarded—four in five different categories. The awards are certainly not easy to win," he said.

In October Mount Vernon's General Tire will be officially honored for its dedication to bettering employees' health. Representatives will travel to Chicago to be recognized.

Brookman credits the success of the program to Bayer's hard work and dedication.

"I believe that this will become a model program for General Tire. Those in Akron (Ohio, site of GT headquarters) are very impressed with it and as Danny went out and did research for our management, he also did research for our entire corporation," Brookman said.

Irv Nathlitch, chairman of Jefferson County American Cancer Society, said he is impressed with Bayer and the rest of the General Tire employees.

"This is all just a wonderful testimony. General Tire should certainly be proud of its accomplishments," Nathlitch commented.

TRIBUTE TO EASY STREET PRODUCTIONS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. TRAFICANT. Mr. Speaker, I am happy to stand here to pay tribute to a great success story in my 17th Congressional District. Easy Street Productions has been entertaining folks on the south side of Youngstown for 3 straight years now. Housed in the Uptown Theater, no one thought Easy Street Productions would last long with its opening show of "Pump Boys and Dinettes".

Mr. Speaker, allow me to provide some background information. Several years ago, the old Uptown Theater fell prey to the competition from the cold, stale megaplex theater system. The uptown section of Market Street was deteriorating fast.

The city of Youngstown moved in to rebuild the sidewalks and provide incentives for business growth. For the most part it has been extremely successful due in large part to tremendous attractions at the theater.

Easy Street Productions has entertained thousands of Youngstown area residents with its productions of "Pump Boys and Dinettes", "Puttin' on the Ritz", "Yuletime Celebration", "Rock Around the Clock", and the current "429 Miles of Broadway".

Mr. Speaker, nothing gives me more pleasure than to speak here today about the success of Easy Street Productions. Everyone involved beat the odds and helped to revitalize the uptown area in the process.

DEFENSE CONVERSION ADJUSTMENT PROGRAM AMENDMENTS

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. PERKINS. Mr. Speaker, today I am introducing a bill to amend the Defense Conversion Adjustment Program currently authorized in section 325 of the Job Training Partnership Act [JTPA]. These amendments are designed to address current problems in the existing program, which originated in the 1990 Department of Defense reauthorization bill.

This program serves dislocated individuals from the military and defense related industries and is operated similar to the JTPA Title III Dislocated Worker Program. A number of these programmatic improvements will also be included in a bill I plan to introduce this summer to amend the title III Dislocated Worker Program.

There is no more important issue facing our country than the crises of unemployment and economic dislocation. The U.S. economy slipped into a recession in July 1990, where it has remained for the longest period since the 1930's depression. In an effort to shift scarce resources from the military and decrease defense expenditures, hundreds of thousands of defense-related personnel will be dislocated from their jobs. Without adequate training and assistance, these dislocated workers will remain unemployed.

Last year, my Subcommittee on Employment Opportunities heard valuable testimony, which discussed the fact that the military has been tremendously successful in its use of highly sophisticated weapons for one reason—because job training is one of the military's top priorities. We need to do the same in a nonmilitary environment to duplicate this success with the thousands of workers soon to be dislocated. My bill is a modest first step toward this training effort.

Mr. Speaker, attached is a summary of this bill that I insert in the RECORD in its entirety immediately following my remarks:

SUMMARY OF CHANGES TO SECTION 325 OF JTPA THE DEFENSE CONVERSION ADJUSTMENT PROGRAM

The following is a summary of changes to the Defense Conversion Adjustment program currently authorized in Section 325 of the Job Training Partnership Act for defense related dislocated workers.

ELIGIBLE DISLOCATED WORKERS

Amend the definition of an eligible employee in Section 325 to include workers who have received a notice of termination or lay off within 6 months, as a direct or indirect consequence of reductions in expenditures or downsizing by the U.S. for defense, by a defense related base or business closure (presently, affected workers are only eligible for training services 60 days prior to an actual closure). Change the layoff and termination notification requirements of employees of defense contractors to 6 months.

ELIGIBLE GRANTEES

The description of who is eligible for grants under this program is amended in Section 325(a) to read as follows:

(1) Except as provided for in paragraph below, the Secretary (of Defense) shall contract with the Secretary of Labor to make grants directly to substate areas to provide training, adjustment assistance, and employment services to eligible employees directly or indirectly affected by reductions in expenditures by the U.S. for defense or by closures of U.S. military facilities.

(2) If a substate grantee fails to apply within 60 days of notification of an employee dislocation or potential dislocation, then the affected employer, representatives of affected employees, or the affected labor-management committee may apply to the Secretary for funds under section.

APPLICATION FOR FUNDS

Funds may be awarded to the substate grantee (or other eligible entity) working with a labor-management commmittee that has been formed at the affected facility. The Secretary can waive this requirement where a good faith effort to form such a committee has been demonstrated. Under such circumstances a representative of the employees [or employer] would perform the functions of the labor-management committee outlined below.

An application for funds under this section shall include a detailed plan developed by the labor-management committee and the substate grantee (or other eligible entity) in consultation with the Dislocated Worker Unit (DWU) and where appropriate, representatives of the Department of Defense. The application shall include the following:

Verification that the responsibilities the DWU is required to perform (see below) have been or are in the process of being carried out.

The initial outline of a long-term plan to convert a business or military base to a commercial one or for other purposes, including a plan for workers, and the impacted community;

Individual assessments of basic skills, career interests and planning, aptitudes, and support services (including income) needs;

A feasibility study, including economic development projection/ideas, new product marketing strategies, plant or military base conversion proposals, a labor market analysis, proposals for the effective use of conversion of surplus federal property and materials; and additional requirements as the Secretary may reasonably require.

PERFORMANCE REQUIREMENTS

The Secretary shall retain 25% of the grant award until such time as he or she is reasonably assured that the grantee has met the requirements of section 325, accomplished the objectives in its application, and met the goals of the plan submitted with the application. When the grant recipient represents to the Secretary that the goals have been met, the Secretary has 3 months to make a final determination on allotting the remaining 25%. Where the Secretary determines the grantee has failed to fulfill the requirements of its application to his or her satisfaction, the Secretary shall provide timely written notification of such failure.

STATE DISLOCATED WORKER UNITS/RAPID RESPONSE

Up to 20% of the applicant's grant award shall be set-aside by the Secretary to reimburse the DWU for actual expenses incurred in carrying out the responsibilities outlined below, but in no event shall this set-aside be over $100,000 from any one grant.

In order to receive funding under section 325 the DWU shall demonstrate to the Secretary it has provided the following services where appropriate (in addition to those stipulated in the Title III dislocated worker program under Sec. 311(b) (2) and (3), and Sec. 314 (b)) or shall ensure that such services have been made available, or arrangements have been made for the provision thereof to the impacted workers and, where appropriate, to the employer or base:

On-site contact by the DWU (within 48 hours) with the impacted business or military base, with representatives from the substate area and, where appropriate, DOD;

Assistance in the formation of an on-site labor-management committee, providing technical assistance and start-up funding, where appropriate; and

Coordination with the impacted labor-management committee to provide the following services;

Orientation sessions, counseling and early intervention services for workers and management, which may include representatives from the Employment Service, including the Interstate Job Bank, DoD, National Occupational Information Coordinating Committee (NOICC);

Providing or making arrangements for initial basic readjustment services in conjunction with the those provided by the substate grantee;

An initial survey of eligibility and a list of the workers who are potentially interested in program enrollment;

PRIORITY FOR FUNDING

Amend the provision on priorities for applications in Sec. 325(b) to read as follows: a priority for funding under this section shall be given to applications which include the input and participation of the labor-management committee with the substate grantee in the long-term plan for retraining or conversion. Where the substate area fails to apply and there are competing proposals from other eligible entities, the labor-management committee application, where it exists, shall receive priority. A priority for funding shall also be provided to areas most severely impacted by the reduction in defense expenditures and base closures, particularly in high poverty areas.

GENERAL PROGRAM REQUIREMENTS

Under the Title III dislocated worker program, the dislocated worker unit (DWU) is required to respond to permanent closures and substantial layoffs throughout the state to assess the need for and to initially provide basic readjustment services. For purposes of Sec. 325, the term "substantial" in this instance is defined as over 50 employees.

USE OF FUNDS/PROGRAM DESIGN

The use of funds section is amended to expand the provisions for job search allowance, reallocation assistance and needs-related payments (or income support) would be required for those who are not receiving other employment compensation or for those who have exhausted their compensation benefits and are currently enrolled in educational or vocational training certification programs. These payments would be similar to those required for workers dislocated from their jobs as a result of the Clean Air Act. The Secretary shall not approve an application for a grant under section 325 unless the application contains assurances that the applicant will use grant funds to provide needs-related payments.

A priority for needs-based payments would be given to eligible employees in certificate vocational or education programs of more than one year. Financial education assistance authorized in programs for the Department of Defense employees and its veterans (such as the GI education assistance program) shall be provided prior to supplementing additional supportive services or needs-related benefits provided under this title.

EXPANDED TRAINING SERVICES

SEC. 325 would be amended to allow for "skills enhancement" as an eligible service under the retraining category, explicitly stipulating that this type of retraining is only for plant or base conversion efforts, where substantial defense funding has been diminished. Any employer receiving funding under this section may only supplement, and not supplant, existing skill enhancement efforts. Also, all funds expended for skill enhancement, must be targeted at non-professional, non-managerial positions, and conducted on a cost reimbursable basis. Any training program funded under this part shall not interfere with the participant's current workplace assignment.

JOB PLACEMENT PRIORITY

All defense contractors (except those who have a contract for military base environmental clean-up, hazardous waste disposal, or weapons destruction/disposal) receiving over $100,000 from the Department of Defense must demonstrate to the Secretary of Defense (as a part of their contractual obligation) that any participant who has successfully completed a training or placement program under Sec. 325 of JTPA will receive hiring priority in the participant's appropriate job category, as long as the contractor has been provided the opportunity for input into the standards and content in the appropriate vocational training program.

All defense contractors receiving over $100,000 shall demonstrate to the Secretary of Defense that they have complied with the Veterans' Benefits Act (38 U.S.C. 4212) which requires any contractor or subcontractor (over $10,000 in procurements) to "list immediately with the appropriate local employment services office all of its suitable employment openings".

AUTHORIZATION OF FUNDS

Funds for the purposes of section 325 shall be authorized at $500 million in FY93 and such sums thereafter through FY97. Amounts appropriated pursuant to this subsection shall remain available until expended.

A separate training authorization shall be provided in Sec. 325 for $500 million in FY93 and such sums thereafter through FY97 for training dislocated workers in military base environmental clean-up, hazardous waste disposal, and weapons destruction/disposal. The requirements of Sec. 325 shall also apply to this program; however, environmental contractors for services must agree to hire new trainees who have completed programs to provide services under this part.

COMMUNITY PLANNING GRANTS

Of the funds authorized in Sec. 325, the Secretary shall reserve 2% for grants to Community Planning and Adjustment Committees to promote planning and conversion activities in those communities most substantially and severely impacted by the adverse effects of defense downsizing, particularly areas of high poverty and high unemployment. Grants provided under this subsection may not exceed $100,000 per committee.

SUMMARY OF THE INTERSTATE JOB BANK IN THE EMPLOYMENT SERVICE

The Interstate Job Bank (IJB) is a computerized network of job openings in all 50 states run by the Department of Labor through the Employment Service. (About 20 states, mostly rural, are not on-line and are generally using micro-fiche, though the majority of these states are expected to be online within the next year.) The IJB connects more than 2,300 Job Service Offices nationwide and will offer about 45,000 job opportunities this year, pulling from about 7.1 million annual listings in State Employment Security Agencies.

Presently, the IJB services are available in some form in 240 of the 355 military bases here and overseas. The DOD Transition Assistance Office expects all 355 base to be online with the IJB by the end of the year.

The IJB lists what are considered to be "hard to fill" jobs. Hard to fill is defined by the state, but generally requires specialized training for jobs that pay significantly more than the minimum wage, e.g. California only lists jobs paying over $7.50 per hour. The average hourly wage for an IJB private sector job opening is $11.00 and 32% are professional and technical types of jobs.

INTERSTATE JOB BANK PROPOSAL

The transition assistance program in Sec. 1144 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (P.L. 101-510) is amended as follows:

In the first sentence of Sec. 1144 (a)(1) strike: "The Secretary of Labor, in conjunction with the Secretary of Defense and the Secretary of Veterans Affairs, shall establish and maintain" and insert the following: "The Secretary of Defense shall consult and contract with the Secretary of Labor and the Secretary of Veterans Affairs for the purpose of establishing and maintaining".

In subsection (b)(1) on the description of programs and services, add the following new subparagraph (E): "and the Interstate Job Bank program in the Employment Service as described in paragraph (8) below."

In the same subsection (b) on description of programs and services add a new paragraph (8) to read: "Expand the services and the access to the Interstate Job Bank program in the Employment Service in coordination with the Defense Outplacement Referral System and other automated job opening networks. In an effort to expand and improve the services of the Interstate Job Bank program, the Secretary shall fund demonstration programs, including, but not limited to:

(A) a phone bank reachable by a toll-free number, staffed by an international "help desk" of individuals familiar with variety of services provided under this section and related transition programs under this chapter. Priority would be given to veterans, DOD separatees and their spouses;

(B) establishing Interstate Job Bank satellite offices or systems at defense contractor plants by State Employment Security Agencies and at all military bases for direct access to job listings.

(C) establishing specialized job banks to integrate with the Interstate Job Bank for specialized listings or services such as; the Defense Outplacement Referral System (DORS) of resumes; National Academy of Sciences Network; commercial systems such as Prodigy; and the outplacement of defense-related personnel in high-tech occupations through the expansion and coordination of existing networks such as Internet.

(D) establishing a system where individuals and public and private organizations may access the Interstate Job Bank using individual modems or related automated employment systems located in their home or organization, (such system shall also demonstrate a fee-for-service access to the Interstate Job Bank).

Amend the authorization for funds subsection (e)(1) to read: "There is authorized to be appropriated to the Department of Labor to carry out this section $20,000,000 for fiscal year 1993 and such sums as may be necessary thereafter through fiscal year 1997. The Secretary shall set-aside 40% of the amount appropriated under this paragraph for the activities described in subsection (sb)(1)(E)."

WE MUST NOT FORGET TO HONOR THOSE WHO GAVE THEIR LIVES IN TIANANMEN SQUARE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to mark the third anniversary of the Tiananmen Square massacre in China. It was on June 4, 1989, that the forces of communism and totalitarianism crushed one of the most stirring democratic movements of our times. I mark this event with mourning and sadness, as I believe most Americans do.

I sincerely hope that the Members of this body have not forgotten those exhilarating and tragic days of 1989. We watched while people young and old poured into Tiananmen Square before the eyes of their aging leaders. They waved Banners, they sang, they captured the attention of the world. And then we all watched in horror on television, in real time and full color, while they were shot, and run over, and scattered and arrested.

It is with unbearable irony that the President has chosen to mark this occasion not with regret for the fallen heroes of Beijing, but by asking Congress to extend to China most-favored-nation status for another year. Is China to be listed among our most favorite nations because thousands of political prisoners still languish in its prisons? Is China among our favorites because it exports to us the products of a slave-labor system? Or does China deserve this honor for the way its security forces intimidate and assault foreign joiurnalists?

The Chinese despots still find no need for trials, for formal charges, for any of the legal apparatus we take for granted. A mere administrative hearing is enough to commit to "reeducation through labor," anyone whom the security forces deem a threat to the Government. When your term expires in a Chinese jail, a prison authority can reassign you without trial or appeal to forced job placement, extending your time in prison indefinitely and retaining you in the slave labor system.

Once imprisoned, you are truly at the mercy of the political system. Three years after Tiananmen Square, so-called dissidents are still being arrested and held without any legal rights by the forces of repression. I call our attention to one case in particular, that of Liu Gang, a pro-democracy activities who was listed No. 3 on the most-wanted list of the Chinese Government 3 years ago. Liu Gang has never advocated or taken part in any violent activity, or what we would call criminal acts. Yet he has been in prison 3 years. When, in 1991, he threatened to go on a hunger strike, he was transferred to solitary confinement, where he has been tortured. His relatives have not been allowed to visit him, and his health is believed to be in jeopardy.

While the democrats on June 4 are still imprisoned, intimidated or abused, the same octogenarians continue to rule in China. And I will tell you, Mr. Speaker, these remnants of the past are laughing at us. They know that this President, leader of the most powerful country in the world, lacks the will to do anything to stop them. They know, or they think they know, that some vague political rationalization from the administration will prevent us from acting on the convictions we profess to hold.

Many times in the past, the Members of this body have stood firmly for human rights, for freedom, and for democracy. The people of China who erected in Tiananmen Square a statute of liberty knew this, and they looked up to this country and the things it stands for. I ask that this body recognize the sad anniversary that we mark today, and reflect on how best to honor the memory of those who have given their lives in the fight against repression.

TRIBUTE TO JON F. PETERSON

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. HOYER. Mr. Speaker, I rise today to recognize Jon F. Peterson for his outstanding service to the youth of Prince Georges County. Mr. Peterson will soon retire from the school system and he will be greatly missed.

Jon first served the children of Prince Georges County as a classroom teacher and coach of several sports at Frederick Sasscer High School. He later served as a pupil personnel worker and for the last 13 years was the director of pupil accounting and school boundaries being responsible for maintaining the balance between the number of schools needed and the student population. Mr. Peterson was instrumental in establishing and monitoring plans implementing court-ordered desegregation.

Mr. Peterson has given 34 years of his time and numerous talents to improve the education of the students in Prince Georges County. I join with all of Jon's present and former students in wishing him a prosperous retirement and many years of health and happiness.

CONGRESSMAN KILDEE HONORS THERESA ROOT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to Theresa Root, a firefighter and emergency medical technician in Flint, MI. Ms. Root has been nominated for a Pathfinders Award for 1992 by the National Partners, a joint cooperation of our Nation's leading private sector organizations. She is joined by 130 outstanding individuals from across America who have been nominated for the Pathfinders Award in recognition of their unique and vital contributions to the national fight for people with the HIV infection and AIDS.

Theresa Root was nominated for the Pathfinders Award in recognition for developing and implementing an ongoing HIV/AIDS prevention education program, the "First Responder" Program, for the Flint Fire Department which has increased the safety of emergency medical technicians. She taught the Flint Fire Department's personnel the first responder training, which oftentimes meant working three shifts, while training more than 150 personnel.

Theresa is an immeasurable benefit to the Flint Fire Department. She takes great pride in herself, her chosen career, and her department. Theresa's commitment was recognized not only by being the first female officer to be promoted in the Flint Fire Department, but also by the awards she has received. In the 7 years that she has been with the Flint Fire Department, she has been voted the 1991 Paramedic of the Year by her peers as well as the 1992 Emergency Medical Technician of the Year.

My dear colleagues and friends in the U.S. House of Representatives, I ask you to join me today in paying tribute to a truly remarkable woman who has earned the respect of everyone she comes into contact with. It is with great pleasure and pride that I recognize and congratulate Theresa Root for her achievements in the Flint Fire Department and her nomination for the Pathfinders Award.

HONORS FOR ARCHITECT ROBERT VENTURI ON HIS COLUMBUS STATUE DESIGN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. FOGLIETTA. Mr. Speaker, I rise today to honor Mr. Robert Venturi, who designed a monument to commemorate the 500th anniversary of the discovery of America by Christopher Columbus. This monument is in the form of an obelisk and will be erected in 1992, at Penn's Landing in Philadelphia, PA.

Mr. Venturi is responsible for architectural and urban design at Venturi, Scott, Brown and Associates, where he is a principal. Under his guidance, the firm's achievement in design has been recognized internationally with numerous awards, exhibitions of the firm's work, and special publications.

Throughout the world, Mr. Venturi has been a decisive influence on architects through the work of the firm, as well as his extensive teaching, writing, and lecturing. His book, "Complexity and Contradiction in Architecture," is a recognized milestone in architectural theory.

At the Grand Lodge of Pennsylvania, Order Sons of Italy in America's Annual Purple Aster Awards Ball, Mr. Venturi was honored as a great architect as well as a humble and noble humanitarian. He received the Order Sons of Italy in America's prestigious Man of the Year Award.

SKELTON ADDRESSES TRUMAN SCHOLARS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. SKELTON. Mr. Speaker, Saturday evening, May 30, I had the pleasure of addressing the Truman scholars of 1992 at William Jewel College in Liberty, MO. They are truly outstanding young Americans, and I congratulate them on their selection. My address to the Truman scholars is set forth herein:

COMMENTS OF CONGRESSMAN IKE SKELTON

I was a senior in high school. Late October, 1948. The general election was a few days away, and nearly everyone was saying that Governor Thomas Dewey would defeat President Harry Truman, who had succeeded to the Presidency in April of 1945 upon the death of Franklin Delano Roosevelt. President Truman was not very popular. The Gallup poll had Dewey more than five points ahead of the President. And an earlier Gallup survey that year had Truman's approval rating at only 36 percent.

On that October day, my father and I were driving from Wellington back to our hometown of Lexington, and I asked him about the election. I remember my father's words as he spoke of his friend through the years: "Ike, don't count Harry Truman out."

Election day came, and I remember staying up nearly all night listening to the news broadcast, as each State would report. The famous news commentator, H.V. Kaltenborn, could be heard saying that although Truman was winning, the trend was for Dewey. That, of course, was not true, and somewhere between two and three a.m. it was apparent that Missouri's Harry Truman was to be retained in office.

My father was right. Harry Truman should not be counted out. He had won an impressive victory against great odds—unpopularity for making tough decisions, and the South splitting off from the Democratic Party into the Dixiecrat Party, headed by then-Governor Strom Thurmond of South Carolina.

My father, being a political leader in our county, took me to Washington for Truman's inauguration, which was January 20, 1949. Among the highlights that stand out in my memory was attending the electoral dinner, and sitting at a table near the attractive actress Joan Blondell. Harry Truman spoke of retaining the electoral vote system, and then had the audience in uproarious laughter as he mocked H.V. Kaltenborn, in his biased reporting of the election returns the previous November.

But more than anything, the inauguration was a true celebration, like a gust of fresh air, blowing away the naysayers of the previous fall. Harry Truman did it, and he did it because he had established old-fashioned trust and confidence with the American people. It was a great day for Harry Truman, his political party, and most of all for our Nation. My being present at that inauguration as a mere 17-year-old has served as an inspiration to me through the years.

Nearly everyone who lived in Missouri and had some contact with Harry Truman will relate Truman stories.

My father spoke of Jackson County Judge Harry Truman and himself giving speeches at the dedication of the Pioneer Mother Monument in Lexington in September, 1928.

I remember seeing President Truman on the street in Kansas City during my college days, and when I introduced myself, he said, "Oh, you're Ike's boy."

I remember how he saved a crippled man from embarrassment, whose only means of mobility were roller skates on two-by-four boards, when the man greeted him at the train station in Jefferson City, and a news photographer tried to get a picture of the disabled man.

I remember his graciousness to the young schoolchildren I escorted to the Truman Library in Independence.

And there was another time in later years, when the then-retired President called me and urged me to run for political office.

I also recall his sending my eldest son an autographed picture with the inscription, "I hope you grow into an outstanding American citizen."

Yes, many of us have Harry Truman stories and memories. But I don't wish to regale you with them this evening. But rather, speak of three characteristics of that famous Missourian.

DO YOUR BEST

Few expected the greatness exhibited by President Truman during his presidency. In fact, even he was convinced there were people more qualified for the job.

He said, "When President Roosevelt died, I thought there must be a million men better qualified than I to take up the Presidential task. But the work was mine to do, and I had to do it, and I tried to give it everything that is in me."

Harry Truman gave his best. He illustrated this by reference to an Arizona grave marker. This is what he said: "and I always quote one epitaph which is on a tombstone in the cemetery at Tombstone, Arizona. It says, 'here lies Jack Williams, he done his damndest.' I think that is the greatest epitaph that a man can have. When he gives everything that is in him to the job that he has before him, that's all you can ask of him. And that's what I have tried to do."

He took charge of the office in his characteristically decisive manner and led this country through the end of World War II . . . the conversion of this country to a peacetime economy . . . and the establishment of the United Nations. In addition, he sponsored what came to be known as the Truman Doctrine, which saved Greece and Turkey from impending Communist aggression, and successfully defended South Korea against the onslaught from the North. And, under his administration, the North Atlantic Treaty Organization was formed. Any one of these feats would have been formidable indeed, but his success in all of these areas was something few could have mastered as well as he did.

President Truman didn't believe in doing anything halfheartedly. He was from smalltown Missouri . . . . where he learned the value of honest work and attacking every job with zeal.

While hard-working and decisive, his strength also lay in his commonplace, down-to-earth approach to life. He always spoke in plain, uncomplicated language, and unlike some in our society who blame others for their mistakes, he always accepted total responsibility for his actions. Nowhere was this more graphically demonstrated than by that famous plaque he kept on his desk, stating: "The Buck Stops Here."

So, this lesson of doing one's best rings out to us through the life of Harry Truman. Portrait of a man doing his best.

STUDY YOUR HISTORY

Harry Truman became President during one of the most critical periods in our Nation's history. The task seemed awesome. But for counsel in dealing with a rapidly changing world, he knew where to turn.

He said, "I had trained myself to look back in history for precedent because instinctively I sought perspective in the span of history for the decisions I had to make. That is why I read and re-read history. Most of the problems a President has to face have their roots in the past."

The words "the problems a President has to face" can be translated from those days when President Truman was in the White House, to today. Those words can take different form. Strike out the words "a President", and insert your own name there, and you can use that paraphrasing as a useful tool in your day.

I know the truth of this, as at an early age I began to enjoy the reading of history, especially military history. Now, as a member of the Armed Services Committee of the House of Representatives, and chairman of the Military Education Panel of that committee, the study of ancient conflicts such as the Battle of Marathon; later ones, involving Napoleon, and Frederick the Great; or more recent ones, such as the air battle of Britain and the victory at Midway Island—all have added meaning to my work, allowing me to not only ask the right questions, but to have a vision and sense of direction concerning the defense of our Nation.

Knowledge of history puts today's problems in perspective. History does not exactly repeat itself, but there are numerous lessons and many parallels that give direction for proper decisions in today's unsettled world.

I know that if President Harry Truman were here today, he would urge you to study history. He once said that, "There is nothing new in the world except history you do not know."

Harry Truman—portrait of a student of history.

LOYALTY IS A TWO-WAY STREET

Harry Truman remembered his friends. He understood loyalty.

A Kansas City political boss in the 1920's and 30's, Tom Pendergast, was an early supporter and mentor of the up-and-coming politician named Harry Truman. Years later, the same Tom Pendergast found himself embroiled with the law, and was convicted on income tax evasion. When he died, Vice President Truman, amid criticism, loyal to the last, returned to Missouri to attend the funeral of his old friend, Tom Pendergast. "He was always my friend, and I have always been his," Truman said.—Portrait of a loyal friend.

Harry Truman died in 1972 at the age of 88. Some say that when he died, an era had passed, and that it had taken with it the last of our country's truly great statesman. I disagree.

I believe there are men and women in our Nation today—probably within this banquet hall—who have the same drive, decisiveness, determination to do their best, sense of history, and loyalty that Harry Truman had. As a matter of fact, that is the purpose of your being here and of your scholarship. To study, to emulate, and to become American citizens as Harry Truman was.

Although he is gone, the spirit of Harry Truman lives on. Through the ideals he reflected. Through the Truman Scholarship Foundation. And through those who choose a life of public service because of his example.

President Truman was a man of the people. His practical, down-home values, creative leadership, and dedication to his country are exemplary to all Americans, and that is why he is so fondly remembered today.

He was a public servant in the finest sense of the words. The day after his election in 1948, he said "I do not feel elated with the victory. I feel overwhelmed with responsibility."

At this time in our Nation's history, when our faith in ourselves and our Government seem to be easily shaken, we would serve our country well by remembering this simple man who did such great things for our country. As Truman scholars, you are now entrusted with the obligation of keeping Harry S. Truman's spirit alive.

Recalling the inscription on Harry Truman's picture to my young son, it is my hope and prayer that you, the Truman scholars of 1992, will "grow into outstanding American citizens."

Thank you, and God bless you.

UNITED STATES POLICY TOWARD HAITI IS WRONG

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. CONYERS. Mr. Speaker, President Bush's newest policy on Haiti is making a bad situation worse. The President has issued a terrible Executive order directing the Coast Guard to forcibly return all Haitian refugees to Haiti. Despite that long-standing American tradition of helping refugees, and the shining symbol of the Statue of Liberty, the President is acting to return Haitians to the control of an illegal military dictatorship.

We must not forget that the crisis in Haiti is the direct result of the violent overthrow of Haiti's first democratically elected President. It was the overthrow of President Jean-Bertrand Aristide that has led to this emergency. I believe that the answer to the current crisis rests in the restoration of the duly elected President. And I am compelled to ask: Who among us cannot understand the desire to flee the violent and repressive actions of an undemocratic military? I find it hard to understand the reality of the current policy that requires that we should turn a blind eye to Haitians fleeing violence for the safe haven of our shores.

The President's policy is a direct violation of article 33 of the Geneva Convention on Refugees that prohibits the expulsion or return of refugees. I ask all to listen to the words of the Geneva Convention: It states and I quote:

> No State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

It is clear that we are not affording the Haitians the help we offer other refugees. Over the last 32 years, in at least 20 instances, the United States has granted safe haven to refugees fleeing trouble at home. The list includes: Hungary, Romania, Cuba, the Dominican Republic, Czechoslovakia, Chile, Vietnam, Laos, Cambodia, Lebanon, Ethiopia, Uganda, Iran, Nicaragua, Afghanistan, Poland, El Salvador, the People's Republic of China, Liberia, Somalia, Palestinians, and Kuwait. Mr. Speaker, I am forced to ask: Why not the Haitians? How can the Bush administration be so unfair?

The harsh reality of this situation may be lost on the President, but it is seen clearly for what it is by the American people. The Reverend Wendell Anthony is the pastor of the Fellowship Chapel in Detroit, MI. I am proud to report that last week Reverend Anthony wrote an eloquent and important letter of protest to the President of the United States. This letter warrants the attention of my colleagues and so I ask that it be included in the CONGRESSIONAL RECORD so all may see Reverend Anthony's opposition to the Bush policy on Haiti. Reverend Anthony speaks for himself, he represents this congregation in Detroit, but I believe he also speaks for millions of Americans who know that the President's policy is wrong.

The text of Reverend Anthony's letter follows:

FELLOWSHIP CHAPEL,
Detroit, MI, May 27, 1992.

President GEORGE BUSH,
The White House, Washington, DC.

DEAR PRESIDENT BUSH: We strongly oppose your Executive order of May 24th, directing the Coast Guard to return refugees to Haiti without so much as an interview to determine if any have a real fear of persecution. The new policy contravenes principles of justice and international law and sets a dangerous precedent for refugees worldwide who are in need of protection.

The violent overthrow of Haiti's first democratically elected president, Jean-Bertrand Aristide, has led to unprecedented numbers of refugees fleeing Haiti. Instead of offering temporary safe haven to these desperate people, your administration has forced a majority of them to return to Haiti after spending days, weeks or months in isolation behind barbed wire at the U.S. naval base in Guantanamo Bay. Yet even the continuation of such a policy would be preferable to the one announced on May 24th.

Given the terror which pervades Haiti, it is entirely possible that many Haitians intercepted in the coming days will have credible claims to be granted asylum. Since the current crisis began, INS asylum officers have found more than one third of the fleeing Haitians to have a "credible fear" of persecution if returned to Haiti. This proportion would be appreciably higher if Haitians detained at Guantanamo were allowed to see lawyers and representatives of refugee agencies and human fights groups. By simply turning back boats with no adequate opportunity to hear claims, the Coast Guard is likely to return people who would be in grave danger and who merit asylum.

The announced opportunity for Haitians who fear persecution to "avail themselves of our refugee processing service at our Embassy in Port-au-Prince" offers no real protection since the embassy inaccessible to many in the countryside and has been extraordinarily restrictive in its decision on refugee claims.

Paragraph (2) of your recent Executive Order notwithstanding, this new policy violates international law and makes a mockery of United States' support for the "first asylum" for refugees elsewhere in the world, in particular for the roughly parallel group of people in Southeast-Asia. Your action creates a frightening precedent eroding refugee protection around the world. Countries averse to providing temporary shelter will now be able to cite the refoulement of refugees to Haiti as a precedent.

Like your Administration, we want to stop the flow of refugees from Haiti. But this is only likely to happen when democracy begins to be restored to Haiti. U.S. concerns about Haitian refugee flow should translate into accelerated efforts to restore the elected government of President Jean-Bartrand Aristide. While the organization of American States' May 17th resolution to increase pressure on the military-backed regime in Port-au-Prince is encouraging, the United States, by many accounts, has not thrown its full weight behind these efforts.

President Bush, we urge you to re-assess the step taken on May 24th. A change in policy now could save lives and protect the integrity of United States' response to desperate refugees everywhere. We appeal to you to:

1. Rescind your Executive Order of May 24th. Stop forcibly returning Haitian refugees to the land they fled. Ask the Coast Guard to continue to uphold its tradition of rescue at sea, and to transport Haitians to a temporary safe haven, on land, where at a minimum, refugee screening can take place before anyone is returned to Haiti. If necessary, expand the facilities at the Guantanamo Bay camp to make room for more refugees.

2. Make the restoration of democracy in Haiti a top policy priority. Secure European and International cooperation for economic sanctions against Haiti. Commit to meaningful assistance to democratic institution-building in Haiti, once President Aristide is returned to office.

3. Offer some form of temporary shelter to all refugees fleeing Haiti and in U.S. custody. This could be in the form of Temporary Protected Status or the Deferred Enforced Departure recently awarded to Salvadorans in this country.

Yours Sincerely,
Rev. WENDELL ANTHONY,
Pastor.

"BONANZAS" WOULD BE A MISTAKE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. JACOBS. Mr. Speaker, when one thinks of Social Security, one should automatically think of four names, Roosevelt, Cohen, Myers, and Ball.

This excellently eloquent article was written by Bob Myers, one of the pioneers of the financial fortress which we call Social Security.

"BONANZAS" WOULD BE A MISTAKE

(By Robert M. Ball and Robert J. Myers)

In the guise of providing "justice" to a group of retired persons who are already receiving the equitable and fair amount of Social Security benefits that Congress intended, we may be about to witness a giveaway that will match anything resulting from HUD scandals and the S&L mess.

There retirees call themselves "notch babies."

Originally, they consisted of individuals born in 1917–21. But lately, proposals have been made to expand their ranks to include people born in 1922–26. The "notch babies" claim that they have been cheated by the government out of rightfully earned Social Security benefits. (Of course, not everyone born during those years supports the demand of the "notch babies"; in fact, quite the opposite may be true.) But, are these demands fair? Let's look at the facts.

In 1972, the procedure which Congress adopted to provide automatic cost of living adjustments unintentionally resulted in over-indexed benefits under the economic conditions which occurred shortly thereafter. This meant that unless changes were made, in the long run some people would have been eligible for far higher benefits that have ever been intended (some, for example, would have been eligible for benefits when they retired that would have been higher than the earnings on which their benefits were based.) Under those provisions, the Social Security trust fund would have been completely exhausted in a few decades.

In 1977, Congress decided to remedy its mistake. Rather than reducing benefits for those already retired, the lawmakers developed a plan to gradually lower the unintentionally high benefits for those retiring in the future. The plan included three benefit computation methods: (1) the old method that continues to those born before 1917, (2) the new method that applies to those born in 1917 or thereafter, and (3) a transitional method designed to ease the impact of the change in computation methods for those born in 1917–21. Persons born during that five-year period can have their benefits calculated using the new method and the transitional method and they receive whichever amount is higher, (in fact, had it not been for the transitional method, many individuals born in 1917–21 would be receiving lower benefits than they are today.)

Despite this, some retirees born during those five years, 1917–21, who did not retire at age 62, but rather worked well beyond them, have complained bitterly about what they call the "notch": a situation in which their Social Security benefits may be lower than those of individuals with comparable earnings records who were born in 1910–16 (and who might be called "bonanza babies" because they are receiving higher benefits than Congress intended.)

Never mind that the "notch babies" are getting the equitable, actuarially fair benefits that Congress intended and are receiving benefits computed in the same way as all those who come after. Instead they are demanding that their benefits be raised so that they can also be "bonanza babies."

To make matters worse, some groups purporting to represent these individuals have sought to expand the definition of "notch babies" to include those born 1922–26. They argue that the proposed "correction" of benefits for those born in 1917–21 would create a new "notch" for those born during the following five-year period. Of course, this strategy would also double the number of potential contributors to the group seeking "justice" for them.

What's the bottom line? Even a so-called "watered down" proposal now before Congress to raise benefits for "notch babies" would cost the Social Security trust funds an estimated $324 billion, including the loss of interest on moneys needed to pay the additional benefits. Clearly, the current Social Security financing plan—crafted in 1983 after months of negotiations and quite successful to date—does not provide for this or any other major new expenditure.

Congress made a mistake in 1972 resulting in windfalls for those retirees born shortly before those now complaining. Nearly 20 years later, it would only compound the error by greatly expanding the number of people who would receive such "bonanzas."

(Robert M. Ball was Commissioner of Social Security from 1962 to 1973. Robert J. Myers was Chief Actuary of the Social Security Administration from 1947 to 1982. Both served with the President's National Commission on Social Security Reform in 1982 and 1983.)

TRIBUTE TO THE POLAND ALL-SPORTS BOOSTER CLUB

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. TRAFICANT. Mr. Speaker, I am proud to pay tribute to the activities of the Poland All-Sports Booster Club in my 17th Congressional District in Ohio.

With its board of trustees including Al Cozart, Rich Wardle, Vic Leone, Myron Stallsmith, Art Varie, Myron Dobkowski, Rose Mezzapeso, George Wakefield, and Jim Barber as well as the officers, president Michael Simon, vice president Sandy Ciminero, treasurer and my wife Tish Traficant, and secretary Phyllis Molasky, the group held its 1992 All-Sports Booster Club Dinner Dance at Antone's Banquet Center on March 21. The evening's festivities included honoring three of Poland's outstanding athletes: Robert Barton, a 1937 State champion runner; John Gutnecht, a 1963 participant in the Pan American Games; and Franklin Powers, 1937 member of the State champion foursome of the mile relay.

Mr. Speaker, a good time was had by all and I am honored to pay tribute to the group and wish them each my best.

RALPH REGULA'S STUDENT CONGRESSIONAL COMMITTEE FINAL REPORT

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. REGULA. Mr. Speaker, for the past two decades I have conducted a program in my district called the Student Congressional Council. Each year, approximately 200 to 300 students meet over a 3-month period in a simulated congressional session. During that time they talk with national and local leaders and conduct an investigation, much like our committees, into a pending national issue.

This year the topic of debate was the need for national health care. The council met with respected experts on the subject, as well as researched the issue through periodicals and other publications. As usual, the students displayed an interest and insight into the problem that can be useful to all policymakers. I insert their final reports into the RECORD for review by the Congress and other interested parties:

NATIONAL HEALTH CARE

(Final report of the Ralph Regula's Student Congressional Committee)

(Chris Hughes, chairperson; Brian Schillig, assistant chairperson; and Jonathan Swift, secretary)

We hereby respectfully submit the following proposals to Congressman Regula on Monday, May 11, 1992:

1. It is proposed that a cost containment program should be initiated by the U.S. Government that would discourage the spiraling expenses of health care. An arbitrary cost control plan would create reasonable and uniform charges for medical procedures. We would suggest that a panel consisting of members of the Department of Health & Human Services, the AMA and the ADA, meet to construct a fee schedule that would be used anywhere in the U.S. The American consumer would inevitably benefit from lower medical costs.

2. We propose that a higher sin tax be placed upon the sale of cigarettes. This savings would improve people's health and the savings would be placed in a fund earmarked for health care.

3. We propose to control malpractice by paying for all medical cost and then taking into account emotional scars. This would be set at 2.5 million dollars.

4. We propose that a one dollar tax be placed on each medical bill paid. This will be used by the government to insure those who don't have health insurance.

5. We propose a national health form to be used exclusively by all insurance companies.

HEALTH CARE, 1991–92

(The 16th District Student Congressional Council. Participating schools: Massillon Washington High School, Canton South High School, R.G. Drage Career Center, Tuslaw High School, Fairless High School, and Perry High School. Officers: Chairperson, Julie Ludwig and Secretary, Angie Utterback)

Committee One of the Ralph Regula's Student Congressional Council respectfully submit the following suggestions on the topic of Health Care. On the 11th day of May, 1992, Committee One recommends the following:

1. That taxpayers would receive rebate coupons in the form of vouchers that would be used to purchase health care. This would allow the persons to either purchase the health care directly, or through insurance companies.

2. That government mandate a regulation of medical costs, supplies, and services, to establish a set price of each procedure and medical supply.

3. That a year end bonus be given to those people who do not reach the limit of their allotted insurance by the end of the year.

4. That the government mandate that insurance companies offer HospisCare.

5. That they keep the medicaid program for those desperately in need and set up a committee to rank the medical procedures. The government would then pay for a certain number of the procedures on the list and the people would be responsible for the remainder of the procedures. A discount card would be given to these people which would give them a 25% savings on each of the procedures which are not paid for by the government.

NATIONAL HEALTH CARE, 1991–92

(Participating high schools: Hoover High School, Glenoak High School, Central Catholic High School, and St. Thomas Aquinas High School. Officers: Dave Murphy, chairperson and Roslyn Valentino, Secretary)

The Student Congressional Committee introduces the following proposals to be presented to Congressman Regula on the Monday, May 11, 1992:

1. Control the cost of private health care insurance: (a) Set standards of higher deductibles and co-payments; (b) Update health education to include insurance policy information and basic health care concerns; and (c) Provide incentive programs within corporations for staying healthy.

2. Standardize national forms to reduce paperwork.

3. Place a cap on the amount of money in malpractice suits.

4. Give incentive to companies and businesses to use the play or pay plan: (a) Employers pay part or all of employees health insurance; (b) Employers who choose not to cover employees health insurance must pay a tax based on the gross of the business. The percentage of the tax is progressive as the gross becomes progressive. The taxes will be used to pay for the health care of those who are not covered.

TRIBUTE TO ALEX GUTIERREZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Alex Gutierrez, a champion bicyclist and outstanding leader on the Miami Wheelers bicycling team. Alex Gutierrez, who was Florida State BMX bicycling champion at 14, and ninth in the Nation, began competing again at the age of 21. At the age of 25, he was voted Florida's 1990 Cyclist of the Year by the Florida Cycling Association. In 1991, he was the State Criterium Champion. He was chosen as captain of the

Miami Wheelers because of his leadership abilities and team spirit. Joe Avalas, the general manager, and Mark Sadovnick, owner of the Miami team, consider him the type of rider who will make an ideal coach. When he recruits new players, he is willing to bring in people who have the potential to displace him in the starting lineup for the team.

The Miami Herald published an article about this outstanding young man, which I would like to include in the RECORD:

[From the Miami Herald, May 10, 1992]

CYCLIST IS RIDING HIGH AS CAPTAIN OF PROFESSIONAL MIAMI WHEELERS

(By Todd Hartman)

Alex Gutierrez became interested in bicycling the same way a lot of kids do, by racing around on his BMX bike. He was pretty good at it too, closing out his young career at age 14 with a state title and a ninth-place finish at a national championship race.

When he was 21 he started racing again, this time on a racing bike.

"My first couple races I got smoked," he said. "I was suffering like a dog and saying to myself, "Why am I doing this?'"

Things improved rapidly, however. Soon, Gutierrez was winning again.

Gutierrez, now 26 and living in Kendall, has come a long way from the dirt track he used to race around in West Dade's Boys' Town. Sunday, as captain of the Miami Wheelers pro cycling team, Gutierrez will lead the team into its season-opening race in downtown Miami, against National Cycle League rivals from Houston, Pittsburgh and New York.

"For me, cycling's a hobby." Gutierrez said, "To make money off it is icing on the cake."

Not much money—anywhere from $300 to about $500 a race. But he's devoted enough to cycling that he'd probably do it for free. Gutierrez says he sneaks in just enough training miles—about 180 a week—to stay in race shape, and holds down a full-time job working at J&B Imports, a wholesaler dealing in bicycle parts.

His training regimen forces him out of bed and onto his bike at 5:30 a.m. two mornings a week. He leaves his home in Kendalls' Horse Country and rides to the tip of Key Biscayne and back. Some evenings, he trains by riding along a loop encircling Kendale Lakes Golf and Country Club. On weekends, he races.

"For me it's kind of hard, because I'm riding against guys who go 300 miles a week," Gutierrez said. That, however, helps wake him some mornings. "I know when that alarm goes off. I have to train. I have to ride."

Gutierrez is a category 2 rider. In cycling lingo, that means he's very good. The only levels higher are category 1 (Olympic-caliber) and pro. a lable for riders of Tour de France ability.

"I'm nowhere near to being a pro." said Gutierrez. Locally, though, he's well-known. He was voted 1990's Florida Cyclist of the Year by the Florida Cycling Federation, and in 1991 be was the State Criterium Champion.

"When we went looking for riders, Alex was one of the first ones on the list," said Miami Wheelers general manager Joe Avalas. "Not just because of his racing skill, but because of his leadership abilities."

Mark Sadovnick, the owner of the Wheelers, says Gutierrez is the type of rider who will make an ideal coach. "He's smart, a big-time team player," Sadovnick said. "He helps us recruit. He brought in some guys that may have even dropped him a rung in the starting lineup."

Gutierrez, a longtime South Miami resident before moving to Kendall tools around now on a $3,000 bike with a carbon-fiber frame. The whole bike weighs about 20 pounds. It's a long way from those BMX days, but not that much of a change for Gutierrez, who feels at home as long as he's in the saddle. "I'll be competing for as long as I can," he said "I'll ride a bike forever."

Mr. Speaker, I commend Alex Gutierrez for his outstanding abilities, his leadership, and his team spirit.

PHILIP HABIB

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. LAROCCO. Mr. Speaker, I was saddened to learn that Philip Habib, one of this country's most outstanding diplomats, recently passed away. As those who knew him will attest, Mr. Habib served the United States of America with great dignity and aplomb. His life's work touched many people worldwide, including the students and faculty of the University of Idaho, Mr. Habib's alma mater. I would ask that the following May 29 New York Times article about Mr. Habib be printed in the RECORD.

THE ULTIMATE PRO

(By Leslie H. Gelb)

After a conference where he lectured on foreign policy as the art of right and wrong and practicality, and after dining at three-star restaurants, Philip Habib died in France this week at the age of 72 of perhaps his tenth heart attack. I worked with him in government and harassed him as a reporter. He was the most outstanding Foreign Service officer of his generation, and he relished his reputation as the worst Washington source for journalists.

A roly-poly Lebanese Christian from Brooklyn, he rose, improbably, to the highest ranks of the most unwelcoming WASP institution in the United States—the State Department—without ever learning to act like a WASP.

He became the white knight of the Foreign Service at a time when Presidents and various Secretaries of State were casting the diplomatic corps aside in favor of political appointees. He nurtured a generation of proteges.

Loud and irrepressible, Phil Habib also became the only man to be confidant to four wildly different Secretaries of State—Dean Rusk, Henry Kissinger, Cyrus Vance and George Shultz. And he was the only Foreign Service officer to gain the personal confidence of every President from Lyndon Johnson to Ronald Reagan.

They all loved him and listened while he shouted at them because he had qualities that always seem to be in short supply. He was a quintessential professional who would make his case very hard, carry out unpleasant and unwanted decisions and then keep his mouth closed. And he was a truth-teller, someone who had the truth in him and could not help but blurt it out.

These qualities were put to the test when he was in his 40's and on his way up—at one of the most dramatic and crucial moments in American history.

It was March 1968, shortly after the North Vietnamese had shocked the U.S. with the strength of their Tet military offensive. U.S. military leaders requested 206,000 troops on top of the 550,000 already committed to the war. Lyndon Johnson, reeling and confused, called in a group of private Wise Men for advice.

Phil Habib, recently returned from the No. 3 job in the U.S. Embassy in Saigon and still layers down in the State Department bureaucracy, gave one of the key briefings to the Wise Men.

After he sketched a balanced but bleak picture of the situation, Defense Secretary Clark Clifford asked him if he thought a U.S. military victory was possible. In the face of Dean Rusk and William Bundy, his two superiors who would not like his answer, he responded: "Not under present circumstances." Mr. Clifford pressed on. "What would you do if the decision were yours?" Mr. Habib shot back: "Stop the bombing [of North Vietnam] and negotiate."

Phil Habib, known as a supporter of the war, had put his career on the line and the Wise Men knew it. They could not and did not disregard his assessment. With their backing, Clark Clifford persuaded President Johnson to level off U.S. military involvement, stop the bombing and negotiate with Hanoi. The Maronite Christian from the poor streets of Brooklyn had pulled the plug on the war.

Almost 20 years later, Mr. Habib did it again. President Reagan recalled him from retirement to see if President Ferdinand Marcos of the Philippines, an old ally, could be salvaged. The veteran diplomat delivered the bad news to all those who did not want to hear it, and Marcos was soon gone.

Mr. Reagan also asked him to be his Central American negotiator. But the White House was interested only in arms to fight the Communists. Mr. Habib told them they needed both arms and negotiations. They would not listen. He left. Without a word to the press.

"If government is to work, it's indispensable to have gutty people like Phil who will fight for what they believe on the inside," explained Peter Tarnoff, a Habib protégé and now president of the Council on Foreign Relations. "Most bureaucrats just keep quiet on the inside, go along and then leak their disagreements to the press. Phil never went public, never destroyed his credibility with his superiors and never betrayed his loyalty to the institutions of government."

He believed in an older American dream and epitomized it—as the outsider who was the ultimate insider, the consummate professional.

STU HOULE'S COMMITMENT TO COMMUNITY

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. SIKORSKI. Mr. Speaker, recently Minnesota lost one of its most civic minded citizens, Stu Houle. Stu was a businessman, volunteer firefighter, community organizer, avid sportsman and friend. In recognition of Stu's accomplishments and commitment to his community, I submit the following article, by Howard Lestrud of the Forest Lake Times, to the RECORD:

Forest Lake area businessman and native, Stu Houle, strongly believed in community involvement and when he chose to become involved, he did so all the way, so say his many friends and family members who knew him well.

Houle died at age 61 this Monday after a long bout with Hodgkin's disease.

A former owner of Stu's Standard, Houle was also active in starting business ventures, Broadway Video and Tires Plus. He sold auto parts many years ago while working at a Forest Lake location.

"Every small town needs a Stu Houle, someone who is always there to help out his friends and his community, he knew a lot of people," said Washington County Sheriff James R. Trudeau, after learning of Houle's death. Trudeau was a close friend of Houle and says the Forest Lake community activist was a strong supporter of law enforcement.

"Stu was at times care free and had that get-the-heck-out-of-my-way attitude," Trudeau continued. In other words he loved life and had fun living it.

Water skiing and snowmobile racing were two recreational avocations that appealed to Houle. He was very active for many years in a local ski club and helped organize the first Forest Lake snowmobile race in 1965. "Stu was very heavily involved in snowmobiling, displayed real sportsmanship and was fun to be around," remarked Jerry Newman, Forest Lake businessman and friend of Houle.

To those who knew him, Houle was very friendly and had a knack of knowing the names of all his customers. He was a good businessman that way. Stu's service station gave him the most notoriety. He spent many hours at the station and prided himself in being familiar with all facets of the operation. He was constantly trying to improve customer service and would go out of his way to provide that extra element of personal service.

Houle donated many years of service as a member of the local fire department and rescue service. He dedicated himself to the people of his community by taking time away from his family and his business. His family came first, however, and Houle worked diligently to keep his family involved in business ties. He firmly believed that a strong family could operate a strong business.

Many have preceded Stu Houle and many will follow him with similar personal commitments to their communities. This fact speaks highly of a community that produces the leader and involvement types with such consistency and of such quality.

Stu Houle's friendly "hello" (he always went out of his way to offer it) will be missed but his many accomplishments and devotion to his community will be long remembered.

TRIBUTE TO PEIRCE MIDDLE SCHOOL SCIENCE OLYMPIAD TEAM

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. SCHULZE. Mr. Speaker, I would like to recognize the members of this year's Peirce Middle School Science Olympiad Team from West Chester, PA. These students have again completed an outstanding season and have reached goals in excellence through science competition. This team won first place in the regional competition, won second place in the Pennsylvania State finals, and competed with distinction at the Eighth National Science Olympiad. Out of 3,500 teams competing nationally in 1992, Peirce Middle School won fourth place in the Nation.

The Science Olympiad is an international, nonprofit organization devoted to improving the quality of science education, increasing interest in science, and providing recognition for outstanding achievement in science education by both students and teachers. This annual competition is based on an olympic model and allows pairs of students from various schools to compete in many science-related categories such as astronomy, anatomy, weather, geography, and computers, to name just a few.

The members of this year's team are: Jeff Becker, Rodney Bowling, Jason Bugg, Jeff Cain, Billy Carroll, Kristin Carroll, Alexis Dinniman, Casey Frantz, Josh Griffith, Michael Iachini, Matt Keller, Michael Kelly, Matt Light, Peter Lu, Justin Olexy, Tiia Piller, Josh Rea, Willie Scott, Rose Scott, Azim Siddiqui, Greg Silvesti, Carly Silvesti, Aaron Spool, Gwen Staub-Leifeld, Doug Strickland, Erik Tierney, Steve Whittam, and Ruth Yang. Also to be commended for their dedication to excellence and student support are coaches Charlotte Knighton, Paul Wojcik, and Principal, Franklin S. Tibbs.

It is my pleasure to recognize Peirce Middle School Science Olympiad Team of West Chester, PA, for the third year in a row for their outstanding efforts towards excellence. For their record of outstanding achievements, I salute them and offer my congratulations for a job well done.

A NEW ROLE FOR THE NATIONAL GUARD

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. GUNDERSON. Mr. Speaker, as the House considers the fiscal year 1993 defense bill, it is inevitable that most of the attention will focus on how the Armed Services Committee has addressed such big-ticket items as the B-2 bomber and strategic defense initiative [SDI]. However, it's the committee's positive steps to make the Guard more effective and efficient that warrants our serious attention and support.

The committee put a floor on the force structure for the Army National Guard. This force structure language will preserve most of the units proposed to be eliminated by the Pentagon in fiscal year 1993, including the 32d Brigade in Wisconsin.

The number of Guard and Reserve members allowed to participate in drills would be set at 1,067,750. This would be a reduction of 66,947 from the fiscal 1992 Guard and Reserve payroll. But it would fall short by 49,050 the amount the Pentagon requested.

The bill makes a modest cut in the Army Guard. Only 11,200 of the 48,100 members the Pentagon wanted to slice from the Army National Guard, or less than one-fourth of the recommended reduction, will be made.

Over the next several years, the Pentagon plans to cut the Army Guard from its current strength 431,000 by 22 percent, to 338,000. By contrast, the fiscal year 1993 DOD bill would cut the Guard by only 12 percent to 375,000.

And, for the most part the strengths of the Air Guard, Air Reserve, and Marine Reserve will be kept at or near the fiscal year 1992 levels.

Operation Desert Storm showed us that the Reserve component can work. However, it also showed that some things need to be changed. The committee has recommended six areas of reform to ensure that the National Guard will be an active, integrated combat partner with the active forces.

These six areas of reform include increasing Guard experience and leadership levels; focusing and improving training; strengthening personnel standards; removing impediments to effectiveness; creating new report cards, and reforming the Active Army.

First, experienced leadership is widely regarded as being critical to the success of reserve component units. The Army National Guard is short of all the other reserve components in one aspect of leadership—active duty experience. To increase the level of experienced leadership throughout the Army National Guard's units, regulations would be established to require a significant percentage of officers and enlisted personnel to have at least 2 years prior active duty service by fiscal year 1997.

Second, some of the most important lessons learned from Operation Desert Storm concerned training. There is a need to focus peacetime training on individual and small unit skills, teaching larger unit training for the post-mobilization period.

Third, personnel standards need to be raised. Some soldiers mobilized for Desert Storm could not meet the medical or dental standards for deployment. A soldier with a medical problem, or with a serious dental problem likely to need early treatment, becomes a liability in a combat theater. Not deploying these individuals meant that their units would have to deploy under-strength.

Fourth, there is a need to remove the impediments to effectiveness In many instances, active and reserve component systems responsible for keeping track of personnel and logistics were not compatible. This incompatibility slowed down the mobilization and deployment of Reserve component units.

Fifth, another lesson learned from the war was that our system for measuring a unit's effectiveness is broken. It was not comprehensive enough to be effective in identifying resource shortfalls.

Finally, the Active Army must accept responsibility for the Guard's readiness. Therefore, the Active Army must be held accountable for making these initiatives work.

In order to make sure that the Guard and Active Army are ready for the future, we have to make sure reserve component combat units are led by experienced and well-trained officers and NCO's; that they are trained, equipped, and proficient at the individual, crew, and small unit level; that they are ready for postmobilization training as larger combat units, and that they are capable of joining their active duty counterparts with a predictable amount of postmobilization training.

ELDON RUDD'S LETTER TO COLUMNIST JAMES J. KILPATRICK

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. OXLEY. Mr. Speaker, our former colleague Eldon Rudd of Arizona, who served with great distinction in the House of Representatives from 1976 through 1987, recently penned a letter to columnist James J. Kilpatrick in response to a piece Mr. Kilpatrick wrote for the Universal Press Syndicate. In his letter, Mr. Rudd attempted to introduce a bit of objectivity and veracity to Mr. Kilpatrick's thinking regarding the late J. Edgar Hoover.

Mr. Kilpatrick's column concerning J. Edgar Hoover was, in the opinion of Mr. Rudd and in my opinion, a very inaccurate and unfortunate portrayal of a great American patriot.

Hopefully, the following letter will correct some of the misperceptions and biases that Mr. Kilpatrick chose to share with his readers.

HON. ELDON RUDD,
MEMBER OF CONGRESS, 1976–1987
Scottsdale AZ, May 26, 1992.

Mr. JAMES J. KILPATRICK,
Charleston, SC.

DEAR JIM: I have been a fan of yours for many, many years. You have, by your common sense approach to resolving government problems, earned the respect and even admiration of many, many citizens like myself.

It is, however, unthinkable that your misperception of John Edgar Hoover would have found its way into print in your column of the March 28, 1992 issue of the daily newspaper, The Arizona Republic, in Phoenix, Arizona.

My career in the FBI spanned twenty years, 1950–1970, much of it abroad. Now that Edgar Hoover is dead, much criticism has appeared, generated by people and organizations who resented the straightforward, stalwart manner in which Edgar Hoover demanded investigations of law violations, with favoritism toward none who happened to find themselves involved in the investigations. You will remember these investigations were demanded by the Congress of the United States. The FBI had demonstrated an excellence in assuring enforcement of the law, hence it was logical for the Congress to impose additional laws on the FBI for enforcement.

You may remember that Judge Harlan Stone (then U.S. Attorney General) asked Edgar Hoover to take over the "Bureau of Investigation" at a time when that agency was under fire for graft and corruption. Judge Stone asked that the Bureau be made into the finest investigative agency possible. Edgar Hoover promised in the affirmative, with the proviso that he determine the rules for quality and demeanor of personnel.

You may also remember that a reorganization of the later to-be-called FBI (Federal Bureau of Investigation) came an example of superior achievement in law enforcement. The respect of the people of law enforcement as a whole, U.S. Prosecutors and Defense Attorneys alike, was earned by the FBI through hard work and attention to citizens' rights and protection of the people from lawlessness. Not only did Edgar Hoover demand excellence from staff, as he should have, but it was guidelines developed by Edgar Hoover that raised the level of law enforcement throughout our nation from incompetence to an honorable and respected profession. This was done through such incentives as the FBI National Academy, the FBI National Crime Laboratory, and the FBI Identification Division.

I earnestly hope you will rethink your criticism of the founder of modern law enforcement and tender him the thanks that is his due. He did not ask for more laws to enforce and, in fact, attempted to limit the number of violations of laws thrust on the FBI by Congress. Edgar Hoover was always most fearful that at some point the Government of the United States would attempt to make the FBI a national police force, a frequently mentioned item, which Mr. Hoover considered un-American and a violation of the Constitution of the United States.

Very sincerely,

ELDON RUDD,
Member of Congress, 1976–1987.

LINDA PRANGE'S COMPUTER WHIZ KIDS BUILD SKILLS WITH FUN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the achievements of Linda Prange and her computer learning center, Computer Whiz Kids Inc. Linda Prange started her new business in October, and currently has 65 kids enrolled in her 1-hour a week classes. The kids work on math, writing, and art while developing new computer skills. The plan is for kids to improve their basic education while at the same time having fun and learning the computer skills which are becoming essential in the information age.

Kids like Alexis Carlson, 11, Patrick Kibler, 11, and Barrett Hale, 10, learn math from computer games like Number Maze, design and produce their own stationery, and use it for their writing.

The Miami Herald published an article on the Computer Whiz Kids and its remarkable success which I would like to include in the RECORD:

CLASSES PUT KIDS AT EASE WITH KEYBOARD

(By Marti Ostrander)

Patrick Kibler, 11, sits in front of a computer playing Number Maze, his favorite computer game. Soon, he will be using The Writing Center, a program in which he'll create a heading for his personal stationery.

With him are Barrett Hale, 10, and Alexis Carlson, 11, both fifth-graders at Florida Christian School.

The three are class members at Computer Wiz Kids Inc., a computer learning center at 12687 S. Dixie Highway that specializes in teaching computer usage to youngsters.

Linda Prange is president of Computer Wiz Kids, which opened March 16. To date, she has 65 kids enrolled in classes.

"I wanted to start my own business, so in October I started thinking what was the job I had enjoyed the most, and it was teaching, working with parents and kids, but using computers," she said.

Prange has both bachelor's and master's degrees in secondary education with a major in journalism and a minor in English.

At Computer Wiz Kids, classes are limited to no more than four students and meet one hour a week for six weeks. Classes also are divided by age groups 3–5, 6–7, 8–9, and 10–12.

Children work on the individual Macintosh LC computers, and learn at their own pace, Prange said.

"The plan is for six weeks for the child to work on reading, math, writing and art, and the goal is for kids to enjoy themselves while they're doing it; that's when learning happens," Prange said.

Preschoolers learn and practice the basics, such as ABC's, numbers, colors, shapes and art. Children 6 to 12 learn and practice vital computer skills while they do educational activities such as reading, writing, art and math, Prange said.

Computer camps also are offered. The camps, for kids 8 to 12, meet three hours a day for five consecutive days. Art and design, advanced computers, computer potpourri and word processing are offered in an intensive course.

Adults get their piece of the pie, too. Classes with only four participants teach skills that include programming, desktop publishing and art and design. These classes are offered for five weeks, two hours each week.

"The purpose is for the adults to be confident in all areas," Prange said. "The adults requested them and it has worked out very well."

She said she plans to start a program for those over 55.

Hourly rentals of Macintosh LC Computers and Apple Personal LaserWriters are available for homework as well as special reports, projects and newsletters.

Mr. Speaker, I commend Linda Prange for her innovation and foresight in starting Computer Whiz Kids. She is using fun to motivate children to learn both the basic educational needs and the information skills which will be vital to individual success and national competitiveness in the coming century.

BOTTOM LINE IS KING IN SCHOOLS FOR PROFIT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. STARK. Mr. Speaker, I would like to include in the RECORD Mr. Jeffrey Book's column from yesterday's Los Angeles Times.

I think that Mr. Book eloquently points out the reason that for-profit schools will not improve public education: they take the best students and abandon the rest.

The solution to improving public education lies in restructuring and reforming the current system, not abandoning it to those who cannot afford to go elsewhere.

A good education is every child's right. Public education gives our society a common ground of values and knowledge. If we encourage our middle- and upper-class students to abandon public schools with vouchers and choice, we start down the path to a divided society where good education is available only to those who can afford to pay private-school tuitions:

BOTTOM LINE IS KING IN SCHOOLS FOR PROFIT

(By Jeffrey S. Book)

It's no trick to run a profitable private school: Just steal the best students.

Private schools don't have to educate everybody, as the public schools do, so they pick and choose. Students who are profit-intensive (bright, passive consumers with disposable income) are prized. Students who are cost-intensive (slow learners, the disadvantaged, victims of discrimination) are not.

Even private schools with "open" admissions take the cream off the top, because the students they don't want are unlikely to be able to pay thousands of dollars in tuition.

That's why, no matter what they say for public consumption, the alliance of Yale University President Benno C. Schmidt Jr. and Tennessee businessman Christopher Whittle is a declaration of war against public education. And at this time, the resources to win that war appear to be on their side: the lure of profit, the backing of corporations, the mesmerizing promise of "high-tech" teaching methods and support from the elites who benefit.

Schmidt announced last week that he would join Whittle in a plan to open 1,000 "high-tech, private, for-profit schools" by the year 2010. What a tragedy that businessmen like Whittle and educators like Schmidt want to benefit themselves at the expense of public institutions.

If Schmidt and Whittle have their way, public schools will exist only as dumping grounds for cost-intensive students. Since these are the same people whose parents are least likely to be influential (or even vote), political support for public education spending will erode. Lower budgets will again reduce quality, and so on, in an endless downward spiral. Eventually, the same people who run private prisons will find ways to make money from a private "school," warehousing cost-intensive students. Public education will come to a dirty, ignominious end.

Whittle has been clear about his intentions: He regards students as consumers to be marketed to the highest bidder. Consider "Channel One," the television program that Whittle provides to some school systems. Between the news updates that are its ostensible purpose, Whittle mixes in kid-targeted advertisements for food and clothing. He's got a captive audience of students; for an advertising man, it's like shooting fish in a barrel.

The $60 million to design Whittle's schools is coming from Time Warner, Philips Electronics N.V., Associated Newspapers of Britain and a group of personal investors led by Whittle himself. It is unlikely that they are risking their money out of public spirit.

Whittle expects much of the $2.3 billion to build the system to come from corporations supplying school products, such as computers. He may sell steaks to companies like McDonald's, which could recoup its investment by selling hamburgers to the captive school-lunch audience.

The values at the core of the Schmidt/Whittle plan ought to shock us. They say that it's OK to pursue profit at the expense of educational quality. They say that it's OK to benefit the few to the detriment of the many.

The whole point of public education is for children to be taught, as nearly as possible, our values—the values we share as a society. That's why schools are, and should be, in the hands of the public, which can determine school policies through frequent free elections—not in the hands of profit-making corporations, which will determine policy on one basis only: the bottom line. The values they communicate will be whatever attracts the most profitable students.

How have we reached this point? If public schools have failed to express our common values, it is our fault: It is because all of us—parent, child and interested citizen—have failed to participate in determining those values. We have failed to understand or use this tremendous gift from earlier generations of Americans; now Schmidt and Whittle will try to take it away from us.

Look carefully at the enormously privileged, well-educated, happy-looking face of Benno Schmidt; it is, tricked up in softer modern garb, the face of Wackford Squeers, the schoolmaster of Dickens' "Nicholas Nickleby," a man who caned his students and slashed their rations so he could squeeze a little more profit out of his private "school." If he were here, Squeers would recognize the Schmidt/Whittle plan for what it is—and clap his greedy hands.

(Jeffrey S. Book, the former mayor of Mount Dora, Fla., is a writer and attorney in Los Angeles.)

CONGRESS MUST TAKE THE LEAD ON HAITI

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. ATKINS. Mr. Speaker, 53 years ago, nearly 1,000 Jews fleeing Germany approached Miami aboard the ship *St. Louis*, only to be refused refuge by U.S. immigration authorities. Denied safety, the *St. Louis* returned to Europe where many of its passengers died in the Third Reich's gas chambers. Such deplorable action by the U.S. Government and others in part led to the United Nations Convention on the Status of Refugees, whose primary principle is that nobody should be returned to a country where his or her life or freedom would be threatened. Sadly, the tragedy of the *St. Louis* refugee ship is being repeated today as the Bush administration sanctimoniously declares that the Haitians fleeing their homes are not escaping political persecution, but instead are fleeing for economic reasons. The United States Government has determined that all Haitians fleeing Haiti by boat will be forcibly returned without determining what kind of risks they may face upon return. This new policy is inhumane and hypocritical, and it is a violation of international law.

Tragically, the Bush administration has little regard for international law unless it works to its own political advantage. And, although the immoral Haitian refugee policy is being challenged in American courts, the Supreme Court has refused to hear the Haitian refugee case on two previous occasions. It is therefore left to us, the U.S. Congress, to rectify this situation through legislation. That is why I have joined my colleagues in cosponsoring legislation which would bring our practices into conformity with international law.

For those who still doubt that there is substantial political repression in Haiti, I would point out the police attack on a funeral procession which took place yesterday in Port-au-Prince. As the peaceful funeral mass was conducted inside the city's Roman Catholic cathedral, heavily armed police circled the building in pick-up trucks. And as the 400 mourners headed out of the cathedral to proceed to the cemetery, the police closed in, beating stragglers with nightsticks, rifle butts and riot helmets. By the time the procession reached the burial site, there were few mourners left except the family. The funeral was for Georges Izmery, a well-known food and dry goods importer. Although not politically active, his brother and business partner, Antoine, helped bankroll Aristide's campaign. Georges Izmery's killing was viewed as either a case of mistaken identity or a warning to his politically active brother, and reminds us of the continued brutality of the regime in power there.

Through both Democratic and Republican administrations, the United States has proudly upheld the principles of international law by complying with the United Nations Convention on Refugees. We have welcomed refugees from Cuba, Southeast Asia, and all other parts of the world throughout our history. We have even criticized other regimes when they have not complied with these humanitarian principles, such as when the British began sending back Vietnamese boat people from Hong Kong. But the proud standard the United States has always upheld before the rest of the world is about to be lost because the administration's inhumane new policy of sending back Haitian refugees. It is up to Congress to now uphold international law and the humane standard the United States has lived under since World War II by rejecting the administration's policy. We must not repeat the tragedy of the *St. Louis* refugee ship.

THE NATIONAL REFERENDUM ON THE BUDGET

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. MFUME. Mr. Speaker, I rise today to offer a resolution calling for a national referendum on the budget crisis.

Mr. Speaker, the President of the United States has not since 1980 submitted a balanced budget to Congress. The Congress of the United States has not since 1980 adopted a budget resolution whose receipts matched its outlays. And the Government of the United States has not since 1969 operated at a budgetary surplus.

Mr. Speaker, the American people are worried. Some Members of this House are calling for a balanced budget amendment. I share their sense of urgency. But if you strip away the attractive language, you see that the proposed amendment merely provides a mechanism whereby a minority of either House has the power to block a budget deficit.

Mr. Speaker, that mechanism already exists. A Presidential veto and 34 percent of the votes of either Chamber is sufficient to kill any appropriations bill. Mr. Speaker, we do not have deficits because we lack a mechanism to block them; we have deficits because we lack the will to block them.

But Mr. Speaker, we can summon the will.

My resolution calls for:

First, the development of a range of balanced budget blueprints that represent the breadth of American political opinion;

Second, the development of an equitable system for distilling a representative and manageable sample of those blueprints;

Third, the designing of a national referendum whereby all registered voters may express their preference for one among the several plans;

Fourth, the enactment of a law authorizing and implementing the referendum, whose result would guide Congress and the President in balancing the Federal budget.

Mr. Speaker, I'm convinced that if the American people are given a voice and a choice, they will agree to the sacrifices needed to balance the budget—provided the burden is shouldered evenly. A public vote will let the American people decide what's fair, and thereby foster the consent and cooperation we need for success.

Mr. Speaker, earlier attempts to balance the budget foundered because the burdens were not accepted in the polling booth, but imposed from Washington meeting rooms.

Mr. Speaker, that will never work. No group will willingly sacrifice—even as an act of patriotism—while others continue to take the same share as before. And that was the perceived effect of earlier budget agreements.

Mr. Speaker, if we do not put this to a vote, we will balance the budget in a haphazard way, as lobbyists representing special interests converge on Washington hoping to dump the sacrifice on someone else. The American people will not accept sacrifices imposed on them through this kind of system. A public vote is the only mechanism of government that makes the wishes of firefighters and factory workers count as much as those of corporate heads and lobbyists; and that is how this must be done.

Mr. Speaker, a national referendum would bring the public together in a spirit of patriotism, for patriotism flourishes in a climate of shared burden and achievement. As in waging a popular war where one's sacrifices become a source of pride, we can turn an economic hardship into a patriotic boon, and solve one of the worst economic problems in our history.

Mr. Speaker, there is no precedent in U.S. history for such a referendum, but we've never faced a national emergency like the budget crisis, and we need the people to speak with a clear voice.

TRIBUTE TO THE McGOWAN TWINS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to recognize Tony Tartaro, a proud grandfather of twins. Of course, Mr. Speaker, we all know Tony as a reporter of debates for the House.

We would be lost without people like Tony. He has been on the Hill since 1952 and on the House floor since 1982.

As we know, being a parent is one of the greatest joys of life, but being a grandparent is better. When you are a grandparent, you can enjoy your new children without having "to pay your dues." All of the dirty work is taken care of by your own children.

Since Tony was blessed with twin grandchildren, his joy and pleasure are doubled. I hope that Alyssa Helene and Ian Anthony, born on May 18, give him more happiness than should be humanly allowed. I also wish the parents of the children, Colin and Laura Tartaro McGowan congratulations and the best of luck with their two new little rascals.

REFUGEE WOMEN AND CHILDREN ARE AT RISK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. YATRON. Mr. Speaker, I want to commend the Women's Commission for Refugee Women and Children for sponsoring a symposium on June 8, 1992 entitled "Going Home: The Prospect of Repatriation for Refugee Women and Children." Eight percent of the world's refugees are women and children. They are a vulnerable group whose special needs must be taken into account when nations and international organizations develop strategies for refugee assistance, repatriation, and resettlement.

Throughout the world over 14 million women and children have been forced to flee warfare, persecution, and famine. A recent study conducted by the International Catholic Child Bureau found that of 111 Central American refugee women in Washington, DC, 85 percent had been victims of at least one traumatic event in their home country. The average woman experienced 3.3 traumatic events, such as rape, injury, interrogation, house searches, threats, bombings, and gunfire. Twenty-four of the women interviewed had been present at a murder. The children of these women have been found to develop more slowly than normal because their mothers do not have the emotional strength to cope with them.

Protection problems are of particular concern when women become refugees. Refugee women often endure physical abuse, particularly in border areas, along escape routes, and in refugee and displaced persons camps. Women who do not yet enjoy permanent resettlement or quick repatriation are particularly vulnerable. Rape, abduction, sexual abuse, demands for sexual favors in return for protection, food, or asylum are common in all areas of the world where refugee or displaced women are found.

Physical abuse is the most visible form of abuse and discrimination against refugee women, yet international and inter-governmental agencies continue to direct little or no attention toward preventative measures that could be taken. We all must press for enhanced protection of women refugees, but we must also call for the equitable treatment of women in the determination of their refugee status. To do this states parties to international and regional refugee conventions and protocols should consider as refugees those who have been persecuted on grounds of their sex and states should recognized social and institutional forms of repression which contravene international legal standards and constitute a violation of human rights as forms of persecution leading to the granting of refugee status.

Mr. Speaker, I want to thank the Women's Commission on Refugee Women and Children for being on the frontline for refugee women and children. Because of the commission's work and ability to articulate the plight of refugee women and children worldwide we have become better informed of the special problems confronting this group and we will work to see that their rights are protected.

TRIBUTE TO SYL MORGAN-SMITH AND DAVID R. SWANSON

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. SCHAEFER. Mr. Speaker, I wish to bring to the attention of my colleagues the wonderful community service two of my constituents have been involved in. Both of these outstanding individuals have been recently honored with the Secretary's Community Service Award for 1991 by their employer, the Department of Energy.

Syl Morgan-Smith has been a long-time employee at the National Renewable Energy Laboratory in Golden, and now serves as manager of public affairs. Over the years, she has contributed to the health and welfare of our community in a number of ways. Taking the time to name just a few, Syl currently serves on the board of directors of the United Negro College Fund. Not only does she serve as president of the Colorado Scholastic Youth Learning and Gospel Music Academy, Syl helped found this uniquely beneficial institution. Additionally, she is quite active with the Colorado Leukemia Society.

David R. Swanson works with the Western Area Power Administration as the program manager for the Western Regional Biomass Energy Program. WAPA is one of the exemplary Federal agencies involved in the Adopt-a-School Program, and Dave has been a dedicated and tireless supporter of this marvelous undertaking. He currently tutors two junior high students in their studies of math and science. Dave is also an adviser to our local school district, helping draft school goals, and objectives in the areas of student achievement, attendance, and graduation.

Both of these magnificent individuals are truly a credit to our community, and to the United States. I consider it a high honor having the privilege of representing both Syl and Dave in this chamber. In my estimation, the Department of Energy could not have chosen two better recipients for the Secretary's Community Service Award. Their efforts shine as a brilliant example for each of us to emulate.

FROM SWORDS TO PLOWSHARES

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Ms. PELOSI. Mr. Speaker, as nations from around the world conclude the historic Earth summit, I would like to take a few moments to discuss a unique opportunity within our own country to advance the concepts of global cooperation and resource stewardship shared by conference participants from around the world.

For more than two centuries, the presidio of San Francisco has stood as a sentry at the Golden Gate, rich in military history and unique in its ecology and natural features. By 1995, it will be transferred to the National Park Service—becoming a park unlike any other in the Nation, or in the world.

Conversion of this post is a perfect illustration of the swords to plowshares idea and a chance to create a place for global cooperation and leadership on environmental issues. The historic post contains over 800 buildings, including outstanding research, meeting, and recreational facilities. It is located in a stunning setting within an urban oasis of 6 million people. The Golden Gate National Recreation Area, of which the presidio is part, is the only urban biosphere reserve designated by the United Nations and the home of the only remaining Raven's Manzanita Plant on Earth.

The presidio presents an extraordinary opportunity for educators, scientists, community leaders, and businesses from around the world to host programs of national and international distinction and a strongly supportive atmosphere for education, research, experimentation, and problem solving. As the centerpiece of the United States largest urban park, its intensive use by visitors from around the world offers the potential to present programs to audiences of unprecedented diversity.

The National Park Service is actively seeking ideas for programs and tenants at this spectacular site. Last month, former Soviet President Mikhail Gorbachev visited the presidio to propose that the Gorbachev foundation/use be located at the presidio when the army leaves. In his words, "it is wonderful and symbolic that a military base is being converted for use by the people." Many other organizations from around the world have expressed an interest in joining this community dedicated to international understanding and stewardship of the world's resources.

As the cold war ends, it is, indeed, fitting that this army garrison—one of the oldest in the United States—will be transformed to a monument to peace, environmental preservation, and recreation as a global park. It is up to us to chart a course that will preserve the presidio's resources, fulfill its highest potential for public use and enjoyment, and create a model of environmental cooperation in the century ahead.

MEMPHIS RED SOX LEGENDS REMEMBERED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. SUNDQUIST. Mr. Speaker, as we approach "National Baseball Day," June 19, I think it appropriate to remember a part of the national pastime's heritage often overlooked. I refer to those who played in the old Negro League in the days before Jackie Robinson integrated the majors.

One of the great teams of the Negro League played in my hometown of Memphis, TN, the Memphis Red Sox. The team's catcher, Clinton "Casey" Jones, was among those saluted last year when the Baseball Hall of Fame honored "Living Legends of Negro Baseball." Casey Jones played in Memphis from 1940 to 1955, when he finally got an opportunity to play major league ball—at age 35. He tells a great story about the day he was spiked in a home plate collision with an up-and-coming young outfielder named Willie Mays.

But Casey Jones, whose exploits have been shared with me by his son, J.J. Jones of Memphis, is but one of many former Memphis Red Sox still living and joining together this year to remember their team and their teammates.

Joe B. Scott, 1B/OF; Marlin Carter, 2B/OF; Cowan "Bubba" Hyde, OF; Frank Pearson, P; Verdell Mathis, P; Sherwood Brewer, INF; Buck O'Neil, 1B/Manager; Fred McDaniels, OF; and Ulysses Hollimen, P.

The Memphis Red Sox were an important part of the city's heritage and of baseball's past, and I am proud to join the many in our community who will be saluting these players and at last giving them their due.

CONGRATULATIONS TO BUD KIMBRO ON 25 YEARS OF SERVICE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. POSHARD. Mr. Speaker, I rise to salute Bud Kimbro of Ridgway, Ill. and to say thanks for his many years of devotion to his community.

Bud, who was born and raised in Ridgway, works a full time job in the proud southern Illinois profession of coal mining. He has four sons, and has been married to his wife Sue for over 27 years. That leaves him with a lot of responsibilities and obligations. But the people of Ridgway know that Bud always finds time to serve as a police officer in their village, and this weekend he celebrates his 25th anniversary on the force.

Bud put in a stint as chief of police in 1968, but most of his 25 years have been served in the role of patrolman, taking care of cases big and small for the people of Ridgway.

Ridgway is a wonderful town which holds dear the ideals and spirit of the United States of America. But no place is completely removed from the threat of crime, and it's folks like Bud Kimbro who recognize the need to get involved and make a contribution to their communities.

I am proud to call Bud Kimbro my friend, and I am pleased to let my colleagues in the U.S. House of Representatives know of his 25 years of service and devotion.

ROCKWAY ELEMENTARY SCHOOL PLANTS TREE GIVEN TO HONOR 12-YEAR-OLD ARTIST

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Carlos Chamorro, a 12-year-old artist who won a tree for Rockway Elementary School in Miami. The young artist entered a drawing in an annual contest for public service billboard messages sponsored by Ackerley Communications. The winning drawings will be displayed on Ackerley billboards throughout Dade County. The theme of this year's contest was "Trees Can Save Our World."

Texaco Oil has ensured that Carlos will be remembered long after his billboards come down. The company donated a gumbo limbo tree to the Rockway Elementary School in Carlos' honor, as part of a $1 million partnership project with the American Forestry Association called Global ReLeaf.

Rockway Elementary School principal Dick Artmeier said that the prize was an honor for the faculty and staff of Rockway, as well as for Carlos and for Laura Rossano, Carlos' art teacher. Laura Rossano knew the drawing was perfect for a billboard display as soon as she saw it, and she is very proud of Carlos. Carlos wants to go on to college and a career in art. Winning this contest has helped his self-confidence.

The Miami Herald published an article on Carlos Chamorro and the Ackerley Communications "Trees Can Save Our World" contest which I would like to include in the RECORD:

TOPS IN TREES

(By Jon O'Neill)

At Rockway Elementary, the memory of fifth-grader Carlos Chamorro will live on long after he's gone.

The 12-year-old won the elementary division of an annual art competition sponsored by Ackerley Communications. Because this year's theme was "Trees Can Save Our World," Texaco Oil donated a gumbo limbo tree to the school in Carlos' honor. It was planted Tuesday.

They're already calling it "Carlos' tree."

"I'm proud of it," Carlos said. "This tree will be here for 40 or 50 years. It's something I will be able to show my kids some day."

Carlos, for whom drawing is somewhat of a passion, also got a plaque and a trophy for his work. He was excited when he found out he won, but not nearly as thrilled as his mother.

"I called her right away," he said. "She was ready to buy me a car right then."

WINNING WORK ON BILLBOARDS

Carlos is one of hundreds of kids who entered the contest this year. One winner was picked from each of three categories: elementary, middle and high school. The winning drawings will be displayed on Ackerley billboards throughout Dade.

"To me, drawing is like a sport," Carlos said. "It makes me think."

Carlos' art teacher, Laura Rossano, said she thought about a billboard as soon as she saw his entry—which took him about an hour to do.

"It was perfect for a big display," Rossano said. "But you realize that so many students enter the contest and you never think your student will ever win. When we got the call, I felt like I had won the lottery. This contest is a big deal, and I'm very proud of Carlos."

As is the rest of Rockway, 2790 SW 93rd Ct. Trees are a big thing at the school.

"It's really an honor for all of us," principal Dick Artmeier said. "Teaching students the importance of the environment is essential to us."

FINALIST FOR TREES

Artmeier is trying to take that one step further. He recently learned that Rockway is one of 62 finalists in the State to get 25 palm tree clusters, made up of palms from around the world.

The trees would be planted around the edge of the school and made available for other schools to study. Although he won't know until June whether the school will get the trees, Artmeier is fairly confident.

"We're planning to print up a brochure about the palms," Artmeier said. "Carlos' picture will be on the cover."

Carlos is taking all the praise in stride. He just wants to keep drawing.

"This is what I love to do," he said. "It's nice, because all of my teachers here encourage me to draw. Winning this contest has helped my confidence."

Carlos will attend middle school next year.

"I want to go to a good college and have a good career in art," he said. "Why would I ever stop drawing?"

Mr. Speaker, I am very proud of Carlos Chamorro, just as Laura Rossano is. I am also grateful to Ackerly Communications and Texaco Oil for their contributions to our schools and community. And I want to express my strong agreement with Principal Dick Artmeier who said: "Teaching students the importance of the environment is essential to all of us."

RECONCILIATION AMONG FORMER ENEMIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. LANTOS. Mr. Speaker, this Saturday, there will be an extraordinary gathering at the Golden Gate National Cemetery in San Bruno, CA. Enemies in the Second World War, former Japanese and American soldiers will meet at a memorial service to reconcile a sad and hostile past with the hopeful present so that our shared future can be filled with cooperation and friendship.

At the memorial service, a hand-painted Kakemono, or hanging scroll, will be dedicated to all Americans who died in the Pacific war. The scroll, depicting a sitting Buddha and inscribed with an original poem, is being offered by Japanese artist and war veteran, Mr. Masakitsu Yoshida, as a gift to the National Cemetery.

Such an act of friendship and reconciliation by one man enables all of us to refocus our attention from the conflicts of the past to the possibilities of the present and the future, where the bonds of fellowship and cooperation can enrich both of our cultures.

In "Lines Composed a Few Miles Above Tintern Abbey," William Wordsworth wrote of reconciliation:

Dust as we are, the immortal spirit grows
  Like harmony in music, there is a dark
Inscrutable workmanship that reconciles
  Discordant elements, makes them cling together
In one society.

We all belong to the society of humankind. The participants of this Saturday's memorial service understand this fundamental truth. Sadly, however, there are still many who do not. It is my hope that this event will emphasize reconciliation, understanding, and the ties that bind us rather than the misunderstanding and conflict that led to war between our two nations.

Mr. Speaker, I would like to commend Mr. Masakitsu Yoshida and the organizers of Saturday's dedication. Their significant contribution to the ongoing process of reconciliation between Japan and the United States stands as an example for all of us to emulate.

FOSTER GRANDPARENTS BRING LOVE AND LESSONS TO PINELLAS COUNTY SCHOOL CHILDREN

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. YOUNG of Florida. Mr. Speaker, I rise today to bring to the attention of my colleagues a remarkable volunteer program which brings older Americans and young children with special learning needs together in classrooms in Pinellas County, FL, which I represent, and throughout our Nation.

The Foster Grandparent Program, established by the Congress in 1965, forever touches the lives of children, teachers, and volunteers in schools such as the Cross Bayou Elementary in Pinellas Park, FL, by bringing together the time and energy of experienced and skilled older Americans to meet the special needs of disabled children. Foster Grandparents work 20 hours per week in schools and institutions with young people who have mental, physical, and emotional disabilities. They offer their experience, patience, and love to the children they work with, and in return they receive $200 a month for 80 hours of their time.

Clearly, volunteers in the Foster Grandparents Program do not participate for the money, but rather for the incredible opportunity to work with young children who have special learning needs, to offer these children their time and attention, and to support them in their efforts to overcome whatever their disability may be.

Mr. Speaker, following my remarks, I would like to include for the benefit of my colleagues an excellent article from the February edition of the Senior News of Pinellas County describing the experiences of four women who are foster grandparents at Cross Bayou Elementary School. There, in conjunction with classroom teachers, they work with deaf children in the school's deaf education program. This heart warming story is a tribute to the success of the program. As a member of the Appropriations Subcommittee on Health and Human Resources which funds the Foster Grandparents Program, I am proud of the role our committee has in ensuring that the funding is made available for these women, and thousands like them throughout our Nation, to continue their invaluable work to help children with special needs.

Mr. Speaker, I have no doubt that after my colleagues have read the account of these four women and their experiences at Cross Bayou Elementary, they will understand the important contribution this program makes to the lives of our Nation's disabled children and older Americans. It is my hope that we will continue to recognize this contribution and that you will join me in saluting all those involved in the Foster Grandparent Program.

[From the Senior News Pinellas County, Feb. 1992]

FOSTER GRANDPARENTS PROVIDE A LESSON IN LOVE TO CROSS BAYOU PUPILS

(By Rick Rutan)

Some of the world's luckiest youngsters go to school at Cross Bayou Elementary.

As part of their education there, they have four foster grandmas who share 302 years' worth of love and living.

The four grandmas are: Vera Cesareo, 71; Louise Ferguson, 84; Pearl Haengel, the "baby" of the bunch at 64; and Loretta Barrett, 83.

Foster Grandparents is a federally funded program that uses retirees over 60 to spend four hours a day, five days a week in classrooms. For their 20 weekly hours, the grandparents receive $200 a month. If they drive, they are allowed a small amount of gas money in addition to that $2 hourly stipend. They also are entitled to a school lunch in the cafeteria.

It is pretty obvious that Grandma Vera, Grandma Louise, Grandma Pearl and Grandma Loretta are not in it for the money. Each of these warm, loving women spent years in the business world and all have grown children. They are unanimous in their love for "the kids."

At Cross Bayou the grandmothers have a special set of circumstances. Each of them has an opportunity to work with deaf children in the school's deaf education program.

Grandma Vera spends her hours with kindergarten children and first graders in Cindy Hebbeler's resource classes. Children needing special help drift in and out of the room at intervals, changing the receiver crystals in the FM hearing amplifiers strapped to their tiny chests. Wires from the amplifiers are attached to hearing aids in their ears.

A few of the children wear only the hearing aids, not the FM sets.

They gather around the low table where Grandma Vera holds court. Each group is given special tasks assigned by Mrs. Hebbeler and supervised by Grandma Vera. The tasks include story-book reading, imagination exercises, vocabulary and, very important, gentle but firm discipline.

Mrs. Hebbeler knows just what her students need most. She was born deaf and has faced all the pitfalls now facing them. So successful is she that she was named 1991 Paul B. Stephens Exceptional Teacher of the Year in Pinellas County.

In another room, Grandma Louise works with teachers Lisa Porter and Kathy Zambito. She is assigned to nurture children with severe learning disabilities (SLD).

"I am so grateful for this opportunity to be with the children. It gives me a reason to get up in the morning," said this spry widow.

She was born in Europe and came to the United States in 1913 from the area now known as Yugoslavia. Her family owned and operated a meat market in Cleveland for more than 50 years. She now lives with her twin sister in Pinellas Park.

Grandma Louise travels in the summer to see her children and grandchildren in such distant places as Elkhart, Ind., and Sacramento, Calif.

Grandma Pearl Haengel does not live in St. Giles Manor where the other three learned of the grandparents program. She found out about it through her 25-year commitment to PTA work in Florida. She holds a national honorary life membership and a Florida state life membership in PTA.

She opted to serve as a foster grandma at Cross Bayou because her son, Ted, is a fifth-grade teacher there. Not only does she work in Ted's classroom, but she also helps with Kathy Zambito's SLD students and Linda Pflieger's classes.

Grandma Pearl doesn't leave school at the end of her four-hour shift. She stays on as a volunteer for three more hours, "doing anything that needs doing," she said.

She also was European-born, in the same area as Grandma Louise, but her family moved to Panama when she was a tot. She later married and moved to Miami. Now all of her six children and 10 grandchildren live in Pinellas County.

Grandma Pearl is fluent in German, Spanish and English and speaks "some Russian and a little Romanian."

Maryland-born Grandma Loretta Barrett recently was on an enforced leave for a few weeks because she fell and fractured a rib. Consequently, the kindergartners in Beverly Lemmons' room had to learn their alphabet, play their games and do cutouts without her for a while. She also helps with pupils in Sue Rosenbluth and Debbie Caste's speech classes.

While Grandmas Louise and Pearl bring melodious European accents into the classroom, Grandma Vera croons to her tiny charges in Brooklynese tinged with some Long Island inflection. She retired in 1957 after a career as a railroad timekeeper stationed in New York's Penn Station.

No matter what they did in earlier life, or where they were born, all four of Cross Bayou's special grandmas have brought with them a sense of love for children, an unimpeachable integrity and a desire to help.

Information about the Foster Grandparent program is available from the Pinellas County School System.

A CONGRESSIONAL SALUTE TO JOHN F. HENNING

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding man and a remarkable achiever whom I greatly admire and respect, Mr. John F. Henning. Mr. Henning, in recognition of his distinguished career and his dedication to the community, will be honored by the Maritime Trades Department Southern California Ports Council AFL–CIO. On Friday, June 5, 1992, Mr. Henning will receive the 1992 Man of the Year Award. It is with great pleasure that I bring this man to your attention.

Born on November 22, 1915, in San Francisco, CA, Jack has enjoyed an extremely rewarding life and career. Since 1949, with leaves of absence for Federal and State government service, Jack has served with the California Labor Federation, AFL–CIO and in 1970 was chosen executive secretary-treasurer—principal officer. The federation is the official AFL–CIO organization for the State of California and lists over 2 million members on its roster. In 1959, on leave from the federation, Mr. Henning served as the director of the California State Department of Industrial Relations until 1962. Following this post, from 1962 to 1967, Jack was the U.S. Under Secretary of Labor. His next assignment was an exciting one for Jack and his family, as Jack was the United States Ambassador to New Zealand from 1967 to 1969.

Throughout his career, Mr. Henning has been the recipient of numerous awards and honors. In 1986, Jack received the Statue of Liberty Ellis Island Medal of Honor and in 1987 the Honored American Award from the Americans by Choice. He holds honorary doctorate degrees from St. Anselms' College in New Hampshire, St. Bonaventure University in New York, and from St. Mary's College in Moraga, CA.

In addition to his commitment and service to the California Labor Federation, Jack has devoted countless hours and much of his energy to a wide variety of public service activities. He is a past president of the Board of Permit Appeals, City and County of San Francisco, past president of the San Francisco Archdiocesan Council of Catholic Men, and past president of St. Mary's College Alumni Association. He is a former member of the board of trustees for St. Mary's College, a past member of the Public Welfare Commission for the City and County of San Francisco, and a past member of the Fair Employment Practices Commission. Jack has also served as a member of the board of regents for the University of California and the Lone Mountain College in San Francisco.

Mr. Speaker, my wife, Lee, joins me in extending this congressional salute to Mr. John F. Henning. We wish Jack, his wife, Betty, and their seven children, John, Jr., Brian, Patrick, Nancy, Daniel, Thomas, and Mary, all the best in the years to come.

TRIBUTE TO WILLIAM (BILL) PICKETT

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. LAUGHLIN. Mr. Speaker, I rise today to honor the most famous African-American cowboy in the world, Mr. William (Bill) Pickett.

Bill Pickett was born in Taylor, TX in 1870 and is the only black American to be inducted into the National Cowboy Hall of Fame in Oklahoma City, OK. Mr. Pickett is credited with inventing the sport of bulldogging. Bulldogging involves a man, a horse, and a 500-pound plus steer which the cowboy grabs around the neck and wrestles to the ground after he jumps off his horse.

Mr. Pickett spent a good amount of his adult life touring with the world renowned 101 Ranch Western Show. Rodeos were Mr. Pickett's life. He died after an altercation with a bronc in a 101 corral at the age of 62.

The spirit of this man lives on today in Taylor and in rodeos everywhere. It gives me great pleasure and is a distinct honor for me be able to call attention and remember the life of one of America's greatest cowboys.

THE TRUTH ABOUT PRORATIONING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. SCHEUER. Mr. Speaker, last month, when the House debated the Markey/Scheuer natural gas prorationing amendment to H.R. 776, the Comprehensive National Energy Policy Act, several members stated that prorationing regulations adopted by several producing States were only aimed at preventing physical waste and protecting correlative rights. They assured us that Texas, Oklahoma, and Louisiana had no intentions of using prorationing to form OPEC like cartels to restrict output and jackup the price of natural gas.

The gentleman from Texas, Mr. Andrews, stated, "The new prorationing rules are not intended to raise the price of natural gas." (CONGRESSIONAL RECORD, p. 3657.) His colleague, Mr. Fields added, "The rationing has nothing whatsoever to do with price * * * it is not the intent of Texas nor any other producing state to limit production of natural gas in order to drive up prices." (CR, p. 3656.) Finally, my friend from Louisiana, Mr. Tauzin, said, "What we do is done for the purpose of conservation and for the purpose of protecting our environment." (CR, p. 3654.)

Unfortunately, many influential and knowledgeable people do not see prorationing the same way my colleagues do. In his book on the Texas Railroad Commission, David F. Prindle says, "The fact is that prorationing is both a means of conservation and a stratagem for price fixing." Price, David, "Petroleum Products and the Texas Railroad Commission," University of Texas Press (1981, p. 30).

Oklahoma Energy Secretary Charles Nesbitt, commenting last winter on the then proposed amendments to Texas' prorationing regulations, recognized that the intent was to raise gas prices, "You can say what you want, that's what it's for." He added, "This is exactly what we were hoping the state of Texas would do, because it demonstrates that Texas is as concerned about the low price of natural gas." Secretary Nesbitt thought using prorationing to raise prices was a good idea and hoped Oklahoma would follow suit, "This makes it much easier for Oklahoma to join them, and hopefully, accomplish the same end."

Commenting on the same Texas proposal, John Alridge, director of engineering for the office of conservation at the Louisiana Department of Natural Resources, said, "The idea behind all of this is to reduce allowables and drive up prices."

Even our former colleague, Bob Krueger, now a member of the Texas Railroad Commissions, acknowledges that there are people who believe prorationing should be used to jackup gas prices. "In this circumstance, some producers have asked their state regulatory authority bodies to shut in some allowable supplies in hopes that prices might rise."

Mr. Speaker, the point is that, despite the assurances from our producing State colleagues to the contrary, some people do believe prorationing is being used and should be used to artificially increase the price of natural gas. This is unacceptable. This is why the Markey/Scheuer amendment was needed. Our amendment will prevent producing States from using prorationing to raise prices, while still allowing them to exercise legitimate control over their domestic gas production.

When the House passed the Markey/Scheuer amendment last month, it did the right thing.

TRIBUTE TO THE REVEREND HENRY LEE BARNWELL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. PASTOR. Mr. Speaker, today it is with great pleasure that I rise to pay tribute to one of Phoenix's finest citizens, and also congratulate the Rev. Henry Lee Barnwell on the occasion of his 25th anniversary in the ministry.

Reverend Barnwell was educated at Rosenwald High School in Panama City, FL. He attended Grand Canyon College and Arizona College of the Bible in Phoenix, Talbort Theological Seminary at Biola University, Bishop College, and Lacy Kirk Williams Minister's Institute, both of Dallas, TX. He also has a training diploma from the Protestant Chaplain's Association of Okinawa, 1958; a diploma for Christian work from Arizona College of the Bible, 1977; a bachelor of arts degree through Arizona College of the Bible, 1978; a Doctor of Divinity from Guadalupe Baptist Theological Seminary in San Antonio, TX.

Retired from the U.S. Air Force, Reverend Barnwell is now pastor of the First New Life Baptist Church in Phoenix. He also serves a chaplaincy with the Arizona State Department of Corrections, and is auxiliary chaplain at Williams Air Force Base in Higley, AZ. Reverend Barnwell is involved in many other outreach efforts, having served as president of the Interdenominational Ministerial Alliance of Phoenix and vicinity; Bible instructor of Zion Rest District Association; regional director for the National Evangelism Movement; first vice-president of the General Missionary Baptist State Convention of Arizona; and immediate past moderator of the Area One American Baptists Churches of the Pacific Southwest.

Reverend Barnwell has applied his energy and talents to many worthwhile projects over the years as an active member of the board of directors for the Phoenix Opportunities Industrial Center and St. Mary's Food Bank. He is also a member of the Mayor's Human Resources Commission; the Maricopa Branch of the NAACP; the Sheriff's Religious Advisory Committee on Maricopa County; and the city of Phoenix Human Resources Commission. Reverend Barnwell also serves on the Clergy Against Drugs and is a past member of the Governor's Advisory Council on Juvenile Justice Planning.

His efforts to educate and improve the quality of life in the community have earned Reverend Barnwell recognition from many groups who have bestowed awards on him, including the Floyd Adams Community Services Award from the Phoenix Opportunities Industrial Center; the Religion Award from the Maricopa County Branch of the NAACP; and the Recognition for Christian Service Award from the National Evangelism Workshop. Reverend Barnwell was named Pastor of the Year for the State of Arizona in 1989 and carries the title of "Honorary Citizen" from the city of Tucson.

I commend Reverend Barnwell for his many years of community service and involvement. Scores of Phoenicians have benefited from his energy and efforts. I ask my colleagues to join with me today in congratulating Reverend Barnwell as he celebrates 25 years of service in the ministry.

TRIBUTE TO THE POLISH-AMERICAN RETIREES

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. HERTEL. Mr. Speaker, I rise today to pay tribute to the 30th anniversary of the Polish-American Retirees. On June 5, there will be a celebration for this very special occasion. During the last three decades, the Polish-American Retirees have assisted retired senior citizens in keeping abreast of any changes within the Social Security system as well as informing their members of their rights under this program. In addition, many long-lasting friendships have been formed from their many social gatherings.

Originally, this organization met on a regular basis at the North Detroit Dom Polski until July 1970, when they transferred their meeting to the Transfiguration Activities Building. Every Wednesday morning this active group can be found planning, socializing, and providing important information to its membership.

The Polish-American Retirees have had an outstanding history of leadership. The original president, John Furgal held office until November 1974, a total of 13 years. He remained honorary president until his untimely death on February 15, 1975. The second president to serve this organization was Mrs. Josephine Raniszewski. She served for a total of 2 years. Following Mrs. Raniszewski, Mrs. Leocadia Furgal became the third president and served in this capacity for 3 years. For the past 13 years, Genevieve Zielinski has proudly served this group as their fourth president and continues to do so in an effective and efficient manner.

This organization is known to be full of energy and activities. In 1962 the Polish-American Retirees membership numbered 32. Because of their knowledge, fellowship, and good will the membership has grown to its current number of 650 members. The members consist of seniors from Detroit and the surrounding suburban communities.

Mr. Speaker, I would like to give special recognition and extend my congratulations to the membership and current officers of the Polish-American Retirees on their 30th anniversary. May they find much happiness and continue to help make your fellow senior citizens "golden years" most enjoyable.

BURDENSHARING AMENDMENTS TO THE FISCAL YEAR 1993 DEFENSE AUTHORIZATION BILL

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mrs. BOXER. Mr. Speaker, I want to express my strong support for the amendments offered by Mr. KASICH, Mr. FRANK, Mrs. SCHROEDER, and Mr. GEPHARDT which clearly express the will of the House that the United States reduce its defense burden overseas.

I believe these provisions, which mandate that our allies assume a greater share of their defense, are overdue and reflect a significantly changed global reality. The United States maintains an imposing array of military bases, prepositioned weapons, materiel, and troops throughout the world. It is now time to change the thinking that has ruled our military posture for almost 50 years.

Since we debated this bill last year, the Soviet Union has disintegrated and with it, the threat that has driven the current $150 billion cost of defending our European allies and Japan.

As a result of the leadership role the United States has assumed since World War II as the counter to Soviet aggression, the United States has spent about $12 trillion on its defense related obligations. Meanwhile, our allies have been able to concentrate a greater proportion of their resources at home and are now economically healthy. They have moved ahead of the United States in such vital areas of domestic concern as education, health care, and economic competitiveness and can well afford to assume a greater share of the tab for ensuring their own national security. Our contributions to their defense have made this possible.

Now is the time to bring these resources home—to invest in our schools, our hospitals, our roads, and bridges. Recent events in Los Angeles have only underscored what has been painfully evident for a number of years: that our Federal dollars are needed for our cities, in desperate need of Federal attention and resources, for efforts to spur the growth of new jobs by investing in promising technology and innovation, and for the needs of our youth, the elderly, and sick.

I applaud my colleagues for taking a leadership role in the vitally important area of burdensharing and am proud to associate myself with their efforts. Our defense burden must and can be fairly and reasonably shifted to our allies.

TRIBUTE TO CECILIE KLEIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to author Cecilie Klein, who serves as inspiration to us all through her lifetime of bravery, and devotion to her beliefs.

Born into an orthodox Jewish family in Janina, Czechoslovakia, Mrs. Klein spent her formative years living in a community of highly varied ethnic origin. Such a background taught her virtues such as peace, and respect for other's beliefs, even though they may have differed from her own.

On the eve of World War II, Mrs. Klein and her family were engulfed by the Nazi invasion. Mrs. Klein and her sister, Mina, were the only survivors of the Holocaust in her family, other than a brother who was living at the time in what was to become the State of Israel.

As a survivor of the Holocaust, Mrs. Klein has put forth a tremendous effort through her poems to accurately portray life as it was in Nazi prison camps. As Mrs. Klein proclaims, this is the only way in which the truly horrific actions of the Nazi soldiers will be recorded in history.

Mr. Speaker, I ask all of our colleagues in the House to rise and join me in honoring Mrs. Cecilie Klein for her fearless portrayals of life in a Nazi prison during World War II. It is people such as Mrs. Klein that help to record history, educate our youth, and work to prevent atrocities such as the Holocaust from ever occurring again.

JENNIFER A. DUNBAR RECEIVES RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jennifer A. Dunbar of Newport, as this year's recipient of the Ronald K. Machtley Academic and Leadership Excellence Award for Rogers High School in Newport, RI.

This award is presented to the student, chosen by Rogers High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jennifer Dunbar has more than fulfilled this criteria. While distinguished as a member of the National Honor Society, Jennifer was awarded the Light of Leadership Award and chosen by the school faculty to be honored with the Daughters of American Revolution Award. She is known especially by her peers as president of the Hospitality Club and was nominated to the Natural Helper Program in recognition of her devotion and caring nature toward others in need. In addition to her participation in community service projects, Jennifer represented her school as cocaptain of both the sailing and girls soccer teams.

I commend Jennifer Dunbar for her outstanding achievements and wish her all the best in her future endeavors.

PRESIDENTIAL SCHOLAR RECOGNIZED

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, today I have the honor of recognizing a constituent of mine, Michael F. Trusnovec of Yapank, NY, for his outstanding achievement in the field of jazz dancing. Thanks to the Arts Recognition and Talent Search [ARTS] this young man's tremendous efforts have been recognized. After much hard work and dedication, Mr. Trusnovec has been chosen as 1 of the 20 Presidential Scholars in the Arts out of an applicant pool of approximately 7,500.

Being selected for this prestigious art award is considered one of the highest honors which talented young men and women can hope to attain. Each Presidential scholar has undergone thorough personal evaluations including interviews and auditions, and only the finest applicants were eventually selected.

Michael will receive well deserved recognition during National Recognition Week in Washington, DC, where he will be a featured performer in a theatrical production at the Concert Hall of the John F. Kennedy Center for the Performing Arts.

Mr. Speaker, I would like to extend my congratulations to all of the recipients of this award, especially Mr. Trusnovec and his family. I would also like to send Michael my best wishes in what will be a very promising future. I am very proud to represent this young man in Congress.

PHILIPPINE INDEPENDENCE DAY

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. BLAZ. Mr. Speaker, June 12, 1992, marks the 94th anniversary of Philippine Independence. To some people, the significance of this date will be lost. After all, history is replete with dates, and the United States, unfortunately, has looked more often than not to its roots in Europe rather than those in Asia for its sources of inspiration.

In the case of the Philippines, this is a tragic mistake; for we can learn much from this land and this people whose struggle for the principles of democracy and self-determination has endured longer than the United States has been a country.

In the recent past, the United States and the Philippines have had a public disagreement on the continuation of American bases there. Some have accused the Philippines of turning her back on her mentor and have taken what occurred as an affront.

Mr. Speaker, as a Representative from that part of the world, as one whose own people are seeking to redefine our relationship with America, I can assure you nothing could be further from the truth.

In looking to the Philippines, we find a nation which, until the very recent past, was dominated by foreign powers, and yet in that time, its people were never subjugated. Instead, they have retained their sense of themselves as a people, and they have struggled against incredible odds, to reestablish their nationhood.

As an Asian Pacific-American whose homeland has had a similar history, I can fully sympathize with the people of the Philippines. My people too have seen centuries of foreign control. My people and I are also seeking to determine our own political status. The Philippines opted for independence, and in granting it, we must accept the fact that it will act independently. By the same token, when my people and I achieve our long-cherished dream of Commonwealth, the Federal Government will have to look upon us with new eyes and see us for the first time, not as wards—as some most sadly continue to do—but as equals. To put it another way, we do not wish to continue as wards of the United States and, I am certain, the United States does not wish to continue as our wardens.

Mr. Speaker, what does June 12, 1898, represent for the people of the Philippines? It marks the date when they declared that they would no longer tolerate the yoke of foreign domination, only to learn, within 6 months, that a new foreign power—the United States—had supplanted the old. But the people of the Philippines were undeterred. They continued their struggle, first through armed resistance and, when that failed, through parliamentary means to achieve their goal. On July 4, 1946, the United States finally acquiesced to what the people of the Philippines had declared for themselves nearly a half century earlier. We recognized their independence.

In doing so, we stepped aside at the worst of times. World War II had devastated that nation, and its people had paid dearly for their loyalty to the United States. Yet, the people were undaunted, and they set out on the path of nation building. Through the 1970's and 1980's, the cause of democracy was again given a blow when one-man rule was established. But again, the people responded, and in a most inspiring revolution—one marked not by a call to arms but by a call to the people—democratic principles were again reestablished.

Mr. Speaker, that rebirth has continued. Today, the Philippines has chosen a new President and is about to embark on new paths.

We must show the same flexibility and forbearance as the people of the Philippines. It is time for us to establish new precedents and new goals in our relationship with that country. For the first time, that relationship will not be founded on the existence of American bases. Rather, it will be, must be if it is to succeed, be grounded on our long history of mutual respect and affection.

I congratulate our brothers and sisters in the Philippines on their Independence Day, and I salute them for their continuing courage and tenacity in maintaining democratic heritage and principles which have for so long been part of their national character. It is this spirit which marks a great people, and it is this spirit which is the hallmark of the people of the Philippines.

NATIONAL FORENSIC LEAGUE ISSUES CONGRESSIONAL CITATIONS FOR GREENSBURG-SALEM HIGH SCHOOL STUDENTS

HON. JOHN P. MURTHA
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 4, 1992

Mr. MURTHA. Mr. Speaker, I would like to recognize the achievements of two students from Greensburg-Salem High School in Greensburg, PA, who are recipients of the prestigious Congressional Citation from the National Forensic League.

John Daniels of Greensburg and Stephanie Sauers of New Alexandria met the difficult requirements set for recipients of the National Forensic League Congressional Citations. As participants in the Pennsylvania High School Speech League, both John and Stephanie have won local, district, State, and national awards for their speaking abilities.

John and Stephanie are two examples of the many students who are often unrecognized, but are using their skills and intellect to prepare themselves for higher education and life after school. The many students across the country who have received National Forensic League Congressional Citations, along with students who have received similar awards for other achievements, are as skilled in their fields as the athletes who make headlines in the newspapers and sign million-dollar contracts. It's important that we take the opportunity to recognize and encourage the young men and women who devote as much of their time and energy to their specialties as the well-publicized athletes do to theirs.

I would like to extend my special congratulations to John and Stephanie for their outstanding accomplishment. And on behalf of my colleagues, I'd like to salute all the young men and women across the country who are devoting their time and energies to activities such as the National Forensic League.

THE CHEMICAL DEMILITARIZATION PROGRAM

HON. JIM JONTZ
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 4, 1992

Mr. JONTZ. Mr. Speaker, I rise today to express my strong support for the provisions in the Defense authorization bill which revise the Army's chemical demilitarization program and allow it to meet the realities of today's world. I want to commend our colleague, Mr. HOPKINS of Kentucky, for his diligence and hard work in developing this legislation. Mr. HOPKINS, whose district includes one of the sites proposed for the incineration of chemical weapons, has been involved with this issue far longer than I, and I appreciate his leadership. I also want to commend Chairman ASPIN for his understanding of the concerns of our constituents who live near these storage sites for the Army's chemical weapons and agents.

The United States has been stockpiling chemical weapons since World War I. In 1985, responding to a Department of Defense proposal to modernize our chemical weapons, Congress directed the DOD to destroy the existing stockpile. These weapons are stored today at eight sites across the country including the Newport Army ammunition plant in Vermillion County, IN, which is in the Fifth Congressional District. In 1988, the Army announced it had determined that the best method for destroying these weapons was to incinerate them on site. In part, the Army chose incineration because it then faced a congressionally imposed deadline of 1997 to complete the destruction of the stockpile. That deadline has more recently been extended to 1999.

Since its inception, the baseline cost for the Chemical Stockpile Disposal Program has increased more than fourfold, from $1.7 billion in 1985 to $7.9 billion today. That cost increase is in large part driven by the Army's decision to construct an incinerator at each of the eight sites. These incinerators will be constructed solely for the purpose of destroying the chemical agents and will be dismantled when the job is finished.

Mr. Speaker, whether or not the Army's original decision to pursue incineration as the technology of choice for destroying chemical weapons was correct at the time, it is clear now that continuing on that course is inappropriate. This one technology fits all approach fails to address the fact that each of the storage sites has its own unique characteristics, not the least of which is the differing nature of the stockpile at each of the sites. Newport, for instance, stores only VX agent in bulk containers. The Aberdeen, MD, site stores only mustard agent in bulk, but other sites such as Tooele Army Depot in Utah have a complex mix of agents and modes including artillery shells, rockets, and land mines.

Additionally, many promising alternative technologies for the destruction of these formidable weapons have been identified since the decision to move forward with incineration. The Army itself has made significant strides in developing alternative technologies. Even as we debate this defense authorization bill, a committee of the National Academy of Sciences is conducting a workshop on the status of alternative technologies for chemical weapon destruction. This high level committee is charged with investigating the practicality of using biological, chemical, plasma, and other emerging technologies many of which are potentially safer, more efficient, and cheaper than incineration.

The provisions in the defense authorization bill, H.R. 5006, give us a chance to correct our approach. First, this legislation will remove our self-imposed deadline for completing the destruction of these weapons. Rather than requiring completion of this project by 1999, H.R. 5006 allows for the completion of the Chemical Stockpile Disposal Program on a schedule consistent with our diplomatic and treaty obligations. This provision would allow the Army to adjust the program schedule to a reasonable timeline based on science and negotiation. Program decisions need no longer be driven by an artificial statutory deadline. I believe the Army will appreciate being relieved of this kind of time pressure.

Second, H.R. 5006 requires the Secretary of Defense to develop an alternative disposal program for at least the three sites in the continental United States which have 5 percent or less of the national stockpile. These three sites are Aberdeen, MD; Lexington, KY; and Newport, IN. The legislation further requires that the Department of Defense consider the cost effectiveness of alternative methods of disposal consistent with assuring public safety and protection of the environment. The bill would require the use of the most cost-effective alternative at the three low volume sites and would allow the Secretary to employ alternatives at the other sites. The Department will have to consider all possible technical and programmatic approaches, such as chemical neutralization, biological degradation, supercritical water oxidation, and others.

Third, H.R. 5006 would require the Secretary to submit to Congress a revised chemical weapons disposal plan detailing the proposed alternative disposal program. The Secretary would also submit revised cost estimates and schedules for the program. The bill provides that the obligation of funds for facilities planning, design, or equipment at any of the sites included in the alternative plan would be prohibited until the revised program is submitted by the Secretary.

Mr. Speaker, this is positive legislation. I am not convinced by any means that incineration is the best or safest way to destroy these extremely lethal chemicals. We should take every opportunity to find the most benign technology available for the demilitarization of these weapons. I have argued that the Army should not be driven to an inappropriate decision on technology by a politically imposed deadline. This legislation lifts that deadline.

In addition to investigating alternative technologies, I would urge the Army to reconsider the possibility of transporting the small amounts of chemical agent and weapons at Aberdeen, Lexington, and Newport to another site for destruction. In the case of Newport, shipping VX would not be a new task for the Army. Wherever VX is found in this country, it got there from Newport, IN. VX was manufactured nowhere else. VX at Newport is stored in bulk containers designed for transport. Although I recognize these containers are not now certified by the Department of Transportation, whatever additional containment might be necessary to ready them for travel should not be a significant impediment to moving VX away from Newport.

In conclusion, Mr. Speaker, it may seem to some that the question of how to destroy these extremely lethal weapons is isolated to those few places that were chosen for their storage. I think not. Chemical weapons should never have been made, but they were. We now have to learn how to destroy them not only here but in Russia and Iraq and anywhere else they may exist. This legislation gives us the opportunity to learn more about how to do this safely and effectively. What we learn may benefit not just the residents of western Indiana but many more of the inhabitants of our planet.

TRIBUTE TO MS. LILLIAN McCUNE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. FAZIO. Mr. Speaker, today I rise to pay tribute to Ms. Lillian McCune, a volunteer with the American Red Cross for 75 years.

In 1917, Ms. McCune began her career with the American Red Cross on Staten Island, NY, knitting socks, scarves, and sweaters for the military soldiers during World War I.

As she followed her military husband around the globe, raising their children, she continued her work with the Red Cross. Ms. McCune rolled bandages during the 1930 Nicaraguan earthquake. She stuffed envelopes, and solicited donations in Long Beach, CA, and Hawaii prior to the United States' entrance into World War II.

During World War II, Ms. McCune completed her nurse's aide training, and continued to work as a nurse's aide until her husband's retirement in 1948.

Ms. McCune moved with her husband to Yolo County in 1948. Since her arrival she has served as the first woman chapter chairperson, staff aide chair, and volunteer coordinator of the Yolo County chapter of the Red Cross. She is currently serving on the finance and disaster committees. She has also volunteered many hours at the Travis Air Force Base and the Yolo County General Hospital in Woodland, CA.

Ms. McCune has been the recipient of numerous awards from the American Red Cross and our community for her volunteer efforts, but she humbly believes that she just gets the job done.

Let us join Yolo County in expressing our appreciation to Ms. Lillian McCune and all her years of dedication to improving our community.

PALAU LANGUAGE IN THE NATIONAL ENERGY POLICY ACT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. BEREUTER. Mr. Speaker, when H.R. 776 was debated before this body, the Committee on Foreign Affairs had expressed reservations regarding certain of its provisions. These reservations were voiced on May 4, 1992, the committee considered the National Energy Policy Act under sequential referral. In particular, the committee had concerns about section 2704 dealing with electricity requirements in the Trust Territories of the Pacific Islands, in particular, the island of Palau. These are matters over which the Foreign Affairs Committee shares an obvious jurisdiction.

Indeed, Mr. Speaker, this Member would take the liberty of quoting the chairman of the Committee on Foreign Affairs, who, when H.R. 776 was considered by the committee, noted:

> Pursuant to the advice of the parliamentarian, the committee report will identify those provisions [Sec. 2704] and either object to their inclusion for consideration on the Floor, or suggest further amendments reflecting the committee's position.

The Foreign Affairs Committee, through its designated representative, the gentleman from Connecticut [Mr. GEJDENSON], was given the option to offer an amendment dealing with the Palau provisions. However, because of discussions between members of the Interior Committee and the gentleman from Connecticut, this amendment was not offered. Moreover, because a collouqoy on the matter was not possible, the issue went without mention.

This Member finds this situation regrettable. An open debate on this matter would have been desirable and useful.

Mr. Speaker, it is possible for men and women of good will to disagree on whether the matter of electrical service in the Trust Territories, and the Federal Government's role in meeting those electrical needs, requires additional study. However, there should be absolutely no disagreement that the IPSICO power plant has been marked by corruption and mismanagement. That being the case, it certainly would be in the interest of good government for this matter to be openly debated before the Palau provisions of H.R. 776 are enacted into law. While the matter was not raised in the floor debate in this body, this Member trusts that the Palau language will be fully explored during the legislative conference with the other body.

Mr. Speaker, this Member would note that this view is shared by some members on both the majority and the minority on the Foreign Affairs Committee. When the National Energy Policy Act was referred to, and considered by, the Foreign Affairs Committee, bipartisan concern was raised over the Palau provisions.

This Member has long held an interest in the U.S. Trusteeship of Palau, and played an active part of the debate that occurred in 1989. In recent weeks, as it became clear that H.R. 776 would include provisions on Palau, this Member engaged in private discussions with the chairman of the Subcommittee on Insular and Interior Affairs of the Interior Committee, the distinguished delegate from the Virgin Islands [Mr. DE LUGO], who indicated he shared many of the concerns of this Member. However, in correspondence with this Member, the gentleman has presented a strong case for the Palau reporting requirements that are included in this legislation. Yet, this Member is sure that the gentleman from the Virgin Islands would agree with this member that the U.S. Trusteeship of Palau, the status of the compact of free association, and the fate of the IPSICO power-plant are all legitimate areas of discussion. Indeed, if this Member correctly interprets the language in H.R. 776, that is precisely what this legislation seeks to accomplish.

Equally important, Mr. Speaker, section 2704 of the National Energy Policy Act comes under the joint jurisdiction of the Committee on Foreign Affairs. This committee, where this Member has the privilege to serve, has long maintained an interest in the compact of free association with Palau and the debt from the IPSECO powerplant. Indeed, the Committee on Interior and Insular Affairs is well aware of this committee's interest. Thus, it is particularly regrettable that it was not possible even to raise this matter in a colloquy.

That being the case, this Member intends to raise some of the concerns offered by the delegate from the Virgin Islands, and will seek to respond to them, sharing some of the concerns of the Foreign Affairs Committee. I do this in an attempt to place some legislative history into the CONGRESSIONAL RECORD, and to address concerns that have been raised during deliberation on the National Energy Policy Act of 1992 at various stages of its consideration.

Mr. Speaker, the United States and Palau have been working for over a decade to end the trust relationship established by the United Nations Security Council after the end of the Second World War. The goal has been to establish a new relationship under the compact of free association. By the end of 1985, the Congress approved, in principle, a compact of free association with Palau. The following year, Congress approved a compact with Palau under Public Law 99–658. Over the years, the provisions of these compacts have failed to receive the necessary 75-percent approval of the Palauans on six different occasions, although the votes were always well over a majority.

In 1989 the Congress tried, once again, to meet the concerns of the people of Palau. Public Law 101–219, on the implementation of the compact of free association with Palau, provided an implementation mechanism for the compact and amended portions of the actual compact. This act was passed at the request of the leadership in Palau notwithstanding the fact that the people of Palau had not yet approved the compact. They made this request so that the people of Palau would know the exact terms of the compact. Along with the compact and new concessions made in the implementing legislation, the administration made a subsidiary agreement to the compact on May 26, 1989, providing very substantial assistance, beyond that in the legislation, to the people of Palau. This package, in its three elements, was again rejected by Palau.

The package, which was rejected, proposes a total relationship between the United States and the 15,000 people of Palau. Under this free association, Palau would be an independent nation with full control over its domestic and foreign affairs while the United States would guarantee its security and defense. In doing so, the United States would retain certain strategic military rights to the islands for 50 years. The United States would also provide some $478 million in assistance to the islands over a 15-year period.

Among the various types of grant assistance provided to the 15,000 people of Palau is $175 million over 15 years for current accounts operations and maintenance, $36 million in a capital account for road maintenance as well as a pledge to build a road system within the first 6 years of the compact, $3.75 million for a communications system within the islands, and $70 million within 4 years to create an investment fund that will generate interest of about $15 million annually from the 15th to the 50th year of the Association.

Also included as part of the package are provisions to satisfy the debt incurred by the government of Palau for the power generation system as well as electrification of other parts of Palau. In his explanation of the provisions that became the Implementation Act, our colleague, the distinguished gentleman from the Virgin Islands, said to this body, on the evening of November 21, 1989:

> This law [PL 99-658, the Compact of Free Association] would also be amended to prohibit Federal assistance from being used by Palau to satisfy power facilities debts, incurred prior to November 14, 1986, except for funds specifically authorized by Congress to be used for this purpose.
>
> Two funds would be authorized by this legislation to settle the debt for the IPSECO power facilities. . . . One consists of the energy development funds provided under compact section 211(b) (other than those required to be devoted to parts of Palau not served by Palau's central power facilities). These amount to $1.5 million per year, adjusted for inflation in years 2 through 15 of the compact. The other consists of the capital development funds provided under compact section 212(b). These amount to $28 million, adjusted for inflation.

Mr. Speaker, the provisions of the compact and the Implementing Act make section 2704 in H.R. 776 unnecessary. The $28 million referred to by the delegate from the Virgin Islands in 1989 would approach $40 million adjusted for inflation. As Mr. DE LUGO explained in 1989, the singular intent of that provision in the implementing legislation was to help Palau respond to the IPSECO debt and to have a clean international debt record.

The distinguished gentleman from the Virgin Islands has recently suggested to this Member that the President of Palau is negotiating to reach a settlement on the IPSECO power plant, and hopes to settle for $18 million rather than the $27.5 million base cost of the IPSECO deal. The gentleman noted that the GAO had valued the plant at $20 million, and that the Palauans did not want to overpay for the project. Certainly that is understandable and commendable, Mr. Chairman. Yet it seems clear from the record that the Interior Department argued all along that the Palauans were overpaying for the IPSECO deal, and that it is not the United States role to bail the Palauans out of a poor deal. Moreover, United States negotiators assert that the Palauans have never really tried to negotiate on this matter. This Member suspects that the Palauans hope that if they hold out, the United States Congress will give them a better deal. That should not be the case, and this body should do nothing to foster such a hope.

The gentleman from the Virgin Islands has indicated that the U.S. Department of the Interior has refused to help Palau even defend itself against the banks. The Interior Department, on the other hand, notes that the United States does not discharge its trust responsibilities to Palau through the provision of special funds for specific initiatives. The Palauans receive some $24 million from the United States Government, for its general budget. The Palauans raise another $6 million from local revenues. The position of the Interior Department is that the assistance that is already provided is sufficient to meet our trust responsibility, and if the Palauans need additional funds to handle litigation, those funds can be raised from other sources such as charging more for the electricity that is being generated by IPSECO.

The gentleman from the Virgin Islands also notes that Palau's leaders have stated that the compact will not be approved by their people unless some modifications are made. Indeed, the State Department has confirmed that the compact probably could not be approved unless changes are made to Palau's Constitution, which currently requires a 75-percent vote for the approval. The State Department has noted that the political dynamics of Palau are such that opponents can gather the 25 percent needed to defeat any initiative. Thus, a change in the constitution is likely to be necessary.

Some current Palauan leaders have voiced a willingness to seek the necessary changes in the constitution. However, according to the State Department, these Palauan leaders are also seeking changes to the compact. According to the State Department, Palau is arguing that the terms of the compact be reduced from 50 years to 15 years without any change in the funding. Palau also seeks a reduction in the definition of military land use rights, and further discussion of Federal programs. Interestingly, however, according to the State Department and the Interior Department, the issue of the IPSECO project is not among the items where Palau requests renegotiation.

The IPSECO deal was a disgrace. It is a disgrace that many Palauans still do not have electricity, this matter will never be closed until those responsible are held to account. This Member and the distinguished gentleman from the Virgin Islands fully concurs. It is relatively clear that there was governmental corruption among Palauan officials on the IPSECO deal, and that many individuals bear the blame for the disgraceful situation that exists. if the IPSECO power plant was ever needed, and that is certainly questionable, the cost certainly was very excessive. Yet does it follow that the plan required by section 2704 are appropriate?

The plan required by section 2704, calls for an assessment of the power needs for the Trust Territories. But this Member understands that the government of Palau is already developing a national development plan which addresses the question of electrification. Further, this Member is given to understand that $5 million per year is appropriated for the government of Palau to do technical studies. If the Palauans wish to conduct these studies, they already have the wherewithal to do so.

Of the plan's proposed assessment on additional legal authority which may be necessary to meet these needs, this Member is truly concerned that what would be today's assessment will be tomorrow's bailout of the banks that supported the IPSECO project. That must not happen. This Member would note that there are many on the Committee on Foreign Affairs and probably in the Interior Committee as well, on both sides of the aisle, who would be totally opposed to addressing the IPSECO debt problem in such a manner.

Mr. Speaker, those the Committee on Foreign Affairs who maintain an interest in this matter believe that this body should not be drawn into this issue of finding a way—a different way—of resolving the IPSECO debt again. The United States has offered an avenue for resolving both the debt and the nature of our relationship through the compact. It is for the people of Palau to decide now how they wish to settle the debt. Palau could approve the compact and utilize the funds to be provided under the terms of the compact. Conversely, Palau could look to some other means, such as selling and privatizing the electrical system, instituting a full meter/energy rate system that develops a cash flow from the people and businesses paying for the electricity they use, or some other method.

Mr. Speaker, it is fair to say that those on the Committee on Foreign Affairs who have followed this matter believe that the Congress has already dealt finally with the debt issue in the context of the total relationship between the United States and Palau. The compact offers a generous deal for Palau that this Member would hope the people of Palau will recognize. It is time for the IPSECO people and the lawyers to stop ripping off the Palauans and the taxpayer. They made a sweet deal with the benefit of corruption, and they certainly don't deserve even more money. Therefore, this Member and others on the Foreign Affairs Committee and in the Congress continue to have serious reservations regarding the Palau provisions of the National Energy Policy Act.

LOSS OF CONFIDENCE THREATENS REPRESENTATIVE DEMOCRACY

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. MCDERMOTT. Mr. Speaker, the American people are rightly concerned with the ethical standards of their Representatives in Congress. If we cannot assure the people that our standards are the highest, we cannot earn their confidence. And the loss of that confidence threatens representative democracy.

I have never had reason to doubt the personal integrity of the vast majority of our colleagues. We all do our best to serve the public interest as we understand it, and to represent faithfully the many views of the people who sent us here. We often disagree, in good faith, on questions of public policy. So do the people we represent, in this diverse country.

Therefore, the mere suspicion that a Member of Congress may have engaged in criminal conduct has a corrosive effect on the legislative process, on the work we all try to do here. That is why we have a rule in our Code of Official Conduct, requiring that a Member who has been convicted of a crime refrain from participating in committee work or voting on the floor. Our rule does not automatically expel a Member after conviction; it respects the right of our constituents to choose who will represent them.

We also have a rule in the Democratic caucus that requires the chairman of a committee or subcommittee, if formally charged with a crime, to step down as chairman until the legal proceedings are concluded. That rule has been observed, and I believe it has helped to strengthen public confidence in the work of Congress.

Today I am introducing a House resolution to apply that principle to all Members as a rule of the House itself. My purpose is to help restore the faith of the American people in the integrity of this institution, and the principles of representative democracy.

Like any representative body, Congress includes people who sometimes get into trouble. When that happens, we have a problem maintaining the confidence of the American people. We can regain that confidence, not by avoiding problems, but by resolving them. That is why I urge my colleagues to support this resolution.

H. Res. —

Resolved, That (a) the Code of Official Conduct in rule XLIII of the House of Representatives is amended by redesignating clauses 11 and 12 as clauses 12 and 13, respectively, and by inserting after clause 10 the following new clause:

"11. A chairman or ranking minority party member of a standing, select, or special committee of the House or joint committee of Congress, or subcommittee thereof, against whom an indictment or information has been filed for a crime for which a sentence of two or more years' imprisonment may be imposed shall cease to exercise the powers of chairman or ranking member and shall step aside unless or until the charges are dismissed or reduced to a crime for which the sentence of imprisonment that may be imposed is less than two years, or the chairman or ranking minority party member is found not guilty.".

(b) The amendment made by this resolution shall apply to any individual who is a chairman or ranking minority party member of a standing, select, or special committee of the House or joint committee of Congress, or any subcommittee thereof, when this amendment becomes effective or is in effect.

HOUSING FOR THE ELDERLY IMPROVEMENT ACT OF 1992

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mrs. LLOYD. Mr. Speaker, today I am introducing legislation to make much needed improvements in the Federal housing programs that serve our Nation's older Americans. As chairman of the Select Committee on Aging's Subcommittee on Housing and Consumer Interests, it is my role to advocate for effective programs to serve the housing needs of all older adults, particularly those who have low incomes. Further, I believe that housing programs serving special populations and their unique needs must go beyond the bricks and mortar to provide a supportive, services-enriched environment. The legislation that I have written, the Housing for the Elderly Improvement Act of 1992, will make substantial improvements in the current housing programs for the elderly, without creating large, new programs that we will have difficulty funding.

As we are all aware, the Cranston-Gonzalez National Affordable Housing Act of 1990, and other housing programs, must be reauthorized this year. I am eager to work with the Banking Committee and its members to incorporate in their housing bill the elderly housing improvements that I have drafted. In fact, some of the language that I have drafted has already been included in the Banking Committee's bill. I congratulate the distinguished chairman, Mr. Gonzalez, for his excellent draft legislation, and Mrs. Roukema, the ranking minority member of the Subcommittee on Housing and Community Development, for her thoughtful contributions.

Mr. Speaker, this bill, the Housing for the Elderly Improvement Act of 1992, was developed by working with the advocates of housing for older Americans, and analyzing the problems with current law and programs. Many of the concepts and solutions found in this bill have been endorse by groups such as the American Association of Retired Persons, the American Association of Homes for the Aging, and the Elderly Housing Coalition. In addition, I am proud to say that the following distinguished members of the Aging Committee have agreed to be original cosponsors: Representative Mary Rose Oakar, Representative Tom Downey, Representative Bill Hughes, and Chairman Edward Roybal.

I would like to briefly outline the six titles of my legislation, and I ask unanimous consent to have a section-by-section description inserted in the Record following my statement.

The first title of the Housing for the Elderly Improvement Act addresses a number of problems with the administration of programs that can be corrected by the Department of Housing and Urban Development [HUD]. This legislation requires HUD to: Create an Assistant Secretary for Supportive Housing to coordinate programs for special needs populations with social service agencies, and to review all federally assisted housing projects for the elderly to assess their needs in the areas of supportive services, modernization, personnel, and finances. The Secretary must also work to provide one-stop housing assistance application centers to better serve older individuals seeking housing, and the bill requires that regulations for the Revised Congregate Housing Services Program be issued.

Title II of the bill focuses on the section 202 Supportive Housing for the Elderly Program by authorizing 15,000 units each year; improving access to residual receipts that projects have saved; allowing the rent to efficiency units to be 25 percent of the resident's income, instead of 30 percent; and creating opportunities for shared housing arrangements and mixed-income projects to be developed.

Title III modifies the Revised Congregate Housing Services Program. In 1990, I drafted the legislation which created this section of the law. Unfortunately, HUD has failed to spend any of the appropriations that we have provided for these excellent services programs for the frailest of our residents. The provisions that I have drafted this year address some of the concerns that I, and others, have had with the current, unacceptable situation. Title III increases the congregate housing services program authorization and places the HOPE for Elderly Independence within this program. Under this provision, no funds may be allocated for Hope for Elderly Independence until the congregate services program is allocated its funds. This title also separates the retrofit programs from the congregate services and provides it with its own authorization level.

Title IV expands the authorization for service coordinators to sections 236, 221(d)(3), 515, and section 8 projects. Further, it clarifies who can be hired or otherwise employed as service coordinators, and makes the language consistent throughout the law.

Title V makes two changes to the current laws regarding home repair programs. First, it sets aside funds—a minimum of $30 million—for home repair programs under the HOME Investment Partnerships Act, which is part of the Cranston-Gonzalez Act. Second, it clarifies that the same types of repairs can be made under the Farmers Home Section 504 Program—including emergency repairs, safety repairs, weatherization repairs, and others.

Last, title VI expands the current eligibility for mortgage insurance under section 232. It clarifies that in addition to the eligibility of nursing homes and board and care facilities, that assisted living facilities may also receive mortgage insurance under this program. Assisted living facilities provide a level of care that is less extensive, and less expensive, than nursing homes provide.

Mr. Speaker, I ask all my colleagues to take a close look at the Housing for the Elderly Improvement Act of 1992. This legislation is essential to providing effective housing programs to serve older citizens. Again, I commend the efforts of Chairman Gonzalez and ranking minority member Roukema, who take the housing needs of all Americans very seriously. I look forward to working with them, and others in the House, to improve Federal housing for older Americans.

SECTION-BY-SECTION DESCRIPTION OF THE HOUSING FOR THE ELDERLY IMPROVEMENT ACT OF 1992

TITLE I: GENERAL IMPROVEMENTS TO PROGRAMS PROVIDING HOUSING FOR THE ELDERLY

Section 101: Assistant Secretary for Supportive Housing—Creates an office of Supportive Housing to be headed by an Assistant Secretary to administer programs for the elderly, disabled, and homeless and to coordinate programs with social services agencies.

Section 102: Review of Programs—Requires that all federally assisted housing projects designated for the elderly be reviewed at least once every four years. Such a review would cover supportive services, modernization, personnel and financial needs of such projects. Also requires that the Secretary prepare an annual report to Congress on the adequacy of funding levels to meet the needs identified and on the adequacy of the geographic targeting of resources.

Section 103: Fire Safety Systems in Federally Assisted Housing for the Elderly—Requires that all newly constructed housing for the elderly be protected by an automatic sprinkler system and a hard-wired smoke detector. Also requires a study of fire protection in existing housing and the costs and benefits of retrofitting housing to add fire protection devices.

Section 104: One-Stop Housing Assistance Application Centers—Provides for funding agencies in each housing market area to assist older and disabled applicants for federally assisted housing to obtain information and apply to the range of housing for which they are eligible.

Section 105: Issuance of Regulations under Revised Congregate Housing Services Program—Requires regulations be issued to implement the Revised Congregate Housing Services Program as authorized by NAHA.

TITLE II: SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

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Section 202: Access to Residual Receipts and Replacement Reserves for Maintenance and Services—Requires HUD to approve the use of residual receipts and replacement reserves to fund maintenance, modernization, or services needs of elderly projects.

Section 203: Coordination of Tenant Rent Contributions and Unit Size—Allows rent for efficiency units to be 25 percent of income.

Section 204: Shared Housing Arrangements—Permits Section 202 projects to develop units and tenant selection procedures designed to accommodate shared housing arrangements.

Section 205: Mixed-Income Project Demonstration—Authorizes the use of 10 percent of Section 202 funds for partial funding of mixed income projects for the elderly. Funds could be used in conjunction with multifamily mortgage insurance for the balance of the project.

TITLE III: REVISED CONGREGATE HOUSING SERVICES PROGRAM

Section 301: Authorization of Appropriations—Makes specific authorizations for services and for retrofitting of eligible projects.

Section 302: Set-Aside of Congregate Housing Services Funds for HOPE for Elderly Independence—Sets aside a portion of CHSP funds for the HOPE for Elderly Independence program. Requires a threshold of funding for CHSP before HOPE for Elderly Independence can be funded.

Section 303: Eligibility of Residents for Supportive Services—Changes the definition of "frail elderly."

Section 304: Priority for Assistance Contracts—Gives priority to applications from States, Indian tribes, and units of general local government which have a comprehensive strategy for services.

TITLE IV: SERVICE COORDINATORS IN FEDERALLY ASSISTED HOUSING

Section 401: Required Training—Establishes training qualifications for service coordinators.

* * * * *

Section 403: Multifamily Housing Assisted under the National Housing Act—Extends authority to provide service coordinators to Section 221(d)3 and Section 236 projects serving older people.

Section 404: Rural Rental Housing—Extends authority to provide service coordinators to Farmers Home Section 515 projects serving older people.

Section 405: Revised Congregate Housing Services Program—Makes revisions to CHSP to conform with services coordinator provisions.

Section 406: Section 202 Housing for the Elderly—Revises service coordinator provisions under Section 202 to conform with other service coordinator provisions.

Section 407: Public Housing—Revises service coordinator provisions under public housing to conform with other service coordinator provisions.

TITLE V: HOME REPAIR PROGRAMS

Section 501: Model Program under HOME Investment Partnerships Act—Sets aside funds for home repairs for low-income older and disabled homeowners.

Section 502: Grants and Loans for Rural Housing Repairs for Very Low-Income Families—Authorizes weatherization and other types of home repair under the Farmers Home Section 504 program.

TITLE VI: MORTGAGE INSURANCE FOR ASSISTED LIVING FACILITIES

Section 601: Eligibility of Assisted Living Facilities for Mortgage Insurance Under Section 232—Clarifies the eligibility of assisted living facilities to receive insured financing under the Section 232 program. Defines standards for assisted living financing.

THE LATE PAYMENT OF PATENT MAINTENANCE FEES

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 4, 1992

Mr. McCOLLUM. Mr. Speaker, the proposal I am introducing today is intended to provide relief for those who fail to pay patent maintenance fees within the periods specified in the patent laws and to correct a technical error in section 7 of title 35 that establishes the Board of Patent Appeals and Interferences in the U.S. Patent and Trademark Office.

Regarding the payment of maintenance fees, the Commissioner may at present only accept the late payment of a maintenance fee after the expiration of the grace period if it is shown that the delay in payment was "unavoidable." This standard, existing alone, is too stringent. Some patent owners have lost their patent rights due to circumstances that do not warrant this harsh result, but that could not be considered "unavoidable" under current law.

This proposal would provide an additional remedy for patent owners. Late payment of maintenance fees could be accepted if the delay in payment is shown to the satisfaction of the Commissioner to have been unintentional, a more lenient standard than "unavoidable." Thus, the harsh result of the present law would be mitigated. Petitions to accept payments under this standard, however, could only be filed within a period of up to 18 months after the expiration of the grace period for payment of maintenance fees. This limitation would prevent patent owners from avoiding the payment of maintenance fees and misleading the public about their intent to maintain their patents in force.

Regarding the Board of Patent Appeals and Interferences, current section 7 of title 35 states that members of the Board, which includes the Chairman and Vice Chairman, must be "appointed to the competitive service." To conform to section 3132(a)(2) of title 5, however, the Chairman and Vice Chairman must be members of the Senior Executive Service instead of the "competitive service". While the current Chairman and Vice Chairman are members of the Board and the Senior Executive Service by virtue of a "grandfather" clause, this proposal would eliminate this inconsistency between statutory provisions to ensure that future appointees to those positions will serve as full members of the Board and serve in the appropriate category of Federal service.

The text of the bill and a section-by-section analysis follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCEPTANCE OF LATE PAYMENT OF MAINTENANCE FEES.

(a) *Filing Fee for Renewal of Application.*—Section 41(a)(7) of title 35, United States Code, is amended by inserting after "each patent" the following: "or for maintaining each patent in force".

(b) Late Payment of Maintenance Fee.—Section 41(c)(1) of title 35, United States Code, is amended by inserting after "section" the following: "which is made within eighteen months after the six-month grace period, or within such shorter time as fixed by the Commissioner, if the delay is shown to the satisfaction of the Commissioner to have been unintentional, or at any time.".

SEC. 2. BOARD OF PATENT APPEALS AND INTERFERENCES.

Section 7(a) of title 35, United States Code, is amended to read as follows:

"(a) The Board of Patent Appeals and Interferences shall consist of the Commissioners, the Deputy Commissioner, the Assistant Commissioners, a Chairman, a Vice Chairman, and the examiners-in-chief. The examiners-in-chief, who shall be appointed to the competitive service, and the Chairman and Vice Chairman shall be persons of competent legal knowledge and scientific ability.".

SEC. 3. EFFECTIVE DATES.

(a) In General.—This Act takes effect on the date of the enactment of the Act.

(b) Section 1.—The amendments made by section 1 shall apply to—

(1) any patent for which a maintenance fee is due on or after the date of the enactment of this Act;

(2) any patent for which a maintenance fee was due before such date of enactment and for which the grace period provided in section 41(b) of title 35, United States Code, has not expired as of such date of enactment; and

(3) any patent for which a maintenance fee was due before such date of enactment and for which such grace period expired not more than 18 months before such date of enactment.

Section-by-Section Analysis

Section 1. Acceptance of late payment of maintenance fees.

Subsection 1(b) amends subsection 41(c)(1) to add authority for the Commissioner to accept the late payment of maintenance fees if the delay is shown to be "unintentional" and the petition to accept the late payment is filed within a eighteen-month period after the six-month grace period. The Commissioner, at his discretion, may set a shorter period for filing the petition than stated in the subsection. This authority supplements the current authority to accept the late payment when the delay was "unavoidable", and is analogous to the practice for reviving abandoned applications and accepting the late payment of issue fees. Subsection 1(a) amends subsection 41(a)(7) to set the fee for petitions to accept the late payment of maintenance fees when the delay was unintentional at the same level as similar actions.

Section 2. Board of patent appeals and interferences.

Section 2 of this bill clarifies section 7 of title 35 of the United States Code regarding the membership of the Board of Patent Appeals and Interferences (the Board). The 1984 amendment to the patent law (Pub. L. No.

98–622) (the Act) which created the Board did not state that the Chairman and Vice Chairman were members. The amendment also specified that the examiners-in-chief, who are identified as members of the Board, would be "appointed to the competitive service." Section 2102(a)(1)(C) of title 5 of the United States Code expressly excludes members of the Senior Executive Service from the competitive service. The positions of Chairman and Vice Chairman of the Board must be under the Senior Executive Service because responsibilities of the position fall within the definition of "Senior Executive Service position" in section 3132(a)(2) of title 5 of the United States Code.

The incumbent Chairman and Vice Chairman of the Board were an examiner-in-chief and an examiner of interferences, respectively, and therefore, are members of the Board by virtue of section 206 of the Act, a "grandfather clause", even though they are also members of the Senior Executive Service. By adding the titles of Chairman and Vice Chairman to the list of Board members in section 7 of title 35 of the United States Code, the proposed amendment will ensure that future appointees to those positions, who would not be "grandfathered," will serve as full members. Flexibility is retained, however, to determine the type of appointment to the Senior Executive Service. The final sentence will ensure that the members of the Board are appropriately qualified and will maintain the requirement that examiners-in-chief be appointed to the competitive service.

Section 3. Effective dates.

This Act takes effect on the date of enactment. The amendments made in section 1 shall apply to all patents for which a maintenance fee was due before the date of enactment and for which the grace period expired no more than 18 months before the date of enactment.

SENATE—*Friday, June 5, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 5, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 9 A.M., TUESDAY, JUNE 9, 1992

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 9 o'clock a.m. on Tuesday, June 9, 1992.

Thereupon, at 10 o'clock and 30 seconds a.m., the Senate recessed, under the order of Thursday, June 4, 1992, until Tuesday, June 9, 1992, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Friday, June 5, 1992*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 5, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

You have called us, gracious God, to care for each other's needs, to bear each other's burdens, to share together in the tasks that must be accomplished, and to celebrate the unity You have given us in our common creation. We recognize that we can serve You, O God, by serving others and we are thankful for the opportunities to use our abilities in such service.

On this day we are aware of the splendid record of service by the pages who serve so faithfully in this place. As they return to their communities and to new avenues of service, we pray Your blessing upon each one of them and upon their families and ask that Your good spirit and benediction will be with them now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from California [Mr. HUNTER].

Mr. HUNTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REQUEST TO VITIATE VOTES AND TO PUT THE QUESTION AGAIN TODAY IN COMMITTEE OF THE WHOLE ON AMENDMENTS OFFERED BY MR. OWENS OF UTAH AND MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that the votes on the amendments by the gentleman from Utah [Mr. OWENS] and the gentleman from California [Mr. ROHRABACHER] be vitiated and the question be put again on those amendments to immediately follow the first recorded vote for the Committee of the Whole today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HUNTER. Reserving the right to object, Mr. Speaker, and I have reserved the right to object in order to allow the gentleman from California [Mr. ROHRABACHER] to speak to this issue that he has brought before the House this morning, and I yield to the gentleman from California to explain it.

Mr. ROHRABACHER. Mr. Speaker, I thank my colleague, the gentleman from California, for yielding to me and for giving me the opportunity to express what this unanimous-consent request is all about.

After a great deal of effort put forth by a number of Members of Congress last night because a rule was in effect, that was actually the first time this rule had ever been in effect in the history of the House of Representatives, there were five Members on the floor who expected to have a vote on the issue at hand, an amendment that we have been requesting, and Members on the floor, the gentlewoman from California [Ms. WATERS], the gentleman from California [Mr. TORRES], the gentleman from California [Mr. DORNAN], the gentleman from California [Mr. ANDERSON], and myself fully expected that we had been guaranteed a recorded vote on our amendment, the amendment concerning the Department of Defense authorization bill and a limitation on bidding for various shipyards in California.

As we were in the hall, we actually were in the hall fully expecting that we had already established our right to a recorded vote, and in a totally unprecedented rule on how this would be achieved, we let that opportunity go by even though we were here, which indicates that each of us were totally expecting that we had the right to a recorded vote.

This unanimous-request consent is actually asking for a courtesy by our fellow Members that we would extend to any Member who felt that he had been wrongly denied a recorded vote on an issue that he was here and prepared to defend.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me say to the gentleman and to the Speaker and to the parliamentarians, this is a very unusual situation. When we are in the House, it is normal procedure to be able to vacate a proceeding and have a vote at a later date, but under this particular rule we are in the Committee of the Whole. The rule itself says that the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote, and it goes on with other language.

The problem, Mr. Speaker, and to the parliamentarians, is that if we are going to have an action like this, in other words we need to be able to have at least a request for a recorded vote while there is a community of interest on the floor.

Now, the same situation I think occurred with the Owens amendment. I do not happen to support the Owens amendment, but it is a very unusual circumstance. I think we really need to clarify this on the floor today and also to set precedents for the future, because we, in the Rules Committee, do want to accommodate. We want to be able to cluster votes.

I see nothing wrong with clustering votes, but in this particular situation, in both the Owens amendment and in the Rohrabacher-Hunter-Cunningham situation, the community of interest had actually left the floor, so that when a request was made to have 25 Members stand, there was no one on the floor to stand.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I am glad to yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, with all due respect, the gentleman from California [Mr. ROHRABACHER] was standing right there passing out literature when that request was made on the floor.

The gentleman from California [Mr. DORNAN] was in the back. So, there were Members here.

As a matter of fact, I heard the gentlewoman from California say, "Well, I

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was waiting for you to make a protest or call for a vote."

The vote was never called for under the rule.

We beat this thing in the committee. We beat this thing last night and that should be the end of it.

Mr. SOLOMON. Mr. Speaker, will the gentleman continue to yield?

Mr. HUNTER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to all the Members here, I am not taking sides on the amendment. I am not here to argue the merits of the amendment. I am here to argue on fairness for Members on both sides of the aisle.

We really do need to get this cleared up. I do not know what can be done, but perhaps if a ruling is made, we could get together with the Speaker and with the Parliamentarians to determine what we are going to do about these two situations and what we are going to do about future situations like this, because it just is not fair for Members to have a vote postponed and then have that community of interest leave the floor, regardless of what the situation was and who was present at the time. We need to get this clarified so that we do not run into this problem again in the future.

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Speaker, I thank the gentleman from California for yielding to me.

Let me just say to all the gentlemen here that as far as the Democratic side and the Committee on Armed Services, we have no objection to votes on either of these amendments. We would be happy to let the House work its will on either, and frankly expected that we would have votes on both of those last night.

I think the problem is, I tell the gentleman from New York, the problem is in the rule. It was either not clear in the rule or not made clear at the time the rule passed as to what the ground rules were as far as clustering votes; but I just want everybody to understand that whatever is decided here with regard to the vote is fine with us.

□ 0910

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, when I was in about my second month, there was a parliamentary mistake, and someone objected, and I was forced, because of the rule, not to be able to offer an amendment. This is the same exact situation. Everyone here had a fair shake. I stood there, and, if it would have been the other way, I would have asked for a vote. The vote was not called for under the rule as it existed.

Everyone had a fair shake. The gentleman that presented the amendment was standing right there, and he had the same opportunity.

Now I know the movement of this House and the way the rules work. The gentleman from California [Mr. DELLUMS], one of the chairmen, is in support of this amendment, and that is the way it is going to go. If it does not go that way on a vote, I will eat the amendment.

Mr. HUNTER. Mr. Speaker, reclaiming my time for just a moment here, the facts are that, No. 1, the onus was on, of course, the gentleman who offered the amendment in the absence of the gentleman from California [Mr. DYMALLY] because the committee position was against this particular position, and the vote was suspended, and, when the voting process was placed back before the committee, the Chair very clearly said that a vote had been called on this amendment, or had been requested on this amendment, and the RECORD will bear this out, and would those who are in favor of voting stand, and at that point it was late at night, and in my estimation the lateness of the hour, and the feelings by many Members on the floor that we had gone far beyond the allotted time and the frustration that they were not being able to leave at what they considered to be a decent hour, I think, was a factor in this.

Mr. Speaker, Members simply did not stand, but the communication was made from the Chair to everyone, in a full clear voice to everyone in the Committee, that, if they so desired a vote, they should stand, as we have done many, many times, and for whatever reason Members did not stand, and I have feelings for the gentleman from California [Mr. ROHRABACHER] and his excellent representation of the people in his community. I must say that myself, and the gentleman from California [Mr. CUNNINGHAM] and the gentleman from California [Mr. PACKARD] also have a duty of representation toward our constituents, and for that reason we are constrained to object.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield one last time to the gentleman from California, and then I am going to object.

Mr. ROHRABACHER. Mr. Speaker, it is very clear what is going on here. The gentleman from California [Mr. CUNNINGHAM] just noted when he was here for 2 months that he made a mistake on interpreting a rule, and he did not get to do something. We are not talking about Members who have been Members for 2 months, like Mr. CUNNINGHAM. We are talking about a situation where we have five relatively senior Members who did not understand what that rule was because there was something wrong with the rule. In fact, this was the first time in the history of this body that that rule had been used.

Mr. Speaker, that is the reason why we have a problem here. This is not the problem of someone who legitimately, one individual Congressman who made a mistake. This is a situation where we have five long-time Members of Congress who understand the rules, who were under the impression that a vote, a recorded vote, had been guaranteed to them. We were in the Hall. The fact that one could point to us and say, "Yes, he was there, and he had his opportunity," and that I did not step forward, nor did the gentlewoman from California [Ms. WATERS], the gentleman from California [Mr. TORRES], the gentleman from California [Mr. DORNAN], or the gentleman from California [Mr. ANDERSON] who were also in the Hall, indicate that a wrong has been done in the sense that something was communicated to us which now has denied us a right to a recorded vote.

Mr. Speaker, this is very dissimilar from a freshman Congressman here 2 months not understanding the rules. This rule has never been used before. It would be a travesty to deny five Members, long-time Members of Congress, what they believe they had, a right to a recorded vote.

Mr. HUNTER. Mr. Speaker, if I could reclaim my time, let me just say to my friend, "If you look at the history of the House, the time when the Members are most reluctant to stand up for a recorded vote is usually late at night, and that's not because they didn't hear. It's usually because they're not inclined to want to take a recorded vote."

Now, the Chairman very clearly, in a very clear voice, said that a recorded vote—first it was announced to the entire Committee that the votes would be rolled, and people knew that. Everyone knew that, and, when that time came about, it was announced in a very clear voice that a vote had been requested and for those Members who were inclined to want to vote to stand, and Members simply did not want to stand, and because of that and because, I think, of our responsibility to represent our constituents, just as the gentleman from Long Beach has a responsibility to represent his constituents, I am inclined to object.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield one last time to the gentleman from California, and then I am going to object.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from California [Mr. HUNTER], and to my friend, the gentleman from California [Mr. ROHRABACHER], the case was not that the Members did not understand, the five Members. If he will refresh his memory, the gentlewoman from California [Ms. WATERS] walked up to him last night and stated, "Mr. ROHRABACHER, I kept waiting for you to call for a vote, and you didn't do it." She understood the rule, this freshman understood the rule, and I cannot believe that five Members did not understand the rule.

Mr. Speaker, the whole House was sitting here under the same circumstances where the Chairman of the Committee of the Whole House asked for people to stand and be counted for a vote. No one wanted to do that, and, under the rules of the House, this is the way it should fall in my opinion.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

Mr. HUNTER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

☐ 0918

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, with Mr. SANGMEISTER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, June 4, 1992, amendment No. 71, printed in part II of House Report 102–545, offered by the gentleman from Colorado [Mr. SKAGGS] had been disposed of.

It is now in order to consider amendment No. 10 printed in part I of House Report 102–545.

It is now in order to consider amendment No. 11 printed in part I of House Report 102–545.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS: Strike out sections 232 and 233 (page 39, line 19, through page 43, line 8) and insert in lieu thereof the following:

SEC. 232. STRATEGIC DEFENSE INITIATIVE LIMITATIONS.

(a) REPEAL OF MISSILE DEFENSE ACT OF 1991.—The Missile Defense Act of 1991 (part C of title II of Public 102–190) is repealed.

(b) TERMINATION OF SDIO.—The Secretary of Defense shall terminate the organization within the Department of Defense known as the Strategic Defense Initiative Organization and shall reassign the functions of that organization to the military departments and the Defense Agencies as the Secretary considers appropriate.

(c) SDI FUNCTIONS LIMITED TO BASIC RESEARCH.—Funds appropriated or otherwise made available for the Strategic Defense Initiative for fiscal year 1993 may only be obligated for basic research programs.

(d) FISCAL YEAR 1993 FUNDING.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for fiscal year 1993 for research, development, test, and evaluation, not more than $1,200,000,000 may be obligated for the Strategic Defense Initiative. The amount provided in section 201 for the Defense Agencies is hereby reduced by $1,039,775,000.

The CHAIRMAN pro tempore. Is there a Member opposed to the amendment of the gentleman from California?

Mr. KYL. I am opposed to the amendment, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes and the gentleman from Arizona [Mr. KYL] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the Committee, the Dellums-Boxer amendment would do four things: One, repeal the Missile Defense Act; two, terminate the Strategic Defense Initiative Organization; three, limit the research and strategic defense technology to basic research only; and, finally, to fund the basic research at the level of $1.2 billion in fiscal year 1993.

Mr. Chairman, in the past the Star Wars Program has been a misconceived initiative wasting billions of taxpayers' dollars in the pursuit of a never-ending, always-changing variety of basing modes and questionable technologies.

☐ 0920

Since the passage of last year's Missile Defense Act, it has gone from a research program to an accelerated lunge for deployment.

What it contemplated, Mr. Chairman, in the Missile Defense Act of last year is a so-called treaty compliant ground-based strategic defense system at Grand Forks, and beyond that, multiple sites at several different places throughout the country. Third, space-based sensors, perhaps even space-based interceptors of a full-blown system.

Mr. Chairman, at a time when our Nation faces its most urgent problems in its cities, in its classrooms, and in its very soul, we are being asked to approve a $4.3 billion budget in 1 year alone to protect us from a barely imaginable, highly unlikely, military threat far off in the future. This figure, if approved, may very well climb even higher in conference with the other body.

The strategic defense initiative should have been stopped, Mr. Chairman, when it was still being packaged as an umbrella like shield over the entire United States, picking off all incoming missiles from a massive strategic attack by the Soviet Union, in this gentleman's opinion, a flight into fantasy.

Now, as world events and technological shortcomings make that scenario laughable, it has been repackaged to address the newly discovered threat of limited accidental or unauthorized launches from the former Soviet Union, or from potential strikes by suicidal Third World leaders.

The Missile Defense Act was passed after only one and one-half days of debate on the floor of the other body, with no hearings, Mr. Chairman, and no hearings and no debate in these Chambers, the House of Representatives.

While defense spending is coming under increasingly intense scrutiny, the fiscal year 1993 request by the administration for SDI funding, $5.4 billion, represents a 32-percent increase over fiscal year 1992, and a whopping 75-percent increase over fiscal year 1991.

Committee funding to the tune of $4.3 billion represents a 23-percent increase over the House-passed level of 1991, and an 87-percent increase over the House-passed level in 1990. At a time when the military budget is on the decline, you can see that the one portion of this budget that is dramatically escalating is our commitment to SDI and our commitment to deploy a system at Grand Forks and other sites with dubious value.

Having made those initial remarks, Mr. Chairman, let me make the following observations. The Dellums-Boxer amendment with the repeal of the Missile Defense Act separates out the funding of theater missile defense technologies and speaks only to the funding of SDIO and strategic defense technologies. It provides the opportunity to continue research, basic research, and I underscore that for the purposes of emphasis, a robust $1.2 billion, no small amount of money. But more importantly, it would end the costly, wasteful, and unnecessary star wars program.

A comment with respect to the ABM Treaty, Mr. Chairman: The strategic defense initiative, and in this gentleman's opinion the Missile Defense Act, have represented a concerted attack on the efficacy of the ABM Treaty, the administration's plan, and the bipartisan plan offered by our distinguished colleagues, the leaders of the Committee on Armed Services and the other body, which would each require the ABM Treaty to be either abrogated or to be dramatically renegotiated.

It has always been the position of this gentleman that whenever we confront the possibility of abrogating a treaty or dramatically or drastically renegotiating a treaty, that we should treat very lightly.

The ABM Treaty abrogated or significantly renegotiated in this gentleman's opinion would generate a new arms race further and further into space, escalating danger, and spending billions of dollars that ought to be rightfully redirected to address the real national security needs of this Nation, its economy, its social climate, and its very soul.

With respect to the threat, Mr. Chairman, this gentleman chairs the Subcommittee on Research and Development of the House Committee on Armed Services. In that capacity we held hearings on the issue of the threat.

As a result of those hearings I would state and assert here on this floor, Mr. Chairman, that there is a disconnect between the threat and the response to the threat.

R&D hearings on the threat of incoming nuclear weapons show that there is far more likelihood that a nuclear device would be smuggled into this country and placed in a strategic location before detonation than there is the threat of an ICBM attack.

If the threat is Third World countries, that is not going to be a threat of an ICBM coming across the horizon. It will be a backpack weapon smuggled into this country.

So to build this monument to madness in Grand Forks and contemplate multiple sites, when way beyond the year 2000 the threat does not come from that level, staggers this gentleman's imagination and wastes our resources.

With planned reductions, Mr. Chairman, in the nuclear arsenal of the former Soviet Union, the ICBM threat continues to decrease. So why then are we rushing to deploy this weapons system that attempts to address a threat that it cannot in any way address?

With respect to the expense, at a time when American people are asking us to scrutinize our budget carefully and redirect the priorities of this country, let me make this observation: limiting SDI to the options that we propose in this amendment would save $60 billion—not million—$60 billion by the year 2005, compared to the administration's plan.

Mr. Chairman, I would suggest that that savings would probably go far beyond $60 billion when you contemplate cost overruns that I think will be inevitable as we continue to move toward this technological monstrosity.

We can save then $26.4 billion compared to pursuing the proposal offered by our distinguished colleagues in the other body with respect to the multiple site ABM system.

There are a number of other observations that I may make at other points in this debate, but let me summarize by saying this SDI Program is unnecessary, it is wasteful, and it is dangerous.

To conclude, this amendment repeals the Missile Defense Act so we do not rush to judgment deploying weapon systems at Grand Forks. It terminates the Strategic Defense Initiative Office, put it out of business. It limits research, limits the SDIO to basic research, not deploying some ground-based treaty compliant system that ultimately ends up as a space-based system. Finally, it would limit the research to a figure of $1.2 billion, substantially below the $5.4 billion requested by the administration or the $4.3 billion brought to the floor by the Committee on Armed Services.

Mr. Chairman, with those remarks, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield myself 2 minutes, and then I will yield to other Members on our side in order to even up the time.

Mr. Chairman, the gentleman from California [Mr. DELLUMS] has been making this eloquent argument for years, and we have engaged in some very interesting debates on that point. But the consensus of the Congress has passed his arguments by.

As a matter of fact, last year this Congress entered into an historic consensus agreement called the Missile Defense Act which resolved the differences between the two parties and two bodies to generate a long-term program for the development and deployment of missile defenses. It represented the first real bipartisan consensus on missile defense.

Obviously, to change that agreement now, as our colleague suggests, would put the program in great turmoil. It would devastate it. It would waste billions of dollars already spent. It would certainly destroy the upcoming talks between President Bush and President Yeltsin.

As a matter of fact, I wonder whether some who accuse conservatives of not appreciating the fact that the cold war is over themselves appreciate the fact that the cold war is over. It is hard for some folks to take yes for an answer.

In a recent statement to the United Nations, Russian President Boris Yeltsin said this:

> I think the time has come to consider creating a global system for protection of the world community. It could be based on a reorientation of the U.S. strategic defense system to make use of high technologies developed in Russia's defense complex. Russia considers the United States and the West not as mere partners, but as allies.

This is what President Bush and President Yeltsin are going to be talking about, a cooperative missile defense program that not only would apply to the former republics of the Soviet Union, but the United States and the other places in the world.

□ 0930

That brings me to the last point I would like to make before yielding to some of my colleagues. Repealing the Missile Defense Act and terminating the SDI Program is bad enough, but taking the amount of money down to $1.2 billion for basic research only would also eviscerate the theater defense program, and that is a program necessary to respond not to challenges in the future, not to something after the year 2000, but to the challenges we have already faced and that have cost the lives of 29 young Americans as a result of the Scud attacks in Saudi Arabia during the Persian Gulf war. That is a threat that is existing, it is real, it is known, and I think most of our colleagues appreciate the fact that we cannot develop and deploy that defense on $1.2 billion. Despite what my colleagues say here, it is not possible. That comes from the Department of Defense and the Strategic Defense Initiative Organization.

As a result of that, Mr. Chairman, I think that the Dellums-Boxer amendment should be defeated.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. As we go through these defense bills year after year, it becomes obvious to me in the House that some things we do are fairly smart and some things we do are not as smart.

The strategic defense initiative, I think Members are beginning to appreciate, Members on both sides of the aisle and the American people, that SDI was a smart idea. I can recall in the last 10 years it has been at one time a political issue. The Democrat Presidential contender, Mr. Mondale, at one time is great good faith, I am sure, declared that he would not pursue the strategic defense initiative because it was, in his words, war in the heavens. Yet, when we knocked those Scuds out of the air with Patriot missiles and those Scuds were ballistic missiles, and we knocked them down, we proved it could be done. The American people, and I am sure Mr. Mondale himself, said "Thank heavens."

So we realize that we have entered squarely the age of missiles, and that means that we must have a defense against them. It became clear to us, at least in the gulf, that the most severe threat that we faced from Saddam Hussein was the possibility of his missiles landing without being destroyed by our Patriot system and killing Americans. In fact, that did happen, but it would have happened to a much greater degree if we had not had a defense system.

Most people do not realize how close we came to not having any defense system, because the only system we had was the Patriot system. It was initially an air defense system, designed to work against aircraft. It was upgraded to be able to take some of the very, very slow ballistic missiles, and thank God we did have it when the war in the gulf began.

I would just urge my colleagues to continue this good reasoning that they have embarked upon in supporting a fairly substantial level of strategic defense initiative spending. It is the right thing for America. We need it.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield briefly to me?

Mr. KYL. Mr. Chairman, I will continue to take some time in order to balance the time, and I am happy to yield to my colleague, the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding. Just to correct my distinguished colleague in one of the remarks he made in his opening statement, this amendment does not touch the $1.1 billion that relates to theater ballistic missile defense. What this amendment does address is the $1.2 billion of basic research in SDI, so that the total would be $2.3 billion, if we add back in the $1.1 billion that we do not touch with respect to theater ballistic missiles, and the CBO states that $1.2 billion in basic research would be a robust amount of money.

Mr. KYL. Mr. Chairman, I appreciate that clarification from my colleague. I misspoke with regard to the $1.2 billion. The point I was trying to make is that because so much of the space-based system is funded through the strategic program, in fact, all of it is, and since space-based components are an essential part of a ground-based system—for example, we used the space-based components to cue our Patriot missiles in the Persian Gulf—it is not going to be possible to deploy a ground-based system without also funding our space-based system to some extent. I appreciate the clarification.

Mr. Chairman, I yield 3½ minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, here we go again. I have been here 6 years, and all 6 years we do the same drill. The gentleman from California [Mr. DELLUMS] gets up and he says, "I hate SDI. Let us do away with it." The gentleman from Arizona [Mr. KYL] gets up and says, "I love it. Let us fund it adequately." the rest of us jump in between on one side or on the other, and we go through the bill.

I sometimes wonder why we put the body through this each year. Why can we not just get up and say, "Remember my speech last year? That is the one," and on both sides we would have it done. However, since we are going through the drill, let me get up to give my position again on this whole thing.

I rise to support a very strong, vigorous SDI program, which would provide adequate funding for SDI and stand against the Dellums amendment. I know there is a great sincerity on both sides of this argument. I think the facts are on our side. As many of my colleagues know, it is not a question any more of whether or not we have the technology and the capabilities to deploy SDI. We do have those capabilities. Most scientists do not even argue that point anymore.

The true question is if and when it should be deployed. It has been proven that we do have the technology and we are capable of deploying a system, even in this very decade. The decision must be made whether or not Congress is going to adequately fund SDI. The bill currently provides $3.2 billion for a strategic defense system, which is just as important in our world today, I believe, as it was at the height of the cold war.

This is not, in my opinion, enough funding for SDI. In fact, I would prefer the Kyl amendment. I do not know whether that is going to be offered or not. I would prefer that level, but if that is not going to be offered, at least this provides a decent, reasonable level to proceed with the SDI Program.

I strongly believe that SDI is our Nation's No. 1 defense priority. The cold war may be over and relations with the former Soviet Union have not been better in a long, long time, but the Commonwealth of Independent States is still a huge conglomeration of military power, with 28,000, they tell us, warheads on missiles over there. It is unstable by its ethnic and economic turbulence. We do not know who owns these warheads. They are still in Iran, Syria, North Korea, and terrorist groups all around the world.

The Persian Gulf war should have taught us something. The horror of Scud missiles raining on Jerusalem brought on a sense of helplessness. Worse yet, when the Scuds were intercepted by the Patriot missiles, debris caused extensive damage and many lives lost on the ground.

A space-based interceptor system would have been able to avert such a disaster. The key to a good theater missile defense system is to rain debris on the enemy, not on yourselves. By the year 2000 it is estimated that 20 countries will have capabilities to launch ICBM's, and these can carry both chemical, biological, nuclear warheads. We do not know. I do not know about the Members, but this is a very frightening thought to me. After the United States bombing of Libya, Mu'ammar Qadhafi stated if he had nuclear capabilities at the time he would have launched missiles at New York City.

□ 0940

For me this is one of the best reasons to protect our Nation and deploy an SDI system as soon as possible.

Realistically, I do not think we could have ever provided a shield against a massive Soviet Union attack, but I do think we have the capability now, the possibility of providing an absolute protection against the kinds of threats that are out there today.

The Kyl amendment would have provided us, as I said, with the kind of resources we need to deal with this issue. The Dellums amendment would destroy SDI. The middle ground is the committee mark, and I would hope that we would at least adhere to the committee mark.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

Let me respond to my distinguished colleague with respect to the repetitive nature of the speeches.

This whole process is repetitive. We bring the military budget each year. These issues come up each year, but they come up in a rapidly changing environment. Perhaps some of us have greater wisdom than others. Perhaps some of us are 10, 15, or 20 years ahead of our time.

And perhaps others are 20 years behind the times.

Let me now quote from the Director of the Central Intelligence Agency, Robert Gates, with respect to unauthorized launches.

> The experts in our community do not believe that there is a concern about an unauthorized launch of any of the Soviet strategic systems or tactical systems. Our confidence level is strong on command and control, and we are further heartened by the measures that they are taking to strengthen their command and control.

The Director of the Central Intelligence Agency, Robert Gates.

Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, with regard to the last point that Mr. DELLUMS has made, CIA Director Bob Gates has indeed testified that our country has confidence in the Soviet command and control and would not expect an accidental launch. Of course, there was an accidental launch in the Soviet Union about a year ago. Fortunately, it did not do any harm. It did not go very far. But Bob Gates has also testified before our committee on numerous occasions that there are a variety of other threats that will be developing over the course of the next 7 or 8 years.

Indeed, about two dozen Third World countries will pose a ballistic missile threat and will have weapons of mass destruction, chemical or biological warheads to associate with those missiles.

As a result, Bob Gates says that this proliferation question is his highest concern. So if we are going to quote the Director of the CIA, I think he falls on the side of protection by ballistic missile defense and would certainly oppose the amendment presented by the gentleman from California.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, for my friend, the gentleman from California [Mr. DELLUMS], I serve on the Subcommittee on Research and Development with him. I have great respect not only for his chairmanship but for his leadership and his knowledge on this particular system.

I agree in part with my friend from California. I think that a Third World country, if they launch a nuclear weapon, it is going to be on a ship coming into New York Harbor or San Diego Harbor, and they are going to explode it.

My real concern is, and I believe the gentleman sits on the Permanent Select Committee on Intelligence also, that we have over 10,000 nuclear warheads today looking at us here in this country, correct me if I am wrong, that when that threat is diminished, then, yes, I would say that we do not need to support SDI as much. But today it does.

From my own experience of 20 years in the service, the one time that my defensive system did not work, I was shot down with a surface-to-air missile over North Vietnam. As far as an unauthorized launch, it only takes one missile. And we are going to lose a lot of people.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I was working at the White House when the strategic defense initiative was first proposed by Ronald Reagan. I remember how Ronald Reagan was belittled and was made fun of by many people on this proposal, and they said that it would further the cold war and how horrible it was going to be and how expensive it would be.

All the predictions have been proven wrong. In fact, when I have talked to people from the Soviet Union, people who were in the leadership, they now admit that it was the strategic defense initiative that actually broke the will of the Communist dictators to fight, to continue this aggressive stance against the West.

The strategic defense initiative has already served mankind well. Just because the Soviet threat has dissipated does not mean that its usefulness to mankind has dissipated.

The fact is, we will face adversaries in the future, perhaps even more threatening than a monolothic power like the Soviet Union.

We will face the Saddam Husseins of the world and the Qadhafis of the world. We will face the nutballs all over the Third World who might be willing to shoot a nuclear missile at the United States.

A defense against them is a very good idea.

Mr. KYL. Mr. Chairman I yield such time as he may consume to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the Dellums-Boxer amendment. If adopted, this amendment would eliminate the Strategic Defense Initiative Program Office. Further, it would confine inquiry on strategic missile defense to basic rather than applied research. That is, we would be able to think about ways to protect American troops and citizens from any future attack by ballistic missiles, but we would not be able to do anything about it.

Mr. Chairman, the sponsors of this amendment claim it will have no effect on tactical ballistic missile defense activities. This argument ignores the fact that advancements in strategic missile defense can, in many cases, be applied to the problem of defending against tactical missiles. If you reduce research on strategic defense by $2 billion and restrict that effort to basic research, make no mistake about it, you have significantly hampered efforts to provide defense against tactical missiles.

Perhaps an even more compelling reason for voting against this amendment is that, if adopted, it would repeal the Missile Defense Act.

Mr. Chairman, last year I thought we had reached a watershed on strategic missile defense. With the lessons of the Persian Gulf war before us, this Congress, by passage of the Missile Defense Act, had established as a national goal the development and deployment of a strategic missile defense system.

Mr. Chairman, at least 15 additional nations will have the capacity to produce ballistic missiles by the end of this decade. Despite our efforts to reduce the proliferation of nuclear weapons technology, can we say today that some future enemy will not have the capacity to produce a ballistic missile capable of launching a nuclear warhead targeted at the United States?

My friends, regardless of where it is targeted, regardless of how many or how few Americans are killed or injured, regardless of how much or how little property is damaged, the detonation of a single nuclear warhead in this country is an unacceptable outcome.

As I said during my remarks under general debate, if you are inclined to vote for this amendment ask yourselves how you will explain to your constituents, if on some future day this country is attacked, why today—when we had the opportunity and after we had already made the commitment to protect the American people from such an attack—you failed to live up to that commitment.

Mr. Chairman, to my friends I ask that we keep our word to the American people and I ask Members to vote against the Dellums-Boxer amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I rise in strong support of this amendment. If we are not bereft of our senses, we are going to finally figure out that this is a bad program.

Mr. Chairman, the strategic defense initiative is a failed program that has become a sinkhole for the taxpayers' dollars. Of the $29 billion invested so far on SDI, over 25 percent of the funds went to projects that were cast aside as unworkable, unaffordable, or unneeded, including;

A $1 billion surveillance satellite to track missiles;

A $1.2 billion ground-based laser to zap missiles;

A $1.8 billion nuclear bomb pumped x-ray laser; and

A $623 million guided rocket to intercept missiles.

Not only has SDI been packaged in a variety of failed and expensive physical designs, but it has also been packaged in a variety of theoretical purposes to fit the times. Initially, SDI was a mad tool designed to ensure the survivability of a second-strike nuclear capability. Then, the Reagan administration tried to paint SDI as a nuclear shield that would protect American civilians from a nuclear attack. As the Soviet Union disintegrated, SDI became a tool to fight Third World terrorists who might develop a nuclear weapon. It can be assumed that as the killer bees move north, SDI can be repackaged to fight them, too.

Even CIA Director Gates has testified that our adversaries, aside from the former Soviet Union, are at least a decade away from possessing the missile capability which SDI seeks to address.

Furthermore, a number of reports lately have called into doubt SDI's ability to perform its function and whether that function is legal. A story was leaked to the New York Times that says an Assistant Secretary of Defense says that the SDI Program is being rushed ahead, and needs to be delayed and overhauled. Otherwise, the DOD will be deploying an untested system that may not perform and will be orbiting useless space junk. The Assistant Secretary says that the program should delay deployment to at least 2003. Another story was leaked to the New York Times saying that a DOD report has concluded that even the most basic SDI system would totally violate the ABM treaty.

In short, SDI is a system that does not work and was built to fight an enemy that no longer exists. I support the Dellums-Boxer amendment to curtail this wasteful program.

Mr. DELLUMS. Mr. Chairman, to close debate on this side, I yield such time as she may consume to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, here it is, June 1992, and the committee bill now under consideration contains the highest level of funding for the star wars program ever—$4.3 billion. It does not make sense to me that while the overall defense budget is going down based on the fact that the Soviet threat has disappeared, this program is still going up.

What has changed in the past year to warrant this outrageous increase of billions of dollars on a program that is reborn with a new mission and a new identity every year we meet to debate the defense bill?

Let me tell you what I think has changed.

The Soviet Union is now officially dead, over, finished, unlike 1984, when tensions between the United States and the Soviet Union were high and star wars was born. The Soviet Union has been replaced by a collection of Republics struggling to keep their people clothed and fed. Indeed, President Bush and this Congress are trying to respond to that.

What else has happened in the past year to warrant the increase?

The General Accounting Office has said the $30 billion we've already spent is just a down payment.

The GAO also says that the system is still so riddled with risk and uncertainty, it may never provide the level of protection the Pentagon promises.

That is nothing new. Every year we meet, star wars has a changed mission.

What else is new?

A high level star wars scientist, Aldric Saucier, has charged that there is substantial fraud in the star wars program. He says the program is less science and more a way to keep money flowing to contractors. As with many other whistleblowers, the Pentagon is trying to fire him and that is a disgrace.

What else do we know this year that we did not know last year? The Army has admitted that it exaggerated the success of the Patriot missile in the Persian Gulf. As we know, this does not reach to the Patriot missile. We all support continued research and development of that. But rather than the 80 percent success rate, the Army now says that there may only have been a 40-percent rate of engagement.

I am proud of the Patriot's 40 percent success rate. But my point here is simply that the Patriot system has been in development and production for 20 years. If this is the best it can do in a fairly benign environment with one incoming Scud at a time, no decoys, what does that say about the resources that must be devoted to producing a system to handle a far more complex, sophisticated and deadly threat? What are the chances that the Pentagon can achieve a success rate for star wars any time soon that justifies the immense cost?

□ 0950

Now what has happened in the past year to justify more star wars money? Certainly not the graphic demonstration in Los Angeles that our cities are in desperate trouble. That was a cry for education, for hope, for job training, for jobs to rebuild our cities and our infrastructure. It was not a cry for star wars.

We need to fight the real wars that we face, the wars against poverty, and racism, illiteracy, and AIDS, and cancer, and Alzheimer's, and unemployment, and a raging deficit, and failing competition in a global economy.

So, in conclusion, vote for a $1.2-billion basic missile defense research program that will prepare us for any future threat. The Dellums-Boxer amendment is what we need for 1992.

Mr. KYL. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I urge my colleagues again to vote no on the Boxer-Dellums amendment which would eviscerate the SDI Program. It is not the committee position. Of course, it is nowhere near the committee position.

There were three basic arguments by the gentlewoman from California. First of all, the cold war is over and, therefore, we do not need SDI. I have used a similar argument myself, because the only country that people seem to be concerned with is the Soviet Union. And yet, I have cited Robert Gates, our Director of the CIA, who has pointed out that by the end of this decade we are going to have 20 to 24 Third World countries that will possess the kind of capability that will pose a threat to our allies, to our forces deployed abroad, and in some cases in the not too distant future, even to the continental United States. So the former Soviet Union is not the only potential enemy out there, and, therefore, this cold war argument I think is specious.

Second, the gentlewoman pointed out the success of the Patriot was exaggerated, and to some extent that is correct. The Army, during the Persian Gulf war did not have data to carefully construct or reconstruct the situation, and the results were exaggerated. It turned out to be about half as effective or 60 percent as effective as originally determined. And she asks what does that say about the program.

I think it says two or three things. First of all, the program that was in development 20 years ago was not an anti-ballistic missile program. That program was an air defense program, and indeed it is a remarkable feat that the people that developed the Patriot as an air defense program were able to convert it into a ballistic missile defense in literally a matter of weeks; and, as a matter of fact, under those circumstances, most experts believe that it performed quite well. But it is true that it did not perform well enough, and that is the whole purpose for advanced development. We cannot rely upon a very rudimentary system such as the Patriot to counter more sophisticated threats or robust threats that we are going to be faced with in the future.

The science argument is over. The legitimate scientists no longer question whether the concepts of SDI are going to work. So I believe that the second argument fails.

Finally, the gentlewoman pointed out that we have other needs in this country, and that is true. We have always had dual needs. But one of the first obligations of this Congress is to provide for the common defense, and that means that we have to have an adequate defense policy.

Entitlement spending in this country has gone up over 400 percent since the 1960's, and defense spending has gone up about 144 percent, as I recall. Defense spending is not easing out spending on other programs.

Let me quote something to end this debate. It comes from the general who commanded our troops in the Persian Gulf, General Horner, who ought to know how important this system is. He said, "I really believe we need to develop some theater ballistic missile defense system that you can put in space over a theater of operations such as Iraq." That goes to the first point the gentleman from California [Mr. DELLUMS] was making, that a ground-based theater system alone is sufficient. The general who commanded our troops there and who was responsible for those 28 brave Americans who died there understands that we need a combination of ground-based and space-based system. That would be impossible to develop under the funding levels suggested by the Dellums-Boxer amendment, and that is one reason why this amendment should fail.

Mr. Chairman, at the end of the day we are faced with a situation where we either go forward with the Missile Defense Act which represented the bipartisan consensus of this Congress a year ago, or we totally eviscerate the SDI Program. If that is your choice, you should vote for the Dellums-Boxer amendment. But if you want to continue this compromise program that was developed last year, you should vote no on the Boxer-Dellums amendment.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 117, noes 248, not voting 69, as follows:

[Roll No. 168]

AYES—117

Andrews (ME)
Applegate
Atkins
AuCoin
Blackwell
Bonior
Boxer
Bruce
Bryant
Carper
Clay
Collins (MI)
Condit
Conyers
Cox (IL)
Coyne
DeFazio
Dellums
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Foglietta
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Glickman
Gonzalez
Hall (OH)
Hayes (IL)
Hochbrueckner
Horn
Jacobs
Jontz
Kanjorski
Kennedy
Kildee
Kleczka
Kopetski

Kostmayer
LaFalce
Leach
Levin (MI)
Long
Lowey (NY)
Markey
Martinez
Matsui
Mavroules
Mazzoli
McDermott
McHugh
Mfume
Mineta
Moakley
Moody
Mrazek
Murphy
Nagle
Neal (MA)
Nowak
Oberstar
Obey
Olver
Owens (NY)
Panetta
Pastor
Payne (NJ)
Pease
Penny
Perkins
Peterson (MN)
Poshard
Rahall
Rangel
Reed
Rose
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Schroeder
Schumer
Serrano
Shays
Sikorski
Skaggs
Slaughter
Smith (FL)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Towns
Traficant
Vento
Washington
Waters
Waxman
Weiss
Wheat
Wyden
Yates

NOES—248

Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Boucher
Brewster
Browder
Bunning
Burton
Callahan
Camp
Cardin
Carr
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
DeLauro
DeLay
Derrick
Dickinson
Dicks
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fascell
Fawell
Fazio
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Kaptur
Kasich
Kennelly
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Machtley
Manton
Marlenee
Martin
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Natcher
Neal (NC)
Nussle
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pickle
Price
Quillen
Ramstad
Ravenel
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Upton
Valentine
Visclosky
Volkmer
Walker
Walsh
Weber
Weldon
Wilson
Wise
Wolf
Wylie
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—69

Abercrombie
Ackerman
Alexander
Anthony
Beilenson
Brooks
Broomfield
Brown
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Clinger
Collins (IL)
Dannemeyer
de la Garza
Dingell
Dixon
Dymally
Feighan
Fields
Flake
Ford (MI)
Gaydos
Gibbons
Green
Hatcher
Hefner
Herger
Hertel
Hubbard
Ireland
Jones (GA)
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (GA)
Livingston
Luken
McDade
Miller (CA)
Miller (WA)
Mink
Morella
Morrison
Nichols
Oakar
Olin
Patterson
Pelosi
Porter
Pursell
Ray
Rostenkowski
Roth
Scheuer
Thomas (CA)
Torres
Traxler
Unsoeld
Vander Jagt
Vucanovich
Whitten
Williams
Wolpe
Young (AK)

□ 1016

The clerk announced the following pairs:

On this vote:

Mr. Beilenson for, with Mr. Herger against.

Ms. Pelosi for, with Mrs. Morella against.

Mr. Ackerman for, with Mr. Porter against.

Mr. Wolpe for, with Mr. Roth against.

Mr. Scheuer for, with Mr. Thomas of Louisiana against.

Mrs. Collins of Illinois for, with Mr. Ray against.

Mr. MCMILLEN of Maryland changed his vote from "aye" to "no."

Messrs. MRAZEK, GONZALEZ, and KLECZKA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). It is now in order to consider amendment No. 12 printed in part I of House Report 102-545.

It is now in order to consider amendment No. 13 printed in part I of House Report 102-545.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: At the end of title II (page 44, after line 20), insert the following new section:

SEC. 235. STRATEGIC DEFENSE INITIATIVE FUNDING LEVEL.

The amount provided in section 201 for the Defense Agencies and the amount provided in section 232 for the Strategic Defense Initiative are each hereby reduced by $937,500,000.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. DURBIN] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Does any Member rise in opposition?

Mr. KYL. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. KYL] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

□ 1020

Mr. DURBIN. Mr. Chairman, the amendment which I have at the desk is being cosponsored by several colleagues here, the gentleman from Minnesota [Mr. SABO], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Minnesota [Mr. PENNY], and the gentleman from New York [Mr. GREEN]. It is a bipartisan effort by the Members of the House of Representatives to bring some sanity to the funding of this program, to make certain the funding level is not only consistent with national security but also consistent with what is really needed.

We have listened now for almost a decade to those who have defended the concept of star wars or the strategic defense initiative. Those who have followed this debate will have noted that the rationale for this defense system has changed dramatically. It has been forced to change because the world has changed dramatically.

Mr. Chairman, most everyone can recall when President Reagan announced the concept of star wars. This was to be the umbrella of protection for the United States of America and all freedom loving people from the threat of a missile attack from a superpower such as the Soviet Union.

In the ensuing decade the world has changed, the Soviet Union has disintegrated, the threat of a missile attack from the remaining republics and nations is negligible. Yet we continue to spend billions of dollars on this system.

The taxpayers of this Nation and the Members of this Chamber have the right to ask how we can continue to rationalize this expenditure in this changing world.

The members of the Committee on Armed Services have come up with a new rationale for SDI. They are calling it "the loose nukes SDI Program."

This is new to me. What they are suggesting is that we need to build a strategic defense initiative to guard against the heightened risk, in their words, of an accidental or unauthorized launch of nuclear weapons.

So we are no longer preparing a defense for an onslaught of thousands of missiles. No; we are preparing for the possibility or the risk that one missile might be mistakenly or accidentally launched. And we are spending billions of dollars for that purpose.

If the phrase "loose lips sinks ships" is valid, I would have to tell you that the theory of loose nukes sinks the credibility of the Pentagon and of this committee and the amount they are asking for this funding.

That is why I have introduced this amendment with my colleagues asking us to reduce the amount of money that we are putting into the star wars research to $3.3 billion, a significant expenditure, but a significant expenditure which is consonant with the real threat in the world today.

If the United States of America is at risk from nuclear attack, that risk will probably come through an airplane, a suitcase, or a packing crate, much more likely than it would come to the United States through a missile launched against us. Yet we continue to put 10 times as much money into this research as we put into the practical applications of demilitarizing this world.

Just yesterday we considered an amendment for, I believe, $650 million in an effort to dismantle nuclear weapons in the Soviet Union. That is money well invested and well spent.

This money, $3.3 billion, is adequate for us to continue the research into finding ways to guard against this loose nukes, or accidental possibility of launch. The amount of money being requested by the administration and which will be requested by this committee is significantly in excess of this.

Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I rise in strong support of the Durbin amendment to put some sense into this program.

Mr. Chairman, I rise in support of the Durbin amendment. It boggles my mind how each year we pour more money down this rathole—$30 billion so far, much of it completely wasted. What began as a fantasy in 1984 has become a nightmare, but we have the power to stop it.

This program has been rife with abuse. Last week, the Associated Press reported that SDI officials spent $2.4 million on trips to Hawaii. I quote:

> SDI officials took 65 trips to Hawaii and stayed at exclusive hotels on Maui and Kauai even though military facilities for distinguished visitors were available.

All year long I have been reading reports like this of the failures and abuse of the SDI in the Washington Post and elsewhere. Yet, here we are again, proposing a 23 percent increase over what the House supported last year. Talk about rewarding failure.

It is clear the Pentagon is nowhere near having a deployable antimissile system before the turn of the century. Just this week, the Washington Post and New York Times reported that the Pentagon's top program analyst, Dr. David Chu, has warned of "costly and crippling problems" with deployment of a system by 1997, and has recommended yet another overhaul and delay until at least 2003.

At the current rate, that's at least another $40 billion that could have been invested on pressing human needs. We are talking about massive spending—yes, $4.3 billion is a lot of money—and we don't even know what SDI will be, whether it will ever be, when it will be, what it will cost, or if it is needed.

Mr. Chairman, Wichita, KS, is in the grips of a crime wave—gang violence and drive-by shootings. We need more police and Federal help for programs to address gang violence and drug use. Three billion dollars would pay for 600 additional police officers in every one of the top 100 cities in this country for a year.

That's the kind of peace shield my constituents need. Let's put this program out of its misery and begin to think about the real needs of the people we represent. The Durbin amendment is a first step toward both fiscal sanity, as well as creating a focused well-defined, and smaller problem in this area.

Mr. KYL. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the old canard about the suitcase bomb being the No. 1 threat was debunked by CIA Director Robert Gates in testimony before the Committee on Armed Services. In fact, he stated before the committee that proliferation of ballistic missiles in the Third World is of grave concern and is his No. 1 priority. He mentioned the fact that Saddam Hussein was a mere 18 to 24 months away from building a bomb when the gulf war began.

We have testimony that Pakistan acquired the M-11 ballistic missile launch vehicles from China.

This year we were caught unaware of the existence of North Korea's third nuclear reactor and surprised by a launch of a rocket by India and China's test of a nuclear weapon.

What will we be surprised to find next, Mr. Chairman? There were over 1,000 missiles fired in the combat between Iran and Iraq and Afghanistan in the last 4 or 5 years. Test flights of ballistic missiles have occurred in India, Pakistan, and South Africa. Saudi Arabia has acquired the CSS-2 from China. Most unhappily of all, U.S. forces and allies have come under attack and 28 Americans were killed by a ballistic missile in the Third World just within the last year.

Mr. Chairman, there can be no doubt about the threat of ballistic missiles from Third World nations. Many of these nations are not friendly to the United States. They are nations that our CIA Director says will have this capability. Without SDI, we are not going to have the capability to defend against them.

The Durbin amendment would cut an additional $1 billion below that of the Committee on Armed Services. I urge my colleagues to support the Committee on Armed Services mark and oppose the Durbin amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Chairman, the primary obligation of any central government is to protect its people. That's what the SDI Program is all about. This amendment slashes $2 billion from the President's budget request for ballistic missile defense programs. This would be a catastrophic reduction—making it impossible to meet the goals Congress directed just last year.

The Missile Defense Act of 1991 established the national goal of providing a highly effective defense against limited and accidental ballistic missile strikes. The act directed the administration to deploy theater missile defenses by the mid-1990's. It also directed the administration to develop for deployment an initial ballistic missile defense site for the United States "by the earliest date allowed by the availability of appropriate technology or by fiscal year 1996." The act considered this first site an initial step toward deploying an ABM system capable of providing a highly effective defense of the United States.

This serious legislation was an important landmark in the growing legislative-executive consensus on ballistic missile defenses and was strongly supported by the President. It is imperative that Congress not vacillate on this high priority program.

The administration regards the Missile Defense Act as critically important to the future of ballistic missile defenses and views it as the blueprint for how we should proceed in this critical area. Without adequate funding, however, the Department will be unable to achieve the goals stated in the Missile Defense Act.

This amendment would force the SDI Program to revert to basic R&D and would waste years of effort and resources.

All ballistic missile defense programs would be severely impacted by such an extensive budget cut.

Technology base programs that directly impact the cost and risk of theater missile defense programs would likely be reduced.

Numerous programs would be stretched out or terminated.

This amendment would effectively eliminate all directed energy programs. Such terminations would waste past U.S. investments in directed energy research.

By reducing SDI to the level contemplated by this amendment, the United States, its forward deployed forces, and its friends and allies would be faced with a continuation of an unacceptable level of vulnerability to ballistic missile attack.

☐ 1030

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BENNETT], who has been the offeror of this amendment in previous years. I am happy to have his support again.

Mr. BENNETT. Mr. Chairman, I appreciate this opportunity to speak on this matter. I think the Durbin amendment is an excellent amendment.

The schedule risk and cost growth imposed by the accelerated SDI deployment schedule was emphasized recently on the front page of the New York Times. It cites an analysis written by the Secretary of Defense's top weapon watchdog in which he states that the plan is "almost certain to suffer early significant cost growth and schedule slippage" and that pushing ahead with rush deployment of the interceptors and skipping important performance tests risks system failure.

The DOD analysis suggests that the goal for an ABM deployment should be the year 2003 because this much time is required to fully test and evaluate the system so we can have high confidence that it can work when it is once deployed.

Mr. Chairman, the SDI is a good concept. It ought to be adequately funded, it ought to be given what is needed to see that we are adequately protected. But the funding which has been asked by the President is exorbitant. It is imperiling our credibility from the standpoint of fiscal matters.

Mr. Chairman, I rise today in support of the Durbin-Penny-Sabo amendment to reduce the level of funding for the strategic defense initiative to $3.3 billion. This seems to me to be an adequate and even generous figure for the program this year.

I would like to address three issues related to the Durbin amendment. They are the SDI budget, the schedule for an initial SDI deployment, and the threat of ballistic missile attack.

Let me discuss the budget first. The President submitted an SDI budget of $5.4 billion. This included $4.3 billion for strategic defense research and development and $1.1 billion for R&D on theater missile defense systems. The administration's budget is an outgrowth of last year's Missile Defense Act, which placed the Nation on the path to a rapid deployment of an initial SDI system that would be ground-based and ABM Treaty-compliant. The Missile Defense Act was approved by the Senate after the House had passed its version of the authorization bill and was ultimately included in the final conference report. As a result the House has not really had an opportunity to debate the merits of the Missile Defense Act until now.

The committee-approved SDI funding figure of $4.3 billion includes $3.2 billion for strategic defense and $1.1 billion for theater defense. But, it is important to recognize where the committee made its cuts.

The House Armed Services Committee cut the administration request to $4.3 billion by eliminating all funding for the space-based interceptors and trimming the funding for research, support and futuristic technologies. No funding was cut from the theater missile defense category or from the category that contains most of the money for the accelerated SDI deployment. Both of these categories were fully funded at the administration's requested level.

The Durbin amendment of $3.3 billion also fully funds the administration's request for theater defenses, as it should since according to SDIO's own testimony this is the highest missile defense priority facing the Nation.

The place where the Durbin amendment and the committee position really differ is over how much should be spent in fiscal year 1993 to accelerate the deployment of an initial ground-based ABM system as outlined in the Missile Defense Act. The House Armed Services Committee cut very little of the funding required to continue the accelerated deployment schedule. The Durbin amendment would cut more of this but it would not preclude deployment of an initial ABM Treaty compliant SDI system.

I want to underscore this last point. The Durbin amendment does not preclude an ultimate deployment of an initial SDI system, but the Congress must ultimately make a decision about whether it wants to deploy such a system.

In my opinion the crash SDI deployment program outlined in the Missile Defense Act, and essentially funded in the committee bill, does not make sense on fiscal grounds, is contrary to sound acquisition practices, and is not required to meet the projected military threat. Some new documents back up my position.

A new report by the Congressional Budget Office makes it clear that we do not need to spend $4.3 billion on SDI in fiscal year 1993 unless we want an accelerated deployment. CBO states in its report that a level of $3.3 billion in fiscal year 1993 will be sufficient to move SDI research and development forward and allow for the deployment of a fully tested and operationally capable ABM system by the year 2003.

Fully testing the system before deployment will help keep cost growth down. However, in order to meet the accelerated deployment deadline SDIO will have to forgo much of the usual test program. Mr. Cooper has stated to the Senate Armed Services Committee that to meet a 1997 deployment deadline is "a major challenge with high concurrency and attendant high risk." Concurrency means that testing and production are completed simultaneously rather than in a sequence that allows the problems discovered during the test program to be ironed out before the system enters production. A 1988 report by the Congressional Budget Office on weapon system concurrency pointed out that, high concurrency weapon programs experience cost growth increases of 288 percent.

Let me also add that according to Mr. Cooper's own testimony before the Senate, even if we spend massively to meet an accelerated SDI deployment deadline the Nation will not be protected from ballistic missile attack by 1997 because the initial site will not be fully operational until the year 2000. Even then, because we will have rushed the deployment of the system, it will require extensive and expensive retrofits to improve its capability.

The Durbin amendment would allow us to fund SDI at a level that would allow testing and deployment of this fully tested system in 2003, if such a system was needed given the status of the threat to our Nation.

And, there are two categories of threat that we need to be principally concerned with. First, there is the threat of an accidental or unauthorized launch from the former Soviet Union. Second is the development of a long-range ballistic missile by a Third World nation that may be hostile to us.

The threat of an accidental or unauthorized launch of a long-range missile against the United States from the former Soviet Union is of concern, but it is very unlikely as long as the leaders of the Commonwealth of Independent States [CIS] maintain strong control over their arsenals—as they have during the 10 months since the coup. The commander of the former Strategic Air Command, General Butler, testified before the House Armed Services Committee in April that he did not see any cause for concern on this issue. This is a position that has been reiterated by the President and the Secretary of Defense as well. In my opinion, there's no need to accelerate deployment to meet this threat.

Regarding the Third World threat, the Director of the CIA, Robert Gates, testified before the Congress earlier this year that beyond China and the CIS, the CIA does not expect new long-range missile threats to the United States to appear for at least another decade. That means not before 2003. The Durbin amendment meets this goal.

Mr. Chairman, the fiscal condition of our Nation is too deteriorated to spend more than is necessary on any federally funded program. If we pace our expenditures to the threat, and fully test the SDI system elements, we can make significant yearly savings in the SDI budget. And we will be able to deploy an operationally effective ABM system by 2003 if such a system is needed. This approach makes sense from both a fiscal and security standpoint. This approach is embodied in the Durbin amendment. I hope that my colleagues will join me in supporting it.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SABO], a cosponsor of the amendment.

Mr. SABO. Mr. Chairman, I rise in support of the Durbin amendment. Let us be clear about one thing the amendment does not do. It does not cut the funding for the tactical ballistic missile initiative. That remains in the bill. But what is the rush?

The Soviet Union has disintegrated. The world has changed immensely. The House, under the bill, would approve the most money we have ever approved initially in a House bill for SDI.

It does not make sense. What new programs have we seen come along that we put in escalating funding and it works beautifully? Rare.

Let us be fiscally responsible. Let us be cautious. Let us develop the program as the House has said it wants to.

Let us test. Let us do it in a rational way. Let us not simply rush to spend money for a threat that clearly is not on the horizon today.

I urge support of the Durbin amendment.

Mr. KYL. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, last year when we got to conference we found that the Senate had presented us with a Missile Defense Act on which we had no hearings and had little leverage to change because they were insisting on its provisions.

We in conference played our chips on the B-2, and we left the ballistic missile defense elements of the budget really until this year to address, and we did address them. We did deal responsibly with and revise the Missile Defense Act.

I would highlight two important changes that the committee has made which are in this bill.

First of all, we stressed emphatically that any ground-based system or any ballistic missile defense system must abide by the ABM Treaty. There is no mandate in this bill for abrogation or violation of the ABM Treaty.

We recognize that changes in the ABM Treaty may need to be negotiated in order for us to have a fully fledged ballistic missile defense system, but we think those should be duly made in accordance with the treaty. There is no mandate for violating or escaping the strictures of the treaty.

Second, in this bill we have not attempted to impose as a Congress any initial operational capability for this ground-based system, which we say should be the first step, the first phases of a ballistic missile strategic defense system.

We do not have the competence to determine what should be the IOC, the initial operational capability. We are not prepared, as a Congress, in all candor, to put the money up, to completely field this system by fiscal year 1996, which is what the other body called for.

Mr. Chairman, what we have done in this bill is say that there is no IOC. This will be the system, the first system to be deployed will be driven by technology and driven by the availability of budget resources that we, the Congress, will put up.

Two key points. First of all, we have said in this bill that any system deployed must abide by the ABM Treaty, as amended, and any system deployed would be driven by technology developments and by the budget and not by some artificially imposed date established by Congress.

Let me highlight what this bill contains in the way of funding. I think that has been obscured so far.

First of all, this bill has for the last 2 years, includes an umbrella, a large umbrella, a ballistic missile defense program that is not so-called star wars or SDI. It includes theater missile defense as well as strategic defense. The two are lumped together under the $4.3 billion provided in the aggregate in this bill.

Everyone in the House, the vast majority of us agree that we should press forward with theater ballistic missile defense. We saw the need for it in the Persian Gulf. This bill, under $4.3 billion, includes $1.1 billion for NTRANT, for the Patriot upgrade and for the support of the Israeli system arrow.

All of this is included in the $1.1 billion, which is a $250 million increase over fiscal year 1992, not a substantial increase given the pace and progress of these programs.

Second, with respect to SDI, star wars, this bill provides $3.2 billion, which compares or contrasts to $2.3 billion provided currently in fiscal year 1992. It effects a $100 million decrease in SDI. It increases theater ballistic missile defense but decreases SDI.

The Missile Defense Act professed support for a ground-based system. It professed support for a treaty compliance system, but in a sense it damned both of these systems with faint praise because it omitted reference to some of the essential elements of it.

Everyone who has been an advocate of a ground-based system has said that it needed to include two layers, ground-based systems that would be exoatmospheric. The Missile Defense Act omitted that second layer, the exoatmospheric system. It also omitted any reference to Probe, Pop-up, GSTS, sensors that would be launched from the ground but would be operative in space.

Mr. Chairman, the point I am making is that we have taken this system back to concentrate, in terms of this bill, in what it professes to do, develop the ground-based system that will be operational toward the end of this decade. We have not funded brilliant pebbles in this. I think something should be put there. The committee chose to put nothing.

□ 1040

We are simply sending a message that we do not think that we can fund the development of two programs at the same time. We are saying that we will go forward sequentially, first with a ground-based system, then we will make our decision about whether we want to add an additional phase to that which would include a space-based system. This is a well-crafted provision in this bill. We have the technology sequence right, we have the budget money right, we are well positioned for conference, and I would submit to all Members of the House to leave the bill as it is. It is well done.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in strong support of the Durbin-Sabo-Penny amendment to limit strategic and tactical missile defense spending to $3.3 billion in fiscal year 1993. According to the CBO, The Bush administration's current SDI plan would require an average of about $8 billion per year between fiscal year 1994 and fiscal year 1997 or about $37 billion in the next 5 years. During the same period, overall defense spending could be reduced by anywhere between $50 and $150 billion. Clearly, the defense budget cannot sustain such large increases in the cost of SDI while its overall funding levels are being reduced. A growing SDI budget will crowd out other defense needs.

In addition, there is the very real danger of waste if the program is allowed to proceed at the rate proposed in this bill. In an article in the June 2, 1992, edition of the New York Times, Dr. David Chu, the Assistant Secretary of Defense for Program Analysis and Evaluation, was reported to say that the "$35 billion plan to protect the Nation from nuclear attack with land-based interceptors calls for a hasty deployment that threatens costly and crippling problems." Dr. Chu recommended that the plan to deploy a ground-based ABM site be delayed from 1997 to the year 2003.

According to a CBO report released just last week, an alternative funding plan for SDI that would delay the single-site deployment to the year 2003 would require $3.3 billion in fiscal year 1993—this is exactly the amount which the Durbin-Sabo-Penny amendment would provide for SDI-TMD in fiscal year 1993.

Finally, I would like to address the issue of ballistic missile threats in the post-cold-war era. The Persian Gulf war illustrated the need for effective defense against short-ranged ballistic missiles. I strongly support the House Armed Services Committee's funding of $1.1 billion for the TMD program. But what about the threat from long-ranged intercontinental ballistic missiles [ICBM's]? Currently, only four other nations possess such weapons—the Commonwealth of Independent States [CIS], Great Britain, France, and China. After three decades of research and development, China has about 10 ICBM's. The other countries—Russia, France, and Great Britain—do not at this time pose a threat to the United States.

What about potential Third World threats? According to some proponents of a large SDI Program, there will be over 20 countries with ICBM capability by the year 2000. This is very misleading, and in fact, it is untrue. While nearly 20 nations will possess, or already possess, short-ranged, or tactical, missiles—few, if any, of these nations—like North Korea, Libya, Syria, or Iran—are even remotely likely to produce a long-ranged ICBM in the next 10 to 15 years. And even if one of these countries did produce an ICBM, it would first have to test the missile—which would mean that, due to our advanced satellite detection capability, the United States would know years in advance that a country was preparing to deploy ICBM's. And once deployed, the United States would know exactly where the missiles were deployed.

Clearly, there is very little threat to the United States from Third World ICBM's at this time nor will there be an even small threat for at least a decade. There is no urgency at this time to develop and deploy costly defenses against ICBM's. I would recommend a slower approach to the SDI program—one that reflects budget constraints and post-cold-war threats.

Again, I urge Members to support the Durbin-Sabo-Penny amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, the administration has requested $5.4 billion of money that we do not have, to build an ABM system that likely will not work in possible violation of an ABM Treaty that does work, to counter a Soviet threat that no longer exists. Does that make sense? This system would be of little value against submarine-launched cruise missiles, of little value against sea-launched cruise missiles and of little value against air-launched cruise missiles.

Do we need to continue the basic research of an ABM system? Yes, we do. Do we need to continue to fund theater tactical defense systems? Yes, we do. Do we need to spend money that we do not have? I do not think so.

Why do we not spend money on things that really threaten our national security: lack of productivity? A decaying infrastructure? Kids reaching school age who aren't ready to learn? And rampant drug and alcohol abuse in many quarters of our society? Better still, let's not spend this money at all.

Mr. DURBIN. Mr. Chairman, may I inquire of the Chair, who has the right to close the debate?

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The gentleman from Arizona [Mr. KYL] has the right to close the debate, because he is a member of the committee.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Chairman, I rise in strong support of this amendment. Just 2 weeks ago this House voted not to take down the firewalls that would let us transfer money from military research to domestic research. Not one single Republican voted for that. Here we are, spending over $4 billion for a new military system, of which this amendment would cut less than $1 billion in research. Yet in the bill that is going to come out of the HHS subcommittee within the next few weeks, NIH will have less than $10 billion for research on all the diseases; the budget request is $9.4 billion for research on all the diseases.

Let's look at the diseases affecting Americans, 4 million Americans have Alzheimer's disease, 4 million. It costs this country $90 billion in health care costs for treatment of Alzheimer's patients, yet we spend only $198 million for research on Alzheimer's.

The Republicans would not vote to let us transfer this research money to domestic research; 500,000 people die annually of cancer, yet we could save 100,000 of those people if we could get earlier diagnosis and treatment for them. Yet, the gentleman from Kentucky, Chairman NATCHER, will not be able to increase the money for research.

I see the gentlewoman from Ohio, MARY ROSE OAKAR, who is a leader in the fight to get more money for women's health research. In this country we spend so little money for breast cancer, for endometriosis, for PID, pelvic inflammatory diseases, which are women's health problems. We are not going to be able to spend money for domestic research on these diseases, and we do not spend enough money; yet we are spending over $4 billion on SDI.

We just had a study released yesterday that said, with regard to AIDS, that in 8 years, in just 8 short years, and this is not a threat, it is a fact, 120 million people, including 10 million children, will be infected with HIV, 120 million people. Yet we do not spend enough money for AIDS research.

Mr. Speaker, just recently it was disclosed we wasted $8.8 billion in SDI on programs that are useless, and we will not transfer our money to domestic research? This is a good amendment.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I only have 2 minutes, because there are some strong voices that still believe in the danger in a world that still has much evil. I do not know how anybody could look at the picture of people mortared in that food line in Bosnia, people reaching out for help, the carnage there, and not have studied Hitler, Stalin, Qadhafi, Saddam Hussein, and not realize that just one little mistake, one mistake, one weapon, one device, hitting one of our cities is 1 million, 1 million times worse than the photographs that we are getting from the evil that we see now in the former state of Yugoslavia as it spins apart.

During the prior debate the gentleman from California [Mr. DELLUMS] was making much of our friend, Bob Gates, the Director of the Central Intelligence Agency. I would like to correct the record and put in recent testimony of Director Gates to our Congress. I think it comes from under the heading of a disorder, kind of a mental disorder in this Chamber that was rampant in the thirties, disappeared from 1941 to 1948, existed all during the cold war as we faced the evil empire, and goes unrelenting. It is called threat denial. We have it here again in the extreme, threat denial.

Just to set the record clear on what Mr. Gates said, please allow me to quote, and then I will include the rest of the quotation in the RECORD. I implore my colleagues on both sides of the aisle to read this.

□ 1050

Here is Gates:

> We continue to witness a steady and worrisome growth in the proliferation of advanced weapons. Today, over 20 countries have, are suspected of having, or are developing nuclear, biological, or chemical weapons and the means to deliver them.
>
> There are several reasons for the proliferation of weapons of mass destruction. First and foremost, the technologies used in these weapons are simply more available and more easily absorbed by Third World countries than ever before. Nuclear and ballistic missile technologies are, after all, 1940s technologies by U.S. standards.

Please read the rest, which I include at this point in the RECORD:

The Director of Central Intelligence, Robert Gates, was cited by one of my colleagues in an attempt to bolster the claim that there is no realistic ballistic missile threat confronting the United States.

Just so that the record is clear on this point, please allow me to excerpt some other quotes from Director Gates' testimony before our Congress:

> We continue to witness a steady and worrisome growth in the proliferation of advanced weapons. Today, over 20 countries have, are suspected of having, or are developing nuclear, biological, or chemical weapons and the means to deliver them.
>
> There are several reasons for the proliferation of weapons of mass destruction. First and foremost, the technologies used in these weapons are simply more available and more easily absorbed by Third World countries than ever before. Nuclear and ballistic missile technologies are, after all, 1940's technologies by US standards. BW and CW technologies are even older, and they are easier and cheaper to develop. Second, most of these technologies are so-called dual use technologies—that is, they have legitimate

> civilian applications. This makes it difficult to restrict trade in them because we would be limiting the ability of developing nations to modernize. For example, much of the technology needed for a ballistic missile program is the same as that needed for a space launch program. Chemicals used to make nerve agents are also used to make plastics and process foodstuffs. Moreover, a modern pharmaceutical industry could produce biological warfare agents as easily as vaccines and antibiotics.

This is an important point, because the experts agree that space-launch vehicles, for example, boosters designed to place a payload in low Earth orbit, are also capable of delivering payloads over intercontinental ranges. Therefore, current and projected spacefaring nations have, or will soon acquire, a capability to attack the United States directly. Returning to Mr. Gates' testimony:

> Only China and the Commonwealth of Independent States have the missile capability to reach U.S. territory directly. We do not expect increased risk to United States territory from the special weapons of other countries—in a conventional military sense—for at least another decade. However, the threat to Europe, the Middle East, and Asia is real and growing:
>
> U.S. or multinational forces deployed abroad could face an increased threat of air-delivered nuclear weapons before the end of the decade. Several countries now have missiles and rockets that could carry nuclear warheads, and others are likely to field some ballistic missiles with nuclear warheads in coming years! If any of those countries could acquire even a few nuclear warheads it could soon become a nuclear threat.
>
> Most of the major countries in the Middle East have chemical weapon development programs, and some already have stockpiles that could be used against civilians or poorly defended military targets. Most countries have not yet equipped their delivery systems to carry weapons of mass destruction, but over the next decade, many countries will—from North Africa through South Asia—if international efforts to curtail this fail.
>
> China and North Korea may sell other countries longer-range missiles and the technology to produce them. Countries with special weapons that succeed in buying these missiles will further expand and accelerate the special weapons arms race already under way in the Middle East and South Asia.
>
> [With respect to the Commonwealth of Independent States] we expect to see attempts by the former Soviet Union's defense industrial sector to market dual-use technologies of concern, notably for nuclear power and space launch vehicles. For example, the space organization Glavkosmos has reorganized to market a joint Russian-Kazakhstan space launch service, and Russia is offering SS-25 boosters as space launchers. Other nations with ambitious weapons development programs are certain to try to exploit the opportunity to get some of the world's most advanced weapons technology and materials at bargain basement prices."
>
> As a result of the proliferation of new weapons technologies—conventional or special—I expect that foreign military capabilities will expand and become considerably more complex to deal with. Some we will not have anticipated. The range of conditions under which these capabilities might be used is much wider than we were accustomed to in the past, when the main threat was from the Soviet Union and we understood it well. Keeping track of burgeoning foreign military capabilities will be one of our greatest challenges in years ahead. The potential for technological surprise in the Third World is growing as some international restrictions on foreign access to dual-use technologies are loosened.

I would like to note for the record that I support a strong, capable U.S. intelligence community. I have plenty of respect for the men and women who comprise our intelligence system, and I understand the difficulties that they face as they attempt to make sense out of what are oftentimes conflicting bits of data. That being said, however, it is important to recognize that the recent revelations about Iraq's nuclear and related programs have again demonstrated our capacity to be surprised. Mr. Gates candidly acknowledges this fact by noting in his testimony that "the potential for technological surprise in the Third World is growing * * *."

In sum, Mr. Chairman, I wanted to make sure the record was complete with respect to Mr. Gates' views on the emerging threat posed by the proliferation of ballistic missiles and weapons of mass destruction.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The Chair would advise our guests in the gallery that we welcome them here as guests at any time, but the rules of the House prohibit expressions such as clapping or shouting in the Chamber, and the Chair asks our guests to please refrain from expressing their reactions to the proceedings.

Mr. KYL. Mr. Chairman, I yield 1½ minutes to our colleague from the Committee on Armed Services, the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I just wanted to take a second to say that it is kind of a historic moment when both JOHN SPRATT and JOHN KYL are plugging away together on the House floor on this whole SDI program. There is bipartisan opposition to this amendment, frankly, because while there is not overall complete agreement on where the program is going to go, there is agreement between our two experts on this committee that we do not need to cut it like this. If we cut it this much, we really begin to dismantle this program.

I want to say to the Members here today, look, I hate to have to think that ballistic missiles are something that are going to threaten us in the future. The reality is I think, because of the ever powerful dollar, and I mean dollar in everybody's currency across this world, and people who want to put profit ahead of security, unfortunately I think ballistic missile proliferation is going to happen. We need to have an SDI program because we have to protect our people. We are going to have to protect a lot of the world from these people who without any regard for human life are willing to throw missiles and rain death on innocent people. That is what SDI is all about.

Where we go ultimately down the line in terms of how many shells and how many layers of this program, that is up for debate. But what is not up for debate is to take this thing down by another $1 billion at this point in time, crippling the research that is needed. And this is not just the position on the Republican side. This is a position that is shared by Republicans and Democrats alike on the committee who have studied this thing very carefully.

I have a lot of respect for the gentleman from Illinois [Mr. DURBIN] and his colleagues, the gentlemen from Minnesota, Mr. PENNY and Mr. SABO. But on this one I think they are just not correct, and I would urge the Republican side of the aisle and those Democrats concerned about SDI to reject this amendment.

Mr. DURBIN. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I want to ask where our priorities are. Americans spend $35 billion on military research and $8.5 billion on health research.

I think if we asked Americans if we can afford to transfer $1 billion of the $35 billion to health research, to find cures for Alzheimer's disease, epidemics like breast cancer, prostate cancer, and lung cancer, I think they would say transfer this $1 billion, and let us spend it for cures for disease.

That ought to be what our national priorities are. I support the amendment.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, most experts agree that Russian President Boris Yeltsin's January 1992 call for a joint global defense system represents a gigantic change in Russia's position on a whole range of antiballistic missile [ABM] issues.

And, as Assistant Secretary of Defense Stephen Hadley noted in his May 6 testimony before the Armed Services Subcommittee on Research and Development:

> President Yeltsin's call for a global ballistic missile defense system thus represented both an opportunity to move forward to develop and deploy defenses and to engage the former Soviet republics in an important cooperative venture with the West. It appeared to be the "yes" for which we had been waiting for so long—"yes" to a "cooperative transition" to defenses.

So, now that, again in Secretary Hadley's words, "we are leaving behind our adversarial relationship and seeking the benefits of cooperation," what position should the Congress take with respect to the future of the SDI program and the ABM treaty in light of President Yeltsin's forward-looking proposal for close United States-Russian cooperation on ballistic missile defenses?

First, it should be noted that, with the passage last year of the Missile Defense Act, the Congress already had begun to address these issues. The Missile Defense Act stated, and I quote:

> It is a goal of the United States to—
>
> (1) Deploy an ABM system, including one or an adequate additional number of ABM sites and space-based sensors, that is capable of providing a highly-effective defense of the United States against limited attacks of ballistic missiles;
>
> (2) Maintain strategic stability; and
>
> (3) Provide highly-effective theater missile defenses [TMDs] to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friends and allies of the United States.

In addition, the Missile Defense Act recognized President Bush's call on September 27, 1991, for "immediate and concrete steps" to permit the deployment of defenses against limited ballistic missile strikes and the response of then-Soviet President Gorbachev undertaking to "consider such proposals from the United States on nonnuclear ABM systems." The Act continued:

> In this regard, Congress urges the President to pursue immediate discussions with the Soviet Union on the feasibility and mutual interests of amendments to the ABM Treaty to permit the following:
>
> (a) Construction of ABM sites and deployment of ground-based ABM interceptors in addition to those currently permitted under the ABM treaty.
>
> (b) Increased use of space-based sensors for direct battle management.
>
> (c) Clarification of what development and testing of space-based missile defenses is permissible under the ABM Treaty.
>
> (d) Increased flexibility for technology development of advanced ballistic missile defenses, and
>
> (e) Clarification of the distinctions for the purposes of the ABM treaty between theater missile defenses and ABM defenses, including interceptors and radars.

Thus, the Congress last year in the Missile Defense Act urged the President to immediately begin negotiations with the then-Soviet Union to see whether and how the ABM treaty would need to be modified in order to accomplish the goals of the act—namely to establish a highly effective missile defense for our troops overseas, for our friends and allies, and for the American people. In addition, the Congress agreed to provide "robust funding" for promising follow-on technologies, such as the Brilliant Pebbles space-based interceptor concept, and provided a total of $4.15 billion for SDI in fiscal year 1993.

In sum, the Congress has recognized the danger posed by the proliferation of ballistic missiles and weapons of mass destruction; has established a national goal of providing protection against these emerging threats; has called for immediate negotiations to provide whatever relief from the ABM treaty is necessary to implement the goal, and has provided a "down payment" of funds toward a future highly effective missile defense.

So just as we are on the verge of a historic United States-Russian agreement for a cooperative, joint ballistic missile defense system, the Durbin amendment undermines the President and short changes this critical program. For these reasons, I strongly oppose the Durbin amendment.

But each of the steps listed above were taken last year. What additional steps do we need to take this year to ensure that the strategy and goals embodied in the Missile Defense Act are fully implemented?

First, we need to provide adequate resources for the SDI program. The amount for SDI in H.R. 5006, the Armed Services Committee-reported bill, is too low. Admittedly, the committee-approved funding level for fiscal year 1993 is higher than the amount recommended out of the committee in all the previous years of the SDI program, and that's a positive development. But it still is not adequate. In this regard, I urge my colleagues to vote for the Kyl amendment which would restore the cuts to the SDI program made by the Armed Services Committee.

Second, we should take no steps that would undermine the consensus that emerged last year in favor of the Missile Defense Act. Certainly, were the House to approve either the Dellums-Boxer or Durbin amendments, it would represent a pronounced step backwards from the direction provided in the Missile Defense Act.

In addition, the Armed Services Committee bill provides no funds for one of the most promising concepts for effective defenses, Brilliant Pebbles. That makes no sense, especially in light of the explicit call in the Missile Defense Act for robust funding for promising follow-on ABM technologies, such as Brilliant Pebbles. Again, I urge my colleagues to support the Kyl amendment to repair the damage done to Brilliant Pebbles by the committee's mark.

And, third, the Armed Services Committee unfortunately has taken another step that may undermine the consensus behind the Missile Defense Act. Specifically, the committee adopted an amendment that modifies the goals language of the Missile Defense Act. Earlier in my statement, I read into the RECORD the goals section of the Missile Defense Act of 1991. The new, Armed Services Committee-approved goals section reads as follows:

> It is a goal of the United States to—
>
> (1) maintain compliance with the ABM treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of the treaty, as modified by any protocol or an amendment thereto; and
>
> (2) deploy an anti-ballistic missile system that is capable of providing a highly-effective defense of the United States against limited attacks of ballistic missiles, which may include space-based sensors and additional deployment sites if authorized by Congress and permitted by the ABM treaty, as modified by any protocol or amendment thereto.

What's wrong with this new formulation? First, the revision is unclear on whether space-based sensors will be a part of a U.S. ABM system or not. Whereas space-based sensors are specifically called out in the Missile Defense Act as an element of the U.S. ABM system, in the Armed Services Committee-reported bill the issue is muddied—sensors may or may not be included, depending upon whether Congress agrees to fund their deployment. This is unfortunate because the experts agree that space-based sensors can make a major contribution to the effectiveness of U.S. missile defenses—whether theater missile defenses or defenses for the continental United States.

And, second, it elevates continued U.S. compliance with the ABM treaty to the same level as the goal of deploying a highly effective defense. That's not necessary. The goal has been and should remain to deploy a highly effective defense against ballistic missile attack. The committee's continued infatuation with the ABM treaty comes just as Presidents Bush and Yeltsin are prepared to sit down and negotiate amendments to the ABM treaty that would go a long way toward implementing the goals of the Missile Defense Act.

For these reasons, I strongly urge my colleagues to oppose the Durbin amendment, and to support the Kyl amendment.

Mr. KYL. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I rise in opposition to the Durbin amendment. This country must have a way to protect Americans against a surprise ballistic missile attack. That's something we can't do now.

In past years, the ritual played out on this floor was aimed at letting SDI limp along on research, while funds were raked off elsewhere.

Sensibly, we crossed the line from research deployment in last year's defense bill. Even the Russians are for it now. So why aren't we moving ahead to boost funding for space-based interceptors?

It's because we're still hung up on the old arguments.

One says that we have plenty of time before terrorist nations can launch a ballistic missile that can reach this country. I doubt most Americans think that's comforting. They know there's a rogues gallery of nations out there who are busy buying and building ballistic missiles. Besides, if we wait until the threat is on our door step, it will be too late.

We still hear there's little congressional consensus for deploying space-based interceptors. Perhaps that comes from talking too much to ourselves. We ought to be asking Americans what they want, not bending their survival instincts to fit a warped political agenda.

The gulf war taught us several lessons, two of which are relevant to this amendment.

First, the critical role played by military space systems was reaffirmed.

U.S. forces relied heavily on space assets for surveillance of enemy forces, situational awareness, positioning of coalition forces, warning of missile attacks, and more. Space systems are becoming an increasingly important element of U.S. force structure and military strategy.

We must recognize, however, that space systems, despite their critical contribution to the swift coalition victory, are costly to develop, produce and operate. Some U.S. satellites that saw action in Operation Desert Shield/Desert Storm, for instance, cost up to $1 billion apiece. At this price tag, our theater military commanders' needs may fall victim to shrinking budgets.

Second, the need for and value of active missile defenses was demonstrated beyond a shadow of a doubt.

As the House Armed Service Committee's report on lessons learned from the gulf war "Defense For A New Era" states:

> Independent of the debate over the degree of success that the Patriot missiles had in their theater missile defense role against Iraqi Scuds, the political and military utility of mobile theater defenses was demonstrated unequivocally during Operation Desert Storm. Although some critics contend that the lessons learned from the employment of the Patriot missile in the TMD role are negligible due to the low-tech nature of the 20 year-old Scud technology, it should not be forgotten that the Patriot is, itself, based on 20 year-old technology.
>
> The global proliferation of ballistic missile technology and weapons of mass destruction has become one of the most immediate and dangerous threats to U.S. national security in the post-Cold War era. Over time, this threat will most likely evolve from today's shorter-range, inaccurate missiles in the direction of more sophisticated, longer-range and increasingly accurate systems. Therefore, the question of how the U.S. can modernize its TMD capabilities to best ensure that its forward deployed and power projection forces possess effective defenses against future tactical ballistic missile threats is paramount.

So, how does this amendment relate, first, to the issue of the increasing importance and cost of military space systems, and second, to the issue of responding to the growing threat posed by the proliferation of theater ballistic missiles?

As noted in a recent Aviation Week article, "Early development work on the Brilliant Pebbles space-based interceptor is raising several issues that promise to change traditional approaches to spacecraft design, production and operation." The article goes on to state that:

> For the first time, sophisticated spacecraft must be designed and produced as expendable units, analogous to tactical missiles or smart bombs. Technologies now being developed by Pebbles contractor teams will have a substantial influence on the future design of military, commercial and scientific satellites. Similarly, command and control techniques under development could decrease the cost of future space operations.

Furthermore, experiments using real hardware have shown that Brilliant Pebbles can help to deter and, if necessary, defeat ballistic missile attacks against U.S. forward-deployed troops, power projection forces and our friends and allies, thereby strengthening U.S. security and global stability.

According to a March 1992 report submitted to Congress by Deputy Secretary of Defense Atwood:

> Brilliant Pebbles would be continuously in position to provide global detection of an attack and a means to destroy both strategic and theater ballistic missiles. It could act autonomously to provide highly-effective protection against a limited number of missiles, regardless of their source, * * * with ranges greater than approximately 500 kilometers.
>
> The desirability of intercepting warheads early and well away from the intended target was one of the lessons of the Gulf War. One of the limitations associated with Patriot during Operation Desert Storm involved debris from Scuds destroyed in the atmosphere landing on target areas and causing civilian casualties and property damage. The modified Scud missiles launched by Iraq against Israel and Saudi Arabia would have been accessible from space and could have been intercepted far from their targets by Brilliant Pebbles.

What is the House Armed Services Committee's response to this opportunity to drive down the costs associated with designing, procuring and operating military space systems and to provide a highly effective defense for U.S. forward deployed military forces and our friends and allies? Incredibly, the committee recommends that all work in this area be terminated.

The approach embodied in this amendment stands in sharp contrast to the approach recommended by the committee. If passed, this amendment will ensure that this promising concept for reducing the costs to develop and produce satellites and revolutionizing the way they operate, and for defending America's forces and interests, receives robust funding.

Finally, such a funding level is consistent with the Missile Defense Act passed by Congress last year, which specifically called out the requirement for "robust funding for research and development for promising follow-on antiballistic missile technologies, including Brilliant Pebbles."

For these reasons, I strongly urge my colleagues to support robust funding for SDI, and oppose the Durbin amendment.

Mr. DURBIN. Mr. Chairman, I yield myself our remaining 2½ minutes.

Mr. Chairman, there is an alienation and anger in this land. For me to report it on the floor of the House is not a news item. We all know it. The people of this country are concerned that this Congress is unresponsive to the real problems of America. The people of this Nation are concerned that this Congress no longer hears them, that we continue to spend billions of dollars with little or no care about what it is doing to our national debt, that we continue to make priorities out of programs that do not count.

We have heard the statement by the gentleman from Massachusetts [Mr. EARLY] and the gentlewoman from Ohio [Ms. OAKAR] about billions spent on star wars which represent billions that will not be spent for medical research to cure AIDS, and cancer, and heart disease. That is what we face.

For those who believe that this program can stand on its own feet, let me read a few statistics. Here are some of the proposals we have funded in star wars:

American taxpayers have spent $29 billion, $366 million for airborne optical aircraft, star wars waste, it has been canceled; $700 million for the neutral particle beam, star wars waste, it has been canceled; $720 million for space-based chemical laser, star wars waste, it has been canceled; $1 billion for the boost-type surveillance and tracking satellite, star wars waste, it has been canceled; $1.2 billion for the free electron laser, star wars waste, it has been canceled; $1.8 billion for the x-ray laser, more star wars waste.

Just a few days ago a majority of this House of Representatives queued up to sign up for a balanced budget amendment. They are pledged to balance our budget and cut spending. Today is your first installment. If you cannot vote, all your porkbusters and balanced budget amendment battalion to come down here and cut $1 billion out of this wasteful program, then turn in your stripes, you do not deserve them. This is an opportunity for us to step forward, to say we are going to bring some sanity to a program that has very serious managerial problems, to say we are going to recognize the real threat to America and to make certain that the money that we spend is well spent.

You have a chance today, Members of the House. You can vote to reduce the deficit by $1 billion and still keep the research, still keep the amount of deployment that is in this bill in place. Do the right thing, the sane thing. Listen to what America is telling us.

□ 1100

Mr. KYL. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ASPIN], the chairman of the Committee on Armed Services.

Mr. ASPIN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the Durbin amendment. There are a lot of things that have changed in the world today. There are a lot of expenditures that we do not need to make now in this new world.

The one physical threat to this country that remains is the possibility of a nuclear attack by a Third World terrorist accidental launch, something that is new, and in that regard this defense is critical and it is important that we go ahead and that we have it and we build it and that we deploy it, a ground-based system. We should deploy it. We should go ahead.

The program of the gentleman from Illinois is just a research program. Our position is to build the actual system by developing it over time carefully, gradually, but actually to build the system. It is the one threat that still remains physically to the United States.

Mr. KYL. Mr. Chairman, as a result of the comments of the gentleman from Wisconsin [Mr. ASPIN], the chairman of the Committee on Armed Services, I would join the gentleman in urging my colleagues to vote "no" on the Durbin amendment.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 211, not voting 62, as follows:

[Roll No. 169]

AYES—161

Abercrombie
Andrews (ME)
Applegate
Atkins
AuCoin
Bennett
Berman
Blackwell
Bonior
Boucher
Boxer
Bruce
Bryant
Cardin
Carper
Carr
Clay
Collins (MI)
Condit
Conyers
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Derrick
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fazio
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Hall (OH)
Hayes (IL)
Hochbrueckner
Horn
Hughes
Jacobs
Jefferson
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klug
Kostmayer
LaFalce
LaRocco
Leach
Levin (MI)
Long
Lowey (NY)
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McDermott
McHugh
Mfume
Mineta
Moakley
Moody
Moran
Mrazek
Murphy
Nagle
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Poshard
Price
Rahall
Rangel
Reed
Ridge
Rose
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Sikorski
Skaggs
Slattery
Slaughter
Smith (FL)
Solarz
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (WY)
Torres
Towns
Traficant
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Wise
Wyden
Yates

NOES—211

Alexander
Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Brewster
Browder
Bunning
Burton
Callahan
Camp
Campbell (CO)
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
DeLay
Dickinson
Dicks
Doolittle
Dornan (CA)
Dreier
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fascell
Fawell
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hunter
Hutto
Hyde
Inhofe
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Kasich
Kennelly
Kolbe
Kyl
Lagomarsino
Lancaster
Lantos
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Machtley
Martin
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pickle
Quillen
Ramstad
Ravenel
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torricelli
Upton
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—62

Ackerman
Anthony
Beilenson
Brooks
Broomfield
Brown
Bustamante
Byron
Campbell (CA)
Clinger
Collins (IL)
Dannemeyer
de la Garza
Dingell
Dixon
Dymally
Feighan
Fields
Flake
Gaydos
Green
Hatcher
Hefner
Herger
Hertel
Hubbard
Ireland
Jones (GA)
Kolter
Kopetski
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (GA)
Livingston
Luken
McDade
Miller (CA)
Miller (WA)
Mink
Morella
Morrison
Nichols
Olin
Patterson
Pelosi
Porter
Pursell
Ray
Rostenkowski
Roth
Scheuer
Thomas (CA)
Traxler
Unsoeld
Vander Jagt
Vucanovich
Whitten
Williams
Wolpe

□ 1120

The Clerk announced the following pairs:

On this vote:

Mr. Beilsenson for, with Mr. Ray against.

Mrs. Morella for, with Mr. Herger against.

Mr. Porter for, with Mr. Roth against.

Mrs. Collins of Illinois for, with Mr. Bustamante against.

Mr. WASHINGTON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Chairman, I was unavoidably detained on official business for the vote on the Rollcall No. 169. If I was present, I would have voted "aye."

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from New Mexico for the purposes of engaging in a colloquy.

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me say that I strongly support the amendment offered by my colleague, the gentleman from Massachusetts [Mr. MAVROULES] which requests a report on the feasibility of funding drug interdiction and counter-drug activities that reduce the demand for illegal drugs for young people by the National Guard.

As my colleague on the committee is aware, the New Mexico National Guard has formulated a proposal to operate a youth camp program in order to address the rising demand and use of illegal drugs among New Mexico's young people.

Specifically, the New Mexico program will reduce the demand for illegal drugs by targeting repeat offenders and providing them with a rehabilitation alternative. Through education, role modeling, hard work and counseling, the National Guard will provide New Mexico's misguided youth offenders with a second chance at life.

I would like to ask the chairman of the committee, does he agree that the New Mexico National Guard Youth Camp Program is similar to the programs the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES] and the committee has targeted?

Mr. ASPIN. Mr. Chairman, the gentleman is correct. The committee recognizes that the New Mexico National Guard Youth Camp Program does resemble the type of program this amendment would review.

Mr. RICHARDSON. Mr. Chairman, I want to work closely with my colleague as we move toward the House-Senate conference committee to develop more specific language addressing the important role youth camps can play in our war against crime and drugs.

Mr. ASPIN. Of course. I am not sure what the Senate's position will be, but I want to assure my colleague that I will work with him. Indeed I have already asked staff to begin looking into this.

Mr. RICHARDSON. Mr. Chairman, I thank the distinguished chairman of the committee.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Texas [Mr. ORTIZ] for the purpose of engaging in a colloquy.

Mr. ORTIZ. Mr. Chairman, I thank the distinguished chairman of the committee.

First, I would like to say that I fully support the reauthorization of the small disadvantaged business program which is included in this bill.

The program has been useful in increasing opportunities for minority-owned small businesses to compete for defense contracts.

A similar program that encourages the growth of minority owned small business is the Small Business Administration's 8(a) program.

I am concerned that the current recession is hindering the effectiveness of this program.

Mr. ASPIN. That is true. Many of the benefits of the 8(a) program are being drastically undermined by the recession and the cuts in defense spending. The impact of these reductions has been exacerbated by the fact, as I understand it, that most 8(a) contract opportunities have been derived from DOD procurements.

Mr. ORTIZ. I agree.

Mr. Chairman, my constituents and minority small businesses throughout the country are saying it is essential to their survival and continued growth that certain changes be made to the 8(a) program—most significantly that Congress enact legislation allowing them to remain in the program an additional 3 years.

In addition, these businesses suggest changes that would help alleviate the burdensome costs imposed on 8(a) firms when competing for 8(a) contracts.

The changes would be addressed in a pilot program to: emphasize technical rather than cost competitions; eliminate option years in the calculation of competitive thresholds; and count 8(a) competitive awards in a firm's competitive business mix.

Mr. ASPIN. I have also spoken with our colleague, RON DELLUMS, about these proposals—we believe these changes should be considered promptly by the Small Business Committee. Mr. DELLUMS and I realize we must consider proposals aimed at giving minority owned businesses the opportunities to build their businesses and compete in the mainstream of the American economy. That's the original intent of the 8(a) program.

Mr. ORTIZ. Mr. Chairman, I would like to stress again that now, more than ever, it is essential that we provide a means by which members of our minority communities can become productive members of our society.

In doing so, we will be helping not only the minority community, but American society as a whole.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. THORNTON] for the purpose of engaging in a colloquy.

Mr. THORNTON. Mr. Chairman, I thank the chairman of the committee for yielding.

Mr. Chairman, I rise in support of the multiple launch rocket system [MLRS] program. By providing for a procurement of 30,000 rockets for the Army and by expanding the program to the Marine Corps, clearly the committee's authorization actions strongly endorse the effectiveness of the MLRS program. In that regard I would like to seek clarification on the MLRS authorization for the Marine Corps.

Mr. Chairman, our Marine Corps Commandant testified this session that his service needs MLRS launchers and rockets. In response, our House Armed Service Committee provided the authorization of $254.7 million in funding for MLRS for the Marine Corps. While the committee report does not specify the actual provision of rockets, it is my understanding that the committee's intention was to provide for a substantial number of rockets from within the $254.7 million in authorization funding.

Mr. Chairman, I would be very appreciative if you could outline the disposition of MLRS funding required to satisfy the Marine Corps requirement.

Mr. ASPIN. I would be pleased to provide that clarification for my good friend from the State of Arkansas. The committee went to great lengths to determine and be responsive to the actual needs of the Marine Corps. Therefore, within the overall program authorization, we provided $107 million in authorized funding for 12,500 MLRS tactical rockets for the Marine Corps, and $147.7 million for 42 launchers and support equipment for the Marine Corps.

Mr. THORNTON. I thank the committee chairman. I respectfully request that the report include the specific authorization of $107 million for 12,500 MLRS rockets for the U.S. Marine Corps, as well as the quantity and dollar data just mentioned by Chairman ASPIN for launchers and support equipment. This will clear up a potential problem in the spread sheets that ultimately will be considered with the other Chamber.

Mr. ASPIN. Mr. Chairman, I would be glad to accommodate my very good friend from Arkansas in clarifying the Marine Corps MLRS rocket requirement in the committee report as requested.

Mr. THORNTON. Mr. Chairman, I want to take this opportunity to address the multiple launch rocket system [MLRS]. Specifically, I want to extend my remarks on an important issue relating to the sustained production of MLRS rockets. This issue is a technical correction, not a substantive change to the fiscal year 1993 Defense authorization bill the House is now considering.

To refresh memories, MLRS rockets were used by the U.S. Army and National Guard as well as by our allies to saturate, neutralize, and suppress Iraqi Republican Guards, Iraqi armor, their fire support, radar, and other key tactical targets in Kuwait. Was this the cannonade of our century? Yes, with 644 grenades per MLRS rocket, this was indeed the cannonade of our century. After those intense 100 hours of Desert Storm, we received abundant testimony that the MLRS system worked as well as advertised, saving American and allied lives. For these reasons, the MLRS is arguably the world's best artillery support system. For Desert Storm, Jane's Defense Weekly last February summed it up well. This publication called MLRS the backbone of the coalition's heavy artillery.

From a financial perspective, the MLRS program may well also be recorded as the best production contract in the history of the U.S. Army. For the last 11 years, the actual cost of the MLRS system has come within one-half of one percent of the forecasted goal. The MLRS is the hero of multiyear contracting.

For those reasons, this Member was particularly pleased with the fiscal year 1993 product of the House Armed Services Committee. This committee knows how to get the best price for the American taxpayer.

The problem, Mr. Chairman, is that an important number was omitted from the House Armed Services Committee's report. For the Army, the committee report indeed lists 30,000 MLRS rockets for fiscal year 1993 and authorizes $110 million for this buy. For our marines, the committee report lists a dollar number of $254.7 million, but does not explicitly call for rockets.

We know, however, the Marines want MLRS rockets for their launchers. For example, here is what Gen. Carl E. Mundy, Jr. our Marine Corps Commandant, testified before both the House and Senate Armed Services Committees. On May 5, 1992, General Mundy told our counterparts in the other Chamber that:

> Our force structure planning effort identified * * * enhancements that will offset some of the reductions we face as a result of downsizing. One is the need for a Multiple Launch Rocket System, the MLRS, to improve our long range artillery capability. * * * We have programmed resources to procure sufficient equipment for one-half of an MLRS battalion and 15 days of ammunition. Additional launchers and ammunition will be pursued in the future to outfit an entire battalion.

It is clear that General Mundy's reference to ammunition means rockets in the MLRS case. Of course our Marines want MLRS rockets to go with their launchers. We have just been in touch with General Mundy's office, and they have informed us the Marine Corps requirement is 12,500 MLRS tactical rockets in fiscal year 1993.

I have just quoted our Marine Corps Commandant for his service's felt need for this heavy artillery backbone. Let me cite an expression from one of our marines on the front line. Typically understated, it is a Marine Corps officer's appeal for MLRS rockets. It was not composed by an armchair tactician who did not participate, who did not hear the cannonade of the century. Rather it was written by a lieutenant colonel of artillery who linked up with an Army MLRS battery to overrun Iraqi strongpoints in Kuwait. The lieutenant colonel's name is Andres Mazzara, commanding officer of the 5th Battalion, artillery; 10th Marines, at Camp Lejeune, NC. He served in that same capacity during Operation Desert Storm. I quote a brief passage from his article in the respected Naval Institute Proceedings of November 1991:

> There were, however, several artillery issues that remained * * * These include the procurement of the Multiple Launch Rocket System (MLRS) * * *. The 10th Marine Artillery Regiment was task organized with four Marine artillery battalions, an Army self-propelled (155 mm M109A3) artillery battalion, and an MLRS battery. The MLRS showed the lethality, mobility, and tremendous fire support value inherent in this technology. The Marine Corps needs this weapons system.

Our Marine Corps needs MLRS rockets, and the committee's report language explicitly refers to "multiple launch rocket systems." Systems, in this case, surely means both launchers and rockets. But because of the danger of ambiguity, let me repeat that we doublechecked with our Marine Corps, and have been told that their requirement is 12,500 MLRS tactical rockets in the 1993 fiscal year buy. What we, as a body, need to do now is make that explicit. We need to go back to the word processor and enter the authorization of 12,500 MLRS rockets for the U.S. Marine Corps in the fiscal year 1993 Defense authorization bill under debate. This will clear up a potential problem in the spread sheets that ultimately will be considered with the other Chamber. Our Marine Corps' need for MLRS rockets should not be finessed by an ambiguous spread sheet.

These are the key reasons I am requesting a technical correction in House Report 102–527. My technical correction does not add one dime to the $254.7 million authorized by the committee. On the table on page 68, I respectfully request the addition of an appropriate line to call for 12,500 MLRS tactical rockets for $107 million, and a corresponding correction on line 42a to read $147.7 million for 42 MLRS launchers and support equipment. When you add $147.7 million and $107 million, you get the exact dollar amount authorized by the committee. The addition of a separate MLRS rocket line is solely to avoid unnecessary confusion during joint conference with Members of the other Chamber.

The CHAIRMAN pro tempore (Mr. Cox of Illinois). It is the understanding of the Chair that amendment No. 14 printed in part I of House Report 102–545 will not be offered. It the Chair's understanding correct?

Mr. ASPIN. The understanding of the Chair is correct.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 15 printed in part I of House Report 102–545.

AMENDMENT OFFERED BY MR. ANDREWS OF MAINE

Mr. ANDREWS of Maine. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. ANDREWS of Maine:
>
> Strike out section 141 (page 15, line 18, through page 18, line 19) and insert in lieu thereof the following:
>
> **SEC. 141. TERMINATION OF NEW PRODUCTION OF B-2 AIRCRAFT.**
>
> (a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1991 may not be obligated or expended to commerce production of any B-2 aircraft.
>
> (b) AUTHORIZED SCOPE OF B-2 PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the B-2 aircraft program only—
>
> (1) for the completion of production of the 15 deployable B-2 aircraft for which production was commenced with funds appropriated for a fiscal year before fiscal year 1992;
>
> (2) for research, development, test, and evaluation, including flight testing; and
>
> (3) for military construction associated with the deployment of the 15 B-2 aircraft referred to in paragraph (1).
>
> (c) REDUCTION IN FUNDING.—The amount authorized in section 103 for procurement of aircraft for the Air Force is hereby reduced by $2,686,572,000, to be derived from the B-2 aircraft program.

The CHAIRMAN pro tempore (Mr. SANGMEISTER). Pursuant to the rule, the gentleman from Maine [Mr. ANDREWS] will be recognized for 20 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maine [Mr. ANDREWS].

□ 1130

Mr. ANDREWS of Maine. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the debate on the B-2 bomber is one that is very familiar to all of us. We have bantered about various chestnuts on the B-2 bomber year after year. We have discussed a whole range of issues relating to this aircraft.

Last year and the year before, after considering all of the points that were raised in this debate, this House made a definitive decision about the B-2 bomber. It decided that this Nation was adequately served; in fact, that the Nation's needs would be met in total with 15 B-2 bombers.

I want to extend my appreciation to all those Members who articulated so well on this floor the argument for 15 bombers and who published reports after the debate for 15 bombers.

Mr. Chairman, the chairman of the Committee on Armed Services stated it probably best of all last year, 11 months ago, in an op-ed piece in the Los Angeles Times entitled "Yes to the B-2, but no to more B-2's," where he described the 15 B-2's that we had authorized last year as "a highly effective force."

Well, we responded last year. We agreed with those who argued for 15, and overwhelmingly this House voted for that 15 level.

Now, Mr. Chairman, we are being asked to go beyond that 15-plane level, to 20 planes. The key question that we have to ask ourselves is what has happened in the last year that compels us to change our position and vote to support more B-2's than what we authorized last year. That is the key question, what has occurred in one year's time to convince us that we must go beyond 15, to 20.

Well, in my view, nothing has happened that would compel us to go beyond the 15 B-2 level. But I will tell you what has happened. The Soviet Union has disintegrated in that last 12-month period. The economies of our economic competitors around the world has grown stronger. Our Nation's debt has increased. The foundation of our economy and our children's future has weakened.

Mr. Chairman, I will tell you what else has happened. Americans are demanding more than ever before that Washington wake up and smell the coffee, that we stop politics as usual, that we set priorities and have the guts to stand up for the national interest and say no to unnecessary spending.

We have heard lots of talk about cutting unnecessary spending, Mr. Chairman, and getting our budget under control. We are going to hear a lot more of that talk next week.

But this is where the rubber meets the road. You do not balance budgets by resolutions or even amendments; you balance them by making strong decisions, tough decisions, the right decisions. This amendment, Mr. Chairman, I believe is the right decision.

In terms of the costs that we will be adding to our debt, the cost of authorizing these additional planes, if you believe the Pentagon, which is a great leap of faith with this particular program, but if you believe them we are talking about a bargain basement price, so called, of $2.6 billion to extend this program to those additional planes; $2.6 billion.

Now, we do not have the money, so we are going to have to borrow the money. If we pay that money off in 5 years, again, another great leap of faith, you are going to add another $1.2 billion in interest payments to this country, for a grand total of $3.8 billion to take us beyond this 15 B-2 bomber threshold.

Now, where I come from this is real money. It is talked about so often around here as a bargain. You are going to hear about all the additional capacity that we will have. You will hear about all the great things that we will be able to do. You will hear why it is a good deal.

But $3.8 billion, you know, in my State of Maine I could pay for everything in our budget. I could eliminate the sales tax. I could eliminate the income tax. I could send a check to every taxpayer in the State of Maine and still have money left over from that amount of money.

Mr. Chairman, this is real money, and we are in a real fiscal crisis, and we have to set priorities.

The irony, Mr. Chairman, is we are not even talking about cutting, we are simply talking about holding the line at the 15 planes that we authorized last year.

The good news is that the Committee on Armed Services believes that the B-2 should work and that cost overruns should be brought under control before we finally authorize all the money for these 20 planes. I have no disagreement with that at all. But what our side is saying is absolutely make sure the planes work. Solve the cost overrun problem. But then let us draw the line at 15 planes.

Mr. Chairman, again, the question I hope that all Members ask themselves before they cast this vote is what has happened in the last 12 months that would require us to go from 15 to 20 planes.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman is correct in that we have had this debate on this subject matter for many years now. As we can all recall, the administration started out asking for and the plan was to build 132 B-2's. As the world situation changed and the resistance grew to the so-called sticker shock on the cost of each item, the administration changed its position and said we will build 75. So the debate continued.

Finally last year the administration said, coming over by the Department of Defense, let us close this thing out. Let us come to an agreement, an understanding, build it, and stop arguing about it every year and stretching out the program making the costs run up.

The administration said, "We will settle for 20 B-2's to close it out."

We agreed, in essence, last year that certain parameters, certain goalposts, certain mileage markers would be required along the way; but we said we will build the 20.

Now we have bought and paid for 15. Last year we added another one, making 16, but we fenced the money. But we have had long lead money in here to buy parts going into the future for the additional four.

What we are asking for in this bill is $2.68 billion in procurement to finish out the buy. That is what we are asking for, just to finish out the buy.

Now, General Lowe, who is head of the Air Combat Command that will operate these birds, says that the difference between 15 and 20 gives us a 50-percent increase in capability, a 50-percent increase just with that small addition because it will give us two wings. It will allow for downtime on some planes that might not be fully capable at any one time due to repair and maintenance. It gives us two wings of planes 10 each.

This is what we need. This is what will suit our requirements. Not to go forward and build the last four is simply a tremendous waste of money.

As a matter of fact, we have already spent some $35 billion. The total program will run something like $44 billion. We will have billions of dollars of wasted money if we simply build 15 and say everything else that we have spent in long lead items is wasted.

So I think it is a very shortsighted proposal to delete these funds and cap it at 15. There has been a general agreement from both sides, pro and con, on the total subject of the B-2. We came to an agreement. Let us live up to the agreement, and finish it out. I hope this is the last time we will have the necessity of debating this issue on the floor.

Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, as a person who started this fight with the gentleman from California [Mr. DELLUMS] 3 years ago, I will tell you what the situation has been and what has changed in the last year.

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Last December I got a phone call from Secretary Cheney. We had just come out of the conference committee where we once again were subjected to Chinese water torture. And the Senate, which has never ever been in a position of being able to kill this program, squeezed another airplane out of us, up to 16. Our little group of people who were the B-2 killers had gotten together and figured out, can we strike the big deal?

The gentleman from California [Mr. DELLUMS] and I, together with the group that worked passionately for 3 years, said, can we strike the big deal to end this program. We discussed all kinds of numbers as to how we could end the program. Figured we could not strike the big deal because the Senate was well over 40 airplanes in terms of how many B-2's they wanted to build.

Lo and behold last December the Secretary of Defense calls me on the phone and says, "John, I have studied yours and Mr. DELLUMS' argument. I have taken a look at ending this program."

Last December he said to me, "I have bought into many of the arguments that you have advanced and I have come to the conclusion that I want to end this program. The question is, John, how do I end it the most efficiently and effectively? When we came in for our initial buy, we wanted 132 aircraft. You wanted 15 aircraft. We are coming from 132, and we would like you to give us four more so that we end up at 20, which means you have to go from 15 to 20."

I said, "Mr. Secretary, you are saying that what we are going to do is Dellums and I have been at 15. You want us to go to 20. You were at 132, and you want to come down to 20, and you are giving me your word you want to end this program. You will not ask for another dime. We won't have any hassles out of the Senate. They will stop asking for 40. We are going to finally get this thing killed, dead, done, finished."

He said, "Yes."

I said, "Let me go back and talk to my team."

So I got together with all the guys who passionately bled for 3 years on this program and I said, "Do any of you have any objection to this?"

Let me tell my colleagues, everybody who passionately worked against this program for 3 years, who knew we never quite had enough votes to nail the lid shut on the coffin on this program, had no objection. In fact, many of us said, let us get the thing done, completed, finished, dead, killed. We got the Secretary of Defense. We got his word. So what did we do?

We did not tell the Department of Defense they can build 20. We have given them a pot of money. There is $800 million in closeout costs that we would have to pass to a contractor is the number we get. We are saying that we are going to give them a pot of money if they can go through the hurdles, if they can pass the test, if they can pass the stealth test, they can go through the fences and they can build the thing economically and they can force the contractor down on closeout costs, we will give them the ability to go up to 20.

If they do not meet the fences, if they do not pass the stealth test, if they do not stay within the numbers, the pot of money we are giving them, that is it. They may not be able to build more than eight of these aircraft.

The bottom line is, nobody in this House took more heat than I did on this program starting 3 years ago as a Republican with a Republican President. I was opposed to this program.

My colleague and dear friend, the gentleman from California [Mr. DELLUMS], and I waged a battle we never thought we could win at 20 aircraft. We finally convinced the Secretary of Defense of the United States that we two lonely guys battling the lobbyists, the Pentagon, the President, the Secretary of Defense could end up winning this fight. And what I am interested in is shutting this program down and closing it out.

The Senate is going to constantly pass as many airplanes as they can possibly get. I want to stop the Chinese water torture of dribbling it out another plane, year in and year out. And I want the thing ended.

If we had a Secretary of Defense other than Dick Cheney, whose word I could not rely on, I may not agree. But sometimes in life, we have to know when to declare victory.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BENNETT], the distinguished chairman of our Subcommittee on Sea Power and Strategic and Critical Materials.

Mr. BENNETT. Mr. Chairman, with the opinion of a man of a long time here, I have seen a lot of Members come and go, and the speech we just heard from this fine gentleman is an inspiring thing to hear. He is a leader and he has done great things.

However, the fact that he was able to bring about a feeling of concert between him and the Secretary of Defense does not mean that our national defense should have to follow his arrangement. He has done a marvelous job and was a man that looked to the future very well.

Mr. Chairman, I rise today in support of the Andrews amendment to cap the B-2 bomber program at 15. This has been the House position for the past few years. I believe, given the dramatic changes in the world, it is thoroughly justified today.

Let me say, I am supportive of the reorientation of the B-2 role from primarily a nuclear bomber to a conventional bomber. I also am supportive of having a silver bullet capability. But as the chairman of the House Committee on Armed Services pointed out in a press release after last year's conference, we can get by with 15 planes for a nonnuclear role. That is the role that it has.

Given the financial problems our Nation faces, which are worse than they were last year, and other high priority defense needs that I see, I cannot support spending billions more for 5 additional B-2's, especially when the committee report notes that there remains substantial uncertainty about what the future cost of this program will be. We are going to be voting on a balanced budget in the next few days, and we have got money like this for this kind of a program and for SDI that could be cut back in a more reasonable fashion.

I do not understand what runs through Members' minds, if they think this is not an ideal opportunity to see to it that we seize on this and not allow the thing to run away.

As much as I admire and love the gentleman who spoke about the deal with the Secretary of Defense, we have got to act here for the Congress as a whole and the people as a whole, and he did a good job in having an agreement, but now it is our duty to see to it that we do not overspend in this field.

Cost uncertainty and growth have been the hallmarks of the B-2 program to date. Certainly some of this can be attributed to the Congress which cut back yearly purchases, but recent cost growth especially in the full scale development program, is related to problems with the aircraft and with its inability to maintain its flight test program. These problems have been documented by the General Accounting Office.

I also have questions about the ability of the aircraft to meet its low observability specifications. We have invested an enormous amount of taxpayer money in the B-2 to date—over $34 billion. We were asked to provide extremely expensive production quality tooling for the pre-production versions of the B-2 because the stealthiness of the aircraft was paramount. We were kept in the black about the progress of the program for years because the stealth technology was so secretive. And yet, now we are being told that the aircraft may not meet its stealth specifications, and that we should buy five more at a cost of almost 10 billion additional dollars over the next 6 years.

As I look at the future security environment that is unfolding I must be honest and say that I think we can better spend our shrinking Federal dollars on more needed defense systems. For example, we need to build more Navy ships, especially aircraft carriers, that will allow this nation to project its power abroad. At a time when we are cutting back our forces overseas, a strong naval presence is important to show U.S. commitment to various world regions.

I believe that the gentleman from Maine, [Mr. ANDREWS] is proposing a good amendment that will not hurt our national security and will help our Nation's financial situation. I support his effort and I hope my colleagues will join me.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman I speak against this amendment. I speak in favor of the committee position, which is 20 B-2 bombers.

Let me tell my colleagues what is in the committee position as well as the amendment, the later amendment that the gentleman from Wisconsin [Mr. ASPIN] will offer.

This amendment and the committee position is that we proceed with 20 bombers as opposed to 15. This amendment would say, with two fences thereon. The first is that it works, that the stealth characteristics be certified to. The second, that it come within the cost figure of $44.4 billion. That is it.

General Lowe testified before our committee that he was very certain that both of these contingencies would come to pass, and something else we should mention that is part of the committee position is that we have to come back again next year to confirm by a vote the fact that both of these issues have been certified.

Mr. Chairman, let me point out that if we cut it off at 15, we are doing our national security a great disservice. If we have a total of 20, 4 of those 20 go to research and development and to training. The other 16 will be split into 2 squadrons, of course, at Whiteman Air Force Base, MO, but 2 squadrons of 8.

If it is cut off at 15, we will have 4 planes going to research and development and to training but one squadron of 11.

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This is the testimony. It is terribly important that we have as much national security along the line as we can. The B-2, by the way, is reoriented for a nonnuclear and conventional role.

I oppose the Andrews amendment. I am for the committee position. I am for the Aspin amendment, should it come to pass.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, one thing we should not forget is that the B-2 is built to fight in a nuclear war. This plane was not designed to drop conventional munitions, but the proponents for building more B-2's argue now that it has a legitimate conventional role. Do not be fooled. This clearly never was the case. The stealth technology developed for this plane was meant to offset modernized Soviet air defense that they might encounter during a nuclear war. The dissolution of the Soviet Union quickly took care of these problems. This requirement simply no longer exists, and neither does the reason for this B-2 aircraft.

In addition, the Air Force is now conceding the fact that the B-2 stealth capability will not even work as advertised, and that it will need support aircraft to neutralize enemy radar sites. When questioned about the B-2's capabilities against early warning radars, General Lowe, commander of the Air Combat Command, said:

> We can go out, as we did in the Gulf War, and take them out with conventional fire power so that other aircraft like the F-117 and the B-2 can overfly the area without risk

He seemed to raise even more questions about how the B-2 would meet its performance requirements when he said, and I quote "* * * we're not going to put it in a situation where the probability of survival is not 100 percent." In addition to showing that the plane has problems, this also raises questions as to whether the Air Force is really willing to risk a $800 million plane on dropping iron bombs on a target.

It makes no sense to buy a plane built for a nuclear threat that doesn't exist, to go to a conventional war it will never be asked to fight. I urge my colleagues to support the Andrews amendment.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, the issue before us today can be stated in a single word, "responsibility."

It is our responsibility to promote the security of our Nation and promote world peace.

It is our responsibility to provide our military with superior weaponry so that American casualties are minimized.

I want to tell those brave fliers who protect our freedom that their personal survival is worth the best that we can provide.

These are enormous responsibilities for us as legislators and as human beings.

The B-2 bomber is one of the cornerstones of our national defense. The manned bomber is a stabilizing element of our strategic forces as it is recallable and versatile in targeting capabilities. The B-2 is essential for maintaining a viable bombing force in the 21st century.

The original B-2 program called for delivery of 132 aircraft. In 1990, Secretary Cheney revised the requirement to 75 aircraft. Most recently with the disintegration of the Soviet Union, the President has determined that 20 planes are the absolute minimum necessary to meet our security needs.

I strongly support this position.

Will these be new threats to the United States or our allies?

Can we be certain that China will never become a security threat? Will the Middle East stabilize? Regrettably, no.

With 4 B-2's always out of service for testing and training, only 11 planes would be available for combat operations. A force of 20 B-2's will have 16 planes available, an increase in combat firepower of 45 percent.

Five B-2's can carry 80 precision bombs, which is the approximate capability of the entire force of F-117A's employed in Desert Storm.

In order to strike targets anywhere in the world on short notice without risking high losses, we must have long-range Stealth bombers. Future crises are likely to occur in areas where we are without forward deployed forces, and without prearranged access to local basing.

The B-2 has the intercontinental range to operate against targets anywhere in the world on short notice, and without dependence on forward basing. That is deterrence.

Let us keep our commitment and oppose the Andrews amendment.

The four additional B-2's requested by the President are the most cost-effective means to maintain the capability to deliver bombs on target. In short, 20 B-2's makes sense. I urge the Members to reject the amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise today in strong support of the Andrews amendment, which would terminate the B-2 Bomber Program after the production of 15 aircraft. This amendment would save the American taxpayers nearly $2.7 billion which would otherwise be spent to build five more B-2 bombers. Last year, the Congress decided that with the end of the cold war and the collapse of the Soviet Union, there was no need whatsoever to build more than 15 B-2 bombers. That was the correct decision. Nothing has occurred between last fall and now which necessitates the building of five more B-2 bombers.

Proponents of building five more B-2 bombers argue that the aircraft provides a valuable contribution as a long-range bomber capable of delivering conventional weapons, and that a force of 20 planes would give the United States 50-percent increase in payload. The fact is the United States already has a bomber force with the ability to deliver conventional weapons. The B-2 bomber serves no new purpose, and in fact its original purpose was to penetrate the improved air defenses of the Soviet Union, which no longer exists. The rationale for the B-2 bomber no longer exists, and we should reject these new rationales which are being proposed by B-2 proponents.

Ultimately, however, this is a budget issue. If we are ever going to seriously address our Nation's debt and deficit problems, we are going to have to say "no" to some of these big ticket items which require billions of dollars of appropriations each year. The B-2 Bomber Program has experienced dramatic cost growth—just in the past year, research and development costs have increased by $1.8 billion in order to fix problems with the aircraft identified during the first 14 percent of the scheduled flight tests. The Air Force will almost certainly request additional funding in the future to fix problems that have yet to be identified.

Again, I urge Members to take an important step toward a balanced budget by supporting the position the House approved last year of terminating the B-2 Bomber Program at 15 planes. Vote for the Andrews amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the very distinguished and persuasive gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, the House has made some very significant votes over the last several days to reduce our troops abroad. We are bringing America's military capability back to the United States. In order to have military capability to fight a war like the war against Iraq, we are going to need high-technology weapons like the B-2 Stealth bomber. The reason we were able to gain air superiority in Iraq quickly is because of the F-117 strike aircraft. We coupled stealth technology with smart weapons and we were able to dominate the Iraqis, and our nonconventional, nonstealthy aircraft then came in and put them away. We saved thousands and thousands of American lives because of that advanced stealth technology.

Five additional B-2's are equivalent in load-carrying capability to the 42 F-117's that we had out in the gulf. We can operate those B-2's from the United States. With one aerial refueling we could have bombed Baghdad with impunity and we could have bombed any Iraqi divisions if they had gone into Saudi Arabia, and according to Rand analysis, we could have stopped them in their tracks.

What we are talking about is a weapons system started under a Democratic President, Jimmy Carter, that combines stealth, long range, and superior capability. We are going to not use it as a nuclear bomb-dropper, we are going to use it with smart conventional weapons. When we put stealth technology together with smart conventional weapons, we get an enormous increase in capability.

As I said, this is the kind of capability that a contingency force is going to need in the future to maintain our military superiority. We have invested $41.5 billion of the taxpayers' money. For $2.6 billion more we can increase by 45 percent that capability with this important aircraft.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Chairman, next week this body is going to vote on a balanced budget amendment. I am going to support that balanced budget amendment, and I suspect a number and probably the majority of my colleagues here are going to support that amendment.

Let me just remind my colleagues that are going to support that amendment next week that the budget is not balanced by an amendment. The budget is not balanced by a magic wand. The budget is balanced by tough choices and tough votes. That means more than just doing away with programs that do not work, programs that are inefficient. We are also going to have to do away with some programs that are low priority.

Certainly $2.7 billion for five airplanes that we do not need and that have not proven to work has got to be a low priority.

I encourage my colleagues to put their votes where their mouths are and vote for the Andrews amendment and for something that really is meaningful on balancing our budget.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

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Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to the Andrews amendment and I do so because of the response of the man who is responsible for managing our defense system who says he needs those weapons systems.

But I would like to comment on a little broader aspect of the last 2 or 3 days' discussion. We have had nearly now 3 days of this defense authorization, and it has produced I think one of the weakest demonstrations of public-policy development I have seen if you subscribe at all to the idea that the Congress is to set the level of expenditures and say to the Secretary of Defense and his team, you put together and coordinate in an effective way so that you can continue to do what you have done so well, and that is defend this Nation, then Congress has totally missed the mark.

This debate has consisted of a parade of Members protecting systems and protecting the economy of their areas, interspersed with Members who never wanted a Defense Establishment, and who have done their best to dismantle it in a piecemeal way. If we are going to take defense apart, at least we ought to do it in such a way that what is left fits together and is able to achieve the goal of national defense.

Mr. Chairman, a final question we need to ask ourselves, of course, is whom do we want to manage the Defense Department, Dick Cheney and Colin Powell, or Members of Congress who never really wanted a Defense Establishment in the first place.

There are several basic decisions in this authorization that do need policy discussion. Otherwise, this micromanagement by Congress is not useful and is a destructive exercise, and if it passes in this form I hope the Committee will recommend that it be recommitted to the Committee on Armed Services for a new start.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, speaker upon speaker has come to the well of this House to applaud the changes that have occurred across this globe during the last 30 months. The disintegration of the Soviet Union, the yoke of Marxism having been lifted from the necks of people in Eastern Europe, free elections in Nicaragua and the end of apartheid in South Africa.

We have a rare opportunity today, and that is to cancel this program. Just think of it, 37 million Americans without any health insurance, 1 out of every 5 students across this Nation who does not finish high school. It is time to set the domestic agenda straight. It is time to put our priorities in line. It is time to end the B-2 bomber.

Mr. Speaker, let me just conclude by suggesting this: Since the great source and strength of this weapon has been the fact that nobody can see it, why do we not just conclude the program today and not tell what is left to our enemies that we have concluded the program across the world.

Mr. DICKINSON. Mr. Chairman, it is an honor for me to yield 1 minute to the gentleman from Texas [Mr. JOHNSON], who knows a little bit about flying and airplanes, having been shot down in Vietnam.

Mr. JOHNSON of Texas. Mr. Chairman, I think we have to provide for our national security. And I have flown a lot of airplanes, and I hate to hear people say stop the program, stop the boat.

The chairman is very right when he says we need at least 20. They were talking about a lot of airplanes more than that. You cannot run an air force with 15 airplanes, 15 bombers. Think about it. You cannot keep them all in commission. So if we were to run into a situation like the Middle East again, we would not have 10 airplanes over there at one time. That is not enough to do any good with.

These airplanes give us nearly, the extra five give us nearly a 50-percent increase in operational payload for only 6-percent increase in program cost. It makes sense. We need to do it.

That airplane will carry conventional weapons, so it is a good aircraft across the board. It carries enough to take care of targets. It is modern technology.

We cannot live with biplanes. I refer to the statement by the gentleman from California [Mr. DORNAN] in his comment that we are celebrating the anniversary of Midway and World War II, and in Midway we did not have modern airplanes, and it took us a long time to gear up. If we do not keep our military modern we are in deep trouble.

Mr. Chairman, I urge Members to vote against this amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I rise in strong support of the Andrews amendment to end the B-2 program at the 15 planes authorized last year. I want to commend my colleague from Maine for his energetic and persistent effort to put a stop to this wasteful program and for holding this body to the B-2 level agreed to last year.

Mr. Chairman the B-2 has underlived its usefulness. Its vaunted stealth feature doesn't work. And with a price tag of $2.25 billion per bomber—yes, $2.25 billion per plane, you heard right—the B-2 is by far the most expensive warplane ever built.

If the enormous cost doesn't convince you, the fact that the B-2 no longer has a mission should. The B-2 is a cold war relic designed to penetrate Soviet airspace undetected and drop as much as 50,000 pounds of nuclear bombs on its target.

Originally, the administration intended to deploy 132 B-2's. Earlier this year, the President, all but conceding that the B-2 was outmoded, requested 20 planes.

Frankly, Mr. Chairman, I am disappointed that the committee chose to ignore the action we took last year in voting to stop the B-2 program at 15 planes, which are more than enough to meet our national defense needs. No threat has emerged since last year to justify the junking of last year's decision.

I can fully understand why the President wants to continue the B-2 program. The administration's complete lack of vision and innovation is reflected in the most recent polls and the demise of the President's job approval rating. The all-too typical reaction from the executive branch is a sad testament to the cold warriors petrified at the thought of a world safe from a superpower rivalry.

On a performance rationale, the B-2 does not measure up. It cannot evade radar and even the Air Force admits that without additional funding the plane will not possess sufficient stealth capability. So even though we have spent over $30 billion on the B-2, we will have to spend even more just to make it work. The only thing stealthy about the B-2 is the sneaky way in which it fleeces the taxpayer.

When will this bill reflect the true national security needs of this country, as opposed to simply continuing funding of the bloated military-industrial complex, as this bill does?

I urge my colleague to restore some sanity to this bill and support the Andrews amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 2 minutes to our majority whip, the distinguished gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank my colleague for his leadership.

Last year we agreed to stop the B-2 bomber at 15 planes, yet this defense bill authorizes $4 billion more for the B-2, raising the total to 20 bombers. The question is why.

The cold war is over, the Soviet Union is at an end, we have urgent domestic needs here at home. Why do we need more B-2 bombers?

The B-2 was designed as a nuclear bomber that would penetrate Soviet airspace. Today there is no longer a Soviet Union. The B-2 is a plane, Mr. Chairman, without a mission.

The time has come to set our priorities straight. If we are going to balance the budget, if we are going to take care of our urgent priorities here at home, we should not buy more B-2 bombers.

Today's headline I think tells the story. Unemployment shot up to 7.5 percent, the highest figure in 8 years. And we all know that the real figure is somewhere in the neighborhood of 14 to 15 percent if we count the structurally unemployed and those who cannot find full-time work. And yesterday's headline in the Post showed us that 600,000 workers have been left uncounted. How can we justify billions for the B-2?

It is time we started to take care of people's needs right here at home. America's economic might I believe is as important as our military might. Save the taxpayers from another Pentagon boondoggle. Vote for the Andrews amendment to terminate the B-2.

Mr. DICKINSON. Mr. Chairman, speaking of fighter pilots, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I insert in the RECORD my "Dear Colleague" letter on this issue.

The letter referred to follows:

HOUSE OF REPRESENTATIVES,
May 6, 1992.

WHY WE NEED 20 B-2 STEALTH BOMBERS

DEAR COLLEAGUE: There has been much debate this year regarding the President's request to procure 5 additional B-2 bombers for a total force of 20 aircraft. Many have argued that the current number of authorized aircraft, 15, is more than adequate for future roles and missions. However, the Air Force has countered that 20 B-2s represents the minimal force for effective operations. Because of this debate and the upcoming vote on the defense authorization bill, I wanted to share with you the comments of our top two bomber experts, General Mike Loh of the Tactical Air Command and General Lee Butler of the Strategic Air Command, regarding the need for 20 B-2 bombers.

During a recent Armed Services hearing, General Mike Loh stated:

"We need to procure 20 B-2s. With 20 B-2s, we will have 16 operational and ready to fight at any given time. We will have the other four in a combination of testing, training and modification. With 20 B-2s we can field 16 on extremely short notice; but with 15 B-2s we would be able to field at most 11 operational aircraft . . .

"Obviously 16 operational B-2s gives us more firepower—almost half again more payload than 11—plus the additional versatility and flexibility that comes from having more platforms. Five more B-2s gives us the ability to strike up to 80 more time critical targets each night.

"More importantly, 20 aircraft give us a more flexibile, versatile B-2 force. With 16 operational B-2s we can form two squadrons of eight aircraft each, the minimum number practical for an operational bomber squadron. This gives us an enormous amount of operational flexibility and versatility compared to having only one squadron of 11 aircraft.

". . . With two eight-aircraft squadrons, we can launch one from Whiteman AFB in Missouri and begin bombing operations immediately, while the other squadron deploys to a forward base. By moving closer to the fight, this second squadron can keep the pressure on the enemy, sustaining our operations. We cannot do this with a smaller force . . ."

Meanwhile, General Lee Butler makes perhaps the most important point of the hearing when he states, "In the first week of an air attack, over 300 more . . . targets could be attacked by a B-2 force of 20 operational aircraft compared to a force of 15 aircraft."

What this means in simple terms is that at least 300 less American pilots would be forced to risk their lives in much less survivable aircraft such as the F-15 or F-16, aircraft which could then be dedicated to much more appropriate missions. These 300 American lives in harm's way are the bottom line as to why we should produce at least 20 B-2s!

Best regards,
ROBERT K. DORNAN,
Member of Congress.

Mr. Chairman, we are debating an aircraft, a defense system right smack in the middle of the 50th anniversary of the Battle of Midway. There were debates in this Chamber in the 1930's about naval aviation. People did not want to leave the trusted and true biplanes that our Navy flew right up to 1940 and trained with through the whole war.

By a whisker in this House, Douglas Aircraft in Santa Monica, I would like to point out to the gentlewoman from California [Mrs. BOXER], who is the frontrunner for the Senate race, that was the beginning of the California aerospace industry. We bought a small number of Douglas Dauntless scout bombers, and those aircraft yesterday, 50 years ago, and again today turned the tide of the entire war in the Pacific.

But people in advance threat denial then said that Hitler was a pipsqueak, and that Mussolini was making the trains run on time so that he could not be all bad, and they came to this well and they said no, we do not need the hellcat, the Wildcats were fine. Well they were all shot down, every one at the Battle of Midway. The word in the history book I read last night was "massacred," our fighter pilots from Midway were massacred when they tried to reach the Japanese fleet. But the Dauntless and later the Grumman F-6F Hellcat made in Long Island, a New York system, turned the tide.

We do not know what the future holds out there for us. But we do know that two squadrons for just 6 percent more of cost gives us a totally different defense with the B-2's. Yes, we could put off a Qadhafi, the April night of the 14th and 15th in the 1986 raid, but no rolling raids, no continual denial of nuclear or biological or chemical weapons to a future Qadhafi or to Qadhafi himself. No rolling raids. A one-night stand, and that is it if we do not have these other five airplanes.

I applaud the chairman of this committee for supporting this position.

Mr. ANDREWS of Main. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. DELLUMS], a member of our committee.

Mr. DELLUMS. Mr. Chairman, as the other half of the Dellums-Kasich effort that tried for years to stop the B-2 bomber program, I rise in support of the amendment offered by the gentleman from Maine.

When we started this debate we asked three questions: Do you need it? Can you afford it? And are there alternatives? We answered, no, you do not need it, no, you cannot afford it, and yes, there are alternatives.

You do not get anything, Mr. Chairman, with 20 that you do not have with 15. At a time when our cities have been burning and our communities around the country are suffering great despair, we do not need to spend $2.6 billion to continue to build this monument to lack of necessity. This is an absurdity. We ought to stop this at this point.

If you could argue intelligently that you only needed 15 last year, I would suggest that the world is a lot safer place this year than it was last year. But our communities desperately need the resources more this year than they needed them last year. Given that logic, support the amendment offered by the gentleman from Maine and cut these five planes and save $2.6 billion.

Mr. DICKINSON. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today to say that we are celebrating today a great victory for the American taxpayers. I think it is important for us to see this whole effort in historical perspective.

Several years ago the administration and the Pentagon were requesting 132 aircraft. As recently as last year they were asking for 75 aircraft.

☐ 1210

The cost was projected to be in excess of $80 billion for this program. Thanks to the leadership of the gentleman from California [Mr. DELLUMS] and the gentleman from Ohio [Mr. KASICH], the gentleman from Oklahoma [Mr. SYNAR] and several others, this program today is going to end. I think we ought to celebrate a great victory today with the ending of this program.

The question before us, however, is, What is the most sensible way to end it?

Now, clearly, we are not going to build any more than 20 planes, and I do not believe we are going to build the 20 planes.

It seems to me that the Andrews amendment has one fatal flaw, and that is that we are in effect today prematurely authorizing $4.3 billion. Before I make that commitment to spend another $4.3 billion for these planes, I want to find out if they are going to fly right. Are they stealthy or not, yes or no.

The committee position, the committee language, makes it certain that we are going to have another vote before we build any more planes. As far a I am concerned, that is the responsible position to take at this time.

So, Mr. Chairman, I have to reluctantly urge opposition to the Andrews amendment, support for the committee position, and I am convinced we are going to have another vote on this to determine whether we shoud be building any more planes.

But the bottom line is this, Mr. Chairman. This is a big victory, a big victory. We are talking about having saved the taxpayers $40 billion at least,

$40 billion. This is the biggest victory in terms of terminating a weapons system perhaps in the history of this country.

I want to tip my hat again to the gentleman from California who had the wisdom a long time ago to see the ridiculous nature of this project, and so did the gentleman from Ohio.

So I do not think we should go home today regardless of the outcome of this vote and think anything other than the fact that the taxpayers won a great victory here today.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we have a chance, for those of us who were in this Chamber in the mid-eighties, to do another good deed by killing the B-2. We killed the Divad, Division air defense gun, if you remember, a gun that did not have a mission, did not have a program and had a price tag that was astronomical.

People on this floor said, "Oh, no, you shouldn't do this. It's terrible. We're taking all this away from our military."

It was a joke. We were lied to. We were cheated. We were stolen from, and that is what the taxpayers are getting with the B-2.

Let me quote:

> In the wake of the fall of the Soviet Union, the Air Force quickly relegated the B-2 to use as a deterrent for future aggression.

One military expert said:

> There's nothing it could do that can't be done now by existing B-52's or F-117A fighter bombers, which at $42.6 million apiece, are less than one-twentieth of the cost of a B-2 bomber.

Mr. Chairman, now is the time, as the gentleman from Kansas [Mr. SLATTERY] said, to have a real victory, save every dime you can, help people in this country, instead of helping the military-industrial complex.

I have a news flash, Mr. Chairman. The cold war is over. We won, and now the taxpayers deserve their money back.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I agree to some extent with my friend, the gentleman from Kansas. This is sort of a victory, but I just wish he could find a cheaper way to celebrate than to the tune of $2½ billion because that is what is at issue here.

He says, "No, no. We're going to fence it and we are going to have another vote, because they are going to have to certify it."

The last time I heard that we were going to have another vote was for one. Now we are going to vote for five. Spare me another vote, because the next time we have a vote, I do not know how many you are going to have.

The issue is very simple. If you believe that we are going to fence this, and we are going to get an honest appraisal from the Pentagon, and we are going to come back and say, oh, we are not going to do these five, then you really do not belong here, because you have not been observing the way this place works.

The fact is we have a very clear choice now. Do we build five more at $2½ billion, and not just build them, by the way, because if you build them, then you put people on them, and you maintain them, and you fuel them, and you put the weapons into them.

We are not just talking about the $2.3 billion now. We are talking about adding to the O&M in the future.

Please vote to save the money now.

Mr. ANDREWS of Maine. Mr. Chairman, let me say in closing that there have been more red herring thrown out in this debate than we have fish in fish markets in Maine.

I want to make it absolutely clear. What we are talking about in this amendment is, yes, closing out the program; yes, stopping the cost overrun problems; yes, fixing the Stealth problems, but stopping it at 15 planes, what everyone agrees is a very effective force.

And recognize, Mr. Chairman, that we have a budget deficit that is out of control. We have tremendous needs in this country that need addressing, and this is certainly not, as we have been told, a bargain for anybody. I was taught that buying something that you do not need—with money that you do not have—is no bargain at any price. And when you consider $3,800,000,000, including the interest we are going to have to pay, because we are going to have to borrow the money to buy these, this is no bargain.

Mr. Chairman, I ask everyone in this House to vote for fiscal responsibility. Vote for our children. Vote for 15 B-2 bombers and no more B-2 bombers.

Mr. DICKINSON. Mr. Chairman, to conclude the debate on this amendment, I yield the balance of our time to the gentleman from Wisconsin [Mr. ASPIN], the distinguished chairman of the Committee on Armed Services.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the Andrews amendment and in support of the committee position.

Just a couple things that are pretty obvious here to summarize; one is that the coalition which brought you the reduction in B-2's is kind of split on this issue. The coalition was Dellums-Kasich-Synar-Slattery. We now have SLATTERY and KASICH opposed to the Andrews amendment, the gentleman from California [Mr. DELLUMS] is for it.

As a disciple of that gang of four, I have decided that the people who are right in this case are the gentleman from Ohio [Mr. KASICH] and the gentleman from Kansas [Mr. SLATTERY].

Basically, I think there is a case for 20 B-2's provided you can make the Stealth work, and if the Stealth does not work, I do not even want 15.

The problem with the amendment of the gentleman from Maine is that we have 15 whether they are stealthy or not, whether we have continued cost overruns, or whether we do not have any.

Essentially what we need to do is decide later whether we are going to stop and say 8 or go ahead until we have 20.

If they fix the cost, if they fix the Stealth, we ought to buy 20, but we should not sign up for anything irrevocably here today.

Mr. Chairman, I urge defeat of the Andrews amendment.

Mr. AuCOIN. Mr. Chairman, the B-2 bomber was designed to delivery very large nuclear payloads over very long distances while penetrating very advanced defenses.

That requirement died with the Soviet Union. We now have an airplane that's radically overdesigned and overcost for what we need.

Is it a technically sound airplane? Yes.

Is it the world's best penetrator? Yes.

Does it use magnificent new manufacturing technology? Yes.

Can we get the next 20 planes at cheaper unit cost than 15? Yes. We could also get 1,000 planes at even cheaper unit cost. So what?

Will 20 planes give us more capability than 15? Yes. And 1,000 planes would give us more capability still.

Are 20 B-2 bombers worth what they would cost us? No way.

That is the bottom line. We just do not need more.

We have the B-1 bomber. This was not the most successful program in the world, and I opposed it. But we have it.

And we have the B-52. Together, they give us by far the most massive bomber capability in the history of the world.

Will there be high-threat missions that only the B-2 can perform? Maybe. We have already bought 15 B-2's for these special missions.

Mr. Chairman, enough is enough. Fifteen B-2's is enough; 20 is a luxury we cannot afford.

Mr. OLVER. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague, the gentleman from Maine [Mr. ANDREWS].

This is an opportunity for Congress to inject some sanity into the defense authorization.

The B-2 is a plane without a mission. Despite numerous attempts to redefine its mission, one fact remains: it was designed during the cold war for a nuclear mission against the Soviet Union. The cold war is over, the Soviet Union no longer exists, yet we now want to pour billions more into outdated, useless weapons systems.

Like the Iron Curtain of the old Soviet bloc, Congress has now pulled a high-technology stealth curtain around the city of Washington DC—no one in Congress will admit it's there, but the fact is, Congress has shut itself off from the rest of the world. We are insistent on continuing our battle against disappearing enemies, and nonexistent threats.

Unfortunately the stealth curtain is working much better than the Stealth bomber ever will. Congress has managed to avoid reacting to the changes in Eastern Europe—but according to the Air Force the Stealth bomber may not be able to avoid enemy radar.

What we've got is a cold war weapon, that doesn't work properly. This is an affront to the taxpayers, and an affront to the millions of Americans who are hurting.

I urge my colleagues to pull back the stealth curtain, and join the rest of world in accepting a truly new world order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine [Mr. ANDREWS].

The question was taken; and the Chairman pro tempore [Mr. COX] announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 212, not voting 60, as follows:

[Roll No. 170]

AYES—162

Abercrombie
Andrews (ME)
Applegate
Atkins
AuCoin
Bacchus
Bennett
Bereuter
Berman
Blackwell
Bonior
Boucher
Boxer
Bruce
Campbell (CO)
Cardin
Clay
Clement
Coble
Collins (MI)
Condit
Conyers
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Derrick
Donnelly
Dorgan (ND)
Duncan
Durbin
Early
Edwards (CA)
Engel
Espy
Evans
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Gejdenson
Gibbons
Gordon
Guarini
Hall (OH)
Hayes (IL)
Henry
Holloway
Horn
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jontz
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Levin (MI)
Lipinski
Long
Lowey (NY)
Manton
Markey
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McNulty
Meyers
Mfume
Mineta
Moakley
Moody
Mrazek
Murphy
Nagle
Neal (MA)
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Orton
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Penny
Perkins
Peterson (MN)
Petri
Poshard
Price
Rahall
Ramstad
Rangel
Reed
Richardson
Ridge
Riggs
Roemer
Roukema
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Skaggs
Slaughter
Smith (FL)
Snowe
Solarz
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Towns
Traficant
Traxler
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Wise
Wyden
Yates
Zimmer

NOES—212

Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Brewster
Browder
Bryant
Bunning
Burton
Callahan
Camp
Carper
Carr
Chandler
Chapman
Coleman (MO)
Coleman (TX)
Combest
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
DeLay
Dickinson
Dicks
Dixon
Dooley
Doolittle
Dornan (CA)
Downey
Dreier
Dwyer
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fascell
Fawell
Fazio
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hoagland
Hobson
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hunter
Hutto
Hyde
Inhofe
James
Jenkins
Johnson (CT)
Johnson (TX)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
Martinez
Matsui
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Natcher
Neal (NC)
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Pickett
Pickle
Quillen
Ravenel
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rowland
Roybal
Sarpalius
Saxton
Schaefer
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Upton
Valentine
Volkmer
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff

NOT VOTING—60

Ackerman
Alexander
Anthony
Beilenson
Brooks
Broomfield
Brown
Bustamante
Byron
Campbell (CA)
Clinger
Collins (IL)
Dannemeyer
de la Garza
Dingell
Dymally
Feighan
Fields
Ford (MI)
Gaydos
Green
Hammerschmidt
Hatcher
Hefner
Herger
Hertel
Hubbard
Ireland
Jones (GA)
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (GA)
Livingston
Luken
Miller (CA)
Miller (WA)
Mink
Morella
Morrison
Nichols
Olin
Patterson
Pelosi
Porter
Pursell
Roe
Rostenkowski
Roth
Scheuer
Thomas (CA)
Unsoeld
Vander Jagt
Vucanovich
Whitten
Williams
Wolpe

□ 1240

The Clerk announced the following pairs:

On this vote:

Mr. Ford of Michigan for, with Mr. Bustamante against.

Mrs. Morella for, with Mr. Herger against.

Messrs. TORRES, KOLBE, and PALLONE changed their vote from "aye" to "no."

Mr. CLAY and Mr. RIGGS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FORD of Michigan. Mr. Speaker, I wish to have the RECORD show that I cancelled my flight to Michigan and my engagements here to stay and vote on rollcall 170, the B–2 issue.

I voted "aye"; however, the printout of that vote indicates me as not voting. It is in error. I want the RECORD to show it.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to yield to the gentlewoman from Colorado [Mrs. SCHROEDER], the chairwoman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services, for the purpose of engaging in a colloquy with other Members.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to engage in a colloquy at this time with the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, if the gentleman will yield, I thank the gentlewoman from Colorado [Mrs. SCHROEDER] for engaging in this colloquy.

Mr. Chairman, the U.S. General Accounting Office has found that overseas U.S. military base personnel have in the past and continue to mismanage hazardous materials. Two of the reports were, in fact, classified by the DOD. Apparently, DOD was afraid that, should the populace of host countries discover what the GAO had found with respect to the extent of U.S. military hazardous waste management and contamination problems overseas, the United States might lose its bases in those countries, which in turn would jeopardize our own national security.

Is it the gentlelady's intention that the United States shift the entire cost of environmental cleanup to the host nations, or does the gentlelady intend some sort of equitable burden sharing?

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will yield, as the gentleman knows, the administration is the one that enters into the negotiations with the host nation on the terms and conditions of the basing rights and the closures, and they can allocate payment responsibilities.

I think the issue is, can the host nation afford to pay for the cleanup. We should aggressively push them to pay for what they can reasonably expect to pay. If they cannot afford to pay it, I assume that the administration will take it into account when they negotiate.

But my real point is, it is difficult for the United States to pay for a lot of these cleanups when we cannot pay to clean up for all the bases at home. We have many domestic bases on our closing list that want to be returned to the beneficial use of communities, and have not been able to be cleaned up yet.

Mr. SYNAR. Mr. Chairman, does the gentlewoman intend for this amendment to excuse the U.S. military from any obligation to ensure that its practices at overseas installations protect human health and the environment?

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will yield, I am sure the gentleman knows the amendment does not affect existing laws regarding environmental cleanup or international agreements or treaties.

Mr. SYNAR. Mr. Chairman, if the gentleman will yield further, I am also concerned that the amendment could endanger our ability to keep facilities we have overseas and that it could impair our ability to obtain facilities in the future, should we need them.

Does the gentlelady share that concern or have any input on this proposal from the State Department?

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will yield, I am sure the gentleman from Oklahoma [Mr. SYNAR] knows future basing rights are subject to negotiation. I am sure any country would take that into account. I hope that our efforts on burden sharing will not have adverse impacts on these future negotiations. But I think we also know the world is changing, and we have to deal with it.

Mr. ASPIN. Mr. Chairman, at this time I would like to yield to the gentleman from California [Mr. PANETTA] for a colloquy with the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. PANETTA. Mr. Chairman, I thank the distinguished gentleman for yielding. I know that the chairwoman of the Subcommittee on Military Installations and Facilities, the gentlewoman from Colorado [Mrs. SCHROEDER], shares my serious concerns about Department of Defense contracts for firms hired to perform various tasks at military installations. All too often, we have discovered that the Department awards contracts to firms operating in regions far removed from the job site area. Even when their capabilities are equal, it seems, the Department passes over smaller local firms in favor of larger organizations. For several years now, I have been discussing with the Department of Defense, the Armed Services Committee, the Education and Labor Committee, and the Government Operations Committee the best means of ensuring that small local firms are given a fair chance to win contracts and subcontracts. May I inquire of the chairwoman the views of the subcommittee on this issue?

Mrs. SCHROEDER. The subcommittee is aware of this situation and shares your concern about the problems of local contractors. We intend to raise these questions with the Secretary of Defense to determine what can be done to improve the situation you describe. In addition, I intend to ask the General Accounting Office to initiate an investigation of these problems and report back to the committee on ways to improve the process to ensure fair and open competition for all contractors.

Mr. PANETTA. I thank my friend for her understanding of the concerns of local contractors and for her statement of the subcommittee's policy.

Mr. ASPIN. Mr. Chairman, at this point I would yield to the gentleman from Missouri [Mr. SKELTON] to engage in a colloquy with the gentleman from California [Mr. PANETTA].

Mr. PANETTA. I thank the gentleman for yielding. Mr. Chairman, I would like to engage the gentleman from Missouri, the chairman of the Armed Services Committee panel on military education, in a colloquy on my amendment authorizing a new personnel system for the Defense Language Institute [DLI]. Having worked closely with the gentleman and with the chairman of the Subcommittee on Investigations to craft a modification of H.R. 1685 acceptable to all sides, I would like to ask my friend for his assurance, on behalf of the panel on military education, that the panel and the subcommittee have elicited certain guarantees from the Department of Defense relating to its implementation of this legislation.

Mr. SKELTON. Mr. Chairman, I want to commend my good friend, the gentleman from California, for the excellent work he has done in focusing our attention on the Defense Language Institute, an institution that is truly a national asset. As a consequence of the gentleman's dedication to DLI, the Investigations Subcommittee of our Committee on Armed Services held a hearing last week to examine what measures need to be taken to ensure the continuing viability of the school in a time of immense change. Chairman MAVROULES and, I believe, everyone present agreed that nothing must be allowed to interfere with DLI's continued success in increasing the fluency of succeeding generations of Government personnel in a host of foreign languages.

The hearing served to heighten our concern for DLI's well-being with respect to several issues raised by the gentleman from California. Working together, the committee, Department of Defense officials, and the gentleman from California have agreed on a number of measures that should go a long way toward resolving those issues. I would like to discuss them at this time.

First comes concerns about the personnel system. There needs to be more flexibility to fashion personnel policies and procedures to meet the needs of the school. Specifically, in accordance with directives established by the Secretary of Defense, it is the committee's view that DLI should have:

Its own hierarchy of academic ranks;

A compensation system linked to academic rank, untied from the civil service pay scales; and

Governing directives tailored to its unique requirements concerning faculty appointment, qualifications, duties, classification, and length of service.

These needs can be met with a change in the law that the committee has agreed to include in the en bloc amendment. The change brings the DLI faculty under title 10, giving it the same status as the National Defense University. Three years ago I sponsored the legislation that brought NDU under title 10. I can attest that it allows the flexibility with respect to personnel issues that are needed at DLI. And, because I have a letter from the Assistant Secretary of Defense for Personnel Management confirming his testimony last week, I can also assure you that the Department of Defense will take actions once the title 10 authority is enacted to provide the same flexibility in personnel matters for DLI that is now enjoyed by NDU.

I would add one note of caution, however. I believe the DLI administration should consult with the schools that enjoy the increased latitude provided by title 10 prior to implementing the new personnel policies. Tenure is an example. The legislation grants the Secretary of Defense the authority to establish a tenure system at DLI. I would note, however, that even though the National Defense University has had the authority for several years, it has not established a tenure system. Instead, it employs a mix of short- and long-term contracts. This approach gives NDU the flexibility to review the performance of new faculty members frequently and to reward consistently high performance with long-term contracts. The NDU approach has proven to be quite successful and I think the panel on military education, which I chair, would tend to favor it over the rigidities that are often a characteristic of a tenure system.

Before moving to the next point let me note for the record that it is not our intent in sponsoring the provision I just discussed to alter in any way the authority of the Secretary of Defense to designate the Department of the Army as the executive agent for the Defense Language Institute.

A second set of concerns centers on the authority of the DLI commandant. Should the military commandant be prohibited from displacing a civilian faculty member with a military person? The Department of Defense rightly objects to including such a prohibition on the military commander's authority in law. There may be circumstances in which the needs of the Government could conceivably require such an action. The Department of Defense must retain the authority to determine the military and civilian mix. But as a matter of policy, it is the committee's view, and the Department agrees, that it should avoid replacing a civilian faculty member with a military instructor. The Assistant Secretary's letter also confirms this point.

Another issue concerns the commandant's relationship with local employee representatives. The hearing revealed that there is absolutely no complaint on either side about the manner in which the current commandant consults with the local union. The issue apparently stems from past experiences. On the issue it seems to me that the Department of Defense must institutionalize the pattern of consultation established by the current commandant. I know that Assistant Secretary Jehn favors a strong consultative relationship. His letter so indicates.

Finally, there is concern that DLI should be a degree-granting institution. In principle, I have no objection to granting DLI a legislative charter for this purpose. But DLI must follow the path other Federal educational institutions follow in gaining degree-granting authority. That means complying with the procedures established by the Department of Education. At the appropriate point in the process, I am sure Congress will give serious consideration to DLI's quest for degree-granting status.

In conclusion, let me assure the gentleman from California that the panel on military education will follow the implementation of the measures we have discussed with great interest. We have worked diligently for several years to improve professional military education and are proud of our record. We have worked to place schools in their proper context. Government schools do not exist for their own benefit. They exist to serve their students and the Government agencies for whom the students work. Military schools have the awesome task of nurturing the seedcorn that determines the future performance of the Armed Forces. DLI has served its students and their agencies well for decades. The panel on military education will attempt to ensure that it can continue its outstanding performance in the new security environment.

Once again, and on behalf of the committee, I commend the gentleman from California for bringing the needs of the Defense Language Institute to our attention. I hope that my remarks and Assistant Secretary Jehn's letter, which I shall include in the RECORD at a later moment, respond adequately to the matters that have been raised.

Mr. PANETTA. I thank my good friend for his thorough assurances and for his assistance in the development of the amendment. With the Department's commitment to implementing this legislation in a manner I have envisioned from the outset, and with the commitment of the panel on military education to oversee that process, I am confident that the faculty of DLI will reap many benefits quickly from a greatly improved personnel system.

Mr. SKELTON. I include for the RECORD the letter from the Department of Defense.

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, June 1, 1992.

Hon. IKE SKELTON,
House of Representatives, Washington, DC.

DEAR MR. SKELTON: I appreciate and share your interest in the Defense Language Institute (DLI), and am pleased to have the opportunity to resolve the issues we discussed at the hearing last week.

In fashioning personnel flexibilities that will be responsive to the needs of the Institute, we will use title 10 authority to develop a DLI faculty pay plan that includes application of traditional academic ranks, and a compensation system lined to those ranks. Likewise, we will use tenure, or length of appointment, to review and reward performance. Let me further assure you that in considering the military/civilian mix of DLI positions, we will use our current rules and regulations to provide equitable treatment for employees and to the extent possible we will avoid replacing a civilian faculty member with a military instructor. Finally, the Federal Service Labor-Management Relations statute establishes national consultation and bargaining obligations. We support union-management cooperation and my staff, as well as staff at the Institute, will continue to fulfill the statutory obligations.

Thank you for your help in developing legislation that will meet the needs of the Defense Language Institute and the Department of Defense. We look forward to your continued cooperation in this important program.

Sincerely,

CHRISTOPHER JEHN.

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Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I just want to state for the record, I certainly, on behalf of the Subcommittee on Investigations, concur with every statement that the gentleman has made.

I want to give assurances to the gentleman from California that he is protected under title X, and we will be working very closely with him and the gentleman from Missouri.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I would like to thank both the gentleman from Missouri and the gentleman from Massachusetts for their cooperation. I look forward to implementing this new personnel system at DLI.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I would like to engage the distinguished chairman of the Research and Development Subcommittee in a colloquy concerning funding in the bill for the Landsat Program.

It is my understanding that H.R. 5006 provides full funding of the administration's Landsat Program request for the Department of Defense, which amount to $80 million toward procurement of a Landsat 7 spacecraft and $6 million toward advanced technology development.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, that is correct.

Mr. MCCURDY. Mr. Chairman, it is my further understanding that this funding currently is not reflected as an identifiable item with the committee's bill or in the legislative report accompanying the bill, but that the Department of Defense does not intend the Landsat Program to be classified in any fashion and thus would appreciate that funding for the program be openly reported.

Mr. DELLUMS. That is correct.

Mr. MCCURDY. I would like to request, then, that during conference on this legislation and in future authorization bills the Armed Services Committee will ensure that funding actions concerning the Landsat Program will be openly reported.

Mr. DELLUMS. That is a fair request and we will take action to honor it. We support the position of the Department of Defense and NASA that Landsat will be operated as an entirely unclassified program, and thus we have no intention of concealing funding levels for the program.

Mr. MCCURDY. I appreciate the gentleman's assistance in this regard, and am deeply appreciative of his support for this important program.

I want to make it clear, as well, that this colloquy was joined by the gentleman from California [Mr. BROWN], chairman of the Committee on Science, Space, and Technology, who shares my concern and deep support for the Landsat Program.

Mr. DELLUMS. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for his remarks and his observations.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I would like to engage in a colloquy. Let me give my colleagues a little background on some problems that we have with some contractors.

I hope we can work this out. Historically, the U.S. Government negotiated country-to-country agreements with those nations where the United States stationed troops and operated military facilities. These negotiated agreements included provisions where the U.S. Government would pay severance payments to foreign nationals employed by the United States at these bases, in the event the bases were closed.

For whatever reason, these payment agreements put the U.S. liability into the billions of dollars. A couple of years ago the Congress passed a law that said that the U.S. Government would no longer pay any foreign severance pay in cases where the host nation asked the United States to leave. Congress also said that if the United States closed the facility, it would only pay benefits comparable to those paid U.S. citizens/employees at closing facilities.

The problem is at the Department of State. There were some agreements, and they are bankrupting some of the American companies. I hope that when we go to conference that something can be worked out.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, just to confirm what the gentleman from Texas said, we were going to try to get this included in the en bloc amendments. We could not.

We simply asked our colleagues to fulfill our commitment, both the gentleman and the minority chairman, the minority ranking member to include consultation language in there that will require the President to include this.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, I will vote against this defense authorization bill. In coming to that decision, I was significantly influenced by the following list of new or additional weapons this bill authorizes. Mr. Speaker, one has to wonder whether the Pentagon and the Armed Services Committee have yet realized that the cold war is over, that there is now only a former Soviet Union.

Defense authorization for fiscal year 1993

	Quantity to be purchased
Weapons and weapons systems:	
(1) B–2 (bomber aircraft)	4
(2) DDG–51G (ship)	4
(3) C–17 (aircraft carrier)	6
(4) F/A–18C/D (fighter aircraft)	48
(5) Trident II D–5 missile	21
(6) AMRAAM Air-to-air missile	1,155
(7) F–16 Falcon (fighter aircraft)	24
(8) E–8A JSTARS (surveillance system)	1
(9) EA–6B Prowler (aircraft)	3
(10) CH/NH–53 Super Stallion (helicopter)	16
(11) Tomahawk cruise missile	200
(12) UH–60L Blackhawk (helicopter)	60
(13) T–45TS Goshawk (trainer aircraft)	12
(14) KC–135 (aircraft)	14
(15) V–22 Osprey (attack helicopter)	3
(16) MCH–1 Minehunters	2
(17) AHIP Scout helicopters	36
(18) Cobra Antitank helicopters	12
(19) Laser-guided Hellfires (missiles)	>3,000
(20) Short-range TOWs (missiles)	>10,000
(21) 20-mile-range rockets	30,000
(22) Launchers	115
(23) ATACMS bombardment missiles	340
(24) Mark 48 homing torpedoes	108
(25) Mark 50 torpedoes	212
(26) Space Satellite Programs (Navstar, Milstar, and Defense Support Program)	3
(27) AX Carrier-based bomber	1
(28) HARM missiles	846

Mr. ASPIN. Mr. Chairman, we are now about to go into a motion to recommit and final passage of this bill, but I would be remiss if we did not at least mention here today something that we will celebrate at greater length when we bring this bill back from conference and have a little more time, not on a Friday.

I should point out that this is the last authorization bill for a number of very distinguished an important members of the House Committee on Armed Services. I would just like to list them:

It is the gentleman from Alabama [Mr. DICKINSON], the gentleman from Kentucky [Mr. HOPKINS], the gentleman from Michigan, Mr. BOB DAVIS, the gentlewoman from Maryland, Mrs. BEVERLY BYRON, the gentleman from Michigan, Mr. DENNIS HERTEL, the gentlewoman from California, Mrs. BOXER, and the gentleman from Florida, Mr. IRELAND.

All of these are members that we have come to know and love and to appreciate, and we will miss them all very, very much.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. COX of Illinois). Are there any further amendments to the bill?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. GEPHARDT. Mr. Chairman, I'd like to congratulate Chairman ASPIN and his Committee on passage of the fiscal year 1993 Defense Authorization Act.

In particular, I commend the committee's strong support of the F/A–18 C/D Hornet aircraft. The newly authorized 48 C/D's will sustain the robust nature of our current naval air fleet.

In our increasingly constrained budget environment, the proven multirole capability of the F/A–18 will be even more essential as we cut back on foreign deployments. Desert Storm showcased the F/A–18s unique agility in executing close air support, bombing, interdiction, and fleet defense missions.

In my judgment, the F/A–18 will continue to be the centerpiece of naval aviation for years to come. However, in order to keep pace with the rapid advancements in military technology as well as the fluidity of the international threat environment, we need to get on with the development process of the new model—the F/A–18 E/F.

I strongly endorse the Pentagon's plan to immediately proceed with full scale development of the F/A–18 and regret the committee's desire to instead develop a prototype for further testing. In my judgment, the F/A–18 has proven itself over and over again. The E/F is merely an upgrade of a known commodity. It makes more sense to save taxpayers' money and protect the integrity of naval aviation by going forward now, not later.

An improved version of the F/A–18 will enhance our security posture well into the next century. Larger wings, increased range, and higher thrust engines will matter more and more as the number of volatile nations with access to sophisticated weapons technology grows in the years to come.

The F/A–18 is quite simply the best aircraft to meet the naval air needs of the coming decade and beyond.

I look forward to working with the committee as it continues to review Pentagon plans for the future of naval aviation.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 5006 and encourage my colleagues to vote for this landmark legislation. H.R. 5006 is the first defense budget we have worked on since the break up of the Soviet Union. It is based on a threat-driven analysis of the post-cold war, post-Soviet Union world. As a result of this analysis total spending in the bill is $7 billion below the President's request—a savings that will go toward deficit reduction.

The members and staff of the Armed Services Committee have spent the last year analyzing events of the Persian Gulf war, changes in the world, and budgetary pressures here at home. The result of this in-depth review is a newly structured defense budget that is based on the new threats that face our country as well as our allies.

H.R. 5006 begins the process of changing our defense spending priorities to reflect the new world order that the President says he is looking for, but has thus far failed to recognize.

Mr. Chairman, I want to take a moment to highlight certain features of H.R. 5006 which I think are critical to reorganizing our defense budgets consistent with recent changes throughout the world.

NUCLEAR WEAPONS TESTING

At the same time the United States condemns the Chinese Government for its nuclear weapons test on May 20, we are continuing our own, aggressive nuclear weapons testing program. In fact, the United States is the unquestionable leader in nuclear weapons testing.

Six a year compared to one in the last 2 years for China. Both Russia and France, on the other hand, have stopped testing altogether for now.

Unfortunately, Mr. Chairman, it's the same old story from this President and this administration: "Listen to what I say, not what I do." Whatever happened to the President's "new world order?" How can the administration legitimately condemn China's recent test when the United States continues to be the undisputed leader in this area?

We cannot continue our senseless and blind indifference to the world around us. Our own testing program only serves to encourage other countries, like China, to continue their nuclear weapons development and testing program. And, if we continue our testing, then Russia is likely to restart its program.

To address this issue, the House bill would institute a 1-year moratorium on weapons testing. During this time, legitimate questions about the safety of our nuclear weapons arsenal can be explored. But, this moratorium will also signal to the rest of the world that we are prepared to live up to the standards we have set for other countries. It will signal that we are serious about stopping nuclear weapons proliferation, beginning with our own country. This bill will help support Russian and French efforts to limit testing. It will help reignite United States-British-Russian negotiations for a comprehensive nuclear test ban. And, finally, it will help with renewal of the Nuclear Non-Proliferation Treaty, scheduled for 1995.

STRATEGIC DEFENSE INITIATIVE

Once again, the House bill assumes a realistic approach to strategic and tactical missile defense. Year after year, we have to enjoin the administration in a battle over SDI. Unfortunately, the administration continues to hold onto a dream of an elaborate space-based interceptor system that neither technology nor the defense budget can support.

DOD's own, top program analyst recently stated that the administration's planned 1997 deployment of a ground-based interceptor would be premature and face costly and crippling problems. His recommendation was to delay planned deployment by 6 years, until 2003, to gain better knowledge and evaluation of the technology needed to support the deployment. Likewise, earlier this year, CIA Director Robert Gates stated in testimony before Congress that new long-range missile threats to the United States are not anticipated to appear for a minimum of 10 years—until 2003 at the earliest. Yet, President Bush and his administration continue to hold a blind and senseless devotion to deploying an unproven, untested, and currently unfeasible system.

The House bill takes important steps to reverse the course of the SDI Program. First, we reduced the budget request by $1.1 billion to a total of $4.3 billion. We completely abolish the Brilliant Pebbles Program. We eliminate the 1997 deployment target date for ground-based defense. We make ABM Treaty compliance an explicit goal of the United States and require all missile defense work to follow the traditional interpretation of the ABM Treaty. Finally, $1.1 billion of the SDI funding is to be used explicitly for development of theater-based missile defenses including the Patriot missile, and similar technologies.

INCREASED BURDEN SHARING

H.R. 5006 requires our allies to share equitably in the costs of maintaining U.S. troops and equipment overseas the costs of providing for the defense of that foreign nation. First we require our NATO allies and Korea to increase the amount they pay for overseas basin costs of United States military forces. Second, we propose to reduce the number of troops stationed in Europe from 235,000 to 100,000 by 1995. Finally, we provide for 40 percent reduction in the total number of troops stationed overseas.

This legislation will begin the process of requiring our allies to shoulder a far greater share of the burden of maintaining their own defense.

ENERGY CONSERVATION

H.R. 5006 authorizes $60 million in funding for energy conservation programs, which includes $10 million specifically for the Department to participate in the development of renewable energy systems and renewable hybrid energy systems. The energy conservation funding is important to help DOD become a responsible partner with communities throughout the country in conserving energy and complying with clean air standards. These programs have proven to save money for DOD and are a very worthwhile investment of defense dollars.

MILITARY CONSTRUCTION

Mr. Chairman, H.R. 5006 also authorizes several military construction projects that are vital to the ongoing missions of several of our military bases in northern California.

For Beale Air Force Base, the bill funds a new fire training facility. The new facility is needed to train firefighters in handling mass fuel spills and three dimensional—running fuel—fires, and is needed to comply with Federal and State environmental standards. Additionally, the bill authorizes construction of a new security police operations center. The new facility will add nearly 15,000 square feet of space for all security operations, law enforcement, resource and personnel protection, and base security functions. Finally, Beale is also authorized to undertake utility improvements and a new fire safety system in the base hospital. This project will increase patient safety and improve efficiency of the hospital's operations.

At McClellan Air Force Base, H.R. 5006 includes two environmental projects. The first project would fund the upgrade or replacement of underground storage tanks to meet Federal and State regulatory requirements. The second project consists of improvements to the base's wastewater collection system.

One additional project for McClellan involves the construction of a modern, state-of-the-industry plating shop. This project will ensure compliance with Federal, State, and local environmental laws, eliminate the risk of line or shop closure by the California Environmental Protection Agency, reduce plating process solution wastes, improve safety and improve operations efficiency.

Finally, H.R. 5006 funds several projects are needed to provide facilities for new activities that are scheduled to move to McClellan as a result of base closures.

Mr. Chairman, Travis AFB continues to play a pivotal role in supporting the airlift requirements of the Defense Department. As the major west coast airlift port, it is important for Travis to maintain facilities capable of supporting the high volume of personnel traveling through the base. With this in mind, the committee has authorized two projects for Travis. The first project is an upgrade in the sanitary sewer mains. The second project funds the final phase of a six-phase dormitory renovation project that has been ongoing over the last several years. The project is needed to renovate the existing facilities which have inadequate lighting, no air conditioning, and generally poor living conditions. This project has important implications for the quality of life and morale of our troops.

Finally, Mr. Chairman, the fiscal year 1993 Defense authorization bill provides funding for a new hazardous waste storage facility at Mare Island Naval Shipyard. This project is very important for the shipyard's ability to meet stringent environmental requirements and would replace the existing, 50-year-old warehouse used for these purposes.

These projects reinforce the important role that each of these military bases plays in our Nation's defense. We, in northern California, continue to be very supportive of our local bases and our local military personnel. We plan to continue our efforts to modernize and improve facilities on the bases to ensure efficient operations as well as a good quality-of-life for our service men and women.

DEFENSE REINVESTMENT AND CONVERSION

Mr. Chairman, I think we all realize that defense reductions are here and are real. Military and civilian personnel, communities and the defense industry are all being affected. H.R. 5006 attempts to deal intelligently with how we soften the blow and make the transition to a civilian-based economy as smooth as possible.

This bill provides assistance to defense and aerospace firms to help them use their defense technologies and manufacturing processes to develop new products and technologies for commercial markets. H.R. 5006 also provides communities impacted by defense cuts with planning and technical assistance to help them reuse closing bases and promote new industry development. And, perhaps most importantly, the legislation provides a cushion for the military personnel, civil service employees, and defense industry workers who stand to lose their jobs because of defense budget cuts.

The $1 billion investment we propose to make under this defense reinvestment provisions of the bill is the only way we can help defense-dependent businesses, workers and communities make a successful transition to a civilian-based economy. It is an effort to address the new problems and new opportunities we face that have come about because of the end of the cold war and the dissolution of the former Soviet Union.

CONCLUSION

In conclusion, Mr. Chairman, I want to commend Chairman ASPIN, the committee members, and the committee staff for the long hours and hard work they put into this legislation. It is reflective of what our country needs to maintain a strong national defense at a price that we can afford. I strongly urge my colleagues to support this bill.

Mr. WEISS. Mr. Chairman, I rise in opposition to H.R. 5006, the fiscal year 1993 Defense authorization bill.

The cold war is over. Yet we still have a cold war defense budget. The $274 billion authorized by this bill for the Department of Defense and the defense programs of the Department of Energy. The legislation spends nearly up to the caps imposed under the budget agreement and represents a mere 2-percent reduction from the President's request.

At a time when our foe of the past 45 years no longer exists, it makes no sense to pass a defense budget that is on par with budgets we passed at the height of the cold war. The major threats that face the country now are not columns of Soviet tanks in Europe, they are urban decay, a crumbling infrastructure, and a failing educational system right here in the United States. It is time that we start funding our military at a level that accurately reflects our security risks abroad. and our human needs at home.

This legislation includes funding for cold war programs that have outlived their need, if in fact they ever existed. The B–2 program, which the Congress voted to terminate at 15 planes in both 1990 and 1991, is revived in this bill. Despite questions about whether the B–2 will ever be capable of functioning as it was originally intended, and even what its mission is to be, this bill includes $4 billion to continue research and to procure an additional 4 planes, bringing the program total up to 20 planes. Surely, the Congress can find a better use for $4 billion than purchasing new B–2 bombers.

I must also express my concern over the level of funding for SDI. Again, I must point out that our cold war adversary no longer exists. Furthermore, the successor states to the Soviet Union have expressed a willingness to further reduce nuclear arsenals. In spite of this, SDI is funded at its highest level ever, $4.3 billion for fiscal year 1993. This is a program about which there continue to exist a great many questions regarding its technical feasibility. If these problems are ever resolved, and a determination to deploy it is made, it will then cost the Nation billions upon billions of dollars that we simply cannot afford.

This bill does include, however, some provisions that indicate there may be a growing awareness of these new global and domestic realities.

The bill does include one billion dollars to help ease the transition for defense workers and departing military personnel affected by reductions to the defense budget. There is a great deal more that we could, and must, do to prepare the U.S. economy for a conversion from excessive reliance on military spending to civilian production. For too long, this country has channeled valuable and limited resources into the development of our military at the expense of other urgent needs. Neglect to our physical and economic infrastructure has brought deterioration to the Nation's economy. We are now presented with a unique opportunity; the resources that have gone into developing our mighty military can now be channeled into rebuilding our country and reinvigorating our economy.

This amendment, approved by the Congress, is an important first step in dealing with the opportunities and risks presented to us by the defense downsizing.

Unfortunately, this bill does not include enough of this clear headed thinking. The defense budget must be based on real national security needs not on abstract budget calculations. When we determine the appropriate level of defense spending, it should be related not to what last year's budget was and how much we can cut from that, but how much we need to spend in order to provide an adequate level of security for the Nation. This budget does not do that. Sadly, this is still a cold war budget in a post-cold war world. I therefore must oppose this authorization bill.

Mr. PENNY. Mr. Chairman, I rise today to bring to your attention my efforts to realize savings from one of the last cold war, Pentagon weapon systems still in the defense budget—the Trident II [D–5] missile. The original purpose of the D–5 missile was to give the Navy a hard target kill system which could destroy hard targets such as ICBM silos and underground command bunkers in the Soviet Union. With the end of the cold war and the dissolution of the Soviet Union and the Warsaw Pact, the United States simply can't continue with business as usual in regards to the D–5 missile. With the burgeoning national debt, the United States simply can't afford to continue with business as usual.

In February of this year, I introduced legislation calling for the termination of the D–5 missile. I proposed this legislation for a number of important reasons:

First, even if the United States discontinues production of the D–5 missile after fiscal year 1994, the United States will still retain a huge technological advantage over the new Commonwealth of Independent States [CIS] in its SLBM force. Even before the breakup, the Soviet Union was never able to develop a SLBM with the hard target kill capability of the D–5 missile;

Second, the much touted hard target kill capability of the D–5 was dependent on production of the high yield W–88 warhead which has recently been canceled by the Bush administration; and

Third, a GAO report—November 1988—estimated that the total lifetime cost of the Trident II [D–5] missile system would be $99.3 billion. Savings from canceling the system after fiscal year 1994 would total between $5 and $10 billion by fiscal year 1999.

After an analysis of the D–5 missile, I have determined that without a minimum number of D–5 missiles, the Navy would be required to reconfigure the last six Trident submarines from D–5 capability to C–4 capability. This reconfiguration would cost about $1 billion per submarine or a total of $6 billion—wiping out most of the potential savings from terminating production of the D–5 missile.

After fiscal year 1994, the Navy will have 350 D–5 missiles in its arsenal, less the missiles already used for tests and evaluations. With 350 D–5 missiles, the Navy could deploy 14 D–5 missiles, reduced from 24, on 10 Trident II submarines—requiring 140 of the 350 D–5 missiles available under my proposal. With the end of the cold war, it is not unreasonable to reduce the number of missiles carried by Trident submarines from 24 to 14.

My proposal would also cancel the planned retrofit of the first eight Trident I submarines, currently carrying the C–4 missile, to carry the D–5 missile. The Navy would then have a fleet of 8 Trident I [C–4] submarines and 10 Trident II [D–5] submarines. In addition, this proposal would reduce the number of planned tests of the D–5 missile. The Navy would have a total of 210 missiles available for tests and evaluations, certification, and recertification for the fleet of 10 Trident II submarines. The Navy proposed 467 such missiles for its planned fleet of 18 Trident II submarines.

I estimate that savings from my proposal would be between $5 and $10 billion between fiscal year 1995 and fiscal year 1999. These savings include $15 billion in procurement costs and $2 billion from the canceled D–5 retrofit program. Total savings would be offset by the cost of extending the life of the C–4 missile beyond the year 2009. However, greater savings would be achieved if the C–4 is not needed after the year 2009. The House Armed Services Committee has requested—on my behalf—the CBO to prepare a report on the budgetary implications of terminating production of the D–5 missile. I will share their conclusions with Members of Congress when the report is released. Next year, I plan to offer an amendment to the fiscal year 1994 defense authorization bill on the floor of the House which will terminate production of the D–5 missile after fiscal year 1994 and will eliminate funding for advanced procurement in next year's bill.

Mr. CONYERS. Mr. Chairman, for years, the idea of antiballistic missile defense has been debated more rigorously than the reality of the existing SDI Program. The Associated Press last week concluded that "Congress has shown little interest in where the SDI money has gone until recently."

Today, we can change this. I urge my colleagues to vote yes to cut the $4.3 billion for SDI in the Defense authorization bill.

There is overwhelming evidence to support reducing the star wars budget. The Government Operations Subcommittee on Legislation and National Security has conducted a yearlong investigation into how the administration squandered the $29 billion Congress appropriated for this program.

Our hearings, reports, and reviews have revealed what many have long contended: The star wars program has produced a mountain of profits and perks, but little real progress.

SDI has pulled a reverse Rumpelstiltskin—it has spun gold into straw.

Here are a few examples we have uncovered—from billions blown to beach vacations:

First, the General Accounting Office testified that "SDIO's unstable architecture has caused confusion, forced costly redesigns, and increased the risk." (GAO testimony before the Legislation and National Security Subcommittee, May 16, 1991.)

Second, the GAO also told us that much of the billions spent to develop the Pentagon's space-based Antimissile Defense Program may have been wasted because of overly optimistic budget requests, poor planning and pressure to field unproven technology. (GAO testimony, May 16, 1991.)

Third, we found that money was poured into exotic weapons projects that were later abandoned, for example: $1 billion for the free electron laser; $1 billion for the boost surveillance and tracking satellite; $720 million for the space-based chemical laser; $700 million for the neutral particle beam; and $366 million for the airborne optical aircraft.

The GAO concluded that "Optimistic planning resulted in starting projects and making significant investments, which then became unaffordable." (GAO testimony, May 16, 1991.)

Fourth, subcommittee investigators found many examples of waste. In one case, 3,000 reports worth millions of dollars were simply thrown out by the contractor in charge of storing them for the SDI Program. The reports, some only a year old, were destroyed to make room to warehouse new reports. (Subcommittee investigations, 1992.)

Fifth, it is clear that private contractors dominate the program, even writing SDIO's "Report To Congress." The 1991 Report to Congress was written by a private contractor for a fee of $264,000. Many of the paragraphs were lifted almost verbatim from the 1990 report, written by the same contractor for a similar amount. Subcommittee investigation, 1992.

Sixth, contractors are so dominant in this program that the first person you meet when visiting the SDIO offices in the Pentagon is a contractor. The security guards are a private firm SDIO hires rather than use Department of Defense personnel. Subcommittee investigations, 1992.

Seventh, SDIO officials cannot talk with other DOD officials without hiring contractors. SDIO paid a contractor $1 million to help it prepare for one meeting in 1991 of the Defense Acquisition Board. The contractor also took the official minutes of the meeting. Subcommittee investigation, 1992.

Eighth, not only have we wasted billions of dollars, but the GAO warns us that the SDI program is doomed to waste billions more unless we stop them. GAO reported to us that:

> For the past year, SDIO has been pressing forward with a $46 billion system—GPALS. * * * However, the GPALS architecture has not been solidified * * * Designing, developing, and deploying a system with these uncertainties increases the risk that the system will not provide the level of protection SDIO currently promises * * * schedule delays, escalating costs, and performance problems could occur. GAO Report to Subcommittee, March 1992.

Ninth, is there any need for this rush? Scientific opinion is nearly unanimous that there is no need to rush. As one scientist told our subcommittee:

> The prospects that an antimissile shield might be needed in this century are so remote that there is no reason, other than political expediency, for proceeding soon with deployment of such a system. Testimony to Subcommittee, John Pike, Federation of American Scientists, October 1, 1991.

Tenth, whistleblowers have come forward at great cost to their own careers to tell us the truth about star wars. SDI scientist Aldric Saucier said: "Star Wars has been a high-risk, space age, national security pork barrel for contractors and top Government managers." Affidavit of SDI scientist Aldric Saucier, provided to Subcommittee, January 1992.

Eleventh, finally, the top officials of this program have been enjoying a wide variety of perks. Last year alone the SDI program spent over $6 million on official travel. I have asked the Inspector General to investigate many of these questionable trips. Subcommittee Investigation, May 1992.

For example: The speech writer for the SDIO director flew to Hawaii on official business, yet certified travel vouchers show he worked only 2½ days during his 2-week stay in November 1990.

The Special Assistant to the SDIO Director worked only 3 days during his 2-week stay in Maui in December 1990, according to his vouchers.

They are some of the senior SDIO officials who worked less than half the time they spent in Hawaii during fiscal year 1991.

It is time to restore some reality to this program. We have much more pressing needs for the taxpayers' dollars than this ill-conceived, mismanaged example of how not to run a program.

I urge my colleagues to vote "yes."

Mr. OWENS of Utah. Mr. Chairman, I rise in opposition to final passage of the fiscal year 1993 DOD Authorization Act. I do so reluctantly and with a deep sense of disappointment in both the final version of the legislation before us and the conduct of the bill on the floor.

There is a new threat to our National security, but we are still fighting the old threat. Today, one of the greatest threats facing this country is the huge budget deficit. This country is facing a $400 billion deficit, yet the defense bill about to be voted on authorizes $274 billion, including long lead funding for a new $4.5 billion nuclear aircraft carrier, additional B–2 bombers at $2.7 billion, $2 billion for the F–22, $4.3 billion for SDI, and an additional $2.4 billion for the $40 billion C–17 airlifter.

That said, there are several provisions of the bill that I strongly support. The nuclear test ban provision adopted on the House floor is a major step to halting the spread of nuclear weapons and reining in the U.S. nuclear weapons program. In addition, the continuation of the Missile Defense Act, which includes the ground-based interceptor, is important to developing a limited antimissile defense of the United States. Also, the House adopted my amendment to require the intelligence agencies to validate biowarfare threats before developing countermeasures against biological agents.

On the whole, though, this bill is a cold war relic. I am disappointed that the committee chose to disregard the different threat facing the United States and, instead, adopted a "business as usual" bill.

Amendments to trim the bill, and terminate costly and unneeded weapons systems were not made in order by the rules committee. Specifically, three of my amendments were not allowed.

I intended to offer an amendment to cut long lead funds for yet another nuclear aircraft carrier. This is a program that can be put off, and a threat assessment conducted, before obligating the first $832 million of a $4.5 billion program.

Another amendment I sought to offer would have cut 5 percent from the bill. While a 10 percent cutting amendment was allowed and ultimately defeated, I felt that this cut was too severe. Instead, the 5 percent cut I proposed would have cut $13.7 billion from the bill and force the Pentagon to prioritize its needs without harming national security.

The third amendment blocked by the Rules Committee was to cut $1 billion from the F–22 program. While I agree that ultimately the F–22 may be needed, clearly it is a program that can be slowed down considerably and reassessed.

But what is more disturbing is that on several amendments, most notably the Durbin amendment to cut SDI and the Andrews amendment to halt procurement of the B–2 at 15 planes, a majority of Democrats voted aye but a majority of the Democrats on the armed services committee voted nay.

I am troubled with the perception that the majority faction of committee is out of step with their colleagues on several of the key issues facing our National Security Policy.

I can fully understand why the President wants to continue to overspend on the Pentagon. The administration's complete lack of vision and innovation is reflected in the most recent polls and the demise of the President's job approval rating. The all-too-typical reaction from the executive branch is a sad testament to its cold warrior mindset that is petrified at the thought of a world safe from a superpower rivalry.

But I cannot understand the Armed Services Committee's similar addiction to indulging the Pentagon. Why did the committee renege on last year's agreement to halt the B–2 at 15 planes? It is the most expensive plane in history and it doesn't even work. Why did the committee vote to support increasing SDI funding above last year's level? What new threat has emerged?

At $274 billion, this bill spends too much. In the bill, weapons programs are still justified on pork barrel grounds, not by whether they contribute to national security. And if the poor economic situation and high unemployment is the excuse, we would do better for our soldiers and defense workers by retraining them and helping them adjust than by socializing their industry.

When will defense spending reflect the true national security needs of this country, as opposed to simply continuing to bankroll the Pentagon, as this bill does? I urge my colleagues to oppose this legislation and direct the Armed Services Committee to write a bill that protects America from the real threats we face today and in the future.

Ms. PELOSI. Mr. Chairman, I rise today in support of the Ray amendment included in the Committee on Armed Service's en bloc amendments. This amendment would establish a model base cleanup program at 15 active military bases and 4 closed military bases. Problems encountered during the cleanup of the environmental contamination at bases across the country have demonstrated the ineffectiveness of the Department of Defense's current cleanup efforts and the importance of making these bases available for alternative uses.

The lack of communication between the Department of Defense, the Environmental Protection Agency and State agencies has created a log jam of redtape and delay. There have also been problems in DOD's ability to solicit and hire contractors in a timely manner to conduct the environmental remediation necessary to turn over these bases in good working condition to the public.

The Ray provision establishes a comprehensive model program to speed up the contracting process and to improve the cooperation among Government agencies. By focusing its attention on 18 model sites, the Department of Defense can implement innovative methods for expediting the clean up process and create a blueprint for the hundreds of other military sites that require environmental remediation.

It is important for the model program to utilize environmental restoration activities that exemplify timely and effective investigation, assessment, and clean up strategies as well as use new and experimental cleanup techniques and technologies for use in demonstration and education programs.

The problems found in the current environmental restoration program have been apparent at the Presidio Army Base, in my district of San Francisco which, under preexisting law, is to be transferred to management by the National Park Service. Despite the Army's goal to have over 80 percent of the base cleaned up by the end of this year, less than 40 percent of the remediation will be completed on schedule.

Selection of the Presidio Army Base under this model program would be of great value for this particular site because of the high public use as a national park that is intended for its over 1,400 acres. Inclusion of the Presidio in this program would also serve as a useful blueprint for other bases being converted to extended public use.

The Presidio is scheduled to be conveyed to the Golden Gate National Recreation Area [GGNRA] by 1995. GGNRA is the most visited park in the national system, with over 17 million visitors each year. For more than two centuries, the Presidio of San Francisco has stood as a sentry at the Golden Gate, rich in military history and unique in its ecology and natural features. The Presidio will be a national park unlike any other in the world.

Conversion of the Presidio presents us with an opportunity to make the Presidio an internationally visible model of environmental sustainability and innovative technology. A range of energy, water and waste demonstration projects could feature state-of-the-art technology and expertise for larger models around the world. The Presidio is an ideal setting for displaying the latest in environmental restoration technology. The National Park Service has expressed its willingness to work with other Federal agencies on demonstration and educational programs at the Presidio. Corporate partners, too, might be interested in demonstrating their newest developments in energy-saving and pollution-prevention technology at the Presidio site.

The implementation of innovative and environmentally sensitive technologies at the Presidio will:

Save energy, water and other scarce natural resources;

Improve live-cycle-cost-effectiveness of systems;

Provide general environmental benefits and reduce environmental costs on the post;

Present techniques for broader application at other sites, and

Showcase the partnership between the Departments of Defense and Interior to make the Presidio a national model of an effective economic conversion

It is fitting that this Army garrison, one of the oldest in the United States, will be transformed to a monument to peace, environmental preservation, and recreation. Through a partnership of public and private sectors, we can work together to preserve the Presidio, fulfill its highest potential for public use and enjoyment, and create a model of environmental cooperation in the century ahead.

Mr. DORGAN of North Dakota. Mr. Chairman, just as we were about to begin consideration of the Defense authorization bill for fiscal 1993, I learned that the Air Force was considering the closure of the Cavalier Air Station in North Dakota.

Since this installation has played a key role in our national defense and space surveillance, I was deeply concerned about the rumored closure. Cavalier AFS has a very powerful radar and some unique capabilities to track objects in space.

In order to get to the bottom of this, I joined with my colleague, U.S. Senator KENT CONRAD of North Dakota, in a letter to the Secretary of the Air Force requesting answers to a series of questions about Pentagon plans for Cavalier AFS. We subsequently learned that the Air Force was indeed planning to terminate its operations at Cavalier by the end of the fiscal year. We also heard from employees directly affected by the action who reported that they were not being kept fully informed about Air Force plans and that an immediate cessation of operations was possible.

The Air Force has since provided assurances that it will not take premature action to shut down this important radar facility. It will consult with the Army, NASA, and the Strategic Defense Initiative Organization about our future missile defense and space surveillance needs before deactivating the radar system. It has also pledged to provide complete information to employees about their current status and future opportunities.

As we begin to scale back our national defense, it is important that we do so in an orderly and prudent fashion. We must treat both civilian and military employees with respect and fairness. And we must not prematurely close down bases or facilities in the United States which could still play a vital role, albeit with new or modified missions, in our Nation's defense and space programs. Base closing decisions which should be made only after timely input from all affected parties, including local communities and Federal agencies or employees.

I bring this to the attention of my colleagues during the debate on the defense bill so that they may be aware of Air Force actions relating to Cavalier Air Force Station.

Mr. PENNY. Mr. Chairman, I would like to thank Chairman Les Aspin and the Armed Services Committee for once again including in the Defense authorization bill language which separates the Tactical/Theater Missile Defense [TMD] program from the Strategic Defense Initiative program.

Last year, I introduced legislation (H.R. 1446) which restructured the SDI program by providing for separate management and funding of TMD programs. This was done in response to the acquisition by SDIO of TMD programs after the Persian Gulf war. In addition, proponents of a large SDI program used the apparent success of the Patriot missile during the Persian Gulf war to promote their vision of ballistic defense. The truth is that the Patriot missile, a theater missile, was built and managed by the Army—not SDIO. In fact, the SDIO devoted only 5 percent of over $25 billion in funding between 1984 and 1990 on tactical/theater missile defense. Clearly, the two programs—strategic missile defense and tactical missile defense—have separate missions and should be managed and funded separately.

Mr. LAFALCE. Mr. Chairman, I wish to commend the Armed Services Committee for including an expansion of the Small Business Innovation Research [SBIR] Program in its reinvestment package. The Armed Services Committee is acting on the same belief that motivated me and other members of the Small Business Committee to initiate the SBIR program 10 years ago—the belief that small businesses are the most innovative and dynamic sector of the U.S. economy.

Evidence supporting this view is overwhelming. Over the past 15 years, job growth in small companies has outpaced job growth in large companies by 37 percent. Furthermore, recent studies show that small companies contribute roughly 2.5 times more innovations per employee than large companies.

The SBIR Program has been a remarkably effective way of tapping into this dynamic national resource. Under SBIR, each Federal agency with an extramural R&D budget in excess of $100 million per year earmarks 1.25 percent of that budget for small companies. Studies by the General Accounting Office and the Small Business Administration show that the program has given a major impetus to the technological innovation that fuels economic growth, while at the same time meeting the Federal Government's R&D needs. All 11 agencies which participate in the program report that it has had a favorable impact on their research programs. Furthermore, a recent National Academy of Sciences report finds that the program has significant merit, and calls for an expansion.

I do not believe that the Armed Services Committee could have chosen a better vehicle for reinvestment than SBIR. As the Under Secretary of Defense has said with respect to the Defense Department's SBIR program:

> The SBIR program has provided a pool of small businesses willing to investigate new high risk and innovative ideas needed to expedite the accomplishment of DOD goals and objectives. * * * The DOD wholeheartedly supports the Congressional goals of the SBIR Program and is pleased to report its positive effect on all R&D programs.

Moreover, the McCurdy panel on the Defense industrial base calls for a doubling of the size of DOD's SBIR program as a way of increasing commercial spinoff from Defense Research and Development.

The provisions of the reinvestment package concerning SBIR would apply only to DOD's SBIR program. But they are in accord with the changes made for all agencies by the SBIR reauthorization bill (H.R. 4400) recently reported by the Small Business Committee. Specifically, both bills reauthorize the SBIR Program until the year 2000, significantly expand the size of the program, and increase the program's emphasis on commercialization of SBIR research.

Mr. Chairman, I strongly endorse the action that the Armed Services Committee has taken with respect to DOD's SBIR program. It is consistent with—and, indeed, strengthens—efforts by the Small Business Committee to reauthorize and expand the SBIR Program across the Government. It is good for the country.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOYER) having assumed the chair, Mr. COX of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, pursuant to House Resolution 474, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on amendment No. 2 that was adopted by the Committee dealing with burden sharing, the so-called Frank amendment.

□ 1300

The SPEAKER pro tempore (Mr. HOYER). Is a separate vote demanded on any other amendment?

If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of title X (page 202, after line 23), insert the following new section:

SEC. . REDUCTIONS FOR ACCELERATED WITHDRAWAL OF UNITED STATES FORCES FROM EUROPE, JAPAN, AND KOREA OR INCREASED HOST-NATION SUPPORT.

(a) OVERALL AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated by this Act for fiscal year 1993 is the sum of the separate authorizations contained in this Act for that fiscal year reduced by $3,500,000.

(b) TROOPS IN EUROPE, JAPAN, AND KOREA.—Reductions in amounts authorized to be appropriated to the Department of Defense to achieve the overall reduction required by subsection (a) may only be made from funds for programs, projects, and activities for the support of United States forces assigned to or stationed in Europe, Japan, or Korea. The effect on those programs, projects, and activities of such reductions in amounts authorized to be appropriated may be accounted for through either or a combination of the following:

(1) Increases in the level of host-nation support.

(2) Accelerated withdrawal of United States forces or equipment assigned to or stationed in Europe, Japan, or Korea.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appear to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 164, not voting 68, as follows:

[Roll No. 171]

AYES—202

Abercrombie
Allard
Andrews (ME)
Annunzio
Applegate
Atkins
AuCoin
Bacchus
Ballenger
Bennett
Berman
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Bruce
Bryant
Camp
Cardin
Carper
Carr
Chapman
Clay
Clement
Coble
Collins (MI)
Condit
Conyers
Costello
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Derrick
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Early
Eckart
Edwards (CA)
Engel
English
Espy
Evans
Ewing
Fawell
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Glickman
Gonzalez
Gordon
Goss
Grandy
Guarini
Gunderson
Hall (OH)
Hayes (IL)
Henry
Hobson
Hochbrueckner
Horn
Hughes
Jacobs
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klug
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Levin (MI)
Lipinski
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McMillen (MD)
McNulty
Mfume
Mineta
Moakley
Mollohan
Moody
Mrazek
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olver
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Poshard
Price
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Ridge
Ritter
Roemer
Rohrabacher
Rose
Roukema
Roybal
Sabo
Sanders
Sangmeister
Savage
Sawyer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Slattery
Slaughter
Smith (FL)
Snowe
Solarz
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Walker
Washington
Waters
Waxman
Weiss
Wheat
Wise
Wyden
Wylie
Yates
Yatron
Zimmer

NOES—164

Allen
Anderson
Andrews (NJ)
Andrews (TX)
Archer
Armey
Aspin
Baker
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Browder
Bunning
Burton
Callahan
Coleman (MO)
Coleman (TX)
Combest
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
DeLay
Dickinson
Dicks
Doolittle
Dornan (CA)
Dreier
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Fascell
Fazio
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Goodling
Gradison
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hefley
Hoagland
Hopkins
Houghton
Hoyer
Huckaby
Hunter
Hutto
Hyde
Inhofe
Johnson (CT)
Johnson (TX)
Jones (NC)
Kasich
Kleczka
Kolbe
Kyl
Lagomarsino
Lancaster
Lewis (CA)
Lewis (FL)
Lightfoot
Lloyd
Long
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Moran
Murtha
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Pease
Petri
Pickett
Pickle
Quillen
Ravenel
Ray
Rhodes
Riggs
Rinaldo
Roberts
Rogers
Ros-Lehtinen
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Valentine
Volkmer
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—68

Ackerman
Alexander
Anthony
Beilenson
Brooks
Broomfield
Brown
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Collins (IL)
Cooper
Dannemeyer
de la Garza
Dingell
Dwyer
Dymally
Feighan
Fields
Gaydos
Green
Hammerschmidt
Hatcher
Hayes (LA)
Hefner
Herger
Hertel
Holloway
Horton
Hubbard
Ireland
Jones (GA)
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (GA)
Livingston
Luken
Miller (CA)
Miller (WA)
Mink
Morella
Morrison
Nichols
Olin
Patterson
Pelosi
Porter
Pursell
Roe
Rostenkowski
Roth
Russo
Scheuer
Thomas (CA)
Thornton
Traxler
Unsoeld
Vander Jagt
Vucanovich
Williams
Wolpe

The Clerk announced the following pair:

On this vote.

Mr. Scheuer for, with Mr. Holloway against.

Ms. LONG changed her vote from "aye" to "no."

Messrs. JENKINS, ROSE, and EWING changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1320

The SPEAKER pro tempore (Mr. HOYER). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOPKINS

Mr. HOPKINS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOPKINS. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOPKINS moves to recommit the bill H.R. 5006 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of title X (page 202, after line 23), insert the following new sections:

SEC. . IMPROVED NATIONAL DEFENSE CONTROL OF TECHNOLOGY DIVERSIONS OVERSEAS.

(a) LIMITATIONS.—In the case of any proposed or pending merger, acquisition, or takeover of a business firm with foreign persons for which an investigation is undertaken pursuant to section 721(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2158), the President shall take action to prohibit the merger, acquisition, or takeover from taking place unless before the end of the investigation undertaken pursuant to such section 721(a) the Secretary of Defense certifies to Congress that the proposed or pending merger, acquisition, or takeover—

(1) will not pose a significant risk of diversion of sensitive defense technology from the United States to a foreign firm or government; and

(2) will not otherwise result in harm to the national security interests of the United States.

(b) CONSULTATION.—Before determining whether or not to make a certification under subsection (a), the Secretary of Defense shall consult with—

(1) the Under Secretary of Defense for Policy;

(2) the Under Secretary of Defense for Acquisition;

(3) the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; and

(4) the Director of the Defense Intelligence Agency;

(5) any other official of the Department of Defense that the Secretary determines to be appropriate.

(c) EFFECTIVE DATE.—Subsection (a) shall apply to any proposed or pending merger, acquisition, or takeover with respect to which an investigation undertaken pursuant to section 721 of the Defense Production Act of 1950 is being carried out as of the date of the enactment of this Act or thereafter.

SEC. . REDUCED ENRICHMENT RESEARCH TEST REACTOR.

(a) IN GENERAL.—The Secretary of Energy shall conduct a program of development of high-density low enriched uranium fuels for use in domestic and foreign research reactors that currently use highly enriched uranium fuel and are unable to convert to low enriched uranium fuel.

(b) FUNDING.—There is authorized to be appropriated to the Department of Energy for fiscal year 1993 $3,000,000 for fuel development and $1,300,000 for technical assistance for the purposes of subsection (a).

Mr. HOPKINS (during the meeting). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. HOPKINS] is recognized for 5 minutes.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. HOPKINS. I yield to the distinguished gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I appreciate the gentleman yielding to me.

Let me say that I support the motion to recommit. Perhaps it is unprecedented, as far as I can remember. Anyway, I think we have worked out an accommodation with the chairman so that this motion is going to be accepted; but let me say as to the final passage of the bill that I have very mixed emotions because there have been some onerous and some unacceptable amendments made; however, on balance, I think it is a better bill than we expected initially.

I will vote for the final passage of the bill. I do not think there is going to be a vote on the motion to recommit.

Mr. HOPKINS. Mr. Speaker, I yield to the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip.

Mr. GINGRICH. Mr. Speaker, I thank my friend, the gentleman from Kentucky, for yielding this time to me.

I just want to report to the House that I just talked with Secretary Cheney. We are, frankly, not satisfied with this bill. We are not going to try to defeat it at this stage, but there are so many clearly unacceptable provisions that we may well face a veto if the bill is not improved substantially in conference, so I think Members ought to look carefully at what they do on the bill.

Mr. HOPKINS. Mr. Speaker, this motion to recommit with instructions will finally give the House the chance to speak on an important national security issue that was wrongly denied by the Rules Committee. The motion includes the Hopkins amendment that simply says that before a foreign interest can buy an American company, the Secretary of Defense, not some faceless committee of lawyers, has to certify to this Congress that the sale will not harm our national security interests.

This amendment does not stop anything. This amendment does not delay anything. It just puts national security back into the equation in deciding who gets to buy our most precious defense secrets.

Support this motion and vote to protect national security.

Mr. ASPIN. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I support this motion to recommit.

Mr. Speaker, my amendment, like several others we have considered, is intended to reduce the risk of nuclear proliferation. While last year's Persian Gulf war and subsequent U.N. efforts have succeeded in destroying much of Saddam Hussein's nuclear complex, in the future we must redouble our efforts to prevent proliferation in advance, as opposed to sending in half-a-million troops after the fact.

My amendment would reduce the risk of proliferation by blocking one of the easiest pathways to the bomb—theft of bomb-grade uranium. It would do so by restoring a program in the defense programs budget of the Energy Department that will enable reduction of U.S. exports of bomb-grade—technically known as highly enriched—uranium.

The United States for decades has exported this material as fuel to nuclear research reactors. In 1978, we recognized the inherent risks of such commerce and initiated a program to develop alternate, nonweapons usable fuels to replace these exports. Since then, we have reduced such exports by 85 percent. However, a few overseas reactors cannot use any of the alternate fuels developed before the program was prematurely halted in 1990.

These remaining reactors require exports of about 100 kilograms annually of highly enriched uranium, which the DOE reports is sufficient to produce between six and seven nuclear weapons. My amendment would restart development of alternate fuels for these reactors, estimated to require 5 years, so that the United States could terminate all remaining exports of bomb-grade uranium.

Three points underscore the urgency of restarting alternative fuel development:

First, if bomb-grade uranium is intercepted in transit or stolen from a foreign reactor site, it without question can be made into a nuclear weapon. In fact, it would be disturbingly easy, as former Manhattan project physicist Luis Alvarez stated in his 1987 memoirs:

> If separated U-235, bomb-grade uranium, is at hand, it's a trivial job to set off a nuclear explosion * * * even a high school kid could make a bomb in short order.

Second, no matter how good U.S. physical security is during transit of bomb-grade uranium, and I would contend it can never be 100 percent terrorist-proof, the lax physical security at foreign reactor sites leaves this material extremely vulnerable to terrorist theft. I am submitting for the RECORD an article, regarding a 1988 simulated attack by Dutch Marines on a Dutch reactor supplied with U.S. bomb-grade uranium, which reports that: "in 7 minutes the raiders were in the vault where the fissionable material was kept."

Third, there is indication terrorists have tried to acquire such material. Just yesterday there was a press report which I am submitting for the RECORD, which states that: "antiterrorist police seized weapons-grade uranium yesterday smuggled out of the former Soviet Union and apparently offered to Arab clients." The amount in question was a mere 55 grams of U-235. The United States continues to export 100 kilograms annually, 2,000 times as much; just imagine how the PLO, or Saddam Hussein, or Qadhafi would like to get their hands on that.

The Department of Energy argues against further fuel development on the grounds that the operations of the remaining reactors have expressed reluctance to convert, even if alternate fuels are developed. However, it is important to recall that none of the reactor operators that already has converted was initially enthusiastic about doing so. The United States managed to convince these operators to convert after a suitable alternate fuel was developed, and the same will be true of the remaining reactors.

We also should keep in mind just how cost effective this program is, requiring only $3 million for fuel development and $1.3 million for technical assistance annually. If the Strategic Defense Initiative is worth $4 to $5 billion annually to defend against rogue nuclear attacks, surely this program is worth 0.1 percent of that amount to prevent terrorists and rogue states from getting the bomb in the first place.

In closing, Mr. Speaker, I would like to reiterate that this is a DOE defense program that belongs in this bill. While it is true that for 3 of its 14 years the program was authorized by the Foreign Affairs Committee in the ACDA budget, the committee terminated this authorization in the late 1980's on the grounds that it was an Energy Department program not in its jurisdiction. As stated in Foreign Affairs Committee report 100-193:

> The Committee therefore believes that the RERTR program should be funded through the Department of Energy and not the Arms Control and Disarmament Agency.

This year, DOE transferred management of the program from international affairs—on the civilian side of the Department—to arms control and nonproliferation—within the defense programs side—in keeping with the program's national security mission. It is now known as AN-20 in the defense programs budget. Accordingly, the defense bill before us is the appropriate vehicle in which to authorize this important program. I urge my colleagues to do so by voting "yes" on this amendment.

PETTEN REACTOR AN ATTRACTIVE TARGET FOR TERRORIST ACTIVITIES

PETTEN.—The experimental reactor in Petten remains a real problem child. Mr. Zijlstra of the Dutch Labor Party is now calling into doubt the standard procedure for issuing permits for the disposal of radioactive material. Even before the outbreak of the Gulf War he indicated the possibility that the leftover fissionable material could be used for military purposes. Environmental organizations such as Greenpeace have sharply criticized the management of the Petten installation.

These concerns center on the life-threatening fuel elements in the high-flux reactor. Pending further decisions on where to put it, the fissionable and radioactive material is provisionally stored at sites in Petten. Until recently, the reprocessing was done in the United States, but the installation there has been temporarily put out of service. In the meantime, the British installation at Dounreay has been mentioned for reprocessing Petten fissionable material. According to Greenpeace, this new plan will require transport through Rotterdam harbor, incurring huge, unavoidable risks.

The Community Research Center of the EC owns the controversial Petten research reactor. It is managed by the Netherlands Energy Research Center, which uses it for several varieties of experiments. Other reactors ordinarily use natural fissionable materials or those enriched at a low level, but the Petten reactor operates with highly enriched fissionable materials, which in principal can also be used to manufacture nuclear weapons. With the use of a high-flux reactor, the enrichment level indeed does go down from 90 percent to around 70 percent, but even then the fissionable material is still useful for military purposes.

What is needed is only the removal of the fissionable products and further enrichment of the uranium. For the present the Petten reactor is at a loss for what to do about this nuclear issue. Work and research continue as usual and the storage basins get fuller and fuller, but according to the Netherlands Energy Research Center, there is no danger to public health whatsoever. The storage reportedly is completely safe. In this Gulf War period, the remaining fissionable material at Petten is an attractive target for assaults and attacks. A spokeswoman in the Ministry of Economic Affairs, which is reasonable for the safety of nuclear centers in the Netherlands, stated yesterday in reply to a question that vigilance had been increased.

In 1988, a group of Marines carried out a "terrorist raid" to test the surveillance at the Petten reactor. In seven minutes the raiders were in the vault where the fissionable material was kept.

Translated for CRS by Harvey Fergusson II.

[From the Baltimore Sun, June 4, 1992]

SMUGGLED URANIUM SEIZED IN AUSTRIA

VIENNA, Austria.—Anti-terrorist police seized weapons-grade uranium yesterday smuggled out of the former Soviet Union and apparently offered to Arab clients, the Austrian news agency APA said.

It said that police arrested an Austrian, two Czechoslovaks and four Hungarians, and that the seizure was made in a parking lot in Vienna. The uranium, in a package weighing 2.6 pounds, was found in a suitcase. Police said it contained 261 pellets of so-called UO2 comprising nearly 5 percent uranium 235 and 55 grams of pure uranium 235.

The radioactive material apparently came from fuel rods taken from a Soviet-designed nuclear reactor.

Mr. ASPIN. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Speaker, I was quite disturbed when I learned that the amendment offered by the gentleman from Kentucky [Mr. HOPKINS] had not been made in order under the rule. After all, the gentleman from Kentucky [Mr. HOPKINS] is the ranking member on the Investigation Subcommittee which I have the privilege to chair.

That amendment, now enshrined in the motion to recommit, was jointly crafted by the gentleman from Kentucky [Mr. HOPKINS] and myself and certainly had my full support.

Frankly, I think it is the very least that we can do, and I ask the entire House to support the motion to recommit with the language. The language reflects what we learned in our hearing last month, and we did have a hearing on this issue. At that time it became clear that the process for reviewing proposed purchases of U.S. defense firms by foreign businesses is defective. That is the bottom line, and let me make one further comment.

This will in no way detract from the negotiations that are presently going on, and I think the gentleman from Kentucky [Mr. HOPKINS] and I agreed to that.

It is not going to hold back any sale, but it will give that security measure that we all desire as a House, and I certainly support the motion with the language to recommit.

Mr. ASPIN. Mr. Speaker, let me commend the gentleman from Kentucky [Mr. HOPKINS], the gentleman from New York [Mr. SCHUMER], and the gentleman from Alabama [Mr. DICKINSON] for working this thing out.

Mr. Speaker, I urge an "aye" vote on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. ASPIN. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 5006, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: At the end of title X (page 202, after line 23), insert the following new sections:

SEC. . IMPROVED NATIONAL DEFENSE CONTROL OF TECHNOLOGY DIVERSIONS OVERSEAS.

(a) LIMITATION.—In the case of any proposed or pending merger, acquisition, or takeover of a business firm with foreign persons for which an investigation is undertaken pursuant to section 721(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2158), the President shall take action to prohibit the merger, acquisition, or takeover from taking place unless before the end of the investigation undertaken pursuant to such sectin 721(a) the Secretary of Defense certifies to Congress that the proposed or pending merger, acquisition, or takeover—

(1) will not pose a significant risk of diversion of sensitive defense technology from the United States to a foreign firm or government; and

(2) will not otherwise result in harm to the national security interests of the United States.

(b) CONSULTATION.—Before determining whether or not to make a certification under subsection (a), the Secretary of Defense shall consult with—

(1) the Under Secretary of Defense for Policy;

(2) the Under Secretary of Defense for Acquisition;

(3) the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; and

(4) the Director of the Defense Intelligence Agency;

(5) any other official of the Department of Defense that the Secretary determines to be appropriate.

(c) EFFECTIVE DATE.—Subsection (a) shall apply to any proposed or pending merger, acquisition, or takeover with respect to which an investigation undertaken pursuant to section 721 of the Defense Production Act of 1950 is being carried out as of the date of the enactment of this Act or thereafter.

SEC. . REDUCED ENRICHMENT RESEARCH TEST REACTOR.

(a) IN GENERAL.—The Secretary of Energy shall conduct a program of development of high-density low enriched uranium fuels for use in domestic and foreign research reactors that currently use highly enriched uranium fuel and are unable to convert to low enriched uranium fuel.

(b) FUNDING.—There is authorized to be appropriated to the Department of Energy for fiscal year 1993, $3,000,000 for fuel development and $1,300,000 for technical assistance for the purposes of subsection (a).

Mr. ASPIN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

□ 1330

The SPEAKER pro tempore (Mr. HOYER). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ASPIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 168, not voting 68, as follows:

[Roll No. 172]

AYES—198

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Aspin
Bacchus
Ballenger
Barnard
Bateman
Bennett
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Bryant
Callahan
Cardin
Carper
Carr
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
DeLauro
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Eckart
Edwards (TX)
Engel
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Goodling
Gordon
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Huckaby
Hutto
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kopetski
Lancaster
Lantos
LaRocco
Levin (MI)
Lipinski
Lloyd
Long
Lowey (NY)
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Moakley
Molinari
Montgomery
Moran
Mrazek
Murtha
Natcher
Neal (NC)
Nowak
Oakar
Obey
Ortiz
Oxley
Pallone
Panetta
Parker
Pastor
Payne (VA)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Ravenel
Ray
Reed
Richardson
Riggs
Ritter
Roemer
Rose
Rowland
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schiff
Schroeder
Schumer
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stallings
Stenholm
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Valentine
Visclosky
Weldon
Whitten
Wilson
Wise
Yatron

NOES—168

Allard
Allen
Applegate
Archer
Armey
Atkins
AuCoin
Baker
Barrett
Barton
Bentley
Bereuter
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Boxer
Bruce
Bunning
Burton
Camp
Clay
Conyers
Coughlin
Cox (CA)
Crane
Cunningham
DeFazio
DeLay
Dellums
Doolittle
Dornan (CA)
Dreier
Duncan
Durbin
Early
Edwards (CA)
Edwards (OK)
Emerson
English
Fawell
Ford (TN)
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goss
Gradison
Hancock
Hansen
Hastert
Hayes (IL)
Hefley
Henry
Hobson
Hopkins
Hughes
Hunter
Hyde
Inhofe
James
Johnson (TX)
Klug
Kostmayer
Kyl
LaFalce
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McDermott
McEwen
McGrath
Meyers
Mfume
Michel
Miller (OH)
Mineta
Mollohan
Moody
Moorhead
Murphy
Myers
Nagle
Neal (MA)
Nussle
Oberstar
Olver
Orton
Owens (NY)
Owens (UT)
Packard
Paxon
Payne (NJ)
Pease
Petri
Rahall
Ramstad
Rangel
Regula
Rhodes
Ridge
Rinaldo
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal
Santorum
Savage
Saxton
Schaefer
Schulze
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sikorski
Skeen
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stark
Stearns
Stokes
Studds
Stump
Sundquist
Tauzin
Thomas (WY)
Towns
Upton
Vento
Volkmer
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Wheat
Wolf
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—68

Ackerman
Alexander
Anthony
Beilenson
Brooks
Broomfield
Brown
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Collins (IL)
Cooper
Dannemeyer
de la Garza
Dingell
Dwyer
Dymally
Feighan
Fields
Gaydos
Green
Hammerschmidt
Hatcher
Hayes (LA)
Hefner
Herger
Hertel
Holloway
Horton
Hubbard
Ireland
Johnston
Jones (GA)
Kolter
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levine (CA)
Lewis (GA)
Livingston
Luken
Miller (CA)
Miller (WA)
Mink
Morella
Morrison
Nichols
Olin
Patterson
Pelosi
Porter
Pursell
Roe
Rostenkowski
Roth
Russo
Scheuer
Thomas (CA)
Traxler
Unsoeld
Vander Jagt
Vucanovich
Williams
Wolpe

□ 1356

The Clerk announced the following pairs:

On this vote:

Mr. Johnston of Florida for, with Mrs. Unsoeld against.

Mr. Ackerman for, with Ms. Pelosi against.

Mr. Dingell for, with Mrs. Collins of Illinois against.

Mr. Porter for, with Mr. Thomas of California against.

Mr. Holloway for, with Mr. Herger against.

Mr. Bustamante for, with Mr. Green of New York against.

Mr. RITTER and Mr. KENNEDY changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill just considered, H.R. 5006.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I missed two recorded votes as a result of my duties as an official House delegate to the United Nations Conference on Environment and Development. Had I been present in the House Chamber, I would have cast the following votes: Rollcall No. 170, the Andrews (ME) amendment to limit the procurement of B–2 to 15 planes, "aye" and Rollcall No. 171, recommittal of the bill with instructions "aye".

I also paired for the following votes: Rollcall No. 168, Dellums amendment limiting spending on SDI to $1.2 billion for research, paired "no"; Rollcall No. 169, Durbin amendment to limit spending on SDI to $3.3 billion, paired "aye"; and, Rollcall No. 172, final passage of H.R. 5006, paired "aye".

PERSONAL EXPLANATION

Mr. CLINGER. Mr Speaker, I was unavoidably absent for the portion of the Defense bill considered today. Had I been present, I would have voted in the following manner on the fiscal 1993 Department of Defense authorization bill. I would have voted "no" on rollcall vote No. 168, "no" on rollcall vote No. 169, "no" on rollcall No. 170, "no" on rollcall vote No. 171, and "no" on rollcall vote No. 172.

PERSONAL EXPLANATION

Mrs. PATTERSON. Mr. Speaker, I regret that I was not present for the following rollcall votes during consideration of H.R. 5006, the National Defense Authorization Act for fiscal year 1993. I was attending my son's high school graduation services. Had I been present, I would have voted "nay" on rollcall Nos. 168 and 169, and "aye" on rollcall Nos. 170, 171, and 172.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Speaker, because of my attendance at the United Nations Conference on the Environment and Development, I missed rollcall votes 168 to 172. Had I been present during consideration of amendments to the Defense bill, H.R. 5006, and final passage of that bill, I would have voted as follows:

"No" on rollcall No. 168, the Dellums-Boxer amendment on SDI.

"Yes" on rollcall No. 169, the Durbin amendment on SDI.

"Yes" on rollcall No. 170, the Andrews amendment limiting production of the B–2.

"Yes" on rollcall No. 171, the Frank amendment, which I also supported in the Committee of the Whole.

"No" on rollcall No. 172, final passage of H.R. 5006, the National Defense Authorization Act for fiscal year 1993, because it provides unnecessary funding of B–2 and Stealth and because the authorization is too large, given current budgetary constraints and changes in U.S. national security posture since last year's authorization.

PERSONAL EXPLANATION

Mr. FIELDS. Mr. Speaker, due to official business in my district, I was unable to vote on the Dellums, Durbin, Andrews, Frank amendments and final passage of H.R. 5006. Had I been here, I would have voted against the Dellums amendment, No. 168; the Durbin amendment, No. 169; the Andrews amendment, No. 170; and the Frank amendment, No. 171. Finally, I would have voted against final passage of the bill H.R. 5006, No. 172.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5006, as amended, the Clerk be authorized to make such clerical and technical corrections, including corrections in the table of contents, title and section numbers and cross references, as may be necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sanders, one of his secretaries.

PRESERVING PROPER ACCOUNTABILITY OF FUNDS ATTENDANT TO CONSTRUCTION OF WORLD WAR II MEMORIALS

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to engage in a colloquy with the distinguished gentleman from Florida [Mr. BENNETT] and the distinguished gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans Affairs and a member of the Committee on Armed Services.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. Mr. Speaker, when the gentleman from Florida [Mr. BENNETT] offered his discretionary language on commemorating World War II in H.R. 5006, I assume it was the intention of the gentleman to preserve public and proper accountability of funds attendant to the construction of any World War II memorial.

Mr. BENNETT. Mr. Speaker, if the gentlewoman will yield, that is correct.

Ms. KAPTUR. Mr. Speaker, I assume also it was the intention of the gentleman to preserve prerogatives of other House committees, such as the Committee on House Administration, the Committee on Banking, Finance and Urban Affairs, the Subcommittee on Consumer Affairs and Coinage, and the Committee on Veterans' Affairs, all of which are currently considering related legislation, H.R. 1624, to construct a World War II memorial, and H.R. 1623, the World War II Commemorative Coin bill.

Mr. BENNETT. Mr. Speaker, that certainly was my objective.

Ms. KAPTUR. Mr. Speaker, I ask the gentleman from Florida [Mr. BENNETT], who is a decorated and distinguished World War II veteran himself, if he would be willing to work with me and other members of the respective committees and their chairmen in conference on these important provisions?

Mr. BENNETT. Mr. Speaker, if the gentlewoman will yield, I certainly would. I must congratulate the gentlewoman from Ohio [Ms. KAPTUR] on the leadership she has given on this. The gentlewoman can certainly count on my cooperation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Florida [Mr. BENNETT] for his strong interest and support.

Mr. Speaker, I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I also join with the gentleman from Florida [Mr. BENNETT] in commending the gentlewoman from Ohio [Ms. KAPTUR] for the work she has done. I know several years ago she took a delegation from this House to Europe, to Normandy, to work on a battle monument that might be built there in honor of the World War II veterans, those alive and those who have given their lives, and also back here in the United States.

Mr. Speaker, the gentlewoman is worried, like I am, that the funds that are taken in either by the coins that will be minted and sold and also by private funds, that they be handled in the proper manner, and that we account for those funds.

Mr. Speaker, we have had problems in the past on other memorials, that sometimes we could not have accountability of all of the funds that participated in building that memorial.

So I certainly join in congratulating the gentlewoman from Ohio [Ms. KAPTUR], and say that the Committee on Veterans' Affairs has reported out this legislation that she has sponsored.

□ 1400

Ms. KAPTUR. Mr. Speaker, I thank the chairman of the Committee on Veterans Affairs and distinguished member of the Committee on Armed Services for his leadership and support all the way through. We look forward to the memorial.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HOYER). The gentleman will state it.

Mr. WALKER. Mr. Speaker, could the Chair inform me what procedure of the House under the rules we just operated under?

The SPEAKER pro tempore. The 1-minute rule.

Mr. WALKER. No one ever requested a 1-minute.

The SPEAKER pro tempore. The gentlewoman requested unanimous consent to proceed for a colloquy, and the Chair recognized her for 1 minute.

Mr. WALKER. I thank the Chair.

REPORT ON HOUSE CONCURRENT RESOLUTION 192, CREATING A TEMPORARY AD HOC JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS TO STUDY AND RECOMMEND REFORMS IN THE OPERATIONS OF CONGRESS

Mr. DERRICK, from the Committee on Rules, submitted a privilege report (Rept. No. 102-550) on the concurrent resolution (H. Con. Res. 192) creating an ad hoc Joint Committee on the Organization of Congress to study and recommend reforms in the operation of Congress, which was referred to the House Calendar and ordered to be printed.

MODIFICATION OF HOUSE RESOLUTION 475, PROVIDING FOR CONSIDERATION OF H.R. 5260, EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM EXTENSION

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that the period of general debate provided for in House Resolution 475, if adopted, be expanded to 90 minutes, with 60 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked unanimous consent to proceed for 1 minute that I might inquire of the distinguished majority leader the program for next week.

I yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Obviously, business is finished for today. On Monday the House will not be in session, on June 8.

On Tuesday, June 9, the House will meet at noon to consider suspensions. I would assume that votes might begin by 2 or 3 in the afternoon on Tuesday.

There will be eight bills on suspension:

First, H.R. 4342, the veterans employment and GI bill amendments; H.R. 4368, national cemetery system and VA home loan amendments; third, H.R. 5333, the Balanced Budget Act of 1992; H.R. 3614, National Land Remote-Sensing Policy Act; fifth, House Joint Resolution 320, memorial to African-Americans who died as Union soldiers during the Civil War; H.R. 5058, American Folklife Center authorization for fiscal year 1993 to 1997; House Concurrent Resolution 232, calling for acceptance by certain republics of Helsinki Act of Commitments; House Resolution 461, sense of Congress concerning the Chinese Government's harassment of foreign journalists; H.R. 5260, the Unemployment Compensation Amendments of 1992, that will be under a closed rule, 1½ hours of debate.

On Wednesday, June 10, and the balance of the week, the House will meet at 10. We will take up House Resolution 450, the rule providing for consideration of House Joint Resolution 290, proposing an amendment to the Constitution to provide for a balanced budget; House Joint Resolution 290, proposing an amendment to the Constitution to provide for a balanced budget, subject to House Resolution 450, 9 hours of general debate.

Originally listed on the tentative schedule was House Concurrent Resolution 192, creating a temporary ad hoc Joint Committee on the Organization of Congress to study and recommend reforms in the operations of Congress. The decision has been made to not have that on Friday. That will not be on the schedule for next week.

However, I would say that there are bills that possibly may need to be taken up on Friday. We do not know yet specifically whether or not there will be a need for Friday business. There could be an emergency supplemental awaiting Senate and House action.

There is a jobs through exports bill and a conference report on the ADAMHA legislation.

We will, as soon as possible next week that we know about the schedule, possible schedule for Friday, try to let Members know that.

Mr. MICHEL. Since the gentleman mentioned the supplemental appropriation, it is my understanding that it is really getting loaded down, bogged down or whatever. There is no question but that if it does not take on a different character that we are going to be faced with a veto.

I would surely encourage the majority to use whatever influence they have with the parties responsible here to bring that thing more in line with what will meet with approval by the White House.

Otherwise we are just going through a charade here. They are already, from what I understand, outside the limits of both Houses. That is just not going to wash.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I am interested in H.R. 5333, the Balanced Budget Act of 1992. I am not aware that such a bill has ever been to any committee and yet it is put on the suspension calendar, which means that it is limited in debate.

To my knowledge, before today, no language existed for the bill.

Therefore, as Members go home, it is going to be difficult for them to know in that case anything about the bill. I am just wondering whether or not this is an appropriate way to deal with a suspension calendar, to put a bill that has never been before any committee on suspension calendar where debate is automatically limited.

Mr. MICHEL. The gentleman mentioned a number.

Mr. WALKER. It is on the sheet I had earlier as a blank, and now all of a sudden it has become H.R. 5333, as I understand it, which means that it probably got dropped sometime today. But earlier today there was no language for the bill.

I am just wondering how we are going to go through the appropriate committee action that should precede bringing such a piece of legislation to the floor.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, the bill has been introduced this afternoon. It obviously has the test of two-thirds, as the gentleman knows, under a suspension calendar.

As far as what exactly is in it, as the gentleman knows, next week we will be taking up the balanced budget constitutional amendments that can be changed up to an hour before they are actually considered.

Obviously, we have had consideration of these matters. There have been extensive hearings in the Committee on the Budget and extensive comment made on all manner of balanced budget proposals.

We will be voting through the week on this as a statute and many other vehicles as constitutional amendments.

Mr. WALKER. Mr. Speaker, if the gentleman will continue to yield, the fact is that the balanced budget language that we will get to has been language that has been around for a long time. In fact, it has been around so long that it had to be discharged from the committee by a discharge petition at the desk because it had hung around so long that it was literally dying in committee.

In this particular case, however, the language was obviously written within the last few hours, was dropped in, and it has not been before any committee.

There has been no chance to consider what the implications of the language might be at all.

Most Members have no familiarity with the language and yet it ends up in a process where there can be no amendments, where it has never been before a committee where it could be amended, where there has been no debate.

Debate is going to be limited to a total of 40 minutes, as a result of being put on the Suspension Calendar. This is a process that has run amok, and the suspicion at least is that this is simply a bill that has been put on the suspension calendar to provide cover for Members who do not want to otherwise vote for a balanced budget amendment to the Constitution but think they have to go home and politically have something to explain.

I think that is a terrible process, and it does the House no particular favor to proceed in that kind of manner.

I wonder if in fairness maybe we could at least assign the minority the ability once a week to put one such bill on the calendar, too. Why not allow us to have our Economic Growth Act where we simply stick an H.R. on and put the Economic Growth Act and allow the minority leader of the House, the Republican leader, to offer such a bill. It would not have been before any committee either, but that is no different from the balanced budget statute that the gentleman is going to offer.

Mr. GEPHARDT. As I understand it, next week we have a rule that will be on the floor that will allow a number of approaches to a constitutional balanced budget amendment, two of which will be sponsored by Members of the Republican side.

Mr. MICHEL. If I might make an observation here, it does suggest there is a pattern here. I recall the constitutional amendment on desecration of the flag. And just prior to our consideration of that constitutional amendment, there was a similar kind of ploy used for a statute to do what supposedly we were prepared to do by way of a constitutional amendment.

□ 1410

Admittedly, it gave Members an opportunity to vote for the statute, and I think it then resulted in our being roughly three or four votes short of getting the required number for a constitutional amendment. However, the pattern is there, which certainly suggests it is another effort on the part of the leadership on the other side to scuttle a balanced budget amendment.

However, in answer to the gentleman, and not that I should really answer, but maybe just comment on his question that he validly raises, whether or not the minority might very well be entitled to also bring up, particularly when we have attempted, as we have, and been denied before the Committee on Rules, an opportunity to offer just such a package when we consider unemployment compensation at a time when we think job creation is more important, quite frankly, than simply extended benefits for the unemployed. That is a problem, but I think maybe we have our priorities all turned around here.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to my friend, the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, let me note that with respect to the distinguished majority leader, first of all, the reason there would be two Republican constitutional amendments next week is because a discharge petition was signed by Members of the House, despite the Democratic leadership, not because of it.

Second, I would note on a day when 7.5 percent unemployment was announced that those of us who last year on two occasions tried to offer an economic growth act to unemployment extension, and warned then that we would be right back here, we went to the Committee on Rules this week and we asked for the $4,000 home buyer's tax credit. We asked for passive loss for real estate, which has 338 Members on both sides of the aisle cosponsoring it, 338 cosponsors. We asked for the repeal of the boat tax, which would help the boat industry create jobs across the country in places where people work in that industry. We asked for some extenders that are desperately needed, and are tax extenders.

We could not even get the Democratic leadership to allow us to have an up-or-down vote. We are going to have a vote, a procedural fight on the previous question involving a Republican substitute that has 338 Members of both sides on one of its most important provisions.

Second, I am told a little while ago that despite the House having voted 372 to 26 to instruct conferees on the supplemental to accept the Senate language calling for enterprise zone legislation, that that language has been struck. If the House can vote 376 to 26 to instruct the Democratic leadership and the opposite occurs, what is the point of coming to the floor?

Finally, I understand we still have no schedule at all on getting passage on the enterprise zone bill, which Peter Ueberroth told us would create jobs, and in 48 hours private businesses began in the poorest part of America's cities to create jobs. I would just say to the leadership surely they could allow us to bring up our unemployment bill under suspension, or surely they could allow us to go back to the Committee on Rules and have a fair rule giving both sides a fair chance.

If they can bring to the floor not even a stalking horse, it is a stalking pony, this is too tiny to be a horse; if they can bring on the floor a bill which on their whip notice did not even have a number, and they can bring it to the floor, surely they could allow the Republican leadership on behalf of the President to get an up-or-down vote on creating jobs next week when we bring up unemployment.

I would ask them to seriously reconsider going back to the Committee on Rules on Monday and producing a rule that would allow us to have a fair, decent, open opportunity on a passive loss bill that has 338 cosponsors.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I am delighted to respond to the distinguished minority leader.

Mr. Speaker, I would be inclined to take seriously the comments made by the distinguished chief deputy whip, Mr. WALKER, with regard to the balanced budget amendment, and the distinguished minority whip, Mr. GINGRICH, with respect to the unemployment compensation bill, if in fact the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Georgia [Mr. GINGRICH] and their colleagues on the debate on the balanced budget amendment next week will tell us what will be in their pledge.

We have laid out what our amendment will be. The gentleman from Missouri [Mr. GEPHARDT], the gentleman from Wisconsin [Mr. OBEY], and myself have an amendment. Everyone knows what it is. We have yet to hear what the amendment from the gentleman from Texas [Mr. STENHOLM] will do, what it will affect, and for the gentleman to come to the well and suggest that the bill to be offered by the gentlewoman from Connecticut [Mrs. KENNELLY] is sprung on them, the bill by the gentlewoman has been introduced, the Members can read it, and it is there.

On the other hand, I would say to the gentlemen that they have a phantom piece of legislation that will be brought up at the last minute on Thursday, so I think it is disingenuous to suggest that we are springing something on them on Tuesday on suspensions, and I would say to the gentlemen that they have under the rule three opportunities on this balanced budget amendment process: They have the opportunity of the gentleman from New York [Mr. FISH]; they have the opportunity with their colleagues, the gentleman from Texas [Mr. BARTON]; and they have the opportunity to recommit, while we get one shot at it.

To suggest there is some unfairness here just stretches credulity.

Mr. MICHEL. Mr. Speaker, the last time I looked at the official designation of the gentleman from Texas [Mr. STENHOLM], he was a recognized Democrat for as long as he has been elected to this Congress.

Mr. BONIOR. Mr. Speaker, I am not talking about that.

Mr. MICHEL. Mr. Speaker, I have the time. I cannot help it if they have the problem over there on their side that they cannot get together in a unified measure over there. That is their problem, not ours.

Mr. BONIOR. We will see how unified we are on Thursday. We will be unified on Thursday.

The SPEAKER pro tempore (Mr. HOYER). The minority leader has the time.

Mr. MICHEL. Mr. Speaker, let me divert, if I might, just for a moment, because there is another question to my distinguished friend, the gentleman from Missouri [Mr. GEPHARDT], the majority leader. I appreciate putting off that measure with respect to Hamilton-Gradison. Would that be until the following week, for sure?

Mr. GEPHARDT. Will the gentleman yield?

Mr. MICHEL. I yield to the majority leader.

Mr. GEPHARDT. Mr. Speaker, it is possible, I am told, that we could take it up on Wednesday or Thursday, although there probably will not be time for that. We will just not bring it up on Friday, because Mr. GRADISON has told me that it was impossible for him and others to be here that day. Since he has had such a role in constructing that legislation, we decided not to do it at that time.

Mr. MICHEL. I appreciate that, because I personally would like to be here on that day, and it is absolutely impossible for me Friday, so I appreciate that courtesy. I just was wanting a little more clarification. It definitely is off Friday? I do not see how we can do it either Wednesday or Thursday of this coming week, when we seem to be really strapped for time, under the rule, with all the hours of general debate and amendments on the balanced budget amendment.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Yes; I yield to the gentleman.

Mr. GEPHARDT. Let me respond to the gentleman from Georgia [Mr. GINGRICH], my friend, the minority whip. Let me say on the question of enterprise zones, as the gentleman knows, this week I gave an assurance to the minority that we would have an enterprise zone bill on the floor of the House before the Fourth of July. I have also made attempts to get a similar kind of assurance from both Republicans and Democratic Members on the other side of the building, in the other body.

We do have an assurance on their side that they will have a similar bill in the Senate a week after we complete action here, when they come back from the Democratic Convention. The gentleman also knows that is when we are engaged in talks and negotiations to try to find common ground on that legislation. If we can find that in the next week, the next 2 weeks, we can go to the floor with such a bill in both Houses and complete it.

I would just remind the gentleman, as I am sure he knows, that we are trying to find common ground on that important piece of legislation, and we will continue to do that.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I will just make one more point, and I do not want to be tenacious about this, but I would like to point out two things.

One, I would say to the Democratic whip, the only reason there is a balanced budget rule on the floor next week is that Democrats and Republicans alike signed a discharge petition despite the scheduling decisions of their leadership, so to complain now because on a bipartisan basis Democrats and Republicans alike signed a discharge petition to create a rule, because they would not, I think is a bit much.

Second, my only concern about enterprise zones is, first, that the longer we wait, the longer the summer goes on, the fewer the jobs we are creating in the private sector that are permanent and real. I am very eager to have us create private jobs that are real in the inner city as quickly as possible.

Additionally, I would just at some point like an assurance that we can have a mutually agreeable rule on enterprise zones, and we do not end up, as we are on unemployment, being given only the last version of what they would do, with no fair opportunity for the membership to look at something the President would sign.

I would just hope as we work together next week, and I look forward to working together with the distinguished majority leader, that we could agree to some procedure by which a bill which could be signed by the President would come to the floor under enterprise zone legislation.

□ 1420

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank the distinguished minority leader for yielding. I would like to follow on the comments by the distinguished minority whip and say that as we looked at the unemployment rule it was a great tragedy, and very reasonable amendments which were brought up from both sides of the aisle were defeated on a party-line vote. And I am thinking specifically of the amendment that was offered by the gentlewoman from Connecticut who wanted to allow for withdrawals from individual retirement accounts, 401(k)'s, to allow those who are on unemployment compensation to expand those dollars, and then when the gentleman from New Jersey [Mr. HUGHES] offered his amendment to try and bring about the repeal of the luxury tax, which many Members in this House want to see happen, that was defeated on a party-line vote.

So it seems to me that we have an extraordinarily unfair rule in this case. I hope very much that we will be able to defeat it, and go back up and bring about the kind of balance which the membership in this House clearly wants.

I thank the gentleman for yielding.

Mr. EDWARDS of Texas. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. Mr. Speaker, I thank the gentleman for yielding.

I was prepared to make a 1-minute statement in a few moments in favor of the balanced budget amendment as a Democrat who signed the discharge petition. Having heard the previous conversation, I am not going to make that statement, and I would like to suggest to both sides of the aisle, and particularly those who are genuinely for a balanced budget amendment, that the less we allow this to become a partisan issue in the final hours before the vote, the better chance we have of doing what some of us think is right for this country. And I think a somewhat partisan attack on the majority leadership is detrimental to our cause of fighting for a balanced budget amendment. And I can speak as one Member who signed the discharge petition in saying that at no time did the majority leadership deny us the right to come to the floor with this amendment this year. In fact, they gave us every indication throughout a number of conversations we would have that right. It was simply a strategic decision on the part of a number of us on a bipartisan basis that the sooner we had the vote, the better we would have a chance of passing it into law and into the Constitution.

So for whatever it is worth, to those of us who are fighting for a balanced budget amendment, I would suggest we keep this issue on a nonpartisan basis and focus on the content of the amendment, and move ahead with a debate based on the merits of the legislation.

Mr. MICHEL. Well, let us not get confused with the minute you raise an argument in this place you are being politically partisan, for gosh sake. This House is supposed to be a forum for arguing between the two sides while we have two vigorous political parties, hopefully to do it in the context of friendliness, and to the degree that we do not make them personal. But we cannot completely submerge differences of opinion that Members have, very legitimate ones, and you cannot then be castigated for being politically partisan.

The gentleman from Pennsylvania raised a very legitimate question, and if the gentleman had found himself in the minority for a period of about 36 years like this gentleman has, and put up with it not only week after week, but year after year, eventually then it does well out, and you say when do we get our little bitsy bite of the apple. And there is nothing wrong with that, a legitimate question to be asked, and nothing partisan in it other than hey, give us a fair shake, please.

Mr. EDWARDS of Texas. Mr. Speaker, will the gentleman yield briefly?

Mr. MICHEL. Surely, I am happy to yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I have deep respect for the minority leader, and I want to say that I have watched him and respected him for 20 years, going back to when I was an aide here. I just simply want to say that the suggestion was made that the Democratic leadership has tried trickery in order to kill the balanced budget amendment. As one supporter of the balanced budget amendment, and as a Democrat who voted for the discharge petition, I would like to set the record straight. I do not think that is correct. I disagree with it, and I do respect the gentleman's right to express his views.

Mr. MICHEL. Mr. Speaker, if there are no more questions, I yield back my extended 1 minute.

ADJOURNMENT TO TUESDAY, JUNE 9, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Tuesday, June 9, 1992.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXPRESSION OF THANKS TO CURRENT CLASS OF PAGES

(Mr. EMERSON asked and was given permission to address the House for 1 minute.)

Mr. EMERSON. Mr. Speaker, I take this time to note to the House that this is the last day of service for our current class of pages. They will be leaving at the close of business today and going back to the communities from whence they came, and we will have a new class of pages for the summer commencing on Monday.

I want on behalf of the many Members who have spoken to me about their concern for an interest in the page program to express my appreciation to the pages for the services that they have rendered throughout this past school year.

Mr. Speaker, I had the privilege back in the 83d Congress and in the first session of the 84th Congress to be a page myself. I will say that that experience was probably the single most beneficial learning experience that I ever had. It was an absorptive experience. You learned things as a page that you cannot learn out of textbooks, and I hope that the pages who have served here in 1991 and 1992 have found the experience to have been as meaningful as I did. I want to wish each of the pages well in their future academic and career endeavors, and hope that their service here has been an inspiration.

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. If I may, Mr. Speaker, I yield to another former page, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Missouri for yielding. As he mentioned, like himself, my first beginnings or first stirrings in politics were here in the Congress of the United States, though over in the other body as a page for 3 years back in the 85th and 86th Congresses.

I think sometimes we forget how much we rely on the pages around here and what a job they do for us. They are very much the oil that makes the place work. They are the ones that take care of the needs on a minute by minute and a daily basis, and they make things flow, messages flow, and items from one office to the other, and they assist us in our duties here on the floor.

So I join with my colleagues in saying thank you to each and every one of the pages that we have, Republicans and Democrats, and my thanks to all of the Members who have sponsored them for taking the time and the caring to sponsor them and to make sure that we have young men and young women here who are not only good in doing the jobs, but will get something out of this over the long term. I know that from my own experience, obviously the page experience was enormously important to me, for it gave me my first real interest in politics. And I know that from this crop of pages we will see some who will come back to join us here again, some perhaps on a staff basis, but some I know will be back here someday as a Member of this body, probably long after the gentleman from Missouri and I are gone.

But I do want to say to each and every one of them that we wish them well, we thank them for the service that they have provided us, and we know that they will have a successful finish to their high school careers and on beyond that in college and throughout their lives. We hope they will come back and see us from time to time. We hope they will remember this experience. I am sure they will.

Again I thank the gentleman for yielding.

Mr. EMERSON. I thank the gentleman for his contribution.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. I am delighted to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding, and I stand here having never served as a page, but very pleased to know that my friend from Arizona and my friend from Missouri were well trained, and in fact can carry messages and deliver things around for us. And I hope that my colleagues will recognize that in the future when they need to have things taken care of.

I also want to say that I extend hearty congratulations and my appreciation to the pages. I said I was not a page, but when I was elected here 12 years ago I was on more than one occasion mistaken for a page, and I did get some encouragement from the gentleman from Missouri [Mr. EMERSON], because of his expertise when he was a page. And he has an incredible story which I know he has shared with the pages, but he was here when several Members of this House were wounded on the floor, and I hope at some point that he will share that with the pages who have not heard it and with our colleagues here in the House.

So I join in extending hearty congratulations to those pages, and I look forward to their commencement this evening, and I wish them well in their future endeavors.

I thank my friend for yielding.

□ 1430

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. I am delighted to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my colleague, the gentleman from Missouri [Mr. EMERSON] for yielding to me. He has given such outstanding service on the Page Board over the years, and as a former page himself really knows very well of their experience.

I want to rise on our side, this is a very bipartisan board, the Page Board, and it is a very bipartisan feeling that we have with respect to the pages.

We are in an era, unfortunately, of great cynicism with respect to public institutions.

The page system, yes, does assist us in carrying out the duties of our office, but as well each and every one of the pages who is here gets unique experience for young people in this country, and that is they get a firsthand opportunity to view the Congress and its individual Members as they work, as they try to come to grips with the problems confronting this Nation.

I believe, my experience has been and I believe that they will go away with a more positive attitude because of this experience.

As President of the Maryland Senate from 1975 to 1979, I and the Speaker of the House had the opportunity to oversee a page program that we had in our State legislature. Invariably at the end of their tenure I would have the opportunity of talking with the pages. In fact, they went away surprised that Members worked as hard as they worked, surprised that Members cared as much as they cared. Therefore, I believe we send forth from this graduation tonight, really, ambassadors in many respects to other young people with whom they will come in contact, having had a unique experience, having knowledge of their Government, having particular knowledge of this body that we call the People's House. It is an extraordinary program.

They will be leaders in their communities, in their schools, and in our Nation in the years and decades ahead.

It is appropriate, therefore, that we rise, and I join the gentleman from Missouri [Mr. EMERSON] and my colleagues in thanking them for the service that they have given in the prosecution of the people's business, but also to rise to wish them the very best as they go forth to lead in their communities and in this Nation at a time when the needs of our Nation for the enthusiasm and idealism of our youth is very high indeed.

So congratulations to them and Godspeed.

Mr. EMERSON. Mr. Speaker, I thank the distinguished chairman of the Democratic caucus for his eloquent and trenchant comments.

Mr. Speaker, I am glad to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I, too, want to commend the gentleman from Missouri for the outstanding manner in which he has conducted our page program over the years. It has come to me as a matter of surprise to learn that the good gentleman from Missouri was a page himself at one time and so, too, to learn of some of the page activities by our other colleagues.

I am pleased that seated along side of me, one of our senior staff members on our Post Office and Civil Service Committee, George Omus, was also a page back in the 1950's, 1958 I believe, and a number of our staff people have been former pages; so I, too, want to join in congratulating and commending our young pages for the outstanding work they have done. We wish them well in their future endeavors.

A number of pages who have been appointed from my congressional district have gone on to greater things and I am sure that this class will be no different.

God bless all of them.

Mr. EMERSON. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN].

Mr. Speaker, I thank the Chair for its indulgence at this great length.

In closing, I want to wish to each of our pages, these young men and women who are departing here today, all good things for their careers, for their success, for their happiness. God bless you each and every one, and Godspeed.

BE KIND TO ANIMALS AND NATIONAL PET WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 429) designating May 3, 1992, through May 9, 1992, as "Be Kind to Animals and National Pet Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. GUARINI. Mr. Speaker, this year, as I have in the past, I introduced legislation to designate a week in the year as "Be Kind to Animals and National Pet Week."

As in the past, the support for this resolution has been overwhelming. This year, over 200 of my colleagues signed on as cosponsors, demonstrating a strong commitment to promote kinder treatment of animals and appreciation for those who work to help and protect them.

Americans love animals and in passing this resolution to set aside the week of May 2-May 8, 1993 as "Be Kind to Animals and National Pet Week," we will help reaffirm our country's strong commitment to promote proper care of our pets and guard against cruel and irresponsible treatment.

We are also setting aside time to honor veterinary medical professionals, animal protection organizations, state humane societies, local animal care agencies throughout our country, and the people who dedicate their lives to improving the health and welfare of our pets.

Animals help us in so many ways. For example, dogs help guide the visually impaired and others that need assistance. Many of our police departments have canine units and there are even dogs which are trained to help rescue avalanche victims.

The very presence of animals can be good medicine. Studies have shown that regular contact with animals can have a positive effect. Elderly people who own a pet visit their physicians less often and handle stress better. We have also learned that growing up with an animal at home enhances social skills and self-esteem in children.

As Americans we must remind ourselves that living with animals involves a great deal of responsibility. Children especially, must be taught that we must be responsible as well as caring with the animals we live with.

I want to thank the Committee on Post Office and Civil Service, Subcommittee on Census and Population, its Chairman TOM SAWYER, and the distinguished Members of Congress from both parties who have joined me in this effort to promote responsible treatment of animals and recognition for those who care and treat them.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was on objection.

The Clerk read the joint resolution, as follows:

S.J. Res. 429

Whereas 1992 marks the 77th anniversary of the American Humane Association's "Be

Kind to Animals Week" and the 12th anniversary of "National Pet Week", sponsored by the American Veterinary Medical Association, the Auxiliary to the American Veterinary Medical Association, and the American Animal Hospital Association;

Whereas animals and pets give companionship and pleasure in daily living, share the homes of over 50,000,000 individuals or families in the United States, and provide special benefits to elderly persons and children;

Whereas the people of the United States have a firm commitment to promote responsible care of animals and pets and to guard against cruel and irresponsible treatment;

Whereas teaching kindness and respect for all living creatures through education in schools and communities is essential to the basic values of a humane and civilized society;

Whereas the people of the United States are grateful to the veterinary medical profession for providing preventative and emergency medical care and assistance to animals, spaying and neutering animals to combat overpopulation, and contributing to the education of animal owners; and

Whereas the people of the United States are indebted to animal protection organizations, State humane organizations, and local animal care and control agencies for promoting respect for animals and pets, educating children about humane attitudes, and caring for lost, unwanted, abused, and abandoned animals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 3 through 9, 1992, is designated as "Be Kind to Animals and National Pet Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 3, line 3 is amended by striking "May 3 through 9, 1992" and inserting "May 2, 1993, through May 8, 1993".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "A joint resolution designating May 2, 1993, through May 8, 1993, as 'Be Kind to Animals and National Pet Week'".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL AWARENESS WEEK FOR LIFE-SAVING TECHNIQUES

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 442) to designate May 16, 1992, through May 22, 1992, as "National Awareness Week for Life-Saving Techniques," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. YOUNG], the chief sponsor of House Joint Resolution 442.

Mr. YOUNG of Florida. Mr. Speaker, I want to thank my colleague from Ohio [Mr. SAWYER], the chairman of the subcommittee, and my colleague from Pennsylvania [Mr. RIDGE], the ranking minority member, for their prompt action and support of House Joint Resolution 442, legislation I have introduced to designate the week of July 5 through 11, as "National Awareness Week for Life-Saving Techniques."

I would especially like to thank the American Red Cross and Carlos Rainwater, a member of its board of governors and a constituent from St. Petersburg, FL, who brought this matter to my attention, as well as the American Heart Assocation and the many other organizations which have supported this resolution, for placing such a high priority on educating our colleagues and the American people, about the importance of knowing these simple techniques that can save a life.

Mr. Speaker, the figures are startling. The National Safety Council reports that more than 850,000 Americans of all ages die every year as the result of accidents and heart disease. Frighteningly, many of these lost lives are of children. In fact, statistics show that accidents are the leading cause of death for children and youth from 1 to 24 years of age, and drowning and choking are a leading cause of death for children under the age of 5. In my State of Florida alone, drowning is the No. 1 cause of accidental death in children aged 4 and younger, and Florida is the leading State in the number of drowning deaths among children.

Having someone at the scene of an accident who knows a life-saving technique such as rescue breathing or cardio pulmonary resuscitation [CPR], and who can administer it effectively and immediately can help drastically reduce these tragic numbers. Most doctors believe that performing a life-saving technique on the scene can do more to save a life than all subsequent medical care—no matter how sophisticated.

Mr. Speaker, in passing this resolution, this body is acknowledging the threat of accidents and heart disease, particularly to our children, and is helping more Americans recognize and understand the contribution life-saving techniques make to reduce this threat. It is my hope that by calling attention to these techniques, we can improve public awareness about the wide range of opportunities available to learn them.

Mr. Speaker, accidents and heart attacks occur without warning. Encouraging the American people to make the small investment in time required to learn these basic skills could someday mean the difference between life and death. I thank my colleagues for joining me in support of this measure to raise public awareness about the importance of knowing these basic life-saving skills.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 442

Whereas the National Safety Council reported that about 850,000 Americans died in 1990 as a result of accidents and heart disease;

Whereas accidents are the leading cause of death for children and youth ages 1 to 24 years;

Whereas drowning and choking are a leading cause of accidental death in children under the age of 5 years.

Whereas Rescue Breathing and Cardiopulmonary Resuscitation, commonly referred to as CPR, are life-saving techniques that significantly reduce the incidence of sudden death due to accidents and heart disease:

Whereas it is critical that more Americans learn such basic life-saving techniques in order to reduce the number of death related to accidents and heart disease;

Whereas the opportunity to learn basic life-saving techniques is available to all Americans through the American Red Cross, the American Heart Association, the YMCA, and other national organizations; and

Whereas the death rate due to accidents and heart disease would be greatly reduced if more Americans received training in basic life-saving techniques: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 16, 1992, through May 22, 1992, is designated as "National Awareness Week for Life-Saving Techniques". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities designed to encourage training in life-saving techniques for Americans.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 2, line 3, strike "May 16, 1992, through May 22, 1992," and insert "July 5, 1992, through July 11, 1992,".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint resolution to designate July 5, 1992, through July 11, 1992, as 'National Awareness Week for Life-Saving Techniques'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SPINA BIFIDA AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 470) to designate the month of September, 1992, as "National Spina Bifida Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I would like to acknowledge the gentleman from Michigan [Mr. BROOMFIELD] as the chief sponsor of House Joint Resolution 470, designating September 1992, as "National Spina Bifida Awareness Month."

Mr. Speaker, I rise in strong support of House Joint Resolution 470, a joint resolution proclaiming the month of September 1992, as National Spina Bifida Awareness Month. I would like to commend the gentleman from Michigan [Mr. BROOMFIELD] for introducing this important measure.

Spina bifida is the single most common disabling birth defect. This horrible disease occurs in 1 out of every 1,000 births. Spina bifida is a defect of the spinal column that results from the failure of the spine to close properly in the first weeks of pregnancy.

People who are diagnosed as having spina bifida suffer from varying degrees of paralysis, loss of sensation in the lower limbs, as well as suffering from hydrocephalus, a condition involving improper circulation and accumulation of fluid in the brain.

Mr. Speaker, because of improvements in medical technology, more than 90 percent of all children born with spina bifida are expected to live a normal lifespan. Just 20 years ago, that same 90 percent died within a few years of birth.

Currently, the Spina Bifida Association of America is working to raise public awareness of spina bifida and the much-improved treatment available to affected children.

Accordingly, I urge my colleagues to support House Joint Resolution 470. With the passage of this joint resolution, we will be able to help educate the American people about this terrible affliction that strikes tens of thousands of children each year.

Mr. BROOMFIELD. Mr. Speaker, on April 9, I introduced House Joint Resolution 470 to proclaim the month of September 1922 as National Spina Bifida Awareness Month. I am grateful to my colleagues on both sides of the aisle who have generously lent their support, and I would like to thank them for helping to bring this resolution to the floor.

Surprisingly few people in this country know what spina bifida is. For that matter, few have even heard of spina bifida. I say surprisingly because it disables so many newborns. In fact it permanently disables more newborns than any birth defect in this Nation—more than cystic fibrosis, multiple sclerosis, muscular dystrophy, and polio combined.

Spina bifida is a birth defect that affects the spinal column. It occurs when the spinal cord fails to close completely during prenatal development. In its more severe forms, spina bifida can result in the accumulation of fluid on the brain, complications of the bladder and bowel, and paralysis.

I learned about spina bifida from personal experience. My granddaughter, Lindsay Shaffer, was born with Spina Bifida Occulta. It is the least severe form. Still, she had to undergo two very long and difficult operations to correct the damage. Thanks to some very professional and caring doctors and nurses, Lindsay is today as healthy and as active as any other 2½-year-old.

Many other children born with spina bifida are not nearly as fortunate as Lindsay. These children will face physical challenges throughout their lives.

Extensive therapy—both physical and psychological—is critical for these children and young adults. But with proper care, they can enjoy independent and fulfilling lives.

More must be done for those who suffer from spina bifida. Efforts to find the cause, and a preventive treatment for spina bifida are already underway.

The current research has been extremely encouraging, and I look forward to the day when spina bifida no longer threatens our children. This resolution should help focus more attention on these important efforts.

Additionally, I have to extend both my deep respect and appreciation to two physicians at the Children's National Medical Center: Dr. Catherine Shaer, the medical director of the Spina Bifida Program and Dr. Dennis Johnson the acting chair of neurosurgery. They have done some pioneering work with those affected by spina bifida, and in so doing have brought much happiness into the lives of many young children and their parents.

Once again, I'd like to thank the many colleagues who have cosponsored House Joint Resolution 470—particularly, BEN GILMAN and FRED UPTON, who have helped lead the effort to attract broad, bipartisan support for this important legislation.

□ 1440

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 470

Whereas spina bifida is the most frequently occurring and permanently disabling birth defect of newborns, occurring in one of every one thousand live births in the United States;

Whereas between 1980 and 1989, 18,000 children were born with spina bifida in the United States and of that number 13,500 have survived;

Whereas spina bifida occurs more often than Cystic Fibrosis, Multiple Sclerosis, Muscular Dystrophy, and polio combined;

Whereas spina bifida is a birth defect in the spinal column resulting when the spinal cord fails to close completely during prenatal development;

Whereas spina bifida may result in varying degrees of paralysis, loss of sensation in the lower limbs, and bladder and bowel complications, and often is accompanied by hydrocephalus;

Whereas the cause of spina bifida is not known but the cause appears to be the result of multiple environmental and genetic factors;

Whereas although most of the March of Dimes and Easter Seal poster children have spina bifida, many people across this Nation have not heard of the defect and its debilitating consequences for children;

Whereas only a few cities in the United States have proper care centers and specialized professionals that can provide the most effective, aggressive treatment for children and adults with spina bifida; and

Whereas an increase in the national awareness of the problem of spina bifida may stimulate the interest and concern of the American people, which may lead, in turn, to increased research into the needs of individuals with spina bifida and the prevention of spina bifida: Now, therefore, be it

Resolved by the House of Representatives of the United States of America in Congress assembled, That the month of September 1992 is designated "National Spina Bifida Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SCLERODERMA AWARENESS MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 445) designating June 1992 as "National Scleroderma Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, and I do not object, I simply would like to inform the

House that the minority has no objection to the legislation now before us.

Mr. DWYER of New Jersey. Mr. Speaker, I rise today to thank my colleagues for cosponsoring House Joint Resolution 445 which designates June as "National Scleroderma Awareness Month."

Scleroderma affects the lives of 300,000 Americans. It is an orphan disease with no cure and no known origin. This disease causes thickening and hardening of the skin due to a build up of collagen. As a matter of fact, the word scleroderma means "stone skin." In severe cases, hardening occurs in joints and body organs leading to decreased mobility and functional impairment.

Scleroderma strikes women four times more often than men often effecting healthy women between the ages of 25 and 55 years old. Women are also at risk due to seepage from silicone breast implants.

Early diagnosis is the key to treating other diseases and scleroderma is no different. Awareness of scleroderma by dermatologists and rheumatologists has grown due to the dedicated efforts of the many scientists working on research.

In addition to the valuable research work of the National Institute of Arthritis, Musculoskeletal and Skin Disease, the Scleroderma Research Foundation has also been providing needed research dollars in the hope that a cure can be found to this often debilitating disease.

Activities and events have been organized around the country to heighten public knowledge about scleroderma as well as make sufferers aware of presence of local scleroderma support groups.

In closing, I would like to thank the membership of the many State and local scleroderma societies for all their work on House Joint Resolution 445 and for all the support they provide to the many Americans afflicted with this disease.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 445

Whereas scleroderma is a disease caused by the excess production of collagen, the main fibrous component of connective tissue, causing hardening of the skin or internal organs such as the esophagus, lungs, kidney, and heart;

Whereas approximately 300,000 people in the United States suffer from scleroderma with women of childbearing age outnumbering men four to one;

Whereas scleroderma is a painful, crippling, and disfiguring disease that is usually progressive and can result in premature death;

Whereas the symptoms of scleroderma are variable, and this variability can complicate and confuse diagnosis of the disease;

Whereas the cause and cure of scleroderma are unknown; and

Whereas scleroderma is an orphan disease for which intensive research is needed to improve treatment and find its cause and cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 1992 is designated as "National Scleroderma Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate activities to enhance awareness of the disease and the need for a cure.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

BLOCKING PROPERTY OF AND PROHIBITING TRANSACTIONS WITH THE FEDERAL REPUBLIC OF YUGOSLAVIA—SERBIA AND MONTENEGRO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 102-343)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

On June 1, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)), and section 301 of the National Emergencies Act (50 U.S.C. 1631), I reported to the Congress by letters to the President of the Senate and the Speaker of the House, dated May 30, 1992, that I had exercised my statutory authority to issue Executive Order No. 12808 of May 30, 1992, that declared a national emergency and blocked "Yugoslav Government" property and property of the Governments of Serbia and Montenegro.

On May 30, 1992, the United Nations Security Council adopted Resolution No. 757 calling on member states to impose a comprehensive economic embargo against the Federal Republic of Yugoslavia (Serbia and Montenegro). Today I have taken additional steps to ensure that the economic measures we are taking with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) conform to United Nations Security Council Resolution No. 757 of May 30, 1992.

Specifically, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*), the National Emergencies Act (50 U.S.C. 1601, *et seq.*), section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1514), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3 of the United States Code, I have issued a second Executive order, "Blocking Property of and Prohibiting Transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro)," a copy of which is enclosed.

Among other things, the order that I have issued on this day:

—prohibits exports and imports of goods and services between the United States and the Federal Republic of Yugoslavia (Serbia and Montenegro), and any activity that promotes or is intended to promote such exportation and importation;

—prohibits any dealing by a U.S. person in connection with property originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) exported from the Federal Republic of Yugoslavia (Serbia and Montenegro) after May 30, 1992, or intended for exportation to any country, and related activities;

—prohibits transactions related to transportation to or from the Federal Republic of Yugoslavia (Serbia and Montenegro), or the use of vessels or aircraft registered in the Federal Republic of Yugoslavia (Serbia and Montenegro), by U.S. persons or involving the use of U.S.-registered vessels and aircraft;

—prohibits the granting of permission to any aircraft to take off from, land in, or overfly the United States if that aircraft is destined to land in or take off from the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro);

—prohibits the performance by any U.S. person of any contract in support of certain categories of projects in the Federal Republic of Yugoslavia (Serbia and Montenegro);

—continues to block all property of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as assets of the former Government of the Socialist Republic of Yugoslavia, located in the United States or in the possession or control of U.S. person, including their foreign branches; and

—clarifies the definition of the Federal Republic of Yugoslavia (Serbia and Montenegro).

Today's order provides that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the order.

The declaration of the national emergency made by Executive Order No. 12808 remains in force and is unaffected by today's order.

GEORGE BUSH.

THE WHITE HOUSE, *June 5, 1992.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain further 1-minute requests.

JOHN DEMJANJUK: RETIRED AUTOWORKER FROM CLEVELAND

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today, finally, a Federal appeals court has reopened the extradition case of John Demjanjuk, convicted of being Ivan the Terrible of Treblinka. The Federal court has reopened the extradition proceedings because of the fact that an Israeli prosecutor has admitted for the first time there is doubt as to whom Ivan really is.

Mr. Speaker, there is doubt, all right, enough doubt to drive a whole truckload of constitutions through, enough doubt to drown the Bill of Rights in.

Evidence now supports the fact that Ivan the Terrible of Treblinka was Ivan Marchenko, not John Demjanjuk, the retired autoworker from Cleveland.

Mr. Speaker, the tragedy is that Congress did not have the guts to see the obvious, afraid of the sensitivity of this case. Mr. Speaker, when Congress allows the rights of one American citizen to be jeopardized, Congress ultimately endangers the rights of all American citizens. Ivan Marchenko is Ivan Grosnik, the infamous Ivan of Treblinka. John Demjanjuk is a retired autoworker from Cleveland and formerly a citizen of our country.

It is time for Congress to review this matter and to right this great wrong.

WORK FOR ECONOMY AND ENVIRONMENT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, as the global environmental conference in Rio unfolds to a world audience, let us remember that wise use of our natural resources does not have to be in conflict with smart economic policy. It is a shame that the debate over environmental policy so often becomes a polarizing one—with progrowth forces lining up in direct opposition to proconservationists. The truth is, as President Bush has said, we need to embrace policies that shore up our economy while preserving our natural heritage. Mr. Speaker, these two goals are not only compatible, they are inextricably linked. Without a sound economy we will never be able to ensure protection for our resources—just look at what's happened in the past in places like eastern Europe, Brazil, and Mexico. Their experience shows what happens when environment is sacrificed for economy, and it also shows that without responsible stewardship over our natural resources it will be impossible to sustain economic growth. Mr. Speaker, President Bush recognizes these facts and has stepped up to challenge of leading the U.S. delegation to UNCED. I hope this Congress will stand ready to support his efforts.

KUWAIT IS REWRITING THE HISTORY BOOK

(Mrs. SCHROEDER asked and was given permission to address the House and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, if there ever was a reason why we need burden sharing, you could see it today on the wire service when you saw what the leadership of Kuwait said about Desert Storm. When you see one of the leaders of Kuwait saying America "did not come to bring back our country, if it were not for the wisdom of our government," meaning the Kuwaiti Government, "and the help of Saudi Arabia, the Gulf Cooperation Council, Egypt and Syria, Kuwait would not have been liberated." Well, there is an interesting rewriting of history.

I think, again, this points out what happens when the leadership of Kuwait sat out that war, in exile, in wonderful, wonderful hotels around the world, while our service men and women went in to reclaim that country.

They have been turning their nose up at democracy, and now they turn up their nose at the American men and women sent there to reclaim their country.

I think we should get an apology. I must say I am absolutely outraged by this statement.

KYL-ALLEN AMENDMENT IS THE BEST APPROACH FOR A BALANCED BUDGET AMENDMENT

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, ladies and gentlemen of the House, next week this body will be voting on a constitutional amendment to require a balanced budget. We need to consider carefully the contents of the versions that will be before this House.

We have the Stenholm-Smith amendment, we have the Barton-Miller amendment, and we have the Kyl-Allen amendment. We have to make certain that we adopt the best amendment, with enforcement mechanisms and discipline to thwart increased taxation and spending.

Now let us look at the way the taxpayers and discipline will be approached in the various ideas.

It is my view the Kyl-Allen approach is the best because, No. 1, it limits spending to 19 percent of the gross national product, which will encourage growth, positive growth, economic growth policies in this country.

Second, the Kyl-Allen amendment requires a three-fifths' vote to increase spending or to increase the tax burden on the American people.

And lastly, unique to the Kyl-Allen amendment is that we give the President the power that 43 Governors have, which is the line-item veto, to single out wasteful pork-barrel projects.

Let us look at the contents of these three amendments. Best protection for the taxpayers, the one with the best enforcement mechanism, and the best discipline on a profligate Congress is the Kyl-Allen amendment, and I hope my colleagues will support it next week.

INTRODUCTION OF LEGISLATION TO AUTHORIZE APPROPRIATIONS FOR CANCER-RELATED RESEARCH

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to authorize funding for important cancer research. I hasten to point out that this legislation tracks level of funding contemplated in H.R. 2507 but is absent other unrelated controversial provisions which will certainly draw a veto.

This legislation authorizes for fiscal year 1993 $2.2 billion for cancer research including $325 million for breast cancer research and education and $75 million for gynecological cancers such as cervical and ovarian cancers. My interest in cancer research is personal and compelling. My own mother suffered from lung cancer, an insidious disease, that imposed on her an ordeal of pain and frustration. A few years ago, my Mom had one of her cancer-infested lungs removed—a harrowing experience that shook each member of our family to our very core. Thank God, she is doing well today, heroically persevering with grace and dignity with only one lung. However, my wife's mother, Helen, wasn't as fortunate and suffered an untimely and heartbreaking death as a result of breast cancer. And my cousin, Sue—who is an activist in the breast cancer cause—underwent a radical mastectomy while in her thirties. Because of her indomitable will, prayer, and modern medicine, she is today a champion swimmer in Florida.

Mr. Speaker, every family in the United States can expect to experience the effects of breast cancer. With an overall incidence of 1 in every 9 women, 180,000 women will be diagnosed with breast cancer in 1992, and 46,000 women will die as a result of this disease. The fiscal year 1993 authorization for breast cancer is well over two times the previous year's allotment and would also provide an additional $1 million for a special study to determine the factors accounting for the high incidence of breast cancer in certain States, including New Jersey.

This legislation also authorizes $72 million for research related to prostate cancer, a cancer seriously affecting men. In 1992 alone, 132,000 new cases of prostrate cancer will be diagnosed. This cancer, too, has hurt my family. My father-in-law underwent surgery to excise this terrible cancer.

I hope that this legislation will receive quick bipartisan consideration so that we can offer real hope to those afflicted with these debilitating and often deadly cancers.

□ 1450

FOREIGN GOVERNMENTS SILENCE U.S. STEEL INDUSTRY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, newspaper stories in January reported the miseries of the U.S. steel industry announcing layoffs in the major companies. Recently, some of those same companies filed a dumping complaint against the Japanese. But the Japanese Digest reports that European and Japanese steelmakers were "complaining bitterly about the barrage of dumping complaints by U.S. mills." Our U.S. Trade Representative, Carla Hills, obliged them and "quietly told the Americans to knock it off."

It is reported that Ambassador Hills "saw the chairmen of USX, Bethlehem, LTV, Inland, and Armco Steel separately, and asked them to postpone any more complaints they are contemplating and to withdraw those already filed when negotiations resume on a new multilateral steel pact." Because there is Japanese money in the American steel industry, one Japanese steelmaker reportedly said, "In the world of steel, Japanese are American and Americans are Japanese as well."

You better not tell an American citizen that.

INTRODUCTION OF THE ANTI-NATIONAL HEALTH INSURANCE ACT

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, I take this 1 minute simply to inform my colleagues that today I introduce a very important piece of legislation, H.R. 5335. It is entitled "The Anti-National Health Insurance Act."

Now one might conclude from that that I am not a proponent of trying to deal with the health care crisis which we have in this Congress and in this country, but actually the opposite is the case.

Mr. Speaker, this bill is designed to move toward market-oriented approaches to deal with this very serious and pressing problem that we have of the delivery of high quality and cost effective health care.

I hope that our colleagues will look at this and cosponsor H.R. 5335.

THE VERY MOVING SPEECH OF GABRIELA RODRIGUEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, I have taken this special order to focus some attention on an issue which we all saw in the national and international news just a month ago, and that was the horrendous rioting that took place in south central Los Angeles and other cities in this country in the wake of the verdict of the Rodney King beating trial.

The week following the riots, in south central Los Angeles, Michael Jackson, who is a host on a radio station in Los Angeles called KABC, decided that he would travel to high schools throughout south central Los Angeles to try and get at the root of this problem and talk to young people to see what their sense was of the situation in the wake of the verdict, and the looting and rioting which took place in their communities. It was a very interesting week.

I, of course, being here in Washington, did not get to hear a lot of it, but I remember one morning, while en route to the Los Angeles International Airport, I had it on and heard some of the most moving statements from young students at the high schools in south central Los Angeles. I came back at the end of that week and was a participant on his program, and he had just finished at one of the high schools the day before, and he did a recapitulation of some of the statements that had been made during the week at the different high schools.

I was really taken, just before I went on the air, to hear, by tape, a statement that was made by a young student who is the student body president at Compton High School. Her name is Gabriela Rodriguez, and she appeared on the May 12 program. A senior, she is a member of her high school's Academic Decathlon and Speech teams, as well as the Gifted and Talented Education Program. Gabriela was one of two students who qualified for the Golden State Examination Honors List. She has been accepted to attend Stanford University next year, and is the first person in her family to graduate from high school.

Mr. Speaker, the statement she made was very moving, and there was no way that I could ever carry the emotion which Gabriela offered at Compton High School here on the floor of the Congress. But I did say that I wanted to have my colleagues and those in the C-SPAN audience hear this message which she provided, and I would like to read it for my colleagues now. Gabriela stood up and said:

> Listen to me. I hear anger, pain, and frustration. Fine, you can feel all of that, but you can't advocate violence. You can't advocate separating from the community. We all are one. Unite!
>
> Stop thinking, well, we need to separate ourselves from that. We've got to come together, we've got to stop the violence. You can't have justice if you're going to create injustice in order to get that. You can't demand something when you yourself are not worthy of it.
>
> Okay, you're saying all along we've been mistreated. What are we going to do? Go out and mistreat someone else in order to get the respect that we're proving we don't deserve. If I want Claudia to respect me (the girl right in front of me), I'm not going to go up to her and shove my fist down her throat.
>
> I'm tired, all week long, since the Rodney King strike started. At school, I come back to people who I thought were my friends. I care about you guys and I know you care about your race and your community too. And you advocate concern. But you can't be concerned when you're being violent. You won't solve anything.
>
> I got to work and there, too, my boss breaks down and cries because her neighborhood has burned down because all she hears all around is, "Hey, I can't deal with it." I go home and I've got to deal with the same thing on television. My mom, she's saying, "it's them against us, it's us against them." It's not that way! It doesn't have to be that way! If that's the way you see it, unite!
>
> Stop the violence is all I ask! Stop racism. Give me some peace!

Now, Mr. Speaker, that was an incredible message and it has played a role in strengthening my resolve to try and bring about the kind of growth package which this country desperately needs to deal with the inner city.

Mr. Speaker, the creation of jobs is key to dealing with this crisis. We have a crisis of alienation. We have seen the success of gangs. We have seen the success of other movements which have created trouble because people have been alienated from their families, from their government, and I hope very much that this statement and our successful efforts to implement enterprise zones, to implement the opportunity for those in urban areas to own their own homes rather than living in substandard public housing, and the opportunity to implement the package which I have introduced, H.R. 5101, which will take the minority set-aside program and create a chance for those in urban areas to take advantage of it; if we could implement those things, I am convinced that we can get at the base of this problem.

□ 1500

ANNOUNCING THE FIRST NEVILLE CHAMBERLAIN AWARD FOR THE SELLING OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, yesterday I reported on a story in the Sunday Outlook section of the Washington Post of May 31, 1992, a report, written by Susan Tolchien on the possible sale of LTV to the French-owned Thomson CSF Co.

Testimony had been given to a Senate committee by the DOD counsel assuring the Senators that were Thomson to buy LTV, walls would be placed around LTV's defense business "* * * preventing Thomson from being other than a passive investor.

The story continues that former Secretary of Defense, Frank Carlucci, a principal in the sale—understanding that his action could be a "deal buster"—left the room, called DOD, and "appeared on the witness stand less than an hour later with the Defense Department's guarantees revoked."

I said, and I quote, "This is an absolutely outrageous action—exposing to the world—the power of supposedly former officials to run roughshod over duly appointed Agency heads and the concerns of the House and the Senate."

I suggested to the House that such power should not go unrecognized, or unrewarded.

Tonight, I would like to recognize Mr. Frank Carlucci's efforts to sell off part of the critical defense base of the United States to a foreign company—60 percent owned by the Government of France. I name former Secretary of Defense Frank Carlucci to receive the first Neville Chamberlain Award for striving to give us economic peace in our time, no matter the cost to the future of the Nation.

To some of you in the audience, who wonder why the award is a black umbrella, during the World War II period the photo caught forever in the memory of all of us growing up at that time—the picture which symbolized the sellout of the defenseless nation of Czechoslovakia to Hitler, by the British Prime Minister, to achieve "peace in our time"—was the film of Prime Minister Chamberlain with black umbrella under his arm returning to England from the Munich meeting with Hitler.

Poland was attacked before a year was out and Great Britain and France gained only a little breathing time, at a terrible cost to the rest of Europe.

I would hope my new award strikes to the heart of what we have been experiencing in this country over the last two decades of selling off chunks of this great Nations' industrial base—both commercial and defense—in order to run a few more dollars through the gross national product, no matter the cost to our workers and our children, to our living standard, and to our very sovereignty.

Chamberlain gave away the Czechs—the recipients of the black umbrella award are selling off our wealth-producing industries.

I believe it should be noted and the names of the people who have been responsible for these sales should be recorded in some official way.

This is only the first award. I fear, unfortunately, there will be others.

To the first winner, an umbrella enscribed: "the Neville Chamberlain Award to Frank Carlucci for the Selling of America."

FISCALLY SOUND GOVERNMENT NECESSARY FOR FUTURE OF COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I rise now because next week we are going to be talking about the balanced budget probably more than ever we want to hear. President Bush started that discussion last night by taking to the airways and encouraging all Members to vote for the balanced budget.

Mr. Speaker, I sit on the Committee on the Judiciary, and the whole balanced budget issue has been a very difficult one. We have had many, many hearings about the balanced budget.

We also know how very difficult it is to make those decisions. People talk about State government having balanced budgets, and they are absolutely right. They do have those amendments. But State governments do not protect democracies, they do not have to worry about wars, they do not have to worry about huge depressions. So they have different criteria than what the Federal Government is supposed to do.

But I must say what I saw happening last night on television by the President saddened me very much, because I think it is an indication of what we are going to hear next week. People want to push and push and push for adoption of a balanced budget amendment, and we really ought to be pushing for the adoption of a balanced budget amendment. It is amazing that we push so hard, but we never produce one.

I look at President Bush, and he has been either having his own administration or part of an administration for 12 years, and it has never happened under him. I must say in the House of Representatives we have not produced one, nor has the other body. So we keep seeing all these different ideas and gimmicks for what would make us do a balanced budget, and yet somehow we cannot make ourselves do a balanced budget.

I think one of the biggest problems we have is we have created a system where irresponsibility is what is rewarded. Think about it. In any other county if a prime minister appears in front of the parliament and comes in with a budget that he cannot get the parliament to agree to, the government falls.

When you think about that, every year for the last 12 years the Government would have fallen. This year President Bush got more votes for his budget than anyone has in a long time. He got 40 votes. That is not a majority, and, again, the Government would have fallen.

So we see a Chief Executive who cannot produce a budget that can get a majority on their side, much less a balanced budget.

Then our side goes out and we have the same problem. We have many Members who voted for no budget at all. I must say the only thing worse than having a budget is not having a budget. Yet politically the best thing to do is not vote for any budget, blame them all, and say you are for a better one, somewhere out there. However, you have not produced it.

I think that that is what the American people are so frustrated about. They are becoming more and more aware that we have this system in which irresponsibility is what is rewarded, and not responsibility.

I think, too, that on many of these issues, we are beginning to see them more and more as fig leaves. If we want to do a balanced budget, if we really want to move forward toward fiscally responsible government, that is what we should be doing.

Today we had a $294 billion defense budget on the floor. Many Members voted against it because it was not enough, if you can imagine that.

Defense is 57 percent of what we have in discretionary spending. So if you are really going to do a balanced budget, you are going to have to cut a whole lot more than the $7 billion to $9 billion that we were talking about today.

So I hope people will look at this discussion we are about to embark on next week. I must say what I heard last night on television and what I saw happening on this floor for about half an hour says to me we are still not going to get there. We are still very apt to have strong partisan debate about this.

We are supposed to be very irresponsible, and the one that is most irresponsible and the one that can flow the most rhetoric around the floor will probably be whoever looks like is winning the debate. Meanwhile, the country loses the war on getting on with some kind of fiscally sound government for the future and for our children.

Mr. Speaker, I really think this is a very critical and important issue, and I hope we can begin next week on a little better tone than we end this week on and get on with what people want so desperately to have happen.

CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1992–1996

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1992 through 1996 and spending for fiscal year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

This is the seventh report of the 102d Congress for fiscal year 1992. This report is based on the aggregate levels and committee allocations for fiscal years 1992 through 1996 as contained in House Report No. 102–69, the conference report to accompany House Concurrent Resolution 121.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

COMMITTEE ON THE BUDGET,
Washington, DC, June 3, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1992 through 1996 and spending estimates for fiscal year 1992, under H. Con. Res. 121, the Concurrent Resolution on the Budget for Fiscal Year 1992. Spending levels for fiscal years 1993 through 1996 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 121 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102–69).

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1992 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 121

REFLECTING COMPLETED ACTION AS OF JUNE 2, 1992

[On-budget amounts, in millions of dollars]

	Fiscal year—	
	1992	1993–96
Appropriate level:		
Budget authority	1,269,300	6,591,900
Outlays	1,201,600	6,134,100
Revenues	850,400	4,832,000
Current level:		
Budget authority	1,268,925	NA
Outlays	1,205,217	NA
Revenues	853,364	4,829,000
Current Level over(+)/under(−) appropriate level:		
Budget authority	−375	NA
Outlays	+3,617	NA
Revenues	+2,964	−3,000

Note.—NA=Not applicable because annual appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority for fiscal year 1992 that is not included in the current level estimate, and that exceeds $375 million in budget authority for the year, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 121, to be exceeded.

OUTLAYS

Any measure that (1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1992, and (2) increases outlays in fiscal year 1992, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 121, to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds $2,964 million for fiscal year 1992, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 121. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1992 through 1996, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 121.

DIRECT SPENDING LEGISLATION

[Fiscal years, in millions of dollars]

	1992			1992–96		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House committee:						
Agriculture:						
Appropriate level	0	0	0	3,720	3,540	4,716
Current level	−2	−2	−1	−1	−1	(1)
Difference	−2	−2	−1	−3,719	−3,539	−4,716
Armed Services:						
Appropriate level	0	0	0	0	0	0
Current level	0	−7	−7	0	−83	−83
Difference		−7	−7		−83	−83
Banking, Finance and Urban Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	28	28	0	177	177	0
Difference	+28	+28		+177	+177	
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Education and Labor:						
Appropriate level	0	0	56	0	0	20,153
Current level	0	0	0	0	4	0
Difference	0	0	−56	0	+4	−20,153
Energy and Commerce:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Foreign Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Government Operations:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
House Administration:						
Appropriate level	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—Continued

[Fiscal years, in millions of dollars]

	1992			1992–96		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Current level	0	0	0	0	0	0
Difference						
Interior and Insular Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	−2	−2	0	5	5	0
Difference	−2	−2	0	+5	+5	
Judiciary:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	16	16	16
Difference				+16	+16	+16
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	(1)	0	0	(1)
Difference			(1)			(1)
Post Office and Civil Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Public Works and Transportation:						
Appropriate level	16,358	0	0	117,799	0	0
Current level	18,514	0	0	113,048	0	0
Difference	+2,156	0	0	−4,751	0	0
Science, Space, and Technology:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference						
Veterans' Affairs:						
Appropriate level	0	0	484	0	0	6,811
Current level	−3	2	378	−4	15	2,182
Difference	−3	+2	−106	−4	+15	−4,629
Ways and Means:						
Appropriate level	0	0	0	0	0	620
Current level	7,036	7,036	8,036	7,458	7,458	9,098
Difference	+7,036	+7,036	+8,036	+7,458	+7,458	+8,478
Permanent Select Committee on Intelligence:						
Appropriate level	0	0	0	0	0	0
Current level	(1)	(1)	(1)	(1)	(1)	(1)
Difference	(1)	(1)	(1)	(1)	(1)	(1)

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[1] Less than $500,000.

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1992

[In millions of dollars]

	Revised 602(b) subdivisions		Latest current level		Difference	
	BA	O	BA	O	BA	O
Commerce-Justice-State-Judiciary	21,070	20,714	21,007	20,706	−63	−8
Defense	270,244	275,222	262,763	272,658	−7,481	−2,564
District of Columbia	700	690	700	690	0	0
Energy and water development	21,875	20,770	21,870	20,718	−5	−52
Foreign operations	15,285	13,556	14,295	13,449	−990	−107
Interior	13,102	12,050	13,077	12,186	−25	136
Labor, Health and Human Services, and Education	59,087	57,797	59,074	57,832	−13	35
Legislative	2,344	2,317	2,303	2,270	−41	−47
Military construction	8,564	8,482	8,427	8,413	−137	−69
Rural development, agriculture and related agencies	12,299	11,226	11,285	11,220	−14	−6
Transportation	13,765	31,800	13,752	31,798	−13	−2
Treasury-Postal Service	10,825	11,120	10,824	11,119	−1	−1
VA-HUD-independent agencies	63,953	61,714	63,315	61,707	−638	−7
Grand total	513,113	527,458	503,692	524,766	−9,421	−2,692

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, DC, June 3, 1992.
Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1992 in comparison with the appropriate levels for those items contained in the 1992 Concurrent Resolution on the Budget (H. Con. Res. 121). This report is tabulated as of close of business June 2, 1992, and is summarized as follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 121)	Current level +/− resolution
Budget authority	1,268,925	1,269,300	−375
Outlays	1,205,217	1,201,600	+3,617
Revenues:			
1992	853,364	850,400	+2,964
1992–96	4,829,000	4,832,000	−3,000

Since my last report, dated May 6, 1992, the Congress has cleared and the President has signed a bill extending certain expiring veterans' programs (P.L. 102–291). The Congress has also cleared for the President's signature H.R. 4990, the rescission bill for 1992. These actions changed the estimates of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 102D CONG., 2D SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS JUNE 2, 1992

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,617	727,237	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,208)	950	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted [2]	1,260,198	1,199,288	853,364
ENACTED THIS SESSION			
Emergency Unemployment Compensation Extension (Public Law 102–244)	2,706	2,706	
American Technology Preeminence (Public Law 102–245)			(3)
Further Continuing Appropriations, 1992 (Public Law 102–266) [4]	14,178	5,724	

PARLIAMENTARIAN STATUS REPORT 102D CONG., 2D SESS., HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS JUNE 2, 1992—Continued

	Budget authority	Outlays	Revenues
Extend certain expiring veterans' programs (Public Law 102–291)	(4)	(4)	
Total enacted this session	16,881	8,427	
CONFERENCE AGREEMENTS RATIFIED BY BOTH HOUSES			
1992 Rescissions (H.R. 4990)	(8,154)	(2,499)	
MANDATORY ADJUSTMENTS [1]			
Technical Correction to the Food Stamp Act (Public Law 102–265)	(3)	(3)	
Total current level	1,268,925	1,205,217	853,364
Total budget resolution	1,269,300	1,201,600	850,400
Amount remaining:			
Over budget resolution		3,617	2,964
Under budget resolution	375		

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (Public Law 102–145) that expired Mar. 31, 1992.

[3] Less than $500,000.

[4] In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act the amount shown for Public Law 102–266 does not include $107,000,000 in budget authority and $28,000,000 in outlays in emergency funding for SBA disaster loans.

Note.—Amounts in parenthesis are negative.

THE NEED TO SPEED THE SETTLEMENT OF CLAIMS UNDER THE NATIONAL VACCINE INJURY COMPENSATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I am introducing a bill which would correct an injustice facing applicants to the National Vaccine Injury Compensation Program.

This program established an office of special masters within the U.S. Claims Court who decide how to compensate children injured by vaccination.

It was established in 1986 because of the existing tort system's inability to speedily resolve the complex liability issues involved in vaccine-related injuries. Mr. WAXMAN, whose Subcommittee on Health and the Environment held hearings on the bill, explained the purpose of the bill during a July 25, 1986 hearing:

> Because of the limitations of the current tort law and adversary proceedings, many of those children who are injured by vaccines are never compensated. We cannot afford to price vaccines out of the market or to let injured children go unattended. Either result will end the success of the immunization program.

Unfortunately, this is exactly what is happening today because the law limits the number of special masters administering the program to only eight.

There does not seem to have been an overriding governmental concern in picking the number eight. No testimony was taken to determine it. The committee and the court guessed at the number based on the relatively few cases before the court at that time.

Due to the overwhelming demand for relief under this program, eight special masters are not enough. Today the special masters face a tremendous backlog of cases which will take them many months or even years to settle.

For most of the children who need compensation from this program, this is too long to wait. Families are going bankrupt, selling their houses, and going into debt to pay for the costs of treating their children for vaccine-related injuries while they wait for their cases to be settled.

My legislation simply changes one tiny part of the act to allow the Claims Court to appoint as many special masters as it needs to resolve the backlog of long pending cases.

Justice delayed for these families is justice denied. Please join me in this effort to correct this situation and bring a speedy resolution to the large backlog of vaccine-injury cases before the program's special masters.

CONGRESSIONAL DEADLOCK AND THE RISE OF ROSS PEROT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I will not use all of my time, but I do want to talk for a few minutes about congressional deadlock and the rise of Ross Perot, because I think they are directly related. I think it is frankly a fascinating phenomenon, and the activity of this week and next week I think tells a lot about why the American people are desperate for change.

There is an article in the Wall Street Journal this morning by Paul Gigot. He cites a CBS news poll in which the American people were asked does the government need fundamental change, does it need complete rebuilding, or does it need minor changes.

☐ 1510

Fifty-one percent of the American people said Washington and the American Government need fundamental change. Thirty-four percent said we need to completely rebuild the American Government. Only 14 percent said we need minor changes.

When the American people, by 85 percent, believe Government has to change, I think we in public life have an obligation to listen to them, to try to understand what they are saying, and to try to see what it is in Government that they want changed.

I must say, I rise today as the second ranking Republican leader with a very deep sense of frustration. We have been trying to bring to the floor of the House a series of bills that would involve change. We have been trying to bring up a series of bills that we believe would be helpful.

I thought after the riots and the looting in Los Angeles that there was a possibility for genuine bipartisanship, that there was a chance to work together, that possibly we could put the country above politics and we could work on real problems. I have to say on this particular Friday, 5 weeks after the riots, I am very discouraged and very frustrated by a system that just seems determined to self-destruct.

I want to talk briefly about creating jobs through enterprise zones, about helping small business, about creating jobs across the whole country so that we can get out of this recession, about controlling spending, and about a system here in Congress by which the Democratic leadership simply refuses to be fair and simply refuses to allow the American people to have an opportunity to watch their Representatives vote on real issues.

Let me start with what for me, I guess, was the last straw. We are going to bring up a Democratic unemployment bill next week. It is going to be very expensive. It is going to be overbudget. It is not going to pay for itself in the first 4 years, and it is going to do nothing, zero to create new jobs.

I came to the floor in August. I came back to the floor in October and November, and I said again and again, if all we do is pass unemployment extension, but we do not create any new jobs and the economy stays in recession, then we are going to be right back here again passing another unemployment bill.

What most Americans want is not a Government handout. It is not an unemployment check. What most Americans want is a chance to create jobs. So the Republicans on the Committee on Ways and Means, working with President Bush and the White House, developed an alternative unemployment bill. We have built into our unemployment bill the real answer to unemployment, which is to create jobs. This is a point that former Senator Paul Tsongas kept trying to explain in his campaign for President, the real answer to unemployment is jobs. It is not a Government check.

We wrote into our bill a $4,000-credit for first-time home buyers. This is in H.R. 5260, the Unemployment Compensation Amendments of 1992.

In H.R. 5260, we have a $4,000 tax credit for first-time home buyers, whether they are buying a new home or a previously existing home, but it allows them to go out and buy a new home. That is important because if they already have a house and they want to move up, they cannot move up if they cannot sell their house. So it improves the property value of every home in America. It increases the market and, in fact, one study suggests that this tax credit by itself would create 125,000 new jobs.

One would think that the Democratic leadership would like to help young couples buy their first home. They would like to help the home builders go out and employ carpenters and plumbers and electricians and buy products and buy appliances and buy timber. One would think that they would want to create an opportunity for realtors to sell homes. So we had a $4,000-tax credit for first-time home buyers.

Second, we included the Passive Loss Relief Act. This is a bill already introduced on a bipartisan basis, supported by Democrats and Republicans alike, widely considered by the real estate industry as the most important single bill that could be passed for the real estate industry; 338 Members of the House cosponsor this bill.

This is not some recent brand-new, made-up legislation. It has 338 cosponsors, including well over 150 Democrats. It is a very popular, widely supported bill. We included it. As I said, 338 Members have told their real estate members, their realtors, their folks back home, "I am for this bill, I am cosponsoring it."

Third, we included a series of tax credits, tax provisions that were about to expire on June 30.

We included things like the employer-provided educational assistance, group health services, health insurance for the self-employed, mortgage revenue bonds, small issue industrial development bonds, the research and experimentation tax credit, the orphan drug tax credit. All of these are very important provisions which are going to expire.

All of these have Members who know how important they are. They have, for example, cities and towns and counties across America who understand the importance of mortgage revenue bonds and small issue industrial development bonds. They have every high-technology company in America that uses the research and experimentation tax credit. They have every person who suffers from a rare disease and who knows that the orphan drug tax credit encourages the pharmaceutical industry to develop drugs specifically to help them.

So we said, let us not let these expire. Let us continue these provisions so people can continue to do the right things to create jobs in America.

In addition, we indexed capital gains for the future for new assets. We said, never again, if a person saves and invests, never again will they pay taxes on inflation.

Today if one works hard and one is frugal and one has a small business and one invests a little bit in that business, when they finally sell the business, they have to pay tax on the inflation. They have to pay tax on value that is not real. It is just paper. So we put in indexing capital gains for new assets.

Finally, we repealed the luxury tax on boats. I do not have the exact number of cosponsors, but there are a tremendous number of Members who have agreed to repeal the excise tax on boats because it kills jobs. We now know that by raising the excise tax on new boats, all we did was drive the boat industry offshore to places like the Bahamas and the Caribbean and Europe, and we put American workers out of work.

Job creation by a $4,000 tax credit for firsttime home buyers, job creation by helping realtors with passive loss relief, job creation by extending key tax provisions, including research and experimentation, orphan drugs, industrial development bonds, mortgage revenue bonds, health insurance for the self-employed, job creation by repealing the excise tax on boats.

We met the rules. This bill over 5 years not only does not cost anything, it raises $2 billion. It is actually better than current law, and we went to the Committee on Rules on behalf of all the Republicans in the House, on behalf of the President and his administration, and we got zero. The Democratic leadership will not even allow us to offer this on the floor. I think because they know if it was offered on the floor, it would pass. With 338 cosponsors, the passive loss relief bill by itself, this bill would go through the House by a huge margin.

So what does the Democratic leadership do? They strangle every Representative who wants to pass each of these bills, and they do not even allow it to come up. So there is no fair competition. Then we wonder why so many people favor Ross Perot.

I have to say, I am so sick of serving in an institution in which the rules are rigged, the game is stacked, the whole process is patently, consistently, routinely unfair, that it is no wonder the average American watching this building fail to do its job is looking desperately for real change.

□ 1520

Let me give you an example. The National Association of Realtors, representing literally millions of people across the country, wrote the Committee on Rules on June 3 and said the following:

> DEAR MR. CHAIRMAN: When the Rules Committee considers H.R. 5260, the Unemployment Compensation Amendments of 1992, we respectfully urge you to make in order the Republican Leadership substitute to be offered by Representative Archer.
>
> The National Association of Realtors supports the spirit and goals of extending the expiring supplemental unemployment benefits program and revamping the existing unemployment taxation system.
>
> We also believe, however, that Congress should include in this legislation a jobs creation component that will help put hundreds of thousands of Americans back to work. Historically, the housing and real estate industry has led the nation out of recession and on the path to sustained economic growth. Over the past six months, however, the industry has experienced fits and starts, at times leading us to believe we are on the path to economic recovery and growth only to stumble again the following month.
>
> In our industry, which we believe reflects the economy as a whole, we are experiencing precious few pockets of prosperity across the country. The prevalent mood in real estate—both residential and commercial—can be best characterized with the words uncertainty and concern.
>
> For these reasons, the National Association of Realtors feels that the legislative proposal being offered by Representative Archer represents a much-needed and long awaited Congressional response to the fundamental problems confronting the industry.
>
> The tax components contained in Representative Archer's proposal include:
>
> A $4,000 tax credit for all first-time buyers of new and existing homes. NAR concludes this credit would create an estimated 325,000 new jobs.
>
> H.R. 1414, the passive loss corrections bill designed to restore order to volatile real estate markets and stabilize local tax bases that rely so heavily on real estate values to provide a long list of community services. This legislation is cosponsored by more than 330 House Members and a similar provision was contained in the bill passed by the House in March.
>
> Extension of mortgage revenue bonds/mortgage credit certificates program. This is an effective provider of home ownership opportunities for Americans of modest income. Again, this legislation enjoys the cosponsorship of an overwhelming majority of the House and was included in the tax bill passed by the House in March.
>
> Indexation of capital gains applied to assets purchased after January 1, 1993 that have been held for at least 2 years. This provision would ensure that capital gains tax would apply only to real gain and not that resulting from inflation. A similar provision was included in the tax bill passed by the House in March.
>
> In conclusion, we would reiterate our strong support for the alternative being offered by Representative Archer and respectfully urge the Committee to make in order this proposal, many of the components recently passed on the House floor. It is essential that these provisions of great merit and need which also enjoy strong bipartisan support not fall victim once again to the availability of a narrowly and specifically crafted legislative vehicle.
>
> Sincerely,
>
> DORCAS HELFANT,
> *President.*

Mr. Speaker, what does that mean? It means that the Democratic leadership, which could not defeat this legislation in a fair vote, will simply write a rule to cheat every American of a chance to see that vote and to force us to vote only on their particular legislation, which does not provide for one single new job, for one single new house to be sold, for one single realtor to take passive loss, for one single business to take the research and experimental tax credit.

Let me carry it a stage further. It was not bad enough that we could not bring up a very serious, well thought out bill to create jobs, supported, parts of it, by over 330 Members. That was not bad enough.

Second, the Democratic leadership wants to make in order next week a bill on the balanced budget which they did not even have a number for this morning, a bill which has never been to a committee, a bill which has never had a hearing, a bill which has never been marked up. But if they want to make it in order, they can bring it to the floor, because the Democratic leadership runs its scheduling dictatorship, and under their dictatorship they can do anything they want.

So we can take a bill which has been around for 2 years, has 338 cosponsors, we can get the President to say he would sign it, and that cannot come to the floor, but under the Democratic legislative dictatorship, they can write a brandnew bill, introduce it today, give it a number, and vote on it on Tuesday.

Let me carry it a stage further. We have been trying for 5 weeks to get them to bring to the floor the enterprise zone job creation legislation. A job creating enterprise zone is very simple. It is the idea that if there is a pocket of poverty, whether it is in rural America, West Virginia is a good example, or whether it is in the inner city, Atlanta, Los Angeles, New York, that the most effective way to end poverty is to create real jobs, not to have make-work summer jobs given out by politicians for 2 months, not to have trickledown Government bureaucracy, but to change the Tax Code to create an incentive so small business and new business will invest and create jobs in the inner city and will create jobs for poorer rural counties.

This is not a new idea. Congressman Jack Kemp first began developing it in the late 1970's. He is now the Secretary of Housing and Urban Development. The concept has been around for at least 14 years. Congressman Kemp cosponsored a bill with Congressman RANGEL, a Democrat from New York. That bill has been around for over 10 years.

The administration, the Bush administration, has now developed a new, more expanded, more powerful, enterprise zone legislation.

The private sector leader, Peter Ueberroth, a businessman who did the Olympics in Los Angeles, asked to look at what could be done in Los Angeles after the riots, made a key principle. He said:

> I don't want temporary short-term, make-work, political bureaucratic Government programs. I want a real program to have real business create real jobs that will last for a decade, or for 20 years, or for 30 years. I want people to go to work in the morning and have the same job a year later. I don't want them to show up so the politicians can hand them a job for two months, and at the end of two months they are right back in the same thing they have been in.

Peter Ueberroth came to the House. We had a bipartisan leadership meeting. We had Democrats and Republicans. Mr. Ueberroth said:

> If you pass job-creating enterprise zone legislation, we will have $20 or private investment for every $1 of tax relief. We will create jobs within 48 hours of this bill passing. You do not need complex legislation, you do not need a big, massive bureaucracy.

If the bill gets accepted, every businessman in America, every businessman in Japan, every businessman in Germany suddenly says:

> If I go to a poor neighborhood in rural America, a neighborhood that has become an enterprise zone, I get some advantages? You mean if I go in the inner city and I create some new jobs I get some advantages?

People do it because it works. We know it works because it works in Hong Kong. We know it works because it works everywhere on the planet where people are given an incentive to create jobs.

Again, this exactly what Paul Tsongas, a Democrat, was trying to say all spring:

> You cannot love jobs and hate job creators. You cannot want to create jobs and refuse to pass the legislation that would lower taxes to create the jobs.

We have tried for 5 weeks to bring up job-creating enterprise zone legislation. As of today, we do not even have an agreement in the other body, in the Senate, to even bring it up ever. We could literally pass it on Monday, and according to Mr. Ueberroth, by Friday jobs would be created, so we could have a summer jobs program in June by passing this bill.

What is the answer? The answer is, despite the fact that Mayor Bradley, the mayor of Los Angeles, came to the White House and said, as a Democrat, "Please pass the legislation," Mayor Espy of Mississippi came in as head of the black mayors for the whole country, representing over 300 black mayors, and said, "Please pass this legislation," and I have talked this morning with Keith Butler, a city councilman in Detroit who said, "Please pass this legislation," despite all of this bipartisan appeal to the Congress, the Democratic leadership will not make in order next week the President's enterprise zone legislation, which I believe, if it came to the floor and was brought for a vote, would pass by a huge margin.

Finally, in the very week next week that we are going to bring up the balanced budget amendment, the Democratic leadership has decided to take the supplemental appropriations bill, which was already, frankly, bad leaving the House, which already had too much money in it in my judgment, and I voted against it, this was originally emergency aid for Los Angeles. Then we added Chicago. Chicago did not have a natural disaster. Chicago did not have a riot. Chicago had a city government which failed to do the proper thing on maintenance to take care of its tunnels, so every American is now going to send $125 to Chicago in order to help take care of the city government's failure. I think that is wrong.

□ 1530

It was bad enough. When it left the House it was at $495 million. This was the so-called supplemental. It got to the Senate. The Senate went from $495 million to about $1.8 billion. It went to conference between the House and the Senate. The conference is a total outrage. They added another $100 million in the conference.

So there was too much money in there for 160-some Members of the House when it left here at $495 million. They then added $1,400,000,000, and in the process the Senate had a little provision, a sense-of-the-Senate resolution. It said, by the way, while throwing all this pork barrel money at the politicians, let us also pass a job-creating enterprise zone bill. We had a vote in the House. It is called a motion to instruct conferees, and we instructed our conference, we said, by 372 to 21, that is right, by 372 to 21, that is 15 to 1 or almost 18 to 1 we said accept the Senate resolution.

Now I think back home watching television, seeing this on C-SPAN one would think a Member of the House looking at it in the RECORD if you instruct the conference by 372 to 21 that they will accept it, right? Wrong. The Senate already adopted it. We voted 382 to 21 here to adopt it, and they dropped it in the conference. It is the most outrageously, high handed, discouragingly, I think arrogant behavior one can imagine. It is the same good old days in the same good old room doing whatever they want without any regard for the American people, without any regard for what happens in the public, without any regard for public opinion, just a total, absolute failure of the process.

So what is going to happen next week, and I think this is one of the great ironies which is beginning to bite the Democratic leadership, if we are going to vote on a balanced budget amendment. And then we are going to bring up, probably the same day, a bill which is going to be $2 billion, of which the President asserts $1,400,000,000 is not needed. And the Democrats, I would bet money, are going to pass it, because they see no contradiction between adding $1,500,000,000 in pork barrel for the politicians in their big-city machines and voting for a balanced budget amendment. And it is just all too much.

So I just want to close by saying this: I think the way the House is currently being run is an outrage. I think it is totally unacceptable to the American people to have the leadership of the Democratic Party take a bill that has 338 cosponsors and not bring it to the floor, to have the leadership of the Democratic Party take a desperately urgent request from the President to have a free-enterprise job-creating enterprise zone bill come to the floor to create jobs this summer, to have the Democratic leadership get a 372-to-21 vote and then just totally ignore it.

So in that setting I just want to say that I believe when the American people told CBS News in their poll in May that 51 percent desire fundamental change and 34 percent believe this system needs complete rebuilding, that I have to agree with the American people. And I think this system is in desperate trouble. And I think every activity in this House this week increased that trouble. And from everything I have seen to what is going to happen next week, that trouble is going to get worse. And I think running a legislative scheduling dictatorship just further undermines the confidence of the American people.

Mr. Speaker, I yield back the balance of my time.

RESOLUTION TRUST CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 60 minutes.

Mr. MCCOLLUM. Mr. Speaker, I want to talk this evening to my colleagues for a few moments about what has become of the Resolution Trust Corporation and where we are at the present moment with regard to the closure of savings and loans around the country that have been identified by the Office of Thrift Supervision as not viable, and those that are on the list as potentially not viable to be closed over the next few weeks.

First of all I would like to take us back a few minutes to the creation of this under an act of 1989 when Congress, in the throes of the savings and loan crisis, decided to create the Resolution Trust Corporation and to provide procedures for the resolution of those institutions that were considered to be not viable any longer. At that point in time there were changes made in the ground rules with regard to capital requirements for thrifts, what could be counted as capital and exactly the standards were set forth within certain parameters for the Office of Thrift Supervision, which was to make the determination of how they would determine which institutions were to be left open and which institutions were to be closed.

We created at that time only a body, an organization called the Resolution Trust Corporation that not only received the money for the purposes of being used in these resolutions, but also received the charge to dispose of certain assets and properties which were not properties that could be easily maintained or kept by maybe an acquiring institution that was a little healthier, that might be willing to buy some of the better assets, and take on the deposit base of the closing institutions. I thought at that time and I still do today that this particular legislative initiative and this structure was a mess that was fundamentally unworkable and would cost the American public billions of dollars in losses that were unnecessary to the resolution of the thrift crisis. I voted against that legislation, which euphemistically is known as FIRREA, and I am very pleased today to be able to say that I voted against it. But I am very unhappy with the fact that it has fulfilled my worst nightmares with regard to what might happen when it comes to handling of this matter.

However, I am not here today to talk about all of the problems of the Resolution Trust Corporation. I want to focus on something that has been brought to the forefront particularly this week that I have been involved with for some time, and that is the closing part, what remains to be done. And in order to see what remains to be done, and what is there, we have to look back on the fact that the Resolution Trust Corporation has already spent about $88 billion, not million, but billion, with a "b," $88 billion on so-called resolutions of failed thrifts from that particular crisis under this legislation. They have requested an additional $72 billion to close what they estimate to be about 162 more savings and loans that they think over the next few months may well be in the category needing closure.

Of those 162 institutions, they are in what are called as groups group 3B, like boy, 3C, and group 4, group 4 being the worst as far as viability is concerned out of those 162 that they have identified. My staff on the Banking Committee where I serve have determined that there are 41 of those institutions that may have what is known as supervisory good will on their books, something that I want to spend a considerable amount of time discussing so that we can have a better understanding together of how the absence of a policy to deal with this supervisory good will in a commonsense fashion is in the process of leading to the loss of billions of dollars of taxpayers' money that do not need to be lost. Primarily, many of those 41 institutions do not need to be closed even though they are on that list, and even though they may have capital that is below the amount required by law, and they have other problems. Those problems would go away if the supervisory good will were not on the books and cash were there instead, or if the supervisory goodwill were not the thing that it has become to be under the law that we passed in 1989. I am talking about institutions that are basically in the black, that are healthy, that have good asset bases and that are well managed, the really bad apples already having been closed. And I am talking about the fact that if a proposal I have suggested, but never have been allowed to get a vote on either in the committee or on the floor of this body, if this proposal with regard to the buy back of a certain amount of this supervisory good will were indeed enacted into law, we are talking about saving many of those institutions from closing and saving somewhere between $10 billion and $20 billion that otherwise would be spent in resolving them, and saving somewhere around 15,000 jobs of Americans that are working in those institutions in communities all over this country today.

I find it absolutely amazing that the administration, that the Treasury Department, that the Office of Thrift Supervision, and the Resolution Trust Corporation have not embraced this concept and still want to deny it, still want to put it off, and want to be given money that Congress so far has not given them to continue the process of closing the remaining 162 institutions or so that are on their list, which include those institutions that I have just described that really do not need to be and should not be closed at the kind of costs that we are talking about.

□ 1540

Now, try to put this in perspective. It is not as complicated as it might sound, but we have to go back to the 1980's and think about for a minute what was happening in this country with regard to savings and loans. We had a home loan bank board and other regulators who were trying to figure out how to resolve difficult situations with institutions that were not working. If you remember, we had high interest rates and we had high inflation at the end of the 1970's and into the eighties and the very fabric of the savings and loan business were threatened by this, because they had fixed rate mortgages for 30 years that they got a certain amount of interest in, which was their primary income, and they had depositors. In order to keep those depositors, to be able to have the savings accounts in those institutions, they had to pay very high interest rates to them, so they had low interest rate profits coming in on a fixed rate basis and they had to pay out very high interest rates in order to keep the deposit base and keep depositors coming in. It was a no-win situation.

Congress tried in the early 1980's to loosen the reins to let them get into other businesses, but unfortunately the timing was wrong. The tax laws were changed. The real estate market in the southwest particularly dried up. The oil patch had its problems and there began a major collapse of the savings and loan industry.

During that time, the insurance fund for savings and loans to protect depositors simply did not have the resources to deal with this and we did not have any RTC [Resolution Trust Corporation] money or organization to resolve these folks, as we have now presently in place.

So there was some creative financing that was done in order to deal with that problem. I think a lot of us questioned the value of that, whether that was an appropriate thing to do or not, but at any rate, it was done, and in the 1980's the regulators provided an understanding with many, many savings and loans throughout this country that were very healthy, the ones that were the better institutions, the well-managed ones, they said, "We'll make a deal with you. If you will acquire bad institutions that have bad assets, that have troubled loans, that aren't making it over here, if you will do that, if you will take these on, take on the problem loans and liabilities, then we will provide a replacement, an accounting hole. Instead of giving you cash"—which is done today for the same type of thing by the Resolution Trust Corporation to get resolutions of these currently bad institutions—"instead of doing that, we will let you count on your books a certain amount of money"—which is really not money, it is fictional—"as good will, as capital, and you will be able to count that for 30 or 40 years."

They figured out a certain dollar amount equivalent and they put it on the books to fill accounting holes that were there because there were bad assets and there was a negative amount involving the accounting because of these bad assets that were being taken on by good, healthy savings and loans, as they acquired and took over the sick ones that they had no way to deal with otherwise.

This accounting, this gimmickry, as some people call it today, this process which was actually approved by the accountants of the day and met national accounting standards, was known thereafter as supervisory good will, because the supervisors, or the regulators, were the ones who created it. It is not good will in the traditional sense of good will that might be on the books because a doctor's office or a lawyer's office has a lot of good will created by virtue of it having good clients or a good patient base or good business coming in. If you sell it, it has a good will factor in it. This is a different kind of good will created to fill this accounting hole, this negative accounting hole that occurred because the healthy S&L's were agreeing to take on some pretty troubled assets and would not be able to make this whole thing profitable for quite a number of years.

They were given those 30 or 40 years to work this out and count this so-called supervisory good will toward capital.

Well, in 1989 when the so-called FIRREA law passed that created the new Resolution Trust Corporation and the Office of Thrift Supervision was given power to resolve the problem, Congress canceled all those deals. As it turns out, that was a pretty bad decision by Congress. We just said in this body that hereafter no longer will you be able to count supervisory goodwill toward capital.

We also changed the capital standards and said that savings and loans have to meet these standards over X, Y, and Z period of time. By doing so, we have created a real mess right now for otherwise very healthy savings and loans and we have actually forced the process that is going on today of closing many of those very healthy savings and loans that otherwise should not be closed, at a tremendous cost to the taxpayers. That cost is calculated and can be calculated historically by looking at estimates that the Office of Thrift Supervision and the RTC have made on those institutions they have closed.

I can give you an illustration of what happened by looking at what first got brought to my attention in my home community of Orlando where an institution last year, known as the First FA of Orlando, a savings and loan, was resolved.

The estimated cost of selling that institution was taking at least its base of depositors and certain assets and selling it to the Great Western Bank of California, the estimated cost by the Office of Thrift Supervision and the Resolution Trust Corporation, the actual cost to the taxpayers ultimately, never to be recovered, was $170 million.

Well, the First FA of Orlando had at the time that the law was enacted in 1989 that canceled the good will deals, it had on its books about $50 million in supervisory good will because it had acquired a couple of savings and loans to help the regulators back in the 1980's.

If we had instead of having the kind of a cancellation of good will that we did, if we had bought back or paid cash to the First FA of Orlando, $50 million, that would have been one of the healthiest savings and loans in the entire United States, and the taxpayers would have saved at least $120 million of the $170 million in the closing costs that were involved and all the people who worked in that savings and loan would still have their jobs today and the community would still have a prosperous and an important financial institution in Orlando, but that did not happen.

Instead, the law that was enacted in 1989 caused the good will to phase out over a very short period of time as far as being counted toward capital is concerned and the effect of that was that the institution was no longer viable, it no longer could succeed. It had no future. It could not possibly continue in existence without a resolution, and so it was sold.

That is a small example. There are many other larger institutions involved in that process. It is a small example of the problem we faced when we did not address this good will issue properly and said, "Aha, this is bad stuff. We have got to get rid of it."

The question really was never faced about how to get rid of it.

Now, let us bring ourselves a little bit more up to date on the current time. What can we do instead of what is happening to resolve these institutions? Let us assume there are the 41 that are involved that I have described, that is of the 162 savings and loans that the Office of Thrift Supervision and the Resolution Trust Corporation say are the most likely to need to be closed over the next few months, of those 162 on their books, there are 41 that have supervisory good will. Actually, there are only 40 today because this week the Office of Thrift Supervision has started to close these institutions, even though Congress has not given it the money that it wanted and asked for in a process of taking over the institutions without selling them to other acquiring institutions; but at any rate, 40 or 41 institutions, one of those had supervisory good will, it was my understanding, that was taken over this week, 40 of those institutions having the good will, have a total amount of good will of approximately $2 billion to $2.2 billion in amount.

The entire cost of closing those institutions can be calculated by looking at the formula that has been used before, looking at the total assets of those institutions and doing a multiple that is roughly 25 percent, 20 to 25 percent of the assets, total assets of those institutions. That is what it is costing to resolve each and every institution that the Office of Thrift Supervision is closing today. By doing that, looking at those 40 or 41 institutions, we come up with somewhere in the neighborhood of $20 billion that it is going to cost the taxpayers if those institutions were all closed.

For $2 billion, roughly, we could save $18 billion at least, and it may well be that it would cost more than the $20 billion to close them. All you have to do is be a simple fourth grade mathematician. Take 20, subtract 2 from it, you save $18 billion.

Now, I say the savings by adopting this buy-back idea would be between $10 billion and $20 billion. I do not know exactly where, because it is not clear how many of those 40 or 41 institutions can be saved.

The reason I say that is that nobody would want to buy back good will just for the sake of buying it back.

The proposal I have offered, that has been rejected by the regulators, rejected by the Treasury, not worthy of being looked at by them, according to their calculators, is very, very simple.

□ 1550

It would say the test to be determined by the Office of Thrift Supervision in looking at whether to put cash in and buy back the goodwill of an institution is on the list would be whether without the buyback—without the buyback—the savings-and-loan would be closed. No question about it. You have to first determine the savings and loan would be closed without buying back supervisory goodwill and putting cash in. And, too, second, with the buyback, the savings and loan would be saved.

So that if an institution really had bad assets, had bad management, was in the red, had no chance of surviving even with buying the goodwill back, there would be no buyback, there would be no requirement that the Office of Thrift Supervision and the RTC buy that goodwill back. They could go ahead and close the institution.

But if it could be saved and it were going to be closed but for this goodwill buyback idea, they could take the step—they would simply be given the power to do so to put cash in place of the goodwill and the cash would count, clearly, as capital.

And the way that would work, the capital would be raised—the institution would be raised above the minimum standards and at that point they would look at that institution in profile, theoretically, compare it with other institutions they are trying to figure out whether to keep open or closed, and they say, "Ah hah, with cash there instead of goodwill, which obviously the cash counts as capital, this institution would be healthy, it would be in the black, it has good assets, it has good management, it would work fine, there is no problem at all." If that is the case and only if that is the case under this proposal of mine would the Office of Thrift Supervision be obligated to buy back the goodwill.

My studies of this with my banking staff looking over the books that they have been allowed to see down at the Office of Thrift Supervision on the potential failed institutions shows that many of the 41 institutions would be saved. We estimate out of the 41 that we looked at that have the goodwill that are under consideration for closure, that about 29 of them would be saved by the Office of Thrift Supervision. And that is why I think it is very important to think in terms of the tremendous costs we are dealing with here and to look at this particular proposal.

I would also like to point out that there is another little factor in this that makes these institutions healthy when you buy back—or healthier when you buy back the goodwill: Supervisory goodwill cannot be counted as capital any longer after the next year or so. It is being phased out. That is a major problem.

But there is another problem that gives a big difference in whether you consider an institution to be viable or not in looking at the standards that the Office of Thrift Supervision has to use. And that is a question of its expenses versus its income. That is, is it going to be in the red or is it going to be in the black operating after you do a buyback like this?

What we found is that the goodwill, while it is being taken off the books for counting toward capital is still not off the books for some other purposes and is being expensed under the 1989 law, some of it is, at least, being stretched out in all of these institutions for about 20 years. So it is a negative drag having this goodwill on the books for accounting purposes with respect to the income statement.

And if you put cash in there instead of the goodwill, you no longer have an expense item in the goodwill on the books, you have an earning item that is earning cash—cash is earning—it can earn interest, it can be used for loans and what have you; it would be a very big positive, and it turns the books around on the cash flow as well. So that these institutions not only have their capital raised by cash going in in place of goodwill, which counts toward capital above the minimum standards; they also have the earnings picture changed completely by the cash put in as opposed to the goodwill on the books that has to be expensed.

Anyway, that is a technical, but a very important, technical item.

What happens when this occurs is that you then have very viable institutions that have been created by this process. And I have had some people who have been very critical who will say, "Well, gee whiz, you are going to be saving institutions that will be nothing more than benefiting shareholders of those institutions," and somehow we are going to increase the shareholder value. And that is a terrible thing that we are doing. I am not increasing by this proposal, we are not increasing shareholder value for anybody. There is no way that shareholders in those otherwise failing thrifts are going to get anything out of this. Let me tell you why.

No. 1, every penny that is put in there by the Government under this proposal that we have authored would have to be paid back to the Government. Once the institution is up and running and has the goodwill off its books and is making money again and it will be profitable and the Office of Thrift Supervision determines that its viability will not be affected by paying back money to Uncle Sam, every penny of the cash that went in to buy back the goodwill will have to be paid back on a payback plan to the Government of the U.S. Treasury.

So there is no benefit that way.

Second, the proposal I have offered states unequivocally there may not be any use of any money that is provided in the buyback program to pay dividends to shareholders. So there can be no benefit in the way of paying out dividends.

Third, the proposal I have offered says that shareholders cannot maintain any kind of benefit in regard to this from the change in capital that is involved in this. If, for example, by putting cash on the books, you raise the capital above the minimum requirement, which is going to be shortly up over 3 percent—let's say we raised it up to 5 percent capital. If by putting on the books something that is way above the minimum capital standard the 5-percent level, that is where capital goes in an institution, it must maintain that as a floor. It may not allow its capital to drop below the point where it has been raised by the goodwill buyback.

So that will not benefit the institution or their shareholders.

Now, I cannot deny that shareholders benefit to this extent and to this extent only: That institution that gets the buyback will not be closed. It will stay open. These guys who have stock in it will not go broke. Big deal.

But think of how much more it benefits the American taxpayers than it does any of those shareholders. It benefits the communities, it benefits the employees who will not lose their jobs. We are talking about saving millions of dollars to the taxpayers by keeping these institutions open. We are talking about 10,000, 15,000, 20,000 jobs. We are talking about keeping institutions open that may have been historical community pillars in many of our smaller communities around the Nation.

I cannot imagine how anybody could argue, after I have just given you the details of how many protections are in here, it would keep anybody from being able to say a shareholder benefits out of this when he should not benefit; I do not see how anybody could argue what little benefit is gained by not losing money, which is kind of a strange kind of argument, could possibly compare to the tremendous benefit to the American public by the buyback program; the money that they would save, the institutions that would be kept open and the good that would be done by doing so.

So I think that is a tremendously red herring, bogus argument that is out there.

I have also been criticized in this proposal—the only other criticism I have heard deals with the idea that somehow this kind of a proposal passed by Congress would affect the outstanding litigation which is going on right now between the Justice Department and the regulators and institutions that have already been closed or affected by the cancellation of goodwill on the books.

I am going to tell you I do not have much hope for the Government's case in those instances where there are ongoing litigations. There is a current court of claims decision handed down not long ago, known as Winstar. It is a case that had a brief, I guess an opinion, really, filed by the U.S. Court of Claims on April 21 of this year. It seems to me, in reading that court of claims decision that has been filed, it is pretty darned clear that the Government is going to lose all of these claims anyway. Canceling supervisory goodwill was a pretty bad idea, we broke a contract with those institutions. It was a Government agency that gave them the goodwill, made the promise they could keep this on there for 30 or 40 years in return for their being willing to take on failing S&L's in the 1980's. And then we canceled them. It is a horrible proposition. The Court of Claims has found that the sovereign ax doctrine does not apply and does not, indeed, hold the Government unaccountable and free from liability.

I have read the decision. Anybody can read it. It is in plain English. Their rationale, I do not want to take the time to go through all of it today, but if you read the decision and read the rationale, I do not see how the Government can possibly win its cases. That means it is even more foolish what we are doing. All of those lawsuits that are pending out there right now, whether my proposal passes or not, are going to be ruled adversely to the Government at a cost of millions and perhaps billions more in dollars. And then on top of that, if the proposal I have offered does not become law, if the regulators do not follow it and we go ahead and close these additional 40 or so institutions I have described to you today, on top of the $20 billion or so it is going to cost the taxpayers to close them through the processes of selling their assets or selling the deposits or finding buyers or whatever, you are going to wind up with the cost additionally of paying ultimately damages to shareholders and others who have been damaged by this process, as the lawsuits are going now.

□ 1600

But in addition to that, what I have discovered in doing research, talking with the lawyers involved in the case, talking with good attorneys downtown and asking the Library of Congress attorneys for their opinions, I have discovered that, whatever we did here on the floor of Congress with respect to buying back some goodwill for the peculiar purposes I have described today, would not in any way be admissible in any of those lawsuits for the purposes of either determining liability or determining damages. It would be irrelevant. It would be inadmissible. It would not have any impact.

And then I hear the lawyers who argue these cases for the Government say, "Ah, but there would be a halo effect."

I guess this is a halo I wear, that kind of effect, that somehow judges deciding those cases would look at what Congress did and say, "Ah hah, Congress let some folks get away with this. They let some folks get a bargain"—I do not think it is a bargain at all, but, "they remedied the goodwill problem for some, so we're going to come in and be more likely to decide in favor of the complaining party and against the Government because Congress acted on the peculiar ways that I've described here we do in a very limited fashion for saving the taxpayers some money."

Mr. Speaker, that is an absurd argument. I have been an attorney all my adult life, as far as my practice and work is concerned, since graduating from high school many years ago and I personally find that an offensive concept. I do not believe that is true. I think it is a very bogus argument. But, as a pragmatic matter, it is not going to happen anyway. It is a ridiculous position to be in, and those folks are the only two arguments, the only two arguments, the shareholder benefit argument and the argument about it affecting adversely government litigation that is ongoing now that I have heard against what I suggested.

Nobody, none of the regulators, deny that my proposal would save at least a few institutions. I submit it would save a lot of them.

Some of them want to say, "Well, it would only save 3 or 4, 5 or 10, 15 or 20 and not 41." Well, I do not care if it only saves two, or three, or four. It is going to save literally billions just saving those from closure. Save the taxpayers billions and is good public policy.

I myself believe that, based on the studies we have done, it would save closer to the 29 that we have talked about of the 41 that have goodwill that are on the books that are likely to be closed otherwise. But, whatever the number, it matters not.

There is an admission out there that this proposal would indeed result in some institutions that otherwise would be closed not being closed, and it would result in a tremendous savings to the taxpayers because the ratio of the cost of this proposal to the cost of otherwise resolving these institutions is somewhere in the neighborhood of 10 to 1, 10 times as much to close them under the traditional methods the Office of Thrift Supervision and RTC are using versus keeping them open by cashing out the goodwill if they would be viable and would be capable of surviving if you bought back the goodwill for cash and put cash in in its place. So, to me that makes absolutely no sense at all.

Now, I want to bring up one other point. A lot of people think this is some kind of a novel idea I have proposed. Well, I am not proposing anything novel at all, and it is also kind of a strange reasoning to me on this score. There are precedents for doing exactly what I am proposing under the procedures now being used.

Let me describe it this way: How do people think that most of these institutional problems are being resolved today by the Resolution Trust Corporation and the Office of Thrift Supervision? I do not know what they think, but I will tell my colleagues what is the case.

These institutions are not truly closed and the depositors paid off. I mean that is an argument I hear, too. "Gosh, that law in 1989 was a law I voted for, and I want to be able to continue to tell my constituents the only reason I voted for that was because the money that is involved in it is strictly going to pay off depositors."

Well, Mr. Speaker, none of the money, practically none of it anyway, very few cases of the RTC money is going to pay off one dime to a depositor of any institution. That is not the way the system works right now. It is not the way it has worked since 1989. It is not the way it is going to work tomorrow morning.

What happens is pretty simple. A great western bank, or some other healthy institution, a commercial bank, or a savings and loan or another financial institution, will come along, and they will bid on acquiring the deposits and some of the assets of this failing institution that the Office of Thrift Supervision is determined is not going to be able to survive, and in the process of that they cut a deal, and the real way they win this bidding war with anybody else who might want to, quote, buy the failing institution is they agree to take on maybe more of the bad assets than somebody else does, and the rest of those bad assets go over to the Resolution Trust Corporation, and, that is a whole 'nother bag of worms out there where we got all the real estate on the market there on the market they are trying to dispose of, a lot of horror stories we hear about on RTC, but there the buying or acquiring institution says, "We'll do that, but in turn you have to give us some cash to fill a negative accounting hole that's created by our taking on this group of bad assets," and the bid is really won on the basis of how much cash they are willing to do this for, how much cash the RTC is going to pay this healthy institution, this big, big, big institution in most cases, to acquire this other failing S&L. And the reason why the cash is there is to fill the same negative accounting hole that the supervisor of goodwill was used to fill by the Home Loan Bank Board in the 1980's when the supervisors and the regulators did not have any cash like RTC has today to give to the acquiring institution that was healthy.

And that is what is so stupid about the arguments against what I am proposing. I am just proposing that we go back and revisit a few of those institutional transactions that occurred in the 1980's when there was no cash and do the same thing with those by revisiting institutions. I am suggesting that it saves a lot more money instead of taking an institution that already has gone through the process of being one doing the acquiring that is healthy and saying, "Oh, we're going to take away your goodwill and not count your capital and, therefore, make you a bad one, and take on another good institution, and make a deal with it, and give that other institution a bunch of cash."

Instead of doing that, let us go back and do what we should have done in the first place and give a much smaller amount of cash to the first-time acquirer that is now put in the position of failing by this very unusual and strange device called supervisor of goodwill and the cancellation of it in 1989 by Congress. Let us give them a little bit of cash and let it live instead of giving a whole bunch of cash to still a third institution that is going to come in here and buy it.

As my colleagues know, that brings me back to who benefits. If any shareholders are benefiting, they are benefiting right now. It is not by my proposal that I am benefiting anybody. I am not benefiting anyone. I am just keeping some institutions open, if my proposal were adopted, to buy back some goodwill and doing what should have been done in the 1980's.

But what is happening today is we have very large, healthy savings and loans that do not have goodwill on the books, that are not fixed with this problem that we fix them with by Congress' own actions, and they are saying, "Ah hah, I can make a lot of money by doing this. I can get some wonderful new depositors. I can put my competitors out of business. I can close them down. I can get a great deal here. I can get cash in large amounts from the Federal Government, and it's a wonderful opportunity for me to get bigger, and get stronger and get rid of all those other guys out there."

Of course those institutions are opposed to what I want to do, and they have argued in some of the associations they are in the McCOLLUM's idea is terrible. Well, they are the ones who are benefiting by this. They are the ones who are the shareholder beneficiaries of the problems that exist now. And I find it to be incredible that some of my colleagues and those downtown in the administration would argue that there is a problem with McCOLLUM's proposal under some idea that it is very fictitious that there is some major benefit to shareholders of institutions that I would keep open because there is not. But the guys are benefiting who are in the process of acquiring these institutions that should never be closed now, and they are doing it at enormous taxpayer expense, billions and billions of dollars of American taxpayers' money.

Well, that is a very long story to tell, but that is the reason I took special order time, because it is not something that is easily talked about out here in a 1-minute; certainly not, nor in 5-minute special order time or in debate we have on the legislation when it comes forward. There is no way to adequately explain that story.

But I can tell my colleagues right now that, if anybody bothered to listen to what I had to say today or anyone reads the CONGRESSIONAL RECORD and studies it, the proposal that I have made is not only common sense, it is absolutely good sense. It is tremendous billions of dollars of savings to the taxpayers. It would save thousands and thousands of jobs. And without it we are going to continue this train wreck called the Resolution Trust Corporation and close a lot of savings and loans that we have absolutely no business in closing at all.

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I would submit to you that the problem with the reason why this proposal has not gone very far can be best summarized by three words. Three things are driving the engine that is propelling us toward the proposal of the administration and the RTC and the OTS to get an additional amount of funding to do away with this problem and close all these institutions and not make any changes.

Those three words that describe what is driving the train and causing a problem with getting a fair shake on this particular proposal are ignorance, fear, and greed. And those are pretty time-honored things that drive the engine for a lot of people who legislate and a lot of people who operate in the business world and a lot of people who are in the executive branch of Government.

Ignorance, because lots of folks simply do not understand this. It is too complicated to want to get involved with. They have not taken the time to do it.

I do not expect all my colleagues to do this. I happen to have served on the Committee on Banking, Finance and Urban Affairs. I have seen an example of this and gone over it in my own hometown on a very simple, low dollar level that made it quite straightforward to me to observe it. I have no interests. I have no institutions to save. The only one I know about that I have any knowledge of at all has already been closed and resolved and it is not going to be resurrected by this.

I have no knowledge of the names of the institutions, the 41 or 162 that are on these lists. All of them have been redacted and blacked out so that I and my staff do not know who they are. I have no idea who they are. I have no interest in them at all, none.

The only interest I have is in the taxpayers. But I do understand that there are very few people who have gotten involved as much as I have or could take the time to do that to understand this. Again, that is why I am trying to lay some of it out today.

But there is a lot of lack of knowledge, misunderstanding, ignorance in the best sense of the words, and that is certainly a major factor in why this proposal has not gone any further so far than it has.

Second is fear. There is no doubt in my mind that many of my colleagues are truly afraid of the issue of the Resolution Trust Corporation, not understanding it, wanting to put it beside them, wanting to get rid of it, wanting to put it behind them, I should say. There is a desire not to deal with the complexities that they think are there in what I am proposing.

Consequently, it is difficult to get attention and get focused on this.

Then there is fear on the part of regulators and those in the Treasury Department in my opinion, fear that by embracing something like this, those who are their political enemies can make hay of this, somehow twist it around, and, because it is a little complicated, make some speeches that do not sound too good and distort the proposal and distort the proposition, and it is better to let the sleeping dog lie, and close all these institutions down, regardless of the costs, because that does not stir up the pot any more. It does not cause as much debate. It does not look like you are changing your position.

So there is fear downtown at the administration, political fear down there, as well as political fear here. Down there the difference is that they understand this, and I find that much more reprehensible, that they would let that fear drive them downtown than the fear of many of my colleagues about something that I know that they do not understand well, not serving on the committee and not having taken or having the time in the much diverse world we live in and so many different issues we have to deal with up here in Congress.

But it is fear in both the legislative arena and in the executive arena, which in my judgment is a major factor why this simple buyback proposal so far has not lifted off the ground in terms of getting the support that I believe it deserves and those several others who have looked into it believe.

The third thing is greed. What is the greed I am talking about? Well, I am talking about the greed of those banks and those financial institutions that want to get bigger at the expense of those that are being closed. The greed that is normal. I do not know that it is all bad. It is part sometimes of the free enterprise system.

But here we have Government involved in it. We are allowing these institutions that are not having the goodwill problems, that are healthy, to get bigger and to grow stronger at the expense of other institutions whose only problem was created by the Federal Government.

We are talking about savings and loans that are healthy, well-run, in the black but for goodwill institutions, a good asset base, should not be closed. But there are some big institutions out there that do not have the goodwill, that want to get their assets, want to get their deposits, and want to get the Federal Government to pay them the billions of dollars involved in this so that they can obviously get bigger and benefit their shareholders.

Many of them are traded on the stock exchanges and there are a lot of stockholders who will benefit by this. It is a natural thing, but it is a very greedy thing, and it is, however, very unnatural that our Government would be aiding these institutions in this process by paying out billions of dollars in taxpayer money.

What I am describing to you today is truly a taxpayer scam. We are talking about a small group of large financial institutions that are making off with mega bucks of taxpayer dollars and becoming extremely big giants, that will dominate the industries that they are in for a long time to come at the expense of the taxpayers.

The way that that could be remedied would be for common sense to wake up, a light bulb to go off, and for us to spend a very small amount of money resolving a problem we created.

I mean, it is really crazy when you think about it. Congress created the problem in the first place. We did not address the savings and loan crisis properly in the 1980's. We created a tax law change that we did not recognize soon enough. And more than anything else, though, now when we have got the chance to rectify some of that, what happens? We came along in 1989 and in a simplistic area, we made a very foolish decision to cancel the supervisory goodwill of those institutions that had it on the books and break contracts that I think will cost us in the course ultimately.

Now, some of it this could not perhaps have been foreseen. Again, it is a complicated set of circumstances. You can look back now with 40-40 hindsight and say all of this was there. I did not see all of it then myself, and I would be the first to admit that I did not, and I do not know anybody that did.

But today, at the present moment, we have the benefit of that hindsight. We can see how the savings could occur. We can see how we can stop this losing proposition. We can see who is benefiting by this and who is greedy about it. And we can see taxpayer dollars that are being lost.

We have clear-cut choices. All it takes is some time to educate ourselves, for others to get educated about this, to think it through rationally, and to put aside the political fears that we cannot explain it back home, and to look at it from the standpoint of, hey, you sent me to Congress to the best job that I can do, to learn about things that are more complicated than you know I can learn about or that you could as a citizen voter on the street in a normal day because you have got other things to do, too. You sent me as your Representative.

We need to put aside the political fear. We need to say to our constituents I became educated, I looked into that. We need to take the time to look into it. And I made the decision, an honest decision about how to save you, the taxpayers, somewhere around $15 or $20 billion. And I did it in a simple way, and I am proud of what I have done, and I know it is going to work, and we can close down this RTC much sooner. We will not send any more bad property over there for probably $17 to $20 billion instead of $72 billion they are asking for.

Every bad institution that is left around, or conceivably bad institution, could be resolved, and we would save the lives of somewhere around 40, may be not all 40, but I think as I said earlier, 29 or 30 of them. We could save the jobs which are in those 29 or so amounting to about 15,000 jobs of employees of otherwise very healthy institutions that will do very well down the road, and keep a lot of communities happy.

I do not know why that fear cannot be overcome, and I urge my colleagues to think about it, to study it, to review what I have said today, and to aid in that review process and that understanding, because I know when I have outlined it, I have done it in a certain order today, tried to do it correctly, but it does have a lot of details to it. You might not follow it all.

Mr. Speaker, at this point I include for the RECORD a copy of a letter from the Director of the Office of Thrift Supervision to me dated April 27, 1992, and his attachment to it, as well as a copy of a letter I have returned to him, Timothy Ryan of the Office of Thrift Supervision, dated April 28, 1992, that contains a point-by-point discussion of this particular matter.

OFFICE OF THRIFT SUPERVISION,
Washington, DC, April 27, 1992.

Hon. BILL MCCOLLUM,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCCOLLUM: I am writing to comment on your proposed "Supervisory Goodwill Buy-back Program." Based on our previous discussions, I understand that you believe the proposal can reduce the ultimate cost of the S&L clean-up. The facts demonstrate, however, that this proposal will not reduce the clean-up costs but will impose substantial and unwarranted costs on the taxpayer. Therefore, the Office of Thrift Supervision (OTS) must oppose it.

Your proposed legislation creates a strong presumption that OTS would buy back the supervisory goodwill on the books of undercapitalized thrifts in an amount sufficient to enable the thrifts to meet their capital requirements. Your staff has identified 53 thrifts that this would benefit. Apparently, they presume that these thrifts are on an OTS closure list, and from that premise conclude that this approach will save the taxpayers $21.8 billion or 90 percent of the cost of closing these institutions. In fact, these premises are incorrect and therefore, the projected savings would not materialize.

Of the 53 institutions identified, only 12 have been classified by OTS as Group IV—the thrifts most likely to require resolution at taxpayer expense. One of these 12 thrifts was recently acquired by a bank, and one will soon be reclassified to Group III. Three have a total capital to assets ratio of greater than 2 percent, but because of their asset quality and earnings potential, they are still candidates for closure. The remaining 7 Group IV thrifts have such poor earnings that a buy-back would most likely provide only a temporary reprieve, with the result of sending good money after bad, thereby enlarging rather than reducing taxpayer losses.

The 41 remaining institutions from the list are currently in Group III. Although these institutions are not presently candidates for Federal takeover, migration to Group IV is likely for an undetermined number of institutions depending on a number of variables. However, a buy-back of supervisory goodwill will not necessarily determine the future viability of these institutions; rather the fundamentals of the institution—earnings, asset quality and management—will be determinant.

Thus, as you can see, the buy-back program would not necessarily change our treatment of the 53 institutions. In addition, the expenditure of such funds would be money that is not available to resolve the remaining thrifts the OTS has identified for resolution by the Resolution Trust Corporation (RTC) and that are not on your list.

Additionally, the proposed buy-back program would be poor policy for these reasons:

Permitting thrifts that still have supervisory goodwill to be paid cash for an asset that Congress has already declared worthless for capital purposes is a poor use of taxpayer funds;

The capital plan process is the better method of dealing with viable thrifts that are adversely affected by having supervisory goodwill on their balance sheets; and

There is no principled basis for treating the remaining marginally capitalized thrifts that have supervisory goodwill differently than those previously sent to the RTC, and in fact doing so could significantly increase the government's litigation costs.

In the attachment to this letter, these reasons are explained in greater detail. It is for these reasons, the proposed buy-back of supervisory goodwill would impair rather than further the goal of minimizing costs to the taxpayers, and therefore, the OTS cannot support it.

I know we share the common goal of minimizing the costs of the S&L clean-up. With this in mind, let me emphasize that the lack of funding has forced the RTC to interrupt the Accelerated Resolution Program (ARP). As explained in the attachment to this letter, the RTC cannot resolve most institutions now in ARP for want of funds. As their resolution is postponed, they will incur losses that ultimately will be passed on to the taxpayer. Under the circumstances there is an urgent need for Congress to act to provide additional funds. Each day the funding is delayed the RTC estimates that costs to the taxpayers increases by $2.5 million.

Sincerely,

TIMOTHY RYAN,
Director.

ANALYSIS OF SUPERVISORY GOODWILL BUY-BACK PROPOSAL

1. THE BUY-BACK OF SUPERVISORY GOODWILL WOULD HAVE NO EFFECT ON THE RESOLUTION OF THRIFTS REPORTING GOODWILL

Mr. McCollum's April 7, 1992, "Dear Colleague" letter states that 53 savings associations are on a presumed OTS "closure list because goodwill makes them short of capital; in other respects they are strong, healthy institutions." The letter adds that if the goodwill were bought back from these 53 institutions, "they would be in a solid capital position—all of them would have at least 1.5% tangible capital—and thereby saved from closure."

These statements are mistaken. First, the factual premises are incorrect. The vast majority of these thrifts identified in the April 7 letter are not on any closure list. Most of the thrifts in OTS's Group IV—those most likely to be closed—are not even among the 53 mentioned in the letter. The proposed infusion of several billion of taxpayers' dollars under the buy-back proposal would be directed almost exclusively at savings and loans that are not presently threatened with closure.

Second, it is simply incorrect that 1.5% tangible capital represents a "solid capital position." Section 131 of the recently enacted Federal Deposit Insurance Corporation Improvement Act of 1991 is explicit that an institution is "critically undercapitalized" if its "tangible equity" is below 2%.

Third, the statements in the April 7 "Dear Colleague" letter suggest that capital, particularly tangible net worth, is the sole basis for the decision to close an institution. The capital position of a savings association is important, but is only one element of OTS's decision. The agency evaluates several key aspects of the management and financial condition of an institution before deciding whether to close it.

Goodwill in particular has not historically played a decisive role in the decision to take over a thrift. Almost two-thirds of the associations that OTS has closed reported no goodwill. As of December 31, 1991, only 251 of the 680 thrifts that have been transferred to the RTC have reported goodwill on their books. Focusing on these 251 failed institutions, 217 of them—86%—would have continued to have tangible net worth below 1.5% even after goodwill was included. Of the remaining 34 thrifts, which would have had tangible net worth above 1.5%, 27 were unprofitable on a trailing 4 quarter basis, and the other 7 had serious asset quality problems that threatened reported earnings. Thus, all of these institutions would have failed even if goodwill had represented a real asset.

A buy-back of goodwill will not reduce resolution costs.

Only 12 of the 53 institutions identified in the April 7 letter have been classified by OTS as Group IV. Group IV covers those thrifts whose earnings history, asset quality, management, or economic conditions in their areas of lending are so poor that they will likely be transferred to the RTC.

Four of the 12 Group IV associations have a tangible capital to total assets ratio greater than 2%, irrespective of the treatment of goodwill. Because of their very poor asset quality and earnings potential, 3 of these thrifts are candidates for closure, while the fourth has shown sustained improvement in operations such that it will be reclassified to Group III for the quarter ending March 1992.

Of the 8 remaining Group IV associations identified in the April 7 "Dear Colleague" letter, one has been acquired by a bank, and the other 7 have average operating losses of 1.26% of assets over a trailing four quarters. An infusion of capital through the purchase of supervisory goodwill, given the embedded problems of these thrifts, would provide only a temporary reprieve. The donation of taxpayer dollars would serve only as a large subsidy to continuing losses.

Accordingly, none of the Group IV thrifts would benefit from a buy-back of supervisory goodwill.

The remaining 41 institutions of the 53 identified in the April 7 "Dear Colleague" letter are in Group III. Although these institutions are not presently candidates for Federal takeover, migration to Group IV is likely for an undetermined number of institutions depending on a number of variables. However, a buy back of supervisory goodwill will not necessarily determine the future viability of these institutions; rather the fundamentals of the institution—earnings, asset quality and management—will be determinant.

2. RESOLUTION COSTS TO THE TAXPAYER ARE INCREASING

The delay in funding is increasing the costs that the RTC will incur under the Accelerated Resolution Program (ARP). ARP is a program developed jointly by RTC and OTS to preserve the franchise value of failing thrifts and thereby minimize resolution costs. The institutions in ARP are marketed before the government closes them and are placed in receivership only at the time of sale. Because it lacks funding for these sales, the RTC has been forced to interrupt these resolution activities. The costs associated with the delay must, unfortunately, be passed on to the taxpayer.

3. THE BUY-BACK WOULD REQUIRE TAXPAYERS TO PURCHASE WORTHLESS ASSETS

The April 7, "Dear Colleague" letter states that "[b]uying back the goodwill [in 53 institutions] would save the taxpayers $21.8 billion, or 90 percent of the cost of closure." No support is offered for this statement and the OTS is aware of none. For the reasons discussed above no such savings are available. In 1989, Congress declared goodwill worthless for capital purposes; that was the only decision that accorded with economic reality. Paying thrifts that still have supervisory goodwill is no more than a cash give away—substituting taxpayer dollars for a worthless bookkeeping entry.

In many cases, the amount of cash actually invested by a previous acquiror of a thrift is significantly less than the amount the taxpayers would have to pay them under the buy-back proposal. In one case, for example, an initial $18 million investment created supervisory goodwill of $636 million. In another, an investment of no actual cash by an acquiror created supervisory goodwill of $532 million.

4. THE CAPITAL PLAN PROCESS ALREADY DEALS ADEQUATELY WITH GOODWILL

One of the clearest messages that Congress sent when it enacted FIRREA in 1989 was that goodwill does not provide capital support for a financial institution. The legislation included a transition period for thrifts to adjust to these new rules and provides for the creation of plans under which troubled institutions could cure their capital deficiencies. So far, OTS has used the capital plan process successfully to deal with thrifts that are viable but that have supervisory goodwill on their balance sheets. The OTS will continue to do so; there is no reason to change these rules.

5. THE BUY-BACK PROPOSAL WILL COMPLICATE PENDING LITIGATION

OTS and FDIC are currently defending several cases in which savings associations are asserting claims for amounts of their supervisory goodwill. Many of the institutions now litigating against the government are not among the 53 institutions targeted by the buy-back proposal. Indeed, several hundred thrifts currently report goodwill, and 251 of the thrifts already transferred to RTC reported goodwill. It is difficult to discern any principle that warrants treating any of the 53 institutions differently from other thrifts. The selectivity of the proposal is likely to create new arguments against the government in pending cases and to breed potentially hundreds of new claims. Even though we believe these claims would in the end be rejected, they will result in large litigation costs and inject avoidable uncertainty into the thrift cleanup process.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 1992.

Hon. TIMOTHY RYAN,
Director, Office of Thrift Supervision, Washington, DC.

DEAR MR. RYAN: Thank you for your letter yesterday conveying your 5-part analysis of the supervisory goodwill buy-back program I have been advocating since last fall. With your permission House Banking Minority Counsel Mark Brinton has spent many hours at OTS reviewing records to corroborate or disprove your analysis (a privilege not previously made available).

Your claim that the buy-back of supervisory goodwill would have no effect on the resolution of thrifts reporting goodwill is not supported by your arguments, the evidence in your records, or by an understanding of the buy-back program.

A review of the information you have now made available to me suggests that your response is out-dated and faulty. Inasmuch as this is a matter of considerable potential importance, I request that further information be made available to determine more precisely the merits of a goodwill buy-back. It would appear from your analysis that your position on my proposal may have been decided before its potential impact had been fully ascertained, since that still has not yet happened.

My proposal to buy back supervisory goodwill is based on a simple premise: materially improving the capital and earnings of thrifts owning goodwill that will otherwise require taxpayer-assisted resolution could save some of them from that fate and cost to the taxpayer. It is notable that at no point in your analysis do you dispute that any such salvageable institution could be saved at less cost than that of taking it over and selling it. The countervailing costs you cite are either speculative or insignificant in comparison to the enormous potential savings of my proposal.

A point-by-point discussion of the issues raised in your analysis follows:

1. It is surprising that you would say that "The vast majority of these thrifts identified in the April 7 letter are not on any closure list," which is based on the unstated premise that the only thrifts that "are likely to be closed" are those in OTS's Group IV. If the underlying premise were correct, the RTC would only need another $17 billion to finish its work: about $7 billion for the thrifts already in conservatorship and about $10 billion for all of the thrifts in Group IV.

However, the RTC continues to assert that it needs an additional $72 billion to finish resolving all institutions the OTS will send to it for closure. In the meantime, the RTC is willing to take $42 billion now to pay for the closures between now and April 1, 1993, and the remaining $30 billion later. This request is based on the expected need to close the thrifts in OTS Groups III–B, III–C, and IV. All 53 thrifts you talk about are in one of those groups.

You claim that "the buy-back proposal would be directed almost exclusively at savings and loans that are not presently threatened with closure." This misrepresents which thrifts would be eligible to participate in the program. One condition of eligibility is your determination "that a conservator or receiver is to be appointed for a savings association," (paragraph (a)(1) of the program), i.e., that it is going to be closed.

Evidently you mistook an argument and estimate I made regarding my proposal for the proposal itself. To estimate the possible number of thrifts and dollars that might saved, I asked OTS how many goodwill thrifts in Groups III–B, III–C, and IV would have at least 1.5 percent tangible capital, the requirement set in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). The data you gave me indicated that 68 thrifts in those groups reported goodwill, of which 53 would meet that requirement. In light of the great importance placed on capital in FIRREA and the FDIC Improvement Act of 1991, this information provided a rough idea of the potential of the buy-back, or it might have if the data had been truly responsive.

A footnote to the data indicated that they were derived from a line of the thrift financial report for "Goodwill and Other Intangibles." Despite the potential for other intangibles to skew the data, you have all along assumed that the other intangible amounts were negligible, including in your present analysis. So did I, until just recently discovering from information you have had but had not previously disclosed that only 41 of the 68 institutions you originally identified actually had supervisory goodwill; the rest did not. Your staff confirms that I am correct in this.

In fact, 3 of the 12 Group IV thrifts on which you focus your analysis never did have supervisory goodwill. As you mention, anther one was purchased without Government assistance by a bank. On the other hand, you excluded from your analysis another 10 of the 68 that were also in Group IV and previously identified by you as having goodwill. Only 7 of them actually had it, and 2 of those have since been closed. This leaves 13 goodwill institutions in Group IV.

All of this information was available at the time you sent your analysis, yet, except as noted, was overlooked in its preparation. Your substantive analysis appears to suffer from the same superficial quality as your institution identification.

In discussing certain Group IV thrifts that are losing money, you imply that their closure is inevitable. If that were in fact the case, then they would not be eligible for the buy-back. Subparagraph (b)(1)(A) of my proposal states that only a thrift that "would be, in the determination of the Director [of OTS], a viable association, and would not be expected to fail, if the association participates in the program," is eligible to participate. No taxpayers' dollars will subsidize any continuing losses leading to foreseeable failure under the buy-back program.

You mention that sustained improvement in operations of one of the Group IV thrifts (with tangible capital over 2 percent) will enable you to reclassify it to Group III. Unless that reclassification is to Group III–A, the RTC will still be asking for money to close it. Incidentally, it would appear from the persistent, significant losses experienced by the only two Group IV thrifts that actually have goodwill and tangible capital over 2 percent that the candidate for reclassification is one of the Group IV thrifts that does not have goodwill. Furthermore, you fail to discuss the sustained improvement in operations the others would be capable of after their capital and earnings are boosted by the buy-back.

Your discussion of the earnings of already-closed and soon-to-be-closed thrifts entirely overlooks the impact of the buy-back on earnings. Goodwill is an asset that thrifts have to amortize, creating an expense, a reduction of earnings. Replacement cash would be an income-producing asset, boosting earnings. It is erroneous to assume that a thrift's earnings would be the same regardless of whether it owned goodwill or had cash in its place.

For example, 3 Group IV thrifts with negative tangible capital and net losses before gain or loss on sale of assets would each have tangibie capital of about 3 or 4 percent and positive net income before asset sales (averaging 0.74 percent of total assets) with a goodwill buy-back. It should also be noted that each of these thrifts have good asset quality (weighted classified assets to total valuation allowance under 100, classified assets to total assets of around 5 or less). No information you have allowed me to see gives any indication of "the embedded problems of these thrifts," which you categorically state would make the goodwill buy-back "only a temporary reprieve," and "would serve only as a large subsidy to continuing losses." To the contrary, I suspect these would immediately become Group II institutions, and later perhaps Group I institutions after proving consistent earnings.

Two more of the Group IV thrifts reported losses for the year which were more than explained by goodwill amortization, additional loan loss reserves, and singular, non-recurring expenses occurring in one quarter. Both of these have weighted classified assets to total valuation allowance of significantly under 100, suggesting that large new reserves may not be needed. Adding in new earnings from the replacement cash from the buy-back, each of these thrifts would demonstrate solid core earning potential along with a greatly improved capital position if their goodwill were repurchased.

There are many other examples from the 28 thrifts in Groups III–B and III–C which similarly demonstrate the wisdom and benefit to the taxpayers of buying back goodwill.

I was incredulous to read your assertion that only "earnings, asset quality, and management" are the "fundamentals of the institution" and "will be determinant" in ascertaining the viability of institutions in Group III. Capital and risk management are two other fundamentals which, together with your three, are the five components of the MACRO rating OTS is supposed to use to measure thrifts' health. Furthermore, Federal thrift laws, such as the FDIC Improvement Act of 1991 to which you referred, specifically focus on the importance of capital in determining the viability of an institution. Replacing goodwill with cash can directly or indirectly improve earnings, capital, and risk management.

2. Although you have presented your analysis of my program after the delay in RTC funding began, approval and implementation of this program will still save more taxpayers' dollars than if this legislative delay were to last for years.

3. In posturing that they buy-back would require taxpayers to purchase worthless assets, you ignore the money that could be saved through not having to send many thrifts to the RTC. Furthermore, you glaringly mischaracterize the transactions in which the goodwill was originally created. Your predecessor agency used goodwill as a cash-substitute in resolving failed institutions at time it was strapped for cash. The amount of goodwill granted then had no more relationship to the investment of the acquirer than the injection of cash from the RTC does to the purchase price of the buyer of today's failed thrifts. RTC's gross cash outlay, just as the Bank Board's allowance of goodwill, simply fills the negative net worth "hole" in a failed institution.

In addition, your discussion of initial cash investment fails to give credit for any non-cash contributions or any subsequent investments by the new owners, including that represented by writing off part of the goodwill each year since it was placed on the books.

4. Your suggestion that the capital plan process already deals adequately with goodwill again ignores the applicability and effect of the program. If a thrift does not have to be closed because it is making progress under a capital plan, it is ineligible for the buy-back program. If the forbearance inherent in the capital plan cannot save the thrift, perhaps a boost to its earnings and capital through the buy-back can.

5. Despite your allegation that the buy-back program would create new arguments and new cases against the government from thrifts that are ineligible for the program, OTS General Counsel Harris Weinstein has acknowledged that the program will have no direct legal bearing on any of those cases. The strongest argument that could be mustered was that it might somehow have a "reverse halo" effect, which can best be described as someone claiming the government owes him or her money simply because it gave money to a group he or she does not belong to.

It makes no sense to give the RTC additional money without giving you the power to save much of it. I will continue to work toward seeing that both you and the RTC are enabled to do the work you need to do.

Sincerely,

Bill McCollum,
Member of Congress.

Mr. McCOLLUM. Mr. Speaker, I have summarized as best I can the problems. It has taken me a little longer than I would like, but that is the nature again of special order time. I thank my colleagues for your patience. I truly believe if you look at the McCollum supervisory goodwill buyback, you will see that it is common sense, it is taxpayer sense. As I have said many times, it will save up to $20 billion and 15,000 jobs. It will keep open about 29 institutions that otherwise would be closed. It will make the job of the RTC much simpler, allow us to close it down much sooner than we otherwise would, and certainly save a lot of people grief. It will not make some big institutions happy, but it will certainly make a lot of other people happy and it should make a great many of our constituents happy because it is going to save them billions and billions of dollars.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MINK (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. KYL, for 5 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)

Mr. MORAN, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, on June 9, 16, 23, 30 and July 7, 21, and 28.

Mr. LIPINSKI, for 60 minutes, on June 10, 17, 24 and July 1, 8, 22, and 29.

Mr. WISE, for 60 minutes, on June 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. AUCOIN immediately preceding the vote on the Andrews of Maine amendment in the Committee of the Whole, on H.R. 5006, today.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. PACKARD.
Mr. LEACH.
Mr. SOLOMON.
Mr. GILMAN in two instances.
Mr. INHOFE.
Mr. DREIER of California.
Mr. BEREUTER.
Mrs. BENTLEY in four instances.
Mr. MILLER of Ohio in three instances.

(The following Members (at the request of Mr. TAYLOR of Mississippi) and to include extraneous matter:)

Mr. SOLARZ.
Mr. LANTOS.
Mr. KANJORSKI.
Mr. STARK.
Mr. MOODY.
Mr. ACKERMAN.
Mr. CLEMENT.
Mr. LEVIN of Michigan.
Mr. WEISS.
Ms. DELAURO.
Mr. BACCHUS.

ADJOURNMENT

Mr. MCCOLLUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 21 minutes p.m.) under its previous order, the House adjourned until Tuesday, June 9, 1992, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3685. A letter from the Secretary, Department of Agriculture, transmitting a draft proposed legislation to amend the Housing Act of 1949 to provide a Rural Housing Voucher Program; to the Committee on Banking, Finance and Urban Affairs.

3686. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3687. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9–222, "District of Columbia Procurement Practices Act of 1985 Council Contract Approval Procedures Amendment Act of 1992," pursuant to D.C. Code, section 1–233(c)(i); to the Committee on the District of Columbia.

3688. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Donald Burnham Ensenat, of Louisiana, to be Ambassador to Brunei Darussalam; Henry Lee Clarke, of California, to be Ambassador to the Republic of Uzbekistan; John Frank Bookout, Jr., of Texas, to be Ambassador to the Kingdom of Saudi Arabia; Edward Hurwitz, of the District of Columbia, to be Ambassador to the Republic of Kyrgyzstan; Joseph Monroe Segars, of Pennsylvania, to be Ambassador of the Republic of Cape Verde, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3689. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3690. A letter from the Chairman, Federal Housing Finance Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3691. A letter from the Secretary of Labor, transmitting a copy of the semiannual management report for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Concurrent Resolution 192. Concurrent resolution to establish a Joint Committee on the Organization of Congress; with an amendment (Rept. 102–550). Referred to the House Calendar.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 4996. A bill to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; with an amendment (Rept. 102–551). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. KENNELLY (for herself, Mr. SPRATT, and Mr. MAVROULES):

H.R. 5333. A bill to provide that, beginning with fiscal year 1994, the President transmit to Congress and Congress consider a budget that requires a balanced budget by fiscal year 1998 and for subsequent fiscal years, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. GONZALEZ:

H.R. 5334. A bill to amend and extend certain laws relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DREIER of California (for himself and Mr. COX of California):

H.R. 5335. A bill to amend the Internal Revenue Code of 1986 to make health insurance more affordable, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. ANTHONY (for himself, Mr. LAROCCO, Mr. ALEXANDER, and Mr. STALLINGS):

H.R. 5336. A bill to authorize an exchange of lands in the States of Arkansas and Idaho; jointly, to the Committees on Interior and Insular Affairs, Agriculture, and Merchant Marine and Fisheries.

By Mr. CLEMENT:

H.R. 5337. A bill to amend title II of the Social Security Act to provide for payment of a benefit for the month of the recipient's death; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. MURTHA, Mr. TRAXLER, Mr. ABERCROMBIE, Mr. DURBIN, Mr. ECKART, Mr. EDWARDS of California, Mr. FAZIO, Mr. HOCHBRUECKNER, Ms. HORN, Ms. KAPTUR, Mr. KOPETSKI, Mr. SKAGGS, and Mr. STARK):

H.R. 5338. A bill to balance the budget of the U.S. Government; jointly, to the Committees on Government Operations, Rules, and Ways and Means.

By Mr. PARKER:

H.R. 5339. A bill for the relief of the Wilkinson County School District, in the State of Mississippi; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mrs. VUCANOVICH, Mr. LAFALCE, Mr. HALL of Ohio, Mr. RINALDO, Mr. HYDE, Mr. MARLENEE, Mr. MCCOLLUM, Mr. SCHAEFER, Mr. LIGHTFOOT, Mr. HEFLEY, Mr. BALLENGER, Mr. DORNAN of California, Mr. COBLE, Mr. HUNTER, Mr. BUNNING, Mr. HUTTO, Mr. SANTORUM, Mr. GOSS, Mr. WELDON, Mr. MCGRATH, Mr. GALLEGLY, Mr. RITTER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. EMERSON, and Mr. DREIER of California):

H.R. 5340. A bill to amend the Public Health Service Act to revise and extend the programs of the National Cancer Institute, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 5341. A bill to amend the vaccine compensation title of the Public Health Service Act to authorize a sufficient number of special masters for the U.S. Claims Court to enable the court to become current in its caseload by January 1, 1993; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H.J. Res. 502. Joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. HANCOCK, and Mr. DANNEMEYER):

H. Con. Res. 330. Concurrent resolution expressing the sense of the Congress that the Federal Government should develop and implement a comprehensive program to prevent further transmission of the human immunodeficiency virus and improve treatment for individuals who are infected with the virus; jointly, to the Committees on Energy and Commerce and the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

476. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to the cable television industry; to the Committee on Energy and Commerce.

477. Also, memorial of the House of Representatives of the State of Hawaii, relative to providing a Federal tax credit for renters; to the Committee on Ways and Means.

478. Also, memorial of the House of Representatives of the State of Hawaii, relative to requesting the U.S. Congress to help keep Brown Tree snakes out of Hawaii; jointly, to the Committees on Ways and Means, Merchant Marine and Fisheries, Armed Services, and Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. DARDEN.

H.R. 371: Mr. ROHRABACHER.

H.R. 816: Mr. THOMAS of Wyoming.

H.R. 858: Mr. VISCLOSKY.

H.R. 860: Mr. VISCLOSKY.

H.R. 1110: Mr. GEREN of Texas.

H.R. 1468: Mr. ROBERTS.

H.R. 1474: Mr. LEWIS of Florida, Mr. HYDE, and Mr. DURBIN.

H.R. 1573: Mr. PICKLE, Mr. THOMAS of Georgia, and Mr. BAKER.

H.R. 1987: Mr. CAMPBELL of Colorado, Mr. HOAGLAND, Mr. MARKEY, Mr. BORSKI, Mr. BRUCE, Mr. FISH, and Mr. SANGMEISTER.

H.R. 2223: Mr. SHAYS, Mr. BOEHLERT, Mr. JACOBS, and Mr. WYDEN.

H.R. 2632: Mr. JOHNSON of South Dakota and Mr. BEILENSON.

H.R. 2862: Mr. COBLE and Mr. SMITH of Oregon.

H.R. 3198: Mr. NAGLE.

H.R. 3221: Mr. EMERSON, Mr. SKEEN, Mr. BURTON of Indiana, Mr. BARTON of Texas, Mr. BOUCHER, Mrs. MORELLA, Ms. NORTON, Mr. DONNELLY, and Mr. MCGRATH.

H.R. 3360: Mr. WEISS, Mr. WHEAT, Mr. FISH, Mr. HENRY, Mr. MATSUI, Mr. TRAXLER, Mr. BROOMFIELD, Mr. MORAN, Mr. SISISKY, Mr. LEHMAN of Florida, and Mr. LEVIN of Michigan.

H.R. 3450: Mr. SERRANO and Mr. TRAXLER.

H.R. 3486: Mr. GUARINI.

H.R. 3677: Mr. ANDREWS of Maine.

H.R. 3688: Mr. TOWNS, Mr. ATKINS, Mr. SANDERS, and Mr. BROWN.

H.R. 3966: Mr. MOODY.

H.R. 3975: Mr. GIBBONS, Mr. GONZALEZ, Mr. ECKART, Mrs. COLLINS of Michigan, Mr. KILDEE, Mr. ENGEL, and Mr. WYDEN.

H.R. 4109: Mr. BLACKWELL, Mr. OWENS of New York, Mr. JONTZ, Mr. VENTO, Mr. SANDERS, Mr. HOAGLAND, and Mr. FISH.

H.R. 4136: Mr. TRAXLER.

H.R. 4399: Mr. MILLER of California.

H.R. 4529: Mrs. BOXER.

H.R. 4571: Mrs. BOXER.

H.R. 4906: Mr. GUNDERSON.

H.R. 4980: Mr. BORSKI and Mr. HAYES of Illinois.

H.R. 5026: Mrs. MEYERS of Kansas and Mr. LANCASTER.

H.R. 5100: Mr. FROST, Mr. STUDDS, Mr. BONIOR, Mr. DURBIN, Mr. BLACKWELL, Mr. BRYANT, Mr. EVANS, Mr. BOEHLERT, and Mr. LANCASTER.

H.R. 5126: Mr. APPLEGATE, Mr. DEFAZIO, Mr. DORGAN of North Dakota, Mr. GEJDENSON, Mr. HANSEN, Mr. JOHNSON of South Dakota, Mr. KENNEDY, Mr. LEACH, Mr. MARKEY, Mr. MATSUI, Mr. MILLER of Ohio, Mrs. MINK, Mr. MORAN, Mr. OBERSTAR, Mr. PETERSON of Florida, Mr. SABO, Mr. SHUSTER, Mr. SKAGGS, Mr. TRAFICANT, Mr. WEISS, Mr. WISE, Mr. COYNE, Ms. DELAURO, Mr. DURBIN, Mr. HALL of Texas, Mr. HARRIS, Mr. JONTZ, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. MILLER of California, Mr. MINETA, Mr. MONTGOMERY, Mr. NATCHER, Mr. OXLEY, Mr. RAY, Mr. SERRANO, Mr. SISISKY, Mr. SMITH of Iowa, Mr. WALSH, Mr. WILSON, Mr. QUILLEN, Mr. BROOMFIELD, Mr. MYERS of Indiana, Mr. SANTORUM, Mr. SAXTON, Mr. GRADISON, Mr. BALLENGER, Mr. COBLE, Mr. PAXON, Mr. MCCRERY, Mr. DELAY, Mr. UPTON, Mr. SPENCE, Mr. LAGOMARSINO, Mr. ARMEY, Mrs. BENTLEY, Mr. BOEHNER, Mr. DREIER of California, Mr. EMERSON, Mr. GALLO, Mr. GILCHREST, Mr. GOODLING, Mr. GRANDY, Mr. GUNDERSON, Mr. GINGRICH, Mr. HANCOCK, Mr. HEFLEY, Mr. HOLLOWAY, Mr. HYDE, Mr. INHOFE, Mr. CAMP, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. PACKARD, Mr. RAMSTAD, Mr. RIGGS, Ms. SNOWE, Mr. SOLOMON, Mr. WELDON, Mr. ZELIFF, Mr. WEBER, Mr. MACHTLEY, Mr. BEVILL, Mr. DICKINSON, Mr. EDWARDS of Oklahoma, Mr. FRANKS of Connecticut, Mr. BURTON of Indiana, Mr. HOUGHTON, Mr. LOWERY of California, Mr. ROHRABACHER, Mr. MARTIN, and Mr. HOPKINS.

H.R. 5168: Mr. VANDER JAGT and Mr. WILSON.

H.R. 5170: Ms. HORN, Mr. EVANS, Mr. LANTOS, and Mr. HAYES of Illinois.

H.R. 5208: Mr. PANETTA.

H.R. 5325: Mr. KYL, Mr. GOODLING, Mr. BOEHLERT, and Mr. BOEHNER.

H.J. Res. 1: Mr. HAYES of Illinois, Mr. OWENS of New York, and Mr. ANDREWS of New Jersey.

H.J. Res. 271: Mr. FASCELL, Mr. ANDERSON, Mr. BRYANT, Mr. PARKER, Mr. RAHALL, and Mr. ROSE.

H.J. Res. 391: Mr. LEHMAN of California and Mr. MARTIN.

H.J. Res. 431: Mr. RINALDO, Mr. RANGEL, Mr. MORRISON, Mr. ANDREWS of Maine, Ms. SNOWE, Mr. GEREN of Texas, and Mr. PICKETT.

H.J. Res. 445: Mr. KOPETSKI.

H.J. Res. 453: Mr. HORTON, Mr. HEFNER, Mr. BENNETT, Mr. JONES of North Carolina, Mr. MCCLOSKEY, Mr. GORDON, Mr. MCMILLEN of Maryland, Mr. NEAL of Massachusetts, Mr. CLEMENT, Mr. ERDREICH, Mr. TOWNS, Mr. BLAZ, Mr. EMERSON, Mrs. PATTERSON, Mr. PRICE, Mr. COBLE, Mr. LAGOMARSINO, Mr. VENTO, Mr. GUARINI, Mr. JONES of Georgia, Mr. RANGEL, Mr. HUGHES, Mr. MARTINEZ, Mr. LIPINSKI, Mr. ALEXANDER, Mr. ENGEL, Mr. SKEEN, Mr. BLILEY, and Mr. SERRANO.

H.J. Res. 457: Mr. FOGLIETTA, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HUTTO, Mrs. LLOYD, Mr. PETERSON of Florida, Mr. RAY, Mr. SKELTON, Mr. STUDDS, Mr. CONYERS, Mr. BEVILL, Mr. GONZALEZ, Mr. JONES of Georgia, Mr. HAYES of Illinois, Mr. LANTOS, Mr. SARPALIUS, Mr. LEWIS of Florida, Mr. CALLAHAN, Mr. FIELDS, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of Texas, Mr. LIGHTFOOT, Mr. MCCANDLESS, Mr. SCHULZE, Mr. SHAW, Mr. WELDON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. ABERCROMBIE, Mr. BARNARD, Mr. BILBRAY, MR. BROWDER, Mrs. BYRON, Mr. DELLUMS, Mr. HALL of Texas, and Mr. TANNER.

H.J. Res. 475: Mr. KOPETSKI and Mr. DEFAZIO.

H.J. Res. 483: Mr. HUGHES.

H.J. Res. 488: Mr. ROTH, Mr. TOWNS, Mr. SKEEN, Mr. HORTON, Mr. ERDREICH, Mr. DARDEN, Mr. BLILEY, Mr. TALLON, Mrs. MINK, Mr. MCMILLEN of Maryland, Mr. BENNETT, Mr. GUARINI, Mr. DE LA GARZA, Mr. LIPINSKI, Mr. WALSH, Mr. FROST, Mr. JONES of Georgia, Mr. HAYES of Illinois, Mr. POSHARD, Mr. ORTON, Mr. EMERSON, Mr. QUILLEN, Mr. HUGHES, and Mr. JEFFERSON.

H.J. Res. 496: Mr. MCNULTY, Mr. WISE, Mr. OLVER, and Mr. KOPETSKI.

H. Con. Res. 92: Mr. LUKEN, Mr. ERDREICH, Mr. TORRES, Mr. HOPKINS, Mrs. LOWEY of New York, Mr. ANDREWS of New Jersey, Mr. MICHEL, Mr. DORGAN of North Dakota, and Mr. STARK.

H. Con. Res 180: Mr. CRAMER, Mr. NAGLE, and Mr. KLUG.

H. Con. Res. 296: Mr. JONES of Georgia, Mr. DORGAN of North Dakota, Mr. MOODY, Mr. BURTON of Indiana, Mr. BEILENSON, Mr. COBLE, Mr. MARLENEE, Mr. HUCKABY, Mr. WILLIAMS, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. SHARP, Mr. GILMAN, Mr. PRICE, Mr. WYDEN, Mr. PAYNE of Virginia, Mr. DWYER of New Jersey, and Mr. DOWNEY.

H. Res. 323: Mr. VENTO.

H. Res. 422: Mr. HUGHES, Mr. RANGEL, Mr. STALLINGS, Mr. BLACKWELL, Mr. LEVINE of California, Mr. FOGLIETTA, Mr. FRANKS of Connecticut, and Mrs. MORELLA.

EXTENSIONS OF REMARKS

KEY REPORT WITHHELD FROM UNITED NATIONS THAT DISPUTES ARGUMENTS FOR ANTI-SERBIA SANCTIONS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. MOODY. Mr. Speaker, press reports in the past few days have brought to light an extraordinary situation at the United Nations regarding the recently imposed sanctions by the Security Council against Yugoslavia over continued fighting in Bosnia and Hercegovina.

All parties acknowledge that the aim of the sanctions is to pressure the Yugoslav National Army [JNA] and officials of the Yugoslav and Serbian Governments in Belgrade. The resolution was based on assumptions regarding alleged control and influence over paramilitary and irregular Serbian forces in Bosnia by authorities in Belgrade.

It now appears, however, that a crucial report by no less than Secretary General Boutros Boutros-Ghali himself not only refutes and contradicts those fundamental assumptions but also was kept from Security Council members until after the sanctions vote was taken on May 30.

Mr. Speaker, the Secretary General's report goes beyond dispelling the notion of Belgrade's control over Bosnian Serb fighters in Bosnia and Hercegovina, to point out that Croatia still has its own troops inside Bosnia participating in that republic's civil war in contravention of U.N. directives and public claims by officials in Zagreb.

The tragedy of Yugoslavia is that much of the bloodshed in Bosnia today might have been prevented had U.N. peacekeeping forces been put in place before the outbreak of intercommunal hostilities. Our policies toward Yugoslavia have been reactive. We act after the fact. And the overly simplistic view that all the fault lies with Serbian officials in Belgrade simply ignores reality. The sanctions policy continues that disastrous course. The United Nations, the European Community and our State Department are determined to slam the door of a barn whose horses have already escaped and which has already burned to the ground.

I urge my colleagues, particularly those who bash Serbia with a relentless "don't bother me with the facts" approach, to carefully read the report submitted by U.N. Secretary General Boutros-Ghali. I also redirect your attention to the comments I made on Monday, June 1, as I placed the statement of the Bishops of the Serbian Orthodox Church in the CONGRESSIONAL RECORD.

These two statements are essential to understanding that neither Serbia, nor Croatia, nor the Muslim Slavs of Bosnia and Hercegovina are without responsibility in the current state of affairs in Yugoslavia. None of these communities arguments are wholly culpable or wholly innocent.

Mr. Speaker, the sanctions placed against Yugoslavia are misplaced and will not produce peace in Bosnia and Hercegovina. And worse, simplistic misreading of the complex players and concerns of the various communities in this conflict will only benefit continued chaos, punish innocent citizens and strengthen the hands of extremists in all communities. The current approach confuses the Milosevic regime in Belgrade with the people of Serbia and the Serbian minorities in other republics.

I am including, for the RECORD, the Secretary General's report and an Associated Press report regarding its being withheld from Security Council members during their deliberations on sanctions.

REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 4 OF SECURITY COUNCIL RESOLUTION 752 (1992)

INTRODUCTION

1. The present report is submitted to the Security Council pursuant to paragraph 4 of Security Council resolution 752 (1992), in which the Council demanded that all units of the Yugoslav People's Army (JNA) and elements of the Croatian Army now in Bosnia and Herzegovina must either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring; and requested the Secretary-General to consider without delay what international assistance could be provided in this connection.

I. BACKGROUND

2. On 26 April 1992, President Izetbegovic of Bosnia and Herzegovina met at Skopje with General Blagoje Adzic, Chief of Staff of JNA and Acting Federal Secretary for Defense, and Mr. Branko Kostic, Vice-President of the Federal Presidency in Belgrade, to define the role of JNA in Bosnia and Herzegovina and its eventual withdrawal. This meeting did not produce a definitive agreement and the Belgrade authorities on 4 May announced their decision to withdraw from Bosnia and Herzegovina by 18 May all JNA personnel who were not citizens of that Republic. On 13 May, Vice-President Kostic proposed to President Izetbegovic that the talks be resumed with the participation of representatives of the Bosnia Serb and Croat Communities. On the same day, authorities of the so-called "Serbian Republic of Bosnia and Herzegovina" announced their decision to form their own army, which would be composed of units of the former JNA based in Bosnia and Herzegovina, and appointed General Ratko Mladic as Commander of that army.

3. On 17 May, I received a letter from Admiral Milosav Simic, Chief of General Staff of JNA, requesting assistance in the safe withdraw of JNA troops from Bosnia and Herzogvina and particularly from Sarajovo, Pazaric and Zenica. The letter referred, inter alia, to an agreement signed on 10 May 1992 at the premises of the United Nations Protection Force in Yugoslavia (UNPROFOR) at Sarajevo by representatives of the Presidency of Bosnia and Herzegovina, JNA, the European Community Monitoring Mission and the personal envoy of Lord Carrington, Mr. Colm Doyle. On 21 May, Vice-President Kostic again wrote to ask me to request President Izetbegovic to order the deblocking of the JNA garrisons at Sarajevo. On 25 May 1992, I received a letter from President Izetbegovic in which, inter alia, he requested that UNPROFOR should supervise the withdrawal of part of the JNA personnel and weapons, in accordance with the agreement of 10 May 1992.

4. I have sought, through UNPROFOR, information about the present status of JNA units and personnel in Bosnia and Herzegovina. Given the considerable restrictions on UNPROFOR freedom of movement in Sarajevo and elsewhere in the Republic, and the consequent lack of an independent information-gathering capacity, it has not been possible to obtain completely authenticated information, but the situation seems to be as described in the following two paragraphs.

5. The bulk of the JNA personnel who were deployed in Bosnia and Herzegovina were citizens of that Republic and were not therefore covered by the Belgrade authorities' decision of 4 May to withdraw JNA from Bosnia and Herzegovina. Most of them appear to have joined the army of the so-called "Serbian Republic of Bosnia and Herzegovina". Others have joined the Territorial Defence of Bosnia and Herzegovina, which is under the political control of the Presidency of that Republic. Others may have joined various irregular forces operating there.

6. Those who are not citizens of Bosnia and Herzegovina are said by the Belgrade authorities to number barely 20 per cent of the total. Most of these are believed to have withdrawn already into Serbia or Montenegro, some of them having been subjected to attack during their withdrawal. Others however remain at various garrisons in Bosnia and Herzegovina, especially in Serb-controlled areas, including two installations on the outskirts of Sarajevo. A further category consists of personnel who have been blockaded in their barracks by the Territorial Defence of Bosnia and Herzegovina or hostile irregular forces. These are now mostly in the Sarajevo area, where the latest developments have been as follows:

(a) Some 600 to 1,000 soldiers are blocked in the Marshal Tito Barracks at Sarajevo, with nearly 200 vehicles. Negotiations on the evacuation of these barracks continued until 27 May 1992, when they broke down following a mortar attack which killed some 16 civilians in central Sarajevo. On 30 May 1992, the barracks came under attack from rocket-propelled grenades and flame-throwers fired by the Territorial Defence of Bosnia and Herzegovina;

(b) Several hundred JNA personnel from Jusuf Dzonlic Barracks, a logistic base at Sarajevo, and Victor Bubanja Barracks were in the process of withdrawing from Sarajevo during the night of 27/28 May 1992. The convoy, which was being accompanied by

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

UNPROFOR, was attacked by Serb irregulars opposed to the terms of their withdrawal and by units of the Territorial Defence of Bosnia and Herzegovina, and lost its way. Some elements became separated from the rest; 30 JNA vehicles and their drivers went missing and at least 1 soldier was killed;

(c) Several hundred JNA cadets, mainly between 14 and 17 years of age, who were blockaded in Pasaric, some 15 kilometers south of Sarajevo, were evacuated on 29 May.

7. It will be apparent from the foregoing that the issue of the deblocking and safe withdrawal of the remaining JNA troops from their barracks at Bosnia and Herzegovina has become linked to other problems which have caused continuing conflict in that Republic and has in particular been complicated by problems relating to the withdrawal of heavy weapons from these barracks and from Bosnia and Herzegovina. UNPROFOR has received indications that the JNA leadership in Belgrade is willing to leave the bulk of its weapons behind upon withdrawal, but the leadership of the army of the "Serbian Republic of Bosnia and Herzegovina" is unwilling to permit this.

8. Uncertainly about who exercises political control over the Serb forces in Bosnia and Herzegovina has further complicated the situation. The Bosnia and Herzegovina has further complicated the situation. The Bosnia and Herzegovina Presidency had initially been reluctant to engage in talks on these and other issues with the leadership of the "Serbian Republic of Bosnia and Herzegovina" and insisted upon direct talks with the Belgrade authorities instead. A senior JNA representative from Belgrade, General Wedeljko Boskovic, has conducted discussions with the Bosnia and Herzegovina presidency, but it has become clear that his word is not binding on the commander of the army of the "Serbian Republic of Bosnia and Herzegovina", General Mladic. Indeed, as indicated in paragraph 5(b) above, Serb irregulars attacked a JNA convoy withdrawing from a barracks at Sarajevo on 28 May under arrangements negotiated by General Boskovic. It also appears that the heavy shelling of Sarajevo on the night of 28/29 May took place on the orders of General Mladic in direct contravention of instructions issued by General Boskovic and the JNA leadership in Belgrade.

9. Given the doubts that now exist about the ability of the authorities in Belgrade to influence General Mladic, who has left JNA, efforts have been made by UNPROFOR to appeal to him directly as well as through the political leadership of the "Serbian Republic of Bosnia and Herzegovina". As a result of these efforts General Mladic agreed on 30 May 1992 to stop the bombardment of Sarajevo. While (it is my hope that the emergence of General Mladic and the forces under his command as independent actors apparently beyond the control of JRA greatly complicates the issues raised in paragraph 4 of Security Council resolution 752 (1992). President Izetbegovic has recently indicated to senior UNPROFOR officers at Sarajevo his willingness to deal with General Mladic (but not with the political leadership of the "Serbian Republic of Bosnia and Herzegovina".

10. As regards the withdrawal of elements to the Croatian Army now in Bosnia and Hersegovina, information currently available in New York suggests that no such withdrawal has occurred. UNPROFOR has received reliable reports of Croatian Army personnel, in uniform, operating within, and as part of, military formations in Bosnia and Herzegovina. The Croatian authorities have consistently taken the position that the Croatian soldiers in Bosnia and Herzegovina have left the Croatian Army and are not subject to its authority. International observers do not, however, doubt that portions of Bosnia and Herzegovina are under the control of Croatian military units, whether belonging to the local Territorial Defence, to paramilitary groups or to the Croatian Army. It is unclear in the circumstances how their withdrawal or disbandment, as required by the Council, can be achieved.

II. POSSIBLE INTERNATIONAL ASSISTANCE

11. Resolution 752 (1992) describes three possible alternatives for units of JNA and elements of the Croatian Army which are now in Bosnia and Herzegovina. They could either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring.

12. International assistance could play a role in implementing each of these alternatives. However, the provision of such assistance would presuppose that the necessary agreements had been concluded and that they would be respected by all parties, especially of course the commanders of the units and elements concerned. Such agreements would need to specify clearly exactly which military personnel were deemed to be "units of JNA" or "elements of the Croatian Army". This could present difficulties, given both the Croatian position mentioned above and, especially, the Belgrade authorities' position that their decision to withdraw JNA personnel from Bosnia and Herzegovina does not relate to JNA personnel who are citizens of that Republic and over whom Belgrade no longer exercises constitutional authority. Those providing international assistance would also need to be given details, accepted by the principal parties, of the numbers, locations and armament of all troops to which the agreements applied.

13. The anomalous position of General Mladic and the forces under his command, who are subject neither to the authority of Belgrade nor to that of the Government of Bosnia and Herzegovina, will also need to be clarified in relation to any agreement. It is considered unrealistic to expect that the "Army of the Serbian Republic of Bosnia and Herzegovina" would be willing to place itself under the authority of the Government of Bosnia and Herzegovina. Agreement would instead need to be sought on the disarming and disbandment of this "Army", though this is likely to be feasible only in the context of an overall political agreement on constitutional arrangements for Bosnia and Herzegovina.

14. Provided that the necessary agreements were in place, international assistance could take various forms. It could, for instance, consist of monitoring and verifying implementation of such agreements as have been achieved. International military personnel could also be deployed to help build confidence as the troops concerned were assembled and then moved out of Bosnia and Herzegovina or to the locations where they would pass under the Government's authority or be disbanded. This sort of assistance has been provided by United Nations military observers in a number of recent peacekeeping operations. In has, however, to be repeated that recent experience has indicated that less respect is shown for such an international presence in former Yugoslavia than in other situations where international observers have recently played a role.

15. In the case of the third option, disbanding and disarming, international assistance could extend beyond monitoring and verification. It would include a role in ensuring the security of the arms laid down by the disbanded units or elements, e.g., through a double lock system, with one lock being controlled by the Government of Bosnia and Herzegovina (which would, of course, have to be agreed by all the parties) and the other by the international organization concerned. Although it is not specifically mentioned in resolution 752 (1992), another possibility would be for international troops to undertake the immobilization and/or destruction of some or all of the weapons of the disbanded units or elements.

III. OBSERVATIONS

16. The above is a brief survey of how international assistance could be provided to the various processes envisaged in paragraph 4 of resolution 752 (1992). It assumes that those processes would be agreed voluntarily by those in political and operational control of the troops concerned and that the latter would carry out the orders they received. Otherwise, it is difficult to see how the solutions demanded by the Security Council could be achieved.

17. the Security Council's decision today to impose sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) creates a new situation. It is not yet clear what implications this will have for the issues discussed in this report. But it is to be hoped that this manifestation of the international community's determination to end the fighting in Bosnia and Herzegovina will make it easier to negotiate the necessary agreements.

SECURITY COUNCIL RETHINKS HARSH ANTI-SERB MEASURES

(By Peter James Spielmann)

UNITED NATIONS.—An hour after the Security Council clamped sanctions on Serbia over the weekend, it received a report maintaining that Belgrade doesn't control the main Serb militia fighting in Bosnia-Herzegovina.

The report by U.N. Secretary-General Boutros Boutros-Ghali and his chief peacekeeper, Marrack Goulding, also said Croatian soldiers are involved in the fighting in Bosnia.

Security Council ambassadors are wondering now whether they are too tough on Serbia.

On Saturday, the council voted 13-0, with China and Zimbabwe abstaining, to clamp an oil embargo, trade sanctions and sports sanctions on Serbia and Montenegro, the republics remaining in Yugoslavia.

A Western diplomat said Wednesday that if council members had seen Boutros-Ghali's report before the vote, the resolution would have barely squeaked through, with perhaps 10 votes. Nine are needed for adoption.

More countries would have abstained, and it is possible that India or Zimbabwe might have voted against it, he said, speaking on condition of anonymity.

The report, made public Wednesday, says key Serb-led militia in Sarajevo, Bosnia's capital, is apparently no longer controlled by Belgrade or the Yugoslav army. The militia is under the command of Lt.-Gen. Ratko Mladic.

"We have now got a serious problem," said Zimbabwe's ambassador, S.S. Mumbengegwi. "The secretary-general has come out with a very clear report that Belgrade is no longer about to control the Serbs in Bosnia-Herzegovina.

"So what are the sanctions going to achieve? The whole purposes of the sanctions was to get Belgrade to issue instructions to the Serbs in Bosnia-Herzegovina to stop fighting," he said.

Most ambassadors still blame Serbia and the Bosnian Serb militias for most of the fighting in Bosnia. But they are having second thoughts over the one-sidedness of the sanctions.

"We certainly would have preferred to have had that information before discussing the draft resolution," said French Ambassador Jean-Bernard Merimee. "But the resolution has been voted on. In response we have to stick to it." Alluding to Croatia's role in Bosnia, Merimee said, "If it is proven fact, in the future, that Croatia refuses to abide by what has been requested from all the parties . . . at that time the council will perhaps meet again . . . to contemplate sanctions against the offender."

The council's president, Belgian Ambassador Paul Noterdaeme, would not comment on whether Croatia might face sanctions. But he rejected the contention that Serbia was not responsible for bloodletting in Bosnia.

"They can not let loose all these elements and all these soldiers and then say they are washing their hands that is not correct," Noterdaeme said.

Council ambassadors questioned the timing of the release of the report, Noterdaeme said. But he said the late distribution was the result of a technical delay.

Serbian reporters at the United Nations were more skeptical, asserting the delay was a deliberate maneuver to maintain anti-Serb solidarity until after the vote.

Boutros-Ghali is due to issue another report on Yugoslavia by June 15, and several Western diplomats said Croatia will be risking trouble if it has not withdrawn forces from Bosnia by then.

TRIBUTE TO GERALD L. McKINSEY

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. CONDIT. Mr. Speaker, I rise today to honor Modesto chief of police Gerald L. McKinsey who will retire later this month after serving 37 distinguished years in local law enforcement.

Gerald McKinsey is a product of the local public school system in central California. He graduated from Ceres High School and Modesto Junior College. While working on his dairy ranch in 1954, he heard a radio ad that the Stanislaus County sheriff's office was accepting applications for deputy sheriff. He applied for a position and in January 1955, Mr. McKinsey became a deputy sheriff for Stanislaus County. In 1958, Mr. McKinsey was promoted to sergeant, and served in the patrol and administrative divisions of the sheriff's department. As the department's first administrative sergeant, Mr. McKinsey initiated the sheriff's air squadron and the county jail's work furlough program.

In 1963, Gerald McKinsey joined the Modesto City Police Department as the captain of the patrol division. In 1969, he transferred to the administrative division of the department. In 1975, he was promoted to assistant chief of police, and in 1976, Gerald McKinsey was made Modesto chief of police where he has served for the last 16 years.

Under his watch, Chief McKinsey initiated a number of important programs in the Modesto Police Department. These include the special investigations detail; community service officers; crime prevention unit/neighborhood watch; community and problem-oriented policing; drug abuse resistance education [DARE]; gang intervention education; school police officers; K-9 unit; equestrian unit; special emergency reaction team; crime analysis unit; gang violence suppression unit; tactical police/street gangs unit; pawn shop detail; identification unit.

Chief McKinsey has been a leader in local law enforcement groups including the Regional Justice Training Committee where he has served as chair; the Stanislaus Drug Enforcement Agency where he served as the operations manager; and the Stanislaus County Chiefs', Sheriff's and District Attorney's Association where he is a past president.

Chief Gerald McKinsey displays the highest standards of integrity, honesty, and dedication both to his department and the community it serves. Under his direction, the Modesto Police Department has accomplished a major transition from a small city police department to a law enforcement agency serving the safety needs of the 18th largest city in the State of California. We thank him for his great leadership for nearly four decades in our community.

PEACETIME REGISTRATION STILL IMPORTANT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. SOLOMON. Mr. Speaker, as we reauthorize our National Defense Program I wish to mention a seldom noticed but important National Security Program; Selective Service/Peacetime Registration.

There are important reasons why the Congress should continue to support the Peacetime Selective Registration Program of the Selective Service. To begin with, the President, the DOD and the congressional authorizing committee support the program.

An adequate armed strength must be maintained to insure the security of this Nation. This strength is best accomplished through maintaining a strong Active and Reserve Force which in time of emergency can be augmented by the Selective Service System.

The Selective Service System is an integral part of our national defense in the event of a national emergency.

Peacetime registration improves military readiness by ensuring that the force size is rapidly expandable. The international environment is rapidly changing, the threads of Eastern Europe have frayed and it is essential that our Armed Forces not only act as a deterrent but also have the ability to respond quickly in the event of a mobilization.

The reduced threat of a large scale conventional conflict in Europe does not negate the importance of this program. We reinstated the draft for Korea and Vietnam.

After careful evaluation it is clearly apparent that it is not only cost effective to maintain a selective service but imperative for national security. Selective Service is developing stand by procedures to deliver personnel for critical skill vacancies, such as health care professionals. The bottom line is that peacetime registration is an inexpensive insurance policy which will allow us to augment military units in an emergency well after the downsizing of our Active and Reserve is complete.

THE ANTI-NATIONAL HEALTH INSURANCE ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. DREIER of California. Mr. Speaker, there is one thing that Members on both sides of the aisle can agree on: That our health care system is in need of serious reform. We agree that health care costs are rising out of control, and that a growing number of Americans have no health insurance at all. However, we disagree on the appropriate cure for this national malady.

Despite the claims from some of my colleagues that the Government can run our health care system better and cheaper than the private sector, I remain doubtful. As many health care experts have pointed out, Government-run health care would combine the efficiency of the Postal Service with the compassion of the IRS.

I believe that a nationalized health care program is not the best answer. The problems Canada and England are facing with nationalized health care should warn us of the difficulties of such an approach. High taxes, rationing of care, and a lack of high-technology equipment characterize the Canadian and British systems.

Proposals for a play or pay health care program are equally inadequate, as it would lead to a de facto Government program. Most large businesses would find it easier to pay the 7- to 8-percent tax to let the Government provide health benefits, and small businesses that could not afford either health insurance or the tax would be driven out of business.

Mr. Speaker, because I share the dissatisfaction that many of my colleagues feel about these simplistic, yet dangerous approaches to our health care problems, today I am introducing H.R. 5335, the "Anti-National Health Insurance Act." It uses market mechanisms and tax incentives to increase access to health care and lower the cost.

Specifically, the bill creates tax-exempt health care spending accounts for employees and their families to use on health care costs. This is modeled after existing flexible spending accounts, with one major difference. To discourage overconsumption of health care services, employees will be able to keep any unspent funds at the end of the year to use for any purpose, whether to buy a car, make a down-payment on a house, or put the money into a savings or IRA.

For those employees who prefer standard health insurance, H.R. 5335 seeks to encourage the use of lower-cost health plans, particularly managed care plans. It does so by limiting the tax exemption for employer-provided benefits to the cost of the most inexpensive plan available. Employers may continue to offer more expensive plans, but the government would no longer subsidize costly insurance coverage through an unlimited tax exemption.

In addition, H.R. 5335 provides tax credits and deductions to low- and moderate-income individuals to use to purchase health insurance. This provision is modeled after the President's comprehensive health reform proposal.

For the self-employed, the bill increases the current 25-percent deduction for health care costs to 100 percent. It is the height of hypocrisy that large corporations can deduct 100 percent of their health benefit expenses, yet small mom and pop operations must bear nearly the full brunt of these costs.

Finally, to address skyrocketing medical malpractice costs, the bill caps noneconomic damages at $250,000. It also pre-empts costly State mandates for health insurance. Nearly 1,000 State mandates may be responsible for up to 30 percent of health insurance costs.

Mr. Speaker, the stark truth is that the free market has not worked with health care because it has not been allowed to work. First, most patients lack the necessary expertise to make informed decisions about their health care purchases.

Second, because current tax exemptions encourage employers to subsidize a range of health plans, from expensive fee-for-service plans to cost-saving HMO's, employees have no incentive to purchase only the most cost-effective health insurance.

Third, our third-party payer system is a disincentive to smart shopping. Because insurance pays for most major health care purchases, patients are less likely to base their purchasing decisions on quality and price.

H.R. 5335 gives patients access to information and allows for consumer choice. At the same time, it expands access to health care and lowers costs. This is a comprehensive solution to the deepening crisis in health care.

Unlike some of the other bills now pending before Congress, my bill does not throw the baby out with the bathwater. It builds upon the strengths of our health care system—undeniably the most technologically advanced in the world—and expands access and lower costs. I urge my colleagues to join me in supporting this important legislation.

"DEMOCRACY" IN CROATIA

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mrs. BENTLEY. Mr. Speaker, with the situation in Bosnia-Hercegovina dominating the news, less attention has been focused on the human rights situation in the Republic of Croatia. However, unfortunately, the human rights problems in Croatia have not gone away.

In addition, a recent report by U.N. Secretary General Boutros Boutros-Ghali has pointed the finger at Zagreb regarding Croatian government orchestration of fighting in Croatia. The report reads in part:

> As regards the withdrawal of elements of the Croatian now in Bosnia and Hercegovina, information currently available in New York suggests that no withdrawal has occurred. UNPROFOR has received reliable reports of Croatian Army personnel, in uniform, operating within, and as parts of, military formations in Bosnia and Hercegovina. The Croatian authorities have consistently taken the position that the Croatian soldiers in Bosnia and Hercegovina have left the Croatian Army and are not subject to its authority. International observers do not, however, doubt that portions of Bosnia and Hercegovina are under the control of Croatian military units, whether belonging to the local Territorial Defense, to paramilitary groups or to the Croatian Army.

Mr. Speaker, this is not the only deception that is being orchestrated by Mr. Tudjman. An article in today's Washington Post, does an excellent job of illustrating another deception that Mr. Tudjman has perpetrated on the world. This is the deception of a democratic Croatia. I submit the following article for the RECORD:

[From the Washington Post, June 5, 1992]

HEARD THE ONE ABOUT FRANJO TUDJMAN?

(By Peter Maass)

ZAGREB, CROATIA.—Poking fun at Croatian President Franjo Tudjman is no laughing matter.

Just ask Viktor Ivancic. In a satirical weekly he edits. Ivancic made a tongue-in-cheek link between Tudjman, Adolf Hitler and Joseph Stalin. A few days later, Ivancic and his colleagues were notified by the state prosecutor's office that they were being investigated for breaking a communist-era law that forbids the "spreading of false information" damaging to the nation.

They are in the same boat with Tanja Torbarina, a popular satirist who made the mistake of jokingly comparing Tudjman to an "illegal squatter" in political office. Her editor at Globus magazine, Denis Kuljis, who faces the "false information" charge in a separate incident, says he can't believe what's happening to his star columnist. "It's like prosecuting Art Buchwald," he said.

The parodies were designed to highlight what many here view as Tudjman's authoritarian tendencies, and they have certainly done that, although in a far more personal way than the journalists had expected. The human-rights group Helsinki Watch has sent Tudjman a blistering four-page protest letter that accuses his regime of trying to silence anti-government journalists and politicians.

The May 22 letter charged that "members of the Croatian government have consistently tried to ostracize independent journalists, political figures and others by equating their criticism . . . to being traitorous to the nation or supportive" of neighboring Serbia, Croatia's arch-enemy since the breakup last year of the old six-republic Yugoslav federation.

Tudjman, a former general in the Yugoslav army for whom charm and patience are not strong suits, seems to have shot himself in the foot at a moment when everything appeared to be going his way. Last week, Croatia was admitted to the United Nations. A few days later, the U.N. Security Council imposed tough sanctions on the new Serb-controlled Yugoslav state as punishment for its aggression in former Yugoslav lands. Both events seemed to help Tudjman's effort to quicken the U.N.-enforced disarmament of Serb militia units that occupy a third of Croatia.

Serbia has tried to capitalize on Tudjman's insistent nationalism by accusing his government of being a fascist reincarnation of Croatia's pro-Nazi World War II regime. The charges are exaggerated, but even the United Nations has accused Croatian military forces of serious human rights abuses.

Here in Zagreb, the Croatian capital, diplomats express concern that Tudjman may be trying to turn state-run television into a one-sided propaganda tool—much as Serbian President Slobodan Milosevic has done in Belgrade. Also worrisome, they say, are some of the president's oddly imperial habits, such as his penchant for wearing a regal-looking sash. For his recent trip to the United Nations in New York, they noted, the president of a financially strapped country of 4.7 million flew in an expensive private jet rather than on a commercial flight.

Tudjman's latest image problem began a month ago when he named Vladimir Seks, a right-wing leader of the ruling Croatian Democratic Union, as the country's chief prosecutor. In one of the ironies that Europe is full of these days, Seks is an anti-communist dissident turned nationalist, who founded the Croatian chapter of Helsinki Watch and who now is being criticized by it.

In an interview, Seks declared that satirist Torbarina aimed to "destroy the president's authority" and "depict him as a criminal" when she mockingly suggested that Tudjman is an illegal squatter in the luxurious villa of the late Yugoslav leader Marshal Tito. "Intolerable," Seks said. After being charged, Torbarina promptly wrote a column in which she offered to provide Tudjman with office space in her house.

Ivancic, Torbarina and the others are charged under an infamous law known as Article 197, which carries a five-year jail term. This is not Ivancic's first scrape with Article 197; Yugoslavia's communist government used it against him twice. The new crackdown is viewed by diplomats and politicians here as an attempt to discourage criticism of Tudjman in advance of presidential and parliamentary elections that may be held next month.

But human rights activists here say that the government crackdown extends well beyond journalistic criticism. A leading Serb politician in Croatia, Milorad Pupovac, is being investigated under Article 197 after he said that children in the republic who were raised in the Serbian Orthodox Church were being forcibly converted to Catholicism. And early last month, Zagreb police prevented a group of well-known left-wing politicians from holding a founding convention for a new party.

What unsettles many observers here is that Tudjman's government may not fully understand some of the ground rules of democracy. Seks, for example, says he sees nothing wrong with Article 197, which Helsinki Watch wants repealed because it "criminalizes speech."

Seks, who dismissed the Helsinki Watch letter as unfounded, contends that Article 197 does not intimidate journalists. But clearly, he said, they cannot compare Tudjman to Hitler or Stalin.

How about Lenin? he was asked.

"I'm not sure," he said.

MIAMI INSTITUTE OF PSYCHOLOGY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the Miami Institute of Psychology, a division of the Caribbean Center for Advanced Studies, and their innovative approach to mental health services and education. The Caribbean Center and the Miami Institute of Psychology are dedicated to providing services and education in a way that accepts different behaviors based on the social, spiritual, and cultural differences of the people they serve. With the leadership of Dr. Salvador Santiago-Negron, president of the Caribbean Center of Advanced Studies, Dr. Evelyn Diaz and Theresa Abizu-Diaz of the Miami Institute, the center trained 20 percent of the Hispanic clinical psychologists who graduated in the United States between 1980 and 1990.

The Caribbean Center for Advanced Studies originated in 1966 when the Puerto Rico Institute of Psychology was founded, as the first mental health educational institution on the island. The few mental health professionals in Puerto Rico at that time had been trained off the island.

These professionals created the Puerto Rico Institute of Psychology to develop and teach theories and practical methods of mental health treatment which take into account the whole human being as a member of a cultural and spiritual community.

The Miami Institute of Psychology was established in 1980 to serve the need in the continental United States for graduate psychology programs sensitive to cultural issues. The institute and the Caribbean Center for Advanced Studies are based on the principle that education and scientific and professional efforts should benefit the individual as a member of his own culture, and should promote cooperation among all peoples, cultures, and organizations that make up the community.

As part of its service to the community of Miami, the Miami Institute of Psychology operates the Goodman Psychological Services Center. Under the direction of Dr. Cristina Rivera and Dr. Gladys Lorenzo, the Goodman Center provides mental health services to indigent people and to the criminal justice system, as well as offering services on a sliding fee scale based on the patient's ability to pay.

Mr. Speaker, I am proud to commend the Caribbean Center for Advanced Studies and the Miami Institute of Psychology for their efforts to understand each of us on our own terms and for trying to help us work together to create a better society for all mankind.

TRIBUTE TO MS. SARAH CARR

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. HOLLOWAY. Mr. Speaker, I rise today with the greatest pride to pay tribute to Ms. Sarah Carr, my constituent, a young lady who has done an outstanding job as a congressional page, during this, the 102d Congress. Sarah Carr has demonstrated during her tenure as a page to be an industrious young lady, anxious and able to serve Members of Congress. Mr. Speaker, Sarah Carr is a young woman of skill, ability and character. She is a credit to her parents, her family, her community and her State. She will no doubt be among our leaders of tomorrow. I am proud to salute her today and to wish her the best of luck.

TRIBUTE TO TIM STANLEY AND CHANNEL 21

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. TRAFICANT. Mr. Speaker, I step forward proudly to pay tribute to Tim Stanley and channel 21.

Annually, channel 21 participates in the American Heart Association's benefit for research and awareness. There is much to be said for the efforts of this station. It is true that channel 21 serves the 17th Congressional District and its surroundings everyday with pleasant and unpleasant stories. This story, however, is the best of them all. The station's public service announcements not only improves the awareness of the American Heart Association's plight to find treatments and cures for cardiovascular problems of children and adults, but also encourage participation in the AHA's campaign.

Mr. Speaker, I would also like to compliment the efforts of Mr. Tim Stanley of channel 21, the producer of the PSA's for the AHA. His dedication to the cause is nothing less than inspirational.

Mr. Speaker, again I offer my compliments to the activities of Tim Stanley and channel 21 in cooperation with the American Heart Association.

CONGRESSMAN KILDEE HONORS ILLUSTRIOUS POTENTATE THEODORE WARE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to Theodore Frederick Ware, the illustrious potentate of Oman Temple No. 72.

Theodore Ware has spent his entire life trying to improve the lives of others. His generosity and kind spirit have earned him the respect of his colleagues in the Flint community schools as well as his fellow lodge members. His amazing ability to plan, prioritize and implement activities, coupled with his dynamic personality, has earned him the recognition of being one of Flint's most effective leaders.

Theodore Ware graduated from Savannah State College in 1961 with a bachelor of science degree in science education. Mr. Ware's continued commitment to personal excellence compelled him to continue his education at Albany State College, Tuskegee Institute, East Texas State University, and North Carolina A&T University. In 1983, Theodore Ware graduated from Eastern Michigan University with a master of arts degree in educational leadership.

Theodore Ware has a strong personal commitment to the positive development of our Nation's youth. In fact, his entire professional life has been spent pursuing this goal. Upon graduation from college in 1961, Theodore Ware was hired by the Burke County Board of Education in Waynesboro, GA. In 1962, Mr. Ware accepted a position with the Telfair County Board of Education in McRae, GA.

In 1963, Mr. Ware was hired by the Russell County, AL, Board of Education. He worked as a teacher of math, health, and music in Phoenix City, AL, until 1968 when he left to become the associate district executive for the Boy Scouts of America in New Brunswick, NJ. Theodore Ware worked for the Boy Scouts for the next 3 years and was selected district executive in 1970. In 1971, Mr. Ware moved to my hometown of Flint, MI, to work for the General Motors Institute as a marketing and sales instructor. He worked for GMI until 1974 when he left to become a math and science teacher for Flint community schools.

In the many offices he has held while a member of Oman Temple No. 72, culminating with his election to illustrious potentate, Theodore Ware has worked tirelessly toward the improvement of our community. He is involved in a number of organizations including: The Urban League of Flint, Impact Northwest, Genesee County Democratic Party, Michigan Education Association, National Education Association, United Teachers of Flint, Michigan Mathematics Teachers Association, National Association for the Advancement of Colored People, First Trinity Baptist Church, John W. Stevenson Lodge No. 56 F&AM, Flint Chapter No. 17 H.R.A.M.–P.H.P., Omega Council No. 30 R.S.M. and the Tri-Cities Commandry Knights Templar.

Mr. Speaker, I ask you and my fellow Members of Congress to join me in honoring the Illustrious potentate, Mr. Theodore Ware. His commitment to making this Nation a better place to live will inspire many for years to come.

BEWARE OF FALSE GODS IN RIO

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. DUNCAN. Mr. Speaker, the more we learn about global warming, the more we realize that it either does not exist or that what little warming there is probably is beneficial to mankind.

Because the threat of global warming is the main concern of the so-called Earth summit in Rio, I would like to call the attention of my colleagues to an editorial and an article from the June 2 edition of the Wall Street Journal.

BEWARE OF FALSE GODS IN RIO

(Forty-six prominent scientists and intellectuals in the U.S., including 27 Nobel Prize winners, have joined 218 scientists in other countries in an appeal to the heads of state attending the Earth summit in Rio this week. They call their petition the Heidelberg Appeal, after a conference held in Heidelberg, Germany, in April on hazardous substance use.

(The full text is below, followed by the names of the U.S. signers.)

The undersigned members of the international scientific and intellectual community share the objectives of the "Earth Summit," to be held at Rio de Janeiro under the auspices of the United Nations, and support the principles of the following declaration.

We want to make our full contribution to the preservation of our common heritage, the Earth.

We are however worried, at the dawn of the twenty-first century, at the emergence of an irrational ideology which is opposed to scientific and industrial progress and impedes economic and social development.

We contend that a Natural State, sometimes idealized by movements with a tendency to look toward the past, does not exist and has probably never existed since man's first appearance in the biosphere, insofar as humanity has always progressed by increasingly harnessing Nature to its needs and not the reverse.

We fully subscribe to the objectives of a scientific ecology for a universe whose resources must be taken stock of, monitored and preserved.

But we herewith demand that this stocktaking, monitoring and presevation be founded on scientific criteria and not on irrational preconceptions.

We stress that many essential human activities are carried out either by manipulating hazardous substances or in their proximity, and that progress and development have always involved increasing control over hostile forces, to the benefit of mankind.

We therefore consider that scientific ecology is no more than an extension of this continual progress toward the improved life of future generations.

We intend to assert science's responsibility and duties toward society as a whole.

We do however forewarn the authorities in charge of our planet's destiny against decisions which are supported by psuedo-scientific arguments or false and non-relevant data.

We draw everybody's attention to the absolute necessity of helping poor countries attain a level of sustainable development which matches that of the rest of the planet, protecting them from troubles and dangers stemming from developed nations, and avoiding their entanglement in a web of unrealistic obligations which would compromise both their independence and their dignity.

The greatest evils which stalk our Earth are ignorance and oppression, and not Science, Technology and Industry whose instruments, when adequately managed, are indispensable tools of a future shaped by Humanity, by itself and for itself, overcoming major problems like overpopulation, starvation and worldwide diseases.

Bruce N. Ames, director, National Institute of Environmental Health Sciences Center, Berkeley;

Philip W. Anderson, Nobel (Physics), department of physics, Princeton;

Christian B. Anfinsen, Nobel (Chemistry), biologist, Johns Hopkins;

Julius Axelrod, Nobel (Medicine), Laboratory of Cell Biology, National Institute of Mental Health;

Samuel H. Barondes, Langley Porter Psychiatric Institute;

Baruj Benacerraf, Nobel (Medicine), National Medal of Science, Dana-Farber Inc.;

Hans Albrecht Bethe, Nobel (Physics), Newman Laboratory of Nuclear Studies, Cornell;

Nicolaas Bloembergen, Nobel (Physics), Harvard;

Thomas R. Cech, Nobel (Chemistry), University of Colorado;

Stanley Cohen, Nobel (Medicine), professor of biochemistry, Vanderbilt;

Morton Corn, director of Environmental Health Engineering, Johns Hopkins;

Erminio Costa, director, Fidia-Georgetown Institute for Neurosciences, Georgetown Medical School;

Gerard Debreu, Nobel (Economics), professor emeritus of economics, University of California;

Carl Djerrassi, professor of chemistry, Stanford, U.S. Academy of Sciences;

Leon Eisenberg, professor of social medicine, Harvard;

Ivar Giaever, Nobel (Physics), professor of physics, Rennselaer Polytechnic Institute;

Donald A. Glaser, Nobel (Physics), physicist, University of California;

Roger Guillemin, Nobel (Medicine), Whittier Institute;

Dudley R. Herschbach, Nobel (Chemistry), professor of science, Harvard;

Ronald Hoffmann, Nobel (Chemistry), professor of chemistry, Cornell;

Jerome Karle, Nobel (Chemistry), chief scientist, U.S. Naval Research Laboratory;

Wen Hsiung Kuo, Department of Sociology, University of Utah;

Abel Lajtha, director, Center for Neurochemistry, The N.S. Kline Institute for Psychiatric Research;

M. Daniel Lane, director, Department of Biochemistry, Johns Hopkins;

Arthur M. Langer, director, Environmental Science Laboratory, Institute of Applied Science, Brooklyn College;

Yuan T. Lee, Nobel (Chemistry), Department of Chemistry, University of California, Berkeley;

Wassily Leontief, Department of Economics, NYU;

Richard S. Lindzen, U.S. National Academy of Sciences, MIT;

Harold Linstone, professor emeritus of systems science, Portland State University;

William N. Lipscomb, Nobel (Chemistry), Department of Chemistry, Harvard;

Brooke T. Mossman, professor of pathology, University of Vermont;

Joseph E. Murray, Nobel (Medicine), professor emeritus of surgery, Harvard;

Daniel Nathans, Nobel (Medicine), professor, Johns Hopkins;

Robert P. Nolan, Environmental Science Laboratory, Institute of Applied Science, Brooklyn College;

Linus Pauling, Nobel (Chemistry, Peace), Linus Pauling Institute of Science and Medicine;

Arno A. Penzias, Nobel (Physics), Bell Laboratories;

Malcolm Ross, Research Mineralogist, U.S. Geological Survey;

Jonas Salk, professor in International Health Sciences, The Sarl Institute for Biological Studies;

Joseph F. Sayegh, research scientist, N.S. Kline Institute for Psychiatric Research;

Elie Shneour, director of Biosystems Institutes Inc.;

Charles Townes, Nobel (Physics), physicist, University of California;

Harold E. Varmus, Nobel (Medicine), microbiologist, University of California;

Thomas Huckle Weller, Nobel (Medicine), professor emeritus, Harvard;

Elie Wiesel, Nobel (Peace), Boston University;

Torsten N. Wiesel, Nobel (Medicine), President, Rockefeller University;

Robert W. Wilson, Nobel (Physics), head, physics research department, AT&T Bell Laboratories

SAVE THE PEOPLE

When the leaders of the Third World report home on this week's Earth Summit in Rio, we wonder how many people in those countries will be told that what many of the well-educated earth summiteers want less of is Third World people.

Population control is at the center of a report commissioned, not surprisingly, by the U.S. Environmental Protection Agency on global warming. That is, the study, conducted by 50 scientists from 18 countries, says that the main answer to global warming is fewer people.

According to the three-year study, led by Oxford University and the Goddard Institute for Space Studies, by the year 2060 a billion people will go hungry because of global warming, the theory that says emissions of carbon dioxide and other greenhouse gases are causing the Earth's temperature to rise. Further, global warming will cause these countries' grain production to fall, increasing prices by between 25% and 150%. Oxford's Martin Parry asserts, "The most effective method of avoiding this outcome would be accelerated reduction in population growth in developing countries."

In the perfervid world of the Global Warmies the phenomenon being described here has come to be known as "the famine factor." But it looks to us as if the global warming crowd is getting desperate for allies if it is now adopting the rhetoric of the population controllers. On the other hand, maybe this marriage was inevitable. Neither side blinks at using legislative fiat to order up the most fundamental sort of change in the lives of a nation's people. We're right; do what we say.

But are they right? Julian Simon, a population expert at the University of Maryland, wonders what the fuss is all about. "The fact is, more CO2 makes plants grow better," he says. "The world should be singing hallelujah for the CO2. Global warming is at worst a matter of controversy. The controversy seems to be tilting toward those who say it's no problem."

Dennis Avery, a senior fellow at the Indianapolis-based Hudson Institute and in international agriculture expert, says, "warmer, wetter and a higher level of CO2—this is plant heaven." Heaven, however, is not a word he applies to the Warmies. "I'm extremely wary of the scare tactics that are being used by the environmental movement," he says.

Indeed, global warming and the "famine factor" are not borne out by the facts. Computer models that had predicted temperatures rising six degrees Celsius over the next century and the oceans rising 16 feet have been superseded by more precise models that show no such thing. A recent study by the British government's Meteorological Office said that temperatures might rise only 1.5 degrees Celsius over the next 70 years.

Indeed, the idea of exploding population growth has itself come under fire recently. According to the World Bank, population growth rates in developing countries have actually fallen 35% since 1965. This is "mostly because of affluence," Mr. Avery says.

Along with economic growth usually comes not only larger emissions of carbon dioxide and other greenhouse gases but also a better standard of living and lower birth rates, not to mention more research to correct environmental problems.

Mr. Avery, however, asks the most obvious question that the population-control crowd never quite faces squarely: "How in the world are we going to control Third World populations? We have no way of controlling birth rates, except making these people better off. The environmentalists are saying we need to stop their economies. They say, 'We are going to stop them in their tracks, we are going to make them happy with their primitive cultures.' I think they have an instinctive fear of being overrun. It's the most elitist populist movement I've ever seen."

There have been Western elites in the past who believed that the hordes of humanity in developing countries should be beaten back and controlled. Following in their footsteps today are the environmental elites who want to prevent the Third World's economies from ever using the industrial techniques that will make them First World economies. They'll do this by imposing an international tax on carbon dioxide emissions and a freeze on human procreation. And all of this will fly under the banner of global warming. It's not very attractive.

Still, we can put in one good word for the EPA's study. The scientists also concluded that one solution to the world's future problems is full trade liberalization. That's a goal worth fighting for. In fact, the people who put so much energy now into controlling family size would find themselves on more defensible moral ground if they spent equal energy on the cause of breaking down barriers to the productive efforts of the Third World's people. But we don't expect to hear much about trade liberalization in Rio. That's about "saving the Earth."

THE RETIREMENT OF ELIZABETH KOELLING LEWIS FROM THE BEVERLEY HILLS UNITED METHODIST CHURCH

HON. JAMES P. MORAN, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. MORAN. Mr. Speaker, I rise today in recognition of the 31 years of service put forth by a resident of northern Virginia, Elizabeth Koelling Lewis, to the Beverley Hills United Methodist Church of Alexandria.

Mrs. Lewis settled in Arlington, VA following her husband's discharge from the U.S. Army in 1954, and in 1960 became the music director at Beverley Hills United Methodist Church in Alexandria. Later, in 1973, she became choral director at Wakefield High School and Barcroft Elementary School, a position she held until retiring from the school system in 1985.

In 1962, Elizabeth began giving individual private vocal lessons to a number of students in the Arlington area, a practice which she continues to this day, considering it a most rewarding part of her musical life. It should be easy to understand how her teaching schedule, in conjunction with raising a family, made her life not only rewarding but also crowded with music and home activities over the years. Add to this several years as contralto soloist with the Washington Street Methodist Church in Alexandria and memberships in the Ron Freeman Chorale, the Choral Arts Society, the alumni chapter of Sigma Alpha Lota, a national music honor society, and in the Friday Morning Music Club, and the abundance of her professional and home existence is evident.

Elizabeth has now joined her husband in retirement at the conclusion of her 31st year of continuous service at Beverley Hills United Methodist Church. She thinks back with warmth and nostalgia of her years of music making with the church choir and the meaningful relationships she formed throughout this period.

Mrs. Lewis is a wonderful example of the dedicated civic-oriented people that make northern Virginia such a terrific place to live. All of us wish her the very best upon her retirement.

HARIOD BETHEA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. TOWNS. Mr. Speaker, I rise to pay tribute to a recently departed resident of Brooklyn, NY, Hariod Bethea.

"Uncle Harry," as he was affectionately known, was a native of Latta, SC, and a longtime resident of New York City. Hariod was an active member of the Bronx Crawford A.M.E. Church. In commemoration of his life as a warm, caring, and generous member of his church and community, his two nieces, Karen Harden Diaz and Tawana Johnson, wrote the following poems that I would like to share with my colleagues in memory of Hariod Bethea.

And when my journey on earth is done,
When I've reached the setting of life's sun,
May my weary soul look up
And rise to my home above, beyond the skies
Where I may then behold thy face
And hold an everlasting place,
Somewhere in that great paradise
Near my Lord and Savior Jesus Christ.

—KAREN HARDEN DIAZ.

Love can be special
Love can be sweet
But a special love is incomplete,
Unless we have the love of our Uncle Harry
to make it unique.

—TAWANA JOHNSON, age 9.

PREMONITIONS OF WHITE MAN IN INDIAN CULTURES II

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102-188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues a story told by Norval Morriseau, a member of the Ojibway Tribe, as published in a book entitled "Native American Testimony." The story speaks of seeing things later brought to the American Indians by the white man.

VISITORS FROM HEAVEN

The artist Norval Morriseau painted a colorful mural that covered an entire wall of the Indians of Canada pavilion at Montreal's 1967 Exposition. But Morriseau, or Copper Thunderbird as he is known in his native Ojibway language, is a writer as well as a painter. In his book, Legends of My People, the Great Ojibway, he narrates his grandfather's story of the conjuring of mysterious fabrics that presaged the white man's coming.

The "shaking tent" performance he describes here was unique to the ceremonialism of the subarctic peoples. Inside the enclosure's skin or bark covering, the medicine man communicated with spirits who entered and left through a single opening at the top; those gathered outside witnessed the spirits shaking the tent and heard their eerie voices.

The Hudson's Bay Company mentioned in the selection was originally chartered in 1670 by English traders who were anxious to gain control of the traffic in beaver pelts. The company grew to dominate commerce in frontier Canada.

This story was told by my grandfather many years ago.

One time, about two hundred years ago, in a place called Fort Hope, Ontario, there was a settlement of Ojibway Indians where there was a medicine man who brought visitors from heaven to a huge wigwam shaped like a beaver house. Each spring the medicine man would make this great wigwam and place holes in the top and sides, so that the great wind, if it blew on the top, would also blow out the sides.

After everyone was seated in a big circle about ten feet from the tent, the medicine man inside would speak to the people outside and would say, "Now we shall have visitors again," and begin to pound his medicine drum. The great skies were clear, and there was no wind.

All of a sudden a wind was heard to blow from the heavens and into the top of the wigwam, and from the holes on the sides came a refreshing breeze. In mid-air a rustle of people was heard, but none were seen. Everyone was now looking and listening, and from inside the wigwam people, men and women, were heard talking. The medicine man inside spoke to the Indians without, saying, "Our visitors are here. Listen."

In those days the Indian people had never seen silk or satin, for everyone wore buckskin clothing. From the side of the opening on the wigwam appeared the finest silk in colors of red and blue and white. These, the Ojibway Indians believe, were the dresses of the visitors. The material came from the sides of the wigwam because the wind was blowing from heaven into the open top, forcing some of the clothing worn by the visitors to appear on the sides. After about an hour the drum was beaten again and the visitors were heard to leave. Everyone looked at the top, but nothing was to be seen and everything became quiet. Then the medicine man appeared at the door of the wigwam and spoke to his people, "My people, you have again seen and heard our visitors from heaven. Next spring we shall invite them again."

The old lady who told this to my grandfather about fifty years ago was very old; she was ninety-nine. She said, "We were all surprised, not at the great magic but at the material we saw at that time. For everyone then wore buckskin clothing and no silk or satin was known to the Indians. Afterwards, when the Hudson's Bay Company came to us, they brought with them the material we had previously seen and touched, that had blown out of the great medicine lodge."

NORVAL MORRISEAU,
Ojibway.

DENY CHINA MOST-FAVORED-NATION TRADE TREATMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. SOLOMON. Mr. Speaker, the President recently informed this body that he plans to extend China's MFN status for another year, claiming that it is the best way to support economic and political reform in the world's most populous country. In both 1990 and 1991, over 200 Members of this Congress voted to deny the issuance of the MFN trade status to the People's Republic of China. These decisions were reached after a careful examination of the economic and political situation existing in the People's Republic of China. Once again, we are being called upon to determine the future benefits of such a trade agreement. I would contend that the liabilities of such an agreement strongly outweigh any assets gained by it. Consequently, I am introducing a bill which will disapprove the President's recommendation for an extension of the MFN trade status to the People's Republic of China for another year. The bill's denial will send a strong signal in support of the respect for human rights and personal freedoms and will be more consistent with our Nation's goals and principles.

The Jackson-Vanik statute, section 402 of the Trade Act of 1974, specifies that MFN status is reserved for nations with free and open emigration practices and respect for human rights or whose policies are moving definitively in the free and open direction. Since 1980, administrations have granted MFN status to the People's Republic of China in hopes of encouraging the country to adopt emigration and human rights policies consistent with the Jackson-Vanik requirements. However, in retrospect, the People's Republic of China's severely restrictive emigration practices coupled with the atrocities it perpetrated at Tiananmen Square in 1989, provide sufficient evidence that the carrot approach does not work with the repressive People's Republic of China regime. Despite these conclusions the MFN status has continually been granted to this nation.

When you review the promises made by the Government of the People's Republic of China last November, in regard to human rights issues, it demonstrates the People's Republic of China's continued disregard and lack of respect for international agreements. Other violations include the proliferation of nuclear technology to nations in the Third World, the systematic exploitation of the labor of prisoners to produce cheap products for export, the schemes of Chinese textile companies to circumvent United States Custom regulations and trade laws, and China's widespread software piracy costing American companies $400 million a year.

Attempting to push the People's Republic of China to reform through the issuance of this trade status, has not brought about reform but instead has allowed these abuses to perpetuate and continue relatively unchecked. The extension of the MFN status to the People's Republic of China will in effect be an extension of the perpetuation of the economic and human rights violations which we as a nation in principle and in practice are so firmly against.

TRIBUTE TO JO ANN LENNIER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. CONDIT. Mr. Speaker, I rise today to honor one of my constituents, Jo Ann Lennier of Patterson, CA. Ms. Lennier was recognized yesterday by Secretary of Energy James Watkins at an awards ceremony for her outstanding community service.

Ms. Lennier works as a computer support technician at the Lawrence Livermore National Laboratory. But Ms. Lennier also volunteers each Thursday night at the Veterans' Administration Nursing Home in Livermore assisting in recreational activities for the patients. She is also a soccer coach to young boys teaching good sportsmanship and teamwork.

Ms. Lennier was one of the other Department of Energy employees from across the Nation who were awarded the Secretary's Community Service Award yesterday. We should salute all of these fine Federal Government employees who are volunteering their time to help others in their communities. We can all learn by the example they are setting.

CONGRESSMAN KILDEE HONORS THE OPENING OF THE FLOYD J. McCREE HEALTH AND HUMAN SERVICES BUILDING

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. KILDEE. Mr. Speaker, I rise today in the House of Representatives to honor the opening of the Floyd J. McCree Health and Human Services Building in my hometown of Flint, MI.

Mr. Speaker, there are currently 37 million Americans that do not have health care coverage. I strongly believe our Government must take the necessary steps to ensure that these people receive proper health care. Many local governments are desperately trying to provide some assistance to help these individuals.

That is why I am so pleased that the Floyd J. McCree Health and Human Services Building will be opening in Flint. This unique facility was established to provide comprehensive health care to the medically underserved areas of Flint. I want to congratulate the Genesee County Health Department, St. Joseph Health Systems, Mott Children's Health Center, and Hurley Medical Center for their cooperative efforts in making this facility a reality. As a result, persons living in this neighborhood will be able to receive all types of medical services, including prenatal, pediatric, and adult general care.

In addition to health care services, clients will be able to obtain emergency services at the same location. Since 1985, the Genesee County Community Action Agency has assisted with emergency food, clothing, and housing needs, and these services will continue to be offered. In conjunction with this effort, the neighborhood councils will continue to identify the greatest problems facing the community. Organizers of this project hope to have this facility linked with other organizations in the area to expand and vary the types of services provided.

Among the targeted client population this facility will serve is pregnant women. The health facility has a Material Support Services Program, where a pregnant woman can be counseled by a nurse, a nutritionist, and a social worker about prenatal care and the Women Infants and Children [WIC] Program. And once the baby is born, pediatric services will be provided to the child, while the mother will receive general medical care.

The building which houses the center is a renovated theater that bears the name of one of the finest persons I have ever met, Mr. Floyd J. McCree. Floyd McCree was a dear friend of mine and a tireless activist who steadfastly worked to improve human dignity in our community. He was the first black mayor of a major city in the United States, and his leadership and dedication to public service is unmatched. I deeply believe that this health facility is a fitting tribute to a person who worked so hard to improve the quality of life of the people of Flint. I know that Floyd is smiling down upon all of us with approval at this facility that proudly bears his name.

Mr. Speaker, it is with great pride that I ask you and my fellow Members of Congress to recognize the dedicated staff and agencies that were integral in making the Floyd J. McCree Health and Human Services Building possible. Their commitment to providing quality health care to those who are most economically vulnerable in our society deserves our commendation and support.

PASS H.R. 1430

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. KOSTMAYER. Mr. Speaker, George Frisbee used to work at a Cracker Barrel Restaurant in Tallahassee, FL. His job ended when he was called into the restaurant on his day off and was met in the parking lot by his boss who told George that he had no choice but to terminate him.

Samuel Hare worked for Cracker Barrel in North Carolina; he was in line for a promotion to management. He went in one day to see the schedule for the next week only to find his name wasn't on it. The manager told him to come in the next day and they'd put him on the schedule. Mr. Hare went in the next day, but he was not put on the schedule—he was fired.

Cheryl Summerville worked for Cracker Barrel as a cook for nearly 4 years until one day, without notice, she was handed a notice of termination.

All of these people were fired from Cracker Barrel restaurants for the same reason. They are gay.

Cheryl Summerville's termination notice said, "This employee is being terminated due to violation of company policy. The employee is gay."

When Samuel Hare's manager asked him if he was gay, Sam refused to lie about himself and said yes. The manager replied, "If you're gay, you're fired."

Mr. Frisbee's manager told him, "It has recently come to my attention that you are a homosexual, and since it is against our policy to hire them, we're going to have to terminate you."

The Governor of Alabama last month signed a law prohibiting any State-funded college or university from allowing any homosexual student group from using school facilities, even though the group consists of tuition-paying students at the university.

Even the Federal Government continues a policy of harassment of gays and lesbians. A couple of weeks ago we read of the Federal Emergency Management Agency [FEMA] pressuring a gay employee for a list of other homosexual employees. The military, supported by the Bush administration, but not the American public, maintains its ban on homosexuals in the armed service.

Between 1974 and 1991, the Pentagon spent nearly $300 million recruiting, training, investigating, and dismissing about 23,000 gay and lesbian soldiers.

The President could change all of this with the stroke of a pen. Yet, he refuses.

In fact, the Republican Party platform committee, meeting in Salt Lake City, recently refused to hear from gay and lesbian members of their own party wishing to testify on the platform.

If Cracker Barrel, FEMA, Alabama, or the U.S. military behaved as they did because of the religion, race, or sex of people, the Federal Department of Justice would come to the rescue.

Homosexuals do not have that protection in America today.

It is about time they got it, Mr. Speaker.

Congress must pass the lesbian and gay civil rights bill, H.R. 1430, so the widespread discrimination based on sexual orientation is outlawed.

In a famous study by Dr. Kenneth Clark, black children are shown black and white dolls and, when asked to separate the pretty dolls from the ugly ones, nearly all the black children choose the white ones as pretty, the black ones as ugly. That same loss of self-esteem which is the fundamental result of racism and sexism in America is the cause of the self-hate so many gay and lesbian Americans feel.

Unlike the civil rights movement of the fifties and sixties, and the women's suffrage movement, the movement for equal treatment of homosexuals does not have the support of major institutions in this country. The church, the Congress, and the media all have turned their backs on America's gay and lesbian citizens.

While attitudes won't change overnight, we in Congress have a responsibility to move our country toward that day.

Mr. Speaker, it's time for the House of Representatives to act by passing H.R. 1430.

THE NAVAL ELECTRONIC SYSTEMS ENGINEERING ACTIVITY [NESEA]

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mrs. BENTLEY. Mr. Speaker, I want to take this opportunity to recognize the Naval Electronics Systems Engineering Activity [NESEA] in St. Inigoes, MD as a national strategic asset. Time and again, this activity has proven its value in support of our national interests.

At the strategic level, NESEA has won the coveted AEGIS Award for excellence an unprecedented nine times. This program involves planning, assembling, testing, and installation of entire communications suites for the AEGIS class of cruiser and destroyers. In addition, NESEA provides comprehensive training to ship crew members, using the very same equipment which will be installed on their vessels at NESEA facilities in Maryland.

NESEA directly supports our critical special operations forces with very specialized lightweight, rugged communications gear for use by parachutists, and Navy Seal's engaged in underwater operations. NESEA has provided unparalleled support to Seal's, Special Forces, Rangers, Air Commandos, and our counterterrorist forces. And we should not forget that NESEA communications know-how was with our forces during the Panama Operation and Desert Storm.

Mr. Speaker, NESEA's reputation is such that numerous government agencies have sought assistance from NESEA regarding their own specialized communications/electronics problems. Furthermore, NESEA has provided a broad base of support to various agencies involved in the war on drugs. In support of the executive branch, NESEA engineers often assist the U.S. Secret Service with very unique communications problems.

NESEA is also actively engaged in security assistance programs—working with various foreign countries on problems which often involve the integration of obsolete, nonstandard equipment with items our Nation provides through the security assistance program. NESEA's participation in the DOD sponsored West African Coastal Surveillance Program was an excellent example of innovative uses of security assistance to further our national interests.

NESEA has led the way in the use of adaptive engineering, oftentimes modifying commercial equipment for operational use. This, in turn, has shaved years off the waiting list for many of our operational units. Other major advances have involved the introduction of innovative energy and battery sources. One of these items was a family of rechargeable lead acid batteries deemed critical to certain military systems during the war with Iraq.

Operating with 475 military and civilian personnel, and acting in concert with several thousand civilian defense firms, NESEA could very well be the model for our future defense agencies—small, complex, highly flexible, and cost effective. However, its compact size continues to make it a tempting target for conventional military consolidators, most recently during the base closure and relocation reviews of 1991. Once members of the bipartisan Commission realized that the Navy proposal for removing and relocating NESEA was both duplicative and terribly costly, NESEA was removed from the relocation list. It was only through an eleventh hour intervention by diligent Commission members that the closure of this strategic national asset was suspended. Hopefully, this issue will not be revisited.

TRIBUTE TO THE 1992 ITT GRADUATES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. TRAFICANT. Mr. Speaker, I am pleased to announce the names of this year's graduates from ITT Technical Institute in my 17th District of Ohio. They include:

Cathy Agler, Joseph Balog, Crystal Bevly, Michael Biego, Carolyn Boyce, Pia Bufford, Frances Burgoon, Geoffrey Clarke, Jeff Cooper, Rebecca Crago, Mark Davidson, Julie Davis, Hilda DeJesus, Lynn Doone, Traci Durkovic, Tracy Frenzel.

Lewis Fry, Derek Fumerola, Gene Gibbons, Richard Hubbard, Carrie Hudak, Renee Jarvela, Sean Javorsky, Kimberly Johnson, Dennis Keith, Daniel Kish, Cristina Kobus, George LaRosa, Brian Lengyl, John Lesko II, Derrick McIntosh, Kimberly Mellott.

Andrea Menendez, Mark Menendez, Joel Miller, Kevin Mortimer, Darla Nail, Timothy Peairs, Scott Reedy, Theresa Rose, Melissa Santell, Lori Sebest, Bruce Shearer, Renee Shoaf-Neely, Pamela Stepo, Deann Yoho.

Exuberently, Mr. Speaker, I congratulate these individuals for their efforts and compliment each of them as dedicated individuals.

The ITT Technical Institute educates its students with a well developed and focused curriculum. These graduates represent the best that this school has to offer, and I am honored to have spoken at their graduation. It was my pleasure to be a part of the ceremony.

INFORMED FAMILIES HELPS PEACE CHILD MIAMI PROGRAM SWEEP AWAY ETHNIC BARRIERS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring my colleagues' attention to Peace Child Miami, an affiliate of the Peace Child Foundation, which helps children teach adults that world peace starts at home. Through musical theater, this cast of young people attempts to raise adult awareness of the impact that world problems have on youth.

Katie Christie started the Miami chapter of Peace Child in 1988, after her experience on a Peace Child Foundation trip to the former Soviet Union. Since that trip, she has spent an enormous amount of time organizing the 4-month Peace Child process each year. She has worked to get the sponsorship of groups like Informed Families of Dade County and the Dade County public schools.

The cast members of each production are drawn from 53 schools, and from all ethnic, cultural, and economic sectors of the community. They create the show themselves, exchanging ideas and feelings about family dynamics and problems, what makes a family strong and safe, as well as problems like drug abuse, divorce, child abuse, and alcoholism. Cast members exchange information and concerns during each Saturday's rehearsals, learn about their differences, and their common needs, fears, and problems. As 15-year-old Grace Campbell, one of the show's choreographers said: "Even though they were from different places and different ethnic backgrounds, no one thought they were better than anyone else. It taught me how to relate with people." They use this knowledge, and the self-esteem and performance skills they have learned, to teach their parents and the other adults and children in their audience what they have learned about getting along together.

The Miami Herald published an article describing the program, which I would like to include in the RECORD:

THEATER GROUP ACTS ON IMPORTANCE OF FAMILY

(By Marjorie Valbrun)

The young voices ring out loud and clear, echoing through a hall of the New World School of the Performing Arts.

"I'm tired of you."

"Go to your room."

"I wish you were never born."

They repeat hurtful statments in unison, mimicking what parents sometimes say to their children.

Then come the positives, the good things parents say—or the things the kids wish parents would say.

"You're special to me."

"I'm really proud of you."

"I'm glad you're my child."

Alcoholism, divorce, child abuse, teen pregnancy, drug abuse. The family of the 1990s is in trouble. Social ills threaten to consume it.

Enter Peace Child Miami, a 4-year-old theatrical organization that promotes world peace through musical theater. It is a cast of young people age 5 to 20 who attempt to raise adult awareness of the impact that world problems have on youth.

This year's upcoming musical, titled Be A Family, will tackle the array of social problems confronting America's families. Show time is 7:30 p.m. May 1 and 2 at the Downtown Hyatt Regency's Ashe Auditorium.

The cast, 96 talented youngsters from 53 different Dade County schools, works out the script as it goes along. The scenes will play out the cast members' feelings about the problems facing today's families, taking into account their varied ethnic and cultural backgrounds and the different forms families take on in real life.

Katie Christie, director of Peace Child Miami and of the show, said a production like hers was very important to Dade County, where racial strife has threatened to overwhelm the area's uneasy calm.

"There are so many cultures here and a lot of conflict in the city, but the kids have overcome it. One of the greatest things is that their parents learn from Peace Child as well," she said.

"It's important because today we don't have any multicultural education. They do it in the schools a bit, but this is a real, honest mix of kids. I feel the best way to get through these ethnic barriers is to learn first-hand by being with people and learning they're the same as you."

For some of the students, the lessons were a little more personal. They learned about themselves.

Grace Campbell, 15, a New World School 10th-grader and one of two choreographers for the show, said she joined at first so she could list the experience on her resume. But she got something out of it far more valuable than anything she could list on paper.

"I've always had problems communicating with others," she said. "I always felt I was so different. This is one of the first places I came to where people were very open and warm. Everyone was always hugging. And even though they were from different places and from different ethnic backgrounds, no one thought he was better than anyone else. It taught me how to relate with people."

That's the way to do it, said Christie: "Through the children."

Mr. Speaker, I commend Rochelle Krause of Informed Families of Dade County, and Katie Christie of Peace Child Miami for their outstanding service in the interest of long-term peace in our communities. This is the type of program we need to avoid the distrust and violence that can destroy our cities. And I congratulate the children who are learning artistry and self confidence while teaching others about real solutions, and real peace.

UNITED COMMUNITY MINISTRIES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. MORAN. Mr. Speaker, I rise today to ask recognition of a community organization which serves as an inspiration to me in these times of economic hardship. For 23 years this organization has served a hard-pressed area of the Eighth District of Virginia with compassion and common sense, providing an example to the community with programs that work guided by principles shared by the community.

In the past 10 months, the nonprofit, nonsectarian United Community Ministries, UCM to its neighbors, has provided 152,000 meals for 17,000 people.

UCM is assisting those trying to survive at the front lines of the economic crisis that we are striving to resolve.

As important as the direct assistance, UCM believes in helping people help themselves:

By providing transitional housing to the homeless so they can make the adjustment from the shelter system;

By providing low cost quality child care programs to the working poor and to teenage mothers allowing them to finish school; and

By providing job training to help people develop useful skills and mentoring programs, to those same people, to fit into the working world. UCM, in the past 10 months, provided 1,822 individuals with employment assistance and 460 with employment training and placed 139 in permanent jobs.

For its efforts, UCM is accepted as an essential part of the northern Virginia community receiving financial support, gifts of clothing and merchandise to give to the needy and sell through its thrift shop, and most importantly, the time of approximately 800 volunteers—all from the community. Some of the volunteers were themselves recipients of UCM help.

This admirable community effort has had its successes in a field too often characterized by frustration and defeat.

Twenty one of the first 27 participants in the new mentoring program are now currently employed. The majority of the participants were unemployable, some recovering from drug addiction.

The youth outreach program is successfully attracting children to Saturday morning classes for tutoring.

The list could go on. But I want to note in this year of the 250th anniversary of Fairfax County when our local governments are struggling with financial problems and we here sometimes feel overwhelmed by the magnitude of the problems we are trying to solve, I take hope from the efforts of UCM.

THE PASSING OF A FRIEND

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. SOLARZ. Mr. Speaker, a dear friend of mine recently passed away. Though he lived a full life and suffered through a difficult illness, George Feder died young: young in age, and especially young in spirit.

George had a passion for politics, for democracy, and for America. Within hours of the Japanese attack on Pearl Harbor 50 years ago last December, he enlisted in the Coast Guard, in whose uniform he loyally served his country until the very end of the war.

His devotion to his country and its democratic values assumed many forms in the years after the war. He was an educator whose zest for life was infectious. He was a painter whose creativity and artistic expression reflected his pride in family and nation. He was a friend and occasional critic to an inexperienced New York State assemblyman, whose eventual elevation to the House of

Representatives pleased but did not unduly impress George, who continued to encourage and advise me up until his final illness.

I shall miss George Feder. He may no longer be with us, but his memory always will be. It will live through his children, his grandchildren, and his devoted wife Florence. It will live through his art. And it will live with the moving poem that his son Bart composed and delivered at George's funeral. I found this eulogy so touching, and so faithful to the George I knew, that I would like it placed in the RECORD, as a tribute to my friend George Feder. May he rest in peace, a paintbrush in one hand, a well-thumbed copy of "de Tocqueville" in the other.

GEORGE FEDER

He was an artist,
A painter, who lived his life the way he used a brush, with broad strokes, leaving the detail work to others.
A sculptor,
An actor,
Most of all, a teacher, who brought out the brilliance in students whether they were age 9 or 90.
A talker,
A listener,
A good friend.
A guiding hand whose own path was not without bumps and detours and pain.
He was a dancer who could glide across the ballroom floor.
He was big bands and cowboy movies.
He was ascots and overalls.
He was Melville and Gauguin.
He was a great short order cook, especially if you liked eggs and onions, flapjacks or sardines on rye.
And a swimmer—but only after he tested the chlorine.
In a word—complex.
Always at odds with authority, structure and convention.
Subtle?—not on your life.
You'd never forget meeting George.
Cantankerous,
Opinionated,
And pretty damn smart,
And he'd fight for your right to be wrong.
Philosophy—he'd quote Socrates,
Anthropology—Margaret Mead,
Psychology—who but Freud?
Poetry—if not himself—Browning I would think.
A hopeless romantic.
A Jew who established his own path to God.
He never went to shul, but he never passed a door without kissing the mezuzah, and he never started a day without saying the Shema.
A son,
A brother,
A grandfather and father, who, conscious of his legacy wrote his own epitaph and it will read—
"If you wish to find me—look for me in my children and in theirs."
And a husband, who wrote to Florrie;
"Through trial and error and even times of terror,
She has shared with me her body and mind and patience without end,
She is and I pray she'll stay beyond my life's years,
Sweetheart, lover, wife and mother,
My very best friend."
The reason you're all here today is not because my father died, but because he lived, and he touched you with his words and his work. And all of you touched him.
I sat with him a couple of weeks ago in the hospital and knowing it would be one of our last talks I asked him what he'd wanted out of his life.
Without missing a beat he repeated the words he wrote on Pearl Harbor Day, more than 50 years ago. They were the words he lived by;
"I'd always felt the greatest things a man could ever find, were God, friends, beauty, love and everlasting peace of mind."
Rest in peace, Papa.

BART FEDER.

FEBRUARY 24, 1992.

GEORGE SWENSSON TRAINS MUSICIANS WITH TRASH AT WINSTON PARK ELEMENTARY SCHOOL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the work of George Swensson, a very special teacher. As the music teacher at Winston Park Elementary School, George Swensson is not satisfied if his students just learn to recognize and reproduce a few notes. He says his job is to nurture a basic lyrical desire in everyone.

He does this by making sure that kids like Jami Bottoms and Alexis Rodriguez, both 8 years old, have fun in music class. After seeing a presentation on carnival bands in Brazil, for example, he asked the kids to bring in any kind of trash they thought could be used to make an instrument. As a result, the school now has a 65-piece band, The Miami Trash Machine, that has become the school's official band.

The Miami Herald publish an article about this outstanding educator, which I would like to include in the record:

JOYFUL NOISE

(By Jon O'Neill)

It's no Miami Sound Machine, but this band bangs out a trashy tune. George Swensson's fourth- and fifth-graders are the Miami Trash Machine—the music teacher's brainchild and joy.

Using converted garbage—30-gallon plastic drums, five-gallon snare drums and two-liter bottles with BBs in them—Swensson's players made their debut at the Dade County Youth Fair and have another gig at the Goombay Festival Saturday.

The 44-year-old music teacher at Winston Park Elementary has been teaching music to kids since 1971. He isn't content with having them recognize certain notes. He says his job is to nurture a basic lyrical desire in everyone.

"Music is a very natural thing" Swensson said. "I want the kids to enjoy it and I want them to participate. They have enough pressure in all their other classes, I try to make this class fun for them."

So this year Swensson organized the offbeat ensemble of 65 students that has become the elementary's official school band.

"I took a class at the University of Miami, and we had a speaker who talked about the carnival bands in Brazil," Swensson said. "That's what did it. I asked the kids to start bringing in any kind of trash they thought we could make into an instrument. They love it."

And they work at it. The group practices for an hour and a half after school each Friday.

Swensson has a gentle touch. This week, he worked at teaching a second-grade class the song This land is Your land. He not only taught them to sing it, he explained each metaphor and showed them how the song criss-crosses the country "from California to the New York islands."

"He's really tremendous," said Michael Liebman, principal of the school at 13200 SW 79th St. "He goes out of his way to work with the kids and make music a big part of their experience here."

And the kids love their band leader.

"Music and P.E. are my favorite classes," said Alexis Rodriguez, 8. "Mr. Swensson is very funny and he's always making us laugh. He's real good to us."

Jami Bottoms, 8, likes Swensson because he teaches her new songs.

"He taught me to play the bells, too," she said. "He's nice."

Music is something Swensson has always wanted to share with people, especially little ones. A Miami native, he graduated from Miami High and then UM, where he received a music degree.

He did his internship in Dade schools in 1970 and then waited for a call back.

"I sold shoes for a while." he said "But the music coordinator for the school system knew me and he asked me to come back."

Swensson did, and never left. He started out at Royal Palm Elementary and has worked at Winston Park for 14 years.

Mr. Speaker, I commend the work of George Swensson and the enthusiasm and dedication he brings to teaching his. Our country needs more teachers of his high quality.

A POLITICIAN'S DREAM IS A BUSINESSMAN'S NIGHTMARE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. DUNCAN. Mr. Speaker, it is almost unbelievable how much a liberal's view of things changes after he goes into business. Our Government today has become the enemy of small businesses in particular.

This was pointed out very dramatically in an article by former Senator George McGovern in the June 2 edition of the Wall Street Journal.

I would like to call this article to the attention of my colleagues and other readers of the RECORD.

[From the Wall Street Journal, June 2, 1992]

A POLITICIAN'S DREAM IS A BUSINESSMAN'S NIGHTMARE

(Wisdom too often never comes, and so one ought not to reject it merely because it comes late.—Justice Felix Frankfurter)

It's been 11 years since I left the U.S. Senate, after serving 24 years in high public office. After leaving a career in politics, I devoted much of my time to public lectures that took me into every state in the union and much of Europe, Asia, the Middle East and Latin America.

In 1988, I invested most of the earnings from this lecture circuit acquiring the leasehold on Connecticut's Stratford Inn. Hotels, inns and restaurants have always held a special fascination for me. The Stratford Inn promised the realization of a longtime dream to own a combination hotel, restaurant and public conference facility—complete with an experienced manager and staff.

In retrospect, I wish I had known more about the hazards and difficulties of such a business, especially during a recession of the kind that hit New England just as I was acquiring the inn's 43-year leasehold. I also wish that during the years I was in public office, I had had this firsthand experience about the difficulties business people face every day. That knowledge would have made me a better U.S. senator and a more understanding presidential contender.

Today we are much closer to a general acknowledgment that government must encourage business to expand and grow. Bill Clinton, Paul Tsongas, Bob Kerrey and others have, I believe, changed the debate of our party. We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities.

My own business perspective has been limited to that small hotel and restaurant in Stratford, Conn., with an especially difficult lease and a severe recession. But my business associates and I also lived with federal, state and local rules that were all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc. While I never have doubted the worthiness of any of these goals, the concept that most often eludes legislators is: "Can we make consumers pay the highest prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape." It is a simple concern that is nonetheless often ignored by legislators.

For example, the papers today are filled with stories about businesses dropping health coverage for employees. We provided a substantial package for our staff at the Stratford Inn. However, were we operating today, those costs would exceed $150,000 a year for health care on top of salaries and other benefits. There would have been no reasonable way for us to absorb or pass on these costs.

Some of the escalation in the cost of health care is attributed to patients suing doctors. While one cannot assess the merit of all these claims, I've also witnessed firsthand the explosion in blame-shifting and scapegoating for every negative experience in life.

Today, despite bankruptcy, we are still dealing with litigation from individuals who fell in or near our restaurant. Despite these injuries, not every misstep is the fault of someone else. Not every such incident should be viewed as a lawsuit instead of an unfortunate accident. And while the business owner may prevail in the end, the endless exposure to frivolous claims and high legal fees is frightening.

Our Connecticut hotel, along with many others, went bankrupt for a variety of reasons, the general economy in the Northeast being a significant cause. But that reason masks the variety of other challenges we faced that drive operating costs and financing charges beyond what a small business can handle.

It is clear that some businesses have products that can be priced at almost any level. The price of raw materials (e.g., steel and glass) and life-saving drugs and medical care are not easily substituted by consumers. It is only competition or antitrust that tempers price increases. Consumers may delay purchases, but they have little choice when faced with higher prices.

In services, however, consumers do have a choice when faced with higher prices. You may have to stay in a hotel while on vacation, but you can stay fewer days. You can eat in restaurants fewer times per month, or forgo a number of services from car washes to shoeshines. Every such decision eventually results in job losses for someone. And often these are the people without the skills to help themselves—the people I've spent a lifetime trying to help.

In short, "one-size-fits-all" rules for business ignore the reality of the marketplace. And setting thresholds for regulatory guidelines at artificial levels—e.g., 50 employees or more, $500,000 in sales—take no account of other realities, such as profit margins, labor intensive vs. capital intensive businesses, and local market economics.

The problem we face as legislators is: Where do we set the bar so that it is not too high to clear? I don't have the answer. I do know that we need to start raising these questions more often.

KEEP FEDERAL FLOOD INSURANCE AWAY FROM THE COASTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. BEREUTER. Mr. Speaker, this Member commends the following article regarding the National Flood Insurance Program to his colleagues. The article, which appeared on May 29 in the Washington Post, points out the hazards of expanding Federal flood insurance to cover structures located on highly erodible coastlines. Last May, the House approved a bill restricting availability of Federal insurance for beach-front property. As the article accurately points out, taxpayers should not be subsidizing insurance for beach-front property owners.

When Congress passed the 1982 Coastal Barriers Resources Act, Congress did not prohibit development of the designated coastal barrier islands, but said that Federal funds and programs could not be used to develop those islands. The same approach should be applied to the National Flood Insurance Program. Congress should send a clear signal that if property owners want a structure right on the beach, they can do so at their own risk.

[From the Washington Post, May 29, 1992]

ON THE BEACH: SUBSIDIZED STUPIDITY

(By Molly Ivins)

Nothing like a good special interest fight to bring out what government is about. There's a beaut going on right now, billed as Landowners vs. Environmentalists, but in fact, it's a classic special interest fight: one special interest against all the rest of us as taxpayers.

Can you think of one good reason why the taxpayers of this country should subsidize insurance for people who own beach-front property? Neither can I. But we do. And the Senate's attempt to undo it has touched off yowls of outrage. Beach-front property owners believe they are entitled to subsidies from the rest of us. Having been stupid enough to violate wisdom that goes back at least as far as the Bible ("A foolish man, which built his house upon the sand," Matthew 7:26), they expect the rest of us to underwrite this folly.

If you find that no private insurer will touch your new house with a 10-foot pole, would it not occur to you to wonder if you're building in the wrong place? Like, on a beach that's losing 10 feet a year to erosion and gets hit by hurricanes every fall? What are your fellow taxpayers supposed to do after erosion takes away all the beach right up to and out from under your house or condo? Rebuild the house and the beach for you? Thank you very much, but we have better things to do with our money.

Ah, but you should hear the howling from beach-front owners. The end of property rights is nigh! Creeping socialism! When the government can tell a man what he can or cannot build on his own land, we might as well be living in a communist country!

C.M. Schauerte, head of the Federal Insurance Agency, is at loggerheads with his own agency, the Federal Emergency Management Agency. FEMA helped write the proposal that would limit federal flood insurance on property at high risk of erosion. Schauerte says the revisions are "back-door federal land-use control" and "despicable," according to the New York Times.

Well, Land-use control makes sense now and always has, I feel the same way about allowing people to build in flood plains. Even if those homes aren't federally insured, the rest of us wind up subsidizing them because our insurance rates go up when private companies put them in the pool. Why should we subsidize stupidity?

These people screaming about federal land grabs and socialistic control are the same people who believe so heartily in letting the free market function. If the free market says your beach-front property ain't worth much without federal subsidies, then that's what it's worth. Erosion is working on about 70 percent of the coastline, and as it stands now, the Feds (us) are liable for billions of dollars in insurance claims. This is madness.

The proposed revisions, limiting liability because of erosion, passed the House last year 388 to 18 and were flying through the Senate when (surprise!) your basic special interest got organized: the American Association of Realtors, American Association of Homebuilders, the Florida Shore and Beach Preservation Association. And they're all predicting catastrophe, a collapse of coastal property values, great hardship to hundreds of thousands of citizens. I'm notorious for my compassion, but even mine kind of poops out when it comes to rich families that have second homes on the beach and to real estate developers.

As Gary Hart used to say, if you want to get the government off your back, get your hand out of the government's pocket. But the organized special interests are taking a toll in support for the bill in the Senate. We are not amazed. We know full well exactly how easy it is for a well-organized special interest group to stop legislation in the public interest. Time after time. And the only weapon we have is to write our congressmen and senators. And they keep increasing the price of stamps on us.

The only argument for fairness the beach-front owners have is that we have been subsidizing them since 1968, and it's not fair to yank the rug out from under them all at once. In fact, the proposed legislation does ratchet the insurance subsidy down gradually: It gets tighter on land that will have eroded over 60, 30 and 10 years. But don't even mention the word grandfather, which is the way government usually splits the difference on these messes, grandfathering those already in place out from under new regulations.

The First Rule of Holes is: When you're in one, quit digging. We may have been dumb enough to let this happen in the first place, but that's no reason to let it continue.

THE HUMAN INVESTMENT PROJECT OF SAN MATEO, CA: INNOVATIVE SOLUTIONS TO VEXING HOUSING PROBLEMS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. LANTOS. Mr. Speaker, I would like to call to the attention of this body a truly innovative housing program located in San Mateo County, CA. For the past 20 years, the Human Investment Project Incorporated, or HIP, as it is commonly known, has been working to meet the needs of the homeless, single parents, and elderly residents who require special housing arrangements.

A nonprofit agency, HIP employs creative and cost-effective approaches to alleviating San Mateo's housing shortage for groups most in need of shelter. Its employees and volunteers deserve recognition for their dedication to providing safe, ample, and affordable living arrangements. I would like to illustrate some of HIP's accomplishments.

HIP's Shared Homes Program has benefited San Mateo County's older citizens since 1980. Too many elderly residents are either without a home or unable to continue living in the home they currently occupy. The needs of these men and women are unique because an inability to live alone is often not solely due to a lack of financial resources. In fact, a need for companionship is sometimes of more pressing concern to seniors than ill health.

Fortunately, the Shared Homes Program successfully addresses both needs by matching those who need a home with those who need someone to share their home. In this arrangement, a senior shares his or her home with another in exchange for rent or services.

Another excellent initiative by HIP is "Lease-A-Home," a program targeted at homeless single parents. Since 1985, "Lease-A-Home" has produced remarkable results. The program allows homeless single parents to gain the skills necessary to live in nonsubsidized housing.

HIP leases a house which several single parents and their children share for 2 years. During this 2-year period, the parents pay a manageable level of rent and either work or attend school. In this way, HIP keeps families together in a safe and healthy environment as the parent becomes capable of providing for the child independently. Through this program, HIP performs perhaps its greatest feat, that of keeping parent and child under one roof.

HIP has recently begun to build homes which are tailored to the needs of single parent families. These beautifully crafted and practical houses are the first true homes for many parents and children in San Mateo County. The houses are designed to blend in with the architecture of the neighborhood as well as meeting the resident's needs. Significantly, HIP is remarkably adept at keeping cost at or below projected spending levels.

Mr. Speaker, I cannot overemphasize the importance of HIP's contribution to San Mateo County. In an era when housing is scarce and often unaffordable, HIP is working for those who would otherwise end up with the short end of the stick. I wish to commend HIP's employees and volunteers for their efforts. I am confident that they will continue to contribute to our community for years to come.

CONCEPT OF A BALANCED BUDGET AMENDMENT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. PACKARD. Mr. Speaker, I rise in strong support of passing a balanced budget amendment to the Constitution. This is a very simple amendment: It will mandate that outlays are not greater than total receipts. Since I arrived in Congress I have supported the concept of a balanced budget amendment. I have repeatedly cosponsored legislation which would require the President to propose, and the Congress to pass, a balanced budget each fiscal year.

We can no longer tinker at the margins. The huge $400 billion deficit hangs over our country, getting bigger every year threatening the economic health of America. By passing this amendment now, Congress can send a signal to the American people that this institution is serious about the economic well-being of this country. Congress has continually demonstrated its lack of discipline by passing huge budgets full of wasteful spending. We now have a chance to chart a new course, to find the political will to pass this amendment.

If we are to provide our children and grandchildren with any kind of a legacy, we must ensure that legacy is not one of economic decline caused by congressional inability to control its insatiable appetite for spending.

The concept of a balanced budget amendment has been gaining support over the years, enjoying support from leaders from both sides of the aisle. As many of my colleagues know, in 1982, the balanced budget amendment passed the Senate, but failed in the House by 46 votes. In 1990, the House voted 282 to 144 in favor of the balanced budget amendment, falling 7 votes short of the required two-thirds majority.

I truly believe that unless we pass this legislation, we resign ourselves to economic stagnation, a declining standard of living and reduced status in the global economy. It is time those chosen to lead exhibit some leadership, and pass the balanced budget amendment to the Constitution.

A TRIBUTE TO REV. J. WHITCOMB BROUGHER, JR., D.D.

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. MOORHEAD. Mr. Speaker, I rise to honor an exceptional citizen and friend. Rev. J. Whitcomb Brougher, Jr. is one American who has always gone beyond what is asked of him in order to serve his congregation, his community, and his country.

The fact that he is still going strong despite turning 90 on June 27th of this year means he's been able to touch more lives than most of us.

Dr. Brougher is one of a kind.

He followed in his father's footsteps 62 years ago when he decided to serve God as a Baptist minister. This distinguished clergyman attended Los Angeles High School and then received his D.D. Degree from the University of Redlands.

An eloquent and inspirational speaker, Dr. Brougher has been lecturing for more than a half century, averaging one speech a day for 60 years. He serves as chaplain for the Los Angeles Breakfast Club as well as the Propeller Club of the United States. Dr. Brougher has also served as the General Grand Chaplain of Cryptic Masons of the United States and is a member of the Scottish Rite Bodies of the Valley of Pasadena where he received his 33 and White Hat in 1989. His motivational and encouraging words have reached thousands of people over the many years he has unselfishly dedicated to his congregation and community.

As an honorary member of the Kiwanis Club of Glendale, I am particularly pleased to recognize Dr. Brougher's contributions to that club. He is a life member of the group. Each Friday afternoon, he delivers the health status of any ill members or their family and then proceeds to tell a joke. He may be days away from leaving the ranks of the octogenarians, but his humor has the youngest to the oldest members falling out of their chairs with laughter.

On behalf of all the residents of the 22d Congressional District, I would like to honor this great man, Rev. J. Whitcomb Brougher, for his service and dedication to our great Nation.

PROTECT THE RIGHTS OF GAYS AGAINST DISCRIMINATION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. WEISS. Mr. Speaker, I wish to share with my colleagues the following editorial which appeared in USA Today on Tuesday, June 2. The editorial addresses the important need to debunk myths promulgated against minority groups and, in particular, debunks some of the most common stereotypes about gays and lesbians.

As lead sponsor of H.R. 1430, the Civil Rights Amendments Act of 1991, which amends Federal civil rights laws to prohibit discrimination against gays and lesbians, I am proud to see yet another editorial board comment on the need for our society to grant gays and lesbians the freedoms and opportunities that all Americans deserve.

[From USA Today, June 2, 1992]

PROTECT THE RIGHTS OF GAYS AGAINST DISCRIMINATION

OUR VIEW

Freezing gays out of equal opportunities offends the nation's most basic principles.

Left to linger, myths often replace reality—a fact painfully known to racial and cultural minorities.

Ross Perot had a chance last week to dent myths about one such group—homosexuals. Instead, answering questions on ABC's "20/20," he indicated that if elected, he wouldn't appoint gays to his Cabinet. His reason, and a poor one: controversy.

Not long ago, the same excuse could have excluded blacks or women.

Perot's stance—and caustic comments about gays from Republican candidate Pat Buchanan Sunday—reinforce the idea that the nation's estimated 25 million homosexuals should be treated differently from others.

They should not be.

Despite significant political and social gains, homosexuals remain the most frequent hate-crime victims, says the National Institute of Justice.

Suicide is the leading cause of death among gay teens, who see a future filled with more of the hostility spewed by family, peers, the culture at large.

Much of the blame belongs to stereotypes that deserve to be debunked. A sampling, along with the facts:

Gays choose this life: Jury's still out, but two new studies indicate it's genetic. In polls over the years, 90% have said they wouldn't change.

Gays weaken traditional values: Whose values? The USA's most fundamental value is freedom to choose one's own way of life.

Gays want special privileges: Yes—if that means having the right to get a job, buy a house or walk on the street without being assaulted.

Or have an equal chance to serve in the nation's top offices.

Gays have logged gains. Twenty states consider gay bashing to be a hate crime; six include gays in civil rights laws. Gay culture flourishes—and gay clout: 61 elected officials are openly homosexual.

The problem isn't gays but a society that still too often limits and hurts them—and so wastes valuable resources that could improve all our lives.

TRIBUTE TO SISTER TRINITA FLOOD AND THE HOLOCAUST MEMORIAL CENTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the outstanding service rendered to the community of Miami, to Jewish history, and to peace in our Nation and the world. Sister Trinita Flood was recently honored by the Holocaust Documentation and Education Center at Florida International University for her 13 years service spearheading the establishment of that center. As the first president of the board of what became the Holocaust Documentation and Education Center, Sister Trinita managed to pull together all of the other college presidents in the region to build the center.

The Holocaust Education and Documentation Center, a living memorial to the 11 million victims who died under Nazi fanaticism, preserves the memories of south Florida survivors of the Holocaust, along with those who tried to protect them and those who finally liberated them. As Sister Trinita said "A scarred moment in mankind's history must be remembered, but not in stone or metal, because the Holocaust moved among living human beings who struggled, suffered, and died."

Sister Trinita Flood, a member of the Adrian Dominican Order, has served in a number of leadership positions in Miami, including registrar, dean, and president of Barry University; and as the second woman ever to serve as academic dean for a Catholic seminary in the United States, at St. John Vianney in southwest Dade County.

The Miami Herald published an article about this remarkable woman, which I would like to include in the RECORD:

HOLOCAUST CENTER TO HONOR TONIGHT "WOMAN IN HABIT"

(By Elinor Burkett)

Goldie Goldstein is used to being hit up for money. After all, she and her husband Sol owned the Miami Diamond Center and are proverbial Big Givers. So in 1979, when Sister Trinita Flood asked her to stop by for a chat, Goldstein figured the Barry University president was hunting a check.

Instead: "Goldie, I'm helping organize the SouthEast Florida Holocaust Memorial Center and I want your help," Flood said.

Goldstein sat down. Collapsed is more like it.

"Here was this woman in a habit sitting there telling me she was organizing a Holocaust Memorial Center. I'd been an officer of the Greater Miami Jewish Federation, president of the sisterhood at Temple Emanu-El and an honoree of the National Council of Christians and Jews. And there she was in that habit telling me, a Jew, she was organizing this."

Tonight, Goldstein's "woman in a habit" will be honored for the work she was just beginning that day almost 13 years ago: the creation of what became the Holocaust Documentation and Education Center at Florida International University, one of the world's largest collections of taped memories of survivors and South Florida's most active force for educating youth about the Holocaust.

It is only one in a long series of forays into the unexpected by a woman of 74 years who looks like a nun of the old school. Unlike Sister Jeanne O'Laughlin, her successor as Barry president, and who is partial to regular business dress, Flood begins her day by donning a simple white habit and a black veil. She wears no makeup. She has not joined the crusade for the ordination of women. ("I have plenty to do without worrying about becoming a priest," she says flatly.)

QUIET SURPRISES

But Flood has been quietly surprising people for half a century—beginning with her mother, whom she defied by joining the Sister of St. Dominic Congregation of the Most Holy Rosary in Adrian, Mich.—the Adrian Dominicans, in more common parlance.

Floridians got their first glimpse of Flood's penchant for the unexpected in 1973 when Barry was looking for a new president. Rather than see a non-nun get the job, she quit the search committee and threw her veil into the ring. It was a man she managed to push aside.

"When a woman is qualified for a position, she has a right to assume it" was her only public comment—delivered with a smile.

Flood clearly had the credentials: She'd already been Barry's registrar, associate dean, academic dean, graduate dean and vice president for academic affairs.

BARRY'S TRANSITION

Flood oversaw Barry's transition from a woman's college to a coed one, then in 1981 she resigned and became academic dean at St. John Vianney, a four-year college seminary for men in Southwest Dade. It was a landmark for the American Catholic Church, the first time in Florida and the second time in the United States that a woman ran an academic program to train the men who run the church.

Students were outraged. A woman moving onto the all-male campus to live, eat, and pray with the 58 priests-to-be? Flood again had a quiet and simple response:

"It was a woman to whom Christ first appeared in the Resurrection, and it was women who carried the message to men that He had arisen. Christ certainly didn't have a problem with women."

For many members of the community, Flood's most startling departure from the expected has been her dedication to spearheading a crusade rarely associated with Catholics, and certainly not with nuns: building a living memorial to the victims of the Nazi Holocaust.

Flood herself is a bit surprised, since she hardly arrived in Miami with a burning interest in the Holocaust. But in 1977, Abe Halpern, then a prominent member of the Jewish community in Broward County, asked Flood for help establishing a Holocaust memorial in South Florida. Flood had never heard of him; prominent among Jews hardly means prominent among nuns.

"Why me?" she asked.

The answer had nothing to do with Flood's religious profession. "They wanted to involve the college presidents and I was the nearest one," she says.

TRYING FOR PEACE

She's not entirely sure why she said yes. "Maybe with this I can help contribute something to the peace of the world."

As the first president of the board of what became the Holocaust Documentation and Education Center, Flood managed to pull together all the other college and university presidents in the region to build a living memorial to the 11 million Jewish and non-Jewish victims of Nazi fanaticism.

"A scarred moment in mankind's history must be remembered, but not in stone nor metal, because the Holocaust moved among living human beings who struggled, suffered and died," Flood said at one center meeting.

Instead, the center is preserving that moment by taping the memories of South Floridians who survived the Holocaust, who tried to protect its victims and who finally liberated them from their captors.

"Holocaust survivors remind us not only of what has happened but of the frightening things that are happening today," Flood explains. "Across the world people are fighting people because of who they are, what they are.

"Hopefully we will reach enough youth that they will become emissaries against prejudice of any kind, so this will never be repeated—anywhere, anytime."

Flood insists that the center's success has been a collective victory. But Goldstein is equally insistent that it is Flood's presence at every workshop, at every meeting that drives home the message with special force.

"When Sister comes in and all the kids see her habit, see a Catholic sister there, it means something special, something special that a non-Jew is involved.

"Sister Trinita reaches out to them in a different way. * * * There's something about her. You know, here is a woman of valor."

Mr. Speaker, I commend Sister Trinita Flood for her outstanding community service and her commitment to eliminating hatred, prejudice and violence through education.

HORTON AMENDMENT TO FISCAL YEAR 1993 DOD AUTHORIZATION BILL

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. HORTON. Mr. Speaker, Thursday, as part of the en bloc amendment, the House adopted my amendment requiring DOD to use competitive bidding when selecting private contractors or other DOD installations to perform depot-level activities. The bill, as reported by the Armed Services Committee, only required competitive bidding to be used when selecting a private contractor.

I represent Romulus, NY, the home to the Seneca Army Depot. Seneca is a multimission facility that, among other things, maintains and rebuilds industrial plant equipment [IPE]. Seneca has been recognized as an industry leader in this field and provides DOD with a cost-effective service. And, Seneca Army Depot has consistently rated extremely high in military worth studies. Nonetheless, DOD has persisted with efforts to transfer Seneca's IPE mission.

Many of our colleagues have similar situations. They represent other depots with other specialties. Despite the differences between the facilities and despite the fact that sometimes we directly compete with one another, I think we all really want the same thing—to be able to compete fairly on a level playing field. That's all any of us can really ask for.

My amendment merely provides that level playing field by requiring the use of competitive bidding. That way, all of our facilities will be getting the fair shake we have been asking for. At the same time, we will ensure that we will be making the most efficient use of our tax dollars.

I thank Chairman ASPIN and Ranking Member DICKINSON for their assistance in bringing this amendment to the floor.

THE BALANCED BUDGET ACT OF 1992

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mrs. KENNELLY. Mr. Speaker, today I am introducing the Balanced Budget Act of 1992, a statutory alternative to the balanced budget constitutional amendment which would allow us to start balancing the budget now without playing politics with the Constitution.

In the past 3 years, the world has changed far beyond what any of us could have imagined. In 1989, first Poland, Hungary, Czechoslovakia, East Germany, Bulgaria, and then Romania fundamentally altered their political systems and their very way of life. Then communism fell in the Soviet Union last fall. In large part, these startling changes were inspired by the people of the United States, and the system of government we have successfully maintained for more than two centuries. In large part, they were inspired by the Constitution of the United States.

The Constitution has endured and inspired precisely because it has not fallen victim to political whim. If we are serious abut balancing the budget, let us muster the courage to deal with the deficit, not endanger a document that has inspired the world for more than 200 years.

The fault of our current situation lies in a decade of failed Presidential leadership, not in the Constitution. The budget process permits the Government to run huge deficits. It has allowed the past two administrations to run up more debt than all previous administrations combined. Our country cannot continue to function in this way. We are now incapable of meeting our needs in areas like education, health care, and nuclear waste cleanup.

This is a time of change. People are demanding action. The current political climate should give us the wisdom to move forward under statutory authority.

Even if we get a constitutional amendment through both Houses of Congress it would take a minimum of 2 years for State ratification. Why wait? We have to start making the hard choices now. Beginning with fiscal year 1994, this legislation obligates the President to send to Congress a 5-year budget plan that requires a balanced budget by fiscal year 1998 and for each subsequent fiscal year, which the Congress would have to vote on.

Congress would also be required to submit and vote on a budget resolution in fiscal year 1994, and each subsequent year, that would ensure a balanced budget by fiscal year 1998 and thereafter.

In order to preserve the integrity of the Social Security System, the proposal restates current law, under which Social Security is "off budget."

We need a balanced budget. But playing politics with the Constitution is not the way to do it. I would urge my colleagues to support this important legislation on Tuesday.

TRIBUTE TO STEPHEN JEROME

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. Stephen Jerome, president of Monroe College in the borough of the Bronx. Next Tuesday, June 9, 1992, Mr. Jerome will be honored at the Humanitarian Awards Dinner of the Bronx Council of the Albert Einstein College of Medicine of Yeshiva University, and I can think of no one more deserving of this distinction.

Mr. Jerome spent his youth in the Riverdale section of the Bronx. He received a B.B.A. degrees from Pace University and pursued graduate studies in computer science at the New School. Mr. Jerome joined Monroe College as an instructor in 1966 and became its president 12 years later, after having held a succession of positions in the college.

Throughout his tenure as president, Mr. Jerome has guided Monroe College through a variety of transitions that have led it to become a fine institution that provides a quality education to the students it serves. Monroe College received recognition from the Middle States Association of Colleges and Schools, a regional accreditation agency; received authorization to grant additional degrees and to offer new programs; and expanded physically with the addition of a branch campus in New Rochelle.

Mr. Jerome is a member of the Young Presidents' Organization, a member of the College Presidents' Council for the Governor's Office on New York State Financial Aid, and president of the Association of Proprietary Colleges in New York State. In the past he has held the position of director of the Bronx Chamber of Commerce, member of the board of trustees of the Dwight-Englewood School, as well as commissioner of the Accrediting Commission of the Association of Independent Colleges and Schools.

In addition to the duties associated with his role as president of Monroe College, Mr. Jerome plays an active role in the community. He arranges an annual Children's Christmas Party for the children of Monroe College students; assists local community organizations with special events; and organizes various clean-up, street-lighting, and neighborhood improvement program. Mr. Jerome has also served as president of the Fordham Road Area Development Corp. in which he coordinated the rehabilitation of Fordham Road to ensure the project did not adversely affect businesses in the area.

Through all that he does, Mr. Jerome displays exceptional humanity and compassion. His dedication and commitment to people is a commendable quality that all those with the good fortune to know him appreciate and which future generations will enjoy as a result of his invaluable contributions to Monroe College and to the community. On behalf of all of us in the South Bronx, I would like to congratulate Mr. Jerome on the occasion of his being honored and express to him my deep appreciation for enriching our lives through his.

HONORING MAJ. GEN. LAWRENCE FLYNN'S RETIREMENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. GILMAN. Mr. Speaker, I rise today to honor a distinguished officer, Maj. Gen. Lawrence Flynn of the New York National Guard, on his retirement from service on June 30, 1992.

The National Guard has always been prepared to help our Nation in time of need. From the Revolutionary War to the Persian Gulf war, our National Guardsmen have stood ready to respond to any threat that faces the United States. The New York National Guard has responded more recently to the 1979 State corrections officer's strike, the Buffalo blizzards of 1977 and 1985, and during the cleanup in the aftermath of Hurricane Gloria.

As a former Marine Corps officer, General Flynn entered the service as a private on May 1, 1947. He received his commission as a second lieutenant in 1951 during the Korean war, leading a rifle platoon. Following the Korean war he was again promoted and served as a regimental executive officer, assistant chief of staff for operations and logistics, and deputy chief of staff for plans and programs for the New York State Militia. Upon his discharge from the Marine Corps, he was appointed a colonel in the New York Guard, ending his career as a major general after 46 years of honorable service.

Throughout General Flynn's career, he attended the Command and General Staff College at Fort Leavenworth, and received his bachelors of arts degree at Iona College. He is a graduate of the U.S. Marine Corps officer basic course, amphibious warfare school, U.S. Navy attack cargo ship embarkation school, and the U.S. Air Force air ground operations school.

General Flynn's awards include the Legion of Merit, the Meritorious Service Medal with Oak Leaf Clusters in lieu of second and third awards, and the New York State Conspicuous Service Medal with devices for three awards.

General Flynn's distinguished career spans over 46 years of dedication and service in both the U.S. Marine Corps and the New York National Guard. General Flynn's devotion to the security of this Nation, exemplifies the U.S. Military Academy's motto; "duty, honor, country."

Mr. Speaker, I invite my colleagues to join in saluting Maj. Gen. Lawrence Flynn on his retirement, as an outstanding soldier and American. We wish him continued success in all his future endeavors.

A SALUTE TO THE ARTISTIC DISCOVERY WINNERS OF THE 21ST CONGRESSIONAL DISTRICT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. STOKES. Mr. Speaker, during the past few months, I, along with other Members of Congress, have hosted the "Artistic Discovery" contest throughout the district in conjunction with the 11th annual Congressional Art Competition for high school students. The contest allows Members to join together to recognize the creative spirit of American high school students in a nationwide art competition.

I am excited to be a part of an endeavour that is so very important to the development of our youth. I can proudly say that each piece of artwork from my district is of tremendous talent and ability. This year, artwork was received from 137 students representing 12 high schools.

These students and their parents recently were honored at city hall in Cleveland Heights. I am pleased that more than 150 people attended the reception, marking the end of a week long "Salute to Young Artists."

The judges had a difficult time selecting this year's winner. In the end, Rayshawn Hunt, a senior from the Cleveland School of the Arts, was selected as the winner. Rayshawn's eloquent oil painting titled "Masked Still Life" recently arrived in Washington where it will become part of a mosaic of culturally diverse paintings from students nationwide.

I join my colleagues in looking forward to the official "Artistic Discovery" opening on June 23. I thank the principals and art instructors from schools throughout my district who encouraged the students to participate. I also take this time to thank the "Artistic Discovery" judges as well as Cleveland Heights mayor Barbara Boyd and her staff for accommodating us at city hall during the "Salute to Young Artists."

Mr. Speaker, the walls of the Capitol are about to be masked with an array of culturally diverse paintings. Each one of these paintings represents the creative spirit of our youth. More importantly, these paintings will make the walls of the Capitol more beautiful.

1992 ARTISTIC DISCOVERY COMPETITION PARTICIPANTS

BEAUMONT SCHOOL

Susan I. Ancheta, Amy K. Baker, Jennifer Blum, Beth Bodziony, Molly Burke, Accalia Calabrese, Polly Carran, Catherine Cavanagh, Nicole D'Alessandro, Stephanie Darrah, Katie Entsminger, Sarah Fitz Simons, Elizabeth A. Gephardt.

Erin Gerling, Elizabeth A. Havach, Jennifer Hodson, Lori E. Indriolo, Keisha Jones, Karolyn Kohut, Karen E. Leach, Kara Lock, Suzy Lutjen, Claire Madden, Margaret Mann, Brandyn Manocchio, Ja'Nitta P. Marbury.

Ruth Martin, Meghan Moore, Pamela Pritchard, Julie Rosenjack, Anna Sivak, Therese Strauchon, Ann Tinker, Marisa Tiroly, Mary Traverse, Christa Truzo, Amelia Vlah, Jamie Wilson.

Art Teachers: Ellen Carreras and Sister Lucia, O.S.U.

BEDFORD HIGH SCHOOL

Robby Baker, Heather Beale, Angela Daniels, Carrie Dragan, Raymond Flauto, Marie Garrett, Jerold James, Jacqueline Janoco, Stacie Jennings, Stacie Main, Mark Polisena, Christopher Rivera, Melanie Ruple, Bethany Walker.

Art Teachers: Robert Bush, Dagmar Clements and Andrew Rabatin.

BELLEFAIRE SCHOOL

Trach Alioa, Eric Carter, Patricia Cooley, David Derian, Heather Gabelman, Jeff Hansen, Mark Hanuscin, Joel Koslosky, John Mendelsohn, Nikki Rogers, Tabatha M. Snyder.

Art Teacher: Karen Mehling.

CLEVELAND HEIGHTS HIGH SCHOOL

Christopher Baldini, Lochen Brown, Corbet Curfman, Ann Havenhill, Sarah Lindley, Quy Tieu, Leah White, Meghan Wilson, Sarah Younkin.

Art Teachers: Sue Hood-Cogan and William Jerdon.

CLEVELAND SCHOOL OF THE ARTS

Dang Huynh, Dana Jones, Rayshawn Hunt, Jason Johnson, Mai Ly.

Art Teacher: Andrew Hamlett.

COLLINWOOD HIGH SCHOOL

Kenrick Bachelor, Michael Bush, Jules Latson, Marcella Long.

Art Teacher: Jerry Dunnigan.

EAST HIGH SCHOOL

Marvin Colon, Aniya Frazier, Tiyana Miller, Vanessa Nieves, Anthony Rogers, Neleeta Smith, George Zmich.

Art Teacher: Jaunace Watkins.

JOHN ADAMS HIGH SCHOOL

Angelo Garner, Jerry Isler, Terrel McClain, Shannon Parker, Rawlin Roberts, Brenda Ruiz, Lequita Thomas, Angela Welsh.

Art Teacher: Dale Lintala.

JOHN HAY HIGH SCHOOL

Xavier Franklin, Damon Hart, Jeffrey Janis, Maurice Leach, Jermaine Priester, Michael Ricco, Bobby Roberson, Albert Sims, Marquis Smith, Jermelle Thomas, Robert Whittingham, Zicarr Young.

Art Teachers: Harriet Goldner, Kathleen Yates.

SHAKER HEIGHTS HIGH SCHOOL

Andrew Cameron, Iris Even, Kyle Norrie, Melanie Rider, Kaytee Schmidt, Stuart Spivack, Clay Weiner.

Art Teachers: Malcolm Brown, James Hoffman, Susan Weiner.

SHAW HIGH SCHOOL

Andrew O. Bulgin, Richard Carr, Larzell Cowan, James Greenwood III, Lisa Henry, Byron Hood, Abdur Jackson, John Martin, Kirsten Rivers, Sheron Schaffer.

Art Teacher: Susan Lokar.

WARRENSVILLE HEIGHTS HIGH SCHOOL

Yakee Burns, LaMar Davis, Damon Jackson, Matthew Jackson, Donald Morgan Johnson III, Donald Robertson, Matthew Trenka.

Art Teacher: James Evans.

IT IS DANGEROUS TO BLINDLY ACCEPT A PEACEFUL WORLD AS FATE

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. FRANKS of Connecticut. Mr. Speaker, as we all know, we have entered a new world with different boundaries and new leaders. Communism and the evil empire have been dismantled, in large part because of our policy of deterrence. Unfortunately, many of my colleagues are forgetting history and feel that our country is headed toward a world of peace and cooperation. Albeit that is an admirable goal for which we should all aim, but the fact remains that it is dangerous to blindly accept a peaceful world as fate.

Perhaps the threat we now face does not seem as ominous as the Soviet bear, but it clearly exists. In fact, in some ways it may be even more dangerous, in that it is not as easily identifiable. After each war fought we have downsized our military to a point that has not enabled us to deter aggessors or participate in a conflict from a position of strength. Mr. Speaker, communism may be gone but we all know the weapons it built are not. We need to move forward with great caution and never forget our history lessons.

Deterrence allowed us to avoid entering into a global nuclear war. Why not take those lessons learned and apply them to our current restructuring strategy? I agree that downsizing is necessary and is certainly an award we should claim from our recent victory over communism. However, I have to express my concern with the temptation to move closer and closer toward a dangerously hollow force by continuing to search for the illusive peace dividend.

As a result of this historical moment, we faced a challenging job in the House Armed Services Committee this year. While we met that challenge in the committee I'm afraid that some of my colleagues were unable to rise to the challenge and a bill was passed that fails to maintain a position of strength.

While I commend the committee for its increase in the Guard and Reserve by 49,050 and the 3.7-percent COLA increase for members of our armed services, I am concerned with several amendments that passed. Amendments such as the ban on nuclear testing would interfere with our ability to maintain a safe, reliable nuclear arsenal that is critical to our deterrent.

Further, the amendment that will reduce the defense budget by an additional $3.5 billion through a withdrawal of forces in Europe, Japan, or Korea is premature. The Secretary of Defense has already set forth a plan to reduce our troops to 150,000 by the end of fiscal year 1995. To increase the pace at which we draw down our forces would be a logistical nightmare not to mention a security risk.

Both these amendments make it difficult to maintain a reliable and quality force. However, I am also pleased with Mr. KASICH's burdensharing amendment that passed. This is critical to encouraging a more cooperative world as well as alleviating some of the economic burden that the United States has carried since World War II.

Perhaps the most important thing we accomplished this year was the reinvestment package. As we do draw down the forces we cannot forget the proud men and women who helped us win the cold war, or the Persian Gulf war for that matter. Their award for courage and hard work should not be pink slips. Rather it should be assistance in finding new jobs.

National security does not only come in the form of submarines and fighter jets. They are simply the tools that are produced by the American worker to deter and defend our country. Let's concentrate on maintaining a country with not only a strong deterrent based on military hardware, but also people. After all they are this country's largest asset.

CITRUS GROVE SCHOOLS' MENTORS LEARN AS THEY TEACH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I want to call my colleagues' attention to an outstanding teaching program at Citrus Grove Elementary and Middle Schools. Under the Coca-Cola-sponsored Valued Youth Program, students at Citrus Grove Middle School are tutoring students at the Citrus Grove Elementary School next door.

Twenty-five middle school students like Miguel Perez, Jazmin Rosario, and Rosemarie Vargas spend four hours each week teaching 54 elementary students. The middle school mentors not only help the younger students learn, and reinforce their own knowledge of what they teach, but they learn an even more important lesson—responsibility.

Twelve-year-old Sadiz Torres, for example, used to miss school more before she became a mentor for younger students. She explained the change by saying: "If I miss, my students ask me where I was and tell me I shouldn't be absent. It makes me feel good to know they miss me." Twelve-year-old Daniel Sarabia learned that teachers have a more difficult job than he had suspected. He and the other mentors work to improve their performance and abilities because they know kids like 7-year-old Bryan Canales are depending on them.

The Miami Herald published an article on this outstanding program, which I would like to include in the RECORD:

MENTORING GIVES MIDDLE SCHOOLERS A CHANCE TO TEACH

Giving kids a sense of responsibility—and a peek at the other side of the classroom—is what the Coca-Cola Valued Youth Program is all about. It pays middle school kids $4.25 an hour to tutor elementary school children.

The idea is to prevent both groups of kids from becoming future dropouts. The program was first used in San Antonio in 1984, and Citrus Grove is the first Dade school to try it.

"It really gives the kids purpose, a reason to be at school every day," said Cleveland Roberts, work experience coordinator at the middle school, 2153 NW., Third St. "They know they're being depended on."

Twenty-five middle school kids tutor 54 elementary school students. Because the schools are next door, the tutors walk to the elementary at 9 a.m. Monday through Thursday to spend an hour with their young charges.

They talk with the first-grade teachers, who tell them what skills need to be worked on. The program, which started in October, is being evaluated continually, Roberts said. So far, the feedback has been good.

"It benefits everyone," said Teresa Floyd, the first-grade department head at the elementary school, 2121 NW., Fifth St. "You can see them forming a bond. When the tutors tell the kids to do their homework, they usually do it. Sometimes it takes kids to reach other kids. One of the tutors even sent a note home to a student's parents. I think it's great."

So do the first-graders.

"They're nice to me and they help me," said Bryan Canales, 7. "In math, they tell me how much something plus something is."

The program is popular.

"I have kids beating down the door to get in." Roberts said. "Our students have responded well to what they're doing. Some kids who would have skipped because they had a headache will be here, because they know the other students need their help."

Sadiz Torres, 12, who said she "used to be absent a lot," agrees "If I miss, my students ask me where I was and tell me I shouldn't be absent." She said, "It makes me feel good to know they miss me."

Daniel, too, has a new perspective: "Knowing I can help someone makes me feel better about myself. Now, instead of me looking up to someone, somebody looks up to me."

Mr. Speaker, I commend Cleveland Roberts and Theresa Floyd of the Citrus Grove schools for making this program work. And I thank Coca-Cola for sponsoring this program. This is an example of the type of partnership with business and industry that can make our schools work for the next century.

VALUES ARE IMPORTANT

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. HOLLOWAY. Mr. Speaker, I appreciate having the opportunity to speak today on an issue which I consider vitally important, essential to the future well-being of our great Nation, a subject which we don't talk about often enough: there is no need as important as the need to strengthen family values.

I believe strongly in the need to teach our children right and wrong. I believe strongly in the need to bring God and Judeo-Christian ethics back into the lives and hearts of our children by bringing them back into our schools. Mr. Speaker, I am concerned about where we are going as a country. As a conservative, family man, husband, and father, I believe there is nothing wrong and plenty right with trying to promote family values and fighting to block anything that threatens those values.

But instead of encouraging such values, the National entertainment media does just the opposite. Instead of family values, we see our traditions mocked. Spiritual conviction and personal faith are portrayed as silly and outdated. Instead of respect for human life and dignity, our children are routinely exposed to stories of random sex, violence, and murder. Instead of promoting values our children can hold on to, certain segments of the media shock them with a celebration of immorality.

That is why we cannot and will not ever retreat from the positions we feel so strongly about. We simply cannot abandon the fight. We cannot sit idly by while society undermines responsibility and commitment. We cannot allow a superficial search for short-term pleasure to replace faithfulness and high ideals.

America must return to the foundation which made us where we once were: a society which values respect, personal responsibility, commitment, truth, honesty, integrity, and character; a place where parents care and get involved, where teachers teach and children study and learn and recognize the wisdom of being the best they can be. Mr. Speaker, it is time for more people to worry about standing up for what is right, and not worry so much about being politically correct.

Vice President QUAYLE recently spoke about "poverty of values" in America. He was right on point. It does my heart good to see at least one conservative in Washington go on the offensive on these issues. It should happen more often. But when I think of a poverty of values, it makes me ask, What are our values? What is important to us? What example do we want to set for our children? What kind of America do we want to leave them?

The riots in Los Angeles and the constant violence on the streets of Washington, DC, point to a failure to teach and learn values and a breakdown of the family unit. But I don't accept the idea that society failed those from broken homes and that we are all responsible for causing the urban and domestic violence which has plagued certain places in this country. Who should we blame for the riots? We should blame the rioters. Who should we blame for the killings? We should blame the killers.

There is no simple answer to this social stagnation. But the moral cirsis in this country in many respects can be blamed on a system that discourages initiative and encourages fatherless homes. And after spending millions upon millions of dollars, certain cities in our country are still plagued by crime, drugs, and illegitimacy.

That is why it makes me angry when so-called conservatives do not take a stand with me on issues as fundamental as protecting the institution of marriage. I have introduced House Joint Resolution 480, which would nullify a recent action by the D.C. City Council. The bill passed by the D.C. City Council would recognize unmarried domestic partners of D.C. City employees for the purpose of extending health insurance benefits. I do not believe this Congress should be in the business of helping to provide to unmarried gay and heterosexual couples the same benefits we extend to married couples. Mr. Speaker, I am profamily and proud of it. The Congress, as a matter of policy, should not equate gay and lesbian relationships with the relationships between men and women in marriage. I do not believe the traditional marriage should be considered as, reduced to, simply another option.

Mr. Speaker, I am a member of the House Select Committee on Children, Youth, and Families. If, when I leave here, people say that CLYDE HOLLOWAY did one thing to make American families a little stronger and a little better, then my time in this place will have been worthwhile.

We won't correct these problems overnight because they did not come about overnight. But with a strong foundation, based on the principles we share with millions of people around this Nation, and the courage of a few good men and women molding public policy, we can set this country, our families, and our society back in the right direction.

ANOTHER LETTER EXPLAINING THE NEED FOR NATIONAL HEALTH REFORM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. STARK. Mr. Speaker, I've received the following letter from a man in Florida that describes the need for legislation to ensure that all Americans have health care coverage, regardless of employment status or age.

I wish that I could promise him relief, but until the President changes his opposition to taxes and tough cost containment, there is no help.

The letter follows:

> I was formerly employed by a Company who had been in business for 54 years, and which two years ago went out of business. With the closing my wife and I along with many others were left without Health coverage. At our age of 62, employment was very difficult to obtain. In order to protect our family we had to purchase very costly Health Insurance. We had been paying $7,956.00 per year for insurance for my wife and I. In February of this year I received a letter from my Insurance Company informing me that our Insurance beginning in April of this would go up to $8,197.00 per year which reflects our current age which is 62. Three months later on May 15, 1992 we received another letter informing us that our policy would increase to $9,171.00 per year. These costs I think you will agree are prohibitive. By the time that my wife and I attain the age of 65, and eligible for Medicare the continued cost increases will be out of reason. We need your help.
>
> I along with many of my fellow employees support your Bill, proposing to lower eligibility for Medicare to age 62. We understand that taxes will have to be increased to support this program, and we also support this.

MORE TRUTH ABOUT PRORATIONING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. SCHEUER. Mr. Speaker, in response to the House passage of the Markey/Scheuer natural gas prorationing amendment to the energy bill (H.R. 776), Lena Guerrero, chairwoman of the Texas Railroad Commission [TRC], insisted that Texas' prorationing regulations were not designed to raise prices. Chairwoman Guerrero, however, ignores the history of the TRC.

The TRC is the State governmental agency charged with regulating oil and gas production in the State of Texas. It was founded at the turn of the last century. Two other members, James Nugent and former Representative Bob Krueger, serve on the board with Chairwoman Guerrero.

In the early 1930's the east Texas oil fields were producing in large quantities. This, combined with the Depression, lead to extremely low gas prices. Producers tried to implement a voluntary shutdown in order to control output and restore the price, but voluntary controls were not effective. "A dollar a barrel" became the rallying cry throughout the oil industry. Texas Governor Ross Sterling then sent in the Texas Rangers to physically prevent producers from producing their oil. The TRC issued prorationing orders aimed at restricting output and raising prices, and enforced them at gunpoint. Governor Sterling and the TRC were successful. Oil prices rose 700 percent.

One student of the oil industry and the TRC actions of the 1930's was a Venezuelan by the name of Perez Alfonzo. Mr. Alfonzo was a minister who was arrested during the coup attempt of 1948 and later escaped to the United States. While in the United States he took up the study of the oil industry and focused on the TRC.

After returning to Venezuela in 1956, Mr. Alfonzo took to the task of forming a global alliance of oil producing nations. To assist him in his efforts, he hired a former TRC consultant to help implement a prorationing system on a worldwide basis. This alliance eventually became the Organization of Petroleum Exporting Countries [OPEC]. When OPEC was formed Alfonzo had achieved his dream of the worldwide TRC.

Chairwoman Guerrero is proud of the TRC's history of oil regulation and thinks the policies of the past can have valuable applications today in the natural gas industry. In a speech last January she stated:

> But to encourage exploration and development, we must assure every producer that they are guaranteed a reasonable opportunity to a fair share of the current market by proration "similar to the system used with oil decades ago" (emphasis added).

Chairwoman Guerrero may believe that creating a second OPEC to control output and raise prices in the natural gas industry is a good idea, but I believe one OPEC is enough. When the House passed the Markey/Scheuer amendment it did the right thing.

TRIBUTE TO BENJAMIN HAYES

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. LEVIN of Michigan. Mr. Speaker, today I rise to pay tribute to Benjamin Hayes, the deacon of Greater Grace Temple in Inkster, MI, and a man who has worked tirelessly to improve his community.

Whether he's organizing church programs, overseeing homes for the mentally retarded, or raising money so that local high school students can attend college, Mr. Hayes's energy has been faithfully channelled toward helping others. He has served as deacon for 25 years and been a role model to young African-Americans.

Born 1 of 12 children, Mr. Hayes was infused with a strong work ethic by his mother, Elmira. In turn, Mr. Hayes has passed on that work ethic to his four children, three of whom manage homes for the mentally retarded.

A typical work week for Mr. Hayes involves 12-hour days, 7 days a week. His devotion to community service stands as a shining example of how one committed person can truly make a difference in the lives of those around him.

FORCED REPATRIATION OF HAITIAN BOAT PEOPLE

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. BLACKWELL. Mr. Speaker, last night as I prepared to leave my office for the evening, I received a most troubling phone call from one of my constituents. A Philadelphia lawyer with Church World Services, who had just returned from Haiti, to witness the forced repatriation of these so-called economic refugees. My friends, the man spoke with a tremor in his voice, as he told a story that I must relay to you.

After sailing on an overcrowded, raft for several days in temperatures of up to 100 degrees, a woman of approximately 35 years with a 3-year-old child by her side, was asked to step off the Coast Guard Cutter which had just set shore at her native land. The woman then refused to leave the vessel and set foot back on the sands of her homeland.

The terrified, yet strong woman would not move. Was it because this devastated country no longer resembled her homeland? Was it because she had already witnessed the beatings of children and elderly citizens at the hands of the Haitian military? Or was it because she had just risked her and her young child's life to sail through shark-infested waters to the so called land of opportunity, only to be intercepted and sent back to the torn island nation?

Well, Mr. Speaker, the United States has a new policy in today's "new world order." The woman, with her child, was dragged off the boat, dragged across the dock, and then dragged into the repatriation station, as she screamed in harmonious agony with her young son.

Many find this story shocking, yet it is now common practice. I am embarrassed, Mr. Speaker, because I am not sure which is more horrifying. The fact that the Haitian people are suffering atrocities at the hands of their unelected, oppressive military government? Or the fact that the U.S. Federal Government is playing the role of the bounty hunter, ruthlessly capturing these brave souls on the path to freedom, and then forcibly sending them back for more suffering and hardship.

Last Tuesday, a platoon of soldiers ruthlessly beat and maimed a group of students who were gathering peacefully to protest the government.

In addition Mr. Speaker, over 20 politically motivated killings at the hands of the Haitian military have been reported since May 21, and who knows how many have gone unreported.

In light of these incidents, I find it utterly repulsive that the administration claims the Haitians who have fled their country are economic refugees. Well, Mr. Speaker, these so-called economic refugees are being beaten, killed, and arrested for no reason.

If that doesn't qualify them for political asylum, then I don't know what does.

We must also address the grave crisis these people face when trying to obtain refugee status from the United States. The new United States, you know, the one with the barbed wire fence around the perimeter of the country?

It has been reported that any Haitian wishing to be granted refugee status must wait months, due to the fact that only 60 people can apply at the consulate each day.

In my home city of Philadelphia there sits a bell, a liberty bell, which is a symbol to all the people of our great Nation. And on that bell there reads an inscription from the good book of Leviticus. "* * * And the inhabitants shall proclaim liberty throughout the land."

Well, my friends, the time has come for us to recognize that we ourselves are not free to proclaim our liberty when we lock those out who wish to share the dream with us.

CONGRATULATIONS TO RANDY GHAN, LABOR LEADER OF THE YEAR

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. LEHMAN of California. Mr. Speaker, I rise before my colleagues today to congratulate Randy Ghan for being selected as Labor Leader of the Year by the Central Labor Council, AFL–CIO Committee on Political Education. I would like to especially commend Randy for his dedication and commitment to furthering the goals and ideals of everything the labor movement embodies. This award serves as a great tribute to all the hard work and long hours that Randy has put in over the years.

Randy's life has been characterized by a strong desire to change the status quo and to make the world a better place for the common person. His passion for helping people first materialized when he was a college student at Humboldt State University in the 1960's. Following the violence at Kent State, Randy was instrumental in organizing protestors in nonviolent protests. In fact, Humboldt State was recognized as one of three campuses nationwide that best depicted the ideal organized student rebellion.

Randy was introduced to the benefits of being a part of a union at an eary age. His maternal grandfather, the late Joe Sulko, was a 50-year member of the Carpenters Union, Local 701. In addition, after the painful divorce of his parents, his mother was employed as a retail clerk and was a member of the Retail Clerks Union, Local 1288. It was the fair wages and the health and welfare benefits received through her union membership that allowed her to provide a comfortable home for her family.

Randy attended Fresno schools and is a graduate of McLane High School. In high school, Randy was active in student government and the biology club and he earned a lifetime membership in the California Scholarship Federation. After 1½ years of studies at Humboldt State, Randy came back to Fresno to help his mother. He later enrolled at California State University, Fresno, to complete his degree in political science and psychology. However, this goal was put aside after Randy was involved in a serious motorcycle accident. After an 8-month recovery time, and a large collection of medical bills for which he had no insurance, Randy decided he had no choice, he had to quit school and work full time.

In June 1973, Randy found his first full-time job and his union career was on its way. He joined the American Beauty Macaroni Plant in Fresno as a lead maintenance operator in the Bakery, Confectionery and Tobacco Workers Union, Local 85. Randy worked at the plant only a short period of time when he realized conditions were seriously lacking. He began to speak up on employee issues and his advocacy earned him the plant's first shop steward position and an election to the negotiating committee. Exactly 2 years and 2 days after he went to work at the pasta plant, he was hired as an assistant business representative for the local union. He was only 23 years old.

Randy credits the man who initially hired him, Al Platz, secretary-business representative at Local 85, for having the foresight and vision to give him such a large responsibility and the subsequent opportunity to succeed.

Over the last 17 years with the union, Randy has served as the chair of the macaroni standing committee of the Western Conference and as an executive board member of the Western Conference. Today he is a trustee and serves as the senior assistant business representative of the local union.

Randy has emerged as both a leader within the union community as well as in the community-at-large. He was appointed as a commissioner on the Fresno Delinquency Prevention Commission, the Economic Opportunities Commission and the Fresno County Housing Authority. He was a member of the now defunct Valley Labor Citizen newspaper and served on the executive board of the Fresno Industrial Relations Research Association. He currently serves on the executive board of the Fresno-Madera Central Labor Council, is a director of the Fresno Private Industry Council, is the secretary-treasurer and chief executive officer of the Fresno-Madera Central Labor Council, is the executive director of the Central Labor Council Displaced Worker Program, and the president of the Fresno-Medera Union Label Council.

Needless to say, Randy is a busy man. However, he still finds time to get involved in many issues when the need arises. Throughout his life his philosophy hs been, "Just do it." In 1986, he had a tremendous desire to bring back the traditional Labor Day picnic that had been held in Fresno for many years. Through his vision, hard work, and organization the first picnic was an overwhelming success and the picnics has been held every Labor Day since.

Through the relationships Randy developed while planning the Labor Day picnic, he saw a need to bring together both AFL–CIO and non-AFL–CIO affiliated groups. So, less than 1 year after the first picnic, Randy founded COOL, the coalition of organized labor. He served as the group's first president until 1990 and is proud of the organization's regular monthly meetings and topical speakers on labor events and issues of the day.

When asked to reflect on his biggest accomplishments as the secretary-treasurer and chief executive officer of the Fresno-Madera Central Labor Council, Randy cited the solid relationships that have been built among labor and the community. Are there more things that Randy would like to do? For those who know Randy, the answer could be nothing less than yes. In his own words he would like "to continue to advocate the needs and aspirations of the working populace * * * and improve the plight of the working people."

"Uncomfortable" was how Randy described how he felt about being honored as Labor Leader of the Year. He explains the source of his discomfort in this way,

> I think it is our responsibility to see that a job needs to be done and to just do it. So, for attention to be drawn to me for what you just do, well, I'm very grateful, but I'm not comfortable.

This attitude, this "just do it" demeanor is why Randy is the best choice for Labor Leader of the Year. His significant achievements and leadership in making our community a better place for working people is why it is so easy to recognize Randy as the Fresno-Madera Central Labor Council, AFL-CIO Committee on Political Education Labor Leader of the Year.

Randy's family, his spouse, Sharon Lois Hodson, chief financial officer of Utility Trailer Corp., daughters Tracy Jordan, 22, and Maria Jordan, 18, and grandson Issac Jordan, 20 months, join all of us in saying, "Congratulations, Randy, and thank you."

Mr. Speaker, I am pleased and honored to rise before my colleagues today to recognize and pay tribute to the lifelong work of Randy Ghan. I congratulate him wholeheartedly.

MISSILE DEFENSE ACT

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. SPRATT. Mr. Speaker, last year, when the House took the defense authorization bill to conference, we found that the Senate had passed a Missile Defense Act, which called for deployment of a ground-based ballistic missile defense [BMD] system by fiscal year 1996. There was no threat driving in fiscal year 1996 initial operational capability [IOC], which a defense system deployed by then would counter, and there were unwanted consequences of imposing in fiscal year 1996 IOC for ground-based BMD at Grand Forks.

First, the initial intercept system would have to be one layer, made up of all ground-based interceptors [GBI's], which are exo-atmospheric only. The endo-atmospheric interceptor [E/EI], simply could not be deployed by fiscal year 1996. The Missile Defense Act professed support for a fully effective, ground-based missile defense system, but omitted any reference to one of the features every advocate of such a system has always insisted upon, namely, two layers: an exo-atmospheric interceptor and an endo-atmospheric interceptor.

Second, if fiscal year 1996 had to be the deployment date, then the first GBI's deployed had to be dem/val hardware, only a few of which would be up to IOC by fiscal year 1996; more, of course, would follow; but there would be no full-fledged system in place by fiscal year 1996. These dem/val GBI's would have great military utility, according to one contractor, but they would not be all you want in a GBI. The sensors in particular would be suboptimal, but ground-based systems would have one clear advantage over space-based systems: as components like sensors are perfected, ground-based interceptors can be upgraded. Space-based systems, once deployed in space, cannot be upgraded from time to time and incrementally improved.

Third, the initially deployed system would have minimal capability for mid-course discrimination, a requirement essential to a single-layer defense in which there is no room for error. In effect, mid-course discrimination would be postulated away, by assuming it is not a problem to be reckoned with in accidental, unauthorized, or limited attacks.

Fourth, initially, two ground-based radars [GBR's] would be needed: One at Grand Forks, another at Kwajalein for testing. If a deployment date in 1996 were imposed, the GBR's would probably have to use TWT rather than solid state electronics, which is not an operational disadvantage, but it would mean investing in one technology for the near term and another for long term.

Fifth, in order for the ground-based systems to see over-the-horizon and to be cued on launch to the approximate coordinates of the incoming RVs, ground-based surveillance and tracking systems [GSTS] would be needed: several for testing and several more for deployment to assure that more than one could be launched in the face of an incoming attack. GSTS is an infrared sensor mounted a small rocket, used for acquiring and tracking RVs. GSTS is necessary because the GBR at Grand Forks has too high an horizon, that is, it cannot see attacking missiles far enough away to do acquisition, tracking, and hand-off. BMEWs and PAVE PAWs can be technically adapted to perform the function, but possibly not within the limits of the ABM Treaty. The focal plane array for these and other sensors is still being selected and perfected, but this is said not to be a pacing item. GSTS hardware could be close to IOC by fiscal year 96, but its effectiveness will depend on algorithms and signal processing, all of which is based on the phenomenonology of RVs in mid-course, data that is still in short supply. The Missile Defense Act, as passed by the Senate, took care to mention space-based sensors, known as Brilliant Eyes, which are not ready for near-term deployment, but omitted without explanation any mention of GSTS.

Sixth, GSTS itself may not comply with the ABM Treaty; at the very least, it raises questions the SCC should resolve. In articles III(b) (2) and (3), the Treaty provides that both parties will not deploy ABM systems other than those expressly approved. Article III expressly approves "two large phased-array radars comparable in potential" to those then being operated or constructed and not more than "eighteen ABM radars" of lesser potential than the large phased-array radars. The GSTS is not space-based, because "if a weapon is lofted from an agreed ABM test range, so that it is not placed in orbit but flies for a few minutes and then re-enters the atmosphere, it is not space-based." Still, Ashton Carter has written, "It is not possible to justify testing Probe [GSTS] to support a 100-interceptor deployment at one site since it is not an allowed component of that system." So, even a ground-based system deployed at one site might not be treaty-compliant.

Seventh, once the GBIs and GSTS were deployed, a system would be in place that is capable of giving some protection against an accidental launch. The threat in such a case would presumably be no more than three missiles or 30 RVs, since a larger-scale launch by accident is extremely unlikely. This is how the Army's Strategic Defense Command rates a treaty-compliant system at Grand Forks. In its estimation, such a system would best protect against about 30 RVs coming over the northern polar region, which is probably the worst case scenario for an accidental launch out of the Soviet Union. Without E/EI and discrimination, however, the protection would not be leak-proof.

Eighth, space-based sensors—"Brilliant Eyes"—would give the missile defense system earlier acquisition and longer tracking time, but Brilliant Eyes are unlikely to be deployable before 1998–2000, and they too raise questions under the ABM Treaty.

Ninth, none of the above will work if battle management and system control and communication [BM/C3] doesn't work, which makes B/MC3 a long pole in this tent. Since the software for battle management can't be finished until the hardware is developed, B/MC3 may be some way from perfection in fiscal year 1996.

Tenth, when all of these components are in place, and E/EI is added, 100 interceptors at Grand Forks will protect against an accidental launch—postulated as 30 RVs—but give only partial protection against a larger-scale unauthorized attack—a boatload of SLBM's, for example. The additional protection can only be achieved by deploying defenses at several coastal sites; and this defensive system may give substantial, leakproof protection only if it can rise to the challenge of mid-course discrimination.

What conclusions can we draw from the above?

First, a fiscal year 1996 IOC should not be imposed. There is no threat today driving a fiscal year 1996 IOC. The Third World threat will not have materialized by then; and any system in place by fiscal year 1996 would not be capable of handling a deliberate, but unauthorized attack of some scale, say, a boatload of SLBM's.

Second, if we establish any single thing about missile defense, it should be not a congressional IOC, but a congressional budget range for missile defense: the sum of money SDIO can reliably expect from Congress for the next 5 years, so that it can plan its program on a stable budget.

Third, the defense budget will not accommodate two systems, a ground-based system and a space-based system, being developed in effect at the same time, though planned for deployment in phases. If we genuinely want to get as close as we can to a working ground-based system by 1996, the next phase has to be cut deeply, some say cut out. I would not cut out Brilliant Pebbles, but I would limit funding to phenomenology studies, sensor development, and signal processors, and postpone a development decision until we can make a practical assessment of the ground-based system.

Fourth, an effective ABM/ALPS cannot be built within the constraints of the ABM Treaty. 100 interceptors would be sufficient to combat an accidental launch, defined as no more than 3 missiles or 30 RVs. But for national coverage, these interceptors would have to be committed at high altitudes. Without radar and space-based sensors, the footprint probably cannot be expanded to nationwide coverage. Therefore, if we want to go forward with a ground-based system with nationwide coverage, we should recognize that amendments will eventually have to be made to the ABM Treaty. Those amendments will almost certainly have to address the allowance of extra sites and space-based sensors.

The Armed Services Committee has borne these points in mind in deleting from the Missile Defense Act any congressional IOC and in funding the Missile Defense Act for fiscal year 1993, as explained in the following excerpt from the committee's report:

REPORT OF THE COMMITTEE ON ARMED SERVICES

SECTIONS 231–233—MISSILE DEFENSE PROGRAMS

The committee notes that the Missile Defense Act of 1991 directed the Secretary of Defense to develop a cost-effective and operationally-effective initial ABM Treaty-compliant system for deployment "by the earliest date allowed by the availability of appropriate technology or by fiscal year 1996." However, SDIO Director Ambassador Cooper testified to the Research and Development subcommittee on May 6, 1992 that the expressed goal of a fiscal year 1996 deployment date was not achievable, and that "we seek a limited operational capability at the first ground-based site in 1997."

Rather than arbitrarily establishing fiscal year 1997 as the new target deployment date, the committee believes that the development program should proceed with the objective of deployment at the earliest date allowed by the availability of appropriate technology. The committee therefore recommends in section 233 deletion of the fiscal year 1996 target deployment date for an initial ABM Treaty-compliant system.

The issue, then, is what constitutes "appropriate technology." The committee notes that according to statements by SDIO officials, the limited operational capability achievable in 1977 would involve the deployment of ten operational prototypes of the Ground Based Interceptor (GBI), with additional interceptors deployed in 1998. Moreover, in order to achieve operational capability in 1997, GBI technology would have to be frozen to 1993. Ambassador Cooper testified to the Research and Development subcommittee on May 6 that "[t]his strategy for ground-based interceptors will cost perhaps $1 billion more in the long run" than the previous year's schedule, which would have led to a deployment by 2000 rather than by 1997.

The committee is concerned that the deployment of GBI operational prototypes, at a potential additional long-term cost of $1 billion, may not represent "appropriate technology," and is also concerned that this acquisition strategy may not be cost-effective and may not lead to an operationally-effective system—additional criteria established by the Missile Defense Act of 1991 for the initial ABM Treaty-compliant limited defense system.

However, the committee intends to reserve final judgment on the appropriate acquisition strategy pending the completion of a Defense Acquisition Board review of the SDIO program scheduled for the summer of 1992. In this regard, within 30 days after completion of the Defense Acquisition Board review of SDIO's proposed acquisition strategy, the Secretary of Defense shall report to the committee on the anticipated cost-effectiveness of this acquisition strategy and the operational-effectiveness of the limited defense system that would be established.

The committee has also revised the Missile Defense Act to make clear that there is no mandate implied within it to abrogate or abandon the Missile Defense Act; but in calling for an effective ground-based system, we recognize implicity, if not explicitly, that amendments to the Treaty may well be in order.

In effect, we are restating the Missile Defense Act to reemphasize its import. This act contains ambiguities, which result from compromises, but in the main it points the way for ballistic missile defense to proceed. As I understand it, and as I think a majority of us on the committee understand it, the Missile Defense Act calls on the SDIO to concentrate its efforts and its resources on a ground-based ballistic missile defense system. It would appear that SDIO reads the act in quite the same way, because its budget request for fiscal year 1993 would fund only a bare-bones ground-based system, with only one layer of defense. SDIO would move forward with GBIs, but not with EEIs, and it would omit for the time being GSTS. At the same time that SDIO would pare these two elements that most advocates of a ground-based system regard as essential, SDIO would generously fund Brilliant Pebbles, and keep funds flowing for peripheral systems of doubtful efficacy, such as space-based chemical lasers. The committee's bill rectifies those priorities by reducing the SDI budget to the amount needed to proceed with a ground-based deployment and by omitting the funds for Brilliant Pebbles altogether.

With the committee's budget, and its report, support is not just more research, but deployment of a ground-based ballistic missile defense system as a first-phase. We would defer decision on next phase until we can make a practical assessment of the first phase. At that point, the decision may be to upgrade the ground-based system with an endo-atmospheric interceptor, with added sites, and with GSTS or Brilliant Eyes; and then, the decision may be taken on Brilliant Pebbles, at a stage when we can decide if it is feasible and affordable and necessary.

TRIBUTE TO POLICE OFFICERS EDWARD HARTMANN AND PHILIP FLAGG

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. BACCHUS. Mr. Speaker, I rise today to honor two fine police officers in my district who lost their lives in the line of duty on May 31, 1992.

Sgt. Edward Hartmann and Officer Philip Flagg of the Satellite Beach Police Department were investigating a traffic stop early Sunday morning, when they were struck and killed by a drunken driver.

This tragedy reminds us once again that our law enforcement officers put their lives on the line every time they answer a call.

It reminds us, as well, of the senselessness of driving drunk and challenges us to do all we can to keep those who have had too much to drink off our streets. We need better education, especially for our youth; we need tougher laws, and tougher enforcement of those laws; we need to provide smaller communities with the resources to combat drunk driving. Most of all, we all need to take responsibility for our own social behavior.

The best way to honor Sergeant Hartmann and Officer Flagg is through the words of those who knew them best. So I would like to enter into the RECORD a story by reporter John McAleenan from the June 1, 1992, edition of the Florida Today newspaper:

[From the Florida Today, June 1, 1992]

(By John McAleenan)

The veteran. The rookie. A generation made them different, but a common passion joined them. They loved their jobs. They loved being cops.

Edward Hartmann, at 37, had nothing more to prove. As a senior sergeant at Satellite Beach, his skills found many avenues. In the community, he was admired, trusted and counted upon—but mostly he was a friend. He never said "no" to anyone who needed help.

Phil Flagg, at 22, still had worlds to conquer—but not many. He was in a hurry to become the finest cop who ever graduated from Brevard Community College. If he were a pilot, he would be a "Top Gun." He absorbed new skills like a sponge—and volunteered to learn more. He was proudest when he wore his uniform.

Each man worked to be the best police officer Satellite Beach had to offer. Neither expected to die on the side of a highway in the predawn hours of a lovely Sunday morning.

The tragedy somersaulted the beachside town into communal mourning. The shock waves seeped into every restaurant, every gas station, every convenience store, every church, every home.

Those who knew these men best spoke with love and a deep sense of loss.

Paul Viollis, the law enforcement coordinator at BCC's Police Academy, had Phil Flagg tagged as a good cop right from the beginning.

"He had all the ingredients," Viollis said. "He had the knowledge, the common sense and the compassion. It is rare you find that in someone so young. His potential was almost endless in law enforcement."

What made Flagg stand out, Viollis said, was his maturity and professionalism. "He was way above average. You could see him moving right up the ladder, serving the community more and more. It's a devastating loss under any circumstances, but even more so because Phil had so much dedication . . . so much desire. He always wanted to learn more."

Viollis said Flagg just last week had completed a class at BCC in emergency vehicle operations. "It's a course to teach officers how to operate their patrol cars in different emergency situations. Phil was the top driver in the class. He was fast becoming the kind of cop that everyone wants in their community."

Longtime friend Wes Fayed suggests Ed Hartmann stood out because he just plain loved being a Satellite Beach police sergeant. His cup was full. "He probably could have made lieutenant long ago. But he didn't have any ambitions for high rank. He liked being on the street. He liked being with the people."

Fayed said Hartmann was the kind of cop who could chew you out one minute and be your friend the next.

"Our families have been close for more than a decade now, and you get to know a person pretty well when you go camping with them and live on the same block with them. What I've come to know about Ed . . . what made him special, was that he was always fair. He treated everyone equal. Small things pleased him. His kids were just getting into Little League, and he was so much looking forward to that . . . to working with them."

Fayed said Hartmann's death will leave a void in the community—and elsewhere. "I'm probably prejudiced, but I think Ed was one of the best cops in the whole state. He made a difference."

As a lieutenant/paramedic with the Satellite Beach Fire Department, Mike Whitaker frequently has come upon accident scenes both bloody and heartbreaking. None more so than early Sunday morning when his unit answered a call to an accident on SR A1A near the Ramada Inn. Two good friends were there. One was dead. One soon would die.

"We heard that two officers were down while en route to the scene. I didn't know it was Ed and Phil until I got there. Nothing prepares you for that. Nothing. The only thing you can do is concentrate on what needs to be done. You try to block the personal stuff out. You can't. But you try."

Whitaker said the loss of the men cut through the heart of the department. "Ed had all this wonderful experience. He was dedicated. He knew the community real well. The community knew him just as well. Every police agency needs an Ed Hartmann. Officers like him are the backbone."

As was a man like Phil Flagg. "He was the other half of the equation," said Whitaker. "A rookie who wanted to know . . . wanted to learn anything and everything that would make him a better cop. He joined the Fire Department volunteers. We worked on rescue drills together. He came in many times on off-duty hours. When you see a young rookie that sincere, you know you are seeing a good cop in the making.

"We will all be a long time recovering from a loss like this."

Charlie Palm, co-owner of The Cove, a popular Satellite Beach restaurant, knows that is true.

"I had a closeness with Ed," Palm said. "I've known him for five years or more. Anytime I had a problem, a burglar alarm, Ed was here. He used to look out for my waitresses that came in at 5 a.m. to open the restaurant. The girls are in shock. They knew both officers real well."

Palm saw Ed Hartmann as a man who loved his work and enjoyed his life. "Sometimes he would just come in to share some stories. He would tell me me about characters he ran into. I'd tell him about my characters. We'd talk baseball and football. They were both good men. Especially Ed. They are going to be hard to replace."

Sally Flagg, mother of Philip Flagg, knows that is true. How many kids have wanted to be a cop since they first put on a police uniform at age 4?

"That was always his dream," said Flagg, who flew from Massachusetts to Brevard with her husband and daughters late Sunday morning. "And it was a dream he never let die. Ever since he could walk and talk he wanted to be a policeman."

Arriving to attend a funeral Mass for their 22-year-old son, Flagg said she and her husband had deep concerns about their son's safety in his chosen profession, but they put that aside to help with his dream. They knew he would make a wonderful police officer.

"When he got the Satellite Beach job we were not only proud, but also pleased he didn't take a job in Miami or someplace like that. What we found out, of course, is there are drunk drivers everywhere."

The bright memories now, said Flagg, are of her son's Eagle Scout badges, his pilot's license—and, of course, his police badge.

"He graduated from a private military academy in Virginia—the Randolph Macon Academy," she said. "He left there an officer and gentleman. We are very proud of him. He wanted to come back to New England eventually. Satellite Beach was just a place to get started. But, instead, that's where it ended."

June Hartmann knows her son lived exactly where he wanted to live and was doing exactly what he wanted to do. In all that, he was a happy man.

"He loved Satellite Beach, he loved people, he loved police work," said Hartmann. "Long, long ago there was a police chief in Indialantic that befriended him and then became his inspiration. He went to the academy, and then he just kept getting better at being a police officer. He was a gregarious man, my son, and the work suited his nature."

When Hartmann and her husband learned of the accident and its seriousness, they called on the Rev. David Page, pastor of Holy Name Catholic Church in Indialantic, to meet them at the hospital so Last Rites could be administered. There then were prayers for her son. And even prayers for the man who drove a truck into the rear of her son's patrol car.

It is important to Hartmann that everyone know the sort of man her son had grown to be. "He was a man always eager to help others. He never said no to anyone who needed help. And that came from the heart—not the job."

The veteran. The rookie. They loved being cops.

TRIBUTE TO DR. ROBERT J. MITTMAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to bring to the attention of my colleagues the heroic actions recently taken by Dr. Robert (Bob) J. Mittman, a dedicated physician and community leader who hails from Bayside, NY.

Bob Mittman's prompt and valiant efforts saved the life of a young woman who suffered a potentially fatal allergic reaction to food she ate aboard a New York-bound TWA jet. Bob responded in a manner consistent with his Hippocratic oath, and answered the almost cliché cry, "Is there a doctor on board?". Bob provided the necessary medical attention to stabilize the woman's condition, enabling her to be safely transported from LaGuardia Airport to Booth Memorial Hospital. I am happy to say that the woman fully recovered from her ordeal. Bob's action is not an isolated incident. Rather, Bob's dedication to his profession and to his community is emblematic of the commitment and energy that he has exhibited during the many years I have had the pleasure to know him. Bob answered the summons of a call for help and responded with the professionalism that should be the standard. For this, I pay tribute to him.

In addition to his growing medical practice in internal medicine, Dr. Mittman has found the time to coordinate community events in the Bayside area. Bob's devotion to civic action and leadership qualities were recognized by his classmates at Queens College of the City University of New York as he was elected to serve three conservative terms in the student senate. His tenure at the college culminated in his election as student body president in 1980. Bob currently serves as: a member of the board of directors of the Working Organization for Retarded Children and Adults, in Flushing; charter member of the Bayside Chamber of Commerce; and fundraiser for the Queens Chapter of American Lung Association. Bob's distinctions include his recognition as an honored member of the Who's Who in Health and Medical Services and his being granted the American Medical Association's Physician Recognition Award.

Mr. Speaker, Dr. Robert Mittman represents the attributes that each of us should emulate. I congratulate his mother, Tess; his brother, Neil; his sister Diane; and his fiance, Susan. I commend Bob for his efforts, both for his commitment to the healing arts and for his dedication to community action.

IN RECOGNITION OF THE CONNECTICUT PUERTO RICAN PARADE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Ms. DELAURO. Mr. Speaker, on June 7, Puerto Ricans from all over Connecticut will gather in New Haven for their 28th annual statewide parade. This proud tradition began in my home city, and this year—thanks to the efforts of the parade's executive committee—the event returns, with officials coming all the way from Puerto Rico to participate. New Haven is also celebrating June 1–7 as Puerto Rican Heritage Week, which features many cultural festivities. During this special week, I would like to recognize the extraordinary achievements of Puerto Rican Americans, and to wish them well.

Puerto Ricans have contributed greatly to America's work force, culture, and society; they have also maintained distinct, dynamic communities here in the United States. New Haven is home to one such flourishing community. Puerto Ricans are an active presence not only within New Haven's Latino population but throughout the city. From their leadership in the Latino youth development organization to their importance in the Casa Otonal senior housing complex, Puerto Ricans are essential to life in New Haven, and a source of pride for all of us who live there.

The father of New Haven's Puerto Rican community was Gumercindo del Rio. Known as Gumpe, he was a compassionate advocate for his people, and an outstanding leader. Over 40 years of activity, Gumpe was instrumental in heightening Puerto Ricans' visibility and participation in government and politics in the Elm City. He successfully advanced their role in New Haven and in Connecticut.

As New Haven celebrates the achievements of people like Gumpe, and as it hosts the annual parade, let us pay tribute to the Puerto Ricans who so enrich life in our country.

GREATER MIAMI JEWISH FAMILY SERVICE HELPS CRIME VICTIMS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the Senior Crime Watch and Victim's Assistance Program run by the Jewish Family Service of Greater Miami. Each year this volunteer program helps 2,400 elderly people recover from muggings or burglaries.

According to social worker Magali Amador, the programs counseling and assistance programs are often more important to elderly people because they are more likely to be injured in an attack, and recover more slowly than younger people. Volunteer coordinator Ileana Martinez sends volunteers to help clients referred by police departments but, because many police departments are too busy to sort their reports and pass them on to volunteer programs, she regularly dispatches volunteers like Harry Mizrahi to find the reports and bring them back.

The Miami Herald published an article on this outstanding program which I would like to include in the RECORD:

VOLUNTEERS REACHING OUT TO ELDERLY CRIME VICTIMS

(By Angie Muhs)

Every year, the Senior Crime Watch and Victims' Assistance Program helps about 2,400 elderly people recover from the trauma of being mugged or finding their homes burglarized.

It's one of the largest caseloads the agency has had, but social workers suspect there are many more victims, than they ever hear about. That's one of the reasons the program, which is run by Jewish Family Service of Greater Miami, is seeking more volunteers to counsel, comfort and even help find victims.

Older victims need more help after a crime than other victims, social worker Magali Amador said. Because they may be more frail or have more brittle bones than younger victims, they are much more likely to be injured in an attack. Even if they aren't physically hurt, they often need months to recover from the emotional trauma.

"They become very fearful, and they often feel it was their fault, that they weren't alert enough," Amador said. "They just enclose themselves for fear of being victimized again."

To try to help, the program contacts crime victims over 60 to ask if they need anything. Volunteers also will counsel victims who request it. In some cases, if the person was injured during the crime, volunteers will run errands until the victim recovers.

Some crime victims on fixed incomes may qualify for free security devices, such as window bars and better locks, for their homes.

Amador said she has gotten more calls requesting help in the past few months. Older people make good targets for criminals because they often follow regular routines, are more vulnerable and often are reluctant to prosecute, she said.

Lately, muggers also have become more violent, Amador said.

"They used to run, snatch the purse and keep running," she said. "Now, they run and snatch their purses, then push them to the ground and kick them, too."

Ileana Martinez, the program's volunteer coordinator, said many clients are referred by police departments that forward copies of all reports involving an older victim.

But many other departments don't have time to sort reports and pass them along. In those cases, volunteers look for the relevant reports. But there aren't enough volunteers to go to every police department, she said.

The program has only nine active volunteers, Martinez said. She would like to have at least 21.

Volunteer Harry Mizrahi, who picks up police reports from the Miami Beach police station at least twice a week, has never been a crime victim. But crime is one of the biggest fears of many neighbors in his Sunny Isles condo, he said.

"When I went this morning, I picked up 30 or 40 police reports with people over 60," said Mizrahi, who is 80. "There's crime left and right these days."

Mr. Speaker, I commend the Jewish Family Service of Greater Miami for their outstanding service to the community through the Senior Crime Watch and Victim's Assistance Program.

MODERATION IN THE PURSUIT OF S&L ACCOUNTABILITY IS NO VIRTUE; EXTREMISM IN DEFENSE OF THE TAXPAYER NO VICE

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. LEACH. Mr. Speaker, the Washington Post reported yesterday that the U.S. Government's efforts to recover money from individuals responsible for the savings and loan bailout are being hampered by internal politics within the Resolution Trust Corporation.

According to the Post article, experienced litigators who have been responsible for the agency's professional liability cases have been removed or replaced. The article also suggests that those attorneys being replaced are those more advocative of suing directors and officers of failed thrifts than senior management.

It is alarming to read that the United States is not vigorously pursuing every legal avenue to hold accountable those responsible for the biggest financial blunder of this century.

Every $1 the RTC recovers from crooked or negligent directors is $1 less the taxpayer will have to pay for the savings and loan debacle.

If there is a case for vigorous legal intervention in the American economy today, it is to develop precedent that the taxpayer cannot be robbed with impunity from the corporate boardroom.

Moderation in the pursuit of accountability is no virtue; extremism in defense of the taxpayer no vice.

In this regard, Congress is not without fault. For over 1 year it has let languish an administration proposal to extend the time period for filing lawsuits against thrify executives. The good news is that the vast majority of insolvent thrifts have been sold, restructured, or closed; the bad news is that the statute of limitations to recover lost funds from the management of failed thrifts is expiring.

The catch-22 for America is obvious: it is hard for a politically sensitive Congress to support an RTC which isn't vigorous in its law enforcement commitment; likewise, it is hard for a money-strapped RTC to function effectively if Congress continues to refuse to provide the resources necessary to fulfill its task.

A compromise solution is obvious: the RTC should agree to rededicate its efforts to hold accountable those in the private sector guilty of wrong-doing; in turn, Congress should extend the statute of limitations and, more importantly, provide the resources necessary to fortify the deposit insurance system and thus close the door on the greatest public policy mistake of the century.

Congress has an obligation not only to criticize, but act.

TRIBUTE TO PROTEUS

HON. CALVIN DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. DOOLEY. Mr. Speaker, in 1967, Proteus was formed in Tulare County, CA, as a program to meet the growing need for adult education and job training assistance for farmworkers in the State's Central Valley. On May 8, 1992, Proteus will celebrate its 25th anniversary by honoring the spirit and support of the many individuals who have added to the continued growth and presence of the agency.

Proteus was created by the Tulare County Community Action Agency to help address the growing poverty level in the region. In the beginning, Proteus provided English language, adult literacy, and vocational training for poor adults.

In the years to come, Proteus developed other programs to help incorporate the needs of non-farm workers, as well as migrant and seasonal farmworkers, and refugees. As the functions of Proteus changed and grew, the focus of the agency underwent various adaptations as well. The need for family counseling became a priority for rural communities, and related services such as money management, family maintenance and parenting classes were provided.

Pilot programs for the youth in rural communities have also become a priority for Proteus. Recent efforts have been made to re-establish a summer youth employment and training program.

Today, the services of Proteus have expanded throughout a four-county area including Kings, Kern, Fresno, and Tulare counties. This success can be attributed not only to the efforts of the participants, but to the support of the employers, community support and the dedicated Proteus staff.

I ask my colleagues to join me as I rise today to salute the endeavors of the many people behind Proteus, and to extend to them our hopes for another successful 25 years.

SOCIAL SECURITY BENEFITS FAIRNESS ACT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. CLEMENT. Mr. Speaker, each year thousands of our older Americans lose their spouse. More times than not their spouse has spent the last months of his or her life in the hospital or under doctor's care, resulting in large hospital bills and associated expenses. In addition, the cost of prescription drugs continues to rise and the average costs of funeral services and arrangements now exceed $4,000.

Because the majority of our older Americans are on a fixed income and live month to month, the spouse or next of kin of the deceased is often left with an enormous financial burden. To compound this situation, current Social Security statutes require that a benefits check be returned in full in the event that the recipient dies before the end of the month. The consequence is that the surviving spouse or next of kin must return money which has already been spent. For example, under current law, if a man dies on May 31 his wife or next of kin must return the entire amount of the May benefits check. How then must the surviving spouse or next of kin pay the medical bills, electric bill, the gas bill, and other expenses that accrued over the previous month.

I feel this is a grave injustice and places our most vulnerable individuals at a disadvantage during a time of great need. Other Government benefit programs award full or partial benefits for the month in which the beneficiary dies. For example, individuals receiving SSI are awarded the full benefit for the month in which they die, regardless of whether they die the first or last day of the month. This is not a giveaway. Our seniors have paid into the system, and it is absurd that a few days, or in some cases a few hours, should preclude someone from receiving benefits to which they are rightfully entitled, and which they need. There must be a better way.

Mr. Speaker, the bill which I am introducing today seeks a better way. Under my bill, a person would receive a prorated portion of the monthly benefit for the month in which he/she dies. The bill establishes a formula by which benefits are more equitably distributed than under current law.

The formula creates a fraction using the number of days in the month the denominator and the day of the month in which the individual dies as the numerator. If a man died on May 30, under current law the entire benefit awarded for the month of May would have to be returned. Under my bill, the man's wife, or next of kin, would be entitled to 30/31, or 97 percent, of the benefit awarded for May.

Mr. Speaker, my bill provides much needed assistance to a surviving spouse, or next of kin, at a time of great need. Assistance which they are entitled to as a contributor to the Social Security system.

CONGRATULATIONS TO ILLINOIS POWER ON EDISON AWARD

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. POSHARD. Mr. Speaker, I would like to bring to the attention of my colleagues the recent presentation of the electric utility industry's highest honor—the Edison Award—to Illinois Power, which is headquartered in Decatur, IL.

This is a prestigious national awad—the electric industry's "Oscar"—and I salute Illinois Power Chairman Larry Haab and the Illinois Power employees for this outstanding accomplishment.

The 22d District includes much of Illinois Power's service territory, and I am pleased that it is home to so many Illinois Power employees. Southern Illinois is also proud of the fact that it produces a lion's share of the Illinois coal that provides energy for Illinois Power's electric facilities.

This is no ordinary award. The Edison Award is given only once each year to only one utility by the Edison Electric Institute, the association of investor-owned electric utilities whose members generate about three-quarters of the Nation's electricity. This honor is accorded to the electric company whose accomplishments contribute the most to the growth and development of the industry. In short, it is a highly coveted and competed for award.

More importantly there wasn't really a single winner of the Edison Award this year—all 5,400 of Illinois Power's employees were winners as were Illinois Power's 500,000-plus customers. That's because the Edison Award was given for Illinois Power's work in championing a new model for working with customers and employees. In particular, Illinois Power was cited for its "comprehensive program that truly places the customer at the very focus of company business philosophy" and, among other things, for the company's three-pronged program to simultaneously engage employees in a cooperative partnership.

This is a win-win-win proposition for Illinois Power employees, its customers and for Illinois. I applaud Chairman Haab and his employee partners for their hard work in making Illinois Power, not only the winner of the Edison Award, but the turnaround company of American utilities.

MONSIGNOR DONALD A. MCANDREWS HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a remarkable community leader from my district, Monsignor Donald A. McAndrews.

Monsignor McAndrews' career spans more than 30 years, beginning with his ordination in 1954. After serving several assistant pastorships, in 1962, Father McAndrews accepted a challenge which would become his life's work. He became the executive director of Catholic Social Services of Wyoming Valley. Dedicated to serving the human needs of this area, one of the monsignor's first accomplishments as director was to cofound Ecumenical Enterprises, an interfaith program which provides housing for low-to-moderate income families and the elderly. The list of Monsignor McAndrews' projects is nearly endless. Some of the most notable are: Project HEAD, help experienced adults develop, which today serves approximately 5,000 senior citizens; the Bridge, a youth services advocacy agency; the Court Advocate Program; Big Brothers/Big Sisters; Prison Counseling Program, and St. Vincent de Paul Kitchen. During the aftermath of Hurricane Agnes in 1972, which flooded much of northeastern Pennsylvania and forced thousands from their homes, Monsignor McAndrews helped provide assistance to more than 18,000 families as a member of the flood recovery task force.

On June 10, the community will gather to commemorate the career of this dedicated public servant. Monsignor McAndrews has displayed tireless dedication and service to the area over the years and his community-minded spirit is an example we should all follow. It is because of these qualities and his many others that we honor him upon the occasion of his retirement from the Catholic Social Services organization. I am proud to consider Monsignor McAndrews a personal friend, and all of us in northeastern Pennsylvania are most fortunate to have him among us.

CANADIAN GOVERNMENT INTERFERES WITH AMERICAN JUDICIAL SYSTEM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 5, 1992

Mr. HALL of Texas. Mr. Speaker, I would like to bring a very grave matter to your attention. The Canadian Government is trying to interfere with our American judicial system.

In 1975, Stanley Faulder brutally murdered an elderly school teacher from Gladewater, TX, in cold blood. He entered her home at gunpoint, beat her with a blackjack, and bound and gagged her. Then, for the next hour, he pilfered her house while she remained terrified, a hostage in her own home. Before leaving, Mr. Faulder rummaged through the kitchen drawers and found a butcher knife. He plunged the knife through her chest and left it there.

The murder took more than 2 years to solve. Finally, justice was done, and Stanley Faulder was convicted of the brutal murder of Inez Phillips and sentenced to die. The verdict was later thrown out on a minor technicality, but then another jury found him guilty and handed him the death sentence once again.

But now the Canadian Government is interfering where it doesn't belong. Rather than let the verdict of two separate American juries stand, Canadian External Affairs Minister Barbara McDougall has asked Texas Governor Ann Richards to grant clemency to this convicted murderer.

Stanley Faulder doesn't deserve clemency. And the Canadian Government has no business questioning the judgment of our American judicial system.

Mr. Speaker, I urge you and my colleagues to admonish the Canadian Government for interfering where it does not belong.

SENATE—*Tuesday, June 9, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal. And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not love, I am nothing. And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not love, it profiteth me nothing.—I Corinthians 13:1–3.

Almighty God, Father of us all, far too often we tend to see only a piece of the action, and expand that piece to the diminishing of the whole. Like the blind men and the elephant: One touching the tail said he was like a snake; one his leg, he was like a tree; one his side, he was like a wall. Grant us wisdom always to view the parts in the context of the whole.

Save us, God of all knowledge, from failing to see the connection between all of our problems—dysfunctional families, poverty, homelessness, drugs, crime, gangs, educational needs—in the context of alienation and brokenness; alienation—in the family, in the school, in the office, between races and sexes and ages—and behind it all, self-alienation from God.

Forgive our indifference to You, O Lord, and help us to see that indifference is the worst (cruelest) kind of rejection. In our hour of need, give us grace to turn to You, to acknowledge our need, and to receive Your infinitely adequate resource.

In the name of Jesus, incarnate love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Without objection, the time of the two leaders is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, acting as a Senator from the State of Nevada, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will yield myself 5 minutes on another subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KENNEDY pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO THE LATE MARCELLUS CRAIG GARNER

Mr. THURMOND. Mr. President, I rise today to pay tribute to the memory of an outstanding South Carolinian, Mr. Marcellus "Mark" Craig Garner, who passed away on May 17, 1992. Mr. Garner was the former owner of the Myrtle Beach Sun News and several other South Carolina newspapers, and was also a past mayor of Myrtle Beach. Mark Garner was a man of character, courage, and compassion whose lifetime dedication to his community will be sorely missed.

Mr. Garner built a long and distinguished career in the newspaper business, beginning as a combat correspondent in World War II. After the war, he went on to become co-owner of the Myrtle Beach Sun and to merge two local newspapers into the Sun News. He also became the owner and publisher of the Loris Sentinel, and served as president of the Printing Industry of the Carolinas and of the South Carolina Press Association.

In addition to his newspaper career, Mr. Garner was an energetic and public-spirited member of his community, whose unwavering dedication to public service was well known throughout the Myrtle Beach area. Mr. Garner was elected to the Myrtle Beach City Council for three terms; was president of the South Carolina Municipal Association; and served as mayor of Myrtle Beach from 1965 to 1974. He received countless awards for his contributions to the community, including the Chamber of Commerce Citizen of the Year Award and the Sertoma Service to Mankind Award. In addition, he was the founder and chairman of the Myrtle Beach Council on Transportation and was named a lifetime member of the Myrtle Beach Chamber of Commerce.

Mr. President, Mark Garner will be remembered as an individual whose life exemplified service to his fellow man. I know I echo the feelings of his many other friends and admirers when I say the grand strand will not be the same without him.

I would like to take this opportunity to extend my deepest condolences to Mr. Garner's lovely wife, Nancy O'Neal Garner; his daughter, Jeanne G. Clay; his son, M. Craig Garner, Jr.; and the rest of his fine family.

I ask unanimous consent that an editorial from the Myrtle Beach Sun News and an article from the Charleston Post and Courier be inserted in the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Myrtle Beach Sun News, May 19, 1992]

MARK GARNER: FOR ALL SEASONS

People like Mark Garner just don't come by very often. More's the pity that not enough of us seize the opportunity to know them and to learn from them while they are with us. Garner's death over the weekend has taken the opportunity from us, leaving us with memories, with inspiration and with knowledge as only he could impart it.

Garner's many civic, professional and political accomplishments have been listed elsewhere, and all will surely marvel. We will not repeat them here, except to say that Garner was deeply involved, more intricately involved than any Grand Strand resident we have ever known. Be it critical area transportation needs, one of his latter-day pas-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

sions, or politics or business, Garner could not be interested without being involved.

This Grand Strand giant, who never claimed to be and would seldom admit to being a leader, had the capacity to devote as much of his time to his family and to his friends as he did to his business and his interests. He loved the times he could spend with his wife, his children and his grandchildren, but he also relished the times he could help accomplish something for the Grand Strand.

Garner's vision was larger than his home town of Myrtle Beach and broader than the Grand Strand. He was thoroughly in touch with Columbia and quite often welcomed visitor to Washington. Garner knew about business ethics, and more often than not he questioned whether a plan was ethical before he asked whether it might work.

Among friends, he was loyal. Among acquaintances, he was genial. Among those who weren't friends, when they could be found meeting in a phone booth, he was respectful. Garner used the telephone diligently to network his friends and acquaintances. They called him, leaving nuggets of information; he called them, passing along.

The real problem with giants in a community is that when they pass on, they leave such a void that few wish to take on the challenge of filling it. In Garner's case, it will take several giants to fill his role. God rest.

[From Charleston News & Courier, May 18, 1992]

NEWSPAPERMAN MARCELLUS GARNER DIES AT AGE 71

MYRTLE BEACH.—Marcellus "Mark" Craig Garner, former owner of The Sun News and several other South Carolina newspapers, and a former mayor of Myrtle Beach, died Sunday in a local hospital.

The funeral will be at 1 p.m. Tuesday in First Presbyterian Church. Burial will be private, according to McMillan-Small Funeral Home.

Mr. Garner was born Dec. 31, 1920, in Meridian, Miss., a son of Dr. Marcellus Craig Garner and Villa Treffrey Garner. He graduated from high school in Asheville, N.C., and earned a bachelor's degree in journalism from the University of North Carolina at Chapel Hill. He was an Army Air Corps veteran of World War II, having served as a combat correspondent in the Pacific Theater.

In 1946, he joined The Citizen in Asheville as a sports editor. He then served as assistant manager of the Asheville Chamber of Commerce. In 1948, he became executive secretary of the Myrtle Beach Chamber of Commerce and later served as a member of the chamber's board of directors and as president.

Mr. Garner became co-owner of the Myrtle Beach Sun in 1950. In 1952, he purchased The Field in Conway and then purchased the Horry Herald, also in Conway, and combined the two to make the Field and Herald. He later bought the Myrtle Beach News and combined it with the Myrtle Beach Sun to make The Sun-News. In 1973, he became the owner and publisher of the Loris Sentinel. He then sold his publications to The State-Record Co. in Columbia, where he became a member of the board of directors.

He served as president of the Printing Industry of the Carolinas and was a life member and former president of the PICA Foundation. He served as president of the S.C. Press Association and was named a life member in 1966.

Mr. Garner was elected to the Myrtle Beach City Council for three terms, serving from 1954 to 1960. He served as mayor of Myrtle Beach from 1965 to 1974. He was president of the S.C. Municipal Association from 1971 to 1972. He was founder and chairman of the Area Council on Transportation, a past president of the Myrtle Beach Rotary Club, a member of the Horry Council Development Board and a past member of the board of directors of Santee-Cooper and the S.C. Coastal Council.

He received numerous awards for public service, including the Chamber of Commerce "Citizen of the Year Award," the "State Tourism Award" and the Sertoma "Service to Mankind Award." He was inducted into the Ash Khan Society of Printing Industries of America in 1991 and was named Honorary Lifetime Member of the Myrtle Beach Chamber of Commerce in 1992. He was president of Me Books, Myrtle Beach Marketing and The Palms.

He was a director of the Carolina Motor Club and the Azalea Sands Golf Club and was a member of the advisory board of trustees of Brookgreen Gardens. He was a member of the Dunes Golf and Beach Club. He was a member of First Presbyterian Church, where he served as a deacon and elder.

Surviving are his wife, Nancy O'Neal Garner, a daughter, Jeanne G. Clay of Raleigh, a son, M. Craig Garner Jr. of Columbia; and three grandchildren.

SERMON BY THE REVEREND RONALD COLEMAN

Mr. THURMOND. Mr. President, along with warm weather and blooming flowers, spring brings with it one of my favorite activities—attending various high school and college graduation ceremonies in my home State. Recently, I had the pleasure of attending a baccalaureate service held for the graduating class of Aiken High School at the First Baptist Church of Aiken, SC. I especially enjoyed this service because my daughter Julie was among the graduating seniors.

The featured speaker at the service was the Reverend Ronald Coleman, pastor of Valley Fair Baptist Church of Graniteville, SC. Reverend Coleman is a very good preacher, and he gave a memorable sermon on the value of persistence and high ideals in achieving success. I was most impressed by his remarks, and I know they were a great inspiration to the graduating seniors who were present on this occasion.

Mr. President, this sermon emphasizes how important it is for all of us to remember the importance of virtue and hard work as we strive to reach our goals. Reverend Coleman is to be commended for his unwavering faith and common sense, and I ask unanimous consent that his sermon be included in the CONGRESSIONAL RECORD.

There being no objection, the Sermon was ordered to be printed in the RECORD, as follows:

KEEP THE COURAGE TO ACHIEVE

Joshua 1: 6–7th verses: "Be strong and of a good courage: for unto this people shall thou divide for an inheritance the land, which I sware unto their fathers to give them. Only be thou strong and very courageous, that thou mayest, observe to do according to all the law, which Moses my servant commanded thee: turn not from it to the right hand or to the left, that thou mayest prosper whither so ever thou goest." Theme.

I congratulate each of you for an academic job well done. All of you should pat yourselves on the back because today is perhaps, thus far in your school life, "The Day". It represents the culmination of twelve years of laborious study, hard work, dedication, sacrifice, devotion and competition. It represents the end of academic boot camp and you are now required to enter the battlefield of life, with the knowledge and understanding of the enemies' strategies, tactics, and methods, with the ability to counter them. The Marine slogan is true that Boot Camp separates the men from the boys: Likewise, does graduation separate the achievers from the non-achievers, the learned from the unlearned and the hard workers from the show-offs. Hence in the minds of some graduates, there may exist thoughts concerning this occasion because you know that only the fittest will survive, and self-survival depends upon how well the academic skills and knowledge were learned in the classroom setting, prior to this day. Guiding forces other than your own, probably, determined the pathways, roads and directions, that you should travel, as you fulfilled the essentials of life. Mother, Father, Sisters and others, perhaps helped mold your self-image through precepts and examples.

Never-the-less, be it resolved that on this day, May 31, 1992, at the First Baptist Church, located at the corners of York Street and Richland Avenue, and having been invited by the principal and faculty of Aiken High School, may the History books of life reflect that Reverend Coleman challenged the graduating Seniors of Aiken High to keep the courage to achieve, as evidenced by the scriptural text read in your hearing. Joshua and his followers were encouraged to be strong and courageous, and to know there is no gratification in turning to the left or right. They knew to prosper one must possess the faith to believe you can achieve, and the courage to try. Success in life does not come by wishing it into existence. If success is worth having then it is worth the time, energy, drive and determination it takes to achieve. Do not dwell on the negative aspects of life for it is said that two buckets went to the well to draw water, with a complaining and negative attitude one bucket said to the other "It amazes me that no matter how many times we leave the well full we always come back empty.

The other bucket said I was congratulating myself on the fact that no matter how many times we come to the well empty, we always leave full." There is always two sides to life. Always be optimistic and look to the brighter side of life. Hopefully the academic training, skills, knowledge and understanding that each of you acquired during your twelve years of study will enable you to keep the courage to achieve. The greatest test that any of you will take will be the one given not by teachers and professional examiners, but the one given by the world. The real world, where mommy and daddy may no longer come to your rescue, and each of you must face the weeding-out process, which separates the prepared from the unprepared, the skilled from the unskilled and the pretenders from the contenders. The future of our country and the world rests now with the graduating minds of this class. It is imperative that you achieve in life. Do not sell yourselves short by only doing enough to get by. Those who do so will never see all the colors of the rainbow because their vision would have been impaired by the sunlight of mediocrity. They will never smell the full fragrance of achievement since it will be stiffled by the stuffy odor of mediocrity. Life should be experienced to the fullest but mediocrity serves the express purpose of limiting and crippling life's dream.

The late great Dr. Benjamin E. Mays stated "It is not to be borne in the mind that the tragedy of life doesn't lie in not reaching your goals. The tragedy lies in having no goals to reach. It is not a calamity to die with dreams unfulfilled, but it is a calamity not to dream. It is not a disaster to be unable to capture your ideals, but it is a disaster to have no ideals to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for, not failure, but low aim, is sin. The road to excellence is rough, rugged and difficult, but persons who make it to the end find satisfaction, gratification and fulfillment. People traveling the road of excellence will be all that they can be. Keeping the courage to achieve presents and serves as your source of strength and inspiration. Deeply ingrained in your mind is the determination to succeed. In closing, there are several final things that I wish to mention concerning the occasion which brought us together this evening. As well as representing a happy moment in the lives of graduating Seniors, this day signals an end to many other things, due to roads that each of you choose, friendships that began with someone from Grade 1, may now come to an end, because of the road that each of you choose. There will be members of the graduating class that you may never see again. But let us not end our sermon on a sad note.

Instead, Hornets, let us be jubilant and keep alive the friendships and bonds that kept you close to each other. Let us allow the eternal torches of love, knowledge, wisdom and understanding of your alma mater, Aiken High, to stand tall on the highest mountain so that others can see the way. Let us keep alive the rich proud academic tradition of a great institution of higher learning, which tries to illuminate, and inspire, the minds of young people. Remember, what ever Aiken High stands for, depends upon you because you are Aiken High. I wish to dedicate and leave a poem written by Douglas Malluch entitled "Be the Best of Whatever You Are."

"We all dream of great deeds and high positions, away from the pettiness and humdrum of ordinary life. Yet success is not occupying a lofty place or doing conspicuous work, it is being the best that is in you. Rattling around in two big a job is worse than filling a small one to overflowing. Dream, aspire by all means, but do not ruin the life you must lead. Make the most of what you have, and are. Perhaps your trivial immediate task is your one sure way of proving your mettle. Do the things near at hand and great things will come to your hands to be done.

"If you can't be a pine on the top of the hill, be a scrub in the valley—but be the best little scrub by the side of the hill. Be a bush if you can't be a tree. If you can't be a bush, be a bit of the grass, and some highway happier make. If you can't be a muskie, then just be a bass but the liveliest bass in the lake. We can't all be captains, we've got to be crew, there's something from all of us here, there's big work to do, and there's lesser to do, and the task you must do is the near. If you can't be a highway then just be a trail, if you can't be the Sun be a star. It isn't by size that you win or fail be the best of whatever you are"

God bless you all and best wishes!

NATIONAL CANCER SURVIVORS DAY

Mr. KENNEDY. Mr. President, on Sunday, June 7, 1992, cancer survivors throughout the United States will celebrate "National Cancer Survivors Day." The major organizer for this event is the Greater Washington Coalition for Cancer Survivorship. The outstanding work of this organization has improved the quality of life for thousands of American cancer survivors and their families. It is estimated that 83 million Americans now living will eventually develop cancer. Many people have been cured, or will have their lives considerably prolonged.

Over 8 million Americans today have a history of cancer, and 4 million were diagnosed 5 or more years ago. Most of these 4 million can be considered cured. My son Teddy is one of them, and our family knows firsthand the miracles that medical science is able to achieve.

In the early 1900's few cancer patients had any hope of long-term survival. In the 1930's less than 1 in 5 cancer patients was alive at least 5 years after treatment. In the 1940's it was 1 in 4, and in the 1960's it was 1 in 3. Today, through remarkable advances in cancer treatment and rehabilitation, 50 percent will be alive 5 years after their diagnosis.

The Greater Washington Coalition for Cancer Survivorship provides support and other services to cancer patients from the moment they are diagnosed. In the Washington metropolitan area, the coalition serves as the major voice for cancer survivors and their interests. Their goal is to support cancer patients in times of crisis and hope as they meet the challenges of this disease.

Educational programs sponsored on cancer-related issues affect the quality of life and include discussions on medical treatment, patient-doctor relationships, family and social life, insurance, employment discrimination and public education.

In order to help survivors obtain appropriate services and resources the coalition maintains an ongoing calendar of local educational and support programs. Free, up-to-date literature on cancer survivorship and a directory of support programs are generously provided. The coalition links cancer sufferers by telephone with survivors of the same treatment they are receiving.

National Cancer Survivors Day provides an excellent opportunity for all Americans to join in a tribute to the life and hope of cancer survivors, their families, and friends, and I urge citizens to join us in commemorating this special day and the progress we are making against this disease.

REPORT OF VISIT TO AFRICAN REPUBLICS

Mr. COCHRAN. Mr. President, I am pleased to submit a report to the Senate of my visit to the Republics of Senegal, South Africa, and Cote d'Ivoire from April 17 through April 26.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE MISSION OF SENATOR THAD COCHRAN TO AFRICA, APRIL 17-26, 1992

PURPOSE

Senator Cochran welcomed the Republican Leader's authorization to visit the republics of Senegal, South Africa, and Cote d'Ivoire. His delegation was officially hosted by the respective American embassies and met with senior officials in each of the three countries.

During the April 18-19 stay in Senegal, the delegation discussed bilateral relations and regional conditions in West Africa.

In South Africa from April 20 to April 25, the Senator met with South Africans from both public and private sectors to discuss:

The status of negotiations in the Convention for a Democratic South Africa (CODESA);

The impact of current U.S. policy on the South African economy; and

The long-term outlook for bilateral relations and conditions in southern Africa.

The April 25-26 talks in Cote d'Ivoire focused on regional conditions, and Senator Cochran was honored at a reception for Ivorian participants in the Cochran Fellowship Program, administered by the U.S. Department of Agriculture's Office of International Cooperation and Development.

SENEGAL

At an April 18 briefing in Dakar, the U.S. embassy staff emphasized the traditional importance of Senegal as the geographical gateway to West Africa, most recently evidenced by the evacuation of refugees from Zaire. The moderating influence of Senegalese officials in African affairs was discussed, as well as Senegal's role in the attempt to bring stability to Liberia.

Prime Minister Habib Thiam

The delegation met with Prime Minister Habib Thiam, who said President Abdou Diouf's visit to the United States in September 1991 and the visit by General Colin Powell to Senegal in March 1992 symbolized the excellent relations between our two countries. Senator Cochran expressed appreciation for the bilateral relationship and for Senegal's contribution to Desert Shield/Desert Storm.

The Prime Minister described Senegal's new electoral code, designed to encourage greater multiparty competition in the presidential election scheduled for February 1993. He said electoral reforms would be costly, and he thanked Senator Cochran for continuing U.S. assistance.

He also noted Senegal's difficulty in implementing requirements imposed by the World Bank and the International Monetary Fund with regard to agricultural policy. One agency favored an agricultural reform policy prohibiting subsidies for agricultural fertilizer while another demanded policies encouraging increased local production. He said elimination of fertilizer subsidies would contribute to soil erosion and declining acreage utilization in Senegal.

Prime Minister Thiam was optimistic about the transition to nonracial democracy in South Africa. Noting that Senegal had received both South African State President F.W. de Klerk and African National Congress President Nelson Mandela, he stated his hope that the Inkatha Freedom Party would participate fully in forming a new democratic system.

He felt Liberian instability was an important regional problem in which Senegal had a vital interest. Although the 1500 Senegalese troops involved in the international peacekeeping effort in Liberia were well-trained, the Prime Minister emphasized the need for more equipment, especially helicopters, for the Senegalese peacekeeping forces in that country.

Senator Cochran congratulated the Prime Minister on the opening of the African Unity Games taking place in Dakar during the delegation's visit. He noted the games were the first in which South African athletes were competing with other African athletes and expressed the hope that the games marked the beginning of a new era in relations among the nations of Africa.

SOUTH AFRICA

From the beginning of the twentieth century, South Africa has developed into the major industrial power in Africa, one of the world's foremost mineral producers, and an international leader in mining technology. The country has a well-developed infrastructure and a modern economy based on manufacturing, mining, and agriculture. Although the economy is of moderate size by world standards, it is the largest in Africa and by far the most broadly developed.

Overview of the Situation in South Africa

In 1990 the government of State President F. W. de Klerk legalized the African National Congress (ANC) and released Nelson Mandela, the long-jailed leader of the black nationalist movement. Events over the next two years have resulted in improved relations with other African states, most notably Nigeria, Cote d'Ivoire, and Senegal. Full reconciliation with other countries in Africa and elsewhere, however, depends upon South Africa's achievement of a nonracial democratic government.

On April 20, U.S. Consul General John Hirsch escorted Senator Cochran and his party on a tour of the Johannesburg area, including Soweto, which provided an overview of a diverse metropolis with dramatic contrasts in living standards and economic activity.

At a luncheon meeting in Pretoria on April 21, the delegation discussed the current situation in South Africa with U.S. embassy personnel. Debate on the nature of the "New South Africa" is now taking place among 19 political parties in the Convention for a Democratic South Africa (CODESA), which is attempting to reach a constitutional settlement expanding democratic government to include all South Africans. Most leaders seem determined to achieve nonracial democracy, but the structure of the emerging political system is still uncertain.

Adding to the political tension is the economic uncertainty brought on by international sanctions against South Africa because of its past racial policies. Although most international sanctions have been lifted, many U.S. local governments, companies, and pension funds maintain their restrictions. The Government wants all sanctions lifted and says the country faces a predicament: sanctions were imposed to force a democratic political settlement, but such a settlement cannot be sustained successfully until sanctions are removed to allow the economy to grow. Many in the ANC concede that sanctions delay economic progress, but contend the political leverage afforded by sanctions is essential to a democratic settlement.

Violence is a major problem confronting South Africa. More than 12,000 people have been killed since 1984 in clashes involving the Inkatha Freedom Party (IFP) and the ANC. There has been much finger-pointing concerning responsibility, but no one seems able to get it under control. In 1991, President de Klerk created a commission headed by Supreme Court Justice Richard Goldstone to investigate the causes of violence in townships around Johannesburg and in Natal, and the country was awaiting the commission report at the time of the delegation's visit.

These difficulties are further complicated by the drought in southern Africa. South Africa, which usually serves as the area's granary, this year produced only one-third its normal production of maize, the staple crop of the region. Growing numbers of farm workers are moving into squatter camps, and increased regional food imports passing through South Africa will strain that country's port and transportation facilities.

Recent U.S. aid has amounted to some $80 million through the U.S. Agency for International Development, with some $25 million supporting scholarships for black South Africans. The Comprehensive Anti-Apartheid Act of 1986, however, prohibits U.S. aid to governmental agencies, including schools, a restriction which appears counterproductive in the changing environment.

Operations of the U.S. Information Service in South Africa are the largest on the continent, but until recently there were no Fulbright Fellowships, no cultural exchanges, no sports competitions. This situation has changed, however, and some $2.5 million is now devoted to exchange programs with South Africa.

Most observers seemed to agree that if the United States wishes to help South Africa meet its political and economic challenges, a major goal should be greater private investment.

Democratic Party

U.S. Ambassador William L. Swing hosted an April 21 dinner in Pretoria at which the delegation discussed developments in Africa with Zach de Beer, President of the Democratic Party of South Africa; Herman J. Cohen, U.S. Assistant Secretary of State for African Affairs; Peter R. Chaveas, Director of the Office of Southern African Affairs, U.S. Department of State; and William Pope, Deputy Political Counselor at the U.S. embassy in Pretoria.

The conversations covered the range of issues confronting South Africa, as well as developments within the various political parties, especially the Democratic Party, which had just recently lost five of its parliamentary members to the ANC.

American Chamber of Commerce

Founded in 1979, the American Chamber of Commerce (AMCHAM) is an association of businessmen concerned with U.S. trade and investment in South Africa. Because of requirements under the Sullivan Principles, the activities of the Chamber since 1981 have been focused on political issues both in South Africa and the United States. Because of U.S. disinvestment, there has been little incentive for distributors and licensees linked to American companies to become active in AMCHAM, in contrast to other foreign chambers of commerce operating in South Africa.

On April 22, the delegation met in Johannesburg with AMCHAM Executive Director Michelle Cohen; board members Mervyn Jones, Loctite; W. Dercksen, Resinite; Michael Judin, Goldman, Judin and Werner; Marius Furst, Siltek; and Denise Buckley, Administrative Manager of the Signatory Association, an organization of 51 companies that comply with the Sullivan Principles.

Because of increasing competition from businesses in Asia and the European Community, AMCHAM is attempting to encourage greater U.S. investment in South Africa and the lifting of remaining trade sanctions by State and local governments in the United States. Chamber officials emphasized that American goods and services are very popular in South Africa and that the market will expand once all sanctions are removed and U.S. businesses become more aggressive.

Most American companies have been cautious about activities in South Africa, since they are subject to U.S. restrictions not imposed on their competitors. For example, the 51 U.S. businesses in the Signatory Association must devote 12 percent of their income to betterment projects through a "social responsibility fund," to which R600 million has been contributed. Moreover, American companies confront onerous paperwork not faced by other firms, including an annual 40-page questionnaire required under provisions of the U.S. Comprehensive Anti-Apartheid Act of 1986.

The AMCHAM members complained that American businesses are overly cautious, in contrast to firms from some other countries. They said only one U.S. trade mission has visited South Africa since lifting of sanctions began, indicating that U.S. businesses are not taking advantage of opportunities in South Africa.

Senator Cochran pointed out that he was in South Africa to encourage the people and the Government in the political change taking place. He said he believed U.S. firms would become more involved in South Africa once the country achieved nonracial democracy.

African National Congress

The delegation next visited ANC headquarters in Johannesburg to meet with International Affairs Deputies Aziz Pahad and Stanley Mabizela, and with Neo Moikangoa, Head of the ANC European and Americas Desk. The officials reviewed developments since the ANC "unbanning" in February 1990, as well as the organization's perspective on the CODESA negotiations.

The ANC spokesmen said the 20,000 ANC exiles who have returned to South Africa are still in a "learning process" to determine how best to organize and administer their cause. They blamed mercenaries, some from outside South Africa, for the mounting problem of township violence. Despite their suspicion of covert Government funding of some of these groups, the ANC nevertheless believed that negotiations with the Government were necessary to move forward. They emphasized the ANC's commitment to CODESA and the necessity for other groups to enter the process, including the Pan Africanist Congress and the Azanian People's Organization.

Deputy Pahad believed the CODESA I meetings had gone very well; all parties put forth their views, and there was agreement on a Declaration of Intent on general constitutional principles. He said the ANC expected CODESA II, scheduled for mid-May, to agree to form an interim government to administer the country until a constituent assembly could be elected by popular vote. The organization envisioned an interim government empowered to control the security forces, foreign affairs, the budget, and local government; together with two independent commissions composed of prominent citizens, one to oversee the media (currently under government control) and another to oversee the electoral process.

The ANC representatives rejected the contention by some that the basic cause of township violence was the political struggle between the ANC and the IFP; the violence was too well-organized and professional for that to be the case. They felt the parties, churches, unions, and other organizations should continue to support the National Peace Accord and work through the local complaint resolution commissions to suppress the conflict, which was especially bad in the worker hostels. They argued that since only the police and security forces were capable of controlling violence, the Government was ultimately responsible and should arrest the perpetrators, whoever they might be.

The spokesmen also rejected the Government claim that CODESA II could not succeed unless the violence stopped. To the contrary, the ANC claimed that violence, far from justifying delay, actually necessitated an interim government to control the defense forces and the police in the homelands.

The ANC officials further advocated that:

(1) CODESA II should agree on an interim government to restore law and order and reestablish confidence in the economy;

(2) the interim government should be established by June 1992 and a constituent assembly elected by December 1992;

(3) membership in the constituent assembly should be based upon proportional representation;

(4) a two-thirds majority should be required for major decisions;

(5) a body of respected citizens should be established to assure a final constitution based on constitutional principles; and

(6) the constitution should have a bill of rights guaranteeing judicial review, checks and balances, geographical devolution of power, and protection of individual rights rather than group rights.

In answer to a question from Senator Cochran, the ANC spokesmen agreed that the move toward an interim government could be accelerated by improvement in the economy. They said South Africa could not have peace and democracy until its social problems are addressed, and that would require a sound economy, which could only come when external sanctions on investment were removed. The spokesmen were divided, however, on the timing of the lifting of sanctions; one favored early removal in order to stimulate the economy, while another felt sanctions should remain in place in order to strengthen ANC leverage at CODESA.

In response to the comment the United States might not be able to give the help South Africa needed if America maintained its sanctions and other countries lifted theirs, the officials suggested most of the current investments by other countries were insubstantial "trial balloons." The United States did not need such trial balloons because of its "special position," and ANC President Nelson Mandela had made it clear that U.S. investment would be welcomed in South Africa whenever sanctions were lifted. The spokesmen claimed full ANC awareness that South Africa would have to compete in a global economy.

Senator Cochran expressed his hope that the United States could continue to be a catalyst for peaceful change to democracy in South Africa.

Institute for Multiparty Democracy

The delegation was received at the Johannesburg office of the Institute for Multi-Party Democracy (MPD) by Transvaal Director Richard Nkholo, who discussed MPD's mission "to promote the establishment and maintenance of multi-party democracy, political toleration, and national reconciliation in South Africa."

MPD is not affiliated with any institution or political party and strives to work with all South African political and community organizations to promote democracy by offering practical programs in political leadership, public information, voter education, and applied research. Of particular importance is "Education for Democracy," a school-oriented civics program targeted at persons of school-going age, who constitute more than 50 percent of the South African population.

When asked to assess progress at CODESA, Mr. Nkholo said some observers feared the talks were moving too fast and that any political settlement would be unstable if certain groups remained outside the negotiations. While MPD was optimistic about trends in South Africa, it was concerned that township violence might undermine the developing democratic process and was trying to involve itself in antiviolence efforts. The organization was particularly concerned about the parties and groups of the left and right which have remained outside CODESA.

The Director said outside assistance, including help from the U.S. Agency for International Development, was very helpful to MPD. He said the best specific uses of the assistance had been to organize forums, to prepare curricular materials, and to fund visits by outside experts and observers.

Senator Cochran expressed appreciation for the work of MPD and stated the hope that the United States could continue to be a constructive influence in the work of the organization.

South African Businessmen

U.S. Consul General and Mrs. John L. Hirsch hosted a Johannesburg luncheon at which the delegation discussed South African economic perspectives with Dr. Azar Jamine, Econometrix; Gibson Thula, Kilimanjaro Holdings; Ronnie Bethlehem, Johannesburg Consolidated Investments; Jeffrey Van Rooyen, Deloitte Pim Golby Chartered Accountants; Edward Osborn, Nedbank; Israel Skosana, National Sorghum Breweries; and William Pope, Deputy Political Counselor at the Pretoria embassy.

While there was no consensus on a political panacea for the problems confronting South Africa, all participants agreed there would be negative political consequences if the economy did not improve significantly in the near future.

Federation for African Business and Consumer Services

Later in the afternoon, Senator Cochran met in Pretoria with Joas Mogale, Secretary General of the Federation for African Business and Consumer Services (FABCOS), who stressed the need for education and training programs for aspiring black entrepreneurs.

At one time, black business activities were restricted largely to the homelands in South Africa. As more blacks moved to the cities, they maintained their homeland ties, sending money to their families and making frequent journeys home. Private minibus fleets grew as the number of commuters increased, and this growth led to the founding of the South African Black Taxi Association (SABTA), which became the single most important black business organization in the country. SABTA developed revolving savings and loan funds, burial schemes, and food cooperatives.

Eventually, other black self-help organizations, including the Black Builders Organization and the National Black Consumers, joined SABTA to form FABCOS, and the Federation received valuable assistance from the U.S. Agency for International Development. By 1992, 14 national black business associations operated under the FABCOS umbrella, representing 1.5 million individual black businesses. The Secretary General said FABCOS confirmed the importance of organizing the informal sector, an essential breeding ground for black entrepreneurship in South Africa.

Mr. Mogale emphasized that FABCOS was not allied to any political party, that nonpartisanship made sense to its members, and that the organization was successful as an interest group. When FABCOS was denied observer status at CODESA, black business organizations established a "business CODESA" alongside the political CODESA, claiming that "business was too important to be left to politicians," a position with which Senator Cochran heartily agreed.

Inkatha Freedom Party

On April 23, the delegation, accompanied by Ambassador Swing and Durban Consul General Bismarck Myrick, visited with Mangosuthu Gatsha Buthelezi, KwaZulu Chief Minister and IFP President; M. M. September, KwaZulu Minister of Welfare and Pensions; L.P.H.M. Mtshali, KwaZulu Minister of Education and Culture; B.N. Mdletshe, KwaZulu Deputy Minister of Justice; and D. T. Michul, Secretary in the Office of the Chief Minister; in Ulundi, the KwaZulu capital.

The Chief Minister said that since "the great American dream excites me because it is my dream as well," he believed only democracy could free South Africa to become a gateway for development in the rest of southern Africa. He emphasized that CODESA's preoccupation with unitary government to the neglect of federalism was unwise, since only a political system close to the people at local and regional levels could produce the consensus necessary to establish and maintain a working democracy.

He said political consensus had to be achieved before, not after, elections. The widespread violence showed there was no consensus, and there could be no free elections so long as the ANC retained Umkhonto We Sizwe (MK), its military wing, and refused to reject mass action as a political tool. The IFP believed CODESA should take its time in reaching a final agreement "because we are positive about the future and we believe very sincerely that in establishing a democracy in South Africa, we must get it right the first time. We cannot afford to blunder."

Minister Mtshali regretted that effective action had not been taken to deal with the township violence which targeted IFP leaders for murder. "The IFP has done everything possible to extend a hand of friendship to the ANC" to no avail. He claimed the IFP long ago proposed joint meetings with ANC leaders in areas of unrest to restore peace, but the ANC had resisted such meetings. In light of the violent situation and the absence of consensus on an interim government, Mr. Mtshali advised the delegation not to expect a settlement in the May meeting of CODESA II.

Senator Cochran reiterated his belief that Chief Minister Buthelezi and the IFP were important participants in the transition process to a multiparty democracy in South Africa.

Deputy Foreign Minister Renier Schoeman

In Cape Town, the delegation, accompanied by Ambassador Swing and Deputy Chief of Mission Marshall McCallie, met with Deputy Minister of Foreign Affairs Renier Schoeman and parliamentarians Frik Van Heerden and Pieter Steenkamp.

The Deputy Foreign Minister said the Government desired acknowledgment by the international community that South Africa is committed to a democratic solution. Any doubts on that score should have been resolved by the March 17 referendum confirming the State President's mandate to continue negotiations with black leaders. He cautioned that CODESA II should not be seen as a final "destination" and that actions must not be expected within a strict time frame: "We have to take enough time to create an agreement that will stand the test of time."

Mr. Van Heerden said the fact CODESA II would take place should be seen as a clear indication that negotiations are on track, although many specifics remain to be sorted out, including the characteristics of the transitional government that might take shape over the next year. Mr. Schoeman said the Government wanted to ensure that any interim government is inclusive and avoids the one-party dominance that other African transitions have experienced. This could be best ensured by power-sharing and an end to political violence, two essential elements for long-term stability and public confidence, as well as foreign investment.

The Deputy Foreign Minister emphasized that the United States should never feel it is being "interventionist" by taking an interest in South Africa, so long as it understands that decisions must ultimately be left to the people of South Africa. A mistake of the past was that actions by other countries had often "taken the character of being prescriptive."

Parliamentary Address by State President F.W. de Klerk

The delegation attended the speech by State President F.W. de Klerk in the Budget Vote Debate in the Chamber of Parliament. He said the overwhelmingly positive result of the March 17 referendum had shown the irreversibility of the process of change in South Africa. National debate no longer focused on whether a new order should replace the old, but rather upon the characteristics of the "new dispensation."

Other nations were changing their views of South Africa and reaching a new understanding of the complexity of the country's problems in building a new government based on such fundamental concepts as power-sharing without domination, constitutional checks and balances, protection of minorities and private property, and devolution of power to regions and to local government.

He warned that the political playing field in the new South Africa would look quite different from the Tricameral Parliament he was addressing. The old divisions would be replaced by two broad mainstreams based on economic orientation. The President said the National Party was fully prepared to lead one of those mainstreams, and he asserted the leadership of the other mainstream was beginning to emerge through pro-ANC elements in the Labor Party and the 5 Democratic Party parliamentarians who recently joined the ANC.

He urged Conservative Party members who disagreed with their party's racial orientation and its refusal to enter the CODESA negotiations to persuade their colleagues to adopt a fresh, realistic approach to the nation's problems.

The President then turned to ANC supporters, emphasizing that organization's great responsibility to adapt to new circumstances. He charged the ANC was "out of step with reality" in two ways. First the ANC continued to act as though apartheid were still the issue, regardless of what had been done already to abolish it and heedless of the hard work being undertaken to achieve a new constitutional dispensation devoid of racial discrimination: "Reconciliation and racial harmony are not promoted at all by an ANC that will not let apartheid die."

Second, the ANC was still failing to purge itself of communism, a political philosophy that wherever instituted had "placed power and financial privileges in the hands of the party elite, suppressed real democracy, and destroyed economic progress. It is a failed and antiquated political system that has landed on the junk heap throughout Africa as well."

Although repeatedly reminded of this by the international community, the ANC continued to permit itself to be used by a South African Community Party which had practically no popular support of its own. The ANC should have learned long ago that the foreign investment so essential to fulfillment of ANC promises would not be forthcoming unless investors were safeguarded from economic policies advocated by the communists.

Just as in the case of the Conservative Party, Mr. de Klerk said the interests of all South Africans demanded that the ANC adopt a fresh and innovative approach. National reconciliation and economic development were being retarded by its failure to do so.

Southern Air Force Command Post at Silvermine

The delegation, accompanied by Deputy Chief of Mission McCallie and U.S. Air Attache David Nowlin, travelled to the South African Southern Air Force Command Post at Silvermine, the headquarters for South Africa's land and sea search-and-rescue operations, for a briefing by the commanding officer, Brigadier T. de Munnink.

Although a separate unit like the U.S. Coast Guard is currently deemed too costly for South Africa, Silvermine activities resemble those of the Coast Guard and are performed over a search-and-rescue area of 4.8 million square miles. The commanding officer delivered a first-hand account of the rescue of the cruise ship *Oceanus* in August 1991, when all 571 passengers were rescued before the ship sank some 4 miles offshore. According to Lloyd's of London, nowhere else on the African continent could a ship have received the help *Oceanus* received.

Brigadier de Munnink noted that the declining communist threat had brought about a "rationalization process" of reduced spending for the South African Defense Force as other priorities, most notably socioeconomic problems, gained national attention. As relations improved with other nations, especially the United States, he hoped for training assistance and advanced equipment, including a long-distance marine aircraft like the P-3, which would probably be too costly for South Africa for some time to come.

Dinner at Ambassador's residence

Senator and Mrs. Cochran were guests of honor at a dinner hosted by Ambassador Swing and attended by the Mayor of Cape Town, members of the ANC and the Democratic Party, and leaders in education and business. Former Under Secretary of State John Whitehead and his wife, Nancy Dickerson, were also present.

Minister of Constitutional Development Tertius Delport

On April 24, the delegation, accompanied by Ambassador Swing and Deputy Chief of Mission McCallie, met with Deputy Minister of Constitutional Development Tertius Delport, who explained President de Klerk's proposal for an elected executive council which, if accepted, could be put into effect within 6 months.

Acknowledging the difficulties with consensus executives, ranging from ancient Rome to post-Tito Yugoslavia, the Deputy Minister stated that some form of power-sharing was crucial to the success of the New South Africa and pointed out there were prominent power-sharing features in the U.S. political system.

He said negotiations must not be rushed or pressured, since CODESA was actually "managing a revolution." The issue at stake was the reallocation of power, a very tricky process indeed, and election of a single executive from the start would undermine prospects for democratic power-sharing. The State President's proposal for an executive council of 3-5 persons, on the other hand, would allow representation of all important factions, none of which could outweigh any other.

When asked whether this proposal would be pressed at CODESA II, the Deputy Minister said the Government had given notice it would present "a comprehensive transitional constitution" providing this executive council, although there might be modifications. The question of regional devolution would also have to be negotiated, since the IFP had made it plain it would not agree to a national settlement without regionalism.

He said the Government would like to see an independent executive with separation of powers, in contrast to the British parliamentary system. To have an executive elected separately from parliament would show commitment to power-sharing from the start, which was essential if South Africa was to move forward economically to become "a free market with a social conscience."

When the Deputy Minister said the Government would not oppose a council composed of a president with 2 vice presidents, so long as the powers of each were clear and no one person or party had complete control, Senator Cochran noted the similarity of that arrangement to the commission form of local government in the United States.

Deputy Minister Delport emphasized the Government wished to avoid any suspension of the existing constitution during the interim government and prior to final agreement on a new constitution. He claimed suspending the constitution would be very dangerous, since failure of the constitution assembly to agree on a new constitution might lead to authoritarianism if the existing constitutional framework had been dismantled and the country was "up for grabs."

He said if South Africa could agree on a new constitution, a new government would be possible, but the constitution was the essential prerequisite. It would be safer for CODESA to write a constitution than to set up a constituent assembly to write a constitution based on a vague "set of constitutional principles." The Government had to insist on this course because the ANC had been unwilling to go into specific detail on the meaning of certain of its "principles."

The Deputy Minister said these issues should be debated at CODESA II, and they would effect the time frame for the transition to democracy. The length of the process could only be determined after the issues of constitutional structure were resolved.

Deputy Defense Minister W.N. Breytenbach

The delegation, accompanied by Deputy Chief of Mission McCallie, next met with Deputy Defense Minister W.N. Breytenbach, who indicated the South African Defense Force was being scaled back to peacetime deterrent levels because of marked improvement in the security situation. Things were going well for South Africa as southern Africa moved toward greater regional cooperation, and although domestic violence, together with turmoil in Angola and Mozambique, still required a strong defense, the military had to be financed in light of the country's other needs and resources.

The Deputy Minister emphasized that although the outlook for cooperation in southern Africa was promising, more international attention should be focused on the region, especially by the United States. When he suggested South Africa would be interested in improved military collaboration with the United States, Senator Cochran responded that consideration of improved military relations would depend on progress in South Africa's political transition.

Turning to CODESA, the Deputy Defense Minister expressed confidence that the transition to nonracial democracy in South Africa would open the way for greater investment and trade. He emphasized, however, that lengthy constitutional discussions lay ahead and that violence would have to be controlled in any case if negotiations were to produce a stable and prosperous political system.

Despite the suspicions by the ANC and others, he emphasized that the military forces were apolitical and could be relied upon to serve and obey the legally-constituted government of the day. Personnel policies ensured a nonracial military, with about one-third white, one-third colored, and one-third black. More blacks were entering the military service academies, and military exchange programs with the United States and Britain were hoped for.

The military's role in maintaining law and order had been impugned during the ongoing domestic violence between ANC and IFP supporters, who blamed the military for not ending the conflicts but seemed unable to control their own violent elements. He was hopeful that the Goldstone Commission could determine the actual situation.

Deputy Minister of Finance J.A. van Wyck

Deputy Finance Minister J.A. van Wyck described the current drought, the most severe in many decades, as one of South Africa's biggest problems. The country would have to import approximately 5 million tons of maize, and another 5 million tons would be needed by neighboring countries. As many as 500,000 persons might leave the farms because of the disaster. The Government had budgeted R1 billion to assist farmers, but four times as much was called for, and foreign assistance was desperately needed.

The Deputy Minister said that many whites in South Africa had turned to commercial farming but that blacks tended to favor subsistence farming. The Government hoped to encourage this practice, since the small size of their farms made it impossible for large numbers of blacks to become successful commercial farmers. The distribution of land was an important aspect of this problem, and the land law provided a land restoration commission. The homelands were asserting their claim to the lands from which they were removed by apartheid, and that problem would have to be addressed.

Senator Cochran asked whether the economy was strong enough to meet the "rising expectations" for the New South Africa and whether there was an economic growth strategy for the transition to nonracial democracy. Mr. van Wyck responded that one of the biggest problems was achievement of parity in pensions, education, and housing. While South Africa would move in that direction, it could never meet all expectations. The Government housing budget of R2 billion, for example, could never meet expectations created by the ANC. He said ANC demands for redistribution of wealth ignored the fact that wealth must be created; otherwise "you're redistributing poverty." The Government position was that while it intended to remove all impediments to black advancement, individual black citizens would have to produce if they were to prosper.

The Deputy Finance Minister said South Africa's economic growth depended upon an infusion of foreign capital, but foreign banks had said they could not help until they knew they would get the legal safety and financial return they needed for their investments. While the country's trade was improving, long-term investment seemed likely to be constrained until the political situation stabilized.

When queried about that political situation, Mr. van Wyck favored the idea of a collective presidency to ensure that power would be shared, that no individual could dominate the executive, and that there would be checks and balances. While the collective presidency might not be permanent, it would be a good starting point and would give South Africa time to adjust to the changing dynamics of the political factions.

Independent Development Trust

The Independent Development Trust (IDT) began operations in August 1990, with R2 billion secured from the Government. The IDT objectives were "to break the cycle of poverty and promote self-reliance" by focusing on improvements in housing, health, and education.

The delegation and Deputy Chief of Mission McCallie met with IDT Chairman Jan Steyn, who said "your timing is immaculate" and expressed hope for a "generous response" from world donors now that apartheid was being dismantled. Economic success was necessary to political success, since "you can have development without democracy, but you cannot have democracy without development."

The Chairman said the South African social fabric was severely damaged in the last three years by sanctions, economic mismanagement, tribal violence, and rapid urbanization. This produced an environment in which radicals of the left and the right flourished. In such an environment, IDT's work was very important to give people hope for improvements in jobs, shelter, education, and health care, especially in rural areas.

In 1992, the IDT was funding land ownership programs at the rate of R5 million a week and underwriting R335 million in home loan guarantees in conjunction with private lending institutions. Judge Steyn said South Africa was blessed with two remarkable institutions, Nelson Mandela and F. W. de Klerk, both of whom needed support from the international community, the kind of support evidenced by the visit of Senator Cochran.

Chairman Steyn observed that while he enjoyed the support of both de Klerk and Mandela, he was less worried over black-white relations than he was over tribal conflict, which was generating violence and undermining the transition to nonradical democracy. Until domestic tranquillity was reestablished, the Government would be denied the "spark of legitimacy" with the World Bank and the International Monetary Fund so necessary to the restoration of South Africa's international economic relations.

Senator Cochran expressed the conviction that as soon as there was a visible presence of blacks in the Government, international investment would increase. When the IDT Chairman noted the difficulty of stimulating investment in light of ANC threats to nationalize industries and redistribute wealth, Mr. McCallie noted that the United States was working to expose ANC leaders to world economic realities and to the need for a free-market orientation to promote economic growth in South Africa.

Conservative Party

The delegation had lunch with Tom Langley, Conservative Party spokesman for foreign affairs, a member of Parliament, and a farmer. There was a lengthy discussion of agricultural issues, including the drought in southern Africa.

Mr. Langley warned that if whites were ever deprived of their rights, there would be massive violence in South Africa. He claimed that much land was available for blacks in the homelands, but that it was not being properly utilized under the tribal system of communal holding.

He said the Conservative Party would not participate in CODESA because it believed that convention was giving undue weight to the ANC and communists and did not recognize the right to self-determination. When he objected to U.S. Government involvement with construction of a new airport in Botswana, Mr. Langley was informed that allegations the United States was funding the facility were incorrect.

COTE D'IVOIRE

In a brief but productive April 25–26 visit to Abidjan, the delegation met with Foreign Minister Amara Essy and Prime Minister Alassane Ouattara, and Senator Cochran held discussions with Ivorian participants in the Cochran Agricultural Fellowship Program.

Foreign Minister Amara Essy

Senator Cochran expressed appreciation for Cote d'Ivoire's hosting of the USA-West Africa Expo-92 Trade Fair and for its close economic relationship with the United States. He also thanked the Foreign Minister for his country's strong leadership in regional affairs and for Ivorian support of U.S. positions at the United Nations, particularly in the Security Council during the Gulf Crisis.

The Foreign Minister thanked Senator Cochran, noting that "sometimes members of the Government complain that we receive few economic benefits in return for our strong support of the United States," but that Ivorian President Felix Houphouet-Boigny—who since independence in 1960 has met every U.S. president except President Carter—responded that "friendship is not an accounting category."

Foreign Minister Essy discussed the situation in Liberia and said Cote d'Ivoire was considering various actions regarding rebel leader Charles Taylor, whose failure to live up to agreements made it necessary for Cote d'Ivoire to consider possible cross-border trade sanctions.

Noting Cote d'Ivoire's recent establishment of diplomatic relations with South Africa, Senator Cochran shared his impressions of the situation in that country. The Foreign Minister said Cote d'Ivoire hoped to establish economic links to South Africa and that it was in Africa's interest to encourage trade with Pretoria. He said he would soon return to Cape Town carrying a letter from another African country that intended to reestablish relations with South Africa.

He said when other African foreign ministers asked him to encourage South Africa to apply to join the Organization of African Unity, he answered "maybe you should establish diplomatic relations first." He also believed President Houphouet-Boigny was inclined to accede to the repeated requests of Inkatha leader Mangosuthu Gatsha Buthelezi for a meeting with him in Cote d'Ivoire.

Prime Minister Alassane Ouattara

The delegation met with Prime Minister Alassane Ouattara, who was joined by Foreign Minister Essy and Cabinet Director Sidya Toure.

The Prime Minister responded to Senator Cochran's question about the status of Ivorian economic reform by describing the $1 billion economic loss caused by the drop in coffee and cocoa prices. Although Cote d'Ivoire had begun difficult economic reform measures in 1990, these actions had been hampered by the accompanying move to multiparty democracy, a necessary reform which nevertheless made it harder for the Government to make unpopular moves.

Prime Minister Ouattara said although Cote d'Ivoire had reduced public spending by one-third in the last two years, further decreases would be difficult because of the unpopularity of reducing public sector wages, which account for two-thirds of Ivorian public expenditures. He asked for U.S. assistance with the World Bank and International Monetary Fund, who were "threatening to halt support." He noted Cote d'Ivoire had already paid $100 million of a total $300 million due to donors in 1992 and said that without continued international help his country's resources would be insufficient to meet its needs.

As an economist, the Prime Minister said he had no theoretical difficulties with devaluation of the Communaute Financiere Africaine (CFA) franc recommended by the Bretton Woods Institutions, but he noted two practical obstacles to such action: (1) other CFA countries would have to join Cote d'Ivoire in devaluation of the franc, and (2) the Ivorian population would have to be persuaded that devaluation would benefit more people in the long run than it would hurt in the short run. Both obstacles would take time to overcome.

The Prime Minister asked for Senator Cochran's support in reaching new coffee and cocoa agreements, since the United States is the largest market for these Ivorian commodities. He said cocoa and coffee had declined from two-thirds of total export value in 1989 to only 40 percent in 1991, and while exports other than cocoa and coffee were growing 7 to 10 percent per year, new international agreements would mitigate price fluctuations and help the Ivorian economy.

In response to the Prime Minister's interest, the Senator described the Cochran Agricultural Fellowship Program, administered by the U.S. Department of Agriculture and designed to bring persons from middle-income countries to the United States to study market oriented agricultural activities. The Senator said over 100 Ivorians have been Cochran Fellows, and he looked forward to meeting many of them at a reception later in the evening. He expressed the hope that Ivorians would continue their excellent participation.

Senator Cochran raised the question of negotiations in the General Agreement on Tariffs and Trade, emphasizing the benefits of a successful Uruguay Round to both Cote d'Ivoire and the United States. He noted that France had created negotiating difficulties, and asked the Prime Minister to "please help us with the French." Dr. Ouattara laughingly responded that he had just met with French Premier Pierre Beregovoy, who had asked him to "please help us with the Americans."

When the Senator asked about the progress of the Ivorian privatization program, the Prime Minister answered he anticipated more privatization in 1992 and said American companies would have a level playing field in Cote d'Ivoire. In light of Senator Cochran's just-completed visit to South Africa, Dr. Ouattara expressed the hope that Cote d'Ivoire's normalization of relations with that country would lead to increased economic cooperation, especially since this nation was beginning to develop its mining sector and could benefit from South African expertise.

Turning to domestic politics, the Prime Minister said street disturbances by opponents of his Government had slowed Cote d'Ivoire's progress toward greater democratization. He emphasized that although he had maintained a dialogue with opposition leader Laurent Gbagbo, the lawless destruction of property following a February 18 demonstration could not be ignored by the Government, and 30 persons were arrested and brought to trial. He expressed the hope that President Houphouet-Boigny could find a way to release the opposition leaders at an appropriate time.

The Prime Minister closed the conversation by thanking Senator Cochran for his visit and noting that he would be in Washington in two weeks for his daughter's graduation from George Washington University.

CONCLUSION

This is a period of profound and fundamental change in South Africa. It is marked by a determined effort on the part of many to reform the political system and bring about an end to apartheid and the beginning of nonracial democracy.

The challenges of political reform are enormous and are complicated by economic and social problems that require not only domestic but international cooperation and support to solve.

Many nations in Africa are responding in a positive way to the changes taking place in South Africa. Recognition of the legitimacy of the steps toward political reform and racial justice can be seen in the response of Nigeria to the recent visit of President de Klerk; the discussions of trade and economic issues with Zimbabwe, Senegal, Cote d'Ivoire, and others; and the resumption of international athletic competitions.

It is time for the United States to join more fully in the effort to support progress and reform in South Africa. The sanctions of the past are no longer necessary to demonstrate our government's commitment to a policy of democratic reform that ensures full participation by all South Africans. Economic growth and job opportunities are necessary to sustain the political progress that is being made, and prohibitions against trade and investment are serious impediments to economic progress.

The drought that has occurred throughout southern Africa is creating enormous stress and hardship in the region, and the United States should respond along with other nations to help deal with this crisis.

While the prospects for early agreement on a new constitutional system of government are uncertain and while violence continues to be a very serious threat to peace and stability in South Africa, it is clear that genuine, serious, and good faith efforts by well meaning citizens, government and political party leaders, and the business community are being made to succeed in meeting these challenges.

They all deserve the encouragement, support, and best wishes of all Americans.

COMMEMORATIVE CEREMONIES OF 50TH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR

Mr. INOUYE. Mr. President, I rise today to share with you and my esteemed colleagues a message of appreciation and the final report from the headquarters of the commander in chief, U.S. Pacific Command, regarding the commemorative ceremonies of the 50th anniversary of the attack on Pearl Harbor. The ceremonies were a vehicle to honor those who lost their lives for their country, and to educate future generations about the mistakes of the past. I sincerely hope that a cataclysmic and devastating event such as World War II will never be repeated again in our Nation's, and our world's history. Mr. President, I respectfully request that the full text of the report be printed in the CONGRESSIONAL RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. PACIFIC COMMAND COMMEMORATES 50TH ANNIVERSARY OF ATTACK ON PEARL HARBOR

During the period 2–9 December 1991, the U.S. Pacific Command completed a significant leadership role in a history making event, commemorative ceremonies observing the 50th Anniversary of the attack on Pearl Harbor, which plummeted the U.S. into World War II.

All Americans can take pride in the brilliant accomplishment of this enormous commemoration honoring our WWII veterans who sacrificed their lives defending our nation's liberty or who, as survivors, went on to defeat the enemy over the next four years, throughout the Pacific, ending World War II.

As the designated project officer for the Department of Defense, Admiral Charles R. Larson, USN, Commander in Chief, U.S. Pacific Command, delegated responsibility as the Program Manager, to his Directorate for Public and Governmental Affairs, under the Director, Mr. A. J. Lynn, and tasked him to develop plans that would honor all World War II veterans and the total attack on

Oahu, Hawaii. Working with Congress, DoD, and the Department of the Army, Mr. Lynn and his staff developed plans to commemorate the attack on Hawaii. At the direction of Admiral Larson, these plans would commemorate veterans and involve virtually all military services, island wide, as well as much of the local civilian community. As a result, a DoD joint working committee involving the State, City, the National Park Service, the Department of Veterans Affairs and the combined military services of the U.S. Pacific Command, was established. By working with this committee and the Congress, initial events involving the sunken battleship, USS *Arizona*, were expanded to include the sunken former battleship, USS *Utah*, as well as all ships of Battleship Row which suffered extensive damage from the attack. Working with veterans groups and with the advice of Lieutenant General Harold T. Fields, USA, the Deputy Commander and Chief of Staff of the U.S. Pacific Command and, Lieutenant General Claude M. Kicklighter, USA, (Ret), Director of the Secretary of the Army's Commemorations Committee, an all encompassing plan was developed to involve the Veterans Cemetery (Punchbowl), National Park sites and military facilities throughout the island, giving veterans an opportunity to participate in week long commemorative ceremonies that truly honored all involved in the total scope of the attack.

On December 7, commemorative ceremonies were held for affected survivors at Bellows Air Force Station, Hickam Air Force Base (formerly known as Hickam Field) and Schofield Barracks. The eyes of the nation, through some 1,686 international/national media, were on the major ceremonies involving the President of the United States at the National Memorial Cemetery of the Pacific (PUNCHBOWL), Pier Kilo 8 and at Pearl Harbor with the USS *Arizona* and USS *Missouri* on the morning of December 7, 1991. On the USS *Arizona*, the President of the United States, the Secretary of Defense, the Chairman, Joint Chiefs of Staff, selected members of Congress, and the survivors, families, and the families of those entombed in the USS *Arizona* and USS *Utah*, were present during the major presidential address and the minute of silence noting the time that the bombs began to fall on the ships in Pearl Harbor.

Goals of the World War II 50th Anniversary of the attack on Oahu were manyfold. The planning and execution were complex, involving extensive veteran, state, federal and military service resources. The following, however, reflects the major focus:

1. To honor American veterans of World War II and their fallen comrades.

2. To change the focus from looking only at Pearl Harbor, to include all military services and bases around the Island of Oahu, the civilian employees of the military, and the civilian community that were part of the attack on December 7, 1941.

3. To officially begin a series of programs to observe 50th Anniversary events of World War II extending through November 11, 1995.

4. To show that the U.S. was victorious in World War II.

5. To educate the public on the effectiveness of maintaining a credible and proficient military force structure—Peace through Strength.

6. To show the capability and drive of the American people, following the attack, to respond to the challenge laid on them and to repair and return the damaged ships and bases to action in the shortest amount of time.

7. To demonstrate the ability of the American people to rise to meet a challenge that engulfed the world.

8. To put animosity in proper perspective; and to look to the future as it concerns our former enemies—who are now our staunch allies.

From the beginning, the concept of the commemoration was to program Punchbowl and the USS Arizona Memorial as the sites for honoring the military personnel who gave their lives in support of America's World War II objectives. The Pier Kilo Eight ceremony established a program to honor the families of deceased World War II veterans, the living veteran and his family, the civilian employees of the military services and all veterans who have served and those now serving in the Department of Defense. It also established a platform to recognize an era of growth and development, a recognition of the frailties of mankind and the putting aside of animosity so that the nations of the world can move forward in an atmosphere of peace and harmony in a new world order. The impact engendered by the presence of the USS *Missouri*, where the surrender of Japan was signed, depicted the end of the war and the ultimate victory of the American people.

Considerable credit must go to the senior Senator from Hawaii, Daniel K. Inouye, for his support in ensuring that a significant part of the concept, the participation of the USS *Missouri*, would be available for the program. He and Secretary of the Navy, H. Lawrence Garrett, III, made it happen. Credit for final touches to each event in which the President participated, must go to The Honorable Sig Rogich, Assistant to the President for Public Events and Initiatives, whose adept support and assistance, paved the way for much of the success.

When the basic plan was approved, Admiral Larson went forward with the Operation Plan for "Operation Remembrance" and designated Event Managers among the military services for each of the programs. Events ranged from small, dignified wreath layings to official federally sponsored programs at the National Park Service facility, the USS *Arizona* Memorial Museum and Visitor Center; at the National Memorial Cemetery of the Pacific, known nationally as "Punchbowl"; at Hickam Air Force Base; Schofield Barracks; on the Arizona Memorial, and the Kilo Pier Eight at Pearl Harbor and numerous other sites around the island. On December 7, 1991, these programs served as commemorative events for more than 11,000 veterans, their families, and persons visiting from around the world. Some 1,686 representatives of the media covered the events which were carried live on major national and international television networks.

Lending the highest official credence to these activities, was the appearance and participation of the most senior officials of the United States. Heading the list was World War II veteran, President George Bush and Mrs. Bush. The President made keynote speeches at Punchbowl and at Pearl Harbor. The Pearl Harbor speeches were made on the USS *Arizona* Memorial and at Pier Kilo Eight. Secretary of Defense, Dick Cheney, served as viewing official for the Pearl Harbor Association parade through Waikiki and as speaker for raising of the Pearl Harbor Flag—the world's largest flag—at Fort DeRussy in Waikiki, and at Kilo Pier Eight. General Colin Powell, USA, Chairman of the Joint Chiefs of Staff, served as the reviewing officer for a Tattoo at Schofield Barracks, conducted by members of the Army's 25th Infantry Division in honor of the Pearl Harbor veterans; and as speaker for the Sunset Ceremony of the Pearl Harbor Survivors Association, at the USS *Arizona* Visitor Center.

A delegation of 10 Senators, led by Senator Daniel K. Inouye, and a House delegation of 20, led by Representative G.V. "Sonny" Montgomery, represented the U.S. Congress at all commemorative events. The key leaders of the delegations, Senator Inouye, Senator John S. McCain, III, and Representative Montgomery, gave commemorative remarks at the USS *Arizona* Memorial Ceremony on December 7. Members of the delegations also participated in the Pearl Harbor Survivors Parade through Waikiki on December 6.

Participation and speeches by the Secretary of Veterans Affairs, Edward Derwinski, at the Punchbowl Ceremony; Secretary of the Interior, Manuel Lujan, at the USS *Arizona* Visitor Center; and Navy Secretary, H. Lawrence Garrett, III, in numerous events at Pearl Harbor and in the civilian community, during the week long activities, rounded out the program.

Sharing the spotlight with the President was a series of introductions by veterans, women and minorities. At Punchbowl, native American Indian, and National President of the Pearl Harbor Survivors Assoc., Gerald Glaubitz, introduced the President. At the USS *Arizona* Memorial, similar honors were conducted by Medal of Honor recipient and survivor from the USS *Nevada*, Captain Donald K. Ross, USN (Ret). At Pier Kilo Eight, a former Navy Nurse, Mrs. Lenore Rickert, assigned at Hospital Point when the attack occurred, introduced the President to the assembled 4000 guests and the international television audience.

The successful completion of the seven days of commemorative programs at Pearl Harbor was a worthy tribute to the thousands who planned and executed the events, to all who participated, and to the thousands of veterans and citizens who attended events, either in person, or through television, radio or newspaper. This was a commemoration in which every American can take great pride.

GLOBAL FORUM: LEADERSHIP 2000

Mr. GORE. Mr. President, I would like to insert into the RECORD a copy of "A Strategic Approach to Global Environmental Partnership," an interim report by the working group on the global environment. The report represents a work in progress by the working group, which I chair with the Honorable Kazuo Aichi of the Japanese Diet.

This effort is part of the "Global Forum: Leadership 2000" initiative that is taking place under the auspices of the Center for Strategic and International Studies and the Japan Forum on International Relations. I want to welcome interested colleagues to review the report and pass on any comments they may have.

There being no objection, the interim report was ordered to be printed in the RECORD, as follows:

A STRATEGIC APPROACH TO GLOBAL ENVIRONMENTAL PARTNERSHIP

PREFACE

In June 1992, the international community has the opportunity to begin a new chapter in environmental awareness by agreeing at the UN Conference on Environment and Development (UNCED) on a "Rio Declaration" of principles underlying the integration of environment and development, the Agenda 21 action plan, framework conventions on climate change and biodiversity, and principles for the protection of global forests.

The United States and Japan have a special responsibility to work both together and with other countries in moving this emerging global environmental partnership forward. This is the general conclusion of a Working Group on the Global Environment, which we have chaired. The working group has been organized under the "Global Forum: Leadership 2000" initiative, a joint undertaking of the Washington-based Center for Strategic and International Studies (CSIS) and the Tokyo-based Japan Forum on International Relations (JFIR), which has the objective of encouraging dialogue and making a concrete statement on the U.S.-Japan role in supporting a global partnership. The group met three times in April and May 1992.

This interim statement of the working group reviews a number of ways in which our two countries can develop common policy approaches and begin joint ventures to protect the global environment that build on the international agreements, action plans, and other activities in existence or soon forthcoming. It argues for a strategic approach to global partnership that can assist governments, the private sector, and citizens in the implementation of concrete action steps. A final report will be released in October 1992.

In undertaking this initiative, and in participating in others, we have detected a profound sense of concern over the environment that pervades all sectors of society equally—government officials, business leaders, academics, and concerned citizens—across the world. The way forward must be through dialogue, analysis, and cooperation. We hope that this statement reflects some of these qualities.

KAZUO AICHI,
Member, Japan Diet.
AL GORE,
U.S. Senate.

EXECUTIVE SUMMARY

The protection of the global environment and the intersecting issue of sustainable development present a crucial international challenge for the coming decades. The UN Conference on Environment and Development's Agenda 21 action plan, the framework convention on climate change, and the other multilateral and regional environmental agreements and activities are important first steps in the effort to forge a global environmental partnership.

The extensive new demands—economic, political and social—that environmental initiatives place on the international community makes a strategic approach to partnership necessary. As characterized here, a strategic approach would (1) focus initially on a range of feasible action steps that reflect priority concerns and can serve as building blocks for more extensive future actions, (2) harness the dynamic forces of the global marketplace to move capital and technology, and (3) build international partnerships for mobilization of resources and policy implementation. As a reference point for such an approach, the methods of coupling economic assistance to responsible, long-term economic planning and democratic governance used in the Marshall Plan—conceived of in this case more broadly as a "Global Marshall Plan"—have relevance to these new imperatives of sustainable development and environmental protection.

The United States, Japan, and other countries should begin immediately to implement strategic options in the context of Agenda 21 and the other multilateral and regional environmental agreements. This interim statement recommends a number of such options that can be undertaken through existing governmental and nongovernmental channels. These include both specific partnership ventures for the United States and Japan, and general policy recommendations for governments, and international organizations, and the private sector. Three partnership ventures stand out for immediate consideration:

The accelerated development of regional environmental centers, which can act as concrete building blocks for international cooperation.

An energy efficiency initiative, which can assist in transferring the latest policy approaches and technologies to developing countries.

A sustainable development foundation, which would provide support through governmental and non-governmental channels for demonstration/prototype projects and other mechanisms to support sustainable development.

More generally, the statement highlights the need to:

Take measures in industrialized countries to adapt production and consumption patterns to bring about greater sustainability of economic growth;

Adopt sustainable development as an organizing principle for bilateral and multilateral development assistance;

Ensure an open framework for international trade, finance and investment through which to facilitate policies for environmental protection/sustainable development;

Accelerate research and development of key energy and environmental technologies;

Build international private sector partnerships for inter alia technology cooperation—including the integration of clean technologies into key products—and the dissemination of environmental management expertise.

INTRODUCTION

The international community has entered an era of global environmental change. Dramatic transformations within the Earth's natural systems due to human activity are under way or are forecast for coming decades, including notably the major "global" problems of ozone layer depletion, climate change, marine pollution, deforestation, and the accelerating loss of plant and animal species (biodiversity). There are also a host of local and regional problems that often have adverse implications for ecosystem survival and human welfare, such as acid rain and urban air pollution, shrinking and polluted fresh water resources, the accumulation of industrial and household wastes, and land degradation.

Slowing and reversing these global environmental changes will require an unprecedented degree of international cooperation. Important steps forward in the effort to forge a new global environmental partnership can be found in the comprehensive and ambitious Agenda 21 action plan proposed at the UN Conference on Environment and Development (UNCED) in June 1992, the framework convention on climate change, and other completed or forthcoming international agreements on protection of the ozone layer, biodiversity, and global forests (as well as in a host of regional and bilateral programs).

The prospects for these agreements and action plans have been improved by the recognition that the need to alleviate poverty and the general imperative for higher living standards and economic security in all countries makes it necessary to confront environmental problems in the context of economic growth, development, and expanded trade. The concept of "sustainable development" describes broadly the objective of attaining an integration of economy and the environment in a way that meets today's needs without compromising the needs of future generations.[1]

But these are as yet only first steps in a long-term process. The United States and Japan should now work together and in concert with other countries to develop a strategic approach to global environmental initiatives through which governments, business, and citizens can be mobilized and initial concrete steps taken. This interim statement focuses on a preliminary definition of this strategic approach and the ways in which it could shape a global partnership. It is not comprehensive, but rather covers issues and options within three broad areas that relate to key international concerns: environment and development, energy and climate change, and environmental technologies and markets. The recommendations that follow are the product of three preliminary rounds of dialogue and debate between governmental and nongovernmental (including business and academic) leaders, primarily in the United States and Japan but also including representatives from other countries, on key priorities and near term opportunities for partnership (see participants list, pgs. 10 and 11).

A STRATEGIC APPROACH TO THE PROTECTION OF THE GLOBAL ENVIRONMENT

The Agenda 21 action plan and the other environmental agreements before the international community outline ambitious ends and means for a global environmental partnership, covering a range of substantive environmental and development areas and including the allocation of major financial resources, the much greater movement of key technologies, and significant changes to economic planning around the world.[2] These extensive new demands on the international community will take time to fulfill. Financing will be limited, for the foreseeable future, at least compared to some expectations.[3] The large number of countries involved also increases the complexity of effective cooperation, which requires bringing together nations, groups, and individuals in very different circumstances and with very different interests and cultures.

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[1] The seminal discussion of sustainable development can be found in The World Commission on Environment and Development, Our Common Future (Oxford: Oxford University Press, 1987). It is widely recognized that the concept requires much additional clarification and research, and it is likely that there will be disagreements over its meaning and usage for quite some time. For discussion of these issues, see the articles in Joel Darmstadter (ed.), Special Issue on "Environment and Development," Resources, Winter 1992, No. 106; and The World Bank, World Development Report 1992: Development and the Environment (Oxford University Press, 1992).

[2] As discussed in Agenda 21 and elsewhere, the means to protection of the global environment typically include some combination of:

International agreements/regimes and other institutional changes;
economic instruments for environmental policy;
technology development and cooperation;
capacity building/human resource development;
financial resources;
population stabilization;
poverty alleviation;
information systems.

See also Senator Al Gore's strategic plan for the environment, the "Global Marshall Plan," in his recent book Earth in the Balance (Houghton Mifflin, 1992).

In recognition of these complicating factors, a strategic approach to a global environmental partnership would have several dimensions. First, initial priorities must reflect feasible, near-term actions toward the long-term ends. It is important that such actions serve as building blocks for more extensive international cooperation and in particular assist in defining and refining policy approaches.[4]

Second, a strategic approach must attempt to harness the dynamic forces of the expanding global marketplace. Although we need further understanding of how to reconcile trade and capital regimes with new multilateral requirements of environmental protection, open global markets will promote efficiency and provide much greater access to technologies and finance. To channel these forces, countries must begin through various mechanisms—such as the "polluter pays principle" and other policy instruments appropriate to each setting—to bring about a greater reflection of the costs of pollution into market transactions and private incentives for environmental protection.

Third, a strategic approach must seek to develop specific collaborative endeavors at the international level, involving both governmental and nongovernmental actors, in the context of the overall global partnership. Countries must intensify their work together in ventures designed to draw on each others' strengths.

A useful referent in thinking about a strategic approach to global environmental partnership is the Marshall Plan, in which economic assistance was explicitly coupled with responsible, long-term economic planning and recovery as well as democratic governance. The lessons of this experience—conceived more broadly as a "Global Marshall Plan"—are germane to the requirements of sustainable development and environmental protection in a global context.[5]

THE U.S. AND JAPANESE ROLE IN SUPPORT OF A GLOBAL PARTNERSHIP

The United States and Japan, along with the countries of Western Europe (and particularly the European Community), must take a strong and responsible role in supporting a global partnership and in devising and implementing a strategic approach. This partnership role would include both domestic measures to reduce the industrialized world's contribution to global environmental threats and new foreign aid initiatives and commercial ventures to assist developing countries and economies in transition.[6]

On the domestic front, there are numerous opportunities for beginning a transition to sustainable industrial societies that can enjoy robust levels of economic growth while limiting environmental impacts. Both Japan and the United States have much experience with environmental protection, and the path to further gains in environmental quality at reasonable (or even lower) cost—through pollution prevention, new technologies, and new economic instruments—is better understood all the time. The experience of Japan over the past 20 years has forcefully demonstrated that high levels of economic growth can coexist with dramatic improvements in environmental quality and gains in energy efficiency. The responsibility in the United States and Japan ultimately lies equally with government, the private sector, and the public to make an effort to adapt production and consumption patterns and be willing to bear their share of the costs for an environmentally sustainable economy.

The demonstration effect of beginning the transition to sustainable economies in the developed world is essential to building confidence in a global partnership. On the international front, both the United States and Japan are also leaders in environmental policy-making and technology as well as being the top two sources of foreign aid. Both countries thus have much to offer developing countries, and should foster sustainable patterns of development internationally.

A partnership between the United States and Japan, as one component of a broader international strategy, could bring the two countries' combined resources and expertise to bear on many specific, priority global environmental problems. In some cases, partnership will consist of coordination and consultation; in other cases, joint ventures can combine each country's skills to move global environmental initiatives forward more rapidly. The remainder of this statement examines general policy approaches in the context of a strategic approach as well as specific project options.

ENVIRONMENT AND DEVELOPMENT

UNCED has alerted the international community to the enormous task of integrating environment and development. The economic development paths taken over the coming decades by the developing countries and the economies in transition could have a huge impact on local and global environments. In some areas, poverty and population pressures are already severely degrading natural environments and undermining the basis for human sustenance; in others, high levels of economic growth coupled with soaring energy needs, explosive urbanization, and other factors (such as the adverse environmental legacies of years of central planning) will require major investments to overcome environmental and health effects.

As the World Bank has pointed out, immediate environmental priorities in most developing countries are the local problems of unsanitary water, poor air quality, and land degradation.[7] The global transboundary concerns of greenhouse gases, deforestation, biodiversity, and marine pollution can only be dealt with effectively in the near term insofar as solutions coincide with these immediate priorities, are economic in themselves, or are funded through new and additional aid.

A strategic approach to these challenges entails, in the first instance, identifying concrete, practical steps that can be taken in the context of Agenda 21. At the governmental level, these steps should emphasize new and additional bilateral and multilateral assistance as well as changes in existing programs to reflect principles of sustainable development. The expanding financial, trade, and investment flows between developed and developing countries will be the major source of capital and technology for sustainable development and should be shaped in this fashion through appropriate incentives from governments. Much of the initiative must come from the developing countries themselves, in the recognition that long-term economic growth and human welfare is linked to the protection of natural environments.

Bilateral and Multilateral Aid Programs

Official development aid, whether through bilateral or multilateral channels, is an important vehicle for influencing and legitimizing the transition to sustainable development.

U.S. and Japanese bilateral aid programs should increasingly be organized around the principle of sustainable development, a process that will require major institutional and program adjustments. In identifying new aid priorities, particular strategic consideration should be given to developing countries whose growth in population, economic output, and energy consumption is most likely to have a major impact on the global environment.

The World Bank has a key role in implementing sustainable development programs and in providing financing. The International Development Association (IDA), the "soft loan" window of the Bank, should have significant additional environmental funds for low-income countries. To meet its growing responsibility in addressing global environmental problems, the Global Environmental Facility (GEF) should increasingly become a transparent and open organization.[8] Projects funded through the GEF should be based on a sound and objective scientific analysis. The GEF's mandate to fund only projects with "global" benefits could also be interpreted more broadly, to include problems such as land degradation.

Bilateral and multilateral aid programs should continue to expand cooperation with nongovernmental organizations, particularly at the grassroots and including business and labor groups. Incorporating the experience and needs of local populations is essential to the success of sustainable development.

This new focus on environment and development should include more aid but also greater responsibility on the part of aid recipients. Japan and the United States should take a leading role, through both bilateral and multilateral aid programs, in cooperating with developing countries to develop and implement appropriate environmental standards and priorities, economically sensible environmental policies, and policy reforms to encourage more rational and efficient energy use and natural resource management.

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[3] For example, Agenda 21 includes estimates of annual requirements of $125 billion in new and additional financing from the developed countries. This would be matched by investments of $550 billion in developing countries.

[4] Ultimately, a successful global environmental strategy and its core conceptual components, such as sustainable development, should be underpinned by an analytical policy framework that identifies (1) priorities on the basis of the long-term risks to human health, ecosystems, and economic well-being posed by different types of environmental problems: (2) the particular types of sustainable development required by countries with different economies, energy sectors, demographic trends, and natural resource endowments; and (3) differences within and between countries regarding the appropriate tradeoffs between environmental quality and economic growth as different stages of sustainable development are reached. See again Darmstadter (ed.), Special Issue on "Environment and Development," Resources, and The World Bank, World Development Report 1992: Development and the Environment.

[5] For a detailed discussion of such a "Global Marshall Plan," see Al Gore, Earth in the Balance.

[6] "Economies in transition" will be used to designate the former communist planned economies of Eastern Europe and the former Soviet Union. China will be considered a developing country.

[7] The World Bank, World Development Report 1992: Development and the Environment.

[8] The Global Environmental Facility is jointly run by the World Bank, UN Development Programme, and UN Environment Programme.

Finance, Trade, and Investment for Sustainable Development

The growing financial, trade, and investment flows between developed countries and certain developing countries and economies in transition must also be harnessed toward sustainable development. When associated with sound environmental policies, open economies can promote economic efficiency and technology transfer in a manner that improves environmental quality. When firms invest, they often import modern manufacturing processes and pollution control equipment (whether as corporate policy or not). Many developing countries, particularly those undergoing rapid industrialization, are also beginning to make major investments in environmental goods and services.

Global partnership requires that countries work more actively to accelerate the integration of environmental and trade policy within the context of an open international trade regime under the General Agreement on Tariffs and Trade (GATT). The United States and Japan should also continue to expand bilateral financing and insurance mechanisms, in harmony with other industrialized countries, to support export and foreign investment by companies that supply environmental and energy goods and services.

Ways to increase private sector involvement in projects funded through multilateral development institutions, through co-financing or other appropriate means, should be explored more intensively. The GEF, the International Finance Corporation (IFC), and other such institutions should review project procedures to determine how better to tap expertise in the private sector and leverage private investment capital.

Opportunities for Partnership

To effectively marshall resources, the United States, Japan, and other countries should begin planning joint environmental initiatives with developing countries. These could include—

Regional Environmental Centers.—The United States and Japan should work closely in advancing the establishment of regional environmental centers across the developing world and in providing an appropriate network to facilitate the transfer of expertise and data among them.[9] Regional centers could serve as key building blocks in developing international environmental cooperation, assisting in accumulating much needed data on the technology and policy needs of developing countries, and in capacity building. Regional organizations such as the Organization of American States (OAS) and the Association of Southeast Asian Nations (ASEAN) could serve in some cases as an appropriate organizational framework. There is also great strategic value in establishing such centers in the former Soviet republics, where environmental problems are often particularly acute and which have a surplus of unemployed scientists and engineers, many formerly employed in military research.

Energy Efficiency Initiatives.—Energy-related pollution, and the gap between energy demand and supply that is projected for much of the developing world (and that is now being experienced in some countries), can be lessened by a strong emphasis on energy efficiency. Both Japan and the United States have extensive domestic experience with energy efficiency that can underpin an ambitious energy efficiency initiative for developing countries and economies in transition—building on current activities in development agencies and international organizations. Through this initiative, trends in energy efficiency policy, such as demand-side management of electricity use, would enter much more extensively into energy planning in developing countries.

Sustainable Development Foundation.—The achievement of sustainable development is a long-term task, which would benefit greatly from demonstration or pilot projects. The Sustainable Development Foundation would be a quasi-governmental organization that supports grassroots development projects. It would not be an operating agency, but would provide funding on a competitive basis for programs to be carried out by international organizations and U.S., Japanese, and developing country nongovernmental organizations, including business firms. It would assist in experimentation with different models of sustainable development, the incorporation of skills from the private sector, the development of marketing skills, the undertaking of field work, grant making, and project evaluation.[10] The results of this work could also assist bilateral aid agencies and multilateral development banks in restructuring their own programs.

There are many other areas of potential cooperation and joint work that merit consideration, including sustainable forestry, population planning, and researching and strengthening protection of biodiversity.[11]

ENERGY AND CLIMATE CHANGE

Energy use is among the most complex dimensions of the global environmental challenge, as economic growth across the world will depend on using more energy, much of which is currently forecast to be derived from the fossil fuels that produce greenhouse gases and other atmospheric pollutants. The framework convention on climate change is a first, important step toward the long-term process of modifying global energy paths in support of sustainable development. The industrialized countries should now begin domestic strategies for reductions of greenhouse gas emissions, with a focus on achieving stabilization by the year 2000 and assessing contingencies for more rapid reductions thereafter. The developing countries, particularly those projected to rapidly increase use of fossil fuels, must also begin immediately to improve the efficiency of energy use and expand use of energy sources that emit less greenhouse gases, such as natural gas and renewables.

The energy efficiency initiative mentioned above is one way in which Japan and the United States could work together in developing response strategies for the developing countries. A further step could be more extensive joint development and transfer of key technologies, such as renewable energy technologies and new process technologies to improve efficiency. To assist in capturing the global environmental benefits and cost savings from low-cost greenhouse gas reductions in developing countries, both countries could also experiment with new policy instruments, such as greenhouse gas offset or permit trading systems, in which utilities and companies that seek cost-effective greenhouse gas reductions in developing countries are offered credit in the country of origin.

TECHNOLOGIES AND MARKETS

Technological innovation and commercialization will be a key component in the success of sustainable economies as well as in boosting the competitiveness of those countries that emerge as leaders in energy and environmental goods and services. New, and often more efficient, energy and environmental technologies will increasingly become integrated into energy supply systems, manufacturing processes, buildings, and transportation around the world. Companies that can anticipate environmental management requirements, high product standards, and consumer demand for "greener" products could gain competitive advantage. Markets for energy and environmental technologies, products, and services continue to grow rapidly in industrialized countries and should also provide a growing proportion of investment in the developing countries.

Opportunities for Business Partnership

The business communities in the United States, Japan, and other developed countries should continue to pursue the opportunities in the environmental area. Many firms have individually or collectively adopted environmental principles, undertaken anticipatory environmental management, and begun developing positions and options on technology cooperation.[12]

The business communities should expand initiatives to share experience and help develop approaches to technology cooperation. New technology partnerships between companies would be particularly fruitful environmentally as well as economically. Firms could cooperate in setting industry goals internationally for incorporating cleaner technologies into key products. While focused on developing countries, technology cooperation could also include expanding trade in state-of-the-art technologies between industrialized countries.

Support for Research and Development

Government and private sector support for research and development (R&D) is also critical. Both Japan and the United States have begun expanding the R&D of key environmental and energy technologies of the future, Japan through its "New Earth 21" programs and the United States through R&D budgets in proposed legislation and a number of public-private initiatives (such as new environmental missions for national labs). Both countries must go much further in technology development, mobilizing both new research funds and the scientific and technical community.

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[9] The Regional Environmental Center for Central and Eastern Europe in Budapest is a model for such centers. New centers under way or proposed in the United States, Japan, and Europe could serve as focal points in the industrialized countries for training and R&D.

[10] For further discussion of this concept see John W. Sewell and W. Patrick Murphy, "The United States and Japan in Southeast Asia: Is a Shared Development Agenda Possible?" In Kaoru Okuizumi, Kent E. Calder, and Gerrit W. Gong, The U.S.-Japan Economic Relationship in East and Southeast Asia: A Policy Framework for Asia-Pacific Economic Cooperation, APA/CSIS Significant Issues Series, Volume XIV, No. 1., p. 135.

[11] It should also be noted that several specific proposals for U.S.-Japan partnership were put forward at the Tokyo Summit of January 1992. These included closer consultation on UNCED and cooperation on projects on centers for sustainable development, the reduction of natural hazards, the conservation of world forests, strengthening liaison between the Japan Overseas Cooperation Volunteers and the U.S. Peace Corps, cooperation in the transfer of environmental technologies, and the encouragement of the participation of nongovernmental organizations.

[12] In Japan, Keidanren had adopted a "Global Environment Charter," which promulgates guidelines for domestic and overseas corporate environmental policy. The International Chamber of Commerce has developed a "Business Charter for Sustainable Development" and recently released an account of firms' activities in support of the charter, The Greening of Business 1992: From Ideas to Action (ICC Publishing: 1992). The Business Council for Sustainable Development has prepared an extensive analysis of new business views on the environment, Changing Course (MIT Press, 1992).

The competition for new environmental technologies will help stimulate technology development and the growth of new markets, but there are also a number of technologies that could benefit from U.S.-Japan cooperation. These include the development of solar power, renewable energy sources, technologies for pollution remediation, manufacturing process changes for pollution prevention and energy efficiency, second generation nuclear power, nuclear fusion, superconductivity, and the fixation and effective utilization of carbon dioxide (CO_2). They also could include the application of robotics to nuclear waste clean-up and the decommissioning of nuclear power plants in Russia, the republics, and in Eastern Europe.

Finally, Japan and the United States should begin supporting the growth of indigenous environmental technology industries in developing countries and economies in transition. For example, clean coal technologies that improve the efficiency of and reduce the emissions associated with coal-fired energy production must become readily and cheaply available in those countries that will expand the use of coal.

TOWARD A GLOBAL ENVIRONMENTAL PARTNERSHIP

This interim statement has proposed some initial components of what must eventually be a much more extensive global partnership for the environment, as reflected in comprehensive action plans such as UNCED's Agenda 21. There are many opportunities for the United States, Japan, and other countries to cooperate in giving concrete structure to this partnership, by beginning some of the collaborative ventures discussed above and by jointly examining strategic options generally for expanding both domestic and international efforts.

As the product of a dialogue between the United States, Japan, and other countries, this statement reflects how the various sectors of our societies—public and private—can work together to develop innovative and viable approaches to building global partnership. The global environment is one area of international affairs where the opportunities for mutual gain and the need for understanding are particularly great, and hence can be explored in the true spirit of cooperation.

WORKING GROUP PARTICIPANTS

Executive Committee

Kazuo Aichi, Member, Japan Diet (cochair).

Albert Gore, U.S. Senate (cochair).

Takeshi Abiru, Managing Director, Tokyo Electric Power Co., Inc.; Chairman, Subcommittee on the Environment, Keidanren.

Richard Gardner, Henry L. Moses Professor of International Organization and Law, Columbia University Law School.

Shafiqul Islam, Senior Fellow, International Finance, Council on Foreign Relations.

Abraham Katz, President, U.S. Council for International Business.[13]

Yoichi Kaya, Professor of Electrical Engineering, Tokyo University.

Heraldo Muñoz, Ambassador from Chile, Organization of American States.

Participants at Working Group Meetings

Washington meetings (April 3 and May 6, 1992)[14]

Takeshi Abiru, Managing Director, Tokyo Electric Power Co., Inc.; Chairman, Subcommittee on the Environment, Keidanren.

Timothy Atkeson, Assistant Administrator, Office of International Activities, U.S. Environmental Protection Agency.

Richard Bissell, Assistant Administrator, U.S. Agency for International Development.

Peter Blair, Program Manager, Energy and Materials Program, Office of Technology Assessment.

F. Scott Bush, Visiting Fellow, Environmental Affairs, CSIS.

Joel Darmstadter, Senior Fellow, Resources for the Future.

Robert Driscoll, President, U.S.-ASEAN Council.

Charles K. Ebinger, CSIS Senior Associate, Vice President, International Resources Group.

J. Mark Elliot, President, ERC International.

Leon Fuerth, Legislative Assistant, Office of Senator Gore.

Ernest Graves, Senior Advisor, CSIS.

Udi Helman, Coordinator/Research Associate, Environmental Programs, CSIS (rapporteur).

David Hitchcock, Director, East Asian and Pacific Affairs, U.S. Information Agency.

Abraham Katz, President, U.S. Council for International Business.

Yoichi Kaya, Professor, Department of Electrical Engineering, Tokyo University.

Diana MacArthur, Chair and CEO, Dynamac.

Joan Martin-Brown, Special Advisor to the Executive Director and Chief, Washington Office, U.N. Environment Programme.

James McClatchey, Environment and Safety Engineering Affairs, AT&T.

Katie McGinty, Legislative Assistant, Office of Senator Gore.

Helen McKee, Japan Desk Officer, U.S. Information Agency.

Alan Miller, Executive Director, Center for Global Change, University of Maryland.

Heraldo Muñoz, Ambassador from Chile, Organization of American States.

Jim Murphy, Senior Policy Advisor, Office of the U.S. Trade Representative.

Melvin Peterson, Director, Ocean Policy Institute, CSIS Pacific Forum.

Sam R. Petrocilli, Director, Chemical Risk Management, Dynamic.

Irv Pikus, Director, Science and Technology Programs, CSIS.

Walter Reid, Vice President for Programs, World Resources Institute.

Robert Reinstein, Deputy Assistant Secretary for Environment, Health and Natural Resources, U.S. Department of State.

Clifford S. Russell, Director, Vanderbilt Institute for Public Policy Studies, Vanderbilt University.

Robert Rycroft, Associate Professor of Political Science and International Affairs, Center for International Science and Technology Policy, George Washington University.

John Sewell, President, Overseas Development Council.

Roger Stone, Visiting Fellow, Council on Foreign Relations.

Jim Sullivan, Director, Office of Energy and Infrastructure, U.S. Agency for International Development.

Kazu Takemoto, Environment Department, World Bank.

Sandy Vogelgesang, Principal Deputy, Office of International Activities, U.S. Environmental Protection Agency.

David Wendt, Acting Director of Studies and Coordinator, Program on International Social and Economic Development, CSIS.

David Wheeler, Environmental Economist, Environment Department, The World Bank.

Edward Wonder, Manager, International Branch, Ogden Environmental and Energy Services Corp.

Tokyo meeting (April 14, 1992)

Takeshi Abiru, Managing Director, Tokyo Electric Power Co., Inc.; Chairman, Subcommittee on the Environment, Keidanren.

Udi Helman, Coordinator/Research Associate, Environmental Programs, CSIS.

Yoichi Kaya, Professor, Department of Electrical Engineering, Tokyo University.

Takashi Kosugi, Member, House of Representatives.

Hikaru Oka, Vice President, Japan Forum on International Relations.

Akira Tanabe, Assistant Manager, Tokyo Electric Power Co.

Yoshinori Usui, General Manager, Corporate Planning Division, Toyota Motor Corporation.

David Wendt, Acting Director of Studies and Coordinator, Program on International Social and Economic Development, CSIS.

Bunroku Yoshino, Chairman, Institute for International Economic Studies.

SERIOUS FLAWS IN THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. KENNEDY. Mr. President, as the Senate and the House of Representatives enter the final stages of our consideration of the balanced budget constitutional amendment, the flaws of that misguided approach to our serious economic problems are becoming increasingly clear, and I am very hopeful that the amendment will be rejected.

This past weekend, in an excellent op-ed article in the Philadelphia Inquirer, John Douglas, whom many of us know as a thoughtful, well-informed and articulate expert on public policy issues, summarized the numerous substantive flaws in the proposed constitutional amendment. I believe that Mr. Douglas' article will be of interest for all of us considering this issue, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, June 7, 1992]

IN PASSING A BALANCED-BUDGET AMENDMENT, CONGRESS HAD BETTER OUTLAW LOOPHOLES, TOO

(By John W. Douglas)

Congress—with President Bush's encouragement—seems poised to precipitate a radical transformation of our governmental arrangements by passing the balanced budget amendment. That amendment would cripple the legislative branch, strengthen the executive branch and erode respect for the rule of law. Is this what the country desires?

Strict observance of balanced budgets would be devastating. In the absence of specific planning, this economic straitjacket would entail, by the target year 1997, spending cuts and tax increases of hundreds of billions of dollars. Depressions would be more likely; recessions, more prolonged. Citizens would rail at the Congress.

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[13] The views in this paper do not necessarily reflect the views of the U.S. Council for International Business.

[14] Not all participants attended both meetings.

The amendment restricts legislative flexibility in balancing the budget by favoring spending cuts over tax increases. Congress could continue to cut spending with simple majorities of members actually voting. But it could increase taxes only with a majority of all members in each house.

The amendment will confront the Congress with three dangerous operations. Congress could adhere rigidly to the balanced budget principle; it could use the "super majority exception" in the amendment for deficit financing; or it could attempt the time-honored techniques for off-budget financing, which removes certain spending from the budget. Any one of these choices, or any combination of them, would weaken both Congress's power of the purse and its standing with the country.

The super majority exception, by which 60 percent of both houses could authorize unbalanced budgets, is more of a trap than a safety valve. It would allow a minority in Congress to decide much of the nation's fiscal policy. The difficulty in rounding up and last few votes needed for a super majority would put a premium on unsavory side deals. Further, congressional use of the clause would discredit the amendment as a disciplinary tool and cast doubt on the legislators' good faith in enacting it.

The fear of criticism for passing unbalanced budgets will push legislators toward the off-budget gimmicks.

Former Budget Director Charles Schultze has noted that a roomful of former Hill and White House staffers could quickly come up with effective methods of evasion. For example, congressional planners could sell assets or move some financing into a loan category; traditionally, some loans do not become "outlays" until there is a default. In turn, the amendment would give the president a new rationale for issuing orders to freeze congressionally-approved spending.

The precise role of the courts must await Supreme Court decisions. But there will surely be some spending and tax cases which will be deemed to present issues appropriate for judicial review—a point conceded by Rep. Charles Stenholm (D., Texas), the principal House and advocate for the amendment. Ironically, a judicial roll-back of tax increases and of contract cancellations would increase the deficits. Sen. Paul Simon (D., Ill.), the Senate sponsor, has stated that individual members of Congress and the attorney general may also have standing to file suits. Any congressional resort to off-budget stratagems will increase calls for judicial intervention, perhaps by a statute which expressly confers jurisdiction on the federal courts.

Some state courts have been active in cases involving state prohibitions of unbalanced budgets. These courts have not declared all such matters to be off-limits to the judiciary; they have not held that all aggressived taxpayers or parties to cancelled contracts lacked proper standing to sue.

Initially, a transfer of key budget decisions from Congress to the courts would have some popular appeal. Controversial choices would then reside with the ostensibly independent branch of government. But budget matters have a high political and economic content, it would be repugnant to our democratic traditions to have decisions of this kind made by appointed, lifetime judges.

Moreover, the judiciary does not have the structure, the personnel, or the competence to carry out an oversight function in a timely and coherent fashion. At best, judicial review in the fast-moving budgetary arena would be spasmodic and uncertain; at worst, chaotic. Respect for the rule of law would soon evaporate.

It is unlikely that the prospect of judicial intervention would impel political leaders to achieve a long-overdue consensus on deficit control. The competing electoral groups, which have intimidated those leaders, will still be pressing their claims. Indeed, the mere possibility of court review will enable the same leaders to point to a new player, the judiciary, to whom ultimate responsibility for the tough choices could be assigned. The target date of 1997, when the balanced budget would presumably kick in, will encourage just such temporizing.

Thus, rather than forcing an end to deficits, the amendment is likely to prolong them. In the process, Congress will take a permanent back seat to the President and public disenchantment with all governmental institutions will reach a new high.

CHARLESTON NAVAL SHIPYARD: AWARD WINNER AND BEST IN THE BUSINESS

Mr. HOLLINGS. Mr. President, the Charleston Navy Yard is a fighting shipyard. It takes justifiable pride in its record of service to the Nation, both in war and peace.

During World War II, Charleston Navy Yard worked at a ferocious tempo, turning out one Liberty ship a week at the height of the war. More recently, it has won an extraordinary array of Navy commendations for excellence in its operations.

The latest honor, however, comes not from the Navy but from the Institute of Industrial Engineers, which bestowed on the Charleston Navy Yard its prestigious 1992 Award for Excellence in Productivity Improvement. Each year there is a vigorous national competition for this award, which has been won in past years by top-flight corporations including Black & Decker, Ford, Boeing, and Texas Instruments. This year, the award committee selected Charleston Navy Yard on the basis of its major advances in cost reduction and method improvement as well as safety and environmental improvements.

Mr. President, this latest award is just one more reason why we Charlestonians take such tremendous pride in our shipyard. Charleston Navy Yard is the best in the business—public or private, bar none. I salute the shipyard commander, Capt. Thomas J. Porter as well as Chief Staff Officer Jim Fralix and all the 5,700 men and women of the yard. They serve the Nation with exceptional dedication and distinction.

TRIBUTE TO DR. C. NELSON GROTE

Mr. MCCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky educator, who has dedicated 32 years to improving higher education. Dr. C. Nelson Grote will retire from his post as Morehead State University president June 30, ending a successful tenure as the school's 11th president.

Dr. Grote began his presidency at Morehead State University July 1, 1987. Since then, MSU's enrollment has reached recordbreaking heights, a multimillion-dollar renovation to the utility tunnel has been completed, a new telecommunications network has been installed, and several residence halls have been remodeled. Other milestones during his tenure included adoption of a campus master plan and implementation of a strategic planning process which is also linked to the budget process. However, Dr. Grote's commitment to education began at Morehead three decades earlier, and extends far beyond the university.

Dr. Grote joined the Kentucky Department of Education in 1956. Four years later, he became an associate professor and Chair of the division of applied arts at Morehead State College. He eventually became dean of the College of Applied Science and Technology at Morehead, before leaving Kentucky to accept the presidency of Schoolcraft College in Michigan. In 1981, Dr. Grote was named chancellor of the Community Colleges of Spokane, WA, where he remained until he returned to Morehead in 1987.

In addition to education, Dr. Grote has long been immensely interested in economic development, and has worked to incorporate the two fields. He has served on economic development commissions at the national, State, and local level, and has participated in trade missions to China, Japan, and Germany. Dr. Grote also has taken several leadership roles in education consortia, and has worked to encourage partnerships between business and education. During his presidency at MSU, he has worked to internationalize the school's curriculum; he also has a longstanding interest in sister city relationships. Dr. Grote is currently serving a 3-year term as Kentucky's representative to the American Association of State Colleges and Universities [AASCU]; he also serves on the Committee on International Programs for that organization.

Dr. Grote is also very involved in community activities. He is an exofficio member of the Morehead-Rowan County Chamber of Commerce Board of Directors and was named the chamber's 1991 "Man of the Year." He is also a member of the executive committee of the Kentucky Council on Economic Education and serves on the Kentucky Advisory Council of the U.S. Small Business Administration. Dr. Grote is a member of the boards of Jesse Stuart Foundation and the Blue Grass Council of the Boy Scouts of America, as well as on the endowment committee for the Appalachian Ministries Education Resource Center.

Dr. C. Nelson Grote has certainly made an enormous contribution to the students, faculty, administration, and staff at Morehead State University, as well as to the surrounding community. He is a dedicated professional who will undoubtedly continue to have a significant presence in Kentucky long after his official retirement. I congratulate Dr. Grote on his many years of educational and community service, and wish him all the best in future endeavors.

RETIREMENT OF JOE KRAUTH

Mr. HARKIN. Mr. President, after a long and distinguished career with the U.S. Department of Labor's, Employment and Training Administration, Joseph A. Krauth is retiring with 36 years of service.

Mr. Krauth was born in 1932 in McKees Rocks, PA. He served in the U.S. Army from 1953 through 1956 in which he spent a tour in Germany. After his military service, Mr. Krauth attended Duquesne University in Pittsburgh, PA, where he graduated in 1960 with a degree in business administration.

Mr. Krauth's first Federal civilian employment was in 1960 with the Federal Power Commission as an auditor. In 1962, Mr. Krauth joined the Department of Labor working with the Bureau of Employment Security as an auditor. Mr. Krauth then joined the Manpower Administration, which is now the Employment and Training Administration, in the Division of Budget as a budget analyst. Since that time Mr. Krauth has held various supervisory positions within the division, including directing the development of multibillion-dollar budgets for the Job Training Partnership Act, the Unemployment Insurance Program, and the Employment Service.

Mr. Krauth has received several performance awards. In 1991, he received the Distinguished Career Service Award in recognition of career service marked by sustained high quality and efficiency.

Mr. Krauth has been married to his wife Carol for 29 years, and they have four children. The Krauths reside in Arlington, VA.

As chairman of the Labor-HHS-Education Appropriations Subcommittee, my staff and I are aware of Joe's many valuable contributions over the years to budgetary materials vital to the subcommittee. Joe, we wish you and your family all the best in the years ahead.

RICHARD C. DARLING: WASHINGTON INSIDER IN THE BEST SENSE

Mr. HOLLINGS. Mr. President, Richard C. Darling is a good friend to so many of us in the Senate. With his retirement last month as J.C. Penney's manager of Federal Government relations, he brought to an end a remarkable career in and out of Government here in Washington.

Dick Darling first went to work for the Senate as a page in 1945, and he continued to work here in various capacities until 1964. In that year, he left to serve at the Post Office Department as Deputy Postmaster General to Larry O'Brien, and to do occasional advance work for President Lyndon Johnson. In 1969, he left Government for J.C. Penney.

During his 23 years at J.C. Penney, Dick Darling became all but universally known and respected in this town. He was a lobbyist in the very best sense of the word: Authoritative on the issues, trusted by Members of Congress, and an unfailingly effective advocate for his client.

Mr. President, over the decades, Members ranging from John Kennedy to Richard Russell to ROBERT BYRD came to know and respect Dick Darling as a standout staffer, as an exceptionally effective corporate advocate, and—simply—as a wonderful man. And I certainly include myself among Dick's admirers.

Mr. President, for 23 years Dick Darling was a superb lobbyist and he will always be a very special friend. I know I speak for the entire Senate in wishing Dick and Rita Darling the very best.

HAPPY BIRTHDAY, SENATOR METZENBAUM

Mr. BYRD. Mr. President, last Thursday was the 4th of June.

Looking back in time, I find that several significant events occurred on that date in history.

For example, on that day in 1940, more than 200,000 British and 140,000 French troops were finally and successfully evacuated from the beaches at Dunkerque, thus denying to Hitler the quick victory that he had hoped to win at the outset of World War II.

On June 4, 1940, Prime Minister Winston Churchill delivered in the House of Commons the stirring words:

> * * * We shall fight on the seas and oceans, * * * we shall fight on the beaches, * * * we shall fight in the fields and in the streets, * * * we shall fight in the hills, * * * we shall never surrender.

Earlier, on the 4th of June in 1800, architect James Hoban put the finishing touches on the White House in order that President John Adams and his wife, Abigail, might move into the new "Executive Mansion."

On June 4, 1896, Henry Ford rolled the first Ford automobile out of a warehouse in Detroit.

And on June 4, 1942, the fateful and decisive Battle of Midway began between elements of the United States Navy and the Imperial Navy of Japan.

But for our purposes here in the Senate, Mr. President, on June 4, 1917, our good friend and colleague Senator HOWARD METZENBAUM was born in Cleveland, OH.

I submit, Mr. President, that that was a momentous day for the Metzenbaum family, for Senator METZENBAUM's friends here in the Senate, and for our whole country.

HOWARD METZENBAUM went on to earn his undergraduate and law degrees at Ohio State University, and to carve out for himself a successful business career in his home State.

More to the point, HOWARD METZENBAUM went on to become a vital, dynamic, and dedicated citizen of Ohio and of America, and we are all the beneficiaries of his earnest and committed defense of democracy and decency in this country and around the world.

Mr. President, I cherish my friendship with Senator METZENBAUM and I have enjoyed our association here in the Senate. Even if belatedly, I also know that I speak for all of our colleagues in sincerely hoping that the distinguished junior Senator from Ohio enjoyed the happiest of all possible birthdays last Thursday, and in wishing for him many, many more years of service here in our ranks.

Mr. BURNS. Mr. President, might I inquire, are we in morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct. Under the previous order, the Senate is in morning business until 9:30 a.m.

Mr. BURNS. I ask unanimous consent that I be allowed 5 minutes to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BILLINGS, MT—THE ALL-AMERICAN CITY

Mr. BURNS. Mr. President, over the weekend, I was very proud to learn that my hometown, Billings, MT, was designated as the all-American city in a competition with 140 cities across the country. That competition was held on June 6 in Charlotte, NC. We are very proud of the effort that Billings and the State of Montana have put forth in this regard. This is the second city in the State of Montana designated the all-American city, Butte being the first.

They are to be commended for their strategic plan for economic development, for involving hundreds of citizens and hundreds and hundreds of hours to make this presentation to bring together all of the assets that one area has and put them forth in competition with 140 other municipalities, and I am sure that those people are very proud of what they had to offer and to come out a winner.

Zoo Montana, a new project undertaken in the town of Billings and in

Yellowstone County, will be one of the landmark features, and the dirt is flying, and what it will offer to that area will be terrific. That is just part of an extensive outlook and overall plan of my hometown of Billings, MT.

They began to clean up their air a long time ago. We have had tougher air standards in the State of Montana than the rest of the Nation for a long time. We just completed a $140 million project at the Conoco refinery, a plan creating hundreds of jobs, stimulating the economy and providing new opportunities for new jobs all along.

These are just a couple of examples of what effort is being put forth in Billings, MT. But I want to take that just a step further. We understand that our inner cities are facing great stress right now, and I am wondering if Congress—those of us who represent those cities—is listening to the local officials whenever we sit down and start talking about and trying to solve some of our problems. We need to learn to listen, and then we need to learn to listen to learn.

I think that there is a very positive thing coming out of programs such as this that can address some of the problems that we are facing in the inner city, because there is a very positive energy and direction that is happening in our local communities, and most times it is headed up by the people who live in those communities.

So these cities are working with a new energy. They are coming up with creative ideas on the problems of homelessness, of drug abuse, of crime prevention, of air pollution, of unemployment—all of those items that we talk about on the floor of this body everyday, but we fail to come up with solutions.

Local governments and local communities have the solution because they want to put a positive face on their locale. And by doing that, solutions just happen to pop up. And the solution is not from more money, including those moneys from taxes, but from ideas of people who live in and on American streets in our communities, cities, and our rural areas.

These 10 cities that were designated all-American cities have proven throughout this process that America is OK; there are some positive things happening. And those answers are coming from local communities. They have a tremendous opportunity to solve all of those problems.

So, Billings is just an example of what can happen in communities. Congress must learn to listen, to be involved as part of the solution, rather than a part of the problem. And I suggest to this group that we start developing liaison terms to be started with Members of the Senate and Members of the House of Representatives in a nonpartisan fashion to interface with the National Civic League, in order for us to solve the problems that this Nation really needs solved, through real authentic partnerships with our local communities. Together we can serve this country.

I do not know how many people in this body have served in local government before coming to this body, but there is an opportunity that no person should turn down to serve as a county commissioner, on the board of advisers, on the city council—not the State legislature, but I mean at ground level. Because if there is anything that helps one make decisions in this body and for this Nation, it is not only to observe the Nation from a very lofty perch but to think ground level, because local governments are charged with the delivery of all those programs and all those masterful ideas that we seem to come up with in this body, and then we still do not solve the problem. So the real responsibility of America falls on local government. They should be properly recognized at this time.

I congratulate my hometown of Billings, MT, for this great award and all of those people who volunteered hours and hours and hours to make the presentation, but also congratulate all those people that are involved in making our cities and our urban areas a great place to live and to tackle some problems up front, to solve some of those problems. I have been a part of that and I am very proud of that heritage.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

THE BALANCED BUDGET AMENDMENT

Mr. HEFLIN. Mr. President, the discussion in recent weeks surrounding the proposed amendment to require a Federal balanced budget has been in tense, with pundits and politicians on all sides of the issue evaluating its merit. We have heard its pros and cons from the left and right, Democrats and Republicans, legislative branch and executive. And all this has come before the bill has even reached the floors of Congress for formal debate.

But all punditry and pontification aside, what this debate boils down to is the very future of this country. As I and others have said many times over, a constitutional amendment to balance the budget—as embodied in Senator SIMON'S Senate Joint Resolution 18—is the only way in which we can, once and for all, control spending and eliminate record high deficits.

Many Senators who are now arguing against this proposed amendment say that Congress and the President should voluntarily control spending. I strongly agree that Congress and the President should be able to control spending, but we must look at this issue as our friend, Senator PAUL SIMON, has: "In an ideal world, a balanced budget amendment would be unnecessary. In the real world, it is."

We cannot continue to play the blame game, with the two parties and branches of Government simply hurling accusations back and forth, while continuing to allow this country to sink deeper into its fiscal and economic quagmire. We have to admit that simple collective will power will not solve this dilemma, regardless of who is most responsible for the state of affairs as it now stands. It is time to take decisive action, rather than continue devisive rhetoric.

Another argument currently being waged in opposition to this proposal is that it would alter the balance of power between the executive and legislative branches. But, as Bill Frenzel, a guest scholar at the Brookings Institution and former Congressman asserts:

> * * * The amendment would relieve the stalemate in fiscal policy without significant change in the balance of power between Congress and the President. Each branch will retain its constitutional powers. The amendment will merely ratchet down the deficit.

Other naysayers argue that the amendment would result in economic policy by court decree, significantly higher taxes, and severe cuts in important programs. The provisions within this resolution address these arguments and provide mechanisms by which they will be avoided. The bottom line is that such an amendment would impose upon us the discipline to set priorities.

It is important that we understand what will happen if we do not get our national deficits and debt under control. Increased debts leaves smaller safety margins which are necessary to deal with any possible economic adversity. This poses a certain threat to our economy, leaving it highly vulnerable to increases in interest rates or shortfalls in income.

Should interest rates rise during this period of extraordinarily high personal and corporate debt, many individuals and businesses would be unable to maintain the high interest payments to follow. Bankruptcy and economic instability could become widespread.

Indeed, the steadfast refusal of the White House and Congress to take seriously the mounting Federal deficit is one reason the American economy is suffering right now. As our national savings pool has shrunk, our rate of gross investment has been too low, our interest rates too high, and now our job creation too slow.

We should not fear the States' approval of an amendment to balance the Federal budget, as over 30 have already signaled a willingness to do. That is where the debate should be, since 49 out of 50 have already learned to live within laws requiring balanced books.

Yes, to reach a balance, major changes will be required, but we cannot run from reality any longer. We must work with the President to fully inform the people of its consequences and then move forward to begin restoring our financial solvency.

Quoting from the committee report accompanying Senate Joint Resolution 18:

> A balanced budget amendment steers a self-disciplined course which protects our future economic strength and standard of living. A constitutional balanced budget amendment can serve as a moral and legal beacon to guide the Nation in the fundamental choices of governance.

Indeed, we have already exhausted a wealth of different options to bring our finances under control, but they remain out of kilter. The right thing to do is to amend the Constitution so that Congress and the President are required to balance the budget.

I admonish my colleagues—whether you agree with the thrust of this proposed amendment or not—to allow it to be sent to the States for their consideration. The American people deserve to have their say about the kind of future they want for their children and grandchildren.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

ADAMHA REORGANIZATION ACT—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report accompanying S. 1306.

The Senate resumed consideration of the conference report.

Pending: Graham motion to recommit the conference report with instructions.

Mr. KENNEDY. Mr. President, as I understand it, there is a time agreement, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct. Under the previous order there are 3 hours of debate on the Graham motion to recommit allocated in the usual form with the Senator from Massachusetts controlling 90 minutes and the Senator from Florida [Mr. GRAHAM] 90 minutes.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, this morning the Senate begins consideration of the conference report on S. 1306, the reorganization of the Alcohol, Drug Abuse and Mental Health Administration.

In a few moments, we will have an opportunity to debate the only significant remaining controversy in the bill, a proposed change in the block grant formula. But the formula is only one aspect of this omnibus bill. Before we begin the formula discussion, I would like to describe for the Senate the other parts of this important legislation.

S. 1306 is a comprehensive, bipartisan initiative to improve the Federal Government's efforts to combat mental illness and substance abuse. These are two of the most vexing public health problems facing the Nation, and the Federal effort must be designed to achieve maximum impact in researching, treating, and preventing these diseases.

Mental and addictive disorders result in nearly $300 billion in lost productivity, medical expenditures and social spending each year. But the human costs of these epidemics are immeasurable. The bill before the Senate today represents the most ambitious legislative response to these afflictions in nearly a decade.

In preparing the conference report, I have worked closely with the ranking member of the Labor Committee, Senator HATCH, as well as with the other Senate and House conferees. The conference report has the support of every member of the conference committee, both Democrat and Republican. It has also benefited from the substantial input of the Department of Health and Human Services and is strongly supported by the Bush administration. I commend Secretary Sullivan and Dr. James Mason, the Assistant Secretary of Health, for their valuable assistance in developing this measure.

The centerpiece of the conference report is the reorganization of the research and service arms of the current Alcohol, Drug Abuse and Mental Health Administration. The three research institutes now housed in ADAMHA will be transferred to the National Institutes of Health, and ADAMHA will be reconstituted as a services administration.

This change, which Secretary Sullivan, Senator HATCH, and I proposed last year, will strengthen both the research and the service missions of the Federal Government. After much discussion, the House has now agreed to the reorganization, and we can move forward to implement this plan.

The reorganization will enhance the quality and prestige of research conducted by the three research institutes of ADAMHA—the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute of Mental Health. As our colleague, Senator DOMENICI, eloquently argued last week, these scientific disciplines deserve their rightful seat at the NIH table.

The creation of the Services Administration under the reorganization is also significant. It will reaffirm the Federal role in treating and preventing these diseases by establishing an agency with the explicit charter or providing and improving needed services.

In addition to reorganization, the bill contains new proposals to improve state accountability under the block grant. It codifies the State planning requirement proposed by the administration. Existing block grant requirements have been refined so that the program will not place undue burdens on the States.

The conference report reauthorizes and improves existing categorical grant programs, such as the Grants of National Significance Program and the High Risk Youth Program. For the first time, it authorizes programs to encourage drug treatment in the criminal justice system and to develop small business employee assistance programs.

The bill also contains important provisions to combat one of the Nation's most serious health problems, underage tobacco use. As a condition of receiving block grant funds, each State must enact and enforce a law prohibiting the sale or distribution of tobacco products to individuals under 18 years of age. In addition, Federal drug abuse prevention programs must include efforts to discourage underage tobacco use.

Finally, the conference report includes other important initiatives advanced by many different members of the Senate:

The Pharmacotherapy Development Act, sponsored by Senator BIDEN and myself, will provide broad authority to the National Institute on Drug Abuse to encourage the development of antiaddiction medications.

The Children of Substance Abusers Act, sponsored by Senator DODD, will provide comprehensive social services, including home-visiting, to at-risk families.

The trauma center revitalization title of the bill, sponsored by Senators BENTSEN, GORE, LEVIN, RIEGLE, SIMON, CRANSTON, GRAHAM, and others will enable the Department of Health and Human Services to award grants to hospitals for uncompensated trauma care.

The childhood mental health initiative, sponsored by Senator JEFFORDS and myself and cosponsored by 20 of our colleagues, will authorize the Center for Mental Health Services to fund programs that care for children with severe emotional disturbance.

The National Capital Area Treatment Demonstration Program will establish a model drug abuse treatment system in the District of Columbia metropolitan area, including the city of Washington and the Maryland and Virginia suburbs. There is a vital need for this important project. Drug treatment is one of the most effective, and least expensive, ways to reduce crime in our communities.

Finally, the conference report includes language from the Senate bill banning the use of block grant funds for needle exchange programs.

The ADAMHA Reorganization Act is comprehensive and important bipartisan legislation that deals effectively with all aspects of these challenges. I commend the conference report to the Senate, and I urge its approval.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. I yield such time as the Senator from Utah desires.

The ACTING PRESIDENT pro tempore. The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, this is a very important bill. It does not please everybody, but by and large it pleases the vast majority of Senators in the U.S. Senate.

Today we have the opportunity to help Americans everywhere who suffer from mental illnesses and addictions to drugs and alcohol. The purpose of this bill is to more effectively marshal our resources that are devoted to this cause. There is much at stake in this bill for the millions of Americans, and their families, who are struggling to cope with these problems.

The passage of this conference report will strengthen our Nation's capacity for research into better treatments for individuals who suffer from mental illnesses and substance abuse and for prevention of these conditions. The transfer of three stellar research institutes from ADAMHA into NIH will strengthen the capacity of these institutes, and the NIH itself, to help us meet the challenges we face in this decade and into the 21st century.

Equally important, passage of this conference report will strengthen the Nation's capacity to provide treatment and prevention services to those with mental illnesses and addictions. With the organization of ADAMHA, a new agency will be born. The Substance Abuse and Mental Health Service Agency will provide a stronger and more clearly focused mandate for service.

I am pleased to acknowledge the support that this bill has received on both sides of the aisle. My colleague, Senator KENNEDY, and his staff have worked hard on this bill. And my staff has worked very hard on it as well.

And, we have had good support from our colleagues in the House on this conference report. I particularly want to acknowledge the cooperation of Congressmen DINGELL, LENT, and BLILEY, as well as their staff members.

I want to recognize the administration's support for this conference report. I ask unanimous consent to have printed in the RECORD a letter from Dr. Louis Sullivan, Secretary of the Department of Health and Human Services, in which he very clearly states his support for this report.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, June 2, 1992.

DEAR CONFEREE: We understand that you will soon have under reconsideration the conference report to accompany S. 1306, the ADAMHA Reorganization Act.

We are pleased that the conferees chose to include as the centerpiece of the legislation the reorganization of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA). We also support the other provisions that are consistent with the Administration's proposals to establish a substance abuse capacity expansion program and to require statewide substance abuse treatment and prevention plans.

The Administration has voiced its strong objection to the conferees' removal of the prohibition against the use of State block grant funds for clean needle exchange programs. We will support the conference report if it includes language consistent with the House instructions to continue the needle exchange prohibition.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

LOUIS W. SULLIVAN, M.D.

Mr. HATCH. I know that the Assistant Secretary for Health, Dr. James Mason, believes that this reorganization will enable him to more effectively manage our public health efforts in the areas of mental health, alcoholism, and drug abuse.

I also am pleased to give a special word of thanks to Dr. Fred Goodwin for his support over a long period of time while this legislation has been in development. Fred is a talented scientist and a valued friend.

The Nation owes its thanks to these three dedicated public health officials, and all of the people who work at ADAMHA and NIH. We are fortunate to have such outstanding scientists and advocates in these areas. They have worked long and hard to make these programs the best they can be given the resources we have.

This conference report recognizes that the public health needs of States vary depending on the mix of urban and rural populations, as well as the relative burdens of mental illnesses and substance abuse. This report provides flexibility—in the form of waivers—for States which may not require the full amount of funds set aside for special programs. To me, this makes very good policy sense.

Adoption of this report will benefit all Americans; but, I am particularly pleased to say that it pays special attention to the needs of women, especially pregnant women, and children. This continues an emphasis that originated with legislation I first introduced in 1983 and that was incorporated in the ADAMHA authorization in 1984.

This is a balanced bill. It is a fair bill. It makes good sense to adopt it.

This ADAMHA conference report is an historic and critical piece of legislation. I want everybody to understand what these programs can do to help the millions of Americans who suffer from mental illnesses and addiction to alcohol and other drugs.

REORGANIZATION

RESEARCH AND TRAINING

Reorganization will strengthen fundamental research into treatments and prevention for mental illnesses and addiction to alcohol and other drugs.

Health services research will provide knowledge about the impact of the organization, financing, and management of health services on the quality, cost, access to, and outcomes of mental health care and addiction treatment.

Behavioral research and research training are vital and wise investments in our Nation's future. Many of the leading causes of death in the United States, from violence and injuries to cardiovascular diseases, cancers, and AIDS, can be avoided or postponed by changes in behavior. So we need to know how to achieve such voluntary behavior choices.

SERVICES

Treatment and preventive services for addictive and emotional diseases also will be strengthened by reorganization. The creation of a new Substance Abuse and Mental Health Services Administration will provide a nationally and internationally recognized services agency as mentioned by Senator KENNEDY. We must make sure that the fruits of research are brought to those who are most in need of these services.

INITIATIVES

The block grant is split into community mental health services and substance abuse prevention and treatment block grants. During the transition period covered by this legislation through fiscal year 1994, the chief executive officer of the State may transfer funds from one block grant to the other, to minimize any disruption. I will watch this transition carefully to determine if this provision presents States an undue hardship in achieving the provision goal of 20 percent block grant funding for mental health needs and whether this issue should be reexamined during reauthorization in fiscal year 1995.

Childhood mental health will be strengthened by a 10-percent set-aside for services for children with severe emotional disturbances. A waiver of this setaside is granted for any State demonstrating to the Secretary of the Department of HHS that adequate services are available without these set-aside funds.

Services for pregnant and postpartum women and their infants will be increased with a 5-percent set-aside, again with the presence of a waiver for those States already meeting their needs without these funds. Residential and outpatient services will be given priority for these women and their children.

Development of pharmacotherapies will be enhanced by this legislation, so that new drugs can be developed for the treatment of those who are addicted to drugs.

Capacity expansion programs will be established to target substance abuse treatments in those States with the greatest needs.

Grants of national significance provide authorization for demonstration projects for the assessment of treatment services provided in settings that require participants to contribute to the community through public service.

Employee assistance programs provide for grants to encourage the development of new worksite-based programs in small businesses to assist employees with substance abuse and, of course, their families.

This legislation recognizes the increased burden placed on trauma care centers by individuals with substance abuse problems and authorizes funding to those trauma care centers disproportionately affected by demands for uncompensated care related to drug abuse. Trauma care centers play an important role in our communities, and their financial stability is threatened when compassionate care is provided without adequate reimbursement to the trauma centers. This legislation gives preference for funding to trauma care centers in border States that serve a disproportionate share of undocumented aliens who have entered the country illegally.

Children of substance abusers need and deserve special attention, and this legislation provides for a new program of comprehensive services for children and other family members affected by parents who abuse drugs and alcohol.

Tuberculosis is an increasing problem among drug abusers and the homeless, many of whom have mental illnesses. This legislation requires that States receiving substance abuse block grant funds routinely make available TB services to those who are treated for substance abuse.

The incidence of HIV infection continues to increase among those who inject drugs and share needles and syringes. The epidemic of crack cocaine also creates an increased risk of HIV infection because sex is often bartered for drugs. Therefore, a 2- to 5-percent set-aside is created to support early HIV intervention services for individuals who are in outpatient substance abuse treatment in those States with the greatest incidence of AIDS.

I want to complement my distinguished colleague from Massachusetts for his sensitivity and concern about people with all of these difficulties and with all of these problems that this bill will directly help and especially those who suffer from AIDS because AIDS is becoming the modern plague and we have to do something about it. It takes cooperation on both sides of this aisle, cooperation between liberals and conservatives, cooperation among States and the Federal Government and between everybody in this country to help to resolve the difficulties and dilemmas that come from this. It takes compassion to understand that some of these people have mental illnesses and may not be able to help themselves. That is why the Federal Government can play a significant and noble role in this area.

I have enjoyed working with my friend and colleague from Massachusetts in all of these areas. He is sensitive and compassionate and decent, and he has done a great job on the public health programs in this country as well as the national health concerns that all of us are concerned about. I hope that we can get together when it comes to national health problems and the national health bill that we are going to have to pass, I presume, by the end of next year. I hope that we can get together so that we can put a wide consensus, a wide bipartisan impetus behind solving our health care problems in this society.

I know that everyone who has had the opportunity to study this conference report in detail will agree that there is a great deal here that is worthy of our collective support. I personally feel sorry that we cannot solve everyone's problems and that there are approximately 10 States that do not fare as well under this conference report as they might have under prior law. But there are many States under current law who do not fare as well as they do under this particular agreement. We have tried to do the very best we could under the circumstances.

I want my colleagues to know that this legislation is supported by a broad range of national and community advocacy groups, such as the National Association of State Alcohol and Drug Abuse Directors, the National Alliance for the Mentally Ill, the National Association of State Mental Health Program Directors, and many, many other organizations that would take too long to list at this time.

I am also pleased to mention that this conference report has the endorsement and support of the Department of Health and Human Services, led by a great Secretary, one who I have gained more and more respect for every day that he has served and for whom I had an inestimable respect in the beginning. I gain more and more respect for Secretary Louis Sullivan, and he has had noble help from his Assistant Secretary, James Mason. The Director of the Office of National Drug Control Policy, Governor Martinez, also supports this legislation, and I am happy for that.

It only remains for us today to repeat the resounding endorsement that the Senate gave last August 2 when we all voted unanimous support of S. 1306.

So I hope we will have that type of support today. I believe this is the best we can do. I believe it is a very, very farsighted, intelligent, decent, compassionate, thoughtful conference report, and I am happy to say that our colleagues in the House worked very hard, as did we, to try to bring it about.

Mr. President, I appreciate all concerned. I appreciate all who worked on this bill, and I hope we can adopt the conference report with an overwhelming margin today. I yield the floor.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank again my friend and colleague from Utah for his kind words, and, as he mentioned earlier, this is purely a reflection of the best judgment of the members of the committee, as well as the administration, and I daresay with the overwhelming professional individuals, groups, associations that have spent a great deal of time in helping to guide a responsible national policy.

Just for the benefit of the membership, Mr. President, I want to review very briefly how this legislation effectively divides up the resources which are authorized in this legislation.

There are the provisions dealing with the block grant which we will have an opportunity to discuss further. Those are the mental health and the substance abuse programs. There are two different programs under the block grant, and that represents about $2 billion of the $4 billion program. We will have the opportunity to probably debate that later in the morning.

Then you have the research programs which are mental health, alcohol and drug abuse, which represents about $1.4 billion. Those are the programs that are going to be targeted into the National Institutes of Health with the restructuring, the organization that I mentioned briefly in my opening comments, which will give that a new prestige, a new standing in terms of the research community. Through the various intermural research capabilities, the NIH hopefully will be enhanced in an important way that can then reach out to benefit citizens across the country.

Then there are the series of categorical grant programs which my friend and colleague, Senator HATCH, has mentioned. I will just highlight them very briefly.

First is the capacity expansion program. There is a very considerable need in this country for treatment in terms of detoxification and for comprehensive services. In my own State of Massachusetts, to qualify for detoxification one has to wait about a month, and to gain entry into a comprehensive program one has to wait about four months.

One can understand what the impact of that message is to an individual who finally gets to the point where they are reaching out for help and then told well, you cannot participate in the program for four months until there is some opening for you to be able to free yourself from the scourge of substance abuse.

That is an enormously powerful disincentive factor on all those individuals, with all the implications that it has in terms of human tragedy and violence in our society, because of, as we all know, increasing jail populations that are associated with violence or associated with substance abuse. That is another issue we have tried to address in our categorical program.

So we have an expansion capacity program, a very limited one but nonetheless one that we think begins to reflect a greater focus and attention on the demand side of substance abuse.

Second, the high-risk youth programs. There are a number of different high-risk youth programs that are being developed, and this is complementary to the efforts the administration is making in terms of the weed and seed program, the other kinds of efforts that the Justice Department is making. It is particularly sensitive to the problems of gang and youth involvement.

From the recent Los Angeles disturbances of a few weeks ago, the reports are that 100,000 Los Angeles youth are involved in some kind of gang activities on which we have to really focus. It is not just Los Angeles; it is most of the urban areas of this country and increasing in rural areas. If we are really going to come to grips with the issue of violence in our communities, there has to be a targeted program on high-risk youth.

Third is the treatment in the criminal justice system, a limited program. We are doing less at the Federal level than are the States. Nonetheless, it is an interesting fact that individuals who are actually compelled to involve themselves in substance abuse programs, their record of freeing themselves from this kind of disorder is almost equal to those who take the program voluntarily.

With scarce resources, we can understand the public policy consideration saying why are you dealing with those that are in jail when we do not have enough resources for those who are out of jail. That is a pretty powerful argument and it is one that has been persuasive. But if we are interested in reaching the problems of recidivism of our criminal population, trying to do something in terms of rehabilitation of those who are involved in the criminal justice system, it is absolutely essential.

I will not elaborate on this particular issue, although I would refer those who are interested in this to the testimony in the hearings where you find those individuals who go through this kind of program have dramatically less incidents of recidivism, about 60, 65 percent, as compared to those who did not participate in that program.

It is again a limited program, but we are trying to give focus and attention to that issue.

The childhood mental health challenges, we are finding increasing anxiety, hopelessness, frustation, and distress among children in many of our not only urban but rural areas as well, some very special needs. Some reports estimate that anywhere from 20 to 30 percent of the children in many of the urban areas are suffering significant kinds of mental trauma. We have tried to address that problem with a targeted program.

The children of substance abusers, the most innocent of all those involved in this whole tragedy of substance abuse, have particular needs. We have had an opportunity to visit a number of the medical centers that are attempting to deal with those children. It is absolutely one of the most moving, saddening experiences. It is extraordinary that the behavioral patterns of many of these children, depending upon what particular substance the mother has abused. They will have one particular kind of course of conduct if it has been heroin; a different one if it is crack cocaine; a different one if it is speed or other kinds of abuses. We are just beginning to understand the complexity that we face in terms of trying to provide some help and assistance to the children of substance abusers. This is a relatively new phenomenon, and we are trying to bring some attention and focus on that.

On pregnant and postpartum women, we are talking about 375,000 children, babies born each year to some extent or other that have been touched by substance abuse and are exposed to one degree or another. The numbers are not going down. They are going up. They are escalating dramatically. We know fearfully little about both how to treat those infants and how we can best deal with another enormously tragic situation.

There are employee assistance programs to try to help the smallest companies in this country that are interested in developing and fashioning substance abuse programs. Many of our larger corporations have very sophisticated systems of both information to employees and also treatment of employees. There has been far too little attention given to assistance to smaller businesses. We try a very limited program of that nature.

We have the grants of national significance. There have been a number of innovative and creative programs in terms of holistic treatments of substance abusers; the relationship between substance abusers, particularly mothers who are in the path of reform, with their children, to what extent these kinds of support make a difference in terms of the recovery of individuals. There are interesting programs all over the country. We need to learn a great deal more.

And then, finally, the trauma center revitalization. There are many centers in this country which are treating substance abusers, and the substance abusers do not have any kind of health insurance or any other visual way of being able to compensate for their care.

That burden falls on a number of identifiable communities. We have tried to provide some help and assistance in that particular area.

Those cumulatively are about $700 million. Any State, any community, can make application for those programs. They do not fall within the formula. Not quite a quarter of the total programming is outside the formula. In any of these areas, communities, State programs, they can make application. A number of them are involved in some of these programs at the present time. But that is not restricted in any way by any kind of formula. That is about $700 million. We have about $1.4 billion that is outside the formula that is the NIH, and approximately the $2 billion, which is about half, falls within the formula.

As we have stated previously, many of the communities, the cities, urban areas, increasingly rural communities are getting together in terms of application in those areas. We certainly hope there would be the broadest kind of distribution focused on need to try to deal with what are identifiable problems.

Mr. President, finally, I just want to mention to some extent how we have gotten ourselves where we are today with regards to the formula. We will have a better opportunity later to argue in particular detail.

When this legislation was initially drafted back in 1988, it was really as a result of the national focus and attention on the explosion of the substance abuse issue problem primarily focused on drugs. At that time it was perceived, and I think accurately so, that the principal problems were in the urban areas of this country. It also included provisions dealing with mental health and alcoholism that are not directly targeted necessarily on urban areas although urban areas have their problems with that.

Through 1989, as a result of the hearings we can see that with the urban weight, so to speak, proportion in the formula that targeted these resources into the urban areas, there were increasing problems in terms of mental illness, alcoholism, and substance abuse that were affecting not only the hard-core urban areas but also rural communities as well.

In 1989 we saw some expansion of the amounts of moneys in this legislation primarily in the research areas as a result of the Byrd amendment—about $600 or $700 million, some of which was targeted in terms of the research programs. We saw a beef-up in terms of the research activities.

But in 1989 we went to the conference to make a more equitable formula, and in that particular conference we were unable to carry the conference itself. We were one short of a majority of the members because we at that time were trying to broaden the formula to take into consideration where the greatest needs were on alcohol, on substance abuse, and also with regards to mental illness.

We came back in 1990 with a changed formula to try to make it more equitable and effectively ran out of time. There were those Members who were disturbed about the winners and losers argument. We were unable to bring about the measure at that particular time.

Now in 1992, we passed the legislation last year unanimously. We were able to do that with the increasing resources that were provided by the Appropriations Committee with the clear understanding that we were going to move towards moving away from the urban weight and moving into the areas of need. The formula was devised with the health and assistance of a number of studies, and also with the General Accounting Office.

So we have been attempting to try to assure as equitable distribution as we could. But as all of us know, some States go up, some States are stabilized and are held harmless as we have attempted to do and as we have done in this particular formula.

So we have appreciated all of the understanding of the Members on this issue. We wish we were able to get additional resources in this whole area.

I have been one right from the time that I was a member of the Task Force on Substance Abuse to fight for 50–50 allocation in terms of the demand side and supply side. I quite frankly personally think it ought to be higher. It ought to be reversed. But we were facing at the particular time about a 72–28 distribution; one or two point difference perhaps, but heavily weighted in the supply side. Until we really come to grips with the demand side, if we were ever at a point where we had a 50–50 distribution, I think all of the States would be in the enhanced position. I yield to no one here in addressing that issue and pursuing it.

We have worked very closely as members of the Judiciary Committee that deals with the prosecution and the penalty aspects of the prosecution of the war on crime, and have worked very closely with Senator Biden in those areas. As the chairman of the Labor and Human Resources Committee, we have the primary responsibilities in education and rehabilitation. And as a member of the Armed Services Committee, we review the interdiction aspects of our combined effort. As one who sits on all three, a few members sit on all three, I have been convinced increasingly that our priorities are basically skewed in the wrong direction, and that we ought to be doing a great deal more both in the research and also in the treatment of individuals.

But nonetheless, I respect our colleagues' views on these issues. We are where we are. I think unfortunately without the ability, we have incorporated into this legislation really the best that we have been able to accumulate over the period of the last 4 years. If we do not act, we are not able to implement these programs. There is no way that we can move ahead from what has been recommended to us by parents in terms of the reorganization of the National Institutes of Health, by local community leaders who are living with this issue day in and day out, is really the reason that we have been able to have a strong bipartisan support and the strong support of the administration.

There really is a recognition about what really needs to be done. I believe this legislation reflects the best judgment in terms of policy consideration. I think it really reflects a series of additional recommendations, even that we did not have a year ago which are the result of the real experience of a number of our colleagues. We are seeing innovative and creative programs that are working effectively at the local level. That could be shared in other parts of the country.

I think it is a strong piece of legislation that has been reviewed and rereviewed. It is a delicate legislation in terms of both the formula issue primarily and some of the other difficult issues, the methadone maintenance issue, which is of concern to a number of the Members over in the House; the issue on needle exchange. This legislation was recommitted in the House on the questions providing flexibility on needle exchange in local communities. We have prohibited that in the current conference report, and we have provided an elaborate process which I am glad to describe to the Members in terms of methadone maintenance to try to address some of the concerns. But I think we have a very, very responsible recommendation that reflects the best judgment of those in the profession and also the families that are involved.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER (Mr. ROBB). Who yields time?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM], is recognized.

Mr. GRAHAM. Mr. President, I yield myself such time as is necessary.

Mr. President, the Senate today is considering the conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Reorganization Act.

The specific matter before the Senate at this time is a motion to recommit this bill to conference for purposes of delaying the effective date of the new formula until the commencement of the next fiscal year, that is, until October 1, 1992.

Mr. President, there are many provisions in this bill which have my unqualified support. The distinguished chairman of the committee has outlined many of the important reforms in this bill, on which he and the members of his committee and colleagues in the House deserve our full recognition and credit. The bill reorganizes and improves the Federal Government's efforts at prevention and treatment of substance abuse and mental illness. The bill includes a unique grant program to assist hospitals that are impacted by a high incidence of trauma patients, often the victims of drug-related violence.

I wish to commend Senator BENTSEN and Senator GORE for having joined in the introduction of this legislation. The bill provides new grants to States for services to children with serious emotional disturbances. I commend Senators KENNEDY and HATCH for the development of those provisions.

However, Mr. President, I regrettably am unable to support the conference report in its final form. In fact, I must oppose it vigorously. I expect that many Senators would also oppose this legislation if they realized the implication of the precedent that Congress will be setting by passing this legislation. The formula for their distribution of block grant funds for substance abuse and mental health treatment and prevention services in the conference report differ significantly from current law.

Mr. President, I will be discussing those differences in some detail later. The change results in a loss to nine States of their share of the block grant. Mr. President, I will point out that those nine States represent over 30 percent of the population of the United States of America. Just to list some of the States on that list, they include the States of California, Nevada, Maryland, Virginia, Colorado, Texas, Arizona, and Florida. If that sounds like a familiar list, it should, because it essentially is the same list of States hammered last year in the transportation bill that used the 1980 census as the basis of distributing transportation funds up until 1997. It represents largely the same group of States that are being hammered this year in the distribution of chapter 1 education funds by the use of the 1980 census to distribute funds for the 1993 fiscal year. Again, we have a formula which potentially, or by accident, selects those States in America representing a substantial part of the population of the country and representing a significant number of those States that are experiencing a high rate of growth.

So while the bill's aim is purportedly to expand and improve services, it will actually cut services in States serving over 30 percent of the population of America. But what is most troublesome, Mr. President, is that those losses must be absorbed in the last few months of the current fiscal year. I objected to the formula provisions in S. 1306 last August when the bill was before the Senate, and I agreed to allow the bill to proceed to final passage based on several assumptions and guarantees.

Mr. President, one of the assumptions was that the legislation would move quickly through the conference, be signed into law early in fiscal year 1992, allowing the States time to adjust their budgets if a change in the formula were enacted.

The fact that we are holding this debate on June 9, 1992, indicates that clearly this did not happen. As the conference dragged on through the winter and spring, States were still being sent quarterly checks according to the current law, but were being told that the future was unclear. At one point, several Senate offices were assured that if the conference report were not passed by April 15 of this year, there was very little chance of enactment of a formula change this year.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated February 20, 1992, from Dr. Frederick K. Goodwin, who is the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALCOHOL, DRUG ABUSE, AND
MENTAL HEALTH ADMINISTRATION,
Rockville, MD, February 20, 1992.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: I am writing in response to your letter of January 22, inquiring about the distribution of FY 1992 Alcohol, Drug Abuse, and Mental Health Services (ADMS) Block Grant funds.

The Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) is responsible for the distribution and monitoring of the ADMS Block Grant. The distribution of the funds is carried out under the provisions of Title XIX of the Public Health Service Act. Upon the approval of a State's application, it receives its allocation in quarterly allotments, made available the first day of each quarter.

States have been informed of what their allocations are from the Block Grant for FY 1992. They have also been informed that there is currently legislation pending in Congress that, if enacted, would change the formula for distribution.

If the legislation is enacted during FY 1992, ADAMHA will implement the new formula according to the instructions of the new law. If the formula change is made effective October 1, 1991, ADAMHA will recalculate State allocations using the new formula and make any necessary adjustments in State allocations during the third and fourth quarter awards.

I want to thank you for your interest in ADAMHA's programs. If I may be of further assistance please feel free to contact me.

Sincerely yours,
FREDERICK K. GOODWIN, M.D.,
Administrator.

Mr. GRAHAM. Mr. President, if I could read portions of this letter:

> The Alcohol, Drug Abuse, and Mental Health Administration is responsible for the distribution and monitoring of the ADMS block grant. The distribution of funds is carried out under the provision of title XIX of the Public Health Service Act. Upon the approval of the State's application, it receives its allocation in quarterly allotments, made available on the first day of each quarter.
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> If the legislation is enacted during FY 1992, ADAMHA will implement the new formula according to the instructions of the new law. If the formula change is made effective October 1, 1991, ADAMHA will recalculate State allocations using the new formula and make any necessary adjustments in State allocations during the third and fourth quarter awards.

Mr. President, it is clear that Dr. Goodwin was anticipating that this would at least be enacted in time to be adjusted during the third and fourth quarter of this year, not as is now proposed to be targeted into a single quarter of a fiscal year, with the extreme disruption that that will entail, a disruption that I will detail later.

All of the dates, including April 15, the beginning of the third quarter of the fiscal year, came and went. The third quarter payments to the States were made. The conferees continued to fail to report a bill. Then, on May 14, after much secrecy and mixed signals about what was being decided in the conference, a bill was reported. Since that report, Mr. President, the bill was brought before the House and defeated. The bill came before the House a second time and was referred back to the conference committee. And it is for that reason that we are considering the conference report today.

We are now three quarters through the fiscal year, and conferees are asking us to enact the formula change immediately and make it retroactive to October 1, 1991.

This bill, in effect, sends a message to State legislators: Do not count on promised levels of funding from the Federal Government when you write your budgets. Congress just may come along, long after the fiscal year has started and take your money away.

Mr. President, this will wreak havoc on the States' ability to budget responsibly. This will wreak havoc on the fundamental respect that is necessary in a federal system of government between the National Government and State government.

For my State, which budgeted based on the statutory formula for fiscal 1992, this conference bill spells disaster. The conference bill results in a $16.5 million immediate reduction in funds to Florida, which must all be absorbed in the fourth quarter. Under current law, Florida would receive $19.7 million per quarter for substance abuse and mental health services. That is what it expects to receive on July 1, 1992, as the final fourth installment for this current fiscal year. This bill will result in a reduction in the fourth quarter to about $3 million.

I know the chairman has worked hard to balance his formula among competing interests. The aim was to create a fairer formula. However, this bill does not achieve fairness. The formula itself is based on questionable measures of need for substance abuse and mental health services. By double weighting each State's population of urban 18- to 24-year-olds, the formula excludes significant populations that have very real substance abuse and mental health needs.

The cost of providing services data incorporated into S. 1306 is based on outdated information and it is untested for relevancy.

In fact, Mr. President, the conferees recognize these questions about the fairness of the formula—their report includes a provision requiring a study be conducted within 6 months by the National Academy of Sciences to determine if the formula measures appropriate indicators.

The proponents of the conference bill say that this study will give us an opportunity to look at the whole issue again in 6 months.

Mr. President, let us talk about what happens in the meantime.

Florida will lose $16.5 million it would have otherwise received in Federal funds this July for substance abuse and mental health services.

In the area of substance abuse, what does this mean?

It means 202 slots for short- and long-term inpatient residential treatment slots for substance abuse will be eliminated.

Approximately 2,416 outpatient client slots for similar treatment will be eliminated.

The waiting list for these substance abuse inpatient and outpatient services—now at 3,000 names—will increase by over 100 percent as a result of the cut in Florida's allocation.

Enactment of this conference report will result in termination of the only State-run program in Florida for substance abusers with mental health problems which currently cares for 450 clients.

Of those 450 clients, 64 percent already have a criminal record and without treatment are likely to end up in trouble with the law again.

Approximately 32 percent of all substance abuse patients in Florida are at risk for HIV as a direct result of their substance abuse.

Due to the immediate loss of funds, 1,360 Floridians at high risk of HIV will not receive needed substance abuse treatment this summer.

In the area of mental health, the potential devastation to services is alarming.

An estimated 3,436 individuals will lose access to mental health inpatient and outpatient services.

Mr. President, the State of Florida has clear, documented substance abuse and mental illness needs.

In fact, the chairman himself presented alarming statistics about Florida's unmet substance abuse needs during the confirmation hearings of Gov. Bob Martinez to the directorship of the Office of National Drug Control Policy.

Only 1 out of every 4 citizens of Florida who needs substance abuse treatment receives services.

The average wait for drug treatment in Florida in 1990 was 61 days.

Over 45,000 women in Florida need substance abuse treatment but only 7,500 receive services.

Only 1,500 of the 10,000 pregnant women in Florida in need of treatment receive services.

How can the proposed formula which calls for an immediate reduction in funds be properly accounting for these unmet needs?

At this point, I would like to take a closer look at the formula itself.

Under current law, formula awards to States are made based primarily on population factors with special weight given to high urban density States.

Age demographics within the State are also given special weights in the formula.

The age group factors are designed to capture an estimate of extent of need for services.

A November 1990 study by GAO suggested that the weight given in the formula for urban populations was too high.

The new formula eliminates the urban weight factor and shifts that weight to two other factors.

First, the number of individuals aged 18–24 in urban areas is double weighted. Second, a factor is included for the cost of delivering services.

As to that first factor, the number of individuals aged 18 to 24, the assumption made here is that this is a high-risk category for substance abuse.

However, data I have seen suggests otherwise.

Admissions to Florida's drug abuse treatment programs show that only 23 percent of Florida's treatment admissions are in the 18 to 24 age bracket.

Forty-eight percent of Florida's drug abuse clients are between the ages of 25 and 34.

The National Drug and Alcoholism Treatment Unit Survey shows more than 70 percent of all alcohol and drug abuse clients in treatment are over 25 years of age. Let me repeat that. While the formula has as one of its driving factors a double weighting of individuals aged 18 to 24 in urban areas, the National Drug and Alcoholism Treatment Unit Survey shows that more than 70 percent of all alcohol and drug abuse clients in treatment are over the age of 25.

The national survey also showed that less than 20 percent of clients are in the 18–24 age group.

The proposed formula totally ignores the known need for alcohol and other drug abuse treatment among the elderly population, despite studies that show that two-thirds of Americans over age 65 use between 5 and 12 medications daily.

Alcohol is also widely misused by this population.

The second factor introduced in the new formula is a measure of the costs of providing substance abuse and mental health services in each State.

I am puzzled, Mr. President, as there is no reference in the bill or the report as to how these costs are determined.

The bill does provide that the costs of services factor is to be updated before allocation of fiscal year 1993 funds. I assume this is another admission of the inadequacy of current statistical information.

With the new emphasis on the urban 18–24 are weight and the costs of services factor, it is easy to see why Florida and the other nine States representing over 30 percent of the population of America lose.

We are essentially being punished because of the concentration of older individuals in our urban areas and our ability to deliver treatment at relatively low costs.

As I mentioned earlier, the conference bill does include a provision similar to an amendment I offered which requires the National Academy of Sciences to assess the degree to which the formula allocates funds according to the respective needs of the States.

The provision also requires the National Academy of Sciences to identify factors not included in the formula that are reliable predictors of the incidence of substance abuse and mental illness and assess the validity and relevance of factors currently included in the formula such as age, urban population, and costs to deliver services.

The goal of the provision is clearly to determine the appropriateness of the current formula.

I repeat, if there are questions about the formula—why the rush to implement the formula in the last quarter of this fiscal year?

Before eliminating much-needed services to individuals, should not Congress be a little more certain of its actions?

I realize that very rarely are all parties satisfied with a funding formula.

But for that reason, formulas must be justified by scientific evidence, impartial recommendations, and the most accurate indicators.

I do not believe this bill meets that test.

I recognize, Mr. President, that an effort to get the formula changed at this stage of the legislative process is going to be very difficult.

But I ask my colleagues, is it fair to change the ball game in the last inning?

What is the sound public policy reason for taking a significant amount of money from a small handfull of States representing 30 percent of the population of America so that a large number of States can get a very small increase in funding in the last 90 days of the year?

If our aim is the improvement in the availability and quality of substance abuse and mental health services nationally, we must oppose a sudden change in the law which will seriously jeopardize areas where substance abuse treatment and prevention is critically needed in this country.

I urge my colleagues to think of what is in the best interests of all individuals in need of these services, and not make a judgment based strictly on geographical lines.

When local governments are crying out for help, this is not the time to begin changing Federal funding rules midstream.

Do not send a message home that the Federal Government cannot be counted on to keep its commitments.

Mr. President, I hope that we will adopt the motion to recommit this bill to the conference for the purpose of deferring implementation of the new formula until the beginning of the next fiscal year.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Florida [Mr. MACK].

Who yields time?

Mr. GRAHAM. Mr. President, I yield the Senator from Florida what time he requires.

The PRESIDING OFFICER. The Senator from Florida [Mr. MACK] is recognized, the time chargeable to Senator GRAHAM.

Mr. MACK. Thank you, Mr. President, and I thank Senator GRAHAM for yielding the time.

Mr. President, I strongly oppose the adoption of the conference report to accompany S. 1306, the ADAMHA Reorganization Act. Of particular concern to me and to my constituents is section 205, which provides provisions for block grant funding. The proposed revisions will have a serious and irreparable effect on access to desperately needed alcohol and drug abuse treatment in Florida and in a number of other States.

Under section 205, Florida's allocation for the fourth quarter of fiscal year 1992 will be suddenly reduced from approximately $19.75 million, the amount it has received for each of the first three quarters of this year, to roughly $3 million—an unexpected loss of approximately $16 million. This reduction is a result of the formula being retroactive to October 1, 1991. In other words, section 205 of the ADAMHA Reorganization Act changes the rules in the middle of the game.

In my home State, the results will be tragic. Recently, the Florida Alcohol and Drug Abuse Association reported that at least an additional $500 million is needed in Florida to provide treatment to those in need.

Florida has planned to provide services to an estimated 3,436 mental health patients and 1,300 alcohol and substance abuse patients in the fourth quarter. Florida currently has a waiting list of more than 3,000 for these services. As a result of the effective date of this formula, this already long waiting list is projected to increase by over 100 percent.

The human element of this legislation is immeasurable. Yes, I am arguing for money for Florida, but what I am really arguing for is access to the system for the 21-year-old crack cocaine-addicted pregnant woman who statistics say will more than likely have additional substance-exposed newborns if she does not get treatment. And, I am here advocating for the 61-year-old alcoholic father who can no longer manage a job day-to-day.

Mr. President, several years ago, before I came to the Congress, one of the community activities in which I was involved was acting as chairman of the Palmer Drug Abuse Program, Lee County's first drug rehabilitation program. It was not supported by the Federal Government but instead was a community-supported drug rehabilitation program.

One of the things that I would do, when I was not out in the community raising money to keep the program going, was to sit in on meetings of the youngsters involved in drug abuse. I believed it was important for me to have an understanding of what it meant to these individuals, and how I could relay that message to the community as to the importance of these kinds of activities.

I can remember sitting in a circle with a group of, say, 15 or so individuals, and I remember turning to the youngster that was seated at my right and asking him: Was this program of any value; what did it really mean?

His response, basically, was as follows: "I can tell you very simply what it means. I am here trying to deal with my substance abuse problem. And by being here, I am not out on the road where I could run into a school bus carrying your children and possibly kill them. So if someone really wants to know whether it is worthwhile to be investing these kinds of dollars, just tell them that story, because I could be whacked out of my mind on a highway somewhere, and could kill your kid."

So while I am here talking about Florida, about taxpayers' dollars and statistics, what I am really saying is it is people that are being affected; it is lives that could be impacted—lives that could be lost by our coming up with programs or formulas that do not provide the resources to those who really need it. That is what it is really all about.

Mr. President, I have worked with a number of my colleagues to achieve what, in my opinion, would be both a more equitable ADAMHA block grant allocation formula and a fairer effective date for that formula. It is inconceivable to me that a State which is one of the largest growth States in the country, with a population of more than 12,000,000, and a projected population far exceeding that number, should be asked to give back moneys already spent for much needed mental health and drug abuse services in Florida. It is unconscionable to place a retroactive effective date of October 1, 1991, for implementation of a public law in June 1992. In short, I believe this not only sets a dangerous precedent, but it is also a recipe for disaster for State budgets.

As a result, I will oppose the motion to table the motion to recommit the conference report to accompany S. 1306. I will continue my fight for Florida's fair share of Federal funding for ADAMHA grant moneys.

I thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Will the Senator from Florida yield me 5 minutes?

Mr. GRAHAM. Mr. President, I yield the Senator what time he may require.

The PRESIDING OFFICER. The Senator from Alaska [Mr. STEVENS] is recognized, with the time charged to the Senator from Florida.

Mr. STEVENS. Thank you, Mr. President.

I am indebted to my friend from Florida.

Mr. President, I rise in opposition to the conference report to S. 1306 because of its failure to account for the higher relative costs that are sustained by smaller States in administering a program such as the mental health and substance abuse block grants. The Senate-passed bill would not have eliminated the small State minimum for States such as Alaska.

While I understand that the State office of alcohol and drug abuse is limited to 5 percent of its allocation for administrative costs, I must tell you that without a greater allocation envisioned by a small State minimum, the administration of this block grant in Alaska cannot adequately perform the functions required of it by the agencies involved.

In Alaska, unfortunately, we have the dubious distinction of having the highest rate of fetal alcohol syndrome in the country, and some of the highest rates of suicide and teen pregnancy among our native youth.

The Anchorage Daily News reported in 1988, in its series "A People in Peril," that the suicide rate among Alaska Native high school students is 10 times that of non-Native students. Less than 15 percent of the State population is Alaska Native, but more than 40 percent of Alaska's prison population is Alaska Native.

From Alaska area native health service data, those most at risk for suicide are youth and young adults from ages 15 to 24. Men are five times more likely to commit suicide in Alaska than women, and between 1980 and 1985, suicide rose from the eighth most frequent cause of death among Alaska Natives, to the fourth most frequent cause of death for Alaska Natives. Sadly, I report to the Senate, one out of seven of Alaska's young men will commit suicide before they are 21.

While I was pleased to see that S. 1306 included initiatives to reduce underage tobacco use, I must tell the Senate that in one of Alaska's Native villages, more than one out of every five preschoolers was found to be using smokeless tobacco—that is preschoolers, kindergarten kids—apparently because their older brothers and sisters were giving it to them. The parents were completely unaware of the use of this smokeless tobacco by these children enrolled in Head Start classes.

In Alaska, alcohol abuse has taken its toll, with extremely high rates of diseases of the liver and kidney, and very difficult data that we must face in terms of child abuse and neglect. Our death rate as a result of injury is extremely high, and many of the drownings and suicides in our State are directly attributable to misuse of alcohol. Education has been similarly impacted.

Dr. Dennis Demmert of the University of Alaska at Fairbanks has reported that while Alaska Native children's educational scores are approximately equal to non-Native children until about the fourth grade, the disparity in achievement begins and grows. Dr. Demmert is an Alaskan native. The Alaska Federation of Natives' 1989 report, "A Call for Action," stated that in most village schools, Native students test between the 25th and 30th percentiles, a level far below the national norm.

Alaska has the highest percentage of high school graduates of all the States in the Nation at 82.5 percent, and is second to Colorado in the percentage of college graduates. Colorado has 23 percent, and Alaska has 21.3 percent. But if Native and non-Native differentials were factored in, non-Native Alaskans would certainly rank above Colorado, but Natives would be near or at the bottom of the rankings.

Mr. President, this is a sad thing to report about our Native population.

ANCSA 2(c) report places the average educational achievement level of Alaska Native adults at 5 years below that of non-Native Alaskans. Sadly, no formula I am aware of addresses the high transportation costs in my State, nor the fact that Alaska is the largest State in terms of surface area. The 1990 census data tells us that Alaska has less than one person per square mile—and yet we are told by this bill that Alaska does not qualify for a small State minimum under it.

Alaska, like many others in similar circumstances, has had to reduce its budget for a number of programs because of declining revenues, and the State office of alcohol and drug abuse has lost $1.5 million in State funding in the Governor's budget.

I must vote against the conference report to S. 1306 because of its failure to account for these strains upon my State's ability to provide these services under these programs. As many Members of the Senate know who have visited Alaska, the transportation costs from Washington, DC, to Anchorage are exceeded only by transportation costs within the State, and that means that services the conference report would have us provide are not accessible to many of Alaska's more remote communities without some recognition of the costs involved—and those are administrative costs.

A few days ago, I spoke about the need for public broadcasting in unserved and underserved communities. I told you about unemployment rates in our villages exceeding 85 percent. If commercial broadcasters will not invest in these communities, I assure you that private alcohol and drug treatment facilities will not locate there, either. When this Congress produces a bill which provides resources to unserved and underserved communities before going to a formula approach, then I believe we will truly know the meaning of a "small State minimum."

This bill does not satisfy those needs and, therefore, I oppose it, sadly.

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I am disappointed we will not have the support of our good friend from Alaska. I can say from personal experience, I know he has been tireless in pursuing the interests—and the human condition—of the native populations, the Indian populations as well. I was chairman of the Indian Education Subcommittee in 1969 and traveled to Alaska and was guided through, for a period of, I believe, about 4½ days, by the Senator from Alaska. I can still remember visiting an Arctic village and reading on a bulletin board there, probably nine essays by seventh graders, talking about their family life, and two-thirds of them referred to the parents and alcoholism. These are junior high schoolchildren. I still remember very clearly, then, the reports that have demonstrated such human tragedy to those affected populations.

I want to give him the assurance that even though we are not able to provide all of the kinds of resources that we would like, to deal with those issues, we are very sensitive to the problems of native Americans, tribal groups, and other underserved communities in the country, and we will continue to try to find ways of getting additional resources there.

I thank the Senator for raising this issue and speaking.

Mr. STEVENS. Will the Senator yield for just one moment?

Mr. KENNEDY. Surely.

Mr. STEVENS. I thank the Senator from Massachusetts for his comments. We have worked together on many issues. I remember well the Clean Water Act, which was so essential to life in our villages. I remember so well that trip that we took in the late 1960's.

I, sadly, must tell my friend from Massachusetts that the problem is, if you go to those villages now, notwithstanding the fact that the Nation has progressed substantially, they have reverted back to the Stone Age. The primary problem out there is substance abuse—alcohol, tobacco, drugs. As I stated in my remarks, when you can find preschoolers with smokeless tobacco, and have to talk to a village council about pregnancies in grade school, and crack in the first, second, and third grades, you realize that their problems are just as acute as those in the inner city, but worse because of the isolation and because of the cost of getting any assistance to them.

It is with deep regret I have to oppose the Senator's bill because I know he has worked very hard on it—and I do not think we will defeat it. But I want to make a statement to the House that it cannot go to this concept of per capita allocation of funds when you are dealing with problems such as alcohol, drugs—substance abuse. It just will not work. We have to go where the problems are with the money and try to stop it.

I think if we can stop the abuse of drugs out there on the tentacles of our society, the very far reaches of our country, we can stop it anywhere. But, unfortunately, we are not willing to really deal with the problem in terms of its basic concept of just isolation, boredom, unemployment, total despair. And what it is leading to eventually, I have to tell my friend, is we will spend more than $1 million apiece on these crack babies and these fetal alcohol syndrome babies. But we cannot get a few thousand dollars out there right now to develop alternative programs so they will not turn to the abuse of those substances.

But I do recognize the history of his work with our State, and I thank him for his comments.

Mr. KENNEDY. The Senator is correct. It is now about $250,000 for a low-weight baby in any of the urban areas of this country and probably considerably more for Alaska.

Let me give some assurance. I mentioned very briefly about $700 million in categorical grant programs that any of these groups would be eligible for. I have listed those programs. We would be glad to work with the Senator's staff and work very closely with him, fashioning and shaping applications in these programs which, I think, hopefully, would have a benefit, or make a difference. Alaska would still be eligible for these programs, both the capacity expansion, the problems of high risk youth—there is a good deal in here in terms of substance abuse and pregnant women. We also have a more general provision in here for grants for national significance.

I think, clearly, given the particular needs in those areas, hopefully, we might be able to find some way of trying to deal with some of those problems.

I appreciate the comments, and I just want to give assurance to the Senator from Alaska that, if there are requests in these areas, we will certainly want to work with him and try to urge resources for those particular programs.

Mr. STEVENS. Mr. President, I thank the Senator from Massachusetts for his offer of assistance. I assure him we shall accept it.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator controls 45 minutes and 11 seconds.

Mr. KENNEDY. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. KENNEDY. Mr. President, I strongly urge my colleagues to reject this motion to recommit the ADAMHA bill to conference.

A vote to recommit is a vote to kill this important legislation. It has taken us 3 long years of careful negotiation on many issues to get to this point, and if we are sent back to conference, I have every reason to expect that the critical compromises will unravel and the bill will be shelved for the remainder of the year.

I want to begin with a brief description of the protracted history of this legislation. The 1988 drug bill revised the ADAMHA block grant formula in a manner that seriously and erroneously understated the need for resources in rural and smaller States. Each fiscal year since then, those States have received less than the amount they deserve, according to an impartial review by the GAO. The Labor Committee has been working with Senators HOLLINGS, HARKIN, BUMPERS, and other Senators from rural and smaller States since then to correct this mistake. These States should not have to wait yet another year before equity is restored to this formula. They have waited now for over 3½ years as we have tried to address this inequity and the serious needs which these States have.

Senator HATCH and I tried hard to move legislation to fix the formula and improve the demand side of the Federal anti-drug effort in 1989. We got to conference that year, but fell one vote short of a majority of Senate conferees due to the formula controversy.

In 1990, at the very end of the 101st Congress, we finally got that bill out of conference, but it was too late to debate it in the Senate and we could not get unanimous consent for a formula change. The Senator from Florida was one of those who prevented the formula change from going into effect in 1990, and he is making the same effort in 1992.

Last year, I promised Senator HARKIN and other key members of the Appropriations Committee that if new money is added to the block grant for fiscal year 1992 to ease the disruption of a formula change on the States, I would do my best to see that the formula change takes effect in that fiscal year.

Based on this assurance, Senator HARKIN worked hard in a difficult appropriations year and successfully added $92 million to the block grant in fiscal year 1992, for a total appropriation of $1.36 billion.

With the promise of new money, we were able to pass this bill by unanimous consent in the Senate last year—only to see it become bogged down in unrelated controversies in the House.

This year, we finally got into conference, but it was a long and difficult conference because of the formula change and many other issues. We finally reported a bill from conference 3 weeks ago, but the House voted to recommit the conference report to include a prohibition on the use of block grant funds for needle exchange programs.

We have now made that change, but if we go back to conference again to modify the formula, the result will be more debate and new acrimony—and yet another Congress will adjourn without this much-needed legislation.

Recommittal will prevent the long overdue formula change. It will also prevent the reorganization that Secretary Sullivan has told us is one of the administration's highest legislative priorities. It will prevent the targeting of new drug treatment resources to pregnant women. It will prevent the enactment of legislation to improve childhood mental health and revitalize the Nation's trauma centers.

The Senator from Florida himself recognized the importance of the many new initiatives in this bill when it passed last August without his objection. At that time he said: "My displeasure with the ADMS formula, though strong, cannot prevent me from supporting the reauthorization of the important mental health and substance abuse programs that the Alcohol, Drug Abuse, and Mental Health Administration oversees."

The motion to recommit is an attempt to change the effective date of the new formula. The Senator from Florida describes this change as though it were a technical issue that had nothing to do with who wins and who loses money.

In fact, 37 States want this formula to be effective in the current fiscal year. If the motion to recommit is successful, all of those States will lose money in this fiscal year. Make no mistake—a vote to recommit is a vote to take funds away from nearly three-quarters of the States.

If the formula becomes effective in fiscal year 1993 rather than fiscal year 1992, as is proposed in the motion to recommit, 37 States will lose mental health and substance abuse funds this year that they are entitled to receive on the merits. In fact, the smaller and rural States should have received higher block grant allotments in each of the last 3 fiscal years, let alone the current year. So making the new formula effective immediately is only partial compensation for past injustices in the formula.

The Senator from Florida also claims that the conference report cuts mental health and substance abuse services. That is not accurate. This is a bill designed to improve and expand services. It is not as though the money that Florida loses will be unavailable to others. Those funds will be reallocated under a more equitable formula to other States with an obvious need for these services.

Every State needs mental health and substance abuse services, and every State could use more money. This conference report proposes a fair formula for dividing among the 50 States the $1.3 billion in Federal services funds so that the resources are finally targeted most fairly.

The process of changing this formula has not been unfair to Florida. The conference report gives Florida $63.1 million in fiscal year 1992. That is precisely the same amount that Florida was due to receive under the Senate bill, which passed unanimously last year after specific discussions with both Senators from Florida.

When the Senate bill passed the Senate last August, Senator GRAHAM bargained for concessions, including a study of the formula, a requirement that the new cost index be updated before fiscal year 1993, and a promise to hold all States harmless at the fiscal year 1991 level. All of these requests are included in the conference report.

Without the fiscal year 1991 hold harmless provision, Florida would receive $59 million under the new formula. With the provision, Florida cannot fall lower than $63 million for the life of the bill. In fact, Florida is likely to gain funds as soon as appropriations increase. But appropriations will not increase unless we reauthorize the program and fix the formula.

That has been the fact over the period of the last 3 years. Unless we are going to do it, we are not going to have the support in this body for any kind of increases. We are just not going to have it. That is the legislative reality.

The Department of Health and Human Services notified every State last year that its block grant allotment was subject to change. Florida knew that it was likely to receive $63 million, since that was its amount under the bill that passed the Senate on August 2, 1991.

In fact, on June 6, 1991, 2 months before the passage of S. 1306, Senator GRAHAM made the following statement on the Senate floor:

> One of the changes that I expect to come out of this year's reauthorization will likely reduce Florida's share of the block grant by millions of dollars.

So nobody has been blind-sided here. Everyone—the Senators from Florida and the 98 other Senators—were well aware that this process was underway, and that the formula would change. The conference report is no surprise to any Member of the Senate.

There are many important initiatives in this omnibus bill. Many are categorical grant programs offering funds that Florida will be well situated to compete for. But if we are sent back to conference, these programs will fail and yet another Congress will adjourn without this much-needed legislation.

For all of these reasons, I urge the Senate to table the motion to recommit, invoke cloture, and adopt the conference report.

Mr. President, just finally, in response to earlier points that were made, when we revised this formula, there was no intention to shortchange any of the particular States. I read into the RECORD, that I will just mention here, the report of the General Accounting Office.

After 1988 when we had the principal focus and attention on the issues of substance abuse, after that period of time when there was brought to our attention the increasing problems of rural America, particularly with regard to mental health and alcoholism, we tried to work with various groups in devising a formula that would target those particular needs. We worked with the General Accounting Office, not that they are the end all of all wisdom in terms of formulas, but at least they do not have a real ax to grind with regard to winners and losers on this particular issue. When we had asked the help of the GAO in terms of fashioning and shaping a formula, this is what Mr. Thompson indicated in his testimony before our committee:

> Mr. Chairman, I am pleased to come and give you a pretty good stamp of approval. This is referring to the formula. I will not take very long.
>
> You are right, we looked at the formula to distribute block grant money among the States. We think the formula you included in S. 1306 is a major improvement over the current law and I say there are three reasons for that. First, it is an improvement in that it adopts a better measure of the relative needs of each State's population. Second, it introduces an explicit adjustment for differences in the cost of labor, office space among the States. Third, by doing those first two things it restores the principle that those States that have lower fiscal capacity should have somewhat greater Federal aid per capita. That principle has been sort of eroded because of the way the current formula works.
>
> So for those three reasons, we think the formula that you have included is in fact a major improvement. I would be happy to elaborate on any aspect of it.

Then we can get into the greater elaboration of that particular issue.

Mr. President, the Senator from Florida believes that that formula ought to be rereviewed and I am glad to support the recommendation, the legislation that was put in by the Senator from Florida, S. 1238, to require the Secretary of Health and Human Services to report to Congress the validity of utilizing certain criteria.

We are interested in trying to get a formula that is going to do the best for the American people. I certainly think that anyone who reviewed the record of what we have attempted to do would believe that was our objective when we brought in the GAO, who had been working on this and had done an analysis of the existing formula and who we worked with, plus the other studies that I referenced last week.

The Senator's part of this bill is to review that and report back. We will have a chance on this reauthorization to revisit it. I doubt if we are going to have any quieter debate on it. Once we move on in adjusting these measures, the Members all too often respond to just the bottom line dollar figure rather than the focus of the legislation.

The Senator will have no trouble with me in trying to constantly review and upgrade the considerations, evaluation of the formula. We are glad we included that.

Finally, Mr. President, I want to just to make sure the membership understands, on the question of retroactivity, the opponents of the bill have suggested that the new block grant formula is being imposed retroactively. That is not an accurate statement. The formula is effective in the current year, fiscal 1992. No one is talking about going back to 1989 funds, 1990 funds, 1991 funds. The formula was flawed for those years and that is history. None of the proponents of the new formula suggest going back to rectify the misallocation of resources in those years.

The charge of retroactivity suggests that we are taking money back from the States. This is untrue. No State is so affected by the new formula that they would be required to give back money. Every State will receive a block grant check from the Federal Government in the fourth quarter. Beneficiaries of the formula change will receive a larger check than they had hoped and the others will receive a smaller check but no State will have to give back existing funds.

I have talked to Senators, as a matter of fact, the Senators from a State that "would be a loser State" under the formula, and they indicated once they got the notification from HHS they acted in a way that was going to be consistent not to disadvantage them over a longer period of time in terms of their State administration. They just did not go for the additional kind of spending until they found out what was going to be the final judgment on that issue.

But no State will have to give back existing funds. States that choose to ignore the reauthorization process and the warnings from HHS the formula would change basically do so at their peril.

So, Mr. President, I hope that for those reasons the motion by the Senator would not be successful.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I yield such time as is required.

Mr. President, the issue before us this morning and that we will vote on early this afternoon is an issue of whether this conference report should be resubmitted for purposes of adjusting the effective date of the formula to commence October 1, 1992, rather than as is proposed in this formula which is to have the fourth quarter payments in this fiscal year be adjusted in such a way as to implement the formula in the current fiscal year.

To use the figures from my own State, we have been receiving under the formula, under the level of appropriation approved by this Congress for the current fiscal year and a formula and allocation which was taken into account by our State leaders at the legislative and executive level in terms of preparing an appropriate partnership State-Federal program for alcohol, drug and mental health services, what is being suggested now is that in the last quarter, the last 90 days of this year there will be an adjustment to insert this new Federal formula without regard to its impact on other State decisions that have been made, without much consideration of its impact on individual citizens, to make it effective immediately and to cause all of the readjustment in the last quarter of the year. As to the impact on Florida, we have been receiving approximately $19 million per quarter. If this formula goes into effect, we will receive approximately $3 million for the last 90 days of this year, with tremendous disruption, reduction, and denial of services. That is the issue.

I have some strong questions and disagreements about the fairness of the formula itself which I have discussed earlier and will discuss subsequently in somewhat greater detail. But the issue before us today is whatever we think about this formula, is it fair, is it rational, does it do justice to our federal system of Government to make such a dramatic change in the last quarter of the year and have it retroactive to the beginning of the fiscal year?

Mr. President, I would like at this point to move from the issue of numbers to what is really important, which is the impact on human beings. We are clearly here not just talking about a mathematical exercise but, rather, what will be the significance of making this wrenching adjustment in the last quarter of the year, what will the significance be on men and women, on children, and what will the significance be on elderly citizens in need of these services?

Mr. President, if you happened to fall into the unfortunate status of a drug addict and you were trying to put your life back together in Key West, FL, and you did not have much money, what do you think the closest treatment facility would be? What would be the closest place at which you could get some inpatient drug and substance abuse service? The answer is 90 miles away in Havana, Cuba.

I learned about this terrible situation from a concerned constituent. She called my office the other day. Miss Theresa Westerfield is the director of pretrial services for Monroe County, the county of which Key West is the county seat. Pretrial services works with indigent clients who have been accused of a crime. Her office is responsible for interviewing, investigating and making recommendations to the judge at the defendant's bond hearing. If the client is released prior to trial, pretrial services supervises the individual until the case has been closed. The mission of their substance abuse program is to prevent individuals from falling further into the criminal justice system and into the trap of addiction. If there is reason to believe that a client has a drug abuse problem, based on the pending charges, legal history of the defendant, self-admission or family verification, the office can provide two options: random drug testing, which can act as a deterrent, and supportive drug counseling.

In supportive drug counseling, a trained substance abuse counselor works with the client, helping him or her realize the problem, referring to Alcoholics Anonymous, but this is not treatment. If the client has a drug problem, such as an addiction to crack, there are very few options available. The only inpatient treatment facility in Monroe County costs $10,000 a month. Mr. President, how many Americans can afford this treatment, however necessary it is, in these financially troubled times?

According to Miss Westerfield, a few outpatient slots do exist with local mental health providers as well as openings in a 5-day detoxification program in Monroe County. However, the District 11 Department of the State Department of Health and Human Services recently announced that it will be reducing the level of funding for adult substance abusers because of the State's budget crisis. How will this affect these outpatient slots is unclear, but the prospects are not hopeful. And a 5-day detoxification program is not treatment, especially for a crack addict. Basically, there is no inpatient treatment for indigent people, and fewer and fewer outpatient treatment positions.

The ironic part of this story is that if you are convicted of a crime and then placed on probation, the department of corrections contracts for inpatient treatment beds and outpatient services. You can get the proper treatment only when you have been convicted of a crime, instead of before an individual commits a criminal offense.

Mr. President, does this sound like a sensible, sound public policy? Obviously, the answer is it does not.

Miss Westerfield is interested in including treatment services as part of her program so that her clients can get back in recovery and get their lives back on track. Yet if this conference report is passed, if this formula goes into effect today, if this conference report forces a reallocation in the last 90 days of this fiscal year to October 1, 1991, what will be the reality for Miss Westerfield and the pretrial services? Will you and I hear more stories about people wanting to make changes in their lives who will be unable to find the appropriate services?

If I could share another example, there is a stellar substance abuse program in Jacksonville, FL, called River Region Human Services.

This program has developed a street outreach program which literally reaches out to individuals on the streets of downtown Jacksonville at high risk of substance abuse and HIV. Its staff head out each morning to walk the streets, mingle with individuals in soup kitchen lines, in crack houses, on park benches. Its goal is to talk one on one with individuals and encourage them to check into their clinics for AIDS testing and substance abuse counseling.

Currently, the staff is seeing about 3,000 individuals a month, half of whom have never been tested for AIDS or had any sort of counseling despite their high risk of contracting HIV and high risk of being a drug or alcohol addict.

Mr. President, this program like so many others is struggling to survive. Cuts in State and Federal funds have already resulted in massive layoffs and significantly hindered its ability to provide services. If this conference report becomes law, I expect this outreach program may have to fold altogether.

The combination of cuts this bill imposes on Florida and other States representing over 30 percent of the population of America immediately will decrease and the decrease in the future funds that will result from the formula change make for a bleak picture.

Again, Mr. President, I ask, does this bill meet its stated goal of improving and expanding services? It does not. It discriminates against those who need services based on where they live.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, the issue I think has been fairly posed by the Senator from Florida, and that is the issue of equity and fairness. The increases that we have experienced this year, the $92 million which has been added by the Appropriations Committee, was added for the sole purpose of a changed formula.

Over the period of three quarters of the year, the State of Florida has taken advantage of that increase while the conference was working out the differences with the House on other substantive provisions of the legislation which I referenced in the earlier presentation.

So what has happened is, basically, Florida has had a three-quarters windfall over the period of the last year because the money was only added in there to deal with the formula. Now that we have resolved the substantive issues and resolved the formula issues, we are being asked to continue what has been basically found as an unfair disposition of the resources which. I daresay, are equally needed in the other States. We are put in the position where the other States, which have been waiting over the period of the last 3 years, finally have come to the point where they can participate and address their needs in the States, and they are being asked to defer that action for the last part of the year.

These other States are not saying to Florida give us back what has already been distributed to you under the formula that was supposed to benefit us. They are not asking that. This bill does not suggest that. All it says is now that we have reached our final conclusion on this measure, let us just provide the formula allocation as was agreed to, and as was basically in the legislation that was considered by the Senate last year.

Mr. President, we do not have a dog in this fight in terms of my State of Massachusetts. We are not a winner or a loser. Effectively what we have tried to do is devise a program that would be more effective in dealing with the real problems of substance abuse, alcoholism and mental health.

So I respect my friend and colleague from Florida. I think all of us know that these programs are inadequately funded, in Florida, in my State, and across this country. I for one would welcome the opportunity to join with those who have expressed their real concerns about the failure to deal adequately with these programs, particularly in the areas of treatment, rehabilitation, education programs and to see if we can get some additional kinds of focus.

Finally, I would just say that I am hopeful that we would be able to get an increase in the appropriations next year because of the increased recognition of the fairness of the formula, and the need which exists in the States. We have been unable to do that in recent years because many in this body feel they should not add additional funding to a formula that is not really related to the particular needs of that State.

Now that we are able to answer that issue, then the State of Florida will be one of those that can benefit most. There will be other States that will not go up as high or will be as eligible because of the way this formula would be available.

Finally, as I mentioned earlier in the debate, we have about $700 million. Granted it is just an authorization of categorical programs and Florida would be well suited to take advantage of those.

I am glad to work with the Senator from Florida in terms of gaining support for worthwhile programs so we can build increasing confidence in those programs, and build momentum in terms of increased appropriations.

Mr. President, I withhold the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. Mr. President, I yield such time as is required to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I extend my appreciation to my friend from Florida.

Mr. President, in listening to the debate this morning, I heard the ranking member, by friend from the State of Utah, talk about himself and the chairman of the committee trying to be fair in the allocation of resources in this legislation.

I have no doubt that both the Senator from Massachusetts and the Senator from Utah tried to be fair. The fact of the matter is, for this year, it becomes very unfair.

Money that has been promised to the State of Nevada—and the State of Nevada has budgeted pursuant to what they believe, and rightfully so, the Federal Government would give to the State of Nevada, they put in their budget certain moneys for alcohol, drug abuse, and mental health. Suddenly from Washington will come an edict saying, no, we cannot extend those moneys to you because those funding allocations have been changed by Congress.

These funds for the State of Nevada, Mr. President, have been obligated by the State of Nevada. This will take money away all within the last quarter in the State of Nevada, and that is unfair.

The reason these moneys are so important to the State of Nevada is that the State of Nevada is first in per capita alcohol consumption of any State in the Union. Nevada has the highest suicide rate of any State in the Union. Nevada has the second highest per capita hard core cocaine addicts of any State in the Union. Nevada has the highest rate of adult incarceration of any State in the Union. Nevada has the highest rate of teenage incarceration related to drug use than any place in the United States.

Is there any reason that the State of Nevada should not be alarmed, concerned, agitated and frightened by a result of what is taking place in Washington?

The State of Nevada had to balance its budget. They have a 2-year budgeting cycle. They found during last year that they were going to be far in the hole, and as a result of that, the Governor had to make certain changes.

One of the things that happened is there were layoffs throughout all State government. In mental health, because of this budget crisis, people were laid off. In parts of rural Nevada, there is no mental health help. It is without any. Employees have been laid off. But that will be small compared to what is going to take place as a result of this legislation.

The State of Nevada will have to lay off employees, cut back programs, literally turn away sick people.

Mr. President, that is wrong. Under this bill, the loss to Nevada in substance abuse programs will exceed $400,000. That does not sound like much if you are from a real large State. But the State of Nevada is not a very large State, and a loss in excess of $400,000 is a lot of money. This will mean that 200 Nevadans will not be able to access alcohol and drug treatment services, and there are over a thousand who will be denied alcohol and drug prevention services.

This will add to the highest per capita alcohol consumption in the country. It will add to the highest suicide rate in the country, and to the second highest cocaine addiction any place in the country. It will increase the highest rate of adult incarceration, and the highest rate of teenage incarceration related to drug use.

These are real people we are dealing with. This should not take place. We must place a high priority to early treatment and prevention. In Nevada, it costs about $1,600 per person on a average for early treatment and prevention of alcohol and drug abuse. If they do not get this early treatment and prevention, it can go up to $18,000 for in-patient care for the late stages of treatment of an abuser; from $1,600 to over $18,000, $1,600 to $18,000.

The cost of ignoring the benefits of treatment are seen in increasing family violence and child abuse, increased costs of health care, diminished public safety, decline of social and moral values, AIDS, crime, and increased prison populations, decreased learning in schools, and decreased productivity in the workplace, all of which adversely affect society, from infants to adults.

Mr. President, following the Rodney King verdict in Los Angeles, parts of Las Vegas were destroyed. They were burned to ashes. Part of the destruction related to three State-funded alcohol and drug abuse programs. They, in effect, fell victim to the destruction. So not only now do we have no physical facilities, now these people are being told, in addition to that, that treatment in effect will be cut back, in addition to the capital facility that they could go to at one time. Nevada needs these funds to restore these services.

One of the programs assisted pregnant women and their children. These at-risk women and children need this support system to help overcome their addiction. We cannot ignore the desperation of our children. What is happening in Nevada will have an effect around the country. These people are not going to stay in Nevada. Some will go other places, causing problems in other places.

In Nevada, we have significant problems which are more complex than anyplace in the country. In Nevada, over 50 percent of sixth graders report use of alcohol or other drugs, over 50 percent of sixth graders, before they go to junior high school. By the 12th grade, 90 percent of students admit to some degree of alcohol or drug use. I have already indicated that Nevada has the highest rate of teenage incarceration relating to drug use. Further, children are being harmed by substance-abusing parents. In 1990, 48 percent of substantiated cases of child abuse in Nevada involved drugs.

So, Mr. President, I really urge this body to take a look at this motion to recommit. I urge this body to reconsider the effect of this legislation on not only Nevada, this vague abstract State that we are talking about, or the vague abstract State of Florida, but the people that live in these States.

Nevada has planned and budgeted for these programs to help abusers. Prevention and early treatment are proven success strategies, not only to the individuals involved—and it is important to try to get their lives straightened out—but also to the State in saving sums of money. It affects the entire population of the State of Nevada.

Prevention and early treatment are proven success strategies, and within these proven success strategies are success stories of individuals being helped by these programs.

As a result of what is happening here, individuals will not get the help that they should have. Let us not revoke promised funds so desperately needed for effective intervention programs only to incur greater costs later.

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

I want to express admiration for the Senator from Nevada in identifying many of those programs which can make a very important difference in terms of human needs. I would obviously welcome the opportunity to work with him, as a member of the Appropriations Committee, to see if we can get enhanced support for those kinds of programs. The fact remains, just with regard to the formula, Nevada's allocation is 23 percent, the highest amount that any State is permitted to gain from 1991 to 1992, under the new formula. Only four States in addition to Nevada gained 23 percent.

So while Nevada is hoping for an even larger percentage, under the current law, 23 percent gained from 1992 to 1993 is a substantial amount.

I agree that I would like to see it even more than that. But I do not want our colleagues and friends to think that Nevada has been left out completely on that measure.

Mr. REID. If my friend will yield for a brief question and statement, I acknowledge the formula, but some of the things not taken into consideration is the fact that we are the most rapidly growing State in the Union, and even though this 23 percent sounds like a lot, when you consider the tremendous growth that is taking place in Nevada, it really does not meet the demands.

The real problem that the State has is—this has been discussed earlier on, and we need not go into more detail perhaps—but the real problem we have in the State of Nevada is that they were told at the beginning of the year that they would have certain sums of money and, as a result of that, they budgeted. Now they are told in the last quarter of the year they are going to have to cut those funds back.

Mr. KENNEDY. Well, I appreciate the statement and the position taken. We have included in the current legislation a commission, at the urging of the Senator from Florida, that will do another kind of study. So the next time we reauthorize, we will be able to take into consideration a number of these other elements. I am not sure that there still will not be those who feel their States have been disadvantaged.

As far as those of us on the committee, we want to try to present to the Senate a formula that is going to target scarce resources in the most effective way, considering a wide variety, as the Senator pointed out, and as the Senator from Alaska pointed out, complicating costing issues. But I appreciate the position.

I hope also that Nevada might take into consideration the various categorical programs. We have provided flexibility. Nevada has no limitation in any of the categorical programs, and we are urging colleagues to bring to our attention good programs that have developed at the State level and get support for those so that we can build on that kind of support in the development of national policy.

Mr. REID. If my friend will again yield, I hope with all the talk about a balanced budget and things of that nature, the budget crisis we are in, that someday, somehow, we get past the idea that we are only concerned about this year, that we can look down the road, because I am convinced that in these programs, a few dollars spent now will save us tens of thousands of dollars down the road, as indicated in some of the programs that I have talked about in Nevada; and I think if we spent a few dollars now we would save money in law enforcement, welfare, education costs, which we do not save as a result of our dealing only with this year's budget.

Mr. KENNEDY. Finally, what I would hope, and what we are trying to do in the Labor and Human Resources Committee is an authorization of the authorizing legislation of what would be really saved in investing in people. For example, in the Head Start program, the WIC Program, immunization programs, to have other committees do the same so we will find out what is investment and what is consumption in terms of the future. The suggestion is an excellent point.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 22 minutes and 34 seconds remaining.

Mr. KENNEDY. How much time does the Senator from Arkansas wish?

Mr. BUMPERS. I think I can do it in 3 minutes.

Mr. KENNEDY. I yield 3 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the Senator for yielding.

Mr. President, I want to reaffirm my strong support for the conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Services Reorganization Act. This is a strong reauthorization bill, which reorganizes the Alcohol, Drug Abuse and Mental Health Administration, proposes important new programs, and strengthens existing efforts in alcohol and drug abuse prevention and treatment.

However, I am most interested in the new formula which is included in the bill. The formula, which would revise the distribution of the alcohol, drug abuse, and mental health services block grant, corrects a bias in the formula that has disadvantaged rural States like Arkansas since 1988.

Since 1988, Congress has dramatically increased funding for the alcohol, drug abuse, and mental health services block grant. Under the formula in current law, which favors urban States, Arkansas' share of the ADMS block grant has declined steadily. Needless to say, it has been difficult to explain to Arkansans why their share of a growing pot is shrinking. In fact, if the formula in current law is not changed, not only will Arkansas' percentage share of the block grant continue to decline, the State will lose in real terms.

That would mean the closure of treatment facilities in Arkansas, and rural residents turned away without receiving the services they need. I am very concerned about waiting lists for services in urban areas, but am equally concerned about rural residents getting a fair shake in securing the drug and alcohol treatment services they need.

Several years ago when my colleagues from rural States tried to convince our urban neighbors that the rural drug abuse problem was being underestimated, we got blank stares. So we first asked the General Accounting Office to examine the nature and extent of the drug crisis in the rural parts of America. The GAO reported in September 1990 that total substance abuse rates in rural States are about as high as in urban States, and that the rural and nonrural drug abuse problems are just slightly different in character—for example, the prevalence rate for cocaine abuse is lower in rural areas, while the prevalence rate for abuse of other drugs such as inhalants is higher.

The GAO also concluded that rural areas have arrest rates for substance abuse violations that are as high as those in nonrural areas; that most prison inmates in rural States have abused alcohol, other drugs or both; and that the prevalence of substance abuse among inmates completely overwhelms available treatment services. In other words, the problems caused by alcohol and drug abuse are as serious in rural areas as in urban areas.

Then, in November 1990, the GAO reported to the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education about the alcohol and drug abuse and mental health services block grant to the States. I might note that the subcommittee had a keen interest in the block grant because it had worked so hard to increase total Federal funding for drug and alcohol treatment. Many of the Members of the Senate subcommittee were from rural States and were seeking equity for their States.

GAO concluded that, while the urban population factor is an appropriate indicator of the prevalence of drug use, its influence in the block grant formula overstates the magnitude of drug use in urban area as compared with rural areas. The GAO studies suggested that the urban drug abuse rates are somewhat less than 3 times higher than rural rates, but the block grant formula assumed a difference of over 15 to 1 between urban and rural drug abuse incidence. GAO recommended changes in the formula.

I am pleased that the Senate Labor and Human Resources Committee seriously considered the GAO reports and included in S. 1306 a new formula which corrects the rural/urban imbalance. More important, the Senate conferees held firm in representing the needs of the rural States during a tough conference with the House, and they have brought back to the Senate a strong bill which reflects the needs of the citizens of rural States like Arkansas.

Any formula change yields losers, and I understand the strong objections of the losers. As a matter of fact, I know exactly how it feels. But I am convinced that this formula is a fair one, and its immediate adoption is necessary to correct the inequities suffered by Arkansas and other rural States since 1988.

Several years ago when my colleagues from rural States tried to convince our urban neighbors that the rural drug abuse problem was being underestimated, quite frankly, we got blank stares. So the junior Senator from Arkansas and I asked the General Accounting Office to do the study to determine the difference between the rural and urban drug problems.

In September 1990 they reported that total substance abuse rates in rural states are about as high in urban States, and the rural and the nonrural drug abuse problems are just slightly different in character. The prevalence rate for cocaine abuse is lower in rural areas, but the prevalence rate for abuse of other drugs such as inhalants is higher.

The GAO also concluded that rural areas have arrest rates for substance abuse that are as high as those in nonrural areas; that most prison inmates in rural States have abused alcohol and other drugs or both; and that the prevalence of substance abuse among inmates completely overwhelms available treatment services.

In other words, Mr. President, the problems caused by alcohol and drug abuse are as serious in rural areas as they are in urban areas. There are always winners and losers in these formulas.

I squealed like a pig under a gate in 1988 when this formula was changed that so totally favored urban areas. Arkansas has 1 percent of the Nation's population. Obviously, if drug abuse and the need for treatment is as bad in rural areas as it is in urban areas, we ought to be getting 1 percent of the money. And in 1988, we got 1.2 percent. And then under the 1988 formula, it started downhill. If you used the 1988 formula in 1993, we would get .59 of 1 percent. Some of our best treatment facilities would have to close.

In short, I want to applaud our conferees for bringing this conference report back, because it has recognized what the GAO has said. This is not subject to dispute. They did the study; they had the numbers. We have drug problems in rural areas, and this conference report recognizes it; not as much as I would like, but it is infinitely better than what we have been having.

I compliment the chairman of the committee and our conferees for holding fast with the House and coming back with a formula. I certainly empathize with the distinguished Senator from Florida. I have been in that position many times, where my State is a loser. We all stand here and argue for our respective rights, and there are always a few losers, and I expect there are about eight States.

I wish we could find a formula that would make everybody happy, but we never do.

I thank Senator KENNEDY.

Mr. KENNEDY. I thank the Senator for his comments.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, I rise in support of the conference report for S. 1306.

Two years ago, I held hearings in South Carolina to learn from educators, law enforcement officers, community leaders, and treatment experts on the front line how to best fight the war on drugs. I heard one overriding and consistent message: we will never win this war without increased Federal support for demand reduction. Mr. President, the conference report before us represents the lion's share of the Federal substance abuse demand reduction effort. It should be passed quickly to aid our States and communities.

I should go into greater detail about the message from substance abuse experts in my State. Our Nation's urban centers are facing a clear drug-related emergency. This emergency is reflected in TV coverage, Presidential press conferences, legislation and statements in Congress, and the sad state of our streets here in the District of Columbia.

However, someone also must articulate the emergency faced by rural citizens. I have seen a mountain of evidence on this point. The Office of Substance Abuse Prevention reports that "total alcohol and other drug abuse rates in rural States are about as high as those found in nonrural States." South Carolina experts reported in my hearings that crack is worst in our rural areas. This testimony was reinforced by an unsolicited letter that arrived in my office last month. The joint Commission on Alcohol and Drug Abuse for Marion and Dillon Counties—populations about 30,000 each—wrote to me to let me know about their new management information system that keeps track of data for future planning. Their statistics show that "crack is our fastest rising drug of abuse." Also, a statewide survey found that Chesterfield County—population 38,000—leads the State in illicit drug use among 7–12 graders. Another survey found that cocaine use among pregnant mothers was highest in the rural Pee Dee area of the State.

While the substance abuse is there, the tools to fight it often are not. In rural areas, undercover law enforcement is most difficult and treatment facilities are scarce. In both Dillon and Marion Counties, which I mentioned before, the poverty rate is 28 percent; the national average is 13.1 percent.

Federal funds play a critical role amidst this lack of resources. Federal increases in ADAMHA block grant funds in the past 2 years have allowed South Carolina to establish four new detoxification facilities for rural counties. These new facilities—built on an inexpensive model with 6 beds and physician oversight rather than full medical staff—bring the total number of detoxes to 10 for our 46 counties. We need at least half again this number. Also, intensive outpatient treatment is being extended to rural counties; now some rural residents are able to move beyond the traditional treatment that could provide as little as 3 hours of treatment every 2 weeks to much more effective treatments of 3–4 hours 4 days a week. These basic building blocks of a modern treatment system need to be brought to rural areas. Citizens there pay taxes for these services, their communities need these services, and they and their children should not be shortchanged.

The excitement of TV and drugs also should not overshadow our Nation's No. 1 substance of abuse: Alcohol. The South Carolina system sees three times as many alcohol abuse clients as clients for all other drugs combined. A 1992 National Foundation for Brain Research Study Report estimates that alcohol abuse incurred $90.2 billion in direct and indirect costs in America in 1991. This figure compares to $71.2 billion for substance abuse. Alcohol abuse is estimated to be responsible for up to 15 percent of the Nation's health care costs. I would add that the June 1991 Prevention Resource Guide from the U.S. Office of Substance Abuse Prevention reports that "alcohol abuse treatment and arrests are higher in rural areas than in nonrural areas."

The conference report before the Senate addresses the need for rural treatment and for alcohol treatment by eliminating a current-law funding bias in favor of urban illicit drug abuse. I am very thankful to the conferees for their hard work on this provision and to Chairman KENNEDY for his perseverance. It has taken a long time and hard work to put together a compromise, but the final result is fair. It complies with GAO findings and moves funding in the direction recommended by every independent study I have seen on the subject.

Finally, I wish to express my strong support of mental health services authorized through this legislation. I would highlight the new authority to establish community-based childrens' mental health services. The current lack of these services represents a historic, tragic gap in our mental health system. Although the South Carolina Department of Mental Health served a record 15,000 children in 1990, a great number of children went without needed services. Eleven counties in South Carolina lack a full-time trained child mental health professional. The larger pool of children needing services is suggested by the 37,524 cases of child abuse were reported in fiscal year 1990, the 5,678 students who dropped out of school, and the 7,676 children in foster care. Simply put, a huge number of children need greatly underfunded or nonexistent services. The new law will allow State systems to respond by providing cheaper and more appropriate community-based services. It will reduce the emotional and fiscal strain of inappropriate institutional care for many families and require common sense coordination among State and local agencies.

Again, Mr. President, I urge quick passage of this conference report. The conferees have done good work, and our communities are waiting to see its benefits.

Mr. President, this problem, as has already been pointed out, germinates from the authorization bill back in 1988, when conferees included an urban weight of 40 percent. This weight effectively counts urban-State citizens 15 times more for alcohol, drug abuse, and mental health treatment than rural-State citizens.

And necessarily, this is a gross injustice. Because everyone knows, every study shows and everything else, when you suffer from these ailments, whether you are in rural or urban States has no relation whatsoever. The suffering, the need, and everything else is greater, in fact, incidentally, in rural States, which have a lower per-capita income. And, as a result, they lack the concentration of resources, they lack the income to bring treatment facilities to bear against these particular ailments.

Last year, the distinguished Senator from Iowa [Mr. HARKIN], and myself and others, put in a bill to eliminate this urban weight. We had 34 cosponsors from 24 States, so we could have gotten 48 votes; I think we could get over half. And in the meantime, on the Appropriations Subcommittee, for what we call ADAMHA, the Alcohol, Drug Abuse, and Mental Health Administration, we included 91 million additional dollars, over the objections of the House side.

These funds were provided to help reconcile this unfair formula and reauthorize it as fairly as we could—and now, the distinguished Senator from Massachusetts has struggled for 3 years trying to bring it back in. I know his problems with his own committee because they are large States represented on that committee. But more than that, over on the House side, it is an almost stonewall reception that you receive.

But the fact of the matter is that the Senator from Massachusetts, the chairman of the committee—and the conference itself moves in the right direction, and reconciles it to some extent. But not nearly as much as what we deserve in this particular injustice.

And right to the point: Those who are complaining are receiving far more than those who have to go along, trying to get the best we can. It is always a proposition that the rich are getting richer and the poor are getting poorer. And in South Carolina, we still receive less than the national average. We receive 16 percent below the national average, to be specific. Right now, we are receiving, without the conference report, 26 below the national average percentage.

Those States who lose—Connecticut, it has 81 percent more income, per capita income; more capability to treat the particular problem. And yet, they receive 14 percent more from the Federal Government than South Carolina does. And Delaware is 36 percent, larger income, per capita income, and they receive both from the Federal Government, 13 percent. So you can see those with the capability.

And I can get on the floor and talk about need, as the distinguished Senator from Florida does, and others. It is not a question about need. What we are trying to do is take care of that need in an equitable fashion.

Florida, for example, has 29 percent greater per capita income than my State, and receives from the Federal Government 10 percent more assistance in order to cope with this particular problem.

Why do we poorer States go along? Because we have to. All Government is a compromise, and they have worked long and hard on this. At least I would like to fix this in, and rather than the conference report going back and continuing. Because, you see, when nothing happens, that is exactly the advantage that the Senator from Florida and others have. They continue to get under the old formula. And they say: Oh, Lord, we will could getting more; if we can just bollix this up and kill this conference report, we will continue to get an inequitable amount.

So I want to commend the distinguished chairman of the committee on the work he has done. I am not satisfied. All the studies report that the poorer States need to get more money than the richer States are receiving. And here we are, having the richer States saying: I have more money, I am richer, and I am getting more money. And by cracky, I want to continue to get more.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. HOLLINGS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida has 38 minutes and 25 seconds remaining.

Mr. GRAHAM. Mr. President, I yield such time as he may require to Senator BROWN of Colorado.

Mr. BROWN. Mr. President, I rise today to support the Graham motion to recommit the conference report on S. 1306 with instructions to the conferees to hold States harmless for formula changes in fiscal year 1992.

Unlike the Federal Government, many States have balanced budget requirements. To reduce anticipated Federal funding for such necessary programs such as drug abuse treatment and mental health services in the fourth Federal fiscal quarter would be devastating to Colorado.

Money is tight at every level of government. The least we can do at the Federal level is play by the rules and not change Federal funding commitments to States three-quarters of the way into the year.

I urge my colleagues to join with Senators GRAHAM, MACK, BENTSEN, BRYAN, REID, and myself and vote against the motion to table this important motion to recommit the conference report on S. 1306.

Mr. GRAHAM. Mr. President, as I have said several times, our principal issue there today is the unfairness of changing this formula in the last 90 days of the fiscal year, and the tremendous disruptions that will entail.

If we were making this change for a formula that was demonstrably superior to the status quo, the case to support that disruption and the reduction and elimination of services in the States representing 30 percent of the population of America that are to be affected might be justified.

So let us look at the formula itself and see if it does warrant that level of confidence and support.

The basic criticism of the current formula is that it provides an extra weight for urban populations. The GAO study had indicated that that extra weight was excessive, and, Mr. President, I am prepared to accept that and to support some modifications that more appropriately allocates Federal funds to those area that have the predictors of the greatest need for alcohol, drug, and mental health services.

Does the formula that has been presented to us from the conference committee engender that confidence? There are basically two factors which drive the allocation of funds under the new block grant program for alcohol and drug abuse. They are, first, the number of people in urban areas of the State who are between the ages of 18 and 24 years of age, and second, the relevant cause of delivering drug and alcohol abuse services to the population of that State.

Let us look at both of those factors. In the report of the General Accounting Office, which has been cited repeatedly, the report discusses the 1986 study of the Institute of Health and Aging at the University of California at San Francisco which was largely the basis of this new formula. The institute reported, according to the GAO, that drug abuse was more prevalent among 18- to 24-year-old groups, mental health disorders among 25- to 44-year age groups, and alcohol abuse among 25 to 64-year-olds.

So even the 1986 study, Mr. President, does not support the conference report, which focuses only on the 18- to 24-year-olds in urban areas.

One of the consequences of this age factor is that, if you happen to be over the age of 64, you do not count at all, you are not part of the formula, in spite of the fact that we know that two out of every three Americans over the age of 65 are using, on average, more than five medications per day and we know that there are high rates of alcohol abuse and mental health concerns among the elderly population. But, for the purpose of this formula, for some inexplicable reason, that whole segment of the American population, representing about 11 percent of all Americans, and happens to represent almost

19 percent of all Floridians, does not count. They are anonymous, inconsequential Americans.

As I stated in my earlier remarks, Mr. President, the facts are that the current evidence does not support the focus on the 18- to 24-year-olds which this conference committee will provide. In fact, the highest incidents of drug and alcohol treatment services are rendered to persons over the age of 25. Seventy percent of those services rendered are to persons older than those who receive the special weighting under this conference committee report.

That is the first element of the formula.

The second element of the formula is the cost to delivery service. How is that cost determined? According to the General Accounting Office, the cost index contained in this conference committee is constructed from a wage index and a rental index. The wage index is based on the median hourly earnings of all nonmanufacturing workers from the 1980 census. The rental index is based on the fair market apartment rents, date unspecified.

Mr. President, I thought many of us, when we saw the phrase "cost to deliver services," thought we were talking about the cost to deliver drug and alcohol abuse treatment services, that we were working from a data base that allowed us to allocate Federal funds in a manner that would distribute them to the individual States based on that State's peculiar circumstances in terms of delivering alcohol and drug abuse services. No, that is not in fact what we are doing. We are using as the cost factor the wage index based on median hourly earnings of all nonmanufacturing workers from the 1980 census, a census that is now 12 years old, and rental index based on fair market apartment rents.

I might suggest, Mr. President, that it is a difficult bit of intellectual gymnastics to figure out how fair market apartment rents and hourly wages of all nonmanufacturing workers from the 1980 census constitute a rational basis for determining what the relative cost of delivering services for alcohol and drug treatment in 1992 and beyond should be.

Mr. President, I think we have a seriously flawed formula, certainly a seriously flawed formula for purposes of making the change in the last quarter of this fiscal year. It is a seriously flawed formula that particularly adversely affects States that have the following characteristics: That of fast growth States, where calculations of earnings by all nonmanufacturing workers from the 1980 census are no longer even vaguely relevant to the cost of delivering 1992 alcohol and drug treatment services. This formula is unfair to States that have a large number of elderly Americans, Americans who are as much in need of and deserving of Federal support for programs that provide them with alcohol and drug treatment as any other Americans. And yet, they are the forgotten population under this formula.

It is also an unfair formula, Mr. President, for those States that happen to be low cost, a State like the State of the Senator from Arkansas, who just spoke. Arkansas happens to have a cost index of .815. Therefore, it has to fall under the category of the minimum allocation States with a .900 cost floor. But what we are saying here is that, for the citizens of Arkansas, they can receive mental health services at a level that is 20 percent below what citizens from States such as New York, California, other States, which, under this formula, are considered to be high cost because they had a high nonmanufacturing wage in the 1980 census or a high fair market apartment rent, neither of which properly distinguishes what it costs to deliver mental health services to a citizen of Hot Springs, AR, as opposed to what it costs to deliver mental health services to a citizen of Salinas, CA, or Syracuse, NY.

Mr. President, I think we have a seriously flawed formula. There is no basis to justify the rush to implement this deformed formula in the last quarter of 1992. I urge the Senate to adopt the motion that I offer, which is to resubmit this to conference committee for purposes of delaying the application of this formula until the beginning of the next fiscal year.

Thank you, Mr. President.

Mr. KENNEDY. Mr. President, I will yield myself just a moment or two—2 minutes.

Mr. President, again referring back to the GAO testimony on the formula, and I read from the GAO testimony:

> The appointment formula proposed in S. 1306 would distribute block grant funds so that they more closely reflect high concentrations of high-risk people, the cost of providing services, and the state taxpayers' ability to fund service needs.

Then it goes through and analyzes how the formula related to those criteria. And at the end of this analysis I ask him a question.

> Well, there you have it. So you have no recommendations or suggestions?

Referring to the formula just as it is—

> Mr. THOMPSON. That is right, sir.

We have done the best we could on this and we will welcome the report of the new panel that will be established that can consider various criteria so that the funding will be targeted to meet the needs in our country.

Mr. President, we have other Senators who want to speak on this issue that are on their way to the floor. How much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 13½ minutes remaining.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I rise in support of the Senator from Florida.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. I yield to the Senator from Texas such time as he requires.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. I thank the distinguished Senator from Florida and express my appreciation for the valiant fight he has been waging here. I must say it is probably very much against the odds.

I quite understand these situations where 37 States are helped and 8 are hurt. That is very much an uphill fight. But I commend him for it. I think justice is on our side. I am not sure that is enough.

But I believe the conference report for S. 1306 ought to be recommitted so the conferees can strike the current year revisions to the alcohol and drug block grants. I believe the report's formula change should be prospectively applied only, and not the last quarter of the current fiscal year.

Mr. President, the retroactive formula change will cause serious problems in my State. Let me give some examples of what cuts of this magnitude, a fourth quarter cut of $10 million, will bring about.

These are examples my State has provided me. It will result in the loss of services to approximately 108,390 persons receiving alcohol and drug abuse prevention services. Nearly 11,300 fewer at-risk persons will be served through HIV programs; some 850 fewer women in treatment programs—and the loss of many other critical components of the treatment programs planned by the State.

Moreover, the cuts in the block grant to the Texas Department of Mental Health and Mental Retardation will result in the denial of community service to 1,222 Texans each year.

What concerns me particularly is here is that conference report would apply its formula change in the last quarter of this year. Because of this, my own State will lose some $10 million of the $90 million block grant that it had been receiving since October 1, 1991. To me that is tantamount to changing the rules in the fourth quarter of the game. I really cannot support changing the rules this late in the game.

I had hoped the conferees would have deleted the current year revisions of the block grants once the House recommitted the conference report. Recommittal gave the conferees at least the opportunity to soften that impact that the revisions would have on the eight States that will suffer major losses.

The pain of these losses is going to be real and these are the examples I have enumerated, losing $10 million. That loss will come from the fiscal year 1992 fourth quarter installment due to be paid out just 3 weeks from now. The installment will be reduced from $22.5 million to $12.5 million. That kind of a dramatic reduction would be painful if spread out over the whole year, but to try to make this adjustment at the last minute I think is uncalled for. In effect you might say it is quadrupling the problem because we are going to suffer the entire loss in just one quarter; the very last of the fiscal year.

It is going to unravel the carefully planned distribution of block grant money within my State. Texas agencies for alcohol, drug abuse, mental health, prepared their annual budgets months ago with the expectation of receiving the $90 million; $22.5 million of that this July. And their expectations were reinforced by the fact they received full installments of $22.5 million for each of the first three quarters of the year. Then they learn, a month before the final installment, that it is going to be reduced by $10 million.

So it is quite disruptive to what we are trying to do, in providing services to the people of my State. This takes about $35 million from Texas and several other States—Florida, I suppose gets one of the largest hits of all of them—and gives that amount to 36 States and the District of Columbia. So I understand the hill we are trying to climb here.

The conference report asks just 8 States to sacrifice at year end so that the other 37 can receive more this year than what they are now receiving under current law.

Twelve of those 37 will enjoy year-end increases of more than $1 million. It is difficult to accept that 37 will receive these sudden windfalls at this late date at the expense of just 8. I do not think that is a balanced result.

I cannot consider myself supporting the revisions just because Texas will end up with more this year than last. An overall increase is outweighed by the disruption that will result from the 45-percent reduction in my State's fourth quarter installment when compared to the first three installments. In fact, Texas does worse this year under the conference report when you compare this year's and last year's fourth quarter installments. Texas has to give up $10 million in the fourth quarter. The fourth quarter will drop to $12.5 million, about $6 million less than Texas received in the fourth quarter last year. My State is supposed to be doing better than last year under the conference report, but my State will end up with a fourth quarter that is substantially less than last year's. Calling this a good deal for Texas is like saying it is better to have your house flattened by a tornado than by a hurricane because there is less water damage.

Mr. President, I believe it is a mistake that this legislation is weighed down by something as unnecessary as a retroactive formula change. I understand the overall formula change has merit to it. I would not be voting to recommit if the States could keep their current block grants.

Certainly I will say to Senator KENNEDY, the manager of this legislation, I am pleased with the resulting trauma centers legislation and the report language. I am appreciative of his efforts in that regard. I think it is a good addition to this legislation. But I must say that my pleasure with the trauma centers provision is severely undercut by my concern with the retroactivity issue.

I think we are really ignoring the rules when we tell eight States that we are taking the money they have been receiving over the course of the last three quarters. We did not change the formula for the first quarter installment, the second or the third. Our prior inaction on the formula led eight States to at least assume that they could rely on a fourth quarter installment unaffected by the formula change and that the change would be done prospectively for next year. But now we are applying the change to the last quarter of the year.

That is not the way I think it should have been done, and for that reason I will vote against tabling the motion to recommit. I realize the conferees will probably be able to table it, but I would not be protecting the interests of my State if I were for changing the rules near the end of the year.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes and the Senator from Florida has 17½.

Mr. KENNEDY. Five minutes.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I rise in strong support of the conference report on S. 1306, the ADAMHA Reorganization Act of 1992, and in opposition to any motion to recommit the bill back to the conference committee. This important health legislation offers great opportunities for improving our Nation's ability to confront the problem of growing substance abuse and strengthen our inadequate mental health care system.

Mr. President, this legislation has been a long time in the making. It has taken 3 years of continuous discussion, deliberation, and compromise to bring us to this point, and it would not have been possible without the dedicated efforts of many Senators and Members of the other body. I want to especially commend and thank our distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY, for his and his staff's excellent efforts and leadership in forging the consensus that brought this legislation before us.

There are few more pressing problems confronting our Nation than substance abuse, and this is as true in my State of Iowa as in any other. The bill before us will assist people in every State in fighting this growing problem, and I am very pleased to have been able to play a role in its formulation.

I am especially pleased that S. 1306 includes provisions that I have been working on for several years, provisions that will bring a much greater degree of fairness to the substance abuse and mental health block grant formulas. The ADAMHA block grant, which this legislation splits into separate substance abuse and mental health block grants, provides the lion's share of Federal funds to States for substance abuse treatment and prevention.

The compromise contained in this report, on which I want to thank Senator KENNEDY for his long and faithful support and work, is derived from the Fair Treatment Act, legislation I introduced with my distinguished colleague from South Carolina, Senator HOLLINGS, and others back in 1990. We introduced the legislation because the current formula established by the Antidrug Abuse Act of 1988 unjustly skews funds to States with large urban populations. This finding was confirmed by several independent studies, including one by the GAO. The GAO study concluded that the current formula overstates by five times the difference in rates of drug abuse between urban and rural areas. In other words, the formula that this legislation changes fails to recognize the extent of substance abuse problems in rural America. As a result, it has substantially shortchanged States like Iowa and others with large rural populations, and relatively overcompensated States with large urban populations. For three years now our States have received less than they should have because of this faulty formula.

Mr. President, the new formula goes a long way toward correcting this gross inequity. It eliminates the urban weight and instead directs funds to States based on their population and ability to pay, as in current law, and takes into account the cost of providing treatment services. In other words, to assure as smooth as possible transition to the new formula, it has also been constructed so that no State will receive less than it did last year. I want to make that again very clear, as it has been made clear this morning. No State will receive less than it did last year.

The distinguished Senator from Texas was just on the floor saying that in the last quarter of the year they will receive less than the last quarter of last year. But last year Texas, for the entire year, received $73.4 million. Under the formula that we are proposing that is in the conference report, Texas for this year will receive $80.1 million. So it will, indeed, receive more than it did last year, albeit true that it will receive less in the fourth quarter of this year than it did last year, but that is not looking at the whole picture.

In addition, further protections for smaller States are provided.

Mr. President, fully 42 States do better or stay the same under the new formula as compared to current law, 35 States would receive more funds, 7 would receive the same as under the old formula, and 8 States will not get as much under the new formula but they will not get less than last year under the old formula. I think that is really kind of the genius of this compromise.

So no one is really being cut less than last year; they are just not getting as much as they would have under the old formula.

What we are seeking to change is, indeed, the old formula.

In addition, in an effort to further smooth the transition to this new formula, as chairman of the Labor, Health, and Human Services Appropriations Subcommittee I worked last year to increase the ADAMHA block grant funding by $92 million, so that States that were not getting as much money would still get more money but would not be hurt as badly.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I have 2 minutes remaining, is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes remaining. The Senator from Florida has 17 minutes.

Mr. KENNEDY. If there are other speakers on either side, generally the leader has let us go beyond 12:30 to permit those who wanted to speak to do so. I will be glad to yield time to the Senator. I know we have one other Senator who wants to speak briefly, Senator DODD, but I do not know of others on the other side.

Mr. HARKIN. Mr. President, if I might ask unanimous consent that I might proceed for another 5 minutes and not have the time count on either side.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I have no objection to that. But at an appropriate time I would like to ask if the Senator from Iowa will yield for a short series of questions.

Mr. HARKIN. I am delighted to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized for 5 minutes not to be counted against either party.

Mr. HARKIN. This money, $92 million, was added specifically with the understanding that it would be distributed under a more equitable funding formula. In addition, the States were told by HHS when they received their first quarter payment for fiscal year 1992 that Congress was expected to change the funding formula effective this fiscal year, and they should therefore not budget on the basis of the first quarter's allotments that they received. Some States abided by that. They took that advice and therefore they did not budget their last quarter based upon their first quarter's allotment. So those States acted I think very responsibly.

Mr. President, as with any effort to change the formula by which funds were allotted to 50 States, there are no perfect solutions, no magic answers, that will please everyone. But I believe the facts justify even more equity being restored to the formula. The Fair Treatment Act that I introducted with many of my colleagues would have gone further than what we did here, to be quite frank.

In addition, it could also be argued, very fairly, that States such as my own State should be compensated for the underpayments that they received for the last 3 years due to the flawed funding formula.

However, I recognize that the interests of all States have to be balanced. I am committed to working for enactment of a formula drafted by the conference committee so there is no repayment of lost payments over the last 3 years, and for even more equity. We struck a balance. That is what this bill is about, a balance.

I know there are Members who feel that the conference report does not treat their States fairly, and thus should be changed. And that is the essence of this motion to recommit.

While I can certainly understand their concerns, the conference committee struggled to achieve the balance that is before us now. If we go back to make any additional changes to this formula, I believe that it would diminish chances for passing this legislation this year, and that would mean 3 years of hard work deliberations lost, 1 more year of unfair treatment for States who had been mistreated for 3 years running.

This legislation is too important to let die for that reason. It makes a host of important changes that have been talked about for a long time. So now is our chance to act.

We have the conference report before us, and it has involved many years of long work. The diligent and strong leadership of our chairman, Senator KENNEDY, got us to this point and, as I said before, 42 States get an increase, 7 would receive the same as under the old formula, and 8 States will not get as much under the new formula but not less than ones they received last year under the old formula.

I think that is just about as fair as we can do it.

I will be delighted to yield to my colleague from Florida. I know he has some questions about this.

Mr. GRAHAM. Mr. President, the issue is whether this formula justifies being placed in effect for the fourth quarter of this year and readjustments made back to October 1, 1991. Therefore, in looking at the fairness of this formula, on section 193(s)2, on page 82 of the report, it states a major component of the formula which is the age group, and it gives special weight to those who are 18 to 24 and reside in urban areas, and then also to persons who are 25 to 64.

Why does the formula exclude from any calculation Americans over the age of 64?

The PRESIDING OFFICER. The Senator from Florida is advised that the 5 minutes has expired. However, the Senator from Florida can yield such time as he may see fit.

Mr. GRAHAM. Mr. President, I yield off of our time to the Senator from Iowa for purposes of responding to the question.

The PRESIDING OFFICER. The Senator from Florida is recognized for such time as he may use.

Mr. HARKIN. I might respond after consultation with staff on the question of the Senator from Florida that those individuals between 18 and 24 years of age are double-counted. They are double-weighted to reflect the concern that we have for substance abuse among our younger population. The population between 25 and 64 are indeed also weighted. But the ones over age 64 are also counted, but they are not just given the additional weight of those other two formula groups, the 18 to 24, and the 25 to 64. The formula eliminates the urban weight component of the current formula but it double counts each State's population of urban 18- to 24-year-olds to reflect the fact that drug abuse within this age group is twice as prevalent in urban areas. These are the data that we have that we relied on.

Mr. GRAHAM. Maybe before we complete action on this bill we could have some further discussion. But it appears from reading the formula that persons over the age of 64 are not included in that population which is given special recognition.

I wonder what is the policy rationale. Is there a basis of saying that persons over the age of 64 do not warrant parity recognition in terms of their drug and alcohol abuse?

Mr. HARKIN. I do not know that I can speak specifically to the question or answer in great depth without being more advised by staff on this. But I understand that all age groups are involved. Obviously, what we are trying to do is get the most bang for the buck.

We are trying to treat States fairly, recognizing that substance abuse in rural areas is just as important as substance abuse in urban areas but finding that the substance abuse among the younger population is more prevalent in urban areas. So we give that higher rated formula than we do age groups over the age of 64. That is simply trying to target the money where the problem is most prevalent.

Mr. GRAHAM. No. 2, on the issue of cost index which is the other major change from the current formula, the cost index which is implemented in this bill is based on the median income of hourly earnings of all nonmanufacturing workers from the 1980 census, and the rental index based on fair market apartment rents. Many of us had thought that we were going to be dealing with a cost factor that would relate to the cost of delivering alcohol and drug abuse services on a contemporary basis. It is difficult to at first blush see what in 1980 nonmanufacturing wage study and apartment rents has to do with the cost of delivering drug and alcohol abuse services.

What was the rationale for using that particular cost index?

Mr. HARKIN. The Senator raised this issue before. At his suggestion it was included in the legislation that prior to fiscal year 1993 the very cost factors the Senator just alluded to would be updated prior to 1993.

Mr. GRAHAM. The issue is, should this formula go into effect for 1992? These are the cost factors which are contained in the legislation for 1992. What is the rationale of using 1980 nonmanufacturing wage data and fair market apartment rents as a proxy for the variability in the cost of delivering alcohol and drug treatment services?

Mr. HARKIN. Because that is the best available information we have.

Mr. KENNEDY. Will the Senator yield for a question? Did the Senator have any question of the Senator from Iowa when Florida was benefiting from this formula? Were these issues, that the Senator from Florida is raising here, raised earlier to the Senator from Iowa?

I did not hear the questions about flyspecking the particular formula, which is a GAO formula that was based upon previous GAO studies. I did not hear any complaints about the formula when Florida was benefiting.

I am wondering whether he shares my feeling that it is somewhat disingenuous to be complaining now, when he has benefited for more than 3 years, taking money away from 37 States, none of which are out here demanding or requesting the State of Florida to recontribute some of that money and particularly when the Senator from Florida put the additional funding in, money which has benefited the citizens of Florida for the last three quarters of the year.

I am wondering—and it seems like when the sauce was for the goose, everything was all right; but now, when the sauce is for the gander, to try and help the other States, it is being flyspecked in terms of what the GAO has testified is the best kind of formula we could have had at that particular time. At the urging of the Senator from Iowa, as well as all of us, we have agreed to accept the amendment of the Senator from Florida, so that the next time we have an amendment, it can be related to these factors.

It is my understanding that we have indicated—I certainly have—that we will take that into consideration and try to work with the Senator.

I want to compliment the Senator from Iowa. We would not have any increase in dealing with this issue, in terms of funding for any of the programs that the Senator has identified, along with the Senator from Alaska or Nevada, unless we change and get a more realistic formula. It is not perfect. We have been saying that for 4 days. But I am not going to remain silent, when the Senator from Iowa has been attempting to provide a fairer kind of formula, and be flyspecked on this particular issue.

The PRESIDING OFFICER. The Chair informs the Senators that there is a previous order to recess, and the hour of 12:30 has arrived.

Mr. HARKIN. Mr. President, I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. I understand the Senator requests an additional 10 minutes.

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, the Senator from Massachusetts is right. We have worked long and hard on this formula change. Last year, we put in an additional $92 million to take care of the problems that the Senator from Florida has raised, so that no State would get hurt, no State would get less than last year.

As I stated, the Department of Health and Human Services, since the legislation was worked out last year—and we had to work it out in conference, and we knew we were going to pass the bill—the Department of Health and Human Services notified every State that they should not budget their last quarter based upon the first quarter allotments. Some States acted responsibly and took that under advisement, and they did that.

This formula is going to benefit the entire country. I understand that we all have to stick up for our States and the people in our States. What the heck, I find this as hard for my people in my State as others do. Again, we are trying to address a national problem, a problem of substance abuse, which permeates our entire society. These formulas have to be fair. They have to distribute the money on as fair a formula as possible.

This is not partisan issue, not a regional issue, and it is not small States versus big States. It is trying to distribute the limited amounts of money that we have to meet the needs where they are the greatest. And we have weighted these formulas. We are not taking things away from urban areas. As I said, we know the rate of substance abuse among young people is higher in urban areas. Therefore, we double-weighted that factor to help benefit the urban areas.

So States such as the State of Florida, for example, as I pointed out, are going to get no less than they did last year. True, they will not get as much as they would under the old formula. To be fair about that, the old formula could not exist, or stand, because I daresay that the amounts of money that my subcommittee under appropriations is putting into ADAMHA—they would not be getting that amount of money under the old formula, because so many States were being discriminated against.

I believe we can get the money in there and distribute it more fairly under the new formula. I do not mind anybody fighting for their State, for what is reasonable, but there comes a point in time where we have to recognize that this is a national problem and not just one that concerns just our own bailiwicks.

I yield the floor.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, I rise in strong support of this conference report, the ADAMHA Reorganization Act of 1992. I commend the managers of the legislation. I note that a major part of this debate has been over the formula over the last several days. In fact, my State is one of those that would have been significantly disadvantaged, had we not tried to come up with a better formula here. It still has inequities, but at least there is a safety net, or a floor, for those States that would have fallen way below their current levels in such a critical area as substance abuse.

Most people are aware of the problems in our country: Mental illness and substance abuse drain the country of $300 billion a year. It is an overwhelming problem. It does not discriminate against religion, color, region, or State. The human costs of substance abuse, we know, are many—lost productivity, lost potential, and the lost lives are staggering in their proportions. For millions of children, it is a daily constant and an insidious destroyer of their lives.

This legislation, which includes the legislation that I introduced several years ago, the Children of Substance Abusers Act—the so-called COSA legislation—responds, we think, to the human toll from a problem that devastates many American families. In my view, we cannot delay action on these pressing needs.

The distinguished senior Senator from Massachusetts [Mr. KENNEDY] deserves a tremendous amount of credit for his leadership on a very complex piece of legislation, in dealing with all of us in this Chamber—all of whom want to protect our States—in trying to craft something that tries to be as fair as possible to all 50 States. That is never easy. It is a herculean task to do so. And certainly we would love more. I wish we would receive more than we will get on this, but you cannot do it that way.

The fact that we have a formula that does try at least to protect many States from falling below last year's levels deserves credit. We ought to support the conference report and work to increase the resources we can get.

As one of the conferees on this bill, I believe if this report goes back to conference, this legislation is dead, and any increases in the important resources that the States need to try and get some help in addressing substance abuse problems will be lost for this year. And the people who really lose are not the States or politicians; the people who lose are the people who depend on getting help with substance abuse or mental illness.

I commend Senator KENNEDY for the effort. The current formula for the distribution of these funds is inequitable; we all know that. Rural States are shortchanged; there is no question about it. My own State, as I mentioned, Mr. President, loses considerable funds in fiscal year 1993.

The legislation corrects some of those inequities. Reallocating resources is never without pain, as I said a moment ago. The agreement corrects the process and protects States from falling below the 1991 level. For those reasons, I think the conference report deserves support.

I spoke of the human cost of substance abuse, the amount of destruction and despair, the price to families and children. A drug- or alcohol-exposed child is born every 90 seconds in this country, every single 90 seconds. In the time we have been on the floor talking about this, literally dozens more children have been born that have been drug-affected already.

Every 90 seconds in this country, a child is born drug-exposed. It is estimated 1 in 7 children lives in a home in this country with alcohol or drug and abuse problems. In cities in my State, more than half the child protection cases involve substance abuse in the home.

Look at reasons the family is under siege today. Clearly, economic pressures, I think, are the greatest reason for the problems. But substance abuse is clearly near the top of that list. In fact, I think there is a relationship between the economic difficulties that are out there and the substance abuse problems. Thus, I am particularly pleased that the COSA legislation I mentioned is included in this bill. It is a grants program that would go to communities and provide for comprehensive services and support to children of families affected by substance abuse to help them stay together.

One of the things we know when you have a drug-affected mother, is that if the court brings her before that bench and immediately strips that mother of her infant child, the likelihood that the mother is going to be rehabilitated, or go through an effective treatment program is almost nil. There certainly is a criminal element in substance abuse problems. But if we do not begin to appreciate that there is a far greater likelihood of that individual, this mother, going through an effective treatment program if she is able to be with that child, we miss the point.

This is not being hypothetical. I know of several programs that I personally visited in States in this country—there are very few of them in the Nation—where they allow the mother and infant child to stay together. And the treatment programs are much more effective for the mother going off substance abuse and staying off it permanently. It works; it is not a question of theory here. It works.

So this COSA legislation is designed to allow for those kinds of programs to be tried more effectively across the country, to sensitize our courts and others that while we may want to do something harsh to that mother for what she has done by exposing that child, the most important issue is how do we get her off that stuff so that child will have at least a chance, and any future children she has will not be exposed.

The best way we know how to do this is by allowing that family to stay together—shredded, tattered, unrecognizable to most people as it may be, it is a family. Trying to keep it together increases the likelihood of success. That is what the COSA bill is designed to do.

There are other features to the bill, including a home visiting program. The COSA program is based on a program that started in New Haven, CT. As the Presiding Officer is aware, there were years of study in that community leading to a very extensive program, the Mother's Project, in that city which works extremely well. From that concept, in part, we crafted the COSA bill.

Again, I thank the manager, Senator KENNEDY, who helped us to incorporate this legislation as part of this conference report.

I conclude here, this is not a perfect piece of legislation; there is some inequity. But in my view, it is a piece of legislation that deserves support in the Chamber. Despite the fact I am going to have a hard time telling folks in Connecticut they may not see immediate increases in dollars we need for family needs, rural and city needs, I am going to vote for this legislation because Connecticut cannot afford to lose the dollars it stands to lose under current law.

Before yielding the floor, I want to thank some of my colleagues for their hard work on this bill, which I trust will see final Senate approval today. I mentioned Senator KENNEDY's leadership, but I also thank him for his staunch support for COSA. I also appreciate Senator HATCH's efforts to move S. 1306 through conference. I want to thank Senator PELL and Senator COATS for their work on the formula protections and Senator HARKIN for his leadership in increasing block grant funding.

This complex bill could never have been completed without diligent staff work. Ron Weich of Senator KENNEDY's staff deserves the highest praise for pulling together this immense piece of legislation and spearheading the staff negotiations in conference. I also want to thank Patty Cole of my own staff for her work on the COSA bill. Other Senate staff for whom thanks are well deserved include Lauren Gross of Senator PELL's staff, Peter Reineke of Senator HARKIN's staff, Adele Robinson of Senator ADAMS' staff, Gail Laster of Senator METZENBAUM's staff, Ann Labelle of Senator HATCH's staff, Sharon Soderstrom and Alison Carroll of Senator COATS' staff, Kent Talbert of Senator THURMOND's staff, and Annie Silverman of Senator DURENBERGER's staff.

Finally, the COSA legislation would not have been possible without the efforts of many children's groups. I would like to particularly thank Al Guida of the Child Welfare League, who has provided critical substantive advice on the bill's content as well as tireless advocacy to win support for the bill. Also, Randy Moore of the American Academy of Pediatrics was the moving force behind the COSA Coalition that came together to advocate for the bill. Others who deserve special thanks include Mary Carpenter of the National Commission to Prevent Infant Mortality, Mary Lee Allen of the Children's Defense Fund, Laura Feldman of the National Association of Children's Hospitals and Related Institutions, Jennifer Miller of the American Public Welfare Association, Susan Campbell and Holly Grayson of the Association of Maternal and Child Health Programs, and Tom Birch of the National Coalition on Child Abuse.

Mr. HATFIELD. Mr. President, after 3 years of partisan and regional conflict, the Senate has fashioned a bill to transfer the three research branches of the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA] to the National Institutes of Health as three new institutes; and to split the major Federal grant for mental health and substance abuse services into two separate programs. I am pleased to add my voice to those who support this improvement.

This bill also puts forward the first major antitobacco provision of the nineties by firming up existing laws to eliminate the sale of tobacco to minors. For too long, we have ignored smoking and related diseases in favor of other seemingly more pressing causes. Only now, in the light of recent studies, are Americans beginning to realize and act on the terrible costs of tobacco use, both in terms of human and financial resources.

Several months ago, the Oregon Health Department released a detailed appraisal of the effects of smoking entitled "Tobacco and Oregonians: A Legacy of Illness and Death." The hazards of tobacco use can clearly be traced through a system, unique to Oregon, whereby a physician determines the role of tobacco in the decedent's death. During 1989, the deaths of 6,276 Oregonians—almost 1 in 4—were tobacco-related, including 43 infant deaths and 688 passive smoking deaths. That compares to 5,829 deaths attributed solely to heart disease, 4,030 to cancer and 1,721 deaths coming from strokes. Hence, if deaths linked to tobacco were treated as a separate entity, they would rank as the No. 1 killer of Oregonians.

By choosing not to smoke, men and women are likely to enjoy a prolonged and less painful existence. For instance, among Oregonians who died in 1989 due to smoking related heart disease, the median age at death was 70 years—12 years less than that of those whose deaths were not tobacco related. When tobacco induced cancer took the lives of Oregonians, the median age at death was 69, this compared to 74 years for deaths not linked to cancer.

The economic cost of smoking related diseases is as tremendous. It is estimated that no less than $72,400 is spent every hour on costs generated by Oregon smokers. In 1989, smoking attributable diseases accounted for more than $634,406,762 in medical costs and lost productivity. Two thirds of that sum stemmed from the unfulfilled potential of lifetime earnings—Oregonians dying or becoming disabled prematurely because of their addiction to nicotine.

We learn from the Surgeon General's annual report on smoking that on a national level smoking-related health costs are devastating. In the United States, persons aged 25 years or older who ever smoked cigarettes will incur excess lifetime medical care costs of $501 million. Indeed, the estimated average lifetime medical costs for a smoker exceed those for a nonsmoker by over $6,000. This excess is a weighted average for all smokers, so for those who develop tobacco related diseases the costs are much higher.

By 1985, the mortality burden imposed by smoking each year in North America reached 426,000; 390,000 of these deaths occurred in the United States. The results serve as a shocking reminder of the epidemic magnitude of smoking related diseases, despite the one-half percent decrease each year in the number of smokers. Moreover, the drop in the total number of tobacco users hides the rapid rise in the proportion of women smokers. The United States, which has only 5 percent of the females in the world, currently has about half the female deaths from tobacco.

On a world map, figures released by the British medical journal Lancet relay the growing "brown plague." If current rates continue, 250 million people in industrialized nations—equivalent to the entire population of the United States—will die in the next 30 years of smoking related diseases. Smoking, although an expensive pastime, is not simply a vice of economically wealthy nations, rather the extent is not fully known elsewhere. In Eastern Europe, particularly in Poland, the numbers who choose to smoke continue to rise, while in China and Indonesia as many as 70 percent of men smoke.

These human and health care costs can be eliminated if each smoker makes a personal commitment to break the cycle of addiction. Accounting for the time lag between starting smoking and it's effects, quitting the habit will still considerably reduce the risk of contracting a tobacco-related disease. Individuals are entitled to the right to make their own choices, but such choices are shaped by social, economic, and environmental circumstances. Pressure must be applied on a local, regional, national, and international scale to influence each smoker or potential smoker in his or her choice to use tobacco. Only then will we remove the dangers of smoking, and thereby alleviate the pain of suffering and calm the fear of financial loss.

Attempts to prevent and control tobacco use must concentrate on three areas: education, taxation, and legislation. Role models, whether family members, teachers, or peers need to bolster the efforts by Federal, State, and local governments to educate our young men and women in the costs of smoking. Their part is as large or as small as they make it.

By levying excise taxes on tobacco products the debate over smoking is elevated to an economic argument. People are forced to consider whether they can afford to smoke, to decide if money should in fact be spent on more vital commodities. In a capitalist society this is perhaps the strongest answer. Moreover, funds collected can be returned to the public by expanding medical coverage for the needy. That is why in Oregon the Medical Association plans to propose a 25-cent-a-pack increase in cigarette taxes. In California, this extra tax has cut smoking rates by 17 percent since it began in 1988, and thereby will save the nonsmoking taxpayer money in medical costs.

In all but six States—New Mexico, Missouri, Montana, Kentucky, Georgia, and Delaware—we already have the legislation in place to ban cigarette sales to minors. Yet, these laws are rarely enforced, perhaps because other crimes are regarded as potentially more serious to the public health. The ADAMHA reauthorization bill will at last reverse this, and therefore I support unequivocally the goals that it seeks to achieve.

The bill requires State to ban the sale or distribution of tobacco products to anyone under the age of 18. Further, States would be required to enforce the law in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to underage youths. Indeed, they would need to submit annual reports detailing their efforts. These would have to include random, unannounced inspections of locations where tobacco products are sold. Otherwise, the States could lose up to 40 percent of their Federal substance abuse funds.

Unfortunately, the Senate will probably not see another worthy antismoking bill, S. 1088, the Tobacco Product Education and Health Protection Act, on the floor this year. However, I hope that in the near future the bill, or a similar one, will be considered. The education, research, and enforcement provisions therein will further heighten the public's awareness and serve to demonstrate the Government's commitment to curb tobacco use in the 1990's.

Smoking is beyond a doubt dangerous, if not deadly. Many people realize this, and like myself have quit. But, the social norms persist and these are the real barriers to our ultimate goal of a healthier, happier society. As the Surgeon General said, we must act in concert and educate our fellow citizens to reduce smoking in the United States.

Mr. President, I would also like to take a moment to mention the other improvements in the bill which will help in the effort to reduce the Nation's drug abuse problem. I am pleased to see that the formula for block grants to the States is more equitable and recognizes the needs of rural

States. In addition, I am pleased that the ADMS block grant has been separated into two block grants; one for mental health and the other for substance abuse. Improvements in State planning and maintenance will increase State block grant accountability and will ensure that eligible populations are served.

Furthermore, new initiatives in children's mental health will aid children with severe mental health problems. And, children of substance abusers will be targeted as at-risk populations to receive services they so desperately need. These changes will enhance our ability to fight mental illness and substance abuse in years to come. Therefore, I urge my colleagues to support the conference report to the Alcohol, Drug Abuse, and Mental Health Reorganization Act.

Mr. THURMOND. Mr. President, I am pleased to rise today in support of the conference report on S. 1306, the Alcohol, Drug Abuse and Mental Health Reorganization Act. Lengthy and delicate negotiations have brought us to this point, and I wish to commend both the chairman of the Labor and Human Resources Committee—Senator KENNEDY, and the ranking member—Senator HATCH, for their fine work and leadership in helping craft this bipartisan conference report.

There are many significant changes to current law in this legislation. Of particular note are the changes in the structure of the Alcohol, Drug Abuse, and Mental Health Services Administration and the changes in the State block grant formula.

With respect to the structure, the conference report transfers the three research institutes—the National Institute of Mental Health, the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism—to the National Institutes of Health [NIH]. By separating out the research component from the services delivery component, the Federal Government will be able to more effectively carry out research, and deliver services to those in need.

With respect to the block grant formula, the conference report adopts the Senate version with a few changes. I am pleased to lend my strong support. The formula change represents a delicate balancing of many competing interests, and represents a significant step forward in how Federal dollars are distributed among urban and rural States. For those who are concerned about the formula change, we have included assurances that no State will receive less than its fiscal year 1991 level of funding.

Again, Mr. President, I am pleased to offer my strong support and I urge the prompt passage of this important legislation.

Mr. SIMPSON. Mr. President, I rise in strong support of S. 1306, the ADAMHA reauthorization conference report. I wish to thank my friend the distinguished chairman of the Labor Committee, Senator KENNEDY, and my good friend, the ranking minority member, Senator HATCH, for the work they have done to produce this particular piece of legislation. It has surely not been an easy task.

Ever since 1981, the Alcohol, Drug Abuse, and Mental Health Block Grant Program has been the primary Federal funding mechanism for alcohol and other drug abuse prevention and treatment services and for community mental health services. The act's fundamental purpose has always been first, to enable States to identify and target priority areas of need, and second, to ensure that all States share equitably in available Federal resources.

Unfortunately, as the program evolved over the last decade, it lost much of its hallmark of flexibility. Congress used the block grant to respond to newly identified and pressing social needs for which no other discrete funding source was available, and in the process, became ever more prescriptive about how the States would spend the money—their own as well as the Government's. At the same time, the formula for allocating block grant funds among the States produced gross inequities in the distribution between heavily urbanized States and largely rural States. In fact, a recent GAO study reported that, although urban rates of people at risk are about 3 times higher than those of rural areas, the 1988 ADAMHA grant allocation formula resulted in an urban/rural funding difference of 15 to 1.

During the eighties, Congress was operating under the assumption that substance abuse and mental health problems were big city problems. However, we now know very clearly that that is not the case—that abuse of drugs other than cocaine is severe in rural areas, that depression and suicide rates are also high.

Under the legislation before us now, the ADAMHA distribution formula has been revised to reflect a new understanding of the prevalence of drug abuse, alcoholism, and mental health problems in rural areas of the Nation. I am very gratified that my own State of Wyoming, which, like many of her rural neighbors, is in urgent need of additional treatment funds, and will finally have fair relief under this bill. This formula is basically justice delayed.

I am also delighted that the architects of this legislation have responded to issues that I and others have raised concerning flexibility of the block grant funds. A number of well-intentioned earmarks and set-aside requirements have grown up in the program under previous authorizations. However well-intentioned, these set-aside mandates for specific services or specific population groups are counterproductive in rural and frontier areas that do not have the economies of scale or populations to justify dedicating so large a portion of program funds. I think we succeeded in making that clear to the members of the Labor Committee and the set-asides have, for the most part, been either better targeted or eliminated under this reauthorization.

So, once more, I want to thank the committee for addressing these concerns—it means that the funds provided under grant will go further and serve more individuals in small States like Wyoming.

Thank you, Mr. President.

Mr. BRYAN. Mr. President, my home State of Nevada is one of the States harmed by the implementation of S. 1306's funding formula as developed in conference committee. Most harmful is the effect immediate implementation of this funding formula in the final quarter of fiscal year 1992 will have on my State's current alcohol, substance abuse, and mental health programs and services.

Nevada's original fiscal year 1992 allocation for its alcohol, substance abuse, and mental health programs was $7,389,000; an amount combining all the programs. Under the conference report formula as proposed, Nevada's fiscal year 1992 allocation would be $6,975,991, a reduction of $413,009 for the entire fiscal year. If the conference report funding formula is implemented, Nevada will experience the entire $413,009 decrease in the fourth quarter of fiscal year 1992. To many States, this decrease may not seem like a lot of money; but to my State, it is dramatic.

Nevada has already experienced drastic funding and service cutbacks in its mental health services this year. Due to State revenue shortfalls, the State mental health division has absorbed a $4,471,660 State funding reduction.

This reduction eliminated 171.5 positions from the State's mental health programs; reduced the Las Vegas outpatient counseling caseload from 1,500 to 350, and eliminated 26 housing placements; in Reno, it dropped 238 outpatient counseling clients from service, and closed 32 transitional housing beds; and, reduced the cases served in rural areas by 1,764 per year.

The services affected were outpatient counseling, case management, day treatment, and subsidized housing—the very same services also funded by the ADMS block grant. The very same services that would have further funding reductions to absorb under S. 1306's formula if implemented in the final quarter of fiscal year 1992.

Also S. 1306's proposed ADMS block grant requires States with AIDS case rates in excess of 10 per 100,000 provide extensive services such as expanded bed capacity, outreach, TB testing, and early intervention in rural areas. Nevada, with its rates of 20.1 cases per 100,000 would be required to dramatically expand very expensive interdisciplinary treatment alternatives, while being faced with the $413,009 funding cutback. Anyone can see that Nevada's programs and services will be unable to meet those new requirements, when existing programs will not be adequately funded.

Added to the mental health programs funding cuts, and the new AIDS-related requirements, is the loss in funding for Nevada's alcohol and substance abuse programs. In the final quarter of this fiscal year, at least 200 people will be unable to receive alcohol and drug treatment services, and another 1,000 people will be without access to prevention services. For the pregnant mother, who may be abusing alcohol or drugs, the loss of these services can very well result in a fetal alcohol syndrome baby.

I appreciate the difficulty the conference committee has experienced in trying to create an equitable funding formula. In good faith, my State of Nevada planned its programs and services for fiscal year 1992, assuming the current formula, and anticipating the Federal funding available thereunder. How can a State reasonably be expected to plan its programs' funding for fiscal year 1992, based on a funding formula announced in the conference committee's May 1992 report?

How can my State be expected to continue to provide these programs under this situation without cutting back on services and personnel in the very programs this bill strives to improve? What have we gained, if these programs are effectively dismantled in the final quarter of the fiscal year?

I would hope the current formula could be extended through the remainder of fiscal year 1992 to minimize damage to the current programs throughout the rest of the fiscal year, and to provide all of the States the time necessary to plan for the funding changes. At the very least, if the funding formula must be implemented this fiscal year, it should only be applied to the fourth quarter funding amount, and not to the full fiscal year 1992 funding amount. For Nevada, this would still mean absorbing a decrease of $103,252; still a substantial amount for my State, but one easier to absorb than the full $413,009 cutback.

If the funding formula must be implemented as proposed, let us agree to apply it only to the amount of the block grant's funding for the final quarter of fiscal year 1992. We do not need to devastate some States' programs in the final quarter of fiscal year 1992 to accomplish the goals of the bill. I hope my colleagues will join me in voting to recommit S. 1306 to the conference committee.

Mr. BIDEN. Mr. President, I rise today in support of the motion offered by Senator GRAHAM. This motion would instruct the conferees to reconsider the block grant formula distributing drug treatment and mental health dollars, in particular to delay the proposed change in the block grant formula.

I believe this conference report contains many valuable programs, boosting the drug treatment block grant, boosting several drug treatment programs targeting pregnant addicts and children at highest risk of turning to drugs, and an amendment I and the chairman of the Labor Committee authored providing, for the first time, a Federal program to develop medicines to treat drug addiction.

However, I believe this conference report falls short in one particular area—the distribution formula for ADAMHA block grants funds.

As everyone in this Chamber knows, the scourge of drugs is a truly national epidemic—no region of the country, no State of the Nation, no city, no town, no rural village has been spared the human tragedy caused by drugs. The national scale of the scourge of drugs demands that Federal funds attack this epidemic throughout the Nation.

In my home State of Delaware, as in every State, drugs have brought a terrible toll. To cite just one example, as a direct result of the drug epidemic, Delaware prisons have been literally overwhelmed with drug criminals, as well as many drug-addicted criminals.

Fighting this epidemic, Delaware has, in my view, some of the finest drug treatment professionals in the entire Nation—Delaware has started a model halfway house that will provide drug treatment, and a bridge to a productive life, to released offenders. In addition to many other examples, Delaware has developed drug treatment programs for those addicts most in need of help—including pregnant addicts, as well as teenagers who have fallen prey to the scourge of drugs.

Federal dollars—through the block grant and other programs—have been of great assistance to Delaware in providing these programs. Still, however, a great need for drug treatment, alcohol treatment, and mental health remains in Delaware.

For this reason, Mr. President, while I believe that the conference report would be a valuable addition to the fight against drugs in nearly every other respect, I support the amendment to instruct the members of the conference committee to reconsider the block grant formula, specifically to delay any changes in the formula until next year. Delaying these changes is the right and fair thing to do, and I urge my colleagues to adopt the Graham amendment.

Mr. BENTSEN. Mr. President, will the distinguished chairman of the Labor and Human Resources Committee, and sponsor of and conferee on S. 1306, yield for questions on the trauma center revitalization part of S. 1306's conference report?

Mr. KENNEDY. I would be pleased to yield for questions from the distinguished chairman of the Finance Committee.

Mr. BENTSEN. Before I ask my questions, I would like to thank the chairman for defending in conference the Senate version of trauma centers and in crafting a compromise between the House and Senate versions. At my request, he accepted trauma centers as an amendment when the Senate passed S. 1306 last summer. I know I speak for my original cosponsor of this legislation, Senate AL GORE, when I express my appreciation for the chairman's assistance.

Mr. KENNEDY. I thank the Senator and I commend his strong leadership on this important issue. I also commend the leadership shown by Senator GORE and by Senators LEVIN and RIEGLE who also worked hard for the trauma center initiative.

Mr. BENTSEN. To be eligible to receive grants under our legislation, trauma centers must first serve areas suffering from the vast array of violence that accompanies the drug trade on our streets and second, have incurred substantial losses in uncompensated trauma care. Am I correct in my understanding that the conference report allows trauma centers to submit a combination of qualifying penetrating and blunt trauma cases in their grant applications?

Mr. KENNEDY. The Senator's understanding is correct.

Mr. BENTSEN. And am I further correct that the conferees have relaxed the level of scrutiny under which blunt trauma will be judged in grant applications? An applying center now only has to have a reasonable belief that the trauma resulted from violence directly or indirectly arising from drug trafficking?

Mr. KENNEDY. That is correct.

Mr. BENTSEN. For example, an applicant could include the case of an innocent teenager who is beaten unconscious and suffers a concussion, being mistaken as a rival drug dealer. The applicant could include it although the applicant could not swear to knowing the exact circumstances behind the teenager's beating. That lack of knowledge is because the applicant's first contract with a case like this is most often when paramedics radio in the patient's condition from the scene or when the patient enters the emergency room doors. By then, the attackers or eyewitnesses have been long gone from the scene and therefore cannot disclose the reasons behind the beating. The absence of witnesses could have a worse impact if the victim is not forthcoming, dies, or is in a coma.

Mr. KENNEDY. It would be unreasonable for us to expert a trauma center to know the circumstances of every wound it treats. And it would be unwise for us to require the trauma center to use its resources to track down those circumstances. The well-being of the community is best served by letting the trauma center perform its vital role of saving lives, and not by investigating or proving the reasons for its patients' injuries.

Mr. BENTSEN. So, in my example, the applying trauma center would not have to send staff to the police department or to the site of the beating, in order to gather facts proving that this case arose from drug trafficking-related violence? The applicant would not have to screen the patient's or attacker's blood for the presence of drugs or alcohol?

Mr. KENNEDY. The chairman is correct. The applicant would not have to. This case would qualify simply because in the experience and belief of the grant applicant, the circumstances surrounding the case are consistent with violence arising from drug trafficking. The circumstances could come from, among other things, the patient's condition and injuries and the history reported to the trauma center.

Mr. BENTSEN. I thank the chairman and the rest of the House-Senate conferees.

The PRESIDING OFFICER. All time has expired from the extension.

The time remaining is 9 minutes for the Senator from Florida, and the time extension under the recess has expired.

Mr. KENNEDY. Mr. President, I do not choose to have any further remarks. I see the Senator from Iowa, if he wants to have 2 or 3 minutes.

Mr. HARKIN. Mr. President, I ask unanimous consent to have an additional minute.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I compliment the Senator from Connecticut for his remarks.

Again, I point out that the Senator from Connecticut is right; that his is one of the eight States, like the Senator from Massachusetts. Massachusetts and Connecticut are in the same boat as Florida, exactly. I know that is less than last year.

A hold harmless clause we put in there. Again, I think it is a recognition. I heard the Senator from Connecticut saying this is a national problem and we have to be responsive and be reasonable for this, and make sure we target these moneys. And I believe that is the responsible way to go. There was this hold harmless clause in here.

I think the position taken by the Senator from Connecticut and the leadership shown by the Senator from Massachusetts is the enlightened and I think the responsible way we have to proceed here.

I compliment the Senator from Connecticut for his leadership.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:44 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I know a vote is pending. I will not take much time.

I ask unanimous consent to set the vote aside and that I be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I rise today to urge my colleagues to join me in supporting the conference report to S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act. This conference report is a result of years of negotiation and bipartisan efforts, and I am pleased that we have finally arrived at a compromise on this important legislation.

One of the principal issues of the ADAMHA reauthorization has been the distribution formula for Federal treatment dollars to the States through the ADMS block grant. This issue is of great concern to my home State of Indiana, as well as numerous other States, as we stand to lose essential Federal treatment dollars.

Under current law, Indiana stands to lose $5.5 million by 1993. This loss of treatment dollars would lead to a disruption of services and the closing of treatment centers. A funding loss of this magnitude translates into a potential cut in treatment assistance to 30 community mental health centers and numerous drug and alcohol treatment facilities in Indiana. This scenario is simply not acceptable.

The Senate addressed this problem by including a hold harmless in its reauthorization package. When S. 1306 was originally introduced in 1991, it contained only a 1-year hold harmless. By working with several members on the committee, namely Senators KENNEDY, HATCH, and PELL, we were able to extend the hold harmless to 3 years—ensuring that no State would lose treatment dollars over the life of the reauthorization.

Unlike the Senate, the House was slow to act on this legislation. When the House finally passed its ADAMHA reauthorization package in March, it passed a bill which contained no hold harmless provision. Under the House-passed bill, Indiana would have received $4 million less than current law in fiscal year 1992 alone.

As a conferee on this legislation, I am extremely gratified that the conference agreement includes a hold-harmless provision similar to that contained in the Senate bill. The conference agreement formula will redress the current urban/rural imbalance without causing any State to lose treatment dollars from fiscal year 1991 levels.

I am, however, concerned about the splitting of the block grant into separate mental health and substance abuse block grants, with 20 percent of funds going to mental health and 80 percent to substance abuse. Unlike most States, Indiana uses the majority of its block grant, about 60 percent, for mental health treatment. Fortunately, the agreement includes a provision which would enable States to apply to the Secretary for a waiver to allow them to switch funds between the two block grants. I hope that we revisit this issue when Congress looks to reauthorize ADAMHA in the future.

Another principle concern of mine during the conference was the large number of onerous set-asides, earmarks, and taps on the block grant to fund new categorical programs which were contained in the House-passed bill. These provisions would severely restrict the flexibility of each State to determine how best to use these funds to address its specific and unique needs.

I am pleased that we were able to eliminate or decrease many of these burdensome provisions in the compromise. The conference report eliminates or considerably narrows the set-aside for drug abusers and the taps on substance abuse and mental health block grants. As a result, States will continue to enjoy flexibility in administering the block grant.

I would especially like to thank Chairman KENNEDY and Senator HATCH for their consideration of our views, their willingness to consider the needs of each individual State, and their untiring patience throughout this process which spanned the course of several years.

I would also like to extend a special thanks to Senator PELL for his diligence and commitment to ensuring that this legislation include a 3-year hold harmless. His perseverance on behalf of the State of Rhode Island ensures that neither his home State, nor any other State, will lose treatment dollars under this agreement.

Mr. President, I commend my fellow conferees for their efforts, and I urge our colleagues to join us in supporting this important legislation.

Mr. President, I just want to very briefly and in summary again state my support for this ADAMHA conference report. This is the result of 3 years of very, very difficult negotiations. It has been painstaking.

I want to publicly thank Senator KENNEDY, Senator HATCH, Senator

PELL, and others for their tireless efforts in accommodating the very real concerns of a number of us relative to this funding. It is important to our States. It deals with some very important subjects—drug abuse, alcohol abuse, and mental health. We have worked out a painstaking compromise that I think addresses most of the major concerns that have been raised. I hope my colleagues support this conference report and reject the motion to recommit.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Massachusetts [Mr. KENNEDY] is recognized under the previous order.

Mr. KENNEDY. Mr. President, I think, under the previous order, there was going to be a motion to table the Graham amendment.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I am about to make that motion. I see my friend and colleague from Florida on the floor. I would be glad to yield to him for a question.

Mr. GRAHAM. Mr. President, as I understand it, at the end of the morning session, there was still 9 minutes left on the proponents' side.

I ask unanimous consent to use 5 of those minutes for a closing statement.

The PRESIDING OFFICER. Is there objection?

The order provides for a 2:15 vote on a motion to table.

The Chair will inquire of the Parliamentarian as to which of the two orders apply.

The order to vote on the tabling motion prevails.

Is there objection to the unanimous-consent request of the Senator from Florida to proceed for 5 minutes?

The Chair hears no objection. The Senator is recognized by unanimous consent for 5 minutes. At the end of that period of time, we revert to the original order, which is that the Senator from Massachusetts is to be recognized to make a motion to table, which is not debatable.

The Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President, I appreciate the courtesy of my colleagues. I just wanted to respond to a couple of items that emerged at the end of our morning's debate.

First, what is the issue before us for a vote in the next few moments? The issue is whether it is fair, appropriate, and in the interests of the Nation and the States that will be affected, to put into effect as of July 1, 1992, a new formula for the allocation of $1.2 billion-plus dollars for drug and alcohol abuse and to require that in the last 90 days of this fiscal year, that formula be readjusted back to the first of October? That is the issue. Because the motion before us will be a motion to recommit for the single purpose of deferring this formula until October 1. Mr. President, there will be enormous disruption as a result of causing this formula to be placed into effect in the last 90 days.

No. 2, the States in fact were signaled that, if this change were not made prior to the midpoint of the fiscal year, it was not going to be made. I have submitted for the RECORD a letter from the administrator of the drug, alcohol abuse agency to that effect.

No. 3, the formula that we are putting into effect is not a formula that represents the golden mean, the ultimate conclusion of this issue. I indicated earlier in some questions to the Senator from Iowa that one of the reasons that this formula results in such a tremendous and disparate flow of funds is because it does not take into account any State's population over the age of 64. So the States that have the greatest adverse effect are not urban States or rural States or big States or small States. They happen to be States with large numbers of people over the age of 64.

The issue is, is there evidence that these people do not have needs for drug and alcohol abuse services? The fact is, the evidence is, that two-thirds of American citizens over the age of 65 take significant amounts of medication, that there is a high incidence of alcohol abuse, particularly among that population—that there are major alcohol and drug treatment requirements of that population which is not counted under this legislation.

The major factor for the redistribution is insertion of a new concept of a cost of delivering services as the basis of allocating funds. I think the average citizen would say that sounds reasonable. Let us come up with a means of discerning what the cost of delivering services in one section of the country is for alcohol and drug abuse purposes as opposed to the other, and let us take that into account. That is not an unreasonable factor.

But the formula we are using is apartment rents and 1980 nonmanufacturing wage rates. I defy anyone to come forward with the rationale as to why those are appropriate proxies for the variance in cost of delivering alcohol and drug abuse treatment services.

So I suggest this is a formula that does not justify the deification that is being suggested by putting it into effect in the last quarter of the fiscal year. It does not justify the disruption it is going to entail. It does not justify the lack of respect for the Federal partnership between the States and the National Government in delivery of these important services.

We have a remedy. The remedy is to return this conference report to the conferees for the single purpose of delaying the effective date of this warped formula, at least until the new fiscal year, so States can be prepared to accommodate to this new formula.

I think it is an eminently reasonable proposal.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I make a motion to table the motion of the Senator from Florida. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to recommit the conference report on S. 1306. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Rhode Island [Mr. PELL] would each vote "aye."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] and the Senator from Minnesota [Mr. DURENBERGER] are necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 79, nays 14, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—79

Adams
Akaka
Baucus
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Garn
Glenn
Gorton
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pressler
Pryor
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Symms
Thurmond
Wallop
Wofford

NAYS—14

Bentsen
Biden
Brown
Bryan
Dole
Graham
Gramm
Mack
Murkowski
Reid
Robb
Roth
Stevens
Warner

NOT VOTING—7

Danforth
Durenberger
Gore
Helms
Pell
Wellstone
Wirth

So the motion to lay on the table the motion to recommit the conference report on S. 1306 was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the motion to table having been agreed to, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act:

Edward M. Kennedy, J. Lieberman, J.R. Biden, Jr., Patrick Leahy, Claiborne Pell, Howard Metzenbaum, D. Pryor, Alan Cranston, Bob Kerrey, Paul Wellstone, Christopher Dodd, Brock Adams, Harry Reid, Daniel P. Moynihan, Paul Simon, John Glenn.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Rhode Island [Mr. PELL] would each vote "aye."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] and the Senator from Minnesota [Mr. DURENBERGER] are necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 84, nays 9, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—84

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Exon
Ford
Fowler
Garn
Glenn
Gorton
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Symms
Thurmond
Wallop
Warner
Wofford

NAYS—9

Brown
Bryan
Graham
Gramm
Mack
McCain
Reid
Roth
Stevens

NOT VOTING—7

Danforth
Durenberger
Gore
Helms
Pell
Wellstone
Wirth

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 9. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. COCHRAN. Mr. President, I support this conference report and commend the conferees for their diligence in working out an ADAMHA block grant formula that better meets the needs in our States than the formula that is currently in place.

I am especially encouraged that my State of Mississippi will receive a significant increase in its allocation of funds without an increase being necessary in total funding of the program.

This is accomplished by basing the formula on true need rather than perceived need. In testimony before the Labor and Human Resources Committee last year, the General Accounting Office [GAO] stated, "Urban states receive higher per capita funding than can be justified by studies of urban-rural differences in drug abuse or the cost of providing services." The conference report before us today corrects that inequity.

The research and services provided by ADAMHA are important to my State. The block grant in Mississippi is subcontracted to local service agencies to provide community-based services equitably throughout the State. Our community mental health centers and others are active in trying to eliminate the stigma of mental illness and to educate the public about the dangers of substance abuse. They also provide treatment services to those who need them.

I urge the Senate to adopt this conference report so that the programs of ADAMHA can more equitably meet the needs that exist in our Nation.

Mr. DURENBERGER. Mr. President, earlier today I was unable to vote on the motion to recommit the ADAMHA conference report, nor on the motion to invoke cloture. Had I been here I would have voted against the recommital motion and would have voted for cloture.

Unfortunately, my absence was caused by a nearly 2-hour delay in my flight from Chicago to Washington. I was in Chicago today testifying with Illinois Gov. Jim Edgar and Nebraska Gov. Ben Nelson at an Environmental Protection Agency hearing. This was a very important hearing for every corn grower in Minnesota and all across America because it dealt with EPA's standards for reformulated and conventional gasoline. Unless these standards are changed, the ethanol industry in America will be severely damaged. I went to Chicago to get EPA to change its antiethanol rules.

Mr. President I want to speak in strong support of the ADAMHA conference report that is before us today. I believe the language adopted by the conferees represents an excellent effort to reauthorize this bill in a way that is fair to all States and that makes real progress in the administration of these programs.

Conferencing this bill, has been a long and challenging process and I want to start by thanking Senator KENNEDY and his staff for their outstanding leadership in negotiating this bill. I also want to acknowledge the good work of Senator HATCH and Senator HARKIN and all the other members of the conference committee.

In reauthorizing this bill, we have achieved a major reorganization of ADAMHA which will be beneficial to all involved. In the past, ADAMHA has consisted of two major parts, the research division and the services division. Nearly all members of the health community believe that this separation of arrangements neither benefits research nor services.

This conference report moves the three research divisions of ADAMHA: the National Institute on Drug Abuse and Acoholism, the National Institute on Drug Abuse, and the National Institutes of Mental Health, over to NIH.

By placing these three ADAMHA research institutes under NIH, the reorganization will award mental health and substance abuse the recognition they deserve as diseases. Their research requires the same kinds of resource commitment that are made to all other diseases.

The services division will be renamed the Alcohol Drug Abuse and Mental Health Services Administration [ADAMHSA]. It will have a new opportunity to focus more clearly on the enormous challenge of providing services to the many people in this country who are afflicted with mental health and substance abuse disorders.

Mr. President, I have received a great volume of mail from Minnesotans in applicable fields urging this reorganization, and I am pleased that my colleagues were able to agree to this provision in the conference report.

I also want to express my strong support for the new ADAMHA block grant formula. In 1990, after studying the formula, I became an original cosponsor of the Fair Treatment Act, a bill introduced by Senator HARKIN. The Fair Treatment Act was phase one in an ongoing attempt to eliminate the disproportionate urban weight in the ADAMHA formula.

The conference report, and the implementation of the new formula, will conclude the effort on the part of myself, Senator HARKIN, and others to recalculate the ADAMHA State allocation formula in a more equitable way.

As all of my colleagues are aware, Mr. President, the recalculation of a formula is always a zero sum game. If some States gain, others will lose. Just as I feel strongly that this formula does not go far enough for rural States, some Members of this body will feel exactly the opposite.

Alcohol abuse is a serious problem in my State as well. The chemical dependency division of the Minnesota Department of Human Services reports that alcohol abuse is a full 10-percent above the national average.

For Minnesota, it is imperative that the conference report be adopted. The additional half-million dollars in ADAMHA funds that Minnesota will be awarded under this formula are desperately needed. Recently, I received an urgent letter from the commissioner of the Minnesota Department of Human Services stating that:

> Minnesota is depending on these funds to deliver effective prevention and treatment services to its citizens. The Block Grant makes up 20% of the consolidated Chemical Dependency Treatment Fund's annual budget. Without these funds, approximately 5,000 low income, chemically dependent persons would be denied treatment next year.

Beside low-income chemically dependent persons, these block grant funds are used for a number of other important programs, including:

First, treatment services for pregnant women and women with children;

Second, prevention activities which target American Indians, African Americans, Southeast Asians, Hispanics, and the disabled and hearing impaired.

Third, a treatment accountability plan to effectively match clients with the vendor most likely to provide successful treatment.

Besides the block grant formula and the reorganization this conference report contains many other important provisions such as a directive to the National Institute of Health to study annually the extent that people who have insurance are denied access to treatment for alcoholism, chemical dependency, or mental illness.

Mr. President, this is an extremely important part of this bill. Millions of Americans are denied access to care for chemical abuse and mental illness because insurance companies have denied payments for rehabilitation services. My colleagues and I are trying to address this problem from the angle of health care reform as well, and these kinds of studies will be critical to the formation of policy in regards to more general insurance reform.

Mr. President, I understand that not every Member of the Senate is pleased with every provision of this bill, but I do strongly believe that this bill represents fair and productive agreement. The formula is equitable and there are many other important policy initiatives in the bill.

It is my sincere hope, that my colleagues will hear the reason of this compromise, and will pass the conference report accordingly. Should this happen the entire country will be done a great service.

Thank you, Mr. President.

Mr. KENNEDY. Mr. President, first of all, I express our appreciation to the Members for their attentiveness to the debate earlier today where we reviewed in very considerable detail the whole issue of the development of the formula. It has been the principal point of difference during consideration of this legislation.

And the Members, after we had a chance both during the debate this morning on the floor of the Senate as well as in our caucuses, both the Democratic and Republican caucuses, to get a more detailed explanation of this measure, voted 79 to 14 that this bill should not go back to the conference for reconsideration of the formula. And then on the issue about whether the Senate should get about the business of moving ahead and addressing this issue and getter a final resolution, Senators voted 84 to 9, which I believe is about as clear an indication of the will of the Senate on a particular policy issue you see around here. Maybe there are other indications, and people can find other examples, but I rarely have seen indication in terms of a cloture motion that is as decisive and resounding as this that would defy the Senate from moving forward and taking final action.

We have a lot of important pieces of legislation that are here on the agenda and I think the American people want us to get about the business of implementing this legislation, which is very desperately needed in terms of dealing with substance abuse, dealing with the issues of mental health and dealing with programs that are going to reach out to families in this country. We have strong support from the administration. We now have support—84 to 9—in terms of the vote of the Senate.

This is important legislation. The House of Representatives is awaiting our action and we ought to be about the business of getting this particular legislation into law.

Let me ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Are there any amendments now that are before the Senate that could be for this legislation conference report.

The PRESIDING OFFICER. There are no amendments pending and the conference report is not amendable.

Mr. KENNEDY. So there are no amendments pending and the conference report is not amendable and we have had a vote of 84 to 9.

I would hope, Mr. President, with the indication of that, that we could get about the business. I am glad to debate this issue. We were glad to spend the time this morning. I am glad to debate it further. I would hope that at least there may be some raw information that will be available. I doubt if there would be because those who wanted to recommit spoke in considerable detail on the formula itself. There is no ability to alter and change the conference report at this time, and there is important additional legislation to be addressed.

So, we are mindful of the various Senators' rights. We are going to be here. I have urged the majority leader that I am quite prepared to stay here as long as any of the Senators want to debate this measure and to the extent that they want to debate it. But I hope that as the floor manager of the bill we will stay here and complete this measure because it is of great importance.

Mr. President, I withhold the remainder of my time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, was leaders' time reserved earlier this morning?

The PRESIDING OFFICER. That time was reserved, yes.

Mr. DOLE. I ask unanimous consent that I may use my leader's time at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Republican leader is recognized to use the leader's time.

SUPPLEMENTAL APPROPRIATIONS CONFERENCE REPORT

Mr. DOLE. Mr. President, on April 29 the city of Los Angeles erupted in riots and looting in the wake of the Rodney King verdict. The pain and destruction that followed was a gutwrenching sight for the entire Nation.

Congress and the President promised to put election year politics aside, and join together for quick action to help address L.A.'s inner city problems. Unfortunately, the emergency disaster supplemental appropriations bill to help rebuild Los Angeles appears to be mired in the same old status quo—the Capitol Hill gridlock that has the American people so disgusted.

Thirty days ago I stood in the White House driveway and predicted to the press corps there at that time that Congress has a short memory and that issues have a way of fading, especially when Congress turns on its fog machine. Well, it looks like I was right. Thirty days have passed and all Congress has produced is more politics and more paralysis.

It all started when the Senate Labor Committee forced the Appropriations Committee to add a budget-busting $1.45 billion urban spending amendment to the bill. To their credit, the Appropriations Committee also included language to allow the President to decide exactly how much of the funds needed to be spent. It was not a perfect outcome, but at least the Senate bill gave the President the flexibility to ensure the funds could be responsibly spent.

Unfortunately, the bill that has emerged from conference eliminates most of the President's discretion to spend the funding. The Summer Youth Jobs Program is now a $675 million take-it-or-leave-it package. The President must declare the entire amount an emergency in order to bypass the budget caps or none of the money can be spent.

Not only does the bill limit the President's discretion, it no longer contains language to target the summer youth employment to the areas with the most serious unemployment problem. Instead, funding will be spent according to the current Job Training Partnership Act formula, which will do little to alleviate the youth unemployment crisis in our cities.

The level of funding included in the bill—$675 million—would double the current size of the jobs program. Now, is there anyone who really believes that amount of money can be spent effectively and efficiently during the remaining weeks of summer? Certainly, the Department of Labor—the experts here—say it is impossible.

Head Start, the Chapter I Summer School Program, and the Weed and Seed Program have also been bundled together in a $750 million dollar take-it-or-leave-it package. Again, the President must declare the entire $750 million an emergency to avoid busting the caps or none of the funds can be spent.

No doubt about it, these are all good programs that deserve more money. In fact, the President likes Head Start so much he has asked for a $600 million increase in next year's funding. The difference is the President's proposed increase does not require writing another big fat IOU to our grandchildren. Instead, the President responsibly funds the Head Start increase within the domestic caps by shifting funds from lower priority programs.

Sure, paying for new spending requires making tough choices, but that is what Congress is going to have to start doing if we are every going to balance the budget. Remember all the talk we have heard recently about the balanced budget amendment? Looks like it is just more happy talk from a Congress hooked on spending.

As it now stands, the conference report is veto bait—pure and simple. So, instead of passing a clean disaster assistance bill, a bill that would have been signed into law 2 or 3 weeks ago, Congress is back to the same old games, trying to outcompassion the President with the only yardstick of compassion many around here know—and that is how much money is spent or the cash resister approach. That is politics at its worst. Unfortunately, the big losers in this game will not be the Congress or the President, but the innocent victims of the California riots and the beleaguered residents of our country's inner cities.

THE MEDIA AND URBAN POLICY

Mr. DOLE. Mr. President, I would like to bring to the attention of my colleagues an insightful opinion piece that appeared in the May 27 Washington Times. In that piece entitled "Media Marching in Parade of Mayors," L. Brent Bozell makes several important points about spending on urban programs, about the responsibility of our Nation's inner city mayors, and about the pack mentality that pervades much of American journalism today.

No doubt about it, America can do better when it comes to promoting urban vitality and racial harmony. However, simply blaming Republican Presidents for so-called urban decay will not wash and will not get the job done. As Mr. Bozell argues, don't the Democrat mayors who have governed most of America's biggest cities bear any responsibility for the state of affairs in urban America? To spin the urban affairs story their way, some activists have resorted to describing multibillion-dollar spending increases in food stamps and public housing programs as "brutal cutbacks"—and as Mr. Bozell argues, many members of the media have played along and left misrepresentations unchallenged, as they so often do when they represent the liberal view.

Mr. President, I ask unanimous consent that the article by Brent Bozell be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, May 27, 1992]

MEDIA MARCHING IN PARADE OF MAYORS

(By L. Brent Bozell III)

The May 16 "Save Our Cities" march on Washington was a celebration of liberal journalistic activism, on the news and behind the scenes. The march was the brainstorm of Osborn Elliott, a former editor in chief of Newsweek (1961–1976). In Newsweek's April 8, 1991, edition, Mr. Elliott called for a march on Washington because "brutal cutbacks in federal aid for schools, housing, food stamps, mass transit and social services have taken a terrible toll."

One wishes Mr. Elliott had tried to explain how, for example, food stamps received a "cut" from $13.3 billion to $22.7 billion from 1989 to 1992. Federal public housing money got "cut" from $12.5 billion to $15 billion. Let the march begin, he declared, and his media friends got in line.

Tom Oliphant, a former Washington reporter for the Boston Globe, wrote a column embracing Mr. Elliott's decidedly non-objective methods: "Oz Elliott is not just the defiant lover of cities who conceived this weekend's march a year ago . . . He is also the former editor of Newsweek who, in the 1960s, was perhaps the most important leader in journalism's vibrant awakening to the urban crisis of that time."

Mr. Oliphant detailed the crusade: "Last summer, Elliott brought his idea of a march on Washington to the executive committee to the U.S. Conference of Mayors, meeting for a couple of days on Cape Cod. Thanks to another titan of journalism's activist period (The Globe's retired editor, Thomas Winship), Elliott was in touch with this year's conference president, Mayor Ray Flynn of Boston." Mr. Oliphant declared: "Isn't it wonderful that a giant of the 1960s returns in the 1990s to try to stir us up again?"

As the march approached, Mr. Oliphant called on the media to take up Mr. Elliott's banner and fight for more federal aid: "In the 1960s, Elliott's Newsweek pounced on the urban crisis like a tiger; race and poverty were covered in depth; once, every story in one issue was about America's agony. That was commitment; that was leadership. Today's journalism is corporate, timid and cynical."

The coverage of Mr. Elliott's march was indeed timid and cynical: It recycled all of the mayors' arguments and statistical claims without question. On ABC's "World News Tonight," Bill Greenwood declared: "They came from all 50 states, saying the federal government has not done enough to provide jobs, social services and adequate public safety. Over the last 10 years, federal aid to urban areas has dropped from $37 billion a year to just $13 billion."

On CBS, Jim Stewart read from the same press release: "Federal funding for urban programs plummeted in the '80s, from $37 billion in 1981 to $13 billion in 1993. Or, put another way, the cities' share of the federal dollar shrunk from 19 cents to just 6 cents. What the mayors and those marching want is to reverse that trend, starting with a $35 billion crash program to create jobs, to help improve public safety, and rebuild the neglected inner cities. Get the money, they say, from the Pentagon."

On NBC, reporter Henry Champ followed the organization line: "According to a Senate committee, federal money to the cities has been rapidly declining. In 1981, Washington gave $37 billion to urban projects. In 1993, the total will be $13 billion. Key programs, those aiding poor families and helping fight crime, drugs, and unemployment, have all suffered cutbacks."

The enormous question Mr. Elliott's yes-men in the media failed to ask: Where did all that federal money go? And what, if anything, did it accomplish? Instead, all the reporting focused only on "cuts" in urban programs. Take one program that was eliminated in the 1980s, Urban Development Action Grants. After the program was exposed as a boondoggle that built Hilton hotels instead of helping any city's needy, even Democrats favored its abolition.

And that's the other dirty secret those reporters failed to mention: Democrats had something to do with any budget cuts that occurred. As usual, the reporters ignored the fact that no program was cut in the '80s without the approval of a majority of the Democrat-controlled House (and beginning again in 1987, the Senate). You wouldn't know that from ABC's Jack Smith: "During the 1980s, three Republican administrations slashed aid to the inner cities."

Today's media don't care as much about the cities as they do about Democrats' political fortunes. After all, if the cities have been deteriorating for the last 25 years, the question becomes: To which party do the big-city mayors of the past 25 years belong? Don't they bear any responsibility for what happened to their cities in the '60s, '70s and '80s? But Americans can't expect the liberal media to be hard on their own.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Massachusetts.

URGENT SUPPLEMENTAL APPROPRIATIONS—SUMMER JOBS

Mr. KENNEDY. Mr. President, I heard with great interest the comments of the minority leader addressing the actions which were taken here on the floor of the U.S. Senate on a bipartisan basis, just over 2 weeks ago. At that time, the Senate accepted a proposal that was put forward by myself and Senator HATCH, to fund time-sensitive programs that would reach out to the most vulnerable people in our society, poor children. There children were to be helped and assisted through the Head Start Program, the title I Education Program and the JTPA Summer Youth Jobs Program. We hoped to reach children who have been receiving help and assistance during the course of the school year and to maintain that kind of support and assistance over the summer. This effort is necessary because for example, the Summer Youth Program, reaches only one-half of the number of children that were reached 10 years ago—a cutback of one-half.

I do not know where the minority leader is getting his facts and figures, because the Summer Jobs Program proposal had been sounded out with the Labor Department and they indicated to us they could quickly expend substantial additional funds. I do not know where the minority leader was when we heard from Sam Skinner 1 week ago who said we could spend at least $500 million. I do not know where he was. But that is what Sam Skinner has stated on behalf of the administration—they can spend the $500 million.

I do not know why it is politics when the position of the minority leader was rejected—rejected. All of us have been around here long enough to know you keep battling and battling. And I respect the fact that he is battling to sustain the position that was rejected by a vote of 62 to 37 here on the floor of the U.S. Senate just a few weeks ago.

But I do not know why it is, Mr. President, that we are being responsible when we put billions of dollars into SDI and we are responsible when we have more B-2 bombers, but somehow we are irresponsible when we try to reach out a hand for children in Head Start programs or the young people in the Chapter 1 Program. That is politics. That is politics. As long as you support the spending of billions of dollars in SDI programs and B-2, you are a statesman, and you are economically sound and you are responsible. But you try and reach out to the children in many of the areas of this country who are being denied hope and opportunity, then you are somehow irresponsible.

We have seen the President of the United States declare an emergency four different times affecting interests of the United States overseas; four different times. Why is it that you can declare an emergency four different times overseas and you cannot look out for the youngest and most vulnerable people in our society back home? I say that is hogwash. That is hogwash. And any time that the minority leader wants to debate this issue, we will be glad to do it.

But we are not going to be intimidated by some kind of smokescreen being put out here by the administration 30 days ago—30 days ago. We were not going to get action. We were not going to get action. We would have gotten action if the administration had given us any kind of help and support over the period of the last few weeks.

I have attended meetings with Mr. Darman and Mr. Skinner and Secretary Kemp. I attended those meetings. And if they had given any indication at all, any willingness, any response to the fundamental question that was asked time and time again "How can we try and work this program out, how can we try and fashion a bipartisan program?" Their answer was "Oh, well, we have to wait now. We have to really take a look at this outside of the time-sensitive context. We cannot move forward."

Mr. President, I do not believe that those arguments are going to stand with the American people.

I do not think that they should. And I do not think that they are an accurate portrayal of the efforts that have been made over the period of the last 4 weeks, by Members of both parties, in attempting to respond initially—just initially—to the sense of "a decade of decay" in the cities of this country and especially to target help to children in the cities. That is what this program is about, effectively: to reach out to children. They do not vote. They do not vote, and they do not make the large campaign contributions, which is part of the reason that their voices are muted.

But there is a time when we have to stand up for them, and I believe that this is such a time.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, nothing gives me greater pleasure than to sit here and watch my colleague from Massachusetts show some emotion. And I have been accused of being led astray by him on more than one occasion, I want everybody to know. But that very seldom is the case.

I have to say I agree with him on the $1.45 billion for children's programs. We are talking about Head Start. We fund 40 percent of the kids who really could be on that program—40 percent. The President acknowledges that. Everybody acknowledges that.

On chapter 1, there is no question it works; Head Start works. The President supports that—it helps children. Chapter 1, the President supports that program. Summer youth jobs? Who could not support that program? And then we have weed and seed. That is the President's program. So those four programs are in this $1.45 billion.

I have to say that my esteemed colleague from Massachusetts would have spent much more than $1.45 billion. But I also want to say that his side is not totally justified on this. I have sat in on some of these meetings, too, and I am willing to stand with him on the $1.45 billion because I think it is little enough for these inner cities at a time when they need so much help.

But I have also sat in on these meetings where the administration has advocated for inner city enterprise zone legislation and, I have to say, I think the distinguished Senator from Massachusetts would support that legislation on the snap of a finger, because that also may be of tremendous assistance to the inner cities. It is something that is a new idea, a new approach, that really has a lot of bipartisan support; not just Republicans, but Democrats as well.

But I think some of the Senator's colleagues and the leadership of both Houses are so afraid to do this for fear that people will think that the Republicans finally got an idea that passes and works in the inner cities.

I just wanted to spell out it is not just a Republican idea, although I think Republicans have been at the forefront of promoting it. There are a lot of Democrats out there who believe if we would move to enterprise zones we would resolve many of these inner cities' problems, and we would resolve them better than by just adding more money to these problems.

I happen to believe we need to do both, and I commend my distinguished colleague from Massachusetts for his energy and his efforts in trying to at least do the one side of it. As I have said, I do not think he is in the roadblock in the attempts of many of us to accomplish the other side through enterprise zones.

Some people have difficulties with Secretary Kemp. I do not. I think he is one of the innovative, bright guys in this society today—in this enterprise zone approach, basically.

He studied the English approach to it, and has been advocating it for many, many years, and he deserves a lot of credit for it. and I think, to his credit, he tried to make it a bipartisan approach, as well.

So I would like to see this matter resolved. I would like to see the White House and the lions up here on Capitol Hill get together and resolve these problems. I would like to see us put it together, because we are living in a country where the inner cities are falling apart; especially the major inner cities.

We are living in a country where the inner-city drug problems, the inner-city unemployment problems, the inner-city health problems, the inner-city recreational problems—you can name almost any other problems—are almost insurmountable. We can ignore them because many of these people do not vote, or we can try to do something intelligent about these problems.

The distinguished Senator from Massachusetts and I have tried to do something intelligent about them. We would like to spend $1.45 billion. It really is a drop in the bucket compared to the good it could do at this particular time in our country's history.

On the other hand, I would like to encourage the leadership of both Houses to meet with the President and get it done with regard to enterprise zones, as well. Let us do both sides of the equation. It means spending a little more money. It means working together in a bipartisan way. But I think in the end we would all be better off.

It is not a simple question of whether we spend money on the military or whether we spend money on something else. We are spending money on a lot of programs, almost all of which have merit, almost all of which have constituencies, almost all of which have a reason for being in existence.

But we never make priority choices among competing programs in these two bodies; we just fund everything. That is what we were doing for the last 60 years, and I think it is time to start making some priority choices.

One of the priority choices I would like to make is what the distinguished Senator from Massachusetts and I have put through the Senate, and that is the $1.45 billion for the inner cities, for Head Start, chapter 1, summer youth jobs, and the Weed and Seed Program, not one of which anybody can disagree with; every one of which everybody would have to admit would do some good in our inner cities at a time when we need that good to be done.

I call upon my colleagues on both sides to take the enterprise zone language the White House would like to have. It is worthwhile. I do not think the matter is going to be presented as a big victory for the President or a big victory for the Republicans at all. I think it would be a big victory for the cities and a big victory for those who are suffering most in the cities.

So I hope we can put this together, and I hope this bill does not have to be vetoed. But if it is, then I hope we will go at it again. Because I will stand with the distinguished Senator from Massachusetts on that $1.45 billion. I think it is critical to this country at this time. I am a conservative; he is a liberal. I would like to conserve spending. I would like to live within our means.

But I think, over the longrun, helping those within our inner cities, especially these inner cities that have the problems like Los Angeles has exhibited—I think helping them is a farsighted view. Then again, just throwing money at the problems is not the answer. This is not throwing money. These are successful programs I think almost everybody in the Congress would have to admit are worthwhile. We still do not have enough money to make them work to the fullest extent they could. And this money will not make them work to the fullest extent; it will just help a little bit more at a time when a little bit more help is needed.

So I commend my colleagues from Massachusetts, and I stand with him on this call upon everybody to look at the enterprise zone side of it, as well, and see if we can, in a bipartisan way, put it together and avoid a veto and do what really is right.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just make a brief comment. I want to express my very sincere appreciation to the Senator from Utah for his comments. On the particular amendment, it was passed in the Senate 62 to 37—62 to 37. And I daresay that that measure would not have been favorably considered if it had not had the strong support of the Senator from Utah, and the leadership of the Senator from Utah.

I would like to believe we might have been successful in better targeting the funds in the amendment, but I do not think we could have been. I know that his State does not benefit nearly as much as some other States. And I really express my admiration for him and for his support of the amendment.

I want to say finally that, with regard to the supplemental, the conference report was signed by Senators HATFIELD and SPECTER, two Republicans from the Senate who have supported the amendment as well. I was there at the time the conference was meeting. They indicated strong support for the assistance to children. I think the RECORD ought to reflect that.

Finally, on the issue of enterprise zones, I believe that they must incorporate public investment in programs that work, such as Community Development Corporations—CDC's. Two of the most successful CDC's have been the Bedford-Stuyvesant program in Bedford-Stuyvesant, New York and the East Los Angeles program. The basic legislation for that was started 25 years ago—27 years ago—by Senators Robert Kennedy and Jacob Javits. I had the opportunity recently of speaking at the 25th anniversary of the Bedford-Stuy Program. It has a range of different programs to reach out in a very comprehensive way to the communities. I will just mention one very important program.

They had an allocation of resources for the modernization of the streets in Bed-Stuy. There was a pool of money, about $6 million or $7 million. In order to qualify for the modernization of the particular street, 85 percent of the people on the street had to sign up to improve the appearance of their homes.

The average grant was anywhere between $250 and $450, and community residents either had to do the work themselves or get someone on the street to do the work. There was no funding unless 85 percent of homeowners were really going to do it. So it really took local initiative to go out there and get 85 percent of the people living in those homes to sign up.

The first year they did the program there was an enormous amount of effort, by people who were supporters of Senator Robert Kennedy and believers in this program, to try to get 11 streets to sign up. They got the 11 streets to sign up. The next year they had about $15 million, and they had 150 streets sign up. And the next year they had $25 million, and they had 600 streets sign up. All by local initiatives.

They had a big rally where they selected the various streets for home improvements by lottery—it was the most exciting thing that had happened in that community in years. This is just one amazing, single example of what the CDC programs can bring to a community through the private sector working in joint ventures with the locally elected CDC boards. It there has been a mistake, it is that the CDC Program has been attacked, assaulted, and underfunded over the period of the last 12 years.

Mr. President, I am strongly committed to enterprise zone legislation if we are also talking about public investments like CDC's in the zones. During the course of the various discussions with administration officials, I think Senator RIEGLE, asked Mr. Darman what the administration was prepared to do in terms of enterprise zones, and it was one of the longest pause that I have heard. And I still have not heard the answer. There was some indication that, well, what we might do is cut back funding for some existing programs so that we can rechannel and funnel the money into the enterprise zones.

Well, we had just gone through that exercise last year in the infant mortality debate where the administration announced dramatic infant mortality programs for the country of, I think it was, $57 million. And the way they were getting the funds was by cutting back on the community health centers, which are the principal instrument of delivering primary health care to medically underserved areas, saving some 6.5 million Americans. The centers are the ones who are trying to treat expectant mothers. It made absolutely no sense at all.

So I, as one Member of this body, want to indicate that I could certainly strongly support the enterprise zones coupled with public investment in the zones. I think the kinds of questions that the chairman of the Banking Committee, Senator RIEGLE and other members of the Banking Committee, asked in terms of what the administration wants to do are fair, and I think it is fair enough to try to get some responses to those questions before we are prepared to move forward. I, for one, certainly hope we can. But to indicate that you are going to hold this program hostage, which is basically what the minority leader is stating, we are going to hold this hostage until you get action on a program when they are not prepared to give us answers, is I think, a bankrupt policy.

I hope, Mr. President, that we will be able to at least get action by the Congress on the supplemental. Time is moving. Most of the public schools are closing down after a week, another 10 days, 2 weeks. The opening is still there, but it is closing rapidly. I think there is the intention by the leadership in the House to address this bill later on in the week, and I am very hopeful that they will.

I reserve the remainder of my time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I did not intend to stir up all this debate, but it is something to do around here. It probably beats a quorum call, but it is close.

In any event, I think the administration still is in the position they would like to resolve the problem. But to tell the President he ought to bust the budget by $2 billion is not really a solution.

I understand the supplemental appropriations conference report may come up in the House this week, but I do not think they have the votes to pass it because a lot of them are a little concerned, too. They are watching the polls. They are seeing the frustrations of the American voters. They know the American people finally caught up with Congress. We keep spending money we do not have. And even the American people are now saying, "Hold on. How are you going to pay for it?"

All of this talk of my colleague—somebody said, "How are we going to pay for it? Just charge it up to the next generation of people?" That is all the President is insisting on and a lot of Republicans and Democrats are insisting on: If you are not going to pay for it, at least give the President discretion to spend it or not spend it. He is willing to take the heat. But do not say he must spend it, take it all, or leave it all.

It seems to me if those who were in on the conference would like to move this off dead center, they could reconvene the conference, make the necessary changes, and the President could sign it, and we could get money out for summer programs. But as I predicted 30 days ago, this is precisely what is happening. Everyone wants one-upsmanship, too many people, particularly the liberal press. And that is what has happened. We have a $4 trillion debt, but adding a couple billion more to a $4 trillion debt, that is nothing; do not worry about it. I do not suppose we will worry about it, but the next generation will.

It seems to me we are missing a point, saying how great these programs are, unless you also say we are willing to pay for them. I think that is the only problem the White House has and the American people have. And once we can resolve that, we are prepared to move it; otherwise, we have the votes to sustain a veto. And we hope the Democratic leadership in the House and Senate will at least give us a chance to take action on the supplemental appropriations bill this week. If it has to be vetoed, OK, sustain the veto. We can work out something to get money to these innocent victims in Los Angeles and the other beleaguered inner cities around the country before the summer is over. It is already June, and if we continue to posture and play politics, there may not be any benefits coming to young people or anybody else in those cities.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to come back again to the point that somehow this is unnecessary spending, unwarranted, or somehow unjustified but that other priorities of the administration were justified. This point was, I think, very eloquently and accurately refuted by the chairman of the Appropriations Committee. I would like to just refer to Senator BYRD's statement because many of us believe that this amendment makes more sense than what the administration has offered in its budgetary proposals to run up the debt.

The administration provided $59 million for increased security costs for embassies and other facilities in the Persian Gulf. In fiscal 1991, the administration used its authority to forgive the debt of foreign countries of $11 billion; $6.7 billion for Egypt—as Senator BYRD points out, "I did not vote for it; I voted against it."—$6.7 billion for Egypt, $2.4 for Poland, 32 countries receiving $2.55 billion in debt forgiveness under various authorizes.

Now, if the Senator from Kansas thinks that is more important than trying to deal with the young people in this country, so be it. But why is that not politics? To the Senator from Massachusetts, the Senator from Utah, that is politics. That is politics. But, oh, my goodness, when the administration itself has declared these emergencies, spending hundreds of millions of dollars, that is not. That is not. Or billions of dollars in foreign loan forgiveness, that is not. It seems to me that we ought to be looking after the people there at home and particularly the young, the innocents in those cities and in those communities. You are talking about poor 3- to 5-year-old children in Head Start. They are not those who were involved in the violence. You are talking about those in the first and second grade, third grades in the Chapter 1 Program. They are not the ones who were involved in the violence.

You are talking about summer youth programs that have been cut in half over the period of the last 10 years. And you are talking about weed and seed, which addresses law-enforcement problems and tries to deal with the problems of gangs, which, in many instances, were the perpetrators of the acts.

It just does not add up, Mr. President. On the one hand the President wants various foreign aid forgiveness programs. He says we will make those budget emergencies. The American taxpayer will have to pay for those. It will be in the future. But I am sorry, Congress, the $1.4 billion in terms of investing in children in this country is illogical spending.

I just do not believe that the American people are going to buy that.

Mr. President, I withhold the remainder of my time.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I suggest the absence of a quorum.

Mr. KENNEDY. On whose time, Mr. President?

The PRESIDING OFFICER. The time will run against the 30 hours on cloture, not charged to any individual Member.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I seek at this time to speak in support of this conference report. I ask to be able to speak in behalf of this conference report.

The PRESIDING OFFICER. The Senator has that right.

Mr. LOTT. Could I inquire, Mr. President, are there any time limits at this time or are we just in 1 hour of debate time? Is it charged to either side? Exactly what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is operating under cloture. The Senator has 1 hour of debate.

ADAMHA REORGANIZATION ACT, S. 1306—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. LOTT. Mr. President, I want to speak in behalf of the conference report accompanying S. 1306, which would provide for the restructuring of the Alcohol, Drug Abuse, and Mental Health Administration. I think that this is one of the Federal Government's programs that has done a good job. It reaches out to people across this country, in rural and urban areas alike. It helps countless communities deal with very difficult problems related to alcohol, drug abuse, and mental disorders.

The Federal Government plays an important role in many areas, and in this instance it is essential to have Government support if we are going to treat some of the ills we have in America. Without the Federal role, and without the Federal participation, we probably would not have adequate programs to treat alcohol, drug, and mental health problems.

So I think that this is a good investment of Federal dollars, and I support this program. I know how detrimental the problems of alcohol abuse are to families and communities. I know also that there are many things that can be done. There are various treatment programs available. There are also counseling programs that are most beneficial.

One of the first drug abuse programs in the United States to receive Federal funding is located in Gulfport, MS. They have done a fantastic job with their program. When you look at the statistics, however, nationally, the picture is still horrifying.

A 1990 national household survey of drug abuse showed that 37 percent of the household population to age 12 and older in the United States reported use of one or more illicit drugs; 13 percent had used illicit drugs in the past year; 6 percent had used illicit drugs in the last month; approximately 83 percent of the households in the United States have experienced problems with alcohol abuse; 51 percent had this problem within just the last month.

The statistics revealing a high percentage of drug abuse go on—whether it is marijuana or cocaine. The percentages are also high for problems with mental health which include schizophrenia, acute depression, and psychosis. There are a long list of programs that we need in this country, to address such concerns.

This piece of legislation is for reform and reorganization. The truth of the matter is that the only complaint about the bill today is the formula for distribution of funds. I understand that there are some States that lose some funding, but this is kind of like two kids in the sandbox fighting over who has the most sand in their bucket. You have more than I have, so I am going to throw sand in your eyes.

At the same time, this is a program that needs to go forward. I admit that my own State of Mississippi would get a significant increase in funds under this reorganization. Let me tell you that we need it too, desperately. So while I understand the concerns of some of the States who would lose funds, the great majority of us feel the program is essential. We need to go forward with it, and we feel the formula is a fair one.

It does have reforms in it. Some of the questions that have been raised about administration, the effectiveness of the programs, and research efforts, are addressed in this conference report. So I endorse this reorganization act. I urge my colleagues to support it.

There is no question that we can and should do more to help people with alcohol, drug abuse, and mental health problems. This particular bill will help with that effort, so I wholeheartedly support it.

I yield the remainder of my time, Mr. President.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

QUORUM CALL

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Is there objection?

Mr. GRAHAM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Adams
Burdick
Byrd
Graham
Hatch
Kennedy
Kerrey
Kohl
Lott
Mitchell

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. MITCHELL. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "nay."

The result was announced—yeas 88, nays 6, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—88

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn

Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—6

Craig
Gramm
Kasten
Mack
McCain
Symms

NOT VOTING—6

Gore
Helms
Pell
Specter
Wellstone
Wirth

So the motion was agreed to.

The PRESIDING OFFICER (Mr. KOHL). With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The question is on agreeing to the conference report.

Mr. GRAHAM. Parliamentary inquiry.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, what is the circumstance in terms of the completion of time under the previous cloture vote?

The PRESIDING OFFICER. Cloture was invoked at 3:05 p.m. The vote on the adoption of the conference report will occur no later than 30 hours thereafter.

Mr. GRAHAM. Mr. President, what is the current position of the Senate? What is the pending business of the Senate?

The PRESIDING OFFICER. The conference report on S. 1306 is the pending question.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, we had a debate earlier today on one issue relative to this legislation, and that was the appropriateness of adopting a new formula for the allocation of alcohol and drug treatment funds commencing as of July 1, 1992, assuming that this bill would become law prior to that date, and then causing a readjustment of funds in the last quarter of this current fiscal year for the duration of the current fiscal year; that is, to adjust the allocation which the States will receive in the last 3 months of this fiscal year in such a pattern that would reflect the pendency of the new formula throughout the entirety of the fiscal year. There was a proposal that this bill be returned to conference committee for purposes of delaying the effectiveness of that formula until after the completion of this fiscal year. That failed, and thus we are now on the final consideration of this bill.

I will wish to speak later on some more specifics relative to the issue of the formula distributions, but I did not wish the Senate to feel as if that were the only issue that has created question and controversy relative to this matter.

There is an item in this bill, Mr. President, which relates to the utilization of methadone as a medication for persons who are addicted to various drugs. It is my understanding that matter was not included in the legislation which passed the House of Representatives. I am quite confident that it was not included in the legislation which passed the Senate. Therefore, we are dealing with a proposal that has not been subjected to debate in either the House or Senate as to its worthiness. This provision, Mr. President, I would like to bring to the attention of the Senate both as to its substance and then discuss some of the policy implications which are going to be raised both here and in the House of Representatives.

We are speaking of subpart 2, which is on page 93 of the report entitled, "Interim Maintenance Treatment of Narcotics Dependents. Section 1976. Interim Maintenance Treatment. A. Requirement regarding the Secretary."

> Subject to the following subsections of this section, for the purpose of reducing the incidents of transmission of HIV disease pursuant to the intravenous abuse of heroin or other morphine-like drugs, the Secretary in establishing conditions for the use of methadone in public or nonprofit private programs of treatment for dependence of such drugs shall authorize such programs * * *.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LETTERS FROM FLORIDA

Mr. GRAHAM. Mr. President, I would like to share some additional evidence on how the ADAMHA conference report will negatively impact the State of Florida.

First, I would like to read a letter from the Governor of Florida, Lawton Chiles, a former colleague in the Senate, expressing his concern over the ADAMHA conference report.

Hon. BOB GRAHAM,
Dirksen Senate Office Building,
Washington DC.

DEAR BOB: I am deeply concerned about Florida's capacity to maintain critically needed public alcohol, drug abuse, and mental health services because of provisions contained in the conference report on S. 1307, the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA).

If this conference report is approved by Congress, Florida will lose approximately $16.5 million in its share of Alcohol, Drug Abuse, and Mental Health Block Grant, retroactive to October 1, 1991.

As you know, Florida is facing a severe budget crisis at the present time. I have called a Special Session of the Legislature for June 1 to deal with this crisis. A reduction in ADAMHA funds of this magnitude will exacerbate this problem and deal a devastating blow to our ability to maintain the current marginal levels of critically needed alcohol, drug abuse, and mental health services to the many persons unable to afford private care and who do not qualify for Medicaid or Medicare.

The conference report on S. 1306 is scheduled to go to the floor of the House tomorrow and the Senate on Wednesday. I strongly urge you to vote against the conference report and vigorously seek to have it returned to the conferees with instructions to modify the bill to hold states' awards harmless from a midyear retroactive reduction. Clearly, such a provision is unfair to states like Florida which are unable to free up additional state funds for these badly needed safety net programs.

Enclosed, for your use are talking points on how S. 1306 will impact our State. I very much appreciate your attention to this request and your continued willingness to work for Florida's citizens in need.

With kind regards, I am

Sincerely,

LAWTON CHILES.

The Florida State Department of Health and Rehabilitative Services also has grave concerns about the passage of this conference report.

Secretary Robert B. Williams writes:

Hon. BOB GRAHAM,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: This is to provide you with information specific to Florida's Alcohol, Drug Abuse and Mental Health (ADM) Program to be used on Tuesday and Wednesday, May 19 and 20, when the House and Senate are scheduled to consider the Conference Report on S. 1306, the Alcohol, Drug Abuse and Mental Health Reorganization Act.

The loss of $16,505,000 in the Federal Fiscal year 1992 ADM Block Grant award will have a serious and irreparable effect on Florida's ADM service delivery system. This reduction is occurring simultaneously with shortfalls in the projected amount for Florida's general revenue collections. Substantial state funding reductions for ADM services are proposed by the Legislature for state fiscal year 1992–93 to maintain a balanced budget. It is unlikely that state revenues will be available to makeup the funding loss in the ADM Block Grant. Consequently, the loss of $16 million significantly diminishes the continued availability of services to citizens who desperately need them.

For mental health programs, the reduction of $4 million will result in services not being available to an estimated 3,436 seriously emotionally disturbed individuals requiring a range a community support services in order to live in their community. The reduction of $12.5 million for substance abuse programs is even more severe. It will result in services not being available to an estimated 1,383 alcohol and drug-abusing/addicted individuals requiring a range a community-based treatment services. The full range of community-based treatment programs will be affected, both by reducing capacities of some programs and closure of others.

The attached summary provides additional details about the effect of the reductions. Certainly, a reduction of this magnitude will manifest a negative consequence on virtually every one the issues of concern in the conference bill. It will damage our ability to improve efforts directed toward the special populations identified in the bill and to comply with the many assurances the bill requires of states.

We consider it unconscionable to place a retroactive effective date of October 1991 for implementation of the new formula. Literally taking back $16 million of Florida's grant award, with only four months in the grant year left to obligate the funds under statutory requirements of a one year obligation period, is unsound and unfair financial practice. As you are aware, states have been under considerable pressure to draw down funds during the current grant year. In effect, this has forced Florida into an accelerated spending rate, when compared to the prorate amount we would have spent based on the federal fiscal year 1991 award amount, to comply with federal statute. Now the bill would require us to give up funds the previous statute required us to obligate.

We would appreciate any change you can accomplish to improve our funding situation. Most ideal would be either to alter the formula approved in the bill, or to obtain an amendment which would change the hold harmless effective date to the original FY 1992 allocation level, rather than the 1991 funding level. If this is not possible, at a minimum, it is desirable that an amendment be added to the bill to stipulate that the FFY 1992 grant awards will not be revised. In this case, the effective date for implementing the new formula needs to be FFY 1993, consistent with all other provisions of the bill.

We respectfully appreciate your efforts on behalf of obtaining changes which would minimize the effect of S. 1306 on Florida's ADM system. Please let me know if I can assist further in this respect.

Sincerely,

ROBERT B. WILLIAMS,
Secretary.

SUBSTANCE ABUSE SERVICES ADAMH BLOCK GRANT REDUCTION

The reductions of $12,502,538 in ADAMH Block Grant funding for Substance Abuse Services in FY 1992-93 and the future are as follows:

Impact on continuation base funding, $7,439,702:

Residential Services.—These services include detox, short- and long-term residential and half-way house services. This will eliminate 202 beds providing services to about 1,383 clients for a total of $4,529,764.

Outpatient Services.—These services include counseling, testing, methadone treatment, aftercare, case management and day treatment services. This will eliminate services to about 2,416 clients for a total of $1,509,938.

Over 3,000 clients are on waiting lists statewide for residential and outpatient services at this time. As a result of the above reductions, statewide waiting lists will increase by over 100 percent.

Loss of Florida Addiction Treatment Center, the only statewide facility exclusively for substance abusers with mental health problems (dually diagnosed). This loss results in 450 clients not receiving services.

Based on the above reductions, 64 percent of all clients statewide, 2,719, are criminal justice involved. Without the benefit of substance abuse treatment, these clients will likely continue criminal activity.

Approximately 32 percent of all clients statewide are at risk for HIV as a direct result of their substance abuse. Given the sex-for-drugs trade and sharing of injection equipment, these high-risk individuals are increasingly in danger of both contracting and spreading this disease. Based on the above reductions, 1,360 clients at high risk of, or infected with, HIV will not receive needed substance abuse treatment.

Impact on new services, $5,062,836

Residential Services.—$3,797,127 in anticipated funding, now eliminated, could have served about 1,161 additional clients in 170 beds.

Outpatient Services.—$1,265,709 in anticipated funding, now eliminated, could have served about 2,024 additional clients in outpatient programs.

ADULT MENTAL HEALTH ADAMH BLOCK GRANT REDUCTION

The following summarizes the estimated impact of a $4,002,463 reduction in the ADAMH Trust Fund on Adult Mental Health Services:

Reduced Service Units.—An estimated 86,358 service units will be lost leaving 3,436 individuals unserved.

Service Center Reductions.—The block grant reduction will affect adult mental health's ability to provide the following services: assessment; clozaril; day/night; intervention services in the jails; outpatient treatment; overlay services to nursing homes and adult congregate living facilities; and all levels of community residential services.

Additionally, this ADAMH block grant reduction could place the department out of compliance with the *Johnson vs. Bradley* stipulated agreement and with the *Sanbourne vs. Chiles* negotiations. This could result in a federal court take over of adult mental health services in Florida and resulting in a multi-million dollar additional cost to the state's taxpayers.

Most adult mental health major initiatives will be set back particularly the reduction the state mental health treatment licensed bed capacity to 15 licensed beds to 100,000 population. By reducing the ability of communities to serve people with serious mental illness, increased utilization can be expected in mental health institutions and crisis stabilization units, all of which are already over capacity.

Also, this current reduction could cause Florida to lose additional ADAMH Block Grant by forcing the state to be out of compliance with Public Law 99-660.

At this time, I would like to read an article from the St. Petersburg Times that was published on May 20, 1992.

This article clearly expresses the detrimental impact of this legislation.

CUTBACKS THREATEN REHABILITATION PROGRAMS

(By David Dahl)

Treatment for thousands of mental health, alcohol and drug abuse patients in Florida is jeopardized because Congress wants to take back $16.5-million in federal money that state officials had been expecting.

Combined with slashes in state spending, the news from Washington may mean the elimination of anti-drug programs in the Pinellas and Pasco county jails, shut down of the Florida Addiction Treatment Centers in Avon Park and cutbacks in several other programs.

"It is unlikely that state revenues will be available to make up the funding loss," Bob Williams, secretary of the State Department of Health and Rehabilitative Services, wrote lawmakers this week.

Williams warned that the cutbacks will mean that 3,436 emotionally disturbed people would lose mental health services. Slots for another 1,383 people in drug and alcohol abuse programs would be lost, he said.

On Tuesday, the U.S. House temporarily blocked the legislation that would create the shortfall after objections from Florida's congressional delegation and lawmakers concerned about an unrelated aspect of the bill.

U.S. Rep. Michael Bilirakis, R-Fla., demanded a recorded vote that helped stop the bill for now.

He wants to meet with the authors of the legislation about the "unfair" reduction, said spokesman Steven Cohen.

But the main sponsor, California Democrat Henry Waxman, isn't ready to change the bill and likely will push the legislation through within the next several weeks, an aide said. It would then go to the Senate.

From Florida's standpoint, one problem in the bill is a spending formula that favors rural states in allotting money for alcohol, drug abuse and mental health programs. The formula puts emphasis on states with urban populations age 18 to 24—again, no help for Florida and its large aging population.

But the state has a more immediate problem. While lawmakers worked on the new formula, Florida was allotted about $79-million for the abuse and mental health programs for this year, based on an old formula. But now that the new formula is done, the state is due only $63-million.

So Florida would owe $16.5-million, an amount that would be taken out of the quarterly payment the state gets this summer. The problem is though, that state officials already had plans for the federal money.

"Right up until Friday evening, there was no indication that this would be taken away," Martha Lenderman, a state mental health and substance abuse program supervisor for Pinellas and Pasco counties, said in a telephone interview. "It's reneging on what we considered a real commitment."

But in Washington, Waxman pointed out that the federal government had once warned Florida officials that the state's allotment for the coming year could change. So, they shouldn't have been expecting the money.

Waxman's home state of California would lose just $1-million next year under the bill. He sat on the House-Senate conference committee that crafted the federal legislation—and no Floridian did.

If Congress allows the shortfall, the money crunch would be in the hands of the Florida Legislature. But money is tight in Tallahassee, so Lenderman on Tuesday sent out letters to Pinellas-Pasco substance abuse and mental health agencies telling them of this summer's pending closures.

The Ocala/Marion County Community Council Against Substance Abuse wrote a letter that I would like to share with the Members of Congress.

Hon. BOB GRAHAM,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: First of all, on behalf of the Community Council Against Substance Abuse, let me thank you for your efforts and those of your colleagues for the many programs that Congress has developed to help our country deal with one of its most grave social ills—the abuse of alcohol and other drugs. These efforts have enhanced law enforcement, improved the courts and corrections systems, and funded numerous education, prevention and treatment programs.

However, at this time, we would like to express a concern regarding proposed changes in the formula by which Federal Block Funds are allocated to the states by the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA).

The proposed revision would result in a decrease of $12 million in funding for the State of Florida. Last year, Florida lost $7.3 million in Federal Block Grant funding for alcohol and other drug abuse services. This reduction occurred shortly after the issuance of a report by the Florida Alcohol and Drug Abuse Association that indicates Florida has an annual deficit of at least $500 million in providing treatment to those in need.

It is our opinion that Florida's needs are not addressed in the proposed formula for ADAMHA funding allocations. As such, we urge you to oppose these proposed changes. If the conference report on Senate Bill #1306 is taken up on the House floor, we request you ask for a roll call vote.

Perhaps the most important lesson learned through experience and research is that addiction is a disease that is both preventable and treatable. Although it is a complex and seemingly intractable illness that is caused and influenced by a myriad of factors, people do recover. Each time that happens, the benefits are exponential. Not only the addict benefits, but also the addicts children, family, employer and the community at large.

Your consideration of this suggestion is appreciated.

Yours very truly,

WILLIAM L. PATTEN,
Substance Abuse Prevention Coordinator.

The next article I would like to read is also from the St. Petersburg Times.

This editorial is appropriately titled "A Cruel Federal Cut."

A CRUEL FEDERAL CUT

A drug rehabilitation program in Pinellas County keeps substance abusers and their newborns together. The special needs of babies born to addicted mothers are tended at PAR Village, and the bonding helps speed the mothers' recovery.

Families who care for elderly mental health patients benefit from special attention themselves. Gulf Coast Jewish Family Services runs a geriatric care-giver support program that provides the encouragement and nurturing that is so critical to families facing such a challenge.

These are just two of the effective programs in serious jeopardy because of congressional action. The Florida delegation should scramble to stave off an impending loss of $16.5-million.

What makes this worse than most cuts in federal funding is that Florida already has received most of the money allotted for the current fiscal year, has planned for its use and, in some cases, already spent it. The federal government in essence would be asking Florida to hand the money back, an unacceptable request in any year but preposterous in this time of painful budget cuts at the state level.

The problem resulted from a restructuring of the formula used to distribute federal money, something that was not unexpected by officials who administer alcohol, drug abuse and mental health programs for Florida. Traditionally, the formula had favored states with heavy urban populations at the expense of more rural states, and there was a need to revise the distribution process to make it more equitable.

What wasn't anticipated and, officials say, was unprecedented, is the provision in the legislative package that would refigure Florida's 1991–1992 share under the new formula and require the state to return the difference.

"At no point did we expect they would take out the money we (already) were programing to spend," said Pam Petersen, deputy assistant secretary for drug and alcohol abuse at Florida's Department of Health and Rehabilitative Services.

A final vote on the package has been delayed in Congress. It should be sent back to conference committee and at the least, language should be restored that would allow Florida and 11 other affected states to keep this year's allotment.

That would give state legislators a little more time to figure how to make up for the loss of federal support. It also would give them more time to consider the suffering they cause by lacking the courage to accomplish serious financial reform.

The next few letters describe what will happen at the local level if this conference report is passed. First, I would like to read what Mr. Angelo V. Squatrito, the executive director of Jeff Industries Inc. wrote.

JEFF INDUSTRIES, INC.,
Hypoluxo, FL, May 20, 1992.

DEAR SENATOR GRAHAM: I am writing to let you know that the fifty (50) client/workers (seriously mentally ill) at Jeff Industries, Inc. (District 9, only psycho-social vocational center for the mentally ill) will probably be out of work (without services) if Conference Report on S. 1306 is passed by the House and Senate.

There are no alternatives for these and many other people like them, meaning all hope will be lost. This loss will result in a serious increase in hospitalization and crisis stabilization which will cost the State much more in the end and set back mental health services in this State twenty-five years.

We would appreciate any change you can make to improve our federal funding.

Sincerely,

ANGELO V. SQUATRITO,
Executive Director.

The next letter I will read is from Jack Barker, the chairman of the District Eight Alcohol, Drug Abuse, and Mental Health Planning Council. He wrote about the terrible effects of this conference report on southwest Florida.

ALCOHOL, DRUG ABUSE AND
MENTAL HEALTH PLANNING COUNCIL,
Fort Myers, FL, May 18, 1992.

BOB GRAHAM,
U.S. Senator, Dirksen Senate Building, Washington, DC.

DEAR SENATOR GRAHAM: We have just became aware that Florida will lose $16 million in Block Grant funds based upon the new distribution of alcohol, drug abuse and mental health support across the State in SB 1306. The effects of this loss will be felt in Southwest Florida.

Among the impacts will be the loss of detoxification beds in Fort Myers, the Venice drop-in center will close, adult outpatient counseling in Punta Gorda will be reduced, residential treatment beds will be closed in Naples and Sarasota. There will be services lost to over 4,000 clients and over 40 employees will be laid off.

We appreciate all of your efforts on our behalf to prevent or minimize the disastrous effects of this Senatorial action.

Sincerely,

JACK BARKER,
Chairman.

The chairperson of the Dade-Monroe Alcohol, Drug Abuse, Mental Health Planning Council also sent a letter expressing her deep concern. Dr. Elizabeth L. Metcalf wrote:

DEAR SENATOR GRAHAM: We are deeply concerned about Florida's capacity to maintain critically needed public alcohol, drug abuse, and mental health services because of provisions contained in the conference report on S. 1306, entitled the "Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act."

If this conference report is passed by the House and Senate, Florida will lose approximately 16.5 million dollars in Alcohol, Drug Abuse, and Mental Health Block Grant, retroactive to October 1, 1991.

As you may surmise, Dade and Monroe counties will face significant reductions in its alcohol, drug abuse, and mental health services which relies heavily on federal funding. More specifically, this will represent an additional reduction of 7 million dollars or (15.5%).

These federal cuts will impact nearly 20,000 consumers who rely on these services, and when added to the impact of impending state cuts, nearly 30,000 consumers will be affected and approximately 300 jobs will be lost to this district.

We would appreciate any change you can accomplish to reverse this situation. Most ideal would be either to alter the formula approved in the bill, or to obtain an amendment which would change the hold harmless effective date to the original FY 1992 allocation level, rather than the 1991 funding level.

We respectfully appreciate your efforts on behalf of obtaining changes which would minimize the effect of S. 1306 on Florida's ADM system. Please let us know if we can assist further in this respect.

Finally, it was good to see you again at the "Torch of Friendship" and thanks for your support.

Sincerely,

ELIZABETH L. METCALF, PH.D.,
Chairperson.

I also received an urgent letter from the Professional Comprehensive Addiction Services, Inc.

The chairman of the board, Gay Robertson-Reed, wrote:

Senator BOB GRAHAM,
Congress of the United States,
Washington, DC.

DEAR SENATOR GRAHAM: Please oppose the passage of S.B. 1306. This bill will result in a catastrophe in substance abuse treatment in Pinellas County. Programs will close and clients will be discharged with no place to get treatment. Our detoxification unit, outclient and residential programs cannot survive this loss.

The people who need care will not be the ones able to appeal to you. We appeal in their name.

Sincerely,

GAY ROBERTSON-REED,
President, Board of Directors.

The Pasco-Pinellas Alcohol, Drug Abuse and Mental Health Planning Council expressed how these cuts would affect these Florida counties.

Chairman Emile Laurino writes:

MAY 18, 1992.

Hon. BOB GRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: The Block Grant reauthorization formula for federal alcohol, drug abuse and mental health funding will come to the United States Senate for a vote on Wednesday, May 20, 1992. Your personal efforts in opposing passage of this bill (SB 1306) is urged.

This legislation will reduce federal funding to the state of Florida in the amount of $16,000,000 which is currently used to prevent and treat serious mental illness and substance abuse. In just Pasco and Pinellas counties alone, the service reduction will exceed $1,000,000.

Local services to be eliminated as a result of this federal funding cut include the following programs:

Elimination of all in-jail substance abuse and mental health treatment services and outpatient/casemanagement services to persons involved with the criminal justice system. We can expect drastically increased crime as a result.

Elimination of the Gulf Coast Jewish Family Services geriatric caregiver support team which will result in increased use of nursing home and other institutional care at greater cost to taxpayers.

Loss of crisis stabilization and other acute care beds for the most seriously ill persons in our communities resulting in increased use of more expensive local and state hospitalization.

These represent only a few of the service reductions which will result from the projected federal funding cuts. Please vote against SB 1306 and seek a roll call vote on the measure. We have never needed your help more than now.

Sincerely,

EMILE LAURINO,
Chairman, ADM Planning Council.

The final letter that I would like to share is from Dr. James T. Howell, the district administrator in the Department of Health and Rehabilitative Services for the counties of Palm Beach, Martin, Okeechobee, St. Lucie, and Indian River. He wrote:

DEAR SENATOR: Over the past three years, state funding for alcohol, drug abuse and mental health services for residents of Palm Beach, Martin, Okeechobee, St. Lucie and Indian River Counties has been reduced by $3,876,168 due to shortfalls in state revenue. These reductions have lowered our delivery of care system to the current marginal level of critically needed services.

If the Conference Report on S. 1306 is passed by the House and Senate, the resulting loss of approximately $900,000 in federal funding for alcohol, drug abuse and mental health services to our residents would severely cripple our ability to maintain the current level of services.

The immediate impact of this loss of federal funding is the closure of 73 residential beds, reductions in day treatment and child care services to substance abusers resulting in a loss of services to 3,201 residents, the closure of 56 residential beds for the elderly, reductions in outpatient, vocational training and in-jail services to the mentally ill resulting in a loss of services to 1,630 residents.

We would appreciate any change you can make to improve our federal funding.

Sincerely,

JAMES T. HOWELL, M.D.,
District Administrator.

As you have heard, the people of Florida are very much opposed to the language in this conference report.

You have heard what will happen—the loss of jobs, services, treatment programs.

I urge each Member of Congress to reconsider this report.

Mr. President, I ask unanimous consent that statements relative to the methadone provision from Congressman RANGEL and other related matters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL,
Washington, DC, May 18, 1992.

VOTE AGAINST BAD DRUG TREATMENT POLICY—VOTE AGAINST S. 1306

DEAR COLLEAGUE: On Tuesday, May 19, the House will consider the conference report to S. 1306, the ADAMHA Reorganization Act. I supported H.R. 3698, the House version of the bill, when it came to the floor back in March. Although the conference report provides important authorizations for a number of critically needed substance abuse treatment and prevention programs, I have decided, with great reluctance, that I cannot support it.

The conference report includes highly controversial and unwise provisions relating to the treatment of intravenous drug users that represent a major departure from Federal treatment policy. These provisions were not passed as part of the House or Senate versions of the ADAMHA reauthorization bill. They were inserted in the bill conference without opportunity for debate by the Members of the House. In fact, I doubt if most Members even know these provisions have been added to the bill. In my view, the inclusion of these provisions make the entire bill unsupportable.

S. 1306 would require the Secretary of Health and Human Services to issue regulations permitting methadone maintenance treatment programs to provide so-called interim, or minimum, maintenance treatment to narcotic addicts seeking treatment when programs have insufficient capacity to admit addicts into treatment. Interim, or minimum, maintenance involves, dispensing methadone to drug addicts without providing any, or just minimal, drug counseling and other rehabilitative services such as education, vocational training and employment counseling that are essential to helping addicts recover and lead productive, drug-free lives.

Interim maintenance has been called "no frills" methadone maintenance, an unfortunate misnomer because what it cuts out are not non-essential "frills" but the very heart of treatment services. Interim maintenance is not treatment. It is the antithesis of treatment. S. 1306 puts the government's stamp of approval on a policy that says the mere distribution of a highly addictive substitute for heroin is an adequate response to addiction.

The purpose of the interim maintenance provisions, according to the bill, is to reduce the spread of HIV and AIDS by intravenous drug users. Unquestionably, intravenous drug abuse is a major factor in the spread of AIDS. I do not doubt that those who put the minimum maintenance provisions in the bill were well-intentioned. The problem with minimum maintenance is that it is not effective.

Methadone maintenance is not a magic bullet for narcotics addiction. When used properly as part of a comprehensive treatment program providing a broad array of counseling and rehabilitation services, methadone can help addicts stop using illicit narcotics and start rebuilding their lives. In too many cases, however, methadone has failed to live up to its early promise because of funding cutbacks, growing client loads, lack of oversight and supervision by Federal and state agencies, and in some cases mismanagement and unscrupulous behavior by program operators. In a 1990 report on methadone maintenance to the Select Committee, the GAO concluded that many programs are not effectively treating heroin addiction. In addition to other problems, many patients continue to use heroin and other drugs, primarily cocaine, which continues to put them at risk of contracting and spreading the AIDS virus. GAO strongly recommended against interim maintenance, finding that the provision of methadone without counseling or rehabilitative services would not significantly reduce heroin use.

Interim maintenance has been considered and rejected by the very agencies that would have to administer it under S. 1306. In 1989, the Food and Drug Administration and the National Institute on Drug Abuse in the Department of Health and Human Services published a proposed rule in the Federal Register to authorize interim methadone maintenance for the same reason given in S. 1306—to reduce the spread of HIV and AIDS. After extensive hearings on the record, FDA and NIDA concluded that interim maintenance would not be effective and decided to withdraw their proposal. This decision was announced by former NIDA Director, Bob Schuster, at a June 1990 Select Committee hearing.

Drug abuse treatment providers, and methadone maintenance programs in particular, overwhelmingly opposed the FDA/NIDA proposed interim maintenance rule. They feared that interim maintenance would be unresponsive to patients' complex needs, would undermine public funding for comprehensive treatment and further erode public support for a fragile treatment system already weakened by years of underfunding and neglect.

Ironically, if the HHS Secretary fails to issue regulations for interim maintenance within 180 days, S. 1306 requires the proposed rule rejected by NIDA, FDA and the treatment community to go into effect.

The bill does not require programs to provide minimum methadone maintenance, and no program could provide interim maintenance if the chief public health officer of the state objects. Other provisions of the bill, however, require a state, as a condition of receiving its Federal substance abuse block grant funds, to agree that it will assure access to treatment for any intravenous drug user within 14 days after treatment is requested or within 120 days if no program has space for the individual and if interim services are provided. Because treatment capacity is already severely limited in many parts of the country, states and drug treatment programs may feel pressured to accept interim maintenance as a low-cost alternative to the loss of Federal treatment dollars. With Federal block funds comprising less than one-third of public treatment funding, this becomes a case of the tail wagging the dog.

We desperately need to both expand and improve the quality of drug treatment in our country. Interim maintenance may temporarily expand treatment capacity but only at the expense of treatment quality, and it will not be effective in reducing the spread of AIDS.

Improving and expanding drug treatment, and reducing the spread of AIDS by IV drug users, requires a long-term commitment of additional resources to provide comprehensive drug abuse treatment services. There are no cheap or quick solutions. Federal mandates on access to treatment and interim maintenance will not work and ultimately will prove to be counter productive.

The inclusion of interim maintenance in S. 1306 is bad drug abuse policy, bad public health policy and bad legislative procedure. These provisions should be stripped from the conference report. I urge you to vote against S. 1306.

Sincerely,
CHARLES B. RANGEL,
Chairman.

DOCKETS MANAGEMENT BRANCH (HFA-305),
FOOD AND DRUG ADMINISTRATION,
5600 Fishers Lane,
Rockville, MD.

DEAR SIR: In response to the Notice of Public Hearing and reopening of the comment period regarding Interim Methadone Maintenance Treatment (54 FP 50226, dated December 4, 1989), the Drug Enforcement Administration (DEA) requests the following written comments be included in the administrative record, in lieu of an oral presentation at the hearing. These comments reiterate and expand upon DEA's comments of April 4, 1989 (copy enclosed).

Although not specifically listed as "Public Hearing Topics," DEA would like to reemphasize two specific points. First, the proposed "interim treatment" (i.e., methadone dispensing without standard drug abuse treatment and counseling provisions) should be an avenue of last resort. To do otherwise would create a drug abuse substitution program, rather than a "treatment program." Second, take-home privileges for interim program patients must not be allowed under any circumstances. Observation of the ingestion of the methadone is essential to the prevention of illegal sales of the drug.

DEA's comments of April 4, 1989 relate directly to several of the listed "Public Hearing Topics." Regarding Topics A2 and C1, DEA previously commented that regular urinalysis monitoring for interim patients should be compulsory. (See letter of April 4, 1989, item 4.) In the March 2, 1989 proposed rule, the stated basis for the proposed action is that "Methadone treatment should decrease an individual's use of IV narcotic drugs, therefore, decreasing the use of hypodermic needles and curtailing the spread of HIV * * *" Without regular urinalysis tests, it is not possible to assess whether poly-drug abuse (and, thus, possible needle-sharing) is continuing. If interim treatment patients continue to test positive for other drugs of abuse or negative for methadone, the interim program has not achieved its goal. Therefore, detoxification or accelerated comprehensive program placement is necessary.

Regarding Topic C2, DEA previously commented that interim programs must be adjunct to a comprehensive program, and a timetable for transfer to a comprehensive program must be developed. (See letter of April 4, 1989, items 1 and 3.) In addition to DEA's previous comments, it must be noted that interim programs will require DEA registration to dispense methadone. A condition of continued registration is compliance with the treatment standards established by the Secretary of Health and Human Services (HHS). The current proposal is open ended, allowing the possibility of a patient remaining on an "interim" program, without urinalysis or counseling, indefinitely. As such, no "treatment standard" exists against which the program's continued registration can be assessed. As currently proposed, once an interim program is allowed to start operations, its ability to dispense methadone is unrestricted (i.e., number of patients, length of patient participation, and dosage of methadone per patient) unless DEA shows illegal sales of methadone or an inability to account for methadone inventory. This is unacceptable. If interim programs are to be a temporary, "interim" approach, then finite limits of patient participation and dispensing restrictions must exist.

DEA appreciates this opportunity to comment and supports the careful review being given to this proposal. In seeking solutions to the serious drug abuse and health issues facing the United States, we cannot neglect methadone itself as a significant drug of abuse. Again, should it be deemed absolutely essential to establish a program of methadone dispensing without comprehensive treatment or counseling, DEA requests the preceding concerns be fully addressed in the final rule.

Sincerely,
JOHN C. LAWN,
Administrator.

DOCKETS MANAGEMENT BRANCH (HFA-305),
FOOD AND DRUG ADMINISTRATION
5600 Fishers Lane, Rockville, MD.

DEAR SIR: This letter is in response to the proposed rule concerning the revision of conditions for the use of methadone in the maintenance treatment of narcotic addicts. This proposed rule was published in the Federal Register, Volume 54, Number 40, pages 8973 through 8976, dated March 2, 1989.

The Drug Enforcement Administration (DEA) recognizes that this proposal seeks to maximize available narcotic treatment resources in response to the increase in acquired immune deficiency syndrome (AIDS) cases. While recognizing this difficult task, we must be assure that the "solution" does not intensify the major problem of drug abuse.

Every effort should be made to place narcotic addicts into comprehensive maintenance/detoxification programs which provide a full range of treatment and counseling services. The proposal of "interim treatment" (i.e., methadone dispensing without treatment/counseling provisions) should be the avenue of last resort, and only where it is clearly demonstrated that present comprehensive programs cannot handle the patient demand.

Should such an avenue of last resort be clearly established, dispension should be permitted only subject to the following conditions:

(1) The interim maintenance treatment program must be an adjunct to a comprehensive program. Stand-alone interim maintenance programs should be prohibited. An independent, or stand alone interim maintenance program would only be a drug give away program, with no incentive to place the patient into a comprehensive treatment program.

(2) We agree that methadone take-home privileges to patients enrolled in interim maintenance programs must not be allowed under any circumstances. Requiring these programs to dispense medication seven days a week and requiring program personnel to observe the ingesting of methadone are essential to the prevention of the illegal diversion of methadone.

(3) The regulations as proposed do not require a timetable for these patients to transfer to another modality. As the name suggests, an interim program is a temporary program and should have a specific or finite time limit for patients. Patients must be evaluated more frequently than the six months the regulations now propose. If a patient is still not placed after six months, long-term detoxification of that patient (180 days) should begin.

(4) Current urinalysis requirements set forth in Title 21, Code of Federal Regulations, Part 291 should be compulsory for all patients enrolled in methadone maintenance/detoxification programs, whether interim or comprehensive. Each patient enrolled in an interim methadone treatment program must submit to a drug screen urinalysis on a random basis at a minimum of once per month. This test must not be deferred to a subsequent visit. Certainly, if a patient tests positive for one or more controlled substances, and the patient is unable to prove that the controlled substances were obtained from a physician for a legitimate medical purpose, it would indicate that this patient continues to abuse drugs and is a potential candidate for the transmission of the acquired immune deficiency virus. When tests indicate that an interim maintenance treatment program patient's urine sample is negative for methadone, or positive for other drugs, that patient must be removed from the program, detoxified, or placed immediately in a comprehensive program slot.

Current regulations impose stringent standards for the dispensing of methadone and the rehabilitation of patients. DEA is seriously concerned that the dispensing of methadone in the absence of a comprehensive treatment counseling program may create new drug abuse issues rather than provide solutions. Should it be deemed absolutely essential to establish this program of dispensing methadone without comprehensive treatment or counseling, I request the preceding comments be incorporated into the final rule.

Sincerely,
JOHN C. LAWN,
Administrator.

SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL
Washington, DC, June 3, 1992.

Hon. JOHN JOSEPH MOAKLEY,
Chairman, Committee on Rules, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the House last week voted to recommit S. 1306, the ADAMHA Reorganization Act conference report, after approving a rule waiving all points of order against the bill. The week before, the House refused to suspend the rules and pass the bill.

I am strongly opposed to the conference report on substantive and procedural grounds because of the provisions it includes authorizing interim methadone maintenance. These provisions were added in conference. Neither the House nor the Senate versions of the bill contained any language pertaining to interim maintenance. In addition to being bad public policy, these provisions would clearly seem to fall outside the scope of matters committed to conference in violation of clause 3 of Rule XXVIII of the Rules of the House of Representatives.

Enclosed is a copy of a "Dear Colleague" letter I circulated on S. 1306 that explains in greater detail my reasons for opposing the interim maintenance provisions of the bill. I understand the conferees may have reached a new agreement on this bill that retains the objectionable interim maintenance provisions. If your Committee is again asked to consider a rule for this measure, I would appreciate an opportunity to testify. I would have strongly opposed a rule waiving all points of order against the bill last time if I had received timely notice of your hearing.

I appreciate your attention to my request.

Sincerely,

CHARLES B. RANGEL,
Chairman.

METHADONE

Mr. KENNEDY. Mr. President, I would like to address the interim methadone issue raised by the Senator from Florida.

Interim methadone is not mandated by the conference report. The conference report merely mandates that the Secretary of HHS consider the appropriateness of, and need for, this optional treatment modality. If the Secretary approved this option—or does not act—a State will have the discretion to authorize this form of treatment, but only if the State certifies that the provision of such treatment will not reduce the availability of comprehensive methadone treatment services.

So even if the Secretary approves interim methadone, this is not a required activity. This is strictly a matter of State discretion.

Interim methadone has shown great promise in reducing the spread of AIDS and discouraging drug use in New York City, Hong Kong, and Sydney, Australia.

I would prefer to see everyone get comprehensive treatment. But the resources are not there. And to just turn an IV drug user back on the street is a virtual death sentence in the age of AIDS.

I think it is appropriate to give States this option for fighting drug abuse and the spread of AIDS.

Mr. PELL. Mr. President, I support the conference report for S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA] Reorganization Act of 1991. In my view, this legislation contains many important provisions that will enhance the Nation's ability to confront the devastation caused by alcohol and drug abuse, and the tragedy of mental illness.

As a member of the Senate Labor and Human Resources Committee and a conferee on this legislation, I can testify to the fact that reaching an agreement on this legislation was extremely difficult. While the Senate, under Chairman KENNEDY'S leadership, approved by unanimous consent last August the Labor Committee's version of this legislation, the House of Representatives passed a quite different bill, making compromise necessary but very difficult.

Mr. President, I fully realize that some of our colleagues are dissatisfied with the agreement we have reached. Their opposition is based on the fact that their State—as does every State—desperately needs more money to treat substance abuse and provide mental health services. I understand and share their concern, and supported the $91 million increase in funding for this program that was recommended by the appropriators.

But those additional funds were appropriated not only with the Nation's overall need in mind: They were appropriated with the goal of helping increase the level of funding to those States that the GAO indicated have been seriously underfunded for many years.

Mr. President, it was my goal, during both Labor Committee consideration of this legislation and in conference, to make sure that no State received less in fiscal year 1992, or in the subsequent years of this reauthorization bill, than it did in fiscal year 1991. We did not have the luxury of guaranteeing any State an increase in funds, no matter how meritorious the State's needs may be.

I regret that we could not provide every State with the funds it needs: I also very much regret that my own State of Rhode Island was not a beneficiary of the formula change contained in the legislation. But I wish to assure my colleagues that the Senate conferees stood firmly with me and with the Senator from Indiana [Mr. COATS] in protecting every State from a loss of its 1991 funds. For this I am grateful, and thank the Senate conferees for their strong support against the House bill formula, which would have devastated many States, including Rhode Island.

Mr. President, my colleagues from similarly impacted States and I will need to revisit this legislation when it is reauthorized to prevent a loss of block grant funds to our States. I regret that this will be necessary, but the conference agreement, despite our best efforts, and unlike the Senate-passed bill, does not guard permanently against a loss of funds for every State.

In the meantime, Mr. President, the legislation that I hope we will pass today will do much good across the country in addressing the problem of substance abuse and mental illness.

I strongly urge my colleagues to approve the conference report.

Mr. HATCH. Mr. President, today we have the opportunity to move the Nation forward in research, prevention, and service for the millions of Americans who suffer from mental illnesses and addictions to alcohol and other drugs. We have the opportunity to help those who are often most vulnerable—women, especially pregnant women, and children

This legislation provides $700 million for demonstration grants, capacity expansion grants, and grants of national significance. States with special needs will have the opportunity to apply for and receive additional funding.

The formula contained in the conference report rectifies inequities that have existed already far too long. This formula will rectify some of the inequities in funding that nearly 40 States have experienced. These States have waited long enough for relief. No State will need to return any funds in the final quarter of this fiscal year, and 38 States will receive some relief in the form of increased funding. These funds will help the personal suffering of the teenage pregnant mother addicted to cocaine, the father who abuses alcohol, the child with emotional disability in these 38 States, and in all 50 States and territories.

This act provides for additional study of the basis on which funds are to be distributed under the formula, in order to ensure the most equitable allocation of resources.

I want to thank my colleagues who have worked so hard to bring this conference report to the floor, and in particular Senator KENNEDY and our respective staff members, Ron Welch, Dr. Ann LaBelle, and Dr. Gary Noble.

Mr. President, I call on all my colleagues in the Senate to rise in support of this legislative report on S. 1306.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a document entitled "Additional Explanatory Material on the S. 1306 Conference Report" be printed in the RECORD at the appropriate point in the debate. This material represents my understanding, as chief Democratic sponsor of the bill, of certain technical aspects of the conference report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL EXPLANATORY MATERIAL ON THE S. 1306 CONFERENCE REPORT

Reorganization Issues: The purpose of the reorganization is to improve the federal government's efforts to combat mental illness and substance abuse. It will better define and strengthen the dual research and service mission of the federal government.

It is important that reorganization plan be implemented in a common sense manner that protects and strengthens the integrity of both the research and services programs within HHS, and avoids unnecessary duplication of effort. In this regard, the transfer provisions in subtitle D of title I provide significant guidance. They require that all of the services functions, personnel and assets of ADAMHA be transferred to SAMHSA, while all research functions, personnel and assets of ADAMHA be transferred with the three institutes to NIH.

These transfer provisions are intended to preclude the transfer of personnel or fiscal resources from these specific programs into the administrative offices of either SAMHSA or NIH. If the NIH, for example, requires additional administrative personnel or fiscal resources to accommodate the acquisition of the three institutes, it should draw those resources from the administrative offices of the former ADAMHA or seek new appropriations, but it should not deplete the resources or personnel of the three new institutes.

I also consider it critical that the staff of the three research institutes by physically relocated to the NIH campus as soon as is reasonably possible. It seems appropriate for the Director of the NIH to undertake a report that would be available to Congress by early 1993 setting forth the costs and timing of such a relocation.

I do not expect the reorganization to cause any existing research or services grants to be terminated. The bill specifically requires research grants that had been funded with block grant set-aside money prior to the reorganization to be continued. In addition, there may be grants to be administered within the Services Administration that should be afforded similar protection. I am particularly concerned that the Treatment Research Units for AIDS Risk Reduction at McLean Hospital in Massachusetts be continued for at least the length of the grant.

Minority Fellowships: The NIMH Minority Fellowship Program, which has been funded since 1974, is designed to train talented young minority scientists as researchers in the fields of mental health and neuroscience. Prior to the reorganization, national mental health professional organizations (including those representing the fields of psychology, psychiatry, nursing, social work, and sociology) have been the recipients of grants from NIMH to administer minority fellowship programs. Professional associations are uniquely suited to identify potential applicants and administer such fellowship programs, and it is my intention that such organizations remain eligible to compete for such grants even after the institutes are transferred to the NIH.

Block Grant Issues: The conference report imposes several new and revised requirements on states as a condition of a state receiving its block grant allotment. I expect the Secretary to administer these requirements—especially in the first year—in a common sense, practical manner designed to balance the competing goals of accountability and state flexibility.

In administering all grant programs, including the block grant, HHS should engage in appropriate consultation with individual states and with organizations representing states, such as the National Governors Association, the National Association of State Alcohol and Drug Abuse Directors, and the National Association of State Mental Health Program Directors. There should also be appropriate consultation with provider organizations within the states, and with mental health and substance abuse advocacy groups.

Interim Service/Interim Methadone: The conference report requires intravenous drug users and pregnant women to receive interim services if they seek treatment and are denied admission to a program due to insufficient capacity. As the Joint Explanatory Statement of the Committee of Conference states, the term "interim services" has been broadly defined in statute to enhance state flexibility and discretion.

For example, a state may seek to provide pamphlets or large group counseling to such individuals describing the adverse health effects of continued drug abuse, and the risk of HIV transmission. Or a state may assign such a substance abuser to a case worker who will contact the substance abuser periodically to report on the status of his or her application for treatment. The "interim services" requirement is an additional state responsibility under the block grant program, but it is not intended to be an undue or unreasonable burden.

One way or another, the state must, as a matter of public health, take account of the fact that there is a pregnant woman or an intravenous drug abuser who is seeking substance abuse treatment but has been unable to obtain admission to a program due to insufficient capacity. In light of the heightened danger of HIV transmission among IV drug users, and the dangers of prenatal substance abuse, it is a matter of common sense to require that states take steps to facilitate treatment for such individuals and to minimize the dangers of substance abuse in these populations during the period of time an application for treatment is pending.

Some have suggested that "interim services" is a term of art meaning the provision of "interim methadone" services. But the plain language of the legislation makes clear that these terms are not legally equivalent. Interim methadone may be used as one form of interim services, but only if this modality survives the review process set forth in proposed section 1976 of the Public Health Services Act.

Section 1976 requires the Secretary of Health and Human Services to make an initial determination as to the necessity and appropriateness of this form of treatment. The Secretary must make such an evaluation based upon the factors set forth in 1976(b)(1) in light of the preponderance of scientific research.

Even if the Secretary authorizes the use of interim methadone as an interim service, it will be available strictly at the discretion of the state as set forth in 1976(c). Finally, even if the state wishes to utilize interim methadone as an interim service, it may not do so if the provision of such services will decrease the availability of comprehensive methadone services.

Tuberculosis: The statutory language in the conference report makes clear that the required screening and treatment for tuberculosis is a permissive use of block grant funds. It should be equally clear, therefore, that such services need not be funded exclusively from the block grant. Rather, this funding agreement may be satisfied with any source of funds, including federal, state, local and private funds.

It should also be emphasized that neither the tuberculosis services nor the HIV services required under this legislation include hospital care. The general prohibition on use of block grant funds for in-patient hospital services applies to proposed section 1924.

Prevention Services Under the Substance Abuse Block Grant. The conference report revises the 20% prevention set-aside in current law in a manner that is intended to focus increased attention and resources on actual prevention instead of treatment services that had been provided under the current law authority for "early intervention."

The revision is not intended to prevent the use of prevention set-aside funds for Employee Assistance Programs (EAPs) or Student Assistance Programs (SAPs). Such forms of secondary prevention, which may include referrals for treatment, are an appropriate use of such funds as long as such programs do not themselves provide substance abuse treatment with such funds.

Mr. BRADLEY. Mr. President, I rise today to thank Senator KENNEDY for his efforts to ensure that New Jersey receives its fair share of Federal support to fight alcohol and drug abuse. Although I am disappointed New Jersey does not receive an increase in Federal funds, we have successfully avoided a reduction of several million dollars that would have resulted without Senator KENNEDY's support. New Jersey faces a significant battle, as we do all across our country, to reduce the tremendous harm caused by alcohol and drug abuse. Despite the obvious need for intensified efforts to fight the battle against alcohol and drug abuse, new changes in the Federal formula could have reduced New Jersey's share from previous years.

Although the new ADAMHA formula recognizes the need for funds in rural areas, it is hard to imagine that a State like New Jersey, with some of the most difficult problems in our inner cities in the entire country, does not deserve more money to fight these problems. And although we will not gain any significant funds for 3 years, any reduction in Federal funds for alcohol and drug abuse would have devastated critical State services at a time when these problems continue to escalate.

Therefore, I am grateful for Senator KENNEDY's efforts to ensure that States such as New Jersey, who are doing a good job and need more, and will not be punished. This effort was especially noteworthy given the always difficult reallocation of very scarce Federal resources. Again, I thank the Senate conferees for their strong support on this provision which will ensure that we press forward in the fight against alcohol and drug abuse.

Mr. LEVIN. Mr. President, I support the ADAMHA Reorganization Act. I would like to extend my appreciation to the members of the Labor and Human Resources Committee and its chairman, Senator KENNEDY, for bringing this far-reaching legislation before this body. The bill reestablishes, as a freestanding body, the National Institute of Mental Health. The bill also includes important assistance for hospital trauma centers, very similar to what was provided for in S. 1049, which I introduced in May of last year. I proposed that legislation following my visits to hospital emergency departments in my home State of Michigan and subsequent to a report released by the Federal Drug Abuse Warning Network [DAWN] indicating a continuing increase in drug-related emergency room visits in 770 of our Nation's hospitals. This new trauma center initiative provides grants for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence arising directly or indirectly from illicit trafficking in drugs.

Mr. President, this hidden cost of the drug war is decimating our trauma centers. Because trauma centers are treating a dramatically increased number of uninsured trauma victims, many hospitals are finding it financially impossible to sustain these centers. As a result, they are withdrawing from the trauma care system which provides vital care to thousands of Americans across the country.

Bronson, Methodist Hospital, Butterworth Hospital, Detroit Receiving Hospital, Hurley Medical Center, and Mt. Carmel Hospital, to name a few, are all experiencing an increase in trauma patients due to drug-related illness and violence. This legislation authorizes help to trauma centers which most need it, and I am pleased that it is included in this legislation.

Mr. SIMON. Mr. President, I would like to commend the conferees on S. 1306, the Alcohol, Drug Abuse and Mental Health Administration [ADAMHA] Reorganization Act for their good efforts. Specifically, I want to thank them for their inclusion of provisions that will assist trauma centers providing a substantial amount of uncompensated care in areas with a significant incidence of drug-related violence.

In addition to providing funds for trauma centers that treat significant numbers of patients with penetrating wounds, the bill makes funds available for centers treating large numbers of wounds inflicted by blunt weapons. This is an important provision, given the damaging, life-threatening effect of a head injury inflicted by a baseball bat maliciously wielded as a weapon—a common weapon of choice in some areas.

Trauma centers have been increasingly successful in preventing death and disability resulting from serious injury for several years. Continuation of these services is crucial in saving thousands of lives every year. Death can come swiftly, within minutes following an injury. With the establishment of regional trauma centers, efficient surgeons and specialists save lives through the availability of their round-the-clock expert services.

In my State of Illinois, the role of trauma centers is extremely important. Unfortunately, several centers have had to close their doors because of the lack of funding. The provisions of this bill are important in providing funds to implement and sustain a much needed trauma network throughout the State.

I want to thank my colleagues again for their hard work on these provisions, which will breathe life into a struggling trauma system and literally give the hope of life to thousands of people over the coming weeks and years.

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD.)

• Mr. GORE. Mr. President, I regret that I am unable to be present today to vote on this important measure due to my responsibilities as chairman of the Senate delegation to the U.N. Conference on Environment and Development in Rio de Janeiro, Brazil, being held this week. I strongly support passage of the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act and would have voted in favor of this measure had I been present today.

I want to congratulate the chairman and ranking member of the committee, Senators KENNEDY and HATCH, for having worked so hard to get this very important bill passed. I am especially pleased that this bill includes help for America's trauma care system. I want to thank Senators BENTSEN, GRAHAM, and LEVIN, who joined me to include the Trauma Center Revitalization Act amendment to the Alcohol, Drug Abuse, and Mental Health Act Reorganization bill. In addition, I must recognize my good friend in the other body, Congressman HENRY WAXMAN, who has worked so hard on this bill in that body.

This provision of the bill would require the Secretary of Health and Human Services to make grants to help trauma centers stay in business. With this bill we will provide desperately needed resources to help our Nation's trauma centers cope with the substantial uncompensated costs they incur, largely related to the victims of crime and the drug wars that afflict our cities.

Most Americans know too well the crime and violence that results from drug trafficking. Areas of our inner cities have become virtual war zones, complete with automatic weapons, fire fights, and the many injured and dead that accompany such terror. Trauma centers are effective in reducing casualties in this war. Trauma systems have reduced the trauma death rate by as much as 64 percent. In San Diego County, the trauma death rate fell 55 percent the first year after the countrywide trauma care system began.

Trauma centers are too important a national resource to squander. This bill takes an urgently needed step to preserve a system that in many cities is still only first being pioneered.

The trauma system concept evolved from the wartime experience of military doctors. In Korea, Vietnam and the Persian Gulf our service men and women were only minutes away from the best trauma care available anywhere in the world. During Desert Storm, Americans were proud and reassured that their sons and daughters, brothers and sisters, mothers and fathers would receive the best trauma care in the world.

But now those soldiers and their families are coming back to cities where good trauma care—or any trauma care—cannot be found. Crime and drug-related violence inundate trauma centers with their victims. Because trauma centers do not share in any of the Federal programs to redistribute the assets seized from drug dealers, they are failing under the financial strain imposed upon them. As a result trauma care that could save the lives of innocent citizens will not be there unless we in Government do something to preserve it. That is what this bill will do.

Many of our cities are under siege. In its May 1991 report the GAO reviewed six cities and learned that, within the last 5 years, more than a third of the trauma centers stopped providing trauma care to severely injured people. Primarily these closures were caused by financial losses stemming from treating the uninsured and patients covered by Medicaid and other Government-assisted programs.

In the Washington area, we are fortunate to have one of the better trauma systems in the country. We all remember the excellent care President Reagan received at George Washington University when he was shot. My own son, Albert, survived a traumatic injury and made the full recovery after receiving excellent medical care from the trauma program at Johns Hopkins in Baltimore. But, for millions of American families, such care is not available. At a time when we should be taking every action possible to expand the development of trauma systems, trauma centers are closing their doors.

Since last year when I offered this amendment as a bill in the Senate, we have learned about the domino effect of trauma center closings. For example in Chicago, after the university of Chicago Hospital trauma center closed, the trauma patient caseload at Michael Reese Hospital increased by more than 50 percent. Most of the caseload was either uninsured or Government-assisted program patients.

In my own State of Tennessee, the increase in drug-related violence in urban areas has seriously affected the ability of one of the Nation's busiest trauma centers to continue to deliver trauma care. The Regional Medical Center may have to curtail service, which would leave citizens in the Memphis area as well as surrounding States without level 1 trauma care. Curtailing service in Memphis would create a domino effect for the other trauma centers in the Memphis area and increase trauma deaths.

I am pleased that we will pass this bill today.•

Ms. MIKULSKI. Mr. President, today we face a historic change in the way the Federal Government tries to solve some of our most difficult problems. For years, the Alcohol, Drug Abuse, and Mental Health Administration has provided services and research for these areas of concern.

This bill changes the focus of our efforts by moving the research to the National Institutes of Health and creating a new administration that oversees the services funded by the Federal Government—both through the block grants to States and through the direct grants for treatment and prevention.

I am pleased that the new administration created by this bill will be working to improve the services they provide to women. Last year, the ADAMHA reviewed its grants and found that only 22 percent of the people served were women. They were not sure why that was the case, but it is clear that women are more than 22 percent of the overall population in this country.

In this bill, the administration will have an associate administrator who will be responsible for making sure that women are appropriately served by the treatment and prevention activities funded by its grants. There will also be an advisory committee of mostly women who will be helping this new administration meet the needs of women both inside and outside the administration.

I am also pleased that we have included a project that is important to Maryland. The Model Comprehensive Program for Treatment of Substance Abuse will use the National Capital area as a test site for providing comprehensive treatment services to fight substance abuse. Both Montgomery County and Prince Georges County in Maryland have been included in this model program.

Although there are many improvements in this bill, there are two issues that concern me. First, the bill requires States to maintain State funding levels from the last 2 years to keep Federal money they get through the block grant. This has been difficult for the States to do. Maryland went through the painful process last year of trying to keep services in tight budget times.

Second, the new block grant formula that tries to provide more money for rural States has gotten that money from the more urban States. But I have been assured by the Maryland Department of Health and Mental Hygiene that this bill is a fair compromise by which Maryland can sustain its support for these important services.

I look forward to working with my colleagues on the appropriations committee to make sure that the commitment to support these programs remains strong.

Mr. SANFORD. Mr. President, I rise to voice my support for the conference report on the Alcohol, Drug Abuse, and Mental Health Reorganization Act of 1992. I am pleased to add my vote to the unanimous recommendations of the conferees on this very important bill.

The bill reauthorizes the National Institutes of Mental Health, Drug Abuse, and Alcoholism and Alcohol Abuse, and transfers them to the National Institutes of Health. At NIH, programs can be streamlined, and the organizations can improve their research functions, with the backing of the world's preeminent research institute behind them. The ADAMHA Reorganization Act authorizes increased funding for mental health services and alcohol and drug abuse rehabilitation programs. It expands programs for pregnant women with drug and alcohol additions, and it provides new services for the children of substance abusers.

Most important for North Carolina, the ADAMHA reorganization contains a change in the formula by which Alcohol, Drug Abuse, and Mental Health Services block grant funds are distributed among the States. The new formula recognizes the fact that mental illness and alcohol and drug abuse are not strictly urban problems. Under the existing formula, the distribution of funds is skewed toward States with large metropolitan areas. In the bill we are considering today, States like North Carolina, with large rural populations, will gain greater support. When this bill is enacted into law, block grant funds to the Tarheel State will increase by 13.3 percent, with an additional $3.2 million coming into the State in fiscal year 1992 alone.

The ADAMHA Reorganization Act is supported by such knowledgeable and distinguished organizations as the American Psychological Association, the National Council of Community Mental Health Centers, the American Heart Association, the Child Welfare League of America, the American Cancer Society, and the National Mental Health Association, to name just a few. I am proud to add my support to theirs. Enactment of this bill will lead to greatly improved services for the millions of people in our country who suffer from mental health problems and from drug and alcohol additions. This bill offers renewed hope to them and their families, and by correcting the inequity between funding for rural and urban communities, the ADAMHA Reorganization Act particularly benefits North Carolina. I look forward to the President signing this bill into law.

Mr. RIEGLE. Mr. President, I rise today in support of the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA] Reorganization Act of 1992. This bill will increase funding to Michigan and includes a provision vital to this Nation's financially distressed trauma centers. I urge my colleagues to support the conference report.

ADAMHA REAUTHORIZATION ACT

The ADAMHA Reauthorization Act will increase funding to Michigan's ADAMHA block grant programs by at least $1.7 million a year under the new formula to almost $48 million in fiscal year 1993. The block grant program funds a wide variety of initiatives, including substance abuse and treatment programs, and programs and services for the mentally ill. If signed into law by the President, Michigan would begin receiving more funding as early as the fourth quarter of fiscal year 1992.

VITAL SUPPORT FOR TRAUMA CENTERS

I am pleased that the conference report includes a provision I helped to author with Senators BENTSEN, LEVIN, and GORE to provide funding for uncompensated care in trauma centers associated with drug and violence. I commend Senator KENNEDY for his continual work in this area and for working with us on this important provision.

Mr. President, America's health care system is in crisis. And no where is this more evident than in our trauma care centers. The high costs of uncompensated care from uninsured citizens or those who cannot pay are having a devastating impact on trauma care centers.

GAO STUDY ON TRAUMA CENTERS AND REASONS FOR CLOSURE

I have been working on this specific issue for many years. I first asked the General Accounting Office for a study examining trauma care centers about 4 years ago. The study was released in May 1991. A second, related study focusing on emergency care will be released later this year.

The GAO study examines the extent of and the reasons for trauma care center closures in major urban areas, including Detroit, MI. As documented in the study, the primary reasons for closure are lack of payment for uninsured people and low Medicaid reimbursement rates to hospitals.

Mr. President, trauma centers can't stay open in an environment where they are losing money on the people they serve. There is also a domino effect where the closing of one center creates pressure for closure of the remaining centers. There are 23 designated trauma centers in Michigan. In 1989, three hospitals in Detroit experienced total losses of almost $10 million for uncompensated emergency and trauma care.

NEED FOR COMPREHENSIVE HEALTH CARE REFORM

I chair the Finance Subcommittee on Health for Families and the Uninsured, a subcommittee created at my request to find a solution to the problems of the uninsured. This is just one dramatic example of why we need comprehensive reform of our current health care system. Too many people are left out and the burden on our providers can result in closures. When essential services, like trauma centers, are forced to shut down due to inadequate funds, we all suffer. I have been working on legislation to reform our system so that more people are covered and we put a lid on rising health care costs.

I have also been a cosponsor of the Trauma Care Systems Planning and Development Act of 1990 signed into law in November 1990, which encourages the development of regional trauma systems. An initial $60 million is authorized for this purpose, and I have also been working to provide appropriations for this act.

TRAUMA CARE CENTER GRANT PROGRAM

Title VI of the ADAMHA Reorganization Act will help trauma centers stay open by providing much-needed financial help to ease the uncompensated care burden of trauma centers which treat victims of drug-related violence. Title VI establishes a grant program, to be administered by the Secretary of the Department of Health and Human Services, which will provide $100 million in fiscal year 1993 and fiscal year 1994 to trauma centers. Under this program, hospitals may apply to the Secretary for grants of up to $2 million per year over 3 years. In selecting grantees, the Secretary will choose trauma centers which treat a high number of victims of penetrating and blunt force trauma due to drug-related violence.

Several key organizations and individuals in Michigan provided vital information as I sought to refine and improve our legislation. These include Bob Yellan and Dennis Hicks of the Detroit Medical Center, which includes Detroit Receiving Hospital, one of the hospitals that participated in the U.S. GAO Report on Trauma Centers, Ronald A. Vieregge, Detroit Regional Office of the U.S. General Accounting Office, evaluator-in-charge of "Trauma Care: Lifesaving System Threatened by Unreimbursed Costs and other Factors" and Richard Dolley, chief of emergency medical services in the Detroit Fire Department and associated with EMS for Detroit Receiving Hospital.

I want to commend my colleagues Senators BENTSEN, LEVIN, and GORE on developing this important provision. My colleague from Michigan Senator LEVIN introduced legislation, S. 1049, last year. Senators BENTSEN and GORE offered the original amendment to S. 1306 last year.

Mr. President, I urge my colleagues to support the ADAMHA Reorganization Act of 1992, and with it a vital provision for our Nation's trauma centers.

Mr. GRAMM. Mr. President, I would like to urge my colleagues to oppose the Alcohol, Drug Abuse and Mental Health Reorganization Act conference report. If we adopt this legislation, we're telling States that they can't depend on a commitment that they made with the Federal Government at the beginning of the fiscal year because Congress may come back in the final quarter of that fiscal year and change the agreement. That is exactly what we are about to do if we pass this conference report today.

This legislation will withhold millions of dollars from several States, including $10 million in funding from Texas for fiscal year 1992. This will leave Texas $80.2 million in fiscal year 1992 instead of the expected $90.16. Texas has already received three quarterly payments based on the latter amount of $90.16 million. The worst part of this, Mr. President, is that the entire difference between $90.16 million and $80.2 million will be withheld from Texas' fourth-quarter payment.

Thank you, Mr. President.

Mr. MITCHELL. Mr. President, have the yeas and nays been ordered on adoption of the conference report?

The PRESIDING OFFICER. They have not.

Mr. MITCHELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FORD. Mr. President, is there a quorum present? There are 12 or 14 Senators on the floor.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Tennessee [Mr. GORE] would each vote "aye."

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent.

I announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "nay."

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 8, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—86

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gorton
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Symms
Thurmond
Wallop
Warner
Wofford

NAYS—8

Brown
Bryan
Graham
Gramm
Mack
Reid
Roth
Stevens

NOT VOTING—6

Gore
Helms
Pell
Specter
Wellstone
Wirth

So the conference report was agreed to.

Mr. KENNEDY. Madam President, I am extremely gratified by the Senate's action in passing the ADAMHA conference report. Today's vote paves the way for speedy House action on the conference report and hopefully enactment of this legislation within the next week or two.

This sweeping, comprehensive bill represents the kind of bipartisanship that Senator HATCH and I always strive for on the Labor Committee. Mental illness and substance abuse are neither Democratic nor Republican issues. Rather, they are serious illnesses that we must research, treat, and prevent to the best of our ability as a nation.

This was a difficult conference, but the Senate conferees and their staffs were able to work as a team to get this bill through. We had an especially large number of Senate conferees, and they all deserve credit—in addition to Senator HATCH, I want to thank Senators METZENBAUM, PELL, DODD, HARKIN, ADAMS, COATS, THURMOND, and DURENBERGER.

I am proud that we were able to work closely with the administration in drafting and then passing this important legislation. Secretary Sullivan and Dr. Mason, the Assistant Secretary of Health, deserve great credit for their very constructive roles in this process.

Finally, I want to thank the majority leader for his assistance in scheduling floor time for this bill and in helping to shepherd this bill through. Formula fights are always somewhat painful in the Senate, but I am pleased we were able to present the issues to the

Senate in a full and fair way for consideration and final resolution.

This bill will make a difference in the lives of many Americans. It will enhance the quality of research that can ease the suffering of many of those afflicted with these diseases. And it will make available improved services to the mentally ill and to substance abusers in communities throughout the country.

It also should be emphasized that a bill that makes so many strides in the areas of drug abuse treatment and prevention is a crime prevention bill. With so many cities and towns facing the increasing menace of drug-related crime, it's time we deployed a constructive proactive anticrime strategy. This bill will make a difference in that arena also.

Finally, this bill will make a difference to children. For the millions of young Americans with severe emotional disturbance, and for the many children of substance abusers, this bill represents hope. The Federal Government has an important role to play in solving these problems, and this bill puts us on the right track.

STAFF WHO WORKED ON THE ADAMHA BILL

Mr. KENNEDY: Ronald Weich, Adam Gelb;

Mr. HATCH: Ann Labelle, Gary Noble;

Mr. PELL: Lauren Gross;

Mr. DODD: Patti Cole;

Mr. HARKIN: Peter Reineke;

Mr. ADAMS: Adele Robinson;

Mr. METZENBAUM: Gail Laster;

Mr. THURMOND: Kent Talbert;

Mr. COATS: Allison Carroll, Sharon Souderstrom;

Mr. DURENBERGER: Annie Silberman;

Mr. HOLLINGS: Eddie Moore;

Mr. BIDEN: Chris Putala;

Ms. MIKULSKI: Phyllis Albritton; and General Accounting Office: Jerry Fastrup.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

APPOINTMENTS BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 102-240, appoints the following individuals as members of the National Commission on Intermodal Transportation:

Mr. Ed Hamberger, of Maryland; and Mr. Robert Krebs, of Illinois.

AUTHORIZING THE PRESIDENT TO APPOINT GENERAL THOMAS C. RICHARDS TO THE OFFICE OF ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. 2703, a bill to authorize the President to appoint Gen. Thomas C. Richards to the Office of Administrator of the Federal Aviation Administration, that the Senate proceed to immediate consideration; that the bill be read three times and passed; and that the motion to reconsider be tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2703) was deemed read three times and passed, as follows:

S. 2703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 106 of title 49, United States Code, or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint General Thomas C. Richards, United States Air Force, Retired, to the Office of Administrator of the Federal Aviation Administration. General Richards' appointment to, acceptance of, and service in that Office shall in no way affect the status, rank, and grade which he shall hold as an officer on the retired list of the United States Air Force, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that subchapter IV of chapter 55 of title 5, United States Code, affects the amount of retired pay to which he is entitled by law during his service as Administrator. So long as he serves as Administrator, General Richards shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Air Force, shall retain the status, rank, and grade which he now holds as an officer on the retired list of the United States Air Force, shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, office, rank, or grade, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of subchapter IV of chapter 55 of title 5, United States Code.

SEC. 2. In the performance of his duties as Administrator of the Federal Aviation Administration, General Richards shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the United States Air Force.

SEC. 3. Nothing in this Act shall be construed as approval by the Congress of any further appointments of military persons to the Office of Administrator of the Federal Aviation Administration.

EXECUTIVE SESSION

NOMINATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session, that the following nominees be discharged from the Committee on Commerce, Science and Transportation:

Arthur J. Rothkopf, to be Deputy Secretary of Transportation;

Thomas C. Richards to be Administrator of the Federal Aviation Administration; and

Michael James Toohey to be an Assistant Secretary of Transportation.

I further ask unanimous consent that the Senate proceed to the immediate consideration of these nominations, en bloc, and also the nominations listed at: Calendar 616, Duane Acker, to be an Assistant Secretary of Agriculture; Calendar 617, Daniel A. Sumner, to be an Assistant Secretary of Agriculture; and Calendar 618, Daniel A. Summer, to be a member of the Board of Directors of the Commodity Credit Corporation; that all the nominees be confirmed, en bloc, that any statements appear in the CONGRESSIONAL RECORD as if read, that the motions to reconsider be tabled, en bloc, that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF TRANSPORTATION

Arthur J. Rothkopf, of the District of Columbia, to be Deputy Secretary of Transportation.

Michael James Toohey, of Virginia, to be an Assistant Secretary of Transportation.

FEDERAL AVIATION ADMINISTRATION

Thomas C. Richards, of Texas, to be Administrator of the Federal Aviation Administration.

DEPARTMENT OF AGRICULTURE

Duane Acker, of Virginia, to be an Assistant Secretary of Agriculture.

Daniel A. Sumner, of North Carolina, to be an Assistant Secretary of Agriculture.

Daniel A. Sumner, of North Carolina, to be a member of the Board of Directors of the Commodity Credit Corporation.

STATEMENT ON THE NOMINATION OF GEN. THOMAS C. RICHARDS

Mr. LAUTENBERG. Mr. President, I would like to take this time to address the nomination of Gen. Thomas C. Richards to be the Administrator of the Federal Aviation Administration.

Based on a commitment to work with the people in New Jersey on the aircraft noise problem that I have received from General Richards, I will support his nomination. I know him, and respect him. We served together on the President's Commission on Aviation Security and Terrorism, where I came to know him well. He is a man of character and integrity, and I think he will carry out the responsibilities of FAA Administrator well.

However, in spite of my respect for General Richards, without a serious commitment on the aircraft noise issue, I could not come to the Senate floor in support of his nomination. The noise problem is one that New Jerseyans have been suffering with since 1987, when the FAA implemented the expanded east coast plan. As an agency, the FAA has not been responsive to my constituents' plight. In my consideration of the nomination of General Richards, as would have been the case with anyone nominated to this post, it was critical to me that the new chief of the FAA understand the seriousness of the problem.

With General Richards' confirmation, I believe that we will have the attention of the Administrator, and that the FAA will take a more positive role in trying to help the people of New Jersey. He has stated that he wants to work "closely and creatively" with me and the residents of New Jersey to address the problem. At my request, General Richards has agreed to come to New Jersey, to hear firsthand the concerns of my constituents. This is the first time that an FAA Administrator has come to New Jersey to discuss air noise. With the personal involvement of the FAA Administrator, I am hopeful that the people of New Jersey will finally get some relief.

General Richards has also reiterated the acting FAA Administrator's commitment to me to issue the draft environmental impact statement on aircraft noise in New Jersey no later than September 1, 1992. The FAA will also provide an adequate public forum for consideration of the document.

Noise is an important issue facing the FAA, and, as chairman of the Transportation Appropriations Subcommittee, I will continue to press for prompt and effective action. There are a range of other issues that the FAA must address. More than 10 years after its inception, the National Airspace System [NAS] plan to modernize the air traffic control system is still far behind schedule and well over budget. The successful implementation of the NAS plan is critical to the safe and efficient functioning of our aviation system, and must be a priority for the Administrator.

Ongoing safety issues such as deicing, and the implementation of the Aviation Security Improvement Act of 1990 must also be high on his agenda. And, in this economic climate, when competitive pressures within the airline industry are at an all-time high, it is essential that the FAA is diligent in carrying out its regulatory responsibilities, to ensure the safety of the flying public.

Mr. President, I know General Richards to be a man of his word. I wish him well in his new post, and look forward to working with him on the many important issues facing us.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will return to the consideration of legislative business.

COMMENDING FRYEBURG ACADEMY, FRYEBURG, ME, ON THE OCCASION OF ITS BICENTENNIAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 311, regarding the bicentennial of Fryeburg Academy in Fryeburg, ME, submitted earlier today by myself and Senator COHEN; that the resolution be agreed to and the motion to reconsider be laid upon the table and the preamble agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S Res. 311) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 311

Whereas Fryeburg Academy, located in Fryeburg, Maine, was founded two hundred years ago, on August 17, 1792, by twenty-five citizens seeking to meet the educational needs of their sons;

Whereas, within fifteen years of its founding, Fryeburg Academy distinguished itself through pioneering efforts to provide an equal educational opportunity for female students;

Whereas Daniel Webster, a former member of the United States Senate, was among the principals of this premier educational institution;

Whereas Fryeburg Academy has earned an international reputation as a center for excellence through the consistent cultivation among its students of academic achievement, scholarly practice, and personal integrity; and

Whereas for two centuries of academic instruction, Fryeburg Academy has been dedicated to the fundamental importance of living by the rules of a democratic society: Now, therefore, be it

Resolved, That Fryeburg Academy, located in Fryeburg, Maine, is hereby commended on the occasion of its bicentennial. The Secretary of the Senate is authorized and requested to transmit to Fryeburg Academy a copy of this resolution acknowledging and commending this occasion.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President I ask unanimous consent that Senator COHEN be added as an original sponsor with me on this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR TESTIMONY BY EMPLOYEE OF THE SENATE

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution on authorization for testimony of an employee of the Senate, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 312) to authorize testimony by employee of the Senate in Louis C. Smit v. Department of the Treasury.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, an employee of the U.S. Customs Service is appealing from administrative discipline relating to his communications with Senator HARRY REID's office. At the request of the employee, an administrative law judge for the Merit Systems Protection Board has issued a subpoena for testimony of an employee on Senator REID's staff, Don Wilson, who provided casework assistance to the employee.

This resolution will authorize Mr. Wilson to testify at this hearing in response to the subpoena.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 312

Whereas, in the case of *Louis C. Smit v. Department of the Treasury*, Docket No. DA-1221-92-0259-W-1, pending before the Merit Systems Protection Board, the appellant has caused a subpoena to be issued for the testimony of Don Wilson, an employee of the Senate on the staff of Senator Harry Reid;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Don Wilson is authorized to testify in the case of *Louis C. Smit v. Department of the Treasury*, except concerning matters for which a privilege should be asserted.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SEQUENTIAL REFERRAL—S. 2566

Mr. MITCHELL. I ask unanimous consent that Calendar No. 471, S. 2566, the Department of Energy Laboratory Technology Partnership Act, be sequentially referred to the Committee on Governmental Affairs until June 23, 1992, and that if S. 2566 is not reported by the Committee on Governmental Affairs within that time, the bill then be automatically discharged and returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SHERIFFS' WEEK

NATIONAL AWARENESS WEEK FOR LIFE-SAVING TECHNIQUES

NATIONAL SCLERODERMA AWARENESS MONTH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 273, designating the week commencing June 21, 1992 as "National Sheriffs' Week" and that the Senate proceed to its immediate consideration; that the Senate also consider en bloc House Joint Resolution 442, designating the week commencing June 5, 1992, as "National Awareness Week for Life-Saving Techniques" and House Joint Resolution 445 designating June, 1992 as "National Scleroderma Awareness Month" both received today from the House; that the three joint resolutions be deemed read three times and passed, the preambles be agreed to, and the motion to reconsider the passage of these joint resolutions and the preambles en bloc be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 442) was deemed read three times and passed. The preamble was agreed to.

So the joint resolution (H.J. Res. 445) was deemed read three times and passed. The preamble was agreed to.

So the bill (S.J. Res. 273) was deemed read three times and passed. The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 273

Whereas the members of the National Sheriffs' Association consistently endeavor to exhibit the highest standards of integrity in serving their communities and their country while devoting themselves to the cause of law and justice;

Whereas our Nation's sheriffs are committed to the development, implementation, and support of crime prevention projects at national, State, and local levels;

Whereas the National Sheriffs' Association is unwavering in its support of sheriffs and their employees throughout the United States in their efforts to discharge their law enforcement, corrections, and judicial responsibilities in a constitutional, effective, and professional manner;

Whereas our Nation's sheriffs are instrumental in planning and conducting programs designed to foster respect for the law by juveniles and to combat delinquency and unlawful behavior by youths;

Whereas the National Sheriffs' Association demonstrates its ongoing commitment to foster cooperation with public and private organizations dedicated to the reduction of crime and to the improvement of law enforcement, corrections, and other criminal justice activities throughout the United States;

Whereas for over 50 years, the National Sheriffs' Association has endeavored to develop and encourage the practice of the highest standards of personal and professional conduct among sheriffs and other law enforcement officers; and

Whereas the National Sheriffs' Association is holding its 1992 conference and exhibition in San Diego, California, from June 20 through 24, 1992, and it is expected to attract more than 3,000 persons to San Diego to participate in executive meetings, general educational seminars, and other activities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing June 21, 1992, is designated as "National Sheriffs' Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, including programs designed to heighten the awareness of all citizens to the importance of our local sheriffs and county law enforcement officers in bringing peace to America's neighborhoods and streets.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, am I correct in my understanding that under the regular order, S. 55, the legislation dealing with striker replacement, will now be the pending business?

The PRESIDING OFFICER. The leader is correct.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ECONOMIC MEASURES IMPOSED WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 247

Under the authority of the order of the Senate of June 9, 1992, the Secretary of the Senate, on June 5, 1992, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying paper; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

On June 1, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)), and section 301 of the National Emergencies Act (50 U.S.C. 1631), I reported to the Congress by letters to the President of the Senate and the Speaker of the House, dated May 30, 1992, that I had exercised my statutory authority to issue Executive Order No. 12808 of May 30, 1992, that declared a national emergency and blocked "Yugoslav Government" property and property of the Governments of Serbia and Montenegro.

On May 30, 1992, the United Nations Security Council adopted Resolution No. 757 calling on member states to impose a comprehensive economic embargo against the Federal Republic of Yugoslavia (Serbia and Montenegro). Today I have taken additional steps to ensure that the economic measures we are taking with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) conform to United Nations Security Council Resolution No. 757 of May 30, 1992.

Specifically, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*), the National Emergencies Act (50 U.S.C. 1601, *et seq.*), section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1514), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3 of the United States Code, I have issued a second Executive order, "Blocking Property of and Prohibiting Transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro)," a copy of which is enclosed.

Among other things, the order that I have issued on this day:

—prohibits exports and imports of goods and services between the United States and the Federal Republic of Yugoslavia (Serbia and

Montenegro), and any activity that promotes or is intended to promote such exportation and importation;

—prohibits any dealing by a U.S. person in connection with property originating in the Federal Republic of Yugoslavia (Serbia and Montenegro) exported from the Federal Republic of Yugoslavia (Serbia and Montenegro) after May 30, 1992, or intended for exportation to any country, and related activities;

—prohibits transactions related to transportation to or from the Federal Republic of Yugoslavia (Serbia and Montenegro), or the use of vessels or aircraft registered in the Federal Republic of Yugoslavia (Serbia and Montenegro), by U.S. persons or involving the use of U.S.-registered vessels and aircraft;

—prohibits the granting of permission to any aircraft to take off from, land in, or overfly the United States if that aircraft is destined to land in or take off from the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro);

—prohibits the performance by any U.S. person of any contract in support of certain categories of projects in the Federal Republic of Yugoslavia (Serbia and Montenegro);

—continues to block all property of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as assets of the former Government of the Socialist Republic of Yugoslavia, located in the United States or in the possession or control of U.S. persons, including their foreign branches; and

—clarifies the definition of the Federal Republic of Yugoslavia (Serbia and Montenegro).

Today's order provides that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the order.

The declaration of the national emergency made by Executive Order No. 12808 remains in force and is unaffected by today's order.

GEORGE BUSH.

THE WHITE HOUSE, *June 5, 1992.*

ANNUAL REPORT ON THE ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT—PM 248

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I transmit herewith the 1990 annual report on the Administration of the Federal Railroad Safety Act of 1970, pursuant to section 211 of the Act (45 U.S.C. 440(a)).

GEORGE BUSH.

THE WHITE HOUSE, *June 9, 1992.*

MESSAGES FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 429. Joint resolution designating May 2, 1993, through May 8, 1993, as "Be Kind to Animals and National Pet Week";

H.J. Res. 442. Joint resolution to designate July 5, 1992, through July 11, 1992, as "National Awareness Week for Lifesaving Techniques";

H.J. Res. 445. Joint resolution designating June 1992 as "National Scleroderma Awareness Month"; and

H.J. Res. 470. Joint resolution to designate the month of September 1992 as "National Spina Bifida Awareness Month".

MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 429. Joint resolution designating May 2, 1993, through May 8, 1993, as "Be Kind to Animals and National Pet Week"; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3356. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3357. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on an impoundment of Department of Defense budget authority that should have been but was not reported to the Congress by the President; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

EC-3358. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Securities and Exchange Commission on intermarket coordination for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3359. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Federal Reserve System on the subject of retail fees and services of depository institutions for fiscal year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3360. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3361. A communication from the Secretary of Energy, transmitting, pursuant to law, a comprehensive report on a project entitled "Wabash River Coal Gasification Repowering Project" for fiscal year ending September 1991; to the Committee on Energy and Natural Resources.

EC-3362. A communication from the Secretary of Energy, transmitting, pursuant to law, a comprehensive report on a project entitled "Pinon Pine Integrated Gasification Combined Cycle Demonstration Project" for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-3363. A communication from the Secretary of State, transmitting, pursuant to law, a comprehensive report on a project entitled "Nicronized Coal Reburning Demonstration for NO_x Control on a 175-MWe Wall-Fired Unit" for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-3364. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report concerning efforts made by the United Nations and the Specialized Agencies to employ a fair share of Americans; to the Committee on Foreign Relations.

EC-3365. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report on proposed obligations for facilitating weapons destruction and nonproliferation in the former Soviet Union; to the Committee on Foreign Relations.

EC-3366. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the semiannual report of the Inspector General of the Federal Election Commission for the period ending March 31, 1992; to the Committee on Governmental Affairs.

EC-3367. A communication from the Chairman and Chief Executive Officer of the Thrift Depositor Protection, transmitting, pursuant to law, the semiannual report of the Inspector General of the Resolution Trust Corporation for the period October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3368. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the semiannual report of the Inspector General of Department of Health and Human Services for the period October 1, 1991 through March 31, 1992; to the Committee on Governmental Affairs.

EC-3369. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Federal Election Commission for fiscal year 1991; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-376. A resolution adopted by the Assembly of the State of New Jersey; to the Committee on Armed Services.

"ASSEMBLY RESOLUTION NO. 53

"Whereas, On March 26, 1992, the United States Department of Defense announced its plan to cut more than 140,000 National Guard and Reserve jobs nationwide over the next two years; and

"Whereas, As part of this proposal, New Jersey would witness the elimination of 4,725 positions and 28 military units, including the famed 50th Armored Division; and

"Whereas, The proposal would result in the elimination of nine Army National Guard units, 17 Army Reserve units, and two Naval Reserve units and the probable closing of '[12] *10*' of 41 armories in New Jersey, stripping the State of its most important equipment and expertise; and

"Whereas, While the proposed cuts represent a 30 percent reduction in National Guard troop structure nationwide, for New Jersey the cuts represent a 48 percent reduction in the State's military strength; and

"Whereas, In human terms, the cuts in the National Guard would result in the loss of $28 million in military-related salaries and the termination of 600 full-time and 2,700 part-time jobs in the State; and

"Whereas, The elimination of the 50th Armored Division would mean the end of a proud fighting unit whose tradition of military valor and service dates back to colonial America; and

"Whereas, A cutback of this magnitude cuts to the very core of New Jersey's military establishment and would destroy the identity of the Guard in the State today; and

"Whereas, If the proposal went into effect, the ability of the New Jersey National Guard to meet and deal effectively with State emergencies would be severely limited, if not devastated; and

"Whereas, It is fitting and proper for this House to urge Congress to reject the proposed cuts; now, therefore,

"Be it resolved by the General Assembly of the State of New Jersey:

"1. This House urges the Congress of the United States to reject the proposal by the Secretary of Defense to eliminate the 50th Armored Division of the New Jersey Army National Guard and other vital Guard and Reserve units in the State.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk, shall be transmitted to the President of the Senate, the Speaker of the House of Representatives, every member of Congress elected from this State, the members of the Armed Services Committee in each House of Congress, Defense Secretary Richard Cheney and General Colin Powell, Chairman of the Joint Chiefs of Staff.

"Urges Congress to reject proposed elimination of 50th Armored Division of the New Jersey Army National Guard and other State Guard and Reserve units."

POM-377. A resolution adopted by the House of Representatives of the State of South Carolina; to the Committee on Armed Services:

"HOUSE RESOLUTION

"Whereas, the people of South Carolina support the South Carolina National Guard in the strongest possible terms, are immensely proud of the accomplishments of the Guard, and are extremely grateful for the services rendered by the Guard to this State and to the nation over the years; and

"Whereas, any reduction of National Guard forces in South Carolina will have a devastating effect on many areas of the State; and

"Whereas, because the National Guard plays a crucial role during times of civil unrest and in the aftermath of natural disasters and is important also as part of the nation's defense force, any reduction in the Guard's force levels in South Carolina should be avoided.

"Now, therefore, be it resolved by the House of Representatives:

"That the House of Representatives of the State of South Carolina, by this resolution, expresses support for the South Carolina National Guard and for maintaining the Guard's current force levels in the State.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense, and all eight members of the State's Congressional Delegation, all at Washington, D.C., and to the Adjutant General of the State of South Carolina."

POM-378. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Armed Services:

"SENATE CONCURRENT RESOLUTION 49

"Whereas, on the night of 30 July 1945, the American Navy heavy cruiser USS Indianapolis was torpedoed and sunk by a Japanese submarine; and

"Whereas, only 316 of the 1,196 crew members survived the attack and subsequent five day ordeal adrift at sea, during which the rest died from battle wounds, drowning, shark attacks, exposure, or lack of food and water, making the sinking of the Indianapolis the worst sea disaster in American naval history; and

"Whereas, the ship's captain, Charles Butler McVay III, had an excellent naval combat record throughout his career that included: participation in the landings in North Africa and Iwo Jima, a Silver Star for courage under fire earned during the Solomon Islands campaign, the assault on Okinawa during which the Indianapolis suffered a damaging kamikaze attack but was skillfully returned by Captain McVay and his crew to San Francisco for repairs, and the successful conference by his ship of vital parts for the atomic bomb used to end the war against Japan; and

"Whereas, the USS Indianapolis was based at Pearl Harbor, Hawaii and Captain McVay's sons, Kimo Wilder McVay, Charles Butler McVay IV and their mother Kinau Wilder, are kamaaina residents of Hawaii whose ancestors were among the first missionaries to arrive in the islands; and

"Whereas, Captain McVay came from a family steeped in naval tradition, had served with distinction as Chairman of the Joint Intelligence Committee of the Combined Chiefs of Staff, and would doubtless have continued a very distinguished naval career; and

"Whereas, prior to his last voyage, the Advance Headquarters of the Commander in Chief, Pacific Fleet (CINCPAC) failed to inform Captain McVay of intelligence in its possession about the activities of four Japanese submarines sighted along the route his ship would be sailing and where a Japanese submarine had previously sunk another American vessel; and

Whereas, despite having this information in its possession, the Navy instructed Captain McVay to sail a direct route between Guam and Leyte in the Philippines, although this route brought the ship to the crossroads between the Guam-Leyte and Palau-Okinawa routes, an area Japanese submarines would likely have heavily targeted due to the greater chance they had there of spotting American naval traffic; and

Whereas, various U.S. Navy shore offices compounded the errors which placed the Indianapolis in jeopardy by failing to report the ship's overdue arrival, thus never launching a search party, leaving the ship's survivors adrift for days until by chance they were spotted by a routine air patrol; and

Whereas, because the tragedy coincided with the ending of the war in the Pacific and thus threatened to detract from the Navy's role in that victory and from its desire for prominent status in the post-war military establishment, the Navy wrongfully court-martialed Captain McVay as a scapegoat for "suffering a vessel to be hazarded through negligence", thus making him the first American captain ever brought to trial for losing his ship in combat, despite the fact that over seven hundred ships had been lost in the war, including some under questionable circumstances; and

Whereas, Captain William Hillbert, the judge advocate at the Navy's 13 August 1945 inquiry into the matter, admitted that the trial was so rushed that they were ". . . starting the proceedings without having available all the necessary data,"; and

Whereas, the charge against Captain McVay was entirely predicated upon his failure to order the ship to maintain a zigzag course even though standing orders stated that zigzagging was not necessary during poor visibility (reported to have been at best "patchy" that night), and even though Mochitsura Hashimoto, the Japanese submarine commander who sank the ship, testified at the Navy's inquiry that it would not have made any difference if the ship were zigzagging or not, and even though CINCPAC concluded that the rule on zigzagging would not have applied since Captain McVay's routing orders gave him discretion on the matter and took precedence over all other orders (a point never made to the court by McVay's attorney); and

Whereas, CINCPAC disagreed with the Court's recommendations that Captain McVay receive a Letter of Reprimand and court-martial, stating that at worst Captain McVay was guilty only of an error in judgment and not gross negligence; now, therefore,

"Be It Resolved by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, the House of Representatives concurring, that Hawaii's Congressional Delegation is requested to pursue any and all means available to exonerate Captain McVay, including but not limited to the overturning of his conviction and the passing of a Joint Congressional Resolution to expunge the court-martial from the record and express the sense of Congress that a grave injustice was visited upon Captain McVay; and

"Be It Further Resolved that the President of the United States is requested to grant a Presidential Unit Citation to the crew and survivors of the USS Indianapolis for courage displayed in the face of tremendous hardship and adversity; and

"Be It Further Resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Hawaii's congressional delegation, and to each of the presiding officers of the legislative bodies of each state of the United States of America."

POM-379. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Commerce, Science, and Transportation:

"SENATE CONCURRENT RESOLUTION 161

"Whereas, earthquakes are a national problem requiring a national solution; the United States Congress and the United States Geological Service have found that portions of all fifty states are vulnerable to the hazards of earthquakes, and that thirty-seven states are especially susceptible to major or moderate quakes; and

"Whereas, the next major earthquake may well hit east of the Rocky Mountains, especially along the New Madrid Fault in Missouri, where the strongest seismic events ever recorded in American history occurred in 1811 and 1812; and

"Whereas, a midwestern and eastern earthquake will do more damage than a California earthquake, due to the relatively loose and moist soil conditions and the proliferation of structures in the east and midwest that are not built to withstand major quakes; and

"Whereas, California is not the only western state at risk. Other especially high-risk earthquake states include Alaska, Washington, Oregon, Idaho, Utah, Montana, Nevada, Wyoming, Arizona, New Mexico, and Hawaii; and

"Whereas, the probable maximum loss of a great earthquake (8.0 or larger on the Richter Scale) is estimated at fifty to sixty billion dollars, including claims for workers' compensation, business interruption, property loss, and injuries; and

"Whereas, the recent Loma Prieta earthquake which devastated northern California provided a preview of the potential destruction in business and the financial community brought on by a great quake; and

"Whereas, regardless of where in the United States an earthquake actually occurs, the financial implications will be nationwide. Some examples include the following:

"(1) Infrastructure damage will affect the entire nation. Major quakes can rupture pipelines, severing the entire Eastern seaboard, down transmission power lines, block river traffic, and destroy interstate highways;

"(2) The municipal bond market would be impacted by the sudden sale of billions of dollars in bonds by insurance companies to pay claims. Local communities all across the country may find it difficult to enter the municipal bond market for some after a major quake;

"(3) Policyholders nationwide would be impacted as some insurance companies would become insolvent and others would have insufficient reserves to write new coverage for conventional risk, such as auto and homeowners coverage; and

"(4) Taxpayers from the entire country would pay for disaster relief efforts. Taxpayers are currently paying for the four billions dollars federal rescue package passed by Congress in the aftermath of the recent California quake;

"and

"Whereas, the current system of earthquake coverage is unacceptable to both the insurance industry and policyholders, inviting adverse selection and resulting in earthquake insurance coverage being affordable for many and unavailable for those most susceptible to the perils of earthquakes; and

"Whereas, the recent Loma Prieta earthquake has shown the inefficiency of current coordination of federal and state relief funds, leaving many individuals without any assistance long after the earthquake has occurred; and

"Whereas, a prepaid insurance fund built up from premiums collected from homeowners and businesses throughout the nation could save the federal government money in the long run by reducing the need for disaster relief; and

"Whereas, insurance is a preferable protection against earthquakes over disaster aid because insurance:

"(1) Provides a better incentive to reduce risk since people contribute to their own assistance in the form of premiums;

"(2) Provides more complete compensation for damages and is more equitable;

"(3) gives people more control over their degree of protection;

"(4) Is more efficient in dispensing payments to victims; and

"(5) Is less expensive for the federal government in the long run;

"and

"Whereas, the principal beneficiaries of a federally cosponsored program would be the insurance policyholders themselves—America's homeowners and business owners who currently cannot afford earthquake insurance; such a program would also protect the nation's economic health, which would be jeopardized by the severe disruptions of a catastrophic earthquake; and

"Whereas, only a partnership between the federal government and the insurance industry will ensure the effective management of such an unpredictable and widespread risk; now, therefore,

"Be it resolved by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, the House of Representatives concurring, that the Legislature urges the United States Congress to support legislation proposed in "The Earthquake Project," which would provide nearly universal earthquake insurance coverage for homeowners and create a federally backed financial reserve to protect the national economy from the severe financial shock resulting from a major quake; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation."

POM-380. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION 301

"Whereas, the United States, recognized as the leader in stimulating the pursuit of global democracy, promotes the extension of self-determination to all peoples, especially to those states and territories under its jurisdiction; and

"Whereas, the Legislature, as a member government of the United States of America, equally supports the need for each state and territory under the United States to seek the political standing best suited for its people; and

"Whereas, one example of this conviction is the Territory of Guam's quest for Commonwealth status; and

"Whereas, the Territory of Guam strives to provide its people with greater participation in deciding their destiny within the American community through recognition of their human rights and the establishment of a just political relationship between the people of Guam and the United States Government; and

"Whereas, there is growing recognition of the Territory of Guam's expressed desire for a closer political relationship with the United States in accordance with the Guam Commission on Self-Determination and the Commonwealth Act of Guam, as evidenced by policy statements and resolutions of the National Governors Association, the National Conference of State Legislatures, the Western Legislation Conference, and the United States Conference of Mayors; now, therefore,

"Be it resolved by the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, the Senate concurring, that the Legislature supports the Territory of Guam in its quest for Commonwealth status with the United States; and

"Be it further resolved that the legislature encourages the United States Government to allow the people of the Territory of Guam to determine their own political, social and economic futures; and

"Be it further resolved that copies of this Concurrent Resolution be transmitted to the Governor of Guam, the Speaker of the Guam Legislature, members of the Hawaii Congressional Delegation, the Speaker and President of the United States Congress, the President of the United States, the Secretary of the United States Department of State, and the Secretary of the United States Department of the Interior."

POM-381. A concurrent resolution adopted by the Legislature of the State of Minnesota; to the Committee on Environment and Public Works:

"RESOLUTION NO. 10

"Whereas, the Tenth Amendment to the U.S. Constitution, part of the original Bill of Rights, reads as follows, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"; and

"Whereas, the limits on Congress' authority to regulate state activities prescribed by the Tenth Amendment have gradually been eroded and federal mandates to the states in these protected areas have become almost commonplace; and

"Whereas, the regulation of traffic and motor vehicle safety laws are constitutionally the province of state, not congressional, authority; and

"Whereas, a recently proposed federal mandate would reduce the apportionment of federal highway funds to states which do not enact statutes requiring the use of helmets by motorcyclists and the use of safety belts and child restraint systems by drivers and front seat passengers in automobiles by July 1, 1992; and

"Whereas, while the stated goals of this federal mandate, to reduce highway fatalities and injuries through increased use of motorcycle helmets and safety belts, are certainly praiseworthy, it is the opinion of this body that the passage of such legislation by the U.S. Congress would be a blatant transgression upon the state's regulatory authority under the Tenth Amendment; Now, therefore,

"Be it resolved by the Legislature of the State of Minnesota that it urges the Congress to refrain from imposing upon the states' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries, and specifically, to refrain from mandating the passage of state laws requiring the use of motorcycle helmets, safety belts, and child restraint systems.

"Be it further resolved that the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President and Secretary of the United States Senate, the

Speaker and Chief Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress."

POM-382. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION

"Whereas, in 1986, the United States Congress created the Low-Income Housing Tax Credit (LIHTC) Program through the Tax Reform Act of 1986; and

"Whereas, the federal low-income housing tax credit represented a new approach to the tax treatment of investment in low-income housing; and

"Whereas, the credit was enacted to offset the repeal of tax shelters and other incentives to build rental housing previously available, and to specifically target low-income rentals; and

"Whereas, this tax credit has been an essential ingredient in encouraging developers to undertake the construction of low-income housing and to stimulate rental housing; and

"Whereas, in 1988, the Hawaii State Legislature created a state low-income housing tax credit to be allocated to project owners participating under the Federal LIHTC Program in order to further increase the amount of affordable rental units produced under this Program; and

"Whereas, since the inception of the Program in Hawaii, a total of nine projects located throughout all four counties of the state have been assisted with federal and state tax credits, resulting in the creation of four hundred and sixty one affordable rental units for low-income families earning up to sixty per cent of the median income for the area; and

"Whereas, the Housing Finance and Development Corporation, the state agency responsible for the administration of the LIHTC Program, has experienced increased interest on the part of private developers in the Program; and

"Whereas, the LIHTC Program could be the key to the continued production of much needed affordable rental housing projects in the State of Hawaii by the private sector; and

"Whereas, the LIHTC Program was to be effective for the period of January 1, 1987 to December 31, 1989; and

"Whereas, the LIHTC Program has proven to be successful nationwide in providing approximately 100,000 affordable rental units annually to low-income families earning up to sixty per cent (60%) of the median income for the area and, as such, Congress subsequently extended the expiration date of the Program three (3) times, with the latest extension being effective to June 30, 1992; and

"Whereas, more than ever before, a permanent federal tax credit for low-income housing is crucial to promote the construction of low-income rental housing nationwide and to alleviate the growing disparity between housing supply and demand in Hawaii; and

"Whereas, in addition to the Low-Income Housing Tax Credit Program, it is also important that the Tax-Exempt Mortgage Revenue Bond (MRB) Program be extended on a permanent basis by Congress; and

"Whereas, the MRB Program provides below-market rate mortgages to low and moderate income first time homebuyers; and

"Whereas, in 1979, the State of Hawaii established a Tax-Exempt MRB Program known as the "Hula Mae Program"; and

"Whereas, the Hula Mae Program is targeted to assist first-time homebuyers whose limited incomes could not otherwise support a home purchase; and

"Whereas, through the issuance of over $953 million of tax exempt mortgage revenue bonds, the Hula Mae Program has assisted to date approximately 6,200 families realize their dreams of homeownership; and

"Whereas, like the Low-Income Housing Tax Credit Program, Congress has imposed a June 30, 1992 sunset date for the MRB Program, only six months longer than the previous December 31, 1991 sunset date; and

"Whereas, a permanent extension of the Mortgage Revenue Bond Program is essential to assure that a continuous supply of affordable mortgage money will be available for Hawaii's first-time homebuyers; and

"Whereas, President George Bush's recent veto of H.R. 4210 was disappointing since the bill included provisions extending the LIHTC Program permanently and the MRB Program for twelve months; and

"Whereas, it is imperative that action be taken to extend the LIHTC and MRB Programs beyond their scheduled sunset date of June 30, 1992; now therefore,

"Be it resolved by the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, the Senate concurring, that the United States Congress is hereby respectfully requested to permanently extend the Low Income Housing Tax Credit and Mortgage Revenue Bond Programs; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the United States Senate, the United States House of Representatives, members of Hawaii's Congressional Delegation, the Housing Finance and Development Corporation, and the Hawaii Community Reinvestment Corporation."

POM-383. A resolution adopted by the Assembly of the State of New Jersey; to the Committee on Finance:

"ASSEMBLY RESOLUTION NO. 17

"Whereas, Under the terms of the federal waiver of Medicare regulations which New Jersey initially received for a three-year period from 1980 through 1982, and which was subsequently renewed for a second three-year period from 1983 through 1985 and an additional three-year period from 1986 through 1988, the State was permitted to establish its own diagnosis related group, or DRG, rates for Medicare hospital inpatients and outpatients and Medicare agreed to reimburse for bad debts and indigent costs not attributable exclusively to Medicare patients, provided that the costs to the Medicare program under the New Jersey DRG system remained below the costs Medicare would incur under its own national prospective payment system; and

"Whereas, In 1986, federal cuts in Medicare rates began to limit Medicare contributions to uncompensated care, and when the federal waiver that allowed New Jersey's rate setting system to set Medicare payment rates ended in 1988, all of Medicare's share of uncompensated care was shifted to non-Medicare payers, thus sharply increasing their payments; and

"Whereas, The Medicare program stopped participating in the hospital uncompensated care program for outpatients at the end of 1986 and for inpatients at the end of 1988; and

"Whereas, Approximately 40% of hospital patient revenue Statewide is accounted for by Medicare patients, and when Medicare terminated its agreement to share uncompensated care payments, the uncompensated care surcharge to other payers of hospital bills, including the Medicaid program, Blue Cross and Blue Shield of New Jersey, Inc., commercial health insurance companies, health maintenance organizations and uninsured patients, virtually doubled; and

"Whereas, Business and insurers in New Jersey have expressed an increasing concern about funding hospital uncompensated care through the uncompensated care surcharge because of the growing financial burden it places on them due to the higher rates for hospital care which are a result of the increasing amount of uncompensated care being provided by hospitals; and

"Whereas, The failure by Medicare to share in the payment of uncompensated care costs reflects a continuing pattern by the federal government to shift to the States its fair share of the financial burden associated with the growing national problem of health care for the uninsured and the underinsured, requiring the states to shoulder the increasing financial burden of providing health care to this population; and

"Whereas, this national problem requires a national solution, and the federal government should recognize its proper responsibility under our federal system to address this problem, rather than simply shifting costs to the states and imposing increasingly heavy burdens upon them, as it has done, for example, through it recently mandated expansions of the Medicaid program; and

"Whereas, As an interim step, the federal government should address its responsibility to assist this State in meeting its hospital uncompensated care costs by restoring the New Jersey Medicare DRG waiver and sharing uncompensated care payments to New Jersey hospitals; now, therefore,

"Be it resolved *by the General Assembly of the State of New Jersey:*

"1. This House respectfully memorializes the Congress and the Secretary of Health and Human Services of the United States to restore the New Jersey Medicare DRG waiver and share uncompensated care payments to New Jersey hospitals.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly, and attested by the Clerk of the General Assembly, shall be forwarded to the Secretary of Health and Human Services of the United States and the presiding officers of the United States Senate and the House of Representatives, and to each of the members of the Congress of the United States elected from the State of New Jersey."

POM-384. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Foreign Relations:

"SENATE RESOLUTION 200

"Whereas, the United Nations' Conference on Environment and Development, a gathering to include 160 world leaders, is scheduled to take place in June 1992 in Rio de Janeiro, Brazil, with the aim of forming a global alliance to address some of the world's growing environmental crises; and

"Whereas, the United Nations' so-called 'Earth Summit' has become the focus of serious allegations of lack of leadership and organization as the industrialized countries and developing countries continue to have strong ideological and economic differences which threaten the opportunity for progress in addressing the environmental challenges facing the entire planet; and

"Whereas, the United States Of America could positively influence the proceedings of the conference on Environment and Development by demonstrating a genuine commitment to provide strong and effective leadership on environmental issues, together with a commitment to provide more resources and funding for global environment care and the establishment of new international environmental organizations; and

"Whereas, internal solutions to environmental problems that know no geographic boundaries must be developed, especially with regard to ozone depletion, acid rain, carbon dioxide reduction, protection of the rain and ancient forests, solid waste disposal, and protection of precious water resources; now, therefore,

"Be it resolved by the Senate of the Sixteenth Legislature of the State of Hawaii. Regular Session of 1992, that the United States of America is urged to commit to and provide strong environmental leadership at the United Nations' Conference on Environment and Development, beginning at the final negotiating meeting in New York City from March 2 to April 3, 1992, to prepare for the full conference in June 1992 in Brazil; and

"Be it further resolved that President Bush is urged to commit himself to personally attend the 'Earth Summit'; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the Secretary of State of the United States, the United States Ambassador to the United Nations, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and Hawaii's Congressional Delegation."

POM-385. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Foreign Relations:

"SENATE CONCURRENT RESOLUTION 239

"Whereas, the United Nations' Conference on Environment and Development, a gathering to include 160 world leaders, is scheduled to take place in June 1992 in Rio de Janeiro, Brazil, with the aim of forming a global alliance to address some of the world's growing environmental crises; and

"Whereas, the United Nations' so-called "Earth Summit" has become the focus of serious allegations of lack of leadership and organization as the industrialized countries and developing countries continue to have strong ideological and economic differences which threaten the opportunity for progress in addressing the environmental challenges facing the entire planet; and

"Whereas, the United States of America could positively influence the proceedings of the Conference on Environment and Development by demonstrating a genuine commitment to provide strong and effective leadership on environmental issues, together with a commitment to provide more resources and funding for global environment care and the establishment of new international environmental organizations; and

"Whereas, international solutions to environmental problems that know no geographic boundaries must be developed, especially with regard to ozone depletion, acid rain, carbon dioxide reduction, protection of the rain and ancient forests, solid waste disposal, and protection of precious water resources; now, therefore,

"Be it resolved by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, the House of Representatives concurring, that the United States of America is urged to commit to and provide strong environmental leadership at the United Nations' Conference on Environment and Development, beginning at the final negotiating meeting in New York City from March 2 to April 3, 1992, to prepare for the full conference in June 1992 in Brazil; and

"Be it further resolved that President Bush is urged to commit himself to personally attend the "Earth Summit"; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of State of the United States, the United States Ambassador to the United Nations, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and Hawaii's Congressional Delegation."

POM-386. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Foreign Relations:

"SENATE CONCURRENT RESOLUTION 239

"Whereas, the United Nations' Conference on Environment and Development, a gathering to include 160 world leaders, is scheduled to take place in June 1992 in Rio de Janeiro, Brazil, with the aim of forming a global alliance to address some of the world's growing environmental crises; and

"Whereas, the United Nation's so-called "Earth Summit" has become the focus of serious allegations of lack of leadership and organization as the industrialized countries and developing countries continue to have strong ideological and economic differences which threaten the opportunity for progress in addressing the environmental challenges facing the entire planet; and

"Whereas, the United States of America could positively influence the proceedings of the Conference on Environment and Development by demonstrating a genuine commitment to provide strong and effective leadership on environmental issues, together with a commitment to provide more resources and funding for global environment care and the establishment of new international environmental organizations; and

"Whereas, international solutions to environmental problems that know no geographic boundaries must be developed, especially with regard to ozone depletion, acid rain, carbon dioxide reduction, protection of the rain and ancient forests, solid waste disposal, and protection of precious water resources; now, therefore,

"Be it resolved by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, the House of Representatives concurring, that the United States of America is urged to commit to and provide strong environmental leadership at the United Nations' Conference on Environment and Development, beginning at the final negotiating meeting in New York City from March 2 to April 3, 1992, to prepare for the full conference in June 1992 in Brazil; and

"Be it further resolved that President Bush is urged to commit himself to personally attend the "Earth Summit"; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of State of the United States, the United States Ambassador to the United Nations, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and Hawaii's Congressional Delegation."

POM-387. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Foreign Relations:

"SENATE CONCURRENT RESOLUTION 195

"Whereas, the Convention on Conservation of Nature in the South Pacific, commonly known as the "APIA Convention," was held in Apia, Western Samoa, in June, 1976, with the United States being a party thereto; and

"Whereas, the purpose of the Convention was to implement the principles set out in the declaration adopted by the United Nations Conference on the Human Environment, which was held in Stockholm in June, 1972; and

"Whereas, the participants were convinced of the need for urgent action inspired by those principles, especially in relation to the maintenance of the Earth's capacity to produce essential renewable resources, the safeguarding of representative samples of natural ecosystems, and the preservation of wildlife and its habitats; and

"Whereas, the participants were conscious of the importance of natural resources from nutritional, scientific, educational, cultural, and aesthetic points of view, as well as the dangers threatening those irreplaceable resources; and

"Whereas, the participants recognized the need to give due consideration to indigenous customs and traditional cultural practices in the South Pacific; and

"Whereas, the Articles of the Convention call for the creation of protected areas as well as the wise management and appropriate use of such areas for the purpose of preserving and safekeeping natural ecosystems (particularly of endangered species) of the South Pacific, which means are vital to the survival of the superlative scenery, striking geological formations, and regions and objects of aesthetic interest or of historic, cultural, or scientific value within the South Pacific; and

"Whereas, the United States has not signed the Articles of the Convention; and

"Whereas, the United States, a major delegate at the "APIA Convention," is requested to effectuate and enforce the Articles of the Convention, particularly in view of its prominent presence in the South Pacific; and

"Whereas, Federal agencies such as the U.S. Fish and Wildlife Service and the National Park Service would benefit from the implementation of the Articles of the Convention in their efforts to protect the natural resources of the Pacific; now therefore,

"Be it resolved by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, the House of Representatives concurring, that the President of the United States is respectfully requested to sign and the Senate of the United States to ratify the Articles of the Convention on Conservation of Nature in the South Pacific ("APIA Convention"); and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the the United States, to the Majority and Minority Leaders of the Senate of the United States, and to Hawaii's Congressional Delegation."

Pom-388. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Foreign Relations:

"SENATE RESOLUTION 200

"Whereas, The United Nations' Conference on Environment and Development, a gathering to include 160 world leaders, is scheduled to take place in June 1992 in Rio de Janeiro, Brazil, with the aim of forming a global alliance to address some of the world's growing environmental crises; and

"Whereas, the United Nation's so-called "Earth Summit" has become the focus of serious allegations of lack of leadership and organization as the industrialized countries and developing countries continue to have strong ideological and economic differences which threaten the opportunity for progress in addressing the environmental challenges facing the entire planet; and

"Whereas, the United States of America could positively influence the proceedings of the Conference on Environment and Development by demonstrating a genuine commitment to provide strong and effective leadership on environmental issues, together with a commitment to provide more resources and funding for global environment care and the establishment of new international environmental organizations; and

"Whereas, International solutions to environmental problems that know no geographic boundaries must be developed, especially with regard to ozone depletion, acid rain, carbon dioxide reduction, protection of the rain and ancient forests, solid waste disposal, and protection of precious water resources; now, therefore,

"Be it resolved by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, that the United States of America is urged to commit to and provide strong environmental leadership at the United Nation's Conference on Environment and Development, beginning at the final negotiating meeting in New York City from March 2, to April 3, 1992, to prepare for the full conference in June 1992 in Brazil; and

"Be it further resolved that President Bush is urged to commit himself to personally attend the "Earth Summit"; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the Secretary of State of the United States, and the United States Ambassador to the United Nations, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and Hawaii's Congressional Delegation."

POM—389. A petition from a citizen of Maitland, Florida opposing the "Gay Bill of Rights"; to the Committee on the Judiciary.

POM—390. A resolution adopted by the Senate of the State of Michigan; to the Committee on the Judiciary.

"SENATE RESOLUTION NO. 418

"Whereas, The seeming inability of the United States Congress to assume the fiscal responsibility necessary to bring the escalating federal budget deficit under control continues to drain the resources of the federal government and of our citizens. Indeed, the increasing use of omnibus budget legislation suggests that congress has consciously undermined the president's power to veto what may be unjustified budget items, and, in turn, reduce the federal deficit; and

"Whereas, A practical and reasonable budgetary device that has been employed in forty-three states for many years has been the line item veto power afforded to governors. This useful fiscal tool has helped make both governors and state legislatures more accountable for their decisions on spending; and

"Whereas, Giving the President of the United States the line item veto would restore what has become a substantially eroded presidential veto power that has upset the delicate balance between the legislative and executive branches of government—a balance that is crucial for effective representative government; now, therefore, be it

"Resolved by the Senate, That we hereby memorialize the United States Congress to pass and submit to the state legislatures for ratification an amendment to the United States Constitution to permit line item vetoes for the President of the United States; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM—391. A resolution adopted by the Senate of the State of Michigan; to the Committee on the Judiciary:

"SENATE RESOLUTION NO. 417

"Whereas, Unchecked federal budget deficits present a clear danger not only to the vitality of our economy, but also to the long-term stability of the nation. Indeed, there is a consensus throughout the country that the enormous national debt casts a dark shadow over our economic future;

"Whereas, This institutionalized imbalance between revenues and expenditures in the federal budget process is tearing at the social fabric of this nation. Unless something is done to address the problem, our children and grandchildren will be assessed an enormous toll for our intransigence; now, therefore, be it.

"Resolved by the Senate, That we hereby memorialize the Congress of the United States to pass and submit to the state legislatures for ratification an amendment to the United States Constitution to require a balanced federal budget; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the Michigan congressional delegation."

POM—392. A resolution adopted by the Assembly of the State of New Jersey; to the Committee on the Judiciary:

"ASSEMBLY RESOLUTION NO. 70

"Whereas, The recent jury verdict to acquit four Los Angeles police officers in the beating of Rodney G. King has generated intense public outcry and frustration, which tragically manifested itself in civil unrest in Los Angeles, California and in other parts of the country; and

"Whereas, In a recent Newsweek poll conducted by the Gallup Organization, a large majority of Americans disagree with the acquittal of the police officers; and

"Whereas, This questionable verdict may seriously undermine the sense of faith and respect many Americans have in the system of justice in the United States; and

"Whereas, The United States Attorney General and the federal grand jury should pursue vigorously their responsibility to determine whether civil rights laws were violated in the beating of Rodney G. King; and

"Whereas, Such steps will hopefully reinforce for the nation and for the people of Los Angeles our society's commitment to civil rights and its intolerance for any type of violence which violates those civil rights; and

"Whereas, Such efforts would strengthen the faith Americans have in the system of justice in the United States, which has been undermined by the proceedings of this case; and

"Whereas, New Jersey should feel pride that while its citizens were equally outraged by the decision in the Rodney G. King case, the public's reaction, while freely expressed, has been measured and focused; and

"Whereas, In many respects, this peaceful protest can be traced to the sense of communication and cooperation that exists between New Jersey's civic, religious, and community leaders and the people of our great State; now therefore,

"Be it resolved by the General Assembly of the State of New Jersey:

"1. This House respectfully memorializes the President of the United States, the Congress, and the United States Attorney General to vigorously pursue possible civil rights violations in the beating of Rodney G. King in Los Angeles and calls upon the United States Attorney General to investigate any possible irregularities in the jury deliberations that resulted in a not guilty verdict for the police officers accused of his beating.

"2. This House urges the citizens and residents of this State and Nation to show restraint in these difficult times and urges all Americans to recommit themselves to eliminating poverty, racism, ignorance, injustice, and all other barriers between people.

"3. Duly authenticated copies of this resolution shall be transmitted to the President of the United States, the presiding officers of the United States Senate and House of Representatives, to every member of Congress elected from the State of New Jersey, and to the United States Attorney General.

"STATEMENT

"This resolution memorializes the President of the United States, the Congress, and the United States Attorney General to vigorously pursue possible civil rights violations in the beating of Rodney G. King in Los Angeles and calls upon the United States Attorney General to investigate any possible irregularities in the jury deliberations that resulted in a not guilty verdict for the police officers accused of his beating. Such an action will reinforce for the Nation and for the people of Los Angeles our society's commitment to civil rights and its intolerance for any type of violence which violates those civil rights. It will also strengthen the faith Americans have for the system of justice in the United States, which has been undermined by the proceedings of this case. The resolution also singles out the cooperation and communication that exists between New Jersey's civic, religious, and community leaders and the citizens of the State as a major factor in the measured, focused and freely expressed protests in New Jersey.

"Memorializes the President of the United States, the Congress, and the United States Attorney General to vigorously pursue possible civil rights violations in the beating of Rodney G. King in Los Angeles."

POM-393. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Labor and Human Resources:

"SENATE CONCURRENT RESOLUTION 18

"Whereas, RU-486, a major new drug, has been in use in France since 1988, has more recently been approved for use in Great Britain and is likely to be marketed soon in the Scandinavian countries; and

"Whereas, when prescribed with another drug, RU-486 has been shown to be an effective, safe and non-invasive treatment for the termination of early pregnancy; and

"Whereas, research continues under the auspices of a task force of the World Health Organization on RU-486's potential for contraceptive use; and

"Whereas, RU-486 has also been found to be useful in easing labor and an effective treatment for Cushing's syndrome; and

"Whereas, the medical community has identified RU-486 as a promising treatment for a number of other conditions, including some breast and brain cancers, prostate cancer, endometriosis, ovarian cancer, osteoporosis and AIDS; and

"Whereas, before RU-486 can be made available for use in the United States it must be subjected to clinical trials by the Federal Drug Administration; and

"Whereas, the drug's maker, Roussel-Uclaf, and its parent company, Hoechst, have indicated that they will not ask to market the drug in this country because of the perceived political climate and their fear of a possible boycott of all their other products; and

"Whereas, the FDA has given no indication that it will conduct such tests and in 1989 banned the importation of RU-486 for personal use; and

"Whereas, RU-486 has been used safely over 80,000 times in France where there has been only one fatality in a high risk patient; and

"Whereas, the ban not only denies Americans access to an important drug, it has also caused most American research in this area to come to a stop; and

"Whereas, The American Medical Association, the American Public Health Association, the American College of Obstetricians and Gynecologists, and the American Association for the Advancement of Science have formally recognized the importance of RU-486 and have acted to support the testing of RU-486 and related agents in the United States; and

"Whereas, the Hawaii State Legislature, together with the above organizations, supports freedom of medical research for American scientists and decries barriers to access to promising drugs and important new technologies; and

"Whereas, political considerations should not stand in the way of the right of American women to have access to the least invasive and safest care available in terminating early pregnancies; now, therefore

"Be it resolved by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, the House of Representatives concurring, that the Hawaii State Legislature urges the President of the United States and the Congress to rescind the ban imposed by the Food and Drug Administration and support the use of RU-486 and other related agents for all appropriate research and, if indicated, clinical trials; and

"Be it further resolved that certified copies of this Senate Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, Hawaii's congressional delegation, to the manufacturer of RU-486, Roussel-UCLAF, 35 Boulevard des Invalides 75007, Paris France and to the Commissioner of the federal Food and Drug Administration."

POM-394. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Labor and Human Resources:

"CONCURRENT RESOLUTION

"Whereas, Public Law 101-508 (Omnibus Reconciliation Act) amended the social security requirements to require that part-time employees such as poll managers would be required to come under the Social Security law and have deductions made from their income; and

"Whereas, an amendment to the Older Americans Act has passed the United States House of Representatives and, pending consideration in the United States Senate, would raise the exemption to one thousand dollars benefiting these part-time employees; and

"Whereas, the passage of this amendment would greatly aid part-time employees in the upcoming elections; and

"Whereas, the members of the General Assembly express their desire to the South Carolina Congressional Delegation, especially Senators Hollings and Thurmond, that they vote for the passage of this amendment. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the members of the General Assembly memorialize the United States Congress to enact the amendment to the Older Americans Act which raises the exemption to one thousand dollars for money earned and which would benefit poll managers in the upcoming elections.

"Be it further resolved that a copy of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the South Carolina Congressional Delegation."

POM-395. A concurrent resolution adopted by the Legislature of the State of Missouri; to the Select Committee on POW/MIA Affairs:

"SENATE CONCURRENT RESOLUTION NO. 22

"Whereas, there are more than 88,000 American service personnel missing from World War II, Korea, and Vietnam; and

"Whereas, recent information has been released regarding American service personnel being held against their will after World War II, Korea, and Vietnam; and

"Whereas, the United States Senate Foreign Relations Committee released an interim report in October, 1990, that concluded that American service personnel were held in Southeast Asia after the end of the Vietnam War and that information available to the United States government does not rule out the probability that American service personnel are still being held in Southeast Asia; and

"Whereas, the Senate Interim Report states that Congressional inquiries in the POW/MIA issue have been hampered by incomplete access to information that was concealed from committee members or "misinterpreted or manipulated" in government files; and

"Whereas, the POW/MIA truth bill would direct the heads of the federal government agencies and departments to disclose information concerning the United States service personnel classified as prisoners of war or missing in action from World War II, Korea, and Vietnam; and

"Whereas, if enacted, this bill would sensor out the sources of information and the methods for obtaining information available to the United States government regarding POWs and MIAs; and

"Whereas, the POW/MIA truth bill does not rule out the possibility that United States citizens are still being held in Southeast Asia;

"Now, therefore, be it resolved that the members of the Missouri Senate of the Eighty-sixth General Assembly, the House of Representatives concurring therein, hereby request the Congress of the United States to enact the POW/MIA truth bill in order to effectively conclude its POW/MIA investigation so vital to resolving the POW/MIA issue in Southeast Asia; and

"Be it further resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives and for each member of the Missouri Congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Report to accompany the bill (S. 1623) to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes (Rept. No. 102-294).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBB:

S. 2816. A bill to authorize a certificate of documentation for the vessel Bay Lady; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 2817. A bill to establish a national health care program, and for other purposes; to the Committee on Finance.

By Mr. ROTH:

S. 2818. A bill to suspend until January 1, 1995, the duty on Triphenylmethyl chloride, Imidazole Intermediate, 1, 3-Dihydroxyacetone, N-Chlorosuccinimide, Losartan (active), and AVISTAR (formulation); to the Committee on Finance.

S. 2819. A bill to suspend until January 1, 1995, the duty on 4- Picolylchloride Hcl, 2H-indol-2-one, 1,3-dihydro-1-phenyl-3-(4-pyridinylmethylene), Linopirdine (active), 3,3-bis(4-pyridinylmethyl)- 1,3-dihydro-1-phenyl-2H-indole-2-one, and AVIVA (tablet formulation); to the Committee on Finance.

S. 2820. A bill to suspend until January 1, 1995, the duty on (+)- Methylp-{2-hydroxy-3-(isopropylamino) propoxy} hydrocinnamate hydrochloride; to the Committee on Finance.

S. 2821. A bill to suspend until January 1, 1995, the duty on NEUROLITE (complete dosage kits); to the Committee on Finance.

S. 2822. A bill to suspend until January 1, 1995, the duty on CARDIOLITE (complete dosage kits); to the Committee on Finance.

S. 2823. A bill to suspend until January 1, 1995, the duty on 3-(a- acetonyl benzyl)-4-hydroxycoumarin sodium salt; to the Committee on Finance.

By Mr. FOWLER:

S. 2824. A bill to authorize a study of the feasibility and suitability of designating the Augusta Canal National Historic Landmark District as a National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. BREAUX, Mr. INOUYE, and Mr. JOHNSTON):

S. 2825. A bill to amend the Foreign Trade Zones Act to clarify that crude oil consumed in refining operations is not subject to duty under the Harmonized Tariff Schedule of the United States; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. PELL, Mr. SIMON, Mr. DECONCINI, Mr. KERRY, and Mr. BRADLEY):

S. 2826. A bill to reaffirm the obligation of the United States to refrain from the involuntary return of refugees outside the United States; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 310. A resolution to express the sense of the Senate in disapproving of the action of the District of Columbia Council in approving the Health Care Benefits Expansion Act of 1992; to the Committee on Governmental Affairs.

By Mr. MITCHELL (for himself and Mr. COHEN):

S. Res. 311. A resolution to commend Fryeburg Academy, located in Fryeburg, Maine, on the occasion of its bicentennial; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 312. A resolution to authorize testimony by employee of the Senate in Louis C. Smit v. Department of the Treasury; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 2817. A bill to establish a national health care program; to the Committee on Finance.

NATIONAL HEALTH CARE ACT

• Mr. INOUYE. Mr. President, I rise today to introduce the National Health Care Act of 1992, a comprehensive proposal that was developed by the National Association of Social Workers [NASW] and significantly changes the way our Nation finances and delivers health care. I am very impressed with the level of commitment demonstrated by NASW in crafting a proposal of this magnitude, and I am very pleased to introduce this legislation on their behalf.

It is not really surprising that the NASW would dedicate the time and resources necessary to develop this national health care proposal. Social workers are employed in every facet of the Nation's health and mental care delivery systems. From positions in public health, health planning, and health administration to their roles as primary health care providers in hospitals, community health and mental health centers, home health agencies, nursing homes, end stage renal disease programs, employee assistance programs and private practice, the social work profession is very uniquely situated to provide its own extensive perspective on health care reform. Additionally, members of the profession are often in the challenging position of trying to assist individuals piece together financing for needed care that is not covered through a health insurance plan. As you might anticipate, this part of the job is becoming increasingly difficult, and the stress placed on families who find themselves in this situation is particularly severe. It is an untenable burden for families who are already fragile in these economically hard times.

I believe that the NASW proposal will add an invaluable contribution to our health care reform debate in Congress. Like other single-payer national health care proposals, this bill would replace the patchwork of multiple public and private insurance plans with one publicly financed health insurance plan that is administered by the Federal and State governments. The plan would cover expanded comprehensive care—much more than is currently available in the typical insurance package. The benefits would include primary care services, hospital care, dental and vision care, mental health and substance abuse treatment, rehabilitation services, and prescription drugs. The proposal also provides a long-term care benefit that includes home and community-based care for the chronically ill of all ages. Every American would receive the same level of comprehensive benefits through the use of a uniform, single system that allows for equitable, cost-effective care to all.

What sets this health care reform plan apart from all of the rest that we have seen introduced thus far in Congress is that it goes beyond recommendations for a new payment and administrative system. What makes this plan unique is that it provides a vision for the delivery of quality health and mental health care. It takes into account, for example, Secretary Sullivan's promotion of the individual's responsibility for a healthy lifestyle—but this plan takes the point a step further and helps us consumers work toward that goal through the use of health education and promotion programs in the schools, workplace and other community settings. In addition, the plan both emphasizes and makes available preventive and primary care services, essential components to the maintenance of good health.

Of particular importance to me is the plan's view of mental health care and substance abuse treatment. Mental health has always been one of my top priorities, and this plan treats mental health care and substance abuse treatment in the same fashion as care that would be provided for a physical ailment. No arbitrary limits on care are imposed, nor are added copayments and deductibles attached to mental health services to decrease the utilization of needed care. The plan recognizes that mental health and substance abuse service needs, like those for physical health care, can be considered in a framework that includes preventive care, primary care, and long-term care. Card coordination and an emphasis on the use of home and community-based treatment are viewed as the primary means of managing chronic and/or costly care in mental health and substance abuse, just as they may be used in managing chronic and long-term health care.

Care coordination is a central theme in the NASW proposal. Care coordination services are identified as a specific benefit that is available through all primary care providers. For long-term care, screening and care coordination that is provided by a multidisciplinary team of providers is the point of entry. The availability of these services is regarded as an essential element to ensure access to appropriate care.

Many service delivery system improvements are contained in this proposal to enhance continuity of care and service efficiency. One such model is the integrated health service plan, a not-for-profit, consumer-controlled system that provides comprehensive outpatient care to an enrolled population in its own facility. While consumers' ability to choose their own providers is maintained through the plan, options are also included to assist consumers in locating appropriate, quality care. Additionally, the development of innovative methods of delivering services will be fostered through the use of targeted demonstration grant funds to States and communities.

This legislation takes into account the fact that access to health insurance coverage does not always translate into access to care. Many provisions exist in this legislation to promote increased access to care in rural, urban, and other health professional shortage areas. Provisions also exist to encourage innovative approaches in prevention and treatment for underserved populations who have traditionally had difficulty in obtaining care.

Many might ask why a Senator from the State of Hawaii, which has achieved almost universal access of its residents to health insurance coverage, would introduce this national health care proposal. First of all, the health care crisis is threatening our entire Nation, and we must all work toward the goal of assuring that all Americans have access to the quality of care that is available in the United States. Second, this plan incorporates some of the major provisions in the Hawaii plan that keep the health insurance premiums in our State relatively low—that is, the focus on providing preventive and primary care services that maintain our population's health and the use of a large risk pool to keep costs down. While Hawaii does not have a single-payer plan, it benefits from many of the advantages of a single-payer system because insurance coverage is primarily provided by two insurers. Thirdly, I believe that this plan advances the national health care debate by going beyond recommendations on financing and administration to issues of health policy and delivery system improvement that must surely be addressed as well if our goal is to provide appropriate, quality care for all.

I congratulate the National Association of Social Workers in its development of this plan, and I particularly wish to congratulate NASW executive director, Mark Battle, for his leadership in directing the association's efforts.

Mr. President, I request unanimous consent that the text and a summary of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Health Care Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—NATIONAL HEALTH CARE PROGRAM

Sec. 101. Establishment.
Sec. 102. Approval of State programs.
Sec. 103. Eligibility for enrollment.
Sec. 104. Enrollment.
Sec. 105. Portability.

TITLE II—BENEFITS AND PROVISION OF SERVICES

Subtitle A—Scope of Services

Sec. 201. Covered services.
Sec. 202. Exclusions.
Sec. 203. Prohibitions on limitations.
Sec. 204. Eligibility.
Sec. 205. Additional and duplicate services.

Subtitle B—Provision of Services

Sec. 211. Health care providers.
Sec. 212. Delivery systems.
Sec. 213. State long-term care coordination agencies.
Sec. 214. Incorporation of miscellaneous medicare-related provisions.
Sec. 215. Nondiscrimination.

TITLE III—REVENUE

Subtitle A—Budget Process

Sec. 301. National and State health budgets.
Sec. 302. Payments to States.
Sec. 303. Establishment of exchange program.

Subtitle B—Payments to Health Care Providers

Sec. 311. Payments to health care providers.
Sec. 312. Payments to institutional health care providers.
Sec. 313. Payments for services by individual health care providers.
Sec. 314. Payments to integrated health service plans.
Sec. 315. Grievance procedure.

Subtitle C—Sources of Revenue

Sec. 321. Federal sources of revenue.
Sec. 322. State sources of revenue.
Sec. 323. Cost-sharing.
Sec. 324. National Health Care Trust Fund.

TITLE IV—ADMINISTRATION

Subtitle A—Federal Administration

Sec. 401. National Health Care Administration.
Sec. 402. National Health Board.
Sec. 403. National Council on Quality Assurance and Consumer Protection.
Sec. 404. Medical Malpractice Commission.
Sec. 405. Utilization and quality control peer review organizations.
Sec. 406. Public Health Functions and Activities Commission.
Sec. 407. Technical assistance centers.

Subtitle B—State and Local Administration

Sec. 411. State agency.
Sec. 412. State and local planning boards.

TITLE V—TRANSITION AND RELATIONSHIP TO OTHER PROGRAMS

Sec. 501. Effective date.
Sec. 502. Repeals and incorporations.
Sec. 503. Transition.
Sec. 504. Rules governing congressional consideration.
Sec. 505. Relation to Employee Retirement Income Security Act of 1974.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Bill of rights.
Sec. 602. Research and demonstration projects.
Sec. 603. Prevention, health promotion, and health awareness program grants.

SEC. 2. PURPOSE.

The purpose of this Act is to establish a single-payer national program of health care services that is administered by the States under Federal guidelines and provides—

(1) a right to health care services for every United States citizen and resident, regardless of race, color, religion, sex, national origin, age, health condition, sexual preference, income, language, or geographic residence in an urban or rural area;

(2) comprehensive health benefits that—

(A) enable consumers to achieve and maintain physical and mental health, maximize potential for enhanced social and physical functioning, and sustain a meaningful quality of life; and

(B) provide a major emphasis on primary prevention and health promotion;

(3) a broad range of involvement on the local level by health care providers, public agencies, consumers, civic organizations, schools, employers, and unions;

(4) cost-conscious delivery of high quality services through prospective global budgeting for the States and hospitals, negotiated fee schedules for health care providers, efficient use of health care facilities and equipment, and the elimination of unnecessary medical procedures;

(5) the right of consumers to participate in the decisions that directly affect their lives, and in the decisions that relate to the design and implementation of covered services;

(6) a simplified administrative structure that enhances access and reduces administrative waste;

(7) freedom of choice of consumers to select health care providers within the framework of a national health care program;

(8) primary financing through progressive Federal taxation;

(9) an integrated health delivery system that—

(A) provides a continuum of care that links all levels of the health care program;

(B) addresses the physical, mental, and psychosocial health needs of the consumer and the family; and

(C) promotes multidisciplinary collaboration in the delivery of services;

(10) a health care program that reflects the demographic and sociocultural diversity and needs of the community;

(11) professional standards linked to performance for all health care providers that ensure the delivery of high-quality health care services and accountability to both health care providers and consumers;

(12) special resources to address the medical, mental, and social health needs of medically underserved populations and health professional shortage areas;

(13) education and training programs for professional, allied, and paraprofessional personnel in health professional shortage areas, and the assurance that the programs offer equal access to minorities and women;

(14) continued commitment to and strengthening of basic public health functions to provide for a safe environment, control of infectious diseases, and promotion of a healthy lifestyle and behavior;

(15) support of research efforts that will—

(A) enhance the physical, mental, and social well-being of major segments of society;

(B) improve the delivery of cost-conscious, quality health care services; and

(C) enable health care providers and consumers to make more informed decisions; and

(16) continued commitment to basic biomedical and comprehensive mental health research.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATION.—The term "Administration" means the National Health Care Administration, established in section 401(a).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Administration, appointed under section 401(b)(1).

(3) BOARD.—The term "Board" means the National Health Board, established in section 402.

(4) CONSUMER.—The term "consumer" means an eligible individual who receives covered services.

(5) COVERED SERVICE.—The term "covered service" means a service described in section 201, provided under a State program.

(6) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means an individual who is eligible—

(A) for enrollment, as described in section 103; and

(B) with respect to a covered service, to receive the service, as described in section 204.

(7) HEALTH CARE FACILITY.—The term "health care facility" means a facility entitled under the law of a State to provide covered services.

(8) HEALTH CARE PROVIDER.—The term "health care provider" means a person entitled under the law of a State to provide covered services, and a health care facility.

(9) HEALTH PROFESSIONAL SHORTAGE AREA.—The term "health professional shortage area" has the meaning given the term in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)).

(10) INTEGRATED HEALTH SERVICE PLAN.—The term "Integrated Health Service Plan" means a nonprofit, consumer-controlled, health plan that—

(A) provides all covered services; and

(B) operates as a single organization in the health care facilities of the organization.

(11) LOCAL PLANNING AREA.—The term "local planning area" means an area designated under section 412.

(12) MEDICALLY UNDERSERVED POPULATION.—The term "medically underserved population" has the meaning given the term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254c(b)(3).

(13) NATIONAL HEALTH CARE DATA BASE.—The term "national health care data base"

means the data base established in section 401(h).

(14) NATIONAL HEALTH CARE PROGRAM.—The term "national health care program" means the program established in section 101.

(15) NURSING FACILITY.—The term "nursing facility" has the meaning given the term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(16) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(17) STATE AGENCY.—The term "State agency" means an agency designated under section 411.

(18) STATE PROGRAM.—The term "State program" means a program approved under section 102.

(19) TRUST FUND.—The term "Trust Fund" means, except as otherwise specifically provided, the fund established in section 324.

TITLE I—NATIONAL HEALTH CARE PROGRAM

SEC. 101. ESTABLISHMENT.

The Administrator shall establish and carry out a national health care program in accordance with this Act. In carrying out the national health care program, the Administrator shall make payments under section 302 to assist the States in establishing and carrying out State programs that provide covered services to eligible individuals.

SEC. 102. APPROVAL OF STATE PROGRAMS.

(a) IN GENERAL.—The Administrator shall provide for the review, and approval or disapproval, of programs as State programs under this Act.

(b) APPLICATION.—For purposes of obtaining the approval described in subsection (a), a State agency shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including a State plan that contains information describing a State program for providing covered services to eligible individuals in the State. At a minimum, the plan shall specify—

(1) procedures for enrollment of individuals described in subsection (a) or (b) of section 103 in the State program in accordance with this title;

(2) covered services to be provided by the State program in accordance with subtitle A of title II, including a description of the manner in which each health care provider shall provide care coordination services;

(3) requirements for provision of covered services in the State program in accordance with subtitle B of title II;

(4) procedures for establishing an exchange program in accordance with section 303;

(5) procedures for making payments to health care providers in accordance with subtitle B of title III;

(6) sources of State revenues for the State program, and cost-sharing procedures, in accordance with sections 322 and 323, respectively;

(7) an assurance that the State will comply with the State administrative and planning requirements set forth in subtitle B of title IV;

(8) an assurance that the State program will reflect the demographic and sociocultural diversity and needs of the communities with the State; and

(9) an assurance that the State agency shall annually prepare and submit to the Administrator a report concerning the operation of the State program.

(c) NOTIFICATION OF APPROVAL.—Not later than 90 days after the date the State agency submits the plan described in subsection (b) the Administrator shall notify the State agency of the decision of the Administration approving or disapproving the State plan.

(d) ENFORCEMENT.—

(1) MONITORING.—The Administration shall monitor the compliance of State programs with the applicable requirements of this Act, including the provisions specified in subsection (b).

(2) RECORDS.—Each State program shall maintain such records regarding the implementation of the State program as the Administrator may by regulation require.

(3) ACCESS.—Any officer, employee, or representative of a State program shall, upon request of an officer, employee, or representative of the Administration, duly designated by the Administrator, furnish information relating to the implementation of the State program and permit the officer, employee, or representative at all reasonable times to have access to, and to copy, the records described in paragraph (2).

(e) WITHDRAWAL OF APPROVAL.—If the Administrator determines, after notice and opportunity for a hearing, that a program that has been previously approved as a State program no longer meets the applicable requirements of this Act, the Administrator may require corrective action or withdraw approval of the program. If the Administrator withdraws approval of a program within a State, the Administrator shall, by grant or contract, carry out a program that provides covered services to eligible individuals in accordance with the requirements, within the State served by the State program.

SEC. 103. ELIGIBILITY FOR ENROLLMENT.

(a) IN GENERAL.—An individual shall be eligible to enroll in the national health care program for covered services under a State program, if the individual—

(1) maintains a primary residence in the State; and

(2) is—

(A) a citizen of the United States;

(B) a national of the United States;

(C) a lawful resident alien of the United States; or

(D) an alien nonimmigrant made eligible under subsection (b).

(b) ALIEN NONIMMIGRANTS.—

(1) IN GENERAL.—The Administration may make eligible to enroll in the national health care program, as described in subsection (a), individuals within such classes of aliens admitted to the United States as nonimmigrants as the Administrator may provide in regulations prescribed under section 401(e)(1)(A).

(2) CONSIDERATIONS.—In providing for eligibility under paragraph (1), the Administration shall consider reciprocity in health care services offered to United States citizens who are nonimmigrants to other foreign states, and such other factors as the Administration determines to be appropriate.

(c) NONDISCRIMINATION.—

(1) IN GENERAL.—Any State that receives assistance under this Act shall not discriminate in the enrollment of individuals eligible for enrollment under subsection (a) or (b) in the plan on the basis of race, color, religion, sex, national origin (except in accordance with regulations promulgated under subsection (b)(1)), age, health condition, sexual preference, income, language, or geographic residence in an urban or a rural area within the State.

(2) RULES AND REGULATIONS.—

(A) IN GENERAL.—In carrying out this section, a State agency shall implement eligibility procedures in accordance with regulations prescribed under section 401(e)(1)(A).

(B) ENFORCEMENT.—The Administrator shall promulgate rules and regulations to provide for the enforcement of this section, including provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until the Administration can provide notice and an opportunity to be heard.

(d) DEFINITION.—As used in this section, the term "lawful resident alien" means an alien lawfully admitted for permanent residence and any other alien lawfully residing permanently in the United States under color of law, including an alien granted asylum or with lawful temporary status under section 210, 210A, or 245A of the Immigration and Nationality Act (8 U.S.C. 1160, 1161, or 1255a).

SEC. 104. ENROLLMENT.

(a) ENROLLMENT PROCESS.—In order to be eligible to receive a payment under section 302, each State program shall provide a mechanism, in accordance with regulations prescribed under section 401(e)(1)(B), for the enrollment of individuals described in subsection (a) or (b) of section 103 in the national health care program.

(b) LOCATION.—Enrollment may occur at offices of the State program and other locations specified by the State agency.

(c) AUTOMATIC ENROLLMENT.—The mechanism under subsection (a) shall include a process for the automatic enrollment of individuals at the time of birth in the United States or at the time of immigration into the United States or other acquisition of lawful resident status in a State. Such mechanism shall also provide for the enrollment of eligible individuals as of January 1, 1995.

(d) ISSUANCE OF CARD.—On enrollment of an individual in the national health care program, the State program shall issue the individual a card that may be used for purposes of identification and processing of claims for covered services.

SEC. 105. PORTABILITY.

(a) REIMBURSEMENT.—Each State program shall, in accordance with regulations issued by the Administrator, include procedures for portability of coverage and reimbursement for individuals who are enrolled in the State program and require a covered service in another State or country.

(b) ENROLLMENT IN OTHER STATE PROGRAMS.—Each State agency shall agree to provide covered services, under such conditions as the Administrator shall by regulation specify, to individuals enrolled in other State programs.

(c) REQUIREMENTS.—Each State program—

(1) shall not impose any minimum period of residence in the State, or waiting period, in excess of 3 months before residents of the State are eligible for or entitled to covered services; and

(2) shall provide for, and be administered and operated, so as to provide for the payments of amounts for the cost of covered services provided to enrolled persons while temporarily absent from the State on the basis that—

(A) if covered services are provided within another State with a State program, payment for covered services shall be at the rate that is approved by the State program in the State in which the services are provided, unless the States concerned agree to apportion the cost between the States in a different manner; and

(B) if the covered services are provided out of the United States, or in a State that does not have a State program, payment shall be made on the basis of the amount that would have been paid by the State in which the enrolled persons reside for similar services rendered in the State, with due regard, in the case of hospital services, to the size of the hospital, standards of service, and other relevant factors.

(d) PRIOR CONSENT FOR SERVICES PROVIDED TO TEMPORARILY ABSENT RESIDENTS PERMITTED.—Notwithstanding any other provision of this section, a State program may require that the prior consent of the State program be obtained for elective insured health services provided to a resident of the State while temporarily absent from the State if the services in question are available on a substantially similar basis in the State.

(e) DEFINITION.—For the purposes of this section, the term "elective insured health services" means covered services other than services that are provided in an emergency or in any other circumstance in which health care services are required without delay.

TITLE II—BENEFITS AND PROVISION OF SERVICES

Subtitle A—Scope of Services

SEC. 201. COVERED SERVICES.

(a) IN GENERAL.—The covered services provided under this Act by the national health care program are all medically necessary services, except as provided in section 202, that contribute to the physical, mental, or psychosocial health of an individual or family, as determined in accordance with regulations prescribed under section 401(e)(1)(C), including—

(1) primary prevention and health promotion services;

(2) primary care services;

(3) inpatient and outpatient hospital services, including emergency and trauma services;

(4) laboratory and radiology services;

(5) care coordination services;

(6) rehabilitation services;

(7) mental health services;

(8) substance abuse treatment and rehabilitation services;

(9) long-term care services provided in accordance with section 213(c);

(10) hospice care services;

(11) provision of drugs, medical supplies, and durable medical equipment prescribed by a health care provider;

(12) dental care services;

(13) hearing and speech services;

(14) vision care services;

(15) occupational health services;

(16) organ transplant services; and

(17) other inpatient and outpatient professional services.

(b) DEFINITIONS.—As used in this title:

(1) CARE COORDINATION SERVICES.—The term "care coordination services" means services that—

(A) are provided through an individual health care provider or a multidisciplinary team of health care providers, including physicians, nurses, social workers, and other nonphysician health care providers; and

(B)(i) promote physical, mental, and psychosocial health maintenance;

(ii) provide for the coordination and monitoring of health care services for consumers, as well as maintenance of appropriate records; and

(iii) provide transition management from inpatient facilities to other needed community-based care services.

(2) DENTAL CARE SERVICES.—The term "dental care services" means all medically necessary dental care and routine dental examinations, provided as frequently as the Administrator shall by regulation specify for consumers within specified age groups.

(3) HEARING AND SPEECH SERVICES.—The term "hearing and speech services" means all medically necessary screening, treatment, and provision of devices, relating to promotion of hearing and speech.

(4) HOSPICE CARE SERVICES.—The term "hospice care services" means—

(A) hospice care, as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))—

(i) whether provided in the home, through community-based services, or on an inpatient basis; and

(ii) except that the reference to "medical social services" in subparagraph (C) of such section is deemed a reference to "medical social work services"; and

(B) counseling services, including bereavement counseling.

(5) LONG-TERM CARE COORDINATION SERVICES.—The term "long-term care coordination services" means ongoing services that—

(A) provide entry to and management of long-term care services and covered services for individuals described in section 204(1); and

(B) ensure—

(i) effective, cost-efficient, and coordinated delivery of such services to a consumer; and

(ii) comprehensive, continuous, and coordinated care that meets the physical, mental, and psychosocial health needs of such individuals.

(6) LONG-TERM CARE SERVICES.—The term "long-term care services" means items and services provided to individuals described in section 204(1) under a written plan of care through home and community-based care programs and nursing facilities and constitutes—

(A) long-term care coordination services;

(B) information and referral services;

(C) skilled and intermediate nursing home services;

(D) day treatment or partial hospitalization;

(E) nursing care;

(F) services of a homemaker or home health aide, personal care services, and heavy chore services;

(G) social work services;

(H) physical, occupational, speech, and any other appropriate therapy services;

(I) day health care services and social day care;

(J) respite care for caregivers;

(K) consumer and health care provider education, training, and counseling, regarding health care services;

(L) medical, skilled nursing, and social support services, for residents of foster care programs, board and care facilities, and other assisted living programs;

(M) medical supplies and minor remodeling changes to the home required by a health condition;

(N) Meals on Wheels;

(O) nutrition and dietary counseling;

(P) assisted transportation;

(Q) emergency alarm response systems;

(R) coverage of health care needs of people with chronic illnesses;

(S) coverage of acute health care, if required, in a hospital, nursing facility, rehabilitation facility, or other inpatient or outpatient facility; and

(T) home and community-based services to assist people recovering from illness, disease, or injury.

(7) MENTAL HEALTH SERVICES.—The term "mental health services" means services related to the diagnosis and treatment of mental illnesses and the promotion of mental health, including—

(A) inpatient services, including services provided at hospitals and other inpatient facilities, such as residential treatment centers;

(B) partial hospitalization and other types of day programs;

(C) crisis intervention;

(D) outpatient services, with particular emphasis on outpatient services for children and adolescents, provided through—

(i) community-based health care facilities and systems; or

(ii) autonomous health care providers, including psychiatrists, clinical psychologists, clinical social workers, psychiatric nurse specialists, or such other qualified health care providers as the Administrator shall by regulation specify; and

(E) community-based residential programs, particularly programs that prepare individuals for independent living.

(8) OCCUPATIONAL HEALTH SERVICES.—The term "occupational health services" means—

(A) prevention and health promotion activities to be carried out in high risk workplaces and workplaces with sizable work forces; and

(B) specific health monitoring activities to be carried out in workplaces that are determined, in consultation with the Occupational Safety and Health Administration, by the Federal Government to pose a significant threat to the health and safety of the workers.

(9) ORGAN TRANSPLANT SERVICES.—The term "organ transplant services" means organ transplants for which screening indicates a likelihood of significant and sustained improvement in the quality of life of the consumer.

(10) PRIMARY CARE SERVICES.—The term "primary care services" means services provided by a health care provider that provide—

(A) comprehensive services focused on the maintenance of physical, mental and psychosocial health; and

(B) care coordination services.

(11) PRIMARY PREVENTION AND HEALTH PROMOTION SERVICES.—The term "primary prevention and health promotion services" means—

(A) comprehensive well-child care services, including health education services, for consumers below age 22, including immunizations and early, routine assessment, diagnosis, and treatment, that—

(i) will help to ensure prevention of disease and early identification before onset of illness; and

(ii) assess a wide array of health conditions;

(B) perinatal and infant health care services, including prenatal care and follow-up for a mother and an infant through the first year of the life of the infant;

(C) routine, age-appropriate, clinical health maintenance examinations for consumers age 22 and older;

(D) family planning and reproductive health services; and

(E) school-based primary prevention and health promotion programs, which may include school-based clinics, mobile programs, or satellite clinics serving several schools in close proximity.

(12) PROFESSIONAL SERVICES.—The term "professional services" means services of physicians, registered nurses, nurse practitioners, nutritionists, podiatrists, physician's assistants, psychologists, social workers, nurse midwives, and physical, speech, and occupational therapists, and such other health care providers as the Administrator shall approve.

(13) REHABILITATION SERVICES.—The term "rehabilitation services" means, except as used within the term "substance abuse treatment and rehabilitation services"—

(A) physical therapy, occupational therapy, speech-language therapy, pathology, and audiology, provided by autonomous health care providers or by health care facilities;

(B) social work services;

(C) provision of medical appliances, including prosthetic devices;

(D) community-based residential programs for the disabled, including group homes that prepare consumers for independent living; and

(E) such additional services as the Administrator may determine, after consultation with appropriate State review boards, to be necessary to address special cases or circumstances,

provided on an inpatient or outpatient basis.

(14) SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES.—The term "substance abuse treatment and rehabilitation programs" means services to promote recovery from substance abuse, including—

(A) inpatient and outpatient hospital services;

(B) partial hospitalization and other types of day programs;

(C) crisis intervention;

(D) residential treatment or rehabilitation programs certified under Federal regulation;

(E) outpatient substance abuse treatment services provided through—

(i) community-based health care facilities and treatment programs; or

(ii) autonomous health care providers, including psychiatrists, clinical psychologists, clinical social workers, psychiatric nurse specialists, and such other qualified health care providers as the Administrator shall by regulation specify; and

(F) community-based residential programs, particularly programs that prepare individuals for independent living.

(15) VISION CARE SERVICES.—The term "vision care services" means—

(A) routine eye examinations, provided as frequently as the Administrator shall by regulation specify for consumers within specified age groups;

(B) provision of glasses and contact lenses, as frequently as the Administrator shall by regulation specify; and

(C) all medically necessary vision treatment.

SEC. 202. EXCLUSIONS.

Covered services do not include—

(1) cosmetic surgery, except medically necessary reconstructive surgery;

(2) cosmetic orthodontics;

(3) such amenities in inpatient facilities as the Administrator shall by regulation specify, such as private rooms, unless the amenities are medically necessary;

(4) medical examinations and medical reports required for purchasing or renewing life insurance policies, or as part of a civil action for the recovery of settlement or damages; or

(5) any service that a health care provider determines not to be medically necessary.

SEC. 203. PROHIBITIONS ON LIMITATIONS.

A State program may not limit the covered services provided to a consumer on the basis of a health condition of the individual that existed on the date of the enrollment of the consumer in the national health care program for services under the State program.

SEC. 204. ELIGIBILITY.

Persons enrolled under section 104 who are eligible for covered services shall include—

(1) with respect to long-term care services, individuals—

(A) over 18 years of age determined (in a manner specified by the Secretary)—

(i) to be unable to perform, without the assistance of an individual, at least 2 of the following 5 activities of daily living (or who has a similar level of disability due to cognitive impairment)—

(I) bathing;

(II) eating;

(III) dressing;

(IV) toileting; and

(V) transferring in and out of a bed or in and out of a chair; or

(ii) due to cognitive or mental impairments, requires supervision because the individual behaves in a manner that poses health or safety hazards to the individual or others; or

(B) under 19 years of age determined (in a manner specified by the Secretary) to meet such alternative standard of disability for children as the Secretary develops;

(2) with respect to hospice care services, terminally ill individuals, regardless of the cause of illness;

(3) with respect to services to be provided in schools, workplaces, and assisted living programs, such individuals as may be specified in the State plan described in section 102(b); and

(4) with respect to covered services not described in paragraphs (1) through (3), all individuals.

SEC. 205. ADDITIONAL AND DUPLICATE SERVICES.

(a) ADDITIONAL SERVICES.—

(1) CONSTRUCTION.—Except as provided in section 202, nothing in this Act shall be construed as limiting the health care services that a State program may provide.

(2) STATE FINANCING OF ADDITIONAL SERVICES.—There shall be no Federal financing available under this Act for health care services other than covered services.

(b) COVERAGE OF SERVICES.—

(1) PROHIBITION ON DUPLICATE PRIVATE INSURANCE.—No person may sell private insurance that provides coverage for health care services that duplicate covered services.

(2) COVERAGE OF ADDITIONAL BENEFITS.—Nothing in this Act shall be construed as prohibiting the sale of private insurance that provides health care services other than covered services.

(c) PRIVATE CARE.—

(1) ARRANGEMENTS.—Except as provided in paragraph (2), nothing in this Act shall be construed as prohibiting arrangements between a health care provider and an individual for the provision of covered services.

(2) LIMITATION.—Arrangements described in paragraph (1) shall provide for acceptance of payment as described in section 311(b)(1).

Subtitle B—Provision of Services

SEC. 211. HEALTH CARE PROVIDERS.

(a) CERTIFICATION AND LICENSING.—State programs shall include procedures for certification and licensing of health care providers participating in the national health care program in accordance with regulations prescribed under section 401(e)(1)(H) and other applicable Federal and State law.

(b) QUALITY ASSURANCE AND CONSUMER PROTECTION STANDARDS.—State agencies shall regulate the health care providers, and shall ensure compliance with quality assurance standards prescribed under section 401(e)(1)(G), consumer protection standards prescribed under section 401(e)(1)(I), and other applicable Federal and State law.

(c) ENFORCEMENT.—A State agency that determines, after notice and an opportunity for a hearing, that a health care provider has repeatedly violated the quality assurance standards, or has been convicted of an offense involving medical malpractice, shall debar the provider from receiving payment under the State program. The State agency shall develop appropriate procedures for determining the length of the debarment and for terminating a debarment in an appropriate case.

SEC. 212. DELIVERY SYSTEMS.

(a) INNOVATIVE DELIVERY SYSTEMS.—State programs may implement innovative delivery systems of covered services, including private health services, State-operated health services, and Integrated Health Service Plans, to provide covered services.

(b) INTEGRATED HEALTH SERVICE PLANS.—

(1) IN GENERAL.—Each State agency shall provide for the review, and approval or disapproval, of health plans as Integrated Health Service Plans in the State for purposes of this Act.

(2) APPLICATION.—For purposes of obtaining the approval described in paragraph (1), an entity shall submit an application to the head of the State agency at such time, in such manner, and containing such information as the head of the State agency may require.

(3) NOTIFICATION OF APPROVAL.—Not later than 60 days after the date the entity submits the application described in paragraph (2), the head of the State agency shall notify the entity of the decision of the State agency approving or disapproving the plan.

(4) WITHDRAWAL OF APPROVAL.—If the head of the State agency determines, after notice and an opportunity for a hearing, that a health plan that has been previously approved as an Integrated Health Service Plan no longer meets the applicable requirements of this Act, the head of the State agency shall withdraw approval of the plan and shall, in accordance with regulations prescribed under section 401(e)(1)(B), provide a procedure under which individuals enrolled in the plan may be enrolled in other Integrated Health Service Plans.

SEC. 213. STATE LONG-TERM CARE COORDINATION AGENCIES.

(a) ESTABLISHMENT.—State agencies shall establish State long-term care coordination agencies, to ensure a continuum of care for every individual described in section 204(1).

(b) SERVICES.—Services provided through the agencies shall include—

(1) services of certified public or nonprofit coordination agencies, provided through qualified professionals that meet such professional standards as the Administrator shall prescribe under section 401(e)(1)(H), to serve as resources for health care facilities, physicians, and other health care providers; and

(2) long-term care coordination services as an integral part of long-term care services, as described in subsection (c), and of home and community-based benefits.

(c) LONG-TERM CARE SERVICES.—

(1) IN GENERAL.—State long-term care coordination agencies shall be responsible for screening all potential recipients of long-term care services and authorizing needed services.

(2) REQUIREMENTS.—State long-term care coordination agencies shall provide services in accordance with the following requirements:

(A) SETTING AND LEVEL OF CARE.—The setting and level of care to be provided to persons needing long-term care services shall be based on an assessment of the severity of cognitive impairment, inability to perform specified activities of daily living (as well as certain functional tasks), the level of disability, the need for regular ongoing care, behavioral and emotional problems, and the ability of family caregivers to care for persons in need.

(B) COORDINATION.—Long-term care services shall be coordinated with the provision of acute health care and other health care and mental health services if needed.

(C) REQUESTS.—All requests for services shall be processed in a timely manner.

(D) INTENSITY.—The intensity of care coordination provided under this subsection shall depend on the severity of need and the level of services required to meet the needs.

(E) OUTPATIENT EMPHASIS.—The agency shall place priority on maintaining consumers in their homes (with the necessary supports) or in community-based residential programs rather than inpatient facilities and nursing homes.

(F) EMERGENCY SITUATIONS.—The agency shall make provisions to respond to emergency situations, including first-time requests and consumers who are receiving ongoing services and who have a sudden change of status or condition.

(G) COST-EFFICIENT APPROACHES.—States shall have the flexibility to develop cost-efficient approaches to respond to requests for limited home and community-based services.

(H) COORDINATION.—State long-term care coordination agencies shall ensure coordination and continuity of care between service levels and different settings if applicable, which includes the ability to respond to crisis situations.

(I) QUALIFICATION STANDARDS.—Care coordination provided under this subsection shall meet defined qualification standards.

(J) OTHER HEALTH CARE DISCIPLINES.—Care coordinators shall utilize the services of other health care disciplines, and interdisciplinary teams if appropriate.

(K) CONSUMER INVOLVEMENT.—Consumers shall, to the extent the consumers are able, be involved in all decisions regarding long-term care services. Family or caregiver involvement shall occur if appropriate.

(3) CONTRACTS AND AGREEMENTS.—

(A) IN GENERAL.—State long-term care coordination agencies shall, with respect to the geographic area served by the agencies—

(i) enter into contracts or agreements with providers of long-term care services; and

(ii) authorize and disburse all funds for long-term care services.

(B) CRITERIA.—The contracts or agreements shall require performance criteria in accordance with Federal guidelines. Criteria shall address such issues as certification and licensure of the health care provider, expected level of service, staff qualifications, supervision, role of the long-term care coordination agency, rights of the consumer and health care providers, and provisions for necessary changes in level of care.

(4) INDEPENDENCE.—State long-term care coordination agencies shall be independent from any providers of long-term care services.

SEC. 214. INCORPORATION OF MISCELLANEOUS MEDICARE-RELATED PROVISIONS.

(a) PROVISIONS IN TITLE XVIII.—Except as otherwise specifically provided in this Act, the following provisions of the Social Security Act shall apply to this Act in the same manner as the provisions applied to title XVIII of the Social Security Act as of the day before the date of the enactment of this Act:

(1) Section 1819 (relating to requirements for, and assuring quality of care in, skilled nursing facilities), except that any reference in the section to a "skilled nursing facility" is deemed a reference to a "nursing facility".

(2) Section 1846 (relating to intermediate sanctions for providers of clinical diagnostic laboratory tests).

(3) Sections 1863 through 1865 (relating to consultation with State agencies and other organizations to develop conditions of participation for providers of services, use of State agencies to determine compliance by providers of services with conditions of participation, and effect of accreditation).

(4)(A) Subject to subparagraph (B), section 1866 (relating to agreements with providers of services).

(B)(i) The provisions of section 1866(a)(1)(N) shall not apply.

(ii) Under section 1866(a)(2), a health care provider may not impose any charge for covered services under this Act.

(iii) In the case of a hospital, the provider agreement under section 1866 shall prohibit a hospital from denying care to any eligible individual on any ground other than the hospital's inability to provide the care required.

(5) Section 1867 (relating to examination and treatment for emergency medical conditions and women in labor).

(6) Section 1869 (relating to determinations and appeals).

(7) Section 1870 (relating to overpayment on behalf of individuals and settlement of claims for covered services on behalf of deceased individuals).

(8) Sections 1871 through 1874 (relating to regulations, application of certain provisions of title II of the Social Security Act, designation of organization or publication by name, and administration).

(9)(A) Subject to subparagraph (B), section 1876 (relating to payments to health maintenance organizations and competitive medical plans) shall apply to eligible individuals under this Act in the same manner as it applies to individuals entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act.

(B) In applying section 1876 under this Act—

(i) the provisions of such section relating only to individuals enrolled under part B of title XVIII of the Social Security Act shall not apply;

(ii) subject to subparagraph (C), any reference to a Trust Fund established under title XVIII of such Act and to benefits under such title is deemed a reference to the National Health Care Trust Fund and to covered services under this Act;

(iii) subject to subparagraph (C), the adjusted average per capita cost and adjusted community rate shall be determined on the basis of covered services under this Act; and

(iv) subsection (f) shall not apply.

(C) For purposes of subparagraph (B), covered services under this Act may, at the option of an eligible organization, not include benefits for nursing facility services that are not post-hospital extended care services and benefits for home and community-based services.

(10) Section 1877 (relating to limitation on certain physician referrals).

(11) Section 1878 (relating to the provider reimbursement review board), except that the hearings pursuant to such section shall be on the approval of budgets under section 312 rather than the determination of payment amounts under title XVIII of the Social Security Act.

(12) Section 1891 (relating to conditions of participation for home health agencies; home health quality).

(13) Section 1892 (relating to offset of payments to individuals to collect past-due obligations arising from breach of scholarship and loan contract).

(b) TITLE XI PROVISIONS.—The following provisions of the Social Security Act shall apply to this Act in the same manner as they applied to title XVIII of the Social Security Act:

(1) Sections 1124, 1126, and 1128 through 1128B (relating to fraud and abuse).

(2) Section 1134 (relating to nonprofit hospital philanthropy).

(3) Section 1138 (relating to hospital protocols for organ procurement and standards for organ procurement agencies).

(4) Section 1142 (relating to research on outcomes of health care services and procedures), except that any reference in such section to a Trust Fund is deemed a reference to the National Health Care Trust Fund.

(5) Part B of title XI of the Social Security Act (relating to peer review of the utilization and quality of health care services).

SEC. 215. NONDISCRIMINATION.

(a) IN GENERAL.—No individual with responsibility for the administration of a State plan that receives assistance under this Act shall discriminate in the provision of covered services to eligible individuals on the basis of race, color, religion, sex, national origin, age, health condition, sexual preference, income, language, or geographic residence in an urban or rural area within the State.

(b) RULES AND REGULATIONS.—The Administrator shall promulgate rules and regulations to provide for the enforcement of this section, including provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until the Administration can provide notice and an opportunity to be heard.

TITLE III—REVENUE

Subtitle A—Budget Process

SEC. 301. NATIONAL AND STATE HEALTH BUDGETS.

(a) IN GENERAL.—

(1) EXPENDITURES AND REVENUES.—For each calendar year the Administrator shall establish a national health budget and, for each State, a State health budget that specifies—

(A) the level and application of expenditures to be made under this Act in the year in the United States and in the State, respectively; and

(B) the amount in and source of revenues of the Trust Fund in such year.

(2) BASIS.—Each State health budget established by the Administrator under this subsection shall—

(A) be based on—

(i) the population of the State;

(ii) reasonable differences in the prices for goods and services;

(iii) any special social, environmental, or other condition affecting health conditions or the need for health care services; and

(iv) the geographic distribution of the population of the State population, including the proportion of the population residing in rural or health professional shortage areas;

(B) be adjusted to account for States—

(i) with large populations;

(ii) with substantial numbers of residents in age categories that make disproportionately greater use of covered services;

(iii) with substantial numbers of residents below the income official poverty line, as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); and

(iv) whose residents exhibit a high incidence of certain health conditions, such as a high incidence of Acquired Immune Deficiency Syndrome or infant mortality; and

(C) not disproportionately discriminate against States with substantial rural populations.

(b) EXPENDITURE LEVEL.—The total level of expenditures to be specified in the national health budget under subsection (a) for a year may not exceed the level of expenditures for covered services under this Act made in the year preceding the effective date of this Act increased in a compounded manner for each succeeding year (up to the year involved) by the annual percentage increase in the gross national product for the preceding year.

(c) INSTITUTIONAL CAPITAL BUDGET.—

(1) IN GENERAL.—Each national health budget established under subsection (a) shall include an amount for total expenditures for capital-related items, provide for State capital budgets and specify the general manner in which such expenditures for capital-related items are to be distributed among the different types of health care facilities.

(2) FACTORS.—Each State capital budget under this section shall be established based solely on—

(A) the factors described in subparagraphs (A) and (C) through subsection (a)(2); and

(B) reasonable differences in the prices for goods and services, as such differences affect the prices of the appropriate capital goods.

(d) HEALTH TRAINING BUDGET.—Each national health budget established under subsection (a) shall include an amount for total expenditures for direct medical education expenses for institutions receiving payments under section 312. Such budgets shall specify the general manner in which such expenditures are to be taken into account, shall be based on a national plan for training of medical personnel developed by the Administrator that shall emphasize training for primary and preventive care, and shall provide for State budgets for direct medical education expenses. Payments under such budgets for such expenditures shall take into account the method for payment for direct medical education expenses as described in section 1886(h) of the Social Security Act.

SEC. 302. PAYMENTS TO STATES.

The Administrator shall make payments from amounts in the Trust Fund to States with approved State programs.

SEC. 303. ESTABLISHMENT OF EXCHANGE PROGRAM.

The Administration shall establish a program under which a State that furnishes covered services to residents of another State receives credit for payments for the services against the amounts to which the other State is otherwise entitled to receive.

Subtitle B—Payments to Health Care Providers

SEC. 311. PAYMENTS TO HEALTH CARE PROVIDERS.

(a) IN GENERAL.—Each State program shall provide for a timely and administratively simple mechanism for the payment and reimbursement of health care providers in a manner consistent with this subtitle and in accordance with regulations prescribed under section 401(e)(1)(E).

(b) MANDATORY ASSIGNMENT.—

(1) ACCEPTANCE OF PAYMENTS.—Each health care provider that receives funding under the national health care program shall accept the payment amount recognized under the State program for covered services as payment in full for such services, provided to consumers, or to individuals entering into an arrangement described in section 205(c), and may not impose any charges for such services other than charges permitted with respect to such services under section 323.

(2) PROHIBITION ON ADDITIONAL BILLING.—Health care providers shall only bill consumers for services that are not covered services.

(c) CONTINUUM OF HEALTH CARE SERVICES.—State programs, in order to avoid fragmented care and promote a continuum of health care services, shall develop financial incentives in the payment methods provided under this subtitle.

(d) EQUIPMENT AND CONSTRUCTION.—

(1) LIMITATIONS.—A State program shall, in accordance with regulations prescribed by the Administrator—

(A) limit acquisition of highly specialized or expensive medical equipment, which shall be carefully regulated to ensure appropriate and equitable utilization and distribution; and

(B) eliminate acquisition of expensive, highly specialized equipment by individual physicians and group practices, although the State program may make exceptions in rural health professional shortage areas.

(2) APPROVAL.—Approval for construction and renovation funds shall only be considered on the basis of utilization data and within the context of the State planning process under section 412.

(e) RURAL AND HEALTH PROFESSIONAL SHORTAGE AREAS.—In establishing the mechanism for payment and reimbursement of health care providers under this subtitle the State program shall establish schedules and incentives in a manner that will encourage health care providers to practice or locate in rural and health professional shortage areas.

SEC. 312. PAYMENTS TO INSTITUTIONAL HEALTH CARE PROVIDERS.

(a) IN GENERAL.—Except as provided in subsection (c), payment for institutional care, including hospital services, shall be made in each State on the basis of an annual prospective budgeting system, established by the State consistent with the State health budget established under section 301 and after negotiations with institutional health care providers.

(b) HOSPITALS.—

(1) BUDGET.—

(A) IN GENERAL.—Each hospital shall receive prospectively a global budget. The budget will be developed through annual negotiations between the State agency and the hospital.

(B) FACTORS.—In developing the budget, the State agency shall consider the health needs of the area, the past expenditures of the hospital, inflation, previous financial and clinical performance (based on utilization data collected through the national health care data base), projected levels of services, technological advances or changes, wages and other costs, proposed new programs, type of hospital, and costs associated with meeting Federal and State regulations.

(C) ADJUSTMENTS.—End-of-the-year adjustments may be made to hospital budgets based on unforeseen factors, such as an increase or decrease in consumer load.

(2) OPERATING EXPENSES.—Global hospital budgets shall be used for operating expenses. Operating expenses shall include replacement of standard equipment and funds to promote innovation in health services. None of the operating budget may be used for physical expansion, profit, marketing, or the purchase of expensive, highly specialized equipment.

(3) CAPITAL EXPANSION AND EQUIPMENT.—Separate funds for capital expansion and purchase of expensive equipment shall be subject to approval by the State agency, and consistent with the State capital budgets described in section 301(c)(1).

(4) FUNDRAISING.—Under Federal guidelines, hospitals may raise funds from private sources to pay for special services. Such additional funds may not change the operating budget. Any anticipated changes in the operating budget as a result of special services shall be negotiated with the State agency.

(5) HEALTH PROFESSIONAL SHORTAGE AREAS.—State programs shall provide subsidies to rural and urban hospitals in health professional shortage areas, including teaching hospitals, to ensure the viability of the health care facilities.

(c) OTHER HEALTH CARE FACILITIES.—

(1) DEFINITION.—As used in this subsection, the term "other health care facilities" shall include community clinics, migrant health centers, nursing homes, community-based programs, home health agencies, rehabilitation facilities, and renal dialysis facilities.

(2) PAYMENT.—States may determine whether other health care facilities shall be paid on the basis of a prospective global budget or per capità fee. Certain services, such as day health care centers, may be reimbursed on a per diem basis. The Administration shall determine whether the States may determine the per capita fee rates, or whether the rates shall be set by the Administration with regional variations.

(3) LIMITATIONS.—The same limitations described in subsection (b) regarding capital expenditures and operating expenses for hospitals shall apply to other health care facilities.

(4) HEALTH CARE PROVIDERS.—Health care providers employed in other health care facilities shall be salaried. Contractual arrangements shall be permitted for specialists that are not on the staff of such a facility.

(5) RURAL FACILITIES.—State programs shall provide special State subsidies for other health care facilities that are essential facilities in rural areas, to ensure the viability of the facilities.

SEC. 313. PAYMENTS FOR SERVICES BY INDIVIDUAL HEALTH CARE PROVIDERS.

(a) FEE SCHEDULES.—

(1) IN GENERAL.—Except as otherwise provided in this section, payment for services by individual health care providers shall be on a fee-for-service basis and based on payment schedules established by each State program in accordance with regulations prescribed under section 401(e)(1)(F).

(2) SCHEDULES.—Such schedules—

(A) shall be established after negotiations with organizations representing physicians and other health care providers;

(B) shall be based on a national relative value scale, developed by the Administration taking into account the relative value scale developed under section 1848 of the Social Security Act (42 U.S.C. 1395w-4), as in effect on the day before the date of the enactment of this Act;

(C) shall take into consideration regional variations; and

(D) shall be in amounts consistent with the State health budget adopted under section 301.

(3) TARGETS.—Expenditure targets on the annual State allocation of fee-for-service payments for each category of health care provider shall be established under the State programs. If a group of health care providers exceeds the annual expenditure target, State agencies shall have the flexibility to nego-

tiate with the Administration and the health care provider group to modify the fee schedule for the following year to correct for overspending in the previous budget year.

(b) Alternative Payment Mechanisms.—Payment for services by individual health care providers may be based on alternative payment methodologies, including capitation methods, annual salary and hourly payments, so long as the amount of payments under such methodology do not exceed, in the aggregate, the amount of payments that would otherwise be made under the methodology described in subsection (a).

(c) Billing.—Individual health care providers shall submit bills to the State agency.

(d) Covered Expenses.—Payment to individual health care providers shall cover health care provider earnings and basic operating expenses, and shall not include reimbursement for expensive, highly specialized equipment. Operating expenses shall include administrative overhead, employee wages, and replacement of standard equipment.

(e) Group Practices.—Group practices may elect to be paid prospectively on a per capita basis rather than on a fee-for-service basis.

SEC. 314. PAYMENTS TO INTEGRATED HEALTH SERVICE PLANS.

(a) Payment.—Integrated Health Service Plans shall be paid prospectively on a per capita basis or by means of a negotiated global budget, as determined by the State agency.

(b) Inpatient Care.—Such payment shall not cover inpatient care services. Inpatient facilities operated by the Integrated Health Service Plans will be paid for covered services on the same basis as all other inpatient facilities.

(c) Hospitals.—Integrated Health Service Plan-operated hospitals shall be paid for covered services on the same basis as all other hospitals under section 312.

(d) Health care providers.—All health care providers employed by the Integrated Health Service Plans shall be salaried. An Integrated Health Service Plan may enter into contractual arrangements with specialty health care providers not available on staff.

(e) Development.—State programs shall provide incentives for the development of Integrated Health Service Plans.

SEC. 315. GRIEVANCE PROCEDURE.

(a) Board.—The head of each State agency shall establish a State Payment Grievance Board. In selecting members of the State Payment Grievance Board, the head of the State agency shall ensure that members shall not perform duties inconsistent with their duties and responsibilities as members, and shall ensure that an employee or agent engaged in the performance of investigative or prosecuting functions for the State agency in a case shall not, in the case or a factually related case, participate or advise in the decision, recommended decision, or State agency review of the decision, except as witness or counsel in public proceedings.

(b) Appeals.—

(1) Health care providers.—A health care provider who is denied payment by an employee of a State agency, or a State long-term care coordination agency, for covered services may appeal the decision of the State agency, not later than 30 days after the decision, to a State Payment Grievance Board.

(2) Patients.—In any case in which a health care provider determines that a requested service is not medically necessary with respect to a consumer, the health care provider shall inform the consumer of the opportunity to appeal the decision of the health care provider, not later than 30 days after the decision, to a State Payment Grievance Board.

(c) Procedures.—Each State agency shall provide for effective procedures for the State Payment Grievance Board for hearing and resolving appeals brought under subsection (b) and for State agency review of the appeals.

Subtitle C—Sources of Revenue

SEC. 321. FEDERAL SOURCES OF REVENUE.

(a) Personal Income Tax Rate Increase.—

(1) In general.—Subsections (a) through (e) of section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) are each amended by striking "15%", "28%", and "31%" each place they appear and inserting "20%", "31%", and "39%", respectively.

(2) Technical amendments.—

(A) Subsection (f) of section 1 of such Code is amended—

(i) by striking "1990" in paragraph (1) and inserting "1994", and

(ii) by striking "1989" in paragraph (3)(B) and inserting "1993".

(B) Subparagraph (B) of section 32(i)(1) of such Code is amended by striking "1989" and inserting "1993".

(C) Subparagraph (C) of section 41(e)(5) of such Code is amended by striking "1989" each place it appears and inserting "1993".

(D) Subparagraph (B) of section 63(c)(4) of such Code is amended by striking "1989" and inserting "1993".

(E) Clause (ii) of section 135(b)(2)(B) of such Code is amended by striking "1989" and inserting "1993".

(F) Subparagraphs (A)(ii) and (B)(ii) of section 151(d)(4) of such Code are each amended by striking "1989" and inserting "1993".

(G) Clause (ii) of section 513(h)(2)(C) of such Code is amended by striking "1989" each place it appears and inserting "1993".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(b) Corporate Income Tax Rate Increase.—

(1) In general.—Subsection (b) of section 11 of the Internal Revenue Code of 1986 (relating to tax imposed on corporations) is amended by striking "34 percent" each place it appears and inserting "39 percent".

(2) Conforming amendments.—

(A) Section 852(b)(3)(D)(iii) of such Code is amended by striking "66 percent" and inserting "61 percent".

(B) Section 1201(a) of such Code is amended by striking "34 percent" each place it appears and inserting "39 percent".

(C) Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking "34 percent" and inserting "39 percent".

(D) Section 7518(g)(6)(A) of such Code and section 607(h)(6)(A) of the Merchant Marine Act, 1936 are each amended by striking "34 percent" and inserting "39 percent".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(c) Alternative Minimum Tax Increase.—

(1) General rule.—Subparagraph (A) of section 55(b)(1) (relating to tentative minimum tax) is amended by striking "20 percent (24 percent" and inserting "23 percent (27 percent".

(2) Conforming amendment.—Paragraph (2) of section 897(a) is amended by striking "21" in the heading of such paragraph and in subparagraph (A) and inserting "27".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(d) Increase in Tax on Cigarettes.—

(1) Rate of tax.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes) is amended—

(A) by striking "$12 per thousand ($10 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (1) and inserting "$20 per thousand"; and

(B) by striking "$25.20 per thousand ($21 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (2) and inserting "$42 per thousand".

(2) Effective date.—The amendments made by this subsection shall apply with respect to articles removed after December 31, 1993.

(3) Floor stocks.—

(A) Imposition of tax.—On cigarettes manufactured in or imported into the United States which are removed before January 1, 1994, and held on such date for sale by any person, there shall be imposed the following taxes:

(i) Small cigarettes.—On cigarettes, weighing not more than 3 pounds per thousand, $10 per thousand;

(ii) Large cigarettes.—On cigarettes, weighing more than 3 pounds per thousand, $21 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(B) Liability for tax and method of payment.—

(i) Liability for tax.—A person holding cigarettes on January 1, 1994, to which any tax imposed by subparagraph (A) applies shall be liable for such tax.

(ii) Method of payment.—The tax imposed by subparagraph (A) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on February 15, 1994, in the same manner as the tax imposed under such section is payable with respect to cigarettes removed on January 1, 1994.

(C) Cigarette.—For purposes of this paragraph, the term "cigarette" shall have the meaning given to such term by subsection (b) of section 5702 of the Internal Revenue Code of 1986.

(D) Exception for retail stocks.—The taxes imposed by subparagraph (A) shall not apply to cigarettes in retail stocks held on January 1, 1994, at the place where intended to be sold at retail.

(E) Foreign trade zones.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(i) cigarettes—

(I) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1994, and

(II) which are entered into the customs territory of the United States on or after January 1, 1994, from a foreign trade zone, and

(ii) cigarettes which—

(I) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1994, and

(II) are entered into the customs territory of the United States on or after January 1, 1994, from a foreign trade zone,

shall be subject to the tax imposed by subparagraph (A) and such cigarettes shall, for purposes of subparagraph (A), be treated as being held on January 1, 1994, for sale.

(e) Increase in Excise Taxes on Distilled Spirits, Wine, and Beer.—

(1) Distilled spirits.—

(A) In general.—Paragraphs (1) and (3) of section 5001(a) of the Internal Revenue Code of 1986 (relating to rate of tax on distilled spirits) are each amended by striking "$13.50" and inserting "$29.00".

(B) Technical amendment.—Paragraphs (1) and (2) of section 5010(a) of such Code (relating to credit for wine content and for flavors content) are each amended by striking "$13.50" and inserting "$29.00".

(2) Wine.—

(A) Wines containing not more than 14 percent alcohol.—Paragraph (1) of section 5041(b) of such Code (relating to rates of tax on wines) is amended by striking "$1.07" and inserting "$6.00".

(B) Wines containing more than 14 (but not more than 21) percent alcohol.—Paragraph (2) of section 5041(b) of such Code is amended by striking "$1.57" and inserting "$8.50".

(C) Wines containing more than 21 (but not more than 24) percent alcohol.—Paragraph (3) of section 5041(b) of such Code is amended by striking "$3.15" and inserting "$11.00".

(D) Artificially carbonated wines.—Paragraph (5) of section 5041(b) of such Code is amended by striking "$3.30" and inserting "$11.00".

(3) Beer.—

(A) In general.—Paragraph (1) of section 5051(a) of such Code (relating to imposition and rate of tax on beer) is amended by striking "$18" and inserting "$81".

(B) Small brewers.—Subparagraph (A) of section 5051(a)(2) of such Code (relating to reduced rate for certain domestic production) is amended by striking "$7" each place it appears and inserting "$31.50".

(4) Effective date.—The amendments made by this subsection shall take effect on January 1, 1994.

(5) Floor stocks taxes.—

(A) Imposition of tax.—

(i) In general.—In the case of any tax-increased article—

(I) on which tax was determined under part I of subchapter A of chapter 51 of the Internal Revenue Code of 1986 or section 7652 of such Code before January 1, 1994, and

(II) which is held on such date for sale by any person,

there shall be imposed a tax at the applicable rate on each such article.

(ii) Applicable rate.—For purposes of clause (i), the applicable rate is—

(I) $15.50 per proof gallon in the case of distilled spirits,

(II) $4.93 per wine gallon in the case of wine described in paragraph (1) of section 5041(b) of such Code, and

(III) $6.93 per wine gallon in the case of wine described in paragraph (2) of section 5041(b) of such Code, and

(IV) $7.85 per wine gallon in the case of wine described in paragraph (3) of section 5041(b) of such Code, and

(V) $7.70 per wine gallon in the case of wine described in paragraph (5) of section 5041(b) of such Code,

(VI) $63 per barrel in the case of beer described in paragraph (1) of section 5051(a) of such Code, and

(VII) $13.50 per barrel in the case of beer described in subparagraph (A) of section 5051(a)(2) of such Code.

In the case of a fraction of a gallon or barrel, the tax imposed by clause (i) shall be the same fraction as the amount of such tax imposed on a whole gallon or barrel.

(iii) Tax-increased article.—For purposes of this paragraph, the term "tax-increased article" means distilled spirits, wine described in paragraph (1), (2), (3), or (5) of section 5041(b) of such Code, and beer.

(B) Exception for certain small wholesale or retail dealers.—No tax shall be imposed by subparagraph (A) on tax-increased articles held on January 1, 1994, by any dealer if—

(i) the aggregate liquid volume of tax-increased articles held by such dealer on such date does not exceed 500 wine gallons, and

(ii) such dealer submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(C) Liability for tax and method of payment.—

(i) Liability for tax.—A person holding any tax-increased article on January 1, 1994, to which the tax imposed by subparagraph (A) applies shall be liable for such tax.

(ii) Method of payment.—The tax imposed by subparagraph (A) shall be paid in such manner as the Secretary shall prescribe by regulations.

(iii) Time for payment.—The tax imposed by subparagraph (A) shall be paid on or before June 30, 1994.

(D) Controlled groups.—

(i) Corporations.—In the case of a controlled group the 500 wine gallon amount specified in subparagraph (B), shall be apportioned among the dealers who are component members of such group in such manner as the Secretary shall by regulations prescribe. For purposes of the preceding sentence, the term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) Nonincorporated dealers under common control.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of dealers under common control where 1 or more of such dealers is not a corporation.

(E) Other laws applicable.—

(i) In general.—All provisions of law, including penalties, applicable to the comparable excise tax with respect to any tax-increased article shall, insofar as applicable and not inconsistent with the provisions of this paragraph, apply to the floor stocks taxes imposed by subparagraph (A) to the same extent as if such taxes were imposed by the comparable excise tax.

(ii) Comparable excise tax.—For purposes of clause (i), the term "comparable excise tax" means—

(I) the tax imposed by section 5001 of such Code in the case of distilled spirits,

(II) the tax imposed by section 5041 of such Code in the case of wine, and

(III) the tax imposed by section 5051 of such Code in the case of beer.

(F) Definitions.—For purposes of this paragraph—

(i) In general.—Terms used in this paragraph which are also used in subchapter A of chapter 51 of such Code shall have the respective meanings such terms have in such part.

(ii) Person.—The term "person" includes any State or political subdivision thereof, or any agency or instrumentality of a State or political subdivision thereof.

(iii) Secretary.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(G) Treatment of imported perfumes containing distilled spirits.—For purposes of this paragraph, any article described in section 5001(a)(3) of such Code shall be treated as distilled spirits; except that the tax imposed by subparagraph (A) shall be imposed on a wine gallon basis in lieu of a proof gallon basis. To the extent provided by regulations prescribed by the Secretary, the preceding sentence shall not apply to any article held on January 1, 1994, on the premises of a retail establishment.

(f) Payroll Taxes.—

(1) Tax on employees.—Section 3101 of the Internal Revenue Code of 1986 (relating to rate of tax on employees) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and by inserting after subsection (b) the following new subsection:

"(c) National Health Care Program.—In addition to the taxes imposed by the preceding subsections, there is hereby imposed on the income of every individual a tax equal to 1.45 percent of the wages (as defined in section 3121(a)) received by such individual after December 31, 1994, with respect to employment (as defined in section 3121(b)).".

(2) Tax on employers.—Section 3111 of such Code (relating to rate of tax on employers) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) National Health Care Program.—In addition to the taxes imposed by the preceding subsections, there is hereby imposed on every employer an excise tax, with respect to having individuals in such employer's employ, equal to 7.45 percent of the wages (as defined in section 3121(a)) paid by such employer during each calendar year beginning after December 31, 1994, with respect to employment (as defined in section 3121(b)).".

(3) Tax on self-employment income.—Section 1401 of such Code (relating to rate of tax on self-employment income for hospital insurance) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) National Health Care Program.—In addition to the taxes imposed by the preceding subsections, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to the sum of—

"(1) 1.45 percent, plus

"(2) 7.45 percent

of the amount of the self-employment income for such taxable year.".

(4) Railroad retirement taxes.—Sections 3201(a), 3211(a), and 3221(a) of such Code (relating to tier 1 taxes) are each amended by striking "subsections (a) and (b)" each place it appears and inserting "subsections (a), (b), and (c)".

(5) Elimination of limit on employer-portion of wages or self-employment income subject to national health care program tax.—

(A) Wages.—Subsection (x) of section 3121 of the Internal Revenue Code of 1986 (relating to applicable contribution base) is amended by adding at the end thereof the following new paragraph:

"(3) National health care program.—For purposes of the taxes imposed by section 3111(c), the applicable contribution base for any calendar year is equal to the remuneration for employment paid to an individual for such calendar year.".

(B) Self-employment income.—Subsection (k) of section 1402 of such Code (relating to applicable contribution base) is amended by adding at the end thereof the following new paragraph:

"(3) NATIONAL HEALTH CARE PROGRAM.—For purposes of the tax imposed by section 1401(c)(2), the applicable contribution base for any calendar year is equal to the individual's net earnings from self-employment for such calendar year.".

(C) CONFORMING AMENDMENTS

(i) Paragraph (2) of section 3121(x) of such Code is amended—

(I) by striking "section 3101(b) and 3111(b)" and inserting "sections 3101(b), 3111(b), and 3101(c)", and

(II) by striking "HOSPITAL INSURANCE" in the heading and inserting "HEALTH CARE".

(ii) Paragraph (2) of section 1402(k) of such Code is amended—

(I) by striking "section 1401(b)" and inserting "sections 1401(b) and 1401(c)(1)", and

(II) by striking "HOSPITAL INSURANCE" in the heading and inserting "HEALTH CARE".

(iii) Clause (i) of section 3231(e)(2)(B) of such Code is amended—

(I) by striking "subclause (II)" in subclause (I) and inserting "subclauses (II) and (III)", and

(II) by adding at the end thereof the following new subclauses:

"(III) EMPLOYER-PORTION OF NATIONAL HEALTH CARE PROGRAM.—For purposes of applying so much of the rate applicable under section 3221(a) as does not exceed the rate of tax in effect under section 3111(c), and for purposes of applying so much of the rate of tax applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1401(c)(2), the term 'applicable base' means for any calendar year the applicable contribution base determined under section 3121(x)(3) or 1401(k)(3) (as the case may be) for such calendar year.

"(IV) EMPLOYEE-PORTION OF NATIONAL HEALTH CARE PROGRAM.—For purposes of applying so much of the rate applicable under section 3201(a) as does not exceed the rate of tax in effect under section 3101(c), and for purposes of applying so much of the rate of tax applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1401(c)(1), the term 'applicable base' means for any calendar year the applicable contribution base determined under section 3121(x)(2) or 1401(k)(2) (as the case may be) for such calendar year.".

(iv) Subsection (c) of section 6413 of such Code is amended by adding at the end thereof the following new paragraph:

"(4) SEPARATE APPLICATION FOR NATIONAL HEALTH CARE PROGRAM TAXES.—In applying this subsection with respect to—

"(A) the tax imposed by section 3101(c) (or any amount equivalent to such tax), and

"(B) so much of the tax imposed by section 3201 as is determined at a rate not greater than the rate in effect under section 3101(c), the applicable contribution base determined under section 3121(x)(3) for any calendar year shall be substituted for 'contribution and benefit base (as determined under section 230 of the Social Security Act)' each place it appears.".

(6) ADDITIONAL STATE AND LOCAL EMPLOYEES SUBJECT TO NATIONAL HEALTH CARE PROGRAM TAXES.—Paragraph (2) of section 3121(u) of such Code is amended by striking subparagraphs (C) and (D).

(7) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to remuneration paid after December 31, 1994, and with respect to earnings from self-employment attributable to taxable years beginning after such date.

(g) TERMINATION OF HOSPITAL INSURANCE PAYROLL TAXES.—

(1) TAX ON EMPLOYEES.—Section 3101(b) of the Internal Revenue Code of 1986 (relating to rate of tax on employees for hospital insurance) is amended—

(A) by striking "and" at the end of paragraph (5), and

(B) by striking paragraph (6) and inserting the following new paragraphs:

"(6) with respect to wages received during the calendar years 1986 through 1994, the rate shall be 1.45 percent; and

"(7) with respect to wages received after December 31, 1994, the rate shall be 0 percent.".

(2) TAX ON EMPLOYERS.—Section 3111(b) of such Code (relating to rate of tax on employers for hospital insurance) is amended—

(A) by striking "and" at the end of paragraph (5), and

(B) by striking paragraph (6) and inserting the following new paragraphs:

"(6) with respect to wages received during the calendar years 1986 through 1994, the rate shall be 1.45 percent;

"(7) with respect to wages received after December 31, 1994, the rate shall be 0 percent.".

(3) TAX ON SELF-EMPLOYMENT INCOME.—Section 1401(b) of such Code (relating to rate of tax on self-employment income for hospital insurance) is amended by striking the table and inserting the following new table:

"*In the case of a taxable year*

Beginning after:	*And before:*	*Percent:*
December 31, 1985	January 1, 1995.	2.90
December 31, 1994	....	0.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to remuneration paid after December 31, 1994, and with respect to earnings from self-employment attributable to taxable years beginning after such date.

(i) EMPLOYERS' MAINTENANCE OF EFFORT FOR RETIREES.—

(1) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to normal taxes and surtaxes) is amended by adding at the end thereof the following new part:

"PART VIII—HEALTH CARE TAXES

"Sec. 59B. Employers health care tax.

"SEC. 59B. EMPLOYERS HEALTH CARE TAX.

"(a) IN GENERAL.—In the case of an employer, there is imposed (in addition to any other tax imposed by this subtitle) a tax equal to the actuarially equivalent aggregate amount which would have been paid or incurred by the employer (or predecessor employer) during the taxable year for individual or family coverage of retired employees with respect to whom such employer had a contractual obligation on December 31, 1993, under group health plans (as defined in section 5000(b)(1)) in existence on such date.

"(b) TERMINATION.—This section shall not apply in any taxable year beginning after December 31, 2012.".

(2) CONFORMING AMENDMENT.—The table of parts of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Part VIII. Health care taxes.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(j) TREATMENT OF HEALTH CARE DEDUCTIONS, EXCLUSIONS, AND CREDITS.—

(1) LIMITATION ON EXCLUSION OF COMPENSATION FOR INJURIES OR SICKNESS.—Subsection (a) of section 104 of the Internal Revenue Code of 1986 (relating to compensation for injuries or sickness) is amended—

(A) by striking paragraph (3) and inserting the following new paragraph:

"(3) amounts received through the national health care program for personal injuries or sickness;", and

(B) by striking the second sentence thereof.

(2) TERMINATION OF EXCLUSION FOR AMOUNTS RECEIVED UNDER ACCIDENT AND HEALTH PLANS.—

(A) IN GENERAL.—Section 105 of such Code (relating to amounts received under accident and health plans) is amended—

(i) by striking "income" and all that follows in subsection (a) and inserting "income.",

(ii) by striking subsections (b), (e), (f), (g), and (h), and

(iii) by redesignating subsections (c) and (i) as subsections (b) and (c), respectively.

(B) CONFORMING AMENDMENT.—Paragraph (6) of section 7871(a)(6) of such Code is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(3) TERMINATION OF EXCLUSION FOR CONTRIBUTIONS BY EMPLOYER TO ACCIDENT AND HEALTH PLANS.—

(A) IN GENERAL.—Section 106 of such Code (relating to contributions by employer to accident and health plans) is repealed.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (c) of section 104 of such Code is amended to read as follows:

"(c) CROSS REFERENCE.—

"For exclusion of part of disability retirement pay from the application of subsection (a)(4) of this section, see section 1403 of title 10, United States Code (relating to career compensation laws)."

(ii) Sections 414(n)(3)(C), 414(t)(2), and 6039D(d)(1) of such Code are each amended by striking "106,".

(4) LIMITATION ON CAFETERIA PLANS.—Subsection (g) of section 125 of such Code (relating to cafeteria plans) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(5) BUSINESS EXPENSE DEDUCTION FOR EMPLOYER-PROVIDED FIRST AID ASSISTANCE.—Subsection (l) of section 162 of such Code (relating to trade or business expenses) is amended to read as follows:

"(l) FIRST AID ASSISTANCE.—The expenses paid or incurred by an employer for on-site first aid assistance provided to the employees of such employer shall be allowed as a deduction under this section.".

(6) TERMINATION OF DEDUCTION FOR MEDICAL EXPENSES.—

(A) IN GENERAL.—Section 213 of such Code (relating to medical, dental, etc., expenses) is repealed.

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (1) of section 56 of such Code is amended by striking subparagraph (B) and by redesignating subparagraph (C), (D), (E), and (F) as subparagraphs (B), (C), (D), and (E), respectively.

(ii) Subsection (b) of section 67 of such Code is amended by striking paragraph (5) and by redesignating paragraphs (6) through (13) as paragraphs (5) through (12), respectively.

(iii) Subsection (t) of section 72 of such Code is amended—

(I) in paragraph (2), by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B), and

(II) by striking "(B), and (C)" in paragraph (3)(A) and inserting "and (B)".

(iv) Subsection (e) of section 152 of such Code is amended by striking paragraph (6).

(7) TERMINATION OF PENSION PAYMENT OF MEDICAL BENEFITS.—Subsection (h) of section 401 of such Code (relating to qualified pension, profit-sharing, and stock bonus plans) is repealed.

(8) TERMINATION OF CHILD HEALTH INSURANCE CREDIT.—Clause (i) of section 32(b)(2)(A) of such Code (relating to health insurance credit) is amended by inserting "(0 percent for taxable years beginning after December 31, 1993)" after "6 percent".

(9) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to taxable years beginning after December 31, 1993.

(k) INCREASE IN INCOME TAXES ON SOCIAL SECURITY BENEFITS.—

(1) INCREASE IN AMOUNT OF BENEFITS TAKEN INTO ACCOUNT.—Subsections (a) and (b) of section 86 of such Code (relating to social security and tier 1 railroad retirement benefits) are each amended by striking "one-half" each place it appears and inserting "85 percent".

(2) INCOME THRESHOLDS REDUCED.—Subsection (c) of section 86 of such Code (defining base amount) is amended—

(A) by striking "$25,000" in paragraph (1) and inserting "$8,000", and

(B) by striking "$32,000" in paragraph (2) and inserting "$16,000".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(l) SECTION 15 NOT TO APPLY.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(k) NATIONAL HEALTH CARE PROGRAM PREMIUM FOR THE ELDERLY.—

(1) IN GENERAL.—Except as provided in paragraph (2), each individual who at any time in a month beginning after December 31, 1994, is 65 years of age or older and is eligible for benefits under this Act in the month shall pay a national health care program premium equal to the sum of:

(A) the amount of the premium for such month determined under section 1839 of the Social Security Act, determined as if such section had not been repealed under this Act, plus

(B) $25.

(2) REDUCTION FOR LOW-INCOME ELDERLY.—Individuals with an adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) which does not exceed 120 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) are not liable for the premium imposed under paragraph (1)(B).

(3) COLLECTION OF PREMIUM.—The premium imposed under this subsection shall be collected in the same manner (including deduction from Social Security checks) as the premium imposed under part B of title XVIII of the Social Security Act was collected under section 1840 of such Act as of the date of the enactment of this Act.

SEC. 322. STATE SOURCES OF REVENUE.

(a) IN GENERAL.—Each State shall be responsible for establishing a financing program for the implementation of the State program in the State. Such financing program may include State funding from general revenues, earmarked taxes, sales taxes, and such other measures consistent with this Act, including regulations prescribed under section 401(e)(1)(D), as the State may provide.

(b) MAINTENANCE OF EFFORT.—

(1) CONDITION OF COVERAGE.—Notwithstanding any other provision of this Act, no individual who is a resident of a State is eligible for covered services under this Act for a month in a calendar year, unless the State makes available under the financing program (in a manner and at a time specified by the Administrator), in addition to funds made available under subsection (c), in the month of the sum of—

(A) the product of $7.083 and the number of residents who are residents of the State and otherwise eligible for covered services under this Act in the month; and

(B) 85 percent of 1/12 of the amount specified in paragraph (2) for the year;

or, if less, 1/12 of the limiting amount specified in paragraph (3).

(2) MAINTENANCE OF EFFORT AMOUNT.—The amount of payment specified in this paragraph for a State for a year is equal to the amount of payment (net of Federal payments) made by a State under its State plan under title XIX of the Social Security Act for the year preceding the effective date of this Act, increased for the year involved by the compounded sum of the percentage increase in the gross national product of the State for each year after that year and up to the year before the year involved.

(3) LIMITING AMOUNT.—For purposes of paragraph (1), the limiting amount specified in this paragraph—

(A) for 1995, is the total amount of payment made by a State (net of any Federal payments made to the State) for health care services in 1994; or

(B) for any subsequent year, is the amount specified in this paragraph for the State for the previous year increased for the year involved by the compounded sum of the percentage increase in the gross national product of the State for each year after 1992 and up to the year before the year involved.

(c) BLOCK GRANT FUNDS.—Under the financing program, each State shall make available all State health block grant funds, including maternal and child health block grant funds made available under title V of the Social Security Act (42 U.S.C. 701 et seq.).

SEC. 323. COST-SHARING.

(a) MINIMUM COST-SHARING REQUIREMENTS.—Except as provided in subsection (b), each State program shall impose cost-sharing for payment to a health care facility of a portion (not to exceed 25 percent) of the cost of room and board for consumers receiving—

(1) the long-term care services described in section 201(b)(6)(C);

(2) the mental health services described in section 201(b)(7)(E);

(3) the rehabilitation services described in subparagraphs (D) and (E) of section 201(b)(13); and

(4) the substance abuse treatment and rehabilitation services described in section 201(b)(14)(F).

(b) WAIVER.—Each State agency shall waive the cost-sharing requirements described in subsection (a) for consumers below the income official poverty line, as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

SEC. 324. NATIONAL HEALTH CARE TRUST FUND.

(a) TRUST FUND ESTABLISHED.—

(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the "National Health Care Trust Fund". The Trust Fund shall consist of such gifts and bequests as may be made and such amounts as may be deposited in, or appropriated to, such Trust Fund as provided in this Act.

(2) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PREMIUMS.—

(A) TAX AND PREMIUM REVENUES.—There are hereby appropriated to the Trust Fund amounts equivalent to the additional revenues received in the Treasury as the result of the provisions of, and amendments made by, section 321.

(B) TRANSFERS BASED ON ESTIMATES.—The amounts appropriated by subparagraph (A) shall be transferred from time to time (not less frequently than monthly) from the general fund in the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes and premiums, specified in such subparagraph, paid to or deposited into the Treasury; and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes and premiums specified in such subparagraph.

(3) TRANSFER OF FUNDS.—All amounts, not otherwise obligated, that remain in the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Trust Fund on January 1, 1995 shall be transferred to the Trust Fund.

(4) INCORPORATION OF TRUST FUND PROVISIONS.—The provisions of subsections (b) through (i) of section 1841 of the Social Security Act (42 U.S.C. 1395t), as in effect on the day before the date of the enactment of this Act, shall apply to the Trust Fund in the same manner as such provisions apply to the Federal Supplemental Medical Insurance Trust Fund, except that any reference to the Secretary of Health and Human Services or the Administrator of the Health Care Financing Administration shall be deemed a reference to the Administration.

(5) APPROPRIATION OF ADDITIONAL SUMS.—There are hereby authorized to be appropriated to the Trust Fund such additional sums as may be required to make expenditures referred to in subsection (b).

(b) EXPENDITURES.—

(1) TO STATES.—Payments in each calendar year to each State from the Trust Fund under section 302 are hereby authorized and appropriated.

(2) OTHER GRANT PROGRAMS.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for grant programs relating to health care services.

(3) ADMINISTRATIVE EXPENSES.—There are hereby authorized and appropriated such sums as are necessary for the administrative expenses of the Administration for each fiscal year, not to exceed 3 percent of the total payments made to the States for such fiscal year under section 302.

(c) TRUST FUND OFF-BUDGET.—The receipts and disbursements of the Trust Fund and the taxes described in subsection (a)(2) shall not be included in the totals of the budget of the United States Government as submitted by the President or of the congressional budget and shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

TITLE IV—ADMINISTRATION

Subtitle A—Federal Administration

SEC. 401. NATIONAL HEALTH CARE ADMINISTRATION.

(a) ESTABLISHMENT.—There is established a National Health Care Administration that shall administer the programs established under this Act. The Administration shall be an independent establishment, as defined in section 104 of title 5, United States Code.

(b) ADMINISTRATOR OF HEALTH CARE.—

(1) APPOINTMENT.—There shall be in the Administration an Administrator of Health Care who shall be appointed by the President, with the advice and consent of the Senate.

(2) COMPENSATION.—The Administrator shall be compensated at the rate provided for level I of the Executive Schedule.

(3) TERM.—The Administrator shall be appointed for a term of 4 years coincident with the term of the President, or until the appointment of a qualified successor.

(4) QUALIFICATIONS.—The Administrator shall be selected on the basis of proven competence as a manager.

(5) POWERS.—The Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities of the Administration.

(6) DELEGATION.—The Administrator may, with respect to the administration of the national health care program, assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees as the Administrator may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Administrator.

(7) COORDINATION.—The Administrator and the Secretary of Health and Human Services shall consult, on an ongoing basis, to ensure the coordination of the programs administered by the Administrator under this Act with the programs administered by the Secretary under the Social Security Act (42 U.S.C. 301 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) PERSONNEL.—The Administrator shall appoint such additional officers and employees as the Administrator considers necessary to carry out the functions of the Administration under this Act. Except as otherwise provided in any other provision of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Administrator may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(e) REGULATIONS.—

(1) IN GENERAL.—The Administrator may prescribe such policies and regulations regarding the national health care program as the Administrator determines to be necessary or appropriate, including policies and regulations relating to—

(A) eligibility;

(B) enrollment;

(C) covered services;

(D) State funding levels;

(E) payment of health care providers;

(F) fee schedules for health care providers;

(G) quality assurance standards for health care facilities, other health care providers, and covered services;

(H) certification and licensing of health care providers;

(I) consumer protection standards;

(J) cost-sharing, as described in section 323;

(K) health care goals and priorities in consultation with the Public Health Service; and

(L) education and training programs for health care providers.

(2) QUALITY ASSURANCE, CERTIFICATION, AND LICENSING.—

(A) BASIS.—

(i) INFORMATION.—In developing regulations under paragraph (1)(G), the Administrator shall take into consideration information from the national health care data base.

(ii) PROFESSIONAL OPINIONS.—In developing regulations under subparagraphs (G) and (H) of paragraph (1), the Administrator shall consider the opinions of all appropriate professional organizations.

(iii) PEER REVIEW ORGANIZATIONS.—In developing regulations under paragraph (1)(G), the Administrator shall consider the recommendations of utilization and quality control peer review organizations established under section 1152 of the Social Security Act (42 U.S.C. 1320c–1).

(iv) COUNCIL.—In developing regulations under subparagraphs (G) and (I) of paragraph (1), the Administrator shall consider the recommendations of the National Council on Quality Assurance and Consumer Protection.

(B) FACILITIES AND SERVICES.—The Administrator shall prescribe regulations under paragraph (1)(G) covering all covered services and all health care facilities and other health care providers participating in the national health care program, including individual and group practitioners, hospitals, other inpatient and outpatient facilities, ambulatory facilities and services, home health agencies, care coordination services, and hospital discharge planning services.

(f) PLANNING FUNCTIONS.—The Administration shall—

(1) ensure that State health budgets under section 301 reflect the goals and priorities recommended by State and local planning boards; and

(2) meet at least biannually with representatives of State and local planning boards to—

(A) assess implementation;

(B) assist the boards in determining the goals and priorities for meeting health care needs; and

(C) assist the boards in planning, on the basis of cost and utilization data available through the national health care data base, for the efficient and effective use of existing health resources, within each State and local planning area.

(g) PROGRAMS.—The Administration shall establish and carry out, directly or through grants or contracts, Federal—

(1) ombudsman programs;

(2) hotlines for complaints; and

(3) consumer and health care provider information and education programs designed to increase public understanding of the national health care program, including programs to distribute information from the national health care data base.

(h) NATIONAL HEALTH CARE DATA BASE.—The Administration shall establish and maintain a national health care data base, which shall include information regarding the quality, effectiveness, utilization, and cost of all covered services.

SEC. 402. NATIONAL HEALTH BOARD.

(a) ESTABLISHMENT OF BOARD.—There shall be established in the Administration a National Health Board.

(b) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall advise the Administrator on policies related to the national health care program established under this Act.

(2) SPECIFIC FUNCTIONS.—Specific functions of the Board shall include—

(A) studying and making recommendations regarding implementation of this Act and the most effective methods of providing covered services under this Act;

(B) studying and making recommendations relating to the coordination of other programs that provide health care services;

(C) reviewing and assessing the quality of service that the Administration provides to the public;

(D) reviewing and assessing the progress of the Administration in developing needed improvements in the management of programs;

(E) in consultation with the Administrator, reviewing the development and implementation of a long-range research and program evaluation plan for the Administration;

(F) reviewing and assessing any major studies of health care services as may come to the attention of the Board;

(G) assessing, for each region of the country, the information described in section 412(b)(1); and

(H) conducting such other reviews and assessments as the Board determines to be appropriate.

(c) STRUCTURE AND MEMBERSHIP OF THE BOARD.—The Board shall be composed of 25 members who shall be appointed by the President, with the advice and consent of the Senate, including—

(1) 4 members representing consumers;

(2) 4 members representing health care providers, each of whom shall represent a different provider group;

(3) 4 representatives of Federal departments and agencies, including at least one individual representing a public health agency;

(4) 4 representatives of State and local governments, including at least one individual representing a public health agency;

(5) 1 member of the National Council on Quality Assurance and Consumer Protection;

(6) 1 member representing the business community; and

(7) 1 member representing organized labor.

(d) TERMS OF APPOINTMENT.—Each member of the Board shall serve for a term of 5 years, except that—

(1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

(2) the terms of service of the members initially appointed shall be (as specified by the President) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(e) VACANCIES.—Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

(f) CHAIRPERSON.—The Board shall select a Chairperson from among its members.

(g) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Board who is not an employee of the Federal Government shall receive compensation at the daily equivalent of 120 percent of the rate specified for GS–15 of the General Schedule under section 5332 of title 5, United States Code; for each day the member is en-

gaged in the performance of duties for the Board, including attendance at meetings and conferences of the Board, and travel to conduct the duties of the Board.

(2) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) PERSONNEL.—

(1) STAFF DIRECTOR.—The Chairperson of the Board shall, without regard to title 5, United States Code, appoint a staff director who shall be paid at a rate equivalent to the rate for the Senior Executive Service.

(2) ADDITIONAL STAFF.—The Chairperson of the Board is authorized, without regard to title 5, United States Code, to appoint and fix the compensation of such staff as the Board determines to be necessary to carry out the functions of the Board.

(3) LIMITATIONS.—The rate of compensation for each staff member appointed under paragraph (2) shall not exceed the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day the staff member is engaged in the performance of duties for the Board. The Board may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(i) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Commission.

SEC. 403. NATIONAL COUNCIL ON QUALITY ASSURANCE AND CONSUMER PROTECTION.

(a) IN GENERAL.—The Administrator shall establish a National Council on Quality Assurance and Consumer Protection (referred to in this section as the "Council"), to conduct studies and oversight, and prepare recommendations concerning quality assurance and consumer protection procedures.

(b) DUTIES.—

(1) STUDY AND REPORT.—The Council shall conduct a study of quality assurance and consumer protection procedures. The Council shall submit a report to the Administrator containing the results of the study, including recommendations for regulations prescribed under subparagraphs (G) and (I) of section 401(e)(1).

(2) OVERSIGHT.—The Council shall collect information regarding the implementation of the regulations on a regular basis. The Council shall submit a report to the Administrator containing the information and recommendations for reform.

(c) MEMBERSHIP.—The Council shall be composed of 18 members appointed by the Administrator, including—

(1) 6 individuals with expertise regarding quality assurance in medical and mental health fields;

(2) 6 individuals representing consumers; and

(3) 4 individuals representing health care providers.

(d) TERM OF OFFICE.—Each member of the Council shall serve for a term of 5 years, except that—

(1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

(2) the term of service of the members initially appointed shall be (as specified by the Administrator) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(e) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(f) CHAIRPERSON.—The Council shall select a Chairperson from among its members.

(g) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Council who is not an employee of the Federal Government shall receive compensation at the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Council, including attendance at meetings and conferences of the Council, and travel to conduct the duties of the Council.

(2) TRAVEL EXPENSES.—Each member of the Council shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) POWERS.—The Council is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions,

as the Council may determine to be necessary to carry out the duties of the Council.

(i) OATHS.—Any member of the Council may administer oaths or affirmations to witnesses appearing before the Council.

(j) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Chairperson of the Council may secure directly from any Federal agency, information necessary to enable the Council to carry out the duties of the Council, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Chairperson, the head of the agency shall furnish the information to the Council.

(k) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Council may accept for the Council voluntary services provided by a member of the Council.

(l) GIFTS AND DONATIONS.—The Council may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Council.

(m) USE OF MAIL.—The Council may use the United States mails in the same manner and under the same conditions as Federal agencies.

(n) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Council may appoint and determine the compensation of such staff as the Council determines to be necessary to carry out the duties of the Council.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code; for each day the staff member is engaged in the performance of duties for the Council. The Council may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(o) EXPERTS AND CONSULTANTS.—The Chairperson of the Council may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Council determines to be necessary to carry out the duties of the Council.

(p) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Council, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(q) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Council, the head of a Federal agency shall provide such technical assistance to the Council as the Council determines to be necessary to carry out its duties.

(r) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to carry out the provisions of this subtitle. The sums shall remain available until expended, without fiscal year limitation.

(s) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Council.

SEC. 404. MEDICAL MALPRACTICE COMMISSION.

(a) IN GENERAL.—The Administrator shall establish a Medical Malpractice Commission (referred to in this section as the "Commission"), to conduct a study and prepare recommendations concerning medical malpractice.

(b) MALPRACTICE STUDY.—

(1) STUDY.—The Commission shall conduct a study of medical malpractice. In conducting the study, the Commission shall examine methods for—

(A) reducing costs associated with malpractice insurance;

(B) reducing the basis for malpractice claims;

(C) targeting physicians and other health care providers who are incompetent; and

(D) developing mechanisms that will protect consumers who are victims of malpractice.

(2) REPORT.—Not later than 18 months after the date of the enactment of this subtitle, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(A) the findings and conclusions of the Commission resulting from the study conducted under paragraph (1); and

(B) recommendations for medical malpractice reform, based on the findings and conclusions described in subparagraph (A).

(c) MEMBERSHIP.—The Commission shall be composed of 18 members appointed by the Administrator, including—

(1) 3 individuals with expertise regarding health care services;

(2) 3 individuals representing persons receiving health care services;

(3) 3 individuals representing public payers;

(4) 3 individuals representing private payers; and

(5) 3 individuals representing providers of health care services.

(d) TERM OF OFFICE.—Members shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

(g) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) POWERS.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions,

as the Commission may determine to be necessary to carry out the duties of the Commission.

(i) OATHS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(j) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Chairperson of the Commission may secure directly from any Federal agency, information necessary to enable the Commission to carry out the duties of the Commission, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Chairperson, the head of the agency shall furnish the information to the Commission.

(k) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(l) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(m) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

(n) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(o) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(p) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(q) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(r) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this subtitle. The sums shall remain available until expended, without fiscal year limitation.

(s) TERMINATION.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall terminate 3 years after the date of the enactment of this Act.

SEC. 405. UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS.

(a) ORGANIZATION.—Section 1152 of the Social Security Act (42 U.S.C 1320c-1) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1)(A) is composed of a substantial number of licensed health care providers who are—

"(i) engaged in the practice of providing covered services under the National Health Care Act of 1992;

"(ii) representative of the practicing health care providers in the area, designated by the Secretary under section 1153, with respect to which the entity shall perform services under this part; and

"(iii) representative of the groups of health care providers providing services under the Act, with no group providing a majority of the membership of the organization; or

"(B) has available to it, by arrangement or otherwise, the services of a sufficient number of the licensed health care providers described in subparagraph (A) to ensure adequate peer review of the services provided by the various medical specialties and subspecialties of health care providers under the Act;".

(b) FUNCTIONS.—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c-2(a)) is amended by adding at the end the following new paragraphs:

"(17) The organization shall make recommendations to the Administrator of the National Health Care Administration regarding establishment and revision of regulations prescribed under section 401(e)(1)(G) of the National Health Care Act of 1992.

"(18) The organization shall submit such reports to a Consumer Board established under section 1165(a) as the Secretary may by regulation require.".

(c) CONSUMER BOARDS.—Part B of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"SEC. 1165. CONSUMER BOARDS.

"(a) ESTABLISHMENT.—The Administrator shall establish Peer Review Organization Consumer Boards (referred to individually within this section as a 'Board') within geographic regions specified by the Administrator.

"(b) DUTIES.—

"(1) STUDY AND REPORT.—A Board shall conduct annual evaluations of the organizations described in section 1152 within the geographic region served by the Board. The Board shall submit a report to the Administrator of the National Health Care Administration (hereafter in this section referred to as the 'Administrator'), the National Board on Quality Assurance and Consumer Protection, and each Governor of a State within the region, containing the results of the evaluation, including recommendations for awards of contracts under this part.

"(2) EDUCATION PROGRAMS.—A Board shall establish and carry out education programs for consumers to provide information related to—

"(A) implementation of the quality assurance regulations prescribed under section 401(e)(1)(G) of the National Health Care Act of 1992; and

"(B) availability of assistance for consumers.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Board shall be composed of 5 to 11 members, depending on the size of the region, appointed by the Administrator.

"(2) REPRESENTATION.—In appointing members to the Board, the Administrator shall ensure that the members are representative of the racial and ethnic composition of the geographic region served by the Board.

"(3) ORGANIZATION REPRESENTATIVES.—The Administrator shall appoint to each Board not fewer than two members who shall serve on the Board of Directors of an organization described in section 1152 within the region and who shall not be health care providers.

"(d) TERM OF OFFICE.—Each member of the Board shall serve for a term of 3 years, except that—

"(1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(2) the terms of service of the members initially appointed shall be (as specified by the Administrator) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

"(e) VACANCIES.—Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

"(f) CHAIRPERSON.—The Board shall select a Chairperson from among its members.

"(g) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Board who is not an employee of the Federal Government shall receive compensation at the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Board, including attendance at meetings and conferences of the Board, and travel to conduct the duties of the Board.

"(2) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

"(h) POWERS.—The Board is authorized to—

"(1) hold such hearings and sit and act at such times;

"(2) take such testimony;

"(3) have such printing and binding done;

"(4) enter into such contracts and other arrangements;

"(5) make such expenditures; and

"(6) take such other actions,

as the Board may determine to be necessary to carry out the duties of the Board.

"(i) OATHS.—Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(j) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Chairperson of the Board may secure directly from any Federal agency, information necessary to enable the Board to carry out the duties of the Board, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Chairperson, the head of the agency shall furnish the information to the Board.

"(k) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Board may accept for the Board voluntary services provided by a member of the Board.

"(l) GIFTS AND DONATIONS.—The Board may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Board.

"(m) USE OF MAIL.—The Board may use the United States mails in the same manner and under the same conditions as Federal agencies.

"(n) STAFF.—

"(1) APPOINTMENT AND COMPENSATION.—The Board may appoint and determine the compensation of such staff as the Board determines to be necessary to carry out the duties of the Board.

"(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Board. The Board may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

"(o) EXPERTS AND CONSULTANTS.—The Chairperson of the Board may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Board determines to be necessary to carry out the duties of the Board.

"(p) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Board, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Board to assist the Board in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(q) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Board, the head of a Federal agency shall provide such technical assistance to the Board as the Board determines to be necessary to carry out its duties.

"(r) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out the provisions of this subtitle. The sums shall remain available until expended, without fiscal year limitation.

"(s) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Except as otherwise specifically provided in this subsection, sections 1153, 1154, 1155, 1160, and 1164 of the Social Security Act (42 U.S.C. 1320c-2, 1320c-3, 1320c-4, 1320c-9, and 1320c-13) are amended by striking "title XVIII" each place the term appears and inserting "the National Health Care Act of 1992".

(2) Section 1153(a)(2)(B) of the Social Security Act (42 U.S.C. 1320c-2(a)(2)(B)) is amended by striking "title XIX" and inserting "the National Health Care Act of 1992".

(3) Section 1154(a)(3)(A) of the Social Security Act (42 U.S.C. 1320c-3(a)(3)(A)) is amended by striking "title XVIII of this Act" and inserting "the National Health Care Act of 1992".

(4) Section 1154(a)(14) of the Social Security Act (42 U.S.C. 1320c-3(a)(14)) is amended by striking "under such title" and inserting "under the National Health Care Act of 1992".

(5) Section 1156 of the Social Security Act (42 U.S.C. 1320c-5) is amended by striking "under this Act" each place the term appears and inserting "under the National Health Care Act of 1992".

(6) Section 1158(a) of the Social Security Act (42 U.S.C. 1320c-7(a)) is amended by striking "title XIX of this Act" and inserting "the National Health Care Act of 1992".

(7) Section 1161(5) of the Social Security Act (42 U.S.C. 1320c-12(5)) is amended by striking "title XVIII and XIX of this Act" and inserting "the National Health Care Act of 1992".

(8) Section 1164(c)(2) of the Social Security Act (42 U.S.C. 1320c-13(c)(2)) is amended by striking "part A or part B of title XVIII" and inserting "the National Health Care Act of 1992".

SEC. 406. PUBLIC HEALTH FUNCTIONS AND ACTIVITIES COMMISSION.

(a) IN GENERAL.—The Administrator shall establish a Public Health Functions and Activities Commission (referred to in this section as the "Commission").

(b) DUTIES.—

(1) STUDY AND RECOMMENDATIONS.—Not later than 6 months after the members of the Commission are appointed under subsection (c), the Commission shall conduct studies and prepare recommendations concerning—

(A) public health functions and activities that should remain separate from the national health care program; and

(B) the integration of public health programs into the national health care program.

(2) REPORT.—The Commission shall prepare and submit to the Administrator a report containing the recommendations described in paragraph (1).

(c) MEMBERSHIP.—The Commission shall be composed of 9 members appointed by the Administrator, including—

(1) 4 individuals representing public health agencies at the Federal, State, and local levels;

(2) 1 health economist; and

(3) 3 other health professionals.

(d) TERM OF OFFICE.—Each member of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

(g) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the Commission shall not receive compensation for service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) POWERS.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions,

as the Commission may determine to be necessary to carry out the duties of the Commission.

(i) OATHS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(j) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Chairperson of the Commission may secure directly from any Federal agency, information necessary to enable the Commission to carry out the duties of the Commission, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Chairperson, the head of the agency shall furnish the information to the Commission.

(k) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(l) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(m) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

(n) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of 120 percent of the rate specified for GS-15 of the General Schedule under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(o) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(p) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(q) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(r) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this subtitle. The sums shall remain available until expended, without fiscal year limitation.

(s) TERMINATION.—The Commission shall terminate on submission of the report described in subsection (b)(2).

SEC. 407. TECHNICAL ASSISTANCE CENTERS.

(a) CENTERS.—The Administration shall provide on a regional basis (either directly or through contracts with nonprofit organizations) technical assistance centers for States and localities in—

(1) health program planning, development, and implementation;

(2) training;

(3) quality assurance, monitoring, and evaluation;

(4) budgeting;

(5) payment procedures; and

(6) development of integrated automated data processing systems.

(b) STATES WITH LIMITED CAPACITY.—The technical assistance centers shall provide resources to assist States that lack the capacity to implement certain aspects of the national health care program.

Subtitle B—State and Local Administration

SEC. 411. STATE AGENCY.

(a) IN GENERAL.—In order for a State to be eligible to receive payments under section 302, the State shall, in accordance with regulations established by the Administration, designate a State agency to be the sole State agency to carry out a State program under this Act.

(b) PLANNING FUNCTIONS.—The State agency shall develop, on the basis of recommendations made by State and local planning boards under section 412(c)—

(1) goals and priorities for developing health policy and programs;

(2) a plan for the equitable distribution of health resources, including the development of specialty health centers that—

(A) concentrate highly specialized medical procedures, equipment, and trained specialists; and

(B) avoid duplication of services; and

(3) a plan for the integration of health services with appropriate social and human services.

SEC. 412. STATE AND LOCAL PLANNING BOARDS.

(a) PLANNING BOARDS.—

(1) STATE BOARD.—Each State agency shall establish, in accordance with regulations established by the Administration, a State planning board, which shall be composed of 12 members who shall be appointed by the head of the State program, including—

(A) 4 members representing consumers, who shall be representative of the population of the State;

(B) 3 members representing health care providers;

(C) 1 member representing the business community;

(D) 1 member representing organized labor; and

(E) 2 representatives of appropriate State agencies, including health, public health, social services, education, public welfare, and employment agencies.

(2) LOCAL BOARDS.—Each State shall establish, in accordance with regulations established by the Administration, local planning boards, which shall be composed of 7 members who shall be appointed by the head of the State program, including—

(A) 2 members representing consumers, who shall be representative of the population of the local planning area;

(B) 2 members representing health care providers; and

(C) 2 representatives of appropriate local agencies, including health, public health, social services, education, public welfare, and employment agencies.

(3) TERMS OF APPOINTMENT.—Each member of a State or local planning board shall serve for a term of 3 years, except that a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term.

(4) VACANCIES.—Any vacancy occurring in the membership of a State or local planning board shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the board.

(b) ASSESSMENT.—

(1) INFORMATION.—The State and local planning boards shall assess, for each State or local planning area, respectively—

(A) the demand for, and quality, supply, and distribution of, health resources, including—

(i) acute care hospitals;

(ii) specialized inpatient facilities;

(iii) outpatient facilities;

(iv) health care providers;

(v) specialized medical equipment; and

(vi) home and community-based health programs; and

(B) the medical, mental, and psychosocial health needs.

(2) EMPHASIS.—In conducting the assessment described in paragraph (1), the State and local planning boards shall give special attention to health professional shortage areas and special populations of consumers.

(3) DATA.—In conducting the assessment, the State and local planning boards shall consider utilization and cost data from the national health care data base.

(c) RECOMMENDATIONS.—The State and local planning boards shall make recommendations to the State agency regarding the goals, priorities, and plans described in section 411(b), and shall make recommendations to the Administration regarding the State budget described in section 301.

TITLE V—TRANSITION AND RELATIONSHIP TO OTHER PROGRAMS

SEC. 501. EFFECTIVE DATE.

The national health care program shall first apply to covered services furnished after January 1, 1995.

SEC. 502. REPEALS AND INCORPORATIONS.

(a) REPEAL OF MEDICARE AND MEDICAID.—

(1) REPEAL.—Titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.) are repealed.

(b) REPEAL OF CHAMPUS PROVISIONS.—

(1) IN GENERAL.—

(A) AMENDMENTS TO CHAPTER 55 OF TITLE 10.—Sections 1079 through 1083, 1086, and 1097 through 1100 of title 10, United States Code, are repealed.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the items relating to the sections referred to in subparagraph (A).

(2) CONFORMING AMENDMENTS.—Chapter 55 of title 10, United States Code, is amended as follows:

(A) DEFINITION.—Section 1072 is amended by striking paragraph (4).

(B) REIMBURSEMENT OF THE DEPARTMENT OF VETERANS AFFAIRS.—Section 1104(b) is amended—

(i) in the subsection heading, by striking "from CHAMPUS funds"; and

(ii) by striking "from funds" and all that follows and inserting "for medical care provided by the Department of Veterans Affairs pursuant to such agreement.".

(3) IMPLEMENTATION.—

(A) TERMINATION OF HEALTH CARE.—No health care may be provided under a CHAMPUS contract on or after the effective date of this section.

(B) SAVINGS PROVISION.—Payments for health care provided pursuant to a CHAMPUS contract before such date shall be made in accordance with such contract and the provisions of law referred to in paragraphs (1)(A) and (2), as such provisions of law were in effect on the day before such effective date.

(C) DEFINITION.—As used in this subsection, the term "CHAMPUS contract" means—

(i) a contract for an insurance, medical service, or health care plan entered into pursuant to section 1079(a) of title 10, United States Code;

(ii) a contract for health benefits under such a plan entered into pursuant to section 1086(a) of such title; and

(iii) a contract for the delivery of health care entered into pursuant to section 1097 of such title.

(c) REPEAL OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CARE PROVISIONS.—

(1) IN GENERAL.—Title 38, United States Code, is amended as follows:

(A) CHAPTER 17.—Chapter 17 is repealed.

(B) CHAPTER 73.—Chapter 73 is repealed.

(C) CHAPTER 81.—Chapter 81 is repealed.

(D) CHAPTER 82.—Chapter 82 is repealed.

(2) CONFORMING AMENDMENTS.—

(A) RELATING TO CHAPTER 17.—The table of chapters at the beginning of title 38, United States Code, and part II of such title are amended by striking out the item relating to chapter 17.

(B) RELATING TO CHAPTER 73.—The table of chapters at the beginning of such title and part V of such title are amended by striking out the item relating to chapter 73.

(C) RELATING TO CHAPTERS 81 AND 82.—The table of chapters at the beginning of such title and part VI of such title are amended by striking out the items relating to chapter 81 and 82.

(3) IMPLEMENTATION.—

(A) TERMINATION OF HEALTH CARE AND OTHER ASSISTANCE.—No health care, nursing home care, domiciliary care, other medical care, or financial or other assistance related to such care may be provided by contract or otherwise under chapter 17, 73, 81, or 82 of title 38, United States Code, on or after the effective date of this section.

(B) SAVINGS PROVISION.—

(i) IN GENERAL.—Payments pursuant to contracts and agreements referred to in clause (ii) before such date shall be made in accordance with such contracts and agreements and the provisions of law referred to in paragraph (1) as such provisions were in effect on the day before such effective date.

(ii) CONTRACTS AND AGREEMENTS.—Contracts and agreements referred to in clause (i) are contracts and agreements under title 38, United States Code that are:

(I) contracts for hospital care and medical services in non-Department of Veterans Affairs facilities under section 603;

(II) contracts with organizations for emergency medical services under section 611;

(III) contracts for medical treatment in such facilities under section 612(a)(6);

(IV) contracts for counseling and related medical health services under section 612A(e);

(V) contracts for prosthetic appliances under section 614(a);

(VI) contracts for therapeutic and rehabilitative services under section 618(b);

(VII) contracts for nursing home care and adult day health care under section 620(d)(1);

(VIII) contracts for treatment of alcohol, drug abuse, or abuse disabilities under section 620A(a)(1);

(IX) contracts for hospital care, medical services and nursing home care abroad under section 624(c);

(X) contracts to provide care and treatment by the Veterans Memorial Medical Center of the Philippines under section 632(a);

(XI) contracts for activities conducted by employees of the Federal Government other than employees of the Department of Veterans Affairs under section 5010(c);

(XII) sharing agreements with the Department of Defense under section 5011(d);

(XIII) contracts for furnishing health-care services to members of the Armed Forces under section 5011(b);

(XIV) contracts for prosthetic appliances under section 5023;

(XV) contracts for procurement of health-care items under section 5025(b); and

(XVI) contracts for securing specialized medical resources under section 5053(a).

(d) REPEAL OF FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—Chapter 89 of title 5, United States Code, is repealed.

(e) PROVISION OF SERVICES BY INDIAN HEALTH SERVICE.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide covered services to eligible individuals not enrolled in the Program through the Indian Health Service in lieu of health services provided by the Service on the date of the enactment of this Act, including services provided under sections 201 through 204 of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.).

(f) EFFECTIVE DATE.—Except as provided in section 503(b), this section and the amendments made by this section shall take effect on January 1, 1995.

SEC. 503. TRANSITION.

(a) STATE PROGRAM GRANTS.—

(1) ESTABLISHMENT.—The Administrator shall award grants to States to enable the States to plan and develop State programs.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a State shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of the 1993 through 1995 fiscal years.

(b) STUDY AND REPORT.—

(1) STUDY.—The Administrator shall, in consultation with the Secretary of Health and Human Services, the Secretary of Defense, the Secretary of Veterans Affairs, and the Director of the Office of Personnel Management examine possible strategies for accomplishing the transition and provision of services described in section 502.

(2) REPORT.—Not later than January 1, 1993, the Administrator shall submit to the appropriate committees of Congress a report containing—

(A) the recommendations of the Public Health Functions and Activities Commission set forth in the report described in section 406(b)(2);

(B) the findings and conclusions of the Administrator, based on the study described in paragraph (1); and

(C) recommendations for legislative reform to accomplish the transition and provision of services described in section 502.

(3) MODIFICATION.—Notwithstanding any other provision of this Act and to the extent the Administration determines it is appropriate and fiscally responsible, the Administration may include in the report recommendations to reduce the period between the date of the enactment of this Act and the effective dates otherwise provided in this Act.

(4) EFFECT OF RECOMMENDATIONS.—Unless the Congress enacts a disapproval resolution under the procedures described in section 504 not later than the date that is 60 days after the submission of the report described in paragraph (2), on such date—

(A) the recommendations contained within the report shall have the force of law; and

(B) the Secretary shall, in accordance with this Act, provide covered services to all individuals that received the services under the provisions of law specified in section 502.

(c) REGULATIONS.—

(1) IN GENERAL.—The Administrator shall issue such regulations as are necessary to provide for a transition to the national health care program from the programs that are repealed under subsections (a) through (c) of section 502, and the provisions of services by the Indian Health Service under section 502(d).

(2) CONSIDERATIONS.—In promulgating the regulations described in paragraph (1) the Administrator shall take into consideration the findings and conclusions of the study described in subsection (b)(1).

SEC. 504. RULES GOVERNING CONGRESSIONAL CONSIDERATION.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of disapproval resolutions described in subsection (b), and supersedes other rules only to the extent that such rules are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) TERMS OF THE RESOLUTION.—For purposes of this Act, the term "disapproval resolution" means only a joint resolution of the two Houses of the Congress, providing in—

(1) the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the National Health Care Administration as submitted by the Administration on ______", the blank space being filled in with the appropriate date; and

(2) the title of which is as follows: "Joint Resolution disapproving the action of the National Health Care Administration".

(c) INTRODUCTION AND REFERRAL.—On the day on which the action of the Administration is transmitted to the House of Representatives and the Senate, a disapproval resolution with respect to such action shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House; and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which such an action is transmitted, the disapproval resolution with respect to such action shall be introduced in the House, as provided in the preceding sentence, on the first day thereafter on which the House is in session. The disapproval resolution introduced in the House of Representatives and the Senate shall be referred to the appropriate committees of each House.

(d) AMENDMENTS PROHIBITED.—No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate; and no motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this subsection by unanimous consent.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the committee or committees of either House to which a disapproval resolution has been referred have not reported it at the close of the 45th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the disapproval resolution and it shall be placed on the appropria-

tion calendar. A vote on final passage of the disapproval resolution shall be taken in each House on or before the close of the 45th day after the disapproval resolution is reported by the committees or committee of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the disapproval resolution. If prior to the passage by one House of a disapproval resolution of that House, that House receives the same disapproval resolution from the other House then—

(A) the procedure in that House shall be the same as if no disapproval resolution had been received from the other House; but

(B) the vote on final passage shall be on the disapproval resolution of the other House.

(2) COMPUTATION OF DAYS.—For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded any day on which the House is not in session.

(f) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of a disapproval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) DEBATE.—Debate in the House of Representatives on a disapproval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the disapproval resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a disapproval resolution or to move to reconsider the vote by which a disapproval resolution is agreed to or disagreed to.

(3) MOTION TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of a disapproval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a disapproval resolution shall be decided without debate.

(5) GENERAL RULES APPLY.—Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a disapproval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) FLOOR CONSIDERATION IN THE SENATE.—

(1) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of a disapproval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) GENERAL DEBATE.—Debate in the Senate on a disapproval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(3) DEBATE OF MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a disapproval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the disapproval resolution, except that in the event the manager of the disapproval resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a disapproval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit a disapproval resolution is not in order.

(h) POINT OF ORDER REQUIRING SUPERMAJORITY FOR MODIFICATIONS TO ACTIONS ONCE APPROVED.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any amendment to the actions of the National Health Care Administration except as provided in paragraph (2).

(2) WAIVER.—The point of order described in paragraph (1) may be waived or suspended in the House of Representatives or the Senate only, by the affirmative vote of three-fifths of the Members duly chosen and sworn.

SEC. 505. RELATION TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

The provisions of the Employee Retirement Income Security Act (29 U.S.C. 1001 et seq.) are superseded to the extent inconsistent with the requirements of this Act.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. BILL OF RIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that consumers in the national health care program shall have the rights specified in the bill of rights set forth in subsection (b).

(b) BILL OF RIGHTS.—

(1) Consumers shall have the right to—

(A) receive timely health-related information; and

(B) be involved in decisions affecting their health;

(C) receive prompt evaluation, humane care, and professional treatment;

(D) receive services without regard to race, color, religion, sex, national origin, age, health condition, sexual preference, income, language, or geographic residence in an urban or rural area;

(E) refuse treatment or prescribed services and know the consequences of such refusal;

(F) be treated with dignity and respect;

(G) maintain privacy and confidentiality;

(H) maintain confidentiality of financial and health records;

(I) obtain access to medical records;

(J) obtain treatment in the least restrictive setting;

(K) express or file grievances;

(L) be informed if treatment or services are denied, reduced, or terminated;

(M) obtain information and forms that are easily understood and that are written in a language understood by the consumer or health care provider;

(N) obtain health care services that are sensitive to the cultural attitudes of the consumer population being served; and

(O) receive quality health care services in any penal institution.

SEC. 602. RESEARCH AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Administrator shall establish and carry out, directly or by grant, research and demonstration projects that will examine—

(1)(A) ways of better providing covered services through the national health care program to consumers residing in rural, central city, and other health professional shortage areas; and

(B) alternative models for delivering primary health and mental health services to medically underserved populations;

(2) the effectiveness of the national health care program in enabling access to health care services for minorities, women, and other special populations who have traditionally had problems with access to health care (to be initiated 2 years from the date of implementation);

(3) the relationship between psychosocial well-being and illness and disease;

(4) successful health education and treatment approaches in avoiding preventable illnesses and diseases;

(5) innovative prevention, treatment, and service delivery approaches to health and mental health care delivery to mentally impaired persons;

(6) innovative prevention, treatment, and service delivery approaches to improve the mental health and psychosocial well-being of the elderly;

(7) the impact of interprofessional collaboration on the effectiveness of care coordination in inpatient and outpatient health care settings, including long-term care settings;

(8) quality assurance and program effectiveness with respect to mental health care services;

(9) the development of quality indicators for measuring treatment effectiveness; and

(10) the effectiveness and cost of selective, widely used diagnostic and treatment procedures.

(b) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including an assurance that the entity shall submit to the Administrator such information as the Administrator may require to comply with subsection (c).

(c) ANNUAL REPORT.—The Administrator shall prepare and submit a report to Congress by not later than April 1 of each year (beginning with 1995) concerning the progress of the research and demonstration projects conducted under this section.

SEC. 603. PREVENTION, HEALTH PROMOTION, AND HEALTH AWARENESS PROGRAM GRANTS.

(a) ESTABLISHMENT.—The Administrator shall make grants to eligible entities to establish—

(1) innovative statewide or local prevention and health promotion programs, such as community-based wellness and outreach programs and school-based programs; and

(2) health awareness programs in schools, workplaces, health and social agencies.

(b) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

SUMMARY OF THE NATIONAL HEALTH CARE ACT OF 1992

The National Health Care Act of 1992 fundamentally restructures the current health care system. This bill would offer full coverage for high quality, cost-efficient, and equitably-financed health and mental health care to all Americans. The national health plan proposes a federally-administered, single-payer system with state responsibility to ensure delivery of health services, payment to all providers, and planning in accordance with federal guidelines. The plan provides coverage of comprehensive benefits, including long-term care. Enrollees have the freedom to choose among a full range of public and private providers, including alternative delivery plans.

The national health care plan is financed primarily through a progressive federal dedicated tax on personal income and employer-paid payroll and corporate income taxes. States are expected to pay their fair share through a formula-based contribution.

While it's anticipated that the plan's costs may initially come close to the current level of health care expenditures, the unique delivery system improvements and the cost containment features built into the proposal are expected to decrease health care expenditures over time. The national health plan expands coverage to the 37 million uninsured, as well as the millions who are undersinsured, and eliminates the inequities in paying for health care that characterize our current system.

Coverage and enrollment: All persons residing in the United States are covered through the national health plan. Each person has the freedom to choose from among any of the participating public and private providers, facilities or care delivery options. Individuals will enroll in the national health plan in the state in which they reside.

Coverage through employers or other privately purchased health insurance is discontinued, although private insurance plans may provide coverage for services not covered under the national health plan.

Benefits:

Care coordination services.

Primary prevention and health promotion services, including comprehensive well-child care for everyone 0–21; perinatal and infant health care; routine, age-appropriate, clinical health maintenance examinations for everyone over 21; family planning services; and school-based primary prevention programs.

Outpatient primary care services.

Mental health services.

Substance abuse treatment and rehabilitation programs.

Impatient and outpatient hospital services, including emergency and trauma services.

Inpatient and outpatient professional services.

Laboratory and radiology services.

Long-term care, including home and community-based services.

Hospice care.

Prescription drugs, medical supplies, and durable medical equipment.

Dental care.

Hearing and speech services.

Vision care.

Exclusions: Health services excluded from coverage include cosmetic surgery, except medically necessary reconstructive surgery; and certain amenities in inpatient facilities, such as private rooms, unless medically necessary.

Cost-sharing: There are no copayments or deductibles for health care services. However, residents of nursing homes and other residential facilities are required to pay a modest room and board fee. These fees may be waived for those below the poverty line.

Improved service delivery provisions: The National Health Care Act provides unique and improved prevention and health promotion services; promotes comprehensive, coordinated, and continuous care that addresses the total health needs of every person through the use of primary care providers, care coordination services, and the promotion of comprehensive, integrated health delivery plans; provides access to health services to underserved populations; promotes the expansion of community-based health and mental health services; and establishes state screening and care coordination systems for the delivery of long-term care.

Administration: A new independent federal agency is established to administer the national health care plan. The new agency will receive policy direction from an appointed national health care board representing health experts and consumers. All responsibilities of the Health Care Financing Administration are transferred to the new agency. Medicare, Medicaid, CHAMPUS, the Federal Employee Health Benefits Program, and the Department of Veterans Affairs' health programs are folded into the national health care plan.

The agency provides the states with an annual global budget for all covered health care expenditures. The global budget for each state is based on a formula that considers size of population, age distribution, the cost of delivering care, socio-economic factors, and a number of key health status indicators. State global budgets will include all state health block grant funds.

The states, in accordance with federal guidelines, will ensure the implementation of all state health services, determine the distribution of health care funding, develop and administer a mechanism to pay and reimburse health care providers, work with localities in undertaking health planning and coordination with appropriate social and human services, implement a quality assurance program, administer a consumer advocacy and information program, and license and regulate all health care providers and facilities.

Payment to providers: Hospitals will receive a prospective global budget, to be developed through annual negotiations with the designated state agency. Global budgets will only be used for operating expenses. Separate funds for capital expansion and purchase of expensive, highly-specialized equipment will be subject to approval by the state. Other health care facilities will be paid either on the basis of a prospective global budget or capitation as determined by the state.

Autonomous health care practitioners and group practices will be reimbursed on the basis of fee-for-service, although group practices may choose capitation. The reimbursement rate will be based on a negotiated national fee schedule, adjusted for regional variations.

Quality assurance and consumer protection: The agency will establish a National Council on Quality Assurance and Consumer Protection that is responsible for determining guidelines and overseeing the quality assurance system. Quality assurance standards and certification and licensing criteria will be established for all health care providers.

Peer Review Organizations (PROs) as provided for in Title XI of the Social Security Act will be extended to cover all types of health care providers and services. The PROs will be responsible for utilization review and quality control. The composition of PROs must be multidisciplinary to reflect the types of services reviewed. Each PRO is required to have a Consumer Board to oversee the PROs, make recommendations on PRO contracts and carry out educational programs.

The federal agency will develop a national health care data base to study quality, effectiveness, utilization and cost of care with respect to all types of health and mental health services.

Federal and state consumer advocacy programs will be established to administer ombudsman programs, hotlines for complaints, consumer information and education programs. In addition, the national health plan contains a consumer bill of rights.

Planning: The national health plan requires state and local planning. At each level, the health planning function will include collecting and evaluating data to determine the supply of and demand for health resources, the distribution of such resources, and the health needs of the population in a given jurisdiction. Goals and priorities will be formulated to serve as guides to the development of health policy and programs at each level of government.

Financing: The national health care plan is financed primarily from a federal dedicated tax on personal income and employer-paid payroll and corporate income taxes. Additional sources of revenue include a state contribution based on a formula that ensures that each state pays its fair share, and an increase in the cigarette and alcohol tax.

All revenues are placed in a National Health Care Trust Fund. All current federal appropriations for health programs are folded into the national health program and transferred to the Trust Fund.

Research and demonstration grants: The plan provides funds for research efforts to: develop alternative models of health delivery for special populations; study the impact of psychosocial well-being on illness and disease; develop approaches to encouraging healthy life-styles; study effective intervention models for the mentally impaired; and to examine the impact of care coordination on treatment effectiveness and efficiency.

Funds would be available to continue to develop quality indicators for measuring treatment effectiveness in all types of health care settings, and to develop practice guidelines for physicians and other health care practitioners. Research will also be directed at reducing the number of unnecessary medical and diagnostic procedures.

Additionally, special federal grants would be available for innovative state-wide or local prevention and health promotion programs.

Medical malpractice reforms: A special commission would be established to develop recommendations for medical malpractice reform. The goals of such reforms are to reduce the costs associated with malpractice insurance, reduce the basis for malpractice claims, target physicians and other health care providers who are incompetent, and develop mechanisms that will protect consumers who are victims of malpractice.•

By Mr. FOWLER:

S. 2824. A bill to authorize a study of the feasibility and suitability of designating the Augusta Canal National Historic Landmark District as a National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

AUGUSTA CANAL NATIONAL HERITAGE AREA STUDY ACT

• Mr. FOWLER. Mr. President, I rise today to introduce legislation to promote the preservation of the Augusta Canal National Historic Landmark District in Georgia.

This historic waterway has been a critical factor in the economic development of this entire region for nearly 150 years. The textile mills that ensured prosperity here in the 1850's could not have been built without this canal, which continues to power Augusta's cotton mills today. The history of the canal is intertwined with the history not only of Augusta, but of the entire South. In 1978, the National Park Service recognized the canal's importance by making it a national historic landmark.

That was a good first step. Unfortunately, we need to go further to protect and preserve this irreplaceable resource. Nine years after the Park Service named this site a historic landmark, the Park Service also named it an endangered resource. This year, they strengthened that ominous label by attaching "priority one" to the title.

Obviously, we need to act, and we need to act quickly. For that reason, I am introducing a bill to direct the National Park Service to work with the Augusta Canal Authority, the city of Augusta, Richmond and Columbia Counties, and the concerned citizens of this area to develop a comprehensive and conclusive plan of action.

This bill, the Augusta Canal National Heritage Area Study Act, authorizes the Park Service to provide technical and financial assistance for the creation of a long-term resource management plan. The Park Service will also ensure that this plan is a coordinated effort—with full public participation—so that its recommendations can be achieved with agreement on all sides. Finally, the study authorized in my bill would also determine whether this area should be designated a National Heritage Area.

The Augusta Canal has a long and rich history. It is my hope that the type of cooperative planning outlined in this bill will produce a long-term strategy for preserving and enhancing the cultural, historical, natural, and recreational resources of this nationally significant area.•

By Mr. AKAKA (for himself, Mr. BREAUX, Mr. INOUYE, and Mr. JOHNSTON):

S. 2825. A bill to amend the Foreign Trade Zones Act to clarify that crude oil consumed in refining operations is not subject to duty under the Harmonized Tariff Schedule of the United States; to the Committee on Finance.

DUTY TREATMENT OF CERTAIN CRUDE OIL

Mr. AKAKA. Mr. President, today I am introducing legislation to affirm the intent of Congress and the will of the courts regarding the treatment of foreign trade zone oil refineries by the U.S. Customs Service. Senators BREAUX, INOUYE, and JOHNSTON join me in introducing this legislation.

Currently, 11 oil refineries operate within foreign trade zones in Hawaii, Louisiana, and Texas. A number of applications are pending for foreign trade subzone refineries at other sites.

Most refineries today rely on an increasingly large percentage of imported oil to compensate for the decline in domestic production. During the refining process, a small portion of the crude oil or derivative product is consumed in the course of the refining process, and, therefore, never enters the Customs territory of the United States.

Under the Foreign Trade Zones Act of 1934 no duty is paid on merchandise which is consumed or destroyed in a zone. The Congress created distinct geographical zones separate from the Customs territory of the United States.

In the case of crude oil and its derivatives, this interpretation was confirmed by the courts in a 1978 decision by the Customs Court—now known as the Court of International Trade—in the case of *Hawaii Independent Refinery, Inc.* v. *United States* (Customs Decision 4777). The court ruled that since the subject merchandise never physically entered the Customs territory of the United States, it is not subject to duty since it never exits the zone. As a consequence of the decision in the HIRI case, the Customs Service is precluded from imposing duties on foreign crude oil which enters a foreign trade zone and is consumed in the refining process.

Despite this unambiguous ruling, a number of refineries in foreign trade zones must continue to pay duty on foreign crude oil consumed in the process of refining. Beginning on January 1, 1988, the Customs Service, having lost the HIRI case, nonetheless insisted that the Foreign Trade Zones Board [FTZB] establish conditions in the trade zone grants which require the payment of duty on fuel consumed during refining. In order to receive favorable consideration of an application for subzone status, the grantee is required to submit to the condition that: "Foreign crude oil used as fuel for the refinery shall be dutiable." Thus the Customs Service has been able to circumvent the intent of Congress, and the judicial affirmation of this intent, in order to collect duties through the trade zone grant process. As a consequence of this action, today we see situations where two or more refinery subzones located in the same foreign trade zone are subject to different duty treatment.

My legislation corrects this inequitable treatment of oil refineries operating within foreign trade subzones by clarifying the Foreign Trade Zones Act. My amendment reaffirms that crude oil consumed in the refining process is not subject to duty. Remember this oil never loses the extraterritorial protection of the foreign trade zone.

This amendment will have a nominal effect upon customs collections, but is essential to the continued viability and productivity of the zone-based companies. These companies produce the energy resources our country depends on. The legislation is narrow in scope, but it will ensure that refineries operating foreign trade subzones within our States will continue operations, continue providing good jobs, and continue contributing to local economies. Petroleum industry analysts estimate that the total savings for the affected refineries will be approximately $600,000 to $800,000 annually.

Congress enacted the Foreign Trade Zones Act to attract international investment, promote the economic benefits of a broadened industrial base, and encourage international trade and commercial activity within the United States. Imposition of this ill-advised condition by the FTZ Board clearly runs contrary to the original intent of the Act. We need to keep these refineries operating in foreign trade zones. Imposition of duties seriously impedes the competitiveness of U.S.-based operations, and gives an unfair advantage to petroleum products imported from overseas refineries. Foreign refineries which ship finished petroleum products to the United States do not pay customs duties on fuel consumed. My bill assures a level playing field for all U.S. refineries and treats American refineries the same as foreign competitors.

Mr. President, this legislation corrects an inequitable situation which threatens the competitiveness and viability of refineries operating in foreign trade subzones. I urge my colleagues to join us in supporting this important bill. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN FUEL NOT SUBJECT TO DUTY.

(a) IN GENERAL.—Section 3(d) of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act (19 U.S.C. 81c(d)) is amended—

(1) by striking "In regard" and inserting "(1) CALCULATION OF RELATIVE VALUES.—In regard"; and

(2) by adding at the end thereof the following new paragraph:

"(2) FUEL CONSUMED IN REFINING OPERATIONS.—Notwithstanding any other provision of law, crude oil and derivatives thereof, admitted into a foreign trade zone and consumed in the refining process, are not subject to duty.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles admitted into a foreign trade zone after the date which is 60 days after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. PELL, Mr. SIMON, Mr. DECONCINI, Mr. KERRY, and Mr. BRADLEY):

S. 2826. A bill to reaffirm the obligation of the United States to refrain from the involuntary return of refugees outside the United States; to the Committee on Foreign Relations.

INTERNATIONAL REFUGEE PROTECTION ACT

Mr. KENNEDY. Mr. President, today I join with other Senators and Members of the House in introducing legislation to reverse President Bush's Executive order on Haiti.

Two weeks ago, with a cruel, callous, and capricious stroke of his pen, President Bush signed an Executive order that reversed decades of American leadership in providing sanctuary for refugees fleeing political persecution.

By ordering the Coast Guard to return all Haitians directly to Haiti, without even pausing to question whether they qualify for refugee status, the administration has washed its hands of the fate of all refugees in all lands.

This hypocrisy of the Bush administration is shocking. Two years ago, the administration sharply criticized Great Britain for doing the same thing—forcibly returning Vietnamese refugees from Hong Kong to Vietnam.

Whether it is a Bosnian in the Balkans, an Ethiopian in Kenya, a Burmese in Bangladesh, or a Vietnamese in Hong Kong, the Bush administration's action means that the example of the United States will be cited whenever other nations decide to slam their own doors on refugees and force them back into the hands of their oppressors.

The legislation we are introducing is intended to reverse President Bush's Executive order and make clear that, in accord with international law, political refugees fleeing persecution should not be forcibly returned to the countries they have fled.

The legislation does not dictate the procedures which the administration should follow to comply with this obligation. However, we would clearly expect that careful screening by trained INS asylum officers would be necessary to insure that legitimate refugees are not returned involuntarily.

In addition, I hope that the administration will permit Haitians to be represented by counsel as they apply for asylum, and that it will grant temporary protected status to Haitians until the violence and political crisis in Haiti subside.

It is regrettable that this legislation is even necessary.

In my view, the obligations of the United States under international law are clear. Article 33 of the 1951 U.N. Convention relating to the status of refugees states that no country "shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

The administration now claims that this obligation does not apply to U.S. ships that rescue refugees on the high seas. Perhaps the Supreme Court will accept that shameful attempt to evade our legal responsibility. Perhaps not.

In any event, our legislation settles this legal dispute by writing clearly into our immigration laws that the United States cannot return persecuted refugees, regardless of where they come into U.S. custody.

Since the coup in Haiti 8 months ago, the Bush administration itself has found that over 30 percent of the refugees picked up by the Coast Guard have sufficiently strong claims for political asylum to merit additional processing in the United States. Yet, in a panicked overreaction to the continuing flow of boat people, the administration has suddenly decided to return all Haitians—regardless of the merit of their claims of persecution.

Clear alternatives were available. The number of refugees at Guantanamo could have been reduced by streamlining and expediting the screening process; thousands of Haitians have been kept waiting for weeks to have their asylum claims reviewed. Voluntary agencies and others could have been enlisted to help applicants complete their asylum applications. And with an investment of $6–$7 million, the facilities in Guantanamo could have been strengthened to withstand the summer heat and any possible threat from the upcoming hurricane season.

Of the 17 million refugees around the world, most are now surviving in Third World countries that have generously received them, but can barely sustain the burden.

The United States itself will admit 140,000 refugees this year from other parts of the world, and there is no justification for the exclusion of Haitians. The Haitian boat people deserve equal justice with other refugees. The Bush administration's misguided policy must be reversed.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 51, a bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber, .32 caliber, and 9 millimeter ammunition.

S. 68

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 503

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 503, a bill to establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico.

S. 664

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 664, a bill to require that health warnings be included in alcoholic beverage advertisements, and for other purposes.

S. 844

At the request of Mr. DOMENICI, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 844, a bill to provide for the minting and circulation of $1 coins.

S. 879

At the request of Mr. DASCHLE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 1002

At the request of Mr. SHELBY, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1002, a bill to impose a criminal penalty for flight to avoid payment of arrearages in child support.

S. 1175

At the request of Mr. KERRY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1175, a bill to make eligibility standards for the award of the Purple Heart currently in effect applicable to members of the Armed Forces of the United States who were taken prisoners or taken captive by a hostile foreign government or its agents or a hostile force before April 25, 1962, and for other purposes.

S. 1372

At the request of Mr. GORE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1423

At the request of Mr. DODD, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1670

At the request of Mr. SEYMOUR, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1670, a bill to amend the Fair Labor Standards Act of 1938 to provide that an employee shall not be excluded from the minimum wage and maximum hour exemption for certain employees because the employee is not paid on a salary basis, and for other purposes.

S. 1838

At the request of Mr. PRYOR, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1838, a bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under medicare.

S. 1966

At the request of Mr. BIDEN, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1966, a bill to establish a national background check procedure to ensure that persons working as child care providers do not have a criminal history of child abuse, to initiate the reporting of all State and Federal child abuse crimes, to establish minimum guidelines for States to follow in conducting background checks and provide protection from inaccurate information for persons subjected to background checks, and for other purposes.

S. 1988

At the request of Mr. COHEN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1988, a bill to amend title XVIII of the Social Security Act to provide for improved standards to prevent fraud and abuse in the purchasing and rental of durable medical equipment and supplies, and prosthetics and orthotics, and prosthetic devices under the medicare program, and for other purposes.

S. 2018

At the request of Mr. BOND, the names of the Senator from South Dakota [Mr. DASCHLE], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 2018, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that a single Federal agency shall be responsible for making technical determinations with respect to wetland or converted wetland on agricultural lands.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2064, a bill to impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2113

At the request of Mr. SMITH, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2113, a bill to restore the Second Amendment rights of all Americans.

S. 2134

At the request of Mr. NUNN, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Idaho [Mr. CRAIG], the Senator from North Carolina [Mr. SANFORD], the Senator from Mississippi [Mr. COCHRAN], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. LUGAR], the Senator from Colorado [Mr. BROWN], the Senator from Ohio [Mr. METZENBAUM], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 2134, a bill to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the United States Olympic Committee.

S. 2204

At the request of Mr. DURENBERGER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2204, a bill to amend title 23, United States Code, to repeal the provisions relating to penalties with respect to grants to States for safety belt and motorcycle helmet traffic safety programs.

S. 2206

At the request of Mr. KASTEN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2206, a bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to expand the social security exemption for election officials and election workers employed by State and local governments.

S. 2321

At the request of Mr. AKAKA, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 2321, a bill to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes.

At the request of Mr. AKAKA, the name of the Senator from Indiana [Mr. LUGAR] was withdrawn as a cosponsor of S. 2321, supra.

S. 2327

At the request of Mr. HATFIELD, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2362

At the request of Mr. MCCAIN, the names of the Senator from Wyoming [Mr. WALLOP] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2373

At the request of Mr. BOREN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2373, a bill to amend the Job Training Partnership Act to establish a community works progress program, and a national youth community corps program, and for other programs.

S. 2515

At the request of Mr. DECONCINI, the names of the Senator from Kentucky [Mr. FORD], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2515, a bill to authorize the establishment of job training programs for unemployed veterans and persons who have been recently separated from the Armed Forces, to pay certain assistance and benefits to employers of such veterans and persons, such veterans, and such persons to defray certain costs relating to the provision of such training, and for other purposes.

S. 2530

At the request of Mr. STEVENS, the names of the Senator from California [Mr. SEYMOUR], the Senator from Colorado [Mr. WIRTH], the Senator from Hawaii [Mr. INOUYE], the Senator from Texas [Mr. BENTSEN], the Senator from Utah [Mr. HATCH], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2530, a bill to establish the John Heinz Competitive Excellence Award.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2667

At the request of Mr. HEFLIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2682

At the request of Mr. WARNER, the names of the Senator from Utah [Mr. HATCH], the Senator from South Carolina [Mr. THURMOND], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

At the request of Mr. BUMPERS, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from Montana [Mr. BAUCUS], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. LEAHY], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2682, supra.

S. 2707

At the request of Mr. RIEGLE, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Virginia [Mr. ROBB], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Indiana [Mr. LUGAR], the Senator from North Dakota [Mr. BURDICK], the Senator from Indiana [Mr. COATS], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 2707, a bill to authorize the minting and issuance of coins in commemoration of the Year of the Vietnam Veteran and the 10th anniversary of the dedication of the Vietnam Veterans Memorial, and for other purposes.

S. 2755

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 2755, a bill to direct the Secretary of Defense to provide grants to States to provide technical and financial assistance to defense-dependent contractors.

S. 2763

At the request of Mr. ROTH, the names of the Senator from Montana [Mr. BURNS], the Senator from Colorado [Mr. WIRTH], the Senator from Oregon [Mr. HATFIELD], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 2763, a bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy.

S. 2764

At the request of Mr. DASCHLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2764, a bill to revive and strengthen the "Super 301" authority of the U.S. Trade Representative to eliminate unfair trade barriers, and for other purposes.

S. 2801

At the request of Mr. GLENN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2801, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discrimination claims made by Federal employees, and for other purposes.

S. 2804

At the request of Mrs. KASSEBAUM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2804, a bill to establish a program to provide technical assistance to employers and labor unions, in order to assist in preparing the workplace to employ women in apprenticeable occupations and other nontraditional occupations, and for other purposes.

S. 2808

At the request of Mr. MITCHELL, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Kentucky [Mr. FORD], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 2808, a bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment until 1993 provided certain conditions are met.

S. 2810

At the request of Mr. GORE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2810, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 2814

At the request of Mr. RIEGLE, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2814, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

SENATE JOINT RESOLUTION 238

At the request of Mr. RIEGLE], the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 238, a joint resolution designating the week beginning September 21, 1992, as "National Senior Softball Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 252, a joint resolution designating the week of April 19-25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 260

At the request of Mr. COCHRAN, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. AKAKA], the Senator from Utah [Mr. GARN], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. PELL], the Senator from Mississippi [Mr. LOTT], the Senator from New Jersey [Mr. BRADLEY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arizona [Mr. MCCAIN], the Senator from Michigan [Mr. LEVIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Kansas [Mr. DOLE], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 260, a joint resolution designating the week of October 18, 1992, through October 24, 1992, as "National School Bus Safety Week."

SENATE JOINT RESOLUTION 262

At the request of Mr. KASTEN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution designating July 4, 1992, as "Buy American Day."

SENATE JOINT RESOLUTION 297

At the request of Mr. PRYOR, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 297, a joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 304

At the request of Mr. ROTH, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Arkansas [Mr. BUMPERS], the Senator from Georgia [Mr. NUNN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Montana [Mr. BURNS], the Senator from Illinois [Mr. SIMON], the Senator from Nevada [Mr. REID], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. DODD], the Senator from Nevada [Mr. BRYAN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. SASSER], the Senator from Virginia [Mr. WARNER], the Senator from Maryland [Ms. MIKULSKI], the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. SHELBY], the Senator from Idaho [Mr. SYMMS], the Senator from Florida [Mr. MACK], the Senator from Iowa [Mr. GRASSLEY], the Senator from Missouri [Mr. DANFORTH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. GRAHAM], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Ohio [Mr. GLENN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 304, a joint resolution designating January 3, 1993, through January 9, 1993, as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 306

At the request of Mr. D'AMATO, the names of the Senator from Mississippi

[Mr. COCHRAN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 306, a joint resolution designating October 1992 as "Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 310

At the request of Mr. DECONCINI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 310, a joint resolution to designate August 1, 1992, as "Helsinki Human Rights Day."

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 89, a concurrent resolution to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. MOYNIHAN, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Wisconsin [Mr. KASTEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Delaware [Mr. BIDEN], the Senator from Georgia [Mr. FOWLER], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. REID], the Senator from Montana [Mr. BURNS], the Senator from Louisiana [Mr. BREAUX], the Senator from Maryland [Mr. SARBANES], the Senator from Missouri [Mr. DANFORTH], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

SENATE RESOLUTION 310—SENSE OF THE SENATE IN DISAPPROVING AN ACT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

Mr. LOTT submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 310

Resolved, That it is the sense of the Senate in disapproving of the action of the District of Columbia Council described as follows: The Health Care Benefits Expansion Act of 1992 (D.C. Act 9–188), signed by the Mayor of the District of Columbia on April 15, 1992, and transmitted to Congress pursuant to section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act on April 28, 1992.

SENATE RESOLUTION 311—COMMENDING THE FRYEBURG ACADEMY IN FRYEBURG, ME, ON THE OCCASION OF ITS BICENTENNIAL

Mr. MITCHELL (for himself and Mr. COHEN) submitted the following resolution; which was considered and agreed to:

S. RES. 311

Whereas Fryeburg Academy, located in Fryeburg, Maine, was founded two hundred years ago, on August 17, 1792, by twenty-five citizens seeking to meet the educational needs of their sons;

Whereas within fifteen years of its founding, Fryeburg Academy distinguished itself through pioneering efforts to provide an equal educational opportunity for female students;

Whereas Daniel Webster, a former member of the United States Senate, was among the principals of this premier educational institution;

Whereas Fryeburg Academy has earned an international reputation as a center for excellence through the consistent cultivation among its students of academic achievement, scholarly practice, and personal integrity; and

Whereas for two centuries of academic instruction, Fryeburg Academy has been dedicated to the fundamental importance of living by the rules of a democratic society: Now, therefore, be it

Resolved, That Fryeburg Academy, located in Fryeburg, Maine, is hereby commended on the occasion of its bicentennial. The Secretary of the Senate is authorized and requested to transmit to Fryeburg Academy a copy of this resolution acknowledging and commending this occasion.

SENATE RESOLUTION 312—AUTHORIZING TESTIMONY BY AN EMPLOYEE OF THE SENATE

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 312

Whereas, in the case of Louis C. Smit v. Department of the Treasury, Docket No. DA-1221-92-0259-W-1, pending before the Merit Systems Protection Board, the appellant has caused a subpoena to be issued for the testimony of Don Wilson, an employee of the Senate on the staff of Senator Harry Reid;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Don Wilson is authorized to testify in the case of Louis C. Smit v. Department of the Treasury, except concerning matters for which a privilege should be asserted.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public the following correction pertaining to an upcoming hearing before the Committee on Energy and Natural Resources.

The hearing scheduled on Thursday, June 11, 1991, has been rescheduled. The hearing will take place on Thursday, June 18, 1992, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

The purpose of the hearing is to receive testimony on State regulation of natural gas production.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at (202) 224-4820.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, June 17, 1992, at 2 p.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Jerry Langdon and William Liedtke, nominees to be members of the Federal Energy Regulatory Commission.

For further information, please contact Rebecca Murphy at (202) 224-7562.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearings has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, June 23, 1992, beginning at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee:

S. 225, to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, VA;

S. 1925, to remove a restriction from a parcel of land owned by the city of North Charleston, SC, in order to permit a land exchange, and for other purposes;

S. 2563, to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes;

S. 2006, to establish the Fox River National Heritage Corridor in Wisconsin, and for other purposes;

H.R. 2181, to permit the Secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by the State of Ohio;

H.R. 2444, to revise the boundaries of the George Washington Birthplace National Monument; and

H.R. 3519, to authorize the establishment of the Steamtown National Historic Site.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, July 1, 1992, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on H.R. 1096, to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1992, 1993, 1994, and 1995; to improve the management of the public lands; and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, the Rules Committee will meet on Wednesday, June 17, 1992, at 9:30 a.m., in SR-301, to markup pending legislative and administrative business. The proposed agenda includes the following: Senate Concurrent Resolution 57, to establish a Joint Committee on the Organization of Congress; Senate Resolution 273, to amend the Standing Rules of the Senate to provide guidance to Members of the Senate, and their employees, in discharging the representative function of Members with respect to communications from petitioners; an original bill to authorize appropriations for the American Folklife Center for fiscal years 1993 through 1997; Senate Concurrent Resolutions 221, 259, and 275, providing for the appointments of Hanna Holborn Gray, Barber B. Conable, Jr., and Wesley Samuel Williams, Jr., respectively, as citizen regents of the Board of Regents of the Smithsonian Institution; S. 523, to authorize the establishment of the National African-American Memorial Museum within the Smithsonian; S. 1598, to authorize the Board of Regents of the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center, and for other purposes; Senate Concurrent Resolution 112, to authorize printing of "Thomas Jefferson's Manual of Parliamentary Practice," as prepared by the Office of the Secretary of the Senate; and an original resolution authorizing the Senate to participate in State and local government transit programs pursuant to section 629 of the Treasury, Postal Service and General Government Appropriations Act, 1991.

The administrative agenda includes the following: Regulations for payment for telecommunications equipment and services furnished by the Sergeant at Arms and Doorkeeper of the Senate as provided by Public Law 100-123; policy for use of balconies, Russell Senate Office Building; use of entrances to Senate Office Buildings; regulations governing use of the Senators' dining room; regulations for the Senate Health Care Program by the Office of the Attending Physician; regulations for the Senate Health and Fitness Facility by the Office of the Architect of the Capitol; regulations regarding payee signatures on vouchers; regulations regarding certifications of Senate Recording Studio and Photographic Studio expenses; regulations governing use of bicycle racks, Hart Office Building Garage; proposal for designation of permanent office suites for the State of California; and regulations on public transportation subsidy by the U.S. Senate.

For further information regarding this markup, please contact Carole Blessington of the Rules Committee staff on extension 40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate Armed Services Committee be authorized to meet on Tuesday, June 9, 1992, at 2:30 p.m., in closed session, to receive testimony on the Department of Defense special access programs and procedures, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Tuesday, June 9, 1992, at 10:30 a.m. for a hearing on the subject: U.N. peacekeeping efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, June 9, 1992, at 10 a.m. to conduct a hearing on the condition of the banking industry and the bank insurance fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Agricultural Research and General Legislation, be allowed to meet during the session of the Senate on Tuesday, June 9, 1992, on the utility of expanded lamb reporting services by USDA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 9, 1992, at 9:30 a.m. to hold a hearing on comprehensive health care reform proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, June 9, 1992, at 9:30 a.m., for a hearing on Implementation of the Nutrition Labeling and Education Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Tuesday, June 9, 1992, at 9 a.m., in open session, to receive testimony on Department of Energy work force transition and conversion issues, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993; S. 2483, the Department of Energy Defense Nuclear Facilities Adjustment Assistance Act; and S. 2506, the Department of Energy Defense Nuclear Facilities Work Force Restructuring Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ACKNOWLEDGING NEWS OF NATIONAL SERVICE GRANT ANNOUNCEMENTS

• Ms. MIKULSKI. Mr. President, yesterday the Commission on National and Community Service announced its first grants to help hundreds of American communities restore the ethic of service and helping others that made this country great.

I am proud to say that Maryland is one of only two States that will be receiving funds for the four major provisions of the National and Community Service Act, and that thousands of volunteers in the State will now be able to get help to those that need it.

I have worked to pass this law because I know that Marylanders and millions of Americans are facing critical questions that effect their daily lives. They are asking How will we pay for our own or our child's education? Where will we get a downpayment on our first home? How will our neighbors and our community regain the "habits of the heart" that made America great?

And they are asking how they can recreate that sense of pride and community in their neighborhoods that would prevent the awful riots that we saw earlier this year in Los Angeles.

The answer comes from giving Americans a chance to invest in themselves and in their communities through "sweat equity." The National Service Commission is doing just that.

The new National Service Commission grants total $63 million, and they have used a very qualified and dedicated 21-member board to make the most of that money. They have reviewed hundreds of proposals and funded only the very best. And the States and towns that are getting grants are using them to leverage both the private and the human capital that is needed to bring back the ethic of community service and to get help to those people and those places that need it the most.

These grants are supporting local groups of citizens in Baltimore and Rockville and elsewhere who will use hands-on, person-to-person solutions. They are getting architects and bankers and steelworkers out from behind their drafting boards and desks and furnaces and letting them use their skills to help their neighbors—rebuilding a church or a recreation center, or helping tutor kids who are close to dropping out of school.

I am also glad to say that Maryland and six other States are being funded for demonstration projects. I fought for this provision because I know that most full-time workers in Maryland cannot afford to make 2 years off to "do good." Now in those seven States they will be able to use their weekend time to deliver meals on wheels, or tutor the illiterate, or volunteer as firefighters.

And in return for their service work, these volunteers will get a chance to invest in themselves just as they are in their communities. They will help reopen a State park in Maryland, help teach adults to read in Baltimore, and get nutrition to pregnant mothers in western Maryland.

And in the seven demonstration States volunteers serving part-time for 3 years or more will get vouchers to help pay for their higher education or for a downpayment of a first home. These workers will be able to earn up to $2,000 per year for a part-time commitment of 3-6 years.

It was about 20 years ago that President Kennedy challenged Americans to "do for their country" rather than waiting for our country to do for us. I am proud that the Commission on National and Community Service is carrying through on that challenge.

I also want to commend Senators KENNEDY and NUNN for joining me in the long fight to make our National Service Act of 1990 law—a law that will work for Americans. I also want to commend Senator WOFFORD, who since joining the Senate, and before that through his work in Pennsylvania and with President Kennedy, has done a great deal to make service a top priority for the United States.•

DEREGULATION OF THE MUTUAL FUND INDUSTRY

• Mr. SIMON. Mr. President, recently, I received a letter from W.A. Anderson, Jr., managing partner of a small securities firm in Houston, TX.

He wrote to me at the request of a longtime friend, Bernard Rapoport, who told me that what was contemplated in the mutual industry would not serve the Nation well.

I told him I knew very little about the field, but I would be pleased to get some information. I have received this letter from Mr. Anderson, and the letter makes a great deal of sense to me.

I am going to print a copy of these remarks in the CONGRESSIONAL RECORD that include his letter to the chairman of the Securities and Exchange Commission. I urge my colleagues who are on the Senate Banking Committee to look at this carefully.

What I do believe strongly is that we should not be moving into huge operations in the securities field. It sounds good, but it makes no more sense than doing the same in the banking field. The threat to the stability of the Federal Deposit Insurance Corporation has not come from the small banks of America but from a few large banks in America.

Diversity in this field strikes me as making a great deal of sense.

The second point he makes is that we should be encouraging the small investor and not putting the small investor at a disadvantage to the large investor.

It is clear that our pattern has been just the opposite, and we should not be accelerating that trend.

Mr. President, I urge my colleagues to read Mr. Anderson's letter.

At this point, I ask to insert his letter into the RECORD.

The letter follows:

ANDERSON, CHENEVIERE & CO., LTD.,
Houston, TX, May 26, 1992.

Hon. PAUL SIMON,
U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR SIMON: At the request of my friend, Bernard Rapoport, I am writing this letter to you to express my views of the recently proposed deregulation of the mutual fund industry. This is being done at the risk of showing considerable ignorance, since I have not had the opportunity to read the 500 plus page report issued by the Securities and Exchange Commission. On the other hand, my thirty years of experience both directly and indirectly in the securities business should enable me to draw some reasonably informed conclusions.

There is clearly some evidence of over regulation. For example, no foreign investment company has registered in the US since 1973. It is unlikely that the many fund managers and financial institutions in all the other countries in the world have felt that they could not be competitive in terms of performance compared those in the US. In addition, this virtual regulatory exclusion of foreign institutions has not been only limited to mutual funds.

The area of the report that seems likely to draw the most attention, however, is the recommendation that Section 22(d) of the Investment Company Act of 1940 be eliminated. Section 22(d) is, as I am certain you already know, the provision that mandates fixed prices for funds sold through brokers. In this area my personal experience may be of some help to you.

In 1975 I left Wall Street because negotiated commissions were soon to come into effect. At that time I was a Senior Vice President of Blyth Eastman Dillon & Co., Incorporated and my position was that of Executive Assistant to the President and Director of Budgeting and Planning.

It became obvious to me that, while in some respects negotiated commissions might be beneficial, overall they would not be a positive development for the small investor. In 1977, at the request of the Harvard Business Review, I wrote a critique of an article lauding negotiated commissions. In that letter I made the following observations:

A. Negotiated commissions would significantly reduce the profitability of the brokerage part of the business and result in a reduced level of service to the individual investor;

B. The reduced profitability would cause a major consolidation in the industry and, even though it is much easier to supervise a small number of large firms than large number of small ones, that result would not be good for the individual investor;

C. The remaining large firms would become more like General Motors and Ford in that their Corporate Finance Departments would manufacture products that their brokers would be obliged to sell which would reduce or eliminate the quality and independence of investment advice to which the individual investor would have access; and

D. That the only beneficiaries of negotiated commissions would be the institutions since they were large enough to effectively negotiate and did not rely on Wall Street's research and other services anyway.

As you may know, virtually all of these things have come to pass, and as a result American households were net sellers of equity securities in the late 1970's and 1980's.

I left Wall Street to become the Chief Financial Officer of a New York Stock Exchange Listed company and remained in that position until it was taken ever in a tender offer in 1984. In the late 1980's I formed a small brokerage firm in Houston, Texas, when I became convinced that so many of the things mentioned above had come about that there existed a crying need for the small investor to get independent investment advice and the kind of service that he should expect.

I fear that many of the same results would follow the decontrol of commission rates in the mutual funds industry. There would certainly be considerable consolidation in the industry. Large institutions would probably become the big purchasers of mutual fund shares and sell themselves to investors as the best judges of the performance of other mutual funds.

By the Securities and Exchange Commission's own admission, mutual fund commissions are lower today than they were ten years ago. There are load funds, no load funds and many variations thereof. There does not appear to be any great need to fix something that is not broken.

Even though I see no need to change the commission structure in the mutual fund industry, as I have mentioned before, excessive regulation does exist in the securities industry. For example, since the founding of my firm in March of 1989, we have been audited six times by three different regulatory agencies and have yet to be cited for any significant deficiency. For a firm having a total of five employees only three of whom are salesmen, this does seem to be excessive.

I appreciate this opportunity to share my views with you, and apologize for not being able to give you a more informed report. If I can be of any further assistance to you in any way, please do not hestitate to contact me at any time.

Very truly yours,

W.A. ANDERSON, Jr.,

Managing Partner.•

G&M DISTRIBUTORS OF GALESBURG, IL

Mr. SIMON. Mr. President, I rise today to recognize G&M Distributors, Inc., of Galesburg, IL, for its service to the environment and the community.

G&M Distributors has operated community recycling centers since 1973. In addition, to its facility in Galesburg, G&M also runs a center in Macomb. G&M sponsors centers in Monmouth and Kewanee, IL, which are both operated by area handicapped associations. All aluminum cans collected by G&M are used to make a aluminum siding or are reprocessed into beverage containers.

Under the direction of Guy Vitale, G&M Distributors has developed an Earth Day recycling program, which took place this year on April 26, and marked the third year G&M has offered the promotion.

The Earth Day recycling program offered a 5 cent bonus above the regular return rate for each pound of aluminum, bringing the total to 35 cents for every pound returned. The incentive created an enormous response from citizens throughout the area, stimulated tremendous community involvement, and raised awareness of the importance of recycling. The Galesburg recycling center alone collected over 16,000 pounds of cans for the day. Adding the 6,500 pounds the Macomb center collected, it is clear that the response was tremendous.

As we all know, Mr. President, recycling aluminum is very important to our environment. Aluminum has long been regarded as one of the most recyclable materials, and a aluminum recycling has greatly reduced the amount of municipal solid wastes in landfills and incinerators. However, much more needs to be done in this area. Therefore, I am proud to honor a company that has promoted, and continues to promote, aluminum recycling. G&M Distributors' commitment to a cleaner, more beautiful Illinois is a shining example of a successful recycling program, one that businesses and concerned citizens throughout the country can emulate.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Joan M. Morgan, a member of the staff of Senator MURKOWSKI, to participate in a program in Korea, sponsored by the Ministry of Foreign Affairs of the Republic of Korea, from May 25–30, 1992.

The committee has determined that participation by Ms. Morgan in this program, at the expense of the Ministry of Foreign Affairs of the Republic of Korea is in the interest of the Senate and the United States.•

PERSONAL COMMUNICATIONS

• Mr. KERRY. Mr. President, the world of communications is moving at record speed. Now, more than ever before, we can use telecommunications tools that enable us to stay in touch anywhere and any time of the day or night. Some of the most notable telecommunications advancements are wireless.

It appears likely that wireless communications is going to take an even more prominent position in telecommunications during the next century. Already, it comes in many forms: pagers that let you know when someone wants to reach you, and cordless phones you can use inside your home.

But without a doubt, the technology that has "fast forwarded" us into the wireless future is cellular. By breaking new ground technologically through radio frequency reuse, cellular is enabling millions of Americans to communicate anytime, anyplace, and anywhere. From voice to data transmission, from the big city to the Massachusetts countryside, cellular has changed the shape of communications and seems certain to change it further.

In my own State of Massachusetts, you now can continue a call uninterrupted as you drive under the Summner and Callahan tunnels in Boston. Special and emergency call boxes have been installed along campus paths so that students can have peace of mind knowing they can reach campus security if necessary. And last year when Cape Cod was ravaged by Hurricane Bob, cellular service provided critical links for fire, police, and emergency services.

Mr. President, this month of June has been designated "National Wireless Telecommunications Month" so that more people can learn about the technology of the future, and what it will mean to America and how we all communicate.

I hope we all are paying attention. The future of telecommunications holds great promise for this country—both to society and to our economy. And the revolution is underway.•

TRIBUTE TO MOUNT STERLING

• Mr. McCONNELL. Mr. President, I rise today to recognize Mount Sterling, a small, quiet town in central Kentucky.

Mount Sterling is located in the rolling hills between Lexington and Cincinnati. It enjoys the accessibility of these two cities while retaining its close-knit community feeling. The residents take pride in their town, and work together to improve it.

A favorite event among the townspeople is Court Day. Court Day is a festival that takes place on the third Monday in October. It is designed to celebrate Mount Sterling's historic past. People come from all over the country to join in the revelry. Court Day is one of those days that make everyone in town glad they live in Mount Sterling.

Recently, Mount Sterling has suffered a few economic setbacks. However, their citizens are optimistic about the future. It was recently announced that a new company will be building a plant in the area. The Michigan-based Donnelly Corp. will soon be bringing in 175 new jobs. Also, city officials are planning to build a new library, construct two new schools and build a park complex worth $2 million because of new funding provided by additional revenue.

The people of Mount Sterling are to be admired for their outstanding work ethic and persistence to revive their fine community.

Mr. President, I ask that the following article from the Louisville Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

MOUNT STERLING

(By Richard Wilson)

When Bob Ovington got out of the poultry and egg business in 1979 and formed a company to distribute supplies to national restaurant chains, he decided to start it in his hometown.

Ovington said he didn't even consider another location for Bob's Food Service, which now employs about 100 people and ships everything from food to napkins all over the country except the West Coast.

"We've got trucks that go in every direction. Interstate 64 is here and it's only a few miles to I-75. It's just an ideal location for us. It's centrally located for our territory," Ovington said.

The 58-year-old Powell County native still lives in Mount Sterling. But he also spends much of his time in Nashville where he runs Po Folks, a national restaurant chain that he heads as president and chief executive officer.

"It's easy to work out of here. I can be at the (Mount Sterling) airport from my office in 10 minutes," he says.

For Ovington and many other less mobile residents of this 200-year-old community, Mount Sterling is an outer Bluegrass haven that combines the benefits of a small-town lifestyle with convenient access to the social and cultural amenities of Lexington, Louisville and Cincinnati.

"We have everything that you could really want here," says Cass Prewitt, a retired real-estate man and farmer.

"Everything" includes not only good transportation and available labor, but also one of the state's better small-town hospitals, a good school system, a country club, an aggressive economic-development effort and a slowly rebounding economy.

Mayor Bert May, another native, is also bullish on the town. "We've never gotten so big that we've lost the smalltown atmosphere," he says.

But even the mayor acknowledges that the city and surrounding Montgomery County have their problems.

The county had an average unemployment rate of 15.8 percent last year. In March, the rate had fallen to 11.3 percent, still one of the highest in Central Kentucky. The area suffered a major economic jolt two years ago when the KitchenAid division of Whirlpool closed its plant and threw about 650 people out of work. About the same time, A.O. Smith Co. announced the layoff of 200 workers.

But the dark economic clouds parted a bit three weeks ago when the Michigan-based Donnelly Corp. announced it would build a new plant in the Woodland Industrial Park east of town. The plant, which will manufacture modular windows for automobiles, is expected to employ 175 people within three years.

Besides its jobless rate, the city's major problem is its budget. "Our expenses go up like anybody's expenses, and our income has actually deceased in some areas," the mayor said.

The town's population is aging, May added, and more senior citizens are invoking the Homestead Exemption of the state Constitution, which relieves them of some residential property taxes. Also, the city's insurance premium tax revenues have begun shrinking, and payroll tax revenues also have dropped, as several downtown stores have either gone out of business or moved to shopping centers outside the city limits.

"Hopefully, we're going to have some downtown development in the near future, which will help with our payroll tax, and we'll come back out of it and be in a positive cash flow again," May said.

City fathers are projecting a budget deficit of around $165,000 this year, a shortage May said can be handled by using reserves.

The city has also lost population. According to the Census Bureau, Mount Sterling's population dropped 7.9 percent, from 5,820 to 5,362, between 1980 and 1990. The county's overall population dropped 2.4 percent.

Like many other Kentucky cities, Mount Sterling's downtown area is suffering. Many commercial mainstays of yesteryear—like Oldham's and Belk-Simpson—have closed, and the J. C. Penney has moved to a shopping center.

One merchant who remains downtown is pharmacist Jack Carrington, who came back to his hometown in 1978 after graduating from Mercer University's pharmacy school in Atlanta.

Asked why he returned, Carrington said he tired of Atlanta's size. "You had to drive everywhere and it took an hour to do anything. Now I can walk to work," Carrington said.

He said that, despite the loss of downtown businesses, his business continues to increase.

"I think every town needs a small drugstore downtown. A lot of people don't drive, and I've got a loyal clientele that doesn't mind coming back," he added.

Carrington's Calico & Whitt Rexall drugstore has another asset. Its 11-stool lunch counter and fountain attract customers who eat breakfast or lunch there. Or they may come for a 30-cent cup of coffee and the "lively discussions" on any imaginable topic, Carrington said.

Carrington and several other downtown merchants say the area will rebound if the city can obtain a $1.3 million federal grant that it is seeking to rehabilitate 10 buildings in the Hobbs block on East Main Street. The grant, plus a $300,000 bank loan, is being sought to renovate the buildings for street-level retail space and apartments for the elderly on the second and third floors.

Downtown traffic is steady, although pedestrian traffic is sparse. Parking is abundant and anyone can easily find a spot in city-owned lots, if not on the streets, which have no parking meters. The city is clean and the 19th century facades make many downtown buildings among the state's most architecturally attractive.

But once a year downtown Mount Sterling becomes one of the state's most pedestrian-clogged towns. That occurs during its historic Court Day on the third Monday of October. Festivities begin the preceding Saturday where people purchase or swap everything from knives and guns to jewelry, furniture and antiques. The crowd also attracts politicians who hawk their campaign themes. Anyone who has ever experienced Court Day would agree with Kentucky author James Lane Allen, who once referred to Court Days as "a mad, merry gathering."

The Court Day festivities harken back to the city's historic past when it was a regional trading center. From the 1800s until the mid-1900s, the city not only attracted many Eastern Kentuckians to its businesses, but it was also a major rail center. Passenger service ended in 1971 and commercial rail service survived until 1986. The loss of rail service, coupled with the Mountain Parkway's termination at I-64 near Winchester, were a double blow. Prewitt and others said the state promised to run an extension of the parkway from Clay City to Mount Sterling, but reneged on the commitment.

Like many Kentucky communities, Mount Sterling and the surrounding area was a hot spot of Civil War activity. Union forces held the town throughout much of the war, but Confederate incursions were frequent. One of the more noted skirmishes came on June 8, 1864, when Gen. John Hunt Morgan's raiders surprised Union forces, capturing 380 prisoners. But the victory was short-lived as the Confederates were routed the next day. Many residences were burned during a Confederate retreat and some 250 soldiers were reported killed in the battle.

After the war, Mount Sterling resumed its role as a trading and farming center. Efforts to attract industry did not begin until about 30 years ago, and as that effort has expanded, Montgomery County's agricultural base has contracted.

Shortly after the turn of the century, the county had 1,369 farms. Each farm averaged 85 acres. By 1987, according to the latest available statistics, the number of farms dropped to 793, at an average of 146 acres.

Two years ago, the county produced 6.5 million pounds of tobacco, ranking it 24th in the state. It ranked 21st in beef cattle production, 35th in alfalfa and 41st in milk. Despite its shrinkage, agriculture remains a major factor in the area's economy, County Extension Agent Ron Catchen said.

"Agriculture has helped to make up for the loss (of jobs) in our economy, and it's still a part of our lifestyle. We're still pretty rural, and it's pretty nice to be out in the country," Catchen said.

One part of that countryside that many residents want to see filled is the two industrial parks east of town. Cliff Stilz, chairman of the Mount Sterling-Montgomery County Industrial Authority said at least 100 acres remain for development in the two parks.

Besides the land and infrastructure for economic development, the city and county have something else going for them. Because of its higher-than-average unemployment rate, the area qualifies for a variety of state incentive programs.

The Donnelly firm's recent decision to locate in Mount Sterling, Stilz said, is a welcomed breakthrough. "That's auto-related, We've been licking our chops to get into that."

Despite Mount Sterling's ups and downs, Mayor May says he is optimistic about the city's future. Noting that voters recently approved tax increases to fund a new library, ambulance service, new middle and elementary schools and a nearly $2 million park complex, May calls the town one where residents "put their money where they mouths are to do things to improve the community.

"Everybody's not just sitting back and saying 'Why doesn't somebody else do this for me?' They want to get it done themselves."

Population (1990): Mount Sterling, 5,362; Montgomery County, 19,561.

Per capita income: (1989) $11,403,. or $2,420 below the state average.

Jobs: (1989); Total employment, 6,294; manufacturing, 2,035; wholesale and retail trade, 1,920; services, 854; state and local governments, 784; and contract construction, 282.

Big employers: Jockey International Inc. (men's underwear), 500 employees; A.O. Smith Electrical Products Co. (motors), 380; Cowden-Mount Sterling Co. (jeans), 250; Trojan Manufacturing Co. (electromechanical sub-assembly, fluorescent lamps, coiled wire products) 156; and Walker Construction Co. (concrete, asphalt), 135.

Media: Newspaper—Mount Sterling Advocate (weekly). Radio stations, WMST-AM (adult and contemporary), WMST-FM (country).

Transportation: Air—Mount Sterling-Montgomery County Airport, 4,000-foot runway; nearest commercial service, Lexington's Blue Grass Airport, 41 miles west. Rail—None. The nearest rail service is provided by CSX Transportation in Winchester, 16 miles southwest. Roads—Interstate 64, U.S. 60 and 460 and Ky. 11. Trucking—Twenty-eight lines serve the city. Bus—Greyhound.

Education: Montgomery County schools, 3,750 students; two private schools, 117.

Topography: Rolling to hilly.

FAMOUS FACTS AND FIGURES

Mount Sterling was formed in 1792, and its name was chosen by Hugh Forbes, a landowner who sold strips of land to other residents. Originally called Little Mountain, Forbes called it Mount Sterling, in honor of his boyhood home in Scotland.

Montgomery County was formed from part of Clark County in 1796 as Kentucky's 22nd county. Later, all or part of 18 other Kentucky counties were formed from Montgomery, which was named for Richard Montgomery, a Revolutionary War officer who was the first soldier killed at the Battle of Quebec in 1775.

The last major Indian raid in Kentucky occurred April 1, 1793, at Morgan's Station east of Mount Sterling when Indians assaulted and burned the fortification and captured or killed 19 women and children.

Famous residents include Confederate Gen. John Bell Hood, a West Point graduate who was wounded at Gettysburg and later lost a leg at Chickamauga; John S. Williams, another confederate general, who was elected to the U.S. Senate in 1879, and Robert Trimble, who at 19 started the area's first school around 1800 and later became an associate justice of the U.S. Supreme Court.

The Church of the Ascension (Episcopal) houses the original pipe organ built in 1858; it is believed to be the first organ to be brought west across the Allegheny Mountains.●

SPOTLIGHT ON BOOKS

● Mr. LIEBERMAN. Mr. President, I would like to bring to your attention a wonderful educational program that was originated in my home State of Connecticut several months ago. Wednesday, April 8, 1992, was "Spotlight on Books" day for schoolchildren in New Haven. This program enabled first graders from 80 classes to pick up $1,500 sets of books for their schools. All the books were donated by Bantam Doubleday Dell.

At a time when we are struggling to improve our educational system, it is gratifying to see local communities developing programs, such as, such as this one, which seek to encourage the most basic educational principles. The ability to read is the fundamental basis of learning. Early efforts such as these, which attempt to spark children's interest in learning and reading at a young age, are our best tool for creating a well educated nation.

Not only do I applaud the efforts of the Spotlight on Books program in New Haven, I challenge other cities and States to use them as a model. I would also like to extend congratulations to my special friend Myrna Baskin, one of the program's directors, whose hard work helped make the program a resounding success.●

USIA SENDS JUDY CARMICHAEL ABROAD

● Mr. D'AMATO. Mr. President, it is with great pleasure that I have this opportunity today to pay tribute to the Judy Carmichael Group and their musical talent. Judy Carmichael and her group have been selected by the Arts America Program of the U.S. Information Agency in cooperation with the National Endowment for the Arts to travel abroad and bring her brand of stride jazz piano music to Eastern Asia.

The Carmichael Group's tour began on May 18 and will continue through June 16, 1992. The tour dates include stops in Hong Kong, Guangzhou, Chongging, Chengdu, Juijiang, Shanghai, Shenyang, Harbin, and Beijing. The tour has been coordinated by USIA staff members at the embassy in each country.

Stride piano music has long been a part of the history of jazz music. Stride is a form of jazz that developed long before pianists had the help of bass, drums, and rhythm guitar. It is a form of traditional jazz that has been practiced by many of the legendary musicians including Count Basie, Duke Ellington, and Theolonius Monk. Judy Carmichael is part of this long tradition, encouraged at a young age by jazz legends like Sarah Vaughan and Count Basie, who nicknamed the young Ms. Carmichael, Stride.

Judy Carmichael began her musical career in a rather unusual way and its story is one that has often been repeated and bears repeating. At the age of 10, she entered a contest between her cousins. The prize: $50 from her grandfather. The competition: be the first grandchild to play Scott Joplin's "Maple Leaf Rag." This experience had two outcomes: The discovery of her many talents and making her $50 richer.

Judy Carmichael has represented the U.S. State Department as a performer throughout India and currently serves as an artistic consultant for the U.S. Information Agency. Her service to and support of our country and its traditional jazz music can be viewed with only the deepest regard.

The other members of the Judy Carmichael Group are Michael Hashim on saxophone and Chris Flory on guitar. Michael Hashim, a native of Geneva, NY, has an extremely impressive list of recordings and collaborators including Cab Calloway, Muddy Waters, Dizzy Gillespie, Widespread Jazz Orchestra, and Skitch Henderson and the New York Pops. His closest mentors include Jimmy Rowles and saxophone legend, Benny Carter. Mr. Hashim's collaboration with Chris Flory has not been a short one. They have been collaborating since the late 1970's. Chris Flory has had a very illustrious career, among his accomplishments include: being a regular member of Benny Goodman's Sextet from 1979 to 1983, and his association with jazz legends as Roy Eldridge and Maxine Sullivan.

The music of the Judy Carmichael Group is inherently American and it is riveting to all who listen. We are very fortunate to have such a gifted and bright musician representing her country so well. And wherever Ms. Carmichael's grandfather may be, I would like to extend my heartfelt thanks for helping start a musical career that has given joy to many Americans and now will do so for people of other countries.●

JAMES D. CHAMPION: SCTA DRIVER OF THE YEAR

● Mr. HOLLINGS. Mr. President, I rise to extend my congratulations to James D. Champion of Infinger Transportation Co. for his selection as South Carolina Trucking Association Driver of the Year. Mr. Champion is aptly named. Perhaps most strikingly, in the course of 23 years of driving rigs, he has logged a phenomenal 2.5 million miles without an accident.

But this relentless attention to safety is just one mark of a superior trucker. Mr. Champion epitomizes the other qualities—discipline, skill, and endurance—that are so essential to his demanding job. During his nearly quarter century on the road, our highways have become far more congested, and drug abuse by car and truck drivers alike has become yet one more roadway danger, but Mr. Champion has adapted and prevailed.

Mr. President, James Champion is a superb professional in every respect. He has earned the highest regard of his colleagues throughout South Carolina—and he has earned my respect as well. My hat is off to Mr. Champion and Infinger Transportation Co. for this superb accomplishment.●

COOLEY'S ANEMIA FOUNDATION MAN OF THE YEAR

● Mr. D'AMATO. Mr. President, I rise today to commend one of my constituents, Salvatore Romano, who is being recognized by the Cooley's Anemia

Foundation as their "Man of the Year, 1992." Mr. Salvatore Romano, principal of Romano/Gatland, has been singled out for his humanitarianism and outstanding support on behalf of the children afflicted with Cooley's anemia, medically known as Thalassemia.

Salvatore Romano is chief executive officer of the food consultant firm of Romano/Gatland. He has designed numerous award-winning food service facilities, and his company is consistently listed in the top ten food service consulting firms in the Nation by major trade publications.

Mr. Romano has been active with the Suffolk Cooley's Anemia Foundation Chapter since 1970. He has helped raise thousands of research dollars for the national "Countdown to a Cure—By the Year 2000" campaign.

Cooley's anemia is a fatal blood disease which frequently strikes children of Mediterranean-American parents. Cooley's anemia is common also among children of Italian and Greek descent, as well as Syrian, Israeli, and other population groups. The foundation has made diligent efforts to improve the lives of thousands of Cooley's anemia sufferers nationwide. It is largely due to great humanitarians such as Salvatore Romano that people are becoming aware of this disease, moneys are being raised, and research is going forward.

The many contributions that Mr. Romano has made to the Cooley's Anemia Foundation are nothing short of inspiring. Despite the many demands of his professional and community involved life, Salvatore holds traditional family values dear and proves to be a devoted husband to wife Bonnie.

Mr. President, I wish to congratulate Romano Salvatore for his many contributions to the great State of New York. I wish him and the Cooley's Anemia Foundation many more successes and relief for all Cooley's sufferers.•

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

WORKPLACE FAIRNESS ACT

The PRESIDING OFFICER. The clerk will report Calendar No. 164, S. 55.

The assistant legislative clerk read as follows:

A bill (S. 55) to amend the National Labor Relations Act to prevent discrimination based on participation in labor disputes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

Mr. MITCHELL. Mr. President, this legislation, S. 55, is controversial and there has been a great deal of discussion among Senators, including Senator DOLE and myself, regarding the process by which the Senate will consider this matter. Originally, we had anticipated that our Republican colleagues would seek to prevent the Senate from proceeding to the bill and that it would be necessary to file cloture on the motion to proceed to the bill to terminate any filibuster, delaying Senate consideration of the bill.

Last week, Senator DOLE advised me that it was not the intention of him and his colleagues to prevent consideration of the bill, and he graciously agreed to permit the Senate to proceed to consideration of the bill, immediately upon disposition of the prior conference report upon which the Senate voted earlier this afternoon.

Senator DOLE also indicated to me, however, in that and subsequent conversations, up to and including just a few moments ago, that because of the controversial nature of the bill and because of the opposition to it by a large majority of our Republican colleagues, that there would be a filibuster to prevent final action on the bill itself, and that it would, therefore, be necessary to file cloture on the bill itself if we hoped to have final action on the bill.

It has been my practice not to file cloture immediately upon the Senate beginning consideration of a bill. I do not think I have ever done it other than by prior discussion and arrangement with all of those involved in the legislation, so as to give Senators who wished to do so the opportunity to offer amendments to the legislation and to permit a full debate and discussion on the legislation.

However, as a result of prior discussions with Senator DOLE, as well as with other supporters and opponents of the bill, I now will file a cloture motion on the bill with the understanding and expectation that any Senator who wishes to do so may, under the rules, file an amendment to the bill by 1 p.m. tomorrow. And so long as that amendment is timely filed prior to 1 p.m. tomorrow, and is germane, that amendment will, of course, be subject to consideration by the Senate following the cloture vote, if cloture is invoked.

If cloture is not invoked, why, then of course the Senate would still be on the bill, and the bill would be open to all amendments.

Under the rules, if the cloture motion is filed this evening, the cloture vote itself would occur 1 hour after the Senate convenes on Thursday. However, both Senator DOLE and I have agreed, in view of the importance of the subject and the large number of Senators who wish to address the matter, that there would be a full day of debate on this measure tomorrow, beginning at approximately 12:30, and continuing for so long as any Senator wishes to speak on the subject. And that on Thursday, there should be time for debate during the day and that the vote should occur sometime during the day. We discussed tentatively late afternoon. We are not going to set that time, but we have agreed to discuss the matter further tomorrow, following consultation with our colleagues on each side of the aisle.

So, Mr. President, I am going to momentarily invite the distinguished Republican leader first to confirm what I have just stated, and to invite any comments he may wish to make or any questions he may have on the subject, and following this colloquy it is my intention, then, to file the cloture motion as previously stated.

Mr. President, I now yield to my distinguished colleague, and invite any comment he may wish to make with respect to the statements I just made or on the subject matter that we are discussing.

Mr. DOLE. Mr. President, the majority leader certainly accurately reflected the discussion of this bill. It seemed to Members on our side that this is an important issue, that we ought to proceed to the bill and have our debate—I prefer "extended debate" rather than the word "filibuster"—but an extended debate on the bill itself. It is a very important piece of legislation to people on both sides of the issue. It seems to me that this is the right way to proceed and I have agreement on my side with my colleagues. Everyone, as far as I know, on this side agrees with that. We are on the bill now.

I think the question I would ask, in the event, as the majority leader indicated, I do not think he ever filed cloture at the time we have taken up a bill—but it is my understanding he wanted to get a cloture vote this week. So if he did not file cloture, say, sometime late tomorrow night and we went out, then the cloture vote would occur on Friday, and there would be a vote on Friday?

Mr. MITCHELL. That is correct.

I believe, Mr. President, if I might, that it would be more convenient for the schedules of more Senators were the vote to occur on Thursday rather than on Friday. I have attempted to organize the schedule in a way that is consistent with the scheduling interests of most Senators. And it has been my judgment, unrelated to this measure but also including this measure, that most Senators would prefer to have the debate occur on Wednesday and Thursday, and a vote on Thursday, rather than having the vote to be on Friday.

Mr. DOLE. Right. And again, I think to underscore, I think the leader indicated to me, in any event, there would be a cloture vote.

On that basis, it seemed to me if we could agree upon a time certain tomorrow, maybe get a consent even now, agreement of the two leaders, we could set the vote so somebody would not object when we come in on Thursday.

But in any event, the majority leader has correctly stated the situation. We are ready to proceed.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I now send a cloture motion to the desk and ask that it be read.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the committee substitute for S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes:

George Mitchell, Howard M. Metzenbaum, Paul Wellstone, Claiborne Pell, Paul Simon, Alan Cranston, Bill Bradley, Harris Wofford, Daniel P. Moynihan, Tom Daschle, Daniel K. Inouye, Barbara A. Mikulski, John F. Kerry, Al Gore, Carl Levin, Max Baucus.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I want to repeat what I said earlier so all Senators are aware of this. Under the rules, any Senator may now file an amendment, prior to 1 p.m. tomorrow. And if that amendment is filed within that time and is germane to the bill, that amendment would then be eligible for consideration following the cloture vote, if cloture is invoked.

Cloture is intended, of course, to limit debate and to limit amendments to those which are germane to the bill. So that any Senator who wishes to file an amendment—I have had several Senators ask me today about the possibility of amendments, and that is the circumstance.

If cloture is not invoked, then of course the bill will be pending before the Senate and open to any amendment which any Senator may wish to offer at that time.

Mr. President, I want to pursue with the distinguished Republican leader his suggestion regarding the setting of a vote, and to permit me to do that, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—VOTE ON CLOTURE MOTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXII, the live quorum be waived and that the time for the vote on the cloture motion on S. 55 be set by the majority leader following consultation with the Republican leader, provided that the vote occur on this Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, Senator DOLE and I have agreed that we will consult before setting the time for the vote on Thursday. For the information of Senators, so they can plan their schedules accordingly, we are now considering a vote sometime around 4 to 5 p.m. on Thursday evening. We will not make a final decision and I will not exercise the authority just given to me by this unanimous-consent agreement until each of us consults with our respective colleagues. We hope to do that during the day tomorrow.

I should state that I earlier noted that under the rules, Senators can file amendments up until 1 p.m. tomorrow. Also under the rule, of course, any Senator can file a second-degree amendment until 1 hour prior to the vote on Thursday. So to fix that time, it will be necessary

Mr. President, for the further information of Senators in preparing their schedules for the next few days, it is now my expectation that the next rollcall vote will be Thursday around 5 or 5 p.m., that is, I do not anticipate at this moment that there will be any rollcall votes on tomorrow or on Thursday prior to the vote on cloture. No one can ever state with certainty that something will or will not occur in the Senate, because of our rules, but that is my expectation. We expect to go to this bill by about noon tomorrow, and any Senator who wishes to speak will be able to do so tomorrow following noon and we will stay in session for as long as necessary tomorrow evening to accommodate any Senator who wishes to address the subject.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Wednesday, June 10; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each with the following Senators recognized for the time limits specified: The first hour of morning business equally divided and controlled between Senators SIMON and THURMOND, the second hour under the control of the majority leader or his designee, the third hour under the control of Senator BYRD, and that Senator JEFFORDS be recognized for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:48 p.m., recessed until Wednesday, June 10, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 1992:

DEPARTMENT OF STATE

KENNETH L. BROWN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

DEPARTMENT OF COMMERCE

MARY JO JACOBI, OF MISSISSIPPI, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE CRAIG R. HELSING, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARY MOHS, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1994, VICE MARILYN LOGSDON MENNELLO, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

J. MICHAEL FARRELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARY AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1997. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. JONATHAN T. HOWE, U.S. NAVY [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. ROBERT B. ROSENKRANZ [redacted]
BRIG. GEN. LARRY G. LEHOWICZ [redacted]
BRIG. GEN. ROBERT A. GOODBARY [redacted]
BRIG. GEN. ROBERT T. HOWARD [redacted]
BRIG. GEN. OTTO J. GUENTHER [redacted]
BRIG. GEN. PAT M. STEVENS IV [redacted]
BRIG. GEN. MICHAEL S. DAVISON, JR. [redacted]
BRIG. GEN. RICHARD W. TRAGEMANN [redacted]
BRIG. GEN. FRANK L. MILLER, JR. [redacted]
BRIG. GEN. JOSUE ROBLES, JR. [redacted]
BRIG. GEN. JARRETT J. ROBERTSON [redacted]
BRIG. GEN. JOSEPH W. KINZER [redacted]
BRIG. GEN. JOHN S. COWINGS [redacted]
BRIG. GEN. WILLIAM M. STEELE [redacted]
BRIG. GEN. DAVID J. KELLEY [redacted]
BRIG. GEN. THOMAS F. SIKORA [redacted]
BRIG. GEN. FREDRIC H. LEIGH [redacted]
BRIG. GEN. FRANK F. HENDERSON [redacted]
BRIG. GEN. DAVID E. WHITE [redacted]
BRIG. GEN. RAY E. MCCOY [redacted]
BRIG. GEN. KENNETH W. SIMPSON [redacted]
BRIG. GEN. THOMAS H. NEEDHAM [redacted]
BRIG. GEN. JOHN C. THOMPSON [redacted]
BRIG. GEN. RONALD E. ADAMS [redacted]
BRIG. GEN. HARLEY C. DAVIS [redacted]
BRIG. GEN. ROBERT K. GUEST [redacted]
BRIG. GEN. STANLEY G. GENEGA [redacted]
BRIG. GEN. JOHN M. PICKLER [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9, 1992:

DEPARTMENT OF AGRICULTURE

DUANE ACKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

DANIEL A. SUMNER, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

DANIEL A. SUMNER, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF TRANSPORTATION

ARTHUR J. ROTHKOPF, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION.

THOMAS C. RICHARDS, OF TEXAS, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.

MICHAEL JAMES TOOHEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

HOUSE OF REPRESENTATIVES—*Tuesday, June 9, 1992*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. LEWIS of Georgia].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 9, 1992.

I hereby designate the Honorable JOHN LEWIS to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, gracious God, to put behind us all that hinders our growth or causes us to focus only on our own needs. May Your good spirit, O God, that cleanses our hearts and renews our very being, enable us to be the people You would have us be. Strengthen and confirm our lives with the vision of what we can do to build confidence between peoples and encourage the unity that is Your will for us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 116, answered "present" 2, not voting 85, as follows:

[Roll No. 173]

YEAS—231

Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Barton
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Borski
Boucher
Boxer
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Edwards (CA)
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Ford (MI)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hyde
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McDermott
McEwen
McGrath
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Mrazek
Murtha
Myers
Natcher
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Poshard
Rahall
Ravenel
Reed
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stenholm
Studds
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wolpe
Wylie
Yates
Yatron

NAYS—116

Allard
Allen
Armey
Baker
Ballenger
Barrett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gingrich
Goss
Gradison
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Hobson
Holloway
Hopkins
Hunter
Ireland
James
Johnson (CT)
Johnson (TX)
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Machtley
Marlenee
McCandless
McCrery
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Quillen
Ramstad
Regula
Rhodes
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Saxton
Schaefer
Sensenbrenner
Shays
Shuster
Sikorski
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stokes
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—2

Pickle
Wyden

NOT VOTING—85

Abercrombie
Alexander
Anthony
AuCoin
Blackwell
Bonior
Brewster
Byron
Callahan
Campbell (CO)
Clement
Clinger
Condit
Coughlin
Davis
Dellums
Dooley
Dymally
Eckart
Edwards (TX)
Engel
Flake
Foglietta
Ford (TN)
Gaydos
Gilchrest
Goodling
Green
Hatcher
Hayes (LA)
Hefner
Herger
Hertel
Hubbard
Hutto
Inhofe
Jacobs
Jones (GA)
Kasich
Kennedy
LaFalce
Lehman (CA)
Levine (CA)
Lloyd
Lowery (CA)
Martin
Mavroules
McCurdy
McHugh
Miller (WA)
Mink
Nagle
Neal (MA)
Neal (NC)
Nichols
Nowak
Oberstar
Pelosi
Perkins
Porter
Price
Pursell
Rangel
Ray
Richardson
Ridge
Riggs
Sanders
Savage
Sawyer
Schroeder
Skelton
Smith (NJ)
Spence
Stallings
Swett
Tauzin
Taylor (MS)
Towns
Traxler
Valentine
Washington
Weber
Weldon
Wise

☐ 1226

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Will the gentleman from Georgia [Mr. DARDEN] come for-

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ward and lead us in the Pledge of Allegiance.

Mr. DARDEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I missed one recorded vote as a result of my duties as an official House delegate to the United Nations Conference on Environment and Development. Had I been present in the House Chamber, I would have cast the following vote: Rollcall No. 173, the vote on the journal of June 5, 1992, "no".

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1642. An act to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes;

H.R. 1917. An act for the relief of Michael Wu; and

H.R. 2556. An act entitled the "Los Padres Condor Range and River Protection Act."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 893. An act to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright;

S. 1338. An act for the relief of Chi Hsii Tsui, Jin Mie Tsui, Yin Whee Tsui, Yin Tao Tsui, and Yin Chao Tsui; and

S. 2079. An act to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 756) entitled "An act to amend title 17, United States Code, the copyright renewal provisions, and for other purposes."

PARLIAMENTARY INQUIRY

Mr. MCDADE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). The gentleman will state it.

Mr. MCDADE. Mr. Speaker, earlier in the day I introduced a supplemental emergency appropriation bill which would get signed into law, unlike the one which is going to be headed to a certain veto at a time when citizens of the Nation are suffering, and I believe it of sufficient importance, Mr. Speaker, for me to propound an inquiry to inquire, what steps would the House have to take to bring the bill up on the suspension calendar today in order that we might act on it now?

The SPEAKER pro tempore. Suspensions are within the discretion of the Speaker. The gentleman would have to consult with the Speaker.

Mr. MCDADE. Mr. Speaker, a further parliamentary inquiry. If it is in order, I would request that the Chair request of the Speaker and the leadership that they convene within, let us say, one hour, and decide whether or not they would be willing to put the acceptable supplemental on the calendar today.

The SPEAKER pro tempore. The Chair cannot guarantee that result. The Chair would be delighted to speak to the gentleman.

Mr. MCDADE. Mr. Speaker, I thank the Chair. I am very grateful to him.

Mr. Speaker, may I propound a further parliamentary inquiry. Mr. Speaker, I am trying to figure out how we could get the urgent supplemental, which would retain the disaster funding, provide $500 million for summer youth, and take care of the regular SBA loans under caps, to come under unanimous consent so that we could get this urgently needed funding out as soon as possible?

Could the Chair advise the gentleman from Pennsylvania how I might go about doing that?

The SPEAKER pro tempore. The Chair would advise that under the Speaker's announced guidelines that will require the floor leadership on both sides of the aisle, and the chairmen and ranking members of the committee, to agree.

□ 1230

Mr. MCDADE. Mr. Speaker, it is my understanding that a unanimous-consent proposal would not lie in that instance.

A further parliamentary inquiry, Mr. Speaker. I would request that the House suspend the rules and agree to immediately take up under unanimous consent the urgent supplemental which is filed and which the President will sign.

The SPEAKER pro tempore (Mr. LEWIS of Georgia). The Chair cannot guarantee that and will not guarantee that without the consent of the Speaker.

Mr. MCDADE. Mr. Speaker, I appreciate very much the answer of the Chair.

May I, therefore, request also that when the gentleman speaks to the Speaker, he would also request that unanimous consent might lie to bring the supplemental up today?

The SPEAKER pro tempore. The gentleman can do that directly.

Mr. MCDADE. Mr. Speaker, I have one more parliamentary inquiry. I want to know, if I may, how we could get this urgent supplemental up with acceptable amounts in it that would get signed in a fashion that would permit me to file a discharge petition that would waive the usual 30-day rule required before a discharge petition could be brought to the floor?

The SPEAKER pro tempore. Under rule XXVII, it prescribes 30 legislative days.

Mr. MCDADE. May I inquire, Mr. Speaker, is it eligible for me to seek unanimous consent that the 30-day rule be waived?

The SPEAKER pro tempore. The Chair will not recognize the gentleman for that purpose.

Mr. MCDADE. Mr. Speaker, may I inquire, is there any way in which I could request of the Chair that this bill be brought to the floor prior to the July 4 break so that we might act on the bill which the President has said he would sign?

The SPEAKER pro tempore. The Chair will suggest that the gentleman from Pennsylvania consult with the leadership on both sides. The Speaker cannot assure or guarantee the gentleman of that.

Mr. MCDADE. I would, therefore, if I may, Mr. Speaker, request also of the gentleman, the distinguished gentleman in the chair that when he propounds the other two inquiries to the leadership that he would also propound that one.

JUST SAY YES, MR. PRESIDENT

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, Nancy Reagan's advice to "Just Say No" was a good idea for discouraging drug use by kids, but it is a bad motto for governing by Presidents.

Twice during the recession, when Congress approved legislation to aid the jobless, George Bush just said no.

When Congress enacted a middle-class tax cut, to ignite a real economic recovery, George Bush just said no.

Last week, congressional negotiators agreed to an emergency aid bill to help cities in the wake of the Los Angeles riot, and again George Bush is saying no.

This week, world leaders are approving an unprecedented environmental treaty, and the President is flying all the way to South America—though the world is hoping to hear the President say si. He is going to just say no.

Today, with unemployment climbing, the House will consider legislation to help out of work Americans victimized by this Republican recession. I urge the President's support for the bill, even as he is prepared to "just say no" again. Last month, 350,000 more Americans were added to the unemployment rolls of 9 million.

These bills could help millions of Americans, if they had not been vetoed.

Negativism is a narcotic. Governing by veto is a hard habit to break. But, give it a try, Mr. President, just say yes.

IN SUPPORT OF THE BALANCED BUDGET AMENDMENT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of our opportunity soon coming to vote for financial responsibility for the balanced budget amendment.

I am amazed at the current activities that take place within the beltway with regard to this issue. I really believe they are quite different than those that take place at home.

Some say we can do without it. Of course, we can. Thirty years have gone by, however, and it has not been done.

Some say it is not perfect. Some say it is not enforceable. It does not have a limit on taxes. It does not have a limit on spending. Of course, it is not perfect. But it is a step to do something about responsibility.

Some say it takes draconian cuts to do that. It all depends on whether we want more government or whether we want less. I happen to think we ought to do with some less, that we ought to take the step that is recommended, that we look at what we are doing and say, if we were not doing it now, would we start?

I think the cuts are relatively easy.

Some say it threatens Social Security. That is a scare tactic. It does not at all.

Mr. Speaker, here is our chance to come to the stomping post and do something responsible, to go to the people in the States and say, how important is a balanced budget?

I think the answer is, very important.

UNEMPLOYMENT COMPENSATION EXTENSION AND REFORM ACT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, today we have the opportunity to help not only the millions of Americans who are unemployed, but the millions whose No. 1 fear is becoming unemployed. People who never dreamed it could happen to them, workers young and old, from the factory to the board room, are wondering, "How am I going to make it if I lose my job?"

That basic fear is strangling our economy. Extending unemployment benefits is not just about helping those out of work, but providing a sense of security to average working Americans that their Government will not turn its back on them when they need help most. Our economy will not recover until people feel that sense of security.

The fear of losing a job creates ripples throughout the entire economy. There are people all over the country who want to buy a house, but hold back out of fear. They want to buy a car, but they hold back. People are not buying anything, because they are afraid that if they lose their job, they lose their house, their car, their security, their ability to contribute to society.

Let us not only support this bill, but support all policies that will create jobs at home, not overseas, and get our economy back on its feet. I do not want to finger point or engage in unnecessary partisan rhetoric, but it would be kind of nice if the President showed the same commitment to the country's unemployment problems as he did on the Persian Gulf conflict.

WHERE DOES ROSS PEROT STAND ON THE ISSUES?

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, Ross Perot wants to be President, but he does not want to tell people where he stands on issues.

He says people do not care. What they want is a can-do guy, an action guy. But can do what? What kind of action?

The few times he has said anything specific, his figures do not add up.

For example, one way he said he would reduce the budget deficit by $100 billion is by eliminating all Social Security and Medicare payments to people like him. Unfortunately, there are not many people worth $3 billion, so to reach $100 billion in savings you have to lop millions of people off Social Security.

So how do you get to Ross Perot's $100 billion savings?

Even if you eliminated all Social Security payments to people making $40,000 you save less than $80 billion and you cut off 6.8 million people.

You have to go deeper. You have to cut off all Social Security payments for people making about $30,000. That's not rich people, Mr. Perot.

So the question today for Ross Perot is: Why do you want to cut off all Social Security payments to 7 million Americans who have paid into Social Security all their working lives?

CURRENT UNEMPLOYMENT IN AMERICA

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, when this current national recession began, the leadership of George Bush offered denial. Three times this House passed unemployment extensions, and three times the administration says, it was not needed.

As the recession worsened, this House offered public works projects. It offered a transition for defense workers, and each time the administration says, it was not needed.

Now as unemployment has risen to the highest point in a decade, within hours the administration claims that the recession has ended. The record of the administration is complete.

The American people know that it cannot be expected to solve a problem that it has denied from the outset ever existed. The American people may take little comfort now in knowing that the administration was wrong and that things would have been different for the unemployed, if indeed this House had been able to work its way.

But at least it is something the American people can remember and know could have been different, indeed can in the future.

BALANCED BUDGET AMENDMENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, this week Congress will fight the battle of the budget.

We will choose whether to put our economic house in order or pawn the furniture to pay the rent.

Congress has proved itself incapable of fiscal restraint.

The Federal Government is borrowing $1 billion a day to pay for its spending habits. This year, the Federal deficit will reach nearly $400 billion.

Over 20 years have passed since our Nation has balanced its budget. We cannot continue down that road. We must not pawn our prosperity or bankrupt our country.

The stakes in the debate on the balanced budget amendment are high. On one side is politics as usual. On the other side is real reform. On one side is economic decay. On the other side is economic strength.

The cause of real reform and economic strength requires our every effort.

□ 1240

As General Grant said during another battle, "We propose to fight it out on this line if it takes all summer."

DEMOCRATS FIND SOLUTIONS TO UNEMPLOYMENT AS REPUBLICANS IGNORE RECESSION

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, later today, the House will have an opportunity to consider H.R. 5260, the Unemployment Compensation Amendments of 1992.

These benefits are necessary because of the Bush recession that has gripped this Nation for the past 18 months. The Bush administration first denied the country was in a recession, then ignored the recession and finally, begrudgingly admitted that we were in a recession but claimed that it was about to end.

So much for the real world.

Congress, just last week, took some concrete action to help workers who are losing their jobs. We passed a $1 billion package of job training and small business technical assistance for workers losing their jobs as a result of defense cuts.

This package was developed by the Democratic caucus and passed overwhelmingly by the full House as an amendment to the defense authorization bill.

Democrats are coming up with constructive solutions to put people back to work. All we get from the administration is denial followed by handwringing. And all we get from House Republicans is partisan posturing. The American people know that it will take a Democratic administration and a Democratic Congress to really put Americans back to work.

DEMOCRATS HAVE BAND-AIDS, NOT A CURE TO AMERICA'S ILLS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, why can't the Democrat-controlled Congress do something good for the country instead of playing politics?

Everyone is in favor of emergency unemployment compensation, and I thought everyone was in favor of economic growth to solve the long-term problem. But the bill we are going to discuss today does nothing to help the economy and it is under the guise of soaking the rich to pay the bill, that it saddles all business with a tax increase at the worst possible time. Is this bill designed to stop the recovery in order to win an election? This is the most vicious political game that I know of, to abrogate the budget agreement by not paying the cost, to hide the real payers small business and disguise it under a soak-the-rich tax.

Democrats can only dream up Band-Aids when what we need is a cure.

PRESIDENT DENIES BITTER REALITY OF UNEMPLOYED AMERICANS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, twice last year the President vetoed legislation that would have extended unemployment benefits. On the third try, after months of denial, he finally signed a bill that would extend unemployment benefits. Then he had the unmitigated gall to take full credit for extending a helping hand to those in need, but he did not take credit for the thousands who had suffered needlessly during those months, the thousands who lost their dignity, or even their homes, while he denied the bitter reality of unemployed Americans.

Now it is an election year and millions of unemployed are raining on the President's parade. Once again he has threatened to deny the reality of unemployment and veto unemployment benefit extensions for his own petty personal political gain. Last week the Department of Labor reported a record 1-month increase.

Mr. WALKER. Mr. Speaker, I demand that the gentleman's words be taken down.

Mr. DEFAZIO. I did not use the President's name. I do not think there is any problem.

Mr. WALKER. I demand the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. MFUME). The gentleman will suspend.

□ 1245

The Clerk will report the words that were taken down.

The Clerk read as follows:

> Once again he has threatened to deny the reality of unemployment and veto the unemployment benefit extension for his own petty political gain.

The SPEAKER pro tempore. The Chair has referred to Webster's Dictionary. The primary definition is: "small, minor, having secondary rank or importance: having little or no importance or significance: marked by or reflective of narrow interests and sympathies."

The Chair rules that in the opinion of the Chair that does not transgress the rules of the House.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, what do we do to have the proper words reported, because the gentleman said, "his own petty personal political gains," which describes motivation, and that is the reason for the objection. That was not reported by the Clerk, and it would have been out of order. So therefore, we are dealing with two things. First of all, I think the Chair is arguing the wrong point, because the question is here ascribing motivations, and the Chair did not even speak to that particular point.

Mr. DEFAZIO. Mr. Speaker, could I speak to this?

The SPEAKER pro tempore. The Chair, in response to the gentleman's inquiry, reported the words that were handed to the Chair as recorded. The Chair believes, however, the gentleman from Oregon, for the sake of debate, will find it in order to withdraw the word "personal" if, in fact, it was uttered.

Mr. DEFAZIO. If the Chair would allow.

The SPEAKER pro tempore. Does the gentleman from Oregon make that request?

Mr. DEFAZIO. Mr. Speaker, the gentleman, in the interest of comity with my good friend from the State of Pennsylvania, if he heard the word "personal," I certainly did not mean to imply something that would denigrate the President, other than the use of the word as defined, "petty," regarding the intentions here.

The SPEAKER pro tempore. The gentleman withdraws the word, without objection.

There was no objection.

The SPEAKER pro tempore. The gentleman from Oregon may proceed in order.

PRESIDENT DENIES BITTER REALITY OF UNEMPLOYED AMERICANS

Mr. DEFAZIO. Mr. Speaker, last week the Department of Labor reported a record 1-month increase in unemployment. In my district, in Coos and Douglas County, 12 percent are unemployed and cannot find work, in Linn County, 11 percent. Hardworking people in southwestern Oregon and across America have fallen on hard times.

It is time for us to make some hard choices. Pass the unemployment benefit extension here today.

SPECIAL ORDER TO FEATURE CLAIMS OF GOVERNMENT OVERREGULATION IN CONSTRUCTION INDUSTRY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, they say you can generally get a mule to do anything if you hit it between the eyes with a two-by-four. Congress is far less accommodating than your average mule.

We have been whacked, thwacked, and sacked by Americans who have grown impatient with our obstruction of economic growth. Yet we have planted our hooves belligerently in the sands of overregulation and continue to harp about unfair competition from overseas.

In a special order later today, running another leg of the Republican regulatory relay, I will bring to your attention another inane impediment Government places in the paths of construction businesses.

Did you know that wood dust, oxygen, charcoal, and water were all hazardous materials? Can you believe that OSHA regulations mandate employee training that submerging one's head in water for too long may be hazardous to a worker's health?

Stand by until special orders when we discuss why OSHA forces businesses to teach their employees when to breathe.

BASIC CHANGES UNDER STRONG LEADERSHIP ESSENTIAL IN HEALTH CARE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. DELAURO. Mr. Speaker, America's health care crisis grows more urgent every day. Skyrocketing health care costs are forcing families to choose between health care and other necessities, driving small businesses into bankruptcy, and making American companies less competitive.

Health care is one of the top concerns I hear about from people in my district each weekend. They see costs rising year after year and basic health services consuming more of their income. Like millions of Americans, they go to sleep each night worried that one accident, one job change, or one illness will destroy their lives and their families forever.

Our system is wasteful, inefficient, and inequitable. We cannot afford to wait for the health care system to collapse before we summon the courage to move aggressively.

First, we must pass health care legislation that aggressively controls spiraling health care costs by establishing an overall national health budget, reducing burdensome paperwork and administrative costs, and rooting out fraud and abuse.

Next, we must use these cost savings to provide health coverage to the uninsured and ensure continued high quality care our doctors and hospitals provide.

Finally, we must stop the unfair insurance practices like preexisting condition exclusions and experience rating.

Mr. Speaker, we cannot settle for the minor tinkering advocated by the President and others. Meaningful health care reform requires hard choices and strong leadership. This is nothing less than our children and families expect or deserve.

EPA HEARING ON CLEAN AIR ACT AMENDMENTS CONVENES TODAY IN CHICAGO

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, today, the Environmental Protection Agency in a Chicago hearing may be taking a step to subvert the intent of legislation this body passed almost 2 years ago—the Clean Air Act.

Mr. Speaker, on October 26, 1990, this Member along with 400 colleagues voted on passage of the conference report to S. 1630, the Clean Air Act Amendments of 1990. The overwhelming bipartisan support for passage of those amendments was partly the result of a long and hard fought compromise between the petroleum industry, environmental groups, and agriculture on the act's alternative fuel provisions to reduce air pollution in many of this Nation's most polluted cities. This compromise required that the act's provisions be fuel neutral—that is that they not favor one alternative fuel over another.

Unfortunately, Mr. Speaker, at today's hearing in Chicago, EPA seems about to abandon the compromise on neutrality by misinterpreting the act's amendments. By ignoring the practical reality of marketing and transportation of ethanol fuels, EPA's proposed regulations may effectively preclude the use of ethanol in many of our Nation's most polluted cities and elsewhere.

Mr. Speaker, immediately prior to this body's overwhelming bipartisan support for the Clean Air Act amendments and its alternative fuel provisions, one of our colleagues praised the balance the legislation reached between oil and gas refiners, farmers, and the environment. Clearly, balance and a neutral approach is what this body intended in passing the alternative fuel provisions of the Clean Air Act amendments. Therefore, this Member urges his colleagues to contact EPA to demand that they revise their proposed regulations and adopt a balanced approach to give grain-based ethanol a fair shake as Congress intended. It will mean $1.1 billion annually to grain farmers and agribusiness.

TRIBUTE TO WILLIAM C. McGOWAN

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, yesterday our Nation lost a leader of tremendous vision and courage, William G. McGowan, the chairman of MCI.

Bill McGowan was a man of exceptional talent, born in Ashley, PA, to a brilliant and accomplished family, with a deep commitment to northeastern Pennsylvania.

Over the last quarter century as the head of MCI, Bill McGowan has almost single handedly transformed the American telecommunications industry. He took a job everybody said could not be done and succeeded.

In the process he built the second largest long-distance telephone company in our Nation, and spurred both his company, and his competitors, into new services and new levels of technological excellence.

He leaves a mark on American industry and history that is equal to the contributions of Henry Ford and Thomas Edison because he was, in the truest and best sense of the word, a great American capitalist.

Just as David slew Goliath, Bill McGowan demonstrated that there was no job to big, no odds too long, and no mountain too insurmountable, to be overcome.

His imagination, understanding and determination are a model for us all.

Bill McGowan's courage and pioneering spirit carried over from his professional life to his personal life. In the mid-1980's, he underwent heart transplant surgery and defied the experts by coming back to lead his company to new heights.

His friends and family in northeastern Pennsylvania knew that Bill McGowan's dreams for the future would not be deterred by a mere heart transplant.

After graduating from Kings College and the Harvard Business School, Bill McGowan forsook the easy path of corporate conformity and embarked, instead on what the poet Robert Frost called the "road less traveled by." He helped establish several startup companies, and then revived MCI and made it into an international leader in the telecommunications field.

Despite his success, he never forgot his roots, and remained active in northeastern Pennsylvania affairs right up until his death. Just this April King's College dedicated the William C. McGowan School of Business which was made possible through Bill McGowan's generosity.

Bill McGowan never forgot his friends and family in northeastern Pennsylvania, and his friends and family in northeastern Pennsylvania will never forget him.

DEMOCRAT LEADERSHIP PLAYING POLITICAL GAMES, MINORITY CHARGES

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZELIFF. Mr. Speaker, here we go again, Mr. Speaker. At a time when the American people hold Congress in utter disrespect because our leadership insists on playing partisan political games instead of solving problems, we are going to hold the Nation's long-term unemployed hostage, for short-term political gain.

Our Nation's unemployed need an extension of their unemployment insurance benefits. The time for action is now. But once again, the leadership has rigged the rules, so that partisan bickering, and a Presidential veto, will be the end result, instead of benefit checks.

Stop the charade, Mr. Speaker. Stop the political games. Stop the political bickering. Congress is supposed to solve problems. Lets get on with the people's business.

Give us rules that allow us to debate the real issues. Give us rules that let us solve problems. Give us rules that let our voices be heard. America needs help. America does not need carefully crafted political packages with one take-it-or-leave-it vote, that will guarantee a Presidential veto.

Let us solve problems. Let us reform Congress so that the people's will can be done. Let us vote for legislation that will keep the unemployed benefit checks coming. Unemployed workers need benefit checks, not political bickering.

□ 1258

JAPAN SAYS AMERICA GUILTY OF ILLEGAL TRADE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Japan says that America is guilty of illegal trade. They say that Congress restricts the opportunity for Japan to sell cars in America, and steel.

Now, can you believe that? One out of every two cars sold in America is made by Japan. They can buy our banks, our racehorses, our baseball team. They are buying the Seattle Mariners right now.

But you try and buy a baseball team in Japan. You cannot even race an American horse in Japan.

Think about it, Congress, today Japan is voting to reinstate their military forces, and Congress is voting to extend unemployment benefits.

Congress will wise up when the Bank of Tokyo forecloses on the damn White House.

LET US PLAY BY THE SAME RULES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, A.P. Indy won the Belmont on Saturday, the third leg of the triple crown. He proved that he was a great horse. He won it in a great race.

A.P. Indy is owned by a Japanese businessman who paid $2.9 million for him at the Kingland yearling sales, and this is great. We welcome horses from all over the world to compete in our great races here in this country. We welcome this Japanese businessman's $2.9 million. It is good for the thoroughbred racing industry and breeding industry.

But let me point out to the Members what the gentleman just pointed out who came just before me. You and I, if we had the money, could not do this in Japan. The rules do not permit it. We could not go to their yearling sales and buy a yearling. Their rules do not permit it. We could not race in their major races. Their rules do not permit it. We could not take a horse from here and race in their races. Their rules do not permit it. Their rules simply do not permit us to participate in the way that they can participate here.

This is just another example of the protectionism of some of our trading partners. When are we going to start playing by the same rules. Their rules, our rules, I do not much care. Let us just play by the same rules.

IT TAKES MORE THAN LEGISLATION TO BALANCE THE BUDGET

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, this is the long-awaited balanced budget week. But, no matter what we do this week, whether we pass a balanced budget statute or a balanced budget amendment, we leave our constituents with a misimpression if we let them believe that all of a sudden, magically, a balanced budget will occur.

There are two keys to balancing the budget. One is passing an enforcement package of spending cuts and tax increases with teeth; and, second, having the intestinal fortitude or guts to adopt that enforcement package.

Mr. Speaker, instead of going through this rigomarole, I think we ought to set aside 2 or 3 weeks this summer under the openest of open rules and let everybody debate the vexing and politically potent tax increases and spending cuts, and what have you, which would lead to a balanced budget. Only then, Mr. Speaker, will we get to the main event. Otherwise, everything we do this week is for show, not go.

THE AMERICAN PEOPLE ARE UPSET

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, this past weekend I held a special town meeting in my district on the Federal budget deficit. A capacity crowd of over 300 people gave up an entire Saturday morning to discuss this crisis.

My constituents are very concerned, and they are very knowledgeable about the deficit and its damaging impact on our economy and our country.

Mr. Speaker, most of all, people are mad. They are upset by business as usual in Washington. They are very upset by a Federal Government that provides excuses, not action, and the Perot phenomenon should surprise absolutely no one in this body.

Year after year of a Federal Government unwilling to live within its means has bred deep anger. The American people want real action now by Congress to reduce the deficit and get Federal spending under control.

Mr. Speaker, the time for a balanced budget amendment has come. We must raise the threshold for deficit spending, and a balanced budget amendment would force Congress to do just that, to set spending priorities rather than continually postponing tough spending decisions.

Mr. Speaker, I urge my colleagues to vote for a meaningful balanced budget amendment, one that has teeth.

THE CONGRESSIONAL BUDGET-CUTTING HALL OF FAME

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I rise today to salute the real heroes of the balanced-budget-amendment revolution, those valiant Members of the House who have the courage to not only amend the Constitution but also to cut wasteful spending.

Unfortunately, after careful review of three key votes to cut spending on programs with a documented history of waste and cost overruns, we can only find 19 Stenholm balanced-budget amendment sponsors to nominate to the Congressional Budget-Cutting Hall of Fame.

Of 159 Republican Members who are sponsors of the Stenholm amendment, exactly 2 voted for amendments to cut spending on star wars, the space station, and the supercollider. On the Democratic side, 17 Members matched their passion to amend the Constitution with the guts to cut.

These 19 Democratic and Republican Members of the 279 sponsors who bravely support the fiscal sacrifice of the Stenholm amendment truly follow in the footsteps of America's pantheon of patriots.

For the others who glory in the righteousness of amending the Constitution but cannot bring themselves to trim a bloated program, take heart, you follow in the footsteps of President Reagan and President Bush who preach the salvation of a constitutional amendment and practice the wasteful spending that brought us this mess.

INTERVENE IN HAITI ON BEHALF OF ARISTIDE AND FORCES OF DEMOCRACY

(Mr. OWENS of New York asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Mr. Speaker, after months of acting as if it is completely helpless with respect to the restoration of democracy in Haiti, the administration is beginning to suddenly talk of military intervention in Haiti. The White House public relations machine is preparing to put a respectful spin on an invasion of Haiti to save the military thugs and their supporters.

The people of Haiti have had enough, and they have begun to rise up against their military oppressors, and now our Government is planning to go in to protect the military thugs.

Intervention in Haiti can only be carried out in order to protect the elected officials there. The United States should not get involved in any intervention except to bring in a police force to protect President Aristide and all of the other elected officials. These are the people who were elected by the Haitian people. They deserve to be protected from the military thugs.

Any other form of intervention is an invasion for oppression. We must intervene on behalf of Aristide and the forces of democracy in Haiti.

CREATE JOBS, NOT LONGER JOB LINES

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, some have described H.R. 5260 as a bill to help the unemployed. I think it would be better characterized as an election-year incumbent politician's relief act designed for petty political gain.

It is a very tiny, very expensive Band-Aid on the big, bruising economic problems of our country. This bill will do more to cover up the sore spot than it will to heal it.

The American people already feel this Congress is very good at coverup and not so good at healing. Rather than seeking to create jobs, this bill seeks to institutionalize higher taxes to pay for more benefits, a plan that is destined to end up costing more jobs and longer unemployment lines.

At the same time, the majority leadership is ignoring a series of widely supported bipartisan proposals that will spark job creation, repealing the luxury tax, relieving the passive-loss rules, providing for the first-time home buyer tax credit, and rolling back the capital gains tax to encourage job creation.

Mr. Speaker, the Band-Aid approach is cosmetic. Our workers want a real cure. Let us give them one.

THE SELLING OF AMERICA GOES ON

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the selling of America goes on. We are selling our timber, our farms, manufacturing plants, New York City, Houston. And why? Profit in the pocket, selling your country for a profit.

Now, it is the baseball team. Japan just said they are going to conclude the purchase of the Seattle Mariners.

□ 1310

This is our national pastime. I am telling you, Japan is knocking our socks off with home runs and America is striking out.

Well, if America is good enough for the Japanese to buy, why is not Japan good enough for Americans to buy?

Well, try it, if you have any money in the bank.

Wake up, America. It is time you brought your head out of the sand. Stop selling out, either for profit or for any other reason.

BUDGET BALONEY

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, I sat in amazement when I heard the gentleman from Oregon [Mr. DEFAZIO] stand up and talk about the President getting petty political gain from vetoing unemployment extensions.

Now, I do not know what America he lives in, that he thinks the President gets political gain out of vetoing unemployment extension.

Let me tell you what the petty political gain is here. We have a bill that is going to come up today that everyone knows will be vetoed by the President, that does not comply with the budget. It is going to increase the budget deficit. It is going to raise taxes. Everyone in this Chamber knows that it has no chance of passing, but we are going to go through this charade so a few people here who are gong to stand up for the principle of the balanced budget amendment, which we are going to vote on later this week, and say, "No, we are not going to add more to our deficit," who will stand up and do the right thing, and then the President will be forced to veto it and they can stand here and say, "You are against the unemployed."

Baloney, baloney. This is the kind of politics that makes every American angry with this institution. It has to stop. Let us pass a responsible unemployment bill today.

PASS THE UNEMPLOYMENT BENEFITS EXTENSION BILL

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, our country remains mired in an economic slump, with approximately 9.2 million Americans still out of work. To tide people over while we work on economic growth measures, the Congress today is faced with yet another unemployment benefits extension bill, H.R. 5260.

In my own State of Arizona, the jobless situation improved from a high of 8.8 percent in January down to 7.5 percent in April. Much of this improvement resulted from fewer out-of-State job seekers moving to Arizona and fewer people entering the labor force. However, Arizona's unemployment rate continues to hover above the national level.

While there are some net job increases in the construction, finance, insurance, and real estate sectors in Arizona, many defense-related jobs in my district and elsewhere continue to decline. As we transition from a defense economy to a peace economy, the people displaced from their current jobs will need temporary help to pay for food, housing, health care, and other basic necessities.

Until our national and State economies begin to strengthen noticeably and people are put back to work, passage of the UI extension bill is a common sense and humane thing to do. I urge my colleagues to vote for H.R. 5260.

THE BALANCED BUDGET AMENDMENT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I think there are many reasons why we should pass a balanced budget amendment:

By passing the balanced budget amendment we begin the process of pulling this country out of potential economic chaos. No country, no matter how strong, can endure record deficits and an ever deepening debt.

We have an obligation to pass on to our children and their children a nation which is healthy and sound financially.

A balanced budget amendment sends the best signal to the rest of the world that the United States will put its financial house in order.

And last, a balanced budget ensures economic freedom, for all and survival for our free enterprise system. It guarantees that no taxpayer will be chained with financial burdens that inhibit his labor and resources.

For all the above reasons and more, this House must pass a balanced budget amendment.

ANOTHER SUMMER OF UNEMPLOYMENT

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, the Nation's unemployment rate is at its highest level since 1984. In western Massachusetts, more than 10 percent of all workers feel the daily pain of unemployment.

In New England, the economic slump began in the summer of 1990. We now know the Federal Government lost track of 640,000 unemployed people that summer.

During that summer, we in New England struggled to get help from the Bush administration as the undertow of a recession was pulling our workers out of jobs. Instead, the administration dragged its feet and refused to throw a life preserver.

Last summer we waged a battle to provide temporary relief for the unemployed, but the President said the recession was over and vetoed help for them.

Another summer is here. Even more workers in western Massachusetts and around the country are treading water and the unemployed are struggling to stay afloat.

Mr. Speaker, I hope the Congress can break through the President's election year gridlock, throw a line to help those part-time and full-time workers who are still struggling, and pass an extension of unemployment benefits.

SUPERPOWER LEADERSHIP NEEDED IN EUROPE'S ETHNIC STRUGGLES

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, a year ago I went to the spinning apart state of Yugoslavia with a human rights delegation lead by Senator DECONCINI of Arizona, the gentleman from New Mexico [Mr. RICHARDSON], our Member on the majority side was with us, the gentleman from Ohio [Mr. MCEWEN] on this side and the gentlewoman from Maryland [Mrs. BENTLEY] on our side.

We could feel the pressure building, but I think we naively assumed that in this last decade of the 20th century these ethnic tensions would not lead to wholesale bloodshed. Were we wrong.

Did you see, Mr. Speaker, the pictures over the weekend of skyscraper buildings, twin buildings 30 stories high, burning from top to bottom in Sarajevo?

The people are literally starving to death.

Today is the 50th anniversary of the Nazi destruction of two small villages in Czechoslovakia in revenge for Czech commandos trained by the British killing Reinhard Heydrick, the No. 3 in the Nazi hierarchy, the small villages of Levice and Levzasky were wiped off the face of the Earth; 2,000 people murdered.

We have already seen 15,000 murdered in Bosnia, in Croatia, Herzegovina.

Is there truly a new world order? Is there any role of leadership our Nation can play? I pray so.

Let us exercise superpower leadership. Please tell the President that, Mr. Speaker.

THE PROJECTED HIGH COST OF THE RIO AGREEMENTS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, some people seem to think the United States can sign all the Earth summit agreements in Rio at no cost to American consumers.

Actually, the cost would be very great indeed.

The Heritage Foundation, one of this Nation's most respected think tanks, has estimated that just one part—a proposed carbon tax—could cost Americans as much as $125 billion.

This is $2,000 for a family of four.

The United States is already spending more per person in environmental regulations than any other nation in the world. Yet the elitist, wealthy environmental extremists are never satisfied.

The Rio agreements would result in a massive transfer of money—many billions—from nations much as the United States—especially the United States—to the poorer nations.

No wonder most of these countries are so eager to sign—they want our money.

Yet anyone who does not believe we should spend billions in a new type of foreign aid program and anyone who does not want American families paying on the average $2,000 a year more in energy costs, should thank President Bush for not caving in to environmental hysteria.

Also, Japan, with its major reliance on nuclear power, would gain financially from the Rio summit, since there is no proposed tax on nuclear energy.

Anyone who does not want to give Japan another competitive edge in relation to the United States should also be grateful to our President for not going along with the environmental extremists who control the fixed and fraudulent summit at Rio.

THE PRESIDENT'S BUDGET ADDS TO THE DEFICIT

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, there is a reason that Ross Perot leads the polls these days. There is a reason this House of Representatives I expect in the coming days will pass a constitutional amendment to balance the budget. The reason is found in the pages of this document sent to us by President Bush in February this year. It is this year's budget.

This is a man who says, "Let's amend the Constitution to require a balanced budget."

Go to page 25 and see his road map for America. He proposed that we add in his budget, this conservative, we add $2.1 trillion to the debt between now and 1998, which will leave with a $6 trillion debt in 1998.

This conservative proposes that every day, 7 days a week, every week, every month, from now until 1998, we add $1 billion a day to the debt. This is money we do not have to be spent on many things we do not need.

This President proposes we take from our children and spend their inheritance.

□ 1320

Mr. Speaker, this is a dangerous, reckless, irresponsible fiscal policy, and it must stop. It comes from the President, it is swallowed by Congress, and someone, someday, somehow this must end. That is what the political turmoil in this country is all about.

WHY WE NEED A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, we have had several speakers today attack the need or the concept of a balanced budget amendment to the Constitution, and they have alluded to the President not submitting a balanced budget and particular Members who have not voted against cutting particular programs. They have made our point on why we need a balanced budget.

Mr. Speaker, there is no incentive in the current system to pass a balanced budget. There is no incentive, or no discipline, to vote for a balanced budget. What we are able to do is simply say, "yes, yes, yes," to whatever program comes down the pike.

The chart to my left shows it very clearly, that we are mortgaging our children's future. In 1965, the per capita debt for every man, woman and child in the United States was a little over $1600. Today it is over $16,000, and it is going up at the rate of over $1,000 a year. As my colleagues can tell, by 1995, each man, woman and child in this country will owe almost $20,000.

Tomorrow and Thursday we are going to debate and vote on several balanced budget amendments. The Barton-Tauzin amendment says, "You not only cannot borrow money, you can't raise taxes to balance the budget." It is the amendment that is most preferred by President Bush.

If we cannot get that one, let us do Stenholm-Smith that at least says, "No more borrowing."

PRESIDENT BUSH—COMMITTED TO VETERANS?

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, in his State of the Union Message last year during the Persian Gulf war, the President made the following statement:

> There is no one more devoted, more committed to the hard work of freedom, than every soldier and sailor, every Marine, airman and Coastguardsman—every man and woman now serving in the Persian Gulf * * *. Each of them has volunteered to provide for this nation's defense—and now they bravely struggle, to earn for America, for the world, and for future generations, a just and lasting peace.

I want to particularly draw your attention to the next line in the President's remarks.

> Our commitment to them must be equal to their commitment to their country. They are truly America's finest.

Mr. Speaker, as on other issues, the President is long on rhetoric but short on action on behalf of our Nation's veterans.

Just one example—last year in Public Law 102-16, the Congress established an Advisory Committee on Veterans Employment and Training to work with and advise the Secretary of Labor on veterans' employment issues. The law required the Secretary to appoint, within 90 days after enactment of the legislation, at least 12 individuals to serve as members of this committee. Public Law 102-16 was signed on March 22, 1991. Today, nearly 15 months after the bill's enactment, the members of this advisory committee are still unnamed.

I have written the Secretary of Labor regarding this issue. I have personally called the Secretary of Labor regarding this issue. Each time I've been assured that the members of the advisory committee will be named in the immediate future.

Mr. Speaker, this country is in the midst of a recession and veterans—including veterans of the Persian Gulf war—have been hard hit by a faltering economy and the resulting unemployment. Congress has demonstrated its commitment to these needs with legislation to assist veterans and separating servicemembers seeking employment.

Why is the President not similarly committed to the men and women he praises with such apparent sincerity? Why does the President not direct Secretary Martin to appoint the members of the Advisory Committee on Veterans Employment and Training?

Veterans are waiting. Let us get on with it.

JAPANESE ACCUSE UNITED STATES OF UNFAIR TRADE PRACTICES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the Japanese Government has attacked the United States for being the world's leading unfair trading nation. The first response from all parts has been shock and outrage—with the Japanese running a trade surplus with the United States to the tune of $40 and $50 billion a year—the howls were "What are they talking about?"

If one thinks of strategy, considering the rising criticism of Japanese trade surpluses from the European Community, the trick of pointing a finger at someone else is pretty good.

However, I would warn the Government of Japan what I was told as a child—when you point your finger at someone—four fingers point back at you.

With all of the work—currently being done on trade legislation—the Japanese attack is timely and calls attention to the need for a legislative response to an outrageous charge.

DOL BECOMING AN INSTITUTION OF HIGHER LEARNING RATHER THAN AGENCY OF GOVERNMENTAL ACTION

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, we have heard a lot of words on the floor this morning, as we did in the Washington Post, chastising Democrats in Congress for playing partisan politics with the extension of unemployment benefits. How sad. Indeed, how hypocritical.

Mr. Speaker, for years a number of us have been saying the present UI system is not prepared to handle a recession. We were right. Only eight States triggered into extended benefits during the recession, and now the Department of Labor says we should not delay matters. Indeed we should move ahead with a temporary fix, though we fixed it already three times.

Now we want basic reform. We want action. And what the Secretary says is, "Let's study it some more."

Mr. Speaker, the Labor Department is quickly becoming an institution of higher learning rather than an agency of governmental action. If Albert Einstein could figure out how the universe works in a few years, surely the Department of Labor can come forward after 5 years with some reform suggestions about basic change.

Madam Secretary and Members of the House, that is not partisan politics. That is sound public policy.

UNEMPLOYMENT AMNESIA

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, 4 days ago the President's spokesperson said "I don't think anyone questions that the economy is improving."

Well, I know of at least 9½ million unemployed Americans who question the performance of this economy every day. I know of 300,000 unemployed families in Massachusetts alone who question the President's handling of this economy.

This administration must be suffering from a collective case of unemployment amnesia.

Has the President forgotten that just last month the ranks of the unemployed grew by 350,000 men and women?

Has the President forgotten that the number of long-term unemployed Americans leapt 10 percent just last month to its highest level in nearly a decade?

Has the President forgotten that over 1 million workers have become too discouraged to continue looking for work?

This administration has dropped all pretense of leadership in domestic affairs. It wanders aimlessly while this country suffers. Even the events in Los Angeles did not jolt the President into facing his past mistakes and our perilous future. Today, Congress, at least, is saying we will not forget those who want to work for a living. I urge my colleagues to support this legislation and to shock the administration out of its unemployment amnesia.

ANOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

VETERANS EMPLOYMENT AND GI BILL AMENDMENTS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4342) to amend title 38, United States Code, to expand job assistance programs for Vietnam era veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF VETERANS READJUSTMENT APPOINTMENTS TO INCLUDE ALL VIETNAM ERA VETERANS.

Section 4214(b)(2)(A) of title 38, United States Code, is amended to read as follows:

"(A) a veteran of the Vietnam era; and".

SEC. 2. EXPANSION OF DISABLED VETERANS' OUTREACH PROGRAM TO INCLUDE PERSIAN GULF WAR.

Section 4103A(b)(1)(A) of title 38, United States Code, is amended by inserting "or Persian Gulf War" after "Vietnam era".

SEC. 3. EXTENSION OF VETERANS READJUSTMENT APPOINTMENTS WITH FEDERAL GOVERNMENT.

Section 4214(b)(3) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking out "December 31, 1993" and inserting in lieu thereof "December 31, 1999"; and

(2) in subparagraph (B)(ii), by striking out "December 18" and inserting in lieu thereof "December 31".

SEC. 4. MAKING PERMANENT THE PRIOR INCREASE IN BENEFITS UNDER THE MONTGOMERY GI BILL.

(a) AMOUNT OF BENEFIT PAYMENTS UNDER CHAPTER 30.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$300" and inserting in lieu thereof "$350"; and

(2) in subsection (b)(1), by striking out "$250" and inserting in lieu thereof "$275".

(b) AMOUNT OF BENEFIT PAYMENTS UNDER SELECTED RESERVE PROGRAM.—Section 2131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking out "$140" and inserting in lieu thereof "$170";

(2) in subparagraph (B), by striking out "$105" and inserting in lieu thereof "$128"; and

(3) in subparagraph (C), by striking out "$70" and inserting in lieu thereof "$85".

(c) CONFORMING AMENDMENTS.—(1) Section 3015(f) of title 38, United States Code, is amended—

(A) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (1), as redesignated by subparagraph (A) of this subsection—

(i) by striking out "may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under paragraph (1) of this subsection and"; and

(ii) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subsection (a)(1) or (b)(1) of this section".

(2) Section 2131 of title 10, United States Code, is amended—

(A) in subsection (b)(2), by striking out subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(B) in subparagraph (A) of subsection (b)(2), as redesignated by subparagraph (A) of this subsection—

(i) by striking out "may continue to pay, in lieu of the rates payable under subparagraphs (A), (B), and (C) of paragraph (1), the monthly rates payable under subparagraph (A) of this paragraph and"; and

(ii) by striking out "such rates" and inserting in lieu thereof "the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1)"; and

(C) in subsections (f)(2) and (g)(3), by striking out "(b)(1)(A)" both places it appears and inserting in lieu thereof "(b)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 5. EXTENSION OF EMPLOYMENT AND TRAINING OF VIETNAM ERA VETERANS.

Section 4211(2)(B) of title 38, United States Code, is amended by striking out "1994" and inserting in lieu thereof "1995".

SEC. 6. EXPANSION OF NUMBER OF VETERANS ORGANIZATIONS WHICH MAY BE REPRESENTED ON ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING.

Section 4110(c)(1)(A) of title 38, United States Code, is amended by striking out "are chartered by Federal law and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4342, as well as on the bill which follows, H.R. 4368.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4342, as amended, contains several job assistance provisions. In addition, the bill would make permanent the GI bill benefits provided in Public Law 102-25, the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991.

I want to assure my colleagues that there is no direct spending in the bill and there would be no budget impact.

Before I yield to the very able chairman of the Subcommittee on Education, Training and Employment, the gentleman from Minnesota [Mr. PENNY] for an explanation of the bill, I want to thank him for his work on this important measure. I also want to thank the ranking minority member of the subcommittee, Mr. SMITH of New Jersey, for his cooperation and work in bringing this measure to the floor. In addition, I want to thank the able ranking minority member of the full committee, BOB STUMP, for his leadership and cooperation on this bill and the next bill that follows.

□ 1330

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I introduced H.R. 4342 on February 27, 1992. It was approved by the Subcommittee on Education, Training and Employment on March 12, and was ordered reported, as amended, by the full committee on May 28.

I would like to summarize the major provisions of H.R. 4342, as amended. First, sections 1 and 3 of the bill would restore eligibility under the veterans readjustment appointment authority, known as the VRA, for all veterans of the Vietnam era and extend the eligibility period for all eligible veterans. The VRA Program provides a means by which eligible veterans may be appointed noncompetitively to a Federal civilian job.

During the 101st Congress, the House twice approved legislation which would have continued VRA eligibility for all veterans of the Vietnam era. Because we were unable to reach agreement with the other body, however, the eligibility of Vietnam era veterans is currently restricted to those who, first, served on active duty during the Vietnam era in a campaign or expedition for which a campaign badge has been authorized, or second, are service-connected disabled.

Additionally, under current law, Vietnam era veterans with a service-connected disability rated 30 percent or more have lifetime eligibility for a VRA appointment. All other eligible Vietnam era veterans, however, may receive a VRA appointment only during the period ending 10 years after the veteran's last date of discharge from active duty or December 31, 1993, whichever is later.

In contrast, all post-Vietnam era veterans are generally eligible for VRA appointments through December 18, 1999, or 10 years after the veteran's discharge from active duty, whichever is later.

Current law is inequitable and unnecessarily complicated. Accordingly, section 1 of the committee bill would restore VRA eligibility for all veterans of the Vietnam era, and an amendment I offered in full committee would provide that all veterans qualifying for a VRA appointment would be eligible for the program through December 31, 1999, or 10 years after the veteran's date of discharge, whichever is later.

Section 2 of H.R. 4342, as reported, would expand the duties of the Disabled Veterans' Outreach Program specialists to include priority services to disabled veterans of the Persian Gulf war. The men and women disabled during the war in Southwest Asia are more than deserving of this additional assistance in their efforts to find employment.

Section 4 of the bill makes permanent the increases in Montgomery GI bill benefits provided in Public Law

102-25, the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991. Section 337 of Public Law 102-25 increased the benefits under the Montgomery GI bill—active duty from $300 per month to $350 per month, and the benefit provided under the Montgomery GI bill—selected Reserve rose from $140 per month to $170 per month. The increases were effective October 1, 1991, through September 30, 1993.

The elevated benefit levels are now built into the CBO budget baseline, and CBO affirms that this section would have no pay-as-you-go effects.

A recent DOD report on the Montgomery GI bill reflects administration support:

> The Department supports continuation of the benefit levels approved by Congress after the Persian Gulf conflict.

Section 5 of H.R. 4342 would extend the definition of a veteran of the Vietnam era for purposes of chapters 41 and 42 of title 38, United States Code, from December 31, 1994, to December 31, 1995. This would extend the Disabled Veterans Outreach Program at current staffing levels for 1 year. During this time of downsizing of our Nation's Armed Forces, DVOP services are crucial, and a significant reduction in DVOP staff would adversely affect the ability of veterans to obtain employment.

Finally, section 6 of the bill would eliminate the requirement in title 38 that veterans service organizations represented on the Advisory Committee on Veterans Employment and Training be congressionally chartered.

Because the Judiciary Committee no longer issues Federal charters, we want to ensure that the advisory committee will continue to represent the views of all worthy veterans organizations, whether or not they are chartered.

I want to thank the ranking minority member of the subcommittee, CHRIS SMITH, and all members of the subcommittee, for their support and cooperation in developing this legislation. I also want to express my appreciation to the chairman of the full committee, SONNY MONTGOMERY, and to the ranking minority member of the full committee, BOB STUMP, for their leadership and assistance.

H.R. 4342 is a good bill, and I urge my colleagues to support it.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 4342, as amended. In part, the bill would expand job assistance programs for Vietnam-era veterans. It would additionally permanently authorize the benefit increase for the Montgomery GI bill.

Chairman MONTGOMERY and Subcommittee Chairman PENNY have explained each of the bill's provisions. I commend them for their excellent work on it. Also, I commend Mr. SMITH of New Jersey, the subcommittee's ranking minority member, for his excellent work on the bill, including sections 5 and 6, which he added by amendment.

Mr. Speaker, I urge my colleagues to take favorable action on this timely veterans' legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today in support of H.R. 4342, as amended, the veterans' employment and GI bill amendments. First, I wish to commend the chairman of the VA Subcommittee on Education, Training and Employment, Mr. PENNY, and the ranking member, Mr. SMITH, for their hard work on this very timely legislation.

H.R. 4342 broadens the scope of eligibility for employment benefits under the veterans readjustment appointment [VRA] authority and increases educational benefits under the Montgomery GI education bill. The VRA has provided Vietnam veterans with the assistance they need to obtain competitive employment with the Federal Government, while the Montgomery GI bill has enabled military personnel to finance their education.

H.R. 4342 would extend eligibility under the VRA to all veterans of the Vietnam era and make permanent the increase in the Montgomery GI bill benefit amounts, as authorized under the fiscal year 1991 Persian Gulf supplemental—Public Law 102-25.

In these times of force reduction, we have a responsibility to provide appropriate transition assistance, such as employment and education benefits, to those men and women forced to leave their military careers prematurely.

I urge my colleagues to support H.R. 4342.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of H.R. 4342, the veterans employment and GI bill amendments, and I commend the gentleman from Minnesota [Mr. PENNY] for introducing this important legislation and I wish to thank the gentleman from Mississippi [Mr. MONTGOMERY], the distinguished chairman of the Veterans' Committee, and the gentleman from Arizona [Mr. STUMP], the ranking member of the committee, for their unceasing efforts on behalf of our Nation's veterans.

Mr. Speaker, H.R. 4342 would expand the veterans readjustment appointment [VRA], a program under which veterans may be appointed noncompetitively to a civilian job, to all Vietnamese-era veterans; previously, only those Vietnam-era veterans with service-related disabilities or those with campaign badges were eligible for this program.

In addition, this bill will expand the disabled veterans outreach programs to our Persian Gulf war veterans and make permanent the previously approved temporary GI bill benefits that were incorporated in Public Law 102-25.

Mr. Speaker, we must never forget the continuing needs of our veterans, including our more recent veterans. It is particularly noteworthy that this bill provides continuing support for our veterans who seek jobs and further education. Accordingly, I urge my colleagues to fully support this bill.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH] the ranking member of the subcommittee.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of H.R. 4342 and would like to commend the gentleman from Minnesota for introducing H.R. 4342, the veterans employment and GI bill amendments.

Mr. PENNY has again demonstrated his foresight by drafting this measure to expand certain veterans benefits and most important, to make the increase in Montgomery GI bill benefits permanent.

I would also like to recognize the unfailing support of the Veterans' Affairs Committee chairman, SONNY MONTGOMERY, and our ranking Republican BOB STUMP, both of whom are respected champions of America's veterans.

As the ranking member of the Subcommittee on Education, Training and Employment and an original cosponsor of the bill, I am very pleased that we have secured the swift floor consideration of H.R. 4342. Not only does this bill make permanent the Montgomery GI bill increase, but it also includes two provisions which I added during our full Veterans' Affairs Committee markup on May 28.

My amendment added section 5 to the bill which concerns the Disabled Veterans Outreach Program [DVOP]. This program is staffed based upon the number of Vietnam-era veterans living in a given State. For some time, we in the Education, Training and Employment Subcommittee have discussed revising this complex formula which allocates DVOP specialists. However, prior to taking any further action on the DVOP formula, the Department of Labor has asked for an additional year to study the operation of this program in order to help make recommendations to the committee.

We have been impressed with the performance of the Disabled Veterans Outreach Program and in light of challenges presented by the defense drawdown, section 5 was included to extend DVOP authority for 1 additional year.

My amendment also added a 6th section to H.R. 4342, making a technical change concerning the Advisory Committee on Veterans Employment and Training. This change was mandated by a policy decision in the House Judiciary Committee.

Under current law, veterans organizations which serve on the Advisory Committee on Veterans Employment and Training must have a Federal charter. However, the Judiciary Committee will no longer be granting charters to organizations. Therefore, in order to ensure that the advisory committee will continue to represent the views of all worthy veterans service organizations—with or without Federal charters—the amendment will conform the eligibility requirements to this new reality.

Mr. Speaker, in addition to the extension of DVOP authority, H.R. 4342 expands the eligibility for DVOP assistance to include Persian Gulf war veterans. Persian Gulf veterans are among those who will be hit hard as a result of the current DOD drawdown. Any job placement assistance or counseling which DVOP's can provide to these new veterans will certainly be useful in this tight job market.

Furthermore, Mr. Speaker, through an extension, and eligibility expansion, of veterans readjustment assistance [VRA], H.R. 4342 would also aid our continuing effort to confront the employment needs of Vietnam-era veterans.

I would like to take a moment to acknowledge the interest in this issue demonstrated by the gentleman from New York [Mr. SOLOMON]. My good friend from New York has been a tireless advocate for veterans. I am pleased to report that his specific concerns regarding the inequity of current VRA benefits for Vietnam-era veterans has been addressed by language included in H.R. 4342 by Chairman TIM PENNY.

Finally, Mr. Speaker, I would like to say a few words about the provisions addressing the Montgomery GI bill. In the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991—subsequently enacted as Public Law 102-25—increases were authorized for three categories of GI bill benefits. Since these increases have already been included in the budget baseline, the Congressional Budget Office has informed the Veterans' Affairs Committee that making these increases permanent will not violate the budget law's pay-as-you-go requirements. Therefore, H.R. 4342 will make these $25 to $50 monthly increases permanent without running afoul of paygo. I believe these increases will help eliminate uncertainty for veterans, but on a more elemental level, it will continue to help address the rising cost of higher education.

Mr. Speaker, I urge my House colleagues to adopt H.R. 4243 without delay.

Mr. STUMP. Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the Members who have spoken in behalf of H.R. 4342, and I appreciate the kind remarks that have been made for this Member and for other Members who have handled this legislation. It is an excellent bill, and I hope that we get the full support of the House for the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MFUME). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4342, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1340

NATIONAL CEMETERY SYSTEM AND VA HOME LOAN AMENDMENTS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4368) to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces, and for the other purposes, as amended.

The Clerk read as follows:

H.R. 4368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES.

(a) IN GENERAL.—Section 2402 of title 38, United States Code, is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by adding after paragraph (5) the following new paragraph:

"(6) Any person who at the time of death was entitled to retired pay under chapter 67 of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.".

(b) CONFORMING AMENDMENTS.—(1) Section 2301(e) of such title is amended—

(A) by striking out "section 2402(6)" and inserting in lieu thereof "paragraph (6) or (7) of section 2402"; and

(B) by inserting before the period at the end of the second sentence the following: ", if such next of kin or other person is not otherwise entitled to receive a flag".

(2) Section 2306(a)(2) of such title is amended by striking out "(6)" and inserting in lieu thereof "(7)".

SEC. 2. LOAN FEES.

Section 3729(a)(2 of title 38, United States Code, is amended—

(1) in subparagraph (A), by inserting "(other than section 3712(a)(1)(F))" after "section 3712";

(2) by striking out "and" at the end of subparagraph (B);

(3) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(4) by inserting after subparagraph (C) the following new subparagraph:

"(D) in the case of a loan guaranteed under section 3710(a)(8), 3710(a)(9)(B), 3712(a)(1)(F), or 3712(a)(1)(G), the amount of such fee shall be 0.5 percent of the total loan amount.".

SEC. 3. GUARANTY AMOUNT RELATIVE TO LOAN REFINANCINGS.

Chapter 37 of title 38, United States Code, is amended—

(1) in section 3710(e), by amending paragraph (1)(D) to read as follows:

"(D) notwithstanding section 3703(a)(1), the amount of the guaranty of the loan may not exceed the greater of (i) the original guaranty amount of the loan being refinanced, or (ii) 25 percent of the loan;"; and

(2) in section 3712(a)(4), by amending subparagraph (A)(iv) to read as follows:

"(iv) notwithstanding section 3703(a)(1), the amount of the guaranty of the loan may not exceed the greater of (I) the original guaranty amount of the loan being refinanced, or (II) 25 percent of the loan;".

SEC. 4. EXTENSION OF LENDER APPRAISAL PROGRAM.

Section 3731(f)(3) of title 38, United States Code, is amended by striking out "1992" and inserting in lieu thereof "1995".

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4368, as amended, would extend eligibility for burial in national cemeteries to persons who have had 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces.

The bill would also make needed improvements in the Veterans Home Loan Program.

Mr. Speaker, before I yield to the very able chairman of the Subcommittee on Housing and Memorial Affairs, the gentleman from West Virginia [Mr. STAGGERS], for an explanation of the bill, I want to thank the gentleman for his hard work and diligence in bringing this bill to the floor, and also say, Mr. Speaker, that the gentleman from West Virginia [Mr. STAGGERS] will not be with us next year.

Mr. Speaker, the gentleman has been a strong subcommittee chairman. We will miss him. He has been good for veterans, and we would like to wish him the best.

Mr. Speaker, I also want to thank the minority member of the subcommittee, the gentleman from Indiana [Mr. BURTON], for his work and cooperation.

Mr. Speaker, this bill was also sponsored by the gentleman from Alabama [Mr. HARRIS], one of the chief sponsors. We want to thank him for bringing this bill to our attention. We will miss him also because the gentleman from Alabama [Mr. HARRIS] will not be in the Congress next year.

Mr. Speaker, we would also like to thank the members of the subcommittee who were very active in moving this bill forward.

Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, I would first like to thank and commend the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the full committee for his leadership and strong support of the measure. I would also like to thank the gentleman from Arizona [Mr. STUMP], and the gentleman from Indiana [Mr. BURTON], the ranking minority members of the full committee and subcommittee for their efforts and support. The individual members of the subcommittee have worked hard together to develop this legislation and I would like to thank each of them for their excellent contributions, in particular, CLAUDE HARRIS, who sponsored the legislation to extend national cemetery burial eligibility to certain reservists and national guardsmen.

Mr. Speaker, under current law, the only members of Reserve components of the Armed Forces who are eligible for burial in a national cemetery are those who:

First, die under honorable conditions while hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred while such member is performing active duty for training, inactive duty training or traveling to and from such duty;

Second, are disabled or die from disease or injury incurred or aggravated in line of duty during or enroute to or from active duty for training; and

Third are disabled or die from injury (but not disease) incurred or aggravated in line of duty during or enroute to or from inactive duty training.

H.R. 4368 would extend eligibility for burial in a national cemetery and burial flags to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces.

In the report of the Sixth Quadrennial Review of Military Compensation [6th QRMC], it was noted that, with the advent of the All-Volunteer Force, the scope, size and importance of missions assigned to reserve components have increased dramatically. The Armed Forces now depend heavily on reservists as a part of the total force. This was demonstrated most recently during the Persian Gulf war, during which a total of about 228,000 reservists were ultimately activated in support of Operation Desert Storm.

In view of this expanded role, the 6th QRMC recommended that all members of the selected Reserve, plus reservists in any category who have completed the service requirements for retired pay—20 years—under chapter 67, title X, or who are in receipt of such pay, should be added to the list of persons qualified for burial in a national cemetery.

According to the 6th QRMC, extension of this benefit to such members is clearly warranted. Their participation requirements, their mobilization vulnerability and the requirement that they be prepared to report within 24 hours of notification underscore the fact that today's selected reservists are continuous members of the total force. National Guard and Reserve members who have maintained a commitment to the Armed Forces for at least 20 years should also be afforded eligibility for burial in our national cemeteries as a reflection of the service they have voluntarily rendered their country.

Mr. Speaker, H.R. 4368 would also reduce the funding fee on interest rate reduction refinancing loans from 1.25 percent to 0.5 percent.

Currently, section 3729 of title 38 United States Code, requires collection of a funding fee on Department of Veterans Affairs [VA] guaranteed home loans, except loans to veterans receiving or entitled to receive service-connected disability compensation. This fee is collected on all loans, including those for the purchase of new or existing homes and those to refinance existing liens of record. The fee is currently 1.25 percent of the loan except when the veteran makes a downpayment on a loan to purchase or construct a home. Funding fees for loans with downpayments of 5 and 10 percent are 0.75 and 0.5 percent respectively. The purpose of this fee is to partially offset the cost to the Government for the loan guaranty program.

The Veterans' Disability Compensation and Housing Benefits Amendments of 1980, Public Law 96-385, authorized the department to guarantee loans for a veteran seeking to refinance a VA loan at a lower interest rate, without an additional charge to his entitlement. When a veteran obtains an interest rate reduction refinancing loan [IRRRL], it not only serves to substantially reduce the mortgage payment, the foreclosure risk to the Government is reduced. As an example, the Department of Veterans Affairs furnished statistics on the foreclosure liquidation rates to the committee for fiscal years 1985-91. These indicated that the foreclosure rate on loans closed in 1985 was 12.82 percent when the interest rate averaged almost 12 percent compared to a 3.65 percent foreclosure rate on loans closed in 1987 when the interest rate averaged approximately 9 percent. Despite the fact that loans generated in 1985 have 2 additional years of experience, this does not account for the huge discrepancy in the foreclosure rate.

Requiring that the veteran pay an additional funding fee of 1.25 percent to obtain an interest rate reduction refinancing loan could deter some veterans from seeking these loans. Since the veteran has already paid a fee to offset the cost of administering the loan guaranty benefit, it seems inequitable to charge the veteran the same fee or even more in some instances, to obtain the benefit of a reduced interest rate, especially since the Government shares in the benefit through a reduced risk of loss on the loan.

H.R. 4368 would also permit the amount of guaranty of the new IRRRL to be increased to an amount equal to the greater of the original guaranty amount or 25 percent of the new loan. In most cases, the increase in guaranty needed to achieve 25 percent would be minimal, but would help many veterans obtain loans to lower their interest rates and reduce their monthly mortgage payments.

On an interest rate reduction refinancing loan obtained under the current provisions of 38 U.S.C. 3710(e)(2), the amount of the veteran's guaranty entitlement applied to the original VA guaranteed loan is simply transferred to the IRRRL with no additional charge to the veteran's entitlement.

A problem arises when the guaranty amount of the interest rate reduction refinancing loan falls below 25 percent due to the inclusion of closing costs and discount points. In these cases, the secondary mortgage market requires the veteran to pay the difference—between 25 percent of the loan amount and the guaranty amount—in cash. Veterans who do not have the additional cash required at closing may be unable to obtain the loan needed to reduce the interest rate on their mortgages. This is an unfortunate result since, as noted above, IRRRL's benefit the veteran by reducing the monthly mortgage payments resulting from the lower interest rate reduce the likelihood of mortgage default by the borrower.

Last, H.R. 4368 would extend authority for the Lender Appraisal Processing Program from December 31, 1992 to December 31, 1995.

Public Law 100-198 provided that the Department of Veterans Affairs may, in accordance with standards and procedures established in regulations, authorize a lender to determine the reasonable value of property if the lender is authorized to make loans which are automatically guaranteed. In such a case, the appraiser, selected by the Department on a rational basis from the panel of appraisers it has determined are qualified, submits the completed appraisal report directly to the lender for review. The lender reviews the appraisal, determines the reasonable value of the property and, as soon as possible thereafter, furnishes a copy of the appraisal to the veteran who is applying for the loan. The lender can then close the loan on an automatic basis. The intended benefit of the Lender Appraisal Processing Program [LAPP] to veterans is to speed the time to loan closing.

According to the Department of Veterans Affairs, in testimony presented on May 21, 1992, to the Subcommittee on Housing and Memorial Affairs, lender participation in LAPP has not been enthusiastic thus far, but there are indications it is increasing. As of March 31, 1992, a total of 607 loans had been guaranteed in which the lender made a determination of reasonable value for the property which secures the loan. The slow start with this program is similar to the VA's initial experience with automatic loan processing when it was first extended to nonsupervised lenders in 1975. Currently, almost 90 percent of VA loans are processed on the automatic basis. The Department believes that although participation level is still low, LAPP authority is providing its principal benefit to veterans—that or speedier loan closings.

Mr. Speaker, I urge favorable consideration of this bill.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4368, as amended, a bill to amend title 38 with respect to the national cemetery system and housing loans for veterans.

This bill expands eligibility for burial in national cemeteries to those with at least 20 years in the reserves.

H.R. 4368 will also reduce the loan fees for refinancings of VA home loans. Currently, those who refinance their VA loans pay a fee of 1¼ percent of the mortgage amount. This bill will reduce the charge for refinancings to half a percent.

The Congressional Budget Office has estimated the cost of this bill to be a modest $8 million. We can pay for approximately $5 million of this with savings from a previously passed bill and Chairman MONTGOMERY has assured me that the remainder will be offset through savings in an upcoming bill.

This measure is the result of many hours of hard work. My good friend, SONNY MONTGOMERY, the chairman of the Committee on Veterans' Affairs, should be commended for his leadership in moving this legislation.

Mr. Speaker, I also want to commend HARLEY STAGGERS, chairman of the Subcommittee on Housing and Memorial Affairs, and DAN BURTON, the ranking member of the Subcommittee on Housing and Memorial Affairs for their work on H.R. 4368.

Mr. Speaker, I urge my colleagues to consider favorably this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in support of H.R. 4368, the national cemetery system and VA home loan amendments, and commend the gentleman from Alabama [Mr. HARRIS] for introducing this important legislation. In addition, I commend the gentleman from Mississippi, the distinguished chairman of the Veteran's Committee, [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP], the committee's ranking member for bringing this measure before us today.

Mr. Speaker, H.R. 4368 would extend the eligibility for burial in national cemeteries to reservists who have 20 years of service creditable for retired pay. Under current law, only those who die while being treated for service-connected conditions or are disabled or die in the line of active or inactive duty training are now eligible for this honor. It is befitting, Mr. Speaker, that those reservists who have served their country for 20 years be granted this honor.

My colleagues may be interested to learn that I have introduced legislation which will also benefit the families of deceased veterans. My bill, H.R. 103, proposes to raise the burial plot allowances for veterans and to restore the pre-1981 eligibility requirements for the receipt of funeral benefits.

Additionally, Mr. Speaker, the bill before us, H.R. 4368, will reduce the funding fee for VA loan refinancing to encourage wider participation in the Home Loan Program, and will reauthorize the Lender Appraisal Processing Program [LAPP], which speeds the closing of loans, through 1995.

Mr. Speaker, I commend the Veterans Committee for its continued support of our Nation's veterans, accordingly I urge my colleagues to fully support H.R. 4368.

Mr. MONTGOMERY. Mr. Speaker, I would like to point out that the gentleman from New York [Mr. GILMAN] is always here when we bring up our bills and is very supportive. The gentleman has been very helpful over the years.

Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. HARRIS], one of the chief sponsors of his legislation.

Mr. HARRIS. Mr. Speaker, I would like to thank Chairman SONNY MONTGOMERY and the ranking member BOB STUMP for bringing this measure to the floor so promptly. I would also like to praise the subcommittee Chairman HARLEY STAGGERS for all the hard work he has put toward moving H.R. 4368 out of committee.

Specifically, this bill covers two groups: Those who at the time of death were already receiving retired pay and those who at the time of death met all the requirements for retired pay except they were younger than 60 years old.

At present, under title 38, only reservists that have active duty experience or those who have died during annual training are eligible to be buried in national cemeteries. I feel that this demonstrates a lack of appreciation for the men and women who have dedicated their lives to our country.

Our Nation just experienced a serious conflict, Operation Desert Storm, in which the National Guardsmen and reservists had approximately 216,871 men and women who served. To give you a comparison—there were around 248,000 Army active duty soldiers who participated in the Persian Gulf conflict. This shows what a crucial part of the total force strength our selected Reserve played.

I think it is very important to point out that the members of the selected Reserve who were called up had other jobs and responsibilities they had to put on hold to serve our country. There were many hardships for these dedicated people and some of them are still being felt today.

Being a member of the Reserve means a lot of time spent at drill with constant training. It means being positive that you are prepared to defend our country at any moment.

Like many of my colleagues, I know firsthand what the job entails. I have been a member of the National Guard for over 23 years and am proud to be part of such an excellent group of people.

It is very frustrating for me to hear any type of opposition to legislation which would extend eligibility for burial rights to members of the Guard and Reserve. Simply because although these people may not have actually served on active duty, they have spent at least 20 years of their lives preparing both mentally and physically to serve our Nation.

We should all be thankful if 20 years passes without a situation arising where the selected Reserves are needed. Today I am asking that it does not take war after war to gain the respect our guardsmen and reservists deserve.

H.R. 4368 passed out of full committee unanimously and I hope my colleagues will join me in supporting this measure. I believe it is a matter of fairness.

Mr. SMITH of New Jersey. Mr. Speaker, as a member of the Committee on Veterans' Affairs, I rise to urge my House colleagues to support the passage of H.R. 4368.

I am very pleased that the national cemeteries and VA home loan amendments will grant career reservists the same eligibility for burial in national cemeteries as active duty servicepersons. Likewise, this measure will authorize a flag-draped casket for those reservists laid to rest in national cemeteries.

These provisions recognize the sacrifices and services which members of the Reserve component have displayed during their 20-year military careers. While nothing will ease the pain of family members who have suffered the loss of a loved one, burial with honors in a national cemetery will certainly fill them with pride as a grateful Nation accepts one of its heroes.

Mr. Speaker, H.R. 4368 will also address several aspects of the VA Home Loan Guarantee Program. Under this legislation, the loan fee paid by veterans to the VA will be reduced from 1.25 percent to 0.5 percent for certain interest rate reduction refinancing loans. Through a reduction in the loan fee, more veterans may take advantage of lower interest rate loans. This will benefit the borrower by lowering his or her monthly payments, and consequently, could benefit the Government by reducing the possibility of default. Additionally, H.R. 4368 will extend the authorization of the lender Appraisal Processing Program for 3 years.

The VA Home Loan Guarantee Program has been one of the most popular and successful VA benefit programs. Today's efforts to enhance this program are well prepared and will aid America's veterans with the cost of home ownership in this uncharitable economy.

I supported the approval of this bill in the full Veterans' Committee on May 28 and will proudly cast my vote in favor of its adoption.

Mr. HAMMERSCHMIDT. Thank you Mr. Speaker. I urge my colleagues to support H.R. 4368, as amended, the national cemetery system and VA home loan amendments.

I support all the measures contained in this legislation, however, I wish to lend particular support to a provision to extend eligibility for burial in a national cemetery to reservists with 20 years of service creditable for retired pay. H.R. 4368 would also authorize the furnishing of a flag to drape the casket of those reserve component members who are buried in national cemeteries.

While these provisions may appear simple in nature, they convey an important message. The courageous and admirable performance of our Nation's reservists during the Persian Gulf war is evidence of the critical role they play in our force structure. Reserve members deserve to be eligible for these burial benefits.

I urge my colleagues to support H.R. 4368 and wish to thank Representative HARRIS, the sponsor of the bill, for his efforts in bringing this bill before us today.

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Mr. STUMP. Mr. Speaker, I urge passage of H.R. 4368. I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4368, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

BALANCED BUDGET ACT OF 1992

Mr. SYNAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5333) to provide that, beginning with fiscal year 1994, the President transmit to Congress and Congress consider a budget that requires a balanced budget by fiscal year 1998 and for subsequent fiscal years, and for other purposes.

The Clerk read as follows:

H.R. 5333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENT TO TITLE 31, UNITED STATES CODE

SEC. 101. SUBMISSION OF BALANCED BUDGET BY THE PRESIDENT.

Section 1105 of title 31, United States code, is amended by inserting at the end the following new subsection:

"(g) Any budget submitted to Congress pursuant to subsection (a) for fiscal year 1994, 1995, 1996, 1997, or 1998 shall be a budget for that fiscal year and the 4 ensuing fiscal years that provides for a balanced budget for fiscal year 1998 and subsequent fiscal years. Any budget submitted to Congress pursuant to subsection (a) for a fiscal year after fiscal year 1998 shall be a budget that provides for a balanced budget for that fiscal year and the 4 ensuing fiscal years.".

TITLE II—AMENDMENT TO CONGRESSIONAL BUDGET ACT OF 1974

SEC. 201. REPORTING OF BALANCED BUDGETS.

Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end the following new subsection:

"(j) REPORTING OF BALANCED BUDGETS.—Any concurrent resolution on the budget for fiscal year 1994, 1995, 1996, 1997, or 1998 as reported by the Committee on the Budget of each House, shall set forth appropriate levels for the fiscal year beginning on October 1 of the calendar year in which it is reported and for each of the 4 ensuing fiscal years for the matters described in section 301(a) that provides for a balanced budget by fiscal year 1998 and for each fiscal year thereafter. Any concurrent resolution on the budget for a fiscal year after fiscal year 1998, as reported by the Committee on the Budget of each House, shall set forth appropriate levels for the fiscal year beginning on October 1 of the calendar year in which it is reported and for each of the 4 ensuing fiscal years for the matters described in section 301(a) that provides for a balanced budget for that fiscal year and end of the ensuing 4 fiscal years.".

SEC. 202. PROCEDURE IN THE HOUSE OF REPRESENTATIVES.

Section 305(a) of the Congressional Budget Act of 1974 is amended by inserting at the end of the following:

"(8)(A) If the Committee on Rules of the House of Representatives reports any rule or order providing for the consideration of any concurrent resolution on the budget for a fiscal year, then it shall also, within the same rule or order, provide for—

"(i) the consideration of the text of any concurrent resolution on the budget for that fiscal year reported by the Committee on the Budget of the House of Representatives pursuant to section 301(j); and

"(ii) the consideration of the text of each concurrent resolution on the budget as introduced by the majority leader pursuant to subparagraph (B);

and such rule or order shall assure that a separate vote occurs on each such budget.

"(B) The majority leader of the House of Representatives shall introduce a concurrent resolution on the budget reflecting, without substantive revision, the budget submitted by the President pursuant to section 1105(g) of title 31, United States Code, as soon as practicable after its submission.".

SEC. 203. PROCEDURE IN THE SENATE.

Section 305(b) of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

"(7) Notwithstanding any other rule, it shall always be in order in the Senate to consider an amendment to a concurrent resolution on the budget for a fiscal year comprising the text of any budget submitted by the President for that fiscal year as described in section 1105(g) of title 31, United States Code.".

TITLE III—CLARIFICATION OF RELATIONSHIP TO OTHER LAWS

SEC. 301. CLARIFICATION OF THE TREATMENT OF SOCIAL SECURITY.

As provided under section 13301 of the Budget Enforcement Act of 1990, receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for the purposes set forth therein.

SEC. 302. MAINTAINING DEFICIT REDUCTION ACHIEVED BY THIS ACT.

(a) In any final sequestration report for fiscal year 1994 or 1995 under section 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985, the amount of deficit reduction (achieved by legislation enacted as of the date of that report) beyond the requirements of sections 251 and 252 of that Act shall be set forth.

(b) The amount of budget-year deficit reduction (set forth under subsection (a) and calculated in terms of new budget authority and of outlays attributable to discretionary appropriations) shall constitute a downward adjustment to the discretionary spending limits for the budget year. If the discretionary spending limits for fiscal year 1994 are adjusted downward under the preceding sentence, then those limits for fiscal year 1995 shall also be adjusted downward by the same amount.

(c) The amount of budget-year deficit reduction (set forth under subsection (a)) attributable to direct spending and receipts legislation shall not be included in the estimates under section 252(d) of that Act for fiscal year 1994. If an amount of deficit reduction is excluded from the fiscal year 1994 column of those estimates, then an entry of the same amount (and representing a deficit increase) shall be made in the fiscal year 1995 column of those estimates.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

This Act and the amendments made by it shall become effective for the concurrent resolution on the budget for fiscal year 1994 and shall be fully reflected in the fiscal year 1994 budget required to be submitted by the President in 1993 as required by section 1105(a) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma [Mr. SYNAR] will be recognized for 20 minutes, and the gentleman from New York [Mr. HORTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we debate how best we get to a balanced budget. There are those that believe that a constitutional amendment, without any enforcement scheme, will magically do it. I believe a statutory requirement will more seriously test our commitment to a balanced budget. It's quicker, more easily enforceable, easier to enact, and will not transfer the power in our budget process from the majority to the minority.

The Supreme Court follows a very sound rule: Never decide a constitutional issue if a case can be resolved through statute. We should follow the same rule.

This statute requires us to begin to balance the budget immediately. We won't have to wait. We won't have to wait for 37 States who may or may not ratify a constitutional amendment. We won't have to wait for the endless litigation to resolve definitions of "outlays" and "receipts" that will surely follow any constitutional amendment. We won't have to wait for the courts as they take increasing control over decisions in the congressional budget process that will follow any amendment. A statute, passed by both Houses of Congress and signed by the President, can start the process right now, this month, to balance the budget.

This statute is easily enforceable, building on existent enforcement mechanisms. A constitutional amendment will not be enforceable. The statute provides the procedures requiring both the President and Congress to prepare, and Congress to vote on both proposals. The constitutional amendment requires no such vote. It does not even provide for a judicial review mechanism. And what if the courts decline to review the minute details of the budget process as they declined to review the war powers resolution? More gridlock.

A constitutional amendment transfers in our budget process the power from the majority to the minority. That fundamentally is undemocratic. Under H.R. 5333 50 percent plus one will determine how to achieve a balanced budget. But with a constitutional amendment, any two-fifths coalition—liberal or conservative, Northern or Southern, in the Mountain States or the Rust Belt—could frustrate the will of the majority on important tax or spending changes to achieve the balanced budget. Two-fifths could also veto any emergency increase in spending to counter an economic recession, causing deeper economic decline and a ballooning of the deficit. That two-fifths requirement means that Social Security and defense jobs would take the hard hits by default.

This statutory approach exempts Social Security, ensuring that seniors and other social security beneficiaries will not be unfairly targeted. The elderly would have no such protection under the Stenholm balanced budget amendment. Tens, if not hundreds, of billions of dollars in benefits are thus at stake here.

Mr. Speaker, many Members preach holiness on this matter but fail to acknowledge how we got here and what it will take to get out. Supply side economics in its essence, promised that if we gave enough tax breaks to millionaires, the economy would boom and the lost revenues would be made up by soaring economic growth. Supply side economics has been a failure, and this President's economy has produced the lowest growth since World War II.

Further Mr. Speaker, no Member can seriously discuss reducing the deficit unless that Member is prepared to deal with its three specific causes: First, uncontrolled health care costs which are escalating the costs of entitlements; second, the $3.2 trillion we spent on defense last decade; and third, the tax breaks for the wealthy. Unless a Member is prepared to propose a health care reform package with strong cost controls; unless a Member is prepared to make substantial cuts in our extraordinary defense buildup; and unless a Member is prepared to restore tax fairness, then they are not really serious about balancing the budget but only interested in the cheap symbolic vote on the amendment.

In fact, if you add up the losses due to the 1981 tax cut—$2.6 trillion according to OMB figures—and the military spending increases—$1.4 trillion over 1980 levels in constant dollars—your sum is $4 trillion. That's a little more than our current level of debt accumulated since the beginning of the Republic.

Let us get serious about this. Support H.R. 5333.

Mr. Speaker, I reserve the balance of my time.

Mr. HORTON. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today in opposition to H.R. 5333, the Balanced Budget Act of 1990. This legislation contains statutory balanced budget provisions requiring that, beginning in fiscal year 1994, both the President and Congress submit budget plans to ensure a balanced budget by fiscal year 1998 and in each year thereafter. The bill also requires a vote on both the President's budget and the congressional budget resolution and states that the Social Security trust fund is off-budget.

This is not the first time that we have considered a balanced budget statute on the floor of the House. Just under 2 years ago, on July 18, 1990, 1 day after the House had barely defeated a balanced budget amendment, we defeated H.R. 5258, the Balanced Budget Act of 1990. That bill, like the one before us now, was not a serious attempt at deficit reduction.

I support President Bush in his statement that H.R. 5333 is not an adequate substitute for a constitutional amendment. In his statement of administration policy, the President states that,

> H.R. 5333 is mislabeled and misleading. It in no way requires adoption of a balanced budget. H.R. 5333 merely requires the President to submit and the House and Senate Budget Committees to report budgets which are balanced beginning in FY 1998. It does not require Congress to adopt such benefits. Even if it were to require a balanced budget, it could easily be amended or repealed—because it does not have constitutional standing. Therefore, the administration strongly opposes enactment of H.R. 5333.

The arguments I made against H.R. 5258 2 years ago are just as applicable today. How many times must we make the same mistake before we learn our lesson? We in Congress have tried in the past to bring about fiscal restraint through statutes and regulations. It just does not work.

Remember Gramm-Rudman-Hollings one, then Gramm-Rudman-Hollings two. Or, how about the Balanced Budget Agreement of 1990? In fiscal year 1990, the last time we considered a balanced budget statute, the Federal budget deficit was $220 billion. Today, the projected deficit for fiscal year 1993 stands at $333 billion and climbing. These so-called balanced budget statutes simply did not live up to their billing.

And H.R. 5333, like its ancestors, leaves far too much room for business as usual. Although balanced budgets must be introduced, we have no reason to believe that they must be approved. If we mandate a vote on the President's budget, we need to include the President in all aspects of the budget process. H.R. 5333 only calls for his participation in the beginning of the budget cycle by requiring consideration of his budget. By making the budget a joint resolution rather than a concurrent resolution, the President will be involved from start to finish.

Beyond the substantive problems with H.R. 5333, the procedure by which this bill is being brought to the floor is unusual at best. The Government Operations Committee, on which I serve as ranking minority member, did not report out H.R. 5333. In fact, the bill was only introduced 4 days ago and our committee has not even been given the courtesy of a hearing on the proposal.

H.R. 5333 should not be under consideration by the House today and I urge my colleagues to vote against its passage. The Government Operations Committee should properly consider this major piece of legislation which proponents argue would greatly alter our Federal budgetary procedures. There remain too many unanswered questions about H.R. 5333 and at least we owe our thoughtful consideration of this bill to the millions of American citizens who will be paying off our present Federal budget deficit for years to come.

If you are looking for a viable alternative to a constitutional amendment, this is not the answer.

Vote "no" on H.R. 5333.

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Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that I be considered as the manager of this measure.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], the author of H.R. 5333, and an outstanding member of the Committee on Ways and Means.

Mrs. KENNELLY. Mr. Speaker, I would like to say right at the outset that I did introduce this bill, and under unusual circumstances, but I had come to the point where I felt I had a duty to introduce this bill. I introduced this bill because sometimes people have basic tenets in their lives. I have a few of those. One, I truly believe the only way we can have a strong democracy is if we have a separation of church and state. The other is to protect the integrity of the Constitution of the United States that has protected us over these 200 years. Therefore, I felt that we should look to a statutory answer, rather than using the Constitution as an economic vehicle.

Mr. Speaker, let me say immediately this is not a last minute ploy. This is not cover for anyone. I respect other opinions, but I also feel very strongly that we should not encumber our Constitution with the burden of economic decision.

Mr. Speaker, I rise in strong support of the Balanced Budget Act of 1992, a statutory alternative to the balanced budget constitutional amendment which would allow us to start balancing the budget now without burdening our Constitution.

H.R. 5333 is very straightforward. It would require the President to submit a budget that would be in balance by 1998 when he submits his budget for fiscal year 1994 early next year. Each budget submitted thereafter would have to reflect balance by 1998 and remain so.

Similarly, the House and Senate Budget Committees would be required to report budget resolutions that would be balanced by fiscal 1998 and remain so thereafter.

The full House and Senate would then be required to vote on both the Presidential balanced budget plan and the congressional balanced budget plan.

In addition, so as to avoid gamesmanship, the bill would clarify that any savings achieved must be used for deficit reduction. This is to avoid a situation where the budget resolution achieves deficit reduction but then the money is spent because there is room under the Budget Enforcement Act caps.

Finally, so we can address the issue at hand—which is deficit reduction—and aren't diverted as we were in the 1990 debate, this legislation simply reiterates current law that Social Security is off-budget.

Tomorrow, this House is going to consider several amendments to the Constitution that would require a balanced budget. I think it is fair to say that there is a consensus in this Chamber that we need to reduce the deficit and balance the budget. Where there is disagreement is how.

Even if we adopt a constitutional amendment tomorrow, we are still going to have a huge deficit. The hard part isn't adopting an amendment, but rather, making the tough decision necessary to get us to a balanced budget. A few additional words in the Constitution isn't ultimately going to make that process of hard choices any easier.

In the past 3 years, the world has changed far beyond what any of us could have imagined. In 1989, first Poland, Hungary, Czechoslovakia, East Germany, Bulgaria, and then Romania fundamentally altered their political systems and their very way of life. Then communism fell in the Soviet Union. In large part, these startling changes were inspired by the people of the United States, and the system of government we have successfully maintained for more than two centuries. In large part, they were inspired by the Constitution of the United States.

The Constitution has endured and inspired precisely because it has not fallen victim to political tampering. If we are serious about balancing the budget, let us muster the courage to deal with the deficit, not endanger a document that has inspired the world for more than 200 years.

This is a time of change. People are demanding action. The current political climate should give us the wisdom to move forward under statutory authority.

I am raising this legislation for a number of reasons.

First, for those of us who feel strongly that our revered Constitution should not be a vehicle for fiscal and economic policy—that we should address the deficit problem.

For those of us who are truly alarmed that the constitutional amendment approach leaves too many unanswered questions. Questions that raise the specter of complicated future fiscal policy in the courts. Questions about how a rigid amendment might strangle future growth or be the final blow to our urban centers.

How can we forget 2 years ago when the summit produced an unacceptable package? Government was shut down for 1 weekend. The country was incensed. A constitutional amendment could produce worse gridlock.

I also take exception to rule by majority; three-fifths votes make movement unlikely. How many vetos have we overridden? None. Putting this power of veto in the hands of two-fifths is undemocratic.

The second group that should vote for this bill are those who are insistent we reduce the deficit. And that is almost all of us. The difference is the vehicle we use to do it.

I insist we don't need a constitutional amendment, with all its unanswered questions. Today we have, as we have always had, the constitutional ability to balance the budget.

My third reason for having this legislation is as an educational tool. It bothers me that we have no mechanism before us that tells the American people exactly what this will mean for them that to balance the budget will take deep cuts or large revenue raisers or a combination of both.

With a constitutional amendment we get locked into action that could unfairly hurt the powerless. With a statute you can have flexibility of common sense. Difficult choices, but we would not be putting off action for 2 years. You would not be tampering with the Constitution. But most of all, you would not be burdening it with new entanglements. The courts are not part of the budgeting system. They have not been for 200 years and they shouldn't be now.

Former CBO Chief, Alice Rivlin, testified before the House Banking Committee, Subcommittee on Economic Stabilization, that:

> Persistent budget deficits [in the 1980s] produced a slower-growth economy, trade deficits, and growing foreign ownership of U.S. securities and physical capital. If Americans are to live better in the future, they need to save more and channel those savings into productivity-enhancing investment. If, instead, we continue to use our meager savings to finance government deficits, we can expect low investment, stagnant productivity growth, continued trade deficits and growing obligations to send interest, dividends and profits oversees.

A recent General Accounting Office [GAO] report warned that if no action were taken to alleviate the deficit, real per capita GNP in 2020 would hold steady at about $24,000. On the other hand, if we balance the budget and keep it in balance, real per capita GNP would rise to $32,555 by 2001.

I think the choice is clear. This is a time of change. People are demanding action. The current political climate should give us the wisdom to move forward under statutory authority.

Mr. HORTON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. MICHEL], the Republican leader of the House of Representatives.

Mr. MICHEL. Mr. Speaker, here we go again. Every time the Democratic majority is faced with a vote on a constitutional amendment requiring a balanced budget, they trot out a statutory version. We have tried statutory approaches over and over again and they do not work. We have had various versions of Gramm-Rudman with complicated enforcement mechanisms.

The 1985 Gramm-Rudman Act had deficit targets leading to a balanced budget by fiscal year 1991.

A statute enacted in 1987 extended the goal of a balanced budget to fiscal year 1993.

Now we are operating under a new law that has adjustable deficit targets through 1995.

How can a statutory requirement be effective if it can be changed by a subsequent law with a majority vote of Congress?

We all know that when it comes to tough choices the collective willpower of the House has the approximate tensile strength of silly putty.

Why then do we delude ourselves and seek to delude others that this statutory gimmick will work this time?

We all know why, and notwithstanding the protestations of the gentlewoman from Connecticut [Mrs. KENNELLY], to provide cover to vote against the balanced budget amendment to the Constitution.

When we had the flag amendment to the Constitution a couple of years ago, they trotted out a statute in order to defeat that particular amendment.

Worse yet, other existing statutory requirements for balanced budgets can be ignored, and are being ignored, right now, even as we debate.

A section of title XXXI of our United States Code today reads as follows:

> Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the Government for that year.

How does this significantly differ from a hortatory requirement that the President submit a budget which balances by fiscal year 1998, or that the Budget Committees of Congress report concurrent budget resolutions that project a balanced budget by fiscal year 1998?

This statutory approach does not require the Congress agree to a budget resolution that is in balance by 1998.

It is agreeing on tough choices that we find difficult, if not impossible.

And it is precisely the requirement to agree that this statutory approach ignores. In short, it ignores the only thing that matters.

The authors want to simply shift the burden to the President to submit a balanced budget.

But he is not a full participant in this process because the budget is presented and acted on in the form of a concurrent resolution which he cannot sign.

Mr. Speaker, this country doesn't need another worthless statutory proclamation which can be changed at the whim of Congress or ignored because it is not enforceable.

Give the American people a voice through their State legislatures in the debate of whether excessive deficits should be curbed.

When three-fourths of the States ratify a constitutional amendment to balance the Federal budget, we will then have a clear signal that we must restructure government to meet the people's needs with the resources available. I urge my colleagues to vote against this bill today and vote for a constitutional amendment to balance the budget later this week.

OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 5, 1992.

DEAR REPUBLICAN COLLEAGUE: The House will be voting on a balanced budget amendment to the Constitution next week. The opponents of the amendment have hastily drafted and scheduled what they term "The Balanced Budget Act of 1992," H.R. 5333. We urge you to oppose this bill when it comes up under suspension next Tuesday.

Bringing this bill up under suspension of the rules shortly before the scheduled vote on the Balanced Budget Constitutional Amendment represents a desperate attempt by the Democratic Leadership to torpedo the amendment. Certainly, no substantive bill should be considered by the House before the committees of jurisdiction have had sufficient opportunity to consider it. The committees of jurisdiction have not even seen this bill. Moreover, it is entirely inappropriate to consider a substantive bill, which H.R. 5333 purports to be, under suspension.

If passing a law would lead to a balanced budget, the budget would have been balanced years ago. Legislative attempts include a 1917 act placing a ceiling on the debt, the Byrd amendment which called for a balanced budget by FY 1981, Gramm-Rudman I which called for a balanced budget by FY 1991, and Gramm-Rudman II which called for a balanced budget by FY 1993. None of these acts has been able to bring the Federal spending machine under control. H.R. 5333 is unlikely to fare better.

A constitutional amendment, however, raises the balanced budget issue to a higher level. By itself, it will not guarantee a balanced budget—further actions by Congress and the Administration will be needed. It does, however, fundamentally shift the balance of power between those who want to spend, spend, and spend, and those who believe that the deficit represents the greatest threat to our nation's economic future.

We urge you to oppose this last-minute ploy by the opponents of the Balanced Budget Amendment and to support the Balanced Budget Constitutional Amendment later next week.

Sincerely,

BOB MICHEL,
Republican Leader.
BILL GRADISON,
Ranking Repubican Budget Committee.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to my colleague, the gentleman from Illinois [Mr. HYDE].

□ 1410

Mr. HYDE. Mr. Speaker, I thank my dear friend for yielding.

I hope during this debate the gentlewoman from Connecticut [Mrs. KENNELLY] or maybe the gentleman from Michigan [Mr. CONYERS] can explain how by this statute they can amend article 2 section 3 of the Constitution which gives the President the power to recommend to Congress' consideration "such measures as he shall judge necessary and expedient." I wonder how the judgment of the Democratic caucus can be substituted for the constitutional empowerment of the President to exercise his discretion in recommending to the Congress?

I thank the gentleman.

Mr. MICHEL. I thank the gentleman for his valuable contribution to the deliberations.

The SPEAKER pro tempore [Mr. MFUME]. The Chair will advise Members controlling debate time that the gentleman from Michigan [Mr. CONYERS] has 12 minutes remaining and the gentleman from New York [Mr. HORTON] has 10 minutes remaining.

Mr. HORTON. Mr. Speaker, I did not hear the time the Speaker stated and wanted to check the time.

The SPEAKER pro tempore. The gentleman from New York has 10 minutes remaining.

Mr. HORTON. Mr. Speaker, I should have 12 minutes. I used 3 minutes and the gentleman from Illinois [Mr. MICHEL] used 5 minutes. That is 8 minutes, and I should have 12 minutes remaining.

The SPEAKER pro tempore. The gentleman from New York consumed 5 minutes during his opening remarks on the debate.

Mr. HORTON. I yielded myself 3 minutes and I did not yield myself any more time. Does the Speaker mean to say I actually used 5 minutes then?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HORTON. I thank the Chair.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California [Mr. PANETTA], chairman of the Committee on the Budget, who has distinguished himself under very trying circumstances.

Mr. PANETTA. Mr. Speaker, we are entering a week that I would call the balanced budget follies week, which seems to happen every election year. It began in 1986, and then in 1990, and now in 1992.

It happens each election year when Members are running afraid from the constituencies that they have to face in order to really balance the budget. It happens when they are afraid to make the tough choices that in fact get us to a balanced budget. And it happens when we have a vacuum of leadership in the country about taking on these issues, particularly when the President himself will not confront these issues.

So we are always in search now of the easy answer. The argument goes something like this: We are all sinners, we cannot possibly make the tough choices, but we know that we can seek forgiveness. We know that we can see the light if there just is some sign from heaven, if there is just some miracle, if there is just some constitutional amendment to give us the strength we need to do the right thing.

There is no law, there is no amendment that is going to give the membership of this body the guts and the courage to make the right decisions. Have we not learned that lesson before? The lesson comes down to whether or not Members are prepared to make the tough choices.

Do not look for another excuse. Do not kid the American people about what has to be done here. Do what is right.

We ought to be debating the policies to get us to a balanced budget, not talking about an amendment, not talking about a change in procedures. We ought to be debating the policies to do it.

Let me make clear my belief that no law, no amendment is ever going to provide the leadership we need to do what we should be doing now, which is to be debating the policies to get us to a balanced budget.

The dangers of an amendment are clear. The dangers of an amendment are that we are saying to the American people because of a failed policy we have to go amend the Constitution. Are we going to go amend the Constitution because of inner-city problems that we failed on, or are we going to amend the Constitution on education that we failed, are we going to amend the Constitution because of health care problems that we are not facing? My God, do we always have to seek some excuse for not doing the right thing?

I guess if anything is necessary I prefer a statutory approach. I voted for this before because in the very least it says to the President, "You submit a balanced budget. Let us vote on it." At the very least it does not offend the most sacred document that we have in this country.

But make no mistake about it. Whatever Members vote for, the bottom line is that we have to be truthful with the American people about the decisions that have to be made, and those decisions involve entitlement savings, they involve further defense savings, further nondefense savings and revenues. That is the bottom line.

Members can run everywhere they want to hide, whether it is a constitutional amendment or a statute or anyplace else, but ultimately we will have to confront those issues. Be truthful with the American people, because ultimately that is the only way we are going to balance the budget.

Mr. HORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. GRADISON], the ranking minority member of the Budget Committee.

Mr. GRADISON. Mr. Speaker, I rise in opposition to H.R. 5333, the so-called Balanced Budget Act of 1992. This bill was obviously hastily drafted and scheduled to draw support away from the vote later this week on a constitutional amendment to provide for a balanced budget.

This bill before us today requires the President to submit a budget that would eliminate the deficit by fiscal year 1998. It also requires the House Rules Committee to make in order a budget resolution that would balance the budget by fiscal year 1998.

Oddly enough, Mr. Speaker, the bill imposes no requirement that the Congress actually pass a balanced budget. The bill conveniently does not even begin to take effect until fiscal year 1994. Obviously this bill represents nothing more than an attempt to provide cover for those Members who want to vote against the constitutional amendment.

Mr. Speaker, we would long ago have balanced the budget if all we needed was statutory language. Over the years we have had plenty of that. I will put the details in the RECORD, but I find specific statutes in these years: 1921, 1964, 1978, 1979, 1985, 1987, and most recently in 1990, and they have all failed. And the reason they have failed is very simple. Any law passed by the Congress can be superseded by another law, and that is what has happened time and time again. And what has happened is the budget deficit is expected to reach $352 billion in the current fiscal year and even more next year.

Not only do I oppose this bill, but I strongly object to it be taken up under suspension of the rules, which is intended primarily, if not solely for noncontroversial matters.

Sadly enough, the grave problems posed by our chronic deficit are overlooked in this debate. In fact, just a month ago we enacted a budget which adds another $444 billion to this amount of the carryover debt in just 1 year.

I urge my colleagues to oppose this last-minute ploy by the opponents of the balanced-budget amendment and support instead the balanced-budget constitutional amendment which will be offered later this week.

I think it important to mention in the context of the remarks just made by the distinguished gentleman from California [Mr. PANETTA], chairman of the House Budget Committee, that a majority, a bipartisan majority of the House Budget Committee is supporting the constitutional amendment approach to this problem.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mrs. KENNELLY. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Speaker, I would just like to answer the question raised by the gentleman from Illinois [Mr. HYDE], by saying that the President's prerogatives are protected under the Constitution. Because this is a bill, and if it passes the President signs the bill, and if he does not want to sign it, and he does not think he is protected he can veto the bill.

Mr. SPRATT. Mr. Speaker, I will be the first to admit that a balanced budget act is just a step and a small step, but it is a step in the right direction.

This bill is similar in some respects to a bill that Congressman CARR, Congressman ALEXANDER, and myself brought to the floor 2 years ago, which the House passed by a wide margin. Our bill was supported even by those who voted for the constitutional amendment, as I did, and by those who opposed it, and I think this bill, deserves similar support.

This bill, like most process bills, does not go far enough. Its bite is bigger than its teeth. But I think the budget process requires enforcement teeth like those carved out and hammered out by the gentleman from California [Mr. PANETTA], in a bill that he filed just 2 weeks ago, the Balanced Budget Enforcement Act of 1992. I understand that bill is slated to come to the floor soon, but obviously a bill of that enormity is too complex to fast-track and bring up under suspension.

☐ 1420

And even so, when it gets to the floor, its fate is hardly certain either.

In the meantime, this bill moves us in the right direction. It is a way of saying in law let us not wait until 1997 or 1998. Let us start plotting the course to a balanced budget in the next fiscal year.

Three reasons to vote for this bill are, first of all, it makes the President and the Congress both budget 5 years forward with the end objective of a balanced budget in 5 years by fiscal 1998. Second, it requires action on such budgets, at least to the extent of calling for budgets that are calculated to that end to be brought to the floor and to be voted upon right here.

So even if the bill does not result in action, it will result in accountability.

Third, the bill requires that we start now, that we set in law now the requirement of a balanced budget by 1998 rather than waiting out ratification of a constitutional amendment.

Mr. Speaker, everybody who believes in a balanced budget ought to vote for this bill.

Mr. HORTON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise today in strong opposition to H.R. 5333, the so-called Balanced Budget Act. A more accurate title would be the balanced budget hoax, because this bill will do about as much to balance the budget as the original 1974 budget act, Gramm-Rudman-Hollings; Gramm-Rudman-Hollings II; and the 1990 Omnibus Budget Reconciliation Act otherwise known as OBRA. In fact this bill is so illusory, maybe we should call it "Phantom of the OBRA."

The truth is this bill will do nothing to reduce this country's annual $400 billion deficit. It does not even require that Congress adopt a balanced budget—only that Congress consider two budgets, one from the President and one from Congress. There is not even any provision in the bill that would prohibit Congress from considering unbalanced budgets.

At a time when the public is demanding that Congress act with fiscal responsibility, it is disingenuous and irresponsible to bring this bill to the floor and suggest it will do anything more to bring about a balanced budget than all the other failed attempts. A dog with a sign around its neck labeled "donkey" is still a dog. Putting a balanced budget sign on this bill doesn't make it so. I hope my colleagues will see this bill—the Phantom of the OBRA—for the fraud that it is. It deserves to be cast onto the garbage heap of rejected bills along with the thousands of other grandstanding bills this House considers every year.

Mr. HORTON. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, if those people who have offered this statute believed that the balanced-budget amendment to the Constitution was going to be defeated on Thursday, they would never have offered it. They would have offered it after the constitutional amendment was going to be defeated. Therefore, the timing of this thing is rather obvious to everybody. It is a scam. It is a way out the back door.

We have had, what, seven statutes since early on in this Congress. The last one that I can remember, 1978, that is when our deficit was $776 billion. Now, in 1992, it is $4 trillion after five statutes have been enacted. It is a joke.

Statutes have been suspended 500 times. You cannot suspend the Constitution of the United States. That is why we have to have it.

This has been a nonpartisan effort up to this point. The gentleman from Texas [Mr. STENHOLM] and I and many on the Republican side and many on the Democratic side are saying, "Look, let us bind ourselves together, and let us do something about our future and for our children."

Suddenly this has become a partisan issue blaming the President of the United States, blaming someone else unknown to most of us. We have all been here, and we know the statutes do not work. Let us quit blaming each other. That is what the people are upset about in this country. We blame each other. Nothing happens.

So I think it is time to be a part of change. I think it is time to be a part of the future. If you stay here, you are part of the past, the failed policy of the past. Change is what we want. We need a constitutional amendment to balance the budget. We will get that on Thursday.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oregon. I am happy to yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding.

I wanted to point out that no President of the United States ever spent 1 red cent that was not authorized and appropriated by the Congress of the United States.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE], one of the distinguished subcommittee chairs of the Committee on Government Operations.

Mr. WISE. Mr. Speaker, I thank my chairman, and I thank him for bringing this bill to the floor.

Basically, a constitutional amendment or not, we are going to need a statute to implement it.

What I like about this is that the statute requires 50 percent to pass it and the signature of the President. That, incidentally, is the same President who has piously called for a constitutional amendment to balance the budget for lo these many years, and his predecessor before him, and yet never has gotten even close to presenting one.

□ 1430

So I would like for this to be on his desk. I would hope that he would sign it, because what it does, it requires the President to submit a balanced budget.

Let us say a constitutional amendment requires two-thirds adoption by the members of this body and then three-quarters of the States. This requires a majority of this body and the Senate and the signature of the President, and it is much easier to adopt.

It does require that the budget submitted by the President for fiscal year 1994 must provide for a balanced budget by fiscal year 1998. I think that is very significant.

It provides that congressional budget resolutions must provide for a balanced budget by fiscal year 1998. It puts into place a lot of what is needed to truly enact a balanced budget, and I would hope the House could pass this today.

Mr. HORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I rise to say this is a phony.

Mr. HORTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, this bill is a phony. Let me tell you why it is totally worthless.

We have had statutes in the past and on several occasions as some of us have blocked proposals to the floor attempting to enforce those statutes. What we would say in the appropriations bills is that none of the funds in this bill may be spent in violation of whatever the balanced budget law was at that time.

Consistently, every one of those amendments has been voted down. This Congress refuses to enforce the statute that it itself has enacted.

Therefore, a statutory approach of this type is absolutely worthless. This country needs real balanced budgets. This country needs a balanced budget amendment to the Constitution.

What we do not need is this kind of legislative proposal. It does nothing useful. It has not been subjected to any kind of legislative hearings. It is designed only to give some people legislative cover when they do not do the right thing later this week, namely, vote for the balanced budget amendment.

For years the American people have tried to distinguish between those in Congress who are trying to serve the best interests of the country and those who are not. The voters on this bill will have a pretty good guide. Those who vote for this bill are trying to fool you once again. Do not let it happen. Any votes for this bill are votes of people who have lost touch with America.

Mr. CONYERS. Mr. Speaker, I yield myself whatever time may be remaining.

Mr. Speaker, this would be an amusing debate if it were not such a serious subject matter. Those who are here talking about a constitutional amendment are the first to concede that without statutory language to enforce it, there will be no enforcement mechanism.

Constitutional amendments are not self-enforcing. There is no way that that could happen. It would have to be ratified. I presume that maybe it could get ratified within 5 years.

Would somebody explain to me how much litigation they imagine that such a measure would have before it would ever come into effect?

No. I think we need a statutory measure which, by the way, notwithstanding all the previous citations about how many times we have tried this, there is no statutory requirement in the federal laws dealing with eliminating the deficit. There are deficit reduction mechanisms. There are all kinds of references to how it can be dealt with, but there is absolutely no balanced budget law on the books, nor has there ever been. This is a case of first instance.

So I would ask you to vote for this measure for one additional good reason: Protect Social Security.

If I may use the name of the gentleman from Texas, his proposal to amend the Constitution provides no such protection, and I do not think that you really want to move ahead without giving that proposal the kind of consideration that it is due.

So Mr. Speaker, I urge that this balanced budget statute, not a constitutional amendment, would be the way that those of us who want to move responsibly on this measure should repair.

I mean, after all, last week we voted down half a dozen Armed Services measures that would have reduced the budget. It seems to me that we are saying now that the only thing left is to hit Social Security.

For those reasons, Mr. Speaker, I urge a strong vote for H.R. 5333.

Mr. HORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, I rise in support of H.R. 5333, the Balanced Budget Act of 1992—although I cannot agree with many of the arguments advanced by its supporters.

Simply put, the bill's sponsors are right for the wrong reasons.

First, this bill is not a substitute for a constitutional amendment to balance the budget. We already have a statute requiring a balanced budget. It is part of title XXXI, United States Code. The Speaker of the House, each of our committee chairmen, and the Rules Committee routinely conspire to waive it. Congress already has a law mandating a balanced budget, and Congress is breaking it.

Second, we do not have an enormous national debt and huge annual deficits because the President is spending too much money. Under our constitutional system, the Executive can't appropriate a penny. It is Congress that controls the purse strings. It is Congress that is responsible for unbridled deficit spending.

So while this bill won't substitute for a constitutional balanced budget amendment, and while this bill won't by itself give Congress fiscal self control, it will require us to vote on a balanced budget. It will get OMB, CBO, and our budget committees to work on showing us all what a balanced budget would look like.

So I say to my Democratic colleagues: I'll see you and raise you.

I will vote for H.R. 5333. But if you really mean it, you'd better vote for a constitutional amendment to balance the budget as well.

Mr. HORTON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

Boy, I have never heard so many smoke screens held up in such a short period of time.

Now the last speaker, the gentleman from Michigan [Mr. CONYERS] even brought up Social Security to try to frighten the seniors of this country. It is a good ruse, but I do not think it is going to work.

The fact of the matter is there is no discipline in this House and there has not been for the whole time I have been here the last 10 years.

Ten years ago, we had our first $1 trillion national debt. It took us 200 years to get there. It is now $4 trillion. It has gone up 400 percent in 10 years. We are going to have a $400 billion deficit this year and 2 years ago we passed the budget summit agreement which was supposed to control spending and we raised taxes by $182 billion to get control of this situation. The deficit was projected at that time to be $200 billion. What is it today? $400 billion.

There is no discipline in this place. The only way we are ever going to get discipline, my friends, is to pass an amendment to the Constitution to mandate a balanced budget. That is the only way the big spenders in this place are going to be controlled.

Mr. HORTON. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, let me just say at the outset that those who are offering this statute today are, I think, some of the finest people that we have in the House of Representatives. I do not wish to impugn them or their motives in offering this legislation.

When I came here 10 years ago, I was not convinced that we needed an amendment to the Constitution to provide discipline for both the executive and the legislative branches on fiscal issues. Over 10 years, I have become convinced that, absent the kind of moral force and the political shield that the Constitution provides, we are not going to begin to come close to restoring fiscal sanity in our Federal Government.

For those of us who think that another statutory fix will stem the flow of budgetary red ink, I suggest that we need to consider some of our earlier efforts along those lines. If you go back to 1974, when we passed the Budget Act of 1974, our national debt was $483 billion.

In 1981 when we passed Gramm-Latta, our Nation's debt had grown to $994 billion.

In 1985, when we passed Gramm-Rudman I, our Nation's debt had grown to $1.8 trillion. By 1987, when Gramm-Rudman II was enacted, the debt had risen to $2.3 trillion. In October 1990, we enacted a 5-year deficit reduction statute with the best of intentions. The national debt then stood at $3.2 trillion.

Deficits for fiscal year 1992 and 1993 will exceed $300 billion annually. If anything, the situation is worsening. The point is that, statutory fixes have been tried. They simply have not worked, and this one will not work either.

Mr. HORTON. Mr. Speaker, I yield the remaining 1 minute that I have to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, tomorrow we will begin discussion of the balanced budget amendment. It has been called a gimmick, but it is far from that. It is very serious.

In all due respect to the chairman, Social Security is not involved in the balanced budget constitutional amendment.

My colleague, the gentleman from Delaware, was talking about the statutes. I was elected in 1978. We tried it in 1978, a statute with a $776 billion debt.

In 1979 again, an $828 billion debt.

In 1982, $1.136 trillion debt.

In 1985, another statute, $1.817 trillion debt.

In 1987, we tried it again, $2.340 trillion debt.

In 1990, $3.1 trillion in debt.

Now here we are in 1992. Wanting to try another statute.

To my colleague who said statues have helped, if this is help with statutes, we do not need any more help of this nature. Statutes have not worked. It is going to take courage, as the chairman of the Budget Committee has stated.

Mr. Speaker, we need a balanced budget amendment, not another statute to give us the courage, the backbone, or the guts to deal with our fiscal problem before it deals with us.

Mr. BROOMFIELD. Mr. Speaker, here we go again.

Today, the liberal leadership is going to try to pull a fast one and tell the American people they support a balanced budget by passing an Act of Congress while doing everything possible to undermine the one piece of legislation that could really lead to a balanced budget—a constitutional amendment.

Critics have said a constitutional amendment shouldn't be necessary. I agree.

It shouldn't be. But only a fool would look at the trillion dollars we are adding to the national debt every 3 years and conclude that Congress is going to control spending without being forced to.

The trust us opponents of the balanced budget amendment are trying to sell is a bill of goods that the American people just aren't willing to buy anymore.

Can you trust a Congress whose membership has sponsored legislation that would add $793 billion to the deficit?

Can you trust a Congress that consistently loads appropriations bills with wasteful pork-barrel projects?

Trust us is what Congress said in 1985, when it passed the Gramm-Rudman-Hollings Act that promised a balanced budget by 1991 and again in 1988, when it amended the Gramm-Rudman-Hollings targets to promise a balanced budget by 1993.

Trust us is what Congress said in 1990, when it used the deficit to justify passing a record tax bill—then proceeded to spend $1.74 For every dollar raised.

And all the time, the national debt has been spiraling out of control.

I have been in Congress for 36 years. That's a long time.

But it's only about a billion seconds.

Our national debt is $4 trillion. That's 4,000 times my career, taking us back beyond the Stone Age.

Our deficit this year alone is more than six times the entire budget for 1956, the year I was elected.

No wonder the American people are disgusted.

During negotiations with the then Soviet Union on strategic arms limitations, we were guided by the motto, "Trust, but verify."

We can pass H.R. 5333 today and trust that Congress is going to stick to its guns this time. Or we can pass the balanced budget amendment tomorrow and give the American people the power to verify that the deficit is finally reined in.

The American people know that, like the proverbial leopard, Congress is not going to change its spots. Let's not trust Congress with a weak substitute that it can waive. This year, let's pass the real thing—a balanced budget amendment.

Mr. MAVROULES. Mr. Speaker, I rise today in strong support of this Balanced Budget Act and I would like to commend the gentlewoman from Connecticut for her efforts.

Let me make clear for some of my colleagues: Passage of this bill would, in no way, preclude the House from passing an amendment to the Constitution that would require a balanced budget. However, the rhetoric from a few members seems to have taken a heavy political tone. It is unfortunate, Mr. Speaker, that past efforts to reduce the deficit have failed and I agree that we must take further action to mandate a balanced budget.

This bill seeks to establish what an amendment would require: a balanced budget. The difficult choices should be made now with the budget submitted next February, not in fiscal 1995, the earliest possible opportunity if an amendment is ratified by the States.

Mr. Speaker, if my colleagues are indeed serious about balancing the budget, I ask them not to capitulate to the political smokescreen thrown by a few of my colleagues; let's start balancing the budget now and I urge passage of this bill.

Mr. GOSS. Mr. Speaker, we may finally be bringing a sense of reality to the budget process this week—but not today. Today we find ourselves voting on a bill under a suspension of the rules, H.R. 5333, which claims to provide a way to balance the budget without the strength of a constitutional amendment.

We have been down this path before, Mr. Speaker, and look where it has led us: We are expecting a budget shortfall of $400 billion for the coming fiscal year alone. If a law calling for a balanced budget was all that was required, then we should be well into the black by now. In 1974 the Congressional Budget Act was passed requiring that we shall not spend more in a given year than we take in revenue; this is simple language, yet we have chosen to ignore it more than 600 times since it was enacted. Five other statutes, all signed into law, have not prevented record deficits.

A popular myth which is receiving a great deal of attention in my district of southwest Florida is that passage of a constitutional amendment to balance the budget will result in drastic cuts in Social Security. This is simply not true. H.R. 5333 merely reiterates current law that Social Security is off-budget; should this House pass a balanced budget amendment later this week—and I hope that we do—current law regarding Social Security will not change. Social Security has been, is now, and will remain off-budget, thus protecting the many individuals who rely on Social Security benefits as their sole means of support.

Mr. Speaker, there is a real threat to everyone in the country—including seniors, one which will eventually cause the program to go bankrupt. This menace is the enormous debt this country is running, requiring us to spend more than 14 percent of our total budget on interest payments alone. The U.S. Government is seriously in arrears, and the only remedy for this is firm, decisive action. H.R. 5333 is simply not enough.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in reluctant support of H.R. 5333, which would require a balanced budget by 1998 without putting our Nation's fiscal policy in the Constitution.

I have long been opposed to attempts to balance our budget through constitutional amendment because I firmly believe that those who rely the most on the Government will also suffer the most under the resulting austerity program. Many of my constituents depend on Federal assistance for housing, job training, educational loans and grants, healthcare, and a host of so-called entitlement programs which help our Nation's poorer citizens eke out a meager living, but dare to hope for a better life. It is my belief that any changes to our Constitution should be based on facts and reason, not motion and hysteria. And yet, while I also have very serious misgivings over this legislation, I am of the belief that it actually poses a lesser threat to our Nation than the runaway red ink which washes over our every fiscal decision.

While I intend to reluctantly support this statutory approach, I am not quite convinced that all of those Americans who support a balanced budget really know what they are supporting. Just like Ross Perot, it looks great, and sounds great, but its track record is far from proven. Every American is for a balanced budget, so long as it doesn't directly affect them. The implications of this statutory approach and all others we are going to debate on this subject will affect the well-being of every American; but we must start somewhere, and, to reiterate, I believe H.R. 5333 represents a plausible policy mechanism to bring our ionospheric budget deficit down to Earth.

While I am satisfied that this legislation will not affect Social Security and will provide for a 4 year glidepath to fiscal responsibility, we must not forget that only last month, we were debating how our cities are crumbling and issuing great pronouncements that it is essential that the Federal Government reinvest in America. It is amazing what difference 1 month can make.

Mr. Speaker, it is my hope that we can emerge from this period of skyrocketing budget deficits and financial mismanagements with an economically sounder and more stable America.

Mr. LAGOMARSINO. Mr. Speaker, how long will the majority in this body try to pull the wool over the eyes of taxpaying Americans?

History has very clearly proven that the Democratic majority in Congress will not balance the budget, even if the law demands a balanced budget. My colleagues should remember this history, and I will be happy to remind the American taxpayers. A law can be changed by a subsequent law and has been—on this subject—many times.

In 1986, the Congress spent itself into a $200 billion deficit, and the accumulated debt of the Federal Government reached $2 trillion. That year, I supported the Gramm-Rudman-Hollings law to balance the budget. Through decreasing deficit targets, the Congress would be forced to submit a zero-deficit budget by fiscal year 1991.

One year later, in 1987, rather than face tough spending decisions and the need to set priorities, Congress changed the Gramm-Rudman-Hollings deficit reduction targets, allowing a $28 billion deficit in fiscal year 1992, and postponing the demand for a zero-deficit budget until fiscal year 1993. This change in the law also raised the Federal debt limit to $2.8 trillion.

In 1990, however, Congress changed the law again to allow for higher spending without tough choices. Congress passed new, even higher deficit reduction targets. The new deficit targets allowed a $317 billion deficit in fiscal year 1992, and raised the Federal debt limit to over $4 trillion.

Of course, it was only 2½ months ago that some Members of Congress tried to change the law once again to repeal the deficit reduction provisions of the 1990 law in order to allow increased deficit spending.

Now, the annual deficit for fiscal year 1992 is projected to be about $400 billion, and Congress is considering passing another law to balance the budget, just like the laws passed in 1986, 1987, and 1990. These past laws did not work, and this proposed law will not work.

I would also remind my colleagues that the Congress passed legislation requiring an intervening election before a congressional pay raise could go into effect. You all know how long that remained the law—until the Senate passed a pay raise. That is exactly what would happen here again and again. The only way to do this is by constitutional amendment.

I urge my colleagues to reject this sham and oppose H.R. 5333.

Ms. SNOWE. Mr. Speaker, I will vote in opposition to this bill because I oppose the simple requirement of a statutory balanced Federal budget. I will be voting in support of the Stenholm-Carper-Smith-Snowe constitutional amendment later this week.

I was pleased to note, however, that the authors of this bill chose to place a statutory prohibition on cutting Social Security. I will oppose any effort to include reductions in Social Security in whatever enforcement mechanism is crafted to implement a balanced budget.

Social Security is a retirement program that is not based on need, but rather on contributions that are made to the system through the payroll taxes of workers and employers. People earn their right to Social Security and that right must not be tampered with in an effort to balance the budget.

In 1991, there were 130 million workers paying into the Social Security system and 40.6 million persons receiving Social Security retirement and disability benefits. In the same year, the average monthly benefit was $569.

Protecting the Social Security system is of particular importance for our nation's elderly poor. Social Security currently comprises 79 percent of the income of elderly households which are at or near the poverty level and may often be the sole source of their retirement income.

Those who have paid into the Social Security system have held up their end of the deal and they fully expect—and rightly so—the government to fulfill its part of the bargain. That bargain does not include cutting benefits.

It is necessary, therefore, that whatever balanced budget approach we finally adopt include protections for today's and tomorrow's Social Security recipients. While H.R. 5333 provides that protection, I will vote against it because I do not believe that the statutory approach to a balanced budget goes far enough.

Mr. SANTORUM. Mr. Speaker, consideration of H.R. 5333, the Balanced Budget Act, gives us a chance to consider what will happen once the balanced budget amendment is approved by the Congress. This legislation is a surprising proposal because it lacks general provisions that have been adopted by State and local governments, private—not-for-profit and for-profit corporations; and individuals to resolve budget, accounting, and management problems.

We currently face, within the Federal Government, many of these same problems. Why does not H.R. 5333 attempt to rectify these problems?

After passage of the balanced budget amendment, we will have the opportunity to institute procedures, practices, and reforms that can resolve not only our budget process inadequacies but our accounting and management problems as well.

We need to review our options and adopt those that will help us to meet our obligations under the balanced budget amendment. For instance, we must:

Use an honest balance sheet to help identify public sector asset/liability risks.

Adopt accrual or liability accounting to replace current cash accounting.

Formulate goals, objectives, and benchmarks for each policy area and program, while at the same time evaluating and measuring performance.

Incorporate capital budgeting into our budgeting process.

Use projection and estimation tax models that are easily accessible to each Member.

Define the budget into separate general, trust fund, and enterprise accounts.

Develop an easily accessible Federal budget on a computer disk that will allow each Member, staff professional, or one of our constituents to formulate a basic budget.

Adopt a congressional budget process reform that will simplify the current three-tier system—budgeting, authorization, and appropriation processes.

Have fully independent performance audits conducted for all Government activity.

The Congress must tackle the great challenges of our time. To do this we must first get our house in order through administrative, management, and operations reform, then we can take on issues such as health care, taxes, education, welfare, and the environment.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Oklahoma [Mr. SYNAR] that the House suspend the rules and pass the bill, H.R. 5333.

The question was taken.

Mr. HORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1440

NATIONAL LANDSAT POLICY ACT OF 1992

Mr. BROWN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3614) amending the Land Remote-Sensing Commercialization Act of 1984 to secure United States leadership in land remote-sensing by providing data continuity for the Landsat Program and by establishing a new national land remote-sensing policy, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Landsat Policy Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Landsat satellites, which collect images of the Earth from space, have been among the greatest triumphs of the Nation's space program, providing an important application of space technology for the betterment of human society;

(2) for global change research, environmental management, and national security purposes, in particular, continuation of the Landsat program through the 1990's will be mission essential;

(3) despite the success and importance of the Landsat system, funding and organizational uncertainties over the past several years have placed its future in doubt and have jeopardized United States leadership in land remote-sensing;

(4) the Land Remote-Sensing Commercialization Act of 1984 created a framework for phased transfer of the Landsat program from the public sector to the private sector, but that transfer has not been realized due to funding uncertainties, slower than expected market development, and other reasons;

(5) recognizing the importance of the Landsat program in helping to meet national and commercial objectives, the President approved, on February 11, 1992, a National Space Policy Directive, which was developed by the National Space Council and commits the United States to ensuring the continuity of Landsat coverage into the 21st century;

(6) because Landsat data is particularly important for global change and national security purposes, management responsibilities for the program should be transferred from the Department of Commerce to an integrated program management involving the National Aeronautics and Space Administration and the Department of Defense;

(7) regardless of management responsibilities for the Landsat program, the Nation's broad civilian, national security, commercial, and foreign policy interests in remote-sensing will best be served by ensuring that Landsat remains an unclassified program that operates according to the principles of open skies and nondiscriminatory access;

(8) given the extent of the delay in developing an implementation plan for Landsat 7, and the nontrivial possibility that Landsat 6 could suffer a launch or in-orbit failure, urgent actions, including expedited procurement procedures, must be followed in order to provide data continuity;

(9) technological advances aimed at reducing the size and weight of satellite systems hold the potential for dramatic reductions in the cost, and substantial improvements in the capabilities, of future land remote-sensing systems, but such technological advances have not been demonstrated for land remote-sensing applications and therefore cannot be relied upon as the sole means of achieving data continuity for the Landsat program;

(10) a technology demonstration program involving advanced remote-sensing technologies could serve a vital role in determining the design of a follow-on spacecraft to Landsat 7, while also helping to determine whether such a spacecraft should be funded by the United States Government, by the private sector, or by an international consortium;

(11) the cost of Landsat data has impeded the use of such data for scientific purposes, such as for global change research, as well as for other public sector applications;

(12) to increase the value of the Landsat program to the American public, Landsat data should be made available to United States Government agencies, to global change researchers, and to other researchers who are financially supported by the United States Government, at the cost of fulfilling user requests;

(13) although funding by the United States Government for the procurement and operation of Landsat 7 will be necessary for the continuation of the Landsat program, commercialization of land remote-sensing should remain a goal of United States policy; and

(14) development of the remote-sensing market and the provision of commercial value-added services based on remote-sensing data should remain exclusively the function of the private sector.

SEC. 3. AMENDMENTS TO TITLE I OF THE LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984.

Title I of the Land Remote-Sensing Commercialization Act of 1984 is amended—

(1) by striking "**TITLE I—DECLARATION OF FINDINGS, PURPOSES, AND POLICIES**" and inserting "**TITLE I—DEFINITIONS**";

(2) by repealing sections 101, 102, and 103; and

(3) by redesignating section 104 as section 101, and amending it to read as follows:

"SEC. 101. DEFINITIONS.

"For purposes of this Act—

"(1) the term 'Administrator' means the Administrator of the National Aeronautics and Space Administration;

"(2) the term 'data continuity' means the continued acquisition and availability of unenhanced data which are, from the point of view of the user—

"(A) sufficiently consistent (in terms of acquisition, geometry, coverage characteristics, and spectral characteristics) with previous Landsat data to allow comparisons for global and regional change detection and characterization; and

"(B) compatible with such data and with methods used to receive and process such data;

"(3) the term 'data preprocessing' includes—

"(A) rectification of distortions in land remote-sensing data as it is received directly from the satellite in preparation for delivery to a user;

"(B) registration of such data with respect to features of the Earth; and

"(C) calibration of spectral response with respect to such data,

but does not include conclusions, manipulations, or calculations derived from such data or a combination of such data with other data;

"(4) the term 'land remote-sensing' means the collection of data which can be processed into imagery of surface features of the Earth from an unclassified satellite or satellites, other than a weather satellite;

"(5) the term 'Landsat Program Management' means the integrated program management structure—

"(A) established by, and responsible to, the Administrator and the Secretary of Defense pursuant to section 201(a); and

"(B) consisting of appropriate officers and employees of the National Aeronautics and Space Administration, the Department of Defense, and any other United States Government agencies the President designates as responsible for the Landsat program;

"(6) the term 'Landsat system' means Landsats 1, 2, 3, 4, 5, and 6, and any follow-on land remote-sensing system operated and owned by the United States Government, along with any related ground equipment, systems, and facilities;

"(7) the term 'Landsat 6 contractor' means the private sector entity which was awarded the contract for spacecraft construction and data marketing rights for the Landsat 6 spacecraft;

"(8) the term 'Landsat 7' means the follow-on satellite to Landsat 6;

"(9) the term 'noncommercial purposes'—

"(A) except as provided in subparagraph (B), refers to those activities undertaken by individuals or entities on the condition, upon receipt of unenhanced data, that—

"(i) such data shall not be used in connection with any bid for a commercial contract or any other activity that is expected, or has the potential, to be profit-making, except in any case where a Government agency contracts with the private sector for data processing or other services; and

"(ii) the results of such activities are disclosed in a timely and complete fashion in the open technical literature or other method of public release; and

"(B) does not refer to those activities undertaken by individuals and entities to provide data processing or other services to a United States Government agency pursuant to a contract entered into with the agency;

"(10) the term 'Secretary' means the Secretary of Commerce;

"(11) the term "Sovereign State" means the government of any country, including the United States;

"(12) the term 'unenhanced data' means land remote-sensing signals or imagery products that are unprocessed or subject only to data preprocessing; and

"(13) the term 'United States Government and its affiliated users' means—

"(A) United States Government agencies;

"(B) researchers involved with the United States Global Change Research Program and its international counterpart programs;

"(C) researchers who are financially supported by a United States Government agency for a project which utilizes Landsat data; and

"(D) international entities who have signed with the United States Government a cooperative agreement involving the use of Landsat data for noncommercial purposes.".

SEC. 4. AMENDMENTS TO TITLE II OF THE LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984.

Title II of the Land Remote-Sensing Commercialization Act of 1984 is amended to read as follows:

"TITLE II—LANDSAT

"SEC. 201. LANDSAT PROGRAM MANAGEMENT.

"(a) ESTABLISHMENT.—The Administrator and the Secretary of Defense shall be responsible for management of the Landsat program. Such responsibility shall be carried out by establishing an integrated program management structure for the Landsat system.

"(b) MANAGEMENT PLAN.—The Administrator, the Secretary of Defense, and any other United States Government official the President designates as responsible for part of the Landsat program, shall establish, through a management plan, the roles, responsibilities, and funding expectations for the Landsat Program of the appropriate United States Government agencies and departments. The management plan shall—

"(1) specify that the fundamental goal of the Landsat Program Management is the continuity of Landsat data through the acquisition and operation of a Landsat 7 satellite as quickly as practicable which is, at a minimum, functionally equivalent to the Landsat 6 satellite, with the addition of a tracking and data relay satellite communications capability;

"(2) include a baseline funding profile—

"(A) that is mutually acceptable to the National Aeronautics and Space Administration and the Department of Defense for the period covering the development and operation of Landsat 7; and

"(B) that provides for total funding responsibility of the National Aeronautics and Space Administration and the Department of Defense to be approximately equal to the funding responsibility of the other, as spread across the development and operational life of Landsat 7;

"(3) specify that any improvements over the Landsat 6 functional equivalent capability for Landsat 7 will be funded by a specific sponsoring agency, if the required funding exceeds the baseline required by paragraph (2), and that additional improvements will be sought only if the improvements will not jeopardize data continuity; and

"(4) provide for a technology demonstration program whose objective shall be the demonstration of advanced land remote-sensing technologies that may potentially yield a system which is less expensive to build and operate, and more responsive to data users, than is the current Landsat system.

"(c) RESPONSIBILITIES.—The Landsat Program Management shall be responsible for—

"(1) Landsat 7 procurement, launch, and operations;

"(2) ensuring that the operation of the Landsat system remains responsive to the broad interests of the civilian, national security, commercial, and foreign users of the Landsat system;

"(3) ensuring that all Landsat data remains unclassified and that, except as provided in section 607(a) and (b), no restrictions are placed on the availability of unenhanced data;

"(4) ensuring that land remote-sensing data of high priority locations will be acquired by the follow-on system as required to meet the needs of the United States Global Change Research Program, as established in the Global Change Research Act of 1990, and to meet the needs of national security users;

"(5) Landsat data responsibilities pursuant to this Act;

"(6) oversight of Landsat contracts entered into under sections 202 and 203; and

"(7) coordination of a technology demonstration program, pursuant to section 403.

"(d) AUTHORITY TO CONTRACT.—The Landsat Program Management may, subject to appropriations and only under the existing contract authority of the United States Government agencies that compose the Landsat Program Management, enter into contracts with the private sector for services such as, but not limited to, satellite operations and data preprocessing.

"(e) LANDSAT ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—Not later than December 31, 1992, the Landsat Program Management shall establish a Landsat Advisory Council (in this subsection referred to as the 'Advisory Council').

"(2) DUTIES.—The Advisory Council shall—

"(A) provide the Landsat Program Management with impartial advice and comments regarding the status, effectiveness, procurement, and operation of the Landsat system; and

"(B) review and make recommendations to the Landsat Program Management concerning compliance by the United States Government with section 402(a) of this Act.

"(3) MEMBERSHIP.—(A) The Advisory Council shall be composed of at least 15 members appointed by the Administrator, in consultation with the Secretary and the Secretary of Defense, from among individuals—

"(i) who represent a broad range of perspectives on basic and applied science and operational needs with respect to land remote-sensing data; and

"(ii) who represent the full spectrum of users of Landsat data, including representatives from United States Government agencies, State and local government agencies, academic institutions, nonprofit organizations, value-added companies, the agricultural and mineral extraction industries, and the public.

"(B) In appointing members to the Advisory Council, the Administrator shall seek to ensure that the membership is representative of a broad diversity of age groups, sexes, and races.

"(4) TERMS.—

"(A) Except as provided in subparagraphs (B) and (C), members of the Advisory Council shall be appointed for a term of 3 years.

"(B) Of members of the Advisory Council originally appointed under paragraph (3)—

"(i) 10 members shall be appointed for a term of 2 years; and

"(ii) 5 members shall be appointed for a term of 1 year.

"(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

"(5) CHAIRPERSON.—The members of the Advisory Council shall elect the Chairperson of the Advisory Council from among the members. The term of office of the Chairperson shall be 2 years.

"(6) MEETINGS.—The Advisory Council shall meet not later than 1 year after the date of the enactment of the Landsat Policy Act of 1992 and biennially thereafter, and at the call of the Chairperson or a majority of the members of the Advisory Council.

"(7) QUORUM.—A majority of the members of the Advisory Council shall constitute a quorum but a lesser number may hold hearings.

"(8) PAY.—

"(A) SERVICE WITHOUT PAY.—Except as provided in subparagraph (B), members of the Advisory Council shall serve without pay.

"(B) TRAVEL EXPENSES.—Each member of the Advisory Council shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(9) CONFLICT OF INTEREST.—Members of the Advisory Council shall each be required to file a financial disclosure report under title II of the Ethics in Government Act of 1978 (5 U.S.C. App; 92 Stat. 1836). Such reports shall be held confidential and exempt from any law otherwise requiring their public disclosure.

"(10) STAFF OF UNITED STATES GOVERNMENT AGENCIES.—Upon request of the Advisory Council, the head of any United States Government agency may detail, on a reimbursable basis, any of the personnel of the agency to assist the Advisory Council in carrying out its duties under this subsection.

"(11) INFORMATION.—

"(A) IN GENERAL.—The Advisory Council may secure directly from any United States Government agency information necessary to enable the Advisory Council to carry out its duties under this subsection. Upon request of the Chairperson of the Advisory Council, the head of the United States Government agency shall furnish the information to the Advisory Council.

"(B) PROHIBITION OF DISCLOSURE.—The Advisory Council shall not disclose information secured under paragraph (A) that is protected from disclosure by Federal law or that is classified for national security purposes.

"(12) ADMINISTRATIVE AND SUPPORT SERVICES.—Upon the request of the Advisory Council, the Administrator shall provide to the Advisory Council, on a reimbursable basis, the administrative support services necessary for the Advisory Council to carry out its duties under this subsection.

"(13) REPORTS.—

"(A) REPORT OF THE ADVISORY COUNCIL.—Within 1 year after the date of the enactment of the Landsat Policy Act of 1992 and biennially thereafter, the Advisory Council shall prepare and submit to the Administrator a report that summarizes the findings and conclusions of the Advisory Council and any recommendations for policy or programmatic changes to improve the utility and operation of the Landsat system.

"(B) REPORT OF ADMINISTRATOR.—After prompt consideration of any report of the Advisory Council referred to in subparagraph (A), the Administrator shall submit to the Landsat Program Management and the Congress a report that contains the report of the Advisory Council and any comments of the Administrator thereto.

"(14) TERMINATION.—The Landsat Advisory Council shall terminate at the cessation of operations of Landsat 7, as determined by the Landsat Program Management.

"SEC. 202. PROCUREMENT OF LANDSAT 7.

"(a) CONTRACT NEGOTIATIONS.—The Landsat Program Management shall, subject to appropriations and only under the existing contract authority of the United States Government agencies that compose the Landsat Program Management, expeditiously contract with a United States private sector entity for the development and delivery of Landsat 7.

"(b) DEVELOPMENT AND DELIVERY CONSIDERATIONS.—In negotiating a contract under this section for the development and delivery of Landsat 7, the Landsat Program Management shall—

"(1) seek, as a fundamental objective, to have Landsat 7 operational by the expected end of the design life of Landsat 6;

"(2) seek to ensure data continuity by the development and delivery of a satellite which is, at a minimum, functionally equivalent to the Landsat 6 satellite; and

"(3) seek to incorporate in Landsat 7 any performance improvements required to meet United States Government needs that would not jeopardize data continuity.

"(c) CONTRACT TYPE.—If the Landsat Program Management decides to procure Landsat 7 through a proposed contract that is not a firm, fixed-price contract, then the Secretary of Defense and the Administrator shall, prior to the award of the proposed contract, jointly certify to the Congress that the proposed contract holds every reasonable prospect of—

"(1) achieving data continuity; and

"(2) conforming with the baseline funding profile required in the management plan described in section 201(b).

"(d) NOTIFICATION OF COST AND SCHEDULE CHANGES.—The Landsat Program Management shall promptly notify the Congress of any significant deviations from the expected cost, delivery date, and launch date of Landsat 7 that are specified by the Landsat Program Management upon award of the contract pursuant to this section.

"(e) UNITED STATES PRIVATE SECTOR ENTITIES.—The Landsat Program Management shall, for purposes of this Act, define the term 'United States private sector entities', taking into account the location of assets, operations and employment, and other such factors.

"SEC. 203. DATA POLICY FOR LANDSAT 1 THROUGH 6.

"(a) CONTRACT NEGOTIATIONS.—Within 30 days after the date of enactment of the National Landsat Policy Act of 1992, the Landsat Program Management shall enter into negotiations with the Landsat 6 contractor, with respect to pricing, distribution, acquisition, archiving, and access of Landsat 1 through 6 unenhanced data.

"(b) CONSIDERATIONS.—In carrying out negotiations under this section, the Landsat Program Management shall—

"(1) seek to ensure that such unenhanced data shall be provided to the United States Government and its affiliated users at the cost of fulfilling user requests, on the condition that such unenhanced data is used solely for noncommercial purposes;

"(2) seek to ensure that instructional data sets, selected from the Landsat data archives, will be made available to educational institutions exclusively for noncommercial, educational purposes at the cost of fulfilling user requests;

"(3) seek to ensure that Landsat data users are able to acquire unenhanced data contained in the collective archives of foreign ground stations as easily and affordably as practicable;

"(4) seek to ensure that the United States Government and its affiliated users shall not be prohibited from reproduction or dissemination of unenhanced data to other agencies of the United States Government and other affiliated users, as long as the unenhanced data will be used solely for noncommercial purposes;

"(5) explore options, including the provision of vouchers and data grants, for providing unenhanced data to nonprofit, public interest entities engaged in environmental research at the cost of fulfilling user requests, as long as the unenhanced data will be used solely for noncommercial purposes; and

"(6) seek to ensure a viable role for the private sector in the promotion and development of the commercial market for unenhanced data from the Landsat system.

"(c) FAILURE TO REACH AGREEMENT.—If negotiations under subsection (a) have not, within 120 days after the date of the enactment of the National Landsat Policy Act of 1992, resulted in an agreement that the Landsat Program Management determines generally achieves the goals stated in subsection (b)(1) through (4), the Administrator and the Secretary of Defense shall, within 30 days after the date of such determination, jointly certify and report such determination to the Congress. The report shall include a review of options for achieving, and recommendations with respect to, such goals. The options reviewed shall include—

"(1) retaining the existing or modified contract with the Landsat 6 contractor;

"(2) the termination of existing contracts for the exclusive marketing rights of Landsat unenhanced data; and

"(3) the establishment of an alternative private sector mechanism for the marketing and commercial distribution of such data.

"SEC. 204. TRANSFER OF LANDSAT 6 PROGRAM RESPONSIBILITIES.

"The responsibilities of the Secretary of Commerce with respect to Landsat 6 shall be transferred to the Landsat Program Management, as agreed to between the Secretary of Commerce, the Secretary of Defense, and the Administrator pursuant to section 201.

"SEC. 205. DATA POLICY FOR LANDSAT 7.

"(a) LANDSAT 7 DATA POLICY PLANS.—The Landsat Program Management, in consultation with the Secretary and appropriate officers of other appropriate United States Government agencies, shall develop a Preliminary and a Final Landsat 7 Data Policy Plan in accordance with subsections (b) and (c). The Preliminary and Final Landsat 7 Data Policy Plans shall—

"(1) define the roles and responsibilities of the various public and private sector entities that would be involved in the acquisition, processing, distribution, and archiving of Landsat 7 data and in the operations of the Landsat 7 spacecraft;

"(2) ensure timely and dependable delivery of unenhanced data to the full spectrum of civilian, national security, commercial, and foreign users, and the National Satellite Land Remote Sensing Data Archive;

"(3) seek to ensure that unenhanced data shall be provided to the United States Government and its affiliated users at the cost of fulfilling user requests, on the condition that such unenhanced data is used solely for noncommercial purposes;

"(4) ensure that instructional data sets, selected from the Landsat data archives, shall be made available to educational institutions exclusively for noncommercial, educational purposes at the cost of fulfilling user requests;

"(5) ensure that the United States Government and its affiliated users shall not be prohibited from reproduction or dissemination of unenhanced data to other agencies of the United States Government and other affiliated users, as long as such unenhanced data is used solely for noncommercial purposes;

"(6) ensure that the proposed data distribution system contributes to the commercialization goal for land remote-sensing; and

"(7) to the extent possible, ensure that the data distribution system for Landsat 7 is compatible with the Earth Observing System Data and Information System.

"(b) PRELIMINARY PLAN AND REPORT.—Not later than December 31, 1993, the Landsat Program Management shall develop and submit to the Congress a report that contains a Preliminary Landsat 7 Data Policy Plan and that addresses each of the issues identified in subsection (a).

"(c) FINAL PLAN AND REPORT.—Not later than July 15, 1996, the Landsat Program Management shall develop and submit to the Congress a report that contains a Final Landsat 7 Data Policy Plan. In developing the report and plan, the Landsat Program Management shall assess the operational effectiveness of the data distribution system and policies for Landsat 1 through 6, established pursuant to section 203, in order to assist the Landsat Program Management in determining what, if any, modifications should be made in the Preliminary Landsat 7 Data Policy Plan. The report shall address any such modifications.".

SEC. 5. REPEAL OF TITLE III OF THE LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984.

Title III of the Land Remote-Sensing Commercialization Act of 1984 is repealed.

SEC. 6. AMENDMENTS TO TITLE IV OF THE LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984.

Title IV of the Land Remote-Sensing Commercialization Act of 1984 is amended—

(1) by redesignating the title as title III;

(2) by redesignating sections 401, 402, 403, 404, and 405, as sections 301, 302, 303, 304, and 305, respectively;

(3) by adding at the end of section 301, as so redesignated by paragraph (2) of this section, the following new subsection:

"(e)(1) The Secretary, in consultation with other appropriate United States Government agencies and pursuant to paragraph (2), shall designate in a license issued pursuant to this title any unenhanced data required to be provided by the licensee under section 302(b)(3).

"(2) The Secretary shall make a designation under paragraph (1) after determining that—

"(A) such data is generated by a system whose development, fabrication, launch, or operations costs have been or will be paid for in part by the United States Government; or

"(B) it is in the interest of the United States to require such data to be provided by the licensee consistent with section 302(b)(3), after considering the impact on the licensee and the importance of promoting widespread access to remote-sensing data from United States and foreign systems.

"(3) A designation made by the Secretary under paragraph (1) shall not be inconsistent with any contract or other arrangement entered into between a United States Government agency and the licensee.";

(4) in section 302, as so redesignated by paragraph (2) of this section—

(A) by striking "401" in subsection (a) and inserting in lieu thereof "301";

(B) by striking ", at a minimum," in subsection (b);

(C) by striking "and promote" and "and implement" in subsection (b)(1);

(D) by amending subsection (b)(2) to read as follows:

"(2) make available to any Sovereign State unenhanced data collected by the system concerning the territory under the jurisdiction of such Sovereign State as soon as such data is available and on reasonable terms and conditions;";

(E) by redesignating paragraphs (3) through (9) of subsection (b) as paragraphs (4) through (10), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) make unenhanced data designated by the Secretary in the license pursuant to section 301(e) available to all users without preference, bias, or any other special arrangement regarding delivery, format, pricing, or technical considerations which would favor one customer or class of customers over another;";

(F) in subsection (b)(5)—

(i) by striking ", obtain advance approval of any intended deviation from such characteristics,"; and

(ii) by inserting "and" after the semicolon;

(G) by striking the semicolon in subsection (b)(6) and inserting in lieu thereof a period; and

(H) by striking paragraphs (7) through (9) of subsection (b);

(5) in section 303, as so redesignated by paragraph (2) of this section—

(A) by amending paragraphs (1) and (2) of subsection (a) to read as follows:

"(1) grant, condition, or transfer licenses under this Act;

"(2) seek an order of injunction or similar judicial determination from a United States District Court with personal jurisdiction over the licensee to terminate, modify, or suspend licenses under this title and to terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provisions of this Act, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;" and

(B) by striking "where there is" in subsection (a)(6) and inserting in lieu thereof "providing the Secretary obtains a warrant thereof from a magistrate based on a showing of";

(6) in section 305(d), as redesignated by paragraph (2) of this section, by striking "title V" and inserting in lieu thereof "title IV"; and

(7) by repealing section 406.

SEC. 7. AMENDMENTS TO TITLE V OF THE LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984.

Title V of the Land Remote-Sensing Commercialization Act of 1984 is amended—

(1) by striking "TITLE V—RESEARCH AND DEVELOPMENT" and inserting in lieu thereof "TITLE IV—RESEARCH, DEVELOPMENT, AND DEMONSTRATION";

(2) by redesignating section 501 as section 401;

(3) in section 401, and redesignated by paragraph (2) of this section—

(A) in subsection (a)(1), by striking "is" and inserting in lieu thereof "and the Secretary of Defense are";

(B) by repealing subsections (b) and (e); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) by repealing sections 502, 503, and 504; and

(5) by inserting after section 401, as redesignated by paragraph (2) of this section, the following new sections:

"SEC. 402. AVAILABILITY OF FEDERALLY GATHERED UNENHANCED DATA.

"(a) GENERAL RULE.—All unenhanced data gathered and owned by the United States Government, including unenhanced data gathered under the technology demonstration program carried out pursuant to section 403, shall be made available to users in a timely fashion.

"(b) PROTECTIONS FOR UNITED STATES GOVERNMENT.—Nothing in this Act shall be construed to prevent the United States Government from entering into and executing—

"(1) an agreement with a foreign entity concerning the availability and cost of land remote-sensing data for noncommercial purposes; or

"(2) a cooperative research program with a private sector entity, so long as unenhanced data will be used solely for noncommercial purposes.

"(c) PROTECTION FOR COMMERCIAL DATA DISTRIBUTOR.—The President shall seek to ensure that unenhanced data gathered under the technology demonstration program carried out pursuant to section 403 shall, to the extent practicable, be made available on terms that would not adversely affect the commercial market for unenhanced data gathered by the Landsat 6 spacecraft.

"SEC. 403. TECHNOLOGY DEMONSTRATION PROGRAM.

"(a) ESTABLISHMENT.—As a fundamental component of a national land remote-sensing strategy, the President shall establish, through appropriate United States Government agencies and departments, a technology demonstration program. The goals of such program shall be—

"(1) to seek to launch advanced land remote-sensing system components within 5 years after the date of the enactment of the National Landsat Policy Act of 1992;

"(2) the demonstration, within 5 years after the date of the enactment of the National Landsat Policy Act of 1992, of advanced sensor capabilities suitable for use in the anticipated land remote-sensing program; and

"(3) the demonstration, within 5 years after the date of the enactment of the National Landsat Policy Act of 1992, of an advanced land remote-sensing system design that could be less expensive to procure and operate than the current Landsat system, and that therefore holds greater potential for private sector investment and control.

"(b) EXECUTION OF PROGRAM.—In executing the technology demonstration program, the President shall seek to apply technologies associated with United States National Technical Means of intelligence gathering, to the extent that such technologies are appropriate for the technology demonstration and can be declassified for such purposes without causing adverse harm to United States national security interests.

"(c) BROAD APPLICATION.—To the greatest extent practicable, the technology demonstration program established under subsection (a) shall be designed to be responsive to broad civilian, national security, commercial, and foreign policy interests in land remote-sensing.

"(d) PRIVATE SECTOR FUNDING.—The technology demonstration program under this section may be carried out in part with private sector funding.

"(e) LANDSAT PROGRAM MANAGEMENT COORDINATION.—The Landsat Program Management shall have a coordinating role in the technology demonstration program carried out under this section.

"(f) REPORT TO CONGRESS.—The President shall assess the progress of the technology demonstration program under this section and, within 2 years after the date of the enactment of the National Landsat Policy Act of 1992, submit a report to the Congress on such progress.".

SEC. 8. ADDITION OF NEW TITLE V FOR THE LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984.

The Land Remote-Sensing Commercialization Act of 1984 is amended by inserting after title IV, as redesignated and amended by section 7 of this Act, the following new title:

"TITLE V—ASSESSING OPTIONS FOR SUCCESSOR LAND REMOTE-SENSING SYSTEM

"SEC. 501. ASSESSING OPTIONS FOR SUCCESSOR LAND REMOTE-SENSING SYSTEM.

"(a) ASSESSMENT.—Within 5 years after the date of the enactment of the National Landsat Policy Act of 1992, the Landsat Program Management, in consultation with representatives of appropriate United States Government agencies, shall assess and report to the Congress on the options for a successor land remote-sensing system to Landsat 7. The report shall include a full assessment of the advantages and disadvantages of—

"(1) private sector funding and management of a successor land remote-sensing system;

"(2) establishing an international consortium for the funding and management of a successor land remote-sensing system;

"(3) funding and management of a successor land remote-sensing system by the United States Government; and

"(4) a cooperative effort between the United States Government and the private sector for the funding and management of a successor land remote-sensing system.

"(b) GOALS.—In carrying out subsection (a), the program manager shall consider the ability of each of the options to—

"(1) encourage the development, launch, and operation of a land remote-sensing system that adequately serves the civilian, national security, commercial, and foreign policy interests of the United States;

"(2) encourage the development, launch, and operation of a land remote-sensing system that maintains data continuity with the Landsat system; and

"(3) incorporate system enhancements, including any such enhancements developed under the technology demonstration program under section 403, which may potentially yield a system that is less expensive to build and operate, and more responsive to data users, than is the current Landsat system.

"(c) PREFERENCE FOR PRIVATE SECTOR SYSTEM.—If a successor land remote-sensing system to Landsat 7 can be funded and managed by the private sector while still achieving the goals stated in subsection (b), without jeopardizing the domestic, national security, and foreign policy interests of the United States, preference should be given to the development of such a system by the private sector without competition from the United States Government.".

SEC. 9. AMENDMENTS TO TITLE VI OF THE LAND REMOTE-SENSING COMMERCIALIZATION DATA AVAILABILITY.

Title VI of the Land Remote-Sensing Commercialization Act of 1984 is amended—

(1) by amending section 601 to read as follows:

"SEC. 601. NONDISCRIMINATORY DATA AVAILABILITY.

"(a) GENERAL RULE.—Except as provided in subsection (b) of this section or in section 607(a) or (b), any unenhanced data generated by the Landsat system or any other land remote-sensing system funded and owned by the United States Government shall be made available to all users without preference, bias, or any other special arrangement regarding delivery, format, pricing, or technical considerations which would favor one customer or class of customers over another.

"(b) EXCEPTIONS.—(1) All unenhanced data generated by the Landsat system or any other land remote-sensing system funded and owned by the United States Government shall be made available to the United States Government and its affiliated users and others so designated by the appropriate United States Government agency head or heads consistent with the terms of this Act, at the cost of fulfilling user requests, on the condition that such unenhanced data is used solely for noncommercial purposes.

"(2) Instructional data sets, selected from the Landsat data archives, shall be made available to educational institutions exclusively for noncommercial, educational purposes at the cost of fulfilling user requests.

"(c) PUBLICATION OF AVAILABILITY TERMS.—Any private sector entity which sells unenhanced data shall make publicly available the prices and other terms and conditions on which the unenhanced data is available to users.";

(2) in section 602—

(A) in subsection (b)—

(i) by striking "Secretary", and inserting in lieu thereof "Secretary of the Interior, with the assistance of the Landsat Program Management" each place it appears; and

(ii) by inserting "land remote-sensing" before "system operator";

(B) by striking "Secretary" and inserting in lieu thereof "Secretary of the Interior" each place it appears in subsection (c);

(C) by inserting ", paying particular attention to the anticipated data requirements of global change research" after "developments and needs" in subsection (c)(2);

(D) by striking "title III, or by licensees under title IV" in subsection (c)(5), and inserting in lieu thereof "title II, or by licensees under title III";

(E) by repealing subsections (d), (f), and (g);

(F) by redesignating subsection (e) as subsection (d); and

(G) in subsection (d), as so redesignated by subparagraph (F) of this paragraph—

(i) by striking "system operator" and inserting in lieu thereof "licensee under title III" in the first and third sentences;

(ii) by striking "the operator" and inserting in lieu thereof "the licensee" in the first sentence; and

(iii) by striking the second sentence;

(3) by striking "as the system operator" in section 603, and inserting in lieu thereof "as a land remote-sensing system operator";

(4) by inserting "land remote-sensing" before "system operator" the second place it appears in section 603 and before "system operators" in section 604;

(5) by striking "title IV" in section 605, and inserting in lieu thereof "title III";

(6) in section 606, by repealing subsection (a) and redesignating subsections (b) through (e) as subsections (a) through (d), respectively;

(7) by inserting "Landsat Program Management" in place of "Secretary" the first time it appears in section 607(a) and (b)(1);

(8) by inserting "and the Landsat Program Management" after "notifying the Secretary" in section 607(a) and (b)(1);

(9) by redesignating section 607(c) as section 607(d);

(10) by inserting after section 607(b) the following new subsection:

"(c) The Landsat Program Management shall, as often as necessary, provide to the Congress complete and updated information about the status of ongoing operations of the Landsat system, including timely notification of decisions made with respect to the Landsat system in order to meet national security concerns and international obligations and policies of the United States Government.";

(11) by inserting "land remote-sensing" before "system operator" each place it appears in section 607(d), as so redesignated by paragraph (9);

(12) by amending section 608 to read as follows:

"SEC. 608. ENFORCEMENT.

"(a) IN GENERAL.—In order to ensure that unenhanced data received solely for noncommercial purposes is not used for any commercial purpose, the Secretary (in collaboration with private sector entities responsible for the marketing and distribution of unenhanced data generated by land remote-sensing systems of the United States Government) shall develop and implement a system for enforcing the pricing structure for such unenhanced data, in the event that unenhanced data is made available for noncommercial applications at a different price than it is made available for commercial applications.

"(b) AUTHORITY OF SECRETARY.—Subject to subsection (d), the Secretary may impose any of the enforcement mechanisms described in subsection (c) against a person who—

"(1) receives unenhanced data under this Act solely for noncommercial purposes (and at a different price than the price at which such data is made available for commercial applications); and

"(2) uses such data for commercial purposes.

"(c) ENFORCEMENT MECHANISMS.—Enforcement mechanisms referred to in subsection (b) may include civil penalties of not more than $10,000 (per day per violation), denial of further unenhanced data purchasing privileges, and any other penalties or restrictions the Secretary considers necessary to ensure, to the greatest extent practicable, that unenhanced data acquired for noncommercial purposes is not used to unfairly compete in the commercial market against private sector entities not eligible for data at the cost of fulfilling user requests.

"(d) PROCEDURES AND REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this section and shall establish standards and procedures governing the imposition of enforcement mechanisms under subsection (b). The standards and procedures shall include a procedure for potentially aggrieved parties to file formal protests with the Secretary alleging instances where such unenhanced data has been, or is being, used for commercial purposes in violation of the terms of receipt of such data. The Secretary shall promptly act to investigate any such protest, and shall report annually to the Congress on instances of such violations."; and

(13) by repealing section 609.

SEC. 10. AMENDMENTS TO TITLE VII OF THE LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984.

Section 701 of Title VII of the Land Remote Sensing Commercialization Act of 1984 is amended—

(1) by inserting "or" before "commercialize,"; and

(2) by striking "or in any way dismantle".

SEC. 11. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out pursuant to the authority provided in the amendments made by this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements—

(A) made pursuant to the authority provided in amendments made by this Act; and

(B) for which solicitations for bids are issued after the date of enactment of this Act.

(3) The Landsat Program Management, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the rule, the gentleman from California [Mr. BROWN] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 20 years ago, on July 23, 1972, the United States made history by launching the world's first civilian satellite designed to collect images of the Earth from space. This marked the operational beginning of the Landsat Program, which has involved five satellites over the past two decades. These satellites have gathered more than 3 million images which have been used throughout the Federal Government, broadly within the private sector, and around the world for such activities as environmental management, crop assessments, oil and gas exploration, and mapmaking.

The Landsat Program has been a tremendous technological success. Indeed, it stands as one of the greatest triumphs of the Nation's space effort. Through the Landsat Program, we have learned more about environmental change and development on our planet than through any other satellite program. It is thus fitting to be considering a Landsat bill today, while the United Nations Conference on Environment and Development is underway in Brazil. This program has represented the workhorse of environmental management from space, providing data used by more than 100 nations around the globe.

If we can successfully implement a new policy framework for the Landsat Program—as called for by H.R. 3614—and if we provide the necessary funding during the 1990's to execute such a program, then we probably will be doing more for meeting the goals of environmental protection and sustainable development than could be obtained through any comparable investment of time, energy, and resources.

While the Landsat system has been a technological success over the past 20 years, the policy framework governing the satellites has broken down. It has broken down primarily because of a premature effort in the early 1980's to transfer the program to the private sector. That effort resulted in passage by this institution, and enactment into law, of the Land Remote-Sensing Commercialization Act of 1984. Essentially all observers now agree that the commercialization scheme embodied in the 1984 Landsat Act has faltered. It has faltered because of slower than expected market development, unrealistic expectations for rapid commercialization, and failure of the U.S. Government to meet the funding obligations of the commercialization contract.

As a result of these factors, the Landsat Program has been in an almost continuous state of crisis over the past decade. This crisis reached a peak in early 1989, when the U.S. Government came to the brink of terminating continued operation of the two currently operational Landsat satellites because of a shortfall of a mere $9.4 million. Through the help of the National Space Council, led by the Vice President, sufficient funds were obtained to avert a shutdown of the Landsat Program.

The National Space Council also helped develop and receive administration support for a policy statement, approved by the President in May 1989, committing the United States to continuity of the Landsat Program into the 1990's, and instructing the National Space Council and the Office of Management and Budget to develop a plan for implementing that commitment.

However, as of last summer—mid 1991—the administration had not yet developed an implementation plan and there remained tremendous uncertainty about the future of the Landsat Program. There was a growing perception that funding for the next in the series of Landsat spacecraft would be essential in the fiscal year 1993 budget in order to avoid a data gap in the late 1990's, yet no Federal agency was prepared to assume funding responsibilities for the program.

Over the past 6 months, however, enormous progress has been made in putting together a program aimed at securing the Landsat Program through the 1990's and restoring U.S. leadership in land remote-sensing.

The bill that we have before us represents a product of that effort. H.R. 3614 is a bipartisan bill developed by the Committee on Science, Space, and Technology in close collaboration with the administration. It has also benefited from the input of the Armed Services Committee and the House Permanent Select Committee on Intelligence, as well as the guidance and suggestions of literally dozens of the Nation's experts on land remote-sensing. It is a comprehensive bill, aimed at addressing all of the major issues that must be tackled if we are to ensure a successful Landsat Program into the next century.

The bill is structured as amendments to the land Remote-Sensing Commercialization Act of 1984. Many provisions of the 1984 Landsat Act are retained. Overall, however, H.R. 3614 represents a major rewrite of the 1984 Landsat Act, with the objective of creating a new and more sustainable blueprint for guiding the Landsat Program.

The bill creates a new institutional home for Landsat within the U.S. Government by transferring management responsibilities for the program from the Department of Commerce to a joint management structure comprised of the National Aeronautics and Space Administration and the Department of Defense. This transfer is appropriate and necessary, given the enormous importance of Landsat data for global change research and for national security purposes.

As explained in the legislative report accompanying H.R. 3614, Landsat data will be essential for meeting the objectives of the U.S. Global Change Research Program. No sensor on NASA's planned Earth observing system [EOS] could provide a replacement for Landsat's high resolution, multispectral data. In fact, the design of EOS was predicated on the assumption that Landsat would be a continuing program. For applications such as monitoring the rate of tropical deforestation, desertification, and urban growth, Landsat is perhaps the best monitoring tool in the world.

Landsat serves a similarly important role for national security purposes. The Persian Gulf war represented the first time that Landsat was used operationally during a military conflict, and by all accounts, the data contributed to the success of the operations. Although the Department of Defense operates classified programs with more sophisticated capabilities, the Landsat system still fills a critical niche for the national security community. In fact, every single military command has identified Landsat as being essential for missions within their jurisdictions.

With the importance of Landsat for global change research and national security purposes in mind, it thus makes sense for the program to be jointly managed by NASA and DOD. The administration has reached this same position, as reflected by the national space policy directive issued on February 13, 1992—which assigns Landsat management responsibilities to NASA and DOD.

In creating a Landsat Program management, consisting of NASA and DOD, H.R. 3614 then assigns to this management structure the role of procuring a Landsat 7 spacecraft as quickly as practicable. This goal is of fundamental importance. Since Landsat 6, scheduled for launch next January, will have a design life of 5 years, and since spacecraft procurement and fabrication could take 5 years or longer, the procurement of Landsat 7 must proceed expeditiously.

I am pleased to see that the Department of Defense is moving ahead aggressively to procure Landsat 7. The one major hurdle that stands in the way of this procurement, however, is the lack of legislation providing DOD with the legislative authority to execute the contract. That is one of the reasons why passage of this bill by the House, and completion of a final bill by the U.S. Congress, is needed on an urgent basis.

H.R. 3614 also addresses the issue of data policy—an issue which generates more divergent opinions than does any other dimension of the Landsat Program. Some people believe that Landsat data currently is prohibitively expensive, while others consider the data to be a bargain. Some believe that all users should pay the same commercial price for data, while others feel that Landsat data is a public good that should be provided at the lowest possible cost to everyone.

In developing the data policy reflected in H.R. 3614, the committee recognized that there exist two fundamental boundary conditions that define the context in which data policy must be viewed. The first of these is established by the existing contract between the U.S. Government and the private sector firm which was awarded the commercialization contract under the 1984 Landsat Act. That contract provides the private sector company, EOSAT, with exclusive data marketing rights for Landsat 1 through 6 data for 10 years after collection of the data. As such, negotiations between the U.S. Government and EOSAT will be necessary in order to achieve changes in data policy for Landsat 1 through 6 data. Although some have suggested that such data policy changes be implemented through termination of the EOSAT contract, the committee believes that this could be an expensive action which could create major new uncertainties about the Landsat Program.

The second boundary condition is established by the data policy for the U.S. Global Change Research Program, which specifies that:

> Data should be provided at the lowest possible cost to global change researchers in the interest of full and open access to the data. This cost should, as a first principle, be no more than the marginal cost of filling a specific user request.

With these boundary conditions in mind, H.R. 3614 authorizes negotiations between the Landsat Program management and EOSAT in order to secure modified conditions for Landsat 1 through 6 data, and it requires a data policy plan for Landsat 7 data. In both of these sections, the bill states that the U.S. Government and its affiliated users, as defined in the bill, should receive Landsat data at the cost of fulfilling user requests. In terms of the Landsat 1 through 6 data, this provision could result in a two-tiered data pricing structure in which the U.S. Government and its affiliated users receive Landsat data at the cost of reproduction and transmission, while other users pay a higher commercial price. The bill does not require such an outcome, nor would it preclude the outcome of a single-tier data pricing structure in which all users receive data at the cost of fulfilling user requests. However, because EOSAT owns the exclusive marketing rights for Landsat 1 through 6 data, achievement of a single-tier data pricing structure could be the most expensive option to the U.S. Government.

Regarding Landsat 7 data, which is not subject to any existing contract, it is the administration's intent, and the general expectation, that this data will be provided to all users at a single cost aimed at recovering simply the expenses associated with processing user requests.

H.R. 3614 contains an important provision requiring a technology demonstration program, which would be aimed at demonstrating revolutionary advances in land remote-sensing technologies. While such technical options would be risky if pursued for Landsat 7, they may well result in lighter, cheaper, and more responsive follow-on systems to Landsat 7.

Finally, let me discuss amendments that were made to H.R. 3614 subsequent to the committee's markup and its filing of the legislative report accompanying the bill. The committee amendment to H.R. 3614 includes several technical and clarifying amendments which were requested by the administration and which the committee was pleased to accommodate. The bill before the House also includes three substantive amendments to the text marked up by the Science Committee, and these three amendments deserve specific elaboration.

The first of these has to do with the requirement in existing law that all land remote-sensing systems—whether paid for by the Federal Government or by the private sector—must provide data at the same price to all users. This requirement is referred to as nondiscriminatory access, and has its roots in the U.S. open skies policy. For all the reasons cited in the legislative report to H.R. 3614, the committee firmly supports continuation of the nondiscriminatory access requirement for all Government-funded land remote-sensing satellites—whether they are United States or foreign systems. However, we also recognize that the nondiscriminatory access requirement could be a substantial impediment to the emergence of fully private systems. As such, we have amended H.R. 3614 to permit private land remote-sensing systems to price their data according to market conditions; provided, however, that all nations may have access to data taken of land within their jurisdiction as soon as such data is available and on reasonable terms. The intent of the wording "reasonable terms" is that data should be made available at prices which are comparable to those for any other users of the system.

I11Mr. Speaker, I will insert into the RECORD at this point further elaboration on the changes in the bill with regard to nondiscriminatory access as it relates to private systems.

AMENDMENTS TO NONDISCRIMINATORY DATA AVAILABILITY POLICY

The bill amends the current nondiscriminatory data availability policy for private remote-sensing systems as follows:

(1) The bill deletes the current requirement for private remote-sensing systems to make data available to all users on a nondiscriminatory basis, as defined in Section 601(a) of the Act as amended by the bill. Systems owned and funded by the United States Government would still be required to make data available on a nondiscriminatory basis.

(2) The bill instead requires any licensed private remote-sensing system to make available to any Sovereign State unenhanced data collected by the system concerning the territory under the jurisdiction of the State as soon as the data is available and on reasonable terms and conditions (section 301(b)(2) of the Act as amended). This provision reflects the United Nations principle on open skies and preserves the international commitment of the United States to provide States with access to images taken of their territory.

(3) The bill further requires any licensee to make available on a nondiscriminatory basis any unenhanced data designated by the Secretary of Commerce in the license (section 302(b)(3) of the Act as amended). The bill gives the Secretary the authority to designate such data in the license if either: (1) the data is generated by a system whose development, fabrication, launch, or operations costs are paid for in part by the United States Government; or (2) if it is in the interest of the United States to require such data to be provided on a nondiscriminatory basis, after considering the impact on the licensee and the importance of promoting widespread access to data from U.S. and foreign remote-sensing systems (section 301(e) of the Act as amended).

In general, this provision allows the government to review each license application and determine whether a nondiscriminatory data requirement is warranted. The provision reflects the fact that no legislation can fully anticipate the full range of situations in which a reinstatement of nondiscriminatory policy might be warranted.

In carrying out this provision, the Secretary must consult with other appropriate agencies, such as the Department of State and the National Aeronautics and Space Administration, and must ensure that the license is not inconsistent with any contract or other arrangement between the United States Government and the licensee. The latter requirement protects the authority of an agency to contract or make arrangement with a private entity for a remote-sensing system or data from a system.

For example, NASA could fly a sensor on a private satellite, purchase data from a private system, or fly a private sensor on a NASA satellite. In the contract, NASA could make any arrangement for distribution of data that is consistent with the agency's mission and any statutory requirements or Administration policies. NASA would consider the tradeoffs involved in a potential requirement for nondiscriminatory data availability. The Secretary of Commerce would issue a license consistent with any contracts or arrangements between NASA and the licensee.

A second change in H.R. 3614 since markup involves the deletion of what was section 203(b)(7), which instructed the Landsat Program management to explore with EOSAT revenue-enhancing activities, such as value-added services, which EOSAT could engage in to help offset any revenue losses associated with providing data to the U.S. Government and affiliated users at the cost of fulfilling user requests. Many value-added companies have expressed concern that this provision could result in Government-subsidized competition in their field. Although the provision did not go beyond existing law, and even though the legislative report accompanying the bill includes a considerable discussion of safeguards against abuse of this provision, the committee decided to delete this section.

Finally, the bill contains a new section 403(b), which specifies that, in executing the technology demonstration program authorized by the legislation, the President shall seek to apply technologies associated with U.S. national technical means of intelligence gathering, to the extent that such technologies are appropriate and can be declassified for such purposes without causing adverse harm to U.S. national security interests. The purpose of this provision is clear: To encourage technology transfer from the world of classified reconnaissance satellites to the world of unclassified remote-sensing satellites. This provision was developed in cooperation with the Intelligence Committee, which shares our view that we should not replicate in the unclassified world technology development efforts that already have been perfected in the classified realm.

Mr. Speaker, let me conclude with a few observations which put this legislation in perspective.

As I mentioned at the outset, this year marks the 20th anniversary of the Landsat Program—a program which has helped the world develop a better understanding of environmental change and development. The United States pioneered the technology of land remote-sensing, yet its position in this field has eroded considerably over the past decade. As of 1 year ago, it appeared that the United States was prepared to forfeit this technology to other nations that have moved ahead aggressively with land remote-sensing systems of their own.

At a time when global monitoring has finally come of age—for applications ranging from national security to environmental management—it would have been a tragedy for the United States to sacrifice the Landsat Program because it was unable to develop a coherent national policy for this program. Fortunately, that tragedy appears to have been averted. Through a cooperative effort involving NASA and DOD, the White House and Congress, we are now on the verge of putting into place a new national policy framework for the Landsat Program. This has represented public policymaking at its best. I urge my colleagues to support H.R. 3614. It is a bill which this institution can be proud of.

Mr. Speaker, I reserve the balance of my time.

□ 1450

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support H.R. 3614, the National Landsat Policy Act of 1992.

The bill before us is a bipartisan attempt to establish a policy for land remote sensing for the future betterment of our Nation and the world community. As such the policy must accommodate many complex and sometimes competing objectives. The legislation we will consider today strikes a balance between those objectives and in my opinion is a fair compromise to all parties concerned.

First and foremost, the bill funds the continuation of the Landsat system which is vital to our national security, environmental management, and global change research programs. The latter two elements rely on the continuity of data to assess how both natural and man induced phenomena are changing our world.

The bill also sets a pricing policy for that data which allows for cheap and easy access for public sector environmental and global change researchers. Yet, at the same time, the bill retains the private sector right to develop the commercial and the value added markets arising from the data and ultimately recognizes our continued preference for a private land remote sensing system as a successor to the Government-operated structure.

The bill also takes advantage of recent technological developments to come out of SDI Program which will enable lighter and therefore cheaper land remote sensing satellites to be developed. Provision is made in the legislation for a demonstration program which will help determine the commercial viability of the new technology.

Finally, the bill removes barriers to the development of private sector land remote sensing systems while still maintaining our adherence to the U.N. principles of nondiscriminatory access.

Such private sector development would have important and far reaching benefits for all of mankind. This would be accomplished through breaking up of government controlled monopolies in land remote sensing and would mean cheaper access to land remote sensing data to all interested parties. News, environmental, agricultural, and resource management organizations could launch their own or rent dedicated satellites which could provide real time information on oil spills, natural disasters, crop conditions, forest destruction, or population movements.

Keeping in mind all the positive benefits which may come from the enactment of H.R. 3614, I urge the adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York [Mr. SCHEUER], the chairman of the Subcommittee on Natural Resources, Agriculture Research and Environment, who shepherded the consideration of this act.

Mr. SCHEUER. Mr. Speaker, I rise in support of H.R. 3614, the National Landsat Policy Act.

Mr. Speaker, in 1984, through the enactment of the Land Remote Sensing Commercialization Act, the Committee on Science, Space, and Technology launched a 10-year effort to foster the development of a new commercial space industry.

In spite of the many problems since then, the Landsat Program has been a remarkable technical success. In fact, it is one of the few satellite systems that have performed well all these many years.

Commercialization, however, was undermined from the very beginning.

NOAA's decision to eliminate funding for commercialization in fiscal year 1987; and their decision to build only one new Landsat satellite, Landsat 6, pushed the program down the slippery slope to the point where even the two operational satellites—Landsat 4 and 5—were in danger of being shut down in 1989.

It is particularly disturbing to me that NOAA, [the National Oceanic and Atmospheric Administration] an agency that should be in the forefront of global environmental science, has turned its back on the Landsat Program.

Other events over the last 10 years, however, have clearly demonstrated the importance of Landsat data.

In recent years Landsat data have been increasingly useful to the defense and intelligence community; and the global climate change research community.

Thus we are now to the point where it is clear that there is an urgent need to restructure the Landsat Program in order to assure continuity of Landsat data collection throughout the construction of Landsat 7.

The legislation introduced by the chairman of the Committee on Science, Space, and Technology [GEORGE BROWN] of California has illuminated the path that we must now take if we are to preserve the Landsat Program and preserve the continuity of Landsat data so important for global change research.

H.R. 3614 was intended to provide a new policy framework to put the Landsat system back on a sound and secure course. It has already been successful in that regard.

The key element of this strategy is the assignment of management and funding responsibility for the next satellite, Landsat 7, to the agencies which have the primary requirements for the data—NASA and the Defense Department.

H.R. 3614 is intended to set up the negotiations designed to balance the seemingly competing demands of commercialization and the needs of the environmental research community.

Mr. Speaker, we must pass H.R. 3614 if we are to continue the Landsat Program and preserve the continuity of Landsat data so important for global climate change research. I urge my colleagues to support this bill.

□ 1500

The SPEAKER pro tempore (Mr. MFUME). The Chair would advise those Members controlling debate time that the gentleman from California [Mr. BROWN] has 3½ minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 17½ minutes remaining.

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the ranking member of the full committee for yielding time to me.

Mr. Speaker, our Nation's Landsat Program has been a vital and successful component of our presence in space. In the wake of a significant Landsat contribution to the war effort, the Landsat Program has proven its contribution to both the private and public sectors, and to the world at large.

Data from the Landsat series of satellites have provided invaluable multispectral images and data for a broad and everwidening array of applications—from crop assessments, to national security, to oil and gas exploration, and to environmental management, among other activities.

Indeed, Landsat is playing an important role as we continue to focus on solutions to improve our environment. Having just returned from the Earth summit in Rio de Janeiro, I know that Landsat provides us with the unique environment management tools to help us preserve and monitor our planet's ecology.

Data from the Landsat series of satellites are particularly suited, not only to monitor the seasonal variations in ground cover, but also the longer term variation or changes in standing vegetation biomass, biological productivity, land cover, snow and ice cover, the rate of deforestation and desertification, and the fragile ecosystem margins. In the Science Committee, we have heard from witnesses attesting to Landsat's specific use in the monitoring of wildfires, the examination of deforestation in the tropics, the growth of urban areas, the expansion of irrigated agricultural land, the monitoring of changes in glaciers, and the assessment of the impacts of volcanic eruptions.

This bill also includes an amendment I offered during committee consideration. My amendment would ensure that instructional data sets, selected from the Landsat data archives, will be made available to education institutions.

This amendment allows our Nation's educational institutions with the ability to utilize existing Landsat data. Current existing data can be very educational to classroom instruction. I believe that student access to data is a key component in stimulating young minds.

Mr. Speaker, Landsat data serves important domestic, national defense, and international programs, and the public benefits from the use of Landsat data in these programs. Although the Landsat issue is very complex and represents many different interests, I believe that H.R. 3614 represents the most effective compromise possible. I urge my colleagues to support this bill.

Mr. BROWN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. VALENTINE], the distinguished chairman of the Subcommittee on Competitiveness of the Committee on Science, Space, and Technology.

Mr. VALENTINE. Mr. Speaker, I rise in support of H.R. 3614, the National Landsat Policy Act, and to commend both the chairman of the Science Committee, Mr. BROWN, and the chairman of the Environment Subcommittee, Mr. SCHEUER, for their leadership on this issue.

Since the launching of the first Landsat satellite in 1972, the United States has had the undisputed leadership in international space technology. With the passage of the Land Remote-Sensing Commercialization Act in 1984, it was hoped that the private sector could take over the Landsat Program.

However, due to uneven support from the administration and the private sector and slower than expected market development for Earth observing information, the attempt to privatize the Landsat system almost spelled the end of the U.S. technological leadership in the area of remote sensing. Through delay and indifference, we almost allowed yet another American industry to be surplanted by foreign competition.

This bill, Mr. Speaker, restores the Landsat Program to a sound footing. By using the combined resources of the Defense Department and NASA, we in Congress, in conjunction with the President, are demonstrating our commitment to Earth observing technologies.

In addition, this legislation will continue the goal of future privatization of the Landsat Program by encouraging the development of a private land remote-sensing industry.

I urge my colleagues to vote in favor of H.R. 3614.

Mr. WALKER. Mr. Speaker, I yield 7 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I rise in support of H.R. 3614. However, I do that on a conditional basis. I have some concerns about the Landsat program.

Mr. Speaker, I know that the committee has made valiant efforts to reform the program and has made good progress in that respect. I would like to see further reforms.

Landsat is, I think, a program that has failed to live up to its potential. There are many, many more users of Landsat data that would like to use it if they knew about it and if they thought they could afford it.

I know that there is opposition to the legislation. For example, I have a letter signed by a large number of environmental, conservation, agriculture, university and educational organizations, and they say:

> The adoption of this bill, with its promise of five more years of EOSAT control over publicly owned data would be tragic for the environment and a sad commentary on our political process.

Mr. Speaker, that seems to be in contrast with what some people have said. They voice their support for S. 2297. Let me see if I can outline a few objectives that I think could eliminate their concerns.

Mr. Speaker, I have three objectives that I would like to mention here. I hope these objectives could be met in conference by a little further elaboration on some of the objectives and language in the resolution that this Member believes are already leading in that direction.

Mr. BROWN. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I would be pleased to yield to the chairman.

Mr. BROWN. Mr. Speaker, I appreciate the fact that the gentleman from Nebraska [Mr. BEREUTER] has mentioned the problems that some of our environmental friends have with this legislation. I happen to share their views. I think if we could make this Landsat data available to them at the cost of reproduction, it would mean a tremendous expansion of the market for this data.

We have in this bill gone halfway. We have made it available at the cost of reproduction for all governmental users, both governmental and those working on grants from the Government. But we had to stop at that point because we are still committed to the idea that this can function as a commercial venture, and we want to move toward reducing the cost by expanding the market over a period of time. I hope we will be able to achieve that quickly.

Mr. BEREUTER. Mr. Speaker, I thank the distinguished chairman from California [Mr. BROWN]. I appreciate not just the clarification, because I think it is fairly clear, but the elaboration the chairman engaged in here.

Mr. Speaker, let me mention the three objectives I have in mind here, for I believe they may well be shared by a number of other organizations, including those which are, at this point, in opposition, but which can be brought to a supportive role.

Mr. Speaker, the three objectives are:

First, to assure Landsat data availability to a variety of—non-U.S. Government—users at the best possible price. In particular, such users could include: Federal, State, and local government units; American Indian tribes; farm and conservation groups; academic/educational institutions; and other public and private users—possibly including so-called "value-added firms";

Second, to make possible the development of university-based centers of excellence for Landsat applications and technology transfer—possibly to be designated and funded by NASA. These centers could be used to foster development and implementation of projects based on Landsat data and assist in the development of Landsat technical training programs and public school curricula; and

Third, to ensure there is some way to funnel data from Landsat to public and nonprofit users and, reciprocally, to funnel user data needs to Landsat, perhaps through a State or university intermediary.

□ 1510

I want to commend the committee for the fact that it holds the principle of nondiscriminatory access to every user on the same terms that were enshrined in the 1984 act.

Clearly the bill specifically intends to give a cost break to some groups. Federal agencies, federally supported researchers, and educational users. Others of those potential user groups are only specifically targeted for probable eligibility for preferential pricing to the extent they qualify as nonprofit, public interest entities engaged in environmental research. The report notes that while the bill is structured for a two-tiered pricing system, "nothing in the bill precludes a 'single-tier' pricing structure in which all users receive data at the cost of fulfilling user requests." Of course, with respect to Landsat 1-6 data this is all dependent, in the first instance, on the outcome of negotiations. With respect to Landsat 7 data, the LPM would have considerable flexibility to develop a data policy. New section 601 generally permits the LPM to designate other users, but is unclear how far the LPM could go in expanding low-cost access to data to noncommercial users who may only be at the borderlines of the general areas of exception to the nondiscriminatory access principle.

Last, new section 601 provides somewhat more flexibility to provide data, at a discount price, to "other nonprofit entities" per se when that unenhanced data was generated by private land remote-sensing systems licensed under the act.

It is possible for universities to become Landsat "centers of excellence". The bill does not directly address that issue. Certainly the preferential pricing policy the bill seeks for educational use of instructional data sets would help universities become centers for training in the use of Landsat data. To the extent work on Landsat applications and technology at universities is supported, at least in part, by Federal funding, universities would also be expected to benefit from low-cost Landsat data access. Beyond that, the role universities might be able to play in this area under the bill is highly dependent on the negotiations between the LPM and EOSAT in the case of Landsat 1-6 data, and on the LPM's broad authority under new section 205 "to define the roles and responsibilities of the various public and private sector entities that would be involved in the acquisition, processing, distribution, and archiving of Landsat 7 data." Therefore, the possibility of universities being used as intermediaries between Landsat data providers and users would seem to remain open at this juncture under the bill.

Let me come to the bottom line. This Member would make four points in conclusion:

Negotiations with EOSAT regarding their contract and use of data from Landsat 1-6 may be tedious. Making low-cost data available to a wider range of users in the bill could make EOSAT feel that more profit is at stake and cause it to hold out for more favorable buyout terms.

This resolution places the burden of proof on the user community to argue for reduced data costs. This would separate the serious from the trivial. Open data access at this juncture could bankrupt the program, which may just now be getting back on track. How would you include some and exclude others in the bill language without offending?

Room should be left in this resolution for future negotiation based on lessons learned over the next year. It will let interested authorities such as the LPM, the National Space Council and the Science, Space, and Technology Committee respond dynamically to what should be a very fast-paced new industry.

This Member would recommend support for the bill on the condition that work will proceed after negotiations with EOSAT to ensure the most wide availability of low-cost remote-sensing data to the widest possible group of users.

This Member would say to the chairman and to the ranking member, in conclusion, that this Member regrets being brought into this process by my constituents and other groups so late that I could not come to the distinguished chairman, Mr. BROWN, and distinguished ranking minority member, Mr. WALKER, and express these concerns earlier, but I do commend them for the legislation to the committee in addition to the reforms already in place in this proposed resolution. This Member remains concerned that where things are recommended as probable, they instead ought to be nailed down or made certain. Therefore, this Member would hope that concerns he has raised might be addressed in conference and in the conference report.

Mr. BROWN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from South Dakota [Mr. JOHNSON], who has the honor of having the processing facility for this program in his State.

Mr. JOHNSON of South Dakota. Mr. Speaker, first I want to commend the chairman and the committee for their excellent leadership over the years on this issue, and no one has provided greater leadership than the chairman in terms of enhancing America's science role and technology.

I want to express as well, however, my shared concern that the gentleman from Nebraska has expressed about access to some of the data that Landsat is capable of providing.

I believe that the enormous potential for Landsat in helping to conserve and protect the environment remains largely unrealized and an immense amount of data remains, for all practical purposes, unavailable to conservation and environmental groups, State and county governments, Indian tribes, academic researchers, educators and librarians.

I think that this legislation is a step forward. I commend the committee for their work on it.

However, it is an irony that with the Earth summit under way in Brazil that in the past Landsat could have been better used, I believe, to systematically monitor deforestation, decertification, soil erosion, siltation and loss of wetlands. This is a tremendous technology. The United States needs to reclaim its leadership in the world in this technology.

I commend the committee for its leadership, and I am hopeful that through the conference committee work that we can arrive at a bill which, in fact, makes this data available to all.

Mr. Speaker, I rise to express my strong opposition and great frustration with H.R. 3614, the National Landsat Policy Act. What is worse, this bill comes to us on the consent calendar denying Members of this body the opportunity to amend this sadly deficient legislation.

The Landsat commercialization process of the 1980's has failed miserably, and the H.R. 3614 does little to improve the situation. The remote sensing applications infrastructure which developed in the 1970's and early 1980's is in danger of withering away due to the current bizarre situation wherein the Federal Government, having paid for the satellites and their operating costs, now transmits the data to EOSAT in order to buy it back at inflated prices.

The enormous potential for Landsat in helping to conserve and protect the environment remains largely unrealized and an immense amount of data remains, for all practical purposes, unavailable to conservation and environmental groups, State, and county governments, Indian tribes, academic researchers, educators or librarians.

Unlike legislation pending in the other body, H.R. 3614 continues to allow critical data to be made available to public-interest groups only at great cost and with continued sacrifice of science to a commercial monopoly which has already benefited from over $150 million in taxpayer subsidies.

It is an irony that with the Earth summit underway in Brazil, that Landsat could be better used to systematically monitor deforestation, desertification, soil erosion, siltation and loss of wetlands. It should be little wonder that dissatisfaction has been expressed by many others: National Audabon Society, Environmental Defense Fund, National Wildlife Federation, Izaak Walton League, National Congress of American Indians, Friends of the Earth, Sierra Club, Wilderness Society, University of California, National Farmers Union and the American Forestry Association.

We need legislation to establish an across-the-board single-track marginal cost pricing of data which could go into effect with the launching of Landsat 6. Real reform would assure that "no exclusive marketing rights would be extended to any contractor," and help reinstate the United States as the world's leader in this critical technology application.

Mr. BROWN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. McMILLEN], who also has the privilege of having a major facility dealing with Landsat.

Mr. McMILLEN of Maryland. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in strong support of H.R. 3614, the National Landsat Policy Act of 1992.

For too many years, the Landsat Program has suffered budget shortages and program indifference that has threatened its survival.

The Committee on Science, Space, and Technology, working closely with the National Space Council, has developed a carefully balanced legislative proposal to put this important program back on track. The proposal provides Landsat data at the reasonable cost to Government sponsored scientists working on key global change research. Equally important, it maintains the commercialization efforts began 5 years ago.

Some have suggested that we turn our backs on commercialization because it did not live up to the expectations the administration and Congress had when the Land Remote Sensing Commercialization Act of 1984 was passed. Despite funding problems, program shutdowns and myriad of problems, including the tragic loss of the *Challenger*, the commercialization has achieved some remarkable successes in market development and cost containment. Beginning in fiscal year 1993, no Federal funds will be required to operate the Landsat system. This represents a savings of approximately $40 million per year to the Federal taxpayer. In addition, the commercialization has created new businesses and jobs. For example, in my own State of Maryland revenues for remote sensing activities amounted to almost $300 million in 1991. At least 10 new businesses in the value added industry have emerged over the last few years, employing hundreds of our citizens.

I wholeheartedly concur with Chairman BROWN that we must continue the commercialization effort.

I urge my colleagues to support H.R. 3614.

Mr. WALKER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

GENERAL LEAVE

Mr. BROWN. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on H.R. 3614.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN. Mr. Speaker, I would like to take just a moment, as I indicated, to characterize the cooperation that this bill has experienced in the committee as being absolutely superb. It is my own view that the Congress should be trying to work in the fashion that we worked on this bill on many other pieces of important legislation.

In this case, the committee has a long record of trying to nurture the Landsat Program. We admit that we have not perfectly met our goals in connection with that nurturing. This is an effort to reestablish the program on track and to move it in the direction of a fully self-supporting private commercial operation as quickly as we could.

We misjudged the difficulty in doing that, but because of the continued emphasis within the committee on both sides of the aisle, particularly from the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Pennsylvania [Mr. RITTER] and others who have participated in this, we think we now have the situation at a point where the market will be expanded and, of course, with an increasing market, the costs per unit of product inevitably will come down.

☐ 1520

We think that perhaps within a shorter time than we now envision it will be possible to provide for the widescale dissemination of this extremely important data to a much broader range of users than we have been able to do at the present time.

What has happened, in our efforts to commercialize this fully before the market has fully developed, it has become necessary for the private enterprise that has a contract to do this to charge a larger amount per frame of data than many of the nonprofit organizations, the environmental groups, are able to afford. We regret that.

As I say, this is a dynamic situation. We will be in conference with the other body, which will have a different version of the bill. We will be in continued consultation with the administration, and we hope very much that we can move it forward even further during this process before it gets to the President's desk.

Mr. WALKER. Mr. Speaker, I thank the gentleman from California for his leadership on the bill. It has been a good working relationship. I think we have a good bill.

Mr. DELLUMS. Mr. Speaker, I rise in support of H.R. 3614, legislation that will amend the Land Remote-Sensing Commercialization Act of 1984. This legislation will provide data continuity for the Landsat Program and establish a new national land remote-sensing policy.

Under H.R. 3614, control of the Landsat Program will be shifted from the Department of Commerce to the Department of Defense and the National Aeronautics and Space Administration [NASA]. This change is being made to ensure that operation of the Landsat Program remains responsive to the broad interests of the civilian, national security, commercial and foreign users of Landsat. Agreement has been reached so that the Department of Defense will acquire and launch the satellites and NASA will control the ground stations as well as the processing and archiving of the information.

Because data relayed by Landsat Program satellites is critical to the national security and operations of the Department of Defense, the Armed Services Committee has worked closely with the Science, Space, and Technology Committee to insure that the concerns of the Armed Services Committee and the Department of Defense have been addressed. I wish to acknowledge the cooperation we have received from the Science and Technology Committee members and their staff and am pleased to note that our concerns are reflected in the bill before us today.

Usually the Armed Services Committee would have requested shared jurisdiction over this issue; however, we have chosen not to exercise that right given the splendid cooperation we have received in having our concerns incorporated into this legislation. We are also aware that this legislation needs to be passed swiftly to allow the shift of control of the Landsat Program from the Department of Commerce to the Department of Defense and NASA so that additional satellites can be acquired without further delay.

Therefore, I urge my colleagues to support this legislation.

Mr. TANNER. Mr. Speaker, I rise in support of the National Landsat Policy Act of 1992 and commend the chairman of the committee for his leadership on the issue of land remote sensing.

Since 1985, when the decision was made to privatize the Landsat system, this program has suffered a series of budget crisis, program shutdowns, and even came perilously close to have its two functioning satellites turned off. In doing so, we almost squandered a remarkable national resource that, in its lifetime, has collected an invaluable record of the environment of this planet. Landsat is used for a wide range of applications, including oil and mineral exploration, crop assessment, land-use planning, environmental management, and mapmaking.

A bipartisan consensus of the members of the Science, Space, and Technology Committee under Chairman BROWN's leadership fashioned a bill that recognizes the needs of the research community and, at the same time, the legitimate successes in the commercialization of Landsat. Despite extraordinary obstacles, the commercialization has provided some remarkable successes such as reduced operating costs, improved products, and increased international marketing and distribution of Landsat data.

H.R. 3164 permits the commercialization experiment to go forward and continues a strong U.S. presence in the international remote sensing community.

I urge passage of the National Landsat Policy Act.

Mr. RITTER. Mr. Speaker, I wish to commend Mr. BROWN, the chairman of the Science, Space, and Technology Committee, for his longstanding interest in ensuring the survival of the Landsat Program, and I also commend Mr. WALKER, the ranking Republican member of the full committee, for his efforts to bolster the pivate sector presence in remote sensing. I would also like to thank Mr. SCHEUER, the chairman of the Environment Subcommittee, for his efforts to ensure the continuity of important remote-sensing data.

H.R. 3614 provides a legislative framework that could provide an appropriate means to ensure the continuity of Landsat-type data. Data obtained from satellite remote sensing plays an important role in agricultural forecasts and in global climate change research, to name a few applications.

H.R. 3614 establishes a management strategy and data policy to fill the need to ensure continuity in land remote sensing.

A new Landsat Program management, staffed by NASA and the Defense Department, would have overall responsibility for the Landsat Program. These agencies have had the greatest demand for Landsat information, and it is a positive step to charge them with the overall management of Landsat.

The bill adopted by the Science, Space, and Technology Committee makes provisions for expedited procurement of a Landsat 7, as a follow-on to Landsat 6. Expedited procurement of a new remote-sensing satellite is necessary if this Nation is going to maintain continuity of this important data.

In addition, the bill will encourage private sector firms to play a greater role in America's efforts in land remote sensing. The language suggested by Mr. WALKER, and agreed to by bipartisan consensus, would enable private sector firms to charge a market price for most data.

This incentive to encourage commercial remote-sensing activities could have a tremendous impact on America's preeminence in space, jobs, and a positive contribution to our trade balance.

I support H.R. 3614, and I join my colleagues in expressing the strong hope that we can keep America first in land remote sensing.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from California [Mr. BROWN] that the House suspend the rules and pass the bill, H.R. 3614, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: A bill amending the Land Remote-Sensing Commercialization Act of 1984 to secure United States leadership in land remote-sensing by providing data continuity for the Landsat program and by establishing a new national Landsat policy, and for other purposes."

A motion to reconsider was laid on the table.

MEMORIAL TO AFRICAN-AMERICANS WHO DIED AS UNION SOLDIERS DURING THE CIVIL WAR

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 320) authorizing the government of the District of Columbia to establish, in the District of Columbia or its environs, a memorial to African-Americans who died as Union soldiers during the Civil War, as amended.

The Clerk read as follows:

H.J. RES. 320

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The government of the District of Columbia is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor African Americans who served with Union forces during the Civil War.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001, et seq.).

SEC. 2. PAYMENT OF EXPENSES.

The government of the District of Columbia shall be solely responsible for payment, from official funds and charitable donations, of the expenses of the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 320, which authorizes the government of the District of Columbia to establish memorial honoring Black Americans who served with the Union force during the Civil War.

The memorial will include a statue facing the Metro escalator at the newly opened U Street-Cardozo Station and a small park to the side of the escalator. The park will include a wall that will carry plaques with the soldiers' names.

No Federal funds will be used for this memorial. This project will be a joint effort of city and Federal officials and private individuals. The city included $100,000 in its fiscal 1992 budget for the statue, Metro is paying about $150,000 for the granite wall in the park, and the National Park Service will donate the grassy strip of ground for the park. In addition, $50,000 of the $100,000 needed for Howard University to complete the research of the names has been raised, including a $25,000 donation from AT&T.

From January 16, 1776, when the Continental Congress accepted Washington's proposal to enlist free black

Americans until the end of the Civil War, enormous sacrifices in blood and lives were made by black Americans. This measure, most appropriately, commemorates these freedom fighters who fought with courage and valor for the eradication of slavery.

I would like to commend the gentlewoman from the District of Columbia, [Ms. NORTON], for her leadership in introducing this resolution. I also would like to commend Chairman ROSE for his willingness to expedite this resolution's consideration.

I urge my colleagues to support and adopt House Joint resolution 320, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Joint Resolution 320. This legislation allows for the establishment of a memorial, dedicated to the thousands of African-Americans who risked, and in many cases lost their lives, in the American Civil War. These men served as volunteers in the Union Army, knowing full well the values of unity and freedom.

Located in the heart of the District of Columbia's historic black commercial center, this memorial symbolizes the reconstruction of the once flourishing "U" Street area. It bolsters African-American pride, by exemplifying one of many admirable contributions African-Americans have given to the United States. This memorial, to my knowledge, will be the only one in the Nation to honor all Union, African-American soldiers.

Through the combined effort and dedication of private individuals, businesses, city and Federal officials, this memorial will finally be realized. The estimated cost for the entire operation is between $300,000 and $400,000. Substantial pledges have already been given by organizations such as AT&T, Metro, and the National Park Service. The city has also set aside $100,000 this fiscal year to pay for the statue, while money has also been raised for necessary research to be completed by Howard University. Mr. Speaker, absolutely no Federal funds will be appropriated for this memorial. House Joint Resolution 320 grants permission for the use of Federal land, to the hundreds of people who have given their time and talents to this memorial, so that they may achieve their worthy goal.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia [Ms. NORTON], the principal sponsor of this joint resolution.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to ask support for House Joint Resolution 320. This is the first bill I have authored to be considered on the House floor, and I am particularly proud that it is. House Joint Resolution 320 authorizes the government of the District of Columbia to establish a memorial on Federal land in the District to honor African-Americans who served with Union forces during the Civil War. It is the first memorial in the Nation to honor all of the African-American troops who served. I want to thank Chairman BILL CLAY, and the ranking member of the Subcommittee on Libraries and Memorials, BILL BARRETT, and the comparable chairman and ranking member on the full committee for expediting the consideration of this resolution.

The Emancipation Proclamation in freeing the slaves also provided that African-Americans would be "received into the armed services of the United States." Thus many were freed to die for a country which had not yet recognized their citizenship. In fact, the casualty rates were very high; 35 percent died in combat. Many were extraordinary men—from the 23 who were awarded Medals of Honor to men like Maj. Martin R. Delany, the highest ranking African-American officer in the Union Army and a Harvard graduate. What was, perhaps, the most significant engagement occurred in September 1864 at Chapin's Farm near Manassas, VA; 13 of the 23 African-Americans who received the Medal of Honor during the Civil War won the award for valor displayed there. However, all 185,000 will have their names memorialized in this monument.

All the African-Americans who served with the Union Army did so as volunteers, not as conscripts. At first they were barred from combat and made to contribute only as members of service and labor battalions. Ultimately, however, their determination, courage, and regard for their country and for the cause of freedom, were so clearly demonstrated that they could not be denied the "right," a word I use advisedly, to fight and to die. Lincoln said they were "as good soldiers as any."

The release of the film "Glory," almost 3 years ago, brought national attention to the valor of African-American soldiers during the Civil War. The movie told the story of the 54th Massachusetts Volunteer Infantry Regiment, which distinguished itself at the historic battle of Fort Wagner in July 1863. The 54th Massachusetts was not the first African-American regiment organized or the first to be tested in combat. Four other units fought courageously during the Vicksburg campaign earlier that same summer. Eventually, a total of 166 African-American regiments were organized by the Civil War's end in 1865.

All served as second class troops. An African-American private earned $10 while a white private earned $13. However, while a number of these units functioned primarily as teamsters and laborers, many bore arms and participated in major engagements during the remaining 2 years of the war.

I undertook my work on this measure in response to an initiative of D.C. City Councilmember Frank Smith, Jr., whose bright idea it was to establish the first memorial in the United States to honor all the African-Americans who served with the Union forces in the Civil War, and to locate it here in the District of Columbia. Last July, the council of the District of Columbia unanimously approved a ceremonial resolution—ACR 9-398—authored by council member Smith, calling for the establishment of such a memorial at the east entrance of the U Street Metro Station. Locating the memorial in the historic African-American commercial center of Washington is especially appropriate. Washington is the repository of many of our Nation's historical records, the home of Howard University, the Nation's most distinguished black university and a participant in this project, and the home of the Association for the Study of Afro-American Life and History, founded by Carter G. Woodson.

Moreover, Mr. Speaker, the District of Columbia served as a major induction point and training ground for freed slaves who joined the Union Army during the Civil War. Theodore Roosevelt Island in the Potomac River—known during the war as Mason's Island—was home to one of the first African-American units, the 1st U.S. Colored Troops.

The only memorial which the Congress has authorized, thus far, to recognize the contributions made by African-Americans in defense of our Nation, is the Black Revolutionary War Patriots Memorial. That memorial, which is expected to be completed in July 1994, will be located on the Mall. There are a few memorials in existence today which recognize the contributions made by certain units of African-American troops during the Civil War. There is the Stone monument in Olustee, FL, and the Petersburg Battlefield Memorial in Petersburg, VA. Both pay tribute to African-American troops who fought in battles at these locations. One other, which is, perhaps, more widely known, is the memorial in Boston, MA, to Robert Gould Shaw and the 54th Massachusetts Volunteer Infantry Regiment. There is not yet a memorial, however, to all the African-American troops that fought in the Civil War. This memorial will cure the omission because the name of each and every person who served will be there recorded as the essence of the memorial.

Mr. Speaker, I am very pleased to acknowledge the role that will be played by the National Park Service in compiling the names of those African-

Americans who served. This is being done now in connection with the Park Service's development of the Civil War soldiers system, a computerized data base containing information on everyone who participated in the Armed Forces during the Civil War. Volunteers from the Federation of Genealogical Societies are assisting the Park Service with the overall project. They are obtaining their information from the general index to the compiled military service records, which are in the custody of the National Archives.

Mr. Speaker, the sons and daughters of African-American Civil War troops now serve in the Armed Forces of our Nation. They serve in disproportionate numbers today. The armed services were the first governmental institutions to act on the promise of equal opportunity. The Civil War memorial records the valor of those who served knowing that their opportunities would be few. They cannot now know our appreciation, but if the resolution before us is passed their descendants and other Americans can now know and be reminded and be proud.

Mr. Speaker, the time has come for the Congress to take action to memorialize African-Americans who fought with Union forces during the Civil War. I urge my colleagues to give House Joint Resolution 320 their full support.

LIST OF DOCUMENTS

1. Copy of D.C. City Council Ceremonial Resolution 9-398, approved 7/2/91, expressing support for the establishment of a memorial at the entrance of the U Street Metro Station to honor African Americans who served in the Civil War.
2. Letter dated 10/29/91 from Mayor Sharon Pratt Kelly to Mr. John G. Parsons, Chairman of the National Capital Memorial Commission, expressing her full support for H.J. Res. 320.
3. Letter dated June 5, 1992 from Councilmember Frank Smith, Jr. to Congresswoman Eleanor Holmes Norton expressing thanks to Congresswoman Norton and the Subcommittee on Libraries and Memorials for efforts to secure passage of H.J. Res. 320.
4. Copy of August 12, 1991 New York Times article entitled "Memorial to Honor Civil War's Black Soldiers."
5. Copy of August 7, 1991 Washington Post article by Roxanne Roberts entitled "Tribute to Black Soldiers: Memorial Would Honor 185,000 in Union Army."
6. Copy of August 9, 1991 Washington Times article by Chris Harvey entitled "Black Union Troops May Get Monument."
7. Copy of April 12, 1992 Washington Times article by Peter F. Sisler entitled "Mustering Up Their 'Glory' Days: Blacks Re-enact Civil War Roles."
8. Copy of chapter entitled "The Civil War" from Black Americans in Defense of Our Nation, published by the Office of the Deputy Assistant Secretary of Defense for Civilian Personnel Policy/Equal Opportunity, Department of Defense.
9. Copy of article by James M. McPherson entitled "The 'Glory' Story: The 54th Massachusetts and the Civil War" which appeared in the January 8 and 15, 1990 issue of The New Republic.
10. List of organizations and individuals who wrote Congresswoman Eleanor Holmes Norton to express support for H.J. Res. 320.

A CEREMONIAL RESOLUTION IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Whereas, in an effort to support the District of Columbia's special project to pay tribute to African-Americans who served in the Civil War, the Washington Metropolitan Transit Authority (METRO), Howard University and the Federal government are coalescing for the purpose of establishing a Civil War Memorial Theme Park;

Whereas, on May 11, 1991, the Metro Greenline opened stations in the U Street Corridor to better serve the community;

Whereas, due to the delay in completing the Greenline, an environmental and economic hardship was suffered by the community;

Whereas, as a result of the economic hardship, it was decided that a special tribute should be established;

Whereas, a signature theme park to be dedicated to honor the memory of African-Americans who served in the Civil War is currently being created as a tribute;

Whereas, the signature theme park will be located at the east entrance of the U Street metro station;

Whereas, the District of Columbia Commission on the Arts and Humanities will assist with this project in an effort to ensure its completion;

Whereas, by creating the signature theme park, the residents of the District of Columbia and approximately 18 million tourists who visit each year will be attracted to U Street because of this special park;

Whereas, the Civil War Memorial Signature Theme Park will economically revitalize the U Street Corridor; and

Whereas, the signature theme park would be the first memorial of its kind dedicated to African-Americans who served in the Civil War.

Resolved by the Council of the District of Columbia, That this resolution may be cited as the "Civil War Memorial Signature Theme Park Recognition Resolution of 1991".

SEC. 2. The Council of the District of Columbia is pleased to honor and recognize the establishment of the Civil War Memorial Signature Theme Park in dedication of African-Americans who served in the Civil War.

SEC. 3. This resolution shall take effect immediately upon the first date of publication in either the District of Columbia Register, the District of Columbia Statutes-at-large, or the District of Columbia Municipal Regulations.

THE DISTRICT OF COLUMBIA
Washington, DC, October 29, 1991.

MR. JOHN G. PARSONS,
Chairman, National Capital Memorial Commission, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to convey my full support for H.J. Res. 320, a bill introduced by District of Columbia Delegate Eleanor Holmes Norton to authorize a memorial to honor African Americans who fought and died as Union Soldiers. From January 16, 1776, when the Continental Congress accepted Washington's proposal to enlist free African Americans until the end of the Civil War, enormous sacrifices in blood and lives were made by African-Americans.

It is fitting that Washington, D.C., the Capital of the United States, with its tributes and memorials to heroes who represent the diversity of this nation, make specific mention of the ultimate contributions of African Americans in the war that pitted the North against the South for the eradication of slavery.

African Americans have fought for their country with courage and valor, in the Civil War, and every other war since our founding. I urge the Commission to approve the memorial to African American Civil War soldiers and support Delegate Norton's authorization bill, H.J. Res. 320, to authorize the District of Columbia to establish such a memorial.

Sincerely,

SHARON PRATT DIXON,
Mayor.

COUNCIL OF THE DISTRICT OF COLUMBIA,
Washington, DC, June 5, 1992.

HON. ELEANOR HOLMES NORTON,
D.C. Delegate, Longworth HOB, Washington, DC.

DEAR CONGRESSWOMAN NORTON: It is with great pride that I write this letter of thanks to you and the Committee on Memorials and Libraries for passing H.J. Res. 320 (Civil War Memorial Theme Park) out of committee. It has been brought to my attention by your staff attorney, Cedric Hendricks that this resolution will come up on the agenda of the House Floor on Tuesday, June 9, 1992. I am therefore anxiously awaiting the successful passing of this resolution.

African-American Freedom Fighters who took up arms and fought for their freedom during the Civil war numbered about 185,000, according to many historians. There is not one monument that stands today to represent their valor. If this monument is built, the descendants of these Freedom Fighters will come to U Street looking for the names of family and friends at this park. Organized groups such as fraternities, sororities, family reunions and historical societies will beat a path to U Street in search of their history and the rich history has always been associated with the "Glory" of U Street.

Thank you again for all of your support on H.J. Res. 320. Please feel free to telephone me at 202-724-8179 if you have any questions or comments concerning this resolution.

Sincerely,

FRANK SMITH,
Councilmember for Ward One.

[From the New York Times National, Aug. 12, 1991.]

MEMORIAL TO HONOR CIVIL WAR'S BLACK SOLDIERS

WASHINGTON.—In a small park at a Metro subway station, in an area that was once the center of Washington's black community, a memorial has been proposed to commemorate the role of blacks in the Union Army in the Civil War.

It would be the only memorial in the country dedicated to all of the black veterans of the Union Army, those involved in the planning say. A memorial in Boston commemorates the 54th Massachusetts Volunteer Infantry, the black regiment celebrated in the film "Glory."

City politicians, educators and black leaders turned out Thursday morning for the official unveiling of the plans, which include a park surrounded by a low wall inscribed with the names of the more than 185,000 black soldiers, as well as a statue.

Those gathered spoke of the park as a way to claim the black soldier's rightful place in American history, provide inspiration for a new generation of youth and help to revive the U Street corridor, a once-thriving neighborhood in Northwest Washington that is set to undergo revitalization.

"This is an occasion that is long overdue," said Mayor Sharon Pratt Dixon. "No one has believed in America more than African-Americans, and it's long overdue that there is a monument celebrating the African-American soldier."

Bill Gwaltney, one of a group of people who paraded in Civil War uniform at the ceremony, said: "This is a proud day. The contributions of African-American soldiers should not be unknown, and until recently, they have been."

The park is the result of an effort by Frank Smith Jr., a City Councilman whose ward will be home to the memorial.

"Since the beginning of the redevelopment of U Street, we have been searching for a way to restore its historical significance, the great sense of togetherness," he said.

"MISSED PART OF OUR PAST"

"We have missed part of our past," he said Thursday, "Nothing in the history books tell us about the black soldiers. That has to be corrected."

The park, which is on National Park Service land, will be financed with public and private money.

The cost is expected to be $300,000 to $400,000, with the Metro transit system paying for the restoration of the park and the city government paying for the statue said Mark Brown, executive assistant to Mr. Smith. Howard University and the National Park Service are researching the names to be engraved on the monument, he said.

Planners expect the park to be largely completed within a year. The transit authority and the city government have already included the project in their budgets, Mr. Smith said.

Money is being raised privately to pay for the research, which is expected to cost about $100,000. "This is going to be a very exhaustive and extensive research job," he said, noting that some of the soldiers were escaped slaves who used only first names.

Mr. Brown noted, though, that the research will cost less than originally expected because the National Park Service has already begun a project listing all soldiers who fought in the war. The park service's list will be made available to the researchers for the memorial. They then propose to compile each soldier's regiment, home town, battles in which he served and how he died.

Legislation was introduced recently by Eleanor Holmes Norton, Washington's Congressional delegate, designating the Federal land for the memorial.

NO OPPOSITION ON LEGISLATION

"We've got to make U Street, come alive again," she said Thursday; Donna Brazile, chief of staff for Ms. Holmes, said she did not anticipate problems in passing the legislation, and added, "We have not had any opposition to date."

Supporters hope the memorial will do much to help revive that area of U Street, which used to be the commercial and entertainment center of black life in Washington. Mr. Smith talked of listing the memorial on tourist guides and maps to draw people to the area.

[From the Washington Post, Aug. 7, 1991]

TRIBUTE TO BLACK SOLDIERS

(By Roxanne Roberts)

The District of Columbia announced plans yesterday for a Civil War memorial honoring the 185,000 black soldiers who fought with the Union Army.

"This is the only memorial in the country dedicated to all the black freedom fighters from the Civil War," said D.C. Council member Frank Smith of Ward 1, "and the first one to include every soldier from every regiment in the Union Army."

Instead of the already overcrowded Mall areas, the proposed site for this memorial is a small park at 10th and U Streets NW near the entrance of the newly opened Metro station. Smith called the selection an effort to "bring back some of the historical significance and great cultural image that U Street has always had."

The design calls for 70 granite slabs with the names of the soldiers engraved by regiment and a free standing statue at the Metro entrance.

The memorial is the brainchild of Smith and former Washington Metropolitan Area Transit Authority general manager Carmen Turner. Metro is required to restore and landscape the park site, which was torn up during extended construction of the new Green Line.

"The people in that area suffered immensely," said Smith. "We felt that we had to do something a little bit special up there."

Smith said the cost of the granite slabs will be included in Metro's restoration budget. Cost for the proposed statue—including a competition to select a design—will be paid by the District, which has designated $100,000 in the 1992 budget for the project.

In addition, $100,000 in private funds is needed for the research at Howard University to certify and authenticate all the names included in the memorial. Smith said about half of that money, including a $25,000 pledge by C&P Telephone Co., has already been raised.

Because the park is owned by the National Park Service, the proposal requires congressional authorization. District Del. Eleanor Holmes Norton introduced legislation to do that last week. Once Congress gives the go-ahead, both the final design and site selection then require approval from the Secretary of the Interior, the Commission of Fine Arts and the National Capital Planning Commission.

Smith said he expected the plans to be approved quickly. "There's nothing controversial about this."

A Black Revolutionary War Patriots Memorial, to be located in Constitution Gardens in the Mall Area, is currently in development.

The most famous memorial to black Civil War Soldiers is in Boston. A bronze relief sculpture by Augustus Saint-Gaudens honors the Massachusetts 54th Regiment of Volunteer Infantry, the first black regiment to fight in the Civil War and the subject of movie "Glory."

[From the Washington Times, Aug. 9, 1991]

BLACK UNION TROOPS MAY GET MONUMENT

(By Chris Harvey)

Three cast members from the Civil War movie "Glory" donned their Union blues yesterday to help make a bit of history on a patch of concrete in front of the U Street Cardozo Metro station.

The men—who re-enact the parts of black soldiers who fought with the Massachusetts 54th Regiment, Company B—joined a press conference in Northwest where plans were announced for the nation's first Civil War memorial honoring the 185,000 black soldiers who served with the Union army.

Boston has a memorial to the soldiers of the 54th Regiment.

D.C. Council member Frank Smith, who advanced the District project, said he hoped the memorial will be "substantially completed" within a year.

When completed, it will include a statue facing the Metro escalator and a small park to the side of the escalator. The park will include a wall that will carry plaques with the soldiers' names.

City officials said yesterday they hoped the memorial would be inspirational to black people across the country. "We have defended America, bled for America and died for America," and yet been virtually ignored in the history books and with memorials, Mayor Sharon Pratt Dixon said.

"This Is perhaps the best way to teach history to youngsters: To have them get off the subway and travel to this park," said D.C. congressional Delegate Eleanor Holmes Norton.

Mel Reid, a D.C. resident who appeared in uniform in the movie "Glory," said the memorial was a "needed adjustment to history."

Officials said they hoped the memorial would lure the city's tourists from the popular mall and White House stops into the heart of the District. "This is a part of historic black Washington," Mrs. Norton said, noting that when she was a young woman, "if you wanted to do anything in this town worth doing, you had to pass through U Street."

A D.C. Employment Services Building now sits next to the Metro escalator; a "Wing Supreme (king of the gourmet wings) shop sits catty-corner across U Street.

The project—which still must be approved at several levels—would be a joint effort of city and federal officials and private individuals.

The city included $100,000 in its fiscal 1992 budget for the statue, Mr. Smith said. Metro is paying about $150,000 for the granite wall in the park, he said. The National Park Service will donate the grassy strip of ground for the park—if Congress approves an authorizing bill.

Chesapeake & Potomac Telephone is donating $25,000 of the more than $100,000 needed by Howard University to research and authenticate the names of soldiers.

D.C. lawyer Claude Roxborough said he sowed the seed for the memorial a few years ago when he was lobbying for a section of the Shaw and Columbia Heights neighborhood to be designated as a "Freedmen's Town." The town would have taken in much of historic U Street, and the memorial would have stood at its entrance, under a proposal he said he gave in writing to Mr. Smith.

[From the Washington Times, Apr. 12, 1992]

MUSTERING UP THEIR "GLORY" DAYS

(By Peter F. Sisler)

Before her brother Robert became a sergeant with the 54th Massachusetts Volunteer Infantry, Margaret Young-Gilmore said she didn't even know that black soldiers fought in the Civil War.

Mrs. Young-Gilmore said yesterday at a reenactment commemorating "colored" troops in the Civil War that her new-found knowledge about black involvement in the war has added to her sense of heritage.

"I wasn't aware of the involvement of black soldiers until my brother joined this unit," Mrs. Young-Gilmore said. "Since I've gotten more understanding, it's become a real source of pride for me to know that blacks did take part in the fighting for the freedom of their families and the rest of their people."

"First sergeant" Robert Young was one of 20 men who set up "camp" on Theodore Roosevelt Island yesterday for Company B of the 54th Infantry, the regiment featured in the 1990 film "Glory."

The modern-day soldiers gathered on the island because it held special significance for black involvement in the war.

In 1863, after President Lincoln's Emancipation Proclamation, the 88-acre island in the Potomac River between Key and Theodore Roosevelt Memorial Bridges became a major induction point and training ground for freed black men who joined the Union Army. The island, which was cleared land known as Mason's Island at that time, became home to one of the war's first black units, the 1st U.S. Coloured Troop.

By the end of the war, more than 187,000 black men were fighting in Union uniforms. President Lincoln respected their involvement so much he called the black soldier's "the tide turned the war," according to Mr. Young.

He said he became involved in Civil War reenactment to show "young blacks their ancestors were not all slaves." He said the history of black soldiers had been suppressed before "Glory" raised the issue in dramatic fashion.

Brian Pohanka, a Civil War historian who has been re-enacting events for 15 years, said he had been concerned about the lack of black units at Civil War battle recreations before the "Glory" movie executives contacted him to help form the 54th Infantry. Mr. Pohanka was captain of the unit during the movie's filming.

About two-thirds of the 100 spectators who watched Mr. Young and his unit do rifle drills yesterday acknowledged they had seen "Glory" and it had changed the way they thought about the war.

Most of the men in the 54th Infantry are from the Washington area. The re-enactors said they are dedicated history buffs—as indicated by the $1,200 they spent for the period blue wool uniforms and gunpowder rifles.

"I wasn't taught about any of this in high school," said Robert Wright, after demonstrating how to load his rifle. "The impression was that all blacks at the time were slaves picking cotton."

THE CIVIL WAR—1861-65

Just as there are many twists to the American Civil War, there are many arguments with regard to just what caused that war in the first place. Many of the twists and arguments still prevail more than one hundred years after that war has ended. Some things, however, can be attributed to that war. In addition to the solidarity of the American union of states as one national entity and the freedom of the black from slavery and involuntary servitude, the American black emerged as a military source.

The participation of the American black in the Civil War was anything but a general conclusion at the beginning of that War. That participation came about as a result of a combination of events and circumstances, the most notable being an acute military manpower shortage.

On November 6, 1860, Abraham Lincoln was elected the sixteenth President of the United States, having defeated John C. Breckenridge, John Bell and Stephen A. Douglass. Less than six weeks later, on December 20, South Carolina seceded from the Union. South Carolina's secession was followed by those of Mississippi, Florida, Alabama, Georgia and Louisiana, all in the month of January. On February 1, Texas left the Union.

In his March 4th Inaugural Address, Lincoln made it perfectly clear that he had no intention or legal right to interfere with the "institution" of slavery in those states "where it now exists." It could be argued that Lincoln's speech had some impact upon states that were undecided about seceding from the Union. However, on April 12 and 13, 1861, Confederate General Beauregard ordered the bombardment of Fort Sumter. When the Fort returned the fire on the 14th of April, the Civil War had begun.

On the very next day, Lincoln issued his proclamation calling for "The First 75,000":

"Now, therefore, I, Abraham Lincoln, President of the United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several states of the Union, to the aggregate number of seventy-five thousand * * * (Carl Van Doren, The Literary Works of Abraham Lincoln, New York: The Press of the Readers Club, 1942.)

With the calling for these troops, the Civil War was now a factor of reality. However, it was made clear that none of the 75,000 was to be members of the Negro race. This position was taken because those in authority envisioned a short war, and they saw no practical use for black troops. Lincoln was also cautious that those border states that had not seceded from the Union would not become angry by the use of black troops and come into the conflict on the side of the Confederate States.

The Union leadership seemed to drastically underestimate the depth of Confederate resolve. There was also a reluctance to have blacks put under arms to kill white men.

Some of Lincoln's generals had no such reservations. In 1861, General John C. Fremont issued a proclamation of emancipation in Missouri, paving the way for the use of blacks in the war. (Samuel D. Richardson, Messages and Papers of the Presidents, Vol. VI, pp. 107–108.)

General David Hunter raised a regiment of black soldiers off the coast of Georgia. Senator James H. Lane accepted blacks in two volunteer Kansas units.

Lincoln had made it clear that "This War Department has no intention at present to call into service of the Government any colored soldiers." However, a disappointing call for volunteers in 1862 forced him to consider drafting as an alternative to using black troops.

A War Department Order to Secretary Edwin Stanton on August 4, 1862 decreed that a draft of 300,000 militia be immediately called into service for nine months or sooner. (Richardson, Ibid.)

Pressure for the employment of black troops continued to mount to the point that Secretary Stanton issued orders that blacks could be used in limited capacities. The intent was to use blacks primarily in the construction of forts, bridges and other facilities.

On September 22, President Lincoln issued the Emancipation Proclamation (to become effective in 100 days) to the effect that on January 1, 1863 slaves in states and designated parts of states that were in rebellion against the Union shall be thenceforward and forever free. (Richardson, Ibid.)

In his proclamation, he opened the door for the participation of blacks in the military in the statement that: "And I further declare and make known that such persons of suitable conditions will be received into the armed services of the United States to garrison forts, positions, stations, and other places and to man vessels of all sorts in said service." (Richardson, Ibid., pp. 157–158.)

Soon after the Emancipation Proclamation was issued, the Governor of Massachusetts raised the 54th Massachusetts (Colored) Volunteer Infantry Regiment. In May of 1863, the War Department created a Bureau of Colored Troops to handle the recruitment and organization of black regiments. The officers of such regiments were to be white. The units were to be mustered into service immediately and were to be known as United States Colored Troops (USCT). New York organized three volunteer regiments.

Although the war had begun in 1861, it was not until May, June and July of 1863 that black units participated in any major engagement. They fought at Port Hudson and Millekins Bend in Louisiana and at Fort Wagner, South Carolina. Black privates were paid $10.00 per month, with $3.00 of that deducted for clothing. White privates were paid $13.00 per month with an additional $3.50 for clothing. The Massachusetts 54th did not accept any pay for a year in protest against that policy. Equal pay was not achieved until 1864.

There was a significant black male response to Frederick Douglass' appeal for "Men of Color, to Arms!" As the number of blacks began to increase dramatically, the abolition of slavery began to emerge as a new war objective.

The increased number of black soldiers resulted in the realization of one of Lincoln's greatest fears. That fear had been that black soldiers would not be accorded any of the civilities by the Confederate Army as either combatants or captives. Lincoln was right.

On July 30, 1863, the President reflected upon "the duty of every government to give protection to its citizens, of whatever class, color or condition, especially those duly organized as soldiers in the public service." (Richardson, Ibid., p. 177.)

Lincoln stated further: "It is therefore ordered, that for every soldier of the United States killed in violation of the laws of war a rebel soldier shall be executed, and for every one enslaved by the enemy or sold into slavery a rebel soldier shall be placed at hard labor on the public works and continued at such labor until the other shall be released and receive the treatment due a prisoner."

As the manpower shortage among Lincoln's troops became even more acute, he ventured a calculated risk in the recruitment of slaves and former slaves from the neutral states of Maryland, Missouri (and Tennessee). His rationale was that these black soldiers would be used to give relief to white soldiers. Slave owners would also be compensated for the use of their slaves.

In his Third Annual Message, on December 8th, he said: "* * * of those who were slaves at the beginning of the rebellion, full 100,000 are now in the United States military service, about one-half of which number actually bear arms in the ranks, thus giving the double advantage of taking so much labor from the insurgent cause and supplying the places which otherwise must be filled with so many white men."

Continuing his speech, he said, "So far as tested, it is difficult to say that they (black troops in combat) are not as good soldiers as any."

From 1864 through the end of the war, the number of blacks actively participating in the conflict grew rapidly. In addition to those in combat, an additional number saw service as teamsters, laborers, dock workers, and pioneers. There were less than 100 black officers. The myth about blacks lacking leadership qualities was put to rest at Chapin's Farm in September of 1864 when thirteen black non-commissioned officers received the Medal of Honor. All were cited for taking command of their units and leading them in assaults after their white officers had been either killed or wounded.

Of the 1,523 Medals of Honor awarded during the Civil War, twenty-three were awarded to black soldiers and sailors. The nearly two years that blacks participated in all phases of the Civil War resulted in heavy casualties. By 1865, over 37,000 black soldiers had died, almost 35 percent of all blacks who served in combat.

Major Martin R. Delaney was the highest ranking black officer in the Union Army during the Civil War. President Lincoln referred to the Harvard-trained officer as "the most extraordinary and intelligent black man." (William L. Katz, Eyewitness: The Negro in American History, Pittman Publication Corporation: New York, 1967, p. 147.)

Other blacks held higher rank than Delaney during the period of Reconstruction, but they were not in the Regular Army. Each of these was from South Carolina except a brigadier general from the state of Louisiana. The others were:

Major General Robert B. Elliott, Brigadier General Samual J. Lee, Brevet Brigadier General William B. Nash Brigadier General Joseph Hayne Rainey, Brigadier General H. W. Purvis, Major General Prince Rivers, Major General Robert Smalls, Brigadier General William J. Whipper.

There is evidence that blacks served in the Confederate Army, but several factors such as fear that, once armed, they would turn against their masters, and the pride of Southerners made such recordkeeping uncommon. The eminent historian John Hope Franklin wrote:

On March 13, 1865, a bill was signed by President (Jefferson) Davis which authorized him to call on each state for her quota of 300,000 additional troops, irrespective of color, on condition that slaves be recruited from any state should not exceed 25 percent of the able-bodied slave population between (ages) eighteen and forty-five." (John Hope Franklin, From Slavery to Freedom: A History of the American Negro, New York: Alfred A. Knopf, 1967, p. 289.)

Many blacks were cited for bravery and acts of valor during the Civil War, both soldiers and sailors. The names of William Carney, Robert Smalls, John Lawson, Christian Fleetwood, Harriet Tubman and Susan King Taylor are but a few of those who will forever be associated with the black American's service to this nation during the Civil War.

[From the New Republic, Jan. 8 and 15, 1990]

THE 'GLORY' STORY

(By James M. McPherson)

"Can Movies Teach History?" asks the title of a recent New York Times feature article. The answer for Glory is yes. It is not only the first feature film to treat the role of black soldiers in the American Civil War; it is also the most powerful and historically accurate movie about that war ever made. If it wins a deserved popularity, it will go far to correct the distortions and romanticizations of such earlier blockbuster films as Birth of a Nation (1915) and Gone with the Wind. Celebrating their 50th anniversary on the screen, Scarlett O'Hara and Rhett Butler are still teaching false and stereotyped lessons about slavery and the Civil War to millions of viewers. Glory will throw a cold dash of realism over the moonlight-and-magnolias portrayal of the Confederacy. it may also help to restore the courageous image of black soldiers and their white officers that prevailed in the North during the latter war years and early postwar decades, before the process of romanticizing the Old South obscured that image.

Glory tells the story of the 54th Massachusetts Volunteer Infantry from its organization in the winter of 1863 to the climactic assault of July 18, 1863, against Fort Wagner, a massive earthwork guarding the approach to Charleston. The Union military and naval effort to capture Charleston failed in 1863. So did this assault on Fort Wagner led by the 54th, which suffered nearly 50 percent casualties in the attack. One of them was Col. Robert Gould Shaw, killed while leading his men over the parapet. But if in this narrow sense the attack was a failure, in a more profound sense it was a success of historic proportions. The unflinching behavior of the regiment in the face of an overwhelming hail of lead and iron answered the skeptic's question, "Will the Negro fight?" It demonstrated the manhood and courage of the race to millions of white people in both North and South who had doubted whether black men would stand in combat against soldiers of the self-styled master race.

The events that led to this epochal moment in Afro-American history represented a radical evolution of the scope and purpose of the Civil War. The original war aims of Abraham Lincoln's Administration had been to suppress an insurrection in 11 Southern states and restore to them their old place in the Union. The North conceived of this as a limited war that would not fundamentally alter the American polity or society—including slavery. Four slave states had remained loyal to the Union. In 1861–62 they would not have supported a war to abolish slavery. Neither would the Democrats, who constituted nearly half of the Northern voters. And the Constitution that the North was fighting to defend guaranteed the protection of slavery in states that wanted it. Therefore, despite Lincoln's personal abhorrence of slavery, he could not willfully turn this war for the Union into a war against slavery. Nor could his War Department accept black volunteers in the Union Army in 1861, for to do so would have sent a signal that this was to be an abolition war.

By 1862, though, it was becoming such a way by the actions of slaves themselves and of the Lincoln Administration and Congress, and by the accelerating momentum of the conflict. It had become a total war, not merely a militia action to suppress insurrection. Thousands of slaves flocked to Union army posts when Northern troops invaded portions of the South. Abolitionists and radical Republicans insisted that they must be granted freedom. The success of Confederate military offensives in 1862 convinced republicans, including Lincoln, that the North could not win the war without mobilizing all its resources and striking against Southern resources used to sustain the Confederate war effort. The most important such resource was slavery, for slaves constituted the majority of the South's labor force. In the summer of 1862 Congress enacted legislation confiscating the property of Confederates, including slaves. Lincoln followed this with the Emancipation Proclamation to free the slaves, invoking his power as commander in chief to seize enemy property used to wage war against the United States. The Proclamation also stated that blacks would be "received into the armed services of the United States."

These events underlay the decision of Governor John Andrew of Massachusetts to organize a black regiment, which became the 54th Massachusetts. A bold experiment, black soldiers could be made acceptable in the context of the time only if they were commanded by white officers. Andrew was determined to appoint officers "of firm anti-slavery principles . . . superior to a vulgar contempt for color." In Robert Gould Shaw, a son of a prominent abolitionist family, he found his man. As black volunteers came into training camp near Boston during the spring of 1863, Shaw shaped them into a high-morale outfit eager to prove their mettle.

In May 1863 the 54th completed its training and marched through Boston to embark for the front (a scene nicely depicted in Glory). About the same time the New York Tribune, the leading Northern newspaper and a supporter of arming blacks to fight for the Union and freedom, observed that most Yankees now endorsed that radical policy, but many still wondered whether blacks would make good soldiers. "Loyal whites have generally become willing that they should fight," declared a Tribune editorial, "but the great majority have no faith that they will do so. Many hope they will prove cowards and sneaks—others greatly fear it."

The 54th was not the first black regiment organized, or the first to see combat. To test the waters on this issue, the War Department quietly allowed Union commanders of forces occupying portions of the lower Mississippi Valley, the Kansas-Missouri border, and the South Carolina sea islands to begin organizing black regiments in the fall of 1862. Four of these regiments had fought in actions connected with the Vicksburg campaign during May and June 1963, winning plaudits for their performance. But these events had received little publicity in the Northern press.

The recruitment of black combat troops was still regarded as a risky experiment when 600 men of the 54th moved out at dusk on July 18 to the attack on Fort Wagner. During the next few hours they more than justified the experiment. Forced by the ocean on one side and swamps on the other to approach the fort along several hundred yards of narrow beach, the regiment moved forward steadily through bursting shells and murderous musketry, losing men every step of the way but continuing right up the ramparts and breaching the parapet before the immense strength of the works stopped them. (The portrayal of this attack in Glory is the most realistic combat footage in any Civil War movie I have seen.)

A war correspondent for the New York Tribune vividly described the battle to Northern newspaper readers. The 54th's attack did more than prove that Fort Wagner was impregnable to infantry assault; it disabused hundreds of thousands of Northerners of their stereotypes. "Who asks now in doubt and derision, 'Will the Negro Fight?'" commented one abolitionist. "The answer is spoken from the cannon's mouth . . . it comes to us from . . . those graves beneath Fort Wagner's walls, which the American people will surely never forget." "Through the cannon smoke of the dark night," said the Atlantic Monthly, "the manhood of the colored race shines before many eyes that would not see." For the New York Tribune, the assault resolved any lingering doubts: "it made Fort Wagner such a name to the colored race as Bunker Hill had been for ninety years to the white Yankees."

White officers of the 54th represented the elite of New England society. Some, including Shaw, were Harvard alumni and sons of prominent families. Several—also were combat veterans of white regiments during the first two years of the war. Anti-slavery in conviction, they had willingly risked stigma and ridicule to cast their lot with a black regiment. Shaw's death made a deeper impression on Yankee culture than that of any of the other 35,000 men from New England killed in the Civil War. The clergyman

Henry Ward Beecher wrote that Shaw's martyrdom had regenerated Boston's past glory as America's cradle of freedom: "Our young men seemed ignoble; the faith of old heroic times had died . . . but the trumpet of this war sounded the call and Oh! how joyful has been the sight of such unexpected nobleness in our young men." Ralph Waldo Emerson and James Russell Lowell extolled Shaw in verse. Lowell wrote:

Right in the van,
On the red rampart's slippery swell.
With heart that beat a charge, he fell
Foeward, as fits a man;
But the high soul burns on to light men's feet
Where death for noble ends makes dying sweet.

The Confederate defenders of Fort Wagner stripped Shaw's body and dumped it into an unmarked mass grave with the bodies of the men of the regiment who had been killed in the attack. When the Union commander sent a flag of truce across the lines a day later to request the return of Shaw's body (a customary practice for high-ranking officers killed in the Civil War), a Confederate officer replied contemptuously, "We have buried him with his niggers." This produced bitterness as well as more poetry in the North, the best of which was perhaps these lines by an obscure bard:

They buried him with his niggers!
A wide grave should it be.
They buried more in that shallow trench
Than human eye could see.
Ay, all the shames and sorrows
of more than a hundred years
Lie under the weight of that Southern soil
Despite those cruel sneers.

Several weeks after the battle, Union forces finally occupied Fort Wagner after a punishing naval bombardment had compelled the Confederates to evacuate it. When a Union officer offered to search for Shaw's grave to recover his body, Shaw's father wrote an eloquent letter to stop the enterprise: "We hold that a soldier's most appropriate burial-place is on the field where he has fallen." The most fitting marker for Shaw and the soldiers of the 54th is Augustus St. Gaudens's superb bas-relief sculpture on Boston Common showing Shaw in the foreground on his horse while his soldiers march alongside with shouldered rifles and heads held high in pride—surely the noblest of the thousands of Civil War monuments in this country.

The apotheosis of Shaw and his men in July 1863 came just after the terrible four-day draft riot in New York City. The riot had been fueled in part by the hostility of Irish-Americans to blacks and to being drafted to fight in a war to free the slaves, who they feared would come North to compete for jobs and social space. Black New Yorkers were the chief victims of the rioters. On July 15 the mob beat to death the nephew of one of the 54th's sergeants, Robert Simmons; three days latter Simmons was mortally wounded in the attack on Fort Wagner.

The draft riot occurred in the context of opposition by Northern Democrats to the Lincoln Administration's war policies, including emancipation, black soldiers, and the draft. Democrats had done much to stir up the racial hatreds manifested by the rioters, who chanted the anti-war and anti-black slogans of the "Copperhead" wing of the party. Few Republican commentators failed to juxtapose the draft riot with the heroic conduct of the 54th at Fort Wagner, and to point to the moral: black men who fought for the Union deserve more respect than white men who rioted against it.

Lincoln himself made this point in a public letter to a political meeting in August 1863, which was reprinted in nearly every Northern newspaper. "Some of the commanders of our armies in the field who have given us our most important successes," wrote Lincoln, "believe the emancipation policy, and the use of colored troops, constitute the heaviest blow yet dealt to the rebellion." This was a reference to Gen. Ulysses S. Grant, who in a recent letter to Lincoln had endorsed the value of black regiments. Addressing himself to anti-emancipation Democrats, Lincoln continued: "You say you will not fight to free negroes. Some of them seem willing to fight for you," that is, for the Union.

The performance of the 54th at Fort Wagner not only advanced the liberation of slaves; it also helped to liberate Lincoln from the constitutional and political constraints that had earlier inhibited the President from making this war for the Union a war against slavery—an institution that Lincoln had often branded a "monstrous injustice." In a moving peroration of this public letter written a month after Fort Wagner, Lincoln wrote that when final victory brought a new birth of freedom to the re-United States, "there will be some black men who can remember that, with silent tongue, and clenched teeth, and steady eye, and well-poised bayonet, they have helped mankind on to this great consummation; while, I fear, there will be some whites ones, unable to forget that, with malignant heart, and deceitful speech, they have strove to hinder it."

Glory does not go into detail about the impact of the battle of Fort Wagner on Northern opinion; it is sketchy on the political context of the black soldier issue; it does not mention the draft riot. The 54th continued to serve through the war, fighting in several more battles and skirmishes. The movie, though ends with the attack on Fort Wagner. That is appropriate, for Shaw is the central figure in the film. His death makes a fitting climax to the drama whose tensions build steadily to that moment of consummation. If the 54th had done nothing else in the war, this would have elevated it to the deserved status of most famous of the 166 black regiments in the Union Army. If it is not literally true, as the caption appearing on the screen at the end of the movie would have it, that the bravery of the 54th at Fort Wagner caused Congress to authorize more black regiments—that had happened months earlier—the example of the 54th did help to transform experiment into policy. It also helped to earn a front-line combat role for many other black regiments instead of the rear-area role as service and labor battalions that had been their original purpose. A central theme of Glory is Shaw's determined fight to win a combat assignment for the 54th, so it can earn respect for black manhood and overcome the stereotype of shiftless, cowering, comic darkies.

Glory portrays this theme with sensitivity and dramatic power—even though many scenes and characters that convey it are fictional. This raises the question posed by Richard Bernstein's Times article "Can Movies Teach History?" He observes that "more people are getting their history, or what they think is history, from the movies these days than from the standard history books." For every person who has read one of the several excellent histories of black soldiers in the Civil War, a hundred or more will see this movie. That being true, does "the filmmaker, like the novelist, have license to use the material of history selectively and partially in the goal of entertaining, creating a good dramatic product, even forging what is sometimes called the poetic truth, a truth truer than the literal truth?" asks Bernstein. In other words, "Does it matter if the details are wrong if the underlying meaning of events is accurate?"

Glory does confront the literal-minded historian with this question on several occasions. Most of the details are right. And when they are wrong, there is often a rational explanation that minimizes the distortion. Knowledgeable viewers will note that in the movie the 54th charges southward against Fort Wagner, with the Atlantic ocean on its left, when in reality the assault went northward. The reason is the configuration of the Georgia beach where the set of Fort Wagner was built, which required a southward assault. Does it really matter?

Some errors in the film are inexplicable, though, because they seem to serve no purpose. The 54th began organizing in February 1863, not three months earlier. In his brief cameo role, black leader Frederick Douglass is presented as a venerable sage whose screen appearance is modeled on a photograph taken a quarter century later when Douglass was in his 70s instead of the vigorous 45 he was in 1863. The real Robert Gould Shaw received the offer of command of the 54th by letter from Governor Andrew borne by his father to Shaw in winter camp with his regiment (the 2nd Massachusetts) in Virginia. Rob discussed it earnestly with his father, wrestled with his conscience overnight, declined, then changed his mind a day later and accepted. In the movie, Shaw is attending an elegant drawing-room party in Boston while on furlough when Andrew offers the command; without a pause, Shaw accepts. Literal history in this case would seem to have offered greater dramatic possibilities for getting at a deeper truth than the cinematic version.

Except for Shaw, the principal characters in the film are fictional: there was no real Maj. Cabot Forbes; no Emerson-quoting black boyhood friend of Shaw's named Thomas Searles; no tough Irish Sergeant-Major Mulcahy; no black Sergeant and father-figure John Rawlins; no brash, hardened Private Trip. Indeed, there is a larger fiction involved here. The movie gives the impression that most of the 54th's soldiers were former slaves. But in fact, the regiment was recruited mainly in the North and most of the men had always been free. Some of them came from prominent Northern black families; two of Frederick Douglass' sons were among the first to sign up. The older son, Lewis, was sergeant-major of the regiment from the start. The young adjutant of the regiment, wounded in the assault on Fort Wagner, was Garth Wilkinson James, brother of William and Henry James. A dramatic and important story about the relationship of Northern blacks to slavery and the war, and about the wartime ideals of New England culture, could have been constructed from a cast of real, historical figures. The story also might have included Sergeant Simmons, his nephew, and the draft riot.

But the story that producer Freddie Fields, director Edward Zwick, and screenwriter Kevin Jarre chose to tell is equally important—and, in that sense of "the underlying meaning of events," equally true. This is a film not simply about the 54th Massachusetts, but about blacks in the Civil War. Most of the 178,000 black soldiers (and 10,000 black sailors) were slaves until a few months, even a few days, before they joined up. They fought for their freedom, for the freedom of their families, their people. This was the most revolutionary feature of a war that wrought a revolutionary transformation in America by freeing four million slaves and uprooting the social structure of half the country. Arms in the hands of slaves had been the nightmare of Southern whites for generations. In 1863 the nightmare came true. It achieved a new dignity, self-respect, and militancy for the former slaves who fought for the Union. It helped them achieve equal citizenship and political rights—for a time—after the war.

That is the real story told by Glory. That is why most of the soldiers are depicted as former slaves. It is a story of their transformation from an oppressed to a proud people. It is a story told skillfully through several of the fictional events in the film—the incident of the racist quartermaster who initially refuses to distribute shoes to Shaw's men; the punishment of Trip by whipping for going AWOL; the regiment's dramatic refusal on principle to accept less pay than white soldiers, which launched an ultimately successful movement to shame Congress into equalizing the pay of black soldiers (this actually happened, but at Shaw's initiative, not Trip's); the religious meeting the night before the assault on Fort Wagner.

It is a story told symbolically in one of the most surreal and, at first glance, irrelevant scenes in the movie, when Shaw gallops his horse along a path flanked by stakes, each with a watermelon (in February in Massachusetts?) jammed on its top. Shaw slashes right and left with his sword slicing and smashing every watermelon. The point becomes clear when we recall the identification of watermelons with the darky stereotype. If the image of smashed watermelons in Glory can replace that of moonlight and magnolias in Gone with the Wind as America's cinematic version of the Civil War, it will be a great gain for truth.

ORGANIZATIONS AND INDIVIDUALS SUPPORTING H.J. RES. 320

Ms. Annie W. Blount, Thursday Evening Club of Social Workers, Inc., Washington, DC.

Ms. Thelma L. Brown, Xi Chapter, Tau Gamma Delta, Inc., Washington, DC.

Ms. Ethelle Carnegie, Washington, DC.

Ms. Cheris J. English, Continental Societies, Inc., LaGrange, Georgia Chapter.

Mrs. Lyndia Grant, Gamma Phi Delta Sorority, Inc., Washington, DC.

Ms. Marjorie Harris, President, Lewis College of Business, Detroit, MI.

Mr. Jerry D. Lindsey, Cleveland, OH.

Mrs. Evelyn I. Means, Continental Societies, Inc., Blackwood, NJ.

Ms. Marilou M. Righini, Washington, DC.

Mr. William H. Simons, Washington, DC.

Ms. Tersh Boasberg, Boasberg & Norton, Attorneys At Law, Washington, DC.

Ms. Birdell Bush, Beta Omega Chapter, Gamma Phi, Delta Sorority, Inc., Yonkers, NY.

Ms. Jackie L. Currie, Wayne County Commission, Detroit, Michigan.

Mr. Jack Evans, Councilmember, Washington, DC.

Ms. Shirley Hall, Gamma Phi Delta Sorority, Inc., Gadsden, AL.

Ms. Ruth H. Hayes, Brighton, Alabama.

Ms. Edna M. MacDonald, Washington, DC.

Mr. John G. Parsons, National Park Service, National Capital Region, Washington, DC.

Ms. Janette P. Scott, Alpha Iota Sigma Chapter, Sigma Gamma Rho, Inc., Savannah, GA.

Ms. Marie H. Stellos, National President, Top Ladies of Distinction, Inc., St. Louis, MO.

The Charleston, South Carolina Chapter of The Continental Societies, Inc.

Ms. Mary Eva Candon, Attorney At Law, Washington, DC.

Mr. Dennis K. Dahmer, Baton Rouge, LA.

Ms. Marinda H. Gaskins, Washington, DC.

Dr. Janette Hoston Harris, Director of Educational Affairs, Washington, DC.

Ms. Clara Hewitt, Southeast Regional Director, Sigma Gamma Rho, Inc., Jackson, TN.

Dwight S. and Dusty McClintick, Washington, DC.

Ms. Rebecca Pullins, President, Roanoke, Virginia Chapter, Continental Societies, Inc.

Mrs. Jean R. Scott, Continental Societies, Inc., Norfolk-Va. Beach Chapter.

Mr. Roosevelt Steptoe, Vice President for Academic Affairs, Alabama State University, Montgomery, AL.

Mr. Paul Strauss, Advisory Neighborhood, Commission 3E, Washington, DC.

Dr. Katie White, Sigma Gamma Rho Sorority, Inc., Brentwood, TN.

Ms. Lenora J. Terrell, Lambda Kappa Mu Sorority, Inc., Baltimore, MD.

Ms. Mary Alice Williamson, Gamma Phi Delta Sorority, Inc., Chicago, IL.

Ms. Phyllis Wallace, Boston, MA.

Ms. Cleta R. Wolverton, Beta Delta Sigma Chapter, Sigma Gamma Rho Sorority, Inc., Tallahassee, FL.

□ 1530

Mr. BARRETT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of this important resolution. This memorial to honor the service of African-American soldiers during the Civil War is long overdue. Over 180,000 black men joined the Union Army. At the war's end African-Americans made up nearly 10 percent of the Northern Army, despite being less than 1 percent of the North's population.

The excellent movie "Glory" has made many Americans newly aware of the role African-American soldiers played in the war that ended slavery. The 54th Massachusetts Regiment's assault on Fort Wagner in Charleston Harbor portrayed in that film was a shining example of Black Americans' courage and fighting spirit. But, contrary to the belief of most, it was not the first action fought by black Union soldiers.

That honor belongs to the men of the First Kansas Colored Volunteers, which was later redesignated the 79th United States Colored Infantry. Recruiting began for this unit in August 1862, even before the Emancipation Proclamation officially authorized black regiments. The First Kansas Colored first fought at the Battle of Island Mounds, MO, October 28, 1862. Although many black regiments saw limited combat, the First Kansas fought in another 11 battles after Island Mounds. And although the battles in which the unit was engaged were nowhere near as well-known as Fort Wagner or Petersburg, these were not minor skirmishes. Of the over 2,000 regiments raised by the Union, the First Kansas Colored Volunteers ranked 21st in highest percentage of total enrollment killed in action.

I commend the gentlelady from the District of Columbia for her leadership in sponsoring this legislation. I look forward to the time when these brave Kansans will get the memorial and recognition they have so long deserved.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Speaker, I rise in strong support of this resolution. The contributions of African-Americans during the Civil War, though often passed over by many historians, were unparalleled, and their injection into the war truly marked a turning point for the Union Army.

One need look no further than the words of President Abraham Lincoln who stated in a letter to his Vice President, Andrew Johnson:

> The bare sight of fifty thousand armed, and drilled black soldiers on the banks of the Mississippi would end the rebellion at once.

Mr. Speaker, approximately 186,000 blacks became Union soldiers during the Civil War. These brave souls served under officers of another persuasion who were often resentful, and resorted to racist tactics to bully their troops.

Therefore, with these obstacles, and a substantial difference in pay between white and black soldiers, these men essentially had to prove themselves, long before they even reached the battlefield.

Even worse, Mr. Speaker, was the miserable fate suffered by the black Union soldier, who became a POW in a Confederate camp.

To say the least, the Confederacy was not thrilled at the prospect of having their slaves witness the sight of an armed, black man in a Union Army outfit.

One Union soldier kept a diary of the horrendous actions inflicted upon these men. His words read:

> Most of the negroes found in blue uniform were promptly killed. Others I saw stripped of their clothing, and they were killed by having their brains beaten out by the butt end of the muskets in the hands of the Rebels.

Yet, despite the obstacles that African-Americans in the Union Army faced everyday of this bloody war, they fought with the utmost courage, and their selfless actions resulted in a number of key Union battle victories.

In the name of these unknown soldiers, who gave their lives in the name of preserving our great Nation, the time has come to go forth, and construct a memorial to these fearless men.

It is time for America to right the wrong; it is time to set the record straight. We owe this to these brave men.

I commend the gentlewoman in her efforts on this noble project.

Mr. BARRETT. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

□ 1540

Mr. DORNAN of California. Mr. Speaker, I am pleased beyond words that this House Joint Resolution 320 is before us, and I trust is going to go through unanimously, as is only fitting. I do want to mention a few things about just how fitting this is and how long overdue this memorial will be. Other than freedom, sometimes freedom, about the only good, I repeat the only good, that comes out of the raw evil of warfare is that beautiful line from scripture: "Greater love than this no man has that he give his life for another." John 15:13. In civilian life, we see that virtue sometimes in police work, or when people rescue people from plane crashes, or burning car crashes, or at sea, or threatened drowning accident, or in social work where usually somebody gives their whole life span for another over a 50- or 60-year span, thus their entire life. But in war it becomes intensely dramatic, a brief moment in time, sometimes one courageous moment, such as a soldier throwing his body over a grenade to save five or six of his friends.

Well, such was the raw courage in the struggle of black soldiers, African-American soldiers, fighting in the Civil War. This page of our history is still generally unknown in our popular culture, until that is, the movie came out over 1½ years ago, called "Glory," and what a glorious motion picture it was and is. Why it did not sweep the Academy Awards I do not know. I think it won two. It came out the same month as another film, more highly touted by the popular culture and liberal critics, called "Born on the Fourth of July," a film that was absolutely corrosive in the way it poisoned the minds of Americans against their Government and against all of their military services, particularly our proud U.S. Marine Corps.

I saw these two films literally hours apart. "Glory" swept me up in the history of the unique and exceedingly courageous 54th Regiment out of Boston. This infantry regiment was commanded by a young white colonel, Robert Shaw, who had, in the course of being raised in a politically conscious family, met in Boston some of the great black leaders and orators of that day who were making such an eloquent case for freedom for slaves in the land of the free.

His courageous leadership of very brave men is truly remarkable in the annals of the whole Civil War. This noble story was probably buried for over a century because of prejudice in our country, but has now come magnificently into our consciousness.

There was always a beautiful memorial, an amalgam of heroic men in bas-relief in a park in Boston dedicated to Colonel Robert Shaw and the men of the 54th Regiment who had died on the beaches assaulting Battery Wagner, sometimes imprecisely called Fort Wagner, on the coast of South Carolina. It was a glorious but tragic battle. The Union forces did not take the battery. They were slaughtered all during the night as they assaulted the high fortifications of the battery and its cannons. Commander Shaw died with all his leading officers and all of his black NCO's, but the page of military history they wrote is stirring indeed. It is also a counterpoint to the terrible tragedy at Fort Pillow, an obscure outpost in western Tennessee where 300 black soldiers under the command of white officers who called for an honorable surrender were then massacred in cold blood by the rebel forces who had promised them safety as prisoners of war.

These and other stories have been lost to most generations of Americans ever since, so I hope that this great memorial to be, in a prominent place in this city, will not undo this injustice but will give inspiration to generations of African-American young men and women yet unborn and will let all Americans know of the great role African-Americans have performed in every single war from Crispus Attucks' death on the green at Lexington in April 1775 right down to Desert Storm last year. Our black brothers and sisters have fought under arms side by side with their peers and earned with their blood every breath of freedom that we and they know in this great Nation today and for whatever time God allots this land into the future.

Mr. Speaker, at this point I would like to add some additional remarks in our quest to establish a memorial to African-Americans who gave their lives for freedom as Union soldiers during that fratricidal struggle which began 131 years ago. Although our Civil War began as a battle between the North and South over States rights, our great President, Abraham Lincoln, recognized in writing in the prophetic Emancipation Proclamation that there was more at stake—the rights of the individual, including African-Americans forced to leave their native lands and work as slaves in our colonies. After nationhood, many of these new Americans escaped to the North and, with no requirement, put their hard fought freedom on the line to take up arms and fight and probably die so that others might enjoy this same new freedom. Whatever the ethnic heritage everyone bleeds the same color blood on the battlefield. Let us now honor those who fought so bravely to preserve the rights of the individual, rights they were denied, but rights they helped earn with blood and pain as Union soldiers—support a memorial to African-Americans who died in battle during the Civil War.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to voice my support for House Joint Resolution 320, establishing the first memorial in America honoring those brave African-American soldiers who fought for their country during the Civil War.

By the end of the Civil War in 1865, more than 180,000 blacks had enlisted in the Union Army. Another 200,000 served in service units as teamsters, laborers, dock workers and pioneers. When recruiting officially began in May 1863, blacks were signing up by the tens of thousands. Thirty regiments were formed in less than 2 months. This represented 12 percent of the entire army, but blacks made up less than 1 percent of the population of the Union States.

The determination and dedication black soldiers had to serving the U.S. Government was undaunted, regardless of the fact that within days of the beginning of the war in 1861, President Lincoln made clear the fact that African-Americans were not welcome to fight.

Blacks served in all military branches. All told, they comprised over 120 infantry regiments, 7 cavalry regiments, 12 heavy artillery regiments, 5 engineer regiments, and 10 batteries of light artillery.

And 37,000 black soldiers died serving their country in the Civil War. This proposed memorial on behalf of these brave American citizens is much more than a monument; it is a signal of faith and a show of gratitude to thousands of loyal soldiers who gave their lives for a country and a cause in which they believed.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan [Mrs. COLLINS].

Mrs. COLLINS of Michigan. Mr. Speaker, I rise in support of the measure. The opportunity presents itself today for our body to honor the African-Americans who served our country in the fight for freedom. House Joint Resolution 320 has been introduced by my colleague, the delegate from the District of Columbia, ELEANOR HOLMES NORTON. It will provide for a solid and tangible memorial to the bravery of those who fought for this Union even as they were themselves denied the full protection of this Union.

The construction of this monument will cost nothing to the Federal Government. The District of Columbia request our permission to build upon Federal lands within its borders a national memorial of the contributions of African-Americans who volunteered to fight to keep the Union whole.

I support this resolution and urge my colleagues to join with me.

Mr. TOWNS. Mr. Speaker, today I rise in support of House Joint Resolution 320 to establish the first U.S. memorial to honor the African-American soldiers who served with Union Forces during the Civil War; 1861–65 mark the years during which 185,000 African-American soldiers bravely and unselfishly served the Union Army to fight against chattel slavery. These African-American freedom fighters deserve this long overdue memorial to be erected in the District of Columbia. The memorial calls for a design comprised of granite slabs which will display the name of each soldier categorized by regiment. No Federal funds will be utilized in the construction of this memorial. However, the Washington Metro is responsible for the restoration of the proposed part site. Other constructors will include the District of Columbia designating $100,000 to the memorial and additional funds pooled from private corporations.

Undoubtedly, it is time that we celebrate and honor the valiance of the 185,000 African-American soldiers who during the Civil War gave their strength and lives to the Union Army. Thus, I strongly support such a fitting and deserved memorial to recognize these soldiers and the historical significance of their fight in the Civil War. Furthermore, I can think of no better place to memorialize these soldiers than in our Nation's Capital.

Mr. OWENS of New York. Mr. Speaker, I rise in strong support for House Joint Resolution 320, which would establish the first memorial in the United States to honor all the African-Americans who served with Union Forces during the Civil War. This memorial will be located in the District of Columbia and will not use any Federal funds.

African-American men were not included in the Union Army in the early years of the war. It was primarily a shortage of manpower that finally led to African-American men being recruited for support roles such as building forts and bridges in mid-1862. Then, on September 22, 1862, President Lincoln issued the Emanicipation Proclamation freeing the slaves. In that same speech he stated his intention to allow African-American men to participate fully in the operations of the armed services. In May 1863 the War Department created the bureau of colored troops and the all-black regiments making up the U.S. colored troops were soon participating in major engagements against the Confederate troops.

African-American soldiers captured by the Confederate Army suffered horrifying abuse—including being killed and being sold into slavery. Lincoln countered by ordering that for every Union soldier—including black soldiers—killed in violation of the laws of war, a Confederate soldier would be executed. For every Union soldier sold into slavery a Confederate soldier would be forced into hard labor until a Union soldier so enslaved was released and given the humane treatment due a prisoner.

From 1864 through the end of the war the number of African-American men participating in the conflict grew rapidly. By the end of the war these men had earned important gains on behalf of all African-Americans beyond the freedom of the slaves. Black soldiers had won the right to equal pay and important steps toward total equal duties from the Army. The President had reflected on the Government's responsibility to protect all of its citizens regardless of class, color or condition—hence the like treatment given to Confederate captives by Union soldiers as was being given to African-American captives by the Confederate troops. A limited number of the African-American soldiers—less than 100—became officers and helped debunk the myth about blacks lacking leadership qualities when 13 black noncommissioned officers received the Medal of Honor. Apart from the black troops, black men were hired as teamsters, laborers, and dock workers.

Twenty-three black soldiers and sailors were awarded the Medal of Honor. But 37,000 African-American soldiers—nearly 35 percent of all blacks who served in combat—lost their lives in the 2 years that they were included in all phases of the Civil War.

Mr. Speaker, there were approximately 185,000 African-American soldiers who fought with the Union Army during the Civil War. The memorial will honor every one of these brave freedom fighters from every regiment in the Union Army. Extensive research will be conducted at Howard University to certify and authenticate all of the names of the soldiers to be included in the memorial. The funds needed to support this research will be raised from private sources. Indeed half of the $100,000 needed for the research has already been donated, demonstrating the great support for and commitment to the project in the Washington, DC, community, and the African-American community at-large.

The Civil War was the beginning of African-Americans' full participation in the armed services of the United States. Throughout the years the armed services have provided opportunities for African-Americans that most could not find in civilian employment and service. In exchange for those opportunities, at various stages in our history, the armed services have exacted a heavy toll on those same young African-American men and women when they have been sent from home to participate in our wars and armed conflicts and never returned.

I commend Congresswoman ELEANOR HOLMES NORTON today for offering this forum in which we can pay tribute to all of these brave soldiers—these brave men and women—throughout our time and honor all of their accomplishments and their sacrifices by supporting the creation of this memorial to honor those among them who served with the Union Forces during the Civil War. I encourage all of my colleagues to support this bill.

Mr. DELLUMS. Mr. Speaker, it fills my heart with great pride to rise today and pay respect to the 185,000 African-American soldiers who served with the Union Forces during the Civil War.

The establishment of the first memorial in the United States to honor these soldiers is very important. It is important because throughout history many contributions of African-Americans have been overlooked and forgotten. This memorial will bring about world consciousness and acknowledgment of the bravery of these soldiers. I strongly believe this recognition is long overdue and can be a beginning toward appreciating the contributions that African-Americans have made to this country.

Once again Mr. Speaker, it is a great honor to pay tribute to the African-American soldiers who fought in the Civil War. It is with heartfelt appreciation that I acknowledge the establishment of this memorial.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in strong support of House Joint Resolution 320, legislation to establish the first memorial in the United States to honor all African-Americans who served with Union Forces during the Civil War. This will be the only memorial in the United States dedicated to all African-American freedom fighters from the Civil War. In addition, the memorial will be the first to include the name of every African-American soldier from every regiment in the Union Army.

The 185,000 black soldiers who served in the Union Army received the lowest quality equipment and food, lived in inadequate housing, and were subjected to blatant racism and discrimination. Yet, these soldiers had the lowest desertion rates in the Army and were instrumental in bringing the Civil War to rest.

Still today so few American's are aware that African-Americans played a vital role fighting in the Union Army. So often African-American history is deliberately forgotten and lost, and the history of these great warriors is no exception. This memorial will serve to give these freedom fighters the recognition they merit and end the historical neglect of these forgotten heroes.

The design of the memorial calls for 70 granite slabs with the names of the soldiers engraved by regiment and a free standing statue. You may ask, Mr. Speaker, how can Congress afford this memorial during these times of fiscal crisis? The cost of the memorial will not be paid for with Federal funds, the granite slabs will be included in Metro's restoration budget. Costs for the proposed statue will be paid for by the District of Columbia. In addition, private funds will be used to pay for research at Howard University to certify and authenticate all the names included in the memorial.

Instead of placing the memorial in the already overcrowded Mall area, the proposed site for this memorial is a small park at 10th and U streets North West near the entrance of the newly opened Metro station. This once cultural and historical area has been torn up due to the extended construction of the Metro. Not only will this memorial honor black soldiers, but it will also serve to bring back some of the historical significance and great cultural image that U Street once had.

Honoring the contributions and sacrifices of all African-Americans who served with Union Forces during the Civil War is long over due, therefore, I urge my colleagues to support this historic legislation.

Mr. DIXON. Mr. Speaker, I rise today in strong support of House Joint Resolution 320 which would authorize a memorial in the Nation's Capital to honor African-Americans who served as soldiers in the Union Army during the Civil War.

During the Civil War, over 185,000 African-Americans risked and in thousands of cases gave their lives to preserve the integrity of a nation which did not even recognize them as persons, let alone citizens. This memorial will serve to remind America of the enormous contributions made by African-Americans at this most critical stage in our Nation's development—even though their own stake was diminished by socially and legally sanctioned racial subordination and injustice.

While there are monuments in various parts of the Nation which pay tribute to particular African-American regiments—most notably a memorial in Boston honoring the Massachusetts 54th Regiment of Volunteer Infantry, featured in the movie "Glory"—this will be the first memorial to honoring African-American soldiers from all regiments of the Union Army.

During the Civil War, as in other conflicts, African-American soldiers demonstrated valor and bravery in fighting for their own freedom and in defending the United States—even while suffering the indignity of being placed in separate units and having been discouraged initially from participating by President Lincoln. In one of the bloodiest wars in history, black Union soldiers died far more frequently in battle than their white Union Army comrades. African-American soldiers captured by Confederate troops were uniformly subjected to torture and execution. This memorial will ensure that we do not forget their sacrifice.

I would like to commend Chairman BILL CLAY and CHARLIE ROSE and ranking minority members BILL BARRETT and BILL THOMAS for their leadership in approving House Joint Resolution 320 for consideration by the House; District of Columbia City Councilman Frank Smith and former Washington Metropolitan Transit Authority general manager and Under Secretary of the Smithsonian Institution, the late Carmen Turner, for conceiving and promoting this worthy idea; the District of Columbia for its commitment to supporting the project financially and otherwise; and D.C. Delegate ELEANOR HOLMES NORTON for introducing House Joint Resolution 320 and promoting this measure in the House.

I would urge all of my colleagues to join me in supporting this measure to grant long-overdue recognition to these bravest of American heroes.

Mr. BARRETT. Mr. Speaker, I again congratulate the gentlewoman from the District of Columbia for bringing this bill to us.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the joint resolution, House Joint Resolution 320, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the joint resolution, as amended, was passed.

The title was amended so as to read: "Joint resolution authorizing the government of the District of Columbia to establish, in the District of Columbia or its environs, a memorial to African Americans who served with Union forces during the Civil War.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 320, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMERICAN FOLKLIFE CENTER AUTHORIZATION ACT, FISCAL YEARS 1993, 1994, 1995, 1996, AND 1997

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5058) to authorize appropriations for the American Folklife Center for fiscal years 1993, 1994, 1995, 1996, and 1997.

The Clerk read as follows:

H.R. 5058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by striking out "and" after "1991,"; and

(2) by inserting after "1992" the following: ", $1,171,769 for the fiscal year ending September 30, 1993, $1,358,463 for the fiscal year ending September 30, 1994, $1,562,322 for the fiscal year ending September 30, 1995, $1,666,857 for the fiscal year ending September 30, 1996, and $1,834,792 for the fiscal year ending September 30, 1997".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BARRETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be able to speak on behalf of H.R. 5058, which reauthorizes the American Folklife Center in the Library of Congress for a period of 5 years, fiscal years 1993 through 1997. No other amendments or changes are proposed.

The 5-year authorization provided for in H.R. 5058 corresponds to a 5-year plan developed by the Folklife Center in consultation with its board of trustees.

The American Folklife Center was created at the Library by the American Folklife Preservation Act of 1976. The Subcommittee on Libraries and Memorials and the full House Administration Committee have reviewed the Center's history, needs, budget, and value, and we have voted unanimously to report the reauthorizing legislation before this body today.

In the past 15 years the Center has launched an active program of projects and publications which celebrate and promote a deeper understanding of the variety of folklife traditions in the United States. It has provided assistance to local, State, and regional organizations seeking to encourage and understand the grassroots traditions of their own communities. It has provided consultant services and access to its equipment loan program to its constituencies in all 50 States, and it has conducted major field projects, surveys, conferences, and exhibitions in States from Maine to Washington, from Alabama to Wisconsin.

Mr. Speaker, all of us are acutely aware of the cultural tensions that permeate our country today. We need to find ways to encourage citizens to draw strength and a sense of identity and purpose from their diverse roots. At the same time, we urgently need to foster a deeper understanding of the cultural traditions of our neighbors. Grassroots traditions have always pointed the way for Americans to express themselves with dignity and creativity, and they have often become a means for cultural sharing that builds a stronger America. From crafts like quilting to musical forms like blues and jazz, and in ethnic styles like the gospel music movement, Americans have rediscovered in every generation that grassroots arts and cultural traditions are a key ingredient in building a skilled and creative citizenry with a healthy identity and an equally healthy sense of community. The American Folklife Center is doing its part to keep our grassroots tradition alive, and this legislation continues their work.

I urge my colleagues to support and adopt H.R. 5058.

☐ 1550

Mr. BARRETT. Mr. Speaker, I yield myself such time as I may consume.

The American Folklife Center was created in 1976, to preserve the present American folklife. In America, the term folklife encompasses a very broad range of ethnic groups, and a diverse commonwealth of cultures. In this quickly changing world, many of the traditional American customs are becoming merely a memory. The Library of Congress Folklife Center collects, documents, and preserves these items of Americana, for education and research purposes. Our folklife defines who we are, through the songs we sing, the names we give our children, the religious holidays we celebrate, and the various stories and customs that are passed down over the years. Most often, these expressions are maintained, or perpetuated, without formal instruction or institutional direction. The Center today has over 1 million items in their collection—I think just about every American could find an aspect of community life and values, to identify with in this collection.

One may notice that this legislation authorizes funding for the next 5 years. Since the creation of the Center 15 years ago, Congress has practiced close oversight on the Center by reviewing funding proposals every 3 years. Now that the Center is firmly established, and has demonstrated its worthwhile purpose, the 5-year authorization allows for more long-range goal setting and planning. The yearly increase includes an inflation factor, and provides for modest growth in program and staffing.

I have found one of the most impressive aspects of the Center, is their outreach to State programs across the Nation. This sharing of resources is crucial at a time when the overall funding for libraries has declined. The American Folklife Center has provided consultant services and access to its equipment loan program, to its constituencies in all 50 States. Major field projects, surveys, conferences, exhibitions, and board of trustees meetings have been conducted in 29 different States. In addition, 22 different States have been represented on the board of trustees.

The American Folklife Center lists among the subjects of their activities: quilting in the Blue Ridge Mountains, cowboy customs in Utah and Nevada, the new ethnic communities in Lowell, MA, fishing in Florida, and Italian-American customs in California. The Center has held many conferences, workshops, and concerts—in fact many of us on the Hill have enjoyed their summer concert series, held over the noon hour, in front of the Library's main building.

I was probably most impressed with their outreach efforts because I received positive reports from Nebraska's own folklorist, Roger Welsch, who often appears on CBS' "Sunday Morning" program. Mr. Welsch shared with me a heart-warming story, about the American Folklife Center's old wax cylinder recordings. The first of these recordings happened to be from Nebraska's own Omaha Indian Tribe. Mr. Welsch took the recordings to a nursing home to see how they would be received by the tribal members. A people whose pride and hope had been damaged, were filled with dignity when they heard again the voices of their parents and grandparents, and songs they had heard as children, but not since.

Mr. Speaker, I simply believe this is a worthwhile, educational program, and I urge my colleagues to join in my support of the Library of Congress' American Folklife Center.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR], the distinguished chairperson of the Subcommittee on Personnel and Police of the Committee on House Administration.

Ms. OAKAR. Mr. Speaker, I want to compliment the chairman and the minority leader for this legislation.

We do not want to let this legislation slip through the cracks, because I think it is really a lovely piece of legislation. One of the great things about our country is the cultural mosaic that we have of various peoples of diversity, all with the very special root that gives our country such a wonderful cultural asset.

This American Folklife Center which is based under the auspices of the greatest Library in the world, the Library of Congress, is indeed very, very important.

The small grants they give to various organizations, various cultural organizations, will foster that culture which makes our country so enriched, is so valuable. It is a very small amount of money that over a 5-year period if very worthwhile, and I am delighted to support this legislation.

Mr. BARRETT. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I rise in opposition to this bill.

I mean no disrespect to anyone involved with this legislation or to the folklife exhibit for which it provides funding. In fact, I might vote for this bill myself if we had a surplus of funds in the Federal Treasury. However, we do not. As everyone knows, we have a national debt of $4 trillion, and even worse than that, we are losing $1 billion a day on top of that every day, including Saturdays and Sundays and holidays.

While this legislation just involves a little less than $8 million in total, I respectfully submit that this is not a project that is absolutely essential to the survival of this Nation, yet it is absolutely essential that we get Federal spending under control.

This exhibit started in the 1930's, but it was not until 1976 that it required funding, some $295,000 at that time. Each year since then the cost has gone up and continues to go up so that during the last year of this authorization the spending will be $1,834,000.

□ 1600

This exhibit could continue with no funding at all through donations and through the work of volunteers. This is the very type of spending the American people want us to cut out.

Mr. Speaker, I oppose it, and I will request the yeas and nays, although I realize that very few Members will vote against this. But I doubt that many Members would support it with their own money if they were asked to do so. I think that is the way we should look at each bill before us that we consider in the Congress.

Mr. Speaker, I oppose this bill and ask my colleagues to do likewise.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was somewhat bewildered at the previous statement that the taxpayers of America would want to use a program like this to help reduce the deficit of $4 trillion. We are talking about a program of $750,000 over a 5-year period. I cannot imagine what would get into anybody to think that this is the kind of program that the American taxpayers are complaining about.

Mr. Speaker, I have heard complaints from many of my constituents, but they are talking about programs that cost billions of dollars and they are not talking about these kinds of inconsequential programs that are spread out over 50 States and do the kind of good for the American citizens that this program does.

So I hope that my colleagues will not be influenced by the previous speaker's statement.

Mr. EMERSON. Mr. Speaker, I rise in support of the reauthorization of the American Folklife Center in the Library of Congress. We Americans are a diverse lot, and our culture is comprised of many, many varied heritages and traditions. Our history, our culture, and our folklife continue to play a strong role in our basic beliefs and values, and they will shape our future. Since its inception in 1976, the American Folklife Center has fulfilled its mandate: preserving and presenting American folklife. Through studies, exhibits, workshops, and more, the center has helped us understand where we've been, in our history and ancestry; it has helped us understand where we are now, in our current culture and beliefs; and it helps us to see more clearly where we are going, and how to maintain our diverse heritage and still forge a strong national community. I strongly urge my colleagues to support the re-authorization of the American Folklife Center.

Mr. BARRETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 5058.

The question was taken.

Mr. DUNCAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALLING FOR ACCEPTANCE BY CERTAIN REPUBLICS OF HELSINKI ACT OF COMMITMENTS

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 232) calling for acceptance and implementation by certain republics of the commitments on human rights, fundamental freedoms, and humanitarian cooperation contained in the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe, as amended.

The Clerk read as follows:

H. CON. RES. 232

Whereas the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe, including the Moscow Conference on the Human Dimension (CDH) document, have established recognized standards for the promotion and protection of human rights, democracy, and the rule of law;

Whereas Principle VII of the Final Act sets forth specific commitments concerning respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion, or belief;

Whereas the Charter of Paris for a New Europe states that "human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law", and further provides that "Democratic government is based on the will of the people, expressed regularly through free and fair elections" and is the "best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person";

Whereas the Copenhagen Conference on the Human Dimension (CDH) document declares that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government;

Whereas the Conference on Security and Cooperation in Europe is committed to protecting the right of persons belonging to national minorities to freely express, preserve, and develop their identity without any discrimination and in full equality before the law;

Whereas Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan have gained their independence and have accepted all Conference on Security and Cooperation in Europe commitments as participating states; and

Whereas human rights abuses have been reported in a number of these states, while others appear to be taking steps to promote and protect the rights of individuals within their territory: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the leaders of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan should take steps to implement all commitments on human rights, fundamental freedoms, and humanitarian cooperation (including those on monitoring activities) contained in the Helsinki Final Act, the Charter of Paris for a New Europe, or any other document of the Conference on Security and Coopration in Europe;

(2) the parliamentary leadership of each of these states should consider the establishment, within their respective parliaments, of appropriate mechanisms for the promotion and protection of human rights and fundamental freedoms;

(3) the President should convey to the leaders of these states that respect for human rights and fundamental freedoms, as expressed in the Helsinki Final Act, the Charter of Paris for a New Europe, and other documents of the Conference on Security and Cooperation in Europe, is a vital element in achieving genuine security and cooperation in Europe; and

(4) the President should keep the Congress informed of the status of human rights and fundamental freedoms in each of these states.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, introduced by Congressman HOYER, House Concurrent Resolution 232, as amended, calls on the new Republics of the former Soviet Union to fully accept and implement the commitments on human rights and fundamental freedoms set forth in the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe.

The breakup of the Soviet Union has resulted in the creation of a number of independent emerging democracies with little or no institutional framework to preserve human rights and democracy. The Helsinki process provides the mechanisms to protect these essential freedoms.

The Helsinki accords and the followup documents appropriately focus on the fundamental rights of the individual. Through followup meetings to monitor the implementation of the accords, the Helsinki process seeks to keep in check those authoritarian forces which threaten democracy and human rights.

The subcommittee adopted a technical amendment for House Concurrent Resolution 232 when we marked the resolution up on Wednesday. The amendment updates the resolution and makes some corrections in the names of the new Republics.

Mr. Speaker, I want to commend Chairman FASCELL, Congressman BROOMFIELD, Chairman HAMILTON, Congressman GILMAN, Congressman BEREUTER, and Congressman HOYER for supporting this legislation.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join my very good friend, the gentleman from Pennsylvania [Mr. YATRON] in supporting this resolution, which calls on the newly independent states of the former Soviet Union to accept and implement the human rights commitments contained in the Helsinki Final Act.

I also take this opportunity to commend the gentleman from Florida, Chairman FASCELL, of the full Committee on Foreign Affairs, the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New York [Mr. GILMAN] and the gentleman from Maryland [Mr. HOYER] for bringing this resolution to the floor.

Mr. Speaker, when the Helsinki Final Act was signed 17 years ago, its ideals were widely praised. The peoples of Europe and North America, whether free or living under Communist dictatorships, all hoped that human rights would one day be respected throughout Europe.

For many years, the Soviet Government, which had freely signed the Helsinki Final Act, routinely violated its provisions. But now history has witnessed the fall of communism in the former Soviet Union and the breakup of the Soviet state. The newly independent states now look to Western democracies as a model for economic, social, and political development.

During this period of transition, however, there is need for continued emphasis on respect for human rights. Tensions resulting from human rights violations in certain states of the former Soviet Union pose a threat to the consolidation of democratic reforms and have even led to open warfare in some regions.

Events in recent years have clearly demonstrated that when governments fail to respect the rights of their citizens, the result is political instability, economic disruption, and war. The successor states of the former Soviet Union must recognize that respect for human rights goes hand in hand with political and economic reform.

By approving House Concurrent Resolution 232, Congress will publicly reaffirm the crucial importance of the protection and promotion of human rights in the former Soviet Union. I commend President Bush for his efforts to support human rights in Europe and hope that it will continue to make this issue a cornerstone of our policy.

I urge my colleagues to support this resolution.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], the second-ranking member of the Committee on Foreign Affairs and future ranking member and, hopefully, chairman.

Mr. GILMAN. I thank the gentleman for his kind remarks and for yielding this time to me.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 232, legislation calling on the leaders of Armenia, Azerbaijan, Byelorussia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkemenistan, Ukraine, and Uzbekistan to accept and implement all commitments on human rights, fundamental freedoms, and humanitarian cooperation contained in the Helsinki Final Act, and other documents, including the Charter of Paris for a New Europe and the Copenhagen Conference on the Human Dimension.

I commend our colleague, Mr. HOYER, for introducing this measure, which I am pleased to cosponsor. His leadership as cochairman of the Conference on Security and Cooperation in Europe, which monitors the Helsinki Final Act has indeed been stellar, and we are thankful to him for his great dedication and persistence on behalf of human rights around the world. The gentleman from Illinois [Mr. PORTER], also a member of the Helsinki Commission, deserves recognition as well for his coauthorship of this resolution and for his chairmanship of the congressional human rights caucus.

I also want to thank the distinguished chairman of our Foreign Affairs Committee, Mr. FASCELL, and our committee's ranking member, the gentleman from Michigan [Mr. BROOMFIELD] for bringing House Concurrent Resolution 232 to the floor for consideration in such a timely fashion, and the distinguished chairman of our Foreign Affairs Subcommittee on Human Rights, the gentleman from Pennsylvania [Mr. YATRON], for facilitating and supporting these efforts.

This important resolution states the sense of Congress that the parliamentary leadership of each of these republics should consider the establishment of appropriate mechanisms for the promotion and protection of human rights and fundamental freedoms; the President should convey to these leaders that respect for human rights is a vital element in achieving genuine security and cooperation in Europe; and the President should keep Congress informed of the status of human rights in each of these republics.

Mr. Speaker, the creation of the Helsinki Final Act was an acknowledgment of the growing dominance of human rights on international agendas. Its adoption was a landmark event, allowing the United States to very legitimately press the Soviet Union and other nations with regard to human rights abuses, despite protestations that these were internal matters.

With the demise of the Soviet Union, and the recognition of the new republics, it is essential that we call for the acceptance and implementation of all commitments on human rights, fundamental freedoms, including freedom of thought, conscience, religion, or belief, as set forth in the Helsinki accords.

Accordingly, I join my colleagues in urging early adoption of this resolution in full, mindful that we must still stay the course in the struggle for human rights.

□ 1610

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank, first of all, the distinguished gentleman from Michigan [Mr. BROOMFIELD] for yielding this time to me.

Mr. Speaker, House Concurrent Resolution 232 is a resolution on a very important international institution, the Council on Security and Cooperation in Europe, and the underlying Helsinki Act. This resolution specifically points to the increasing human rights problems resulting from the dissolution of the former Soviet Union. It is perhaps not surprising that chaos has ensued, but it is, nonetheless, troubling.

Mr. Speaker, as this body considers House Concurrent Resolution 232, there is ethnic fighting in Moldova, armed factions that have squared off in Georgia, and full blown conflict in Armenia and Azerbaijan. The former Soviet republics have fallen to squabbling about territorial boundaries, and there is a risk that Russia and Ukraine may resort to violence over the fate of the Crimea.

It is quite possible that the animosities that have been unleashed in the months since the collapse of the former Soviet Union will turn into a general, widespread conflict.

Mr. Speaker, this is precisely the sort of instability that the CSCE process is designed to address. The CSCE, which was created in 1975 as a forum to resolve outstanding issues between East and West, has evolved into one of the major building blocks of the New Europe. Membership in the CSCE is a recognition that a nation is a responsible member of the European family of nations which make up the predominant membership of the CSCE. All of the former Soviet republics seek to gain membership in the CSCE.

It is certainly true that there has been remarkable changes in the former Soviet republics. The movement toward freedom of speech, freedom of the press, and true representative government has been truly remarkable. And yet, these great strides will come to naught if the Soviet republics fall victim to ethnic intolerance and civil war.

The new nations must be made to understand that there are responsibilities attached to being a member of the CSCE. The Helsinki Final Act, and the Charter of Paris for a New Europe make it absolutely clear that member nations must honor basic human rights and fundamental freedoms. The former Soviet republics need to understand that they will never be considered full participants in the new Europe until they adhere to the CSCE principles.

Mr. Speaker, House Concurrent Resolution 232 puts the former Soviet republics on notice that they must adhere to the CSCE commitments on human rights, fundamental freedoms, and humanitarian cooperation. It calls on the President to convey that message to the leaders of those republics, and urges the republics to establish appropriate human rights monitoring mechanisms. It is a useful message, Mr. Speaker, and one that is entirely consistent with U.S. policy. This Member would urge the resolution's adoption.

Mr. Speaker, this Member would congratulate the primary author of this important message. The gentleman from Maryland [Mr. HOYER] has performed yeoman work as Chairman of the U.S. Commission on Security and Cooperation in Europe. He has long been a leader in the cause of human rights in Central and Eastern Europe, and this Member, who is the ranking Republican on the Human Rights Subcommittee, recognizes and appreciates his efforts. He has been aided in his duties by a number of highly capable and motivated colleagues, including the gentleman from New Jersey [Mr. SMITH], and the gentleman from Virginia [Mr. WOLF].

Mr. Speaker, I also want to commend the ranking member of the committee, the gentleman from Michigan [Mr. BROOMFIELD], the chairman of the Human Rights Subcommittee; the distinguished gentleman from Pennsylvania [Mr. YATRON] and my distinguished colleague, the gentleman from New York [Mr. GILMAN] who is the ranking Republican on the Subcommittee on Europe and the Middle East. This Member congratulates them on their work.

Mr. Speaker, I urge unanimous adoption of this resolution.

Mr. YATRON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], the author of the resolution and the chairman of the Helsinki Commission.

Mr. HOYER. Mr. Speaker, I first want to pay tribute to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], who, before heading the committee, expertly and tirelessly chaired the Helsinki Commission for its first 9 years. I must here express my own disappointment upon hearing of his plans to retire, and I think all of my colleagues would join me in noting that the House will lose an outstanding and very able Member whose unrelenting championship of individual human rights and fundamental freedoms has contributed to the political changes we see today.

I wish also, Mr. Speaker, to pay tribute to the chairmen of the Subcommittee on Europe and the Middle East and the Subcommittee on Human Rights and International organizations, who together with the gentleman from Florida [Mr. FASCELL] brought this resolution before us.

I also want to say that I would be remiss if I did not note on the floor the distinguished ranking member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD], my good friend who, lamentably, will also be leaving the Congress and who has given great service. He will, however, fortunately for those concerned about human rights, be followed in his post as ranking member by someone who is as equally committed as Mr. BROOMFIELD to the furtherance of human rights and to the Helsinki process, my good friend, the gentleman from New York [Mr. GILMAN]. I am pleased to be here with him on the floor.

I also, Mr. Speaker, want to recognize my good friend and fellow Commissioner, the distinguished gentleman from Pennsylvania [Mr. RITTER], who has been the principal cosponsor of the resolution.

I assign great importance to the adoption of this resolution, which urges the former Soviet Republics to fully implement the noble human rights standards of the Conference on Security and Cooperation in Europe.

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Mr. Speaker, as you know, the Helsinki Final Act and other documents of the CSCE have established recognized standards for the protection of human rights, democracy, and rule of law. Last January, 11 of the new States expressed their consent to abide by the commitments of the Helsinki Final Act, and the 12th former Republic, Georgia, so declared several months later.

Next month, in Helsinki, the heads of state of all 12 new States will officially sign the Helsinki final accords, thereby declaring openly before the other CSCE member States and their own people their determination to implement Helsinki principles in their societies. Therefore, Mr. Speaker, as chairman of the Helsinki Commission, I would like to report briefly to my colleagues on the current political situation in these new States. Mr. Speaker, I have a prepared statement which I would ask be included in the RECORD following my remarks that will describe in further detail the political dynamics in the former Soviet Union, particularly with regard to human rights.

Like the new democracies of Eastern Europe, the former Soviet Republics have at long last become free from the strong arm of totalitarianism.

Unlike the Eastern European States, however, many of the former Republics are just months old as independent states, and are thus beginning not only the process of economic and political reform, but, with the exception of Russia, the painful process of decolonialization also.

Most of the new States are currently beset by political and social disorientation, economic disarray, as well as the more abstract struggle for a national identity. In these conditions, we must remember that democracy will not take hold overnight.

However, this should not deter us from actively monitoring their progress toward democracy building, and offering counsel and constructive criticism where it is warranted.

Mr. Speaker, I might say parenthetically that you and I and others on this floor have had the opportunity to travel to the Eastern bloc before the fall of the Berlin Wall, before the fall of the Soviet Union and the creation of independent states. It was those visits, in my opinion, that were helpful in bringing about the end to totalitarianism that we have seen as we raised the banner of freedom, democracy, and free markets in those places, on their soil with their people.

Mr. Speaker, I would hope that we would continue, as Members of this Congress, as U.S. citizens, to raise that banner on the lands of the newly independent Republics. Nothing makes quite as great an impact as being there on the ground, confronting face to face those who are leading and who are in power, with the realities of human rights commitments, which include the need to create democratic institutions, and to provide guarantees to the public to assemble and speak freely, to publish their thoughts, to transmit those thoughts, and to worship as they see fit. All of those are things that we take for granted in this democracy, and which are so dear to us.

Throughout the former Soviet Union, changes are being made to restructure societies away from one-party dictatorship and toward building democracy. However, progress toward that goal has gone further in some former Republics than in others. The Russian federation and Ukraine have made remarkable strides toward the structuring of a democratic society.

In both countries, fundamental freedoms including those of speech, assembly, religion, and the press which I have spoken of, have largely been restored and both are attempting to implement painful economic reforms.

In the Caucasus, the political and economic development of Armenian and Azerbaijan has unfortunately been overshadowed by the tragic conflict in Nagorno-Karabakh; until this conflict is resolved, neither country can fully begin to develop as an independent and law-based state.

The Central Asian States suffered particularly from the effects of Soviet colonialization, and former Communist Party leaders function largely as before. Opposition activists are harassed or even jailed, and the media are still almost entirely State controlled. The situation is not uniform in these new States, however, as some of the central Asian States have made genuine progress toward political reform.

It must be noted that poor performance records by a number of the new States are not entirely the result of a lack of willingness to implement Helsinki principles.

Many of the failures have resulted from a lack of knowledge and understanding of what these principles mean and how they can best be guaranteed by a law-based state.

Though government officials may speak of democracy and respect for human rights, the truth is that most of the people of the entire former Soviet Union have never experienced democracy, nor the responsibilities of statehood.

This is why the CSCE process will be vital for their development as they work to undo the effects of totalitarianism and build democratic structures, and why I urge the governments of each new State to establish the appropriate mechanisms for the guarantee of human rights and fundamental freedoms as outlined in the Helsinki Final Act.

Mr. Speaker, on my last visit to Moscow in September 1991, I had the opportunity to speak with the Russian Foreign Minister, Mr. Kozyrev. In that discussion he himself emphasized, and I know the chairman knows this, how critically important it was that the independent emerging Republics undertake a commitment themselves to CSCE principles, because he ascribes significant importance to those principles in the emergence of the Soviet Republics as free and independent states. If we are to see the continued stabilization of the relationship between the United States and the free peoples of the world, and the emerging free States in the Commonwealth of Independent States, a commitment to jointly agreed-upon standards of civil conduct, as incorporated in the Helsinki Final Act, will be essential.

Mr. Speaker, in closing, to ensure that the new States fully understand the importance the U.S. Congress attaches to respect for human rights and the rule of law, I urge adoption of the resolution.

Mr. Speaker, for the RECORD I include the statement referred to earlier.

Mr. Speaker, as you know, the Helsinki Final Act and other documents of the CSCE have established recognized standards for the protection of human rights, democracy, and rule of law. Last January, 11 of the new States expressed their consent to abide by the commitments of the Helsinki Final Act, and the 12th former republic, Georgia, so declared several months later. Next month in Helsinki, the heads of state of all 12 new States, will officially sign the Helsinki final accords, thereby declaring openly before the other CSCE member States and their own people their determination to implement Helsinki principles in their societies. Therefore, as Chairman of the Helsinki Commission, I would like briefly to report to my colleagues on the current political situation in these new States.

Like the new democracies of Eastern Europe, the former Soviet Republics have at long last become free from the strong arm of totalitarianism. Unlike the Eastern European States, however, many of the former republics are just months old as independent States, and are thus beginning not only the process of economic and political reform, but, with the exception of Russia, the painful process of decolonialization also. Most of the new States are currently beset by political and social disorientation, economic disarray, as well as the more abstract struggle for a national identity. In these conditions, we must remember that democracy will not take hold overnight. However, this should not deter us from actively monitoring their progress toward democracy building, and offering counsel and constructive criticism where it is warranted.

The Russian Federation has made great strides toward the structuring of a democratic society. The Russian Government under President Yeltsin has worked to implement very difficult economic and political reforms in the face of strong opposition from hard-line conservative elements in Russian society who do not want to relinquish the privileges the previous system provided. Most would agree that in Russia today, the media are largely, though not completely, free; that opposition groups are able to act unhindered; and that freedom of speech, assembly, and religion have been restored. The signing of the Russian Federation Treaty in March of this year, though not without fault, was a particularly encouraging development; there are over 20 million non-Russians in the Russian Federation, and the President Yeltsin's government should be commended for confronting the issue of minority rights head-on.

This is not to say that that issue, or others, have been completely resolved in Russia. Indeed, the problems of non-Russian citizens in Russia remain at the forefront, and in some places, tensions have developed. There are those Russians who would fight against all attempts to provide cultural and political autonomy for the non-Russian groups, and those non-Russians who would use and have used violent means to obtain their ends. And unfortunately, the institutions which could provide the essential guidelines and guarantees for all citizens of the Russian Federation have not yet been established, much less tried, and the potential for serious conflict between Russians and their many minority groups remains.

Furthermore, the continued sabre rattling from more strident nationalist elements within the Russian Government suggest that old Russian imperialist sentiments, both toward the groups within Russia and toward its neighbors, are unfortunately alive and well. I call on the Russian Government to use Helsinki guidelines to provide human rights assurances to the non-Russian groups, and to condemn those elements advancing territorial claims. Until such guarantees have become part of the framework of Russian society in a law-based state, the danger remains that extremism and demagoguery can move in and exploit economic woes and social confusion.

In addition to these new problems, many remnants of the old Communist system remain. There are more than 60 outstanding refusenik cases in Russia, and it is time for the Russian Government to live up to its commitments on this matter and allow these people their fundamental right to emigrate. Finally, there are literally thousands of people in jail in Russia for economic crimes, and people are still being tried under these old Soviet laws that have no place in a democratic society. Clearly, it is crucial that the Helsinki process continue to be vigilant in its promotion of democracy building in Russia.

Ukraine has on many occasions expressed its commitment to CSCE principles and to becoming a democratic state based on respect for human rights. Important progress has been made in areas such as minority rights, and relations among the various ethnic groups in Ukraine are relatively calm. The Ukrainian Parliament has passed or is in the process of passing legislation designed to guarantee protection of human rights, and a new draft constitution is considered generally consistent with western democratic values.

While the political will to institutionalize democratic and market reforms exists in Ukraine, there are problems with respect to implementation. Former Communist Party apparatchiks are still present in large numbers in the Ukrainian Government and often act as an obstacle to reform. As elsewhere in the former Soviet Union, a legal culture has yet to be developed in Ukraine. Thus, while Ukraine is moving in the right direction, the political, economic, social, and environmental legacy of the Soviet system can still be felt.

In Belarus, the old-party apparatus is also still in control of much of the Government and Parliament. The President has maintained a middle of the road course toward economic and political reform, and appears to be a strong supporter of the CIS. Nevertheless, democratically oriented reform elements in and out of government succeeded in May of this year in collecting enough petition signatures to conduct a referendum on dissolving the parliament and holding new elections.

Moldova is faced with two secession movements that threaten its territorial integrity. The first involves the Slavic majority Dniester Republic in the small sliver of territory on the left bank of the Dniester River. At least 100 persons have died in clashes between Moldovan Government forces and the self-styled Dniester National Guard, which includes forces from the CIS 14th Army, and Russian nationalists from Russia and Ukraine. In southern Moldova, a faction of a Turkic minority group has proclaimed its own independent republic. The Moldovan Government has appealed to the CSCE to aid in negotiating peaceful resolutions to these territorial disputes.

The new States of the Caucasus have experienced a turbulent transition to a post-Communist Government structure. In Georgia, Zviad Gamsakhurdia, a democratically elected leader who soon after his election began amassing personal power and outlawing all opposition, was violently overthrown in bloody battles that destroyed sections of the historic Georgian capital of Tbilisi. The new Government, headed by former Soviet Foreign Minister Eduard Shevardnadze, though forced to concentrate mainly on consolidating basic government structures, has scheduled elections for October of this year and has committed itself unequivocally to building a genuinely democratic rule-of-law state based on the Helsinki accords. While it is too soon to determine the progress toward that aim, we applaud the Georgian Government's pledge to abide by Helsinki principles.

In Azerbaijan, old Communist leaders, determined to maintain their monopoly on power, refused to respond to the changes that were occurring in other parts of the former Soviet Union. In early March the Communist President fled the capital after angry demonstrators took to the streets both to protest the Government's handling of the conflict in Nagorno-Karabakh, the disputed enclave within Azerbaijan, and to demand free elections. The successor Acting President agreed to hold new Presidential elections. However, when it became apparent to the ruling Communists they were likely going to lose, they attempted a coup of their own, just weeks before the date of the elections. The people of Azerbaijan again took to the streets in protest, and without bloodshed, forced the acting government to go ahead with the election, which took place on June 7.

Literally, as we speak, Azerbaijan is experiencing the revolutionary change reminiscent of the revolutions that spread throughout Eastern Europe in 1989, when old Communist leaders were forced out of power by their own people disgusted and fed up with corrupt Communist rule. As in the case of Georgia, it is simply too soon to know what will transpire in Azerbaijan, but I call on the new President to adhere to and fully implement the commitments of the Helsinki accords, which will set the stage for future relations between our two countries.

Armenia has made great progress toward building a democratic society. Its non-Communist President, Leon Ter-Petrosyan, was elected in October of last year in a contested election observed by Helsinki Commission staff and deemed to have been free and fair. The country's independence declaration guarantees freedom of speech, press, and conscience and the Republic has adopted international—including CSCE—conventions on human, civil, and political rights. Of course, as in all other republics, the effects of 70 years of Soviet totalitarianism remain. Opposition leaders complain that the President's party monopolizes the media and refuses or hinders their access to State-controlled media and television. Others have accused Ter-Petrosyan of amassing too much personal power. I encourage the Armenian Government to persist in its stated aim of implementing Helsinki principles concerning such issues as press freedom, since it is clear that a free press is vital to the workings of a democratic state.

Unfortunately, the political development of both Azerbaijan and Armenia has been largely overshadowed by the conflict in Nagorno-Karabakh, a dramatic example of the consequences of suppressing national grievances, as the Soviets did, under the guise of Socialist brotherhood. The CSCE has been striving to negotiate an end to this terrible and tragic conflict, and I can only reiterate calls for the two countries involved to cease fighting and pursue a negotiated settlement as outlined by the CSCE. It is hoped that the recent election in Baku will result in a stable and legitimate government that can pursue such negotiations on behalf of the people of Azerbaijan. Until this conflict is resolved, neither country can fully begin to develop as an independent and law-based state.

The situation for those new CSCE members who are States for the first time in their history is an especially difficult one. The new States of Central Asia suffered particularly under the yoke of first Russian and then Soviet colonialization, and are now struggling to forge national identities within borders drawn by the Soviet authorities and designed to exploit ethnic differences in the region. Unfortunately, the Soviets were successful in this cynical aim and sporadic ethnic conflicts have broken out in several of the Central Asian States in recent years. This is only part of the legacy of Soviet totalitarianism, along with distorted economic development, severe environmental devastation, and religious and cultural repression, with which the new Central Asian States must cope.

Yet some progress has been made. In republics where the Communist party was once the only permissible political entity, groups which oppose the government are active and working to promote change. Religious freedom has become a reality once again, and religious groups are now struggling to repair the damage inflicted by the Soviet determination to obliterate local religious and cultural traditions. In recent months each of the Central Asian States has held a presidential election, and in two of those States, Uzbekistan and Tajikistan, there were at least two candidates put forward. This may not seem so unusual until it is understood that the people of those States were given a choice of who would govern them for the first time in their history. In Tajikistan, an especially hard-line Government was forced to compromise with opposition groups after demonstrators took to the streets for over a month protesting the Communist Party's stranglehold on power.

Unfortunately, old ways continue, as in virtually all of the Central Asian States the now renamed Communist Party leaders have maintained power. In Kazakhstan, Turkmenistan, and Kyrgyzstan, the most recent presidential elections offered only one candidate. In Kazakhstan and Uzbekistan, there were charges that an opposition candidate had been deliberately prevented from running either through intimidation or restrictive election laws that effectively thwarted the candidate. Throughout Central Asia the activities of the opposition groups are moderately to severely proscribed by these current governments. There are reports that opposition activists are harassed, temporarily confined or even put in prison on suspiciously trumped-up charges.

The media in all five Central Asian States are still virtually completely controlled by the State, and opposition groups are routinely denied access. Kazakhstan still retains on the books a law forbidding the insulting of the dignity and honor of the President, and Kyrgyzstan is considering adopting such a law. This type of law is particularly pernicious as it empowers the government to decide what can be printed or said about government leaders, and it was under just such a law, forbidding anti-Soviet slander, that so many former Soviet citizens were arrested and imprisoned.

Mr. Speaker, I have not attempted here to provide a comprehensive review of the political situation in the former republics of the Soviet Union. Instead, as Chairman of the Congress' Commission that monitors such developments, I offer here a basic assessment of progress made in terms of human rights and democracy building, and report on those areas where more work needs to be done.

It must be noted that poor performance records by a number of the new states are not entirely the result of a lack of willingness to implement Helsinki principles. Many of the failures have resulted from a lack of knowledge and understanding of what these principles mean and how they can best be guaranteed by a law-based state. Though government officials may speak of democracy and respect for human rights, the truth is that most of the people of the former Soviet Union have never experienced democracy, nor the responsibilities of statehood. This is why the CSCE process will be vital for their development as they work to undo the effects of totalitarianism and build democratic structures, and why I urge the governments of each new state to establish the appropriate mechanisms for the guarantee of human rights and fundamental freedoms as outlined in the Helsinki Final Act. To ensure that the new states fully understand the importance the U.S. Congress attaches to respect for human rights and the rule of law, I urge adoption of the resolution.

Mr. PORTER. Mr. Speaker, I rise to express my support for House Concurrent Resolution 232, a resolution that calls on the newly independent states of the former Soviet Union to abide by human rights standards as outlined by the Conference on Security and Cooperation in Europe [CSCE]. The downfall of communism and the collapse of the Soviet Government that for most of its history largely ignored fundamental freedoms is a triumph for the ideals of democracy and human rights. Unfortunately, the historic political and economic changes that occurred last year in the former Soviet Union have not lead to an end to concerns over respect for human rights in that part of the world. They are only the beginning, and constant international attention is essential to ensuring that internationally respected standards of human rights take hold and are respected in the former republics.

Some former Soviet Republics have taken steps to promote and protect the rights of individuals in their territories and should be encouraged to continue with their development of democratic institutions. In other states, however, the outlook for human rights protection does not look positive. The tragic conflict between Armenia and Azerbaijan over the disputed region of Nagorno-Karabakh has meant the loss of thousands of lives and scores of human rights abuses. With ethnic strife and nationalism rapidly filling the void left by the demise of communism, the long-term stability of the entire region could be in jeopardy.

Fortunately, the newly independent Republics of the former Soviet Union have become members of CSCE and therefore have become parties to a larger mechanism that provides for conflict mediation and resolution. Membership in the CSCE means that each Republic is obligated to institutionalize protections for human rights and to make progress toward democratization and the establishment of a free-market economic system. The resolution that we are considering today calls on the leaders of each new member state of the CSCE to honor the obligations they have made to abide by international human rights standards.

One of the surest ways we can help to bring about peace, human rights observance and democracy in the former U.S.S.R. is to encourage each new independent country to implement Helsinki commitments and to become participants in the CSCE process. I applaud the progress that the states of the former Soviet Union have made so far and their stated commitment to human rights, democracy and free markets. I look forward to continue progress and I call on Members to support House Concurrent Resolution 232.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 232, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read:

Concurrent resolution calling on the leaders of the independent states of the former Soviet Union to take steps to implement all commitments on human rights, fundamental freedoms, and humanitarian cooperation contained in the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Concurrent Resolution 232, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENSE OF CONGRESS CONCERNING CHINESE GOVERNMENT'S HARASSMENT OF FOREIGN JOURNALISTS

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 461) expressing the sense of the House of Representatives concerning the Chinese Government's harassment of foreign journalists.

The Clerk read as follows:

H. RES. 461

Whereas on May 17, 1992, Beijing state security officers confiscated materials from the office of Washington Post Beijing correspondent, Lena Sun;

Whereas the correspondent's husband and child were not allowed to leave their home during the interrogation and two United States Embassy officials were prevented from entering the Washington Post bureau;

Whereas security officials told Ms. Sun that a Chinese acquaintance had been arrested and that his case was under investigation;

Whereas on April 30, 1992, Chinese police detained and interrogated James Miles, a British Broadcasting Corporation correspondent, for attempting to report on a protest in Tiananmen Square;

Whereas in the last two months the New York Times bureau chief in Beijing, Nicholas Kristof, was summoned twice by the Chinese Foreign Ministry for articles the ministry described as "vicious slanders of the Chinese Government";

Whereas in September 1991, a journalist for the Independent, Andrew Higgins, was expelled from China while carrying out standard journalistic responsibilities;

Whereas foreign correspondent, Mike Chinoy and Bill Whitaker, in September 1991, were separately harassed by Chinese security officials while attempting to film United States Members of Congress commemorating the 1989 Tiananmen Square crackdown;

Whereas foreign correspondents have regularly reported that they are often under surveillance and that their contacts are frequently harassed;

Whereas it has been reported that Chinese authorities have increased surveillance and harassment of journalists in the past few months;

Whereas article 19 of the Universal Declaration of Human Rights states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.": Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the recent confiscation of materials from the Beijing bureau of the Washington Post and interrogation of its correspondents as well as the interrogation of the bureau chief for the New York Times and other foreign correspondents is in violation of the Universal Declaration of Human Rights;

(2) the President should urge the Chinese Government to allow greater press freedom to foreign and domestic journalists.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. YATRON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 461 expresses the sense of the House concerning the Chinese Government's harassment of foreign journalists. Chinese authorities have greatly increased their surveillance and harassment of journalists and their contacts in the past few months.

The most recent incidents of harassment took place last Wednesday in Tiananmen Square where Chinese police beat and detained foreign television reporters, harassed print journalists, and confiscated cameras and film. This all occurred when a Chinese citizen attempted to unfurl a banner criticizing the 1989 crackdown on democracy protests. It is reported that about 30 plainclothes policemen dragged him away, and afterward three Western television reporters in the square were detained by police. Two Japanese correspondents were similarly detained and prevented from contacting their embassy and Beijing office.

Other recent events include the confiscation of materials from the office of Beijing Washington Post correspondent, Lena Sun over 2 weeks ago. In April, Chinese police detained and interrogated a BBC correspondent for attempting to report on a protest in Tiananmen Square and in the last 2 months the New York Times Beijing bureau chief was summoned twice by the Chinese Foreign Ministry for his articles on China.

Mr. Speaker, this resolution condemns the confiscation of materials from the Washington Post's Beijing bureau and harassment of foreign journalists in general and calls on the President to urge China to allow greater press freedom to foreign and domestic journalists.

Stepped up harassment of journalists is just one of several distressing events that has demonstrated that United States policy toward China has failed to bring about change for the better in that country.

Beijing has given only limited information concerning the hundreds of political prisoners jailed after the Tiananmen Square crackdown. The former Assistant Secretary of State for Human Rights, Richard Schifter, has recently stated that the Foreign Ministry makes a commitment on human rights and that someone else reneges on it.

Secretary Baker was promised by Chinese leaders in November that they would grant visas to about 20 dissidents, but only 2 have been permitted to leave. Secretary Baker was assured that China would stop exporting prison made goods to the United States but in the same month of that assurance the Chinese were caught shipping diesel engines made with prison labor.

Mr. Speaker, simply stated, this recent crackdown of the foreign press is born out of China's desire not to have its dismal human rights record reported to the international community. This resolution sends an unequivocal message to Beijing that the United States supports the Chinese people in their quest for free speech and democracy.

Mr. Speaker, I would like to commend Chairman FASCELL, Congressman BROOMFIELD, Chairman SOLARZ, Congressman BEREUTER, and Congressman LEACH for supporting this resolution.

I urge my colleagues to support this resolution.

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Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution and commend Chairman FASCELL of the Foreign Affairs Committee, Congressman YATRON, the Subcommittee chairman and the Ranking Minority member, the gentleman from Nebraska [Mr. BEREUTER] for their roles in bringing it before us today.

Ever since the brutal repression of the democracy movement at Tiananmen Square in 1989, United States-China relations have been strained. The United States continues to be concerned about the human rights situation in China, its trade policy, nuclear testing, and the sale of its weapons and technology.

To this serious list, we should include China's treatment of the press. China has repeatedly violated article 19 of the Universal Declaration of Human Rights regarding freedom of opinion and expression and the right to impart information and ideas through the media.

House Resolution 461 clearly highlights the harassment journalists face in China. As a nation that values freedom of the press as an inherent right, and guarantees this right in the Bill of Rights, we must find this Chinese practice abominable.

I urge my colleagues to support House Resolution 461. I also join in calling upon the Chinese Government to abide by the Universal Declaration of Human Rights and allow greater freedom to both foreign and domestic journalists.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of House Resolution 461, legislation expressing the sense of the Congress concerning the Chinese Government's harassment of foreign journalists. I want to commend the chairman of the Subcommittee on Human Rights, the gentleman from Pennsylvania [Mr. YATRON] and the ranking minority member, the gentleman from Nebraska [Mr. BEREUTER] and the distinguished chairman of our Foreign Affairs Committee, Mr. FASCELL, and our committee's distinguished ranking minority member, Mr. BROOMFIELD and the chairman of the Subcommittee on Asia and the Pacific, the gentleman from New York [Mr. SOLARZ] and the ranking minority member, the gentleman from Iowa [Mr. LEACH] for bringing this important legislation before the House today. Their leadership on the issue of human rights violations in the People's Republic of China has played a critical role in forming a strong, overwhelming bipartisan approach by the House to this issue.

On May 17, 1992, Beijing's state security officers harassed a Washington

Post correspondent, Lena Sun, and her husband and child. Unfortunately, this is not an isolated incident but just one of many distressing actions that China's Communist leadership has visited upon distinguished media representatives in Beijing. Nicholas Kristof of the New York Times, James Miles with the BBC, Andrew Higgins with the Independent, and Mike Chinoy and Bill Waitaker with United States based broadcasting companies, have all undergone severe forms of harassment.

Mr. Speaker, I don't expect the Communist government in Beijing will ever feel secure enough in today's world to end the massive control it exercises over foreign and domestic media outlets. It believes, and rightly so, that its totalitarian hold over its citizens and occupied Tibet is threatened. I don't expect House Resolution 461 to change their behavior but, perhaps, it will give some hope to those still suffering and struggling in China. Accordingly, I am pleased to urge support for this bill.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. PORTER], who is also cochairman of the human rights caucus of the House.

Mr. PORTER. Mr. Speaker, I thank the gentleman from Michigan, the ranking member of the Committee on Foreign Affairs and a man greatly committed to human rights, for yielding time to me.

Mr. Speaker, a score of nations in Africa are moving toward multiparty democracy. Central and Eastern Europe and the former Soviet Union are experiencing a blossoming of freedom including freedom of the press. Even Albania, which was such a hard-line Stalinist state that it broke with China in the 1960's because it disagreed with China's reforms, has held democratic elections. But the aging leadership in China ignores the tide of history and continues to repress its people, denying them such basic human rights as freedom of speech and freedom of expression.

While I was in Rio de Janeiro for the UNCED Conference, Li Peng announced he would not come to Rio until the Dalai Lama had left. How ludicrous and out of touch. This served merely to remind the world how cruelly the Chinese are repressing the Tibetan people. How compelling is the contrast between this bloody tyrant and the Dalai Lama—a man of ultimate good will and peace.

The gerentocracy in Communist China that brought the world the Tiananmen Square massacre again proved how out of touch it is with the changes that are sweeping the rest of the world, and to a large part China itself, when it detained Washington Post Beijing correspondent Lena Sun and confiscated personal papers from her office last week.

House Resolution 461 is an important piece of legislation which decries the harassment, detention, and interrogation of foreign journalists, including Lena Sun, and calls on President Bush to urge the Chinese Government to allow greater press freedom to foreign and domestic journalists.

This legislation is particularly important because of the implications of the Chinese Government's action. If the world stands aside and allows the Chinese leadership to limit outside awareness and scrutiny of what is going on inside China, the Chinese will have a free hand to perpetrate whatever atrocities they choose. I am convinced that if China is closed to foreign journalists, the level of human rights abuses will skyrocket as the bloody Communist government seeks to use Tiananmen Square-like tactics to bully the Chinese people into submission. Intimidating the press in China serve no one but the Chinese leadership and must not be allowed.

I would also like to use this opportunity to advocate a bill that I have introduced, H.R. 1156, which calls for the creation of Radio Free China. While the outside world must have access to information from inside China, so, too, must the democratic elements within China have access to information of relevance to them from outside their country. Just as Radio Free Europe disseminated information to the people trapped behind the Iron Curtain during the cold war, Radio Free China will beam news to the people of China and Tibet regarding democratic movements and the shift away from communism around the world. Most importantly, Radio Free China will send a daily message to the Chinese people that others around the world are aware of their plight and that the people of the United States support change in China.

It is clear that the Chinese Government is trying to isolate the Chinese people in order to better control them. Radio Free China is an important step in ensuring the Chinese and Tibetan people have access to information so they are not cut off from the world.

Mr. Speaker, I appreciate the opportunity to speak on these important issues and I strongly support passage of House Resolution 461.

□ 1640

Radio Free China is an important step in assuring that the Chinese and Tibetan people have access to information so that they are not cut off from the rest of the world.

Mr. Speaker, I commend the gentleman from Pennsylvania [Mr. YATRON], the gentleman from Michigan [Mr. BROOMFIELD], and others who have taken the lead in offering this resolution. I appreciate the opportunity to speak on these important issues, and strongly urge and support the passage of House Resolution 461.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI], who has been a world leader on human rights.

Ms. PELOSI. Mr. Speaker, I rise today in support of House Resolution 461, which would condemn the harassment of journalists by Chinese officials during the recent anniversary of the Tiananmen Square massacre. These incidents follow in the wake of an outbreak of recent harassment of foreign and domestic journalists in China, including the May 17 detention and interrogation of Washington Post reporter Lena Sun. On the day of the anniversary, June 4, Atsushi Yamagiwa, a cameraman with Tokyo Broadcasting Services, was beaten so severely by Chinese security police that he later required stitches for a facial wound. The other correspondents present were taken into custody by the police and were detained for several hours. What was the major event Mr. Yamagiwa and his fellow journalists were there to cover? One lone demonstrator who attempted to unfurl a banner in Tiananmen Square where laughter and smiling are now forbidden.

These acts of violence and repression come at a time when China's leadership is still trying frantically to smother the voices of democracy in China. The Chinese Government knows that the individual tenacity and courage of members of the international media is important in the fight to keep the memory of Tiananmen alive.

In a statement released last week, the Bush administration renewed China's most-favored-nation status, claiming China has made limited improvements on its human rights record. The repression of June 4, indicates otherwise. In fact, it indicates that China has yet to tolerate even one of the basic tenets of a free society—freedom of the press.

It is past time for the President to let his old friends in the Chinese leadership know that this fundamental violation of the universal declaration of human rights cannot and will not be tolerated by the United States or the international community. Through the media, the eyes of the world are on China.

To allow the Chinese Government to succeed in attempts to blind the world to their system of oppression would be to ultimately dilute and discredit the value of democracy. We must oppose actions to obstruct the press in their efforts to make the truth known.

In closing, I would say that our colleagues, the gentleman from Washington [Mr. MILLER] and the gentleman from Georgia [Mr. JONES] and I witnessed firsthand this kind of repression of freedom of expression, freedom of the press, in China when we were there in September. I am disappointed that another incident has occurred.

Again, I thank our colleagues, the gentleman from Michigan [Mr. BROOM-

FIELD] and our chairman, the gentleman from Pennsylvania [Mr. YATRON] for their leadership in bringing this resolution to the floor. I hope that all of our colleagues will unanimously agree to it.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Pennsylvania [Mr. YATRON] that the House suspend the rules and agree to the resolution, House Resolution 461.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 461, the resolution just considered and agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 5333, by the yeas and nays; and

H.R. 5058, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

BALANCED BUDGET ACT OF 1992

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5333.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 5333, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 199, nays 220, not voting 15, as follows:

[Roll No. 174]

YEAS—199

Abercrombie
Ackerman
Alexander
Andrews (NJ)
Annunzio
Aspin
Atkins
AuCoin
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Borski
Boucher
Boxer
Brooks
Brown
Bruce
Bryant
Bustamante
Carr
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Cox (CA)
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dreier
Durbin
Dymally
Early
Eckart
Edwards (CA)
Engel
Fascell
Fazio
Feighan
Flake
Ford (MI)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hoagland
Hochbrueckner
Horn
Hoyer
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moody
Moran
Murphy
Murtha
Nagle
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Pease
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Price
Rahall
Ramstad
Reed
Richardson
Roe
Roemer
Rostenkowski
Rowland
Roybal
Russo
Sawyer
Scheuer
Schroeder
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Vento
Volkmer
Washington
Wheat
Williams
Wise
Wolpe
Wyden
Yatron
Zimmer

NAYS—220

Allard
Allen
Anderson
Andrews (ME)
Andrews (TX)
Applegate
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bliley
Boehlert
Boehner
Brewster
Broomfield
Browder
Bunning
Burton
Callahan
Camp
Campbell (CA)
Cardin
Carper
Chandler
Clinger
Coble
Combest
Condit
Costello
Coughlin
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Derrick
Dickinson
Doolittle
Dornan (CA)
Downey
Duncan
Dwyer
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Evans
Ewing
Fawell
Fields
Fish
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Hunter
Hyde
Ireland
James
Johnson (CT)
Johnson (TX)
Jones (GA)
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Luken
Machtley
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison
Mrazek
Myers
Natcher
Nichols
Nussle
Olin
Oxley
Packard
Parker
Paxon
Payne (VA)
Perkins
Peterson (MN)
Petri
Porter
Poshard
Pursell
Quillen
Rangel
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Saxton
Schaefer
Schiff
Schulze
Schumer
Sensenbrenner
Serrano
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Visclosky
Vucanovich
Walker
Walsh
Waters
Waxman
Weiss
Weldon
Whitten
Wilson
Wolf
Wylie
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—15

Anthony
Bonior
Byron
Campbell (CO)
Gilchrest
Hefner
Hutto
Inhofe
Levine (CA)
McDade
Miller (WA)
Owens (UT)
Stallings
Traxler
Weber

☐ 1707

Messrs. HEFLEY, McCANDLESS, PERKINS, SKELTON, YATES, MRAZEK, FOGLIETTA, DANNEMEYER, and SERRANO, Ms. WATERS, Mr. HERTEL, and Mr. RANGEL changed their vote from "yea" to "nay."

Messrs. KOPETSKI, MINETA, VOLKMER, McMILLEN of Maryland, GLICKMAN, and DOOLEY, Mrs. MINK, and Messrs. SISISKY, CLEMENT, BEVILL, COLEMAN of Missouri, ROWLAND, KASICH, KLUG, ZIMMER, and RAMSTAD changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

☐ 1710

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

AMERICAN FOLKLIFE CENTER AUTHORIZATION ACT, FISCAL YEARS 1993–1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5058.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 5058, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 137, nays 280, not voting 17, as follows:

[Roll No. 175]

YEAS—137

Abercrombie
Alexander
Annunzio
Aspin
Atkins
AuCoin
Barrett
Beilenson
Bereuter
Berman
Blackwell
Boehlert
Boucher
Brooks
Brown
Bustamante
Clay
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Edwards (CA)
Emerson
Espy
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gephardt
Gonzalez
Green
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (FL)
Lewis (GA)
Lowery (CA)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McMillen (MD)
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Payne (NJ)
Pease
Pelosi
Perkins
Pickle
Price
Rahall
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Scheuer
Sharp
Sikorski
Smith (IA)
Solarz
Stark
Stokes
Studds
Swift
Thomas (CA)
Torres
Towns
Unsoeld
Vento
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wolpe
Yates

NAYS—280

Ackerman
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barton
Bateman
Bennett
Bentley
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Borski
Boxer
Brewster
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Coble
Coleman (MO)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Engel
English
Erdreich
Ewing
Fawell
Feighan
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horn
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hyde
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (TX)
Kanjorski
Kaptur
Kasich
Klug
Kolbe
Kyl
Lagomarsino
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McEwen
McGrath
McMillan (NC)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morrison
Myers
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Olin
Orton
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stearns
Stenholm
Stump
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Traficant
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wise
Wolf
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Anthony
Bonior
Byron
Campbell (CO)
Dymally
Gilchrest
Hefner
Hutto
Inhofe
Jefferson
Levine (CA)
McDade
Miller (WA)
Owens (UT)
Stallings
Traxler
Weber

□ 1719

Messrs. MFUME, STAGGERS, RICHARDSON, MORRISON, LEVIN of Michigan, and RAY changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1720

UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 475 and ask for its immediate consideration.

H. RES. 475

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5260) to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the bill, as amended, and against its consideration are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as having been adopted in the House and in the Committee of the Whole. No amendment to the bill shall be in order. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The Clerk read the resolution, as follows:

The SPEAKER pro tempore (Mr. MFUME). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. DERRICK. Mr. Speaker, House Resolution 475 is a rule providing for consideration of H.R. 5260, the Unemployment Compensation Amendments of 1992. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Ways and Means Committee and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Government Operations Committee.

The rule incorporates an amendment printed in the report of the Committee on Rules to accompany the rule. The amendment would expand coverage of the bill to ensure that all workers are covered including railroad workers. The rule makes in order no other amendments to the bill.

The rule also waives all points of order against the bill as amended and against its consideration. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 5260 would provide 20 to 26 weeks of emergency Federal benefits to workers whose 26 weeks of State benefits have run out. The bill reforms the permanent extended benefits program using the total unemployment rate as a trigger, making it less likely we will need another temporary emergency unemployment compensation program, and makes the unemployment tax more progressive. The bill finances these changes by denying a tax deduction for executive compensation over $1 million and phasing out the benefit of the personal exemption for high-income taxpayers.

Mr. Speaker, the economy is weak and unemployment remains high. For some of my constituents, the American dream does not exist—moving to a better neighborhood, college for their children, a nest egg for retirement. These dreams have been replaced by the recession's reality: No job, no worker's benefits, and no hope. For many, this is an ongoing nightmare without any interruption.

In April, there were 9.2 million people who were jobless. Many more had stopped looking for work. The overwhelming majority of people want to work, but cannot. We must do everything we can to ensure our people get good jobs. In the meantime, however, the extension of unemployment benefits will enable many middle-class Americans to at least remain hopeful in these economic times.

Mr. Speaker, House Resolution 475 is a carefully crafted rule that will expedite consideration of this important legislation. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. McEWEN], a member of the Committee on Rules.

Mr. McEWEN. Mr. Speaker, I rise in opposition to the rule and in strong support of the Archer substitute.

Mr. Speaker, I rise in opposition to this rule because it is the vehicle that the Democrat leadership is using to subvert our effort to create jobs for the unemployed.

For nearly 2 years our economy has been stagnant. In short, no new jobs.

We know what caused this stagnation—the politics of envy and class warfare. The class war fought by the liberal leadership in this Congress has paralyzed entrepreneurship, risk-taking, and job creation.

The biannual extension of unemployment benefits has become the opportunity for the left to come to the House floor and shed gallons of crocodile tears over the economic conditions caused by their very own high-tax and big-spending policies.

Yes, unemployment is a heart-wrenching problem. Whenever you fail to create new jobs, unemployment increases. It's simple—people who lose jobs are unable to find new work when no new jobs are being created.

Listening to them, one would think that all we're able to do is provide more benefits to the unemployed.

Well, we can do that. The Republican alternative provides $2.5 billion in additional assistance.

However, benefits are only half the answer. They are a short-term response.

The most important thing we can do is help create jobs. This rule must be defeated because it denies us the opportunity to really help workers.

Job creation is not a mystery. We know what works. We know what doesn't.

People do not sit down with their calendar and decide how to invest and create jobs. They sit down with their tax accountant and their lawyer.

If tax policies discourage investment, robust expansion will not come just because time passes. Just because its a new year, or the next fiscal quarter.

Job creation occurs when you repeat restraint on savings, investment, productivity, and growth.

For example, Republican growth policies created 23 million new American jobs during the 1980's; 380,000 new jobs every month for years. High-technology and high-paying American jobs.

Our job-destroying friends like to talk about hamburger-flipping jobs. Well, 47 percent of the new jobs were in the high-income managerial and professional class. All told, nearly three-quarters of the new jobs were in managerial/professional, technical, sales, or precision production; all are fields that offer good pay and growth potential for the future.

All the naysayers who talk about how great the Japanese, Canadian, German, and other European economies are, get this—those 23 million jobs were more than twice the jobs created in the rest of the industrial world combined. Investors around the world wanted to invest and put people to work in one place—the United States.

Our GNP grew by 30 percent in 7 years—4 percent growth per year. That meant higher incomes for almost every American. Not just the rich as the class warriors like to say.

The fact is, each of their quintiles—the class warriors love to divide us into their simple groups—improved their incomes from 1982 to 1989. The bottom quintile by 12.2 percent, then 10.8 percent, 11.7 percent, 12.7 percent, and yes, the top 20 percent increased their incomes by 20.6 percent. Yes, everyone did better, but those at the top did the best. The class warriors have said: "We can fix that"; they have tried their best to make sure everyone is equally worse off.

Big government Democrats cannot fathom the economic success of the middle 1980's.

They did not understand job creation back in the early 1980's when we cut taxes and our economy turned around. They did not understand job creation when they eliminated growth incentives and made capital more expensive in America than anywhere in the world. And they do not understand job creation now.

The tax and spend policies pursued in this Congress hijacked that unprecedented economic engine. Growth stopped, replaced by stagnation and unemployment reminiscent of the Carter economy.

Today we again face a clear and stark choice. On one hand, the Democrat alternative: More benefits for the unemployed. A new unemployment formula to increase benefits for the unemployed in the future. And increased taxes to pay for it all.

On the other hand, the progrowth alternative: Extended benefits for the long-term unemployed. And, growth incentives to get the economy moving again, creating new jobs, and putting people back to work. The Archer growth incentives are simple:

A first-time home buyer tax credit of up to $4,000.

Passive loss reform to assist the real estate market.

Indexing capital gains so that people who save and invest, the very heart of job creation, are not taxed for phony, purely inflationary gains.

Repeal of the job-killing luxury boat tax.

A 1-year extension of expiring tax provisions.

Now, this is not the first time the House Republicans have tried to pass growth legislation. House Republicans have repeatedly tried to get this House to act responsibly.

If the Democrats in the Congress had enacted the Republican growth package last fall, the economic recovery would be robustly underway today.

If the Democrats in Congress had passed the President's 7-point economic plan by March 20, Americans would now be getting back to work.

With their absolute control over the House and Senate committees, with their ability to write the rules, with their ability to set the schedule, the liberal Democrat leadership are willing and able to block all growth proposals. No wonder Americans want a change; they want Washington to help America, not hurt it.

This rule. This blatant effort to obstruct economic growth, denies Mr. ARCHER the opportunity to offer his proposal. It is only the latest outrage of the House leadership.

The Republicans offer extended unemployment benefits and a solid package to accelerate economic recovery and create jobs.

This House has a chance to create jobs; the only real answer to unemployment. This rule continues the failure of big government, class warfare politics brought to you by the same people who brought you the Carter recession, and the tax increases that killed off the Reagan recovery.

Defeat the rule, and support the Archer growth plan.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it pains me greatly that we are again engaging in this political charade, a futile exercise in which our Nation's most distressed citizens, the unemployed, are really being used as pawns.

Mr. Speaker, I thought we had learned our lesson last year when it took several months and several bills before the Democrats were willing to produce a bill that the President could sign. But apparently that lesson has been forgotten or it has been ignored by the Democratic leadership of this House, which is more intent on playing high-stakes veto poker and using other people's employment checks as bargaining chips. I think that is terrible.

Is it any wonder that the public's confidence in this institution is at an all-time low? Here we are with the national unemployment rate at 7.5 percent, and as high as 15 percent in some of the counties that I represent, and the best the Democratic leadership can come up with is politics-as-usual.

Well, let me just advise my colleagues on the other side of the aisle, just in case you have not been noticing what is happening out there in the country, that politics-as-usual is not sitting well with the people. These are unusual times in our Nation's history, and the people are ready to resort to some very unusual approaches if we do not start acting like statesmen instead of gamesmen.

Mr. Speaker, the American people are sick and tired of partisan bickering, gamesmanship, blamesmanship; they are literally beseeching us to stop playing politics over serious problems and instead begin working together on a bipartisan basis to solve these problems. And we can do it. We can do it here today.

I had every hope and every expectation that we would do just that on this unemployment bill; and indeed, this did start out as a very serious bipartisan negotiation between the administration and between leaders on our side and leaders on the majority side, but then something happened. Suddenly that bipartisan approach was abandoned by the majority leadership, and a bill was produced specifically designed to invite a veto.

Mr. Speaker and Members, how many times do you have to keep going around in the same partisan circles before you realize that you are going nowhere and you are only making yourselves look dizzy in the eyes of the American people?

□ 1730

Mr. Speaker, the rule before us today is perhaps the best evidence of your partisan intentions with this bill. This is completely closed rule that does not allow for even one amendment.

We are only left with an up or down vote on a bill that was reported along party lines from the Ways and Means Committee. And we are being specifically denied an opportunity to vote on a substitute that was presented by the Republicans—a bill that the President supports and he will sign.

When we offered an amendment to this rule in the Rules Committee to make that substitute in order, we were voted down on another party-line vote. Why is the majority leadership afraid to even allow the House and Members a chance to vote on an alternative that can be signed into law tomorrow? I suspect the answer is that the Democrat leadership fears such an alternative just might pass.

And the reason the leadership fears our substitute is because it not only temporarily extends current unemployment benefits through the rest of this year just like their bill does, but it also provides badly needed stimulus to the economy in a way that will produce hundreds of thousand of jobs in the next 6 months.

It does this, my colleagues, and I think you ought to listen because many of my colleagues on the majority side of the aisle are sponsoring this same legislation in their own name on individual bills; it does this by providing a tax credit of up to $4,000 to first-time home buyers in the year of purchase—something that will do wonders for the depressed real estate market and all the workers associated with it. Moreover, our Republican substitute restores the deductibility of passive losses for real estate activities. I ask my colleagues, "How many of you on that side of the aisle are sponsoring that legislation which would give another vital shot in the arm for that important sector of our economy, the real estate industry?"

Our substitute also extends several expiring tax provisions which will provide added stimulus, including those dealing with the research and experimentation tax credit and the mortgage revenue bond tax provision that our constituents need for jobs. Our Republican substitute also would index the capital gains tax so that only real capital gains, not those caused by inflation, would be taxed.

And finally our substitute repeals the luxury excise tax on boats that has so crippled the boat industry and caused the loss of thousands of jobs in this country.

And our package of benefits and economic growth provisions is more than paid for by improving pension plan funding requirements—no deficit spending.

Mr. Speaker, many, if not all, of these provisions are cosponsored by Democrats and Republicans alike and are widely recognized by economists as important elements in any anti-recession, job creation effort.

So, this is not a partisan alternative by any means. In fact, the gentleman from New Jersey [Mr. HUGHES] sitting over there, a very good Democrat in my eyes, appeared before our Committee on Rules and asked that he be allowed to offer the luxury boat tax repeal. We offered his amendment, but it was turned down by his own Democrat colleagues on the Rules Committee. That is what is wrong around here, Mr. Speaker.

In conclusion let me just say, Mr. Speaker, our substitute would create real jobs in the private sector, not the public sector, and thereby directly address the unemployment problems our Nation confronts. And yet, the Democrats have once again turned a cold shoulder on doing anything about stimulating economic growth and creating jobs, and they have deprived this House of the opportunity of even voting on it.

Mr. Speaker, for these reasons we are left with no alternative on this rule but to urge defeat of the previous question so that we can make in order the substitute of the gentleman from Texas [Mr. ARCHER] that extends unemployment benefits, just like their bill does, but, in addition, creates thousands of new jobs. And most importantly, Mr. Speaker, this is the only way we can now produce legislation that the President will sign.

My colleagues, let us cut out the politics and get down to the real business of this Congress and this Nation. I want my colleagues to vote "no" on the previous question so that we can vote "yes" on the Archer substitute for job creation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I rise in support of the Archer motion to defeat the previous question.

If we vote down the rule, the gentleman from Texas will offer a substitute that incorporates some of the President's tax proposals that will provide a boost to the economy and help create jobs. An unemployment compensation bill is a fitting place to create jobs since most jobless Americans strongly prefer work over benefits.

The Archer substitute will include the President's tax credit for first-time home buyers. I would note that this proposal is popular with our colleagues on the other side of the aisle who have embraced it as their own and introduced tax credit legislation.

It also includes passive loss reforms for the real estate industry and indexation of capital gains for assets purchased after January 1, 1992, that have been held for at least 2 years. I would like to see us go much further with capital gains, but this is a modest step that we should take.

The Archer substitute would extend certain expiring provisions, an action the vast majority of Members support. Last but certainly not least, it repeals the luxury tax on boats—a misguided effort to soak the rich that backfired and threw thousands of Americans out of work.

Mr. Speaker, let us give the unemployed some hope for the future and adopt the Archer substitute. I urge my colleagues to vote "no" on the previous question and, if necessary, vote "yes" on the motion to recommit.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I am going to support the rule, and I will support the bill as reported from the Committee on Ways and Means, but I think we have a real problem in the country, and one of the problems is that Congress continues to debate unemployment compensation, but Congress does not spend too much time on employment compensation programs. We keep extending benefits for the unemployed, but we do nothing to correct the structural problems with our economy that is making things so difficult around America.

Mr. Speaker, we have a third party candidate that may get more than 50 percent of the popular vote because the American people are sick and tired of it. I say to my colleagues, "I want you to think for just a minute. If you had $50 million, why would you invest it in your hometown? Why wouldn't you invest it in Mexico, or invest it in Singapore where you have no OSHA, no EPA, no workman's comp, no unemployment comp, no health inspectors, no pension law, no minimum wage, no labor regulations, no banking securities?"

Mr. Speaker, no one is listening. No one in this Congress is listening. They can hire people all day and night at 30 cents an hour. We have jobs going overseas. We are not stopping those jobs from going overseas. We are developing trade agreements that are literally taking our jobs. And today, Mr. Speaker, while we are extending unemployment benefits, Japan is voting, in fact, to reinstate their military force programs.

What is happening, my colleagues? Is anybody in Congress paying attention to, not only our economy, but to national security implications from those policies?

I am going to vote for the bill, but that is about the only thing I have an opportunity to vote for around here. I think it is time to start debating the trade and tax policies of our Nation that are crippling our jobs, and, if we do not do that, we will be here next year, those of us who are fortunate enough to return, dealing with a third party President who is not even talking about the issues.

Mr. Speaker, that is how frustrated the American workers are. The blue collar workers in our districts are taking off from both the Republican and Democrat Parties.

Mr. SANTORUM. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pittsburgh.

Mr. SANTORUM. Mr. Speaker, I think the gentleman from Ohio [Mr. TRAFICANT] is correct. I think the issue the American people are upset about with regard to trade and a lot of things we deal with around here is fairness, and I ask the gentleman, "Don't you agree that one of the issues they should also be upset about is the unfairness, the inability of our side to offer our substitute? Do you agree?"

Mr. TRAFICANT. Reclaiming my time, Mr. Speaker, the Republican and Democrat Parties have to work out their differences. But what the Republican and Democrat Parties are not doing is governing, thereby opening up the opportunity for a third party.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to our distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I rise today in opposition to this closed rule providing for consideration of the unemployment compensation amendments.

At the outset, Mr. Speaker, let me define what this debate is all about.

It is not about whether or not we should extend benefits for the unemployed. Both parties agree such a need exists and must be met. That is not the issue here today.

The issue is that the Republicans believe that, if we really want to address unemployment, we must deal with it in the long term by creating jobs.

Mr. Speaker, the gentleman from Ohio [Mr. TRAFICANT], the gentleman who just preceded me in the well of the House, made the point in his own way about what we ought to be concentrating on with respect to the creation of jobs rather than simply extending unemployment benefits to those without jobs.

□ 1740

Under this rule, the Democratic majority will not even give us a chance to offer such a plan.

Our plan specifically addresses extended benefits. Our amendment provides such benefits through March 6, 1993, totaling $2.6 billion.

Now, that is good enough for the time being, and simply what the President would feel comfortable with and sign into law.

But our plan goes further by addressing the need to create jobs.

Specifically, the amendment which the gentleman from Texas [Mr. ARCHER] would offer if given the opportunity by voting down the previous question provides a $4,000 tax credit for first-time home buyers and provides passive loss relief for the real estate business. New homes will be built; existing homes will be sold. Related businesses will also benefit. More durable goods will be bought and sold. Important expiring tax provisions, not in other legislation or part of other negotiations, are extended for a year.

Otherwise these provisions, including those affecting mortgage revenue bonds, health insurance costs for self-employed individuals, and the research and experimentation credits, will expire at the end of this month.

The Archer amendment also repeals the boat luxury tax that the gentleman from New York just mentioned, and, finally, capital gains on assets held for more than 2 years would be indexed.

The amendment that the gentleman from Texas [Mr. ARCHER] would offer is fully offset by provisions to shore up the fund guaranteeing private pensions.

But what do we get from the majority? Narrow jurisdictional issues and procedural roadblocks. It is the same old, tired, worn out majority reflex action: procedure over substance, partisanship over principle, and short-term political advantage over the long-term benefits for the current unemployed.

You of the majority insist on including costly and permanent changes to the unemployment program in your legislation, with large deficits resulting in the first 3 years.

How ironic that we just went through this fruitless exercise a few moments ago in a measure brought up under suspension of the rules requiring two-thirds approval. It was defeated on a majority vote. Members were saying "Let's all have a balanced budget." And immediately, within the hour, we come back here with a proposition that throws all that caution to the wind.

We are not going to be concerned about how we pay for it. That will come in another 2, 3, 4 years, someplace down the pike. How, I cannot imagine, back-to-back we could have measures of these kinds scheduled—one requiring a balanced budget and the next increasing the deficit in the first 3 years.

The President will not sign and should not sign legislation that only exacerbates the deficit. The debate should be about two opposing visions of helping the unemployed, but the majority refuses to even allow the Republican initiative to be debated.

The great tradition of free and open debate has become a victim of unemployment by the majority.

So I would call again, as my colleagues have on our side, for defeat of the previous question, and then let us adopt a rule that allows a clear vote on our Republican substitute and alternative that goes beyond simply extending unemployment benefits, but does something much more productive in the long run by way of creating jobs for future job holders.

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 1992.

DEAR REPUBLICAN COLLEAGUE: On Tuesday, June 9, the House will vote on H.R. 5260, the Democrats' bill to extend unemployment benefits. In addition to an extension of the temporary unemployment benefits, the Democrats insist on costly, permanent revisions to the unemployment program as a long-term solution for the unemployed. Their bill, which is exempted from our current budget rules, has large deficits in the first three years with the promise that it will be paid for in the fourth and fifth years. The President has stated that he will veto the Democrats' bill.

Rep. Archer, on behalf of the House Republican Leadership and Republican Members of the Ways and Means Committee, offered an amendment at the Rules Committee June 4, which provides for an extension of the temporary unemployment benefits through March of 1993 totalling $2.5 billion. But the amendment takes a different approach to the long-term unemployment problem—it creates new jobs so that people can get back to work.

In particular, the Archer amendment contains the following provisions:

The very popular first-time homebuyer credit, up to $4,000, which can be taken in the first year of the purchase of a new or existing home;

Needed passive loss relief for real estate professionals (identical to H.R. 1414, the Andrews/Thomas bill with 338 House cosponsors);

Indexation of capital gains on capital assets purchased after January 1, 1993 and held for at least two years;

Extension for one year of the expiring tax provisions which are not included in other legislation or are subject to the urban initiative negotiations now ongoing; (The Democratic Leadership have not indicated in any way how these provisions which expire at the end of this month will be dealt with.) and,

Repeal of the boat luxury tax.

The Archer amendment is completely paid by provisions to shore up the financial health of the Pension Benefit Guaranty Corporation fund that guarantees private pension plans.

The Rules Committee, in a rule reported June 4, has denied Republicans an opportunity to even offer this amendment. The Democratic Majority again hides behind procedural votes to perpetuate the jurisdictional morass which they have created and which they, of course, routinely waive when it is to their advantage.

We ask you to join us in defeating the previous question on H. Res. 475, the rule for consideration of the unemployment extension bill. If the previous question is defeated, we'll bring forth a rule allowing us to present the Archer amendment so that we can help those who are now unemployed and provide the incentives to create new jobs so people can rejoin the labor force.

Absent this, a motion to recommit will be offered that instructs that the bill be sent back to the Ways and Means Committee so that a bill which extends the temporary unemployment benefits can be crafted which the President can sign. The President will not sign a bill which has large deficits that the Democrats' bill now contains in the first three years. We should go back to committee and work together to find offsets in accordance with our budget rules.

The Democrats keep saying they want to work with us for the good of the American people. But we don't see any evidence of this willingness to work together. We are continuously faced with their partisan proposals which we cannot support and which the President cannot sign into law. The American people are frustrated by such continued legislative gridlock.

We ask your support in defeating the previous question on the rule for consideration of the unemployment bill so that we can offer the Archer substitute. Absent that, we ask that you vote for the motion to recommit so that the bill can be sent back to Committee. We believe we can work out a temporary extension of unemployment benefits without creating large deficits in the early years that can be signed by the President.

Sincerely,

BOB MICHEL,
Republican Leader.
BILL ARCHER,
Ranking Republican Member, Ways and Means Committee.

UNEMPLOYMENT BENEFIT EXTENSION AND JOB CREATION ALTERNATIVE—REPUBLICAN SUBSTITUTE AMENDMENT TO H.R. 5260

[In millions of dollars]

	1992	1993	1994	1995	1996	1997	1992–97
Unemployment benefits extension	−609	−1,800	0	0	0	0	−2,409
PBGC reforms and accounting change [1]	8,700	2,500	2,396	1,276	2,725	2,112	19,709
$4,000 credit for first-time homebuyers	−396	−3,657	−879	−14	−17	−43	−5,006
Passive loss relief (H.R. 1414)	−500	−1,400	−1,000	−1,000	−900	−1,000	−5,800
Extension of certain expiring provisions thru June 30, 1993 [2]	−357	−1,134	−700	−322	−287	−263	−3,063
Index capital gains for new assets	0	11	220	107	−555	−737	−954
Repeal luxury tax on boats	−3	−15	−17	−19	−20	−21	−95
Penalty-free IRA and 401(k) withdrawals by long-term unemployed		−2					−3
Total	6,835	−5,497	20	28	946	48	2,379

[1] Estimate provided by OMB; all other estimates provided by Department of Treasury.

[2] The following expiring tax provisions would be extended through June 30, 1993: (1) Employer-provided educational assistance, (2) Group legal services; (3) Health insurance for the self-employed; (4) Mortgage revenue bonds; (5) Small-issue IDB's; (6) R&E tax credit; (7) Orphan drug tax credit; (8) Minimum tax exception for gifts of appreciated property; (9) Placed in service date for nonconventional fuels (Sec. 29); (10) Vaccine trust fund provisions.

Note.—Extension of the targeted jobs tax credit and low income housing credit are anticipated to be included in a separate urban initiative. The solar and geothermal tax credits are included in the House-passed energy bill, H.R. 776. Section 861 foreign allocation rules for R&E would be extended through regulation.

CBO/JCT COST ESTIMATES FOR UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992 (H.R. 5260)

	Fiscal year—						
	1992	1993	1994	1995	1996	1997	6-year
Outlays:							
I. Emergency program	−980	−3,095	0	0	0	0	−4,075
II. Extended benefits	0	0	−880	−490	−115	−100	−1,585
III. Regular program	0	0	−30	−30	−30	−30	−120
Total outlays	−980	−3,095	−910	−520	−145	−130	−5,780
Revenue:							
IV. FUTA	0	−1	−40	−155	−91	345	58
V. Revenue offsets limit executive compensation	26	479	352	370	388	403	2018
Extend PEP for 2 years	0	0	0	0	1,203	2,750	3,953
Total revenue	26	478	312	215	1,500	3,498	6,029
Effect on deficit	−954	−2,617	−598	−305	1,355	3,368	249

Note:—All figures illustrate deficit effect. Revenue increases are shown as negative figures and revenue decreases are shown as positive figures.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. PANETTA], the distinguished chairman of the Committee on the Budget.

Mr. PANETTA. Mr. Speaker, I listened to the debate here, and it bothers me, because the argument that is presented is that somehow the costs of this growth package that is being submitted are offset.

Let me tell you what it is offset by. There is over a $20 billion estimated revenue loss caused by these tax credits. What is it offset by? A gimmick. A gimmick. An acknowledged gimmick, accrual accounting.

What is accrual accounting? You reach into the future, grab savings that we hope will occur out there in the future, bring them back to the present, and spend them. That is what accrual accounting is.

Everybody acknowledges it is a gimmick. The Congressional Budget Office says it is a gimmick. OMB in their worst moments will acknowledge it is a gimmick. And here we are going to come forward with a growth package and then pay for it with accrual accounting, a gimmick, smoke and mirrors.

Mr. Speaker, is that the way we are going to balance the budget? Is that the way we are going to get tough about paying for these kinds of initiatives?

If that is that way we are going to do it, then you can believe one thing—that the American people will be madder and madder at us for not telling them the truth, and it is not telling them the truth to say that we are offsetting the costs of this kind of growth package.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, [Mr. ARCHER], the ranking Republican on the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong opposition to this rule. I would say to my friend from California [Mr. PANETTA], if the revenue offset for my alternative proposal is a gimmick, it is a gimmick I wish we had had when we were facing the S&L crisis, because it would have saved the taxpayers of this country $130 billion.

Mr. Speaker, the rule is a travesty. It is everything the House should not stand for.

The notion of imposing a gag rule on something as important as job creation is irresponsible and hypocritical.

We Republicans were—and are—more than willing to sit down and negotiate a bipartisan bill on unemployment—but the Democrat leadership said "no" to compromise. They chose the political alternative—not the responsible one.

When the unemployment rate rose to 7.5 percent, it should have sent a wake-up call to House leaders about the immediate need for creation of new jobs. Obviously it didn't.

If the House adopts this rule, there will be no chance to consider a job-creating substitute which I requested the rules committee to make in order, that also contains extending unemployment benefits.

That's what the Republican alternative would do. It combines a benefit extension with effective provisions to create new jobs—measures which have strong bipartisan support.

It includes a first-time homebuyer credit to stimulate construction jobs, passive loss relief for real estate to create new jobs, repeal of the excise tax on boats which has decimated that industry, and indexation of the cost basis of capital gains to stimulate job-creating investment.

It also extends a range of expiring tax provisions which have broad support in the House.

It's not enough just to throw additional benefits at the unemployed to help them cope with their situation. They need jobs to change their situation. H.R. 5260 will not create one single new job for those who are out of work.

Join me in defeating the previous question and this rule so we can consider an alternative that will help put Americans back to work.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I rise in strong support of this legislation to provide a necessary extension of benefits to unemployed Americans. I am particularly pleased that this legislation includes language providing railroad workers with additional extended unemployment benefits.

Last November, and then again in February, when Congress enacted legislation providing emergency extended unemployment benefits, it rightfully provided that similar emergency benefits should be available to unemployed rail workers under the Railroad Unemployment Insurance Act. Once again we must ensure that we provide the same extension of emergency unemployment benefits for rail workers as are provided to other workers.

I would like to note that the cost of the benefits for rail workers, and the associated administrative expense, will be paid entirely from the railroad unemployment insurance account. This account is financed by contributions paid exclusively by railroad employers. Thus, no general funds will be used to pay for the benefits provided for railroad workers through this legislation.

Since unemployed rail workers are experiencing the same hardships as other unemployed workers, and since the cost of the additional benefits would come from their own fund which can easily afford the additional benefits, I am pleased that this legislation recognizes the fundamental fairness of including rail workers in the extension of unemployment benefits and I urge its passage.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just point out that the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget, was critical of the Republican accounting figures. But the same CBO accounting figures in the report of the majority show that the added deficit in this bill before us today in the year 1992 is $980 million; in 1993, $2.3 billion; in 1994, $817 million; and they go on up until 1997.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

□ 1750

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to the rule, because it fails to provide Members with an alternative that would extend emergency unemployment compensation benefits in a fiscally responsible manner and stimulate the economy to produce the new jobs that alone are the real solution to unemployment.

I have strongly supported the extension of emergency benefits in the past and will continue to do so, but I cannot support a bill that significantly increases the deficit and thereby slows the economy. I cannot support a bill that nearly doubles unemployment insurance taxes on thousands of businesses struggling merely to stay alive. And I oppose a bill that will provide yet one more disincentive for manufacturing to come to Connecticut at a time when defense cuts and the credit crunch contrive to hurt thousands of good folks daily. This bill specifically disadvantages the high wage States and encourages businesses to expand elsewhere. This bill may increase benefits, but it will also increase the number of people who need them.

Unemployed people in hard-hit Connecticut need extended benefits now. They also need jobs. Very simply, they need—all those families facing financial disaster—need what the Archer substitute would have provided: Funded extended benefits to allay the fears of the thousands of unemployed that their benefits will cease; and growth incentives to give them hope that the pace of economic expansion will accelerate and job opportunities will grow.

Not only did the Archer package provide benefits and growth, but it did so in a budget neutral fashion. The growth incentives, like mortgage revenue bonds, passive loss relief, and the first time homebuyer tax credit—which my colleague, BARBARA KENNELLY, and I introduced—combined with my amendment to allow penalty-free withdrawals from IRA's and 401(k) plans would have offered assistance in the short run and new jobs in the long run. Budget neutrality is equally critical to creating re-employment opportunities as our extraordinary deficit is a key cause of the slow growth in our economy.

I urge my colleagues to reject this rule and reject election-year politicking at the expense of those without jobs, those on the verge of losing their homes, those who desperately want their kids to be able to continue in college. Let us return to the floor with a signable bill that lays aside deficit financing of new benefits, lays aside tax increases on marginal businesses, and simply helps those who need help in a timely fashion.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, in fact, we ought not to even be here today. I do not know why we are.

If we had done our job, if the President had done his job, if business and organized labor had done their jobs, we would not have to be here today asking for unemployment compensation benefits.

If America had put a stop in the first place to selling our farms, our businesses, our timberlands, our manufacturing plants to other countries of the world, if we had put a stop to this idiotic giveaway trade policy that we have, if we stopped encouraging American businesses to leave the United States and stop exporting jobs, if we stopped doing business with Mexico for the reasons that my good friend, the gentleman from Ohio [Mr. TRAFICANT], had stated a while ago, if we stopped doing business with Communist China—who develops slave labor products, sends them into the United States, child labor—if we just opened our eyes to common sense, we would not have to be here dealing with unemployment compensation. We would have the jobs.

What a difference a political year makes. A President who vetoes it in 1 year and then proposes it in the same year, I think, is pushing it.

If all of that money, a trillion dollars that we gave back to business through the Reagan and Bush administration in the early 1980's, had gone back into those businesses to make them more competitive in the world market, research and development, modernization of their plants, expansion of their plants, instead of lining the pockets of the CEO's, I guarantee my colleagues, we would not have to be here today asking for these benefits.

We need to be competitive, but we are losing out in the world market. We need to have a strong economy.

We need to have the jobs.

We pass a lot of useless legislation in this House. If we can expend that kind of energy to making America's economy stronger and bringing the jobs back, we would be doing a hell of a lot better job for the people of this country.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Here we are on one of the most important issues we are going to be discussing in this Congress in a partisan fashion. Just exactly what the people of this country are saying they are absolutely fed up with.

It does not have to be this way. It just does not have to be this way.

There is no reason we cannot have a democratic discussion about two different ways to doing something. It does not have to be this way. Yet it is. Here we are bickering over things that we do not need to bicker about. This is a place, when I came to the Congress, that I thought we had discussions about different alternatives, that we could come here and debate the great issues of the day, that we could have various options presented to us. It is just not true any more.

I look over here on this side of the aisle. I see some of the most distinguished gentlemen, honorable men, men who are going to vote for a rule that absolutely closes off open and free debate on issues that most of us in this Chamber agree to.

It is wrong. In their hearts, do they not feel that it is wrong to do this?

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, we have heard a lot of holier-than-thou talk. Let me just give my colleagues some straight talk about what is involved here.

We are talking about the extension of unemployment compensation. The first reaction on their side was, "Don't do it at all. There is no recession." That was exactly the reaction.

Mr. SANTORUM. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Speaker, that is not true in this instance. No one on this side has disagreed that there needs to be an extension of benefits.

Mr. LEVIN of Michigan. You got on board after the ship was out of port and millions were laid off. Then you decided.

Mr. SANTORUM. Mr. Speaker, talking about this issue.

Mr. LEVIN of Michigan. Then you decided you were going to pay attention to the unemployed in this country. Then when you decided to do that, you wanted to use it as a springboard to talk about other things.

As the gentleman from California [Mr. PANETTA] has said, about a so-called growth package, that you do not pay for it, that it is filled with gimmickry.

Then this morning the Secretary says it is partisan politics to respond with a permanent solution. Instead what we should do, her definition of nonpartisan politics, is to do it in a half-baked way.

What this bill says, and I see the gentleman from Ohio [Mr. PEASE] here, who has worked for more than half of his career, I think, on this issue, and who has been saying with others, including the gentleman from New York [Mr. DOWNEY] and myself, we should fix this problem permanently.

It is not partisan one iota to try to do something that is other than temporary. In fact, the most partisan thing is a temporary fix.

You have been trying that now for a decade. What we are trying to do is to tell the American public, we want to cure this.

When there is no recession, you say, "Don't bother." When there is a recession, you say, "We can't afford to do anything."

And who suffers from that? It is the unemployed, middle-income Americans who have been looking for work, who are laid off and cannot find it, and you want to cut them off at the knees.

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This is a bill that looks at this problem straight out, looks into the well and says, "Let us do something other than patchwork." That is not partisanship, that is darned good public policy, and that is what we want to focus on today, good public policy, not a lot of partisan jockeying on issues that are broader and do not even address in a responsible way.

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield 1 more minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. I yield to the gentleman from New York.

Mr. DOWNEY. First of all, let me congratulate the gentleman from Michigan [Mr. LEVIN], who is a real student of this, as is the gentleman from Ohio [Mr. PEASE].

Is this not really about massive attempts to divert attention from the issue we are dealing with today? The Republicans have already voted on their package. We have already had this discussion. They have manhandled, this administration has, the economy of the United States, promising us 30 million jobs. When the President took office unemployment was at 5.5 percent. It is now at 7.5 percent.

If I were a Republican, I would want to change the subject as well, but the subject is not the worn-out aphorisms that they have already offered us. The subject is how do we have an unemployment system that works, that extends benefits to people, that fixes permanently the obvious and gaping problems that exist in the system. That is what is at stake here.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there used to be a manager of the New York Yankees called Casey Stengel, and he spoke in Stenglelese. People could scarcely understand him.

Let us get the record straight. The Democrat bill on the floor here today extends unemployment benefits. The Republican substitute extends unemployment benefits. The Democrat bill on the floor has no economic growth package in it. The Republican package does.

It is as clear as black and white here, so let us not confuse the people who might be watching this charade on television. Let us not talk in Stengelese; the issues before us are too important for that.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS], a member of the Committee on Ways and Means.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I really do not think the American people want to hear about who did what to whom at some earlier point in history, as to which ship was out of port, what springboard was sprung or not sprung, or whether or not somebody stands up and says that the way in which Republicans want to pay for unemployment and some growth aspect somehow does not match somebody's version of how it should be paid.

I think the American people are sick and tired of that kind of inside-the-beltway dialog. For someone to stand up and say that the Republican alternative is somehow a narrow partisan proposal somehow misses the fact that one of the cornerstones of this proposal is H.R. 1414. It is a bill to change the way in which the tax code handles passive loss.

There was, I believe, a fundamental mistake made in the 1986 tax bill, and 338 of us in this House believed that this should be changed, it should be changed; say, 338 cosponsors on H.R. 1414.

How partisan is H.R. 1414? In the Democratic bill, which attempted to change the tax code, H.R. 4201, 80 percent of H.R. 1414 was included. The President has said something needs to be done about passive loss in his last State of the Union Message. The Democrats in their own bill took virtually the structure of 1414 and moved it forward. Here in this bill we have the structure of 1414, and 338 cosponsors, Democrats and Republicans, a majority of the Committee on Ways and Means, Democrats and Republicans. One of the cornerstones of growth is to get the real estate industry moving again. Why in the world do we spend time talking about what would or should or could have been done some time earlier?

The Democrats should get off their partisan dime. I am trying to get Republicans to get off their partisan dime, and let us do something about putting people back to work. Let us cover unemployment for those who do not have a job, but let us include in this package something that will provide a job. Please do not give us shibboleths. Respond to the concrete proposals that we have in front of us, especially those 338 of us who have cosponsored one of the key provisions in this measure. Vote "no" on the previous question.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman. I might just remind some of the previous speakers that the Democrats passed a middle-class tax plan that was a growth plan that had six out of seven of the requests of the President of the United States as he stood before us in this room back in January or February, but he chose to veto it just the same.

Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. First of all, I want to thank the distinguished gentleman from South Carolina for yielding time to me.

Mr. Speaker, I am probably the best example of the bipartisanship in the Committee on Rules because I, too, had a part of a growth package that I offered, and I, too, was turned down, I say to my colleague, the gentleman from New York [Mr. SOLOMON], and I thank him and his Republican colleagues for supporting my request that an amendment be made in order to repeal the user tax on yachts.

It seems to me that much of the Republican growth package is something I could support. Certainly the passive loss provisions were a disaster. One of the reasons why I joined with many of our colleagues in voting to recommit that tax bill to committee, even though my senior Senator in the other body was the leader in putting it through, was because of the passive loss provisions in that bill. It has proven to be disastrous.

Nothing was more disastrous for my district, however, than the excise tax on yachts. I had a 40-percent unemployment rate in my district in the boat-building industry. I have a very big boat-building industry, not large in numbers but very important. We build beautiful yachts, or we used to. We have closed down production lines. We have lost many businesses.

There was a 40-percent unemployment rate in 1989, and once we passed the luxury tax we now have total unemployment in many of my factories, so I offered a very modest amendment, one that was supported by Democrats and Republicans alike. Even the President agreed he would in fact sign it into law, and I could not get that small portion of a growth package in this particular legislation.

That says something. I regret that it says that my colleagues on this side of the aisle do not have on their agenda, unfortunately, provisions of a growth package.

To my colleagues on this side of the aisle, I say they have a growth package which they are not paying for. We all know that that movement from cash to accrual accounting is just a way, a gimmick, once again, to try to fudge the numbers. That is not going to get the ball over the goal line. Let us put the bickering and the partisanship and the posturing aside. Let us put all that aside and develop a growth package. We need to do more than just extend the unemployment compensation benefits. People was to go to work. We can put them to work by providing the tax and regulatory environment that will be essential to rebuilding our basic industries.

The luxury tax on boats would have been a good first step, because I know of no other industry in this country that suffered in the last few years like that industry. We did not soak the rich. What we did was, we put a lot of small people, craftsmen, out of work, middle-income Americans, and we can rectify that.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to the gentleman who just spoke that I really admire him and what he said. There are so many things we could do, really, here tonight to create jobs just by the extension of expiring tax provisions. One of them is employer-provided educational assistance, which is so badly needed right now. We cannot let that expire. It is going to expire if we do not pass this bill tonight.

Mortgage revenue bonds, small issues of industrial development bonds, should also be extended, yet we are not going to do it. It is just a shame we cannot get together. Perhaps we can before this night is over.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I think with the exception of their 2-year capital gains, I can support every provision in their growth package. In fact, I applaud it. I think their 2-year capital gain is not targeted. I think it encourages asset dumping, which is not what we need. We need productive investment in this country. I would say to my colleague, "Look, let us work together in a bipartisan fashion to develop a growth package that we pay for." I say to my colleagues from New York, we are not paying for his growth package. We all know that.

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Mr. SOLOMON. The gentleman is correct. If he would vote for our package we would settle that little issue in conference. But this rule doesn't permit us to consider the Republican package.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. BUNNING], a member of the Ways and Means Committee, who is an expert in this field.

Mr. BUNNING. Mr. Speaker, I thank the gentleman for yielding me the time.

Thomas Payne, the patriot and author of "Common Sense," once said that "Tyranny, like hell, is not easily conquered." It sounds like Thomas Payne was thinking of the 102d Congress when he wrote those words.

On the rule that we are considering today, the tyranny of the majority in this House is preventing consideration of a substitute package that would extend unemployment compensation benefits and provide much needed relief for this economy. The package that the Democratic-controlled Rules Committee pigeonholed would have extended unemployment benefits through the year for 20 additional weeks.

Additionally, this package would have provided a first-time home buyer's credit of $4,000, restored deductibility of passive losses for real estate activity, and extended 10 of the 13 tax provisions due to expire at the end of this month such as mortgage revenue bonds and the deduction for health care insurance premiums for the self-employed, and all of it was paid up front, paid for up front.

So what could be the problem with allowing a straight up or down vote on this package? Let us face the facts. It is a good package. It extends the benefits and it helps the economy. So what reason could the Democratic leadership possibly have for not allowing a vote?

The only possible reason would be that it might pass. They are afraid the

President would sign it into law. Heaven forbid that we would make some progress in a Presidential election year.

I am telling you, the American people are fed up with gridlock in Congress. They want the economy to move forward. With all of the primary elections, you would think that the Democratic leadership would have gotten the message by now that the American people do not particularly give a hoot for election year politics. They should know that the American people want action, and they want it now.

The package that was killed by the tyranny of the Democratic leadership would have given the American people some relief that they wanted and deserve. I urge a "no" vote on the previous question.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I in no way fault the Rules Committee for bringing out the rule they brought out. I do fault Congress for not coming forward with a dynamic bill which would provide job opportunity.

Some of the things in the Republican bill, like the first purchase of a home, would do a lot toward employing people in this country. We are very much faulty on both sides of the aisle in not addressing the real needs of the country today.

The real needs of the country today are jobs. People do not come to me to talk about unemployment compensation, they do not come to me and talk to me about welfare. They talk about having a job. We are not addressing that question. And without trying to hurt any particular person, certainly not the Rules Committee because they are just giving us a procedure, it is just a crime and a shame that this country has not come to grips with that very dynamic need of the American people today, which is more jobs. People want to work. They want to earn it themselves.

I have introduced legislation to do some of the things that are in the bill that the Republican Party has suggested. I have also introduced one which is a little more dynamic than that, I guess, which allows grants to States for them to get assistance in finding jobs on a flexible basis. But these bills I have not been able to have any hearings on. They will not set them down for hearings.

We are making a grave mistake to deal with the procedural matters like we are dealing in this bill when there is a real great need to put food on the table and a roof over people's heads.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me just point out that the American people are saying today, "We want jobs. We want jobs for those of us who have lost our jobs. We want jobs for our youngsters getting out of college."

The Democrats look at this and they say giving them more unemployment benefits is the least we can do, and like always they do the least they can do.

I could join my colleagues in criticizing your lack of understanding of responsible policy, or even your indifference to public policy, but that is too obvious. We could write books on that. What I would like to do is compliment the Democrats. You do understand politics, especially when it is shortsighted and self-serving. You do that well, and you are doing it here today. You understand that if you can get away with selling income redistribution with your hands on the levers, why should you bother with jobs for the American people.

Let me also compliment you on your understanding of the raw abusive use of power. When you are in control of the Rules Committee you give nine votes for sophistry and politics while we can only get four votes for good policy.

And then let me remind you again of all of those wonderful expressions that you have for minority rights for full participation in our democracy. None of this has bearing for the minority in this House.

Mr. DERRICK. Mr. Speaker, I would just suggest that maybe the previous gentleman might save those sorts of speeches for the caucus instead of the floor where we are considering legislation.

Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, the minority leader said earlier in this debate that unemployment insurance is not the issue of this debate. To an extent it is the issue, at least an issue.

The Democratic plan that is on the floor now provides 20 to 26 weeks of additional unemployment benefits. The Republican plan would provide 13 to 20 weeks, not nearly as much.

More important, the Democratic plan offers meaningful reform, permanent reform of the unemployment compensation system. The Republican plan does not.

So I would say that this debate is about unemployment insurance. It is also about fiscal responsibility.

Over the next 5 years the Democratic bill that is now brought to the floor spends a certain amount of money and it brings in during that 5-year period the identical amount of revenue. The Republican bill spends a certain amount of revenue. It does not bring in an additional dime to the Treasury during that period. It appears to balance over the next 5 years through an accounting gimmick which has been aptly explained by the chairman of the Budget Committee.

Finally, the GOP plan tries to hold unemployment hostage to their GOP stimulus package, economic stimulus plan, and parts of it have merit. But Mr. Speaker, that package was passed and sent to the President in March of this year as part of a tax bill. The President vetoed that bill.

Why did he veto it? Because the plan contained not only what he asked for, nearly all of what he asked for, but it also contained as a way of paying for it higher taxes on people in America earning over $150,000 a year. That is why he vetoed the bill. I think the American people ought to know that as they hear this debate on the floor today.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from New York [Mr. DOWNEY].

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Mr. DOWNEY. Mr. Speaker, I guess that the real tragedy here as we debate this issue is not the question of whether or not we are going to offer a growth package or not offer a growth package, but they are not as substantive as they should be.

The discussion of the more narrow issue of how do we have an unemployment system that works: Let us stipulate at the outset that all of us would prefer to be seeing people at work than receiving unemployment compensation. I do not think that is at issue.

The Republicans make the point that there is a growth package that will provide the necessary stimulus to the economy to obviate the need for unemployment. I do not think anybody suggests that even in the short term even the most wildly optimistic suggestion that the growth package, if it were enacted, would obviate the need for a substantial additional number of weeks for unemployment. So on that point, at least, we are in agreement that there is a need to extend unemployment benefits.

The question then becomes: How long should that extension be? There are substantial differences between us. You would extend it for a shorter period of time, and we would extend it for a longer period of time, and there are also other important distinctions, and it is those distinctions that I would like to address for the moment.

One is the fact that this system has been broken since 1981. That is why we are here doing this for the third time. The triggering mechanism that provides for the extension of unemployment is broken and needs to be repaired. We do that in our bill. The method of the collection of taxes on FUTA is extended only to the first $7,000 of wages, an aggressive position, to be sure, and we changed that as well, and managed to reduce the rate so those lower income workers will bear lower taxes in the payment of unemployment insurance which is as it should be.

The debate here in the rule has taken this partisan turn, I think, because my Republican friends are frustrated at the idea that somehow we do not want to pay attention to the issue of growth. We do. We debated a number of these growth issues when we did the tax bill, and a lot of the positions that you took were defeated that time.

It is now appropriate, I guess, that we talk about them again and again and again, but for the American people who are watching, for the 1½ million workers who are concerned about unemployment insurance because they cannot find jobs, I think we owe them clear, concise discussion of how we intend to make the program that they need work for them.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. DERRICK. Mr. Speaker, I yield one-half minute to the gentleman from Pennsylvania [Mr. RIDGE].

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. RIDGE] is recognized for 2 minutes.

Mr. RIDGE. Mr. Speaker, my colleagues, I just want to remind you that, and you need not a reminder, because many of you have supported the earlier extensions of unemployment compensation, this is the third time. I guess some of us are just wondering at what point in time, in addition to talking about extending unemployment insurance, we are going to discard the politics of blame, discard the politics of finger pointing, and it is coming from both sides of the aisle, to come in with a package dealing with employment.

It is appropriate to debate whether you make long-term permanent changes in unemployment compensation. That is clearly the focus of this debate, and we are using part of our time to challenge the rule, because we were not given the opportunity to bring to the floor a more open discussion of employment.

Clearly we need to do something about unemployment, but even more clearly than that, we need to do something with unemployment, and I would like to ask my friend, my colleague and friend, and gentleman from New York, because he and I were engaged in this colloquy, I think, on a Saturday, 8 months, 10 months, 12 months ago, and in that time the figures have gone up. Unemployment figures have gone up. When are we going to bury the political differences and come in and talk about unemployment?

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I am happy to yield to the gentleman from New York.

Mr. DOWNEY. When are we going to act? Would the gentleman pose the question again?

Mr. RIDGE. Yes. The gentleman and I, and hopefully the gentleman recalls the exchange we had almost a year ago.

Mr. DOWNEY. I do.

Mr. RIDGE. Since that time, we have done nothing as a Congress. Republicans and Democrats. We sent a bill down to the President, and it was vetoed. Since that time, unemployment has gone up. Since that time we have not put our heads together, our best thoughts together, our best thinking together, to come in with a package that will pass to help put people back to work. When are we going to do that? Or are we going to have a fourth, a fifth, a sixth extension of unemployment insurance and not come in with a package, a bipartisan package, that might deal with passive loss, that might deal with the first-time home buying package? When does the gentleman think we could do that?

Mr. DOWNEY. If the gentleman will yield further, I respect and admire my friend from Pennsylvania, and I believe the question is asked in good faith.

Mr. RIDGE. It is.

Mr. DOWNEY. Lamentably, we went through this partisan exercise when we did the tax bill, and I would argue with less enthusiasm than I would on other matters that when the Democrats put together a plan that it was, from our perspective, one that would, maybe, not meet all of the gentleman's requirements for a growth package, but it did meet some of them, and the President decided for whatever reason to veto that package. We have left that issue because of his veto. I think that is a tragedy. I think the speakers on the gentleman's side who have spoken before who have said the American people are fed up are absolutely correct. They are.

Mr. RIDGE. Should we not go back again and see if we can find common ground and try it again?

Mr. DOWNEY. I would say to the gentleman that I hope that we can.

Mr. RIDGE. When?

Mr. DOWNEY. I do not believe this particular vehicle is the place to do that though.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, we are here for the fourth time to do unemployment compensation, and while there are other things that we ought to be addressing as a nation to help the recovery, to deal with a number of crises before us, this is the matter that is at hand.

To try to push us off on a system that is not permanent, that keeps people unemployed anxious about whether the extension will be there or not is cruel and unusual punishment.

The Congress ought to be dealing with the economic recovery, and we ought to have the President down here coming to us with a serious proposal, but that is not the excuse, that cannot be the excuse to not pass a bill that makes unemployment compensation permanent.

We should be providing funding for cures for cancer and leukemia and lots of other ailments as well. But that cannot be the excuse for not acting today with the proposal that is before us.

If our colleagues had listened to the gentleman from New York [Mr. DOWNEY] when he first proposed the permanent extension and the economic recovery plan, we might not be here today. The sad fact of the matter is that for those who are in the biggest trouble in this society what we hear is a debate that we ought to encompass other issues this evening. Let us solve this one. Let us make sure that those people who are in danger of losing their homes, and these are people who have worked and earned these rights, that they are not abandoned in this crisis.

We have emergencies to solve the problems in the Soviet Union. Those come to the floor, and we do not worry about budget walls, we do not worry about deficits or constitutional amendments. We do not look at any of those issues. But when it comes to unemployment and the poor in this country, that is suddenly when we have got to fix everything else on this piece of paper. Let us take care of the unemployed today, and then, yes, let us come back and work together to build a real economic recovery with diversification and conversion and bringing our troops home from Europe.

Mr. Speaker, I would like to take this opportunity to express my support for H.R. 5260, the Unemployment Insurance Extension and Reform Act.

Mr. Speaker, the President is often criticized for concentrating on foreign affairs. When it comes to the issue of unemployment benefits, however, I wish that the President would look to other countries for guidance. Maybe then he would realize that Germany provides its workers with 130 weeks of unemployment benefits and that Japan provides its workers with over 48 weeks of benefits. It is time that the United States keep pace with the rest of the world, and give American workers the same consideration his international brothers and sisters already enjoy.

This legislation is desperately needed. In my home State of Connecticut, the pain of the recession and defense cutbacks is being felt. While the overall unemployment rate in the State is 7.4 percent, this figure does not reflect severely depressed parts of my district. Danielson, CT, for example, currently has an unemployment rate of 10.3 percent while neighboring New London has a rate of 8.5 percent. Many of the unemployed are laid-off defense workers who have given their talent and toil to build strong national defense programs. Now, as the cold war thaws and defense spending drops off, these workers deserve additional efforts by Congress and the administration to maintain economic health in the years to come.

The bill we are voting on today makes some permanent changes in our unemployment compensation law, which will automatically trigger needed benefits during periods of high unemployment. First, it changes each State's calculation of its unemployment rate to accurately reflect the numbers of unemployed. Instead of counting just the people who are receiving unemployment compensation, as is current practice, States would count all people who are out of work. This new accounting procedure, which would become effective on October 1, 1993, would ensure that those who are out of work get benefits they deserve.

H.R. 5260 also extends the current emergency unemployment benefits program which expires on July 4, 1992, until March 31, 1993, or 3 months after the national unemployment rate drops to 6.5 percent. Under this new program, States with adjusted insured unemployment rates of at least 5 percent, or total unemployment rates of 9 percent, would be eligible to pay 26 weeks of extended benefits. All other States would be eligible to pay 20 additional weeks.

The administration has voiced its opposition to H.R. 5260 because it doesn't like the fact that it is financed through the limitation of tax breaks for big corporations and the wealthy. I caution my colleagues on both sides of the aisle to resist making the same mistake and support this legislation which gives American workers the assistance they need to rebuild their lives.

Mr. SOLOMON. Mr. Speaker, I yield the remainder of our time, 3½ minutes, to the gentleman from California [Mr. DREIER], a distinguished member of the Committee on Rules.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from New York, for that very generous compliment. I do not think we should have a vote on that in this body, because I think you might lose on it.

Mr. Speaker, let me say that we have accomplished a lot here this evening. I am very pleased, having listened to the statements made by my colleagues on both sides of the aisle for the past few minutes, that both Democrats and Republicans want to extend unemployment benefits for those who are suffering. Both of us want to end partisan bickering. I have heard Democrats and Republicans say that, and it seems that both sides of the aisle want a growth package.

Well, my response to that, Mr. Speaker, is: Why do we not do it? I mean, the thing is we have a great opportunity to do that. We had an opportunity upstairs in the Committee on Rules. We have an opportunity to bring these very important five points to the floor of the House for consideration in the Archer substitute.

□ 1830

But tragically, the Rules Committee denied us the opportunity to do just that. Unfortunately, the Democrats seem to want to make these unemployment packages permanent, and yet the Republicans want to make employment possible. That is the real difference here.

While we have people like the gentleman from Florida [Mr. BENNETT] and the gentleman from New Jersey [Mr. HUGHES] talking about the importance of economic growth, unfortunately the leadership on the Democrat side is preventing any Member of this House, Democrat or Republican, from having the opportunity to consider and vote on these very important items.

We know that providing that tax credit for first-time home buyers is very important to create jobs and to help retain that American dream.

We know that passive loss is very important for the real estate industry.

Clearly, many Members on both sides of the aisle support that, because we know how important it is to stimulate the real estate industry.

We want to extend those 12 expiring tax credits that several people have addressed here. We want to index capital gains for inflation, and we want to do what it is that the gentleman from New Jersey [Mr. HUGHES] came before the committee, and unfortunately on a partisan vote his party voted against him. We all voted for him. He wanted to repeal that luxury tax so that we can in fact once again put people to work.

Mr. Speaker, every Member of this House is going to have a chance to vote on economic growth in just a very few minutes. There will be a vote on the previous question. All that will say is that we here on the floor can amend that rule. We can amend the rule so that a growth package can be put into place and then every Member of Congress will have a chance to vote up or down whether or not they want to simply extend unemployment benefits and provide no hope whatsoever for the chronically unemployed, or extend unemployment benefits and at the same time create that all important hope which this body has the capability to provide to those Americans who desperately want to get back on the job side.

So Mr. Speaker, I hope very much that we will defeat the previous question, amend the rule. I urge a "no" vote.

Mr. RAMSTAD. Mr. Speaker, I rise today to express my great disappointment with and opposition to this closed rule.

It is a shame that the majority could not, or would not, put partisanship aside for one afternoon so that we might pass legislation to extend emergency unemployment compensation for those unfortunate men and women who find themselves out of work.

Mr. Speaker, I think we can all agree that we must extend these benefits through the end of the year. That is not the issue.

The issue is how should this action be financed and what, if any, permanent changes should be made to the Emergency Unemployment Compensation program.

The majority knows full well that the President is opposed to its scheme of financing and to its proposed reforms. But rather than work for a compromise they propose a closed rule. They will not even allow the minority to offer an alternative that extends the benefits, creates jobs, and pays for itself.

Mr. Speaker, it is time we quit using the American unemployed workers as pawns in our election year partisan politics. I urge all of my colleagues to defeat the previous question.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are here this afternoon to deal with one thing, and that is with the extension of unemployment compensation.

You know, 50 or 60 years ago in this country if you became unemployed and you had no resources, you had at least in my part of the country two alternatives. You were put upon your family or you went to the poor house, and every county in South Carolina had one. I am proud to say that today we have no poor houses in South Carolina, and today we have a structure that has been built over decades, primarily by Democrats in our legislative process, to aid people who find themselves by no fault of their own unemployed.

We are talking about 9 to 10 million Americans, Americans just like us, not bums, not people who are trying to beat the Federal Government, but people, who sincerely have been employed and want to be employed once again and are out looking for jobs, but because of the economy they cannot find them.

You know, I have never been without a job in my life. I have never wanted a job and could not find one, but I can imagine that it must be a heart wrenching experience for a parent who has a spouse and children who need the necessities of life and is out looking for a job, is able-bodied and cannot find one and has to go home at night and at this particular time to know that if he does not find one by July 4, that he may be out on the street, that his family may go hungry.

This is the United States of America, not some second-rate banana republic. This is the United States of America, and we are going to provide, whether it be with Democratic votes or Republican votes, or a combination thereof, we are going to provide unemployment compensation here in this House of Representatives tonight for America.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MFUME). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 182, not voting 20, as follows:

[Roll No. 176]

YEAS—232

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Berman
Bevill
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Cardin
Carper
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Orton
Owens (NY)
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—182

Allard
Allen
Andrews (NJ)
Archer
Armey
AuCoin
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hyde
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Jones (GA)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Moran
Morella
Morrison
Myers
Nussle
Ortiz
Oxley
Packard
Pallone
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Anthony
Byron
Campbell (CO)
Carr
Dymally
Gilchrest
Hefner
Hutto
Inhofe
Levine (CA)
Lowery (CA)
McDade
Miller (WA)
Nichols
Owens (UT)
Stallings
Sundquist
Traxler
Vander Jagt
Weber

□ 1854

Mr. HALL of Texas and Mr. CONDIT changed their vote from "yea" to "nay."

Mr. COSTELLO and Mr. WILSON changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MFUME). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER of California. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 182, not voting 27, as follows:

[Roll No. 177]

AYES—225

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Blackwell
Bonior
Borski
Boucher
Boxer
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Cardin
Chapman
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—182

Allard
Allen
Andrews (NJ)
Archer
Armey
AuCoin
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clinger
Coble
Coleman (MO)

Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeFazio
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hughes
Hunter
Hyde
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morella
Morrison
Myers
Neal (NC)
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Penny
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—27

Anthony
Brewster
Byron
Campbell (CO)
Carr
Clay
Dickinson
Dymally
Edwards (TX)
Gilchrest
Hefner
Hutto
Inhofe
Kennedy
Levine (CA)
Lowery (CA)
McDade
Miller (WA)
Moran
Nichols
Owens (UT)
Savage
Sharp
Stallings
Traxler
Weber
Wilson

□ 1914

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to House Resolution 457 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5260.

□ 1915

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5260) to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes, with Mr. LEWIS of Georgia in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as read the first time.

Pursuant to the order of the House of Friday, June 5, 1992, the gentleman from Illinois, [Mr. ROSTENKOWSKI] will be recognized for 30 minutes; the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes; the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes; and the gentleman from New York [Mr. HORTON] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support H.R. 5260, the Unemployment Compensation Amendments of 1992.

This is the seventh time in less than a year that I have stood before this body arguing for an extension of unemployment benefits for millions of unemployed workers and their families. With the extension of the Emergency Compensation Program, and the permanent changes to the Extended Benefits Program, I hope this will be the last time during this recession that the Congress must deal with this issue.

Title I of the bill extends the Emergency Unemployment Compensation Program through the end of 1992 and phases it out in the first half of next year. Depending on unemployment rates in each State, either 20 or 26 weeks of benefits, in addition to the regular 26 weeks under the State programs, would be provided to new claimants of emergency benefits after June 13, 1992. In addition, State qualification requirements are used instead of the current Federal mandate of 20 weeks of employment in the claimant's base year.

Title II reforms the permanent Federal-State Extended Benefits Program so that it would work properly during future recessions. Thirteen weeks would be activated in a State when its total unemployment rate is at lest 6 percent and 110 percent of the comparable total unemployment rate in either of the prior 2 years. Seven additional weeks would be provided to a State meeting the 110 percent requirement and with an unemployment rate of at least 8 percent. Also, the Federal matching rate would rise from 50 to 75 percent.

Title III makes the Federal unemployment tax less regressive by substantially reducing the burden on low-wage employment. The tax rate would fall from the current 0.8 to 0.3 percent in 1995 and 1996, and to 0.25 percent in 1997 and thereafter. Also, the taxable wage base would be raised from the current $7,000 to an estimated $28,200 in 1995, and it would be indexed to an estimate of the average annual coverage wage thereafter.

Title IV clarifies that the 14 States which have short-time compensation programs may continue to operate these programs, and requires States to conduct ongoing outreach programs for job losers.

Title V pays for the bill with two changes in the Tax Code. First, it would disallow tax deductions for corporate executive compensation in excess of $1 million. Second, it would extend for two years the present-law personal exemption phaseout for certain high-income taxpayers, which is currently scheduled to expire after 1995.

Title VI requires all outlays and receipts under the bill would not be considered for any purpose of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. Outlays under the Emergency Unemployment Compensation Program would be exempt from sequestration. Also, the Secretary of Treasury would be required to estimate Federal individual income taxes collected on unemployment benefits paid in 1991 and transfer these amounts into the unemployment trust fund to cover Federal extended benefits costs.

The overall cost of the bill would be approximately $5.8 billion over 6 years, which would be financed by additional Federal revenues estimated at $6 billion. Although the bill does not meet the year-by-year pay-as-you-go requirements of the Budget Enforcement Act, it does meet the needs stemming from an unemployment emergency, and it is consistent with sound countercyclical financing principles.

We have already enacted two temporary, emergency unemployment bills to address problems that millions of Americans are experiencing in the current recession. We are now being asked by the administration to enact yet a third temporary, emergency extension. By the third time, the administration should have gotten the message that something is fundamentally wrong with the underlying unemployment program that needs to be fixed on a permanent basis.

We should not have to enact three separate emergency unemployment bills every time there is a recession. It is time to reform the unemployment compensation program so that the unnecessary anxiety and concern that millions of Americans experienced during this recession can be avoided in the future.

Mr. Chairman, when I look back on the last year, I still find it hard to believe that I have led the floor debate on six different unemployment benefit extensions. The first bill was signed by the President, but did not take effect because he refused to declare an emergency. The second bill died in the Senate. The third bill was vetoed by the President. And the next three bills were signed into law by the President after he finally agreed with Congress on the need for a program and agreed to the financing of the costs.

Today we face a continuing unemployment emergency. The unemployment rate rose in May to 7.5 percent, and nearly 1.8 million long-term unemployed workers are receiving emergency unemployment compensation. The President agrees that we should extend the program through the end of the year, but he says we need to study the permanent reforms one more time.

The request for yet another study of the Extended Benefits Program is just another in a long line of delaying tactics. Nearly everyone agrees we need to extend the emergency program, but why do we need to study the Extended Benefits Program again? The Subcommittee on Human Resources of the Committee on Ways and Means has held numerous hearings in the last three Congresses on the problems with this program. They are well documented in the hearings record, and the solutions are known. I believe the solutions are in H.R. 5260, and we should enact them promptly this year.

Let us delay no further. Another study by an advisory council, as the President suggests, will tell us little more than what we already know today. We owe it to the millions of workers who will need extended benefits in future recessions to put in place a program that will work. Most Members of Congress do not look forward to debating one unemployment benefit extension after another. But the American worker is the one who really suffers from the delays caused by these protracted debates. The time to extend the emergency compensation program and reform the extended benefits program, once and for all, is now.

Finally, I would like to point out, Mr. Chairman, that before I introduce this unemployment compensation bill, I was specifically told by official representatives of the President, as well as the House Republican leadership, that they wanted me to keep the unemployment compensation bill clean—that if I included my nongermane issue such as an urban package—or a growth package—or the extenders—that it would be a sign of bad faith. I respected the wishes of the administration and the House Republicans and kept the unemployment bill clean, and I expect them now to do the same.

We have heard a lot lately about how frustrated the American people are with Congress and the President. They want to see an end to partisan bickering and legislative gridlock. H.R. 5260 gives us a chance to show that this Government can work in the people's best interest. I strongly urge my colleagues to pass H.R. 5260, so that it can be enacted as quickly as possible. Passage of this bill is the least we in Government can do to help millions of unemployed Americans until they are hired back to work.

□ 1920

Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Chairman, I urge my colleagues to support H.R. 5260 and make sure that those who will run out of their benefits on July 4 will be extended under this program.

Mr. Chairman, I would like to urge each of you to vote in support of H.R. 5260, the Unemployment Compensation Amendments of 1992.

On July 4, this country will be alive with patriotism. We will wave the American flag, the symbol of freedom and justice in our Nation. We will pledge allegiance to this flag and to an indivisible Nation. We will sing the national anthem and praise this Nation as the land of the free and the home of the brave.

Unfortunately, Mr. Chairman, on July 4, Federal Emergency unemployment benefits will end for millions of Americans. In too many instances, these Americans will be left with nothing. Without passage of H.R. 5260, these Americans will have nothing to celebrate because they live in a Nation where the administration cares more about missiles than lives and more about aid to the Soviet Union than about extension of an emergency unemployment benefits to Americans. Jobless Americans need this bill to experience freedom until the recession eases. Maybe some of these people can make a few more house or rental payments with the help of the government as they pound the pavement seeking employment.

Our Nation is in the throes of the deepest and worst recession it has experienced in years. Each American has heard the horror stories of Americans who have lost everything to the recession.

H.R. 5260 makes permanent reforms to the unemployment benefits system so that Congress does not have to consider emergency legislation every few months when recessions occur in the future. People who have worked within our system should not have to depend on an unemployment system that is susceptible to the political whims of the administration, specifically the administration as headed by George Bush, who twice vetoed emergency unemployment compensation legislation to help the unemployed because it was not an election year.

Many of the Americans who needed help from the Government could have avoided some of the tragedy associated with unemployment if the permanent changes contained in this measure were in place at this time last year. During a period of record unemployment, when their State benefits ran out, the Extended Benefits Program should have been automatically triggered.

The Extended Benefits Program is designed to provide benefits to unemployed workers in a State who have used up their regular benefits and are still looking for a job, high unemployment rates cause longer periods of joblessness. States' large cutbacks in the Extended Benefits Program in the early 1980's greatly restricted the scope of the program because the States would be required to pay half the share of the extended benefits. When eligibility for the Extended Benefits Program peaked this spring, none of the States that qualified for the extended program activated the program.

The bill reforms the Extended Benefit Program such that extended benefits would be automatically triggered on the basis of a States seasonally adjusted total unemployment rate. I support the use of total unemployment rate as a trigger mechanism because it reflects general labor market conditions and supports the theory that an unemployed worker would be unable to find another job after exhausting his regular benefits.

I urge my colleagues on the other side of the aisle to make the right choice. Instead of supporting an administration whose policies send bombs bursting needlessly through the air, vote as if you are true to the flag. Be brave enough to vote for freedom, truth and equality. Support H.R. 5260.

Mr. ARCHER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise to oppose H.R. 5260. Under the closed rule which the majority has just adopted, the House will have no chance to consider any alternative to the unemployment bill. Being in the minority often means that you lose, but it should not mean that your ideas are censored.

What other word but censorship describes the majority leadership's refusal to let this body consider a Republican substitute?

As an alternative to H.R. 5260, we Republicans developed an amendment that provides additional unemployment benefits, and—more importantly—creates jobs.

The Republican substitute, had we been permitted to offer it, would have allowed this body to vote on a package that would:

First, provide extended unemployment benefits;

Second, provide a $4,000 tax credit to first-time home buyers to create new construction jobs;

Third, restore the deductibility of passive losses for real estate activities to stimulate job-creating investment;

Fourth, extend expiring tax provisions that have a direct impact on job retention and creation—including the R&D tax credit; mortgage revenue bonds; small issue IDB's; nonconventional fuels; the minimum tax exception for charitable gifts; employer-provided educational assistance; and the 25 percent deduction for health insurance for self-employed persons.

Fifth, index capital assets to prevent the taxation of inflationary gains and free up capital to create jobs; and

Sixth, repeal the luxury excise tax on boats to restore the thousands of jobs that misguided tax has cost that industry.

The Republican substitute package is fully paid for without resorting to any tax increases.

But we won't get a chance to vote on that package because the majority leadership has forced this unemployment bill to become just another blatant partisan exercise that will culminate in sending the President yet another bill he must veto. They want a political issue—not a jobs bill.

What a waste of time for everyone involved. What a cruel joke on the unemployed who are the pawns in the majority's quest for the White House. The majority leadership just hasn't figured it out yet. Partisanship—and the legislative paralysis it generates—isn't playing well with the folks at home. No wonder this place is held in such low regard.

This is the seventh unemployment benefits bill we've considered in the past year—and we have yet to enact one that creates a single new job.

Instead of allowing a vote on a package of unemployment benefits and job creation initiatives—a common denominator package that a large majority of this House can agree on—Democrat leaders want to limit our choice to a massive expansion of the unemployment benefits system or nothing.

That's just what the people do not want in a year whose most important issue could be a constitutional amendment to require a balanced budget.

And of course H.R. 5260 includes tax increases. It imposes a $4.2 billion increase in FUTA taxes over the first 10 years. That's a tax on jobs. It doesn't take a Harvard-educated economist to tell you that you do not reduce long-term unemployment by increasing taxes on jobs.

H.R. 5260 would retroactively impose limits on the compensation of executives of job-creating businesses—while remaining indifferent to multimillion dollar salaries earned by baseball players and other sports figures—as well as rock stars—TV anchors, and other entertainment personalities whose talents allow them to earn high incomes.

Certainly we do not advocate placing arbitrary limits in the Tax Code on the earnings of those people either.

Apparently the majority's concern lies not with excessive salaries, but rather with what they view as excessive salaries paid to a particular group of people—business executives. This example of hostility toward business is counterproductive.

Finally, H.R. 5260 would extend for 2 years a questionable rule restricting the personal exemption for taxpayers with incomes above a certain threshold.

So what's our choice? All the Democrat leaders will allow is a "yes" or "no" vote on a budget-busting entitlement program that includes job-retarding tax increases.

I urge a "no" vote. That's the only way we can derail this worthless charade and get to the negotiating table as we Republicans have been urging for weeks.

Why must it be that the leadership of this body can't forget November long enough to do something as responsible as trying to work out a compromise, bipartisan, answer to a serious national concern like unemployment?

Mr. Chairman, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. DOWNEY].

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Mr. DOWNEY. Mr. Chairman, I want to begin by paying some accolades to my colleagues, the gentleman from Ohio [Mr. PEASE], and the gentleman from Michigan [Mr. LEVIN], who is not here, for the extraordinary work they have done. The gentleman from Ohio [Mr. PEASE] will be deeply missed on the Human Resources Subcommittee for his work and for the fine staff work that Rich Hobbie and Wendell Primus have done in helping to draft this legislation.

If you spend time with people who are on unemployment, the first thing that strikes you is that they do not like being there. They are embarrassed by the fact that they do not have jobs and they want to work. And much of the debate today has been about the fact that people who are unemployed would prefer to work.

But there is something that is important for us to recognize as we talk about jobs and job creation, and that is that it is a lot easier to talk about than it is to do. And for the people who in July will have their benefits exhausted, there is a real and present danger in their households. Their families may come apart and many in fact have already. They may lose their apartments or their houses. Families are forced to live in unusual circumstances, mothers and fathers who have adult children and hoped that they were out of the house forever have faced the horror of having adult children come back into the house living on their unemployment check.

What Democrats have attempted to do is to recognize the very simple truth, that while the Government sometimes does a good job or not in creating jobs, that one of its foremost responsibilities is to have an effective social safety net for the people who lose their jobs. This is a middle-class entitlement program that goes to hard-working men and women who do not like what has happened to them.

This program gives in the State of New York the maximum of $300 a week to people who were earning much more than that to keep their families together. Our subcommittee has spent more than 4 years studying this problem. We have attempted to understand the subtleties and the problems with an extended benefits program that was different than the original State program. We have attempted to tie and deal with a myriad of problems that existed in the program; namely, the very narrow rate of taxation on the wage base. We have resolved that. We have figured out that a triggering mechanism that uses another measurement of unemployment would be far more equitable and reasonable to administer for unemployed people. All of that is in the bill.

Now what have we heard from our Republican colleagues? And I have attempted here not to make a partisan diatribe about this. The President originally signed a bill and recognized that his signature, without declaring an emergency, would not allow the benefits to go forward. Then we sent him a bill and he vetoed it. We came within a few votes in the Senate of overriding that veto. And then eventually he recognized that his prognostication about the economy was completely and totally wrong, the economy was not recovering, and people were in desperate shape, and then the President developed a new attitude, an "I care" attitude about the employment and he signed a couple of bills.

Today the difference between the Democrat bill and the Republican bill is the number of weeks. We prefer to have 26 and 20, the Republicans prefer to have 20 and 13. We prefer to make permanent changes in the law so that in the future, since none of us have repealed the business cycle yet, we would be in a position to see people with benefits get their benefits. We have also made some of the work search requirements, which are demeaning to people who have been out of work for 26 weeks and who have been looking for a job, and now when they get extended benefits have to jump through additional hoops to get the benefits that they are entitled to, we prefer to make the State law consistent for the first 26 weeks, and for the extended benefits.

This is a good bill. Members will hear later on today from people who say we just cannot do these permanent reforms, the President is going to veto these permanent reforms. Why? Why is he going to veto the bill because of the permanent reforms? In the other body they will make the same exact changes in the law that we have made. They recognize that this program is broken. But the President has decided that trailing Ross Perot in the public opinion polls that he is going to get tough on Congress, because the President's handlers have said to him to veto the supplemental, veto unemployment, and veto this to show people how tough he is.

Let me make a prediction. When President Bush vetoes this bill he will be helping Ross Perot, he will not be hurting him.

But more important than Ross Perot, George Bush or Bill Clinton are the million and a half hardworking, desperate people who want to see an extension of benefits occur in July. Vote for the Democrat bill. It does that. It is fair, it is reasonable, it is a responsible bill.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. SUNDQUIST], a respected member of the Committee on Ways and Means.

Mr. SUNDQUIST. Mr. Chairman, I thank our distinguished ranking member for yielding time to me.

Mr. Chairman, I would like to start off with a prediction. My prediction is passage of this bill will help H. Ross Perot, not the veto of the bill.

I rise more in disappointment than anything else, Mr. Chairman. I am dismayed that we cannot see in this House what our constituents are asking us to do. I am amazed that we cannot see in this House what the voters are telling us to do. It is a simple word called bipartisanship. People are screaming and hollering and they are demanding that we solve problems in this country, not create political fights.

We had an opportunity here, a real opportunity to do something constructive on a bipartisan basis, whereas John Kennedy said, "A rising tide lifts all boats." We would have been able not only to help the long-term unemployed, but also to stimulate the building and the homebuying industry, an industry that has so often in the past driven economic recovery.

I am disappointed that the opportunity has been missed, because the majority would seemingly rather play games with the rules than to come to the floor of the House and debate honestly the merits of their bill as opposed to ours. I say to my colleagues on the other side of the aisle, you have the majority, you can pass whatever you like, why not let us offer our amendment? Why do we not lay out the two proposals side by side and debate the merits of each right on the floor here in front of all of the people? Have you so little confidence in your own arguments that you are afraid to even let us offer ours? Have you so little faith in your ability to sell the Democratic agenda to America that you will not even allow us an opportunity to bring an alternative to the floor?

I suspect the majority hides behind a closed rule and a restricted debate because it fears the American people might just happen to like the solutions we as Republicans offer better than theirs. Such as, an extension of long-term unemployment benefits, and more importantly, a way to pay for them. Economic growth measures like indexing capital gains for inflation and making permanent the tax credit for research and development. Small business people, farmers, people who own a stand of timber, people whose only savings may be their house or their farm are screaming to us for help on this tax burden. Why should the Federal Government profit off of inflation? Why do we not allow the indexing of capital gains for inflation?

Other suggestions that we propose, like restoration of passive loss rules for the real estate industry and putting back some of the investment incentives this Congress foolishly canceled in 1986. And I say to the people in the real estate industry, make it clear that it was offered and rejected. Understand what happened in this House today.

Also in our proposal was a repeal of the luxury boat tax that costs more to administer than it raises in revenue and cost thousands of middle-income boat builders their jobs; and a $4,000 tax credit for first-time home buyers.

My colleagues, listen to what your constituents are telling us. They want us to set aside partisanship. They want to work together. Listen to what realtors in the district are telling us. They want and need the kind of investment incentive that we provide. Listen to what young people are telling us when they try to buy their first home. They need the help of a tax credit, and we provide that.

My friends on the other side of the aisle, I say your leadership is telling you to put politics and partisanship ahead of what is best for our constituents and our country. I am asking you to do just the opposite. Later on support the motion to recommit, and let us come back to this floor with a truly bipartisan bill that all of us can support, and which the President can sign, and let us for a change make policy and not just politics.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. PEASE].

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Mr. PEASE. Mr. Chairman, our Nation's unemployment system has needed repair for a long time. I have been involved personally in the unemployment compensation legislation for over a decade, first in providing extended benefits and Federal supplemental compensation during the last recession, and then in 1983 as the recession was ending, I introduced for the first time a bill to reform unemployment compensation on a long-term basis.

Members of both the House and Senate resisted for many years the efforts of some of us to take advantage of a then growing economy and a relatively low unemployment rate to reform the unemployment compensation system. Indeed, the dilemma of unemployment reform has been that when the unemployment rate is high, Members say, "We do not have time for reform now. Let us just shovel the money out, and we will deal with the problem of the system later." When the unemployment rate lowers, however, interest plummets in reforming the system.

Twice in the last 8 months Congress has moved to extend much-needed jobless benefits to our Nation's unemployed workers. The past two bills were temporary fixes, not the permanent reform of unemployment compensation that we should have passed years ago.

The bill before us today extends emergency benefits and reforms the unemployment compensation system. I certainly support the bill's extension of emergency benefits. The unemployment rate is still unacceptably high as last week's unemployment figures show.

Although some economists believe that the worst of the recession is over, that is small comfort to recent job losers and the long-term unemployed who still face bleak employment prospects.

Mr. Chairman, especially important are the much-needed reform measures this bill provides. They include revising the extended-benefits program so that benefits are triggered based on the total unemployment rate rather than the insured unemployment rate, simplifying the administration of the extended-benefits program, and addressing the regressivity of the Federal employment tax by lowering the tax rate and raising the taxable wage base. These changes have been part of legislation that I have been advocating for the last decade. I am delighted that the gentleman from New York [Mr. DOWNEY], chairman of the Subcommittee on Human Resources, worked them into the bill.

By enacting H.R. 5206, we have a chance to do more than merely continue the charade that we have been playing for the last decade.

Mr. Chairman, I urge support for this bill.

Mr. ARCHER. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a highly effective member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, as a strong supporter of extended benefits and one who is keenly aware of the anguish of those who have long been unemployed in Connecticut, I regret that I must oppose this bill. I do so for three reasons. The bill threatens jobs in the Northeast and Midwest through its broadening of the taxable wage base. It increases the deficit at a time when our constituents are demanding we control spending. And it does nothing to create new jobs or help the unemployed retrain for new employment.

In preparing for this debate, I ran the numbers on manufacturing jobs in Connecticut and was startled to find that in my hometown of New Britain, CT, unemployment taxes would nearly double under this bill.

Assuming an average weekly wage of $550, H.R. 5260 would boost FUTA taxes from $56—which is the current wage base of $7,000 times the 0.8 percent rate—to $81—the proposed wage base of about $27,000 times the proposed rate of 0.3 percent.

This is yet another incentive for companies in high-wage States like mine to head south or offshore. In States where the average wage is $15,000, employers will pay half the tax paid by most Northeast-Midwest employers, enhancing the incentive to move jobs to lower wage States or overseas. To foist this new burden on job-creating businesses is unwise and unfair to both the unemployed and taxpayers.

Further, other new taxes called for under H.R. 5260 will not be collected until 2 years after the expenditures and will not be directed to the UI trust fund in the outyears. The enactment of H.R. 5260 would result in outlays of almost $5 billion, yet bring in revenues of only $816 million in the first 3 years. If there is one message we heard during lengthy hearings in the Ways and Means Committee this winter, it was "do not increase the deficit and particularly while the economy is starting to turn around." Our constituents are fed up with Congress mortgaging the future of our Nation.

Finally, the bill before us fails to couple its substantive permanent changes in our UI laws and increases in UI taxes with real reform designed to address the very significant growing need for lifelong education and retraining.

Our Nation spends nearly $17 billion per year on training programs intended to get people back to work. There are 19 separate Federal programs, and few are coordinated with each other or unemployment insurance. The broad array of programs and narrow eligibility rules make them difficult to be understood and used by recipients and administrators alike. Taken together, however, they offer tremendous resources for meeting a variety of reemployment needs.

My own State of Connecticut is launching an ambitious effort to begin coordinating these programs, but help is needed from the Federal level. I am disappointed that H.R. 5260 does not address training needs, or even a State's ability to gain a waiver to deliver better services with the same money. I hope that my colleagues will support the Archer motion to recommit with instructions to require States to screen applicants for the new emergency benefits to see if they are eligible for available reemployment services. This provision will begin to move States toward coordination of services and help the unemployed quicken their path toward full employment.

A reform of our UI laws coupled with a reform of our employment and training programs is needed, but H.R. 5260 only raises taxes. Mr. Chairman, in Connecticut, about 40 percent of unemployment recipients have run out of benefits and are still without job prospects. So far, this Congress has done nothing to help these people get back to work. Let's send this bill back to the drawing table and come out with a new package that offers the extended emergency benefits people so desperately need, economic growth incentives to create new jobs, and improved training coordination that the unemployed of our Nation deserve.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, in the past year, Congress has twice passed legislation to extend emergency unemployment benefits to unemployed workers. For unemployed Texans, this has meant the possibility of an additional 26 weeks of benefits added to the 26 weeks of regular benefits for a full year of unemployment payments.

I supported both of the past emergency extensions and I will support this extension. My support is based not only on the continued need for extended benefits but also on the fact that this bill contains permanent changes to the unemployment compensation system.

Included in the permanent changes is a more expansive eligibility formula that makes it easier for States to qualify for extended benefits, and an adherence to State law concerning the qualification, disqualification, requalification, and job search requirements as they pertain to extended benefit eligibility. These important changes will help States consolidate the administration of the regular benefit and the extended benefit programs. In other words the States standards will be applicable to both programs. I have always believed that working within the State standards is better than forcing States to adhere to rigid and completely different Federal standards.

Permanent changes to the unemployment system have been controversial for many years. This bill puts to rest many old disagreements and helps us to move forward to the benefit of the unemployed.

In addition, I think we need a clear understanding that as we lower the FUTA tax rate and increase the base, we must pledge to adhere to this agreement and not raise the rates at a later date. In the past we have seen rates raised with the promise they will be reduced later. Then, we violate that agreement. This is an agreement Congress must consider inviolable.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, once again, the majority party has chosen to draft a partisan political bill rather than work with the President in drafting responsible legislation that can be signed into law. Just like last year, the majority prefers a veto rather than helping the country.

I find it ironic the day before we begin the debate on a balanced budget amendment to the Constitution that the House would ignore current budget laws by waiving the pay-go requirement.

The bill fails to pay for itself on a year-to-year basis and ends up increasing the budget deficit by $4.5 billion by 1995. If the majority party had violated current law and exempted the bill from the bipartisan budget deal, they would have had to face an enormous sequester.

Why should we have any rules or agreements with the majority? As a result of the revenue game being played, the revenue raised occurs after the funds have been spent. Now, is that not convenient?

There is no guarantee that these future revenues will be used to offset the $5.5 billion cost of the legislation which primarily occurs after the first 2 years.

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When these revenues do arrive in 1996 and beyond, chances are the tax dollars will be used to finance more and more Government spending.

What happens later? If unemployment goes down, will the tax be cut? I doubt it very seriously. If it goes up again, does that mean we are going to have new taxes? I would guess so. We have created an increased new entitlement.

The majority cleverly raised $4.2 billion in new taxes over 10 years through the Federal unemployment tax. The tax rate is lowered on an employee's earnings while at the same time the individual income on which the taxes are based goes up. While initially appearing to be budget neutral over 5 years, the changes are actually a massive tax increase on businesses, both large and small, and it is at the worst time as we try to come out of a recession.

This is just one more attack on economic growth and creates no jobs.

Finally, to add insult to injury, the majority refused to allow House Republicans an up or down floor vote on their alternative bill.

Let me say again, our Republican bill provided for an extension of temporary unemployment benefits through March 1993 at a cost of $2.5 billion; however, it would have created new jobs to help the unemployed go back to work. The bill included the first-time homebuyer's tax credit, passive loss relief for real estate professionals, indexation of capital gains, an extension of expiring tax credits and repeal of the luxury tax on boats, which cost in North Carolina 9,000 jobs alone.

The amendment was paid for by shoring up the financial health of the PBGC fund for private pension plans.

The Democrat bill before us today simply is a Band-Aid. What our country needs is a cure.

I will be voting against this bill, H.R. 5260. Please join me in that effort.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, this is a time of crisis in many areas of our country, in my own State of Connecticut and many other States. Our cities are facing some of the most insurmountable obstacles to stable economies we have encountered in our history as a nation. Our economy has been in a serious recession for almost two years. The effects of this down-turn run deep and are far-reaching in scope. We are talking about men and women who have always worked, going to bed at night sick with worry about the mortgage, about educating their children.

There is no magic potion—or magic policy—that will solve all the deep-rooted problems of our society and our economy in a single move, but there are measures we can take now to help those who have been hardest hit in our country. We have a responsibility to act swiftly and bi-partisanly to bring Federal support to communities and people in need. One of those measures is the unemployment compensation bill before us today.

The Unemployment Compensation Extension and Reform Act would bring continued, immediate relief to the long-term unemployed of this recession by extending the current emergency compensation program through the end of the year or until the national unemployment rate falls below 6.5 percent. It would provide as much as 26 weeks of benefits for workers who exhaust regular State benefits before January. After that, the benefits phase out over a 3-month period to ensure the smoothest transition possible back to a strong work force.

Perhaps even more important, Mr. Chairman, the bill before us would make permanent changes to the extended Federal benefits program. Presently, only six States have triggered the extended program, intended to provide the unemployed extra help in hard times. Clearly, there are more than six States in dire economic straits right now. We must set this program back on the right track so that the long-term unemployed automatically receive the help they need and to which they are entitled. We must not allow them to be lost in a system of continual emergency legislation during difficult economic times like these.

Mr. Chairman, there is no question that we need to pass this bill. Just last week our Nation's unemployment rate reached its highest mark in nearly 8 years. Let me remind my colleagues just what 7.5-percent national unemployment really means: it means 9.5 million workers looking for jobs; it means 350,000 more people joining the ranks of the jobseekers last month. Moreover, the Labor Department's report tells us that 6.5 million people are in part-time jobs when what they want are full-time positions. Long-term unemployment is higher than it has been since 1983, affecting 3.4 million people.

Let us not argue over whether it is the right time to make permanent changes to a system that is clearly failing us; a system we have had to bail out now for the third time in less than a year. Let us instead come together in a bipartisan fashion to enact urgently needed assistance for the long-term unemployed. Let us take the responsibility for making long overdue permanent changes to the extended unemployment benefit structure.

By acting now we can bring stability back to unemployment compensation so that long-term unemployed workers will not have to wait for Congress and the administration to come to agreement time and time again. These Americans are hurting. These are true Americans who have worked all their lives and they are asking now to be able to pay the mortgage and take care of their kids. This is what we are doing tonight, and I urge my colleagues to support the bill.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, it is with great regret that I will vote against this bill.

I support helping those in need.

I support helping those out of work in their efforts to find new jobs.

I support efforts to retrain those who are laid off.

I have supported extended unemployment benefits, but I cannot support H.R. 5260.

This is not the time to play politics—too many are in need through no fault of their own.

Misguided policies by this Congress and the administration have thrown millions out of work. Unnecessary regulation, taxes, and an uneven playing field have resulted in the current recession.

This bill does not help. It permanently hikes taxes on businesses that are on the brink—businesses that are not in shape to pay.

The bill of the gentleman from Texas [Mr. ARCHER] would have provided both extended benefits and the impetus for new or more jobs. It is unfair that we could not have an up or down vote on that proposal. As I said earlier, this is not the time to play politics. We must stop exporting jobs and level the playing field by mandating our trading partners to play by the same rules as we do, and provide the kickoff to the economic engine to get this country going again.

On this bill, I say vote no.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, before I make my statement in support of H.R. 5260, I would like to ask one fundamental question, Why, Mr. Chairman, in this time of obvious economic desperation, is this body even debating the issue of whether to extend emergency unemployment compensation to our jobless citizens? It should be evident that we are in dire need of economic and social reconstruction and assistance. With the unemployment rate currently at 7.5 percent, and 9.5 million Americans out of jobs, I would think that we would rush to help maintain our citizens until they are able to find legitimate employment. Abandonment is selfish policy, and it is our responsibility as leaders to assist the people of this country until the economy proves to offer adequate work opportunities.

While our President claims that we are pulling out of this economic slump, my eyes tell me different. The unemployment rate has risen substantially. For instance, by the end of last summer 8.7 million Americans were unemployed. Now, not even a year later, the unemployment number has increased to 9.5 million Americans and not even half of them are receiving unemployment benefits. This situation is not getting any better and our temporary option of emergency relief is only one small way in which we can help.

As a result of the numerous amount of job losses, thousands of working class Americans have not only seen their jobs and health care benefits disappear right before their eyes, but they have also seen their whole way of life change drastically. While we are here debating on whether to extend emergency unemployment, many of our citizens are worrying about how they will pay their bills. They are worried about how they will pay the mortgage, the rent, car notes, insurance, utilities, food, and clothes. They are troubled over how they will financially sustain their children's education, and school related expenses.

With a 9 percent unemployment rate in the city of Chicago, my constituents are being overwhelmed by this feverish wave of joblessness. They, like many Americans across the Nation, not only worry about their survival, but they also suffer from a sense of hopelessness, and depression. Many suffer social and economic alienation and family dissolution.

It is no wonder why drugs, crime, and hopelessness plague our urban streets, the times are hard, people are frustrated, and depression spurs unfortunate consequences. We will all suffer until something is done to restore the sense of self worth, pride, and financial security in the attitudes of American citizens. Mr. Chairman, I ask that we wake up and hear the cries of our people, and take the responsibility of providing them with the financial security that they need to survive during this time of economic desperation. While I offer my full support for this measure it is critical that we develop a true agenda to create real jobs for this Nation.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise today in support of H.R. 5260, to provide extended unemployment compensation to people who have lost their jobs and are suffering due to the recession.

It certainly is something that is needed in my home State of New York and indeed around the country. If I had my druthers, I would go even further and provide continued benefits for those people about to exhaust their extended unemployment benefits.

In its current form, H.R. 5260 would provide additional benefits only to people who are about to exhaust their original 26 weeks of unemployment compensation, not to people who have been unemployed for a longer period.

To deny continued support to the people who happened to lose their jobs earlier in the recession, I believe, is unfair.

These people have been looking for jobs, but by no fault of their own are still unemployed. They have been subsisting on extended benefits, all the while their burden is growing as they struggle to feed their families and pay their mortgages. These people are the hardest hit by the recession.

We must not deny these long-term unemployed people continued support at the risk of increasing the problems of hunger and homelessness. We can either pay now, or pay later when so many individuals and families find themselves without enough food to stay in good health or without a home in which to sleep. It will certainly come to that for many people unless we in the Congress bear down and find the support necessary for them to survive this recession and to be ready to work at their first job opportunity.

Mr. Chairman, I want to reiterate my support for H.R. 5260. I believe that it is important to provide the people now exhausting their original benefits with an extension. However, we should not be cutting off those unemployed people who have been receiving extended benefits and cannot find a job. We must find a way to provide extended benefits to all the people who need them.

Mr. ARCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [GINGRICH], the distinguished Republican whip.

Mr. GINGRICH. Mr. Chairman, I thank my friend, the gentleman from Texas, for yielding me this time.

I just want to get up and say for a couple minutes that I think it is in a very real sense sort of sad where we are at this afternoon. We first started talking about extended unemployment last summer. At that time the House Republicans made the point that just extending unemployment by itself does not end the recession. It does not create jobs. In fact, it ultimately leads to permanent unemployment, to pushing the unemployed into the welfare system because there are never any jobs.

When the unemployment extension first came up, we tried to offer a growth proposal that would create jobs.

Then it came up again later in the year and we went through the same dialog. We said, you know, it is truly, truly unfortunate that we cannot pass something to create jobs, because unemployment by itself is only a bridge either to welfare or it is a bridge to a permanent job.

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And we hope on the Republican side to create jobs. And where do we find ourselves this week? We find, maybe appropriately, that the Democratic leadership wants to make unemployment permanent and, given their opposition to any job creation, a permanent unemployment is what they are offering. But I do not think most Americans want permanent unemployment. I do not think they want a permanent check. I do not think they want to be marginalized onto the welfare system. Most Americans want a chance to have a job. And I think it is tragic that when the Republicans on the Committee on Ways and Means offered a proposal, a proposal that would have had a $4,000 first-time home buyers tax credit proposal, a proposal that would have had a repeal of the passive-loss provisions that have so seriously crippled the real estate industry, a proposal that would have repealed that boat tax that has crippled the boat industry, a proposal that would have extended things like the research and experiment in tax credit, we could not even get it made in order. We could not even bring it to the floor because I think the Democratic leadership knew that in a head-to-head vote the Ways and Means Republican proposal would have in fact defeated what is on the floor today.

But it is sad for a deeper reason. I think most Democrats agree in principle with most of what we are trying to do. There were 338 cosponsors for the reform of passive loss, there are literally a vast majority of Members on both the Democratic and Republican sides who would like to see us creating jobs, not just permanently extending unemployment

Finally, and this I think explains the Ross Perot phenomenon as much as anything, everybody in this Chamber knows this bill is going to be vetoed. Everybody in this Chamber knows we will be able to sustain it. Everybody in the Chamber knows this is not going to get the job done. So, in the middle of a country which is in a convulsive political change, in a country which has millions of people angry, in the middle of a country where people are literally going out of their way to buy Ross Perot bumper stickers, at a time when no politician in this Chamber could possibly sell a bumper sticker, we are going to go through the same dance of self-destruction we have been going through for the last couple of years. And whether you are unemployed and wish you had a job, unemployed and wish you had a check, or in the real estate industry in which you have passive loss, or in a high-technology industry in which you have the permanent extension—the extension of a permanent research experiment tax credit, in the boat industry in which we have repealed the excise tax on boats, or whether you are just a normal American who wishes that Congress on a bipartisan basis could make sense, get the economy moving, end the recession and create a hopeful future, I think this afternoon's exercise is a very sad and very destructive process. I think it weakens the country, I think it weakens the Congress, and I wish there were some way on a bipartisan basis we could work together to pass a bill that both creates jobs and a better future.

And finally, the Democratic proposal for the first 3 years simply does not create enough money to pay for itself. The Democratic proposal ends up in a situation where we are going to vote this week on a balanced budget amendment, and I would dare say many of the liberals who voted today for a balanced-budget bill are going to vote tonight for an increased deficit.

Does anyone think that the baby-boomers are still so naive and still so simple that they cannot take the two and put them together? Does anybody think that the average voter is so foolish that they cannot look at a vote for a balanced-budget bill in the morning and vote for a bigger deficit in the evening and figure out, "Oh, yeah, those politicians as usual once again are trying to have it both ways?" That is why Ross Perot is a serious phenomenon, because of precisely the kinds of games we are still playing in this House. And I think it is a very sad thing that the Democratic leadership does not allow us to make in order a bipartisan effort to do something positive.

I thank the gentleman from Texas for yielding.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the committee chairman for yielding time to me.

I want to thank the chairman along with Chairman DINGELL for supporting our inclusion in this bill of the effort to include railroad workers among those who will receive extended unemployment benefits.

Mr. Chairman, today we will pass a much-needed extension of unemployment benefits. This legislation also includes an amendment to provide these extended benefits to railroad workers that I have included in all of the previous extensions of extended benefits.

This amendment, included in H.R. 5260 today, is to the Railroad Unemployment Insurance Act which is in the jurisdiction of the Energy and Commerce Committee. This was supported by Chairmen DINGELL and SWIFT. It is an important step for the Congress to provide equity for the men and women who work on our Nation's railroads.

As a result of this amendment, rail workers who have less than 15 years of rail service, and who exhaust their regular unemployment after June 13, 1992, would receive a total of 26 weeks of extended unemployment benefits, thereby bringing the total number of weeks up to 52. Workers with 15 years or more of service already can qualify for a total of 52 weeks.

The emergency program for railroad workers would phase out over 3 months, beginning January 1, 1993, or the month after the month when the average national unemployment rate falls below 6.5 percent, whichever is earlier. During this phaseout period, railroad workers with less than 15 years of service who exhaust their regular benefits would receive 13 weeks of emergency unemployment benefits. These benefits would be funded from the railroad unemployment insurance account.

Unless this amendment was included, the current temporary Extended Benefits Program for railroad workers would have expired entirely on July 4, 1992. In addition, those who exhaust their benefits between June 13, 1992 and July 4, 1992, would receive only 13 weeks of benefits, instead of 26 weeks for those who exhausted their benefits by June 13, 1992.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I might say the reason that Ross Perot is such a phenomenon in the country is that the country has decided that its leader is not leading, has decided that its leader knows how to say "no" but not how to say "yes" to solve problems. That is why Ross Perot is doing well in the country, because the country has decided that it does not like the leadership it has now got and it wants to reject it.

Now, I understand that it has not decided which leadership it wants and Perot happens to be on the front burner now. But it has definitely decided, as every poll shows us, that the incumbent President does not enjoy the support of more than a third of the country.

Each time the House has considered this extending unemployment benefits to the long-term unemployed, I have supported it. I will support this legislation before us today. I think it is critical that we continue to make available the resources necessary for those people who are in danger of losing their cars, their homes, and the ability to provide for their families in these yet to become stable economic times.

There are over 1.7 million workers who have been unemployed for over 6 months.

As a result, it is absolutely essential that we move on this legislation and we move on it tonight. That is not to say that it is the be-all, end-all of legislation to provide jobs for these people. We all agree they want jobs. These are working Americans, and they need help, and we ought to give it to them.

Mr. Chairman, each time this House has considered extending unemployment benefits to the long-term unemployed, I have supported it. And I will support this legislation here before us today. Because I think that it is critical that we continue to make available the resources necessary for those people who are in danger of losing their cars, homes, and the ability to provide for their families, in these yet to become stable economic times.

There are over 1.7 million workers who have been unemployed for over 6 months, many of whom have no realistic possibility of getting a job, because the jobs they seek do not exist. We recently passed a bill which the President refused to sign, that would have spurred economic growth and created the much needed jobs that the people on whose behalf we are here today could have used. Incredibly, there are those on the other side of the aisle who want to use this as a political football to be kicked about at the expense of the long-term unemployed, and the President is once again, threatening to veto this bill. It is time to stop playing politics and get about the business at hand by helping Americans who are still in despair over their financial vulnerability. We owe them no less.

The chairmen and members of the committees of jurisdiction have worked very hard on this bill. They have crafted legislation which is workable, which is paid for realistically and which makes positive changes in the permanent Extended Benefits Program. I am particularly pleased that this bill provides a permanent trigger mechanism which will make it easier to provide benefits to the unemployed without all of this political wrangling. The last thing that people in financial crisis want to hear about is partisan politics.

Mr. Chairman, I have had constituents calling my office for the past couple of weeks to confirm reports that Congress would be extending their benefits. They are afraid, because they know that they have precious little time before their benefits are exhausted. But they still have bills. And they still have families and responsibilities. And we have not yet been pulled out of the economic recession.

Yes, there are signs that we may finally look to some improvement in our economic health, but the CBO says that any relief we may look to imminently, will not be significant. And certainly the employment situation has not reflected any change. The unemployment percentage has steadfastly remained at over 7 percent every month of this year.

Mr. Chairman, I urge all of my colleagues to do the right thing by supporting this extension bill here before us today. To do less would be a slap in the face to the people who are relying on us the most.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Chairman, if the gentleman from Maryland would also look at the polls, as he was referring to about the polls, on the President being low and his leadership being questioned, I would suggest he look at the polls for Congress and the leadership of Congress and how low they are in the polls and whether their leadership is being questioned.

I just spent, 2 weeks ago, one afternoon in an unemployment office in McKeesport, in the Monongahela Valley, one of the areas, probably the most devastated area of this country, which really made the steel that won World War II and Korea. Those people were devastated back in the late 1970's and early 1980's, and frankly they have not recovered very well.

This recession has hit them hard, too. So I went to the unemployment office and I talked to the people who worked there, and they gave me all the numbers. They are worse than they were last year. Unemployment is not getting better in McKeesport or in the Monongahela Valley.

Then I talked to the people and found out the real story behind it. I found out, yes, there are people hurting now out there. People saw their benefits running out and would like to see an extension. And they are not going to get it tonight.

We are going to play games tonight.

I hear all this passion on the other side, "Oh, I really care; oh, we really are going to do this," and we are not. It is a joke. This is just a game. Here we are with the people suffering out here, and we have to make political advantage of suffering.

You talk to these people, and you have to make political advantage out of their suffering.

Everyone knows this bill is nowhere. The President is going to veto this thing. The Senate may not even take up this thing. This is going nowhere.

We are playing games. Yes, that is why this country is upset. Yes, that is why this country wants change. They want to break the gridlock, they want to break the partisan politics. They want people to sit down and work things out and do it the right way. That is what they want.

Is that much to ask? Are we so overwhelmed with keeping control, with making people make votes?

Are we that concerned with making the other people look bad, making the President do something that is unpopular, making those on either side of the aisle cast tough votes so that you can run against them on that 15-second ad that says, "He doesn't care about the unemployed"? Is it that important? Is it that important that you are going to have a family of four that is looking for that check just not going to get it? Is it that important?

Have we come to, in this Congress, with keeping control, is that important? My answer is I do not think so.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. SANTORUM. I yield to the chairman.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, could the gentleman explain to me why the President is going to veto this bill, since he apparently knows that?

Mr. SANTORUM. I think it is very obvious. First, it increases the budget deficit, which does nothing to help these people try to get a job. Second, it raises taxes, which even cripples more of the ability of the private sector to create jobs.

What we are doing is going to get another short-term solution to a very serious problem that exacerbates the long term and does not do anything for these people on the unemployment line.

Mr. Chairman, the issues today that every Member of the House of Representatives must address are, first, is there a need to extend additional emergency unemployment compensation, and second, how will we pay for the $5.8 billion in benefits. Having previously voted for 33 weeks of emergency unemployment benefits for Pennsylvanians, I feel strongly that the need for a further extension still exists. I have very serious reservations, however, over the manner in which the sponsors of the bill deal with the $5.8 billion cost of the legislation.

Recently, I had the pleasure of visiting with David Chandler and Vincent Mezeivtch at the McKeesport, PA, Unemployment Compensation and Job Center facility. Mr. Chandler is the regional director for the Pennsylvania Department of Labor and Industry covering nine southwestern Pennsylvania counties, region 6 and Mr. Mezeivtch is the manager at the Mon Valley Job Center in McKeesport. I appreciate their warm reception and time spent with me at the office. Mr. Chandler's and Mr. Mezeivtch's analysis of claims and workload figures from the Mon Valley Job Center gave me a greater understanding of the unemployment situation in the Pittsburgh region. The visit provided very beneficial insight on the volume of unemployment claims in Pittsburgh, the impact of the 33-week Federal benefit extension in Pennsylvania, and the number of people who might qualify for the newest extension of 20 to 26 weeks.

In reviewing a time period from May 1991 to May 1992, the Pennsylvania region 6 statistics show a great surge in the number of weekly and overall unemployment benefit claims.

Mon Valley Job Center:

Weekly claims, May 18, 1991, 3,705; May 16, 1992, 5,639.

Total claims, May 18, 1991, 37,666; May 16, 1992, 58,623.

The statistics and the workload at the Mon Valley Job Center clearly show the need for an additional extension of benefits for southwestern Pennsylvanians. For the unemployed in Pittsburgh, the 20- or 26-week extension proposed in today's legislation would provide a much needed financial bridge from the tough, present economic situation through a hopeful yearend economic recovery period. The economic trend over the past year in addition to the reach-back and carryover provisions from the previous extensions have attributed to the surge in claims at the center. The Mon Valley facility has doubled its staff in the past year to handle unemployment claims. Even with the staff additions, the volume of claims continues to grow and the Mon Valley Center personnel continue to do an excellent job in handling that volume.

In addressing the issue of how the House of Representatives will pay for these benefits, this bill does nothing but add to an already insurmountable national debt. The legislation today, H.R. 5260, does not provide a way to pay for the $5.8 billion in benefits. After my election to the House in November 1990, I sought and was selected to serve on the House Budget Committee. The Federal deficit is an issue of great concern to me and will continue to dominate my legislative activities in the House. Last Friday, I conducted the first of several budget summits in my congressional district to educate 18th District residents of the magnitude of the deficit problem. This year alone, the U.S. Government will add close to $400 billion to a national debt fast approaching $4 trillion. We are forced to spend $268 billion or 15 percent of our entire budget in interest alone on this debt. If the deficit is allowed to continue its unchecked escalation, we will pass nothing on to our children but our crippling debt and will continue to limit their ability to respond to the needs of their own children.

Even though we will consider a balanced budget amendment next week, this week we will violate the 1990 Budget Enforcement Act by swelling the deficit by $4 billion and increasing taxes by $4.2 billion. At a time when Members of the U.S. House and Senate are retiring at record numbers due to congressional gridlock and lack of attention to the Federal deficit, the sponsors of this bill care more about campaign issues than the economic situation of the United States. On two previous occasions, the Congress overwhelmingly rejected fiscally irresponsible unemployment compensation proposals which would have swelled our Federal deficit. On two additional occasions, the Congress passed unemployment compensation bills which were paid for. As echoed by a September 11, 1991, Pittsburgh Press editorial:

> But instead of saying how the benefits, worth about $5.8 billion, would be paid for, Congress simply asked the President to authorize emergency spending, further swelling the $362 billion deficit * * *. One way or another, Congress should find the money.

The sponsors of this bill do a complete disservice to the Mon Valley Job Center claimants in need of financial assistance. I voted for 33 weeks of emergency unemployment benefits for Pennsylvanians in need of financial relief, and I will vote for additional benefits that we will pay for. With this particular proposal, the sponsors again play campaign games with the Federal deficit at the expense of the unemployed. We have rejected this game twice before. One way or another, the Congress will again find the money.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Chairman, I rise today in support of this vital legislation to extend unemployment benefits for our out-of-work citizens.

Our Nation is struggling to recover from a recession that has left millions of Americans unemployed. Recently released figures show that the national unemployment rate is now 7.5 percent, the highest level in nearly 8 years. My State of New Hampshire has been particularly hard hit. I constantly hear from constituents back home who are telling me how tough times are. A letter I received from one of my constituents in Hollis, NH, sums up the dismal economic conditions in the Northeast. The letter reads as follows:

> New Hampshire is in the pain of a recession. We are losing our jobs faster than any other section of the United States and there is no end in sight. We are losing high-tech. We are losing low-tech. We are losing. At 55, I have lost my job. I am a quality engineer and I am now facing the good probability that I will never work in my profession again. I know of no company that is in the market to hire a Quality Engineer, 55 years old and out of work.

Mr. Chairman, unemployment in New Hampshire is now 7.9 percent. New Hampshire has also led the Nation in bankruptcies. Even under optimistic economic assumptions, unemployment rates are expected to decline very slowly.

This extension of unemployment benefits is urgently needed to help families save their homes and keep their children fed. This vital legislation also makes much needed reforms in the existing unemployment benefits program by changing the mechanism to trigger the release of benefits. The need for this change became painfully apparent last fall, when the extended benefits program was triggered only in a few States—which is why Congress needed to enact an emergency extended benefits programs.

This legislation meets the short-term financial needs of millions of unemployed Americans and it addresses the longer term need to strengthen this vital safety net for American families.

Mr. Chairman, we can do nothing less in these trying economic times than offer some solace in the form of extended unemployment insurance to the hardworking people in New Hampshire and across the country who have lost their jobs and exhausted their benefits.

I urge my colleagues to join me in supporting this vital legislation.

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Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman from Illinois [Mr. ROSTENKOWSKI] for yielding this time to me. I know how tight his time is.

Mr. Chairman, I rise in very proud support of the gentleman's bill, and I would have to address very momentarily my friend, the gentleman from Pennsylvania [Mr. SANTORUM], who is actually becoming very active in the debate about this issue of gamesmanship.

It seems to me, unless I have forgotten, that it usually takes two, or three or four to play any game. This is not a one-way street, and so I think it would not be hard to go back to the veto of the campaign finance reform bill, the veto of civil rights bills, the veto of the family and medical leave bill, in which we were trying to do something for these very same people the gentleman saw in McKeesport, and we were thwarted in doing it.

So, I would say the gentleman from Illinois [Mr. ROSTENKOWSKI], the distinguished leader of the committee, and the gentleman from New York [Mr. DOWNEY] have put together an excellent piece of legislation. I think that this bill ought to be passed, it ought to be signed into law, and I think we should show the proper kind of respect for the people and respect for this Nation, for the people who are hurting, and this Congress ought to help the people who are hurting.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, I thank the gentleman from Illinois [Mr. ROSTENKOWSKI] for yielding this time to me.

Mr. Chairman, I want to address this idea that this bill is going nowhere. The reality is that the President could sign George Herbert Walker Bush to this bill, and it would extend benefits starting in July. There is nothing compelling him to veto this legislation.

The answers that we get as to why the President cannot sign the bill are curious to me: It raises taxes. Well, let us examine that.

It extends the personal exemption phaseout for 2 years. That is an existing measure. And we decide, if a corporation is going to pay an executive more than $1 million—I mean this is not a person who is in jeopardy of waiting in line for food stamps—more than $1 million, we are not going to allow that as a business deduction. That is where the money is raised.

So, let us put aside this idea that somehow the average guy out there is going to be visited with a tax increase. That is nonsense. This is a tax on upper income folks and on corporate executives who will no longer have their corporations being able to deduct compensation in excess of over $1 million.

That is what we are talking about, where the money comes from.

So, the President is not somehow a noninterested party in all of this. All he has to do is sign it, and the suggestion that he is not going to sign it begs the explanation of why not because what I have heard from the other side, their defense of people earning over $1 million, or the personal exemption phaseout, strikes me as being cold.

The CHAIRMAN. The Chair will remind the Members controlling time that the gentleman from Illinois [Mr. ROSTENKOWSKI] has 5 minutes remaining and the gentleman from Texas [Mr. ARCHER] has 3½ minutes remaining.

Mr. ARCHER. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY].

The CHAIRMAN. The gentleman from Texas [Mr. ARMEY] is recognized for 3½ minutes.

Mr. ARMEY. Mr. Chairman, I thank the gentleman from Texas [Mr. ARCHER] for yielding this time to me.

Mr. Chairman, let me thank the previous speaker for making the issues that we are addressing here in our conversation tonight so clear. This bill has been brought to the floor under any number of pretensions. Perhaps the most comical of the pretensions to which we have addressed this bill is the pretension that we are herein trying to do something to alleviate the plight of the Nation's unemployed. Clearly anybody with any comprehension whatsoever of our Nation's economy and our Nation's work force cannot buy that pretension.

But finally we got through all the smoke. This is a bill about income distribution. Who will control it? Will American citizens have a maximum opportunity to find work? To be self-sustaining? To be independent? And to support their families for themselves? To have an opportunity for a job, or a raise and a promotion in a growing, thriving economy? And will they have any opportunity at all to retain a maximum share of their earnings, or will they, on the other hand, for those who are successful and diligent in pursuing their life's career, find themselves punished by the Democrats in their unending quest to gain control of the distribution of income in this country?

The Democrats say that the Republican growth alternative cannot be entertained in our debate tonight. Well, they can do that. They have nine Members on the Committee on Rules while we have only four. In the interest of fairness they have determined that it is better to not talk about economic growth, to not talk about job creation, to not talk about doing anything for those thousands of American young people graduating from college this spring unable to find a job. Now what is fair, as they see it, is to entertain one more time this tired, old formula of theirs to get their hands on the taxpayers' money and to spend it.

Now, when we look at the Republican growth initiative, they say it will hurt the deficit. It is unclear to me why for the Democrats it is always detrimental to this Government if we come up with any scheme where people who earn money are allowed to keep, save and invest that money to create jobs for their friends and their neighbors. But at the same time when they are so afraid that our deficit problems cannot stand earners keeping a larger share of their earnings, they find no difficulty at all in finding earners from whom they will take a larger share—free, independent, hard-working American citizens from whom they will again reach out their hand, take more of the money they earn, as long as they can govern to whom it is distributed.

Mr. Chairman, I say to my colleagues, please vote no on this bill. Save the Nation from bad policy and save yourself from the embarrassment.

Mr. ROSTENKOWSKI. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 5, 1992, the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes, and the gentleman from New York [Mr. HORTON] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, I rise in support of this bill with commendation to the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], and its subcommittee chairman, the gentleman from New York [Mr. DOWNEY].

Let us examine what we are saying to the American people tonight. The distinguished minority leader on the Republican side, the gentleman from Illinois [Mr. MICHEL], has attempted to blame the Ross Perot phenomenon, and why that is gaining credence is because we cannot get anything done here.

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Well, it is Ross Perot, unannounced, who is now leading in the polls against a sitting incumbent President, whose stock has continued to go down ever since the Persian Gulf victory.

One of the reasons, I would suggest in my analysis, is that the Republicans are unwilling to extend unemployment compensation benefits, not only to people who are entitled to them, but to millions of working people who fear that they may end up in an unemployment compensation line sometime before the year 1992 is out.

Please, do not blame Ross Perot for what the Republicans in Washington are doing. I would suggest, since it has been brought up and we have been accused of playing games, that the game that is being played is to try to pretend that there is a parliamentary, a strategic reason, some kind of legislative brouhaha that prevents those wonderful conservative Members of the House of Representatives from supporting a simple 6-month extension with revisions, because of some games that are being played inside the beltway.

Well, I hope that every unemployed person in America will report to their Member's office to ask them is it true, from the gentleman of Pennsylvania [Mr. SANTORUM], that he cannot support this bill, as much as he is so deeply concerned, the gentleman from Pennsylvania [Mr. SANTORUM] who is so deeply concerned about the plight of the unemployed, because it will increase the deficit and it will raise taxes?

I would like to be the fly on the wall that hears the gentleman explain this to the unemployed in his district, why, under such duress, and how painful it was for him to have to vote against these unemployment comp benefits because it would increase taxes and enlarge the deficit.

What do you think is going to happen to the income of a person who has been out of work and has exhausted their benefits? What about his deficit? What can he worry about, taxes? He does not have a job. He has paid in taxes, and now you are telling him that it may cost some money to give him some benefits, and, therefore, you cannot vote for this measure tonight.

Gentlemen, you are in deep trouble. I would like to help you in any way I can, and I am going to attempt to do so this evening. Because as the gentleman from New York [Mr. DOWNEY], the subcommittee chairman, has explained, it is totally fallacious for anybody to leave this House tonight arguing that taxes and the deficit are legitimate reasons, at 8:25 p.m., to argue that that is why they cannot vote for this bill. That is utterly without any redeeming virtue whatsoever.

But help is at hand. No, we have got to work this out together, because America is in trouble.

Yesterday in my district office the president of the Communications Workers local, Jim Ruddock, came in to me and brought me this book, "America, What Went Wrong," by Don Bartlett. It just came out. It is a solid indictment of how the rulemakers in Washington and the dealmakers on Wall Street have changed the rules of the game to favor the privileged, the powerful, and the influential, at the expense of everyone else.

Mr. Chairman, I recommend this reading to Members, because what we need to do now is understand that at least four Members of the Republican ranks in the House have announced to me that they know the President is going to veto this unemployment compensation bill. I presume they have that on good knowledge.

The President of the United States, running behind an unannounced candidate. And they are wondering about Ross Perot phenomenon. What about the George Herbert Walker Bush phenomenon, who cannot even get it yet? Who cannot understand that the people in this country understand who is playing games? The people in this country are on to this nonsense about what they wanted in the rule and why we should have considered relieving the wealthy of more taxes as a condition to paying unemployment comp benefits.

Shame on you. Shame on you, every Republican that dares to follow the President of the United States down the political drain. A curse on your house on behalf of the millions of suffering Americans that, yes, they are asking for a job, but tonight they are saying, "Just give me 6 more months. My benefits ran out. I have got to pay the rent, CONYERS. I have got to feed the kids, CONYERS. I have got to do something to keep myself together, CONYERS."

But the President you know is going to veto this bill, regardless of the number of votes.

Mr. Chairman, I reserve the balance of my time.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I very much regret that the whole attitude on this issue has been so poisoned.

Mr. Chairman, the issue of extending unemployment benefits for America's workers is not an issue between Republicans and Democrats is this body. Nor is it a question of debate between the Congress and the President. All of us agree that given the continued recessionary environment in which millions of American workers face the prospect of seeing their unemployment compensation benefits expire, Congress must act and it must act quickly in addressing their needs.

What is unfortunate—because it was completely avoidable—is the fact that by rigging the rule on this issue, the Democratic majority has made this particular measure, H.R. 5260, a matter of contention. While H.R. 5260 does indeed extend these benefits, it fails to finance and fund the benefits in a manner in keeping with the budget agreement. How ironic that earlier this afternoon, the same people who brought forth this bill were urging us to vote for balanced budget legislation.

Further H.R. 5260 makes several major and permanent changes in the unemployment compensation program which have little if anything to do with the emergency nature of this question. Some of the permanent changes in H.R. 5260 have merit. Some do not. But what is most unfortunate is that these provisions are not being debated and voted upon on the basis of their respective merits, but rather are attached as a caboose to the emergency extension.

Mr. Chairman, I am voting for H.R. 5260 because I believe the problem our workers face back home is serious—and I want to do nothing which can be judged as having stood in the way of gaining expeditious consideration of this issue. But I also want to make clear that I shall have to reserve the right to vote against the final conference report on this measure should the budget gimmickry and some of the other permanent changes in the unemployment compensation system not be addressed by the Senate and in conference.

If you want to know why the American people are disgusted with their Government, here's a perfect example. Republicans support addressing this issue. Democrats support addressing this issue. The administration supports addressing this issue. And yet, as it comes before this House today, it has been designed to pit us against each other instead of being a product of which we can all be proud.

Mr. HORTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, tonight I find myself in the uncomfortable position of opposing much needed legislation.

I have historically supported calls for extended unemployment benefits and have even voted against my President when extended benefits were needed during the recent recession.

The need for an extension in unemployment benefits remains great. With last week's increase in the unemployment rate from 7.2 to 7.5 percent, 9.5 million workers remain unemployed. Nearly 2 million of these workers have been out of work more than 26 weeks. Although the Nation has begun a modest economic recovery, it appears that the unemployment rate will continue to hover near levels reached during the recent recession.

H.R. 5260 represents another step down a long path leading to a mountain of Federal debt. Only weeks ago, the House of Representatives defeated efforts to tear down the firewalls in the 1990 budget agreement. That bill, H.R. 3732, would have amended the 1990 budget enforcement agreement by requiring that the domestic, international, and defense categories of discretionary spending be merged into one capped spending area in 1993, rather than in 1994. H.R. 3732 was soundly defeated.

Mr. Chairman, I want to make this point: I voted against that budget resolution that ties our hands and that is the subject we are talking about right now, because I think we should have done a better job in that particular bill. But the Committee on Government Operations was actually in the conference and participated in the conference which put those caps on those various spending areas.

The bill we are considering tonight will add an estimated $4.5 billion to the Federal deficit before fiscal year 1995.

The Nation is facing a soaring Federal debt and Congress is considering enacting a balanced budget amendment to the U.S. Constitution. Yet, by approving this legislation the House would be turning its back on our only meangingful restraint on Federal spending. I do not mean to turn our back on the problem, but I think we ought to finance it in this bill and not put it over until 1996, 1997, or never.

Further, there is no guarantee that future revenues promised in this bill will ever be used to offset its expenditures. When the revenues do arrive in fiscal year 1996 and beyond, they will certainly be used to finance higher government spending, particularly since the PAYGO rules expire in fiscal year 1995.

As an alternative, the House could have considered supporting the proposal initially offered by President Bush to extend the Emergency Unemployment Compensation Program. Or, we could do as one of our colleagues suggested earlier tonight, work together to develop an alternative that helps the unemployed while staying within the 1990 budget agreement.

□ 2030

And that is what is going to happen ultimately. But we are going to go through this exercise and then ultimately we will come back and take care of it.

Although extended unemployment benefits is strongly needed, H.R. 5260 violates the budget agreement of 1990 and increases the projected Federal deficit by some 4.5 billion by the end of 1995. For that reason, I shall vote against it, and I urge my colleagues to vote against it.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. Mr. Chairman, I stand in strong support of H.R. 5260.

I ask my colleagues to join me in supporting H.R. 5260 which would further extend unemployment benefits for the long-term unemployed. The good, hard-working people I represent in western Pennsylvania know all too well the importance of this legislation and the difficulty of finding a decent job in this so-called economic recovery. Where is the recovery when 16 million people are looking for full-time work and the unemployment rate climbs to a level we haven't seen since August 1984.

I do not see the recovery and neither do my constituents. I have heard from many of these people. What they see is the President pointing to indicators in defense of this so-called recovery, they see the Bush administration and Congress blaming each other for the lack of jobs, but they don't see anybody doing anything constructive about it. They are frustrated and they are angry.

I am encouraged that more and more people, previously discouraged, are looking for work. The work ethic in my district and in the rest of the Nation is alive and well. The unemployed need only the opportunity to prove themselves, most of them already have the talent and the motivation. This extension, Mr. Chairman, buys them the time they need to find that opportunity while putting a meal on the table at the same time. If we allow these benefits to dry up on July 4, I can assure you that there won't be any celebrating going on for those without the means to pay their bills.

There has been a lot of debate on the financing of this extension. The bottom line is that this bill makes the employer unemployment tax more progressive and it demands a small sacrifice from corporations and higher income earners. Over 5 years it is estimated that the deficit would actually be reduced by $250 million.

There does not seem to be any end in sight to these high unemployment rates. The rate in some parts of my district is over 10 percent. For blacks it is 14 percent, and for teenagers it is approaching 20 percent. I ask my colleagues not to stand in the way of helping people back home make it through this anemic recovery.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Mrs. BOXER], subcommittee chairman of the Committee on Government Operations.

Mrs. BOXER. Mr. Chairman, I rise in support of H.R. 5260, the Unemployment Compensation Amendments of 1992. We must support this bill. At a time when more than 9.5 million Americans are unemployed, and the long-term unemployment rate is at its highest level since November 1983, allowing unemployment benefits to expire would mean turning our backs on those Americans who need our help the most.

With May figures showing the unemployment rate in California at 8.7 percent, many Californians are afraid for the future. The rate of unemployment is more than 20 percent in several California counties. California's agricultural sector is faced with unemployment rates close to 12.5 percent.

These figures do not even take into account those people who have applied for unemployment insurance or assistance as a result of the Los Angeles crisis. An estimated 20,000 people were left jobless by the crisis; 6,000 have already applied for unemployment insurance or other disaster assistance. From March 1990 to March 1992, Californians have faced job losses in several important employment sectors: Construction jobs went down 23.6 percent, manufacturing jobs went down 8.3 percent, and trade jobs were down 5.3 percent. In the last 2 years, California's aerospace industry has lost 65,000 jobs—a drop of almost 20 percent.

Last fall, Congress supported emergency unemployment benefits after the President vetoed two earlier attempts at relief. Now, with current benefits scheduled to expire on July 4, 1992, I ask the President to support this important effort to provide some relief to unemployed Americans. I ask him to listen to a Californian who recently wrote to me about his difficulties in qualifying for unemployment benefits:

> I wish I could look President Bush in the face and tell him just how I feel about this, but that will never happen, he does not feel the pain that we go through just trying to survive every day wondering if we are going to have something to eat or not, or is our next step going to be in the ranks of the homeless. I pray to God that somebody hears us, and helps us, because there is nowhere else we can turn to, except to our Representative like you.

California has lost half a million jobs during the recession. This means that job losses in California represent nearly one-third of all jobs lost. Southern California's Imperial County faced a March unemployment rate of 20.6 percent, Kern County's rate was 15.6 percent, while San Bernardino, Los Angeles, and Riverside Counties had unemployment rates ranging from almost 9 to 11 percent. Moving toward the central portion of the State, Kings, Tulare, Fresno, Merced, and Modesto Counties all had unemployment rates between 16.3 and 18.9 percent. San Benito County had a jobless rate of 22.9 percent. Northern California also has its share of unemployment, with Alameda and San Francisco Counties showing unemployment rates of 6 percent. Del Norte, Siskiyou, Modoc, and Yuba Counties have unemployment rates in the 15.9 to 18.6 percent range. Further, Colusa, Glenn, Plumas, Sutter, and Trinity Counties showed unemployment rates ranging from 20.3 to 26 percent.

George Bush turned the other way while good jobs fled our cities and towns. Now Congress is left to pick up the pieces. We must make our economy strong again. We must create jobs and prevent the loss of jobs. We must make up for a decade of Government neglect of our human capital. We must retrain our work force and educate our kids. We must reinvest in America.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MARTINEZ], a member of the Committee on Government Operations.

Mr. MARTINEZ. Mr. Chairman, here we go again. Playing chicken to see who gives first. How many times is the President going to veto the unemployment extension before he recognizes the real problems and signs it. We are not talking about people looking for a handout or welfare. These are people who have been working and because of a sagging economy have lost their jobs.

Furthermore, Americans across the Nation are losing their jobs faster than the economy can create them, and we are playing games. Congress passes legislation to help those who are unemployed by extending their unemployment benefits and we are told that the President will veto the bill.

What our President might not realize is that citizens in this country need this help to take care of the problems that arise when there is a loss of wages for an extended period of time during an extended recession.

Maybe he cannot relate, because he obviously does not have to worry about food, rent, or care for the family. And when he leaves office he will have the means to provide for his family. Unfortunately, unlike many of us and the President, there are millions of people who, when they lose their jobs, are scared of whether their car will be repossessed, or where their next meal will come from, or if they can pay one more month of rent. For them this is a desperate situation that needs immediate attention. They cannot live on promises of a greater tomorrow.

I would ask the President to remember when he visited Los Angeles to see the aftermath of the riots and of what he saw. If he would only open his eyes and look at the reality of the situation he might become one of the points of light that he speaks so fondly of. In my view our President should be the brightest point of light—one that leads our country out of this recession and helps those who need the assistance most—the victims of the recession.

Although I like our President, as an individual, I have become gravely disappointed in his actions, or lack thereof in this case. By providing up to an additional 26 weeks of benefits to the Americans who have lost their jobs, we will be able to assist those who are in their greatest hour of need. All of these people have the work ethic, and given enough time they will gain employment again as soon as the economy recovers.

The unemployment compensation amendments are designed to give relief to those who have lost their jobs, and I stand firm in support of this legislation. I only hope that the President opens his eyes to the drastic measures that U.S. citizens are faced with, and opposes any suggestions to veto this measure.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO], an outstanding member of the Committee on Government Operations.

Ms. DELAURO. Mr. Chairman, unemployment rates continue to rise as families across this country are battered by a deep recession and a failing economy.

Repeatedly, the economy has failed to perform up to the rosy expectations of the White House, yet the President continues to assure us that all is well. Meanwhile, unemployment has reached 7.5 percent—a level unequaled in the past 8 years. Between April and May, nearly 350,000 more people lost their jobs. That means we now have some 9½ million Americans out of work.

In my State of Connecticut, unemployment is close to the national average, and people—hard working people who want jobs—simply can't find them. It doesn't matter how hard they try, or how many months they spend pounding the pavement, the jobs just aren't there.

Three months ago, an unemployed construction worker from my district, Don Sanders, came to Washington to testify on the need for our help in providing jobs. Today despite tremendous efforts, he is still unemployed. Among construction workers in Connecticut the unemployment rate has reached a staggering 40 percent.

We cannot, and I will not, let good people like Don Sanders twist in the economic wind. They are the backbone of this country and have worked hard for years, providing for their families and pursuing the American dream. Now, that dream has faded, and these people look to us for hope. The extension of unemployment benefits is the least we can do. Vote for this extension, give this Nation's unemployed the help they deserve.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HAYES], one of the great labor leaders.

Mr. HAYES of Illinois. Mr. Chairman, this is not a game with me, nor is it with a lot of my colleagues here. They are very sincere.

I represent a district that is very poor, many of whom are African-Americans, Hispanics, and whites who need a job. And until they get a job, this extension of unemployment compensation benefits certainly for the next 6 months will help them survive.

My colleagues are looking at a person now who is a rare breed, who was in the CCC camps during the Roosevelt administration, after graduating from high school, and 1 among a family of 11 kids. I helped my mother and father help take care of those 11 kids.

My father got on WPA. I am glad to hear one of my colleagues over on the other body talk about the possibility of resurrecting some of these kinds of programs. We need to do it. And God knows, until we do it, make up our minds we are going to do it, let us extend the unemployment compensation for these people who need our help.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Chairman, I am a 30-year labor leader, and I watched as we went from manual work to automation.

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I watched the jobs go from 100,000 jobs down to nothing. Then I watched the rest of the jobs go to Taiwan, to Japan, to Mexico, after people had decided that that would help. Then I watched the unfair trade agreement that said that Japan could sell to us but that we could not sell to Japan. I watched in this House as this Congress raised their wages without worrying about the American worker.

The American worker is marching down the street asking for unemployment compensation because he has lost his job. I ask every Congressman who does not vote for unemployment compensation tonight, give up your wages, give up your employment, give up what you have earned here, and then tell me it is all right to live off of nothing.

America is making a statement in Ross Perot. They are saying, "We are sick and tired of Congressmen and Senators who do nothing for the people, only for themselves." Let us wake up, America, or Ross Perot will be our President.

Mr. CONYERS. Mr. Chairman, it is my pleasure to yield my final minute to the gentleman from Florida [Mr. SMITH], a distinguished colleague on the Committee on the Judiciary and a dear friend of mine.

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding time to me, and I commend him for bringing this bill to the floor.

I hope that every Member, before voting for this bill, will really think about it. The shame of it is that this bill should not have been necessary if the President of the United States and the people who have been selected by him to run this country on a day-to-day basis, his management team, had really been square with the people of this country. We would not need this bill.

However, they kept insisting there was no recession. They kept insisting people were not out of work. They kept insisting, in the face of all the numbers, that more and more Americans were not losing their jobs. They insisted over and over, "It is not the truth. There is no recession."

When finally every organized group in this country said, "There is a recession and 9 million Americans are out of work," they said, "But it is OK, because we are coming out of the recession." This bill would not be necessary, and Americans would not be hurting. Families would not be separated with husbands having to go to Alaska or Florida from Michigan looking for work, so that they could support their wives and children, wives would not have to be working 40 hours a week out of the house like the husbands, children would not be starving because their benefits have already run out, because there would have been jobs.

This is the time to rectify the mistake made by the administration. We are the only ones who can do it. Before the Members vote no, as some of them indicated they would, please think twice. Our job is to make it better for those Americans.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Chairman, I rise to speak on behalf of 7,000 Missourians who lose their extended unemployment benefits each month—for 300,000 Americans who will lose their extended benefits this month—and for millions of others who look to this Government for leadership and action at a time of great economic distress.

This morning, a column by the Secretary of Labor in the Washington Post quarrels with the unemployment legislation we are considering in the House this afternoon.

Essentially, the Secretary argues this: The administration offered Congress a compromise; do it their way or lose the bill. If the Congress entertains some other idea on how to help the unemployed, the Secretary says, we are hurting the unemployed.

We are ignoring the will of the people. We are playing politics.

Mr. Chairman, this argument reminds me of the Byzantine world in which this administration lives—where ultimatums are compromises; where recessions are recoveries; where debate is undemocratic; where helping the unemployed means you are hurting them; where a recession caused by Reaganomics is cured by proposing more tax cuts for the rich.

It is as if reality and the administration are on separate ships passing each other in the night. It is as if the administration is more comfortable debating the politics of unemployment than in ending the suffering of the unemployed. It is as if they have forgotten why we are here, who we are supposed to help, and what we ought to do.

Nearly 10 million Americans are out of work. We are in a persistent recession. For the last 50 years, we have helped this country rise into recovery by empowering families to pay their bills while their breadwinners have looked for work.

It may be an old idea, but it is a good and effective one. This program is not welfare, it is insurance—for the families displaced by joblessness and for the businesses which count on those families to pay their bills. This is more than compassion, this is Economics 101.

We are in not just a recession, but a period of great economic upheaval as well. We seek to make the unemployment compensation program permanent and we want it to work.

We want benefits to be available for the defense workers who lose their jobs in the build-down, for the manufacturing workers who see their jobs move offshore, for all of the people who play by the rules and find themselves unable to help their families.

We want to end the uncertainties of the existing program for workers who qualify but suddenly lose their benefits for reasons beyond their own control.

Unemployment compensation is broken and it needs to be fixed. Only 4 of 10 long-term unemployed workers are receiving extended benefits, while vast numbers of good people who are looking for work are being cast aside.

We need not only emergency benefits but a long-term reform of the system. You can rap the opposition argument a thousand ways, but it all comes down to this.

Are you willing to join us in reforming unemployment and sustaining people victimized by the recession, or are you going to deny millions of people the lifeline?

Congressman ROSTENKOWSKI and Congressman DOWNEY have made their choice, and this legislation, driven by their leadership, provides their answer.

Now each Member of Congress must look to his own conscience and his own responsibilities and make his choice.

As you examine your conscience, remember these facts.

This recession is different. We are no longer talking about the hardcore unemployed, no longer talking about somebody else. Today, "them" is "us." Today, unemployment wears a blue collar and a white collar, unemployment lives next door, unemployment is our family, and helping the unemployed is our responsibility.

Let us take our responsibility seriously and enact this unemployment benefits legislation.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the amendment printed in House Report 102-549 is considered as adopted.

The text of H.R. 5260, as amended, is as follows:

H.R. 5260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unemployment Compensation Amendments of 1992".

TITLE I—EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

SEC. 101. EXTENSION OF PROGRAM.

(a) GENERAL RULE.—Subsection (f) of section 102 of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) is amended—

(1) by striking "July 4, 1992" in paragraphs (1)(B) and (2) and inserting "the termination date determined under paragraph (4)", and

(2) by adding at the end thereof the following new paragraph:

"(4) TERMINATION DATE.—

"(A) IN GENERAL.—The termination date determined under this paragraph is the earliest of the following:

"(i) April 1, 1993.

"(ii) The first day of the third month after the first month (after June 1992) for which the applicable unemployment rate is less than 6.5 percent.

"(iii) The first day of the first month (after June 1992) for which the applicable unemployment rate is less than 6 percent.

"(B) APPLICABLE UNEMPLOYMENT RATE.—For purposes of subparagraph (A), the applicable unemployment rate for any month is the average rate (seasonally adjusted) of total unemployment in all States for the period consisting of the most recent 3 calendar months for which such data are published before the beginning of such month."

(b) WEEKS OF BENEFITS AVAILABLE DURING EXTENSION.—

(1) IN GENERAL.—Subparagraph (A) of section 102(b)(2) of such Act is amended by striking clause (ii) and inserting the following:

"(ii) REDUCTION FOR WEEKS AFTER JUNE 13, 1992.—In the case of weeks beginning after June 13, 1992—

"(I) clause (i) of this subparagraph shall be applied by substituting '26' for '33', and by substituting '20' for '26', and

"(II) subparagraph (A) of paragraph (1) shall be applied by substituting '100 percent' for '130 percent'.

In the case of an individual who is receiving emergency unemployment compensation for a week which includes June 13, 1992, the preceding sentence shall not apply for purposes of determining the amount of emergency unemployment compensation payable to such individual for any week thereafter from the account from which he received such compensation for the week which includes such date.

"(iii) REDUCTION FOR WEEKS AFTER DECEMBER 31, 1992.—In the case of weeks beginning after December 31, 1992—

"(I) clause (ii) of this subparagraph shall not apply,

"(II) clause (i) of this subparagraph shall be applied by substituting '13' for '33', and by substituting '10' for '26', and

"(III) subparagraph (A) of paragraph (1) shall be applied by substituting '50 percent' for '130 percent'.

In the case of an individual who is receiving emergency unemployment compensation for a week which includes December 31, 1992, the preceding sentence shall not apply for purposes of determining the amount of emergency unemployment compensation payable to such individual for any week thereafter from the account from which he received such compensation for the week which includes such date."

(2) TRANSITIONAL RULE.—If this Act is not enacted on or before June 13, 1992, the amendment made by paragraph (1) shall apply to weeks beginning after the date of the enactment of this Act and the reference to June 13, 1992, in clause (ii) of section 102(b)(2)(A) of the Emergency Unemployment Compensation Act of 1991 (as amended by paragraph (1)) shall be treated as a reference to the date of the enactment of this Act.

(c) MODIFICATION TO FINAL PHASE-OUT.—Paragraph (2) of section 102(f) of such Act is amended to read as follows:

"(2) TRANSITION.—In the case of an individual who is receiving emergency unemployment compensation for a week which includes the termination date determined under paragraph (4), emergency unemployment compensation shall continue to be payable to such individual for any week thereafter from the account from which he received compensation for the week which includes such termination date. No compensation shall be payable by reason of the preceding sentence for any week beginning more than 3 months after the termination date determined under paragraph (4)."

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 106(a) of such Act is amended by striking "July 4, 1992" and inserting "the termination date determined under section 102(f)(4)".

(2) Subparagraph (B) of section 102(b)(2) of such Act is amended by striking "subparagraph (A)(ii)" and inserting "clauses (ii) and (iii) of subparagraph (A)".

SEC. 102. MODIFICATION TO ELIGIBILITY REQUIREMENTS.

(a) 20-Week Work Requirement Not To Apply.—Subsection (d) of section 101 of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) is amended by adding at the end thereof the following new sentence:

"Notwithstanding paragraph (2), the provisions of section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (relating to 20-week work requirement) shall not apply and the base period employment requirements otherwise applicable to regular compensation shall apply."

(b) Individual Not Ineligible by Reason of Subsequent Entitlement to Regular Benefits.— Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Certain Rights to Regular Compensation Disregarded.—If an individual exhausted his rights to regular compensation for any benefit year, such individual's eligibility to receive emergency unemployment compensation under this Act in respect of such benefit year shall be determined without regard to any rights to regular compensation for a subsequent benefit year if such individual does not file a claim for regular compensation for such subsequent benefit year."

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

(2) Transition rules.—

(A) Waiver of recovery of certain overpayments.—On and after the date of the enactment of this Act, no repayment of any emergency unemployment compensation shall be required under section 105 of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) if the individual would have been entitled to receive such compensation had the amendments made by subsections (a) and (b) applied to all weeks beginning on or before the date of the enactment of this Act.

(B) Waiver of rights to certain regular benefits.—If—

(i) before the date of the enactment of this Act, an individual exhausted his rights to regular compensation for any benefit year, and

(ii) after such exhaustion, such individual was not eligible to receive emergency unemployment compensation by reason of being entitled to regular compensation for a subsequent benefit year,

such individual may elect to defer his rights to regular compensation for such subsequent benefit year with respect to weeks beginning after such date of enactment until such individual has exhausted his rights to emergency unemployment compensation in respect of the benefit year referred to in clause (i), and such individual shall be entitled to receive emergency unemployment compensation for such weeks in the same manner as if he had not been entitled to the regular compensation to which the election applies.

SEC. 103. TECHNICAL MODIFICATION FOR REIMBURSABLE EMPLOYERS.

(a) General Rule.—Subsection (d) of section 104 of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) is amended by striking "as may be necessary" and inserting "as the Secretary estimates to be necessary".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 104. TREATMENT OF PERSIAN GULF CRISIS RESERVISTS.

If—

(1) an individual who was a member of a reserve component of the Armed Forces was called for active duty after August 2, 1990, and before March 1, 1991,

(2) such individual was receiving regular compensation, extended compensation, or a trade adjustment allowance for the week in which he was so called,

(3) such individual served on such active duty for at least 90 consecutive days, and

(4) such individual was entitled to regular compensation on the basis of his services on such active duty, but the weekly benefit amount was less than the benefit amount he received for the week referred to in paragraph (2),

such individual's weekly benefit amount under the Emergency Unemployment Compensation Act of 1991 for any week beginning after the date of the enactment of this Act shall be not less than the amount of the benefit amount he received for the week referred to in paragraph (2).

SEC. 105. TREATMENT OF RAILROAD WORKERS.

(a) Extension of Program.—

(1) In general.—Sections 501(b) (1) and (2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) are each amended by striking "July 4, 1992", and inserting "the termination date determined under section 102(f)(4)".

(2) Conforming amendments.—Section 501 of such Act is amended—

(A) in subsection (a), by striking "July 1992" and inserting "the last month ending before the termination date determined under section 102(f)(4)"; and

(B) in subsection (d)(2)—

(i) by striking "June 14, 1992" and inserting "January 1, 1993";

(ii) by striking "in a continuous period"; and

(iii) by striking "June 13, 1992" and inserting "December 31, 1992".

(b) Termination of Benefits.—Section 501(b)(2) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) is amended by adding at the end the following: "In the case of an individual who is receiving extended benefits by reason of this section on the termination date determined under section 102(f)(4), such benefits shall not continue to be payable to such individual after the date three months after such termination date."

TITLE II—MODIFICATIONS TO EXTENDED BENEFITS PROGRAM

SEC. 201. MODIFICATION OF TRIGGER PROVISIONS.

(a) General Rule.—

(1) Subsection (a) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) shall begin with the month after the first month for which there is a State 'on' indicator, and

"(2) shall end with month after the first month for which there is a State 'off' indicator."

(2) Subsection (d) of section 203 of such Act is amended to read as follows:

"State Indicators

"(d) For purposes of this section—

"(1) There is a State 'on' indicator for a month if—

"(A) the average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3 months for which data are published before the close of such month equals or exceeds 6 percent, and

"(B) the average rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in subparagraph (A) equals or exceeds 110 percent of such average rate for either (or both) of the corresponding 3-month periods ending in the 2 preceding calendar years.

"(2) There is a State 'off' indicator for a month if either the requirements of subparagraph (A) or (B) of paragraph (1) are not satisfied."

(b) Additional Weeks of Benefits Available During Periods of High Unemployment.—Subsection (b) of section 202 of such Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) Effective with respect to weeks beginning in a high unemployment period, paragraph (1) shall be applied by substituting—

"(i) '80 per centum' for '50 per centum' in subparagraph (A),

"(ii) 'twenty' for 'thirteen' in subparagraph (B), and

"(iii) 'forty-six' for 'thirty-nine' in subparagraph (C).

The preceding sentence shall also apply to weeks not beginning in a high unemployment period if any amount was previously payable from the account involved for a week beginning in a high unemployment period.

"(B) For purposes of subparagraph (A), the term 'high unemployment period' means any period during which an extended benefit period would be in effect if subparagraph (A) of section 203(d)(1) were applied by substituting '8 percent' for '6 percent'."

(c) Conforming Amendments.—

(1) Subsection (e) of section 203 of such Act is amended to read as follows:

"Rate of Total Unemployment

"(e) Determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary."

(2) Paragraph (2) of section 204(c) of such Act is amended by inserting ", forty-six in any case where section 202(b)(3)(A) applies" after "thirty-nine".

SEC. 202. REPEAL OF SPECIAL ELIGIBILITY REQUIREMENTS.

Subsection (a) of section 202 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by striking paragraphs (3), (4), (5), and (6).

SEC. 203. INCREASE IN AMOUNT OF FEDERAL REIMBURSEMENT.

Subsection (a) of section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by striking "one-half" and inserting "75 percent".

SEC. 204. EFFECTIVE DATE.

(a) General Rule.—The amendments made by this title shall take effect on October 1, 1993.

(b) Special Rule.—In the case of any State the legislature of which has not been in session for at least 30 calendar days (whether or not successive) between the date of the enactment of this Act and October 1, 1993, the amendments made by this title shall not be a requirement of the State law of such State before the date 30 calendar days after the first day on which such legislature is in session on or after October 1, 1993.

TITLE III—MODIFICATIONS TO FEDERAL UNEMPLOYMENT TAX

SEC. 301. MODIFICATIONS TO FEDERAL UNEMPLOYMENT TAX.

(a) GENERAL RULE.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of Federal unemployment tax) is amended to read as follows:

"SEC. 3301. RATE OF TAX.

"(a) GENERAL RULE.—There is hereby imposed on every employer (as defined in section 3306(a)) for each calendar year an excise tax, with respect to having individuals his employ, equal to the sum of—

"(1) 5.4 percent of the total wages (as defined in section 3306(b)) paid by him during the calendar year with respect to employment (as defined in section 3306(c)), and

"(2) 0.25 percent of the total Federal taxable wages paid by him during the calendar year with respect to employment (as so defined).

"(b) FEDERAL TAXABLE WAGES.—

"(1) IN GENERAL.—For purposes of subsection (a), the term 'Federal taxable wages' means wages as defined in section 3306(b), except that the average covered wage for the calendar year shall be substituted for '$7,000' each place it appears in paragraph (1) of section 3306(b).

"(2) AVERAGE COVERED WAGE.—For purposes of paragraph (1), the term 'average covered wage' means, with respect to any calendar year, the amount which the Secretary of Labor estimates will be the average annual wage in employment covered under State unemployment compensation laws for such calendar year. Such estimate shall be made before the beginning of the calendar year by the Secretary of Labor on the basis of the most recent available data.

"(c) TRANSITION RULE.—Paragraph (2) of subsection (a) shall be applied with respect to any calendar year after 1994 and before 1997 by substituting '0.3 percent' for '0.25 percent'."

(b) CONFORMING AMENDMENTS.—

(1) MODIFICATION TO CREDIT PROVISIONS.—

(A) Paragraph (1) of section 3302(c) of such Code is amended to read as follows:

"(1) No credit shall be allowed under this section against the tax imposed by section 3301(a)(2), and the total credits allowed to a taxpayer under this section shall not exceed 100 percent of the tax against which such credits are allowable."

(B) Subparagraph (A) of section 3302(c)(2) of such Code is amended—

(i) by striking "5 percent of the tax imposed by section 3301 with respect to the wages" in clause (i) and inserting "0.3 percent of the wages", and

(ii) by striking "an additional 5 percent, for each succeeding taxable year, of the tax imposed by section 3301 with respect to the wages" in clause (ii) and by inserting "an additional 0.3 percent, for each succeeding taxable year, of the wages".

(C) Paragraph (3) of section 3302(c) of such Code is amended by striking "7½ percent of the tax imposed with respect to the wages" and inserting "0.45 percent of the wages".

(D) Subsection (d) of section 3302 of such Code is amended by striking paragraph (1) and by redesignating the following paragraphs accordingly.

(2) INSTALLMENT PAYMENT PROVISIONS.—Subsection (b) of section 6157 of such Code is amended to read as follows:

"(b) COMPUTATION OF TAX.—The tax for any calendar quarter or other period referred to in paragraph (1) or (2) of subsection (a) shall be determined without regard to paragraph (1) of section 3301(a)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid after December 31, 1994.

SEC. 302. INFORMATION REQUIRED WITH RESPECT TO TAXATION OF UNEMPLOYMENT BENEFITS.

(a) GENERAL RULE.—Subsection (a) of section 3304 of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of paragraph (17),

(2) by redesignating paragraph (18) as paragraph (19), and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) the State agency shall provide to each individual filing a claim for compensation under the State law a written explanation of the Federal and State income taxation of unemployment benefits and of the requirements to make payments of estimated Federal and State income taxes; and".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on November 1, 1993.

(2) SPECIAL RULE.—In the case of any State the legislature of which has not been in session for at least 30 calendar days (whether or not successive) between the date of the enactment of this Act and November 1, 1993, the amendments made by subsection (a) shall take effect 30 calendar days after the 1st day on which such legislature is in session on or after November 1, 1993.

SEC. 303. MAILING OF CERTAIN INFORMATION PERMITTED.

(a) GENERAL RULE.—Section 302 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) No portion of the cost of mailing statements under section 6050B(b) of the Internal Revenue Code of 1986 (relating to unemployment compensation) shall be treated as not being a cost for the proper and efficient administration of the State unemployment compensation law by reason of including with such statement information about the earned income credit provided by section 32 of the Internal Revenue Code of 1986. The preceding sentence shall not apply if the inclusion of such information increases the postage required to mail such statement."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992.

SEC. 304. EXTENSION OF EXISTING TREATMENT OF CERTAIN AGRICULTURAL WORKERS.

(a) GENERAL RULE.—Subparagraph (B) of section 3306(c)(1) of the Internal Revenue Code of 1986 is amended by striking "January 1, 1993" and inserting "January 1, 1995".

(b) REPORT.—Not later than February 1, 1994, the Advisory Council on Unemployment Compensation shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on its recommendations with respect to the treatment of agricultural labor performed by aliens.

SEC. 305. EXTENSION OF PERIOD FOR REPAYMENT OF FEDERAL LOANS TO STATE UNEMPLOYMENT FUNDS.

(a) GENERAL RULE.—If the Secretary of Labor determines that a State meets the requirements of subsection (b), paragraph (2) of section 3302(c) of the Internal Revenue Code of 1986 shall be applied with respect to such State for taxable years after 1991—

(1) by substituting "third" for "second" in subparagraph (A)(i),

(2) by substituting "fourth or fifth" for "third or fourth" in subparagraph (B), and

(3) by substituting "sixth" for "fifth" in subparagraph (C).

(b) REQUIREMENTS.—A State meets the requirements of this subsection if, during calendar year 1992 or 1993, the State amended its unemployment compensation law to increase estimated contributions required under such law by at least 25 percent.

(c) SPECIAL RULE.—This section shall not apply to any taxable year after 1994 unless —

(1) such taxable year is in a series of consecutive taxable years as of the beginning of each of which there was a balance referred to in section 3302(c)(2) of such Code, and

(2) such series includes a taxable year beginning in 1992, 1993, or 1994.

TITLE IV—MODIFICATION TO REGULAR STATE UNEMPLOYMENT COMPENSATION PROGRAMS

SEC. 401. TREATMENT OF SHORT-TIME UNEMPLOYMENT COMPENSATION PROGRAMS.

(A) AUTHORIZATION OF PROGRAMS.—

(1) Paragraph (4) of section 3304(a) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (C), by inserting "and" at the end of subparagraph (D) and by adding at the end thereof the following new subparagraph:

"(E) amounts may be withdrawn for the payment of short-time compensation under a plan approved by the Secretary of Labor;"

(2) Subsection (f) of section 3306 of such Code is amended by striking "and" at the end of paragraph (2) by striking the period at the end of paragraph (3) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(4) amounts may be withdrawn for the payment of short-time compensation under a plan approved by the Secretary of Labor."

(3) Section 303(a)(5) of the Social Security Act is amended by inserting before "; and" the following ": *Provided further*, That amounts may be withdrawn for the payment of short-time compensation under a plan approved by the Secretary of Labor".

(b) ASSISTANCE IN IMPLEMENTING PROGRAMS.—In order to assist States in establishing and implementing short-time compensation programs—

(1) the Secretary of Labor (hereinafter in this section referred to as the "Secretary") shall develop model legislative language which may be used by States in developing and enacting short-time compensation programs and shall propose such revisions of such legislative language as may be appropriate, and

(2) the Secretary shall provide technical assistance and guidance in developing, enacting, and implementing such programs. The initial model legislative language referred to in paragraph (1) shall be developed not later than January 1, 1993.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than January 1, 1995, the Secretary shall submit to the Congress a report on the implementation of this section. Such report shall include an evaluation of short-time compensation programs and shall contain such recommendations as the Secretary may deem advisable.

(2) SUBSEQUENT REPORTS.—After the submission of the report under paragraph (1), the Secretary shall submit such additional reports on the implementation of short-time compensation programs as the Secretary deems appropriate.

(d) DEFINITIONS.—For purposes of this section—

(1) SHORT-TIME COMPENSATION PROGRAM.—The term "short-time compensation program" means a program under which—

(A) individuals whose workweeks have been reduced by at least 10 percent are eligible for unemployment compensation;

(B) the amount of unemployment compensation payable to any such individual is a pro rata portion of the unemployment compensation which would be payable to the individual if the individual were totally unemployed; and

(C) eligible employees are not required to meet the availability for work or work search test requirements while collecting short-time compensation benefits, but are required to be available for their normal workweek.

(2) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

SEC. 402. BENEFIT INFORMATION REQUIREMENTS.

(a) GENERAL RULE.—Subsection (a) of section 3304 of the Internal Revenue Code of 1986 (as amended by section 302) is amended—

(1) by striking "and" at the end of paragraph (18),

(2) by redesignating paragraph (19) as paragraph (20), and

(3) by inserting after paragraph (18) the following new paragraph:

"(19) each employer covered under such State law shall—

"(A) post and maintain at places readily accessible to employees such printed statements regarding benefit rights and other matters as may be prescribed by the State agency, and

"(B) furnish to each employee whose employment relationship with the employer is terminated such written statements regarding claims for compensation as may be provided by the State agency; and".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on November 1, 1993.

(2) SPECIAL RULE.—In the case of any State the legislature of which has not been in session for at least 30 calendar days (whether or not successive) between the date of the enactment of this Act and November 1, 1993, the amendments made by subsection (a) shall take effect 30 calendar days after the 1st day on which such legislature is in session on or after November 1, 1993.

TITLE V—FINANCING PROVISIONS

SEC. 501. EXTENSION OF PHASEOUT OF PERSONAL EXEMPTIONS.

Subparagraph (E) of section 151(d)(3) of the Internal Revenue Code of 1986 (relating to termination of phaseout) is amended by striking "December 31, 1995" and inserting "December 31, 1997".

SEC. 502. DISALLOWANCE OF DEDUCTION FOR CERTAIN EMPLOYEE REMUNERATION IN EXCESS OF $1,000,000.

(a) GENERAL RULE.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) CERTAIN EXCESSIVE EMPLOYEE REMUNERATION.—

"(1) IN GENERAL.—No deduction shall be allowed under this chapter for employee remuneration with respect to any covered employee to the extent that the amount of such remuneration for the taxable year with respect to such employee exceeds $1,000,000.

"(2) COVERED EMPLOYEE.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'covered employee' means any employee of the taxpayer who is an officer of the taxpayer.

"(B) EXCEPTION FOR EMPLOYEE-OWNERS OF PERSONAL SERVICE CORPORATIONS.—The term 'covered employee' shall not include any employee-owner (as defined in section 269A(b)) of a personal service corporation (as defined in section 269A(b)).

"(C) FORMER EMPLOYEES.—The term 'covered employee' includes any former employee who had been a covered employee at any time while performing services for the taxpayer.

"(3) EMPLOYEE REMUNERATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'employee remuneration' means, with respect to any covered employee for any taxable year, the aggregate amount allowable as a deduction under this chapter for such taxable year (determined without regard to this subsection) for remuneration for services performed by such employee (whether or not during the taxable year).

"(B) REMUNERATION.—For purposes of subparagraph (A), the term 'remuneration' includes any remuneration (including benefits) in any medium other than cash, but shall not include—

"(i) any payment referred to in so much of section 3121(a)(5) as precedes subparagraph (E) thereof,

"(ii) amounts referred to in section 3121(a)(19), and

"(iii) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from gross income under section 132.

"(4) TREATMENT OF CERTAIN EMPLOYERS.—

"(A) IN GENERAL.—All employers treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (n) of section 414 shall be treated as a single employer for purposes of this subsection.

"(B) CLARIFICATION OF OFFICER DEFINITION.—Any officer of any of the employers treated as a single employer under subparagraph (A) shall be treated as an officer of such single employer."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning on or after January 1, 1992.

(2) WAIVER OF ESTIMATED TAX PROVISIONS.—No addition to tax shall be made under section 6655 of the Internal Revenue Code of 1986 with respect to any underpayment for a taxable year beginning before the date of the enactment of this Act to the extent such underpayment was created or increased by the amendment made by subsection (a).

SEC. 503. TRANSFER OF INCOME TAXES ON UNEMPLOYMENT BENEFITS TO UNEMPLOYMENT TRUST FUND.

(a) GENERAL RULE.—Paragraph (1) of section 901(b) of the Social Security Act is amended by striking "an amount equal to" and all that follows through the period at the end thereof and inserting the following: "an amount equal to—

"(A) 100 percent of the tax (including interest, penalties, and additions to the tax) received during the fiscal year under the Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.) and covered into the Treasury, plus

"(B) the aggregate increase in tax liabilities under chapter 1 of the Internal Revenue Code of 1986 which is attributable to the application of section 85 of such Code (relating to taxation of unemployment compensation)."

(b) TRANSFERS BASED ON ESTIMATES OF BENEFIT PAYMENTS.—The 2d sentence of section 901(b)(2) of such Act is amended by inserting before the period at the end thereof the following: "(or, in the case of amounts referred to in paragraph (1)(B), of the amount of unemployment compensation paid during the month)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act.

(2) TRANSITION RULE.—Not later than September 30, 1992, the Secretary of the Treasury shall transfer from the general fund of the Treasury to the Unemployment Trust Fund for credit to extended unemployment compensation account an amount equal to the aggregate amount which would have been appropriated to the Unemployment Trust Fund for months beginning on or before the date of the enactment of this Act if the amendments made by this section had been in effect for all months after December 31, 1990.

SEC. 504. MODIFICATIONS TO FEDERAL UNEMPLOYMENT ACCOUNTS.

(a) MODIFICATIONS TO EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.—

(1) TRANSFERS TO ACCOUNT.—Paragraph (1) of section 905(b) of the Social Security Act is amended to read as follows—

"(b)(1) Except as provided in paragraph (3), the Secretary of the Treasury shall transfer (as of the close of each month), from the employment security administration account to the extended unemployment compensation account established by subsection (a), an amount determined by him to be equal to the sum of—

"(A) 100 percent of the transfers to the employment security administration account pursuant to section 901(b)(2) during such month on account of liabilities referred to in section 901(b)(1)(B), plus

"(B) 20 percent of the excess of the transfers to such account pursuant to section 901(b)(2) during such month on account of amounts referred to in section 901(b)(1)(A) over the payments during such month from the employment security administration account pursuant to section 901 (b)(3) and (d).

If for any such month the payments referred to in subparagraph (B) exceed the transfers referred to in subparagraph (B), proper adjustments shall be made in the amounts subsequently transferred."

(2) INCREASE IN CEILING.—Subparagraph (B) of section 905(b)(2) of such Act is amended by striking "three-eighths of 1 percent" and inserting "0.625 percent".

(b) REDUCTION OF CEILING ON FEDERAL UNEMPLOYMENT ACCOUNT.—Paragraph (2) of section 902(a) of such Act is amended by striking "five-eighths of 1 percent" and inserting "0.125 percent".

(c) BORROWING BETWEEN FEDERAL ACCOUNTS.—Title IX of such Act is amended by adding at the end the following new section:

"BORROWING BETWEEN FEDERAL ACCOUNTS

"SEC. 910. (a) IN GENERAL.—Whenever the Secretary of the Treasury (after consultation with the Secretary of Labor) determines that—

"(1) the amount in the employment security administration account, Federal unemployment account, or extended unemployment compensation account, is insufficient to meet the anticipated payments from the account during the next 3 months,

"(2) such insufficiency may cause such account to borrow from the general fund of the Treasury, and

"(3) the amount in any other such account exceeds the amount necessary to meet the anticipated payments from such other account during the next 3 months, the Secretary shall transfer to the account referred to in paragraph (1) from the account referred to paragraph (3) an amount equal to the insufficiency determined under paragraph (1) (or, if less, the excess determined under paragraph (3)).

"(b) TREATMENT OF ADVANCE.—Any amount transferred under subsection (a)—

"(1) shall be treated as a noninterest-bearing repayable advance, and

"(2) shall not be considered in computing the amount in any account for purposes of the application of sections 901(f)(2), 902(c), and 905(b).

"(c) REPAYMENT.—Whenever the Secretary of the Treasury (after consultation with the Secretary of Labor) determines that the amount in the account to which an advance is made under subsection (a) exceeds the amount necessary to meet the anticipated payments from the account during the next 3 months, the Secretary shall transfer from the account to the account from which the advance was made an amount equal to the lesser of the amount so advanced or such excess."

(d) REPEAL OF EXPIRED PROVISIONS.—

(1) Paragraph (2) of section 901(f) of such Act is amended—

(A) by striking "(A) Except as provided in subparagraph (B), the" and inserting "The", and

(B) by striking subparagraph (B).

(2) Section 901 of such Act is amended by striking subsection (g).

(3) Subsection (g) of section 904 is amended by striking all of such subsection that follows the 1st sentence.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) CHANGES IN CEILING AMOUNTS.—The amendments made by subsection (a)(2) and (b) shall apply to fiscal years beginning after September 30, 1993.

SEC. 505. REQUIREMENT OF DEPOSITS BY FEDERAL AGENCIES FOR UNEMPLOYMENT BENEFITS.

(a) GENERAL RULE.—Subsection (c) of section 8509 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) If any Federal agency does not deposit in the Federal Employees Compensation Account any amount before the date 30 days after the date on which the Secretary of Labor has notified such agency that it is required to so deposit such amount, the Secretary of Labor shall notify the Secretary of the Treasury of the failure to make such deposit and the Secretary of the Treasury shall transfer such amount to the Federal Employees Compensation Account from amounts otherwise appropriated to such Federal agency."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to failures outstanding on the date of the enactment of this Act or at any time thereafter.

SEC. 506. REPORT ON ALLOCATION OF ADMINISTRATIVE FUNDS.

Subsection (a) of section 304 of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) is amended by striking "within the 12-month period beginning on the date of the enactment of this Act" and inserting "before December 31, 1994".

TITLE VI—BUDGETARY TREATMENT

SEC. 601. TREATMENT UNDER PAY-AS-YOU-GO PROCEDURES.

Any amount of new budget authority, outlays, or receipts resulting from the provisions of (and amendments made by) this Act shall not be considered for any purpose under the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 602. EXEMPTION FROM SEQUESTRATION.

Payments of emergency unemployment compensation under the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended) shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1992 or any fiscal year thereafter.

Mr. COYNE. Mr. Chairman, the President's hopes for a strong economic recovery in time for the November election were given a jolt last week with the news that unemployment rose in May to 7.5 percent from the April rate of 7.2. There are 9½ million unemployed Americans who share the President's hopes for an economic recovery, but their motivation is more basic. They have families to feed and bills to pay.

Unemployed Americans want to work, but a weak U.S. economy offers too few out of work men and women a decent chance for employment. This is certainly true in Pennsylvania where unemployment stands at 7.8 percent. There are over 464,000 Pennsylvanians who are looking for work, but must continue to rely on unemployment compensation benefits to provide a modest level of economic security for their families.

Of course, U.S. workers have a right to expect a helping hand from their Government through the operation of the Federal unemployment compensation system. This is no Federal giveaway program. It is a Federal unemployment insurance program that workers and employers pay for out of their own pockets.

There are over 1.7 million Americans who have exhausted the basic 26 weeks of unemployment benefits. These unemployed workers will be left without any financial support when the temporary extension of emergency unemployment compensation benefits expires on July 4, 1992.

It is vital that the House acts once and for all to establish a fair and effective means of responding to the needs of the long-term unemployed. The House Ways and Means Committee has reported a bill which does this through a permanent reform of the unemployment compensation system. In addition to a temporary extension of the emergency unemployment compensation program, the committee bill protects workers and families in States hit hardest by economic downturns. This legislation provides a mechanism that automatically provides extended benefits whenever a state hits a certain level of unemployment.

Temporary extension of the emergency unemployment compensation program would provide unemployed workers with either 20 or 26 weeks of extended benefits after June 13, 1992. States with total unemployment rates of 9 percent, or adjusted insured unemployment rates of at least 5 percent, would be eligible to pay 26 weeks of extended benefits. All other States would be eligible to pay 20 weeks of extended benefits. State eligibility standards would be used to determine which workers qualify for extended benefits, and workers previously disqualified under more restrictive Federal eligibility standards could reapply after the date of enactment. This temporary program would be phased out beginning in January 1993, or once the national unemployment rate has fallen below 6.5 percent.

The Ways and Means Committee bill provides permanent reform by replacing the currently ineffective triggering mechanism that regulates the provision of extended benefits. The committee bill provides that the availability of extended benefits would be based upon the total unemployment rate in an individual State, instead of using the insured unemployment rate, as under current law. This reform would address the significant flaw in current law which has not accurately reflected the overall economic distress experienced in many States. In addition, the Federal share of financing for extended benefits would be increased from 50 to 75 percent.

Unemployed workers should not have to depend on the good will of current or future administrations for their unemployment compensation benefits. The Ways and Means Committee bill would provide automatically 13 or 20 weeks of extended benefits after regular State unemployment benefits run out, depending on the State's total seasonally adjusted unemployment rate. During an economic downturn in which unemployment rates were at least 10 percent higher than the rate in either of the prior 2 years, a State with a total unemployment rate of at least 6 percent would be eligible to pay 13 weeks of extended benefits and a State with at least 8 percent total unemployment would be eligible to pay 20 weeks of extended benefits.

The Ways and Means Committee attempts to provide an incentive for businesses to help move individuals off the unemployment rolls. The committee bill encourages businessmen and women to hire new employees by phasing in a reduction in the Federal unemployment tax. This tax will be reduced from the current 0.8-percent level to 0.25 in 1997. This reduction is paid for through an expansion of the unemployment tax wage base to cover higher income workers. The overall package is also funded through limiting tax deductions for executive salaries in excess of $1 million and improved collection of estimated taxes. The total reform package will meet the needs of American workers and still be sufficient to reduce the deficit by $249 million over 6 years.

The Ways and Means Committee has reported a strong bill that responds to the frustration of American workers over the repeated delays in approving extended unemployment benefits. American workers have a right to be angry about the continued political games being played with their unemployment compensation protection. They are justified in demanding that Congress and the Bush administration not repeat the endless series of debates on this issue which took place last year.

For over 4 months last year, the Bush administration stonewalled efforts to provide relief for millions of unemployed Americans who had exhausted their unemployment benefits. Congress passed unemployment compensation bills on three separate occasions last year to provide relief for the Americans who have exhausted their unemployment benefits. Over 3 million unemployed Americans went without any benefits because the administration vetoed or refused to implement the first two reform bills. These Americans finally received some help because Members of the House and Senate refused to let this issue die. The President signed the third unemployment compensation reform bill passed by Congress on November 14, 1991. A second extension of unemployment benefits, expiring on July 4, 1991, was required early this year when administration predictions of economic recovery were not fulfilled.

Mr. Chairman, I urge my colleagues to support this permanent reform of the unemployment compensation system. Congress and the Bush administration should correct the flaws in the current unemployment compensation system and then move on to address the other pressing national concerns of U.S. citizens. American workers deserve nothing less.

Mr. BONIOR. Mr. Chairman, last Friday the administration announced the highest unemployment rate in 8 years: 7.5 percent. In my home State of Michigan, the jobless rate is 8.6 percent and in many of the communities I represent, unemployment is well into double digits. St. Clair County—10.2 percent; Port Huron—14.6 percent; Roseville—12.6 percent.

Over 9 million Americans are out of work.

Today, we are considering passage of a bill that would provide help to Americans looking for work—people who are unemployed through no fault of their own.

The President and the Republicans are opposed to this bill.

Once again they are trying to delay help to people—and deny that our economy has a problem.

Last year, the President rejected our first plan, vetoed the second, and only when public opinion turned so massively against him did he leap aboard, trying to claim credit, like the conductor on a caboose.

Will this time be any different?

Of course not.

We saw why last week, when the President came up with a new explanation for why he is doing so badly in the polls.

He said the American people are out of touch—there is a lag in their recognition of how the economy's recovering.

It is not the people who are out of touch.

It is the administration.

And it is not just last week's unemployment figures that show us how out of touch the President is.

Last week's announcement by the Labor Department confirmed the report that they massively uncounted how many Americans lost jobs.

"Undercounted."

Not by 10 percent. Not by 20 percent.

By 32 percent. They missed 600,000 workers.

No wonder this administration thinks the recession is no big deal.

No wonder the Secretary of the Treasury said last week we have "good, solid growth."

There is one other component of our bill that bothers the administration. It has to do with corporations who award huge salaries to their CEO's, then take a tax deduction on them.

We close that loophole—and use the money to help people looking for work.

The White House does not like that.

The last unemployment bill got held up for months because they were trying to pass a tax break for the wealthy.

Now they are up to the same old tricks.

We want to help those looking for work.

They want to help those who sent out the pink slips.

That is why the Republicans delayed this bill, tried to water it down, and are now threatening a veto—all to protect corporate executives and the country club set.

The President's veto threat is cold, callous, and out of touch.

Republicans have no trouble remembering some things—tax breaks for the wealthy, defense subsidies for the Japanese, billions in aid to Russia.

But when it comes to Americans desperate for a job, they suddenly develop amnesia—if they ever remembered them at all.

If the administration had as many solutions as it has excuses, maybe they could have done something to help people—like those in Macomb and St. Clair Counties—people who have been hurt so much by this recession. But the administration is out of touch. And the American people are out of patience.

We will pass an unemployment benefits bill today.

We will fight to get Republicans to remember working people not just on the day unemployment statistics come out, or the day we pass an unemployment bill, but every day.

Mr. PANETTA. Mr. Chairman, today we are undertaking action to extend assistance to our Nation's workers still caught in the seemingly endless recession and, at the same time, to correct glaring inequities in the current unemployment system. I strongly supported the previous actions extending emergency unemployment assistance over the resistance of the administration. The extensions have been imperative to keep many struggling families from ruin. Despite these essential actions, however, the current system for extended benefits is still unavailable to those most in need—America's seasonal workers.

Perhaps no group of workers has realized the pain of the recession to a greater degree than our Nation's seasonal employees. These workers are partially employed during the year, primarily in agriculture and construction industries. Only one program prevents their financial destruction, their State's unemployment insurance program. Once these benefits expire, seasonal workers are unable to obtain Federal assistance.

The current unemployment system adversely affects workers who may meet the criteria for State unemployment benefits, but do not qualify for Federal extended benefits. This fact is painfully clear to workers at unstable, closing or closed plants, such as the division of Tri Valley Growers in Hollister, CA. This plant has employed about 80 year-round employees and close to 700 seasonal workers and is set to close its doors in the coming month. The individuals at Tri Valley Growers, and many more like them, now face economic trauma.

The Federal-State Extended Benefits Act has been interpreted by the Department of Labor to require the States to choose only one wage index in determining extended benefits eligibility. Because of the nature of their work, seasonal workers often do not qualify under California's wage index. In effect, these workers are left with no safety net protection under the current system.

In my district, over the past 2 years, 9 out of 15 food processing plants have closed in the Salinas Valley area. Of those closed plants that have not moved to Mexico, several have been unable to provide for the relocation of workers. The Hollister community lies in San Benito County, which currently reels from 22.9-percent unemployment. Indeed, seasonal workers in this area were already facing stiff odds finding available work during times of economic buoyancy. Residents of Hollister now must come to terms with one less major employer and one less means of supporting their families.

I believe it is vital to provide for these workers who have had no control over their current fate. Therefore, I am pleased that my colleagues in the Committee on Ways and Means have retained provisions in H.R. 5260 to correct the current inequity in the Federal-State Extended Benefits Program. This correction will allow States to utilize their regular unemployment compensation formula in determining extended benefits. Like many of the employees at Tri Valley Growers, residents in rural areas with high concentrations of seasonal agricultural workers will benefit greatly from the changes in the Federal-extended system.

I urge my colleagues to vote in favor of the bill as reported by the Committee on Ways and Means to correct this debilitating flaw in the current extended-benefits system. We must act to assist all workers who, at no fault of their own, remain unemployed. This action will account for seasonal workers wrongly excluded from the current program.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 5260, the Unemployment Compensation Extension and Reform Act. This bill will help lighten the burden for millions of American workers who are still unable to find jobs in the midst of this recession.

H.R. 5260 represents Congress' fifth attempt to extend emergency unemployment benefits to out-of-work Americans. The president blocked our first two attempts but, last fall, we were finally successful in passing a bill that provided an additional 13 or 20 weeks of unemployment compensation benefits to more than 1 million unemployed Americans who had exhausted their benefits since the beginning of the year. Then, in January, we again extended these benefits by another 13 weeks, providing a total of 33 weeks of extended benefits to high unemployment States—like California—and 26 weeks of benefits in other States.

These benefits that are currently in effect are scheduled to expire on July 4, with 9.5 million American workers looking for, but unable to find, jobs; 6½ million Americans are working part-time when they want full-time work; and the long-term unemployed—people out of a job 15 weeks or more—number 3.4 million, the highest level since 1983.

The Labor Department had anticipated no change from the 7.2 percent April unemployment figures. But the May unemployment rate jumped to 7.5 percent—the highest level in almost 8 years. The Congressional Budget Office projects only a modest recovery during the rest of this year, and expects the unemployment rate to continue to linger above 6 per cent over the next year and a half.

California's unemployment rate—floating just above 8 per cent for the last few months—

jumped back up to 8.7 percent in May. Yet, only last week, the president said once more that things are getting better—that it just takes time. But, with so many people out of work, how can anyone think our economy is anything close to healthy?

American workers desperately need the help that H.R. 5260 will give them. if H.R. 5260 becomes law, about 1.5 million eligible workers—over 4,000 of them in California—will get up to another 26 weeks of much-needed unemployment benefits.

But, not only will H.R. 5260 extend the current emergency program, it will also make permanent improvements in the entire extended benefits system. H.R. 5260 will reform the whole process so that we do not have to go through this exercise each time American workers need help. If H.R. 5260 passes, it will be harder for future presidents to ignore the needs of thousands of American workers by blocking their extended benefits during economic downturns.

H.R. 5260 will reduce the deficit by $249 million over the next 5 years. It will be paid for primarily by extending collections from high-income taxpayers, and by limiting certain corporate tax deductions.

By supporting H.R. 5260, we will once again do the right thing for millions of Americans. American workers need these benefits to help them with their basic, everyday expenses as they attempt to climb their way out of this recession. I urge my colleagues on both sides of the aisle to support passage of H.R. 5260—aid to American workers and their families.

Mr. KILDEE. Mr. Chairman, I rise today in strong support of H.R. 5260, the Unemployment Compensation Amendments of 1992.

I have always believed that the role of government is to protect, promote, and enhance human dignity. Unfortunately, many in this country, at one time or another, have found themselves out of a job and in need of unemployment benefits.

There is a human face to this crisis. There are families who have been forced onto the street for lack of jobs and assistance. This is a matter of urgency which we must address today. We must stand up and support working Americans throughout the country and vote for this legislation.

I am amazed when I hear people proclaim that the recession is over and the economy is rebounding. They argue that we don't need to spend money to help the jobless because the economy is mending itself.

Maybe our economy is on the mend—I pray, in fact, that it is.

But right now, there are nearly 9 million Americans without jobs. In my home State of Michigan, nearly 425,000 workers are unemployed and in need of the relief that this legislation would provide.

The President stated today that this bill is incompatible with long-term economic growth and fiscal responsibility. This is yet another example of just how out of touch George Bush is with the needs and concerns of working Americans.

Mr. Chairman, I commend this Congress for trying so hard to help those who have suffered so badly in this recession, and I urge President Bush to join us in this effort.

Mr. DINGELL. Mr. Chairman, I rise in strong support of H.R. 5260, a bill that will provide additional unemployment benefits to millions of American workers and their families during this recession. One need look no further than the unemployment statistics released last week by the Department of Labor to understand the importance and necessity of this legislation. I commend my colleagues, Mr. ROSTENKOWSKI, the distinguished chairman of the Committee on Ways and Means, and Mr. CONYERS, the distinguished chairman of the Committee on Government Operations, for their leadership in this area. I also commend Mr. DOWNEY and other Members who have worked so diligently—in the face of continued White House opposition—to bring this measure to the floor.

I note that the rule includes an amendment to the bill that will extend unemployment benefits to railroad workers in a comparable manner as other workers are treated in the bill. This provision falls within the jurisdiction of the Committee on Energy and Commerce. I particularly wish to applaud Mr. SWIFT, the chairman of the Subcommittee on Transportation and Hazardous Materials, for his assiduous efforts and distinct leadership in bringing this rail legislation to fruition. I also commend Mr. WILLIAMS, the gentleman from Montana, for his efforts to support Chairman SWIFT and our committee. They have been extremely diligent and persistent during the past year to ensure that unemployed railroad workers and their families will be treated in the same manner as other unemployed workers.

I support the bill and urge my colleagues to join me in voting for this needed legislation.

Mr. GREEN of New York. Mr. Chairman, I rise to express my support for H.R. 5260, the Unemployment Compensation Extension and Reform Act. I am happy to see that Congress is finally moving to reform the unemployment insurance compensation system, which is broken and has been unable to assist the long-term unemployed in these tough economic times.

It was almost a year ago that I participated in a Budget Committee task force hearing in Manhattan at which employment and social insurance experts testified that there has been a significant and long-term erosion in the unemployment insurance compensation system. What I heard at the hearing compelled me to testify before the House Rules Committee last July in support of legislation that would reform the unemployment insurance system.

Until today, Congress has largely ignored the need for reforming the unemployment insurance program and instead has acted on two occasions to extend unemployment benefits temporarily. Today's reform initiative will automatically restore benefits to our Nation's long-term unemployed without the need for congressional intervention every couple of months.

Throughout the 1980's a tremendous disparity emerged between the percentage of insured unemployment as compared with total unemployment. According to the Ways and Means Committee 1992 Green Book on entitlements programs, in 1975, the percentage of insured unemployment as a percent of total unemployment was 76 percent. In sharp contrast, 1990 marked the seventh straight year that unemployment insurance coverage dropped below 40 percent nationally. In October 1991, while the economy was still in recession, coverage dropped to 34 percent.

The Ways and Means Committee Green Book goes on to note that since 1979, the ratio of unemployment compensation recipients to job losers fell considerably, and that the decline cannot be attributed to any single factor. Citing a 1988 U.S. Department of Labor study, the Green Book highlights the gap in coverage and attributes it to the following factors: A decline in the proportion of unemployed from manufacturing industries; geographic shifts in composition of the unemployed among regions of the country; and changes in Federal and State program characteristics. While H.R. 5260 fails to address those factors, I hope that the Ways and Means Committee will give them every consideration in the future.

Since the current extended benefits program is activated by a State's insured unemployment rate as opposed to a State's total unemployment rate, millions of long-term unemployed individuals are being denied their extended benefits under the current formula. In addition to providing 20 or 26 weeks of extended benefits for unemployed individuals who have exhausted their entitlement, the legislation will reform the broken unemployment insurance system. Beginning on October 1, 1993, extended benefits would automatically be triggered based on a State's total unemployment rate as opposed to a State's insured unemployment rate, which is always statistically lower. These changes will make it easier for our Nation's long-term unemployed to collect extended benefits during tough economic times.

While the $6 billion cost of the reform bill is offset through certain tax extensions and a limit to the $1 million deduction a corporation can take for compensating its officers, I am concerned that the legislation is not revenue neutral on an annual fiscal year basis. However, I remain hopeful that this problem can be addressed in conference. Most importantly, since the proposal is revenue neutral in the long-term it will not trigger a sequester of other vital domestic programs.

I encourage my colleagues to support this unemployment reform initiative. The need for extended benefits is clear. Despite mixed economic news, the national unemployment rate increased to 7.5 percent in May and it remains well above the national average in New York City. In addition, data from past recessions reveals that long-term unemployment is likely to continue to climb during the early periods of economic recovery. Moreover, reform is long overdue. The benefits of jobless Americans should not be held hostage by a system that is broken—not to mention party politics and Congress.

Mr. SCHEUER. Mr. Chairman, I rise in strong support of the legislation before us today, H.R. 5260. It is a measure that will continue to ease the plight facing millions of our Nation's unemployed citizens and will effect long-needed reform of our unemployment compensation program.

Three times last year, and once already this year, this Congress—alarmed by the severity and duration of the current recession—passed legislation to extend unemployment benefits for long-term unemployed workers.

At first, President Bush blocked our bid to aid the unemployed because he did not consider their plight enough of an emergency. Then, the President relented and admitted that, yes, there was a recession underway.

Now, despite the optimistic claims of some, recent reports indicate that the recession continues and unemployment has reached 7.5 percent nationwide—an 8-year high. Clearly, Mr. Chairman, the much anticipated recovery has not yet come, and people are hurting all over.

The current program to extend unemployment benefits will expire on July 4. If we do not act, many unemployed workers who exhaust their regular State benefits before June 13, will not be eligible for extended benefits.

H.R. 5260 will extend unemployment benefits to these workers, ensuring that they can survive for a little while longer, hopefully until the recession finally diminishes and they can find work.

H.R. 5260 would also change the permanent Extended Benefits Program so that the number of weeks of State benefits would depend on the total unemployment rate in the State, not the insured unemployment rate as under current law.

This particular reform is much needed, because relying on the insured rate has prevented numerous States from qualifying for Federal help in providing extended benefits.

Some might ask why we should provide extended benefits to unemployed workers who have exhausted their first 26 weeks of assistance. The answer is simple. In a recession, it becomes harder to find work. Around our Nation, the rate of unemployment has reached 7.5 percent; in New York State it is nearly 8 percent; and in New York City—which I represent—it has risen to a staggering 10.5 percent.

Mr. Chairman, by passing this legislation, we acknowledge that times are hard, that finding work is difficult, and that many Americans, through no fault of theirs desperately need our continued help. I am hopeful that the President will sign this bill promptly so that we can get benefits to the people who need them the most before their current benefits run out on July 4.

Mr. SYNAR. Mr. Chairman, today I voted to approve H.R. 5260, the Unemployment Compensation Amendments of 1992. The continuing recession and the recently released unemployment figures point to the need not only for this legislation but for a comprehensive package to create jobs and get people back to work.

In times of recession, particularly when the recession has been so extended, it is essential that our Government respond and do so in a manner that actually helps our citizens. Our ability to provide for such assistance must remain flexible and not be artificially constrained. While I am a firm supporter of pay-as-you-go budgeting, I also recognize that it must be accommodating of situations such as we face today with rising unemployment. The Federal Government has an absolute responsibility to be able to react in moments of crisis.

This legislation carefully addresses the problem and waives pay-as-you-go for particular fiscal years. This does not mean, however, that the program is not ultimately self-sufficient. Given the deepening fiscal crisis, the modifications and changes to the programs and the means to pay for the legislation are phased in over a period of time.

The legislation will make important changes in the permanent extended benefits program to make it easier in the future for such benefits to become available during periods of high unemployment. In addition, the bill modifies the Federal unemployment tax on employers so that those smaller businesses with less high paid employees will not have to pay as high a rate of unemployment tax. This legislation will benefit not only those who find themselves in the grip of extended unemployment but also makes financing of their benefits more reasonable to those businesses who finance unemployment compensation.

I am pleased that Congress has moved toward this more equitable unemployment and tax policy for the United States with this legislation. The legislation should be an impetus to address domestic problems in the budget debate.

Mr. WEISS. Mr. Speaker, I rise in support of H.R. 5260, legislation which will provide a needed extension of unemployment benefits and reform the permanent extended benefits program.

When we first discussed providing extended unemployment benefits last summer, the national unemployment rate was at a 5-year high. The legislation we considered at that time cleared both the House and Senate, but died because the President refused to recognize the severity of the problem. His veto was cynically couched by arguments that the country was due to come out of the recession at any moment. Finally, after 4 months of negative polls and another veto the President allowed a package of extended benefits to go into effect, providing assistance to some of the more than 8 million workers who had lost their jobs.

The recession not only did not end, but it gave no indication of easing up in the near future, and it became necessary to pass another extension when Congress reconvened in January. Now, as we approach the summer, the President and his people are talking recovery again. This time there are some signs that the recession may finally be giving way to recovery. However, most economists agree that if the recovery does develop, it will be a weak one, a fact reinforced by the recent increase in the unemployment rate to 7.5 percent. There will be no sudden economic boom, no dramatic increase in employment, and joblessness is likely to remain high well into next year. Of course, even this limited recovery is far from guaranteed.

Mr. Chairman, with the highest national unemployment rate in 8 years there are more than 9.5 million Americans out of work. There are also regions of the country that are suffering significantly more than is indicated by the national figures. My own State of New York has an unemployment rate of 7.9 percent, and my home of New York City is suffering considerably more. To help these workers, and to help whatever recovery there may be, we must pass this package of extended benefits.

This legislation provides needed benefits to the many Americans who have lost their jobs, not because of any fault of their own, but because they have been betrayed by the Nation's longest and most severe economic recession since the Great Depression. Today, we have the opportunity to assist these people who desire nothing more than to return to their former productive positions in the U.S. economy.

We are also presented with the opportunity to make some improvements to the extended benefits system. Language in this bill will make the entire extended benefits program fairer and more responsive to the needs of Americans. H.R. 5260 will make the mechanism for triggering extended benefits a more accurate indicator of real economic conditions. Currently, extended benefits are implemented based on the insured unemployment rate; in recent years this has become a poorer and poorer indicator of the true unemployment rate. This legislation corrects that problem by shifting the triggering mechanism to the total unemployment rate. Furthermore, it provides a more sensible way of implementing the unemployment tax. It lowers the rate at which salaries are taxed while raising the amount on which taxes are paid. This would decrease the taxes paid on low-wage employees while raising it on high-income workers.

The President has indicated that he may veto this legislation. I fervently hope that he does not do so. The extended benefits included in this bill are the only assistance he can offer unemployed Americans. The recovery that he has been promising has not come in any real way, and when it does arrive it will be too late for these millions of unemployed Americans.

This is good and fair legislation. I urge my colleagues to support an extension of unemployment benefits and vote for H.R. 5260.

Mr. KOSTMAYER. Mr. Chairman, I rise in strong support of H.R. 5260, the Unemployment Compensation Amendments of 1992, which will extend unemployment benefits for millions of jobless Americans who have fallen victim to the ongoing recession.

Almost 2 years ago, the U.S. economy began its descent into what has become the longest economic downturn since the Great Depression of the 1930's. Recent economic signs that the recession may be easing mean little to the millions of jobless workers who remain unable to find work. Just last Friday, the Department of Labor announced that 9.5 million Americans remain officially unemployed. The national unemployment rate has reached 7.5 percent, the highest level in nearly 8 years. Keep in mind that this figure does not include the 1.1 million discouraged workers who have abandoned the job hunt because they feel it is hopeless, nor does it include the 6.5 million people who hold part-time jobs because they can't find full-time work. Overall, Mr. Chairman, over 17 million Americans are trapped in partial or total unemployment.

In the Commonwealth of Pennsylvania, over 464,000 workers remain unemployed. This number represents a statewide unemployment rate of 7.8 percent, up from 5.7 percent 18 months ago. In my district, the unemployment rate in Bucks County, PA, has skyrocketed from 3.4 percent in August 1990, to its current rate of 7.3 percent. Within Bucks County, the unemployment rate stands at 10.2 percent in Bristol Township, 8.8 percent in Bensalem

Township, and 7.4 percent in Warminster Township.

These economic statistics alone cannot measure the true effects of this recession; rather, the pain and suffering that you see in the eyes of millions of Americans who want to work but cannot find employment is a more accurate gauge of the effects of 12 years of Presidents Bush and Reagan.

H.R. 5260 will respond to this crisis by providing either 20 or 26 weeks of additional unemployment benefits to workers who exhaust their regular State unemployment benefits after June 13, 1992, thereby extending the current emergency unemployment compensation program.

Let me add, Mr. Chairman, that the recession has clearly demonstrated the inadequacies of the current unemployment benefits program. The most apparent example of this is that Congress has repeatedly had to enact emergency legislation during this recession because the permanent extended benefits program does not respond to increases in the unemployment rate. In fact, when Congress initially enacted emergency legislation last year, in the midst of the biggest economic downturn in nearly a decade, only three States had qualified for extended unemployment benefits. Furthermore, only 37 percent of the unemployed are eligible for basic benefits, compared to 75 percent of the unemployed in the 1970's.

H.R. 5260 responds to these disturbing facts by including, in addition to the temporary extension of benefits, several permanent reforms to the extended unemployment compensation system. These include: Revising the extended benefits program so that benefits are triggered based on the total unemployment rate rather than the insured unemployment rate; simplifying the administration of the extended benefits program; and reducing the regressivity of the Federal unemployment tax by lowering the tax rate and raising the taxable wage base.

I realize that this bill is only a short-term, stop-gap solution to our economic problems; America's workers want jobs, not unemployment compensation. However, in lieu of jobs, these benefits are essential; they will help ease the pain and suffering of millions of Americans who are hurting due to the recession.

In closing, I support this legislation because it recognizes the harsh realities of today's job market and solidifies the unemployment compensation program's standing as our Nation's primary safety net for American workers who become unemployed. I urge my colleagues to support the Unemployment Compensation Amendments of 1992 to help workers who have fallen victim to the current recession stay on their feet.

Mr. LAGOMARSINO. Mr. Chairman, I have voted for and I continue to support responsible measures to help unemployed Americans and their families make it through our current economic times. However, this bill is not responsible and I do not believe that it is aimed at helping unemployed Americans.

This legislation raises taxes on business, raises the budget deficit, violates the 1990 Budget Act, and threatens Medicare and other programs with across-the-board cuts.

Increased taxes kill jobs, and unemployed Americans need jobs. Higher Federal deficits slow business expansions and limit job creation, and unemployed Americans need new jobs. The bottom line is that unemployed workers need jobs, they do not need a job-killing bill.

I urge my colleagues to oppose this legislation, and, instead, to accept the President's proposal to extend emergency unemployment benefits through March 6, 1993.

Unlike the President's proposal, this bill puts politics before people. The President has promised to veto H.R. 5260 in its current form. To pass this bill without a bipartisan compromise is to hold as hostages those unemployed Americans whose compensation payments soon stop.

Mr. REED. Mr. Chairman, I rise in support of the Unemployment Compensation Amendments of 1992.

Since I came to Congress, I have come to the floor in support of the extension of unemployment compensation many times. Today, we have an opportunity to vote for legislation which will make permanent changes in the way the emergency unemployment system responds to the needs of America's long-term unemployed.

Under this legislation, those who have exhausted their regular 26 weeks of benefits will no longer have to wait for congressional and executive action to put food on their table. The extended benefits program will work the way it is supposed to—quickly and responsively.

In a State like Rhode Island, this means 26 weeks of additional benefits for those who are soon to exhaust their standard benefits.

My State has a total unemployment rate of 9.3 percent—that's almost 50,000 men and women out of work. Of these 50,000, approximately 30 percent receive emergency unemployment compensation. We cannot and should not sit idly by and let Americans who are struggling to find new jobs lose the limited help emergency unemployment compensation provides.

Mr. Chairman, while I support this legislation, I am disturbed that for a number of reasons this legislation would not apply to those who have exhausted past extensions. I would hope that as this bill progresses, the committee will try to find ways to assist those who are not eligible for additional extended benefits.

Mr. Chairman, this morning I read a Washington Post editorial by the Secretary of Labor. This editorial outlined the administration's proposal for a temporary extension of unemployment benefits. I have no problem with the administration publicly restating its support for extended benefits and alternative ways to achieve this goal. However, I must take exception with this editorial's claim that this bill is solely inspired by politics. On the contrary, this bill is inspired by the basic belief that you have to help those in need. If anyone is to be accused of partisanship it should be those Members who will vote to recommit with the instruction that the House adopt the President's economic growth package—that's politics, Mr. Chairman.

I urge my colleagues to join me in supporting this bill for what it does, not for politics.

Mr. FRANKS of Connecticut. Mr. Chairman, today I rise in opposition to H.R. 5260. I do not rise in opposition to extending unemployment benefits, but I rise in opposition to a partisan bill which can only be called election year propaganda.

We have a chance to continue to help the Nation's unemployed. I for one have supported every unemployment extension that the House has considered and I support extending unemployment benefits further through the end of the year. However, H.R. 5260 is the wrong vehicle in which to accomplish this.

This Democrat initiative would only seek to push this Nation deeper into debt while doing nothing to put these unemployed workers back to work.

First of all, H.R. 5260 would make permanent changes to the way the extended benefits program is triggered. Since the establishment of the extended benefits program, benefits have been activated when the insured unemployment rate, which is those who are eligible for benefits, meets a certain percentage. H.R. 5260 would permanently change this law by extending benefits when a State's adjusted total unemployment rate equals or exceeds 6 percent. The total unemployment rate would count those who are not eligible for benefits and those who are not looking for work. This provision would frequently trigger extended benefits and cost the American taxpayer in the long run.

Another problem with this bill centers around its lack of fiscal responsibility. Our Nation continues to face an ever increasing deficit which runs out of control because of legislation such as H.R. 5260. This legislation seeks to bypass the budget law and by 1996 would add an astounding $4.6 billion to this country's budget deficit.

Furthermore, the bill would increase taxes. Under the legislation, the taxable wage base would increase to approximately $28,000 and would lower the tax on earnings. In other words, employers would have to pay taxes on the first $28,000 earned by the employee. This compares to only the first $7,000 under current law. Democrats contend that this is budget neutral over 5 years. However, this provision would translate into a net tax increase on jobs of $4.2 billion over the next 10 years. This will only give employers less incentive to create jobs. In a time when we need to create more jobs it seems counterproductive to increase the tax on these jobs.

While extension of unemployment benefits is needed, the Democrats continue to use the unemployed worker as a pawn in their attack on the administration. Attempts were made to offer legislation which extends unemployment benefits until the end of the year and provides an economic growth package aimed at putting this Nation's unemployed back on the job.

The substitute legislation offered by Mr. ARCHER of Texas would have extended unemployment benefits until March 1993, and would have included economic growth initiatives as well. These initiatives would have encompassed provisions such as the very popular first-time home-buyer credit up to $4,000, passive loss relief for the real estate industry, extension of tax credits for small businesses which expire this month, and repeal of the luxury boat tax which would bring back jobs to the boating industry. All are provisions which would have put many people back to work.

However, the Democrat controlled House Rules Committee would not allow this pro-growth legislation to be considered. So I question the real intent of H.R. 5260.

I believe most would agree that unemployment benefits need to be extended. However, I do not believe that America's unemployed should be used as a pawn to attack the President. It is a shame that the Democrats care more about that than getting people back to work.

Mr. Chairman, the people of my district and the people of Connecticut want jobs, they want to go back to work. I believe that we need to help these people get back on their feet by offering legislation which will seek to spur job creation and get this economy back on track. H.R. 5260 does not meet this goal.

Ms. NORTON. Mr. Chairman, for the third time since I came to the House, I take to the well seeking unemployment benefits legislation. This measure, out of common decency, I must support. At the same time, I concede that this is the least productive way to use Federal funds. I concede that temporary relief is no solution to the long-term decline of the American economy.

Yet people still stand in lines by the hundreds for a small number of jobs. The Bush administration will be due no credit if the economy returns to meet the overwhelming preference of the American people for jobs over unemployment insurance. Perhaps we will thank invisible market forces with no assist from an administration charged with running our economy, and ask these forces "What took you so long?"

In the District of Columbia, there are over 20,000 people who are unable to find employment. Many will not be helped by this bill because they have already received an extension of benefits. Their emergency and the need for another extension for others must finally drive the President not to fashion his version of a growth package but to take the economic leadership that only a President can with a realistic package that can get the support of this House. Only then will the administration and the Congress begin to address the long-term economic future with more than Band-Aids that wear thin. In the meantime, we must dress this wound today. We must pass this bill.

Mr. GALLO. Mr. Chairman, it is with great disappointment that I am unable to vote for H.R. 5260, the Unemployment Compensation Amendments of 1992.

As a Representative from New Jersey, I am well aware of the economic hardships which Americans face. New Jersey is setting record levels of unemployment, both within the State and nationwide.

I would welcome the opportunity to vote for a measure which would provide relief to the many people in New Jersey who have lost their jobs. True relief, however, will come only from the creation of new jobs. This bill tosses the unemployed only a crumb; it will not put bread on the table.

The root of the problem is a stagnant economy, and its resolution requires incentives for economic growth. This proposal provides short-term relief at the expense of long-term growth. Companies will initially bear the burden through increased taxes but America's workers will eventually pay the price of lost jobs.

Today, Members of this House have been denied the opportunity to reverse the current economic trend. No one has argued the need to extend benefits, but the leadership has refused to allow this House to consider a Republican alternative which would also stimulate job creation.

Our proposal would extend benefits, and in addition, first-time homebuyers would be given tax credits, individuals receiving unemployment benefits for 12 consecutive weeks would not be penalized for IRA and 401(k) plan withdrawals, and capital assets held for 2 years would be indexed for inflation. These are only a few of the provisions that, today, we do not have the chance to consider.

During the same week that this House will cast a historic vote requiring a balanced Federal budget, it is completely inconsistent, in my view, to increase spending without a funding source. This bill will increase the Federal deficit, violate current budget rules, and even further obscure the idea of a balanced Federal budget.

It is a cruel hoax on the unemployed and truly needy in this country that this House lacks the courage and conviction to pass an economic growth plan.

Mr. Chairman, this House is again failing to respond to the true cries for help from our constituents. Our constituents want jobs; and more importantly, they want to provide for their own families.

President Bush and the Republican Members of this House stand ready to extend unemployment benefits for those in need. That is not the question.

The question is whether we keep people on the unemployment lines or provide them with economic opportunity.

Mr. LEWIS of Florida. Mr. Chairman, there is broad agreement on the need to provide an extension of unemployment benefits beyond July 4. However, it is unfortunate that the majority leadership in the House has chosen to link this needed extension with a number of provisions that are harmful to our economy.

H.R. 4727 makes changes in the Federal unemployment tax that amount to a $4.2 billion increase over the next 10 years. The bill exempts itself from the Budget Enforcement Act because it fails to meet the pay-as-you-go requirements of the budget agreement. It will provide for $4.1 billion in net outlays in the first 2 years and increase the deficit by $4.6 billion before 1996. There is no guarantee that the future revenues promised under the bill will not be used to fuel further spending.

For these reasons, I must vote against H.R. 4727. I call on the House leadership to let us consider an unemployment extension bill that pays for itself, as well as legislation that will get our economy moving and foster the creation of jobs.

Mr. HOUGHTON. Mr. Chairman, today we consider an unemployment compensation bill. I'm told the President will veto it. One question then will be the number of votes available to counter that veto. Another, and to me far more important, will focus on what we are doing here to confuse the minds of many Americans hurt by the recession. These people wonder whether we will ever agree on legislation to extend their unemployment benefits which run out on July 4.

Now, we have been through the arguments on both sides. Democrats want to use this bill as an opportunity to make permanent changes in the extended benefits bill. This is not the place for it. Republicans want to add an economic growth package, again not the right place.

We need to go back to square one, and, in an uncomplicated way, do what the American public want us to do. We should extend those benefits, whether for 20 or 26 extra weeks, then figure out the best way to pay for them. I have some ideas on that subject.

I intend to introduce a clean bill if the President vetoes this one. My bill will provide the benefits our constituents need. I invite my colleagues truly interested in the welfare of Americans hurt by this recession—and in need of help—to join me in this effort.

Mr. FORD of Michigan. Mr. Chairman, the past year has been a dark and bitter time for unemployed workers in my congressional district. While the administration has been busy worrying about partisan politics and public opinion polls, many families in my district have been worried about how they will keep a roof over their heads and food on their tables.

I have come to this well on several occasions to voice my strong support for the extension of unemployment benefits for jobless workers. The answer is the same now as it was on those days. Americans need unemployment benefits, but they also need jobs and an economy that will give them the opportunity to provide for themselves and their families.

People in Michigan have been badly hurt by this recession. They need help and that is what this body is here to again try to do. I am greatly saddened that we have to try to accomplish this goal in the face of a Presidential veto again.

For months, this Congress tried to get George Bush to see that the country was mired in recession, and that it needed help. Now, the administration is saying that recovery is underway, and the economy is on the mend. Mr. Chairman, George Bush seems to think that if he says something for long enough, it is true. It's a shame the statistics don't bear the President out. While unemployment did fall in Michigan to 8.6 percent in the month of May, the country's jobless claims were still sky-high, jumping to an 8-year high of 7.5 percent nationally. In May, as in months before, thousands of Americans gave up hope and just gave up looking for work.

George Bush, who on the campaign trail promised to create thousands of new jobs, has. Unfortunately they are all in Mexico. In response to our great need he has presided over a massive public works program to rebuild decayed and crumbling infrastructure, unfortunately it is all in Kuwait. He has attacked economic ills with great vigor. Unfortunately, he has done this in Russia. American workers have had no trouble reading George Bush's lips; there is plenty of lip service to read.

The legislation the House is considering today extends the current emergency unemployment compensation program, providing additional benefits to those who have exhausted their regular State benefits, a program whose existence is scheduled to expire next month. This legislation would provide 20 or 26 weeks of additional unemployment benefits to those workers who exhaust their regular State benefits after June 13, 1992.

This bill would make important changes in the permanent extended benefits program by changing the way in which each State's allocation of funds would be determined. Under this proposal, after October 1993, the number of weeks of aid a State could provide would be determined by that State's total seasonally adjusted unemployment rate rather than the current system, which is based on the insured unemployment rate. I have heard from countless constituents in my district who have slipped off the rolls, and are no longer counted in the unemployment statistics. The changes proposed by this bill are much needed, and long overdue. We need to offer a hand to all jobless Americans, not just those who are still on the Government's radar screen or who they feel like counting.

The initiative before us today would also increase the Federal Government's share of financing these important benefits, boosting the current contribution level from 50 percent to 75 percent.

The bill also makes an important change in that jobless workers will now be able to look to State law, rather than Federal regulations to determine if they are qualified to receive these vital benefits. The measure would also allow workers who have previously been denied access to these benefits based on Federal criteria to reapply for them under State law.

The President has voiced his opposition to this bill because it violates the pay-as-you-go provisions of the 1990 Balanced Budget and Emergency Deficit Control Act. Mr. Chairman, if George Bush can declare a budget emergency for Israel, Bangladesh, and Turkey, American workers deserve the same consideration. Over the life of the bill, this measure pays for itself, reducing the budget deficit by $249 million. The President may not feel that the economy merits emergency action, but thousands of people in my district do.

Last fall, 4,000 workers at General Motors Willow Run assembly plant in my district learned that their factory was being closed, and their jobs transferred. My parents worked in the bomber plant, and when I was younger, I did too. It is difficult work done by dedicated men and women, whose sweat and drive helped to build this country. The best that this administration has offered these Americans is a veto, and an empty promise. In the next year and a half, job losses in my district linked directly to this plant closure could reach as high as 18,000, hitting people with families to feed and bills to pay. That's 18,000 people who don't believe the President's rosy scenario.

We have to offer Americans more opportunities for job training and education. Unemployment benefits are needed and necessary, but our country must also take concrete steps to bolster the economy and put people back to work through job training programs.

This House was nearly unanimous in recently approving the Higher Education Act Amendments, which through the hard work of the members of my committee, will be one of the most significant job training initiatives passed during this session of Congress. Under this package, financial aid is made available to not only traditional students, but to everyone, regardless of their career track. Under this proposal nearly $7 billion will go to students in postsecondary occupational and vocational programs, making a vital contribution to employee training. The increased access to education and job training proposed under the Higher Education Act amendments will enable thousands of Americans to better equip themselves to compete in a more technologically oriented global economy.

Mr. Chairman, I support the extension of the emergency unemployment compensation program pending before us today. The people of my district and this country deserve a helping hand and a better deal than this administration is offering them. I urge my colleagues to pass the bill.

Mr. LEHMAN of California. Mr. Chairman, I rise before my colleagues today to express my strong support for H.R. 5260. This legislation is long overdue. Millions of Americans are out of work and losing hope. It is not fair to penalize the unemployed by using delay tactics. It is time to stop the partisan politics on this issue. We must extend emergency benefits and we must reform the existing unemployment insurance system now. In the past year, the Congress has had to extend the emergency unemployment benefits twice. It does not take a brain surgeon to figure out that the current system simply does not work.

People all over this country are suffering. In my congressional district alone, 5 out of 6 counties are in double digit unemployment. The biggest portion of my district, Fresno and Madera County have unemployment rates of 14 and 17 percent. This is unacceptable. There is no doubt that we as a body need to address the issues of joblessness in the context of economic growth issues, but let's first provide a safety net to people who are unemployed as a result of this recession.

I would also like to commend Chairman ROSTENKOWSKI and Congressman DOWNEY on their leadership on this issue. I would especially like to thank Congressman DOWNEY for including my legislation, H.R. 4227, in the bill we are considering today. My legislation will ensure that thousands of people who have been denied unemployment benefits will now qualify for assistance.

At the present time, different eligibility formulas are used to determine regular benefits and federal benefits. Because the Federal eligibility formula is more restrictive than the State formula, thousands of people have been denied Federal emergency unemployment benefits.

My legislation replaces the eligibility formula in the Emergency Unemployment Compensation Act of 1991 with the regular unemployment compensation formula. So that, if a worker is eligible for regular unemployment benefits, then they will be eligible for Federal emergency unemployment benefits as well. This provision pertains to the extension of emergency benefits as well as to the permanent reform of the unemployment insurance system. This is how it should be.

Restrictive Federal eligibility requirements have prevented thousands of unemployed workers from receiving unemployment benefits for too long. I am pleased today that this practice will stop. Unemployed workers face enough difficulties without us requiring them to jump through more bureaucratic hoops to prove their unemployment status and qualify for benefits.

Again, I would like to thank Chairman ROSTENKOWSKI and Congressman DOWNEY for their hard work in bringing this bill to the floor. I urge my colleagues on both sides of the aisles to put down their partisan swords and pass this bill. The unemployed do not need rhetoric; they need to pay their bills, put food on their tables, and find work. Please join me in making this happen.

Mr. AUCOIN. Mr. Chairman, America's workers deserve to know that they'll get the unemployment benefits they've earned when the economy goes into a tailspin, and they deserve to know this Congress will work to get this economy moving. While I support the committee bill's unemployment provisions, the bill is lacking two key measures that will spur the economy and put people back to work: the first-time homebuyers tax credit and passive loss reform. So today I have an opportunity, perhaps the realistic possibility this year, to make progress both on extending emergency unemployment benefits and enacting these two tax measures.

Clearly, Congress must pass another emergency unemployment benefits bill, before the current extension expires. The economy is still in turmoil. Last week we found out the nation's unemployment rate is 7.5 percent, the highest level since 1984. In my home state of Oregon, 115,700 workers are unemployed. That's an increase of 27,000 during the past year. In Douglas County, the heart of timber country, there are over 5,000 unemployed workers. Fifteen counties in Oregon have unemployment rates of over 10 percent. That includes Linn, Coos, Baker, Josephine, and Klamath Counties. It's 15 percent in Grant County.

The committee's bill will provide about $87.5 million in additional benefits to 33,500 unemployed Oregonians. That's real help to folks who are struggling to pay the bills, keep food on the table, and learn new job skills. But, all of these workers want one thing: a job. And while unemployment benefits are a bridge that helps them get from today to tomorrow, we at the Federal level must act to create new jobs.

With high unemployment in the construction industry, the tens of thousands of jobs created by the first-time homebuyers tax credit would be a major boon to lots of hard-up families. This credit would also make the dream of home ownership a reality to many who couldn't afford a home otherwise. Earlier this year, I worked hard to include a $5,000 first-time homebuyers tax credit in the House tax bill. When that didn't happen, I introduced a freestanding tax credit bill, H.R. 4724.

In addition, we need to take the long overdue step of reforming the unfair and discriminatory passive loss provisions of the 1986 Tax Act, provisions imposed on the House by the Senate. For that reason, I've cosponsored H.R. 1414 and introduced my own passive loss reform measure.

The 1986 law unfairly discriminated against the real estate industry and pushed down property values by as much as 5 percent, plunging some owners toward bankruptcy and discouraging others from investing in distressed properties. Under any circumstances, a decline of up to 5 percent in property values is unfortunate. During the past 6 years, its effects have been disastrous and the costs in many cases have eventually been borne by taxpayers as a result of bank and thrift bailouts.

Mr. Chairman, my votes today reflect both my longstanding commitment to those who have earned their unemployment benefits, and to enacting fair tax provisions that will create jobs.

Mr. BORSKI. Mr. Chairman, I rise in support of H.R. 5260 to extend and reform unemployment compensation to the unemployed.

H.R. 5260 is the one sign of financial reassurance that millions of Americans are hoping to see.

By giving unemployed workers up to 26 weeks of extra benefits, H.R. 5260 is bringing temporary financial relief to American families whose lives have been seriously disrupted by our long recession and economic crisis.

H.R. 5260 also goes one step further than previous unemployment benefits bills. This measure calls for permanent changes in the unemployment system.

Extended unemployment benefits would more easily kick in automatically during high periods of unemployment, ending the need for Congress to continually vote on temporary infusions of funds.

Mr. Chairman, the unemployment crisis in our country is not a temporary problem. It has been a painful reality for millions of American families whose households have been unsettled, bank accounts have shrunk and basic spirit has wavered.

Since last fall, Congress, unlike the White House, has recognized that the unemployment crisis will not disappear just by wishing it away. We have voted time and time again to extend unemployment benefits, only to be challenged by a President who has been unwilling to accept the realities of the recession.

American workers have tolerated enough. These are not unwilling workers who are choosing to sit at home and collect government money instead of earning their day's pay on the job.

These are hardworking Americans who are ready, willing and able to put in a full day's work for a full day's pay, but through no fault of their own, they have still been unable to find jobs.

H.R. 5260 will help these Americans in two ways: First, it will provide immediate relief for unemployed people who are nearing the end of their basic unemployment pay cycle. This will enable many of them to continue their mortgage payments, pay off school loans or pay the Federal Government since their unemployment checks are subject to tax.

Second, H.R. 5260 will bring permanent changes to the extended unemployment benefits program. Under this bill, the mechanism for determining who qualifies for extended benefits will change. The trigger, as it is called, would change from a State's insured unemployment rate, the percentage of unemployed workers who qualify for benefits, to a State's total unemployment rate. This would, in effect, speed up the process in which unemployment benefits are made available.

That one step alone would mean that Congress would not have to go through the tedious and time consuming process of passing an unemployment extension every time one expires.

While H.R. 5260 goes far, my greatest concern is that it does not go far enough. It will only provide extended unemployment compensation to people who are now exhausting their original 26 weeks of benefits. The longtime unemployed, those who are now exhausting the extended benefits provided last November and February, will not be covered by this legislation.

I am part of a congressional effort to ensure that the long-term unemployed will be included in this legislation, and I hope more colleagues will agree and join a campaign to include the long-term unemployed in this legislation.

Mr. Chairman, the Federal Government must be there to help Americans when they are in need. For millions of unemployed people, that time is now, literally and symbolically.

The current unemployment package expires on July 4, 1992. That is Independence Day, a day set aside to remember the valiant patriots who in 1776 united Thirteen Colonies to fight for independence from England.

As we mark Independence Day 1992 I ask Congress to unite for another cause—showing unemployed Americans they are not forgotten.

Mr. OLVER. Mr. Chairman, I rise today in strong support of H.R. 5260, the Unemployment Compensation Amendments of 1992.

The Emergency Unemployment Compensation Act of 1991 was one of the most important pieces of legislation we enacted last year. I have heard, as I am sure my colleagues have, from countless constituents for whom extended benefits has meant the difference between keeping a house and losing it, or being able to replace a wornout pair of shoes for their children. Over 10,000 people every month in Massachusetts are exhausting their regular benefits. The further extension of benefits in H.R. 5260 is both good policy and a humane response to the continued sluggishness of the economy.

In addition to the extension of the emergency unemployment compensation, there are other very important elements of this bill which I strongly support. H.R. 5260 provides extended benefits for everyone who exhausts State benefits, and also corrects two, related, inequities which became apparent in the months after we enacted the original extended benefits program.

First the bill allows people who were laid off, but have done their best to find work, even part-time work, to collect extended benefits even after the expiration of their original benefit year. Unfortunately, what was happening for too many people in Massachusetts was a person would earn over $1,200 over the course of a year when they were unemployed, and then at the end of their benefit year they would be taken off extended benefits and onto a new claim based on those part-time earnings. This is manifestly unfair and punitive toward those people making a good faith effort to work as much as possible.

Even more astonishing is what happened to people who served on active duty in the National Guard and Reserves in Operation Desert Storm. Unemployed reservists who left their families on short notice to serve our country could actually have their benefits reduced because of that service. For example, take the case of Robert Levesque, one of my constituents.

Mr. Levesque was receiving unemployment benefits when he was called up for active duty in Desert Storm on 24 hours' notice. His benefit at the time he was called up was $272, plus $50 because he has two children. In addition, he was eligible to collect TRA under the Trade Adjustment Assistance Program.

However, when we passed the extended benefits bill in November, his TRA was terminated, and he was prevented from collecting extended benefits. Instead, Mr. Levesque was forced to open a claim on his military service, a claim which resulted in a benefit of only $151, plus the dependent allowance.

Mr. Levesque suffered much the same problem as a part-time worker—not receiving his full benefit because he had to open a second claim—but his part-time work was serving his country on active military duty in Operation Desert Storm.

Furthermore, the situation of these reservists is worse than other part-time workers. As unfair as their situation is, part-timers were at least able to collect extended benefits for 20 weeks or more before their benefits were reduced. Many reservists who served in the Persian Gulf lost their chance for extended benefits on the very day, in the very bill, that was supposed to help them.

While I have been unable to find reliable statistics on how many reservists were affected nationwide by this same problem, over 150,000 people who were activated served at least 90 days on active duty, and most of the reservists who had become eligible for extended benefits prior to callup would likely experience a benefit cut as a direct consequence of their service, compared to the benefit they would receive had they not served in the Persian Gulf.

I filed legislation, H.R. 4270, in an effort to correct this situation as easily and fairly as possible. I do not think that people who serve in the military, and demonstrated their commitment to our country during the Persian Gulf crisis, should be penalized for that fact. Robert Levesque is not asking for extra benefits, he is only asking to be able to receive the compensation which was due to him, and which he would have been able to receive, had he not again served his country.

I greatly appreciate the consideration which the gentleman from New York showed me, and I would like to thank the gentleman from Illinois, the gentleman from New York, and my colleague from Massachusetts for including a provision in this bill which corrects this inequity, and restores the proper level of extended benefits for Mr. Levesque and others like him who answered their country's call when we were fighting in the Persian Gulf.

Mr. Chairman, I sincerely hope that this will be the last extended benefits bill we see for quite a while, not because we shouldn't help families who have been hit hard by the recession, but because we see renewed strength and growth in our local and national economies. Economic growth for western Massachusetts, and the Nation, continues to be my highest priority in Congress. But this bill is immediate, and desperately needed help for many citizens of this country.

Ms. LONG. Mr. Chairman, I commend Mr. DOWNEY and Chairman ROSTENKOWSKI for their dedication and hard work in crafting legislation to make permanent changes to the unemployment compensation system. As Mr. DOWNEY so aptly pointed out in hearings on this legislation, there is never a good time to make substantial reforms to the unemployment compensation system. However, the current recession has made it quite apparent that the unemployment compensation system does not meet the needs of unemployed Americans.

One particular change incorporated in title VII of H.R. 5260, to move the unemployment trust fund from the unified budget, will better serve the unemployed and add to the integrity of the entire budgeting process.

As economists point out, the unemployment compensation system is countercyclical. In times of recession and rising unemployment, more benefits are automatically paid. At the same time, it takes more people to administer the UI system. In times of relatively low unemployment and strong economic growth, just the opposite occurs; moneys in the trust fund build up and administrative costs decline. While the costs of the unemployment compensation system closely follow economic cycles, it is currently budgeted on a year-by-year basis. Such year-by-year budgeting distorts the unemployment insurance system in two specific ways.

First, year-by-year budgeting forces Members of Congress to predict economic conditions, such as next year's unemployment level. Based upon that prediction, Congress must then decide what level of administrative funding will be necessary to serve the unemployed in a timely fashion. As we discovered during 1990 and 1991, Congress is not very good at making these types of predictions. And the results are an underfunded system, closed offices, unnecessarily long delays in receiving benfits, and lines out the door at remaining offices. Forcing Congress to predict the unemployment rate for the next 12 to 18 months, and basing budgets upon this prediction, have caused unnecessary hardships to unemployed workers and their families. Moving the unemployment trust fund from the unified budget will make the system more efficient—and more responsive to the real need of our Nation's citizens who have lost their jobs.

Second, since current budget rules consider administrative funding for the unemployment insurance system to be discretionary spending, pressure has increased to underfund the program. The year-by-year concerns of budgeting only distort the unemployment insurance system, often making it a tool for making the budget deficit appear smaller. This gimmckry is not just bad policy, it is cruel to individuals who are counting on unemployment benefits to put food on their tables, clothes on their children, and keep a roof above their heads.

The unemployment insurance compensation system is paid for by a dedicated payroll tax. Its exclusive purpose is to fund the compensation and administration of the unemployment insurance system. Given that financing and spending in the unemployment insurance system are driven by economic cycles, removing the system from the year-by-year budgeting concerns, I believe, will make the entire system more responsive to the needs of unemployed Americans.

While this legislation makes thoughtful permanent changes to the unemployment compensation system and temporarily extends unemployment benefits to the long-term unemployed, I cannot support H.R. 5260. I made a pledge to my constituents not to support tax increases of any kind. H.R. 5260 proposes to lower the Federal Unemployment Tax Act [FUTA] tax rate from .8 to .3 percent, but it increases the taxable wage base from $7,000 to $27,000. This expansion in the wage base would result in employers paying up to an additional $25 a year for each employee with an annual wage over $18,667. Such a change would effectively make the FUTA tax less regressive by reducing the FUTA tax burden for all employees who annually make under $18,667. Since most economists agree that the effect of a payroll tax is ultimately borne by employees, such a change in the FUTA tax rate would likely provide low wage earners with additional spending power, while transferring a greater burden of funding the UI system to higher wage earners.

This bill represents another example of where good policy conflicts with my pledge not to raise taxes. On a number of occasions I have had to vote against thoughtful pieces of legislation which contained tax increases. However, none has been more difficult to oppose than this piece of legislation. Not only is it difficult because it affects millions of unemployed workers and their families which need assistance, it is also difficult because section VII of this bill includes legislation which I introduced this Congress and the preceding Congress. However, I will continue to honor my pledge not to raise taxes and vote against H.R. 5260.

I commend Chairman DOWNEY, Chairman ROSTENKOWSKI and the members of the committee for addressing the need to make permanent changes to the unemployment compensation system.

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today in opposition to the rule on H.R. 5260. While I am supportive of many aspects of the original bill, including a more realistic measure of unemployment for purposes of extensions, I am frustrated that the issue of extending benefits for the unemployed may once again become a ground for political posturing. A less restrictive rule will provide the possibility at least, that the unemployed receive an extension.

In Maryland, recent figures indicate mild improvement in the employment rate. There can be little doubt, though, that finding a job in our current economic environment is much more difficult than in recent years. Some areas of my State have seen a notable increase in unemployment claims, with the unemployment rate in a number of counties reaching almost 15 percent. Unless legislation is enacted, not just passed, families will not be able to continue to pay mortgages and meet their basic needs.

Last November, and again in February of this year, negotiations between Congressional leaders and the President allowed for much needed extensions for unemployment insurance. Prior to that agreement, we passed two bills which the President rejected. I would rather that we provide fewer weeks, as called for by the Archer proposal, than none at all.

I realize, however, that the Representative ARCHER'S proposal is not itself without controversy. However, it does provide some common ground in the unfortunate partisan debate in which we have for too long engaged. This debate may be characterized as "job creation" versus "compassion for the unemployed." The truth of course, is that we must provide short term funding for the jobless, while simultaneously spurring longer term job creation. The Archer proposal does just this.

I recognize the fact that H.R. 5260 was intentionally kept free of amendments in order to increase its chances for passage. I praise the leadership's efforts to keep the focus on unemployment benefits. I am also supportive of making the unemployment tax more progressive. However, I have some concerns about placing an arbitrary cap on tax deductions for corporate officers as called for by the bill. There is no doubt that many of our Nation's corporations over-pay their executives. Top executives often make over a hundred times more than the average employee. Comparisons with other nations further evidence this lopsidedness. However, I am concerned about the arbitrariness of the cap and about the numerous clarifications and the varying interpretations which the definition of "corporate officer" will demand. The idea of targeting "corporate officers" in itself deserves serious scrutiny. Many individuals, including high-profile athletes and entertainers earn more than $1 million. Their salaries, and the payment of their salaries for tax purposes would in most cases not be affected by the bill. I do not oppose altering the tax code to make it more progressive but in doing so we should treat high income earners and the entities which pay them with equity.

I have long been supportive of a number of the economic growth initiatives in Representative Archer's proposal, including: a repeal of the luxury tax on boats, a capital gains tax indexed for inflation, and some passive loss deductions for real estate. I also support the tax credit or deduction extensions for first time home buyers, employer education assistance, research and experimentation, mortgage revenue bonds, small-issue industrial bonds, group legal services, and self-employment health insurance. These are all worthwhile and necessary provisions.

Mr. Speaker, all members of this body wish to see employment opportunities in our Nation increase. While we must expedite our efforts to spur job growth and while we must act with an air of optimism and hope, we cannot entirely abandon those of our citizens who must battle an increasingly tight job market. The Archer proposal will provide temporary relief by means of an unemployment extension, while it also sets the stage for economic growth and recovery.

Mr. STOKES. Mr. Chairman, I rise today in strong support of H.R. 5260, the Unemployment Compensation Extension and Reform Act. This legislation is absolutely vital to the millions of American men and women who have become victims of the current recession brought on by a dozen years of Reagan-Bush economic policies. I also want to take this opportunity to commend my colleagues, Chairman ROSTENKOWSKI and Congressman DOWNEY, who are responsible for bringing this legislation to the floor, and for their commitment and dedication to enacting permanent reforms in the unemployment compensation system, which has clearly failed to provide the required safety net for the American people.

H.R. 5260 makes two significant changes in the permanent extended benefits program. H.R. 5260 would increase the portion of Federal financing of extended benefits from 50 percent to 75 percent, effective October 1, 1993, the beginning of fiscal year 1994. In addition, the bill mandates a new trigger for the availability of extended unemployment benefits depending on the total unemployment rate in a State, rather than the insured unemployment rate, as under current law.

As you know, extended benefits are currently triggered based on the insured unemployment rate, rather than the total unemployment rate. The insured unemployment rate is the percentage of out-of-work employees in jobs covered by the unemployment insurance system, generally most wage and salary jobs. The reforms of the permanent unemployment compensation system as provided in H.R. 5260 are necessary because in recent years, the gap between the total unemployment rate and the insured unemployment rate has widened making it more difficult for States to qualify for extended benefits.

The reforms of the permanent unemployment compensation system in H.R. 5260 will provide 13 or 20 weeks of extended benefits after regular State benefits have been exhausted, depending on the State's total seasonally adjusted unemployment rate. Under the new system, it will be easier for States to qualify for the extended benefits program, and therefore easier for extended benefits to be provided to unemployed workers who truly need the benefits.

In addition, H.R. 5260 extends the current emergency unemployment compensation program by providing additional unemployment benefits to workers who exhaust their regular State unemployment benefits through March 31, 1993, or 3 months after the national unemployment rate drops to 6.5 percent.

Mr. Chairman, the need for an extension of the Emergency unemployment compensation program, and to enact permanent changes in the operation of the unemployment compensation system could not have been demonstrated any better than it was in the two reports issued by the Federal Government last week.

On Thursday, the Department of Labor reported that 2.2 million payroll jobs were lost in the United States between June 1990 and January 1992. This number is 32-percent higher than previous administration estimates of job losses in the current recession. In other words, the administration has reported to the American people job loss numbers due to the recession that are one-third lower than the true number of jobs lost in the recession. This report was followed on Friday by the Department of Labor's release of the national unemployment figures for the month of May. The unemployment rate in May jumped to 7.5 percent from 7.2 percent in April. The figures for May mark the highest unemployment level in nearly 8 years.

Both of these reports from the Department of Labor serve to totally invalidate the Bush administration's contention that the recession has ended, that it was a mild recession, and that the economy is now growing. Clearly the recession has been much deeper and more damaging than the President would like to admit, and the dim hope of economic recovery before the November election that President Bush clings to is rapidly fading. Perhaps now the President will abandon his "do-nothing and hope for the best" domestic policies, and join those of us in Congress who face the reality of economic despair among our constituents and try to do something to alleviate their pain. I urge all of my colleagues, on both sides of the aisle, to join in supporting H.R. 5260, and provide our hard-working American men and women the benefits that they need to keep their homes and families together.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 5260, the unemployment compensation extension and reform bill and urge my colleagues to support the bill.

For nearly 2 years George Bush has been telling the American people that the end of the recession is near if we all will just be patient. Well, Mr. Chairman, my constituents on Chicago's West Side are still waiting for the great economic recovery of the 1980's to catchup with them, let alone for George Bush's phantom recovery to appear. Clearly, as unemployment has reached its highest level of the recession at 7.5 percent, the American public's patience with his warmed-over Reaganomics is wearing painfully thin.

The President's newly found sympathy for working Americans and the plight of our cities is just a bit hard to swallow, Mr. Chairman. In one breath he speaks of a massive urban renewal program to help bring jobs into our inner cities, yet in another he speaks of the Balanced Budget Amendment which would force broad, across-the-board cuts in domestic programs and aid to our States and cities.

And let's not forget that last fall he smugly killed two similar unemployment benefits extension packages, citing confidence that his handling of the economy would quickly lead us out of the recession and back to prosperity. And while recent economic indicators paint a mixed picture for future growth, unemployment lines continue to be painfully long.

With the unemployment rate expected to stubbornly hold above 7 percent for the remainder of the year, and the current extended benefits program set to expire on July 4, we must act to assure that our long-term unemployed do not fall through the safety net. H.R. 5260 would extend this emergency benefits program for 20 or 26 weeks, depending on the State unemployment rate, as well as make meaningful changes in our unemployment law to assure that more Americans qualify for extended unemployment benefits.

To pay for these benefits, H.R. 5260 will extend for 2 years until 1997 the phase-out of personal exemptions for high-income taxpayers, as well as limit the deduction corporations can take for compensating its officers to $1 million. Furthermore, this legislation will restructure the employer's unemployment tax contribution rate and schedule in order to assure that the UC system remains viable well into the future. The net effect of these changes, Mr. Chairman, will be a reduction in the deficit of nearly $250 million through fiscal year 1997.

Mr. Chairman, let's not hang our workers out to dry. Support this bill to extend unemployment benefits.

Mr. KYL. Mr. Chairman, I support helping those who have lost their jobs in this recent recession. However, if we really want to aid the unemployed, H.R. 5260 is not the best way to do it.

First, it would break the budget agreement. This bill would add $4.6 billion to the Federal deficit before 1996, and there is no guarantee that the future revenues promised by the bill would be used to offset the bill's costs.

As we vote on a balanced budget amendment this week, our constituents have told us they are tired of programs that run up large deficits, always with the promise that they will be paid off in the future. In 1996 and 1997, there will be other new programs on which Congress will want to spend revenues. Any new programs should have to meet the paygo restrictions outlined in the 1990 budget agreement.

Second, H.R. 5260 amounts to a tax increase. All this talk about indexing and broadening the base obscures the fact that this bill would result in a net tax increase in jobs of $4.2 billion over the next 10 years.

Third, this bill plays politics. The administration has promised to veto it. Since the Democrats have pushed forward anyway, the only purpose can be to score political points. This is not the time for playing games. Getting the unemployed some real help is more important than any election year stunts.

I call on my colleagues in the Ways and Means Committee to come up with an unemployment package that the President can sign into law.

Mr. EWING. Mr. Chairman, I oppose H.R. 5260, the newest unemployment benefits extension bill proposed by the majority because of its deficit spending, tax increases and unnecessary permanent changes to the unemployment program. This week we will vote on a constitutional amendment to require a balanced budget, and I strongly believe that it is time for the Congress to start making responsible fiscal decisions. The Democrats' unemployment extension bill is far from fiscally responsible.

The sponsors of H.R. 5260 found it necessary to exempt the bill from the Budget Enforcement Act [BEA], which requires that direct spending be paid for, because it will not be fully paid for in fiscal year 1992 and 1993. Instead, the legislation would increase the deficit even more when we are already facing a record $400 billion deficit.

H.R. 5260 would also make permanent and very expensive changes to the unemployment program. This proposal would trigger 13 weeks of extended benefits when the unemployment rate in a State exceeds 6 percent and a further 7 weeks when the unemployment rate hits 8 percent. To help finance these changes H.R. 5260 would make modifications to the Federal unemployment tax rates which would result in a $4.2 billion net tax increase over the next 10 years.

Because our economy continues to be plagued by high unemployment, I strongly support extending unemployment benefits. Indeed, in Illinois the unemployment rate went up to 8 percent in May. However, extended benefits must be paid for without increasing the budget deficit.

The Democratic majority in the House of Representatives refused to allow consideration of a Republican alternative which would extend temporary unemployment benefits through March of 1993. Most importantly, our proposal would be completely paid for and would not include tax increases or expensive permanent changes to the program.

The Democrat leadership in Congress has failed dismally to produce any sort of economic growth package. We in the minority had hoped to offer legislation which includes desperately needed policies which would create new jobs, encourage investment, and get our economy moving again. Our legislation, sponsored by Representative ARCHER, includes a first time homebuyer tax credit, passive loss relief to boost the real estate industry, indexation of capital gains, and a one extension of the expiring tax provisions.

H.R. 5260 is a fiscally irresponsible proposal which is designed more to provoke a veto from the President than to help end the recession. It is time we stop playing election year games and start working together to get the economy moving again and get unemployed American workers back on the job.

The CHAIRMAN. No further amendment to the bill is in order.

Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore. (Mr. GEPHARDT) having assumed the chair, Mr. LEWIS of Georgia, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 5260) to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes, pursuant to House Resolution 475, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ARCHER. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ARCHER moves to recommit the bill, H.R. 5260, to the Committee on Ways and Means with instructions to promptly report the bill back to the House with extended unemployment benefits through March of 1993 which are offset in a manner which is consistent with the current budget rules and does not increase the deficits for the fiscal years 1992 through 1995.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes in support of his motion to recommit.

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Mr. ARCHER. Mr. Speaker, my motion to recommit really needs very little explanation. As the Clerk read, it merely instructs the Committee on Ways and Means to report back a bill which extends unemployment benefits through March of next year in a manner which complies with the budget law.

We are going to have a chance to vote for a balanced budget constitutional amendment this week, and this unemployment bill is a classic reason why we need such an amendment.

Many will argue in the debate on that constitutional amendment that we should not have it because it is our clear responsibility to do this legislatively by statute, and surely we would measure up to that responsibility. Well, Mr. Speaker, this motion to recommit says if we do not have a constitutional amendment to balance the budget that we have measured up to the responsibility not to increase the national debt. In fact, you can consider this motion to recommit a test vote of sorts.

In the absence of a constitutional requirement, it is too easy for the majority simply to ignore statutes already on the books which are supposed to enforce budget compliance. The majority repeatedly runs roughshod over the Budget Enforcement Act's pay-as-you-go provisions by pretending that revenue which comes in at the end of the 5 year period can actually be used to offset first-year expenditures. All of us know that is not what happens. What you are really doing is increasing the debt in the early years, and in this case by some $4.5 billion by 1995. When the revenues come in from tax increases at the end of the period, they will not be used to reduce the debt. They will simply be spent on something else.

We are not kidding anyone. But that is what H.R. 5260 does in its current form.

My motion to recommit simply puts some truth in accounting back in the legislative process. If you want to spend money up front, you have got to pay for it up front. It is just that simple. That is what our Republican alternative would have done had the substitute been made in order by the Rules Committee.

We should send this bill back to committee where we as Republicans will be glad to work in a bipartisan way to see if we cannot create a responsible compromise.

I urge all Members to support the motion to recommit and help this country from going into debt an additional $4.5 billion.

Mr. CONYERS. Mr. Speaker, I rise to oppose the motion to recommit with instructions offered by the gentleman from Texas [Mr. ARCHER].

This bill fully offsets the unemployment benefit that it pays with new revenues. It provides $4.7 billion in unemployment compensation in fiscal years 1992 and 1993, and raises $4.7 billion in offsetting revenues in fiscal years 1996 and 1997. Please follow this carefully. Because the outlays and offsetting revenues are not equal in each fiscal year, the bill exempts them from strict pay-as-you-go accounting.

As chairman of the committee which exercises jursdiction over these measures affecting the budget, I want Members to know I am committed to enforcing the pay-as-you-go principle. But this principle is respected by this bill. Unemployed Americans need help, and our economy needs stimulus, not later but now. The urgent need for relief provided by this bill justifies a modest, isolated departure from strict pay-as-you-go.

The gentleman from Texas has one thing right though, profoundly correct. He said this is a test vote of sorts. Well, Mr. Speaker, it sure is.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GEPHARDT). The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 191, nays 219, not voting 24, as follows:

[Roll No. 178]

YEAS—191

Allard
Allen
Archer
Armey
AuCoin
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carr
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris

Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hughes
Hunter
Hyde
Ireland
James
Johnson (CT)
Johnson (TX)
Jones (GA)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Machtley
Marlenee
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
McNulty
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morella
Morrison
Myers
Neal (NC)
Nussle
Oxley
Packard
Parker
Patterson
Paxon
Penny
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—219

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Pallone
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—24

Anthony
Byron
Campbell (CO)
Dickinson
Dymally
Ford (TN)
Gilchrest
Hefner
Hutto
Inhofe
Jones (NC)
Lehman (FL)
Levine (CA)
Lowery (CA)
Martin
McDade
Miller (WA)
Moran
Nichols
Owens (UT)
Sisisky
Stallings
Traxler
Weber

□ 2115

The Clerk announced the following pairs:

On this vote:

Mr. Inhofe for, with Mr. Sisisky against.

Mr. Lowery of California for, with Mr. Dymally against.

Messrs. MCDERMOTT, VISCLOSKY, and NAGLE changed their vote from "yea" to "nay."

Messrs. RAY, ROWLAND, and HUGHES, and Mrs. LLOYD changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill, H.R. 5260.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 261, nays 150, not voting 23, as follows:

[Roll No. 179]

YEAS—261

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Pallone
Panetta
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Solomon
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—150

Allen
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Geren
Gillmor

Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Long
Marlenee
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Parker
Penny
Petri
Pickett
Porter
Pursell
Quillen
Ramstad
Ravenel
Rhodes
Riggs
Ritter
Roberts
Roemer
Rohrabacher
Roth
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Valentine
Vander Jagt
Vucanovich
Walker
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—23

Allard
Anthony
Byron
Campbell (CO)
Dickinson
Dymally
Gilchrest
Hefner
Hutto
Inhofe
Jones (NC)
Lehman (FL)
Levine (CA)
Lowery (CA)
Martin
McDade
Miller (WA)
Nichols
Owens (UT)
Sisisky
Stallings
Traxler
Weber

□ 2132

The Clerk announced the following pairs:

On this vote:

Mr. Sisisky for, with Inhofe against.

Mr. Dymally for, with Mr. Lowery of California against.

Mr. MCCURDY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNUAL REPORT ON ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MCDERMOTT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

To the Congress of the United States:

I transmit herewith the 1990 annual report on the Administration of the Federal Railroad Safety Act of 1970, pursuant to section 211 of the Act (45 U.S.C. 440(a)).

GEORGE BUSH.

THE WHITE HOUSE, *June 9, 1992.*

PROPOSED EPA CLEAN AIR ACT REGULATIONS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, I rise today to express my concern for proposed EPA Clean Air Act regulations that would shut ethanol blends out of nonattainment areas.

This morning in Chicago the EPA begins 2 days of comments on its proposed regulations. I was scheduled to testify at those hearings but am unable to do so because of the very important considerations on the House floor of the balanced budget amendment, that I am a strong supporter of.

America must work toward energy independence. I do not intend to stand by and watch our country slip back into a dangerous state of dependency, leaving us open to the next oil shock from some country halfway around the globe.

An expanded use of alternative fuels, such as ethanol, will help reduce our energy dependence, clean up the air and enhance the rural economy.

But, recent actions by the Environmental Protection Agency [EPA] will, if not modified, establish a regulatory roadblock to the use of ethanol-blended gasolines in clean air nonattainment areas, such as Chicago.

I am concerned that the EPA is ignoring the intent of Congress to promote the use of ethanol. During the debate on the Clean Air Act we in Congress made it very clear that ethanol-blended gasolines would benefit from increased use in both carbon monoxide nonattainment areas and ozone nonattainment areas.

Now, the EPA is trying to limit the use of ethanol in nonattainment areas by placing arbitrary limitations on oxygen content in oxygenated fuels and inflexible certification requirements on reformulated fuels.

I would like to submit for the record a copy of my comments on the proposed EPA regulations.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 1992.

U.S. EPA,
Room M-1500, Waterside Mall,
Washington, DC.

DEAR SIRS: I must disagree with the Environmental Protection Agency's claim that its proposed reformulated gasoline regulations do not shut ethanol out of the Clean Air Act programs. The impact of the EPA's proposed regulations are that they effectively preclude the use of 10 percent ethanol blends in ozone nonattainment areas.

EPA cites four ways ethanol can be used in areas subject to the proposed reformulated gasoline requirements. These options or suggestions, and I might add the EPA reformulated gasoline proposal as well, indicate a lack of understanding of the operations of ethanol blending, petroleum production and distribution, and of the environmental benefits of ethanol blends.

Let me also be clear, my opposition lies with EPA's proposed reformulated gasoline regulations and not with the provisions of the Clean Air Act. My colleagues and I here in Congress intended that the environmental benefits of ethanol contribute to the stated goals of the Act, cleaning our nation's air.

EPA indicates that it will not allow ethanol blends to have a one pound exemption from the reformulated gasoline volatility requirements. My concern is that EPA has too narrowly defined the requirement to reduce mass-formed VOCs in such a way as to preclude applying the reformulated gasoline volatility exemption to ethanol.

The practical result of this narrow interpretation is that ethanol will not get used during the high ozone season (May 15 to September 30) or, as EPA has suggested, marketers using ethanol to satisfy the oxygen content requirement will have to locate sub-RVP blendstocks in order to comply.

The proposed EPA regulation is a flat-out penalty for marketers of ethanol blends. Ethanol does not conform neatly into EPA's reformulated gasoline recipe so ethanol blends are regulatorily penalized.

The reformulated gasoline program focuses on the control of volatile organic compounds (VOCs) which are increased by ethanol additives. While ethanol may increase VOCs, the emissions from ethanol are less reactive than virtually any other component used in gasoline. The VOC-driven regulatory program, however, ignores that ethanol use diminishes ozone formation by reducing carbon monoxide. The EPA, in fact, has concluded that reductions in carbon monoxide attributable to ethanol use offsets the impact of ethanol's increased VOC emissions.

The key issue here, then, is reconciling ethanol's overall emissions benefits, ie., atmospheric photochemical benefits, with EPA's VOC-driven regulatory program.

There have been a number of options proposed which would recognize the overall emission benefits of ethanol and permit the use of these blends in reformulated gasolines. Let me concentrate on just one aspect of this debate.

As you know, the Clean Air Act provides a one-psi RVP volatility tolerance to ethanol sold in ozone nonattainment areas, like Chicago. Ethanol was provided the RVP tolerance because EPA determined that the increased VOC emissions were offset by lower ozone-forming potential and reductions in carbon monoxide attributable to ethanol blends. Ethanol's volatility tolerance, thus, can be understood as a VOC tolerance.

The carbon-based equivalent proposal also recognizes the emissions benefits of ethanol without compromising EPA's regulatory framework. I urge your close consideration of this proposal.

The EPA has suggested four ways that ethanol might be used under its proposed reformulated gasoline regulations. These suggestions are just that—suggestions, and are not based on the operational realities of the fungible fuel production and distribution system.

One option is to have marketers using ethanol to satisfy the oxygen content requirement locate sub-RVP blendstocks to comply. This suggestion that ethanol blenders use a base gasoline with lower volatility to blend with ethanol ignores the realities of the gasoline distribution system. Ethanol blenders will not have easy access to lower volatility fuel, and certainly not at a reasonable price. Nor are refiners likely to produce a lower volatility specialty fuel for them. Even if a lower volatility specialty fuel were made, it would be limited by the nature of the fungible fuel transportation system. An ethanol blender can not contract with a refiner for a lower volatility fuel and expect to find a pipeline and storage facility to make the shipment. Pipelines are not prepared to handle such special shipments.

In your May 8 letter to the House Corn Caucus, the EPA stated another option, "Since the volatility of reformulated gasoline is only relevant during the summer months, [during] the rest of the year—seven and one half months—there is no difficulty blending ethanol into reformulated gasoline."

Oxygenates supplies and storage facilities tend to be contracted out on a year-round basis. Seasonal changes require special and unnecessary operational procedures each time there is a switch in oxygenates. The logistical impediments to alternating oxygenate sources will dictate that once refiners and marketers are forced to use MTBE as an oxygenate, it would be unlikely they would switch back in mid-year. Thus, it is unlikely that ethanol will be anything more than a supplemental oxygenate source to satisfy temporary shortfalls in MTBE supplies.

Once refiners and marketers use MTBE during the non-summer months they would not be able to switch back even if they wanted to because EPA prohibits gasoline from containing substantial amounts of both oxygenate additives at the same time.

EPA has stated that another option is to convert ethanol into an ether, such as ETBE. ETBE certainly holds considerable promise for future use, but unfortunately there is virtually no large-scale production capacity now, nor is there any likelihood that such capacity will exist by 1995. The long-term potential of this fuel does not excuse the EPA from shutting ethanol blends out of many markets now.

The EPA has stated that yet another way ethanol can be used in areas subject to the reformulated gasoline requirements is to use EPA's so-called 'complex-model' to change other components of gasoline in a way which offsets alcohol's effect on volatility. This option fails for many of the same reasons as EPA's option to add ethanol to gasoline with a lower volatility. Refiners might certainly be able to adjust the composition of their gasolines, but they are unlikely to do so to accommodate the needs of ethanol blenders. Even if they were willing to do so, oil refiners would still face the same impediments mentioned earlier associated with a fungible fuel distribution system.

To summarize, EPA's proposed reformulated gasoline regulation falls flat when compared with the realities of our nation's fuel distribution system and the proven environmental benefits of ethanol blends. The regulations do indeed shut ethanol out of ozone nonattainment markets.

But perhaps most distressing is that the regulation is based on one false premise; that ethanol blends would exacerbate the ozone pollution problem and must be controlled. In fact, EPA has repeatedly stated that ethanol blends, even with an increase in mass-based VOCs does not exacerbate ozone formation.

The clear intent of me and my colleagues was to allow the use of ethanol blends in reformulated gasoline with a one-psi volatility exemption. Congressional intent was based on sound evidence that ethanol blends do not increase ozone pollution. Your regulations should reflect that intent instead of trying to work so hard to thwart it.

Allowing the use of ethanol in reformulated gasoline would make the program more flexible for refiners, assure that the environmental goal of reducing ozone is maintained and use a renewable, domestic resource to reduce our nation's dangerous dependence on future fuel formulations.

In addition, EPA should start developing workable solutions to the hurdles your proposed regulations have created for ethanol blenders. I urge you to revise the regulations.

Sincerely,

J. DENNIS HASTERT,
Member of Congress.

WE DO NOT NEED TO LEGISLATE IN ORDER TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, we have reached the long awaited and much heralded balanced budget week. If there has ever been a week that has been oversold and hyped beyond belief, this is that week.

Let me try to go back to the start to frame the issue. We do not need, and let me say it again: We do not need to adopt any balanced budget legislation, whether it is a statute or an amendment, in order to balance the budget. We can balance the budget by having an enforcement package with teeth to cut spending and raise revenues, and we have to have, of course, the intestinal fortitude, or, as we say in Kentucky, the guts, to adopt this enforcement package.

But once again, Mr. Speaker, we do not need to pass any new legislation.

The enforcement package would be prickly, politically very potent and highly controversial, painful—all those things definitely. But that is the way to balance a budget.

Let me go back also for one other basic lesson. If a balanced budget amendment were adopted this week, that would not automatically balance the budget. Of course an amendment would have to go to the States for ratification, and that would take months, maybe years. Maybe it would never be ratified. But one way or the other, if a balanced budget amendment is adopted this week, we do not necessarily and automatically balance the budget.

□ 2140

I see that we have three options. One is the conventional option facing us this week. As we do so often when faced with a tough issue, we simply try to dodge it or finesse it, avoid it, and hope that somehow the confluence of time and events will cause that to sort of go away.

Now, we consider the balanced budget amendment first in the committee, where you only need a majority vote. But then the action of the committee has to be ratified by the House, where you need two-thirds. There is a possibility that we could wrangle for hours and go on for this entire week, pass a balanced budget amendment in the committee, but not adopt it in the House, come up empty handed, wring our hands, say how cruel fate is, and then maybe go back to business as usual.

That, I think, would be cynical. I think it would be hypocritical, and I think it would be deemed such by the people. I think it would deepen the cynicism and the concern people have, disaffection for the way business is being done in Washington. I hope we avoid that fate and outcome.

The second option I think we have, Mr. Speaker, is somewhat less conventional than option No. 1, and that is pass the Stenholm balanced budget amendment, with all the uncertainties that we have about it as to whether it will work or whether it might work too well, whether it will be ratified by the States, whether it will hurt the people we like to help and help the people we would like not to help. But one way or the other, we could do that.

That would be very unconventional, because we seldom pass balanced budget amendments, or any amendment, to the Constitution.

We could then—while it goes to the States for the 1 year or 2 years or whatever it takes to ratify it—go back to business as usual and not have any awareness of where we are in the budget cycle.

I would hope that if it were to be passed we would consider that framework, but it is possible we would not.

The third option, Mr. Speaker, is totally unconventional, revolutionary, but I just humbly offer it. I think what we should really do is to take 1 week or 2 weeks or 3 weeks off, clear the deck, and, under the openness of the most open rule put on this floor, the entire Internal Revenue Tax Code and all spending in all of the three categories of Government, domestic, international, and defense, and let this House and every Member in it have a go at developing a deficit reduction package. See what we could come up with.

All of the steps are vexatious, difficult, and painful for our friends and painful for all of the special interests, but I think that this procedure would give every Member of Congress a real feeling that he or she was involved in this, and, by extension, all the people of this country would be very much involved in what we did.

We would really be trying to get to the heart of the issue. Not to pass a balanced budget amendment or a balanced budget statute, but to really balance the budget.

So I would say, Mr. Speaker, as I have used my time, to go back to the basics. You do not need a balanced budget amendment to balance the budget. You do need the intestinal fortitude and a package.

I hope at the end of the day, whenever that day is, that Congress will measure up to that task.

ATTITUDES OF PRESIDENT AND VICE PRESIDENT REGARDING U.N. CONFERENCE ON ENVIRONMENT DISAPPOINTING

The SPEAKER pro tempore (Mr. MCDERMOTT). Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, I am profoundly disappointed and saddened by the positions and actions, and most importantly, by the attitudes of my President and Vice President regarding the U.N. Conference on Environment and Development in Rio de Janeiro.

UNCED is the largest conference of nations ever held, bringing together over 10,000 delegates from 170 nations to set an agenda for achieving environmentally sound development all across the world. The desire for a better quality of life for their people through economic development, and the desire of already developed nations for conservation of the world's ecosystems and resources, has led to this remarkable gathering. With 5,000 non-governmental organizations present, thousands of experts and observers, 30,000 people in all, the magnitude and importance of this undertaking cannot be overestimated.

Our negotiators have worked with their counterparts for the better part of 2 years at numerous preparatory conferences to develop broad agreement on conventions on climate change and biodiversity, on the language of a Rio Declaration, on an Agenda for sustainable development and the relationship between North and South—the Temperates and the Tropics—and a statement of forest preservation principles. People from the Departments of State and Energy, the EPA, the Council on Environmental Quality, and many, many other U.S. departments and agencies, covered themselves and our country with glory and respect, by their hard work and diligence in these negotiations.

Unfortunately, those in the White House have not. With communism dead in Europe and the former Soviet Union in pieces, United States influence in the world is at its zenith. But his advisers have had the President duck the mantel of world leadership, play domestic politics with the future of life on the planet, and appear to all the world to be a man without understanding, sensitivity or concern, and perhaps, most significantly, without a trace of vision.

Appearing to put his finger to the political wind, the President declared that any agreement limiting, even minutely, carbon dioxide emissions during this decade or recognizing that the host country has any intellectual property right in its own forest products would cost American jobs. This, Mr. Speaker, is infinitely demogogic and domestic policy without a clueless. The central thesis of the entire conference is that economic development and the environment must go hand in hand. The fact that the President is also opposing our competitors agreeing, outside of the climate change convention, to specific CO_2 goals, put the lie to a primary concern about protecting U.S. jobs.

This ignorant approach also demeans the depth of understanding and commitment of American business to environmentally sound development. I am privileged to represent in Congress thousands of leaders of business and industry. With few expectations, these are men and women of sensitivity to the necessary relationship between economic growth and environmental protection. They are people who care deeply about the effects of their industries upon the environment, and about the kind of planet their children and grandchildren will inherit. They are people of vision who expect the same of those who govern them.

Mr. Speaker, I've just returned from 4 days at the UNCED Conference as an official delegate of our country. Because of the actions and rhetoric from the White House denigrating the purposes and directions of the conference, and pulling the rug from under our delegation chief, Bill Reilly, anti-American sentiment is strong. It was terribly important that members were there to diffuse it and provide some balance, but opportunity for our country remains.

Mr. Speaker, the stage at Rio on which the President will appear next Friday, is perhaps the largest the world has ever seen. If he goes down to Rio to address, not the world, but the U.S. electorate; if his speech plays to votes in November rather than understanding for people throughout the world yearning for a better life; if he plays to economic fears and sets the United States against the world; it will be disastrous diplomacy, but even worse politics.

The people of America, as well as people everywhere, are starved for leadership, famished for inspiration. The antithesis of leadership and inspiration is cynicism, the belief that you can manipulate people by playing to their fears and forebodings.

Show cynicism the door, Mr. President. Throw off those who would cast you as the niggling naysayer rather than the world statesman. Inspire us and lead us, Mr. President, make us proud in Rio.

TIME TO CUT THE PORK AND PASS BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, the vast majority of the citizens of the Third Congressional District of Georgia are telling me that it is time to cut the pork and to pass House Joint Resolution 290, the Stenholm balanced budget amendment.

They are concerned, Mr. Speaker, that we owe $3.8 trillion, as can be seen on this chart here. They are concerned that we have a deficit shortfall of over $350 billion. Mr. Speaker, they are concerned that we are concerned that we are paying $26 million per hour in interest on this debt. They tell me, Mr. Speaker, that they do not like the rhetoric that they are hearing from a lot of our Members here who are posturing to sabotage this resolution, the Stenholm balanced budget amendment.

Mr. Speaker, that is what I want to speak on, House Joint Resolution 290, the Stenholm balanced budget amendment.

Mr. Speaker, since I was first elected to Congress—and long before it was popular—I cosponsored a balanced budget amendment, and I have done everything I can to bring some fiscal sanity back to the Federal budgeting process.

People do not understand why every American individual, small business, corporation, local and State government has to balance their budget—or suffer the consequences—while the Federal Government can continue to run up an astronomical debt, which currently stands at $3.8 trillion.

As a former small businessman for over 20 years, I agree.

Some commentators have simply blamed Congress for a lack official responsibility, and believe that a new group of legislators could miraculously end deficit spending.

That is a very shortsighted view and does not address the real root of the problem.

The Government that our Founding Fathers constructed continues to be the best that man has ever created. However, it calls for a consensus to emerge from the House of Representatives, the Senate, and the President before any measure becomes law.

For any spending bill to get the necessary majority of 218 House Members, 51 Senators, and 1 President, you have to have a package that appeals to an extremely wide range of constituents from across the Nation.

If we followed the suggestion to simply elect new individuals to Congress, this new group of public servants would continue to follow their mandate by listening to their constituents, representing their views, and voting their wishes. Accordingly, we would continue to have an unbalanced budget.

The only way we can require this system to pay attention to the future of our entire country, and not just the immediate needs of the present, is to amend the very Constitution under which we operate.

Thomas Jefferson advocated a balanced-budget provision in the Constitution, but it unfortunately was not accepted. If we had this provision from the very beginning, we would not be faced with a $3.8 trillion debt that costs our Nation $200 billion a year in interest alone.

If this amendment clears both the House and Senate, it must be ratified by three-fourths, 38, of the States within 7 years—and would become effective 2 years later.

I am very optimistic that once we get the debate out of Washington, the States will pass the measure within 3 or 4 years.

It is important to note that the amendment would allow the phasing in of changes geared to gradually reducing the deficit over this time period, rather than forcing the elimination of the entire deficit in 1 year.

Once an annual balanced budget is achieved, the work on the $3.8 trillion debt can begin.

During my tenure in Congress, I have supported numerous initiatives designed to rein in Federal spending.

My willingness to make the tough choices to cut the budget has earned me the "watchdog of the Treasury" award several times.

I voted for the Gramm-Rudman-Hollings Deficit-Reduction Act which attacked the deficit and slowed its growth. Other legislative initiatives have been well-intentioned, including the Economic Budget Act of 1990 which is working to a degree.

Unfortunately, the easy way out of adding to the deficit still remains for Congress and the administration.

I firmly believe we must have the power of the Constitution to balance the budget. This constitutional provision will require the entire Nation to make the hard choices needed to balance our Federal budget.

Without it, the people of the various congressional districts and the States will continue to present and advocate well-intentioned spending plans, and Congress and the President will continue to support more spending and more unbalanced budgets.

Mr. Speaker, I point out to those who do not believe that a constitutional amendment is necessary that had we enacted such an amendment when I first advocated one 12 years ago, our public debt would be half of what it is now.

We cannot afford to wait any longer.

□ 2150

EVENTS IN BOSNIA-HERCEGOVINA

The SPEAKER pro tempore (Mr. McDERMOTT). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, many things are happening in Bosnia-Hercegovina that are receiving little, if any, media attention here in the United States. I would like to take some time here today to inform you of just one of them.

The International Committee of the Red Cross has been active in trying to gain the release of an estimated 3,000 Serbian civilians—men, women, and children—who were fleeing the fighting in Bosnia and who have been placed in a detention camp in Odzak. Their plight, unlike that of the Moslem refugees being held hostage by the Serbs, has not even been mentioned by the U.S. State Department. In addition, several thousand Serbian women and children, according to the New York Times on June 4, were held in a railroad tunnel near the village of Bradina in Bosnia. Their current whereabouts are unknown. No one seems to care.

The detention camp in Odzak, by the sound of it, is similar to those in Croatia which were mentioned in the 33-page Helsinki Watch letter that was sent to Croatian President Franjo Tudjman back in February.

In fact, with the presence of troops from the Republic of Croatia in Bosnia-Hercegovina according to the United Nations and numerous media sources, I am sure that this camp follows the same pattern.

A Serbian group from Bosnia Posavina appealed to me to help with the Serbs being held in Odzak. I would like to read some excerpts from their letter:

> Among these 4,000 Serb peasants there are many women and children, old people, sick and feeble folk. They were deceived and tricked after being surrounded from all sides for twenty days by the Croatian regular army from the State of Croatia and local Ustashe and then imprisoned them in a concentration camp in Odzak where they have been detained since the 8th of May.
>
> Representatives of the International Red Cross, who barely managed to reach Odzak on the 22nd of May, have reported that the imprisoned Serb peasants are in a terrible state. Apart from these testimonies, no other contacts were possible with the imprisoned Serbs held in the concentration camp in Odzak. Inhabitants from the village of Milosevac (located on the right bank of the Bosnia river) testify to having heard terrible cries coming from the opposite side of the river from the direction of Odzak.

The letter also reads:

> We have notified and informed the International Red Cross in Belgrade a number of times of these terrible events and the assault on the lives of these 4000 people and their terrible plight in the concentration camp in Odzak, hoping that they could offer assistance as a humanitarian organization in saving these innocent people.
>
> We have appealed for their protection with the regional (YOU EN PRO FOUR) UNPROFOR headquarters in Belgrade.
>
> Appeals were broadcast over radio and television stations and through the TANJUG news agency and through the press to save these innocent Serb farmers.
>
> The Holy Sinod of the Serbian Orthodox Church also appealed to the world to help and save these innocent and unjustly imprisoned people.
>
> By the assistance of the International Red Cross Organization on the 27th of May a hundred of the imprisoned peasants over 60 years old were released and they testify of unthinkable tortures these innocent people are exposed to.

Mr. Speaker, the other account that I mentioned earlier was the focus of an article in the June 4, New York Times under the headlines "Serbs Say Muslim Slav and Croatian Gunmen Killed Civilians in 6 Villages." I quote from the article:

> Sarajevo, Basnia and Hercegovina, June 3rd—In accounts that appeared to confirm that atrocities against civilians are being committed by all sides in the ethnic war here, Serbs from a mountainous area outside Sarajevo said today that Muslim Slav and Croatian gunmen swept through at least six villages in the region last week, executing Serbian men after they had been forced to kneel and recite the Muslim incantation "God is Great."
>
> The Serbs also said the attackers looted and burned their homes, then rounded up large numbers of survivors and forced them to spend 3 to five days in a darkened, damp railroad tunnel.

Mr. Speaker, the situation in Bosnia can be at best characterized as mass confusion. There is more than enough blame to go around and there must be concern from each and every ethnic group.

As I have said many times before, the killing must stop, and a negotiated political settlement must be reached. Muslim, Croat, and Serb populations in Bosnia-Hercegovina are all suffering from this senseless killing.

ARE FOREIGN BANKS COMMITTED TO U.S. LENDING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, much has been said in this House about the credit crunch—the failure of banks to loan money to creditworthy customers. An aspect of the credit crunch has received little attention, and that is the lack of commitment on the part of large foreign banks in this country to lend money. The reluctance of foreign banks to lend funds back into this country has contributed to the credit crunch.

Today foreign banks hold 24 percent of the banking assets in the United States. This percentage has risen dramatically since 1981, when they controlled only 15 percent. The growth of foreign banks is having a detrimental impact on our domestic economy because these banks are actually decreasing the percentage of loans that they hold as assets.

In general, large foreign banks located in the United States have much lower loan-to-asset ratios than domestic financial institutions, regardless of the economic climate. The ratio measures the amount of loans a bank holds in relation to the amount of its total assets. During the current recession the discrepancy has become even greater. The difference in loan-to-asset ratios between domestic and foreign banks has greatly exacerbated the recent credit crunch.

Before the credit crunch, large foreign banks lagged behind domestic banks with respect to loan-to-asset ratios. In 1988, large American banks with assets over $10 billion had an aggregate loan-to-asset ratio of 62 percent. In other words, 62 cents of every dollar of assets held by these banks consisted to loans. Foreign banks operating in the United States of a comparable size, had an aggregate loan to asset ratio of only 49 percent. For every $10 in loans held by an American bank, a foreign bank of comparable size held only $7.90 in loans.

Even in good economic times, a loan differential of more than 20 percent in not acceptable. But during the current recession, the situation has gone from bad to worse. In 1991, the loan-to-asset ratio of large American banks had dropped slightly, down to 60 percent. In contrast, the loan-to-asset ratio of large foreign banks operating in the United States plummeted to 40 percent. At these rates, foreign banks are lending only two-thirds as much as domestic institutions. Now, for every $10 in loans held by a large United States bank, a comparable foreign bank holds only $6.66 in loans.

The U.S. economy needs more lending in order to help it recover from the current recession. Both American and foreign banks should be meeting that need. Foreign banks operating in the United States should not profit during our good times, then turn their backs on us when credit is needed.

Some foreign banks have particularly poor records. The five large foreign institutions with the worst loan-to-asset ratios in 1991 were: Mitsubishi Bank Ltd., 24 percent; Bank of Tokyo Ltd. Agency, 25 percent; Credit Lyonnais, 28 percent; Fuji Bank Ltd., 29 percent; and Sumitomo Bank Ltd., 29 percent.

A couple of these banks have sharply cut back on their lending. The Bank of Tokyo has the greatest loan-to-asset ratio decline of all the large domestic and foreign banks surveyed. In 1988, the Bank of Tokyos loan-to-asset ratio was 32 percent. Three years later, it had fallen to 25 percent. This means that in 1988, the institution held $1 in loans for every $2 in other assets. By 1991, the Bank of Tokyo held $1 in loans for every $3 in other assets. Sumitomo Bank Ltd. was not far behind in abandoning United States lending. It had the second largest drop in loan-to-asset ratios, from 40 percent to 28 percent. Again, this means that Sumitomo went from loaning $4 of every $10 in assets to loaning only $2.80 for every $10 in assets.

The U.S. operations of these institutions have a significant effect on the U.S. economy. Combined, their yearend 1991 assets in the United States are approximately equal to the assets of the country's second largest institution at the time, Bank of America. In 1991, Bank of America had a loan-to-asset ratio of 74 percent. If the five institutions above matched that, they would have made an additional $46.8 billion in loans in 1991.

The United States gives foreign banks national treatment. Foreign banks are given all the rights and privileges of domestic banks. Many countries do not reciprocate with national treatment for our financial institutions. This is something that the conference committee on fair trade in financial services is working to remedy by giving the Treasury the ability to restrict the banking activities of institutions from countries which do not afford national treatment.

At the very least, Americans should benefit from the business done by foreign financial institutions located on our shores. Large foreign banks operating here should provide and facilitate business for U.S. companies and citizens. Low loan-to-asset ratios, such as the 24 percent ratio of Mitsubishi Bank, indicates a lack of commitment to the United States. Instead these banks are not serving the credit needs of the United States, and may be accepting deposits here that are going to their home countries to make loans there.

Large foreign banks operating in the United States must do business with U.S. borrowers, as well as with U.S. depositors. That means providing credit to the individuals and businesses which both need and qualify for loans. If this is not the case, then Congress should reconsider its policy of national treatment.

ON THE REPUBLICAN REGULATORY RELAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, today I take the well to run another leg of the Republican regulatory relay. By now, neither the public nor my colleagues should be surprised at today's example of another inane impediment handicapping the ability of American businesses to compete in this country.

Mr. Speaker, the Labor Department's Occupational Health and Safety Administration created the Hazard Communication Standard in 1987. The intent of the standard was to provide a way for employees to understand the hazards of materials they deal with at the workplace.

The standard requires employers to keep records in the form of material safety data sheets or MSDS's, on all potentially hazardous materials with which employees may come into contact at work. The employees must then be trained about the potential hazards of the materials. Further, the MSDS's must be kept on all job sites for reference should an employee need treatment after exposure to a hazardous material.

While you're thinking this all sounds reasonable and appropriate, let me describe to you the experience of Richard Rosenow, the president of the National Roofing Contractors Association.

The list of potentially hazardous materials included such substances as charcoal, wood dust, and oxygen.

The danger involved with exposure to charcoal stems from the possible prolonged breathing of charcoal dust which can lead to a deleterious physiological disorder diagnosed by OSHA as the phenomenon of—coughing. The MSDS tells us that the individual that finds himself in this perilous situation should, and I quote—seek air. Further, if any charcoal is spilled, the prescribed remedy is to—sweep up.

Let me tell you now about the MSDS on wood dust. According to the MSDS, wood dust comes from particles generated by any manual or mechanical cutting or abrasion process performed on wood. Prolonged contact with these particles should be avoided.

Mr. Speaker, when you are done laboring through the meaning of the terms OSHA uses, your first question will be, "They can't be talking about saw dust, can they?" Yes, Mr. Speaker, they're talking about sawdust.

And what do Federal regulations require of employers in relation to the hazardous substance known as sawdust? It requires that all workers be informed of the hazard. It requires that the nature and cause of the hazard must be written down and kept in a file at the workplace and that both the written files and training sessions include instructions for dealing with this hazard when it arises.

And what remedy did the experts at OSHA come up with if sawdust comes into contact with the skin?—wash the skin with water. These same experts, these great receptacles of scientific wisdom and regulatory finesse recommend the following remedial exercise—seek fresh air.

The MSDS on oxygen provides additional enlightening remedies to exposure. Breathing oxygen for more than a few hours can be bad for you. Once again, the paragons of industrial safety, based on solid scientific data recommend an antidote—seek fresh air.

MSDS' exist for other such hazardous materials as: Sand, gravel, fire extinguishers, dish washing liquid, and water.

Mr. Speaker, let's remember what that means. It means that for every one of those hazardous materials an employer must keep complicated records at every work site and must provide actual training sessions for every worker that may come into contact with them.

The story doesn't end here, Mr. Speaker. In fact that is only the tip of the overregulated iceberg. According to Mr. Rosenow testifying before the Task Force on Small Business, not only has he spent more than 60 days, at a labor cost of $75,000, training his employees to work with these hazardous materials, but never once has there been an occasion to use an MSDS at the work site nor has any employee ever requested to see one.

While the situation is similar throughout the construction industry, the hazard communications standard has the dubious honor of most frequently cited violations—60 percent of OSHA citations involve the hazard communications standard. Whether it be paperwork errors or citation, the overzealous OSHA compliance officers will find something.

Mr. Speaker, clearly this standard is in need of revision. MSDS' need to be simplified and streamlined. And Mr. Speaker, this is not new. Some of my colleagues approach me and say, I can't believe that you come up with these regulatory horror stories—where do you get them?

In this case, Mr. Speaker, the GAO issued a report last year on the hazardous communications standard stating that "55 percent of employers who received MSDS said that most are too technical for the typical workers to understand." The report further found that a majority of the 196 sample data sheets it reviewed to be either "incomplete or inadequate."

Complying with the hazardous communications standard is forcing construction businesses to divert valuable time and resources away from more productive activities. What more it simply does not benefit the health and safety of the workers.

Mr. Speaker, sometimes as I read about or receive briefings on the ludicrous extremes to which overzealous regulators push American business, I feel like laughing. This is just something funny about the fact that Federal bureaucrats find it necessary not only to inform employers that submerging a head in water for an extended period of time may be bad for one's health, but to insist that employers fill out forms, provide training sessions and issue reports to pass on this information.

But when the American economy labors to sustain economic growth regulations like these, it stops being funny.

When the drafters and enforcers of these regulations receive Federal salaries at a time while our deficit continues to spiral, it stops being funny.

When American businesses cannot compete against their foreign counterparts because they must spend too much money complying with moronic regulations it stops being funny.

Mr. Speaker, there's no question that regulating water, sawdust, pebbles, and sand is a big joke but you didn't find me or America's builders laughing.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION AUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I am today introducing the National Archives and Records Administration Authorization Act of 1992. One purpose of this legislation is to authorize appropriations for the National Archives and Records Administration and for the National Historical Publications and Records Commission for fiscal years 1994, 1995, and 1996. In addition, the bill includes a number of legislative changes pertaining to the Archives. A brief summary follows:

Section 3 requires that any rule affecting public access to records in the custody of the Archivist can only be adopted or amended after notice and comment as provided in the Administrative Procedure Act. This is a response to a recent change in access rules to the motion picture, sound and video reading room. New access rules were promulgated without notice to or consultation with any of the users of the reading room. The effect of the new rules was to severely restrict the utility of the reading room. The new rules were adopted in reliance on an exception in the APA that should not have been used.

Section 4(a) proposes a change in the definition of "records" in title 44 of United States Code. The revised definition includes specific references to computerized and electronic information. While the existing definition certainly covers digital data, it is time to bring the definition squarely into the computer age. The new language will resolve any lingering doubts about the coverage of existing records laws.

Another change in the definition is the elimination of the provision that treated extra copies of documents preserved only for convenience of reference as nonrecord material. This loophole in existing law has been used by agency officials as an excuse to remove classified, sensitive, original and other Government records when they leave office.

Last year, a report by the General Accounting Office documented the problem of removal of papers by departing cabinet officers of the Reagan Administration. The report is titled "Federal Records: Document Removal by Agency Heads Needs Independent Oversight" (GAO/GGD–91–117). The GAO found that the Departments of Justice, State, and the Treasury did not always know what types of documents were removed by departing cabinet secretaries. In two instances, agencies did not know that classified information had been removed.

GAO concluded that internal agency controls are insufficient to ensure that the Government's interests are properly protected because no independent review of documents is routinely made before they are removed. Reviews, if made at all, are done by subordinates who may not be able to challenge the decisions of departing agency officials. GAO documented the removal of papers by former Secretary of Defense Caspar Weinberger, former Secretary of State Alexander Haig, and former Secretary of the Treasury Donald Regan.

GAO also found that most agency heads who take papers do not pay for them. For example, the Justice Department spent $1,400 to create microfilm copies of records to make it easier for former Attorney General Edwin Meese to remove them. Meese did not reimburse the agency for the expense. Meese removed 278 boxes of paper records in addition to 170 reels of microfilm.

Section 4(b) responds to the problem identified by GAO by establishing a procedure for the review of records proposed for removal by departing agency officials. Under the legislation, the Archivist would be required to review any records proposed to be removed by the head of an executive department. Records of other departing officials could be reviewed by the Archivist or by the employing agency. In the absence of a review, copies of records maintained solely for convenience of reference could not be lawfully removed.

This procedure will permit the reasonable and orderly removal of Federal records for which the government no longer has a need. The review will also ensure that classified and other sensitive Federal records will not leave secure government facilities. It will prevent departing agency heads from taking every document that isn't nailed down. Review by the Archivist also avoids the conflict of interest that now arises when departing officials decide for themselves what papers they can remove.

Section 5 of the bill gives the Archivist increased authority for interpreting the definition of records under 44 U.S.C. 3301 and for carrying out other existing responsibilities pertaining to records and records management.

Section 6 proposes several changes in the operations of the National Archives trust fund. The trust fund is a revolving fund that runs souvenir shops at Archives facilities and handles requests for reproduction of documents. A principal concern is the cost of reproduction of documents. The trust fund now charges 25 cents a page for providing ordinary copies and, until recently, it charged the completely outrageous price of 35 cents a page. The fees are higher than fees charged by other agencies under the Freedom of Information Act, and they are even higher than fees charged by commercial, for-profit copying services.

The bill restructures some of the operations of the trust fund and requires that all document duplication be done at a price that does not exceed cost. In addition, the trust fund would be required to provide fee waivers to qualified requesters. The trust fund would also be required to establish a visiting scholars program under which persons engaged in scholarly research can receive travel and lodging support while using research facilities of the National Archives. Excess funds already in the trust fund would be used to find these programs. The bill also provides for better controls and accountability of money in the trust fund.

Section 7 establishes an Advisory Committee on Electronic Records. The purpose of the committee is to advise the Archivist on matters pertaining to the acquisition, preservation, and documentation of electronic records, including technical, policy, legal, and management issues. This proposal grew out of work done by the Subcommittee on Government Information, Justice, and Agriculture, in the 101st Congress. A report prepared by the subcommittee highlighted problems with the archival preservation of computer records. The report is "Taking a Byte Out of History: The Archival Preservation of Federal Computer Records," House Report 101–978 (1990).

Section 8 of the bill establishes an Advisory Committee on the National Archives. This committee will advise the Archivist on all programs and activities of the Archives and review the role of the Archives as a leader and resource for State and local archivists. This proposal has developed out of concerns that the National Archives has grown too isolated from those who are affected by its work and from those who look to it for leadership. Regular consultation with outside parties will help to keep the activities of the National Archives on track.

Section 9 requires that the Office of the Federal Register develop a pilot program to make Federal Register notices available through computer bulletin boards or other online access mechanisms. At least three Federal agencies would take part in this pilot program. Computer bulletin boards offer simple and inexpensive ways to provide access to electronic documents. In the absence of better online access to the Federal Register, computer bulletin boards offer a way to provide electronic access quickly.

A computer bulletin board can be operational within a few weeks. I know this because I have hands-on experience with the operation of a computer bulletin board. I am the system operator for the Federal whistleblower computer bulletin board, 202-225-5527, a bulletin board that permits citizens to provide investigative leads on waste, fraud, and abuse in Federal agencies and programs directly and anonymously to a congressional oversight committee. The whistleblower BBS has been a great success since it was started 6 months ago using a surplus computer and freely available software.

Section 10 makes a conforming change in law relating to the removal of records provision in section 4.

Section 11 establishes a term limit of 7 years for the Archivist of the United States and makes the Deputy Archivist subject to Presidential appointment and Senate confirmation.

Section 12 increases the endowment requirement for Presidential Libraries from 20 percent to 40 percent.

If there is a common thread behind all of these proposals it is that since the National Archives was separated from the General Service Administration, the Archives has been operating with very little outside input or oversight. This has been a mistake. The National Archives and Records Administration Authorization Act of 1992 will correct the lack of attention, make some long overdue legislative changes, and bring the National Archives more squarely into the modern computer age.

INTRODUCTION OF BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. ORTON] is recognized for 60 minutes.

Mr. ORTON. Mr. Speaker, today I rise, having submitted a new bill for a balanced budget amendment in conjunction with the gentleman from Illinois [Mr. COX]. Tomorrow we will be discussing the balanced budget amendment at great length. Time, of course, will be allocated to many Members who wish to speak, and each Member will have relatively little time. There is much more to say about this issue than can be said in a short 1 or 2 minutes.

Therefore, I am taking this opportunity to rise this evening and discuss the principles that are found in the balanced budget amendments, discuss the issues and the concepts, and outline why I believe it is necessary to adopt somewhat different language from any of the proposals which have been submitted.

The balanced budget issue, of course, is an issue which many of us came to Congress with heavy on our minds, seeing years of $100 billion deficits and now a $400 billion deficit.

The time has come, Mr. Speaker, for us to do something about balancing the budget. It has been said often that in fact we do not need a provision in the Constitution to require us to balance the budget. That is true, we do not need a requirement to tell us to balance the budget. We could do it on our own, by statute. The question, however, is a question, a difference between the ability to balance the budget and the commitment to balance the budget.

I believe that in order to get a balanced budget we must have a mandate. We must require that Congress act to balance the budget. We have talked about today a bill which came forward after the discharge petition was signed bringing out the balanced budget amendment for a vote, a statutory alternative which was presented, which we debated today and voted on. I voted in favor of that statutory provision. Although that provision was defeated, let me just outline for the Members what H.R. 5333 would have done.

That would have required that the President submit to the Congress a budget which, by the year 1998, would be in balance. So submitting for 1994, 1995, 1996, 1997, and 1998 budgets would require that by 1998, fiscal year, the budget would be in balance. That is, I believe, something which the President should do. However, if we listen to the President, it is something that the President has already done.

The President suggests that in the budget which he submitted for 1993 it actually achieves balance by 1997. The problem with the President's projected balanced budget by 1997 is that it is based upon what virtually everyone agrees are over-optimistic estimates of revenue.

□ 2210

In fact, if you can plug in whatever estimate of revenue you want, it is very easy to balance a budget. This statute would not change in any way or place any requirement upon an actual look-back or an actual balance. It is a projection that the President has to submit.

Second, the Congress is required in any concurrent budget resolution which the Congress submits to submit a balanced budget by the fiscal year 1998 and each fiscal year thereafter. And the Rules Committee by this statute would be required to write a rule on any bill coming forth on a concurrent resolution to require a vote on each separate budget. In order to give the President's budget its due consideration, the majority leader would be required to submit the President's budget virtually unchanged, and in fact that budget would be required to have a recorded vote.

The Senate, of course, would always be allowed to propose any amendment on a concurrent resolution or a presidential budget concurrent resolution. Social Security would be taken off budget for this purpose. Pursuant to the 1990 budget agreement, which is an amendment to the 1974 budget act, in 1990 the Congress placed into law a sequestration provision that if, in fact, Congress cannot balance the budget in a fiscal year that they must then look back and sequester from spending in specific areas the amounts necessary to balance the budget and to eliminate the actual budget deficit. This bill would in fact require that final sequestration under the budget to outline the budget deficit, and the budget year deficit reduction would then, pursuant to the statute, reduce discretionary spending limits. That is an attempt in statute to set forth requirements taking us to a balanced budget by 1998. It is not the first time. We can remember back to the Gramm-Rudman provisions which outlined a balanced budget by this current fiscal year. We were supposed to be at balance, and we are now at $400 billion deficit in this year and projected to do likewise in future years.

Tomorrow, we are going to take up a series of amendments to the Constitution. First of all I understand we will be talking about an amendment raised by the gentleman from Wisconsin [Mr. OBEY]. The Obey amendment would require the President to submit a balanced budget unless the President makes a declaration of national economic emergency. Then we would not be required to submit a balanced budget, if the Congress by majority vote concurred with the President's recommendation to spend beyond, to increase the budget authorization and spend beyond receipts.

However, section No. 2 limits the Congress and says that the Congress in no case can approve a budget with higher amounts of total expenditure than recommended by the President for that fiscal year. That particular provision will cause me and many of my colleagues to vote against this budget amendment, because by limiting Congress's ability to approve a budget in greater amount than what the President recommends we have turned over the power of the purse from the Congress to the Executive, which I believe violates the basic separation of powers provisions in the Constitution, and turns over one of those powers reserved to the Congress, that is the power of the purse. Take, for instance, the example where Congress generated $1.5 trillion of revenue, but the President proposed spending only $1.3 trillion of revenue. Congress could not spend even the revenue available. We are not talking about deficit spending. This would limit the Congress's ability to even spend the revenues that Congress has generated. And so I believe that it would be inappropriate to turn over the power of the purse to the President, and that specifically would cause me to vote against the Obey amendment.

The Obey amendment goes on to waive these provisions for any year in which there is a declaration of war. It defines all receipts as all receipts except that from borrowing and defense expenditures as all expenditures except for payment of principal debt. The Congress would have power to enforce this amendment, and it would become enacted immediately upon ratification. That also would give no time period to bring the budget into balance.

Suppose this were ratified through special sessions of legislatures in 38 States within the next 3 to 6 months. We would then be required the very next year to have a balanced budget.

So obviously there are problems with the Obey amendment. It is our view that the Obey amendment is being submitted for the purpose of offering cover, political cover to people who want to vote for an amendment, an amendment which cannot pass and become law. I hope that is not the case, but I cannot vote for that particular amendment.

There will be two other amendments, as I understand, although I have not seen the wording of those amendments submitted under the rule by the gentleman from Texas [Mr. BARTON] and the gentleman from New York [Mr. FISH]. These amendments would seek to increase the percentage of majority necessary in the House to increase revenues. We would be required to have a three-fifths majority under the Barton amendment in order to increase revenues, and under the Fish amendment or the Kyl amendment we would be required to limit expenditures to a percentage of gross national product, two ideas which we will have debate on tomorrow, but ideas which I believe are inappropriate to place in the Constitution.

We then get to the Stenholm amendment. The Stenholm amendment, as previously drafted, would be based upon an agreement between the President and the Congress to agree upon estimated receipts, and then limit the amount of expenditures that Congress could spend or appropriate to the estimated receipts. This I believe is an error and could not be enforceable and will throw the determination into the courts. What happens if there is no agreement on receipts? Therefore, through negotiation between the House and the Senate it has been agreed that the Stenholm amendment will be changed, so now there is an outright requirement that total outlays for any fiscal year shall not exceed total receipts for that fiscal year. I believe that is the appropriate statement rather than relying on receipts.

It goes on, however, to say unless, and here is the out, this is the opportunity for waiver for this amendment, unless three-fifths of the whole number of each House provide by law for a specific excess of outlays over receipts. That requirement is the only enforcement mechanism in the Stenholm amendment, a requirement of a three-fifths majority, to No. 1, approve expenditures in excess of receipts; or No. 2, as stated in section 2, to increase the public debt would require a three-fifths majority; and No. 3, under the Stenholm amendment again would require the President to submit a balanced budget, which there is very little disagreement with.

Four would require no increase in revenue except by a majority vote rather than three-fifths. Most believe that it is proper and appropriate to retain a majority vote for increasing revenues.

□ 2220

Congress could waive this under a declaration of war or in time of an undeclared war but a military conflict which causes eminent or serious military threat to the national security, and Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts.

Everyone recognizes that a budget is a plan. It is an estimate for the future, an estimate of receipts and an estimate of expenditures. You cannot budget without using estimates.

The problem that I have with the Stenholm bill is there is no enforcement mechanism if in fact our receipts fall short of what projected revenues are in the budget or if our expenditures exceed what projected expenditures are in the budget.

Now, lest anyone think that we are fairly good at projecting revenues and expenditures, let me submit from the Congressional Budget Office the amounts from 1980 through 1991 of the revenue shortfall. This is projected revenues compared to actual revenues. We overprojected revenues by an average of $20.6 billion per year through that 11 years. We underprojected spending, in other words, we spent more than we projected we would spend by an average of $24.1 billion per year. In other words, if we looked from 1980 to 1991 and look at the budgets that we projected, our estimates which we are going to rely upon under this amendment, if we look at those projected estimates, we over the last 10 years have averaged a $45 billion error per year.

What happens under this amendment if, in fact, we continue to project revenues and expenditures as we did over the last decade? We fall short $45 billion. The amendment requires that actual outlays cannot exceed actual receipts. Therefore, we have violated a provision of the Constitution, because our projections did not meet our revenues.

Now what happens? Nothing under the amendment except for the fact that if we are going to increase the debt and borrow the money to pay for it, we need a three-fifths majority. What happens if we do not get a three-fifths majority? We cannot increase the debt. Then what do you do? Then you have to increase revenues or decrease spending. Suppose you cannot get a 50-percent majority, 51 percent, to increase revenues? What happens? What happens if you cannot get an agreement to cut spending? We find ourselves in a constitutional crisis.

The courts then have to determine where do we cut spending; where do we raise revenues.

I believe that a better approach lies in the approach that my colleague, the gentleman from Illinois, and I have submitted as a bill today which would, very similar to the Stenholm amendment, very similar to the Obey amendment, to the other amendments being filed, would first of all require that total outlays of the United States for any fiscal year shall not exceed total receipts for that fiscal year, and also requires the President to submit a balanced budget wherein total outlays do not exceed total receipts. However, our provision would actually have a lookback to compare reality with estimates. We would look back, and for any fiscal year in which actual outlays exceed actual receipts, the Congress would required to provide by law for repayment of the excess in the ensuring fiscal year.

That means that we retain control of the power of the purse, and we have to make the tough decisions of where you cut spending or where you increase revenues. We do so through a majority vote, not a supermajority, a majority vote, but if we fail to do so, then we bring into effect the sequestration provisions of the 1990 budget agreement which says that if Congress adjourns without providing for such a repayment within 15 days after the adjournment to end the session, there shall be a sequestration of outlays to eliminate a budget deficit. That attempts to keep the courts out of it. We determine, if we want to go home without solving the problem, there will be an automatic hard sequestration of outlays.

We have to realize that we are dealing with more than just a business economy or a household economy. We are dealing with a national economy, an economy which might be upset by war or any other unforeseeable circumstance.

This body, this Government, must retain the flexibility to continue to operate, to influence the economy through legislation and, therefore, our provision provides that the article may be waived for any fiscal year in which the Congress provides by law with a majority of the whole Members, that is a constitutional majority of both Houses on a rollcall vote; however, that waiver would be subject to veto by the President. So it would require an agreement of both Houses of Congress and the President that the unforeseen circumstances necessitate a waiver of this article.

Finally, in defining total receipts, again, total receipts would be all those except those receipts derived from borrowing, and total expenditures would be all of those except for payment of debt, but we go just one step further in our amendment in that we do kind of a chapter 11 reorganization of the United States debt. We say that the excesses of the past for which we have had to borrow money, those amounts we have borrowed, we have fixed debt. The repayment of that debt, principal and interest, would not be considered an outlay for debt which is incurred prior to the ratification of this amendment, but for any debt incurred subsequent to ratification of this amendment, it would, in fact, be included in total outlays, and the purpose for this approach is, No. 1, we have $200 billion of debt right now. If we can balance everything else coming in and everything going out today absent the debt, absent the interest on the debt, freeze that and require that from now on we will not be increasing the debt; if we do increase the debt in the future, that increased debt must be paid for out of outlays under the Budget Act, and, therefore, we would have to either find spending cuts or additional revenues or both. We would have to find some mechanism to pay for those increased expenditures for principal and interest on new debt.

Also, we would then be required to find some mechanism of paying for it on the debt. That mechanism can be either through additional spending cuts and generating budget surpluses, it could come from additional sources of revenue, or additional growth. It would also come from refinancing the debt. But if we chose to refinance the debt, that would be new debt, and, therefore, would come as a total outlay in the future.

This also provides for the opportunity, which none of the other amendments provide for, what is called a capital budget. Why is that critical?

There are valid purposes for public debt. States issue bonding mechanisms and borrow money to build schools and infrastructure. Businesses borrow money to acquire hard assets, fixed assets. Families borrow money to buy homes. I believe there is legitimate purpose for borrowing money.

This provision, this article, would allow us to determine by law in this body what those legitimate purposes may be.

□ 2230

But it would also require us to be fiscally responsible so that as we borrow that money and spend it on infrastructure or fixed assets, as we spend it on the legitimate public purpose, at the same time we are going to have to identify when and how we are going to pay the principal and interest on that debt borrowed. It should be in my opinion pro-rated out over the life of the asset itself, but this would provide for a capital budget opportunity.

I see my colleague, the gentleman from Illinois has risen.

Mr. Speaker, I yield to my colleague, the gentleman from Illinois [Mr. COX].

Mr. COX of Illinois. Mr. Speaker, I thank my colleague, the gentleman from Utah, for yielding to me.

Mr. Speaker, I want to begin by commending the gentleman from Utah [Mr. ORTON] for the effort he has put forth in an attempt to deal with the many ideas that have been proposed in terms of trying to bring this constitutional amendment to balance the budget into focus here in the House, recognizing some of the problems with each of the proposals that have been made and trying to bring together an idea that might best resolve those problems, even though we recognize as relatively new Members of this body that this proposal that we have may in fact not be considered as this process goes forward.

We remain hopeful and I very much commend the gentleman from Utah for the work that he has done to bring together Members on both sides of the aisle to really recognize where the problems lie and what we might do to confront them.

I thought, Mr. Speaker, it might be helpful to share with you one of the reasons that I actually became a candidate for Congress. I represent a district that has been historically very Republican. The odds against my election were very high. In fact they were similar to the problems that my colleague, the gentleman from Utah, faced when he decided to run. One of the main motivations that led me to confront those odds was, interestingly enough, I read a book written by former Director of the Office of Management and Budget in the Reagan administration, David Stockman, "The Triumph of Politics." In his book he talked about how we had half a revolution in the early 1980's where we cut taxes, but no adjustment was made in spending to in fact deal with the reduced receipts that this Government had. In fact, there were significant increases on the defense side at that time which caused many of the deficits that we are now facing.

In fact, Mr. Speaker, it is interesting to note that the total debt in this country today as we speak is almost $4 trillion. As I travel around my district, Mr. Speaker, I find that the people of my district do not have any idea what a trillion dollars really is, other than a lot of money.

I shared with them an interesting description of what in fact a trillion is to try to help them understand the reality of the problem that we face.

Mr. Speaker, if I gave you a million dollars a day, I would have to begin giving you a million dollars a day in 650 B.C. and I would have to continue to give you a million dollars a day up until today, June 9, 1992, and you would almost have one trillion dollars.

As we speak, our national debt is four times that. We are proposing a deficit for fiscal year 1993 under the President's proposal of almost $4 billion, so that even if we move forward on this balanced budget amendment, whatever proposal we approve, it would take us approximately 5 years to reduce the deficit to zero. In the time that it takes us to do that, we will increase our national debt to almost $6 trillion.

It is fundamental to the future of this country, Mr. Speaker, that we pass a balanced budget amendment and begin to implement a real reduction in spending, a real recognition of what adjustments need to be made to bring this budget under control so that we stop bankrupting the future both of the country, and for our children, and our grandchildren.

I thought I might enter into a brief colloquy with the gentleman from Utah specifically discussing what I perceive to be some of the differences between the legislative proposal that we have made and worked hard on over the last few weeks and the proposal of our colleague, the gentleman from Texas [Mr. STENHOLM], which is one of the amendments to be debated over the next couple of days.

First of all, how does our proposal differ from the Stenholm proposal in terms of mandating that the actual outlays that we make be in fact no more than the receipts that we have in any given year?

In fact, the principle difference between our proposal and any of the other amendments is in the enforcement mechanism. The enforcement mechanism which we have chosen is the enforcement mechanism which requires us to actually look back at actual receipts and if in fact those actual receipts and expenditures do not balance—nothing about projections—if actual receipts and expenditures do not balance, we require one of two things. Either Congress must deal with that out of balance and find a mechanism, find either additional revenues, additional spending cuts, but balance the deficit, or an automatic sequestration takes place.

The difference between that and the Stenholm amendment is that the Stenholm amendment enforcement mechanism is that you cannot increase the spending without a three-fifths majority. You cannot increase the debt without a three-fifths majority and you cannot increase taxes without a 50-percent plus 1 majority.

The gentleman from Texas [Mr. BARTON] would say that you cannot increase taxes without a three-fifths majority. That means the enforcement mechanism is that 60 percent of the House must agree to find a way to cut spending or increase revenues.

Our enforcement mechanism says 50 percent must agree to find a way to do it.

Now, if you cannot find a way to do it with 50 percent, I do not know how you are going to find a way to do it with 60 percent agreement, but the other difference is that in the Stenholm amendment there is no or else. The or else is we come to a constitutional crisis in which Congress cannot act. The Executive has no authority to act, and therefore what happens? You will have people filing suits, asking the courts to determine and force the Government to spend specific authorizations, on specific programs, in specific States, and so on. So the enforcement mechanism of the Stenholm amendment is the absolute fear of shutting down and pushing it to the courts if you cannot get a three-fifths majority to agree. Our enforcement mechanism is that if you cannot get 50 percent to agree how to balance it, we will cut across the board automatically. That really is the primary difference between our approach and the Stenholm approach, or the Barton, or Fish, or the Obey approach is that there is an actual look back to actual receipts with a positive action that takes place, rather than a constitutional crisis that is forced.

Does the gentleman from Utah agree that the lookback that we are discussing is an action that will be taken, for example, if the amendment is effective for fiscal year 1997, that in the fiscal year following fiscal year 1997, which begins October 1, 1998, that the Constitution will then mandate that we look back at fiscal year 1997 and if we spent more than we took in, we must take action at that time to raise funds to make up the difference so that we do not end up with a deficit for fiscal year 1997?

Mr. ORTON. We would have to do that in 1998, but we would not limit it to just raising the funds. We would simply say that at the end of fiscal year 1997, we look back and if we spent more than we brought in, before we can adjourn and go home we have to provide that in 1998 we will either cut revenues—or cut spending—or increase revenues sufficient to make up the difference. Or we also have the alternative if we have 50 percent of the House, and 50 percent of the Senate, and the concurrence of the President that we can borrow money. We can waive this provision if in fact there is no way to generate the revenues without throwing us into depression, no way to cut spending without causing serious impact upon States and individuals.

□ 2240

If we determine that it cannot be done without borrowing, it would take a 50-percent vote in the House and Senate with concurrence of the President, or if the President believes that it can be done through spending cuts or increased revenues, he could veto that waiver, send it back to us, and we would have to override him with a two-thirds' vote.

Now, I believe that is the way the Constitution has been operating for the last 200 years. I think it is a tried and true system. And the problem I have got with a three-fifths' super-majority is now you start giving more power to factions than you have in the majority itself. And when you start giving more power to factions, you then find that you need 60 percent rather than 50 percent to pass anything and to function and operate.

Mr. COX of Illinois. Does the gentleman agree that we carefully avoided any dominance by a minority of the membership of this body by avoiding the three-fifths majority vote in all of the actions that we proposed in our amendment and that if we are unable to act, in my example, in fiscal 1998, that there is an action that will occur because of our lack of action which is in fact sequestration or, in other words, an across-the-board cut on all spending for fiscal 1988 to make up the shortfall for 1997?

Mr. ORTON. Absolutely. In fact, it is an action taken by Congress today to determine what will happen in the future if we fail to act in the future. That positive action of us today determining that if we cannot agree, there will be a cut in outlays, that action keeps the legislative process, keeps the appropriation process, keeps the power of the purse inside this body where the Constitution places it.

Mr. COX of Illinois. Does the gentleman agree that the other proposals—that it appears we will be confronting over the next couple of days—in fact have no such enforcement provision as we are proposing and, in fact, leaves the failure of the general language of the amendment and the actions in light of the language of the amendment that we take, if they lead to deficits anyway, that there is nothing required in each of those provisions that will force action on our part to the following year?

Mr. ORTON. I believe there is absolutely nothing required in those balanced-budget amendments. What would be required is for us to act by statute after the balanced-budget amendment in order to put that in play. And if, in fact, the Stenholm amendment passes, which I will vote for if it is the only alternative we have, because I feel so strongly that we have to eliminate the one-half trillion dollar deficits, that I am willing to go to a supermajority with all the risks and hazards that that entails. I am willing to do that. But the job is not done when we pass that balanced budget amendment tomorrow because we then will have to enact some legislation which has a mandatory enforcement mechanism, or face the very real possibility it could be thrown into the courts.

Mr. COX of Illinois. Does the gentleman agree, if we are unable to pass that mandatory enforcement mechanism statutorily, we could very well find ourselves in a position where all of this effort to bring about a balanced budget either accomplishes nothing or, in fact, passes the responsibility we have here in the Congress to the courts?

Mr. ORTON. Absolutely.

Mr. COX of Illinois. Would the gentleman just briefly explain again for me the function of capital budgeting and how it could assist us in bringing the budget under control by recognizing the reality of capital budgeting versus expensing every capital investment we make as a national government in the first year of the investment?

Mr. ORTON. Certainly. As we look at any household in America or any business in America or any State or local Government in America, we find that there is legitimate use for debt. That debt usually is limited to acquisition of long-term fixed assets.

We find that if households or businesses or States use debt for other than acquisition of long-term fixed assets, they frequently go bankrupt rather quickly because you cannot spend on operating expenses more than you are bringing in and continue to function.

The purpose of a capital budget is to allow you to consider the legitimate use of debt to borrow money to purchase a long-term asset, like I borrowed money to purchase my home on a 30-year mortgage and I pay a mortgage payment every month. That has to come out of my budget. But I do not have to save up $150,000 to buy that home in 1 year.

What the current budget mechanism we have does is it is an annual budget, it is a cash method of accounting budget, which forces us in any given year to record our expenditures in the total amount we expended, whether that is for operating expenses, for overhead of the Government or whether that is for building a new freeway system or Government buildings or acquiring a missile system. So we currently budget everything on a cash basis every year. By shifting to a capital budget, it would simply allow us to identify those assets which are fixed assets which have a determinable life, borrow the money necessary to acquire them by issuing public debt, and then allocate or prorate the cost of those assets into the budget over the time period that we are paying for them.

We do that by requiring that any principal and interest on the new debt must be included in the total outlay budget. The advantage of that is it gives you a reasonable way to properly account for what is currently operating expenditures as opposed to what is the acquisition of infrastructure, Government assets, long-term fixed assets.

It allows us to appropriately plan for those long-term expenditures, to consider whether the acquisition makes more sense than an annual lease. Many of our assets currently that the Government uses are on an annual lease because of annual budget constraint purposes. This allows us to use reasonable common budget practices in identifying the difference between operating expenses and long-term capital expenditures.

Mr. COX of Illinois. On a more general topic, there seems to be an attitude at the moment that those who favor a balanced-budget constitutional amendment have some secret strategy to destroy Social Security and the Social Security System. I am wondering if the gentleman from Utah would agree that there is absolutely nothing in our proposal or in fact in any of the other balanced budget constitutional amendment proposals that we will be dealing with over the next couple of days that has anything whatsoever to do with mandating cuts in Social Security, with harm to any specific program of any type in the Federal budget?

Mr. ORTON. That is absolutely correct. There is nothing in any of those provisions, and in fact if you look at actual numbers, the Social Security System, the Social Security receipts and outlays is the only area of the budget that we are in surplus rather than deficit. There is nothing in our proposal or any other proposal targeted at reducing specific expenditures or reducing Social Security.

Mr. COX of Illinois. I think the gentleman from Utah would agree, and I would ask him whether or not he does, that both he and I and many others of the freshman class here in this Congress came here to be agents of change but to be constructive, positive agents of change, working with those who came before us, recognizing the problems that the country faces in trying to propose those types of changes, changes in the law, changes in an approach that would in fact bring this country into a more sensible, responsible fiscal and budgetary system and that those who raise objections to the efforts that we make by frightening senior citizens or by raising any objections that not in fact are based on the approach that we are taking, but trying to distort or distract those who are watching our actions and in effect frightening them, that threatens, I think, everything that we try to do.

□ 2250

And it takes away from the responsible, sensible debate that we ought to be having over the next couple of days to find the best tools we can to bring this budget into balance without terrorizing our citizens so that we receive phone calls from them, or pressure from special interests, to avoid causing harm that, in fact, we are not causing.

Does the gentleman agree?

Mr. ORTON. I certainly agree, and, in fact, most of the senior citizens that I have spoken with in my district are fearful for their children and their grandchildren, fearful of what is going to happen to them, what burdens are we placing on them by creating $400 and $500 billion annual deficits. They are going to have to pay the mortgage.

Mr. Speaker, I find that senior citizens in my district are among the most responsible citizens in my district and understand that we must find a way to balance the budget. Anyone who uses fear tactics to a senior citizen to terrorize a senior citizen, or a veterans group, or students, that this is aimed to eliminate benefits, to reduce Government benefits targeted to them, are simply using politics at its worst.

Rather than debating the issues, rather than debating the process, rather than finding the solution, to terrorize simply is inappropriate. It shows a lack of vision, a lack of leadership, a lack of any idea of how to change the system, and so just stick with it.

I think that the commonsense approach of our amendment simply is, first of all, we say that we have to balance the budget. The President has to submit a balanced budget. The Congress has to adopt a balanced budget. If they do not, if their projections are wrong, they have to come back and deal within in the next year. If they cannot deal with it in the next year, if they cannot deal with it, we have to sequester it, but, understanding that we have problems in our country that occasionally are unforeseen, like war and depression, it allows us, with majority vote and concurrence with the President, allows us to borrow, allows us to act in the proper method to keep our country strong and growing, to get us out of wars, get us out of depression.

Mr. Speaker, it provides the flexibility necessary while still imposing the mandate that we must balance the budget.

Mr. COX of Illinois. Mr. Speaker, once again I commend the gentleman from Utah [Mr. ORTON] for his efforts. It has been a real honor for me to have the opportunity to work with him in connection with the legislation that we have proposed, and I hope that we will be able in the next couple of days to convince the powers that be that our idea ought to see the light of day in the debate on the balanced budget amendment.

We have, in fact, attempted to take the best of the proposals that are before us and correct the problems that it seems everyone agrees exists. It seems that in general there is agreement that we confront those problems in a more constructive way.

Mr. Speaker, I just hope that we can bring our proposal to the floor for a vote while we proceed with this process.

Mr. ORTON. Mr. Speaker, I would like to thank my colleague, the gentleman from Illinois [Mr. COX], too, for his participation and efforts in this approach. The thing we have to realize, however, is that the balanced budget amendment is only the first step. Whether we pass it or whether we do not, we must take action very soon on budget process reform. H.R. 5333 this morning attempted to begin that. It failed.

I have, along with several of my colleagues, developed an omnibus budget process reform which we will be submitting within the next week or so which would require us to go to a biennial budget rather than an annual budget, require us to have zero based budgeting, which means we start with zero, and it requires each entity, each agency of the Government, to justify all of the spending rather than starting with what we had last year and increasing it for inflation. It eliminates the current services approach of the budget. It would require performance-based budgeting which would identify performance standards for any law or any Government program. It would give us better information on which to base budget cuts in those programs. It would require capital budgeting that the gentleman from Illinois [Mr. COX] and I have discussed here tonight. It would require sunset bills, sunset authority, which requires each Federal program to be reauthorized at least once every 10 years, and it requires mandatory oversight during that 10 years to analyze whether the performance-based budgeting, whether those goals and purposes of the program, are being reached. Finally, Mr. Speaker, it would provide for a statutory enforcement mechanism that would be in compliance with either the Orton-Cox amendment or the Stenholm amendment, if we are able to pass it, a real enforcement mechanism that requires a look back, a bill which we have separately which we will file on an adjustment-based budget enforcement where we look back to annual expenditures and require the type of look-back that we are asking for in a balanced budget amendment.

So, Mr. Speaker, this debate will go on; it will go on tomorrow. We will have an opportunity to speak briefly. I would like to speak in favor of a balanced budget amendment. It should be the best amendment we can possibly put forward. I believe the amendment which the gentleman from Illinois [Mr. COX] and I have drafted answers each and every problem raised in both the Democrat and the Republican causes in debating these amendments.

But we have to act; we have to act now to start balancing the budget. The people insist upon it, and we can do no less.

MY OPPOSITION TO THE CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

The SPEAKER pro tempore (Mr. McDERMOTT). Under a previous order of the House, the gentleman from Iowa [Mr. NAGLE] is recognized for 60 minutes.

Mr. NAGLE. Mr. Speaker, tonight I am announcing, after great thought and deliberation, my opposition to the constitutional amendment to balance the budget. There are three reasons.

First, if implemented, there will be a devastating impact on Iowa;

Important highway programs in my State, such as the Avenue of the Saints, Highway 63, and Highway 20 would be lost;

Farm programs would be cut;

Investments in education and environmental programs would be eliminated.

Families USA estimated that: 469,000 elderly Iowans would lose on the average of $544 in Medicare assistance; 572,000 Iowans would lose over $1,000 in Social Security payments.

The State of Iowa economy would lose nearly $850 million due to the loss of this income by our citizens.

It is estimated that 20,000 Iowans would lose their jobs, and personal income would drop by 10 percent, or a loss of $6.3 billion in income.

Second, if implemented, it would cause a depression in this country; 3.4 million jobs would be lost, and economic output of our country would drop by 4.1 percent.

Finally, the most profound reason, and the one which caused me to ask for this time tonight to call it to the attention of my colleagues: It would fundamentally change the system of government we've operated under for 200 years.

After much thought and deliberation, I have concluded that the Congress this week will consider the most profound change to our system of government since the original Founders met and designed our Constitution.

It seems strange to me that the implications of our discussions over the proposed amendments to the Constitution to require a balanced budget amendment have not received much discussion or debate among our Nation's scholars and constitutional experts.

This absence, if you will, of discussion and debate on this plane has led me to the conclusion that the political implications have, unfortunately, been allowed to dominate the public perception to the extent that neither side realizes fully the consequences of the course of action we are about to take in this House, this the second week of June, in the year of 1992.

In short, we are not simply debating here whether or not one party or the other will gain a political advantage for the fall election, we are commencing a decision over the form and type of government we will have for years to come in this country and we are doing so without really contemplating what a radical departure it is from the gift the Founders of this country gave us in the form of our government.

I could spend a great deal of time explaining or, perhaps better, offering explanations of how all this came about. How, with one eye on the press release at home, one eye on our political opponent for the fall, under the watchful eye of a national evening news show and with an ear turned toward the fall campaign for President we will embark on this radical departure from our past form of government. But it would serve little purpose, except to lament for self satisfaction the down side of the modern communications era in which we live.

We also could spend tonight debating whether or not doing a balanced budget amendment will have on the Nation's economy, the budget impact on our partner's in this ongoing experiment in federalism, the States; or the wisdom of requiring balanced budgets as it relates to a policy tool of the Federal Government.

Tonight's discussion, however, from this Member must be on the broader question: What are we doing to representative government as we have known it for 200 years and why?

I hope this is a learned discussion, although I confess I am not a scholar; but in doing this we must contemplate in this House the action we take as it applies not only to our current problems but to the problems and vehicles to solutions that will apply to the next generation of congressional Representatives and the people they will represent.

At the core of my reservation about amending the Constitution of the United States to require a balanced Federal budget as proposed by either the honorable Mr. GEPHARDT of Missouri or Mr. STENHOLM of Texas is that it radically and needlessly changes the form of our Government. It, in a phrase, destroys our concept and our working principle that our Government should operate with a balance of power among its three branches. Further, such an amendment, in any form, would undermine representative government as we know it.

To understand these reservations it is helpful to review a host of documents, writings, and publications that centered around the creation of the Constitution. Generally, Kelly's work on the origins of the Constitution is helpful as is the Federalist Papers, written by the creators themselves of the document. Further, a review of the works of Locke and Montesqiee would be helpful.

For purposes of our discussion tonight, however, I would advise my colleagues that I will insert into the record, assuming there is not objection, the review of these works and others by Prof. Peter M. Shane of the University of Iowa Law School submitted to me last week and which I found enormously helpful in bringing my own thoughts into crystallization.

To my mind one of the great features of our form of government was the fact that the Framers did not pretend to ignore human nature and assume all members of a governed society would act only with the highest motives and always within the better interests and needs of the society that they sought to govern. Rather, they wisely and prudently recognized the limitations of our nature, that we could be both wise and foolish, both self-sacrificing and greedy, and mankind was always a mixture of emotions and thoughts, some good and some evil.

It was this capacity not simply to set forth ideals for our conduct in the affairs between members of a society but the realization that sometime in traveling the road to those ideals human limitation, ambition, and a lust for power or revenge or even cruelty would overtake us.

The constitution, as our Framers defined it, provided wisely for us to be capable and noble and self-sacrificing; and at the same time sought to inhibit our less kind instincts.

They sought this by providing the limitations not within a government but by dividing the powers within the Government so that no one group would have all authority and the other groups would have the capacity to regulate each other. In short, to prevent against abuse they divided the power or coined for them at their time a new form of government, called as every eighth-grade student would know, three separate but equal branches of government. Each branch to have power, but no branch to dominate the other two. The phrase as we know it today is called the separation of power.

As Professor Shane points out, to the legislature was reserved the power over domestic affairs, and the power was contained within the power of the purse, the ability to spend or not spend money. Some humorist might observe that we have learned to use that power very well.

The President was restricted to the conduct of foreign affairs, subject to the approval on most matters to the Senate, except in the case of war, which required full congressional approval; to offer suggestions to legislation, to veto legislation—subject to override—and to administer the laws as passed by the Congress. But in formulating domestic policy, the President is restricted.

The writings and thoughts upon which the Framers determined this division between domestic and foreign affairs would not be more clear. Since the representative branch was closest to the citizens themselves, they would govern over policy that would impact most directly on those citizens. The power to do that was the power of the purse.

To one was given the power of the purse, to the other, the President, the power of foreign affairs, the power of the sword.

In matters of conflict between these two branches or between either branch of government and the citizens governed, the resolution of these disputes was vested in a detached and independent judiciary.

Now just stop for a minute, travel as we are permitted to do by thought through time and review whether or not such a division of powers has worked; and the clear answer is that it has.

After all, it was this system, with these divisions of power, that has withstood challenge and crisis for the body politic for generations. The same system of government that saved preserved a union expanded and made a nation out of a continent. This system of government enabled this Nation to withstand Depression, Civil War, World Wars, domestic disputes, send us to space, and defeated communism. But perhaps most significantly did that while not once removing or limiting the rights of the citizens to always feel and always exercise a government that respected and maintained the rights of each individual member.

Fundamentally, the structure of the Government has allowed strong Presidents to function, weak ones to be either ignored or curtailed or overcome and Congress always to stand as a pillar of contemporary thought.

But while it is easy to say these words, no one who has a smattering of American history would ever say that the accomplishments of this country were done easily or even neatly. Just a passing review of the developments of the American entry into World War II would reveal that not only has the system ultimately functioned well, it has shown remarkable elasticity in controlling and channeling the tensions that have existed within our society. To go to war or not go to war, to end or continue racial discrimination, to suspend the right of habeas corpus, as Lincoln tried, or not are but a few examples of how a power divided national government has used the absence of any branch in having absolute power to accommodate and release the tensions of diversity and contrary thought.

What must be asked tonight is what happens to this system when transferred from one branch its fundamental power to another branch: The power of the house, the purse, to the institution with the power of the sword, the President.

Our current system recognizes both our limitations and our diversity by dividing power so that no group would move to usurp the rights of others or compel upon all a course of action until these divisions of power concur on the wisdom of its course.

To understand how the Stenholm and Gephardt amendments undermine this historically successful process, it is not enough to say simply they remove from the Constitution the frame upon which it stands, intellectually we should show why and to do that, an examination of the documents is needed:

The Honorable Congressman STENHOLM of Texas proposes that our constitution be amended by requiring the President to submit to the Congress a "statement consistent with the article," presumably a balanced budget. The President and then the Congress are required to agree on an estimate of receipts and then this must be enacted into law in which, with limited exception, receipts must match expenditures.

In short, the President is now given two vetoes, one at the commencement of the process—the President can afterall refuse to agree on the amount of money the Government will receive—and one at the end, the veto of any legislation passed. This is a great idea if the President would limit such an evaluation to only what intellectually, honestly could be assumed and no President would use this process to bind the Congress on the manner in which the agreed upon figure would be spent.

History is repetitive of Presidents, wisely and unwisely, exercising policy through the use or nonuse of funds. If the President failed to obtain what he wanted on the expenditure side of the ledger, he or she could simply refuse to agree. Congress would then face the task of either agreeing to the figures submitted by the Chief Executive or could risk—and here the amendment is silent—on the Supreme Court resolving the differences, a Supreme Court appointed by the President in part and totally independent of the voting public once placed in office.

In short, if we understand that the power to spend is, as the framers of the Constitution intended, the ultimate power of Congress and predominately within the most frequently elected body of the Congress: the House, there is an enormous transfer of that power by the Stenholm double veto to the President.

But further, we find that the power of the Congress to raise the money to spend is eroded. Suddenly, 41 percent of the House can effectively block the ability of the Government to raise revenues to spend.

The framers were careful to lay the burden of day to day activities within the domestic field to the Congress, both to tax and spend. Because these were regarded as ordinary powers, they would be done with majority rule. No longer under this amendment is this true: the Congress can, with the inherent implication of the requirement with the President on the revenue side, spend but only the current revenues of the Government plus those sums generated by greater efficiency in its operation or by an increasing economy. Greater ability to implement new policy with additional revenues would require either the concurrence of the President at times of danger from hostile foreign entities or when a new "super majority" concur.

This, as easily can be seen, is a radical departure from the original separation of powers as the framers intended. It is a departure to meet a temporary political crises in government unthought of through all the other crises this country has confronted and overcome. Professor Shane said it best:

> Improving the fiscal responsibility of the national government is a serious task for which the political will of either major party has yet to be mustered. It is startling to reflect that Congress has yet even to adopt a statutory requirement that the President submit a balanced budget for Congress to deliberate. In these circumstances, the discipline that might be created by inviting the courts in the process, or the efficiencies that might result from centralizing all fiscal policy makings in the executive appear tempting. Yet, Congress would shirk its duty if it failed to guard jealously those legislative responsibilities that were vested in Congress precisely to preserve liberty and to forestall faction. * * *

Of the Gephardt substitute, it can only be observed that when Madison wrote in Federalist Paper No. 10 about the dangers of factions has really come home to roost. All citizens shall share equally the benefits and sacrifices of our country, except those who are senior citizens, who shall be exempt from financial sacrifice, whether they can bear it well or ill, because they are a powerful political tool? I don't even think they want that.

And on closer examination, it vests absolutely into the President's hand the power to determine, through the vehicle of revenue estimates, the amount that the Congress may spend.

But let's give to those who advocate these fundamental, radical changes in our form of government the benefit of the doubt. Let us assume that they recognize the changes in our system that take place with these amendments and let us before we leave tonight address the last concern: The system is out of hand, the Congress lacks the political will to attempt to deal realistically with these problems and therefore, a change, even in the system of government, is needed and needed now.

I am most troubled by this argument, as I am over the state of representative democracy in this country. If John F. Kennedy were upon us tonight I am sure he would ask us to do what we could for our country, but I am not sure we would listen. If Patrick Henry were here would he say "give me liberty or give me death," or would he utter "give me liberty or re-election?"

I still remember the essence of the speech of King Arthur the early morn of his final battle with Lancelot: what happened, how did we of the best intentions come upon this end?

I do not believe this generation of Americans who now govern the country were born with less will or less courage than those who have resided here before us. Nor do I accept that somehow we now doubt our ability to sacrifice or meet challenge.

I believe the answer to the King's question is that we simply forgot the responsibilities of citizenship; and not just one branch of government or one section of society but all of us. We forgot:

The duty of citizens is to study those of us in power and understand our arguments for and against a given proposition and vote accordingly.

The duty of the press not just to report news that sells newspapers or marches ever upward in rating wars that most of us do not care but to carefully and completely report the issues before the country.

The duty of the Congress and a President not to simply pander to groups in front of us but to lead thought and discussion and to recognize that political exile caused by backing the correct course of action if unpopular is an honorable course and an honorable life.

In summary we got to this point where we are about to undermine the work of the founders of this country because we became lazy, we engage in political pandering when we should have been leading, and the press, which was supposed to watch us, allowed their publishers and owners to allow profit and loss statements to replace journalistic responsibility.

We are all to blame.

But the redeeming feature of tonight is that the tools that we have permit us to change our course, to confront and overcome our current crises.

I don't believe we lack will or courage and I do not believe the American public lack the capacity to understand this crises and the need to spend more in some areas, less in others and, yes, even raise revenues.

And I do not believe fundamentally they want us to destroy by these erosive amendments, the very frame of government that our Founders gave us. You see, the crisis is not in our method of government, the crisis is in our will.

Yet, we engage in change of a 200-year-old document without asking the body public to sacrifice, without explaining why funds must be spent, why each group with their own agenda cannot be satisfied.

If we are all to blame, then we all can correct the problem with the government we have, with the press we have, with the will we have but have yet to ask ourselves collectively and individually to use.

I would like then to believe that this week, if these amendments are defeated, as they should be, will mark not the low point of the American adventure, but the point when we turned again to our history and found our future.

THE UNIVERSITY OF IOWA,
Iowa City, IA, June 4, 1992.
Representative DAVE NAGLE,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE NAGLE: I am writing to express my opposition to proposals for a so-called balanced budget amendment to the U.S. Constitution. There are, I believe, reasons to oppose such an amendment simply because it cannot accomplish its objective. Budgeting is so fluid a process that a mandate to achieve balance is more likely to yield creative efforts to redefine what counts as spending or as revenue than to produce the sense of fiscal responsibility that the Nation so sorely needs.

As a teacher of constitutional law, however, I would like to dwell on what I consider an even more profound set of concerns. I assume the amendment's sponsors are serious about creating an enforceable requirement for a balanced budget. If so, their handiwork will substantially subvert the originally contemplated distribution of power among the branches of the national government. An enforceable balanced budget amendment would portend no less than a historic shift of policy making power away from Congress to either the judiciary, the executive, or both. A shift in power to the judiciary would be antidemocratic. A shift in power to the President would undermine the original checks and balance. At the very least, responsible Congress members should not forward such an amendment to the States without fully contemplating these consequences.

The Constitutional Distribution of Powers. My concerns stem from two premises regarding the original constitutional design. The first is that, in terms of what we now call domestic policy making—that is, decision making regarding the national economy, public health, and safety, and what the Constitution describes as the "general welfare"—the founding generation considered Congress first among equals. This is plainly evident in the constitutional text. U.S. Const., art. I, §1. The Constitution vests Congress exclusively with the powers of taxation and public expenditure. U.S. Const., art. I, §8, ¶1. Section 8 enumerates a comprehensive set of regulatory powers regarding commerce and fiscal policy. Moreover, the authority to make all laws "necessary and proper for carrying into Execution * * * all * * * powers vested * * * in the Government of the United States, or in any Department or Officer thereof," lies with Congress. U.S. Const., art. 1, §8, ¶18. Congress alone has "Power to dispose of and make all needful Rules and Regulations regarding * * * Property belonging to the United States." U.S. Const., art. IV, §3, ¶2.

Compared to this array of regulatory powers, article II, in describing the President's domestic role, enumerates none. He is to participate in the legislative process only through four mechanisms: the veto, recommendations for legislative action, and, on exceptional occasions through convening or adjourning Congress, U.S. Const., art. I, §7, ¶¶2–3; art. II, §3. Otherwise, the entirety of his duty with respect to the legislative process is "to take Care that the Laws be faithfully executed." U.S. Const. art. II, §3.

The impression of legislative supremacy in the initiation of domestic policy is no accident; it correctly manifests the drafters' underlying views. The influential Locke, though himself the author of a theory of executive prerogative, stated that the "legislative is not only the supreme power," but is "sacred and unalterable in the hands where the community have once placed it."[1] Montesquieu, whose theory of a balanced constitution proved especially significant in 1789, said, "[T]he executive power has no other part in the legislative than the privilege of rejecting * * *."[2] As summarized by Corwin, "[T]he blended picture of executive power derivable from the pages of Locke, Montesquieu, and Blackstone is of a broadly discretionary residual power available when other governmental powers fail * * *."[3] This is not to say that Congress was deemed a more important or weightier branch than the executive. The President's powers are of co-equal importance to those of Congress. The point is, however, that these powers were not legislative, but administrative.[4] They were not to include the power to create the rules and policies under which the Nation was to live.

Precisely because Congress and the President were vested with enormously important, but largely separated powers, the Constitution was also designed to include the well-known "checks and balances," by which each branch would prevent the usurpations or injurious acts of the other. This brings me to my second premise. The single most significant power vested in Congress for the purpose of checking the executive and preventing tyranny was Congress's power over appropriations. Again, in the word of Montesquieu:

> Were the executive power to determine the raising of public money, otherwise than by giving its consent, liberty would be at an end; because it would become legislative in the most important point of legislation.
>
> If the legislative power was to settle the subsidies, not from year to year, but forever, it would run the risk of losing its liberty, because the executive power would no longer be dependent; and when once it was possessed of such a perpetual right, it would be a matter of indifference whether it held it of itself or of another.[5]

Congress' early practice indicates its understanding of the essentially legislative nature of the new nation's fiscal powers. Unlike the Departments of War and of Foreign Affairs also created by the First Congress, the Treasury Department was not understood to be a clearly executive department.[6] Its organic Act was far more detailed then the others in elaborating how the Department would be organized and function.[7] In its first years, the Department operated es-

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Footnotes at end of article.

sentially as the House's eventually created Committee on Ways and Means. The Treasury Secretary's close working relationship with Congress persisted even into the administration of President Monroe, who complained that Treasury reports were being submitted to Congress without first being communicated to him. Although Presidents Jackson and Van Buren tried yet more forcefully to assert the Treasury Secretary's executive character, their Whig successors, Harrison and Tyler, both urged that the Treasury be understood to be separate from the executive. In Tyler's words, "I deem it of the most essential important that a complete separation should take place between the sword and the purse."[8]

History, of course, has reshaped the details of Treasury Department organization, budgetary planning, executive-congressional interaction, and the like. But the two premises I have cited have lost none of their salience. The primary authority over domestic policy making is still congressional. The primary instrument for checking executive usurpation of this authority is the power of the purse.

The Wisdom of the original Design. The importance of these observations is underscored, of course, when one realizes that the location of the legislation policy making power in Congress related directly to Congress's structure, and that Congress was given its present structure precisely to foster certain virtues in the making of policy.

First, giving legislative power to Congress was democratic. Under the original Constitution, both the Senate and the President were creatures of the states.[9] State legislatures controlled their selection. Even if a presidential election were sent to the House, state delegations were to vote as states. Members were not to vote as individuals.

By contrast, the House was directly accountable to the people—and it is for this reason that revenue bills were required to originate in the House.[10] Alone among officers of the national government, House members were to be chosen by the people directly and frequently. Membership was to be allocated among the states according to population—thus manifesting most closely among the organs of the original government the principle of one person, one vote.

Second, the structure of Congress—and especially of the House—was intended to mitigate what Madison called the evils of "faction." "By a faction," he wrote, "I mean a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest , adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."[11] The primary antidote to the dangers of faction was structural; policy was to be made not through direct democratic processes, but through the deliberations of a large number of representatives, each of whom would be selected by a large enough number of voters to comprise a wide array of interests all calling for due acknowledgement.[12] Congress would be well suited to attend to the "permanent and aggregate interests of the community" because of the large number of Members, because each would owe allegiance to a varied range of voter interests, and because any undue enthusiasm of the House could be curbed by the Senate (and vice versa), given that the membership of each House was organized under a different political principle. By contrast, the unitary and implicitly hierarchical nature of the executive was intended to respond to the President' key charge—not a responsibility for policy making, but for vigorous and accountable administration.[13]

Impacts of a Balanced Budget Amendment. If I have correctly outlined the relevant theory underlying the original distribution of powers to the branches of the national government, then it is clear that a balanced budget amendment, if enforceable at all, must undermine that theory. (If the amendment is merely hortatory or self-enforcing, then it is truly unnecessary. Congress and the President already possess every authority they need to reduce deficit spending; a hortatory amendment is likely to divert energy away from the responsible use of those authorities, towards rhetorical clashes over what constitutes "balance," or, indeed, the "budget.")

1. If Judicially Enforced. To see the impact of an enforceable amendment, it is necessary to begin with the obvious: The means for enforcing a balanced budget amendment against Congress could be vested only in the courts or in the President.

Imagine, if you will, the routine availability of taxpayer suits to challenge one or another program of public expenditure as violating the new amendment. If courts were to entertain such suits, it would necessarily mean that some authority over the nation's fiscal policy would shift from the most democratic branch of the national government to the least. Moreover, it would cast into doubt the very justification for vesting courts with the power of judicial review in the first place. As expressed by Hamilton, the Constitution can repose that extraordinary power in the courts precisely because:

> The judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever.[14]

Hamilton's theory of the balanced Constitution would be largely invalidated if courts were suddenly to be given such "influence over * * * the purse" as a judicially enforceable balanced budget amendment would entail.

It is interesting to recall, in this regard, the substantial consternation stirred in Congress by the Supreme Court's decision in *Missouri v. Jenkins*, 110 S.Ct. 1651 (1990).[15] In Jenkins, the Court narrowly approved a district court's authority to order a public school district to levy property taxes sufficient to finance a court-ordered school desegregation remedy and to bar the state from impeding the local tax. This judicial intrusion into fiscal matters was carefully limited: (a) It went no further than necessary to vindicate the supremacy of federal over state law. (b) It went no further than necessary to vindicate the entitlement of particular plaintiffs to their constitutional rights. (c) It was limited to a single locality and a single subject matter. (d) It did not determine the actual level of expenditure by the school district involved. Despite the narrowly tailored nature of this precedent, it precipitated a minor uproar among some members of Congress who thought the judicial intrusion on state legislative fiscal policy to be illegitimate.

Compare to Jenkins, then, the likely reaction to any routine availability of the courts to oversee spending and taxation levels across the full spectrum of the national budget. A more dramatic reworking of the original design of government is hard to imagine.

2. If Enforced by the Executive. Because judicial enforcement of a balanced budget amendment would be so obviously incongruous, it is far more likely Congress would seek to render the amendment enforceable by vesting in the President powers either to adjust tax rates as may be necessary to secure predetermined levels of revenue or to sequester funds in order to reduce expenditures. Whether authority to vary tax rates could actually be constitutionally delegated to the executive is itself debateable. The Supreme Court might well consider the taxing power so significant that it may be exercised only by Congress.[16]

Whether the enforcement mechanism involves taxes, sequestration, or some combination, Congress would have to be aware that vesting such authorities in the executive would in large measure be abdicating to the executive much of Congress's authority to make policy through appropriations. To see this, it is necessary only to recall that any budget, on the first day of the new fiscal year, is dependent on expenditure and revenue predictions that must, in some measure, prove inaccurate. Imagine, then, that the executive is charged—when expenditures outpace revenues—to sequester funds sufficient to bring the budget into balance, unless Congress itself changes its intended allocation of appropriations. To the extent the executive has discretion to target its sequestration selectively, the relative strength and emphases to be assigned different programs will become a matter of presidential, rather than congressional determination. If the executive is limited to across-the-board sequestration, Congress, too, will be denied the ability to assert its revised budgetary priorities—unless it can come up with a revised appropriations measure that (a) the President likes better than an across-the-board sequestration, or (b) enjoys sufficient support in Congress to withstand a presidential veto. Again, the leverage Congress has lost over the budgetary process is enormous. Although Congress may continue to check the President to the extent initial appropriations set a ceiling on the fiscal year's expenditures, Congress will lose any meaningful way to check the President's policy priorities once evolving fiscal realities make adjustments in spending necessary. To reiterate Montesquieu: The executive power would "become legislative in the most important point of legislation."

In the wake of the 1990 "Budget Summit," your colleagues are unlikely to doubt that the scenario I have traced is realistic.[17] If any are curious, however,, about the operation of the government divided by party, under a constitutional command of budgetary balance, you might invite their attention to the government of Iowa. Despite our constitutional text, the budget has become increasingly an instrument of executive, not legislative policy. Policy impasses between a Democratic legislature and the Republican governor have all but paralyzed the state's fiscal planning.

Improving the fiscal responsibility of the national government is a serious task for which the political will of either major party has yet to be mustered. It is startling to reflect that Congress has yet even to adopt a statutory requirement that the President submit a balanced budget for Congress to deliberate. In these circumstances, the discipline that might be created by inviting the courts into the process, or the efficiencies that might result from centralizing all fiscal policy making in the executive appear tempting. Yet, Congress would shirk its duty if it failed to guard jealously those legislative responsibilities that were vested in Congress precisely to preserve liberty and to forestall faction. This is a vigilance no other branch can provide. In the words of a former Attorney General, "[T]he Nation must rely initially for the efficient operation of government on the timely and responsible functioning of the legislative process. * * * Any inconvenience that this system, in extreme circumstances, may bode is outweighed, in my estimation, by the salutary distribution of power that it embodies."[18]

Sincerely,

PETER M. SHANE,
Professor of Law.

FOOTNOTES

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[1] J. Locke, "The Second Treatise of Government," Ch. XI, ¶134 (T.P. Peardon ed. 1952).

[2] Baron de Montesquieu, "The Spirit of the Laws," Bk. XI, §6, at 160 (T. Nugent ed. 1949).

[3] E. Corwin, "The President: Office and Powers," 1787–1984, at 10 (5th Rev. ed. 1984).

[4] The Federalist, No. 68, at 414 (Alexander Hamilton) (Rossiter ed. 1961).

[5] Baron de Montesquieu, supra note 2, Bk. XI, §6, at 160.

[6] Casper, "An Essay in Separation of Powers: Some Early Versions and Practices," 30 Wm. & Mary L. Rev. 211, 239–242 (1989).

[7] Compare Act of Sept. 2, 1789, ch. 12, 1 Stat. 65 (Treasury), with Act of July 27, 1789, ch. 4, 1 Stat. 28 (Foreign Affairs) and Act of Aug. 7, 1789, ch. 7, 1 Stat. 49 (War).

[8] L. Fisher, "Presidential Spending Power" 9–17 (1975).

[9] U.S. Const., art. I, §3, ¶1 (repealed by amend. XVII); art. II, §1, ¶3 (revised in other respects by amend. XII).

[10] J. Story, "Commentaries on the Constitution of the United States," Ch. XIII, §444, at 315 (R. Rotunda & J. Nowak ed. 1987).

[11] The Federalist, No. 10, at 78 (James Madison) (C. Rossiter ed. 1961).

[12] See generally, The Federalist, No. 10 (James Madison) (C. Rossiter ed. 1961).

[13] The tension between the unitary design of the executive and the historic aspiration for pluralist deliberation as a mainstay of republican government is thoroughly explored in Luneberg, "Civic Republicanism, the First Amendment, and Executive Branch Policymaking,"; 43 Admin. L. Rev. 367 (1991).

[14] The Federalist, No. 78, at 465 (Alexander Hamilton) (C. Rossiter ed. 1961).

[15] Issues regarding judicial orders affecting legislative spending are surveyed more thoroughly in Frug, "The Judicial Power of the Purse," 126 U. Pa. L. Rev. 715 (1978).

[16] Cf., *National Cable Television Ass'n., Inc. v. United States*, 415 U.S. 336 (1974) (annual FCC assessments against cable operators overturned because statutory authority to levy such assessments would raise serious constitutional issue regarding delegability of taxing power).

[17] See Hager, "Supplemental Spending Bills Bolster OMB Budget Clout," Cong. Q. Weekly Rept., July 6, 1991, at 1820.

[18] 5 Ops. of the Office of Legal Counsel, U.S. Dep't of Justice 1, 12 (1981) (opinion of B. Civiletti).

LEAVE OF ABSENCE

By unanimous consent, leave was granted to:

Mr. HUTTO (at the request of Mr. GEPHARDT) for today and June 10 on account of family considerations.

Mr. HEFNER (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DELAY) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Mr. RIGGS, for 60 minutes, on June 10 and 11.

Mr. MCCANDLESS, for 5 minutes, today.

Mr. LENT, for 5 minutes, on June 11.

Mr. PORTER, for 5 minutes today, and for 60 minutes on June 11.

Mrs. BENTLEY, for 5 minutes today, in lieu of previous 60-minute special order.

Mrs. MORELLA, for 5 minutes, on June 10.

Mr. DELAY, for 5 minutes today, in lieu of previous 60-minute special order.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. CONYERS, for 30 minutes today, and for 60 minutes each day on June 10, 15, 16, 17, 18, and 19.

Mr. ORTON, for 60 minutes, today.

Mr. SCHEUER, for 5 minutes, on June 10.

Ms. PELOSI, for 5 minutes, on June 10.

Mr. KANJORSKI, for 60 minutes each day, on June 10 and 11.

Mr. MILLER of California, for 5 minutes, on June 10.

Mr. DE LA GARZA, for 60 minutes, on June 10.

Mr. WOLPE, for 5 minutes, on June 10.

Mr. HOYER, for 60 minutes, on June 10.

Mr. SIKORSKI, for 5 minutes, on June 10.

Mrs. UNSOELD, for 5 minutes, on June 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DELAY) and to include extraneous matter:)

Mr. DICKINSON.

Mr. GEKAS.

Mr. HORTON in two instances.

Mr. SOLOMON in three instances.

Mr. DAVIS.

Mr. CAMP.

Mr. BROOMFIELD.

Mr. WALSH.

Mr. KYL.

Ms. ROS-LEHTINEN in seven instances.

Mr. RAMSTAD.

Mr. PORTER.

Mr. SCHAEFER.

Mr. CRANE.

Mr. MOORHEAD.

Mr. THOMAS of California.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. LAROCCO.

Mr. RAHALL.

Mr. ROE.

Mr. SKELTON in two instances.

Mr. STARK in two instances.

Mr. LEVINE of California.

Mr. TRAFICANT in two instances.

Mr. HAMILTON.

Mr. EDWARDS of California in two instances.

Mrs. LOWEY of New York in five instances.

Mr. MAVROULES.

Mr. BLACKWELL in two instances.

Mr. TORRES in two instances.

Mr. FALEOMAVAEGA.

Mr. LAFALCE.

Mr. BOUCHER.

Mr. VENTO.

Mr. HOCHBRUECKNER.

Mr. SOLARZ.

Mr. MCMILLEN of Maryland.

Mr. KILDEE.

Mr. ORTIZ.

Mr. BONIOR.

Mr. MOAKLEY.

Mr. CONYERS.

Mr. KOSTMAYER.

Mr. SCHEUER.

Mr. FORD of Michigan.

Mr. CLEMENT.

Mr. PENNY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 893. An act to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright; to the Committee on the Judiciary.

S. 1338. An act for the relief of Chi Hsii Tsui, Jin Mie Tsui, Yin Whee Tsui, Yin Tao Tsui, and Yin Chao Tsui; to the Committee on the Judiciary.

S. 2079. An act to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. NAGLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 11 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 10, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3692. A letter from the Ambassador, Embassy of Greece, transmitting a letter from the Ambassador concerning the fiscal year 1993 foreign operations appropriations bill; to the Committee on Appropriations.

3693. A letter from the Secretary, Department of Energy, transmitting the fiscal year 1991 annual report of the Office of Technology, pursuant to Public Law 101-189, section 3141(c)(1), (2) (103 Stat. 1680); to the Committee on Armed Services.

3694. A letter from the Under Secretary of Defense, transmitting a copy of a report on the air-launched cruise missile [ALCM] flight data transmitter [FDT] plan implementing; to the Committee on Armed Services.

3695. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 17th annual report of the Office of Consumer Affairs of the Federal Deposit Insurance Corporation; to the Committee on Banking, Finance and Urban Affairs.

3696. A letter from the Secretary of Education, transmitting notice of final funding priorities—Special Studies Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3697. A letter from the Secretary of Education, transmitting final regulations—Chapter 1 Migrant Education Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3698. A letter from the Secretary of Educations, transmitting a draft of proposed legislation entitled "Education of the Deaf Act Amendments of 1992"; to the Committee on Education and Labor.

3699. A letter from the Secretary of Energy, transmitting the quarterly report as the strategic petroleum reserve during the period January 1, 1992 through March 31, 1992, pursuant to 42 U.S.C. 6245(b); to the Committee on Energy and Commerce.

3700. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Singapore for defense articles and services (Transmittal No. 92-30), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3701. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Saudi Arabia (Transmittal No. DTC-11-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3702. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the United Kingdom (Transmittal No. DTC-18-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3703. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Canada (Transmittal No. DTC-19-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3704. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Malaysia (Transmittal No. DTC-20-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3705. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3706. A letter from the Secretary, Department of Education, transmitting the Department's sixth semiannual report on the audit follow-up, covering the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3707. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3708. A letter from the Secretary, Department of Transportation, transmitting the semiannual report of the inspector general for the period October 1, 1991 through March 31, 1992, and management report, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3709. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in April 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3710. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report of activities of the inspector general covering the period October 1, 1991 through March 31, 1992, and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3711. A letter from the Senior Vice President, Federal Intermediate Credit Bank of Jackson, transmitting the fiscal year 1991 annual pension plan report of the Federal Intermediate Credit Bank of Jackson, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3712. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3713. A letter from the Chairman, First South Production Credit Association, transmitting the fiscal year 1991 annual pension plan report of the First South Production Credit Association, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3714. A letter from the Administrator, National Aeronautics Space Administration, transmitting the semiannual report of activities of the inspector general covering the period October 1, 1991 through March 31, 1992, and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on government Operations.

3715. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the fiscal year 1991 Pennsylvania Avenue Development Corporation's management report, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3716. A letter from the Secretary of Commerce, transmitting the Secretary's semiannual report; management's report on final action for inspector general audits covering the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3717. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report of the inspector general for the period October 1, 1991 through March 31, 1992, and the Department's management report on actions taken in response to audit recommendations, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Operations.

3718. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3719. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3720. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3721. A letter from the American Council of Learned Societies, transmitting the annual report for the year 1990-91, pursuant to 36 U.S.C. 1101(56), 1103; to the Committee on the Judiciary.

3722. A letter from the Assistant Attorney General, U.S. Department of Justice, transmitting a draft of proposed legislation to improve the administration of bankruptcy estates, and for other purposes; to the Committee on the Judiciary.

3723. A letter from the Acting Administrator, Federal Aviation Administration, transmitting a status report on progress in providing sensitive drug related information to Federal, State, and local law enforcement agencies for the period from May 19, 1990 through May 18, 1991, pursuant to Public Law 100-690, section 7210 (102 Stat. 4432); to the Committee on Public Works and Transportation.

3724. A letter from the Administrator, Agency for International Development, transmitting the country allocation report for development assistance, special assistance initiatives and international organizations and programs; jointly, to the Committees on Appropriations and Foreign Affairs.

3725. A letter from the Administrator, Agency for International Development and the President and Chairman, Eximbank of the United States, transmitting the Agency's semiannual report on the amount and extension of credits under the Trade Credit Insurance Program to Costa Rica, Guatemala, Honduras, El Salvador, and Nicaragua, 1992, pursuant to 22 U.S.C. 2184(g); jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

3726. A letter from the Office of Civilian Radioactive Waste Management, transmitting the eighth annual report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10224(c); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3727. A letter from the Secretary, Department of Health and Human Services, transmitting a draft of proposed legislation entitled "Medicare Equipment and Supply Amendments of 1992"; jointly, to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. H.R. 5260. A bill to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes (Rept. 102–543, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3836. A bill to provide for the management of Federal lands containing the pacific yew to ensure a sufficient supply of taxol, a cancer-treating drug made from the pacific yew; with an amendment (Rept. 102–552, Pt. 1). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1271. A bill to authorize appropriations for the Office of Environmental Quality for fiscal years 1992, 1993, 1994, 1995, and 1996; to ensure consideration of the impact of Federal actions on the global environment; and for other purposes; with an amendment (Rept. 102–553). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. LAFALCE: Committee on Small Business. H.R. 4400. A bill to provide the Administrator of the Small Business Administration continued authority to administer the Small Business Innovation Research Program, and for other purposes; with an amendment; referred jointly to the Committees on Armed Services, Foreign Affairs, and Science, Space, and Technology for a period ending not later than July 2, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clauses 1(c), 1(i), and 1(r) of rule X, respectively (Rept. 102–554, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

[Submitted June 8, 1992]

The Committee on Armed Services discharged from further consideration of H.R. 4342. H.R. 4342 referred to the Committee of the Whole House on the State of the Union. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MCDADE:

H.R. 5342. A bill making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of recent calamities as an initial response to the needs of our cities and the Nation, for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

By Mr. BROWN:

H.R. 5343. A bill to make technical amendments to the American Technology Preeminence Act of 1991 and the Fair Packaging and Labeling Act with respect to their treatment of the SI metric system; jointly, to the Committee on Energy and Commerce and Science, Space, and Technology.

By Mr. BOUCHER (for himself, Mr. BROWN, Mr. KOPETSKI, Mr. VALENTINE, Mr. PERKINS, Mr. NAGLE, Mr. HAYES of Louisiana, Mr. BROWDER, Mr. ROEMER, and Mr. BACCHUS):

H.R. 5344. A bill to authorize the National Science Foundation to foster and support the development and use of certain computer networks; to the Committee on Science, Space, and Technology.

By Mr. HUGHES:

H.R. 5345. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to extend eligibility to junior and community colleges for grants and fellowships for food and agricultural sciences education; to the Committee on Agriculture.

By Mr. ABERCROMBIE (for himself and Mrs. MINK):

H.R. 5346. A bill relating to native Hawaiian health care, and for other purposes; to the Committee on Energy and Commerce.

H.R. 5347. A bill to designate a national marine sanctuary in the Hawaiian Islands for the protection of humpback whales and their habitat; to the Committee on Merchant Marine and Fisheries.

By Mr. BRYANT (for himself, Mr. FISH, Mr. MAZZOLI, Mr. SYNAR, and Mr. GLICKMAN):

H.R. 5348. A bill to amend the antitrust laws to provide a cause of action for persons injured in United States commerce by unfair foreign competition; to the Committee on the Judiciary.

By Mr. DAVIS (for himself, Mr. HERTEL, Mr. OBERSTAR, Ms. KAPTUR, Mr. BONIOR, Mr. ECKART, Mr. LAFALCE, Mr. PEASE, and Mr. LIPINSKI):

H.R. 5349. A bill to improve coordination of National Oceanic and Atmospheric Administration Great Lakes activities; to the Committee on Merchant Marine and Fisheries.

By Mr. DAVIS (for himself, Mr. HERTEL, Mr. NOWAK, Mr. OBERSTAR, Ms. KAPTUR, Mr. BONIOR, Mr. VISCLOSKY, Mr. LAFALCE, Mr. PEASE, and Mr. LIPINSKI):

H.R. 5350. A bill to establish the Great Lakes Fish and Wildlife Tissue Bank; to the Committee on Merchant Marine and Fisheries.

By Mr. DAVIS (for himself, Mr. OBERSTAR, Ms. KAPTUR, Mr. BONIOR, Mr. VISCLOSKY, Mr. LAFALCE, Mr. PEASE, and Mr. LIPINSKI):

H.R. 5351. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology.

By Mr. DAVIS (for himself, Mr. HERTEL, Mr. NOWAK, Mr. OBERSTAR, Ms. KAPTUR, Mr. BONIOR, Mr. ECKART, Mr. LAFALCE, and Mr. LIPINSKI):

H.R. 5352. A bill to coordinate and promote Great Lakes activities, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology.

By Mr. LEACH (for himself and Mr. MCHUGH):

H.R. 5353. A bill to finance an educational exchange program with the independent states of the former Soviet Union and the Baltic States, to authorize the admission to the United States of certain scientists of the former Soviet Union and Baltic States as employment-based immigrants under the Immigration and Nationality Act, and for other purposes; jointly, to the Committees on Foreign Affairs, the Judiciary, and Education and Labor.

By Mr. MOODY:

H.R. 5354. A bill to amend part A of title IV of the Social Security Act to reduce the cost of the program of aid to families with dependent children by providing for payments to certain private programs that are able to provide such families with employment and other assistance at a savings to the Federal Government; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 5355. A bill to amend the Foreign Trade Zones Act to clarify that crude oil and derivatives thereof consumed in refining operations are not subject to duty under the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. WISE (for himself and Mr. CONYERS):

H.R. 5356. A bill to amend title 44, United States Code, to authorize appropriations for the National Archives and Records Administration and the National Historic Publications and Records Commission, to establish requirements for the disposal by Federal agencies of extra copies of records, to establish requirements for the management of public records, and to establish requirements applicable to the National Archives Trust Fund Board; to the Committee on Government Operations.

By Mr. WYDEN (for himself and Mr. PRICE)

H.R. 5357. A bill to provide grants to States to improve and coordinate health and education services provided to preschool children and to provide for the production and distribution of educational television programming for preschool children; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. ESPY (for himself, Mr. ACKERMAN, Mr. ASPIN, Mr. BALLENGER, Mr. BATEMAN, Mr. BENNETT, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHLERT, Mr. BROWN, Mr. BUNNING, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CHAPMAN, Mr. CLINGER, Mr. DEFAZIO, Mr. DICKINSON, Mr. DICKS, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. ERDREICH, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. FROST, Mr. GEKAS, Mr. GINGRICH, Mr. GUARINI, Mr. HANSEN, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HEFLEY, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. JEFFERSON, Mr. JONES of Georgia, Ms. KAPTUR, Mr. KASICH, Mr. KOLTER, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LEWIS of California, Mr. LEWIS of

Florida, Mr. MARTIN, Mr. MARTINEZ, Mr. MCCLOSKEY, Mr. MCEWEN, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mrs. MEYERS of Kansas, Mrs. MINK, Mr. MONTGOMERY, Mr. MOODY, Mr. MORAN, Mr. MYERS of Indiana, Mr. NATCHER, Mr. OWENS of Utah, Mr. PANETTA, Mr. PARKER, Mr. PAYNE of Virginia, Mr. PERKINS, Mr. PETERSON of Florida, Mrs. PATTERSON, Mr. PICKETT, Mr. POSHARD, Mr. QUILLEN, Mr. RANGEL, Mr. RAY, Mr. ROBERTS, Mr. ROWLAND, Mr. SAXTON, Mr. SCHEUER, Mr. SERRANO, Mr. SISISKY, Mr. SKEEN, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. SPENCE, Mr. SOLOMON, Mr. SPRATT, Mr. STARK, Mr. STUMP, Mr. SYNAR, Mr. TOWNS, Mrs. UNSOELD, Mr. VENTO, Mr. WALSH, Mr. WEISS, Mr. WHITTEN, Mr. WILSON and Mr. WOLF):

H.J. Res. 503. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 23, 1992, as "National Military Families Recognition Day"; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. ORTON (for himself and Mr. COX of Illinois):

H.J. Res. 504. Joint resolution proposing an amendment to the Constitution of the United States to provide for a balanced budget for the U.S. Government; to the Committee on the Judiciary.

By Mr. PASTOR (for himself, Mr. GORDON, Mr. LONG, Mr. WEISS, Mr. KASICH, Mr. SAWYER, Mr. MORAN, Mr. HORTON, Mr. MCMILLEN of Maryland, Mr. WOLF, Mr. QUILLEN, Mr. GUARINI, Mr. HARRIS, Ms. PELOSI, Mr. KOLBE, Ms. HORN, Mr. MCNULTY, Mr. COLORADO, and Mr. LAFALCE):

H.J. Res. 505. Joint resolution designating July 1992 as "National Muscular Dystrophy Awareness Month"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

479. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to Reserve Officer Training Corps Program; to the Committee on Armed Services.

480. Also, memorial of the House of Representatives of the State of Hawaii, relative to earthquake insurance coverage for homeowners; to the Committee on Banking, Finance and Urban Affairs.

481. Also, memorial of the Assembly of the State of New York, relative to the establishment of a minority health office; to the Committee on Energy and Commerce.

482. Also, memorial of the Legislature of the State of Colorado, relative to a national energy policy; to the Committee on Interior and Insular Affairs.

483. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to World Federal Government; to the Committee on the Judiciary.

484. Also, memorial of the Legislature of the State of Colorado, relative to an amendment to the Airport and Airway Improvement Act reauthorization bill; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina:

H.R. 5358. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Caminante*; to the Committee on Merchant Marine and Fisheries.

By Mr. LAROCCO:

H.R. 5359. A bill for the relief of the heirs and assigns of Hattie Davis Rogers of the Nez Perce Indian Reservation, ID; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. NEAL of North Carolina.

H.R. 371: Mr. ARMEY and Mr. CAMP.

H.R. 700: Mr. BROWN.

H.R. 840: Mr. FRANKS of Connecticut, Mr. BEILENSON, Mr. SWETT, Ms. DELAURO, and Mr. SYNAR.

H.R. 999: Mr. BROWN.

H.R. 1218: Mr. SIKORSKI and Mr. STAGGERS.

H.R. 1254: Mr. GONZALEZ.

H.R. 1473: Mr. LAROCCO.

H.R. 1497: Mr. JOHNSON of South Dakota and Mr. KLUG.

H.R. 1515: Mr. SOLOMON and Mr. OBERSTAR.

H.R. 2200: Mr. JOHNSON of South Dakota.

H.R. 2225: Mr. BROWN.

H.R. 2363: Mr. JAMES and Mr. HOAGLAND.

H.R. 2782: Mr. STUDDS, Mr. WOLPE, Mr. HERTEL, and Mr. SKAGGS.

H.R. 2862: Mr. PETERSON of Florida, Mr. STARK, Mr. SISISKY, Mr. OWENS of New York, Mr. PETERSON of Minnesota, and Mr. DORNAN of California.

H.R. 2872: Mr. MARKEY and Mrs. LLOYD.

H.R. 2922: Mrs. KENNELLY.

H.R. 2933: Mr. GOODLING and Mr. FORD of Michigan.

H.R. 3138: Mr. SHAYS.

H.R. 3173: Ms. DELAURO.

H.R. 3258: Mr. MYERS of Indiana.

H.R. 3281: Mr. COX of California.

H.R. 3450: Mr. DORGAN of North Dakota, Mr. FLAKE, Mr. IRELAND, Mr. LEACH, and Mr. PARKER.

H.R. 3454: Mr. GUARINI.

H.R. 3473: Mr. FISH.

H.R. 3518: Mr. GILLMOR, Mr. DANNEMEYER, and Mr. OBERSTAR.

H.R. 3545: Mr. FISH.

H.R. 3661: Mr. FISH.

H.R. 3673: Mr. HAYES of Louisiana.

H.R. 4124: Mr. BILIRAKIS.

H.R. 4155: Mr. STUMP, Mr. MCCRERY, and Mr. OXLEY.

H.R. 4192: Mr. OWENS of Utah and Mr. HUGHES.

H.R. 4212: Ms. DELAURO.

H.R. 4312: Mrs. BOXER, Mr. SOLARZ, Mrs. SCHROEDER, and Mr. EDWARDS of California.

H.R. 4329: Mrs. BOXER.

H.R. 4399: Mr. JONTZ, Mr. GILMAN, Mr. EARLY, and Mr. GALLO.

H.R. 4504: Mr. JONES of North Carolina.

H.R. 4507: Mr. CLEMENT, Ms. COLLINS of Michigan, Mr. DIXON, Mr. NAGLE, Mr. KLUG, and Mr. WELDON.

H.R. 4551: Mr. MORRISON.

H.R. 4591: Mr. BUSTAMANTE and Mr. SISISKY.

H.R. 4593: Mr. DORNAN of California, Mrs. JOHNSON of Connecticut, and Mr. SANTORUM.

H.R. 4613: Mr. SCHIFF.

H.R. 4688: Mr. OWENS of New York, Mr. KOPETSKI, Mr. VENTO, and Mr. TORRES.

H.R. 4692: Mr. FIELDS.

H.R. 4700: Mr. HAYES of Illinois.

H.R. 4775: Mr. KOSTMAYER, Mrs. BOXER, Mr. FOGLIETTA, and Mr. LUKEN.

H.R. 4906: Mr. LANCASTER.

H.R. 4919: Mr. ATKINS, Mr. FORD of Tennessee, Mr. SPENCE, and Mr. FRANK of Massachusetts.

H.R. 4924: Ms. HORN.

H.R. 4929: Mr. BUSTAMANTE.

H.R. 4930: Mr. HAYES of Illinois and Mr. SOLOMON.

H.R. 5060: Mr. CONYERS and Mr. PANETTA.

H.R. 5070: Mr. HAYES of Illinois and Mr. FROST.

H.R. 5136: Mr. MCMILLEN of Maryland.

H.R. 5155: Mr. TOWNS and Mr. ROE.

H.R. 5194: Mr. KILDEE.

H.R. 5195: Ms. SLAUGHTER.

H.R. 5196: Mr. PASTOR, Mr. TORRES, Mrs. MINK, Mr. LAFALCE, and Mr. RANGEL.

H.R. 5201: Mr. HOCHBRUECKNER, Mrs. MINK, Mr. HATCHER, and Mr. KOPETSKI.

H.R. 5208: Mr. KOPETSKI and Mr. BUSTAMANTE.

H.R. 5234: Mr. GUARINI and Mr. SENSENBRENNER.

H.R. 5237: Mr. MCMILLEN of Maryland.

H.R. 5250: Mr. BALLENGER and Mr. JENKINS.

H.R. 5299: Mr. CRAMER, Mr. KANJORSKI, Mr. HAYES of Louisiana, Mr. ROWLAND, Mr. VENTO, Mr. VISCLOSKY, Mr. BENNETT, Mr. HAYES of Illinois, Mr. MURPHY, Mr. GEREN of Texas, Mr. NEAL of North Carolina, Mr. BUSTAMANTE, and Mr. MCNULTY.

H.R. 5320: Mr. WILLIAMS.

H.R. 5323: Mr. GILMAN, Mr. HYDE, and Mr. ROHRABACHER.

H.R. 5324: Mr. HUGHES.

H.R. 5341: Mr. CRAMER.

H.J. Res. 143: Mr. EWING.

H.J. Res. 237: Mrs. KENNELLY, Mr. BACCHUS, Mrs. COLLINS of Michigan, Mr. THOMAS of Georgia, Mr. THORNTON, Mr. MINETA, Mr. BROWDER, Mr. BERMAN, Mr. VENTO, Mrs. JOHNSON of Connecticut, and Mr. HATCHER.

H.J. Res. 248: Mr. JAMES and Mr. BEREUTER.

H.J. Res. 271: Mr. VALENTINE, Mr. COOPER, Mr. JOHNSTON of South Dakota, Mr. BACCHUS, Mr. DE LUGO, Mr. OBERSTAR, Mr. CAMPBELL of Colorado, and Mr. CONYERS.

H.J. Res. 353: Mr. GILCHREST, Mr. OXLEY, Ms. PELOSI, and Mr. TRAXLER.

H.J. Res. 404: Mr. KLECZKA, Mr. FISH, and Mr. FAWELL.

H.J. Res. 411: Mr. SPENCE, Mr. ARCHER, and Mr. FISH.

H.J. Res. 433: Mr. BONIOR, Mr. BROWN, Mr. DARDEN, Mr. ECKART, Mr. GREEN of New York, Mr. GUNDERSON, Mr. HUTTO, Mr. RAHALL, Mr. SMITH of Florida, Mr. WELDON, and Mr. WYLIE.

H.J. Res. 454: Mr. JOHNSTON of Florida, Mr. HANSEN, Ms. OAKAR, Mr. GINGRICH, Mr. OBERSTAR, Mr. KASICH, Ms. NORTON, Mr. SANGMEISTER, Mr. FEIGHAN, Mr. ATKINS, Ms. PELOSI, Mr. YATRON, Mr. LEHMAN of California, Mr. MRAZEK, Mr. SWETT, Ms. KAPTUR, Mr. STALLINGS, Mr. PANETTA, and Mr. CONDIT.

H.J. Res. 455: Mr. HORTON and Mr. BUSTAMANTE.

H.J. Res. 482: Mr. KASICH and Mr. QUILLEN.

H.J. Res. 483: Ms. DELAURO.

H. Con. Res. 180: Mr. SOLARZ.

H. Con. Res. 256: Mr. MOORHEAD, Mr. WEISS, Mr. GUNDERSON, Mr. OWENS of Utah, Mr. BRUCE, Mr. PAYNE of New Jersey, Mr. JACOBS, and Mr. BOUCHER.

H. Con. Res. 309: Mr. GRADISON.

H. Con. Res. 313: Ms. MOLINARI, and Mr. EARLY.

H. Con. Res. 316: Mr. HOAGLAND, Mr. LEHMAN of Florida, Mr. SAWYER, Mr. BACCHUS, Mr. PORTER, Mr. SWETT, Mr. GORDON, Mr. MCCURDY, Mr. STARK, Mr. RINALDO, Mr. FLAKE, Mr. HORTON, Mr. MATSUI, Mr. MOORHEAD, Mr. TANNER, Mr. YATRON, Mr. RIGGS, Mr. ANNUNZIO, Mr. DOWNEY, Mr. NEAL of North Carolina, Mr. CHAPMAN, Mrs. BENTLEY, Mr. DREIER of California, Mr. INHOFE, Mr. LAROCCO, Mr. VANDER JAGT, and Mrs. COLLINS of Michigan.

H. Con. Res. 328: Mr. GUARINI, Mr. HORTON, Mr. FALEOMAVAEGA, Mr. WEISS, Mr. GORDON, Mr. NAGLE, Mr. FAZIO, Mr. FEIGHAN, Mr. HOAGLAND, Ms. LONG, Mr. MFUME, Mr. MURPHY, Mr. OWENS of Utah, Mr. BREWSTER, Mr. KOPETSKI, Mr. HARRIS, Ms. PELOSI, Mr. TAYLOR of Mississippi, Mrs. VUCANOVICH, and Mr. ABERCROMBIE.

H. Res. 130: Ms. SLAUGHTER, Mrs. BOXER, Mr. SKAGGS, Mr. WAXMAN, and Mr. HOCHBRUECKNER.

H. Res. 415: Mr. TRAFICANT, Mr. COYNE, Mr. MOAKLEY, Mr. BURTON of Indiana, and Mr. KOSTMAYER.

H. Res. 448: Mr. WILSON, Mr. HUGHES, and Mr. BUSTAMANTE.

H. Res. 461: Mr. FASCELL and Mr. BERMAN.

H. Res. 472: Mr. OXLEY and Mr. HYDE.

H.J. Res. 290

By Mr. KYL:

—Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

ARTICLE —

"SECTION 1. Except as provided in this article, outlays of the United States Government for any fiscal year may not exceed its receipts for that fiscal year.

"SECTION 2. Except as provided in this article, the outlays of the United States Government for a fiscal year may not exceed 19 percent of the Nation's gross national product for that fiscal year.

"SECTION 3. The Congress may, by law, provide for suspension of the effect of sections 1 or 2 of this article for any fiscal year for which three-fifths of the whole number of each House shall provide, by a rollcall vote, for a specific excess of outlays over receipts or over 19 percent of the Nation's gross national product.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 5. The President shall have power, when any Bill, including any vote, resolution, or order, which contains any item of spending authority, is presented to him pursuant to section 7 of Article I of this Constitution, to separately approve, reduce, or disapprove any provision, or part of any provision, contained therein.

"When the President exercises this power, he shall signify in writing such portions of the Bill he has approved and which portions he has reduced. These portions, to the extent not reduced, shall then become a law. The President shall return with his objections any disapproved or reduced portions of a Bill to the House in which the Bill originated. The Congress shall separately reconsider each such returned portion of the Bill in the manner prescribed for disapproved Bills in section 7 of Article I of this Constitution. Any portion of a Bill which shall not have been returned or approved by the President within 10 days (Sundays excepted) after it shall have been presented to him shall become a law, unless the Congress by their adjournment prevent its return, in which case it shall not become law.

"SECTION 6. Items of spending authority are those portions of a Bill that appropriate money from the Treasury or that otherwise authorize or limit the withdrawal or obligation of money from the Treasury. Such items shall include, without being limited to, items of appropriations, spending authorizations, authority to borrow money on the credit of the United States or otherwise, dedications of revenues, entitlements, uses of assets, insurance, guarantees of borrowing, and any authority to incur obligations.

"SECTION 7. Sections 1, 2, 3, and 4 of this article shall apply to the third fiscal year beginning after its ratification and to subsequent fiscal years, but not to fiscal years beginning before October 1, 1996. Sections 5 and 6 of this article shall take effect upon ratification of this article.

By Mr. STENHOLM:

—SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principle.

SECTION 8. This article shall take effect beginning with fiscal year 1998 or with the second fiscal year beginning after its ratification, whichever is later.

EXTENSIONS OF REMARKS

MIDDLE-CLASS FAMILIES OFTEN LACK INSURANCE FOR CHILDREN'S HEALTH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. STARK. Mr. Speaker, I would like to include in the RECORD at this point a front-page Wall Street Journal article of June 5, 1992, entitled "Middle-Class Families Often Lack Insurance for Children's Health."

It is a moving description of the "Sophie's Choice" facing so many American families. I note that the article runs the day after the House Republicans announced their health reform plan—a plan which would do nothing to help any of the families described in this article.

AT RISK: MIDDLE-CLASS FAMILIES OFTEN LACK INSURANCE FOR CHILDREN'S HEALTH

(By Cathy Trost)

Anne Ritter's husband lost his job with an asbestos abatement company shortly before she was due to deliver their second child. The Minneapolis couple paid hefty premiums to keep his health insurance coverage but finally had to drop it.

"We didn't tell anybody," confides Mrs. Ritter. "We come from parents who say you have to have health insurance. It was a hard decision to make."

Then came months of painful medical choices about their children's health care. They put off for six months a $5,000 cleft-lip operation on their older child, now three years old, until they heard about a state program covering basic medical needs for uninsured children. And despite a risk of hearing loss in his little brother, now 17 months old, they delayed having ear drainage tubes surgically inserted for eight months until he qualified for the state plan.

But when the boy needed hospitalizing one night with severe bronchiolitis, they had no choice. The bill was $1,000, and they're slowly paying it off. Meanwhile, Mr. Ritter has been able to find just temporary jobs with no health benefits.

NOT JUST THE POOR

The Ritter boys are part of a growing proportion of children not covered by private health insurance. And not all are in families of the unemployed. Increasingly, working-class and lower-middle-income families are living without insurance. "People in this country think that it's only the poor, but what has to be drummed home is the fact that 80% of kids who don't have health insurance have at least one parent who is working," says Democratic Sen. Jay Rockefeller of West Virginia, who heads the National Commission on Children.

Catching these children in America's health safety net is no sure thing. Many families are too strapped to buy private coverage and too well-off to qualify for publicly financed programs such as Medicaid. Recent expansions in Medicaid for children and pregnant women have kept many children from joining the uninsured, but the ranks keep swelling.

State and community-funded clinics and preventive-care programs, public health clinics and hospitals, federally-subsidized community and migrant health centers and other programs provide care for many needy youth. But often access is limited, the quality of care is spotty and some people don't know of the programs. "Kids fall through the cracks," says Anthony T. Hirsch, a Los Angeles pediatrician who chairs the American Academy of Pediatrics' committee on child health financing.

OVERBOOKED CLINICS

The nation's 547 nonprofit community health centers, which charge fees based on ability to pay, served about six million patients in 1990, 44 percent of them children. But many more were turned away because of excessive patient loads. As many as 1.5 million people, up to half of them children, are typically on waiting lists for the tight-budgeted centers.

Mostly located in rural or poor areas, these centers can be few and far between. In Ohio there are just 11, in Indiana three. New Hampshire has one for the entire state; doctors there were stunned last winter when a woman showed up in false labor after driving 2½ hours across icy mountain roads from Maine.

In California last winter, amid a heavy viral respiratory outbreak, there were waiting periods of up to 36 hours to get pediatric care in county health facilities. "The system can't meet the demand," says Dr. Hirsch.

Nationally, the health-care safety net catches less than a quarter of the 43 million people—including about 17 million children—who don't have access to medical care because they lack insurance, live in underserved areas or can't find a doctor who accepts Medicaid, says Daniel R. Hawkins Jr. of the National Association of Community Health Centers.

THE EFFECT ON MEASLES

Whether uninsured children are necessarily less healthy than other kids isn't well documented, but some research points to a link. A study in eight counties in California in the mid-1980s showed that the probability of a bad pregnancy outcome such as infant illness or death was 31 percent greater for women without health insurance, even when income, race and other factors were controlled. Declining immunizations of children have been tied to sharp rises in measles and rubella in recent years.

Many experts believe, and some evidence suggests, that inadequate insurance translates into inadequate medical care. Studies by the University of California at San Francisco in the late 1980s showed that children without insurance used fewer medical services than those with.

The problem appears to be worsening, doctors say, based on their observations. Daniel Shea, president of the American Academy of Pediatrics, says, "All around the country what I hear from pediatricians is that their families without insurance or who are underinsured are making conscious health-care decisions for children—and not always the right ones—based on 'can I afford to do this or can't I?' As a result, those children often don't get care until their illnesses are advanced or complicated, leading to longer recoveries "or unfavorable outcomes," he says.

Doctors at the Lamprey Health Care Clinic in Newmarket, N.H., report an increase of children visiting the local hospital's emergency room with severe earaches, sore throats or asthma after parents tried and failed to threat them at home. They're seeing more parents unable to afford a $20 bottle of antibiotics to treat a common ear infection or the $500 to $1,000 a year for medicine to control chronic asthma.

A common earache left untended can cause hearing loss. Lamprey's doctors are increasingly seeing parents who can't afford the antibiotics or don't return for follow-up visits to make sure infections have healed. The health center had begun giving "starter" doses of antibiotics to needy parents and distributing vouchers for free medicine provided by the maker of one antibiotic.

Many parents say they have no choice but to put off care. In St. Paul, Minn., 11-month-old Allison McCullough's father, Michael, lost his $35,000-a-year sales job with a heating and air-conditioning business last year—and the family's health insurance with it. "We could have bought insurance for $375 a month" for the family of five, says her mother, Ruth Ann McCullough. "But when you're trying to decide whether to pay the heat or insurance, there is no choice."

The McCulloughs say they couldn't afford all the childhood immunizations needed, so they kept the baby mostly confined to home last winter. They nixed a weekly play group for fear Allison might catch an ear infection, and at church they kept her from playing in the nursery, where there are "40 kids and 40 strains of who knows what," says her mother.

Part of the problem for uninsured children stems from ignorance about health-care options, especially among the newly poor. The McCulloughs, for instance, refused to go on welfare, but learned just recently that they were still eligible for state medical aid. They also didn't know that public health clinics give children free immunizations if parents can't afford fees. "No one tells you any of this stuff," says Mrs. McCullough. Allison received one set of immunizations at the local public health department at the behest of a local congressman's office, but her mother assumed she would have to take her to a private doctor for the rest.

The cost to immunize a child in the first year of life, says the pediatrics academy, is about $531—too much for the McCulloughs. "We were having to borrow money just to exist," says Mrs. McCullough. Her two other children are enrolled in the state plan for uninsured children, which Allison will be able to join when she turns one. In the meantime, the McCulloughs got good news this week. Mr. McCullough finally landed a job with a small heating and air-conditioning business, and he'll start getting family medical insurance benefits in a month.

The health-coverage problem is challenging assumptions about middle-class life in

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

America. Brenda Doane, a St. Paul mother of two, says her family simply can't afford to pay $300-a-month for health insurance when her husband makes between $20,000 and $25,000 a year as a self-employed cement finisher. His income is enough, however, to disqualify them for Medicaid or, in most years, the state's health plan for uninsured children. As a result, their four-year-old boy has gone without some needed medical and dental care. Their one-year-old daughter got subsidized care her first year from a local children's hospital, but the plan covers babies only to age one. In a desperate move to get out of debt and save money for health bills, the Doanes just sold their home.

For half a century, most American children have come under health insurance provided by their parents' jobs, and that is still the case. But a variety of factors are decreasing the proportion of those with private insurance.

Nationally, 13% of children lack health insurance coverage, according to the 1990 census. But a wider look at how people move in and out of the insurance system shows that nearly a quarter of the 70 million Americans under age 19 had no health insurance for all or part of 1987, up from 18% a decade earlier, according to the latest data from the Federal Agency for Health Care Policy and Research. And from 1980 to 1991, the percentage of children covered by private health insurance fell by about 10%, according to research by Rand, a nonprofit research group in Santa Monica, Calif. It isn't known how many more are poorly insured, lacking coverage for service such as well-child visits, prenatal care, immunizations or certain medical conditions.

The growth of the small-business and service sectors has created many jobs that are less likely to offer employee health insurance than jobs at big companies. And millions of workers that had such benefits but were laid off in the economic slump now have part-time jobs with no benefits. At the same time, health-care costs are growing much faster than family income.

The cost growth also is leading many employers to make employees pay higher deductibles and co-payments, or to cut benefits. In 1980, 40% of employers paid the full cost of the premium for dependent coverage, says benefits consultant Hay/Huggins & Co., but by last year only 23% did.

Federally funded community health centers are a barometer of trends in child medical care. Though largely serving publicly insured patients, the centers increasingly are seeing working-class families who have lost or can't afford private insurance. Virtually all their new patients are pregnant women and children. Stretched to their limits, 2% of the centers no longer accept new pediatric patients; others have long waiting lists.

El Rio Santa Cruz Health Center in Tucson, Ariz., closed its doors to new adult and child patients for nine months last year. Pediatric cases have risen there by 40% in the last three years. (The clinic is erecting a new pediatric facility.) Northern Counties Health Care in St. Johnsbury, Vt., has had a 25% increase in the number of patients with no insurance and an additional 25% increase in those with reduced coverage in the last 18 months.

At the nonprofit Lamprey clinic in New Hampshire—the only community health center in the state—doctors say they are seeing more children, and more with festering ailments because their parents couldn't afford early treatment. One indicator of hard times in this old mill town is that doctors practice more "phone medicine," where parents call in for advice to avoid paying for an office visit.

The Lamprey clinic, with facilities in Newmarket and Raymond, charges sliding-scale fees, in which a family of four earning over $26,800 a year pays the full $45 fee per visit. From 1990 to 1991, the Newmarket clinic had a 27% rise in the number of uninsured or underinsured patients qualifying for its discounted fees, while the number of patients eligible for Medicaid doubled.

For Penny Osborne, 30, Lamprey's Raymond site is her four children's last resort for decent medical care. As a single mother, she supported her two oldest girls, now 11 and eight, as a waitress, periodically buying $300-a-month mail-order health insurance and dropping it during hard times. One daughter had chronic bronchitis. "I kept trying to doctor her at home and she ended up with pneumonia," she says. She says she also couldn't keep up the child's schedule of immunizations.

Now she's married and the mother of twins who are nearly two. But her husband's employer, a small excavating company, doesn't offer health insurance. Buying insurance on their $17,000 annual income would be a stretch, especially since her husband is laid off for part of each year. With an $800-a-month mortgage and other fixed expenses, "we pay all the disconnect services first," she says. To stretch their $40-a-week food budget, her husband shoots a deer each fall and they raise and slaughter a pig.

The discounted rates she pays at Lamprey have made a huge difference in her children's lives. But Mrs. Osborne still has to make hard choices concerning their health. She hasn't taken them to the dentist in two years. Lamprey provides dental screening but no treatment.

Mrs. Osborne also ignored a note from her daughter Jennifer's school, warning of a possible vision problem. Mrs. Osborne says she is putting off the $90 eye exam "until she complains to me, and as long as I can see she can read." Lamprey provides vision screening, but not the special examination Jennifer's school recommended.

Back in St. Paul, Minn., Mike McCullough was rejected for a new job before finally landing one this week. The employer told him that a job candidate who is single was hired instead of him so that the employer could avoid paying $600 a month for the family's health insurance. "It's a real heartbreaker," says Mrs. McCullough.

GLADYS AND WILLIAM GEISEKING CLEAN UP RIVERSIDE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues attention to the achievements of Gladys and William Geiseking and the 35 people who helped them organize a cleanup of their neighborhood environment. The Geisekings began with a diverse group of people who wanted to hold a festival and information fair to teach people about recycling and the historic neighborhood they lived in. The festival was planned as a project to compete for a $1,000 "Good Neighbors" contest sponsored by the Junior League of Miami. The money was planned to go for a new playground for neighborhood children.

To prepare for the festival, they began neighborhood cleanups, with 35 people who formed the nucleus of the group. As they worked on the cleanups they began to see a need for environmental education. They dropped the festival plans, and converted the project into one which concentrated on environmental education, including hands-on neighborhood cleanup projects with a "know-your-neighbor" dinner afterward.

The Miami Herald published an article on the work of this group of neighbors which I would like to include in the RECORD:

DOWN-TO-EARTH-CAMPAIGN IS AN AWARD WINNER

(By Bea Moss)

In Central Miami's Riverside neighborhood, Gladys and William Geiseking gathered together a diverse group of people who wanted to hold a festival and informational fair to teach people to recycle, appreciate the historic nature of the area and share cultural heritages.

The project, which changes somewhat in the final stages, involved real, grass-roots neighborhood cooperation, said Claudia Kitchens, the project's liaison with the Junior League of Miami.

It was one of two area neighborhood improvement projects to win $1,000 awards from the Junior League of Miami's Good Neighbors contest, sponsored by the Junior League in conjunction with the Miami Herald.

"We got 35 people together to do neighborhood sweeps. It was fabulous," William Geiseking said. "It formed a nucleus from which to grow on and made the neighborhood prettier and safer for children. It's beginning to bring people together."

"As they began to work on the original project, they saw the need for environmental issues so the festival was put aside," Kitchens said.

The project was an education for sixth-graders at Riverside Elementary and also involved working with teachers and parents. The message was the community environment.

The group bought environmental education materials in Spanish and English. They were studied in school and taken home for parents to share.

Two neighborhood cleanup projects took place in an area west of Jose Marti Park along Southwest Fourth Avenue between Second and Fourth Streets. Participants received T-shirts and a know-your-neighbor appreciation dinner brought the group together.

"Their goal is to have a sense of community and pride in the neighborhood," Kitchens said "They used the money to good advantage."

A second proposal, to create a playground in the Snapper Creek area of Kendall, hit a snag.

Maria de Pablo represented a group of Kendall neighbors who wanted to build a toddler playground next to a bike path and along the bank of the Snapper Creek Canal in the 10800 block of Snapper Creek Drive across the street from their homes.

The neighbors wanted to use the $1,000 grant, since returned to the Junior League, to fence the playground and install a childproof entrance and exit, but officials of the South Florida Water Management District and the Dade County Park Department decided the site was too dangerous.

Maria Bercuson, a Junior League member and liaison for the project, said it was a liability question.

Bercuson said if the neighbors find another available property the grant might be reinstated.

Overall, Junior League members are happy with the success of the Good Neighbors contest.

Mr. Speaker, I commend William and Gladys Geiseking, Claudia Kitchens, Maria Bercuson, and all those involved in this project. They show the type of cooperation and neighborliness which is the surest antidote to the fear and crime plaguing our cities.

THE NEW YORK CONFERENCE OF THE AFRICAN METHODIST EPISCOPAL ZION CHURCH HONORS SENIOR BISHOP WILLIAM MILTON SMITH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is indeed a pleasure to join the good people of the Hudson River district of the New York Conference of the African Methodist Episcopal Zion Church as they honor their Senior Bishop William Milton Smith. In Senior Bishop Smith they have a leader who has taken an active and constructive role in enriching the lives of the community he serves. Indeed, at a time when our society is torn apart by tensions and anxiety, Bishop Smith has worked to promote understanding among all peoples.

As presiding prelate of the New York conference for the last 12 years, the Senior Bishop has played a crucial role in the development of Westchester's A.M.E. Zion congregations. He has inspired clergy and congregation members alike to stand together in defending religious freedom and in promoting opportunity for all in our society.

As a result of his guidance and leadership, many churches have been established and have flourished in the Hudson River district. Through his direction, these churches have enhanced their mission of service to their communities. Bishop Smith has brought to his ministry a message of hope and a commitment to justice that has been important in the worldwide mission of the A.M.E. Zion Church.

Senior Bishop Smith understands full well the importance of education to our youth. As chairman of the board of trustees for Livingstone College in Salisbury, NC, he has been instrumental in sustaining the college in its important responsibility of offering instruction, experience, and training to future leaders. As a result of his dedicated service to the college, he has enabled youth to secure opportunities and skills that have permitted them to reach their full potential.

Senior Bishop Smith's many activities on behalf of the community has brought him well-deserved recognition. For a number of years he has been recognized by the Ebony Co. as 1 of the 100 outstanding black Americans. That recognition is just one example of the appreciation he has earned through his leadership, commitment, and service.

Mr. Speaker, throughout his many years of service, Senior Bishop Smith has devoted his talents and energies to the churches and people of our community. The leadership, understanding, and compassion of this special man are making a tremendous difference to our community and to our world. I know that my colleagues join me in wishing Senior Bishop William Milton Smith the best as he continues to serve.

TRIBUTE TO HOWARD L. RAINEY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual, Mr. Howard L. Rainey, deputy superintendent for the Norwalk-La Mirada Unified School District. Howard is retiring after 40 years of dedicated service to the communities of Norwalk and La Mirada.

A native of the Los Angeles area, Howard attended local schools and eventually enrolled at Washington State College where he studied engineering. From January 1945 to 1947, Howard served in the U.S. Army in Texas, the Philippine Islands, and Japan. In 1947, Howard returned to Los Angeles and attended Pepperdine University. He graduated with a degree in speech and drama, with minors in psychology and history. Following graduation, he began his graduate work at Pepperdine University. He earned his masters degree in elementary education from Whittier College.

He began his career with Norwalk-La Mirada Unified School District on March 3, 1952, teaching sixth grade at Waite Elementary School. He also taught at Corvallis, Glazier, Los Alisos, and McNally schools.

Howard has dedicated his career to helping educate our youth. He began his administrative tenure with the Norwalk-La Mirada School District as assistant principal of McNally School in 1957. The distinguished positions which he has held include: president of the Norwalk-La Mirada Teacher's Association; Principal's Association; administrator of Business Services; assistant superintendent; superintendent; and his current position as deputy superintendent.

Mr. Speaker, on June 13, 1992, the Norwalk-La Mirada Unified School District, family, friends, and civic leaders will gather to honor Howard L. Rainey for his exemplary service to the school district. I ask my colleagues to join me in saluting Mr. Howard L. Rainey and wish him the best of luck with his future endeavors.

JONATHAN ALMOND WINS JEFFERSON AWARDS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Jonathan Almond as the Rhode Island winner of this year's Jefferson Awards. Jonathan, a third-grade student at Salyseville Elementary School in Lincoln, has served his community and fellow citizens by volunteering at the local fire department. He works each day by doing odd jobs around the station including everything from cleaning the station to rolling up firehoses. He helps his fellow classmates by sharing his knowledge through videos, magazines, posters, and even fire equipment that he brings to class.

The Jefferson Awards were established in 1972 by Jacqueline Kennedy Onassis and Senator Robert Taft, Jr., to recognize the dedication, sacrifice, and accomplishments of individuals serving the American people, and strive to develop new leadership.

In 1990, the Jefferson Awards and the Weekly Reader began a joint effort to recognize students in the community. In January 1990, readers were asked to participate in helping their neighbors by involving themselves in community service. This is the program that helped start Jonathan Almond's participation at the firehouse.

I congratulate Jonathan Almond for his award. I wish him the best of luck in all his future endeavors.

THE RETIREMENT OF COL. JOHN J. POLITI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. SKELTON. Mr. Speaker, the commander of the 351st Missile Wing at Whiteman Air Force Base, Col. John J. Politi retires this month. He ends 27 years of active duty with the U.S. Air Force. A graduate of the University of Colorado, he has served the Air Force and our country with great distinction.

Colonel Politi received his commission through the Reserve Officer Training Corps and entered active duty in November 1965. Initially, the colonel was assigned as a missile combat crew deputy commander with the 44th Strategic Missile Wing at Ellsworth Air Force Base, SD. Following this assignment, Colonel Politi served in many capacities, including instructor with the 4315th Combat Training Squadron; Deputy Chief of Staff, personnel, Strategic Air Command Headquarters; aide and executive assistant to the Director of the Defense Nuclear Agency in Washington, DC; and Deputy Chief of Staff, plans, responsible for monitoring the Peacekeeper Development Program at SAC headquarters where he was later chosen to serve as chief of the SAC briefing team.

From June 1980 until July 1983, Colonel Politi was assigned to the Office of the Special Assistant for the Peacekeeper at Air Force Headquarters at the Pentagon, where he served as director of the Peacekeeper program. He later assumed command of other posts including the 321st Combat Support Group; Vice Commander of the 321st Strategic Missile Wing; and Commander of the 91st Strategic Missile Wing at Minot Air Force Base, ND. Under Colonel Politi's command, the 91st Strategic Missile Wing won the Blanchard Trophy and the base the Commander-In-Chief's Installation Excellence Award. Later, Colonel Politi was assigned as the Assistant Deputy Chief of Staff, Strategic Planning, headquartered at SAC. He then became the Secretary of the Joint Staff; Joint Strategic Target Planning Staff; and later the commander of the 100th Air Division until July 1991, at which time he assumed his present position.

As a command missileer, Colonel Politi has been recognized with many awards and decorations. These include: the Defense Superior Service Medal, Legion of Merit with oak leaf cluster, Meritorious Service Medal with two oak leaf clusters, Joint Service Commendation Medal, Air Force Commendation Medal with oak leaf cluster, Joint Meritorious Unit Award, and Combat Readiness Medal.

He is married to the former Dorothy A. Duff of Glen Cove, NY. They have three children; Pamela of Fort Collins, CO, Eileen Carter of Rapid City, SD, and John Jr.

Colonel Politi has certainly made many friends in the Whiteman Air Force Base area, and I am pleased he will stay in Missouri after retirement. I know the Members join me in wishing Col. John J. Politi all the best in his retirement years.

NICHOLAS GIORDANO STEPS DOWN AFTER SERVING 40 YEARS ON RENSSELAER HOUSING AUTHORITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. SOLOMON. Mr. Speaker, on Thursday, June 18, Nicholas Giordano will pull the curtain down on one of the most productive careers of public service. It will be his last meeting after serving 40 years on the Rensselaer Housing Authority.

Mr. Giordano was appointed a housing commissioner on February 1, 1992, by then-Mayor Thomas S.H. Clark. Besides Clark, he has served continuously during the administrations of Mayors William Hart, Clarence McNally, John H. Warden, Irwin Stewart, Joseph Mink, Thomas Henry, Edward Finlan, and Joseph Harrigan.

The many housing projects and improvements in Rensselaer will long serve as monuments to Mr. Giordano's active involvement. They include 86 units of the John H. Warden Apartments, 60 units of the Patroon's Dorp Apartments, 105 units of the section 8 new construction at Van Rensselaer Heights, 98 units of section 8 new construction for older Americans at Renwyck Place, and nearly 100 more existing or voucher section 8 units. Finally, Mr. Giordano was instrumental in securing $10 million in modernization funds.

The occupants of those units will serve as witnesses to the leadership and vision of Nicholas Giordano. His long service provided inspiration and institutional memory to the housing authority as it met the evolving needs of Rensselaer's citizens.

Like so many outstanding public servants, Mr. Giordano was also a solid citizen. He retired in 1971 from Sterling Organics Co., where he was a supervisor. He has been married to his wife, Florence, for 63 years. They are the parents of Robert and Peter, and have 7 grandchildren and 10 great-grandchildren.

He was a member of St. John's Roman Catholic Church in Rensselaer and a former member of the Holy Name Society.

Mr. Speaker, there are many Americans like this across our great country. Without fanfare or expectations of reward, such men and women serve their communities and leave them better than they were at the beginning.

Let us rise today in tribute to one of these unsung American heroes, Nicholas Giordano of Rensselaer, NY. Let us express our own "job well done" and wish him the very best.

TRIBUTE TO DR. LORENA MORRISON

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the work of Dr. Lorena Morrison, principal of the elementary and middle schools at Miami Christian School. Dr. Morrison has served the community for many years, as a teacher at Westwood Lake Christian School and Miami Christian College, before moving to Miami Christian School 14 years ago.

In addition to her teaching, Lorena Morrison has served the community and the State of Florida on the professional orientation program for teachers, the beginning teacher program, the State mathematics curriculum project, and on accreditation teams for the Florida Council of Independent Schools.

The Miami Beach Sunpost published an article about this outstanding educator, which I would like to include in the RECORD:

[From the Miami Beach Sunpost, May 21, 1992]

MIAMI BEACH SCHOOL PRINCIPAL HONORED

Dr. Lorena Morrison, Elementary and Middle School Principal at Miami Christian School and Beach resident, was honored as "Alumnus of the Year" on May 15, 1992 by Southeastern Bible College in Birmingham, Alabama where she graduated in 1971. The honor carries with it induction into "Delta Epsilon Chi," the National Honor Society of the American Association of Bible Colleges.

The honor is especially meaningful for Dr. Morrison because while at Southeastern in the early 1960's Lorena withdrew from the College after a very traumatic experience during her senior year.

Previously Dr. Lorena Morrison had been similarly honored as "Alumnus of the Year" in 1984 by Miami Christian College where she graduated in 1966.

In addition Dr. Morrison holds three other earned degrees in education from the University of Alabama, Tuscaloosa, and Florida Atlantic University, Boca Raton, where she received her doctorate with a 4.0 grade point average on a 4 scale.

Her dissertation was on "The Relationship Between Gender, Laterality, Brain Dominance and Learning Disabled Labeling of Selected Public Elementary School Aged Students in Dade County, FL."

Dr. Morrison has been employed at Miami Christian School, 200 N.W. 109 Avenue, Miami for 14 years, having been the Elementary and Middle School Principal the past six years.

Prior to coming to M.C.S. she taught at Westwood Lake Christian School, Miami and was Student Teacher Supervisor and Acting Chairman of the Education Department at Miami Christian College from 1979–1986.

She is a certified observer for the State of Florida Professional Orientation Program (POP) and a peer teacher for the Florida Beginning Teacher Program.

Her memberships include Phi Kappa Phi honor society and the Association of Supervision and Curriculum Development.

She holds teacher certification through the Association of Christian Schools International and the Department of Education of the State of Florida.

A Miami Beach resident, Dr. Morrison worked on the State of Florida project to develop the Guidelines for a Model Curriculum in Mathematics for Levels K–5.

She has served on Accreditation teams for the Florida Council of Independent Schools.

Even as a busy school Principal, wife and mother of two teenagers, Dr. Morrison constantly finds time for additional studies.

She is enrolled currently in Spanish classes and returns this summer to San Jose, Costa Rica for a second year of language and culture studies there at the Missionary Spanish Language Institute.

Miami Christian School is a co-educational college preparatory day school serving students in grades K3–12 from a 20-acre campus in West Central Dade near FIU Tamiami Campus.

The school was founded in 1954 as South Florida's first Christian school and is a modestly priced independent Protestant inter-denominational school run by a parent elected Board of Trustees.

The school holds accreditation from both the Florida Council of Independent Schools and the Association of Christian Schools International and is an candidate accreditation status with the newly formed Florida Kindergarten Council.

Mr. Speaker, I commend the work of Dr. Lorena Morrison, and the enthusiasm and dedication she brings to improving education in Florida. This country needs more teachers of her high quality.

MAYOR MIRIAM CURNIN HONORED

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is my great pleasure to join the people of Larchmont as they honor Miriam Curnin. In this exceptional woman, Larchmont has had an innovative leader who has worked tirelessly and effectively to enhance the quality of life in the very special community she has served as mayor.

Miriam Curnin began her public service in working to ensure a strong educational system for the young people of Larchmont. As a former teacher and as a mother Miriam brought a unique and effective perspective to service with PTAs and other local educational initiatives. She has also worked to bring together women from all religions as chairman of Larchmont's annual Women's Interfaith Seminar.

Her unfailing belief in public service led her to enter political life, where her wealth of experience and understanding has served her well. She broke new ground as the first woman mayor of Larchmont and won a well-deserved reputation for effective leadership and achieving results. Having left the mayor's office, Miriam Curnin has indeed left an impressive legacy to Larchmont. I am also confident that she will continue to serve our community in many ways.

It has been my pleasure to work with Miriam Curnin to address the critical issues confronting the Sound shore communities. Through her leadership, Larchmont has taken a leadership role in the fight to clean up the Long Island Sound and in recognition of the important links between the village and the Sound. In doing so, Larchmont, has committed itself and its citizens to providing a quality of life for future generations. As I have worked at the Federal level to secure implementation of a comprehensive program to restore and protect this unique resource, Miriam Curnin has provided important leadership at the local level.

Miriam Curnin truly understands the importance of open government and the critical role public involvement plays in effective government decisionmaking. During her tenure, she acted to open all village board meetings to the public and has worked to increase citizen participation in committees that guide their community.

She has also been effective in maintaining Larchmont's strong financial conditions and has laid the groundwork to ensure the continuation of that tradition. New budget procedures put in place by Mayor Curnin have broadened public understanding of that process, thereby enhancing the practical utility of that budget.

Mr. Speaker, under Mayor Miriam Curnin's guidance Larchmont has been a forward looking, well managed municipality. She has given the people of Larchmont a village government of which they are rightly proud and has increased citizen involvement. We have benefited from her talents and energies. She has indeed been a model public official, thoughtful effective and attentive to the needs of those she has served.

TRIBUTE TO BETTE LOWES

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual, public servant, and community leader. Bette Lowes, former mayor of Baldwin Park. Bette will be honored by the city of Baldwin Park on June 13, 1992.

Bette has lived in the city of Baldwin Park for the past 30 years. She and her husband have raised seven children.

Bette has dedicated much of her life to public service. In 1988, Bette was elected to serve as a member of the Baldwin Park city council. She served as mayor pro tempore in 1989, and was elected to serve as mayor in 1990.

As a strong advocate for education, Bette has served as the president of the school advisory committee and president of the adult education advisory committee. Throughout her many years of involvement, she has actively promoted youth participation in city government.

Over the past three decades Bette has been a dedicated member of various community organizations in Baldwin Park. Her involvement in the Kiwanis, Womens Club, Community Center's Corporation, Chamber of Commerce, East Valley Boys and Girls Club and the National Little League is truly commendable.

Mr. Speaker, on June 12, 1992, family, friends, and civic leaders will gather to honor Bette Lowes as the Baldwin Park Citizen of the Year. I ask my colleagues to join me in saluting a fine individual and community asset, Bette Lowes, for her outstanding record of public service and commitment to the people and city of Baldwin Park.

PORTUGUESE HERITAGE DAY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to extend my best wishes to all members of the Portuguese community as they celebrate Portuguese Heritage Day, June 10.

This date marks a festive recognition of the rich heritage of the small, yet vibrant, nation of Portugal and provides an opportunity for continued cultural enrichment. Portugal's glorious history offers inspiration to all and the splendor of its traditions is worthy of great appreciation.

This year, Portuguese Heritage Day festivities are being held in Pawtucket, RI, an ideal host city because of the exceptional size and strength of the Portuguese community. The numerous influences of Portuguese heritage found in Pawtucket are especially evidenced by the many community-oriented activities sponsored by the Pawtucket Portuguese Club. The local spirit has certainly created a very welcome atmosphere for this significant celebration.

It is both a pleasure and an honor for me to participate in this international celebration by paying homage to Portuguese communities in Rhode Island and worldwide and I wish them the very best in their festivities.

SAFE BOATING WEEK

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. RAMSTAD. Mr. Speaker, I rise today to commend and thank the Minnetonka Power Squadron for its sponsorship of Safe Boating Week during the week of June 6–13, 1992, and for the Minnetonka Power Squadron's efforts to make this much loved summertime hobby a safe one as well.

The great State of Minnesota is known worldwide for our thousands of beautiful blue lakes. Each year, after the long winter months, millions of Minnesotans flock to these lakes to fish, water ski, canoe, or just to beat the heat. In this rush to enjoy the summer fun, however, we must never forget the importance of boating safety.

After all, carelessness or recklessness in boating can cause property damage and, even worse, can result in serious injury or death.

During Safe Boating Week, the Minnetonka Power Squadron conducts many events, classes, and public awareness activities to promote the importance of boating safety. This yearly reminder of safe, proper boating techniques and simple precautions, such as carrying life preservers, should be observed by all boat users throughout the boating season.

Mr. Speaker, it is my hope that all boaters, in Minnesota and across the country, will take the time to review boating safety precautions and exercise safe boating practices all season long. I thank and applaud the Minnetonka Power Squadron for showing us how to safely enjoy boating on the lakes.

PENRHYN ENGINE & HOSE COMPANY CELEBRATES 100 YEARS OF SERVING MIDDLE GRANVILLE, NY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. SOLOMON. Mr. Speaker, like many of the Members of this body, I come from a rural district where much of the fire protection is provided by volunteer fire companies.

Today I'd like to recognize one of those companies, the Penrhyn Engine and Hose Co. of Middle Granville, NY, which will celebrate its 100th anniversary on June 20.

Mr. Speaker, I have quite a soft spot in my heart for these volunteer fire companies. I was a member of one of them for more than 20 years in my hometown. But even more than that, I have nothing but praise for the volunteers. They are constantly improving their firefighting skills by attending a number of training schools. Each one of them gives up a great deal of his free time to serve the community, and that, Mr. Speaker, is my definition of an outstanding citizen. The truth is that voluntarism in general has made a comeback in recent years, but volunteer firefighters have always preserved the tradition.

And, it should be noted, fighting fires can be dangerous work. Often working with tight budgets, volunteer firemen save billions of dollars worth of property and save countless lives every year. There is no way to calculate how much property and how many lives have been saved by Penryhn Engine and Hose Co. volunteers.

Mr. Speaker, service on a volunteer fire company typifies what America is all about. That is why I would ask you and all Members to join me in saluting Penryhn Engine and Hose Co., wishing it a happy 100th birthday and many more years of serving Middle Granville.

STATEMENT OF THE AMERICAN BUSINESS CONFERENCE ON THE BALANCED BUDGET AMENDMENT

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. McCURDY. Mr. Speaker, the American Business Conference, which is made up of fast-growing midsize companies, has issued a policy statement on proposals for a balanced budget amendment. This organization, which is headed by our former colleague, Jim Jones, who chaired the House Committee on the Budget, and Barry Rogstad, has also made cogent recommendations about specific steps to achieve a balanced budget.

As we begin to debate the balanced budget amendment next week, I commend these thoughtful, tough, and forward-looking recommendations for consideration of Members of the House. The text of the letter and policy statement follows:

AMERICAN BUSINESS CONFERENCE—JUNE 3, 1992

As Congress approaches a vote on the balanced budget amendment, we wanted you to see the attached policy statement of the American Business Conference (ABC). It states the views of our members—chief executives of fast-growing midsize companies—on the proposed amendment.

ABC members believe that the most critical issue facing the United States economy is the federal deficit. They believe that a sustained deficit will jeopardize the future growth of the standard of living of the American people.

ABC members have strongly supported efforts to come to grips with the deficit over the last ten years. They have little to show for their efforts. The deficit continues to deepen and the hard budgetary choices remain deferred.

The experience of the past decade suggests that a Constitutional amendment to balance the budget cannot work without a specific commitment to spending and tax reform. Of particular importance is the need to rein in the cost of non-means-tested entitlement programs. ABC members believe that policymakers should first articulate an explicit plan to balance the budget. If, after this plan is defined, it is determined that a Constitutional amendment is necessary, ABC would consider supporting such an amendment.

What should be in such a deficit reduction plan? Over the last ten years, ABC has gone on record in support of the following reforms.

Inclusion of 85 percent of Social Security benefits in adjusted gross income for purposes of taxation and a progressive increase in premiums for Medicare's Supplementary Medical Insurance to the point where higher-income Americans would pay full cost

For non-means-tested entitlement programs, the limitation of cost-of-living adjustments to the less of either the increase in wages or the increase in the consumer price index

Gradual elimination of farm subsidies

New taxes on consumption beginning with an additional 25 cent per gallon gasoline tax, the proceeds of which to be placed in the general fund

Movement toward consumption-based taxation; specifically, consideration of both a comprehensive value-added tax and the consumed-income tax as alternatives to the current tax structure

These ideas are indicative of what ABC could support. They do not preclude other money-saving reforms. The point is, until these or similar actions are taken, a Constitutional amendment to balance the budget would be of little use.

Our members share your frustration with the nation's failure to reduce the budget deficit. The push to amend the Constitution is an understandable product of that frustration.

For now, however, our highest priority should be to craft specific legislation to moderate spending and, if necessary, increase revenues for the purpose of reducing the deficit. ABC would be happy to support you in that endeavor.

Sincerely,

JAMES R. JONES,
Chairman.
BARRY K. ROGSTAD,
President.

ABC POLICY STATEMENT

Since ABC's inception in 1981, the organization has single-mindedly urged a better balance between spending and revenues as a central means for raising national savings and insuring greater democratic accountability on government. Some examples:

In 1982, ABC defied most of the business community's opposition to tax increases, particularly in corporate taxes, and supported the Tax Equity and Fiscal Responsibility Act (TEFRA).

We were the first business organization to endorse the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings). When that Act's deficit reduction targets proved too stringent, ABC in 1987 supported the Balanced Budget and Emergency Deficit Control Reaffirmation Act, which established new deficit reduction targets.

Following the stock market crash in 1987, ABC backed the creation of the National Economic Commission, a bipartisan group charged with developing recommendations for fiscal reform and deficit reduction.

Speaking before the platform committees of both parties in 1988, ABC executives identified reduction of the federal deficit as the highest economic priority for the next President.

ABC supported the budget compromises of 1987 and 1990. In 1992, our members actively worked to maintain the spending caps put into place by the 1990 agreement.

After over a decade of tireless advocacy, ABC members have little to show for their efforts and are as frustrated as other Americans are about the lack of progress. The deficit persists and is growing.

We do not conclude from this history that only a Constitutional amendment can solve our budget problem. Quite the contrary is true. Our experience suggests that a Constitutional amendment to balance the budget cannot succeed without an underlying and specific commitment to spending and tax reform.

Accordingly, policymakers should first articulate an explicit plan to balance the budget. If, after these plans are defined, it is determined that a Constitutional amendment is necessary, ABC would consider supporting such an amendment.

Absent an initial commitment to spending and tax reform, a balanced budget amendment would be an innocuous gimmick, the latest in a long line of unkept promises. The difference is that this time we would have enshrined our paralysis in the supreme law of the land. Like the Eighteenth Amendment, a balanced budget amendment would be at best a symbolic victory, a stricture either ignored or winked at by policymakers and citizens unwilling or unable to make tough spending and revenue choices.

Before quickly endorsing a balanced budget amendment, the Administration and Congress owe it to the public to explain precisely how and when a balanced budget will be achieved. Americans need to know from elected officials what the latter propose to do about curbing entitlements and health care costs, raising taxes, and paying for needed public investments for the young, for improved infrastructure, for research, and related programs.

Failure to provide enabling legislation detailing how the government intends to extricate itself from its budgetary swamp condemns a balanced budget to irrelevancy.

The tools for solving our budget problem have always been at hand. What has been lacking is the will to use them. We cannot rewrite the Constitution to save us from our indecision. Such a tactic merely postpones difficult choices and, through postponement, worsens them.

IMPROVE COORDINATION OF GREAT LAKES ACTIVITIES

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. DAVIS. Mr. Speaker, today several members of the Great Lakes congressional delegation and I are introducing a package of four bills designed to improve the Federal role in Great Lakes environmental activities.

Following a series of hearings on Great Lakes environmental issues during April 6–10, "Great Lakes Week," it became apparent that many Federal agencies have roles in addressing environmental problems in the Great Lakes. These problems range from toxic pollution of the water, to contaminated sediments, to fish and wildlife abnormalities, to fluctuating water levels, to exotic species infestation. No one agency has taken the lead in conducting environmental studies to address these problems, and even coordination within agencies is weak.

Passage of the Great Lakes Critical Programs Act, the Great Lakes Fish and Wildlife Restoration Act, and the Nonindigenous Aquatic Nuisance Prevention and Control Act imposed additional requirements on the Federal Government to meet our international obligations under the Great Lakes Water Quality Agreement. Sufficient authority is contained in these laws and many others to tackle these problems. The difficulty comes from overlapping responsibilities, duplication of effort, the existence of large information gaps, and insufficient funds. Better coordination of existing Federal efforts can overcome these difficulties and perhaps free up funds for additional work.

In 1990, the General Accounting Office released a report entitled "Improved Coordination Needed To Clean Up the Great Lakes." Although the report examines only the Environmental Protection Agency's Great Lakes Program Office and its role in developing of remedial action plans for toxic hot spots in the lakes, its conclusions are important in the larger context as well. GAO noted that greater coordination was needed between the program office and other EPA headquarters offices to better support the ecosystem approach to management of the Great Lakes. GAO also concluded that the program office needed to improve its coordination with other Federal agencies and States.

It is this thought—better coordination will lead to better results—on which the following four bills are based. A brief description of each follows.

The Great Lakes Federal Effectiveness Act is the primary tool for better coordination of Federal Great Lakes environmental work. The bill establishes a Council to coordinate Federal Great Lakes ecosystem activities, to prepare a report on these activities, identify topics for workshops, and to make recommendations for uniform data collection and management, and help disseminate the results. The Council will be comprised of scientists from the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, the Fish and Wildlife Service, and others as invited. The International Joint Commission is also to be invited to serve as a secretariat and principal coordinating body for the Council.

The second bill is the National Oceanic and Atmospheric Administration Great Lakes Improvement Act. This legislation establishes a Washington, DC-based NOAA Great Lakes Office to coordinate and promote Great Lakes activities by the agency. I believe that such an office is necessary, given the lack of support shown by NOAA for America's fourth coast. For example, despite significant new duties assigned to NOAA by the Nonindigenous Aquatic Nuisance Prevention and Control Act, the President's fiscal year 1993 budget completely zeroes out NOAA's efforts to combat the zebra mussel. The same can be said for Great Lakes shoreline mapping.

Although a NOAA Great Lakes Research Office is authorized under the Clean Water Act, no office has ever been established or funded. I believe this hurts NOAA's credibility with the Great Lakes scientific and resource management communities. The Environmental Protection Agency is greatly served by its Great Lakes Program Office, as witnessed by the tremendous funding support for Great Lakes activities in that agency's budget. NOAA also has a substantial interest in the Great Lakes, and would be served by the stronger focus this office can provide.

The Great Lakes Wildlife Tissue Bank Act directs the Director of the Fish and Wildlife Service to coordinate existing facilities for the storage, preparation, examination, and archiving of Great Lakes fish, wildlife, and invertebrate tissues. The Director is to also issue guidance for tissue collection, preparation, analysis, archiving, and quality control to ensure uniform standards. Finally, the Director is to develop and maintain a data base for tracking and assessing data on Great Lakes tissues. The language of the bill mirrors that in the Marine Mammal Health and Standing Response Act to help ensure compatibility in the development of all types of tissue banks.

Support for the creation of a centralized specimen bank for Great Lakes fish and wildlife tissue samples is long standing. The 1978 Great Lakes Water Quality Agreement specifically noted the need for such an inventory. This was echoed in 1983 in a recommendation of the International Joint Commission Science Advisory Board. Finally, in 1986, the Council of Great Lakes Governors signed a toxic substances control agreement which included a specimen bank as part of its surveillance activities.

The last bill in the package takes advantage of an existing coordination program. In 1990, Congress enacted title IV of the Marine Protection, Research, and Sanctuaries Act, also known as the Regional Marine Research Program Act. Under that authority, the coastal United States is divided into nine regions. Each region is served by a Regional Marine Research Board comprised of nominees of the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Governors of relevant States. The Boards are to create 4-years regional marine research plans to coordinate existing Federal, State, and private efforts. Eighteen million dollars are authorized for each of fiscal years 1992 through 1996, with the majority of the money going to fund projects contained in the plans.

The Great Lakes are not included in this program. Rather, reference is made to the National Oceanic and Atmospheric Administration Great Lakes Research Office in section 118 of the Clean Water Act. However, as stated above, this office has not been established or funded. The Great Lakes Regional Marine Center Act attempts to resolve this problem, by adding the Great Lakes to the title IV program, and amends the Clean Water Act to delete the NOAA Great Lakes Research Office.

PREMONITIONS OF WHITE MAN IN INDIAN CULTURES III

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the "Year of the American Indian." This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the "Year of the American Indian," and as part of my ongoing series this year, I am providing for the consideration of my colleagues a recollection told by Black Hawk, a member of the Sauk Tribe, as published in a book entitled "Native American Testimony." The story recounts the premonition of this great grandfather before he met with a white man, who could have been the Frenchman, Samuel de Champlain:

THUNDER'S DREAM COMES TRUE

The Sauk Indian Leader Black Hawk gained renown for the short-lived resistance he led in 1832 against federal troops; he was fighting to regain his Illinois homeland, which had been taken over by white settlers. Black Hawk was born in 1767 at the mouth of the Rock River. His precocious exploits as a young warrior against the Osage and the Cherokee, his intelligence, spellbinding oratory, and talent for summoning other tribes to his cause, place him among the foremost of Native America's "patriot chiefs." In the book Black Hawk: An Autobiography, first published in 1833, he recounts his great-grandfather's dream of the coming of the whites. The unnamed French visitor mentioned in the selection could have been Samuel de Champlain, who in 1611 established a trading post at Montreal.

My great-grandfather, Nanàmakee, or Thunder (according to the tradition given me by my father, Pyesa), was born in the vicinity of Montreal, where the Great Spirit first placed the Sauk Nation, and inspired him with a belief that, at the end of four years, he should see a white man, who would be to him a father. Consequently he blacked his face, and ate but once a day (just as the sun was going down) for three years, and continued dreaming throughout all this time whenever he slept—when the Great Spirit again appeared to him, and told him, that, at the end of one year more, he should meet his father—and directed him to start seven days before its expiration and take with him his two brother Namah, or Sturgeon, and Paukahummawa, or Sun Fish, and travel in a direction to the left of sun-rising. After pursuing this course five days, he sent out his two brothers to listen if they could hear a noise, and if so, to fasten some grass to the end of a pole, erect it, pointing in the direction of the sound, and then return to him.

Early next morning they returned, and reported that they had heard sounds which appeared near at hand, and that they had fulfilled his order. They all then started for the place where the pole had been erected; when, on reaching it, Nanàmakee left his party, and went alone to the place from whence the sounds proceeded, and found that the white man had arrived and pitched his tent. When he [Nanàmakee] came in sight, his father came out to meet him. He [the white man] took him by the hand, and welcomed him into his tent. He told him that he [the white man] was the son of the King of France—that he had been dreaming for four years—that the Great Spirit had directed him to come here, where he meet a nation of people who had never yet seen a white man—that they should be his children, and he should be their father.

SLOBODAN MILOSEVIC OF SERBIA—THE BUTCHER OF THE BALKANS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. BROOMFIELD. Mr. Speaker, the ongoing tragedy in former Yugoslavia has shocked and saddened all of us. Many people are asking who is responsible for the most terrible disaster to strike Europe in 50 years.

Slobodan Milosevic, the Serbian strongman and rabid nationalist, crafted a policy that brought him to political prominence in Serbia and is keeping him there at terrible costs. Over 12,000 innocent former Yugoslavians are dead 40,000 are wounded, countless missing, and 1.5 million displaced. Milosevic's destructive strategy has caused $100 billion in damages in Croatia and Bosnia and resulted in equally high economic losses. Serbian units now occupy one-third of Croatia and 70 percent of Bosnia, even though Serbs represent only 32 percent of Bosnia's population.

Finally, the world is taking a unified stand against Serbia. The European Community and the United Nations have imposed tough sanctions on the Serbian state, and I am encouraged by the administration's firm stand and Secretary of State James Baker's refusal to rule out the use of force to halt the bloodshed in Bosnia. Other members of the United Nations are also seriously examining the feasibility of coordinated international military intervention.

As the international community gets tough, it is also time for the U.S. House of Representatives to join in condemning Milosevic's horrible policies. We must not be silent on this crisis. As responsible legislators, we must stand up and be counted on this important international issue.

I commend the following revealing article about Slobodan Milosevic to my colleagues in the Congress.

[From Time Magazine, June 8, 1992]

THE BUTCHER OF THE BALKANS

(By James L. Graff)

BELGRADE.—From a leather chair in his spacious office in Belgrade with a tin of his beloved cigarillos within reach, Serbian President Slobodan Milosevic strives to keep the war at arm's length. In a rare interview, perhaps granted to deflect the blame for the carnage in Bosnia-Herzegovina, he contended that Yugoslavia's bloody dissolution stems solely from the secessionist demands of the other republics. "All processes in the contemporary world tend toward integration," he said, "Nationalistic tendencies are against that general flow, that big river, that Mississippi." Confused? There is this clarifying coda: "In Serbia nationalists are not in power."

That is just double-talk. Of course nationalists are in power in Serbia, embodied in this pudgy-faced man with a belligerent jaw who has seized on generations of ethnic hatreds and resentments to turn what was Yugoslavia into a slaughterhouse. There are, as Milosevic rightly insists, "no innocent sides" in the civil war, nor is he the only unsavory populist who has emerged from more than four decades of communism. But he is far and away the most destructive. More than any other single person, Milosevic is responsible for the bloodshed by his unyielding determination to see all Serbs united in one country carved from territory the communists left—fairly or unfairly—to other republics. He is the power behind Radovan Karadzic, the militant leader of Bosnia's Serbs, and he has effective command of the old Yugoslav army; he could cool their operations if he were so disposed. But, says a European Community diplomat who has dealt with Milosevic intensively, "nothing interests him but Serbian success, even if it means tens of thousands of dead and dispossessed."

There is not a flinch or a scruple when Milosevic talks—which is how he continues to pursue his dream against a rising tide of international opprobrium and opposition in Serbia. In his view, it is neither the thundering artillery of the Serb-dominated Yugoslav army nor the process of "ethnic cleansing" of Serbian regions in Croatia and Bosnia that has earned him the world's outrage. "Vested interests are behind this, and of course a very well-organized and well-paid media war," he says. "Today in Europe it is normal for the Vatican or Austria and Germany to support Croats. It's not normal if Serbs are supporting Serbs." This is the same sense of grievance that makes many Serbs portray themselves as victims encircled by foreign enemies, be it the Pope, an ascendant Fourth Reich or the hand of Islam.

Milosevic is a throwback to the kind of violent nationalism that regularly rearranged Europe's borders in centuries past. But he is also a harbinger of what may happen elsewhere as the constraints of communism give way to long-suppressed emotions. His animating passion seems to be power, first and foremost, with national pride as a useful adjunct. Though a proven master of the art of communist career-making, Milosevic has never been a slave to ideology. "All this talk of his Bolshevism is rubbish," says Slavoljub Djukic, author of a critical biography of Milosevice titled *How the Leader Happened*, which was published in Belgrade last month. "He is simply a man who loves power." Even his adoption of Serbian nationalism came only after he recognized its potential for personal advancement. Says Milos Vasic, a journalist for the Belgrade weekly *Vreme:* "If tomorrow he found it fit to be a Freemason, he'd be the grand master of the first Serbian lodge."

Until five years ago, his life read like a Bolshevik parable, though shadowed by personal tragedy. He was born in 1941 in the town of Pozarevac, near Belgrade, where he still keeps a modest weekend home. His father was a seminary-trained teacher of religion from Montenegro and his mother a fervent communist; the two quarreled incessantly over ideological issues. Early on, his father abandoned the family, went back to Montenegro and later committed suicide. An uncle, a general in the army, died by his own hand as well. When Slobodan's mother killed herself in 1974, she reportedly left her devoted son distraught.

While still in high school, Milosevic met his wife, the ambitious and intense Mirjana Markovic, whose family ranked among the most prominent communists in Serbia. When she was only a year old, her mother was killed by Tito's partisans after revealing information about underground communists to Nazi-backed police in Belgrade. Today Mirjana remains a powerful member of the hard-line League of Communists-Movement for Yugoslavia, which enjoys strong support within the army. She wields considerable influence over her husband. She zealously safeguards him by watching for any signs of disloyalty, real or imagined.

The cleverest move Milosevic made in his years as an ambitious apparatchik was to hitch his star to Ivan Stambolic, a nephew of one of the most powerful Serbian communist leaders. For more than 20 years, Milosevic moved up the communist hierarchy in Stambolic's wake, succeeding him as director of the state-owned industrial gas conglomerate Tehnogas, as Belgrade chief of the Communist Party and eventually as boss of the Serbian Communist Party. When the time came to slough off his mentor in late 1987, he did so with ruthless precision. By 1989 he was the unchallenged president of Serbia and today presides over what is left of Yugoslavia: Serbia, Montenegro and the two provinces of Kosovo and Vojvodina.

Milosevic, says a European diplomat who knows him well, "is a brigand and a fanatic, but a sly, intelligent and sophisticated one." His ruthlessness has always been paired with competence and superficial charm. "He will convince you that he is a most reasonable and sympathetic individual," says a U.S. analyst, and his political instincts are remarkably shrewd. His arrival as head of the Belgrade party in 1984 ended a rudderless period of creeping liberalization, when the communists needed to solidify their grip on power after the death of Tito. "What I liked most about him was that his desk was always empty—he knew how to work,"says Jurij Bajec, an economist now fiercely critical of Milosevic who once worked under him at Belgrade's largest bank and later followed him into politics. Although Milosevic talked about economic reform, he slapped bans on writers and gradually purged dissenting voices from TV Belgrade and the influential Belgrade daily Politika. "The party leaders had been in a panic over signs of liberalization," says Djukic. "Milosevic understood this, knew which card to play and succeeded in getting them behind him."

The same unerring sense of where power lay served him again in late 1986, when a major fracas erupted over a secret memo drafted by members of the Serbian Academy of Arts and Sciences. These intellectuals articulated long-festering resentments over Tito's systematic undermining of Serbia's power, culminating in the 1974 constitution that gave far-reaching autonomy to Albanian-dominated Kosovo and to Vojvodina, which has a significant Hungarian minority. While other party leaders publicly condemned the nationalist tract, Milosevic remained silent, indicating that he shared its views.

Less than a year later, he grabbed the opportunity to put his populism to work. He was dispatched to Kosovo, the southern province Serbs view as the cradle of their nationhood, where their complaints about mistreatment by the ethnic Albanian majority were on the boil. As angry Serbs tussled with police to enter a small meeting hall in Kosovo Polje, Milosevic emerged on a balcony to address the crowd with words that resounded throughout Yugoslavia: "No one has the right to beat the people!" In a show of personal courage, he strode out into the crowds to repeat the message, and the Serbs were galvanized.

"From that day, the balance changed," says Bajec, who was then a member of the Serbian party's leadership. "He knew how to touch the Serbs' national feelings. That became his main winning card, and he knew it would make millions come to hear him speak." He was a formidable presence at rallies throughout Serbia. "In less than a year," says Djukic, "he moved from being a second-rate politician to almost a god." And in the process, he purged the party of all opposition, turned television into an instrument of personal power and abolished the autonomy of Kosovo and Vojvodina.

The prospect of Serbian domination under the intolerant Milosevic helped speed the secession of Slovenia and Croatia, whose own fanatically nationalist leader fueled fears among the Serb minority there. It was as the savior of the Serbs who live outside Serbia's borders—nearly one-third of the community—that Milosevic entered the fray. His strategy has been simple—and effective. He stirs up Serbs with talk of imminent genocide, then sets his proxies loose to "protect" them, with fatal consequences for Croats and Muslims. Yet he insists that his aim is not the creation of a Greater Serbia, only the preservation of Yugoslavia. "We don't want to be a puppet regime of any foreign force—unlike some others in Yugoslavia," he says, referring to Croatia's close ties with Germany. "Our people want to be independent and free, nothing else."

Few believe him. In August 1991 he openly declared his desire to secure under his control all parts of Yugoslavia populated by Serbs. His recent demurrals fly in the face of hard evidence that Serbia has orchestrated aggression first in Croatia and now in Bosnia. While Milosevic was insisting that no irregulars from Serbia proper were involved in the fighting, a local newspaper published photographs of the Belgrade guerrilla fighter known as Arkan in the war-torn Bosnian town of Bijelinja. "This whole business is far too organized just to be happening," says a Western diplomat in Belgrade. "Milosevic has proved time and again that he will lie when cornered."

Though his own people are more and more dismayed over the war, Milosevic remains unshaken by the world's gathering wrath. "It is the totally wrong approach to pressure Yugoslavia to solve problems outside of Yugoslavia, in a situation in which we don't want to be involved," he says. His line is that since the newly constituted rump Yugoslavia has ordered its army out of Bosnia and turned the fight over to ethnic Serbs there, it is no longer Serbia's problem. But discouraged diplomats warn that nothing is likely to deter Milosevic from his goal of Greater Serbia. Says a U.S. analyst: "Where we're interested in peace, he wants to win."

As Milosevic absolves himself of responsibility, now many more must die? Says a U.S. State Department official: "For him, the word compromise is a dirty word, meaning treason and surrender." Indeed, he appears to have hunkered down, convinced of his own righteousness. "We rejected the abolition of our country," he says. "If we have to be blamed for that, I am proud to be blamed for loyalty to my country." As hundreds die, thousands flee and Serbia faces international isolation, Milosevic's blame goes far beyond that.

COURT AGAINST CONGRESS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. EDWARDS of California. Mr. Speaker, a recent Supreme Court decision is another example of the Supreme Court's legislating from the Bench. Anthony Lewis' column discusses Keeney versus Tamayo-Reyes, which not only overrules prior Supreme Court holdings, but even more importantly, rewrites a statute that has been in place for years. I urge Members to read this article and voice their discontent with the Court's decision, by supporting the habeas provisions in H.R. 3371, the crime bill conference report.

[From the New York Times, May 7, 1992]

COURT AGAINST CONGRESS

BOSTON.—Twenty-five years ago Congress passed a statute laying down detailed rules for an important area of law. The courts have applied those rules ever since. Congress has considered proposals to change them but has left them as they are.

This week the Supreme Court abruptly rewrote the rules. In effect it amended legislation that Congress has refused to amend.

The decision should surely be attacked, now, by the conservatives who over the years have denounced the Supreme Court for "judicial activism." How could they fail to deplore this glaring example of judges "legislating"?

But in fact the legal conservatives are likely to remain silent. Why? Because in this case the Supreme Court rewrote the law in a way they like—to make it harder for state prisoners to vindicate their constitutional rights. The end justifies the means.

This week's decision, in Keeney v. Tamayo-Reyes, was the latest in a series narrowing access to the historic writ of habeas corpus. That is the principal way a state prisoner can go into a Federal court to challenge the constitutionality of his detention.

Chief Justice Rehnquist has long crusaded to limit the habeas corpus jurisdiction, which he believes has Federal courts intruding improperly into state business. He has urged Congress to narrow the law giving the federal courts that jurisdiction, but Congress has so far not responded.

In the absence of legislative change, the Chief Justice has pressed the Supreme Court to make the changes itself. And now he has the votes to carry out his agenda.

Over the last two year the Supreme Court has put a number of difficult procedural hurdles in the way of habeas corpus. This time the prisoner had made it past the hurdles and was rightly in Federal court. Everyone agreed he had a serious constitutional claim: that he had pleaded no contest to a charge of manslaughter because he did not speak English and the plea was not properly explained to him in Spanish.

The question was whether he had a right to a factual hearing on that claim in Federal court: a chance to produce witnesses and so on. The U.S. Court of Appeals for the Ninth Circuit held that he did. The opinion was by Judge Stephen Trott, who was an Assistant Attorney General in the Reagan Administration.

Judge Trott followed a 1963 Supreme Court decision that a prisoner was entitled to a Federal hearing if the facts were "not adequately developed" in state proceedings—unless he had deliberately bypassed the state process. Congress incorporated that test in a 1966 statute.

But this week the Supreme Court discarded the test, saying that a prisoner was entitled to a hearing only if he could show "cause" for not adequately trying the factual issue in state proceedings. The concept of "cause" is so demanding that practically no prisoner will ever be able to meet the test.

There was an abstract quality to Justice Byron White's opinion for a 5-to-4 majority. He said it was not a wise use of Federal courts to hold factual hearings "merely because a petitioner has negligently failed to take advantage of opportunities" in the state courts.

A prisoner like this one, whose very compliant was that he could not understand the legalisms read to him in English, could hardly be said to be "negligent." Justice Sandra Day O'Connor, dissenting, showed how badly his lawyer had performed at a state hearing that was a travesty.

But the emerging statist majority on the Supreme Court is not going to let human realities get in the way of its agenda. Or constitutional niceties. Or respect for a coordinate branch of government, Congress.

It is especially disappointing to find Justice David Souter in the majority. When he was nominated two years ago, he said his hero among recent justices was John Marshall Harlan. Justice Harlan did not take an expansive view of habeas corpus. But it would have been unthinkable for him to overrule a decision that Congress had codified in a statute.

The Supreme Court has always been ready to re-examine its decisions on the meaning of the Constitution, and conservative judges have as much warrant as liberals to do so. But it is an entirely different matter for judges to amend statutes. That is the business of Congress.

ADVERSITIES PLAGUE PEOPLE OF HAITI

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. BLACKWELL. Mr. Speaker, once again I rise to address the adversities that have plagued the people of Haiti. In the months since the fall of the democratic regime, these individuals have braved turmoil, economic devastation, and extreme brutality.

I was greatly shocked and saddened when I learned that as a result of the Bush administration's decision to accept no more refugees in Guantanamo Bay, the Coast Guard returned the first boatload of Haitians.

Mr. Speaker, this is absolutely unacceptable.

During this perilous period in Haiti's history, America cannot continue to disregard its citizenry as they remain dangerously unsafe. As we are all aware, many of these individuals have risked life and limb to escape the chaos that has erupted.

There are those who persist in overlooking this situation because they believe that it is not a serious matter; they are only fooling themselves.

The facts are blatantly clear.

An estimated 2,000 Haitians were killed during the first 2 weeks of the coup in September. Since that time, thousands more have lost their lives.

Many have received death threats and as a result of being fearful for their lives, have gone into hiding.

Countless numbers have been declared missing and many families are separated. There is no doubt that we must draw the line now.

More recently, during the past few weeks there has been widespread repression throughout Haiti. The Army has attacked college and secondary students during their peaceful demonstrations for democracy and order.

On Monday, May 18, unidentified planes dropped leaflets with Aristide's picture asking the population to mobilize.

Those persons who were found with these leaflets in their possession were beaten and arrested.

John F. Kennedy once reminded us, "For those whom much is given, much is required". We cannot turn our backs on the people of Haiti.

Just as we have embraced other countries during times of repression, we must do the same for Haiti. Not only must we work to restore democracy, but we must act now to insure that innocent individuals are not subjected to this persistent violence and loss of life.

I condemn the ill-considered decision to return people to Haiti without the opportunity for immigration hearings. It is an intolerable policy.

Let us never forget the immortal words inscribed on the Statue of Liberty:

> Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore, Send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door.

Mr. Speaker, let us never close the golden door.

STATE REGULATION OF NATURAL GAS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. ANDREWS of Texas. Mr. Speaker, the issue of prorationing natural gas production has sparked an important debate about State versus Federal rights to regulate natural resources. The column reproduced by Texas Railroad Commissioner Lena Guerrero, published in the Houston Chronicle, June 5, 1992, and reprinted below, succinctly articulates the arguments in favor of allowing States to continue the existing practice of regulating natural gas production.

LET TEXAS PROVIDE ORDERLY NATURAL GAS MARKET

To listen to some Chicken Littles in Washington, you would think the sky is falling as a result of recent changes in rules governing natural gas production in Texas. Unfortunately, these alarmists have convinced the U.S. House to add an unnecessary amendment to the energy bill now before Congress that will genuinely harm gas producers and consumers alike. It's time to set the record straight.

The Texas Railroad Commission recently voted to reform rules governing how market demand for Texas gas is determined and how gas well production is set. This system is commonly called prorationing. Its basis in the law enables states to conserve valuable natural resources like natural gas, to prevent physical waste and to protect the rights of neighboring gas producers in a common reservoir.

Under Texas law, the commission has discharged these responsibilities since the 1930s. We became convinced, however, that the old rules had grown antiquated, complex and defective. The reforms are necessary and long overdue.

The Commission didn't act recklessly. For the past 17 years, the commission has studied the issue of gas production and taken recommendations from industry committees on how best to reform this system. Our recent vote came after a year of intensive study, public hearings and published proposals, making up a small mountain of over 1,500 pages of transcript, written comment and exhibits.

Our primary goals were to:

Simplify gas production rules in Texas.

Protect the rights of producers and royalty owners in a changing marketplace.

Provide for a more accurate determination of market demand for prorated gas fields.

Create a more accurate means to determine each gas well's production capability.

We believe we will succeed in this effort.

In Washington the Railroad Commission's intent has generally been misunderstood, prompting some congressmen to propose federal legislation to limit state regulation of gas production. An amendment sponsored by Reps. Edward Markey, D-Mass., and James Scheuer, D-N.Y., to the House energy bill would restrict states' ability to determine lawful market demand for natural gas and to adjust production accordingly.

This amendment is an ill-conceived and unwarranted attempt to usurp state authority to regulate natural gas production. We have repeatedly emphasized to consumers and federal regulators that our revised gas rules are not an attempt to restrict production to raise prices. The commission will never create an artificial shortage of natural gas. We want to allow as much gas to be produced as the market demands, while protecting the rights of neighboring producers.

The Railroad Commission's regulation has worked for half a century to ensure an affordable and reliable supply of natural gas to consumers in Texas and the United States. Texas is the nation's leading natural gas producer, with about one-fourth of the total domestic supply, but we are also the nation's leading gas consumer.

Some who support the Markey-Scheuer amendment think Texas is trying to join some kind of "Bubba cartel" to raise or fix gas prices by restricting supply below market demand. This is nonsense. As I've said, Texas is the largest gas-consuming state, and we burn 63 percent of the gas we produce in residential, commercial and industrial applications. Why would Texas want to alienate the very gas markets we're trying to develop and expand?

The foundation of Texas gas regulation is matching production with lawful market demand through prorationing. Consumers get the supplies they need, producers get an equal opportunity to sell to markets, and neighboring producers and royalty owners have their legitimate interests protected. If production equals market demand, as is required by Texas law, there is no artificial shortage of natural gas, no price-fixing and absolutely no need for this amendment. But this orderly, market-driven approach would be in jeopardy if the Markey-Scheuer amendment is enacted into law.

By usurping the historical authority of the states to regulate natural gas production, this amendment threatens to throw the nation's natural gas industry into disarray. The proposal could not have come at a worse time. Right when we are on the verge of opening new markets for clean-burning natural gas, when we are trying to encourage domestic drilling for new gas supplies, when alternative fuels are showing the brightest promise for reducing emissions, this amendment would slam on the brakes.

The Texas congressional delegation deserves praise for uniting to fight this amendment. Other members of Congress should listen to their arguments about why this amendment would significantly weaken the nation's energy policy. The Bush administration has said it opposes the amendment—albeit belatedly—and rightfully so. If the final version of the energy bill is sent to the president with the Markey-Scheuer amendment in it, President Bush should quickly veto the bill.

Now that the energy bill has moved to a congressional conference committee, cooler heads should prevail. After all, a national energy policy is supposed to be about forging an American consensus on our energy future, giving the nation a comprehensive, balanced plan. It should emphasize the national interest and not tired regional squabbles.

House-Senate conferees should remove this destructive amendment and let Texas do what it has done for half a century: provide for the orderly development of the nation's abundant gas reserves to meet the expanding gas markets of the future.

AFTER SCHOOLS ARTS PROGRAM HELPS KEEP STUDENTS ON THE RIGHT TRACK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Ms. LEHTINEN. Mr. Speaker, I am pleased to recognize Miami businesswoman Charlotte Anderson who was recently featured in the Miami Herald. The article "Businesswoman pushes after-school program", by Oscar P. Musibay, tells how Mrs. Anderson is helping start an after-school arts program in Liberty City to channel neighborhood children into more positive areas:

Charlotte Anderson is making a list. Her goal is to get the names of 100 neighborhood children who will enroll in an after-school arts program.

Anderson, who had her Liberty City business robbed two months ago, said she believes her community can change. An important step in the right direction is to get the neighborhood's children off the streets, she said.

She has collected 80 names in two weeks.

"It's unprecedented," said Marshall Davis, director of the African Heritage Cultural Arts Center. "It's a very noble idea."

The African Heritage Cultural Arts Center is just one block east of Anderson's furniture store. The center offers dance, music, and art classes for children and adults. It also has a theater and an art gallery Marshall Davis, the center's director, said he is eager to get children into the programs.

"There are so many negative things that influence our kids," said Davis. "We need to be doing something positive. She's doing it."

Anderson, 55, a mother of 10, has seen her children's lives altered by drugs and crime. One of her sons sold drugs and is serving a four-year jail term, she said.

She moved her business from Overtown to Liberty City in 1990. In both places, her store was robbed. But she refuses to be pessimistic. The neighborhood has to improve so shoppers can feel safe, she said.

"We have people that are afraid to come into the area because they think their purse will get snatched or their car will get taken away. We need out community fixed up and that will make our business better."

It begins with the children's she said. "My heart's desire is for my children and all the children to do the right thing," Anderson said.

"That's why I'm working to get them out of the streets. Maybe this will be a career for them."

I am happy to pay tribute to African Heritage Cultural Arts Center Center Marshall

Davis, Charlotte Anderson, and the other staff members of the African Heritage Cultural Arts Center by reprinting this article. They are serving their community, as well as all of Miami, by helping find constructive activities for their neighborhood's school children.

AMERICANS FLOOD OVER BORDER TO BUY PHARMACEUTICAL DRUGS AT MUCH LOWER PRICES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. STARK. Mr. Speaker, today's Health Line, a new daily newsletter covering health, outlines a disturbing trend in consumer habits in an article entitled, "Prescriptions: Texans Purchase Pharmaceuticals in Mexico."

According to the article, American consumers are flooding across the border to buy medicines. Sadly, prices in the United States are so high, and climbing every day, that consumers will drive for hours, cross the Mexico-United States border, to purchase pharmaceutical drugs for a fraction of the price.

This raises some interesting, but undoubtedly troubling, questions:

What are the effects on our trade deficit when United States consumers are driven overseas to buy needed prescription medications, made in this country, but available at much, much lower prices in border countries like Canada?

How much economic harm has been caused to small businesses—notably retail and chain drug stores in border States like California, Texas, New Mexico, Arizona, Washington State, Idaho, Montana, North Dakota, Minnesota, Wisconsin, Michigan, New York, Vermont, New Hampshire, and Maine—because drug prices are 62 percent higher in the United States than in Canada, according to a 1990 report by the HHS inspector general's office, 54 percent higher than in Europe, and, I suspect, much higher in the United States than drug prices in Mexico?

What quality controls are in place to protect U.S. consumers?

What are the consequences of Americans purchasing prescription medications in a country with such obvious lax standards for consumer protections and insufficient quality controls as Mexico?

What creative answer will the Pharmaceutical Manufacturers Association [PMA] come up with to answer how pharmaceutical drugs can be half the price in Tijuana than the price in San Diego? Or half the price in Vancouver than the price in Seattle?

The short Health Line article reads as follows:

"According to a one-month survey at Texas Tech University's Internal Medicine Clinic, 79% of patients surveyed said they buy medicine in Mexico. But only a quarter of those said they had made a prior visit to their doctor for a prescription. El Paso Times: 'Many prescription medications can be bought over the counter in Mexico at a fraction of the price you would pay at an El Paso pharmacy. Many drugs that cannot be legally sold in the United States also are made available over the counter in Mexico. Texas Tech Department of Medicine official: 'My suspicion is that this is a behavior that is fairly wide spread and not only in the Hispanic community. I have a feeling that it is largely driven by economics.' El Paso Times reports that hospitals report routinely treating patients for 'allergic reactions to nonprescribed antibiotics. * * * Patients also have been treated for abuse of steroids and for using dangerous combinations of drugs that aren't available—even with a prescription—in the United States."

LIZ JAFFE HONORED BY WESTCHESTER-PUTNAM SCHOOL BOARDS ASSOCIATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is an honor to join the Westchester-Putnam School Boards Association as they pay tribute to their retiring executive director, Liz Jaffe. This exceptional woman has dedicated herself to improving education in our area of New York State, and, I am glad to say, it has been my good fortune to work closely with Liz Jaffe on a number of education priorities in my work on the Education and Labor Committee.

In Liz Jaffe, the School Boards Association has had an innovative and effective leader who has used her immense talents and energies to improve the quality of our schools. Her dedication, commitment, and vision have had a tremendous impact on the lives of our youth and our communities.

Under her leadership, the Westchester-Putnam School Boards Association has looked beyond the schools to the community at large. Liz has gone the extra mile to encourage cooperation and to bring different segments of our society together in pursuit of better educations for all. She has found time to take on leadership responsibilities in a variety of groups, working on diverse reform and outreach programs.

Liz Jaffe has been effective in assessing the true needs of Westchester and Putnam youth and in developing programs to address those needs. In doing so, Liz Jaffe has worked to ensure that hard earned tax dollars are used efficiently and in ways that maximize their benefit to our schools, our young people, and our society.

Liz Jaffe has used her wealth of experience and understanding to pursue policies that meet our shared goals of educational opportunity and excellence. Her commitment should serve as an example for all who share her commitment to improving our educational system. Her enthusiasm and leadership will be sorely missed in her professional capacity; but I know Liz Jaffe will never abandon her vision for American education. Furthermore, I know that all of us will continue to benefit from her enlightened ideas and creative approaches to addressing the educational needs of our young people.

IN MEMORY OF JOHN B. STARKE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. SKELTON. Mr. Speaker, a good friend and community leader in my hometown of Lexington, MO, recently died. John B. Starke had an outstanding military career and later became a prominent Lafayette County banker.

I had the pleasure of attending Wentworth Military Academy and the University of Missouri with him. He served in the Marine Corps during World War II, and later became commissioned in the Army, retiring as a lieutenant colonel in 1971. He joined the Commerce Bank in Lexington in 1976, and retired as president of that institution in 1987.

He was a veteran of the Vietnam war, a member of the American Legion and the Veterans of Foreign Wars. Also, he belonged to the Elks Lodge and the Turner's Society in Lexington. He was widely known and highly respected as an active community leader. Blessed with a congenial personality, he made friends with all walks of life.

I know the Members of this body will join me in extending sympathy on the loss of John Starke to his wife, Louise Starke, two sons, two daughters, two brothers, and a sister.

He will be greatly missed in our community.

INTRODUCTION OF LEGISLATION TO AMEND THE AGRICULTURAL ACT OF 1977

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which amends the Agricultural Act of 1977 to extend eligibility to junior and community colleges for grants and fellowships for food and agricultural sciences education.

The U.S. Department of Agriculture through the Office of Higher Education Programs of the Cooperative State Research Service awards competitive grants to U.S. colleges and universities to strengthen their teaching programs in the food and agricultural sciences. These Higher Education Challenge Grants are designed to stimulate and enable colleges and universities to provide the quality of education necessary to produce graduates capable of strengthening the Nation's food and agricultural scientific and professional work force.

Currently, the eligibility for the Higher Education Challenge Grants Program is restricted to colleges and universities providing programs for which baccalaureate degrees are awarded. The purpose of my legislation is to allow junior and community colleges to compete with 4-year institutions for grant moneys under the Higher Education Challenge Grants Program.

Community colleges are playing an increasingly significant role in the education and training of our future work force. Millions of American students are choosing junior and community colleges because they represent a less expensive alternative to the traditional 4-year institutions. And often, graduates of 2-year programs go on to obtain bachelor's degrees from colleges and universities.

If our Nation hopes to remain economically competitive, we must help students pursue a variety of postsecondary education programs. Expanding access to special program opportunities at the community college level will empower more students to pursue these important career fields.

I believe community colleges represent appropriate vehicles for providing food and agricultural training programs. Community colleges are comprehensive institutions committed to offering academic transfer programs, career or occupational programs, courses in personal growth and development, basic skills, community services, and counseling assistance. Many innovative education and research programs have been developed by our local community and junior colleges.

This legislation will in no way hamper the ability of 4-year institutions to receive funds under the Challenge Grants Program; it simply allows community colleges to compete for funding in the grant application process. Challenge grants will continue to be awarded on the merit of each program application.

I urge my colleagues to join me in expanding the opportunities for students to pursue careers in food and agricultural studies by passing this piece of legislation.

WOMEN AND THE PRESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. CRANE. Mr. Speaker, the press has recently been informing us that this election year is the "year of the woman." What the press really should be saying is that this election season is the "year of the women liked by the media."

The reason I say this is because in 1990 the Republican party had many fine women candidates running for offices all across the country, including six women candidates for U.S. Senate. However, the women of 1990 were not elevated to national hero status by the press as have been their 1992 counterparts. Of course, it may be just a coincidence that all the 1992 female Senate candidates promoted by the press are liberal Democrats and that the six women candidates of 1990 were Republicans, but I doubt it.

Following my statement is an excellent article written by BOB DOLE which was published in the May 31, 1992, edition of the Washington Post. I urge my colleagues to read Senator DOLE's comments which mince no words in pointing out that, relative to the coverage received by women of the Democratic party this year, the press essentially ignored Republican women running for U.S. Senate in 1990. The fact is that the Democrats do not have a monopoly on qualified women candidates. However, I have no doubt that many Americans who get their news from the like of such objective journalists as Dan Rather have no idea that Republicans have fielded many fine women as candidates for the U.S. Senate.

Unfortunately, there is little Republicans can do to persuade the press to champion our candidates. All we can do is point out the obvious inconsistency in their reporting and hope that some journalists out there somewhere have a sense of fair play.

[From the Washington Post, May 31, 1992]

IS AMERICA IGNORING GOP WOMEN?

THE SENATE REPUBLICAN LEADER SAYS LIBERALS GET ALL THE INK

(By Bob Dole)

As a proud resident of the only state in America with a woman U.S. senator, a woman U.S. representative and a woman governor, I fully understand that neither gender as a monopoly on any political office.

Unfortunately, when its comes to U.S. Senate elections, it appears that one party's women candidates do have a monopoly on the media's attention, as we are seeing again this year in the wide national coverage of women candidates in Pennsylvania and Illinois.

Despite a long record of nominating qualified, dynamic and distinguished women to run for the Senate, the Republican Party's female candidates have never enjoyed the unrelenting media and interest-group cheer leading we hear these days for women Democratic candidates. Apparently, the key to being taken seriously—to being declared a force for "change"—by the media and the so-called women's groups is a liberal agenda, not the female gender.

Now, don't get me wrong. I'm all for more women in government, and I have no problem with the Democrats nominating women candidates. Throughout my career in public service, I've worked with highly talented women—in the House, in the Senate and on the highest levels of my staff, including my longtime chief of staff and her fellow staff experts on health care, disabilities, nutrition, arms control, budget and tax policy. I also happened to be married to someone who knows a lot about being a woman in public service.

Across the nation, Americans are being deluged with television and newspaper stories proclaiming that 1992 will be a "break-through" year for women candidates A recent editorial in a major newspaper raved about Democratic women candidates, declaring that "the fallout from the [Clarence] Thomas hearings has produced viable females Senate candidates in a half-dozen states. That's welcome evidence of progress." Like nearly every story on women candidates, the editorial ignores the fact that well-qualified women were running for the Senate long before anyone ever heard of Anita Hill. And why should we "welcome progress" be defined by the number of women candidates from the Democratic Party?

Where was all the media cheer leading in 1990, a banner year for women candidates, when a half-dozen Republican women—well-qualified women with serious messages—were running hard for the Senate? These top-flight candidates included Sen. Nancy Kassebaum of Kansas; U.S. Reps. Lynn Martin of Illinois, Pat Saiki of Hawaii and Claudine Schneider of Rhode Island; a New Jersey state official, Christine Whitman; and a prosecutor from Delaware, Jane Brady—not exactly an unseasoned lot of public servants.

How many stories did you see in 1990 pointing out that these six outstanding women were running for the Senate as Republicans, while the Democrats were fielding only two women candidates? Instead of rave editorials and "break-through" stories, the media turned on its censorship machine, keeping America in the dark about this historic field of women candidates taking on the status quo. Kassebaum was reelected, but when all five women challengers were defeated by their male opponents there was no editorial outcry that the old boy network had prevailed again. (Let me add that two of these talented women now serve in the Bush administration—Lynn Martin as secretary of labor and Pat Saiki as head of the Small Business Administration.)

And when Republicans, long before the Thomas-Hill hearings, introduced comprehensive women's-rights legislation—including the first ever monetary remedies for sexual harassment in the workplace, specific provisions to fight violence against women and the first proposal dealing with corporate discrimination against women—the media gave the plan nothing but the cold shoulder. Regrettably for America's working women, women's rights and Republicans simply don't mix in our nation's newsrooms.

Let's face the facts. Democratic U.S. Senate nominees Carol Moseley Braun and Lynn Yeakel are fast becoming household names. But when was the last time you saw a story on Charlene Haar, another so-called "outsider" who happens to be the Republican U.S. Senate candidate in South Dakota? Notwithstanding a fine opponent, did the Republican former mayor of Charlotte, Sue Myrick, get the same kind of free national hype before North Carolina's Senate primary that we saw in Pennsylvania on the Democratic side?

How many stories have you seen pointing out that since 1980, Republicans have nominated more women to run for the Senate than have the Democrats? Have you ever heard that women have been the Republican U.S. Senate nominee in New Jersey three out of the four most recent elections? Or that despite being outspent by nearly $9 million, Christine Whitman came within three points of unseating an incumbent Garden State senator in 1990? If she had gotten half the media attention Lynn Yeakel has, Christine Whitman might very well be sitting in the Senate today.

Unfortunately, it seems that the media and a few special interest groups have decided that Republican women are not "politically correct." Whether they meet some groups' self-proclaimed litmus tests or not, qualified Republican women—whether they are pro-choice or whatever— never seem to merit the support of the groups that say they are so dedicated to election more women to office, women who could have been already on the job, making a difference on Capitol Hill.

In fact, time and time again, the so-called liberal women's organizations such as the National Women's Political Caucus have done everything possible to defeat talented Republican candidates. There are many fine women's organizations in America, some of which supported these candidates, but it seems obvious that most of the self-styled women's groups are more interested in agendas than gender.

So the next time you hear criticism of the "98 percent male" Senate, or statements that we need "more women" in the Senate, ask yourself whose fault that really is. The female candidates have been there. Regrettably, the votes, the attention and the political will have not.

HUMAN RIGHTS ISSUES IN BAHRAIN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. HAMILTON. Mr. Speaker, on April 23 I wrote to the Department of State concerning the human rights situation in Bahrain. I made inquiries about U.S. policy on human rights issues in Bahrain and what the United States is doing and saying to Bahraini officials on these issues. The Department of State replied to my letter on June 1. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, April 23, 1992.

Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY, I write to express concerns about the human rights situation in Bahrain and would like to know what the United States is doing to convey concerns on this issue to the Government of Bahrain and to security officials there.

It is my understanding that 11 Bahraini citizens were tried in February and convicted to cooperating with members of the Bahraini opposition abroad and distributing literature calling for democratic rule and improvements in the human rights situation in Bahrain. I understand that 10 of the individuals were given long prison terms, and one, Sadiq Jaffer Mohammed Ali, faces the death penalty. Mr. Ali, who was out of Bahrain for a decade for schooling, was apparently taken into custody in February, 1991 by Saudi officials, tortured, and deported to Bahrain.

I would like the Department to look into this matter and get back to me. I want to know what our policy is on these human rights issues in Bahrain and what specifically the United States is doing and saying to Bahraini officials about the cases I have mentioned.

Thank you for your prompt consideration of this matter.

With best regards.

Sincerely,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, June 1, 1992.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of April 24, concerning the arrest of eleven persons by the Government of Bahrain and the reported sentencing of one to death and others to lengthy prison terms.

The U.S. Embassy raised the issues you mentioned with Bahrain's Minister of Interior, Sheikh Muhammed Al Khalifa, on May 6. The minister replied by letter on May 10, stating that Sadiq Jaffer Mohammed Ali was arrested in February 1991 on charges of spying for a foreign power and seeking to overthrow the state by force. The other ten individuals were arrested in June and July, 1990, on charges of seeking to overthrow the state by force. All eleven are charged with having been active members of the Islamic Front for the Liberation of Bahrain, which is characterized as a terrorist group by the Government of Bahrain, and are charged with involvement in a failed coup in 1981 aimed at replacing the present government with an Iranian-style Islamic regime.

The Minister said that all eleven men were given a formal trial in October 1991, and were released on bail and remain at liberty in Bahrain pending final judgment by the court. He added that the death sentence has at no time been requested for any of the accused, and that sentences would in any case not be passed until the court had rendered its final judgment, which is expected in mid-May. The Embassy noted that while those convicted of spying for a foreign power can in theory receive the death penalty, no one has been sentenced to death in Bahrain in recent memory. For the charge of seeking to overthrow the state by force or "illegal methods," the maximum penalty is ten years in prison.

As part of a dialogue, Embassy officers have been meeting with senior Bahraini government officials for over a year and urging them to address alleged human rights abuses and to respond to inquiries from non-governmental human rights organizations. We continue to impress upon the Bahraini government the need to investigate all allegations of human rights abuses and to take appropriate corrective actions. We are also encouraging Bahrain to bring its State Security Courts in line with international standards.

I hope I have been able to be of assistance in this matter.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

PEGGY KINSORA-JOSEPH GIVES REDONDO ELEMENTARY KIDS THE WORDS TO WIN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Ms. ROS-LEHTINEN. Ms. Speaker, at Redondo Elementary School there is a teacher who is giving her special students a chance to win. Most of Peggy Kinsora-Joseph's students have normal or very high intelligence levels, but they have problems that keep them from speaking clearly, or at all.

Peggy Kinsora-Joseph works hard to keep the classroom atmosphere like a family room, where the kids feel comfortable to talk. Unlike most teachers, she encourage talking in the classroom, saying: "The more they talk, the better they get." Principal Estela Santiago considers her a special person who helps the kids believe in themselves.

The Miami Herald published an article about this remarkable teacher and her assistance to these young people, which I ask to include in the RECORD:

WORDS TO LIVE BY VICTORIES GIVE KIDS REASON TO BELIEVE IN THEMSELVES

(By John O'Neill)

For the students in Peggy Kinsora-Joseph's class, words are like gold.

The 15 youngsters in her room at Redondo Elementary all have communication disorders. They are not deaf, but they have neurological or other problems that prevent them from speaking clearly, or sometimes at all.

Words that other kids take for granted, like "the," or "came," are a major effort for Joseph's kids.

"When the students come to this class, most of them are very depressed," Joseph said. "Life at best is very confusing for them. Most of them have normal intelligence, they just can't communicate. My goal is to develop them and help them to be understood."

The class, which has kids in kindergarten through third grade, meets in a portable at the school, 18480 SW 304th St. Joseph and aide Barbara Tompkins try to make the classroom into a family room of sorts. It's a place where the kids feel comfortable, and one of the few elementary school classrooms where talking is encouraged.

"The more they talk, the better they get at it," said Joseph, who was named Redondo's Teacher of the Year for this year. "I want to convince them they can do it."

"She's a special person and an outstanding teacher," said principal Esteta Santiago. "The kids know she cares about them and she makes their education relevant. When they leave there. They believe in themselves."

The class is a friendly place. The kids spend a lot of time making their own books. Joseph will take Polaroid pictures of things the class has done or seen, then help the class put words along with them.

For example, one highlight of the year was when workers came to install a new sewer line next to the school. The kids spent part of every morning watching them work and the experience became one of the students' favorite books.

The kids seem to enjoy doing their work. They clamor at Joseph's feet for spelling assignments, math worksheets or reading papers. And they all seem to help each other.

"They are supportive of each other, because a lot of them don't have many friends," Joseph said. "This is their life, right here. They are not like other kids."

The job is not nearly as easy as Joseph makes it seem. Besides having kids of different ages, they work at different levels, too. Some kids exhibit behavior that borders on autistic, while others have near-genius IQs. Joseph manages to balance it all.

Born in Michigan, Joseph got a degree in speech therapy from San Diego State and a master's in speech therapy from the University of Puerto Rico. Her first teaching job was at a military base there, then she moved to New Jersey, where she taught for 11 years.

She came to Reodondo in 1987.

"I'm so happy here," she said "I love my kids and I get so proud when they're able to do things. I just want them to be happy, too."

Mr. Speaker, this country needs more educators like Peggy KInsora-Joseph who puts out maximum effort to give hope to her special students. I congratulate her on being elected Redondo Elementary School's Teacher of the Year.

YONKERS NAACP HONORS FOUR AT ITS ANNUAL FREEDOM FUND EVENT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is a pleasure to join the Yonkers NAACP as they honor these special people with their Freedom Fighter Awards. Rev. Wilbur O. Daniels, Milton Holst, the Honorable Cheryl Brannan, and the Samuel H. Dow Post, through their dedication to others have shown their willingness to challenge and strive to change our country's agenda. As one who has worked day in and day out since entering the Congress to reorder priorities and enact policies that respond to the needs of our people, I am indebted to each of these honorees for all they have done to promote these important objectives.

As the Yonkers branch of the NAACP marks its 18th Annual Freedom Fund Dinner, it is important to recognize that the struggle continues. As our Nation confronts strife and tension in many areas, these individuals offer hope for those of us in the Yonkers community. They understand full well that we all benefit when we work together toward shared goals.

Rev. Wilbur O. Daniel has given of himself to improve the lives of his neighbors. A civil rights activist and Rockland chair of the Poor People's Campaign, he has worked with the goal of helping others achieve their full potential. As director of the Yonkers Emergency Food Center and of a housing rehabilitation program, he has been an effective worker for those who faced critical and urgent needs. As copresident of the Yonkers Council of Churches, he has worked to bring people of different denominations together in pursuit of common goals. In doing so he has, indeed, made a significant difference in his community.

Milton Holst has also been a leader. He has assumed leadership within the Neighborhood Action Committee and the Runyon Heights Improvement Association. During his tenure, he has instituted a Neighborhood Block Watch Program and a self-help program to assist senior citizens in rehabilitating their homes with the help of grants and low-interest loans. The people in Milton Holst's community know that, in him, they have a leader on whom they can always count. To the many people he has touched, Milton Holst has certainly pursued an agenda of hope and change.

Cheryl Lynn Brannan is a most worthy recipient of the Renaissance Woman Award which recognizes her diverse achievements and her vision for our community. Cheryl Brannan's unfailing belief in improving the opportunities afforded our youth has been basic to her work. In 1978, she founded the Yonkers Chapter of the Westchester Black Women's Political Caucus, and within the caucus she has served as an important mentor to many of our community leaders. Her leadership, as president of the board of directors of the Nepperhan Community Center, was instrumental in securing important funding and a new facility that has allowed the center to expand and enhance its role in the Yonkers community. Throughout her work on behalf of our community, Cheryl Brannan has challenged conventional wisdom and, in doing so, enhanced the lives of many.

Mr. Speaker, these three people, along with the entire membership of the Samuel H. Dow Post have been leaders in many ways. In diverse ways they have made important contributions to their community. They have worked to bring people together. Their work to better our community and to expand opportunity is important as we strive together to redirect our Nation's agenda. I commend them for the strength of their commitment and their willingness to challenge the status quo.

SALUTING MR. AND MRS. WILLIAM SHAPIRO

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. ROE. Mr. Speaker, I rise today to salute the education and civic activities of two of my constituents, Mr. and Mrs. William Shapiro of Passaic, NJ, as they are honored for their many years of unselfish service and dedication to the Hillel Academy in Passaic, NJ, during the academy's annual Ad Journal Dinner on Sunday, June 14, 1992.

William and Lillian Shapiro have given many efforts toward promoting the cause of Jewish education and Jewish community life in the Passaic-Clifton area. They have helped make the Hillel Academy one of the foremost academic institutions for the religious and secular education of thousands of Jewish young persons. Not only in support of Hillel, but in synagogal and Jewish community life, they have made outstanding contributions, in such organizations as the Adas Israel Congregation, the Passaic-Clifton chapter of Mizrahi, the Passaic Hebrew Independent Benevolent Association, the Religious Zionists of America, the B'nai B'rith, and the Jewish Federation of greater Clifton-Passaic. In leading their exemplar lives, they have certainly obeyed the Jewish commandment of teaching their children diligently and wisely about the obligations that Jewish people have to themselves and to their community.

They have also demonstrated their commitment to the survival of the State of Israel, through participation and support of such organizations as the Simon Wiesenthal Center, the Shaare Zedek Hospital in Jerusalem, and the American Red Magen David for Israel. Their fundraising efforts for the federation also contribute to their strong support for the State of Israel.

Mr. Speaker, next week, Jews all over the world will celebrate the holiday of Shavuoth, the festival that recalls the giving of the Ten Commandments. Those laws have provided the ethical, religious, and moral bases for millions of people. As the Hillel Academy honors William and Lillian Shapiro at its annual Ad Journal Dinner, it is fitting that the two honorees have used those commandments as the guideposts for their lives. On this happy occasion, I want to wish them the traditional Jewish words of congratulations, mazal tov, for a job well done.

TRIBUTE TO "CHOICES" PROGRAM AT SARATOGA SPRINGS HIGH SCHOOL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. SOLOMON. Mr. Speaker, in a world where so many problems seem insurmountable, it is refreshing to see the leaders of tomorrow taking initiative to affect positive change in their community.

The 11th grade students at Saratoga Springs High School have taken up the cause for a drug-free America. Led by Miss Jackie Nilsson, these students have presented a program called "Choices" to the sixth grade classes in their area. This program encourages these younger children to open up and talk about peer pressure, especially as it pertains to drugs and alcohol and the consequences of their use. The "Choices" program features role playing exercises to show pre-junior high students that they can keep their friends while still making their own decisions.

Mr. Speaker, too often we as lawmakers become overwhelmed by the complexity of the problems facing our society. The war on drugs is an urgent issue that demands not only immediate federal attention, but also grassroot efforts. Perhaps we should take a look at the example provided by the teenagers of Saratoga Springs. By simply sharing and listening, they are succeeding in making a difference in their community.

I commend Miss Nilsson and her colleagues for their outstanding efforts.

HAPPY 100TH BIRTHDAY MAURICE SMITH

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to wish a happy birthday to one of Rhode Island's most prominent industrialists. Maurice Smith will be 100 years of age on June 15. His contribution to the industrial base of Rhode Island is extraordinary.

In the 1920's and into the early 1930's he was vice president and general manager of the National India Rubber Co., a part of the U.S. Rubber Co., in Bristol, RI. When a decision to move out of Bristol, and put the 5,000 people who worked in the plant out of work, Mr. Smith resigned his position with the U.S. Rubber Co. He then started Bristol Manufacturing Corp. and eventually put most of those people back to work. The company grew into one of the largest employers of labor in Rhode Island.

I would again like to wish Maurice Smith a happy 100th birthday. I wish you all the best in the future.

BILL TO AUTHORIZE ACTIVITIES BY THE NATIONAL SCIENCE FOUNDATION FOR FOSTERING AND SUPPORTING THE DEVELOPMENT AND USE OF COMPUTER NETWORKS

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. BOUCHER. Mr. Speaker, the High-Performance Computing Act of 1991—Public Law 102–194—authorizes an interagency R&D program to accelerate development of computing and networking hardware and software, as well as to support the application of these new technologies for research and education purposes. A major component of this R&D initiative is the establishment of a National Research and Education Network [NREN]. NREN is a high-speed computer network which will provide broad access to the research and education communities and will lead to a privatized infrastructure serving the needs of all sectors of society.

Under the interagency planning process for the High-Performance Computing Program, the National Science Foundation [NSF] is the lead agency for implementing the NREN. NSF currently supports NSFNet, a national backbone computer network which provides connections to more than 4,000 research and education institutions throughout the nation. Policies for management and operation of NSFNet are of particular importance since the NREN will involve as an outgrowth of this current backbone network and current practices will strongly influence the evolution.

A recent oversight hearing on NSFNet by the Science Subcommittee identified a policy change that is needed to facilitate the development of the NREN. The purpose of the legislation I have introduced today is to provide authority to NSF to modify the current policy governing electronic traffic on NSFNet.

At present, NSF provides NSFNet backbone services to support open, nonproprietary research and education activities. This is referred to as the acceptable use policy. Electronic traffic conforming to the acceptable use policy may travel on NSFNet at no cost, while the cost of other traffic must be recovered.

Several arguments supporting changes to the acceptable use policy have been advanced. First of all, the policy is essentially unenforceable since the contents of messages passing over the network are not monitored. The policy trends to restrain growth of network traffic, which in turn prevents the cost per message to drop to the extent which would otherwise occur as traffic volume grows. Finally, some network users believe the policy has reduced commercial services available over the network due to uncertainty among network service providers about which kinds of traffic are allowed.

The legislation I have introduced would amend the National Science Foundation Act of 1950, which NSF has cited as requiring imposition of the current acceptable use policy. The amendment authorizes NSF to support the development and use of computer networks which may carry a substantial volume of traffic that does not conform to the current acceptable use policy. This new authority is subject to the condition that the presence of the nonconforming traffic would increase the overall capability of the network to support research and education activities.

Mr. Speaker, the proposed legislation will give NSF additional flexibility for developing in concert with the private sector, a highly capable computer network for meeting critical national needs in support of research and education. The bill will advance progress toward the goals of the High-Performance Computing Act and will help provide the technology base for a modern information infrastructure for the Nation.

BILL FOR THE RELIEF OF THE HEIRS AND ASSIGNS OF HATTIE DAVIS ROGERS, NEZ PERCE INDIAN RESERVATION, ID

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. LAROCCO. Mr. Speaker, I rise today to remedy an injustice to an Idaho citizen which occurred in the 1920's but which has gone unrectified to this day.

This is the story of Hattie Davis Rogers, a woman of the Nez Perce Indian Tribe in Lapwai, ID.

In 1890, the Federal Government allotted a parcel of reservation land to Hattie and held the lot "in trust for her sole use and benefit."

Hattie maintained a building on the lot and ran a pool hall and card room. She rented out the back of the building for the operation of a bank. Hattie did well in her business.

In 1916, Nez Perce County attempted to levy a tax on Hattie's trust allotment. The United States brought suit on her behalf pronouncing all tax assessments void and enjoining the county from levying future claims or assessments on the land.

Six years later, however, the county again commenced to tax the land. Hattie refused to pay and asked the U.S. Government to intercede and protect her. The Federal Government failed to act and the county subsequently evicted Hattie from the land.

Hattie Davis Rogers died in 1964. Her children and grandchildren later won a suit against the county and eventually reestablished their title to the land. In 1982, more than 50 years after Hattie was evicted from her land and put out of business, the district court found that she and her heirs had suffered damages of $216,000. But, the court stated that they could "not in good conscience assess full damages for the present value of past income on the property against the taxpayers of Nez Perce County." The court awarded only half the amount because of the "Federal Government's inaction in exercising its role as trustee."

Hattie's heirs filed with the U.S. Claims Court for the remaining half of the judgment. The suit was dismissed; the statute of limitations for the case had run out decades before. The Federal circuit court suggested that their last recourse was to "seek redress through a private bill presented to Congress."

With considerable help from the Nez Perce Tribal Executive Committee and the native American rights fund, the record of these events has been compiled and brought to my attention.

The private relief bill I am introducing today would fully satisfy Hattie's claim for the loss of the use of her land over these years by allowing the sum of $108,000, plus interest since the date of judgment, to be paid to Hattie's heirs.

Mr. Speaker, it would please me to be able to settle the Government's obligation to the family of Hattie Davis Rogers, therefore, I urge support for this legislation.

TRIBUTE TO JIM JENSEN—BIG HEART AWARD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. PALLONE. Mr. Speaker, on Saturday, June 6, 1992, the Deborah Heart and Lung Center of Browns Mills, NJ, presented its annual Big Heart Award to Mr. Jim Jensen in a ceremony at the Ramada Renaissance Hotel in East Brunswick, NJ.

I can think of no one more deserving of this honor, for as all those who know Jim Jensen can attest, big heart is an understatement in describing his boundless generosity, concern, and commitment to the community.

Mr. Jensen has been a member of the International Association of Bridge, Structural, and Ornamental Iron Workers Local 373 of Perth Amboy, NJ, for 38 years. He has served as business agent for 17 years. He has also served as president of the Middlesex County Building Trades for 17 years, and vice president of the Middlesex County Central Labor Council. Among the other leadership posts on his long list of accomplishments are his membership on the New Jersey State Building Trades Executive Board, secretary treasurer of the Ironworkers District Council of Northern New Jersey, and chairman of the Central New Jersey Chapter of the American Red Cross. He is also a former member of the Board of Social Services of Middlesex County and the Board of Trustees of Middlesex County College.

Mr. Speaker, in my years of public service I have been privileged to know a few truly remarkable community leaders who have dedicated their lives to making their part of the world a better place. Clearly, Mr. Jim Jensen is such an individual. Whether it was a matter of fighting for the needs of working people or taking on the tough and thankless community service chores that rarely receive accolades or recognition, Jim Jensen has always been there. I was proud to have been there when he received the appreciation he so richly deserves.

HONORING RITA WEINGARTEN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. ENGEL. Mr. Speaker, this week, the Westchester County Chapter of Women in Communications, Inc., is honoring Rita Weingarten for her valuable contributions to that organization and the local community.

I have seen Rita's energy and enthusiasm at work, and the results are a series of accomplishments that have benefited countless men, women, and children. Among her many volunteer activities, Rita started the Westchester Corporate Volunteer Council, which provides work experience and valuable guidance to our youth. In one way or another, she has been involved in enhancing education, health care, and the arts in Westchester County. During her tenure at Citibank, she specialized in assuring that the community and business worked closely together to meet the needs of the public. In short, Rita has brought vision and purpose to every project she has undertaken.

I join Women in Communication, Inc., in honoring Rita Weingarten as a valued member of the community and a role model for professional women. I also thank her on behalf of my constituents for the many lives she has touched in a positive way.

SOME TRUTHS ABOUT LEBANON

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. RAHALL. Mr. Speaker, now that relative peace has come to the country of Lebanon and now that all American hostages held there, through no fault of the Lebanese themselves, have been released, some misperceptions need to be corrected and some facts are in order about Lebanon. For example:

FACTS ON LEBANON

Lebanon, despite 16 years of civil strife and the subsequent deteriorization in the economic situation whereby the Lebanese pound plunged to unprecedented levels against the dollar, has always honored its financial dues and obligations on loans from the United States and from International organizations.

Lebanon has maintained excellent credit throughout the tumultuous years of internal strife.

Lebanon did not choose the easy way out but, against tremendous odds, avoided becoming delinquent on any of its debts.

Lebanon has had dealings with the World Bank and the IMF since August 5, 1955 and has been regularly making its payments for loans from these institutions and has no debts in arrears. It continues to make these payments on the balance of $21,320,000.00.

Lebanon has paid in full its foreign military sales loans to the U.S.

(a) On May 18, 1990, $9 million was paid.

(b) On January 25, 1991, $7 million was paid.

(c) On July 19, 1991, $10,917,377.31 was paid.

(d) On April 27, 1992, the last payment in the amount of $9,645,616.00 was made.

Lebanon has honored and continues to honor its housing loans from AID, and will have paid all installments in full by the year 2000. For instance:

(a) On May 1, 1991, $923,249.98 was paid.

(b) On August 1, 1991, $907,098.82 was paid.

(c) On The same payments were made in 1990.

Lebanon in 1985 paid $1,461,458.00 for 253ANVRC–46 Radios and $2,056,510.00 for mortar carriers M125 which were blocked by the military embargo imposed by President Reagan in 1985. In fact, Lebanon's losses due to this embargo were great. Although the above items were later released in January 1991 and were given to Operation Desert Storm, the money was not reimbursed until January 1992. Therefore, Lebanon lost the opportunity to purchase the items at a cost less than what they will cost in the future as well as the interest it could have earned on such a large amount of money.

Lebanon, furthermore, has had 47 FMS cases still open since the 1985 embargo. On June 16, 1991 the Government of Lebanon requested that all these cases be cancelled and closed and the funds resulting from such action be placed in the holding account for Lebanon. Today, almost a year later, only 14 cases have been closed while 33 remain open due to bureaucratic red-tape. Again, Lebanon is losing all the interest that could be earned on this money.

Lebanon has also lost two and a half years of training for one hundred officers and around $1 million allocated for this training because of the decision by Senator Jesse Helms of the Senate Relations Committee in 1990 to block funding of Lebanon's International Military Educational Training Program.

Lebanon has also incurred heavy economic losses due the Gulf war and its support of the UN sanctions against Iraq. These losses are in the form of remittances from the Lebanese community in Kuwait, estimated in 1989 at $159 million, the loss of that community's financial assets, conservatively estimated at $500 million, and the termination of Lebanon's exports to the gulf area which represented 40-50% of Lebanese exports over the past few years. Yet, when on February 5, 1991 a group of 26 Nations met under the chairmanship of the United States in Washington, D.C. and pledged to increase their financial support to the countries most severely affected by the Gulf War, Lebanon was not included.

Lebanon is still shackled by the economic sanctions imposed by President Reagan in 1985. The United States is the only country still enforcing these sanctions at a time when the economic situation in Lebanon is extremely critical and a social and human suffering is great. These sanctions have not only prevented a war-torn Lebanon from getting off the ground, but they have aggravated an already precarious situation. The refusal to reopen the U.S. Consulate in Lebanon has further burdened the Lebanese people with the need to travel to Damascus or Cyprus for U.S. visas.

Now can we have any doubt that:

Lebanon is left to drown in its shaky and deteriorating economic waters, and seems to be totally abandoned by Leader of the New World Order. The Lebanese people certainly cannot understand why the war in Lebanon was so eagerly funded by so many countries, yet peace and stability are not.

The above information has been relayed to me by Lt. Col. Tannous Mouawad, Military Defense Naval and Air Attaché, at the Embassy of Lebanon, Washington, DC.

Mr. Speaker, Lebanon is not a beggar nation, but a proud one. Nor is it seeking any $10 billion in loan guarantees from the American taxpayers, only a fair shake from the U.S. Government.

KYL-ALLEN SUBSTITUTE AMENDMENT TO HOUSE JOINT RESOLUTION 290

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. KYL. Mr. Speaker, the rule that the House will be considering tomorrow governing consideration of the balanced budget amendment, House Joint Resolution 290, will allow debate on several amendments in the nature of a substitute, including one to be offered by Congressman HAMILTON FISH or his designee. That substitute will, in fact, be one sponsored by Congressman GEORGE ALLEN and myself.

The Kyl-Allen substitute will require a balanced budget. It will limit Federal spending to 19 percent of gross national product, a level which approximates the average level of tax revenues collected by the Federal Government over the last 25 years. And, to help ensure that these requirements are enforced, it will provide the President with line-item veto authority.

The idea behind the spending limit is simple: Federal spending is out of control, and a spending limitation deals with the problem head on. Moreover, tying spending to GNP will give Congress the incentive to enact pro-growth economic policies. The more the economy grows, the more revenue that will flow to the Treasury for Congress to spend.

I urge my colleagues' support for the Kyl-Allen substitute, and ask that it be reprinted in the RECORD at this point:

AMENDMENT TO H.J. RES. 290 OFFERED BY MR. KYL OF ARIZONA AND MR. ALLEN OF VIRGINIA

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Except as provided in this article, outlays of the United States Government for any fiscal year may not exceed its receipts for that fiscal year.

"SEC. 2. Except as provided in this article, the outlays of the United States Government for a fiscal year may not exceed 19 percent of the Nation's gross national product for that fiscal year.

"SEC. 3. The Congress may, by law, provide for suspension of the effect of sections 1 or 2 of this article for any fiscal year for which three-fifths of the whole number of each House shall provide, by a rollcall vote, for a specific excess of outlays over receipts or over 19 percent of the Nation's gross national product.

"SEC. 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SEC. 5. The President shall have power, when any Bill, including any vote, resolution, or order, which contains any item of spending authority, is presented to him pursuant to section 7 Article I of this Constitution, to separately approve, reduce, or disapprove any provision, or part of any provision, contained therein.

"When the President exercises this power, he shall signify in writing such portions of the Bill he has approved and which portions he has reduced. These portions, to the extent not reduced, shall then become a law. The President shall return with his objections any disapproved or reduced portions of a Bill to the House in which the Bill originated. The Congress shall separately reconsider each such returned portion of the Bill in the manner prescribed for disapproved Bills in section 7 of Article I of this Constitution. Any portion of a Bill which shall not have been returned or approved by the President within 10 days (Sundays excepted) after it shall have been presented to him shall become a law, unless the Congress by their adjournment prevent its return, in which case it shall not become a law.

"SEC. 6. Items of spending authority are those portions of a Bill that appropriate money from the Treasury or that otherwise authorize or limit the withdrawal or obligation of money from the Treasury. Such items shall include, without being limited to, items of appropriations, spending authorizations, authority to borrow money on the credit of the United States or otherwise, dedications of revenues, entitlements, uses of assets, insurance, guarantees of borrowing, and any authority to incur obligations.

"SEC. 7. Sections 1, 2, 3, and 4 of this article shall apply to the third fiscal year beginning after its ratification and to subsequent fiscal years, but not to fiscal years beginning before October 1, 1996. Sections 5 and 6 of this article shall take effect upon ratification of this article.

TRIBUTE TO SOUTH MIAMI NURSES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the outstanding performance of a group of nurses at South Miami Hospital. Among the hundreds of dedicated and professional nurses at South Miami, 11 were chosen by doctors, hospital staff members, and fellow nurses to be honored as "Nurses of the Year."

Lynda Liptok, who has been a nurse and nurse supervisor for 20 years, and currently supervises nurses in four departments of the hospital, was selected as the oustanding nurse manager of the year. Juana Roberts, who has worked with AIDS patients for over 2 years, received an award for outstanding medical-surgical nurse. Linda Campbell was named outstanding ambulatory surgery nurse and Eric Estape received the award for outstanding graduate nurse. Nita Thompson was named outstanding preceptor, for her work in training new nurses. Brenda Woods was the outstanding licensed practical nurse. Patricia Pyke received a plaque naming her outstanding special services nurse and Ellen Papaianni was selected outstanding surgical service nurse. Patricia Rogers received the award for oustanding maternal-child nurse, Jean Tears for outstanding critical care, and Edith Jane Vega for outstanding casual nurse.

The Miami Herald published an article about these outstanding nurses, which I would like to include in the RECORD:

HATS OFF TO HOSPITAL'S SUPER NURSES

(By Miriam Pereira)

For 20 years, Lynda Liptok has cared for the sick and supervised other nurses and medical workers.

This month, her fellow nurses at South Miami Hospital thanked her by naming her the outstanding nurse manager for supervising some 50 staff members in four departments at the hospital. She was one of 11 nurses honored as South Miami "Nurses of the Year" this month as part of National Nurses' Week.

"I was overwhelmed," said Liptok, who lives in Kendall. "I could not think of anything else that I'd rather do than be a nurse manager."

More than 200 nurses, who make up more than half of South Miami's staff, were nominated for the first-time awards by doctors and other employees.

Winners received plaques that will be placed in their work areas and were photographed for a display in the hospital lobby.

"It was the greatest thing," said Juana Roberts, of North Miami, who received an award for outstanding medical-surgical nurse. Roberts has worked with HIV patients for 2½ years. "I didn't know so many people knew how hard I worked here."

Along with Liptok and Roberts, the other winners honored at the May 6 Nursing Week ceremony were:

Nita Thompson, of the Redland, named outstanding preceptor for being a mentor for new nurses.

Brenda Woods, of Coconut Grove, named outstanding licensed practical nurse.

Patricia Pyke, of South Miami, named outstanding special services nurse.

Edith Jane Vega, of Coral Gables, named outstanding casual nurse.

Jean Tears, of Kendall, named outstanding critical care nurse.

Patricia Rogers, of Whisper Pines, named outstanding maternal-child nurse.

Ellen Papaianni, of Perrine, named outstanding surgical service nurse.

Eric Estape, of West Dade, named outstanding graduate nurse.

Linda Campbell, of South Dade, named outstanding ambulatory surgery nurse.

The hospital also recognized staff members who do community work through its Clinical Ladder program, nurses who recently finished their bachelor's and master's degrees, and nurses who have received national certifications in their area of specialty. In all, 90 employees were honored.

Mr. Speaker, I commend the work of this group of dedicated professionals.

TRIBUTE TO MONSIGNOR FRANCIS E. HORRIGAN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. WALSH. Mr. Speaker, 20 years ago the member from Central New York, Hon. James M. Hanley, stood here to ask his colleagues that their best wishes be extended to Monsignor Francis E. Horrigan, who at that time was celebrating 50 years of service as a priest. It is my remarkable privilege today to make the same request of my colleagues, because this week Monsignor Horrigan celebrates 70 years of dedicated service to God and church.

Long regarded in Syracuse as Pastor of the Valley, Francis Horrigan was born November 11, 1898, in Syracuse. He attended Syracuse University, St. Bonaventure College, and Our Lady of Angels Seminary, Niagara University. He was ordained June 10, 1922.

In 1944, Father Horrigan was named pastor of St. James Church, Syracuse, and retired from that beloved parish in July 1974 after 32 years.

He has touched so many lives in 70 years of helping people—he has been a leader in the Valley/Nedrow community and has always shown his kindly interest in all the people who live in that part of the city. He was instrumental, for instance, in the development of an ecumenical movement in the valley. In fact, he is instrumental in sponsoring a projected series on the various religions to be held at different churches.

Father Horrigan was elevated to monsignor on December 21, 1971. He remains alert and celebrates mass every day at St. James. Truly there has not been a more devoted servant of God on Earth, nor has there been a more caring individual.

In the words of the present pastor of St. James Church, Father James Quinn, "Monsignor Horrigan is an extraordinary man in a very simple way."

I would ask my colleagues to join me in congratulating Monsignor Horrigan, who has done what public servants yearn to do, and more. He has helped people. And now we thank him.

THE EXCHANGE CLUB OF YONKERS HONORS IRWIN WOLFSON

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to join the Exchange Club of Yonkers as they honor their past president, Irwin M. Wolfson. We pay tribute to this special man for his years of dedicated service to his country, our community, and to the many organizations with which he has been affiliated over the years.

Irwin Wolfson is one of those individuals who has built his life around using his many skills and talents on behalf of others. Indeed, we are all indebted to him for his contributions to many important organizations. He has served on the boards of Temple-Emanual and of the Willows Condominium, and was a founder of the Crestwood Lake Tenants Association. He is also a member of the American Legion, the Knights of Pythius, the Better Business Bureau, the Chamber of Commerce, the American Association for Secure Planning, and the National Federation of Independent

Businesses. All of these involvements point to his commitment to ensuring a better quality of life for the citizens of his community and for its economic betterment.

Irwin Wolfson's participation in the Exchange Club of Yonkers has been exemplary of his selflessness and of his commitment to building a better future. The pride he feels for the Exchange Club is evident throughout his work. Not only has he served on most of the club's committees, but he has also chaired many of them. As members of the Exchange Club have observed his commitment, they have placed him in leadership positions including the organization's presidency.

As the Exchange Club of Yonkers honors Irwin Wolfson, we recognize not only his commitment, but that of the club's other members, to community service. Our lives are made richer by those who look beyond themselves and use their talents and energies on behalf of others. Irwin Wolfson exemplifies this desire to make a difference in people's lives, Mr. Speaker, and it is indeed a pleasure to join the Exchange Club of Yonkers as they recognize him for his contributions. I know that my colleagues join me in wishing him well as he continues to serve the Exchange Club and the entire community.

CAROL KATZMAN—EXEMPLARY EDUCATOR

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. LEVINE of California. Mr. Speaker, today I rise in honor of the career of one of the most dedicated educators I have ever known, Carol S. Katzman. On June 30, 1992, Carol will leave the position of assistant superintendent for the Beverly Hills Unified School District after a 30-year career devoted to the education of our children.

Ms. Katzman has contributed a tremendous amount of time and energy to ensuring that all of our children receive a quality education in a healthy environment. A graduate of the University of California at Berkeley, University of California at Los Angeles, and California State University at Northridge, Ms. Katzman has played a critical role in guiding the Beverly Hills School District through a time of unprecedented change in the field of public instruction. As a consultant to the California Department of Education, she coordinated the "Healthy Kids, Healthy California," and Drugs, Alcohol, Tobacco Education [DATE] Program, was contributing editor of the premier issue of "Healthy Kids, Healthy California" magazine, and was the liaison to the tobacco coalition regarding proposition 99 The Beverly Hills Unified School District has benefited from Ms. Katzman's talents since 1961, when she became an elementary school teacher. Since then she has coordinated the district's school improvement program and was director of educational services from 1982 to 1987. Ms. Katzman's last position with the Beverly Hills Unified School District was as assistant superintendent of educational services for grades kindergarten through 12th.

Ms. Katzman has served the education community in several other important positions as well: as a member of the California Curriculum Commission, advisory to the State board of education, and as a member of the State task force on standards for effective schools. Ms. Katzman's talent and dedication have thus benefited not just one fortunate school district, but the entire State of California. I, therefore, ask my colleagues in the House of Representatives to join with me and congratulate Ms. Carol S. Katzman on an illustrious and accomplished career in education.

TRIBUTE TO THE HARTFORD ELEMENTARY DARE CLASS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the fifth grade class at Hartford Elementary School in my 17th District of Ohio. These young citizens recently completed the DARE Program with a graduation night with skits and certificates of completion.

As you know, Mr. Speaker, the DARE Program was started in Los Angeles, CA in 1983. It was brought to Ohio by then Ohio Attorney General Anthony Celebrezze in 1988. Sgt. P.G. Eckenrode was the first to be trained as a DARE officer in Trumbull County. To date, 2,100 students have been trained in DARE in Trumbull County Schools.

Mr. Speaker, men like Sergeant Eckenrode need to be recognized for the work that they do educating our Nations children about the perils of drugs and narcotics. The evils of narcotics are everywhere and without educators and programs like DARE, this country would be in big trouble.

SAVE HABEAS CORPUS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. EDWARDS of California. Mr. Speaker, once again the Supreme Court has threatened the existence of habeas corpus. This New York Times editorial focuses on the Court's most recent decision in *Keeney* v. *Tamayo-Reyes*. The Court dramatically restricted the cases where a prisoner may have an evidentiary hearing in the Federal courts. In many cases, the prisoner will have no chance to show the facts supporting his or her constitutional claim. Thus, while the claim may be valid, the prisoner will not be allowed to present it. I call the Members' attention to the Court's holding and urge my colleagues to protect the writ of habeas corpus by supporting the habeas provision in H.R. 3371, the crime bill conference report.

[From the New York Times, May 7, 1992]

NOW IT'S THE BUSH COURT

Clarence Thomas and David Souter, the two Supreme Court Justices appointed by President Bush, have just made moderates of Sandra Day O'Connor and Anthony Kennedy, two Reagan appointees. The newest Justices tipped the balance in a 5-to-4 decision stripping another right of access to the Federal courts for prisoners who believe their rights have been denied.

Justices O'Connor and Kennedy, who had been part of Chief Justice William Rehnquist's wrecking crew in earlier cases involving state prison inmates, felt compelled to file dissenting opinions. They charged, rightly, that the Court had carried its deconstruction too far.

If politics were all that mattered, the decision in Keeney v. Tamayo-Reyes would be an achievement for the Administration: another payment on Mr. Bush's pledge to remake the Federal judiciary and crack down on criminals. But since justice and craftsmanship also matter, the case is an embarrassment. It should embarrass even Mr. Bush, who boasts that he appoints only justices who don't "legislate from the bench."

Jose Tamayo-Reyes, a Cuban refugee who speaks little English, was accused of a barroom murder. He pleaded to manslaughter but later contended that garbled translations misinformed him about the charge and led him to think he was agreeing to stand trial. A Federal appeals court said he was entitled to a Federal court hearing not limited to the evidence his apparently negligent attorney had offered in Oregon's state courts. That accorded with a 1963 Supreme Court decision Congress adopted when it amended the habeas corpus law in 1966.

Monday's ruling overturns the 1963 precedent and holds that the defendant, while entitled to a day in Federal court, is stuck with his lawyer's inadequate evidence.

Justice Byron White's opinion is full of reasons Congress might want to deny Mr. Tamayo-Reyes the kind of hearing he seeks—but gives no comprehensible reason for not abiding by Congress's 1966 judgment. Justice White, the Chief Justice, Justice Antonin Scalia and the Bush appointees are legislating from the bench.

This sorry case holds many lessons. Despite their dissents, Justices O'Connor and Kennedy must bear the burden of earlier votes that weakened habeas corpus and paved the way for the latest excess of judicial activism. Congress needs to assert its constitutional function and legislate fair habeas rules so clearly that the Court cannot misinterpret them.

For the Senate, the lesson is to stop confirming the Administration's nominees on the assumption that the White House will eventually get its way; and to press hard for justices with proven respect for judging, for Congress and for the legislative process.

PERSONAL EXPLANATION

TRIBUTE TO ROBERT S. GORSKI

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. FORD of Michigan. Mr. Speaker, I rise today to call the attention of my colleagues to the retirement of a close personal friend and dedicated public servant. Robert S. Gorski, the director of parks and recreation for the city of Taylor, MI, is retiring at the end of the month after nearly two decades of outstanding service and accomplishment for the people of Taylor and all of southeast Michigan.

Bob Gorski and his family moved to Taylor Township in 1961. While attending college, Bob became a supervisor within the recreation department, and worked there seasonally. Bob later played semi-professional baseball for the Pittsburgh Pirates organization.

From 1969 until 1973, Bob taught in the Taylor School District, at John F. Kennedy High School, where he served as director of the mass communications department, as a football and baseball coach, and was active in the Taylor Federation of Teachers.

In 1973, Taylor Mayor Richard Marshall asked Bob to join his staff as director of the department of parks and recreation. Bob guided the young department through its formative years.

During his tenure as director, the department has changed from one that only operated seasonally, to one that has dealt with over $5 million in Federal and State moneys, and achieved State and national recognition for their innovative programs. Under his watch, the Taylor Department of Parks and Recreation has installed new soccer fields, constructed a new recreation center, a golf course, a new playground program for area children, and sponsored State-recognized athletic programs in swimming and elementary basketball, as well as countless other programs that have directly impacted the quality of life of every citizen in Taylor.

While Bob Gorski's many professional accomplishments are well-known, his incredible personal commitment is something that has been less well-publicized. For 18½ years Bob Gorski has given his all to the community, not only on the job but in his free time as well. Whether it was participating in lectures for drug rehabilitation programs, acting as a judge for community science fairs, lending his professional expertise to neighboring communities as a consultant, or acting as chairman and organizer for numerous community festivals, Bob Gorski has been a force for positive change in the southeast Michigan area. Whatever the request, Bob has been there for his neighbors time and again.

I have known Bob Gorski for many years. The work that he has accomplished in our community is a credit to him, and an inspiration for all of us who are involved in public service. I take great pride in calling Bob a friend, and in wishing him and his lovely wife, Judi, and his children, Brad and Laura, my most sincere best wishes on all of his future endeavors.

TRIBUTE TO LT. COL. JEFFREY A. McCHESNEY

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. DICKINSON. Mr. Speaker, I rise today to recognize Lt. Col. Jeffrey Alan McChesney for his distinguished and exemplary service to the U.S. Air Force and this great Nation as the Deputy Chief of the House Legislative Liaison Office from July 28, 1989, through June 24, 1992. In this capacity, Jeff quickly established a solid reputation with Members and staffers alike as the authority on a diverse array of Air Force programs and issues. He has been a natural, whose wit, charm, and intelligence have represented the Air Force in outstanding fashion. During the past 3 years, his assistance was routinely sought by members of the Armed Services Committee and their staff alike in conducting briefings and writing floor speeches on a wide variety of national security issues. Jeff's sound judgment and keen sense of priority, are trusted attributes that have greatly benefited Congress and the U.S. Air Force alike. Having personally traveled with Lieutenant Colonel McChesney on many congressional delegation trips, he has always been the military escort of choice. No one has had a better feel for the congressional pulse. He was brilliant in planning, organizing, and executing congressional delegation trips to virtually every corner of the Earth. Jeff's effectiveness is legendary on Capitol Hill for his credibility as a Department of Defense and Air Force spokesman. His 3 years in the House Air Force Liaison Office, and the good will he established, will continue to provide positive results for the Air Force for years to come. It has been my extreme pleasure to have worked and traveled with Jeff McChesney. He has served with great distinction and has earned our respect and gratitude for his many contributions to our Nation's defense. My colleagues and I bid Lt. Col. Jeffrey A. McChesney a fond farewell and wish he and his family the very best and continued success as he begins his next assignment as a Harvard national security research fellow in Cambridge, MA.

TRIBUTE TO THE INTERNATIONAL ACADEMY OF SPORTS VISION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to the International Academy of Sports Vision, as it holds its ninth annual conference and exhibition in Hershey, PA.

The academy, which is based in Harrisburg, PA, is dedicated to promoting education, research and development of the necessary technology and service to ensure excellent vision, superior visual skills, and adequate eye protection for athletes in all sports. Founded by A.I. Garner, O.D., in 1984, the academy has established affiliations with the National Athletic Trainers Association, the U.S. Sports Academy, the National Collegiate Athletic Directors Association, and the National Youth Sports Coaches Association, to help further its goals of protecting the vision of our athletes.

The theme of the academy's conference is "Sportsvision '92." It will feature the kickoff of a program entitled "Operation Youth Sports." The goal is to promote good vision and proper eye protection for athletes 8 to 14 years old. "Operation Youth Sports" hopes to provide on-the-field testing of visual acuity of 20 million athletes by more than 20,000 of their coaches. Many of these athletes drop out of sports because of inadequate vision; through this ambitious program, maybe that can be prevented.

Mr. Speaker, I ask all of my colleagues to join me in congratulating the International Academy of Sports Vision for its outstanding work over the years in the field of sports medicine, and for succeeding to reach its mission statement: Maximize visual performance, minimize eye injuries.

THE 100TH YEAR OF SERVICE THE ARGUS PRESS DAILY NEWSPAPER HAS GIVEN THE CITIZENS OF SHIAWASSEE COUNTY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. CAMP. Mr. Speaker, I rise today in tribute to the Argus Press daily newspaper which has served residents in the Shiawassee County community of Michigan for 100 years.

It is with heartfelt appreciation we celebrate the 100th year of service the Argus Press has given its readers. It is a special day indeed to recognize the contributions this newspaper has given to the people it serves. Many often think of newspapers, as just that, paper with printed words. But they are so much more.

Newspapers, like the Argus Press are a history of our daily lives. They explain who we are and what we do—favorable or unfavorable. They are thoughtful, provocative, and informative, providing readers with news, opinions, and ideas.

Mr. Speaker, as a Member of the House of Representatives sworn to protect the freedoms granted by our constitution, I am proud the Argus Press has been a fine example of our first amendment. Our country is nourished by the pursuit of ideas and the freedom of speech. This newspaper organization, it's people and the citizens it serves can all take credit for the Argus Press being here with us today. I, along with area residents, look forward to its next 100 years.

THE DEDICATION OF THE NEW VAN H. PRIEST AUDITORIUM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. HORTON. Mr. Speaker, I rise about the dedication of the new Van H. Priest Auditorium which is located on the campus of North Florida Junior College in Madison, FL. The new auditorium is to be dedicated today, June 9, 1992.

Van H. Priest was the chairman of the board of trustees when North Florida Junior College was founded in 1958. A prominent businessman who owned a chain of variety stores in northern Florida, Van H. Priest saw the value of higher education and consequently played an instrumental role in establishing the college. Because of his efforts, thousands of area residents have had access to higher education which has benefited the entire community. It is truly fitting that the college name its new auditorium in his honor in light of his trailblazing efforts.

This new facility replaces the original Van H. Priest auditorium which was destroyed by a tornado. The new facility is expected to provide a forum for a variety of cultural events on the campus of North Florida Junior College.

I would like to take this opportunity to salute North Florida Junior College and the Priest family for their continuing efforts to serve the cultural needs of the Madison area. Students and area residents will be able to enjoy the new auditorium for years to come.

WE MUST WORK NOW TO TAKE STEPS THAT WILL PRESERVE OUR PLANET FOR OUR CHILDREN

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. MAVROULES. Mr. Speaker, I rise today to commend the efforts of the international community at the upcoming U.N. Earth summit in Rio de Janeiro. This Conference will be the largest assembly of world leaders brought together for the purpose of protecting our environmental heritage.

I am pleased to see that after much deliberation, President Bush, decided to attend the Rio Conference. He will join other world leaders that include German Chancellor Helmut Kohl, British Prime Minister John Major, and Japanese Prime Minister Kiichi Miyazawa. The fact that these heads of state have decided to place the Earth's environmental future in the spotlight provides great potential for positive change in setting an international environmental policy.

Mr. Speaker, we must urge President Bush to be a leader in the negotiating process, but also encourage him to cooperate with the needs of other industrialized nations and developing nations. The United States must be cognizant of the need to reduce our use of natural resources and our production of carbon monoxide. We must work now to take steps that will preserve our planet for our children.

The last worldwide effort to benefit the environment was held in 1972 in Stockholm, Sweden. Since then, we have continued our reckless and haphazard course of rapid development and environmental destruction. In the past, environmental issues were overshadowed by the Iron Curtain and the last Earth summit was no exception. Only recently have environmental issues gained the prominence of the world stage, and I am pleased that the United States has made environmental issues a priority at this most opportune time. Mr. Speaker, I urge my colleagues to call on President Bush to make the choices that will reflect the needs of the future and make sure that our representation at the Rio summit is not a symbolic gesture on our part, but a gesture of commitment to the future.

SCIENCE FRICTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. BROWN. Mr. Speaker, there is an increasing consensus among our public and private leaders that America must actively reinvest to regain and assure our Nation's prosperity. This consensus is reflected in a growing agreement in both Houses of Congress and the administration that the health of our scientific and technological enterprise is critical to economic growth and to international competitiveness.

This convergence in policy goals and the active role taken by Congress is well summarized in an article titled "Science Friction," which was published in the May 4, 1992, issue of Industry Week. Highlighted in the article are needed actions that include increasing our investment in R&D that would be beneficial to the civilian economy, greater support for technology-base, generic areas of research, enhanced technology transfer to small- and medium-sized business through mechanisms such as the Manufacturing Technology Centers of the National Institute of Standards and Technology, nurturing critical technologies, and an expansion of cooperative R&D ventures, particularly those that will better tap the wealth of expertise available in the national laboratories.

Each of these measures as well as others are addressed in a comprehensive economic growth package that was recently introduced to Congress titled the "American Technology and Competitiveness Act of 1992 (H.R. 5230)." This bill was jointly sponsored by many members of the Committee on Science, Space, and Technology which I am honored to Chair, and recognizes that renewed, long-term growth tomorrow will require thoughtful and directed investments today.

I would like to submit excerpts from this article for the RECORD.

[Excerpts from Industry Week, May 4, 1992]

SCIENCE FRICTION

(By William H. Miller)

Even though trivialities and personal attacks inevitably have entered this year's Presidential debates, the current election campaign so far has focused to a greater degree than in 1988 on issues of actual public-policy substance. One subject, however, has been singularly missing from the campaign dialogue. Candidates have been talking around it, but not about it directly. The issue: science and technology policy. This absence of discussion is unfortunate because the topic underlies two themes that have been in the forefront of the campaign rhetoric—competitiveness and economic growth. Moreover, The Bush Administration has undertaken—quietly, though, lest it be accused of pursuing the ideologic pejorative of "industrial policy"—a variety of initiatives in science and technology advancement; they deserve a public airing.

Coming at the convergence of the recession and the end of the Cold War, the timing could not be more appropriate for a focused debate over science and technology policy. The economic downturn has brought a recognition of the link between science/technology and long-term job growth. Meanwhile, the collapse of Communism raises a question of the need for—indeed, the wisdom of—the defense-related R&D that has helped fuel the nation's economy, yet at the same time it creates opportunities to shift more federal R&D spending directly to civilian purposes.

"Yes, we are at a policy crossroads," declares Sen. Jeff Bingaman (D, N. Mex.), chairman of the Senate Defense Industry & Technology Subcommittee and one of Congress' top thinkers on science and technology policy. Not only is the moment right to arrive at a consensus on the issue, he stresses, but such a consensus is "absolutely imperative.

"The factors that have allowed us to be the world's leader in science and technology for most of this century—our strong universities, strong industrial base, strong government support of science through defense-related activities, for example—are no longer adequate to maintain that leadership," he says. "As a result, we've never been forced to confront the central question of what the government's role should be to keep American industry competitive in areas other than strictly defense. Now we must."

Surprisingly, unlike many other public-policy issues, a healthy consensus already exists. At least that's the belief of D. Alan Bromley, President Bush's science advisor and director of the White House Office of Science & Technology Policy (OSTP).

"At both ends of Pennsylvania Ave.," he says, "there's a shared feeling that we seriously underspend in R&D as an investment in our national future. There is a real sense that science and technology must play a more important role if we are to be competitive internationally." As evidence of the extent of agreement, he points out that despite budget-cutting pressures, Congress and the White House last year boosted federal R&D spending by 13%. "Congress came within 1/100th of 1% of appropriating the amount we asked for, although the distribution was different," he says.

It's not as if the U.S. hasn't had a science and technology policy. John W. Lyons, administrator of the National Institute for Standards & Technology (NIST), formerly the National Bureau of Standards, points out that his agency has been around for 91 years, working with industry the entire time. "When Congress decided in the late '80s to do something about competitiveness, it enlarged our mission," he says. "That was a policy statement right there."

It's also not as if Washington has been scrimping on resources for science and technology. The area has been getting a serious shove by the government ever since the Soviet Union beat an embarrassed U.S. into space with its Sputnik satellite in 1957, notes Dr. Lyons. Indeed, federal funding for R&D has risen from about $18 billion in 1960 to nearly $75 billion today and continues to account for about half of the nation's total R&D spending.

"The trouble is," indicates Rep. George Brown (D, Calif.), the respected chairman of the House Science, Space & Technology Committee, "while we've moved with small steps, the Japanese and Europeans have moved with giant steps. They have a truly coordinated policy. We don't. And the gap is getting bigger.

"Over here we've gotten hung up on the term 'industrial policy.' It has gotten in the way of progress. It has caused some people to question whether we should even have a science and technology policy; they think it's the same as industrial policy."

Rep. Brown credits the Bush Administration, prodded by science advisor Bromley, for reversing the relative neglect the science and technology by President Reagan. A physicist who's believed to be one of only two scientists in the House (Pennsylvania Republican Don Ritter is the other), he praises the White House for downplaying the "industrial policy" tag and getting things accomplished by focusing instead on the term "technology policy."

Particularly helpful, Rep. Brown says, was Dr. Bromley's enunciation in September 1990 of a first-ever "U.S. Technology Policy"—a document of fundamental principles that basically avowed the Administration's commitment to working with the private sector in developing generic technologies from discovery up through the precompetitive stage.

"We don't believe in this Administration that we should move beyond that," Dr. Bromley emphasizes. "Decisions in the market itself, we believe, should be left to the private sector and market forces. That's shorthand for saying we don't believe in industrial policy."

Some critics in Congress and elsewhere would have the government go further by targeting aid to specific industrial sectors to speed commercialization—in Washington parlance, "picking winners and losers." Still, the White House statement has moved science and technology policy off the dime. "There has clearly been a shift in the Administration position," indicates Daniel F. Burton Jr., executive vice president of the private-sector Council on Competitiveness. "It is much more receptive, much more aggressive on science and technology issues."

This new aggressiveness is reflected in a number of significant actions by the White House. Among them:

A BIGGER BUDGET

The White House's overall R&D funding request of $76.6 billion for fiscal-year 1993 is up 3% from this year's appropriation, even though domestic discretionary spending is limited by the 1990 deficit-reduction act. If approved by Congress, the request for civilian R&D ($30.4 billion) will have risen 43% since Mr. Bush took office; defense R&D, 35%.

There's no better example of the stepped-up funding than the budget for the National Science Foundation (NSF), which makes research grants to universities and individuals. As part of its aim to double the agency's budget by 1994, the Administration has asked for an 18% increase (to $3.03 billion) in fiscal 1993.

A BEEFED-UP NIST

Of particular interest to industry, the Administration also has been boosting funding for this Commerce Dept. unit, requesting a 26% increase (to $311 million) for it in fiscal 1993. This sharply contrasts with Mr. Bush's earlier years in office, when he recommended either no increases or even cuts for the agency.

One program benefiting from the hike is NIST's Manufacturing Technology Centers, which help transfer technology to small and medium-size businesses. The federal portion of the program's budget has swollen from $3 million to $18 million in three years.

More significant, though, is NIST's Advanced Technology Program (ATP), created by Congress in 1988. Its funding has risen from $10 million to $47 million, and Mr. Bush is seeking $63 million for it in 1993. "Until ATP was sanctified by the President through the technology policy statement, we weren't able to fund it," observes Rep. Brown. "White House support has made all the difference."

EXPANSION OF COOPERATIVE VENTURES

Thanks also to the White House's policy statement, says Rep. Brown, "it's now respectable for government agencies to collaborate with industry." Extending the concept begun with the creation in 1987 of Sematech (a $100 million-a-year consortium of 14 private firms and the Defense Dept. to help the semiconductor industry develop manufacturing-process technology for memory chips), the Dept. of Energy last fall entered into a similar venture with U.S. automakers to develop batteries for electric vehicles. More such consortia may be coming.

In addition, formal Cooperative Research & Development Agreements—called CRADAs—between federal agencies and industry are proliferating. Some 1,698 are projected to be in place in 1993.

BETTER COORDINATION

After essentially lying dormant for some 15 years, the Federal Coordinating Council for Science, Engineering & Technology (FCCSET), an interagency group created by Congress, has been transformed by Dr. Bromley into a potent force. The panel historically had been ineffective because its representatives from various agencies were at too low a level to make commitments. Now, top-level administrators sit on the council.

With its new power, FCCSET has undertaken "cross-cut" initiatives—unifying policy in areas that extend across the missions of more than one agency—in such areas as global climate change, mathematics and science education, high-performance computing and communications, biotechnology, and advanced-materials processing. Due next year: an initiative on 21st-century manufacturing. The council also put together President Bush's 1993 budget request for science and technology.

CREATION OF THE CRITICAL TECHNOLOGIES INSTITUTE

Also mandated by Congress, this body was set up in 1988 to advise the Executive Branch on which technologies should receive funding priority. But the Bush Administration never implemented it; Dr. Bromley feared that if the institute were a part of OSTP, as Congress decreed, he would lose his role as "an honest broker" in funding decisions.

After lengthy negotiations between the White House and Capitol Hill, the institute now has been made a part of NSF and is run by an intergovernmental operating committee chaired by Dr. Bromley. Another concern, potential conflict-of-interest problems, also has been eased by making private-sector representatives advisors to the operating committee rather than members.

President Bush has asked for a $1 million boost (to more than $7 million) in 1993 funding for the institute, which formally began operations last month. Although the increase is modest, indicates the Competitiveness Council's Mr. Burton, "it signals a tremendous shift in Administration policy."

THE NATIONAL TECHNOLOGY INITIATIVE

Launched in February, this effort aims to "promote a better understanding of the opportunities for industry to commercialize new technology advances," primarily by forging closer links between U.S. companies and the federal government's 700 laboratories. The Administration has ordered the labs, which spend some $20 billion a year on research (much of it military) and employ 35,000 scientists, to make more of their work available to the commercial sector. A series of regional conferences is being held to spread the word to firms about what the labs do and to ease industry concerns that federal researchers won't be able to change their culture from the bureaucracy to the private sector.

As impressive as all these steps may be, they don't go far enough to suit many legislators on Capitol Hill, especially key Democratic leaders. Although the White House and Congress are closer to consensus on science and technology issues than they've ever been, they still part company in a fundamental way, observes Frank Press, the former science advisor to President Carter and now president of the National Academy of Sciences. "Congress thinks the Administration is doing too little," he says. "And the Administration thinks Congress is doing too much."

One outspoken lawmaker is Sen. Bingaman. Despite what he terms Dr. Bromley's "valiant efforts," he still accuses the Administration of "a lack of leadership" on science and technology issues. "There is a general lack of appreciation of the seriousness of this set of problems and the constructive role that government can play," he says. "In some quarters of the Administration, there's outright opposition" to a strong government role.

Rep. Brown, despite his acknowledgment of the White House's changed attitude, also doesn't hide his desire for stronger measures. Unfortunately, he complains, such action "runs against the noninterventionist grain of some conservative Republicans."

* * * * *

Of all the issues separating White House and Congress in science and technology policy, * * * the biggest remains the role of the federal government—and specifically the pros and cons of "industrial policy."

The emotion generated by this issue is silly, indicates John H. Gibbons, for 13 years the director of the Office of Technology Assessment, an analytical arm of Congress. In his view, the nation has had an industrial policy for decades. He cites such examples in the last 50 years as government support of the agriculture, electronics, aviation, and space industries. And the biotechnology industry, he adds, "has been driven by the long-term R&D policy of the federal government."

Still, Dr. Gibbons acknowledges that throughout its history the nation has "zealously guarded" the notion of limited government. "But now," he says, "there's a growing realization that there are certain collective needs that only government can address. The question is not whether government is good or bad, too big or too little, but how well it serves those needs."

In any event, the issue of the government's role in science and technology—whether it's labeled industrial policy or not—must be settled if the U.S. hopes to remain a robust competitor. But policymakers can't be expected to resolve it until a broad consensus is reached among the American public. A spirited debate in the Presidential campaign would help shape that consensus.

CONGRATULATIONS TNN-MUSIC CITY NEWS AWARD WINNERS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. CLEMENT. Mr. Speaker, this week in Nashville, thousands of country music fans have gathered to meet and greet their favorite country musician at the 21st Annual International Fan Fair.

The festivities began last night with the awarding of the TNN Music City News Awards. Broadcast live from the stage of the "Grand Ole Opry," the fans themselves selected their favorite artists in several musical categories. Among the top winners were Garth Brooks, Alan Jackson, and Reba McEntire.

Mr. Speaker, I offer my hearty congratulations to the award winners and extend a special appreciation to country music's fans. They are among the best fans anywhere and it is always a pleasure to have them visiting Nashville.

Attached is the Associated Press article describing last night's show and a list of the award winners.

BROOKS ENTERTAINER OF YEAR, JACKSON TOP WINNER WITH THREE AWARDS

(By Teresa M. Walker)

NASHVILLE, TN.—Garth Brooks took the top honor as entertainer of the year at the 26th annual TNN-Music City News Awards, but fans gave Alan Jackson a lucky penny and three awards.

Jackson, who won for album and single of the year for "Don't Rock the Jukebox" and as male artist, said he owed a fan who had given him a penny for luck hours before Monday night's show.

"Thank you so much, wherever you are," Jackson said as he held up the penny.

"I got it (the penny) right here in the pocket. That was a little weird, but I'm glad I held onto it," he said after the show.

Brooks, who has sold more than 17 million copies of his three albums including his latest, "Ropin' the Wind," was shut out most of the night after being nominated in five categories. He finally won for entertainer of the year in the night's final category. He wasn't present to accept during the show televised live from the Grand Old Opry on The Nashville Network.

Jackson, who won Star of Tomorrow at last year's show, had once worked in TNN's mailroom. He was nominated in six categories this year.

"The last two years I've been real fortunate, and so many people have been involved . . .," Jackson said.

The rest of the show held few surprises with repeat winners in most categories.

The Statler Brothers, who last lost in 1983 to Alabama, collected the vocal group award for the 21st time in the awards' 26-year history.

"What do we do for longevity? We eat a lot of beans," said Don Reid. "We're very fortunate. The fans like what we do, and they continue to like what we do."

The Judds picked up the vocal duo award for a seventh straight year despite the fact that daughter Wynonna has been working as a solo act since their final concert last December.

Ray Stevens also won a seventh consecutive award as comedian of the year, and the Chuck Wagon Gang won the gospel group award for the third time since 1988.

Reba McEntire added to her collection with her seventh female artist award in the last eight years, while Gill was named instrumentalist of the year a second consecutive time.

Dolly Parton and Ricky Van Shelton collected both vocal collaboration and video awards for their hit "Rockin' Years."

The Living Legend award went to cowboy hero Roy Rogers for his more than 25 years in entertainment. Emmylou Harris was honored for her humanitarian work with the Minnie Pearl Award.

The winners were chosen by subscribers to the Music City News, a monthly country music publication, and TNN viewers who voted by calling a 900-telephone number.

The show helped kick off the weeklong 21st International County Music Fan Fair, which has drawn more than 24,000 people to town to meet their favorite country stars.

NASHVILLE, TN.—Winners at the 26th annual TNN-Music City News Awards show Monday night at the Grand Ole Opry:

The Entertainer of the Year: Garth Brooks.

The Minnie Pearl Humanitarian Award: Emmylou Harris.

Single of the Year: "Don't Rock the Jukebox," Alan Jackson.

Gospel Group of the Year: Chuck Wagon Gang.

Male Artist of the Year: Alan Jackson.

Living Legend: Roy Rogers.

Vocal Collaboration of the Year: "Rockin' Years," Dolly Parton and Ricky Van Shelton.

Comedian of the Year: Ray Stevens.

Vocal Group of the Year: The Statler Brothers.

Video of the Year "Rockin' Years," Dolly Parton and Ricky Van Shelton.

Vocal Duo of the Year: The Judds.

Album of the Year: "Don't Rock the Jukebox," Alan Jackson.

Instrumentalist of the Year: Vince Gill.

Star of Tomorrow: Travis Tritt.

Female Artist of the Year: Reba McEntire.

THE CONGRESSIONAL BUDGET OFFICE STUDY OF TRADE RESTRAINTS AND THE COMPETITIVE STATUS OF THE TEXTILE, APPAREL, AND NONRUBBER FOOTWEAR INDUSTRY

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today in response to a recent study by the Congressional Budget Office entitled, "Trade Restraints and the Competitive Status of the Textile, Apparel, and Non-Rubber Footwear Industries."

Mr. Speaker, this study is both flawed in its research and biased in its opposition to the so-called policy of protectionism, which now preserves the long standing tradition of clothing manufacture in the United States. Through the manipulation of data and use of misleading information, the report concludes that the lifting of protection will lead to free trade and an improved economy through increased competition. Mr. Speaker, it is well known that free trade exists only in the textbooks of economics students, and has never been put into real practice. By failing to protect our industries—as does every other country in the world—we needlessly take thousands upon thousands of jobs away from American workers to send them overseas.

Mr. Speaker, although the report bases its conclusions on a world of perfect competitiveness, the real world rejects such neat academic assumptions. Government suppression of labor unions and high unemployment in the Third World keep textile and apparel wages low in those nations; tariffs and quotas set by the Common Market limit Europe's share of Third-World imports in these industries to less than half of the American market share; and the U.S. Government, through such trade agreements such as NAFTA and the Caribbean Basin Initiative, actively encourages American businesses to shift production elsewhere, in order to receive economic concessions elsewhere.

Mr. Speaker, despite the absence of free trade and perfect competitiveness in the world, protection remains a dirty word in American politics. In order to advance the cause of free trade, the report misuses statistics to exaggerate the advantages of free trade, while deflating the benefits of protectionism. According to the report, lower costs of foreign production of clothing result in lower prices for consumers. Yet even an afternoon of casual comparison shopping will reveal that prices of domestic and foreign goods are identical at the retail level—sometimes, imports sell for higher retail prices than their domestic counterparts. Economists and business people alike know who benefits from lower foreign production costs: importers and retailers.

The CBO also cites the high profits now made by domestic manufacturers as evidence that they do not need our protection. Yet the study uses before-tax figures to estimate revenue, ignoring the higher taxes that labor-intensive industries pay as compared to other manufacturing industries. In fact, the textile industry obtains a significantly lower profit than other manufacturers, while apparel and nonrubber footwear earn no more than other corporations. The report further exaggerates the profits of these industries by including as apparel exports much of which is not finished apparel at all, but cut fabric used to assemble clothing abroad which ends up being imported back to the United States. In addition, companies such as The Limited and Liz Claireborne, which produce their vastly profitable clothing lines outside the United States seem to boost domestic apparel profit figures.

Mr. Speaker, these industries cannot afford to lose our protection—and neither can the American men and women whose jobs depend on these firms. Our recent experience contradicts the CBO assertion that displaced workers can easily be retrained and reemployed. The report assumes that an increase in the value of the dollar that would accompany a reduction in protection would increase imports and lead to new jobs in other industries. Yet, the persistent trade deficits over the last decade clearly demonstrate no relationship between the dollar value and the ratio of imports to exports, or in the creation of new jobs. When factories close, jobs are gone forever.

Mr. Speaker, The CBO study notes the low pay in these jobs and suggests training apparel workers for better paying jobs elsewhere. This assertion neglects the special circumstances of men and women who labor in the textile, apparel, and nonrubber footwear industries. People who lose their jobs to import competition tend to remain unemployed for extended periods of time—and even when they are finally rehired, often suffer cuts in pay. Over the past 5 years, 14 percent of these laid-off workers remain unemployed today, and another 14 percent have dropped out of the labor force entirely. Many textile and apparel workers are women, whose family commitments limit their mobility; many are immigrants, whose language problems prevent their easy re-training; many are poorly educated minorities and have few skills or opportunities for other careers; many live in rural towns where there simply are no other means of employment. And it is increasingly unlikely that efforts will be made to retrain these people, since the President's budget for fiscal year 1993 eliminates the amount spent on job training.

It comes as no surprise to me, therefore, that these men and women despair of replacing their jobs, and end up permanently on our welfare rolls. In the apparel industry, the percentage of displaced workers no longer looking for work is double the rate for all manufacturing workers. Textile workers face less difficulty in finding new work, but one-third of them lose more than 25 percent of their pay.

Mr. Speaker, many argue that we must set an example for our fellow nations by encouraging free trade. Yet, who will follow us when they see our factories moving overseas, our people jobless, and our economy collapsing? Can we afford to sacrifice our own economic future for the sake of an ideology which does not exist, has never existed, and will never exist?

Mr. Speaker, by a commitment to protecting our own valued industries, we can give our firms a boost they desperately need. In the past, protection has minimized the instability of many of these companies—inspiring investors' confidence, leading to greater cash-flow, and increasing productivity. All of which leads to enormous savings which, we have found, were in fact passed on to consumers in the form of lower prices. We should also not forget, as the CBO study so curiously does, the substantial government revenues which result from tariffs and the auctioning of global quotas. Most importantly, protection preserves the jobs that hundreds of thousands of Americans simply cannot live without.

Mr. Speaker, I urge my distinguished colleagues to acknowledge the defects and the biases in the CBO report, and to resist being misled by its conclusions. At stake are 1.4 million jobs, which will disappear for good over the next decade if we heed the advice of the CBO.

MADE IN AMERICA?

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. MOAKLEY. Mr. Speaker, I rise today to illuminate an example of the quality programming accessible to all of us through public television.

On May 26 and 27, there was a remarkable and important show aired on Public Television, "Made in America?" which I hope many of my colleagues had the opportunity to watch. As this program makes clear, we need to implement an industrial competitiveness strategy, but unfortunately, have yet to take the steps necessary to do so. Perhaps this comprehensive and insightful 4-hour special, hosted by Prof. Robert Reich of Harvard, will provide some impetus to our efforts.

Particular thanks must go to the CHUBB Group of Insurance Companies, which provided funding for the program. CHUBB has a very significant presence in my district in Boston, and I appreciate their public spirited support of informative programs such as "Made in America?" which otherwise would not be available to the people of this country.

The program documents the competitive challenge facing the United States as we move to a more global economy. Looking beyond the obvious problem of unfair trade practices, the show illustrates the importance of developing a first-class educational system at home in order to maintain the talented work force necessary to compete in today's world economy. Anyone who doubts the linkage between education and competitiveness should watch this show. Education is the best investment that we can make in our future.

In addition to education, we also need to save and invest more if we are to improve our competitiveness. The huge budget deficits accumulated in the 1980's have severely undermined our ability to invest in our future. If our companies do not have access to low-cost capital, they will be unable to compete with countries which have greater pools of private savings. I see little will on the part of Congress and the administration to deal with the deficit, but as this show demonstrates, if we do not, our children will be the ones to pay the price.

While the show does not overlook our shortcomings, it also points out America's creative genius. We continue to lead the world in inventing new products, in coming up with new ideas. Unfortunately, other countries are often the beneficiaries of our creative genius. For example, as most everyone knows, we invented the VCR, but the Japanese are the ones who make it. It is not just VCR's. We need to change this and concentrate our energies not just on research and development but on application and commercialization.

Although the challenge is great, there is much reason for optimism. Many American companies and unions are making tremendous efforts to improve the quality of their products and to heed the demands of consumers. Our workers remain the most productive in the world. There is much work to do, but America is waking up. As "Made in America?" demonstrates, we can meet the competitiveness challenge.

CELLULAR TELEPHONE IN RURAL AMERICA

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. SCHAEFER. Mr. Speaker, it is often the case that new technologies are slow to come to rural America. What is rolled out with all deliberate speed in the big city slows down when it hits the city limits.

As others of my colleagues have noted, though, today we have a wonderful exception to that maxim: The cellular telephone industry has activated a system in every market of this Nation—all 734 of them, rural and urban.

And you know what the cellular industry reports? Rural America is just as interested in advanced telecommunications as urban America. Business productivity, efficiency, personal and public safety, instant communication, and general peace of mind turn out not to be urban concerns.

Mr. Speaker, one of the leaders in extending cellular telephony into rural markets is headquartered in my congressional district, in Englewood, CO. Cellular, Inc. now is operating rural systems in eight western States, and growing rapidly.

It recently announced its 100th consecutive quarter during which the rate of subscriber growth increased. As of March 31, its subscribership was up 136 percent compared to the same period a year ago. Only last week, Cellular Inc., issued a press release that, along with Cellular Data, Inc., they intend to offer a cellular data network by August 1992, providing packet switching capabilities through the cellular network.

The popularity of cellular telecommunications in so-called rural service areas [RSA's] shouldn't be surprising. Rural residents spend more income on personal transportation than urban residents. Geography can make them more concerned about road safety. Cellular telephones thus quickly make a valuable contribution to the rural way of life.

It was not by accident that a year ago, a cellular company decided to develop a class on cellular for a high school driver's education program in a rural area. The kids in that rural area were driving a lot of miles to school, and their parents were subscribing to cellular for safety.

The cellular phone also has revolutionized the way rural residents conduct business. Farmers, ranchers, fishermen, salespeople, and small businesses all have discovered the benefits.

Farmers are out in their fields with their cellular telephones, able to make sales calls and check on grain prices much the same as executives cutting a deal on Wall Street. Money is made with that phone as crops are sold when market prices are high.

During harvesting and planting seasons, cellular can be critical. If a tractor breaks down in the fields, help is just a phone call away, and downtime is reduced dramatically.

Mr. Speaker, these are just some of the examples of the revolution that is taking place in communications. We are getting ready to move into the 21st century and it appears that wireless technology is prepared to shape the very future of telecommunications.

UPON THE RETIREMENT OF DR. NANCY COOK

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. THOMAS of California. Mr. Speaker, I want to recognize Dr. Nancy Cook upon her retirement from the fields of education and nursing after 44 years of dedicated service.

During her career, Dr. Cook has demonstrated her thirst for knowledge and her desire to educate and train others. She has spent 22 years as an instructor in baccalaureate and graduate programs and 14 years as the chair of the Nursing Department of California State University, Bakersfield, where she has developed one of the better nursing programs in California. She has also spent several years as a staff nurse, a charge nurse, a night supervisor, and a supervisor nurse.

Despite the demands of her jobs, Dr. Cook has still been able to continue her education and remain active in professional and community organizations. Aside from her degrees in education and child psychology, Dr. Cook has also participated in many conferences, seminars, and workshops in order to enhance her knowledge and skills.

Throughout her career, Nancy Cook has exemplified the dedication and expertise we all hope to find in our nurses and educators. Dr. Cook is highly respected by both her colleagues and students at California State University, Bakersfield, as well as by those who have worked with and learned from her in the past. While we are all pleased that Dr. Cook will finally have a well-deserved opportunity to relax, you can be sure that she and her many talents will be missed.

Mr. Speaker, I thank my colleagues for allowing me this opportunity to honor Dr. Nancy Cook on her over 40 years of service to the nursing profession.

SALUTE TO MR. WALTER J. WADDY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today to recognize and honor Mr. Walter J. Waddy, a good friend, who is retiring after more than 40 years of dedicated service to the labor movement as director of region III of the Maryland State and D.C. AFL–CIO.

Throughout his career, Walter has worked in many States across the country in an effort to organize workers to bring about a better life for those who, as Walter states, "toil and sweat for their daily bread."

As well, Walter has been recognized on many occasions for his outstanding efforts in promoting unionism and helping to better economic conditions for working people. He has given his time and talent in projects dealing with labor and charitable endeavors. Walter has been an effective participant, not only in the labor movement, but also in civic, fraternal, and political affairs on the community, State, and national level.

Walter's longstanding commitment to the well-being of working men, women, and families has inspired a generation of citizens to take up the cause of justice and dignity for all working people.

As a resident of Glen Burnie, MD, I am proud to serve as his Representative in the Congress. On this special day, we salute you, Walter, for all you have accomplished on behalf of the working men and women of the United States of America.

EVEN MORE TRUTH ABOUT PRORATIONING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. SCHEUER. Mr. Speaker, opponents of the Markey/Scheuer Natural Gas prorationing amendment continue to insist that State prorationing regulations are only designed to prevent waste and protect correlative rights. They have no intention of restricting supply in order to raise prices. Excuse me, but I am a little bit skeptical.

One only need read the words of Oklahoma Secretary of Energy Charles Nesbitt to become concerned about the real motives behind prorationing. In a letter he wrote last year urging support of Oklahoma's then proposed prorationing regulations Secretary Nesbitt wrote:

> The subject of this legislation is seasonal market demand proration of natural gas. As you are no doubt aware, Oklahoma enacted the nation's first market demand laws relating to both oil and gas in 1913, when a condition of severe oversupply had resulted in low field prices and widespread waste. . .
>
> Recent events have clearly demonstrated the cost to Oklahoma and its citizens resulting from an excess of natural gas supply. During the summer of 1991, gas field prices sank to the lowest level in many years, below the cost of replacement, simply because of oversupply in this field.
>
> Those who profit from the oversupply and resulting depressed price are the gas traders, the interstate pipelines, and the eastern consumers. Those who lose are the developers, the State, and above all, the Oklahoma mineral owners. We should never forget that natural gas, unlike annual crops, is a nonrenewable resource.

If Oklahoma's prorationing regulations are not intended to raise prices, why is Secretary Nesbitt using low gas prices as a justification for adopting prorationing?

Secretary Nesbitt says Oklahoma's prorationing laws are not an attempt at price fixing. "Essentially, this is not a price fixing measure. This measure is designed to bring production in line with the actual market." Well what does this mean? "You can call it price fixing if you want to. Down here, we call it fairness." But whose fairness are we talking about? "We're not as interested in protecting the brokers or the pipelines as we are the producers." But, according to the Gas Daily, Nesbitt added that Oklahoma's prorationing laws, "wouldn't be necessary if it weren't for the 'greedy operators' who are selling gas too cheap." So prorationing is a solution to cheap gas, Secretary Nesbitt, isn't it?

Of course Secretary Nesbitt recognizes that it would be difficult for Oklahoma alone to use prorationing to raise gas prices. He is hoping to have some help from other gas-producing States. Last January Secretary Nesbitt hoped that Texas would go forward with its prorationing regulations. "This is exactly what we are hoping the State of Texas would do, because it demonstrates that Texas is concerned about the low price of natural gas, which stems from simple oversupply." If Texas did pass its prorationing regulations, Oklahoma's would have a greater chance of being effective. "This makes it much easier for Oklahoma to join them and, hopefully, accomplish the same end."

In the same letter described earlier urging support for changes to Oklahoma's prorationing regulations, Secretary Nesbitt wrote:

> No one state can unilaterally overcome the distress prices resulting from seasonal oversupply. No state would want to impose production restrictions, and then see the market move to another state with no improvement in field prices. For this reason, the gas producing states of the Southwest are in close cooperation in these efforts to address the problem of oversupply and low field prices. The Texas Railroad Commission already has conducted hearings preparatory to issuing an Order imposing seasonal market demand proration on gas wells in that state. Similar initiatives are under way in Kansas, Arkansas, Louisiana and Colorado.
>
> Oklahoma is fortunate in that all states recognize the necessity for legislation here. This means that Oklahoma no doubt will be the last to actually impose binding production restrictions. We will know whether other states will act before final passage of the bill by the Oklahoma legislature. However, it is essential that Oklahoma move forward in concert with the other states.

States acting in concert to impose production restrictions in order to overcome distress prices. Sounds like OPEC to me.

When the House passed the Markey/Scheuer amendment, it did the right thing.

GLENDALE YWCA 65TH ANNIVERSARY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. MOORHEAD. Mr. Speaker, I wish to recognize the YWCA of Glendale, CA, as it celebrates 65 years of service to the community.

Today, the YWCA continues a tradition of service and advocacy dating from its modest beginning when women and girls were invited to use the YMCA's physical fitness equipment on selected days.

More than 3,600 people participate weekly in Glendale YWCA activities—which have grown to include an aquatic and fitness program offering a wide range of classes to improve the health and well-being of community residents; one on-site and two off-site child care centers, including one to teach non-English speaking preschoolers the language skills they will need to succeed in school; a shelter for battered women and their children; and a literacy and English as a second language program that reaches over 200 people a year.

When people say "YWCA," it brings to mind a place where girls and women and their families go to learn, to grow, and to share—a place united by a common vision of peace, justice, freedom, and dignity for all people. The work of the Glendale YWCA provides for the members of the community an array of opportunities for learning, exercise, and self-improvement. As residents, we all owe the YWCA a debt of thanks. Mr. Speaker, I salute the YWCA of Glendale and all of its committed staff and volunteers for their 65 years of dedication to the people and future of the community.

JUDY LOCKHART KEEPS KIDS INVOLVED WITH FUN AT CALUSA ELEMENTARY SCHOOL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the work of Judy Lockhart, an exemplary teacher at Calusa Elementary School. The third grade students in her class sometimes have almost too much fun, but they are following their teacher's example.

Judy Lockhart wants her kids to learn. She knows she has to reach them to get them involved in learning. So she treats them like her own family, and gets them to laugh and enjoy learning. Nine-year-old Lauren Heinrich likes her teacher, and calls her a good friend who's fun to be with. Eric Arguelles, also 9 says: "She really cares for people, and when there's lot of hard stuff, like the first time we did long division, she always helps us."

James Gould, principal of the school, believes Judy Lockhart's approach works. He says she is supportive of the children and their parents, and is an excellent teacher.

The Miami Herald published an article about this outstanding educator, which I would like to include in the RECORD:

[From the Miami Herald, May 28, 1992]

FUN FACTS: CALUSA TEACHER OFFERS A FRIENDLY TOUCH

(By Jon O'Neill)

Sometimes, the third-graders in Judy Lockhart's class at Calusa Elementary School have a little too much fun. But they're just taking after their teacher.

"I guess I can get a little silly," Lockhart said. "But I want the kids to be comfortable and I want them to have a good time."

She also wants them to learn. And Lockhart knows she has to reach them to teach them.

"The way I work, I'm not only their teacher, but I'm also their friend," Lockhart said. "These 28 kids are like my second family."

So that's how she treats them. Last week, the kids were discussing personal safety and how they didn't like being touched and hugged by some people. Lockhart would illustrate some points by hugging students until they giggled, or making faces and noises that had the kids cracking up.

When the students want to bring something for her, she doesn't take apples. For Lockhart, it's M&M's.

The kids get a kick out of that. To them, Lockhart is someone they can trust.

"We all depend on her," said Lauren Heinrich, 9. "She's a good friend. She never hurts anyone's feelings and she's fun to be with. She's the best teacher I've ever had."

Eric Arguelles, 9, said Lockhart has "a good heart and a good sense of humor.

"She really cares for people," he said. "And when there's a lot of hard stuff, like the first time we did long division, she always helps us."

Lockhart believes her main job is to teach the kids to be responsible—for their grades, their behavior and themselves. She uses a reward system in class so the kids are recognized for good performance.

"What they do, they earn," Lockhart said. "If they do things right, they know that good things will follow."

As a teacher, Lockhart also knows she needs help from home if her kids are going to succeed. She works closely with most parents, trying to get them involved in what's happening in her classroom.

"You can tell that kids are affected by what happens at home." she said. "I'm willing to take extra time with students who are having trouble, but I need to hear from the parents so we can work together."

James Gould principal of the school at 9580 W. Calusa Club Dr., said Lockhart has developed a good relationship with most parents.

"She's supportive of them and their children," he said. "She does especially well with those kids who have problems adjusting. She's a good person and an excellent teacher."

Academically, Lockhart stresses reading. Last week, the class was studying personal safety and she had each child read a paragraph from the text, gently pushing them on if they got stuck—which few of them did.

"With reading, we work on the basics, because it carries over into every other subject," Lockhart said.

Lockhart believes she was destined to teach. Born in Massachusetts, she used to play school with her friends, using a chalkboard her parents put in the family garage.

"There was no doubt that's what I was going to do," she said.

Lockhart graduated from the University of Miami with a degree in elementary education and went right to work at Kinloch Park Elementary. She taught there for 16 years, taking short breaks to have a son and daughter. She arrived at Calusa in 1985.

Lockhart has taught first, second, third and fourth grades, and prefers to work with younger students.

"You can really mold them," she said. "Besides, it's exciting to help them build a foundation for their future."

Mr. Speaker, I commend the work of Judy Lockhart and the enthusiasm and dedication she brings to teaching her third grade students. Our country needs more teachers of her high quality.

RECOGNITION OF JOHN EDWARD ZUGA ON HIS RETIREMENT FROM PACKARD ELECTRIC DIVISION OF GENERAL MOTORS

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the "people's Chamber," to speak in honor of a great citizen of my district, Mr. John Edward Zuga.

Mr. Zuga, a native of Warren, OH, has served as plant manager for Packard Electric Division of General Motors, plant 23 in Brookhaven, MS, since June 1983. During his tenure as plant manager, the Brookhaven plant was chosen as the industry of the year by the Industrial Development Foundation in Brookhaven.

Mr. Zuga's career for General Motors in Mississippi began in 1973, when he was one of the original members of a startup team working to establish a network of plants in the South. He served as a general supervisor at plant 21 in Clinton, MS. By 1974, Mr. Zuga was serving as manager of the Clinton plant.

Mr. Zuga has been an admirable leader and will be greatly missed at the plant. It will be difficult for a successor to meet his standards and match the accomplishments that have been characteristic of his career.

I know that my friend, Ed Zuga, will face the challenges of retirement with the same determination and courage he has shown throughout his career. I salute him for his accomplishments and wish him well.

STILL TIME TO STOP THIS FOLLY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. KILDEE. Mr. Speaker, this editorial from my hometown newspaper, the Flint Journal says it all. We should not need a constitutional amendment to have the courage to do our jobs. I urge my colleagues to read the editorial and to oppose this folly.

[From the Flint Journal, June 9, 1992]

STILL TIME TO STOP THIS FOLLY

The portrait of human pain and economic devastation bound to result from an amendment to balance the federal budget by 1997 is becoming clearer:

Brutal spending cuts that will hurt the elderly, veterans, children and the poor, among others as the government slashes Medicare, Social Security, veterans health care, and other effective programs.

Massive increases in existing taxes and the likely creation of a national sales tax that will jolt all of us and send our already sluggish economy into a coma that will make the current recession look like a nap.

Millions of jobs lost nationwide.

The further crippling cities and states as they raise taxes and cut services to avoid bankruptcy.

Draconian cuts in long-term public investments in education, infrastructure, scientific research and development that will only serve to whittle away at our ability to compete and to lead and undermine America's quality of life.

As a result, public opposition led by groups as diverse as AARP and the Children's Defense Fund to Common Cause and the League of Women Voters is growing to this sweet-soundering but irresponsible political gimmick being foisted upon us by a scandal-ridden Congress and an incumbent president desperate to be re-elected. (What makes this cynical ploy even more sickening is that even if George Bush—the amendment's most prominent cheerleader—is re-elected, he won't be in office when the brunt of the pain is thrust upon the public.)

Unfortunately, at last check, supporters of the various amendment proposals—which are scheduled to be acted on Thursday—said the measure has all or nearly all of the nearly two-thirds majority it needs to pass both houses of Congress.

U.S. Sen. Robert C. Byrd, D-W.Va., has said, "Once members are really informed as to the mischief this amendment could do, and the damage it could do to the country and to the Constitution, I just have faith that enough members will take a courageous stand against the amendment."

We, too, have lots of faith—but not in this Congress. This a Congress whose majority of members seems to be made up of one part courage to 20 parts political expediency. This is a Congress that tells people what they think they want to hear and not what is the right thing to do. This is a Congress not of leaders, but of the led—followers who twist and turn and spin whichever way the political polls and special interests blow them.

That is why it is crucial for the public to tell them and the president to bury deep this ill-advised idea. Tell them they shouldn't need a constitutional amendment to force them to do their jobs. No other major industrial nation requires such a drastic step.

Tell them not to handcuff our nation's ability to borrow in times of need or when it makes sense. Tell them, yes, this country must put its financial house in order. We've got to end this madness of spending hundreds of billions of dollars more each year than the government takes in. With a $4.1 trillion national debt that is growing at a rate of $12,000 a second and enslaving future generations, we must act.

But tell them to act responsibly. Tell them to make intelligent choices based upon reasonable and compassionate priorities that will make America a better place. Don't allow an amendment to force us into mindless and indiscriminate amputations of programs and policies that help us.

Tell them that if they don't have the leadership and the courage to do the job, to step aside and let us try to elect those who do.

A QUIET LEADER, AN EXEMPLARY PUBLIC SERVANT

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. SOLARZ. Mr. Speaker, I rise today before my colleagues in the House of Representatives to honor a man I have known for the better part of my adult life.

As we in public life well know, leadership takes many different forms and bears many different definitions. The man I bring to your attention today is a quiet man, a peaceful man, a man whose voice I have never heard raised. But make no mistake about it, Frank Giordano is every inch a leader.

Frank has owned a pharmacy on the same corner for more than three decades. For the past 22 years, he has served on the local community board. In New York City, community boards constitute the front lines of city government. They are composed of men and women who, without pay, make the first critical governmental decisions that affect their neighborhoods. It is almost unheard of for someone to serve as long as Frank has.

In other ways as well, Frank has been a resourceful leader serving the Coney Island community. He was instrumental, for example, in establishing the Coney Island Neighborhood Improvement Organization, a group of residents and businesspeople who are trying to improve the business and living conditions of Coney Island.

On June 12, 1992, the Italian Board of Guardians will bestow their highest honor on Frank Giordano—their Man of the Year Award. It is only fitting.

I am proud to recognize today a man who has meant so much to Coney Island for so long, and whose contributions will undoubtedly continue—my good friend, Frank Giordano.

LOW-INCOME HOUSING TAX CREDIT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. CONYERS. Mr. Speaker, I rise in support of extension of the low-income housing tax credit, which has been a critical tool in expanding housing opportunities and reducing the per unit cost of housing for low-income families. Several bills provide for either temporary of permanent extension of the credit, and there is some talk about including a credit extender in the upcoming urban aid package.

Mr. Speaker, this body's support for housing for low-income people is woefully inadequate. Currently, the low-income housing tax credit is the only Federal tax incentive available for the production of affordable low-income housing. It is a proven tool for assisting in this effort—but every year its survival comes into question as its extension expires.

I recently participated in a ground-breaking ceremony for a multiunit development in Detroit financed in large part by the credit. This is one of several such developments for low-income residents in Detroit which are being developed by capable neighborhood-based organizations in partnership with local and State government and local lenders.

When completed, this development and others in Detroit will provide over 400 additional apartments for low-income families, and represent the wave of the future in providing low-income urban housing: local partnership with community organizations financed by the low-income housing tax credit. Gone are the days that local governments and private citizens can rely on Federal authorities, like the Department of Housing and Urban Development, to help meet the need for housing our low-income families.

Nationally, 350,000 low-income housing units have been constructed or preserved since the credit was first enacted in 1986. At a time when the low-income rental stock continues to decline—as we have seen in Detroit—the credit is designed to produce more than 120,000 units of low-income housing annually. However, since 1986, the credit has been up for renewal three times—making essential developments like the one I saw in Detroit very risky ventures.

Compared to the tens of billions in tax losses from the home mortgage deduction for middle- and upper-income taxpayers, the cost of permanent extension of the low-income housing tax credit is minimal. We must fine a way to enact a permanent extension of this vital provision.

The title of the Los Angeles Times editorial of June 2, 1992, speaks for itself: "Housing Credit Extension is a Must—and Riots Tell Us Why." I include this editorial in the CONGRESSIONAL RECORD.

[From the Los Angeles Times, June 2, 1992]

HOUSING CREDIT EXTENSION IS A MUST—AND RIOTS TELL US WHY

The Los Angeles riots focused a national spotlight on the growing divide between rich and poor in cities across America. Nowhere is that gap illustrated more dramatically than in housing. In this comparatively wealthy nation, millions of poor men and women live with their children and sometimes their elderly parents in crowded or inferior housing; others live in housing that is decent but so costly that other areas of their lives must suffer severely; thousands more have no place at all to call home.

President Bush and Congress can ease this crisis by permanently extending the federal low-income housing tax credit before this investment incentive expires June 30.

The tax break deserves renewal because it remains the primary federal resource for financing additional new and affordable housing. It also forms the cornerstone of the numerous public/private partnerships that are increasingly the salvation of cash-short cities and states.

The credit typically generates funds used to construct or renovate at least 100,000 apartments a year. Since being created by the 1986 Tax Reform Act, it has generated financing for more than 420,000 units of decent and affordable rental housing.

No free ride for public: Such a benefit, however, is not without cost to the public. In exchange for investing in the construction or renovation of long-term affordable housing, businesses gain a credit on their federal tax bills. The deferral of those taxes is expected to cost the federal Treasury up to $1.5 billion over the next five years. That loss, especially significant in a time of burdensome federal deficit, fuels the argument against extending the tax credit, despite fairly strong bipartisan support.

President Bush in March vetoed a tax bill that contained a permanent extension of the low-income housing tax credit and other tax breaks. That was before the Los Angeles riots changed the political climate and put the problems of cities back on the national agenda.

Now Congress is again considering extending the low-income housing tax credits as part of a sweeping urban initiative. The extension merits approval before the July 4th recess, before politicians turn their attention first to the political conventions and then to the November elections. Any delay in the extension of the tax credit could cause a slowdown in housing production similar to the dip in 1990 when the credit was renewed for only nine months instead of a year.

Bush and others should consider the success of the low-income housing tax credit. In California, tax breaks have been used to create more than 27,000 units of affordable housing, generating 17,000 jobs in the bargin.

Tax credits are allocated on the basis of a state's population. California typically receives more than $35 million in tax credits per year.

The funds generated by those credits are funneled by real estate syndicates and community development advocates such as the Local Initiatives Support Corp. to nonprofit community developers and for-profit housing developers. The developers use the financing to create apartments, townhouses and the single-room-occupancy hotels that often provide refuge for men and women who had been homeless.

In Los Angeles, where nearly 500,000 families spend more than half of their meager incomes on rent, tax credits have been used to build attractive townhouses in Watts, rehabilitate senior citizens' housing in Little Tokyo and finance apartments in poor areas such as Pico-Union and parts of East Los Angeles. Many buildings include child care centers and other amenities rarely found in low-income apartment complexes.

Family housing developed by the Concerned Citizens of South Central Los Angeles and the Second Baptist Church is scheduled to open this month on Central Avenue in the historical heart of South-Central. The two apartment buildings contain 40 units, a community room, a study area for children and benches to encourage Latino and black residents to get to know each other in the increasingly Latino neighborhood.

A bargain amid high rent: Other new housing built with tax credits includes apartments large enough for families with four or more children—the type of large apartments that are often impossible for low-income families to find. Yet these sought-after apartments cost no more than a third of the average income of their tenant families; rents typically range from $175 to $500 per month. That's a bargain in a city where a one-bedroom apartment normally rents for about $600 and thousands of poor families pay to live in garages.

To keep pace with the growing demand, California must create 300,000 new units of affordable housing by the turn of the century. That task will be impossible without some form of federal assistance. But government alone cannot solve the affordable-housing crisis. It can and must nurture greater private investment in housing. That's why President Bush and Congress should extend the federal low-income housing tax credit.

TRIBUTE TO HON. CHARLES E. BENNETT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. PENNY. Mr. Speaker, with the retirement of our colleague from Florida, CHARLES BENNETT, the Congress loses one of its finest Members, and the Nation will lose the services of a man dedicated to a strong conventional national defense and the seapower necessary to defend our interests. The Nation also loses one of the Congress' strongest and most consistent voices for reduced Federal spending, more accountability in spending, and budget deficit reduction.

It has been my pleasure to work with CHARLIE BENNETT on a number of matters, most notably budget deficit reduction. He has been a friend, supporter, and a fine example.

As he enters retirement from the House of Representatives, I wish him the very best. I will miss his counsel, wisdom, and leadership.

SUBSTITUTE LANGUAGE FOR BALANCED BUDGET CONSTITUTIONAL AMENDMENT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. STENHOLM. Mr. Speaker, tomorrow we will begin debating several versions of joint resolutions proposing amendments to the U.S. Constitution to require a balanced budget for the Federal Government.

The last amendment on which we will vote will be one I will offer, and essentially will include the substance of House Joint Resolution 290, on which there are 278 cosponsors.

Because the amendment I will offer on Thursday will be slightly different from House Joint Resolution 290, I am submitting for the RECORD today the text I expect to offer.

It should be noted that the changes included are generally minor and technical in nature, and in no case significantly change the intent or operation of the amendment. The changes are a result of suggestions from other Members for improved language which will clarify what the intention of the amendment has always been. In addition, the changes reflect agreement with our counterparts in the other Body, Senator PAUL SIMON, Senator LARRY CRAIG, and other leaders in this effort who will be offering identical language when that Body considers this issue.

I would point out that the changes are as follows:

The concept of using estimated receipts is moved from Section 1 to a new enforcement section stating that "Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

The waiver for times of declared war is expanded to include "any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security . . ."

The effective date will be 1998 or the second fiscal year beginning after ratification.

I would again emphasize that no substantial change is created by these improvements in language. All materials explaining the impact of the amendment which I have distributed previously remain valid and relevant. Those of us who have long supported House Joint Resolution 290 appreciate all input we received into these changes and feel that a stronger constitutional proposal has resulted.

We urge our colleagues to support the Stenholm substitute and vote for final passage of the balanced budget constitutional amendment.

H.R. 5324

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. HERTEL. Mr. Speaker, on June 4, 1992, I introduced H.R. 5324, a bill to authorize the National Oceanic and Atmospheric Administration Fleet Replacement and Modernization Program for fiscal years 1993 through 1997. There were five original cosponsors to the bill. Congressman WILLIAM J. HUGHES was to be included as an original cosponsor but was inadvertently omitted. Today, I would like to add Mr. HUGHES as a cosponsor of H.R. 5324. I urge my other colleagues to cosponsor this legislation to modernize our national oceanographic research fleet.

FOREIGN TRADE ZONE ACT AND FOREIGN CRUDE OIL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. ORTIZ. Mr. Speaker, today I am introducing a bill that will amend the Foreign-Trade Zone Act to clarify that foreign crude oil and its derivatives consumed in the operation of a refinery located in a foreign-trade zone are not subject to duty under the Harmonized Tariff Schedule of the United States.

There are currently 11 oil refineries operating within foreign-trade zone in Hawaii, Texas, and Louisiana. Most refineries today rely on a large percentage of imported feedstocks to compensate for the decline in domestic production. During processing, a portion of the feedstocks and derivatives thereof are consumed in the operation of the refinery, and as a result never enter the customs territory of the United States.

The Foreign-Trade Zone Act does not require payment of duty on merchandise that is destroyed, consumed in a zone, et cetera. This was specifically reinforced by the courts regarding crude oil and derivatives thereof on November 6, 1978, by the Customs Court—now the Court of International Trade—in *Hawaii Independent Refinery, Inc.* v. *U.S.*, Customs Decision 4777. Prior to 1988, refinery subzone Foreign-Trade Zones Board grants were silent on the issue. However, since January 1, 1988, all refinery subzone grants have contained the following condition: "Foreign crude oil used as fuel for the refinery shall be dutiable."

Currently, seven oil refineries must pay these customs duties on fuel consumed in processing. To exempt these companies from paying customs duties on the fuel that they consume in their operations within a foreign-trade zone has a nominal economic impact on customs collections, but is very important to the companies. The companies estimate that total savings for the impacted refineries will be approximately $600,000 to $800,000 annually.

This legislation simply corrects an inequity that exists among oil refineries operating within foreign-trade zones. On the one hand, the courts have declared that oil refineries are not required to pay duty on fuel consumed within their subzone because the merchandise never enters the customs territory. On the other hand, the Foreign-Trade Zones Board has required some refineries to pay duty on fuel consumed. Furthermore, it places U.S. refineries on an equal footing with foreign refineries that ship finished petroleum products to the United States without paying customs duties on fuel consumed.

Congress enacted the Foreign-Trade Zone Act to attract international investment, to promote the economic benefits of a broader industrial base, and to encourage international activity within the United States, as opposed to another country. We must reinforce and clarify the purpose of the act by enacting this amendment. This legislation corrects the inequitable application of provisions in our foreign-trade zone law as they have been interpreted differently by the judicial system and by the Foreign Trade Zones Board.

The purpose of this bill is to clarify state within our foreign-trade zone law that foreign imported crude oil and derivatives thereof that are consumed in the operations of a refinery operating within a foreign-trade zone should not be subject to a duty imposed by the U.S. Customs Service. This legislation is very narrow in scope, but is beneficial to our oil refineries that are producing our energy resources in the United States. We want to keep those refineries operating within foreign-trade zones and within our States. This legislation represents a modest but important savings for these refineries and deserves the strong support of this House.

TRIBUTE TO DIEGO ASENCIO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to call my colleagues' attention to the outstanding service rendered to the State of Florida and the United States by the Honorable Diego Cortes Asencio, Executive Director of the Florida International Affairs Commission.

Ambassador Asencio served the United States for nearly 30 years as a member of the Foreign Service, including service as Ambassador to Columbia and Brazil, and as Assistant Secretary of State for Consular Affairs. He earned the Department of State Award for Valor when, as Ambassador to Columbia, he was taken hostage along with other international diplomats and held for 61 days. Diego Asencio used his formidable diplomatic skills to obtain the release of all of the hostages.

Although he retired from the State Department in 1986, Ambassador Asencio has continued his life of public service. He chaired the Congressional Commission for the Study of International Migration and Cooperative Economic Development which worked with source countries to look at the demographics of migration. He worked for the establishment of the Florida International Affairs Commission, an umbrella organization designed to coordinate the international relations messages of a variety of competing agencies, cities, and towns in the State.

The International Business Chronicle published an article about this remarkable public servant, which I would like to include in the RECORD:

DIEGO ASENCIO: DIPLOMAT AND MAVERICK

(By Jane Wagner)

Diego Asencio, standing still, looks every bit an Old-World diplomat, ready to waltz to strains of Franz Lehar. Tall, bearded, and with the kind of girth that still conveys the impression of success, stability, even a bit of stolidity—a substantial man. Just the man to guide the Florida International Affairs Commission as its appointed executive director.

But when from across a room you hear his similarly substantial (often booming) laugh, the image alters just enough to show the other side of Asencio. He is indeed a diplomat, but also a rambunctious populist, something of an iconoclast who does not shy away from earthy colloquialisms, for example, when discussing high-level policy matters. Not entirely a mainstream-type foreign-service officer.

Yet, for nearly 30 years, the foreign service was his life, as he had always intended it to be. "Even when I was a little kid, 11 or 12 years old, I said I wanted to be in the diplomatic service," Asencio says, as if admitting to a childhood vice. "Who knows if that was a healthy thing or not? And, anyway, too late now to change it." He delivers the last line with characteristic what-the-hell, what's-done-is-done gusto.

In 1980, when he was the U.S. ambassador to Colombia, Asencio was one of a group taken hostage by terrorists. "It happened at a cocktail party," he recalls. "Fourteen countries involved." The siege lasted 61 days.

As the days of captivity dragged on, Asencio decided to take over the negotiations for the hostage release.

The terrorists weren't doing it right, he says. "I said to the leader, you're going about it all wrong. You've got all this Marxist stuff in here that will never get you anywhere with the government. Give give me a draft of your demands and let me do the negotiating. Negotiating is what I do for a living." It took a while, but it worked.

"The most important thing about Diego in that situation is that he understood their culture," Nancy Asencio says, referring to the terrorists as well as Colombians in general. "That's why he could handle the negotiation."

After that experience, Asencio could, understandably, have been reluctant to return to Colombia. But that's not to know Asencio. The next call to handle a crisis in Colombia and he was on his way back to do his part.

"I argued with him, I reasoned, I yelled. Nothing would change his mind," Nancy says. "Finally, almost as he was going out the door, I said to him, 'If you insist on doing this, at least up your insurance before you go. Your coverage now won't take care of the mortgage on this house, let alone give me something to live on.' Even that didn't work," she says. "It may be the Spanish blood in him, but there's a fatalistic streak in Diego."

Neither Florida nor Tallahassee holds any terrors for such a man.

"When I retired from the diplomatic service, and we made our decision by moving from Washington to Florida, I began networking in Tallahassee," says Asencio, who had begun his own consulting business in West Palm Beach.

"Diego had an interesting introduction to Tallahassee," says Todd Kocourek, former counsel to the Florida House committee on commerce, now FIAC's deputy director and general counsel.

FIAC was still a bill, and Rep. Art Simon, a Democrat from Miami, asked Asencio to intercede on the bill's behalf with then Gov. Martinez, a Republican.

"It tested the ambassador's skills as a negotiator, because it was a very delicate matter, a political matter," Kocourek says. "I think that he was a little taken aback by the governor's opposition to the bill."

More succinctly, Asencio says, "In effect, the governor's response to my efforts was 'stuff it.'"

Although the political climate in Tallahassee is now more favorably disposed to the work of FIAC, Asencio is still in the trenches, "munching his way across the state," as he says, drumming up support and making secure the financing for FIAC.

FIAC, by the legislation that created it, is the umbrella organization for all of Florida's international relations. This is not necessarily an easy message to deliver to the multitude of smaller organizations as well as the "city states," all with their own international agendas. Asencio acknowledges that his job to promote and implement FIAC programs requires fancy footwork.

Asencio brings skills and understanding not just from his ambassadorial experience, but also from his work as chairman of a Congressional commission that studied international migration and cooperative economic development.

"The problem with the U.S. immigration policy is that there isn't any. I worked under three secretaries of state, and each of them made it clear to me that my advancement in the foreign service was assured so long as I kept immigration matters away from his door."

The study was intended to look at the demographics of migration and to work with Mexico and other sending countries. "Economic development promotes immigration. You raise expectations, you improve roads, you train people. The last thing you do is eliminate the salary differential. So they look north for the opportunity to earn more. The solution aggravates the problem," he notes.

Asencio would require an immigration impact statement to be made for each U.S. State Department action. "You impose sanctions on Haiti, and you get thousands of Haitians fleeing. You close the sugar centrals in another country and thousands are out of work. We must learn to study the demographics of immigration."

As Florida develops closer international ties through trade, it must participate more closely in U.S. trade negotiations." FIAC legislation calls on us to look at trade agreements," he says. He adds in passing that through the North American Free Trade Agreement, the Caribbean Basin Initiative will be "shafted" and instead of elaborating, lets his silence speak of the "immigration impact" of that eventuality. These will all be matters that he must handle as he leads FIAC.

"Diego brings to the job enormous experience as a diplomat and a trouble shooter," says Anthony Maingot. "The great gift that he has is to make you feel at home working with him. He is fantastic to work with. He is completely informal, yet always carries himself with great dignity and decorum." Maingot, professor of sociology and anthropology at Florida International University in Miami, worked with Asencio on the migration study.

With Asencio in Trinidad Maingot saw yet another aspect of the man. "He is the most flexible of men to work with. If it's a place we gotta go, we go, if this is something we gotta eat, we eat it. Diego has great simpatia."

In addition, says Maingot of Asencio, "He is very organized. A great delegator. He brings to his work great humor, intelligence and a grasp of facts."

Mr. Speaker, I commend Ambassador Diego Asencio for his life of service to the United States and the State of Florida.

NO CITY ON A HILL

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. KOSTMAYER. Mr. Speaker, among the many issues not being discussed during this election year is the issue of America's growing prison population.

As other countries turn away from executions and as they find alternatives to prison, the number of executions and the number of people in prison both grow in our own country.

Today over half the Federal prison population are drug offenders. In 1995 the figure will rise to 70 percent.

As the following article from the New Yorker says:

> It is as if the city upon a hill, once envisioned by the puritans as a shining beacon to the rest of the world, had sprouted guard towers and razor wire.

Mr. Speaker, the article follows. I recommend it to my colleagues.

[From the New Yorker, Apr. 13, 1992]

NOTES AND COMMENT

Traditionally, vast prison systems have adorned tyrannies. Revolutions, of course, have spawned gulags of their own, but the great democratic upheavals around the globe during the past two or three years have, to their credit, not done so. In the former Soviet Union, in Eastern Europe, even in South Africa—where democracy got a boost last month when two-thirds of the country's white voters endorsed negotiations leading to a new constitution—incarceration rates have declined sharply following profound political change. For a startling number of people, the expansion of liberty in these lands seems to have been a matter of actual prison doors swinging open. To some, it has meant the difference between life and death: the South African government announced two weeks ago that, as a concession to its negotiating partners, it was suspending executions indefinitely.

Here in the United States, meanwhile, executions are taking place at a constantly increasing pace, and a recent report by a Washington group called the Sentencing Project shows that, with more than a million people now imprisoned, we have become the unchallenged world leader in incarceration rates. We passed South Africa and the Soviet Union, the previous leaders, sometime in the nineteen-eighties—a decade during which the number of inmates in the United States doubled—and we are now so far ahead of every other nation that in this category, at least, we can rest assured of remaining No. 1 for many years. It is as if the City Upon a Hill, once envisioned by the Puritans as a shining beacon to the rest of the world, had sprouted guard towers and razor wire. In an era of crippling deficits, we are spending more than twenty billion dollars a year to lock people up. Moreover, this figure is expected to continue to rise swiftly; prison officials estimate that by 1995 the number of inmates will increase by another thirty percent—by another three hundred and thirty thousand prisoners.

The primary cause of the dizzying increase in our prison population has been our government's ill-named "war on drugs." In 1980, according to the Sentencing Project, there were four hundred and seventy-one thousand drug arrests nationwide; in 1989, there were a million two hundred and forty-seven thousand. Over half the inmates in the federal prison system today are drug offenders; the figure is expected to be nearly seventy per cent by 1995. The practice known as mandatory sentencing is largely responsible for this lopsided prison population. Congress has passed sixty mandatory-sentencing statutes: four of them have accounted for ninety-four per cent of the mandatory sentences imposed; and over ninety per cent of those sentences have been imposed for drug offenses. Under the doctrine of mandatory sentencing, which sets heavy minimum prison sentences except in cases where those convicted provide useful information to the authorities, nonviolent first offenders often end up serving more time than prisoners with long criminal records, who typically have more information to trade. In addition, violent offenders gain early release from overcrowded prisons to make room for those sentenced to mandatory minimums. The average sentence served for murder today is six and a half years; for possession of seven hundred marijuana plants the federal mandatory minimum is eight years, with no possibility of parole.

Mandatory minimum sentences are opposed by the twelve Federal Judicial Conferences and by many major national legal organizations, including the American Bar Association, the United States Sentencing Commission, and the Federal Courts Study Committee. And yet Congress has declined to repeal a single mandatory-sentencing law. On the contrary, legislators constantly propose more such laws, and the Bush Administration also subscribes to this approach. In January, Attorney General William Barr told a meeting of California district attorneys, "The choice is clear. More prison space or more crime." But the truth is that increased incarceration rates have been found to have only a negligible effect on crime rates. Recognizing this fact, the Conservative Government in Great Britain last year adopted new sentencing laws whose aim is to reduce that country's prison population by as much as fifty per cent by 1995.

One waits in vain for the current Presidential-campaign debate to take up the question of seemingly endless prison expansion. It is as if the institutional momentum and the presumed popularity of our government's war on drugs had made the war impervious to rational policy argument. The Drug Enforcement Administration, seeking to justify its own exorbitant growth by increasing its arrest totals, runs sting operations designed to lure amateur chemists into producing illegal drugs. Federal agents, aware that mandatory sentences skyrocket when drug sales take place within a thousand feet of a school, arrange drug deals near schools. And many state and local officials, taking their cues from the federal authorities, are also enthusiastic drug warriors, particularly since the passage, beginning in 1978, of federal laws that make seizure of the assets of accused drug traffickers a highly profitable enterprise. Some state mandatory sentences are truly breathtaking; in Michigan, for instance, conviction for possession of less than a pound and a half of cocaine results, even for a nonviolent first offender, is a mandatory sentence of life without parole. So it's hardly surprising that state prisons are jammed to the rafters with drug offenders. In Florida, prison admissions for drug crimes rose by more than eighteen hundred per cent between 1980 and 1989. Here in New York, the number of drug offenders in state prisons rose by seven hundred per cent during the same period, with ninety per cent of those convicted in recent years serving mandatory sentences.

What kind of society are we hoping to create by this policy of wholesale incarceration? What will these millions of people, most of them unskilled, uneducated, and brutalized by imprisonment, be prepared to do when they emerge after ten or fifteen or twenty years? There is no evidence that the government's war on drugs is reducing drug use of drug trafficking in the poor black communities where both activities are so concentrated. And there is evidence that alternatives to imprisonment—"intermediate sanctions," which include fines, sentences to community service, and various levels of probation and restriction—are at least as effective as imprisonment in reducing crime. They are also far cheaper. But is reducing crime in fact our current policy's goal? Or is the goal simply to placate, however cynically, the public's anger and fear? Crime rates have increased lately in South Africa, Eastern Europe, and the former Soviet Union, yet prison expansion has not been part of the official response in any of those places. Perhaps that is because they are societies with fresh memories of how little prisons really accomplish.

BUSH CAN STILL GO TO RIO WITH EPA "SECRETARY" REILLY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. HORTON. Mr. Speaker, when President Bush joins with 90 other world leaders at the Earth summit in Rio de Janeiro, he will sign 3 international environmental agreements unprecedented in real and symbolic value to the planet. Providing a blueprint for future environmental goals, policies and actions, the accords will mark a renewed commitment by the United States and the world to tackling the complex threats to the global environment.

At the President's side in Rio will be Environmental Protection Agency Administrator William Reilly. The highest ranking American environment official, Administrator Reilly is charged with overseeing the Federal programs needed to implement the policies and provisions contained in the historical agreements.

But Bill Reilly will be at a distinct disadvantage at the Earth summit and at subsequent negotiating sessions where he will be called upon to represent the United States. Seated around him at the conference and at future discussions will be the ministers of the environment from the nations of Germany, Japan, Canada, Poland, the United Kingdom, Czechoslovakia, Bulgaria, Mexico, India, Luxembourg, and more than a dozen other countries, both large and small, both developed and economically struggling. The United States will not send its environmental minister or its secretary of the environment, for the United States does not have an environment official with ministerial or Cabinet-level status. It is the one world power that does not.

The United States, the country that purports to lead the world in environmental protection, cleanup, and research, brings up the rear when it comes to status, rank, and clout provided to its top environmental official. In fact, by sending a representative without such authority and clout, the United States appears to be less serious about its commitment than is in fact the case.

I know that President Bush is serious about elevating the Government's top environmental agency. He supports a law that raises EPA to departmental status with a Secretary at its head. He recognizes how important it is for environmental problems to be debated and considered at the highest level of our Government. But he needs Congress to pass legislation to facilitate EPA's elevation.

I was with George Bush at the White House when he became the first sitting President to endorse elevating EPA to the U.S. Department of the Environment with full Cabinet status. He met with congressional leaders who applauded his endorsement and who agreed to act quickly to grant Cabinet status to EPA. In fact, there was an agreement to elevate EPA in time for the 20th anniversary of Earth Day, April 1990. Nearly 2½ years later, we are still without a Department of the Environment.

I know, too, that Senators JOHN GLENN and BILL ROTH are serious. They carefully crafted legislation to elevate EPA and skillfully gained Senate approval of the measure last September. The bill, S. 533, also establishes a new Bureau of Environmental Statistics, contains new contractor and conflict-of-interest provisions, and establishes a Commission on Improving Environmental Protection to provide comprehensive guidance on environmental issues. President Bush endorsed the bill.

I know that this Nation's environmental community is serious. The Sierra Club, the National Wildlife Federation, the Environmental Defense Fund, the Natural Resources Defense Council, and the World Wildlife Fund, have all called for immediate action to elevate EPA to Cabinet status. The Executive Director of the Natural Resources Defense Council may have said it best, stating, "We can only demonstrate world leadership by joining other nations in creating a Cabinet-level department that both tackles our domestic environmental problems and gives visionary leadership to global environmental problems."

Why has progress stalled on this important legislative effort? The excuses are many. Some legislators see an EPA Cabinet bill as an opportunity to champion a myriad of environmental reforms and initiatives. These reforms may have merit, but insisting on them in a bill to elevate EPA jeopardizes the realization of a strong and vital Department of the Environment. Other legislators simply do not want a Cabinet-level Department of the Environment to exist. While respecting their views, they are clearly in the minority and should not be allowed to block enactment of Cabinet legislation.

There are still others who are afraid that elevating EPA in an election year will provide President Bush political advantages. These Members would rather send Administrator Reilly into international negotiations as a second class citizen, than risk losing points in this year's high stakes political chess game. You would think that 30 years in Congress would have cured me of idealism, but I cannot help but think that this is an issue where election-year politics could be put aside, where all parties and certainly the public would benefit. There is room at the Cabinet table for EPA, there is no room for political haggling when it comes to the global environment.

In fact, it is still not too late to have President Bush accompanied by his Secretary of the Environment at the Earth summit in Rio de Janeiro. The Senate-passed measure still sits at the desk in the House of Representatives. The House leadership has the power to take the bill from the desk, amend it to exclude extraneous provisions, and put it to a vote. It would be supported by the American public, the environmental community, the House, and the Senate. The President has indicated he would sign the measure. It could be accomplished in a matter of hours.

It is time for Congress to get serious. It is time for the House to pass a bill that elevates EPA to Cabinet status without provisions that will poison the effort. In endorsing the immediate elevation of EPA to Cabinet status, Mike McCloskey of the Sierra Club declared last year, "It is a question of power, weight, and importance. The environment should get its due." I could not agree more.

EXCEPTIONAL POLICE OFFICER RECOGNIZED

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, today I rise to pay tribute to Chief Inspector Joseph L. Monteith of the Suffolk County Police Department. Chief Monteith has served the people of Suffolk County both as an outstanding police officer for over 31 years and a dedicated member of the community.

Mr. Monteith began his career in the police department as a patrolman in June 1961. While working in the third, fifth, and sixth precincts, Chief Monteith has served in all three of the department's divisions in both subordinate and supervisory positions. Having worked in the juvenile aid bureau, district attorney's office, and criminal intelligence squad as well as serving as executive officer of the narcotics section and the third precinct and commanding officer of the personnel section and the sixth precinct, Mr. Monteith was well prepared for his 1984 promotion to assistant chief.

After holding the office of executive officer of both the patrol and detective divisions Mr. Monteith was promoted in 1988 to chief of patrol. The following year he was once again promoted, this time to his present position of chief inspector where he capably supervises the day to day operation of the patrol, detective and headquarters divisions.

In addition to his outstanding contribution as a police officer, Chief Monteith has been active in both professional and community organizations. Over the years Chief Monteith has held the office of president for the New York State—Eastern Canadian Chapter of the FBI National Academy, Suffolk County Police Association, and the Suffolk County Police Holy Name Society, in addition to his official duties as chief inspector. Presently he serves as a member of the national executive board of the FBI National Academy Associates, the board of directors of Madonna Heights Children's Service, the community advisory board of Brookhaven Memorial Hospital, and the Patchogue Council No. 725 of the Knights of Columbus.

On June 13, the Knights of Columbus of Patchogue will honor Chief Monteith at their annual grand ball. Chief Monteith very much deserves both recognition and praise for his outstanding service and achievements. I would like to congratulate Chief Monteith for being selected for this honor. I salute him for all of his accomplishments, and express my appreciation and the appreciation of my constituents for his service and dedication. I send my best to Chief Monteith and his family and wish them good health and happiness. I am very proud to represent Chief Monteith in Congress.

TRIBUTE TO WBBW'S WHO'S WHO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to six members of the Mahoning Valley who are to be recognized for the contributions they have made to their communities. These individuals, recently selected to WBBW's Who's Who of Youngstown, have been active participating members in their neighborhoods helping to foster better understanding and education.

Mrs. Arletha Coleman of Youngstown is an active member of Zionhill Baptist Church, where she has been a member for 45 years. A recovering cancer patient, she is a member of the American Cancer Society. A mother of eight children, she volunteers by assisting area senior citizens by providing transportation, food, and other services. She was married to the late James Coleman of Youngstown.

Mr. Alber Kirksey is a former staff sergeant in the U.S. Army. He has the distinction of being the first African-American to attend the Bush School of Auctioneering in Mason, IA and became the first African-American auctioneer in Ohio. He was married to the late

Margaret Dee and is the father of two girls. Mr. Kirksey organized the now 10-year-old Senior Citizens of the Year Award program. In spite of poor health, he provides financial assistance to some area high school students who would not be able to attend college and provides meals and holiday baskets to seniors during the holidays. He opened Alliance Used Furniture and Appliance Store in 1960.

Mr. James Southerland is the father of five children and the husband of the former Kathryn Jones. He is an active member of Mount Zion Baptist Church, and an active member of both the NAACP and the Urban League. He has been an active member of local labor organizations since 1945 including the laborers' International Local, the AFL–CIO, the Building Trades Council, and the Ohio Laborers' District Council.

Rev. David Stone has been an active member of the Youngstown community for a number of years. He is the director of the Kimmelbrook and Kirwin Neighborhood Ministries and is an active member of the Mahoning Valley Association of Churches. He was instrumental in the start of the Interfaith Home Maintenance program and the Memorial Society of Greater Youngstown. He is involved with the Cambell Community Corp. and the In-State Mission Committee of Ohio Baptist Churches. He is the father of two sons and has been married to his wife, Darlene, for 31 years.

Det. St. Saundra Bell of the Youngstown Police Department will receive a special award for her community involvement. She is an integral part of the local crime prevention and blockwatch programs and the DARE program operating in the city schools. She is a 20-year member of the McGuffey Road Church of Christ. She is married to Jimmie Bell III and the mother of two children.

Cecil Monroe of Youngstown has been an active part of the community for a number of years. He is the founder of SONG, [Support Our Next Generation]. That group's function and goal is to provide a number of positive activities and events for the youth in the inner city to become involved in. Cecil is also a member of the First Presbyterian Church in Youngstown and is married to the former Jean Cotton. They have 6 children.

Mr. Speaker, nothing gives me more pleasure than to stand here today to commend and congratulate these fine individuals for the work they do. I wish that I could do this more often, but truthfully, these individuals are very rare indeed.

STATEHOOD FOR DISTRICT OF COLUMBIA: BY STATUTE OR CONSTITUTIONAL AMENDMENT?

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1992

Mr. VENTO. Mr. Speaker, Prof. Adam Kurland of the Howard University Law School in Washington, DC, has recently written a very scholarly and provocative article which appears in the January 1992 issue of the George Washington Law Review.

The fundamental political question of whether the District of Columbia should become a sovereign State is being scrutinized from differing partisan points of view. While District of Columbia residents carry the same burdens of citizenship as other Americans, they have no representation in the Senate and one nonvoting Delegate in the House of Representatives. Furthermore, District residents currently pay approximately $1.28 billion annually to the Federal Treasury, which is more Federal taxes than the residents of eight States pay today.

Democrats may relish while Republicans cringe at the prospect of two new Democratic Senators should the District become the 51st State. As Professor Kurland notes:

> The polar rhetorical views can be summed up by the Reverend Jesse Jackson on the Left and President George Bush on the Right. The Reverend Jackson claims not only that statehood for the District of Columbia "is the number one social justice" issue facing America today, but that it also "is a cause for global concern and action." Less flamboyantly, but no less clearly, President Bush has trumpeted the tautological line that the District is a "federal city" and therefore was never meant to be a State.

Aside from the partisan political debate of whether the District of Columbia should, in fact, be granted statehood, Professor Kurland provides a valuable contribution to the debate about how statehood should be achieved. More precisely, Professor Kurland carefully examines the question of whether the District can achieve statehood by statute or whether a constitutional amendment is necessary and what the constitutional implications are of these two different approaches toward achieving statehood.

Professor Kurland examines the history and language of the 23d amendment, ratified in 1961, which provided the District of Columbia with electoral representation in Presidential elections. He also examines the language of the proposed statute to create the State of New Columbia. He observes that "statehood advocates have proposed that the constitutionally required 'seat of government of the United States' be reduced in size to the 'National Capital Service Area,' and that the remaining area, which currently comprises the balance of the District become, the State of New Columbia."

In his extensively footnoted article, Professor Kurland suggests that a statutory approach divorced from an historical understanding of the 23d amendment could result in the anomaly "that a handful of citizens—the residents of the White House, the homeless, perhaps some military personnel, and the few residences that may remain in the National Capital Service Area—would control three electoral votes." While this potential problem, which Professor Kurland calls "politically irresponsible," could likely be avoided by repealing the 23d amendment, such an action may well result in the disenfranchisement of the citizens of the District of Columbia during a period of time when proponents of statehood via a constitutional amendment were seeking support nationwide from legislatures that were not favorably inclined to give their approval to a constitutional amendment for statehood.

Professor Kurland also examines the question of whether the 23d amendment is, in fact, self-executing—that is, effective without additional enabling legislation—or whether supplementary legislation is necessary to achieve the constitutional intent and means of providing representation to the District. Proponents of the viewpoint that the amendment is not self-executing point to the historical fact that there was 6-month gap between the time the 23d amendment was ratified and the time Congress finally enacted the enabling legislation, thus demonstrating that the rights contained in the 23d amendment are not self-executing but are, in fact, dependent on congressional legislation. Conversely, Professor Kurland observes that this position also suggests that such rights may be extinguished by legislation. These are important questions of constitutional law with ramifications which may go well beyond the issue of how statehood is achieved for the District of Columbia.

As Professor Kurland observes, "The District of Columbia is a unique constitutional creature." It is an open question as to how statehood may be achieved and at what cost to other constitutional principles. Professor Kurland, however, comes down forcefully on the side that contends "Any proposed statehood legislation should be made contingent on the repeal of the 23d amendment" and that such a solution "is politically responsible and constitutionally correct."

Professor Kurland's article presents an extensive and important contribution to the continuing debate about statehood for the District of Columbia and I commend it to my colleagues who may be interested in this timely issue.

The political reality that is created by the circumstances articulated in this study is of concern. The 23d amendment treated as enfranchising people in the District of Columbia could, under the careful scholarship of Professor Kurland, act as a permanent barrier to legislative action by Congress to grant full voting representation to the people of the District of Columbia thereby necessitating a full court press for the more difficult enactment of a constitutional amendment; threshold not required of other territories or States to achieve equity in our Federal system.

SENATE—*Wednesday, June 10, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us remember in silence with gratitude the recovery of Senator HELMS. And let us pray for officer Tom Volario, who today will have a quadruple bypass.

* * * *he that is greatest among you shall be your servant.*—Matthew 23.11.

Gracious God our Father, we never cease to be grateful for the many dedicated servants without whom the Senate could not function. Thank You for office and committee staffs, for the officers of the Senate and their staffs, for those who record and maintain records, for the pages and the interns, for those who prepare and serve food, for those who maintain buildings and grounds, for uniformed officers and plain clothesmen, for those who maintain order at the doors and on the floor.

Thank You, Father, for the dedication and high morale of these faithful men and women. We ask Your blessing upon each of them and their loved ones. For those who may be ill or experiencing some kind of difficulty, we pray for Your gracious intervention in their lives, that whatever their need, it will be met, and that they will be recipients of Your abundant love and grace. Thank You, Father, for these committed, conscientious servants who make it possible for the Senators to fulfill their responsibilities as the servants of the people in their States.

We pray this in the name of the Servant of servants. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Senators should note the first hour will be equally divided and controlled between the Senator from South Carolina [Mr. THURMOND] and the Senator from Illinois [Mr. SIMON].

The Senator from Vermont is recognized.

THE ENVIRONMENT

Mr. JEFFORDS. Mr. President, when I asked the distinguished minority leader to reserve 20 minutes on my behalf to speak this morning, I was unaware of the events that were to transpire over the past few days with respect to the environment. I had originally intended to focus on only one subject, a national deposit law, but I would like to expand my remarks to discuss the environment in broader terms and also to expand on my remarks of March 21.

This Congress will soon come to an end. There is not a great deal of time left, yet much remains to be done. A great deal has been said about whether or not the President has been an environmental President. But, by no means can we claim to be an environmental Congress. For example, much has been said about lead poisoning, about global warming, about recycling, yet no concrete proposals have been passed. As I mentioned in March, there has been a lead bill on the calender for nearly a year, yet it has not been brought to the floor. How many more children will be lead poisoned while the country waits for action?

What about the issue of global warming. One of the main goals of the Rio Conference was to address the potential for global climate change. In the game partisan politics, a lot of fingers are going to be pointed at the President as the one to blame. But, let's fess up here. In this body, it seems every call for action on global warming is met with global whining. Before any of us criticize another for inaction, let us act.

I do not know beyond any shadow of doubt whether or not global warming will or will not occur. No one does. Our knowledge of the planet is too limited to know for sure. But, neither do I know how much exposure to a carcinogen it takes to cause cancer nor do my colleagues, yet I try to limit my exposure to these substances as I am sure many of my colleagues do as well.

In addition, we did not know whether or not the former Government of the Soviet Union would attack the United States, yet we spent billions and billions of dollars on weapons to insure that they would not. In the process, many Americans from the scientists involved in making the bomb to the Utah downwinders were exposed to lethal doses of radiation, and large parts of this country were contaminated. We spent billions of taxpayer dollars that we did not have on a strategy of mutually assured destruction. Given the shape of the Russian economy and the size of our deficit, I would suggest that this strategy lived up to its name.

The point is that we have acted to protect our constituents, even when the risks were only possibilities. What is so different about global warming? Why do the opponents counter our concerns about global warming with their global whining? I think the answer is probably human nature, taking the path of least resistance, and to some extent, self-interest.

I noted in remarks made upon introduction of a bill to reauthorize the Clean Water Act, S. 1081, some of the beliefs of those involved in environmental protection 100 years ago. Then, scientists involved in water and waste water treatment faced debates not unlike our own on global warming. For example, in one paper from 1882, a chemist was talking about the presence of germs in sewage, that germs can cause disease, and that their profession needed to protect people from such germs.

To these remarks, another professional strongly disagreed saying, "No such thing as a typhoid germ had been discovered. One could no more analyze a water for a germ of typhoid, that one could analyze the brain for an idea. Not only, however, did the author speak of germs as though they were tangible, but he had fixed the conditions of the life of a thing the very existence of which had never been proven." Ten

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

years later, in the decade of the 1890's, 1 in every 35 people in the United States contracted typhoid. Then, the importance of waste water treatment and water treatment and those germs became apparant. Then, action was taken.

Do we have to adopt a "no pain, no gain" response to our environmental problems? Must there be widespread pain and suffering for us to act? What are we waiting for? Well, opponents of action will say it's too expensive to act, it is a Third World plot against us, and so on and so on. But, it is not too expensive. There are many, many ways we could begin to address global warming. And, none of these initiatives are that complex or that expensive.

Earlier this year, I offered an amendment to help solve three of the problems facing this country: our energy dependence, our imbalance of trade, and our increasing emissions of greenhouse gases. This amendment would have begun the replacement of foreign energy sources with domestic alternatives. My opponents went on about how it would raise energy costs to $200 a barrel. What was the real cost, about 2 cents a gallon. The cost of gasoline goes up more than that anytime anyone sneezes in the Middle East. And a lot worse than sneezing can easily happen at anytime in the Middle East. What happens to energy prices when more people get the bomb?

Soon, we will debate two issues: the balanced budget amendment and the energy bill. In the former issue, I predict great speeches about our need for fiscal responsibility, and about how we can take charge and control the deficit without the need for this amendment. Then, when the energy bill comes up, I predict the proposal of more tax subsidies, further decreasing our revenues behind the guise of energy independence. The net result is we will get deeper in debt and more dependent on foreign oil.

Why are we so afraid of making a direct statement and saying that the President shall take whatever action is necessary to ensure that our country is never more dependent on foreign energy sources than on domestic energy sources. Period. No subsidies, no fancy tax loopholes, just a firm statement of our support for energy independence. Just something Americans can actually point to with pride and say, "yes, my Government does care about the future of my family."

It was my original intent today to discuss a national bottle bill. A national deposit law is yet another low cost means to solve a number of problems while putting Americans to work. It would reduce greenhouse gas emissions, it would reduce our need for new landfills, it would foster and support state and local recycling programs. It is a commonsense, proven proposal that 70 percent of Americans support. I urge my colleagues to look beyond the special interests and into the facts.

Let me add for the benefit of the younger staff members, that a national deposit law is not some complex, draconian recycling proposal. Your parents used to do this all the time, and I doubt if you ask your parents or your older colleagues that any of these individuals will tell you that this proposal caused any hardship.

So what is a bottle bill? It is merely a national program to place a refundable, and let me stress refundable, deposit on beverage containers. When a consumer buys a soft drink or a beer, the consumer would pay 10 cents per container. Then, when the consumer returns the container, the consumer gets all of his or her money back. In States which have a bottle bill, over 90 percent recovery of the containers have been achieved. That is quite an impressive recycling record.

Which States would this proposal be applicable to? States which do not achieve a 70-percent recovery rate for beverage containers within 3 years. But, as a compromise, if a State reaches a 60-percent recovery rate within 3 years, these States would have an additional 2 years to meet the goal.

The proposal is very flexible in this regard. Any State may opt out by using any method they want to reach the 70-percent goal. You will hear lots of rhetoric about curbside programs. Nothing in this proposal interferes with curbside recycling in any way. Let me make that clear. Whoever tells you that this bill interferes with curbside recycling is either misinformed or lying. If a State can achieve the 70-percent goal, a State need do nothing more. We are not asking for 90 percent or even 80 percent which nearly every bottle bill State has achieved. We are cutting States some slack. We are being flexible.

Now, you may ask, why all the fuss over beverage containers? It is simple, this country uses over 120 billion, yes that is right, 120 billion with a "b" beverage containers every year. Most of these go right into the trash and from there to the landfill or incinerator. This is criminal. We have the power to put an end to this terrible waste, and we should.

Deposit legislation improves recycling efficiency. Industry has bragged about how well they are doing overall with beverage container recycling. They are doing so well because of the bottle bill States. Let us compare numbers. On average, 80 percent of cans get recycled in deposit States; only 48 percent in nondeposit States. Forty percent of glass gets recycled in deposit States; only 4 percent in nondeposit States. Here is an even more impressive number: 67 percent of plastic gets recycled in deposit States; only 6 percent gets recycled in nondeposit States. The 10 deposit States account for over 45 percent of all recycling.

The bottle bill complements curbside recycling efforts. This is one I expect we will debate a bit when the bill comes to the floor. In the 1970's, bottlers said deposit laws cost jobs. We have proven that false. In the 1980's, they said deposit laws were unsanitary. We have proven that false. Now they say it hurts curbside programs. Well, Seattle found that to be false. Deposit legislation would have saved Seattle between $240,000 and $632,000.

Cincinnati found that a deposit law combined with their curbside recycling program would lower the cost of the recycling program from $94 a ton to $73 a ton and result in an additional 6,000-ton reduction in solid waste volume every year.

The General Accounting Office even concluded that deposit legislation was compatible with curbside programs. Last, California found deposit legislation entirely compatible with curbside programs and concluded: "* * * the positive effect of the beverage container recycling program on curbside recycling was evident by the average overall 37-percent increase in volume of aluminum recycled and a 224-percent increase in revenue." Nine of ten States with deposit legislation have curbside programs. How many times do we have to show that deposit legislation is not incompatible with curbside and in fact improves upon curbside programs?

Deposit legislation reduces litter. In Michigan, two studies found that beverage container roadside litter dropped 85 percent. And litter is more than unsightly. In Massachusetts, glass related injuries to children dropped 60 percent. This amendment will protect children. Concerned about farmers? Beverage containers are estimated to cause losses of over $2 billion annually to farmers. This hazardous litter injures farm animals and machinery.

Deposit legislation reduces pollution and saves energy. A national deposit law would reduce beverage container waste by 83 percent by weight, and keep an addition 4.7 million tons of beverage containers out of landfills and incinerators. The energy saved by recycling would be equal to 23 million barrels of oil a year.

Deposit legislation reduces costs to government. This is one I really like. The New York Beer Wholesalers projected that the State would save $50 million in litter pickup costs and $19 million in solid waste disposal costs. A similar study in Michigan showed savings of $18 million in solid waste management costs. Bottlers have convinced some recycling programs that deposit legislation would be bad for their program because it would remove some cans from the program. The recycling programs would thus lose the value of the metal. What they neglect to say is that not everyone will take their cans back, some will still show up in curbside, only now those cans will be worth a dime, not a fraction of a penny. Furthermore, recycling collection costs will drop because high volume plastics will be removed from the waste stream.

Deposit legislation creates jobs. The facts are clear. California's program created 3,411 new jobs. Oregon's employment increased by 365 jobs. GAO estimates that Michigan created about 5,000 new jobs. Maine gained 626 jobs, while my State created about 400 jobs. Last, New York created about 4,000 new jobs.

Now the bottlers will say deposit laws cost jobs, in glass, for instance. The decline in glass jobs, however, has been due to the rise in aluminum use, not deposit legislation. Furthermore, in my State and others we have seen an increase in the use of refillable glass bottles. No wonder aluminum does not like deposit laws.

In addition, the unclaimed deposits will go to finance environmental activities in the States. That could be millions and millions of dollars for the environment and recycling programs. I wonder if the bottlers are telling this to recycling coordinators.

Bottlers try to portray this as forced deposits, with a heavy emphasis on forced. No one is required to forfeit 10 cents, all they have to do is take back the container. What is so heavy-handed about that?

Finally, I expect to hear that State legislatures have not enacted this law why should we. GAO found that 70 percent of Americans support deposit legislation. Perhaps we should ask the question of why are not legislators being more responsive to their constituents. I heard that the bottlers have contributed about $4 million in campaign contributions. In votes on deposit legislation, I have found that bottlers outspent citizens by over seven to one. For seven times the money, no wonder big money wins.

Let me read a list of names of the groups that support deposit legislation:

> The National Association of Counties, the National League of Cities, The American Medical Association, the Natural Resources Defense Council, the Sierra Club, National Audubon Society, National Wildlife Federation, Wilderness Society, Defenders of Wildlife, American Council on the Environment, Greenpeace, Izaak Walton League of the America, National Grange, American Fisheries Society, American Hiking Society, National Parks and Conservation Association, Fossil Fuels Action, Scenic America, Rails to Trails, Wildlife Society, League of American Wheelmen, U.S. PIRG, Evangelicals for Social Action, Garden Club of America, Trout Unlimited, Environmental Action, Public Citizen, Friends of the Earth, Americans for Democratic Action, and the League of Women Voters of the United States.

Basically on the other side, you have beer and soft drinks. Do we respond to 70 percent of Americans with a proposal with a proven track record, or not?

That is what this amendment is about—it's about showing Americans we stand for them, not for political action committees.

This amendment is a compromise. If a state can achieve a 70-percent recovery rate by any other mechanism, they are free to use that mechanism. Also, if on the effective date, a State has only reached a 60-percent recovery, they get an additional 2 years to try to improve their program to the level of the lowest deposit State, 70 percent.

If we are serious about recycling, this is my colleagues' opportunity to go on record for recycling. If we can't do this; if we can't do what 70 percent of Americans want, what can we do?

Now what does this have to do with global warming? Recycling saves energy. A national deposit law would reduce fossil fuel use by millions and millions of barrels a year. Those Third World countries that some accuse of being in a plot against us somehow can afford to return their bottles. If you've been to those countries, you see people carrying their old bottles back. Yet somehow, some in industry will argue that we cannot afford a national deposit law.

Have we become so rich we cannot afford to do what countries much poorer than us somehow afford? No wonder other countries are frustrated by our lack of effort to reduce the risk of global warming.

I also like the way that no matter what the issue whether it be greenhouse gases or recycling, industry points to a particular product and says, "We're only 2 percent of the problem, et cetera, et cetera." Well we have to start somewhere or we get nowhere. We can reduce solid waste by 5 to 8 percent with this amendment. Also, in language the bottlers will understand, "a little sign here, a little sign there, and pretty soon everyone is drinking Budweiser."

In the very near future, I anticipate that this measure that would spur recycling and help prevent global warming will come before the Senate. I urge my colleagues and their staffs to learn the facts about a national bottle bill. I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

BALANCED BUDGET AMENDMENT

Mr. GRASSLEY. Mr. President, I am pleased today to join my colleagues in calling for the adoption of a balanced budget amendment to the Constitution. If we are ever to get our fiscal house in order, it is necessary to pass such an amendment. Statutory means have not worked, and I do not believe they will work. With each attempt that we have made to control the deficit, it has only increased. Only the requirement of a constitutional amendment will force Congress to enact a balanced budget.

As an Iowan from Council Bluffs recently wrote to me:

> We simply cannot continue to spend $4 for every $3 of income which thereby increases the national debt by $365 to $400 billion per year. Our children and our grandchildren simply cannot expect to be able to shoulder such debt in the future.

That is what my constituents generally believe, and I thank that person from Council Bluffs for expressing that view to me.

Without a balanced budget amendment, our children and grandchildren will pay for this generation's chronic inability to live within its means. In the absence of an amendment, the standard of living of future generations will likely decline. The fears of many Americans that the next generation will not live as well as this one are in many respects traceable to decades of fiscal irresponsibility on the part of the Congress.

This constitutional amendment is in the long-term interests of the United States. We need only look at who opposes it to prove its value. All those groups that want short-term special interest privileges from the Federal Government oppose this amendment.

This amendment represents a challenge to that whole school of thought and, instead, restores the vision of the Framers to secure the blessings of liberty to ourselves and our posterity. Indeed, unless we can restore financial soundness to our budgetary affairs, in time we will become unable to achieve any national fiscal goals.

The opponents of this amendment think that all political wisdom originates here on Capitol Hill and disappears without a trace outside the beltway. They know that overwhelming numbers of Americans want this amendment, and they know if we can kill it here the people will never get the chance to ratify it in their respective State legislatures. We should not be afraid of the people. We should pass this amendment and give the people the chance to ratify it. Once again, they have shown more wisdom than we here in Washington have in the past.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator THURMOND.

Mr. THURMOND. Mr. President, the House of Representatives is scheduled to begin consideration today of a proposed constitutional amendment mandating a balanced Federal budget.

It is highly appropriate for the Congress to consider this measure and send it to the States for ratification. The American people have become hostage to the spending habits of a Congress which must be controlled.

As of June 1, 1992, the Federal debt reached $3.9 trillion and the deficit is projected to grow this year to $399 billion. These numbers are particularly compelling when I recall that there was a $3.9 billion surplus during my second year in the Senate in 1956. In the past 30 years, I have supported and sponsored a balanced budget amendment to force the Congress to follow a commonsense rule of fiscal responsibility.

Mr. President, the essence of the proposed constitutional amendments in the House and Senate requires that Federal outlays not exceed receipts during any fiscal year. Also, the Congress would be allowed by a three-fifths vote to adopt a specific level of deficit spending. Further, the Congress could waive the amendment when the United States is engaged in military conflict threatening our national security. An additional important provision of this proposal requires approval under a rollcall vote by a majority of both Houses before any bill to increase revenue becomes law.

Federal spending continues to eclipse receipts of the Government and this will only exacerbate the deficit problem. According to the Office of Management and Budget, the Federal Government spends $3 for every $2 it receives. In the past, Congress has agreed to well-intentioned plans to reduce the deficit. However, these legislative proposals have been revised and delayed, thus depriving the American people of a true balanced budget. A balanced budget amendment as part of the Constitution will mandate the Congress to adhere to a responsible fiscal policy.

There are some who oppose a balanced budget amendment suggesting that congressional restraint in spending is the proper course to reduce the deficit. I agree that it is a proper course, but it has proven to be a course which the Congress has refused to follow. Despite innovative legislating, Congress has not shown fidelity to any self-imposed restraint or discipline when it comes to spending the dollars of the American taxpayer.

Mr. President, fortunately the millions and millions of Americans who demand that Congress get its fiscal house in order are now being heard. The American people understand that today's deficits will force an incredible tax burden on future generations. The insatiable appetite of congressional spending is mortgaging the future of generations yet unborn. This is a terrible injustice we are imposing on America's future and it has been appropriately referred to as fiscal child abuse.

It is time the Congress show accountability for appropriating the hard-earned dollars of the American taxpayer. It is time we show fiscal discipline and adopt a balanced budget amendment.

Mr. President, I am pleased that the House of Representatives begins debate on a balanced budget amendment today. Supporters in the House and Senate share an unyielding commitment to restoring sanity to a spending process which is out of control and hurling our Nation headlong toward economic disaster.

It is my hope that the House will quickly adopt this proposal so the Senate may act and send a balanced budget amendment to the States for ratification. it is incumbent upon this Congress to reverse the fiscal course of the Federal Government, and I firmly believe that a constitutional amendment is the best way to do it. I urge my colleagues to support this amendment when it comes before the Senate.

Mr. President, I ask unanimous consent that a copy of a letter from President Bush to the House minority leader, BOB MICHEL, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, June 9, 1992.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, DC.

DEAR BOB: Three years ago, in my first address to the Congress as President, I urged adoption of a balanced budget amendment to the Constitution. This is an amendment that many have sought for a long time. It is not radical. It rests on common sense. It would bring to the Federal Government the fiscal discipline that forty-four States have applied to themselves. Now, at last, there is a realistic opportunity to move this needed proposal forward.

The House will vote on the balanced budget constitutional amendment this week. This vote will bear directly on the quality of Americans' lives for generations to come.

I strongly support the Barton-Tauzin amendment. This amendment would prevent the debt limit or taxes from being raised without the consent of three-fifths of both Houses of Congress. If the Barton amendment fails to gain a two-thirds majority, I will also support the Stenholm-Smith-Carper-Snowe amendment. The Stenholm amendment requires that three-fifths of both Houses of Congress must vote to approve any increase in the limit on the Federal debt held by the public.

The issue of overriding importance is whether we can secure a balanced budget constitutional amendment. This issue is not partisan, it is moral. What is at stake is the future economic security of the American people.

Throughout the history of this great Nation, amendments to the Constitution have been adopted when needed to protect fundamental rights that ordinary political processes may not adequately respect. The Bill of Rights is the earliest and best-known example. A balanced budget constitutional amendment is both necessary and appropriate to protect the interests of a group of Americans who are not yet able to represent themselves: the citizens of future generations.

I urge the Congress to adopt promptly a balance budget constitutional amendment.

Sincerely,

GEORGE BUSH.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President, I thank Senator THURMOND for his leadership in this area which has been for so long. I am very grateful to him.

Mr. President, I understand 30 minutes is under the control of this side and 30 minutes under the control of the other side.

I yield 5 minutes to the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. President, I rise today to support my colleagues in support of a proposed constitutional amendment which would require the Federal Government to operate under a balanced budget. This is the fourth time I have spoken on behalf of this proposed amendment, but I do so again in support of my colleague and friend Senator PAUL SIMON because of my sincere belief in the goal which both he and I are seeking—fiscal sanity with regard to the Federal budget.

A great deal is being said during this election year about whether or not Washington is responsive to the will of the people or whether it has become so ensnarled by special interests that it can no longer legislate on behalf of the well-being of the entire Nation.

The gravity of the current situation can clearly be seen by looking at the enormous deficits that we have been running over the last two decades and which, alarmingly, show absolutely no sign of abating. Quite simply put—how much longer can we continue to run hundred-billion-dollar deficits without causing this Nation to collapse?

I believe that it is this frightening scenario that has captured the attention of the American public which is sending Washington in very clear and strong signals its discontent as well as outright contempt for the way we conduct our business on the national level. We have been elected to lead and the time for leadership is now.

Most of the criticism that I have read recently centers on concerns that such an amendment places fiscal policy in a straight jacket and upsets the balance of power within Congress and between Congress, the executive and the judicial branches of Government.

These two issues are legitimate points of discussion, but the real point to be remembered is that the Nation's budget deficits are simply out of control and a drastic dose of constitutional medicine must be taken to restore this Nation's health.

The amendment that Senator PAUL SIMON has offered and which I strongly support, would require that total Federal spending must not exceed total receipts. Our constitutional amendment would require a three-fifths vote of the entire membership of both the House and the Senate to override this requirement. Further, the President would be required as leader of our Nation to submit to the Congress a balanced budget for each fiscal year and a majority of the entire membership of both the House and the Senate would be required to raise taxes. Finally, Congress would have the authority to waive the requirement that the budget be balanced in the event of a declared war or an imminent and serious threat to national security.

The simple truth is that this great Nation can no longer tolerate runaway deficits and the exorbitant annual interest payments which may reach $315 billion in fiscal year 1993 on the $4 trillion national debt.

Our Nation must recognize that the adoption of such an amendment will require that tough decisions will have to be made by the President and the Congress in order to get its fiscal house under control—spending will be cut, taxes may be raised and certainly we will have to set national priorities more clearly and deliberately as we learn to live within our means.

I believe in the faith and good will of the American public. It is time to enact this proposal and send it to the State legislatures for debate, consideration, and ratification.

Mr. NICKLES addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, Senator THURMOND asked me to manage the time on this side. I yield myself 4 minutes.

Mr. President, I come to the floor of the Senate today in strong support of a constitutional amendment to make us balance the budget. I say "make us," because I think that is important.

I wish to compliment the House of Representatives for defeating a camouflaged effort of the balanced budget amendment yesterday. I hope and pray that the House will be successful for the first time in its history in passing a constitutional amendment to make us balanced the budget.

We passed one in the Senate. We passed it in 1982. We tried again in 1986, and we were one vote short. I hope 1992 will be the year in history where both the House and Senate pass this amendment by the necessary two-thirds and send it out to the States for its ratification.

Mr. President, as my colleagues mentioned, we are facing a crisis, fiscal crisis. We are facing a debt problem which we cannot really afford. We have a debt now, or we will be crossing the threshold of a national debt this year, of $4 trillion. That is the equivalent of about $16,000 for every man, woman, and child in the United States.

It is a problem, in my opinion, because Congress has not been willing or able to show the discipline to contain the growth of Federal spending. Federal spending has exploded. In 1960, we spent less than $100 billion. In 1970, that figure almost doubled, a little less than $200 billion. In 1980, we spent a little less than $600 billion; and by 1990, that figure had doubled again, to $1.25 trillion. And in 1993, we are looking at spending $1.5 trillion.

So spending has continued to explode. Just this year, the deficit has continued to increase. Why? Revenues this year have grown at 2.4 percent through March, but expenditures have grown at 8.8 percent. Spending is rising at two and three times the rate of growth of revenues. That is the reason we need this constitutional amendment. We need to state emphatically in our Constitution that we will not spend more than we are taking in. Revenues have been growing, every year. It is just that the rate of growth of spending is much, much greater.

Mr. President, I have some historical data to share. This detail I will submit for the RECORD, and it contains data for 1981 through 1991, and estimated 1992. It shows that expenditures are the problem. It shows not only outlays and revenues, but also the breakdown between domestic and international and defense. This data will show you that the problem really has been on the spending side of the equation, and we need to get the spending side of the equation under control.

I will also submit for the RECORD a list of rapidly growing programs, such as defense, international, mandatory, food stamps, domestic, Social Security, interest, farm price supports, retirement, all of the major programs, people can see where the spending has grown in the last 10 years. I think that would be helpful.

I ask unanimous consent that the material I am referring to be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Earned Income Tax Credit:	
1991	11.4
1992	46.9
Medicaid:	
1991	27.7
1992	30.3
Unemployment Compensation:	
1991	43.4
1992	55.0
Food Stamps:	
1991	24.7
1992	18.7
Medicare:	
1991	6/3
1992	12/3
Family Support (AFDC):	
1991	10.7
1992	11.9

MONTHLY TREASURY STATEMENT ANALYSIS

	Receipts	Cumulative	Outlays	Cumulative	Deficit (surplus)	Cumulative
Fiscal year 1991:						
October	76,986	76,986	108,350	108,350	31,364	31,364
November	70,507	147,493	118,230	226,580	47,723	79,087
December	101,900	249,393	109,287	335,867	7,387	86,474
January	100,713	350,106	99,062	434,929	(1,650)	84,824
February	67,657	417,763	93,848	528,777	26,191	111,015
March	64,805	482,568	105,978	634,755	41,173	152,188
April	140,380	622,948	110,371	745,126	(30,009)	122,179
May	63,560	686,508	116,926	862,052	53,367	175,546
June	103,389	789,897	105,968	968,020	2,579	178,125
July	78,593	868,490	119,424	1,087,444	40,831	218,956
August	76,426	944,916	120,075	1,207,519	43,649	262,605
September	109,345		116,232		6,887	
Fiscal year 1991 total		1,054,260		1,323,752		269,492
Fiscal year 1992:						
October	78,068	78,068	114,082	114,082	36,014	36,014
November	73,194	151,262	117,748	231,830	44,555	80,569
December	103,662	254,924	106,199	338,029	2,537	83,106
January	104,091	359,015	119,742	457,771	15,650	98,756
February	62,056	421,071	110,817	568,588	48,761	147,517
March	72,917	493,989	122,279	690,867	49,362	196,878
April						
May						
June						
July						
August						
September						
Total						
Fiscal year 1992 compared to fiscal year 1991 (Percent):						
October	1.4	1.4	5.3	5.3	14.8	14.8
November	3.8	2.6	−.4	2.3	−6.6	1.9

MONTHLY TREASURY STATEMENT ANALYSIS—Continued

	Receipts	Cumulative	Outlays	Cumulative	Deficit (surplus)	Cumulative
December	1.7	2.2	−2.8	.6	−65.7	−3.9
January	3.4	2.5	20.9	5.3	1048.5	16.4
February	−8.3	.8	18.1	7.5	86.2	32.9
March	12.5	2.4	15.4	8.8	19.9	29.4
April						
May						
June						
July						
August						
September						

HISTORICAL AND PROJECTED BUDGET DATA

[In billions of nominal dollars]

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	Estimate 1992
Budget actuals:												
Individual taxes	286	298	289	298	335	349	393	401	446	467	468	477
Corporate taxes	61	49	37	57	61	63	84	94	103	94	98	91
Social insurance taxes	183	202	209	239	265	284	303	334	359	380	396	416
Other receipts	70	69	66	72	73	73	74	79	82	91	92	98
Revenues	599	618	601	667	734	769	854	909	991	1,031	1,054	1,083
Defense	158	186	210	228	253	274	283	291	304	300	317	313
International	14	13	14	16	17	18	15	16	17	19	20	20
Domestic	137	127	130	135	146	148	147	158	169	183	196	215
Total discretionary	308	326	354	380	416	439	445	465	490	502	532	548
Social Security	138	154	169	176	186	197	205	217	230	247	267	285
Medicaid	17	17	19	20	23	25	27	31	35	41	53	68
Medicare	41	49	56	61	70	74	80	86	94	107	114	128
Unemployment	18	22	30	17	16	16	16	14	14	17	25	39
Other	126	130	139	132	155	148	142	148	154	154	177	190
Total, mandatory	341	373	412	406	450	460	470	494	527	567	636	710
Offsetting receipts	(38)	(36)	(45)	(44)	(47)	(46)	(53)	(57)	(64)	(58)	(108)	(69)
Deposit insurance	(1)	(2)	(1)	(1)	(2)	2	3	10	22	58	66	65
Net interest	69	85	90	111	130	136	139	152	169	184	196	201
Outlays	678	746	808	852	946	990	1,004	1,064	1,144	1,252	1,323	1,455
Deficit	(79)	(128)	(208)	(185)	(212)	(221)	(150)	(155)	(154)	(221)	(269)	(368)

Source: Congressional Budget Office.

HISTORICAL AND PROJECTED BUDGET DATA

	1981–82	1982–83	1983–84	1984–85	1985–86	1986–87	1987–88	1988–89	1989–90	1990–91	1991–92
Annual change in percent:											
Individual taxes	4	−3	3	12	4	12	2	11	5	0	2
Corporate taxes	−19	−25	54	8	3	33	12	10	−9	5	−7
Social insurance taxes	10	4	15	11	7	7	10	8	6	4	5
Other receipts	0	−5	9	2	0	2	7	4	10	2	7
Revenues	3	−3	11	10	5	11	6	9	4	2	3
Defense	18	13	9	11	8	3	3	5	−1	6	−1
International	−5	5	20	7	2	−14	3	6	15	2	3
Domestic	−7	2	4	8	1	0	8	7	8	7	10
Total	6	8	7	10	5	1	5	5	2	6	3
Social Security	12	9	5	6	5	4	6	6	7	8	7
Medicaid	4	9	6	13	10	10	11	13	19	28	30
Medicare	19	13	10	14	6	8	7	10	14	6	12
Unemployment	22	33	−43	−7	2	−4	−12	2	23	47	55
Other	3	7	−5	−18	−5	−4	4	4	0	15	7
Total	9	10	−1	11	2	2	5	7	7	12	12
Net Interest	24	6	24	17	5	2	9	11	9	7	2
Outlays	10	8	5	11	5	1	6	8	9	6	10
Deficit	62	62	−11	15	4	−32	4	−1	44	22	37

Source: Congressional Budget Office.

FEDERAL SPENDING CATEGORIES

[Dollar amounts in billions of nominal dollars]

Year	Outlays	Growth	Percent growth
Mandatory (except Social Security):			
1980	$174.4		
1981	202.7	$28.3	16.2
1982	218.8	16.1	7.9
1983	243.1	24.3	11.1
1984	230.2	(12.9)	−5.3
1985	263.6	33.4	14.5
1986	263.2	(.4)	−.2
1987	265.1	1.9	.7
1988	277.4	12.3	4.6
1989	296.8	19.4	7.0
1990	320.0	23.2	7.8
1991	369.2	49.2	15.4
1992	425.4	56.2	15.2
International:			
1980	12.8		

FEDERAL SPENDING CATEGORIES—Continued

[Dollar amounts in billions of nominal dollars]

Year	Outlays	Growth	Percent growth
1981	13.6	.8	6.2
1982	12.9	(.7)	−5.1
1983	13.6	.7	5.4
1984	16.3	2.7	19.9
1985	17.4	1.1	6.7
1986	17.7	.3	1.7
1987	15.2	(2.5)	−14.1
1988	15.7	.5	3.3
1989	16.6	.9	5.7
1990	19.1	2.5	15.1
1991	19.5	.4	2.1
1992	20.0	.5	2.6
Social Security:			
1980	117.1		
1981	137.9	20.8	17.8
1982	153.9	16.0	11.6

FEDERAL SPENDING CATEGORIES—Continued

[Dollar amounts in billions of nominal dollars]

Year	Outlays	Growth	Percent growth
1983	168.5	14.6	9.5
1984	176.1	7.6	4.5
1985	186.4	10.3	5.8
1986	196.5	10.1	5.4
1987	205.1	8.6	4.4
1988	216.8	11.7	5.7
1989	230.4	13.6	6.3
1990	246.5	16.1	7.0
1991	266.7	20.2	8.2
1992	284.5	17.8	6.7
Domestic:			
1980	129.1		
1981	136.5	7.4	5.7
1982	127.4	(9.1)	−6.7
1983	130.0	2.6	2.0
1984	135.3	5.3	4.1

FEDERAL SPENDING CATEGORIES—Continued

[Dollar amounts in billions of nominal dollars]

Year	Outlays	Growth	Percent growth
1985	145.7	10.4	7.7
1986	147.5	1.8	1.2
1987	147.2	(.3)	−.2
1988	158.4	11.2	7.6
1989	169.0	10.6	6.7
1990	182.5	13.5	8.0
1991	195.7	13.2	7.2
1992	215.0	19.3	9.9
Defense:			
1980	134.6	....	....
1981	158.0	23.4	17.4
1982	185.9	27.9	17.7
1983	209.9	24.0	12.9
1984	228.0	18.1	8.6
1985	253.1	25.1	11.0
1986	273.8	20.7	8.2
1987	282.5	8.7	3.2
1988	290.9	8.4	3.0
1989	304.0	13.1	4.5
1990	300.1	(3.9)	−1.3
1991	317.0	16.9	5.6
1992	313.0	(4.0)	−1.3
Net Interest:			
1980	52.5	....	....
1981	68.8	16.3	31.0
1982	85.0	16.2	23.5
1983	89.8	4.8	5.6
1984	111.1	21.3	23.7
1985	129.5	18.4	16.6
1986	136.0	6.5	5.0
1987	138.7	2.7	2.0
1988	151.8	13.1	9.4
1989	169.2	17.4	11.5
1990	183.8	14.6	8.6
1991	196.3	12.5	6.8
1992	201.0	4.7	2.4
Earned income tax credit:			
1980	1.3	....	....
1981	1.3	....	....
1982	1.2	(.1)	−7.7
1983	1.2	....	....
1984	1.2	....	....
1985	1.1	(.1)	−8.3
1986	1.4	.3	27.3
1987	1.4	....	....
1988	2.7	1.3	92.9
1989	4.0	1.3	48.1
1990	4.4	.4	10.0
1991	4.9	.5	11.4
1992	7.2	2.3	46.9
Unemployment compensation:			
1980	16.9	....	....
1981	18.3	1.4	8.3
1982	22.3	4.0	21.9
1983	29.7	7.4	33.2
1984	17.0	(12.7)	−42.8
1985	15.8	(1.2)	−7.1
1986	16.1	.3	1.9
1987	15.5	(.6)	−3.7
1988	13.6	(1.9)	−12.3
1989	13.9	.3	2.2
1990	17.5	3.6	25.9
1991	25.1	7.6	43.4
1992	38.9	13.8	55.0
Medicare:			
1980	34.0	....	....
1981	41.3	7.3	21.5
1982	49.2	7.9	19.1
1983	55.5	6.3	12.8
1984	61.0	5.5	9.9
1985	69.7	8.7	14.3
1986	74.2	4.5	6.5
1987	79.9	5.7	7.7
1988	85.7	5.8	7.3
1989	94.3	8.6	10.0
1990	107.4	13.1	13.9
1991	114.2	6.8	6.3
1992	128.3	14.1	12.3
Medicaid:			
1980	14.0	....	....
1981	16.8	2.8	20.0
1982	17.4	.6	3.6
1983	19.0	1.6	9.2
1984	20.1	1.1	5.8
1985	22.7	2.6	12.9
1986	25.0	2.3	10.1
1987	27.4	2.4	9.6
1988	30.5	3.1	11.3
1989	34.6	4.1	13.4
1990	41.1	6.5	18.8
1991	52.5	11.4	27.7
1992	68.4	15.9	30.3
Food Stamps:			
1980	9.1	....	....
1981	11.3	2.2	24.2
1982	11.0	(.3)	−2.7
1983	11.8	.8	7.3
1984	11.6	(.1)	−.6
1985	11.7	.1	.9
1986	11.6	(.1)	−.9
1987	11.6	....	....
1988	12.3	.7	6.0
1989	12.8	.5	4.1
1990	15.0	2.2	17.2
1991	18.7	3.7	24.7
1992	22.2	3.5	18.7
Family support (AFDC):			
1980	7.3	....	....
1981	8.2	.9	12.3
1982	8.0	(.2)	−2.4
1983	8.4	.4	5.0
1984	8.9	.5	6.0
1985	9.2	.3	3.4
1986	9.9	.7	7.6
1987	10.5	.6	6.1
1988	10.8	.3	2.9
1989	11.2	.4	3.7
1990	12.2	1.0	8.9
1991	13.5	1.3	10.7
1992	15.1	1.6	11.9
Farm price supports:			
1980	2.8	....	....
1981	4.0	1.2	42.9
1982	11.7	7.7	192.5
1983	18.9	7.2	61.5
1984	7.3	(11.6	−61.4
1985	17.7	10.4	142.5
1986	25.8	8.1	45.8
1987	22.4	(3.4)	−13.2
1988	12.2	(10.2)	−45.5
1989	10.6	(1.6	−13.1
1990	6.5	(4.1)	−38.7
1991	10.1	3.6	55.4
1992	11.4	1.3	12.9
Federal retirement and disability:			
1980	26.6	....	....
1981	31.2	4.6	17.3
1982	34.3	3.1	9.9
1983	36.5	2.2	6.4
1984	38.0	1.5	4.1
1985	38.5	.5	1.3
1986	41.3	2.8	7.3
1987	43.7	2.4	5.8.
1988	46.8	3.1	7.1
1989	49.1	2.3	4.9
1990	51.9	2.8	5.7
1991	56.0	4.1	7.9
1992	58.7	2.7	4.8
Veterans benefits and services:			
1980	14.0	....	....
1981	15.4	1.4	10.0
1982	15.8	.4	2.6
1983	15.9	.1	.6
1984	16.0	.1	.6
1985	15.9	(.1)	−.6
1986	15.7	(.2)	−1.3
1987	15.7	....	....
1988	17.6	1.9	12.1
1989	17.7	.1	.6
1990	15.9	(1.8)	−10.2
1991	17.3	1.4	8.8
1992	19.5	2.2	12.7
Other mandatory:			
1980	75.0	....	....
1981	86.1	11.1	14.8
1982	82.2	(3.9)	−4.5
1983	82.7	.5	.6
1984	87.1	4.4	5.3
1985	99.8	12.7	14.6
1986	83.5	(16.3)	−16.3
1987	80.7	(2.8)	−3.4
1988	92.0	11.3	14.0
1989	97.7	5.7	6.2
1990	100.0	2.3	2.4
1991	112.9	12.9	12.9
1992	114.4	1.5	1.3

Source: CBO.

Mr. NICKLES. It might be helpful for my colleagues to realize that in the last couple of years some programs have just exploded. Medicaid growth, for example, this year—and these figures are according to CBO, this year—1992, 30 percent; 1991, 27 percent increase; unemployment compensation growth, this year, 55 percent more than last year. Last year 43 percent more than the previous year. Food stamps growth, this year, 1992, 18.7 percent; last year, 1991, 24.7 percent. I could go on and on.

I will submit these items for the RECORD as well. I put this in the RECORD because I want people to see the facts. These are just facts. But it is also a fact that Congress is not able to constrain itself, a good example of which is we just passed the supplemental through the Senate.

The President requested $480 million, and we end up passing a bill of $2 billion. I am pleased the President said he would veto it, and I think he is right to do so. The President requested some extension in unemployment compensation and the House tried to multiply that figure several times, several billion dollars over the President's request.

Again, there seems to be no limit from Congress on the amount of money we spend. I think we need a limit. This amendment is the limit. The constitutional amendment will make us limit spending to the amount of money we take in. I think that it is vitally important that we do so. I think it is important for our country's fiscal health and it is important for future generations so they do not inherit more and more debt.

Mr. President, how much time do we have remaining on our side?

The ACTING PRESIDENT pro tempore. 16½ minutes.

Mr. NICKLES. Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The ACTING PRESIDENT pro tempore. Senator SIMON is recognized.

Mr. SIMON. I yield myself as much time as I may consume.

Mr. President, on Friday, the General Accounting Office issued a document that, in my opinion, is the most significant document the General Accounting Office has ever issued. I would love to take credit for having requested the information. It was requested by our colleagues, BILL BRADLEY, PETE DOMENICI, and JIM SASSER, and House Members LEON PANETTA and LEE HAMILTON.

What this report spells out in very, very clear language is that we are headed for economic disaster and a significant downturn if we do not get a hold of this thing. And if we do get a hold of it, the future can be very, very bright for this country.

The Comptroller General says:

> Regardless of the approach that is chosen, prompt and meaningful action is essential. In the end, action is unavoidable. The longer it is delayed, the more painful it will be.

I think that is very, very clear. And I am pleased that the Presiding Officer is one of those who has been very forthright in standing up for this.

Let me comment first about some of the groups that are opposing it, and opposing it out of sincerity, because they have been told this is going to cause problems. Some of the groups are for the causes that I have been fighting for on this floor and when I served in the House—education, health care, children's causes, and others.

Take a look at this report on page 61, under what they admit is an optimistic scenario. Discretionary nondefense items—that is, the education, health care, these kinds of things—if we do not do anything, go from 29.3 percent of the budget in 1990 to, in the year

2000, 20.9 percent. In other words, a one-third drop because of a squeeze from interest rates. And as they point out in this report, since they have no way of knowing what interest rates will be, they are assuming that interest rates will not rise, and they confess that is an optimistic scenario.

The reality is that if you are for education, if you are for agricultural programs, if you are for the other things that are important to the future of this country, we are going to have to get a hold of this interest thing. It is hemorrhaging, and without stopping that hemorrhaging, frankly, this country is not going to have good health.

Some of our senior groups have been approached and have been convinced that you have to take a stand against this. It may adversely affect Social Security. What is the real threat to Social Security? Former Social Security Commissioner, Dorcas Hardy, has written a book. In that book, she says that Social Security will be in good health well into the next century but for one cloud, and that cloud is the deficit, because the social security trust funds have been buying U.S. bonds.

They have been getting IOU's from the U.S. Government and those IOU's are going to be helpful only if we have a sound economy.

Let me point out some other things that are in this report. And I know that Members of the Senate get bogged down with all kinds of paperwork, but let me tell you this is a report that is well worth reading. What happens over this next 28-year period, under their optimistic scenario, if we take no action, if we just continue to drift, year 2020, at best, average Americans will be earning $23,000. What if we get a hold of this thing, and by the year 2001 balance the budget? What is going to happen for the future of my children and your children and the Shultz family and many others out there?

By the year 2020, $32,000 per capita income, if we get a hold of it. If we balance the budget by the year 2001 and if by the year 2005 we built in a little 2-percent surplus, it will be $33,000.

Those are practical things that we ought to be paying attention to. The New York Federal Reserve Bank has done a study. They say that the deficit that we have had this past decade has cost us 5 percent in growth in GNP. CBO tell us 1 percent growth in GNP means 650,000 jobs.

We are talking abut the economy of this country. We are talking about a failure to have capital investment in industry because our dollar is overvalued because we have had to appeal to overseas dollars to finance our debt, and so, because of that overvalued dollar, exports have gone down, imports have gone up, and even American industries have been investing overseas.

So, as late as 6 years ago the average American worker, manufacturing worker, was making more than any other manufacturing worker in the world. Six years later, today, 11 countries have higher average manufacturing wages than the United States.

What has happened to the manufacturing base? It has slipped just under 8 percent. We have lost 8 percent of the manufacturing jobs. The service sector jobs have increased by about 32 percent. But this is significant. The average service sector job pay 44 percent as much as the average manufacturing job.

We are slipping. And we have to get a hold of it, and this document spells out what we have to do. Compared to doing nothing, it says on page 12 here, the surplus alternative increases real GNP in 2020 by 39.7 percent. We are not talking abut peanuts here. We are talking about very, very significant items.

Let us turn over to page 48 of this document. During the 1960's the budget deficit absorbed approximately 2 percent of net national savings generated by the private sector and State and local governments. During the 1970's the Federal deficit absorbed 19 percent of the net savings of other sectors. By the 1980's nearly one half, 48 percent of that saving was needed to finance the budget deficit. This trend continues.

In 1990 the deficit absorbed 58 percent of net national savings from the rest of the economy. This is money that cannot be put into industrial development in this country. And we are just decimating this country because of our folly. Where do we go long-term if we do not get a hold of this thing?

Well, we have a gradually increasing number retiring on Social Security, and when you get to the year 2010 all of a sudden that chart goes up like this. And at that point whoever is in the U.S. Senate, 2010—my three colleagues who are here right now, my four colleagues—Senator THURMOND will probably be here in the year 2050, the way he is going—but my colleagues who are here in the year 2010, and whoever is President of the United States, they will have three choices to make, because we are heavily dependent on Social Security trust funds to buy our bonds.

No. 1 choice is at that point to cut back on Social Security retirement. I can tell you, and you can tell me, that really is not a realistic political option. It is not going to happen.

No. 2, we can dramatically increase taxes. We know how popular that would be. That is not going to happen.

No. 3, we can print more money. That is the most dangerous of the three options. That is where we are headed. I remember hearing our colleague, Senator PAT MOYNIHAN, the first person I ever heard on the floor of the Senate saying we are headed in this direction. I do not think there is any question about it. And that is why what the economists call interest rates are near an all-time high for our country, the difference between inflation and the long-term interest rates. It is because there is a growing fear around the world in financial markets that we will eventually monetize the debt.

We have to get a hold of this thing. This is not going to be easy. Those critics who say this is the painless way for Congress to do this, I think all of us who vote for this understand when we vote for this we are committing ourselves to some painful answers. But the alternative is infinitely more pain. This deficit is like a cancer. The sooner you have the operation, the better off you are going to be. Postpone it, and the cancer grows. In 1986 was the last time the U.S. Senate voted on this. We heard every argument we are hearing right now in 1986: "Oh, we can solve this. We do not need a balanced budget amendment, we just need the courage and the will."

Of course, that is right. In 1986 we had a $2 trillion indebtedness. Here we are 6 years later on the verge of a $4 trillion indebtedness. We have to face up to this, Mr. President. We are talking about the future of our country and I hope we have the courage to do what is right.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. I yield 4 minutes to the distinguished Senator from Alaska.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI] for 4 minutes.

Mr. MURKOWSKI. I thank the Chair.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. MURKOWSKI. Mr. President, I rise today to speak on the upcoming debate in this Chamber on the balanced budget amendment to our Constitution. I believe that the debate which is now taking place in the House of Representatives, and which will soon take place in this body, is probably the most important debate in the tenure in this body from the standpoint of the membership of the Senator from Alaska.

Mr. President, the simple and unalterable fact is that spending by this Government is completely out of control, and we know it. It is not that we are just a little out of control but completely out of control.

As Congress marches merrily toward imposing its next trillion dollars of debt on this country, it is time someone said "Enough." Mr. President, the best way to say "Enough" is to pass a balanced budget amendment.

My friend from Illinois has outlined very eloquently and with a sense of foreboding the realities associated with the interest on the debt; 15 to 16 percent of our current deficit is interest.

That is like owning a horse that eats while you sleep. It provides no jobs, no benefits; it just continues to go on and on and on. Out of our $400 billion deficit the interest costs are somewhere in the area of $220 billion.

Mr. President, there may be some debate in the upcoming days about whose fault this deficit is. It is everybody's fault; there is more to go around than can be pointed in any particular direction. But the American people are not interested in whose fault it is. They are interested only in a solution. They are interested in a solution to assist them, which has saddled them with nearly $4 trillion in a national debt, a system which this year alone will add an additional $400 billion to that debt.

Mr. President, the American people demand a balanced budget amendment, and that is why in a poll this week in Washington, in the Washington Post, as a matter of fact, 77 percent of likely voters supported a balanced budget amendment. They understand, even if some here do not, that this amendment must become law.

I have also heard from more interest groups than I can count that the balanced budget amendment is somehow a bad thing. Yes, the interest groups say that the deficit is a problem, but we need to save all our programs in this and that and in other things.

Yes, the interest groups say, the deficit is the problem, but there must be a solution other than a balanced budget amendment. Yes, the interest groups say, we must be able to eat our cake and have it too.

Well, hory says otherwise. Clearly, we do not have the discipline in this body. And, as a consequence, the evidence is real; the alternatives simply have not worked.

Mr. President, it has to stop. The voters support a balanced budget amendment for the same reason I do. Because it is shameful to spend like we have done in the past, leaving the debt to our grandchildren. It is a shameful process to pretend that the deficits will simply go away if we do not do anything. It is shameful to protect every single Government program, and never mind who will pay for it. We must put a stop to that. We must pass a balanced budget amendment.

I might add at this point that the arguments in favor of a balanced budget amendment are as old as the Republic itself. I am proud today to ally myself with the beliefs of men such as Thomas Jefferson and Alexander Hamilton. They understood then, as all of us must understand now, that a government cannot survive which spends more than it receives. They understood that the constant expansion of debt is a sure way to bankrupt a society. I ask those who worry about their programs today if an amendment is passed: what sort of social programs or defense programs can a bankrupt society provide? The answer is obvious: none, and that is what our grandchildren will get if we do not live up to our obligations to them and pass a balanced budget amendment.

Finally, Mr. President, let me quote President Jefferson on the very subject we are discussing today:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Unfortunately, Thomas Jefferson's wise words have gone unheeded, and even if we began to balance the budget today we would still be trillions of dollars in debt. But the only way to get back to where we should be, the only way to live up to President Jefferson's moral challenge to us all, is to get this deficit under control. Mr. President, the best way to do that is by placing fiscal responsibility where Jefferson and Hamilton believed it ought to be, in the Constitution of the United States of America.

I thank the Chair, and I yield the floor.

Mr. SIMON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. I yield 7 minutes to the distinguished Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized for 7 minutes.

Mr. DECONCINI. I thank my friend and colleague from Illinois. I want to compliment him once again, as I do every time I get an opportunity, for his leadership in this very important not only constitutional issue, but economic issue, facing this country. He has been in the Congress and the Senate now since 1974, I believe, and he has witnessed what we all have witnessed here, and that is a disaster occurring day after day, year after year.

I want to tell Senator SIMON that without his leadership today, I do not think we would be on the verge of passing an amendment, which I believe we have the capability to do, and we can do in the very near future. More than ever, a balanced budget amendment is needed by this country. We are truly mortgaging our children's future with mounting budget deficits.

Since coming to the Senate some 14 years ago, I have continuously sought to see this constitutional amendment brought to the floor and see it passed and implemented. In that time, the national debt has more than quadrupled, to over $3.6 trillion. Had a balanced budget amendment been passed during the first year of my term in the Senate, that debt would be today about $900 billion-plus instead of the almost $4 trillion that we face today and an expected $399 billion in deficit spending this year alone.

Few in Congress would dispute the need to control deficit spending. Collectively, however, Congress has not been able to exercise the leadership nor to demonstrate that they have the ability to bring about a balanced budget. We have tried; we have tried many times. Quite frankly, I think we have fooled ourselves and we have fooled the American public.

The only practical solution left to us today, for the survival economically, in my judgment, of this great Nation is a balanced budget amendment. I do not want to dramatize this as being the most important vote that I will ever cast in the U.S. Senate. But I must say, as of today, this is the most important issue I have faced, and I think an opportunity for this Nation and this body to step up and do the right thing.

This is a relatively simple amendment. Some will argue that is the trouble. It is too simple; it is unclear.

Look at our Constitution, and you see our amendments are not always specific and point out every detail of what is thought of by the drafters of that amendment. And that is the purpose of a Constitution and that is the purpose of our system of government. We have a balanced system of government, of checks and balances, and we want the leverage and capability of a Constitution to live with us.

But it is a simple amendment. There is nothing that would establish any permanent level of expenditures or taxes. It does not say we are going to raise taxes. It does not say we are going to cut entitlements. It does not say we are going to decimate defense or we are going to increase defense. There is nothing which mandates any kind of Government reduction, if that is the will of the Congress and the President of the United States.

What it does do is say that we must bring the budget into balance. And if there is good reason not to do it, there is flexibility. And there will be times when we must run a deficit. But I cannot say that this is the time that we should be running the deficit that we are today.

The amendment would also require the President to submit a balanced budget. I am not here for partisan political reasons, because the former Democratic President, President Carter, failed to ever submit a balanced budget, and he promised when he ran for office he would balance the budget during his term. I believe my recollection is that he left a deficit of something in the neighborhood of $60 billion, or close to it, the last year in his administration.

Then we have two Presidents—one former President, President Reagan; and President Bush—who promised a balanced budget. You remember President Reagan. In 3 years, he was going to balance the budget. And he got in office, and he realized what a horrendous problem it was. So he expanded it to 4 years. I said great, and I joined with the President in passing his Economic Recovery Act, because I believed we needed to give him a chance and it turned out to be a huge mistake. I thought maybe this Governor, who was able to balance the budget in California, probably the most conservative President we have had in this century, could really bring about at least the discipline within the administration to submit a balanced budget to the Congress.

Quite frankly, as embarrassing and as difficult as it would have been, having to run in 1982 and cut programs, if that is what we had to do, or raise taxes, or whatever we would have had to do, I would have welcomed that challenge had the President had the courage to do it.

And then there's President Bush. We do not even talk about the deficit anymore under President Bush. And skillfully or unskillfully—happenstance, perhaps—has brought us to an agreement with the majority of Congress and the administration that we are going to go ahead and let these deficits rise and we are going to tell the public at the same time that we are reducing the deficit by some $500 billion over 5 years.

A balanced budget amendment is necessary, Mr. President. It is not just the President's fault for not submitting a balanced budget amendment. We have not responded here. We have tried a number of times to balance the budget, but we have kidded ourselves or we have always extended it or let it lapse or we have found an excuse legislatively.

The balanced budget amendment will provide accountability. It provides flexibility. Members avoid accountability through deficit spending, failing to make the through tough political decisions required to choose between too many programs competing for too few dollars. And who am I to say that my priorities must always govern? I like them. I am convinced they are good. They are good for my constituents. But someone else may have a different priority, and that is what it is all about, and this amendment would force us to discipline ourselves.

The President and Members of Congress are sworn to uphold the Constitution. I think every Member takes that oath very seriously. Failure to abide by the amendment would constitute a violation of public trust. The American people would be the ultimate decisionmakers.

It is possible it could go to the courts and people would say: Oh, my God, we do not want this to go to the courts. That would be disaster.

Constitutional questions go to the court everyday in this country, and the court makes decisions. Sometimes I think they are awful and sometimes I think they are wonderful. It depends on your perspective on that particular issue. But that is what the court is there for, if they decide to take jurisdiction. Nobody knows what the court will do, whether or not they will even accept jurisdiction. Nobody even knows what the claim might be, but that is our process. That is the risk of living in this democracy and this Republic.

The ultimate proof that a balanced budget amendment can work is the experience of the States. Almost all States have some constitutional provision limiting their ability to incur budget deficits. Consequently, more States budgets run surpluses than deficits today. In my State of Arizona last year, out of the $3.5 billion budget, they had a $20 million surplus. It is not much, but, boy, would we not like to have a measly little $20 million surplus on the national level?

While the economic demands and available resources are different, obviously, between States and the Federal Government, the overall success of State constitutional budget limitation illustrates that a balanced budget amendment can provide the incentive and discipline necessary to place our Nation on the road to fiscal responsibility.

This amendment and the whole idea of a constitutional amendment to balance the budget has been the subject of countless congressional hearings and numerous articles. The Senate approved such an amendment in 1982. I was pleased to manage it on behalf of the Democratic side at that time. We got half of the Democrats to vote for it. We had more than the 67 votes necessary. We came very close to passing it again in 1986; I believe losing it by one vote. It was so close, so close—such an opportunity. At that time the House might have taken it up and passed it.

Gramm-Rudman was used as the reason to defeat the amendment at the time. I remember so well, "We are going to do this legislatively." Mark my words we will see that argument coming once again, "We can do it legislatively. That is the way to do it. We do not want to mess with the Constitution."

That is not going to work. Anybody who wants to make that argument, who has had any experience here on the way this budget process works, must admit that.

Clearly, the public wants a balanced budget amendment to the Constitution. A recent poll, as pointed out by the Senator from Alaska, indicated 80 percent of the American public support a balanced budget amendment. Our bottom line is immersed in red ink in this country. We are drowning in it. Drastic action is needed, if you want to call this a drastic action. However well intentioned we may be in trying to reduce this deficit through the legislative process, we have not been able to do it.

We can stop taking collective blame and pointing the finger. We can say to the American public we have failed, but we have a solution. We are going to balance the budget by putting it in the Constitution and forcing us to adhere to that Constitution.

A constitutional amendment is indeed needed because legislative rules have failed us and the next Congress can always reject those rules and repeal them. We did that in 1978 when we passed the Harry Byrd amendment mandating that we balance the budget next year. We ignored it, just absolutely ignored it. And that was constitutional, because that Congress was not bound by the previous Congress. If Congress adopts this amendment, there is a way to spend deficit dollars under emergencies. States have to ratify this. All the protections are there.

If we are making a mistake, as some will say we are, we are not alone in the constitutional process to see that a constitutional amendment becomes part of the U.S. Constitution. It must go to every State and receive approval of three quarters of the States before it is effective. So, just in case somebody says, What if you make a mistake? Do you want to take a chance with the Constitution of the United States? The answer is we will not be taking a chance because we will have every State debate this issue. Every State will have an opportunity. They can tell us if we are wrong, those of us who are supporting this and have for so long, and if we are making a mistake we are going to hear from the people. Just as we are hearing now from the people. And they will tell us, "We will not ratify it."

Many constitutional amendments have not been ratified, including the equal rights amendment, something I know the Senator from Illinois has been such a strong supporter of, as I have. We have come close, but we cannot get it.

The process is here. We ought not to be afraid of it. We ought to move ahead and pass this amendment. I welcome a thorough debate on this subject matter in the next week or two. I look forward to working with the Senator from Illinois, and, also, I want to thank the Senator from South Carolina for his leadership. He has been out in the forefront long before this Senator was in this body. I read about him, I knew about him, and when I came here I realized he was a leader in this area. He is here today just as he was, I am sure, 25 years ago preaching the truth, preaching to the American public that the time has come. Indeed, it is here today.

Mr. THURMOND. I thank the Senator from Arizona, and I yield 4 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire, Mr. SMITH.

Mr. SMITH. Mr. President, I wish to commend Senators SIMON, THURMOND, KASTEN, and CRAIG and others who have exercised such leadership in this area.

Mr. President, I have long been a supporter of a constitutional amendment. I fought for it for the 6 years I served in the House as well as here in the Senate because it is needed. The American people want it. We all know if the Congress of the United States, and, frankly, several Presidents had worked together to balance the budget, an exercise in fiscal restraint and responsibility that they should have, we would have had a balanced budget and we would not need the amendment. But the truth of the matter is collectively we do not have the courage to do it and we will need the Constitution to mandate it.

The people, frankly, are sick of the rhetoric. They are sick of inaction. And they are sick of the huge spending and deficits and debt that this Congress has run up on the American people. They want it changed, and they want it now.

But the dogs are out. I would like to discuss just a few of some of the most disgraceful tactics I have seen yet, almost, on any legislation that some of the opponents of the balanced budget amendment have used to discredit this proposal.

On Monday, my office received a press release from an organization called "Families USA." I do not know which families the organization represents. They certainly do not represent my family, and they certainly do not represent the families of the taxpayers of the United States of America, who are fed up with the big spenders here in this city.

Let me read just a couple of quotes out of this.

"President Bush's constitutional amendment"—it is now just President Bush's amendment, nobody else's—"President Bush's Constitutional Budget Amendment is a dagger aimed at the heart of Medicare." The amendment, "will make a Medicare unaffordable for millions of our parents and grandparents."

That is not enough. The press release goes on to say that this amendment will "slash Social Security benefits for 42 million Americans, forcing more than a million older Americans into poverty."

This is just unadulterated trash. That is the nicest way I can think to say it. I have a copy of four different balanced budget amendments by the Senators that I just named, Democrat and Republican. Not one of these amendments even mentions Social Security or Medicare. Yet this piece of garbage states this amendment will—not might, should, could—will slash Social Security. It is pure drivel.

An amendment to the Constitution is very serious business. Reasonable people can have reasonable differences on this issue. That fact, however, does not justify the printing and distribution of lies designed to instill fear in the hearts and minds of the elderly of this country.

What is next? Why do we not just spread a few more lies about the balanced budget amendment? Why do we not say that, if we pass a balanced budget amendment, we will confiscate all personal property in America? Why do we not also say, if we pass a balanced budget amendment, major league baseball will be canceled for the next 50 years? Or children under the age 18 cannot eat ice cream for the next 50 years? Why do we not spread a few more outrageous lies? We can say anything. We do not have to back it up with facts.

Here is another statement in the release. "I just can't understand politicians so hypocritical that they send flowers on Mother's Day in May and then vote to slash mom's Social Security check in June."

My mom gets Social Security, and my mom would like to continue to get her Social Security and would like to have Social Security for her children, grandchildren, and their grandchildren. That is not what is going to happen. That is not what is going to happen if we do not get a handle on this debt in this country, Mr. President.

Let me remind, as other speakers have, a $4 trillion national debt is fast approaching. No. 2, $210 billion annually, interest on this debt.

No. 3, a deficit of $400 billion this year. That is more than $1 billion a day, Mr. President.

The PRESIDING OFFICER (Mr. REID). The Senator's time has expired.

Mr. SMITH. I ask unanimous consent for 1 additional minute.

Mr. THURMOND. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. I thank the Senator from South Carolina.

Mr. President, apparently Families USA do not intend on having children in the near future because if they did, they would be concerned about the fact that there are not going to be any benefits for anyone if we do not get a handle on this debt. There will be no Social Security or anything else in the future when our country goes bankrupt, which is where we are heading.

Mr. President, numbers do not lie. If we continue at this pace, the Federal Government will spend 31 cents of each dollar on interest payments by the year 2020. That is more than double the 14 cents of each dollar we waste on interest today.

Opponents of a balanced budget amendment are fond of stating that nothing prevents us from passing the amendment today. Nothing prevents the President from submitting a balanced budget; nothing, except the guts to do it, and we do not have that collectively. Therefore, we need an amendment. Thank you, Mr. President. I thank the South Carolina Senator for yielding.

The PRESIDING OFFICER. The Senator from South Carolina has 6 minutes remaining under his controlled time.

Mr. THURMOND. Mr. President, additional time is allowed, and I ask unanimous consent it be equally divided.

The PRESIDING OFFICER. Who yields time now?

Mr. SIMON. Mr. President, I just checked, my time has expired.

The PRESIDING OFFICER. The Senator from South Carolina has just yielded you 3 minutes.

Mr. THURMOND. I will be glad to yield.

Mr. SIMON. I thank my colleague for yielding 3 minutes. I ask unanimous consent that an additional 7 minutes be allotted to my colleague from Illinois, Senator DIXON, so that he can speak for 10 minutes on this amendment.

Mr. THURMOND. Mr. President, we have more people to speak. I do not object to adding additional time just if it is equally divided.

Mr. PRYOR. Reserving the right to object, and I will not object, Mr. President, but I need to get some clarification, if I might, from the Chair as to the status of the special order relating to defense transition. It is my understanding that there are six Senators from this side of the aisle who will be speaking, and I thought that that period started at 10 a.m. I may have been mistaken. I want to check.

The PRESIDING OFFICER. The Senator is correct. Under the order now standing, the Senator from South Carolina has 3 minutes under his control, the Senator from Illinois, as a result of the Senator from South Carolina yielding 3 minutes, has 3 minutes remaining under his control. At that time, unless there is a change in the order of proceedings, there will be then an hour under the control of the majority leader or his designee. It is my understanding, the Senator from Arkansas is the designee of the majority leader for that hour.

Mr. THURMOND. Mr. President, if there is no objection, I will just ask for an additional 15 minutes to be equally divided, if that will take care of it.

Mr. PRYOR. I have no objection.

The PRESIDING OFFICER. It is the Chair's understanding then the Senator from South Carolina has 3 minutes, the Senator from Illinois has 3 minutes, and is the request for an additional 15 minutes to that?

Mr. THURMOND. To be equally divided.

The PRESIDING OFFICER. So that is 10 minutes each.

Mr. COATS. Reserving the right to object, and I will not object either, obviously we have sparked a lot of interest on an extraordinarily important subject. I am just wondering if those who had requested the special order on the balanced budget might consider finding additional time either today or tomorrow where we can continue this debate. I would like to speak for more than just a minute or two and I understand the time constraints and the desire of other Senators who had previously ordered the special order time. Perhaps we can work out something, if not right now, very shortly, whereby we can continue this. I am sure there are other Senators who would like to come and speak at length on this. This we all know is a preliminary discussion relative to what is going to probably take place next week.

Mr. THURMOND. Mr. President, I think we have only two more to be accommodated. I think if we get 15 minutes additional, equally divided, it will take care of both sides.

The PRESIDING OFFICER. There is a unanimous-consent request now pending. That request would give the Senator from South Carolina 10 minutes, the Senator from Illinois 10 minutes.

Mr. PRYOR. Mr. President, reserving the right to object, does this take us to 10:25? Is that right?

The PRESIDING OFFICER. That is right.

Mr. PRYOR. Mr. President, I am going to ask, to accommodate the distinguished Senator from Maryland that the special order on the balanced budget end at 10:20 because we have six speakers lined up here. They have rearranged their schedule and, out of fairness to them, I hope that we can conclude at 10:20, at which time I am going to yield the first speech on the defense transition to my friend from Maryland, Senator MIKULSKI. And I will make the second statement, if that is agreeable with all parties.

The PRESIDING OFFICER. There is now another unanimous-consent request that has been propounded that would terminate debate on the balanced budget amendment at 10:20. That would give approximately 7½ minutes per side. Is there objection to that?

Without objection, it is so ordered.

Mr. PRYOR. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, the request had been made to yield time to the Senator from Illinois; is that correct?

The PRESIDING OFFICER. There had been a previous request that was made by the junior Senator from Illinois. How much time does the Senator from Illinois yield?

Mr. SIMON. I yield 7½ minutes to my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 7½ minutes.

THE BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. DIXON. Mr. President, I rise in strong support of Senate Joint Resolution 18, the balanced budget amendment to the Constitution. I am proud to be a cosponsor of this legislation, and I congratulate my distinguished colleague and warm friend, Senator SIMON, for his efforts to make this amendment part of the highest law of the land.

The balanced budget amendment is simple and straight-forward. It mandates that outlays not exceed revenues in a fiscal year, with limited exceptions. It mandates that the President submit a balanced budget to Congress each fiscal year. There are reasonable provisions for enacting an unbalanced budget in certain instances. The amendment is, therefore, a positive step forward on the road to fiscal responsibility.

If anyone doubts the necessity of enacting this amendment, Mr. President, one need only realize that in fiscal year 1993, gross interest payments on the debt will become the largest single expenditure in the budget, surpassing defense and Social Security. Some $315 billion will be spent on interest on the debt. Just think what could be done with even a small portion of that money.

Some have chosen to inflate the amendment's worth; others have chosen to deflate its merits. This legislation is neither budgetary elixir nor fiscal poison. However, it will force the Congress and the President to focus critical attention on the ballooning deficit and encourage both ends of Pennsylvania Avenue to seriously deal with it.

I believe in the concept of a balanced budget amendment as a needed tool for fiscal discipline, and am heartened by the experience of the 44 States who currently operate within such mandates.

Fourty-four States, their Governors and legislatures, have had to submit, and enact, balanced budgets. The road to a balanced budget is often rocky and acrimonious, but in the long run, a balanced budget is in the best interests of all concerned. States have proven that there can be fiscal discipline, while still funding needed programs. States are forced to prioritize, whereas the Federal government is not.

A number of opponents to the amendment warn that domestic programs, many already chronically underfunded, will suffer the most from the fallout of a balanced budget amendment. However, the amendment does not require cutting any specific program—or, indeed, any particular cuts at all. What it does is to require the Government to do what every American already has to do—keep spending in line with income.

Opponents of the amendment will argue that what is needed to solve our deficit problem is the application of our collective political will to face the fire, make the tough choices, and slay some sacred cows.

There is no doubt that considerable political will is necessary, and that tough choices will be required.

The balanced budget amendment, of course, is not a mechanical, formula-driven replacement for democratic government. It neither supplies the political will, nor makes the tough choices. Congress and the President will have to muster the will and make the decisions—and that is as it should be.

What the amendment does accomplish, however, is to make it impossible for either end of Pennsylvania Avenue to ignore the issue or to continue postponing decisions. It does require us to live within our means—and to stop the practice of spending for ourselves while burdening future generations for the cost.

Mr. President, I think the worst thing this Government has done in recent years has been to attempt to shift the burden of today's spending to tomorrows taxpayers. I think that is wrong—very wrong—and that we cannot afford to continue down that path.

Ending the robbery of our children, and their children, is reason enough to support a balanced budget amendment. Prevention against this kind of intergenerational pickpocketing belongs in our Constitution.

Of course, there are many other reasons a balanced budget amendment needs to be part of our Constitution. I look forward to the day when we will begin the real debate here on the Senate floor.

At this time, I would simply like to close by reminding my colleagues that we are talking about a constitutional amendment, and not a statute. The Constitution is no place to name specific programs. It is no place to put the specific implementing decisions that will be required. Opposing the amendment, therefore, because it does not, in its text, tell us how we will get to the balanced budget, or because it does not protect our favorite programs, makes no sense at all.

Our debate on the balanced budget amendment should not focus solely on the transitional issues of how we will get from where we are now to a balanced budget. Instead, it must focus on whether or not it is wise to make a balanced budget requirement part of basic law of the land for all time.

If we take the long view, if we concentrate on the swamp instead of just the alligators, I am confident that my colleagues will see the wisdom of the balanced budget amendment and will vote to send the amendment to the States for ratification.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for how long?

Mr. SEYMOUR. Mr. President, Senator THURMOND from South Carolina had asked me to manage the remainder of our time. It is my understanding we have 7 minutes remaining.

The PRESIDING OFFICER. That is right?

Mr. SEYMOUR. Mr. President, I yield 3½ minutes to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 3½ minutes.

Mr. COATS. Mr. President, I thank the Senator from California for yielding the time, and I realize the time constraint we are under.

I think we are on the verge of something extraordinarily historic with far-reaching implications for the people of this country, for the economic future of this country, the economic health of this country. I think it deserves a great deal of debate and discussion.

We know that the House of Representatives will be debating and voting on this amendment today and tomorrow; that the Senate will then take it up, and I assume that we will have a lengthy debate. We should. I think we have engaged that debate now. I think we should continue that on a daily basis until the Senate votes on it.

I think the American public should weigh in, all of us should weigh in, with our thoughts on this. I am heartened by the fact that we have seen this morning a bipartisan display of support for what I think is a very fundamental principle of life, an enduring principle, that principle being that you cannot, should not spend beyond your means, and if you do you find yourself in trouble, whether it is you as an individual, your family, your business, or your Government.

Our Government has been spending beyond its means. We have been setting an example for future generations that is the wrong example. We have been telling them that you can have your cake and eat it, too; that you do not have to pay the bill; that the bill will never come due. That is simply not true. We are racking up debt at a staggering rate.

Members of this Chamber ought to be scared to death about what we are doing to our economy, what we are doing to our future. We ought to be ashamed of ourselves for what we are doing to our children, our children's children, and the children of families we represent as we are digging a debt hole out of which they may never be able to climb. That enduring American dream of owning a home and sending your children to school, hopefully providing them opportunities greater than what you had, is drying up very quickly. It is fading very fast.

I think we have a moral obligation to ourselves, to our Nation, to future generations to deal with this issue and deal with it now. We have seen attempt after attempt by the Congress of the United States to fix this thing in every way, but the only way it can be fixed is if Members, when they are sworn in, walk down to the front of this Chamber, place their left hand on the Bible and their right hand in the air and swear to uphold the Constitution of the United States and that Constitution includes a mandate that we not spend more than we take in, which forces us to set priorities, which forces us to look at the realities of what Government can do and what Government cannot do, which forces us to be honest with the American people, which allows us to look at interest groups in the eye and say, "Well, that may be a worthy program, and if together we can find a way to pay for it, if together we can find a way to substitute that for perhaps a program which is not doing the job, if we can find a way to establish it is as a priority, then we will work together to make that part of the function of Government. But if we cannot do that, we are constitutionally bound to adhere to the principle of not spending more than we take in."

Mr. President, obviously I am just getting warmed up, which is why I suggested additional time for special orders. I will save additional remarks for when time is available.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. SEYMOUR. I thank the Chair.

Mr. President, we have a unique situation in the U.S. Senate and the House of Representatives. It is unique, because for the short time I have been here, a little over 16 months, never have I seen Democrat and Republican, liberal and conservative, joining together to support such an important issue. This constitutional amendment, the question before us, is a tremendous opportunity, a tremendous opportunity to do that which I believe is the reason most of us come here to serve in this body. And that is to leave a legacy for our children and our grandchildren.

The opportunity, if we can seize the day, is for us to demonstrate some discipline for a change. America is watching us, Mr. President. And they expect us to fall in this opportunity. They expect us to once again demonstrate that there is no will, no discipline in this body, to stand up for what is right and to call it like it is.

This constitutional amendment will surely test the mettle of 100 U.S. Senators. The question before us is: Will we meet the test? Will we seize the moment? Will we seize the opportunity, to do what is right? Sure, it's not going to be easy. We would love to wiggle out of this. Some have suggested that we can solve this legislatively. From afar, I watched Senators GRAMM, RUDMAN, and HOLLINGS, who worked so hard to come up with the Gramm-Rudman-Hollings balanced budget solution. That was a legislative solution. And unfortunately, it did not work. Because in our legislative prowess, Congress found a way to skirt outside that and run the deficits up to a historical high.

Some would argue that the Constitution is such a sacred document, that it should not be touched. Yet it was nearly 200 years ago that one of our Founding Fathers, Thomas Jefferson, foresaw today, when he said, "If there was one omission I fear in the document called the Constitution, it is that we did not restrict the power of Government to borrow money." Thomas Jefferson said that in 1798.

And so, Mr. President, I say that we must seize this moment. Let us stand for once. Let us be courageous for once. Let us impose some self-discipline for once. And most important, let us show the constituents that we represent, to Americans across this land and to the Californians who I represent, that we have the will to do the right thing.

Mr. SIMPSON. Mr. President, I rise to say a few words about the balanced budget amendment, which has been the subject of this morning's discussion.

Mr. President, there is no hiding the obvious fact that public cynicism is at a historic high. There is frustration out there with the way we in Congress are conducting the Nation's affairs, and that frustration is matched by our own, in this Chamber, with the "gridlock" that prevents us from taking necessary and positive action.

We have before us an opportunity to rise above what have become very low expectations. There is a real spirit of bipartisanship behind these efforts to pass a balanced budget amendment, and I commend my friend and colleague from Illinois, Senator SIMON, a self-styled "pay-as-you-go Democrat," for following the courage of his convictions on this one. I commend my dear friend and colleague from South Carolina—my mentor—the senior Senator STROM THURMOND, who has pursued this cause vigorously for several years.

Mr. President, I am going to say only a few words about the need for such an amendment before discussing the various objections to it. The current national debt is approximately $4 trillion. We have an annual deficit of approximately $400 billion. And we are losing even what little control we have recently had of the budget process. The fraction of the budget that we actually appropriate continues to drop. We will see the annual deficit skyrocket at the turn of the century and beyond, even if we make cuts in discretionary spending levels. Existing caps, or limits on spending, have affected only the discretionary accounts—they have left untouched the vast majority of Federal spending. Without some external restriction on the imbalance between total outlays and total revenues, the burden we are sticking to our descendants will continue to grow.

But enough about that. We know the reality; we know too well what is happening. Mr. President, there have been a number of arguments raised in opposition to this amendment. One of them is that it is unnecessary and restrictive of congressional powers. The Congress, it is said, is granted by the Constitution the "power of the purse." It already has the power to balance the budget. Moreover, to mandate that it do so, it is charged, would be to cut into its constitutionally granted powers.

I would point out in the first place that the proposed amendment would not eliminate Congress' flexibility with regard to deficit-spending. A three-fifths majority vote would be sufficient to deficit-spend. That presents a procedural obstacle to deficit spending—it does not eliminate the option. It could even be said that the "loophole" granted to Congress is too big, for we will have no trouble generating a three-fifths majority to fund certain cherished entitlement programs. In any case, we have, in the course of our budget deliberations, imposed a number of three-fifths vote requirements on ourselves, and these have not been construed as unconstitutional or diminishing our power of the purse.

But even that is not the real point. The essential point is that we are no longer talking about arcane points of fiscal policy. We are talking about fundamental precepts of government. The power of the purse is not, by my thinking, the right to bankrupt the country. It is not the right to steal from future generations to give to the present ones. These are not issues merely of fiscal policy. They touch upon the central obligations that we in Government have—to pass on the blessings of liberty, undiminished, to our posterity. No governmental power, including the power of the purse, can rightly be considered unlimited to the point of destroying this Nation's future.

It is also asserted that a balanced budget amendment would not by itself constitute the tough choices which Congress eventually will have to make. Of course it wouldn't. But it would elevate those tough choices to the status of a constitutional duty. Constitutional amendments almost always require conscientious action by legislatures, judges, and executives to make them effective—whether they pertain to "equal protection of the laws" or to a "speedy and public trial." The Constitution articulates ideals, draws broad outlines, which it is incumbent upon laws and lawmakers to uphold. That would be the case here.

It is also said that budget balancing is not sufficient cause to alter the Constitution. Mr. President, we have altered that great charter over far less. The 22d amendment restricting the President to two terms is considered by many historians to be a product only of partisan pique—Republican frustration over the repeated reelection of Franklin D. Roosevelt. And fiscal issues are not foreign to the Constitution. Surely the 16th amendment, creating the income tax, is no more fundamental to the purposes of Government than what is being discussed today.

Some also oppose this amendment because it fails to include a tax limitation. Let me be clear: I do favor a limitation on the growth of taxes. I am a cosponsor of the Kasten amendment to balance the budget with a tax limitation. We simply cannot balance this budget by increased taxation. We all know that no amount of taxation can keep up with the mandatory spending increases which currently take place automatically.

However, I can also count votes. We will probably not pass a balanced budget amendment that contains a tax limitation, leaving the choice between a more general balanced budget amendment and not having one at all. This is a rare and fleeting opportunity to pass a balanced budget amendment, and we will need much bipartisan cooperation to enact it. I for one will work to see that this amendment, if enacted, is implemented through spending restraint, even if a tax limitation is not included in constitutional language.

We are already seeing a circling of the wagons of those interests who are threatened by a balanced budget. It is very simple. All of those who receive money from the Federal treasury, and who wouldn't if we were forced to prioritize—that is to spend within our means on items most in the national interest—have reason to fear this amendment. And fear it they do. All of us are being besieged by mass mailings: "Vote against the balanced budget amendment; it's bad for the economy." What they really mean is that it might be bad for those taking bucks from the Federal Treasury, regardless of their net worth or their income. But let us take that statement at face value.

I received some interesting figures from the AFL-CIO the other day, indicating that if we were to pass a balanced budget amendment, it would adversely affect economic growth in 1995. It would cost jobs—in 1995. They indicate that the economy could be adversely affected "even by the year 2000."

That's our problem right there in a nutshell—that's how far we look into the future. We can't balance the budget this year, because if we just spend a little bit more, we can help the economy out a little bit—this year. We know that this year's problems are caused in part by deficit spending over several years, but we try to lessen the burden for this year—by increasing it down the road.

Perhaps the economy would be adversely affected in 1995 by a balanced budget amendment. I want to ask the AFL-CIO and other certified and chartered interest groups: What about the year 2005? What about 2010? What about 2030? I want to ask the AFL-CIO and other such groups: How would the 1995 economy have looked if we hadn't racked up $4 trillion in debt? A lot better than it actually will.

There comes a time when we simply have to take the long view. Senate Joint Resolution 18 would leave us enough flexibility in the short term, and it would declare our obligations over the long term. Enough is enough. I urge the favorable consideration of my colleagues on these efforts, and I yield the floor.

THE NEED FOR A BALANCED BUDGET AMENDMENT

Mr. HATCH. Mr. President, during the past few weeks many different arguments have been put forth as to why our Nation does not need a balanced budget amendment. At face value, some of these proposals seem to offer persuasive reasons for rejecting the amendment. Others are less convincing. Nonetheless, they represent a spectrum of supposed reasons as to why Congress should not adopt a balanced budget amendment to the Constitution.

However, there is another side to this issue that cries out for enactment of a balanced budget amendment, one that clearly outweighs all other arguments against the amendment. Simply put, it is that uncontrolled deficits will do irreparable harm to our Nation's economic future.

Last week, the Subcommittee on Deficits, Debt Management, and International Debt of the Finance Committee held hearings to examine the long-term impact of deficits on our economy. As a part of those hearings, the General Accounting Office presented a sobering look at the impact of deficits on our Nation's future. In brief, the GAO study shows that our current policy of deficit financing for Government operations is not only unsustainable, and that deficits will have a devastating impact on our Nation's economy, but that unless we begin to reverse our financial direction in the near future, it may be too late to avoid a collision course with economic disaster. The conclusion from these findings is clear. We need to take action now.

I would like to share with my colleagues some of the key findings of the GAO report. According to their research, if we continue with our business as usual spending habits, the Federal deficit could explode from today's 6.3 percent of GNP to 20.6 percent of GNP by 2020. This horrific growth in the deficit would result from equally terrible growth in Federal spending, projected to swell from a current 23.3 percent of GNP to a staggering 42.4 percent of GNP over the next 28 years.

Mr. President, let me put these abstract percentages into perspective. If we do not change how our Government spends money, the children being born in this Nation today will each face a terrible financial future. Twenty-eight years from now each American will find that his or her individual share of the public debt is equal to $45,816. Stated another way, this means that in three short decades each family's of the total, publicly held, Federal debt will be an incredible $183,000.

Are we willing to burden the upcoming generation with the devastating effects of our fiscal irresponsibility? I, for one, do not want to have to explain to my grandchildren that they will be paying heavy taxes and suffering woeful economic conditions because we, today, were unable to control how our Government spends its money. Yet, that is exactly the course we are on unless something changes.

Fortunately, this bleak forecast also offers us hope for the future if we decide to deal with the deficit problem instead of putting it off. The GAO study also examined the long-term results that would accrue if Congress undertakes positive, substantial reform and begins now to reduce the deficit. The study shows that instead of leaving a legacy of overwhelming debt and obligation for the next generation, action today could leave a future economy invigorated and growing, with insignificant debt held by the public.

The GAO study is not naive when it discusses the challenge of dealing with the Federal deficits. It acknowledges that the short-term choices will be difficult. But the longer-term results of standing up to our problems now justifies the challenge.

To quote my esteemed colleague from West Virginia, "This is an hour for statesmanship, for patriotism, for maturity and wisdom, not the hour for another quick fix," and I heartily concur. It is time to stop tinkering on the margins, to stop putting legislative bandages on a serious fiscal wound. Congress has overwhelmingly proven its inability to exercise fiscal self-control. The time has come for us to make a fundamental change that requires Congress to mend its ways.

The way to put us on the path toward fiscal responsibility and a secure future is to enact a balanced budget amendment. Only a balanced budget amendment will finally force Congress to squarely address how it spends its money and force us to put our financial house in order.

Tomorrow, the House of Representatives will vote on a balanced budget amendment, and next week this body will begin discussion on a similar proposal. I look forward to openly exploring all of the questions surrounding this most important issue in the upcoming debate.

I also recommend that my colleagues refer to the study from the GAO that I have been referring to entitled, "Prompt Action Necessary To Avert Long-Term Damage to the Economy," to help them understand just how important it is for us to resolve this critical problem.

This is a pivotal time for Congress. The present and future well-being of our Nation hang in the balance, and our actions over the next few days concerning a balanced budget amendment will determine which way the scales are tipped. I urge each of my colleagues to decide now to be a part of the solution by supporting the balanced budget amendment.

BALANCED BUDGET AMENDMENT

Mr. KASTEN. Mr. President, I rise today to discuss a major threat to our country's economic future. It is essential that we find a solution to the runaway budget deficit—and that we do it immediately.

The basic problem is a Federal Government that is too big. Congress is currently spending over 25 percent of America's annual gross domestic product [GDP]. In the last 3 years, the pages of the Federal Register—the rule book of the Federal bureaucracy—have increased from 55,000 to nearly 70,000.

Tax hikes and overregulation have a serious economic and budgetary effect. Every year since 1986, fewer and fewer new small businesses have been incorporated. This is a dagger aimed at the heart of job creation—at the economic future of America. Fewer small business starts means fewer jobs—and that means less revenue for the Federal Government.

We need to get government spending under control. And that means we need major reforms of the congressional budget process. Some of us have been fighting for these reforms for years—for balanced budgets and the line-item veto.

But this year, there is a big difference. This year, these ideas have reached critical mass—because the American people are furious about the fact that their Federal Government is arrogant and out of control.

In this regard, I would like to discuss the balanced budget amendment proposals that Congress is debating. Our distinguished colleague from Illinois, Senator SIMON, is proposing one approach that I think would not work—because it would not limit taxes. I have introduced another approach that would require a three-fifths vote of Congress to approve tax increases beyond the rate of growth of the economy, as well as a three-fifths vote to spend more than revenues allow or to increase the public debt.

My amendment—which I call the taxpayer protection plan—would not just eliminate the deficit. It would also break the cycle of escalating Federal spending and taxation.

Over the last 30 years, Congress has balanced the budget only once—but raised taxes 56 times.

Under the Simon amendment, Congress could always find the money for the extra spending it wants by raising taxes—and then they could escape the wrath of voters by claiming the Constitution made them do it.

I think this tax increase approach is fundamentally misguided, and economically disastrous. I do not think we ought to be talking about tax increases at all.

We simply cannot allow the forces of big Government to use this constitutional amendment as a Trojan horse for tax increases.

History shows that while tax increases are easy for Congress, spending cuts are practically impossible. In the 1982 TEFRA tax bill, Congress promised Ronald Reagan $3 in spending cuts for every dollar in tax hikes. The actual result was a $2 spending increase.

The 1990 budget summit turned out exactly the same way. It supposedly raised our taxes by $165 billion to reduce the deficit. I voted against it because I knew that when taxes went up, spending would rise even faster. And that is what happened. The deficit has exploded to a record $400 billion.

The taxpayer protection plan would limit both taxes and spending—and that is the only sure way to get the economy back on track.

Critics of the balanced budget amendment see these proposals as yet another act of political cowardice by Congress. They say that there is no substitute for the will to make tough choices to get the deficit under control.

This criticism is not entirely false. Many Members of Congress are supporting balanced budget amendments strictly out of political fear. But this criticism does not apply to those of us who have been fighting for balanced budgets for many years.

We know there is no substitute for tough choices. Once we get this amendment passed, Congress should get to work—immediately—on a 5-year deficit reduction plan. Without a Gramm-Rudman II type of provision, Congress may well delay the tough decisions until 1996 or 1997 when the amendment goes into effect.

We need to get spending under control now. I have repeatedly offered amendments in the Senate to reduce the rate of growth of Government spending.

Congress continually votes down these amendments—and votes to increase spending instead. My balanced-budget proposal would make it more difficult to increase spending—by raising the voting threshold to 60 votes. If my amendment is enacted, we will need more than a simple majority to increase the Federal Government's burden on taxpayers.

We can balance the budget without tax increases. My play for a balanced budget involves a 5-year program of restraining the rate of growth of Federal spending.

The nonpartisan Congressional Budget Office is projecting total tax revenues to be $1,500 billion in 1997. What we need to do is make sure that our spending does not rise fast enough to surpass the combined total of $1,500 billion and the additional revenues generated through progrowth economic policies.

Essentially, that means we can spend more than we are spending now, but we have to spend less than Congress expects to spend. To cut the growth of spending will make a lot of Members of Congress unhappy, but we simply have to do it.

Clearly, we can find some extra money in the defense account. Congress is talking about major cuts in defense over the next 5 years. We can transfer that to domestic spending or—as I prefer—back to the taxpayers.

This plan will put us on the road to a balanced budget, and once we get started our progress will accelerate rapidly. One reason is that we will start to save money on interest payments. Another is that when we start restraining the Federal Government, the economy will expand faster and therefore expand the revenue base.

An expanding economy is key to keeping the budget balanced. In the high-growth period between 1983 and 1989, the deficit as a share of GDP fell from 6.5 percent to 3 percent. The high-tax, recessionary policies of the past 3 years have pushed the deficit back up to 7 percent of GDP.

It is time to break out of static thinking—and start looking at the problem in a dynamic way. If economic growth is just 1 percentage point higher than forecast, that amounts to $258 billion in deficit reduction over 5 years. If it is 2 percentage points higher, the deficit reduction is $387 billion.

Too many in Congress are looking at this problem in entirely the wrong way. Economic growth is not only the way to ensure a higher standard of living—it is also the cure for the deficit.

Hold the line on taxes. Be responsible on spending. And get the economy moving with growth incentives. That is how we can get the deficit under control.

It is said that the first rule in getting out of a hole is stop digging. And that is what the taxpayer protection plan is all about.

The President has endorsed my taxpayer protection plan. There are efforts underway to either defeat this bill outright or somehow confuse the vote. We have to make sure everyone understands what the vote is really about—it is about the balanced budget. We cannot let people confuse the issue with procedural tactics.

The Government's share of the economy is expanding faster than the paychecks of working people. We need to reverse that trend—and that is why I will continue to work for the enactment of the taxpayer protection plan.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired. We are now under a previous order with the time under the control of Senator PRYOR, the designee of the majority leader.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator now has 1 hour. The time will expire at 11:20.

DEFENSE TRANSITION IN THE AMERICAN ECONOMY

Mr. PRYOR. At this point, Mr. President, I think that we have approximately six members of the Senate from this side who will discuss defense transition in the American economy.

Mr. President, it gives me great pleasure at this time to yield the floor. I understand Senator MIKULSKI, a member of the task force, is now prepared to make her statement.

The PRESIDING OFFICER. How much time is yielded to the Senator from Maryland?

Mr. PRYOR. I yield to the Senator from Maryland 10 minutes.

Ms. MIKULSKI. Thank you very much, Mr. President, and I thank the distinguished chairman of our defense transition task force for yielding this time.

I want to particularly acknowledge his leadership in helping to formulate what I think is a fantastic set of proposals that will deal with the democratic economic transition strategy.

Mr. President, we are at the defining moment in American history. Last year, we saw the collapse of imperial communism and the end of the cold war. It was just last year that we were celebrating our triumph in the gulf.

Now, we are in a new war and that is the war for America's future. America wants leadership. America wants a navigational chart that will lead us into the 21st century. America knows that a new century is coming, a new economy is being borne, and they want to make sure the United States of America continues to lead the way.

Mr. President, the American people want leadership, and in the absence of Presidential leadership, the Democratic defense transition task force will be a President by proxy. We will offer to the United States of America that navigational chart to make sure we do not lose ground, that we do not lose talent, and most of all, that we do not lose our way.

I was honored to be part of that task force, to advocate ideas that we hope will generate economic growth and job creation, that will reinvest taxpayers' money to create more jobs today and jobs tomorrow, to use proven successful programs, and at the same time not burden the taxpayers with increased expenditures.

We focused on two areas: personnel and technology development. We took a look at the personnel of the Department of Defense and said we do not want to lose talent and, therefore, lose time and lose ground. Therefore, this task force adopted many ideas, two of which I recommended, that I want to share with dedicated DOD civilian personnel today.

We are saying to those men and women who worked at the Department of Defense, who fought for democracy around the world in their own way, that even though they have been abandoned by their Commander in Chief, we will not now abandon them.

We will first of all give them a simple tool for self-help, an 800 number that they can call, Mr. President, not to make campaign contributions but to ensure that they can continue to contribute to American society by finding other placement within needed areas within our own Government sector; that talented engineer, at DOD, could find a job at NASA; that brilliant computer program specialist can find a job at the National Institutes of Health; that talented dedicated secretary that worked through the night on many projects is needed in other areas of our Federal Government.

Our 800 number will do that, and we also make sure that when they apply for jobs they will get priority placement over other newcomers. We believe that, if you serve your country, practice patriotism, and bring the work ethic, we do not want to lose you because the United States of America needs you, needs that talent, needs that competency, and most of all, needs that patriotism.

While we are working on personnel issues, we also wanted to look ahead to the issue of jobs.

Mr. President, I am obsessed with generating jobs in the United States of America. It is not only my occupation as a Senator, but it is my preoccupation as a Senator. We want to make sure that we generate jobs today and jobs tomorrow.

That is why we have taken a look at what the United States of America is doing that we can transfer to the civilian economy. We want to make sure we develop products that the world will come to buy. I do not want us to be a tin-cup economy where we go around the world begging people to buy our products sometimes of mixed value and mixed need. I do not want America to be only a marketplace where we buy other countries products. That is why we worked to generate jobs today and jobs in the future.

One of the areas that we looked at is what are the critical technologies that are needed both now and into the 21st century. What could the United States of America do to develop the precompetitive technologies that we could then foster and advance?

I do not want to pick winners and losers as a Federal Government. I do not believe in centralized planning. I do not want our plan to sound like we are a little Trotsky pamphlet with five-point programs and eight production plants. Socialism and communism died around the world. We do not want to invent it in our own ideas.

But we do know how we can win, and one thing we can do is take the Federal research that is going on in the military and pass legislation that makes sure it has a dual use purpose. An example would be in the environment. One of the largest procurers of environmental cleanup technology would be the Department of Defense.

I have always advocated creating a national environmental technologies agency modeled on the Federal program called DARPA, the defense supply research agency. I want us to get into developing the precompetitive technology in the environment.

Our foreign competitors intend to be the Jolly Green Giants of the 21st century. Germany is investing five times as much on environmental research as we are. Japan has already targeted five areas of environmental technology prevention and cleanup. We will pass the best environmental legislation in the world but we will then go abroad to buy the technologies to do the cleanup and prevention.

Why do we do that to ourselves? Why do we always increase our mandates and yet lose the jobs? We also then want to make sure we translate our research into job development. We win the Nobel Prizes and other nations win the markets.

Well, this task force proposal said that is over. That is why we are advocating a technology with many ideas. My particular area as I said is in the dual use with defense and even a national institute on environmental technology modeled on the National Institutes of Health that will develop the precompetitive technologies and which then the private sector can value add to generate those products that the whole world will come to buy—a green card that leapfrogs over the Japanese development; Superfund cleanup, that we can clean up the Superfund sites at our own United States of America and then sell to Eastern Europe so they can clean up their own environmental disasters. These are the kinds of ideas that this task force is advocating.

We believe it will promote economic growth and make sure, as I said, we do not lose ground and we do not lose time.

Mr. President, I will conclude by saying this: I hope the U.S. Senate passes our defense transition task force package that will truly lay the groundwork for a 21st century economy because we want to make sure just as we were a military superpower we are an economic superpower and that the whole world will continue to turn to us not only for democracy but for the products that we will make and sell.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arkansas is advised that the Senator from Maryland used 9 minutes of her time.

Mr. PRYOR. Mr. President, I would like to take this opportunity to express the depth of my appreciation and gratitude to the distinguished Senator from Maryland who has truly been one of the leaders on the 21-member Democratic task force appointed by Senator MITCHELL to evaluate our current position and what we must do in the area of defense transition.

Mr. President, Americans are today just beginning to grasp the enormity of one of the most radical changes in our history, the drastic economic adjustments that will rise due to the end of the cold war.

Our current military is going to get much smaller. We look at this chart, Mr. President, and we see in the deep black underneath, military employment getting smaller and smaller. As a result, the defense workers, the communities depending on defense activities, businesses who relied heavily on cold war defense spending at worse face potential devastation and at least radical change.

Unfortunately, we as a nation are unprepared for what is to come. And here is the grim outlook: During the next 4 years 1.4 million defense-related jobs are going to be lost. They are going to be gone and gone forever. This figures out to roughly 1,000 jobs a day lost, Mr. President, over the next 4 years. Thirty-four military bases are going to be closed. Another 48 will be realigned and more are to be announced.

Mr. President, over 150 U.S. communities which are defense dependent today will be hard hit by defense plant closings and layoffs.

Mr. President, after World War II, America faced a very similar challenge to the one we are facing now. We were able, at that time, to turn it into a grand opportunity for economic growth and unprecedented prosperity, which has lasted for more than a generation. Developing a strategy to turn today's defense downturn into an engine for growth and new jobs was the mandate that Senator MITCHELL handed the task force of 21 Democratic Senators last March.

Our report and recommendations were issued on May 21. These were given to Senator MITCHELL. And we think that they received basically good reviews from business, educators, unions, States, cities, including the hard-hit areas of my home State of Arkansas—Blytheville and Fort Smith.

These are the steps, Mr. President, very forthrightly, that the task force took. First, we listened to 12 formal briefing panels, to over 60 experts, representing the defense industry, labor and business interests, educators, Federal, State, and local governments, and community leaders. The message was the same, Mr. President. Every speaker, every expert, every group that we listened to said "change is needed," and defense transition in our economy has no priority in the White House. We heard this over and over.

Second, we took tips from history. We looked back. The experience this country went through after World War II was worth noting. The impact of peace was astounding after World War II. For example, by 1948, defense spending fell from 38.7 of GNP to 3.2 percent; 12.4 million people were laid off by defense companies; 10.6 million soldiers and sailors left the services; 1.6 million workers left civilian military jobs.

As early as 1943, 2 years before the end of World War II, the Office of War Mobilization and other agencies were busy preparing for defense transition or, as they called it then, "reconversion." Changes ranging from Government tax policy to procurement regulations and the GI bill helped to launch this country into an era of economic prosperity. What had the potential of economic disaster at war's end in 1945 became a golden opportunity made possible by committed leadership from the Government and from businesses in the private sector.

Our task force learned that defense transition assistance today faces economic hurdles not around in the 1940's. After World War II, the economy was poised for growth. Personal savings and consumer demand were extremely high. Most defense companies could easily change over to civilian-type efforts, and America was second to none in technology development. In contrast, Mr. President, today, America is in chronic recession; foreign trade competition is at an all-time high; personal and corporate debt are at all-time highs; unemployment is perched at 7.5 percent, and many defense companies are completely dependent on defense contracts for their survival.

In short, Mr. President, the message from history to our task force is that we had better get started now, in order to formulate a strategy to deal with defense transition.

Third, based on our briefings and experiences, we set forth three basic guidelines for action:

One, focus on economic growth and job creation to make those investments that pay dividends for America's future.

Second, to use and improve successful, needed programs and not to create new bureaucracies.

Three, take actions this year—not next year, not the year after, but this year—that steer us toward a long-term strategy for transition and growth.

Finally, our defense transition plan draws on the diversity of the task force membership itself, chosen by Majority Leader MITCHELL. As chairman of this task force, I could not be more proud of the work of the 20 other members and their staffs. We had seven full committee chairmen and a wide range of geographical and ideological interests in our group. Rather than becoming a hindrance, Mr. President, the diversity of this task force, like the diversity of America, has became our greatest strength.

The strategy which was presented in our report to Senator MITCHELL on May 21 was in fact the result of an intense focus of this talented and diverse group of people, and many others, such as Senator LIEBERMAN of Connecticut, who contributed mightily from outside the task force.

From the start, this task force was a response to the current lack of strategy and action. To his credit, 1 week after our task force went public, President Bush came forward and announced his outline for defense transition. The President, we think, took a step in the right direction. Much of what he had to say reflected our recommendations and was a sharp contrast to administration policies of the past.

Part of my purpose today is to urge and challenge our President to continue in the direction he has now started. We need his cooperation; we need his help, and this country needs Presidential leadership in this transition from a defense to a private economy.

Mr. President, I want to briefly summarize our task force recommendations.

First, to reinvest our defense workers in nondefense jobs. These workers deserve more than a hand shake or a gold watch and best wishes for their years of work for our national security. This means retraining, making retraining programs work better, and giving military men and women incentives to go into public service.

Second, help communities adjust, through support programs for communities that need it, Mr. President. This includes expanding the Office of Economic Adjustment. The Office of Economic Adjustment in the Pentagon today has a staff of only 17 individuals, and this is the office that is responsible for all of the base closings across the country, and for providing aid to the communities and businesses that will be adversely affected.

Our recommendation also includes funding of the Economic Development Administration, which gives economic disaster grants to communities. This very small office has been targeted for zero funding since 1981.

Third, help defense community businesses with Small Business Administration loans and possible tax incentives.

Fourth, help defense companies grow into new civilian markets and create new jobs through manufacturing, technology, and marketing assistance.

Fifth, put the $70 billion Government research budget our country is spending today—where 60 percent of the budget goes to defense research—to work as an engine for civilian economic growth. We must make more innovations relevant to the American consumer, to the worldwide consumer, and to business needs.

These are the very basics of our plan, Mr. President. Our strategy contains immediate action that will help workers, communities and businesses today, but it also sets in motion steps that will lead to long-term growth in the civilian economy, and the creation of new jobs for a long, long time to come.

Again, Mr. President, I would like to thank all 20 other members of this task force. I would like to thank their staffers, who worked diligently day and night to meet the deadline imposed upon us by Senator MITCHELL, and the mission that he placed before us.

We thank the expert panelists for their long hours of work, and for their dedication to formulating our report. We also thank the majority leader's office and the Democratic Policy Committee's staff.

We plan to work with all relevant committees in the House and in the Senate. We plan to work with Republicans and Democrats alike. This is not legislation just for Democrats; it is not legislation just for Republicans. Because now we must all work together to transform the task force recommendations point by point, recommendation by recommendation, into legislative accomplishments to help our country.

And, Mr. President, that task begins now. For my part, as chairman of the Civil Service Subcommittee on the Governmental Affairs full committee, I intend to move quickly within the next 2 weeks on legislation for Defense Department civil servants. My legislation would attempt to mitigate the unpleasant scenario of layoffs by creating vacancies in the civilian work force through retirement incentives and job retraining to prepare those workers for employment outside the Defense Department.

Mr. President, I would like to have a list of the membership of our task force printed in the RECORD. I ask unanimous consent that a list of our task force membership be printed at the appropriate place in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMBERS OF DEFENSE TRANSITION TASK FORCE

(Appointed by Majority Leader Mitchell on March 3, 1992)

Senator Brock Adams, Washington.
Senator Jeff Bingaman, New Mexico.
Senator John B. Breaux, Louisiana.
Senator Alan Cranston, California.
Senator Christopher J. Dodd, Connecticut.
Senator Bob Graham, Florida.
Senator Ernest F. Hollings, South Carolina.
Senator Edward M. Kennedy, Massachusetts.
Senator Carl Levin, Michigan.
Senator Howard M. Metzenbaum, Ohio.
Senator Barbara A. Mikulski, Maryland.
Majority Leader George J. Mitchell, Maine.
Senator Sam Nunn, Georgia.
Senator Claiborne Pell, Rhode Island.
Senator David Pryor (Chair), Arkansas.
Senator Donald W. Riegle, Jr., Michigan.
Senator Charles S. Robb, Virginia.
Senator Jim Sasser, Tennessee.
Senator Paul S. Sarbanes, Maryland.
Senator Timothy E. Wirth, Colorado.
Senator Harris Wofford, Pennsylvania.

Mr. PRYOR. Mr. President, I ask unanimous consent that a list of those experts to whom we listened over those weeks, and portions of our task force report, be also printed in the RECORD at the appropriate place.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF SPEAKERS FOR DEFENSE/ECONOMIC CONVERSION TASK FORCE BRIEFINGS

Overview Briefing

Ed Knight, Economic Adjustment and Conversion issues, CRS.

Andrew Mayer, Base Closure issues, CRS.

Gary Pagliano, Defense Industrial Base issues, CRS.

Jeff Hornbeck, Regional Economic Adjustment issues, CRS.

Jack Moteff, R&D issues, CRS.

Ann Lordeman, Job Training and Location Assistance issues, CRS.

Kitty Gillman, Office of Technology Assessment.

Group I (Worker/Community)

Displaced Defense Workers: Transition Issues

Edward Gleiman, Staff Director of Subcommittee.

Barry Holman, GAO National Security and International Affairs Division.

Bruce Moyer, Legislative Council for Federal Managers Association.

Beth Moten, Leg. Director for American Federation of Government Employers, AFL-CIO.

James Sommerhauser, Pres. International Federation of Professional and Technical Engineers, AFL-CIO.

Alan Reuther, Leg. Director United Auto Workers.

Private Sector Retraining Issues

Dr. Anthony P. Carnevale, Exec. Director of Institute of Workplace Learning at the American Society for Training and Development.

Peggy Taylor, Associate Legislative Dir. AFL-CIO.

Calvin Hines, AFL-CIO.

Peter Mannella, NY State Dept. of Economic Development and NY State Defense Task Force.

Matt Kane, Staff Economist Northeast-Midwest Institute.

John Lederer, Senior Policy Analyst at Human Resource Policy Studies at National Governors' Association.

Existing Federal Programs

Paul Dempsey, Deputy Director of Office of Economic Adjustment, DoD.

Jim Van Erden, Administrator of Office of Work-Based Learning, DoLabor.

Bob Colombo, Director of Title III, DoLabor.

Steven Brennen, Acting Deputy Asst. Sec. for Program Operations, Economic Development Administration, DoCommerce.

Don Patch, Office of Community Planning and Development, DoHUD.

Mary Lukens, Assoc. Deputy Administrator for Business Development at Small Business Administration.

David Witschi, Director Economic Adjustment Division Economic Development Administration DoCommerce.

Base Closings: A Health Care Crisis for Military Retirees

Chris Jennings, Deputy Staff Director, Special Committee on Aging.

David F. Burrelli, CRS, Foreign Affairs and National Defense Division.

Bob Goldich, Foreign Affairs and National Defense Division, CRS.

Rick Storey, Project Leader, Joint Services Group on Health Care Initiatives for Non-Catchment Areas, DoD.

Ron Stephen, Co-Chair of Hospital Subcommittee of Carswell AFB Reuse Task Force.

Repositioning Military Personnel in Civilian Settings

Mary Smith, Education and Public Welfare Division, CRS.

Fred Pang, Professional Staff, Senate Armed Services Committee.

Maj. Bill Crews, Office of Assistant Secretary for Veterans Employment and Training, DoLabor.

Jim Pirius, Director, Federal/State Relations, Florida Education Department.

Group II (Industrial/Technical)

Technology Application and Industrial Expansion Services

Walt Plosila, Head of Montgomery Co. High Technology Council.

Jack Russell, V.P. of Michigan Industrial Tech. Institute.

Joe Houldin, Director of Delaware Valley Industrial Resource Center.

Dr. Robert White, Undersecretary of Technology, DoCommerce.

R&D Policy and Labor Adjustment

Erich Bloch, Distinguished Fellow at the Council on Competitiveness.

Craig Fields, President and CEO of MCC.

Jacques Gansler, Senior V.P. of TASC.

Dr. Roger Nagel, Operations Director of Iacocca Institute at Lehigh U.

Dr. John Alic, Senior Associate at Office of Technology Assessment.

Trade Assistance, Tax Incentives, and Capital Costs

Dr. Gary Hufbauer, Visiting Fellow, Institute for International Economics.

Robert Kuttner, Economics correspondent for *The New Republic*.

Dr. David B.H. Denoon, Prof. of politics and economics at NY University.

Dr. Ian M. Ross, Chairman of the Nat'l Advisory Committee on Semiconductors.

Julie Gorte, Project Manager with Office of Technology Assessment.

Corporate Diversification/Conversion

Jack Nunn, Senior Analyst with Office of Technology Assessment.

Calvin C. Coolidge, Director of D.C. office of Texas Instruments Defense Systems and Electronics Division.

Harvey Kreisberg, Director of Corporate Development for AIL Systems.

James A. McDivitt, Senior V.P. of Rockwell International.

Proposals for Defense Transition

House Science, Space, and Technology Committee

Skip Stiles, Legislative Director.

Robert Palmer, Senior Policy Coordinator.

National Commission for Economic Conversion and Disarmament

Dr. Greg Bichak, Executive Director.

House Armed Services Committee

Larry Smith, Councilor.
Bill Andahazy, Professional Staff.
Chris Aldridge, Professional Staff.

Defense Budget Project

Peter Schmidt, Economic Policy Analyst.
Carol Lessure, Outreach Coordinator.

State of New York

Amy Mall, Legislative Assistant.

Senate Democratic Task Force on Defense/Economic Transition—Executive Summary

LOOMING DEFENSE/ECONOMIC CHALLENGES

America is headed into defense spending cuts, job losses, and industrial disorientation—and the Administration is asleep at the wheel. No plan for transition exists. No strategy for reinvesting our resources for the future is in the works. Worst of all, the Task Force documented important areas in which executive departments have hindered defense transition initiatives.

No planning. No strategy. No leadership. And, as a result, no action.

"Change is Needed", was the message the Task Force heard in testimony from over 60 experts from the defense industry, labor unions, state and local governments and action groups, and Federal agencies. Research by the Office of Technology Assessment, Congressional Research Service and the General Accounting Office further emphasized these conclusions and added that problems facing us today will grow in the years to come.

The outside experts painted a somber picture that was also a call to action:

Defense cuts that will range from $50-$200 billion over the next five years means up to 350,000 defense-related jobs will disappear annually, totalling up to 1.4 million jobs by 1995.

Thousands of U.S. companies reliant on Pentagon contracts or subcontracts, must reorient or reduce.

Hundreds of American communities will suffer as military bases and defense plants begin to close or downsize this year.

Defense-related economic dislocations will be magnified by a recession-weakened economy, chronic unemployment, soaring personal and corporate debt, and the export of U.S. manufacturing and technical know-how overseas.

REINVESTING THE PEACE DIVIDEND

Several themes repeatedly emerged in the testimony the Task Force received from outside experts. These themes serve as useful guidelines for considering options for action:

(1) Focus on economic growth/job creation—make investments today that pay dividends in America's future.

(2) Use and improve successful, needed programs—do not create new government bureaucracies.

(3) Take actions this year that steer us toward a long-term strategy for transition into the post-Cold War economy.

Task Force briefers identified three areas to focus its attention.

The first is dislocated military and civilian workers who will need help reinvesting their talents and expertise in productive non-defense jobs.

Second are defense-dependent communities that can benefit from programs to help them plan for the defense downturn and to take action that will allow the community to grow in new directions.

And finally, defense-dependent companies—especially the more agile small to midsize firms—can be given incentives to reorient, diversity and become engines for new job creation and economic growth through a number of enabling government actions, programmatic reforms and a view toward long-term investments.

A DEMOCRATIC PLAN OF ACTION

Americans support investing part of the peace dividend in programs and reform that will build a foundation for a stronger domestic economy. The Task Force recommendations answer this call for change and a new direction. Some of the recommendations are:

I—Reinvest defense workers in non-defense jobs

Help DoD military and civilian employees and defense industry workers make a productive transition that benefits the worker and the economy.

Retrain defense workers to become productive in new areas.

Make government worker assistance programs work better.

Incentives for soldiers and sailors to go into public service (education, health, etc.).

Create incentives for DOD civilians to find new work.

II—Help communities rebound

Emphasize the importance of planning assistance for defense-impacted communities by expanding the Office of Economic Adjustment.

Light Administration efforts to kill community economic recovery grants and expand the Economic Development Administration, which helps communities adjust to change.

Revive SBA small business loan program designed to help local businesses in transition.

Cushion the blow to school districts near base closings with extended impact Aid.

Review tax incentives to spark development in defense-impacted zones.

III—Industrial diversification, economic growth, and job creation

(A) Provide Businesses with Marketing, Manufacturing, and Technical Assistance

Help companies diversify and find new markets through "manufacturing extension services"—similar in concept to agricultural extension centers.

Support use of advanced technologies by businesses through Regional "Technology Alliances".

Encourage fast and flexible response for industry transition through grants for state and regional industrial services.

Help companies find civilian markets abroad.

(B) Invest in Technology and Research with Long Term Civilian Pay-offs

Fund and support long-lead research of potential commercial technologies (activities in DoD, Commerce, NASA).

Fund dual-use research projects in DoD that have military and commercial payoff.

Set aside more research funds to give incentives to small business innovation.

Redirect defense labs toward helping the civilian economy.

Support tax policies that encourage businesses to grow.

TRANSITION COSTS/BENEFITS

Many changes endorsed by the Task Force have no cost. For instance, increasing small business research set-aside requirements would require no new funds but would set aside up to $500 million more for small enterprises. The same would hold for earmarking certain national laboratory funds for industry coordinated research efforts.

Where increased funding is recommended, sound investments to help today's defense-dependent human, community and industrial resources and will pay dividends for years to come. Such investments today can help set the stage for a sustained economic recovery.

Although many of the Task Force recommendations will need further development during the coming months, the Task Force has made a preliminary cost estimate of $1.2 billion for all specific program spending elements. The Task Force plans to continue working with the relevant Senate committees and experts to develop specific funding recommendations.

Finally, it should be noted that, understandably, many of the defense transition programs recommended for increased funding and emphasis are located outside the Defense Department. The Task Force is encouraged that many of these programs can be funded using Defense funds for fiscal year 1993 only. The process of moving this package forward will require cooperation between numerous committees, the Senate Republican leadership and finally, the White House.

In future years, the Task Force strongly recommends that funding and any control over transition programs that should be located in non-defense agencies be transferred to those agencies.

TOWARD THE FUTURE

This report emphasizes the need for comprehensive planning as we reduce our defense spending. The Task Force recommendations are meant to set in motion immediate, realizable action that will lay a foundation for future efforts to bend growing defense transition challenges into economic expansion and opportunities. Further defense cuts, the shape of the economy, budget law changes, and changes in political leadership could alter the way we can deal with transition issues.

SENATE DEMOCRATIC TASK FORCE ON DEFENSE/ECONOMIC TRANSITION, MAY 21, 1992

I. REINVESTING DEFENSE WORKERS

Summary Findings

According to the Office of Technology Assessment (OTA), roughly 6 million people were employed directly or indirectly in national defense jobs in 1991.

By 1995, 1.4 million defense employment positions will be eliminated at a rate of up to 350,000 per year.

Department of Defense (DOD) military and civilian employees, Department of Energy (DOE) nuclear weapons complex civilians, and defense industry workers will be affected by the reductions in national defense spending.

The Administration took over a year to release $150 million from FY90 DOD funds to the Labor Department for defense worker adjustment services (Defense Conversion Adjustment Program—"DCA").

To date, the Labor Department has released only $22 million of the $150 million, which will expire on September 30, 1993.

Recommendations

A. Fund worker adjustment for peacetime

1. Existing Labor Funds: Continue DCA Program by extending the current obligations of $150 million through fiscal year 1997.

2. Urge the Department of Labor to promote and implement demonstration project grants, especially for in-house retraining by defense firms who are seeking to diversify or foster dual use capabilities.

3. Supplement Labor funds: In fiscal year 1993, transfer additional funds from DOD to Labor to be used through fiscal year 1997.

B. Job retraining program improvements

1. Support the ongoing efforts of the Senate Labor Committee to improve the overall functioning of the basic worker retraining program ("EDWAA") and to ensure its relevance to the special needs of displaced defense workers.

2. Amend Title 5 so that EDWAA can be extended to workers at military installations scheduled for closure or realignment from 60 days to 12 months.

3. Require State EDWAA Managers to urge defense firm employers to provide increased communication on the status of contract terminations, program curtailment, and the end of a production line.

4. Allow States to reimburse their discretionary accounts with Defense Conversion Adjustment (DCA) funds if they have provided "Rapid Response" services to defense workers, and in doing so, contributed to the depletion of their discretionary accounts.

C. Re-orienting Department of Defense Military Employees

1. Support the proposals to provide the Secretary of Defense voluntary early retirement authority to members having between 15 and 20 years of service.

2. Encourage military personnel who retire under the early retirement program to take approved jobs in the public sector by allowing them to increase their military years of service credit by one year for each year of public service up to a total of 20 years.

3. Help military personnel get the training, education, certification, and job placement which may be required for employment in critical public service jobs, such as education, law enforcement, or medical services.

4. Support a one-year leave of absence with pay for a military employee with relatively few transferable skills to pursue courses of instruction or education either within or outside the military.

5. Provide early retirement incentives and transition benefits for reservists.

D. Assistance for Department of Defense Civilian Employees

1. Urge the Senate Governmental Affairs Committee to report legislation on how to provide the Department of Defense with the necessary tools to manage the downsizing of the civilian workforce. Options to consider include retirement incentives, annual leave accrual as retirement service credit, extended health insurance coverage, expanding DoD's Priority Place Program to include all federal agencies, and creating a toll-free information number of OPM.

2. Direct DoD to make an inventory of training programs within the Defense Department training establishment that can provide skill training for jobs in the civilian economy. Upon completion, DoD should identify which programs would be applicable to non-DoD civilian employment. Authorize DoD civilian employees facing separation through a reduction-in-force or base closing action to receive up to one year of skill training in the Defense training establishment while still employed in DoD.

II. HELPING COMMUNITIES ADJUST

Summary Findings

Currently 34 bases are scheduled for closure, 48 bases will be "realigned". Another round of base closures will be announced in 1993. In addition, many defense industry plants are suffering the effects of reduced defense spending. The OTA estimates that over 150 U.S. communities will be hard hit by defense downsizing.

The Pentagon's Office of Economic Adjustment (OEA) is the agency in charge of helping communities plan for base and defense plant closures. It has a staff of 17 and a budget of $7 million.

The Bush Administration has requested that OEA funding be cut to $4 million in fiscal year 1993.

The Commerce Department's Economic Development Administration (EDA) provides "economic devastation" grants to help communities implement their economic development plans.

The EDA has been targeted for termination by the White House since 1981. The White House slowed the released of $50 million from fiscal year 90 DoD funds to EDA until February 1992. As a result, only $100,000 in EDA funds have actually reached impacted communities to date.

Although few dollars have reached the communities, many promises have been made. The Bush Administration began promoting and committing defense-related EDA funds during the campaign season: New Hampshire/Maine in February, Texas in March, and Arkansas in April.

Recommendations

A. Office of Economic Adjustment (OEA)

1. Increase OEA staff levels and grant authority for community assistance coordination and planning grant administration.

B. Economic Development Administration (EDA)

1. Existing EDA Funds: Extend through fiscal year 1997 the spending authority on the current $50 million scheduled to expire on September 30, 1993.

2. Supplement EDA Funds: In fiscal year 1993, transfer additional funds from DoD to Commerce for EDA grants through fiscal year 1997.

3. Ensure EDA's Position: The Task Force endorses the mission of the Economic Development Administration which has the function of assisting not only defense dependent communities but also communities which experience non-defense related economic distress. The Administration should be directed to clarify and support EDA's long-term mission of providing support for distressed communities and promoting economic development.

4. Require EDA to streamline the application process and press for better coordination with the Office of Economic Adjustment in making the transition from planning to implementation assistance for affected communities.

C. Small Business Administration (SBA)

1. Preferred Loans to Defense Firms: Provide direct, low interest rate loans to small businesses adversely affected by base closings or contract terminations.

2. Government-Guaranteed Loan Program: Provide supplemental appropriations in fiscal year 1992 to ensure that adequate resources are available for such loans.

D. Department of Education

1. Direct the Secretary of Education in conjunction with the Secretary of Defense to report annually on school districts which will be adversely impacted by military base closings, realignments, and redeployments.

2. Impact Aid Grants to School Districts: Allow needy school districts impacted by base closings to receive an additional year of phased-out funding. This would be accomplished by allowing payments under Section 3 of Public Law 81-874, the Impact Aid Pro-

gram, to be based on prior year data in calculating the formulas for distribution of funds for Impact Aid. This would enable eligible school districts to receive Section 3 payments earlier in the school year and allow them to better plan annual operating budgets.

E. Tax incentives for community growth

1. Urge review of various tax incentives to stimulate economic activity in geographic areas hit hardest by the reduction of U.S. defense spending. Tax incentives should target relief for problems caused by worker displacement due to cancellation of government contracts, defense industry down-sizing, base closings, and force reductions. However, more importantly, these tax incentives should encourage long-term economic growth.

F. Environmental restoration at base closings

1. Encourage joint periodic reviews by the Senate Armed Services Committee and the Senate Committee on Environment and Public Works on the base closing policies and regulations of DoD's Defense Environmental Restoration Program. These reviews would monitor the important funding and regulatory issues that will affect base closing communities, in an attempt to accelerate environmental clean-up and ensure rapid public use of closed military installations.

III. INDUSTRIAL TRANSITION, ECONOMIC GROWTH, AND JOB CREATION

A. Industrial transition and assistance

Summary Findings

Based on some estimates, DoD outlays for goods and services could decline by as much as 48% over the period 1992–2001.

Many defense firms must diversify into commercial markets and become less defense-dependent to survive.

Small and medium sized defense firms need assistance with sales, marketing, up-to-date technology, and best manufacturing practices to make them competitive and insure successful diversification.

Programs to ease diversification, enhance industrial competitiveness, and create jobs have been under funded.

U.S. programs to provide new overseas markets are much smaller than those of our competitors.

Recommendations

1. Fund Regional and State Manufacturing Extension Services: Ease the transition of defense firms into new markets and bring the overall level of U.S. manufacturing technology up to world class standards through support of manufacturing extension programs assisting small and medium sized firms.

DoC Manufacturing Technology Centers.

DoC State Technology Extension Program (STEP).

DoD Manufacturing Extension Program.

2. Fund Regional Technology Alliances: Address common industry transition needs and encourage overall economic activity through a focus on regional industrial clusters. Fund regional efforts devoted to applied R&D, specialized training, market research, export promotion, and testbed facilities.

3. Provide DoC Grants for Regional and State Industrial Services Programs: Promote a quick and flexible response to the transitional needs of defense and other industries through support of state and regional industrial services programs.

4. Provide Trade and Export Assistance: Help defense and non-defense firms tap new civilian markets overseas by providing additional funding and technical assistance.

Increase funding for U.S. Foreign and Commercial Service.

Increase funding for the Trade and Development Program.

5. Amend DoD Recoupment Policy: Encourage defense firms to diversify and achieve a payoff for the commercial economy on defense R&D, by revising the policy requiring recoupment of R&D money spent on military technologies that are commercialized.

B. Investment in growth technologies

Summary Findings

Over the long run, investment in economic growth is the only complete solution to lower defense spending and structural economic changes.

The U.S. government spends approximately $70 billion annually on R&D, over sixty percent of it for defense purposes. As a percentage of GNP, the U.S. spends only two-thirds the amount on non-defense R&D as the Japanese and the Germans.

Economic growth depends on increased productivity, product innovation, and leadership in industries with a higher multiplier effect for the economy, all of which create higher wages.

Achieving these factors depends in large part on developing and applying critical technologies which underlie emerging industries with high multiplier effects.

Because of the significant technical risks and financial barriers involved, individual companies are either unwilling or unable to successfully develop many of these critical technologies.

It will be necessary for the government to act as a catalyst as well as a backer in some cases, of U.S. industries' efforts to develop and lead in the application of critical technologies.

Recommendations

1. Critical Technology Partnerships with Industry: Vie for leadership in the industries of the 21st century and create R&D opportunities for defense and non-defense firms through grants to industry-led partnerships developing critical technologies.

Fund DoC Advanced Technology Program (ATP).

Fund Defense Advanced Research Projects Agency (DARPA) Dual-Use Partnerships with Industry.

Support Ongoing Civilian Aerospace R&D Partnerships in NASA.

Initiate National Environmental Technologies Agency (NETA) to Fund Grants for Environmental R&D.

2. Emphasize Dual Use in DoD R&D: Within the DoD R&D budget, set aside additional funds for projects that meet significant defense needs and that have a potential for application in the civilian sector. Such projects would include environmental clean-up, energy efficiency, transportation, computer and communications technology, and others.

3. Increase Small Business Innovation and Research (SBIR) Funding: Capitalize on the resourcefulness of small U.S. companies and increase opportunities in key emerging industries by increasing the set-aside for R&D matching grants to small firms. Focus grants on critical technologies with highest economic potential.

Reorient Defense Labs: Redirect these crown jewels of the national R&D infrastructure toward national needs and assisting commercial industry, now that the cold war is over.

Industry-Laboratory Partnership Program: Establish a set-aside fund to support industry-led R&D projects.

Amend Stevenson-Wydler Act: Require "dual-use" R&D be done in partnership with industry whenever possible.

National Academy of Science Study: Commission a study to examine what role the defense labs should fill now that the cold war is over, and how the labs can best fill this role.

5. Fund AgileTech: Help establish U.S. manufacturing preeminence by funding the public-private consortium developing the future manufacturing concept known as Agile Manufacturing.

6. Extend the R&D Tax Credit: Help make American industry the most technologically advanced in the world through extension of this tax credit for research and development expenditures.

7. Provide Grants for Manufacturing Education and High Skills Retraining: Insure U.S. industry's access to the best scientists, engineers, and managers, through funding of manufacturing education programs administered by the DoD and NSF. Fund NSF administered retraining programs to high skill former defense industry employees making the transition to commercial industry.

8. Extend the Employer-Provided Educational Assistance Tax Credit: Extend this provision to encourage businesses to continually invest in upgraded skills for their employees.

Mr. PRYOR. Mr. President, at this time, I understand that Senator DODD, who is a very splendid member of our task force and contributed a great deal of time and effort and his resources to this work, is now prepared to make a statement.

Mr. President, I yield the floor.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. PRYOR. Mr. President, I yield to the Senator from Connecticut 10 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

THE REPORT OF THE SENATE TASK FORCE ON DEFENSE ECONOMIC TRANSITION

Mr. DODD. Thank you very much, Mr. President.

Before the distinguished Senator from Arkansas departs the floor, let me take a moment to commend him and his staff for having done an excellent job as chairman of this task force. I thank him for conducting these hearings and listening to the experts around the country and to others who made recommendations as to how we might, in a comprehensive way, deal with the critical question of how we accommodate ourselves to the remarkable changes in our world.

This would not have happened without Senator PRYOR's leadership and determination. It is a comprehensive report that was done very expeditiously. And certainly, while the 20 of us who served as members would like to believe we made a positive contribution, the greatest contribution was made, in fact, by the chairman of this task force, and my compliments go to him.

Mr. President, my colleague from Connecticut [Mr. LIEBERMAN] is here on the floor and I presume he will be shortly making some remarks as well. I look forward to his perspective. Mr. President, there is the old story about the preparation of bacon and eggs in the morning. In terms of involvement and commitment in the preparation of bacon and eggs, it is often said that the chicken is involved, but the pig is truly committed.

Mr. President, on this issue of defense conversion and diversification, there are other Members here who are involved in this issue, and we are thankful for that involvement. But as for my colleague from Connecticut and I, and those from Rhode Island and California and other States where defense production is such a critical part of the economy, believe me when I tell you we are committed to this issue. Our economic survival depends in no small measure upon what happens with defense conversion and diversification.

Defense issues in Connecticut, Mr. President, date back over 200 years. Before we were called the Constitution State, we were called the Provision State. Our contribution to this Nation's national security is literally as old as this Nation, and we are deeply, deeply proud of that in Connecticut.

We are today one of most dependent States on a per capita basis, on defense contract work. The jet engines of Pratt & Whitney, the helicopters from Sikorsky, the propeller systems from Hamilton Standard, the radar systems from Norden, the submarine construction facilities of Electric Boat Division of General Dynamics, the tank engines from Textron Lycoming—all those companies and more, are major players. There are literally hundreds of small manufacturers, suppliers, and subcontractors to the larger corporations in the State.

So for those who were not familiar with Connecticut and only associate it with the insurance industry or the like, our contribution to the national defense may come as a surprise. But it is no surprise to the thousands of working men and women across the State who owe their livelihoods to the defense industry.

So we are deeply, deeply interested in whether or not we are going to be able to play a constructive role in seeing to it that our workers in these defense plants, in these small manufacturing operations, are going to be able to get some kind of help in order to move from defense contract work to civilian work.

So I am deeply, deeply grateful to Senator PRYOR and to the majority leader for putting together this task force to help us think through how we might make that conversion.

Let me point out that this is not a new issue for me, Mr. President. I would tell you that 13 years ago, the late Congressman McKinney—the Congressman from Fairfield County, CT—and I introduced in the House of Representatives a proposal to assist communities and companies and workers to overcome the post-Vietnam-era drawdown.

That was not at the end of the world war; it was at the end of a dramatic buildup during that conflict. And we felt we should try to make some conversion and diversification efforts. We did not succeed in that effort. There was little or no interest 13 years ago in those questions. I am glad to say that is no longer the case. In fact, there is a deep interest in how we might assist these individuals, companies, and communities, such as we feel in Connecticut.

We have lost 160,000 jobs in my State in the last 36 months, and no small percentage of those jobs have been lost in the defense-related areas. So it is a matter to which we are deeply, deeply committed. We want to assist our State and, of course, other communities around the country that are faced with these overwhelming decisions.

Mr. President, the welders, pipefitters, carpenters, designers, engineers, all the people who work in the defense industry—these are truly the veterans of the cold war. They certainly ought not to be treated as if they were just fortunate enough to have a job and now will move on to something else.

So in this task force we started with a premise that when you talk about defense conversion, what you are really talking about is jobs—high-skilled, high-paying, high-quality jobs.

In the next 10 years, according to the Office of Technology Assessment, we are expected in this country to lose 2.5 million jobs due to defense cutbacks—35,000 jobs alone in the State of Connecticut by 1997. These defense cuts are going to rip into the very heart of our Nation's industrial base.

Listen to these statistics, Mr. President. Eighteen percent—18 percent—of America's engineering jobs are today dependent on defense spending. Ten percent of our manufacturing jobs in this country are dependent upon defense spending. And 69 percent of all aerospace engineering jobs are dependent on defense spending. That is how much of our economy is linked directly to defense production in this country.

For the workers who lose their jobs and the families they support, these cuts are going to loom very large indeed. In many regions of the country, they put at risk the very notion of the American dream.

On May 21, 3 weeks ago, we came forward with a comprehensive plan that will help retrain defense workers; inject new life into our defense-dependent communities; and provide new market opportunities for economic growth.

Two weeks ago, Mr. President, 1 week to the day after our proposal was presented to this body, President Bush came forward with his plan. We often see a lot of finger-pointing back and forth, Mr. President, but I want to commend the President. This is just the kind of thing we need more of in this country. Instead of blaming one institution or the other for what is not happening, here is an example of where the Congress comes forward with its proposal, a proposal in this area, and the President suggests his ideas, many of which are complementary. That is exactly how we ought to be facing a wide variety of issues in this country.

So I say, as a Democrat, thank you to the President for stepping forward with some ideas in this area. This participation is absolutely critical if we are going to do anything effectively in this area.

And certainly we are going to be joining along with our Republican colleagues and others. This plan is not written in marble. It has not been etched in stone somewhere. It is a set of ideas that a group of us feel will move us in the right direction. But we welcome and invite other suggestions and ideas as to how we might assist in this most critical issue.

If there is one thing we learned during these past 2 months, it is that we must take the broader view. I see the changes ahead not as a threat but rather as an opportunity—an opportunity to reassess the scope and direction of our national economic policy. A truly effective conversion policy must address the full range of economic challenges facing this country. And in my view, the recommendations of the task force do just that—they lay out the broad view.

For workers, we call for increased funding for job training funds for laid off defense workers; improvements in job training programs to make them more efficient and more accessible; and enhanced early retirement incentives and transition benefits for members of the Active and Reserve Forces.

For communities, we call for increased funding for public works projects; streamlined approval process for economic development projects; small business loans to small businesses impacted by defense cutbacks; and impact aid to school districts in defense-dependent communities.

To create economic growth, we call for a network of manufacturing centers to assist small manufacturers with off-the-shelf technology; support for regional technology alliances; increases in trade and export assistance for small- and medium-size businesses; Federal grants and Government-industry partnerships for basic research in high-technology areas; increased reliance on dual-use technology in defense procurement; a doubling in the size of the Small Business Innovation Research Program; and a reorientation of the Nation's defense labs to permit private and Federal researchers to work side by side on the technologies of tomorrow.

Mr. President, I want to make it clear that as far as this Senator is concerned, I hope that Members in talking about conversion and diversification are not talking about abandoning our defense production efforts in this country. We need to maintain a strong defense structure. The world has changed, without any question, but I hope that those who are coming to the diversification or conversion issues are not suggesting, as I am confident they are not, that we can abandon defense production.

As I stand before this body this morning, there are some 36 conflicts raging across the globe, some of which may severely threaten the national interests of this country. We do not want to make the mistake that was made twice in this century to unilaterally dismantle our defense production capability.

So these suggestions are to try to accommodate those individuals and those communities and those companies who we are no longer going to need because of the changes that have occurred. But if this plan is designed to abolish our defense production capabilities or needed defense articles for this Nation, then I think we would be making a huge mistake.

Finally, I want to take a moment to emphasize the issue of export markets. I concentrated on this because I think it is so important that we try and expand export opportunities for our manufacturing base. And so we have suggested some ideas on how we might help our smaller manufacturers participate in more global markets. We only have one commercial officer for every 62 business people in Japan today whereas our competitors in France have one commercial officer for every five—and our competitors in Italy have one for every two. That is a tragic oversight, Mr. President.

That is an example of what we need to change to develop closer cooperation between the public and private sector as we try to assist our businesses to do business in other places. For far too long we have had an adversarial relationship between the public and private sector that does not serve anyone's interest.

We also have to increase public support for manufacturing. Today we have five federally supported manufacturing centers across the country. Japan, a country the size of Montana, has nearly 200 of these centers to assist its private sector in developing product lines and materiel. So they have a better advantage in global markets. We ought to give our manufacturers that same opportunity.

Let me conclude by commending Senator PRYOR and commending the majority leader and inviting other Members who have ideas to participate in this most critical debate as we try to make the economic changes to encourage growth, to put people back to work in this country.

Mr. LIEBERMAN. Mr. President, I rise to join my colleague from Connecticut in enthusiastically endorsing and supporting the work of our friend and colleague from Arkansas, Senator PRYOR, and the defense conversion task force whose report we are describing today.

I want to say personally that I was pleased to work with Senator PRYOR in the task force because this issue of defense diversification has necessarily been a priority of mine since I arrived in the Senate in 1989 and that is because, as Senator DODD has indicated, we are committed to it in Connecticut.

Between 1989, when I arrived, and this date, the world has changed dramatically, much more rapidly than we would have guessed, with the crumbling of communism. Those events have brought the issue of defense diversification to the forefront of public debate much more quickly and much more powerfully than any of us could have anticipated.

Mr. President, between the years 1979 and 1986, the United States of America waged what we may now be able to describe as the final battle of the cold war. American defense spending rose from 4.8 to 6.5 percent of GNP, the largest peacetime buildup in our history.

In fact, Mr. President, in 1989, the Federal Government spent approximately $300 billion for defense. If we adjust that figure for inflation, it represents roughly the same amount of money that we spent on defense at the peak of the Korean war in 1953 and the peak of the Vietnam war in 1968. But unlike those conflicts, the cold war was fought not only on the battlefield but also the regional conflict areas of the world. The cold war was also a war of wills and minds.

Our strategy rested on the premise that the United States must have a technological edge in order to offset either the numerical advantage or the unpredictable nature of our enemies. As such, an important part of the war was fought in the laboratories and in the factories of America. And the soldiers in the cold war, as my friend from Connecticut has said, included not only those in the armed services but those engineers and scientists and skilled workers in the defense plants across this country.

Now, in significant part due to those efforts, democratization and economic reform have emerged in both Eastern Europe and the Soviet Union, and the United States has declared victory in the cold war.

We do not need to place the containment of communism as our foremost military and spending priority. We have the opportunity now to address some of those pressing problems within our country that have been too long neglected.

Those opportunities are refreshing and they are long overdue, but we cannot forget that the actions we take to reduce defense spending will have broad and direct ramifications on our economy which has emerged naturally as our No. 1 concern today on our industrial base and on our ability to compete in the world marketplace. And, of course, they will have a profound effect on the workers and communities who have become economically dependent on defense programs.

The fact is that for the past 45 years we have made an enormous investment in our defense infrastructure, in both industrial capability and human resources. In the past, we have evaluated levels of defense spending based either on national security or budgetary grounds. But it is clear now at this stage of our history that since defense industries represent so significant a part of our industrial technological and manufacturing base, it will be essential to make these decisions on economic grounds as well or else we will risk walking away from and wasting the trillions of dollars that we have invested in our defense industrial base.

Mr. President, while our friends in Japan and Germany have been pouring capital into their civilian and industrial base, we have been pouring it into our defense base. Currently, 31 key American industries produce 15 percent or more of their output for defense-related purposes, and that represents a big piece of our overall industrial and manufacturing base.

It is also important to recognize that as our ability to compete in the international marketplace is challenged more and more, it is clearly in our national economic interests to retain and reuse the finest trained and highly skilled work force in the world—our defense workers. They are the stars of the American work force. They can and should play an important role in the peaceful economic challenges that lay ahead.

So, Mr. President, I want to suggest here that the work of this Defense Diversification Task Force is critical not just to those States in which there are many defense workers, it is really critical to the reinvigoration of our entire manufacturing technological and industrial base.

Mr. President, coming from Connecticut, of course, I know of the need to assist the transition for these workers and companies.

Throughout the cold war, as it was in the Revolutionary War and other conflicts involving our Nation, Connecticut has been an arsenal of democracy. Thousands of my constituents in Connecticut have been working round-the-clock shifts to produce the jet engines, the tanks, the helicopters, yes and the submarines that won the cold war. All the best in the world.

Now, Mr. President, is the time for Government, business, communities of workers to pull together in order to provide an orderly, thoughtful and fair transition to the economic challenges that lie ahead. And that is where the recommendations of Senator PRYOR'S task force come in so directly and so constructively.

The task force report makes recommendations which will retain the best of our defense industrial base, retrain workers for nondefense jobs, help communities to adjust to defense cuts and base closures, and promote industrial diversification for global commercial marketplace competition. The report also sets the stage for a new, more relevant defense policy which recognizes the importance and necessity of dual-use products and technologies—those that can be used for defense and also have commercial applications.

Also very important, this report recognizes that absent economic growth and job creation, diversification is meaningless. Workers, defense workers, cannot be retrained for jobs that do not exist. And communities cannot hold out hope for businesses that will never come. This report wisely focuses on making investments today, particularly in technology, manufacturing and human capital, which will pay dividends in the future.

It is clear America will face a number of significant challenges as we move into the post-cold-war era, an array of domestic demands that require our time and attention. Those, in combination with the crumbling of global communism, say to us that our defense budget can and must be reduced.

We can do this in one of two ways. We can either cut programs, troops, and contracts without regard for the consequences of our actions, or we can protect our investment in our security, in our work force, and in our industrial base, and provide for an orderly, less painful transition to the, hopefully, more peaceful world that lies ahead.

I believe the work Senator PRYOR and his task force have done lead us down the road of that latter and wiser course.

I thank the Chair. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FOWLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. It is.

PENDING LEGISLATION

Mr. DOLE. Mr. President, I just wanted to make note of a couple of measures that are pending in Congress that I hope we can resolve fairly soon. One is the supplemental appropriations bill, which includes money for summer jobs and aid to urban areas. It looks as though that bill has been so politicized that it is going to be vetoed and the veto sustained. But in any event we ought to get it over here and get it over with and get it done.

It has been, since the time we had the problem in Los Angeles—it has been over 30 days. It would seem to me one way to resolve the problem would be to get the supplemental passed, get the veto, get the veto sustained and then maybe before everybody forgets about what happened, we can get aid to the cities, not only Los Angeles but other cities, and also provide additional funds for summer jobs.

Second, it is quite clear now the House last night passed an unemployment compensation extension bill, but there are more than enough votes to sustain a veto. So this is another political exercise. I hope we can maybe just take up the House bill, pass it, let the President veto it, sustain the veto, and then sit down and try to work out a package which I think should include a number of things.

In addition to unemployment extension benefits which we believe can be done if we do not load it up with $3 or $4 billion of so-called reforms that are not necessary at this time, that we can include in that package repeal of luxury taxes on everything—on automobiles, on airplanes, on jewelry, furs. It was a bad idea to start with. It has put a lot of people out of work. It was aimed at the rich and hit the poor—hit the poor working men and poor working women.

Second, the enterprise zones. Instead of trying to spend billions and billions more for unemployment, why not try to create some jobs? There is a $2.3 billion package which we can pay for and will pay for, enterprise zones which, in my view, would create some opportunity instead of just extending unemployment benefits. People want a job. They do not want a benefit check, they want a job. We should also at the same time take care of the so-called extenders which targeted jobs credit, income housing, R&D. There are a number of these so-called extenders that will expire and should be dealt with by the end of this month. You can extend some up to 12 months, others up to 6 months. Again, that can be part of an unemployment extension package.

Also, it seems to me, there is another expiring provision where self-employed people can deduct up to 25 percent of their health care costs. It ought to be 100 percent. There is no reason they can only deduct 25 percent. We are prepared to raise that to 50 percent right now and pay for it if we can get cooperation from the other side of the aisle in reducing some of the burgeoning costs of the unemployment compensation bill, up to $5, $6, $7, $8 billion. We think we can get a good package of unemployment extension benefits for $2.5 or $3 billion.

It seems to me if we are going to repeal luxury taxes, include enterprise zones, do something on the self-employment deduction for health care costs, take care of the extenders and then the unemployment extension, we can put together a package and pay for it. I think it would have strong bipartisan support. There may be one or two other matters that I have not focused on, but it seems to me we ought to get it done certainly before the end of the month.

I want to pledge to my colleague, Senator BENTSEN, chairman of the Finance Committee, and the majority leader and others that if they are willing to sit down and work it out on a bipartisan basis, we are prepared to do that. If not, let us just continue the political game. Let the Democrats pass the bill, any bill they want, get it out of here, get it downtown, the President will veto it, we will sustain the veto, and then we will sit down. But all that takes time. If we want to take 2 or 3 weeks on partisan posturing, then that is up to my colleagues on the other side.

I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. Under the previous order, the President pro tempore has 1 hour.

Mr. BYRD. Mr. President, so that other Senators will not come to the floor expecting to speak at 12:20, I ask unanimous consent that I may have an additional 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. BYRD. Mr. President, within the next few days, the Senate will debate Senate Joint Resolution 18, a constitutional amendment to balance the Federal budget. The chief sponsor of the amendment is our friend and colleague, Senator PAUL SIMON.

I have listened this morning with great interest to the comments of Senator SIMON and other Senators. Senator SIMON is right when he says that these continued high deficits are eroding and will eventually snuff out our ability to invest in our own industries, build up our manufacturing base, and save American jobs.

But even if we pass this constitutional amendment, Mr. President, we will still need implementing legislation to execute a plan to get the deficits down.

We will have to negotiate the details and fill in the blanks in order to make any constitutional amendment worth the paper that it is written on. There is no guarantee that that plan, which will have to be a byproduct of negotiations with the White House, will endorse investments in this Nation. I have been fighting that fight for years. I fought that fight at the budget summit in 1990. I can tell Senators that trying to get this White House to endorse investments in America is like trying to get blood out of a turnip.

On the issue of investing in America and in American industry—even if this constitutional amendment is adopted by the Senate and comes back from the conference between the two Houses, the conference reports are adopted in both Houses, the proposal is sent to the States, and the States ratify the amendment by the required three-fourths majority—we will still need a plan that endorses that principle.

We will still need a President who understands the relationship between these long-term investments and our national productivity. Without a consensus on the need to make these investments, I do not see us making them, deficit or no deficit. And if this amendment is adopted and the President claims he has the authority to use the line-item veto and the authority to impound funds, I see the very programs that invest in our infrastructure and in our people as the first on the chopping block.

Mr. President, the matter of a constitutional amendment to balance the budget is a question that has been before the body in earlier years. In 1982, I voted for a constitutional amendment to balance the budget; in 1986, I voted against a constitutional amendment to balance the budget.

I am opposed to the Simon amendment. The momentum that has recently developed for such an amendment is such that it has lately become the conventional wisdom, fostered in the news media and elsewhere, that it will be only a matter of a few weeks until Congress adopts a balanced budget amendment. It has become virtually a foregone conclusion that the proposal of such an amendment to the States and their ratification thereof is an open and shut case.

Mr. President, I would have to say that at this time this vote in both bodies is too close to call. But I continue to have faith in the Congress, faith in both bodies, the House of Representatives and the Senate, that there is the courage to resist the easy course and the courage to do the right thing for the country.

The two most recent occupants of the White House, President Reagan and President Bush, have preached the doctrine of a balanced budget amendment to the Constitution so incessantly that the American people have overwhelmingly succumbed to the siren call and have come to believe that such an amendment will, indeed, cure all of our deficit woes, and their elected representatives in both Houses have become so enamored with the idea and with the polls, that we may, in fact, be in real danger of witnessing the adoption by Congress of such an amendment.

I view the forthcoming vote in the Senate on this constitutional amendment as the most far-reaching of any vote that I have cast in my career. I have been on this Hill since January 1953. I was in the other body 6 years and I am in my 34th year here in the Senate, so I have been on this Hill 40 years. I am in my 40th year.

Having cast more votes in the Senate than has any other Senator in the 204-year history of the Senate, I indeed view this vote with profound gravity.

Such an amendment has a bewitching attraction. It is so simplistic in its appeal. There is no pain, no sacrifice spelled out in the amendment. It does not cut one penny from any program of interest to any special interest group, nor does it raise one thin dime in taxes or other revenues. So politically, it sounds like a great idea. We can all go home and tell our people that we have finally solved the problem; we have voted for a constitutional amendment to balance the budget. We can then relax and enjoy the political rewards of having done something which, for the time being, should please most people and displease only a few. It is almost a cinch as a political plus for the near term. Perhaps, for those who sincerely believe that such an amendment is the solution to our budget problems, their conscience would be clear. As for Presidents Reagan and Bush, by the time the amendment kicks in, they will not be around to reap the whirlwind from the seeds they have sown, nor will some of the current Members of the House and Senate.

Some Senators say nothing else has worked, so, why don't we just go ahead and try amending the Constitution. We heard that said on this floor this morning. It will force us, as President and as Senators and Representatives, to face up to the problem and do something. Our backs will then be against the wall, they say, and whereas, heretofore, we have lacked the spine to cut programs and raise revenues, the Constitution will then say, "You have got to do it. Do it." So will the people, and it will then be easier politically to cast the tough votes because we can all say that the Constitution forced us to cut programs and raise taxes. So goes the scenario.

Mr. President, I suggest that we had better stop and think more than just twice before we go down that road. First of all, we are talking about amending the basic organic law, which is the foundation upon which our Government rests. We are not just passing another statute, a statute which can be amended or repealed by the same Congress or even in the same year in which the statute was enacted. The Constitution cannot be amended with such ease, nor can an amendment, once enshrined in the Constitution, be repealed overnight. Once it is welded into the Constitution, it will be there for a while, during which time great damage will have been done. Congress can pass a statute and place it on the President's desk within a few days, if there is an urgency to do so. The same statute can, likewise, then be repealed within a few days by Congress and signed by the President. But when we tamper with the Constitution, we are talking in terms of years, not days. Mistakes are not easily erased, nor unfortunate results so quickly and completely eradicated.

"We must never forget that it is a Constitution we are expounding," said Chief Justice John Marshall, in McCulloch versus Maryland. My own modest footnote would be: Let us not forget that it is a Constitution we are amending.

Like the line-item veto, which has been so fervently sought by both President Reagan and President Bush, a constitutional amendment to balance the budget is just another quick fix. If I may paraphrase Abraham Lincoln: We do not need to fool all of the people all the time; we only need to fool most of the people for now and get by the next two or three elections. By the time the people really learn that they have been conned, it will to too late. Someone else will then be in office, and they will get the blame.

As I have indicated, there are some Members of the legislative branch who sincerely and conscientiously believe that a balanced budget amendment is the elixir to our budget ills. But our children will not think so. Our children and grandchildren, who are not here to vote on this amendment, will not rise up and call us "blessed." As for those of us who, in our hearts, have serious doubts about this approach, or those of us who believe in our own hearts and minds that this amendment will not work and that it will do serious damage to our constitutional system of government, damage the Constitution itself, and damage this institution, we will have knowingly perpetrated a hoax on the people. Our children and grandchildren will see us for what we are: emperors without "clothes."

The truth of the matter is—and the President and all Senators know it—we do not need an amendment to the Constitution in order to balance the budget. The President and the Congress presently have the power to do this; we only lack the political courage to bite the bullet. Why don't we just do it? We can. Why don't we tell the American people the truth? We ought to. The American people have little faith in their Government these days—perhaps less than ever before. The main reason is, we politicians, from the President on down, don't want to tell the people the truth. Why? For the same reason that we fear to go to the dentist—it will hurt. We do not want to take any actions that may cause us to lose some votes. We tell the people only what they want to hear. But I believe that the American people, once they are informed, can see through all of this.

I hope, Mr. President, that we will debate this long enough that the American people will indeed be informed. The American people know when they are being lied to.

It might surprise the President and the Members of this body if we would just tell the people the truth and take the actions that are needed now to bring our budget deficits under control.

Mr. President, the days of quack medicines and vaudeville are really not yet in the past. Voodoo economics, voodoo constitutionalism, and voodoo journalism are the order of the day. But there is a judgment day coming. It may not get here for a little while, but we are leaving a sad legacy for our children and grandchildren and the future of this Nation.

During the Reagan years, the people heard the President's "feel good" messages. "What of today, Mr. President," we asked. "Oh! Today, everything is just fine. It is good morning in America. Feel good, there really is a free lunch," was the daily handout from the Oval Office. "Thank you, Mr. President," said we the people with grateful hearts, and we went on merrily, using the nation's credit card, mortgaging our children's future, and living for today at the expense of tomorrow. That same "feel good" message is still coming out of the Oval Office. The only thing needed now, in order to waft us happily into an Alice-in-Wonderland world, is to adopt a balanced budget amendment.

The President called a news conference one evening last week, and he mentioned a constitutional amendment to balance the budget around 20 times—by my count 23. It has become an article of faith for the White House in the Reagan and Bush administrations. Not since Caligula, the Roman emperor who reigned between 37 and 41 A.D., decreed that his favorite chariot-stud horse, Incitatus, should be given a stable of marble, a manger of ivory, and be made a consul, has such deference and misplaced affection been so misdirected, as we now see in the fanatic worship being lavished on the constitutional amendment to balance the budget.

I see the President almost every day on television on the evening news expounding the virtues of this balanced budget amendment. Mr. President, to me it is an indication that this White House is utterly devoid of ideas when it has to play back this old siren song about a balanced budget.

What a pity! Harry Truman used to say, "The buck stops here." The current administration passes the buck, exhorts Congress to pass a constitutional amendment to balance the budget, and says, "We will grow our way out of the deficits." Reagan said the same old thing over and over, but we did not grow our way out; we only dug ourselves deeper and deeper into the budget deficit hole.

The President says, the States have it; it works for them; let us have it for the Federal Government.

I heard Senators on this floor just this morning say the States balance their budgets; why don't we? The fact is, the States really don't balance their budgets. The fact is, the States do not themselves balance their budgets. They have the Federal Government's help.

You will hear former Governors in this body who will claim that, "Well, when I was Governor, we balanced our budget. We either had a constitutional or a statutory requirement that we balance our budget, and we balanced our budgets. Why can't the Federal Government balance its budget? What we need is a constitutional amendment to make it a balanced budget."

I saw just yesterday—I believe it was on television—the President with a group of State legislators down at the White House. He is trying to marshal their support. Well, I am a former State legislator. I was in the House and Senate of the West Virginia Legislature. I know a little bit about the so-called balancing of State budgets.

The Federal Government, with the billions of Federal dollars that flow to the States, help the States in their attempts to balance their budgets.

They may brag that "we balance our budgets." Governors may brag, "We balance our budgets." State legislators may boast "We balance our budgets." Mr. President, just let this constitutional amendment be adopted, then those States, those Governors, those State legislators, will miss the flow of Federal dollars that comes from Washington directly to their State capitols—dollars that presently help them in their attempts to balance their budgets.

Cut off the stream of Federal dollars, Mr. President, and the States will be in a quandary. That flow of Federal dollars will be cut off if this constitutional amendment is adopted and the States will be required to pick up on the programs that the Federal Government is presently funding, because, if this constitutional amendment is adopted, and if it is enforced, the Federal Government will not be able to fund them. The State Governors and the State legislators had better think long and hard before they continue to advocate the passage of a constitutional amendment to the United States Constitution to balance the budget. Then, where will they go to get the dollars, the Federal dollars that presently help them in their attempts to balance the budget?

Will any former Governor stand on this floor and say that is not the case, "when I was Governor, we did not get any Federal dollars." Of course, they got Federal dollars. Is there any former Governor or legislator who is willing to stand up on this floor and say that those Federal dollars did not help us to balance our budget? Of course, they helped, and they help today.

Additionally, the States—at lease most of them—operate on two budgets: A capital budget and an operating budget. The States are, all but one, either constitutionally or statutorily required to balance their budgets, or at least balance their estimates. There is no unanimity in the wording of the various State constitutions and statutes that restrain the State budgets.

Nevertheless, while they attempt to balance their general operating budgets, some of them do not balance their operating budgets every fiscal year.

The States are in debt. Let any Senator stand on this floor, or let the President tell the American people that the States are not in debt because they have constitutional amendments, or statutory requirements that they must balance their budgets. Let any Senator, any State, challenge this statement. Let any Senator, any former Governor stand on this floor and tell the American people that the States, because of their constitutional amendments requiring a balanced budget, are not in debt.

The States are in debt. They incur bonded indebtedness. They borrow money. They borrow money for highways, bridges, canals, railroads, unemployment relief, soldiers' bonuses, prisons, hospitals, educational institutions, rural credit systems, loan funds, and so on, with bonds that mature in 10, 20, or even as long as 50 years. The States have capital budgets.

Revenues may come out of the general fund to pay the interest on the debts incurred. Some States report deficits from time to time in their operating budgets. Other States avoid operating deficits through reliance on such gimmicks as borrowing money from off-budget funds, using pension funds, for example, delaying outlays, and accelerating tax collections.

Some States issue "short-term" bonds; some States issue "intermediate-term" bonds, as part of a strategy to gradually eliminate their deficits. Others borrow from pools of money outside the general fund, defer aid to local governments, defer other outlays, and utilize asset sales.

Every State except Vermont has some type of balanced budget requirement, but these provisions vary widely in their strictness. The least severe requirement is that the Governor must present a balanced budget for consideration by the legislature. In some States, if an adopted budget becomes unbalanced in the course of a fiscal year or biennium, a deficit may be carried over to the next fiscal year.

Some States permit funds, as I say, from short-term borrowing to be counted as "revenues." And in some years, they have borrowed heavily, as I indicated earlier, from pension funds, or other off-budget funds, and have been slow in paying bills in order to keep spending in line with revenues.

Another gimmick that is used to balance the general fund budget is to shift programs off budget. That is what the Federal Government will be doing, once this amendment is welded into the Constitution. For example, at the State level, the cost of the highway patrol may be taken out of the general fund and placed in a fund that receives revenues dedicated for highways.

This is not to say that States do not make hard choices. They do. They do cut programs, and they do raise taxes in an effort to balance budgets. But again, I point out, the States look to the Federal Government in Washington for a considerable amount of money that is spent within their borders, all of which helps them to maintain programs they would not otherwise be able to continue without raising additional revenues.

When I was majority leader, I met with many Governors throughout this country. They came to Washington hat in hand, asking for additional programs, pleading for more moneys for current programs to help the States.

Governors also maintain a balanced budget, in some instances, by impounding funds. Congress, on the other hand, enacted the Budget and Impoundment Control Act of 1974, partly to curb Presidential impoundment powers, resolving a serious executive-legislative conflict that had erupted during the Nixon years. A balanced budget amendment to the Constitution could reopen the door to widespread impoundments, revive power struggles between Congress and the President, and risk shifting much of Congress' power over the purse and control over budget priorities to the President.

State governments have also found other devices to evade their constitutional or statutory limits: by way of "nonguaranteed" borrowing; borrowing through public corporations, commissions, and authorities; delegating State operations to local governments and agencies; and lease-purchase agreements. In contrast to "nonguaranteed" borrowing, guaranteed borrowing describes the "full faith" constitutional guarantees made to lenders that their State bonds and securities will be repaid through the State's general fund revenues. This is considered legally different from off-budget, nonguaranteed borrowing. In order to persuade the credit markets to accept these off-budget securities, States are often forced to pay higher interest on these bonds. Therefore, off-budget nonguaranteed debt is more costly in the long run to the State governments and more costly in the long run, consequently, to the taxpayers, than is on-budget guaranteed debt. By 1963, over half of all State borrowing was made through off-budget nonguaranteed debt instruments.

Hence, a balanced budget amendment at the Federal level would, unfortunately, not be likely to balance the budget. In fact, when the economy is in recession, or close to one, a balanced budget amendment could, and probably would, make the severity of the economic weakness even greater. Recessions are nearly always unforeseen, and they are generally not recognized until several months after they have begun. The constitutional requirement that outlays and receipts be kept in balance would likely exacerbate the economic woes of a recession and push the country into a depression by requiring that taxes be increased and programs be cut, precisely at a time when just the opposite should occur. Instead of bringing down the deficit, such an amendment could, in such times, cause greater deficits.

Mr. President, I will have more to say about this, about these words "outlays" and "receipts" on another occasion.

Mr. President, nobody really knows what will definitely happen if this amendment is adopted by the House and Senate and ratified by the people. Basically, and in a broad sense, there are two main concerns that I have with this balanced budget amendment to the Constitution. I want to see a balanced budget. I want to see it as fervently as does any other Member of this body. I want to see a balanced budget as fervently as does the President of the United States. And I share the concerns of those who look with great foreboding to the future of our country as long as we continue to run up these triple-digit billion dollar deficits.

Mr. President, my disagreement with those who support this amendment is not that we do not need to take action to bring the budget deficit under control. We do. I disagree on the approach that is being advocated. I do not believe this is the way to go, and I think we will rue the day if the House adopts a constitutional amendment, if the Senate adopts a constitutional amendment, if the two joint resolutions go to conference and differences are resolved, and the conference reports come back to these two bodies, at which time both bodies get a second bite at the apple, and then if the States ratify the amendment. Every Senator who casts a vote for this amendment, mark my word, will rue the day. That is my judgment. Other may not share my judgment, of course.

In the main, I shall state two concerns that I have with this amendment. One, if the amendment is not enforced—and I will deal with the language of the amendment on another day—if the amendment is not enforced, serious damage will be done to the Constitution, and, two, on the other hand, if this amendment is enforced, it will destroy our constitutional system of checks and balances and separation of powers that we have had now for over 200 years.

The Simon amendment does not contain an explicit enforcement mechanism. It does not say who will enforce it or how it will be enforced. It does not say who; it does not say how.

If a constitutional amendment to balance the budget is riveted into the Constitution and budget deficits still continue to go up, the faith of the American people in their Federal Constitution will be seriously undermined. If they see its balanced budget provisions being avoided, it will only be a matter of time until other constitutional articles and constitutional amendments will also be violated. If this provision can be avoided and violated with impunity, why not extend the violations to the first amendment or to the fourth amendment or to the fifth amendment or to the eighth amendment, or to others?

Think about it.

On the other hand, if to enforce the balanced budget amendment, the courts are invited into the budget process and the President is given impoundment and line-item veto powers, then what we shall see will be a massive transfer of power from the legislative branch to the executive and judicial branches. I heard a Senator this morning say, "This does not bother me. We go into the courts all the time."

Mr. President, let us think, let us think before we speak so carelessly, so thoughtlessly.

The legislative branch is the "people's branch." The very first sentence in the very first section in the very first article of the Constitution lays it out—the people's branch. Their elected representatives have the legislative powers and power over the purse. This amendment would shift the control of the purse away from the people through their elected representatives in the legislative branch, and shift it to the executive and judicial branches, and, to that extent, our representative democracy would be diminished.

Mr. President, I shall set forth the history in due time, as I did during the debate on the line-item veto, the history of how many of the provisions of the U.S. Constitution got there, where they originated, and, going back 800 years, the struggle by Englishmen, who shed their blood for many of the principles that we find today in our own Constitution.

The Framers were well aware of the struggle by Englishmen to wrest the control over the purse from monarchs and vest it in the hands of commoners. And so when we tamper with this Constitution, Mr. President, we are tampering with an instrument that has a history of 1,000 years, not just 200 years. The sentences, the phrases, the clauses in that Constitution have their roots not in 200 years of history, but in 1,000 years of Anglo-American history, jurisprudence, and constitutional law.

And yet, someone would thoughtlessly, nonchalantly say, "That doesn't bother me. We go into the courts every day." Mr. President, we have not been going into the courts on this issue.

The constitutional system of checks and balances and separation of powers, that the Framers created and that had their roots in centuries of English history, would become a thing of the past. We will proceed at great risk—great risk—if we adopt such an amendment. Either of these possible outcomes—either of them—one, if it is not enforced; on the other hand, if it is enforced, either of these possible outcomes from this amendment would entail profoundly serious consequences to the Nation.

Now, let us look more closely at each of these two possible, or even likely, outcomes to the adoption of this balanced budget amendment to the Constitution.

First, Senate Joint Resolution 18, the Simon proposal, on the surface, appears benign enough—like the surface of the Potomac which appears to be tranquil and safe, into which one may venture with confidence, smooth on the surface, while underneath, the currents flow swiftly and dangerously and they will devastate those who might thoughtlessly wade into that tranquil stream.

So Senate Joint Resolution 18 appears to be a toothless approach, a mere exhortation or expression of pious hope, with no enforcement command behind it. It says, "Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that year unless Congress approves a specific excess of outlays over receipts by three-fifths of the whole number of each House on a rollcall vote." I will have more to say about that language on another day. Mr. President, simply saying that "total outlays shall not exceed total receipts" does not, in itself, make it happen. One might just as easily say, "There shall be a pristinely pollutionless environment by the year 2010." "There shall be." Without provisions of enforcement, the mere hortative language only creates expectations which are bound to fail of accomplishment. One of the Ten Commandments says, "Thou shalt not kill." Yet, we go on killing. In the book of Leviticus, we are told, "Thou shalt love thy neighbor as thyself." Yet, we go on loving ourselves without even knowing the name of our next door neighbor. Senate Joint Resolution 18 is not self-fulfilling. If this amendment is added to the Constitution, the American people could wake up one morning and find that nothing has changed. Then what? The seductive simplicity of the amendment is such that it will probably be ratified by the States within 1 year or 2 if Congress adopts it, but the disillusionment that would follow its failure to bring about a balanced budget would surely attach itself to the Constitution.

Oh, it may not matter much to cast an eradicable blotch upon the Constitution, a Senator may say, what is more important is that I keep my political career in place. The President has said that he would do anything it takes to get reelected; but not this Senator. If that is what it takes, I will not do it. To vote for this amendment is the popular thing to do. It is the easy thing to do. It is the line of least resistance. But I will not vote for it.

If this amendment is adopted, we will have sold a bill of goods to the American people, and they will end up with a deficit problem potentially worse than the one we now have. The current cynicism toward Government will spread like the leprosy. Where? To the Constitution!

The language of Senate Joint Resolution 18 appears to be merely aspirational—much like the preamble to the Constitution—there appears to be no operational enforcement mechanism in this amendment. It tells us what we already know, namely, that we do not want profligate spending.

Mr. President, if the constitutional amendment is not enforced, mark my words, the American people will be in for a sad awakening when they find they have been cheated again and that this is just the same old promise, namely, that we will balance the budget, a promise made over and over again by Presidents Reagan and Bush, and on which promise they and Congress have thus far been unable or unwilling to deliver.

Mr. President, Senators say, oh, we cannot—we will not ever do this. We will not do it by ourselves. What we need is something that will force us to do it. Mr. President, I will tell you what we need. We need leadership. And the kind of leadership that will be required can only come from the oval office of the White House. That is where it has to start. It has to come from the President of the United States.

Many on both sides of the aisle in these two bodies, the Senate and House, would work with the President, would stand by the President if he would demonstrate the stamina and the courage, the will power and the leadership and the vision to call us together and say: Let us do it! That is what it will take.

Of course, Congress is unlikely to do this without the President's leadership. Why? Because of the same reason that we fear going to the dentist again, it will hurt. We know that if the Congress in its wisdom should feel it absolutely necessary to raise taxes in order to bring the budget deficits under control, we know that the President, this President, would veto such a bill, and then beat us to death with a club because Congress showed the gumption and the foresight and the courage to take a tough step. So Congress is not likely to do it, unless the President goes along.

Congress does not want that kind of assault and battery that we know will surely come if the President is not on board with the Congress in taking the tough step.

So, let the President demonstrate leadership. Let him call the leadership in the Congress, in both parties and in both Houses. Let him say, "We are in this together and we are going to take difficult political steps that will bring our budget deficits under control. I am not willing to do just anything it takes to get reelected. I am the President. My name is already in the history books. There is not anything they can do to take it out. I am going to demonstrate leadership. I am not going to use a club on you. Members of Congress if you do not use a club on me. We will just lock the doors. We will work this thing out. We will all go out of the room together, and we will all walk the plank together."

The President and the Congress already have the power to take the politically difficult actions that will likely be required to balance the budget, but both the President and the Congress lack the will to do it. Why should anyone believe that merely putting a "feel good" amendment into the Constitution will give the President and the Congress any more spine than we already have? Why not just have a constitutional amendment that says, "The Members of Congress and the occupant of the White House shall have spine?" Saying it will not assure it.

The necessary steps to get the job done will still be painful after the amendment is ratified, or even more so than they are now, because, while the amendment is going through the ratification process by the States, the deficits will probably become even larger. There will still be a tendency to wait, even though the supporters of the amendment say that, once the proposal has been sent by the Congress to the people, the President and Congress will get busy, and will make some difficult political decisions and put everything on a glide path toward the balanced budget landing strip. I do not believe that such a reading of the political horoscope is very realistic. Members who are worried about reelection in 2 years will say, "Let's do it, but not in my 2 years. Wait until later."

The amendment promises a balanced budget without providing any instructive steps as to how the goal is to be achieved. It will be déjà vu all over again. Senator A will suggest that the budget outlays for certain programs be cut, but Senator B will disagree and, in the alternative, will propose that other programs be reduced. Senator C will find himself opposed to the approaches taken by both Senators A and B. Senator X will want to raise receipts by increasing taxes on income, but Senator Y will be opposed to that approach and will suggest that the taxes be imposed instead on gasoline, tobacco, alcohol, and luxury items, while Senator Z will prefer an ad valorem tax or a national sales tax. Meanwhile, Senators M and K will adamantly object to any increase in taxes, period. We, therefore, will all agree that something has to be done, but we will not be able to agree on exactly what has to be done. Thus, we are kidding both the people and ourselves if we think that merely by attaching a "feel good" amendment to the Constitution we can, in the words of the great old song, "Just pack up your troubles in an old kit bag and smile, smile, smile."

Mr. President, what would we then have done to the fabric of the greatest Constitution ever written? We would have a Government operating outside the legitimacy of the Constitution, and that great document will then be under a cloud. Once the fabric is torn and shaken, then the structure will fall. If we should continue to have divided Government, which, God forbid, the President and the Congress will continue to avoid responsibility, and go on pointing fingers and bashing one another and prescribing the same old snake oil cures.

Now, let us take a look at the other possibility which may be in store for the nation should the amendment be grafted into the Constitution; namely, that the amendment would, indeed, be enforced.

I have the greatest of respect for Mr. SIMON. I think that he, more than any other Senator, comes near to being like Hubert Humphrey was as a Senator. I do not support his amendment, but I do believe it would be enforced if it should become a part of the Constitution.

Suppose at the end of the fiscal year following the ratification of the amendment, the Office of Management and Budget announces that the total outlays of the United States will exceed total receipts for that year, by, say, $50 billion. Suppose further that the President is advised by the White House counsel and the Director of OMB that he is obligated by the new amendment to take whatever action is necessary to bring the outlays into line with the receipts.

Suppose the President is exhorted by his advisers to use a line-item veto, even though the Constitution under which we have operated for over 200 years does not give him that authority. He could be prevailed upon by his OMB Director and his chief counsel and others that the new amendment to the Constitution inherently gives him the authority to take whatever action is needed to bring the outlays into balance with the receipts.

What will happen then to the outlays of the various departments? Will defense contracts be broken? Will checks to people who are unemployed be withheld? Will Medicare payments be stopped? Will Medicaid be cut back or eliminated? Will Social Security checks be put on hold? Will the President impound moneys that have been mandated by the Congress to be spent, even though he would be acting in violation of the 1974 Budget and Impoundment Control Act?

After all, his general counsel is going to say to him, "Oh, but, Mr. President, oh, but Mr. President, this is the Constitution, this is the new constitutional amendment. It is above the 1974 Budget and Impoundment Control Act. It is above a mere statute. We are now dealing with the Constitution."

This sounds like a sure prescription for an imperial Presidency.

The President, any President, would feel the compulsion to obey the mandate implicit in the Constitution, as amended, believing that it contained inherent authority to exercise line-item veto and impoundment authority and he would proceed to reduce outlays—thus, sharing the power of the purse that is currently vested in Congress by article I of the Constitution. He would believe himself to be authorized to cut whatever programs, whatever projects he chose to cut while leaving untouched those projects he supported, such as the space station—the sky *Titanic*—and the superconducting super collider.

By holding selected programs and projects hostage, he would be in position to suspend a Damocles sword over the heads of every Senator and Member of the House with respect to projects and matters important to their States and districts.

Moreover, he could use this leverage to bring faltering and wavering legislators into line on matters other than those affecting the budget. Confirmation votes on future Clarence Thomases and votes on future treaties would be his to collect merely by threatening to line-item veto or impound moneys concerning programs supported by certain Members of the Senate.

The President could also use this power effectively with respect to cutting capital gains taxes or achieving other cherished goals of his. Then the road would be paved for the courts to get into the act.

Yes, I heard a Senator say, "That doesn't bother me. We go into the courts all the time."

Why, of course, we do. Nobody would challenge that statement. We do go into the courts all the time, but we do not go into the courts on this question. We do not ask the courts to balance the budgets. We do not ask the courts to get into the business of determining what the outlays and receipts will be at the end of the fiscal year for the Federal Government.

We do not ask the courts to get into the business of raising revenues or raising taxes. But with the adoption of this amendment, the road would then be paved, I say, for the courts to get into the act of balancing the budget. Beneficiaries of programs arbitrarily cut back by the President's actions would go into the courts and demand that the cuts be restored. If the courts concluded that it was necessary to impose a tax in order to bring receipts up to the level of outlays, the taxpayers would have standing to apply for relief.

There are those who say, "Oh, the courts, the courts will say this is a political question. They will avoid that thicket."

Mr. President, the courts have been moving more and more in the direction of that thicket, and I would not bet one thin dime that this Supreme Court would not move with alacrity into the thicket.

Mr. President, I have voted for or against every sitting Justice on the U.S. Supreme Court. I have voted for or against every Justice, including the Chief Justice, on the Supreme Court today. And at the time some of them were placed on the Court, I was on the Judiciary Committee, and they came before that committee, when it conducted hearings on their nominations. Not once, however, did I ask any one of those Court nominees, "Where do you stand on a balanced budget? Where do you stand on balancing the outlays and receipts of the Federal Government? What would you do to bring them into line? No, not one Justice on this Court has been asked any such question during the confirmation process.

So I think we had better be careful. We had better think before we err.

Mr. President, if ever there could be a lawyer's paradise, a lawyer's utopia, the millennium would be here with the adoption of this amendment.

Montesquieu, in his "Spirit of the Laws," stated: "of the three powers * * *"—the executive, the legislative and the judiciary—"of the three powers * * * the judiciary is next to nothing." That was Montesquieu.

He also said, "There is no liberty, if the power of judging be not separated from the legislative and executive powers."

I have heard the great name of Hamilton invoked today on this floor—Hamilton, who died at Weehawken, NJ, killed by Aaron Burr, the Vice President of the United States. Senators have today invoked Hamilton's name. They have also invoked Jefferson's name.

Mr. President, Jefferson was not a member of the Constitutional Convention. He was not one of the Framers of the Constitution. But as to Hamilton, he agreed with Montesquieu in the Federalist Paper, No. 78, wherein Hamilton went on to state:

> The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse * * * the judiciary is beyond comparison the weakest of the three departments of power.

The amendment on which we are about to vote within the next few days would turn Montesquieu's and Hamilton's world topsy-turvy, upside down. The judiciary would become the strongest of the three departments of Government and would then hold influence over both the sword and the purse. Constitutional government as we have known it for over 200 years, based upon the separation of powers and checks and balances concepts, would perish from the earth. The Peoples' Branch would atrophy. Representative government would no longer exist. Unelected members of the courts would wield the power of the purse. The Constitutional mandate that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law," would be changed and instead we would be treated to the spectacle of appropriations made by judicial fiat.

The American people fought one revolution over the principle of "taxation without representation," and now we are about to vote on an amendment to the Constitution which could easily result in unelected judges mandating higher taxes. If we think the people would be upset with Congress for increasing their taxes, just imagine what their feelings will be when their taxes are hiked by unelected judges who are appointed for life! Could we be sowing the seeds for another revolution by adopting this amendment? If there were ever a Pandora's box with evils imprisoned therein to bring misfortune to our country, this would surely be it. If the amendment is enforced, the powers of the legislature will flow to the executive and to the judiciary, and we will have destroyed a government of separation of powers and checks and balances. If, on the other hand, the constitutional provision is not enforced, we will have made the Constitution promise something that it cannot fulfill, and it will henceforth become a mere piece of paper, relegated to the dustbin of history.

As, I have said, no one really knows what will actually happen in the event of the adoption and ratification of a balanced budget amendment to the Constitution. But as I say, I happen to believe that if the amendment is grafted on to the Constitution, there will be efforts to enforce it, and this will mean that we no longer have a government by the people, but, instead, the people will be governed by a black-robed Office of Management and Budget, run by one Chief Director and eight associate directors appointed for life, with control over both the purse and the sword. There will be no rams' bellies by which we may ride out of this dilemma safely, and, unlike Odysseus in Homer's epic, while we may be able to escape the violent whirlpool of Charybdis, we will still be devoured by Scylla, except, unlike Homer's Scylla, which had six hideous heads bearing three rows of teeth each, ours will be a monster with nine heads bearing numberless rows of teeth each. Ours will no longer be a government of laws; instead, it will become a government of judicial fiats. Is this what Washington and his starving men at Valley Forge fought for? Was it for this that Americans shed their blood at Lexington and Concord, and at Saratoga? Was this what Nathan Hale had in mind when he gave the only life he had for his country? Did our forefathers pledge their lives, their fortunes, and their sacred honor to throw off the tyrannical hand of George III, only to be ruled by the heavy hand of a judicial oligarchy?

Mr. President, when the Constitutional Convention had completed its work in 1787, Benjamin Franklin, one of the Framers of the great document, was approached by a lady who asked the question, "Dr. Franklin, what have you given us?" Franklin answered, "A republic, madam, if you can keep it." Mr. President, this amendment carries the seeds for the destruction of the American Constitutional republic as it was handed down to us by our forefathers. I am greatly concerned about the future of this republic when I see a full court press being launched by the White House calling for the American people and the Congress to support a balanced budget amendment to the Constitution.

I see it every night. Is that all that we are being promised by the leader of the Nation—a balanced budget amendment to the Constitution? Is that all that he has to offer as a solution to our fiscal dilemma? What the country needs is bold action by the President and Congress today—not just another promise to do something years down the road.

Some members of the Republican Party here in the Senate have expressed to me privately their serious doubts with regard to the balanced budget amendment which has been reported from the Judiciary Committee and on which we will be expected to cast our votes soon. Yet, some of those same Members have subsequently told me that they intend to support the President and vote for the amendment. I know of no magic herb by which we may prove ourselves invulnerable either to the seductive charms of a "quick-fix" amendment or to the political arm-twisting emanating from the White House in support of it; I can only hope that Members will fill their ears with wax so that they will not be lured by the siren's song and will ignore the pleas until the danger is safely past.

Each of us upon being elected to the office of Senator subscribes, by oath or affirmation, to support and defend the Constitution of the United States. It is a solemn oath. We do not swear before God and man that we will support and defend a President; we do not swear before God and man that we will support and defend a political party; only that we will support and defend the Constitution of the United States. Of course, we all understand that the Constitution provides a process, in article V, for its own amendment. And while I, or any other Senator, may be willing to amend the Constitution in one particular or another, what we have here is an amendment which, for all intents and purposes, could result in the destruction of a government of checks and balances, a government of separation of powers, and undermine the Constitution we have all sworn to support and defend.

We are, therefore, talking about the very bottom bedrock of our constitutional form of government. Take away the checks and balances, which could be the result of this amendment; take away the separation of powers, which could be the result of this amendment; and then we will no longer have a government of the people, by the people, and for the people. We will have a government of three branches, in which the people's branch, the legislative, will become a mere vestigial leftover from a bygone day, shorn of its power over the purse, and no longer able to fulfill the functions for which it was created.

The PRESIDING OFFICER. The Chair reminds the Senator from West Virginia that the time has expired.

Mr. SARBANES. Mr. President, I ask unanimous consent that the distinguished President pro tempore have an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair, and I thank my friend, the distinguished Senator from Maryland [Mr. SARBANES].

Mr. President, the adoption of this amendment will never come about with my help, regardless of who is President or what political party may be in the White House. I was the Senate majority leader when Jimmy Carter was President. Yet, I was quoted at that time as saying, "I am the President's friend, but not his man." That has been and always will be my view as to the role which I, as a Senator, should play and will play. Other Senators, of course, have a right to view their own role differently.

Mr. President, the title of "Princeps Senatus" was an honorary distinction in the days of the Roman Empire. The name of the Princeps Senatus was the name which stood first in the Album Senatorum, a list of the senate which was made public. Gibbon tells us that the title, which declared Augustus the chief of the senators, was the one that he chose among all others. Augustus was the first emperor, ruling during the years 27 B.C. to 14 A.D. The Emperor Majorian, who reigned beginning in the year 457 A.D., referred to himself, as he was being made emperor, as a prince "who still glories in the name of Senator."

As far as I am concerned, Mr. President, I personally look upon the office of Senator as the highest office in this land. In the history of the world, there have been many senates—many senates—for example, one of the first reforms put in place by Lycurgus, the lawgiver, was to create a senate in Sparta. While in the history of the world there have been many senates, I hold two of these senates the greatest of all: the Roman senate, whose roots go back to the founding of Rome in 753 B.C., and the prince of which was appointed by the legendary Romulus himself; and the United States Senate, created by the Constitution.

Mr. President, I am not assured by those who say we can avoid the intrusion by the courts into the realm of budgetmaking simply by resorting to the provision that allows a three-fifths vote to approve a specific excess of outlays over receipts. Most of those who support this provision—most of those who support this provision—are among those Senators and Representatives who will never vote for a tax increase, come what may. They will always depend upon someone else to supply the three-fifths of the whole number of each House.

What this really is, is a prescription for minority rule. This will become a Government by minority. It is a super obstacle course, if I ever saw one. In other words, two-fifths plus one Member of either body could block a tax increase intended for the purpose of bringing the outlays and receipts into balance. And if, notwithstanding, legislation should be passed by Congress to raise taxes, the President could veto it, and he would only need one-third plus one of the Members of either body to sustain his veto.

What this is saying is, when it comes to a tax increase for the purpose of balancing the budget, we will put the Government into the hands of a minority. That is minority rule; no ifs, ands, or buts about it. Are two-thirds of the Members of this Senate ready to submit themselves to this stultifying routine?

We are all deeply concerned about the budget deficits, the national debt, and the growing interest on that national debt. I want to see our budget brought into balance as much as does any other Senator or any other individual inside this Government, or outside this Government. A national debt rapidly approaching $4 trillion—and with the sky as the limit, if we do not do something to curtail it—is a terrible legacy to leave to our children. We have to do something about it, and it will be painful.

But it will be an even more awesome legacy to leave to our children and grandchildren if we destroy the foundations of our constitutional system of checks and balances, sweep away the people's power over the purse through their elected representatives in Congress, undermine the faith of the Nation in the Constitution itself, and still end up with a larger deficit than ever.

I suggest that the President sit down with leaders of both Houses and the leaders of both parties; that we tell the people the truth about what it will take to bring the budget under control; tell them that it will be painful; tell them there will have to be sacrifices. Then, we do what is necessary to bring the budget into balance. There would be political risks, but we would all walk the plank together—the President and Members of both parties in the Congress.

Let us roll up our sleeves and just do it. With a handshake and an assurance that we will not clobber one another, and that there will be no bashing between the executive and legislative leaders, we can restore the people's faith, contibute the highest service to the Nation, and look our children and grandchildren in the eye and say to them: "We are not going to make you pay for the excesses in which we of our generation have indulged."

I can then go to the mirror and look at myself and say, like Prothaonius, "It is glory enough for me that I am a man of whom my grandson need not be ashamed."

Mr. President, I am told that there is a statue in Atlanta in memory of the late Benjamin Hill, United States Senator from the State of Georgia, which bears this inscription:

> Who saves his country, saves himself, saves all things, and all things saved do bless him; who lets his country die lets all things die, dies himself ignobly, and all things dying curse him.

Mr. President, I urge that we reject this amendment when the hour of decision comes. Let us dare—let us dare—to conspire to save our country.

Mr. SARBANES. Mr. President, will the distinguished President pro tempore—is there any time remaining?

The PRESIDING OFFICER. There are 2 minutes remaining on the Senator's time.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. Yes; I yield.

Mr. SARBANES. Mr. President, I want to commend the distinguished President pro tempore for his very powerful and cogent statement.

We are preparing to address a very fundamental issue in this body—the balanced budget amendment. I feel very strongly that adding a balanced budget amendment to the U.S. Constitution will be both economically impracticable and constitutionally irresponsible. The very able President pro tempore has set out many of those reasons, and of course they will be developed in further debate.

I note that just this week, a distinguished group of law school deans and professors sent an open letter to the Members of the Congress on this very issue. I ask unanimous consent to include that letter at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, I will quote briefly from this letter.

> Under this amendment, the responsibility for enforcing a balanced budget will fall upon the judiciary. We are gravely concerned with the harm certain to be done to the judiciary by requiring the courts to address fiscal and budgetary questions for which they are completely unsuitable, questions ranging from the interpretation of the amendment to the reliability of estimates of future revenues. Our Constitution wisely places the responsibility for budgetary and economic matters directly on the executive and legislative branches. If the President and Congress want to balance the budget, they already have the necessary authority.

That is exactly one of the points that the distinguished Senator made when he made reference to the discussion in the Federalist Papers concerning the allocation of power under our Constitution. The proposed allocation of the Constitution we will soon be considering carries the real risk of a massive shift of constitutional power to the judiciary, involving the Courts in an issue which they should not be addressing.

Mr. President, we will be developing this point and many others as the days proceed. I thank the very able Senator from West Virginia, the distinguished President pro tempore of the Senate, for his perceptive and eloquent critique. This issue goes to the fundamental meaning of our constitutional system, a matter which no one understands better than the distinguished Senator from West Virginia.

EXHIBIT 1

JUNE 8, 1992.

DEAR SENATOR: We are writing to express our opposition to the balanced budget constitutional amendment expected to be considered by the Senate in the near future.

We write as deans and law professors with differing political views and differing views of what needs to be done about the federal budget. We are, however, unanimous in believing that balancing the federal budget should not be done—and need not be done—by amending our nation's basic charter.

One of the great values of the Constitution is the flexibility which enabled it to serve as the legal foundation of our democracy for more than 200 years. This amendment would unwisely write a rigid fiscal policy into the document without regard to unforeseeable economic conditions.

Under this amendment, the responsibility for enforcing a balanced budget will fall upon the judiciary. We are gravely concerned with the harm certain to be done to the judiciary by requiring the courts to address fiscal and budgetary questions for which they are completely unsuited—questions ranging from the interpretation of the amendment to the reliability of estimates of future revenues.

Our Constitution wisely places the responsibility for budgetary and economic matters directly on the executive and legislative branches. If the President and Congress want to balance the budget, they already have the necessary authority. Attempting to pass a balanced budget constitutional amendment merely distracts lawmakers—and the public—from the serious, painful, long-term deficit reduction necessary to achieve sound fiscal policy.

Further, to use the Constitution to divert attention from the responsibility of the President and Congress to solve the deficit problem not only trivializes the Constitution, but undermines the honor and respect that the American people have for our basic charter.

This amendment also damages a primary constitutional principle—that of majority rule. To require a three-fifths majority to pass a budget that is not balanced—for example, when economic conditions so require—will write into the Constitution a principle of minority rule all too likely to expand into effects on the decision-making processes of government.

We believe that to elevate a balanced budget to permanent constitutional status is damaging to the integrity of the Constitution, is unwise fiscal policy and is historically unsound. We strongly urge you to oppose any effort to attach a balanced budget amendment to the Constitution.

We sign this letter as individuals; our institutional affiliations are provided only for purposes of identification, with no implication that we represent anyone's views other than our own.

Sincerely,

Barbara Bader Aldave, Dean, St. Mary's University School of Law.

Thomas B. Allington, Associate Dean, Indiana University School of Law—Indianapolis.

Michael Asimow, Professor, UCLA School of Law.

C. Edwin Baker, Professor, University of Pennsylvania Law School.

John T. Baker, Dean, Albany Law School.

John J. Barcelo, III, Professor, Cornell Law School.

Robert L. Bard, Professor, University of Connecticut School of Law.

Robert A. Barker, Professor, Albany Law School.

Stephen R. Barnett, Professor, University of California at Berkeley School of Law.

Florian Bartosic, Professor, University of California at Davis School of Law.

Robert M. Bastress, Professor, West Virginia University College of Law.

Terence H. Benbow, Dean, University of Bridgeport School of Law.

Daniel O. Bernstine, Dean, University of Wisconsin School of Law.

Donald Beschle, Professor, John Marshall Law School.

Norman Birnbaum, Professor, Georgetown University Law Center.

Boris I. Bittker, Professor Emeritus, Yale Law School.

Henry J. Bourguignon, Professor, University of Toledo College of Law.

Alan E. Brownstein, Professor, University of California at Davis School of Law.

Martin J. Burke, Dean, University of Montana School of Law.

John M. Burkoff, Professor, University of Pittsburgh Law School.

Haywood Burns, Dean, CUNY Law School at Queens College.

Robert A. Burt, Professor, Yale Law School.

Richard M. Buxbaum, Professor, University of California at Berkeley School of Law.

Burton Caine, Professor, Temple University School of Law.

Guido Calabresi, Dean, Yale Law School.

Gerard J. Clark, Professor, Suffolk University Law School.

Robert N. Clinton, Professor, University of Iowa College of Law.

David M. Cobin, Professor, Hamline University School of Law.

Neil H. Cogan, Professor, Southern Methodist University School of Law.

Robert H. Cole, Professor, University of California at Berkeley School of Law.

Archibald Cox, Professor Emeritus, Harvard University Law School.

Thomas D. Crandall, Dean, University of Toledo College of Law.

David P. Currie, Professor, University of Chicago Law School.

Melvin G. Dakin, Professor Emeritus, Louisiana State University Herbert Law Center.

Joseph L. Daly, Professor, Hamline University School of Law.

Anthony D'Amato, Professor, Northwestern University School of Law.

Robert P. Davidow, Professor, George Mason University School of Law.

Richard Daynard, Professor, Northeastern University School of Law.

Rodolphe J.A. de Seife, Professor, Northern Illinois University College of Law.

Michael DeVito, Professor, Golden Gate University School of Law.

C. Thomas Dienes, Professor, George Washington University National Law Center.

James M. Douglas, Dean Texas Southern University Thurgood Marshall School of Law.

Rev. Robert F. Drinan, S.J., Professor, Georgetown University Law Center.

Robert E. Driscoll, Dean, University of South Dakota School of Law.

Melvyn R. Durchslag, Professor, Case Western Reserve University School of Law.

Fernand N. Dutile, Acting Dean, University of Notre Dame Law School.

Peter Edelman, Associate Dean, Georgetown University Law Center.

Harold Edgar, Professor, Columbia University School of Law.

Dorsey D. Ellis, Jr., Dean, Washington University School of Law.

Samuel Estreicher, Professor, New York University School of Law.

Daniel A. Farber, Professor, University of Minnesota Law School.

Ted Finman, Professor, University of Wisconsin Law School.

David B. Firestone, Professor, Vermont Law School.

Thomas C. Fisher, Professor, New England School of Law.

John A. FitzRandolph, Dean, Whittier College School of Law.

John G. Fleming, Professor Emeritus, University of California at Berkeley School of Law.

William A. Fletcher, Professor, University of California at Berkeley School of Law.

John J. Flynn, Professor, University of Utah College of Law.

Teree E. Foster, Professor, University of Oklahoma College of Law.

Thomas Franck, Professor, New York University School of Law.

Monroe H. Freedman, Professor, Hofstra University School of Law.

Lawrence M. Friedman, Professor, Stanford Law School.

Gerald E. Frug, Professor, Harvard University Law School.

Marc Galanter, Professor, University of Wisconsin Law School.

Stephen W. Gard, Professor, Cleveland State University Cleveland-Marshall College of Law.

Walter Gellhorn, Professor Emeritus, Columbia University School of Law.

Howard A. Glickstein, Dean, Touro College Fuchsberg Law Center.

Steve Goldberg, Dean, Pace University School of Law.

Alvin L. Goldman, Professor, University of Kentucky College of Law.

Roger L. Goldman, Professor, Saint Louis University School of Law.

Abraham S. Goldstein, Professor, Yale Law School.

Stephen E. Gottlieb, Professor, Albany Law School.

Frank P. Grad, Professor, Columbia University School of Law.

Eugene Gressman, Professor (Visiting), Seton Hall University School of Law.

Elwood B. Hain, Jr., Professor, Whittier College School of Law.

Donald J. Hall, Professor, Vanderbilt University Law School.

Joseph Harbaugh, Dean, University of Richmond Williams School of Law.

Richard S. Harnsberger, Professor, University of Nebraska College of Law.

Jeremy J. Harrison, Dean, University of Hawaii Richardson School of Law.

Hendrik Hartog, Professor, University of Wisconsin School of Law.

Louis Henkin, Professor Emeritus, Columbia University School of Law.

Lawrence Herman, Professor Emeritus, Ohio State University College of Law.

Richard A. Hesse, Professor, Franklin Pierce Law Center.

Philip B. Heymann, Professor, Harvard University Law School.

Jack A. Hiller, Professor, Valparaiso University School of Law.

W. William Hodes, Professor, Indiana University School of Law—Indianapolis.

L. Lynn Hogue, Professor, Georgia State University College of Law.

Jacob D. Hyman, Professor Emeritus, SUNY Buffalo School of Law.

Stanley Ingber, Professor, Drake University Law School.

Richard W. Jennings, Professor Emeritus, University of California at Berkeley School of Law.

Yale Kamisar, Professor, University of Michigan Law School.

Katheryn D. Katz, Professor, Albany Law School.

Robert B. Keiter, Professor, University of Wyoming College of Law.

Walter J. Kendall, III, Professor, John Marshall Law School.

Robert B. Kent, Professor, Cornell Law School.

Phillip C. Kissam, Professor, University of Kansas School of Law.

John R. Kramer, Dean, Tulane Law School.

Paul M. Kurtz, Associate Dean, The University of Georgia School of Law.

James A. Kushner, Professor, Southwestern University School of Law.

Leon Letwin, Professor, UCLA School of Law.

Sanford Levinson, Professor, University of Texas School of Law.

Arnold H. Loewy, Professor, University of North Carolina School of Law.

Merle W. Loper, Professor, University of Maine School of Law.

Ann Lousin, Professor, John Marshall Law School.

Louis Lusky, Professor Emeritus, Columbia University School of Law.

Dennis O. Lynch, Dean, University of Denver College of Law.

Hugh Macgill, Dean, University of Connecticut Law School.

Joan Mahoney, Professor, University of Missouri-Kansas City School of Law.

Burke Marshall, Professor, Yale Law School.

David A. Martin, Professor, University of Virginia School of Law.

Richard A. Matasar, Dean, Illinois Institute of Technology Chicago-Kent College of Law.

Christopher N. May, Professor, Loyola Law School.

Michael Meltsner, Professor, Northeastern University School of Law.

Richard J. Morgan, Dean, Arizona State University College of Law.

Barry Nakell, Professor, University of North Carolina Law School.

James C.N. Paul, Professor, Rutgers Law School—Newark.

Andrea L. Peterson, Professor (Acting), University of California at Berkeley School of Law.

Robert Popper, Dean, University of Missouri-Kansas City School of Law.

Norman Redlich, Dean Emeritus, New York University Law School.

John W. Reed, Dean, Wayne State University Law School.

Donald H. Regan, Professor, University of Michigan Law School.

John J. Regan, Professor, Hofstra University School of Law.

Robert Reinstein, Dean, Temple University School of Law.

William Rich, Professor, University of Akron School of Law.

William Rich, Professor, Washburn University School of Law.

Rhonda R. Rivera, Professor, Ohio State University College of Law.

John C. Roberts, Dean, DePaul University Law School.

Ralph J. Rohner, Dean, The Catholic University of American Columbus School of Law.

Rand E. Rosenblatt, Professor, Rutgers University School of Law.

Victor G. Rosenblum, Professor, Northwestern University School of Law.

Thomas D. Rowe, Jr., Professor, Duke University School of Law.

Edward L. Rubin, Associate Dean, University of California at Berkeley School of Law.

David Rudenstine, Professor, Yeshiva University Cardozo School of Law.

John E. Ryan, Acting Dean, McGeorge School of Law.

Richard B. Saphire, Professor, University of Dayton School of Law.

Arpiar Saunders, Professor, Franklin Pierce Law Center.

Richard Schmalbeck, Dean, University of Illinois at Champaign-Urbana College of Law.

Peter H. Schuck, Professor, Yale Law School.

Louis Michael Seidman, Professor, Georgetown University Law Center.

Michael P. Seng, Professor, John Marshall Law School.

Peter M. Shane, Professor, University of Iowa College of Law.

Richard E. Shugrue, Professor, Creighton University School of Law.

Aviam Soifer, Professor, Boston University School of Law.

James H. Stark, Professor, University of Connecticut School of Law.

Geoffrey R. Stone, Dean, University of Chicago Law School.

Victor J. Stone, Professor Emeritus, University of Illinois at Champaign-Urbana College of Law.

Irwin P. Stotzky, Professor, University of Miami School of Law.

Peter L. Strauss, Professor, Columbia University School of Law.

Leonard P. Strickman, Dean, University of Arkansas Leflar Law Center.

Allen N. Sultan, Professor, University of Dayton Law School.

Roderick Surratt, Professor, Syracuse University College of Law.

Michael Swygert, Professor, Stetson University College of Law.

Leigh H. Taylor, Dean, Southwestern University School of Law.

Joseph Tomain, Dean, University of Cincinnati College of Law.

Jon M. Van Dyke, Professor, University of Hawaii Richardson Law School.

Jonathon D. Varat, Associate Dean, UCLA School of Law.

Sheldon A. Vincenti, Dean, University of Idaho College of Law.

Heathcote W. Wales, Professor, Georgetown University Law Center.

Burton D. Wechsler, Professor, American University Law School.

Philip Weinberg, Professor, St. John's University School of Law.

Harry Wellington, Professor, Yale Law School.

Welsh S. White, Professor, University of Pittsburgh School of Law.

Christina B. Whitman, Professor, University of Michigan Law School.

Robert F. Williams, Professor, Rutgers Law School—Camden.

Michael B. Wise, Professor, Willamette University College of Law.

Albert M. Witte, Professor, University of Arkansas Leflar Law Center.

Larry W. Yackle, Professor, Boston University School of Law.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended for an additional 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I join my colleague from Maryland in commending the President pro tempore for the very thoughtful and persuasive statement. I hope the American people, and especially Members of the Senate and House, will heed the warnings of the distinguished President pro tempore.

Mr. BYRD. Mr. President, I thank my esteemed majority leader.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MITCHELL. I thank the Chair.

(The remarks of Mr. MITCHELL pertaining to the introduction of S. 2828 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the introduction of S. 2828 and S. 2829 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

A TRIBUTE TO DEPARTING STAFF MEMBERS

Mr. KOHL. Mr. President, every member of this institution is dependent on staff. They give us information and advice. They tell us when we are right and, if they are good staff people, they tell us when we are wrong. They deal with our constituents and respond to requests for information and help. They serve, in many senses, as an extension of each Senator.

Since coming to the Senate, I have been fortunate to have an exceptionally talented group of people working on my staff. I have been particularly blessed by having a talented group of legislative correspondents. These LC's are my point of contact with my constituents. They respond to almost all of the letters that come into my office. They keep me aware of what people are writing about. They define, to a large degree, the way people in my State perceive me.

It was difficult for me, when I first took office, to trust people to discharge that responsibility. But the LC's I have had made it easier: They are bright, they are talented, they are sensitive to my concerns and my constituents' needs.

So when I was told that my entire LC crew was leaving this year, I was shocked. Some of them have been with me ever since I took office. All have been with me for at least 2 years. But I also recognize that after years of exceptional service, they deserve to finally put their own personal and professional needs first. So, as they leave, I wanted to lift the veil of anonymity which surrounds good staff and pay just a brief tribute to each of them.

TOM MULLOOLY

Tom has been with me longer than any other LC and longer than most members of my staff. I remember Tom coming into my temporary offices on the seventh floor of the Hart Building and disguising his dismay at the working conditions he would have to deal with: Three rooms for 15 people, and 15 cartons of mail that had come in since the election and needed to be answered. But in typical Tom fashion, he did not blink or blanch; he just got down to work. And he has been working ever since.

Tom quickly demonstrated a mastery of mail and I made him my head LC with responsibility for supervising and helping the others. He mastered that too. So I gave him legislative responsibilities; actually gave is not exactly the right word—in truth he just infiltrated the legislative staff and before anyone knew what had happened he was in charge of several issues. Initially I depended on Tom to handle my legislative interests in the area of veterans affairs. He did so well there that he soon was involved in general defense policy work and staffed my effort to establish a national health registry for military personnel exposed to toxic agents during Operation Desert Shield and Desert Storm. And he was my designated staff person on the Select Committee on POW/MIA Affairs. In all those roles, Tom served me—and the people of Wisconsin and the Nation—with distinction and devotion.

Now he has assumed new responsibilities. He is engaged to a wonderful woman who is currently working for Senator CONRAD and will, when he leaves my staff, be returning to Wisconsin while she pursues an advanced degree at the University of Wisconsin-Madison. I regret the fact that he is leaving, but I am grateful for the service he has offered and appreciative of the skills he has developed. I trust they will serve him well. And I trust that we will continue our association for many years to come.

DAVID WARD

David started as an intern in my office. It was a sign of either his maturity or his naivete that even that job did not discourage him. I was impressed by the intelligence and dedication he brought to his intern tasks. And both of those characteristics became even more evident as he made the transition from intern to staff member. The characteristic which was not, unfortunately, displayed during his time with my office was common sense—a failure from which I profited greatly. David did not display common sense when he worked 12-hour days on a regular basis or when he came in on Saturday and Sunday to put in another 6 or 7 hours. But that kind of insanity was almost essential for two reasons.

First, David was uniquely committed to making sure that every constituent received a thoughtful and appropriate response to any letters they sent. While some LC's might glance at a letter, find the major issue, and then feel comfortable doing no more than order up a stock response, David wanted to deal with every nuance of every letter. If, in a detailed diatribe about Medicare, a constituent mentioned the death penalty, David wanted to make sure that the response covered both topics thoroughly, thoughtfully, and meticulously. More than anyone else I have had work for me, David realized that real people wrote those thousands of letters he read and real people would read the response they received.

But there was also a second reason for the hours David kept. He was vitally interested in issues. At first I thought I could get away with giving him control of animal rights issues, but as important as that issue is, it was not enough for David. He became something of a leading expert on health related concerns. He met with constituents, he did research, he developed ideas, he handled the kind of crisis phone calls that come in every day.

Now David is going to leave this office to return to Wisconsin to serve as the issues director for a congressional candidate. I know he will do an excellent job in that capacity and I fully expect and hope that his help will result in a victory for the candidate and a return to Washington for David.

KATEY SCHOENECKER

Katey started in my office as a receptionist. And she was wonderful in that job: She handled requests for tours, directed phone calls to the right staff people, rarely put me on hold when I called in, and was also warm and charming to the people she met. In fact, she was so good at her job out front, that I did not want to promote her when an LC slot opened up. But she was too bright to be denied an opportunity. And when she got the opportunity, she was too bright to fail to meet the new challenges she faced.

As an LC, Katey handled a variety of issues from taxes to banking to housing to environmental concerns. She bore the brunt of the outraged calls and letters that came in to protest everything from reconciliation bills to boat user fees. She always remained calm, always gave knowledgeable answers to questions, and always was interested in developing her skills and broadening her experiences. She started out working on an issue related to taxes on human-powered vessels or canoes. But soon she was working on banking reform legislation and serving as a point of contact in my office for a variety of Great Lakes issues. And all the time, she continued to serve as a stabilizing force in the office—a friend to those who needed help, a delightful companion for her fellow workers, a charming person for me to work with.

The allure of this office, however, was not sufficient to overcome the allure of a young man who courted her and married her just a few weeks ago. She and her husband are now off for Arizona where he will be involved in various campaigns while Katey goes to graduate school where, no doubt, she will end teaching her professors a thing or two about the way government really works. I know that I learned a thing or two from her, and that I will miss her.

MICHELLE ALBERS

Michelle left my office a month ago. I paid tribute to her privately then, but since I think of these four as a team, I wanted to mention her briefly here. Michelle was the quiet LC. Some thought she was shy but once you got to know her, she was neither quiet nor shy. She was a lively person with a delightfully sharp sense of humor and keen insights into the operation of the office and the Senate. I think the highest tribute I can pay her is to say that while she has been gone for a month or more now, we still miss her and think of her daily. She is now working for a village in Illinois, and that is the only way I can explain the fact that sometimes I am tempted to spend a little time in that State rather than in Wisconsin.

TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina recuperating following heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Boxscore."

The information is provided to me by the staff of Senator HELMS. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at $3,943,052,137,178.98, as of the close of business of Friday, June 5, 1992.

On a per capita basis, every man, woman and child owes $15,351.04—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

RIGHTS OF THE CHILD

Mr. LEAHY. Mr. President, the organization "Perhaps * * * Kids Meeting Kids Can Make a Difference" of Vermont passed a resolution on May 4, 1992, in support of the U.N. Convention on the Rights of the Child. This resolution reminds us that if we want a secure future, we must take special care of the people who will influence that future the most—the children.

Right now, countless children around the world face a day-to-day struggle for survival. At least 40,000 die each day from malnutrition or preventable diseases.

Many of those who do live to see another day spend that day suffering tremendously. The lack of sufficient food or water causes great pain, stunts growth, and makes a person more susceptible to diseases. Still worse, a lack of medicines in impoverished and war-torn areas leaves a greater number of diseases to prey upon young malnourished bodies, often leaving them disabled.

In addition to unimaginable physical agony, children in deprived areas experience emotional trauma from their own ailments and the tortuous illness and death of others around them. If we expect our future generations to appreciate the importance of peace and understanding among different cultures around the world, we must help them learn to appreciate life today.

War plays a unique role in a child's misery. Not only does it worsen all of the problems described above, but it often involves forced recruitment of children for combat.

Hardly anyone can reflect on this situation without feeling both sadness and shame. We must not suppress this feeling, but rather act on it by asking ourselves one simple question: What will we leave behind us?

As a first step, the administration should immediately submit the U.N. Convention on the Rights of the Child to the Senate for ratification. In order to make sure that this treaty amounts to more than just kind words, the administration should increase the budget requests for UNICEF and other programs which can advance the Convention's goals, produce a plan to pursue those goals in the United States, and encourage other signatories to formulate their own plans of action.

Mr. President, I ask unanimous consent to place this resolution passed by the Vermont Meeting of "Perhaps * * * Kids Meeting Kids Can Make a Difference" into the CONGRESSIONAL RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION RELATING TO THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

(Offered by "Perhaps * * * Kids Meeting Kids Can Make a Difference," of Vermont, May 4, 1992

Whereas, children in the United States and throughout the world frequently die from causes that could easily be prevented by immunization and other simple measures; and

Whereas, children throughout the world frequently lack shelter and the food and water necessary to sustain life; and

Whereas, children throughout the world often do not have access to a decent education that would enable them and their children to break the cycle of poverty and to live a better life; and

Whereas, children throughout the world may be subject to being forced to join the armed forces against their will; and

Whereas, in response to these issues and others, the United Nations convened the first World Summit for Children, which produced a document entitled "The World declaration of Survival, Protection and Development of Children"; and

Whereas, this document calls upon the nations of the world to save children of the world from disease, war, poverty and illiteracy; and

Whereas, although over 100 countries have ratified this document, the United States has not; and

Whereas, our country's fair share of the costs of helping children throughout the world could be borne by shifting funds away from military uses, a course of action made possible because of the ending of the Cold War.

Now therefore be it resolved by the "Perhaps * * * Kids Meeting Kids Can Make a Difference" of Vermont:

That President George Bush and the Congress of the United States be requested to work together to reallocate funds and take other steps necessary to fully support the World Declaration, so that our country does its part to help the kids of the world;

And be it further resolved:

That the "Perhaps * * * Kids Meeting Kids Can Make a Difference," of Vermont understand that the responsibility is in "We the People" and not in "him the President," and accordingly we pledge ourselves to do our part to start at home, with our own friends, to apply positive peer pressure to keep other kids in school and to help them live productive lives;

And be it further resolved:

That a copy of this resolution be sent to the President of the United States and Vermont's Congressional Delegation.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. What is the regular order?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has now expired.

WORKPLACE FAIRNESS ACT

The PRESIDING OFFICER (Mr. KERREY). The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 55) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise as the author of S. 55 the Workplace Fairness Act, to explain the urgent need for this legislation.

Mr. President, a fundamental principle of our labor law is under siege. The right to strike, the workers' main protection in the collective bargaining arena, has been gutted, and it is time for Congress to act.

The National Labor Relations Act states that a worker may not be fired for exercising his or her right to strike. But at the same time, a worker can be "permanently replaced." That is a polite way of saying the worker loses his or her job.

For America's working men and women, this is a distinction without a difference.

Since 1980, this anomaly in our law has had a devastating impact on hundreds of thousands of American workers. These men and women thought Federal Law protected their right to strike, but they found out different when they exercised that right and lost their jobs as a result.

At the outset of this debate, I want to emphasize that this bill, banning the hiring of permanent replacements, actually raises a broader moral issue, and that is the real issue that we have before us on the floor of the Senate. Do we want an organized labor movement in this country? Do we believe that it is in the interest of this Nation that men and women have the right to join together in a union and collectively bargain?

That is really what is involved, because what is happening now is that when replacements are being brought in we are effectively breaking the back of organized labor.

In my 17 years in the U.S. Senate, no issue has energized the rank-and-file of the labor movement like this one. That is because the millions of men and women who belong to unions understand that under our system, if they lose the right to strike, they lose the right to bargain effectively. And without the leverage to engage in meaningful collective bargaining, unions will have lost a primary justification for their existence.

Wht does that mean for the millions of workers who do not belong to unions? There are more workers who do not belong to unions than those that do, and the answer to those who do not belong to unions is that it means a great deal—much more than they may realize.

Millions of nonunion workers in this country benefit from the minimum standards of wages and benefits and working conditions hard won by unions. It is no accident that as union membership is has declined over the past decade or more, the real wages of American workers have declined by nearly 10 percent.

Take a look at the minimum wage law. The minimum wage law does not really affect organized workers. They do not receive, $3, $4, $4.50 an hour. They are paid more under their union contracts. But the fact is that organized labor has sought and successfully brought about the change of the minimum wage law in this country, and that is just one of many laws that they have had an impact on.

And were there not an organized labor movement in this country, I doubt that there would be Social Security laws; I doubt that there would be Medicare laws or Medicaid laws. I doubt, and I am certain, that there would not be any occupational safety and health laws. And I could go down the list of 50 other pieces of legislation which would not be on the statute books today if it were not for organized labor.

So this is a piece of legislation that has to do with the efficacy of the American labor movement, whether or not you believe it is good for this country, to have an organized labor movement.

In every other major industrialized country in this world there are strong labor unions, and what we are talking about here today is the effort to break those unions, to eliminate organized labor as a factor in our economy.

In short, Mr. President, this legislation presents a choice for the U.S. Senate. Do we want to preserve and protect a movement, the union movement, that has helped our Nation realize ideals of economic and social justice that are admired around the world? I believe the answer must be yes.

Let us start with an understanding of our Federal labor policy. In 1935, Congress recognized the terrible toll that labor disputes were taking on the economic and social fabric of this country. The National Labor Relations Act made clear that collective bargaining should serve as the preferred method of resolving labor-management disputes and preserving economic stability.

It was premised on the idea that if workers organized into a union, sat down at the bargaining table with management, it would be in the best interest of economic stability in this country.

The guiding principle of the NLRA was to seek a peaceful resolution of labor disputes through negotiation between labor and management. Where negotiation fails to resolve a dispute, each side is permitted to exercise peaceful self-help options—for employees, the strike; for employers, the lockout. The system depends upon a balance of economic power between the parties.

The right to strike is essential to this balance because it gives workers bargaining power. Indeed, the possibility of a strike may be the primary force driving both parties toward settlement of their contractual disagreement. This is hardly a surprise. How else could workers making $20,000 a year hope to have any leverage with multimillion-dollar executives?

For many decades, this system worked well. It is true that employers have been permitted to hire permanent replacements since the Supreme Court's decision in Mackay Radio in 1938. But prior to 1980, employers largely declined to hire permanent replacements.

They had the right up from 1938 to 1980 to bring in permanent replacements. But employers did not do that. Instead, American employers valued their workers and counted on their returning after a strike. They understood that workers do not want to harm their company. They understood that strikes are a last resort that cost workers wages and benefits, and often cause irreparable damage to families and communities.

Because the playing field was level, employers whose employees went on strike used their best leverage—they hired temporary replacements, subcontracted or transferred the struck work, operated with management personnel, or even ceased operations entirely for the duration of the strike.

But since 1980, employers have increasingly used the Mackay doctrine to hire permanent replacements. According to the General Accounting Office, employers now hire or threaten to hire permanent replacements in one out of every three strikes. And these are more than mere statistics: just ask the tens of thousands of striking workers who lost their jobs at Eastern, International Paper, Greyhound, Phelps Dodge, and dozens of other smaller companies. These men and women thought their right to participate in a lawful and peaceful strike was protected by Federal law. But they were wrong.

Different factors are cited as reasons for the alarming increase in the use of permanent replacements. Some cite President Reagan's harsh treatment of 12,000 air traffic controllers, which signalled to a new generation of American managers that it was acceptable to fire strikers.

Some blame Frank Lorenzo and the so-called new breed of employers that do not hesitate to replace a union work force.

Some blame the leveraged buyout operators that came in and immediately wanted a new work force. They wanted to terminate the contract. They wanted to terminate the pension plan.

At the New York Daily News—this is a specific example of what has occurred under this new doctrine—the owners actually advertised for permanent replacements before the dispute there even began. There was no dispute and they were hiring permanent replacements, bringing them in from out of the city, out of the State, in order to be available if there should be a strike.

As a matter of fact, I conducted a hearing in New York on that particular strike and learned that the employees never actually went on strike. They did not want to be on strike. They suddenly found themselves outside the locked doors when they had just gone down for no purpose other than to get some fresh air or to get a sandwich.

Many of these employers who have used these tactics are fast-buck, takeover artists who treat workers as just another commodity to be used up and tossed aside. They do not care how many years or decades workers have invested in loyal service to the company.

And still others cite gradual changes in our labor laws that eliminated many forms of peaceful secondary activity and made it more difficult for unions to obtain commitments of strike solidarity. These changes have tilted the balance of power between labor and management, and in effect encouraged employers to play the permanent replacement card.

There are some management consulting firms that do nothing but specialize in bringing in permanent replacements. You can hire them and their lawyers all in a package in order to break the union that represents the employees.

Now I believe that all of the factors I previously mentioned have contributed to the situation that presently exists. But whatever the explanation, the fact remains that each year, tens of thousands of employees are permanently replaced for exercising a basic right. Often—indeed, far too often—these workers have called a strike as a last resort to fight off massive cuts in health benefits or pension protections. Thus, tens of thousands have lost their jobs in a desperate, and lawful, effort to avoid losing their pensions, or their health care. And hundreds of thousands more workers have been threatened with permanent replacement, thereby fundamentally altering the balance between labor and management.

Today, striking workers face the economic death penalty of permanent replacement, forcing them to choose between their right to strike and their livelihoods. One need look no farther than the recent Caterpillar strike to assess the effect of this permanent replacement weapon. The resolve of 12,000 workers with an average of 26 years service to the company evaporated in the face of the stark choice between the right to strike and a job. The United Auto Workers—certainly one of the most powerful and respected unions in our Nation—surrendered within days of Caterpillar's announced permanent replacement threat.

By banning the use or threatened use of permanent replacements, the Workplace Fairness Act would make American workers' right to strike more than just a hollow promise.

The act is short, and makes two basic points. First, it prohibits the hiring of permanent replacements where a union engages in a lawful economic strike. Second, the act prohibits employers from otherwise discriminating against employees who lawfully strike—this means employers may not favor or reward employees who refrain from joining a strike with special privileges or benefits because they chose to refrain.

It also is important to identify briefly what the Workplace Fairness Act would not do. The bill would not apply in nonunion settings. I want to repeat that. The bill would not apply in nonunion settings. The text clearly states that its protections apply only to employees in a bargaining unit where a union already was certified or recognized, or—based on written majority support—was seeking to be certified or recognized.

In addition, the bill would not protect strikers who engage in violent or coercive tactics that would be subject to prosecution under Federal and State criminal laws. The bill's prohibitions do not restrict an employer's ability to terminate employees for engaging in unlawful activities such as serious strike misconduct.

Enactment of this legislation is critical if we are to restore balance to labor-management relations, and to the collective bargaining process. This bill would reaffirm that the right to strike must mean more than the right to lose your job.

Opponents of the legislation have made a number of arguments that I believe are inaccurate or misguided. We will have a chance to debate these arguments in the days ahead. I welcome that debate. But at the outset, I would like to comment briefly on two key opposition arguments.

Opponents contend that the legislation will increase labor strife, by promoting longer and more frequent strikes. But, Mr. President, I must urge my colleagues to look carefully at the facts. It is the use of permanent replacements that triggers longer and more bitterly divisive struggles, by transforming a dispute about wages or benefits into one about the future of every striker's job. That conclusion was borne out by a 1989 University of Alabama study, which found that strikes lasted substantially longer when the employer hired permanent replacements. Banning the use of permanent replacements will restore balance to the relationship between management and labor, and will help foster the peaceful resolution of labor disputes.

In addition, we must remember that event if we ban the use of permanent replacements, unions would not undertake a strike lightly. Workers are never eager to forgo their wages, walk the picket line, exhaust their life savings, or strain their families financially and emotionally. Workers never welcome a strike which will tear at the fabric of their friendships and their communities. A strike is always the last resort.

Opponents of this bill also contend that it would damage American competitiveness abroad. But, again, I urge my colleagues to look carefully at the facts. Our principal competitors—including Germany, Canada, France and Japan—have long prohibited or severely restricted the use of permanent replacements. They recognize that using permanent replacements is both bad public policy and bad business.

The United States has applauded the democratic unions in Eastern Europe that played a central role in achieving social change in recent years. But it seems we do not appreciate the value of trade unionism in this country.

Permanent replacement is not an option exercised in the nations of Eastern Europe. What happened to the coal miners at the Massey Coal Co. did not happen to the coal miners in the Soviet Union. What happened to the machinists at Eastern Airlines did not happen to the shipbuilders in Gdansk. Should we not stand up for the same principles here at home that we applaud in other countries?

In closing, Mr. President, let me reiterate one key point. Depriving unions of a meaningful right to strike will be a devastating blow to the American labor movement. In considering the legislation, we must carefully consider the larger question of whether we want to destroy organized labor, or preserve a movement which has helped our nation realize ideals that others around the world justly envy. The choice is ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I listened with a great deal of interest to my friend and colleague from Ohio talk about the Metzenbaum bill here. S. 55 I think is grandly mistitled the "Workplace Fairness Act." It is the latest component in the legislative master plan of some of my colleagues who have dedicated their careers to overturning every Supreme Court decision that they find objectionable.

When I first heard of this particular bill, which would overturn what has become known as the Mackay doctrine, I wondered which Supreme Court Justice had written the offending decision. It must have been a real interesting Justice.

Naturally, given the level of outrage expressed by some in this body, one would assume that the misguided jurist had to be one of the appointees of President Reagan or President Bush. Perhaps Justice Scalia, or maybe Chief Justice Rehnquist?

But, in fact, the judicial offender in this instance was Justice Owen Roberts. That is correct, Justice Owen Roberts. The Supreme Court decision we are being asked to overturn was written in 1938.

Today, we are being asked to overturn a decision that was issued more than 50 years ago, a decision that has stood without challenge for more than half a century, a decision that has been accepted by successive Congresses; a decision that was made when the distinguished chairman of our committee, Senator KENNEDY, was only 6 years old. The Senator from Ohio was just 21. I was four.

It is interesting to note—in fact it is remarkable—that with all of the problems facing our Nation today—the economic challenges, the budgetary crisis, the serious problems facing our judicial system, the crisis facing our cities, our schools, and our health care system—despite all of these problems, some of my colleagues believe that it is more important for the Senate to correct what they perceive to be the mistakes of the pre-World War II era.

The proponents of this bill have summarized the thrust of their legislation in the following manner: Employees cannot be disciplined or discharged for engaging in a strike, but they can be permanently replaced.

The proponents assert that, because employers can hire permanent replacements for striking workers, employees are discouraged from striking; it is harder for unions to win strikes; it is more difficult for organized labor to shut down employers; and it causes greater economic destabilization.

Alarmed by these facts, the proponents have introduced S. 55. Its purpose is rather straightforward. Change the rules that have governed Federal labor law for the last 54 years so that unions will be able to win every time they go out on strike. Change the rules so the unions can shut down any employer whenever they want, for how long as they want, and as often as they want.

Union leaders understand that current law places risks on both management and labor during labor disputes. If employers act in a manner that employees consider unreasonable, those employees can go on strike. And, unions understand that if their demands are unreasonable and they still go on strike, employers may hire permanent replacements. It is what we call a delicate balance.

Current law, on the other hand, is based on the tried and true concept that, by making a strike risky for both sides in a collective bargaining dispute, both sides have a vested interest in finding reasonable solutions to their labor disputes. That, Mr. President, makes sense. That is current law.

Consequently, it is not difficult to understand the purpose of the legislation. Eliminate the risk for unions when they go on strike. That is the purpose. Do not have this delicate balance.

Eliminate the need for economic responsibility. You will inevitably make it easier for unions to go on strike and to win every strike. By legislative fiat, S. 55 will provide unions with what they do not enjoy today—unrivaled economic power and control of the labor market.

Many of us in this Chamber recognize that the role of unions in the workplace has greatly diminished. Part of this has been due to economic realities. Part is perhaps due to misguided leadership in the union movement. Part of this diminution is due to a growing sophistication among employers and employees. And part is due to our efforts here in Congress, passing legislation over the years providing enhanced worker rights and protections not contingent on representation by a union.

The relationships between labor and management have improved dramatically during this century, as employers have begun to understand the importance of maintaining a positive relationship with their workers.

For all of these reasons, the AFL–CIO is no longer the economic power it was 50 years ago, 20 years ago, or even 10 years ago.

But I still tell you, it is a formidable economic power and I will tell you, as somebody who has been here 16 years, it is the single most powerful special interest group in Washington today within this beltway. There is no question in my mind about it, nor is there much question among those in either party who really honestly think about it.

No observer of this can deny that the AFL–CIO wields a lot of power in the Halls of the House and the Senate. In the past, the AFL–CIO, like the boss, controlled the agenda of the U.S. Congress. Now, while that may be a bit of an overstatement today, it is true that it still has the ability to demand that bills they want the Congress to vote on will be voted on. Thus, that is what we are doing here today. With all of the problems of this society, we have to deal with this bill today and tomorrow and probably through part of next week.

Consequently, the unions have decided that they will force Congress to change the rules that have governed Federal labor law for the last 54 years. If unions cannot win at the bargaining table like they did in the past, then they will just demand that Congress change the rules to ensure that they can win again. The AFL–CIO is demanding that we tilt the balance so far in the union's favor that they can once again force employers to accept their demands, reasonable or unreasonable, without any need for economic responsibility on their part.

Does anybody in this body—anybody—really believe that by making strikes risk-free for unions that there will not be more strikes? Does anybody believe that? If you take away the risks of striking, do you think we will not have more strikes? That boggles the mind, that someone would even make that argument.

Does anyone really believe that the solution to our current economic problems, problems compounded by the internationalization of markets and by skill shortages in the labor force, is to encourage a small percentage of the American workers represented by unions to go out on strike? Do we as a body really want to tell the American people that we have finally found the answer to our economic woes and it is to go on strike?

Today, employees have the right to strike—the ultimate collective bargaining weapon that unions can bring to bear on an employer and on an employer's business. And I will continue to fight for their right to strike. It is an awesome economic weapon which they have. I will fight for that right. But how an employer responds to that strike depends on what kind of a strike it is. If a strike is caused or prolonged by the employer's unfair labor practice, such as the failure to bargain in good faith, striking employees cannot be permanently replaced.

Let me repeat myself. If a strike is caused or prolonged by an employer's unfair labor practice, such as the failure to bargain in good faith, striking employees cannot be permanently replaced. They cannot be, under our current law. If the employer is wrong, those employees can continue to strike and cannot be permanently replaced.

In these instances, under the National Labor Relations Act, the offending employer, under our current law, is required to reinstate the strikers to their former positions and may be liable in addition to substantial amounts of back pay. That is under current law.

If, on the other hand, the strike has nothing to do with any wrongdoing by an employer and is purely over economic terms, such as increase in wages, an employer may take a variety of steps to withstand the strike, including hiring permanent replacements. That should be allowed. In these cases, strikers who have been replaced and seek to return to work would, under current law, retain their status as employees and must be reinstated as positions become available. That is current law. Even if they were wrong in continuing to go on strike and the employer hires permanent replacements, they have an absolute right to get those first positions as they become available under current law.

If the employer has done nothing more than resist the union's economic demands at the bargaining table, the law has always permitted employers to keep operating by hiring permanent replacements.

S. 55, however, would say that an employer has no such right. No matter how outrageous or irresponsible the demands of the union, if the union goes out on strike, the employer would have no right to hire permanent replacements.

The employer's only right under S. 55 is to capitulate to the union demands or hope the union returns to work before the business closes down for good.

Recognizing the absurdity of this scenario, for more than a half a century American labor law has provided both labor and management with a balanced set of rights, as it should be. Economic weapons and risks are critical elements of our national labor policy. There is no question about it.

As the Supreme Court has explained: "The presence of economic weapons in reserve and their actual exercise on occasion by the parties, is part and parcel of the system that the Wagner and Taft-Hartley Acts have recognized." That cite is NLRB versus Insurance Agents 361, U.S. 477, 489 (1960).

As Charles Morris, a leading labor law expert, has noted: "Collective bargaining evidently functions as a method of fixing terms and conditions of employment only because the risk of loss to both parties is so great that compromise is cheaper than economic strife."

Under current law, employers' demands at the bargaining table are checked by the knowledge that their employees have a most powerful weapon—the strike—a weapon that could cause loss of profits and market share and a weapon which can ultimately put that employer out of business. It is an awesome power that the unions have and, like I say, I would fight to maintain that right in the union, and I have.

Employees' demands, at the same time, are likewise checked by the knowledge that a call for a strike may be met by the hiring of so-called Mackay replacements, referring to the Mackay doctrine or the Mackay case decided in 1938. The inherent uncertainty about what will happen when both sides resort to their own weapons is an essential element in the dynamics of collective bargaining. Most importantly, it provides the strongest possible inducement for both groups to negotiate in good faith and to resolve their differences in good faith without resorting to such measures at all.

S. 55, this bill, the Metzenbaum bill, proposes to change this level playing field on which labor and management have so long operated, certainly over the last 54 years. A level playing field does not guarantee that parties bring their equivalent strength or wisdom to any particular labor dispute. Nor does it guarantee that the results of any labor dispute, or the specific terms of any particular labor contract, are what any of us individually would think were either the most fair, most reasonable, or most prudent for either side.

Congress has never established itself, or the courts, as an arbitrator to determine the terms of collective bargaining agreements. Rather, the true level playing field that is part of our national labor policy was designed to foster a balance in the legal rights of the parties. Since the protection of the right to strike gave unions an extremely potent offensive weapon, the law also gives employers the defensive weapon of continuing to operate during a strike.

It seems to me that is as it should be.

As described by former Solicitor of Labor and NLRB General Counsel Peter Nash, "the hiring of permanent replacements has long been recognized as constituting part of the legitimate self-help available to employers in a strike situation and allows the dispute between the employer and its employees 'to be controlled by the free play of economic forces.' *Machinists* v. *Wisconsin Employment Relations Comm.*, 427 U.S. 132, 140 (1976) (quoting *NLRB* v. *Nash-Finch*, 404 U.S. 138, 144 (1971)."

If S. 55 became law, it would insulate striking employees from the risks that traditionally have acted as a check on the voluntary decision to strike over economic issues and would free organized workers to command a price for their labor without regard to the market forces of supply and demand.

The Mackay doctrine, in contrast, serves as an important market check on opportunistic high demands of unions as well as on opportunistic low offers by employers.

As one expert, Prof. Samuel Estreicher, has noted in this regard, "the willingness of workers to cross picket lines and offer their services on the basis of the employer's final offer tells something about the economic reasonableness of the union's demands." Estreicher, "Strikers and Replacements," 3 Labor Law 897, 902 (1987).

The result of overturning the longstanding Mackay doctrine would be an increase in the number of strikes, and an increase in the risk of anticompetitive collective bargaining agreements.

Moreover, S. 55 would injure many nonstriking workers and their families, whose livelihoods depend on a functioning, economically viable employer. Just yesterday, the press reported that 156 editorial employees of the Pittsburgh Post Gazette were laid off on June 4 because of the continuing strike by the Teamsters Union against the newspaper's sister publication, the Pittsburgh Press. Nonstriking employees at that paper were sent home in mid-May, told there was no work.

Customers, suppliers, and consumers would all suffer the burdens of the increased strike activity and the harmful economic impact that would be generated by this bill if it is passed and becomes law.

It is amazing to me that the proponents of this measure have so conveniently forgotten about these people.

Is it fair that the economic well-being of these innocent people should be jeopardized when neither they nor their own employers are a party to the labor dispute that generated the strike?

Battle plans for war must carefully avoid hurting noncombatants as much as possible. The proponents of S. 55 are obviously applying a different standard to labor disputes.

This inherent attempt to put the many at risk to achieve the economic ends of the few may also explain why a recent Time magazine—CNN poll done by Yankelovich Clancy Shulman found that 60 percent of the American people opposed—and only 29 percent favored—legislation prohibiting employers from hiring permanent replacements for striking workers.

The proponents of this legislation have attempted to justify their attack on the Mackay doctrine by promoting several myths about Federal labor laws and strikes.

The first myth is a whopper. The proponents claim that the Mackay doctrine—a Supreme Court precedent of more than half a century—should be ignored, because it is only dicta. As my colleagues know, dicta refers to opinions of a judge which do not embody the resolution or determination of the Court. In other words, something that is dicta is an opinion offered by the Court which is unnecessary or extraneous to the decision itself. Its elimination from a judicial decision would not alter the holding of the Court.

Consequently, the proponents argue that by overturning the Mackay doctrine they are not really overturning a Supreme Court decision. Instead, the proponents are only taking issue with the Court's extraneous comment, or dicta.

The Mackay doctrine, which has some of my colleagues in such high dudgeon, stems from a Supreme Court decision issued on May 16, 1938, better than 54 years ago.

The case, *National Labor Relations Board* v. *Mackay Radio & Telegraph Co.*, 304 U.S. 333 (1938), grew out of a labor dispute between Mackay Radio and Telegraph and Local 3, of the American Radio Telegraphists Association.

Negotiations between the company and the union broke down, and the employees went out on strike, as they had a right to do under our laws. The company brought employees from its offices in other cities to take the places of the strikers. Subsequently, all but five of the strikers were taken back by the company.

The union filed charges with the National Labor Relations Board, charging that by failing to reinstate the five remaining strikers the company was discriminating against them on account of their union activities. The Board, among other things, ordered the company to reinstate the five with back pay.

The Supreme Court was asked to review the Board's decision, which it upheld.

One of the issues before the court was whether the Board lacked jurisdiction because the company was at no time guilty of any unfair labor practice. The Court noted that there was no evidence that the company was guilty of any unfair labor practice.

To explain its conclusion, the Court noted that the company was negotiating with the authorized representatives of the union.

Then the Court addressed the issue of whether its use of replacements was an unfair labor practice. In responding to this issue, the Court outlined what thereafter became known as the Mackay doctrine:

> Nor was it an unfair labor practice to replace the striking employees with others in an effort to carry on the business. Although Section 13 provides, "Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike," it does not follow that an employer, guilty of no act denounced by the statute, has lost the right to protect and continue his business by supplying places left vacant by strikers. And he is not bound to discharge those hired to fill the place of strikers, upon the election of the latter to resume their employment, in order to create places for them. *NLRB* v. *Mackay Radio & Telegraph Co.*, 304 U.S. 333, 345–346 (1938).

Now I realize that one person's dicta is another's doctrine, but the Supreme Court was rather clear in its holding. Nothing in the Wagner Act, the National Labor Relations Act, prohibited an employer from hiring replacements for employees who have gone out on strike, and the employer is not required to fire those replacements once the strikers decide they wish to return to work.

What was Congress' reaction to the decision? The following year, Senator Wagner appeared before the Senate Education and Labor Committee and made the following statement:

> Every step that the Supreme Court has taken toward clarifying the meaning and defining the scope of the act has made it easier for workers and employers to deal successfully under its provisions.

This is hardly a statement one would expect from Senator Wagner if the Supreme Court's opinion in the Mackay decision had been viewed from its inception as incompatible with the basic rights and values of Federal labor law.

This mistaken assertion was made by the committee majority in the report accompanying S. 55. I can only surmise that the authors of the majority report have concluded that a statement by Senator Wagner, the author of the Federal statute, made a year after the preme Court's decision, has no merit.

Perhaps they feel that the statement by Senator Wagner is also dicta.

In fact, Senator Wagner's assessment is relevant, because it underscores the fact that instead of being an aberration, the Mackay doctrine was consistent with the legislative history of the Wagner Act.

A memorandum prepared by the Senate Education and Labor Committee on S. 1958, Senator Wagner's bill, clarified the ability of employers to hire replacements. It states:

> S. 1958 provides that the labor dispute shall be current, and the employer is free to hasten its end by hiring a new, permanent crew of workers and running the plant on a normal basis.

And, there is more. During the floor debate on the House version of the Wagner Act, Representative Fletcher asked whether anything in this legislation would prevent employers from bringing in "strikebreakers." The bill's floor manager, Representative Connery of Massachusetts replied:

> I do not think there is. The employers' rights under the law will be just as strong and secure after passage of this act as they were before.

Consequently, instead of being dicta, representing some unnecessary, extraneous viewpoint that was repudiated from the moment it was offered, the Mackay doctrine was an accurate articulation of congressional understanding of employer rights under the Wagner Act. The Supreme Court's opinion was not at odds with congressional intent. The two were consistent.

But, let us assume for a moment that the proponents' revisionist version of history is accurate.

If the Mackay doctrine was an aberration, something far removed from the intent of Congress and the body of judicial thought, then it is logical to assume that Congress would take immediate steps to correct this flawed doctrine at the appropriate time.

In 1959, Congress passed the Landrum-Griffin Act, which dealt directly with the issue of picketing, strikes, and voting rights for economic strikers.

Obviously, it would be hard to imagine a time more appropriate to correct something as abhorrent as the Mackay doctrine, if the proponents are correct in their assertion that the doctrine was incompatible with basic rights and values of federal labor law.

The Landrum-Griffin Act was an appropriate time to correct mistakes made by the Supreme Court when interpreting Federal labor law. It would have been an obvious time to correct the Mackay doctrine, if the doctrine was in fact the mistake the proponents of S. 55 claim it to be. But, it was not changed.

Instead, the Landrum-Griffin Act included a provision granting economic strikers the right to vote in an election held within 1 year after commencement of an economic strike if they have been replaced.

Congress gave those strikers the right to vote to prevent employers from getting rid of the union by hiring "permanent replacements and then holding an election immediately thereafter in which the permanent replacements but not the strikers could vote."

Even the most enthusiastic proponent of this legislation would have to agree that there was little need for this provision in the Landrum-Griffin Act if Congress believed that an employer could not hire permanent replacements for economic strikers.

The Mackay doctrine was not dicta. It certainly did not forego the will of Congress, and it insults our intelligence to come in and say it was dicta.

Mr. President, it is obvious that Congress clearly believed that the Mackay doctrine was the correct expression of the law—that employers could hire permanent replacements for economic strikers.

Contrary to the assertion that the Mackay rule is an aberration, the Court has affirmed it on numerous occasions over the past 50 years, at times by justices not known for harboring an antiunion bias.

In 1963, in *NLRB* v. *Erie Resistor Corp.*, 373 U.S. 221, 232 (1963), against a challenge to Mackay, the Court stated, "We have no intention of questioning the vitality of the Mackay rule. * * *"

In 1967, in *NLRB* v. *Fleetwood Trailer Co.*, 389 U.S. 375, 379 (1967), the Court stated that employers have "'legitimate and substantial business justifications' for refusing to reinstate employees who engaged in an economic strike * * * when the jobs claimed by the strikers are occupied by workers hired as permanent replacements during the strike in order to continue operations."

In 1983, the Court reaffirmed Mackay in *Belknap, Inc.* v. *Hale*, 463 U.S. 491, 504, n. 8 (1983), when it held, "The refusal to fire permanent replacements because of commitments made to them in the course of an economic strike satisfies the requirement that the employer have a 'legitimate and substantial justification' for its refusal to reinstate strikers."

As recently as 1989, Justice O'Connor, writing for the Court, applied Mackay to affirm the validity of TWA's permanent replacement of striking flight attendants. She writes, "On various occasions [over the years] we have reaffirmed the holding of Mackay Radio."

The fundamental principles behind Mackay rest in the proposition that unions and employers are entitled to a level negotiating field in which each party is free to use the economic weapons available to it, and it is a delicate balance, this field, and it should be.

On occasions, these principles have been reaffirmed by the most unlikely members of the Court.

In a case involving a union challenging an employers' association's use of freeze-outs, Justice William Brennan wrote for the Court:

> Although the [National Labor Relations] Act protects the right of employees to strike in support of their demands, this protection is not so absolute as to deny self-help by employers when legitimate interests of employees and employers collide. *Labor Board* v. *Truck Drivers Union*, 353 U.S. 87, 96 (1957).

Likewise, it was Justice Brennan, who in a subsequent case involving union strike tactics, in *Labor Board* v. *Insurance Agents*, 361 U.S. 477, 489–490 (1960), wrote the following:

> The presence of economic weapons in reserve, and their actual exercise on occasion by the parties, is part and parcel of the system * * * two factors—necessity for good-faith bargaining between parties, and the availability of economic pressure devices to each to make the other party incline to agree on one's terms—exist side by side * * * and, at the same time, negotiation positions are apt to be weak or strong in accordance with the degree of economic power the parties possess. * * * And if [the government] could regulate the choice of economic weapons that may be used as part of collective bargaining, it would be in a position to exercise considerable influence upon the substantive terms upon which the parties contract.

As one can readily see, it is clear that S. 55 demands that we overturn a well-established precedent of labor law, established by both liberals and conservatives on the Supreme Court.

Far from being dicta, the Mackay doctrine is a clear expression of the law. It has been left unchanged by Congress for more than half a century. It has been upheld by the Supreme Court on a number of occasions.

In sum, the attempted minimization of the Mackay doctrine by the proponents of S. 55 will not stand the light of review.

The proponents' revisionist reading of the legislative history of the Wagner Act and the Landrum-Griffin Act, as well as some fifty years of subsequent holdings by the Supreme Court, remind me of the story about the lawyer who was challenged by the judge on a point of law during a trial.

Knowing he had no legal authority or precedent for his position, the lawyer looked the judge straight in the eye and rattled off the names of the first five cases that came to his mind.

Following a lunch break, the judge asked the attorney to approach the bench. "I looked up every case you cited," the judge said, "and they have nothing to do with this trial. What do you have to say for yourself." "I apologize," the lawyer responded, "but I was just being an advocate."

Well, the proponents of this bill are nothing if not advocates, and they are nothing if not resourceful. Faced with the rather obvious probability that they could not discredit the Mackay doctrine through a tortured legal analysis, they propagated yet another myth, a myth that brings this issue up to the present.

I suppose this myth was inevitable—namely, the idea that it's all President Reagan's fault. I have seen this time and time again over the last few years—everything that is wrong with America today is the fault of President

Ronald Reagan. The proponents argue that the hiring of permanent replacements was just not done before 1980. In other words, the Mackay doctrine was not a problem during its first 44 years because employers never exercised this legal right in this manner.

There was no reason for the unions and their friends in Congress to complain about the hiring of permanent replacements, because no permanent replacements were ever hired. It just was not done.

For those listening closely, they will not miss the significance of the date used by the bill's supporters.

The proponents claim that it was not until the 1980's that the use of permanent replacements became so commonplace. It was not until the Reagan administration that employers began racing out and hiring permanent replacements the first moment an employee went out on strike. President Reagan made it fashionable to use replacements when the members of PATCO, the air traffic controllers, broke the law that prohibits Federal employees from striking the U.S. Government.

It is a terrible thing for President Reagan to reinforce the law. But he did. And therefore, that was the first time that the Mackay doctrine was ever used.

When these employees went out on strike, they were permanently replaced by the President at that time. According to the proponents, President Reagan's actions gave employers around the Nation the green light, and employers ever since have been replacing thousands upon thousands of striker employees.

I suppose it was only a matter of time before proponents of this legislation got around to blaming Ronald Reagan. He has been blamed for everything that is wrong with society today. Why not do it for this case?

You know, I find it ironic that some of my colleagues routinely criticize President Reagan for doing so little, and then immediately turn around and blame him for everything they believe is wrong with the United States today, for doing so much.

And, they certainly find a lot that is wrong. For someone who is constantly criticized for being so inactive, President Reagan certainly seems to have accomplished a lot, in his few 8 years, as President of the United States.

The only problem with the argument that the use of permanent replacements is a recent phenomenon is that it is totally wrong.

According to a study released by the Employment Policy Foundation, there are 251 National Labor Relations Board cases since 1938 where the Supreme Court's decision in Mackay was cited, and permanent replacements were hired. All but 22 of these cases involved strikes that occurred before 1981. All but 22 of them.

One might wonder how the proponents could have missed 251 cases.

Of course, the argument that Mackay replacements were not used before the 1980's is joined with the asserting that it has become common or standard practice since that time.

Over the next several days, this body is likely to hear about a GAO report commissioned by the proponents of the legislation entitled, "Report to Congressional Requesters: Strikes and the Use of Permanent Strike Replacements in the 1970's and 1980's."

This report is purported to be the definitive proof of how widespread the problem of permanent replacements has become. According to the report, the GAO found that, in 1985, 4 percent of striking employees were replaced by Mackay replacements.

The report went on to conclude that this figure fell to 3 percent in 1989. These figures count as permanently replaced those strikers who returned or who will return to their jobs as a result of vacancies, a strike settlement, or a National Labor Relations Board order in case of an unfair labor practice strike.

In sum, according to the report requested by the proponents of this legislation, 96 percent of all employees who went on strike in 1985 were not—I emphasize not—replaced by permanent replacements. In 1989, 97 percent of workers who went on strike were not—I underline not—permanently replaced.

This is the proponents' evidence of an employer community run amok. The fact is that the problem they are complaining about has decreased.

I might note that the number of affected strikers is less than one one-thousandth of 1 percent of all Americans in the civilian labor force, but the total number of workers whose jobs would be affected, if S. 55 were to become law, cannot be calculated.

That is how bad this legislation is. It is a pathetic legislative effort.

The proponents argue that the practice of hiring Mackay replacements has become widespread seems to have become reinforced by several well-publicized strikes in recent years.

It ought to be noted, however, that the final chapter has not been written on some of these strikes. Many are at issue in ongoing litigation to determine whether the strikes were economic or unfair labor practice strikes.

As noted before, if the strikes are found to be unfair labor practice strikes, striking employees would not only be entitled to be reinstated, they could be entitled to substantial amounts of back pay, or what we call "back-pay awards." But, most importantly, Mr. President, these strikes serve as stark reminders of the dangerous consequences of strikes for both sides.

Recent experience has also shown the importance of the employer's ability to hire permanent replacements and the importance of keeping both sides in a labor dispute at risk.

Take the recent strike at Caterpillar, Inc. The main issue in this dispute was the United Auto Workers' insistence on pattern bargaining. That is a practice that requires that all companies in an industry be covered by the same collective bargaining agreement.

The union demanded that Caterpillar agree to the same terms and conditions negotiated by the union at John Deere Co. last year. In other words, that Caterpillar—a different company, almost a totally different company in every respect—according to them, should have to comply with the pattern of the collective bargaining agreement negotiated with John Deere & Co. last year.

Well, Caterpillar resisted stating that it could not continue to compete with its foreign competition, if it were locked into the Deere contract.

They said that their company was a different company; it had different goals; it had different competitors; it had different foreign relationships; it had different intergovernmental and intercountry relationships. You could not put them in the same pot that you put John Deere & Co. in.

That sounds like a logical argument for a company, if it is true.

The company had requested, among other things, watered-down seniority provisions, the ability to accelerate layoffs, and a two-tier wage scale that would allow the company to bring on new employees at a lower level than current workers. The union went out on strike and stayed out for more than 5 months.

The company made what for many Americans would be an incredibly lucrative offer. Caterpillar would raise top minimum pay, these are blue-collar workers, from $35,318 annually to $39,915 annually, by September 1994. This amounts to a 13-percent wage increase over 3 years, plus full health care benefits, if workers use designated facilities, and they offered a guarantee of their job with full pay for 6 years.

I do not know about you, but when they say they were going to hire permanent replacements, 30,000 people called in one day for those jobs. A number of whom said, "we would be willing to work for a lot less than that, to have that kind of a job and that kind of a guarantee."

But the union had a right to stay on strike if it wanted to. If they did not like those terms, as good as many think they were, they had a right to stay out. But the employer also had a right under this delicate balance. That employer had a right to say: "I have to save my company. The only way I can do it is to hire permanent replacements and train them, and they are going to have to be here, and you will not have jobs anymore. Even so, we are not going to do that right away; we will give you a chance to come back."

Well, you can see the delicate balance. The average worker at Caterpillar will be making about $47,000 a year 3 years from now, compared with $42,000 last year. Furthermore, Caterpillar would increase average monthly pensions to $1,800 per month.

According to Herbert Northrup, the retired chairman of the Wharton School's Labor Relations Council at the University of Pennsylvania, "These are some of the best blue-collar jobs in industry." But the union rejected Caterpillar's offer, as good as many felt it was.

Five months into the strike, faced with no alternative, they sent a letter to all striking employees asking them to return to work under key terms of the company's final contract offer rejected by the United Auto Workers, which was the union that covered all of these plants including John Deere and Caterpillar, and they had a right to do so. I would uphold that right. They had a right to call its workers out on strike. I would uphold that right. They had a right to keep them out on strike. I would uphold that. They had a right to reject what some people thought were the best blue-collar workers' benefits in the country. They had that right, and I would uphold that.

But the employer had a right, too. In order to save his business, he had a right to say: "I cannot go any farther; we lost $400 million last year. We are going to have to hire permanent replacements, unless you people come back, and we want you back."

The employer had some rights, too, and I would uphold those rights. That is what I am doing right now, fighting to uphold that delicate balance, which, if we do not have it, is going to cause chaos in America. There is no use kidding about it.

When the worker replacement notice went out, because they had no choice, management felt maybe they were wrong, but they had a right to do it, like the unions had a right to strike and stay out and to object to the present terms and conditions of employment. Well, management had a right to say: "We are frightened, we do not think we can go farther this way. If we do not train people now or permanently hire, we are going to be brought down anyway, so we have to do something."

They sent out a worker-replacement notice after telling all of their employees, "please come back, we really need you, we really want you, we do not want somebody else. We do not want to have to to go through the tremendous expense of training people and all of the fighting and irritableness and bitterness and bad feelings that arise."

But they did not come back, or at least most of them did not come back. When the worker replacement notice went out, Caterpillar received tens of thousands of phone inquiries including applications from highly skilled workers laid off from the defense industry. One even came from the former Soviet Union.

The fact is we have all kinds of defense industries going out of work. Many of those blue collar workers would have loved to have the benefits, conditions and terms of employment that Caterpillar was offering to its employees. The Caterpillar employees did not want that. That was their right. But it seems to me it was a business' right to offer to hire permanent replacements. If it did not have that right where would that business be today? They would probably be dead today, or they would have to capitulate, or probably be dead anyway to what they considered to be outrageous organized labor demands on a pattern basis made with a company that had a different business in many respects from that of Caterpillar.

In this case, this company waited 5 months before announcing that it would hire permanent replacements—5 solid months before it stated that it would hire permanent replacements for its striking employees. Tens of thousands of Americans indicated that they would he been pleased to earn nearly $40,000 a year, going up.

Faced with the risk of being replaced, the union was, in fact, forced to temper its economic demands, which many feel were clearly out of touch with the labor market not only in Peoria, IL, but also throughout the United States.

I cannot personally judge that. I cannot say I was on the side of either, the company or the labor unions. I was on the side of both of them working it out if they could within the current law with this delicate balance, both using the economic powers they had.

When the company decided it had no choice in order to save its business other than to exercise it rights to permanently replace, then of course there was a lot of anguish throughout the country. And some argue that is the reason for this bill, or one of the reasons for this bill.

I do not think so. This bill was floating around, bumping up and down long before that strike.

Some pundits have claimed that the Caterpillar strike signaled the death knell for the American labor movement. The columnist Mark Shields offered the following observation, "If PATCO was Fort Sumter in the campaign against American organized labor, Peoria was Appomattox."

He has a tremendous facility with words and I will not comment beyond that but I find a lot of irony in what he said.

While some might question comparing organized labor to the Confederacy, the Caterpillar strikers are hardly bereft.

They have returned to work, earning more than $40,000 a year plus benefits.

What the proponents have trouble admitting is that the Caterpillar strike is vivid evidence that the current system, which has stood for more than half a century, works.

By keeping both sides at economic risk, by forcing both sides to act reasonably and remain under some economic restraints, the dispute was ended.

Another myth associated with S. 55 is the implication that the legislation would restore balance and fairness to our labor laws.

While the legislation clearly limits the actions an employer can take during a strike, it should be remembered that there is nothing in S. 55 which would impose a similar limitation on the rights of unions.

There is nothing in the bill that increases the economic risk of union members, nor are they forced under the bill to relinquish an equivalent right.

Economic strikes in some States have the right to collect unemployment compensation. They are not prevented from finding other employment during the strike. They are entitled to receive union strike benefits that might not be insignificant in some instances given, for example, that the UAW war chest is reportedly about $800 million. Further, in some States striker may be eligible for welfare benefits. Nothing in the legislation would change these rights. Those are all rights and protections for labor union members and workers throughout the country.

Moreover, nothing in the bill would prohibit unions from engaging in destructive corporate campaigns or from running a company out of business. S. 55 would make no changes in the rights afforded to strikers, only in the rights afforded to employers.

Another myth disseminated by the proponents is that the Mackay doctrine corrupts the collective bargaining process.

In fact, S. 55 would itself corrupt the bargaining process because it would provide that the right to strike may be asserted free of any economic disadvantage.

The right to strike was never intended to make strikers the owners of their jobs.

As Justice Stewart explained in writing for the majority in the Supreme Court's opinion in 1965 in *American Ship Building Company* v. *NLRB*, 380 U.S. 300, "[t]he right to bargain collectively does not entail any 'right' to insist on one's position free from the sort of economic disadvantage which frequently attends bargaining disputes * * * The right to strike as commonly understood is the right to cease work—nothing more."

I think that dispels that myth.

Another argument trotted out by the proponents is that other industrialized countries like Japan, Germany, and

Canada do not permit the hiring of permanent replacements.

What the proponents like to skip over is the fact that most other countries do not simply reject the Mackay doctrine—they reject our entire industrial relations system.

In fact, a quick trip around the world reveals that American unions already enjoy several advantages over their international counterparts.

Would the proponents like to buy into the entire German labor relations system?

Look, you cannot just take one aspect of it. How about taking all of it?

In Germany, more than one union can represent employees performing the same work. A strike in Germany becomes illegal whenever picketers use intimidation as a tactic.

Let me tell you something. That has to worry a few people before they want the German plant system. We have seen that tactic used here.

Strikes are forbidden in Germany if they would grievously wound a company.

Wait a minute. How valid would the Caterpillar strike have been under German law? Not very valid because they certainly would have grievously wounded that company had it gone on much longer.

And under German law all strikers, all strikers, are ineligible for unemployment benefits. That is not the case in our country. So do not just argue one aspect of German labor law and industrial relations. How about all of them? I do not agree with Germany on a number of those items.

In France, the law permits individual bargaining or unilateral employer action to supersede collective bargaining agreement provisions. Moreover, French labor law eliminates any requirement that unions and management try to reach an agreement. Think of that. "* * * any requirement that unions and management try to reach an agreement."

In the Netherlands, courts are given broad judicial authority to enjoin strikes. We do not allow that here. We just do not allow that here.

Other countries require that strikes must be preceded by a strike vote. U.S. labor law does not require that. But other countries do, these countries that they are claiming give such advantage to their employees. No, there is no nation on Earth that has the fairness in labor law that this country does. There is no nation on Earth that allows the true balance between the two competitors in this industrial relations system that this country does.

Perhaps the best window on the future if S. 55 were enacted into law is the recent experience with strikes and labor union demands in Germany, where employers are not permitted to hire permanent replacements.

Does anyone in this body think that Americans reading the press accounts of the disruption caused by the recent major strike in Germany are clamoring to have our system emulate Germany's? I do not think to many people are arguing for that.

As reported by the New York Times, 100,000 striking German workers threw public transport into chaos, causing traffic jams and serious disruption of hospitals, postal and telephone service, and trash collection.

Furthermore, the postmortem of that strike's ultimate resolution was not only that it cost the country $600 million, but that the settlement the government was forced to agree to would boost inflation to a record high and cause both an exodus of jobs and an economic slowdown in Germany.

Germany is currently exporting jobs at the rate of 100,000 a year.

How would you like that in this country; exporting jobs at the rate of 100,000 a year?

As described in a Wall Street Journal article in January of this year, "businessmen have always complained about Germany's high production costs and what they call unrealistic demands of labor. Lately they have begun to do something about it." Maybe that is why a Mercedes costs $96,000. Maybe not. I do not know. But it is something to think about.

This article in the Wall Street Journal goes on to give examples of major German employers who have left that country, taking their businesses and their jobs elsewhere.

The final justification for S. 55 is that employers have other options they can use to continue to operate a facility during a strike.

According to the proponents, these options include the hiring of temporary replacements, using supervisory or management personnel to run the plant, transferring or subcontracting work, or stockpiling in advance of the strike.

The majority of the Senate Labor Committee observed that

> In light of * * * our recent chronically high unemployment rates, it is undoubtedly easier today to find temporary replacement workers for even skilled jobs than it was even ten years ago, let alone 50 years ago.

I must admit I was a little surprised that the proponents are willing to assume the current unemployment rates will be a permanent fixture of American society—so permanent, in fact, that they can serve as the basis on which we can build Federal labor policy.

What the proponents apparently do not believe is their own rhetoric—that many union workers are highly skilled employees, who provide the companies for which they work with a valuable service.

You cannot replace a skilled work force overnight, nor can you expect a handful of supervisory and management personnel to maintain operations adequately during a strike for an indefinite period of time. There is an inevitable loss of organizational efficiency and control.

Apparently, we have to state the obvious. If companies could operate without the striking employees, they would employ fewer people in the first place.

What the proponents apparently do not know is that many plants cannot just be shut down. You do not just turn off the lights in a chemical plant and lock the door behind you.

In such instances, the shutdown must be performed in a very careful, orderly manner, using highly trained workers over a 2- to 3-week period.

This is true even when the shutdown occurs not because of a strike but because of routine maintenance.

As the National Labor Relations Board noted in its decision in American Cyanamid Company in 1978:

> The plant is for the most part a continuous process operation with some minor "batch" type production lines shutdowns or turnarounds. This occurs at least once a year on each line for the purposes of a major refurbishing of such line, which takes from 14 to 20 days of round-the-clock maintenance. * * * Because of the danger, not only of damage to equipment and spoilage of product, but also of explosion and the release of toxic materials and gases, it is imperative that the equipment be continuously monitored and attended, and that any shutdown be orderly and performed by knowledgeable personnel. An orderly transfer of operations from regular employees to substitute personnel, because of planning, prearranging, and shifting or transporting of personnel involved, requires as much as 30 days.

What the proponents apparently do not know is that the pool of unemployed workers who might temporarily assist employers during a strike may not possess the same skills as the striking union members. As the Society for Human Resource Management explained during the hearings on S. 55:

> An employer's challenge of recruiting temporary workers would be difficult enough if the pool of available workers was literate and possessed general skills. However that is not the case. Employers are confronted with a less educated and less skilled workforce and must frequently educate employees before they can even begin to train them for specific jobs.

What the proponents of the legislation apparently do not know is that there is not a pool of available skilled workers waiting to run the gauntlet of a picket line in order to work for what could be only a handful of days.

And I do not think they would enjoy being called scabs, either, which is commonly used. Nobody wants to run the gauntlet of a picket line and all of the animosity and all of the bad feelings in order to work for just a few days.

This is especially true for some industries such as the airline industry. As the Air Transport Association of America emphasized in its hearing statement:

> Ready pools of skilled pilots and FAA certified mechanics simply do not exist for the airline industry. The training and skills needed to serve the public safety constitute such high standards that there is actually a labor scarcity. In this context, the longstanding Mackay rule is a fundamental protection that the employer needs in order to balance the unlimited power of the strike.

What the proponents of the legislation apparently do not know is that many small businesses can not operate simply by using management and supervisory personnel.

Small businesses tend to be tightly run companies that are extremely efficient. If their employees go on strike, they shut down. There is no alternative.

Perhaps the most honest assessment of the fallacy of the proponents' assertion that there is a ready pool of qualified skilled labor ready and willing to be hired for an indefinite period of time and to run a gauntlet of harassment every day is from the AFL-CIO. Listen to the statement of Walter Kamiat, associate general counsel of the AFL-CIO:

> Nothing we have said thus far is to deny that some particular employers may "need" to hire permanent replacements in order to prevail in a particular strike. This may be the case, for example, where striking workers are particularly skilled and the labor market is particularly tight.

Mr. Kamiat apparently is willing to admit a simple fact that has escaped the proponents of the legislation. Namely, some employers have to be able to hire permanent replacements or they will always lose.

I am sure Mr. Kamiat also knows that it is virtually impossible to replace a highly skilled work force with competent people for an indefinite period of time, unless the employer can make an offer of permanent employment.

But, of course, that is why this bill makes every union decision to strike a no-lose decision.

Consequently, without any real check on the demands that can be made by organized labor, employers will have no viable alternative but to cave in and agree to every demand made by striking employees.

Now the proponents, of course, fall into a dead faint every time this argument is made. They literally reel in shock that anyone could even hypothesize that a labor organization might bargain foolishly, that they might be excessive in their demands.

No union is that self-destructive, the proponents argue. A union would always temper its demands to make sure that an employer's ability to operate is not seriously threatened. All labor leaders know that their members are not helped if there are no jobs left after the strike.

Those are the arguments. They say organized labor simply needs the power, according to proponents, to shut a company down when the union decides to go on strike without any fear that the employer might turn around and hire permanent replacements. According to the proponents, this would guarantee true fairness.

My difficulty in accepting this proposition is based on two things, one theoretical and the other a case in point.

First, agreements are made only when there is a perception of mutual benefit or mutual loss. Removing the potential for mutual loss from collective bargaining means that agreements will be harder to come by.

Insulating one of the parties from the risk—and in this case this bill would insulate union bargainers from risk—means that the other party will have to succumb. Or, if you insulate the unions from the risk, that means they can afford a bolder set of demands.

Second, ask yourself if the strike at Caterpillar might still be going on if the company had not begun the process of hiring permanent replacements. How long could caterpillar have lasted before one of its foreign competitors took over their market share. If you are honest you have to answer it in a way that throws great suspicion over S. 55; to take away this equivalent right in management to hire permanent replacements.

S. 55 is perhaps most condemnable for what it does not address. The proponents claim that they want to restore fairness to strikes. They want to correct the perceived flaws in our current labor laws.

What they have concocted is perhaps the most lopsided, special-interest-oriented pieces of legislation that has been rammed through Congress in recent memory.

There is nothing in S. 55 about public safety, about the impact of prolonged strikes that place the public welfare and safety at risk.

What happens when employees at a nursing home go out on strike? What happens when workers at acute care hospitals go out on strike? Do the proponents really believe that by giving unions in the health care industry the ability to call strikes without economic risk that there will not be an increase in the disruption of health care services?

Do the proponents, who have expressed in other contexts such great concern over the skyrocketing cost of health care in this Nation, believe that this legislation will have no impact on health care costs? Who is kidding whom?

The committee report states the following with regard to S. 55:

> The Committee is unable to determine the precise economic impact the legislation would have on affected individuals, consumers, and businesses, but the Committee believes that any such impact will be minimal.

The authors of the committee report must be the only people in the United States that cannot figure out the answer to the question of this bill's economic impact.

The economic impact on affected individuals will be devastating. The economic impact on consumers will be devastating. The economic impact on businesses will be devastating.

And, some in this body still wonder why the American people feel that Congress has lost touch with reality. How can one honestly argue that by making strikes risk free for hospital unions, or for unions in any industry, the costs of goods and services will not go up? How can anybody look any of us in the eye and make that argument?

In the health care industry, for example, we know that some people will find access to care more difficult given increasing costs.

Just think about it. Your mother or your father is in an acute care facility. Their lives depend upon those union members working in that facility doing the job. All of a sudden there is a strike and the hospital says we cannot just shut down, people will die. Costs will go up. We will not be competitive. We will not be able to give these services for this community. We are going to all be in trouble. We will operate as best we can with supervisory personnel but sooner or later we are either going to have to get these people come back off strike or we are going to have to hire people who will take their places and keep this acute care facility going.

True, that is a tough example but it is one that would occur time after time. Apply it to almost any industry. See what happens.

Perusal of S. 55 will also find another issue not covered. For many Americans, mention the word "strike" and the word "violence" immediately comes to mind.

Since it is inevitable that S. 55 will result in more strikes, what does the bill have to say about violence? Absolutely nothing.

What does S. 55 do to prevent random shootings like those that occurred during the Greyhound strike? What does S. 55 do to prevent the bombings, or knifings, or rock throwing that have occurred in strikes. Absolutely nothing. Why should we worry about those little exigencies?

So, Mr. President, this so-called Workplace Fairness Act of 1992—a bill that would overturn more than 50 years of Federal labor law—a bill that encourages employees to go on strike—a bill that ignores union violence—a bill that pretends that it will have no economic impact—a bill that in the name of fairness would benefit only one special interest group at the expense of the rest of working men and women, at the expense of the free enterprise system and at the expense of public health and safety should not be sold to the American people as the answer of fairness in the workplace.

We all know that our Nation faces serious social and economic problems. We all know the Federal budget is a nightmare, and that the deficit is slowly choking the lifeblood of our Nation.

We all know that there is a crisis of confidence in our Government, particularly with this Congress. And the proponents of S. 55 have unveiled their solution to all these problems and they are taking this valuable time, and their solution is: Go on strike.

We want you to be able to not only have the right to strike, we want you unions to have the right to win every strike. We want you business people to know that if you do not capitulate, you are going to go down. We want you business people to know that if you do capitulate, you are going to go down. Either way, you lose because there is no delicate balance. There is no way of fighting back. There is no offsetting right.

You lose no matter what you do, Mr. Businessman, because we in the Congress do not believe in this delicate balance. We are going to give the edge to one side, and I wonder why that is so?

I have been told that Members of Congress in the House and the Senate have been told that if they do not vote for this bill, they will not receive any help—any help at all—from organized labor in their campaigns. I have to tell you, that is a real swat, because organized labor donates, according to the authorities I have read, at least $36 million a year through political action committees that has to be reported, and some estimate as high as $300 million a year that does not have to be reported in political activity and political support across this country. I do not know whether that is as high as it is, but they are certainly capable of doing that.

I have had Members—maybe I should not use Members, although I think it would be interesting—I had one of my opponents tell me that even though I seemed to raise double the amount of money in the election process than he did, that he did not lack money in his campaign against me because of this so-called soft money that is put up by the unions for 95 percent of the liberal Democrats in the Congress; and I might add, throughout the country in State and local elections, as well.

So when Members are warned that unless they vote for this bill, they are not going to have any support from the union movement in this country, that is big stuff. Why, ask BERYL ANTHONY, who was defeated yesterday. I have respect for him, and I feel sorry he was defeated. But ask him about it. He had the temerity to vote against this bill. His opponent had all the support of organized labor in the Democratic primary, and BERYL ANTHONY went down to defeat. I suspect there are many in this body who may be thinking: that could be me next. I suspect that may be so.

But I think it is a pretty pitiful situation when one special-interest group in this country can tell people in the greatest deliberative body in the world: Either vote for this, or you get no help, and we will do everything we can to defeat you. I would hate to see the person who told me that in my office; they would be going skinning out of the office so fast, they would not know what hit them because this job does not mean that much to me to pass a piece of junk like this just because of political pressure, and to bring it up right now, with all the problems we have in our society.

At least the House is over there debating the balanced budget constitutional amendment. At least they are talking about our country's ills and our problems. And here we are, bringing ills to the country which have been done around here for far too many years.

I have not seen many bills that I would categorize as bad as this one in the history of the Congress. I have to say to the proponents, who have expressed such great concern over the skyrocking costs of health care in this Nation, they believe this legislation will have no impact on health-care costs? The committee report states all kinds of things with regard to that issue.

Mr. President, I can think of no other bill before this body that is a better test of who is interested in preserving our free enterprise system and generating jobs and economic growth. I can think of no other bill that is going to come before this body this year that would be a better test of who is on the side of a decent economy, who is on the side of the greatest free-market system in the history of this world. I can think of no other single bill that is a better test of who is interested in preserving a balance in our Federal labor laws to ensure the rights of employers and employees and to ensure that those rights are equivalent, a delicate balance. I can think of no other single bill that is a better test of who is interested in preserving, fostering, and nurturing small business in this country. And I can think of no other single bill that is a better test of who is interested in preventing one special-interest group from dictating the laws of our Nation as a means of increasing its own power and influence.

I cannot blame them. As long as they have people who are going to bring these kind of bills up over the preference of all kinds of other things that are necessary for this country at this time, they know that they have power.

So let the ceremony begin. We know our assigned roles. We know our places, and we know our entrances, and we know our exists. And we also know, if S. 55 is enacted, how the play will ultimately end.

This is important stuff. This type of legislation makes a difference whether or not our country continues to go on as a free market system, as a basically strong economic system, or whether or not we give one special-interest group power over the system or whether we maintain a delicate balance that will keep the system moving in the direction of the best interests of everybody.

This bill makes the difference whether or not this body is going to have the respect that it should have. When I see this country's ills and its problems right now, to see this bill up here that would give one-sided power to one side in collective bargaining disputes, it is small wonder that this country is going through the economic difficulties and problems it is going through right now. It makes me sick.

I have to say that I am one of the few of the 535 who came up through the union movement, who earned my journeyman's card and went through a formal apprenticeship program. I know some of my union brothers are not too happy with me right now, but the fact of the matter is I earned it; I am proud of it; I am proud to this day. I am proud I worked with my hands to be able to get through high school, let alone college and law school. I am proud of my union membership, and I will fight for these collective bargaining rights that they have.

To give one side all the rights and the other side none is just going to be chaos for this country, and it does not take any brains to figure it out. That is what this bill does, and I think—I hope—that our colleagues will consider it for what it is; recognize that this 54-year-old doctrine has been there for a reason; recognize that it is fair to keep it there, and that it is very unfair to overrule it by this simple statute, done for special-interest purposes.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah yields the floor. Who seeks time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, are we under a time limitation?

The PRESIDING OFFICER (Mr. DIXON). We are not, may I inform the distinguished senior Senator from Massachusetts, under any time limitation.

Mr. KENNEDY. Mr. President, I did not hear the whole statement of my friend and colleague from Utah. I did hear the latter part of his comments in which he dealt with how this legislation would affect health-care conditions in hospitals across this country.

I am wondering if the Senator is familiar with the current procedures established under the National Labor Relations Act for handling labor disputes at health care institutions?

If I could have the attention of the Senator from Utah, is the Senator from

Utah familiar with the procedures under the National Labor Relations Act that have to be followed before there can be a strike at a health-care facility?

Mr. HATCH. I am familiar with some of them, I think, generally.

Mr. KENNEDY. Is the Senator familiar with the changes made to the act in 1974?

Mr. HATCH. Is the Senator talking about the health-care changes?

Mr. KENNEDY. Yes.

Mr. HATCH. In what bill?

Mr. KENNEDY. In the requirements that unions at health-care facilities must follow, if they intend to strike. I heard the Senator waxing eloquent about how, if we pass the legislation, we are endangering health-care conditions for millions of Americans.

I just wanted to inquire exactly what the Senator was referring to, because there are very specific requirements under the 1974 amendments as to what labor and management have to do with regard to any potential hospital strike.

I was wondering, since the Senator was talking about strikes in various hospitals, whether he was, first of all, familiar with the special mediation and "cooling-off" requirements that have to be followed and, secondly, if he is familiar with the Board of Inquiry procedure, the number of times it has been utilized over the period of the last 10 or 12 years and what the results have been?

Mr. HATCH. Is the Senator suggesting that hospital workers cannot strike under Supreme Court law?

Mr. KENNEDY. I am suggesting that under existing law special procedures have to be followed before hospital workers can strike and, as the Senator was describing what he felt would be the results of the enactment of this legislation, I am just asking why he believes that this legislation would jeopardize health care, since this legislation conforms with mediation and conciliation provisions of the 1974 amendments, which have been in effect and which have operated satisfactorily to protect the health of patients in health care institutions.

Mr. HATCH. Let me ask the Senator two questions. One is: Do not health care workers have a right to strike under the 1974 law? And the second question is: Would not health care workers be covered by S. 55?

Mr. KENNEDY. The answer in both cases would be affirmative, subject to the existing procedures created in the 1974 amendments.

Mr. HATCH. I think that answers my question.

Mr. KENNEDY. Well, my point, as the Senator was asserting that if this bill were enacted, it would endanger the health of the American people, is that this bill does not alter existing provisions of the National Labor Relations Act of 1974 that spell out very specific limitations on strikes and picketing by health care workers.

Mr. HATCH. If the Senator will yield, if there is a right to strike in health care workers, if this particular bill would cover health care workers, which the Senator says is affirmative in both cases, then, once the procedures are met, I have to tell the Senator the scenarios that I have given can come to pass.

Mr. KENNEDY. I do not see how that is likely, since there are existing provisions in terms of health care workers designed to help avoid disruptions in the delivery of health care that are already in law.

Mr. HATCH. Perhaps the Senator better point those out to me then.

Mr. KENNEDY. I do, in sections 8(d), 8(g), and 213 of the act.

Mr. HATCH. I will be glad to listen. But if they have a right to strike, how do you avoid the problem? How do you run an acute care facility?

Mr. KENNEDY. Because requirements are currently spelled out in the law to deal with the kind of threat to health care services the Senator was talking about. These requirements provide special protections to ensure stability in labor-management relations in health care, and those protections have been effective. Unless the Senator is able to indicate that under the existing provisions where you already have the right to strike there have been serious problems in terms of the effect on patient care, I just find the Senator's argument unconvincing.

Mr. HATCH. If the Senator will yield——

The PRESIDING OFFICER. Does the Senator yield?

Mr. KENNEDY. I yield for a question.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Is the Senator familiar with the fact that the reason those health care provisions were enacted, at least to my recollection, is because the Mackay Radio doctrine was in effect? This bill does away with the Mackay Radio doctrine. That means that once people strike, those hospitals cannot permanently replace those workers. If S. 55 becomes law, much of what the Senator is raising would become, if not null and void, certainly inapplicable under certain circumstances. It still allows for the scenarios that I have been talking about. Mackay Radio was law at that time. It is law today.

Mr. KENNEDY. Mr. President, the provisions of S. 55 do not affect the existing special provisions under the 1974 amendments to the National Labor Relations Act requiring special notice, medication, and conciliation where appropriate to avoid health care worker strikes. These provisions have been effective in minimizing the potentially disruptive effect of strike or picketing in the health care industry, so in terms of protection of the public health, I see no particular threat here.

The system of industrial relations in this country was born out of the Great Depression and the New Deal. It is built around a central fact of economic life: The inherent inequality between the bargaining power of a lone worker seeking to improve wages and working conditions, and the bargaining power of the employer.

That is why, since Congress enacted the National Labor Relations Act in 1935, a fundamental goal of national labor policy has been the protection of workers' rights to form and join labor organizations and engage in collective bargaining with their employers.

As the Supreme Court said in 1935, in a decision upholding the constitutionality of that Act:

> Long ago we stated the reason for labor organizations. We said they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent ordinarily on his daily wage for the maintenance of himself and family; that if the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and resist arbitrary and unfair treatment; that union was essential to give laborers opportunity to deal on an equal basis with the employer.

Today, as much as ever, employees need the right to organize collectively to improve their wages and working conditions, and to enter into dialogue with their employer about how work should be arranged, so that the firm can achieve its productivity and profitability goals, while at the same time ensuring fair treatment for workers.

Today, the right to organize and bargain collectively is being seriously undermined by the growing practice by employers of permanently replacing workers who exercise their right to strike in furtherance of their bargaining goals.

No one likes strikes, but without that ultimate ability of workers to collectively withdraw their labor and put economic pressure on the employer, the system of collective bargaining is a farce. Employees must either quit, or accept what the employer is offering or taking away.

The exercise of the right to strike has always been tempered by the substantial risks imposed on both employees and employers. On the workers' side, they must face the prospect of going without pay for the duration of the strike.

On the employer's side, a strike means the potential for lost production and lost profit. The interest of both parties in avoiding such losses is why the overwhelming majority of collective bargaining disputes are settled without a strike.

When an employer is able to fire a striking worker by giving the worker's job to a permanent replacement, the risks suddenly shift substantially against the employee.

Where permanent replacements are threatened, employees face the prospect not only that they will go without pay until the dispute is resolved, but that they will lose their jobs altogether—along with the benefits, seniority, and security accrued through their years of service with that employer.

Since the enactment of the National Labor Relations Act, it has been well-settled that an employer cannot fire, discipline, or discriminate against an employee for exercising the right to strike. Yet for striking workers, the distinction between being fired and being permanently replaced is a distinction without a difference. Whether fired or permanently replaced, the employee is out of a job.

For the first 40 years after passage of the NLRA, employers rarely used the permanent replacement weapon. Responsible employers considered it wrong to discard employees who had invested years of service in the firm.

But attitudes took a dramatic turn for the worse in the 1980's. The same distorted obsession with short-term profit that characterized that decade of greed—that brought us a wave of mergers and leveraged buy-outs, the savings and loan scandal, and skyrocketing executive salaries—is reflected in the sudden increase in the use of permanent replacements.

Statistics compiled by GAO show that employers are actually using permanent replacements in one out of every six strikes.

Equally important, employers are threatening to hire permanent replacements in a third of all strikes. And as we all saw in the recent Caterpillar strike, a threat is often all it takes to frighten workers into forgoing or abandoning a strike.

Jay Gould, the railroad tycoon who viciously broke a number of strikes in the early years of this century, used to boast that by his tactics of divide-and-conquer, he could hire one-half the working class to kill the other half.

The public was justifiably outraged by such statements. But what employers are doing when they hire permanent replacements to take the jobs of striking workers who have invested years of their lives in their jobs, is exactly that. They are using the desperation of working people in this country about their declining standard of living, and the lack of decent job opportunities, to put one group of workers against others.

Opponents of S. 55 claim it is necessary to reduce the power of unions to win wage and benefit improvements for their members, if America is to compete effectively in international markets. Yet our strongest trading partners and most successful competitors in Europe and Asia have much higher rates of unionization than we have in this country.

Moreover, no other major industrialized country except South Africa—and now Great Britain—permits employers to use strikes as an occasion to permanently replace their unionized work force.

In Italy and France, the right to strike is guaranteed by the Constitution. In those countries, a strike is recognized for what it is—not an abandonment of the employment relationship but a temporary suspension—and strikers cannot be permanently replaced.

We have recently witnessed, in Germany, a strike by public employees which brought many important sectors of the economy to a standstill. Yet there was no suggestion that those employees should be permanently replaced—even though unemployment in Germany is higher than it is here.

Workers in this country may wonder why the freedoms they fought to secure for workers in Europe and in Japan a generation ago are being denied them here in their own country. Or why the very same political leaders in this country who applauded the boldness of the striking Solidarity workers in Poland condemn unions and undermine the right to strike in the United States.

Opponents of this legislation also claim that unless they can guarantee permanent employment to individuals hired to keep the firm in operation during a strike, they will be unable to recruit replacements. That too is a claim with no support.

In countless cases from 1935 to the present, employers have demonstrated their ability to operate during strikes without using permanent replacements.

Under the law, employers have numerous options if they try to keep operating during a strike. They can use supervisory and managerial personnel to perform the work. They can subcontract the work to third parties.

They can stockpile materials in anticipation of the strike. They can hire temporary replacements to perform the strikers' work until the strike is over.

The experience in Canada—our closest neighbor, whose culture and traditions are most like our own—is that employers prohibited by law from hiring permanent strike replacements can and regularly do recruit replacements without having to offer permanent employment or preferential treatment over strikers.

S. 55, the Workplace Fairness Act, would do nothing to alter employers' rights to continue to use any or all of those weapons to counteract the pressure brought to bear during a strike—including the hiring of replacements on a temporary basis.

At its heart, the striker replacements bill is a question of simple justice. If it is unlawful for an employer to fire a worker because that worker exercises the right to strike, then it should be equally unlawful for an employer to deprive striking workers of their jobs by permanently replacing them.

In a broader sense, however, this bill raises issues that go far beyond the question of who wins or who loses a particular strike. Increasingly, what is at stake is the standard of living for working Americans.

It is no coincidence that the 20-year decline in real wages that working people in this country have experienced coincides with the 20-year downward spiral in the percentage of the work force that is unionized.

Experts now predict that if the current trend continues, union representation in the private sector could drop as low as 8 percent by the year 2000. We are already dangerously close to the point of being the only major industrial society in which unions are not an important player and collective bargaining is not an important institution.

The consequences are seen not only in declining real wages for working Americans, but in the lack of decent health coverage for millions of workers and their families, and the declining percentage of the work force covered by pension plans.

Most threatening of all—not just to the Nation's standard of living, but also to the future of our democratic institutions—is the growing gap between the haves and the have nots in our society.

Inequality of income and of wealth is now at the highest point in postwar history. In terms of the disparity between the incomes and wealth of the top 30 percent and the bottom 70 percent, we are beginning to look more and more like a Third World country, and less and less like a modern industrial democracy.

As the figures pour in, the picture becomes increasingly clear:

Data released by the Congressional Budget Office show that between 1977 and 1989, the after-tax income of the top 1 percent of families rose more than 100 percent while that of the bottom 20 percent fell nearly 10 percent.

Researchers at the Federal Reserve and the Internal Revenue Service report that in the 6 years from 1983 to 1989, the share of wealth of the richest 1 percent of Americans increased from 31 to 39 percent.

According to a new Census Bureau report, the percentage of full-time workers whose wages are too low to bring them above the poverty line has jumped from 12 percent in 1979 to 18 percent in 1990.

During the 1980's, the wages of workers, adjusted for inflation, declined almost 10 percent.

Yet the compensation of top CEO's—which was about 35 times the pay of the average employee in the 1970's has climbed to 120 times average employee pay in the 1990's.

It is time to draw the line, to say that these distressing antiworker trends have gone too far. The time has come to restore a basic sense of fairness in labor-management relations.

Concern about the consequences of these disturbing trends in labor relations is not limited to any one party or political persuasion. George Shultz, Secretary of Labor, then Secretary of State in two prior Republican administrations, decried the decline of labor's strength in a speech not long ago. "Free societies and free trade unions go together," he said. "Societies that lack the kind of organization that will really get up on its hind legs and fight about freedom are missing something."

Arnold Weber, who served as an economic advisor to the Reagan administration and now heads Northwestern University, recently added his voice to the debate, arguing that the loss of a strong labor movement will be society's loss, "because then fairness and all the problems of distribution which bedevil democratic society will either fall to the Government, with all its political vagaries, or will fall essentially to unilateral management discretion, whether of an enlightened or unenlightened form."

We cannot, and must not, allow ourselves to engage in a disastrous race to the bottom with Third World countries, where global competitiveness is defined in terms of cutthroat competition to drive down wages and benefits for working people.

Ending the practice of permanently replacing workers who exercise their right to strike will not, in and of itself, solve the problems of working Americans.

But we can be sure that if we do not call a halt to this practice, our ability to ensure a decent standard of living for all working Americans is in doubt.

S. 55 is a significant step gains the current unacceptable trend. It reaffirms our Nation's belief in the dignity of work and the right of working men and women to engage in collective bargaining on an equal footing with employer—on a level playing field in which both sides have strong economic incentives to settle their differences and avoid a strike. I urge the Senate to approve it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I just heard an address involving a certain argument against this legislation that it would unfairly tip the balance of economic power between labor and management toward labor unions. At first glance, it might seem to be an attractive argument. But I must urge my colleagues to look closely at the facts.

I might say we anticipated that this would be the argument, the notes that I have before me were written before my colleague Senator HATCH spoke, but it should come as no surprise to my colleagues that we have heard this argument often before.

In 1988, my colleague from Utah, Senator HATCH, opposed a bill requiring employers to give workers 60 days' notice of a plant closing. Senator HATCH came to the floor and said the bill would "make major changes in the National Labor Relations Act which has functioned very, very well and has maintained a delicate balance between the competing interests of labor and management for many years." The plant closing bill, Senator HATCH said, "Will upset that relationship." Similar suggestions of massive upheaval in labor-management relations came from Senators SYMMS, QUAYLE, SIMPSON, and other ardent opponents of the 60-day notice law. This is an argument that we get every time there is some legislation having to do with the rights of working people. I might suggest to my colleague it probably would make a good song if you put music to it because it is the same refrain over and over and over again.

With respect to the plant closing law, the argument was that it would upset the delicate balance between the competing interests of labor and management that had existed for many years.

Let me point out that 3 years after that law was enacted, thousands of employers have given advance notice to hundreds of thousands of American workers. And we now can see the folly in Senator HATCH's earlier prediction.

This same concern has equally little merit as applied to the workplace fairness bill. What is really going on here, Mr. President, is an all-out effort by corporate lobbyists—the same high paid lobbyists who come here regularly—to preserve the lopsided imbalance that has developed in recent decades between labor and management.

Let me just say one other thing. I thought it was the height of hypocrisy for my colleague to talk about the campaign contributions of labor to the campaigns of some Senators. Look at his own record. Look at the record of so many in this Senate and the kinds of money they accept from the corporate PAC's, and look at their failure to be willing to join with the Democrats in eliminating those corporate PAC's through new legislation having to do with campaign reform.

But let us come back to the question of Federal labor policy. Fifty-seven years ago, Congress recognized the terrible toll that labor disputes were taking on the economic and social fabric of this country. The National Labor Relations Act made clear that collective bargaining should serve as the preferred method of resolving labor-management disputes and preserving economic stability. That original act in 1935 was amended twice, with the Landrum-Griffin Act and the Taft-Hartley Act but basically it still reserves the bargaining right, the rights of employees to join together in a union and collectively bargain with management if a majority of the employees want that union to speak for them.

The guiding principle of the NLRA was to seek a peaceful resolution of labor disputes through negotiation between labor and management. Where negotiation fails to resolve a dispute, each side is permitted to exercise peaceful self-help options. This system depends upon a balance of economic power between the parties.

Now, that is where the right to strike comes in—it is a union's principal means, actually the only means, of economic self-help. It is seldom used—better than 99 percent of labor contracts are negotiated without the need for a strike. But the possibility of a strike as a last resort for workers encourages management to negotiate fair agreements.

Thus, the right to strike is essential to the balance of economic power between labor and management because it gives workers bargaining power.

I said it earlier today. How else could workers earning $20,000 or $15,000 or $30,000 a year hope to have any leverage with those multi-million-dollar executives who are getting salaries today beyond compare with anything we had in this country's history, $25, $30, $40, $78 million. And a worker getting $20,000 a year, $30,000 a year is supposed to be able to negotiate with that employer? Could he possibly or she possibly do so without a union which he or she could join? Absent that how else could low-skilled, easily replaceable workers—very often women, minorities, poorly educated Americans, and the most vulnerable in our society—avoid being used up by multinational corporations just like some sort of raw material?

I mentioned one of the strikes before, where the employer had brought in striker replacements. And I defy any Member of this body to justify the action of Phelps-Dodge when they cut the wages of their employees 50 percent and the employees did not accept it, they went on strike. The employer brought in striker replacements. The Senator from Utah talks about the wages of the employees at Caterpillar. Let us talk about the wages at Phelps-Dodge, closer to his own home community. They cut the wages 50 percent and then brought in striker replacements. Is that what you want to stand up here on the floor and defend? Is that what you think is great for the American industrial scene? Is that what you want to say to the rest of the world—that employers in this country can cut wages 50 percent and bring in striker replacements that take the jobs? If that is the kind of America you want, it is something different than I want for my children and grandchildren and great grandchildren.

The critical question here is whether the Workplace Fairness Act would correct a promanagement imbalance that emerged in recent years, or create a new union imbalance, as the bill's opponents suggest. Let us take a look at the facts.

For many decades employers virtually never hired permanent replacements. It is true that employers have been permitted to do so since the Supreme Court decision to do so in Mackay Radio in 1938. Until President Reagan came in and fired those employees, the PATCO employees, in one of the two unions in the country that supported him. He fired them and refused to take them back on. Those poor working people, even as of this day, have not been permitted to come back on the Federal payroll as air traffic controllers.

Prior to 1980, employers found no need to hire permanent replacements. But once President Reagan had set the tone, then the message was out. The Government approves of firing strikers and bringing in permanent replacements. Why cannot management?

American employers before that had valued their workers and counted on their returning after a strike. They understood that workers do not want to harm their company. We have had strikes in this country going back years, almost since our inception. Employees who work for a company, some who have given more than 10, 20, 30, 40 years of their lives, do not want to strike. It creates tremendous impact on their families. It hurts them economically. But sometimes they have no alternative.

Before, when the playing field was level, employers whose employees went on strike used their best leverage: they hired temporary replacements, they subcontracted or transferred the struck work. They operated with management personnel, and in some cases they ceased operations for the duration of the strike. There were many alternatives that still were available to employers, and they regularly did and still do use them.

But a group of employers have decided that this is the way to break the union. Too many of them are the new leverage buyout men and women, who come in and take over a company. They have no sense of loyalty, could not give a darn about the workers, cut the wages, refuse to sit down and negotiate and come to an agreement that is reasonable, and instead are happier when they are able to terminate the jobs of their striking employees.

The critical fact here is that the absence of the permanent replacement threat did not—I repeat did not—prompt unions to strike at the drop of a hat. Workers are never eager to give up their paycheck, walk the picket line, exhaust their life savings, or strain their families financially and, yes, emotionally as well. Workers never welcome a strike which will tear at the fabric of their friendships and their communities. A strike is always the last resort.

For many decades prior to 1980, the balance of economic power between labor and management was relatively even, and the system worked.

Now, let us consider what has happened since 1980, after President Reagan fired the PATCO employees. Employers have increasingly used the Mackay doctrine to hire permanent replacements. According to the General Accounting Office, employers now hire or threaten to hire permanent replacements in one out of every three strikes. This practice has dramatically altered the balance of economic power in favor of management.

As a matter of fact, GAO figures, if my recollection serves me right, that they considered going down that road in even more instances than that.

Different factors are cited as reasons for this alarming increase. Some cite President Reagan's treatment of the air traffic controllers. Some blame Frank Lorenzo and the new breed of employers. Some talk about people who plan to bring in replacements even before there is a strike at hand. Still others cite gradual changes in our labor laws that, when considered together, have substantially restricted the effectiveness of labor's self-help options when collective bargaining fails.

Mr. President, this legislation is fair. It would restore a balance of equity. It would restore the right of workers to go out on strike. It would give the employer the same rights it has had with respect to bringing in temporary replacements, using its office employees to do the work. It would not preclude the employer from continuing its operation, but it would preclude the employer from bringing in permanent replacements to take the jobs of the people who have built the company.

Recently, the United Steelworkers did a survey. The survey involved 50 strikes since 1983 in which temporary or permanent replacements were hired. Settlements were reached in all 14 strikes where temporary replacements were involved. But in 25 of the 36 strikes that involved permanent replacements, the union was decertified and the collective bargaining relationship was destroyed. The Steelworkers survey confirms that the balance of economic power between labor and management has been fundamentally altered, and needs fixing. The Workplace Fairness Act would do that.

I hope that a majority of this body will see fit to vote for it. I hope that an even larger majority would see fit to bring the debate on this issue to a close at an appropriate time.

The argument that this bill would unfairly tilt the balance toward workers is nothing more than a red herring. Far from upsetting the balance, this bill would restore balance to labor-management relations and to the collective bargaining process.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Mr. President, I am very happy to participate in this debate. I wish we were not discussing this bill and that the issue was not before us. It is not a very easy issue to deal with, but I'd like to address this issue in the historical context of 50 years of labor law, which has, essentially, created a harmonious balance between the rights of management and labor.

During the last 50 years, there have only been two occasions where basic labor law has been changed. The first time was in 1947 with the Taft-Hartley Act and the second time was with the Landrum-Griffin Act. This infrequency of making major substantive changes in labor law reflects the general satisfaction toward our laws regarding labor and management, and specifically with regard to the issue we are dealing with today.

I would like to speak on this measure from the perspective of a Member of Congress, but also from the perspective of a former union member and assembly line worker. From 1962 until 1971, I was a member of the International Association of Machinists. I don't think there are many Members of this body who have been members of unions. I know I am not the only one. But I do not think there are many who have been or have had the years on the assembly line that I have had.

This experience affords me a unique perspective, because I know what it is like to be not only a factory worker, an assembly line worker, but also a union member. A great deal of pride is derived from that membership and the years I spent on the assembly line.

Despite my past affiliation, I cannot support the legislation we are debating today.

During my union membership I had the opportunity of serving on the shop safety committee at our plant and at one time I voted to go on strike. That strike lasted about 5 weeks. I attended the meeting where our shop voted to go on strike and the vote was unanimous. So clearly, I supported the strike effort. I felt it was a necessary tool and that it was used effectively by our work force to reach an agreement that was satisfactory to an overwhelming majority of the people in our shop.

During our strike I remember, of course, the uncertainty I felt toward the future, as I wondered about the families, not only mine, but the families of all the workers, and our responsibility to provide for them.

And that is something, obviously, that is in the minds of the people promoting this legislation, because they understand, or worry about, being in this same situation.

It happens that I also served at a time when there was some labor conflict in our shop between my union, the International Association of Machinists, and the Sheet Metal Workers of America. My plant, which manufactured furnace registers, was one of the few plants of the Dynamics Corp. of America, where the workers were represented by the Machinists Union. Most of the other workers were represented by the Sheet Metal Workers Union. Consequently, a battle over representation developed. It finally reached a point where there was an unwillingness, particularly in the State of Pennsylvania, to install the registers made at our plant.

In order to end this strife, our company wanted us to accept the representation of the Sheet Metal Workers Union. A hotly contested race ensued between the International Association of Machinists and the Sheet Metal Workers Union. I remember that jurisdictional election well. At that time, I was a member of the Iowa Legislature. I took a leave of absence from my job on the assembly line while the legislature was in session—a few short months of the year. I recall driving the 110 miles from Des Moines, IA, to Cedar Falls, where our plant, the Waterloo Register, was located, to cast my vote in that jurisdictional election.

It was a secret ballot, but I voted to maintain the representation of the Machinists Union because I thought the Machinists Union was the union that I wanted representing me. The Machinists won, but only by a handful of votes. However, the dispute did not end. The battle between the two unions continued and, ultimately, the Waterloo Register closed down. The plant has not existed since June 1971 because they could not operate under the strife caused by this battle. There was an effort by the plant to manufacture a different product, but the workers did not want to change products. So the company decided it could not operate.

Consequently, I was out of work, along with many men and women who had given many years to that plant. I was probably one of the fortunate ones because I had started a farming operation by then. It is one of those old stories about how long are you going to farm? Well, you are going to farm as long as you have outside income to support it.

Anyway, I was fortunate enough to have some outside income to get started farming, so I had a farming operation at that point to fall back on. So it did not create the problem for me that it did for a lot of people. But I know what it is like to go through a strike. I know what it is like to appear at the union halls to debate whether or not to go on strike. And I have seen the positive results that can come from labor-management relations even when the torment of a strike has been endured.

But I have also seen where union leadership doesn't represent the will of its members. I know this because I have seen how a dispute at the national level between two unions resulted in the loss of 180 jobs—at the Waterloo Register. I think that to the national union leaders, 180 jobs did not make much of a difference in the scheme of things, when there are millions and millions of union members. Those 180 jobs meant a lot to us, however.

I strongly support the right for workers to organize and to join unions to represent their point of view. But I also support the right not to join a union. And I support that right even if the nonunion member gets the benefits of union membership without paying those dues. I believe the right of association in the Constitution is the right not to associate as well. I do not believe that any one body or organization should be in a position to impress its will upon others.

It worries me that the bill we are debating today does just that. It completely ignores the needs and opinions of parties outside the organization. Proponents will argue that a vote against this bill is a vote against the hard-working men and women of America. That kind of statement is a distortion of what this issue is all about. We cannot focus on the wishes of one group without looking at the needs of all parties involved. And there are even people beyond the parties involved who, to some extent, have to have some consideration.

There are a number of reasons why I cannot support this bill—the negative impact it would have on struggling businesses, nonunion workers, and the competitive edge of our economy.

Furthermore, enactment of this bill would overturn 50 years' experience of labor law, essentially destroying the very delicate nature of our labor-management relationship. If this bill is passed, victory will be declared, but I do believe it will be short lived.

The National Labor Relations Act has been the principal source of labor law in this country for more than 50 years. At the heart of this law is a worker's right to engage in concerted activity, including the right to strike. But the act also promotes collective bargaining as the preferred method of resolving those disputes.

However, as early as the late 1930's the issue that is at the center of this bill was raised: Whether or not business had the right to protect its operation by hiring replacement workers in the event of a strike.

In 1938, the Mackay case came before the Supreme Court, challenging this notion. The Supreme Court subsequently determined that a business may hire replacement workers during a strike in order to continue operating. The court recognized that labor has a very potent offensive weapon in its arsenal, but that its right to strike must be balanced against a business' right to exercise its defensive weapon, to continue operating. This has been practiced labor law for the last 50 years.

Many ask what the difference is between hiring replacement workers and firing the striking workers. The Mackay decision makes a clear distinction between these two. There are two forms of strike activity: Economic strikes and unfair labor practice strikes. Economic strikes occur over the demands for higher wages or better benefits. Unfair labor practice strikes result from allegations of unfair practices by the employer, such as bargaining in bad faith.

The Mackay decision clearly states that if a strike results from an unfair labor practice, the law protects those striking workers' jobs. The law requires employers to immediately reinstate the strikers to their former position, often with back pay.

If, on the other hand, the strike is over economic terms, the Mackay decision states that employers do not have to fire replacement workers at the end of the strike. However, if striking workers would like to return to work, they will be reinstated as vacancies occur.

In other words, if the employer has simply resisted a union's demands over wages and benefits, and a strike results, the law permits an employer to defend itself by continuing to operate with replacement workers.

It is unlawful, then, for an employer to fire workers who were engaged in a lawful strike activity. And more importantly, the law provides that striking workers during an economic strike are guaranteed full reinstatement when positions become available, and are guaranteed the right to be placed on a preferential hiring list if positions are not available.

Obviously, labor and management have much at stake in the success or failure of their relationship. This relationship is delicate, sometimes harmonious and at other times tenuous. However, for the last 50 years a balance between the interests of labor and management has been nurtured.

The law, as defined by the Mackay decision, nurtures this relationship by fostering a balance of the legal rights of both parties. Since the protection of the right to strike gives unions an extremely potent political weapon, the law also provides employers with a defensive weapon of continuing to operate during a strike.

Both labor and management recognize that they have a lot at stake if their relationship begins to tip in one direction or another. But this risk forces them to cooperate to the best of their ability to regain that delicate balance. If this bill is enacted, this delicate, balanced, relationship will be destroyed. Unions will be given complete control over the terms and conditions of employment, regardless of business' ability to comply with these demands. If a business cannot comply with these demands, the union can call a strike and the business could cease to operate. The unions can declare immediate victory, but who will be victorious in the long run? No one.

Proponents argue that this legislation is necessary because the practice of hiring replacement workers has become accepted and widely used—thus tipping the balance in favor of management as opposed to labor. However, data does not support this position. In a 1991 GAO report, the GAO could not provide any comparison between the use of replacements in the 1970's and 1980's. The report did find though, that in 1985, only 4 percent of all striking workers were replaced. This same statistic decreased to 3 percent in 1989. Recent data even shows that an extremely small portion of labor disputes actually result in a strike, and a vast majority are able to resolve the dispute. For example, from 1990-91, only three-tenths of 1 percent of the cases that went before the Federal Mediation Board resulted in a strike. Data just does not demonstrate that hiring replacement workers has become a common management practice nor a trend.

Although there have been several highly publicized strikes during the 1980's where replacement workers have been hired, these events should not warrant changing 50 years of labor law and destroying the balanced relationship between the needs of labor and management. This balanced relationship has produced relative harmony over the last 50 years. In fact, since 1935, there have only been two substantial changes to the original Wagner Act of 1935: The Taft-Hartley Act of 1947, and the Landrum-Griffin Act of 1959. This infrequency of making major, substantive changes in labor law reflects the general satisfaction toward our laws regarding labor and management relations. I ask, then, why is it necessary to make a change now? As demonstrated, the use of replacement workers has not become widespread. In what ways has the climate changed to warrant a major amendment to the National Labor Relations Act?

As I have mentioned, by confiscating a business' right to operate during a strike, businesses will be forced to accept bargaining agreements even if they are found to be unacceptable or financially impossible to sustain. These businesses will be left with two choices: acquiesce to the demands, even if it will ultimately destroy their competitive edge, or resist the demands and be forced to shut down. Either choice would irrevocably damage the health of large and small businesses alike.

Some say that businesses can sustain their operations during a strike by stockpiling, or by hiring temporary workers, or relying on management. That may be true in some cases. Maybe some large, highly profitable, companies could sustain their operations, but not indefinitely. However, small, rural and certainly struggling businesses, could not sustain their operations. Unlike large firms, these firms cannot afford to stockpile, or hire temporary workers. Furthermore, in rural areas, there may be a limited pool of skilled workers.

There is one other possible consequence of this bill which is often overlooked, but not by this Senator. As a farmer, I am highly aware of the impact this bill could have on the agricultural community. Too many farmers are often paid once a year, and that is when he moves his crop to market. If a crop cannot be moved to market because of a transportation strike, or if the crop cannot be processed because of a work stoppage at processing plants, the farmer will see his prices drop precipitously. From the farmer's point of view, such labor relations disputes would often become another factor impacting market prices, over which he has little control or no control. Farmers would effectively join the list of people who would be harmed during a protracted labor dispute.

In addition, the enactment of this bill could ultimately injure nonstriking workers and their families, whose livelihoods depend on a functioning, economically viable employer. Likewise, consumers, suppliers, and customers would suffer the burdens of increased strike activity and the harmful economic impact that would be generated by the bill.

As the economy struggles to recover during this hard hitting recessionary times and as the economic market grows more global and obviously more competitive, we simply cannot afford to implement policies that will retard growth and work against competition. What may appear to be a victory for some will ultimately be a failure for all.

There is one final reason why I cannot support this bill. It is just one more example of congressional hypocrisy.

Until last fall, Congress was not subject to 18 major pieces of legislation. Last fall, we corrected it for five major pieces, but Congress is still not subject to the requirements of the National Labor Relations Act.

Our employees—even the Senate restaurant employees—are not entitled to strike or negotiate over the terms or conditions of employment. But, of course, this is an old story. Mr. President, the NLRA is just one of the many laws we do not have to follow. We are great at setting the rules for everybody but ourselves.

Once again, up here on the Hill, we are a little conclave all to ourselves; one set of laws applying to the Congress of the United States and the rest of the laws applying to the entire Nation; one set of laws for Main Street America, and another set of laws for Pennsylvania Avenue, Washington, DC. Now that is wrong, and I hope, among other things, that eventually is going to be changed so that all those laws are applicable to Congress.

What then should we do to ensure that our workers earn a decent wage and can prepare for the future—their children's as well as their own? We need to be supportive of our businesses, and we need to enhance their competitive positions so they can offer employment opportunities. Labor and management must work together for their goals are really the same—productivity and strength in an ever-growing competitive market.

Many companies state that they cannot met a union's demands because of growing competition. This posturing often creates skepticism and cynicism toward the company's position. I would suggest that companies, more often than they do today, be willing to open up their books to labor and to their workers so that they can prove that if the demands of the striking workers are met the company will not be able to meet the competition, global competition, or even the domestic competition.

What we need to do is use the forum of this body, as well as public forums to enhance the relationship between labor and management, to get labor and management to become partners rather then competitors. We ought to try to establish closer working relationships between business and labor in this country, like our international competitors have. Those are things outside of public policy that can be done to make sure that our management, our corporations, our labor are competitive with our international competition.

I think, though, that this bill destroys the labor-management relationship and forces these parties into greater adversarial roles. Can we allow this to happen? Perhaps it is better to ask, can we afford to let it happen? I think the answer to that is "No." I decided it is no for this Senator and this is not a time to overturn 50 years of accepted labor law.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Iowa for his eloquent statement and for his leadership on this and other issues before the Senate.

Federal labor law has been well settled on this issue for some time. Whether or not striking workers may be permanently replaced is determined by the circumstances of the strike.

In an economic strike, a dispute over wages, working hours, or other economic considerations, the Supreme Court in 1938 in the case of Mackay versus NLRB held that an employer may carry on his business with replacement workers and at the same time negotiate to settle the strike. He is not required, at the end of the negotiating period when the strike is settled, to bring back all the workers that have been replaced and give them all their old jobs back. The Court held that the returning strikers, though, would be eligible for any vacant jobs that existed and returning strikers could not be discriminated against by the employer in being hired for such vacant jobs on the basis of their union activity.

In the other circumstance, where a strike is undertaken because of an unfair labor practice or an unlawful activity by an employer, then the employer is not, under the law, permitted to replace workers. The Supreme Court has ruled in the case of Mastro Plastics versus National Labor Relations Board that the employer does not have the right to hire replacement workers in an unfair labor practice strike. The strikers have an absolute right, under the law as it exists now in such case, to reinstatement even if it means that they would displace new employees that have been hired by the employer during the strike or during the negotiations to settle the strike.

By prohibiting, as this bill would do, the use of permanent replacements for striking workers in an economic dispute, S. 55 would deny to employers the right to operate and carry on business during negotiations to settle the strike.

That is the issue. That is the question before the Senate. If this bill is enacted, an employer will find his negotiating position substantially changed, weakened, in effect, and union demands under these circumstances, when coupled with a strike threat, would be very difficult to turn down. So the balance in the collective bargaining relationship, the relative positions of power between the union negotiators and the negotiators for management would be altered substantially, and this would be the first change in the law that would have occurred since 1938 when the Supreme Court handed down its decision in the Mackay case.

Without the right to hire permanent replacements to keep a business operating during a strike over economic issues, an employer would be left to choose between giving in to the union's demand for wage and benefit increases, no matter how out of line they may be, or suffering the financial loss that would surely result from reducing or shutting down operations.

As Secretary of Labor, Lynn Martin, pointed out in a letter to me last June, the changes in S. 55 would be contrary to the public interest. The bill would destroy a key component of the economic balance between labor and management in collective bargaining and remove an important incentive for both parties to negotiate and compromise.

A 1991 study by the General Accounting Office found that only 3 to 4 percent of strikers are actually permanently replaced.

Mr. President, strikes are costly to both sides in a labor dispute, and the balance that exists under current law ensures that both management and labor willfully and carefuly weigh those costs in negotiating a settlement and avoiding a strike. A prohibition on hiring permanent replacement workers will not foster compromise but, to the contrary, will provide one side with a powerful weapon to force its demands on the other.

The law should operate to give both sides a fair shake at the bargaining table. This balance is an effective insurance policy against labor unrest, disruptions in commerce, and the anticompetitive effects of inflationary collective bargaining agreements. At a time when we ought to be searching for ways to foster more economic growth, to promote business expansion, to create more jobs, we ought not to act to pass legislation that makes it harder to achieve those goals.

The economic consequences of S. 55 could be very serious. The risks to the economic prospects of our country are too great. The Senate should not pass this bill.

Mr. President, I ask unanimous consent that a copy of the letter I referred to from the Secretary of Labor, Lynn Martin, dated June 18, 1991 be printed at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR,
Washington, DC, June 18, 1991.

Hon. THAD COCHRAN,
Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: It is my understanding that on June 19, 1991, the Senate Committee on Labor and Human Resources will consider S. 55. In light of the serious economic implications raised by S. 55, I am writing to express the Administration's policy objections to this bill. If S. 55 were presented to the President, his senior advisors would recommend a veto.

As you know, the principal objective of S. 55 is to amend the National Labor Relations Act and the Railway Labor Act to prevent an employer from offering permanent jobs to replacement employees during labor disputes. The bill would also prohibit an employer from offering or granting "any employment preference" to an individual based on the fact that the individual was employed or indicated a willingness to be employed during a labor dispute.

We strongly believe the changes to the collective bargaining system contained in S. 55 would be contrary to the public interest. By insulating employees from the traditional risks that check precipitous strikes, the bill would destroy a prime component of the economic balance between labor and management in collective bargaining and remove an important incentive for both parties to negotiate and compromise. S. 55 would promote labor unrest, disrupt the flow of commerce, expose our economy to anti-competitive effects of inflationary collective bargaining agreements, and adversely affect non-striking workers, customers, suppliers, and consumers. Also, no data support such a fundamental change in our nation's labor policy. A 1991 GAO report found that only three to four percent of strikers are permanently replaced. Those figures do not take into account strikers who are reinstated after the conclusion of the strike.

I understand an amendment may be offered at the June 19 markup purporting to remove non-union employees from S. 55's coverage. A "union-only" amendment will not change the major thrust of the legislation, and thus would do nothing to diminish the Administration's objections to the bill.

Indeed, any "union-only" amendment would have uncorrectable problems. Such an amendment would establish an untenable double standard for union and non-union workers. And, of course, a "union only" amendment does nothing to diminish the inherent negative economic consequences of S. 55 on non-union suppliers and customers of unionized businesses. Further, if the Senate amendment closely resembles the House committees' version, it will contain terms so vague that the bill's provisions could be interpreted to apply to situations that do not involve traditional unions and to prohibit non-union employers from using permanent replacements to continue their operations in the face of recognitional picketing by union supporters.

For the foregoing reasons, the Administration strongly opposes the enactment of S. 55. As I have stated previously, if this bill were presented to the President, his senior advisors would recommend a veto.

The Office of Management and Budget advises that there is no objection to the submission of this letter and that enactment of S. 55 would not be in accord with the program of the President.

Sincerely,

LYNN MARTIN,
Secretary of Labor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Illinois [Mr. SIMON] is recognized.

Mr. SIMON. Mr. President, I rise in support of this legislation. I heard my good friend, Senator GRASSLEY from Iowa, say that we have had balance in labor management relations for the last 50 years. I wish I could agree with him. I think we have had balance up until recently and then things got out of whack.

Oh, yes, when you had a Democratic administration there was a slight tilt in the National Labor Relations Board toward labor, and when you had a Republican administration there was a slight tilt toward management. But starting with the Reagan Presidency, it was, frankly, just not balanced. And one of the things that has happened—and I am not sure that that is the total reason. I think there are other factors. But one of the things that has happened is striker replacement.

Permanent striker replacement, which traditionally has not been part of how free nations operate and has not been part of how we operate in the United States, suddenly has emerged. In the last 5 years one-third of threatened strikes had this aspect of striker replacement.

Among other things, Mr. President, it just is not good business. I think that is one of the things which is very clear.

Now, for a plant employing 25 or 30 people, I do not know the statistics, but I know when you look at Eastern Airlines, when you look at Greyhound, when you look at major corporations, it, frankly, has not been a successful business endeavor to do this.

Let me just add one other point because I do not know that this has come out here or not. It also eventually leads to very frayed feelings in the community and I think will in some cases lead to violence.

I visited in Peoria with workers and with management when Caterpillar had a strike, and there was the threat of permanent replacements. I talked to men and women who had been working there 26 years, 28 years, who felt that they had invested their lives in that company, and then see people threatening to come in and permanently replace them. Let me tell you, the unions did everything to discourage that, so did management, but if Caterpillar had gone ahead with that I think there would have been violence in the communities, particularly Peoria, IL, where you had that.

What about other countries? The United States, Great Britain, and South Africa to my knowledge are the only Western industrialized countries that permit it. Just north of us in Quebec, for example, in Canada, you cannot even have temporary replacements. Countries that outlaw include Belgium, France, Germany, Greece, Italy, Japan, The Netherlands, and Sweden.

I also hear from some that we have to recognize we are going to have to depress wages with every mechanism we can because that is discouraging trade with other countries. My friends, what is discouraging trade with other countries is the fact that we have not had industrial investment in this country.

I mentioned this morning in speaking of the balanced budget amendment. In 1986, just 6 short years ago, the average American worker working in a manufacturing plant got more money than any manufacturing worker anywhere in the world. Now there are 11 countries that have higher average manufacturing wages per hour. Interestingly, each of those 11 countries has a better trade picture than the United States.

We have through our economic policies, and particularly through our huge Federal deficit, discouraged investment in American businesses, and so we have lost productivity. That is the reality. It is not high wages. You are going to compete in the world with high skills or low wages, and we are trying to move into the low-wage area.

Listen, Mr. President, to this editorial, and let me just read the first paragraph and the last paragraph endorsing this legislation. It says: "How would it feel to negotiate a deal with a loaded gun pointed at your head? That is the position in which many labor unions find themselves during collective bargaining talks with employers." Then the last paragraph: "For more than 50 years, the Untied States has followed a sound labor policy that encourages negotiated settlements. Allowing employers to fire their workers instead of negotiating with them makes a mockery of that policy."

Where did that appear? Is that a labor newspaper? Some affiliate of the AFL–CIO? My friends, this appeared in the Journal of Commerce, and I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Mar. 18, 1991]

REPLACEMENT WORKERS

How would it feel to negotiate a deal with a loaded gun pointed at your head? That's the position in which many labor unions find themselves during collective bargaining talks with employers.

Despite a series of federal laws that promote balance between unions and management, employers today hold a decided advantage in most labor talks. Why? Because management can hire permanent replacements for striking workers. If negotiations are stalled, employers essentially can fire the strikers and bring in new workers. The only way Congress can correct this imbalance is to bar employers from hiring permanent replacements for strikers.

A bill sponsored in the House by Rep. William Clay, D-Mo., would do just that. The legislation, the chief goal of organized labor, understandably has drawn fierce opposition from employers. Labor Secretary Lynn Martin has vowed that President Bush will veto the measure if it reaches his desk. But with some creative leadership in Congress, the bill can be modified to satisfy union concerns and solve some of management's problems as well.

Congress first set standards for labor-management negotiations in 1935 when it passed the National Labor Relations Act. The purpose of that law was clear: "to restore equality of bargaining power between employers and employees." The law gave both sides powerful economic weapons. Employees have the right to strike and employers have the right to lock workers out. Employers can continue to run their businesses during strikes and employees can take jobs elsewhere or receive strike pay from their unions.

The law also bars management from firing workers who strike. But three years after the act was passed, the Supreme Court gave employers the right to "permanently replace" workers who strike. The court never explained the difference between firing a worker and permanently replacing him. It is a distinction without a difference.

Until the 1980s, employers seldom exercised their option of permanently replacing strikers. But after Ronald Reagan fired striking air traffic controllers in 1981, the practice increased. Since then, permanent replacement workers have been a lightning rod in ugly labor disputes involving International Paper, Eastern Airlines, Greyhound Lines and, most recently, the New York Daily News.

Employers have an unquestioned right to hire temporary workers—or to use supervisors—to replace strikers. Without this right, which is preserved in the Clay bill, employers would have no leverage to force workers to continue negotiating. But allowing management to permanently replace strikers does not encourage the parties to reach a settlement. Rather, it allows one side, management, to eliminate the other side, labor.

A recent report by the General Accounting Office shows that employers threatened to hire permanent replacements in one-third of the strike that occurred in 1985 and 1989, the two years studied by researchers. Permanent replacements actually were hired in about 17% of those strikes. GAO says most employers and workers it interviewed believe permanent replacement workers were hired more often in the 1980s than in the preceding decade.

If Congress bars the hiring of replacement workers—and it should—an important management concern should be addressed as well. Employers often are reluctant to hire temporary replacement workers because of threats and violence from organized labor. Union miners fired shots at replacement workers during recent coal strikes. Buses filled with passengers were fired upon during the Greyhound strike. The striker replacement legislation should be amended to provide stiff penalties for union members who engage in such terrorist tactics but often go unpunished.

For more than 50 years, the United States has followed a sound labor policy that encourages negotiated settlements. Allowing employers to fire their workers instead of negotiating with them makes a mockers of that policy.

Mr. SIMON. Mr. President, I would also like to have printed in the RECORD a column by Doug Smith in the Arkansas Gazette, in which he says:

> The problem is that the balance of power has become an imbalance of power, because companies more and more are continuing to operate during a strike by permanently replacing striking workers.

I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, Mar. 17, 1990]

UNIONS NEED HELP TO RESTORE BALANCE

(By Doug Smith)

Some labor people don't like to admit it, but without government help, labor unions have never been able to match up with big companies in labor-management disputes. Management has the big money, and big money does indeed speak loudly, except when shushed by big government.

So laws were enacted to keep management from crushing labor. The laws, and some managers' respect for their workers, kept labor and management more or less in balance for a while.

Now labor needs government help again. The AFL-CIO's number-one goal in Congress is passage of a bill that would ban the permanent replacement of striking workers and prevent employee discrimination based on participation in a labor dispute. Rep. William L. Clay of Missouri and Sen. Howard Metzenbaum of Ohio, both Democrats, have introduced the bill.

The problem is that the balance of power has become an imbalance of power, because companies more and more are continuing to operate during a strike by permanently replacing striking workers.

This is an option that was always available but was used relatively infrequently. Management more likely would rely on management personnel and temporary replacements of striking workers to keep the plant open.

That the striking workers would eventually return, whether the strike was won or lost, was understood by both sides and was part of the symmetry of labor-management relations. Management claimed the right to lock workers out at the risk of losing profits; labor claimed the right to withhold its services, at the risk of losing income. But when the worker knows that he faces permanent loss of his job, his willingness to strike is diminished. A labor force without the threat on a strike is almost a captive labor force.

"The right to strike is critical to the success of our collective bargaining system," Clay says. "The effective right to workers to withhold their labor as leverage during negotiations is an essential element of bargaining. As workers have felt increasingly unable to strike, faith in collective bargaining has been seriously undermined."

This trend is partly just a reflection of some managers' desire to get rid of unions.

But the man who really legitimized their actions was Ronald Reagan. Union-bashing was one of many baser American appetites to which he pandered. When some 12,000 federal air traffic controllers went on strike in 1981, Reagan fired the whole lot, filled their jobs with permanent replacements, and the union collapsed.

Since then, the practice of replacing striking workers has increased dramatically.

Labor unions have meant much to this country, improving the lot not only of their members but of working people generally. Workers receive better pay and retain more of their dignity because of what unions have done. But the unions are down now, their membership and influence declining, partly because of bad business decisions made by managers who never have to suffer for them.

It's a rule of the free-enterprise system that the best time to kick a man is when he's down. Management will try very hard to defeat the Clay-Metzenbaum legislation, and management spends more on politicians than labor does.

Management spent a lot on George Bush, who will probably veto the bill if it reaches his desk.

Reagan was anti-union out of ignorance, mostly. Bush was born to the part.

Mr. SIMON. Mr. President, I point out that to my knowledge the religious community, those who have taken stands on this, have endorsed this; civil rights groups have; people who have been experts in this field, like former Labor Secretary Ray Marshall, have. But beyond that the real experts, the workers themselves, will understand this. There are a lot of bills that we get involved in here like situs picketing—most men and women who work out there do not understand the technicalities of it. This is one they do understand. They are looking to us for leadership.

Finally, Mr. President, let me add there is another reason. I favor this, because what is being used as another tool to discourage people from joining organized labor is not a healthy thing in this country in terms of distribution of income, and in terms of what people can do in terms of helping on policy. Let me just read: In the United States, 16 percent of working men and women today belong to organized labor. Let me give you the comparisons with other countries. Denmark, 95 percent; Finland, 85 percent; Sweden, 96 percent; Belgium, 77 percent; Germany, 43 percent; France, 28 percent; Canada, 36 percent; Australia, 56 percent; New Zealand, 46 percent; Ireland, 51 percent; Switzerland, 33 percent; Norway, 61 percent; Italy, 45 percent; United Kingdom, 50 percent; Austria, 61 percent; Japan, 28 percent; Netherlands, 35 percent; and, the United States, 16 percent.

What is wrong with that? Aside from not protecting workers as we should be protecting them, there is this policy problem. We passed Social Security in large part because organized labor in this country got behind it and pushed it. We passed child labor laws for the same reason. We passed minimum wage for the same reason. I could go on.

Basically, the constructive legislation that has emerged in this country—much of it—has been because organized labor has been strong enough to come up here, not to muscle us, but to have an effective voice so that Members of the Senate, whether we come from Utah, or Hawaii, or California, or Connecticut, Illinois, or any other State we come from, we listen to them. That voice has been weakened.

My own feeling is if we had the same percentage of working men and women in organized labor in the United States that Canada has, these other nations I just cited, I think we would have national health care in this Nation today. I think we would have a number of other things that would be very important to the future of our country.

I think this bill is needed legislation. It moves us back to a sensible kind of balance in labor-management relations. I hope we will seriously look at this, and pass the legislation.

I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mr. CRANSTON] is recognized.

Mr. CRANSTON. Mr. President, I rise today to urge passage of S. 55, the pending measure. This is a bill that will protect American workers' right to withhold their services without the threat of being permanently replaced in their jobs.

Since the passage of the National Labor Relations Act in 1935, employees and employers alike have held the right to engage in self-help activities. In other words, employees were granted the right to strike. Unfortunately, this right has been severely eroded.

During the 1980's, the tremendous growth in the hiring of permanent replacement workers has had the effect of putting workers in the position of choosing between their collective bargaining rights or their jobs. S. 55 will restore the American worker's collective bargaining right that is the cornerstone of equity in the workplace, the cornerstone of fairness in the workplace.

In 1981 President Ronald Reagan fired and permanently replaced 12,000 striking air traffic controllers. With this decision, Ronald Reagan ended what had been nearly 50 years of balance in labor relations and gave Presidential approval to the practice of replacing workers who withhold their services. Since 1981, many employers have used aggressive and often hostile tactics in solving labor disputes. Union busting has replaced negotiations as the primary strategy for some unscrupulous employers.

The importance of unions, both historically and currently, cannot be overemphasized. It was the formation of unions and the workers' ensuing collective power that guaranteed millions of workers safe workplace conditions, fair wages, health benefits. Unions continue to protect the rights of millions of workers particularly women and minorities who have historically not been extended workplace equity.

Through collective bargaining, workers of Hispanic origin who are represented by a union receive nearly 47-percent higher wages—47-percent higher wages—than those without such representation, and black workers with collective bargaining rights earn 42-percent more—42 percent more—than their unrepresented counterparts. Collective bargaining is also of particular importance to women. Those represented by a union receive 35 percent higher wages than nonunion female workers. The disparity in pay for white males with union representation and those without union representation is not even close to what it is for women or minorities. Unions have been one of the few vehicles available to the underrepresented in addressing issues of equity and fairness.

Mr. President, workers and employers alike do not like to participate in labor disputes. Workers certainly do not cherish the idea of losing income, or standing on picket line hour after hour, day after day. And workers do not strike merely to do damage to their employers. Striking is a last resort tactic that must be available to working men and women to ensure that good faith negotiations take place.

Prior to the 1980's, good faith negotiations were more the rule than the exception. Replacing striking workers was not considered an option by most employers. Employees were seen as people who had invested their sweat and toil to build and maintain a business, not merely as an expendable asset. S. 55 does not prevent businesses from hiring temporary workers. Moreover, the notion that unions are out to ruin business is totally unfounded. Workers do not get paid while on strike and will not profit from the demise of an employer. Two of our biggest competitors, Japan and Germany, do not allow the replacement of striking workers. In fact, the only industrial nations to allow this practice are South Africa and Great Britain.

S. 55 will restore the atmosphere in which good faith negotiations can flourish. I urge my colleagues to join me in support of this legislation that will ensure that the right to collective bargaining will be preserved. The choice that some employers now give their workers is the choice between accepting what is offered or being replaced in their jobs. That is an ultimatum, not a choice.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Mr. Tor Cowan of my office be permitted the privilege of the floor for the remainder of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOR COWAN SERVED SENATE WITH EXCELLENCE

Mr. LIEBERMAN. Mr. President, Tor Cowan has worked with me for most of the 3½ years I have been privileged to be here. He is about to depart to begin graduate studies at Syracuse University. I am honored to have him on the floor with me at this moment, as I have been pleased to have him with me in the Senate for these 3½ years.

Tor has served with excellence and with good spirit. We will miss him, and I wish him well in his future endeavors, which I am sure will be successful.

NEWS FROM BOSNIA-HERZEGOVINA APPALLS THE WORLD

Mr. LIEBERMAN. The news from Bosnia-Herzegovina continues to appall the civilized world. Starvation seems imminent, as the means of distribute food around Sarajevo has been obliterated, and, most chilling, Serbian militia forces have switched off pumps that supply water.

There is the incessant bombing: indiscriminate, terrorist bombing designed to achieve no military goal—designed only to inflict pain on innocent lives. As reported in the New York Times, Bosnian officials have obtained a tape recording of a Serbian general's order to bombard residential districts around Sarajevo. "Burn it all!" he proclaims to his commanders in the field.

That Serbian general is reflecting the intent of his commander in chief, Slobodan Milosevic, the President of Serbia, whose dream of a Greater Serbia is beginning to sound like other dictators' dreams of conquest at any cost.

Will the civilized world stand by and simply observe this slaughter? Are we to remain idle until some kind of cease-fire is reached before we can act to relieve the suffering? After too long a period of dormancy, the Bush administration has begun to react to the crisis in Bosnia, with Secretary Baker leading the way for the U.N. Security Council to impose economic sanctions. But such economic and diplomatic penalties may have no more impact on Milosevic than they did on Saddam in 1990. Like Saddam, he has proven himself willing to impose terrible suffering on his own people to achieve his vision of a Greater Serbia. And Serbia easily feeds itself and generates enough electricity to export. It also produces about 30 percent of its oil needs. Its borders are porous. If the sanctions cannot be strictly enforced, Milosevic is unlikely to accept a permanent ceasefire and withdraw his troops from Bosnia.

A while ago when asked by a journalist what the world could do to end her people's suffering, a 70-year-old Moslem woman living near Sarajevo said, "Send your planes—it is the only way to stop Serbia." Her words were recently matched by Bosnian President Alija Izetbegovic, who is quoted as saying, "We need urgent military help. Force can be countered only by force." He is asking America to send fighter jets to bombard Serbian positions in the hills around Sarajevo.

There are, indeed, steps we and our European allies can take to step up the pressure on Milosevic's forces, and to convince him that the bargaining table is the only viable alternative he has to international isolation and eventual destruction of his economic and military might.

At the outset, a military coalition led by Europeans should use helicopter gunships and other fighter aircraft to secure the airport at Sarajevo for U.N. peacekeeping forces, to accompany convoys of humanitarian relief for Bosnia, to airdrop food supplies, and to protect refugees seeking to escape the killing. U.N. Security Council should authorize these measures.

Second, the coalition should mount a naval blockade to enforce U.N. sanctions, order to closing of Serbian air space, as was done in Iraq, and fly fighter aircraft over Belgrade. These steps should demonstrate to Milosevic and his people how isolated and vulnerable they are.

Fourth, the United States and its European allies should declare our intent to send arms to the duly elected Bosnian government.

And fifth, coalition air strikes against Serbian air fields and military bases, such as the Batajnica airbase should be considered as a last resort if Serbian attacks on Bosnia do not end.

The military coalition would be best organized under the umbrella of NATO, which has highly mobile forces that have trained for decades for a wide range of contingencies. NATO representatives recently agreed for the first time to permit their forces to carry out military actions in non-NATO Europe. Such leadership by NATO will help preserve its relevance in the post-cold war era.

An incremental and sustained leveraging of international military force, accompanied by economic sanctions, could break the will of the Belgrade regime, as well as its ability to use force against Bosnia. The Milosevic would be forced to come to the bargaining table and engage in serious negotiations to frame a peaceful solution to the region's ethnic divisions.

Any discussion of allied military involvement in Yugoslavia will be challenged by those who say the United States has no interest in what happens to Moslems, Croats, Serbs, or Albanians in small countries so far away. But history is littered with the bodies of Americans who have died when we let European brushfires go unattended. And the brushfire in Bosnia is just the hottest of many that could erupt in lands trying to make their way from communism to democracy.

If Milosevic succeeds in Bosnia, a wider war in the region is possible. Milosevic's regime may encourage the Serbian minority in Kosovo to take action against its Albanian majority. That could draw Albania, and possibly Bulgaria and Greece, into the conflict. The same powers might also fight over territorial spoils in the neighboring republic of Macedonia. Success in Bosnia could also encourage Milosevic to renew attacks in Croatia.

Failure to contain Milosevic could also have repercussions throughout the former Soviet Union. Ethnic conflict is rife in Moldova and Georgia. Continued fighting between Armenians and Azerbaijanis might draw in Russia, Turkey and Iran, which Marshall Shaposhnikov, the military leader of the Commonwealth of Independent States [CIS], warns could lead to World War III. And Russia and Ukraine, both nuclear powers, continue to argue ominously over Crime.

While there is not a linear connection between events in Bosnia and the future of these conflicts among countries of the former Soviet Union, common sense tells us that the manner in which the Western nations react to Serbian aggression will affect the plans of those who are considering violence in other places once dominated by the Soviets.

As Cyrus Vance put it in testimony before the Governmental Affairs Committee this Tuesday, "our national security is diminished incrementally by each unmet act of aggression, by each failure of international diplomacy, and by each disregard of international legal and human rights norms. * * * Our global economic interests, as well as our democratic and human values, depend on the containment of local ethnic, tribal and religious violence, just as they once did on the containment of communism."

Because the stakes are so high, it is time to draw another line—this time in the Balkans—and to say that Milosevic's aggression must not stand. Unlike the gulf war, the United States should not be in charge, but, as a member of NATO, we must participate actively, just as the British and the French did in Operation Desert Storm.

Seventy-eight years ago events in Sarajevo ignited a conflagration that led to World War I. The Balkans are no longer the focus of a great power rivalry, but the actions we take, or fail to take, to deal with the crisis there in the coming weeks and months will help establish the rules of the post-cold war era, and will determine whether we truly enjoy the full fruits of our victory over communism.

If that means heeding the Bosnian woman's plea to "send your planes," a plea echoed this week by Bosnia's president, that is the price the West must be prepared to pay if we are to have the peace and freedom we fought so long to secure for ourselves and the world.

I thank the Chair, and I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. METZENBAUM). Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be permitted to speak as though in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EARTH SUMMIT IN RIO DE JANEIRO

Mr. AKAKA. Mr. President, the eyes of the world have been focused on Rio de Janeiro, where leaders from all nations have assembled to debate the fate of our planet Earth. As the largest-ever gathering of world leaders, the Earth summit is evidence of a growing realization that environmental problems transcend political borders and must be addressed in a holistic manner. We have finally come to see our planet as it really is: not a collection of sovereign nations, but a global village with common problems.

The ambitious agenda for the Rio summit has been driven by the recognition that we are on a collision course with the planet we inhabit. Without question, the Earth summit represents a defining moment in world affairs. As Maurice Strong, the summit's secretary-general, declared at the outset of the conference, "The people of our planet, especially the young and the generations which follow them, will hold us accountable for what we do—or fail to do—in Rio."

Measured by this test of accountability, the Bush administration's performance in Rio de Janeiro must be judged a failure. Time and time again, United States intransigence in the face of near-universal agreement on Rio's environmental accords has made us the focus of international scorn at the Earth summit.

The United States, which pioneered protection of the environment, appears to have abdicated leadership in this field.

First, the administration succeeded in significantly watering down the global climate treaty binding governments to control emissions of greenhouse gases. Scientists warn us that carbon dioxide and other greenhouse gas emissions could cause a potentially catastrophic warming of the Earth's atmosphere and a corresponding rise in sea level—a phenomenon which strikes fear in the hearts of island and coastal communities.

Among the world's industrialized nations, only the United States refused to commit itself to stabilizing emissions of carbon dioxide at 1990 levels by the year 2000. Brandishing the threat that President Bush might boycott the summit, administration negotiators strong-armed other nations into limiting the climate treaty to voluntary emission reduction goals. Our country is the source of nearly one-quarter of the world's carbon dioxide emissions, and if the United States will not agree to anything other than voluntary goals, no one should expect anything more than voluntary results.

Next, the administration sought to stifle efforts by other industrialized nations, primarily Japan and the European Community, to join together in a declaration by like-minded nations on the subject of greenhouse gases. Such an agreement is intended to serve as an adjunct to the global climate treaty, and represents a commitment by participating nations to achieve what the United States successfully excised from the treaty, that is, the stabilization of emissions by the year 2000.

Finally, the administration refused to sign the compact to protect plants, animals, and natural resources—known as the biodiversity treaty—because of its desire to shield the U.S. biotechnology industry from competition. When you examine his record at Rio de Janeiro, President Bush looks more like James Watt than the environmental President he claims to be. His message is clear: "Do as I say, not as I do."

The United States failure to sign the biodiversity convention is an especially disturbing development. In rejecting this treaty, the Bush administration professed a desire to preserve economic development opportunities for U.S. industry. What the administration fails to recognize is that there can be no economic development without biological diversity.

Experts on biodiversity estimate that as much as 20 percent of the Earth's plant and animal species may disappear in the decades ahead. Given that natural organisms are the source of nearly three-quarters of all medicines, the loss of biological diversity has grave implications for the quality of life on Earth. When these species disappear, so do the cures for the ills that plague us. As my colleague, Senator MITCHELL warned in his book "World on Fire," "When we let species become extinct, we foreordain our own extinction."

Nowhere is the significance of the biodiversity convention more apparent than in Hawaii. Hawaii is famed for its unique natural heritage. No other place on Earth has a higher percentage of unique plant and animal species. Nearly 100 percent of Hawaii's invertebrate species, and 90 percent of its birds and flowering plants are endemic, making Hawaii home to over 10,000 life forms found nowhere else on the globe.

The ability of the science to contribute to human welfare rests in large part on the knowledge waiting to be discovered in the tropical forests. Yet Hawaii has already lost most of its original tropical forests, half of its original bird species, and an untold number of other wildlife and plants.

Despite the best efforts of our conversation community, the outlook for our native flora and fauna continues to be bleak. The Hawaii Tropical Forestry Recovery Act is one legislative solution I have proposed to confront Hawaii's biodiversity problems. But legislation from Congress cannot substitute for a global compact to preserve biodiversity.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that we have a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

FORESTRY

Mr. FOWLER. Mr. President, the long-awaited Rio conference on global environmental issues is underway, and we are all pleased that our President finally decided the United States should be represented at our highest level.

Nevertheless, I share the concern expressed by many of my colleagues that President Bush still may not be serious about having the United States fully participate with the leadership and vision others look to our country to provide. There has been precious little progress in the advance negotiations leading up to the Rio conference, not to mention the record of achievement these past few years in our country.

I am not here, however, to engage in any kind of partisan debate or name calling. The Rio conference is too important to let slip by as we point fingers at one another. More than 150 countries are represented in Brazil because they recognize this is a special opportunity that may not come again in our lifetime, and I want to make sure our Nation's role is one that furthers the chance of progress.

Some of the differences between the poorer and richer countries already are so great that agreement on a particular course of action is extremely difficult. I am convinced that if we wait much longer the gulf that divides some of the nations of the world will grow so great that progress will be impossible, leading to a total breakdown for a global approach to addressing environmental and health problems.

The administration has indicated that it views deforestation as perhaps the most promising area in which the United States hopes to achieve results in Rio. Indeed, the President spoke out a couple days ago to argue that while the United States continues to oppose signing the biodiversity treaty, we already have taken action in that area by virtue of forestry policies already in place as well as those newly proposed.

Deforestation certainly is a component of the larger set of biodiversity issues, although action on that front is no substitute for the treaty under discussion. I want to focus some brief remarks, however, on the forestry issues touted by the President as ones which he believes we have made the greatest environmental strides and on the policies of which he is most proud.

I thank my colleagues for granting me the indulgence of reiterating just how important an issue this is. Most of us, certainly the U.S. Senate, are not scientific experts, so it helps to be reminded that trees serve as this planet's lungs. The President's proposal last week to add $150 million per year to the international fund to prevent further deforestation is a step in the right direction, but again one wonders about how serious the administration can be given the lack of initiative shown in our own country.

If the President wants to start fresh and demonstrate a new commitment, I, for one, welcome it and pledge to work with him, but the proof has to be in the pudding. Action, not words—that is what the American people are looking for, and it is a fair standard by which to measure any policy in any administration.

So let me suggest a couple of items where the administration could begin demonstrating with concrete action a genuine environmental commitment. Presidential leadership in these areas would be decisive.

First, the Forest Service has proposed a new plan that would eliminate the public appeals process following timber sales decisions. This does not even get into the argument about the merits of how we have turned a blind eye toward a decades-long policy of allowing private companies to clear cut our public forests, our national forests. The American public would be scandalized if they understood the extent to which this has taken place.

No, I am just talking about the administration reversing a policy in effect since 1907 that allows the American public the right to appeal timber sale decisions on their public lands. And the Forest Service is trying to do this even though they have in their possession internal documents and studies from senior level regional field managers who argue against this course of action.

It seems to me this is a gratuitous power play effort of some kind—frankly, I would say it would not be believable except that the Forest Service so far seems unwilling to budge even after being inundated with many thousands of letters from a public rightfully outraged. Given the President's emphasis on a progressive forestry policy, I hope the Forest Service gets the message and returns to the American public the right they have enjoyed for 85 years.

Second, I ask the President to help us end the practice of below cost timber sales. The Forest Service itself admits we lose money on many of these sales in which we do not even recoup the cost of managing the forests—and I use the word managing loosely. I am not sure Mr. Webster would be so generous in defining our policy that way when, essentially, we are subsidizing at taxpayer expense the cutting down of American forests.

How can we be credible in Rio if we do not end this abusive practice right here at home? Mr. President, let us work together on behalf of the American public to end this senseless practice.

Finally, the President can prove the skeptics wrong by reducing the administration's request for further road building throughout our national forests. We already have 370,000 miles paved into forests—that is nine times the size of the entire U.S. Interstate Highway System. What will the President's counterparts in Rio think when they learn the American Government shells out millions of taxpayer dollars to cut down more trees, more deforestation in our country?

According to a report by the Congressional Research Service, road construction is the most environmentally damaging aspect of our country's timber program. Roads destroy fish and wildlife habitats, disturb migration routes, and degrade water quality. I could go on and on. Roads and road-building cause more erosion and sedimentation than logging or forest fires together.

The American public surely has had enough of these policies and, I am happy to say, it sounds like the President wants to move us forward on these issues. We can take concrete actions today to prevent further deforestation at home. Responsible stewardship demands no less, and it seems to me President Bush, pushing forestry front and center on his environmental agenda, ought to be ready now to take these first small steps.

Just the other day, in a Washington Post article entitled "Put the Forests First", White House counselor Boyden Gray wrote for the administration about the President's commitment to the environment. Gray's closing paragraph reads:

> In Rio, the delegates should seize on the chance to do first things first: Arrest the decline of the Earth's forests now.

In the spirit of the Rio conference that our President is about to attend, I implore the President to take his counsel's advice, do put first things first and act decisively to save America's forests now. Let us set aside partisanship and work together to do what is best for our forests, our parks, our country and the result will be a betterment for our world.

CONCERNING THE 25TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 113) concerning the 25th Anniversary of the reunification of Jerusalem.

The concurrent resolution (S. Con. Res. 113) is as follows:

S. CON. RES. 113

Whereas for three thousand years Jerusalem has been the focal point of Jewish religious devotion;

Whereas Jerusalem is also considered a holy city by the members of other religious faiths;

Whereas the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas in 1967 Jerusalem was reunited during the conflict known as the Six Day War;

Whereas since 1967 Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the twenty-fifth year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected;

Whereas in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290, declaring that Jerusalem, the capitol of Israel, "must remain an undivided city";

Whereas subsequent statements by the Government of the United States, including support for United Nations Security Council Resolutions 681 and 726, have raised understandable concern in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens of all faiths and Jewish citizens of other states; and

Whereas such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the twenty-fifth anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past twenty-five years; and

(3) calls upon the President and the Secretary of State to issue an unequivocal statement in support of these principles.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MOYNIHAN. Mr. President, I am pleased that 63 of my colleagues have joined the distinguished Senator from Oregon [Mr. PACKWOOD] and I in supporting Senate Concurrent Resolution 113 which congratulates the residents of Jerusalem and the citizens of Israel on the 25th anniversary of the reunification of Jerusalem during the Six-Day War. The resolution also contains the elemental proposition that Jerusalem must never be divided again.

In January 1990 I traveled to the Middle East in my capacity as chairman of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs. While I was in Israel I met with a broad cross-section of Israeli political and communal leaders and found that they had many different views on the peace process. There were, however, two things on which they all agreed: Their desire to see a meaningful and secure peace between Israel and her Arab neighbors and their anguish over the continued confusion of American policy concerning the city of Jerusalem. As a result of that visit I submitted Senate Concurrent Resolution 106 which the Senate overwhelmingly adopted, declaring that Jerusalem, the capital of Israel, must remain a united city.

Since that time, events have only served, I fear, to heighten the legitimate concern in Israel over United States policy toward Jerusalem. Despite Israel's staunch support during the Persian Gulf war—a war unrelated to Israel's disputes with its neighbors which nonetheless brought terror pouring down from the skies on the innocent civilians of Israel—the United States supported not one but two Security Council resolutions—Resolution 681 and Resolution 726—which describe Jerusalem as "occupied Palestinian territory." Resolution 726 also "strongly condemns" Israel, language which is considerably stronger than any used by the Security Council to condemn Iraq's invasion of Kuwait. In fact, only once during the entire Persian Gulf crisis did the Security Council use such language to condemn Saddam Hussein, and that only when he committed gross crimes against humanity by rounding up human shield hostages and besieging diplomatic facilities.

We were far too passive in May 1948 when the Jordanian Arab Legion drove the once flourishing Jewish majority out of the Old City at gunpoint. We were too passive when Jerusalem was divided by barbed wire, mine fields, and cinderblock walls. Two years ago I declared that President Bush's statements and policies "raise the frightful irony that a President who only four months ago celebrated the collapse of the Berlin Wall and the opening of the Brandenberg Gate might encourage the redivision of Jerusalem and the reimposition of the infamous Mandelbaum Gate."

Israel must make sacrifices for there to be peace in the Middle East. Yet no Israeli Government will continue to participate in a process which it believes might end with the dismemberment of Jerusalem.

We would do well to remember that the Jewish presence in Jerusalem is not new. No people on Earth are as inexorably linked to any city as the Jewish people are to the city of Jerusalem. For more than three millennia, ever since King David declared it the capital of his Jewish kingdom and bought the land on which his son Solomon would build his temple, Jerusalem has been the spiritual and cultural focal point of Jewish history. Yet Jerusalem's significance to the Jew goes back even further, for Jewish tradition states that Solomon's temple was built on the very spot where Abraham was prepared to sacrifice his son Isaac and where Jacob, the third of the patriarchs, dreamt of a ladder connecting heaven and Earth.

For 2,600 years Jerusalem has not been forgotten. The devout Jew prays six times a day—thrice in his daily prayers and thrice at grace—for the city of Jerusalem. No Jewish religious ceremony is complete without mention of the Holy City. And twice a year, at the conclusion of the Passover Seder and the Day of Atonement services, all assembled repeat one of mankind's shortest and oldest prayers: "Next Year in Jerusalem."

Not only is Jerusalem central to Jewish prayer and religious practice but Jews throughout the centuries have risked their very lives to be able to live in, or at least visit, their Holy City. Conquering armies came and went—Roman, Byzantine, Arab, Crusader, Mongol, and Turk—but the Jewish community, despite depravation and persecution, remained in Jerusalem. Indeed, the first authoritative Turkish census of the city reported in 1845 that 7,120 of Jerusalem's almost 15,000 inhabitants were Jewish. In 1865 the British Counsel General reported that half of Jerusalem's 18,000 inhabitants were of the Jewish faith—and this before there was a west or new Jerusalem and in fact before the birth of the Zionist movement. By the turn of the century, the population of Jerusalem had grown to 45,600, including over 28,000 Jews. Thus, even the old city of Jerusalem had a Jewish majority a century ago.

Likewise, the city of Jerusalem has a powerful religious significance for persons of other religions. These attachments—themselves stretching back over the millennia—make Jerusalem a unique and treasured city to persons around the world.

Thus, the division of Jerusalem after the 1948 war in which Israel's Arab neighbors determined to wipe out the fledgling Jewish State and drove out the Jewish population of the walled city at gunpoint was especially painful. The subsequent years of Jordanian desecration of holy sites and adamant refusal to permit access to sacred places under Jordanian control was a sorry period indeed. Thus it is that we celebrate the reunification of this holy city and its magnanimous administration by the Government of Israel. This is not just a moment for the people of Israel, or Jews around the world, to celebrate. Everyone who believes that the rights of persons of all faiths should be respected have good reason to celebrate 25 years of Israeli governance and to congratulate the residents of Jerusalem on the fact that their city is no longer divided by barbed wire.

It is interesting to note that in 1980 President Bush criticized the Carter administration for sending mixed signals about Jerusalem. He claimed that they undermined confidence in America's policy and purpose in the Middle East. Specifically, in a campaign speech delivered on October 9, 1980, he told the Zionist Organization of America that:

> I need not detail the recent history of mixed signals delivered in the U.N. and elsewhere around the world concerning the Carter administration's policy on such issues as the PLO and the status of Jerusalem. They are only too well known. Nor need I stress that though these signals are mixed, they assume a pattern that has undermined confidence in America's policy and purpose in the Middle East.

Mr. President, I call upon the administration to embrace the principles of this resolution—to celebrate the reunification of Jerusalem and to pledge that it will never again be divided—and I invite my colleagues to join me in supporting this resolution.

I yield the floor.

Mr. PACKWOOD. Mr. President, I want to thank my colleagues for supporting Senate Concurrent Resolution 113. The citizens of Israel deserve congratulations on the 25th anniversary of Jerusalem's reunification, and they deserve assurances that we object to the idea of a redivided Jerusalem. Senate Concurrent Resolution 113 passes along this important message, and urges the President to follow the same principles when developing policy.

Supporting an undivided Jerusalem is smart, stable policy. For the past 25 years, observers of all religions have had free access to their places of worship. Arabs, Jews, and Christians overlap each other in places of worship, commerce, and rest. During this time, Jerusalem has been a stable and developing international city. It is a polyglot culture which allows its citizens and tourists from all over the world to travel throughout the city. All of this stands in contrast to the pre-1967 Jordanian administration, when barbed wire and cinderblocks restricted people's movements and Jerusalem's growth.

Stating that Jerusalem must not be redivided is also realistic policy. Despite the different views being discussed in Israel's upcoming election, there is one item all parties firmly agree on—that Jerusalem is the most important city in Israel. For thousands of years, Jerusalem has been on the lips of Jewish people as both a place and a concept. Prayers recited by Jews throughout the world state the wish "Next year in Jerusalem." Now that Jews can fulfill that dream, while also allowing worshipers of other religions to fulfill their dreams, there is no way that Israel will forget the cinderblocks and barbed wire.

The status of Jerusalem is one item that will not be on the bargaining table in any negotiations. And it should not be. When most people consider the concept of peace, they think of people with different backgrounds being brought together. Most people, including myself, do not envision peace growing out of new divisions—out of new boundaries that further separate people. Redividing Jerusalem, and nixing the need for multicultural cooperation, does not sound to me like a formula for peace. It sounds like a step backward.

I am glad my colleagues support Senate Concurrent Resolution 113 because it is a step forward. It recognizes the importance of an undivided Jerusalem to Israel, and to the overall peace process in which Israel is participating with her neighbors. It also recognizes the successes that have come from 25 years of unification. Finally, it recognizes that in the same breath that we celebrate the fall of the Berlin Wall and the Iron Curtain, we should not beckon the return of the Mandelbaum Gate.

I thank my colleagues for their support, and urge the President to consider our resolution.

AMENDMENT NO. 2041

(Purpose: To amend Senate Concurrent Resolution 113 concerning the 25th anniversary of the reunification of Jerusalem)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Ohio [Mr. METZENBAUM] for Mr. MOYNIHAN proposes an amendment numbered 2041.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 2, line 7, of the resolution insert the word "religious" between the words "the" and "rights".

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2041) was agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (S. Con. Res. 113), as amended, was agreed to.

AMENDMENT NO. 2042

(Purpose: To amend the Preamble to S. Con. Res. 113)

Mr. METZENBAUM. Mr. President, I send an amendment to the preamble to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Ohio [Mr. METZENBAUM] for Mr. MOYNIHAN proposes an amendment numbered 2042.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 1 of the Preamble, in the third "Whereas" clause strike the word "majority" and insert in lieu thereof the word "community";
>
> On page 2 of the Preamble, in the seventh "Whereas" clause beginning "Whereas this year marks the twenty-fifth year that Jerusalem has been administered as a unified city" insert the word "religious" between the words "the" and "rights";
>
> On page 2 of the Preamble, strike the eighth and ninth "Whereas" clauses and insert in lieu thereof:
>
> "Whereas in 1990 the United States Senate and House of Representatives overwhelmingly declared that Jerusalem, the capital of Israel, "must remain an undivided city";" "Whereas United Nations Security Council Resolutions 681 and 726 have raised understandable concern in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens of all faiths and Jewish citizens of other states; and".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2042) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the preamble, as amended.

The preamble, as amended, was agreed to.

The concurrent resolution (S. Con. Res. 113), as amended, with its preamble, as amended, is as follows:

S. CON. RES. 113

> Whereas for three thousand years Jerusalem has been the focal point of Jewish religious devotion;
>
> Whereas Jerusalem is also considered a holy city by the members of other religious faiths;
>
> Whereas the once thriving Jewish community of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;
>
> Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were

denied access to holy sites in the area controlled by Jordan;

Whereas in 1967 Jerusalem was reunited during the conflict known as the Six Day War;

Whereas since 1967 Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the twenty-fifth year that Jerusalem has been administered as a unified city in which the religious rights of all faiths have been respected and protected;

"Whereas in 1990 the United States Senate and House of Representatives overwhelmingly declared that Jerusalem, the capital of Israel, "must remain an undivided city";"

"Whereas United Nations Security Council Resolutions 681 and 726 have raised understandable concern in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens of all faiths and Jewish citizens of other states; and"

Whereas such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the twenty-fifth anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the religious rights of every ethnic and religious group are protected as they have been by Israel during the past twenty-five years; and

(3) calls upon the President and the Secretary of State to issue an unequivocal statement in support of these principles.

Mr. METZENBAUM. Mr. President, I move to reconsider the votes.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

1990 ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT PM 249

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

In accordance with the requirements of section 657 of the Department of Energy Organization Act (Public Law 95–91; 42 U.S.C. 7267), I transmit herewith the 11th Annual Report of the Department of Energy, which covers the year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *June 10, 1992.*

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

H.R. 1642. An act to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes;

H.R. 1917. An act for the relief of Michael Wu; and

H.R. 2556. An act entitled the "Los Padres Condor Range and River Protection Act."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3370. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition and Forestry.

EC–3371. A communication from Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize supplemental appropriations for the Department of Defense for fiscal year 1992, and for other puposes; to the Committee on Armed Services.

EC–3372. A communication from Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer by lease of three naval vessels to the Coordination Council for North America; to the Committee on Armed Services.

EC–3373. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to India; to the Committee on Banking, Housing and Urban Affairs.

EC–3374. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Department of Transportation on Accomplishments Under the Airport Improvement Program; to the Committee on Commerce, Science and Transportation.

EC–3375. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3376. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3377. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3378. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3379. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3380. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the annual report of the Department of Energy on the activities and expenditures of the Office of Civilian Radioactive Waste Management; pursuant to Public Law 97-425); referred jointly to the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works.

EC–3381. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the receipt of project proposals; to the Committee on Energy and Natural Resources.

EC–3382. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on a prospectus for Mobile, AL; to the Committee on Environment and Public Works.

EC–3383. A communication from the Assistant Secretary of Energy (Environment, Safety and Health), transmitting, pursuant to law, the annual report of the Department of Energy for calendar year 1991; to the Committee on Environment and Public Works.

EC–3384. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the annual report of the Social Security Administration on all aspects of Social Security Administration programs and activities; to the Committee on Finance.

EC–3385. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, a report on the recommendations of the Secretary of Health and Human Services concerning access, utilization, and beneficiary liability for Medicare physicians' services; to the Committee on Finance.

EC–3386. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on beneficiary assistance programs to assist Medicare-eligible individuals with the receipt of services under the Medicare and Medicaid programs and other health insurance programs for fiscal year 1991; to the Committee on Finance.

EC–3387. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Patterns of Health Care Utilization in the Nonelderly Medicaid Population of Selected States"; to the Committee on Finance.

EC-3388. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to make improvements in furnishing equipment and supplies to Medicare beneficiaries; to the Committee on Finance.

EC-3389. A communication from the Assistant Adminstrator of the Agency for International Development (Legislative Affairs), transmitting, pursuant to law, a report on the 1990-1991 program of the Agency for International Development for conserving tropical forests and biological diversity; to the Committee on Foreign Relations.

EC-3390. A communication from an Agency Information Officer of the Environmental Protection Agency, transmitting, pursuant to law, the annual report of the Environmental Protection Agency under the Freedom of Information Act for calendar year 1991; to the Committee on Governmental Affairs.

EC-3391. A communication from the Secretary of Labor, transmitting, pursuant to law, a semiannual report of the Inspector General of the Department of Labor for the period October 1, 1991 through March 31, 1992; to the Committee on Governmental Affairs.

EC-3392. A communication from the Director of the Norfolk Naval Shipyard Co-operative Association, transmitting, pursuant to law, the annual report of the Norfolk Naval Shipyard Co-operative Association on Federal Pension Plans; to the Committee on Governmental Affairs.

EC-3393. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, a semiannual report of the Inspector General of the National Science Board for the period October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3394. A communication from the Secretary of the Interior, transmitting, pursuant to law, a semiannual report of the Inspector General of the Department of Interior for the period October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3395. A communication from the Director of the Federal Domestic Volunteer Agency, transmitting, pursuant to law, a semiannual report of the Inspector General of the Federal Domestic Volunteer Agency for the period October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3396. A communication from the Secretary of Education, transmitting, pursuant to law, a semiannual report of the Inspector General of the Department of Education for the period October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3397. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, a semiannual report of the Inspector General of the Equal Employment Opportunity Commission for the period October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3398. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Inspector General of the Department of Energy for the period October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC-3399. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of Health and Human Services on Indian Sanitarian Facility Deficiencies; to the Select Committee on Indian Affairs.

EC-3400. A communication from the Director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, a report describing the financial condition of the American Legion as of December 31, 1991; to the Committee on the Judiciary.

EC-3401. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report of the Federal Judicial Center for calendar year 1991; to the Committee on the Judiciary.

EC-3402. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report of the Federal Housing Finance Board under the Freedom of Information Act for the period of January 1, 1991, through December 31, 1991; to the Committee on the Judiciary.

EC-3403. A communication from the Secretary of Education, transmitting a draft of proposed legislation to extend and amend the Rehabilitation Act of 1973, to improve rehabilitation services for individuals with disabilities, to modify certain discretionary grant programs providing essential services and resources specifically designed for individuals with disabilities, to change certain terminology, and for other purposes; to the Committee on Labor and Human Resources.

EC-3404. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Notice of Final Priority—Cooperative Demonstration Program (Correctional Education); to the Committee on Labor and Human Resources.

EC-3405. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Notice of Final Priority, Required Activities, and Selection Criteria—Cooperative Demonstration Program (School-To-Work); to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-396. A concurrent resolution adopted by the Legislature of the State of Iowa; to the Committee on Appropriations.

"SENATE CONCURRENT RESOLUTION NO. 109

"Whereas, the federal Fish and Wildlife Coordination Act of 1958 (Pub. L. No. 85-624) gave the United States Army Corps of Engineers authority to study and prepare a Missouri River Bank Stabilization and Navigation Project Final Feasibility Report and Final Environmental Impact Statement (EIS) for Fish and Wildlife Mitigation which recommended that the Corps of Engineers acquire, restore, preserve, or otherwise develop certain lands and waters in the project area; and

"Whereas, the federal Water Resources Development Act of 1986 (Pub. L. No. 99-662) authorized the Missouri River Fish and Wildlife Mitigation Project at an initial federal cost of $51.9 million in the states of Iowa, Nebraska, Kansas, and Missouri; and

"Whereas, without intervention of the Missouri River Fish and Wildlife Mitigation Project, an estimated 500 thousand acres of aquatic and terrestrial habitat will be lost to the Missouri River Basin states by the year 2003; and

"Whereas, the Missouri River Fish and Wildlife Mitigation Project will restore, develop, and preserve approximately 48,100 acres of habitat or approximately ten percent of the losses that occurred due to the Missouri River Bank Stabilization and Navigation Project; and

"Whereas, the United States Congress has appropriated, at the request of the affected states, initial construction funding for the Missouri River Fish and Wildlife Mitigation Project for the federal fiscal year 1992; Now, therefore, be it

"*Resolved by the Senate, the House of Representatives concurring*, That the state of Iowa urges the United States Congress to continue its financial support for the Missouri River Fish and Wildlife Mitigation Project in an amount which can be effectively used by the United States Army Corps of Engineers and which will also ensure that the authorized Project will be completed in ten years or less: "Be it further

Resolved, That a copy of this Concurrent Resolution be sent to the President of the United States Senate, to the Speaker of the House of Representatives, and to members of Iowa's congressional delegation."

POM-397. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Armed Services.

"S. RES. NO. 37

"Whereas, on the night of 30 July 1945, the American Navy heavy cruiser USS Indianapolis was torpedoed and sunk by a Japanese submarine; and

"Whereas, only 316 of the 1,196 crew members survived the attack and subsequent five day ordeal adrift at sea, during which the rest died from battle wounds, drowning, shark attacks, exposure, or lack of food and water, making the sinking of the Indianapolis the worst sea disaster in American naval history; and

"Whereas, the ship's captain, Charles Butler McVay III, had an excellent naval combat record throughout his career that included: participation in the landings in North Africa and Iwo Jima, a Silver Star for courage under fire earned during the Solomon Islands campaign, the assault on Okinawa during which the Indianapolis suffered a damaging kamikaze attack but was skillfully returned by Captain McVay and his crew to San Francisco for repairs, and the successful conveyance by his ship of vital parts for the atomic bomb used to end the war against Japan; and

"Whereas, the USS Indianapolis was based at Pearl Harbor, Hawaii and Captain McVay's sons, Kimo Wilder McVay, Charles Butler McVay IV and their mother Kinau Wilder, are kamaaina residents of Hawaii whose ancestors were among the first missionaries to arrive in the islands.

"Whereas, Captain McVay came from a family steeped in naval tradition, had served with distinction as Chairman of the Joint Intelligence Committee of the Combined Chiefs of Staff, and would doubtless have continued a very distinguished naval career; and

"Whereas, prior to his last voyage, the Advance Headquarters of the Commander in Chief, Pacific Fleet (CINCPAC) failed to inform Captain McVay of intelligence in its possession about the activities of four Japanese submarines sighted along the route his ship would be sailing and where a Japanese submarine had previously sunk another American vessel; and

"Whereas, despite having this information in its possession, the Navy instructed Captain McVay to sail a direct route between Guam and Leyte in the Philippines, although this route brought the ship to the crossroads between the Guam-Leyte and Palau-Okinawa routes, an area Japanese submarines would likely have heavily targeted due to the greater chance they had there of spotting American naval traffic; and

"Whereas, various U.S. Navy shore offices compounded the errors which placed the Indianapolis in jeopardy by failing to report the ship's overdue arrival, thus never launching a search party, leaving the ship's survivors adrift for days until by chance they were spotted by a routine air patrol; and

"Whereas, because the tragedy coincided with the ending of the war in the Pacific and thus threatened to detract from the Navy's role in that victory and from its desire for prominent status in the post-war military establishment, the Navy wrongfully court-martialed Captain McVay as a scapegoat for 'suffering a vessel to be hazarded through negligence', thus making him the first American captain ever brought to trial for losing his ship in combat, despite the fact that over seven hundred ships had been lost in the war, including some under questionable circumstances; and

"Whereas, Captain William Hillbert, the judge advocate at the Navy's 13 August 1945 inquiry into the matter, admitted that the trial was so rushed that they were ". . . starting the proceedings without having available all the necessary data,"; and

"Whereas, the charge against Captain McVay was entirely predicated upon his failure to order the ship to maintain a zigzag course even though standing orders stated that zigzagging was not necessary during poor visibility (reported to have been at best "patchy" that night), and even though Mochitsura Hashimoto, the Japanese submarine commander who sank the ship, testified at the Navy's inquiry that it would not have made any difference if the ship were zigzagging or not, and even though CINCPAC concluded that the rule on zigzagging would not have applied since Captain McVay's routing orders gave him discretion on the matter and took precedence over all other orders (a point never made to the court by McVay's attorney); and

"Whereas, CINCPAC disagreed with the Court's recommendations that Captain McVay receive a Letter of Reprimand and court-martial, stating that at worst Captain McVay was guilty only of an error in judgment and not gross negligence: Now, therefore, be it

"*Resolved by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992*, That Hawaii's Congressional Delegation is requested to pursue any and all means available to exonerate Captain McVay, including but no limited to the overturning of his conviction and the passing of a Joint Congressional Resolution to expunge the court-martial from the record and express the sense of Congress that a grave injustice was visited upon Captain McVay: be it further

"*Resolved*, That the President of the United States is requested to grant a Presidential Unit Citation to the crew and survivors of the USS Indianapolis for courage displayed in the face of tremendous hardship and adversity: be it further

"*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of Hawaii's congressional delegation, and to each of the presiding officers of the legislative bodies of each state of the United States of America."

POM-398. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Finance.

"H.R. No. 90

"Whereas, the lack of affordable and available housing in Hawaii has heightened demands by many households for affordable rental units in Hawaii; and

"Whereas, to exacerbate the housing situation in the State, the spiraling prices of homes and rentals, the tight rental market, and a low vacancy rate for rentals have caused grave housing concerns for those individuals and families seeking a home; and

"Whereas, the dismaying fact is that many families are unable to save for a down payment on a home and to pay for rent at the same time: in short, the dream of owning a home in Hawaii has become an impossible dream; and

"Whereas, in particular, low-income households, single parents, the handicapped, and the elderly are most vulnerable to rent increases; and

"Whereas, to help alleviate the housing pinch in Hawaii, it is essential that government help ease the cost of rentals to individuals in a state where approximately half of the households rent; and

"Whereas, in an effort to partially offset the higher tax burden facing renters in the State, the Hawaii State Legislature adopted a system of tax credits for low-income household renters beginning in 1970; and

"Whereas, a subsequent measure passed by the Hawaii State Legislature provides low-income and medium-income renters with a state income tax credit of $50 multiplied by the number of qualifying exemptions; and

"Whereas, federal legislative action to provide a tax credit for renters on the federal level would further contribute to minimizing the impact of rising real property taxes and inflationary expenses incurred by landlords, which are passed on to tenants in the form of higher rent: Now, therefore, be it

"*Resolved by the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992*, That the Congress of the United States is requested to provide a federal tax credit for renters: Be it further

"*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation."

POM-399. A resolution adopted by the House of Representatives of the State of Colorado; to the Select Committee on POW/MIA Affairs.

"HOUSE JOINT RESOLUTION 92-1017

"Whereas, there are more than 88,000 American service personnel missing in action from World War II, the Korean Conflict, and the Vietnam War, without a complete or satisfactory resolution of their status taking place in any instance; and

"Whereas, evidence has continued to mount over the years that American military personnel are being held against their will in Southeast Asia after the end of the conflict in that region, including evidence of more than 11,000 live sighting reports received by the Department of Defense since 1973, and such evidence is supported by facts such as the statements made by Laotian leaders in April, 1973, that at such time they did in fact have live American prisoners of war under their control who were never released; and

"Whereas, in October, 1990, the minority staff of the United States Senate Committee on Foreign Relations released, an 'Interim Report on the Southeast Asian POW/MIA Issue', which concluded that United States military and civilian personnel were held against their will in Southeast Asia after April, 1973, despite earlier public statements by the Department of Defense on April 12, 1973, that there was no evidence' of live prisoners of war, statements which were contrary to information then available to the United States government; and

"Whereas, the Interim Report states that congressional inquiries into the POW/MIA issue have been hampered by relevant information being concealed from congressional members or information being "misinterpreted or manipulated" in government files; and

"Whereas, although the Department of Defense has, since 1973, publicly taken the stance that there was 'no evidence' of live American prisoners of war in Southeast Asia, the Department of Defense now admits, after consideration of detailed analysis of growing evidence, that there are a number of 'discrepancies' and 'unresolved' cases; and

"Whereas, Senate Bill 2177 and House Bill 4066 would request information from certain countries concerning American military and civilian personnel missing in Southeast Asia during the Vietnam conflict and would require the heads of federal departments and agencies to disclose to Congress information concerning such military and civilian personnel; and

"Whereas, a Senate Select Committee on POW/MIA Affairs whose focus is to thoroughly investigate the POW/MIA issue has been selected: Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-eighth General Assembly of the State of Colorado, the Senate concurring herein*, That the General Assembly of the State of Colorado urges the United States House of Representatives to pass House Bill 4066 and the United States Senate to pass Senate Bill 2177, to further resolve the issue concerning American service personnel held prisoner or missing in action from World War II, the Korean Conflict, the Vietnam War, and the Persian Gulf War: be it further

"*Resolved*, That copies of this resolution be sent to the President of the United States; the Secretary of State and the Secretary of Defense of the United States; the President and Secretary of the United States Senate; the chairpersons of the following standing committees in the United States Senate: Armed Services, Foreign Affairs, Government Operations, and Veterans Affairs; the Speaker and Chief Clerk of the United States House of Representatives; the chairpersons of the following standing committees in the United States House of Representatives; Armed Services, Foreign Relations, Governmental Affairs, and Veterans Affairs; all members of the congressional delegation from the State of Colorado; and the chairpersons of the Veterans Affairs Committees of the other forty-nine sovereign states of the Union."

POM-400. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Veterans' Affairs.

"JOINT RESOLUTION

"Whereas, there will be an event commemorating the 10th anniversary of the Vietnam Veterans Memorial in Washington, D.C. from November 7 to November 11, 1992; and

"Whereas, this event will present an opportunity for our nation, which was too long divided over the Vietnam War, to join together in remembrance and reflection and to honor those who lost their lives in that conflict; and

"Whereas, the Legislature and the people of the State of Maine wish to express their support for this commemoratory event; now, therefore, be it

"*Resolved*, That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to express our support for the event recognizing the 10th anniversary of the Vietnam Veterans Memorial; and be it further

"*Resolved*, That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; each Member of the Maine Congressional Delegation; Jan Craig Scruggs, President of the Vietnam Veterans Memorial Fund; and Barbara Bush, Honorary Chair of the Vietnam Veterans Memorial 10th Anniversary Advisory Committee."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. 2827. A bill to amend the John F. Kennedy Center Act (20 U.S.C. 76h et seq.) to provide authorization of appropriations for fiscal years 1993 through 1997 for the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 102-295).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself, Mr. MOYNIHAN, Mr. SIMPSON, Mr. KENNEDY, and Mr. HATFIELD):

S. 2827. A bill to amend the John F. Kennedy Center Act (20 U.S.C. 76h et seq.) to provide authorization of appropriations for fiscal years 1993 through 1997 for the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself, Mr. COHEN, and Mr. LAUTENBERG):

S. 2828. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Federal Government, before termination of Federal activities on any real property owned by the Government, to identify real property where no hazardous substance or petroleum product or its derivitive was stored, released, or disposed of; to the Committee on Environment and Public Works.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 2829. A bill to require the Secretary of the Air Force to indemnify and hold harmless the recipients of the real property at Loring Air Force Base, Maine, for releases and threatened releases of hazardous substances or pollutants of contaminants resulting from Department of Defense activities at that base before the closure of that base; to the Committee on Armed Services.

By Mr. COCHRAN:

S. 2830. A bill to provide for the establishment of a Lower Mississippi River Museum and Riverfront Interpretive Site, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2831. A bill to amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND (for himself, Mr. GLENN, Mr. COATS, Mr. GRASSLEY, Mr. DIXON, Mr. CONRAD, Mr. MCCONNELL, Mr. SIMON, Mr. PRESSLER, Mr. DURENBERGER, and Mr. JOHNSTON):

S. 2832. A bill to require that all Federal printing be performed using cost-competitive inks whose pigment vehicles are made entirely from soybean oil, and for other purposes; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself, Mr. MOYNIHAN, Mr. SIMPSON, Mr. KENNEDY, and Mr. HATFIELD):

S. 2827. A bill amend the John F. Kennedy Center Act (20 U.S.C. 76h et seq.) to provide authorization of appropriations for fiscal years 1993 through 1997 for the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS REAUTHORIZATION ACT

Mr. MITCHELL. Mr. President, Washington, DC, is more than the political and governmental Capital of our Nation. As the home of the National Archives, the Smithsonian Institution, the National Gallery of Art, the Library of Congress, and the Kennedy Center for the Performing Arts, it could also be called our cultural and educational capital. Every year, millions of Americans visit Washington to learn more about their Nation and their heritage. The Federal Government has long recognized that it has a role in preserving the Nation's history, celebrating it's diverse citizenry, and educating the public through support of national museums and cultural centers. This is a critically important responsibility of our Government.

These national institutions reach more than just the millions of Americans who personally visit Washington every year. Publications, seminars, and similar outreach programs expand the influence of our Nation's museums and cultural centers beyond their geographic locations.

One of the more innovative outreach programs has been developed by the Kennedy Center. The Kennedy Center, as the National Center for the Performing Arts, has repeatedly shown leadership in expanding the role of performing arts and arts education in communities across the Nation. In an effort to expand its influence beyond the city of Washington, in 1991 it embarked on an effort to bring community arts centers and schools together from around the country to learn, share, and expand the influence of the arts. The Partners in Education Program at the JFK Center allows teams from community arts centers and schools to travel to the District of Columbia to learn from experts and from each other methods to successfully incorporate the arts into everday curriculums.

This program has just completed its second successful year. In just 2 years, 27 teams from 24 different States have completed training sessions at the Kennedy Center, and all of the community arts centers which participated in the 1991 training session have since developed or expanded their programs for local teachers.

This type of program will expand accessibility of the arts to populations which have traditionally been underserved such as rural or inner-city communities. I am pleased to note that both the 1991 and 1992 programs included participants from Maine. Maine students do not always get the opportunity to travel to Washington to visit the Kennedy Center, but through the Kennedy Center's Partners in Education Program, students in Maine will now find that the arts are more accessible and relevant to their studies.

The Kennedy Center has done an admirable job in bringing the arts to schools, but more can be done. That is why I am joining with Senators HATFIELD, SIMPSON, KENNEDY, and MOYNIHAN today in supporting legislation to expand the ability of the Kennedy Center to fulfill its role as the National Arts and Education Center. Our legislation will expand the education and outreach programs of the Kennedy Center as well as provide for a more efficient and effective process of making necessary capital repairs to the physical structure.

The John F. Kennedy Center requires adequate Federal support if it is to fulfill its mandated mission as the National Performing Arts Center. I am encouraged by the bipartisan support and progress that has been made on this measure, and I look forward to working with my colleagues in the Senate and with the administration to see this measure become law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUREAU, BOARD OF TRUSTEES, AND ADVISORY COMMITTEE.

Section 2 of the John F. Kennedy Center Act (20 U.S.C. 76h) is amended—

(1) by redesigning subsections (a), (b), and (c) as subsections (b), (c) and (d);

(2) by inserting before subsection (b) (as redesignated in paragraph (i)) the following new subsection:

"(a) The Congress finds that—

"(1) the late John Fitzgerald Kennedy served with distinction as President of the United States, and as a Member of the Senate and the House of Representatives;

"(2) by the untimely death of John Fitzgerald Kennedy this Nation and the world have suffered a great loss;

"(3) the late John Fitzgerald Kennedy was particularly devoted to education and cultural understanding and the advancement of the performing arts;

"(4) it is fitting and proper that a living institution of the performing arts, designated as the National Center for the Performing Arts, named in the memory and honor of this great leader, shall serve as the sole national monument to his memory within the city of Washington and its environs;

"(5) such a living memorial serves all of the people of the United States by preserving, fostering, and transmitting the performing arts traditions of the people of this Nation and other countries by producing and presenting music, opera, theater, dance and other performing arts; and

"(6) such a living memorial should be housed in the John F. Kennedy Center for the Performing Arts, located in the District of Columbia.";

(3) in subsection (b) (as redesignated in paragraph (i))—

(A) in the first sentence, by inserting "as the National Center for the Performing Arts and as a living memorial to John Fitzgerald Kennedy," after "thereof"; and

(B) in the second sentence—

(i) by striking "Secretary of Health and Human Services' and inserting "Secretary of State"; and

(ii) by striking "Chairman of the District of Columbia Recreation Board" and inserting "Superintendent of Schools of the District of Columbia';

(4) by amending subsection (c) (as redesignated in paragraph (1)) to read as follows:

"(c) The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of six years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term;

"(2) a member shall continue to serve until such member's successor has been appointed; and

"(3) the term of office of a member appointed prior to the date of enactment of this subsection shall expire as designated at the time of appointment."; and

(5) in the last sentence of subsection (d) (as redesignated in paragraph (1)), by striking "him" and inserting "the member".

(6) EFFECTIVE DATE FOR CERTAIN APPOINTMENTS.—The appointments made pursuant to the amendments made by clauses (i) and (ii) of subparagraph (3)(B) of section 1 of this Act shall not commence until the expiration of the terms of the Secretary of Health and Human Services and the Chairman of the District of Columbia Recreation Board, respectively, serving as Trustees of the John F. Kennedy Center for the Performing Arts on the date of enactment of this Act.

SEC. 2. PRESENTATIONS, PROGRAMS, FACILITIES FOR ACTIVITIES, AND MEMORIAL IN HONOR OF THE LATE PRESIDENT; RESTRICTION ON ADDITIONAL MEMORIALS.

Subsection (a) of section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j) is amended to read as follows:

"(a)(1) The Board shall—

"(A) present classical and contemporary music, opera, drama, dance and other performing arts from the United States and other countries;

"(B) promote and maintain the Center as the National Center for the Performing Arts by—

"(i) developing and maintaining, in consultation with the Secretary of Education and the heads of other Federal agencies involved in performing arts education, a leadership role in national performing arts education policy and programs, including developing and presenting original and innovative performing arts and educational programs for children, youth, families, adults and educators designed specifically to foster an appreciation and understanding of the performing arts;

"(ii) develop and maintain, in consultation with the Secretary of Education and the heads of other Federal agencies involved in performing arts education, a comprehensive and broad program for national and community outreach, including establishing model programs for adaptation by other presenting and educational institutions; and

"(iii) conducting joint intiatives with the national education and outreach programs of the Very Special Arts, an affiliate of the John F. Kennedy Center for the Performing Arts which has an established program for the identification, development and implementation of model programs and projects in the arts for disabled individuals;

"(C) in consultation with the Secretary of Education and the heads of other Federal agencies involved in performing arts education, strive to ensure that the John F. Kennedy Center for the Performing Arts education and outreach programs and policies meet the highest level of excellence and reflect the cultural diversity of the Nation;

"(D) provide facilities for other civic activities at the John F. Kennedy Center for the performing Arts;

"(E) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President; and

"(F) develop a comprehensive building needs plan for the existing features of the John F. Kennedy Center for the Performing Arts. This building needs plan shall not include expansion of the building or construction of a new building.

"(2) (A) The Board, in accordance with applicable law, may enter into contracts or other arrangements with, and make payments to, public agencies or private organizations or persons in order to carry out the Board's functions under this Act.

"(B) Notwithstanding any other provisions of law, a contract or other arrangement described in subparagraph (A) that is entered into for an environmental system, a protection system or a repair to or restoration of the John F. Kennedy Center for the Performing Arts may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.".

SEC. 3. TRUST FUNDS, OFFICERS AND EMPLOYEES, REVIEW OF BOARD ACTIONS.

Section 5 of the John F. Kennedy Center Act (20 U.S.C. 76k) is amended—

(1) in the first sentence of subsection (a), by striking "Smithsonian Institution" and inserting the "John F. Kennedy Center for the Performing Arts, as a bureau of the Smithsonian Institution,";

(2) in subsection (b)—

(A) in the first sentence, by striking "director, an assistant director, and a secretary of the John F. Kennedy Center for the Performing Arts and of" and inserting "a Chairperson of the John F. Kennedy Center for the Performing Arts (hereafter in this Act referred to as the 'Chairperson'), who shall serve as the chief executive officer of such Center, and a secretary of such Center. The Chairperson shall appoint"; and

(B) in the second sentence, by striking "director, assistant director," and inserting "Chairperson"; and (3) by adding at the end the following new subsection:

"(d) The Secretary of the Interior and the Board shall enter into a cooperative agreement regarding major capital projects for the Center. Such cooperative agreement shall—

"(1) provide that the Board or the Board's designated representative shall plan, design, and construct all major capital projects at the John F. Kennedy Center for the Performing Arts; and

"(2) contain assurances that—

"(A) all planning, design, and construction of major capital projects shall be approved by the Secretary of the Interior or such Secretary's designee prior to commencement of such activities;

"(B) the Secretary of the Interior shall transfer to the Board or other entities from amounts available to such Secretary for the John F. Kennedy Center for the Performing Arts the funds necessary to carry out the activities described in subparagraph (A) in accordance with the terms of such cooperative agreement; and

"(C) the Board shall report quarterly to the Secretary of the Interior or such Secretary's designee regarding the progress of all planning, design, and construction performed pursuant to such cooperative agreement.".

SEC. 4. OFFICIAL SEAL, BOARD VACANCIES AND QUORUM, TRUSTEE POWERS AND OBLIGATIONS, REPORTS, SUPPORT SERVICES, AND REVIEW AND AUDIT.

Section 6 of the John F. Kennedy Center Act (20 U.S.C. 76l) is amended—

(1) in subsection (c)—

(A) by striking "its" and inserting "the Board's"; and

(B) by striking "it" and inserting "the Board";

(2) in subsection (e)—

(A) by striking the title and inserting "MAINTENANCE, REPAIR, AND SECURITY SERVICES.—";

(B) by striking "alteration of the building" and all that follows in paragraph (1) and inserting "security services.";

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE.—The Board, with the concurrence of the Secretary of the Interior or such Secretary's designee, shall designate the services to be performed pursuant to paragraph (1) in order to ensure that such services will meet the requirements for high quality operations, except that in no event shall the Board require the expenditure of funds in excess of those appropriated pursuant to the authority of section 13(b)."; and

(3) in paragraph (3) (as redesignated in subparagraph (2)(C) of section 4 of this Act), by adding at the end the following new sentence: "Such agreement shall be reviewed and updated, if necessary, every five years.".

SEC. 5. TECHNICAL AMENDMENT.

Section 10 of the John F. Kennedy Center Act (20 U.S.C. 76p) is amended—

(1) by striking "he" and inserting "the Secretary"; and

(2) by striking "his" and inserting "the Secretary's".

SEC. 6. DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended by inserting at the end the following new sections (with section 12 being codified at 20 U.S.C. 76r, and section 13 being codified at 20 U.S.C. 76s):

"SEC. 12. DEFINITIONS.

"For the purpose of this Act—

"(1) the term 'capital projects' means capital repairs, replacements, improvements, rehabilitations, alterations, and modifications to the existing features of the John F. Kennedy Center for the Performing Arts building and all existing features of interior and exterior Center spaces, including the existing theaters, garage, roadways, and walkways;

"(2) the term 'existing' means existing on the date of enactment of the John F. Kennedy Center Act Amendments of 1992; and

"(3) the term 'maintenance, repair, and security services' means all services and equipment necessary or desirable to maintain and operate the existing features of the John F. Kennedy Center for the Performing Arts building and all existing interior and exterior building spaces, including the existing theaters, garage, roadways, and walkways, in a manner consistent with the requirements for high quality operations as determined by the concurrence of the Board and the Secretary of the Interior or the Secretary's designee and in accordance with the cooperative agreement described in section 6(e)(3) (as redesignated in subparagraph (2)(C) of section 4 of the John F. Kennedy Center Act Amendments of 1992).

"SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

"(a) CAPITAL PROJECTS.—There are authorized to be appropriated to the Secretary of the Interior $15,000,000 for fiscal year 1993 and each succeeding fiscal year through fiscal year 1997 to carry out subparagraph (F) of section 4(a)(1), subparagraph (A) of section 4(a)(2), and subsection (d) of section 5.

"(b) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Secretary of the Interior $12,000,000 for fiscal year 1993 and each succeeding fiscal year through fiscal year 1997 to carry out paragraph (1) of section 6(e).

"(c) EDUCATION AND OUTREACH PROGRAMS.—There are authorized to be appropriated to the Secretary of Education $4,000,000 for each of the fiscal years 1993 and 1994, and $5,000,000 for each of the fiscal years 1995, 1996, and 1997, to be granted to the Board to carry out subparagraphs (B) and (C) of section 4(a)(1).

"(d) SPECIAL RULE.—No funds appropriated pursuant to the authority of subsection (a) or (b) for capital projects or for maintenance, repair, and security services for existing theaters shall be used for performing arts related production expenses.".

SEC. 7.

This Act may be cited as the "John F. Kennedy Center Act Amendments of 1992".

Mr. HATFIELD. Mr. President, I rise today in support of legislation to reauthorize the Kennedy Center Act. This legislation authorizes funding levels for the Kennedy Center for the next 5 years and attempts to redefine the roles of the Kennedy Center and the National Park Service relating to the operation and maintenance of the Kennedy Center complex. I am confident this new arrangement will provide for more efficient operation of the Kennedy Center, while at the same time retaining congressional and executive branch oversight of funds appropriated to the center.

The John F. Kennedy Center for the Performing Arts is one of our Nation's most renowned and the only nationally oriented performing arts center. As a living memorial to the late President John F. Kennedy, this institution has consistently, and especially of late, brought the best performing artists and productions in the world to our Nation's Capital. In addition, the Kennedy Center has, and will continue to perform major education and outreach services to the youth of America.

Senator MITCHELL, Senator KENNEDY, Senator SIMPSON, Senator MOYNIHAN, the Kennedy Center staff, the Office of Management and Budget, and I have worked for the last 4 months to reach an agreement on this legislation. I believe concessions have been made by both sides and the legislation now being introduced reflects a good-faith compromise by all parties involved.

I look forward to passing this most important piece of legislation and to continuing to further the tremendous performing arts and arts education programs the Kennedy Center provides to the culture and heritage of our Nation and the world.

By Mr. MITCHELL (for himself, Mr. COHEN, and Mr. LAUTENBERG):

S. 2828. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Federal Government, before termination of Federal activities on any real property owned by the Government, to identify real property where no hazardous substance or petroleum product or its derivative was stored, released, or disposed of; to the Committee on Environment and Public Works.

COMMUNITY ENVIRONMENTAL RESPONSE FACILITIES ACT

Mr. MITCHELL. Mr. President, earlier this year, I appointed a Senate Democratic Task Force on Defense Transition issues, chaired by Senator PRYOR of Arkansas. The task force issued its report on May 21, well in advance of a June 1 deadline that I had assigned.

The task force recommendations provide an important agenda for the Senate, and already have been outlined in the CONGRESSIONAL RECORD in statements by Senator PRYOR and others. I am grateful to Senator PRYOR and other members of the task force for their leadership in this area.

Senator DOLE also has appointed a Republican Senate Task Force on Defense Transition issues, chaired by Senator RUDMAN, which I understand is preparing its own set of recommendations. Following announcement of the Democratic program, the administration also announced its own proposals for defense transition policy. As the legislative session continues, I hope we can all come together in support of a program that will truly meet the needs of those Americans who are faced with economic challenges as a result of changes in national defense priorities.

Our world is rapidly changing.

Changes in national defense needs require a reordering of national priorities.

These changes are inevitable. They are in our national interest. At the same time, the Federal Government bears a responsibility to communities and workers affected by the economic transitions flowing from these changes—just as our Nation traditionally has recognized its special obligation to military veterans who have given much in service to their country over the years.

The Federal Government must make defense transition policy a priority for the 1990's. What the American people do not need are false promises—or the raising of expectations where commitment is lacking.

In December 1991, President Bush visited a military base scheduled for closure in Beeville, TX. He cited programs and funds for defense transition assistance enacted by Congress in 1990. The President declared: "We've got to rebuild. And Washington can and will help * * * That money is going to support efforts to find development right here in Beeville. That investment can provide huge rewards. The Department of Commerce's EDA, the Economic Development Agency, has $50 million in funding to assist communities across the country with base closing."

What the President did not mention was that throughout 1991, as he spoke, the administration sat on the funds Congress provided. In fact, EDA did not have the $50 million at the time the President spoke, because the Department of Defense did not transfer the funds to the Department of Commerce until early this year.

Also, the President did not say that in his budget for the coming fiscal year, submitted just a few weeks after his speech in Beeville, he proposed to eliminate the EDA, to terminate funding for the program, even though it was the program which the President cited as one of the keystones for assistance to communities affected by base closures. In contrast, the Democratic task force has recommended expansion of EDA's defense transition efforts.

Genuine leadership and commitment are essential to meeting the challenge of defense transition.

In too many instances, the administration's commitment has been too little and too late. In some areas, there is a real question whether a commitment even exists.

Even as Senators today are discussing defense transition policy here in the Senate Chamber, community leaders in northern Maine have been meeting to address issues surrounding the closure of Loring Air Force Base, which is scheduled for 1994.

The Loring Readjustment Committee [LRC] has been organized, and soon will be initiating a study of potential reuse alternatives. But the Loring AFB communities in northern Maine will depend on Federal assistance if their efforts are to be successful.

Loring AFB represents 20 percent of northern Maine economy. Within 3 years of closure, the Maine State Planning Office has projected that Maine's rural Aroostook County will lose 8,500 jobs; $152 million in annual income; $4.6 million in local government revenue; and approximately 15,000 residents. Compounding the difficult challenge faced by northern Maine is the fact Loring AFB is listed as a national Superfund hazardous waste site.

If economic redevelopment strategies for closed bases are to stand any chance at all, complete and timely environmental cleanup is essential. In the case of the Air Force, however, cleanup has not been a priority.

In contrast to the Army and Navy, the Air Force has declined to spend funds approved by Congress in 1991 for the cleanup of bases now scheduled for closure.

In the case of Loring AFB in Maine, the Air Force's lack of commitment directly threatens community efforts. Delay in cleanup may prevent transfer of the base to civilian use upon its closure in 1994.

The Air Force attitude is indicative of a failure of leadership on these issues. It represents a policy of too little, too late, and risks a callous indifference to communities which long have supported defense missions.

The Air Force attitude is, frankly, unacceptable.

Earlier this week, I joined the other members of the Maine congressional delegation—Senator COHEN, Representative SNOWE, and Representative ANDREWS—in writing to the Secretary of Defense, to denounce the Air Force's resistance on funding the environmental cleanup of closed bases. In the strongest possible terms, we have asked the Secretary of Defense to resolve the funding dilemma, and to make environmental cleanup funds available immediately.

Mr. President, I ask unanimous consent that a copy of the Maine congressional delegate's letter be printed in the CONGRESSIONAL RECORD at the end of my remarks.

I also am joining Senator COHEN today in introducing legislation aimed at addressing two other environmental concerns associated with military base closures.

The first bill, introduced by me and cosponsored by Senator COHEN, would provide appropriate standards for the parcelization of closed bases. It will allow uncontaminated pieces of property to be transferred while cleanup continues at contaminated sites. Parcelization can speed economic reuse without compromising cleanup standards.

In the case of Loring AFB, out of a total of about 13,000 acres, 27 specific sites have been identified as contaminated. The cleanup of some sites may take longer than others. The legislation will maximize the opportunities for rapid, economic redevelopment, while preserving environmental cleanup standards.

The second bill, which will be introduced by Senator COHEN and cosponsored by me, provides for indemnification by the Federal Government of third parties who acquire real property at Loring AFB upon its closure. Indemnification would occur only where environmental damage is the result of actions by the military. There already is a precedent for such indemnification by the Air Force, through legislation that applies only to Pease AFB in New Hampshire. Today's legislation would apply the principle to Loring AFB.

Along with the task force recommendations I hope the Senate will act on these measures expeditiously. I look forward to a coming together within the Senate for such legislation on a bipartisan basis to support from Democratic and Republican Senators.

Communities like those in northern Maine deserve no less, whether economic or environmental. The challenges of defense transition must be addressed. They deserve leadership and commitment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Environmental Response Facilities Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The closure of certain Federal facilities is having adverse effects on the economies of local communities by eliminating jobs associated with such facilities, and delay in remediation of environmental contamination of real property at such facilities is preventing transfer and private development of such property.

(2) Each department, agency, or instrumentality of the United States, in cooperation with local communities, should expeditiously identify real property that offers the greatest opportunity for reuse and redevelopment on each facility under the jurisdiction of the department, agency or instrumentality where operations are terminating.

(3) Remedial actions, including remedial investigations and feasibility studies and corrective actions, at such Federal facilities should be expedited in a manner to facilitate environmental protection and the sale or transfer of such excess real property for the purpose of mitigating adverse economic effects on the surrounding community.

(4) Each department, agency, or instrumentality of the United States, in accordance with applicable law, should make available without delay such excess real property.

(5) In the case of any real property owned by the United States and transferred to another person, the United States Government should remain responsible for conducting any remedial action or corrective action necessary to protect human health and the environment with respect to any hazardous substance or petroleum product or its derivatives, including aviation fuel and motor oil, that was present on such real property at the time of transfer.

SEC. 3. REQUIREMENT FOR IDENTIFICATION OF LAND ON WHICH NO HAZARDOUS SUBSTANCES OR PETROLEUM PRODUCTS OR THEIR DERIVATIVES WERE STORED, RELEASED, OR DISPOSED OF.

Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) is amended by adding at the end the following new paragraph:

"(4) IDENTIFICATION OF UNCONTAMINATED PROPERTY.—(A) In the case of real property owned by the United States and on which the United States plans to terminate Federal Government operations, the head of the department, agency, or instrumentality of the United States with jurisdiction over the property shall identify the real property on which neither hazardous substances nor petroleum products or their derivatives were stored for one year or more, known to have been released, or disposed of. Such identification shall be based on an investigation of the real property to determine or discover the presence or likely presence of a release or threatened release of any hazardous substance or any petroleum product and its derivative, including aviation fuel and motor oil, on the real property. The identification shall consist, at a minimum, of a review of each of the following sources of information concerning the current and previous uses of the real property:

"(i) A detailed search of Federal Government records pertaining to the property.

"(ii) Recorded chain of title documents regarding the real property.

"(iii) Aerial photographs that may reflect prior uses of the real property and that are reasonably obtainable through State or local government agencies.

"(iv) A visual inspection of the real property and any buildings, structures, equipment, pipe, pipeline, or other improvements on the real property, and a visual inspection of properties immediately adjacent to the real property.

"(v) A physical inspection of property adjacent to the real property, to the extent permitted by owners or operators of such property.

"(vi) Reasonably obtainable Federal, State, and local government records of each adjacent facility where there has been a release of any hazardous substance or any petroleum product or its derivatives, including aviation fuel and motor oil, and which is likely to cause or contribute to a release or threatened release of any hazardous substance or any petroleum product or its derivatives, including aviation fuel and motor oil, on the real property.

"(vii) Interviews with current or former employees involved in operations on the real property.

Such identification shall also be based on sampling, if appropriate under the circumstances. The results of the identification shall be provided immediately to the Administrator and State and local government officials and made available to the public.

"(B) The identification required under subparagraph (A) is not complete until concurrence in the results of the identification is obtained from the Administrator and from the appropriate State official.

"(C) The identification required under subparagraph (A) shall be made at least 6 months before the termination of operations on the real property. The concurrence from an appropriate State official required under subparagraph (B) is deemed to be obtained if, within 90 days after receiving a request for the concurrence, the State official has not acted (by either concurring or declining to concur) on the request for concurrence.

(D) In the case of the sale or other transfer of any parcel of real property identified under subparagraph (A), the deed entered into for the sale or transfer of such property by the United States to any other person or entity shall contain—

"(i) a covenant warranting that any response action or corrective action found to be necessary after the date of such sale or transfer shall be conducted by the United States; and

"(ii) a clause granting the United States access to the property in any case in which a response action or corrective action is found to be necessary after such date at such property, or such access is necessary to carry out a response action or corrective action on adjoining property.

"(E) Nothing in this paragraph shall affect, preclude, or otherwise impair the termination of Federal Government operations on real property owned by the United States.".

SEC. 4. CLARIFICATION OF COVENANT WARRANTING THAT REMEDIAL ACTION HAS BEEN TAKEN.

(a) CLARIFICATION.—Paragraph (3) of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended by adding after the last sentence of such paragraph the following: "For purposes of subparagraph (B)(i), all remedial action described in such subparagraph has been taken if the construction and installation of an approved remedial design has been completed, and the Administrator has determined that the remedy is operating properly and successfully. The carrying out of long-term pumping and treating, or operation and maintenance, after the Administrator has determined the remedy is operating properly and successfully, does not preclude the transfer of the property.".

(b) ACCESS TO PROPERTY.—Paragraph (3) of such section is further amended—

(1) by striking out the period at the end of subparagraph (B)(ii) and inserting in lieu thereof "and;"; and

(2) by adding after subparagraph (B) the following new subparagraph:

"(C) a clause granting the United States access to the property in any case in which remedial action is found to be necessary after the date of such transfer.".

SEC. 5. REQUIREMENT TO NOTIFY STATES OF CERTAIN LEASES.

Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), as amended by section 2, is further amended by adding at the end the following new paragraph:

"(5) NOTIFICATION OF STATES REGARDING CERTAIN LEASES.—In the case of real property owned by the United States, on which any hazardous substance or any petroleum product or its derivatives (including aviation fuel and motor oil) was stored for one year or more, known to have been released, or disposed of, and on which the United States plans to terminate Federal Government operations, the head of the department, agency, or instrumentality of the United States with jurisdiction over the property shall notify the State in which the property is located of any lease entered into by the United States that will encumber the property beyond the date of termination of operations on the property. Such notification shall be made to the State at least 90 days before entering into the lease and shall include the length of the lease, the name of the person to whom the property is leased, and a description of the uses that will be allowed under the lease of the property and buildings and other structures on the property.".

U.S. SENATE,
Washington, DC, June 4, 1992.

Hon. DICK CHENEY,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: We are writing to express our deep dissatisfaction over the lack of funding for environmental cleanup at Air Force installations included in the Base Realignment and Closure (BRAC) Account, Part II. We urge you to take whatever action is necessary to make environmental cleanup funds available to these facilities immediately.

While we understand the need for and support additional funding for environmental cleanup at Defense Department installations, we are also fully aware that a shift in funds between programs can occur in FY 1992, thus providing funds necessary to conduct environmental cleanup activities that are essential to re-use.

We want to bring to your attention testimony presented by the Navy and the Army at a Senate Armed Services Committee hearing on May 12, 1992, in which those services stated that they had transferred approximately $8 million and $10 million, respectively, from other accounts to the base closure cleanup account for FY 1992. When asked why the Air Force did not act similarly, Deputy Assistant Secretary of the Air Force for Environment, Safety and Occupational Health, Gary Vest, responded that the Air Force General Counsel informed him that he could not spend any more Defense Environmental Restoration Account (DERA) funds after December 5, 1991. However, DERA funds are not at issue here. The question is why the Air Force chose not to use funds from other programs, as the other services did, when it realized that no funding would be available for environmental cleanup under BRAC II in FY 1992. We would appreciate an answer to this question.

We have been informed through correspondence and meetings with various Air Force officials that other activities such as realignment, construction and base improvements are a higher priority than environmental cleanup at bases scheduled to be closed. We take strong exception to that decision.

For communities devastated by the announced closing of a defense installation, all possibilities for re-use must be explored. If that installation is also a hazardous waste site, as Loring Air Force Base is, re-use possibilities are likely to be more limited, according to Defense Department testimony before the Base Closure Commission. We believe that environmental cleanup should be the highest priority, and expect that this would be the Defense Department's servicewide policy.

We encourage you in the strongest terms possible to address this funding dilemma immediately, as the availability of cleanup funds in the next few weeks could mean several years' worth of difference in the cleanup schedule.

Thank you for your attention to this matter.

Sincerely,

GEORGE J. MITCHELL,
U.S. Senator.
WILLIAM S. COHEN,
U.S. Senator.
THOMAS H. ANDREWS,
Member of Congress.
OLYMPIA J. SNOWE,
Member of Congress.

Mr. LAUTENBERG. Mr. President, today I join Senator MITCHELL in introducing this important legislation.

This bill, in an environmentally sound way, responds to the adverse economic effects base closures can have on local communities. This is a concern facing citizens across the country and in New Jersey, as the pending changes at Fort Dix and the Philadelphia Naval Shipyard underscore.

The goal of the bill is to expedite the process for identifying and distinguishing between contaminated and uncontaminated portions of bases to be closed. This will in turn expedite the cleanup of the contaminated portions of such bases, as well as encourage the reuse and redevelopment of the uncontaminated properties. This will result in faster, more effective cleanups and less economic disruption for affected communities. And the bill achieves these goals without reducing in any way the liability and responsibility the United States has for cleanups of these Federal properties.

Specifically, the bill has three major components. First, it would require the Federal Government to identify at all facilities that are going to be closed the uncontaminated parts of such property. Such identification requires State concurrence.

Second, the bill would clarify a transfer condition currently in the law. Currently Superfund requires that Federal facility contaminated or potentially contaminated land cannot be transferred unless it covenants in the deed that all remedial action necessary has been taken. The bill would clarify that this condition is met when construction and installation of an approved cleanup design have been completed, and EPA has determined that cleanup mechanisms are operating properly. So even if long-term pumping and treating is necessary, or even if the site is still on the national priorities list, the property can be transferred. This is in accord with EPA's policy.

Third, in the case of potentially contaminated property at bases about to be closed, the legislation requires the United States to notify the State prior to entering into any lease for the property that will run past the date of base closure.

Mr. President, I look forward to working in the Committee on Environment and Public Works with the distinguished majority leader on the bill. He has been a leader on the environmental questions affecting Federal facilities for many years. The Committee process will afford us with the opportunity to work together to consider the legislation fully, and make any necessary modifications.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 2829. A bill to require the Secretary of the Air Force to indemnify and hold harmless the recipients of the real property at Loring Air Force Base, ME for releases and threatened releases of hazardous substances or pollutants of contaminants resulting from Department of Defense activities at that base before the closure of that base; to the Committee on Armed Services.

INDEMNIFICATION AND HOLD HARMLESS REQUIREMENT AT LORING AIR FORCE BASE, ME

Mr. COHEN. Mr. President, I am pleased to join my colleague from Maine in introducing the two bills that were just referred to. We believe they will improve the prospects for the reuse of Loring Air Force Base in northern Maine. As Senator MITCHELL indicated, northern Maine was devastated last year when the Air Force recommended, and the Base Closure Commission agreed, to close Loring Air Force Base.

We share the belief, the strong conviction, that the Air Force made a serious mistake. They did not provide the kind of forthright and accurate information that was necessary for the Base Closure Commission to reach an appropriate decision. That decision is now being challenged in court. Nonetheless, the people of Aroostook County are very resilient and resourceful and they are exploring every possible option for reuse as they proceed along the lines of litigation to reverse the Air Force decision and that of the Base Closure Commission.

That task of exploring the reuse of Loring Air Force base is compounded, as the Senator from Maine has pointed out, by the fact that it happens to be a Superfund hazardous waste site. It is going to make it that much more difficult to develop a plan for its potential reuse.

The two measures that we are introducing this afternoon will hopefully expedite the process to make it easier for businesses to locate in northern Maine. The two measures, as the majority leader pointed out, would alleviate the responsibility on the part of the successor to or new owner of that property for the cleanup that is required under our hazardous waste laws. It may take as long as 20 years to clean up that waste. And so we want to at least relieve the new owner from responsibility or liability for the cleanup.

We would require the Secretary of the Air Force to indemnify all successors of property at Loring from liability for contamination caused by the Air Force. My understanding is the Air Force has no objection to this legislation, nor does the EPA. And, as the majority leader has pointed out, we also allow for a clarification of the law and the regulations pertaining to the transfer of so-called clean portions of a hazardous waste site to compartmentalize or parcelize them as the majority leader has indicated.

Mr. President, I am pleased to join my colleague from Maine, Senator MITCHELL, in introducing two bills that I believe will improve the prospects for the reuse of Loring Air Force Base in northern Maine.

Last year, the Air Force announced its recommendation to close Loring AFB. Despite questions about the process used by the Air Force in making its recommendation, the Base Closure Commission concurred. This was a devastating blow to all of Maine, but especially to the people of Aroostook County where Loring is located.

While they continue to be shocked by this decision, the affected communities have formed a committee dedicated to exploring as many reuse options as possible. This will be a very challenging job, given Loring's geographic location.

Because Loring is a Superfund hazardous waste site, however, it is clear that that search for a new use will be an even more difficult task.

The prospects of a new owner being named responsible for the hazardous waste caused by Air Force activities at Loring will no doubt deter many businesses or private groups from considering opportunities there. In addition, the lengthy cleanup schedule—possibly 20 years in Loring's case—leaves open the possibility that reuse might never take place unless we make changes in current law governing federally owned Superfund sites.

Today, I am joining with Senator MITCHELL to introduce legislation that we hope will eliminate these uncertainties. The first bill directs the Secretary of the Air Force to indemnify all successors to property at Loring from liability for hazardous waste created by the Air Force. Similar language is already in place for Pease Air Force Base in New Hampshire, and I believe Loring deserves the same treatment.

The second bill would clarify the section of Superfund law regarding the transfer of clean portions of a federally owned installation that has been designated a Superfund site. It would set up standards and procedures by which clean Federal property that is part of a federally owned Superfund site can be transferred to the private sector.

I hope that these two bills together will help the Loring Readjustment Committee take a step closer to the successful reuse of Loring. It is my understanding that neither the Air Force nor the Environmental Protection Agency opposes language like that included in these bills, and I hope the relevant committees in the Senate will review them as soon as possible.

I cannot underestimate for my colleagues the economic devastation caused by the closure of Loring Air Force Base. It is essential that we take all reasonable steps to ensure that the reuse of the base, or portions of it, can occur without unnecessary constraints.

Despite the severe blow dealt them by the decision to close Loring, the people of Aroostook County are attempting to convert adversity into economic opportunity. I intend to do whatever I can to help them, and I hope these bills will make their job a little easier.

I want to remind my colleagues that the economy of northern Maine has been devastated by this decision of the Base Closure Commission and I hope that we take action very expeditiously to move these two pieces of legislation as quickly as possible in order to help the communities near Loring.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENVIRONMENTAL LIABILITY, LORING AIR FORCE BASE, MAINE.

(a) INDEMNIFICATION AND HOLD HARMLESS REQUIREMENT.—Except as provided in subsection (b), the Secretary of the Air Force shall hold harmless, defend, and indemnify in full a party referred to in subsection (c) from and against all suits, claims, demands, or actions, liabilities, judgments, costs, and attorney's fees arising out of, or in any manner predicated upon, any release or threatened release of a hazardous substance or a pollutant or contaminant resulting from any Department of Defense activity at Loring Air Force Base, Maine.

(b) EXCEPTION.—A party shall not be entitled to the benefits or protections of subsection (a) in the case of any release or threatened release referred to in such subsection to the extent that such party caused or contributed to such release or threatened release.

(c) APPLICABILITY.—This section applies to the following parties:

(1) The State of Maine.

(2) A political subdivision of that State.

(3) An assignee, lessee, transferee, or successor to Loring Air Force Base or any part of that base.

(5) A lender of any assignee, lessee, transferee, or successor to Loring Air Force Base or any part of that base.

(d) DEFINITIONS.—In this section:

(1) The terms "facility", "hazardous substance", "pollutant or contaminant", "re-

lease", and "response" have the meanings given such terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (42 U.S.C. 9601).

(2) The terms "State of Maine" and "State" include a lender, officer, agent, employee, successor, assignee, transferee, and lessee of the State of Maine.

(3) The term "political subdivision" includes a lender, officer, agent, employee, successor, assignee, transferee, and lessee of the political subdivision.

(4) The term "lender" means a person who holds indicia of ownership of any property of facility located at Loring Air Force Base, Maine primarily to protect the person's security interest in such property or facility and who does not participate in the management of that property or facility.

By Mr. COCHRAN:

S. 2830. A bill to provide for the establishment of a Lower Mississippi River Museum and Riverfront Interpretive Site, and for other purposes; to the Committee on Environment and Public Works.

LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE ACT OF 1992

Mr. COCHRAN. Mr. President, I rise today to introduce the Lower Mississippi River Museum and Riverfront Interpretive Site Act of 1992. The purpose of my bill is to establish an interpretative center and museum in Vicksburg, MS, along the riverfront near the Mississippi River bridge, to promote an understanding of the lower Mississippi River and to interpret the U.S. Army Corps of Engineers' role in managing this national resource.

The city of Vicksburg is home to the Mississippi River Commission and the Vicksburg District of the U.S. Army Corps of Engineers. In 1929, the Army Corps of Engineers Waterways Experiment Station was established in Vicksburg to test flood control plans for the Mississippi River.

The Waterways Experiment Station is the center for the expertise for the United States in coastal engineering, concrete technology, and the environmental effects of water resource projects. This facility and its scientists and technicians have established an international reputation as a result of their technical accomplishments.

With the establishment of a museum and riverfront interpretative site in Vicksburg, an understanding of the lower Mississippi River and the role of the Army Corps of Engineers will be available to thousands of visitors each year from this country and around the world. This site will serve to enlighten visitors to the role of the corps in navigation, flood control, and environmental conservation, and it will promote the worldwide application of water resource technologies developed through the working model of the Mississippi River.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Mississippi River Museum and Riverfront Interpretive Site Act of 1992".

SEC. 2. FINDINGS; DEFINITIONS.

(a) FINDINGS.—The Congress finds the following:

(1) The Army Corps of Engineers has a significant role in managing the Mississippi River for flood control, navigation, commerce, and safety.

(2) In 1879, Congress established the Mississippi River Commission, headquartered in Vicksburg, Mississippi, to promote commerce, trade, the postal service, flood control, and ease of navigation on the Mississippi River.

(3) The Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928 (commonly known as the Flood Control Act of 1928), authorized the Mississippi River and Tributaries Project, the largest water resources project in the United States for efficient navigation and comprehensive flood control, and directed the Mississippi River Commission to administer the project.

(4) In 1929, the Army Corps of Engineers established the Army Corps of Engineers Waterways Experiment Station in Vicksburg, Mississippi, to test flood control plans for the Mississippi River.

(5) The Army Corps of Engineers Waterways Experiment Station is the center of expertise for the United States in coastal engineering, concrete technology, and the environmental effects of water resource projects and has established an international reputation through technical accomplishments and worldwide applications.

(6) The Lower Mississippi Valley Division of the Army Corps of Engineers is responsible for monitoring the Army Engineer Districts in St. Louis, Missouri; Memphis, Tennessee; Vicksburg, Mississippi; and New Orleans, Louisiana.

(7) The Lower Mississippi Valley Division of the Army Corps of Engineers and the Vicksburg Army Engineer District are located in Vicksburg, Mississippi.

(8) In 1899, Congress established the Vicksburg National Military Park to preserve and interpret a major battlefield of the Siege of Vicksburg, a pivotal Civil War engagement, and to recognize the important role of the Mississippi River in the Civil War, and in the history of the United States in general.

(9) The Mississippi River Corridor Study Commission Act of 1989 (104 Stat. 855) recognizes the unique and nationally significant resources of the Mississippi River Corridor.

(10) The establishment of a museum and riverfront interpretive site in Vicksburg, Mississippi, will increase regional tourism, foster the education of the public concerning local resource values, stimulate economic growth, and lead to an expansion of the work force in the area of Vicksburg, Mississippi, and the Lower Mississippi Valley.

(b) DEFINITIONS.—As used in this Act:

(1) INTERPRETIVE FACILITY.—The term "interpretive facility" means the interpretive facility established under section 3(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Army.

SEC. 3. ESTABLISHMENT.

(a) ESTABLISHMENT.—The Secretary shall establish and operate, in accordance with this Act, an interpretive facility that contains a museum and interpretive site in Vicksburg, Mississippi. The interpretive facility shall be known as the "Lower Mississippi River Museum and Riverfront Interpretive Site".

(b) LOCATION OF MUSEUM.—The museum of the interpretive facility shall be located on property of the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi. The Executive Director of the Resolution Trust Corporation shall transfer title to the property to the Department of the Army, at no cost to the Department of the Army.

(c) INTERPRETIVE FACILITY SITE.—The interpretive site of the interpretive facility shall be located on riverfront property between the Mississippi River Bridge and the Mississippi Riverpark in Vicksburg, Mississippi. The Secretary is authorized to acquire surface use easements for the interpretive site only with the consent of the owner.

(d) LIMITATION ON ACQUISITION AUTHORITY.—For the purposes of carrying out this Act, the Secretary may acquire property only with the consent of the owner.

SEC. 4. PURPOSES OF THE INTERPRETIVE FACILITY.

The purposes of the interpretive facility established under section 3(a) are to—

(1) promote an understanding of the Lower Mississippi River and the role of the Army Corps of Engineers in developing and managing the Lower Mississippi River as a nationally significant resource;

(2) interpret the historic presence of the Army Corps of Engineers in the Lower Mississippi River Valley and the administration by the Army Corps of Engineers of the Mississippi River and Tributaries Project referred to in section 2(3).

(3) provide an understanding of the branches and facilities of the Army Corps of Engineers in the Vicksburg area, and the relationship of the branches and facilities to flood control, navigation, and environmental conservation in the Mississippi River area;

(4) highlight the influence of the Mississippi River on the Vicksburg area and the natural, historic, and cultural contributions of the Mississippi River Valley area;

(5) highlight local Army Corps of Engineers projects and management strategies;

(6) provide an understanding of the surrounding natural riparian environment adjacent to the Mississippi River through public access and interpretive displays; and

(7) promote the worldwide application of water resource technologies developed through the use of the Mississippi River as a working model.

SEC. 5. RELATED AGENCIES AND PROGRAMS.

(A) SMITHSONIAN INSTITUTION.—The Secretary of the Smithsonian Institution shall assist in the planning and design of the interpretive facility.

(b) DEPARTMENT OF THE INTERIOR.—The Secretary of the Interior, acting through the Director of the National Park Service, shall assist in the planning, design, and implementation of interpretive programs for the interpretive facility.

(c) VISITOR SERVICES.—The Secretary shall provide increased and enhanced visitor services at the Army Corps of Engineers Waterways Experiment Station in Vicksburg, Mississippi.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Army such sums as may be necessary to carry out this Act (including such sums as may be necessary for acquiring and restoring property pursuant to section 3(b), and planning, designing, and constructing the interpretive facility pursuant to this Act).

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2831. A bill to amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes; to the Committee on Environment and Public Works.

WATER POLLUTION CONTROL AND ESTUARY RESTORATION FINANCING ACT

Mr. DODD. Mr. President, I rise today to introduce legislation which represents a unique coming together of Government, labor, environmental and construction industry groups to tackle the complex problems of our Nation's estuaries. I am pleased to be joined in this effort by Senator LIEBERMAN and appreciate the leadership of Congresswoman ROSA DELAURO and Congresswoman NITA LOWEY on this issue.

Our Nation's estuaries are of incalculable value. Millions of Americans live on their shores and fish and swim in their waters daily. In 1990, the EPA estimated that estuaries support fisheries whose value to the economy is more than $19 billion annually. Globally, an estimated two-thirds of all fish caught are hatched in estuaries. But unfortunately, serious problems plague our Nation's estuaries.

This weekend, my home State of Connecticut was buffeted by rainstorms which caused flooding worse than any experienced in the last decade. But the flooding was not the only damage—beaches and shellfish beds across the Sound were closed through the weekend and into Monday. Our State's wastewater treatment facilities are sorely out of date and unable to handle the excess water which streams into their systems after a heavy rainfall. They overflow and untreated sewage spills into the Sound fouling the beaches and shellfish beds. And when it isn't raining, so many nutrients enter the Sound from treatment plants and runoff that algae grows at an unprecedented rate consuming large amounts of oxygen and the oxygen levels which can result are so low that even fish cannot breathe.

The Long Island Sound is not alone in these problems. From Puget Sound to Sarasota Bay, our estuaries are in need of help. In the Albemarle/Pamlico Sounds, bordering both Virginia and North Carolina, 50,000 acres of shellfish waters have been closed since 1970. In Massachusetts, sediment on the bottom of the Acushnet River near New Bedford is so contaminated from industrial discharge of PCB's that the area has been designated a Superfund hazardous waste site. The health of our estuaries is not simply an environmental concern, our economy feels these losses—oystermen lose access to oyster beds profitable in the past, fishermen find their jobs harder as these resources become more taxed and closed beaches add up to few tourism dollars.

The problems of estuaries are not new and some important steps have already been taken to begin to address them. In 1987, we approved the creation of the National Estuary Program administered under the Clean Water Act by the EPA. Medical waste, a terrible problem in years past, no longer washes up on our shores because of an amendment I and others worked so hard for in 1988. In Connecticut, it was just this year that an office of the EPA was opened on the Long Island Sound. And under the umbrella of the National Estuary Program, we have learned much about our estuaries—how they work, what their problems are and how we can fix them.

The National Estuary Program [NEP] is built on a flexible structure of public/private and local/Federal partnerships to address the different needs of each estuary. The goal—the restoration of the estuary—shapes the development of a Comprehensive Conservation and Management Plan for each estuary. Management conferences, made up of interested local groups and State and Federal officials, are convened to develop a management plan which will restore the estuary and be supported by those in the community.

In Connecticut, the NEP has fostered a greater understanding of and concern about the Sound. There are few communities along the shore without an active Long Island Sound conservation group. But there is also in my State a growing awareness among a group, which includes some unlikely advocates, that the Sound is not just an environmental concern, to be pushed aside during hard economic times—the restoration of the Long Island Sound is recognized for what it truly is, an economic issue, an issue of jobs and natural resources and an issue of the quality of life for so many in New York and Connecticut.

In January of this year, a meeting of the Long Island Sound Watershed Alliance was picketed by 1,200 union members concerned about environmental regulations and lost jobs. Unfortunately, such confrontations are not uncommon in these hard economic times. And given the diverse, indeed seemingly divergent, interests of these groups, most would have declared an impasse and headed home.

But these environmental and labor representatives began a dialog of their concerns and found common ground on the very same issues which had at first glance divided them—the restoration of the Sound and jobs.

There are many problems which contribute to the overall health of the Sound, but what the Long Island Sound needs most is an investment in new wastewater treatment facilities—facilities that are up to code, facilities that can handle a heavy rainfall, and facilities that can remove nutrients from wastewater before it is released into the Sound. And the construction and repair of these facilities mean the creation of thousand of jobs. During a recession this powerful economic argument has brought these diverse groups together behind a common platform of jobs and clean water and of support for this legislation. Just last week, I received a letter signed by 68 groups from the Audubon Society to the Carpenters Union in support of this measure which has already been introduced in the other body by Congresswomen DELAURO and LOWEY.

The Water Pollution Control and Estuary Restoration Financing Act continues the State revolving loan fund program which has been the mechanism through which communities across the Nation have rebuilt their wastewater treatment facilities and which is scheduled to expire in fiscal year 1994. States with approved estuary management plans are qualified to set up within their SRF a separate estuary account solely for use in implementing approved plans. The account is funded through a set-aside of authorized funds, beginning at 2.5 percent in fiscal year 1993 and increasing to 15 percent by fiscal year 1998. These set aside funds will be provided in addition to a State's normal SRF allocation and will be matched with some State contributions. With the estuary account, States will have a more flexible tool at their disposal in addressing the problems of estuaries. States could provide up to 40-year amortization periods for loans, no interest loans, and subsidization of debt service for communities that could not otherwise fund necessary projects.

The Federal Government, through the National Estuary Program, has assisted States in identifying the problems in their estuaries and in discovering the solutions. However, the Federal commitment has not gone far enough. We mandated clean water measures, but have not provided hard-pressed communities with adequate assistance to meet the high costs of implementing these measures. Currently, communities in my State are under court orders, totalling $2.2 billion, to meet clean water act requirements and update their sewage treatment facilities. The estuary management plans are nearly complete, and yet it is clear there are not sufficient resources to implement them. We must renew the Federal commitment to these communities and provide them with the tolls necessary to make these much needed investments in our environmental infrastructure.

The Estuary Financing Restoration Act is not the answer to all of the issues surrounding the reauthorization of the Clean Water Act. The Clean Water Act addresses the myriad of problems affecting our Nation's waters. But this legislation offers a solid approach which I believe will move forward on this critical debate about one of our Nation's most vital resources—estuaries.

Mr. President, I ask unanimous consent that a summary of this legislation be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

WATER POLLUTION CONTROL AND ESTUARY RESTORATION FINANCING ACT OF 1992

Reauthorization of the State Revolving Fund Loan Program: The State Revolving Loan Fund (SRF) program, scheduled to expire in FY94, is reauthorized through 1999. The Fund is authorized at $2.4 billion in FY93 and increases to $4 billion per year thereafter to address the nation's pressing water quality needs.

Estuary Account Created in the SRF: States with approved estuary conservation and management plans are qualified to set up within their SRF a separate Estuary Account solely for use in implementing approved plan. The account is funded through a set-aside of authorized funds of 2.5% in 1992, increasing to 15% by 1998. These set-aside funds will be provided in addition to a state's normal SRF allocation.

States with Estuary Accounts will receive funding based on their needs in relation to overall funding levels. The EPA Administrator is also directed to assess funding needs for all approved estuary management plans.

SRF Funding Broadened for States' Use of Estuary Account Fund: States can provide up to 40-year amortization periods for loans, no interest loans and subsidization of debt service for communities that could not otherwise fund projects necessary for implementation of an approved plan.

EPA Responsibility for Implementation of Approved Estuary Plans: The National Estuaries Program (NEP) is reauthorized and is amended to make clear the EPA's non-discretionary duty to implement approved management plans. The EPA is also required to provide necessary levels of funding and staffing to meet its obligation under the NEP.

NEP Plans to Pass More Rigorous Tests for Approval: The NEP is amended to require that approved plans include specific estimates of funding needs and a comprehensive strategy for cost-effective implementation. NEP management conferences would also be required to set priorities early and follow EPA guidelines for development, approval and implementation of management plans.

NEP Grant Funding for Innovation Projects Increased: Grant funding is focused on innovative projects such as polluted runoff abatement efforts, integrated farm management planning and educational efforts not ordinarily funded through the SRF program. Grant funding is authorized at $50 million.

Opportunity for Public Comment Expanded: Opportunities for public comment and participant in the development, approval and implementation of management plans are expanded.

NEP Conference Extended: Management conference can be extended for an additional 5 years for the purpose of implementing and monitoring of approved management plans.

Mr. LIEBERMAN. Mr. President, I'm pleased to support my friend and colleague, Senator CHRIS DODD, by joining him as a cosponsor of the Water Pollution Control and Estuary Restoration Financing Act of 1992. And I commend my friends in the House, Congresswoman ROSA DELAURO and Congresswoman NITA LOWEY, who first introduced this bill, for their leadership and their commitment to solve one of the great environmental tragedies in our country, the degradation of our Nation's estuaries.

This bill does two things of importance. It continues one of the most successful programs of environmental cleanup in our Nation's history, the State Revolving Loan Fund Program for sewage treatment infrastructure, and it sets aside an increasing percentage of that fund for our coastal areas. In particular, it seeks to direct Federal dollars toward the cleanup of estuaries of national significance.

This bill is also timely. This year, the Clean Water Act is up for reauthorization in the Environment and Public Works Committee, on which I serve. The State Revolving Fund Program that States have relied upon for assistance in upgrading their sewage treatment plants is due to be discontinued by 1994. The committee leadership is in agreement that the State Revolving Fund should continue. Currently funded at approximately $2 billion per year, the fund cannot begin to meet the $100 billion extant need for sewage infrastructure in this country.

This problem is particularly acute in coastal areas and estuary States. In Long Island Sound, for example, the estimated cost of upgrading the outdated and overburdened sewage treatment plants responsible for most of the Sound's pollution is estimated at $6 billion. That's a $6 billion cost of one estuary, when the Federal Government only antes up $2 billion a year for the entire country.

The bill before us seeks to redress this problem by increasing the amount of money that goes into the State Revolving Fund Program, and at the same time, setting aside an increasing percentage of that Fund for estuary States. States such as Connecticut which would benefit from this new system would be required, however, to submit a clean-up plan for their estuary to the U.S. Environmental Protection Agency for approval.

I agree with the objectives of this bill: continue Federal funding for water infrastructure; increase the amount the Federal Government puts into it; direct that amount to the areas of greatest need. However, as I have said in the past and as I will continue to advocate within the Environment Committee, the commitment to cleaning up our natural resources must come from those who are most dependent on that resource. That is the beauty of our National Estuary Program as it is now written. The Federal Government puts up the money for a study of an estuary of national significance once the governor of the affects State or States agrees up front to implement the recommendations of that study. The study, in fact, is to result in a Comprehensive Conservation and Management Plan. This comprehensive planning is done by the State and local governments in conjunction with U.S. EPA. As things stand now, though, the Federal Government pulls out after the study is completed and leaves it to the States to find the revenues to do so. This bill would create a new and continuing Federal responsibility for funding that clean-up. The Federal Government should share responsibility, but, of course, there is not enough money in the budget to fund every State's cleanup. In addition, studies have shown that the closer the responsibility for funding a project is to those who will actually benefit from the project, the less likely the costs will be inflated.

Therefore, we should continue to explore some additional options: First, More money should go into setting criteria for what makes a successful study and clean up plan and for completing those studies for estuary States; second, One of the new criteria ought to be that States identify sources of cleanup funding—other than the Federal Government; in their study and plan; and third, States which are willing to match Federal dollars at a higher rate should get more money.

Frankly, Mr. President, I would like to see these points extended to watershed-based planning throughout the country. I think that as we realize greater success from ratcheting down on point source water pollution and begin to confront the more diverse causes of non-point source pollution of our waters—caused by everything from agricultural and street runoff to atmospheric deposition—it's clear that we can solve our water pollution problems only by beginning first with comprehensive planning on a watershed basis as is now undertaken by most estuary program States. This would allow local governments to reclaim decision making authority about how best to meet the requirements of the Federal clean water Act. We would reward initiative and local investment with greater Federal assistance.

The other alternative direction that I have advocated for some time in the context of clean water funding it that it should target those areas of greatest need. We need an overhaul of the funding formula that is currently directing our clean water dollars. States like my own Connecticut which rank high on EPA's list of neediest get much less than other less-needy States, despite the fact that we match Federal clean water dollars roughly 10 to 1. That's not right, Mr. President, and I will fight in committee to try to change that. I think we should consider adopting the model we used for the Surface

Transportation Act reauthorization last year: increase the amount in the general pot while changing the allocation formula over time by degree.

The other lesson I think we learned on the highway bill and can apply to the clean water bill is that Federal investment in infrastructure is good for the economy. Apogee Research, Inc. conducted a study for the National Utility Contractors Association that found that every $1 billion invested in water infrastructure produces between 34,000 and 57,000 new jobs. The bill before us which would provide $26 billion over 7 years (an increase of $8 billion over the levels authorized for the previous 7 years). This could thus result in over 800,000 new jobs. Interestingly, and astutely, I think, the labor and environmental organizations in my State of Connecticut have joined together to support this bill. They realize their interests are not in conflict, and they're working in coastal States around the country to reproduce their coalition. Not only would this kind of Federal investment in infrastructure create traditional construction and engineering jobs, but if we structure it right, we could be supporting the development of new and critical water pollution treatment strategies which will have the double benefit of cleaning up our Nation's waters and securing our country a niche in the global marketplace for new and environmentally beneficial technologies.

According to the Center for Marine Conservation, by the year 2000, "three out of four of us will live within an hour's drive from the coast. Coastal counties nationwide can expect to double in population by 2010." Fifteen percent of our Nation's population lives within 50 miles of Long Island Sound, alone. We move to the coast for its quality of life. Unfortunately, the more of us who move there, the more strain we place on its resources. I am proud of the work Connecticut and New York are doing with their National Estuary plan to try to plan long-term for this growth and to reverse the hundred years of abuse we've heaped on Long Island Sound. It's clear, however, that we need help. If the Federal Government is to be perceived as serious about designating estuaries "of national significance," we are going to have to target some of our national dollars toward returning them to health. And those States which reap the benefits of cleaner estuaries must be willing to meet us halfway.

By Mr. BOND (for himself, Mr. GLENN, Mr. COATS, Mr. GRASSLEY, Mr. DIXON, Mr. CONRAD, Mr. MCCONNELL, Mr. SIMON, Mr. PRESSLER, Mr. DURENBERGER, and Mr. JOHNSTON):

S. 2832. A bill to require that all Federal printing be performed using cost-competitive inks whose pigment vehicles are made entirely from soybean oil, and for other purposes; to the Committee on Rules and Administration.

ALL-SOY INK PRINTING ACT

• Mr. BOND. Mr. President, today I, along with Senators GLENN, COATS, GRASSLEY, DIXON, CONRAD, MCCONNELL, SIMON, PRESSLER, DURENBERGER, and JOHNSTON introduce the All-Soy Ink Printing Act of 1992. This legislation would require all Federal agencies, the Government Printing Office and its contractors, to use ink made with soy pigment and all-soy ink when it is commercially available and economically feasible.

As we have seen over the last year, the importance of soybeans and soybean products for our domestic agricultural economy and for the health of our Nation's farm export continues to grow. The increased use of soybean oil ink would help decrease our reliance on foreign oil that is used in the petroleum-based inks, reduce risks to our environment, and help over half a million American farmers who currently grow soybeans.

According to the American Soybean Association, if all newspaper ink were made from soybean oil, the oil from 35 to 40 million bushels of soybeans would be utilized. However, as soy ink use broadly expands into other printing mediums, soybean usage could approach the 100 million bushel level—or the soybean production from approximately three million acres of cropland.

Research to develop soybean oil-based printing ink has been a phenomenal success. Since 1987, soy ink has been successfully used by newspapers for black and color printing. Soy ink is now being used by one-half of the Nation's 9,100 newspapers, including 75 percent of the 1,700 daily newspapers. Some Missouri papers using soy ink are the St. Joseph News-Press/Gazette, Kansas City Star, Clarence Courier, Bolivar Herald-Free Press, the Trenton Republican-Times, and the Rural Missouri.

Soy ink has less ruboff than petroleum based inks, is environmentally safer, has outstanding color and is made from renewable resource. Soy ink also enhances the paper recycling process and contributes to better quality recycled paper. Since soy ink is more easily removed from paper pulp, there is less damage to paper fibers in the deinking process.

Many States, like my home State of Missouri, are ahead of the Federal Government in using soy inks for their State government printing work. I urge Members of the Senate to support this legislation.•

• Mr. GLENN. Mr. President, I rise today to join my colleague, Senator BOND in introducing the All-Soy Ink Printing Act of 1992. This legislation requires all Federal agencies, the Government Printing Office [GPO] and its contractors to use cost-competitive newsprint ink made with soy pigment vehicles and all-soy ink when it is commercially available and economically feasible.

I have long been an advocate of increasing demand or uses for farm or forest products. We need to develop new nonfood uses for traditional commodities and develop alternative farm and forest products. The increased demand will result in higher prices for these goods, and, thereby decrease Government subsidies. Given our current budget constraints, this result will certainly be welcome.

There is potential for great gains in the development of new nonfood uses for agricultural commodities. Right now corn starch is used not just in producing alcohol but also in manufacturing paper products, building materials, textiles, and adhesives. A component of corn starch can be used as an additive to polyethylene to create biodegradable plastics. Industrial uses for corn by-product also include application as a highway de-icer, desulfurizing coal, and improving the quality of motor fuel. A new crop surfactant, Preference, made from a soybean by-product has been developed and is available this growing season and Soydiesel is becoming the oil of choice in U.S. biodiesels. A commitment to develop these uses further will not only increase domestic demand for agricultural products but may increase demand from overseas as well.

Since 1987, soy ink has been successfully used by newspapers for both black and color printing. Use of color inks is more widespread because color inks are more equally priced with petroleum-based color inks. Color ink prices are driven by the pigment content unlike black inks, which are 75 to 85 percent oil. As a result, the price black soy ink is driven by the price of the oil component making it slightly more expensive than conventional inks on a pound for pound basis.

Printing ink made from soybean oil rather than petroleum is fast becoming a source reduction success story. First, soybean oil does not evaporate the way petroleum does, releasing harmful volatile organic compounds into the air and contributing to smog. Soybean inks can reduce ink and paper waste because the necessary balance between ink and water can be achieved more easily. Soybean oil ink colors are more vibrant and can be matched to colors achieved using petroleum oil. Soybean oil is less likely to rub off on clothing and hands.

This legislation will help stimulate demand for agricultural commodities by finding a market for soybean oil ink. The increase use of soybean oil ink will also help ease our reliance on foreign oil that is used in the petroleum-based inks, reduce risks to our environment, and help American farmers who grow soybeans. I urge my colleagues to join me in cosponsoring this important bill.•

• Mr. SIMON. Mr. President, I am pleased to join our colleague from Missouri, Senator BOND in introducing the All-Soy Ink Printing Act of 1992. I have long promoted the benefits of soy-based inks, and I was gratified to have been able to pioneer the use of soy-based ink in our Senate print shop. Soybean oil by now has proven itself a viable alternative to petroleum in the manufacture of printing inks. Soybean oil-based printing inks were developed in 1985 by the American Newspaper Publishers Association after a second shortage of imported oil threatened many industries dependent on petroleum-based chemicals and refined oil products. Scientists at the National Center for Agricultural Utilization Research in Peoria, IL have been working on new technologies in offset inks for over 2 years now. This effort will soon yield a product that will appeal to a larger share of the Nation's newspaper publishers.

Since 1987, soy ink has been successfully used by newspapers for both black and color printing. At the end of the first marketing year for soy ink, six newspapers were using it. One thousand newspapers had used it at the end of its second year. On its third anniversary, soy ink was being used by one-third of the nation's 9,100 newspapers, including one-half of the 1,700 U.S. daily newspapers. Usage has expanded because of the advantages soy ink has for agriculture, the environment, and for our economy.

If all newspaper ink were to be made from soy oil, it would utilize the oil from 30 to 40 million bushels of soybeans. However, newspapers use only 7 percent of the soy ink manufactured. Commercial printers use 19 percent and magazines use 28 percent. As soy ink for those markets becomes more popular, usage would approach the 100-million bushel level. That represents the soybean production from approximately 3 million acres.

This legislation follows the lead that several States have taken to promote the early growth of the market for soy inks. Along with Illinois, six States—Iowa, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin—have legislation passed or pending that require use of soy ink on all printing jobs contracted by the State.

Soy ink is environmentally more benevolent because it is biodegradable. Soy ink also minimizes production of volatile organic compounds, which are being regulated in the workplace by the EPA and others. Petroleum ink violates these limits. This is one reason officials of the American Newspaper Publishers Association suggest that soy inks may be the solution to current and future environmental, health, and safety problems, associated with petroleum-based inks.

I commend my colleague from Missouri for his leadership on this bill. And, I am hopeful that our colleagues in the Senate will support this measure.•

• Mr. CONRAD. Mr. President, I am pleased to join my colleagues today in introducing legislation to mandate the use of soy ink by Federal agencies, when the ink is competitively priced.

After years of tests and refinement, it is time for this unique soybean product to be recognized. The quality and durability of soy-based inks are paramount to that of petroleum-based newsprint inks. Soy ink offers greater resistance against smudging and provides greater clarity. In addition, from an oil content standpoint, soy ink is more cost efficient than black ink.

The superb quality and cost-efficiency of soy ink are reflected by the use of the ink by North Dakota newsprint businesses. Of 112 newsprint locations surveyed throughout my State by the North Dakota Soybean Council, 71 were found to use soy ink. In other words, 63 percent of these businesses use soy-based ink. That is quite an endorsement for the product.

This directive could also lend a tremendous boost to the soybean industry by increasing viable market opportunities for one of its alternative uses. In this age of global competition, we need to further strengthen the marketability of all the commodities grown in the United States.

I fully support this legislation, and I am hopeful that as my colleagues in the Senate learn more about it, they will lend their support as well.•

ADDITIONAL COSPONSORS

S. 757

At the request of Mr. LEAHY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 757, a bill to amend the Food Stamp Act of 1977 to respond to the hunger emergency afflicting American families and children, to attack the causes of hunger among all Americans, to ensure an adequate diet for low-income people who are homeless or at risk of homelessness because of the shortage of affordable housing, to promote self-sufficiency among food stamp recipients, to assist families affected by adverse economic conditions, to simplify food assistance programs' administration, and for other purposes.

S. 767

At the request of Mr. SANFORD, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 767, a bill to designate certain lands in the State of North Carolina as wilderness, and for other purposes.

S. 844

At the request of Mr. DOMENICI, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 844, a bill to provide for the minting and circulation of one-dollar coins.

S. 1032

At the request of Mr. DANFORTH, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1032, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 1357

At the request of Mr. BREAUX, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1476

At the request of Mr. DANFORTH, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1476, a bill to recognize the organization known as the Shepherd's Centers of America, Incorporated.

S. 1810

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the medicare program, and for other purposes.

S. 2277

At the request of Mr. COHEN, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2277, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 2373

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2373, a bill to amend the Job Training Partnership Act to establish a community works progress program, and a national youth community corps program, and for other programs.

S. 2385

At the request of Mr. RIEGLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2385, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 2387

At the request of Mr. LEAHY, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs, to expand the Job Corps program, and for other purposes.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2516

At the request of Mr. BINGAMAN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2516, a bill to amend the National Security Act of 1947 to revise the functions of the National Security Council and to add the Secretary of Commerce, the Secretary of the Treasury, and the United States Trade Representative to the statutory membership of the National Security Council.

S. 2517

At the request of Mr. BINGAMAN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2517, a bill to amend title 10, United States Code, to rename the Defense Advanced Research Projects Agency as the National Advanced Research Projects Agency, to expand the mission of that agency, and for other purposes.

S. 2540

At the request of Mr. COATS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 2540, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical savings accounts to assist in the payment of medical and long-term care expenses and other qualified expenses, to provide that the earnings on such accounts will not be taxable, and for other purposes.

S. 2624

At the request of Mr. GLENN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2670

At the request of Mr. SANFORD, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2670, a bill to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action.

S. 2682

At the request of Mr. BUMPERS, the names of the Senator from Indiana [Mr. COATS], the Senator from Iowa [Mr. HARKIN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

S. 2773

At the request of Mr. DANFORTH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2773, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring tax provisions, and for other purposes.

S. 2774

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2774, a bill to authorize appropriations to the National Aeronautics and Space Administration for an Experimental Program To Stimulate Competitive Research on Space and Aeronautics.

S. 2805

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2805, a bill to strengthen United States laws to enforce economic embargoes against foreign countries pursuant to a declaration of national emergency or United Nations Security Council measures, and for other purposes.

S. 2826

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2826, a bill to reaffirm the obligation of the United States to refrain from the involuntary return of refugees outside the United States.

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Missouri [Mr. DANFORTH], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day."

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 278, a joint resolution designating the week of January 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Michigan [Mr. RIEGLE], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 294

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Montana [Mr. BURNS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Georgia [Mr. FOWLER], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Florida [Mr. MACK], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. SANFORD], the Senator from California [Mr. SEYMOUR], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Colorado [Mr. WIRTH], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 294, a joint resolution to designate the week of October 18, 1992 as "National Radon Action Week."

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. MOYNIHAN, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Nebraska [Mr. KERREY], the Senator from Texas [Mr. GRAMM], the Senator from Maine [Mr. COHEN] the Senator from Iowa [Mr. HARKIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

AMENDMENTS SUBMITTED

WORKPLACE FAIRNESS ACT

DECONCINI AMENDMENT NO. 1869

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill (S. 55) to amend the National Labor Relations Act to prevent discrimination based on participation in labor disputes, as follows:

At the end of the bill, add the following new section:

SEC. . ECONOMIC STRIKES AND THE HIRING OF CERTAIN PERMANENT REPLACEMENTS.

Section 10 of the National Labor Relations Act is amended by adding at the end thereof the following new subsections:

"(n) Notwithstanding any other provision of law, in administering this Act with respect to the unfair labor practices described in section 8(a), the Board shall construe the provisions of such section 8(a) as extending to employees who engage in strikes for economic reasons.

"(o) With respect to a charge filed under this section that a person has engaged or is engaging in an unfair labor practice, the Board shall prohibit the employer involved from promising, threatening, or taking any other action to hire a permanent replacement for the employee or employees involved prior to the final disposition of the charge by the Board, or the court if an appeal of any order of the Board concerning such charge is taken.".

DURENBERGER AMENDMENT NOS. 1870 AND 1871

(Ordered to lie on the table.)

Mr. DURENBERGER submitted two amendments intended to be proposed by him to the bill S. 55, supra, as follows:

AMENDMENT NO. 1870

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. FINDING.

Congress finds that the lack of timely adjudication of unfair labor practice charges in connection with labor disputes were permanent replacements have been utilized poses an obstacle to continued stable labor relations in this country.

AMENDMENT NO. 1871

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. FINDING.

Congress finds that the lack of timely adjudication of unfair labor practice charges in connection with labor disputes where permanent replacements have been utilized poses an obstacle to continued stable labor relations in this country.

SEC. 2. FACILITATE ADJUDICATION OF UNFAIR LABOR PRACTICE CHARGES.

(a) PRIORITY OF CASES.—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended—

(1) by striking out "(a)(3) or (b)(2)" and inserting in lieu thereof "(a)(3), (a)(5), (b)(2), or (b)(3)"; and

(2) by adding at the end thereof the following new sentence: "In cases where a collective bargaining agreement has expired and a person alleges that a party to a collective bargaining agreement has failed to negotiate in good faith as required by the Act, and where permanent replacements have been hired, an expedited investigation and adjudication procedure shall be available as described in subsection (n).

(b) TIMETABLE FOR ADJUDICATION.—Section 10 of such Act (29 U.S.C. 160) is amended by adding at the end thereof the following new subsection:

"(n)(1) In cases described in the last sentence of subsection (m), administrative law judges shall have 60 days in which to hold a hearing after a complaint has been filed under this section. After such hearing has occurred and the parties have filed their briefs with respect to such, the administrative law judge involved shall have not more than 60 days to issue a decision with respect to such case.

"(2) A party in a case described in paragraph (1) shall have 30 days in which to file a brief with the Board containing exceptions to the decision of an administrative law judge under such paragraph. Other parties shall have 15 days in which to file their briefs in response to such exceptions.

"(3) The Board shall have 90 days after the date on which a brief has been filed under paragraph (1), to issue a decision in the case. Such period may be extended for an additional 30 days if an oral argument is scheduled.".

DOLE AMENDMENT NOS. 1872 AND 1873

(Ordered to lie on the table.)

Mr. DOLE submitted two amendments intended to be proposed by him to the bill S. 55, supra, as follows:

AMENDMENT NO. 1872

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall not apply (1) in the case of a labor organization that has engaged in threats of violence, acts of violence, harassment or intimidation in connection with the labor dispute involved, against the employer, against any of its agents, against any employees or against an employer's property; (2) or to a labor dispute that costs the State, city, county or other political subdivision of the State in which the dispute occurs more than $50,000 in additional wages and overtime expenses for law enforcement or other employees of that State, city, county or political subdivision, or (3) in the case that any employee who, under the terms of the employer's last contract offer, would be paid in wages and benefits an amount that exceeds 150 percent of the per capita personal income of persons employed within the State in which that employee is employed.".

AMENDMENT NO. 1873

At the appropriate place, insert the following new section:

SEC. . EFFECTIVE DATE.

Notwithstanding any other provision of law, the amendments made by this Act shall become effective on the date on which the House of Representatives and the Senate adopt a Concurrent Resolution that provides employees of such House and Senate with same rights to organize, bargain collectively and strike as employees in the private sector have under the National Labor Relations Act, except that the appropriate United States district courts, rather than the National Labor Relations Board, shall be the applicable forum for adjudicating unfair labor practice cases and representation proceeding.".

NICKLES AMENDMENT NOS. 1874 AND 1875

(Ordered to lie on the table.)

Mr. NICKLES submitted two amendments intended to be proposed by him to the bill S. 55, supra, as follows:

AMENDMENT NO. 1874

At the appropriate place, insert the following:

SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT OF 1992.

(1) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act of 1992".

(b) LIMITATION ON EFFECT OF ACT.—None of the provisions of this Act shall become effective unless the Committee on Labor and Human Resources requests and receives an economic impact statement as provided in subsection (c).

(c) IMPACT STATEMENT.—

(1) PREPARATION.—The Committee on Labor and Human Resources shall request that the Comptroller General of the United States prepare an economic and employment impact statement, as described in paragraph (2).

(2) CONTENTS.—Except as provided in paragraph (3), the economic and employment impact statement required by paragraph (1) shall—

(A) state the extent to which enactment of this bill would result in increased costs to the private sector, individuals, or State and local governments; and

(B) include, at a minimum, a detailed assessment of the annual impact of this bill (projected annually over a 5-year period from its effective date, and, to the extent feasible, expressed in each case monetary terms) on—

(i) costs to United States and consumers and employees;

(ii) costs to United States employers;

(iii) national employment;

(iv) the ability of United States employers to compete internationally;

(v) affected State and Local government employers, fiscal and otherwise;

(vi) outlays and revenues by the Federal Government as compared to outlays and revenues for the same activity in the current fiscal year (as reported by the Congressional Budget Office); and

(vii) impact on Gross Domestic Product.

(3) EXCEPTION.—The economic and employment impact statement required by paragraph (1) may consist of a brief summary assessment in lieu of the detailed assessment set forth in paragraph (2) if preliminary analysis indicates that the aggregate effect of this bill as measured by the criteria set forth in subclauses (i) through (vii) of paragraph (2)(B) is less than $10,000,000 or the loss of 1,000 jobs in national employment.

AMENDMENT NO. 1875

At the end of the bill, add the following new sections:

SEC. . SHORT TITLE.

This Act may be cited as the "Congressional and Presidential Accountability Act of 1991."

SEC. . COVERAGE OF CONGRESS AND PRESIDENTIAL APPOINTEES.

(a) CONGRESSIONAL EMPLOYMENT.—

(1) APPLICATION.—

(A) IN GENERAL.—The rights and protections provided pursuant to the provisions specified in subparagraph (B) shall apply with respect to employment by Congress.

(B) PROVISIONS.—The provisions that shall apply with respect to employment by Congress shall be—

(i) the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

(ii) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(iii) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(iv) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(v) section 1977 of the Revised Statutes (42 U.S.C. 1981);

(vi) section 1977A of the Revised Statutes (as added by section 102 of the Civil Rights Act of 1991, if enacted);

(vii) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(viii) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(ix) the Equal Pay Act of 1963 (29) U.S.C. 206); and

(x) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) ENFORCEMENT BY ADMINISTRATIVE ACTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to the limitations contained in this paragraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring an administrative action before an administrative agency to enforce a provision of law referred to in paragraph (1) against Congress or the congressional employer of the employee, if a similarly situated complaining party may bring such an action before the agency.

(B) LIMITATIONS ON COMMENCEMENT OF ADMINISTRATIVE ACTION.—An administrative action commenced under this paragraph to enforce a provision of law referred to in paragraph (1) shall be commenced in accordance with the limitations, exhaustion, and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(C) ACTION.—In any administrative action brought before an agency under this paragraph to enforce a provision of law referred to in paragraph (1), the agency may take such action against Congress or the congressional employer as the agency could take in an action brought by a similarly situated complaining party.

(A) ENFORCEMENT BY CIVIL ACTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to the limitations contained in this paragraph, a congressional employee or any person, including a class or organization on behalf of a congressional employee, may bring a civil action to enforce a provision of law referred to in paragraph (1) in a court specified in subparagraph (C) against Congress or the congressional employer of the employee, if a similarly situated complaining party may bring such an action.

(B) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—A civil action commenced under this paragraph to enforce a provision of law referred to in paragraph (1) shall be commenced in accordance with the limitations, exhaustion, and other procedural requirements of the law otherwise applicable to a similarly situated complaining party seeking to enforce the provision.

(C) VENUE.—An action may be brought under this paragraph to enforce a provision of law referred to in paragraph (1) in any court of competent jurisdiction in which a similarly situated complaining party may otherwise bring an action to enforce the provision.

(D) RELIEF.—In any civil action brought under this paragraph to enforce a provision of law referred to in paragraph (1), the court—

(i) may grant as relief against Congress or the congressional employer any equitable relief otherwise available to a similarly situated complaining party bringing an action to enforce the provision;

(ii) may grant as relief against Congress any damages that would otherwise be available to such a complaining party; and

(iii) shall allow such fees and costs as would be allowed in such an action.

(b) CONDUCT REGARDING MATTERS OTHER THAN EMPLOYMENT.—

(1) APPLICATION.—In accordance with section 509(a)(2) of the Americans with Disabilities Act of 1990 (as redesignated by section 315(1)(B) of the Civil Rights Act of 1991, if enacted), the rights and protections provided pursuant to such Act shall apply with respect to the conduct of Congress regarding matters other than employment.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, any person may bring an administrative action described in subsection (a)(2) in accordance with such subsection, or a civil action described in subsection (a)(3) in accordance with such subsection, against Congress or a congressional employer, to enforce paragraph (1).

PRESIDENTIAL APPOINTEES.—

(1) APPLICATION.—The rights and protections provided pursuant to the provisions described in clauses (i) through (x) of subsection (a)(1)(B) shall apply with respect to employment of Presidential appointees.

(2) ENFORCEMENT.—Notwithstanding any other provision of law, a Presidential appointee or any person, including a class or organization on behalf of a Presidential appointee, may bring an administrative action described in subsection (a)(2) in accordance with such subsection, or a civil action described in subsection (a)(3) in accordance with such subsection, against the United States to enforce paragraph (1), if a similarly situated complaining party may bring such an administrative or civil action before the agency.

(d) OTHER ENFORCEMENT.—Notwithstanding any other provision of law, no congressional employee or Presidential appointee may commence a proceeding or action to enforce a provision of law specified in subsection (a)(1), (b)(1), (c)(1), (d)(1), or (e)(1), except as provided in this section.

(e) DEFINITIONS.—Notwithstanding any other provision of this Act, as used in this section:

(1) CONGRESSIONAL EMPLOYER.—The term "congressional employer" means—

(A) a supervisor, as described in paragraph 12 of rule XXXVII of the Standing Rules of the Senate;

(B)(i) a Member of the House of Representative, with respect to the administrative, clerical, or other assistants of the Member;

(ii)(I) a Member who is the chairman of a committee, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the committee; and

(II) the ranking minority Member on a committee, with respect to the minority staff members of the committee;

(iii)(I) a Member who is a chairman of a subcommittee which has its own staff and financial authorization, with respect, except as provided in subclause (II), to the professional, clerical, or other assistants to the subcommittee; and

(II) the ranking minority Member on the subcommittee, with respect to the minority staff members of the committee;

(iv) the Majority and Minority Leaders and the Majority and Minority Whips, with respect to the research, clerical, or other assistants assigned to their respective offices; and

(v) the other officers of the House of Representatives, with respect to the employees of the officers; and

(C)(i) the Architect of the Capitol, with respect to the employees of the Architect of the Capitol;

(ii) the Director of the Congressional Budget Office, with respect to the employees of the Office;

(iii) the Comptroller General, with respect to the employees of the General Accounting Office;

(iv) the Public Printer, with respect to the employees of the Government Printing Office;

(v) the Librarian of Congress, with respect to the employees of the Library of Congress;

(vi) the Director of the Office of Technology Assessment, with respect to the employees of the Office; and

(vii) the Director of the United States Botanic Garden, with respect to the employees of the United States Botanic Garden.

(2) CONGRESSIONAL EMPLOYEE.—The term "congressional employee" means an employee who is employed by, or an applicant for employment with, a congressional employer.

(3) PRESIDENTIAL APPOINTEE.—The term "Presidential appointee" means an employee, or an applicant seeking to become an employee—

(A) whose appointment is made by and with the advice and consent of the Senate; or

(B) whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by—

(i) the President for a position that the President has excepted from the competitive service;

(ii) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

(iii) the President or head of an agency for a position excepted from the competitive service by statute.

(4) SIMILARLY SITUATED COMPLAINING PARTY.—The term "similarly situated complaining party" means—

(A) in the case of a party seeking to enforce a provision with a separate enforcement mechanism for governmental complaining parties, a governmental complaining party; or

(B) in the case of a party seeking to enforce a provision with no such separate mechanism, a complaining party.

(f) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of this Act.

HATCH AMENDMENTS NOS. 1876 THROUGH 1991

(Ordered to lie on the table.)

Mr. HATCH submitted 116 amendments intended to be proposed by him to the bill S. 55, supra, as follows:

AMENDMENT NO. 1876

At the appropriate place, insert the following:

"SEC. . No employer in the construction industry who withdraws from a collective bargaining agreement or multiemployer pension plan shall incur any withdrawal liability under subtitle E of subchapter II of the Employee Retirement Income Security Act, as amended, 29 U.S.C. 1361, et seq., if such withdrawal has occurred prior to two years from the date of enactment of this act."

AMENDMENT NO. 1877

At the appropriate place, insert the following new section:

"SEC. . Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof a colon; and

(2) by adding the following new proviso at the end thereof:

"*Provided further*, That nothing in this subsection shall permit any employer who has contracts with an agency of the United States of America for the furnishing of supplies or services, or for the use of real or personal property, including lease arrangements, to require membership in or financial support to any labor organization as a condition of employment."

AMENDMENT NO. 1878

At the appropriate place, insert the following new section:

"SEC. . Section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) is amended—

(1) by striking out the period at the end thereof and inserting in lieu thereof a colon: and

(2) by adding the following new proviso at the end thereof:

"*Provided further*, That nothing in this subsection shall permit any employer engaged in the construction industry who has contracts with an agency of the United States of America to require membership in or financial support to any labor organization as a condition of employment."

AMENDMENT NO. 1879

At the appropriate place, insert the following:

"SEC. . Any person who is employed in the Office of Organized Crime and Racketeering (or its successor), Office of the Inspector General, Department of Labor, who conducts investigations of alleged or suspected felony criminal violations of statutes including but not limited to the Labor-Management Reporting and Disclosure Act of 1959, and the Employee Retirement Income Security Act of 1947, as administered by the Secretary of Labor or any agency of the Department of Labor and who is designated by the Inspector General of the Department of Labor may—

"(1) make an arrest without a warrant for any such felony criminal violation if such violation is committed in his presence or if such employee has probable cause to believe such violation is being committed in his presence or if such employee has probable cause to believe such violation is being or has been committed, by the person to be arrested, in the presence of such employee;

"(2) execute a warrant for an arrest for the search of premises, or the seizure of evidence if such warrant is issued under authority of the United States upon probable cause to believe that such violation has been committed; and

"(3) carry a firearm in accordance with rules issued by the Secretary of Labor, which such employee is engaged in the performance of official duties under the authority provided in section 6, or described in section 9, of the Inspector General Act of 1978."

AMENDMENT NO. 1880

At the appropriate place, insert the following:

SEC. . Section 501 of the Labor-Management Reporting and Disclosure Act (29 U.S.C. 501) is amended—

(1) by redesignating subsection (c) as subsection (d); and by adding the following new subsection (c):

"(c) CIVIL ACTIONS BY THE U.S. DEPARTMENT OF LABOR.—When any officer, agent, shop steward, or representative of any labor organization is alleged to have violated the duties declared in subsection (a) of this section, or where the Secretary of Labor is of the belief that such duties have been violated, the Secretary of Labor shall investigate the alleged violations and, where appropriate, institute a civil action in any district action in any district court of the United States to enforce the duties and requirements of subsection (a): *Provided*, That this subsection shall not act as a limitation on the rights of any member of a labor organization provided under subsection (b)."

AMENDMENT NO. 1881

At the appropriate place, insert the following:

"SEC. . Section 14(b) of the National Labor Relations Act (29 U.S.C. 164(b)) is amended by adding at the end thereof the following new sentence: "Any such prohibitions by any state or territory shall apply to any property of the United States located within such state or territory.""

AMENDMENT NO. 1882

At the appropriate place, insert the following:

SEC. . Section 439 of the Labor-Management Reporting and Disclosure Act (29 U.S.C. 439) is amended—

(1) by striking out "one year" in subsection (a), and by adding in lieu thereof "five years";

(2) by striking out "one year" in subsection (b), and by adding in lieu thereof "five years";

(3) by striking out "one year" in subsection (c), and by adding in lieu thereof "five years."

AMENDMENT NO. 1883

At the appropriate place, insert the following:

"SEC. . Section 530 of the Labor-Management Reporting and Disclosure Act (29 U.S.C. 530) is amended—

(1) by striking out "for the purpose of interfering with or preventing the exercise of" in the first sentence of the section:

(2) by striking out "$1,000" and "one year" in the second sentence of the section;

(3) by adding after the words "shall be fined not more than" in the second sentence the following: "10,000"; and

(4) by adding after the words "or imprisoned for not more than" in the second sentence the following "five years."

AMENDMENT NO. 1884

At the appropriate place, insert the following new section:

"SEC. . Section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)) is amended by adding the following new sentence to the end thereof: "For the purposes of this Act, the term "labor organization" shall include all affiliates of a labor organization and the actions of any such affiliate shall be deemed binding on any parent labor organization or other affiliates."".

AMENDMENT NO. 1885

At the appropriate place, insert the following:

"SEC. . Section 411(a) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 411 (a)) is amended by adding at the end thereof the following new paragraph:

"(6) EMPLOYMENT REFERRAL.—In the case of a labor organization that refers applicants to an employer for employment with such employer, such organization may not make such referrals in a manner that is inconsistent with constitution and bylaws of such organization.""

AMENDMENT NO. 1886

At the appropriate place, insert the following:

"SEC. . Section 2(13) (29 U.S.C. 152 (13)) of the National Labor Relations Act is amended by adding the following new sentence at the end thereof: "Any member of a labor organization shall be deemed to be an agent of said labor organization, and such member's actions shall be binding on said labor organization without regard to whether said action was authorized or subsequently ratified.""

AMENDMENT NO. 1887

At the appropriate place, insert the following new section:

"SEC. . (a) Section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)) is amended by adding to the end thereof the following new sentence: "For purposes of this Act the term "labor organization" shall include all affiliates of a labor organization and the actions of any one affiliate shall be deemed binding on any parent and other affiliates."

(b) Paragraph 1(B) of section 504(b) of title 5, United States Code, is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof a colon; and

(2) by adding to the end thereof the following new proviso:

"*Provided*, That the net worth of a labor organization shall be determined with reference to section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)).

(c) Paragraph B of section 2412(d)(2) of title 28, United States Code, is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof a colon; and

(2) by adding to the end thereof the following new proviso:

"*Provided*, That the net worth of a labor organization shall be determined with reference to section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)).""

AMENDMENT NO. 1888

At the appropriate place, insert the following new section:

"SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended—

"(1) by inserting after the colon following the first occurrence of the word "concession" the following new proviso: "*Provided*, That it shall be an unfair labor practice for a labor organization to make a proposal which directly or indirectly affects employees outside the bargaining unit represented by such labor organization."

"(2) by striking out the word "*Provided*" and inserting in lieu thereof the phrase "*Provided further*.""

AMENDMENT NO. 1889

At the appropriate place, insert the following new section:

"SEC. . Section 19 of the National Labor Relations Act (29 U.S.C. 169) is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who has a strongly held moral or personal conviction against joining or financially supporting labor organizations."

AMENDMENT NO. 1890

At the appropriate place, insert the following new section:

"SEC. . Section 302(c) of the Labor Management Relations Act (29 U.S.C. 186(c)) is amended by striking out the semicolon in clause (4) and inserting in lieu thereof a colon; and by inserting the following new proviso at the end thereof:

"*Provided, however*, That nothing contained herein shall be construed as permitting such deductions in any state or territory in which such deductions are prohibited by State or Territorial law.".

AMENDMENT NO. 1891

At the appropriate place, insert the following new section:

"SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended—

(1) by inserting after the phrase "but such obligation does not compel either party to agree to a proposal or require the making of a concession;" the following new proviso:

"*Provided*, That nothing in this subsection shall require an employer to negotiate with a representative of a labor organization who has been convicted of violating the criminal laws of the United States, or any state, district or territory, or who has committed an act of violence against the employers, against any of its employees or agents, or against its property;" and

(2) by inserting "*further*" after "*Provided*" preceding the phrase "That where there is in effect a collective-bargaining contract * * *"

AMENDMENT NO. 1892

At the appropriate place, insert the following new section:

"SEC. . (a) Section 8(b)(1) of the National Labor Relations Act (29 U.S.C. §158(b)(1)) is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,"".

AMENDMENT NO. 1893

At the appropriate place, insert the following new section:

"SEC. . (a) Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended by inserting the following new paragraph at the end thereof:

"No employer shall be compelled to bargain with, and it shall not be unlawful under this Act for an employer to refuse to bargain with, any individual prohibited from representing a labor organization as provided in Section 504(a) of the labor-Management Reporting and Disclosure Act (29 U.S.C. 504(a)).

(b) Section 504(a) of the Labor-Management Reporting and Disclosure Act (29 U.S.C. 504(a)) is amended by inserting after the clause, "assault which inflicts grievous bodily injury," the following new clauses: "assault or threat of assault upon any employee, serious strike misconduct,""

AMENDMENT NO. 1894

On page 5, line 15, delete the ".", insert a ";", and add the following:

"Subsections (i) and (ii) shall not apply in any case in which the labor organization involved in the labor dispute concerned engages in or encourages its members to engage in violence during the dispute."

AMENDMENT NO. 1895

On page 6, line 21, delete the ".", insert a ";", and add the following:

"Subsections (1) and (2) shall not apply in any case in which the labor organization involved in the labor dispute concerned engages in or encourages its members to engage in violence during the dispute."

AMENDMENT NO. 1896

On page 6, following section 2, add the following new section:

SEC. "The provisions in section 1 and section 2 shall not apply in any case in which the labor organization involved in the labor dispute concerned engages in or encourages its members to engage in violence during the dispute."

AMENDMENT NO. 1897

On page 5, line 15, delete the ".", insert a ";", and add the following:

"Subsections (i) and (ii) shall not apply in any case in which a strike or imminent strike poses a threat to the public health or safety."

AMENDMENT NO. 1898

On page 6, line 21, delete the ".", insert a ";", and add the following:

"Subsections (1) and (2) shall not apply in any case in which a strike or imminent strike poses a threat to the public health or safety."

AMENDMENT NO. 1899

On page 6, following section 2, add the following new section:

SEC. "The provisions in section 1 and section 2 shall not apply in any case in which a strike or imminent strike poses a threat to the public health or safety."

AMENDMENT NO. 1900

On page 5, line 15, delete the ".", insert a ";", and add the following:

"If, as a result of the prohibitions contained in subsections (i) and (ii), a strike or imminent strike poses a threat to public health or safety, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 1901

On page 6, line 21, delete the ".", insert a ";", and add the following:

"If, as a result of the prohibitions contained in subsections (1) and (2), a strike or imminent strike poses a threat to public health or safety, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 1902

On page 6, following section 2, add the following new section:

SEC. . "If, as a result of prohibitions contained in section 1 and section 2, a strike or imminent strike poses a threat to public health or safety, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 1903

At the appropriate place, insert the following new section:

"SEC. . That (a) Paragraph (2) of subsection 1951 of title 18, United States Code, is amended to read as follows:

"(2) The term 'extortion' means the obtaining of property from another, with his or her consent, induced by use of actual or threatened force, violence or fear thereof, or wrongful use of fear not involving force or violence, or under color of official right."

(b): Subsection (c) of such section is amended to read as follows:

"(c) Nothing in this section shall be construed as indicating an intent on the part of the Congress—

"(1) to repeal, modify, or affect section 17 of title 15, the Act of March 23, 1932, popularly known as the Norris-La Guardia Act (47 Stat. 70: 29 U.S.C. 52, 101, 115, 151-166), or the Railway Labor Act (45 U.S.C. 151-188);

"(2) to exclude Federal jurisdiction over the offenses defined in this section on the ground that the conduct is also a violation of State or local law, or the conduct, if it involves force, violence or fear of force or violence, takes place in the course of a legitimate business or labor dispute or in pursuit of a legitimate business or labor objective; or

"(3) to chill legitimate labor activity by authorizing Federal prosecution for offenses occurring during a labor dispute which do not involve extortion. This intent would preclude prosecution, under this section, of conduct which is incidental to peaceful picketing in the course of a legitimate labor dispute, as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. 150(9)), and consists solely of minor bodily injury, or minor damage to property, or a threat of such minor injury or damage, and is not intended to obtain property. Such excluded offenses shall continue to be subject to prosecution by State and local authorities having jurisdiction over them.

(c) Section 1951 is amended by adding at the end thereof the following:

"(d) It is a bar to a prosecution under this section that the conduct of the defendant—

"(1) was incidental to peaceful picketing in the course of a legitimate labor dispute, as defined in section 2(9) of the National Labor Relations Act, as amended (29 U.S.C. 152(9));

"(2) consisted solely of minor bodily injury, or minor damage to property not exceeding a value of $2,500, or a threat of such minor injury or damage; and

"(3) was not intended to obtain property."

AMENDMENT NO. 1904

At the appropriate place, insert the following new section:

"SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended by inserting after the colon at the end of paragraph (4) the following new provisions: "*Provided further*, That where there is in effect a collective bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that such employees shall not engage in a strike or other concerted refusal to perform work for any reason whatsoever during the term of such contract regardless of whether such strike or other concerted refusal to perform work is actually authorized by the representative of such employees subject to the provisions of Section 9(a): *And, Provided further*, That where such strike or other concerted refusal to perform work occurs, the duty to bargain collectively shall also mean that the representative of such employees subject to the provisions of Section 9(a) shall take all steps reasonably necessary to end such strike or other concerted refusal to perform work." "

AMENDMENT NO. 1905

At the appropriate place, insert the following:

"SEC. . Section 2(13) of the National Labor Relations Act (29 U.S.C. 152(13)) is amended by inserting at the end thereof the following new sentence:

"Any person engaged in a strike or other concerted refusal to perform work, or any other concerted activity, shall be considered an "agent" of all other persons with whom such action was taken, and as "agent" of the labor organization, if any, of which any such person is a member.""

AMENDMENT NO. 1906

At the appropriate place, insert the following:

"SEC. . Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the phrase, "responsible for the discrimination suffered by him," the following new proviso:

"*Provided further*, That the board may order the restitution of money damages arising out of and caused by a strike or other means of coercion or force which the Board shall determine to be an unfair labor practice under Section 8(b) of this Act (29 U.S.C. 158(b)), but nothing in this proviso shall be interpreted to preclude an injured party from pursuing any other remedy available at law, in equity, or otherwise." "

AMENDMENT NO. 1907

At the appropriate place, insert the following:

"SEC. . Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(1) by striking out the "and" at the end of subsection (6) of such section; and

(2) by striking out the period at the end of subsection (7) of such section and inserting in lieu thereof "; and"; and

(3) by adding the following new subsection at the end thereof:

"(8) to engage in a strike, or slowdown, or other refusal to work for any reason during the term of any collective bargaining agreement to which the labor organization is a signatory when such agreement contains a provision prohibiting strikes. For purposes of this subsection any such strike, slowdown, or refusal to work by any member of a labor organization shall be deemed an act of said labor organization." "

AMENDMENT NO. 1908

At the appropriate place, insert the following:

"SEC. . Section 14(c)(1) of the National Labor Relations Act (29 U.S.C. 164(c)) is amended—

(1) by striking out the proviso thereto; and

(2) by adding after the colon the following new proviso:

"*Provided*, That the Board shall assert jurisdiction over any labor dispute involving any non retail enterprise which has an outflow or inflow across state lines of at least $1,000,000 per annum, whether such outflow or inflow is regarded as direct or indirect, and involving any retail enterprise which has a gross volume of business of at least $10,000,000 per annum. No later than November 1, 1992, and each year thereafter, the board shall adjust and publish in the Federal Register such standards to reflect changes in the Consumer Price Index (all items-United States city average) published by the Bureau of Labor Statistics.""

AMENDMENT NO. 1909

At the appropriate place, insert the following:

"SEC. . Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended by inserting after the phrase, "or any State or political subdivision thereof" the following new phrase: "any employer which shares an intimate relationship or connection with the United States or any State or political subdivision thereof."

AMENDMENT NO. 1910

At the appropriate place, insert the following:

"SEC. . Section 14(c)(1) of the National Labor Relations Act (29 U.S.C. 164(c)(1)) is amended—

(1) by striking the period and inserting in lieu thereof a comma; and

(2) by adding after the following at the end thereof: "adjusted on August 1, 1960, and each year thereafter, to reflect changes in the Consumer Price Index (all items-United States city average) published by the Bureau of Labor Statistics for the one-year period ending the preceding July 31. No later than November 1, 1992, and each year thereafter, the Board shall publish such standards, as adjusted in accordance with the preceding sentence, in the Federal Register."

AMENDMENT NO. 1911

At the appropriate place, insert the following:

"SEC. . Section 303(a) of the Labor Management Relations Act (29 U.S.C. 187(a)) is amended by striking out "section 8(b)(4)" and inserting in lieu thereof "Section 8(b)".

AMENDMENT NO. 1912

At the appropriate place, insert the following:

"SEC. . Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) is amended by striking out "a unit appropriate" in the phrase "in a unit appropriate for such purposes" and inserting in lieu thereof "the most appropriate unit".

AMENDMENT NO. 1913

At the appropriate place, insert the following:

SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended by adding the following new paragraph at the end thereof:

"Notwithstanding any of the foregoing, no employer shall have a duty to bargain collectively with any labor organization which has been determined, in whole or in part, to be an enterprise operated by a pattern of racketeering within the meaning of 18 U.S.C. 1961 et seq. by a court of the United States in any civil or criminal action for a period of ten years from the date of such determination."

AMENDMENT NO. 1914

At the appropriate place, insert the following:

"SEC. . Section 301(a) of the Labor Management Relations Act (29 U.S.C. 185(a)) is amended by adding at the end thereof the following new sentence:

"This section shall not apply to, and a district court shall not have subject matter jurisdiction over, a nonsignatory to a collective bargaining agreement, where no rights or duties of the non-signatory party are stated in the terms and conditions of the contract."

AMENDMENT NO. 1915

At the appropriate place, insert the following:

"SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended—

(1) by inserting after the colon following the word "concession" the following new proviso:

"*Provided*, That this Section shall not require any employer to bargain collectively with respect to any decision which affects the scope, direction, or nature of its business, and which is not prohibited by other provisions of this Act, to discontinue, contract out, relocate, sell, or otherwise change, modify, restructure, or dispose of its business, plant, equipment, or operations, or any part thereof, except that, on request, the employer (unless the collective bargaining agreement between the parties defines their duties in such circumstances) without having to defer the decision or any action pursuant thereto, shall after making such decision meet and bargain with the representative of any affected employees concerning the effects, if any, of such action upon such employees;"; and

(2) by inserting before the comma preceding the phrase "That where there is in effect a collective-bargaining contract" the word "further."

AMENDMENT NO. 1916

On page 5, at the end of line fifteen, delete the ". ", insert a ";", and add the following:

"(iii) except that the prohibitions contained in subsections (i) and (ii) will not apply unless a simple majority of the employees in the bargaining unit or bargaining units involved in such labor dispute have voted by secret ballot to conduct such labor dispute, and the election is conducted under the supervision of the National Labor Relations Board."

AMENDMENT NO. 1917

On page 6, at the end of line 21, delete the ". ", insert a ";" and add the following:

"(3) except that the prohibitions contained in subsections (1) and (2) will not apply unless a simple majority of the employees in the bargaining unit or bargaining units involved in such labor dispute have voted by secret ballot to conduct such labor dispute, and the election is conducted under the supervision of the National Labor Relations Board."

AMENDMENT NO. 1918

On page 6, following section 2, add the following new section:

SEC. . "The prohibitions contained in section 1 and section 2 will not apply unless a simple majority of the employees in the bargaining unit or bargaining units involved in such labor dispute have voted by secret ballot to conduct such labor dispute, and the election is conducted under the supervision of the National Labor Relations Board."

AMENDMENT NO. 1919

On page 5, at the end of line 15, strike the close quotation marks and the period following and insert the following:

"The prohibitions contained in subsections (i) and (ii) shall apply only if a referendum was conducted by secret ballot with a simple majority of the employees in the bargaining unit or bargaining units affected voting to conduct an economic strike."

AMENDMENT NO. 1920

On page 6, at the end of line 21, strike the close quotation marks and the period following and insert the following:

"The prohibitions contained in subsections (1) and (2) shall apply only if a referendum was conducted by secret ballot with a simple majority of the employees in the bargaining unit or bargaining units affected voting to conduct an economic strike."

AMENDMENT NO. 1921

On page 6, following section 2, add the following new section:

SEC. . "The prohibitions contained in section 1 and section 2 shall apply only if a referendum was conducted by secret ballot with a simple majority of the employees in the bargaining unit or bargaining units affected voting to conduct an economic strike."

AMENDMENT NO. 1922

At the appropriate place, insert the following:

SEC. . Section 10(c) of the National Labor Relations Act (29 U.S.C. section 160(c)) is amended by inserting after the following new proviso: "*Provided further*, That no order of the Board shall issue requiring any employer to bargain with any labor organization unless such labor organization has been certified as the exclusive representative of his employees following a secret ballot election conducted pursuant to section 9 of this Act (29 U.S.C. section 159)."

AMENDMENT NO. 1923

At the appropriate place, insert the following:

"SEC. . Section 10(b) of the National Labor Relations Act (29 U.S.C. 160(b)) is amended—

(1) by striking out the period at the end of the first sentence and inserting in lieu thereof a colon; and

(2) by adding the following new proviso at the end thereof: "*Provided further*, That no complaint shall issue based upon any unfair labor practice not specifically alleged in timely charge".

AMENDMENT NO. 1924

At the appropriate place, insert the following:

"SEC. . Section 10(b) of the National Labor Relations Act (29 U.S.C. 160(b)) is amended—

(1) by striking out the period at the end of the second sentence and inserting in lieu thereof a colon; and

(2) by inserting the following new proviso after the colon:

"*Provided*, That no such amendment shall relate back to the original filing of the complaint, for the purposes of this subsection, unless the claim asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading."

AMENDMENT NO. 1925

At the appropriate place, insert the following:

SEC. . Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c) is amended by adding the following paragraph at the end thereof:

(6) "Notwithstanding any of the foregoing, the Board shall not certify as a representative of employees under this Act any labor organization which has been determined to be, in whole or in part, an enterprise operated by a pattern of racketeering within the meaning of 18 U.S.C. 1961 et seq. by a court of the United States in any civil or criminal action for a period of ten years from the date of such determination."

AMENDMENT NO. 1926

At the appropriate place, insert the following:

"SEC. . Section 3(d) of the National Labor Relations Act (29 U.S.C. 153(d)) is amended—

(1) by striking out the period at the end of the third sentence and inserting in lieu thereof a colon; and

(2) by adding the following new proviso: "*Provided*, That where the General Counsel shall delegate this authority to issue complaints under Section 10, the General Counsel shall provide an appeal procedure with final review personally by the General Counsel of any decision to issue such complaints."

AMENDMENT NO. 1927

At the appropriate place, insert the following:

"It is the sense of the Congress that the National Labor Relations Board should give first priority and use the utmost speed to process unfair labor practice cases that involve the reinstatement of strikers who have been permanently replaced."

AMENDMENT NO. 1928

At the appropriate place, insert the following:

"SEC. . Section 10(k) of the National Labor Relations Act (29 U.S.C. 160(K)) is amended by adding the following new sentence at the end thereof:

"At a hearing pursuant to this subsection, the burden shall be upon the labor organization challenging the particular work assignment to demonstrate its entitlement to said work assignment by clear and convincing evidence."

AMENDMENT NO. 1929

At the appropriate place, insert the following:

"SEC. . Section 14 of the National Labor Relations Act (29 U.S.C. 164) is amended by adding the following new subsection: "(d) Nothing herein shall require the presence of a union representative, or other individual, at any interview, conducted by an employer with any employee."

AMENDMENT NO. 1930

At the appropriate place, insert the following:

"SEC. . Section 8(b)(6) of the National Labor Relations Act (29 U.S.C. 158(b)(6)) is amended by inserting after the second occurrence of the word "performed" and before the semicolon, a comma and the following new clause: "or for services for which the employer has no need or does not desire, or for services which are of no bona fide economic value to the employer"."

AMENDMENT NO. 1931

At the appropriate place, insert the following new section:

SEC. 3. PREVENTION OF DISCRIMINATION AGAINST EMPLOYEES FOR FAILING TO PAY FOR THE POLITICAL ACTIVITIES OF A LABOR ORGANIZATION.

"An employee cannot be obligated to pay, through union dues or any other mandatory payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns."

AMENDMENT NO. 1932

At the appropriate place, insert the following new section:

SEC. 3. PREVENTION OF DISCRIMINATION AGAINST EMPLOYEES FOR FAILING TO PAY FOR THE POLITICAL ACTIVITIES OF A LABOR ORGANIZATION.

"No employee may be required to join any labor organization, but if a collective bargaining agreement covering an employee purports to require membership or payment of dues or other fees to a labor organization as a condition of employment, the employee may elect instead to pay an agency fee to the labor organization.

"The amount of the agency fee shall be limited to the employee's pro rata share of the cost of the labor organization's executive representation services to the employee's collective bargaining unit, including collective bargaining, contract administration, and grievance adjustment."

AMENDMENT NO. 1933

On page 5, line 15, delete the ".", insert a ";", and add the following:

"The prohibitions contained in subsections (i) and (ii) shall not apply if the employer, acting in good faith, can demonstrate it had a reasonable basis to believe that it would suffer significant economic injury as a result of such prohibition."

AMENDMENT NO. 1934

On page 6, line 21, delete the ".", insert a ";", and add the following:

"The prohibitions contained in subsections (1) and (2) shall not apply if the employer, acting in good faith, can demonstrate it had a reasonable basis to believe that it would suffer significant economic injury as a result of such prohibition."

AMENDMENT NO. 1935

On page 6, following section 2, add the following new section:

SEC. . "The prohibition contained in section 1 and section 2 shall not apply if the employer, acting in good faith, can demonstrate it had a reasonable basis to believe that it would suffer significant economic injury as a result of such prohibition."

AMENDMENT NO. 1936

On page 5, line 15, delete the ".", insert a ";", and add the following:

"The prohibitions contained in subsections (i) and (ii) shall not apply if such prohibition would cause an employer to suffer a major contract cancellation, to incur a substantial penalty due to failure to meet a contract deadline, to commit a breach of contract, or otherwise to sustain a significant economic injury due to failure to fulfill a contractual obligation undertaken prior to the labor dispute."

AMENDMENT NO. 1937

On page 6, line 21, delete the ".", insert a ";", and add the following:

"The prohibitions contained in subsections (1) and (2) shall not apply if such prohibition would cause an employer to suffer a major contract cancellation, to incur a substantial penalty due to failure to meet a contract deadline, to commit a breach of contract, or otherwise to sustain a significant economic injury due to failure to fulfill a contractual obligation undertaken prior to the labor dispute."

AMENDMENT NO. 1938

On page 6, following section 2, add the following new section:

SEC. . "The prohibitions contained in section 1 and section 2 shall not apply if such prohibition would cause an employer to suffer a major contract cancellation, to incur a substantial penalty due to failure to meet a contract deadline, to commit a breach of contract, or otherwise sustain a significant economic injury due to failure to fulfill a contractual obligation undertaken prior to the labor dispute."

AMENDMENT NO. 1939

On page 5, line 15, delete the ".", insert a ";", and add the following:

"If, as a result of the prohibitions contained in subsections (i) and (ii), a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 1940

On page 6, line 21, delete the ".", insert a ";", and add the following:

"If, as a result of the prohibitions contained in subsections (1) and (2), a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 1941

On page 6, following section 2, add the following new sections:

SEC. 27. "If, as a result of the prohibitions contained in section 1 and section 2, a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate such injunctive relief. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 1942

On page 5, line 15, delete the ".", insert a ";", and add the following:

"Subsections (i) and (ii) shall not apply in any case where a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work."

AMENDMENT NO. 1943

On page 6, line 21, delete the ".", insert a ";", and add the following:

"Subsections (1) and (2) shall not apply in any case where a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work."

AMENDMENT NO. 1944

On page 6, following section 2, add the following new section:

SEC. . "Section 1 and section 2 shall not apply in any case where a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a low of income for other employees of such employer who are not engaged in bargaining unit work."

AMENDMENT NO. 1945

At the appropriate place, insert the following new section:

SEC. . DISCRIMINATORY ACTIVITY AS BASIS FOR OBJECTION TO CERTIFICATION.

Section 10 of the National Labor Relations Act (29 U.S.C. 160) is amended by adding at the end thereof the following new subsection:

"(n) Notwithstanding any other provision of law, an employer or employee may object to the certification of an organization as the exclusive bargaining representative for purposes of collective bargaining on the basis that such organization has engaged, or is engaging, in discrimination based on race, color, religion, gender or national origin. Such discriminatory activity may also be raised as a defense by an employer for the employer's refusal to bargain collectively with a labor organization.".

AMENDMENT NO. 1946

At the appropriate place, insert the following new section:

SEC. . DEMOCRACY WITHIN LABOR UNIONS.

Section 401(E) of the Labor-Management Relations Act of 1959 (29 U.S.C. 481(e)) is amended by adding at the end thereof the following new sentence: "An organization may not prohibit a member from holding an office within such organization based on the fact that such member has applied for a supervisory or managerial position with an employer.".

AMENDMENT NO. 1947

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Rights Act of 1992".

SEC. 2. VIOLENCE AS AN UNFAIR LABOR PRACTICE.

(a) EMPLOYER UNFAIR LABOR PRACTICE.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end the following new paragraph:

"(6) to encourage, incited, or engage in acts or threats of violence, intimidation or harassment against employees as a means of achieving the collective bargaining objectives of the employer.".

(b) LABOR ORGANIZATION UNFAIR LABOR PRACTICE.—Section 8(b) of such Act (29 U.S.C. 158(b)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (7) the following new paragraph:

"(8) to encourage, incite, or engage in acts or threats of violence, intimidation or harassment against employees as a means of achieving the collective bargaining or organizational objectives of the labor organization.".

SEC. 3. EXPANSION OF BACK PAY REMEDIES.

Section 10(c) of the National Labor Relations Act (42 U.S.C. 160(c)) is amended by inserting after the first proviso the following new proviso the following: "*And provided further*, That when an employer is found to have engaged in conduct violating section 8(a)(6) or when a labor organization is found to have engaged in conduct violating 8(b)(8), that has resulted in a loss of pay by an employee or employees, backpay shall be required to be paid by the employer in cases of violations of 8(a)(6) and by labor organizations in cases of violations of 8(b)(8):".

AMENDMENT NO. 1948

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that in the case of a labor dispute to which this paragraph applies, if the employer would suffer substantial economic injury to the employer's operations, the General Counsel, acting on behalf of the Board, shall petition any United States district court for any district in which the strike or other concerted activity has or will occur for appropriate injunctive relief, and upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. The injunctive relief permitted under this paragraph is in addition to and not in lieu of any other rights that persons may otherwise have under Federal or State law.".

AMENDMENT NO. 1949

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall not apply if the labor organization involved has, prior to the commencement of the labor dispute, threatened to prohibit an employer from continuing to operate during a labor dispute or has engaged in conduct, other than authorizing striking employees to withhold their services, that is aimed at interfering with an employer's ability to continue to operate during the labor dispute.".

AMENDMENT NO. 1950

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that if non-striking employees of an employer to which this paragraph applies, including those not represented by the labor organization involved, suffer a loss of pay or benefits as a result of the impact of the labor dispute on the ability of the employer to conduct normal business operations, the labor organization shall be liable for such lost pay and benefits.".

AMENDMENT NO. 1951

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall only apply to economic strikes where a majority of the employees that make up the bargaining unit involved have, immediately prior to the strike, voted in a secret ballot election that is conducted by the National Labor Relations Board to reject the employer's last contract offer and to engage in a strike against the employer.".

AMENDMENT NO. 1952

At the appropriate place, insert the following new section:

SEC. . LIABILITY FOR BACKPAY.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by adding at the end thereof the following new sentence: "The Board may order a labor organization found to have violated section 8(b)(1)(A) to reimburse all employees for wages that were lost or diminished as a result of the labor organization's unfair labor practices.".

AMENDMENT NO. 1953

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that an employee engaged in a strike or work stoppage shall not be entitled to or eligible for reinstatement under this paragraph if they have threatened, harassed or intimidated nonstriking employees during the labor dispute.".

AMENDMENT NO. 1954

At the appropriate place, insert the following new section:

SEC. . ENHANCED COMPETITIVENESS.

Section 610 of the Labor-Management Reporting and Disclosure Act (29 U.S.C. 530) is amended—

(1) by striking out "for the purpose of interfering with or preventing the exercise of" in the first sentence;

(2) by striking out "$1,000" and inserting in lieu thereof "$10,000"; and

(3) by striking out "one year" and inserting in lieu thereof "five years".

AMENDMENT NO. 1955

At the appropriate place, insert the following new section:

SEC. . CONDUCT NOT PROTECTED.

Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended—

(1) by inserting before "*Provided,*" the following new proviso: "*Provided,* That it shall be an unfair labor practice for a labor organization or any of its members to engage in any activity not specifically protected by this title in support of a collective bargaining demand:"; and

(2) by striking out "*Provided,* That where" and inserting in lieu thereof "*Provided further,* That where".

AMENDMENT NO. 1956

At the appropriate place, insert the following new section:

SEC. . CERTAIN VIOLATIONS AND PENALTIES.

Section 209 of the Labor-Management Reporting and Disclosure Act (29 U.S.C. 439) is amended—

(1) in subsection (a), by striking out "one year" and inserting in lieu thereof "five years";

(2) in subsection (b), by striking out "one year" and inserting in lieu thereof "five years"; and

(3) in subsection (c), by striking out "one year" and inserting in lieu thereof "five years".

AMENDMENT NO. 1957

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall not apply to—

"(I) employers engaged in delivery of health care services (such as hospitals and nursing homes);

"(II) employers who do not have the capacity to stockpile the goods they manufacture;

"(III) employers whose cost of training new employees exceed $5,000; and

"(IV) employers engaged in a strike in which the final collective bargaining contract offer made by the labor organization prior to the strike exceeds the previous wage and benefit level of unit employees by 10 percent or more.".

AMENDMENT NO. 1958

At the appropriate place, insert the following new section:

SEC. . DUTY OF FAIR REPRESENTATION.

Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) is amended—

(1) by inseting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2) It shall be the duty of such exclusive representative to represent fairly all persons for which it serves as the exclusive representative bargaining agreement: *Provided,* That in making determinations regarding whether the exclusive representative has fulfilled its duty of fair representation, the Board shall consider all relevant circumstances, including:

"(A) whether all covered employees had a voice in selecting the exclusive collective bargaining representative;

"(B) whether all covered employees had a voice in negotiating the collective bargaining agreement;

'(C) whether and to what extent, any group of employees that were not included within the bargaining unit when the collective bargaining unit was negotiated has interests with respect to job assignments, job referrals, handling of grievances, or any other terms of conditions of employment; and

"(D) whether any employees who were not represented by the exclusive collective bargaining representative during the negotiation of the collective bargaining agreement have been given less favorable treatment by such representive with respect to job assignments, job referrals, handling of grievances, or any other terms or conditions of employment.

"An Office of Fair Representation shall be established within the Office of General Counsel whose purpose shall be to assist the General Counsel in the investigation of charges made by employees alleging violations of the duty of fair representation under this subsection.".

AMENDMENT NO. 1959

At the appropriate place, insert the following new section:

SEC. . OBLIGATION TO BARGAIN COLLECTIVELY.

Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended—

(1) by inserting striking out "*Provided*" and inserting in lieu thereof the following: "*Provided,* That nothing in this subsection shall require an employer to negotiate with a representative of a labor organization who has been convicted of violating the criminal laws of the United States, or any State, district or territory, or who has committed an act of violence against the employers, against any of its employees or agents, or against its property *Provided further*".

AMENDMENT NO. 1960

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following: ";

"except that this paragraph shall not apply if the labor organization involved has been convicted of violating any criminal laws of the United States, or any State, district or territory, or has committed, within the prior six-month period, an act of violence or threatened to commit an act of violence against the employer, against any of its agents or employees, or against its property.".

AMENDMENT NO. 1961

At the appropriate place, insert the following new section:

SEC. . CONSTRUCTION.

Section 14 of the National Labor Relations Act (29 U.S.C. 164) is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this Act shall be construed to permit the Board to conclude that an employee, while in possession of a firearm or other deadly weapon, is engaged in activity protected under this Act, unless such person is a guard under section 9(b)(3).".

AMENDMENT NO. 1962

At the appropriate place, insert the following new section:

SEC. . ANTIDISCRIMINATION

(a) IN GENERAL.—Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is amended by inserting before the semicolon at the end thereof the following: "*Provided further,* That nothing in this subsection shall permit any employer who has contracts with an agency of the United States of America for the furnishing of supplies or services, or for the use of real or personal property, including lease arrangements, to require membership in or financial support to any labor organization as a condition of employment.".

(b) BUILDING OR CONSTRUCTION EMPLOYEES.—Section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f) by inserting before the period the following: "*Provided further*, That nothing in this subsection shall permit any employer engaged in the construction industry who has contracts with an agency of the United States of America to require membership in or financial support to any labor organization as a condition of employment.".

AMENDMENT No. 1963

At the appropriate place, insert the following new section:

SEC. . CONSTRUCTION.

Nothing in the amendments made by this Act shall be construed as prohibiting an employer from hiring a permanent replacement for an employee who—

(1) is engaged in a labor dispute that does not involve an unfair labor practice committed by the employer; and

(2) has voluntarily stopped working as a result of such labor dispute;

if the employer has been notified by at least five other qualified individuals what they would be willing to be hired under the terms of the employer's contract offer rejected by the labor organization and with the rights of permanent replacements to replace the employee.

AMENDMENT No. 1964

At the appropriate place, insert the following new section:

SEC. . AGENTS OF LABOR ORGANIZATIONS.

Section 2(13) of the National Labor Relations Act (29 U.S.C. 152(13)) is amended by adding the following new sentence at the end thereof: "Any member of a labor organization shall be deemed to be an agent of that labor organization, and such member's actions shall be binding on the labor organization without regard to whether such action was authorized or subsequently ratified.".

AMENDMENT No. 1965

At the appropriate place, insert the following new section:

SEC. . DEFINITION.

Section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)) is amended by adding the following new sentence at the end thereof: "For purposes of this Act, the term 'labor organization' shall include all affiliates of a labor organization and the actions of any such affiliate shall be deemed to be binding on any parent labor organization or other affiliates.".

AMENDMENT No. 1966

At the appropriate place, insert the following new section:

SEC. . APPLICATION OF AMENDMENTS.

Notwithstanding the amendments made by this Act, with respect to a labor dispute that does not involve an unfair labor practice committed by the employer, the employer may hire a permanent replacement for any employee who, under the terms of the employer's last contract offer, would be paid in wages and benefits at a rate equal to or greater than $25,000 per year and who has voluntarily ceased working as a result of the labor dispute.".

AMENDMENT No. 1967

At the appropriate place, insert the following new section:

SEC. . PROHIBITION AGAINST SECONDARY BOYCOTTS.

Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by adding at the end thereof the following new item:

"TWELFTH. PROHIBITION AGAINST SECONDARY BOYCOTTS.

"It shall be unlawful for a labor organization or its agents to force or require any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other persons, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of it's employees unless such labor organization has been certified as the representative of such employees under the provisions of this Act: *Provided*, That nothing in this section shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing.".

AMENDMENT No. 1968

At the appropriate place, insert the following new section:

SEC. . TERMINATION OF PROVISIONS.

The amendments made by this Act shall terminate if, in the 1-year period following the date of enactment of this Act, the number of labor disputes involving a cessation of work increases by at least 10 percent as compared to the number of labor disputes involving a cessation of work in 1992.

AMENDMENT No. 1969

At the appropriate place, insert the following new section:

SEC. . TERMINATION OF PROVISIONS.

The amendments made by this Act shall terminate if, in the 1-year period following the date of enactment of this Act, at least one employer is forced to go out of business because of an inability to hire permanent replacements for employees who are engaged in a labor dispute that did not involve an unfair labor practice committed by the employer.

AMENDMENT No. 1970

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON IMPOSITION OF FINES.

Section 8(b)(1) of the National Labor Relations Act (29 U.S.C. 158(b)(1)) is amended by striking out the first semicolon and inserting in lieu thereof the following: ": *Provided further*, That it shall be an unfair labor practice for a labor organization to threaten or impose any fine or other economic sanction against any person in the exercise of rights under this Act (including the right to refrain from any or all concerted activity or to invoke the processes of the Board);".

AMENDMENT No. 1971

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that prior to engaging in any strike activity against an employer, the labor organization shall affirmatively notify each employee in the bargaining unit—

"(I) of the employee's right to refrain from engaging in such strike activity;

"(II) that the employee may not be subjected to restraint or coercion by the labor organization;

"(III) that members of the labor organization may be disciplined for failing to engage in such activity, if provisions for such discipline are provided in the written constitution and bylaws of the labor organization (the relevant contents of which shall be specified clearly and with particularity); and

"(IV) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws, or, if none, in accordance with law; and

the failure by the labor organization to provide such notice shall render the provisions of this paragraph ineffectual as to all employees deprived of notice. The labor organization shall bear the burden of demonstrating that effective notice was given.".

AMENDMENT No. 1972

At the appropriate place, insert the following new section:

SEC. . EXTORTION WITH RESPECT TO LABOR DISPUTES.

Paragraph (2) of subsection (b) of section 1951 of title 18, United States Code, is amended to read as follows:

"(2)(A) The term 'extortion' means the obtaining of the property of another—

"(i) by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged; or

"(ii) under color of official right.

"(B) In a prosecution under subparagraph (A)(i) in which the threat or fear is based upon conduct by an agent or member of a labor organization consisting of an act of bodily injury to a person or damage to property, the pendency, at the time of such conduct, of a labor dispute, as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9)), the outcome of which could result in the obtaining of employment benefits by the actor, does not constitute prima facie evidence, that property was obtained by such conduct.".

AMENDMENT No. 1973

At the appropriate place, insert the following new section:

SEC. . SECRET BALLOT ELECTIONS.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the first proviso the following new proviso: "*Provided further*, That no order of the Board shall issue requiring any employer to bargain with any labor organization unless such labor organization has been certified as the exclusive representative of its employees following a secret ballot election conducted pursuant to section 9 of this Act (29 U.S.C. 159):".

AMENDMENT No. 1974

At the appropriate place, insert the following new section:

SEC. . RESTITUTION.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the first proviso, the following new proviso: "*Provided further*, That the Board may order the restitution of money damages arising out of and caused by a strike or other means of coercion or force which the Board shall determine to be an unfair labor practice under section 8(b), but nothing in this proviso shall be interpreted to preclude an injured party from pursuing any other remedy available at law, in equity, or otherwise.".

AMENDMENT No. 1975

At the appropriate place, insert the following new section:

SEC. . RESTITUTION.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the first proviso, the following new proviso: "*Provided further*, That the

Board may order the restitution of money damages to individuals or entities which the Board shall determine were the victims of violent acts during an otherwise lawful strike, but nothing in this proviso shall be interpreted to preclude an injured party from pursuing any other remedy available at law, in equity, or otherwise:".

Amendment No. 1976

At the appropriate place, insert the following new section:

SEC. . SECRET BALLOT ELECTIONS FOR STRIKES.

Title III of the Labor-Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 305. SECRET BALLOT ELECTIONS FOR STRIKES.

"(a) In General.—It shall be unlawful for a labor organization or its agents to engage in a strike that has not been ratified or approved in a secret ballot election by a majority of employees in the appropriate unit who voted in such election.

"(b) Injunctions.—Any employee injured as the result of a violation of subsection (a) may petition a district court of the United States having jurisdiction of the parties to enjoin the violation.

"(c) Jurisdiction of Court.—The court shall have jurisdiction to enjoin a violation under this section. If the court determines that there has been a violation of subsection 9(a), it shall award monetary damages and other appropriate relief to the employees affected by such action including reasonable attorney's fees and costs to the party bringing such action.".

Amendment No. 1977

At the appropriate place, insert the following new section:

SEC. . EFFECTIVE DATE.

Notwithstanding any other provision of law, the amendments made by this Act shall become effective on the date on which the House of Representatives and the Senate adopt a Concurrent Resolution that provides employees of such House and Senate with same rights to organize, bargain collectively and strike as employees in the private sector have under the National Labor Relations Act, except that the appropriate United States district courts, rather than the National Labor Relations Board, shall be the applicable forum for adjudicating unfair labor practice cases and representation proceedings.".

Amendment No. 1978

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall not apply if the concerted activities that are engaged in involve a labor organization that engages in discrimination on the basis of race, color, religion, gender or national origin.".

Amendment No. 1979

On page 4, line 11, strike "and inserting '; or' ".

On page 5, line 15, strike out the first period and insert in lieu thereof "; or"

At the appropriate place, insert the following new section:

SEC. . PROHIBITION OF VIOLENCE.

(a) Violence as an Unfair Labor Practice.—

(1) Employer unfair labor practice.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end the following new paragraph:

"(7) to encourage, incite, or engage in acts or threats of violence, intimidation or harassment against employees as a means of achieving the collective bargaining objectives of the employer.".

(2) Labor organization unfair labor practice.—Section 8(b) of such Act (29 U.S.C. 158(b)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (7) the following new paragraph:

"(8) to encourage, incite, or engage in acts or threats of violence, intimidation or harassment against employees as a means of achieving the collective bargaining or organizational objectives of the labor organization.".

(b) Expansion of Back Pay Remedies.—Section 10(c) of the National Labor Relations Act (42 U.S.C. 160(c)) is amended by inserting after the first proviso the following new proviso the following: "*And provided further*, That when an employer is found to have engaged in conduct violating section 8(a)(6) or when a labor organization is found to have engaged in conduct violating 8(b)(8), that has resulted in a loss of pay by an employee or employees, backpay shall be required to be paid by the employer in cases of violations of 8(a)(6) and by labor organizations in cases of violations of 8(b)(8):".

Amendment No. 1980

On page 4, line 11, strike "and inserting '; or '".

On page 4, line 13, strike out "paragraph" and insert in lieu thereof "paragraphs"

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof "; or

"(7) to call for or engage in an economic strike unless a simple majority of employees in the bargaining unit vote by secret ballot election conducted by the National Labor Relations Board to reject an employer's last contract offer and to conduct such strike.".

Amendment No. 1981

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. DISCRIMINATORY ACTIVITY AS BASIS FOR OBJECTION TO CERTIFICATION.

Section 10 of the National Labor Relations Act (29 U.S.C. 160) is amended by adding at the end thereof the following new subsection:

"(n) Notwithstanding any other provision of law, an employer or employee may object to the certification of an organization as the exclusive bargaining representative for purposes of collective bargaining on the basis that such organization has engaged, or is engaging, in discrimination based on race, color, religion, gender or national origin. Such discriminatory activity may also be raised as a defense by an employer for the employer's refusal to bargain collectively with a labor organization.".

Amendment No. 1982

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall not apply to employers engaged in delivery of health care services (such as hospitals and nursing homes).".

Amendment No. 1983

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall not apply to employers who do not have the capacity to stockpile the goods they manufacture.".

Amendment No. 1984

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall not apply to employers whose cost of training new employees exceeds $1,000.".

Amendment No. 1985

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall not apply to employers engaged in a strike in which the final collective bargaining contract offer made by the labor organization prior to the strike exceeds the previous wage and benefit level of unit employees by 10 percent or more.".

Amendment No. 1986

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

";

"except that this paragraph shall not apply (1) in the case of a labor organization that has engaged in threats of violence, acts of violence, harassment or intimidation in connection with the labor dispute involved, against the employer, against any of its agents, against any employees or against an employer's property; (2) or to a labor dispute that costs the State, city, county or other political subdivision of the State in which the dispute incurs more than $100,000 in additional wages and overtime expenses for law enforcement or other employees of that State, city, county or political subdivision, and the labor organization involved shall be liable for any such expenses; or (3) in the case that any employee who, under the terms of the employer's last contract offer, would be paid in wages and benefits an amount that exceeds 150 percent of the per capita personal income of persons employed within the State in which that employee is employed.".

Amendment No. 1987

At the appropriate place, insert the following new section:

SEC. . EFFECT OF STATE LAW.

Notice in the amendments made by this Act shall be construed as prohibiting the hiring of permanent replacements for employees engaged in a labor dispute that does not involve an unfair labor practice committed by the employer if such hiring is permitted by State or territorial law.

Amendment No. 1988

At the appropriate place, insert the following new section:

SEC. . LABOR ORGANIZATIONS.

Title III of FECA, is amended by inserting after section 304 the following new section:

''DISCLOSURE OF INFORMATION CONCERNING EXPENDITURE OF UNION DUES, FEES AND ASSESSMENTS, AND ACTIVITIES

''SEC. 304A. (a) IN GENERAL.—Each labor organization shall, not later than January 30 of the year following the end of each Federal election cycle, provide to the Commission and to each employee within the labor organization's bargaining unit or units a written report disclosing the portion of the labor organization's income from dues, fees, and assessments that was expended directly or indirectly with respect to activities that, in whole or in part, were in connection with an election for Federal office during that election cycle.

''(b) CONTENTS.—

''(1) IN GENERAL.—The report under subsection (a) shall disclose information on the dues and fees spent at each level of the labor organization and by each component (international, national, local) and each affiliate and counsel of the labor organization, including the amount of dues, fees, and assessments that were spent—

''(A) on direct activities, such as cash contributions, to candidates and committees of political parties;

''(B) on internal and external communications relating to specifics candidates and political causes;

''(C) internally by the labor organization to maintain, operate, and solicit contributions for separate segregated funds; and

''(D) on voter registration drives, State and precinct organizing on behalf of candidates, and get-out-the-vote campaigns.

''(2) IDENTIFICATION OF CANDIDATE.—For each of the categories of information described in paragraph (1)(A), (B), (C), and (D), the report shall identify the candidate for public office on whose behalf expenditures were made or the political cause or purpose for which expenditures were made.

''(c) DEFINITION.—For purposes of this section, the term 'in connection with an election for Federal office' has the meaning that it has under section 325(b)''.

AMENDMENT NO. 1989

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

'';

''except that this paragraph shall not apply to a labor dispute that costs the State, city, county or other political subdivision of the State in which the dispute incurs more than $100,000 in additional wages and overtime expenses for law enforcement or other employees of that State, city, county or political subdivision, and the labor organization involved shall be liable for any such expenses.''.

AMENDMENT NO. 1990

On page 5, line 15, strike out the first period and all that follows and insert in lieu thereof the following:

'';

''except that this paragraph shall not apply in the case of a labor organization that has engaged in threats of violence, acts of violence, harassment or intimidation in connection with the labor dispute involved, against the employer, against any of its agents, against any employees or against an employer's property.''.

AMENDMENT NO. 1991

At the appropriate place insert the following new section:

SEC. . APPLICATION OF AMENDMENTS.

Nothwithstanding the amendments made by this Act, with respect to a labor dispute that does not involve an unfair labor practice by the employer, the employer may hire a permanent replacement for any employee who, under the terms of the employer's last contract offer, would be paid in wages and benefits an amount that exceeds 150 percent of the per capita personal income of persons employed within the State in which that employee is employed.''.

GRAMM AMENDMENT NO. 1992

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 55, supra, as follows:

At the appropriate place, insert the following:

DIVISION B—THE ''CRIME CONTROL ACT OF 1992''

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Crime Control Act of 1992''.

(b) TABLE OF CONTENTS.—The following is the table of contents for this division:

Sec. 1. Short title and table of contents.

TITLE I—DEATH PENALTY

Sec. 101. Short title.
Sec. 102. Death penalty procedures.
Sec. 103. Conforming amendment relating to destruction of aircraft or aircraft facilities.
Sec. 104. Conforming amendment relating to espionage.
Sec. 105. Conforming amendment relating to transporting explosives.
Sec. 106. Conforming amendment relating to malicious destruction of Federal property by explosives.
Sec. 107. Conforming amendment relating to malicious destruction of interstate property by explosives.
Sec. 108. Conforming amendment relating to murder.
Sec. 109. Conforming amendment relating to killing official guests or internationally protected persons.
Sec. 110. Murder by Federal prisoner.
Sec. 111. Conforming amendment relating to kidnapping.
Sec. 112. Conforming amendment relating to hostage taking.
Sec. 113. Conforming amendment relating to mailability of injurious articles.
Sec. 114. Conforming amendment relating to presidential assassination.
Sec. 115. Conforming amendment relating to murder for hire.
Sec. 116. Conforming amendment relating to violent crimes in aid of racketeering activity.
Sec. 117. Conforming amendment relating to wrecking trains.
Sec. 118. Conforming amendment relating to bank robbery.
Sec. 119. Conforming amendment relating to terrorist acts.
Sec. 120. Conforming amendment relating to aircraft hijacking.
Sec. 121. Conforming amendment to Controlled Substances Act.
Sec. 122. Conforming amendment relating to genocide.
Sec. 123. Protection of court officers and jurors.
Sec. 124. Prohibition of retaliatory killings of witnesses, victims, and informants.
Sec. 125. Death penalty for murder of Federal law enforcement officers.
Sec. 126. Death penalty for murder of State or local law enforcement officers assisting Federal law enforcement officers.
Sec. 127. Implementation of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.
Sec. 128. Amendment to Federal Aviation Act.
Sec. 129. Offenses of violence against maritime navigation or fixed platforms.
Sec. 130. Torture.
Sec. 131. Weapons of mass destruction.
Sec. 132. Homicides and attempted homicides involving firearms in Federal facilities.
Sec. 133. Death penalty for civil rights murders.
Sec. 134. Death penalty for murder of Federal witnesses.
Sec. 135. Drive-by shootings.
Sec. 136. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
Sec. 137. Death penalty for rape and child molestation murders.
Sec. 138. Protection of jurors and witnesses in capital cases.
Sec. 139. Inapplicability to Uniform Code of Military Justice.
Sec. 140. Death penalty for causing death in the sexual exploitation of children.
Sec. 141. Murder by escaped prisoners.
Sec. 142. Death penalty for murders in the District of Columbia.

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

Sec. 201. Short title.
Sec. 202. Period of limitation.
Sec. 203. Appeal.
Sec. 204. Amendment of Federal Rules of Appellate Procedure.
Sec. 205. Section 2254 amendments.
Sec. 206. Section 2255 amendments.

Subtitle B—Death Penalty Litigation Procedures

Sec. 211. Short title for subtitle B.
Sec. 212. Death penalty litigation procedures.

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

Sec. 221. Funding for death penalty prosecutions.

TITLE III—EXCLUSIONARY RULE

Sec. 301. Admissibility of certain evidence.

TITLE IV—FIREARMS AND RELATED AMENDMENTS

Sec. 401. Increased mandatory minimum sentences for criminals using firearms.
Sec. 402. Increased penalty for second offense of using an explosive to commit a felony.
Sec. 403. Smuggling firearms in aid of drug trafficking.
Sec. 404. Prohibition against theft of firearms or explosives.
Sec. 405. Increased penalty for knowingly false, material statement in connection with the acquisition of a firearm from a licensed dealer.
Sec. 406. Summary destruction of explosives subject to forfeiture.
Sec. 407. Elimination of outmoded language relating to parole.
Sec. 408. Enhanced penalties for use of a firearm in the commission of counterfeiting or forgery.

Sec. 409. Mandatory penalties for firearms possession by violent felons and serious drug offenders.
Sec. 410. Receipt of firearms by nonresident.
Sec. 411. Prohibition against conspiracy to violate Federal firearms or explosives laws.
Sec. 412. Prohibition against theft of firearms or explosives from licensee.
Sec. 413. Prohibition against disposing of explosives to prohibited persons.
Sec. 414. Increased penalty for interstate gun trafficking.
Sec. 415. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
Sec. 416. Possession of explosives by felons and others.
Sec. 417. Possession of an explosive during the commission of a felony.
Sec. 418. Disposition of forfeited firearms.
Sec. 419. Definition of serious drug offense.
Sec. 420. Definition of burglary under the armed career criminal statute.

TITLE V—JUVENILES AND GANGS

Subtitle A—Increased Penalties for Employing Children To Distribute Drugs Near Schools and Playgrounds

Sec. 501. Strengthened Federal penalties.

Subtitle B—Antigang Provisions

Sec. 511. Grant program.
Sec. 512. Conforming repealer and amendments.
Sec. 513. Criminal street gangs.

Subtitle C—Juvenile Penalties

Sec. 521. Treatment of violent juveniles as adults.
Sec. 522. Serious drug offenses by juveniles as armed career criminal act predicates.
Sec. 523. Certainty of punishment for young offenders.

Subtitle D—Other Provisions

Sec. 531. Bindover system for certain violent juveniles.
Sec. 532. Gang investigation coordination and information collection.
Sec. 533. Clarification of requirement that any prior record of a juvenile be produced before the commencement of juvenile proceedings.

TITLE VI—TERRORISM AND INTERNATIONAL MATTERS

Sec. 601. Terrorism civil remedy.
Sec. 602. Providing material support to terrorists.
Sec. 603. Forfeiture of assets used to support terrorists.
Sec. 604. Alien witness cooperation.
Sec. 605. Territorial sea extending to 12 miles included in special maritime and territorial jurisdiction.
Sec. 606. Assimilated crimes in extended territorial sea.
Sec. 607. Jurisdiction over crimes against United States nationals on certain foreign ships.
Sec. 608. Penalties for international terrorist acts.
Sec. 609. Authorization of appropriations.
Sec. 610. Enhanced penalties for certain offenses.
Sec. 611. Sentencing guidelines increase for terrorist crimes.
Sec. 612. Extension of the statute of limitations for certain terrorism offenses.
Sec. 613. International parental kidnapping.
Sec. 614. State court programs regarding interstate and international parental child abduction.
Sec. 615. Foreign murder of United States nationals.
Sec. 616. Extradition.
Sec. 617. Gambling devices on United States ships.
Sec. 618. FBI access to telephone subscriber information.

TITLE VII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS' RIGHTS

Subtitle A—Sexual Violence and Child Abuse

Sec. 701. Definition of sexual act for victims below 16 years of age.
Sec. 702. Increased penalties for recidivist sex offenders.
Sec. 703. Restitution for victims of sex offenses.
Sec. 704. HIV testing and penalty enhancement in sexual abuse cases.
Sec. 705. Payment of cost of HIV testing for victim.

Subtitle B—Victims' Rights

Sec. 711. Restitution amendments.
Sec. 712. Victim's right of allocution in sentencing.
Sec. 713. Right of the victim to an impartial jury.
Sec. 714. Mandatory restitution and other provisions.

Subtitle C—Crime Victims Fund

Sec. 721. Crime victims fund.
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TITLE I—DEATH PENALTY

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1992".

SEC. 102. DEATH PENALTY PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.
"3600. Application in Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381;

"(2) an offense described in section 1751(c) if the offense, as determined beyond a reasonable doubt at a hearing under section 3593, constitutes an attempt to murder the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President;

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B);

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person;

"(5) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation; or

"(6) any other offense for which a sentence of death is provided if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593, caused the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or caused the death of a person through the intentional infliction of serious bodily injury,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense or who is mentally retarded.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant's participation in the offense, which was committed by another, was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) NO SIGNIFICANT CRIMINAL HISTORY.—The defendant did not have a significant history of other criminal conduct.

"(5) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(6) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's background, character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) CONDUCT OCCURRED DURING COMMISSION OF SPECIFIED CRIMES.—The conduct resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1118 (prisoners serving life term), section 1201 (kidnapping), section 1203 (hostage taking), section 1751 (violence against the President or Presidential staff), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339A (use of weapons of mass destruction), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following insanity acquittal), or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472 (i) or (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use of attempted or threatened use of a firearm (as defined in section 921), against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping or attempting to escape apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there was no Vice President, the officer next in order of succession to the office of the President of the United States, or any person acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A), if that official was in the United States on official business; or

"(D) a Federal public servant who was outside of the United States or who was a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(i) while such public servant was engaged in the performance of his official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with sections 1 and 2 of title 3; a 'Federal law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591 (3), (4), or (5), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm (as defined in section 921) to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER 21.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act (21 U.S.C. 859) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act (21 U.S.C. 860) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act (21 U.S.C. 861) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice that the Government in the event of conviction will seek the sentence of death. The notice shall set forth the aggravating factor or factors enumerated in section 3592, and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

The information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant. The information presented by the Government in support of factors concerning the effect of the offense on the victim and the victim's family may include oral testimony, a victim impact statement that identifies the victim of the offense and the nature and extent of harm and loss suffered by the victim and the victim's family, and other relevant information. Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist;

"(2) an offense described in section 3591 (2) or (6), an aggravating factor required to be considered under section 3592(c) is found to exist; or

"(3) an offense described in section 3591 (3), (4), or (5), an aggravating factor required to be considered under section 3592(d) is found to exist,

the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist under subsection (d) outweigh any mitigating factor or factors. The jury, or if there is no jury, the court shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not be influenced by prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that prejudice or bias relating to the race, color, religion, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religion, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) AFFIRMANCE.—If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors; and

"(C) the proceedings did not involve any other prejudicial error requiring reversal of the sentence that was properly preserved for and raised on appeal,

it shall affirm the sentence.

"(2) REMAND.—In a case in which the sentence is not affirmed under paragraph (1), the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor required to be considered under section 3592 remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds no mitigating factor or finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors.

"(3) STATEMENT OF REASONS.—The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) SPECIAL BARS TO EXECUTION.—A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§ 3597. Use of State facilities

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"§ 3598. Appointment of counsel

"(a) REPRESENTATION OF INDIGENT DEFENDANTS.—This section shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) has occurred. This section shall not affect the appointment of counsel and the provision of ancillary legal services under section 408(q) (4), (5), (6), (7), (8), (9), and (10) of the Controlled Substances Act (21 U.S.C. 848 (q) (4), (5), (6), (7), (8), (9), and (10)).

"(b) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this section shall have counsel appointed for trial representation as provided in section 3005. At least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(c) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days after receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this section for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order—

"(1) appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel;

"(2) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation.

Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(d) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this section, at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet the standards prescribed in the two preceding sentences, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(e) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this section, section 3006A shall apply to appointments under this section.

"(f) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28 in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"§ 3599. Collateral attack on judgment imposing sentence of death

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in section 3598(c), a motion in the case under section 2255 of title 28 shall be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(c). The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28. The stay shall run continuously following imposition of the sentence, and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28 within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, the motion under that section is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of the decision to do so, the defendant waives the right to file a motion under section 2255 of title 28.

"(c) FINALITY OF DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim was—

"(A) the result of governmental action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 3600. Application in Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has made an election that this chapter has effect over land and persons subject to its criminal jurisdiction.".

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by adding after the item relating to chapter 227 the following new item:

"228. Death penalty procedures .... 3591.".

SEC. 103. CONFORMING AMENDMENT RELATING TO DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.

Section 34 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 104. CONFORMING AMENDMENT RELATING TO ESPIONAGE.

Section 794(a) of title 18, United States Code, is amended by striking the period at the end and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 that the offense directly concerned—

"(1) nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack;

"(2) war plans;

"(3) communications intelligence or cryptographic information;

"(4) sources or methods of intelligence or counterintelligence operations; or

"(5) any other major weapons system or major element of defense strategy.".

SEC. 105. CONFORMING AMENDMENT RELATING TO TRANSPORTING EXPLOSIVES.

Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 106. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.

Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 107. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.

Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 108. CONFORMING AMENDMENT RELATING TO MURDER.

Section 1111(b) of title 18, United States Code, is amended to read as follows:

"(b) Within the special maritime and territorial jurisdiction of the United States—

"(1) whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life; and

"(2) whoever is guilty of murder in the second degree shall be imprisoned for any term of years or for life".

SEC. 109. CONFORMING AMENDMENT RELATING TO KILLING OFFICIAL GUESTS OR INTERNATIONALLY PROTECTED PERSONS.

Section 1116(a) of title 18, United States Code, is amended by striking the comma after "title" and all that follows through "years".

SEC. 110. MURDER BY FEDERAL PRISONER.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release.

"(b) DEFINITIONS.—For purposes of this section—

"(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least 15 years and a maximum of life, or an unexecuted sentence of death.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Murder by a Federal prisoner.".

SEC. 111. CONFORMING AMENDMENT RELATING TO KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 112. CONFORMING AMENDMENT RELATING TO HOSTAGE TAKING.

Section 1203(a) of title 18, United States Code, is amended by striking the period at the end and inserting "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 113. CONFORMING AMENDMENT RELATING TO MAILABILITY OF INJURIOUS ARTICLES.

The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 114. CONFORMING AMENDMENT RELATING TO PRESIDENTIAL ASSASSINATION.

Section 1751(c) of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to murder or kidnap any individual designated in subsection (a) shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) if the conduct constitutes an attempt to murder the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, by death or imprisonment for any term of years or for life.".

SEC. 115. CONFORMING AMENDMENT RELATING TO MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined in accordance with this title, or both".

SEC. 116. CONFORMING AMENDMENT RELATING TO VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine in accordance with this title, or both, and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both;".

SEC. 117. CONFORMING AMENDMENT RELATING TO WRECKING TRAINS.

The penultimate paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "life" and all that follows through "order".

SEC. 118. CONFORMING AMENDMENT RELATING TO BANK ROBBERY.

Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

SEC. 119. CONFORMING AMENDMENT RELATING TO TERRORIST ACTS.

Section 2332(a)(1) of title 18, United States Code, as redesignated by section 601(b)(2), is amended to read as follows:

"(1) if the killing is murder as defined in section 1111(a), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 120. CONFORMING AMENDMENT RELATING TO AIRCRAFT HIJACKING.

Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1473) is amended by striking subsection (c).

SEC. 121. CONFORMING AMENDMENT TO CONTROLLED SUBSTANCES ACT.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by striking subsections (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) (1), (2), and (3), and (r).

SEC. 122. CONFORMING AMENDMENT RELATING TO GENOCIDE.

Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 and imprisonment for life" and inserting "death or imprisonment for life and a fine of not more than $1,000,000".

SEC. 123. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) in subsection (a), as designated by paragraph (1)—

(A) by striking "commissioner" each place it appears and inserting "magistrate judge"; and

(B) by striking "fined not more than $5,000 or imprisoned not more than five years, or both" and inserting "punished as provided in subsection (b)"; and

(3) by adding at the end the following new subsection:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years; and

"(3) in any other case, imprisonment for not more than 10 years.".

SEC. 124. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS, AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following new subsection:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and

"(B) in the case of an attempt, imprisonment for not more than 20 years.".

SEC. 125. DEATH PENALTY FOR MURDER OF FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by striking "be punished as provided under sections 1111 and 1112 of this title, except that" and inserting ", in the case of murder (as defined in section 1111), be punished by death or imprisonment for life, and, in the case of manslaughter (as defined in section 1112), be punished as provided in section 1112, and".

SEC. 126. DEATH PENALTY FOR MURDER OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS ASSISTING FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended by inserting ", or any State or local law enforcement officer while assisting, or on account of his or her assistance of, any Federal officer or employee covered by this section in the performance of duties," after "other statutory authority".

SEC. 127. IMPLEMENTATION OF THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at the airport, or attempts to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the prohibited activity takes place in the United States; or

"(2) the prohibited activity takes place outside the United States and the offender is later found in the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 128. AMENDMENT TO FEDERAL AVIATION ACT.

Section 902(n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(n)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

SEC. 129. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

(a) OFFENSE.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 2280. Violence against maritime navigation

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of an offense described in paragraph (1), (2), (3), (4), (5), or (6); or

"(8) attempts to commit any act prohibited under paragraph (1), (2), (3), (4), (5), (6), or (7),

shall be fined under this title, imprisoned not more than 20 years, or both, and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to commit any act prohibited under subsection (a) (2), (3), or (5), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title, imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is jurisdiction over the activity prohibited in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(ii) in the United States; or

"(iii) by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) DELIVERY OF PROBABLE OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that he or she has on board the ship any person who has committed an offense under Article 3 of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation may deliver such person to the authorities of a State Party to that Convention. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action the master should take. When delivering the person to a country which is a State Party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of his or her intention to deliver such person and the reason therefor. If the master delivers such person, the master shall furnish the authorities of such country with the evidence in the master's possession that pertains to the alleged offense.

"(e) DEFINITIONS.—As used in this section—

"(1) 'ship' means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship that has been withdrawn from navigation or laid up;

"(2) 'covered ship' means a ship that is navigating or is scheduled to navigate into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.

"§ 2281. Violence against maritime fixed platforms

"(a) OFFENSE.—Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance that is likely to destroy the fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or attempted commission of an offense described in paragraph (1), (2), (3), or (4); or

"(6) attempts to do anything prohibited under paragraphs (1), (2), (3), (4), or (5);

shall be fined under this title, imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) THREATENED OFFENSE.—Whoever threatens to do anything prohibited under subsection (a) (2) or (3), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than 5 years, or both.

"(c) JURISDICTION.—There is jurisdiction over the activity prohibited in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) DEFINITIONS.—As used in this section—

"(1) 'continental shelf' means the seabed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, and all territories and possessions of the United States.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United States Code, is amended by adding at the end the following new items:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date on which the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date on which the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

SEC. 130. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
"2340. Definitions.
"2340A. Torture.
"2340B. Exclusive remedies.

"§2340. Definitions

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

"(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

"(C) the threat of imminent death; or

"(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

"§2340A. Torture

"(a) OFFENSE.—Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

"(1) the alleged offender is a national of the United States; or

"(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B. Torture .... 2340.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 131. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction (as defined in the amendment made by subsection (b)) gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, as amended by section 601(b), is amended by adding at the end the following new section:

"§2339A. Use of weapons of mass destruction

"(a) OFFENSE.—Whoever uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—As used in this section—

"(1) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) 'weapon of mass destruction' means—

"(A) a destructive device (as defined in section 921);

"(B) poison gas;

"(C) a weapon involving a disease organism; and

"(D) a weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(c), is amended by adding at the end the following new item:

"2339A. Use of weapons of mass destruction.".

SEC. 132. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), and (h), respectively;

(2) in subsection (a), by striking "(c)" and inserting "(d)"; and

(3) by inserting after subsection (b) the following new subsection:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall—

"(1) in the case of a killing constituting murder (as defined in section 1111(a)), be punished by death or imprisoned for any term of years or for life; and

"(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113.".

SEC. 133. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended by striking "shall be subject to imprisonment for any term of years or for life" and inserting "shall be punished by death or imprisonment for any term of years or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting "the death penalty or" before "imprisonment".

SEC. 134. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112;".

SEC. 135. DRIVE-BY SHOOTINGS.

(a) OFFENSE.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 931. Drive-by shootings

"(a) OFFENSE.—Whoever knowingly discharges a firearm at a person—

"(1) in the course of or in furtherance of drug trafficking activity; or

"(2) from a motor vehicle,

shall be punished by imprisonment for not more than 25 years, and if death results shall be punished by death or by imprisonment for any term of years or for life.

"(b) DEFINITION.—As used in this section, the term 'drug trafficking activity' means a drug trafficking crime (as defined in section 929(a)(2)), or a pattern or series of acts involving one or more drug trafficking crimes.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following new item:

"931. Drive-by shootings.".

SEC. 136. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) Whoever, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.".

SEC. 137. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

"§ 2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by striking the item relating to section 2245 and inserting the following:

"2245. Sexual abuse resulting in death.

"2246. Definitions for chapter.".

SEC. 138. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by striking the period and inserting: ", except that the list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person.".

SEC. 139. INAPPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

SEC. 140. DEATH PENALTY FOR CAUSING DEATH IN THE SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following new sentence: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 141. MURDER BY ESCAPED PRISONERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, as amended by section 110, is amended by adding at the end the following new section:

"§ 1119. Murder by escaped prisoners

"(a) OFFENSE.—A person who, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another person, shall be punished as provided in sections 1111 and 1112.

"(b) DEFINITION.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1119. Murder by escaped prisoners.".

SEC. 142. DEATH PENALTY FOR MURDERS IN THE DISTRICT OF COLUMBIA.

Title 18 of the United States Code is amended—

(a) by adding the following new section at the end of chapter 51:

"§ 1118. Capital punishment for murders in the District of Columbia

"(a) OFFENSE.— It is an offense to cause the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or to cause the death of a person through the intentional infliction of serious bodily injury.

"(b) FEDERAL JURISDICTION.—There is a federal jurisdiction over an offense described in this section if the conduct resulting in death occurs in the District of Columbia.

"(c) PENALTY.—An offense described in this section is a Class A felony. A sentence of death may be imposed for an offense described in this section as provided in subsections (d)-(1).

"(d) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider whether any aspect of the defendant's character, background, or record or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following factors:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"(2) DURESS.—The defendant was under unusual and substantial duress.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (pursuant to section 2 of this title) in the offense, which was committed by another, but the defendant's participation was relatively minor.

"(e) AGGRAVATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider any aggravating factor for which notice has been provided under subsection (f), including the following factors—

"(1) KILLING IN FURTHERANCE OF DRUG TRAFFICKING.—The defendant engaged in the conduct resulting in death in the course of or in furtherance of drug trafficking activity.

"(2) KILLING IN THE COURSE OF OTHER SERIOUS VIOLENT CRIMES.—The defendant engaged in the conduct resulting in death in the course of committing or attempting to commit an offense involving robbery, burglary, sexual abuse, kidnaping, or arson.

"(3) MULTIPLE KILLINGS OR ENDANGERMENT OF OTHERS.—The defendant committed more than one offense under this section, or in committing the offense knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(4) INVOLVEMENT OF FIREARM.—During and in relation to the commission of the offense, the defendant used or possessed a firearm as defined in section 921 of this title.

"(5) PREVIOUS CONVICTION OF VIOLENT FELONY.—The defendant has previously been convicted of an offense punishable by a term of imprisonment of more than one year that involved the use or attempted or threatened use of force against a person or that involved sexual abuse.

(6) KILLING WHILE INCARCERATED OR UNDER SUPERVISION.—The defendant at the time of the offense was confined in or had escaped from a jail, prison, or other correctional or detention facility, was on pre-trial release, or was on probation, parole, supervised release, or other post-conviction conditional release.

"(7) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(8) PROCUREMENT OF THE OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(9) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for receiving, or in the expectation of receiving or obtaining, anything of pecuniary value.

"(10) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) KILLING OF PUBLIC SERVANT.—The defendant committed the offense against a public servant—

"(i) while such public servant was engaged in the performance of his or her official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

"(13) KILLING TO INTERFERE WITH OR RETALIATE AGAINST WITNESS.—The defendant committed the offense in order to prevent or inhibit any person from testifying or providing information concerning an offense, or to retaliate against any person for testifying or providing such information.

"(f) NOTICE OF INTENT TO SEEK DEATH PENALTY.—If the government intends to seek the death penalty for an offense under this section, the attorney for the government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time as the court may permit for good cause. The notice shall set forth the aggravating factor or factors set forth in subsection (e) and any other aggravating factor or factors that the government will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(g) Judge and Jury at Capital Sentencing Hearing.—A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have twelve members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the judge. Upon motion of the defendant, with the approval of the attorney for the government, the hearing shall be carried out before the judge without a jury. If there is no jury, references to "the jury" in this section, where applicable, shall be understood as referring to the judge.

"(h) Proof of Mitigating and Aggravating Factors.—No presentence report shall be prepared if a capital sentencing hearing is held under this section. Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the government or the defendant, regardless of its admissibility under the rules governing the admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The information presented may include trial transcripts and exhibits. The attorney for the government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the government shall open the argument, the defendant shall be permitted to reply, and the government shall then be permitted to reply in rebuttal.

"(i) Findings of Aggravating and Mitigating Factors.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (f) and which the jury unanimously determines have been established by the government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"(j) Finding Concerning a Sentence of Death.—If the jury specially finds under subsection (i) that one or more aggravating factors set forth in subsection (e) exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, then the jury shall recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(k) Special Precaution To Assure Against Discrimination.—In a hearing held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not consider the race, color, religion, national origin, or sex of the defendant or any victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall also return to the court a certificate, signed by each juror, that the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"(l) Imposition of a Sentence of Death.—Upon a recommendation under subsection (j) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"(m) Review of a Sentence of Death.—

"(1) The defendant may appeal a sentence of death under this section by filing a notice of appeal of the sentence within the time provided for filing a notice of appeal of the judgment of conviction. An appeal of a sentence under this subsection may be consolidated within an appeal of the judgment of conviction and shall have priority over all noncapital matters in the court of appeals.

"(2) The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error that was properly preserved for review.

"(3) In any other case, the court of appeals shall remand the case for reconsideration of the sentence or imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor described in subsection (e) remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds that the remaining aggravating factor or factors which were found to exist outweigh any mitigating factors. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(n) Implementation of Sentence of Death.—A person sentenced to death under this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of a State designated by the court. The Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs, and shall pay the costs thereof in an amount approved by the Attorney General.

"(o) Special Bar To Execution.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(p) Conscientious Objection To Participation in Execution.—No employee of any State department of corrections, the United States Marshals Service, or the Federal Bureau of Prisons, and no person providing services to that department, service, or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(q) Appointment of Counsel For Indigent Capital Defendants.—A defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, under this section, shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in subsection (v) has occurred, if the defendant is or becomes financially unable to obtain adequate representation. Counsel shall be appointed for trial representation as provided in section 3005 of this title, and at least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel. Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(r) Representation After Finality of Judgment.—When a judgment imposing a sentence of death under this section has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the government shall promptly notify the court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(s) Standards For Competence of Counsel.—In relation to a defendant who is entitled to appointment of counsel under subsections (q)–(r), at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least three years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(t) Claims of Ineffectiveness of Counsel in Collateral Proceedings.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a case under this section shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(u) Time For Collateral Attack on Death Sentence.—A motion under section 2255 of title 28, United States Code, attacking a sentence of death under this section, or the conviction on which it is predicated, must be filed within 90 days of the issuance of the order under subsection (r) appointing or denying the appointment of counsel for such proceedings. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. Such a motion shall have priority over all non-capital matters in the district court, and in the court of appeals on review of the district court's decision.

"(v) Stay of Execution.—The execution of a sentence of death under this section shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (u), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the Supreme Court disposes of a petition for certiorari in a manner that leaves the capital sentence undisturbed, or the defendant fails to file a timely petition for certiorari; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(w) Finality of the Decision on Review.—If one of the conditions specified in subsection (v) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"(x) Definitions.—For purposes of this section—

"(1) 'State' has the meaning given in section 513 of this title, including the District of Columbia;

"(2) 'Offense', as used in paragraphs (2), (5), and (13) of subsection (e), and in paragraph (5) of this subsection, means an offense under the law of the District of Columbia, another State, or the United States;

"(3) 'Drug trafficking activity' means a drug trafficking crime as defined in section 929(a)(2) of this title, or a pattern or series of acts involving one or more drug trafficking crimes;

"(4) 'Robbery' means obtaining the property of another by force or threat of force;

"(5) 'Burglary' means entering or remaining in a building or structure in violation of the law of the District of Columbia, another State, or the United States, with the intent to commit an offense in the building or structure;

"(6) 'Sexual abuse' means any conduct proscribed by chapter 109A of this title, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States;

"(7) 'Arson' means damaging or destroying a building or structure through the use of fire or explosives;

"(8) 'Kidnapping' means seizing, confining, or abducting a person, or transporting a person without his or her consent;

"(9) 'Pre-trial release', 'probation', 'parole', 'supervised release', and 'other post-conviction conditional release', as used in subsection (e)(6), mean any such release, imposed in relation to a charge or conviction for an offense under the law of the District of Columbia, another State, or the United States; and

"(10) 'Public servant' means an employee, agent, officer, or official of the District of Columbia, another State, or the United States, or an employee, agent, officer, or official of a foreign government who is within the scope of section 1116 of this title.

"(y) When an offense is charged under this section, the government may join any charge under the District of Columbia Code that arises from the same incident."; and

"(b) by adding the following at the end of the table of sections for chapter 51:

"1118. Capital punishment for murders in the District of Columbia.".

TITLE II—HABEAS CORPUS REFORM

Subtitle A—General Habeas Corpus Reform

SEC. 201. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1992".

SEC. 202. PERIOD OF LIMITATION.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 203. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 204. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"*Rule 22. Habeas corpus and section 2255 proceedings*

"(*a*) *Application for an Original Writ of Habeas Corpus.*—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(*b*) *Necessity of Certificate of Probable Cause for Appeal.*—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate of probable cause is not required.".

SEC. 205. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(5) by adding at the end the following new subsection:

"(h) In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

SEC. 206. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second paragraph and the penultimate paragraph; and

(2) by adding at the end the following new paragraphs:

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.".

Subtitle B—Death Penalty Litigation Procedures

SEC. 211. SHORT TITLE FOR SUBTITLE B.

This subtitle may be cited as the "Death Penalty Litigation Procedures Act of 1992".

SEC. 212. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.
"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2258. Filing of habeas corpus petition; time requirements; tolling rules.
"2259. Evidentiary hearings; scope of Federal review; district court adjudication.
"2260. Certificate of probable cause inapplicable.
"2261. Application to state unitary review procedures.
"2262. Limitation periods for determining petitions.
"2263. Rule of construction.

"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) APPLICATION OF CHAPTER.—This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) ESTABLISHMENT OF APPOINTMENT MECHANISM.—This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) OFFER OF COUNSEL.—Any mechanism for the appointment, compensation and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing 1 or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) PREVIOUS REPRESENTATION.—No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) NO GROUND FOR RELIEF.—The ineffectiveness or incompetence of counsel during State or Federal collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) STAY.—Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) EXPIRATION OF STAY.—A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court;

"(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

"(c) LIMITATION ON FURTHER STAY.—If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal postconviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

"Any petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within 180 days from the filing in the appropriate State court of record of an order under section 2256(c). The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

"(3) during an additional period not to exceed 60 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

"§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) REVIEW OF RECORD; HEARING.—Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is—

"(A) the result of State action in violation of the Constitution or laws of the United States;

"(B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or

"(C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State postconviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) ADJUDICATION.—Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it, but the court shall not grant relief from a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings.

"§ 2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.

"§ 2261. Application to State unitary review procedure

"(a) IN GENERAL.—For purposes of this section, the term 'unitary review procedure' means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) OFFER OF COUNSEL.—A unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) APPLICATION OF OTHER SECTIONS.—Sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to 'an order under section 2256(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, the start of the 180-day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or the prisoner's counsel.

"§ 2262. Limitation periods for determining petitions

"(a) IN GENERAL.—The adjudication of any petition under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters. The adjudication of such a petition or motion shall be subject to the following time limitations:

"(1) A Federal district court shall determine such a petition or motion within 110 days of filing.

"(2)(A) The court of appeals shall hear and determine any appeal relating to such a petition or motion within 90 days after the notice of appeal is filed.

"(B) The court of appeals shall decide any application for rehearing en banc within 20 days of the filing of the application unless a responsive pleading is required, in which case the court of appeals shall decide the application within 20 days of the filing of the responsive pleading. If en banc consideration is granted, the en banc court shall determine the appeal within 90 days of the decision to grant such consideration.

"(3) The Supreme Court shall act on any application for a writ of certiorari relating to such a petition or motion within 90 days after the application is filed.

"(b) APPLICATION OF SECTION.—The time limitations under subsection (a) shall apply to an initial petition or motion, and to any second or successive petition or motion. The same limitations shall also apply to the redetermination of a petition or motion or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, and in such a case the limitation period shall run from the date of the remand.

"(c) RULE OF CONSTRUCTION.—The time limitations under this section shall not be construed to entitle a petitioner or movant to a stay of execution, to which the petitioner or movant would otherwise not be entitled, for the purpose of litigating any petition, motion, or appeal.

"(d) NO GROUND FOR RELIEF.—The failure of a court to meet or comply with the time limitations under this section shall not be a ground for granting relief from a judgment of conviction or sentence. The State or Government may enforce the time limitations under this section by applying to the court of appeals or the Supreme Court for a writ of mandamus.

"(e) REPORT.—The Administrative Office of the United States Courts shall report annually to Congress on the compliance by the courts with the time limits established in this section.

"§ 2263. Rule of construction

"This chapter shall be construed to promote the expeditious conduct and conclusion of State and Federal court review in capital cases.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2256.".

Subtitle C—Equalization of Capital Habeas Corpus Litigation Funding

SEC. 221. FUNDING FOR DEATH PENALTY PROSECUTIONS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after section 511 the following new section:

"FUNDING FOR DEATH PENALTY PROSECUTIONS

"SEC. 511A. Notwithstanding any other provision of this part, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.".

TITLE III—EXCLUSIONARY RULE

SEC. 301. ADMISSIBILITY OF CERTAIN EVIDENCE.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3509. Admissibility of evidence obtained by search or seizure

"(a) Evidence Obtained by Objectively Reasonable Search or Seizure.—Evidence that is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

"(b) Evidence Not Excludable by Statute or Rule.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

"(c) Rule of Construction.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.".

(b) Technical Amendment.—The chapter analysis for chapter 223 of title 28, United States Code, is amended by adding at the end the following new item:

"3509. Admissibility of evidence obtained by search or seizure.".

TITLE IV—FIREARMS AND RELATED AMENDMENTS

SEC. 401. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended to read as follows:

"(c)(1)(A) Whoever, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States—

"(i) knowingly uses, carries, or otherwise possesses a firearm, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 10 years;

"(ii) discharges a firearm with intent to injure another person, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 20 years; or

"(iii) knowingly uses, carries, or otherwise possesses a firearm that is a machinegun or destructive device, or that is equipped with a firearm silencer or firearm muffler, shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 30 years.

"(B)(i) In the case of a second conviction under this subsection, a person shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for 20 years for a violation of subparagraph (A)(i), to imprisonment for 30 years for a violation of subparagraph (A)(ii), and life imprisonment for a violation of subparagraph (A)(iii).

"(ii) In the case of a third or subsequent conviction under this subsection, or a conviction for a violation of subparagraph (A)(ii) that results in the death of another person, a person shall be sentenced to life imprisonment.

"(C) Notwithstanding any other law, a term of imprisonment under this subsection shall not run concurrently with any other term of imprisonment imposed for the underlying crime.

"(D) For the purposes of paragraph (A), a person shall be considered to be in possession of a firearm if the person has a firearm readily available at the scene of the crime during the commission of the crime.".

SEC. 402. INCREASED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Section 844(h) of title 18, United States Code, is amended by striking "ten" and inserting "20".

SEC. 403. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 136, is amended by adding at the end the following new subsection:

"(j) Whoever, with the intent to engage in or to promote conduct that—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3) of this section),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 404. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES.

(a) Firearms.—Section 924 of title 18, United States Code, as amended by section 403, is amended by adding at the end the following new subsection:

"(k) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned not less than 2 nor more than 10 years, fined in accordance with this title, or both.".

(b) Explosives.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(k) Whoever steals any explosive materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned not less than 2 nor more than 10 years, fined in accordance with this title, or both.".

SEC. 405. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B) by striking "(a)(6),"; and

(2) in paragraph (2) by inserting "(a)(6)," after "subsection".

SEC. 406. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Any"; and

(2) by adding at the end the following new paragraphs:

"(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture where it is impracticable or unsafe to remove the materials to a place of storage, or where it is unsafe to store them, the seizing officer may destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least one credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

"(3) Within 60 days after any destruction made pursuant to paragraph (2), the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

"(A) the property has not been used or involved in a violation of law; or

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 407. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein."; and

(2) in subsection (e)(1) by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

SEC. 408. ENHANCED PENALTIES FOR USE OF A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.

Section 924(c)(1) of title 18, United States Code, as amended by section 401, is amended in subparagraph (A) by inserting "or during and in relation to any felony punishable under chapter 25" after "United States,".

SEC. 409. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) One Prior Conviction.—Section 924(a)(2) of title 18, United States Code, is amended by inserting ", and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony or a serious drug offense (as defined in subsections (e)(2) (A) and (B) of this section), a sentence imposed under this paragraph shall include a term of imprisonment of not less than 5 years" before the period.

(b) Two Prior Convictions.—Section 924 of title 18, United States Code, as amended by section 404, is amended by adding at the end the following new subsection:

"(l)(1) Notwithstanding subsection (a)(2), any person who violates section 922(g) and has 2 previous convictions by any court referred to in section 922(g)(1) for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section) committed on occasions different from one another shall be fined as provided in this title, imprisoned not less than 10 years and not more than 20 years, or both.

"(2) Notwithstanding any other law, the court shall not suspend the sentence of, or grant a probationary sentence to, a person described in paragraph (1) with respect to the conviction under section 922(g).".

SEC. 410. RECEIPT OF FIREARMS BY NONRESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7)(C) by striking "and";

(2) in paragraph (8)(C) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.".

SEC. 411. PROHIBITION AGAINST CONSPIRACY TO VIOLATE FEDERAL FIREARMS OR EXPLOSIVES LAWS.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 409(b), is amended by adding at the end the following new subsection:

"(m) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 404(b), is amended by adding at the end the following new subsection:

"(l) Whoever conspires to commit any offense punishable under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 412. PROHIBITION AGAINST THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 411(a), is amended by adding at the end the following new subsection:

"(n) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 411(b), is amended by adding at the end the following new subsection:

"(m) Whoever steals any explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

SEC. 413. PROHIBITION AGAINST DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

SEC. 414. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, as amended by section 412(a), is amended by adding at the end the following new subsection:

"(o) Whoever, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

SEC. 415. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.".

SEC. 416. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 417. POSSESSION OF AN EXPLOSIVE DURING THE COMMISSION OF A FELONY.

Section 844(h) of title 18, United States Code, is amended—

(1) by striking "carries an explosive during" and inserting "uses, carries, or otherwise possesses an explosive during"; and

(2) by striking "used or carried" and inserting "used, carried, or possessed".

SEC. 418. DISPOSITION OF FORFEITED FIREARMS.

Subsection 5872(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(b) DISPOSAL.—In the case of the forfeiture of any firearm, where there is no remission or mitigation of forfeiture thereof—

"(1) the Secretary may retain the firearm for official use of the Department of the Treasury or, if not so retained, offer to transfer the weapon without charge to any other executive department or independent establishment of the Government for official use by it and, if the offer is accepted, so transfer the firearm;

"(2) if the firearm is not disposed of pursuant to paragraph (1), is a firearm other than a machinegun or firearm forfeited for a violation of this chapter, is a firearm that in the opinion of the Secretary is not so defective that its disposition pursuant to this paragraph would create an unreasonable risk of a malfunction likely to result in death or bodily injury, and is a firearm which (in the judgment of the Secretary, taking into consideration evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less) derives a substantial part of its monetary value from the fact that it is novel or rare or because of its association with some historical figure, period, or event, the Secretary may sell the firearm, after public notice, at public sale to a dealer licensed under chapter 44 of title 18, United States Code;

"(3) if the firearm has not been disposed or pursuant to paragraph (1) or (2), the Secretary shall transfer the firearm to the Administrator of General Services, who shall destroy or provide for the destruction of such firearm; and

"(4) no decision or action of the Secretary pursuant to this subsection shall be subject to judicial review.".

SEC. 419. DEFINITION OF SERIOUS DRUG OFFENSE.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by adding "or" at the end of clause (ii); and

(3) by adding at the end the following new clause:

"(iii) an offense under State law that, if it had been prosecuted as a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) as that Act provided at the time of the offense, would have been punishable by a maximum term of 10 years or more;".

SEC. 420. DEFINITION OF BURGLARY UNDER THE ARMED CAREER CRIMINAL STATUTE.

Section 924(e)(2) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) the term 'burglary' means a crime that—

"(i) consists of entering or remaining surreptitiously within a building that is the property of another person with intent to engage in conduct constituting a Federal or State offense; and

"(ii) is punishable by a term of imprisonment exceeding 1 year.".

TITLE V—JUVENILES AND GANGS

Subtitle A—Increased Penalties for Employing Children to Distribute Drugs Near Schools and Playgrounds

SEC. 501. STRENGTHENED FEDERAL PENALTIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 401.".

Subtitle B—Antigang Provisions

SEC. 511. GRANT PROGRAM.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is amended—

(1) by inserting after the part heading the following subpart heading:

"Subpart I—General Grant Programs"; and

(2) by adding at the end the following new subpart:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) AUTHORIZATION.—The Administrator may make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective programs including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) PARTICULAR PURPOSES.—The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop within the juvenile justice system, including the juvenile corrections system, innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(4) To reduce juvenile drug and gang-related activity in public housing projects.

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to—

"(A) identify drug-dependent or gang-involved juvenile offenders; and

"(B) provide appropriate counseling and treatment to such offenders.

"(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic, or artistic enrichment that also teach that drug and gang involvement are wrong.

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention, and treatment programs for juveniles who are likely to participate in drug trafficking, drug use, or gang-related activities.

"(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls' and boys' clubs, scout troops, and little leagues.

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(10) To provide education and treatment programs for juveniles exposed to severe violence in their homes, schools, or neighborhoods.

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement.

"(c) USE OF FUNDS.—Of the funds made available to each State under this section in any fiscal year, 50 percent shall be used for juvenile drug supply reduction programs and 50 percent shall be used for juvenile drug demand reduction programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) PURPOSE.—(1) The purpose of this section is to—

"(A) provide additional Federal assistance and support to identify promising new juvenile drug demand reduction and enforcement programs;

"(B) replicate and demonstrate such programs to serve as national, regional, or local models that could be used, in whole or in part, by other public and private juvenile justice programs; and

"(C) provide technical assistance and training to public or private organizations to implement similar programs.

"(2) In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(b) AUTHORIZATION OF GRANTS AND CONTRACTS.—The Administrator may make grants to, or enter into contracts with, public or private nonprofit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231. The Administrator shall have final authority over all funds awarded under this section.

"(c) ALLOCATION OF APPROPRIATIONS.—Of the amounts appropriated for this subpart, 20 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 and subsection (a). Grants made under this section may be made for amounts of up to 100 percent of the costs of the programs or projects.

"SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE CRIME AND DRUG DEMAND REDUCTION GRANTS

"SEC. 233. (a) PURPOSE.—The purpose of this section is to—

"(1) provide additional Federal assistance and support to promising new programs that specifically and effectively address the unique crime-, drug-, and alcohol-related challenges faced by juveniles residing at or near ports of entry into the United States and in other international border communities, including rural localities;

"(2) replicate and demonstrate these programs to serve as models that could be used, in whole or in part, in other similarly situated communities; and

"(3) provide technical assistance and training to public and private organizations to implement similar programs.

"(b) AUTHORIZATION OF GRANTS AND CONTRACTS.—The Administrator may make grants to, or enter into contracts with, public or private nonprofit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231, if the beneficiaries of the grantee's program are juveniles residing at or near ports of entry into the United States or in other international border communities, including rural localities. The Administrator shall have final authority over all funds awarded under this section.

"(c) ALLOCATION OF APPROPRIATIONS.—Of the amounts appropriated for this subpart, 5 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 and subsection (a). Grants made under this section may be made for amounts of up to 100 percent of the costs of the programs.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 234. There are authorized to be appropriated $100,000,000 for fiscal year 1992 and such sums as are necessary for fiscal year 1993 to carry out this subpart.

"ALLOCATION OF FUNDS

"SEC. 235. Of the amounts appropriated for this subpart for any fiscal year, the amount remaining after setting aside the amounts required to be reserved to carry out sections 232 and 233 shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States.

"(2) Of the funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles residing in the State bears to the population of juveniles residing in all the States.

"APPLICATION

"SEC. 236. (a) IN GENERAL.—Each State applying for a grant under section 231 and each public or private entity applying for grants under section 232 or 233 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) REGULATIONS.—To the extent practicable, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the regulations governing applications required under subpart I of this part and subpart II of part C, including the regulations relating to competition.

"(c) COORDINATION OF ASSISTANCE.—Each application described in subsection (a) shall include a detailed description of how the funds received under this subpart will be coordinated with assistance provided under subpart I of this part and part C of this title and assistance provided by the Bureau of Justice Assistance under the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Programs (42 U.S.C. 3750 et seq.).

"REVIEW AND APPROVAL OF APPLICATIONS

"SEC. 237. The procedures and time limits imposed on the Federal and State governments under sections 505 and 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755 and 3758) relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.".

SEC. 512. CONFORMING REPEALER AND AMENDMENTS.

(a) REPEAL OF PART D.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is repealed, and part E of title II of that Act is redesignated as part D.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 291 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1)" and by striking "(other than part D)"; and

(B) by striking paragraph (2); and

(2) in subsection (b) by striking "(other than part D)".

SEC. 513. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 25 the following new chapter:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.

"521. Criminal street gangs.

"§ 521. Criminal street gangs

"(a) ENHANCED PENALTY.—Whoever, under the circumstances described in subsection (c), commits an offense described in subsection (b), shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. A sentence of imprisonment imposed under this subsection shall run consecutively to any other sentence that is imposed.

"(b) OFFENSES.—The offenses referred to in subsection (a) are—

"(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(2) a Federal felony crime of violence;

"(3) a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.); and

"(4) a conspiracy to commit an offense described in paragraph (1), (2), or (3).

"(c) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are—

"(1) that the offense described in subsection (b) was committed by a member of, on behalf of, or in association with a criminal street gang; and

"(2) within 5 years prior to the date of the offense, the offender had been convicted of—

"(A) an offense described in subsection (b);

"(B) a State offense that—

"(i) involves a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(ii) is a crime of violence for which the maximum penalty is more than 1 year's imprisonment;

"(C) a Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'criminal street gang' means a group, club, organization, or association of 5 or more persons—

"(A) whose members engage, or have engaged within the past 5 years, in a continuing series of any of the offenses described in subsection (b); and

"(B) whose activities affect interstate or foreign commerce; and

"(2) the term 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent felony or controlled substances felony.".

(b) TECHNICAL AMENDMENT.—The analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following new item:

"26. Criminal street gangs .... 521".

Subtitle C—Juvenile Penalties

SEC. 521. TREATMENT OF VIOLENT JUVENILES AS ADULTS.

(a) DESIGNATION OF UNDESIGNATED PARAGRAPHS.—Section 5032 of title 18, United States Code, is amended by designating the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh undesignated paragraphs as subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

(b) JURISDICTION OVER CERTAIN FIREARMS OFFENSES.—Section 5032(a) of title 18, United States Code, as designated by subsection (a), is amended by striking "922(p)" and inserting "924 (b), (g), or (h)".

(c) ADULT STATUS OF JUVENILES WHO COMMIT FIREARMS OFFENSES.—Section 5032(d) of title 18, United States Code, as designated by subsection (a), is amended to read as follows:

"(d)(1) Except as provided in paragraphs (2) and (3), a juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless the juvenile has requested in writing upon advice of counsel to be proceeded against as an adult.

"(2) With respect to a juvenile 15 years and older alleged to have committed an act after his or her 15th birthday which if committed by an adult would be a felony that is a crime of violence or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959), or section 924 (b), (g), or (h) of this title, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, that such a transfer would be in the interest of justice.

"(3) A juvenile who is alleged to have committed an act after his or her 16th birthday which if committed by an adult would be a felony offense that has as an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another may be used in committing the offense, or would be an offense described in section 32, 81, 844 (d), (e), (f), (h), (i) or 2275 of this title, subsection (b)(1) (A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), and (3)), and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this subsection or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred to the appropriate district court of the United States for criminal prosecution.".

(d) FACTORS FOR TRANSFERRING A JUVENILE TO ADULT STATUS.—Section 5032(e) of title 18, United States Code, as designated by subsection (a), is amended—

(1) by inserting "(1)" before "Evidence";

(2) by striking "intellectual development and psychological maturity;" and inserting "level of intellectual development and maturity; and";

(3) by inserting ", such as rehabilitation and substance abuse treatment," after "past treatment efforts";

(4) by striking "; the availability of programs designed to treat the juvenile's behavioral problems"; and

(5) by adding at the end the following new paragraph:

"(2) In considering the nature of the offense, as required by this subsection, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such factors, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of such factors shall not preclude a transfer to adult status.".

SEC. 522. SERIOUS DRUG OFFENSES BY JUVENILES AS ARMED CAREER CRIMINAL ACT PREDICATES.

(a) ACT OF JUVENILE DELINQUENCY.—Section 924(e)(2)(A) of title 18, United States Code, as amended by section 422, is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking "and" at the end of clause (iii) and inserting "or"; and

(3) by adding at the end the following new clause:

"(iv) any act of juvenile delinquency that, if it were committed by an adult, would be punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)); and".

(b) SERIOUS DRUG OFFENSE.—Section 924(e)(2)(C) of title 18, United States Code, is amended by adding "or serious drug offense" after "violent felony".

SEC. 523. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) AMENDMENT OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part P as part Q;

(2) by redesignating section 1601 as section 1701; and

(3) by inserting after part O the following new part:

"PART P—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1601. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse, including alcohol abuse, and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

"SEC. 1602. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507 of title I—

"(1) shall prepare the application required under section 1602; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1603. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 1601(a) to carry out the projects described in the application submitted by an applicant under section 1602 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1602 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) Restriction.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1601(b) for young offenders.

"(d) Disapproval Notice and Reconsideration.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1604. LOCAL APPLICATIONS.

"(a) In General.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1602(b).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If an application under paragraph (1) is approved, the unit of local government is eligible to receive the funds requested.

"(b) Distribution to Units of Local Government.—A State that receives funds under section 1601 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy the requirement of the preceding sentence under State statutes.

"SEC. 1605. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) State Distribution.—Of the total amount appropriated for this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders in the State bears to the number of young offenders in all the participating States.

"(b) Local Distribution.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State for the purposes specified under section 1601 the portion of those funds that bears the same ratio to the aggregate amount of those funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified under section 1601.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for the fiscal year will not be used by the State, or that a State is not eligible to receive funds under section 1601, the Director shall award such funds to units of local government in the State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1602(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1606. EVALUATION.

"(a) In General.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) Distribution.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) Administrative Costs.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part P and inserting the following:

"Part P—Alternative Punishments for Young Offenders

"Sec. 1601. Grant authorization.
"Sec. 1602. State applications.
"Sec. 1603. Review of State applications.
"Sec. 1604. Local applications.
"Sec. 1605. Allocation and distribution of funds.
"Sec. 1606. Evaluation.

"Part Q—Transition; Effective Date; Repealer

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

(c) Definition.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) The term 'young offender' means an individual 28 years of age or younger.".

(d) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1054(a), is amended by adding at the end the following new paragraph:

"(10) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out projects under part P.".

Subtitle D—Other Provisions

SEC. 531. BINDOVER SYSTEM FOR CERTAIN VIOLENT JUVENILES.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) in paragraph (20) by striking "and" at the end;

(2) in paragraph (21) by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 931 of title 18, United States Code.".

SEC. 532. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.

(a) Coordination.—The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) Data Collection.—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) Report.—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by July 1, 1993.

(d) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 1992 such sums as are necessary to carry out this section.

SEC. 533. CLARIFICATION OF REQUIREMENT THAT ANY PRIOR RECORD OF A JUVENILE BE PRODUCED BEFORE THE COMMENCEMENT OF JUVENILE PROCEEDINGS.

Section 5032(j) of title 18, United States Code, as designated by section 521(a), is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 until".

TITLE VI—TERRORISM AND INTERNATIONAL MATTERS

SEC. 601. TERRORISM CIVIL REMEDY.

(a) Reinstatement of Law.—The amendments made by section 132 of the Military Construction Appropriations Act, 1991 (104 Stat. 2250), are repealed effective as of April 10, 1991.

(b) Terrorism.—Chapter 113A of title 18, United States Code, as amended by subsection (a), is amended—

(1) in section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 (as in effect prior to enactment of the Military Construction Appropriations Act, 1991) as section 2332 and amending the heading for section 2332, as redesignated, to read as follows:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332, as redesignated by paragraph (2), the following new section:

"§ 2331. Definitions

"As used in this chapter—

"(1) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin;

"(2) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(3) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act; and

"(4) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property."; and

(4) by inserting after section 2332, as redesignated, the following new sections:

"§ 2333. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPEL UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 902 (i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472 (i), (k), (l), (n), and (r)) shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) ESTOPPEL UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§ 2334. Jurisdiction and venue

"(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, any civil action under section 2333 against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 may be served in any other district where the defendant resides, is found, or has an agent.

"(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy that is substantially the same as the one available in the courts of the United States.

"§ 2335. Limitation of actions

"(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 shall not be maintained unless commenced within 4 years from the date the cause of action accrued.

"(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of the defendant's whereabouts, shall not be counted for the purposes of the period of limitation prescribed by subsection (a).

"§ 2336. Other limitations

"(a) ACTS OF WAR.—No action shall be maintained under section 2333 for injury or loss by reason of an act of war.

"(b) LIMITATION ON DISCOVERY.—If a party to an action under section 2333 seeks to discover the investigative files of the Department of Justice, the attorney for the Government may object on the ground that compliance will interfere with a criminal investigation or prosecution of the incident, or a national security operation related to the incident, which is the subject of the civil litigation. The court shall evaluate any objections raised by the Government in camera and shall stay the discovery if the court finds that granting the discovery request will substantially interfere with a criminal investigation or prosecution of the incident or a national security operation related to the incident. The court shall consider the likelihood of criminal prosecution by the Government and other factors it deems to be appropriate. A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure.

"(c) STAY OF ACTION FOR CIVIL REMEDIES.—(1) The Attorney General may intervene in any civil action brought under section 2333 for the purpose of seeking a stay of the civil action. A stay shall be granted if the court finds that the continuation of the civil action will substantially interfere with a criminal prosecution which involves the same subject matter and in which an indictment has been returned, or interfere with national security operations related to the terrorist incident that is the subject of the civil action. A stay may be granted for up to 6 months. The Attorney General may petition the court for an extension of the stay for additional 6-month periods until the criminal prosecution is completed or dismissed.

"(2) In a proceeding under this subsection, the Attorney General may request that any order issued by the court for release to the parties and the public omit any reference to the basis on which the stay was sought.

"§ 2337. Suits against Government officials

"No action shall be maintained under section 2333 against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within the officer's or employee's official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within the officer's or employee's official capacity or under color of legal authority.

"§ 2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter.".

(c) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 113A of title 18, United States Code is amended to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.
"2331. Definitions.
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.".

(2) The item relating to chapter 113A in the part analysis for part 1 of title 18, United States Code, is amended to read as follows:

"113A. Terrorism .... 2331".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

SEC. 602. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2339. Providing material support to terrorists

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used to facilitate a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or to facilitate the concealment or an escape from the commission of any of the foregoing, shall be fined under this title, imprisoned not more than 10 years, or both. For purposes of this section, material support or resources includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, as amended by section 601(b)(1), is amended by adding at the end the following new item:

"2339. Providing material support to terrorists.".

SEC. 603. FORFEITURE OF ASSETS USED TO SUPPORT TERRORISTS.

(a) CIVIL FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Any property, real or personal—

"(i) used or intended for use in committing or to facilitate the concealment or an escape from the commission of; or

"(ii) constituting or derived from the gross profits or other proceeds obtained from, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).".

(b) Criminal Forfeiture.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(5) Any property, real or personal—

"(A) used or intended for use in committing or to facilitate the concealment or an escape from the commission of; or

"(B) constituting or derived from the gross profits or other proceeds obtained from,

a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2339A of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i)).".

SEC. 604. ALIEN WITNESS COOPERATION.

(a) Amendment of Chapter 224 of Title 18.—Chapter 224 of title 18, United States Code, is amended—

(1) by redesignating section 3528 as section 3529; and

(2) by inserting after section 3527 the following new section:

"§ 3528. Aliens; waiver of admission requirements

"(a) In General.—Upon authorizing protection to any alien under this chapter, the United States shall provide the alien with appropriate immigration visas and allow the alien to remain in the United States so long as that alien abides by all laws of the United States and guidelines, rules and regulations for protection. The Attorney General may determine that the granting of permanent resident status to such alien is in the public interest and necessary for the safety and protection of such alien without regard to the alien's admissibility under immigration or any other laws and regulations or the failure to comply with such laws and regulations pertaining to admissibility.

"(b) Alien With Felony Convictions.—Notwithstanding any other provision of this chapter, an alien who would not be excluded because of felony convictions shall be considered for permanent residence on a conditional basis for a period of 2 years. Upon a showing that the alien is still being provided protection, or that protection remains available to the alien in accordance with this chapter, or that the alien is still cooperating with the Government and has maintained good moral character, the Attorney General shall remove the conditional basis of the status effective as of the second anniversary of the alien's obtaining the status of admission for permanent residence. Permanent resident status shall not be granted to an alien who would be excluded because of felony convictions unless the Attorney General determines, pursuant to regulations which shall be prescribed by the Attorney General, that granting permanent residence status to the alien is necessary in the interests of justice and comports with safety of the community.

"(c) Limit on Number of Aliens.—The number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed 200 persons in any fiscal year. The decision to grant or deny permanent resident status under this section is at the discretion of the Attorney General and shall not be subject to judicial review.

"(d) Definitions.—As used in this section, the terms 'alien' and 'United States' have the meanings stated in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).".

(b) Technical Amendment.—The chapter analysis for chapter 224 of title 18, United States Code, is amended by striking the item relating to section 3528 and inserting the following:

"3528. Aliens; waiver of admission requirements.
"3529. Definition.".

SEC. 605. TERRITORIAL SEA EXTENDING TO 12 MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

SEC. 606. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code is amended—

(1) in subsection (a), by inserting after "title" the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, territory, possession, or district"; and

(2) by inserting at the end the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of the State, territory, possession, or district within which it would lie if the boundaries of the State, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 607. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code, is amended by inserting at the end the following new paragraph:

"(8) Any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 608. PENALTIES FOR INTERNATIONAL TERRORIST ACTS.

Section 2332 of title 18, United States Code, as redesignated by section 601(a)(2), is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking "ten" and inserting "20"; and

(B) in paragraph (3) by striking "three" and inserting "10"; and

(2) in subsection (c) by striking "five" and inserting "10".

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated in each of the fiscal years 1992, 1993, and 1994, in addition to any other amounts specified in appropriations Acts, for counterterrorist operations and programs:

(1) for the Federal Bureau of Investigation, $25,000,000;

(2) for the Department of State, $10,000,000;

(3) for the United States Customs Service, $7,500,000;

(4) for the United States Secret Service, $2,500,000;

(5) for the Bureau of Alcohol, Tobacco, and Firearms, $2,500,000;

(6) for the Federal Aviation Administration, $2,500,000; and

(7) for grants to State and local law enforcement agencies, to be administered by the Office of Justice Programs in the Department of Justice, in consultation with the Federal Bureau of Investigation, $25,000,000.

SEC. 610. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) International Economic Emergency Powers Act.—(1) Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(2) Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting "$1,000,000".

(b) Section 1541 of Title 18.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "5 years".

(c) Chapter 75 of Title 18.—Sections 1542, 1543, 1544, and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "10 years".

(d) Section 1545 of Title 18.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "10 years".

SEC. 611. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an increase of not less than 3 levels in the base offense level for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

SEC. 612. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) In General.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

"§ 3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32, 36, 112, 351, 1116, 1203, 1361, 1751, 2280, 2281, 2332, 2339A, or 2340A of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1572 (i), (j), (k), (l), and (n)), unless the indictment is found or the information is instituted within 10 years next after such offense shall have been committed.".

(b) Technical Amendment.—The chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

"3286. Extension of statute of limitations for certain terrorism offenses.".

SEC. 613. INTERNATIONAL PARENTAL KIDNAPPING.

(a) In General.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1204. International parental kidnapping

"(a) Offense.—Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) DEFINITIONS.—As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) RULE OF CONSTRUCTION.—This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

"1204. International parental kidnapping.".

SEC. 614. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

SEC. 615. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 141(a), is amended by adding at the end the following new section:

"§ 1120. Foreign murder of United States nationals

"(a) OFFENSE.—Whoever kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

"(b) APPROVAL OF PROSECUTION.—No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same act or omission.

"(c) CRITERIA FOR APPROVAL.—No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the act or omission took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this subsection is not subject to judicial review.

"(d) ASSISTANCE FROM OTHER AGENCIES.—In the course of the enforcement of this section and notwithstanding any other law, the Attorney General may request assistance from any Federal, State, local, or foreign agency, including the Army, Navy, and Air Force.

"(e) DEFINITION.—As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) TECHNICAL AMENDMENTS.—(1) Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1120".

(2) The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 141(b), is amended by adding at the end the following new item:

"1120. Foreign murder of United States nationals.".

SEC. 616. EXTRADITION.

(a) SCOPE.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "The provisions of this chapter"; and

(2) by adding at the end the following new subsections:

"(b) SURRENDER WITHOUT REGARD TO EXISTENCE OF EXTRADITION TREATY.—This chapter shall be construed to permit, in the exercise of comity, the surrender of persons who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies in writing that—

"(1) evidence has been presented by the foreign government that indicates that, if the offenses had been committed in the United States, they would constitute crimes of violence (as defined under section 16); and

"(2) the offenses charged are not of a political nature.

"(c) DEFINITION.—As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after "United States and any foreign government," the following: "or in cases arising under section 3181(b),";

(2) in the first sentence by inserting after "treaty or convention," the following: "or provided for under section 3181(b),"; and

(3) in the third sentence by inserting after "treaty or convention," the following: "or under section 3181(b),".

SEC. 617. GAMBLING DEVICES ON UNITED STATES SHIPS.

Section 5 of the Act of January 2, 1951 (commonly known as the "Johnson Act") (15 U.S.C. 1175), is amended—

(1) by inserting "(a) IN GENERAL.—" before "It shall be unlawful"; and

(2) by adding at the end the following new subsection:

"(b) APPLICATION OF SUBSECTION (a).—

"(1) EXCEPTION.—Except as provided in paragraph (2), subsection (a) does not apply to the repair, transportation, use, or possession of a gambling device on a vessel documented under chapter 121 of title 46, United States Code, when the vessel is on a voyage—

"(A) on the high seas; or

"(B) on waters that are within the admiralty and maritime jurisdiction of the United States but out of the jurisdiction of any State.

"(2) VOYAGES AND SEGMENTS BEGINNING AND ENDING IN THE SAME STATE OR POSSESSION.—The exception stated in paragraph (1) does not apply to the repair, transportation, possession, or use of a gambling device on a vessel that is on a voyage or segment of a voyage—

"(A) that begins and ends in the same State or possession of the United States,

"(B) during which the vessel does not make an intervening stop in another State or possession of the United States or a foreign country,

if the State or possession of the United States in which the voyage or segment begins and ends has enacted a statute that prohibits such repair, transportation, possession, or use.".

SEC. 618. FBI ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—

"(1) NAME, ADDRESS, AND LENGTH OF SERVICE ONLY.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, and length of service of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of the provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section) under circumstances giving reason to believe that the communication concerned international terrorism (as defined in that section) or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.

"(2) NAME, ADDRESS, LENGTH OF SERVICE, AND TOLL BILLING RECORDS.—The Director of the Federal Bureau of Investigation, or the Director's designee in a position not lower than Deputy Assistant Director, may request the name, address, length of service, and toll billing records of a person or entity if the Director (or designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) or an agent of a foreign power (as defined in that section).".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

TITLE VII—SEXUAL VIOLENCE, CHILD ABUSE, AND VICTIMS' RIGHTS

Subtitle A—Sexual Violence and Child Abuse

SEC. 701. DEFINITION OF SEXUAL ACT FOR VICTIMS BELOW 16 YEARS OF AGE.

Section 2246(2) of title 18, United States Code, as redesignated by section 137(a)(1), is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "and" at the end of subparagraph (C) and inserting "or"; and

(3) by adding at the end the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or to arouse or gratify the sexual desire of, any person;".

SEC. 702. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.

(a) Penalty.—Chapter 109A of title 18, United States Code, as amended by section 137(a), is amended—

(1) by redesignating section 2246 as section 2247; and

(2) by inserting after section 2245 the following new section:

"§ 2246. Penalties for subsequent offenses

"Any person who violates a provision of this chapter after a prior conviction under a provision of this chapter or the law of a State (as defined in section 513) for conduct proscribed by this chapter has become final is punishable by a term of imprisonment up to twice that otherwise authorized.".

(b) Technical Amendment.—The chapter analysis for chapter 109A of title 18, United States Code, as amended by section 137(b), is amended by striking the item relating to section 2246 and inserting the following:

"2246. Penalties for subsequent offenses.
"2247. Definitions for chapter.".

SEC. 703. RESTITUTION FOR VICTIMS OF SEX OFFENSES.

Section 3663(b)(2) of title 18, United States Code, is amended by inserting "or an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim".

SEC. 704. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL ABUSE CASES.

(a) In General.—Chapter 109A of title 18, United States Code, as amended by section 702(a), is amended—

(1) by redesignating section 2247 as section 2248; and

(2) by inserting after section 2246 the following new section:

"§ 2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty

"(a) Testing at Time of Pre-Trial Release Determination.—In a case in which a person is charged with an offense under this chapter, a judicial officer issuing an order pursuant to section 3142(a) shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person, and that follow-up tests for the virus be performed 6 months and 12 months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order. The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as is feasible. The person shall not be released from custody until the test is performed.

"(b) Testing at Later Time.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that follow-up tests be performed 6 months and 12 months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

"(c) Termination of Testing Requirement.—A requirement of follow-up testing imposed under this section shall be canceled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

"(d) Disclosure of Test Results.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

"(e) Effect on Penalty.—The United States Sentencing Commission shall amend the sentencing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that the offender was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim.".

(b) Technical Amendment.—The chapter analysis for chapter 109A of title 18, United States Code, as amended by section 702(b), is amended by striking the item relating to section 2247 and inserting the following:

"2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty.
"2248. Definitions for chapter.".

SEC. 705. PAYMENT OF COST OF HIV TESTING FOR VICTIM.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by inserting before the period at the end "and the cost of up to 2 tests of the victim for the human immunodeficiency virus during the 12 months following the assault".

Subtitle B—Victims' Rights

SEC. 711. RESTITUTION AMENDMENTS.

Section 3663(b) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (4) the following new paragraph:

"(4) in any case, reimburse the victim for necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

(b) Suspension of Federal Benefits.—Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) For purposes of this subsection—

"(A) the term 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

"(B) the term 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.".

SEC. 712. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the penultimate sentence of subdivision (a)(1) by striking "equivalent opportunity" and inserting "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) by inserting "the victim," before ", or the attorney for the Government."; and

(6) by adding at the end the following new subdivision:

"(f) Definitions.—For purposes of this rule—

"(1) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code; and

"(2) 'victim' means an individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian if the victim is below the age of 18 years or incompetent; or

"(B) one or more family members or relatives designated by the court if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.".

SEC. 713. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the Government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges" and inserting "each side is entitled to 6 peremptory challenges".

SEC. 714. MANDATORY RESTITUTION AND OTHER PROVISIONS.

(a) Order of Restitution.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "may order" and inserting "shall order"; and

(B) by adding at the end the following new paragraph:

"(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(A) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (c) by striking "If the Court decides to order restitution under this section, the" and inserting "The";

(5) by striking subsections (d), (e), (f), (h), and (i), as redesignated by section 711(b)(1);

(6) by redesignating subsection (g), as added by section 711(b)(2), as subsection (d); and

(7) by adding at the end the following new subsections:

"(e)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(f) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(g) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(h)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(i) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

"(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

"(C) disburse money received from an offender so that each of the following obligations is paid in full in the following sequence:

"(i) a penalty assessment under section 3013;

"(ii) restitution of all victims; and

"(iii) all other fines, penalties, costs, and other payments required under the sentence; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(j) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(k) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(l) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive restitution, in the same manner as a judgment in a civil action.

"(m) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) Procedure for Issuing Order of Restitution.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

Subtitle C—Crime Victims Fund

SEC. 721. CRIME VICTIMS FUND.

(a) Elimination of Fund Ceilings and Sunset Provision.—Section 1402 (c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is repealed.

(b) Allocations.—

(1) Generally.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended to read as follows:

"(2) The Fund shall be available as follows:

"(A) Of the total deposited in the Fund during a particular fiscal year—

"(i) the first $10,000,000 shall be available for grants under section 1404A;

"(ii) the next sums deposited, up to the reserved portion (as described in subparagraph (C)), shall be made available to the judicial branch for administrative costs to carry out the functions of that branch under sections 3611 and 3612 of title 18, United States Code; and

"(iii) of the sums remaining after the allocations under clauses (i) and (ii)—

"(I) 4 percent shall be available for grants under section 1404(c)(1); and

"(II) 96 percent shall be available in equal amounts for grants under sections 1403 and 1404(a).

"(B) The Director may retain any portion of the Fund that was deposited during a fiscal year that is in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as a reserve for use in a year in which the Fund falls below the amount available in the previous year. Such reserve may not exceed $20,000,000.

"(C) The reserved portion referred to in subparagraph (A) is $6,200,000 in each of fiscal years 1992 through 1995 and $3,000,000 in each fiscal year thereafter.".

(2) CONFORMING CROSS-REFERENCE.—Section 1402(g)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(g)(1)) is amended by striking "(iv)" and inserting "(i)".

(c) AMOUNTS AWARDED AND UNSPENT.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended—

(1) in paragraph (1)—

(A) by striking "(1) Except as provided in paragraph (2), any" and inserting "Any";

(B) by striking "succeeding fiscal year" and inserting "2 succeeding fiscal years";

(C) by striking "which year" and inserting "which period"; and

(D) by striking "the general fund of the Treasury" and inserting "the Fund"; and

(2) by striking paragraph (2).

SEC. 722. PERCENTAGE CHANGE IN CRIME VICTIM COMPENSATION FORMULA.

Section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "40 percent" and inserting "45 percent".

SEC. 723. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.

(a) CREATION OF EXCEPTION.—The last sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking "A grant" and inserting "Except as provided in paragraph (3), a grant".

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

"(3) The Director may permit not more than 5 percent of a grant made under this section to be used for the administration of the crime victim compensation program receiving the grant.".

SEC. 724. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 725. USE OF UNSPENT SECTION 1403 MONEY.

Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by striking "or for the purpose of grants under section 1403 but not used for that purpose,"; and

(2) by adding at the end the following: "The Director, in the Director's discretion, may use amounts made available under section 1402(d)(2) for the purposes of grants under section 1403 but not used for that purpose, for grants under this subsection, either in the year such amounts are not so used, or the next year.".

SEC. 726. UNDERSERVED VICTIMS.

Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following new paragraph:

"(6) In making the certification required by paragraph (2)(B), the chief executive shall give particular attention to children who are victims of violent street crime.".

SEC. 727. GRANTS FOR DEMONSTRATION PROJECTS.

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting "demonstration projects and" before "training".

SEC. 728. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.

Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(A)), as amended by section 726, is amended—

(1) in paragraph (1) by inserting ", except as provided in paragraph (7)" after "programs"; and

(2) by adding at the end the following new paragraph:

"(7) The Director may permit not more than 5 percent of sums provided under this subsection to be used by the chief executive of each State for the administration of such sums.".

SEC. 729. CHANGE OF DUE DATE FOR REQUIRED REPORT.

Section 1407(g) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(g)) is amended—

(1) by striking "December 31, 1990" and inserting "May 31, 1993"; and

(2) by striking "December 31" the second place it appears and inserting "May 31".

SEC. 730. MAINTENANCE OF EFFORT.

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

"(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.".

SEC. 731. DELAYED EFFECTIVE DATE FOR CERTAIN PROVISIONS.

Sections 721(b), 722, 723, and 728, and the amendments made by those sections, shall take effect with respect to the first fiscal year that begins after the date of enactment of this Act for which the Director certifies that there are sufficient sums in the Victim Assistance Fund and the Victims Compensation Fund, as of the end of the previous fiscal year, to make the allocations required under such sections and amendments without reducing the then current funding levels of programs supported by such Funds.

Subtitle D—National Child Protection Act

SEC. 741. SHORT TITLE.

This subtitle may be cited as the "National Child Protection Act of 1992".

SEC. 742. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) more than 2,500,000 reports of suspected child abuse and neglect are made each year, and increases have occurred in recent years in the abuse of children by persons who have previously committed crimes of child abuse or other serious crimes;

(2) although the great majority of child care providers are caring and dedicated professionals, child abusers and others who harm or prey on children frequently seek employment in or volunteer for positions that give them access to children;

(3) nearly 6,000,000 children received day care in 1990, and this total is growing rapidly to an estimated 8,000,000 children by 1995;

(4) exposure to child abusers and others who harm or prey on children is harmful to the physical and emotional well-being of children;

(5) there is no reliable, centralized national source through which child care organizations may obtain the benefit of a nationwide criminal background check on persons who provide or seek to provide child care;

(6) some States maintain automated criminal background files and provide criminal history information to child care organizations on persons who provide or seek to provide child care; and

(7) because State and national criminal justice databases are inadequate to permit effective national background checks, persons convicted of crimes of child abuse or other serious crimes may gain employment at a child care organization.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 743. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this Act;

(2) the term "background check crime" means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance;

(3) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(4) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(5) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(6) the term "child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, legal residence address, a brief description of the child abuse crime or offenses for which the person is under indictment or has been convicted, and any other information that the Attorney General determines may be useful in identifying persons under indict-

ment for, or convicted of, a child abuse crime;

(7) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children;

(8) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(9) the term "exploitation" means child pornography and child prostitution;

(10) the term "mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(11) the term "national criminal background check system" means the system of information and identification relating to convicted and accused child abuse offenders that is maintained by the Attorney General under this subtitle;

(12) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child;

(13) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(14) the term "provider" means—

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(15) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services;

(16) the term "sex crime" means an act of sexual abuse that is a criminal act;

(17) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(18) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

SEC. 744. REPORTING BY THE STATES.

(a) IN GENERAL.—An authorized agency of a State shall report child abuse crime information to the national criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS TO THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis to the national criminal background check system;

(B) establish guidelines for the reporting of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this subtitle; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of child abuse crime case dispositions in computerized criminal history files for all child abuse crime cases in which there has been an entry of activity within the last 5 years; and

(B) continue to maintain such a system.

(c) EXCHANGE OF INFORMATION.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of information and technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim of a crime.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 743, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 745. BACKGROUND CHECKS.

(a) IN GENERAL.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and other criminal justice recordkeeping systems and shall respond promptly to the inquiry.

(b) GUIDELINES.—(1) The Attorney General shall establish guidelines for State background check procedures established under subsection (a), including procedures for carrying out the purposes of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime;

(ii) is not certain to include arrest information; and

(iii) should not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a)—

(i) at a minimum, state whether the background check information set forth in the identification document required under subparagraph (A) is complete and accurate; and

(ii) be limited to the information reasonably required to accomplish the purposes of this subtitle;

(F) that no qualified entity may take action adverse to a provider, except that the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care, on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge;

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the providers;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check; and

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check.

(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this subtitle, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this subtitle and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) RECORDS EXCHANGE.—The Attorney General may exchange Federal Bureau of Investigation identification records with authorized agencies for purposes of background checks under subsection (a) and may by regulation authorize further dissemination of such records by authorized agencies for such purposes.

(e) REGULATIONS.—(1) The Attorney General shall by regulation prescribe such other measures as may be required to carry out the purposes of this subtitle, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 746. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 744 of the National Child Protection Act of 1992 with the Attorney General for the purpose of implementing the National Child Protection Act of 1992.".

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history records in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1992, 1993, and 1994.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 744 of this Act.

Subtitle E—Jacob Wetterling Crimes Against Children Registration Act

SEC. 751. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 752. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months' imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints for child care services providers.

SEC. 753. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

Subtitle F—Domestic Violence

SEC. 761. DOMESTIC VIOLENCE GRANTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 523(a), is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following new part:

"Part Q—Domestic Violence Intervention

"SEC. 1701. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance may make grants to 10 States for the purpose of assisting States in implementing a civil and criminal response to domestic violence.

"SEC. 1702. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to encourage increased prosecutions for domestic violence crimes;

"(2) to report more accurately the incidences of domestic violence;

"(3) to facilitate arrests and aggressive prosecution policies;

"(4) to provide legal advocacy services for victims of domestic violence; and

"(5) to improve the knowledge of health professionals regarding domestic violence and facilitate cooperation between health professionals, social service providers, and law enforcement personnel to better assist victims of domestic violence.

"SEC. 1703. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—An application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 1702;

"(2) a description of the programs already in place to combat domestic violence;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information, if available, in such form and containing such information that the Director may require regarding domestic violence within that State.

"(c) COMPREHENSIVE PLAN.—An application under subsection (a) shall include a comprehensive plan that shall contain—

"(1) a description of the domestic violence problem within the State targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the State to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill those gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce domestic violence.

"SEC. 1704. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) STATE MAXIMUM.—No State shall receive more than $2,500,000 under this part for any fiscal year.

"(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 1703(c).

"SEC. 1705. AWARD OF GRANTS.

"The Director shall consider the following factors in awarding grants to States and shall give preference to States that have—

"(1) a law or policy that requires the arrest of a person who police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated a civil protection order;

"(2) a law or policy that discourages dual arrests;

"(3) laws or statewide prosecution policies that authorize and encourage prosecutors to pursue domestic violence cases in which a criminal case can be proved, including proceeding without the active involvement of the victim if necessary;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only 1 spouse has sought a restraining or protective order;

"(B) require any history of abuse against a child or against a parent to be considered when making child custody determinations; and

"(C) require judicial training on domestic violence and related civil and criminal court issues;

"(5) policies that provide for the coordination of court and legal victim advocacy services; and

"(6) policies that make existing remedies to domestic violence easily available to victims of domestic violence, including elimination of court fees and the provision of simple court forms.

"SEC. 1706. REPORTS.

"(a) REPORT TO DIRECTOR.—Each State that receives funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 1703(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part containing—

"(1) a detailed statement regarding grant awards and activities of grant recipients;

"(2) a compilation of statistical information submitted by applicants under section 1703(b)(4); and

"(3) an evaluation of programs established under this part.

"SEC. 1707. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'domestic violence' means any act or threatened act of violence, including any forceful detention of an individual, that—

"(A) results or threatens to result in physical injury; and

"(B) is committed by an individual against another individual (including an elderly individual) to whom the individual is or was related by blood or marriage or otherwise legally related or with whom the individual is or was lawfully residing.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 523(b), is amended by striking the matter relating to part Q and inserting the following:

"PART Q—DOMESTIC VIOLENCE INTERVENTION

"Sec. 1701. Grant authorization.
"Sec. 1702. Use of funds.
"Sec. 1703. Applications.
"Sec. 1704. Allocation of funds; limitations on grants.
"Sec. 1705. Award of grants.
"Sec. 1706. Reports.
"Sec. 1707. Definitions.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 523(d), is amended by adding at the end the following new paragraph:

"(11) There are authorized to be appropriated $25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out projects under part Q.".

SEC. 762. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of battered women's syndrome and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

Subtitle G—Other Provisions

SEC. 771. INDUCEMENT OF MINOR TO COMMIT AN OFFENSE.

(a) FINDINGS.—The Congress finds that—

(1) children are our most important and yet most fragile human resource;

(2) too many young people are induced or forced into performing criminal acts by adults;

(3) the greatest effort must be taken to eliminate crime in our neighborhoods and our schools;

(4) an equal resolve must be taken to punish individuals who attempt to use America's youth as pawns in their criminal enterprises; and

(5) adequate penalties can be implemented to eradicate the exploitation of minors to commit offenses.

(b) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 21. Inducement of minor to commit an offense

"(a) IN GENERAL.—Except to the extent that a greater minimum sentence is provided by other law, a person 18 years of age or older who, in any voluntary manner, solicits, counsels, encourages, commands, intimidates, or procures any minor with the intent that the minor shall commit an offense against the United States shall be imprisoned not less than 3 and not more than 10 years, to be served consecutively with any other sentences that are imposed.

"(b) LIMITATION.—In the case of an offense under subsection (a) involving a minor who is 16 years of age or older at the time of the offense, subsection (a) shall apply only when the offender is at least 5 years older than the minor at the time the offense is committed.

"(c) SENTENCING.—In imposing a sentence under subsection (a), the court shall consider as a circumstance in aggravation the severity of the offense sought by the adult.

"(d) DEFINITION.—For the purposes of this section the term 'minor' means a person less than 18 years of age.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"21. Inducement of minor to commit an offense.".

SEC. 772. DISCLOSURE OF RECORDS OF ARRESTS BY CAMPUS POLICE.

Section 438(a)(4)(B)(ii) of the General Education Provisions Act (20 U.S.C. 1232g(a)(4)(B)(ii)) is amended to read as follows:

"(ii) records maintained by a law enforcement unit of the education agency or institution that were created by that law enforcement unit for the purpose of law enforcement.".

SEC. 773. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Education, shall, by contract with an appropriate entity with expertise in college campus security, provide for a national baseline study to research the effectiveness of campus sexual assault policies for institutions of postsecondary education.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of sexual assault occurring on college and university campuses, and to whom the allegations are reported (including campus authorities, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to campus authorities which are reported to criminal authorities;

(3) the percentage of campus sexual assault allegations compared to noncampus sexual assault allegations which result in eventual criminal prosecution;

(4) State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of campus policies and practices in protecting the legal rights and interests of sexual assault victims and the accused, including consideration of—

(A) practices that might discourage the reporting of sexual assaults to local criminal authorities, or result in any form of obstruction of justice, and thus undermine the public interest in prosecuting perpetrators of sexual assault; and

(B) the ability of campus disciplinary hearings to properly address allegations of sexual assault;

(6) whether colleges and universities take adequate measures to ensure that victims are free of unwanted contact with alleged assailants;

(7) the grounds on which colleges and universities are sued in civil court regarding sexual assaults, the resolution of these cases, and measures that can be taken to prevent future lawsuits;

(8) the ways in which colleges and universities respond to allegations of sexual assault, including an assessment of which programs work the best;

(9) recommendations to redress concerns raised in the report; and

(10) any other issues or questions the Attorney General, with the concurrence of the Secretary of Education, deems to be appropriate to the study.

(c) REPORT.—The Secretary of Education shall review the results of the research required by this section and report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate by September 1, 1995, coordinating that report with the report and dissemination required under section 485(f)(4) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(4)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000 for the contract required by subsection (a).

SEC. 774. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

TITLE VIII—EQUAL JUSTICE ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Equal Justice Act".

SEC. 802. PROHIBITION OF RACIALLY DISCRIMINATORY POLICIES CONCERNING CAPITAL PUNISHMENT OR OTHER PENALTIES.

(a) GENERAL RULE.—The penalty of death and all other penalties shall be administered by the United States and by every State without regard to the race or color of the defendant or victim. Neither the United States nor any State shall prescribe any racial quota or statistical test for the imposition or execution of the death penalty or any other penalty.

(b) DEFINITIONS.—For purposes of this title—

(1) the action of the United States or of a State includes the action of any legislative, judicial, executive, administrative, or other agency or instrumentality of the United States or a State, or of any political subdivision of the United States or a State;

(2) the term "State" has the meaning given in section 513 of title 18, United States Code; and

(3) the term "racial quota or statistical test" includes any law, rule, presumption, goal, standard for establishing a prima facie case, or mandatory or permissive inference that—

(A) requires or authorizes the imposition or execution of the death penalty or another penalty so as to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims; or

(B) requires or authorizes the invalidation of, or bars the execution of, sentences of death or other penalties based on the failure of a jurisdiction to achieve a specified racial proportion relating to offenders, convicts, defendants, arrestees, or victims in the imposition or execution of such sentences or penalties.

SEC. 803. GENERAL SAFEGUARDS AGAINST RACIAL PREJUDICE OR BIAS IN THE TRIBUNAL.

In a criminal trial in a court of the United States, or of any State—

(1) on motion of the defense attorney or prosecutor, the risk of racial prejudice or bias shall be examined on voir dire if there is a substantial likelihood in the circumstances of the case that such prejudice or bias will affect the jury either against or in favor of the defendant;

(2) on motion of the defense attorney or prosecutor, a change of venue shall be granted if an impartial jury cannot be obtained in the original venue because of racial prejudice or bias; and

(3) neither the prosecutor nor the defense attorney shall make any appeal to racial prejudice or bias in statements before the jury.

SEC. 804. FEDERAL CAPITAL CASES.

(a) JURY INSTRUCTIONS AND CERTIFICATION.—In a prosecution for an offense against the United States in which a sentence of death is sought, and in which the capital sentencing determination is to be made by a jury, the judge shall instruct the jury that it is not to be influenced by prejudice or bias relating to the race or color of the defendant or victim in considering whether a sentence of death is justified, and that the jury is not to recommend the imposition of a sentence of death unless it has concluded that it would recommend the same sentence for such a crime regardless of the race or color of the defendant or victim. Upon the return of a recommendation of a sentence of death, the jury shall also return a certificate, signed by each juror, that the juror's individual decision was not affected by prejudice or bias relating to the race or color of the defendant or victim, and that the individual juror would have made the same recommendation regardless of the race or color of the defendant or victim.

(b) RACIALLY MOTIVATED KILLINGS.—In a prosecution for an offense against the United States for which a sentence of death is authorized, the fact that the killing of the victim was motivated by racial prejudice or bias shall be deemed an aggravating factor whose existence permits consideration of the death penalty, in addition to any other aggravating factors that may be specified by law as permitting consideration of the death penalty.

SEC. 805. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) SECTION 241.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) SECTION 242.—Section 242 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in", and by striking "such inhabitant" and inserting "such person".

TITLE IX—FUNDING, GRANT PROGRAMS, AND STUDIES

Subtitle A—Safer Streets and Neighborhoods

SEC. 901. SHORT TITLE.

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1992".

SEC. 902. GRANTS TO STATE AND LOCAL AGENCIES.

Section 1001(a)(5) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended to read as follows:

"(5) There are authorized to be appropriated $1,000,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 to carry out the programs under parts D and E of this title.".

SEC. 903. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is amended by striking "1991" and inserting "1992".

SEC. 904. GRANTS FOR MULTI-JURISDICTIONAL DRUG TASK FORCES.

Section 504(f) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(f)) is amended by striking "No" and inserting "Except for grants awarded to State and local governments for the purpose of participating in multi-jurisdictional drug task forces, no".

Subtitle B—Retired Public Safety Officer Death Benefit

SEC. 911. RETIRED PUBLIC SAFETY OFFICER DEATH BENEFIT.

(a) PAYMENTS.—Section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in subsection (a) by inserting "or a retired public safety officer has died as the direct and proximate result of a personal injury sustained while responding to a fire, rescue, or police emergency" after "line of duty";

(2) in subsection (b) by inserting "or a retired public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained while responding to a fire, rescue, or police emergency" after "line of duty"; and

(3) in subsections (c), (i), and (j) by inserting "or a retired public safety officer" after "public safety officer" each place it appears.

(b) LIMITATIONS.—Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) is amended—

(1) in paragraph (1) by striking "the public safety officer or by such officer's intention" and inserting "the public safety officer or the retired public safety officer who had the intention";

(2) in paragraph (2) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer"; and

(3) in paragraph (3) by striking "the public safety officer" and inserting "the public safety officer or the retired public safety officer".

(c) NATIONAL PROGRAM.—Section 1203 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a-1) is amended by inserting before the period "or retired public safety officers who have died while responding to a fire, rescue, or police emergency".

(d) DEFINITIONS.—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) by striking "and" after paragraph (6);

(2) by inserting "; and" at the end of paragraph (7); and

(3) by adding at the end the following new paragraph:

"(8) 'retired public safety officer' means a former public safety officer who has served a sufficient period of time in such capacity to become vested in the retirement system of a public agency with which the officer was employed and who retired from such agency in good standing.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to death or injuries occurring after the date of enactment of this Act.

(f) IRWIN RUTMAN PROGRAM.—Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by inserting before section 1201 the following new section:

"NAME OF PROGRAM

"SEC. 1200. The program established under this part shall be known as the 'Irwin Rutman Retired Safety Officer's Benefit Program'.".

Subtitle C—Study on Police Officers' Rights

SEC. 921. STUDY ON POLICE OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;

(2) conduct of questioning;

(3) counsel;

(4) hearings;

(5) appeal; and

(6) sanctions.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

Subtitle D—Community Policing

CHAPTER 1—POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT

SEC. 931. SHORT TITLE.

This chapter may be cited as the "Police Corps and Law Enforcement Training and Education Act".

SEC. 932. PURPOSES.

The purposes of this chapter are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 933. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in subchapter A and the Law Enforcement Scholarship program established in subchapter B and shall have authority to promulgate regulations to implement this subtitle.

SEC. 934. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under subchapter A or the Law Enforcement Scholarship program under subchapter B shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this chapter;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program;

(4) if the State desires to participate in the Police Corps program under subchapter A, meet the requirements of section 940; and

(5) if the State desires to participate in the Law Enforcement Scholarship program under subchapter B, meet the requirements of section 948.

Subchapter A—Police Corps Program

SEC. 935. DEFINITIONS.

For the purposes of this subchapter—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree, including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to section 937;

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(6) the term "State Police Corps program" means a State police corps program approved under section 940.

SEC. 936. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director is authorized to award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director is authorized to make payments to a participant to reimburse such participant for the costs of educational expenses if such student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any one student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to pay educational expenses incurred while in attendance at an institution of higher education—

(1) in a course of education leading to the award of a baccalaureate degree, including attendance at such an institution that does not itself award such a degree if the courses taken there are acceptable for credit toward a degree at an institution that does award such a degree, and including, in the discretion of the Director, such expenses incurred prior to enrollment in the Police Corps program; and

(2) for graduate and professional study.

(d) AGREEMENT.—(1) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the participant shall—

(A) after successful completion of a baccalaureate program and training as prescribed in section 938, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study);

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 938; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent in the event that the conditions of subparagraphs (A) and (B) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) In the event that a scholarship recipient is unable to comply with the repayment provision set forth in subparagraph (C) of paragraph (1) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's or dependent child's gross income shall not include any amount paid as scholarship assistance under this section or as a stipend under section 938.

(g) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

(h) DEFINITION.—For the purposes of this section, the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 937. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to the State Police Corps plan, including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 939, and such a participant shall be subject to the same benefits and obligations under this chapter as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 939, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this subchapter that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, an institution of higher education—

(A) as a full-time student in an undergraduate program leading to the award of a baccalaureate degree; or

(B) for purposes of taking a graduate or professional course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 938. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subchapter.

(2) The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces), to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 940 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 939. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 938 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 936, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 936(d)(1)(C) shall not apply.

(d) LAYOFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 936, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 936(d)(1)(C) shall not apply.

SEC. 940. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 937;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since July 10, 1991; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the

police force of which the participant is a member.

SEC. 941. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subchapter $100,000,000 for each of fiscal years 1992 and 1993, and $200,000,000 for each of fiscal years 1994, 1995, and 1996.

Subchapter B—Law Enforcement Scholarship Program

SEC. 942. SHORT TITLE.

This subchapter may be cited as the "Law Enforcement Scholarships and Recruitment Act".

SEC. 943. DEFINITIONS.

As used in this subchapter—

(1) the term "Director" means the Director of the Bureau of Justice Assistance;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree;

including the cost of tuition, fees, books, supplies, and related expenses;

(3) the term "institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 944. ALLOTMENT.

From amounts appropriated pursuant to the authority of section 951, the Director shall allot—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such funds to States on the basis of the shortage of law enforcement personnel and the need for assistance under this chapter in the State compared to the shortage of law enforcement personnel and the need for assistance under this subchapter in all States.

SEC. 945. PROGRAM ESTABLISHED.

(a) Use of Allotment.—

(1) In general.—Each State receiving an allotment pursuant to section 944 shall use such allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment during a period not to exceed one year.

(2) Employment.—The employment described in subparagraph (B) of paragraph (1) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement. Such employment shall not be in a law enforcement position. Such employment shall consist of performing meaningful tasks that inform such students of the nature of the tasks performed by law enforcement agencies.

(b) Payments; Federal Share; Non-Federal Share.—

(1) Payments.—The Secretary shall pay to each State receiving an allotment under section 944 the Federal share of the cost of the activities described in the application submitted pursuant to section 948.

(2) Federal share.—The Federal share shall not exceed 60 percent.

(3) Non-federal share.—The non-Federal share of the cost of scholarships and student employment provided under this subchapter shall be supplied from sources other than the Federal Government.

(c) Lead Agency.—Each State receiving an allotment under section 944 shall designate an appropriate State agency to serve as the lead agency to conduct a scholarship program, a student employment program, or both in the State in accordance with this subchapter.

(d) Responsibilities of Director.—The Director shall be responsible for the administration of the programs conducted pursuant to this subchapter and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subchapter.

(e) Administrative Expenses.—Each State receiving an allotment under section 944 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) Special Rule.—Each State receiving an allotment under section 944 shall ensure that each scholarship recipient under this subchapter be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(g) Supplementation of Funding.—Funds received under this subchapter shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 946. SCHOLARSHIPS.

(a) Period of Award.—Scholarships awarded under this chapter shall be for a period of one academic year.

(b) Use of Scholarships.—Each individual awarded a scholarship under this subchapter may use such scholarship for educational expenses at any institution of higher education.

SEC. 947. ELIGIBILITY.

(a) Scholarships.—An individual shall be eligible to receive a scholarship under this subchapter if such individual has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) Ineligibility for Student Employment.—An individual who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subchapter.

SEC. 948. STATE APPLICATION.

Each State desiring an allotment under section 944 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

(1) describe the scholarship program and the student employment program for which assistance under this subchapter is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subchapter;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subchapter and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subchapter;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of individuals receiving scholarships under this subchapter;

(7) with respect to such student employment program, identify—

(A) the employment tasks students will be assigned to perform;

(B) the compensation students will be paid to perform such tasks; and

(C) the training students will receive as part of their participation in such program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 949. LOCAL APPLICATION.

(a) In General.—Each individual who desires a scholarship or employment under this subchapter shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require. Each such application shall describe the academic courses for which a scholarship is sought, or the location and duration of employment sought, as appropriate.

(b) Priority.—In awarding scholarships and providing student employment under this subchapter, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 950. SCHOLARSHIP AGREEMENT.

(a) In General.—Each individual who receives a scholarship under this subchapter shall enter into an agreement with the Director.

(b) Contents.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual will work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay the entire scholarship awarded under this chapter in accordance with such terms and conditions as the Director shall

prescribe, in the event that the requirements of such agreement are not complied with unless the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this chapter may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this subchapter.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.— Except as provided in paragraph (2), each individual awarded a scholarship under this subchapter shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which funds are received under such scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this subchapter shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than 6 months nor more than 2 years.

SEC. 951. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out this subchapter.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for any fiscal year—

(1) 75 percent shall be available to provide scholarships described in section 945(a)(1)(A); and

(2) 25 percent shall be available to provide employment described in sections 945(a)(1)(B) and (2).

Subchapter C—Reports

SEC. 952. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—No later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program authorized by subchapter A, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic dispersion of participants in the Police Corps program;

(3) state the number of present and past scholarship recipients under subchapter B, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement;

(4) describe the geographic, racial, and gender dispersion of scholarship recipients under subchapter B; and

(5) describe the progress of the programs authorized by this chapter and make recommendations for changes in the programs.

(b) SPECIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to Congress containing a plan to expand the assistance provided under subchapter B to Federal law enforcement officers. Such plan shall contain information of the number and type of Federal law enforcement officers eligible for such assistance.

CHAPTER 2—COP-ON-THE-BEAT GRANTS

SEC. 961. SHORT TITLE.

This chapter may be cited as "The Cop-on-the-Beat Act of 1992".

SEC. 962. COP-ON-THE-BEAT GRANTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 761(a), is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

(3) by inserting after part Q the following new part:

"PART R—COP-ON-THE-BEAT GRANTS

"SEC. 1801. GRANT AUTHORIZATION.

"(a) GRANT PROJECTS.—The Director of the Bureau of Justice Assistance may make grants to units of local government and to community groups to establish or expand cooperative efforts between police and a community for the purposes of increasing police presence in the community, including—

"(1) developing innovative neighborhood-oriented policing programs;

"(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community;

"(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

"(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

"(5) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level;

"(6) providing training and problem solving for community crime problems;

"(7) providing training in cultural differences for law enforcement officials;

"(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

"(9) developing crime prevention programs in communities that have experienced a recent increase in gang-related violence; and

"(10) developing projects following the model under subsection (b).

"(b) MODEL PROJECT.—The Director shall develop a written model that informs community members regarding—

"(1) how to identify the existence of a drug or gang house;

"(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

"(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in the community.

"SEC. 1802. APPLICATION.

"(a) IN GENERAL.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) In an application under paragraph (1), a single office, or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

"(b) GENERAL CONTENTS.—Each application under subsection (a) shall include—

"(1) a request for funds available under this part for the purposes described in section 1801;

"(2) a description of the areas and populations to be served by the grant; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(1) a description of the crime problems within the areas targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant shall be used to fill those gaps;

"(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

"(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall collect to measure progress toward meeting project goals.

"SEC. 1803. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ALLOCATION.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

"(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, subject to the availability of funds, if the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1802(c).

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1802 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1804. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

"(1) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1802(c).

"(2) COMMUNITY-WIDE RESPONSE.—Evidence of the ability to coordinate community-wide response to crime.

"(3) MAINTAIN PROGRAM.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 1805. REPORTS.

"(a) REPORT TO DIRECTOR.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1802(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year containing—

"(1) a detailed statement regarding grant awards and activities of grant recipients; and

"(2) an evaluation of projects established under this part.

"SEC. 1806. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) The term 'Director' means the Director of the Bureau of Justice Assistance.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 761(b), is amended by striking the matter relating to part R and inserting the following new part:

"PART R—COP-ON-THE-BEAT GRANTS

"Sec. 1801. Grant authorization.
"Sec. 1802. Application.
"Sec. 1803. Allocation of funds; limitation on grants.
"Sec. 1804. Award of grants.
"Sec. 1805. Reports.
"Sec. 1806. Definitions.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 761(c), is amended by adding at the end the following new paragraph:

"(12) There are authorized to be appropriated $150,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out projects under part R.".

Subtitle E—Rural Crime Prevention Strategy

SEC. 971. FINDINGS.

The Congress makes the following findings:

(1) The traditional supportive roles of the family, church, school, and community have declined in importance as a positive social factor influencing the prevention and control of crime in rural areas. As a result in recent years rural areas have experienced a marked increase in crime rates. This increase is taking its toll on rural law enforcement practitioners who are already encumbered by numerous characteristics that are unique to their rural circumstances.

(2) Compounding the increase in crime rates, rural police unlike their urban counterparts, are likely to encounter a multitude of nontraditional police tasks such as fire and railroad emergencies, search and rescue missions, animal control problems, livestock theft, wildlife enforcement, illegal distilleries, illegal crop farming and drug manufacturing, rural drug trafficking, and toxic dumping.

(3) These problems are further exacerbated by the rural officer's distinct disadvantage with respect to the lack of adequate training to manage these varied assignments, the low degree of specialization of job tasks, unique job stress factors, and inadequate data resources. Inadequate rural crime statistics and data analysis capabilities further frustrate the rural police organization's ability to cope with the nature, extent, and trends of rural crime.

(4) Rural law enforcement agencies are at a critical juncture, and strategic planning and action are imperative. The Domestic Chemical Action Group convened by the National Institute of Justice in October 1990 has recommended that rural police receive training in various safety issues related to the identification, investigation, and seizure of illicit drug and chemical laboratories located in rural areas. Without such specialized training officials will face a high probability of explosions endangering police personnel and the community. National Institute of Justice sponsored research of environmental crime in major urban areas, including Los Angeles, has revealed the lack of police training in the identification, investigation, and clean-up of toxic and hazardous waste areas. It can be said with certainty that this recognized need for hazardous materials training is equally critical for rural police organizations.

SEC. 972. STRATEGY TO ADDRESS RURAL CRIME.

The purpose of this subtitle is to address the growing problems of rural crime in a systematic and effective manner with a program of practical and focused research, development, and dissemination designed to assist States and units of local government in rural areas throughout the country in implementing specific programs and strategies which offer a high probability of improving the functioning of their criminal justice systems.

SEC. 973. NATIONAL INSTITUTE OF JUSTICE NATIONAL ASSESSMENT.

(a) IN GENERAL.—The Director of the National Institute of Justice (referred to in this subtitle as the "Director") shall conduct a national assessment of the nature and extent of rural crime in the United States, the needs of law enforcement and criminal justice professionals in rural States and communities, and promising strategies to respond effectively to those challenges, including—

(1) the problem of clandestine drug laboratories; changing patterns in their location and operation; safety and liability issues for both law enforcement officers and the community in the identification, investigation, seizure, and clean-up of clandestine laboratories;

(2) other environmental crimes, such as the dumping of hazardous and toxic wastes; the pollution of streams, rivers, and ground water; and access of rural communities to the expertise necessary to successfully identify, investigate, and prosecute such crimes;

(3) the cultivation of illegal crops, such as marijuana, including changing patterns in location and techniques for identification, investigation, and destruction;

(4) the problems of drug and alcohol abuse in rural communities, including law enforcement and criminal justice response and access to treatment services;

(5) the problems of family violence and child abuse, including law enforcement and criminal justice response and access to services for victims of such crimes;

(6) the problems of juvenile delinquency and vandalism as they affect rural communities;

(7) the access of law enforcement and criminal justice professionals in rural communities to the services of crime laboratories, the Automated Fingerprint Identification System, and other technological support;

(8) the access of law enforcement and criminal justice professionals in rural communities to professional training and development and the identification of models for the delivery of such training; and

(9) the special problems of drug abuse in jurisdictions with populations of 50,000 or less.

(b) FINAL REPORT.—The Director shall submit the national assessment to the President and Congress not later than 12 months after the date of enactment of this Act.

(c) DISSEMINATION OF REPORT.—Based on the results of the national assessment and analysis of successful and promising strategies in these areas, the Director shall disseminate the results not only through reports, publications, and clearinghouse services, but also through programs of training and technical assistance, designed to address the realities and challenges of rural law enforcement.

SEC. 974. PILOT PROGRAMS.

(a) IN GENERAL.—The Director may make grants to local law enforcement agencies for pilot programs and field tests of particularly promising strategies and models, which could then serve as the basis for demonstration and education programs under the Bureau of Justice Assistance Discretionary Grant Program.

(b) TYPES OF PROGRAMS.—Pilot programs funded under this section may include—

(1) programs to develop and demonstrate new or improved approaches or techniques for rural criminal justice systems;

(2) programs of training and technical assistance to meet the needs of rural law enforcement and criminal justice professionals including safety;

(3) a rural initiative to study and improve the response to traffic safety problems and drug interdiction;

(4) an ongoing program to assist law enforcement professionals in dealing with the hazards of clandestine drug laboratories;

(5) victim assistance information to assist departments in beginning and maintaining strong programs to assist victims and witnesses of crime;

(6) emergency preparedness information for community groups concerned about disaster preparedness on the family and community level; and

(7) a program targeted at communities of less than 50,000 stressing the need for production of public safety through extensive partnership efforts between law enforcement, other local government agencies, businesses, schools, community and social organizations, and citizens.

SEC. 975. FUNDING.

There are authorized to be appropriated $5,000,000 to carry out the national assessment and pilot programs required by this subtitle.

Subtitle F—National Commission to Support Law Enforcement

SEC. 981. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act.".

SEC. 982. FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review 25 years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 983. ESTABLISHMENT OF COMMISSION.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this subtitle as the "Commission").

SEC. 984. DUTIES.

(a) IN GENERAL.—The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) EMPLOYMENT.—The conditions of law enforcement employment.

(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) RESEARCH AND TRAINING.—The status of law enforcement research and education and training.

(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 985. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from among national law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the Majority Leader of the Senate;

(C) One shall be appointed by the Minority Leader of the House;

(D) One shall be appointed by the Minority Leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate.

(B) One shall be appointed by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the Minority Leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the Majority Leader and the Minority Leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) The Comptroller General of the United States, who shall serve as the chairperson of the Commission.

(b) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) APPOINTMENT DATES.—Members of the Commission shall be appointed no later than 90 days after the enactment of this title.

SEC. 986. EXPERTS AND CONSULTANTS.

(a) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this subtitle.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 987. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for purposes of this subtitle, hold hearings, sit and act at the time and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this subtitle. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 988. REPORT.

Not later than the expiration of the 18-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

SEC. 989. TERMINATION.

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 988.

SEC. 989A. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (42 U.S.C. 3721 note) and section 211(B) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (42 U.S.C. 3721 note; 104 Stat. 2122) are repealed.

Subtitle G—Other Provisions

SEC. 991. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) GRANT.—The Attorney General shall award a grant to an eligible organization to assist the organization in paying the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, aggressive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) ELIGIBLE ORGANIZATION.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1992, 1993, and 1994.

SEC. 992. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF JUSTICE ASSISTANCE DISCRETIONARY GRANTS.

Section 1001(a)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(6)), as amended by section 1054, is amended to read as follows:

"(7) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out chapter B of subpart 2 of part E of this title.".

SEC. 993. LAW ENFORCEMENT FAMILY SUPPORT.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 962(a), is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as 2001; and

(3) by inserting after part R the following new part:

"PART S—FAMILY SUPPORT

"SEC. 1901. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 1902. GENERAL AUTHORIZATION.

"The Director is authorized to make grants to States and local law enforcement agencies to provide family support services to law enforcement personnel.

"SEC. 1903. USES OF FUNDS.

"(a) IN GENERAL.—A State or local law enforcement agency that receives a grant under this part shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) REQUIRED ACTIVITIES.—A law enforcement agency that receives funds under this part shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(c) OPTIONAL ACTIVITIES.—A law enforcement agency that receives funds under this part may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"SEC. 1904. APPLICATIONS.

"A law enforcement agency desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

"SEC. 1905. AWARD OF GRANTS; LIMITATION.

"(a) GRANT DISTRIBUTION.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) DURATION.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency for a period not to exceed 5 years. In any application from a State or local law enforcement agency for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) LIMITATION.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency may be used for administrative purposes.

"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 1907. REPORTS.

"(a) REPORT FROM GRANT RECIPIENTS.—A State or local law enforcement agency that receives a grant under this part shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) REPORT FROM DIRECTOR.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) A report under paragraph (1) shall contain—

"(A) a description of the types of projects developed or improved through funds received under this part;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) a statement of the number of individuals served in each location and throughout the country.

"SEC. 1908. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 962(b), is amended by striking the matter relating to part S and inserting the following:

"PART S—FAMILY SUPPORT

"Sec. 1901. Duties of director.
"Sec. 1902. General authorization.
"Sec. 1903. Uses of funds.
"Sec. 1904. Applications.
"Sec. 1905. Award of grants; limitation.
"Sec. 1906. Discretionary research grants.
"Sec. 1907. Reports.
"Sec. 1908. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 2001. Continuation of rules, authorities, and privileges.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 962(c), is amended by adding at the end the following new paragraph:

"(13) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out part S, of which not more than 20 percent may be used to accomplish the duties of the Director under section 1901, including administrative costs, research, and training programs.".

SEC. 994. MANDATORY LITERACY PROGRAM.

(a) ESTABLISHMENT.—The chief correctional officer of each State correctional system may establish a demonstration or systemwide functional literacy program.

(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a systemwide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(e) DEFINITION.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

(f) LIFE SKILLS TRAINING GRANTS.—(1) The Attorney General may make grants to State and local correctional agencies to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

(2) To be eligible to receive a grant under this subsection, a State or local correctional agency shall—

(A) submit an application to the Attorney General or his designee at such time, in such manner, and containing such information as the Attorney General shall require; and

(B) agree to report annually to the Attorney General on the participation rate, cost, and effectiveness of the program and any other aspect of the program upon which the Attorney General may request information.

(3) In awarding grants under this section, the Attorney General shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Attorney General may establish a procedure for renewal of the grants under paragraph (1).

(5) For the purposes of this section, the term "life skills" includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationships, and stress and anger management.

SEC. 995. TRAUMA CENTERS AND CRIME-RELATED VIOLENCE.

(a) AMENDMENT OF PUBLIC HEALTH SERVICE ACT.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—REIMBURSEMENT FOR UNCOMPENSATED TRAUMA CARE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence due to crime. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the trauma center demonstrates a significant incidence of uncompensated care debt as a result of treating a population of patients that has been served by the center for the period specified in subparagraph (B) for trauma, including a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 5-year period specified in section 1241(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the two fiscal years immediately succeeding the fiscal year for which a grant is received;

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A); and

"(3) the center will establish a trauma registry not later than 6 months from the date on which the grant is received that shall include such information as the Secretary shall require.

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) LIMITATION ON AMOUNT OF GRANT.—The Secretary may not make a grant to any single trauma center in an amount that exceeds $2,000,000 in any fiscal year.

"(d) CONSULTATION.—Grants shall be awarded under section 1241(a) only after the Secretary has consulted with the state official responsible for emergency medical services, or another appropriate state official, in the State of the prospective grantee.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

(b) TECHNICAL AMENDMENTS.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

SEC. 996. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State; and

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

SEC. 997. NOTICE OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) Application of Section.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1)—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1), the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1), the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime (as defined in section 924(c)(2)); or

"(B) a crime of violence (as defined in section 924(c)(3)).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

(b) APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.—In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

TITLE X—ILLEGAL DRUGS

Subtitle A—Drug Testing

SEC. 1001. DRUG TESTING OF FEDERAL OFFENDERS ON POST-CONVICTION RELEASE.

(a) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall, as soon as is practicable after the effective date of this section, establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each district where it is feasible to do so, the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4).".

(2) The chapter analysis for chapter 229 of title 18, United States Code, is amended by adding at the end the following new item:

"3608. Drug testing of Federal offenders on post-conviction release.".

(b) DRUG TESTING CONDITION FOR PROBATION.—

(1) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (2) by striking "and";

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) for a felony, an offense involving a firearm as defined in section 921 of this title, a drug or narcotic offense as defined in section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)), or a crime of violence as defined in section 16 of this title, that the defendant refrain from any unlawful use of the controlled substance and submit to periodic drug tests (as determined by the court) for use of a controlled substance. This latter condition may be suspended or ameliorated upon request of the Director of the Administrative Office of the United States Courts, or the Director's designee. In addition, the Court may decline to impose this condition for any individual defendant, if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant. A defendant who tests positive may be detained pending verification of a drug test result.".

(2) DRUG TESTING FOR SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "For a defendant convicted of a felony or other offense described in section 3563(a)(4), the court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the court), for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4).".

(3) DRUG TESTING IN CONNECTION WITH PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "If the parolee has been convicted of a felony or other offense described in section 3563(a)(4), the Commission shall also impose as a condition of parole that the parolee refrain from any unlawful use of a controlled substance and submit to periodic drug tests (as determined by the Commission) for use of a controlled substance. This latter condition may be suspended or ameliorated as provided in section 3563(a)(4).".

(c) REVOCATION OF PAROLE.—Section 4214(f) of title 18, United States Code, is amended by inserting after "substance" the following: ", or who unlawfully uses a controlled substance or refuses to cooperate in drug testing imposed as a condition of parole,".

SEC. 1002. DRUG TESTING IN STATE CRIMINAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.) is amended by adding at the end the following new section:

"DRUG TESTING PROGRAMS

"SEC. 523. (a) PROGRAM REQUIRED.—It is a condition of eligibility for funding under this part that a State formulate and implement a drug testing program for targeted classes of persons confined in, or subject to supervision in, the criminal justice systems of the State. Such a program must meet criteria specified in regulations promulgated by the Attorney General under subsection (b). Notwithstanding the preceding sentence, no State shall be required to expend an amount for drug testing pursuant to this section in excess of 10 percent of the minimum amount that the State is eligible to receive under subpart 1.

"(b) REGULATIONS.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall promulgate regulations to implement this section to ensure reliability and accuracy of drug testing programs. The regulations shall include such other guidelines for drug testing programs in State criminal justice systems as the Attorney General determines are appropriate, and shall include provisions by which a State may apply to the Attorney General for a waiver of the requirements imposed by this section, on grounds that compliance would impose excessive financial or other burdens on such State or would otherwise be impracticable or contrary to State policy.

"(c) EFFECTIVE DATE.—This section shall take effect with respect to any State at a time specified by the Attorney General, but not earlier than the promulgation of the regulations required under subsection (b).".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 522 the following new item:

"Sec. 523. Drug testing programs.".

Subtitle B—Precursor Chemicals

SEC. 1011. SHORT TITLE.

This subtitle may be cited as "The Chemical Control and Environmental Responsibility Act of 1992".

SEC. 1012. DEFINITION AMENDMENTS.

(a) REFERENCES TO LISTED CHEMICALS IN SECTION 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and inserting "any list I chemical or any list II chemical";

(2) in paragraph (34) by striking "listed precursor chemical" and inserting "list I chemical" and by striking "critical to the creation" and inserting "important to the manufacture";

(3) in paragraph (35) by striking "listed essential chemical" and inserting "list II

chemical" and by striking "that is used as a solvent, reagent or catalyst" and inserting ", which is not a list I chemical, that is used"; and

(4) in paragraph (40) by striking the phrase "listed precursor chemical or a listed essential chemical" and inserting "list I chemical or a list II chemical" both places it appears.

(b) References to Listed Chemicals in Section 310.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)(A) by striking "precursor chemical" and inserting "list I chemical";

(2) in subsection (a)(1)(B) by striking "an essential chemical" and inserting "a list II chemical"; and

(3) in subsection (c)(2)(D) by striking "precursor chemical" and inserting "chemical control".

(c) Other Amendments to Section 102.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34) by inserting ", its esters," before "and" in subparagraphs (A), (F), and (H);

(2) in paragraph (38) by striking the period and inserting "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine";

(3) in paragraph (39)(A) by striking "or exportation" and inserting ", exportation or any international transaction which does not involve the importation or exportation of a listed chemical into or out of the United States if a broker or trader located in the United States participates in the transaction,";

(4) in paragraph (39)(A)(iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(5) in paragraph (39)(A)(iv) by striking the semicolon and inserting "unless the listed chemical is ephedrine as defined in paragraph (34)(C) of this section or any other listed chemical which the Attorney General may by regulation designate as not subject to this exemption after finding that such action would serve the regulatory purposes of this chapter in order to prevent diversion and the total quantity of the ephedrine or other listed chemical designated pursuant to this paragraph included in the transaction equals or exceeds the threshold established for that chemical by the Attorney General;";

(6) in paragraph (39)(A)(v) by striking the semicolon and inserting "which the Attorney General has by regulation designated as exempt from the application of this chapter based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;"; and

(7) by adding at the end the following new paragraph:

"(42) The terms 'broker' and 'trader' mean a person who assists in arranging an international transaction in a listed chemical by negotiating contracts, serving as an agent or intermediary, or bringing together a buyer and a seller, or a buyer or seller and a transporter.".

SEC. 1013. REGISTRATION REQUIREMENT.

(a) Rules and Regulations.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions.".

(b) Persons Required To Register.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" each place it appears;

(2) in subsection (b) by inserting "or list I chemicals" after "controlled substances" and by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemicals" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) Registration Requirements in Controlled Substances Act.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that the registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) Maintenance of effective controls against diversion of listed chemicals into other than legitimate channels.

"(2) Compliance with applicable Federal, State and local law.

"(3) Prior conviction record of applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law.

"(4) Past experience in the manufacture and distribution of chemicals.

"(5) Such other factors as may be relevant to and consistent with the public health and safety.".

(d) Denial, Revocation, or Suspension of Registration.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a) by inserting "or a list I chemical" after "controlled substance" each place it appears and by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g) by inserting "or list I chemicals" after "controlled substances" each place it appears and by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) Registration Requirements in Controlled Substances Import and Export Act.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by striking "(c) The" and inserting "(c)(1) The"; and

(B) by adding at the end the following new paragraph:

"(2) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in section 303(h) shall be considered.";

(2) in subsection (d)—

(A) in paragraph (3) by inserting "or list I chemical or chemicals," after "substances,"; and

(B) in paragraph (6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(3) in subsection (e) by striking "and 307" and inserting ", 827, and 310"; and

(4) in subsections (f), (g), and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(f) Prohibited Acts C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(9) in the case of a person who is a regulated person, to distribute, import, or export a list I chemical without the registration required by this title.".

SEC. 1014. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by striking "(b) Each regulated person" and inserting "(b)(1) Each regulated person";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" and inserting "subparagraph (C)"; and

(6) by adding at the end the following new paragraph:

"(2) Each regulated person who manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person.".

SEC. 1015. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) Notification, Reporting, Recordkeeping, and Other Requirements.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

"(d) Any person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and by title II.".

(b) Penalties.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) Penalty for Importation or Exportation.—Any person who knowingly or intentionally—

"(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title;

"(2) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title; or

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 10 years, or both.".

SEC. 1016. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) ADVANCE NOTICE.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 1015(a), is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General may by regulation require that the 15-day advance notice requirement of subsection (a) apply to all exports of specific listed chemicals to specified nations, regardless of the status of certain customers in such country as regular customers if the Attorney General finds that the action is necessary to support effective diversion control programs or is required by treaty or other international agreement to which the United States is a party.

"(2) The Attorney General may by regulation waive the 15-day advance notice requirement for exports of specific listed chemicals to specified countries if the Attorney General determines that the advance notice is not required for effective chemical control. If the advance notice requirement is waived, exporters of such listed chemicals shall be required to either submit reports of individual exportations or to submit periodic reports of the exportation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15-day advance notice requirement for the importation of specific listed chemicals if the Attorney General determines that the requirement is not necessary for effective chemical control. If the advance notice requirement is waived, importers of such listed chemicals shall be required to submit either reports of individual importations or periodic reports of the importation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 1015(b), is amended by—

(1) striking "or" at the end of paragraph (3);

(2) striking the comma at the end of paragraph (4) and inserting "; or"; and

(3) by adding after paragraph (4) the following new paragraph:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the advance notice requirement granted pursuant to section 1018(d) (1) or (2) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported,".

SEC. 1017. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended:

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P), (Q), (R), (S), (T), (V), (X), and (Y) as subparagraphs (O), (P), (Q), (R), (S), (T), (U), and (X), respectively;

(3) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

"(V) benzaldehyde.

"(W) nitroethane."; and

(4) in subparagraph (X), as redesignated by paragraph (2), by striking "(X)" and inserting "(U)".

SEC. 1018. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a specific listed chemical, a person who has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1) by striking "regular supplier of the regulated person" and inserting "to an importation by a regular importer";

(2) in subsection (b)(2)—

(A) by striking "a customer or supplier of a regulated person" and inserting "a customer of a regulated person or to an importer"; and

(B) by striking "regular supplier" and inserting "the importer as a regular importer"; and

(3) in subsection (c)(1) by striking "regular supplier" and inserting "regular importer".

SEC. 1019. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510(a)(2) of the Controlled Substances Act (21 U.S.C. 880(a)(2)) is amended to read as follows:

"(2) places, including factories, warehouses, or other establishments, and conveyances, where a person registered under section 303 (or exempt from such registration under section 302(d) or by regulation of the Attorney General) or a regulated person may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to such an activity are maintained.".

SEC. 1020. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 1012, is amended by inserting "of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount of multiple transactions".

SEC. 1021. MANAGEMENT OF LISTED CHEMICALS.

(a) AMENDMENT OF CONTROLLED SUBSTANCES ACT.—Part C of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by adding at the end the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) OFFENSE.—It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

"(b) PENALTY.—(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1), a defendant shall be assessed the following costs to the United States, a State, or other authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property.

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a Class D felony, or in the case of a willful violation, as a Class C felony.

"(B) It is the sense of the Congress that guidelines issued by the Sentencing Commission regarding sentencing under this paragraph should recommend that the term of imprisonment for the violation of subsection (a) should not be less than 5 years, or less than 10 years in the case of a willful violation.

"(4) The court may order that all or a portion of the earnings from work performed by a convicted offender in prison be withheld for payment of costs assessed under paragraph (2).

"(c) SHARING OF FORFEITED ASSETS.—The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) AMENDMENT OF TITLE 11, UNITED STATES CODE.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) for costs assessed under section 311(b) of the Controlled Substances Act.".

SEC. 1022. ATTORNEY GENERAL ACCESS TO THE NATIONAL PRACTITIONER DATA BANK.

Part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.) is amended by adding at the end the following new section:

"SEC. 428. DISCLOSURE OF INFORMATION TO THE ATTORNEY GENERAL.

"Information respecting physicians or other licensed health care practitioners reported to the Secretary (or to the agency designated under section 424(b)) under this part or section 1921 of the Social Security Act (42 U.S.C. 1396r-2) shall be provided to the Attorney General. The Secretary shall—

"(1) transmit to the Attorney General such information as the Attorney General may designate or request to assist the Drug Enforcement Administration in the enforcement of the Controlled Substances Act (21 U.S.C. 801 et seq.) and other laws enforced by the Drug Enforcement Administration; and

"(2) transmit such information related to health care providers as the Attorney General may designate or request to assist the Federal Bureau of Investigation in the enforcement of title 18, the Act entitled 'An Act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China', approved March 3, 1915 (21 U.S.C. 201 et seq.), and chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).''.

SEC. 1023. REGULATIONS AND EFFECTIVE DATE.

(a) Regulations.—The Attorney General shall, not later than 90 days after the enactment of this Act, issue regulations necessary to carry out this subtitle.

(b) Effective Date.—The amendments made by this subtitle shall become effective on the date that is 120 days after the date of enactment of this Act.

Subtitle C—Interdiction

SEC. 1031. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO.

(a) Offense.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2237. Order to land or bring to

"(a) Definitions.—For purposes of this section—

"(1) the term 'aircraft subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

"(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation where the nation of registry has consented or waived objection to the enforcement of United States law by the United States;

"(2) the term 'bring to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state;

"(3) the term 'Federal law enforcement officer' has the meaning stated in section 115; and

"(4) the terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings stated in the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

"(b) Failure To Land Aircraft.—(1) It is unlawful for the pilot, operator, or person in charge of an aircraft that has crossed the border of the United States or an aircraft subject to the jurisdiction of the United States that is being operated outside the United States to refuse to obey the order to land made by an authorized Federal law enforcement officer who is enforcing—

"(A) the laws of the United States relating to controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(B) chapter 27 or section 1956 or 1957 of this title.

"(2) The Administrator of the Federal Aviation Administration and the Commissioner of Customs, after consultation with the Attorney General, shall prescribe regulations governing the means by which an order to land may be communicated by Federal law enforcement officers to the pilot, operator, or person in charge of an aircraft.

"(c) Failure To Bring Vessel To.—It is unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States to fail to bring the vessel to on being ordered to do so by a Federal law enforcement officer authorized to issue such an order.

"(d) Rule of Construction.—This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other law that the Customs Service enforces or administers or the authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

"(e) Consent or Waiver of Objection.—Consent or waiver of objection by a foreign nation to the enforcement by the United States of its laws under this section may be obtained by radio, telephone, or similar oral or electronic means, and may be proved by certification of the Secretary of State or the Secretary's designee.

"(f) Penalty.—A person who intentionally violates this section shall be fined under this title, imprisoned not more than 3 years, or both.

"(g) Forfeiture.—Any vessel or aircraft that is used in a violation of this section may be seized and forfeited. The law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred or alleged to have been incurred under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. Any vessel or aircraft that is used in a violation of this section is also liable in rem for any fine or civil penalty imposed under this section.

"(h) Delegation of Authority.—The Secretary of the Treasury and the Secretary of Transportation may delegate Federal law enforcement officer seizure and forfeiture responsibilities under this section to other law enforcement officers.''.

(b) Technical Amendment.—The chapter analysis for chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Order to land or to bring to.''.

SEC. 1032. FAA REVOCATION AUTHORITY.

(a) Immediate Revocation of Registration.—Section 501(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401(e)) is amended by adding at the end the following new paragraph:

"(3)(A) The registration of the aircraft shall be immediately revoked upon the failure of the operator of the aircraft to follow the order of a Federal law enforcement officer to land an aircraft as provided in section 2237 of title 18, United States Code. The Administrator shall notify forthwith the owner of the aircraft that the owner of the aircraft no longer holds United States registration for the aircraft.

"(B) The Administrator shall establish procedures for the owner of the aircraft to show cause—

"(i) why the registration was not revoked, as a matter of law, by operation of subparagraph (A); or

"(ii) why circumstances existed pursuant to which the Administrator should determine that, notwithstanding subparagraph (A), it would be in the public interest to issue a new certificate of registration to the owner to be effective concurrent with the revocation occasioned by operation of subparagraph (A).''.

(b) Revocation of Airman Certificate.—Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1429(e)) is amended by adding at the end the following new subsection:

"(d)(1) The Administrator shall issue an order revoking the airman certificate of any person if the Administrator finds that—

"(A) the person, while acting as the operator of an aircraft, failed to follow the order of a law enforcement officer to land the aircraft as provided in section 2237 of title 18, United States Code; and

"(B) the person knew or had reason to know that the person had been ordered to land the aircraft.

"(2) If the Administrator determines that extenuating circumstances existed, such as safety of flight, which justified a deviation by the airman from the order to land, paragraph (1) shall not apply.

"(3) Subsection (c)(3) shall apply to any revocation of the airman certificate of any person for failing to follow the order of a Federal law enforcement officer to land an aircraft.''.

SEC. 1033. COAST GUARD AIR INTERDICTION AUTHORITY.

(a) Air Interdiction Authority.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 96. Air interdiction authority

"The Coast Guard may issue orders and make inquiries, searches, seizures, and arrests with respect to violations of laws of the United States occurring aboard any aircraft subject to the jurisdiction of the United States over the high seas and waters over which the United States has jurisdiction. Any order issued under this section to land an aircraft shall be communicated pursuant to regulations promulgated pursuant to section 2237 of title 18.''.

(b) Technical Amendment.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following new item:

"96. Air interdiction authority.''.

SEC. 1034. COAST GUARD CIVIL PENALTY PROVISIONS.

(a) Civil Penalty.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 667. Civil penalty for failure to comply with a lawful boarding or order to land

"(a) Intentional Failure To Comply.—The master, operator, or person in charge of a vessel or the pilot or operator of an aircraft who intentionally fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable to the United States Government for a civil penalty of not more than $25,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(b) Negligent Failure To Comply.—The master, operator, or person in charge of a vessel or the pilot or operator of an aircraft who negligently fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel or landing of an aircraft in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable to the United States Government for a civil penalty of not more than $5,000, which may be assessed by the Secretary after notice and opportunity to be heard.

"(c) Liability In Rem.—A vessel or aircraft used in violation of section 2237 of title 18, United States Code, or section 96 of this title is liable in rem for a civil penalty assessed under this section.".

(b) Technical Amendment.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

"667. Civil penalty for failure to comply with a lawful boarding or order to land.".

SEC. 1035. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following new subsection:

"(i) As used in this section, the term 'authorized place' includes—

"(1) with respect to a vehicle, any location in a foreign country at which United States Customs Officers are permitted to conduct inspections, examinations, or searches; and

"(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act or regulations issued thereunder or section 2237 of title 18, United States Code, any location outside the United States, including a foreign country location at which United States Customs Officers are permitted to conduct inspections, examinations, or searches.".

SEC. 1036. CUSTOMS CIVIL PENALTY PROVISIONS.

The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by inserting after section 590 the following new section:

"SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN ORDER TO LAND OR TO BRING TO.

"(a) Intentional Failure To Comply.—The pilot or operator of an aircraft who intentionally fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 581 of this Act or section 2237 of title 18, United States Code, is subject to a civil penalty of not more than $25,000, which may be assessed by the appropriate customs officer.

"(b) Negligent Failure To Comply.—The pilot or operator of an aircraft who negligently fails to comply with an order of an officer of the customs relating to the landing of an aircraft in violation of section 581 of this Act or section 2237 of title 18, United States Code, is subject to a civil penalty of not more than $5,000, which may be assessed by the appropriate customs officer.".

SEC. 1037. INFORMATION EXCHANGE AND ASSISTANCE.

Section 142 of title 14, United States Code, is amended—

(1) by inserting "(a) Exchange of Information.—" before "The";

(2) in subsection (a), as designated by paragraph (1)—

(A) by inserting "and international organizations" after "with foreign governments"; and

(B) by inserting "maritime law enforcement, maritime environmental protection, and" after "matters dealing with"; and

(3) by adding at the end the following new subsection:

"(b) Use of Personnel and Facilities.—The Coast Guard may, when so requested by the Secretary of State, use its personnel and facilities to assist any foreign government or international organization to perform any activity for which such personnel and facilities are especially qualified.".

SEC. 1038. ASSISTANCE TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.

(a) In General.—Section 149 of title 14, United States Code is amended to read as follows:

"§ 149. Assistance to foreign governments and international organizations

"(a) In General.—The President may, upon application from the foreign governments or international organizations concerned, and whenever in the President's discretion the public interest renders such a course advisable, utilize officers and enlisted members of the Coast Guard to assist foreign governments or international organizations in matters concerning which the Coast Guard may be of assistance.

"(b) Detail of Personnel.—(1) Utilization of members may include the detail of such members.

"(2) Arrangements may be made by the Secretary with countries to which such officers and enlisted members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions.

"(3) While detailed under this subsection, officers and enlisted members of the Coast Guard shall receive the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same credit for all service while so detailed, as if serving with the Coast Guard.".

(b) Technical Amendment.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by amending the item relating to section 149 read as follows:

"149. Assistance to foreign governments and international organizations.".

SEC. 1039. AMENDMENT TO THE MANSFIELD AMENDMENT TO PERMIT MARITIME LAW ENFORCEMENT OPERATIONS IN ARCHIPELAGIC WATERS.

Section 481(c)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c)(4)) is amended by inserting ", and archipelagic waters" after "territorial sea".

Subtitle D—Rural Drug Crime

SEC. 1051. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, may establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) Task Force Membership.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1052. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1051(b)(5) with jurisdiction to enforce the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this subtitle.

SEC. 1053. RURAL DRUG ENFORCEMENT TRAINING.

(a) Specialized Training for Rural Officers.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) Authorization of Appropriations.—There is authorized to be appropriated $1,000,000 in each of the fiscal years 1992, 1993, and 1994 to carry out subsection (a).

SEC. 1054. AUTHORIZATION OF APPROPRIATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

(1) by redesignating paragraph (6), relating to part N of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as paragraph (8) and removing it to follow paragraph (7), relating to part M of that title I; and

(2) by redesignating paragraph (7), relating to part O of that title, as paragraph (9) and amending the paragraph to read as follows:

"(9) There are authorized to be appropriated $50,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994 to carry out part O.".

(b) Amendment of Base Allocation.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(a)(2)(A)) is amended by striking "$100,000" and inserting "$250,000".

SEC. 1055. RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION GRANTS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new section:

"SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.

"(a) In General.—The Director of the Office for Treatment Improvement (referred to in this section as the 'Director') shall establish a program to provide grants to hospitals, community health centers, migrant health centers, health entities of Indian tribes and tribal organizations (as defined in section 1913(b)(5)), and other appropriate entities that serve nonmetropolitan areas to assist such entities in developing and implementing projects that provide, or expand the availability of, substance abuse treatment services.

"(b) Requirements.—To receive a grant under this section, a hospital, community health center, or treatment facility shall—

"(1) serve a nonmetropolitan area or have a substance abuse treatment program that is designed to serve a nonmetropolitan area;

"(2) operate, or have a plan to operate, an approved substance abuse treatment program;

"(3) agree to coordinate the project assisted under this section with substance abuse treatment activities within the State and local agencies responsible for substance abuse treatment; and

"(4) prepare and submit an application in accordance with subsection (c).

"(c) Application.—

"(1) In general.—To be eligible to receive a grant under this section, an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

"(2) Coordinated applications.—State agencies that are responsible for substance abuse treatment may submit coordinated grant applications on behalf of entities that are eligible for grants pursuant to subsection (b).

"(d) PREVENTION PROGRAMS.—

"(1) IN GENERAL.—Each entity receiving a grant under this section may use a portion of such grant funds to further community-based substance abuse prevention activities.

"(2) REGULATIONS.—The Director, in consultation with the Director of the Office of Substance Abuse Prevention, shall promulgate regulations regarding the activities described in paragraph (1).

"(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Director shall give priority to—

"(1) projects sponsored by rural hospitals that are qualified to receive rural health care transition grants as provided for in section 4005(e) of the Omnibus Budget Reconciliation Act of 1987;

"(2) projects serving nonmetrpolitan areas that establish links and coordinate activities between hospitals, community health centers, community mental health centers, and substance abuse treatment centers; and

"(3) projects that are designed to serve areas that have no available existing treatment facilities.

"(f) DURATION.—Grants awarded under subsection (a) shall be for a period of not to exceed 3 years, except that the Director may establish a procedure for the renewal of grants under subsection (a).

"(g) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, the Director shall provide grants to fund at least one project in each State.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for each of the fiscal years 1992 and 1993.".

SEC. 1056. CLEARINGHOUSE PROGRAM.

Section 509 of the Public Health Service Act (42 U.S.C. 290aa-7) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(5) to gather information pertaining to rural drug abuse treatment and education projects funded by the Alcohol, Drug Abuse, and Mental Health Administration, as well as other such projects operating throughout the United States; and

"(6) to disseminate such information to rural hospitals, community health centers, community mental health centers, treatment facilities, community organizations, and other interested individuals.".

Subtitle E—Grant Programs

SEC. 1061. DRUG EMERGENCY AREAS.

Section 1005(c) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(c)) is amended by striking subsection (c) and inserting the following new subsection:

"(c) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) If a major drug-related emergency exists throughout a State or a part of a State, the President may, in consultation with the Director and other appropriate officials, declare the State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or by any other law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, to protect property and public health, and to promote safety.

"(2) PROCEDURE FOR DECLARATION.—(A) A request for a declaration by the President designating an area to be a drug emergency area shall be made in writing by the Governor of a State or the chief executive officer of a local government and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) A request under subparagraph (A) shall be based on a written finding that the major drug-related emergency is of such severity and magnitude that Federal assistance is necessary for an effective response to save lives, protect property and public health, and promote safety.

"(C) The President shall not limit declarations under this subsection to highly populated centers of drug trafficking, drug use or drug-related violence, but shall consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor or chief executive officer shall—

"(i) take appropriate responsive action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining the State or local government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (quantitative goals, where possible) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review a request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving the application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President may make grants to State or local governments of up to $50,000,000 in the aggregate for any single major drug-related emergency.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year, except that the President, on application of a Governor of a State or chief executive officer of a local government, and, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) A State or local government that receives Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as are necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General shall conduct an audit of any Federal assistance (both monetary and nonmonetary) of an amount greater than $100,000 provided to a State or local government under this subsection, including an evaluation of the effectiveness of the assistance based on the goals contained in the application for assistance.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1992, 1993, 1994, 1995, and 1996 $300,000,000 to carry out this subsection.".

SEC. 1062. DEPARTMENT OF JUSTICE COMMUNITY SUBSTANCE ABUSE PREVENTION.

(a) COMMUNITY PARTNERSHIPS.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—Community Coalitions on Substance Abuse

"GRANTS TO COMBAT SUBSTANCE ABUSE

"SEC. 531. (a) DEFINITION.—As used in this section, the term 'eligible coalition' means an association, consisting of at least seven organizations, agencies, and individuals that are concerned about preventing substance abuse, that includes—

"(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

"(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

"(b) GRANT PROGRAM.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall make grants to eligible coalitions in order to—

"(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

"(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

"(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

"(4) develop a consensus regarding the priorities of a community concerning substance abuse;

"(5) develop a plan to implement such priorities; and

"(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

"(c) COMMUNITY PARTICIPATION.—In developing and implementing a substance abuse prevention program, a coalition receiving funds under subsection (b) shall—

"(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

"(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

"(d) APPLICATION.—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such an application shall—

"(1) describe and, to the extent possible, document the nature and extent of the substance abuse problem, emphasizing who is at risk and specifying which groups of individuals should be targeted for prevention and intervention;

"(2) describe the activities needing financial assistance;

"(3) identify participating agencies, organizations, and individuals;

"(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

"(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan described in subsection (b)(5) and to report on the plan to the Attorney General on an annual basis; and

"(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

"(e) PRIORITY.—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

"(1) provides evidence of significant substance abuse;

"(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

"(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

"(4) demonstrates a commitment and a high priority for preventing substance abuse; and

"(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

"(f) REVIEW.—(1) Each coalition that receives Federal funds under this section shall submit an annual report to the Attorney General and the appropriate State agency that evaluates the effectiveness of the plan described in subsection (b)(5) and contains such additional information as the Attorney General or the appropriate State agency may prescribe.

"(2)(A) The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

"(B) The review described in subparagraph (A) shall—

"(i) evaluate the grant program established in this section to determine its effectiveness;

"(ii) implement necessary changes to the program that can be done by the Attorney General; and

"(iii) recommend any statutory changes that are necessary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new item:

"Subpart 4—Community Coalition on Substance Abuse".

SEC. 1063. GRANTS FOR SUBSTANCE ABUSE TREATMENT.

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 993(a), is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following new part:

"PART T—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"SEC. 2001. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

"SEC. 2002. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency.

"(b) DRUG TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) STATE OFFICE.—The office designated under section 507 of this title (42 U.S.C. 3757)—

"(1) shall prepare the application as required under section 2002; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2003. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 2001 to carry out the projects described in the application submitted under section 2002 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 2002 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2002 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2005. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 993(b), is amended by striking the matter relating to part T and inserting the following:

"PART T—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS
"Sec. 2001. Grant authorization.
"Sec. 2002. State applications.
"Sec. 2003. Review of State applications.
"Sec. 2004. Allocation and distribution of funds.
"Sec. 2005. Evaluation.
"PART U—TRANSITION; EFFECTIVE DATE; REPEALER
"Sec. 2101. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), as amended by section 523(c), is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(25) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended y section 993(c), is amended by adding at the end the following new paragraph:

"(14) There are authorized to be appropriated $100,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out the projects under part T.".

SEC. 1064. DRUG TESTING UPON ARREST.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1063(a), is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as section 2201; and

(3) by inserting after part T the following new part:

"PART U—GRANTS FOR DRUG TESTING UPON ARREST

"SEC. 2101. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance is authorized to make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.

"SEC. 2102. STATE APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) MANDATORY ASSURANCES.—To be eligible to receive funds under this part, a State must agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

"(c) CENTRAL OFFICE.—The office designated under section 507 of this title (42 U.S.C. 3757)—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2103. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 2102(c).

"(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If an application under paragraph (1) is approved, the unit of local government is eligible to receive the funds requested in the application.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 2101 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 2104. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in the State bears to the number of individuals arrested in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified in the State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for a fiscal year will not be used by the State or that a State is not eligible to receive funds under section 2101, the Director shall award the funds to units of local government in the State, giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2102 for the fiscal year for which the projects receive assistance under this part.

"(d) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 2105. REPORT.

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year in which funds are received under this part regarding the effectiveness of the drug testing project.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1063(b), is amended by striking the matter relating to part U and inserting the following:

"PART U—DRUG TESTING FOR INDIVIDUALS ARRESTED
"Sec. 2101. Grant authorization.
"Sec. 2102. State applications.
"Sec. 2103. Local applications.
"Sec. 2104. Allocation and distribution of funds.
"Sec. 2105. Report.
"PART V—TRANSITION; EFFECTIVE DATE; REPEALER
"Sec. 2201. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1063(d), is amended by adding at the end the following new paragraph:

"(15) There are authorized to be appropriated $100,000,000 for the fiscal years 1992, 1993, and 1994 to carry out projects under part U.".

Subtitle F—Other Provisions

SEC. 1071. STRENGTHENED FEDERAL PENALTIES RELATING TO CRYSTALLINE METHAMPHETAMINE.

(a) LARGE AMOUNT.—The first sentence of section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) by striking "or" at the end of clause (vii);

(2) by inserting "or" at the end of clause (viii); and

(3) by inserting after clause (viii) the following new clause:

"(ix) 25 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is at least 80 percent pure and crystalline in form.".

(b) SMALLER AMOUNT.—The first sentence of section 401(b)(1)(B) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)) is amended as follows:

(1) by striking "or" at the end of clause (vii);

(2) by inserting "or" at the end of clause (viii); and

(3) by inserting after clause (viii) the following new clause:

"(ix) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, that is at least 80 percent pure and crystalline in form.".

SEC. 1072. ADVERTISEMENTS OF CONTROLLED SUBSTANCES.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by redesignating subsections (c) and (d) as (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publication, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance, but does not include material that—

"(1) merely advocates the use of a similar material or advocates a position or practice; and

"(2) does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance.".

SEC. 1073. INCREASED PENALTIES FOR DISTRIBUTION OF CONTROLLED SUBSTANCES AT TRUCK STOPS AND REST AREAS.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) punishable—

"(1) by a term of imprisonment, or fine, or both, up to twice that authorized by section 401(b); and

"(2) at least twice any term of supervised release authorized by section 401(b) for a first offense.

Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 1 year.

"(b) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is punishable—

"(1) by the greater of—

"(A) a term of imprisonment of not less than 3 years and not more than life imprisonment; or

"(B) a term of imprisonment of up to 3 times that authorized by section 401(b) for a first offense, or a fine up to 3 times that authorized by section 401(b) for a first offense, or both; and

"(2) at least 3 times any term of supervised release authorized by section 401(b) for a first offense.

"(c) Probation shall not be granted in the case of a sentence imposed under subsection (b).

"(d) For purposes of this section—

"(1) the term 'safety rest area' has the meaning stated in part 752 of title 23, Code of Federal Regulations, as in effect on the date of enactment of this section; and

"(2) the term 'truck stop' means any facility (including any parking lot appurtenant thereto) with the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716(6))) operating in commerce (as defined in section 12019(3) of that Act (49 U.S.C. App. 2716(3)) and located adjacent to or within 2,500 feet of a highway on the National System of Interstate and Defense Highways or the Federal-aid primary system.".

(b) TECHNICAL AMENDMENTS.—(1) Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting "409," before "418," each place it appears.

(2) The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by inserting after the item relating to section 408 the following new item:

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING COMMISSION GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (a), shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(1) 2 levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(2) in no event less than level 26.

(d) IMPLEMENTATION OF SUBSECTION (c).—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instruction set forth in subsection (c) so as to achieve a comparable result.

(e) OFFENSES THAT COULD BE SUBJECT TO MULTIPLE ENHANCEMENTS.—The guidelines referred to in subsection (d), as promulgated or amended under that subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to that subsection is subject to not more than 1 such enhancement.

SEC. 1074. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791(c) of title 18, United States Code, is amended—

(1) in subsection (c) by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A) by inserting "or a controlled substance in Schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C)" after "a firearm or destructive device";

(3) in subsection (d)(1)(B) by inserting "marijuana or a controlled substance in Schedule III, other than a controlled substance referred to in subparagraph (C)," before "ammunition,";

(4) in subsection (d)(1)(C) by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,"; and

(5) in subsection (d)(1)(D) by inserting "(A), (B), or" before "(C)".

SEC. 1075. SEIZURE OF VEHICLES WITH CONCEALED COMPARTMENTS.

(a) HEADING FOR SECTION 3.—The Anti-Smuggling Act (19 U.S.C. 1701 et seq.) is amended by inserting the following new heading for section 3:

"SEIZURE AND FORFEITURE OF VESSELS, VEHICLES AND OTHER CONVEYANCES".

(b) AMENDMENT OF SECTION 3.—Section 3 of the Anti-Smuggling Act (19 U.S.C. 1701 et seq.) is amended—

(1) by striking "(a) Whenever" and inserting "(a) VESSELS, VEHICLES, AND OTHER CONVEYANCES SUBJECT TO SEIZURE AND FORFEITURE.—Whenever";

(2) by striking "(b) Every" and inserting "(b) VESSELS, VEHICLES AND OTHER CONVEYANCES, DEFINED.—Every";

(3) in subsections (a) and (b) by inserting ", vehicle, or other conveyance" after "vessel" each place it appears; and

(4) by amending subsection (c) to read as follows:

"(c) ACTS CONSTITUTING PRIMA FACIE EVIDENCE OF VESSEL, VEHICLE, OR OTHER CONVEYANCE ENGAGED IN SMUGGLING.—For the purposes of this section, prima facie evidence that a vessel, vehicle, or other conveyance is being, has been, or is being attempting to be employed in smuggling or to be employed to defraud the revenue of the United States shall be—

"(1) in the case of a vessel, that a vessel has become subject to pursuit under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or is a hovering vessel, or that a vessel fails at any place within the customs waters of the United States or within a customs-enforcement area to display lights as required by law; and

"(2) in the case of a vehicle or other conveyance, that a vehicle or other conveyance has any compartment or equipment that is built or fitted out for smuggling.".

SEC. 1076. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 1077. UNDERCOVER OPERATIONS—CHURNING.

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (26 U.S.C. 7608 note) is amended to read as follows:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and shall cease to apply after December 31, 1994.".

SEC. 1078. DRUG PARAPHERNALIA AMENDMENT.

Section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by adding at the end the following new subsection:

"(g) CIVIL ENFORCEMENT.—The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking or has taken place. The court in which such action is brought shall determine the existence of any violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief, including injunctions, as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1079. CONFORMING AMENDMENTS CONCERNING MARIJUANA.

(a) LESS THAN 50 KILOGRAMS.—(1) Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by striking "less than 50 kilograms of marijuana" and inserting "less than 50 kilograms of a mixture or substance containing a detectable amount of marijuana".

(2) Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C.

960(b)(4)) is amended by striking "with respect to less than 50 kilograms of marijuana" and inserting "with respect to less than 50 kilograms of a mixture or substance containing a detectable amount of marijuana".

(b) 100 or More Plants.—Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking "except in the case of 100 or more marijuana plants" and inserting "except in the case of 50 or more marijuana plants".

SEC. 1080. CONFORMING AMENDMENT ADDING CERTAIN DRUG OFFENSES AS REQUIRING FINGERPRINTING AND RECORDS FOR RECIDIVIST JUVENILES.

Subsections (d) and (f) of section 5038 of title 18, United States Code, are amended by striking "or an offense described in section 841, 952(a), 955, or 959, of title 21," and inserting "or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841) or section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, or 960(b) (1), (2), and (3)).".

SEC. 1081. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER RICO.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting "a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))".

SEC. 1082. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) Section 401(b)(1) (B), (C), and (D) of the Controlled Substances Act.—Subparagraphs (B), (C), and (D) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(b) Section 1010(b) (1), (2), and (3) of the Controlled Substances Import and Export Act.—Paragraphs (1), (2), and (3) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are amended in the second sentence by striking "one or more prior convictions" and all that follows through "have become final" and inserting "a prior conviction for a felony drug offense has become final".

(c) Section 1012(b) of the Controlled Import and Export Act.—Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior convictions of him for a felony under any provision of this subchapter or subchapter I of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marijuana, or depressant or stimulant drugs, have become final" and inserting in lieu thereof "one or more prior convictions of such person for a felony drug offense have become final".

(d) Section 401(b)(1)(A) of the Controlled Substances Act.—Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For the purposes of this subparagraph, the term 'felony drug offense' means".

(e) Section 102 of the Controlled Substances Act.—Section 102 of the Controlled Substances Act (21 U.S.C. 802), as amended by section 1012(c)(7), is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than 1 year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marijuana, or depressant or stimulant substances.".

SEC. 1083. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) Section 401(b)(1) of the Controlled Substances Act.—Subparagraphs (A) and (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) are amended by striking "No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.".

(b) Section 1010(b) of the Controlled Substances Import and Export Act.—Paragraphs (1) and (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) are amended by striking "No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.".

(c) Section 419(d) of the Controlled Substances Act.—Section 419(d) of the Controlled Substances Act (21 U.S.C. 860(c)), as redesignated by section 501(1), is amended by striking "An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section.".

(d) Section 420(e) of the Controlled Substances Act.—Section 420(e) of the Controlled Substances Act (21 U.S.C. 861(a)) is amended by striking "An individual convicted under this section of an offense for which a mandatory minimum term of imprisonment is applicable shall not be eligible for parole under section 4202 of title 18 until the individual has served the mandatory term of imprisonment as enhanced by this section.".

SEC. 1084. CONFORMING AMENDMENT TO PROVISION PUNISHING A SECOND OFFENSE OF DISTRIBUTING DRUGS TO A MINOR.

Section 418(b) of the Controlled Substances Act (21 U.S.C. 859(b)) is amended by striking "one year" and inserting "3 years".

SEC. 1085. LIFE IMPRISONMENT WITHOUT RELEASE FOR CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 or a crime of violence after two or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

SEC. 1086. LONGER PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR FOR USE OF MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) Distribution to Persons Under Age 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (b) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by law, a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

(b) Employment of Persons Under 18 Years of Age.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (c) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater sentence is otherwise authorized by law, a term of imprisonment under this subsection shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

SEC. 1087. DRUG PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended to read as follows:

"(d) The term 'drug paraphernalia' means any equipment, product, or material of any kind that is intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, weighing, testing, analyzing, packaging, repackaging, storing, containing, planting, propagating, cultivating, growing, harvesting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this title, including—

"(1) kits designed for use or intended for use in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled substance or from which a controlled substance can be derived;

"(2) kits designed for use or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

"(3) isomerization devices designed or intended for use in increasing the potency of any species of plant that is a controlled substance;

"(4) testing equipment designed or intended for use in identifying or analyzing the strength, effectiveness, or purity of controlled substances;

"(5) scales and balances designed for use in weighing or measuring controlled substances;

"(6) containers and other objects designed or intended for use in storing or concealing controlled substances;

"(7) hypodermic syringes, needles, and other objects designed or intended for use in parenterally injecting controlled substances into the human body; and

"(8) objects intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, crack cocaine, hashish, hashish oil, PCP, or amphetamines into the human body, such as—

"(A) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

"(B) water pipes;

"(C) carburetion tubes and devices;

"(D) smoking and carburetion masks;

"(E) roach clips (that is, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand);

"(F) miniature spoons with level capacities of one-tenth cubic centimeter or less;

"(G) champer pipes;

"(H) carburetor pipes;

"(I) electric pipes;

"(J) air-driven pipes;

"(K) chillums;

"(L) bongs;

"(M) ice pipes or chillers;

"(N) wide or extra-width cigarette papers; and

"(O) cocaine freebase kits.".

SEC. 1088. MANDATORY PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.

(a) DECLARATION OF POLICY.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) AMENDMENT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding at the end the following new paragraph:

"(7)(A) In a case under section 404 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 1 year without release, to be served consecutively to any other sentence imposed for the simple possession itself.

"(B) In a case under this section involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 10 years without release, to be served consecutively to any other sentence imposed for the possession with intent to distribute or the distribution itself.

"(C) Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person sentenced under this paragraph.

SEC. 1089. DRUG DISTRIBUTION TO PREGNANT WOMEN.

Subsections (a) and (b) of section 418 of the Controlled Substances Act (21 U.S.C. 859 (a) and (b)) are amended by inserting ", or to a woman while she is pregnant," after "to a person under twenty-one years of age".

SEC. 1090. DRUGGED OR DRUNK DRIVING CHILD PROTECTION.

(a) APPLICATION OF STATE LAW IN AREAS WITHIN FEDERAL JURISDICTION.—Section 13(b) of title 18, United States Code, is amended—

(1) by striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, commonwealth, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

(b) COMMON CARRIERS.—Section 342 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following new subsection:

"(b)(1) In addition to any term of imprisonment imposed for an offense under subsection (a), the punishment for such an offense shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if a minor (other than the offender) was present in the common carrier when the offense was committed.

"(2) For the purposes of paragraph (1), the term 'minor' means a person less than 18 years of age.".

SEC. 1091. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 1092. EVICTION FROM PLACES MAINTAINED FOR MANUFACTURING, DISTRIBUTING, OR USING CONTROLLED SUBSTANCES.

Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) The Attorney General may bring a civil action against any person who violates this section. The action may be brought in any district court of the United States or the United States courts of any territory in which the violation is taking place. The court in which such action is brought shall determine the existence of a violation by a preponderance of the evidence, and shall have the power to assess a civil penalty of up to $100,000 and to grant such other relief including injunctions and evictions as may be appropriate. Such remedies shall be in addition to any other remedy available under statutory or common law.".

SEC. 1093. INCREASED PENALTIES FOR DRUG DEALING IN "DRUG-FREE" ZONES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "one year" and inserting "3 years"; and

(2) in subsection (b) by striking "three years" each place it appears and inserting "5 years".

SEC. 1094. ANABOLIC STEROIDS PENALTIES.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following new subsection:

"(b)(1) Whoever, being a physical trainer or adviser to a person, attempts to persuade or induce the person to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, imprisoned not more than 2 years (or if the person attempted to be persuaded or induced was less than 18 years of age at the time of the offense, 5 years), or both.

"(2) As used in this subsection, the term 'physical trainer or adviser' means a professional or amateur coach, manager, trainer, instructor, or other such person who provides athletic or physical instruction, training, advice, assistance, or any other such service to any person.".

SEC. 1095. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISIONS OF LAW THAT CONDITION PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THE STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of section 333 of Public Law 101-516 (104 Stat. 2184) and section 104(a)(3) of title 23, United States Code, which shall notify the Governors and State Representatives of the requirements of those sections.

SEC. 1096. DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.

Section 5122(c) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3192(c)) is amended by inserting "or local governments with the concurrence of local educational agencies" after "for grants to local educational agencies".

SEC. 1097. MISUSE OF THE WORDS "DRUG ENFORCEMENT ADMINISTRATION" OR THE INITIALS "DEA".

Section 709 of title 18, United States Code, is amended by inserting the following new paragraph before the paragraph beginning "Shall be punished":

"Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration;".

TITLE XI—PUBLIC CORRUPTION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1992".

SEC. 1102. PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) 3 times the amount of backpay;

"(iii) interest on the backpay; and

"(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(C)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 1103. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 1104. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

"(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) DEFINITIONS.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

TITLE XII—GENERAL PROVISIONS

Subtitle A—Violent Crimes

SEC. 1201. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) ROBBERY AND BURGLARY.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) KIDNAPPING.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsection (a)".

(c) SMUGGLING.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 1202. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only simple assault, be fined under this title, imprisoned not more than 1 year, or both, and in all other cases," after "shall"; and

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon".

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than $10,000" and inserting "under this title".

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than $1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "10"; and

(2) in subsection (e)—

(A) by striking "of not more than $300" and inserting "under this title"; and

(B) by striking "three" and inserting "6".

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000," and inserting "under this title,";

(2) by inserting "the assault involved the use of a dangerous weapon, or" after "if";

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) PRESIDENT AND PRESIDENT'S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," each place it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 1203. INCREASED MAXIMUM PENALTY FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the second undesignated paragraph; and

(B) by inserting ", or both" after "years";

(2) by striking "not more than $1,000" and inserting "under this title"; and

(3) by striking "three" and inserting "6".

SEC. 1204. VIOLENT FELONIES AGAINST THE ELDERLY.

(a) OFFENSE.—Subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3587. Mandatory sentence for felony against individual of age 65 or over

"(a) PENALTY.—Upon any plea of guilty or nolo contendere or verdict or finding of guilty of a defendant of a crime of violence under this title, if any victim of the crime is an individual who had attained age 65 on or before the date that the offense was committed, the court shall sentence the defendant to imprisonment—

"(1) for a term of not less than one-half of the maximum term of imprisonment provided for the crime under this title, in the case of a first offense to which this section applies; and

"(2) for a term of not less than three-fourths of the maximum term of imprisonment provided for the crime under this title, in the case of a second or subsequent offense to which this section applies.

"(b) TERMS OF PUNISHMENT.—Notwithstanding any other law, with respect to a sentence imposed under subsection (a)—

"(1) the court shall not give the defendant a probationary sentence;

"(2) the sentence shall be served consecutively to any other sentence imposed under this title; and

"(3) the court shall reject any plea agreement that would result in the imposition of a term of imprisonment less than that which would have been imposed under subsection (a) in connection with any charged offense.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'crime of violence' means—

"(A) a felony that has as an element of the offense the use, attempted use, or threatened use of physical force against the person or property of another; or

"(B) a felony that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and

"(2) the term 'victim' means an individual against whom an offense has been or is being committed.".

(b) Technical Amendments.—(1) The subchapter analysis for subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new item:

"3587. Mandatory sentence for felony against individual of age 65 or over.".

(2)(A) Rule 32(c) of the Federal Rules of Criminal Procedure is amended—

(i) by adding at the end of the first paragraph in paragraph (1) (after "record.") the following new sentence: "Neither the defendant nor the court may waive a presentence investigation and report unless there is in the record information sufficient for the court to determine whether a mandatory sentence must be imposed pursuant to title 18, United States Code, section 3581."; and

(ii) in paragraph (2)(D) by inserting "and information relating to whether any victim of the offense had attained age 65 on the date that the offense was committed" after "offense".

(B) Rule 11(e)(1) of the Federal Rules of Criminal Procedure is amended by striking "*In General.*—The" and inserting "*In General.*—Except as provided in title 18, United States Code, section 3581, the".

SEC. 1205. INCREASED PENALTY FOR TRAVEL ACT VIOLATIONS.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both" and inserting "and thereafter performs or attempts to perform—

"(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

"(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.".

SEC. 1206. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

Subtitle B—Civil Rights Offenses

SEC. 1211. INCREASED MAXIMUM PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) Conspiracy Against Rights.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results"; and

(3) by inserting "and may be fined under this title, or both" before the period.

(b) Deprivation of Rights.—Section 242 of title 18, United States Code, is amended—

(1) by striking "not more more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(4) by inserting "and may be fined under this title, or both" before the period.

(c) Federally Protected Activities.—The first sentence of section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results"; and

(5) by inserting "and may be fined under this title, or both" before the period.

(d) Damage to Religious Property.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) Fair Housing Act.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) by striking "not more than $1,000," and inserting "under title 18, United States Code,";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(3) by striking "not more than $10,000," and inserting "under title 18, United States Code,";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under title 18, United States Code, or imprisoned"; and

(6) by inserting ", or both" after "life".

Subtitle C—White Collar and Property Crimes

SEC. 1221. RECEIPT OF PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) Robbery.—Whoever"; and

(2) by adding at the end the following new subsection:

"(b) Receipt of Proceeds.—Whoever receives, possesses, conceals, or disposes of any money or other property that has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.".

SEC. 1222. RECEIPT OF PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) Extortion.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 880. Receipt of proceeds of extortion

"Whoever receives, possesses, conceals, or disposes of any money or other property that was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than 1 year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years, fined under this title, or both."; and

(2) in the chapter analysis, by adding at the end the following new item:

"880. Receipt of proceeds of extortion.".

(b) Kidnapping.—Section 1202 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) Violation of Section 1201.—Whoever"; and

(2) by adding at the end the following new subsections:

"(b) Violation of State Law.—Whoever transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than 1 year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

"(c) Definition.—For purposes of this section, the term 'State' has the meaning stated in section 245(d).".

SEC. 1223. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code, or" before "the Antitrust Civil Process Act".

SEC. 1224. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 1225. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'savings and loan association' means—

"(1) any Federal saving association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation; and

"(2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) that is operating under the laws of the United States.".

SEC. 1226. CONFORMING DEFINITION OF "1 YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666.".

SEC. 1227. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§ 3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate; and

"(B) a league or association of persons or governmental entities described in subparagraph (A);

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4));

"(3) the term 'person' has the meaning given that term in section 1 of title 1;

"(4) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which 1 or more professional athletes participate; and

"(B) a league or association of persons or governmental entities described in subparagraph (A); and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§ 3702. Unlawful sports gambling

"It is unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact; or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on 1 or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on 1 or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of the violation.

"§ 3704. Applicability

"(a) EXCEPTIONS.—Section 3702 does not apply to—

"(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme actually was conducted by that State or other governmental entity prior to August 31, 1990;

"(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity if—

"(A) the scheme is authorized by law; and

"(B) a scheme described in section 3702 (other than parimutuel animal racing or jai alai) actually was conducted in that State or other governmental entity during the period beginning September 1, 1989, and ending August 31, 1990, pursuant to the law of the State or other governmental entity; or

"(3) parimutuel animal racing or jai alai.

"(b) INDIAN LANDS.—Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) TECHNICAL AMENDMENTS.—The part analysis for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure .... 3001";

and

(2) by adding at the end the following new item:

"178. Professional and Amateur Sports Protection .... 3701".

SEC. 1228. CRIMINAL SANCTIONS FOR VIOLATION OF SOFTWARE COPYRIGHT.

(a) CRIMINAL INFRINGEMENT.—Section 2319(b)(1) of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) involves the reproduction or distribution, during any 180-day period, of at least 50 copies infringing the copyright in 1 or more computer programs (including any tape, disk, or other medium embodying such programs); or"; and

(4) in subparagraph (D), as redesignated by paragraph (2)—

(A) by striking "or" after "recording,"; and

(B) by inserting ", or a computer program" before the semicolon.

(b) PENALTIES.—Section 2319(b)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A) by striking "or" after the semicolon;

(2) in subparagraph (B) by striking "and" at the end and inserting "or"; and

(3) by adding at the end the following new subparagraph:

"(C) involves the reproduction or distribution, during any 180-day period, of more than 10 but less than 49 copies infringing the copyright in 1 or more computer programs (including any tape, disk, or other medium embodying such programs); and".

(c) DEFINITIONS.—Section 2319(c) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) the term 'computer program' has the meaning stated in section 101 of title 17, United States Code.".

SEC. 1229. FINANCIAL INSTITUTIONS FRAUD.

(a) FEDERAL DEPOSIT INSURANCE ACT.—Section 19(a)(2)(A)(i)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)(2)(A)(i)(I)) is amended by striking "or 1956" and inserting "1517, 1956, or 1957".

(b) FEDERAL CREDIT UNION ACT.—Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) PROHIBITION.—

"(1) IN GENERAL.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

"(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

(c) CRIME CONTROL ACT OF 1990.—Section 2546 of the Crime Control Act of 1990 (28 U.S.C. 522 note; 104 Stat. 4885) is amended by adding at the end the following new subsection:

"(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

SEC. 1230. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (c);

(2) by adding "or" at the end of paragraph (d); and

(3) by inserting after paragraph (d) the following new paragraph:

"(e) intentionally uses, discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511 (b) and (c), 2511(e), 2516, and 2518, knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, having obtained or received the information in connection with a criminal investigation, with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 1231. THEFTS OF MAJOR ART WORKS.

(a) Offense.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 668. Theft of a major art work

"(a) Theft From Museum.—Whoever steals or obtains by fraud any object of cultural heritage held in a museum commits a class C felony.

"(b) Exhibition or Storage by Museum.—A museum that exhibits to the public or holds in storage any stolen object of cultural heritage knowing that such object is stolen commits a class C felony.

"(c) Limitations.—Notwithstanding section 3282, the statute of limitations for an offense under this section is 20 years.

"(d) Forfeiture.—The property of a person convicted of an offense under this section shall be subject to criminal forfeiture under section 982.

"(e) Definitions.—For purposes of this section—

"(1) the term 'museum' means an organized and permanent institution, essentially educational or aesthetic in purpose with professional staff, that owns and utilizes tangible objects, cares for them, and exhibits them to the public during a regularly scheduled period; and

"(2) the term 'stolen object of cultural heritage' means a stolen object that is—

"(A) registered with the International Foundation for Art Research, Smith International Adjustors, or any equivalent registry; and

"(B) reported to law enforcement authorities as having been stolen.".

(b) Technical Amendment.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

"668. Theft of a major art work.".

SEC. 1232. MILITARY MEDALS AND DECORATIONS.

Section 704 of title 18, United States Code, is amended—

(1) by striking "not more than $250" and inserting "under this title"; and

(2) by adding at the end "For the purposes of this section, the term 'sells' includes trades, barters, or exchanges for anything of value.".

SEC. 1233. MOTOR VEHICLE THEFT PREVENTION ACT.

(a) Short Title.—This section may be cited as the "Motor Vehicle Theft Prevention Act".

(b) Motor Vehicle Theft Prevention Program.—

(1) Establishment of program.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 160. Motor vehicle theft prevention program

"(a) In General.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with States and localities, a national voluntary motor vehicle theft prevention program (in this section referred to as the 'program') under which—

"(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

"(A) states that the vehicle is not normally operated under certain specified conditions; and

"(B) agrees to—

"(i) display program decals or devices on the owner's vehicle; and

"(ii) permit law enforcement officials in any State or locality to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions;

"(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner; and

"(3) Federal law enforcement officials are authorized to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

"(b) Uniform Decal or Device Designs.—

"(1) In general.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

"(2) Type of design.—The uniform design shall—

"(A) be highly visible; and

"(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

"(c) Voluntary Consent Form.—The voluntary consent form used to enroll in the program shall—

"(1) clearly state that participation in the program is voluntary;

"(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

"(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

"(4) include any additional information that the Attorney General may reasonably require.

"(d) Specified Conditions Under Which Stops May Be Authorized.—

"(1) In general.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may include—

"(A) the operation of the vehicle during certain hours of the day; or

"(B) the operation of the vehicle under other circumstances or by such a person that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner or with the consent of the owner.

"(2) More than 1 set of conditions.—The Attorney General may establish more than 1 set of conditions under which participating motor vehicles may be stopped. If more than 1 set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

"(3) No new conditions without consent.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

"(4) Limited participation by States and localities.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

"(e) Motor Vehicles for Hire.—

"(1) Notification to lessees.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

"(2) Type of notice.—The notice required by this subsection shall—

"(A) be in writing;

"(B) be in a prominent format to be determined by the Attorney General; and

"(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

"(3) Fine for failure to provide notice.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

"(f) Participating State or Locality.—A State or locality may participate in the program by filing an agreement to comply with the terms and conditions of the program with the Attorney General.

"(g) Notification of Police.—As a condition of participating in the program, a State or locality shall agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program and with the conditions under which motor vehicles may be stopped under the program.

"(h) Regulations.—The Attorney General shall promulgate regulations to implement this section.

"(i) Authorization of Appropriations.—There are authorized such sums as are necessary to carry out this section.".

(2) Technical amendment.—The chapter analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following new item:

"160. Motor vehicle theft prevention program.".

(c) ALTERATION OR REMOVAL OF MOTOR VEHICLE IDENTIFICATION NUMBERS.—

(1) BASIC OFFENSE.—Section 511(a) of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, or a decal or device affixed to a motor vehicle pursuant to section 160 of title 23 shall be fined not more than $10,000, imprisoned not more than 5 years, or both.".

(2) EXCEPTED PERSONS.—Section 511(b)(2) of title 18, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to section 160 of title 23 if that person is the owner of the motor vehicle or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or the owner's authorized agent;

"(ii) State or local law; or

"(iii) regulations promulgated by the Attorney General to implement section 160 of title 23.".

(3) DEFINITION.—Section 511 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d) For purposes of subsection (a), the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to section 160 of title 23 for the purpose of obstructing its visibility.".

(4) UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.—

(A) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by inserting after section 511 the following new section:

"§ 511A. Unauthorized application of theft prevention decal or device

"(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, without authorization under section 160 of title 23 shall be fined not more than $5,000.

"(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to section 160 of title 23.".

(B) TECHNICAL AMENDMENT.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by inserting after the item for section 511 the following new item:

"511A. Unauthorized application of theft prevention decal or device.".

SEC. 1234. KNOWLEDGE REQUIREMENT FOR STOLEN OR COUNTERFEIT PROPERTY.

(a) OFFENSE.—Chapter 1 of title 18, United States Code, as amended by section 771(b), is amended by adding at the end the following new section:

"§ 22. Stolen or counterfeit nature of property for certain crimes defined

"(a) ESTABLISHMENT OF ELEMENT OF OFFENSE.—Wherever in this title it is an element of an offense that any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated and that the defendant knew that the property was of such character, the element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) DEFINITION.—For purposes of this section, the term 'official representation' means a representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, as amended by section 771(c), is amended by adding at the end thereof the following new item:

"22. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 1235. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 1236. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly, and with intent to defraud, effects transactions, with 1 or more access devices issued to another person, to receive anything of value aggregating $1,000 or more during any 1-year period;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 1237. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) OFFENSES.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

"(a) FALSE STATEMENT OR REPORT.—(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully overvalues any land, property or security—

"(A) in connection with reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person; and

"(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

"(b) MISUSE OF MONEY.—(1) Whoever—

"(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce; or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that if the embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, the term of imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined under this title, imprisoned not more than 1 year, or both.

"(c) FALSE ENTRY OF FACT.—(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

"(A) deceive any person about the financial condition or solvency of such business; or

"(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, insurance regulatory official or agency, or agent or examiner appointed by such official or agency to examine the affairs of such person,

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is a fine under this title, imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, the term of imprisonment shall be not more than 15 years.

"(d) INFLUENCING, OBSTRUCTING, OR IMPEDING ADMINISTRATION OF LAW.—Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined under this title, imprisoned not more than 10 years, or both.

"(e) ENGAGING IN INSURANCE BUSINESS AFTER CONVICTION.—(1)(A) A person who has been convicted of an offense under this section, or of a felony involving dishonesty or a breach of trust, who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if the person has the written consent of an insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'business of insurance' means—

"(A) the writing of insurance; or

"(B) the reinsuring of risks underwritten by insurance companies,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who are or who act as officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

"(2) the term 'interstate commerce' means—

"(A) commerce within the District of Columbia or any territory or possession of the United States;

"(B) commerce between any point in a State and any point outside the State;

"(C) commerce between points within a State through any place outside the State; and

"(D) all other commerce over which the United States has jurisdiction;

"(3) the term 'insurer' means—

"(A) a business that is organized as an insurance company under the laws of a State, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to supervision by the insurance official or agency of a State; or

"(B) a receiver or similar official or any liquidating agent for such a company, in his or her capacity as such,

and includes any person who is or acts as an officer, director, agent, or employee of that business; and

"(4) the term 'State' includes a State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"§ 1034. Civil penalties and injunctions for violations of section 1033

"(a) CIVIL PENALTY.—The Attorney General may bring a civil action in an appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation that the person received or offered for the prohibited conduct, whichever amount is greater. If the offense contributed to the insolvency of an insurer that has been placed under the control of a State insurance regulatory agency or official, such penalty shall be remitted to the regulatory official of the insurer's State of domicile for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the United States or any other person.

"(b) INJUNCTION.—If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy that is available by law to the United States or any other person.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following new items:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" at the end of subparagraph (C); and

(C) by adding at the end the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;".

(2) LIMITATIONS.—Section 3293(1) of title 18, United States Code, is amended by inserting "1033," after "1014,".

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce; or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person of the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033.".

SEC. 1238. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$250,000 or imprisoned not more than five years" and inserting "$2,000,000, imprisoned not more than 10 years"; and

(B) by striking "not more than $1,000,000" and inserting "not more than $5,000,000"; and

(2) in the second sentence—

(A) by striking "$1,000,000 or imprisoned not more than fifteen years" and inserting "$5,000,000, imprisoned not more than 20 years"; and

(B) by striking "not more than $5,000,000" and inserting "not more than $15,000,000".

(b) LAUNDERING MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services).".

SEC. 1239. COMPUTER ABUSE AMENDMENTS ACT OF 1992.

(a) SHORT TITLE.—This section may be cited as the "Computer Abuse Amendments Act of 1992".

(b) PROHIBITION.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

"(5)(A) through means of or in a manner affecting a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

"(i) the person causing the transmission intends that such transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

"(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

"(ii) the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

"(B) through means of or in a manner affecting a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

"(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

"(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

"(ii) if the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to 1 or more other persons of a value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or".

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking "and" after the semicolon;

(2) in paragraph (3)(A) by inserting "(A)" after "(a)(5)"; and

(3) in paragraph (3)(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) a fine under this title, imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).".

(d) CIVIL ACTION.—Section 1030 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(g) A person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless the action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.".

(e) REPORTING REQUIREMENTS.—Section 1030 of title 18, United States Code, as amended by subsection (d), is amended by adding at the end the following new subsection:

"(h) The Attorney General shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning prosecutions under subsection (a)(5).".

(f) DEFINITION.—Section 1030(e)(1) of title 18 United States Code, is amended by striking ", but such term does not include an automated typewriter or typesetter, a portable hand held calculator, or other similar device".

(g) PROHIBITION.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting "adversely" before "affects the use of the Government's operation of such computer".

SEC. 1239A. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE AMOUNTS OF CASH IN WEAPONS SCREENING.

Section 315 of the Federal Aviation act of 1958 (49 U.S.C. App. 1356) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR CASH IN EXCESS OF $10,000.—Not later than 90 days after the date of enactment of this subsection, the Administrator shall issue regulations requiring employees and agents described in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers—

"(1) a controlled substance the possession of which may be a violation of Federal or State law; or

"(2) an amount of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.".

Subtitle D—Sentencing and Procedure

SEC. 1241. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 1242. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

SEC. 1243. REVOCATION OF PROBATION.

(a) IN GENERAL.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) MANDATORY REVOCATION.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO COOPERATE IN DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm, as such term is defined in section 921, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 1244. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d) by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place it appears and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

(3) by striking subsection (g) and inserting the following:

"(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COOPERATE WITH DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

"(2) possesses a firearm (as defined in section 921) in violation of Federal law or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing imposed as a condition of supervised release,

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

"(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.".

SEC. 1245. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) PETTY OFFENSES.—Subsection (a)(3) does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.".

SEC. 1246. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding "other than a petty offense" after "misdemeanor"; and

(2) in subsection (g) by amending the first sentence to read as follows: "The magistrate may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403.".

SEC. 1247. CONFORMING AUTHORITY FOR MAGISTRATES TO REVOKE SUPERVISED RELEASE IN ADDITION TO PROBATION IN MISDEMEANOR CASES IN WHICH THE MAGISTRATE IMPOSED SENTENCE.

Section 3401(d) of title 18, United States Code, is amended by adding at the end the following: "A magistrate who has sentenced a person to a term of supervised release shall also have power to revoke or modify the term or conditions of such supervised release.".

SEC. 1248. AVAILABILITY OF SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "subsection (d)" and inserting "subsection (e)"; and

(B) in the second sentence by striking "place him on probation, or commit him to official detention" and inserting "place the juvenile on probation, or commit the juvenile to official detention (including the possibility of a term of supervised release)";

(2) by redesignating subsection (d) as subsection (e); and

(3) by adding after subsection (c) the following new subsection:

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend—

"(1) in the case of a juvenile who is less than 18 years old, beyond the earlier of—

"(A) the date on which the juvenile becomes 21 years old; or

"(B) the maximum term that would be authorized by section 3583(b) if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between 18 and 21 years old—

"(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond 5 years; or

"(B) in any other case beyond the lesser of—

"(i) 3 years; or

"(ii) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult.".

SEC. 1249. IMMUNITY.

Section 6003(b) of title 18, United States Code, is amended—

(1) by striking "or" before "Deputy Assistant Attorney General" and inserting a comma; and

(2) by inserting "or one other officer or employee of the Criminal Division designated by the Attorney General" after "Deputy Assistant Attorney General,".

SEC. 1250. EXTENDED SERVICE OF MEMBERS OF THE SENTENCING COMMISSION.

Section 992(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) Subject to paragraph (2)—

"(A) no voting member of the Commission may serve more than 2 full terms; and

"(B) a voting member appointed to fill a vacancy that occurs before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of that term.

"(2) A voting member of the Commission whose term has expired may continue to serve until the earlier of—

"(A) the date on which a successor has taken office; or

"(B) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired.".

Subtitle E—Immigration-Related Offenses

SEC. 1251. EXPLOITATION OF ALIENS.

(a) OFFENSE.—Chapter 1 of title 18, United States Code, as amended by section 1234(a), is amended by adding at the end the following new section:

"§ 23. Exploitation of aliens

"(a) INDUCEMENT OF ALIENS.—A person who is 18 years of age or older who voluntarily solicits, counsels, encourages, commands, intimidates, or procures any alien with the intent that the alien commit an aggravated felony, as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), shall be subject to a civil fine of not more than $100,000.

"(b) COMMISSION OF CRIME BY ALIEN.—An alien who is induced by another person to commit and subsequently commits an aggravated felony, as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), shall be subject to a civil fine of not more than $100,000.

"(c) CONSIDERATIONS.—In imposing a fine under subsection (a) or (b), the court shall consider the severity of the offense sought or committed by the offender as a circumstance in aggravation.

"(d) ENFORCEMENT.—(1) A proceeding for assessment of a civil fine under subsection (a) or (b) may be brought by the Attorney General in a civil action before a United States district court.

"(2) A person affected by a final order under this subsection may, not later than 45 days after the date on which the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 1 of title 18, United States Code, as amended by section 1234(b), is amended by adding at the end the following new item:

"23. Exploitation of aliens.".

SEC. 1252. CRIMINAL ALIEN IDENTIFICATION AND REMOVAL FUND.

(a) ESTABLISHMENT.—(1) There is established in the Treasury of the United States the Criminal Alien Identification and Removal Fund (referred to as the "Fund").

(2) All fines collected pursuant to section 1251 shall be covered into the Fund and shall be used for the purposes of this section.

(b) DISTRIBUTION OF MONIES IN THE FUND.—(1) Ninety percent of the monies covered into the Fund in any fiscal year may be used by the Attorney General—

(A) to assist the Immigration and Naturalization Service to identify, investigate, apprehend, detain, and deport aliens who have committed an aggravated felony; and

(B) to fund any of the 20 additional immigration judge positions authorized by section 512 of the Immigration Act of 1990 (104 Stat. 5052) that have not been funded.

(2) Ten percent of the monies covered into the Fund in any fiscal year may be distributed in the form of grants to the States by the Attorney General for the purposes of—

(A) assisting the States in implementing section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(11)); and

(B) modifying a plan described in section 503(a)(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(11)) to identify aliens—

(i) as they are processed for admission into State prisons; and

(ii) when they enter probation programs.

(c) TECHNICAL AMENDMENT.—Section 280(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1330) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SEC. 1253. ALIENS CONVICTED OF FELONY DRUNK DRIVING.

Section 241(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)) is amended—

(1) by redesignating clause (iv) as clause (v);

(2) by inserting after clause (iii) the following new clause:

"(iv) DRIVING UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.—An alien who is convicted of operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance arising in connection with a fatal traffic accident or traffic accident resulting in serious bodily injury to an innocent party is deportable."; and

(3) in clause (v), as redesignated by paragraph (1), by striking "and (iii)" and inserting "(iii), and (iv)".

Subtitle F—United States Marshals

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "United States Marshals Association Establishment Act".

SEC. 1262. ESTABLISHMENT AND PURPOSE OF ASSOCIATION.

(a) ESTABLISHMENT.—There is established the United States Marshals Association (referred to in this subtitle as the "Association"). The Association is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Association are—

(1) to elevate and strengthen public knowledge of law enforcement in general, and the United States Marshals Service in particular;

(2) to promote the exchange of information among private and public institutions and individuals about law enforcement and justice systems issues;

(3) to organize symposia, studies, and research in carrying out paragraphs (1) and (2);

(4) to study the history of law enforcement;

(5) to produce, sell, and distribute educational materials on law enforcement and justice systems issues;

(6) to accept and administer private gifts or property for the benefit of, or in connection with, the activities and services of the United States Marshals Service; and

(7) to promote law enforcement.

SEC. 1263. BOARD OF DIRECTORS OF THE ASSOCIATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Association shall have a governing Board of Directors (referred to in this subtitle as the "Board"), which shall consist of not less than 3 nor more than 20 members, each of whom shall be a United States citizen and be knowledgeable or experienced in law enforcement matters. The Director of the United States Marshals Service shall be a nonvoting member of the Board, ex officio. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(b) APPOINTMENT AND TERMS.—

(1) INITIAL APPOINTMENT.—The members of the Board first appointed shall be appointed by the United States Marshals Association, a nonprofit corporation in existence before the enactment of this Act, which is organized under the laws of the State of Virginia.

(2) SUBSEQUENT APPOINTMENT.—The members of the Board appointed after the appointment of Directors under paragraph (1) shall be appointed in the manner provided in the bylaws of the Association.

(3) ADVICE OF DIRECTOR.—A member of the Board may be appointed with the advice of the Director of the United States Marshals Service (referred to in this subtitle as the "Director").

(4) TERMS.—The members of the Board shall be appointed for terms of 4 years. A vacancy on the Board shall be filled in the manner in which the original appointment was made. No person may serve for more than 2 consecutive terms as a member of the Board.

(c) CHAIR.—The chair of the Board shall be elected by the Board from its members to a 2-year term.

(d) QUORUM.—A majority of the membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the chair at least twice each year. If a member of the Board misses 3 consecutive regularly scheduled meetings, the member may be removed from the Board as provided in the bylaws of the Association, and that vacancy may be filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Association.

(g) GENERAL POWERS.—(1) The Board may complete the organization of the Association by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Association and the provisions of this subtitle; and

(C) carrying out such other actions as may be necessary to carry out this subtitle.

(2) The following limitations apply with respect to the appointment of officers and employees of the Association:

(A) Officers and employees may not be appointed until the Association has sufficient funds to pay them for their services. Officers and employees of the Association shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the maximum rate of pay payable under section 5376 of title 5, United States Code, for a position classified above grade GS-15 of the General Schedule.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board, who—

(i) shall serve, at the direction of the Board, as its chief operating officer; and

(ii) shall be knowledgeable and experienced in matters relating to law enforcement.

(h) ADVISORY COUNCIL.—The chair of the Board may appoint an Advisory Council of up to 15 members to advise the Association on its activities under this subtitle. Members of the advisory council have no vote in matters before the Association.

SEC. 1264. MEMBERSHIP.

(a) ELIGIBILITY.—Eligibility for membership in the Association shall be limited to persons and organizations demonstrating support of the stated purpose, goals, and functions of the Association. Categories of membership shall be as follows:

(1) Regular member, which shall be limited to individuals actively or formerly employed in the United States Marshals Service.

(2) Associate member, which shall be limited to individuals who are qualified by training or experience in Federal, State, local, or foreign law enforcement.

(3) Honorary member, which shall be limited to individuals who have an outstanding record of service in the public or private sector.

(4) Corporate member, which shall be limited to nongovernmental public, private, or nonprofit organizations which support the purposes of the United States Marshals Association.

(5) Sponsoring member, which shall be limited to Federal or State government entities.

(b) APPLICATION.—Persons may apply or be nominated for membership in the Association. Any such application shall be made in writing on the form provided by the Association.

(c) SPONSORSHIP.—Applicants or nominees for membership in any category except that of sponsoring member must be proposed by a regular member. Acceptance of applicants or nominees for membership shall be determined by a majority vote of the Board.

(d) DUES FOR MEMBERS.—Membership dues shall be established by the Board. Dues must accompany a prospective member's application. No dues shall be required in the case of honorary members or sponsoring members.

(e) VOTING.—A member may vote in matters for which the vote of the Association is required, and may serve on the Board.

(f) SUSPENSION OR EXPULSION OF MEMBERS.—A member of the Association may be suspended or expelled for nonpayment of dues in arrears for at least 60 days, for good cause, or for other reasons by a vote of two-thirds of the Board in accordance with procedures prescribed in Robert's Rules of Order. No member who has been suspended or expelled from the Association may be readmitted to membership for a period of 1 year, and readmission thereafter shall require the consent of two-thirds of the Board.

SEC. 1265. RIGHTS AND OBLIGATIONS OF THE ASSOCIATION.

(a) IN GENERAL.—The Association—

(1) shall have perpetual existence;

(2) may conduct business throughout the States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Virginia or such other place as may be determined by the Board; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Association.

(b) SERVICE OF PROCESS.—Service of process on the agent required under subsection (a)(4) or the mailing of process to the business address of the agent shall constitute service on the Association.

(c) SEAL.—The Association may use the seal, insignia, or badge of the United States Marshals Service, and other materials unique to the United States Marshals Service, only with the express written permission of the Director.

(d) POWERS.—To carry out its purposes under section 1262, the Association shall have, in addition to the powers otherwise given it under this subtitle, the usual powers of a corporation acting as a trustee in the State of Virginia or wherever else the Association is incorporated. The Association shall have the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Association.

(e) ACCEPTANCE OF GIFTS.—A gift, devise, or bequest may be accepted by the Association even though it is encumbered, restricted, or subject to the beneficial interests of private persons if any current or future interest therein is for the benefit of the Association.

SEC. 1266. ADMINISTRATIVE SERVICES AND SUPPORT.

The Director may provide personnel, facilities, and other administrative services to the Association, including reimbursement of expenses under section 1262, not to exceed the then current Federal Government per diem rates, until the date that is 5 years after the date of the enactment of this Act, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 1267. VOLUNTEER STATUS.

The Director may, notwithstanding section 1342 of title 31, United States Code, accept voluntary services of the Association in the performance of the functions of the Association under this subtitle.

SEC. 1268. RESTRICTIONS.

(a) FINANCIAL INTERESTS.—No part of the income or assets of the Association shall inure to any member or officer of the Association or member of the Board or be distributed to any such person. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers or the Association or reimbursement for actual necessary expenses in amounts approved by the Board.

(b) PROHIBITION ON LOANS.—The Association shall not make any loan to any member of the Board or to any officer or employee of the Association.

(c) PROHIBITION ON STOCK.—The Association shall have no power to issue any shares of stock or to declare or pay any dividends.

SEC. 1269. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Association shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Association shall, as soon as practicable after the end of each fiscal year, transmit to the Congress a report of its proceedings and activities during the year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN ASSOCIATION ACTS OR FAILURES TO ACT.—If the Association—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 1262(b); or

(2) refuses, fails, or neglects to discharge its obligations under this subtitle, or threatens to do so,

the Attorney General of the United States may petition the appropriate court for such equitable relief as may be necessary or appropriate.

SEC. 1270. LIABILITY OF THE UNITED STATES.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Association, nor shall the full faith and credit of the United States extend to any obligation of the Association.

SEC. 1271. NONDISCRIMINATION.

(a) EMPLOYMENT PRACTICES.—Notwithstanding section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) or section 101(5)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(5)(B)), the Association and any agent of the Association shall be considered to be an employer for purposes of title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 if the Association is engaged in an industry affecting commerce and meets the minimum employee requirements set forth in those Acts.

(b) MEMBERSHIP PRACTICES.—

(1) PROHIBITED PRACTICES.—It shall be unlawful for the Association, on the basis of the race, color, religion, sex, national origin, age, or disability of an individual, to—

(A) fail or refuse to accept the individual into membership;

(B) expel the individual from membership;

(C) suspend the membership of the individual; or

(D) discriminate against the individual with respect to any of the benefits or obligations of membership.

(2) ENFORCEMENT.—

(A) RIGHT OF ACTION.—Any person may bring a civil action to enforce paragraph (1) in any appropriate United States district court. Any such action may be dismissed for just cause.

(B) INJUNCTIVE RELIEF.—In any civil action brought under this paragraph, the court may grant as relief any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate.

SEC. 1272. ACQUISITION OF ASSETS AND LIABILITIES OF EXISTING ASSOCIATION.

The Association may acquire the assets of the United States Marshals Association, a nonprofit organization organized under the laws of the State of Virginia before the enactment of this Act.

SEC. 1273. AMENDMENT AND REPEAL.

The Congress expressly reserves the right to repeal or amend this subtitle at any time.

Subtitle G—Other Provisions

SEC. 1281. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§ 3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4 (b) or (c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) and (c)),

may be in the District of Columbia or in any other district authorized by law.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 211 of title 18, United States Code, is amended by inserting after the item relating to section 3238 the following new item:

"3239. Optional venue for espionage and related offense.".

SEC. 1282. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, and the carcasses thereof;".

SEC. 1283. COURT TO BE HELD AT LANCASTER.

Section 118(a) of title 28, United States Code, is amended by inserting "Lancaster," before "Reading".

SEC. 1284. AUTHORIZATION OF FUNDS FOR CONSTRUCTION OF A UNITED STATES ATTORNEY'S OFFICE IN PHILADELPHIA, PENNSYLVANIA.

(a) AUTHORIZATION.—There is authorized to be appropriated $35,000,000, to remain available until expended, to plan, acquire a site for, design, construct, build out, equip, and prepare for use an office building to house the United States Attorney's Office in Philadelphia, Pennsylvania, notwithstanding any other law.

(b) SITE SELECTION.—The site of the office building constructed pursuant to subsection (a) shall be at or in close physical proximity to the site selected for the construction of the Philadelphia Metropolitan Detention Center and shall be approved by the Attorney General after notification submitted to the Congress as required by law.

SEC. 1285. AWARD OF ATTORNEY'S FEES FOR EMPLOYEES OF DEPARTMENT OF JUSTICE.

Section 519 of title 28, United States Code, is amended—

(1) by striking "Except" and inserting "(a) IN GENERAL.—Except"; and

(2) by adding at the end the following new subsection:

"(b) AWARD OF FEES.—

"(1) CURRENT EMPLOYEES.—Upon the application of any current employee of the Department of Justice who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for reasonable attorney's fees incurred by that employee as a result of such investigation.

"(2) FORMER EMPLOYEES.—Upon the application of any former employee of the Department of Justice who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for those reasonable attorney's fees incurred by that former employee as a result of such investigation.

"(3) EVALUATION OF AWARD.—The Attorney General may make an inquiry into the reasonableness of the sum requested. In making such an inquiry, the Attorney General shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for legal services in the community in which the investigation took place.".

SEC. 1286. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) IN GENERAL.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000; and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) CRIMINAL OFFENSES.—For purposes of this section—

(1) the term "criminal offense" means—

(A) any Federal criminal offense involving a controlled substance;

(B) racketeering;

(C) money laundering; and

(D) any violation of State criminal law involving offenses substantially similar to the offenses described in the preceding paragraphs;

(2) the term "money laundering" means an offense under section 1956 or 1957 of title 18, United States Code; and

(3) the term "racketeering" means an offense under section 1951, 1952, or 1955 of title 18, United States Code.

(c) COPY TO PROSECUTORS.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney; and

(2) the office of the local prosecuting attorney,

for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary to implement this section within 90 days after the date of enactment of this Act.

(e) Effective Date.—This section shall become effective on the date that is 60 days after the date of the promulgation of regulations under subsection (d).

SEC. 1287. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS AND REPORT TO CONGRESS ON ADMINISTRATIVE EXPENSES.

(a) In General.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) Report to Congress.—Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ", which report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under paragraph (7)(B)."; and

(3) by adding at the end the following new subparagraph:

"(D) a report for the fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

SEC. 1288. DNA IDENTIFICATION.

(a) Funding to Improve the Quality and Availability of DNA Analyses for Law Enforcement Identification Purposes.—

(1) Drug control and system improvement grant program.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)), as amended by section 531, is amended—

(A) by striking "and" at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(23) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (referred to in this title as 'DNA') for identification purposes.".

(2) State applications.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 1288(b) of the Crime Control Act of 1992;

"(B) DNA samples obtained by and DNA analyses performed at the laboratory will be made available only—

"(i) to criminal justice agencies, for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; and

"(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) the laboratory and each analyst performing DNA analyses at the laboratory will undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1288(b) of the Crime Control Act of 1992.".

(3) Authorization of appropriations.—For each of the fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated $10,000,000 for grants to the States for DNA analysis.

(b) Quality Assurance and Proficiency Testing Standards.—

(1) Publication of quality assurance and proficiency testing standards.—(A) Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from State and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(B) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(C) The standards described in subparagraphs (A) and (B) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(D) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(2) Administration of the advisory board.—For administrative purposes, the advisory board appointed under paragraph (1) shall be considered to be an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date that is 5 years after the date on which initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

(c) Index to Facilitate Law Enforcement Exchange of DNA Identification Information.—

(1) In general.—The Director of the Federal Bureau of Investigation may establish an index of—

(A) DNA identification records of persons convicted of crimes;

(B) analyses of DNA samples recovered from crime scenes; and

(C) analyses of DNA samples recovered from unidentified human remains.

(2) Contents.—The index established under paragraph (1) shall include only information on DNA identification records and DNA analyses that are—

(A) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1288(b) of the Crime Control Act of 1992;

(B) prepared by laboratories and DNA analysts that undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1288(b) of the Crime Control Act of 1992; and

(C) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(i) to criminal justice agencies, for law enforcement identification purposes;

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(iii) to others, if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) Failure to meet requirements.—The exchange of records authorized by this subsection is subject to cancellation if the quality control and privacy requirements described in paragraph (2) are not met.

(d) Federal Bureau of Investigation.—

(1) Proficiency testing requirements.—(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under subsection (b). Not later than 1 year after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this subparagraph, the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(B) For each of the 5 years following the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate an annual report on the results of each of the tests described in subparagraph (A).

(2) Privacy protection standards.—(A) Except as provided in subparagraph (B), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(i) to criminal justice agencies for law enforcement identification purposes; or

(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged.

(B) If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(3) CRIMINAL PENALTIES.—(A) Whoever—

(i) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(ii) willfully discloses such information in any manner to any person or agency not entitled to receive it,

shall be fined not more than $100,000.

(B) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out subsections (b), (c), and (d).

SEC. 1289. SAFE SCHOOLS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1064(a), is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

"PART V—SAFE SCHOOLS ASSISTANCE

"SEC. 2201. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in a timely fashion and make such model available to any local educational agency that requests such information.

"SEC. 2202. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

"SEC. 2203. APPLICATIONS.

"(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) REQUIREMENTS.—An application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 2202;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within the schools served by such local educational agency.

"(c) COMPREHENSIVE PLAN.—An application under subsection (a) shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps; and

"(5) a description of the system the applicant will establish to prevent and reduce crime problems.

"SEC. 2204. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2203(c).

"SEC. 2205. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

"(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2203(c).

"(3) POPULATION.—The number of students to be served by the plan required under section 2203(c).

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt to achieve, to the extent practicable, an equitable geographic distribution of grant awards.

"SEC. 2206. REPORTS.

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2203(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year in which grants are made available under this part, which report shall contain—

"(1) a detailed statement regarding grant awards and activities of grant recipients;

"(2) a compilation of statistical information submitted by applicants under section 2203(b)(4); and

"(3) an evaluation of programs established under this part.

"SEC. 2207. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1064(b), is amended by striking the matter relating to part V and inserting the following:

"PART V—SAFE SCHOOLS ASSISTANCE

"Sec. 2201. Grant authorization.
"Sec. 2202. Use of funds.
"Sec. 2203. Applications.
"Sec. 2204. Allocation of funds; limitations on grants.
"Sec. 2205. Award of grants.
"Sec. 2206. Reports.
"Sec. 2207. Definitions.

"PART W—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2301. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 1064(c), is amended by adding at the end the following new paragraph:

"(16) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out projects under part V.".

TITLE XIII—TECHNICAL CORRECTIONS

SEC. 1301. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) TESTING OF CERTAIN SEX OFFENDERS FOR HUMAN IMMUNE DEFICIENCY VIRUS.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of";

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)";

(3) in subsection (e) by striking "or (e)" and inserting "or (f)"; and

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but"; and

(ii) by striking "this subsection," and inserting "this subsection"; and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) CORRECTIONAL OPTIONS GRANTS.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a(b)) is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "subsection (a) (1) and (2)"; and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section"; and

(B) in subsection (b) by striking "section 515(a)(1) or (a)(3)" and inserting "section 515(a) (1) or (3)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)), as amended by section 902, is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) Denial or Termination of Grant.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M,," and inserting "M,".

(d) Definitions.—Section 901(a)(21) of title I of the Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) Authorization of Appropriations.—Section 1001(a)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(3)) is amended by striking "and N" and inserting "N, O, P, Q, R, S, T, U, V, and W".

(f) Public Safety Officers Disability Benefits.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),"; and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)";

(ii) by striking "personal"; and

(iii) in the first proviso by striking "section" and inserting "subsection"; and

(2) in section 1204(3) (42 U.S.C. 3796b(3)) by striking "who was responding to a fire, rescue or police emergency".

(g) Headings.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(h) Table of Contents.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant";

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications"; and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(i) Other Technical Amendments.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) (42 U.S.C. 3722(c)(2)(E)) by striking "crime,," and inserting "crime,";

(2) in section 302(c)(19) (42 U.S.C. 3732(c)) by striking the period at the end and inserting a semicolon;

(3) in section 602(a)(1) (42 U.S.C. 3769a(a)(1)) by striking "chapter 315" and inserting "chapter 319";

(4) in section 603(a)(6) (42 U.S.C. 3769b(a)(6)) by striking "605" and inserting "606";

(5) in section 605 (42 U.S.C. 3769c) by striking "this section" and inserting "this part";

(6) in section 606(b) (42 U.S.C. 3769d(b)) by striking "and Statistics" and inserting "Statistics";

(7) in section 801(b) (42 U.S.C. 3782(b))—

(A) by striking "parts D," and inserting "parts";

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E";

(C) by striking "403(a)" and inserting "501"; and

(D) by striking "403" and inserting "503";

(8) in the first sentence of section 802(b) (42 U.S.C. 3783(b)) by striking "part D," and inserting "subpart 1 of part E or under part";

(9) in the second sentence of section 804(b) (42 U.S.C. 3785(b)) by striking "Prevention or" and inserting "Prevention, or";

(10) in section 808 (42 U.S.C. 3789) by striking "408, 1308," and inserting "507";

(11) in section 809(c)(2)(H) (42 U.S.C. 3789d(c)(2)(H)) by striking "805" and inserting "804";

(12) in section 811(e) (42 U.S.C. 3789f(e)) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance";

(13) in section 901(a)(3) (42 U.S.C. 3791(a)(3)) by striking "and," and inserting ", and"; and

(14) in section 1001(c) (42 U.S.C. 3793(c)) by striking "parts" and inserting "part".

(j) Conforming Amendment to Other Law.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 1302. GENERAL TITLE 18 CORRECTIONS.

(a) Section 1031.—Section 1031 of title 18, United States Code, is amended—

(1) by redesignating subsection (g), as added by Public Law 101–123, as subsection (h) and removing it to the end of the section; and

(2) in subsection (h), as redesignated by paragraph (1), by striking "a government" and inserting "a Government".

(b) Section 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) Section 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions".

(d) Section 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma that follows a comma.

(e) Elimination of Obsolete Cross Reference.—Section 3293(1) of title 18, United States Code, is amended by striking "1008,".

(f) Part I Part Analysis.—The item relating to chapter 33 in the part analysis for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

SEC. 1303. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) Contraband in Prison.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) Money Laundering.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) Requirements for Governmental Access.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) Programs Receiving Federal Funds.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) Offenders With Mental Disease or Defect.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of section 4241, 4243, 4244, 4245, or 4246," and inserting "section 4241(e), 4243(f), 4244(e), 4245(e), or 4246(e),".

(f) Continuing Criminal Enterprises.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) Sentencing Commission.—Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) Firearms.—Section 924(e)(2)(A)(i) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(i) Erroneous Citation in Crime Control Act of 1990.—Section 2596(d) of the Crime Control Act of 1990 (104 Stat. 4908) is amended, effective as of the date of enactment of that Act, by striking "951(c)(1)" and inserting "951(c)(2)".

SEC. 1304. OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212 by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213 by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709 by striking the seventh and thirteenth paragraphs;

(4) in section 711 by striking the second paragraph;

(5) by striking section 754 and amending the chapter analysis for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006 by striking "Reconstruction Finance Corporation," and by striking "Farmers' Home Corporation,";

(7) in section 658 by striking "Farmers' Home Corporation,";

(8) in section 1013 by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160 by striking "white person" and inserting "non-Indian";

(10) in section 1698 by striking the second paragraph;

(11) by striking sections 1904 and 1908 and amending the chapter analysis for chapter 93 by striking the items relating to those sections;

(12) in section 1909 by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391 and amending the chapter analyses for chapters 105 and 115, respectively, by striking the items relating to those sections;

(14) in section 2257 by striking subsections (f) and (g) that were enacted by Public Law 100–690 (102 Stat. 4488);

(15) in section 3113 by striking the third paragraph; and

(16) in section 3281 by striking "except for offenses barred by the provisions of law existing on August 4, 1939".

SEC. 1305. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104(a)(3) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(a)(3)) is amended by striking "issuer" and inserting "domestic concern".

SEC. 1306. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting "(b)(5)".

SEC. 1307. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4) by striking "association or persons" and inserting "association of persons";

(2) in section 1956(e) by striking "Evironmental" and inserting "Environmental";

(3) in section 3125—

(A) in subsection (a)(2) by striking the quotation marks; and

(B) in subsection (d) by striking "provider for" and inserting "provider of"; and

(4) in section 3731, in the second undesignated paragraph, by striking "order of a district courts" and inserting "order of a district court".

TITLE XIV—FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 1401. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Act of 1992".

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL LAW ENFORCEMENT AGENCIES.

There is authorized to be appropriated $345,500,000 for fiscal year 1992 (which shall be in addition to any other appropriations) to be allocated as follows:

(1) For the Drug Enforcement Administration, $100,500,000, which shall include—

(A) not to exceed $45,000,000 to hire, equip, and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas;

(B) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of State and local overtime, equipment, and personnel costs; and

(C) not to exceed $5,000,000 to hire, equip, and train not less than 50 special agents and necessary support personnel to investigate violations of the Controlled Substances Act relating to anabolic steroids.

(2) For the Federal Bureau of Investigation, $98,000,000, for the hiring of additional agents and support personnel to be dedicated to the investigation of drug trafficking organizations.

(3) For the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(A) $25,000,000 to hire, train, and equip no fewer than 500 full-time equivalent Border Patrol officer positions.

(B) $20,000,000 to hire, train, and equip no fewer than 400 full-time equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

(4) For the United States attorneys, $45,000,000 to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses.

(5) For the United States Marshals Service, $10,000,000.

(6) For the Bureau of Alcohol, Tobacco, and Firearms, $15,000,000 to hire, equip, and train not less than 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs.

(7) For the United States courts, $20,000,000 for additional magistrates, probation officers, other personnel, and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title.

(8) For Federal defender services, $12,000,000 for the defense of persons prosecuted for drug trafficking and related crimes.

TITLE XV—FEDERAL PRISONS

SEC. 1501. AUTHORIZATION OF APPROPRIATIONS FOR NEW PRISON CONSTRUCTION.

There is authorized to be appropriated for fiscal year 1993 to the buildings and facilities account, Federal Prison System, Department of Justice, $500,000,000 for the planning of, acquisition of sites for, and the construction of new penal and correctional facilities, such appropriations to be in addition to any appropriations provided in regular appropriations Acts or continuing resolutions for that fiscal year.

METZENBAUM AMENDMENTS NOS. 1993 THROUGH 2003

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 11 amendments intended to be proposed by him to the bill S. 55, supra, as follows:

AMENDMENT NO. 1993

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Seection 8(a) of the National labor Relations Act (29 U.S.C. 158 (a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written and authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute."

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) or (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 1994

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph;

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This act shall be effective on the day after the date of enactment.

AMENDMENT NO. 1995

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 1996

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This act shall be effective on the day after the date of enactment.

AMENDMENT NO. 1997

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purposes of collective bargaining or other mutual and or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of the preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute."

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

AMENDMENT NO. 1998

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the draft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

AMENDMENT NO. 1999

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2000

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2001

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2002

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any labor individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

AMENDMENT NO. 2003

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

KENNEDY AMENDMENTS NOS. 2004 THROUGH 2009

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill S. 55, supra, as follows:

AMENDMENT NO. 2004

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

Amendment No. 2005

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) or (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

Amendment No. 2006

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

Amendment No. 2007

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or "; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This act shall be effective two days after the date of enactment.

AMENDMENT NO. 2008

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

AMENDMENT NO. 2009

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

METZENBAUM AMENDMENTS NOS. 2010 THROUGH 2027

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 18 amendments intended to be proposed by him to the bill S. 55, supra, as follows:

AMENDMENT NO. 2010

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 30 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2011

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 29 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representatives or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2012

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 28 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2013

Strike all after the first word of the pending amendment and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 27 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2014

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 26 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a) after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2015

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 25 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2016

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 30 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2017

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 29 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding, and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2018

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 28 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2019

Strike all after the first word of the pending amendment and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 27 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the followng:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2020

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

‘‘(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

‘‘(I) was the certified or recognized exclusive representative, or

‘‘(II) at least 26 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

‘‘(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

‘‘(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.''.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting ‘‘(a)'' after ‘‘Fourth.''; and

(2) by adding at the end thereof the following:

‘‘(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

‘‘(1) to hire a permanent replacement for an employee who—

‘‘(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

‘‘(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

‘‘(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.''.

Amendment No. 2021

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting ‘‘; or''; and

(2) by adding at the end thereof the following new paragraph:

‘‘(6) to promise, to threaten, or take other action—

‘‘(i) to hire a permanent replacement for an employee who—

‘‘(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

‘‘(I) was the certified or recognized exclusive representative, or

‘‘(II) at least 25 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

‘‘(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

‘‘(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.''.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended.

(1) by inserting ‘‘(a)'' after ‘‘Fourth.''; and

(2) by adding at the end thereof the following:

‘‘(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action

‘‘(1) to hire a permanent replacement for an employee who——

‘‘(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

‘‘(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

‘‘(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.''.

Amendment No. 2022

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting ‘‘; or''; and

(2) by adding at the end thereof the following new paragraph:

‘‘(6) to promise, to threaten, or take other action—

‘‘(i) to hire a permanent replacement for an employee who—

‘‘(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

‘‘(I) was the certified or recognized exclusive representative, or

‘‘(II) at least 30 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

‘‘(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

‘‘(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.''.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting ‘‘(a)'' after ‘‘Fourth.''; and

(2) by adding at the end thereof the following:

‘‘(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

‘‘(1) to hire a permanent replacement for an employee who—

‘‘(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

‘‘(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

‘‘(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.''

Amendment No. 2023

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting ‘‘; or''; and

(2) by adding at the end thereof the following new paragraph:

‘‘(6) to promise, to threaten, or take other action—

‘‘(i) to hire a permanent replacement for an employee who—

‘‘(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

‘‘(I) was the certified or recognized exclusive representative, or

‘‘(II) at least 29 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2024

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 28 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) At the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2025

Strike all after the first word of the pending amendment and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 27 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding;

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

AMENDMENT NO. 2026

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

"(I) was the certified or recognized exclusive representative, or

"(II) at least 26 days prior to the commencement of the dispute had file a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.”.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting “(a)” after “Fourth.”; and

(2) by adding at the end thereof the following:

“(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

“(1) to hire a permanent replacement for an employee who—

“(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

“(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

“(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.”.

AMENDMENT NO. 2027

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting “; or”; and

(2) by adding at the end thereof the following new paragraph:

“(6) to promise, to threaten, or take other action—

“(i) to hire a permanent replacement for an employee who—

“(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization—

“(I) was the certified or recognized exclusive representative, or

“(II) at least 25 days prior to the commencement of the dispute had filed a petition pursuant to section 9(c)(1) on the basis of written authorizations by a majority of the unit employees, and the Board has not completed the representation proceeding; and

“(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

“(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.”.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting “(a)” after “Fourth.”; and

(2) by adding at the end thereof the following:

“(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

“(1) to hire a permanent replacement for an employee who—

“(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

“(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

“(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.”.

PACKWOOD AMENDMENTS NOS. 2028 THROUGH 2038

(Ordered to lie on the table.)

Mr. PACKWOOD submitted 11 amendments intended to be proposed by him to the bill S. 55, supra, as follows:

AMENDMENT NO. 2028

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting “; or”; and

(2) by adding at the end thereof the following new paragraph:

“(6) to promise, to threaten, or take other action—

“(i) to hire a permanent replacement for an employee who—

“(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

“(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

“(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on that fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

“(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

“(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

“(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues is report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

“(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

“(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

"(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2029

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, had performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

"(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

"(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

"(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

"(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

"(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

"(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employer, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2030

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph;

"(6) to promise, to threaten or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

"(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

"(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one number representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

"(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

"(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

"(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

"(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization: or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2031

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

"(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation's Service.

"(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does not accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

"(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding board issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

"(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

"(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

"(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrer, shall promise, threaten or take other action—

"(1) to hire a permament replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employer, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2032

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

"(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

"(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

"(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures

until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

"(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

"(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

"(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issued if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employer who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2033

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

"(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

"(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

"(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

"(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

"(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

"(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2034

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or "; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

"(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

"(B) if the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

"(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

"(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

"(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

"(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2035

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

"(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

"(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

"(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

"(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

"(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

"(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2036

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the emhe labor organizthe labor organization's offer.

AMENDMENT NO. 2037

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's officer.

AMENDMENT NO. 2038

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

THURMOND AMENDMENTS NOS. 2039 AND 2040

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill S. 55, supra, as follows:

AMENDMENT NO. 2039

At the appropriate place in the bill, add the following:

SECTION 1. Paragraph (2) of subsection (b) of section 1951 of title 18, United States Code, is amended to read as follows:

"(2) The term 'extortion' means the obtaining of property from another, with his consent, induced by use of actual or threatened force, violence, or fear thereof, or wrongful use of fear not involving force or violence, or under color of official right."

SEC. 2. Subsection (c) of such section is amended to read as follows:

"(c) Nothing in this section shall be construed to indicate an intent on the part of the Congress—

"(1) to repeal, modify, or affect section 17 of title 15, the Act of March 23, 1932, popularly known as the Norris-LaGuardia Act (47 Stat. 70; 29 U.S.C. 52, 101, 115, 151–166), or the Railway Labor Act (45 U.S.C. 151–188);

"(2) to exclude Federal jurisdiction over the offenses defined in this section on the ground that the conduct is also a violation of State or local law, or that the conduct, if it involves force, violence or fear or force or violence, takes place in the course of a legitimate business or labor dispute or in pursuit of a legitimate business or labor objective; or

"(3) to chill legitimate labor activity by authorizing Federal prosecution for offenses occurring during a labor dispute which do not involve extortion. This intent would preclude prosecution, under this section, of conduct which is incidental to peaceful picketing in the course of a legitimate labor dispute, and consists solely of minor bodily injury, or minor damage to property, or a threat of such minor injury or damage, and is not intended to obtain property. Such excluded offenses shall continue to be subject to prosecution by State and local authorities having jurisdiction over them."

SEC. 3. Section 1951 is amended by adding at the end thereof the following:

"(d) It is a bar to a prosecution under this section that the conduct of the defendant—

"(1) was incidental to peaceful picketing in the course of a legitimate labor dispute, as described in section 2(9) of the National Labor Relations Act, as amended (29 U.S.C. 152(9)), but without regard to whether or not the dispute pertained to employment in industries subject to said Act;

"(2) consisted solely of minor bodily injury, or minor damage to property not exceeding a value of $2,500, or a threat of such minor injury or damage; and

"(3) was not intended to obtain property."

AMENDMENT NO. 2040

At the appropriate place in the bill, add the following:

SECTION 1. DEFINITION OF EXTORTION UNDER HOBBS ACT.

Paragraph (2) of section 1951(b) of title 18, United States Code, (commonly known as the "Hobbs Act") is amended to read as follows:

"(2)(A) The term 'extortion' means the obtaining of property of another—

"(i) by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged; or

"(ii) under color of official right.

"(B) In a prosecution under subparagraph (A)(i) in which the threat or fear is based on conduct by an agent or member of a labor organization consisting of an act of bodily injury to a person or damage to property, the pendence, at the time of such conduct, of a labor dispute (as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9))) the outcome of which could result in the obtaining of employment benefits by the actor, does not constitute prima facie evidence that property was obtained 'by' such conduct.".

COMMEMORATING THE 25TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

MOYNIHAN AMENDMENTS NOS. 2041 AND 2042

Mr. METZENBAUM (for Mr. MOYNIHAN) proposed two amendments to the concurrent resolution (S. Con. Res. 113) concerning the twenty-fifth anniversary of the reunification of Jerusalem, as follows:

AMENDMENT NO. 2041

On page 2, line 7, of the resolution insert the word "religious" between the words "the" and "rights".

AMENDMENT NO. 2042

On page 1 of the Preamble, in the third "Whereas" clause strike the word "majority" and insert in lieu thereof the word "community";

On page 2 of the Preamble, in the seventh "Whereas" clause beginning "Whereas this year marks the twenty-fifth year that Jerusalem has been administered as a unified city" insert the word "religious" between the words "the" and "rights";

On page 2 of the Preamble, strike the eighth and ninth "Whereas" clauses and insert in lieu thereof:

"Whereas in 1990 the United States Senate and House of Representatives overwhelmingly declared that Jerusalem, the capital of Israel, "must remain an undivided city";"

"Whereas United Nations Security Council Resolutions 681 and 726 have raised understandable concern in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens of all faiths and Jewish citizens of other states; and"

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, June 11, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 2684, the Jicarilla Apache Tribe Water Rights Settlement Act; and S. 2507, the Ak-Chin Water Use Amendments Act of 1992.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 10, at 2:30 p.m. to hold ambassadorial nominations hearing.

NOMINEES

(1) Mr. Dennis P. Barrett, of Washington, to be Ambassador to the Democratic Republic of Madagascar.

(2) Mr. Peter Jon de Vos, of Florida, to be Ambassador to the United Republic of Tanzania.

(3) Mr. Robert E. Gribbin III, of Alabama, to be Ambassador to the Central African Republic.

(4) Mr. Roger A. McGuire, of Ohio, to be Ambassador to the Republic of Guinea-Bissau.

(5) Mr. William Lacy Swing, of North Carolina, to be Ambassador to the Federal Republic of Nigeria.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, June 10, 1992, at 10 a.m., for a hearing on "OSHA Reform: Fulfilling the Promise of a Safe and Healthy Workplace."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Aviation Subcommittee, of the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on June 10, 1992, at 10 a.m. on S. 2312 and competition in the airline industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, June 10, 1992, at 2 p.m., in open session, to receive testimony on European security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, June 10, 1992, at 10 a.m. to conduct a hearing on the condition of the banking industry and the bank insurance fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 10, 1992, at 9:30 a.m. to hold a hearing on S. 4, the Child Welfare and Preventive Services Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE MADISON INSTITUTE'S CALL FOR A UNIVERSAL HEALTH PLAN

• Mr. KOHL. Mr. President, one of the most pressing issues facing us is the need for comprehensive health reform.

It is clear to most observers that our present system is failing many consumers, and failing American business. Access is restricted and spiraling costs are unaffordable.

Currently 34 million Americans are uninsured, 23 million of which are employed at least 35 hours a week. Two-thirds of the uninsured are above the poverty level. When compared to the situation in other western industrialized nations, the lack of universal access here seems barbaric. It is inconceivable to the majority of our Canadian and German friends that access is not guaranteed to every American.

Many people use the percentage of GNP as an indicator of our spiraling costs compared to those of other nations. One problem with relying only on that figure is that the GNP of the United States hasn't kept pace with that of some of the other nations to which we compare ourselves. Per capita expenditures give us a much better sense of the cost of health care and indeed they are rising rapidly. Per capita spending for health care has doubled in the past decade from $1,063 in 1980 to $2,678 in 1990. It is interesting to note, however, that when one compares per capita expenditures of Canada and the United States, the trends are remarkably similar in constant dollars.

One of the attractive features of the Canadian health care system is the extremely low administrative expense of 1.4 percent. Individual insurance coverage in the United States carries a 39-percent overhead; small group coverage of 10 employees or less—33.5 percent administration expense; large groups of 1,000 or more—5 percent and Medicare—3 percent. There appear to be significant savings gained from pooling the coverage and making uniform the billing procedures.

Because of these potential cost savings and the desire to provide universal access, many Americans have focused on the Canadian system of health care as a model for United States reform. Germany, Japan, and The Netherlands also provide attractive models, and I think we all owe it to ourselves to study these plans and others.

It is not my sense that any single one of them can be transplanted totally and called the American plan. But they yield significant lessons for policymakers and advocates as we go about the business of comprehensive reform.

The Madison Institute, in an effort to help educate Wisconsin citizens about the Canadian health care system, has prepared an educational brochure on a universal health plan. The problems with the American system are highlighted, along with the proposed solutions offered by a universal, single-payer plan.

While I do not necessarily endorse the Canadian system as the sole solution to the American health crisis, I do want to credit the Madison Institute with its interest in and contribution to this debate. Below is their information for the consideration of my colleagues.

I ask that the brochure be printed in the RECORD.

The brochure follows:

THIS COULD BE YOUR TICKET TO A UNIVERSAL HEALTH PLAN FOR AMERICA

The Problem: Costs up, access and benefits down

The Solution: Single-payer public insurance

THE PROBLEM

For business:

Employer health care costs are rising approximately 20% a year.

Employers are reducing coverage shifting costs to employees.

Small businesses cannot afford good health care plans.

Large corporations, providing high-priced plans, cannot compete in the global marketplace.

For workers:

Working men and women are struggling to retain essential health benefits.

Families are at risk as employees eliminate coverage.

Health benefit issues are now a major cause of strikes.

For the uninsured and working poor:

37 million Americans have no health insurance.

85% of the uninsured are workers and their families.

The uninsured often must resort to costly emergency care, sometimes at public expense.

For children:

Over 12 million children are among the uninsured.

Many children are not immunized against such deadly diseases as measles and polio.

Seniors:

Worry about the limitations of Medicare.

Can't afford the high cost of nursing home and home health care.

Spend an increasingly larger percentage of their incomes for health care.

Process masses of insurance forms.

Farmers and others who are self-employed:

Pay exorbitant health insurance premiums or risk catastrophic illness or injury without insurance.

THE SOLUTION

Universal, Single-Payer Plan

I. Fair financing will come from:

Federal, state, county and municipal funds currently spent for health care.

Stable payroll tax from employers to replace escalating insurance premiums.

Progressive individualized taxes which replace employee premiums, co-pays, deductibles, and out-of-pocket expenses.

Funds would be protected from raids by other agencies.

II. Health Care for All:

All U.S. residents regardless of income or health conditions.

Comprehensive benefits covering all health care delivery.

No out-of-pocket costs.

Freedom of choice for patients and for physicians.

III. Single Payer System:

Reduction of administrative and health care delivery costs.

Negotiated provider fees and hospital budget.

Fair pay for health care workers.

Equitable standardized fees for services.

IV. Public Accountability:

Strong centralized cost containment.

Statewide representation.

Assurance of quality of care and services.

MYTHS AND FACTS ABOUT CANADIAN & U.S. HEALTH CARE

Myth: We don't need major health care reform. The United States already has the best medical care in the world.

Fact: Those who can afford to pay for it do receive high quality medical care, but there are 37 million people uninsured and at least

20 million under-insured who don't get adequate care. The United States spends $832 billion, or 14% of Gross National Product (GNP) on health care—more than any other country in the world and the cost is still rising alarmingly. Canada, with a national health program since 1971, spent only 9% of GNP on health care in 1990 and covers everyone equally. The quality of care in both countries is very similar, with a longer life span and lower infant mortality rate in Canada.

Myth: We can't afford such a plan; we already spend too much.

Fact: A universal health care plan need not cost more than our current patchwork system. In the U.S., the health bureaucracy that administers thousands of insurance plans of 1500 insurance companies consumes about 25% of total health expenditures with mountains of paper work. Administrative costs in Canada take only 12% of total health expenditures with more efficient administration, plus improved health planning and spending controls due to single source funding.

Myth: A Universal Health Plan would mean long waits as in Canada.

Fact: In Canada there are no waits for emergency or urgent care. As in this country, Canadians sometimes wait for elective procedures, and for access to especially costly technologies.

Myth: A Universal Health Plan would take away the right of Americans to choose their own doctors and the right of physicians to practice where they wish.

Fact: Canada and other UHP countries offer as much choice to doctors and patients as the U.S. does. Every bill being considered in Congress preserves the right of choice.

Myth: In our free enterprise system, competition should keep costs down and quality up.

Fact: In health care, competition on the basis of service rather than price drives costs up, while the complex maze of public and private coverage adds administrative waste and erodes human dignity.

Myth: Universal health care can't pass in congress over the opposition of business.

Fact: Escalating health insurance costs have harmed the competitiveness of U.S. business. The price of each U.S.-made Chrysler car includes $700 to cover employee health insurance while Canadian health care taxes on the same car would be $200. Universal health care would provide flexibility and quality care while controlling costs.

Myth: Canadians are unhappy with their system.

Fact: Polls of both citizens and doctors in Canada show overwhelming support for their system. Polls in this country show that the majority of Americans want reform of our health care system.

Myth: Doctors will never stand for universal health care.

Fact: Many physicians already support a universal health plan. Freedom to practice with guaranteed payment of all bills and far simpler administration would put most doctors in a better situation than in the current system.

Myth: The present system is better because it best advances the free market.

Fact: The free market is ill-served by a system which restricts labor mobility by tying health insurance to jobs: workers leave jobs they like, or stay with jobs they hate, because of health insurance. Welfare recipients hesitate to take entrance-level jobs with no health coverage. Small business can't afford good enough health insurance to compete for the best employees, and large employers know that high insurance costs hamper their competitiveness on the global market.

Myth: Despite everything, the present system is better because it best stimulates medical science and technology.

Fact: Medical science and technological development are mainly stimulated by the National Institute of Health in conjunction with research universities, not by the private sector.•

THE 100 PERCENT CELLULAR-BRATION

• Mr. LOTT. Mr. President, I wish to call the attention of my colleagues to an American success story, pure and simple.

There is an industry in this country that amounts to the most advanced form of wireless communications yet developed, and it has just started celebrating a special milestone.

I am referring to the cellular telephone industry, a business that is serving roughly 9 million subscribers even though it is still several months shy of its ninth birthday.

Besides attracting subscribers, the cellular industry has just accomplished another rather amazing feat: working under the rules and procedures of the Federal Communications Commission, it now has activated at least one system in every market in the United States.

There are 734 markets in this Nation, and every one now has at least one system running.

And I am proud to say it was a rural market in my home State of Mississippi that put the cellular industry over the top; that represents the spot where a golden cell was activated that marks the linking of a transcontinental communications network.

Indeed, I am even happier to announce that the golden cell is located in Granada County, where I was born. My birthplace now has the same opportunity as any big city to participate in the telecommunications revolution.

Never before has such an advanced telecommunications service been rolled out and made available so quickly throughout rural America after its big city introduction.

With much reason for its pride, the industry is marking the occasion with what it is calling the 100 percent cellular-bration during "National Wireless Telecommunications Month."

The feat has taken 8½ years and an estimated $10 billion. It has been done with homegrown U.S. technology while creating upward of 100,000 new jobs. And it literally, dramatically, has altered the lives of people. It has saved people and property in an emergency role; it has improved business productivity, it has made it easier to cope with the stresses of modern living.

The cellular industry has drawn its share of knocks over the lottery process used by the FCC to award licenses. And some predicted as recently as a year ago that no one would want to build any kind of system in these rural, out-of-the-way markets.

But guess what the cellular industry has proven: Rural America is just as interested, if not more interested, in access to advanced telecommunications as its urban neighbor.

Whether it is the farmer in the field or the veterinarian making barn calls or the produce trucker moving crops or the high school student driving a long distance to school, the productivity and safety benefits of cellular are readily apparent.

I commend this industry for its vision and entrepreneurial drive, and I wish it the best of luck with the 100 percent cellular-bration. The cellular carriers deserve our special thanks for a job well done.

Granada County might not be known to everybody in this Chamber, but it is home to me. And thanks to cellular, it is ready for the 21st century.•

PAYING FOR U.N. PEACEKEEPING

• Mr. SIMON. Mr. President, the Governmental Affairs held an informal meeting followed by a hearing yesterday on my bill, S. 2560, which shifts the payment for U.S. contributions to U.N. peacekeeping from the State Department to the Defense Department. One of the two guests who spoke at the informal meeting was former Secretary of State Cyrus Vance, who is currently a personal envoy of the U.N. Secretary-General. He has done a tremendous job in Yugoslavia, and I expect he will do likewise in future assignments.

Mr. President, we have not had the kind of thorough-going review of U.S. Government organization that the end of the cold war demands. My friend and learned colleague, Senator PAT MOYNIHAN, has had two sets of Foreign Relations Committee hearings on just this subject, but I am not aware of any executive branch changes that have occurred to date. The end of the cold war and the break up of Communist regimes in the U.S.S.R. and Eastern Europe has spawned many new states, some of which are now fighting one another—in the old Yugoslavia and in the Armenia-Azerbaijan conflict. There may be more armed disputes to come in this region, and ongoing conflicts in other parts of the world—for example, Cambodia—that will greatly benefit from U.N. peacekeeping forces.

My legislation is a modest change, one that focuses only on shifting the payment of U.N. peacekeeping from one budget function to another, but it is at least a recognition that changes have occurred in the world and we ought to respond.

Cyrus Vance's testimony before Governmental Affairs reflects the kind of new thinking that the administration has yet to do. He is persuaded that defense ought to pay for peacekeeping assessments, and that the State and Defense Departments can work out shared oversight jurisdiction—with State in the lead. I am convinced he is right.

Secretary Vance says: "Shifting roles and missions within the government is never easy, but changing circumstances require rethinking traditional assumptions. This is, in my view, one of those watershed eras which demands a fresh approach to our global interests and responsibilities."

I commend Cyrus Vance's statement to my colleagues, and I ask that his full statement be printed in the RECORD.

The statement follows:

STATEMENT OF CYRUS VANCE

Thank you Mr. Chairman. I appear before you today as an American who has had the privilege of serving at high levels in the Departments of Defense and State, and more recently as a Personal Envoy of the United Nations Secretary-General. Having viewed the problem of securing a more stable and peaceful world from each of these three perspectives, it has become increasingly evident to me that strengthening the UN's capacity for peacemaking, peacekeeping, and peace enforcement should be a top priority for the United States in the post-Cold War world. Nothing could more directly serve America's interests, or that of the larger international community, than fulfilling the goal of collective security laid out in the UN Charter forty-seven years ago.

At the outset, let me emphasize two points. The first is that handing problems to the UN does not relieve our nation of its responsibilities as the world's most powerful country. The UN's capabilities derive entirely from the political, material, and financial resources provided by its member states, the U.S. chief among them. According to a recent Roper Poll commissioned by the United Nations Association, by a 3-to-1 margin Americans would prefer to send the UN's blue helmets than our own forces to deal with regional crises, yet Congress and the Administration are still quibbling about our payments to the UN. While some progress has been made, it is a troubling irony that we still owe the UN hundreds of millions of dollars in back dues at a point when we are asking the world organization to take on ever wider and riskier peacemaking and peacekeeping responsibilities.

I would also stress that UN efforts to secure the peace around the world directly advance the strategic interests of the United States. With the end of the East-West ideological competition, our interests and those of other UN members coincide more often that not in dealing with regional violence. We have entered an era in which a global cold war has been replaced by a number of local hot wars, an era in which it is vital that change occur peacefully and lawfully, with full respect for the human rights of all parties. It it a time when our resources are limited and the public is rightfully concerned about pressing needs at home. Our citizens are not turning inward, but they do recognize the need for greater burden-sharing among the world's wealthiest and most influential nations. As we witnessed in Desert Storm, it is the UN Security Council that provides the only credible and widely representative mechanism for determining how the international community should act and how burdens should be shared in meeting aggression and bringing peace to troubled regions.

The times demand creative thinking, and I welcome the legislation which Paul Simon, Warren Rudman, and several of their colleagues have introduced to shift the funding of UN peacekeeping from the State Department to the Defense Department budget. A number of my colleagues at the United Nations Association have also been thinking about this question for some time. It is a step in the right direction toward the larger goal of making cooperation with UN peacekeeping and collective security operations one of the stated missions of the U.S. armed services. It is a question of missions and strategies, as well as of money.

The financial rationale is clear. While UN peacekeeping funding looms large in the small State Department account, even with the new missions in Cambodia and Yugoslavia, the U.S. share of the dozen UN peacekeeping operations is less than one-half of one percent of the defense budget. The transfer of $125 million in Defense Department funds to fulfill U.S. 1989 obligations to three UN peacekeeping operations provides a useful precedent. If viewed as an integral component of our national defense strategy, as I believe it should be, peacekeeping would be clearly understood by policymakers and the public alike as a cost-effective bargain in which other countries carry 70 percent of the financial burden.

I would also like to underline the broad strategic reasons why this step would make good sense. The Secretaries of State and Defense have both spoken eloquently of "partnership" as a key theme in America's foreign and defense policies in a changing world and recognize that it is in our national interest to seek partners in responding to threats to the common security of the international community. Our armed forces need to remain strong unilaterally, but they also need to continue to find ways of working with the forces of other nations, whether in collective security operations like Desert Storm or in peacekeeping, arms monitoring, and humanitarian tasks. As Secretary of State Baker told a House subcommittee in March, "support of UN peacekeeping * * * really is a national security priority for the United States." Likewise, in March 1990, General Powell, the Chairman of the Joint Chiefs of Staff, testified to the House that UN peacekeeping operations make "important contributions to our overall security posture."

In recent years, our Defense Department has given invaluable logistical, technical, humanitarian and intelligence support to a number of UN missions around the world. By absorbing peacekeeping expenses and integrating peacekeeping into its mission statement, the Defense Department would both acknowledge the changing role of American armed forces in the post-Cold War era and signal its readiness to put its vast expertise and logistical capabilities at the service of a badly strained United Nations. Both the U.S. and the UN would benefit from steps that would facilitate closer cooperation between America's armed forces and the UN's blue helmets.

The United States, moreover, has a security interest in seeing aggression and large-scale violence handled effectively by the international community, even if the conflict seems far removed from our immediate defense needs. For our national security is diminished incrementally by each unmet act of aggression, by each failure of international diplomacy, and by each disregard of international legal and human rights norms. Even powerful countries, like the United States, have a stake in the credibility of institutions, rules, and mechanisms designed to reinforce international peace, stability, and prosperity. Our global economic interests, as well as our democratic and human values, depend on the containment of local ethnic, tribal and religious violence, just as they once did on the containment of communism.

As the military power of last recourse in the international system, the U.S. has a security interest in helping preventive diplomacy and pre-emptive peacekeeping by the UN and regional organizations succeed in nipping potential violence in the bud, before it threatens broader U.S. interests and perhaps triggers the deployment of American forces. In this sense, the UN blue helmets may act as a first line of defense. A relatively modest investment in UN capabilities can save much greater expentitures—and risks—for U.S. forces later. Desert Storm, for example, cost sixty times as much as the annual U.S. contributions to all UN peacekeeping operations combined.

There are cases when U.S. armed forces should participate in traditional peacekeeping missions—for example in communications or support roles—as well as infrequent Chapter VII enforcement operations, such as in the Persian Gulf and Korea. In Somalia, Cambodia, and the states of former Yugoslavia, there may be instances where the UN is called upon to provide security forces to protect humanitarian assistance going to the innocent victims of war and civil conflict. In these terribly brutal and complex situations, UN peacekeepers may well be called upon to defend themselves in carrying out their broad-based mandate.

Mr. Chairman, I therefore believe the time has come to institutionalize UN peacekeeping and the U.S. relationship to it. In February, his second month in office, the new UN Secretary General, Boutros Boutros-Ghali, ordered a thoroughgoing reorganization of the Secretariat, and assigned to the senior American in the Secretariat, Dick Thornburgh, a leading role for putting it into effect. At the Security Council summit meeting last January, the Secretary General was asked to report in July on "ways of strengthening . . . the capacity of the United Nations for preventive diplomacy, for peacemaking and for peacekeeping," including "the need for adequate resources." Thus the bill at hand is not only well-advised on its own merits, it is also very timely.

Specifically, I view shifting the account of "Contributions for International Peacekeeping Activities" from State to Defense as providing a regular flow of resources to an important element of U.S. national security, and giving a significant mission to the Defense Department.

This would be a marked improvement over the current situation. U.S. peacekeeping assessments are now a separate account within the overall International Organizations and Conferences Chapter of the annual State Department appropriations bill. Some long-standing peacekeeping operations—such as those on the Golan Heights or in Southern Lebanon—are foreseeable and can be budgeted in advance. Others, however, come into being quickly in response to crisis situations or breakthroughs in negotiations, such as those on the Iran-Iraq and Iraq-Kuwait borders, in El Salvador, Cambodia, and Yugoslavia. These, by their very nature, are unexpected and paying for them outside the budget cycle has proved to be very difficult.

In the past, the State Department has responded to such emergency assessments by trying to absorb them into its relatively small budget, by seeking emergency supplementals, or by requesting transfers from the Defense Department. To address the unprecedented demands of the large peacekeeping operations being dispatched to El Salvador, Cambodia, and Yugoslavia in late 1991 and early 1992, the Administration has proposed a Peacekeeping Contingency Fund as part of its Fiscal Year 1993 budget request. According to the plan, Congress was asked to approve $350 million in supplemental FY 1992 appropriations, and $350 million in FY 1993. Secretary Baker has described this initiative as a major funding priority in international affairs this year. While appropriating $270 million of the FY 1992 supplemental request, several members of Congress have made clear their concern about this surge in peacekeeping requests, which are relatively large in the context of the State Department's budget.

As an additional means of meeting U.S. peacekeeping assessments, State has regularly turned to Defense to provide various kinds of military support for UN peacekeeping operations: most recently for Iraq-Kuwait, Western Sahara, Angola, El Salvador, Cambodia, and Yugoslavia. State has waived reimbursement from the UN, while requesting the obligation of Defense Department funds. The value of Defense Department support has then been credited by the State Department against our UN peacekeeping assessments. But Defense has not been reimbursed from State's peacekeeping account. Thus the military services have had to absorb these costs.

This procedure is unfortunate for several reasons. It leads to time-consuming interagency negotiations over relatively small amounts of money. It also forces two departments which should be actively cooperating into adversarial postures. And, as far as the U.S. taxpayer is concerned, it is robbing Peter to pay Paul.

The proposed bill, Mr. Chairman, would cut through these various problems.

It would facilitate appropriate U.S. participation in UN peacekeeping operations, particularly in the areas of planning, communications, transport, supply, training, and logistics;

It would facilitate using U.S. surplus military equipment to initiate a system of large-scale UN stockpiling: this would improve the timely equipping of UN peacekeeping forces, and might partially offset U.S. assessments for future peacekeeping operations; and

It would provide a regular stream of resources for UN peacekeeping operations out of a much larger budget.

For these reasons, I believe that the time has come to include support for the UN's peace and security efforts as an important component of our national defense strategy. At the same time, I think it would be a grave mistake for the Secretary of State to lose ultimate authority over the broad range of U.S. policies toward and within international organizations. It should be possible to work out an arrangement under which State and Defense share oversight of UN peacekeeping and collective security operations, with State taking the lead. The U.S. representation in the Security Council, where such missions are authorized, is a State Department function, although Department of Defense input on the military aspects would be very valuable. This could in the future include a more significant input from the Council's Military Staff Committee, on which the Joint Chiefs of Staff have a representative. The Defense Department should certainly have a major voice in implementing the Security Council's mandates, which again will have both military and political implications. There are many cases—military assistance, arms sales, arms control, and nuclear warheads among them—where oversight is shared among different agencies. I am sure that the relevant Congressional committees could also work out any jurisdictional questions which might arise.

Shifting roles and missions within the government is never easy, but changing circumstances require rethinking traditional assumptions. This is, in my view, one of those watershed eras which demands a fresh approach to our global interests and responsibilities. We have no choice but to find a way to meet our obligations to the UN, for in doing so we will be meeting our own security needs and those of generations to come. Surely we should not say that we cannot afford to give the UN the tools it needs to keep the peace, especially when it requires only $1 out of every $1,500 in the federal budget. I am confident, Mr. Chairman, that the members of the Senate and House of Representatives will find a way to get the job done.

Thank you, and I would be pleased to respond to your questions.•

TRIBUTE TO BILL VONSTROHE

• Mr. McCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky law enforcement officer who has helped keep the peace for 33 years. Deputy U.S. Marshal Bill VonStrohe retired from service to the U.S. district court in Covington on Friday, May 22, 1992. Bill VonStrohe received a bachelor of science degree in criminal justice management from LaSalle University. Following graduation, Mr. VonStrohe began his career in 1959 in Southgate as a patrolman. After serving 3 years there, he joined the Ft. Thomas police force in 1962. Ten years later he became the first full-time deputy U.S. marshal in Covington and has served for 20 years.

Bill VonStrohe has served faithfully over these past 20 years and his presence will be missed in the marshal's office.

Mr. President, I would like to recognize Bill VonStrohe for his contributions to my State and our country. Please enter the following article from the Kentucky Post into the CONGRESSIONAL RECORD.

The article follows:

[From the Kentucky Post, May 16, 1992]

MOVING ON—DEPUTY U.S. MARSHAL DEPARTING AFTER 20 YEARS AT FEDERAL BUILDING

(By Tim Stein)

Bill VonStrohe clenched his pipe between his teeth, leaned back in a chair and clasped his hands behind his head.

Like the familiar wisps of vanilla, tobacco smoke from his pipe floating out the window, VonStrohe was about to leave U.S. District Court in Covington.

VonStrohe, 56, has spent the last 20 years as a deputy U.S. marshal working in the federal building. For the last 15 years, he has been the deputy in charge. Friday was his last day on the job.

VonStrohe started his law enforcement career in 1959 as a patrolman in Southgate, where he served three years before joining the Ft. Thomas police in 1962. In February 1972, he was hired as the first full-time deputy U.S. marshal in Covington.

"Until then, federal court was only manned by a U.S. marshal during court sessions, and that was only twice a year," VonStrohe said.

VonStrohe said 13 years as a patrolman gave him plenty of experience to take over as a deputy U.S. marshal. "When the job came open I saw the opportunity to expand my career, and it was a good move," he said.

As he looks back at the last 20 years, he remembers a lot of important cases, but none bigger than a shooting that took place on the front steps of the federal building on Oct. 2, 1979.

While two federal marshals were escorting accused bank robber Leslie Marion Phillips into the courthouse, his 18-year-old wife fired a .32 caliber revolver.

One bullet from Melissa Phillips' gun hit her husband in the shoulder, and another creased the head of Marshal Jim Carney. Other marshals returned fire, but the woman escaped on foot headed north on Scott Street.

"I was on the second floor at the time and I heard the shots," VonStrohe said. "When I came downstairs, I saw several people had been struck, including one of my deputies, and they told me the woman was headed down the street."

VonStrohe chased Mrs. Phillips, catching her a block away.

"That, more than anything else that has ever happened, will stick in my mind forever," VonStrohe said.

He admits to some second thoughts about leaving, but figures it's time to move on. "I just feel it's time for me to start a new career. I have no idea what I'm going to do, but I'm sure it will have something to do with law enforcement," VonStrohe said. "It's in my blood."

VonStrohe said what he'll miss most are the people he worked with every day, which included three deputy marshals, two court security officers, the judges, lawyers, and other police agencies that were in and out of federal court every day.

VonStrohe said that U.S. District Court in Covington is getting busier each year with drug cases from the airport.

VonStrohe plans on taking weeks, and maybe months off before he starts a new job. He and his wife, Lois, a deputy sheriff in Campbell County, plan on traveling. "I'm going to do a little fishing, piddle around the house and keep up on the law books and Supreme Court decisions. I love reading and learning the law," he said.

VonStrohe also is a federal jail inspector and has been inspecting jails in Campbell, Boone and Kenton counties for years. He also monitors all grievances from federal prisoners held in local jails.

VonStrohe attended Northern Kentucky University and received a bachelor of science degree in criminal justice management from LaSalle University.•

JUSTICE DENIED IN INDONESIA

• Mr. LEAHY. Mr. President, the world was horrified on November 12 of last year when Indonesian soldiers opened fire on unarmed, peaceful demonstrators in East Timor, killing between 50 and 100. That massacre was only the latest in a long history of human rights atrocities by Indonesian security forces in East Timor and in Aceh. It attracted international attention and condemnation only because several foreign journalists, including two Americans, one of whom was badly beaten by soldiers, were at the scene and filmed the shooting.

I spoke on this floor shortly after the November 12 massacre, and again on April 1, when I called on the administration to submit a report to the Appropriations Committee by August 1, 1992, on the Indonesian Government's response. I was particularly concerned that the government fulfill its pledge to punish those who were responsible for the massacre, since in the past such atrocities have routinely gone unpunished.

Last week I got my answer. A total of 10 soldiers were disciplined in court-martial proceedings, none for murder. Their sentences ranged from 8 months to 18 months in jail. The longest sentences were given to two sergeants who shot without orders from their commanders. A 17-month sentence was given to a police corporal who cut off a demonstrator's ear with his bayonet.

These short sentences for the cold-blooded slaughter of dozens of innocent people are an insult in themselves, but they are an even greater insult when compared with the 9- and 10-year sentences for the two demonstrators who have been prosecuted thus far. Other prosecutions of demonstrators are pending, including against the person accused of organizing the demonstration, who is facing a life sentence. The person who was convicted of planning a peaceful demonstration on November 19 to protest the November 12 massacre was sent to jail for 9 years, even though he was not present when the demonstration took place.

Mr. President, these sentences are revealing for what they say about the Indonesian Government's attitude about the massacre. They reinforce the theme, expressed by top military commanders shortly after the killings, that the victims got what they deserved. That was also the unmistakable message of the preliminary report of the National Commission of Investigation, issued on December 26. The final report was never made public, nor was the report of the military's own investigation.

The Indonesian Government said that justice would be done. It has failed to do justice. It has perverted justice. Dozens and dozens of defenseless people were ruthlessly and senselessly killed, and not a single soldier has even been accused, much less convicted, of murder. What kind of justice is that?

Many questions remain, and must be answered, most importantly, who planned the military response, who gave the order to shoot, and who else fired the shots? What happened to the bodies of the missing? And what has been done to ensure free and regular monitoring of human rights in East Timor and Indonesia by human rights groups?

The United States has been a major donor of aid to Indonesia, as have the World Bank and the Asian Development Bank, both of which receive substantial contributions of American tax dollars. Indonesia is also a major purchaser of American weapons.

The administration, which expressed what I believe was hasty and undeserved praise for the National Commission of Investigation's preliminary report, has said it will weigh the Indonesian Government's response to the November 12 massacre when it decides on future aid to Indonesia. I commend them for that. That is what the American people want. For too long the administration has issued bland statements of regret and turned a blind eye to these kinds of abuses, while the aid kept flowing.

The first opportunity to do so is on July 16, at the donor consortium in Paris, chaired by the World Bank. Indonesia, with the fourth largest population, is facing urgent economic, social, and environmental problems, and the United States has an interest in helping solve those problems. But the people of East Timor and Indonesia deserve better. The administration should make a strong, public statement expressing its continuing distress at Indonesia's failure to adequately protect human rights. Any decision on aid at that meeting should fully reflect the Indonesian Government's handling of the East Timor massacre.

Mr. President, I frequently speak on this floor on matters of human rights, as I did last week when I spoke against most-favored-nation trade status for China, one of the world's most repressive governments. Internationally recognized human rights are not simply a domestic concern, as some have asserted. They are rights shared by all humanity, and of legitimate concern to all humanity.

Foreign aid and human rights are inseparable. Too often we have given aid to repressive governments, only to find those countries engulfed in civil war and our aid suspended when the people rose up against dictatorship. Somalia, which consumed hundreds of millions of our aid and is today a smoldering relic of a country, is a classic example. The administration needs to recognize that the American people are not going to support foreign aid in the future unless we stop squandering it on governments that abuse their own people and violate the principles our country stands for.•

COMMENDING JOSEPH M. MALINOVSKY AND K. SCOTT WILLIS, SOUTHEAST ALASKA

• Mr. MURKOWSKI. Mr. President, I rise today on behalf of two Alaskans who are the recipients of the Secretary of Energy's Community Service Award for 1991. Joseph M. Malinovsky and K. Scott Willis have earned this distinction by their selfless generosity, voluntarism, and community service in southeast Alaska.

Mr. Joseph M. Malinovsky is the chief, administrative division, at the Alaska Power Administration. He chaired an unusually innovative and effective fund drive for the southeast Alaska combined Federal campaign in 1991. Although Mr. Malinovsky's committee held after-hour, weekly meetings, representatives from 20 Federal offices in 12 southeastern Alaska communities participated. His committee's campaign attracted donations of more than $110,000, almost 20-percent higher than any previous records. Some of the committee's accomplishments included a poster contest for grade school children, a native arts fair, and participation in local United Way activities. Thank you Mr. Malinovsky for your outstanding leadership.

Mr. K. Scott Willis, a civil engineer, also with the Alaska Power Administration, was one of a small group of volunteers that took on the job of refurbishing and activating a planetarium owned by the Juneau School System. Scott and his volunteers were self-taught in developing the system and designing instructional forums regularly presented to the school and other public groups. The Juneau Planetarium is only one of two such facilities in the State of Alaska. Not only has Scott participated in this educational venture, but he serves as a member of his local government's Energy Advisory Committee, as an assistant lay minister in his church and as a Cub Scoutmaster. On March 16, 1992, Scott was also named as "Juneau Federal Employee of the Year." Congratulations to Mr. Willis for his commitment to public service.

Thank you for this opportunity to share with you two fine examples of American citizens who made a difference in their communities and State by volunteering.•

TRIBUTE TO HOPKINSVILLE

• Mr. McCONNELL. Mr. President, I rise today to recognize Hopkinsville, KY's sixth largest city.

Hopkinsville is located in the southwestern section of the State and is surrounded by both rugged hills and fertile farmland. This contrast that is characteristic of the area is also characteristic of this wonderful town. Christian County, where Hopkinsville is situated, has the largest farm income of any county in the State. At the same time, Hopkinsville has just attracted three international companies to the area as part of its growing economic development programs.

Hopkinsville has already begun to deal with the very same problems that are facing cities all over the country. It has initiated a new program called the HIT Squad—Hopkinsville Inner-City Transition. The HIT squad is designed to improve the city's poorer areas.

Hopkinsville is symbolic of the cooperation that is needed to make the transition from a small farm community to an industrialized city. This sense of cooperation is what sets Hopkinsville apart and is why I believe that it deserves recognition.

Mr. President, I ask that the following article from the Louisville Courier-Journal be submitted into the CONGRESSIONAL RECORD.

The article follows:

HOPKINSVILLE

(By Mark Schaver)

Sometimes they call it "Hoptown," perhaps because that word jumps off the tongue more easily than Hopkinsville.

Or perhaps—as Christian County historian William Turner tells it—the nickname dates from the days when Hopkinsville was the only stop on the railroad line where passengers could find spirits as trains passed through Kentucky. It's an old Kentucky joke that Bourbon County is dry and Christian County wet.

Even today there is a liquor store next to the old L&N Railroad depot (although passenger trains stopped coming in 1971).

Turner claims the nickname may have taken root because passengers would ask conductors: "How long will it be before we get to Hopkinsville? I want to hop off and get a drink."

Hop down to Hoptown.

Turner is a fount of stories about Hopkinsville, but people seem to listen incredulously to his tales. Even the man who hired him to teach history at Hopkinsville Community College 22 years ago, Tom L. Riley, refers to him as a "creative historian." "He makes it up as he goes along," jokes Riley, the former president of the college.

Outsiders sometimes apply that same kind of skepticism to the most famous man to ever call Hopkinsville home; the clairvoyant Edgar Cayce. That's probably because claims made for Cayce sometimes sound like something in a supermarket tabloid:

"Man or miracle?" asks the back cover of "There Is a River," a biography of Cayce, who died in 1945. "The astounding true story of Edgar Cayce, the fantastic seer who could: Correctly describe someone he had never seen . . . diagnose illnesses he had never studied . . . outline medical treatments that he had never heard of . . . and in more than ninety percent of the cases was proved to be completely accurate!"

Cayce, a photographer who left Hopkinsville in 1912 after his fame began to spread, gave thousands of transcripts of "readings" he performed while under a self-imposed hypnotic trance to the Association for Research and Enlightenment Inc., a Virginia Beach, Va., organization he founded to carry on his work. To this day the organization disseminates Cayce's advice on treating everything from multiple sclerosis to psoriasis.

One doesn't know what the famous psychic would make of Hopkinsville, which in recent years at least seems to have caught a kind of civic fever. There's a project to resurrect downtown (called "Heart of Hopkinsville"); to beautify streets and neighborhoods (by the non-profit organization, "Pride Inc."); to launch a dogwood festival (initiated last year by "LaPetite Fleur Garden Club"); and to celebrate Edward T. "Ned" Breathitt, a native son who became governor in 1963. (This year saw the first of what supporters hope will be an annual "Ned Breathitt Day.")

The town recently passed Paducah in population to become the sixth largest city in the state, and the General Assembly just passed a bill that will upgrade its status from a third-class to a second-class city.

Hopkinsville has also experienced a boom because three companies have announced in the last year that they will soon open plants. Only a few years ago it seemed the town could be in for a long-term decline as agricultural prices skidded. (Christian County, a leading producer of white corn, has one of the highest farm incomes of any Kentucky county.)

"We just got to the point where the bottom was up and we had to do something," said Austin B. Carroll, general manager of the Hopkinsville Electric Co. and chairman of the Hopkinsville-Christian County Chamber of Commerce.

One of the things they did was consolidate all of their business-booster organizations under one roof—from the Economic Development Council to the Industrial Foundation to the Chamber of Commerce—helping put an end to what everyone says was an effort that sometimes resembled a headless octopus—tentacles everywhere, but no coordination.

"We were naive enough to believe that all we had to do was fly to California and go to some computer company and tell them how good Hopkinsville is and it would work," said Michael Baker, director of economic development. Instead, they became more sophisticated recruiters, learning to pitch the town not as they would like it to be but as it is: a bedrock kind of place with a hard-working but not especially highly trained labor force.

Baker has a map of the country's industrial park that seems to prove the virtues of the new approach: Virtually all of the sites that had once been empty have now been marked off with red lines showing new occupants.

His office offers evidence of another change: On one table there is a porcelain figurine of a Japanese woman in traditional dress, on another an elegant Japanese plate, and on his desk a book: "The Japanese."

Christian County already has attracted three companies with Japanese affiliations, as well as companies based in Canada, Switzerland and Germany.

It's a long way from the other history that is also reflected in Baker's office. The walls are decorated with framed but worthless Confederate bonds, and a picture of Jeb Stuart, the Confederate cavalry officer who staged a series of raids during what locals still refer to as the War Between the States.

The country has long been said to look to the Deep South for inspiration, although it was divided during the Civil War, with the small farmers on hilly, less-fertile ground at the northern end of the county tending to support the Union, while the farmers on the rich fatlands to the south were more likely to support the Confederacy. Unlike farmers on the northern end, who worked their own land the farmers at the southern end used slaves to process the dark tobacco that once made the county the center of the world's production of that crop.

That legacy has given Hopkinsville one of the highest percentages of black residents in Kentucky—26.9 percent.

The race picture is a mixed one: Three of the 12 members of the city council are black, as is one of the eight members of the county Fiscal Court. Neighborhoods are essentially segregated, although there are some blacks living in predominantly while neighborhoods. The country club has no black members, but some say they know black people with the income and social qualifications who have been approached. The county had the state's first black sheriff, William Dillard, but he was convicted in 1989 of conspiring to distribute cocaine and misappropriating government property.

In the 1960s, Hopkinsville was one of the first cities in the state to set up a Human Relations Commission, and everyone points with pride to the efforts now being made. Last year, for example, the Economic Development Council hired its first director for a program to foster minority businesses. There's also Focus 2000, a program designed to promote minority leadership.

"I don't think the walls are completely down, but there are so many holes, you can walk through them if you want to," said Arlivia Gamble, an insurance agent whom the local newspaper labeled "The Mother of Focus 2000."

Yet that feeling hasn't necessarily filtered down to those who play less prominent roles in community affairs.

David West, for example, is skeptical that announcements of new plants mean better job prospects for him. "For a person of my color, do you think I could walk in there and get a job?" West asked while waiting to get a haircut at the black-owned Watkins Barber Shop.

Many in town complain that the country will never offer much of a future so long as most of the jobs pay just $6 to $8 an hour. That's a problem community leaders say they are trying to address by building a technology center at the community college to train workers for more highly skilled jobs.

Hopkinsville leaders are also making a greater effort to exploit the resources they already have. For years, for example, Hopkinsville did not court the 24,000 soldiers stationed at Fort Campbell. Virtually all of them who lived away from the Army post preferred to rent apartments and spend money in Clarksville, Tenn.—until the Chamber of Commerce created an office to foster good relations with the military.

Hopkinsville believes it is overcoming its problems. Mayor Wally Bryan, for example, has been praised for his "H.I.T. Squad" (H.I.T. stands for "Hopkinsville Inner-City Transition"), a program to go into the city's poorer neighborhoods, initiate community projects and tear down the dilapidated, abandoned houses that blight some neighborhoods. In a little more than two years, about 70 buildings have been demolished.

The city also has a community policing program that sends police officers into neighborhoods on bicycles so they can develop rapport with the people they serve.

The town, which has many impressive old homes, also has an active historic-preservation movement, and in some neighborhoods no exterior changes can be made without official approval. Many of the town's buildings are listed in the National Register of Historic Places.

There is also an active arts community that puts on plays in the restored Alhambra Theater and encourages artists such as Steve Shields, a sculptor, who created the soldier that stands over Fort Campbell Memorial Park. It honors the 248 members of the 101st Airborne who died in the 1985 plane crash in Gander, Newfoundland.

"There's a stereotype of rural communities that there isn't any artistic consciousness or sensibility, but time after time, when a group here has had an idea, they would want to include some type of sculpture or art with it," Shields said.

One could expand the definition of art to include Dink Embry, who for more than 40 years has had an early-morning program on radio station WHOP that sometimes was little more than the reading of one advertisement after another. Embry, who claims to have run off at age 15 to join a traveling medicine show, has even had a street named for him: Dink Embry's Buttermilk Road.

"I'd rather be hung here," Embry said, "than die a natural death anywhere I can think of."

Population (1990): Hopkinsville, 29,809; Christian County, 68,941.

Per capita income (1989): $12,331, or $1,492 below the state average.

Jobs (1990): Total employment 18,887; manufacturing, 5,073; wholesale/retail trade; 5,006; services, 3,961; state/local government, 2,716; construction, 590; mining/quarrying, 120; transportation, communications/utilities, 536; finance, insurance/real estate, 753.

Big employers: Flynn Enterprises (blue jeans, jackets), 1,000 jobs; Autostyle Inc. (plastic auto parts), 431; Dana Corp. (auto framing), 410; Phelps Dodge Magnet Wire Co. (wire), 407.

Media: Newspaper—Kentucky New Era (daily). Radio Stations—WZZF-FM (oldies); WQKS-AM (urban contemporary); WHOP-AM (adult contemporary) and WHOP-FM (country); WNKL-FM (Christian). Television—TV-43 (Independent); Cable TV—44 channels.

Transportation: Air—Hopkinsville-Christian County Airport, 5,000 foot runway; nearest commercial service, Nashville International Airport, one hour via I-24. Rail—CSX Transportation Systems. Road—Pennyville Parkway; U.S. 41; U.S. 41A; U.S. 681; I-24 is about 10 miles away. Bus—Greyhound Bus Lines. Trucking—more than 20 lines serve Hopkinsville, including seven with local terminals.

Education: Christian County Schools, 8,596 students. Five parochial and private schools, 540; Hopkinsville Community College, 1,828; Christian County Vocational School, 369; CareerCom Junior Business College, 200.

Topography: Rugged hills at northern end of the county give way to flat, rich farmland in the south.

FAMOUS FACTS AND FIGURES

More than 13,000 Cherokee Indians, traveling on foot, horseback and in wagons, passed through Hopkinsville between October 1838 and February 1839 on their way west from their homes in the Smoky Mountains to a reservation in Oklahoma. Thousands died along the forced march, which became known as "The Trail of Tears."

Jefferson Davis, president of the Confederacy during the Civil War, was born in 1808 in Fairview, about 10 miles east of Hopkinsville. His birthplace is marked by a 351-foot-tall obelisk, said to be one of the world's tallest concrete monuments. It looks a great deal like the Washington Monument.

When passing through Hopkinsville, it's difficult to avoid the intersection of Ninth and Main Streets, the scene of several famous events in local history. Thomas G. Woodward, a West Point graduate and Confederate soldier, was shot from his horse there and killed by Paul Fuller, a Union sympathizer, on Aug. 19, 1864. Dr. Edward S. Stuart founded what is now the Jennie Stuart Medical Center in honor of his wife Jane Vaugh ("Miss Jennie") Stuart, who broke her hip in a fall at Ninth and Main. The limited medical facilities in town were said to have hastened her death in 1912.

The Night Riders, a masked band of tobacco farmers from Kentucky and Tennessee who wanted to raise tobacco prices by intimidating other farmers to keep them from selling to a North Carolina trust, burned three tobacco warehouses in Hopkinsville in December 1907.

Adlai E. Stevenson, vice president in President Grover Cleveland's second term, was born in 1835 in Herndon, southwest of Hopkinsville. In 1852 he moved to Bloomington, IL., where he became a lawyer and congressman. His grandson, Adlai E. Stevenson, was Democratic nominee for president in 1952 and 1956, losing both races to Republican Dwight Eisenhower.•

ORDER OF BUSINESS

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have consulted with the Republican leader and I now set the vote on the cloture motion filed against S. 55, the strikebreaker replacement bill, to occur tomorrow, Thursday, June 11, at 4:45 p.m.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Thursday, June 11; that following the prayer, the Journal of Proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11:45 a.m., with Senators permitted to speak therein for up to 5 minutes each with the following Senators to be recognized in the order indicated and for the time limits specified: 45 minutes for Senator HOLLINGS; 40 minutes for Senator DANFORTH; and 20 minutes for Senator GORTON; and that at 11:45 a.m., the Senate resume consideration of the pending business, with the time between 11:45 a.m. and the cloture vote at 4:45 p.m. equally divided and controlled between Senators METZENBAUM and HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I thank my colleagues. I am advised no other Senators wish to speak today on the subject of S. 55, the pending bill. We had agreed earlier that the Senate would remain in session today for as long as necessary to accommodate any Senator who wished to speak. I am advised that no other Senators wish to speak. So any Senators who do want to talk tomorrow will have to do so within the 5-hour period for debate which has just been agreed to pursuant to this order.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BINGAMAN). Pursuant to the previous order, the Senate now stands in recess until 10 a.m. Thursday, June 11.

Thereupon, at 5:10 p.m. the Senate recessed until Thursday, June 11, 1992, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 10, 1992:

DEPARTMENT OF STATE

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE UNDER SECRETARY OF STATE FOR COORDINATING SECURITY ASSISTANCE PROGRAMS, VICE REGINALD BARTHOLOMEW.

HOUSE OF REPRESENTATIVES—*Wednesday, June 10, 1992*

The House met at 10 a.m.

Bishop P.A. Brooks, the New St. Paul Tabernacle Church, Detroit, MI, offered the following prayer:

God of all power and goodness, we thank You for our Nation and for this Congress. We ask Your blessing upon every Member of this assembly. Teach us how far we are from reaching any millennial age of perfected politics. Make us aware of such tyrannies of law or labor, of wealth or of corporate power as should be resisted by a spirit of doing justly.

May our ultimate reliance in America not be placed in legislation nor knowledge alone or even in material power but may rely on Your guidance in directing each Member of this historic congressional body to perform their task with compassion for the entire Nation with all of its ethnic groups with their needs.

May we not be insensitive to the issues of education for our children—adequate medical care for the aged—housing for the homeless.

May they persevere in resolving the problems of the unemployed in our troubled cities.

May they not falter in addressing the drug problem as well as protecting our environment from industrial pollution.

May their legislation correct the inequities of our justice system.

And finally, may each citizen contribute to that sum of collective righteousness which alone exalts and preserves a nation through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PENNY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PENNY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 277, nays 122, not voting 35, as follows:

[Roll No. 180]

YEAS—277

Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Bateman
Bennett
Berman
Bevill
Bilbray
Blackwell
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Callahan
Cardin
Carper
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hyde
Jefferson
Jenkins
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morrison
Mrazek
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Weiss
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—122

Allard
Allen
Armey
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Gradison
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Jacobs
James
Johnson (CT)
Johnson (TX)
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Paxon
Porter
Pursell
Quillen
Ramstad
Regula
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—35

Abercrombie
Anthony
AuCoin
Beilenson
Bonior
Byron
Campbell (CO)
Cox (CA)
Davis
Derrick
Dymally
Feighan
Hefner
Hutto
Inhofe
Ireland
Johnson (SD)
Lehman (FL)
Levine (CA)
Lowery (CA)
McDade
Meyers
Nagle
Nichols
Owens (UT)
Riggs
Sanders
Savage
Slaughter
Torres
Traxler
Washington
Weber
Wheat
Young (FL)

☐ 1029

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. (Mr. MONTGOMERY). Will the gentleman

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from Texas [Mr. SMITH] please come forward and lead the House in the Pledge of Allegiance?

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A CALL FOR AMERICA TO JOIN THE ENVIRONMENTAL MOVEMENT

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, there is a new commitment around the globe, a commitment that it is time to end the environmental abuse, time to control emissions and preserve the forests, a time to be certain that the next generation and those that follow will enjoy this environment that has been given to us.

Only one thing, however, is wrong by this commitment. The nation that began the conservation movement earlier in this century, the nation that established the highest standards for emissions and technology is not included.

George Bush made a judgment that all other nations who will reach for these high standards and preserve the environment for the future will not include the United States. It is to his eternal shame. And our generation and this country will never be forgiven, if the American people do not demand that America join this movement.

BALANCED BUDGET AMENDMENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, passing the balanced budget amendment to the Constitution is the right action for the wrong reasons.

It is right to break the Federal Government of the habit of spending more than it takes in, but it is unfortunate that Congress has become addicted to spending and borrowing and taxing. It is regrettable that Congress must be forced to exercise self-discipline.

For decades, Republican candidates, Republican officeholders and Republican Presidents have embraced a balanced budget amendment. Democratic leaders have opposed it. Democratic leaders say it will not work. Yet 49 States have balanced budget requirements.

They say it will hurt essential Government programs. But the budget can be balanced if annual spending is limited to a 3-percent increase and if government overhead, not people or programs, is targeted.

Democratic leaders say the balanced budget amendment can't be enforced. That is true, if they ignore the will of the people and their own oath of office to uphold the Constitution.

Members of Congress should listen to the people who put them in office. More than three-fourths of all Americans approve of the balanced budget amendment.

IN FAVOR OF THE BALANCED BUDGET AMENDMENT

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, today and tomorrow this House will debate the balanced budget amendment to the Constitution. I intend to support this amendment because I am convinced that it will make it more difficult for this Government to deficit spend.

Once implemented, the balanced budget amendment will require a three-fifths vote of the Congress, a 60-percent vote for us to borrow. However, we need to debate more than a balanced budget amendment. We need to debate thoroughly those tough choices that we have to make if we are going to get this budget back in the black.

If we adopt a balanced budget amendment, it will not take effect until 1998. A vote on this amendment will mean little if we do not also adopt as soon as possible a budget reduction package to get us back in the black between now and then. A vote on the balanced budget amendment is not enough because a balanced budget amendment will not make the tough choices for us.

NEW PANEL WOULD RECOMMEND RULES AND PROCEDURES FOR SELECTION OF PRESIDENT IN THE HOUSE

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, today I am introducing legislation leading to new rules for the House of Representatives in choosing a President. My resolution would direct the Speaker of the House and the minority leader to appoint a panel of three preeminent constitutional scholars to recommend rules and procedures the House will follow if the election is thrown into the House of Representatives as outlined in amendment 12 of the U.S. Constitution.

With a Presidential election in a three-way race, the threat of a deadlocked election becomes very real. The House of Representatives lacks rules to deal with this kind of crisis. It is absolutely critical that we act calmly now to establish rules—before high emotions of a close election make adopting rules impossible.

The House rules dealing with selection of a President under the 12th amendment must be fair so that all Americans will have confidence in the outcome. For the House to select the President would be traumatic enough. We cannot afford to have a public perception that the deck is stacked for one candidate or another. This should be a bipartisan effort. It should be undertaken quickly as a signal the House is ready to face up to its responsibilities.

There are a number of questions and concerns the panel would be charged with reviewing. These would include but not be limited to the following:

The Constitution reads that each State shall have a single vote. How do congressional delegations determine how they vote? Who votes and represents the State's congressional delegation? What will be the specific House procedure to cast or count the vote?

Is the process secret or public, both with respect to how individual Members vote and how States cast their vote?

What happens in the event a delegation is deadlocked?

Is a majority or a plurality required, both within the State's vote and in the full House?

The panel would be expected to develop its recommendations as expeditiously as possible and would provide a report of their recommendations to the Speaker and the minority leader by August 7, 1992.

Mr. Speaker, this House can ill-afford to mishandle this situation. I urge the swift adoption of my resolution to see that the House is prepared to handle the Presidential election should it become necessary.

THE CRIME OF THE U.S. JUSTICE DEPARTMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a great crime was committed in the Demjanjuk case relative to the trial where he was charged with being the infamous Ivan of Treblinka. The crime, as it turns out, was not Demjanjuk, a retired auto worker from Cleveland. It was a crime of the U.S. Justice Department that knew as early as August 1978 that the real Ivan was Ivan Marchenko, not Demjanjuk.

Our Justice Department chose to prosecute, more like persecute Demjanjuk for that count. This is not wrongful prosecution, Members. This is a felony.

And Allen Ryan and Neal Sher of the Office of Special Investigation can sue me, but I say they should go directly to jail for what they did to that man. If there is any justice left, our Congress will investigate if there is still any justice left in our Justice Department.

Let me close by saying this: When Congress allows the rights of one individual to be trampled on, Congress endangers the ultimate rights of all Americans.

GET THE FACTS RIGHT

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and read from a printed document.)

Mr. GUNDERSON. Mr. Speaker, some of my colleagues may have noticed this statement in the Washington Post this morning. I thought I would take time to bring it to their attention because every once in a while there is an allegation that is so incorrect in its facts that we have to come to the House floor and respond to it.

Mr. Phil Sokolof, whoever he is, and I wish I would have the chance to meet him, is suggesting that somehow or another this Congress is using our kids as a dumping ground for the dairy farmers of America.

I wish his facts were true, if he is going to make those allegations. He suggests that we mandate through the National School Lunch Program that all kids have to drink whole milk. If he would read the law, he would find out that is not true at all.

All we do mandate is that every school lunch program has to offer an option of different milk fat contents, one of which is whole milk.

He also goes on to suggest that somehow or another this Congress has 488 million pounds of butter in storage, purchased from dairy farmers. Yes, that is true. It is true because the American dairy industry has moved away from fat.

We ought to take a look at the facts, my colleagues. The dairy industry is a modern, low-fat industry. This is simply wrong.

□ 1040

A BETTER TRADE POLICY, NOT A BALANCED BUDGET AMENDMENT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, once that balanced budget amendment is passed and put into effect, the first thing that Congress is wanting to do is to increase taxes, cut spending, or do a little bit of each. We do not have to do that. One of the keys in resolving this problem, to offset these taxes and cuts, is in our trade policy. We are exporting our American jobs. No jobs, no taxes, no balanced budget.

Some want to open the markets to Mexico and China now, bring in more of these cheap products. I will tell the Members, we cannot compete in today's market with today's laws. We must also help to offset these subsidies by helping our own industry. If we do not look out for No. 1, if we do not look for American industry and American jobs, then we are doomed to deeper economic woes.

Mr. Speaker, in this House as we contemplate what we are doing, we had better make sure that first of all we stand up for Americans.

THE BALANCED BUDGET AMENDMENT AND THE LINE-ITEM VETO, PROTECTION FOR ALL AMERICANS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the Congress is about to embark on the most important debate, perhaps, of this century in trying to establish for the first time a balanced budget amendment to the Constitution of the United States. Fifty, almost, of our States have this concept embedded in their constitutions, and it works. It will protect senior citizens and Social Security, it will bring back fiscal responsibility, it will engineer an economic recovery the likes of which we have never seen, and will guarantee that in the near, not far, future the prosperity for which we all yearn will become a reality.

If a Governor of a State like ours in Pennsylvania has the ability to line-item veto and to bring about a balanced budget, should not the President of the United States have that same power to have before him a document which will demand a balanced budget amendment, and then to have the extra authority to line-item veto other instances in the budget which will guarantee that balanced budget? It will protect all Americans.

SUPER 301, OPENING DOORS TO AMERICAN PRODUCTS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, Super 301 is not a high-potency lubricant which we spray on hinges so doors open more freely, that is, unless the doors are trade doors in Japan and other nations of the world which have been closed to United States goods, United States exports. Then Super 301, which is in fact a provision of the 1988 trade bill, which was included in the reauthorization of H.R. 5100 adopted yesterday by a subcommittee of the Committee on Ways and Means, then Super 301 is, indeed, a lubricant, because it will open doors to U.S. products.

I am happy to report again, Mr. Speaker, that reinstatement of the 301 provision of the 1988 trade bill is in H.R. 5100, reported favorably yesterday by the Ways and Means Subcommittee. I am a proud original cosponsor of the bill. I hope it passes and passes very soon.

RADIO BROADCAST COMMISSION DENIED ACCESS TO CHINA

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, for several months now, the Commission on Broadcasting to the People's Republic of China has been evaluating several proposed legislative initiatives that would expand United States radio broadcasting to China, Vietnam, and North Korea. Clearly, this monumental task requires a certain degree of on-site inspection.

Last Friday, the Commission announced its decision to cancel a scheduled factfinding visit to China. In classic fashion, the Beijing Government said that a nonofficial visit would be permissible as long as certain rules were adhered to. One Commission member was to be denied entry outright, while others in the group—which includes journalists, scholars, and former U.S. ambassadors—were given prescribed roles of behavior that a schoolteacher might give to a group of 7-year-olds on a school outing to the Baltimore Aquarium. Rule layered upon rule inevitably leads to the construction of a brick wall. As such, the Commission will not be going to China.

Mr. Speaker, the clumsy diplomacy exercised by Beijing comes as no surprise. What does come as a surprise, however, is the continued willingness of many in this country to wring their hands over the issue of increased broadcasting to China or Vietnam. When are we going to realize that the ongoing survival of these regimes is directly related to their own pathetic attempts to keep their citizens in the dark?

REQUESTING A REVIEW OF THE DEMJANJUK CASE

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, the Demjanjuk family are my constituents, and I have never, ever gotten involved with this case, but I think the case of John Demjanjuk has raised enough question marks. I believe that because of the oversight that the Committee on the Judiciary has, that they should look into this situation.

All of us abhor the terrible, terrible war crimes, the most evil crimes of all time. However, I think there is an obligation to assure that all evidence is accurate, in that the proper people responsible are brought to justice, so I would like to see the Committee on the Judiciary that has the oversight take a look at this case.

A DEMAND FOR REASONABLE REDISTRICTING

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Speaker, I want to address an issue that I think we have to address next year. Last September 24 I introduced H.R. 3344, a bill to amend the Voters' Rights Act of 1965 making the preclearance requirements applicable to the voting rights as they exist today, in the 1990's, rather than 30 years ago.

I want to show the Members the congressional reapportionment map of Louisiana. If this is what we intended in the 1965 Voters' Right Act, I am a monkey's uncle. The Fourth District of Louisiana runs into six of the eight major markets in Louisiana. It runs like a snake through the whole State.

I have to say that I am going to fight this issue, and I am going to fight this issue through next year. Let us update the Voting Rights Act. Let us bring the States up.

Our legislature operated with a shotgun to their heads. They operated out of fear in drawing this plan. My Sixth District is drawn nearly as badly. I just simply want to say, let us create congressional districts that are drawn sensibly, the way they should be, and not create districts that were never intended to be.

THE NEED FOR A BALANCED BUDGET AMENDMENT

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, this debate is born out of desperation. In the last 7 years this body has struggled to enact statutory balanced budget requirements. Attempts to impose spending limits by Gramm-Rudman I and II, and by negotiated agreements between the President and the Congress, have failed because of our insatiable thirst to spend money we do not have. We even fought a war—the Persian Gulf war—off budget.

Do we need to amend the Constitution to balance the budget? Of course, we do not. Will we balance the budget without an amendment? Probably not. Will an amendment help us to achieve a balanced budget? Maybe.

We now have before us several choices for a balanced budget amendment. Of primary concern is the future of Social Security. I view Social Security as a covenant between the people and their Government; a covenant that should not be broken unilaterally. Therefore, Social Security must be self-supporting and off-budget. I also believe that the principle of majority rule need not be abandoned in order to achieve sound fiscal policy. Finally, the responsibility for developing a comprehensive Federal budget rests with the President. That need not and should not change.

I will vote for House Joint Resolution 496, the only choice that meets these criteria—protect Social Security, preserve majority rule, retain Presidential responsibility—to amend the Constitution to provide a balanced budget of the U.S. Government. The next step will be to agree on the enforcement mechanisms that will allow for the tough decisions.

A BALANCED BUDGET AMENDMENT WILL PRESERVE ENTITLEMENTS

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, we are going to be voting on a balanced budget amendment. We tried to pass a cap of no more than 2½ percent on every item last year, and not a single one passed. The House cannot chair itself. We are spending $3 billion per day. All the entitlements put together, we spend more on the interest of the deficit than we do on that.

We need to get back to a balanced budget. Can the Members imagine what this country could do with $1.3 billion a day? Both Republicans and Democrats get reelected by taking home the bacon, the pork. We cannot control ourselves in this House without a balanced budget amendment. We need to protect Social Security and those things, but if we get to a balanced budget then we will actually have more money for the entitlements that all of us hold dear.

I do not believe this House can police itself and cut the spending, because the name of the game is to get reelected and take home the bacon.

□ 1050

We need to run the House more like a business, a capital gains reeducation, reduce foreign aid to only those countries that benefit the United States directly.

SUPREME COURT BOWING TO ELECTION YEAR POLITICS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, in school we all learned that there were three independent branches of Government, that our forefathers and our foremothers were wise enough to demand that there be checks and balances, and that was the genius of this system.

Today, unfortunately, we only have two branches left. The Supreme Court is gone.

I was horrified to read that the Supreme Court, I think acting very politically, yielded to pressure, and is now not going to hear the case on clinical violence until next session, after the elections. Do Members suppose it could be because they are afraid American women would be very incensed if they did what they promised to do in order to get on the Court? I think so.

I think it is outrageous that we continue to tolerate letting people cut off women's access to health care by picketing, jeering, and sealing off different clinics around America. I am sure the Supreme Court is going to say that is OK, but they do not want to do it until after the election.

I think that is very sad, and I am sure our forefathers would not be pleased.

AGRICULTURE EXPORT LOAN GUARANTEES

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, the scandal of Iraq subverting agriculture export loan guarantees to the acquisition of arms continues to grow. Chairmen GONZALEZ and ROSE are pursuing this scandal within the jurisdiction of their respective committee and subcommittee. But, Mr. Speaker, it is time to appoint a special prosecutor to get to the bottom of this rotten mess.

Despite President Bush's Executive order prohibiting commerce with Iraq, the United States Government has paid millions, $360.7 million at this time, to an Italian-owned bank to make good on loans Iraq left unpaid after its invasion of Kuwait. Since the early 1980's, Presidents Reagan and Bush have used a sleepy little agriculture program to tilt in favor of Iraq in its war with Iran. Under this program, loan guarantees were subverted and exporters of agricultural products were required to purchase arms for the Iraqi's in return for getting the export business. When those loans came due and were unpaid by Iraq, the Bush administration has used hard-earned tax dollars to pay them.

Mr. Speaker, I am incensed by the abuse of this program, and incensed even more that we are making good on loan guarantees that were abused, but I am most of all upset that the Bush administration can pay $360.7 million to a foreign bank, while at the same time refusing to provide a paltry $30 million for emergency loans to small U.S. businesses directly impacted by Desert Shield/Desert Storm deployment in communities across this country. Congress authorized and appropriated those funds, but the Department of Defense stubbornly refuses to transfer those funds to the Small Business Administration to implement this congressionally mandated program of assistance.

Let's put a special prosecutor in place who will leave no stone unturned, until every viper is exposed and killed. Furthermore, let's make certain the Agriculture Loan Guarantee Program is hereafter administered by USDA in a way which cannot be subverted as was done in this instance.

CLARIFICATION OF THE RECORD CONCERNING COMMENTS ON HOUSE POST OFFICE INVESTIGATION

(Mr. ROSE asked and was given permission to address the House for 1 minute.)

Mr. ROSE. Mr. Speaker, it has come to my attention that certain remarks that I made on the House floor on May 28 were not properly reported in the daily CONGRESSIONAL RECORD, specifically portions of the words that I spoke on the floor following the unanimous consent request extending the reporting deadline for the House Post Office investigation. They were not correctly reported.

A review of the videotape of my comments makes it clear that what I said was:

> And to this point, while there have been allegations, Madam Speaker, I have seen no evidence of any so-called ghost employees at the House post office.

These words were neither revised or edited, and I would therefore like the permanent RECORD to reflect these words as I actually spoke them. Apparently the Official Reporters of Debates did not modify the text of an earlier prepared statement to reflect where my spoken words varied from the text.

I, therefore, ask unanimous consent, Mr. Speaker, that the permanent edition of the CONGRESSIONAL RECORD be corrected to accurately reflect my words as spoken on the floor during the May 28 discussion.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from North Carolina?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so first to thank the gentleman from North Carolina for correcting the RECORD on this point. I, as the gentleman knows, have long believed that there is a need to make certain that the CONGRESSIONAL RECORD is accurate in terms of what was done on the floor rather than what we wish might have been done or as remarks may have been prepared. So I want to thank the gentleman for that, and I just want to make certain that the import of this would seem to me to be that what the gentleman is saying in the remarks that will now be in the corrected RECORD is that you have seen no such evidence of ghost employees? That does not mean the task force may not have gotten some information along this line, but you are reflecting your own personal viewpoint, is that correct?

Mr. ROSE. If the gentleman will yield, the gentleman is absolutely correct.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SUPPORT FOR STENHOLM BALANCED BUDGET AMENDMENT

(Mr. RAY asked and was given permission to address the House for 1 minute.)

Mr. RAY. Mr. Speaker, my colleagues and 50 million or 60 million people who are looking at C-SPAN today, I want you to take a look at this chart right here to my right. The 1993 budget is $1.5 trillion. The 1993 estimated income is $1.15 trillion. The shortfall in the deficit for the next year is $350 billion. The national debt is $3.8 trillion. Interest on the debt while I speak is $200,350,000, and that is $26 million per hour, $200 billion per year.

Mr. Speaker, H.R. 5333, the Stenholm balanced budget amendment, is the first step in the process of a balanced budget amendment and 292 Members are signed up. The train is about to leave the station, and we are looking for a lot more Members to sign up today, and I urge them to do so.

PRESERVE OUR NOBLE CONSTITUTION

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker:

> We the people of the United States, in order to form a more perfect Union, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, to ordain and establish this Constitution for the United States of America.

We all recognize these words. They are the opening words to the greatest political document ever written, the U.S. Constitution. Throughout our history, it has been the Constitution which has provided us with a framework for our Government and our society. Through both good times and bad, political hysteria, and even through a Civil War that divided us, it was the Constitution that held our democracy together.

We hold the Constitution in great reverence and we don't take changing it lightly. In the past 200 years we have amended it 16 times. The House has only voted on 10 constitutional amendments since I arrived here in 1964. The Constitution was not intended to respond to the political whims of the times. It was intended to be a framework by which to govern.

Some would now have us change the Constitution by adding a balanced budget amendment. There is considerable outrage in this country over the size of the budget deficit, outrage which I share, but the balanced budget amendment is not the solution. The balanced budget amendment is merely a hysterical reaction to our current spending problems, and reaction to current events is not a valid reason to amend the Constitution.

A couple of years ago the Supreme Court ruled that flag burning was protected speech under the first amendment to the Constitution. The country, as well as many Members, were outraged. There was a cry to amend the Constitution. "Change the first amendment," some said.

Well, we did not amend the Constitution. We did not respond to the hysteria of the moment. I voted against that amendment as I will vote against this amendment, because that is all the balanced budget amendment is, a response to the hysteria of the moment. Mr. Speaker, I have too much respect and too much love for the Constitution to saddle it with this amendment.

We all know what the problem is here. It isn't that the Constitution won't let us balance the budget. It is that we can't, or won't, balance the budget. Through 12 years of Republican administrations the President has yet to submit a balanced budget, or anything close to it. And the Congress hasn't done much better. Neither the Congress nor the President have had the guts to make the tough decisions necessary to balance the budget. The balanced budget amendment would be a cover, a shield, to cover up for the lack of leadership shown by Government.

A balanced budget amendment is not the answer to the deficit. More responsible spending is the answer. The balanced budget amendment is an insult to the Constitution. Vote "no" on House Resolution 290.

□ 1100

BUSH ADMINISTRATION FAILING LEADERSHIP TEST ON UNCED

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, in 1984, the Reagan administration went down to the U.N. Conference on Population and Development in Mexico City and told the world that voluntary family planning was no longer needed. In a moment, all the work of 25 years under Republican and Democratic administrations alike was undone and U.S. leadership on population was lost.

In 1992, the Bush administration has gone down to the U.N. Conference on Environment and Development in Rio de Janeiro and told the world that concerns about global climate change, preservation of the rain forests and the world's biodiversity, and protection of the oceans are no longer serious concerns of the United States.

Does this reflect American values? The leaders of American business and industry I know are people of vision who care deeply about the kind of planet they leave for their children and grandchildren.

At a time when the world hungers for leadership and inspiration to bring us together working for a better life on this planet for all people, at a time when U.S. influence in the world has never been greater, this administration is proving an embarrassment.

BALANCED BUDGET AMENDMENT INEVITABLE

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, if you have been here a long time, you have got a right to philosophize. I will philosophize this morning by saying that although I feel it is unfortunate we have to have a balanced budget amendment, I think it is inevitable that we should, because practice shows that we cannot live within our present constitutional provisions.

I vigorously hope that everybody will be behind a constitutional amendment, and that it will work.

Now, to think that this is going to leave our Government just like it was will not be realistic. The process has to be changed. It will be a situation in the future where States will have a greater part to play in their Government, and I am not so sure that is not a good idea. I believe we have a federated government, and what we are doing now is not working. So we should get something that makes our federated Government work.

I hope everybody will band together to get a good constitutional amendment and make it work.

THE REAL COST OF A BALANCED BUDGET

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, I rise today to voice some real concerns coming from my congressional district about the balanced budget amendment.

In this year of heated political debate, an amendment to our Constitution to balance the Federal budget seems to have crept up behind us from nowhere, and is about to swallow this great body, sending us into days of confrontational debate.

Well, Mr. Speaker, I implore my colleagues to further examine the amendment offered by Mr. STENHOLM before we put the poison pen to the sacred paper that represents the heart and soul of this great Nation.

Make no mistake. Adoption of this misguided proposal will put the nail in the coffin of the millions of elderly Americans who rely on Social Security every day as the bulk of their financial existence. At what cost, Mr. Speaker, must we achieve this short-sighted, so-called fiscal responsibility?

We have seen it so many times during the course of the last 12 years. The implementation of heinous economic policies which at times seem to be nothing more than a smokescreen to cloud the unrestrained cutting of our Nation's social programs.

I urge my colleagues, on behalf of the children, the poor, and the elderly, who so often fall in the cracks of such thoughtless policies, to recognize the potential for the destruction of our Nation's Social Security system.

FUTURE GENERATIONS MOST AFFECTED BY BALANCED BUDGET AMENDMENT

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, a word or two in response to what we just heard from my friend, the gentleman from Pennsylvania.

There are many of us who are being called by a variety of special interest groups, some of them very powerful, lobbying against consideration of an amendment to the Constitution to, first, require the President to propose a balanced budget; and second, to make it somewhat more difficult for the Congress to unbalance that budget.

There is one group we have not heard from in this debate. We have not heard from my 2-year-old son, Ben, and we have not heard from my 4-year-old son, Christopher. We have not heard from any of your children. We have not heard from the grandchildren of the senior citizens who are calling on us to not adopt this balanced budget amendment.

That next generation, those young kids, need to be heard from. They are not members of a special interest group. They do not have a PAC. They do not write or phone us. But they have lives to live, and we are undercutting their future if we allow the tide of red ink to continue.

We need the kind of restraint that this amendment provides for us. We do not need an economic straitjacket. We do need leadership from the President. We do need to make it more difficult for Congress to unbalance the budget.

I have been here for 10 years. I came here not convinced that we need this kind of restraint. We do. I am a believer. The experience of the past 12 years should have convinced us all.

SACRIFICE NEEDED FOR THE GOOD OF ALL

(Mr. HAYES of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Louisiana. Mr. Speaker, this Government is both broke and broken. Fifteen cents on every dollar that you pay in taxes goes toward unproductive debt service, and it is broken because the mechanism of change does not function.

So we look back two centuries to a Constitution framed by people who, next to their signature, put the simple statement, "On public service," public service reflecting what they thought to be the best interests of a nation and not necessarily the whims or desires of those who, on electing them, felt that their individual needs outweighed the collective need.

There are people who will be harmed by tough decisions, and those who are to be harmed are going to have to commit an individual sacrifice so that subsequent generations will have what those Framers referred to as the blessings of liberty bestowed upon them. If we cannot sacrifice enough to balance the budget, then I assure you, instead of doing some harm to some, we will do total harm to all.

CONSTITUTION MUST FORCE US TO MAKE HARD DECISIONS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, we heard this morning some people say that if we pass a constitutional amendment to balance the budget, we will be trivializing the Constitution of the United States.

Yesterday, the gentleman from California [Mr. PANETTA] said that we were showing a lack of guts by trying to pass a constitutional amendment to balance the budget. The fact of the matter is, I say to my colleagues, we have not had any guts in the past. We have not decided to prioritize spending around this place, I say to my colleague, the gentleman from California [Mr. PANETTA], and that is the reason we are in the fix we are in today.

Ten years ago we brought in $500 billion in tax revenues. Now it is over $1 trillion a year in tax revenues. Yet, we are still running $400 billion a year into the tank.

As the gentleman just said on the floor before me, we are leaving a terrible legacy to the future generations of this country. Why? Because we do not have any guts. We have not had any guts to make priorities a priority around this place.

We have to make our decisions, and since we cannot do it on our own, we have to put some teeth into the Constitution to do it for us, to make us make those hard decisions.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 290, PROPOSING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR A BALANCED BUDGET

Mr. STENHOLM. Mr. Speaker, pursuant to the unanimous consent agreement offered by the gentleman from Missouri [Mr. GEPHARDT] and the order of the House of Thursday, June 4, 1992, I call up the resolution (H. Res. 450) providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation, and ask for its immediate consideration.

H. RES. 450

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, all points of order against the joint resolution and against its consideration are hereby waived, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and which shall not exceed four and one-half hours, to be equally divided and controlled by Representative Brooks of Texas, Representative Fish of New York, and Representative Stenholm of Texas, or their designees, the joint resolution shall be considered for amendment under the five-minute rule. No amendment to the joint resolution shall be in order in the House or the Committee of the Whole except for the following amendments, which shall be considered only in the following order, and which shall not be subject to amendment:

(a) an amendment in the nature of a substitute by, and if offered by, Representative Fish of New York, or his designee. This amendment shall be debatable for no longer than one hour to be equally divided and controlled by the Member proposing the amendment, or a designee, and a Member proposing the amendment, or a designee, and a Member opposed thereto;

(b) an amendment in the nature of a substitute by, and if offered by, Representative Barton of Texas, or his designee, which may be offered notwithstanding the adoption of the amendment in the nature of a substitute as made possible under section 1(a). This amendment shall be debatable for no longer than one hour to be equally divided and controlled by the Member proposing the amendment, or a designee, and a Member opposed thereto;

(c) an amendment in the nature of a substitute by, and if offered by, Representative Brooks of Texas, or his designee, which may be offered notwithstanding the adoption of the amendments in the nature of a substitute as made possible under section 1(a) or section 1(b). This amendment shall be debatable for no longer than one hour to be equally divided and controlled by the Member proposing the amendment, or a designee, and a Member opposed thereto;

(d) an amendment in the nature of a substitute by, and if offered by, any Member, which shall be the text of any comparable joint resolution as passed by the Senate, and which may be offered notwithstanding the adoption of the amendments in the nature of a substitute as made possible under section 1(a), section 1(b), or section 1(c). This amendment shall be debatable for no longer than one hour to be equally divided and controlled by the Member proposing the amendment and a Member opposed thereto;

(e) an amendment in the nature of a substitute by, and if offered by, Representative Stenholm of Texas, or his designee, which may be offered notwithstanding the adoption of the amendments in the nature of a substitute as made possible under section 1(a), section 1(b), section 1(c), or section 1(d). This amendment shall be debatable for no longer than one hour to be equally divided and controlled by the Member proposing the amendment, or a designee, and a Member opposed thereto.

At the conclusion of consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution back to the House. If more than one of the amendments in the nature of a substitute have been adopted in the Committee of the Whole, only the last such amendment shall be considered as having been finally adopted and reported back to the House. The previous question shall be considered as having been ordered on the joint resolution and such amendment thereto, to final passage without intervening motion except one motion to recommit, with or without instructions.

SEC. 2. If the Committee rises on any day without coming to a final resolution on the joint resolution, the House shall, on the next legislative day, following House approval of the Journal, immediately resolve itself into the Committee of the Whole on the State of the Union for the further consideration of the joint resolution.

SEC. 3. If a comparable joint resolution has been passed by the Senate, it shall be in order at any time after House consideration of H.J. Res. 290 for Representative Stenholm or his designee to move for immediate consideration of such Senate Joint Resolution and to move for concurrence in the passage of such Senate Joint Resolution, with or without amendment but, if with an amendment, then such amendment shall strike all after the resolving clause and substitute therefor the text of H.J. Res. 290 as passed by the House.

SEC. 4. Consideration, in accordance with the provisions of this resolution, of the joint resolution and any comparable joint resolution passed by the Senate shall be a matter of highest privilege in the House and shall take precedence over any other motion, business, or order of the House, and the House shall proceed with such consideration to final passage, without the intervention of any other motion, order, or business, except as otherwise provided for in this resolution.

□ 1110

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Texas [Mr. STENHOLM] is recognized for 1 hour.

Mr. STENHOLM. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished chairman of the Committee on Rules; also for purposes of debate only, I yield 15 minutes of my time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, all time yielding during debate during House Resolution 450 is for the purpose of debate only.

Mr. Speaker, the rule which 218 Members of this body discharged on May 20, House Resolution 450, allows for a full debate of the major alternative proposals for a balanced budget amendment to the U.S. Constitution. By unamious consent, that rule already has been amended to expand the general debate time from 4½ hours to 9 hours, with the relative division of the time maintained as stated in House Resolution 450.

House Resolution 450 allows for the following: All points of order are waived; there will be 9 hours of general debate, divided equally between Mr. STENHOLM, Mr. BROOKS, and Mr. FISH.

It will be in order to consider of the following five amendments in the nature of substitutes, in king-of-the-hill fashion:

First, a substitute offered by Mr. FISH, ranking Republican of the Judiciary Committee, or his designee. Debatable for 1 hour.

Second, a substitute offered by Mr. BARTON, or his designee. Debatable for 1 hour.

Third, a substitute offered by Mr. BROOKS, chairman of the Judiciary Committee, or his designee. Debatable for 1 hour.

Fourth, a comparable BBA already passed by the Senate, if any. Debatable for 1 hour.

Fifth, a substitute offered by Mr. STENHOLM, principal sponsor of House Joint Resolution 290. Debatable for 1 hour.

Of course, passage of any amendment in the nature of a substitute can be accomplished with a simple majority vote. Final passage of the constitutional amendment, however, requires a two-thirds vote.

A motion to recommit, with or without instructions, is permitted. However, according to the rule, any instructions must be confined to the language of one of the amendments offered in the Committee of the Whole, since the language of the rule refers in each instance to "an amendment." In short, the rule does not allow any member to offer a new amendment through instructions in the motion to recommit.

Once begun, consideration of House Joint Resolution 290 is a matter of the highest privilege and must be completed without the intervention of any other motion, order or business.

In drafting this rule, the supporters of House Joint Resolution 290, the Stenholm-Smith amendment, had two fundamental concerns. First, we wanted to ensure fairness on this extremely important issue of amending the Constitution. We felt it was imperative that there be a full airing of all views within this body about the subject. We felt that it is important that there be fair representation along party lines, as well as some representation of the degree of support among House Members.

Second, we felt that the amendments chosen should reflect the leading ideas for balanced budget amendments. That was why a slot was reserved for the Barton-Tauzin amendment which, by far, has the next highest amount of support in the House of Representatives. While the chairman and ranking Republican members of the Judiciary Committee, the committee of jurisdiction, did not have balanced budget proposals, we felt it was important to reserve for them, or their designees, the option of offering amendments.

This rule is fair, it is complete, and it has already been supported by 218 Members who signed the discharge petition. I urge all of my colleagues to support House Resolution 450.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I thank the gentleman from Texas for yielding me time. He has been honorable and candid throughout the process and I appreciate the way he has handled the situation.

Mr. Speaker, I cannot support the rule. The division of time is unfair and other elements of the rule are unusual and unjustified. Frankly Mr. Speaker, I am surprised at some who do support the rule. Members of the minority advocating a rule that limits the motion to recommit comes as a real surprise to me. I think I will just have to file this one away.

But I am a realist. The gentleman from Texas filed a discharge petition, got his 218 signatures the very same day, and here we are. I know this rule will pass and most Members are eager to debate the constitutional amendment, not the details of the rule.

Mr. Speaker, I do not support a constitutional amendment to require a balanced budget. I hasten to add: today's deficits are unacceptable. We increase the national debt at the rate of $1 billion a day. Deficits of this size are a drag on economic growth. Deficits of this size lower our standard of living, weaken our competitive position, and constrain our ability as a nation to answer our domestic and international needs.

The size of the deficit is the problem. If we are borrowing too much, the solution is real deficit reduction. There can be no substitute. No mandate established in the Constitution, no pretty new procedure set forth in the law of the land, can do the work of real changes in our spending habits and our tax policies.

The best face proponents put on the constitutional amendment is that it will fortify our will to do the right thing.

A balanced budget, however, is not always the right thing to do. Even the proponents admit as much.

The spending cuts and burdensome tax hikes necessary to reach a balanced budget this year would cripple an already weak economy. No one seriously calls for $400 billion in immediate deficit reduction. In fact, every constitutional amendment I have seen allows a transition period. The transition period is an admission it is wrong to insist on a balanced budget this year.

If we agree it would be dangerous to balance the budget today, balancing the budget may also be dangerous tomorrow and it ought not to be required by the Constitution.

We borrow much too much. What we spend it on may be wrong as well. But it is not always wrong to borrow.

Every State issues bonds of some sort, even States with balanced budget constitutional amendments.

Proponents say that families and businesses must balance their budgets. In fact, good businesses borrow to expand and modernize. Decent families borrow to buy a house or a car or to pay for their kids' education. There is nothing wrong with borrowing for good purposes.

Yes, we have mismanaged our fiscal policy. Yes, we must cut spending. Yes, we ought to pay for today's consumption with our own dollars, not our children's. And yes, we need stiffer backbones.

But even if we need a legal mandate to mend our ways and reduce the deficit, I still deny we ought to enshrine in the Constitution the goal of a balanced budget. To propose an amendment, knowing that it should not always be enforced, is the worst form of cynicism.

Mr. Speaker, I urge a "no" vote on the rule.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SOLOMON. Mr. Speaker, the reason I ask for the parliamentary inquiry is that I was a little confused about the debate time that is being allowed under this rule. I did not hear it when the Clerk read it.

How much time is being allowed for general debate on the bill?

□ 1120

The SPEAKER pro tempore (Mr. MONTGOMERY). There are 9 hours on the bill itself and 1 hour on this resolution, and the Chair recalls that the gentleman from Texas [Mr. STENHOLM] controls the time. He yielded 15 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. In regard to my parliamentary inquiry, Mr. Speaker, I was just reading from the June 4, 1992, CONGRESSIONAL RECORD, a statement by the gentleman from Missouri [Mr. GEPHARDT] in which he said:

> I ask unanimous consent that the period of general debate provided for in House Resolution 450, if adopted, be expanded to 9 hours, to be equally divided.

I just wanted to point out that it is not the minority that asked for this. Therefore, I think it was a fair request by the majority leader to expand the time.

Mr. Speaker, I yield myself 4 minutes and yield to the gentleman from Oregon [Mr. SMITH], a driving force behind this amendment.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] may ask for unanimous consent to control the time, and then he can designate the individual.

Mr. SOLOMON. If that is necessary, Mr. Speaker, I ask unanimous consent to be able to control the time that has already been allocated to me by the distinguished gentleman from Texas [Mr. STENHOLM].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield myself 4 minutes and yield to the gentleman from Oregon [Mr. SMITH], the driving force behind this amendment, along with the gentleman from Texas [Mr. STENHOLM].

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], my friend, for yielding to me.

As my colleagues know, this is going to be a great day for us in this House and a great day for this country.

This is a fair rule; as my colleagues have heard, the time is divided on a bipartisan basis. It could not be any fairer.

Mr. Speaker, at the end of it all tomorrow we are going to vote for a balanced budget amendment to the Constitution of the United States. We are going to pass it. We are going to follow what 77 percent of the American people want.

I ask my colleagues, "Isn't that what this is all about? Representative government?" For once, Mr. Speaker, Congress is going to look out into the future in the long term, not react to just the short-term programs.

This is change. This is change. People are demanding change in America.

We want change as well. We are going to nullify this Government. We are going to suggest that the President of the United States offer a balanced budget and the Congress offer a balanced budget. This is unification of the President, the executive, and the legislative branch.

So, is it wrong to control deficits and the debt? If that is dangerous, then let us be dangerous. It is going to be a great day for America, and it is going to be especially a great day for our children.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Oregon [Mr. SMITH] for his statement.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair informs the gentleman from New York [Mr. SOLOMON] that he received unanimous consent to control the time which has already been allocated to him by the gentleman from Texas [Mr. STENHOLM]. The gentleman from New York [Mr. SOLOMON] does not have to stand up after yielding time to the gentleman from Oregon or other Members. He controls the time, and he may sit, stand, or whatever he wants to do.

Mr. SOLOMON. I thank the Chair. I had yielded myself the time, and then yielded to the gentleman from Oregon, but, if I might, then I will continue, under my request, to yield myself 4 minutes.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 4 minutes.

Mr. SOLOMON. Mr. Speaker, in rising to support this rule and the balanced budget amendment, I would like to really pay tribute to the gentleman from Texas [Mr. STENHOLM] for his tireless efforts in bringing this issue finally to the floor.

I hate to say it, Mr. Speaker, but America does not trust its own Congress anymore. America knows that Congress will not, it cannot, control Government spending. That is why poll, after poll, after poll shows that the American people want a balanced budget amendment to the Constitution. And they want it now, not tomorrow, not next year.

Mr. Speaker, this was the first resolution I introduced when I came to this Congress in 1979, along with the gentleman from Texas [Mr. STENHOLM]. Things were already bad then. But I never dreamed that we would soon have a $400 billion annual deficit piled onto a $4 trillion total deficit.

Mr. Speaker, the deficit is a disgrace. I say to my colleagues, "The blame belongs right here, and, ladies and gentlemen, the American people know it. You know it if you go home outside this beltway every single weekend like I do. The people are not going to be fooled by gimmicks like budget summits, and they're not going to be fooled by statutes that can be ignored, or bypassed or overturned. They want enforcement provisions and guarantees that we will not simply raise taxes to allow more spending."

Mr. Speaker, if the American people do not get these things, they are going to throw a lot of us out this coming election; and we will deserve it, believe me.

I want to commend my classmate, the gentleman from Texas [Mr. STENHOLM], for getting this amendment on the floor. We are going to pass it tomorrow, and it is going to go to the Senate. The American people are going to demand that the Senate pass it too.

So, I urge support of the rule, and I urge support of the balanced budget amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise in support of the rule and in strong support for a constitutional amendment to balance the budget. I, personally, have introduced such an amendment to the Constitution in each Congress since first being elected to the House of Representatives in 1976.

Over the last decade, Congress has tried repeatedly to curb deficit spending. But as we have seen, Gramm-Rudman I, Gramm-Rudman II, and the 1990 Budget Enforcement Act, all have failed in their intent to tame the deficit.

With passage of this amendment, we have the opportunity to give Congress and the President the backbone to make the tough, necessary decisions to balance the budget. This Constitutional amendment will not allow Congress to continue along its current path of amassing an uncontrollable budget deficit.

I urge my colleagues to support the Stenholm amendment and force Congress and the President to act fiscally responsible and balance the budget so that we do not pass a mountain of debt onto our grandchildren.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 10½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding this time to me.

Mr. Speaker, I rise today in support of taking an action that I would much prefer was not necessary. I rise in support of amending the Constitution to provide for a balanced budget.

In 1982 and 1990, I voted against such action. I spoke and worked against the adoption of a Constitutional amendment using much of the same rationale of today's opponents contained in speeches on this floor and in editorials in many of our most respected newspapers. I have concluded, however, that my obligation to our future and to our children demands decisive and decidedly different action to affect a change in the way we have been conducting the fiscal business of our country.

I believe our evergrowing annual operating deficits, estimated to be approximately $400 billion this year alone, pose one of the most significant threats to our health as a nation and America's ability to have a vibrant domestic economy and to be competitive in our global economy.

The results of our failure to pay as you go over the past 12 years are staggering. And, although oft repeated, they bear, in my opinion, being reiterated:

First, in a short 12 years, we have gone from a national debt of $914 billion to one of $3.701 trillion—a 400-percent increase. We have now unfortunately become the world's largest debtor.

Second, the national debt has gone from 26.7 percent of the gross domestic product to 52.2 percent, almost doubling it.

Third, net interest on the deficit has increased from 8.9 percent of our budget to almost 14 percent.

Fourth, in constant 1987 dollars, military spending has gone up a third, entitlements and mandatory spending has gone up about 40 percent, interest payments have increased a whopping 118.9 percent, and at the same time, domestic discretionary spending has decreased 4.5 percent.

□ 1130

The only item in our budget that has gone down has been our investment expenditure. The money for education, for health research, for immunization of children, space exploration, Head Start, efficient revenue collection, job training, housing, agriculture, and literally a thousand other priorities that our society needs Government to perform.

I believe, Mr. Speaker, the primary responsibility for this fiscal debacle lies with Presidents Reagan and Bush. Both have failed to present to the Congress, or to the American people, budget plans which merited or received their support. Indeed not even their own party supported them.

The four budgets voted on by the House as Presidents Reagan and Bush submitted them received: In 1985, 1 vote; in 1987, 12 votes; in 1988, 27 votes; and, most recently, 42 votes in 1992. The 1992 vote was a high-water mark when only 25 percent of the President's own party supported his fiscal plan for the Nation. And, of course, neither ever submitted a balanced budget to the Congress.

In response to the President's requests over those 12 years, the Congress, as we all know, has appropriated less money than the President requested. But, in the face of a lack of leadership from the President, collectively the Congress also failed to stem the hemorrhage of red ink that threatens to drown our children, our economy, and our future.

We have attempted, as many have said, numerous legislative fixes over the years, and they have not worked.

My good friend, LEON PANETTA, for whom I have the greatest respect and affection, has correctly stated that what we need to get our fiscal House in order is the courage to make the tough votes required to adopt a fiscally sound budget plan. He is clearly correct. The stark fact, however, is that even in the best of times, we have failed to stem deficits at any time since 1960.

As the Washington Post observed in its editorial opposing a constitutional amendment:

> . . . The interest on the debt is now a seventh of the budget and crowds our other spending. The deficit restricts the economy and the ability to govern, both at the same time.

However, its conclusion was, as is Chairman PANETTA's, that a constitutional amendment "should not become the permanent monument to a temporary failure of political will."

The Baltimore Sun even more harshly characterized the consideration of a balanced budget amendment as a—

> cynical hypocritical gesture, from a bunch of politicians who are in the process of approving a $400 billion deficit.

And they have a point.

But the same editorial goes on to add:

> . . . If this newspaper thought a balanced budget amendment would fulfill its promise, we would back it to the hilt.

They then outline the failure of legislative enactments to curb the deficits and add:

> Given this sad history, a constitutional amendment regulating a balanced budget is increasingly tempting since the present system is bankrupt, since the Nation's security and economic well being are at risk, since large borrowing increasingly divert the Nation's resources to the wealthy, at home and abroad, drastic action is necessary.

This is suggested by the Baltimore Sun, but they balk at an amendment.

I have concluded, too, that drastic action is necessary. And an amendment is the only alternative I see forcing the President, the Congress and the American people to come to grips with the excruciatingly difficult decisions we must make to put our Nation's finances in order.

It is my intention, I say to my colleagues, to support the Gephardt-Bonior-Obey amendment. I am pleased that it does not have a provision for any extraordinary majority for the Congress to accomplish either a balanced budget or spending beyond revenues, if that is required by the national economy or for security reasons. But, I would note that even then one person, the President, and a third of only one House of the Congress can thwart the will of the majority. The minority's ability to impose its will was contemplated and provided for by our Founding Fathers. And although I will support the Obey-Gephardt-Bonior amendment, I regret its exclusion of a significant part of the Government's expenditures from its coverage.

Again, because I believe decisive, some would say drastic, action is necessary, if Gephardt-Bonior-Obey fails to receive the support of two-thirds of my colleagues support, I will support the Stenholm amendment, which I like less because of its requirement for votes of 60 percent of each House to take certain fiscal actions.

If the Stenholm amendment ultimately passes, I will urge the Senate and the conference committee to modify it to make it more workable and more precise, before it is ultimately considered for final passage and transmission to the States.

I am well aware that the sponsors of that amendment are attempting to preclude that opportunity. I hope they fail in that effort. This is a serious step we take, requiring, it seems to me, the most serious consideration at every step of the way, including the conference committee.

Mr. Speaker, as I have told many of my good friends who have asked my view of the balanced budget amendment, I have a great fear that my 5-year-old grandchild's inheritance, and that of her contemporaries, is being robbed by our generation, not just by those of us who sit in this House or those who sit in the Senate of the United States, but by all Americans who expect to "buy now and pay later." That time is up. It is immoral for us to do so. It is as, well, irresponsible and unfair.

A recent GAO report referring to the budget deficits has said that "inaction is not a sustainable policy." The American people agree; and agree emphatically.

That same GAO report, Mr. Speaker, warns that "The economic and political reality is that the Nation cannot continue on the current path" and that "the sooner action is taken to bring the deficit under control and to make the composition of Federal spending more conducive to investment, the less the sacrifice and the greater the benefit."

The amendment will not be a substitute for action, nor a magic provider of courage, as Mr. PANETTA so aptly observed, but, no one should doubt that it will be a compelling mandate for those sworn to preserve and protect the Constitution. And, in addition, it is consistent with the observation made by Thomas Jefferson that:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequences as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves.

Because of that, when my name is called, I will vote for this constitutional amendment.

Mr. Speaker, I agree with those sentiments. And because I believe the President and we have not met our individual and collective responsibilities to both this generation and the generations to succeed us, this year I will support a balanced budget amendment.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, let me say to my friends, no two ways about it, this country is in desperate shape. The deficit is going to approach $400 billion this year. We have lost control of it. We cannot tax our way out of it.

Imagine trying to raise $400 billion in taxes in 1 year, 2 years, 3 years, 4 years, or 5 years. We cannot tax our way out of it. We cannot inflate our way out of it. Think about this. If we were to devalue our dollar to try to inflate our way out of it, it would probably cause a revolution in this country.

We cannot cut our way out of it. In this Government, this Congress, the administration and the Government of which I am a part, we do not have the guts or the intestinal fortitude to make the cuts that are necessary.

□ 1140

So if we do not pass this balanced budget amendment today, the basic Stenholm amendment, hopefully improved by the strengthening amendments, we are going to have a financial collapse

Now, how does one occur? What is the only thing that holds financial markets together? It is confidence.

Do Members remember what happened on October 19, 1987, when we were in a lot better shape, for no apparent reasons, and no one has really been able to put their finger on the reason yet. All of a sudden the Dow started going down. And when the bell rang at 4 o'clock, she was down 508 points.

The next day, when the market opened, it continued to go down. And at 11:30 on October 20, 1987, Big Blue, the greatest stock in the world, quit trading.

The same thing can happen to us with the lack of a balanced budget amendment. Any Monday, one of these Mondays when the Treasury goes in there to refinance its debt, something is going to happen in Tokyo, maybe a rumor in France, a bad word in London. There are going to be no bidders.

We are going to try to refinance that $40 billion of debt and pay off those security holders whose debt securities are coming due to cover those checks that were written the previous week, and it is going to be Katie, bar the door.

All those checks that had been written and sent out, they are going to start bouncing and flipping all over the place. We are going to have a financial meltdown in this country.

A lot of people may sneer and say, "It can't happen." Remember back what happened on October 19 and 20, 1987, just so recently, when we almost had a financial meltdown in this country.

So I am going to vote for those amendments which strengthen the basic Stenholm amendment, and I am going to vote against Gephardt, which is nothing more than a killer amendment. And for gosh sakes, for all America, for the health and wealth and the future of our country, vote against Gephardt and for whatever we come out with hopefully Stenholm strengthened.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from New York [Mr. SOLOMON] has 8½ minutes remaining, the gentleman from Texas [Mr. STENHOLM] has 11 minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY], the chairman of the Committee on Rules, has 16 minutes remaining.

Mr. STENHOLM. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I rise in very strong support of the rule and for the constitutional amendment to balance the budget proposed by the gentleman from Texas [Mr. STENHOLM].

Mr. Speaker, I have been in the U.S. Congress now for 4½ years. I remember so well running for the U.S. Congress just 5 years ago. I endorsed the constitutional amendment to balance the budget at that particular time because I felt like we needed it. We did not have $400 billion deficits just 5 years ago, and we did not have this outrageous spending that we have today, and I feel that much stronger than I have ever felt that we must move in that direction.

Mr. Speaker, we must move in that direction, because we are not controlling spending. The executive branch, they have never proposed a balanced budget. Neither has Congress enacted a balanced budget. We have had irresponsibility in both areas.

We also know that everything that has happened has not helped us at all. We know of the fact that we have not shown any constraint at all.

Every one of us, all 435 Members of the House of Representatives, every one of us has a different idea where to cut costs. We have some good intentions. We all want to cut costs, but we all want to cut costs in a different way.

And what happens? Nothing happens, and the budget deficits continue to climb. That is why when I am at home in Nashville, TN, in the Fifth Congressional District, and when I am at townhall meetings, and when I am with business executives, the message is the same: for God's sake, reduce the budget deficit.

Why do we need the balanced budget amendment? Because the American people do not have the confidence in the ability of the Federal Government—both executive and legislative branches—to address the Nation's fiscal problems. Who can blame them? This Government has not balanced an annual budget since 1969.

If we fail to pass a balanced budget, our standard of living, our schools, our infrastructure, our transit systems, our way of life, are in jeopardy.

Our inability to enact a balanced budget from one fiscal year to the next threatens the U.S. potential for economic growth and—just as important—it hinders us from addressing the serious societal problems we face.

Some have argued that the enactment of a constitutional amendment requiring a balanced budget would jeopardize the Social Security trust fund because Congress would loot the trust fund to reduce the deficit. Nothing could be further from the truth. First, there is nothing in the Stenholm amendment that says that we have to raid the Social Security trust fund to balance the budget. However, if any Member proposed to dip into the Social Security trust fund I would vote against it faster than you can blink an eye.

Second, if we continue with business as usual, with deficits hovering around $200 billion, we must ask ourselves what can we do to correct the problem. And what we can do to correct the problem is to pass this balanced budget amendment, support the Stenholm language, and move us in the direction of economic stability and strength once again.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the honorable gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget.

Mr. PANETTA. Mr. Speaker, we are about to embark on what I think is the most important and serious debate that the House of Representatives can engage in, which is whether or not we are to amend the Nation's most sacred document, our Constitution.

This is a very serious step. It involves obviously implications for the interpretation of this amendment, as well as our court system, as well as the potential for a constitutional crisis. And for those reasons, this is a most serious debate.

We are now talking about the rule to consider that kind of constitutional amendment. It would seem to me that such a rule ought to provide for very open debate. It ought to allow for amendments and consideration of all substitutes. It certainly ought to allow for discussion of enforcement of this kind of constitutional amendment.

Let me share with Members my greatest fear here. My greatest fear is that this amendment does not represent change at all, and that the American people will understand that. That, in effect, what we are doing is relying on the same old gimmick, the same old scam, which is to adopt an amendment that does not involve serious choices in order to convey a message back to our constituents that somehow we are really serious about balancing the budget.

I have looked at this amendment, and I urge all Members to look at the amendment. There is nothing in the amendment that says how we get to a balanced budget. Nothing in here says that. The only way you get to a balanced budget is to make tough choices on policies.

□ 1150

I had urged the authors of this amendment to allow us to debate policy decisions, to debate enforcement at the same time that we debate this constitutional amendment. That is the way to deal with this issue.

The answer was no, no. We want to talk about the constitutional amendment, but we do not want to talk about the policy decisions. We want to talk about the constitutional amendment, but we do not want to talk about enforcement.

Does that not say something to the American people about whether or not this is real, when the authors want to talk about a constitutional amendment but they do not want to talk about the choices that we need to make in order to truly balance the budget?

Second, if we are going to deal with an amendment, should we not know what is in that amendment? We have not seen a finalized copy of this amendment in the RECORD until today.

There are six major changes in this amendment from the one that was proposed by the gentleman from Texas—six major changes. Is that the way we are going to change the Constitution, is to sneak into the RECORD six changes that involve judgments about whether or not we can determine receipts and outlays?

Let me just mention one, section 6:

> The Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts.

That means this is not a balanced budget amendment, if we are going to rely on estimates of outlays and receipts. We could end up at the end of the year being out of balance and not in violation of this amendment.

In addition to that, it requires that the Congress pass what? Legislation to implement it. If I have heard it once, I have heard it 1,000 times: "We don't want to rely on legislation. We want to rely on the Constitution, because legislation doesn't work here."

And yet what do we have here, an amendment that depends on legislation to make it work. For goodness sakes, this is changing the Constitution of the United States. Let us do it with care.

We are about to embark on this debate without a full debate on policies and choices, without the full opportunity to be able to consider enforcement and other options and without equal time divided between both sides.

Those who argue for a constitutional amendment argue that this is the ultimate answer for guts, for spinelessness, for the budget, for the future, and for our children. This is a bad way to start off that kind of debate.

For that reason, I intend to oppose this rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding time to me.

I proceed along this constitutional amendment path very deliberately, very cautiously. I do not rush to the Constitution with amendment pen in hand just for the sake of amending this time-honored document. But this Congress and this country is in financial distress, Mr. Speaker. And we are in this precarious position because the Congress of the United States lacks the resolve, lacks the discipline to get our fiscal house in proper order.

We have not come to this precipice overnight. For many years this Congress has been content to collect $5 million, spend $10 million, and then ask incredulously why we are plagued with deficits. How long, oh, how long can we continue to walk this delicate line? Not very long, I fear.

As we pursue this constitutional amendment course, admittedly we are assuming some risks, but I believe we have no other choice.

Some opponents hoist their flags of fear by claiming such an amendment will be detrimental to Social Security. This is the fear tactic approach at its lowest level.

This amendment, Mr. Speaker, will in no way adversely affect Social Security. And if it did, I would abandon my support thereof.

A country music singer some years ago recorded a song depicting the free and easy life, which included a daily diet of free bubble-up and rainbow stew. My colleagues, the days of free bubble-up and rainbow stew are about to come to an end.

To prepare for this day of judgment, we need to be armed with some sort of defense.

We obviously lack the discipline to correct this problem upon our own motion. Nothing less than a constitutional mandate will suffice, in my opinion.

I am willing to assume the risks involved by casting my vote in favor of the balanced budget amendment.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I agree with both the gentleman from Massachusetts, Chairman MOAKLEY, and the gentleman from California, Chairman PANETTA. This is a lot of rhetoric.

It would be a real amendment if it said Members are personally liable for any moneys that were spent over and above our receipts. It does not.

Now Members could go home again, like they did with Gramm-Kemp, Gramm-Latta, Gramm-Rudman, Gramm-Bankrupt, and all those Gramm deficit programs and say, "I voted to balance the budget."

Let us get off it. The American worker is telling us quite clearly today, "Take your balanced budget amendment and shove it up your deficit."

They are saying, "Do your job. You have enough laws on the book. Stop the illegal trade, incentivize the Tax Code, reform the policies that are sending our jobs to Mexico and Singapore, give America a chance."

Our Government is structurally bankrupt. No one in Washington, nor America's Government, is listening except a little guy by the name of Perot. And while we are all laughing, he is going to clean everybody's clock. Because, my colleagues, no law can accomplish what a bunch of lawmakers do not have the courage and will to enforce. And this does nothing to balance the budget of our country.

My colleagues may not agree with me, but I am going to say it again: Stop paying for the defense of Japan and Germany, stop paying all this foreign aid, stop these policies that are sending our jobs to Mexico and Singapore, incentivize our Tax Code to recycle American dollars and invest in America.

We will balance the budget, not just with restraints that say "Cut spending or increase taxes." My colleagues, this amendment says, "Increase taxes." We will do more to balance the budget by creating jobs than we will do with these political speeches that will be made subsequent to this debate today.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am interested in this rule. For one thing, it brings forward some of the most important measures that we could possibly deal with and says they are unamenable. For each individual amendment, it is a completely closed rule.

None of these constitutional amendments, none of these extraordinarily important proposals are subject to amendment at all.

I think that is in error. It is, of course, also an inconsistency that is of deficit proportions.

For Members on the Republican side to be supporting this rule which says that none of these constitutional amendments can themselves be subject to any amendment really does underline how idle have been some of their arguments previously about closed rules. None of these amendments is subject to amendment.

There are very controversial provisions. For example, I am told in the newest version that has been brought forward, and the chairman of the Committee on the Budget tells me we just got to see this late yesterday or early today, under the proposal of the gentleman from Texas and others, if we want to raise spending for national security, it takes a majority. If we want to raise spending for anything else, it takes three-fifths.

□ 1200

In other words, if the Members wanted to send some more troops to Western Europe, they would only need a majority, the same as they do now. If they wanted to do unemployment compensation, it will take three-fifths. It will constitutionalize the bias in American policy in favor of overseas spending.

Now, if it was national security narrowly defined, it would not be debatable, but national security has meant troops in Europe. Aid to Russia is justified, not as an act of pure charity, and I think there is a case to be made for it, but under the constitutional amendment, if adopted, if we want to unbalance the budget by sending a couple of billion dollars of food aid to Belarus, the Ukraine, and Kazakhstan, we could do it by a majority. But if we wanted to deal with the problems of communities in America faced with a crushing burden under the Clean Water Act and needing help in building sewers, if we wanted to deal with unemployment compensation, if we wanted to do something about middle-income children trying to go to college without breaking themselves, it would take three-fifths. No domestic program would qualify for that majority. Only programs in which we had substantial spending overseas, which are justified as national security, would be there.

Members have a right to say we want to give a constitutional edge to the overseas spending that I believe has been the most serious cause of our problems, but why do they bring forward a rule that says we cannot even deal with that? Why should not that be subject to amendment?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I have a lot of respect for the gentleman. The Committee on Rules and the majority leadership could have brought out a rule at any time and done exactly what the gentleman is asking for. They refused to do it, and the gentleman from Texas [Mr. STENHOLM] had no choice but to pursue the course he did.

Mr. FRANK of Massachusetts. Mr. Speaker, I would ask the gentleman for 1 additional minute.

Mr. MOAKLEY. I yield 1 additional minute to the gentleman from Massachusetts.

Mr. SOLOMON. If the gentleman would yield, I would ask him, is that a fact?

Mr. FRANK of Massachusetts. No, Mr. Speaker, I agree with the gentleman. That is true. They could have. What the gentleman from New York has said is, he will act, when he has a chance, the same way as the Committee on Rules, and I did not say that was a bad thing in and of itself. All I said was, it undercuts the indignation with which the gentleman occasionally clothes himself in these debates. What he has said I subscribe to.

Mr. SOLOMON. I thank the gentleman.

Mr. FRANK of Massachusetts. All the gentleman has done with this rule is what the Committee on Rules would do with that rule. But I would ask the gentleman to remember that it cannot be good for 1 day only. This is not a going out of business sale, this is a statement of principle. If these closed rules the gentleman says are okay now, because that is what the Committee on Rules would do, spare us the indignation, the lamentation, and the weeping and rending of garments when the Committee on Rules does exactly what the gentleman is now justifying.

We are left with the fact that in the amendment to the gentleman from Texas [Mr. STENHOLM], three-fifths to increase domestic spending, a majority to increase overseas spending, under the guise of national security; not, I think, an appropriate thing to put in the American Constitution.

If the gentleman would continue to yield, I would say to the gentleman this rule is four times fairer than yesterday's unemployment rule, which allowed no amendments. This allows four.

Mr. STENHOLM. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Speaker, it is a fact. This year the Federal Government will spend more in interest on the national debt than we will spend on education, the environment, law enforcement, aid to the cities, and transportation. This is not fiscal policy, this is fiscal insanity.

The enormous Federal deficit is devastating our children's future and mortgaging our economy. The deficit is economically and morally wrong, and it is time to do something about it. It is time to pass a balanced budget amendment to the Constitution. The amendment is not a new idea, but it is an idea whose time has come. The balanced budget amendment is a modern-day bill of rights that will protect our children from being drowned in a sea of debt, a debt which they did not create but one which surely they will be forced to pay. We charge today, they pay tomorrow. That is wrong. In the real world, using someone else's credit card is called theft. In government it is called deficit spending. We cannot allow that double standard to continue.

Some would say that the budget amendment would trivialize the Constitution. I would suggest that a $4 trillion deficit can only be considered trivial by those willing to pass the buck to the next generation.

Some would say that the constitutional amendment might create a constitutional crisis. I would suggest that the experience of 49 States convincingly proves otherwise.

Some would say that perhaps a change in process will not change policy. I would suggest that is naive. Just look at the dramatic effects we have had by changing the base closing commission. If process is unimportant in this House, why is a seat on the Committee on Rules such a coveted assignment?

Some would say, "All we need is a little more political will." I would suggest that type of wishful thinking has failed for 23 years. The truth is that this process drives good people to make bad decisions.

Finally, in an effort to protect the status quo, some would even go as far as to try to terrify senior citizens into thinking that their Social Security would be taken away. I would suggest that is nothing more than a cruel hoax. In fact, the greatest single threat to the Social Security system is the huge Federal deficit which devours Social Security dollars, leaving nothing but IOU's in its wake for the elderly.

Our choice is clear. It is a choice of the status quo or a choice for change. It is a choice for a legacy of debt or a legacy of fiscal responsibility.

I urge Members to vote for this rule and for the Stenholm amendment, if not for ourselves, then for our children; if not for this generation, then for the next generation. The time for a balanced budget amendment has come.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the previous speaker made great sense up until the point where he talked about the coveted seat on the Committee on Rules. On the Republican side, we are drafted, kicking and screaming, and dragged up there and forced to serve.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, if the gentleman from New York wants to give up his seat on the Committee on Rules, I will be glad to take it.

Mr. Speaker, this is the most important debate we are probably going to face in our lifetime. Those who are paying attention today I hope will realize that this is a very significant time in Congress.

I would like to respond to two things that were said by my colleagues on this side of the aisle who oppose the Stenholm amendment and this rule. The gentleman from Maryland [Mr. HOYER] made some partisan comments, and I think this debate should rise above partisan politics. It is extremely important for the Nation and for future generations of this country. He said that the Presidents of the United States, the last two, have not submitted balanced budgets, and the responsibility for these terrible deficits lies at their doorsteps.

I do not want to make this partisan, but I do want to set the record straight. The fact of the matter is, when Ronald Reagan took office we were bringing in $500 billion a year in tax revenues. The top tax rate was cut from 70 percent to 28 percent, and because of that and other steps that were taken we are now bringing in over $1 trillion a year in tax revenues, in fact, close to $1.3 trillion. So the problem is not that we do not have enough revenue to spend, the problem is, we are spending too much. Spending is totally out of control, and that requires both parties, the Republicans and the Democrats, to work together to solve that problem.

The gentleman from California [Mr. PANETTA] indicated that this was a terrible step we were making without taking our time to think it out. We have been thinking about this for years and years and years. The gentleman from Texas [Mr. STENHOLM] has been working on this for I don't know how long, since I came to Congress. Today his dreams and our dreams are coming to fruition.

The fact of the matter is, this is not going to be done in a haphazard manner. It takes two-thirds of the House, two-thirds of the Senate, to pass it, and then it has to be ratified by three-fourths of the States. This is going to be scrutinized very thoroughly before it becomes a part of our Constitution.

Let us get at the real problem facing us. Spending is out of control. This chart that we have here shows just how bad it is. The last time we had a balanced budget was in 1969. If the Members will look at the chart, and I hope everybody in this Chamber and everybody in America who is paying attention will look at it, you can see those big red lines going down further and further and further. We now have a $399 billion, almost a $400 billion deficit this year alone.

Two years ago we had a $220 billion deficit and we were told if we raised taxes with a budget summit agreement by $181 billion, we could get control of the deficit. So what happened? This Congress and the administration worked together and we raised taxes on the backs of the American people by

$181 billion. What do we have today? A $400 billion deficit. The national debt has gone from $1 trillion 10 years ago, and it took us 200 years to get there, to $4 trillion 10 years later.

Can you imagine that snowball is getting so big so fast? It is hard to believe. We are like a railroad train going downhill at 400 miles an hour, and what is at the end of the tracks? A 10-foot solid concrete wall. Who is going to suffer? The young people of this country, the future generations.

It has been said on this floor already that one of the largest expenditures in the budget is the interest on the national debt. It is $316 billion a year.

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That is $7,500 for every family of four in this Nation. Every family of four, the interest alone is costing you $7,000 this year alone.

And what are we doing to the future generations? What kind of debt are we acquiring for them? In 1965 each American's share of the national debt was $1,666. Today, every man, woman, and child in this country is responsible for almost $20,000, $20,000 they owe to the Government just to cover the national debt.

The problem we have, my friends, is that nothing has worked. We have been working on this for years, and every single avenue we have approached to solve the deficit problem has not worked. We passed Gramm-Rudman-Hollings. It did not work. They said it had teeth in it, but it worked but for a very short time, and the deficit continued to rise unabated.

We proposed what was called the 4-percent solution a couple of years ago, I and some of my colleagues, and what it would do was limit the growth in spending to no more than an increase of 4 percent per year for the next 6 years. If we had passed that, economists tell us with a natural growth, a normal growth in the economy we would have had a balanced budget in 5 to 6 years. We could not even get that bill out of committee. It never saw the light of day.

We have tried everything in the book. We have fought every pork barrel project that comes to this floor. Last year amendments I supported cut $711 million out of Federal spending. It was not even a drop in the bucket.

So if we are going to solve this terrible economic crisis that we are facing, if we are to solve the problem that is facing the future generations of this country, we have to pass the balanced budget amendment. It is the only game in town.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I rise in support of the balanced budget amendment and the rule that gives Members of Congress an opportunity to go on record and make a clear statement of their position on Federal deficit spending, a clear statement of whether they favor the policies and practices that have brought us a $4 trillion debt and mortgaged the future of countless generations of Americans or whether they want change, want to force fiscal discipline on the Federal Government, and want to protect children from greedy ancestors.

A balanced budget requirement is a very simple concept. Some try to make it complicated, but it really is not. A balanced budget requirement says simply that if you want something, you have to pay for it. If you are not willing to pay for it, you do not need it. You cannot charge it to others. You cannot charge it to your children, and you cannot charge it to their children.

It is against the law to take someone else's credit card and charge purchases without his permission, but that is what we have been doing for the last 30 years. The Federal Government has had the credit card that belongs to our children, and over the last 30 years it has stolen them blind.

Mr. Speaker, this is not only bad economics, this is just plain wrong.

Mr. Speaker, the halls are filled with legions of lobbyists today fighting hard to kill the balanced budget amendment. Why? Well, the answer also is very simple. They want us to spend more money, money that does not belong to them, money that belongs to their children and to their children's children.

Mr. Speaker, these children do not have high-paid lobbyists, but they deserve representation in the halls of Congress, and they need protection. I ask my colleagues to vote against these special interests who are filling our halls today. Vote for our children. Vote "yes" on the rule and vote for the balanced budget amendment. It is the right thing to do.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I rise in opposition to the rule on House Joint Resolution 290. I signed the discharge petition to bring a balanced budget amendment to a vote on the floor of the House of Representatives because that was the only option available to move it forward. However, the rule under which we debate this bill does not allow for amendments to perfect the resolution. Amending the Constitution of the United States is very serious and we should be certain that the resolution we pass is absolutely essential and appropriate. I have just one major disagreement with the Stenholm amendment—the enforcement mechanism.

Currently, only a simple majority of both Houses of Congress is required to authorize and appropriate spending and to pay for it by borrowing rather than increasing taxes. This is what is called business as usual and results in ever increasing deficits and a national debt approaching $4 trillion. The theory of the Stenholm amendment is that by requiring a three-fifths supermajority to approve excess spending or increase borrowing, it would be more difficult to deficit spend and be easier to balance the budget.

I am not persuaded that the most efficient enforcement mechanism is to make legislating the very difficult decisions more difficult by requiring a supermajority. In fact, it is possible that the unintended result may be to further divide government into factions and giving special interests even greater power over the legislative process. Further, there is no guarantee that requiring a three-fifths supermajority to bust the budget will actually result in balancing the budget.

What happens under the amendment if our budget projections prove erroneous and we end a fiscal year with outlays exceeding receipts? Nothing. We are in violation of the constitutional amendment and presumably would have to increase the debt ceiling or the United States would be in default. Suppose we cannot achieve a three-fifths majority vote to increase the debt? We could raise revenues, but suppose we cannot achieve a majority vote to increase taxes? A constitutional crisis would arise which would require judicial intervention to resolve. The only way to avert the crisis is to build a coalition or supermajority necessary to take legislative action. Great power would lie with each factional special interest necessary to reach the crucial three-fifths majority needed to act.

The three-fifths supermajority created in the bill as an enforcement mechanism to force a balanced budget may in reality make it more difficult to agree on how to balance the budget.

I believe a more effective enforcement mechanism is already available within the Constitution and budget statutes—a majority vote of both Houses of Congress subject to veto of the President. The balanced budget amendment which I have filed, House Joint Resolution 504, relies upon a constitutional majority of both Houses to waive the balanced budget but requires approval of the President by allowing for a veto. Further, a real look-back provision requires Congress to balance actual receipts and outlays or face an automatic sequestration of outlays to eliminate a budget deficit.

I will vote in favor of the Stenholm amendment today because in spite of the risks created by a three-fifths majority rule, continuing to spend hundreds of billions of dollars more than we have is the greater risk to our future. We must act and act now. I urge you to vote "no" on the rule but to support the balanced budget amendment.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Texas [Mr. STENHOLM] will have the privilege of closing debate. He has 2 minutes remaining. The gentleman from Massachusetts [Mr. MOAKLEY] has 2 minutes remaining and the gentleman from New York [Mr. SOLOMON] has 1½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, we've heard almost every excuse in the book about why we should not enact a balanced budget amendment. And the opponents blame Presidents Reagan and Bush instead of themselves, for this hemorrhaging red ink.

Well, Members, when Mr. STENHOLM and I first came to this Congress, the existing tax structure was bringing in about $500 billion to the Federal coffers and Congress was spending about $550 billion.

Then came 8 consecutive years of solid economic growth, and 21 million new taxpaying jobs and hundreds of thousands of new big and small businesses that more than doubled revenues without raising taxes.

But while revenues doubled—from $500 billion to $1 trillion—spending by this irresponsible Congress nearly tripled to $1.5 trillion.

Mr. Speaker, that's how we got into this unconscionable sea of red ink. Congress did it. And Congress will continue to do it unless we enact this constitutional amendment; to force this Congress to do what the American people have to do—live within our means. For God's sake, please vote "yes."

Mr. DREIER of California. Mr. Speaker, today the Federal Government will spend $1 billion we don't have. Every day this year the Government of the United States will borrow $1 billion to spend beyond its means, shifting onto future generations the burden of paying for our excess. By year end, we will have added another $400 billion to our $3 trillion national debt.

Mr. Speaker, these numbers are incredible. And yet, they are used so casually around here that I'm afraid they have lost their impact. The fact that we are passing on trillions of dollars of debt, with annual interest payments approaching $200 billion, should compel us to immediately put Government spending in line with revenue. Tragically, it appears that won't happen without the discipline of a constitutional amendment requiring a balanced budget.

Congress has demonstrated time and again its bias in favor of short-time political gains, at the expense of long-term responsibility. Statutory balanced budget requirements have been adopted, and routinely violated. We've had Gramm-Rudman in 1985, Gramm-Rudman II in 1987, and more recently, the 1990 Budget Enforcement Act, which promises a balanced budget by 1995. Regrettably, it seems that we will never achieve a balanced budget without constitutionally required fiscal restraint.

I understand the concerns raised by critics among the media, academia, interest groups, and many of my colleagues in this Chamber. We know what is in this resolution. But I, too, am concerned about what is not in the resolution.

For example, the resolution does not have a tax limitation provision, although the voting rules on a tax increase are changed. The voting base is changed from a quorum majority to the whole membership. A rollcall vote is required on each bill that would increase total receipts. I support Congressman BARTON'S amendment which states that total receipts may not increase at a rate higher than the rate of increase in national income without the approval of three-fifths of the total membership of each House on a rollcall vote.

The resolution does not include a definition of taxes. User fees could be the revenue gimmick of the next decade. Also, it limits spending, but does not address off-budget items and unfunded liabilities. For example, guaranteed loans are not expenditures, but grants and direct loans are.

Just as troubling, the resolution does not guarantee a balanced budget. It only requires that estimated outlays equal estimated receipts. In recent years, the actual deficit has exceeded the estimated deficit sometimes by as much as $100 billion. There is no enforcement mechanism to address this dilemma. Who are we going to put in jail if Congress does not comply?

In spite of these problems, Mr. Speaker, I have decided to support the resolution because it will have enormous economic benefits, and it is the height of cynicism to oppose it based on the conniving and irresponsible behavior of future Congresses.

The economic benefits of a balanced budget amendment include increased domestic savings, lower interest rates, increased investment, less reliance on foreign sources of capital, and improvement in our balance of trade, not to mention its impact on the economic future of our children. Every year we run a $200 billion budget deficit means another $7,000 or more in extra taxes that the average child will have to pay over a lifetime just to meet the interest payments on that 1 year's borrowing.

Mr. Speaker, Government resources needed to address current problems, and invest in our future, are being drained to make interest payments on the national debt. And future generations of Americans, who are unrepresented here today, stand to inherit not only our massive debt, but a weakened U.S. economy, and a lower standard of living.

As Thomas Jefferson said:

> The question of whether one generation has the right to bind another by the deficit it imposes is a question of such consequences as to place it among the fundamental principles of government.

I agree, and I believe the balanced budget amendment represents a statement of principle worthy of inclusion in our Constitution.

Recently, I met with former Budget Director Roy Ash and I would like to enter into the RECORD some important concerns on this issue.

STATEMENT OF ROY ASH, JUNE 2, 1992

The public's infatuation with Ross Perot and Congress' overeager embrace of a constitutional amendment to balance the federal budget spring from the same troubled waters—deep seated frustration with the workings of government. In desperation, each of these responses is the call for an heroic "Hail Mary play" to break the impasse.

Both proponents and supporters of such acts of desperation undoubtedly hold sincere visions of the results they intend to achieve. But these visions are understandably idealized. Not considered are the almost certain, and serious, unintended consequences that will be unleashed, certainly by amending the constitution to balance the budget.

Let's consider just two of these unintended consequences concerning the budget. Senator Simon's bill, S.J. Res. 18, would require that annual federal "outlays" (cash paid out by the government) not exceed "receipts" (cash received) for that year. That would seem a clearcut way to balance the budget. But what else would it do, even though unintended?

The government pays out its cash to meet obligations incurred by earlier actions, sometimes years earlier. Such liability-incurring actions would be the issuance of bonds requiring life-of-bond interest payments, the purchase of airplanes to be paid for when delivered, commitments to make Social Security payments, guarantees of international obligations, etc., etc. But what will happen under the proposed amendment when the bills for these commitments become due and previous outlays during the year have already "used up" all the year's receipts? Is government bond interest not to be paid? Will aircraft builders be told to keep their planes, there's no money? Will Social Security recipients be told, "we're sorry", maybe next year"?

By this well intended constitutional amendment, we will have made all financial obligations undertaken by the U.S. Government merely contingent ones, to be paid if and when cash is available! And since cash is paid out months and years after the legal liabilities are incurred, who can tell at the time of obligation whether or not the budget will balance in future years and cash will, in fact, be available? The creditors will be required to take that risk. Thus, with adoption of this amendment, we will have dealt a serious blow to one of this country's basic secrets—the inestimable value of its sovereign full faith and credit. Concerned as we are by Congressional members writing a few thousands of dollars of checks with no money in their personal accounts, will they now write billions of dollars of uncovered checks on the nation's accounts?

Then, there is the House version of the proposed amendment, H.J. Res. 290. It would require that at the beginning of each year the President and the Congress agree on a level of expected receipts for that year and limit outlays for the year to those expected receipt levels. Suppose the President and Congress don't agree; it wouldn't be the first time. One may want to raise taxes and spend more; the other may want to reduce spending or even reduce taxes. Nothing, even the constitution, can force them to agree. Has the Congress or has the President violated the constitution? Who goes to jail, so to speak, for the offense of not agreeing? This is just one of many bases for court intervention if the amendment is adopted.

The very imbedding of any principle in the Constitution not only opens the way for, but invites, open-minded litigation in the federal courts. Will the federal courts, including the Supreme Court, become the country's budgeteers? In addition to the Administration's Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) will we now have an SOB (Supreme Court Office of the Budget) making fiscal policy for the nation? If so, the federal district courts and Supreme Court would be determining tax policy, i.e., who pay taxes, what kind and how much, and spending policy, i.e., which federal programs would be canceled and which kept and at what levels. (A special court staff of not over 500 people would probably be sufficient to do the job.)

These two possible unintended consequences, alone, are enough to reject outright the idea of a constitutional amendment. And there are other equally troubling possibilities, ranging from unintended effects on our defense capability, to the likely prospect of regulatory spending, i.e., requiring business to spend directly for programs (such as for medical costs) that otherwise would be paid by government, to the greater relative ease of raising taxes rather than reducing expenditures as a way of achieving budget balance. Furthermore, as those of us who have been in the business know very well, any amendment in the arcane field of budgeting can be circumvented by so many technicalities that the Constitution of the United States itself will have been trivialized.

So let's save the Constitution; let's save the best credit rating in the world; let's save our courts from an impossible task; and in the process save the American people from the unintended consequences of a well meant idea.

□ 1220

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes, of the remainder of my time, to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I have to comment on the remarks of the gentleman from New York.

We too frequently flail only the Congress for our Governments shortcomings in restoring fiscal responsibility. This is a shared responsibility.

If you look at the States where some fiscal sanity reigns today, what do you have? Governors who lead, chief executives who provide leadership in this area, and legislators who work with those chief executives. We need that here. We have not had that here in the 10 years that I have been a Member of this body.

I have been talking with a number of our colleagues in the last day regarding some of their concerns about the Stenholm amendment. I want to address a couple of those concerns at this time.

One is that we should not address economic issues in the Constitution. Well, let me just say that a long time ago, 200 years ago, Thomas Jefferson said that if he could make one change to the Constitution it would be to inhibit or prohibit borrowing by the Government.

Further, we have in the Constitution already provisions for the treatment of interstate commerce, for taxation, for appropriations, for property rights, and for coinage, to mention a few. Those are, I believe, economic matters. They are appropriate in the Constitution as is our amendment.

The second concern that has been raised is with regard to Social Security. I believe that we should not open a loophole in this amendment big enough through which we can drive exemptions for literally every single entitlement program. That is not what we want to do. For those of us who want to protect Social Security, we may do that. We may continue existing law by including in any statutory enforcement package that we adopt a preemption from sequestration for Social Security. If you think that Social Security should be exempted from sequestration, simply, vote with us on the enforcement statute to do that.

Let me close by addressing enforcement statutes. Will we need one if we pass this amendment? You bet we will. The vote tomorrow on this amendment is not the last vote. It is one of the first critical votes in terms of racheting down the deficits in the years ahead.

The gentleman from California [Mr. PANETTA] and others will offer to us an enforcement package which is being crafted already. It is imperative, it is imperative that those of us who support this balanced budget amendment support his efforts with the same sincerity and enthusiasm with which we are supporting the balanced budget amendment.

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that I may reclaim the 2 minutes I yielded back.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Massachusetts?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, with all due respect, and I have great respect for my friend, we were yielded half of the time, and we had that right to close with our half of the time. It would be unfair. The gentleman should have used time and allowed us to close.

Mr. Speaker, I would have to object to the gentleman's request.

The SPEAKER pro tempore. Objection is heard.

Mr. STENHOLM. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 326, nays 91, not voting 17, as follows:

[Roll No. 181]

YEAS—326

Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Boucher
Boxer
Brewster
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Camp
Campbell (CA)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Ewing
Fawell
Feighan
Fields
Fish
Flake
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hyde
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kasich
Kennedy
Kleczka
Klug
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Luken
Machtley
Manton
Markey
Martin
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Olver
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Parker
Pastor
Patterson
Paxon
Payne (VA)
Pease
Penny
Peterson (MN)
Petri
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius

Sawyer
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—91

Abercrombie
Ackerman
Andrews (ME)
Annunzio
AuCoin
Beilenson
Berman
Blackwell
Borski
Brooks
Cardin
Clay
Collins (MI)
Conyers
Cox (IL)
Coyne
Dellums
Dicks
Dingell
Downey
Durbin
Dwyer
Edwards (CA)
Evans
Fascell
Fazio
Foglietta
Frank (MA)
Gejdenson
Gonzalez
Hayes (IL)
Hertel
Hughes
Kanjorski
Kennelly
Kildee
Kopetski
Kostmayer
Lehman (FL)
Lewis (GA)
Lowey (NY)
Marlenee
Matsui
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nagle
Neal (MA)
Obey
Olin
Orton
Owens (NY)
Panetta
Payne (NJ)
Pelosi
Perkins
Peterson (FL)
Pickett
Rangel
Richardson
Roybal
Sabo
Sanders
Savage
Scheuer
Schroeder
Schumer
Serrano
Slaughter
Smith (IA)
Stark
Stokes
Studds
Swett
Swift
Synar
Torres
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Weber
Weiss
Yates

NOT VOTING—17

Allen
Anthony
Bonior
Byron
Campbell (CO)
Davis
Dymally
Hefner
Hoagland
Hutto
Inhofe
Ireland
Levine (CA)
Livingston
McDade
Nichols
Wheat

□ 1250

Messrs. WEISS, PETERSON of Florida, EVANS, and SAVAGE, Mrs. COLLINS of Michigan, and Messrs. COYNE, KOPETSKI, SCHUMER, and ABERCROMBIE changed their vote from "yea" to "nay."

Mr. ALLARD and Mr. SLATTERY changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 442. Joint resolution to designate July 5, 1992, through July 11, 1992, as "National Awareness Week for Life-Saving Techniques"; and

H.J. Res. 445. Joint resolution designating June 1992 as "National Scleroderma Awareness Month".

The message also announced, that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2507) "An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes."

The message also announced, that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1306) entitled "An act to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes."

The message also announced that the Senate has passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2703. An act to authorize the President to appoint General Thomas C. Richards to the Office of Administrator of the Federal Aviation Administration; and

S.J. Res. 273. Joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week".

The message also announced, that pursuant to Public Law 102-240, the Chair, on behalf of the Republican leader, appoints Mr. Ed Hamberger of Maryland and Mr. Robert Krebs of Illinois, as a member of the National Commission on Intermodal Transportation.

PROPOSING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR A BALANCED BUDGET

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 450, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 290.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 290 proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation, with Mr. THORNTON in the chair.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

Pursuant to the order of the House of Thursday, June 4, 1992, the gentleman from Texas [Mr. BROOKS], or his designee, the gentleman from Missouri [Mr. GEPHARDT], will be recognized for 3 hours; the gentleman from New York [Mr. FISH] will be recognized for 3 hours; and the gentleman from Texas [Mr. STENHOLM] will be recognized for 3 hours. The Chair will attempt to rotate recognition in a manner mutually agreeable to the managers.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today and tomorrow, we will have an important and I hope constructive debate about the Constitution, our fiscal problems, and our responsibilities as leaders of a country that is being buffeted by the complexities of a new world. We are living in an era of change as vast as that which greeted Truman following the end of World War II. The fight against communism, the central operating principle of government for the last 45 years, is over.

The Berlin Wall is down. The bipolar world is gone. The economy is global. New economic superpowers have arrived, and are arriving, to our east and our west. The age of presumed prosperity is behind us, and much of our economic strength is depleted.

Our capacity to respond to these changes and challenges is handcuffed by an enormous and growing enslavement to deficit spending.

So, we need to talk today and tomorrow about how we got into this mess, and how we're going to fix the problem.

In the years following World War II, the American economy was the envy of the world. It produced goods and services and food in abundant quantities. Our economy funded a humane public agenda that raised the incomes and aspirations of a growing middle-class and improved the lives of the underclass. We had problems from time to time, but we grew and we produced jobs and we created opportunity.

In contrast to the arguments of the Republicans, Government spending and indebtness was not—was not—out of control prior to President Reagan.

Virtually every year since 1948, government debt as a percentage of GNP went down; it shrank from a high of about 90 percent to a low in 1980 of about 27 percent. Throughout those years, and throughout the 1980's, Congress appropriated less than what nine successive administrations requested. But something happened in 1981 that drove Government debt as a percentage of GNP back into the stratosphere. What happened in 1981 was the enactment of Reaganomics, and it had the predicted and predictable effect of driving this country to the brink of bankruptcy.

Democrats warned in 1981, as we have warned every year since, that a day of reckoning would confront this country.

We warned that excessive tax cuts for the rich, wasteful military spending, and neglect of the middle class would someday combine to diminish our abundance and dampen our prospects.

We warned that high deficits, reduced investment in public works, huge trade imbalances, and a stagnant standard of living for middle-class people would hurt us not just individually but nationally. We lived a paper prosperity and existed on fool's gold.

Our predictions about Reaganomics, unfortunately, have been more than borne out.

Since the Republicans took over the White House, our national debt has more than tripled, despite repeated promises by candidates Reagan and Bush that they would balance the Federal budget.

Our national debt now stands at $4 trillion. Servicing this debt requires interest payments of $300 billion per year.

This is money that could be better spent on increasing our competitiveness, fighting hunger and homelessness, sending our kids to college, fighting crime, and countless other important tasks.

Because of our large deficits and weak economic performance, companies are having trouble finding the capital to finance their operations at attractive rates.

Industry after industry is seeing some of its brightest stars either looking overseas for financing or falling prey to foreign investors who are shopping around for bargains. Productivity, economic growth, and job creation are at record low levels in the post-World War II era.

We have seen America's position as the world's largest creditor erode to that of being the largest debtor.

During this period, we have amassed more than $1 trillion in merchandise trade deficits—with no real end in sight.

Our budget and trade deficits have increased our appetite for foreign capital to keep our economy afloat. In excess of 30 percent of our long-term bonds and notes are purchased by foreigners at our Treasury auctions. These are sales we make from a position of weakness, rather than from a position of strength.

We are now incapable of strengthening the economic fiber of our country—in areas like education, job training, and research—and meeting our obligations overseas.

This may suit a President without a domestic agenda, but now even a foreign policy presidency cannot command the resources required for America's role in the new world order.

During the 1980's Democrats tried to preserve the Nation's priorities as our resources diminished and Presidential leadership evaporated. Two recessions, a savings-and-loan crisis, and slow economic growth added billions in deficit spending even as we cut essential services to the American people.

Disingenuously, the supply-siders called our dark predictions: "politics."

And now, like Claude Raines in "Casablanca," some of the most ardent supporters of Reaganomics find themselves shocked, shocked that deficits could be so high.

But the truth is different: They knew the consequences all the time, and they decided to cover them up.

In June 1981, amidst the negotiations over the Reagan tax cut, Dick Darman and David Stockman paced the parking lot near the West Executive Office Building. According to Mr. Stockman's book, Mr. Darman said: "I don't know which is worse, winning now and fixing up the budget mess later, or losing now and facing a political mess immediately."

Darman answered his own question: "Let's get at it. We win it now, we fix it later."

"In the end," Stockman writes, "we chickened out." And now the chickens have come home to roost. Our country cannot function with an annual $400 billion deficit, and in these extraordinary circumstances extraordinary measures are required. Now Congress will consider a constitutional amendment requiring the President to submit, and Congress to enact, balanced Federal budgets.

If the amendment is ratified, the Constitution will return the finances of Government to a condition that existed until the 1970's; there will be a rebuttable presumption in good economic times that we should spend no more than we take in.

If a balanced budget constitutional amendment is to be adopted, it must embody the right policy, it must require Presidential leadership, it must protect Social Security, and it must preserve the principle of majority rule.

Our balanced budget amendment, by embracing these values, represents a far better, more thoughtful and effective approach than any other existing proposal.

And it establishes a basic contrast between congressional leaders, who care deeply about the fiscal condition of the country, and the thoughtless profligacy of President Bush.

I have opposed amending the Constitution in this way, even as I have worked with my colleagues to reduce the deficit.

Following the budget summit, where we actually reduced future indebtedness by nearly $500 billion, only to see the deficit rise further, I concluded that we need the moral color of constitutional authority to get this job done.

Adoption of a well-drafted amendment, and an effective enforcement tool, is a necessity, however difficult, if we hope to restore our books to balance and preserve opportunity for our children.

Our amendment alters a two-century-old formula, written by the Founding Fathers, that gave Congress exclusive control of the purse strings; this is a power and responsibility that must now be shared equally with the President.

There is no more important, yet less understood, element of my amendment than the provision which protects Social Security.

And there is no more powerful opinion expressed by the so-called fiscal realists than the idea that the budget cannot be balanced unless Social Security is brought into the mix. Those who repeat this myth remind me of the saying: "The trouble with people is not that they don't know but that they know so much that ain't so." It ain't so.

There are a number of credible scenarios for balancing the Federal budget without cutting Social Security benefits. And there are a number of persuasive and powerful arguments for ensuring that we follow this course.

Social Security represents as important a compact with the elderly as interest payments represent to the holders of Treasury debt.

This is a unique, self-financing, pension insurance program. It enjoys universal support, because every American holds the card. They pay in because they have been guaranteed benefits, and the trust and support they bring to this program should not be based on an ephemeral commitment.

Their trust flows from the fact that this program has performed as promised; we have virtually eliminated impoverishment as the inevitable result of aging because we have stood by this program and made it stronger.

Twice during my tenure here, we have raised Social Security taxes and cut Social Security benefits—not to balance the budget, but to ensure the solvency of the program.

Elderly people who depend on Social Security stood by these reforms because these changes were devoted to stabilizing the program. What they cannot abide, and what we should prevent by this amendment, is the use of the trust funds to accommodate the mistakes of the fiscal mismanagement of the 1980's.

Let me remind you who this program serves by telling you a story I will never forget. Not long ago, I participated in an event in my district during which a room filled with seniors in my district were served a nourishing lunch. These people weren't poor, and they were proud. They are members of my mother's generation—veterans of World War II and the Depression.

They told me stories of their worry and their concern about meeting prescription drug bills on a monthly Social Security benefit that must also accommodate rent and energy bills. Some of them wrapped food from the lunch table with napkins so they wouldn't have to spend money for dinner.

I overheard two gentlemen in the restroom talking about pooling their pocket money so they could share a dinner for one at a local restaurant that offers a weekend special.

I think we should recognize their struggle and honor their dignity, and we reject the argument that exempting Social Security represents pandering to an interest group.

Balancing the budget under any circumstances will be difficult, but I think we have to find a way to do it without denying hope and sustenance to the senior citizens of this land.

Let me conclude with these thoughts. This country has made tough decisions before. This country is too great and too important to let it slide further. We must embark on an unprecedented change in our country's priorities. Military spending must be dramatically cut, but jobs must be found for the workers who built our weapons and new uses must be found for the factories which forged them.

The Tax Code must be revamped, made more progressive, and changed to collect more revenue.

Government spending programs must be cut and then altered to reward results. Agencies and ideas devoted to cold war aims must be honored and then retired. We need a total, national commitment to embracing the new world, and then conquering it—for all the good America can provide as a partner and as a leader for positive change.

But the truth is this: We can never seize command of this defining moment until we reconcile our finances. The balanced budget amendment can become the driver, the spark, the impetus for the changes we know we must make. That is why I have introduced an amendment, and that is why I will urge my colleagues to support it when we vote on this issue tomorrow.

□ 1310

Mr. Chairman, I reserve the balance of my time.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Chairman, I have seldom heard such a disappointing beginning to such an important debate. We have heard very little about the pros and cons of a constitutional amendment, and we have heard very little that has a basis in fact about why it is needed.

Indeed, the distinguished majority leader, in the process of trying to blame Republicans and Presidents Reagan and Bush for problems which he knows were not at their feet, has contradicted himself at least once. At one point he appeared to say that this problem began in 1981 with Reaganomics. At another point he talked about the presumption, which existed and, indeed, it did prior to the 1970's, that budgets in good times should be balanced.

I say to my colleagues, we cannot have it both ways. We have analyzed this in the Committee on the Budget. And while there may be disagreement about what should be done, there certainly is no disagreement about the fact that the principal reason we have a budget that is spiraling into deficit and getting worse year after year is the portion of the budget, the so-called entitlements, which are not subject to annual appropriation and review.

Indeed, and I find this amazes my constituents, two-thirds of the U.S. Government's budget is not even subject to annual review by the Congress. It is on automatic pilot.

One other point which I think worth mentioning that was not mentioned by the distinguished majority leader is that throughout this entire period of the 1980's, which he so roundly condemns, it was his party who ran this place. And Indeed, it is his party which currently has a 101-vote margin in the House of Representatives.

The distinguished leader on the other side pointed out that he, to use his words, "worked with my colleagues to reduce the deficit." Frankly, with friends like this, who needs enemies.

Let us talk about what happened twice last year and then again last night, the attempt to pass out of this House a needed bill for unemployment compensation without paying for it. What in the world does that do but to increase, not reduce, the deficit. And who led the fight to tear down the firewalls this year, the firewalls which assure us that any savings in defense are used to reduce the deficit, not to increase other forms of spending? And what is the next bill after this amendment is acted on which this House is likely to consider, a supplemental appropriation bill with several billion dollars of spending which again is not paid for, which only would increase the deficit.

Much was made, and I think properly so, about Social Security. It is an issue which deserves our attention. I am personally confident that what we heard can best and most fairly be described as just scare tactics.

Social Security is on a sound actuarial basis. Its condition is measured over a 75-year period. It is properly financed. It will be protected no matter what we do with regard to a balanced budget. But trying to listen carefully to what was said by the majority leader, I did have some difficulty trying to understand who speaks for the Democratic Party on the subject of Social Security.

Within the last 24 hours, the person that I assume is the leader of the Democratic Party in this country, their nominee for the office of President of the United States, has also spoken about Social Security. And he wants to increase taxes on Social Security beneficiaries. Is that the view of Democrats in this body? Is that their view of the future of Social Security? Is that the hidden agenda of their party when they try to talk about Social Security in the context of a balanced budget amendment?

I said at the outset, Mr. Chairman, that I thought that this discussion was off to a disappointing start. I would like to bring it back to the question of the constitutional amendment itself. I want to do so by addressing six basic questions. There may be other questions on Members' minds, but I think these are six which are on all of our minds.

First of all, who wants this amendment? For the past several weeks the distinguished chairman of the House Committee on the Budget, who opposes this amendment, has issued warnings about the severe spending cuts that would be required to balance the budget in 5 years and the kind of stern budgetary enforcement that would be necessary. That is proper. It is within the chairman's prerogatives. It helps to further the debate. I welcome it.

But I do want to urge upon my colleagues that they recognize that the chairman in this regard is not speaking for the full House Committee on the Budget. I hope that was clear from the "Dear Colleague" letter which was recently sent to all Members of the House, signed by a bipartisan majority of the House Committee on the Budget, 20 members of our 37-member committee who indicated that they will support this constitutional amendment. And I anticipate when the final vote is taken, the number may exceed the 20.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. GRADISON. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding to me.

Since he places great emphasis on a majority of the committee taking a position, I guess I would ask, when a majority took a position on a budget resolution, why did the gentleman then not support that budget resolution?

Mr. GRADISON. Mr. Chairman, in my view that was a meaningless budget resolution, and it was written in a way which was intended to cover up the fact that the chairman did not have a majority on the resolution. It did not offer us one budget. It offered us two. One with the firewalls, one without.

It was a very clever ploy. I understand that, and I respect the way in which the game was played, but in my view a straight up or down vote on that budget resolution would have shown in that case as well as in the case of this constitutional amendment, that the chairman, in all fairness, was not speaking for the committee as a whole.

Frankly, the views of the members of the Committee on the Budget are important here because if there is any group in this body that is willing to make the tough choices involved in dealing with the deficit, it is the members of that committee, including our chairman.

That is why we serve on that committee. But in my view, before we have a fighting chance of dealing with this, we have to pass this amendment first.

☐ 1320

My second question is, Is balancing the budget a good idea? We are not talking about an occasional deficit. The kind of situation that we have had occasionally might be tolerable. After all, during World War II we ran huge deficits and they were obviously justified, considering the stakes. This was also true during the Great Depression of the 1930's.

The problem today, however, is that our deficits are large and chronic, compared with the level of national savings. One reason for this, as recently noted by columnist Robert Samuelson, is that in the early 1960's peacetime deficit spending became philosophically acceptable. Before that time, administrations and Congresses avoided large deficits as a matter of course. Deficits were taboo. No statute or constitutional amendment required this prudent behavior. It was simply the tradition. But by the mid-1970's deficit spending had become the rule rather than the exception.

I repeat what I said earlier, this did not begin when Ronald Reagan was sworn in as President of the United States.

There are plenty of sound economic reasons for preferring balanced budgets, and they have been described many times and in many places, and I need not elaborate on them.

Deficits drain the pool of national savings which would otherwise be available for the investments that will provide for future economic growth and higher living standards. This means that standards of living will fail to rise as quickly, and may even decline, that interest rates will be higher, and that debt service will consume more and more of the budget, as it is doing today, thereby restricting the amount of resources that can be devoted to other needs. Finally, the Federal Government has committed itself to future obligations, and Social Security is the main one, that we will be unable to meet or have great difficulty in meeting if we continue on this current deficit path.

I want to stress this point, because some of the lobbies opposing this amendment have indicated that the amendment will force a reduction of Social Security and Medicare benefits. The reality is just the opposite. If these deficits continue, Social Security and Medicare will be put in very serious jeopardy in the long run.

My third question is, Can Congress balance the budget without an amendment? Sure it can. The gentleman from California, Chairman PANETTA, has drawn up three potential paths for getting us there. One may disagree with some of those paths, as I do, but they do lead toward balance. There are other ways to balance the budget, and I would expect, whether we approve this amendment or not, that we will begin increasingly, as we should, to focus on how to get us where we all want to be in 4 or 5 years.

My fourth question is, Will Congress really do it? Our recent experience, to say the least, is not encouraging. We had Gramm-Rudman-Hollings I and Gramm-Rudman-Hollings II a few years ago, and then gave them up. We had the 1990 Budget Enforcement Act, which was supposed to reduce the deficit by $500 billion over 5 years. I have not seen that happen. The deficit now is larger than it was when we took that action later in 1990.

In candor, most observers of the scene expect that that so-called 5-year agreement will collapse at the end of this year.

The conference report on the budget resolution recently approved was not very comforting, either. After Congress criticized the President for the deficit, as the majority leader just did, the congressional budget resolution approved by this House fails to stop the flow of red ink. In fact, in some cases—and defense comes immediately to mind—the resolution did not even indicate what spending path we should follow after the first year.

The fifth of my six questions is, Will the constitutional amendment get us a balanced budget? I think the only fair answer is, by itself, of course not. The amendment is simply a statement of principle, that principle being that the Federal budget should be in balance.

The final question: If that is the case, why should we have an amendment? Because that principle is important. Again, it might not matter if our attitude were the same as it was in the 1950's, when large deficits were avoided as a matter of course, but running chronic deficits destroys our political system, not just our economic system. This becomes clearer when we review how these chronic deficits came about.

As Herbert Stein has pointed out, the first warning came during the wind-down of the Vietnam war. This was the time when the term "peace dividend" first came into use. Stein served on a special task force of President Nixon's Domestic Policy Council that was assigned to figure how to allocate the peace dividend.

As it turned out, the money was already committed to a variety of domestic programs that were created or expanded during the Johnson administration. Most of these were entitlements. The Domestic Policy Council recognized this as early as 1969, leading DANIEL PATRICK MOYNIHAN, the Council's director, to say that the peace dividend was "as evanescent as the morning clouds over San Clemente."

Prof. Allen Schick has quantified this phenomenon. He notes that in 1964—the last year before significant Vietnam escalation—55 percent of the Government's outlays went for purchases of goods and services, 25 percent to transfer payments, and less than 10 percent to grants to States and localities. By 1975, transfer payments had grown to 40 percent of outlays, and grants to States and localities had grown to 15 percent. By fiscal year 1997, payments to individuals will be 60 percent of the budget.

This has occurred, and this point is often lost sight of, while defense spending has declined, as a fraction of both the budget and the economy, and defense has consistently declined—with only two brief exceptions—since the end of the Korean war; not the Vietnam war, the Korean war.

To put it simply, the growth of Government spending—and, hence, the growth of Federal deficits—is principally the result of domestic spending, mostly entitlement transfer payments.

Consequently, Americans now are routinely getting substantially more Government service—through domestic programs—than they are paying for. This distorts any reasonable choice between how much government Americans want and how much they are willing to pay for. It's like asking someone if they want to pay for the free lunch they've become accustomed to.

It also feeds the impression that the Government is separate from the present generation of Americans, because today's Americans are receiving significant Government services which will be paid for by future generations.

This amounts to a distortion of the political system as embodied in the Constitution. That's why asserting the principle of fiscal balance through a constitutional amendment is appropriate—because ultimately it is a political issue, as well as an economic one. It has to do with the balance of relations among generations of Americans, as well as between the Government and the governed. That is a balance of powers that the Constitution most fundamentally addresses—and it is a balance that would be further endorsed by this amendment.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we begin a debate of historic proportions. Tomorrow we will have the opportunity to conclude this debate with a vote of vision and courage for our children and for our grandchildren. I am confident that this body will accept the challenge to send to the 50 States a proposed amendment to the U.S. Constitution requiring a balanced budget. Let us truly let the people decide.

Part of the reason my confidence is bolstered today is the result of the vote we cast yesterday on H.R. 5333, which proposed yet another statute requiring a balanced budget. In the past when we have considered these meaningless statutory votes they have passed overwhelmingly, generally with a 400-plus vote, but yesterday we ended our wink-and-nod approach to fiscal irresponsibility, by a vote of 199 for, 220 against. We said that the crisis our country is moving toward if we continue to ignore our mounting deficits is too serious just to pretend to fix it.

I congratulate my colleagues for saying that they are ready to get serious about these votes. I am not surprised by the change of political sentiment this year, because I have seen new and renewed enthusiasm among our cosponsors.

☐ 1330

This year we have a record level of 278 cosponsors of House Joint Resolution 290, including 119 Democrats and 159 Republicans. There are 14 Members who previously voted against the amendment who now have become so convinced of its necessity that they are current cosponsors. There is a group of freshman Members, both Democrat and Republican, who have pushed this issue forward over the last hump of resistance.

But obviously, we did not get to this place overnight. Now Senator Larry Craig, Tom Carper, Bob Smith, and I have spent literally hundreds of hours with each other, with outside groups, with other Members during the past 8 years nurturing this language through the many evolutions to the point where we find ourselves today. We could not have developed this kind of internal support absent the leadership of Senator Paul Simon and our House colleagues, Olympia Snowe and Jim Moody, nor could we have reached the place we are today without the assistance of the balanced budget coalition led by the National Taxpayers Union.

I include for the Record a membership list of this coalition at this time.

The list referred to follows:

The Balanced Budget
Amendment Coalition,
June 5, 1992.

AN OPEN LETTER TO MEMBERS OF THE HOUSE OF REPRESENTATIVES

The undersigned organizations urge you to vote for and support the Balanced Budget Amendment, H.J. Res. 290, as introduced by Representatives Stenholm, Smith, Carper, and Snowe.

H.J. Res. 290 has broad bipartisan support (278) total House cosponsors) and certainly holds the greatest potential for House passage. In 1990, a similar amendment fell just seven votes short of the two-thirds required for passage.

The need for this Constitutional Amendment has become obvious. Last year's federal budget deficit reached a record high of $269 billion. This year's deficit is estimated at an incredible $400 billion and FY '93 is presently expected to produce a deficit in excess of $350 billion.

Together, FY '91, '92, and '93 will add a total of $1 trillion in new federal debt. This shocking achievement contrasts sharply with the fact that it took 200 years for the federal government to accumulate the first $1 trillion in national debt.

We can no longer afford to postpone the passage of an effective Constitutional restraint on federal debt. In FY '93 alone, the cost of financing a $4 trillion plus national debt will exceed $315 billion in interest payments, the largest single expenditure in the federal budget. The time for action is now.

H.J. Res. 290 is a sound amendment that has evolved through years of work by the principal sponsors. It provides the Constitutional strength to make balanced federal budgets the norm, rather than the rare exception (once in the past 30 years), and it offers the proper flexibility to deal with national emergencies.

H.J. Res. 290 is also designed to make raising federal taxes more difficult. I would require a majority of the whole number of both houses of Congress—by roll call vote—to enact any tax increase. This adds accountability as well as an appropriate focus on spending restraint.

Unless action is taken now, federal debt and deficits will continue to cripple our economy and mortgage our children's future. For those important reasons, we urge you to pass H.J. Res. 290, the Balanced Budget Amendment.

Sincerely,

National Taxpayers Union; National Cattlemen's Association; Associated Builders & Contractors; American Farm Bureau Federation; Concerned Women for America; Americans for a Balanced Budget; American Legislative Exchange Council; International Mass Retail Association; National American Wholesale Grocers Association; Independent Bakers Association; National Independent Dairy Foods Association; Irrigation Association; Motorcycle Industry Council; American Supply Association; American Machine Tool Distributors; American Tax Reduction Movement; National Lumber & Building Material Dealers Association; National Truck Equipment Association; Door & Hardware Institute; Steel Service Center Institute; American Association of Boomers; National Grange; U.S. Federation of Small Businesses; Associated Equipment Distributors; Beer Drinkers of America; Truck Renting and Leasing Association; American Bakers Association; National Association of Homebuilders; National Association of Plumbing-Heating-Cooling Contractors; American Subcontractors Association; Howard Jarvis Taxpayers Association (CA); Connecticut Taxpayers Committee; Alliance of California Taxpayers & Involved Voters (ACTIV); Citizens for Limited Taxation (MA); United Taxpayers of New Jersey, Citizens Against Higher Taxes (PA); North Carolina Taxpayers Union; Texans for Limited Taxation; National Taxpayers Union of Ohio; Iowans for Tax Relief; Hands Across New Jersey; National Taxpayers United of Illinois; Tax Accountability '92 (IL); Angry Taxpayers Action Committee (IL); Northwest Ohio (Toledo) Taxpayer Action Network; Cleveland Taxpayer Action Network (OH); Alameda County Waste Watchers (CA); Taxpayers United of Minnesota; Texas Association of Concerned Taxpayers (TACT); West Virginia State Taxpayer Action Network; El Paso Voters Coalition (TX); Akron Taxpayers Alliance (OH); San Jose Family Taxpayers Outreach (CA); Taxpayers United for the Michigan Constitution; Taxpayers United for Assessment Cuts (MI); Delaware Taxpayer Mobilization Corps; Floridians for Tax Relief; Macomb County Taxpayers Association (MI); Florida State Citizens Against Government Waste; Tax PAC, Inc. (NY); Westchester Taxpayers Alliance (NY); South Carolina Association of Taxpayers.

And yet, all the efforts of the people I have just mentioned would have never happened at all were it not for the American people who repeatedly, year after year, have expressed their desire for a balanced budget amendment. We saw again just yesterday in the Washington Post that by more than a 4½-to-1 margin respondents to the Post-ABC poll expressed their support for a constitutional amendment requiring a balanced budget. I wish the Post would be more responsive to its readers' interests in the development of their editorials.

Why does the public care about the $400 billion deficit and the near $4 trillion we have accumulated? Because they understand far more keenly than Congress, apparently, and than the President seems to have understood for the past two decades that deficits are hurting them far more than any hypothetical budget cuts might.

When adjusted for inflation, the current year's deficit will be equal to the total Federal budget of 1965. This year will be the 23d consecutive year and the 31st out of the last 32 that the Government spends more than it takes in.

Fifty-three years out of 61 does not mark a short-term trend. It does mean that by the end of this year the national debt will top $4 trillion. That means that the Federal Government has charged $45,000 in debt on the account of each and every household in America. We have borrowed half-a-trillion of that from foreign investors. The United States is now the largest debtor nation in history. This long-term, institutional problem requires a long-term, constitutional solution: An amendment to the Constitution that requires the President and Congress to run a balanced budget.

A balanced budget amendment will not solve our deficit problem by itself. That is not what it was intended to do. This amendment will give us a necessary tool for fiscal responsibility—the very same tool which Thomas Jefferson recommended slightly less than 200 years ago. It will give us a constitutional reason to find the courage to make the tough choices necessary to balance the budget. Too often, when faced from all sides with demands for more spending and less taxes we have taken the easy way out by borrowing more money. by raising the threshold of difficulty for deficit spending, this amendment would prevent anyone in the executive branch or in Congress from ducking responsibility for the deficit. under the amendment, spending may not exceed revenues unless Congress authorizes the excess by a three-fifths vote. Just as importantly, the President must submit a balanced budget every year.

History has proven that statutes and procedural requirements have failed. Congress has voted over 500 times to waive the Budget Act since 1978. We passed a statute in 1978 when our debt was $776 billion. We tried again in 1979 when the debt was $828 billion and in 1982 when the debt was $1.1 trillion. The debt was $1.8 trillion when we passed Gramm-Rudman in 1985, and had increased to $2.3 trillion when we passed Gramm-Rudman II in 1987.

Amending the Constitution is a serious step that should never be taken lightly. But a process that politically rewards such deficit spending cannot be tolerated any longer. Deficit spending has become an intractable, ingrained problem. Nothing short of a change of constitutional dimensions will change the Government's attitude toward spending beyond its means.

Our children and our grandchildren truly deserve no less than the passage of this amendment and are beginning to worry about their future rather than our present.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair is advised that the gentleman from California [Mr. PANETTA] is serving as the designee of the gentleman from Texas [Mr. BROOKS].

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, clearly we are embarked on what I believe is the most serious debate that the House of Representatives can engage in, which is the question of whether or not we amend the Nation's most sacred governing document to require a balanced budget. I think what this represents, when we get to the bottom line of all of the arguments that are going to be made, is that there are many Members here who are willing to make a giant riverboat gamble with our economy and with our Constitution in order to inject courage into cowards and to place a spine into the spineless.

I would just remind my colleagues that the Constitution already provides power to the people to deal with the gutless and those who are cowards when it comes to deciding issues related to our economy. It is called the right to vote, the right to vote. We do not have to change the Constitution to try to force courage into this institution. The people can do that through the right to vote, because as we take up this constitutional amendment, every Member and every constituent has to ask some very basic questions.

First, is this really the only alternative? Is this really the only alternative left or is this just another excuse for failed leadership, because that is the argument? When we get through all of the arguments here, the bottom line is that we have tried everything else, why not try the Constitution.

Well, what happens if the Constitution does not work? Should we go and ask for a papal edict, or maybe we should ask for leashes to be placed on every Member who does not do the right thing in terms of decisions. Or maybe we ought to ask that we have a bomber fly over the Capitol and threaten to drop a bomb on the Capitol. I mean how far do we stretch this when we are trying to deal with people who are elected to be leaders, to make the right choices, to do the right things?

The second question: Is this amendment designed to be enforceable, does it have teeth, or is this just another cover to get Members through the next election with the hope that maybe somebody else, some other President at some other time, maybe 5 years down the road when perhaps this will be ratified, maybe at that point there will be enough guts and enough courage to do the right thing?

□ 1340

I guess the last question is: Will this, in fact, force the tough choices that need to be made in a responsible fashion, or are we going to end up creating greater gridlock by placing this in the Constitution, by creating not only a governmental crisis, not only an economic crisis, but a constitutional crisis that will then wind up placing the most sensitive decisions about our economy not in the hands of the elected representatives of the people where it belongs but in the hands of the unelected judges of the Federal courts? No other industrialized nation, no other industrialized nation has placed their economy in this kind of straitjacket. Is that what we are going to do as we approach a new century where we have to compete with every other country? Are we going to tie our hands as we try to deal with the $5 trillion economy?

Those are the fundamental questions that have to be asked, because, my colleagues, as Budget chairman, whether this amendment passes or not, ultimately it will be the responsibility of the committee that I have the honor to be in charge of, ultimately it will be the responsibility of that committee to implement this kind of amendment.

Make no mistake about it, I deeply believe that the deficit is the greatest crisis we confront in this country. We are a country that is starving for resources right now, and no matter where you look throughout the country, whether it is the needs of inner cities or whether it is the problems of health care or whether it is the problems of education, whether it is the problems generally of our ability to kind of get out of this recession, it relates fundamentally to the deficit that confronts us, because we do not have the savings base, we do not have the investment base to be able to truly strengthen our economy. So it is a fundamental problem.

But I do not think we ought to kid people about why this problem is not being addressed. As many of you know, and I have been involved with many Members here, in every effort to confront this issue, whether it was Gramm-Rudman or whether it was budget summit or whether it was the 1990 budget agreement, the bottom line is that it is not easy to deal with this issue. It is not easy. You cannot achieve this through magic solutions. You cannot achieve this through gimmicks.

The only way you reduce the deficit is through tough votes on issues, tough votes. If you are not willing to take on the constituencies that are out there that have to be told the truth about the nature of our budget, if you are not willing to take on those constituencies, a constitutional amendment is not suddenly going to produce a midnight conversion.

What are we looking at? Because one of my concerns, frankly, in this debate is that we need to have an honest debate about the choice that confront us if we are going to balance the budget.

Whether you are for or against a constitutional amendment, put that to the side for a moment. Because if we are going to balance the budget, you have got to deal with certain fundamental realities regarding the nature of that budget. I regret that we are not having that debate at the same time that we are debating a constitutional amendment. But at some point we are going to have to enter that debate.

Let me discuss what those realities are. Because the public is entitled to know it; you are entitled to know it. Somebody here has to speak the truth about the real choices that have to be made.

The Congressional Budget Office has told us very clearly that to achieve a balanced budget by 1997 or by 1998, for that matter, you are looking at having to reduce in spending or raise in revenue, or a combination of both, somewhere between $580 billion to $600 billion, probably in excess of $600 billion now, because if you move the date to 1998, the deficit is larger that year because of health care costs.

But let us assume for the sake of discussion that we are looking at $600 billion in deficit reduction. How do you achieve $600 billion in deficit reduction? First, you need to look at the nature of the Federal budget.

The nature of the Federal budget, that $1.5 trillion Federal budget, look at how it is made up so you then look at where the decisions have to be made. Over 14 percent is now interest payments on the debt. It is one of the fastest-growing parts of the Federal budget, $214 billion. Deposit insurance is $89 billion. Add those two up. It is about 19 percent of the Federal budget just in interest and one deposit insurance. You cannot touch deposit insurance.

What is next? The entitlement programs. The entitlement programs now make up almost 45.4 percent of the Federal budget, $682 billion. What is the largest part of those entitlement programs? Social Security retirement, and disability make up almost 52.4 percent of these entitlements.

You talk about the growth in entitlements, the large part of that growth has taken place in that area, retirement and disability.

Medical costs make up now 31.4 percent of the entitlements, Medicare and Medicaid.

The rest are about 16 percent of the entitlement.

So you are looking at the greatest portion of entitlements being wrapped up in two areas, retirement, disability, and medical costs. If you want to deal with entitlements, you have to deal with those areas.

Defense makes up about 19.3 percent. It has been on a downward trend but clearly it is still a big chunk of the budget, and nondefense discretionary is now 16.4 percent .

If you look at where the deficit is, even if you got rid of all nondefense discretionary, you still would not deal with the deficit. So if you want to confront how you do it, we have suggested several ways to get there.

Let us assume you do not want to raise taxes. The President does not want to raise taxes. A lot of Members do not want to raise taxes. We are going to take it all out of spending. If you take it all out of spending, that is $600 billion over 5 years. Fifty percent of it has to come out of entitlement programs. You are looking at at least $300 billion that have to come out of entitlements. You cannot get the $600 billion unless a big chunk of it does not come out of entitlements. And if you are going to get $300 billion in entitlements, let me ask you: Where are you going to get that kind of savings? It has got to come out of the key areas. Medical care, Medicare, Medicaid represent about $114 billion of that savings. You have got to get about $100 billion out of the retirement and disability programs. How else are you going to get $300 billion in savings? It is not going to fall from the sky.

You have got to deal with target prices on agriculture.

Now, look, those are the real decisions. That is why people have not balanced the budget, because they have not had the guts to make decisions about whether or not we control health care costs, whether or not we deal with the growth in retirement programs or whether or not we deal with farm price supports. That is where the decisions are, and if you go home and you tell people, "Look, I do not want to cut your benefits," and you think a constitutional amendment is suddenly going to allow you to go back and say, "oh, by the way, the Constitution now says that I have to cut your benefits," baloney.

You have got to now get another chunk out of nondefense discretionary of about $135 billion. That means essentially you have to have a hard freeze on nondefense discretionary, and you have got to get another chunk out of defense, about 31 percent, which means a deeper cut in defense beyond where the President wants to go. Now, that is if you want to do it on the spending side.

If you want to do it with a portion in revenues, which I believe is probably the correct proportion, doing two-thirds in spending and a third in revenues, you can reduce some of the cuts in entitlements and some other areas. Then you have to answer the question: How do you raise the revenues? You are talking about the need then to raise in revenues about $200 billion.

To do that, you either have to limit tax deductions, you have got to increase tax rates, particularly on the wealthy, you have got to do a gas tax, or you have to do a value-added tax or a combination of all of those. Now, that is assuming you are willing to do revenues in addition to the spending cuts that I talked about.

Because if you want to limit some of these spending cuts, you have got to raise additional revenues.

The last choice is to do it 50-50, basically to $300 billion in spending savings and another $300 billion in revenues. But clearly that means you have to have larger tax increases to do that.

□ 1350

Now, my friends, those are the choices. There is no easy waste-fraud-and-abuse gimmick that you can use. I wish there was. We would have used it a long time ago, and you know it.

Oh, there is some waste, fraud, and abuse, probably in some of the very programs you have to go after to get some savings, but you cannot just do it all on waste, fraud and abuse.

You cannot do it all on growth. I am always surprised at how the administration says, "Oh, a portion of this can be dealt with through growth in the economy."

We assume the highest growth level. Let us assume a 4-percent growth level. There is not an economist who thinks we are going to see a 4-percent growth over the next 4 years, but let us assume we have a 4-percent growth.

The Congressional Budget Office says that at best that produces about maybe $90 billion to $100 billion in savings over 5 years.

Add to that the cap on entitlements that is proposed by the administration. What CBO says to us is that will produce maybe another $20 billion, $25 billion.

At best you are looking at $125 billion based on growth and a cap on entitlements. That leaves you $475 billion short.

Where is that going to come from? It is going to come from here, as I have shown you on the chart. Those are the choices.

If you are not willing to make those choices, there is not a constitutional amendment in the world that is going to give you the guts to do it. That is the bottom line.

Mr. Chairman, we do not need a constitutional amendment, we really do not. What we need is leadership.

The fact is that we enacted and carried out the largest deficit reduction package in the history of this country. In 1990, when the President of the United States said, "Let's sit down and develop a deficit reduction package of $500 billion," we did it. It was not easy. It took a lot of work, but we did it, working at it with the President's help and with the help of the leadership. That was not smoke and mirror. That was real, and we did not need a constitutional amendment to get it done. It took leadership from the President and from the Congress and that is the way you balance budgets.

In the end, it comes down to this. Members are going to say we support a constitutional amendment. We are willing to take this risk. We are willing to take this riverboat gamble because we think that tying this institution up in a three-fifths vote requirement plus a constitutional crisis, plus putting it into the courts, all of that crisis might just force leadership. That is really the argument.

This is designed to be a gun at our heads.

I am not willing to take that risk, Mr. Chairman. I am not willing to take that risk because I do not need a constitutional amendment to make the right choices. I believe the Constitution gives us all the power we need now if we are honest with ourselves and honest with the American people. Maybe that is not a good political statement to make in the short term, but it is the truth, and the people of this country know it.

Mr. Chairman, I reserve the balance of my time.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], the Republican leader of the House.

Mr. MICHEL. Mr. Chairman and my colleagues, first I want to applaud the gentleman who preceded me in the well. I feel privileged in following him even though we will vote on opposite sides of the issue. But that does not necessarily mean that I have to stand here today condemning what he just said. There is so much truth in what he did say, particularly with respect to the candid way in which he laid out for us the problems with which we are confronted with by way of this humongously grown government and the difficulty in making expenditure cuts, and yes, the real key issue of making tough choices.

I guess maybe some of the most exhilarating moments that I have enjoyed in this House were in my more junior years when on the Appropriations Committee I would come to the floor with an amendment on a bill to cut a ticklish, touchy program, maybe carrying the day, and go home that night feeling I really had accomplished something worthwhile.

The gentleman from California also said you cannot balance the budget all on waste, fraud, and abuse. I am reminded of the time I came to this floor with an amendment on HEW Appropriations saying, "Let's cut waste, fraud, and abuse, by $500 million." I got rolled 2 to 1, and I would think, "Ye gads, what has happened to this House?"

There was one thing that changed it, however, from the gentleman's home State. There was a thing called proposition 13 out in California. They were against tax increases at that time out there and, boy, they let it be known in no uncertain terms. Three days after that vote, we had our appropriations bill on the floor again and I came up and this time I upped the ante. "Let's cut waste, fraud, and abuse by a billion dollars," and it passed by 3 to 1. I said at the time how quickly the message comes across the country all the way from California to change the mind-set around here.

Yes, I guess that is really what has to happen.

I want to say to the gentleman, I appreciate the time he has spent in the Budget Committee and the kinds of things with which he is confronted. It does come down to making tough choices.

Mr. Chairman, some constitutional amendments spell out specific rights so there can be no mistakes about them. The first 10 amendments to the Constitution come under that category. Other constitutional amendments expand already existing rights, the 19th and the 26th amendments, dealing with women's suffrage and the 18-year-old vote are such amendments.

But some constitutional amendments, at least one, are frank concessions of failure. Americans are not too proud to admit it when we make mistakes, and we try to correct them as best we can.

The 21st amendment, repealing the 18th amendment on prohibition, is a classic case of admission of failure. I believe that the proposed constitutional amendment on a balanced budget comes under the category of recognizing failure.

It is not, in my view, a failure of any one party, although our current system of divided government certainly played a major role. It is not an exclusive failure of any specific branch of government, although the executive branch and the legislative branch have failed to show real leadership here. It is instead what might be called a systemic failure, a failure of our democratic system in all its complexity, and perhaps because of that very complexity.

The politicians blame each other about the deficit. And the people blame the politicians. But when the Constitution refers to "We, the people," it means all of us, elected officials and those who elected them. There are no outsiders in our system of government. Each of us is part of "We, the people." No American citizen is outside the responsibility of how our system works. Each of us, elected officials and other citizens, bears a different kind of responsibility for the American system of government. Over the many years I have been in the House I have heard many calls for a balanced budget, but very, very few calls from folks who say, "I want a balanced budget, and the first thing I want you to do is make a deep cut out of my particular favorite item in the budget."

Everyone is for a balanced budget in general, but no one wants his or her specific item to be cut.

Some say what we need is a whopping tax increase to balance the budget. But such a call is in the realm of fantasy, in today's circumstances. We can raise taxes until the cows come home and we will never ever balance the budget, unless we cut spending.

At this point we might hear, "But you politicians are supposed to have the guts to make those cuts."

The answer, plain and simple, is those who call for guts on the part of the politicians are the first to criticize them if they vote for tough budget cuts.

The gentleman made mention of how we worked together with the leadership on both sides of the aisle a few years back to craft a deficit reduction package. The proposition we brought to the floor of the House was roundly condemned because it contained some rough reductions and tax increases. It went down the first time because we had some of those real touchy items in there—not many, just a couple.

□ 1400

Brother, did we hear from everybody under the Sun. We have to assume that each and every one of you elected by your constituencies were reflecting the views of those folks back home or you would have never voted in that way.

I heard: "I am getting too much heat from home, the phones are ringing off the hook, my goodness, look what you did by freezing this thing that I have become so accustomed in Federal expenditures to benefit people back home."

Well, critics say even if we have an amendment, we will still have to make the very same tough cuts we are not willing to make now. So what good would an amendment do?

My answer is this: The amendment process demands that three-quarters of the States approve the proposed amendment if we pass it here. That means the question leaps over the beltway and goes directly to the people. We tried to balance the budget from inside the beltway without the force and moral authority of the constitutional imperative to guide us. And as the farmer said when asked for directions, "You can't get there from here." We have got to begin anew.

So that is why we are considering the proposed amendment.

Let me say this about the scare tactics being employed by some of the opponents of this proposed amendment. Social Security will not, repeat will not, be affected by a constitutional amendment any more than it is under current law.

I am voting for this proposal not because I think it is all that good in itself but because I perceive a universal failure to make the tough calls.

Let us therefore give the American people a chance to tell us, through a constitutional process, what they want done about the budget deficit. We in Washington have not decided, so now let us have the people decide. But whatever happens, let us stop all this nonsense about outsiders. There are no political outsiders in the United States except for those who deliberately fail to participate in the duties of citizenship.

We the people are all inside the Constitution. We the people have to make the tough choices. We have not made them on the deficit, so let us try a new approach and constitutionally mandate what we have not been able to do.

The CHAIRMAN. The gentleman from Illinois [Mr. MICHEL] has consumed 8 minutes.

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent that my time be divided with the gentleman from Oregon, and that every other time he be recognized in my stead as my designee.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Oregon [Mr. SMITH] as the designee of the gentleman from Texas [Mr. STENHOLM] as requested.

Mr. SMITH of Oregon. I thank the gentleman for yielding.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, I first want to thank my dear friend, CHARLIE STENHOLM, for his bipartisan thoughts in this whole matter and yielding me, as cosponsor of the Stenholm-Smith amendment, the time that he has. He has been most gracious. Working with him for the last 10 years has been a joy.

One of the great things you receive when you come to this body is the endearment of friends that you make. And they are lifelong friends, as we all know.

Mr. Chairman, I came to this Congress 10 years ago, and at that point I deeply believed that deficit spending was stifling economic growth, was burdening our children with mountains of debt, and limiting our national potential to try to provide prosperity for all of us.

So I joined my friend and colleague, then LARRY CRAIG, and now Senator CRAIG, who was a Member of the House. And we took on the balanced budget amendment as our own and succeeded the esteemed Barber Conable from New York. Some of you may remember him as an outstanding Member of this body.

Later, LARRY CRAIG and I were joined by CHARLIE STENHOLM, TOM CARPER, OLYMPIA SNOWE, and others and came within seven votes, as you know, of passing a balanced budget amendment to the Constitution a few years ago. This time, together we have constructed a broad, bipartisan coalition in support of this amendment, and I am very, very proud of that effort, whatever the outcome of this debate.

Mr. Chairman, in 1982 I was shocked and angered at a $1 trillion debt when I arrived here. Well, I am four times more angry today than before because the debt, my friends, is $4 trillion. I am particularly angered about the cavalier way in which the Congress, and, yes, in some cases the President, has assumed deficit financing to be the plaything of the rich and the powerful and not the scourge it represents to future generations. This country and this Congress are not supposed to be about the game of chasing down pork, grabbing what we can and damning future generations with our irresponsibility.

We are not operating in a vacuum. Our actions do have consequences to others. Our country and our people have a great past, and we ought to protect it. But we owe as much to the future America and its people because they will have to live with the consequences of our decisions.

Today, the need for a balanced budget amendment to the Constitution is greater than it has ever been in the history of this country.

Recently—some like to quote the General Accounting Office—recently they issued a report about the impact of continued deficits. Let me quote them:

> Failure to reverse these trends in fiscal policy and the composition of Federal spending will doom future generations to a stagnating standard of living, damaging U.S. competitiveness and influence in the world, and hamper our ability to address pressing national needs.

Well, that ought to be a definite alarm for every Member of this body. Sadly, it may not be.

Some Members still believe, I suppose, that there is some fundamental worth in deficit spending. And that attitude, by the way, is wearing very thin on the American people.

Mr. Chairman, the American people think this Congress is a joke. In fact, 77 percent of them disapprove of the job that Congress is doing. They see a body that has abused its credit, the House bank; abused its privileges with the Nation's drug laws, the House post office; and would not even pay the tab at its own restaurant.

The American people are justifiably angry and confused that the Congress cannot address the real problems and touch their real problems and their lives.

Well, today we cannot only address something that matters to the American people, we can address the most threatening problem we face as a Nation.

The balance budget amendment could well be the most important piece of legislation you will ever consider as a Member of the House of Representatives.

Mr. Chairman, the Stenholm-Smith amendment, balanced budget amendment, is simple and straightforward. It would require Federal budgets be balanced by 1998; running deficits require a three-fifths vote on each side, on each House, and three-fifths vote would be required to raise the Federal debt limit. Taxes could be raised only by a constitutional majority. We make exceptions for declared war and military conflict, and we require that the amendment be enforced by statute, thus taking it out of the court system.

The balanced budget amendment would put this country back on the path to fiscal sanity. We are long, long overdue.

Remarkably, some still oppose the amendment.

There are numerous arguments, misleading and contradictory, but basically they come down to two points after you have heard the scare tactics, "This is going to go into the courts or it is going to make huge taxes; we are going to ruin Social Security." You have to get by all that and basically you have two points. Some say that the amendment will not work, and the others say, "My goodness, it is so draconian that it is going to be worse than deficit spending itself."

Well, Mr. Chairman, I fail to see how something that will not work can be draconian. I have put that contradiction aside, and opponents are wrong on both counts. The amendment will work, Mr. Chairman, because it is already working. Think of it; were it not for this discussion, Mr. PANETTA's staff would not be focusing on the deficit and offering these harsh, harsh decisions.

The major networks would not be offering time to Presidential candidates to discuss the deficit, and we would not be here today discussing the very issue.

Opponents of the balanced budget amendment know it would work, and that is exactly why they oppose it. And the amendment would not be draconian. To suggest otherwise is, again, crying wolf. Assuming a reasonable growth consistent with past recessions, the budget can be balanced without cutting taxes, without cutting Social Security and without raising taxes. It can be done.

□ 1410

Now, make no mistake about it. Balancing the budget will require that we control spending. It will require discipline, and it will require tough choices. Without a balanced budget amendment, these tough choices will never, never be made, and without it it is business as usual, which this country cannot afford.

Above all, Mr. Chairman, the balanced budget amendment will change the psychology of the way we do business here. The typical big spending, pork barrel way we work will be reformed. Unlike the way we operate today, the bill will become due and payable. Gone will be the time-honored practice of grappling for every scrap of pork we can find. The new measure of effectiveness will be, not how much we can spend, but how much we can save. This amendment will radically change the way Congress operates, and, if there is one thing the American people want, it is to radically change the way Congress operates.

Mr. Chairman, the question in the end ought to be this: "Whose side are you on? Are you on the side of special interests? The status quo? The irresponsible pork barrel spending that got us into this budget mess? Or are you on the side of our children, our grandchildren, and the generations that follow them to whom we have already left a $4 trillion debt?"

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I have a great deal of respect for the gentleman from Oregon [Mr. SMITH], but when he starts saying to the American people that we can balance this budget based on growth, not touch anything in the retirement area, particularly Social Security, and not have to raise taxes, he is engaging in smoke and mirror arguments that just are not true, just are not true.

Mr. Chairman, the American people ought to be told the truth if we are going to balance the budget. The reason we have not balanced the budget is because we are not telling them the truth; and it does not help, very frankly, for the gentleman from Oregon [Mr. SMITH] to say that somehow we can reach for these answers out of the sky and balance the budget.

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman from California [Mr. PANETTA] for yielding to me, and, as my colleagues know, I have been criticized for a lot of things, but never, never have been criticized for trying to misstate the truth, as the gentleman has done.

So, Mr. Chairman, let me say to my friend: I'm not misstating the truth. I am being helpful because your assumptions, my friend, are $600 billion over the 5-year period, and I can suggest that because your assumptions are so low, history doesn't indicate that on growth in this country. They are $300 billion too high.

Now, if you accept my assumptions, which are the average of about 3.2 percent in growth over the next 5 years average, over the last 22 years you'll get to $300 billion rather than $600 billion.

Mr. PANETTA. Mr. Chairman, let me take my time back. Even with 4-percent growth, if we assume 4-percent growth, we only get about $100 billion over 5 years out of that $600 billion.

Mr. SMITH of Oregon. Will the gentleman yield?

Mr. PANETTA. No. I say to the gentleman, you're assuming less growth now at 3.2 percent, which means less that we can take off the budget.

I just want to ask the gentleman, Where are you going to get the other $475 billion?

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Mr. Chairman, I am going to suggest to the gentleman from California [Mr. PANETTA] that by using the caps that he has already agreed with with the President, by providing, not only increased people, but also CPI for Social Security and for all the other mandated programs——

Mr. PANETTA. Reclaiming my time, Mr. Chairman, the gentleman wants to limit CPI on Social Security?

Mr. SMITH of Oregon. And limiting defense spending, and limiting foreign payments——

Mr. PANETTA. That is fine.

Mr. SMITH of Oregon. We can get to 1998 without the draconian babblings of the gentleman from California.

Mr. PANETTA. Reclaiming my time, Mr. Chairman, the gentleman suggests that we ought to limit CPI.

Mr. SMITH of Oregon. No. I said attaching CPI to Social Security and all the mandated programs, allowing us to grow at 3.2 percent per year for the next 5 years, capping defense spending, which is a conservative program, limiting foreign payments, we can get there without the gentleman's ideas about a draconian——

Mr. PANETTA. Again I want to take my time back because, if the gentleman from Oregon [Mr. SMITH] is saying we ought to limit all CPI to 3.2 percent——

Mr. SMITH of Oregon. No, no, no, I did not say that.

The CHAIRMAN. The gentlemen will direct their remarks to the Chair.

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Oregon, but I would like to ask for the clarification. The gentleman is suggesting that we ought to limit all CPI to 3.2 percent.

Mr. SMITH of Oregon. I did not say that.

Mr. PANETTA. Well, what is the gentleman saying?

Mr. SMITH of Oregon. I said, "If you allow 3.2 percent growth, which has been the average of growth over the last 22 years, down cycles, up cycles in this country, not your 2.6——

Mr. PANETTA. I say to the gentleman, you're spending money. How about saving money?

Mr. SMITH of Oregon. Now wait. I am trying to answer the gentleman's question.

Mr. PANETTA. All right.

Mr. SMITH of Oregon. Then I am saying, if you allow Social Security with increased people, which it will have, as well as cost of living, cost price index, you can do that. If you do that to all other mandated programs, assuming a 3.2-percent growth, not your low figure, and by 1998 you can balance the budget without taxes, and you will not infringe upon Social Security.

Mr. Chairman, nobody is suggesting we infringe upon Social Security.

Mr. PANETTA. Mr. Chairman, the gentleman is telling me we can get $600 billion in deficit reduction——

Mr. SMITH of Oregon. No.

Mr. PANETTA. Through providing 3.2 percent growth.

Mr. SMITH of Oregon. No, I am saying to the gentleman, your assumptions are wrong to begin with, that the problem is $300 billion, not $600 billion that the gentleman is using in his remarks.

Mr. PANETTA. Mr. Chairman, we have the Congressional Budget Office which has told us we need $600 billion over 5 years. The gentleman is probably taking the right pitch here, which is to say, "I don't accept those numbers, I don't accept those numbers. I want to accept fewer numbers, and then I can deal with it easier."

But the fact is that the Congressional Budget Office is pretty good in telling us what the targets are. It is $600 billion, and we cannot do that through growth, and we cannot do that through saying that we are just going to limit growth of some kind. We cannot do that by saying we are not going to deal with retirement programs, and we cannot do that by saying we are not going to deal with taxes.

Mr. Chairman, that is the fact.

Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, the self-abuse that has been practiced by Congress over these past few months has been very hard to comprehend. It is even more difficult to understand the complete failure of certain Members to rise above the fray and show true leadership.

It is not leadership to enshrine the failure of Congress by approving a constitutional amendment and make future Congresses pay the price for our failure as an institution. Worse than the impact on future Congresses is the impact on the American people.

We are asking the American public to believe that this simple amendment is the equivalent of the changing copper into gold. A simple amendment, it is claimed, will provide backbone and moral authority where there has been none.

This simple amendment will ensure that all programs desired by the American public are funded and paid for within the confines of a balanced budget.

Somehow a number of Members have managed to delude themselves and others into thinking that if just one more power is given up by Congress maybe the American public will like us better.

Has it ever occurred to Members who support this amendment that maybe we would have a better approval rating if we simply spent time actually doing our job? More importantly we should be addressing the real problems of today's world.

This is one of the most serious votes we can cast apart from a decision on whether we should commit troops to war. I do not believe I am exaggerating.

The debate is not just about dollars and cents. This is about the ability of Congress to respond quickly and with flexibility to the crises in our Nation and also of the world.

The amendment simply does not meet the standards we should be setting for ourselves in Congress for approving legislation.

Even the chief sponsor has publicly admitted that there may be problems with interpretation and enforcement of the amendment. His response has been to suggest last minute changes to the original amendment. But the changes only reinforce the flaws of the amendment. There are still a number of serious deficiencies that are only exacerbated by the simplicity of this solution.

First, the amendment does not set out any process concerning judicial review.

Unless Congress exercises its authority to preclude judicial review, this amendment, as any amendment, will be subject to litigation. Contrary to other amendments, however, this one purports to control the constitutional budget functions of Congress.

Delay in the budget functions of Congress can lead to chaos and have an undue economic impact on the entire national economy.

The minimal explanation of terms invites litigation. There is no comprehensive definition of the terms used in the amendment. The terms are all encompassing and do not seem to allow for any future statutes that permit exceptions, a contention put forward by supporters.

Without a defined enforcement mechanism, there are several possibilities including the inability to enforce the amendment. A court could refuse to review the amendment deeming it a political question—similar to the War Powers Resolution.

The judiciary may decide to take jurisdiction and dictate to Congress how and when the budget is to be completed.

Second, the amendment could lead to a significant increase in Presidential power.

A President could blackmail Congress into passing only their programs. A President could refuse to submit agreed estimates of outlays and receipts unless Congress agreed to their programs.

Third, the House will be ruled by a minority of Members.

The amendment permits only a minority of Members, two-fifths of the House membership, to control the House. Three-fifths of the membership is required for a specific excess of outlays over estimated receipts.

Furthermore, the new changes permit a simple majority to approve deficit spending for military actions that constitute national security. Once again, domestic concerns are given short shrift. Three-fifths is required for any deficit spending for domestic emergencies.

Panama, Grenada, and the Persian Gulf could be financed with a simple majority ease; recovery from Hurricane Hugo, the San Francisco earthquake, and the recession require super majorities. This is an insult to the domestic needs of this country.

Fourth, if the amendment passes, we would be adopting minority rule not for an extraordinary function of Congress but for the most basic responsibility of the Congress.

There is no question that Congress has to accept responsibility for the failure to pass a balanced budget. Every one has trouble voting against those programs that constituents demand and desire.

But it has also been a result of a failure of leadership on the part of the President who has failed to ever present a balanced budget to the Congress.

The President can continue to submit budgets that require deficit spending as they have continually done and then expect Congress to bear the wrath of the public for either raising taxes or cutting popular programs.

It may be politically popular in the short-term future to vote for this amendment and I am sure that a yes vote will make a wonderful political commercial.

But this is not a matter of political expediency and it is not a popularity contest. That type of reasoning has led us to the present situation of not having a balanced budget.

The fundamentals of shared power and majority rule—these are the consequences of the vote today. The integrity of this institution is at risk—as it has been many times this year. Members should reject these amendments and get back to the job they are supposed to do.

□ 1420

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 2 years ago supporters of a balanced budget amendment in this body came very close to mustering the two-thirds affirmative vote the Constitution requires. This week, as we revisit a critically important issue, we note with regret that the Nation's need for the discipline of constitutional change is greater than ever. A projected deficit for the current fiscal year in the $400 billion range significantly exacerbates the heavy burden our enormous national debt imposes on our children and grandchildren. When we shirk our responsibility to pay our own bills, we unfairly transfer the costs of our self-indulgence to our descendants.

Decisions to amend the Constitution must not be made lightly. If a legislative remedy exists, that obviously is preferable to a change in our fundamental charter. Some argue that we should utilize the legislative process to balance the budget before resorting to a constitutional amendment. We have. Legislation has not worked.

Huge deficits have proved intractable in spite of the 1974 Budget Act, the 1985 Gramm-Rudman-Hollings Act, and the 1990 Budget Reconciliation Act. Congress has waived the constraints of the Budget Act hundreds of times. The experience with Gramm-Rudman-Hollings is strong evidence that Congress encounters virtually insurmountable pressures to circumvent deficit ceilings when those ceilings lack constitutional statute. And in the fall of 1990 Congress completed an arduous effort to come to grips with the deficit—cutting $500 billion over 5 years—only to see the deficit rise in the next fiscal year.

A balanced budget amendment is needed to overcome the current prospending institutional bias of the Congress. It is far easier for an individual legislator to vote for spending increases and lower taxes than it is to support a balanced budget. Today, those who advocate spending for particular programs are in a stronger position to influence Congress than those who seek to restrain the growth of spending. A new or expanded program may have a major impact on particular constituent groups but only a minimal impact on the deficit. The advocates of spending possess a focused interest that facilitates action—in contrast to the more diffuse public interest in resisting specific increases in expenditures. It is for this very reason that I support—as a needed enforcement mechanism—a line-item veto tailored specifically to this amendment.

The problem, of course, is that projects may add little to the deficit—when viewed in isolation—but have a major impact when viewed collectively. The balanced budget constitutional amendment—by making it more difficult to engage in deficit spending—encourages Members of Congress to view the overall consequences of particular spending decisions. The proposal is to require a three-fifths vote of each House, of its total membership, before outlays may exceed estimated receipts.

Economic matters clearly fall within the Constitution's purview. The treatment of interstate commerce, taxation, and property rights provides examples of a constitutional design that gives substantial attention to economics. The argument that our Constitution must maintain neutrality on economic issues disregards the reality of a fundamental charter that incorporates economic choices. An expression of preference for adherence to balanced budget principles would have sounded superfluous two centuries ago—but is far from superfluous today.

A constitutional amendment protects future generations—those who will bear the burden of an increased public debt but who cannot participate in decisions to increase that debt. The requirement of a three-fifths vote of the total membership of each House to increase the public debt represents a recognition of the impact of debt increases on generations unrepresented today in our political institutions. Laws increasing the public debt should reflect a broader consensus of our society than ordinary legislation.

The balanced budget constitutional amendment should require a three-fifths vote of the total membership to increase taxes. Such a provision is appropriate to discourage reliance on tax increases alone to bring the budget into balance.

The United States undoubtedly will confront situations justifying deviations from the norms that underlie this constitutional amendment. The proposed amendment does not bar deficit spending, public debt increases, or new taxes, but rather incorporates special voting requirements in order to do so. In a national emergency or period of economic dislocation, the proposal should contemplate that Congress will vote to take the appropriate action—whether that involves engaging in deficit spending, raising the debt ceiling, or altering the tax burden. The important point is that decisions to deviate from economic norms will be made—in the national interest—with greater care and thoughtfulness.

The understandable reluctance to amend the Constitution, if legislation will solve a problem, must now give way—in my view—to a recognition that legislation has not prevented runaway deficits. I call upon those who have been skeptical about such an amendment in the past to join with me now in supporting constitutional change. We simply cannot afford to lose more ground in our effort to bring Government spending under control.

□ 1430

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARNARD].

Mr. BARNARD. Mr. Chairman, I rise today in support of the Stenholm balanced budget amendment, and I urge my colleagues to do the same.

Someone once said that there is nothing so great as an idea whose time has come. Well, this is the time and this is the place to discuss a real way to balance the budget.

The idea of a balanced budget was first proposed by Thomas Jefferson in 1789, who said, "The public debt is the greatest of dangers to be feared by a republican government." That was true then. And now—203 years later—his wisdom is truer than ever as we face a tripling of our national debt in 10 years and an increase of nearly $400 billion each additional year.

Have we no thoughts or concern for the future generations of this country? We are so thoughtful today of those who are aged, those who are infirm, those who are disadvantaged, those who are unemployed. And we should be. But do we have no concern for the aged and the infirm and the unemployed of the next generations? And do we have no concern for our children and their children who will face interest payments equal to 50 percent of the annual budget to pay for our borrowed compassion?

The time is now to answer these questions. We have tried hit-and-miss solutions during the past 8 years. Gramm-Rudman I, Gramm-Rudman II, budget summits with the White House are all examples of failed efforts to bring discipline to our budget decisions.

Without some constitutional enforcement of a balanced budget, I am convinced we will never get there. We will always find some excuse, some worthy program to fund, some national emergency to address—to avoid gut-wrenching decisions. With the amendment before us this week, we can achieve the discipline we need, yet provide for serious and Nation-threatening contingencies.

In reviewing the mail and telephone calls coming into my office opposing the amendment, I am shocked and disappointed. Maybe I should not be because each group has a reason. If their interest is spending, they want to protect their particular programs. If it is taxes, they want to avoid sharing any more in the deficit reduction.

Yet I am shocked by the irresponsibility of these groups who continue the old theme of looking after their interest today, and to heck with the generations that follow.

Some 15½ years ago I came to Congress thinking that we were here to solve problems. We had a deficit then, and we have one today that is nearly 10 times as great.

Solving problems means that everyone involved must participate in the solution. By doing this, no one group will suffer alone, but all will participate in the sacrifices that must be made. But that does not seem to be the way the system works. The system seems to protect everyone's interests and postpone the day of reckoning—a vicious cycle which spirals the deficit upward and simultaneously makes it harder to bring spending under control.

Such cowardice is not what this country is about.

Our forefathers began the Constitution "We the people." They understood that this country stood or fell on the American people standing together.

The single outstanding attribute that has made this country great has been the character of our people standing together in time of conflict. We have a great record of coming together in time of war, time of crisis, time of need.

My friends, we are in a crisis today. There has never been a time when we were in greater peril. No, it is not a war. But it is of such economic consequence that we are in just as much danger as if we were in a war. We are destroying the country bit by bit by inviting foreign investment, encouraging the trade deficit, driving down incentives for businesses to make capital investments, and discouraging personal savings.

I am confident that we as a nation—and we as its leaders—can pull our country out of debt. Yes, it will hurt. The opponents are absolutely right when they say a balanced budget will cause more pain than most people imagine.

Our people will have to realize—and Congress and the President will have to tell them—that the Federal Government can no longer be all things to all people. We are, without a doubt, looking at cuts in defense, cuts in domestic spending, cost containment of entitlements, and increased revenues. There is no magic pill.

Mr. Chairman, before I close, I want to look ahead to some other budget changes which have been a long time in coming. I hope with a new sense of commitment to budget reform, we can enact a 2-year budget, an operating budget versus a capital budget, and a review of entrenched entitlement programs.

Combined with a balanced budget amendment, these changes will result in a profound reordering of the budget process which will put Congress on a rational, orderly system for making the fiscal decisions for generations to come. If we are all willing to do our part and make sacrifices, we can accomplish the task at hand—and rescue our great Nation from irreparable harm.

Let's start by forcing discipline on our budget system. Vote for the Stenholm substitute and set in motion for all time to come an economic policy that made sense 203 years ago and makes sense today.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MATSUI], a member of the Committee on the Budget.

Mr. MATSUI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, about a month ago we met late one evening and we talked about a potential constitutional crisis and how the vote we were going to take that night was one of the most important we would take in terms of the Constitution. That was the issue of whether or not to comply with the subpoena that Judge Wilkey imposed upon the House. I think that issue is so minimal compared to the issue we have before us today that I hope my colleagues will not look upon this issue politically but will look upon it in terms of what might happen 10, 15, 20, 50 years from today.

I think this vote may be more monumental than any of us will ever have taken in the House of Representatives.

In addition, I would like to make one comment so that there is no misunderstanding about what we are doing today. Whatever vote we take today will not balance the Federal budget. It will not reduce the deficit by one penny. It will have no impact on the spending programs and taxing programs of the Federal Government this year. It has nothing to do with the deficit this year.

Many Members will use this vote for political cover back home and say, "I voted for a balanced budget, but my colleagues were the ones that did not support what I wanted to do." But we have heard that over and over again, have we not?

I would like to just mention what the gentleman from Oregon said. He lamented that he came to the Congress in 1982 and now, in 1992, 10 years later, the national debt went from $1 to $4 trillion. That is true. It has. It went up by that amount.

The increases we have had over the last 10 years, I might just mention to the gentleman, have been these four items: Interest on the national debt, which we know we cannot affect; second, defense spending—we have had enormous defense spending over the last 10 years and most of these Members that support this balanced budget amendment have supported every increase in defense over the last decade; third, Medicare, the health program for senior citizens; and fourth and last, tax cuts.

Those are the four items that have contributed to the $4 trillion deficit. And so if we want a constitutional amendment, if we want to cut the deficit, we are going to have to cut interest on the debt, which I am sure we will not, Medicare, which I am sure politically most Members will not. And who is going to support a tax increase after all those tax cuts over the last decade? And defense, yes, we are cutting the defense budget but not nearly as much as would be necessary to make any dent in the deficit.

Let me conclude by making an observation. The gentleman from New York [Mr. Fish], who we all have a great deal of respect for, said we have tried statutory means to balance the Federal budget, Gramm-Rudman, the Budget Act of 1990. And he said, "They didn't work." So now we need a constitutional amendment.

Mr. Chairman, the reason those other items did not work, it was not because it was statute. It was because of a lack of leadership in the White House and in the Congress. And just because we have a constitutional amendment, it does not mean that all of a sudden we are going to have a backbone and we are going to have leadership.

It is going to require honesty and truth to our constituents. It is going to require making tough decisions and maybe taking a political risk of defeat in an election. That is what is required to the American public, not a constitutional amendment that will add garbage to a wonderful, beautiful document that is over 200 years old.

What we need is leadership. Unfortunately, this will not contribute to that.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. McMillan].

Mr. McMILLAN of North Carolina. Mr. Chairman, this part really should not be so difficult.

If Jefferson or Madison could have anticipated the failures in leadership that have produced annual deficits and accumulated debt which have sapped our economic strength and placed unacceptable burdens on ourselves and our children, they would have passed a constitutional mandate 203 years ago without much question.

To those who say the Constitution is too pure to amend for budget purposes, I would like to cite the 16th amendment, which was passed overwhelmingly in 1909 and ratified in 1913, establishing the income tax. Is a balanced budget less important?

The Constitution vested the power to spend in Congress alone in one sentence. They did not foresee that the balance of powers would become an imbalance of powers in favor of Congress and result in an annual game of political chicken that rewards the special interests at the expense of the national interest.

The amendments we consider today will codify a basic value and economic imperative for our Nation. It is the only practical means we have to force the achievement of a balanced budget by 1997 and thereafter.

There are those who say the issue is not constitutional but one of leadership from the White House and this House. Ideally, I agree, but it has not happened in 25 years and promises to get worse.

Congress has been unwilling to say "no" to the chorus of demands placed on it. So long as Congress or the President can simply increase debt to avoid tough decisions about limiting spending, it will continue to do so. We need a constitutional imperative around which to rally.

Balancing the budget will not be easy. That is why it has not happened in recent times. But it will be done if we constitutionally set a goal of balance by 1997 and every year thereafter.

There is no better argument for a constitutional mandate than the chorus of opposition coming from special interest groups all across the land. What they oppose is not a balanced budget amendment, as they assert, but its subsequent practical effect. Congress would be forced to make spending and tax decisions, year in and year out, and none of these groups want those decisions to be made to their disadvantage. They prefer the status quo.

I believe that this Congress has the will to adopt the mandate of a balanced budget. Without an amendment, Congress will not have the collective will to make the tough decisions.

This action will decide the question of whether and when to balance the budget and force Congress to resolve the question of how.

It is interesting that the House-adopted budget for fiscal year 1993 does not begin to reflect the courage to balance the budget by 1997. But the prospect of the passage of this amendment already has the Budget Committee looking at ways to reduce the fiscal year 1993 deficit by $38 billion in order to get on track for balance by 1997. That's it in a nutshell.

I intend to vote for most of these constitutional proposals but I urge my colleagues, particularly on the Republican side of the aisle, to put aside differences in detail in the end and vote for the Stenholm-Smith proposal because it is the only one with sufficient bipartisan support to carry the day.

□ 1440

Mr. SMITH of Oregon. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maine [Ms. Snowe], who is a primary sponsor of this balanced budget amendment to the Constitution.

Mr. FISH. Mr. Chairman, I yield 1 additional minute to the gentlewoman from Maine [Ms. Snowe].

The CHAIRMAN. The gentlewoman from Maine [Ms. Snowe] is recognized for 6 minutes.

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding. First of all, I want to commend the leadership and fortitude of the gentleman from Texas [Mr. Stenholm] and the gentleman from Oregon [Mr. Smith], and I have been very pleased to be part of this effort here today in bringing out the Stenholm constitutional amendment.

Mr. Chairman and members of the committee, as we begin to debate the various constitutional amendments today, we should all recognize that Congress has institutionally and politically arrived at a historic crossroads. Two years ago the House of Representatives debated the merits of a balanced budget amendment. That amendment was defeated, and look how far we have come. We are $700 billion further in debt, and once again debating the feasibility of a constitutionally mandated fiscal approach. In short, we are here again because Congress has utterly failed. It would be wise, I believe, to recognize that failure and begin to address the solutions.

How much proof do we need? How much debt is finally too much? Should we stand at the door and welcome catastrophe when it strikes?

In 12 short years the deficit exploded from $78 billion to more than $350 billion. The combined deficits of fiscal years 1991, 1992, and 1993 will add an additional $1 trillion. Gross interest payments on the national debt will exceed all the spending on domestic discretionary programs. Sixty-one percent of all personal income taxes will be paid for debt service payments. Fifty-eight percent of national savings in this country is consumed by the Federal Government because of its debt service and debt payments. This is in spite of all that we have done, Gramm-Rudman

I, Gramm-Rudman II, the budget summit agreement of 1990, the longstanding laws on the books to require a balanced Federal budget, which included the Revenue Act of 1978, the Byrd amendment of 1978, the Humphrey-Hawkins Act of 1978.

I offered, along with some of my colleagues, as part of the 1992 group in 1985, prior to Gramm-Rudman, a package, the only budget that was scored by CBO; not even the budget offered by the Committee on the Budget was scored by CBO, and our budget would have achieved $274 billion in savings over 3 years, but it was to be rejected by the Congress because they were not prepared to make any deficit reductions, even in the good years.

Make no mistake about it, this spending binge has put the United States on a very dangerous and uncharted course. We have no way of knowing how bad things will get if we continue on this path and we continue with business as usual.

In recent weeks many people have raised some questions about the implementation of a constitutional amendment. Skeptics ask, "What if appropriations exceed estimated revenues? What if the President and Congress underestimate the amount of Federal revenues in a fiscal year? What if it requires budgetary adjustments as a result of a contracting economy, or inaccurate estimates?"

Well, welcome to the real world. That is exactly what most of the States in this country have been confronting. Amidst a serious recession and unprecedented loss of revenues, the Governors and State legislators are making the tough decisions. They are deciding how much Government people are willing to afford in the difficult times.

What is their magic formula? What secret do they have to be able to reach agreement in these difficult times? Like Members here today, every Governor and every State legislator is required to swear to protect and defend and uphold their constitution.

We are required to uphold the Constitution of the United States. Their commitment to defend the very foundation of their States ensures fiscal responsibility. Who among us is suggesting that we are going to violate our oath of office by not upholding the Constitution of the United States? I say without question we will do it because our solemn oath demands that we will do it.

And some have claimed that a balanced budget amendment will force cuts in Social Security. Such arguments are scare tactics, designed to raise doubts about a program that workers pay for through taxes. I do not favor cutting Social Security, since it is a unique program, with individuals receiving benefits based upon the contributions they pay into the system.

To threaten Social Security benefits would be to threaten the bond between retirees and the Government system they supported throughout their working years. No reading of the balanced budget amendment would suggest that this would happen. Social Security must continue to be the foundation on which workers can depend on in their retirement years. Efforts to produce a balanced budget will require a thorough examination of other Government spending, and reductions in wasteful, low-priority, and unnecessary Federal programs.

Some are saying, "A constitutional amendment is too inflexible to respond to a downturn in the economy." Can those people tell me what we have been able to do to respond to this recession? Nothing, because we have a $400 billion deficit, so we are not able to help people who are unemployed, we are not able to address the growth issue or make more investments in our infrastructure because we do not have that ability as a result of the massive debt.

According to a recent New York Times article, economists now believe that our deficit and debt have contributed to our Nation's inability and inflexibility to rebound aggressively from this recession. Or look at the most recent GAO report, in response to Senator BRADLEY and his concern about the deficit and what we ought to do. I quote:

> Failure to reverse these trends in fiscal policy and the composition of Federal spending will doom future generations to a stagnating standard of living, damage U.S. competitiveness and influence in the world, and hamper our ability to address pressing national needs.

I would say to the Members that we are jeopardizing our preeminent position as a global economic power. I say that is utterly unacceptable. And in the final analysis that is the basic difference between the opponents and the proponents of this amendment.

□ 1450

For those Members who find this an acceptable legacy to bequest future generations, then oppose the balanced budget amendment, but for those who do not want to be part of that legacy and consign future generations to a lower standard of living, then join with us in supporting the Stenholm amendment.

Yes, Mr. Chairman, there is a deficit in this institution which exceeds even these astronomical dollar amounts. It is a deficit of will, responsibility, and of courage.

I, for one, want our children to live, work, and thrive in a nation free from the slavery and bondage of debt. Our generation owes that much to the next.

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say briefly to the gentlewoman from Maine, we swear to uphold the Constitution now and to perform our duties now. And in my reading of the Constitution, it requires us now to make tough choices. I do not need a constitutional amendment to make tough choices. Maybe the gentlewoman does. I do not know.

Ms. SNOWE. If the gentleman will yield, I have made some tough choices here, Mr. Chairman.

Mr. PANETTA. I do not need a constitutional amendment to do that.

Ms. SNOWE. That is right, but we have now reached a point here where we have to make a decision of whether or not we are prepared to face the problems, and yes, it does require adhering to the Constitution if we should pass this, and the States then ratify it as a constitutional amendment, and then we have the enforcement mechanism. In our language that would require all of us to decide how that amendment will be implemented, and we will make the tough choices that the gentleman has been describing.

Mr. PANETTA. I trust the gentlewoman is true to her word that she has made tough choices, and I believe she has, and I do not believe she needs a constitutional amendment to make touch choices. And I believe that our constituents think that we do not need a constitutional amendment to make tough choices, because they elected us to come here and make tough choices, not wait for a constitutional amendment to tell us what to do.

Ms. SNOWE. The deficit is too much. At what point do we decide?

Mr. PANETTA. Mr. Chairman, I yield 11 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, first let me say that I share the frustration of those who are here today advocating the passage of this constitutional amendment. I would just point out that as far as I am concerned, deficit reduction is this Nation's No. 1 priority, and in my voting here in the last 10 years I have tried to vote in that manner. I share, like I say, the absolute exasperation of the gentleman from Texas [Mr. STENHOLM], and all of the others who are supporting this amendment. I have stood in this well on a number of occasions advocating freezes, tough budget medicine.

Recently I took the floor to express opposition to the change in the earnings test on Social Security. That passed the Senate by a voice vote and that would have cost the taxpayers $27 billion. The version that passed here overwhelmingly passed by a vote of 360 to 50.

So as far as I am concerned, this measure is not going to work. I have been tempted to vote for this, and I will share that with my colleagues, because frankly I am a little tired of trying to defend my vote in opposition to it, because this is so politically popular in an election year. So it is easy to vote for this, go home and say when asked what are you going to do to deal with the deficit, "Well, I voted for the constitutional amendment requiring a balanced budget."

First let me say this constitutional amendment does not require a balanced budget. Let me say that again. This constitutional amendment does not require a balanced budget. It merely requires that three-fifths of the Congress would be required to deficit spend. A majority right now is required to deficit spend, of course. So when we talk about the three-fifths, we are talking about 261 votes in this body being needed to deficit spend.

Well, Mr. Chairman, I have gone back and done a little research, and guess what I found? I found that in 1991 every, every appropriation measure that this body passed was passed by more than 261 votes, not one had fewer than 261 votes. So then I went back to the previous year and I thought maybe we would find a number of appropriation bills that had passed with less than 261 votes. Guess what I found? I found that in 1990 only one appropriation bill, which was the D.C. appropriation bill, got less than 261 votes. And then we had the real tough deficit reduction package, the omnibus reconciliation bill that got 227 votes, and do you know why? Because it contained some revenues, and it contained some tough medicine on entitlements, so we could only find 227 brave souls to vote for that.

Now I went back to 1989 and in 1989 I found only that the Commerce, Justice, and State appropriations and the D.C. appropriation got less than 261 votes that this measure would require. That is why, my friends, I say this constitutional amendment will solve absolutely nothing when we talk about spending.

Now the second concern I have about this is the whole idea of enshrining in the Constitution of this great democracy minority government. The concept of majority rule in a democracy is fundamental, and I do not want to enshrine minority government in the Constitution.

My friends on this side of the aisle who aspire someday to be in the majority, I am amazed that you want to turn the future perhaps over the minority. That does not make a lot of sense to me at all.

The third concern I have, and I think is shared by many Americans when they reflect on this ill-conceived idea is the idea of turning tax-and-spend policy in this country over to the unelected judiciary. Think about it. Do we really want the Supreme Court of the United States to be setting tax-and-spend policy in the event that we have some kind of gridlock here? I certainly do not.

Let me clarify something about Social Security. The gentleman from Illinois and others have said that Social Security is not involved, somehow we are going to be able to solve this without touching Social Security.

I have read this constitutional amendment and I have confirmed this with the principal author. The fact is this constitutional amendment before us does include all outlays and all receipts. That means Social Security is on the table, and let there be no doubt about that.

Now granted, in future years a Congress may elect to take Social Security off the chopping block, and I will confess to my colleagues that as one Member I believe that Social Security is going to have to be a part of the final solution of this horrible deficit mess that we find ourselves in. And those who have studied this issue carefully I think would come to the same conclusion.

Let me also now talk about how we would game this amendment. For those who think this is so tough, let us talk about how you would just completely skirt it, and it would be very easy, my friends. At the end of the legislative year what would we do? We would have a measure down on the floor to fund Medicare or to fund Social Security or to fund the Veterans' Administration or to fund agriculture, or to fund transportation in this country, and the vote would be a very simple one, my friends, very simple.

Tonight, Mr. Chairman, we have a choice to make. We are either going to meet our obligation to the Social Security and Medicare recipients of this country or we are not, yes or no. And to do it we are going to have to deficit spend. Now what would happen? Three hundred and sixty votes would be up there in a heartbeat to pay Social Security and Medicare. And do you know what? You start the next year then with today's numbers with a $400 billion deficit if you paid for everything else except Social Security. And then you have this constitutional amendment hanging over your head saying to balance the budget.

Then you are into the game of finding three-fifths to raise the debt ceiling, three-fifths. And you know what I think would happen? When you find the 261st vote to get your three-fifths majority to raise the debt ceiling, that person is not going to be coming to the leadership saying please cut a program in my district for my vote. That Member will not be saying that. The Member will be saying, "You want my vote? This is the price," and up goes the spending.

So I contend that this amendment is going to do absolutely nothing to deal with our problem.

Now let us talk about a solution. I have two charts here that I want to refer to only for the benefit of historical perspective. A lot of people think this problem started 50 years ago, or 20 years ago.

□ 1500

I submit to you, my friends, this problem really started in 1980–81. At that time something happened. The Holy Grail that has been referred to earlier today must have been destroyed that year, and the reason I say that is because when you look at this chart you can see that in 1945 the debt of this country as a percent of gross national product was 111 percent, 111 percent. This institution, working with Presidents of both political parties, worked hard and responsibly to reduce this Nation's debt as a percentage of gross national product until 1980, when it was 26.8 percent, a tremendous achievement. Guess what happened. In 1980 and 1981, because of the changes, political changes, in this town, as you can see, the trends have moved in the other direction until today the debt as a percent of gross national product is 52 percent. It has doubled nearly since 1980.

During that time, I went back and looked over Presidential vetoes on spending issues. Do you know what I found? I found that in 8 years President Reagan only vetoed one annual spending bill, and five supplemental spending bills.

Then I went back to see what President Bush has done. Do you know what I found? I found that he has not yet vetoed a major appropriation bill because of spending. He has vetoed them because of abortion.

I happen to believe very strongly in strong executive leadership, and I am not suggesting that this responsibility lies solely with the President of the United States. It does not. This Congress has passed the spending bills and, therefore, must share responsibility for the outcome. But I believe in strong executive leadership, and as far as I am concerned we are not going to solve this problem until we have a leadership in the White House that will send this Congress a balanced budget and accept responsibility for the aggregate spending level of the country. That is why I think part of the solution must be a constitutional amendment empowering the President to set the aggregate spending level for the country, and then the Congress can adjust the spending priorities within that limit.

The other part of this solution must, my friends, be the election of Members of this body who are committed to doing whatever is necessary to solve this most urgent problem facing the country.

For those who say that they can solve it without a dime in additional revenue, they are not telling you the truth. For those who say they can solve it without cutting entitlements including Social Security, they are not telling you the truth either.

I think it is time for us to be honest with the American people about the kinds of tough choices that we face.

As to this constitutional amendment, in conclusion, Mr. Chairman, let me just observe what the noted conservative columnist James J. Kilpatrick had to say about this amendment last year, and I agree with it. He said:

> This amendment is a paper tiger. It does not growl; it merely meows. The fearsome teeth are false teeth. The oratorical wind that blows from Capitol Hill brings the sound of clacking gums. Congress does not need a constitutional amendment to balance the Federal budget. What it needs, excuse the homely word, is guts. Backbone. Courage.

That is what we need. That is what a President and a Congress need. And then and only then are we going to solve this problem.

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I rise in support of a constitutional amendment to balance the budget. Since I have been in Congress, I have been constantly aware of our deficits. I voted against legislation that would expand the increasing budget deficits we face every year. Unfortunately, too often, my vote on the side of fiscal conservatism has been a vote with the minority of Members of Congress.

The Constitution provides the fundamental framework to guide the decisions of Congress and the President, and it is high time that we move in this direction. Opinion polls over the past decade have found that the overwhelming majority of Americans favor a balanced budget amendment as a means of controlling the size of the Federal Government. With a national debt of about $4 trillion, there is a desperate need for discipline at the national level. I believe the balanced budget amendment is a statement of principle and conviction that will promote this conviction that will promote this discipline and should have been implemented a long time ago. Without the constitutional amendment, Congress will never have the inclination nor the backbone to make the tough choices on how to restrict Government spending.

Mr. Chairman, I agree with the gentleman from Kansas that there are other better ways to accomplish this, but in 20 years in the Congress, I have never seen a Congress that was willing to make those tough choices. Sure, we can do it ourselves. We should do it ourselves. But in 20 years that I have been here, I have not seen this Congress willing to do it, and unless we are willing to do it, we have to find some support in the Constitution or elsewhere to make us do it.

There are no simple solutions to the Federal deficit problem. They are possible only if all branches of Government are willing to take responsibility for their actions. Such responsibility is a matter of trust for Government by demonstrating that we are spending taxpayer's money wisely and with accountability. We have here before us an opportunity to improve the integrity of our budget process. It is critical that we establish a fundamental commitment to the principle of a balanced budget if we are to succeed in reversing the deficit's long-term upward trend.

In the past 18 years, Congress has enacted the Congressional Budget and Impoundment Control Act of 1974, Gramm-Latta, Gramm-Rudman I, Gramm-Rudman II, and the 1990 Budget Enforcement Act. During this 18-year period, our national debt has climbed steadily in spite of these legislative efforts. The last time the Federal budget was in balance was in 1969. Since that year, deficit spending has added $2.8 trillion to America's national debt, accounting for nearly 90 percent of today's total debt. Since the 1930's dozens of proposals have called for laws or constitutional amendments that would require a balanced budget or limit the size or growth of the Federal budget or of the public debt. Over 30 such measures have been proposed in each of the past several Congresses. Proposed constitutional amendments to require a balanced budget have been considered on only four occasions in Congress. In 1990, the House came within seven votes of the two-thirds necessary to take this historic step. It was just not enough.

During the debate over the budget summit legislation of 1990, the argument was made that a tax increase was needed to cut the deficit. Instead of using the money obtained to reduce the debt, it was used for more spending, as many of us on the minority side of the aisle predicted.

I understand that there are weaknesses in this amendment. One of the problems with this amendment is that with a three-fifths vote, we can go into further debt. I understand that, and that is a real weakness here. But it is a strong step forward.

I wish we could go all the way, with, of course, some kind of loophole for extreme emergencies such as war or other things of that kind, but we do need to take this step now, as minor as it may be; although it may not solve all of our problems, it is a positive step to show the American people that we care, we want to do something about it, and we are determined, we are determined as a Congress that we are going to move toward a balanced budget, and we mean it now.

Although a lot of blame has been placed on the President for our deficit problem, the real truth is that it is Congress that initiates every single spending bill. The Congress has been controlled by one political party for 40 years. Now is the time to end this party's control.

I could not support the budget resolution approved earlier this year because once again, it does nothing to reduce the deficit or eliminate wasteful Government spending. Federal spending as a percentage of gross domestic product is expected to climb to more than 25 percent this year, its highest level since World War II. Taxpayers are facing $400 billion in annual deficits, nearly $300 billion in annual interest payments and a total of $4 trillion in national debt. If the debt burden continues, it will cripple the ability of future generations to make the necessary improvements in education, health care, housing, and other domestic needs that we hear so much about from this body of Congress.

Among my constituents in California, there is overwhelming support for a constitutional restraint on the ability of the Federal Government to continue to run up huge budget deficits. The Federal Government has run deficits over the past three decades. The interest on our nearly $4 trillion debt has become the single largest item in the Federal budget. This debt burden continues to slow down our economy and stifle our ability to make investments in the future. We must put an end to this budget crisis by putting a stop to the rampant growth in Federal spending. Every effort must be made to cut wasteful spending and reduce the deficit.

Even with a balanced budget amendment in place, we still have to make the tough choices to bring spending in line with revenues. Whenever Government spending is financed, resources are taken out of the productive sector of our economy and transferred to the Government. Federal borrowing certainly imposes economic costs, forcing up interest rates and soaking up credit that could have been used to finance expansion of the Nation's capital stock. But taxes, too, impose economic costs, such as reducing incentives to work, save, and invest, thereby lowering economic growth and discouraging job creation. According to Dr. Alice Rivlin, former Director of the Congressional Budget Office:

> If Americans are to live better in the future, they need to save more and channel those savings into productivity-enhancing investment. If, instead, they continue to use their relatively low private savings to finance ongoing expenses of government, they are likely to get low investment, stagnant productivity growth, continued trade deficits and growing obligations to send interest, dividends and profits overseas.

As long as deficits continue to grow untethered by Congress, interest payments will consume every growing percentage of future budgets, a burden that will be unfortunately, borne by tomorrow's taxpayers—who are our grandchildren of today. Every dollar of deficit spending places a financial burden upon future generations.

Thomas Jefferson said of deficit spending:

> The question of whether one generation has the right to bind another by the deficit it imposes, is a question of such consequence as to place it among the most fundamental principles of government.

Unless action is taken now, Federal debt and out of control deficits will continue to cripple our economy and mortgage our children's future. We must adhere to the will of the American people and put into place a constitutionally mandated balanced budget.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise in support of the balanced budget amendment.

I originally cosponsored the amendment because I believe our burgeoning budget remains the single most important issue facing Congress. Given the failure of the last 12 years, passage of a balanced budget amendment would be an important step toward ending the present era of fiscal irresponsibility.

Since coming to Congress in 1987, I have been a strong advocate of reforming our budget process and reducing wasteful Federal spending. I supported, and voted for, the Stenholm amendment 2 years ago. I believed then, and I believe now, that passage of the amendment would bring some common sense into our system of government—the same type of common sense that every American family must utilize when they pay their bills every month.

Interest payments on the Federal debt are now the third largest expenditure in the entire Federal budget, and will reach $214 billion this year alone. That's $214 billion we are not spending on education, or infrastructure or investing in our future.

Having said this, I have strong concerns over how the amendment is drafted. Specifically, I am concerned that there is no distinction made between operating deficits and capital financing requirements. In other words, investment debt is treated the same as consumption debt. This encourages short-term thinking, and skews fiscal decisionmaking.

This is not a new issue. The General Accounting Office, in a 1989 report, proposed an alternative presentation to the unified budget which more accurately reflects these accounting realities. Basically, the proposed capital budget would separate disbursements for physical capital and credit flows from the operating budget. Aggregate totals of the capital and operating budgets would be provided, but the distinctions between the two uses of funds would be set out in all summary presentations.

The bottom line, is that this kind of distinction encourages cost-effective investment to meet longer term needs, and avoids the economic pitfalls of short-term budgeting. I am concerned that the amendment as drafted will have the effect of squeezing legitimate investment spending, particularly after 12 years of consumption and neglect.

Nevertheless, I support the resolution because I believe we are better off with the amendment than without it. There are certain fundamental problems with the current spending patterns that desperately need to be addressed. Furthermore, the Stenholm resolution would eliminate a lot of the budget chicanery practiced by both the administration and the Congress by counting all items on- and off-budget, and by penalizing unrealistic budget assumptions.

In conclusion, let me just say that I am understanding of the criticisms of the balanced budget amendment. However, the Federal budget deficit is simply out of control, and there is no end in sight. For 12 years we have had nothing but fiscal gridlock. If a political solution to this problem cannot be achieved, we need to seek alternate solutions before this country is completely bankrupted.

In his inaugural address of 1801, Thomas Jefferson stated that:

> The honest payment of our debts, I deem (one of the) essential principles of our Government and consequently (one) which ought to shape its administration.

These words were never truer than today. I urge my colleagues to support the balanced budget amendment.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I have to say I was not sure this day would ever come. As one who has always supported the balanced budget amendment, indeed each of the Members representing my district for the last 40 years—Armistead Selden, Walter Flowers, and RICHARD SHELBY—have supported it, I was not sure I would serve long enough in the House to see this matter brought to the floor and voted on.

I am gratified that today we see Members from both sides of the aisle, the joint leadership, and even this frankly spendthrift, if not bankrupt administration have now seen the need for fiscal discipline which can apparently only be imposed by amending our Constitution in this fashion.

I understand that many will say that if Congress and the President wanted it, we would have a balanced budget today, amendment or no. This may be true, but it is also irrelevent.

In every case it is true that if people invariably acted correctly, there would be no need for laws or constitutions to compel or restrain action. The world in which we live is far from perfect and we who serve in Government accurately reflect that fact. Thus we have need of laws and constitutions.

I understand that some economists oppose this measure. While I appreciate their attempts at a balanced prespective, I am also reminded that economics is not called the dismal science for nothing. Obviously if they knew as much as they would have us believe, we would not have the economic and financial problems which necessitate this measure.

Even supporters of the amendment question how it will be made to work, how it can be enforced. I would suggest that my home State, Alabama offers a model, one interestingly enough suggested by the august Brookings Institute when my State sought its advice on reorganizing State finances.

We made it a criminal offense, punishable by fine and imprisonment for a State official—

> To draw any warrant or other order for the payments of money * * * unless there is in the hand of the treasurer money appropriated and available for full payment of the same . . . any person violating any of the provisions of this amendment shall, on conviction, be punished by a fine of not exceeding $5,000, or by imprisonment in the penitentiary for not more than 2 years, one or both and shall also be grounds for impeachment.

In conclusion, I urge all of my colleagues to join in support of this measure, recognizing that it will be but the first step on the long road back to fiscal responsibility. I also ask that those of the American public, which says it overwhelmingly supports this measure, do not think this process will be easy or painless. Sacrifices will be felt in every home.

Do not be fooled by those who say we can easily balance this budget just by cutting waste and fraud, or cutting welfare and foreign aid. If the solutions were easy and painless they would have been implemented long ago.

We have a great country, we have a strong basic economy, and we need only show the will and commitment to solve this problem, to show that we can rise to the challenge—that we can leave to our children and grandchildren a heritage of freedom and responsibility, not one of debt and servitude.

□ 1510

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, rarely do we get a chance to see something that is bad constitutional law, bad economics, and bad politics wrapped into a series of proposals.

The Constitution that the Founders gave us was the architecture for our Government and its amendments provide and enumerate the rights and responsibilities and the privileges of our citizens. For 200 years our predecessors here in the House and in the other body have been loathe to amend the Constitution. They asked themselves the question, "Is there no other way to accomplish the goal that we seek? Is the national emergency so great that only the amending of the Constitution will solve that problem?"

We face a great emergency with this debt, but the remedy is not a constitutional amendment, because all the tools to solve the problem of the debt we currently have. What we lack is the requisite political will.

Why is this bad constitutional law? Because it elevates to a position of constitutional privilege the idea of three-fifths rule. Since we were children in grade school, the idea of majority rule has been engrafted on all of us. The idea of majority rule recognizes that it provides for a consensus to achieve a majority.

This backhanded attempt to deal with majority rule undermines one of the most fundamental principles of American Government. It will provide for a willful minority to dictate to the wishes of a majority.

The waiver authority embodied in the amendments is especially ludicrous. If by theory we need a constitutional amendment to balance the budget, we raise it to a level of immutability by making it an amendment to the Constitution. All the other amendments, speech, freedom of the press, the ending of slavery, cannot be waived by a 60-percent majority. If it is so important that it needs to be enshrined in the Constitution, then do not waive it as a principle.

Economically speaking, a balanced budget is not a goal of a national government. The goal of a national government in terms of economy would be full employment with stable prices. That may or may not be achieved by the establishment of balance between outlays and revenues.

Indeed, since we are not here now repealing the business cycle, the reality would be during a period of recession that we may want to deficit spend in order to increase aggregate demand. This amendment would prohibit this. This amendment would force us to continue the legacy of Herbert Hoover who wanted to see the budgets of the United States balanced in the middle of a recession. It is preposterous. It attempts to repeal the most fundamental laws of Keynesian economics.

Finally, it is bad politics.

Mr. Chairman and my colleagues, will any of you stand up who are here part of the 284 prepared to change the notch that will cost $325 billion over the next 30 years, or those of you who would like to eliminate the Social Security earnings test for $27 billion? Surely you cannot be the same people who want to balance the budget and yet spend these hundreds of billions of dollars. That would be hypocrisy.

Do you know why Ross Perot does so well, my friends? Because he speaks clearly and plainly to the American people. He does not say to the American people, "I want to balance the budget, but I really would like to give you the notch. I would really like to give you the earnings test. I really would like to do these things."

When you speak out of both sides of your mouth, my colleagues, you breed disrespect in the body politic and you undermine this great institution.

Please reject the sophistry of a balanced budget amendment. Please embrace the reality that the only way to achieve a balanced budget when it is necessary is by difficult choices.

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of a balanced budget amendment to the Constitution. I believe such an amendment is absolutely necessary in stiffening the spine of Congress to make those difficult decisions we have been ducking for years, and forcing elected leaders to carry through on a plan to balance the Federal budget.

Back in 1984 when I was first elected to Congress, the citizens of the Third District of the State of Kansas sent me to Washington with a clear mandate—eliminate the deficit and balance the budget. Today, this issue remains the No. 1 priority among my constituents. Despite adopting several laws stating there should be a balanced budget, passing Gramm-Rudman-Hollings I, Gramm-Rudman-Hollings II, and the 1990 Budget Act, we have a record deficit of $400 billion this fiscal year, and are farther from balancing the budget than we have ever been. The national debt that we have been building for the past 32 years is now nearly $4 trillion, and climbing fast. We have been digging a hole that is now so deep that the very idea of balancing the Federal budget presents an insurmountable task to some. However, if we do not take action now, if we listen to those who say that we need to balance the budget, but not today, we may never be able to get out of that hole. Tragically, our children and our grandchildren—the entire future of our Nation—will suffer the dire consequences of such lack of will.

Mr. Chairman, to those who oppose a constitutional amendment requiring a balanced budget because they claim such action does not make those tough choices, I must disagree. While the measures we will be voting on do not include specific spending reductions or revenue increases, a constitutional amendment eliminates the escape hatches that have been built into every deficit reduction plan we have ever passed. A simple waiver of the Budget Act, which Congress has done more than 500 times since 1978, has provided Congress the ability to ignore the statute that says we shall not deficit spend. When an amendment is added to the Constitution that requires a balanced budget, Congress and the President's proverbial feet will be held to the fire.

There is no doubt that the decisions and choices Congress will have to make to balance the budget will be tough. As I listen to the debate, I am reminded of the old adage about the man who wants to go to Heaven, but does not want to do what he must to get there. In the past few weeks I have been deluged with calls and letters from various groups who claim they support a balanced budget, but vehemently oppose a constitutional amendment, because our Nation is in crisis. They say we cannot balance the budget now because many important programs would suffer reductions, programs that must be fully funded to avert national disaster. While I support the purpose and existence of many of these programs, I believe we must look at the big picture. Congress is always going to balance the budget tomorrow, pushing the deadline for reducing the deficit out a few more years, and then another few more years, with a balanced budget just around the corner. Mr. Chairman, such thinking is how we got into this mess in the first place.

Eliminating the deficit and balancing the Federal budget will require Members to make some politically unpopular decisions. Some of our constituents have been concerned that a balanced budget amendment will hurt Social Security. I say that one of the biggest threats to the Social Security system is the deficit and the debt and that is because we are investing Social Security reserves in U.S. bonds. Now, I do not believe anything dishonest or evil is happening with the Social Security reserves. They are being invested in U.S. bonds so they will earn interest, and all of us would want such a large sum to earn interest. However, because of the deficit and the debt, I am not completely comfortable about the reserves. It is appropriate to invest the reserves in U.S. bonds, but only if there is money available to redeem those bonds when we need the money. And this means we simply must get our financial house in order, eliminate the deficit, and reduce the debt.

Everybody wants a balanced budget, but only if it is balanced on the back of the other guy's program. Mr. Chairman, it is time for Members to fess up to their constituents and tell them there is no other guy's program. We are all in this together, and everyone will feel the pinch. However, I believe the American people are willing to make those kinds of sacrifices to ensure their children and grandchildren inherit the kind of country we would all like to leave them—not a future shackled by the debts of the past.

Mr. Chairman, I would like to extend a sincere thank you to the Members who have labored so diligently in bringing a constitutionally balanced budget amendment to the floor, particularly Mr. STENHOLM, Ms. SNOWE, and Mr. SMITH of Oregon, who have kept the torch burning on this vital issue. As I voted in 1990, I will vote today for a balanced budget amendment to the Constitution, hopeful that we have those additional few votes needed to prevail. Furthermore, to the distinguished chairman and members of the Budget Committee, this Member pledges her support in adopting those tough policies to carry through on the promise we are making today.

□ 1520

Mr. SMITH of Oregon. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. WYLIE], who 25 years ago, introduced a balanced budget amendment to the Constitution.

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from Texas [Mr. STENHOLM] and the gentleman from Oregon [Mr. SMITH] for their tenacity and hard work and for this opportunity to speak about the most serious problem facing our Nation today.

Of course, I rise in support of the resolution calling for a constitutional amendment to balance the budget, and, yes, Mr. SMITH, I am proud to say that I have introduced a resolution similar to the Stenholm-Smith resolution in every Congress since I came here to serve in 1967.

As a member of the State Legislature of Ohio, I was familiar with a constitutional amendment to balance the budget, and it worked in the State of Ohio. Make no mistake about it, a constitutional amendment to balance the budget is popular with people all across the Nation. In my January questionnaire, 75 percent of all those who responded favored an amendment to the Constitution that would require that the Federal budget be balanced except in time of war or economic necessity.

I do not believe that the constituents of my district are much different than the constituents of the districts of other Members of this body.

I repeat for emphasis, the most serious problem facing our country today is the huge budget deficit and the size of the public debt. As has been stated earlier, the interest on the national debt is expected to total $316 billion next year, or $7,005 for every family of four in the United States.

The sum of $316 billion is more than the total revenues for the Federal Government in the year 1976, just 15 years ago. In little more than a decade, we have passed five statutes intended to create a balanced budget or enforce some budgetary discipline. We tried Gramm/Rudman, but it was not allowed to work. We had a budget summit agreement, and it too has not worked. I think the time has come for us to do something different and drastic about the deficit and to me the only hope is a constitutional amendment.

Financing the Federal debt has, in my judgment, caused the recent stagnant economic growth and has done more harm to our economy than any other single factor. Senior citizen groups have organized a postcard campaign saying a balanced budget amendment would endanger their benefits. I respectfully disagree because I know that a stable economy, having a dollar that retains its value, would help the senior citizens. As interest payments on the debt continue to crowd out private sector and other Federal spending, it most assuredly adversely affects Social Security benefits. I think to pass the balanced budget amendment is to preserve and protect the Social Security system.

In addition, budget deficits certainly adversely affect our young people. If we do not pass this balanced-budget amendment to balance the budget, I think it means Congress will still be unable to come to grips with the massive budget deficits.

That will impact adversely on the standard of living of our children and our children's children.

I think a balanced budget amendment is looking to a brighter future economic amendment. Forty-nine States have balanced budget amendments, and not one State has ever suggested repealing the State constitutional amendments.

Since I have served in Congress, a balanced budget amendment has come up for a vote in the House and Senate four times. In 1982, the Senate passed a balanced budget amendment on a vote of 69 to 31. In the House, however, it failed to receive the necessary two-thirds' majority.

In 1986, when the amendment came up again in the other Chamber it failed to achieve the two-thirds majority required by one vote. The House voted on this amendment in 1990 when it fell only seven votes short of the necessary two-thirds majority. The fact that we have not been able to pass a balanced budget amendment has been a great disappointment to me. I would like to be able to say that the last Congress in which I served will always be known as the one which passed a balanced budget amendment to the Constitution which was quickly ratified by the 38 States, as I know it will be if presented to them.

My "yes" vote will be one of the easiest I have ever cast.

The CHAIRMAN. Is the Chair's understanding correct that the gentleman from Kansas, [Mr. SLATTERY] is controlling the time as designee for the gentleman from Texas [Mr. BROOKS]?

Mr. SLATTERY. This gentleman does, Mr. Chairman.

Mr. Chairman, I yield 6 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today to express my commitment to vote for the spending cuts and revenues necessary to reduce the national debt. At the same time, I feel compelled to discuss my deep concerns about amending the Constitution in an effort to obtain a balanced budget.

The supporters of this amendment remind me of rival gangs steadily escalating their weapons. Gramm-Rudman, Gramm-Rudman II, budget summits, constitutional amendments, supermajority votes.

The frustration of the supporters of these proposals is real, and we all share it. They argue that we have tried everything else, and nothing has worked. But they are wrong.

Through all the procedural fixes, the deficits rose, and the national debt soared out of sight; $4 trillion now, and, under the budget submitted by the President this year, $6 trillion 5 years from now.

The supporters of this amendment say we've tried everything, and now we must amend the Constitution of the United States. They say all the other proposals, legislative rather than constitutional, have failed. Despite all the changes we've enacted in the budget process, the red ink flows deeper and deeper.

The proposed constitutional amendments spring from the notion that we have the target in our sights and simply need new weapons to bring it under control.

The fact is that we don't need any new weapons. We haven't tried everything. We have not tried the one thing that is sure to work. We need to get in close and slug it out—working on spending cuts and revenues needed to reduce the deficit.

That's our challenge. Instead of choosing new weapons, we need the courage to do the work it takes to reduce the deficit.

This amendment won't solve the deficit problem, because it doesn't deal with the deficit problem. The Constitution of the United States did not cause the deficit. Nothing in the Constitution prevents us from cutting spending, or getting entitlements under control, or bringing revenues and spending into balance.

It is the performance on the budget, not the process, that is the problem. During the debate on the defense authorization bill last week, the gentleman from Massachusetts [Mr. FRANK] made this point. It is easy to cut the budget in general, but it does no good. It is hard to cut the budget in specific, but that is the way to a balanced budget.

None of the speeches on this floor today, none of the outrage we express over a $4 trillion debt and $400 billion deficits, none of the constitutional amendments, will balance the budget. We can't balance the budget when we refuse to reduce military spending. We can't balance the budget until we get serious about cost controls in health care.

Mr. Chairman, the Constitution's not out of balance, the budget is. The President and the Congress need to exercise the powers and responsibilities provided under the Constitution, and not hide behind fake constitutional fixes to our country's fiscal problems.

A balanced budget amendment poses a significant threat to our system of government established by the Constitution as well as the strength of our economy. At the same time, a balanced budget amendment will provide another gimmick and excuse for us to avoid dealing with the budget deficit.

If Congress and the President fail to agree on a balanced budget, it could fall upon the courts to develop a balanced budget. As Robert Bork has argued:

> The results of such an amendment would be hundreds, if not thousands, of lawsuits around the country * * *. By the time the Supreme Court straightened the whole matter out the budget in question would be at least four years out of date and lawsuits involving the next three fiscal years would be climbing toward the Supreme Court.

Just a few months ago my home State of Maryland went through an extended battle over how to balance its budget in the face of a deficit caused by the recession. They cut programs, and they raised taxes. Their job was made even more difficult by Federal mandates. The balanced budget amendment, which we are considering here today, will almost certainly lead to additional Federal mandates.

The people of this Nation have little confidence that a constitutional amendment will work to bring about a balanced budget. A recent survey of the citizens of the Third Congressional District of Maryland found that 60 percent of them believe a constitutional amendment will not succeed in balancing the budget. We'll just invent new ways of taking expenditures off budget or counting receipts twice or other curative scorekeeping to avoid dealing with the deficit.

In conclusion, Mr. Chairman, we do not need more budget and accounting gimmicks. I agree with the Baltimore Sun in calling the balanced budget amendment a cynical, hypocritical gesture. What we need is Presidential leadership and congressional courage.

□ 1530

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I rise with some trepidation in support of the constitutional amendment for a balanced budget, trepidation because I do share the concerns that have been expressed here this afternoon about the risks, substantial risks, that we may be encountering if this amendment is adopted. But I think, Mr. Chairman, that the risk of continuing on the course that we have been on for far too long is a far greater risk because it really threatens the livelihoods of our children. It puts us deeper into debt. So, I think that this is a risk we cannot afford not to take.

But one of the risks, Mr. Chairman, that we have to face and we are going to have to deal with after passage of the balanced budget amendment is how we go about reducing the deficit without doing irreparable harm and damage to the economy and to the future of the country. Mr. Chairman, I would suggest that one way to reduce that risk, or at least one of the risks that may be inherent in the adoption of this amendment, would be to adopt capital budgeting. If we are to have a balanced budget amendment, and I hope that we do have a balanced budget amendment, then I would hope that we will also have enough sense to do what the States who now live with balanced budgets in their deliberations have done, which is to adopt a capital budget.

Mr. Chairman, under our present budgeting process we have an exclusive focus on a single cash based total, and that leads to really unsound, in my view, deficit reduction strategies. States, on the other hand, distinguish between spending for capital investments and spending for operating expenses, and they focus upon the latter in their balanced budget deliberations. Under the present Federal budget structure, however, it is very difficult, if not impossible, for the President and the Congress to apply deficit reduction efforts in a way that balances needs for operating expenses with needs for capital investments.

So, Mr. Chairman, this single number focus of Federal deficit reduction efforts is based upon a highly questionable premise that all outlays are the same, whether for capital investments or for operating expenses. This is clearly not the case. Capital outlays, whether they are for buildings or for loans, produce future streams of benefits to the Government or to the economy. The benefits may be cash flows, as in the payback of loans, or user fees. They may be facilities to carry out Government operations or other economy returns.

The point is that there is a substantial difference between operating expenses and capital expenditures, and failure to recognize the critical distinction between capital investments and operating expenses complicates economic policy making extraordinarily. Officials cannot readily discuss and set public policy.

Second, under the current, cash-based budget, there is a budget bias against capital programs, which could lead to uneconomical decisions. Under present budget scorekeeping rules, a $10-million outlay to construct a building—a capital investment—in a given year contributes to the year's deficit the same as a $10 million outlay for vehicle or airplane fuel costs—an operating expense. This scorekeeping practice front-end loads the costs shown in the budget for the acquisition, since the project will have sizable startup cash payments. Such a capital project is also at a disadvantage during budget deliberations when competing with an alternative means of acquiring the use of a building that would have lower front-end costs, such as leasing, but which has significantly higher long-term costs. This could lead decisionmakers to select the leasing option even though it would entail larger, long-term costs without the sizable benefit of eventual ownership. In a sense, it requires a capital asset to have a 1-year payback to be able to compete equally with current operating programs—a clear manifestation of the budget's focus on short-term thinking.

It is also obvious that scoring capital expenditures over the useful life of the capital improvement rather than in the year authorized will greatly ease the task of realizing a balanced budget. So I support the balanced budget amendment and also urge my colleagues to move toward a capital budget after its amendment is adopted.

The CHAIRMAN. The gentleman from Wisconsin [Mr. MOODY] is recognized to control the time.

Mr. MOODY. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Chairman, in the 200 plus year history of our Constitution, it has been amended 27 times. Today, I rise in support of amending it for a 28th time, to balance our Federal budget by adopting the Stenholm amendment.

I proposed and cosponsored legislation similar to this since I was first elected to Congress. It made good sense then and it makes good sense now.

My proposal would make our country live within its means, as every family must. Even stronger than the Stenholm amendment, my proposal links any increase in the budget to a similar increase in our economic growth.

We have all heard balancing the budget will not be easy. But hardworking Americans face the challenge of balancing their own budget every day. It's past time the President and Congress do the same.

The Federal Government must eliminate its deficit spending. The red ink spending levels must stop. We must ensure that our children and our children's children are not saddled with a towering Federal debt.

I was pleased to be one of the first to sign the discharge petition to push this to a vote and I urge my colleagues to support this amendment.

There are some today who say we should not do this. But go home, look your child and your grandchild in the eye, and explain your vote to them. Let us vote for this amendment for a brighter future for America.

Mr. MOODY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. MOODY] for yielding this time to me.

Mr. Chairman, we need a balanced budget amendment because we have tried every other approach to resuscitating our economy that our creative minds could conjure up—but the deficit and the debt have grown larger.

We have tried the huge tax cuts of the early Reagan years. We have tried Gramm-Rudman-Hollings several times. We have tried budget summits and bipartisan budgets agreements.

What have we achieved? An enormous and growing deficit, the disdain of the general public, and a permanently weakened economy.

We are all addicted—Government and people. The Congress has demonstrated time and time again that we will spend our children's money freely for short-term comfort—whether it be political or economic. It is always easier to hand out benefits than to say no.

The record of Presidential leadership is even worse. The President is the only individual who can propose a budget to Congress. But for 12 years the Nation has been subjected to Congress-bashing rhetoric dished out by Presidents who have never come close to proposing even one balanced budget.

The last two Presidents have abdicated their responsibility to lead, squandering the only pulpit in the country with the power and prestige to build a national consensus. All for political gain. Presidential hypocrisy on the deficit crisis is staggering—and so is the long-range damage to the country.

Some critics of this legislation charge that the idea is sound but that this is the wrong time to cut spending drastically. Whether they are right or wrong, we have proven that there is no good time to take this medicine.

We have not balanced the budget in bad times. We have not balanced the budget in good times. We have not balanced the budget at any time.

As some opponents have observed, we already have the ability to reduce the deficit. They are right, but we have not done it. Why should the American people believe that we have suddenly acquired the will to balance it now without being forced by the Constitution to do so?

The Nation is at an economic crossroads, and neither fork looks smooth. But our choice is not difficult because we have already been down one of the paths—and it is a dead end of growing deficits, growing debt, growing national rage at our political institutions, and shrinking resources to meet the urgent needs of our citizens.

Let us take a new path. Let us take the balanced budget road and see where it leads.

In the short run, it will surely lead to more painful choices. In the long run, though, it will lead to a sound economic foundation that will once again unleash the power and energy of the American people.

□ 1540

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, the folks that brought you the ice cream sundae diet now bring you a constitutional amendment to solve all of our woes. It will be painless, it will be quick. We will reinvigorate our economy, if we can only change the Constitution.

Well, let us take a look at what this will bring us. It will bring us Government gridlock that will make the last 4 years look like a swift operating machine. It will now take not 51 percent of the Congress to run this institution, it is going to take 60 percent. That minority that is needed to get to 60 percent will extract its toll.

Every time you come to the floor with a budget, you are going to have to find 60 percent of the Members of the House of Representatives to be able to pass it. It is hard enough to govern when you want 51 percent. It is hard enough to govern when the issues are there and framed with the options of a government in front of you.

But that is not what we are going to do. We are going to end up with a system that makes the multiparty governments of Europe look like swift operating machines. We are going to take the strongest democracy in the world and create a crippling economic program in the Constitution.

Now, it seems to me there are times when you need debt to expand, and there are times when you need to get rid of debt to make sure that it does not hobble your economic future. But the one thing that is clear is that you do not want to put this in the Constitution.

It is interesting, my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY], gave Members a nonconstitutional option that would require the same number of votes in the House to be able to get a balanced budget. But, no, that was not good enough, because this week's ice cream sundae diet says we have got to do it in the Constitution. That unless we lock in with the freedom of speech, the separation of church and State, and the other great theories that were placed by our Founding Fathers and later amendments, unless we put it in there in the Constitution, it is not good enough.

Well, Mr. Chairman, we are tinkering with the most important country in the world. If there is gridlock in some of the countries in Europe and Asia, if governments fall on a regular basis because of their inability to come together with an economic program across the face of this Earth, it is irrelevant. It is not relevant to what happens in most instances, as it is when we do that to the United States of America.

The Japanese have a debt ratio that is greater than ours. If you take a look and put this program on the Japanese or the Americans or any other prosperous economy, you can end up destroying the very economic activity that has given this great democracy strength.

It is to say to a young family beginning their lives that they have to buy their home for cash. It is to say to a business that is about to expand into a new market that they cannot borrow.

Now, is our deficit too high? Absolutely right. And let us take a look. Let us go back and take a look at those that gave you Gramm-Latta, those that gave you supply-side economics.

Mr. Chairman, I can remember the debate on supply-side economics. The President told us it was going to balance the budget by 1982 or 1983 at the latest. If we were only to follow this new and interesting economic program, it would solve all of our woes. We could expand defense spending and cut taxes. It would invigorate the economy. The deficit would be gone.

Well, let us see what it gave us. It gave us a change from being the largest creditor nation to the largest debtor nation. We created less jobs in the 1980's than we did in the 1970's.

Mr. Chairman, there was a commercial on TV a couple of years ago with an elderly gentleman getting up and saying, "We did it the old-fashioned way; we earned it."

There is no excuse. There is no option other than the old-fashioned way, a President who is willing to come down and fight for programs that will bring this country in the right direction, and a Congress that works with him.

No constitutional amendment, no set of laws, will change that for us. But what it can do is make it more difficult for even a President who has a program to make it work.

Mr. Chairman, any Members who have spent any time here, think of the times we pass bills by 218 votes, and then think of the need to get 10 percent, 45 more votes, for the passage of those bills. It will be that much more difficult to have an economy and a program pass this Congress.

Mr. FISH. Mr. Chairman, I yield 3½ minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we are here today to debate the issue of the balanced budget amendment. As we do that, I think it is important to reflect on the big picture in question: Why do we need this so badly? Why do we need to have an amendment to the Constitution of the United States to force this issue?

I think it is really quite simple. There is a book out now by a fellow named Larry Burkett called the Coming Economic Earthquake.

Now, I do not subscribe to everything in his book nor agree with everything he says, but I think his analogy is right on the money. He is talking about our economy and the debt that we have out there, this $4 trillion overhang, and the interest payments we have on that debt.

He said nobody can say for sure when an earthquake is going to occur in California along the fault line. You cannot be sure when the really big one is going to come, like in San Francisco, but we all know that it is going to happen.

Well, I would say to my colleagues that that is the same thing, and he is quite right in making the analogy that we are dealing with when we are dealing with this debt overhang and the interest payments we are building up on that with the accumulated deficits of $300 billion and $400 billion a year. We do not know when we are going to have an economic calamity, we do not know when it is going to fall, whether it is next year or 10 years from now, but we all know we cannot continue to accumulate these deficits and this huge debt and have this huge interest payment without having a calamity at some point. We all know we need a device to force this body and the other body to get together and set the priorities that have to be set to stop this deficit spending.

The interest payments on the U.S. debt this coming fiscal year will be almost, and will maybe exceed, the amount of the largest items in the budget. It will be as great or almost as great as the entire amount spent on defense, the interest payment alone. It will be as great or almost as great as the entire amount spent on Social Security. If it is not this coming fiscal year, surely the next fiscal year, at the rate we are going, it will be greater than any single item in the budget.

□ 1550

And within about 7 or 8 years, surely by the end of the decade, at the rate we are going the projections by good experts show that the interest payments on the Federal debt will exceed the entire amount of the Federal budget projected for fiscal year 1993 or about $1.2 trillion. And then we surely will have that earthquake at some point close to that time because we cannot sell the bonds and the bills and the notes. We need the device of a constitutional amendment to force this body to act.

There are those who are going to argue as to whether we ought to have supermajorities over the question of raising taxes to get there to balance the budget, and I certainly favor forcing that issue, if we can. I do not favor raising taxes to do it.

There are those, and I will support the Kyl amendment, who think we ought to have provisions that force us to look at the spending side in certain ways and have a line-item veto. I will support that, but I do not know if we have the votes out there for those.

I do believe we have a chance to pass the Stenholm amendment, the Smith and Snowe amendments, and I strongly support that amendment and I urge my colleagues to vote for that amendment, when the time comes.

We need the device to force this issue. We should not be afraid to face it. We must set the priorities. It will not do the job. We still have to come back and get together and balance the budget and make the decisions between cutting this program or not that program or eliminating this program or, as some argue, we ought to increase taxes, we will have to face that.

I do not favor certain procedures and methods and so forth that my colleagues might on the other side of the aisle. The point is, the constitutional amendment does not decide that. We will debate that another day. But we need the amendment to force the issue.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a longtime supporter of the balanced budget amendment to the Constitution.

Mr. GUNDERSON. Mr. Chairman, the gentleman from Oregon is exactly correct. When I first stood in this well as a Member of Congress, the very first piece of legislation I ever cosponsored was the balanced budget amendment, because I wanted history to know that we had a problem.

I regret to tell my colleagues that 10 years later that problem has gotten only a lot worse. Today, we are looking at a $204 billion payment on interest on the debt because this Congress does not have the discipline to live within its means. The problem we have down here in this well is that every Member says we cannot do this because think what is going to happen.

I would like to spend just a second telling my colleagues what we cannot do because we have done this, because we do not have the discipline to live within our means.

Today, we will spend 21 percent of the interest, 21 percent of the budget on interest on the national debt. I have been told if we get over 25 percent, we can never recover economically and pay that off.

Let us talk about this in terms of some programs. Let us talk about social programs. The amount we paid in 1991 on interest on the national debt, two times the amount of money we spent for all of the Medicare programs in this country, for health care for the senior citizens. They are upset about a balanced budget. They ought to be upset about what we are doing around here because we do not have any money to spend on their programs because we spend it all on interest.

Four times what we spend on Medicaid, 13 times what we spend on SSI, 24 times what we spend on NIH, we spend on interest annually on the national debt. Thirty-five times what we spent on chapter 1 programs for educationally disadvantaged, 36 times as much money is spent annually on interest on the national debt as we spend on all Pell grants with which we send students to education at our higher education institutions.

My colleagues, we cannot afford not to pass the balanced budget for the future of our social programs.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, all day I have sat here in the Chamber or watched this debate on television in my office. I wonder whether we all know that what we are really debating is a fundamental change in the Constitution of the United States.

This is not a political election. This is not an issue that should be taken lightly, and I do not wish to suggest that many of those Members who argue for this amendment today are not of the most sincere nature, because I believe they are.

If this amendment passes today, I would ask the 290 Members who have to vote for it to join me in introducing a constitutional amendment tomorrow for quality education, for a clean environment, and for a guaranteed economic prosperity. Then when we pass that amendment, the Congress can adjourn and no longer affect and excite the American people and the media because we as a nation will have reached utopia.

What we are doing today is to fundamentally change the balance of power as framed by the drafters of the American Constitution. We are attempting to gain political will and leadership, and yes, guts. The price we are paying is the destabilization of the most magnificant constitutional document ever drafted by the minds of men.

We are doing it with political rhetoric, not recognizing that we, in talking about protecting the economic future of our children and grandchildren, are not worried about the political freedom and liberty of not only our children and grandchildren but the magnificent document that has led to the freedom of virtually the entire world over the last 40 years. With one economic swipe, one political expediency, we are going to cast a vote to say we can solve the problem by firing a silver bullet.

What I challenge my friends on the Republican side of the aisle and in my own caucus; if they can vote for this constitutional amendment, why do they not just take 30 or 60 days and bring back a balanced budget? We have had years to do that. We cannot do it. We cannot do it without either raising taxes or cutting expenditures. And to do either requires political will and political leadership that this Congress has not expressed, but most certainly, my friends on the Republican side, do not tell me that Mr. Reagan or Mr. Bush has reflected that leadership to this House or to the American people, not once. Not 1 year in the 7½ years that I have been here have we ever seen a balanced budget from either President Reagan or President Bush. The only thing they are guaranteeing is that in their next term they will not have to submit a balanced budget because this amendment will not take effect for approximately 4 years.

If we do not have the political will in this country, as reflected in this institution and in the Presidency of the United States, to be balance the budget, then we should decide now to call a Constitutional Convention, because what we are saying is that the Founding Fathers failed. What we are concluding is that the separation of powers between the executive and the legislative is in gridlock, not working, and fundamentally flawed. And if it is, let us go to a parlimentary form of government.

Instead today and tomorrow many Members are going to cast a vote to change the fundamental rights guaranteed to the American people under the Constitution, and they are going to do it with the idea that they are going to save our democracy, instead of solving a financial and economic problem which is great, and which needs our attention, but is solvable.

This action will create a political crisis 4 or 5 years down the road, and the death of the most important instrument of democracy ever conceived by man.

I want to talk to a few Members in this Congress today because some Members have not decided how they are going to vote. I want to tell them something. I have only one daughter. I would prefer that she live in poverty but free, instead of living in wealth and be enslaved. And that may very easily be the fundamental decision we make here today. If we adopt this amendment, we will upset the balance of power the Founding Fathers set up in the original Convention, and the original Constitution, and it can never be brought back together again.

I would predict to my colleagues, that they would not want to be in Washington, DC, on October 1, 1997 or 1998, because if we delude ourselves that this amendment is going to create political will or political leadership, I think we miss the whole purpose of political life.

I ask those conscientious Members of the House who have not made a final and fatal decision, to consider it carefully so we can preserve the Constitution.

□ 1600

Mr. FISH. Mr. Speaker, I yield 30 minutes to the gentleman from Texas [Mr. BARTON], and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in support of the Stenholm amendment. I also rise in support of the Barton amendment to the Stenholm amendment.

Mr. Speaker, I was somewhat surprised and somewhat disappointed to have heard the first speaker in this debate, the majority leader, frame the debate in the manner in which he did. The majority leader took great pains to blame Ronald Reagan for a whole host of ills—a man who, in my opinion, so ably served our country for 8 years.

There are some issues that come along that are so important that they in my opinion should go beyond and above politics. This is one of them.

This issue cries out for bipartisanship support. I was elected, along with the gentleman from Texas, in 1984. In 1984, I told my constituents, as I believe everyone else did who ran that year, that we had a very serious problem. It was called an unbalanced budget, and referred to as a deficit problem. That year our deficit was $185 billion, which represented 5 percent of the gross domestic product. We had a total debt of $1.3 trillion and we paid $111 billion in interest that year.

Today, in 1992, after the gentleman and I have served in this House for 8 years, disappointingly, our deficit is no longer $185 billion, it is $400 billion, which represents 6.8 percent of gross domestic product. We have a $3.1 trillion national debt, instead of a $1.3 trillion national debt, and we pay $199 billion a year interest on that debt.

Much has been said lately about family values in America.

Let me assure each of my colleagues that a balanced budget amendment is a family issue because it will have a profound effect on each of our children and grandchildren.

Each of my colleagues professes to care about families. Well, a family of four today owes more than $3,000 in interest alone on the debt.

A member of my staff will be a father very soon. His child, at the very moment it is born, will owe more than $12,000 as part of his or her share of the Federal debt.

And it is getting worse.

By the time my staffer's child reaches the fifth grade, it will owe more than $22,000.

Upon college graduation, his child will owe $41,000.

And when the child starts a family of his or her own, the first born will owe in the neighborhood of $80,000 if we stay on our current pace. And, Congress has done nothing to make me believe that it will curb its current spending policies without an amendment to the Constitution.

Is this the legacy we want to leave our sons and daughters, our grandsons and granddaughters? Do we want them to be burdened by exorbitant debt from the moment they are born?

It isn't just the future of our children which is threatened by our string of deficits.

Many opponents of a balanced budget amendment have used scare tactics against senior citizens, claiming the amendment would threaten senior citizens.

This is nothing but demagoguery and misrepresentation.

Those who are trying to prey on the fears of our senior citizens should be ashamed of themselves.

The integrity of the Social Security trust fund would not be threatened one bit by a balanced budget. I have worked as hard as anyone in the House to ensure benefits for older Americans and I can assure you that I would be the last to support this provision if I thought senior benefit programs would be negatively affected.

However, it will be threatened by mounting debt, which will continue to debase the currency and undermine the very foundation of our economy.

Let us do what needs to be done for our American families. Let us pass the balanced budget amendment.

I believe the Democrat majority has firm control of whether a meaningful constitutional amendment passes or fails. In 1990, they held such power, and the amendment failed by just seven votes.

Regrettably, the majority party will, in my opinion, hold the same power again.

However, I am hoping for a surprise. Just maybe the Speaker and majority leader won't have control of enough right-minded Democrats.

Mr. Speaker, Mr. Majority Leader, I hope your party will surprise me. More importantly, I hope you'll surprise the American people who pay in the neighborhood of $3,300 per family each year to defray the interest on the national debt.

I recently read a quote by Thomas Jefferson who envisioned congressional spending run amok: "I wish it were possible to obtain a single amendment to our Constitution * * * taking from our Federal Government the power of borrowing."

Maybe, you'll surprise Mr. Jefferson, too.

Mr. MOODY. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I will start with a quotation, since one of the gentlemen in the well before me invoked our forebears who wrote the Constitution. I would invoke the spirit of Thomas Jefferson in two letters.

> I wish it were possible to obtain a single amendment to our Constitution, I mean an additional article, taking from the Federal Government the power of borrowing.

Since the gentleman before me mentioned enslavement, Thomas Jefferson further said:

> To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy, liberty, profusion, servitude.

Here is perpetual debt. This is what we are creating, $1 billion a day of additional debt this year, $3.5 trillion of accumulated debt, interest payments, gross interest payments. We hear a lot about the net payments. What about the gross ones? We are paying ourselves a lot of interest, over $250 billion in interest payments this year. That is more than all of the discretionary programs of the Federal Government combined, once we back out the military. That is more than 12 or 14 times what we spend on all the education programs of the Federal Government in the United States of America. That is more than 14 times what we are spending on our crumbling infrastructure.

Where does that money go? It goes into the pockets of the wealthy, both wealthy Americans who need tax-exempt investments, and wealthy corporations, and wealthy foreign interests, who own a substantial portion of our debt. It is a special little tax exacted upon average American taxpayers, an incredible transfer of wealth to the most wealthy people in the world.

When I first came to Congress, when I ran for Congress, I opposed a balanced budget amendment. I said:

> That is a gimmick. We do not need a gimmick. Surely the 535 elected leaders and the President of the United States know the depth and breadth of this problem, and the magnitude, and they can get together and reason, begin to deal with it, because we cannot go on piling debt on debt.

That was $1.5 trillion of debt ago. I have only been here 5 years, so we have only added $1.5 trillion of debt during those 5 years. That is more debt than in the entire first 200 years of our Nation.

A lot of people preceded me in the well to say we have the tools. It is true, we have the tools. They go on to say, "We just lack the will." It is true, we lack the will. Certainly the last two Presidents have lacked the will. They have been great on promises, but they have not delivered. In fact, the sum total of the budgets passed by the Congress and the appropriations of the Congress under President Bush and President Reagan have been less in terms of creating debt than those two Presidents had asked for. We rearranged the priorities, however.

We must get this under control. I urge my colleagues to join me in a constitutional amendment to balance the budget.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] control the time as the designee of the gentleman from Texas [Mr. BROOKS]?

Mr. OBEY. Yes, I do, Mr. Chairman.

Mr. Chairman, I yield 11 minutes to the distinguished gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as has been stated on more than one occasion, this is a significant moment when we come together, and the action that we take will have enormous impact upon this country. I find it even fascinating that one of the principal architects of the legislation proposed for us to act upon today has stated openly, and I admire the candor, that the gentleman is not aware of what the total implications of the act will be, not aware. That should cause us all pause. I will come back to that.

We are here talking about a balanced budget amendment, but when we remove the bumper sticker slogan, what we are really here to talk about is grappling with the deficit. I rise as one who over the years has been significantly concerned about the deficit, and I would assert, and am prepared to defend, and part of the only group in this Congress, the Congressional Black Caucus, that has offered a true plan to address the deficit, because we address the question of the deficit not in rhetorical and simplistic terms. We thought one had to address the issue of the deficit with reason and intellect.

We started with a clear, reasonable question: What contributes to the deficit? Answer: One, a rapidly rising military budget, because the military budget is capital intensive, not labor intensive.

We offered a proposal to this body against the backdrop of the Berlin Wall falling, the cold war over, the Soviet Union demolished, disintegrated. We said, "Cut the military budget. We have been spending in the aggregate $300 billion per year on the military budget to confront a Soviet threat that has now diminished, a Warsaw Pact fight, but the Warsaw Pact no longer exists."

As I said on more than one occasion, Mr. Chairman, we have been spending between 50 and 70 percent of that $300 billion per annum on the Soviet threat and the Warsaw Pact threat. They no longer exist.

□ 1610

We said start off in fiscal year 1993, make a $50 billion cut in the military budget. There is no Soviet Union, no Communist menace, no evil empire, no Berlin Wall. We said bring the military budget down in now-year dollars to one-half that in 4 years. And if you decide to level-spend to the year 2000, do you know how much real money—not smoke and mirrors, not accounting gimmicks, America—do you know how much peace dividend you can accomplish with those simple mathematics from the fiscal year 1993 to the end of this decade? One trillion dollars.

So if a rapidly rising military budget contributes to the deficit, it just makes sense to bring down the military budget. The threat is not there. That Noriega and Saddam Hussein pose a threat five times the threat of the Soviet Union and the Warsaw Pact defies intelligence and understanding, and no one rationally can defend that on the floor. But when we offered this trillion dollar proposal, what was the overwhelming and resounding decision of this body, ostensibly concerned about balanced budgets and deficit reduction? They lacked the courage to stand up, Mr. Chairman, and vote for a military budget that was a post-cold-war budget.

So, in one sense to argue about the deficit and not be willing to address the first concern of how the deficit starts out in my estimation is hypocritical and contradictory.

The second reason that contributes to a spiraling deficit: Major tax benefits to the corporate elite and the wealthy in this country. But we offered a proposal that said let us play Robin Hood. Let us take back money from the rich and the wealthy, the hundreds of billions of dollars that we gave them in tax benefits while we ripped off middle and working-class Americans. We said let us have tax equity, and let us take those dollars back from the wealthy and give them to the middle class and the working class in the form of tax equity.

Overwhelming, resounding response: No. Because the will was not there.

Third, what contributes to the deficit? The recession itself. When people are not working it contributes to the recession, contributes to the deficit. Depending on whose economist you subscribe to, you reduce the unemployment rate by 1 percent and you reduce the deficit by between $18 billion and $35 billion.

But when the Black Caucus offered you a proposal to reinvest in America and create literally hundreds of thousands, millions of jobs, if we just rebuild America's railroads you could create beyond a million jobs in this country, only 77 Members of this Congress were prepared to embrace a program to reinvest in America when America screams out for it.

So you offer a balanced budget amendment, but are not prepared to address a program that fundamentally reduces the deficit. Hypocritical and contradictory.

A fourth contributor to the deficit: The spiraling cost of health care. We spend in excess of $800 billion a year on health care, no control on costs. But rather than us bringing a health care system to this floor that the American people want, deserve, and should have, we are quarreling over who has jurisdiction, and we are at best at the primitive stages of a discussion of health care in this country. We talk about reducing the deficit, but again lack the will to put a program out here.

Finally, the S&L crisis itself contributes to the deficit. Hundreds of billions of taxpayers' dollars to bail out people that ripped them off.

But what did we do? We just said let us take it off-budget, an accounting procedure. We winked to America, but we still took their billions of dollars to bail these people out.

So if you are not prepared to cut the military budget, if you are not prepared to tax the wealthy and give it to working and middle-class people, if you are not prepared to reinvest billions of dollars in America to rebuild our crumbling infrastructure, provide education, provide for health care for the American people that will solve a problem, and generate employment, if you are not prepared to have a major health care system in this country that is real for the American people, and if we continue to slide around and play games with the S&L crisis, you tell me whether or not that is hypocritical or contradictory.

Now I have listened to some of the debate. Let us just discuss that.

"Let us live within our means." What does that mean? Sounds good on a bumper sticker.

Are we living within our means with a $270 billion military budget in a post-cold-war environment? Are we living within our means when we support 20 B-2 bombers at a cost of $44 billion when we have already built 15, and they have not made the case for 15, and you do not need 20 when you do not need 15. How many people voted for that?

Are we living within our means when we want to build star wars, we want to pass a budget with $4.3 billion to build some monument to military madness when we ought to be dealing with peace, when we want to build some mechanism to shoot down weapons when the major threat to this country in nuclear war over the next 10 years would be somebody backpacking a weapon into America. This monument to deployment is an absurdity. Is that living within our means?

Mr. Chairman, comment: "We must force this body to act." Well, let me tell you something, fellows: Mr. Chairman, I have been here before. I have heard this before. When we discussed Gramm-Rudman they said we must force this body to act.

I stood up then and said you are placing a gun to your collective heads. Members said but we need a gun to our heads because we cannot act without the gun. I then rose and said it is one thing to place a gun to your head. It is very psychotic to pull the trigger. And Members said but we will not pull the trigger. We will just scare ourselves.

But remember, in Gramm-Rudman, Mr. Chairman, we actually pulled the trigger of sequestration. But at the last second we ducked so the bullet only grazed us, because we took S&L off budget. We decided that certain programs we would protect so we slided and slid.

Mr. Chairman, you know what this is about. It is about now backing into our paychecks because now we do not have to do the work. We do not have to be held accountable, and accountability is the cornerstone of American politics.

What am I saying? You remember that old commercial where the little kid said, "Here, eat this," and "No, I'm not going to eat it, let Mikey eat it." Well back with Gramm-Rudman: Members were not willing to make the cuts in the military, cuts in programs, or tax the wealthy, so what Members did was to say let us pass Gramm-Rudman so that when pain is visited upon America they could go home and say I did not do it, Gramm-Rudman did it. You and I know if you are not prepared to cut the military budget, if you are not prepared to tax, you are going to hurt America. Whatever these speeches are, that is real. It is illogical to think that you will not. It is absurd and it is fraudulent to think that you will not.

But then we will go home, we will visit pain on America, we will hurt senior citizens, we will hurt poor people, we will hurt the children, we will hurt the farmers, we will hurt the veterans, we will hurt millions of American people, and you know what our colleagues will say as they back into their paychecks? "Incapable of making serious decisions." They will say, "I didn't do it; the constitutional amendment did it."

Mr. Chairman, we should reject this madness. The American people should wake up and stop allowing themselves to be hoodwinked into bumper sticker politics.

There are some people prepared here to lead. This is not leading today.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I rise in strong support of the balanced budget amendment to the Constitution. As my colleagues know, this is not the first time we have debated this issue, nor the first time we have voted on this issue.

In 1982, the balanced budget amendment passed the Senate but failed in the House by 46 votes. In 1990 the House voted 279 to 150, with my support, in favor of the balanced budget amendment, falling 7 votes short of the required two-thirds majority.

Mr. Chairman, quite frankly I am baffled by those who say that this amendment is not really needed. Their argument is that the Congress should just get serious about fiscal responsibility and pass a balanced budget. They argue that this body has the political will to make the tough decisions that a balanced budget would require.

On the contrary, the majority leadership has shown its political will in a strange way, by circumventing laws: Gramm-Rudman-Hollings, and the budget agreement of 1990. Even when the Congress passed laws that required a balanced budget, and imposed spending caps, the Democrat majority found ingenious ways to go around these laws.

Since this country has not had a balanced budget since 1969, I find the argument that we don't need an amendment to the Constitution to be weak. Obviously, Congress is not capable of passing a balanced budget, or it would have done so sometime in the past 20 years. The American people are tired of years of excuses. They want action.

In addition, to a mandate that Congress pass a balanced budget, we also need tax limitation. Mr. BARTON's proposal gives the balanced budget amendment teeth. The Barton amendment requires a three-fifths vote to approve a tax increase. This means Congress can not balance the budget on the backs of American people already reeling under a huge tax burden.

This is a fine institution, and I am proud to be a Member of Congress, but I am not proud of Congress's inability to control it's appetite for spending. There must be a line which we are not able to cross—a boundary that signals that we are not able to drive this great country further into debt. We must take away the Congress, ability to mortgage our children's future.

Like any individual, or corporation, or country, Congress must have internal laws which dictate order over chaos: Congress must now create a boundary to guard against the economic chaos that will be the result of endless deficit spending.

I believe that enacting a balanced budget amendment to the Constitution will accomplish this. I urge my colleagues to support Mr. BARTON's amendment.

□ 1620

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. HUGHES) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

PROPOSING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR A BALANCED BUDGET

The Committee resumed its sitting.

The CHAIRMAN. The Chair wishes to announce that the time remaining for allocation is controlled as follows: by the gentleman from Wisconsin [Mr. OBEY], the designee of the gentleman from Texas [Mr. BROOKS], 1 hour, 22 minutes; by the gentleman from New York [Mr. FISH], 1 hour, 38 minutes; by the gentleman from Texas [Mr. BARTON], 26 minutes remaining; by the gentleman from Texas [Mr. STENHOLM], 1 hour, 11 minutes; and by the gentleman from Oregon [Mr. SMITH], 1 hour, 9 minutes.

The Chair recognizes the gentleman from Oregon [Mr. SMITH].

Mr. SMITH. of Oregon. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, almost two centuries ago a great Virginian, Thomas Jefferson, recognized the importance of the Federal Government living within its means:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of Government. We should consider ourselves unauthorized to saddle posterity with our debts, and normally bound to pay them ourselves.

With this Jeffersonian wisdom in mind, we must take up the burden of political responsibility and grapple with the deficits that threaten us now and threaten to overwhelm our children and grandchildren. It is often said that a parent will walk through fire to save his children. Well, there are many red hot issues we will have to handle in dealing with the budget deficit but we must brave this firestorm to put out the towering inferno of debt that threatens the future of our children as well as our own.

Many say Congress cannot act responsibly, get deficit spending under control, and attain balanced budgets. But, for the sake of our present well-being as well as that of our children we must not accept this defeatist mentality. The American people have always risen to the occasion in time of crisis. Recently, I saw a bumper sticker that said, "If the people will lead, the leaders will follow." The American people support a balanced budget amendment. By passing a balanced budget amendment we will have the opportunity to allow the people—through the ratification process—to also take a lead in this process. We will then need to follow their lead and start the process of balancing the budget now.

When Vaclav Havel spoke before this body 2 years ago, he spoke of the velocity of changes which have truly been breathtaking in the past few years as the cold war has come to an end. The revolution in Eastern Europe was a triumph of ideas and the commitment of individuals who were often met with chilly receptions by the ruling elites. Yet events that I never thought would happen in my lifetime—the defeat of communism, the fall of the Berlin Wall, and the liberation of Eastern Europe—have progressed in a domino-like effect the likes of which many never expected. While I always had faith my children would live to see this, I didn't think it would happen in my lifetime. We might pause to consider how implausible these events seemed just 10 or 20 years ago. When Ronald Reagan called the Soviet Union an evil empire less than a decade ago, he was ridiculed in the press and by defenders of the status quo. Yet, when the walls came tumbling down, the last laugh was on those who stubbornly defended the virtues of communism and socialism despite the misery of those who experienced the reality.

When Whitaker Chambers wrote "Witness" almost a half century ago, he wrote of the United States being the "losing world" in the superpower struggle. Chambers wrote upon leaving the Soviet Union:

> By any hard-headed estimate, the world I was leaving looked like the world of life and of the future. The world I was returning to seemed, by contrast, a graveyard. * * * I wanted my wife to realize clearly one long-term penalty, for herself and for the children, of the step I was taking. I said: "you know, we are leaving the winning world for the losing world. I meant that, in the revolutionary conflict of the 20th century, I knowingly chose the side of probable defeat. Almost nothing that I have observed or that has happened to me since, has made me think that I was wrong about that forecast. But nothing has changed by determination to act as if I were wrong—if only because, in the last instance, men must act on what they believe right, not on what they believe probable.

Fortunately, Whitaker Chambers was wrong. Good men and women joined together and stood up for what was right, made sacrifices when necessary, and fought the good and noble fight that has brought us a world today in which democracy is rising on almost every horizon around the world. As Whitaker Chambers noted, many "freely made the choice which history is slowly bringing all men to see is the only possible choice—the decision to die, if necessary, rather then to live under communism." As we turn to our domestic problems, such supreme sacrifices are not necessary. Yet sacrifice is a word we must once again become acquainted with as we muster the resolve to deal with many of our seemingly intractable domestic problems.

* * * THE WORST OF TIMES

Recently, we have heard some of our most esteemed colleagues despairing of the ability of Congress to adequately address the Federal deficits. Senator WARREN RUDMAN, who has decided not to seek reelection, has delivered a somber message:

> We're heading toward third-class status at the end of this decade unless we do something about this particular problem of the deficit * * * by 1997, that slice of the federal budget which all people think of as government, the government as we know it, will be under 5 percent. Sixty some percent will be entitlements, 18 percent will be service on the national debt, a small percentage of maybe 14 percent for defense. That will leave a tiny sliver for everything we call government—education, health, highways, crime prevention, foreign affairs and so forth.

Senator JOHN DANFORTH expresses what many of us and many around the country know to be true:

> I think the major cause [of voter discontent] is that deep down in our hearts, we know we have been accomplices to doing something terrible and unforgivable to this wonderful country. Deep down in our hearts, we know that we have bankrupted America and that we have given our children a legacy of bankruptcy.

Recently I read a book entitled, "The Coming Economic Earthquake," by Larry Burkett, a financial counselor from Gainesville, GA. Mr. Burkett compares our current complacency about the deficit with that of people who live in earthquake regions who often develop "a fatalistic attitude toward the eventuality of a major eruption—until they actually experience one." Burkett writes, "The same attitude prevails among those who have not experienced an economic earthquake. Those who lived through the Great Depression still remember and shudder at the thought. And those born after the Depression have a rude awakening in store." Mr. Burkett makes another comparison: "I truly believe the debt and deficits represent the greatest threat to our Nation since World War II, perhaps longer. At least then we had a visible enemy; we're dealing with a cancer in the government now."

If we allow this cancer—the deficit—to continue to grow we will be killing our future. There simply will be no money for the many needs facing this country. No money for crime prevention or restoring our inner cities; no money for cancer or health research, no money for highways or education; no money for the long-term health care needs of the elderly or victims of Alzheimer's disease; and no money for increasing our economic competitiveness through job training or adjusting to a peacetime economy. When we look around at all the great needs in this country, with roads, inner cities, and families falling apart, we will have eliminated our ability to respond. And who will be hurt under this kind of scenario? We will be spending three times more on interest payments on the deficit than we will be able to spend on helping the American people. In any kind of dramatic crisis, those of modest- and middle-class means and the elderly living on fixed incomes are the ones least able to cushion the blows of hardship. Spending beyond our means will catch up with us sooner or later. Like a cancer, this problem threatens our very existence as we know it if we don't cut it out and start the healing process.

HOW SERIOUS IS THE PROBLEM?

The deficit for 1992 is estimated to be approaching $400 billion—almost double what it was 2 years ago when everyone was very concerned about the deficit. Even if we totally eliminated the defense budget this year we could not balance the budget—we would still come up $100 billion short. The net interest on the debt is now the third biggest item in the budget following only defense and Social Security and could soon move into first place. Yet when it comes to the deficit it seems that Congress has acquired an acute case of deficit inattention disorder.

Our national debt is at $4 trillion. The New York Times recently reported,

> Spending more than $4 for every $3 collected, the United States Government is hemorrhaging red ink at a record pace this year—about $1 billion a day, or $11,574 a second. * * * All the personal Federal income tax paid by people living west of the Mississippi fails to pay even the interest on this staggering sum, which has quadrupled in scarcely more than a decade. Interest payments on the debt are 15 percent of the Federal budget, compared with only 10 percent a decade ago.

John Trucillo, an economist for the National Association of Realtors, estimates that Federal deficits increase mortgage rates by as much as one-half percent more than they should be right now. These extra percentage points mean that many Americans simply cannot afford to buy a home. All of this means a lot of money that is truly wasted. Not one penny will go to educating our children or to finding a cure for cancer or for rebuilding our cities and roads. As we look around at so many of the problems that face us today, we will be left holding an empty check book and some worthless IOU's.

As Lee Iacocca recently pointed out in a graduation address, "Debtors can't be leaders. It's the guy holding the IOU's who calls the shots; the other guy is called a hostage." We must start trying to gain the release of the American people from the tyrant called deficit spending.

Some additional facts to focus your attention on the magnitude of the problem include the following:

The deficit today is approximately equal to the entire Federal budget in our bicentennial year, 1976. The outlays in 1976 equaled $371 billion. (Fiscal Year 1993 Budget Supplement.)

The deficit is rapidly approaching the amount of money collected in Social Security taxes. Social Security estimated taxes equal $410 billion in 1992. (Fiscal Year 1993 Budget Supplement.)

Total U.S. debt burden hit $10.6 trillion in 1991. This amounts to almost $50,000 for every man, woman, and child in the United States and is almost twice the nation's GNP. (Tax Foundation.)

The Federal Government spent approximately 40 percent of individual income tax revenue on net interest payments in 1991. (Citizens for a Sound Economy.)

Peter Grace of the Grace Commission and founder of Citizens Against Government Waste predicts that by the year 2000, Federal interest payments alone will consume all Federal income tax revenues. In other words, our children and our grandchildren will be paying off tomorrow what Congress spends today.

The average two-income family with two children will pay $4,822 in income taxes this year and 58.1 percent of their income taxes will go towards interest payments on the gross Federal debt. (Citizens for a Sound Economy.)

The national debt now represents 64 percent of GDP compared to 28 percent in 1972. (Larry Burkett per Treasury figures.)

The Federal debt of $4 trillion means that every American owes some financier somewhere in the world $16,063 and just the interest on the 1992 deficit will add an additional $1,159 to the per-capita debt burden of every American. This level of debt means a smaller pool of potential wealth for future generations and it means that our children and grandchildren will not enjoy the same standard of living that we have today. (Tax Foundation.)

As the father of five children, I am very concerned that with our current spending patterns, we are mortgaging the future of our children. And while we often talk about how we are drowning the next generation with our debts—as if that were not bad enough—today's swelling deficits could drag us down in the undertow also. Michael Boskin, the Chairman of the Council of Economic Advisors, stated that if the individual income tax rate kept pace with Federal spending in order to balance the Federal budget, revenues from individual income taxes would have to be 78 percent higher than they are currently to eliminate the deficit. Mr. Boskin pointed out that such an increase would inflict enormous damage on the U.S. economy.

Perhaps we have gotten so used to speaking about billions and trillions that few of us stop to think what these figures really mean—we have been numbed by the numbers. Everett Dirksen once said, "A million here and a million there and first thing you know, you're talking about real money."

We need to recognize that this is real money we are talking about—whether it be $1,000, $1 million, $10 million, or $10 billion. We often hear people argue that a program is just $10 million or $100 million and that this is a drop in the bucket of the deficits.

But just to put these numbers in perspective, $100 million equals the median income of approximately 2,500 American families. That means that what 2,500 families earn by the sweat of their brow—many working overtime, many spending too much time away from their families—we cavalierly throw away as just $100 million. And to give you an idea of the difference between millions, billions, and trillions—the Tax Foundation explains it well:

> A million seconds have elapsed in less than 12 days, a billion seconds took more than 31 years to tick away, and a trillion seconds ago was back in the Stone Age, in the year 29,697 B.C.

One more reality check—$1 trillion in tightly bound $1,000 bills would produce a stack nearly 63 miles high. We must get some perspective here before the numbing numbers totally disable our economy or our will to do anything. Our future and our children's future depends upon us seriously grappling with the hard choices we will have to make to get Government deficit spending under control. We hear a lot about the peace dividend but the fact is we have already spent the dividend and then some.

By the year 1999, if current trends continue, we may very well be met with a bankrupt disability fund, a crumbling Medicare system and a gravely threatened Social Security system. While some have argued against the balanced budget amendment claiming erroneously that it would require cutting Social Security, the fact is Social Security recipients are much more threatened under the status quo in which we are heading toward national bankruptcy. As our debts increase, inflation threatens to reappear and swallow up the long-term savings of the elderly and others who live on fixed incomes. Our Social Security surpluses, supposedly being built up now to pay for the retiring baby boomers, are being eaten up by the deficit. The IOU's that will await many baby boomers may not be worth the paper they're written on. If we want to avoid what former Social Security Administrator Dorcas Hardy has called social insecurity, we must secure these funds from the ravages of the deficit so that our present and future retirees can have peace and security in their later years and not be forced to live nervously on economic fault lines.

HOW BUSINESS AND ACADEMIC LEADERS VIEW THE DEFICIT

Recently, I wrote to economists and business leaders across the country to ask their opinion on the severity of the Federal budget situation. The responses indicated a deep concern about the problem, and a need for appropriate congressional action. I have excerpted the responses below, but would be happy to make available to other Members the full texts.

> It is my firm belief that continued deficits and the enlarging total debt will inevitably lead to lower standards of living for the citizens of our country. * * * We are mortgaging the future of our country, and the citizens will, at some point, have to bear the burden.—Edwin L. Artzt, Chairman and CEO, Procter & Gamble.

Suppose you're a financial counselor and a couple comes to you in the following financial situation: Their income is $3,000 a month, but they're currently spending approximately $4,000 every month. They have run up credit card debts of $20,000, have a home loan of $200,000, a second mortgage of $50,000 and a line of credit (tapped out) of $10,000. * * * What advice would you give them? The situation is not easily salvageable with this couple since it means a total commitment to a different lifestyle. They had a lot of fun getting into debt, but getting out won't be so much fun. With their options rapidly running out they must either cut back and start liquidating assets or face certain bankruptcy. What happens to a country that cannot just file for bankruptcy and start all over again?—Larry Burkett, President, Christian Financial Concepts.

The effects of the debt are insidious. The implications are lower private investment and greater foreign indebtedness than would be the case with a smaller deficit, but no one can come up with numbers that measure the reduction in investment or increase in foreign indebtedness. All that we can see are stagnating living standards.—George M.C. Fisher, Chairman and CEO of Motorola, Inc.

Yes, I believe that we have a serious problem in our chronic inability to balance our government's spending and revenues. The resulting deficit is a drain on our national savings, a drain that prevents our country from investing adequately in any of the makings of a strong economy—factories and machinery, new housing for growing population, or an adequate balance of debits and credits with our international trading partners. As a result, our productivity and competitiveness have already suffered, on the present trajectory they will continue to be impaired.—Benjamin M. Friedman, Harvard University.

The real problem this country faces is not the debt but the level of spending, and the level of spending is a major problem regardless whether it is financed by taxes or by a deficit. A deficit is simply a form of concealed taxation.—Nobel Laureate Milton Friedman, Hoover Institution.

I believe that the deficit has resulted in high real rates of interest in the medium and long-term markets, and a corresponding increase in the cost of capital for U.S. companies. The impact of the higher cost of capital is the U.S. companies are less competitive than their foreign counterparts. * * * I have numerous contacts with business executives and government officials throughout the world, and to them, the budget deficit is a sign of their country's irresponsibility in fiscal management and an inability to prudently govern itself. * * * It is difficult to provide world leadership when the country can't put its own house in order.—Joseph Gorman, Chairman of the Board of TRW.

The deficit problem is insidious because it is not likely to result in a sudden shock or cataclysmic event that would make clear the need for corrective action. Rather, our sustained fiscal imbalance implies a steady erosion of our potential for growth in productivity. The effects in any one year may be small, but over time they will accumulate to a significant shortfall in living standards from what would otherwise have been possible.—Federal Reserve Board Chairman Alan Greenspan. 1

There is a growing realization that the deficit is sapping the vitality of the American economy. * * * Numerous reports indicate that the pattern of steadily improving living standards that we have enjoyed has slowed with the economy and may be declining. We are concerned that, as a result, future generations of Americans are unlikely to be afforded the same quality of life that we have today.—William Howell, Chairman of the Board of J.C. Penney.

The day of reckoning will come, of course. Historically, nations which accumulate debt beyond their ability to service it, repay in debased currency. This would be a tragedy for America. At some point, those who serve our Federal government will decide that they love their country enough to prescribe the bitter medicine that will heal, even if reelection is not the reward.—Former OMB Director G. William Miller.

The implications for the economy of this enormous debt include: a diversion of more than half of private savings away from productive private investment just to finance the national debt; requiring nearly 20% of Federal outlays each year just to pay the interest on the Debt. This year, for example, interest payments will almost equal domestic discretionary spending; by 1998, they could exceed defense outlays.—John W. Snow, Chairman and President of CSX Corp.

A second problem caused by the large federal deficit is that it greatly restricts the ability of the federal government to respond both to the nation's pressing domestic problems and to its international challenges. For example, rebuilding our decaying infrastructure, responding to the needs of the environment, reforming and improving the level of education within the U.S., and responding to the radically changed environment internationally are all affected by the need to control federal spending because of the huge federal deficit.—Alex J. Mandl, Chief Financial Officer of AT&T.

Deficit financing raises interest rates. Investors demand higher interest rates to hold more and more government securities in their portfolios, and this pushes all interest rates higher. * * * Congress and the Administration have to adopt a leadership role in educating the voting public about the dangers of deficit financing, and then make tough choices about cutting spending. * * * We should want to be assured that such goals as a good education, adequate health care, employment, and home ownership remain attainable for those yet to be born.—Allen E. Murray, Chairman and CEO of Mobil Corporation.

When does the size of the federal deficit and the magnitude of the Federal debt become a serious problem? I would submit that that day has already arrived. Homeownership has fallen since the middle years of the 1980s, and homelessness has become a growing problem in all major cities; average real weekly earnings of workers in the nonfarm business sector has declined over the past 20 years, and unhappiness with the state of the U.S. economy is greater among the public than at any time in the postwar period; our government keeps telling us that we cannot afford to do the things we need to—dealing with crime and drugs on an effective scale, rebuilding our bridges and highways, providing adequate medical care for the poor, and overhauling our educational system. But the fact is that we could afford to do these things and more if we were willing to make the tough political decisions necessary to eliminate the federal deficit.—Lyle Gramley, Chief Economist, Mortgage Bankers Association of America.

One measure of the severity of the situation is the fact that in 1991 Federal borrowing to finance the deficit represented over 85 percent of the total U.S. credit market, up from just 36 percent in 1988. Federal borrowing is soaking up most of the money that would otherwise be available for economic expansion, limiting the ability of industry to create jobs and build wealth.—James McDivitt, Senior Vice President, Rockwell International.

There are now about 100 million households in the United States. * * * The federal budget, thus, is about $15,000 per household, the deficit is about $4,000 per household, and net interest payments on the prior debt is about $2,000 per household. * * * Do you value the federal services that you receive by as much as $15,000 a year? Do you prefer to increase your future liabilities (and those of your children and their children) by as much as $4,000 each year.—William A. Niskanen, Chairman of the Cato Institute.

HOW TO START DEALING WITH THIS PROBLEM

"Any government, like any family, can for a year spend a little more than it earns. But you and I know that a continuation of that habit means the poorhouse." These words were spoken by Franklin Roosevelt over a half century ago. If we could once again get both Democrats and Republicans to follow this tune, happy days certainly would be here again. How are we to govern in order to achieve these happier days?

This will not be an easy task and like the task of defeating communism, it will have its skeptics. Yet I believe in the resolve of the American people to unite and do the right thing and overcome the frustration that is often characteristic of free and democratic institutions. The cold war was a long and often lonely battle for those committed to the fight, yet we stayed the course for the long term, made sacrifices and prevailed—no easy task. And once again, plain and simple, there are no short cuts here, no painless solutions, no hot fudge sundae diets. The work that needs to be done requires hard choices, setting priorities, casting in our lot for long-term planning with sacrifices along the way, and an honest and extended discussion with the American people about how to get our house in order.

We must be open and committed to finding new ways of dealing with our Nation's needs and problems—new ways that stretch our trillion dollars plus of revenues further than we do today. A trillion dollars, as I noted earlier, is a lot of money. We should be able to find a better way to spend this vast wealth to adequately provide for the security, safety, and health of our Nation in more effective ways.

In tackling the budget, first, we should lead by example by calling upon Congress to freeze our own salaries, freeze our operating budgets for a year, and freeze the budgets for Government agencies for 1 year allowing growth only for inflation. President Bush was right when he said "government is too big and it costs too much." Sacrifice must begin at home or to be more precise, in this House.

The Secretaries and agency heads in the Federal Government should be charged to target reductions by adopting more efficient methods of delivering services. We must focus more on outcomes rather than the dollar inputs.

A recent book, "Reinventing Government," that is being touted by those on the left and the right illuminates many of the cost-cutting ways that we can actually provide better government with less, not more, money. New thinking such as this is how we can lead by example—embracing new ways of solving problems and challenging ourselves to reject the old orthodoxies of many of our failed yet seemingly immortal programs.

It is simply disgraceful that programs once created in Washington never die—no matter what the need for them or how ineffective they are in responding to their mission. President Bush has proposed the elimination of 246 outdated or ineffective programs and over 4,000 unnecessary projects. Yet not a single one of these proposals has been enacted.

As Budget Director Darman has written, "It is as if even discretionary programs are entitlements—guaranteed, somehow, that they will be immortal." The immortality of any and all Government programs, no matter what their results, is one orthodoxy that must not stand.

Next we must pass a balanced budget amendment. This will be the single most effective means of curing the deficit inattention disorder in Congress. The balanced budget amendment will focus our attention like no other legislative means available. This measure will force Members of Congress as well as the American people to squarely address our spending priorities.

Although some have attacked the concept of initiating this process and have called it an easy vote, serious lawmakers recognize this is only a start—an effort to frame the terms of the debate, to put limits on the Federal credit card, to in effect cut up the Federal credit card, and to acknowledge that the bucks stop here and now.

Many who previously opposed a balanced budget amendment have recently come to the conclusion that this is the only measure that will impose some restraint on the runaway spending habits of Congress. Former Congressman Bill Frenzel recently testified before Congress:

> I think you should adopt the balanced budget amendment simply because you have proved you cannot do anything else * * * if Congress does adopt a balanced budget amendment, it must begin preparing fiscal policy now. We need a fiscal plan in place immediately so that the abrupt disruption will not take place. There is an implied challenge here to those who vote for the balanced budget amendment * * * And here, the final caveat. If you do it, you had better mean it. The public will not embrace you because of one vote. They have seen all the budget scams of the past 20 years. A vote for the balanced budget amendment, cast in the hope of non-ratification by the states, is only going to cause the Congress' public approval to sink lower.

Columnist George Will has also joined the ranks of balanced budget amendment supporters:

> I have hitherto argued against a balanced budget amendment on the ground that it is wrong to constitutionalize economic policy. Since then there have been 2.9 trillion reasons for reconsidering—the 2.9 trillion dollars added to the nation's debt. My mistake was in considering deficits merely economic rather than political events. In fact, a balanced budget amendment will do something of constitutional significance: It will protect important rights of an unrepresented group, the unborn generations that must bear the burden of the debts.

Not surprisingly, those who are the biggest pork barrel spenders in Congress are now squealing hysterically that the balanced budget amendment will end life as we know it. I will let others tell you of the faulty methodology and misrepresentation of facts upon which these critics of an amendment have based their doomsday findings, but one thing the critics of the amendment fail to point out is that the balanced budget amendment must be ratified by three-quarters of the States. This will only be done if the people truly support this measure. This is no easy sell. This process will involve millions of people across the country. The ratification process will occur in the context of a nationwide debate among the people of this country. The people will be an integral part of the process—a refreshing change—a kind of sunshine law for the national budget.

The Congress should also provide the President with the line-item veto, something that 43 Governors, including the Governor of Virginia, is able to exercise to cut wasteful spending.

Yet these measures are only a start. We will also have to start addressing how to balance the budget now. I would suggest that the President call together Senator RUDMAN, former Representative Bill Frenzel, former Office of Management and Budget Director Jim Miller, and others to put together a workable balanced budget scenario that can begin to be implemented first thing next January.

This process will be about setting priorities and making hard—but fair choices. Among these choices, we will have to look at long-term entitlement reform that ensures and protects the needs and rights of the most needy among us. Director of the Office of Management and Budget, Dick Darman, has pointed out that mandatory programs have taken over the Federal budget, now amounting to almost two-thirds of the budget. They also account for most of its growth and they do not come up for annual review by the Congress. Yet the public is largely unaware that almost two-thirds of the Federal budget is—at present—beyond effective control.

Yet we cannot credibly reform entitlements until we have reformed our discretionary spending habits and that is why efforts such as the recent pork barrel rescissions are so important in sending the message that we have a commonsense notion of priorities that focuses on providing essential services.

But since the tables will be turning come November and we will have many new Members, the practical realities tell us that the real work of dealing with the budget will not come until next January after the 1992 elections. However, once we are back in session in January and the President has these recommendations, the President should keep Congress here, cancel any recesses, and start the hard work of how to implement the balanced budget amendment.

In times of rapidly doubling deficits, the American people deserve our redoubled resolve and commitment to give serious attention and extensive time to a long-term solution to getting government spending under control. This effort will require sacrifice, discipline, and undivided attention to this matter. As my colleague BILL GRADISON has pointed out:

> It is sometimes said that few voters would favor balancing the budget if they truly understood what it would cost them in terms of the higher taxes or reduced services needed to achieve it. Yet it could also be said that few would favor letting the deficits continue if they truly understood how much it was costing them in terms of lost future income, consumption, and living standards.

I call upon my colleagues to join in getting this message out to the American people. The American people can no longer afford our inattention to the serious disorders threatened by our looming budget deficits.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I rise in opposition to all of the constitutional amendments.

There has been a lot of debate about the causes of our economic quagmire, and there are many. I do not think it serves any purpose for us to try to rehash what went wrong in the 1980's that brought us to where we are.

Many of us on both sides of this issue are in the well arguing that many of the policies that were set in the 1980's such as the tax cuts and the excessive military buildup, arguing that we would be here one day with a kind of economic doldrums and the crises that we face in this country today.

I really believe that balancing the Federal budget would be the best economic growth package that the Congress could pass. I also believe that the so-called balanced budget amendments before us today are just gimmicks. They will do more harm than good and that they clearly contain no mechanism for actually producing the balanced budgets that I think we all really seek.

□ 1630

There should be no question in anybody's mind, certainly not in the minds of the American public, that the borrow and spend policies of the past 12 years have left our Nation mired in debt and struggling under anemic growth. The long painful recession we are experiencing now in my judgment is in large measure due to the irresponsible policies that we have seen of late.

Spend now and pay later is a great philosophy while you are in the "now" part of it. Unfortunately, we have reached the later part of it where we have to pay for what we spend and we have, indeed, mortgaged the future of our children and our grandchildren, and it is kind of scary what has happened in this country.

The citizens of our country are aware of the fact that the spending binge is over and "feel-good" politics is no longer acceptable, and yet that is what we have once again.

The balanced budget amendment is misnamed. It should be named the feel-good amendment once again, because there is no mechanism for balancing the budget. There is no mechanism. The only mechanism that exists for balancing the budget is for making the tough choices on spending and on taxes.

I have heard a lot of debate today about what needs to be done and the failure of leadership, and there is enough failure to go around.

You know, I hear Members on this side in particular talking about the Congress. Well, the Congress has a role to play, but the budget process begins, as my colleagues know on both sides of the aisle, with the President. The President submits a budget and that begins the budget process.

I have not seen a balanced budget offered since I have been here under any President. I have served under four Presidents. I have not seen one balanced budget amendment. I have not seen one budget submitted that is anywhere near in balance.

It is ironic at a time when we are talking about a budget deficit that is approaching $400 billion, we hear a lot of rhetoric about putting something into the Constitution that will balance the budget.

Well, the Constitution does not provide any impediments for us to do our work. There is enough leadership here in the Congress to provide basically the kind of budget priorities, the sorting out that we need to do, to bring those deficits down.

Frankly, I am saddened to hear that some of the proposals would take off the table any area of the budget, whether it be entitlements or military or the nondefense domestic part of the budget. No part of the budget can be taken really off the table for us to try to get down to the hard task of balancing the budget.

What this amendment would do in the final analysis would clutter the Constitution with economic policy that I am not really sure I understand in the final analysis what it means.

For instance, I know that there are six provisions being offered to amend the Stenholm amendment coming to the floor. I just saw that a little while ago.

I am not so sure what revenues mean. I am not so sure how we are going to deal with off-budget items.

We took some testimony in the Judiciary Committee a number of years ago from the Congressional Research Service on what would be required, and they were talking in terms of something like 14 to 15 pages would have to go into the Constitution to define the terms and basically to determine whether it is on-budget, off-budget, independent agency expenditures, 14 or 15 pages.

You know, if we put into the Constitution every time we had a crisis, political, social, or economic in this country, we would have a Constitution that would be 100 pages long.

Can you imagine what that would do to our basic fabric, our organic law that we all revere? It would decimate it.

The Constitution is for fundamental rights, a division of responsibility that is in Government. It was never meant to be the repository of whatever we want to put there because we cannot figure out how to deal with a crisis in this country.

The final point I want to make is that do you really want to send to the unelected Judiciary the responsibility for sorting out tax and spending priorities? Is that what you want. Is that what you want to do to representative Government in this country?

I cannot believe that my colleagues would do that. It would be a major realignment of power over which you would have no control as the elected Representative of the people in trying to sort out priorities, because all you could say would be, "Well, the Constitution requires us to have stalemate. Let the courts sort this out."

Is that what you want? I do not think so.

Mr. Chairman, I would urge my colleagues to vote against all the amendments.

Mr. BARTON of Texas. Mr. Chairman, I yield 9 minutes to the distinguished gentleman from Washington [Mr. MILLER], one of the chief sponsors of the Barton-Tauzin-Miller tax limitation amendment.

Mr. MILLER of Washington. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, this is a long debate, and it should be. This is a historic debate for those who are watching here and watching on television, and it should be a long debate, because we are dealing with some momentous issues, whether to amend the Constitution. That is always important.

We are also dealing with a fiscal crisis such as this Nation has never faced, and that is worthy of a great debate.

Now, when I first came to Congress back in 1985 with my colleague, the gentleman from Texas [Mr. BARTON], at that time the deficit was a huge problem. Many of us sponsored an amendment to the Constitution to require a balanced budget, and we did not get anywhere; but as the years have gone on and as the interest on the debt has piled up, support has grown so that this year there is a debate not only on whether to have a constitutional amendment requiring a balanced budget, but what kind of constitutional amendment.

The traditional amendment offered by my colleagues, the gentleman from Texas [Mr. STENHOLM] and the gentleman from Oregon [Mr. SMITH], which I support, basically says that if you are not going to have a balanced budget, you have to have a three-fifths vote of both Houses of Congress, with exceptions such as an emergency for war.

But there are additional alternatives this year. My colleagues, the gentleman from Texas [Mr. BARTON], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from New Jersey [Mr. PALLONE], and myself and over 100 others have sponsored an amendment that says, yes, we should require a three-fifths vote to have an unbalanced budget, but we should also require a three-fifths vote if we are going to raise taxes at a rate greater than the increase in national income.

Now, why have we added that? Why have a tax limitation? Why tie it to the growth of national income?

You have been hearing this debate about all the ills and evils that flow from deficits, the string of unbalanced budgets going back to 1969. You have been hearing about the growth of the interest on the national debt to where it is passing discretionary domestic spending, but something else has happened in the last 40 years.

Back in 1950, the total Government spending of this country at all levels, Federal, State and local, came to 25 percent of our national income. Since 1950, it has been rising steadily, slow during the Reagan years, rising again to where now it is up to 43 percent of our national income going to Government services, and two-thirds of that for Federal Government services.

How many people in this country feel they are getting Government services worth almost half their incomes?

□ 1640

Not many, I believe. And what does it say about our country, this growing percentage? What does it say about the choices we make? What happens if that 43 percent rises to 50 percent, as it surely will under the present system in several years? When it passes 50 percent, what does that say about our economy in terms of individual choice and free enterprise when Government spends over half the income?

And when it gets up to 60 to 70 percent, of course, then you are approaching what the former Communist governments of Eastern Europe spent on government services.

So that is why Messrs. BARTON, TAUZIN, PALLONE, and myself and over 100 others have sponsored a balanced budget amendment that also makes it more difficult to raise taxes.

Now I want to talk about some of the arguments that have been made against our balanced budget amendment and others that I have heard as I have listened here, and they really follow a pattern. I think it is worth taking some time to go over these arguments.

Argument No. 1: We have heard the Constitution should not be amended lightly; it is better to leave economic policy to the legislative and executive branches. Now, there are some truisms there. Of course, the Constitution should not be amended lightly. The issue here is how important is it to have a balanced budget? How important is it to have a tax limitation?

Of course, the President and Congress want to be able to form economic policy without constitutional guidance. The Bill of Rights, the first 10 amendments to the Constitution, include the premise that freedom of speech, press, religion are important enough to be included in the Constitution. So important they should be included in the Constitution.

The premise is we cannot trust Congresses and Presidents to protect those freedoms. And we who propose a balanced budget amendment and tax limitation amendment say, "Yes, fiscal integrity and economic freedom are so important that it should be included in the Constitution after 23 straight years of failing to provide a balanced budget and after 40 years with a rising percentage of our national income going to Government services."

The second argument that we hear against these amendments is that it somehow violates our democratic principles to limit majority rule with three-fifths vote requirements.

Well, let me tell you something. In our democracy sometimes we have majority rule requirements and sometimes we have different requirements. We have a two-thirds requirement in the Senate for approval of treaties. Why? Because the Founding Fathers said treaties are so important.

We have a two-thirds requirement in the Senate for impeaching a President. Do you know even if both Houses vote unanimously, they still cannot abridge freedom of speech because that is so important?

It gets back to what is important. How important is the principle? And when the principle is important enough, yes, we sometimes limit majority rule.

We have heard the argument, "Oh, my goodness, a balanced budget amendment will require the courts to enforce it, it will bring the judiciary into this question." My goodness, the judiciary has been interpreting and enforcing the Constitution since we have had a Constitution. Every year there are court decisions on the Bill of Rights and other constitutional amendments.

Finally, the argument that, "Oh, you don't need an amendment. Just go ahead and balance it. That is not a problem." Well, in the ideal world that is what ought to happen. But it has not happened for all these years. That is why we need the fiscal discipline these amendments are going to offer. That is why we are saying, "All right, constitutions and constitutional amendments, when we have human frailties and human limitations," and, boy, we have had frailty when it comes to balancing the budget, that is why over 200 years ago Thomas Jefferson, one of the Founding Fathers, said if he had to add one amendment to the Constitution, it would be this one. Two hundred years later, let us follow Jefferson's advice.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have been an original cosponsor of this constitutional amendment approach to the Federal budget since I arrived in Washington 3½ years ago. I did so because I think it is not only good business but because over 40 States in our Union have constitutional requirements.

Sad to say that the Budget Act, since it was enacted in 1974, has been waived over 600 times and it seems obviously and painfully clear to me that a mere statute will not accomplish the purpose for which we have set our course today.

There is one thing that is also equally abundantly clear to me, and that is simply this, Mr. Chairman: We must take whatever measure we can as a people, not as a Congress whose blame there is to share here, not as a President who has not submitted a balanced budget, but as a people to take the partisan political posturing out of the decisionmaking process that protects the financial integrity of our country.

That is what must be necessary. I quite frankly do not care if someone is a Republican, Democrat, an Independent, or, as we say at home, a Mugwump. We are all Americans, America's financial future is in peril, and the Constitution of our country is our common anchor as citizens of the United States.

For that reason I hope that this vote will carry the day and we will pass this constitutional approach to the balanced budget amendment.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to all of these amendments.

You know, my colleagues, the 1990's seem to be the decade of quick cures and cheap gimmicks. This is one of them. That is at the top of the list.

There is no miracle diet here. If you do not exercise, if you do not eat less, you can take any miracle pill you want, you are not going to lose weight. No pain, no gain.

Similarly, here, if you do not cut spending or you do not raise taxes, you are not going to reduce the budget deficit. It is no wonder that some who are for this amendment fought tooth and nail to prevent an actual budget from being presented with this balanced budget amendment. That is simple, because they know that we could not pass one.

So we will pass this nostrum, we will pass this amendment, and then we will come back here and if Congress does not have the will, which it has not so far, to raise taxes because this side will say we cannot raise taxes, or to make the spending cuts because both sides will say we cannot make the spending cuts, we will not obey the Constitution. Then what will happen? Will the courts then order the Congress to pass this balanced budget? Nobody has the answer to that question. And if Congress does not, will Congress be held in contempt?

Ladies and gentlemen, that is a very serious and sad joke. Because we are unable to deal with the real problem, we come up with a fakery; we say, "Oh, yes, we will tie our hands and we will do it 2 years from now or 4 years from now or 6 years from now."

☐ 1650

Mr. Chairman, we have heard that before. We heard that with Gramm-Rudman. It did not work. We have heard it with all these other things. We are like an image running away from reality.

One of my colleagues before, the gentleman from Oregon, said that this amendment represented the search for the Holy Grail. Well, my colleagues, if we pass this amendment, we are not the Knights of the Roundtable. We are more like Monty Python's Flying Circus. We are avoiding the reality and making a spoof, a joke, of the kind of things we should do.

The 1990's are something else, my colleagues. They are the era of the scapegoat.

Let us talk realistically to the American people. When we ask, "Do you want a balanced budget," they all say, "Yes," and tell us, "Yes."

When we say, "Do you want your taxes raised, or do you want your spending cuts from programs that affect you," they all say, "No."

And Congress reflects that. On this kind of issue, where the money goes, Congress should reflect the American people.

But unfortunately none of us, whether it be Congress or the American people, have come to grips with the necessity that we must balance our budget, and that is why we run away from doing it and come up with decisions and gimmicks and nostrums that will postpone doing it and make us feel good for a few years while things get worse and worse and worse.

Mr. Chairman, I say to my colleagues, "If you want a balanced budget, my colleagues, stand up and say, 'Yes, I vote to cut the following 20 programs, and some of them affect me and my constituents,' and, if you want to balance the budget, my colleagues, say, 'I will vote to raise taxes, and some of them affect me and my constituents.' But don't say, 'We'll do it 3 years from now because this amendment will force us to.' It will not force us or the American people to face the hard realities."

Mr. Chairman, only the impending economic crisis will do that. Only real leadership will do that. All the speeches about this amendment should be sucked back in, and the energy should come out with speeches in every corner of America telling the American people they must face the reality of fewer programs and paying more if they want to balance the budget.

Mr. Chairman, it is not cheap, it is not easy, but it is the only thing that will do the job.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman from Texas [Mr. BARTON] for yielding this time to me.

Mr. Chairman, I rise to bring this debate back to reality. As a cosponsor of the balanced budget amendment, I strongly support the Stenholm amendment. I also support the Barton-Tauzin tax limitation approach because it does the one thing the other substitutes do not. It protects the American taxpayer from a Congress addicted to spending for a political high.

I ask, "Why shouldn't Congress bring Federal spending under control or be forced to go on record to increase the tax burden on the American people?"

I have been in Congress, as a new Member, for only 18 months, but that is long enough to convince me that the only way to instill fiscal discipline here is to deny Congress more money to spend. The problem with the deficit is not that Congress taxes too little, but that it spends too much.

This year revenues alone will reach $1.2 trillion. How can anybody argue that $1.2 trillion is not enough money to sustain the Federal Government? Congress must simply cure its addiction to spend, and, as Senator RUDMAN said recently, "Time is running out."

Mr. Chairman, this past weekend I held a special town meeting in my district. Three hundred people gave up their Saturday morning to discuss the budget deficit. They came because they cared about the future of their children and grandchildren, because they could not understand why the Congress cannot do what every household in America must do every day, balance the budget. People are sick and tired of business as usual that has caused this fiscal crisis. People are sick and tired of a $400 billion deficit. It is no wonder our economy is sluggish when our debt service alone comes to $310 billion from the Federal budget.

Mr. Chairman, history has shown that Congress is both institutionally and politically incapable of balancing the budget. Congress is showing that it needs the force and moral authority of the Constitution to balance the Federal budget.

Mr. Chairman, I urge my colleagues to put politics aside for the sake of the country and vote for the American taxpayer, for the Stenholm and Barton balanced budget amendments.

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentleman from northern California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong support of adopting a constitutional amendment to require a Federal balanced budget. Today may be a turning point in our history. Will we change the course of our Nation, or will we continue on the spending binge which is destroying the standard of living of every American?

Mr. Chairman, the last time we considered a balanced budget amendment, in the summer of 1990, the House failed to adopt it by a mere seven votes. Since then more than a half a trillion dollars worth of additional debt has been placed on the backs of future generations because Congress continues spending more money than it takes in.

Indeed the last 2 years illustrate why only a constitutional amendment would solve our deficit problems. We have all heard the rhetoric about Congress needing to make the tough choices in order to balance the budget. That same rhetoric led us to the budget summit agreement in 1990, which was supposed to insure a balanced budget within 5 years and adoption of the largest tax increase in American history. Did making that tough choice work? Certainly not. The deficit is far higher today than on the day the agreement was passed. Already the largest item in the Federal budget is interest on our nearly $4 trillion debt, or a full 21 percent of our total Federal spending.

Mr. Chairman, we simply cannot tolerate $316 billion annual interest payments which buy us nothing at all. Interest on our national debt currently consumes more Federal dollars than even our national defense. Imagine how many jobs we could create if we had an additional $316 billion in investment capital available to our small businesses this year.

Without a balanced budget amendment, there is no constraint on the ability of Congress to overspend. By pushing the cost of present consumption into the future, Congress only buys short-term popularity for itself. In the long term, however, this overspending is putting America in hock to foreign investors who are financing much of our spending spree. Without a balanced budget amendment, we would be even more dependent on overseas investors. Can we afford to be sending a growing share of our capital to Tokyo, London, Berlin, and Riyadh?

My colleagues, let us adopt a balanced budget amendment and protect the independence of future generations of Americans.

Mr. OBEY. Mr. Chairman, I yield 5½ minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I rise in support of the Gephardt/Obey balanced budget amendment. The Gephardt amendment represents a step in the direction of fiscal sanity without setting up a prescription for deadlock and a frontal assault on Social Security. In short the Gephardt amendment is tough yet pragmatic and compassionate.

All across the Nation, people are expressing anger at the failure of the Government to make the tough choices. And we must spare our children and grandchildren the burden of a crushing debt.

The Stenholm amendment requires a supermajority to waive a balanced budget requirement. I worry deeply about that because in case of disaster we need to act quickly and decisively.

This is significant for California because we do have more than our share of natural disasters. In the past few years, California has seen some extraordinary disasters—powerful earthquakes in Coalinga and San Francisco, and a raging fire in Oakland. We were fortunate to be able to provide emergency relief with substantial votes. But, that does not mean it will always be the case. For example, after the Los Angeles crisis, the vote to rebuild Los Angeles was 244–162. Under Stenholm, 261 votes would have been needed to pass this critical emergency relief bill. As the noose tightens a supermajority will be tougher and tougher to get. Under the Stenholm amendment, California—or any other State affected by a severe drought, a flood or a hurricane—would need to muster not a mere majority but a supermajority. This is unfair, undemocratic, and dangerous.

Another point is that under Stenholm, it would be easier to cut funding than to raise revenues. For example, it is easier to cut funding for lung cancer research than to increase the tax on a pack of cigarettes. It is easier to cut out childhood immunization than to raise taxes on someone making $10 million a year.

This is not fair—plain and simple.

The Gephardt amendment protects Social Security from spending cuts. Social Security is one of the largest Federal programs, and a tempting target for budget cutters. But Social Security should be treated differently because it is different. It is a trust fund into which we pay our fair share and we expect the fund to be there when we retire. We do not expect it to be tampered with.

Families USA released a study yesterday that shows that if cuts were made on a pro rata basis, the Stenholm amendment would have a devastating effect on the elderly. According to this study, each California beneficiary would lose an average of $1,041 dollars in 1995. The State of California would lose $4.2 billion in Social Security payments in 1995 and that will hurt our seniors, 70 percent of whom earn less than $30,000 a year. And our California economy, which is already in trouble, will suffer as these billions which are now spent are taken out of the economy.

Gephardt would have a much more immediate impact than Stenholm because it moves us toward a lower deficit sooner. It pushes the President and Congress to begin the process immediately. And we can. The first steps toward eliminating the deficit are fairly obvious. For too long, we have been picking up the tab for the defense of our allies in Europe and Japan. It is time to bring those resources back home. Of the $150 billion we could save, we should devote a portion to deficit reduction—say $75 billion a year.

The next step is to attack overhead costs in all Federal departments. That can save about $30 billion per year.

Congress last considered a balanced budget amendment 2 years ago. I was among those who supported a statutory approach which called for an immediate submission of a balanced budget by the President and by Congress. At the time of that vote, the deficit figure was $153 billion. That figure represented a substantial reduction from the Reagan-era high of $221.2 billion, strongly indicating that the deficit was moving in a downward direction.

Now the deficit is $400 billion and interest on the debt is the fastest growing item in the budget. The statutory solution I supported never even passed the Senate.

We must act. The Gephardt proposal is responsible, is compassionate, is pragmatic, and correct.

Mr. Chairman, I urge its passage.

□ 1700

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. EDWARDS], the distinguished chairman of the Republican Policy Committee.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I rise in very strong support of the Barton-Miller balanced budget amendment. As chairman of the House Republican Policy Committee, I am pleased that house Republicans have taken a position strongly supporting the Barton amendment as the best version of a balanced budget amendment being offered because it not only requires a balanced budget, but also requires the support of 60 percent of House Members in order to raise taxes. The most effective way to balance the budget is to cut spending, not raise taxes on the people.

Mr. Chairman, the deficit is out of control. We have a $400 billion deficit and pay $200 billion a year in interest. Unless we take drastic action now, action like amending the Constitution to prohibit budget deficits, we face the very real possibility of economic disaster.

The Barton-Miller amendment is the best version of a balanced budget amendment that this House can pass, because it attacks not just the budget deficit, but the cause of the deficit—too much Federal spending. With the Barton amendment in place, Congress will have no alternative except to cut spending or break the law. Borrowing will violate the Constitution, taxing will require approval of 60 percent of Congress. The only thing left is to cut spending intelligently.

A balanced budget amendment is not a new idea. Ten years ago, I helped lead the fight in the house for a balanced budget amendment, and we were very nearly successful. If we had passed a balanced budget amendment then, and abided by its restrictions, we would be operating under a balanced budget today and the national debt would be over a trillion and a half dollars lower. We should have done it then; we should do it now.

Some of the speakers today have expressed fear about tampering with the Constitution. The Constitution is a living document. It is meant to move and grow as the country faces new goals and challenges. This process represents democracy at its best. It involves us, as the representatives of the people, and, ultimately, it will involve the American people themselves, deciding whether they want their Constitution to require a balanced budget. It's a little arrogant of some of the speakers today to presume to know better than the American people. It's a little arrogant not to give the people a chance to have a voice. It's a little arrogant to presume that only Congress is smart enough to determine how and when the Constitution ought to be amended.

A balanced budget amendment that requires 60 percent majorities to increase taxes is a good idea. I think the American people agree. If they don't, nothing will happen. So to the opponents of this amendment I ask: What are you afraid of?

Support the Barton-Miller balanced budget amendment. Let us force this Congress to balance the budget by cutting spending and holding the line on taxes.

Mr. STENHOLM. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, out in Indiana there is a political philosopher called Abe Martin. One of the things Abe said was that "the Smith family, which dropped out of sight 6 weeks ago, was discovered yesterday living within its means."

That in essence is what this proposal requires of the Government. I want to emphasize "of the Government." Not of the Congress, not of the President, but of the Government.

One hears it said that a 60-percent vote would enable a minority of Members to call the tune on priorities. The minority can decide the priorities of this House; the Supreme Court can decide the priorities of this place?

Balderdash. The only thing the minority can keep the majority from doing under this amendment is borrowing money.

The President has proposed a budget for next year which would spend $1.5 trillion and collect $1.1 trillion.

Now, any fool can see that that is $400 billion too much spending, or $400 billion too little taxation.

□ 1710

So do not talk about balanced budgets. Talk about whether the Government can borrow. And the money the Government cannot borrow we cannot spend.

Now what would we do with $1.1 trillion. Of course, the alarm goes up. "We would cut Social Security." That is absurd. We could stop paying for Social Security benefits entirely and not reduce the current borrowing of the Government one penny because those are dedicated taxes that go into a trust fund and cannot be applied to the Federal funds budget where the red ink is flooding our futures.

No doubt the amendment would mean no appropriations to preserve Lawrence Welk's home, but it would not do away with payments for Lawrence Welk's retirement under Social Security.

The minority would have no control over the priorities, so long as the Government does what it is supposed to do. And that is, live within its means, not borrow.

I hear it said that the first thing to be cut would be social programs. That assertion is falsified by historic events. During the 1960's when the budget was nearly in balance, we had the greatest burst of social legislation since the 1930's. During the 1980's when deficits soared, we had an enormous curtailment of social programs.

The question is not whether you must borrow to cover social needs. The question is who has the most votes in the Congress and who is in the White House to decide how to spend the money we have. I have been told several times at home, "You must be a conservative." My answer is, "no", I am not willing to spend that much. I list myself as a parsimonious progressive. I will not spend any more than we have to spend, but I will not squander it on star wars, when there are children who are hungry for food, and education, and civility in our country.

Opponents of the amendment insist that all government officials need is will power. One might just as well say, if we drive down the street in our car, we do not need a seatbelt. All we need is the will power to stay seated in case of a collision. Obviously, the frailty of human nature means that we do not have superhuman will power, and that is precisely why Ulysses, in "The Odyssey," imposed will power upon himself by lashing himself to the mast when he sailed past the sweet entreaties of the Isle of the Sirens. He lashed himself to the mast because he understood the frailty of human nature. That was a good example for a constitutional republican democracy.

An intelligent people will use its constitution as a countermeasure against its self-destructive impulses. A pony will eat himself to death if humans do not restrain him. And democracy will eat itself to death without thoughtful constitutional restraint.

Read my constitution. No new borrowing.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, House Joint Resolution 290 would propose an amendment to the Constitution that—it is claimed—will somehow magically create a balanced budget each and every year. The goal of a balanced budget enjoys nearly universal support in this Chamber. Unfortunately, I am convinced that this proposal, and the unfounded assumptions on which it is based, are doomed to failure. I would be less concerned—but still distressed—if in enacting House Joint Resolution 290, we were merely enshrining in the Constitution a feel good, benign statement of good intentions. However, every provision of the Constitution has meaning and power, and I fear that this one might produce a host of dangerous and unintended consequences.

Last Congress the House Judiciary Committee's Subcommittee on Economic and Commercial Law, which I chair, held extensive hearings on an earlier version of this proposal offered by Mr. STENHOLM in order to develop a record for an informed vote by the House. The subcommittee heard from a wide array of witnesses that included economists, constitutional experts, and budget officials spanning a number of administrations. The overwhelming majority, conservative and liberal alike, concluded that the proposal would likely lead either to manipulations of the budget process, thus breeding even more cynicism among the American public, or to paralysis in the most vital functions of Government and throughout the economy.

We heard from the current Director of the OMB, Richard Darman, who proudly proclaimed that "President Bush strongly supports passage of a balanced budget amendment to the Constitution." But, when asked why this amendment should not go into effect right away, he immediately began to backpedal, recommending against the dangers of such a precipitous step. Such a stance is consistent with the record of an administration that, along with its predecessor, has paid lip service to the bumper-sticker slogan of a balanced budget while at the same time adding more than $2 trillion to our national debt over the past 12 years.

No less than the Chairman of the Federal Reserve, Alan Greenspan, found that the lack of enforcement provisions in the proposal would create "a mess"—he warned us that the courts would eventually be drawn into the budgetmaking process if there were an impasse between the executive and legislative branches, as there inevitably would be. If that happened, would the American economy simply go on hold while we waited for the briefs to be written and footnoted? Would the capital markets simply suspend trading of stocks and the issuance of Treasury securities as time ticked away?

The real winners from this amendment will be those members of the minority who have always wanted to be in control of the legislative process without the necessity of gaining a majority at the polls. The amendment would require a three-fifths vote of the membership of each House of Congress to pass a resolution for total outlays to exceed total receipts, or to raise the public debt.

Turned around, this means that two-fifths of either House—40 percent—would have a hammerlock on the legislative process. They could extract any demands they wish to in order to permit vital legislation to go forward. Is it any wonder that all but a handful of the minority party in this House should embrace such a scheme? Passing this amendment would give the minority through the Constitution what the voters of this country have denied them at the ballot box for decades: Veto power over the legislative process. This is a cynical proposal, at best, and a raw power grab at most.

It is high time to get down to the business of sound government and sound budget policy. I urge my colleagues to reject House Joint Resolution 290, and to get serious about making hard choices on spending and the programs that truly deserve our tax dollars. We do not have the luxury of yet another illusion or deceptive fix when it comes to our economic future.

The CHAIRMAN. The gentleman from Texas [Mr. BARTON] has 2 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I show that I have 12 minutes remaining. There has been a subtraction mistake.

The speakers that I have allocated were: The gentleman from New Jersey [Mr. SAXTON], who had 2 minutes; the gentleman from Washington [Mr. MILLER], who had 8 minutes; the gentleman from California [Mr. PACKARD], who had 2 minutes; the gentleman from Minnesota [Mr. RAMSTAD], who had 2 minutes; and the gentleman from Oklahoma [Mr. EDWARDS], who had 3 minutes. That is 17 minutes.

The CHAIRMAN. Our timekeeper advises me that maybe one of those was posted to another account. The gentleman does have 12 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, that is what I show also.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN], chief Democrat sponsor of the Barton-Tauzin-Miller amendment.

Mr. TAUZIN. Mr. Chairman, I rise in support of both the Barton-Tauzin amendment and, of course, the Stenholm amendment to the U.S. Constitution.

The previous speaker alluded to the fact that this process of debating and amending the Federal Constitution to require a Federal balanced budget was something like Monty Python's Flying Circus.

☐ 1720

I would beg to differ. If there is a flying circus here, it is the three-ring budget process circus of the House, the Senate, and the White House, that has produced 23 years of unbalanced budgets in a row.

There are many in America who complain about that and say, "You guys are not carrying out your mandates when you come to Congress." Let me challenge that notion. I believe every Member of this House, every Member of the Senate, carries out his instructions when he gets here. The set of instructions we get elected on every 2 years, every 6 years over there, the set of instructions we get from our constituents is to go to Washington and bring back as many of those Federal dollars as we send to Washington, bring them back home, and do something good with them.

We carry out those instructions to a great degree. We do a great job. Every Member, in fact, I must congratulate them, does such a good job of bringing the bacon home that we are bringing back more pigs, unfortunately, than we are sending to Washington in the form of taxes.

The bottom line is that for 23 years we have carried out that set of instructions well, excellently. What we need in America, very frankly, is a new set of instructions. This balanced budget amendment debate is nothing more, to boil it down, than a question of whether or not we are going to give to the American public a chance to give to Congress a new set of instructions.

What are those new set of instructions? Very simply put, "Quit spending money you do not have. Do what you can for us, defend us, give us good social programs, but do not spend money you do not have." That is a simple new set of instructions the Constitution would provide for us if we give to the people of the country a chance to vote on it.

Is that a worthwhile set of instructions? I guarantee the Members it is. Every child born in America is inheriting today a $16,000 mortgage when he is born in this great country. That is on the debt we are accumulating for those children. Should we not have a new set of instructions for those kids and grandkids and say to them, "We are going to begin balancing our accounts. We are going to begin, in fact, in this Federal system doing something different. We are going to start acting responsibly with the tax dollars we get."

The Constitution is a grant of powers to this country. It grants us two powers today. It grants us the power to spend within budget, and we have the power within the Constitution to spend over budget. The Constitution is a limiting document, and I suggest to all of the Members in this debate that if there is one limit missing in that Constitution, if there is one power that ought to be denied this Federal Government, it is the power to continue to put our children and our grandchildren so deeply in debt that they can never come out from it.

If a Member is a conservative in this body, he ought to vote for one of these two amendments, hopefully the Barton-Tauzin amendment, because it says, "Restrain your tax appetites and instead restrain your spending." I hope the Members vote for one of them. If a Member is a liberal and has watched the ability of this Federal Government to provide social programs to America dwindle as the interest on the Federal debt eats away at our capacity to do for our own people what we should be doing, then as a liberal one ought to join us in this simple new set of instructions to the Federal Government: "Quit spending money you do not have. Quit putting us in debt in America."

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to my friend, the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I rise in strong support of a balanced budget amendment.

The taxpayers of our country have waited years for Congress to bring the national debt under control. In repayment for their patience, the taxpayers have received only phony promises and all-too-real tax hikes. The time has come to face the fact that we will never balance the budget unless forced to do so.

This body has missed countless opportunities to make real headway toward a balanced budget. Instead of making the tough choices on spending, the House has opted for the easy way out—higher taxes and more borrowing. Well, the easy way is bankrupting our country. It is saddling our children and grandchildren with so horrible a debt that they may never be able to pay it off. And, we can no longer avoid taking a stand on this issue.

Those of us who have stood against the tax hikes and the pay raises, the absolutely ridiculous and absurd wastes of tax moneys, knew this day would come.

Mr. Chairman, we can no more avoid this vote than we can avoid the judgment of our children and grandchildren if we fail once again to act. I urge my colleagues to once and for all require Congress to live within the means of the Nation and approve the balanced budget amendment.

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the balanced budget amendment. I want to commend my good friend, the gentleman from Texas [Mr. STENHOLM], for the work he has done. I support the balanced budget amendment.

Mr. Chairman, I rise in support of the balanced budget amendment and I want to commend Congressman STENHOLM for the work he has done to bring the issue before us today. It provides the strongest and most binding incentive for us to get the Government's ledger into balance. I think approving the balanced budget amendment will help ensure that Congress gives its fullest attention to cutting the deficit.

Thomas Jefferson expressed concern about deficit spending nearly 200 years ago when he wrote these words: "I wish it were possible to obtain a single amendment to the Constitution * * * taking from the Government the power of borrowing." He never could have imagined our situation today. In 1992, interest on the Federal debt will be more than $300 billion. That is more than we are spending on defense. We cannot afford to wait any longer to get Federal spending under control.

Approval of this amendment will not cure our fiscal problems. We are still going to have to make some tough decisions to balance the budget. But it will put into place a binding requirement that should start the process. In the past few years, we have passed budget laws designed to balance the budget, but they have not worked. This amendment to the Constitution will not be so easy to ignore.

Amending the Constitution is not an easy thing to do, nor should it be. The process was set up this way to make sure that only issues of great national importance would survive the congressional vote and ratification by the States. I think bringing the Federal budget into balance is such an issue and approving this amendment is a step we must take.

Mr. SMITH of Oregon. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas, [Mr. ROBERTS] an outstanding Member of Congress.

Mr. ROBERTS. Mr. Chairman, the first question, I guess, is why are we doing this. Do we have a budget crisis? I looked it up in the dictionary, and Webster's defines the word "crisis" as "a decisive moment and crucial in a state of affairs in which radical change is demanded."

With a $400 billion deficit, a $4.1 trillion debt, and that is roughly $65,000 for every family of four in this country, and with Congress unable to control only one-third of our spending and with two-thirds off limits in entitlements, it is clear we have a crisis. With 61 cents of every income tax dollar paid today going to debt service, "crisis' may not be strong enough of a word, and it is a very tough and difficult challenge. I know that. The budget is complex, the needs of the country crucial, and the demands of the American people apparently insatiable. Everyone wants spending cut but not their program.

But, the answer is really basic and simple. We must live within our means. The crisis is now, the time to act is now, but when we ask the Members who oppose this amendment, we hear the cure is worse than the problem, because the problem is so serious. That just does not add up.

The majority leader put the blame for this fix on Republican Presidents, despite the fact that no President ever spent a dime that we did not first authorize and appropriate. Note I said "we." "We" does not include those of us who formed a small but determined band of fiscal conservatives, Democrat and Republican, who have consistently voted against the top dollar appropriation increase and supported freezes and cuts, only then to face arbitrary cuts mandated the Gramm-Rudman and the infamous budget agreement of 1990. That is the point. That is the point.

The gentleman from California [Mr. PANETTA], the esteemed chairman of the Committee on the Budget, and the gentleman from Kansas [Mr. SLATTERY], my friend and colleague who comes down from the reform mountain with tablets of stone and selective fiscal history, say, "This amendment is too simple. It ducks the tough issues and it will not work," now get this, get this, "because the spending bills pass by more than 60 percent anyway, and because two-thirds of the budget is off budget."

LEON, JIM, I know that. I have had the courage to vote "no." Because the majority cannot vote no on spending, our amendment will not work? What will work? Leadership for statutory enforcement? Is that the answer? That is what they have suggested. In the last

10 years we have had five enforcement mechanisms on the books. We have a 1974 budget requirement that we waive every foggy night around this place. This is enforcement? This is a joke. This is like saying. "The house is on fire, but shoot the firemen, because I am a pyromaniac." We cannot even decide when to adjourn around this place.

Mr. Chairman, I am reminded of the old farm couple out on the prairie who, with kids gone, took great solace in listening to the family's grandfather clock as it gently struck the hours late in the evening. One night the clock struck one, two, three, and then four, five, and six. Then the clock went to 9, 10, 11, and 12, and then, and then 13, whereupon the old man rose up straight in bed and said, "Great heavens, mother, wake up. It is later than it has even been before."

My colleagues, the Constitution has heretofore been amended to protect individual rights. With the next generation in danger of paying more than half of what they earn in taxes just to pay off the debt that this country and Congress is spending and accumulating, we are endangering their most precious right of all, their individual freedom. Let us protect the economic rights of the next generation and pass this amendment. It is indeed later than it has ever been before.

Mr. OBEY. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, for as long as I have served in this House I have opposed the idea of a constitutional amendment to balance the budget for one very simple reason. When I look around this town and look around the House, I see as many people who remind me of Daffy Duck as I do Thomas Jefferson, and until I think the proportion gets a little better, I am a little reluctant to put the Constitution in the hands or at the mercy of modern-day Founding Fathers.

I recognize that the House has become so frustrated—and in fact I have become so frustrated—about the lack of progress on the deficit that I am willing to live under a constitutional provision which puts the moral force of the Constitution behind the principle of a balanced budget and fiscal sanity.

☐ 1730

What I am not willing to do, however, is to, in the process, enshrine the principle of minority rule on the most important issues we deal with; namely, economic issues.

Frankly I think that any amendment before us today which calls itself the balanced budget amendment is actually parading under false advertising, because none of them do that. In fact, if you take a look at the principal amendment before us, the Stenholm amendment, I invite Members to show me one word in that constitutional amendment that cuts a dime off the deficit or cuts a dime off spending. It does not do any such thing. All it says is that if there is to be a deficit other than zero that the Congress will have to reach that judgment with 60 percent of its membership rather than a majority.

Now very frankly, those are the rules which now govern the Senate with respect to most budget actions. I would ask whether or not there is anything in the record of the other body that would recommend their results to us? Do we really think that we will make any progress by turning the House of Representatives into the U.S. Senate in terms of its rules? I doubt it very much.

And so what we have as an alternative in the Gephardt-Obey amendment is something which tries to be more real than the other options before us. Here is what I mean.

Under our proposal the President would be required to submit a budget every year which is in balance. The Congress would not be able to take the budget off zero deficit unless the President first requested that. And if the President requests it, then the House and Senate would have to approve the Presidential request by a constitutional majority of both Houses, not just a majority of those present and voting. So if there are nine Senators off running for President, tough, you still have to have 51 Members, a majority in order to take us off zero deficit.

Our amendment would also provide that in no year could the Congress actually spend more in any budget than the President himself recommended in his budget. That brings to center stage the fact that it is the White House which largely in our system of government determines spending levels anyway.

There are two facts which we ought to keep in mind in this debate. No. 1, no Congress going back to Harry Truman's time has ever changed any President's budget any more than 3 percent. Fact No. 2 is that in the last decade there has been only 1 year when the Congress has appropriated more money than the President asked for, and in the other 9 years we have appropriated less, some $20 billion less in total than the President has asked for.

So what we simply do is ratify in the Constitution what is fact in reality; namely, that the President will set the spending level and we will be able to debate priorities within that spending level.

The next thing our amendment does is to put Social Security off the table in terms of balancing the budget, because Social Security is running very hefty surpluses now, and we do not feel any need to revisit the decision made in the 1990 summit with respect to protecting Social Security.

The other provision in our proposal is that we suggest that we proceed to balance the budget in the here and now, not the hereafter. The Stenholm amendments says let us get there in 1998. What we say is let us put this principle in the Constitution immediately starting with the first year, after ratification, and we have a companion statute which would back it up with a specific set of actions which would be triggered in order to enforce it, to see to it that we did not depart from the targets.

In my view our amendment is really an antihypocrisy approach. This chart demonstrates what our problem is. The fact is the Government debt as a percentage of gross national product was declining since World War II. It was declining from 90 percent of our gross domestic product in 1948 down to 28 percent in 1980. Then what happened is that Ronald Reagan came into office, his policies were adopted—and the policies of his successor—and as Members can see, we then began going in the wrong direction again. So this is a problem which has only been created in the last decade because we are now back up to 55 percent of GNP.

I also would bring Members' attention to two other facts. The President says he is for a balanced budget, and yet he and his predecessor, Ronald Reagan, asked the Congress specifically to approve $1.9 trillion in additional deficits. So what he is simply saying is he now wants a proposal which will apply to every future President except George Bush even if he is elected for 4 more years. He would be the only President who would not have to live under what he is recommending for his successors, and I think that is a joke.

The second point I would make is this: The Secretary of the Treasury was on television this last weekend demanding that Congress pass a balanced budget, and yet today he was meeting with Republican members of my Foreign Aid Subcommittee trying to urge them to include in our aid bill a $500 million provision that would provide for debt relief for foreign countries. I find it odd that we are being told by the White House we have to balance the budget, we have to go into the Constitution to do it, and yet at the same time I am being told, for 3 years in a row now, I am being told that the White House may veto our bill because we do not spend enough money in the area of foreign aid.

So it seems to me that if Members want this White House to live under the rules which they are suggesting for everybody else what they would do is to adopt the Gephardt-Obey amendment. That is the amendment that is real. It is the amendment that makes us balance the budget starting here and now, not only in the hereafter, and it is the amendment that makes clear that unless the President of the United States is centrally involved that we will not attack this problem successfully in any of our lifetimes.

I am perfectly willing to live under rules which allow the President to set the overall spending limit and allow Congress to debate the priorities. That is in fact what has happened anyway over the past 10 years, and I think our amendment reflects reality, and its gives us the best opportunity do something real. I would urge Members' support it when we vote on it tomorrow.

Mr. BARTON of Texas. Mr. Chairman, I yield myself my remaining 9 minutes.

Mr. Chairman, we are here today hopefully not to attack and talk about our past failures, but to begin to plan for the future and to try to protect that future.

I would point out that the amount of per capita debt that each man, woman, and child in this country owes today is a little over $16,000, and it is expected to rise to $20,000 by the year 1995.

□ 1740

If we do nothing by the year 2000, if one includes publicly held debt on-budget and off-budget and all the guarantees that the Federal Government is committed to, the average family of four in this country will owe $300,000 per family as their share of the total Federal debt. We need to do something about that.

There is general agreement that what we need is a balanced budget amendment to the Constitution. Hopefully, tomorrow afternoon about this time we will vote on a specific amendment with at least a two-thirds majority requiring the budget to be balanced.

The gentleman from New York [Mr. FISH] is going to offer an amendment constructed by the gentleman from Virginia [Mr. ALLEN] and the gentleman from Arizona [Mr. KYL] which says we should limit spending to a certain percent of GNP, and we should give the President explicit authority to use the line-item veto.

The gentleman from Wisconsin [Mr. OBEY] and the gentleman from Missouri [Mr. GEPHARDT] are going to offer an amendment which says we should balance the budget, but we should exempt Social Security when we are attempting to balance the budget.

The gentleman from Texas [Mr. STENHOLM] and the gentleman from Oregon [Mr. SMITH] are going to offer an amendment that says we should balance the budget. It would require a supermajority vote of 60 percent to borrow money, and a supermajority vote of 60 percent to raise the national debt ceiling, but the Stenholm-Smith amendment would only require a simple constitutional majority to raise taxes.

Finally, myself, and the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Washington [Mr. MILLER] are going to offer an amendment that has everything that is in Stenholm-Smith plus the supermajority 60 percent vote to raise taxes. Barton-Tauzin-Miller is the most balanced balanced budget amendment, and in my opinion, it is the best balanced budget amendment.

Since the principal difference between Stenholm-Smith and Barton-Tauzin-Miller is tax increases, let us talk specifically about the tax-increase provision. Under the current Tax Code, without any additional explicit tax increase, the natural progressivity in the Tax Code results in additional receipts every year. The percent increase is approximately one-eighth of 1 percent per year, or 2 percent over 10 years.

For the last 10 years, we have had additional receipts of $550 billion. For the last 5 years, we have had additional receipts of $285 billion. That is an average per year of $55.5 billion for the 10-year period, or $57 billion per year for the last 5 years.

The high year was $85 billion, between 1987 and 1986, and the low year was a $19 billion increase in receipts between 1981 and 1982.

So without any explicit increases in taxes, we are gaining additional revenues under the existing Tax Code. We have found that when we do explicitly raise taxes, we do not get deficit reduction. We get spending increases. For every dollar increase in taxes in the last 20 years, we have had expenditures go up $1.59.

So when people say that you have to raise taxes to balance the budget, that is simply not true. In fact, we have shown in the past, the previous most recent past, that we can reduce the deficit without raising taxes.

For example, when Gramm-Rudman was passed in 1986, the Federal budget deficit was $221 billion. The next 3 years when Gramm-Rudman was on the books in its basic, undiluted, unreconstituted form, the deficit went down the first year by $71 billion to $150 billion, and then for the next 2 years stayed there, with a deficit of $155 billion in 1988 and $154 billion in 1989.

During that timeframe, Federal spending increased at the rate of 3.2 percent a year, a drop of over 5 percent from its previous increase of 8.7 percent a year.

Gramm-Rudman was eventually changed, and the deficit began to go back up. But while it was on the books in its original form, deficits went down without raising taxes.

The Director of OMB, Mr. Richard Darman, when he testified before the Committee on the Budget several weeks ago on the balanced budget constitutional amendment, gave a series of charts and tables that showed that we could reduce the deficit, and ultimately eliminate the deficit, without raising taxes. Depending on what scenario you used, the budget would be balanced between 1998 and the year 2002.

The chart to my left shows that without touching Social Security, if you freeze domestic discretionary, and you allow the entitlement programs to go up at inflation plus population, that you save $390 billion by 1997. By the year 2002, you save over $2 trillion, without raising taxes. These savings are from the current baseline budget if no changes in current policy are implemented.

I do not think that we have to agree that Mr. Darman's suggestions are the only way to balance the budget. I do not think we have to agree that the assumptions in this report are necessarily the most realistic assumptions, but I think we should agree that the budget can be balanced without raising taxes. In fact, because there is such a concern about raising taxes in this country, many, many people, and many, many interest groups have come out in favor of Barton-Tauzin. The President of the United States, George Bush, sent a letter to the Congress today supporting Barton-Tauzin as his preference for a balanced budget amendment.

The original Stenholm amendment in 1986 had the Barton-Tauzin-Miller 60 percent requirement to increase taxes. Numerous groups around the country are supporting the Barton-Tauzin-Miller tax limitation balanced budget amendment as their preference including the National Tax Limitation Committee, National Federation of Independent Business, American Legislative Exchange Council, Associated Builders and Contractors, Citizens for a Sound Economy, U.S. Business and Industrial Council, Citizens Against Government Waste, Americans for a Balanced Budget, National Cattlemen's Association, U.S. Chamber of Commerce, American Farm Bureau, National Association of Manufacturers, Americans for Tax Reform, and the Free Congress. They all support Barton-Tauzin as their preference for a balanced budget amendment to the Constitution.

In a poll in Nation's Business in May 1992, 91 percent of the people said that they preferred the supermajority vote to raise taxes in a balanced budget amendment, and in that same poll, 70 percent said that they would oppose a balanced budget amendment that did not have such a tax increase provision included.

The National Taxpayers' Union, in a recent poll, showed that 78 percent of their respondents favored a tax limitation balanced budget amendment over the Stenholm amendment.

Finally, I would point out that in order to implement Stenholm-Smith, which itself requires a constitutional majority to raise taxes, we need to obtain a majority vote on Barton-Tauzin-

Miller tomorrow. Barton-Tauzin-Miller is identical to Stenholm in four of the eight sections. It is identical in all but minor terminology in seven of the eight sections. In only one section is there a major difference between Barton-Tauzin and Stenholm-Smith, and that is in the requirement that there be a 60-percent supermajority vote to raise taxes.

So I would hope that tomorrow we get a majority vote on Barton-Tauzin, and then on final passage, if Barton-Tauzin has not received a two-thirds vote, let us all strongly support the gentleman from Texas [Mr. STENHOLM], the gentleman from Oregon [Mr. SMITH], the gentleman from Delaware [Mr. CARPER], and the gentlewoman from Maine [Ms. SNOWE] on their amendment for the two-thirds vote required to pass a constitutional amendment.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I am happy to yield to the gentleman from California, the chairman of the Committee on the Budget.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

The danger I see here is what we call rosy scenario who always shows up again when we try to avoid tough decisions about deficit reduction.

Again, on the Darman proposal, we asked CBO to analyze the Darman proposals. If you use the highest growth level, which is 4 percent, and you add the cap plus demographics plus 2½ percent above that, at max you are talking about savings of about $120 billion to $125 billion. That leaves you $475 billion that you have got to find the deficit reduction. Even if you gave your numbers, which would leave you $300 billion short, the question you have to answer is: Where do you find the additional $300 billion or $400 billion? Where?

Mr. BARTON of Texas. Reclaiming my time, if I could respond to the distinguished Budget chairman, I understand the difficulty of the task. I am simply saying there are scenarios out there that show that we can do it. The chart, which the gentleman cannot see very well, unfortunately, to my left here shows that if we do nothing, we are never going to balance the budget under any scenario, and the gentleman himself has said on the record that a balanced budget amendment may be the only way, even though it is not his preferred way.

I simply say pick your number. You can change those numbers. The time line does extend the less rosy the scenario becomes, but it is possible, and we should do everything we can to balance the budget without raising taxes before we consider tax increases. Barton-Tauzin does not say you cannot raise taxes. It simply says to raise taxes above the rate of growth in the economy you have to have the same 60-percent vote as you would have under Smith-Stenholm to borrow money.

Mr. PANETTA. Mr. Chairman, the last time I heard that promise was in 1981, and the result was a $4 trillion debt.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTON] has expired.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. SMITH of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I am happy to yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding. Because, you know, I understand the concern of the chairman of the Committee on the Budget when somebody challenges his numbers, and we are challenging his numbers.

The point is here he is relying on CBO, and as I recall, CBO has been off $65 billion every year since I have been here for 10 years.

□ 1750

So let us not identify the CBO as the authority on this issue.

Now, the question the gentleman asked that I think needs answering, if indeed it is $300 billion rather than $600 billion that the distinguished budget chairman has alluded to, then of course over the next 7 years we have with very conservative estimates of growth of the GDP, we have conservatively worked our way out of this without endangering Social Security and without raising taxes.

I hope the gentleman takes that as constructive.

Mr. PANETTA. Mr. Chairman, if the gentleman would yield, I take it as baloney.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTON] has expired.

Mr. SMITH of Oregon. Mr. Chairman, I yield 30 additional seconds to the gentleman from Texas.

Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Mr. Chairman, the first time I discussed this, the gentleman from California alluded to my honesty and now he is discussing my effort to add to this debate. I take umbrage at that, I say to my friend. It makes me very angry.

I am going to tell the gentleman this. I do not like for somebody to stand up and call me dishonest and then say that what I have to say is baloney.

I do not call the gentleman from California anything like that. I respect the gentleman. I respect what he has to say. I want the same thing from the gentleman to me.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTON] has again expired.

Mr. SMITH of Oregon. Mr. Chairman, I yield 15 additional seconds to the gentleman from Texas.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, this gentleman again has the highest respect for the gentleman from Oregon, believes he is sincere in what he is saying, but the gentleman is quoting a source that I believe is unfounded in terms of its honesty with regard to dealing with the deficit.

I honestly think that the gentleman is sincere about wanting to make some tough choices, but I think when we say to the American people that there is an easy way to do this, that we can grow our way out, that somehow there is no pain involved with doing any of this in terms of difficult reduction, we send the wrong message to the American people. That is the message they have been hearing during the eighties. It is the message they are hearing in the nineties, and until we say very directly to the American people that some sacrifice is going to be involved here, we are kidding them and we are kidding ourselves.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, H. Ross Perot, that name reverberates and rings across America because we in Congress cannot agree to work together on solving some of this Nation's critical problems.

This deficit, Mr. Chairman, we Democrats and Republicans, liberals and conservatives, the President and Congress, should all be working together to solve, and let me tell you why.

As this deficit eats up, getting close to 20 percent of the budget, that is money that is being taken away from discretionary spending that we can spend on immunizations for children, Head Start programs for children, or we can spend on tax credits to help our businesses, or we can spend it on a Marshall plan to rebuild America and help this country get competitive again; but we need to work together, and this Stenholm amendment to help balance the budget is a good approach. It is not perfect.

I would recommend that we modify it in terms of capital budgeting principles so that we can invest long term in infrastructure, on roads and bridges.

I would also encourage and implore the President to work with us on this. He has come close now to 25 vetoes, not one for spending too much money.

Finally, Mr. Chairman, I would say that I am a little skeptical about this, although I am an original cosponsor, because we in the Congress need to have the courage and the willpower to vote for some of these cuts.

I led the fight on the space station. We got beat.

We tried to cut an additional four B-2 bombers. We got beat on that.

We tried across-the-board cuts of 2 and 3 percent on appropriation bills, and we got beat on those.

So we need to have the guts in this place to vote for cuts.

Finally, the American people need to be with us. As our distinguished chairman said, the Constitution should say on this balanced budget, not of, by and for the people, but with the people.

This is going to be painful. It is going to involve sacrifice. We need the help of the American people on this tough endeavor and we need to work together, our people, the Congress, the President, liberals, conservatives, Democrats, and Republicans.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Chairman, I rise in strong support of this constitutional amendment to balance the budget.

Mr. Chairman, the scare tactics that have been used lately in opposition to the balanced budget amendment have no basis in fact.

Fears have been expressed that the amendment would result in massive revenue increases. They're unfounded. There's no rational reason why deficit reduction under a constitutional amendment should encourage such increases any more than any other effort to reduce deficits. In fact, by finally getting these deficits down, the balanced budget amendment should eventually contribute to tax relief for overburdened taxpayers.

Concerns have also been expressed about the possibility of drastic cuts in domestic programs that are essential to the well-being of millions of Americans. This is not going to happen. An essential level of support for these programs will always be secure. This is the political reality. If an essential level of services can be maintained under statutory measures, there is no reason why it can't be done under the balanced budget amendment.

We will sooner or later have to consider more effective controls over the rising costs of entitlements if we are really serious about reducing the deficits. There are a number of things that can be done to achieve this. For example, we can enact a comprehensive health care reform plan that includes more cost-effective measures. Entitlements will have to be considered in any deficit reduction effort. But there is no validity to an argument that suggests we cannot reduce the deficits without depriving people of the essential services they now receive.

To suggest that the balanced budget amendment may be a threat to Social Security benefits is not true. How can anyone say this? The administration and Congress would never renege on Social Security commitments, and all of you know that.

It is ironic that some people who accepted statutory provisions such as Gramm-Rudman and pay-as-you-go as necessary mechanisms for addressing deficit spending and who, in some instances, criticized these measures as too weak, are now expressing alarm about the balanced budget amendment.

Frankly, I do not understand their logic. If it's possible to reduce the deficits in a responsible manner under statutory provisions, why would anyone suggest we cannot do the same under the Constitution?

If you agree the deficits are causing increasing economic hardships for us and our children and grandchildren, I urge you to vote for the amendment. It may be our last chance.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, this is the most extraordinary legislative proposal that I have ever seen. It literally requires that the Government be run by a 60-percent vote. If things cannot be done in Washington now, until this amendment is adopted.

Now, a lot of my colleagues are marketing this as a balanced budget amendment. Do not believe that. That is a lot of hooey.

What this proposal is, is simply something which says that any time you want to spend money in this Government, you are going to have to get 60 percent of the vote, which means you cannot get it on partisan lines, so you are going to have to go to the sundry lobbies. You are going to have to go to the defense lobby. You are going to have to go to the antidefense lobby. You are going to have to go to the senior citizens lobby. You are going to have to go to the pharmaceutical or the agricultural lobby, or any other lobby that this country confronts as it goes through its legislative process.

Now, my colleagues are talking about this as something which is going to save the taxpayers money. Do not bet on it. What this literally means is that a $400 billion deficit is going to have to be eliminated. There are two ways to do so. The first way is by increasing taxes. The second way is by cutting expenditures.

Now, we can choose, if we decide to cut expenditures, to cut them 25 percent or thereabouts, across the board. That would make a very nice number, because that would mean that 25 percent of Social Security benefits will go out the window, and 25 percent of the people who are drawing Social Security might wind up losing their benefits entirely; 25 percent of Medicare will be cut and 25 percent of the people drawing benefits under Medicare may cease to draw their checks anymore, or alternatively everyone receiving Medicare may see their benefits reduced by 25 percent, if we choose that kind of mechanism to deal with the cuts.

Now, it may be that we will choose to do away with programs in their entirety. Let us take a look at that, because some of my colleagues who are marketing this as a great idea need to take a better look at the effects of their efforts.

We are going to be spending about $270 billion on defense. Wipe out the entirety of defense, and behold, we cannot balance the budget. Add to that Medicare and you would come fairly close to balancing the budget by wiping out those two programs.

Or wipe out Social Security. Then you could save about $320 billion. That will then assure you that you only have to find about another $80 billion to cut so that you can balance the budget and comply with this requirement.

Now, I do not think the people of this country are going to be satisfied with that result, but you should prepare yourselves for it.

So, some of my young colleagues who are down here talking about what a great idea it is to do this kind of thing, and some of my Republican colleagues over there who are talking about what a great idea it is better first of all understand that the due bills are coming in.

This legislation is going to impact you if it is ratified by the States by seeing to it that you are ratified right out of a job.

Now, having said those things and having warned you about its likely impact, let me add a few other little things. We talked about how poorly Congress is working now. Well, if you have got to get a 60-percent vote to run this institution, imagine how much harder it is going to be to get anything accomplished. You will be converting the House into something very much like the Senate, where everything has to be done virtually by unanimous consent, not by 60 percent. And that is going to be the consequence practically that you confront here.

Social Security is at great risk. Instead now of subsidizing Government to the amount of about $43 billion a year, as Social Security does, you are going to find that Social Security will be compelled to subsidize Government significantly more. What does this mean? Withholding COLA's, the cost of living for Social Security retirees will not be available.

I hope, by the way, that some of my colleagues who are pushing for this will go home and explain that to their voters. And I hope that they are here to explain it also when it happens, because I would like to be here to listen and to enjoy those comments.

□ 1800

This discussion is fiscally irresponsible. This is silly. The problem with voting for a balanced budget is not that anyone here is reluctant to do so; the problem is that nobody here has ever seen a balanced budget submitted to the Congress.

Mr. Bush and Mr. Reagan have been here and said great things about how they were going to balance the budget. Mr. Reagan was going to do it by 1984. Never did, never submitted one.

Mr. Bush is down there saying, "Save me before I submit another unbalanced budget." But last night he got this proposal changed so that it does not affect Mr. Bush during his tenure; an interesting thought.

Now let us look a little further at what this is going to do to the Government. Are you prepared to tell me what you are going to do when we wipe out 25 percent of the Army, or the Navy, or the Air Force? Or what we are going to do when we close 25 percent of the prisons and throw 25 percent of the criminals out on the street? Or when we reduce drug enforcement efforts by 25 percent? That is what this will require. Or it may require the termination of the program in its entirety. It may also require increasing taxes to the amount of about $400 billion.

I think this is a poorly thought out, ill conceived, dangerous proposal. It is one which affords real thought. It also is going to have the practical effect of going a long way toward putting the courts in control of his country. Ambiguities in this legislation are going to be dealt with in the courts. And if you like the idea of the courts ordering tax increases or ordering expenditure curtailments, or some other activity repugnant to the people, then look forward to it happening if this amendment is adopted.

Mr. Chairman, I favor balanced budgets, and, like the Congress over the past 12 years, have voted to cut Mr. Reagan's and Mr. Bush's budgets in 11 out of 12 years by as much as $49 billion.

But this is no way to eliminate unbalanced budgets.

This is one of the worst pieces of legislative flimflam that I have seen in my years in the Congress.

There is nothing to prevent President Bush or President Reagan from submitting a balanced budget. They have never done so in their 12 years in office. Was it a result of a recognition of the real or political impossibility of doing so?

The harsh fact is that the proponents of this proposal have never come forward with a balanced budget.

The Congress has cut the Reagan-Bush budgets every year of the 12 that they have been in office save 1, and the last 2 fiscal years by $18 billion and $9 billion, respectively.

Does this proposal balance the budget?

No; it simply requires a three-fifths or 60 percent late in the Congress to unbalance the budget.

Does it require the President to submit a balanced budget? Not really. He can, as he often has these 12 years of Reaganomics, submit budgets based on inaccurate economic forecasts, resulting in clearly inaccurate estimates of income, expenses, and deficits.

This constitutional amendment is an accountant's delight, and a citizen's nightmare. It demands gimmickry and games, and apart from being a gimmick itself, it invites budgetary self-deceit and falsehood in budgeting.

Let's look at the facts. In fiscal 1993, the Bush budget will have expenditures of $1.5 trillion; it will have a deficit of $400 billion.

Some major catagories of expenditure:

Social Security—$324 billion.

Defense—$292 billion.

Discretionary expenditure—$225 billion.

Medicare—$130 billion.

Medicaid—$84.5 billion.

Administration of Justice—$15.3 billion.

Drug Enforcement Administration—$788 million.

Energy—$6.2 billion.

Education and social services—$50 billion.

Transportation—$35.5 billion.

Environment—$21 billion.

What are our options if this passes?

First, cut programs either by wiping out whole programs or by across-the-board cuts.

Let's look first at some of the programs we would cut.

For the sake of argument, let's assume that two-thirds of the savings needed to balance the budget will come from spending cuts, and one-third from tax increases.

Now let's start listing some of the $360 billion in spending cuts which the House Budget Committee estimates would be necessary to achieve a balanced budget.

They would include:

Eliminating small business loans and grants—$2.4 billion.

Reduce highway, mass transit, and airport improvements—$19 billion.

Reducing cancer research—$4 billion.

Reducing a host of Federal housing programs—$4 billion.

Eliminating campus aid and other education programs—$16 billion.

Reducing veterans medical care—$3 billion.

Cutting drug enforcement and prison construction programs—$2 billion.

Canceling the space station—$9.7 billion.

Reducing scientific research—$4.5 billion.

Reducing funding for environmental cleanup—$2.5 billion.

Cutting international spending—$3.5 billion.

All told, that will save us about $68.5 billion.

Now we can start cutting entitlement spending by:

Cutting farm support program funding and adding a few user fees—$17 billion.

Cutting $6.6 billion from direct student loans.

Eliminating cost-of-living adjustments for civilian and military retirees—$10 billion.

Cutting assorted veterans pension, health, and housing benefits—$13 billion.

Limiting funding for foster care—$1.2 billion.

Reducing the number of children qualifying for nutrition programs—$5.7 billion.

Adding these savings to our previous savings, we've achieved about $122 billion of our $360 billion total in spending cuts.

Now let's look at health care cuts.

We can add a whole host of Medicaid and Medicare cuts to hospitals, doctors, and nurses—$34 billion. These costs will be passed onto other patients, but the Government won't have to worry about them any more.

Next we can require copayments for lab services, home health care, etc.—$17 billion.

This will bring us almost half way to our spending cut goal. As you can tell, many more hard cuts will be necessary.

So let's add a whole range of user fees. They'll include, but not be limited to recreational boaters and National Park Service patrons—who else can afford the costs of Smithsonian Museum operations, and White House tours; radio broadcasters for the use of the spectrum; air travelers to finance the cost of air traffic controllers, and customs inspectors; and taxpayers for the processing of their income tax forms, and so forth.

Then we can decrease the percentage of Federal funding provided to State and local governments through matching fund programs. That will cut out billions for health, human service, and environmental programs that the Federal Government now assists the States in paying.

Lastly, we can create all sorts of accounting gimmicks to help us achieve a balanced budget. There is no limit to our collective creativity in finding ways to get around this or any other budget statute, law, or amendment.

We have a whole range of options to choose from for achieving the necessary revenue increases to generate one-third of the total costs of deficit reduction—they include imposing a 4.5-percent value-added tax, or raising individual income tax brackets.

Or, if you don't like those choices, let's look at some others.

We can wipe out 100 percent of Social Security, saving $324 billion.

All we have to wipe out is half of Medicare and we have a balanced budget. How many of the Members of this body will support this? Not many.

Another option: Wipe out discretionary expenditures for Federal civilian programs. That saves $225 billion. Environment, courts, justice administration, agriculture, roads and highways, capital investment, unemployment, education and health programs, and others are all wiped out. The budget is not balanced.

If we add to this income security program constituting $197 billion we have balanced the budget, but at enormous social cost.

Elimination of other programs or combinations offers other unappetizing choices. Let's talk of eliminating defense. This gives us a saving of $292 billion. The budget is not balanced. Other programs must still be cut to the amount of $108 billion.

We can now proceed to eliminate transportation—$35.5 billion and health programs—$31 billion. This still does not balance the budget, but it produces enormous social costs.

Let's look at the possibility of an across-the-board cut. A $400 billion cut to eliminate the deficit, is about a 26.66-percent cut in all Government programs.

Let's round that off to a 25-percent cut.

Social Security—cut 25 percent: Either one out of every four recipients is dropped from the rolls or every recipient loses 25 percent of his or her benefits.

Medicare—cut 25 percent: one in four loses coverage or all recipients lose 25 percent of their benefits.

NIH cuts—25 percent off research programs, including heart, stroke, cancer, and AIDS.

Administration of Justice—Some useful examples of a 25 percent cut: A 25-percent layoff of FBI and Drug Enforcement Administration personnel; 25 percent of prisons closed; 25 percent of prisoners released.

Defense—25 percent of military personnel discharged; 25 percent of aircraft, ships, tanks, and planes sold or laid up.

Transportation—25 percent of air traffic controllers laid off; 25 percent of expenditures for noise control, air traffic and air safety terminated.

Or, a tax rise of 26.6 percent laid on every American citizen, every American corporation, and every activity subject to tax.

Some of the other consequences of this unfortunate proposal:

States and local units of government, now struggling with greater demands for services, because of the economic downturn will find that the Federal Government will reduce support for Federal-State programs.

States will also find more and more federally mandated programs will be coming their way with less and less Federal financial support for mandated programs.

Thus, the burden of cost will shift to State and local government budgets.

Courts will be more and more injected into the business of enforcing a vague and unclear constitutional amendment. The result, possible if not probable court intrusion into legislative functions, including taxes, expenditures, budgeting, and appropriations of funds.

The Stenholm proposal should be rejected as dangerous and unwise.

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. I thank the gentleman for yielding this time to me.

Mr. Chairman, ladies and gentlemen of the House, before us we do have a monumental time, a monumental decision, a decision that there are many, many naysayers out there saying—making a good argument saying, "This can't work, it is not going to work, we can't do it, we don't have the discipline to do it."

Well, let me tell you I spent several years in the Illinois General Assembly being a minority and carrying a budget, a budget that certainly paled in comparison to the size of the budget that we carry in this Congress.

That was just tens of billions of dollars, not trillions of dollars. But we had a balanced budget in the Constitution in the State of Illinois. Yes, most of those budgets that we got were not in balance and the budgets, by the time they passed out of the House of Representatives and the Illinois Senate, were not in balance either because they were loaded up. But because we had a balanced budget amendment as a policy, as a constitutional law, then we had to come through and line item by line item by line item, a tedious, arduous matter, dirty work, and cut out extraneous spending in that budget, and by the time that budget went back to the legislature for ratification, there were certain veto actions here and there and overrides of vetoes threatened. But every year we came out with a balanced budget. Why? Because we had it in the constitution as a policy, and we used line item and rescission, reduction, veto to get that budget done where we could live with it.

So there are two parts to this story, neither one of them is very pleasant. Neither one of them makes a legislator or a congressman's job easier. First there is the determination to come out with a budget that is balanced, come out with a mandate as to what the American people say this Congress should do. And we have not done it for 40 or 50 years. It has been easy to add on, to give away, to say, "Yes, this is a good project, we will do it," and sometimes not just hundreds of thousands of dollars or millions of dollars, but billions of dollars.

The previous speaker was absolutely right, this Congress is going to have to say "no" if we adopt a balanced budget amendment as an amendment to the Constitution. I am sure, as 43 States already have it in this United States, the people will ratify it, the States will ratify it. And it will not be an easy time, but I do not think people elect us to be in this body and have an easy time. As a Member who has been here for 6 years and has called for a balanced budget amendment and a line-item veto as the tool that gets us down to the level that we need to have, I think it is time that this Congress acts. It is not only time, this Congress is responsible. It is time that the American people get responsibility from this Congress.

It is truly a sad day in American politics when opponents of a balanced Federal budget have to resort to distortions and scare tactics in an attempt to influence public policy.

Families USA, a liberal special interest group, recently released a study which mistakenly reported that Social Security and Medicare would be cut as part of Congress' efforts to enforce the balanced budget amendment, which will likely pass in this House tomorrow.

That is simply untrue. Social Security is supported by a separate trust fund and is self-financing. It would not be affected by the passage of a balanced budget amendment.

Medicare enjoys wide support among members of Congress, as well as the American public. It would also not be one of the areas targeted by the balanced budget amendment.

No one has ever suggested that our Federal budget be balanced on the backs of seniors. Clearly, Social Security and Medicare are two of the most widely supported national programs, by both Congress and the American people.

But what is not supported by the American people, and what should be cut by enforcing a balanced budget amendment, is the billions in taxpayer dollars that are squandered every year by wasteful government programs.

Citizens Against Government Waste, a nonpartisan watchdog group, has issued a list of 538 recommendations to eliminate wasteful spending, with savings of $167 billion in 1 year and $922 billion over 5 years.

We can balance the budget simply by cutting waste. We don't need to increase the burden placed on American taxpayers, who are already paying more and more taxes every year just to finance interest payments on the national debt. The deficit isn't a revenue problem. It's a spending problem. By controlling spending through the adoption of a balanced budget amendment, we can really do what's necessary to bring some badly needed fiscal accountability back to our budget process.

Mr. Chairman, it is essential that we get America's fiscal house in order. The Nation's accumulated Federal debt is now approximately $4 trillion. Since 1982 the annual deficit has fluctuated between a low of $128 billion to a current estimated deficit for this fiscal year of a round $399.4 billion. As evidenced by these figures, the inability of Congress to bring spending under control becomes increasingly difficult as the total debt grows. Thus, to maintain fiscal responsibility and to relieve the American taxpayer of increasing tax burdens, it is imperative that we pass the balanced budget amendment to the Constitution.

Moreover, in the last decade, Congress has passed five statutes to control the deficit. However, despite these laws, Congress has failed to balance the budget. Obviously, our current budget enforcement laws are insufficient to provide the fiscal discipline necessary to accomplish this important task.

Most importantly, however, a balanced budget amendment is necessary to help put our economy back on track. The Federal deficit is drain on the economy discouraging investment and causing a decline in consumer confidence and spending. Limiting spending will stimulate economic growth, provide industries with enough capital to compete in the global economy and generate new jobs. Additionally, contrary to allegations expressed by the opposition, there is plenty of room to cut Federal spending in the budget without endangering essential programs under the balanced budget amendment. For example, Citizens Against Government Waste, a nonpartisan watchdog group, has issued a list of 538 recommendations to eliminate wasteful spending, with savings of $167 billion in 1 year and $922 billion over 5 years. In short, Congress can balance the budget simply by cutting the waste that currently exists in government.

In summary, the Balanced Budget Amendment will require Congress to make choices and set priorities about Government programs and related spending. Indeed, that is what we are elected to do and it is time that we do it. It is time to bring fiscal accountability back to our budget process.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. I thank my colleague for yielding this time to me.

Mr. Chairman, today we consider an amendment to the Constitution. This is something which we cannot take lightly for we stand before the eyes of history alongside our Founding Fathers.

It is very serious business.

We need not wonder what Jefferson, Hamilton, Madison, and the others would say to us today for we have their writings to guide us. They remind us that Washington was to be the seat of a limited Federal Government and not the lair of the bureaucratic behemoth it is today. They remind us that a government cannot long survive if it lives beyond its means. They would remind us of the evils and corruptions of excessive debt.

These may seem like old fashioned ideas to some. But given the way Congress has operated for the last several decades, they are new and radical ideas indeed. And if we are to control our close to $4 trillion debt and $400 billion deficit, we need to radically change the way we do the Nation's business.

People want their government to be more responsive. They want government to operate at a more human level, with greater efficiency, higher performance and lesser cost.

The balanced budget amendment to the Constitution, at once, sets the goal and provides the discipline. But, actually meeting that goal will be much harder.

I would like to talk a little about how we might get there.

First, we will have to fight the urge to continue as a status quo Congress; a Congress whose basic thrust has been the expansion of government power, resulting in record debt—not the record expansion of jobs and economic opportunity which should be our goal.

That is why we are here today.

Our goal has to be to stem our downward slide into the unproductive welfare state and, at the same time, focus anew on economic growth and productivity.

Innovation, job creation, entrepreneurship, low taxes, and a far better working, better managed Federal administrative structure involving the millions of Federal employees is what this Congress should be striving for as it seeks a balanced budget.

Discipline alone, while terribly important, will not do it all.

Economic growth is essential to budget balance but by itself is not enough. No, if we want to minimize deep program cuts and sharp tax increases, there is something else we need as well.

Government cannot continue in its present inefficient, ineffective and expensive form. We have got the welfare state and it is just not working.

We need a different approach to business as usual. A new way of working and managing work must be borrowed from private sector experience and must begin to be applied to government. We have all seen it back home in our congressional districts.

The good news is that great strides in productivity, competitiveness, and cost reduction have been achieved by employers and employees of American companies when they changed from their old style of doing things to new and better ways.

Global competition abroad and in our backyard forced them to do it. But government does not face such competition. That is why we need the hard and fast limits on spending which a balanced budget amendment would provide. But we will also need to get so much more for our tax dollars without massive deficit spending.

I am talking about empowering our people at every level in our Federal Government with the education and training, the responsibility and the authority to become important players on teams, with far greater responsibility for their work, and at the same time become their own best managers.

Our American workers, given the opportunity, can be our secret weapon to make government work better and cheaper.

The results of such a strategy in the private sector worldwide are phenomenal. Performance rises and costs come down. Quality goes up.

This revolutionary way of management and work has turned around U.S. companies from the near dead to become leaders in their field.

I realize the public sector is not the same as the private but it can happen in government too. Indeed, it has started and we have a tremendous responsibility here in Congress to help it to go forward, to accelerate it.

Pioneers in this human resources revolution like W. Edwards Deming, Joseph Juran, Armand V. Feigenbaum, and others are working with unsung pioneers in Government agencies, health care and education to help make it happen.

Our responsibility is to help them succeed.

If the whole country of Japan could rise from the ashes and prosper from this work and management revolution; if Ford Motors, Xerox, Motorola, and others could turn from near extinction to be competitive with the best in the world; if thousands of American companies can reduce their costs of business while increasing quality at the same time, so can government.

It is called total quality; it is a workplace revolution; it is a transformation of management behavior from one of dictating to one of teamwork; it allows individual workers to live up to their God-given potential; and it is time we seriously applied it to the work of government. It's time for us, the leaders of our country, to make the commitment to this better way. We owe it to the American people and we owe it to ourselves.

Lord knows we must try. We must give those brave souls in our DOD, Interior Department, Social Security Administration, GSA, VA, IRS, and so many other places, where beachheads of total quality are established, our support.

They can help us arrive at a balanced budget.

That means changing business as usual around here. That means rethinking the way we legislate, regulate, tax and spend, to minimize our costs of doing business so as to optimize the positive impact on our ultimate customers—the American people.

We need to rethink our relationship with the entire Federal work force.

Given the enormous impact of the Federal Government on our lives—$1.6 trillion annually—going in this new direction of total quality will provide a positive stimulus to workers in the public sector and our overall economy will do better as well.

Economic growth will be greater and the resulting added tax revenues will help us to balance our budget.

Without overhauling our business as usual approach and making it far more productive, getting from here to there could be much more difficult than anyone imagines.

A balanced budget is not going to be easy to achieve. Indeed, the easy part is our vote today. But to my colleagues I offer a roadmap and a way to help us get there.

We have got to rethink our roles and the impact of our actions. If we do not change our ways, the amendment will not work.

If we take the time to learn from our constituents on this issue, from companies in our district who have survived and prospered in the face of relentless competition, we have a chance to achieve some of what they have achieved.

They can help us—they can point out the better ways from their experiences; they can show us how they reduced waste and turned problems into profit; they can point out the obstacles to employee participation and teamwork and how they removed them; they can point to the insanities in our rules and regulations which drive up the cost of government and drive down individual initiative, innovation, invention, and economic growth.

The good news is that some people in some government agencies have started. The bad news is that top leadership and Congress are barely aware of what's happening.

Mr. Chairman, in the coming weeks I will be proposing legislation to establish a bipartisan Congressional Commission on Total Quality Government, whose goal will be to get the Congress to first become aware of the potential cost savings that such a new approach could bring to government and then make recommendations to do what the private sector is doing—reducing costs while simultaneously increasing productivity, quality of goods and services and employees.

Applying total quality when we legislate and regulate, indeed, including our own congressional systems, will save tens of billions of dollars and maybe a lot more.

It is not the silver bullet—there is no such thing. There are only small steps forward over extended periods of time. That is not Congress' way but that is the reality of human progress.

This is the kind of new thinking, new direction and bold action that can help us to achieve needed changes in the way we do business in order to get to a balanced budget.

I would say to my colleagues that by our actions today we take a historic stop, a revolutionary step. In order to fulfill the promise of that step to the American people, in order not to set the stage for massive dislocation or equally massive disappointment, we cannot do what we have been doing all along.

We can do it differently; the experience is there. It is our responsibility to apply it to ourselves and to our Government.

Let us go down this road together with a modus operandi that shifts away from business as usual. The first step is to vote for a balanced budget amendment. The second, third, fourth, fifth, et cetera is to make the tough moves to make a balanced budget a reality.

□ 1810

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER], a strong supporter of the balanced budget amendment.

Mr. BALLENGER. Mr. Chairman, I would just like to say the balanced budget amendment should be passed.

All day long we have all heard scaremongers and naysayers declaring it will not work, it cannot be done, we should leave the budget and appropriation decisions to Congress. We have had years to accomplish fiscal responsibility and have failed completely. The political will and honesty have not been there. This amendment is needed to give us the backbone to make the tough decisions to cut when necessary and freeze where possible.

Who are the naysayers—those who think their special interests may be hurt? Unions, the AARP, and others who feed at the public trough. The scaremongers are using Social Security as the issue to kill this effort. It does not need to be cut, we merely need to stop overspending. Each year our Government has more income, let income growth do it. Still, everyone must make some sacrifices if we are to end this fiscal insanity.

Can it be done, certainly! Like the gentleman from Illinois, I served in the North Carolina Legislature in 1974–75 during a previous recession. We were mandated to have a balanced budget and so we cut our budget by 9 percent, not by billions but by millions but it was just as difficult. We cut it again the next year by the same percentage. The world did not come to an end and later North Carolina prospered.

For 30 years now Congress has continued to spend more than our income. Presidents have tried to stop the bleeding but Congress wouldn't listen and continued to spend like a drunken sailor.

I wonder what would be the deficit now if (Presidents Reagan and Bush) had gotten the cuts they were promised—but this body failed to deliver.

A good balanced budget amendment must be passed. By good I mean the Kyl-Allen amendment which would limit Federal spending to 19 percent of GNP. This spending limit eliminates the need to raise taxes and gives Congress incentive to enact pro-growth economic policies. In addition, I plan on supporting the Barton proposal that is similar to Stenholm, except that it requires a three-fifths rollcall majority of each House to pass a tax increase. This proposal recognizes that a balanced budget can be achieved by limiting the growth of government spending, rather than through increasing taxation.

The Stenholm amendment is our last chance to win passage of a balanced budget amendment. Under Stenholm, the President would have to propose and the Congress adopt a balanced budget. This could only be changed if three-fifths of both Houses agree, to unbalance the budget for a particular year. The bill also requires a majority vote in favor of a tax increase. The proposal makes it much more difficult to raise taxes than it is today and much easier to restrain spending. This amendment, of all the ones considered today has the greatest bipartisan support and stands the only chance of becoming law. It has got my vote.

If Congress passes a balanced budget amendment with a two-third vote in each Chamber, and if three-fourths of the States ratify it within the next 2 years, Congress could be required to balance its budget by fiscal year 1998. However, there is plenty of time between now and then to reduce spending. The Congressional Budget Office has named more than 160 programs that Congress could cut. Also, the Heritage Foundation found deficit reduction measures totaling almost $680 billion over 5 years.

The growing Federal debt is our most pressing problem facing our Nation. Public opinion polls indicate overwhelming support for solving this problem through the adoption of a balanced budget amendment to the Constitution. The Stenholm amendment offers the only chance to bring real reform to the system and follow the will of the American people.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I rise in opposition to House Joint Resolution 290, the balanced budget constitutional amendment introduced by the gentleman from Texas [Mr. STENHOLM]. The constitutional amendment offered would prohibit outlays from exceeding receipts, in any fiscal year, unless three-fifths of the Members of the House voted otherwise.

This amendment is one of the most important measures to be considered by the Congress. It would permanently alter the Constitution, affecting the American economy and the viability of our Nation for decades.

The issue before us is a critical one. We have wrestled with a ballooning budget deficit for more than a decade. And, thus far, we have lost. In some respects, global changes have made it possible for us to reexamine our Federal budget policies, unfortunately a variety of economic pressures have frustrated our efforts to get our economy moving again. The national debt has tripled in the last 10 years, and currently exceeds $3.5 trillion. The interest payments on this debt are the fastest growing item in the Federal budget, leaving fewer resources for the purchase of goods and services. At the current rate, the House Budget Committee suggests that, by the year 2001, the national debt could reach $5.1 trillion, taking it over the threshold of 50 percent of GNP. A significant portion of this debt was acquired during the Reagan-Bush administrations, when spending for defense reached record highs.

As a general matter, I agree that immediate steps must be taken to constrain a renegade budget deficit, a deficit which defies fiscal prudence and which dangles the very future of our Nation before us as hostage. However, adoption of Housing Joint Resolution 290 is not the way to bring this deficit under control.

A primary disadvantage of House Joint Resolution 290 is that it would require the Federal courts to enforce its provisions if there were a violation. Involvement of the courts in the budget process would amount to an abdication of the responsibilities given to Congress as the primary budgetmakers and elected representatives of the people, as set forth in the Constitution under article I, section 8. Specifically, article I provides that "the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence [sic] and general welfare of the United States * * *"

As David S. Broder noted in an article appearing in the June 7, 1992, edition of the Washington Post, titled "Dinking Around With the Constitution," this amendment errs on the side of danger by bringing "the Supreme Court into the annual budget debates as the only body that could judge between the President and Congress on whether the terms of the fiscal contract have been met." He adds that "unelected officials should not supplant Presidents and Members of Congress in making essentially political decisions on taxes and spending."

In addition to these concerns, such an amendment severely restricts the ability of Congress to respond to unexpected requirements for supplemental expenditures. We saw such emergencies arise recently with the Persian Gulf conflict, increased unemployment attributable to the recession, the Los Angeles riots, and the Chicago flooding disaster.

Finally, this amendment would require that the budget be balanced on the backs of those who can least afford to bear the burden: the elderly, poor, unemployed, and students in our schools and colleges. Housing, Medicare, Social Security, student aid, and veterans programs all would be subject to reductions under this proposal.

Mr. Chairman, our Nation does not need a constitutional balanced budget amendment which is basically a knee-jerk substitute for fiscal responsibility. This is no time for gimmicks. This is a time for guts. It is a time for leadership and a national commitment to put an effective cap, not an imaginary one, on our exploding national debt. The American people want, need, and most importantly deserve nothing less.

For all of these reasons, I urge my colleagues to join me in defeating House Joint Resolution 290.

□ 1820

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Chairman, I rise in support of H.R. 290, and I thank my good friend, the gentleman from Texas [Mr. STENHOLM], for offering the amendment.

Mr. Chairman, in northern New England, in States like New Hampshire where I am from, we like our boiled lobsters with drawn butter. There are two ways to cook them. One is the right way and the other is the wrong way.

The right way is to put him into cool water. You turn the heat up, and the lobster settles in. As the water warms up, it lulls it into thinking nothing bad is going to happen, and pretty soon the water boils and it is cooked.

The wrong way is to take that live lobster drop it into hot water, and it flaps and spreads its claws and spreads its tail and jumps right out of that hot water, getting hot water all over you and all over the kitchen and not accomplishing cooking your lobster.

I think the United States has been the lobster in the cool water with the temperature slowly rising. We for these past 20 years have not been paying attention to our fiscal responsibilities, and they have increased in temperature, increased in severity, until now where we see ourselves in a position where our fate is going to be cooked.

This balanced budget amendment is not an iron pot with a secure lid. I think that we are going to be able to get out of this if we have dire difficulties. It is not a perfect amendment, but I think what it does is let us know that we have to take the time right now to act fiscally responsibly and to do the things that we need to do to change the way that we budget ourselves.

Mr. Chairman, we need a capital expenditure budget. We need an operating budget. We need to look at each and every one of the line items. Maybe we do not take 25 percent out of everything. Maybe we shift our spending in ways.

I think that we as Republicans and Democrats can work together on this, but we need some kind of signal that is going to put us to work on doing what is fiscally and responsibly correct.

Mr. Chairman, Ben Franklin at the close of the Constitutional Convention said that he voted for the Constitution not because it was perfect, but because it was the best that they could do. I think that the constitutional amendment to balance the budget is the best that we can do right now, and I ask my colleagues to support that amendment.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, when I launched my support for a balanced budget amendment to the Constitution 10 years ago, the national debt stood at approximately $1 trillion. Today, America is almost $4 trillion in debt to creditors around the world and there is no end in sight.

If Congress had approved the resolution in 1982, it would probably have been ratified by the end of the decade. We would today be working with budgets in which our spending would be tied to our revenues. As it is, the President and Congress has this year adopted a fiscal 1993 budget with a $400 billion deficit.

I will vote for passage of a balanced budget amendment this year as I have in the past. But, regardless of the outcome, this vote should not remove budget balancing from the immediate congressional agenda.

Rather than avoid the tough choices, we must make them. Rather than avoid offending special interest groups, we must enlist their support in a national cause. Rather than follow the President's stay-the-course mentality, we must break sharply with the past.

In 1985, I voted for the last great experiment in tough choices when Representative Marvin Leath proposed a combination of spending cuts, tax increases and a one-time elimination of Social Security and Federal retirement cost-of-living adjustments to balance the fiscal 1986 budget.

Unfortunately, we were joined by only 56 colleagues, 41 of them Democrats. At the time, this proposal was highly controversial. But if we had prevailed then, we wouldn't be faced with the absolutely devastating choices confronting us today.

Since that time, Washington has continued down a hopeless path on automatic pilot where budget summits and automatic spending targets provided political cover rather than ask for courage.

We have to lead by example. The cuts start here. This year, I have voted in committee to cut $6.6 billion out of the fiscal year 1993 defense budget, and later on the floor, I voted to cut an additional $3.5 billion in spite of my strong national defense leanings. As chairman, I lead the House Intelligence Committee in reducing overall intelligence spending by 5 percent and cut 12.5 percent from the committee's operating budget. I also opposed Social Security benefit increases because there was no provision to pay for them.

These are just a few examples of options available to Congress and the President right now. But as Federal elected leaders we must do more to curb the deficit.

First, I believe we should freeze spending and reorder our priorities.

I would support efforts to increase the portion of Social Security benefits subject to income taxes and raise income-based Medicare premiums so that higher income Americans receive no subsidized coverage.

For non-means-tested entitlement programs, I will support limiting cost-of-living adjustments.

I am willing to look at gradual elimination of farm subsidies and movement to a free-market agriculture policy.

A gasoline tax increase earmarked for deficit reduction and public investments for our young people should be enacted.

There is much political gamesmanship in Washington to see who can be blamed for the deficit and who can be perceived as trying to solve it. This is not a game. There is no more important issue than the budget deficit on which Congress and this administration should demonstrate bipartisan leadership and cooperation.

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it took 167 years for America's national debt to reach $100 billion, another 40 years to $1 trillion, but only 9 more years to climb to $3 trillion. I shudder to think where we will be 5 years from now if we do not adopt a balanced budget requirement.

We know the Federal budget has not been balanced since 1969, that our Federal deficit stands at $400 billion, and that annual interest payments on the national debt now consume over $200 billion annually. That is a $3,300 burden for every family of four in America. Next year, for the first time, interest will represent the single greatest expenditure in the entire budget—more than defense, and more than Social Security. These interest payments do not provide education for a single youngster, health care for an ailing American, housing for any homeless person, or police protection for any besieged innercity dweller. It is lost dollars—gone to pay for our past spending habits.

How do we deal with this fiscal crisis? The idea being considered today has been around since the 1930's—a constitutionally mandated balanced budget amendment.

Finally, today we have an opportunity to consider this amendment. Without it, the best intentions to rein in the Federal spending deficit will be fruitless. Look at the record of laws we have passed to require a balanced budget: The 1974 Congressional Budget Act, Gramm-Rudman I, Gramm-Rudman II, and the 1990 Budget Enforcement Act.

None of these has worked. They have not worked because each of them have been statutes, laws that can be undermined or negated by another law when spending pressures become too intense. Congress needs self-discipline that goes beyond a law that can be changed by a simple majority. Congress, the President, and the American people need—and want—a constitutionally mandated balanced budget. The amendment represents the only real opportunity to impose fiscal responsibility on this Congress, for this Nation.

Several of the balanced budget amendment options which will be debated more specifically tomorrow are good. The Kyl-Allen amendment limits spending to 19 percent of gross domestic product and—most important—would include line-item veto for the President—a necessary first step in the enforcement process.

The Barton proposal has the advantage of requiring a supermajority to increase taxes, thus making it harder to balance the budget on the backs of the American taxpayer. But the rule that we are conducting this debate under stipulates that the last successful amendment will carry the day, and if adopted on final passage by the required two-thirds vote, will be the constitutional provision this body says should be sent to the States for ratification.

That last vote is the Stenholm-Smith proposal. I will vote for it, with full knowledge that its adoption overrides any earlier vote for Barton or for Kyl-Allen. I support Stenholm because it has teeth. It will force both the President and Congress to make the tough choices on deficit reduction that have been avoided up to now. It is specific in how we estimate revenues. It includes all Federal spending under its umbrella.

The Stenholm proposal includes a supermajority vote for increasing the debt—an important distinction from the Gephardt proposal. Without it, it would be business as usual. The voting requirements of the Gephardt proposal to increase the debt are no different than what we have today—and is that not what we are trying to change? This supermajority voting requirement would alter the path we are already on—which is avoiding the tough choices, building up massive deficits, and passing on a mountain of debt to our grandchildren.

I also want to point out that the Stenholm language does nothing to jeopardize the Social Security Program for senior citizens. Ironically, the Gephardt amendment, which claims to protect Social Security by exempting it from the provisions of the balanced budget amendment, would actually jeopardize the viability of the trust fund. It would be so because, once outside the confines of the budget limit, the Social Security trust fund would become a funding source for every spending program anyone might dream up.

Conversely, the Stenholm proposal would provide this Congress with complete discretion as to how to maintain the viability of the Social Security Program. Since Social Security is already protected under current budget statutes, it is very likely that it would continue to be protected under legislation implementing the Stenholm constitutional amendment. The interests of the elderly are well protected in the existing political system—unlike the interests of future generations that will bear the burden of our debt. It's regrettable that opponents of a balanced budget amendment would use scare tactics to frighten the elderly into thinking that this Congress—or any future Congress—is going to reduce their benefits.

But let me take a moment to comment on special interests. Interest groups are not going to persuade Americans to oppose a balanced budget amendment by arguing in favor of subsidies, pork-barrel spending, and Government Waste. Big city mayors, for instance, are not likely to convince voters by arguing that a balanced budget amendment is bad because it would reduce subsidies to money-losing mass transit systems in their cities. Large farmers will not get much sympathy when they complain that a balanced budget amendment will reduce the amount of taxpayer money they get not to grow crops. Welfare lobbyists will not impress working Americans by protesting that a balanced budget amendment might restrict how much money people are being paid not to work. No, special interest groups cannot reveal their real reasons for opposing a balanced budget amendment: Their trough may dry up.

This is tough talk—but it is time for tough talk. A balanced budget amendment will require Congress to prioritize spending. It can help weed out wasteful, outdated, or ineffective programs. And it will help force honest debate.

Make no mistake about it—voter outrage is driving the balanced budget amendment. It is time to enact a real, effective, responsible constitutional amendment to balance the budget.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, many opposed to the balanced budget amendment think this is just an intellectual exercise similar to their college debating class. We come down to the floor, do a cute song and dance, and then go home to be reelected. Well, I am sorry, but that's not why I came to Washington.

I came to Washington seeking some common sense in Federal spending procedures. To enact the structural changes necessary to ensure the future of our country. The balanced budget amendment is the cornerstone of this 10-year quest.

Today, the world is a different place than it was 10 years ago. Western Europe is looking toward Eastern Europe and the Japanese are finding that their manner of living is costing them more than they can afford. The overseas bankers have realized that they have plenty of things to spend their money on in their own backyards.

Without this overseas financing of our Federal spending, the competition between the Federal Government and the private sector for American capital is going to be much tighter. We need to remember that the money we borrow to feed the deficit is money that the American people cannot borrow to buy cars, finance mortgages, or use for student loans. It is money that corporations will be unable to utilize in the retraining of their workers, the retooling of their factories, and the reinvestment in our future.

So, Mr. Chairman, this is much more than an intellectual debate about constitutional pristineness or economic theory. This is a debate about the future of our country.

If you want jobs, vote for a balanced budget. If you want reinvestment in our industry, vote for a balanced budget. If you want a secure future for our senior citizens, vote for a balanced budget.

Let me say a word about that last point. A lot has been said about cuts that may have to be made to Social Security under a balanced budget amendment.

Social Security is a self-funded program. A tax levied on working Americans is used to pay benefits to retirees. In 1967, President Johnson made Social Security receipts and Social Security benefits a part of the unified Federal budget. That was wrong. But, we have corrected that error and, by statute, we have removed Social Security from the unified Federal budget.

Because Social Security is self-funded, benefits must be paid from Social Security receipts. A constitutional amendment requiring a balanced Federal budget will not change that.

Those who are opposed to a balanced budget are attempting to frighten retirees by threatening to put Social Security back into the unified Federal budget. I for one, will do all that I can to prevent that from happening.

If we were to put Social Security exemption directly into this amendment, it would open up a loophole so large that every social program in the country would become part of Social Security. It would only be a matter of time before Congress loaded up the Social Security system with so much baggage, that the whole program would go bankrupt.

Without the balanced budget amendment, there is no way Social Security can survive. For that matter, there is no way our great experiment with democracy can stay solvent. We will be forced to enact Third World policies of currency devaluation and loan default just to keep the lights on at the Lincoln Memorial.

Cuts are going to hurt. But they're going to be phased in over the next few years to ease the pain. Our revenues will continue to grow without any major changes in the Tax Code. We just need to keep Federal spending down to a reasonable level. And all that it will require is that the Congresses of the future be more responsible than the ones of the past.

Mr. Chairman, let us face it—the pundits have already spoken—this Congress is a bust. The check cashing scandal, the post office fiasco, the perks—it's gotten so bad that most folks would vote to do away with this body if they could.

But Mr. Chairman, we have a chance at salvation. A chance to have our names spoken in the same breath as Washington and Lincoln. A chance to enact a change that will be the economic savior of this country. A balanced budget amendment to the Constitution.

One day, Mr. Chairman, our grandchildren will realize what an enlightened decision this amendment was. I urge those on the other side to join us in making history.

□ 1830

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, in a way, I guess, it is disappointing that we have to have this debate today. Over the years, we have tried to handle the Federal budget deficit in the best way that we thought we knew how, through Gramm-Rudman and through budget agreement of 1990, and I think everybody objectively has to say that they were both abject failures.

I remember my second term here in the House, and we had a Republican conference here on this very floor. And at that time the Secretary of the Treasury was Don Regan. And he stood exactly where I am standing today. And he told a very shocked Republican conference that we were facing a $100 billion deficit that year, $100 billion.

We stand here 9 years later, almost to the day, facing a $400 billion deficit and a national debt that is exceeding $3 trillion.

So it is obvious that we have not done what is necessary to even get close to balancing that budget.

I have to say that the other speakers who have spoken about how effective the State regulation on balanced budgets have worked, I think, make an excellent point. In our own State of Ohio, even though it has been an ugly process, we have been able to balance the budget because we are constitutionally constrained to do so.

In my 9 years in the Ohio General Assembly, we were always proud at least of saying that we balanced the budget. Some people did not like it, but ultimately we were fiscally responsible because of that.

I would ask those opponents to the balanced budget amendment, we tried Gramm-Rudman. We tried the budget agreement. Neither worked. What is the solution?

I guess we are desperate. We have to admit that we are desperately trying to find a way that we can stop the flow of red ink. The balanced budget amendment clearly is that vehicle. If not us, who; if not now, when?

Our constituents overwhelmingly support the balanced budget amendment. They, I think, in many ways are well ahead of us in discerning the future and what it means to vote for the balanced budget amendment. Vote for the Stenholm-Smith balanced budget amendment.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Chairman, I rise in opposition to all of the proposed constitutional amendments.

I want to say at the outset that I share, entirely, the feelings of frustration and exasperation which have led many of our colleagues to conclude that amending our Constitution is our only hope for solving the Federal Government's persistent budget deficit problem. It has been enormously discouraging to have spent so much of our time and energy over the last decade struggling over ways to reduce our annual deficits—and, in many cases, to have come under fire for supporting unpopular spending cuts and tax increases—only to find that our actions have not even begun to close the huge gap between revenues and spending.

The enormous deficits the Government has been running, which have caused the national debt to soar, are without a doubt the leading policy and political failure of our generation. They are the root cause of the low rate of investment which has saddled our Nation with slow economic growth for years to come, and they are a major factor in our inability to respond to our Nation's most pressing needs. They are a large part of the reason why voters have become increasingly angry at Congress, as well as why we all feel that something has gone terribly wrong with our Government and our political process. There is no question that we ought to be trying as hard as we possibly can to bring these deficits down over the next few years.

However, amending our Constitution is not the right way to accomplish that goal.

Approving House Joint Resolution 290 is an easy vote, and a meaningless one. It will do nothing in and of itself to reduce the deficit, because it will do nothing to cut spending or raise taxes. It will only mislead the public into thinking that we have done something about the deficit. And, it will give the President and Congress an excuse to put off for a few more years what we ought to be doing right now.

Just like the Gramm-Rudman-Hollings plan to balance the budget which Congress passed in 1985, this resolution is nothing more than a promise to reduce deficits in the future. And because it is a promise to do something that the President and Congress are extremely unlikely to do, it will probably be broken. As a result, public cynicism toward Congress will grow.

The reason that it will be extraordinarily difficult to balance the budget 5 years from now when it is expected that this amendment would take effect, is the same reason it is next to impossible right now: There is no political support for the deep program cuts and large tax increases that are needed to bring spending and revenues into balance. There will not be any such support until we have a President who is willing to stand before the American people and tell them the truth about our budget crisis and the steps that will be required to solve it. If I thought for one moment that a constitutional amendment requiring a balanced budget would produce that kind of Presidential leadership and resolve, I would have second thoughts about my opposition to it.

But the truth is, rather than encouraging the President and Congress to exert leadership on the budget, it is far more likely that a constitutional balanced budget requirement will motivate the President to use phony budgeting techniques. Just as was the case under Gramm-Rudman-Hollings, there would be every incentive to use unrealistic economic assumptions to produce inflated estimates of revenues, to move programs off budget, to delay payments into future years, and to use every other accounting gimmick anyone can think of to produce a balanced budget. Then, if all else failed, the President would only need to obtain the support of three-fifths of each House of Congress to approve spending which exceeds revenues.

Gramm-Rudman-Hollings was a setback for our efforts to reduce budget deficits. Because we were required to meet a particular deficit number each year, our goal of reducing deficits was replaced by a goal of seeing how creative we could be in showing we had reached a particular deficit number without actually cutting spending or raising taxes. A large part of the phony budgeting that took place during the late 1980's involved pushing costs into future years, thus making our current task even more difficult than it would otherwise have been. As a result of our enactment of Gramm-Rudman-Hollings, we missed a valuable opportunity to cut deficits while the economy was growing and could have absorbed the cuts much more easily than it can now. Exactly the same thing could happen under a balanced budget amendment.

My skepticism about balancing the budget under a constitutional requirement is due not only to the fact that previous schemes such as Gramm-Rudman-Hollings have failed, but also to the fact that the deficit problem has become harder to solve now than it was during the 1980's. Bringing spending and revenues into balance by fiscal year 1997—assuming it were done honestly—would demand far more draconian measures than at any time during the last decade: it would require approving a total of $550 to $600 billion in new spending cuts and new revenues over the 5-year period from 1993–1997, on top of the spending cuts we are still trying to achieve, and which we were barely able to enact, under the 5-year budget agreement we adopted in 1990.

I would urge our colleagues who plan to vote for House Joint Resolution 290 to examine closely the illustrative plans for cutting deficits by $550–$600 billion over 5 years that have been produced by the House Budget Committee. All of the options would require substantial reductions in Social Security, Medicare, veterans' benefits, and scores of other domestic programs as well as defense and foreign aid, because it is impossible to balance the budget without cutting those important programs. Two of the options would also include substantial tax increases.

While no one knows with certainty which programs would be cut and whether taxes would be raised, Members who anticipate that we will only cut spending to meet the amendment's requirement ought to heed the letter sent by Richard Lesher, president of the U.S. Chamber of Commerce. The chamber opposes this resolution because it "strongly believes that House Joint Resolution 290 would result in large tax increases, aimed primarily at businesses."

My own prediction is that the burden of this amendment would fall most heavily on programs which represent investment in the future, because it is easier politically to cut spending for roads and airports, education and training, and research and development, than, for example, to cut Social Security benefits. If this amendment provided for a balanced operating budget, separate from capital expenditures, the way many State balanced-budget requirements do, then we would not need to fear cutting the programs we need to support in order to provide for a productive economy. But this amendment does not differentiate between spending for investment and spending for consumption and, as a result, it has the potential to result in a substantially reduced standard of living for our children and grandchildren.

Furthermore, even if the constitutional amendment produced the intended result, a balanced budget is not always the wisest fiscal policy. In the years before the current recession occurred, many economists were advising the House Budget Committee that not only should we be trying to eliminate deficits, we should be working toward running budget surpluses to help prepare for paying the enormous costs of the income support and health care programs that will be needed when the huge baby boom generation reaches retirement age. Although running a surplus is obviously beyond the realm of possibility any time in the near future, it remains a sensible long-term goal which is unlikely to be pursued if the Constitution demands that spending equal revenues.

On the other hand, during recessions, it often makes sense for the Government to run a deficit as a way of stimulating the economy and cushioning the recession's effects. Yet, under this amendment, two-fifths of either House of Congress could block the efforts of the President and the majority in Congress to take such action.

I find it ironic that this balanced budget amendment has come before us at a time when the President and Congress are probably exercising more budgetary restraint than we have in years. With minor exceptions, we have met the severe constraints of the 1990 5-year budget agreement. During any other recession, we probably would have added far more to the deficit by cutting taxes or increasing spending than we have done during this downturn, which is particularly remarkable in light of its length.

And, despite growing demands for Federal assistance in a broad range of areas, the majority of Members of the House voted just recently to use additional defense savings for deficit reduction, rather than for domestic spending. As a result, Congress will be appropriating $7 billion less for fiscal year 1993 than the amount we would need to appropriate just to keep up with inflation.

In addition, the pay-as-you-go concept is not only part of our budget rules—which can, of course, be waived by majority vote. It has also taken hold in terms of the way we view any measure which involves a cost to the Treasury. Any such proposal made by the President or a Member of Congress which does not identify a way to pay for it, is not taken seriously here.

In other words—although it is hard to tell from the huge deficits the Government is continuing to run—despite the recession, and despite divided Government that keeps the President and Congress at odds over spending priorities, we are probably doing a better job of controlling spending right now than we would under any kind of balanced budget requirement, constitutional or otherwise.

Finally, this proposal raises serious questions about how the amendment would be enforced and how that would affect the balance of powers among the three branches of Government. The presumption is that if Congress were unable to comply with the balanced budget requirement, the Supreme Court would decide how to allocate spending or raise revenues. Members who plan to vote for this proposal need to consider very, very carefully whether it is wise to cede the power of determining fiscal policy to a branch of Government that is not directly accountable to the electorate and one which is also not prepared to make decisions in this area.

Mr. Chairman, for all of the reasons I have mentioned, and for others I do not have time to speak about, I am very troubled that the House is even considering burdening the U.S. Constitution with an amendment which does not belong in it, which could hamper our efforts to reduce budget deficits, and which is virtually guaranteed to further damage public confidence in Congress and in our political process. If Members of the House are truly serious about balancing the budget, then let us begin right here and now to work toward that goal in the proper and responsible way: By voting on a plan of spending cuts and tax increases that will produce those results.

Mr. Chairman, I urge our colleagues to vote no on House Joint Resolution 290.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Chairman, I rise in strong objection to this measure to amend the Constitution of the United States.

It would seem from some of the rhetoric being exchanged in this Chamber today, that some of us actually believe that a balanced budget amendment is a magic wand. One quick wave over the document that represents the heart and soul of this Nation, and the budget will be balanced, the economy restored, and the recession shattered by this almighty amendment.

Well, Mr. Chairman, in my 8 brief months in Congress, I have witnessed numerous attempts here on the House floor to jump start our ailing economy.

I have watched as the House decided to fund a series of obsolete weapons systems, when billions of dollars could have been channeled toward deficit reduction.

I have watched as the House decided to vote against a Black Caucus budget which would have brought down the firewalls, to combat the harsh realities that millions of Americans experience everyday.

The realities of unemployment, homelessness, and economic peril. This same proposal also provided significant measures for deficit reduction.

And now I am standing here before you, listening to the hypocritical chorus, calling for a balanced budget amendment to the Constitution.

Advocates of the amendment have stated that they will not tolerate business as usual.

Well, by passing this amendment, we would be indulging in the worst form of business as usual. And that is passing laws for the mere sake of politics. Election year politics.

No one in this Chamber, Mr. Chairman, can deny the fact, that we must reduce the deficit. Indeed, I believe that deficit reduction is an essential step to get our economy moving in the right direction.

But we cannot and must not doctor the Constitution of the United States just for the sake of having something look good on paper.

In doing so, we would be blatantly disregarding the urgent daily needs of millions of Americans in this country. Basic needs like food, heat, and a place to sleep each night.

Make no mistake, the impact of the adoption of this measure would fall directly on the backs of those who can afford it least. Communities which are ravaged by a lack of opportunity, and outright poverty could potentially face huge cuts.

For the last 12 years, as our economy and national deficit plummeted out of control, corporations grew fatter by transferring jobs out of the country and dipping into the pension fund, the middle class all but vanished, and the wealthy benefited from tax cuts which certainly made little economic sense.

And now, we are actually considering the possibility of dealing a fatal blow to the few remaining social programs left in this Nation that help the disenfranchised citizens of this country each and every day of their lives?

Mr. Chairman, I urge my colleagues to look toward the future, with the past in mind. If we really want to make tough choices as advocates of this measure argue, then let us start making them for all Americans.

If you are really serious about balancing the budget, then pass the $10 billion jobs bill pending before the Public Works Committee. If we put Americans back to work, they will pay their taxes, and reduce the deficit.

If you're really serious about balancing the budget, then pass fair trade agreement legislation that will keep our jobs here in the United States, not Latin America, or Asia. Once again, more working Americans will pay their taxes, and reduce the deficit.

If you're really serious about balancing the budget, then let's change our tax laws to insure that the super rich carry their own weight off the backs of the middle- and working-class people of our great Nation. I know that it is an unpleasant reality, but more taxes in the higher brackets will reduce the deficit.

If you are really serious about balancing the budget, then we must enact national health insurance legislation, to guarantee health care for each and every American.

And if you are really serious about balancing the budget, we must invest in the decaying infrastructure of America's urban areas. Our cities are hurting. One need look no further than the events that devastated the city of Los Angeles last month to realize this. By rebuilding and reinvestigating in America's great cities, we will put people to work, stimulate the economy, and reduce the deficit.

A primary purpose of our Constitution is to protect every citizen of the United States by ensuring them certain basic rights.

Clearly such an amendment at this time would be in direct opposition to the intent of those who framed the Constitution.

The time to act is now. I can picture the headlines of the newspapers 10 years down the road. "Budget is Balanced" right above "Record Unemployment" and "Social Security Trust Bankrupt."

Mr. Chairman, what good is a balanced budget for our children, when they will be living in a world where they will not even be afforded the most simple, basic rights that we as Americans have come to expect?

☐ 1840

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I opposed this amendment the last time around. I think it is a lousy way to bring the Government's borrowing under control. It would be better, as the Nike ads say, to "just do it," but I do not think there is any better way.

Everyone says he or she wants to balance the budget, including me. I vote against big spending whenever I can, from the strategic defense initiative, the B-2, troops in Europe, the super collider, the outside earnings for Social Security, the space station. I even voted to maintain the walls in the budget agreement so defense savings would go to lower the deficit rather than initiate new spending.

But I am no angel. I have my sacred cows as well in Government spending, as I suspect everybody here does. What we need is a specific plan to reduce the deficit. So why are we voting the balanced budget amendment today instead of a specific plan to reduce the deficit, a specific plan that makes the cuts for the people who want us to defeat this amendment because there are other serious plans available to cut the deficit? I ask this simple question, Where are they? The fact is, those plans do not exist. Once again we are asked to vote against an amendment on the grounds that it is dangerous to amend the Constitution. This time I hear no formal presentation by those who want to defeat this amendment of what we will do to diminish the dangers of a crumbling economy and a crippling debt.

Hopefully the amendment will require us to adopt such a specific plan. We all decry the lack of leadership, backbone, to bring our budget into balance. The President is not going to do anything. He has not brought a specific plan. Frankly, neither the Republican nor Democratic leadership of the Congress has done anything. There is no specific plan. There is only fingerpointing, and too much of it for the country's good.

The fact is, the financial stability of this country of ours is in jeopardy and no real plan, with all the hard choices that that plan would contain, exists to end the budget crisis: no Democratic plan, no Republican plan, no bipartisan plan. Therefore, a constitutional amendment seems the only way out.

It clearly is no panacea, because, as the gentleman from California [Mr. PANETTA] has repeatedly said, it will require tough decisions to raise revenues and to cut spending, and they will have to be made regardless of this amendment. But it will be far tougher to thumb our nose at the beloved document, the Constitution, than to ignore a statute requiring a balanced budget which has been on the books for years.

Finally, let me say that we need to balance the budget to promote justice and growth in this country. Unless the borrowing is stopped, the Federal Government eventually will be unable to respond to any of the country's problems that require spending. Programs will be squeezed out by the slice of the budget pie devoted to interest on the debt.

If the Members believe as I do that Government could be a force for change, for justice, for opportunity, such a result is unacceptable. So I will vote for the Stenholm amendment, believing that even with the legitimate concerns raised about it, it offers us the last best hope to solve this problem.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I rise in support of Kyl, Fish, Barton, Stenholm, in that order.

Mr. Chairman, I rise today in support of the effort to provide an amendment to the Constitution requiring Congress to balance the budget. More specifically, I support an amendment that focuses attention on the real culprit of our budget woes—Federal spending. However, before I explain the specific proposals I support I want to explain why I believe a constitutional amendment to balance the budget is necessary. I support a constitutional amendment for one simple reason—unless Congress is mandated to balance the budget it will never muster the political will to make the decisions necessary to do so.

With the fiscal year 1992 deficit expected to approach $400 billion, the total Federal debt at $4 trillion, and interest on the debt exceeding $200 billion, it is no wonder that the American people have become cynical about Congress and its ability to deal with our budget problems—or any problems for that matter. Indeed, these figures by themselves should be enough to silence any of my colleagues who suggest that Congress doesn't need a balanced budget amendment to act responsibly. Congress, at least as it is presently constituted, lacks the political will and courage necessary to make the tough decisions required to balance the Nation's books, and I have long ago concluded that this institution needs more than a friendly push to take some real action.

I submit that the course of action Congress has been pursuing for the past 30 years is putting at risk everything we hold dear as a nation. Can anyone in this House really comprehend $4 trillion or how our children and the children yet to be born will pay for the absolutely disgraceful and irresponsible spending habits of Congress? Indeed, I view the actions of Congress in regard to the national debt as criminal. That the root of our problems is Federal spending is clear. Indeed, revenues to the Federal Treasury have more than doubled in the past 12 years increasing $600 billion to $1.1 trillion in 1992. Over the same period of time our Federal deficits have actually increased, meaning Federal spending has increased even more dramatically. No; we do not need more taxes—we need to cut spending.

Because of the current state of affairs, we find the American people clamoring for change, and we subsequently find ourselves in the midst of a debate to amend the Constitution. My offices in Illinois and my Washington office have received dozens of phone calls on the subject. In addition, like every congressional office I have been deluged with letters from constituents, special interest groups, and other Members of Congress offering differing opinions on the issue. However, for all the letters I have received, all the speeches I have heard, and for all the articles that I have read about the dire consequences such an amendment would have on various Federal programs, interest groups and individuals, none of these can compete or are more powerful or persuasive than a simple picture of a small child. With all due respect to my colleagues, not one of the concerns presented today is more important than the concern for the future of our children.

To those who claim to be the champions of the downtrodden, the unrepresented, and the unprotected, I ask where is your compassion for all those future generations who have no voice in the decisions we make today? Are we so selfish, are we so ignorant, are we so callous, that we are actually willing to mortgage the future of our children because we are not willing to make relatively modest sacrifices today? Or do we simply and conveniently take the approach "Out of sight, out of mind?"

Mr. Chairman, suffice it to say Congress has an obligation to act in a fiscally responsible manner. Based on my observations of Congress over the past 20 years, it appears clear to me that the only way to accomplish the goal of achieving fiscal sanity is through a constitutional amendment. It is time to put up or shut up. As to which of the proposals before us today offers the best hope to accomplish the goal of limiting the growth of Federal spending, in my view the Kyl-Allen amendment is best. I strongly support the Kyl-Allen approach as it goes to the heart of the matter by capping Federal spending at 19 percent of GNP. This amendment will force Congress to pare down the size of that monstrosity known as the Federal bureaucracy. The Kyl-Allen amendment also provides an additional provision to help in this effort by incorporating a line-item veto for the President—a weapon against pork barrel spending that 43 Governors already have and is long overdue for the President.

I also support the Barton-Tauzin amendment which requires a supermajority of the House and Senate to increase taxes and the debt limit. Again, this amendment focuses attention on the spending side of the equation. If neither Kyl-Allen or Barton-Tauzin gain the necessary two-thirds majority, I will also support the Stenholm-Smith amendment. The Stenholm amendment requires that a supermajority of both the House and Senate must vote to approve any increase in the Federal debt limit. Although this amendment is by no means ideal, it is better than the status quo and will force Congress to make difficult decisions.

Mr. Chairman, at some point Congress must act and pass a responsible constitutional amendment to balance the budget. For the sake of our children we had better do it sooner rather than later.

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, the debate here today really boils down to a matter of right and wrong. I doubt that there are any in this body who would still argue that the goal of a balanced budget is wrong. We all know it is wrong to spend more than we have. The American public has let us know rather convincingly they expect us to balance our checkbooks—now they are asking that we balance the budget. Some have suggested that amending the Constitution to achieve this goal is like attacking an anthill with a bazooka—that a balanced budget is too trivial to merit inclusion in such a document. Mr. Chairman, this country faces annually $400 billion deficits, a $4 trillion national debt, and an interest payment totaling 14 percent of all Federal spending in the coming year; with these facts in mind, I would suggest that a balanced budget is not trivial, that indeed it is vital to insure the solvency and security of our Nation and our people. It is the right thing to do and now is the right time to do it. We have tried in the past to control spending by resolution and by statute; these measures have failed completely, including the much vaunted Budget Deficit Reduction Act.

Many of us have spent a great deal of time fighting to bring this measure of fiscal responsibility to the floor. As an original cosponsor of the Stenholm amendment, as well as three other balanced budget amendment resolutions, I am heartened to see that this body has finally recognized the danger of spending money we do not have, that our children—even our grandchildren—may not have either.

Just as important as passing this balanced budget amendment, however, is how we choose to enforce it—to achieve the goal it embodies. Opponents of the measure have resorted to scare tactics, deliberately misrepresenting that enforcement of this amendment will directly and immediately cause drastic cuts in Social Security. Not only is this untrue, because any cuts to Social Security or any program will require additional votes in this body, but it is also a cruel play on the emotions of the many seniors who rely on Social Security as their major source of income. Let us be clear about this: the Social Security trust fund is off-budget, and the major threat to it is what will happen if we do not balance the budget: That is, business as usual deficit spending leading to bankruptcy of the country. Those who are shouting that lightning may someday strike the room in which the Social Security fund resides should realize that the whole house is already on fire today, now—burning down around us.

Another myth that is popular in some quarters of this body is that taxes must be raised in order to make ends meet. We must not let ourselves turn this sound measure into an automatic tax hike every time Congress wants to spend more money. It is overspending that has landed us in this mess, and it is spending we must cut. For instance, one respected private economic organization has drawn up a plan which would balance the budget by fiscal year 1997; without draconian cuts in entitlement programs like Medicare and Social Security, and without raising taxes. According to this plan, we would cut $680 billion over 5 years. This is just one approach, there are others as well. If we all now can agree that a balanced budget is our goal, this Congress and its stubborn inability to make tough choices are the only things standing in the way.

Mr. Chairman, it is clear from the failure of past initiatives that we need to protect ourselves from our own spending habits. The people of southwest Florida have made it clear to me that they need protection from our spending habits. Let us pass this amendment and then get down to the hard work of setting the budget straight once and for all. I urge my colleagues to support the Stenholm amendment.

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend, the gentleman from New York, for yielding this time to me.

Mr. Chairman, I rise in strong support of House Joint Resolution 290—the balanced budget amendment to the U.S. Constitution. My commitment to seeking a constitutional remedy to ensure a balanced budget, Mr. Chairman, is long standing and deep. It is a serious step that I, and others on both sides of the aisle, take very seriously. In this Congress, as well as the 97th, 98th, 99th, 100th, 101st Congresses, I have been a sponsor and strong proponent of a constitutional amendment to balance the budget.

I believe this amendment is an idea whose time has come.

I would remind my colleagues that 2 years ago, the House of Representatives came remarkably close to passing a balanced budget amendment. We, unfortunately, were just seven votes short of the two-thirds majority necessary for passage. For its part, the U.S. Senate, by a vote of 69 to 31 adopted the amendment back in 1982. This year, however, I am hopeful that both Houses of Congress will succeed.

I hasten to add that over the years, other similar attempts to bring expenditures in line with revenues have languished in committee, bottled up by the Democratic leadership of this House. Thankfully, the leadership's misguided effort to thwart consideration of this amendment has been overcome. As a signer of the discharge petition—designed to propel the balanced budget amendment out of committee and on to the House floor—I'm pleased we are finally getting an opportunity to debate this vital issue in the House.

Mr. Chairman, with the deficit ballooning to $399 billion for fiscal year 1992, the tough medicine of requiring a balanced budget can no longer be ignored. Dismissing this amendment as a mere gimmick may be fashionable shorthand and a glib putdown by Washington insiders who want to spend without restraint, but I believe the people will see through that cynical facade and support us as we try to put our fiscal house in order.

I believe, Mr. Chairman, we have a compelling moral obligation to all Americans to foster an economic climate most suitable for sustainable economic growth, across-the-board prosperity, and the creation of jobs.

Skyrocketing deficits and uncontrolled spending, however, inhibits and frustrates that practical and necessary goal. Uncontrolled spending will ultimately exhaust our Nation's economic vitality.

This Congress, it seems to me, can no longer mortgage the future of our sons and daughters by spending piles of money we simply do not have. As of June 1, the public debt hit $3.9 trillion. That is an average of $65,000 for every family of four in this Nation. In the next fiscal year, interest payments alone on the Federal debt will top $315 billion—an absolutely staggering sum. It is important to note that past efforts at deficit reduction—as well meaning as they might have been—simply have not had the desired outcome.

The Gramm-Rudman law, for example, was a sincere attempt to lick the deficit problem, but it failed. The budget summit agreement, in like manner, has turned out to be ineffective. It, too, has failed. Business as usual just does not cut it when confronting a problem as ruinous and potentially destructive as runaway deficits.

Almost 200 years ago, Thomas Jefferson wisely pointed out that;

> The Public debt is the greatest of dangers to be feared by [the] government.

Jefferson also wrote:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

The public debt, which explodes by the day, requires the remedy we propose today. I thought the Philadelphia Inquirer—once an opponent of the balanced budget amendment—summed it up well in an editorial published on June 7, 1992:

> It now appears that the only fiscally responsible action Congress has a chance of taking this year is to pass the balanced-budget amendment * * *. With the national debt growing by $1 billion a day, we believe anyone arguing against a balanced-budget amendment, as we have in the past, has an obligation to explain how fiscal sanity would be restored without it.

In like manner, U.S. News & World Report said in a June 1 editorial:

> The time has come to recognize that the right thing to do is something we have long resisted: Amend the Constitution so that Congress and the president are required to balance the budget * * *. Yet for all the inherent flaws and dangers of an amendment, an honest look at our past behavior and the future burdens we are imposing on our children make a compelling case for its adoption * * *. But we can no longer flinch from reality; we can no longer afford the illusion that we can borrow our way to prosperity.

Mr. Chairman, a constitutional amendment to balance the budget doesn't sidestep the tough choices Congress will be called upon to make in the future. Rather, passage by Congress and ratification by the several States will ensure that those tough choices—prioritizing spending—will be made instead of resorting to deficit spending.

□ 1850

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the position of the gentleman from California [Mr. PANETTA]. We already have the appropriate legislation, the Constitution of the United States.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I appreciate the gentleman from California yielding me this time.

I particularly want to say that if there is good to come out of this lengthy debate, I think it is most likely to occur in the aftermath of the vote tomorrow on the constitutional amendment. It is most likely to occur if the emerging coalition that I see on the floor among Members who seem to be sincerely committed to enforcement mechanisms and to a fundamental 5-year program of deficit reduction continues to work together. I think this shows the direction we need to go in both a bipartisan and bicameral manner, and at both ends of Pennsylvania Avenue.

But I wanted to make some comments that relate to how we got here and what the deficit problem really is. Many people are used to hearing in our political campaigns that the Members of Congress are the big spenders, the tax-and-spend Democrats, the people who never get the message. And I want to take, if I could, just a little time to point out some facts that sometimes amaze our constituents.

This chart is a comparison of the President's budgets versus congressional appropriations. During the entire decade of the 1980's up until fiscal year 1992, as the chart shows, Congress and the President have appropriated almost exactly the same amount of money. In fact, Congress has provided slightly less than requested by Presidents Reagan and Bush in their budget submissions.

And we often hear about the line-item veto and the need to give the executive branch the power to make some unilateral decisions in light of congressional actions on what appear to be on the surface wasteful. But line-item expenditure rescissions, which are the equivalent of blue-pencil authority for the President have been consistently exceeded by the response of Congress. We have in fact sent back to

Presidents Reagan and Bush a larger sum than they have requested during the entire period of their Presidencies.

But to know where we are going really requires us to say where we have been over the last 12 years. Since 1980 the brunt of budget reduction actions have been directed at the nondefense discretionary category. I think you can see from the chart that when measured in constant 1987 dollars to remove the effects of inflation, the 1992 level for nondefense outlays is 4.5 percent lower than it was a decade ago in 1980. In the 12 years that have passed we have seen the interest on the debt go up 119 percent, we have seen entitlements—checks that go into the mail to people—go up 39.6 percent, and military spending, which is now trending down again, go up 33 percent. Revenues have gone up 21 percent above inflation.

The next chart shows the share of the Federal budget which is currently allocated to a variety of areas of national interest. Non-defense discretionary, which is essentially domestic spending, has been reduced overall by one-third. Revenue has decreased significantly, and interest, of course, has increased substantially. Entitlements and military spending retained about the same share of the Federal budget during this period. Net interest, as you can see, is closing fast on domestic spending and will soon outpace it. On to the next chart. I want to point out that on the following charts these are actual dollars and not constant dollars. Domestic discretionary spending has been cut by about $298 billion in cumulative buying power since 1980. In other words, what we do for highways, for housing, for research. Many, many areas of domestic spending have in fact lost almost $300 billion in buying power since the beginning of the decade. The domestic trend shows that the biggest losses occurred between 1980 and 1987. Since then, as you can see, the gap between current spending and where we were in 1980 has been closing somewhat.

Of course, critics of domestic discretionary spending point to the rate of increase between 1990 and 1992, which is about 8.3 percent per year, to justify further reductions such as you can see in the President's budget for domestic discretionary programs. But a longer perspective gives a different reading. And I would point to the fact that we see in this chart that entitlements are essentially taking over our budget. Without entitlement reform, revenue increases or both, there is no question that all discretionary domestic spending will continue to be squeezed out.

The Congressional Budget Office projects that over the next 5 years, under current policy, entitlement spending will go up 38 percent, net interest on the debt will go up 39 percent, and discretionary spending, all that we do in our domestic budget for people in this country, will go up only 5 percent.

Some particularly important reasons for the 3 squeeze need to be put on the record. Medicare and Medicaid are expected to go up 77 percent over the next 5 years, and the deficit, which obviously increases continuously, will increase the net interest costs at the same time. You can see that these costs are taking over the total Federal budget.

It is important to point out that health care cost containment is the most essential step we can take in any budget enforcement program for long-term deficit reduction.

In 1993, the total outlays for Medicare and Medicaid will equal outlays for total domestic discretionary spending. In 1999, Medicare and Medicaid will even surpass Social Security outlays, $431 billion to $418 billion.

Mr. Chairman, let me say in conclusion that this information, which I know is rather complex for many, really shows the direction we are going to have to go in if we are serious about deficit reduction. Members can vote for the Obey amendment, as I plan to because I oppose a supermajority concept.

I have had the experience of working with a supermajority requirement in the California Legislature, and I can tell you that it has led to gridlock and paralysis worse than anything that Washington has ever experienced. I cannot see a reason to obstruct the will of a majority, or make it less accountable for the implementation of effective policy, which is the effect of the supermajority in practice.

I also believe that the Obey amendment is preferable because it forces the President to assume accountability in this process, by submitting a balanced, honest budget each year.

But even if Members vote for the Stenholm amendment, or if we come back next week and we have not passed an amendment, we still face these realities. We still face the need to move on a 5-year, 6-year- or 7-year plan for deficit reduction.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EWING].

□ 1900

Mr. EWING. Mr. Chairman, ladies and gentlemen, I know that there is very little really that anyone can add to a debate that has gone on for so many hours.

But because of my strong feelings on this issue, I feel required to speak out today. I support the balanced budget amendment.

The options to the balanced budget amendment are more debt, more instability, more hardships for the American people. Congress has failed to show restraint in their spending habits, and our debt has grown through each succeeding administration.

We are really much like an errant child who has failed to mind its parents and the rules that have been set down for it.

We must be reined in. Debt is now unmanageable at $45,000 per household. Debt was $1 trillion in 1980. It is $3.9 trillion now. Interest consumes 62 cents of every dollar of personal income tax and is 15 percent of our budget.

Compare this to the family business that goes bankrupt. Before you have a bankruptcy, we all realize the pain and the trouble that comes from financial hardships, and yet without action to correct that after one has gone bankrupt, the problems are even greater.

We have lacked the management. We have created the debt, and it is draining our resources.

Every debt-reduction bill that has passed this House has been skirted. That is why the constitutional amendment is required. We need for education, health care, job training, and development moneys that we do not have because of our debt.

Mr. Chairman, it is time to address this problem now. The American people want it and demand it. let us vote yes for this amendment.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, about 200 years ago, Thomas Jefferson said if there was just one change he could make in America's brand new Constitution—it would be to include a provision to prevent any future government spending irresponsibly.

Today, we have the Government that Thomas Jefferson feared would result without that provision.

The argument of some today is focused on preserving the integrity of the Constitution. They say we should not muddle-up this great document with such trivia as a balanced budget amendment.

With a deficit of $400 billion and interest payments making up the third largest part of the budget, I say if it was good enough for Thomas Jefferson, then it should be good enough for this Congress.

Next year, our Government will spend $316 billion just to meet interest obligations on the Federal debt. That is $10,000 a second, or like spending the average yearly salary of one American worker in less than 3 seconds.

Michigan and 48 other States operate under similar rules as the balanced budget amendment.

In many of our State capitols, Governors and legislators are making the tough decisions that this body won't make and they are facing the consequences. But Congress has simply put off dealing with the problem.

Now that we have reached a near crisis stage, opponents of the balanced budget amendment still promise that Congress can make the tough decisions, that fiscal responsibility is just around the corner, that we can solve this deficit problem without the higher authority of constitutional mandate.

The big spenders who oppose the balanced budget amendment keep finding new ways to place the blame for the sorry situation of the budget. They blame Ronald Reagan, they blame George Bush, they blame low taxes, they blame defense spending, the big spenders blame everyone but themselves.

The American people just do not believe them.

We have the tools required to balance the budget, but the discipline is lacking. The balanced budget amendment is that discipline. Pass the balanced budget amendment.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. Inhofe].

Mr. INHOFE. Mr. Chairman, this is a particular exciting day for me. Today we will be passing a budget balancing amendment to the Constitution. It is particularly exciting for me because my involvement began in 1970 when, as an Oklahoma State senator, I introduced and passed the first State resolution to call for a constitutional convention for the purpose of passing a budget balancing amendment to the Constitution. While we were not successful in getting the required number of States for such action, I must admit I am now glad. I would much prefer to do it this way and avoid the risk of possible damage to our Constitution.

And now, Mr. Chairman, we have new allies. There are Members here supporting the budget balancing amendment who have heretofore opposed it. I welcome them aboard. They have heard the people who are demanding this action. Polling shows that 87 percent of the American people want a budget balancing amendment to the Constitution. They want this approach because Congress has demonstrated over and over again that it is incapable of fiscal restraint. I just came back from six townhall meetings in my district and after much lively debate, only one constituent opposed the budget balancing amendment.

Still there are those opponents speaking here today, trying to hold on with white knuckles to the old way of business. They are trying to scare large segments of our society like veterans and senior citizens into thinking this action will drain their programs. One even suggested that this action is immoral.

Well I suggest, Mr. Chairman, that morality is the issue today. The interest of the debt today will cost each newborn child $120,000 during his lifetime. Each family of four will have to pay $7,000 each year for this debt. That's the morality issue. I am the father of four children and I don't want to encumber them and our future generations with our extravagance.

This morning I had to miss two votes. I was in an audience where my No. 3 child Molly defended her dissertation and became a Ph.D. On the way back I got to thinking about what we are leaving these young achievers; a debt. A debt for our abusive spending behavior.

The budget balancing amendment works. I spent three terms as the mayor of a major city, Tulsa, OK. We have such a provision in our city charter. I had some well-meaning liberals on my commission who wanted to circumvent it, but they never could.

I recall in the history of my State of Oklahoma that in 1941 we passed a budget balancing amendment. All the liberals in the State legislature moaned and groaned and said it would not work. But it did. Every year I served in the State senate, members complained about it. They wanted to spend more. But it worked. And it is working in 48 other States.

Mr. Chairman, this is the only way to do it. Congress has demonstrated its insatiable appetite for spending money it does not have. This amendment will put on the parameters and say to us, "alright, Congress, go on and do the job you were elected to do, just don't spend any more money than you have."

That is not much to ask for my children and for yours.

Mr. PANETTA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the balance budget amendment to the Constitution introduced by the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. Chairman, I rise in support of the balanced budget amendment to the Constitution, House Joint Resolution 496, introduced by Majority Leader RICHARD GEPHARDT, and the tough enforcement mechanism to this amendment that requires action in 1993 to begin deficit reduction. In fact, a balance budget does not require a constitutional amendment. It requires intelligent leadership and political courage. If tomorrow this President wanted to submit a balanced budget, he could do it. He never has. I urge support of these bills as a better alternative than the Stenholm proposal.

I am supporting the Gephardt alternative and its accompanying enforcement measure because they:

First, require immediate action in fiscal year 1993 on spending cuts as opposed to pushing off until 1998—Stenholm version—spending cuts. Steadily declining deficit targets are set over a period of 5 years until a balanced budget is achieved.

Second, place equal responsibility on the President/executive branch as on the Congress to balance the budget by requiring the President to submit balanced budgets to Congress. Congress would not be allowed to spend more than the President recommended.

Third, preserve the important constitutional prerogative requiring majority rule to activate deficit spending, as opposed to the Stenholm amendment which in effect would render great power to a minority of Members by requiring 60 percent of Members of each House to vote to allow deficit spending—thus rendering 40 percent of either Chamber the power to control decisions on deficit spending. Deficit targets could only be exceeded if the President requests that Congress enact a declaration of national urgency which must be approved by a constitutional majority of the whole number of each House.

Fourth, exempt Social Security from the amendment since Social Security is a social insurance program paid for by recipients and does not receive its funding from general revenues.

If we are going to balance the budget through a constitutional amendment and not put off the day of reckoning far into the future, let us do it right by requiring spending cuts and budget enforcement to go hand-in-hand with the amendment itself. Please join me in supporting the real deficit reduction bills.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in opposition to the balanced budget amendment introduced by the gentleman from Texas, House Joint Resolution 290.

Even if we adopt a constitutional amendment tomorrow, we are still going to have a huge deficit. The hard part is not adopting an amendment, but rather, making the tough decision necessary to get us to a balanced budget. A few additional words in the Constitution is not ultimately going to make that process of hard choices any easier.

In the past 3 years, the world has changed far beyond what any of us could have imagined. In 1989, first Poland, Hungary, Czechoslovakia, East Germany, Bulgaria, and then Romania fundamentally altered their political systems and their very way of life. Then communism fell in the Soviet Union. In large part, these startling changes were inspired by the people of the United States, and the system of Government we have successfully maintained for more than two centuries. In large part, they were inspired by the Constitution of the United States.

The Constitution has endured and inspired precisely because it has not fallen victim to political tampering. If we are serious about balancing the budget, let us muster the courage to deal with the deficit, not endanger a document that has inspired the world for more than 200 years.

This is a time of change. People are demanding action. The current political climate should give us the wisdom to reduce our deficit without a constitutional amendment. I do not feel that our revered Constitution should not be a vehicle for fiscal and economic policy.

It truly alarms me that the constitutional amendment approach leaves too many unanswered questions. Questions that raise the specter of complicated future fiscal policy in the courts. Questions about how a rigid amendment might strangle future growth or be the final blow to our urban centers.

How can we forget 2 years ago when the summit produced an unacceptable package? Government was shut down for one weekend. The country was incensed. A constitutional amendment could produce worse gridlock.

I insist we do not need a constitutional amendment, with all its unanswered questions. Today we have, as we have always had, the constitutional ability to balance the budget.

It bothers me that we have no mechanism before us that tells the American people exactly what this will mean for them that to balance the budget will take deep cuts or large revenue raisers or a combination of both.

With a constitutional amendment we get locked into action that could unfairly hurt the powerless. A constitutional amendment could burden the Constitution with many entanglements. The courts are not part of the budgeting system. They have not been for 200 years and they should not be now.

Former CBO Chief, Alice Rivlin, testified before the House Banking Committee, Subcommittee on Economic Stabilization that:

> Persistent budget deficits in the 1980's produced a slower-growth economy, trade deficits, and growing foreign ownership of U.S. securities and physical capital. If Americans are to live better in the future, they need to save more and channel those savings into productivity enhancing investment. If, instead, we continue to use our meager savings to finance government deficits, we can expect low investment, stagnant productivity growth, continued trade deficits and growing obligations to send interest, dividends and profits overseas.

We all want to reduce the deficit.

A recent General Accounting Office [GAO] report warned that if no action were taken to alleviate the deficit, real per capita GNP in 2020 would hold steady at about $24,000. On the other hand, if we balance the budget and keep it in balance, reap per capita GNP would rise to $32,555 by 2001.

I think the choice is clear. This is a time of change. People are demanding action. The current political climate should give us the wisdom to move forward toward balancing the budget but without a constitutional amendment.

□ 1910

Mr. FISH. Mr. Chairman, I yield 74 minutes, or the balance of my time, to the gentleman from Arizona [Mr. KYL], and further I ask unanimous consent that in his control of the time he may be able to yield time.

The CHAIRMAN pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KYL. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I rise in support of the balanced budget amendment being offered today. With a record-breaking deficit reaching $400 billion and our national debt at $4 trillion, it is time we pass this constitutional amendment.

Let me state these outrageous deficit figures in terms we can better understand. Were the national debt parceled out to every man, women, and child in America, each of us would be presented with a bill for $10,656. For a family of 4, the bill would be $42,624. In addition, the interest paid last year to finance the national debt totaled $196.3 billion, which was 119 times the amount spent last year on cancer research. Finally, the Federal deficit increased by $276.8 billion from 1980 to 1991. That means the deficit increased by $8,777.27 per second.

In the past 18 years, we have enacted the Congressional Budget Empowerment and Control Act of 1974, Gramm-Latta, Gramm-Rudman I, Gramm-Rundman II, and the 1990 Budget Enforcement Act. During that 18-year period, our national debt has climbed from $483 billion to $4 trillion today. We should learn from history that legislative statutes are not working.

In 1929, Federal spending was $3 billion per year or $29 per person. In 1992, we are spending more than $6,000 per person per year. Ask any American if he or she sees the $6,000 from the Federal Government each year, and I would have to guess that you could not find many Americans who feel they are getting $6,000 worth of Government.

My constituency, Mr. Chairman, is composed of factory workers, school teachers, longshoremen, farmers, ranchers, and middle-income blue-collar workers. These are everyday, hardworking men and women who are struggling to make ends meet. They manage to balance their personal budgets. Now, how can I go home and tell them that we, in Congress, cannot balance a $1.5 trillion budget?

A new Washington Post-ABC poll shows that 77 percent of likely voters support a constitutional amendment requiring a balanced budget as a means of controlling the size of the Federal Government. Some 90 percent of Texas support the balanced budget amendment to the Constitution. Taxpayers see this as their insurance policy against excessive Federal spending.

Those working against the amendment outside the Congress are primarily special interest groups who are seeking to preserve their access to Federal dollars. Those working against the amendment in Congress are primarily social architects who want no curtailment on the Federal purse.

In addition, opponents of the constitutional amendment have gone so far as to use scare tactics among senior citizens threatening them that an amendment would jeopardize their Social Security payments. The amendment does not change in any way the existing status of Social Security. The greatest threat to the long-term status of the Social Security trust fund is the rapidly increasing Federal debt. Further, interest payments on our debt will continue to crowd out other spending including Social Security.

President Bush has been pushing for a balanced budget amendment for at least 14 years. Likewise, I have supported an amendment ever since coming to Congress 12 years ago. I also firmly believe that granting the President line-item veto authority is essential if we are serious about reigning in the $400 billion Federal deficit.

As a cosponsor of the Kyl-Barton-Stenholm amendments, I support both of these approaches. Without firm language either limiting taxes or capping total spending, a balanced budget requirement could turn into an annual excuse to raise taxes.

If we do not take the necessary steps now, like passing this constitutional amendment, we not only limit our economic growth today, but also the future economic prosperity of our children and grandchildren.

Mr. MOODY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in support of the Stenholm balanced budget amendment.

Mr. MOODY. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the balanced budget amendment and in particular House Resolution 290.

I will tell you what, Mr. Chairman. I have had the privilege to have been able to sit on the Budget Committee for the last 6 years and from this hot seat I have watched our committee and this Congress struggle with these tremendous problems of debt and deficits.

I have seen Republican Presidents browbeat the Congress about deficit spending, while never once submitting a budget anywhere near a zero balanced bottom line.

I have also seen this institution come up with rather ingenuous ways to duck and dodge some of these incredibly tough decisions; a little trust fund dipping here, a little off-budget sidestep there, winking and nodding, raising the debt ceiling, acceptance of rosy budget scenarios of revenue and growth projections, stretching out of all proportion Funk and Wagnall's definition of emergencies.

Mr. Chairman, I have seen efforts at statesmanship drown in avalanches of special interest mail.

I have seen this body lose its wiggle room, losing our ability to adequately respond as a quick response team, inadequately able to respond to domestic crises and catastrophes because we are basically caught in a fiscal straitjacket of unacceptably high interest and entitlement payments.

We borrow instead of invest. We postpone instead of decide, and we follow instead of lead.

That is why, Mr. Chairman, I have come to the conclusion that it is time that we pass the balanced budget amendment, because sad as it is, I think we do need a constitutional imperative.

It is way past time to make these tough decisions.

Now, a balanced budget amendment is an extraordinary measure, but Mr. Chairman, a $4 trillion debt is extraordinary.

Economic questions about the full faith and credit of our Federal Goverment in the bond markets is extraordinary, so these are basically extraordinary times; but I as one Member am under no illusions. I agree with our chairman, the gentleman from California [Mr. PANETTA] when he says that passage of this amendment is much easier than the choices we have to make later.

I would rather we had tied the two together today. We can vote for a balanced budget amendment tied to an enforcement mechanism to make it work. The enforcement mechanism, Mr. Chairman, is where the rubber wheel meets the road, so we should not just be allowed to walk out of here and pass any one of these budget amendments and just go home, because that is in effect giving the voters the okey-doke.

Mr. Chairman, we need a balanced budget amendment, but while we wait for ratification from the States, and I think that we should assume that it will be ratified, we must be about the business of affirming a budget schedule which takes us to a 1998 budget balance, a budget schedule based on the concept of shared pain and sacrifice where everything is considered, everything in and nothing out, including taxes, including entitlements, and yes, reductions in spending.

In conclusion, Mr. Chairman, just let me say that I do support House Resolution 290. It is a constitutional concern worthy of a constitutional response.

Mr. KYL. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman, time and time again, Congress has failed to properly manage the finances of the Federal Government. No State government, private company, or American family is permitted to irresponsibly and continually spend money it does not have. Why, then, should Congress be exempt from doing what millions of Americans do every month—balance their checkbooks.

For the sake of our children and grandchildren, we cannot allow our deficit and national debt to continue growing out of control. As it is, the interest on the national debt consumes an ever-increasing portion of valuable Federal revenues—money that could otherwise benefit Americans.

Allow me to give you a bill of particulars to show why a balanced budget amendment is necessary, now, to return accountability and fiscal discipline to our Federal Government.

In fiscal year 1993:

First, the largest item in the budget is interest on the national debt, which is 21 percent of all Federal spending.

Second, this is more than the total revenue of the Federal Government in 1976.

Third, interest on the national debt amounts to over $7,000 per family of four.

Fourth, interest on the national debt is equivalent to spending over $6 billion per week, $866 million per day, over $600,000 per minute, or $10,000 per second.

Fifth, interest on the national debt is 27 percent of all Federal revenues and totals 61 percent of all individual income tax revenues.

Sixth, the national debt has now topped $3.9 trillion. The Federal Government has run deficits in 53 of the last 61 years, and 30 out of the last 31 years.

Never has it been more clear than it is today, faced with a $400 billion deficit, that the Federal budget process has failed, holding neither the President nor the Congress accountable. Few would disagree that our current budget crisis warrants serious measures to return our budget process to fiscal sobriety.

I support enacting a constitutional check in the form of a balanced budget amendment with a Federal spending limit, to reduce the deficit by controlling spending, not taxing more. Congressmen get reelected by spending and they will continue to spend unless the Constitution stops them. Every day, Congress spends $1 billion more than the government receives. Currently, congressional spending goes on largely unchecked. To quote Dr. Walter Williams of George Mason University, "A balanced budget amendment, without a spending limit provision, will simply be a way of justifying the further tax gouging of Americans." Congress has balanced the budget only once in 30 years but has raised taxes 56 times. Citizens Against Government Waste has said, "The Kyl-Allen amendment will not only eliminate the deficit but it will also put a halt to the non-stop increases in Federal spending and taxes of the last 50 years which are now threatening our very way of life."

I respectfully submit that the Kyl-Allen balanced budget amendment affords the taxpayers the best protection from the profligate taxing and spending habits of Congress.

The Kyl-Allen amendment, which will be offered tomorrow by Congressman FISH as the Republican substitute, will limit Federal spending to 19 percent of the gross national product. Most important, this provision provides an incentive for Congress to implement positive economic growth policies. As the Nation's economy grows, so will revenues of the Federal Government. American families should not be saddled with a heavier tax burden, but rather Government should prioritize and eliminate extraneous spending. Curbing Federal spending is a long-term solution to our staggering Federal debt. Kyl-Allen protects taxpayers by requiring a 3 to 5 vote of Congress to exceed spending limits or violate the balanced budget provision.

For short-term and long-term effectiveness, the President should be given the authority that 43 Governors have, the line-item veto. The line-item veto would prevent Congress from spending scarce Federal dollars on wasteful, often ridiculous programs. The President should be able to cut the fat from the meat of enormous appropriations bills. Just as important, the line-item veto would increase accountability within our Government and shed a scrutinizing light on the pork barrelling that is so prevalent on Capitol Hill. Lou Uhler, president of the Tax Limitation Committee, said, "It's about time, if we're going to ask the President to share the rap for out of control spending, that we give him a tool to control it. The line-item veto would do just that."

The President's exercise of the line-item veto, and Congress's attempt to override one, would be subject to public scrutiny. If the President had a line-item veto, he would be held accountable for the pork barrel legislation that crossed his desk and, similarly, every Congressman voting to override or sustain the veto would be accountable to their constituents. Both the President and the Congress would be responsible for the consequences of their appropriations. The American people are outraged at some of the frivolous studies and projects the Federal Government subsidizes with their tax dollars and they overwhelmingly support granting the President a line-item veto.

Fiscal irresponsibility and lack of Government accountability have necessitated a balanced budget amendment. As Mr. Jefferson wisely cautioned, "In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution." I urge my colleagues to support the only balanced budget amendment to the Constitution which contains a spending limitation, taxpayer protection, and a line-item veto provision. Support the Kyl-Allen substitute.

□ 1920

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the Stenholm-Smith balanced budget amendment. This Congress has passed many laws as a means of balancing the budget, and all of them have been dismal and complete failures. That is because Congress made such laws knowing it could change the laws, and they did; they could repeal them, and they did; and they could ignore them, and they did that too.

But, Mr. Chairman, even Congress cannot ignore the Constitution, and that is what we are talking about.

In a recent article, columnist Michael Kinsley referred to comments that the balanced budget amendment is a cruel hoax because the public is not being told what the balanced budget would entail. But Kinsley asks, "But is it a cruel hoax?" It would be, he states, "if the three-fifths' escape clause became a routine exercise. But if the amendment produced actual fiscal discipline even for 4 or 5 years down the road,' and that is going to be the length of time we are talking about, "it would be a kind hoax, not a cruel one. Sort of like enticing a beloved relative into a drug treatment program."

Mr. Chairman, until there is a constitutional mandate on Congress, Congress will not balance the budget in this century or any time in the foreseeable future.

Again, I will quote Mr. Kinsley. He points out that there is "a cowardice in Congress," which causes us to refuse to face up to the problems we have. But he states, "That cowardice will catch up with them," meaning the Members of Congress, "one way or another. They'll either have to face the music in 4 or 5 years or retire in order to avoid it. In fact, a balanced budget amendment could make that other constitutional cureall—term limits—superfluous." Obviously, it is not going to be easy, what we will have to do after passing this amendment. Even now, as public support for a balanced budget amendment is swelling and Congress professes to have seen the light or at least to have felt the heat, it still ardently resists giving up its pork-barrel spending habits, sort of like an alcoholic who does not know he is sick. But it should not be surprising. I will quote Kinsley again. He rightly observes that voters are at times "hypocrites about Federal spending, hating it in general, cherishing it in particular. Politicians of both parties cater to this hypocrisy."

Unfortunately, liberal overspending has now paralyzed this body. We now spend $300 billion just to pay interest on the national debt. We have not balanced a budget in 23 years in a row, for 31 out of the last 32 years. And even at this time, those who have the power of leadership in both Houses of Congress are working assiduously to convince us to listen to them and save their power to borrow and spend even more and more.

Mr. PANETTA. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today because I am deeply troubled by the steps that this House is about to take. I, for one, cannot and will not support a constitutional amendment to balance the budget.

Our Constitution is an extraordinary document. Our Constitution is sacred. Our Constitution is the only document of its kind in the world to have lasted so long and to have been used as a model so often. Our Constitution works.

Make no mistake, I want a balanced budget. Like everyone else, I don't want our children and unborn generations to bear the burden of the budget deficit and increasing national debt.

But I believe we must deal with this issue in a responsible and sensible way. Last week, this body had the opportunity to cut the budget with the Durbin amendment. That amendment would have resulted in a $1 billion cut in the SDI program. Yet, this body did not pass it.

I think it is the height of hypocrisy for some of us to stand up and champion the constitutional amendment to balance the budget, and yet many of us will not vote to cut unnecessary defense spending.

The Constitution should not be altered or amended just because it appears popular to do so. It should not be amended just because the President is unwilling to submit a balanced budget or because the President does not want to be blamed for budget cuts. It should not be amended just because the Congress does not have the nerve to pass a balanced budget.

This is not the time to give the American people a sense of false hope and false peace that somehow or someway, by doing the easy, political snow job, we will be off the hook. We must tell the American people the truth.

What is needed is not an amendment to the Constitution. What is needed is courage. Nothing but raw courage.

The budget problem that we have in America did not happen overnight. It took 12 long years of steady, deficit-building. It will not be fixed overnight. It will not be resolved by some quick-fix, pie-in-the-sky gimmick.

To cast a vote for a constitutional amendment may make us feel good and look good back home. For sure, it will win us a few votes. But, it is the cowardly way out.

A constitutional amendment is not the answer.

□ 1930

Our budget problem is a serious problem. It calls for serious and thoughtful resolution, not a gimmick.

We can not—and should not—try to use the Constitution as a fig leaf to cover our own follies.

Now I realize that the Constitution is a flexible and evolving document. But every time we face a lack of courage, we should not use the Constitution as a panacea, as a cover or as a cure-all.

To pass a constitutional amendment to balance the budget, in my estimation, will do injury. It will cheapen the Constitution. We owe it to the American people to respect and preserve the Constitution, not just for today, not just for tomorrow, but for unborn generations.

Mr. KYL. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, Thomas Jefferson was not in attendance at the Constitutional Convention. He was Minister to France. But when he read the Constitution, he thought it was a pretty good Constitution. However, he said it had two defects. He said it needs a Bill of Rights, and it needs a prohibition against the Government incurring debt.

Mr. Chairman, Thomas Jefferson was right on both counts because Thomas Jefferson, that great political philosopher who had such great faith in the people, also had an understanding of human nature, and that is why he distrusted elected officials. That is why he said, "In questions of power, let no more be heard of confidence in man, but bind him down from mischief by chains of the Constitution."

That is what we have to do, Mr. Chairman, because this body and the executive branch have shown themselves incapable of balancing the budget without an external discipline imposed by the Constitution.

Have you ever seen the bumper sticker that says "We're spending our children's inheritance?" Well, that is exactly what our generation is doing. We are consigning our children and their children to a lower standard of living than they might otherwise have had, perhaps a lower standard of living than our own. We are consigning them to live in a nation that is less competitive, less productive and whose government is shackled by the obligation to pay interest on a debt that we incurred to pay for our current consumption.

So, for that reason, Mr. Chairman, I believe that a balanced budget amendment is not an economic proposition only. It is a moral proposition. It is entirely consistent with the tradition of our Constitution, going back to the Bill of Rights, that we have got to restrain our leaders to protect the common good.

Our constituents are very angry at Congress for a number of reasons. But one very important reason is that we find ourselves unable to do what they have to do, what every family has to do, what every business has to do, indeed what every State government has to do, and that is to live within our means.

I think all of us know why we cannot do that. It is because the public interest in balancing the budget is overcome by the multiplicity of well-focused, well-funded private interests which have their own specific agendas.

Prof. James Buchanan of George Mason University recognized that phenomenon. He won a Nobel Prize in economics for explaining why individual Members of Congress find it in their political interests to be fiscally irresponsible even when they recognize it is not in the public interest. However, you don't have to be a Nobel laureate to understand the problem or to know the solution: bind them down from mischief by the chains of the Constitution.

Mr. MOODY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I rise today to express my support for the measure being advanced by my able colleague, Representative STENHOLM, a constitutional amendment to balance the Federal budget.

Let me at the outset express my respect for the chairman of the House Budget Committee, Mr. PANETTA, who has made the argument that we ought to be debating the policies and choices needed to reach a balanced budget. He could not be more right. This amendment will force a debate on policies and choices that is necessary, and long overdue. That debate need not take place and be concluded today or tomorrow as the chairman of the Budget Committee suggests. With this amendment, the debate will take place in a responsible way, at the right time. To suggest that a constitutional amendment somehow diverts us from that task is off target.

The question we face today is this: How do we get our Government—the executive and legislative branches—to focus on the difficult policy choices needed to balance the budget? It is a plain fact that we have not been able to do this for years now, and our deficit has grown to alarming proportions. The deficit threatens prosperity today and into the future by forcing us to live off capital, rather than create new capital to make us productive.

I strongly disagree with the idea that a vote for the amendment is just another promise to our constituents that we will balance the budget. A balanced budget amendment will turn this Government in the direction of fiscal responsibility. But let us be clear on the House floor and to our constituents. When Government spends $4 for every $3 it takes in, balancing the budget will take sacrifices from us all, and hard choices in the process.

Let us be clear to our constituents on another point: This amendment represents the beginning of a challenging process for our Government, and one that will take time. It is not an overnight fix to our deficit problem. The Stenholm amendment will require two-thirds approval in the House, two-thirds in the Senate, and ratification by three-fourths of the States. That will take time, but we all should agree that the process must begin—not only with passage of this amendment but with meaningful deficit reduction by Congress and the President. It we do not act, then our deficits will continue to grow. We owe it to posterity to make some changes. The reward will be great—a better standard of living for ourselves in the future and, more importantly, for our children and grandchildren.

Mr. MOODY. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, the good news in this debate is that almost everyone agrees that we need to have a balanced budget. The issue is, how do we achieve this urgent goal?

Last fall, the Budget Committee sought to find a way to balance the budget. Chairman PANETTA held almost 40 bipartisan caucuses, during which we studied every area of the Federal budget, looking for savings. The committee's report on this process, "Restoring America's Future: Preparing the Nation for the 21st Century," set out a course of action eliminate the deficit by the year 2001.

It was disappointing to me that, after all of our efforts, the report received so little attention and interest. It garnered only a small article on the back pages of the Washington Post. In addition, the fiscal year 1993 budget resolution did not address the need for further deficit reduction. Most importantly, no one on the Presidential campaign trail has seriously addressed a way to reduce the deficit.

What can be more compelling than the fact that our annual deficit is growing at a rate of $756,000 every minute of every day and that our deficit problem is not going away?

The recent resurgence of attention to the balanced budget amendment has returned the deficit issue to its rightful place at the forefront of national interest. Passage of the balanced budget amendment will ensure that the deficit issue is never again ignored.

I am a cosponsor of House Joint Resolution 290, the balanced budget amendment sponsored by Mr. STENHOLM. This amendment has been carefully crafted over the last decade.

There are some who would contend that we don't need to pass a constitutional amendment to ensure that Congress and the President remain committed to deficit reduction. I agree that a balanced budget amendment will not instantly give us the leadership necessary to eliminate the deficit. But, the balanced budget amendment will give us the needed framework to see that we reach our goals. The amendment not only sets forth the framework of a balanced budget, but after we achieve a balanced budget, the amendment will ensure that the budget remains balanced.

This is an important goal for our Nation. As the Budget Committee has held hearings on our Nation's fiscal health, economist after economist have said over and over again how crucial it is for us to balance the budget and stop spending the Nation's savings. Deficit reduction is an indisputable public policy objective.

When we buy things we are not willing to pay for, we leave the responsibility for correcting our irresponsibility to our children. A balanced budget amendment will protect the rights of our children and the unborn. Thomas Jefferson has spoken at length on this need for us to be responsible to future generations. I grew up within a few miles of Monticello—Mr. Jefferson's home—and I hold very dear his teachings. We should listen carefully to his counsel.

Mr. Jefferson recognized that, if we balance the budget, we will have the resources needed to invest in our country. In a letter to Albert Gallatin, he said:

> I consider the fortunes of our republic as depending, in an eminent degree, on the extinguishment of the public debt. That done, we shall have revenue enough to improve our country in peace and defend it in war.

Yet, in the same letter, Mr. Jefferson feared what might happen under the situation we now face. He said:

> If the debt should once more be swelled to a formidable size, its entire discharge will be despaired of.

Some would like to let our despair of the current situation, particularly the cuts and reforms needed to reduce the deficit, prevent us from doing what is needed. We cannot fear doing the right thing. Enacting the balanced budget amendment and then working together in a bipartisan fashion to achieve a balanced budget is the right thing for our country and future generations.

I urge my colleagues to vote for House Joint Resolution 290, the balanced budget amendment, when it is voted on tomorrow.

□ 1940

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume to tell my friend, the gentleman from Virginia [Mr. PAYNE], that Thomas Jefferson, without a constitutional amendment, reduced the debt by 25 percent when he was President.

Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. GUARINI].

Mr. GUARINI. Mr. Chairman, I rise in strong opposition to House Joint Resolution 290, a balanced budget constitutional amendment, and to the various substitutes.

Our Constitution is not the problem. It has served our country well for over 200 years. Placing a straitjacket on the Constitution is irresponsible—reckless—and simply wrong. The Constitution must not be tinkered with.

A constitutional amendment will not balance the budget. It will not mandate political will or courage. It will not create the necessary leadership.

But what it will do is trivialize the Constitution. It will irreparably damage the separation of powers—fundamental to our Founding Fathers framing of the Constitution. It will bring the Supreme Court into the budget decisions—further complicating the process. And it will dump more Federal responsibility on the State and local governments—forcing them to dramatically increase taxes to maintain services. Finally, what a balanced budget amendment will do is to avoid the real responsibility of having to make the hard choices.

By voting for a balanced budget amendment—you may think you can convince the American people that you are doing something about the $400 billion deficit—and the $4 trillion of debt—$3 trillion of which was accumulated in the last 12 years.

You may think you can go home to your district and tell your constituents that you are doing something about our Nation's No. 1 problem. But to my distinguished colleagues, I say you are only fooling yourselves. We must tell the American people the truth.

The financial markets—over 400 leading economists including seven recipients of the Nobel Prize—State and local governments—and the American people know that the balanced budget amendment is another false promise—filled with high expectations—made at election time to placate the voters.

Supporters of this amendment argue that a balanced budget amendment is the only solution left to get our fiscal house in order. This is wrong.

Let us seize the moment to make the hard decisions necessary to put our country on the road to fiscal sanity now—not 2 years from now—not the 5 years that it will take to complete the constitutional procedures—but right now. It may be a long, difficult road to enactment, especially when the States and cities become aware of its consequences to their own budgets.

As a member of the Budget Committee—I have been working with Chairman PANETTA and the other committee members in an effort to achieve real deficit reduction now. Which means we must cut an additional $600 billion from the budget in order to balance it by 1997.

The way to achieve a balanced budget is clear—and simple. There is no way around it. We need to control the growth of entitlement programs. Perhaps we should establish a blue ribbon entitlement commission and make the tough decisions by means of testing our programs that are out of control—most of all, we must have a national program for affordable health care. It is shameful we are in a state of paralysis over passing meaningful cost containment for health care.

Military expenses should and can be cut deeper—our allies must pick up more of their share of the defense burden.

We need to freeze spending now and prudently plan our domestic agenda. And we need to ensure that the more fortunate pay their fair share. We need to change our priorities—moving from a cold war budget to one which invests in the rebuilding and renewing of our Nation.

There is no quick fix—there will be plenty of sacrifices. I believe our people will respond if the sacrifices are fair and across the board.

One thing is certain—fiscal responsibility and the priorities for our Nation must begin with the President. Reagan never sent Congress a balanced budget. And Bush has not either. We are failing in leadership. Congress by its nature is a consensus body and is not equipped to lead as effectively as the President.

The budget can begin to be balanced right now. Gimmicks won't do it. Political will and courage is what it will take. Our people deserve better government than they are getting.

I urge my colleagues to do the right thing—oppose the balanced budget amendment—and have the guts to work for immediate deficit reduction today and not another tomorrow.

Vote "no" on these damaging amendments to our Constitution.

Mr. MCEWEN. Mr. Chairman, today is a hallmark in American history. The passage of the balanced budget amendment in the House marks the beginning of the end of our chronic budget deficits.

I repeat, today is the beginning of the end. It is only a beginning, and a lot of work, years of struggle, remain before us.

Chronic budget deficits permit today's citizens to borrow from future generations of Americans. For decades, the Federal budget has been in deficit. Often, massive deficits.

Blame anyone you want. You can blame Ronald Reagan if you like. You would be wrong, of course. Tax revenues increased by an average of 7.5 percent per year during the 1980's.

The fact is, whatever the cause, deficits borrow from future generations. They impose an obligation on tomorrow's taxpayers.

Obviously, the taxpayers of the mid-21st century can't vote now—maybe that is why deficits, borrowing from them, has become a staple feature of our Government.

That really is at the heart of this debate. Tomorrow's taxpayers, our children, and even their children, will be the ones who pay for the debt we leave behind.

Obviously, some debt can be the result of wise investment. For example, most medical students go heavily into debt to pay for their education. It is usually a good investment because they will earn more than enough to pay off the debt, with interest.

Most families go into debt, through their mortgage, to buy a home. A home has traditionally been a good investment for American families. Along with a place to live, they have often increased in value.

A nation, during wartime for example, may have to borrow to protect the future. Would anyone disagree that today's taxpayers would be happy to repay the debt acquired to defeat nazism and fascism, and keep America free.

The balanced budget amendment protects the right to borrow to improve the future through two provisions:

First, it permits a budget to be in deficit if both Houses of Congress vote with a three-fifths majority for that budget.

Second, it does not require a balanced budget during wartime.

The Constitution is designed to protect the rights of those who cannot protect themselves. Freedom of speech and freedom of the press protect the rights of those with unpopular opinions.

The Constitution establishes a framework of government that is conducive to protecting rights.

We repeatedly hear that a balanced budget amendment will in some way demean the Constitution. I believe that is wrong.

The fact is, the Constitution is the political document that protects rights. That is exactly what we are doing here. We are protecting future generations from being handed an outrageous debt burden that has not had overwhelming support from current citizens.

We do not protect the right to freedom of religion, speech, press and the rest through flimsy statutes. Those fundamental rights are protected in the Constitution. The right of tomorrow's Americans to be protected from an overwhelming debt burden is also a right.

Therefore, just as Thomas Jefferson recommended, we need a balanced budget amendment.

The real struggle will obviously be fought out in the coming years. How do we get to a balanced budget—if we ever can.

On one side, there are those who say the Federal Government gets its hands on enough of the wealth of this country as it is—and we do not need that grip on our economy to get any tighter. Instead, families and taxpayers should be left alone to keep more of what they earn.

I place myself in that camp. Therefore, I support the Barton amendment, and the Kyl amendment, along with the Stenholm amendment.

On the other side are those who believe that the Federal Government knows best. The Government, the wise people here in Washington, whether elected, appointed or in the Civil Service, are best able to determine what's good for families, and the Nation as a whole.

These people believe needs should be met by the Government, through resources taxed from working people. If we have deficits, it is because more needs exist than are being met by taxes, so we need to increase taxes.

As it is, the Federal Government taxes $1 in every $5 in this country. I think the Federal Government getting its hands on 20 percent of income is quite enough. I do not think we need any increase in Federal taxes.

Taxing more or spending less. That will be the real fight.

The balanced budget amendment, when ratified by the States, will take away what has been the easiest answer—pass the cost along to the future. Hopefully, this Congress will be forced to make a tough choice, and stop passing the buck to the future.

I applaud the passage of the balanced budget amendment, and I look forward to the tough battles to come.

Mr. KYL. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, having introduced in 1981 the then equivalent of the Stenholm amendment, on my first day in Congress, I am pleased to rise here today in strong support of the amendment.

Some Members have suggested that enacting this balanced budget amendment will trivialize the Constitution. We should remember that the Constitution of the United States was ratified without amendments. That is right, it was ratified without the Bill of Rights—that came 3 years later. Why did not it include the Bill of Rights? Many folks were of the mind that the Bill of Rights simply was not necessary. The Constitution was already complete, and it laid out the separation of powers—with all its checks and balances—so well that individual liberties would be protected through the tripartite structure alone.

We did not need to trivialize the Constitution—as some folks term the amendment before us today—then anymore than we do now. But we still enacted the Bill of Rights—protection of speech, protection from unreasonable search and seizure, and assurances of due process of law—because folks knew that even though the Government could protect individual liberties, it needed the constitutional amendments to make sure that it protected our liberties.

The situation is the same today. Maybe we do not need to amend the Constitution to balance the budget; sure, the Congress has the power to balance the budget. But it has not. With one year's exception, we have had deficits for the past 30 years, and Congress has not yet seen fit to balance the budget. The Government needs this constitutional amendment to make sure that it balances the budget. We do need the forcing mechanism.

The Constitution is fundamental law; indeed, it should deal only with fundamental questions. I agree with Thomas Jefferson:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Imposing a crushing debt on future generations is anything but trivial. Vote for the Stenholm substitute; our children deserve no less.

□ 1950

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, tomorrow we are likely to pass the most significant piece of reform legislation that this House has passed in decades. That is with passage of the balanced budget amendment to the U.S. Constitution. Every Member of Congress understands today that the American people are angry at Congress, and they are angry at all levels of government.

Whether it is the level of taxes, whether it is ineffective government programs, government red tape, bureaucracy, government waste, I think we have succeeded in giving the American people more Government than they ever dreamed they wanted.

To do this, government at all levels today confiscates 43 percent of the Nation's income in taxes. Add to that the cost of regulation that government imposes, and today government is using over half the Nation's income each and every year.

And guess what? They are all broke. They all want more taxes. When, my colleagues, are we going to stop this process?

The opponents to the balanced budget amendment have used scare tactics and political mischief to try to scare people away from this. They are saying this amendment will not balance the budget. They are saying that we will not make the tough choices with the passage of this.

Mr. Chairman, this debate is not about how to balance the Federal budget. This debate is about whether Congress will, in fact, balance the Federal budget. This debate is about whether Congress has the will to balance the Federal budget. And this debate is about whether Congress should discipline ourselves and discipline our future Congresses in controlling the spending of government money.

Earlier today I was thinking, if our Founding Fathers knew then what we know now, in my opinion there is no question that this would be part of the original Constitution. Forty-nine States have the discipline imposed on them in their State constitutions to have a balanced budget. Congress needs this same discipline today, if we are going to be serious about balancing the Federal budget.

Mr. Chairman, the American people want change. The American people want reform. Tonight the American people want a balanced budget amendment to the U.S. Constitution.

Those who support the status quo will continue to block any meaningful reform of government. if those opposed to a balanced budget amendment are successful, the frustration of the American people will only grow worse. I ask my colleagues to prove to their constituents that they are on the side of change and vote tomorrow for a balanced budget amendment.

Mr. MOODY. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Chairman, 1991, one of the greatest years in American history, America won the cold war. The makeup of the world is changing. We are the surviving superpower. Nations everywhere today are wanting to emulate us, our democracy, our capitalism.

Our military is No. 1. Our economy is No. 1. Our economy is bigger than that of Germany and Japan combined. This year we are selling more to the Europeans than we are buying from them. We can remain at the forefront of leadership as far into the future as the eye can see if, if we can get our fiscal house in order in this government.

There are those who say, do not tinker with the Constitution. Just do it.

Well, we do not have the discipline to just do it. During the mid-1980's we passed the Gramm-Rudman legislation and for 2 or 3 years there we actually reduced the deficit. And then a year approached where hard decisions were going to have to be made. President Bush, the Democratic leadership, neither wanted to address and make those cuts or raise those taxes or a combination.

So they got together in the great meeting at Andrews and did away with Gramm-Rudman, came up with a new plan. Unfortunately, that new plan has given us a $400 billion deficit.

Mr. Chairman, I think it is absolutely essential that we must have an amendment to the Constitution requiring a balanced budget, if we are going to restore fiscal responsibility to America.

Mr. KYL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, we know the country is financially bankrupt. That is why nearly 80 percent of the American people want to constitutionally require the politicians in Washington to balance the national budget. And how do those Washington politicians react to the wishes of the American people?

We have heard from some of those politicians today. They admit that their policies, programs, and proposals are as bankrupt as the budget. Have my colleagues heard them and their intellectually bankrupt arguments?

First, we have heard them say, we should not pass a balanced budget amendment because we should not burden the Constitution in such a way. Instead, they say, let us just show some courage. Of course, it is the same courage they have shown us before. Do not be fooled by them.

They have had plenty of opportunities to vote for real balanced budgets.

I can remember time and again real balanced budgets being brought to the floor in the budget process; not brought out of the committee where the spenders prevail, not sent even up from the White House, but brought to the floor by Members who worked over them, Members like the gentleman from California [Mr. DANNEMEYER] who gave us a chance to vote for real balanced budgets in the budget process. And what did we find? We found a handful of Members, maybe a few dozen Members who were willing to vote for balanced budgets.

That is the kind of courage we have here. That is the kind of courage we will continue to show if we do not do something that actually requires real balanced budgets on the floor to be voted on as a constitutional provision.

Another thing these politicians tell us is, we could not live with a balanced budget. Such an amendment would cause cuts in our spending programs. Let us face it, my colleagues, spending is an addiction in the Congress. Politicians would be left without their fix if we actually had a balanced budget amendment to the Constitution. But if we kicked the habit, we could live with the balanced budget amendment, and that is what the American people want us to do.

Another thing we have been told here today by these politicians that will not have us balance the budget is that we cannot deal with the balanced budget amendment. There is no way, they claim, to enforce such provisions. Of course, we could carry it out if we wanted to.

Let me give my colleagues an example of how. Some of us recently put a bill in that has a debt buydown approach. What we say is, we are going to let the American people get in on the process. We are going to allow the American people on their 1040 form to designate up to 10 percent of their taxes toward buying down the permanent national debt. The money would be put in a trust fund to buy it down. But, oh, by the way, as we bought down the debt, we would also cut spending by the same amount that the American people decided to buy down the permanent debt.

We have run it by CBO. CBO says if such a program worked optimally that it would, in fact, balance the budget in a 5-year period because we would get tremendous spending cuts.

Beyond that, within a 12-year period we have bought down two-thirds of the permanent national debt, and the Federal Government is running a surplus in its budget.

□ 2000

We can do some things like that. It is a new idea. It is a different kind of idea than the big spenders in the Congress want us to adopt, but the fact is we could do something to live with a balanced budget amendment to the Constitution if we really wanted to. There are ideas out there, fresh ideas, but we are not hearing those.

"Shouldn't, couldn't, can't; shouldn't, couldn't, can't." We have heard that over and over again during this debate. Those are the negative words of people who have run out of ideas. Those are the politicians who have no vision for the future and only special interest concerns in the present. Those are the people who are trying to defeat the balanced budget amendment to the Constitution by running around and trying to buy votes by promising committee assignments to people and promising them other goodies.

That is how this battle is being won on the floor, not on ideas, because their ideas are bankrupt. So what they have resorted to is going into the back rooms and telling people, "We can give you an assignment on the Committee on Ways and Means if you can stick with us here; he will give you one of the slots on the Committee on Appropriations if you can stick with us here; you might get on the Committee on Energy and Commerce next year if you can stick with us on this vote." That is how this battle is being engaged, in the back rooms, not on the House floor, but in the back rooms where the decisions are being made.

We must pass a balanced budget amendment and get started with a fresh start. The Kyl-Allen approach that is before us actually even gives us the opportunity to use the line item veto as a fresh way of approaching spending reductions.

I am tired of politicians that cannot get the job done but want to have us go on doing the same old thing in the same old way. The American people are tired of such politicians, too. We have a chance right here to start off in a new direction. We can require a balanced budget.

Mr. SMITH of Oregon. Mr. Chairman, I am delighted to yield 3 minutes to the gentleman from Kentucky [Mr. BUNNING], an outstanding Member.

Mr. BUNNING. Mr. Chairman, I rise in enthusiastic support of the balanced budget amendment to the U.S. Constitution.

Passing a balanced budget amendment has been one of my top goals for the past 5½ years. I sincerely believe it is one of the most important things we can do to get this country back on the right path.

Unfortunately, a lot of groups are here today trying to use fear—trying to use lies—trying everything to keep Congress from passing this vitally needed resolution.

It particularly bothers me to hear groups that supposedly represent senior citizens telling their Members that the balanced budget amendment is a threat to Social Security. That is an outright lie.

The truth is that a balanced budget amendment would be the finest guarantee possible that the Federal Government will, in fact, be able to honor its commitments to our senior citizens when we get down the road 10, 20, 30 years from now.

The largest single threat to the Social Security system is and always has been deficit spending—the constant flood of red ink that Congress keeps pumping out.

A balanced budget amendment to the Constitution would not—would not—jeopardize Social Security benefits. It would not result in Social Security cutbacks. Anyone who suggests otherwise is not telling you the truth.

But this is not just an issue for the elderly. In fact, my primary reason for supporting the balanced budget amendment is because of our children and grandchildren—the future generations of America.

I have 9 children and 20 grandchildren, and the cruelest possible thing we could do to them, or to your children and grandchildren, is just to keep doing what we have been doing.

The cruelest thing we could to our children and grandchildren is to continue adding to the pyramid of debt that is pressing down on their futures like a dead weight.

This amendment is change—this amendment is reform—a major congressional reform. This amendment is a bright neon promise to our children—our grandchildren and to all future generations—that Congress has finally gotten the message and that we are going to do something to turn things around and change the way we do business in Washington, DC.

I urge my colleagues to vote for reform—for change—and for a balanced budget for our children.

Mr. PANETTA. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Chairman, I thank the distinguished chairman of the Committee on the Budget for yielding me this time.

Mr. Chairman, 156 years ago on a cold gray morning in 1836 a small band of courageous men demonstrated that they had what it took to balance the budget, and it was not a constitutional amendment. It was courage. Col. William B. Travis drew a line in the sand, and my friend, the gentleman, knows, he is from Texas. He put courage on one side and fear on the other side.

We as Members of Congress from Texas are heirs to that legacy of courage, but four-fifths of the members of the Texas delegation have not found that courage because they are cosponsoring an amendment that is about everything but courage. Courage is what it takes to balance the budget.

Texas is not part of the solution here, it is part of the problem. Let me tell you why. The superconducting super collider is in Texas. It cost the American people $12 billion. The space station will cost somewhere between $30 and $100 billion. Where does it go? It goes to Texas; the V-22 tilt rotor aircraft, $500 million after Secretary Cheney has already tried to eliminate it and said we did not need it.

The B-2 bomber is not built in Texas, but many of the parts come from there; $7.2 billion going to Texas. The C-26 transport aircraft, $200 million this year, going to Texas; the F-A/18 air fighter, $300 million, going to Texas; Government-established target programs for agricultural subsidy, $3.25 billion going to Texas over the next 5 years; honey, wool, and mohair subsidies, $1.22 million that my colleagues from Texas asked for.

We do not have the courage to say no. We can balance the budget if we stop getting all these pork barrel programs going to our States, so let us have Texas say no and stop coming and hounding our friends in the Congress for all these programs to take back to Texas.

Twenty-one people from Texas have the courage to stand up and sign a resolution, but they do not have the courage to stand up and say no to their constituents. We do not need more programs for Texas.

Sematech goes to Texas. They begged for naval stations. They begged to keep the Air Force bases open. They begged to keep the Army bases open. They begged for superports. They begged for highway money. They begged for metropolitan transportation money going to Texas. But they do not want to balance the budget with that. They want to balance the budget with money from some other States. They do not know how to say no.

A constitutional amendment is like a child giving its allowance away and saying, "No matter how much I want candy, how much I want this, how much I want that, don't give me any of my money." It is childish.

What are we going to do and who is going to help to fight crime and drugs, give money for infrastructure, give money for health care? Do the Members think these people who are going to vote for this constitutional amendment are going to somehow get religion and come back and vote to protect mothers, vote to protect children, vote to protect the environment? They have not done it since I have been in Congress. They are not going to do it while you and I are both in Congress.

Let me say this in closing. If the people from Texas had no more courage 156 years ago than 21 of my colleagues from Texas have today, we would never have heard of the Alamo.

Mr. KYL. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Chairman, tomorrow this House has the urgent challenge to change history. Unless we act, continued budget deficits will destroy America.

Through 1974, the budget deficit exceeded $40 billion a year on only three occasions—all during World War II. But, from 1975 on, it has exceeded $40 billion every year and this year it will be nearly 10 times that amount.

Just 10 years ago, the national debt exceeded $1 trillion for the first time. Now it has risen to nearly $4 trillion and, unless remedial action is undertaken, it will approach $6 trillion by 1997.

In 1974, interest payments on the national debt averaged just over $257 for every tax return filed. By 1990, just 16 years later, that figure had risen to $1,751 per return.

Today, interest payments on the debt consume nearly 60 percent of the individual income taxes we pay each year—if you count interest paid to Federal trust funds holding Government securities. And they nearly equal taxpayer contributions to the Social Security and disability insurance trust funds.

These figures underscore the need for an effective balanced budget amendment to the Constitution. Some will argue, however, that we do not need a constitutional amendment at all; that a statute requiring a balanced budget is sufficient; self-control is all we need.

Self-control has been found wanting. Statutes have failed.

The current 18 year run of big deficits began the year after a budget control statute—the Budget Impoundment and Control Act of 1974—was enacted.

None of the five deficit reduction statutes adopted since then—including Gramm-Rudman-Hollings Acts and the 1990 Budget Enforcement Act—have resulted in the balanced budget each promised.

Why? We have been unable to say no. There are 435 of us here, and together we have more good ideas for spending money than there is money to spend.

The failure of statutes, the lack of self-control, has brought us $400 billion deficits—hand in hand with 95-percent-plus reelection rates.

Mr. Chairman, by now it should be clear that Congress will act differently only when forced to do so by higher authority. And the Constitution is the only place where higher authority can be found.

Put simply, there is no alternative. To arrest our slide toward insolvency, we must employ the only weapon we have left in our budget-cutting arsenal—a constitutional amendment to balance the budget. I strongly urge my colleagues to support Barton-Tauzin and, if it fails to get two-thirds Kyl-Allen; and if it fails, Stenholm-Smith.

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Mr. MOODY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I rise in opposition to the constitutional amendment for a balanced budget.

Mr. Chairman, I rise in opposition to House Joint Resolution 290, the constitutional amendment that would require a balanced Federal budget.

My decision comes after much soul-searching and is perhaps one of the most difficult decisions I have made as a Member of this body, but my reasoning comes down to one basic fact. A constitutional amendment to balance the budget is simply unnecessary.

It is unnecessary because we can do the very same job on our own, without a constitutional amendment.

Why have we not balanced the budget? Why do we have a deficit of $327 billion? Why do we have a national debt of almost $4 trillion? Because of a lack of political will and leadership, the kind of leadership that comes from the one person with the responsibility of meeting the divergent needs of all Americans: the President of the United States.

In my 10 years in Congress I have never seen a budget submitted by a President that was remotely close to being balanced. In fact, I have seen budget proposals that a majority of members from the President's own party have been unable to support.

We don't need a constitutional amendment compelling us to balance a budget. We need political will and Presidential leadership. We need a serious decisionmaker to make serious decisions.

This President has certainly demonstrated he has that capacity for leading a nation, when it comes to foreign affairs.

This is the President who led America to war. He inspired an entire nation and indeed the world to oppose aggression in the Middle East. And most important, he convinced a majority of the U.S. Congress to send American troops to the Persian Gulf. When the President led, the Nation and Congress followed.

He aroused an entire nation. He hit the airwaves, he outlined a plan. He provided motivation. He persuaded the Nation that war in the gulf was right.

Only the President can provide the leadership necessary to rally the American people and the Congress again, this time for responsible deficit reduction.

Yet he has failed to convince.

We do not need a constitutional amendment to balance the budget, we need a President who will convince the American public that tough budgetary decisions need to be made to reduce the budget deficit and return the American economy to prosperity.

I hope this constitutional amendment does not become law but what will happen if it is approved by the House and the Senate, is ratified by the States, and does become law?

The House Budget Committee says we would have to eliminate a $600 billion deficit by 1997. How would we do that? Would we generate $300 billion in revenues and mandate $300 billion in cuts? Would we raise taxes without making spending cuts? What taxes would we raise? How high would they go? Would we tax middle Americans more? Would we tax Social Security benefits? Would we raise the gas tax? Would we put an additional tax on unemployed workers who are already paying tax on their unemployment compensation?

What if we decide not to raise the revenues? That would mean $600 billion in cuts. Defense cuts will not generate enough. So we turn to nondefense discretionary spending? What will that mean to services we take for granted? Would we close our airports because we could not pay our controllers? Would we shut down our train stations because we could not pay the switchmen? Would we stop all medical research because we couldn't fund the work?

If we don't cut discretionary spending we have only one other option: entitlements. Do we cut Social Security? If so, how much? The American Association of Retired Persons says cuts could be as high as $1,100 a year. Some in this body tell us we can balance the budget without touching Social Security. If so, what about Medicare? Would the deductible go up? Would the premiums go up? Is that what we do to America's seniors? What will we do with Medicaid? What about veterans' benefits?

What will we say to our cities when they turn to the Federal Government for help? What will we say to mothers who depend on Federal programs to feed their youngsters? What do we do to help the unemployed? How do we fund cleanup from disasters? What do we do with our Nation's infrastructure?

And the most important question of all, what happens if we cannot achieve a balanced budget? Does the Supreme Court decide what cuts would balance the budget? Does the Supreme Court become the lawmaking branch of government? This is certainly not what our Founding Fathers had in mind when they wrote this Constitution over 200 years ago.

No, Mr. Chairman. These questions lead us right back to one answer. What will balance the budget is not an amendment.

It is a focused, risk-taking leader who will propose cuts that could be made, suggest tax measures that could be tolerated, and lead America off this budgetary rollercoaster.

Congress has listened to a leader before. Congress will listen again.

I urge my colleagues to oppose the amendment for balancing the budget.

Mr. MOODY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Chairman, you know if we were all on trial for stealing, and if all of the evidence was brought forward, there is no question that we would be found guilty. And whom would we be found guilty of stealing from? Our children and their future.

When I was a boy about 10 years old we lived in a home in Houston, TX, my two brothers and I, where we had no running water, no electricity, no utilities at all. The only food and clothes that we had were what churches would give to us.

I then went and grew up at a place called Carl Fawley's Boys Ranch. At that time in my life I had nothing. But today I stand before you as a Member of the U.S. Congress. And the reason I am here today is because of the sacrifices and the commitments of past generations. They gave me a country that was full of opportunities, an opportunity where I could dream any dream and make that dream come true.

But what is my generation giving the next generation? Not an opportunity but an obligation, an obligation to pay for nearly $4 trillion in debt that we have created. When my son reaches my age, nearly 60 percent of his paycheck, his wages that he earns, he will have to pay for taxes.

I have heard the excuse that this amendment is not enforceable. Well we all stood here in the Chamber and we raised our hands and we took an oath of office that we will uphold the Constitution. And I believe that if we do have a balanced budget amendment to our Constitution that we will uphold it.

Let us not forget what our job is. We are Representatives. We are hired by our constituents to be their voice. Listen to their voice. Listen to what they are telling you. They are waiting for a change. They are tired of deficit spending. They are ready for us to make a difference, and we now have that opportunity to make that difference.

It is time that we do put our priorities in order. I agree with my friend from Texas who just spoke. I am willing to vote for those tough choices, to make those cuts even if it hurts my State. But let us seize this moment. Let us take advantage of this opportunity, not because it is what is the right thing to do, but it is because it is what we must do.

Yes, today we can steal from our children, we can take away from them that obligation and give back to them that opportunity to live in a country where they can dream any dream and make their dream come true.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, the alternative budget of the Congressional Black Caucus which was voted on earlier this year clearly showed us how to honestly and responsibly move toward a balanced budget. We showed how in the next 8 years, between now and the year 2000, $1 trillion could be saved, and half of that could be used to go toward the deficit while the other half could be used to rebuild America.

Those who are sponsoring the constitutional amendment to balance the budget are completing a plot, a conspiracy against the American taxpayers. They are completing the process. First, we had 10 years under Ronald Reagan, then the present administration where we swindled the American people by pumping unnecessary dollars into great amounts of defense spending that was not necessary so the people who profited from that, the 1 percent of the wealthiest of Americans now have that money and they can walk away with it. Then we pumped more than $200 billion into the savings and loans and $25 billion into trying to clean up the commercial bank problem. They have the money and they are running away with it now.

Now we are going to tell the American taxpayers we will not rebuild America—you pay for the bridges, you pay to rebuild the schools, you pay for national health care, you do it all on the local sales tax and property taxes, and we are going to balance the budget now. We got ours. We have got it and gone, and now you have to pay the piper.

Mr. Chairman, I rise in adamant opposition to House Joint Resolution 290, the balanced budget amendment, and all of the balanced budget constitutional amendments we will be voting on today and tomorrow. I believe that this bill is, at best, misguided, and at worst a most deceitful attempt to gut our budget of all that is helpful to the majority of the people of our country. This amendment is also an election year time bomb offered up to the American voters as the solution to all of our problems.

There are several constitutional and separation of powers reasons why we should not support these bills to amend the Constitution to require a balanced budget. Other Members of Congress will be exploring these issues fully. I am most concerned with the lack of necessity for a constitutional amendment to achieve a balanced budget and the impact such an amendment would have if imposed over a short term.

As we all know, this body has been trying to pass balanced budgets for years, if not decades. Every few years we legislate yet another attempt to force ourselves to pass a balanced budget or at least to significantly reduce the deficit. Every year the needs grow but the resources don't grow enough. And every year we think of new accounting gimmicks to use so we can dupe the public and ourselves into thinking that we have succeeded in reducing the budget deficit, but every year the new deficit numbers show that not only did we fail to reduce the deficit but it increased and we are forced to raise the debt ceiling yet again.

We cannot balance the budget because too many of us are more concerned with one or two issues in particular and not concerned with the state of this country and its people as a whole.

There are too many of us who are concerned primarily with the huge, monstrous defense industry—which has been operated as the biggest entitlement and special interest program this country has. It is even bigger than the Social Security budget.

There are too many who are concerned only with the well-being of greedy big business and guaranteeing that businesses have tax loopholes, trade advantages, no labor problems, and large profits for the shareholders.

There are too many who are concerned only with decreasing the tax and regulation burden—regardless of how it is done and what revenue is lost because of it.

There are too many who are concerned only with protecting the corrupt bankers and regulators who created the savings and loan debacle costing this country more than $500 billion.

Then there are those who are concerned primarily with the welfare of our children, our elderly, our unemployed, and all those who, whether temporarily or permanently, cannot take care of themselves and have little power with which to fight for their rights against the big, powerful, and wealthy people and businesses.

The Members of this body who fight for these people and their interests are becoming fewer and fewer. But most of these Members support the Congressional Black Caucus [CBC] alternative budgets each year. These budgets are always kinder and gentler. They support the majority of the people of this country—the people who really need Government support. The CBC budgets make significant, practical cuts in the largest entitlement program we have at $295 billion—the defense industry—while still providing adequately for our national security. The CBC budgets have also had the lowest budget deficit projections of any other budget proposals during the 1980's and, if passed, would lead to balanced budgets.

We all want to see a balanced budget. And we all wish—perhaps more than almost anything else—that there was an easy way to accomplish that goal. But there isn't. Those that say there are easy ways to balance the budget are only lying to the American public. It is the kinder and gentler answer—easy to give in an election year with no intention of following through. And let us not forget that this is an election year. The people want easy, painless answers, and their politicians at every level of Government want to supply them—regardless of the consequences.

Given the political climate that exists right now and given the experience of the CBC and its supporters who have not been able to get any of the CBC alternative budgets passed; and given the fact that very often the full interests of children, education, mothers, the poor, the unemployed, the homeless, the elderly, and especially the low-income elderly have often been ignored when it comes to budget and appropriations matters; given this dismal history many of us are quite fearful that if a balanced budget amendment is passed and is forced to take effect in the near future these are the very people who will get hurt the most.

We know that the budget axe will seek out the poor, the innocent, and the powerless. Government services which have already been cut to the bone will be completely eviscerated. The people that supply these Government services will lose their jobs. The companies that make money from these Government services through contracts will be decimated and people will lose their jobs.

The people who rely on these Government services to eat, to learn, to live, to receive health care, to have heat and water, and electricity, to get back on their feet after being down on their luck, to survive will be left out in the cold. The world will be meaner and harsher for them and they will no longer survive. Those who were learning and looking for work will not learn and they will not be able to find jobs. Those who were working and lost their jobs due to the fallout from the cuts in Government services will no longer be consumers—this will hurt businesses. The effects will be multidimensional and disastrous and I think most people have not even begun to imagine the horrible possibilities.

The best way to achieve the goal of balancing our budget is to take the long-term view—something this Congress has rarely been able to do with great success. We need to make the tough choices and cut the things that are extras and look to the future for wise investments. Wise investments are investments in people. We need to invest first and foremost in our children. What is most important for our children are their health and their education. They must be healthy in order to learn and work efficiently and productively and they must be well educated in order to grow up to create the new industries that will keep our economy growing in the long term. And we must guarantee these possibilities for all of our children—not just the middle- and upper-income children. The potential for talent knows no income barrier—but the destruction of that potential is most prevalent among the poor.

We must also devote resources to job training for those who did not have adequate education and are wasting their job potential. Job training will enable them to become productive members of our society and contribute to the consumer base and tax base. We need to decrease the size of our grossly oversized military and invest in the soldiers coming home to ensure that they do not fall into the chasm of long-term unemployment. We need to invest in the redeployment of our former military communities here at home to preserve their economic base and ensure that former military boomtowns do not become postmilitary ghost towns.

We need to invest in our infrastructure to ensure that the physical plant of our country does not fall into further disrepair. It is much less expensive to repair and improve than it is to tear down and rebuild.

There are so many things that we can do to invest in our country and our people to ensure that as we reduce the size of our budget and replace expensive short-term spending—such as prisons, emergency health care, and unemployment benefits—with cost-effective long-term spending—such as education and job training—that we are truly building a comprehensively strong economy that will see our children and our grandchildren securely through the next century without the social chaos that would surely occur if we were to suddenly disinvest hundreds of billions of dollars in this country.

I truly believe that the social chaos and economic destruction would be such that the vast majority of the people in this country would be hurt in ways from which they would never recover. You cannot just withdraw financial support from an economy and have it survive. And we cannot promise a quick political fix to this highly complex economic, policy, and program-based problem.

I encourage my colleagues to put aside political motivations and truly look at the state of our society and examine whether or not this quick fix actually has the chance to work. I am convinced that it will only increase our problems.

I plead with my colleagues to resist the panic that this extraordinarily highly charged election year is causing in the breasts of so many elected officials on every level of government throughout this country. For this is a very serious issue and these are very serious times and we must force ourselves to allow rationality to prevail. To usher in the new world order we must not hesitate to utilize our country's wealth to invest in our people.

Vote down these constitutional amendments. Keep reasonable decisionmaking alive. Keep national hope alive.

Mr. KYL. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, Thomas Jefferson, the author of our Declaration of Independence wrote in 1816:

> I, however, place economy among the first and most important of virtues, and public debt as the greatest of the dangers to be feared.

Well, our public debt has skyrocketed to nearly $4 trillion and our annual deficit is expected to reach $400 billion this year alone. Is this a danger to be feared? Of course it is, particularly for our children and grandchildren because they're the ones that will have to pay for the irresponsibility of our current Federal Government.

It's unfortunate that we need a balanced budget amendment to the Constitution. It is unfortunate that Congress hasn't had the political will to prioritize spending, to cut the hundreds of unnecessary and wasteful programs, and streamline Government to address just what American needs, not necessarily what it desires.

Frankly, my colleagues, I see no alternative to the balanced budget amendment. Gramm-Rudman-Hollings didn't work. The 1990 budget agreement hurt more then it helped and the interest we pay on our debt has increased from 8.5 percent in 1980 to 21.6 percent in 1991.

Consider this—in 1991, the Federal budget was $1.300 trillion. In addition, the Government spent nearly $300 billion in off-budget expenditures. Such figures tend to lose their significance to most of us, so let me illustrate.

At this rate of spending, the Federal Government spends $4.6 billion a day. Broken down further, that's $195 million an hour, or $3.25 million every minute, day and night.

In 1960 the average taxpayer worked 36 days to pay all of his or her taxes. But last year the average taxpayer had to work 121 days.

I would like to draw my colleagues' attention to these facts. For a two-earner family making almost $55,000 a year, 40 percent of all their income will go toward State, local, and Federal taxes.

We must be extremely careful before imposing any additional taxes on American families. Clearly our problem isn't that the American family is taxed too little, it is that the Federal Government spends too much.

Many of my colleagues who are opposed to this amendment say we are just putting off the tough decisions—

that the budget can be balanced without a constitutional amendment.

That's the same thing they said 2 years ago when a similar amendment was struck down by a narrow margin. How many billions have we added to the debt since then? How much more interest are we going to make our children and grandchildren pay?

Some say the balanced budget amendment won't work—but no one claims the current attempt to limit Government is working.

Some opponents of this amendment have stooped so low as to mislead older Americans. This is a shame because a balanced Federal budget can be achieved without balancing it on the backs of older Americans.

Requiring a balanced Federal budget simply means that Congress can only spend as much money as it takes in. That's not a radical concept—that's common sense. It's the same budget rule and guideline used by American businesses and familes and it should be the same budget rule and guideline used by this Government.

The balanced budget amendment will force this body to make the budget priorities American businesses and families make everyday. It will finally force Congress to cut or eliminate what is wasteful, unnecessary, or only desirable, and adequately fund only what is absolutely necessary.

We can no longer afford the status quo. We have let the Federal Government get too big and spend far too much. This is not fair to our economy and it's not fair to our children. The balanced budget amendment is our only opportunity for change.

Let me close by reading you one last quote by Thomas Jefferson,

> . . . And to preserve their independence, we must not let our rulers load us with perpetual debt.

He wrote in 1816,

> We must make our election between economy and liberty, or profusion and servitude.

That is our choice today my friends.

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Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to our esteemed colleague, the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of the balanced budget amendment.

To the ordinary person balancing his checkbook and meeting everyday expenses, this is an exercise that should not be necessary.

Indeed, the fact that we are considering this amendment today represents failure. It represents failure of our internal budget process and failure of the House rules as well as the failure of this body to abide by its own laws.

We know that in recent years we have enacted laws to preclude further deficit spending. In fact, we approved a law for a balanced budget in 1978, enacted the Gramm-Rudman-Hollings Budget Act in 1986 and the budget summit agreement of 1990. The result has been even higher deficits.

The plain fact is, mere statutes don't work. Congress either waives the provisions of its balanced budget laws—or stretches out the timetable for compliance. The deficits continue to grow and grow.

Even more disappointing to me is the fact that the Social Security Program has become a political football in the debate over the balanced budget amendment. Opponents of the balanced budget amendment argue that it would cause massive budget cuts and wreak havoc on Social Security beneficiaries. But there is nothing in the amendment that requires any cuts in Social Security. In fact, the amendment does not even mention Social Security, Medicare, or any other Federal program. It is not—nor should it be—program specific.

It is unconscionable that opponents are literally scaring older Americans with claims that this amendment will require Social Security cuts. Older Americans are not being told that changes in any entitlement program must—as now—be subject to specific legislation addressing eligibility requirements, and that the amendment is not likely to go into effect, if at all, during this century.

I commit to my colleagues now that I will not support cuts or the implementation of arbitrary spending caps on Social Security. Since coming to Congress, I have made every attempt to protect our seniors, and I introduced legislation, the concept of which is now law, to protect the integrity of the Social Security trust funds.

Yes, a constitutional amendment is a momentous step. We don't change the Constitution often. Yes, it is regrettable that it has come to this; that Congress can't control spending on its own, that some larger element—the founding document of our Nation—is needed to break the cycle of our Federal spending appetite.

Americans want Congress to reform itself and its budget process. The amendment before us will not cure all of our deficit ills, but it does concentrate relief on the source of the problem—the congressional budgeting process and the seemingly endless stream of appropriation bills.

However, the amendment does not relieve Congress of the responsibility to make sensible investments in our country's future and to address real human needs. Hard decisions will still be necessary. We must still foster congressional accountability for the budget process. We should make no mistake today to think that the balanced budget amendment alone will accomplish this.

The balanced budget amendment is merely the first step in moving towards the elimination of our massive budget deficit. It is not a complete solution or an action which will remove congressional responsibility for spending decisions—but it is an effort which can help lead us down the path of fiscal sanity.

It is often said that a journey of a thousand miles begins with the first step. A journey to remove trillions of dollars of debt from the backs of the American people similarly requires an initial act and an initial commitment to head in the direction of balanced expenditures and receipts.

Without this first act, we cannot hope to arrive at our ultimate goal. We should approve the balanced budget amendment and initiate the process of ratification. We should take this first small, but substantial step.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, imagine a giant broom and a carpet the size of the Capitol. Now take $1.2 trillion, lift the carpet and keep sweeping until the end of the decade. By passing the balanced budget amendment, that is Congress' latest bit of housekeeping.

First, it will take years for 38 States to ratify the amendment. In fact, no one here knows whether the States will ratify it at all.

At the absolute earliest, under the most optimistic scenario for amendment supporters, cuts and savings will begin in 1998—three congressional elections away.

Second, not one of the supporters of the amendments has put forth a plan to balance the budget. No plan means no action.

Even if we pass this amendment and the States go to work tomorrow to rectify it, Congress will continue to spend lavishly and uncontrollably for another 5 years.

Example No. 1: Last week, many amendment supporters would not even cut Defense—the most bloated and obsolete agency in the Government—by a slim 10 percent. We had a chance to save $25 billion last week, and supporters of the balanced budget amendment took a walk.

Example No. 2: Member after Member has said that Social Security, under no circumstances can be touched. Impossible.

Next year, Social Security will be the largest expenditure of the Federal Government—about $300 billion, or 20 percent of our total outlays. To say we will balance the budget without some change in Social Security is bologna.

Example No. 3: Interest on the national debt is roughly $215 billion. Add defense and Social Security and that means that $800 billion, or 55 percent of this year's spending, is on terms that this Congress cannot or will not cut.

Proponents of the amendment owe it to the American people to put some plan, some blueprint for cuts and savings up for debate. Instead, we are telling citizens to trust us to, at some future point in time, by hook or crook, using some accounting budget gadgets, without touching Social Security, balance the Federal budget.

That is ludicrous.

I've combed through Congressional Budget Office reports and other budget documents. I am convinced that we can balance the budget by fiscal year 1996 without disrupting the economy, raising taxes, or putting the burden of cuts on America's most vulnerable families.

Instead of waiting until the 105 Congress—Instead of waiting and hoping for 38 States to ratify our pass-the-buck amendment, let's begin to show some fiscal responsibility and start cutting.

Do we really need a balanced budget amendment as an excuse to eliminate the Selective Service and save $150 million over 5 years? Do we have to wait until 1998 to kill TV Marti, Voice of America and all overseas broadcasting to save $2.5 billion over the same period?

Let us start today to sell off our pork-ridden stockpile of strategic and critical materials like tin, asbestos, and 16 million karats of rubies and sapphires, saving $6.2 billion.

If we truly want to balance the budget, let's say a belated goodbye to the space station and the advanced solid rocket motor to save $40 billion over the next 10 years.

Let's eliminate the $1.9 billion postal subsidy for nonprofit organizations.

In 1954, the Department of Defense declared wool and mohair strategic items in short supply. Now that the mohair crisis is over, isn't it time to eliminate the $570 million subsidy?

We can save $2.6 billion by limiting eligibility to the school lunch subsidy to families of four earnings less than $47,000.

No, we should not exempt Social Security from cuts; $14.1 billion dollars can be raised by delaying COLA's and increasing the taxable portion of benefits for single seniors with over $60,000 in income and couples over $78,000.

In taxpayer subsidies $7.9 billion can be eliminated by reducing the cap on the mortgage interest tax deduction from $1 million to $400,000. How a country with nearly $4 trillion in debt can get away with granting $200,000 housing subsidies to millionaires is beyond me.

We should not allow businesses to deduct 80 percent of the cost of a luxury skybox at Fenway Park from their taxes. By reducing the business entertainment tax break to 50 percent, we can raise $15.5 billion.

Our defense policy has changed from one based on national security to one based on preserving defense jobs. We must make deep cuts in defense, and we should have begun last week with the Defense authorization.

Finally, we should act immediately to grant the President limited line-item veto authority.

The balanced budget amendment will not save a single dime on this year's budget, or next year's, or the year after, or the year after, or the year after, or the year after.

We can balance the budget. We do not need an amendment; we need a plan.

Let fiscal responsibility begin today. Not with a pass-the-buck amendment to the Constitution, but with a pledge to reduce spending in earnest.

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Mr. KYL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I thought this might be a good time, since there will be so little time tomorrow, to discuss the first amendment that we will have.

Mr. Chairman, the first amendment we will vote on tomorrow—the balanced budget-spending limitation amendment—has been cosponsored by the gentleman from Virginia, GEORGE ALLEN.

Briefly, the Kyl-Allen amendment does three things: it requires a balanced Federal budget; it limits Federal spending to 19 percent of gross national product [GNP]; and it provides the President with line-item veto authority in order to enforce the foregoing requirements.

The amendment allows the balanced budget and spending limitation requirements to be waived by a three-fifths vote of each House for a given year and for a specified excess of outlays over receipts or over 19 percent of GNP.

Kyl-Allen is based upon two fundamental premises.

First, the Federal Government must begin to live within its means.

Second, how the Government lives within its means is as important as the mere fact that it does live within its means. When the American people say they want a balanced budget, they mean less Government spending, not an increase in their already heavy tax burden.

Kyl-Allen protects against tax increases by limiting spending to 19 percent of GNP, the average level of revenue the Government has been collecting for the last 25 years.

By tying Federal spending to GNP, the Kyl-Allen amendment also gives Congress the incentive to enact progrowth economic policies. The more the economy grows, the more Congress can spend.

The need for a Federal spending limit is evidenced in two reports, one released by the General Accounting Office [GAO] just last week. The GAO projected that, based on current trends, Federal spending could grow to 42.4 percent of GNP by the year 2020, from about 25 percent today, with a real per capita GNP in the year 2020 unchanged from the current level of $24,000 a year. In other words, if Federal spending isn't limited, there will be no improvement in the standard of living for the next generation.

A report released last year by Stephen Moore of the Institute for Policy Innovation came to similar conclusions about the proportion of GNP the Government will command if current trends are followed. The report concluded that "meaningful, constitutional limits on the growth of Federal spending are needed to bring the size of Government down to economically sustainable levels. One way to achieve this end would be to limit the percentage of GNP which the Government can command from the private economy."

This is precisely what the Kyl-Allen amendment will do.

Mr. Chairman, the idea of a Federal spending limit is not new. In 1979, Congress amended the Humphrey-Hawkins Full Employment Act to set a specific goal of limiting Federal outlays to a maximum of 20 percent of GNP. The 20 percent of GNP goal has been official congressional policy since 1979. But, of course, Congress has never met the goal.

Even President Jimmy Carter recognized the need to limit spending, writing in his message on the proposal budget for fiscal year 1980 that a fundamental goal of his policy was to decrease budget outlays as a share of the Nation's GNP to 20.3 percent by 1982. He never succeeded in meeting the outlay goal. We all know that he missed the Humphrey-Hawkins goals on unemployment and inflation as well.

The point is, a Federal spending limit has already been determined by Congress to be sound economic policy. Congress has never amended or repealed the 20-percent goal which was established in law in 1979.

Like so many other attempts to constrain spending and balance the budget, however, Congress has simply ignored the goal, and that is why a constitutional spending limit is needed.

Mr. Chairman, in recent weeks, a plethora of special interest groups have lobbied hard against a balanced budget amendment to the Constitution. Most fear a balanced budget amendment will threaten their piece of the Federal budget pie.

I ask these groups in particular to take a second look at the Kyl-Allen amendment. Unlike the other alternatives which the House will be considering, the Kyl-Allen approach combines the goals of fiscal responsibility and economic growth.

Kyl-Allen seeks to create a bigger pie, a bigger economy and, therefore, more Federal revenues to go around. Instead of constantly trying to divide limited resources among an ever increasing number of groups within our society, Kyl-Allen will force Congress to focus on initiatives to stimulate economic growth. The result will be not only a healthier economy—more jobs and better wages—but more money for Congress to devote to the programs it determines are important.

According to Dr. James M. Buchanan, the 1986 Nobel laureate in economic sciences:

> Reducing government as a share of GNP from its current level of 25 percent to, say, 20 percent would generate roughly a two percent increase in the rate of growth in GNP. And back-of-the-envelope arithmetic suggests that by the early 2000s, and forever beyond, the real value of the programs financed by government would be larger than they would be under the regime that keeps government's share at 25 percent.

Mr. Chairman, Kyl-Allen will ensure a balanced budget.

It will promote economic growth.

It will impose discipline by giving the President a line-item veto.

I urge my colleagues to support the Kyl-Allen amendment.

Mr. MOODY. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, some say a balanced budget amendment is unnecessary because the President and the Congress already have the power to balance the budget. I agree, but let us look at the record. Over the past 12 years Presidents Reagan and Bush have never submitted a balanced budget. The closest Reagan ever came was a $62 billion deficit and this year President Bush submitted a budget with a $392 billion deficit.

Over the past 12 years, Congress has spent about what Reagan and Bush have requested. We may have spent on different priorities, but we have not spent more. Unfortunately, we have not used our tax and spending powers to spend less than proposed by Bush or Reagan.

The Constitution grants veto power to the President. Reagan used this power 43 times. Only nine of his vetoes were overridden and only one of those involved a spending dispute. In that instance, Reagan wanted to spend $1 billion more than Congress.

Bush has successfully vetoed 28 bills, but not one of Bush's vetoes have been based on a spending dispute with Congress.

I could go on with further examples, but clearly the President and the Congress have not effectively used their existing authorities to control deficit spending. These powers have not worked because they are optional. Presidents are not required to submit balanced budgets. Congress is not obligated to enact balanced budgets, and Presidents Reagan and Bush have not used the veto to control spending.

A balanced budget amendment would require Presidents to submit balanced budgets and would declare that no borrowing could occur without a 60 percent vote of Congress. Requiring a supermajority vote will make it more difficult to borrow and spend in the future.

Two hundred years ago Thomas Jefferson recognized the inherent danger of a public that would demand an ever-expanding role for Government. He understood all too well the inclination of elected leaders to say "yes" time and again to these demands. He lamented that it could simply add one more amendment to the Constitution, it would be an article to restrict the Government from borrowing.

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We are proposing today to finally adopt such an amendment. With this amendment, the Constitution will say "no" to spending and to deficits when elected leaders fail to do so. But passage of this amendment is only the beginning of what must be done by this Congress. After passage we will need to debate and pass an enforcement plan and a deficit reduction package. Domestic discretionary spending, the military, entitlements, foreign aid, and taxes will have to be placed on the table.

It is our responsibility to actually make this amendment work. The real test is not the balanced budget amendment vote but instead the votes we must cast to make the cuts necessary to save our children from the burden of our debt.

Again, I agree with those who say the Constitution already grants the President and the Congress the authority to keep the budget balanced. But I have become convinced that a balanced budget amendment is necessary to remind us to use those authorities in the manner intended by our Founding Fathers in the interests of generations yet to come.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in strong support of the addition of a balanced budget amendment to our Constitution.

As has been mentioned many times in this debate, our national debt is approximately $4 trillion. This debt is like a chain hanging around the neck of our country. This Nation could be booming today if we did not have such a staggering, almost unbelievable, national debt. Even worse, we are adding to it at the rate of $1 billion a day every day of the year, Saturdays, Sundays, and holidays included.

Most economists tell us that we are going to face very severe economic problems and possibly even crash if we do not get Federal spending under control.

A little over a month ago, Senator WARREN RUDMAN, one of the most respected Members of the other body, said in a live interview on the national news that our Nation is headed for economic disaster. We have got to get the ship of state turned around, and one way to start is by passing a balanced budget amendment.

All over this world we are seeing nations which have collapsed or are collapsing economically because of too much government, too much bureaucracy, too much deficit spending.

In other nations we have seen people starving in the streets or standing in line 8 or 9 hours for a pound of sausage, even where they have great natural resources, because governments get out of control.

We need to do everything possible to make sure that these things do not happen here.

The Federal Government is presently taking in $1.2 trillion a year. We will take in even more in the future. We can operate a strong, active, vibrant Federal Government on what we are taking in already.

Most people do not believe it is a radical idea for the Federal Government to have to live within its means and spend no more than it takes in. If we really want to protect Social Security and other popular programs in the future, we must make sure that the Federal Government is fiscally sound. We need to pass their amendment and we need to do it now.

Mr. Chairman, I am proud to be a cosponsor and endorse what I think is the best version of this amendment, the Kyl-Allen balanced budget amendment.

Mr. SMITH of Oregon. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. NUSSLE]

Mr. NUSSLE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to make three points for this debate, and the last one, I hope, is the strongest one.

First, the reason I am supporting the balanced budget amendment is because I believe in the principle that you cannot spend more than you take in. The Constitution is the beautiful and most proper depository for principles that we believe in in this democracy.

I think for this democracy to succeed in the future, that principle has to be part of that plan.

Second, the point I want to make is that the balanced budget amendment in and of itself will not get the job done. It is only a first step. It is a first step on a very long journey, but we have to take that first step.

The third is something that I heard the gentleman from Kentucky [Mr. MAZZOLI], mention, I think it was yesterday or the day before. I was hoping to engage the gentleman while he was still on the floor. It is a frustration that I have had as a new Member of Congress that I guess I would like to discuss.

For me, I have had more interesting conversations, debates, discussions, planning meetings at church councils and at chambers of commerce that I have belonged to, and even at high schools with kids, than I have had here in Congress, where we have had the change to really discuss issues.

My frustration is, and I heard the gentleman say it, and I have been saying it in speeches for quite a while: Let us lock the doors, let us bring everybody in here and let us talk. I mean seriously, let us talk. What are the priorities for this country? What are our goals? What do we want to do in the future?

We do not do that. I have never had that discussion with the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I am glad to yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, I say to my friend from Iowa that is exactly what this gentleman from Kentucky attempted to say yesterday and also in my special order last evening. I really think what we should do is not go through this rigamarole, because we all know in our heart of hearts that it is not a balanced budget amendment that is going to balance the budget or to reduce the deficit. What will do it is what I said, a good enforcement package and the intestinal fortitude or, as we say in Kentucky, the guts to get the job done. And in order to do that, I suggested that we ought to clear the decks for 2 or 3 weeks in the Committee on Rules, under the openest of open rules, put on the floor the entirety of the Tax Code and the entirety of the spending, all three categories of spending, and let the Congress, every Member, every man and woman Member of Congress, bring forth his or her ideas and let us have a full-fledged, free-wheeling debate on national priorities.

I suggested to the gentleman from Iowa I do not fear that sort of thing. There may be some among us who fear that openness. I do not fear it at all, and I do not believe the gentleman from Iowa does.

Mr. NUSSLE. I do not. No, I do not. My whole point is, I guess, any strategic plan I have ever been involved with, you need to start with what are your goals. The American people that I have talked to, to my Iowans whom I serve, they ask me, "What are your goals out there? What are you trying to achieve?" And we say, "Well, we are for education, we are for health care, we want to balance the budget," but we do not tell them what we want to do, what are our priorities. What do we really want to accomplish?

But, No. 2, how are we going to accomplish those things? Then, No. 3, then bring the Budget Committee in and say this is how much it is going to cost to get the job done. But that is the kind of debate we need.

I would suggest, and I do not know how we get it done, because obviously I am just a freshman, not in the leadership, I do not know who to talk to, but I sincerely believe we need to set aside that time, lock the doors, only allow for bathroom breaks, at best, and get everybody in here and let us start talking.

Mr. MAZZOLI. I agree with the gentleman.

Mr. SMITH of Oregon. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. BARTON] be allowed to dispense the remainder of the time that I control.

The CHAIRMAN pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. KYL. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, this country is in crisis.

We have all known it for years—but the congressional spending train just chugs along oblivious to all the warning signs.

The economy is in recession. The promised upswing has not been strong. The reason is simple—debt.

We have debt to the left of us—debt to the right of us—we are riding into the valley of depression—while the cries of innocence from this floor and the White House thunder in the country's ears.

The problem is simple—it is caused by spending more than is earned—and I use this term loosely—by way of taxes.

There are only two answers—cut spending, or increase revenues.

Congress can't cut spending. For years, I have advocated an across-the-board freeze on all spending, from DOD to DOC, which would have balanced the budget by now. But nobody wanted to even hear it.

There are only two ways to increase revenues—raise taxes or put people to work. Raising taxes is counterproductive. The more we tax business, the more we encourage business to move overseas.

The gentleman from Ohio [Mr. TRAFICANT] was correct: We must stop exporting jobs. The North American Free-Trade Agreement will encourage United States industries to move to Mexico where there are lower taxes, no minimum wage laws, and few environmental regulations.

And what do we do when unemployment hits 10 percent or 12 percent or more?

This amendment is not a perfect solution, but it will force the Congress and the White House to prioritize. Social Security, Medicare, and defense are priorities. We will protect them.

But there are other programs that are not priorities—no longer will we be forced to protect tax breaks for mink farms nor encourage studies of the sex life of fish in Nicaragua.

Studies, studies, studies, we spend billions on studies. But no one seems to study the bottom line—a $400 billion deficit this year, and more next year. And, the interest is killing us.

And, let us use the real interest figure. It is more than $240 or $250 billion a year. True interest should include all moneys that are due on debt instruments of the United States—including trust funds. When this is done, the figure approaches $350 billion per year, this year and climbing.

The only way to save our children, save Social Security and retirement pay, and save our future is to pass a balanced budget amendment, and force Congress and the White House to face the priorities of the Nation.

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Mr. MOODY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I want to reinforce my support for House Joint Resolution 290, the Stenholm balanced budget amendment.

My colleagues, right after the Depression I was born and raised on a two-horse farm, and I remember that my mother had us for a great number of years praying that our father would be able to pay off a small debt on the farm and thereby save it. It never occurred to me that we were not supposed to pay our debts, that we could roll them over year after year.

Now several Members opposing the balanced budget amendment have spoken out against it. Their arguments, for the most part, have been ones of supposition;

"What if it doesn't work?"

"What if the States won't ratify it?"

"It will take too long."

"What will our constituents think if we, as individuals, don't have the backbone to balance the budget without a constitutional amendment?"

"It won't work anyway."

"It's a hoax. It's a cruel hoax."

"What if entitlements, such as Social Security, Medicare, student loans, et cetera, are affected?"

"It will reduce defense spending."

What if's, suppose this, and just on and on.

Now let us present some evidence why we must pass this amendment:

The inaction and inability of this constitutional body, which is empowered with power only through a consensus, has not had a budget success in over 30 years. Just look at the past history. Just look at this chart here:

A debt of $3.8 trillion, an interest bill of $26 million an hour, and more according to the gentlewoman from Maryland [Mrs. BENTLEY]. Want to get real serious with it? About $2,350,000 a minute, up 125 percent since 1982, just 10 years ago when the interest on the debt was only $10 million an hour.

Mr. Chairman, I want to tell my colleagues that I have not contributed to this debt with my votes. I have voted on every effort, put every stumbling block possible in the way of the growth of this debt, but, my colleagues, it takes 218 of us, 290 of us in the case of a balanced budget.

Now look at the 1993 budget: $1.5 trillion, with Treasury income of only 1.15 trillion, $350 billion short and adding to our debt, and I will say to my colleagues that about $200 billion of that $350 billion is interest on the debt.

Now it has been stated that we have tried diligently to put some stumbling blocks in the way of this runaway spending, laws such as Gramm-Rudman I, Gramm-Rudman II, the 1990 Budget Act and other previous attempts. Unfortunately many of these plans have failed. I ask my colleagues, "Why do you think they failed." and I think they failed because they have been attacked by the same well-meaning critics who are now working against this amendment.

(Statements from Senator Proxmire and Governor Lamm follow:

STATEMENT OF SENATOR WILLIAM PROXMIRE SUBMITTED TO THE HOUSE BUDGET COMMITTEE ON THE BALANCED BUDGET AMENDMENT

MAY 13, 1992

Mr. Chairman, I am pleased to submit a statement to the Budget Committee on the Balanced Budget Amendment. It is far and away the most important fiscal reform the Congress could undertake.

That we need a balanced budget amendment should be clear, and I will not dwell too long on this point. Our national debt is now nearly $4 trillion, and this fiscal year's budget deficit is likely to approach $400 billion. In the fiscal years 1991, 1992, and 1993 alone, we will see a trillion dollars in new debt. We have gone through Gramm-Rudman-Hollings, the 1990 budget summit agreement, and countless statutory balanced budget mandates. It hasn't worked.

Instead, the federal government now borrows over a billion dollars per day. We have not seen a balanced budget since 1969, even with a tremendous increase in taxes. The federal government has clearly demonstrated that it cannot control itself, and needs the control of a Balanced Budget Amendment to bring needed fiscal discipline.

Many politicians fear the consequences, in terms of radical spending cuts and program elimination, of a Balanced Budget Amendment. Let me just say that Congress right now has a rare, golden opportunity to balance the budget, amendment or not. In fact, I believe that the most urgent economic need for our country today is to reduce our massive annual deficits, and balance the federal budget in five years. It can be done without raising taxes.

First, we should take full advantage of the collapse of the Warsaw Pact. In view of the strength of our NATO allies, we should be able to safely put the Department of Defense on a path of cutting our defense budget in half, that is by $150 billion by 1995. With the breakup of the USSR, the threat to US security from that source has ended. It is now possible for the US to make huge cuts in military spending—the figures are mind-boggling. Even before the breakup the United States and its allies had established a dramatic superiority over the Soviet Union by virtue of both the conventional and strategic arms treaties negotiated in recent years.

Now the collapse of the constituent economies of the former USSR deprives Eastern Europe of the economic basis for a super military power in the future. The former Soviet Union's strongest economic and military ally—East Germany—has become unified with the former West Germany and thereby became part of the western alliance through membership in NATO. The other Eastern European allies are now beyond communist redemption. There is no practical prospect of putting this shattered humpty dumpty back together again.

So what about the future? With the profound difficulties plaguing the economies of the republics of the former Soviet Union, it is obvious that the advantage now held by America and NATO would doom any military aggression by these countries. The time has come to recognize that Congress can and should safely make substantial reductions in military spending.

In fact, it is very much in the long-term interest of our national security that we sharply reduce military spending, because our military strength ultimately depends on the strength of our economy, which continued excessive military spending can wreck as sure as it wrecked the Soviet economy.

Resistance to the future aggression of international rogue elephants like Iraq can be far better secured through the United Nations with a more equal sharing among all of the free democracies in the future and with a sharply eased burden on the United States.

All of this should permit the United States to reduce its military spending by 1996 to $150 billion in 1991 dollars as recommended by several former secretaries of defense.

Secondly, we should drastically reduce health care spending. In 1992, the American people will spend about $800 billion on health care. About $270 billion will be for private insurance, $235 billion will be paid through federal taxes, $100 billion by state and local taxes, $30 billion by private charitable contributions, and $165 billion by out-of-pocket expenditures by patients and their families.

This means that between 1965 and 1992, our country's health care costs have skyrocketed from $41.6 billion to an astounding $800 billion, an almost 20-fold increase in 27 years. No other nation comes within a country mile of this huge expenditure on any basis. It is far more than twice as big as our national defense spending. It is more than three times our entire Social Security outlay.

There is a rumbling about this immense burden, but nothing like the outrage we should expect. This is because this huge cost increase has been disguised so artfully. The biggest single component of health care is concealed in the insurance our employer usually pays for us as part of our wages and salaries. Here is a payment of a colossal $270 billion, mostly unseen, slipped in large part out of our pockets in a deduction from our monthly pay in health premiums.

That's only the beginning. We will also pay a huge $235 billion this year in federal taxes also withheld from our paychecks for Medicare, Medicaid and other health care costs. Not one taxpayer in ten realizes it, but taxpayers will pay another $100 billion in additional state and local property, sales, and income taxes. That's not for local schools or for police protection or sanitation. It's for health care costs.

There's more. The good samaritans among us will—bless their hearts—donate an additional $30 billion in private charitable contributions to hospitals, hospices, clinics and other health providers. So far, all of the immense spending for health care that I have specified has not reached the consciousness of most of us. It's invisible. Now consider health care costs we do recognize. Directly out of our pockets, we will pay about $165 billion this year in doctor, hospital and other medical costs. To many of us, just this payment we personally make is the cost of health care. That's an illusion. The total cost taken from us by health care is almost five times as great.

None of the other economically thriving countries in the world suffer anything like this immense burden. Whereas America leaves 15% of our people without a nickel's worth of health care insurance, other developed countries generally cover all of their people. Here is a classic example of wasted spending. Think of it. We spend 50% more than Canada or Germany for each person for health care and 100% more than Japan. And yet each of these countries covers all of its people with health insurance. Furthermore, such indicators of the efficacy of the health care system as infant mortality and the rate of improvement in longevity show America lagging behind each of these countries.

The ultimate irony is that virtually all of the improvement in American health in the past 30 years has come from a steadily growing change in lifestyle. This change costs nothing. It has actually saved billions. Many Americans eat less. Tens of millions have given up smoking. Drug and alcohol addiction is down. Americans are now spending less on tobacco, booze, drugs and food.

By saving money with a disciplined lifestyle, an increasing number of Americans have improved their health. Meanwhile, the far greater sums we spend on our inferior health care system do less to advance our health and have become the number one drag on our economy.

How do we cut this monstrous and pathetically ineffective health care spending? The New York Times and Fortune magazine call the answer "managed competition". They're right. We have to manage health care so that those who pay for it—the insurers and the government—can negotiate on a real power basis with the clinics and hospitals that provide medical services. I do not need to go into the specifics of this concept for this hearing, but suffice to say that we could save between $100 billion and $200 billion per year within five years, while simultaneously increasing life span, and decreasing infant mortality.

There are countless other areas of spending that could be cut to balance the budget. We could internationalize our major scientific programs. For example, the United States should not pay 80 to 90% of the costs of the $80 billion space station. We should limit our contribution to 25%. Additionally, the General Accounting Office charges that the government is losing up to $50 billion per year because it doesn't know its cost of operations, and therefore grossly undercharges for credit and insurance. The federal government is the only major enterprise—public or private—in the country that requires no independent audit of its operations. There are several other areas of federal spending that could be cut, and I would be happy to provide further ideas to the committee at any time.

Are there alternatives to the Balanced Budget Amendment? I think not. Although some would like to continue to hike up taxes, it would not bode well for long term economic health. I do not think there is enough tax revenue out there to fund the federal beast. Furthermore, Americans are now paying a higher proportion of their income in taxes than at any other time. Let me elaborate.

In 1929, total taxes at all levels of government absorbed about 13% of American income. By 1933, the tax burden on much lower national personal income had risen to 23%. Six years later, Americans were paying 21% of their income in taxes to finance the struggle against the depression. Then our country entered the all-out fight for freedom in World War II. Personal income rose sharply, but taxes to finance the colossal expenditures of that war rose to 27% of a higher income in 1942 and crested at 31% in 1944 and 1945. By 1945, with the war over, the total tax burden had fallen to 27% of personal income.

Was that 31% levy the high-water mark in American taxation? Not by a long shot. By 1969, taxes at every level of American government were taking an outrageous 38%—or about one fifth—more of American income than the highest burden that had been imposed in the last years of World War II. The combination of the Vietnam War, the ongoing Cold War with the Soviet Union and the so-called war against poverty were said to account for the massive expenditures in 1969.

So here we are 20-some years later. The Vietnam War is over. The Cold War has ended. The "war on poverty" has died. And our government is still taking an all-time record 38% of our income in taxes—one fifth more of our income in taxes in relation to personal income than it was taking at the height of the most costly war in human history. It is absorbing 65% more than when the federal government was engaged in an all-out struggle against our worst depression, and nearly three times as much of American income as when we last enjoyed similar conditions of world peace and prosperity back in 1929.

The budget deal of 1990 raised taxes yet again, and still the deficit climbs, and still the spending surges. Americans are taxed enough, and should not be forced to finance the federal folly of extravagant spending and massive borrowing that already imposes a tremendous burden on future generations.

If we don't pass an amendment and balance the budget, the consequences could be dire. As interest payments continue to grow at a rapid rate, they will crowd out all other important spending programs. As I have indicated, there may not be enough taxable personal income out there to keep up with federal debt service. Faced with staggering debts, inadequate funding for nearly every discretionary program, entitlement, or mandated spending requirements of enormous proportion, the dollar is the only thing that can give. It is easy to envision rampant inflation, as the government begins to print what it needs. We must not fall into the trap of printing money, and sending inflation through the roof.

In closing, I simply want to say that Congress is in a unique and powerful position to both adopt a Balanced Budget Amendment, and, subsequently, balance the budget. I have identified only a few areas of spending cuts, there are others. Further, the leadership must come from Congress, since we are clearly not getting it from the President. President Bush has presided over record deficits, and has taken pleasure in bashing the Congress for spending and lavish perks. Against the backdrop of an all-time high $400 billion deficit, as many or more Executive Branch perks, from lavish air travel to staff gardeners and calligraphers, have been exposed as are enjoyed by Congress.

I simply implore that Congress cut through the rhetoric of difficult decisions and tough choices, and make a rather simple one: to adopt a Constitutional amendment to balance the federal budget, and then go about doing it.

STATEMENT OF GOV. RICHARD D. LAMM SUBMITTED TO THE HOUSE BUDGET COMMITTEE ON THE BALANCED BUDGET AMENDMENT MAY 13, 1992

Mr. Chairman, I thank you for the opportunity to present my views on a Constitutional balanced budget amendment generally, and on House Joint Resolution 290 in particular. I can think of no more important fiscal reform the Congress could undertake.

For years we have all listened to endless streams of rhetoric from both sides of the aisle in Congress, and from the Administration, on the need to curb the deficit, and the best way to arrive at a balanced federal budget. Meanwhile, we continue to see an explosion in both deficits and debt by the federal government.

For years I was strongly against amending the Constitution to require a balanced federal budget. But after careful study of the issue, I am now as strongly convinced that a balanced budget amendment is the most effective way we can control the alarming cycle of deficits and debt. Mr. Chairman, if you and your colleagues agree that the deficits and debt must be brought under control, you must work to pass H.J. Res. 290, and send the states a balanced budget amendment to ratify.

WHY WE NEED A BALANCED BUDGET AMENDMENT

Mr. Chairman, we have not seen a balanced budget in 22 years. Instead, Congress and the President have gone on a borrowing and spending binge. It took 205 years, from 1776 to 1981, to reach a trillion dollars of national debt. It has since taken only ten years to reach nearly $4 trillion. In the fiscal years 1991, 1992, and 1993 alone, we will likely see a trillion dollars of new debt.

Many people are inclined to disregard deficits, on the theory that if our economy keeps growing, we will simply grow our way out of them. The economy grew throughout the eighties, yet deficits simply continued to grow.

The rapidly rising debt contributes to or aggravates a weakened economy. First, as the national debt increases, interest payments also increase. In fact, interest payments are one of the fastest growing expenditures in the budget, and may shortly be the largest single budget item. As interest payments skyrocket, they crowd out spending on important federal priorities, and eliminate room for new priorities in the budget. The important role of the federal government in our society is restricted by ever growing interest payments on our national debt.

Simultaneously, private and foreign capital finances the debt rather than being invested in areas that will ensure long-term economic growth. This puts a clamp on our productivity, and therefore on our long-term ability to produce enough to keep up with our debts. I think our standard of living is already experiencing a decline due in part to our massive debt.

Ultimately, we may very possibly lose our economic self-determination. There may very likely be a point at which we can no longer borrow and must repay. Worse, we may not be the ones to make that decision—our creditors may make it for us.

Members of Congress and the President have a moral obligation ourselves to reverse our national trend of borrowing. By borrowing, we are committing future generations paying for our current expenditures. Although they will not receive the benefits of those expenditures, they will be obligated to pay for them. How much? Interest on today's debt, the accumulation of all past budget deficits, will cost today's child $90,000 in extra taxes, on average, over his or her lifetime. By contrast, today's adult will pay less than half that amount.

And children will pay in more than just taxes. They will suffer higher interest rates, more expensive housing, fewer jobs, lower wages, decaying infrastructure, meager retirement incomes, and little or no government help. If they are lucky, our creditors will not have assumed total control of our economy.

Had the Framers been able to conceive of politics in the twentieth century they undoubtedly would have included a balanced budget amendment in the Constitution. At the time, however, a balanced budget provision seemed unnecessary. According to Thomas Jefferson, elected officials "should consider ourselves unauthorized to saddle prosperity with our debts, and morally bound to pay them ourselves." In other words, the government had a moral commitment to balance its books.

Unfortunately, modern special interest politics has streamrolled any moral commitment against deficit spending, and has rendered recent Congress and Presidents incapable of acting in the broader, national interest on fiscal matters. When Congress considers a specific spending cut which would help balance the budget, that fiscal restraint is in the broad interest of all Americans. But the direct benefit each American receives from any individual spending cut is minimal. Conversely, the direct beneficiaries and administrators of any spending program have a tremendous amount at stake in the outcome of a debate over funding of their program.

While all Americans who stand to gain if the program is cut stand idly by, the beneficiaries of the program mount focused, intense lobbying campaigns, often involving political donations. Ultimately the limited special interests win, the deficit mounts, and spending remains unfettered. The result is a budget that has been consistently unbalanced for 22 straight years.

Contrary to rhetoric, Congress and the President cannot, or will not, balance the budget on their own. They are faced with tremendous pressures against cutting spending, and rarely rewarded for decreasing the budget. This means that the 22 year legacy will only continue. How much longer, Mr. Chairman, will it be until debt service reaches 60% of the budget? How long will it be until entitlements suck every dollar of tax revenues and still demand more? How long will it be until the United States can no longer attain the credit it has been lavishing on itself, until we can literally borrow no more?

HOUSE JOINT RESOLUTION 290

Our current fiscal crisis is severe, and in need of immediate attention. The single farthest reaching step Congress can take is to propose and send to the states to ratify, a Constitutional amendment requiring a balance federal budget. HJRes 290, sponsored by Representative Stenholm, and 277 of his colleagues, is the proposal Congress must pass.

HJRes 290 would require that prior to adopting its annual budget, the Congress and the President must adopt a joint resolution specifying the amount of estimated revenues for the next year. Based on that resolution, Congress would adopt and enforce a budget in which outlays would be limited to projected revenue.

There are several escape mechanisms build into HJRes 290, in order to provide flexibility and to allow Congress to address unforeseen demands on the budget. For example, the entire provision would be waived in the event of a declared war. Additionally, Congress could authorize a specific amount of deficit spending with a 60% vote. Moreover, the amendment does not stipulate how the budget must be balanced. With a Constitutional majority, 50% plus one vote, Congress could vote to raise taxes if that were action it deemed appropriate.

Mr. Chairman, it is probably impossible to craft a balanced budget amendment that would please all critics throughout the ideological range. I am sure that my perfect amendment would differ. Accordingly, it is easy to identify minor criticisms of HJRes 290.

Criticisms notwithstanding, HJRes 290 will impose fiscal discipline and accountability on the institution of Congress. If Congress wants to raise taxes to balance the budget, then each member must vote to do so. If Congress feels that a certain level of deficit spending is necessary, then it must go on record to deficit spend. The public has become disenchanted with Congress for several reasons, a primary one of which is the lack of accountability members assume for the state of national affairs. Beyond establishing a direct, Constitutional relationship between federal receipts and expenditures, a Balanced Budget Amendment will place accountability upon individual members of Congress on all fiscal matters.

WHY CONGRESS SHOULD ACT NOW

Not only have I been converted to supporting the Balanced Budget Amendment, I am a strong advocate of getting it done now through either of the two means. The first, of course, is through the Congress adopting such an amendment and sending it to the states for ratification. The second, is through the Article V convention call.

As you know, 32 states have called for a Constitutional convention on the Balanced Budget Amendment. That is just two shy of the necessary 34. Frankly, that should be a strong enough signal. It would be political suicide for Congress to allow a Constitutional convention to draft a Balanced Budget Amendment. Constitutional convention delegates would be elected from every congressional district in the country, and many of them would certainly run for Congress after completing work on the Balanced Budget Amendment that Congress refused to pass. I know of several state legislators who reached office because of their work at a state Constitutional convention. The same thing would happen in Congress.

Further, a Constitutional convention would mark the ultimate failure of Congress to respond to the people it represents. Is our government for the people, or for elected officials and special interests? The polling data clearly supports the concept of a Balanced Budget Amendment. The people want it, and Congress is standing in the way.

Fears of "runaway conventions" are unfounded. The process is multi-step, and anything a Constitutional convention adopts still must be ratified by the legislatures of 38 states. Even in the bizarre and unlikely event that a Constitutional convention adopted a radical rewrite of the Constitution, the states would simply not ratify it.

In short, Mr. Chairman, the time is ripe both economically and politically for Congress to adopt HJRes 290, and send the states a Balanced Budget Amendment to ratify. Not only would this mark a serious, honest, sincere attempt by Congress to deal with the harmful deficit and debt, but it would also set us off on a course of long-term economic strength and growth. It is unfortunate that we have fallen to this level before seriously considering the real solution. It is my hope that Congress will not let the situation deteriorate further.

Mr. KYL. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, if there was ever an example of the need for a balanced budget amendment, it was the House-Senate conference last week on the so-called dire emergency supplemental appropriations bill. That entire conference, that entire conference, was engaged in a dispute as to how to get around the present budget ceiling caps on spending—the entire conference.

As my colleagues know, the President asked for emergency money because of the situation in Los Angeles. That money comes over and above the budget caps in the present budget agreement. But that entire conference was spent seeing how we could add to that money for other programs that the President had not asked for and how much we could force the President to accept in order to get what he wanted. The entire conference was devoted to that, my colleagues, and what was a $600 million request by the President over and above the budget caps became a $1.4 billion bill that I hope and trust the President will veto, as he should veto.

But, my colleagues, it is an example of the fact that this body, this Congress, we use any ruse, and we use any subterfuge. It will change the law. It will do anything it can to get new money for spending, to get new spending programs, and there is not at all anything to wonder about. That is what we are in the business of doing, enacting new programs, enacting new regulations, enacting new spending.

Mr. Chairman, the only way to limit the insatiable appetite, the insatiable appetite of this body for additional spending and new programs, is to amend the Constitution of the United States to prohibit that.

Mr. Chairman, I do not take amending the Constitution of the United States lightly. It is indeed a sacred document to all of us, to each and every one of us. But the only way that we are going to limit that insatiable appetite for more spending is to amend that Constitution so that this body cannot do what we did just last week, and that is get around our own limits, the limits that we imposed on ourselves, the limits that are imposed in law, not in the Constitution, because we will get around them every time. We will find ways to spend the money. We will use a subterfuge, we will use a ruse, and we will find some way of getting around the budget process.

Mr. Chairman, I have been here for 24 years. I have seen budget processes come and go, and, every time we found a way to get around them, and the only way that we will provide something that cannot be subject to a subterfuge, is to amend the Constitution of the United States with a balanced budget amendment. I hope my colleagues will support it.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, revolution—revolution?

Is there any wonder why we have a peoples revolution in America?

Taxes and debt.

Spend and regulate.

Deceit and political corruption.

When will Congress get the message?

Will it be when 150 new Members have been sworn in?

Will it be when both parties are scorned as problems—not the solution?

Will it be when an independent candidate for President is higher in the polls that either party's candidate?

Folks, even with all the signs, with all the signals, with all the pleading from the American people, the U.S. Congress has not yet gotten the message from the American people.

The message was to balance the budget; the people told us to get your house in order. The voters have pleaded that we are in economic gridlock, that we are in regulatory gridlock.

Yet Congress in its arrogant and politically corrupt way goes on and on.

Let me emphasize recent actions.

National Institutes of Health—$3.1 billion over the President's request.

Brand new and extended unemployment benefits bill—$3.6 billion.

Reward for lawlessness, burning, and looting—$500 million to the cities.

The $172 million for National Undersea Research Program—that was brandnew and unwanted.

The $8 billion is only part of 4 weeks of expanded and new programs.

I ask, where is the discipline?

The American taxpayer would be better off if we would shut this place down and go home. Maybe the budget would balance itself.

Then, to add insult to injury, the leadership plays on the fears of older Americans and veterans. The spending addicts threaten taxpayers with tax increases. They threaten Americans with tales of horror.

I believe that behind all their threats and all their cacophony is an insecurity that they cannot be reelected if they cannot buy their way in.

The American Revolution II.

I want to be there.

Any Member who votes against the balanced budget amendment deserves defeat.

This Congress has not exhibited discipline and now the American public has demanded it with a constitutional balanced budget amendment.

We must pass a balanced budget amendment or the revolution will only worsen.

□ 2100

Mr. MOODY. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. HUBBARD].

Mr. KYL. Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky.

The CHAIRMAN pro tempore (Mr. MFUME). The gentleman from Kentucky [Mr. HUBBARD] is recognized for 2½ minutes.

Mr. HUBBARD. Mr. Chairman, there are many reasons why we should pass a balanced budget amendment to the Constitution.

First, we begin the process of pulling this country out of potential economic chaos. Our Nation simply cannot continue to endure record deficits and an everdeepening national debt.

This year our Federal Government will spend about $3 for every $2 it takes in.

Surely, we are aware that we in Congress do not have the political courage to pass a balanced budget through legislation. We haven't done that during the 18 years I've been in the House of Representatives.

If this constitutional amendment takes effect by 1997 it will, of course, require approval by two-thirds majorities in the House and Senate and ratification by 38 States.

Even now we are telling the American people we can balance the budget with spending cuts alone. The truth is that balancing the budget will require both tax increases and spending cuts.

The public clearly is fed up with business as usual in Washington.

Our gross Federal debt is at $4 trillion and rising.

Some who oppose a constitutional amendment today opposed the Gramm-Rudman approach to deficit reduction several years ago. Obviously, the 1985 Gramm-Rudman law didn't work to actually lower Federal spending.

The constitutional amendment approach is necessary, workable, and right.

Our current laws, our budget process, our authorization and appropriations bills simply do not require us to spend only the Federal dollars we take in as revenue.

We need a constitutional amendment to enforce the fiscal discipline which we now lack.

Mr. KYL. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I rise today in support of the balanced budget amendment, and I request permission to revise and extend my remarks.

Mr. Chairman, I must admit to a certain amount of reluctance to amending the Constitution. As a teacher, I taught a generation of students about this sacred document, and I tried to endow them with a degree of reverence for it. I taught them that it provides checks and balances against tyranny, that it ensures democracy, and that it protects their civil liberties. I taught them that the Constitution is the one guarantee of a fair and representative government. And yet, it is for these very students that this amendment is so necessary, for that very same document has not protected their future from the spending excesses of our generation.

We all know that one of the main reasons for the Revolutionary War was taxation without representation; our Founding Fathers were careful to ensure that this would never happen again. And yet, future generations are being saddled with taxes over which they have no control through the actions of this Congress. That the Constitution takes no steps to prevent this is a shortcoming in that document. Perhaps the Framers lacked the foresight, or the cynicism, to envision a day when Congress would allocate Federal money as political capital, and thus create debts which triple our revenues.

Many will argue, and argue correctly, that this amendment does not balance the budget; it simply makes it more difficult to spend in deficit. They say that only politically courageous decisions will balance the budget. This is true, in much the same way that deciding to go on a diet does not make one lose weight; it is only the first step toward losing weight. Today we can take only the first step; it does not end here. But if we cannot even take this first step, there may not be any hope.

I have heard criticism that this amendment is not serious, that it passes off the difficult task of balancing the budget to future leaders. They say we need to make the difficult decisions today to balance the budget. And yet most of these critics are among those who wanted to bring down the firewalls and spend the peace dividend. Most of these critics have continually supported unfunded unemployment benefits. Most of these men and women oppose amendments to cut appropriation bills. Where is the courage in that?

We have already passed on a $4 trillion debt to our children and grandchildren. As they struggle to meet the interest payments on this debt, they will not care whether it was the President's fault or Congress'; whether it was the Democrats or the Republicans; whether it was social spending or defense. They will only wonder why we never took the steps necessary to see that it did not happen. They will wonder why this Constitution that they were taught to revere did not protect them from this. They will wonder how we could do this to them.

Mr. Chairman, after I leave Congress, I hope to return to teaching. And when I tell my students about their Government and its workings, I do not want to have to say that I would not vote for an amendment designed to ensure that Congress could not spend their inheritance. I do not want to tell them that the Constitution does not protect them from the profligacy of a Government they did not elect. I want to tell them that I was a part of the Congress which finally took the first step to protect them.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, I have to tell my colleagues, it is way past time, and I ought to stop there. It is way past the time. But it is way past the time for a balanced budget amendment.

I tell my colleagues, this spending is like a horse running wild on an unfenced prairie. Once and for all, Congress finally has a chance to lasso this bugger. It is a fact. In the last 30 years, Congress has balanced the Federal budget one time. But it has managed to raise taxes 56 times. That is downright ridiculous.

Those of you who oppose this amendment, and especially those who are trying to derail this effort. Open your eyes and ears. The American people are fed up. They are demanding change.

Americans don't want, don't need, and don't deserve big Government debt. Congress is to blame for this mess and Congress is the one to fix it. We are almost $4 trillion in debt.

This year alone we will pay over $300 billion in interest. Do you know what this is? It is a stop watch. Click, Click. One second. 10,000 taxpayer dollars down the drain on interest alone.

This body has the power to balance the budget on its own. But in the world of partisan politics and special interest groups, Congress refuses to even try. An amendment to our U.S. Constitution is one law that Congress cannot ignore.

Take a look at the people speaking against this amendment. They are the big spenders. To me it is obvious. They are afraid an amendment like this would actually work.

Instead of mending their ways and using a little fiscal restraint. They are more interested in frightening the elderly, and threatening our veterans by using scare tactics that are untrue.

A straight forward, balanced budget amendment does not threaten social security, Medicare, or any other vital Federal programs.

Plain and simple—this amendment outlaws deficit spending. That means we'll have to cut the pork and make the hard decisions we should have been making all along.

Let me ask, which would we do, would we fund a $40 million rock-and-roll museum or do we support Social Security and Medicare? That is an easy decision to make, not difficult.

Balancing the Federal budget is an opportunity this Congress cannot afford to miss. The future of our children and this country is in our hands with this amendment. Watch this stop watch. Do not let the second tick away. After tomorrow, we may not get another chance.

Mr. KYL. Mr. Chairman, I yield 8 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Chairman, I have listened to a lot of the debate today, and I have heard a lot of Members come up who oppose the balanced budget amendment and blame these high deficits on big tax decreases back in the early 1980's and record defense spending during the 1980's, that is why we have the deficits we have today.

Well, I might agree with them in the early 1980's, that may have been the reason we had the deficits in the early 1980's. I do not agree that that is the reason we have deficits today.

As everyone knows, we have increased taxes three or four, maybe five times since 1981-82. We have been cutting defense steadily since 1985. In fact, if we look at what we spend on defense, it is at one of the all-time lows as a percentage of the budget.

If we look at what we pay in taxes in this country, they say these big tax cuts. We pay as much as taxpayers, on the Federal level, today as we did back in 1980 and 1981 before the tax cuts went into effect.

The fact of the matter is, though, what is driving it, and this has been gone over and over again, is entitlements, and interest on the debt and all these things that we just do not have the political will to make tough decisions.

I hear everyone coming up on the other side who is against this balanced budget amendment saying, this is an irrevelant exercise. We need to stand down here. We need to discuss the issues of the day. We need to make the tough cuts.

Let me tell my colleagues about those Members who come down here, because we have a little information on these Members that come down here. We have something called the Congressional Budget Tracking System.

The gentleman from Texas [Mr. STENHOLM] has been very active in this, as have I, in trying to find out what the motivating force is behind all these Members introducing, raising spending here on the floor of the House.

We found that one of the things was that Members introduce a lot of bills that increase spending. In fact, they introduce a heck of a lot more bills to increase spending than they do to decrease spending. And what we found, and we looked at the 278 Members who signed the balanced budget petition, we found out that on average they have sponsored bills in this session of Congress to increase the deficit by $27 billion. That is a little hypocritical.

But let us look at the Members who did not sign. Let us look at the Members who oppose. Let us look at the Members who come here and say, "Well, if we just discussed the issues of the day and if we just had the political will, if we weren't pandering to people back home, then we could solve this deficit problem."

Those Members sponsored bills on average to increase the deficit $128 billion per person, individual Member of Congress, $100 billion more of cosponsorship of bills to spend money than those who want to balance the budget.

Where is the sincerity here? Who are the Members who really just do not want to control spending, who would rather be able to say, "I am doing this for you, folks back home, reelect me."

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SANTORUM. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, can the gentleman name the one committee chairman in the House who has received 3 letters in a row in 3 separate fiscal years from the Reagan White House and the Bush White House threatening to veto his appropriation bill because it did not spend enough money?

Mr. SANTORUM. Mr. Chairman, I commend the gentleman for his actions in trying to reduce spending. I would just say that unfortunately, as an opponent to the balanced budget, the gentleman is not in very good company when it comes to Members who want to reduce spending.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I am very comfortable with the company I am in.

Mr. SANTORUM. Mr. Chairman, I am telling the gentleman that the numbers do not lie. If we look at the bills that are sponsored by Members who are not signing on, and did not sign on, to the balanced budget amendment, those Members sponsored bills that spent $100 billion more on average than Members who did sponsor.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, can the gentleman tell me who is the last President to ask the Congress to pass a balanced budget?

Mr. SANTORUM. Does the gentleman mean who was the last President to submit a balanced budget?

Mr. OBEY. Mr. Chairman, yes.

Mr. SANTORUM. I do not know that answer. I know it was not Reagan or Bush.

Mr. OBEY. Mr. Chairman, would the gentleman be surprised if I told him that after submitting a budget which was slightly out of balance, that Mr. Carter resubmitted his budget with the purpose of hitting a zero deficit?

Mr. SANTORUM. Mr. Chairman, I applaud then-President Carter for doing the right thing. I stand here in saying that I am not pointing the blame solely at the Congress. I freely admit that the folks up on Pennsylvania Avenue have something to blame.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, would the gentleman tell me what is the maximum amount by which any Congress has ever changed any President's budget since Harry Truman's administration?

□ 2120

Mr. SANTORUM. Again, I would say to the gentleman from Wisconsin [Mr. OBEY] he dazzles me. I will defer to him and trust his figures.

Mr. OBEY. It is 3 percent. So I think the gentleman is perfectly correct to suggest that the Congress has been derelict in its duty in dealing with budget deficits, but I think we need to put it in perspective and point out that it is not a failure of the Congress, it is a failure of the Congress and the President, and I think until we have both branches accepting responsibility that it will not get fixed.

Mr. SANTORUM. If I can stipulate that, and use the rest of my time, I would be happy to do so.

Mr. MOODY. Mr. Chairman, will the gentleman yield for a moment?

Mr. SANTORUM. Yes, I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, I have a different question. When the gentleman from Pennsylvania talked about the people who were not supporting the balanced budget amendment and implied they were hypocritical, I believe it is against the rules of the House to impugn the motives of Members of the body.

Mr. SANTORUM. OK.

The CHAIRMAN pro tempore (Mr. MFUME). The gentleman from Wisconsin [Mr. MOODY] is correct.

Mr. SANTORUM. I thank the chairman.

Let me just say that those who come here to the well and suggest they are willing to discuss, and they tick off 10 or 12 defense programs that they do not support anyway that they would like to get rid of, I really do question—in deference to the gentleman from Wisconsin [Mr. MOODY]—I really do question whether they really want to get at the bottom of the issue here, which is to reduce the deficit, when they are out there sponsoring hundreds of billions of dollars of increased spending.

So I would suggest that we get down to the basic issue, which is, let us pass this amendment, let us go back and then have these discussions, on which I commend the chairman of the Committee on the Budget. I think he is absolutely right, we have very tough decisions to make. I am willing to make those.

I offered a budget in committee that reduced the deficit by $35 billion this year, and did not get very many votes for it. I offered specific amendment after specific amendment, and I did not get very many votes for it. The fact is, it is very difficult to say we are going to have very serious discussions, when every time we have a serious discussion we are shot down. We are here today because we have a balanced budget amendment on the floor, and we are not going to have serious discussions until it is passed.

Mr. MOODY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, the speaker who just spoke pointed out something that concerns me very greatly. That is that we are stagnating our Government if we cannot introduce or we cannot work for new legislation in the Congress of the United States of America, when there are great problems out there that need help; we are in a real bad fix.

If I were the President of the United States or running for President today, my first agenda would be a program to get jobs for people in the inner city, to give them some hope, get off of relief, and earn their money. That would be my first job.

Where would I get the money? I would knock out all foreign aid. That is $25 or $30 billion a year. I would knock out arts and humanities. That is another $16 billion, and food stamps. These are all painful things, all good programs. There are other programs I could list for the Members that I think we could get rid of. We already have a social welfare program to take care of those who are on food stamps. It is a very much abused program.

So that is a problem that I think we ought to face, the fact that we are presently at such a gridlock that we cannot do anything that the country really greatly needs. Some people said this amendment cannot be enforced. It will be enforced. It will be enforced by the Supreme Court saying, "When you go over the amount of money you are supposed to spend in that year, you cannot spend any more," and it will be a void contract. That will get everybody's attention.

Another thing that will get people's attention is the fact the Government says, "You cannot pass legislation," to bolster up this amendment once it is passed, to give it teeth. In other words, we could give it teeth and Members of Congress will be responsible to do it.

The third thing, and probably the most important thing I can say to the Members as a politician who has been politicking for a long time in my life, I think it is very difficult to come here to Congress and not have obligations to spend money that special interests ask you to do. If we have a constitutional amendment like this, we are going to be able to tell them, "I cannot do it unless I get rid of some money." So we would say, "My heart bleeds for you, but I have to find someplace to get that money, because I cannot do it under the Constitution."

So I think we have an opportunity in this time to go forward, and I hope we will, for a constitutional amendment to balance the budget.

Mr. KYL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while the gentleman from Florida is resuming his seat, I would like to compliment the gentleman. We served on the Committee on Armed Services together, and I know when he speaks he speaks from the heart, and he speaks from a great deal of experience. I think that the words that he just gave us have a lot of wisdom behind them, and I would like to associate myself with those very wise words of my friend from Florida.

Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I was elected to serve in this distinguished body in our bicentennial year. It is an election that I will not forget, and the moment in this Chamber, holding the hand of the youngest of my children, of Sally's and our five children, standing right about there behind that leadership desk, we kind of pushed the rules on children on the floor, she was a young 15, and I will never forget that day. It was a dream that I had had since I was a young lieutenant in the Air Force, to come here and serve in this distinguished body.

I had slept in a car with three fellow cadets out in the parking lot in August 1954, between propeller and jet training, and I told them, "I am going to serve in that body if it is the last thing I do."

When I got here, I had no idea that with a break in service, where I changed districts, and I think I am the only one here that has served from two completely different districts. It has been over half a century since anybody has been that lucky. I have seen a lot of good men and women try to come here and miss once, twice, three, and in one case four times, and not make it here.

I truly love the history of this Chamber, and appreciate being part of every Congress that won from the 95th Congress to this 102d Congress, but I had no idea that some day I might have to explain to my grandkids that during my service we just drowned in red ink here.

There is plenty of blame to go around. I know that with six cameras, Mr. Chairman, that under strict rules shoot this Chamber in a limited way, that viewers who follow our proceedings probably cannot see the beautiful woods carved into this leadership desk area that was rebuilt in the early 1950s. "Tolerance" is one word around the corner. This word over here behind the Democratic lectern is "Justice." We spend a lot of money here trying to ensure domestic tranquility and establish justice in this country, but we cannot seem to get a good crime bill out of here that keeps the victims in mind.

Right at the center here it says "Tolerance." We have passed some interesting civil rights legislation. I voted for all of it that I know of since I have been here, except for one or two unusual amendments, and we still cannot seem to hold down hate crimes in this country.

Behind me it says "Liberty." I have watched some ferocious, passionate debates here on how we were going to spend our money covertly and overtly to bring freedom to Afghanistan, where the winners kill one another; to try and bring some justice to Yugoslavia, spinning into six or seven separate nations where brothers are killing brothers.

We spend money arguing over how to help Nicaragua. We spend several billions of dollars in El Salvador to try and bring peace, in Angola to try and bring peace, all around the world, and there is the word "Peace" over here on this side.

Lord knows that we have spent a lot of money here trying to stop 30,000 missiles from being pointed at us, and that is to the everlasting glory of Ronald Reagan, and in trying to get "Liberty" carved in this beautiful wood here, and "Peace" over here. We would have arguments over how to fund all of this.

We won an amazing hot and bloody so-called cold war, and instead of returning a piece then to our citizenry, we find out that the peace dividend is gone, for all sorts of reasons: S&L banking scandals, some of which originated or had its roots originating in this Chamber. We see rioting and self-destruction of their own neighborhoods of citizens out of all sorts of cultural reasons, asking for billions of dollars to rebuild areas, with the threat that a hot summer will cause other cities to burn.

I will tell the Members something, I am probably, if I survive November, good for only one more term, two at the outside. I have said I will not run again after 1996. I believe in 12-year term limits, and I have 6 in one district, and that would give me 12 in this.

□ 2130

I want to leave a legacy to my grandkids. Three of our five are married, and that gives us eight grandkids, God willing a few more if our two youngest get married. And the oldest is already 11, Ricky, who lives out here in Virginia. I have a granddaughter, Erin, who was born on the 200th anniversary of the establishment of the House, and the Senate, and the Supreme Court, and the Presidency. I would like for her to be the first female President of this Nation, if not sooner. Erin Griffin. I keep telling her, "You're going to be the first lady President of our country."

What legacy are we going to leave my grandkids and the grandchildren of a lot of Members of this House?

I see that BARBARA VUCANOVICH is still here, and I have been telling her for 3 or 4 years now that we have to get together and form a grandparents caucus, not that there are not a lot of great single men and women, like Sam Rayburn who served, and that there are not a lot of great clergy people who love all of the children of this country, but who never had any children of their own.

But when I stand in this well and I talk about my future, and my future progeny not living in debt, and my grandchildren, I am talking about living flesh and blood children. So what I am going to say now, just beginning my written remarks that my staff worked so hard on and that I am proud of, is that my grandchildren are going to, I think, be told by me about tomorrow, the balanced budget day.

With all due respect to my friends and colleagues on the other side who do not think that we need this discipline written in with the amendment to our Constitution, I say after 15 years on this Hill, 13 of them in office, we definitely need this discipline. We need the 11th of June, tomorrow, to show the American people who hold us in such low esteem that we are going to put a law, a mechanism in place to make sure that this body and the other Chamber are really caring about the future children and grandchildren and their grandchildren for generations to come.

I rise of course, in strong support of a balanced budget amendment, and of all of the amendments the Kyl amendment is the best because it limits spending, the real cause of our deficit, to 19 percent of GNP, a bill that I put in this Chamber in 1977, 19 percent.

Mr. Chairman, I rise today, of course, in strong support of a balanced budget amendment to the Constitution. Of all the different proposals we will be considering today, I believe that the Kyl amendment is the best because it limits spending, the real cause of the deficit, to 19 percent of GNP. The next best is the Barton-Tauzin amendment, which also has real teeth. Barton-Tauzin would prevent the debt limit or taxes from being raised without the consent of three-fifths of both Houses of Congress. If the Kyl and Barton amendments fail to get the required two-thirds, I will support the Smith-Stenholm amendment, which would require a three-fifths majority of both Houses of Congress to increase the limit on the public debt. I will, however, oppose the Gephardt amendment, which would allow Congress to use all sorts of mischief to get around the requirements of the amendment.

I am not going to get into the minutiae of each amendment, but instead will confine my remarks to why I believe it is important that we take this step today.

Amending the Constitution is not something any of us should take lightly. Indeed, it is the most serious legislative undertaking in our system of government. However, I think that in this case a serious response is necessary to break the legislative logjam we find ourselves in with regard to the deficit. And who knows, if the amendment succeeds we may not give it a second thought in years to come. As Michael Kinsley pointed out, "Many of (the Constitution's) clauses address concerns that now seem trivial. See the third amendment, about quartering soldiers. We should only be so lucky that fiscal responsibility seems a passe issue in future years."

Critics of the amendment rightly point out that we already have the ability to take the steps required to balance the budget, but that we don't use them. They say, again correctly, that the problem is really one of a lack of political will and political courage. But political courage means different things to different people. I would argue that Republicans have the political will to cut spending to the bone. And I believe that the Democrats have the political will to raise taxes. But neither side can impose their political will without the cooperation of the other. So the question becomes: How do we break the logjam and get Congress and the White House, Republicans and Democrats, to act?

We have tried statutes in the past and they have been continually ignored or waived. I remember several years ago I wrote a newspaper column in which I detailed Congress' habitual lawbreaking when it came to the budget. The lawbreaking has continued to this day. As Mr. STENHOLM has pointed out, the Budget Act of 1974 has been waived over 600 times since it was enacted. So a balanced budget statute is obviously not the answer. We need to go further. We need to make a process that favors a balanced budget part of the Constitution.

People—politicians—will no doubt take a constitutional duty much more seriously than a statutory one. Further, by making it a constitutional requirement, the budget will receive more media scrutiny and the public will become more attentive and more involved. And if a balanced budget amendment does nothing but lead to a serious, honest, national debate on spending and taxes—a debate I know our side will win—then it will have been worth it. In short, a constitutional amendment ups the political ante.

But perhaps the best reason to support the amendment is not because of what it will force the Congress to do, but because of what it will force the American people to do. To wit, Americans would have to confront the real cause of the budget deficit—divided government. More than taxes or spending or monetary policy or defense or anything else, divided government has been the primary cause of our deficit. Why? Because with divided government there is no accountability. The Democrats blame the Republicans for the deficit, while Republicans blame the Democrats. The result is gridlock.

As our terrific Minority Leader BOB MICHEL recently pointed out, the American people have had it both ways for far too long, electing Republican Presidents who hold the line on taxes while electing a Democrat Congress that spends money as if there is no tomorrow. Whereas Republicans want to decrease spending and the size of government, the Democrats want to increase taxes to maintain or expand the current size of government. This fundamental difference in approaches to balancing the budget goes to the very heart of the philosophical divide between the two parties. Americans will have to start answering some very tough questions, such as: What is the legitimate role of government? How big should government be? How much of the Nation's output should be channelled through Washington? What are our priorities?

With a constitutional amendment, something will finally have to give. Either both sides will have to reach some compromise, or one party or the other will eventually control both ends of Pennsylvania Avenue. My preference is for the latter, provided, of course, that it is Republicans who are in control. But in any event, Americans need to get more involved in their Government if we are going to tackle this problem.

I would also like to briefly discuss the erroneous notion that passing a balanced budget amendment would result in a raid on Social Security and Medicare. this is nothing but a scare tactic used by opponents of the amendment to defeat it. Social Security would be no more vulnerable under a constitutional amendment than it is now. The amendment would only prescribe a procedure, it would not prescribe a specific outcome. that will be the job of Congress and the President.

Let me end by pointing out that the amendment would conform to a basic historical proposition—no taxation without representation. In this case that means the current generation has no right to saddle future generations—the unrepresented—with a mounting pile of debt—taxation. No less than Thomas Jefferson made precisely this same point in recommending such a constitutional procedure over 200 years ago. If it was good enough for 'ol Tom, it is good enough for me. And it should be good enough for all of us, for all Americans.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. COX].

Mr. COX of Illinois. Mr. Chairman, when I arrived here in Washington I had high hopes that I would be able to be part of a process that would bring fiscal responsibility to the Federal Government of the United States without the use of a constitutional amendment. Having been here now for approximately 18 months, I find that those hopes are gone and that it is clear to me that without a constitutional amendment we will never balance the Federal budget, we will never confront the difficult choices which we must if fiscal responsibility will become a reality, we will never do the things we need to do to assure an optimistic and hopeful future for our children and our grandchildren.

It is my desire, Mr. Chairman, that the constitutional amendment that we pass assure that we will balance the budget. It is my desire, Mr. Chairman, that the constitutional amendment that we pass will not require a supermajority to make the important decisions that we must make in this regard. It is my desire, Mr. Chairman, that if we fail to bring the budget into balance in any fiscal year that we look back and be required to take action in the following year to make up for actual excess spending that may have occurred.

I have listened closely to many of my friends who oppose a constitutional amendment. It is my observation that many of the arguments that are put forth against the amendment are really admissions that, if we must be fiscally responsible, we will not support many of the programs my friends desire to become part of the law or remain in the law as they are today. This is an admission of failure of policy ideas as it appears to me that my friends believe that if we must be fiscally responsible we will not support spending programs they support. I am sympathetic and quite often supportive of the programs my friends would like to add to the law of this country or keep in the law as they exist today. I am not prepared to bankrupt the future of this country and that of my children and my grandchildren to support their ideas without the requirement that we make the difficult choices and pay for the programs that we attempt to implement.

The gentleman from Utah, Mr. ORTON, and I have diligently worked on an alternative constitutional amendment which assures that balanced budgets will be required, which mandates a look back year after year after year to be sure that we balance the budget, which identifies what will happen if we fail to balance the budget in any given year. I believe that that amendment will not reach the floor as part of this debate. If we fail to pass a constitutional amendment during this process, I am hopeful that we will take another look at the Orton-Cox balanced budget constitutional amendment at another time. However, because the amendment Mr. ORTON and I propose will not have the opportunity to be considered, I have no choice but to support whatever constitutional amendment requiring a balanced budget has an opportunity to pass. It is my humble observation that without passage of this amendment soon, as Senator RUDMAN said at his retirement press conference, we may not be able to fix the problem in time.

I urge my colleagues to support the Stenholm amendment as the one amendment having the real opportunity to become law. I wish we could eliminate some of the flaws of the Stenholm amendment but that does not appear to be possible. The alternative to the Stenholm amendment, no balanced budget constitutional amendment, is far more dangerous to the future of this country than any of the flaws I perceive in its language. Therefore, I urge my colleagues to vote for H.R. 290.

Balanced Budget Amendment Supporters Sponsor Less Spending Than Other Members of Congress

Based on the April 5 release of the Congressional Budget Tracking System, members of both chambers who have sponsored the Balanced Amendment to the Constitution sponsor far fewer spending increase proposals than those who have not sponsored the measure.

The 278 Balanced Budget Amendment House sponsors have, on average, sponsored legislation that would increase spending $27.8 billion. In contrast, members who have not sponsored BBA have sponsored legislation costing an average of $128.2 billion.

In the Senate, the 29 members who have sponsored the Balanced Budget Amendment have sponsored legislation that would increase spending by $18.5 billion. Other Senators have sponsored legislation that would increase spending $30.4 billion.

The Congressional Budget Tracking System (CBTS) is a comprehensive computerized data base summarizing cost estimates of legislation proposing significant changes in current Federal spending policies. CBTS cross-indexes these estimates with the sponsorship and cosponsorship records of each member of Congress to provide a running tally of the cost of every major spending initiative that each member has sponsored or cosponsored. CBTS contains an offset feature to ensure that the same spending is not counted twice when it appears in more than one bill. This permits the system to show only the net spending proposed by each member.

CBTS SPRING 1992 AVERAGES

[In millions of dollars]

	House	Senate
BBA sponsors	27,803	18,568
BBA non-sponsors	128,262	30,411
Difference	100,459	11,843

Statement by James M. Buchanan

It is time to acknowledge that the 1990 Budget Agreement has failed.

It is time to go back to constitutional control through a balanced-budget amendment. In supporting such an amendment, Congress can control its spending proclivities by setting up control machinery external to its own internal operations, machinery that will not be so easily neglected and abandoned.

Why do we need a balanced-budget amendment now, when no such constitutional provision existed for two centuries? The answer is clear. Up until recent decades, the principle that government should balance its budget in peacetime was, indeed, a part of our effective constitution, even if not formally written down. Before the Keynesian inspired shift in thinking about fiscal matters, it was universally considered immoral to spend without taxing, except in periods of emergency (wars or major depression). We have lost the moral sense of fiscal responsibility that served to make formal constitutional constraints unnecessary. We cannot legislate a change in political morality; we can put formal constitutional constraints into place.

It is important to recognize that the balanced-budget amendment imposes procedural constraints on the making of budgetary choices. It does not restrict, in any way, the power or ability of the Congress to spend or tax. The amendment requires only that the Congress and the Executive pay for what they spend by the imposition of the necessary taxes. In its simplest terms, such an amendment amounts to little more than "honesty in budgeting."

In one sense, of course, we always pay for what we spend through government, as anywhere else. But those who pay for the government spending that is financed by borrowing are taxpayers in future years, those who must pay taxes to meet the ever-mounting interest obligations that are already far too large an item in the federal budget. The immorality of the intergenerational transfer that deficit financing represents cries out for correction.

Opponents of the balanced-budget amendment argue that the interest burden should be measured in terms of percentage of national product, and, so long as this ratio does not increase, all is well. This argument is totally untenable because it ignores the effects of both inflation and real economic growth. So long as government debt is denominated in dollars, sufficiently rapid inflation can, for a short period, reduce the interest burden substantially, in terms of the ratio to product. But surely default by way of inflation is the worst of all possible ways of dealing with the fiscal crisis that the deficit regime represents.

Opponents make the additional argument that the balanced budget amendment would be unenforceable, and that Congress would make efforts to circumvent any fiscal constraints. Of course. But the existence of constraints will constrain, as indeed the Gramm-Rudman experience indicated.

Finally, opponents suggest that Congress and the Executive must maintain the budgetary flexibility to respond to emergency needs for expanding rates of spending. This prospect is fully recognized, and all versions of the balanced-budget amendment include explicit provisions that allow for waiver of the constraint upon approval of some qualified majority in both houses.

When all is said and done, there is no rational argument against the balanced-budget amendment. Simple observation of the fiscal record of recent years tells us that the procedures through which fiscal choices are made are not working. The problem is not one that involves the wrong political leaders or the wrong parties. The problem is one where those whom we elect are required to function under the wrong set of rules, the wrong procedures. It is high time to get our fiscal house in order.

We can only imagine the increase in investor and business confidence, both domestic and foreign, that enactment of a balanced-budget amendment would produce. Perhaps even more importantly, we could all regain a confidence in ourselves, as a free people under responsible constitutional government.

Excerpts From Remarks by Gov. L. Douglas Wilder

Mr. Chairman and members of the Committee, thank you. I appreciate the opportunity to meet with you to discuss the implications of a balanced budget amendment to our Nation's Constitutional heritage and fiscal future.

Let me say at the outset, that I am in favor of a balanced budget amendment to the Constitution. I voted in my state legislature in 1977 to memorialize your taking this action. As a governor and one committed to running a fiscally responsible state, this shouldn't surprise you.

By and large, state financial managers accept the balanced budget requirement as a tenet of fiscal integrity. The National Governors' Association's support of a balanced budget amendment is consistent with states' commitment to this concept.

The underlying fiscal philosophy in Virginia is that the worst time to raise taxes is during a recession. Accordingly, when faced with a $2.2 billion deficit in 1991, we ruled out tax increases, held the line on new spending, cut discretionary spending by 25 percent below 1990 levels, eliminated over 3,000 positions through an early retirement program, and withheld salary increases from state employees for two years.

Although the challenges faced by the federal government are gargantuan in comparison, I do believe that many of the broad principles that were successful in Virginia—and in other states—can be applied in Washington.

Chairman Panetta, your invitation to me suggested seven issues of interest to the Committee, and I want to group these issues in two broad areas of testimony.

First, I will discuss the fabric of our political culture in Virginia and our constitutional and legal environment for responsible financial decisions.

Second, I will examine some of the ways in which our financial management experiences have implications for the federal government and suggest refinements in the federal approach to financial policy, including a balanced budget amendment.

BALANCED BUDGET CONSTITUTIONAL REQUIREMENT

There is a long tradition of enacting balanced budgets in Virginia, but the Constitutional requirement is of recent vintage.

The people of our Commonwealth voted in 1984 to enact this amendment, effective July 1, 1986. Our balanced budget amendment requires that the Governor ensure that expenses of the Commonwealth do not exceed total revenues on hand and projected during each budget period.

In managing the enacted budget, the Governor must ensure that actual expenses paid from the treasury do not exceed the actual revenues paid during the life of the appropriation. The Constitutional provision applies to all funds, including federal grants, which are expected to come into the state treasury.

LINE-ITEM VETO

Since 1971, Virginia's Constitution has also contained a provision granting the Governor the power to veto an item in an appropriation bill. The Supreme Court of Virginia has defined an "item" as "an indivisible sum of money dedicated to a stated purpose."

The Governor, under this power, can veto a sum of money identified for a stated purpose. He cannot reduce it to a smaller sum, but must veto the entire amount. In addition, the Governor's power to veto an item does not carry with it the power to strike our conditions or restrictions on appropriations. That is an exercise reserved for the General Assembly by our Constitution.

In contrast, and to the detriment of the process, the President is not held accountable for a balanced budget. Congress takes control over budget development with its budget resolution, after which, the President may only approve or veto 13 appropriation bills. The President has minimal flexibility to manage the federal budget after it is passed.

AMENDMENTS TO AN ENROLLED APPROPRIATION BILL

In Virginia, the Governor's constitutional power to recommend amendments to an enrolled budget bill is of far more significance than the line item veto.

The General Assembly may, by majority vote, adopt the Governor's recommended amendments; or it may refuse to adopt the amendments, in which case the enrolled bill, without amendments, is again before him for his action: either his signature or veto; or the General Assembly may enact the enrolled bill, without the amendments, into law by a two-thirds vote in each house.

In all but three years since 1982, the Governor has returned the enrolled appropriation bill to the reconvened session with amendments.

In all but one year, the General Assembly has adopted all proposed amendments.

STATUTORY AUTHORITY

Language was placed in the 1932 Appropriation Act, during the time of the Great Depression, requiring the Governor to survey the collection of revenues of the general fund and reduce appropriations so that they do not exceed those revenues.

The reduction could not exceed a certain percentage, which has changed from time to time, and is currently 15%. The approval of the General Assembly is not required; however, in those years when the Governor has found it necessary to reduce appropriations, the General Assembly leadership has been informed, and the Governor has made reports to the General Assembly of the action taken.

Although refined and amended over the years, this language is the basic authority of the Governor to reduce appropriations should a decline in revenues take place. It was the statutory authority used to put the 1990-92 budget reductions in place. Every Governor has taken this responsibility seriously and has taken action when the monthly revenue reports indicated a shortfall in general fund revenues.

However, the General Assembly recognized that there may be compelling circumstances which require an individual agency to incur a deficit. In instances such as the imposition of a new and unexpected federal requirement or a court order, the Governor can authorize a deficit provided that it is repaid either by appropriations made by the General Assembly or from the agency's appropriation the following fiscal year.

IMPLICATIONS FOR THE FEDERAL GOVERNMENT

Now I would like to address some implications of our experience in Virginia for federal financial decision-making.

Comparisons between the states and the federal government are often debated. State governments are important laboratories where innovative experiments to address social and financial issues are tried and perfected.

With a national debt of about $4 trillion, there is a need for discipline at the national level. It is appropriate that you are looking to successful budgeting practices of the states for guidance. I believe the balanced budget amendment is a statement of principle and conviction that can promote discipline. I favor a balanced budget amendment to the Constitution as part of a comprehensive financial reform strategy.

Perhaps some of the strongest arguments for the amendment come from the arguments commonly used against it.

First, opponents say that state balanced budget requirements apply only to the states' general fund dollars. This is not so in Virginia. We are required to balance our budget for all funds, including federal and other specially earmarked funds. All our funds are deposited in the treasury and appropriations are made accordingly.

Second, opponents say that states are able to balance their budgets only because they use bonded debt for public works and infrastructure, whereas the federal government uses a "pay-as-you-go" approach. This argument is a straw man.

There is nothing wrong with government, nor the private sector, making prudent use of debt to pay for capital investments that have useful lives producing future benefits for future generations.

In fact, in Virginia, we carefully assess the limits of our debt capacity to maintain our AAA bond rating, and we have a constitutional limit on the amount of debt we can issue. Moreover, we have instituted a six-year plan to direct our capital investment toward the most essential needs.

Unfortunately, the federal government has no capital budget and has no way to account for how much of its annual deficit and its debt is attributable to productive capital investments.

Therefore, it has no yardstick to measure the appropriate use of debt. Some would say that this is precisely why the federal government should have a capital planning process and a capital budget distinct from the day-to-day operating budget.

A balanced budget amendment should not be tabled just because the federal government does not have a capital budget process. There may be a need for other budget reforms along with a balanced budget requirement including a capital budget.

Third, opponents also say that a balanced budget amendment would promote more off-budget spending. Again, this argument is a Trojan Horse.

Just look at the billions spent on the Resolution Trust Corporation which is now off budget and ask yourself could we possibly be worse off if we had a balanced budget requirement?

The point is that budgetary gimmickry will always prevail if there is no fundamental commitment to the principle of a balanced budget. In this context, a balanced budget requirement is a restraint on gimmicks.

Surely it will not succeed unless we are dedicated to principles. Yet, we can be even more certain it will not be accomplished if we are unwilling to set forth the principles.

Finally, opponents say that the adjustments needed to balance the budget would be too harsh and that necessary and popular programs would have to be eliminated. Let me simply refute this argument by citing the measure we have taken to balance Virginia's budget.

FINANCIAL ENVIRONMENT

Over the past 27 months, the most extensive changes ever proposed to a budget in Virginia were needed to keep the Commonwealth's fiscal affairs in order. Far-reaching spending reductions were made necessary by the dramatic slowdown in the economy and an equally dramatic decrease in revenue collections. Continuing increases in federally mandated spending were also a part of Virginia's budget problems.

Overall, our revenue forecast for the biennium was reduced five different times—and reflected a total shortfall of $2.5 billion. This was the largest shortfall in Virginia's history, and one of the most severe in the nation. It was equivalent to about 15 percent of the total general fund budget.

It meant that we could not balance the budget without considering reductions in many important services. It could no longer be "business as usual" in Virginia. Everything needed to be on the table.

At the same time, essential services needed to be preserved. We chose to avoid simplistic across-the-board reductions to address the budget imbalance. Instead, we chose to make difficult decisions, to choose between our highest-priority programs, and to target reductions accordingly.

POLICIES AND ACTIONS

Throughout the series of budget reductions I set these major budget reduction policies:

First, Virginia would not enact any general tax increases.

Second, Virginia would protect programs that provide direct aid to individuals and other essential public services.

Third, we would protect local government to the extent possible, by phasing reductions in local programs.

Fourth, we would emphasize, permanent, on-going reductions in the state budget wherever possible and minimize reliance on one-time budget actions.

Fifth, we would target reductions rather than adopting formula driven or across-the-board reductions to ensure that the state's highest-priority programs were not adversely affected.

And sixth, we would provide maximum flexibility to agency officials to determine where budget reductions would be made.

The process I set in motion to reduce operating expenses of all state agencies by instituting greater efficiencies and further curtailing of spending called on the cabinet secretaries to work with agencies to develop proposed reductions in keeping with my reduction policy objectives.

I insisted that all programs and activities of state government, with a few exceptions, be considered for reduction.

To minimize the impact of reductions on the public, exemptions were made for essential state services such as aid to individuals (that is, Medicaid, social services, and mental health), debt service, prisons, and the state police. These exemptions reflected those required by law as well as by my policy priorities.

To ensure that essential services and the highest priority programs were preserved in Virginia's budget reduction process, I directed the Secretaries and agency heads to target reductions in areas of operations that could be made more efficient, that could be delivered in alternative ways, there were not essential to the central purpose of government, and that were not producing a sufficient return on investment.

The approach, in other words, was a "bottom up" one—with the program managers closest to the programs determining the specifics of where reductions would be targeted. This approach reflects current management philosophy being used in successful private sector streamlining efforts.

Over half (55 percent) of the actions necessary to make up the $2.5 billion revenue shortfall were achieved through reductions to state agencies' operating budgets. Agencies adopted a number of strategies to effect the necessary budget savings.

Over a third of the savings they realized were due to organizational changes, operational efficiencies, or elimination of non-essential services. These actions will mean permanent, long-term reductions in the size of Virginia's budget.

Another 27 percent of the total savings to make up the shortfall were in agency capital projects. We put a freeze on building projects that were not already under contract with the private sector.

In total, more than three-fourths of the budget savings necessary were operating and capital reductions at the agency level.

While I used my executive authority as the chief financial officer of the Commonwealth to temporarily halt spending as necessary, all the budget amendments were submitted for review and approval by the General Assembly and were given full public airing for the citizens of the Commonwealth to express their reactions.

More important, we were honest and candid with taxpayers. We acknowledged that Virginia could not afford to continue everything that was in the budget. We took the straightforward approach that it was far better to finance high-priority programs adequately than to finance everything inadequately.

If we assume there is a lesson to be learned from Virginia's successful budgeting, we must address not only the issue of a balanced budget constitutional requirement, but also other differences from the federal approach.

I am confident that states tend to be successful in managing their finances because the authorities of Governors are more closely patterned after those of chief executives in the private sector. Basically, we have more budgetary influence than the President.

As Virginia's Governor, and as most other Governors, I have substantial authority to develop and implement financial policies. This authority has a stabilizing effect on the process. For example, the line item veto, while not often used, and the authority to recommend amendments before I sign an appropriation bill, are both effective budget development tools to thwart efforts to increase spending or taxes.

As a Governor, and unlike the President, I also exercise strong budget management authority. This provides flexibility to change financial plans and is an incentive for long-range planning and forecasting.

For example, I can reduce or temporarily defer spending when revenues decline; transfer appropriations; and appropriate certain fund balances at year end. After a federal budget is approved, the President has virtually no flexibility to react to changing fiscal conditions.

I believe state budgets are responsible because state officials are clearly accountable. The are accountable because they have strong legal requirements to balance the budget and limit debt; and they have the authority to control and manage the state's finances.

There are no silver bullets or simple solutions to the federal deficit problem. I am, however, confident that there are solutions. But these solutions are possible only if all branches of government are willing to take and cede responsibility.

Such responsibility is a matter of trust for government—by demonstrating that we are spending our money wisely, we show that our initiatives are not frivolous programs, but sincere efforts to make a difference.

The National Governors' Association has adopted a policy that Congress support a constitutional amendment for a balanced budget when the federal deficit has been reduced to zero. I generally agree with this policy, but from a personal perspective, I believe we should have a policy that identifies when a budget deficit will be reduced to zero.

I am flexible as to the time frame and specifics of how this is done. It's far more important for the President and Congress to agree to the principle and stick to a process and time frame to accomplish it. To get consensus, it may be necessary to phase in deficit reduction and adopt other reforms. In the absence of action, however, I do not believe that we can restore the confidence of the American people in the federal budget process.

Other elements that need to be considered include a capital budget and restoring to the executive branch some of the authority needed to manage the nation's finances. Whether this is in the form of a line item veto, or enhanced rescission authority, or appropriation transfer authority is not important at this moment.

What is important is that such authority for the executive is distributed in a way that ensure accountability. Surely, this will improve the integrity of Federal financial management and responsiveness to the national interest.

Thank you for this opportunity to be with you today and to speak about the balanced budget amendment legislation presently pending before Congress. I would be pleased to answer any of your questions.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. (Mr. MFUME). The Chair reminds Members that they should avoid references or direct quotes of Members of the other body.

Mr. KYL. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Well America, you have heard the debate. What do you buy? What side of the argument do you buy? You have heard people expressing on both sides of the aisle now.

I can tell you that I will be supporting any amendment that gives this Congress the incentive, yes, a mandate to balance the budget. This budget deficit is the greatest threat to our national well-being that we face as a Nation. It is the greatest challenge of our time, and anybody who says that we are going to try to confront this with just business as usual, trying to just reshape the rules of the road as we have up to date is kidding themselves or they are lying to the American people.

The fact is that we need some fundamental reform, and there is no silver bullet. Let me add I agree with them, there is no silver bullet like a constitutional amendment that is going to do the job for us. But that does not mean that we do not need the constitutional amendment or need the reform.

Yes, balancing the budget is going to require us to make some very tough decisions. We are going to have to change the taxing, spending, and regulatory policies that have resulted in this great threat to our national well-being.

On the spending side we are going to have to say no to anything that is not absolutely necessary. That is what we are going to have to do once this budget amendment passes. We need to say to the farmers, I am sorry, we cannot subsidize you anymore. That is right, farmers are going to have to be treated like other businessmen, because we cannot spend billions of dollars subsidizing certain industries. We are going to have to say the Government cannot run a railroad anymore at billions of dollars' worth of subsi dies, or provide services like public broadcasting when it is done in the private sector, or we might not even be able to have a National Endowment for the Arts. But these things are better to get rid of than to let the whole system sink and to have our entire population impoverished because we are afraid to make decisions.

We have to have the ability to make tough decisions, and we have to be tough enough to clear away things, not just say no to spending, but tough enough to make reforms like, for example, to clear away anticompetitive regulations like antitrust laws that are no longer applicable, but drag our country's competitiveness down. Our country is crying out for liability reform. Liability reform itself would help spur economic growth, and we will know after this balanced budget amendment, unless we are willing to take on the lawyers that we are not going to be able to balance the budget. And we will also have to say no to some of the nonsense like striker replacement laws which also bring down American competitiveness, because we will know that it is going to drag down the economy, and even make the budget deficit harder to solve.

We are going to have to be more creative. We are going to have to be more creative and we are going to have to come up with some positive solutions when right now that pressure is not on us. For example, a lot of things the Government does can be privatized. Why does the Post Office have to be run by the U.S. Government in this day and age? Yes, that is a decision that we might have to face. We might have to privatize that service. We might have to privatize the ownership of airports in this country because we will not be able to tax the American people, not because it is not in the balanced budget amendment, which everyone passes, and I hope it is in there, but because the higher level of taxation will have a lower level of growth, and will have a higher budget deficit if we rely on higher taxes.

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I will vote for any amendment that helps us make those tough decisions. I am willing to make the tough decisions now, and I hope that we pass a balanced budget amendment so we can get something good done for America and America's future.

The CHAIRMAN. The Chair will advise Members controlling the debate time that the gentleman from Texas [Mr. BARTON] has 25½ minutes remaining; the gentleman from Wisconsin [Mr. OBEY] has 9½ minutes remaining; the gentleman from Texas [Mr. STENHOLM] has 33 minutes remaining; and the gentleman from Arizona [Mr. KYL] has 13 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I yield 4½ minutes to the gentleman from California [Mr. RIGGS].

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentlemen for yielding me this time.

Mr. Chairman, as this debate winds down, one plain truth emerges. Our budget deficits are the result of a political crisis, a lack of collective political will and resolve in this body, more than a financial crisis. Another way of putting that is we need not have deficits.

We have to start from that fundamental premise. We need not have a rapidly increasing debt that erodes the quality of life while consuming an ever-larger portion of the Federal budget and the gross national product if only we could muster the collective political will to balance Federal expenditures with Federal revenues. This is a political crisis that the GAO noted in rather prescient fashion in 1989 warrants, "the commitment and bipartisan spirit of compromise in the national interest that our political system traditionally brings to a crisis situation."

Do we need the external discipline of a balanced budget requirement if we already possess the constitutional authority to balance the budget? Well, the answer, again from history, is an unequivocal and absolute yes. Since World War II, we have had the Budget and Accounting Act of 1950, the Impoundment Act of 1974, and in more recent times to invoke some current memories, the Gramm-Rudman-Hollings Act of 1985, and last, but certainly not least in terms of what it has added to the Federal deficit, the Budget Enforcement Act of 1990 with its deficit-reduction plan, an inadequate and badly flawed plan.

Obviously legislative-mandated attempts did not work. Less than 3 months ago, in fact on March 31 of this year, 187 Members of this body voted to tear down the budget agreement firewalls that required defense savings, otherwise known as the peace bonus or peace dividend, to go directly to deficit reduction rather than into more spending or more funding for social programs.

This week or next, as the gentleman from Pennsylvania [Mr. COUGHLIN] commented about a little bit earlier, this House will take up again the urban aid package. When it left this body it had a budget authorization of $500 billion. Unfortunately, the other body reported out a bill with a budget authority of $1.95 billion, and the bill we are going to get on the House floor from the conference committee of the House and Senate has a budget authority of $2 billion, all off budget, all not subject to the pay-as-you-go financing rules of the budget agreement, all adding directly to the Federal deficit.

Since World War II, the Federal Government has spent $1.59 for every $1 it takes in, over the last year, $4 for every $3 it takes in. I find that my constituents back home can far better relate to these figures than hundreds of billions of dollars thrown around here and there.

But I do not think that many people ask themselves where do we get that money, where do we get the extra dollar to cover the deficit in the current Federal fiscal year. Well, we do print a little new money back here at the U.S. Mint. We do add a little money to the M2 money supply. But we cannot do a whole lot of that, because it would be hyperinflationary. Primarily we go out there and borrow from the capital markets where we are directly competing head to head with American business and, of course, we sell instruments of the Federal Government, Treasury bills and Treasury bonds, at auction, and principally to foreign investors, so we are going offshore to finance our deficit as well.

The results? An enormous and constant drag on the economy, costing us, according to knowledgeable economists, about 3 percent per year in lost economic growth during the decade of the 1980's.

In addition to the lost economic growth, obviously we are sapping the life directly away from future generations, but I want to dwell for just a moment on what I think passage of the balanced budget amendment will do aside from the cold-turkey reality of having to bring expenditures into line with revenues.

First of all, it will make no doubt about it, as certain Presidential candidates have been saying, it will expand the economic and employment base of this country. It is probably the single most important thing we can do to stimulate economic growth and to spur private investment and capital formation and to try and create some sort of national savings plan in the absence of an economic growth package.

I will predict to you that we will see an immediate effect in the capital markets and the stock market with probably an 8,000-point Dow by the end of this year if we pass this legislation. It would effectively reverse the perverse incentives that currently permeate American tax policy where we actually encourage consumption and spending over savings and investment. That is a situation that definitely needs to be turned around. It would help affect our imbalance of trade, and it would give some credence to reciprocity in trade when we talk about striving for fairer trade relations.

And last, by causing us to perform our fundamental duty of prioritizing Federal spending, it would cause us to fundamentally reform the budgetary process around here including the enforcement mechanisms necessary to accomplish a balanced budget and the formulation of a politically sustainable and multiyear budget strategy. It would revolutionize American politics, probably even more so than term limits or campaign finance reform, by empowering Members of Congress. It would be very liberating, indeed, to bite the bullet and make the hard decisions that we must make in the interests of this country and future generations.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I rise today to speak for those who are not allowed to verbalize on the floor of this great Chamber—for the young couples who are starting their first home together, for the young women and men who have left the solace of parents and family to establish themselves in the work force, for college students, for high school and elementary students, for their younger siblings at home and even for the yet-to-be-born—these are the people whose future is being mortgaged by the reckless disregard of our Nation's monetary future.

We all share great concern for their future.

All these concerns are for naught if we continue to ignore fiscal responsibility.

We are concerned about improved education, we look for solutions to the health care problem, we worry about the environment. We want to make things better for those who follow.

There is little need for me to reiterate the facts here—that the nearly $4 trillion national debt is increasing at a rate of more than $1 billion a day, that interest on the national debt is nearly half of this year's deficit, that in a few short years interest on the national debt will exceed discretionary funds, that 40 percent of our national debt is owned by foreign interests—we are all quite familiar with the numbers. Yet, we have not taken the necessary steps to correct the problem.

There is an old saying, "if it ain't broke . . . don't fix it!" Today, every infant is born with a debt of $16,000—just 10 years ago, that share of the national debt was "only" $3,000—at the present rate of growth that debt will be nearly $25,000 by the year 2000. I submit Mr. Chairman: the system is broke. It's time we fix it.

The Washington Post and others have criticized this amendment as unnecessary clutter, point out Congress should balance the budget without the threat of a constitutional amendment.

That is good theory. That is how it should be. But, that is not realistic. The President will not submit a balanced budget and Congress will not balance the budget without being forced to do so.

Proof lies in congressional action of the past few years. Time and time again, Congress has recognized the problem. Gramm-Rudman-Hollings was going to force a balanced budget. OBRA was going to force a balanced budget. Yet the problem has only worsened. In less than 10 years the national debt has increased from less than $1 trillion to nearly $4 trillion. Deficits have increased each year. None will be successful without the constraint of a constitutional amendment.

Under our present system, there is no incentive to equalize the budget. There is plenty of blame to go around for our ever-increasing national debt.

The criticism should start with the White House for its inability to present a balanced budget plan. And, as former President Harry Truman would say, "the buck stops here". The final blame falls right here in the Halls of Congress for our failure to equalize income and expenses.

During the terms of every President since Mr. Truman, the Congress has appropriated less than the then sitting President requested—and not since Richard Nixon has a President submitted a balanced budget. In 7 of the last 10 years the Congress has appropriated less than the President has recommended.

No one comes to congressional hearings to testify against appropriations. Nearly everyone appearing before congressional committees is there to present their valid arguments in favor of many excellent programs—and most of our Federal programs are excellent. They are badly needed. But the truth of the matter is can we afford everything we need?

The Congress is at the end of the line. We have gone along to get along. This must stop—now.

Some criticize the push for a balanced budget amendment as a cop out—the easy vote.

Mr. Chairman, this is just not correct. This is not the easy way. Balancing the budget is not the easy way. The easy way is to continue with uncontrolled spending, cutting taxes, and increasing the national debt. Many Members will not be here to face the final consequences of continued undisciplined spending and unbalanced budgets.

Balancing the budget is just the opposite—it's the hard way—but it is the responsible way.

I am a junior Member of this body. I do not intend to stay a junior Member. I plan to continue to serve my constituents in the Congress for many years. Whether I stay 1 term or 20 terms, this is possibly the most important decision I will ever make.

As a former member of the Oklahoma Legislature, I faced just such a situation when Oklahoma's energy-based economy failed several years ago. Oklahoma has a balanced budget amendment which is much more stringent than the amendment being proposed here.

I sat with the leadership as we made the hard decisions—as we cut some excellent programs and as we increased some taxes. We made hard choices, we prioritized programs and we did what had to be done to pass balanced budgets.

In recent weeks I have attended many, many functions in my district—with veterans groups, Social Security groups, retired Federal employees, chambers of commerce, civic clubs. In every case I have discussed the proposed Federal balanced budget. I have told my constituents it will not be easy. I have warned them that their groups might face freezes, or even cuts, in their programs. In every case these groups have agreed a balanced budget is an absolute necessity. They understand the spending reductions they face. All they ask is fairness.

Mr. Chairman, I urge my colleagues to show their concern for our children's future. I urge my colleagues to join us and support the budget balancing amendment.

The material follows:

NATIONAL GRANGE LEGISLATIVE
NEWS SERVICE,
Washington, DC, May 15, 1992.

GRANGE ANNOUNCES SUPPORT FOR BALANCED BUDGET AMENDMENT

In a letter dated May 12th that was sent to the full Senate, Robert E. Barrow, Master of the National Grange, strongly urged passage of Senate Joint Resolution 18, a bill that was introduced by Senator Paul Simon. This bill would amend the U.S. Constitution by requiring all future Federal budgets to be balanced. Barrow further urged all Senators to oppose any floor amendments that may be offered to Senate Joint Resolution 18.

In November of 1991, the delegates to the National Grange's 125th Annual Convention passed the following policy that led Barrow to make this stand:

"The National Grange supports a Constitutional amendment requiring a balanced budget as a permanent solution to our deficit problem."

In his letter, Barrow stated that "our national debt and deficit spending have truly reached runaway proportions. Our total national debt now exceeds $4.5 trillion. The gross interest payments on the national debt will be $315 billion in Fiscal Year 1993 (FY'93). That amount is larger than our FY'93 expenditures for national defense and is more than 30 times our FY'93 expenditures for federal farm programs."

He further said that, "Forty-nine states and every private business, farm, and household in the United States are required by law or necessity to spend no more than the current amount they can reasonably expect to take in each year. Grange members believe that our federal government should operate under the same principle."

The Grange is prepared to work with all of our nation's elected leaders in forming a consensus on what would be the fairest and most equitable budgetary decisions possible. We also understand that balancing the budget will require making difficult and painful choices over the next few years, but we cannot be part of a continuing conspiracy to saddle our children and grandchildren with the costs of government that our generation has been unwilling to pay.

TEXAS FARM BUREAU,
Waco, TX, April 23, 1992.
Hon. CHARLIE STENHOLM,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN STENHOLM: The Texas Farm Bureau strongly supports a constitutional amendment to require a balanced budget by the federal government. While we recognize the short term problems that such an amendment might cause, the long term future of the country depends on fiscal responsibility. In addition, a majority of the states operate under this mandated requirement. There is simply no reason why the federal government should not abide by the same fiscal limitations that apply to individuals, corporations and the majority of the states.

It is our understanding that the Congress will consider such an amendment prior to the end of this session. The Texas Farm Bureau would urge your active support for the passage of this constitutional amendment. Your signature on the discharge petition could be helpful in the event that impediments to committee approval occur.

We appreciate your efforts to mandate fiscal responsibility by the federal government.

Sincerely,
S.M. TRUE, JR.,
President.

THE GEPHARDT "BAIT-AND-SWITCH" BALANCED BUDGET AMENDMENT

Majority Leader Dick Gephardt has added his entry to the balanced budget amendment sweepstakes. Unfortunately, it appears that its prime purpose is to prevent any balanced budget amendment from passing the House at all.

Gephardt's amendment: would permit deficit spending by a simple majority vote; exempt Social Security from calculations of government outlays for the purpose of determining if the budget is in balance—this could easily be re-defined by statute to include any politically popular entitlement program.

Of course, the real balanced budget amendments being offered by Congressman Charlie Stenholm, and Congressman Joe Barton and Billy Tauzin are far better because they would impose real fiscal restraint, making it difficult (though still possible) to escape the restraint of the balanced budget requirement: ⅗ of both Houses must vote to increase taxes (Barton/Tauzin), or; a majority of the whole number of both Houses must vote to increase taxes (Stenholm); ⅗ of both Houses must vote to run deficits; ⅗ of both Houses must vote to increase the debt ceiling.

The phony Gephardt "Bait-and-Switch" amendment is nothing more than a rock behind which political cowards can hide. They can claim to have supported a balanced budget amendment (which really isn't) and say that they supported an amendment that doesn't touch Social Security (always a politically popular position). In reality, entitlement spending (Gephardt-exempted) must be addressed before any meaningful progress can be made toward a balanced federal budget. Everyone in Washington, and elsewhere, knows that. Too bad the sponsors of Gephardt's amendment don't know that.

(Prepared by USBIC Government Relations C. Bryan Little, Director, June 4, 1992.)

THE BALANCED BUDGET AMENDMENT AND IDEA WHOSE TIME CAME A LONG TIME AGO

The House will soon consider the Balanced Budget Amendment by Rep. Charles Stenholm (D-TX), which failed by only seven votes in 1990. In 1992, it appears likely that both Houses will consider a Balanced Budget Amendment and each will consider a version featuring a strong tax limitation feature. In the house, this will be offered by Reps. Joe Barton, Billy Tauzin, and John Miller, and in the Senate by Bob Kasten (R-WI).

House Democratic leaders will attempt to stop the Balanced Budget Amendment by offering a phony, "Bait-and-Switch" amendment by Rep. Dick Gephardt that would require a balanced budget but would permit Congress to waive that requirement by a simple majority vote—something Congress already does every single year!

Why support a real Balanced Budget Amendment? Here are a few good reasons: Sixty-two cents of every dollar in personal income taxes is spent on debt service; In the Fiscal Years 1991, 1992, and 1993, we will add $1 Trillion to the national debt, for a total of over $4 trillion. It took 200 years for the national debt to reach $1 trillion.

Of a $1.4 trillion federal budget this year, $300 billion will be spent on interest on the national debt—the second largest single item in the budget.

A Balanced Budget Amendment will finally change the balance of the fiscal debate in Washington by changing the underlying ground rules. For the first time, the practice of deficit spending will clearly contravene the highest law of the land. While it is true that politicians could merely ignore both the Constitution and the will of the people, one might ask what might happen if the President suspended the right to a speedy trial or to be secure from unreasonable search. What would be the chances of his re-election?

Under the current ground rules, Congress can spend a lot more, tax a little more, and borrow the difference—giving tax-and-spend liberals an automatic argument to oppose tax cuts and push tax increases. With a Balanced Budget Amendment in place, increased borrowing will be much more difficult (⅗ super majority requirement to raise the debt ceiling) and politicians can be held accountable for choosing to raise taxes to balance the budget rather than concentrating on the real problem, uncontrolled spending growth.

(Prepared by UBIC Government Relations, C. Bryan Little, Director, June 4, 1992.)

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, June 8, 1992.

To: Hon. Charles Stenholm (Attention: Ed Lorenzen)

From: Kathy Dolan, analyst in American National Government, Government Division.

Subject: Waivers of the Congressional Budget Act of 1974.

This memorandum is in response to your request for information on House waivers of points of order under the Congressional Budget Act of 1974 (Titles I-IX of P.L. 93-344, as amended) during the 94th through 102nd Congresses to date.

The table below provides information on specific waivers which were granted by the House during this period through the adoption of special rules providing for the consideration of legislation. Because of your need for a quick response, waivers granted under the suspension of the rules procedure, by unanimous consent, or in special rules containing so-called "blanket waivers" (i.e., which waive all House rules without specificity) are not included. For the 94th through 101st Congresses, these figures were obtained from the *Survey of Activities of the House Committee on Rules* report provided at the end of each Congress and from the Library of Congress SCORPIO legislative database. The information for the 102nd Congress was obtained from the staff of the House Rules Committee and reflect waivers adopted through March 1, 1992. For the 94th through 97th Congresses, information in the above sources regarding special rules tabled by the House is limited. Therefore, for this period, figures in the table could possibly include a waiver which was granted by the Rules Committee but later tabled by the House.

The table provides the number of waivers for each Congress by the section of the Congressional Budget Act being waived. For an explanation of points of order under the Act and House practices for waiving these points of order, please see the accompanying CRS report *Points of Order Under the Congressional Budget Act of 1974* by Edward Davis.

I trust that this information will meet your needs. Please call me at 7-7026 if you need any further assistance.

HOUSE WAIVERS OF THE CONGRESSIONAL BUDGET ACT: 94TH–102D CONGRESSES[1]

Section	Congress								
	94	95	96	97	98	99	100	101	102
302(a)	......	......	......	......	......	......	1	......	......
302(c)/602d	......	......	......	......	......	2	5	4	......
302(f)	......	......	......	......	......	17	13	13	2
303(a)	6	10	9	1	20	18	2	1	......
303(a)(1)	......	......	......	2	13	1	1	1	......
303(a)(4)	......	......	......	9	13	5	3	2	1
303(a)(5)	......	......	......	......	......	......	......	1	......
305(a)(1)	......	......	......	1	1	1	1	1	1
305(a)(4)	......	......	......	......	......	......	......	......	......
306	......	......	......	......	......	......	......	......	......
309	......	......	......	......	......	......	......	......	......
310(d)	......	......	......	......	......	......	......	......	......
310(f)	......	......	......	......	......	......	......	......	......
310(g)	......	......	......	......	......	......	......	......	......
311(a)/605a	......	......	5	15	12	21	4	6	1
401(a)	16	43	23	21	6	5	1	......	......
401(b)(1)	......	......	13	7	9	6	7	4	......
402(a)[2]	3	53	77	42	53	27	......	......	......
606	......	......	......	......	......	......	......	......	......
Total	25	106	127	98	128	103	38	34	5

[1] Figures for the 102d Congress are as of March 1, 1992.

[2] Through 1985, section 402(a) prohibited consideration of authorization measures for the upcoming fiscal year reported after May 15. This requirement was repealed by the Balanced Budget and Emergency Deficit Control Act of 1985 ("Gramm-Rudman-Hollings Act," Public Law 99–177, as amended).

ECONOMISTS SUPPORTING THE BALANCED BUDGET AMENDMENT H.J. RES. 290

DEAR REP. CHARLES STENHOLM AND REP. BOB SMITH: As economists and concerned Americans, we commend your leadership in support of H.J. Res. 290, the proposed Balanced Budget Amendment to the U.S. Constitution. The amendment would challenge Congress to become more fiscally responsible. It also would make Congress more accountable to the people by requiring rollcall votes.

Congress makes daily decisions concerning the budget and the economy. It is these decisions that lead to deficits. A new framework is needed for this decision-making process.

The Balanced Budget Amendment will provide that framework enabling Congress to better control spending.

H.J. Res. 290 requires that estimated federal expenditures not exceed estimated revenues except in times of declared war or unless Congress jointly approves a specific excess of expenditures by a three-fifths vote. The President would sign the joint resolution. The same three-fifths majority would have to approve debt ceiling limit legislation. The measure also calls for a constitutional majority (51 in the Senate, 218 in the House) vote on any proposal to raise revenues. All these votes would be required to be by rollcall.

Additionally, as a partner in the budget process the President would have to submit a balanced budget proposal to Congress.

We, the undersigned, believe the Balanced Budget Amendment is necessary to curb federal spending, to check the growth of the federal debt and to hold Congress accountable so that the people can know who is voting for which proposal, essential requirements for our democracy to work.

Sincerely,

James M. Buchanan, Nobel Laureate—Economics, George Mason University.

Robert D. Tollison, Economics, George Mason University.

Bruce Yandle, Economics, Clemson University.

Michael Copeland, Economics, Montana State University.

Richard E. Wagner, Economics, George Mason University.

Viktor Vanberg, Economics, George Mason University.

Roger Meiners, Economics, Clemson University.

R.F. Hebert, Economics, Auburn University.

Dwight R. Lee, Economics, University of Georgia.

James D. Gwartney, Economics, Florida State University.

Terry Anderson, Economics, Montana State University.

Roger Garrison, Economics, Auburn University.

Shirley Svorny, Economics, California State University.

Viken Tchakerian, Economics, California State University.

Thomas Ireland, Economics, University of Missouri.

Wm. Craig Stubblebine, Economics, Claremont-McKenna College.

Richard C.K. Burdekin, Economics, Claremont-McKenna College.

Richard Muth, Economics, Emory University.

Mark V. Pauly, The Wharton School, University of Pennsylvania.

E.C. Pasour, Jr., Economics, North Carolina State University.

Craig M. Newmark, Economics, North Carolina State University.

Thomas E. Borcherding, Economics, Claremont-McKenna College.

Nancy Virts, Economics, California State University.

Anton Lowenberg, Economics, California State University.

Martin Anderson, Economics, Hoover Institution, Stanford University.

Rodney T. Smith, Economics, Claremont-McKenna College.

Ross D. Eckert, Economics, Claremont-McKenna College.

William P. Jennings, Economics, California State University.

William Riker, Political Science, University of Rochester.

David S. Ball, Economics, North Carolina State University.

Thomas Johnson, Economics, North Carolina State University.

Robert R. Ekelund, Jr., Economics, Auburn University.

Ken Ng, Economics, California State University.

Peter H. Aaranson, Economics, Emory University.

Randall G. Holcombe, Economics, Florida State University.

Thomas D. Willett, Economics, Claremont-McKenna College.

Paul Rubin, Economics, Emory University.

William A. Niskanen, Economics, CATO Institute.

Walter Thurman, Economics, North Carolina State University.

Charles R. Knoeber, Economics, North Carolina State University.

Colin Wright, Economics, Claremont-McKenna College.

Vernon L. Smith, Economics, University of Arizona.

Robert W. Poole, Jr., President, Reason Foundation.

Richard McKenzie, Economics, University of California, Irvine.

□ 2150

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Stenholm balanced budget amendment.

Mr. Chairman, who do the opponents of this amendment think they are fooling? Their voting records speak for themselves. They are the biggest taxers and spenders in the history of this body.

I find it interesting that many of these opponents claim the amendment is unworkable. If this were true, they would not oppose it. It is precisely because this amendment will reduce out-of-control spending that they use it in their scare tactics.

I must, however, congratulate the opponents of this amendment for their efforts to scuttle it. First, they attempt another worthless statute so they can be on record for some sort of balanced budget vote.

That having failed, they are using scare tactics against our Nation's retired senior citizens, intimidating them by using fabricated numbers of what would happen in a worst case scenario.

Mr. Chairman, in my view the amendment's opponents know the American people are against them on this issue, and this is a mean-spirited attempt to garner political advantage out of their situation.

I find it interesting that many Members such as myself, who represent the largest numbers of retired citizens have been the strongest supporters of Social Security and a balanced budget amendment. This includes Democrats and Republicans.

Suddenly the balanced budget amendment's opponents are stronger supporters of Social Security than those of us who represent the most retired individuals. Again, who are they fooling?

Along with being a scare tactic, their Social Security scheme is a gigantic loophole. It will allow them to classify all of their favorite pork projects as Social Security and continue business as usual.

The majority party in Congress will have a large say in what programs will be cut to balance the budget if this amendment passes. Therefore, Social Security will only be cut if they support the cut—and they know that.

Finally, we are not enacting a balanced budget amendment. This amendment must be ratified by 38 States. We are giving the people the right to decide, and that is how it should be. It could be 4 or 5 years before this amendment is ratified and the people of this country will make that decision.

Mr. Chairman, I say to my colleagues that we have borrowed—no—we have taken—from our children and grandchildren long enough. Congress has amply demonstrated its inability to balance the budget. The time to act is now—before it is truly too late. The greatest gift we, the Congress, can give our children, grandchildren, and future generations is a balanced budget. Let us get on with it.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Chairman, I rise tonight in strong and unshakable support for the Stenholm balanced budget amendment. I did not come to Congress to spend the country into bankruptcy. I came to Congress to help save the country from bankruptcy for our sake and for our children's sake.

The balanced budget amendment is the beginning of our fiscal salvation as a nation. It is just the beginning, but it is the beginning.

I have heard the arguments of those who say that the amendment is an illusion, that it is a charade, that it will not work, but I have also heard the pleas of special interests of all kinds urging us, in every way possible, to vote no on this amendment. They are calling, they are writing, they are lobbying. The are urging us to vote no because they know this amendment will work. They know that it is already working. They have seen the outcome of some recent votes in this House when special pork barrel spending has been defeated. They have seen the progress of procedural budgetary reforms that are moving through this House because of the impetus of this amendment. They have seen our progress already on proposed implementation legislation to follow up on this amendment. None of this would have happened without this balanced budget amendment. With it, it will all come true. It all will happen.

Mr. Chairman, the debt threat is real. The balanced budget amendment is real. The consequences of this amendment will be real and I, for one, am willing to make the tough choices that those consequences will dictate. That is why I came to the Congress.

Mr. STENHOLM. Mr. Chairman, I yield 8 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, I thank the gentleman for yielding me this time.

Everybody knows that we have to drastically reduce the deficit. People on both sides of this argument know that. It is killing our economic future in at least four ways.

No. 1, it is reducing our productivity by starving investments in our economy.

No. 2, it is mortgaging our economy to foreigners as more and more of the borrowing we have to do comes from Japan and other overseas savings surplus countries.

No. 3, it is transferring billions of dollars from moderate-income taxpayers to upper income bond holders.

No. 4, it is keeping interest rates higher than they would otherwise be—some have suggested 200 basis points—which is tax on every mortgage. A tax on every car payment. A tax on every consumer obligation. In short, it is a tax on the middle class.

The Citizens For Tax Justice, headed by President Carter's budget director, Jim McIntyre, points out what an extraordinary transfer of wealth from middle-income people to the richest people is taking place as a result of the deficit. It is not only crippling our economy and our future prospects; it is not only mortgaging our country to foreigners, but it is actually one of the most unfair things we could do to the middle class.

The Federal deficit is causing, an extraordinary crisis, and an extraordinary response is required.

Let me respond briefly to some of the criticisms that are being made against the balanced budget amendment, the same criticisms that I myself have voiced in the past when the deficit was not so extraordinary as it is now.

No. 1, it has been said that we should not put economic policy in the Constitution. Well, there is already substantial economic policy in the Constitution. The Constitution talks about trade. It talks about money. It talks about commerce.

I am happy to say that a majority of Democrats in our caucus are now in favor of one version or another of putting a balanced budget amendment in the Constitution, including our majority leader, the gentleman from Missouri [Mr. GEPHARDT]. That is a change for a lot of us.

No. 2, it is said that most economists are against the balanced budget amendment. Well, most economists are against a straitjacket version. I myself am against that version. But that is not the Stenholm amendment. The Stenholm amendment does not prohibit absolute imbalance, but it makes it harder. It requires a three-fifths majority, unless we are at war, et cetera.

Specifically, it would continue to allow us to meet our obligations, to manage the macroeconomics of this country by allowing temporary deficits in order not to be forced to raise taxes in a recession, which we would not want to do. So it has removed the major reasons why most economists have traditionally been against it.

No. 3, it is said that the balanced budget amendment does not itself balance the budget—a criticism we have heard here tonight. That is true. It does not balance the budget by itself, but it does change the ground rules whereby we make budget decisions.

Opponents say the Congress and the President should simply have the will and the judgment to balance the budget. We should, but we obviously do not. And it has become harder to muster that will as we go along because we have gotten in deeper and deeper in debt each year. It takes more will this year than it took last year, because of compound interest, the hurdle gets higher and higher. It took more will last year than it took the year before. And it is going to take more will next year than it took this year.

Being the realist that I think I am, I realize that will alone will not do it. Judgment alone will not do it. We should have the will and the judgment not to speed in our automobiles, but we have speed limits because we realize that judgment and will are not always enough.

The key point is that the Stenholm amendment changes the ground rules to make it significantly harder to increase the debt.

☐ 2200

I would like to make a key point: Under the Stenholm version of the balanced budget there are three things that we would have to do if we find our budget will be imbalanced. We would have to cut spending, and that takes a majority, a simple majority, not a supermajority. Or we would have to raise taxes—again by a simple majority, not a supermajority. Or we would have to increase the debt—specifically choose increased debt.

We would have to do one of these three things. Right now, under our current system, we do not have to select the debt. We move between the spending cut and tax increase axis, and debt becomes simply an outcome, not a chosen result. We do not like taxes; we do not like cuts, and the debt just goes up, not as a chosen outcome but as a result. When that finally happens, we say we have to meet our obligations and we increase the debt ceiling. At that point we have no option but to do so.

But if we had to select a certain level of debt in advance, and do so by a supermajority, it would change the whole set of conditions affecting the choice. Changing the ground rules would change the whole chemistry of the process. And that would change the result. It would mean far lower new debt. That is good, for of the three possible outcomes—more taxes, sharper cuts, or more debt, more debt is the worst.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the chairman, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, I think that actually is a very good poster that the gentleman has presented because he shows that the ultimate answer is to either raise taxes or cut spending or do both. And that is the answer.

Mr. MOODY. I thank the chairman of the Committee on the Budget for pointing that out. Any serious solution may have to take a combination of efforts. At the same time, we may decide to increase debt some, as part of the outcome, but at least we are going to have to select it, and select it in advance. We're going to have to own up to it. And it would take a three-fifth's majority.

That brings me to my final point, and that concerns the question of a supermajority. That is the so-called evils of a supermajority for debt. I do not like supermajorities, generally. But we believe in supermajorities, of one size or another, when we want to prevent a very bad outcome. For example, having an unresolved conflict between the President and the Congress is a bad outcome, so we give the minority of one-third plus one the ability to resolve that impasse—in favor of the President in that case. In the judiciary, we also give the minority a special role. To prevent the very bad outcome of convicting an innocent man, we give 1 out of 12 jurors—a true superminority—the power to stop that outcome.

In the Senate, where they are dedicated to unlimited debate, we give 40 percent plus 1 the ability to prevent a shutoff of debate. In the House, where the Democrats have a clear majority we give the minority 50 percent control of the Ethics Committee. And now the administration of the House, we will give the minority 50 percent control. So we recognize that it is important sometimes to give the minority disproportionate power.

Finally, let me say when we realize that stopping a very bad outcome, in the form of new Federal debt, we should be willing to give a minority of two-fifths that power. To safeguard our country's productivity, our economic destiny, and our children's future standard of living, we must change the budgetary ground rules spelled out in the Constitution.

[From the U.S. General Accounting Office]

BUDGET POLICY—PROMPT ACTION NECESSARY TO AVERT LONG-TERM DAMAGE TO THE ECONOMY

The nation's long-term economic future depends in large part upon budget and investment decisions made today. Current trends, however, are not encouraging. Federal budget deficits have absorbed increasing proportions of national saving that would otherwise have been available to finance investment, either public or private.

In addition to their effect on national saving and investment, the deficits and the short-term budgetary focus they have engendered have placed and continue to place a disproportionate strain on federal investment activities. Investment in physical capital, human capital, and research and development plays a key role in economic growth, directly and by creating an environment conducive to private sector investment. Yet these spending categories have declined as a share of total federal spending.

Failure to reverse these trends in fiscal policy and the composition of federal spending will doom future generations to a stagnating standard of living, damage U.S. competitiveness and influence in the world, and hamper our ability to address pressing national needs.

This report is the second of a series addressing the long-term implications of the federal budget deficit. In "The Budget Deficit: Outlook, Implications, and Choices" (GAO/OCG-90-5, September 12, 1990), GAO discussed the dimensions of the deficit problem, policy options that might be adopted to attack the problem, and basic budget reform initiatives. This report builds on and moves beyond that discussion by examining the role of federal fiscal policy in increasing economic growth, specifically in increasing the amount of investment and/or the return on investment. In addition, the report discusses how changes in budget presentation and process might help decisionmakers place a greater emphasis on long-term consequences of budget decisions.

DEFICIT REDUCTION IS NECESSARY TO INCREASE FUTURE ECONOMIC GROWTH

Long-term economic growth is central to almost all our major concerns as a society. Investment is critical to economic growth. The surest way to increase the resources available for investment is to increase national savings, and the surest way to increase national savings is to reduce the federal deficit.

However, despite the passage of various deficit reduction measures, deficits remain embedded in federal fiscal policy. Legislation such as the Balanced Budget and Emergency Deficit Control Act of 1985, (commonly known as Gramm-Rudman-Hollings), and the more recent Omnibus Budget Reconciliation Act of 1990 (including the Budget Enforcement Act) constrained deficits but have not stopped their growth. Both measures suffered from significant, albeit different, design problems. Gramm-Rudman-Hollings exempted the largest domestic programs and encouraged misleading budgeting and accounting practices. The Budget Enforcement Act (BEA) places temporary caps on discretionary spending but for mandatory spending such as Medicare, Medicaid, deposit insurance and interest costs—the factors that now drive the deficit—the BEA only constrains legislated policy changes. Neither law contained a mechanism to force a reconsideration of past decisions or of the design of existing programs in light of their current and future effect on the deficit.

The average unified budget deficit during the decade of the 1980s was 4.1 percent of the Gross National Product (GNP), up from 2.1 percent the previous decade. At 6.3 percent of GNP, the Congressional Budget Office's (CBO) fiscal year 1992 deficit of $368 billion exceeds these averages. Although CBO projects deficits to decline to around 3 percent by 1997, the average deficit for the 1990s will remain at 4 percent. Moreover, absent a change in policy, CBO projects deficits again rising toward the 4 percent deficit level through the turn of the century.

If nothing is done to reverse current trends, deficits could explode over the longer term. If current tax and spending policies are continued, GAO's projection of current trends, using an adaptation of a long-term growth model developed by the Federal Reserve Bank of New York, suggests federal spending could increase from 23.3 percent of GNP to 42.4 percent of GNP by 2020 while revenues could rise from 20.3 to 21.8 percent.

The resulting explosion of the deficit to 20.6 percent of GNP by 2020 is due in part to the projected dramatic rise in spending for interest, health care, and retirement and in part to the fact that higher deficits and lower savings slow the growth of real GNP.

Although such "no action" projections are useful to illustrate the need for policy change, inaction is not a sustainable policy. If timely policy action were not taken, at some point external events would force belated and more painful policy changes. Accordingly, the key question facing policymakers is not whether to undertake major deficit reduction, but when and how. GAO's analysis shows that the timing of deficit reduction has a great impact on both the amount of sacrifice required and the economic benefits realized.

DEFICITS INHIBIT INVESTMENT

The short-run damage from deficits may not be as visible as the short-term costs involved in dealing with it. However, deficits matter in the long run because they consume savings that otherwise could be productively invested. Federal borrowing to finance the deficit has absorbed an increasing portion of net national savings since the 1960s. Meanwhile, the national saving rate declined during the 1980s. As a result, at the same time federal borrowing was increasing, net national savings available for new capital investment was dropping sharply.

In the absence of increased national savings, deficits must be financed either by a reduction in private investment or by an influx of foreign capital. During the 1980s, foreign capital helped finance government borrowing and permitted investment to exceed the level national savings alone could support. The deteriorating U.S. net international investment position shows the nation's increasing reliance on foreign investment during this period.

Although in the short run such reliance has prevented capital shortfalls, in the future, profits and interest payments will flow abroad from the U.S. Furthermore, should foreign investment decline, the nation could face increased interest rates as the reduced availability of capital raises its cost. An increase in national saving and a reduction in federal borrowing would reduce U.S. dependence on foreign capital and help cushion the U.S. economy from the effects of reduced foreign investment levels.

If the budget deficits had financed an equivalently higher level of public sector investment, the depressing effect on long-term economic growth might have been mitigated. But that is not what happened. When deficits are embedded in the budget as they are today, each year's interest costs add to the deficit an increment which must in turn be financed by still greater interest payments. Only policy changes that reduce the underlying deficit can cause a permanent shift in this pattern. The continued growth of interest costs, and that of "other" mandatory spending has meant a decline in funds available to finance discretionary programs. Since investment-oriented programs are financed out of discretionary funds, this shift in the composition of federal spending has dictated a decline in funding for investment.

Economists generally agree that well-chosen public investments aid economic growth, although the impacts of specific types of investments vary greatly and are still debated. Federal spending with the greatest long-term economic payoff—investment in nondefense physical capital, public programs, enhancing human capital, and in research and development (R&D)—has dropped as a percent of GNP while spending for consumption and interest on the debt has absorbed an increasing share. The share of federal outlays devoted to investment has recently been surpassed both by outlays for health and for net interest on the public debt.

BUDGET REFORM IS NEEDED

Although the budget process cannot be blamed for the existence of or the size of the deficit, changes in that process are necessary to facilitate and encourage focus on the long-term consequences of decisions.

FISCAL POLICY SHOULD SUPPORT LONG-TERM ECONOMIC GOALS

At the macroeconomic level, the budget process needs to adopt a longer term planning horizon linking fiscal policy with broader goals for the performance of the economy. Such long-term economic goals as real GNP growth and domestic savings should become the focus of policymaking which should then drive subsequent fiscal policy choices needed to attain these goals.

The kind of policymaking framework would seek to change the terms of the policy debate by focusing attention on economic goals and associated fiscal policy paths some 30 years into the future. The significant but short-term sacrifices of deficit reduction could be more easily compared with the long-term benefits accruing from such changes in budget policy. Further, when considered over the longer term, deficit reduction savings become exponential, thanks largely to reductions in net interest expense and in other areas where spending and revenues are influenced by the performance of the economy.

INCREASE THE BUDGET'S INVESTMENT ORIENTATION

Although federal programs vary considerably in their impact on the private economy, the present budget process and structure do not encourage decisionmakers to take these differences into account in allocating resources. Further, there is no framework to consider the investment implications of federal tax policy subsidies, such as depreciation rules or the research and experimentation tax credit, when making decisions on related spending programs. If planning for long-term economic growth is to become a central objective of the budget process, a new decisionmaking framework is needed, one in which the choice between consumption and investment spending is highlighted throughout the decision process, rather than being displayed for information purposes after the fact.

If such a framework were in place, the Congress, each year, could determine explicitly the aggregate funding for total investment-related programs, as well as for the physical capital, human capital and R&D components of that total. To support such a decision process focusing on investment choices, improvements would be needed in the tools and information used to evaluate the relative impacts or rates of return of the various federal investment programs, to ensure that limited federal resources are used to promote the best choices among competing strategies and programs.

GAO believes that the one-year-at-a-time focus of budgeting has failed to serve the nation's needs. To build the foundation for a more productive nation in the future, it is essential that the budget process adopt a more future-oriented focus with respect both to aggregate fiscal policy and to the composition of spending.

CONCLUSION

A continuation of our current taxing and spending policies would, if sustained, slow economic growth, drive the deficit to 20.6 percent of GNP, and lead to a world in which the federal government pays rapidly increasing interest bills, rapidly increasing health care costs, and an enormous retirement bill. The economic and political reality is that the nation cannot continue on the current path. The question is when and how to act to reduce the federal deficit.

Changes of the necessary magnitude require a discussion of what the American people wish their government to do and how they wish to pay for it. The sooner action is taken to bring the deficit under control and to make the composition of federal spending more conducive to investment, the less the sacrifice, and the greater the benefit.

INTEREST PAYMENTS CREATE A TRANSFER OF WEALTH TO THE WEALTHY AND CROWD OUT MONEY FOR WORTHY PROGRAMS

Net interest will exceed $200 billion this year, gross interest will exceed $315 billion. Interest payments are a Pac Man devouring money in the federal budget. Interest payments are:

8 times higher than expenditures on education.

50 times higher than expenditures on job training.

55 times higher than expenditures on Head Start.

59 times higher than expenditures on housing programs.

140 times higher than expenditures on childhood immunizations.

Until we control our deficit problem, interest payments will continue to devour increasingly larger portions of the budget.

In 1960, interest payments consumed 6% of the budget.

In 1970, interest payments consumed 7.4% of the budget.

In 1980, interest payments consumed 8.2% of the budget.

In 1983, interest payments had increased to 11.1% of the budget.

This year, interest payments will consume 14% of the budget.

Interest payments will cripple the ability of future generations to make necessary investments in education, health care and other programs.

Interest payments will continue to crowd out funding for discretionary programs. GAO has estimated that interest payments could reach $1 trillion dollars by the year 2020 if we fail to deal with the deficit.

As Joe Kennedy said before the House Budget Committee: "While we hoard the crumbs, the whole loaf is being taken away from us."

Interest payments represent a transfer of wealth to upper-income individuals and foreign investors.

Interest is paid to individuals who own Treasury Bills—primarily the wealthiest 10% of citizens.

Approximately 14% of interest payments are sent overseas to foreign investors.

Mr. BARTON of Texas. I thank the distinguished chairman.

Mr. Chairman, I understand how difficult it is to keep up with the debate rotation. It is similar to keeping up with the rotation of the pitching staff of your beloved Baltimore Orioles. I want the chairman to know that the speakers in the Barton-Smith group are raring to go out of the bullpen at any point in time.

With that, Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in strong support of a constitutional balanced budget amendment. Such an amendment was the first request that President Bush made of Congress in February 1989, and it is an issue that I have supported since the day I ran for this office. In this 102d Congress, I am an original cosponsor of House Joint Resolution 290, and strongly support its provisions before us today. I will support any constitutional amendment to balance the budget, which we will have an opportunity to vote upon.

As everyone here is painfully aware, our national debt is perilously close to $4 trillion and is climbing this year by another $400 billion. The interest we pay on this debt is almost equal to the deficit we are running, approximately $316 billion for fiscal year 1993. This scenario sounds much like that of a bankrupt business seeking advice from a financial counselor—one who is actually paying as much interest on debt as is his current year's new debt.

Mr. Chairman, 61 percent of all individual tax revenues, 61 cents for every dollar that your constituents pay in income tax this year, will be used to pay interest on the debt—not the principal, just interest. This interest is more than the total revenues of the United States in 1976.

We are in a volatile situation that Congress has been unwilling to solve through intransigence and partisanship. The time has come for bold action. Of all the issues that face us today, the single issue that worries my constituents the most is the budget deficit.

It has been argued by opponents of a balanced budget amendment that particular programs such as Social Security and Medicare will be cut at the expense of the honorable senior citizens of this country. Mr. Chairman, nothing could be further from the truth. These are arguments being presented to the public by opponents of a balanced budget—opponents who currently survive on special interest programs that very well may be cut in an effort to balance the budget.

The Social Security trust fund is currently protected by law and the rules of the House. The amendments before us today do not change this fact. I have and always will favor the protection of the seniors in my district and this country. They are not a special interest, and I am outraged by those who would mislead senior citizens for their own selfish benefit.

The constitutional amendments before us today would force us to balance our budget before the end of the century. Not until this is accomplished can America again be a world leader, both economically and politically. It is time for political courage and a time for an end to partisanship. Let us do what is right for this country and not be derailed by those who favor spending over accountability.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Chairman, I rise today in strong support of the balanced budget amendment.

To those who say we currently have the authority to balance the budget, I say you are right. As some of you have pointed out, what we need is the willpower to make the tough choices. Well, that is why I am here—to make those tough choices.

People who know me know I do not get mad often or easily. Today I am angry. I am angry about what we are doing to this, and the next, generation.

The debt we run up today will have to be paid tomorrow. Our children and our children's children are not here to object to this spending spree, but they will have to pay for it. Future generations are not here to raise their voices against taxation without representation, so I will do it for them. I believe that all Americans have a right to life, liberty, and the pursuit of happiness unincumbered by onerous debt.

We can remind each other of the $4 trillion debt, or the $400 billion deficit, but until we look at what this means to each one of us, these are just numbers on a page, and echo in these halls. In 1990, if we divided up the Federal debt, every American would owe about $13,000 per person. Last year people of South Carolina would have barely made enough to cover it, at about $15,000 per person.

Mr. Chairman, I am angry at those special interests and lobbyists who use fear and scare tactics on senior citizens, on children, and on the vulnerable of our country, I say shame on you—telling the people of my district untruths about what the balanced budget amendment would do to Social Security. I have protected that trust fund in the past, and I will do so in the future.

We are here in the House of Representatives, both supporters and opponents alike, to debate issues. The fact is, as soon as next year, the interest on the debt will be the largest item in the Federal budget—more than Social Security, more than defense, and more than any domestic program.

We have heard so much today about who will be hurt if this amendment passes—senior citizens, children, average Americans. I ask you, who is hurting now?

Let us look at this flip side of this—who stands to gain if this amendment fails? It is not the old folks, the children or the middle class; they do not have enough money to loan to the Government. They are the ones who have to pay for it.

Who holds our IOU's? Some of the wealthiest entities on the planet, including foreign governments.

What have we come to when spending what you have is such an overwhelming idea? What has this country come to? The balanced budget will require us to have priorities. If we continue on our current track, we will not have to worry about the policy initiatives we all support—the important programs we believe in—if we do not balance our budget, we will jeopardize their very existence. We will not be able to fund them.

Mr. Chairman, I support the balanced budget amendment. I will not be driven by beltway politics and special interest coalitions that claim to look out for the best interest of citizens. I offer my hand to my colleagues and our citizens. We all have to make the tough choices. We all have to work together to make it work.

TESTIMONY BY RICHARD W. RILEY, GOVERNOR OF SOUTH CAROLINA, 1979–1987

Mr. Chairman, it is a pleasure for me to have the opportunity to appear before you this morning along with my fellow former governors and current governors. I want to thank you and the Committee for taking a day of your important time and hearing from the states regarding this important issue to our Country.

It has been my position in the past that a balanced budget provided in the United States Constitution was a political "cop out" and that, before approving such an amendment, we should first develop fiscal discipline to show that this simple statement in the constitution could be responded to without throwing our country's progress into a tailspend. However, with the horrible increases in our national debt and the wild deficits occurring over the last decade, it is now my feeling that some drastic constitutional safeguard should be considered and put in place.

We, in South Carolina, have taken a number of steps to keep our fiscal house in order and perhaps our experience will be of some use to you. Ours is not one of the wealthier states and we have no easy revenue source to rely upon. We pay for what we get from government and we get no special favors from any source. Perhaps our method of handling our rather austere finances will be of special help to you as you face this national crisis of run-away debt.

South Carolina, along with only five other states, has a triple-A credit rating with both Standard and Poor and Moodys. Also, because of the accumulation of mandatory reserves, it has managed to weather the current recession with much less trauma than most other states. These facts along indicate to us that we are doing some things right. I fully recognize that there are vast differences in size, scope and complexity between fiscal activities of the various states and those of the federal government. It is, therefore, my intention to simply outline salient facts pertaining to South Carolina's experience with budget development, limitations and oversight. I shall attempt to draw some correlations. And, I shall then attempt to answer any questions you might have.

BUDGET DEVELOPMENT

Revenue estimates

South Carolina statutes call for a single source for revenue estimates. The Board of Economic Advisors is responsible for original estimates as well as periodic updates and is composed of a gubernatorial appointee serving as chair, an appointee of the Chairman of the Senate Finance Committee, an appointee named by the Chairman of House Ways and Means Committee, and the Chairman of the State Tax Commission, who serves actively but without the right to vote. He holds his office through appointment by the Governor.

It is interesting to note that of the three appointees, none is from government. One is a retired banker, another is an active banker and the chairman is an economist. Over the years this Board has had a very good track record of revenue estimates and the concept of a single body making these official estimates has been well accepted by both the executive and legislative branches.

Unitary operations budget

In South Carolina, the entire operating budget is considered in one bill which includes both the appropriation of State money and the authorization to spend specified amounts of federal and "other" funds.

A balanced budget is recommended by the Budget and Control Board (to be discussed later) and as a matter of tradition it is considered first by the House and then by the Senate. The Governor has item veto power for any appropriation bill. Supplemental appropriations are permitted but are the exception rather than the rule.

If additional or "other" funds are obtained, they may be expended only with the approval of the Governor after review and comment by a legislative committee known as the Joint Appropriations Review Committee.

Open-ended appropriations

Appropriations acts in South Carolina have no open-ended items except debt service. Each act carries a proviso that all appropriations are the maximum. The law provides that any agency head who exceeds his or her budget without approval of the Budget and Control Board can be held personally liable.

Off-line budgets

The State has only three agencies whose budgets are not appropriated and/or authorized in the appropriations act. These are the Ports Authority, the Public Service Authority and the Railway Commission. None of these receives funds from the State and all of their indebtedness is the sole responsibility of that entity.

Entitlement programs

While several appropriations are driven by federal entitlement programs, agencies are required to modify the corresponding state programs which are in danger of exceeding our "matching" appropriated funds.

There are safety valve procedures involving the Budget and Control Board and the General Assembly but in most cases reductions are required.

Retirement funds

In our State there is a constitutional requirement that the retirement systems be actuarially sound and that the funds be utilized only for retirement purposes.

Capital budget

The approval of capital projects is considered separately from the operating budget. Capital items are addressed on a biennial basis and, while the cost of a project may be included in the appropriations act, such costs are usually funded through the issuance of bonds. The annual debt service on the State's indebtedness is included in the Appropriations Bill.

A generally accepted rule is that the funded item or project must have a longer life than the term of the indebtedness. This procedure prevents non-capital or short life items from appearing in a bill authorizing long term indebtedness and forces them into the operating budget where they belong.

CONSTITUTIONAL LIMITATIONS

In testimony before your Committee on April 29, 1992, Dr. William A. Niskanen pointed out that, for its first 140 years, the Constitution of the United States was strictly and narrowly interpreted. This served to severely restrict spending at the Federal level. However, he further observed that during the last sixty odd years we have reached the point of viewing virtually any expenditure approved by Congress as being constitutionally acceptable.

To a somewhat lesser degree South Carolina and the other states have come under the same pressures to provide more and a broader range of services to be financed with public funds. As the resulting expenditures accelerated at an alarming rate, calls came from within the General Assembly, from the business community and from citizens at large for restrictions to maintain the fiscal integrity of the State. Voluntary efforts and even statutory requirements failed to stem the tide, so in recent years, a number of provisions have been added to our State Constitution limiting the spending of public monies, limiting debt and hiring. (South Carolina Constitution, Art. X, Section 7, Attachment I)

It has been our experience that these limitations have had a positive effect and none has proved to be detrimental. Most of these limitations were placed in the Constitution in the early 1980s during my Administration and at my request. They are as follows:

(1) Balanced budget: All states, with the exception of Vermont, have some sort of requirement for a balanced budget and South Carolina's mandate is contained in its Constitution. The simple and straightforward wording is as follows:

> "The General Assembly shall provide by law for a budget process to insure that annual expenditures of state government may not exceed annual state revenue."

This precept is so ingrained in our citizens and General Assembly that it is never questioned.

(2) Spending and personnel limits: In our State there are constitutional limits on increased spending and on the number of personnel paid from appropriated funds. The limit on increased spending is determined by the average growth of the State's economy while the limitation on the number of employees is determined by the population growth. Neither of these limits has ever been reached, but both have played a very positive role in requiring legislators to give serious thought to present and future priorities for spending and hiring.

(3) General and capital fund reserves: The Constitution of South Carolina requires a 3% General Fund Reserve and a 2% Capital Fund Reserve. (South Carolina Constitution, Art. X, Sec. 36, Attachment II) The General Fund Reserve is a cash reserve and may be used

only if needed to avoid a deficit at the end of a fiscal year. Replenishment must begin under a defined formula during the next succeeding budget cycle.

The Capital Fund Reserve is a budgetary reserve and must first be used to offset any anticipated revenue shortfalls. If not needed to balance the budget, it may be used for capital expenditures or other one-time expenditures. It should be noted that prior to the constitutional amendment, efforts had been made to establish a voluntary budget reserve fund, but this reserve was immediately ignored.

(4) Limit on debt service: Our Constitution has for a long time provided for a limit on bonded debt by restricting the amount of annual debt service to a given percentage (5%) of the prior year's general fund revenue. (South Carolina Constitution, Art. X, Sec. 13). This has been a very positive influence in requiring lawmakers to give serious consideration to capital priorities and to hold the State's debt to an acceptable limit.

Budget and control board

A discussion of the fiscal situation in South Carolina would be incomplete without some comments about the State Budget and Control Board. This Board is composed of five members: the Governor who serves as Chairman, the State Treasurer, the Comptroller General, the Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

For historical reasons too numerous to discuss here, our Governor has very limited statutory authority and many duties which are traditionally placed in his hands are assigned to the Budget and Control Board. These include the development of the budget recommendations to the General Assembly and the oversight of the budget after it has been adopted.

The aforementioned responsibilities include the continuous monitoring of revenue collections and agency expenditures and the ordering of budget reductions in the event of revenue shortfalls.

While purists among the family of political scientists stoutly maintain that the composition of the Budget and Control Board is unconstitutional, it has stood the test of several challenges before the State Supreme Court.

With respect to the activities of the Board, two facts need to be mentioned that have contributed significantly to the fiscal integrity of South Carolina and are particularly pertinent to this discussion:

1. It has been variously estimated that approximately 95% of the budget as recommended by the Board is ultimately included in the resulting appropriations act.

2. The Board has consistently and very effectively carried out its duty to order and oversee the implementation of budget cuts to avoid deficits.

Dr. Bernard T. Pitsvada, a professor of Public Administration at George Washington University, has been a critic of federal budgeting procedures and has had a particular interest in alternatives. He has found the idea of the Budget and Control Board intriguing.

In an article entitled "The Executive Budget—An Idea Whose Time Has Passed" (Public Budgeting and Finance; Vol. 8, Number 1), Dr. Pitsvada writes of South Carolina "These * * * budget practices demonstrate rather ingenious methods to defuse budgetary conflict before it begins."

He also wrote that "it is very unlikely that * * * the South Carolina * * * approach to budget preparation would ever be adopted in toto at the federal level. They are detailed here only to demonstrate the imaginative type of approach that is used and works elsewhere."

SUMMARY

In summary, I believe that the State of South Carolina has a very workable and responsible fiscal system which provides for the fair involvement of the executive and legislative branches. Our people feel that we have a carefully defined budgeting process which contains the following strong points:

(1) Before the process begins, all participants know and accept that a balanced budget is constitutionally required.

(2) A single entity of appointees, named by the executive and legislative branches, provides the revenue estimates which are utilized by all parties involved in the budgetary process. This entity, The Board of Economic Advisers, is given as much autonomy as is practical and is generally removed from the political process.

(3) At every stage of consideration of our Appropriations Bill, from the beginning through final passage, it must be within the estimated revenues as required by our Constitution.

(4) Authorizations for capital projects are contained in separate legislation, but debt service is included in the Appropriations Bill.

(5) There are no open-ended appropriations except debt service which is itself subject to a constitutional limit.

(6) The unified budget contains all expenditures (including state, federal and other funds) except for three off-budget agencies. These agencies receive no State funds and their financial obligations are specifically their own.

(7) The Governor has the line item veto for all appropriations.

(8) A clearly defined process is in place for monitoring the budget and making appropriate reductions if necessary to avoid a deficit.

(9) Reserves are provided as a safety net in the event that budget reductions are inadequate to prevent a year-end deficit.

While not perfect, I believe that South Carolina has a good budgeting system, parts of which are quite similar to the provisions proposed in H.J. Res. 290.

To draw upon our experience and using H. J. Res. 290 as a vehicle, I would observe:

1. Congress and the President must agree on an estimate of total receipts by passing a law declaring what the official estimate is for the next fiscal year. This is absolutely necessary and I would submit the model of my State's Board of Economic Advisers as an option for the process of anchoring this down.

2. For specific spending approval over estimated receipts, the weighted vote (3/5ths of the whole number of each House) and the rollcall vote would be a significant improvement. This is not as stringent as the South Carolina requirement but it would bring clear attention to the people and to the Congress that this "balanced budget" discipline is very important and should be followed. I note with interest, Congressional Budget Office Director Reischauer's concern that "a balanced budget amendment risks interfering with the ability of the federal government to stabilize the economy." I share this concern that our federal government should have the flexibility to deal with unusual times and economic conditions. This 3/5ths weighted vote provision would help resolve this concern. To gain flexibility, he had some interesting ideas about having the budget balanced over a moving five-year period, or that we look at a two-year budget which is a concept I have long been interested in.

3. The President should transmit to the Congress a proposed budget which is in balance. Again, Dr. Reischauer suggested that if this requirement was put in place, the President have a reasonable period of time to reach this requirement, such as five years. This also would make good sense to me.

4. The broad definition of "Total receipts" and Total outlays" including entitlement programs is how we handle our limitation and, in my judgment, is absolutely required to make good sense out of a balanced budget amendment. There should be no open-ended appropriations except for repayment of debt. These open-ended programs should be included in the budget and at certain intervals during the year, be re-visted. If the projections are low, some approval process should be provided for increasing the appropriated amount or cutting the program. But, a discipline is required in this area and it would be healthy for it to be within the budget process.

I read recently that Mozart was once asked, "What are you trying to express by your music?" He replied, "If I could express it in words, I wouldn't need the music." The mere words of a balanced budget requirement in our Constitution will not play the beautiful budgetary music of eliminating our deficits—but, if seriously addressed and carefully crafted, it could provide the words for a beautiful melody. We, as a people, and our government must be willing to suffer the pain and develop the discipline to make the beautiful music come forth.

Thank you, again, for permitting me to appear before you. I hope this information will be of use to you.

□ 2210

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, I have heard a lot of eloquent speeches over the past several hours—most are logical with basic common sense and some that, in this Member's opinion, defy logic and basic common sense.

Let us look briefly to history and some of the learned and eloquent statesmen of the past.

Paraphrasing President Franklin D. Roosevelt, who said in the 1930's: A country, like a family, can, for a year or two, spend more than it earns, but a continuance of that habit means the poorhouse.

In the 1800's, Justice John Marshall said:

> That the power to tax involves the power to destroy is not to be denied.

Let us go way back into history, during the heyday of the Roman Empire.

The Roman statesman Cicero said:

> The budget should be balanced, the treasury should be refilled, the arrogance of officialdom should be tempered and controlled, and assistance to foreign lands should be reduced lest the state become bankrupt. The people should be forced to work and not depend on government for subsistence.

Finally, a statement from me that I hope will never be quoted when historians study the history of the former United States of America.

"We either balance the budget and limit taxes and spending now, or our society will go the way of the Roman Empire and other historical world powers."

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, the vote on a balanced budget amendment is critical because, as the Washington Post noted Tuesday, it "carries extraordinary long-term implications for governing and the balance of power in Washington." Even so, some Americans who may be watching this debate are probably confused as well as being disgusted, and they might have trouble understanding what is going on.

As they watch, amid the many sincere, serious proponents and opponents of a balanced budget amendment, some on both sides of this issue are hollering about "courage" and "hypocrisy," and "political games," and "partisan politics."

The American people are tired of the insider's game of us blaming each other or the White House as an excuse for not doing something about our budget deficits. The American people don't care that it's been over 20 years since a President sent Congress a balanced budget. Congress should have had the courage as guardian of the public purse to refuse to spend money the public didn't have. The President didn't have that courage; Congress didn't have that courage—now is not the time for finger pointing.

Furthermore, with all due respect to my colleagues, I am not impressed with calls for us to reject the balanced budget amendment in favor of some promised, future, phantom fiscal responsibility, under the present rules of the game by Congress. Those who are making that pitch have had their chance over the past decade. Now, it is time to do something different, something positive, something that might be effective.

Voting for the balanced budget amendment may indeed be an act of frustration, but it is the same kind of frustration that is out there in this country, sinking the President and Congress to the bottom of the polls, encouraging the Ross Perot movement, term limits, and anti-incumbency.

Sending the Stenholm balanced budget amendment to the States will move us outside the Washington Beltway, beyond Washington politicians and organized special interests, and it will include the American people in meaningful, timely participation in this critical debate about the future of our country.

Do not pretend that this vote will magically balance our national budget. However, I can guarantee you absolutely that, without forcing a broad, public debate out there in the real world about the nature of the deficit problem and the tough choices facing Americans, then this Congress will never have the requisite courage and this Congress will never, never deal with the real human needs challenging the United States of America.

Mr. KYL. Mr. Chairman, I yield myself 2 minutes to make a point in response to an argument that was made earlier by the distinguished gentleman from Wisconsin [Mr. OBEY]. He was referring to the chart of the gentleman from Wisconsin [Mr. MOODY] and made the point that there were really only two choices here, and that was either——

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KYL. Oh, I am sorry if I misspoke. It was the gentleman from California [Mr. PANETTA], the other distinguished gentleman at the table.

Mr. Chairman, he made the point that there were only two choices here, raising taxes, or cutting spending, or both, and I would suggest that there is a third way that involves limiting spending. The third way is the Kyl-Allen proposal to limit Government spending. It has inherent in it the incentives for Congress to pass progrowth economic policies that will increase our gross national product because, as the economy would grow, revenues to the Treasury would grow, and of course, therefore, we will have more money to spend.

Let me just read one quotation. Citizens for a Sound Economy, for example, said and I am quoting, "The Kyl-Allen balanced budget amendment would provide strong incentives to implement progrowth policies," and that is one of the theories behind the proposal, to attack this problem by limiting Federal spending and, therefore, providing it to GNP and, therefore, providing the Congress with an incentive to pass progrowth policies.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I have heard the arguments before, and I think there probably is some merit to how we try to stimulate the economy, but the problem is that, when we talk about stimulus, we are largely talking about tax cuts or tax credit which, in fact, can impact on reduced revenues for the Treasury. In the short term they are going to add to the deficit. In the long term they might bring some money back in. But the problem is in the short term they can add to the deficit.

Mr. KYL. Reclaiming my time, Mr. Chairman, sometimes that is a very short term. As a matter of fact, at the same tax rates we can generate more revenues.

Let me quote Dr. James Buchanan, a Nobel laureate in economics. We are not talking now about just the average guy who is arguing here. This man knows his economics, and I am quoting now.

> Reducing Government as a share of GNP from its current level of 25 percent to, say, 20 percent would generate roughly a 2 percent increase in the rate of growth in GNP. And back-of-the-envelope arithmetic suggests that by the early 2000's, and forever beyond, the real value of the programs financed by Government would be larger than they would be under the regime that keeps Government's share at 25 percent.

That is with no change in tax revenues.

□ 2220

So the point I would like to make is that by keeping tax rates the same, we can have an increased share in the gross national product, increased revenues for the Federal Government to spend, and that is not changing the tax rates one bit.

Mr. PANETTA. Mr. Chairman, if the gentleman will yield further, the last time I heard that was from an economist called Laffer, it was called supply-side economics, it was 1991, and the result has been a $4 trillion debt.

Mr. KYL. Mr. Chairman, reclaiming my time, the result was the longest peacetime period of economic growth in the history of this country. That is what the result was.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I might add the result was an increase in Government revenue. Revenues went up. It was the tax rates that went down. But this idea that you cannot have growth-oriented policies without giving tax incentives which cost the Government revenue is ludicrous. What about increasing Government efficiency? Is that not one good goal that would help stimulate the economy? How about cost-saving reforms, for example, liability reform that the country has been crying for but we have been able to put off because we can just add to the deficit? What about antitrust reform? What about deregulation?

Mr. Chairman, these are things that actually increase productivity in the country and spur economic growth that are not tax incentives. Today we do not have to worry about those things.

Mr. PANETTA. Mr. Chairman, if the gentleman will yield, the gentleman is absolutely correct. We ought to do every one of those things that the gentleman is suggesting. The problem is we are talking about $600 billion in deficit reductions. It does not get you much.

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, part of the solution has to be increasing the productivity of our country, increasing the growth of our country. The only option in doing that is not just providing tax incentives, but let us get to those hard reforms that are always tough, because when you are up against an interest group like the lawyers and being able to say no, I am sorry, we are going to pare away some of these laws because it is going to make our bills more competitive and thus bring in more revenue.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Fort Worth, TX, [Mr. GEREN].

Mr. GEREN of Texas. Mr. Chairman, I rise in strong support of the Stenholm balanced budget amendment, and I wish to add for the RECORD various pieces of correspondence regarding this subject, as follows:

AMERICAN TAX
REDUCTION MOVEMENT,
Los Angeles, CA, May 15, 1992.

Hon. CHARLES W. STENHOLM,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: The quarter-million member American Tax Reduction Movement urges you to take immediate action to pass the Balanced Budget Amendment, S.J. Res. 18.

Our nation has been brought to the verge of economic ruin through fiscal mismanagement, at the core of which is decades of deficit spending. Deficit spending (massive borrowing) has reached such astronomic proportions that it is almost beyond human comprehension—long lines of mind numbing numbers.

What is easier to understand is that our failure to control government spending is destroying our country's economic competitiveness, fueling inflation and contributing to unstable money that precludes sound long term planning. The result of our massive borrowing is high taxes and the mortgaging of our children's future, and the future of generations of children yet unborn.

Is it any wonder that the people distrust Washington when our representatives accept an annual deficit that imposes virtual government servitude on American taxpayers? Is it any wonder that Congress is held in such a low esteem when its every effort to deal with the deficit has been an abject failure? Talking has not cured the problem. Nor has the Gramm-Rudman Act decreased government spending.

As a nation we can neither afford nor tolerate further delay in reforming government's profligate spending practices. The only way to avert catastrophe is to bring spending into line with income by using the force of the Constitution.

Taxpayers demand a Balanced Budget Amendment.

Sincerely,

JOHN SUTTIE,
President.

NATIONAL ASSOCIATION OF
WHOLESALER-DISTRIBUTORS,
Washington, DC, June 5, 1992.

Dear———: You will very soon be called upon to vote on one of the most important pieces of legislation ever to come before the House of Representatives—the Balanced Budget Amendment. On behalf of the over 40,000 companies represented by the National Association of Wholesaler-Distributors (NAW), we strongly urge you to support this legislation.

NAW has been an active supporter of a Constitutional Amendment for a balanced federal budget for almost a decade. Our members, their employees and families have all felt the effects of the ever-growing federal deficit, estimated to reach $400 billion this year. Unless action is taken now, federal debt and deficits will continue to cripple our economy and mortgage our children's future.

NAW favors the version of the amendment to be offered by Representatives Barton and Tauzin, which will require a supermajority vote to raise taxes as a means of balancing the budget. Our members believe that after decades of uncontrolled federal spending, Congress should be forced to rely more heavily on spending restraints to balance the budget, rather than further burdening the American taxpayer.

While NAW strongly favors the Barton/Tauzin amendment, should that fail to be adopted, we strongly urge you to support final passage of H.J. Res. 290, as introduced by Representatives Stenholm, Smith, Carper and Snowe as an effective Constitutional restraint on deficit spending.

Again, NAW strongly urges you, in the interest of fiscal responsibility for our country and for the sake of our children's future, to support the Balanced Budget Amendment.

Sincerely,

DIRK VAN DONGEN,
President.
ALAN M. KRANOWITZ,
Senior Vice President-Government Relations.
MARY T. TAVENNER,
Senior Director-Government Relations.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, June 1, 1992.

Hon. CHARLES W. STENHOLM,
House of Representatives, Washington, DC.

DEAR MR. STENHOLM: The National Association of Manufacturers believes reduction of the federal deficit should be our nation's top priority. Accordingly, we have been longstanding supporters of a constitutional amendment requiring a balanced federal budget. We support current legislative efforts to accomplish this, and strongly urge you to vote for the adoption of such a provision this year, without further delay.

While we believe adoption of the balanced budget amendment should occur now, we wish to raise a few concerns. First, we believe the version having the greatest support (H.J. Res. 290) could be improved greatly by adding a stronger limitation on tax increases, such as that found in H.J. Res. 248, requiring a supermajority vote to raise taxes. Lack of such a limitation, however, should not be an excuse for failing to adopt a balanced budget amendment this year.

Second, even though a balanced budget amendment would not likely become effective until fiscal year 1997 or later, it is essential that Congress begin to plan now for a phased reduction in the deficit to permit an orderly transition that does not disrupt the nation's economic growth.

Again, we urge you to act now to pass a constitutional balanced budget amendment, and look forward to working with you thereafter to implement a rational plan of phased deficit reduction.

Sincerely,

JERRY J. JASINOWSKI,
President.

AMERICAN FARM
BUREAU FEDERATION,
Washington, DC, April 16, 1992.

Hon. CHARLES W. STENHOLM,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE STENHOLM: The drive to enact a constitutional amendment to balance the federal budget is one of Farm Bureau's longstanding legislative efforts. Farm Bureau, which represents nearly four million member families throughout 50 states and Puerto Rico, supports a constitutional amendment to require the federal government to operate on a balanced budget each year. A balanced federal budget should be accomplished through spending restraint rather than new or increased taxes.

Two balanced budget resolutions have been introduced in the House of Representatives which are supported by Farm Bureau. These resolutions are H.J. Res. 290, introduced by Representatives Stenholm (D-TX), Bob Smith (R-OR), Carper (D-DE), Snowe (R-VT), Moody (D-WI) and Barton (R-TX), and H.J. Res. 248 introduced by Representatives Tauzin (D-LA) and Barton (R-TX). H.J. Res. 290 is a balanced budget amendment and H.J. Res. 248 is a balanced budget amendment with a tax limitation and a debt limit.

Farm Bureau has urged the House Judiciary Committee to schedule hearings on the balanced budget amendment and to report H.J. Res. 290 and H.J. Res. 248 from the Judiciary Committee. Both resolutions have substantial numbers of cosponsors which indicate widespread support in the House. H.J. Res. 290 has 267 cosponsors, and H.J. Res. 248 has 126 cosponsors.

Until there is a constitutional amendment to require a balanced budget through spending restraint, the federal deficit problem will not be solved. Farm Bureau asks you to cosponsor and vote for H.J. Res. 290 and H.R. Res. 248 when these measures come to the House floor, hopefully this summer.

Sincerely,

DEAN R. KLECKNER,
President.

AMERICAN FARM
BUREAU FEDERATION,
Washington, DC, May 22, 1992.

Hon. CHARLES W. STENHOLM,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE STENHOLM: Farm Bureau supports a constitutional amendment to balance the federal budget. Our members believe that a balanced budget should be accomplished through spending restraint rather than tax increases.

We have supported and continue to support H.J. Res. 290 (Representative Stenholm) and H.J. Res. 248 (Representatives Barton and Tauzin) in the House and S.J. Res. 18 (Senator Simon) and S.J. Res. 182 (Senator Kasten) in the Senate. We believe that all of these measures have stronger tax limitation than current law, particularly H.J. Res. 248 and S.J. Res. 182. We support measures that will bring accountability in federal spending.

Aside from Farm Bureau's support for a balanced budget, however, we are concerned by discussion of attempts to link a specific deficit reduction package with the vote on the balanced budget amendment. We strongly believe that a vote should occur on the balanced budget amendment without any tandem vote on deficit reduction. We are concerned that such linkage would lead to a tax increase that would stifle badly needed economic growth.

We urge you to vote against any deficit reduction package based on a ratio of spending reductions to tax increases. Beginning with the Tax Equity and Fiscal Responsibility Act of 1982, there has been promotion of a spending cut/tax increase ratio. Congressional history on this point has consistently reflected that promised spending reductions never materialized while tax increases became a fact of life.

We urge you to reject tax increases to spending reduction ratio plans if placed before the Congress. Farm Bureau asks that Congress and the administration reduce all federal spending, including entitlements, by an across-the-board cut or a spending freeze. Equity is needed in spending restraint. All areas of federal spending must participate in deficit reduction.

Sincerely,

DEAN R. KLECKNER,
President.

AMERICAN ASSOCIATION
OF BOOMERS,
Irving, TX, June 4, 1992.

An Open Letter to Members of the House of Representatives:

The American Association of Boomers' 1992 membership survey indicates that a Balanced Budget Amendment is supported by more than 80 percent of our members. Our membership is diverse and represents accurately the broad spectrum of the "baby boom" generation's views, interests and concerns.

I urge you to support H.J. Res. 290 as introduced by Representatives Stenholm, Smith, Carper, and Snowe. Your support will be viewed by boomers as a ray of hope that our government can and will address the tough choices that lay ahead.

I must warn you that any attempt to pass a "watered down" version or one that exempts "sacred cows" will be viewed by boomers as final proof the current system is nothing more than a charade of special interests.

I am confident that your sense of patriotic duty will override the emotional pleas of your constituents who have been shamefully manipulated by special interest half-truths and innuendoes.

Sincerely,

KAREN MEREDITH,
Executive Director.

NATIONAL TAXPAYERS UNION,
Washington, DC, May 27, 1992.

DEAR REPRESENTATIVE: The House will soon consider H.J. Res. 290, the proposed Balanced Budget Amendment, offered by Representatives Stenholm, Smith, Carper and Snowe, cosponsored by 278 Members of the House, and supported by 32 of the required 34 state applications for a limited constitutional convention on this issue. Adoption of this critically important amendment is the highest priority of the 200,000 member National Taxpayers Union.

The chronic and growing federal deficit is the most pressing problem facing our nation. Polls indicate overwhelming public support for solving this problem through the adoption of a balanced-budget amendment to the Constitution.

Our current Constitution was adopted precisely because of fiscal collapse under the Articles of Confederation. As historian Sidney Homer wrote in "A History of Interest Rates," "The government of the Confederation could not even meet its own small expenses. Interest on its domestic and foreign debt went largely unpaid. * * * The finances of the nation were chaotic * * * [and] Government credit sank so low that * * * [its bonds] were worth less than fifteen cents on the dollar."

I quote this because many people believe that the credit of the federal government can be taken for granted. The evidence of our own history, and that of other nations, proves otherwise.

Nobel prize winning economist James M. Buchanan wrote that even though a balanced budget requirement "has never been a part of the written Constitution, [during most of our nation's history] budget-balance was a part of our effective fiscal constitution. * * * The unwritten rule or precept for budget-balance acted as a powerful inhibiting force on the natural proclivities of politicians to generate deficits * * *"

If we are to preserve our nation's good credit, and government's ability to provide for the common defense and promote the general welfare, we must find a substitute for this unwritten rule that had protected our country from fiscal irresponsibility. Prof. Buchanan concludes that a balanced budget amendment should be adopted as part of the Constitution. * * *

The rule governing Floor debate on H.J. Res. 290 will include debate and votes on several substitute amendments. We will strongly oppose any substitute which would weaken the provisions of H.J. Res. 290. H.J. Res. 290 is the leading budget proposal in the House, and has the strongest prospects for House approval. The most important action the House can take is to pass this bill.

In conclusion, I quote what Thomas Jefferson said about deficit spending: "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves."

If Mr. Jefferson were among you, you know how he would vote on this amendment.

Sincerely,

JAMES D. DAVIDSON,
Chairman.

CHILD CARE AMERICA,
Newport News, VA, June 8, 1992.

Hon. CHARLES STENHOLM,
Longworth Office Building, Washington, DC.

DEAR CONGRESSMAN STENHOLM: The Board of Directors and membership of CHILD CARE AMERICA, the owners and administrators of licensed, private child care centers in eight states, strongly endorses your Balanced Budget Amendment.

The nation needs strong fiscal constraints, and statutes simply have not proven adequate to the task.

We commend you for your leadership.

Cordially,

DR. WILLIAM J. TOBIN,
Director of Government Relations.

THE SENIORS COALITION,
Washington, DC, June 8, 1992.

DEAR FRIEND: America's senior citizens have had enough! They want Congress and the Administration to put aside their posturing and put our nation's financial house in order.

The main argument we hear from Congress against a Balanced Budget Amendment is that the President and Congress should do it without an amendment to the Constitution.

Well, Congress and a number of Presidents have had many years to pass a balanced budget and have not delivered. It's time to stop asking, and to make it law. Perhaps then government will do what needs to be done. It's a sad commentary on our government, but it will be a sadder, and more expensive story if a Balanced Budget Amendment is not passed now.

Some people claim that a Balanced Budget Amendment would somehow hurt senior citizens. Not necessarily true. Our enclosed issue paper on the subject exposes that argument for what it is, a desperate argument to do nothing but scare senior citizens.

Our members write us so often, asking why Congress and the administration can't stop overspending, that we have made the Balanced Budget Amendment the cover story of the June/July issue of The Senior Class (also enclosed).

Most of our members lived through the Great Depression and know what it is like to have to spend frugally. They also know how far a recession can go when Congress ignores the problem.

It's time to stop talking and start doing. Balance the budget, cut government waste, and get our economy back on track. It's possible to do, it just takes willpower and common sense.

Sincerely,

JAKE HANSEN,
Executive Director.

Mr. KYL. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia [Mr. ALLEN] have the responsibility of yielding the remaining time on this side.

The CHAIRMAN pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Virginia [Mr. ALLEN] will be the designee of the gentleman from New York [Mr. FISH].

Mr. STENHOLM. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. PANETTA], the distinguished chairman of the Committee on the Budget

Mr. PANETTA. Mr. Chairman, let me just in brief summary make a few points here, because this has been an extensive debate. But I also think it has been a good debate in the sense that there are many areas of agreements as Members have gone to the floor and discussed the issue, the concern about the deficit and the need to try to take some action here.

First of all, I really do think the goal is the same. I think many Members share a common goal here, which is to reduce this huge deficit that confronts the country and try to move toward a balanced budget. I think that is a goal that all Members share in.

The question then becomes how do we get there?

I think there is also a consensus in how we get there. There are a few Members here who think that it can happen through growth, or it can happen through some magic answers, but I think most Members know that tough choices have to be made, tough choices on how you reduce spending, tough choices on how you raise revenues, a combination of both. I think all Members know that. We would have balanced the budget a long time ago had there been a will to make those kinds of tough choices.

So we know how to get there. We know what has to be done to move in that right direction.

What is missing then? What is missing? We know the goal, that we want to get there. We know that there are some tough choices involved. Why do we not get there?

Actually, I think there is probably agreement on that as well, which is there is not leadership, leadership from the President, leadership from the Congress, to address these issues.

So the fundamental issue, and this is probably what divides the Members when it comes to the question of a constitutional amendment, the fundamental issue is will passing a constitutional amendment provide the leadership that is missing now? That really is the key question that all of the Members have to ask and that the American people need to look at. Do we really need a constitutional amendment to get the right kind of leadership from the President and the Congress in order to deal with the issues I just discussed?

I do not think we do. I think, very frankly, there is not a Member here that does not have the will to confront these choices. Certainly, you do not go back to your constituents and say that you are cowards when it comes to making tough choices. You may say others are, but the fact is all of us go back to our constituents and say we are willing to make the tough choices.

We do not need a constitutional amendment to really make the decisions that have to be made. I think we proved that when we did the 1990 budget agreement.

So I guess my view is that I trust in the system and I trust in the Constitution that is there, and, frankly, I trust in the ability of this House and the President to assert the kind of leadership that is necessary on this issue, if the will is there. If the will is there.

I think the risks involved in having a constitutional amendment I guess are what concern me, because we are talking about a three-fifths requirement. It does involve then the ability to put a straitjacket on this institution when we have to deal with some very tough issues.

It also involves turning some very sensitive issues over to the courts, because the courts do have to enforce this issue. It was interesting, I was on a talk show this evening, and somebody called in and said, "What concerns me about this whole issue is that what you could be doing is handing a Federal court judge the decision as to whether or not we should raise taxes or cut spending." And a judge is the last person that ought to be making that decision, someone who is unelected, who is there for life. That is essentially taxation without representation.

But those are the kind of dangers that are involved here.

I would indicate that I have asked the gentleman from Texas [Mr. STENHOLM] several important questions related to interpretation of the amendment, because I think it is very essential that we provide an adequate record here for interpreting issues like what are revenues, what are estimates, what is national security, what is the standing to sue, and other main questions that have to be provided here so there is some guidance in the event that the amendment does pass.

Mr. Chairman, I would state to the gentleman from Texas [Mr. STENHOLM] that I have provided him a set of questions, and my understanding is that the gentleman from Texas [Mr. STENHOLM] will respond to those, and we will include those responses in the RECORD this evening.

Mr. Chairman, I rise in opposition to House Joint Resolution 290, the constitutional amendment to require a balanced Federal budget.

It is a rare occasion when this Nation decides to amend our Constitution. The Bill of Rights was adopted over 200 years ago. In the last two centuries, the Constitution has been amended only 17 times.

Nearly every one of those amendments guarantees fundamental rights to our citizens, or makes a fundamental change in the structure of government, such as how we elect or appoint our top Government officials.

There are virtually no constitutional amendments that address a specific policy issue. The best example is the prohibition amendment. That did little but reduce public respect for the law and the Constitution, and another amendment was adopted to repeal it.

The only other time an economic issue was dealt with, it was specifically to authorize the Congress and the President to do something they had not been permitted to do before—impose an income tax. It was needed because such authority had not existed before.

Today, we are considering a constitutional amendment that deals with a policy issue that also is an economic issue. But unlike the 16th amendment, it does not authorize Congress and the President to do something that we cannot now do. It tells us to do something that we not only are already empowered to do but in fact have done a number of times in the past—balance the budget.

The Constitution is a place for the Nation to state clear principles, not to seek to force Congress and the President to settle policy disputes. How many critical policy issues have gone unaddressed by Presidents and Congresses over the years? Today, we have a health care system that is in crisis; we have high unemployment and a dragging economy; we have cities that are becoming urban wastelands, plagued by homelessness, AIDS, poverty, and crime. Should we pass a constitutional amendment that requires the Congress and the President to solve the health care crisis? Should we pass a constitutional amendment that requires us to solve the problems of the cities? Of course not. Because Congress and the President already have the tools to address those issues, if they so choose. And the American people have in their hands the tools to force us to address those problems. It's called the vote, and they get to exercise it every 2 years.

The same is true for the budget deficit. We have the necessary tools in hand to address the problem, and the American people have the ability to force us to do it. The Constitution is not the problem here. The problem here is a failure of leadership, from the President and from the Congress. This amendment is little more than a crutch for that failed leadership.

There are some in the Congress, as well as the President, who like to bat the Constitution around like a political ping-pong ball. Whack, here's an amendment to ban abortion. Whack, there's an amendment to ban desecration of the flag. Whack, here's an amendment to permit prayer in the schools. Whack, there's an amendment to require a balanced budget.

They call themselves conservatives, but anyone who is willing to amend the Constitution at the drop of a hat, or at the drop of a difficult political issue, is no conservative. That is someone who lacks respect for our most fundamental governing document.

I do not disagree with the goal of a balanced budget; I support it. I have devoted much of my time as a Member and then as chairman of the Committee on the Budget to reducing deficits in this country. The worst mistake this Congress ever made was to go along with the Reagan policies of the 1980's, which caused deficits to soar and caused the national debt to triple in the span of less than a decade. Deficits and the debt steal the resources this Nation needs to restore its savings base and establish a foundation for future economic growth. It is truly a crisis.

But I am not sure I understand the purpose of this amendment. It tells us that we are supposed to balance the budget, except that it also tells us that we can override the requirement with a three-fifths vote. So it's important enough to put in the Constitution but not important enough to make an absolute requirement.

Moreover, the chief sponsor of the amendment has stated that the intent of the amendment "is not to reach a zero balance." One must assume, then, that the purpose is to reduce the deficit and get near a balanced budget. I think most of us agree with that notion, and some are even willing to do it. What we often disagree on is how to do it.

That is the fundamental problem. The Constitution is not the problem. The problem is our inability to agree on a solution.

It seems to me that what we should be doing is not amending the Constitution but discussing those policy choices.

For several weeks now, I have been suggesting that a vote on a constitutional amendment be linked to a vote on an enforcement mechanism as well as the policy choices—the actual spending cuts and tax increases—that are needed to balance the budget.

My greatest disappointment in this debate has been the reaction of the supporters of the constitutional amendment to my proposal. These are the Members who, like the President, think a balanced budget is so important it should be enshrined in the Constitution. In theory, these are the Members of Congress who, along with the President, are most eager to balance the budget. In theory, these are the Members of Congress who, along with the President, want to face up to the tough choices.

And yet, in reality, it is these Members of Congress who, along with the President, have fought the hardest to prevent a discussion of those issues as part of this debate. They have sought, as one witness who supports an amendment told our committee, to maintain a veil of ignorance to conceal from the American people the spending cuts and tax increases that will need to be imposed to balance the budget.

They have largely succeeded. They have succeeded by ensuring that the procedure does not permit such a debate. And they have succeeded by obfuscating the issue in their statements leading up to this debate.

The worst offenders have been the President and OMB Director Darman. But there have been many in Congress who have been nearly as deceptive, people who in the past have been far more willing to be honest with the American people.

The administration and others tell us balancing the budget will be fairly easy. All we need to do is, first, assume greater revenues from economic growth beyond current projections and, second, slow down the growth of spending. The two things we certainly won't have to do, they say, are to cut Social Security benefits or raise taxes.

A balanced budget without any pain. It sounds great. But if it's so easy, why haven't we done it already?

My colleagues all know the answer. The answer is that it is not easy. Balancing the budget requires painful spending cuts and tax increases. Anyone suggesting an easy solution either doesn't know the truth, or doesn't want the American people to know.

The reality is, there are no simple or easy answers. Let's talk about economic growth. We all want to increase economic growth, and we all hope growth will be stronger than current estimates, which have been figured into current deficit projects. But wishing will not make it so, and neither will the administration's self-described growth package.

Their idea is that tax cuts will lead to magical increases in economic growth, producing enough revenues to substantially reduce the deficit, or even balance the budget. Where have I heard that before? I heard it in 1981. Congress bought that line then, and we have a $4 trillion debt to show for it.

In testimony just last week before the Budget Committee, CBO Director Robert Reischauer said the impact on economic growth of any so-called growth measures, such as those proposed by the President, would be minuscule. I agree that some targeted growth measures might be desirable. But let's not pretend they can make a significant contribution to balancing the budget.

The next solution is to slow down or freeze the growth of Federal spending. Freezing spending for 5 years would probably do the job, but let's not pretend it's painless. Let's take an example that everybody understands—Social Security. Social Security spending increases about 6 percent every year because of cost-of-living adjustments [COLA's], which help beneficiaries keep up with inflation, and because of the ever-increasing number of people receiving benefits, as more people retire, with ever-higher benefits, than those who die each year. If we froze Social Security spending for 5 years, what would happen? COLA's would disappear, so people's benefits in 1997 would be worth about 80 percent of what they are now, due to inflation. And accommodating all those new retirees would require that everybody's benefits be reduced even further.

Medicare costs are rising at some 12 percent a year because of new recipients and, primarily, rapidly rising health care costs. Freezing spending means not compensating doctors and hospitals for their rising costs, not reimbursing for certain services, increasing the amount that beneficiaries pay in premiums, and increasing beneficiary copayments for medical services.

It's the same for most other programs. If you don't keep up with cost increases, that means a cut, potentially very severe, in services.

Now I am not saying that we cannot slow down spending growth. We can, and we must. But freezing or sharply limiting spending will mean sacrifices, often painful sacrifices. Let's not pretend that it won't. Let's not hide the truth from the American people.

CBO projects a $236 billion deficit in 1997. Clearly, we have to start attacking the deficit now, not later, if we are going to balance it by 1997. CBO, assuming normal economic growth, says we need to reduce deficits over the next 5 years by a cumulative total of nearly $600 billion.

Where will it come from? As Willie Sutton said, you have to go where the money is. Today, 14 percent of the budget is interest that must be paid on the debt. That cannot be cut. Another 5 percent is the cost of the savings and loan bailout, which must be maintained to guarantee insured deposits. The other 81 percent comprises 15 percent for domestic discretionary spending—education, space, transportation, housing, law enforcement, et cetera; 21 percent for defense; and a whopping 45 percent for entitlement programs. Half of the entitlement are retirement and disability programs—primarily Social Security, and Federal civilian and military retirement. A quarter are health programs—Medicare, Medicaid. The rest are farm price supports, veterans' programs, and others.

The Budget Committee staff has produced three illustrative plans for balancing the budget by 1997. They would require substantial cuts in Medicare, Social Security, through limits on COLA's or taxation of benefits, defense to well below the level the President supports, veterans' and farm programs, and foreign aid, elimination of the space station and the superconducting super collider, and numerous other domestic entitlement and discretionary spending reductions.

Two of the three plans would ease spending cuts somewhat by including tax increases, in the form of personal and corporate rate increases, or a higher gasoline tax, or limitations on itemized deductions, or a national sales or VAT tax. Regardless, the reality is that Medicare, Social Security, defense, and other big spending programs will have to be cut.

If we pass this constitutional amendment, I intend to begin work in my committee at the earliest possible date on enforcement of that amendment. And if anyone believes they can vote for this amendment and then avoid these tough choices, they are kidding themselves and the American people.

Mr. Chairman, the Budget Committee has, over the past several weeks, conducted a series of hearings on proposals to amend the Constitution to require a balanced budget. Those hearings have addressed a number of critical issues which I would like to discuss at this point in the RECORD.

LEGAL AND CONSTITUTIONAL ISSUES

Constitutional experts have expressed concerns about the proposed constitutional amendment at hearings before both the House and Senate Budget Committees. In addition, Judge Robert Bork has expressed his views on a similar amendment in a letter to the Speaker dated July 10, 1990.

Although the views expressed at these hearings on the issues presented by such an amendment vary, the testimony is consistent with Judge Bork's view, as expressed in his letter, that "[d]espite the urgency of the problem the proposed constitutional amendment seeks to address, * * * the cure seems likely to be ineffective or damaging, and perhaps both."

He said that the idea of enforcing the amendment through lawsuits in the Federal courts "is either a vain hope or a dismal prospect."

In testimony before the House Budget Committee, Alan Morrison, director of the Public Citizen Litigation Group, urged that the text of a balanced budget amendment state clearly whether compliance with the amendment would be reviewable in the courts, but he noted that even if the amendment addressed the role of the courts directly, there was no satisfactory solution.

Allowing no review would make the "amendment into the budgeting equivalent of the War Powers Resolution," in Morrison's opinion, meaning that the courts, in practice, would exert little real authority over the issue. Allowing some review would mean that there would be "litigation over whether a given claim is litigable, a debate which profits no one save the lawyers who are being paid to litigate it." Finally, in evaluating the full review option, Morrison cited numerous possible bases for litigation covering every section of House Joint Resolution 290, except the effective date section, and every aspect of the budgetmaking process.

On the other hand, if the amendment were silent as to the role of the courts, Morrison concluded that:

> [I]n the absence of a clear statement, it is likely that the only parties who could sue would be those seeking greater spending or reduced taxes, whereas actions to assure lesser spending will be thrown out on standing grounds. The end result will be that this litigation bias will further increase the deficit, precisely the opposite of what the proponents of the amendment are seeking.

In testimony before the Senate Budget Committee on a number of proposed constitutional amendments, including House Joint Resolution 290, Professor Laurence Tribe of the Harvard Law School took a more expansive view as to the persons who could sue to enforce the amendment. He argued that even if an amendment were silent on the issue of judicial review, taxpayers might have standing to sue.

> [A] Federal taxpayer might be able to bring an action charging that what both branches agreed was a balanced budget was not in fact actually balanced, or that, in some other respect, Congress and the President had failed to adhere to the balanced budget amendment.

Tribe said.

> At this point, a court would have little choice but to develop, as a matter of constitutional law, appropriate definitions of "outlays" and "receipts," and to hold a trial to determine whether the taxpayer's complaint had any basis in fact. If the court agreed with the plaintiff, it would likely enter a decree governing the federal budget and perhaps giving the court a continuing oversight role. Although the court would probably afford the President and Congress an initial opportunity to raise taxes or cut spending on their own, the court would be entirely justified in going further, especially if the political branches could come to no agreement between themselves. At that point, the court might issue an injunction directing the government to raise taxes and it could even begin the process of selecting federal programs for termination. Individual executive and legislative budget decisions might have to receive court approval before they could be implemented, much as legislative reapportionments in many States have to receive preclearance from federal courts or the Attorney General under the Voting Rights Act. Even those who do not oppose the idea of federal court's supervising a formerly segregated local school district would surely find it nightmarish for a court—even the Supreme Court of the United States—to assume ultimate responsibility for managing the federal budget.

In testimony the same day before the Senate Budget Committee, Prof. Walter Dellinger of the Duke Law School expressed many of the same concerns as Professor Tribe. Like Professor Tribe, he was also concerned about the possibility that a balanced budget constitutional amendment could be interpreted to give the President impoundment authority, arguing that if a President decided to cut spending for pensions, for example, in order to fulfill an amendment's requirement that outlays not exceed receipts, "[i]t would take a bold court to overrule this executive interpretation of the constitutional command." Professor Dellinger also argued that "[n]either the political question doctrine nor limitations on standing would appear to preclude litigation that would ensnare the judiciary in the bramble bush of budgetary politics."

He concluded his testimony with this observation:

> It would be wonderful if we could simply declare by constitutional amendment that from this day forward the air would be clean, the streets free of drugs, and the budget forever in balance. But merely saying those things in the Constitution does not make them happen. Proposing a balanced budget amendment would not be a step toward a balanced budget, but a diversion from that goal. Sending this amendment to the states for ratification would thus disserve both the Constitution and the goal of fiscal responsibility.

Clearly, there is room for disagreement as to exactly how the courts would interpret a balanced budget constitutional amendment. It might be that only those whose benefits were cut or whose taxes were raised could sue, resulting in litigation that tended to increase, rather than decrease, the deficit. On the other hand, the courts might agree to allow taxpayer standing and, as Judge Bork speculated, "[t]he confusion, not to mention the burden on the court system, would be enormous."

But the critical point is that, whatever the outcome, none of these results would be good for Congress, the President, the courts or the deficit.

Beyond the issue of who has standing to sue in the Federal courts is how the courts would enforce the constitutional amendment. An amendment raises the prospect of unelected Federal judges making economic policy decisions that our Founding Fathers clearly intended to be made by a Congress and a President who periodically had to go before the voters to be reelected. Do we want judges deciding what taxes to raise and what programs to cut? Is that what the American people want? I think not. What the American people want is for their President and elected Representatives to exercise leadership.

SUPERMAJORITY REQUIREMENT—RECIPE FOR GRIDLOCK, UNFAIRNESS AND SHORTSIGHTED FISCAL POLICIES

The balanced budget constitutional amendment would allow an unbalanced budget only when supported by three-fifths of the House and Senate. This requirement would:

Provide another obstacle to a system already close to gridlock;

Place an unfair obstacle in the path of attempts to assist people hurt by natural disasters or recession; and

Make it more difficult for the Federal government to make long-term investments in economic growth.

A fundamental tenet in a democratic system of government is that a majority vote determines the outcome of political issues, including going to war, the most solemn issue any country can consider. The Founding Fathers reserved the supermajority vote for only a handful of critical matters—that is, amendments to the Constitution, overrides of a Presidential veto. It clearly was not meant to be applied to ordinary policy questions, even those of extraordinary importance. To elevate a vote on whether a budget should be balanced or not, a decision which essentially concerns economic policy, into supermajority status is inappropriate and unwise.

A system already subject to gridlock would be faced under a balanced budget amendment with a supermajority requirement to unbalance the budget and to increase the public debt. This change could make our political system even less responsive and chaotic than it is today. Bills to increase the debt limit are often passed, after great struggle, by one or two votes, even in the face of a total Government shutdown. If a majority of members of the House and Senate refuse to cut spending or raise taxes to balance the budget then the next step would be to raise the public debt. Securing three-fifths of the House and Senate to take that step could be impossible, based on our past experiences with such votes, thus frustrating the will of the majority.

A supermajority requirement would also threaten Congress's ability to help people who have suffered due to a recession or natural disasters. For example, additional unemployment benefits during times of recession or loans to repair homes damaged by hurricanes or floods could be held hostage by a minority of members of the House or Senate. Running a deficit in times of recession or to assist after a natural disaster is usually difficult to avoid and occasionally desirable. Yet with the balanced budget amendment, a minority could derail needed assistance or stimulus.

And it is not just spending which would have to overcome this obstacle. The enterprise zone tax break proposal currently being considered to help the inner cities could also be threatened by a minority of members. When a minority can block basic governmental assistance to people in need, it sets the stage for tremendous unfairness and dislocation in the political system.

There are also times when the Federal Government should move into a deficit situation in the short-term to make long term investments to spur economic growth. American corporations borrow money to build factories and American families borrow for homes and for college education expenses. These investments are critical to a better future. The balanced budget amendment would severely constrain the Nation's ability to build a better future for our people. The deck would be stacked against efforts to borrow funds to invest in roads, ports, education or research and development—those areas which constitute sound investments for spurring future economic growth. Most States with balanced budget requirements are allowed to borrow funds to provide for capital investments. This approach would be denied to the Federal Government unless a supermajority agreed. Indeed, one can envision what kind of unnecessary borrowing would be needed to provide incentives to get individual members of the House and Senate to join a supermajority in support of necessary borrowing.

EVASION OF A CONSTITUTIONAL BALANCED BUDGET AMENDMENT

Promising a balanced budget is one thing, forcing the system to achieve a balanced budget where there is no will or political guts is another. If we do not have the guts to achieve a real balanced budget the political system will eventually invent methods to evade a constitutional amendment. The following are those we can identify today, and there are sure to be other innovative techniques developed in the future:

Nondebt promissory notes.—Shifting costs into the future by making Government purchases with nondebt promissory notes, the Federal Government could disguise the real cost of a program in the fiscal year for which a balanced budget was required.

Expand loan guarantees.—An increase in the use of loan guarantees and the repeal of the current credit scorekeeping practices adopted in the 1990 budget agreement would allow significant policy initiatives with only small expenditures, or perhaps none, being displayed during the fiscal year in which a balanced budget is required.

Asset sales.—Asset sales provide a one-time influx of receipts but provide no long-term deficit reduction. Popular in the 1980's, asset sales have become completely discredited as a form of deficit reduction. Look for their return if the balanced budget amendment becomes part of the U.S. Constitution.

Timing shifts.—Budget year payments are pushed into the previous or future fiscal years, providing a meaningless, quick-fix form of deficit reduction.

Quasi-Government entities.—Additional Government-sponsored enterprises could be created. Current examples include Fannie Mae and Sallie Mae. Governmental policies are carried out by these agencies, but they are not considered to be legal Government entities. Their activities would not be covered by a balanced budget amendment, so look for the creation of GSE's much more dependent on the Government than Fannie Mae or Sallie Mae.

Regulation.—Perhaps Judge Bork best described this method of evading a balanced budget constitutional amendment:

> Government need spend nothing on a program if it can find groups in the private sector that can be made to spend their own funds. Much of the heavy expenditure of funds to give us clean air or occupational safety, for example, does not appear in any governmental budget and requires neither taxing nor governmental spending. Industry is simply required to use its own funds. That technique could be used with respect to a variety of programs such as health care. The effect of diverting society's resources to governmental purposes would be the same as an increase in taxation, except it would be less equitable because the burden would be borne by particular segments of society rather than by all subject to taxation. (Letter to Speaker Thomas S. Foley, July 10, 1990)

Shift costs to States.—Finally, current Government efforts could simply be shifted to the States to free up room for additional spending at the Federal level.

Again, a balanced budget amendment in the Constitution means nothing if the political will is not there for tough spending cuts or tax increases. If we lack the necessary political will, pressure will simply build to use various methods of evading the constitutional requirement. All of these methods will at best be less efficient than traditional spending or revenue policies. At worst they will constitute wasteful gimmicks which will undermine and embarrass the political system and exacerbate economic inequities.

ECONOMIC ISSUES

A balanced budget amendment would destabilize the economy, making recessions more frequent and more severe. It would also create incentives to cut those Federal programs that are most important for long-term economic growth.

Economists have long argued that a rigid requirement to balance the budget every year would unbalance the economy. An exemption for times of recession is no more of an answer to this problem than is a device to shut the barn door after the horse has bolted.

Economists are the first to acknowledge that they have a poor record of forecasting turning points in the economy. For example, the recent recession began in July 1990; but the President's budget submission of the following February did not even use the word recession. The President's Council of Economic Advisers gave itself high marks for candor when it acknowledged the recession at that same time, 7 months after the recession began.

The budget is an automatic stabilizer for the economy because it helps to head off recessions and inflationary booms without any discretionary policy action. Weakness in the economy, with increasing unemployment and declining incomes, sets off its own reductions in income tax collections and increases in unemployment benefits. Likewise, excessive demand pressure is damped by increasing income tax collections and declining benefit payments. This automatic stabilizer in the modern budget is part of the reason why the post-World War II economy has been far more stable than in earlier times—when depressions and financial panics happened almost every decade.

The balanced budget amendment would weaken the automatic stabilizers in the budget. When the economy begins to soften, with income tax collections falling and benefit payments increasing, the balanced budget amendment would require that we raise taxes or cut spending to close the deficit gap. If past patterns—including the most recent recession—are any guide, it will be months later before we understand that the economy was headed toward recession, and we made things worse. To expect otherwise, to believe that the passage of a balanced budget amendment will somehow make the Congress of the United States an economic forecasting team of unprecedented prescience and precision, is to strain credulity, to say the least.

There is a risk on the other side of the business cycle as well. When the economy grows too rapidly and risks inflation, the budget pushes toward surplus, because tax revenues rise and benefit payments fall. If we accept a rule that the budget should always be balanced, we might welcome that move toward surplus as a signal that we have more money to spend. If we do so, we will aggravate the economy's move toward inflation, the mirror image of the likely aggravation of the economy's move toward recession.

Both of these risks could be avoided if the Congress had perfect economic foresight. Again, it does not, and it will not. The benefit of the current budget law is that the automatic stabilizers are free to act, without the intervention of the Congress or any other authority, to keep the economy on an even path. The balanced budget amendment will disrupt the economy's gyrocompass, and thereby greatly increase the risk of discretionary policy errors.

The balanced budget amendment will also increase the risk of unwise decisions regarding individual Federal programs. If we were required to balance the Federal budget immediately, the required spending cuts and tax increases would be so large that they would hit the economy with a force of at least four times that of the 1973–74 oil shock, which drove the economy into a serious recession. Therefore, we must move the budget into balance gradually, but we must begin immediately; the longer we wait, the more our debt builds up, and the more painful the process becomes.

Similarly, if we were required to balance the Federal budget immediately, our menu of policy choices would be short. Much of spending would be off limits for cuts, because we would have contractual commitments for long-term purchases—like military hardware—and because we could not in conscience cut many other programs on such short notice. As a result, the likely cuts would primarily fall as they did in the 1980's: on infrastructure and human investment programs that are essential to economic growth. With a longer planning horizon, hardware purchases could be cut off at the early stages, and program beneficiaries could have fair warning; and so the list of potential spending cuts would be much longer.

Right now, the administration is demonstrating the risks of a balanced budget amendment to long-term economic stability and to Federal programs important to economic growth. The President says that he can balance the budget with no pain. All he needs is more rapid economic growth, and a minimalist cap on entitlement spending.

This course is totally unrealistic, and it will leave the budget far from balanced at the last moment before a constitutional amendment takes effect. We will then face a Hobson's choice: either we will impose enormous short-term cuts that will destabilize the economy and salvage growth-oriented programs; or we will waive the constitutional amendment in its very first year, trivializing the Constitution and sending the worst possible signal to our people and the world.

The President's proposed course banks on the same rosy scenario of economic fantasies that his predecessor raised in 1981 to justify irresponsible tax cuts and defense spending increases. Those mistakes put our budget into this deficit bind, and a repeat of the same mistakes will not get us out.

In January of this year, the President issued an economic forecast that assumed one level of economic growth for a business-as-usual policy course, and another, higher growth path assuming the adoption of his growth package of tax cuts for the wealthiest Americans. Reasonable economists dismissed the claimed economic payoff of these policies, just as history has shown that the growth package of 1981 paid no budgetary dividends.

Now, however, under the requirement of a proposed balanced budget amendment to show how he would achieve balance, the President has reverted to type and resorted to a rosy economic scenario to reduce the apparent pain. He is predicting even more rapid growth from the same economic program that he had already overestimated in January. So, just as in 1981, the administration shows that in a crunch, it will choose the easy way out.

The problem is that the day of reckoning under a constitutional amendment will not wait for the President to find reality. When these supply-side policies fail, the Congress and the President will need to find the deficit reduction that they should have undertaken now. As a result, there will be a fiscal year 1997 budget crisis, in which essential programs will be gutted to comply with the Constitution; or the balanced budget amendment will be waived in its very first year, spreading public cynicism from the President and the Congress to the Constitution itself.

Thus, a balanced budget amendment to the Constitution will ill-serve the economy in the large, and the Federal Government as a part of our economic system in the small.

State requirements for balanced budgets are not comparable to a constitutional amendment.

Supporters of a constitutional amendment make the argument that the Federal Government should have a constitutional requirement for a balanced budget because most of the 50 States do. That is an analogy that is both superficial and misleading, as was made clear in a House Budget Committee hearing on May 13.

One witness, Steven D. Gold, director of the Center for the Study of the States and probably the Nation's foremost academic expert on State government, said that

> The State experience does not buttress the case for a Federal balanced budget amendment. * * * It is naive to believe that since States balance their budgets, the government should be able to do so as well. States do not always balance their budgets. Many States avoid deficits only by using funds carried over from previous years or by relying on gimmicks that often represent unsound policy.

Connecticut Gov. Lowell Weicker told us at that same hearing that when he entered office, his State had build up a $1 billion deficit "despite a balance-the-budget law that had been on the books for 53 years." How do States avoid balanced budget laws and constitutional requirements? Many simply use gimmicks, ranging from acceleration of tax collections and shifting programs off-budget to delaying payments, underestimating spending and overestimating revenue, and selling assets.

One of the biggest loopholes was pointed out at our hearing by Gov. Douglas Wilder of Virginia and former Gov. Dick Riley of South Carolina, both of whom are supporters of a constitutional amendment. They testified that despite their States' balanced budget requirements, they were permitted to issue debt for certain activities, primarily capital projects. Such debt financing for capital investments, which provides considerable flexibility for government, would not be allowed under the proposed amendment.

As one witness stated, the constitutional amendment under consideration would be "more restrictive than those in most States, even thought the Federal budget requires more not less flexibility because of the different role it plays in our economy." He was referring to the fact that tax increases or spending cuts in one State to balance its budget do not have nearly the national impact that similar actions have at the Federal level. A State action cannot throw the Nation into a recession. A very large Federal tax increase or spending cuts can.

So when it is said that States balance their budgets, so the Federal Government should, too, we should not accept that argument at face value.

Mr. Chairman, a constitutional amendment is not a solution to our deficit problem. It only elevates what is now an economic and political crisis into a constitutional crisis. The political process has worked before to produce real deficit reduction. In 1990, the President issued a challenge to the Congress, and we cut spending and raised taxes and established an enforcement process that is in the process of achieving nearly $500 billion in deficit reduction. The recession, the Persian Gulf war, the savings and loan rescue, and other economic factors have combined to thwart our efforts to balance the budget. But the fact is that deficits would be $500 billion higher over 5 years were it not for the budget agreement.

What is there in the Constitution now that has to be changed to get the President to issue the same kind of challenge now? Does it take a constitutional amendment to get our elected leaders to act responsibly? If that is so, then we have far more to worry about than deficits or a constitutional amendment. If that is so, we must seriously question whether our democracy is working. No constitutional amendment is going to solve that problem.

What is needed is the right kind of leadership from the President and the Congress. For the lack of leadership, we have only ourselves and the President to blame. We can do better, and we must.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, not only will we include the answers to the questions, but we will also be including in the RECORD this evening much additional explanation as to the amendment as it was offered, the intent. The authors of the amendment on both sides of the aisle, as best we can, will define for the RECORD the meaning that we imply in the amendment that we have offered tonight, plus the questions that the gentleman from California [Mr. PANETTA] has asked.

Mr. PANETTA. Mr. Chairman, reclaiming my time, I thank the gentleman from Texas [Mr. STENHOLM] for doing that.

Mr. Chairman, as I said, this is not going to be an easy decision for all of the Members as we approach this vote. But I would indicate to the Members that regardless of how this vote goes, it is my intent to bring an enforcement package to the floor so that ultimately we will put teeth in this amendment or put force and courage in ourselves to confront the choices that I have discussed.

Mr. SANTORUM. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Chairman, I would like to state to the gentleman from California [Mr. PANETTA], the gentleman said what we need is leadership. I could not agree with the gentleman more.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Chairman, the gentleman from California [Mr. PANETTA] said what we need is leadership. The gentleman stated he is not convinced that this constitutional amendment will provide that leadership or that is the right thing to do. The gentleman said, "Well, I have faith in this body that somehow or another we will muster up the courage to do this."

Candidly, Mr. Chairman, I know the gentleman from California [Mr. PANETTA] has been working very hard, and I do not doubt that the gentleman has the intestinal fortitude to do it, because the gentleman has been trying to push the rock up like Sisyphus for a while now.

But the fact is the gentleman gets rolled all the time. Can the gentleman from California [Mr. PANETTA] tell me, if we are going to go back home and if that is what the gentleman wants us to do, because that is what the gentleman is asking us to do, saying don't vote for this, that somehow we are going to get some assurance that this is going to happen.

Tell me how it is going to happen, Mr. Chairman. Tell me how this is going to happen without any kind of motivation, where for a dozen years it has not happened.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. SANTORUM. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I will tell the gentleman exactly how it is going to happen. It is when the President of the United States challenges this institution, the way he did in 1990, when he said we ought to come up with $500 billion in deficit reduction, and the leadership of the institution said, "We have to sit down and do that." And we did that.

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Mr. SANTORUM. We have even higher deficits now than we did when that negotiation went on.

Mr. PANETTA. Not because of that agreement.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, I would appreciate a chance to discuss with the chairman of the Committee on the Budget a point or two he made.

Do I understand the gentleman, and I am very sincere about this, that he is saying that changing the rules of the game will not facilitate more leadership coming forward because we are not going to change human nature by this amendment? We all know that, but do not the rules of the game under which we operate have something to do with the willingness of Members to exercise leadership, or does the gentleman feel it is totally irrelevant to the rules?

We do have a shortage of leadership. Is it not possible that that will just continue? And frankly, I am very concerned that if Mr. Bush is reelected, we will not get any more leadership for 4 more years.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, my biggest concern is that we always seem to look for some kind of gimmick or some kind of procedural change or some kind of gun or some kind of club or some kind of amendment or some kind of other excuse to deal with these issues. Is that really what we have to do to try to meet these issues? I do not think we do.

I do think that the 1990 budget agreement is an example of where the President and the leadership of the Congress can confront this issue. But if we do not want to do that, if we do not want to confront those choices, if we do not want to confront these constituencies, if we do not want to raise revenues, if we want to play read-lips politics, constitutional amendment or any other amendment is not going to change that. That is my concern.

Mr. MOODY. Mr. Chairman, I understand that. I am not looking for excuses myself.

Mr. PANETTA. Mr. Chairman, I know that.

Mr. MOODY. The 1990 agreement was an exercise in some leadership, probably not nearly enough, frankly. We now know that we summoned up apparently all that we could summon and many Members on one side of the aisle are saying that the President should never make that mistake again and they are going to pin his ears back if he ever tries it.

So I am not sure we can look forward to that much leadership in the next 4 years if Mr. Bush is reelected. That is going to put us in a deep hole, which I do not think we will ever recover from.

I am willing, having not been willing before, to try to change the ground rules.

Mr. BARTON of Texas. Mr. Chairman, may I inquire of the Chair how much time I have remaining that I control?

The CHAIRMAN pro tempore (Mr. MFUME). The Chair advises all Members controlling time that the remaining time is as follows: The gentleman from Texas [Mr. BARTON] has 13 minutes remaining; the gentleman from Wisconsin [Mr. OBEY] has 4½ minutes remaining; the gentleman from Texas [Mr. STENHOLM] has 12½ minutes remaining; and the gentleman from Virginia [Mr. ALLEN] has 7 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the distinguished chairman of the Committee on the Budget for being here at this hour of the evening and engaging in these colloquies. I think he reflects a certain pride of authorship that perhaps clouds his judgment when he speaks of the 1990 Budget Enforcement Act.

That is a bill, that is a law that has been obviated and circumvented on every occasion that this body finds it convenient to do so.

The stark political reality of the situation is that agreements such as the Budget Act are the gimmicks. We absolutely need to have the shadow of a balanced budget constitutional amendment looming over this body in order to get us to do the right thing for the very reasons we have articulated tonight, the inability to muster political will, the absence of the sort of political leadership that we need in both bodies.

Let me ask the chairman of the Committee on the Budget, if I might, let me share with him an impression. When I got there 18 months ago, I heard, and I think this is common on both sides of the aisle, the first advice I got in this body was, "Do whatever it takes to get reelected."

I quickly learned that that translates in congressional politics today to basically trying to be all things to all people. Trying to say yes to as many groups as possible, something that the chairman, of course, well knows. So what we try to do here, what we ultimately end up doing is trying to give everybody a little piece of the Federal pie.

I am frankly looking forward to joining with my colleagues over here in pushing for fundamental reforms. If not the balanced budget amendment, perhaps some proper political reforms that would again give the Congress the ability to stand up and do just exactly what the gentleman is advocating, Mr. Chairman, make these kind of difficult decisions.

I do not see in the current process that we have or in the current law that we have where that gumption and resolve would come from.

I want to throw it back to the chairman and get his reaction to my impressions and find out if we are on the same sheet here.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I think there is a problem of leadership not wanting to take risks. When we take risks, we basically put our jobs on the line.

If we are going to make those choices, we have to take those risks. The problem I see with the constitutional amendment is that my fear is that Members will vote for a constitutional amendment and then, when it does come to the tough choices, they will still escape.

Mr. STENHOLM. Mr. Chairman, I have no remaining requests for time, and I reserve the balance of my time to close out the debate on this amendment.

Mr. OBEY. Mr. Chairman, I have one more speaker, and I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have been here today for approximately 10½ hours debating the pros and cons of various balanced budget amendments, and whether we should even adopt one or not. I think there is consensus that we should do something. There is still diversity of opinion about what exactly should be done.

Before I respond to the specific amendments, I would like to make some comments in response to some earlier statements made by the distinguished gentleman from the great State of Texas, the Honorable CRAIG WASHINGTON. The gentleman from Texas, CRAIG WASHINGTON, is a very intellectually honest and a very intellectually astute Member, served this body well and before that the State senate in the great State of Texas well. But in his statement earlier on the House floor he spoke of various programs in Texas that we were receiving: the space station, the super collider, the V-22, the B-2 bomber. The gentleman said that there was some lack of political courage on many of the Members of the Texas delegation because we had refused to work against those programs, so to speak.

I would like to point out to the Members of this body that Texas is 47th out of the 50 Sates in numbers of dollars sent to Washington that are then returned to Texas. In fact, for every dollar we send to the Federal Government, we get approximately 7 cents back.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, does that include the S&L bailout money that is coming back to Texas?

Mr. BARTON of Texas. Mr. Chairman, my understanding is, it does. I would not swear to that under oath that it does.

The problem is not a Texas problem or a California problem or a Wisconsin problem or any other particular State's problem. The problem is that for every man, woman, and child in this country, we spend each year approximately 6,000 Federal dollars, of which 1,000 of those dollars are borrowed. We simply will not say no to any program.

As a result, the debt in this country has exploded.

When the good Lord and my mother brought me into this world in 1949, my share of the Federal debt that I assumed as the newest American citizen at that point in time was a little over $1,600. Today it is $16,000 and by the year 1995, it will be $20,000.

We have had 23 straight years of Federal deficits. My son, who was born on August 19, 1970, has never lived in a year that the Federal Government balanced its budget. He will be a senior in college this coming year.

There is simply no incentive to balance the Federal budget. As the distinguish Senator from Texas, the Honorable PHIL GRAMM, has said, "We all want to get to balanced budget heaven, but no one wants to make the sacrifices necessary to get there."

Many Members on the Democratic side of the aisle have attacked President Reagan and President Bush for not submitting a balanced budget. I would point out that the President recommends, that Congress enacts and the Committee on the Budget, the Committee on Appropriations, the authorizing committees, in no year has the Congress passed or even suggested passing a balanced budget amendment. There is blame to go around both in the executive branch and the legislative branch.

In the 7½ years that I have been a Member of the House of Representatives, I have had literally thousands of people come through my office asking for more money for their particular pet program. I have not had one person come in to my office and say, "Congressman BARTON, cut my program." Not one. There is simply no incentive to do that.

□ 2240

It is very similar to a wartime situation. When we are actually in a shooting war, very few people volunteer to go to the front for active duty, so we institute a draft. Once we institute that draft, most Americans will serve their country and do their duty.

That is what the balanced budget amendment is all about, implementing a draft that then will force us to do our duty. I think it is very, very necessary that we do that.

Tomorrow when we come to the debate on the specific amendments there are going to be four specific amendments offered:

The Allen-Kyl-Fish amendment that is a spending limiter, with a line-item requirement;

The Obey-Gephardt amendment, which is a general balanced budget amendment that exempts Social Security;

The Barton-Tauzin amendment that has the supermajority vote to borrow money, the supermajority vote to raise the national debt, and the supermajority vote to raise taxes;

And, finally, under the "king-of-the-hill" approach, the Stenholm-Smith-Carper amendment that says a supermajority vote to borrow money, a supermajority vote to raise the debt ceiling, and a simple constitutional majority to raise taxes.

We can disagree or agree over which particular amendment we support or oppose, but the bottom line is, at approximately 5 o'clock tomorrow afternoon we are going to be voting on one of these amendments for the two-thirds required to pass a constitutional amendment.

I sincerely hope that amendment that we vote on for final passage is the Barton-Tauzin supermajority tax limitation amendment. It has been supported by President Bush, 13 national conservative organizations, and in every opinion poll that has been taken, when the American people have had a choice to make, they have supported more strongly a balanced budget amendment with the supermajority vote to raise taxes than any other amendment.

But if it is not Barton-Tauzin, and in all probability it will not be, in all probability it will be the Stenhold-Smith amendment, I urge every Member of this body to vote in the two-thirds majority required for a constitutional amendment to pass Stenholm-Smith, if that is the amendment. We simply have no other alternative.

Winston Churchill once said about American democracy that "we always did the right thing once we had tried everything else." That is where we are. We have tried everything else. We simply have not been able to balance the budget, and will not be able to balance the budget at the Federal level until we pass a balanced budget amendment to the Constitution.

I urge us to vote for Barton-Tauzin tomorrow, and then on final passage, if it is the Stenholm-Smith vote, let us vote the two-thirds required to get that amendment into the Constitution.

Mr. Chairman, I yield back the balance of my time.

Mr. ALLEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I would like to make a point, a point that was made earlier by the distinguished chairman of the Committee on the Budget concerning the 1990 budget agreement. The 1990 budget agreement was a balanced budget amendment that gave us things such as forward funding. The public may not realize what forward funding is, but there was a budget agreement that was reached to limit spending, and without a balanced budget amendment, we ended up spending next year's money this year and calling it forward funding.

What we ended up with also was dire emergency bills that have nothing to do with dire emergencies. For example, just the recent bill that we were doing to help the city of Los Angeles out after this great riot situation has come back to us with $2 billion which are not really emergency funds. These are types of things we get when we do not have a balanced budget amendment, and we rely instead on these types of compromises which do not change the basic fundamentals of the process around here.

Changing the process with a balanced budget amendment would indeed be a congressional empowerment act as well as a balanced budget act, because it would empower us to make the decisions that would be necessary to really fulfill the need that we have today.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, nothing in this balanced budget amendment would stop forward funding.

Mr. STENHOLM. Mr. Chairman, I have no remaining requests for time. I would like the privilege of closing out the debate, and I reserve the balance of my time.

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard many comments. We have heard a lot of comments here toward the end as to these great fears of a constitutional amendment.

The gentleman from California [Mr. PANETTA] on one hand fears a constitutional amendment will not do anything, that the restrictions will be avoided. Of course, if we look at the record of Congress and the record of the Federal Government, obviously, I can understand why he feels that it will be avoided. The national debt is nearly $4 trillion, and the Federal Government has run deficits 53 of the last 61 years and 30 of the last 31 years, so I can understand why he does not have any faith in the machinations or has fear of the machinations of the Congress and the Federal Government.

The gentleman then says that the constitutional amendment is a gimmick. It is not a gimmick. It has been tried out by virtually every State. It is part of their constitutions and their laws in the States, and it works well in the States.

On the other hand, the gentleman from California says there is a danger in passing such a constitutional amendment because it is going to cause drastic cuts, or he fears it will go to Federal judges to make these decisions. I do have faith in the President and in the Congress that these institutions, the executive and the legislative branch, will certainly not want to abdicate their responsibility to the judiciary.

The real danger, the real danger, and why so many of us are in favor of a constitutional amendment, is, and I will give a bill of particulars, the largest item in this year's fiscal 1993 budget is the interest on the national debt. It is 21 percent of all Federal spending. This spending is in fiscal year 1993 is more than the total revenues the Federal Government received in 1976. The interest on the national debt amounts to over $7,000 for every family of four.

That is the situation we are in, and that is why we need to have a constitutional amendment. The alternatives are many. The gentleman from Arizona [Mr. KYL] and I will have the first amendment to be voted on tomorrow. It will be under the Fish amendment.

Ours requires a balanced budget, limits spending to 19 percent of the gross national product, which has been the average for the past 25 years, and provides Congress with an incentive to implement positive economic growth policies to get more revenue in. It allows Congress to waive the balanced budget requirement and the spending limit with a three-fifths vote, and it provides line-item veto authority to the President.

This is the only substitute with an enforcement mechanism, and the only opportunity that Members have ever had on this floor to vote for the line-item veto.

What have others said about the Kyl-Allen amendment? The gentleman from Arizona [Mr. KYL] quoted Citizens for a Sound Economy that said, "The Kyl-Allen—balanced budget amendment—would provide strong incentives to implement pro-growth policies." We have that, and the amendment of the gentleman from Texas [Mr. STENHOLM] does not.

Michael Schuyler of the Institute for Research on the Economics of Taxation stated:

> The Kyl-Allen proposal would tackle rising Government spending head-on. For added fiscal discipline, another section of the proposal would arm the President with a line-item veto.

Americans for Tax Reform says that "Americans for Tax Reform is opposed to any balanced budget amendment that does not contain a tax or spending limitation clause." "We support * * * the Kyl-Allen spending approach." The Stenholm amendment, the amendment from the gentleman from Texas, does not include that.

The U.S. Chamber of Commerce is concerned with a balanced budget because they strongly urged the support of an amendment to the Constitution that includes taxes and spending limitations, rather than using the growing support for a balanced budget amendment as an excuse to raise taxes again. Again, the Kyl-Allen amendment has that, the Stenholm amendment does not.

Finally, we do have the line item veto, which the National Taxpayers Union says would be an important tool to achieve a more fiscally responsible budget.

Yes, a constitutional amendment is absolutely necessary to force a discipline on the President and the Congress. We have to adopt, in my view, Mr. Chairman, the best protection for the taxpayers, the best protection for our economy, and the best protection for future generations.

I hope the Members will vote tomorrow for the Kyl-Allen amendment. If it does not have sufficient numbers in favor of it, I hope they will support the Barton amendment, and in the event that those all fail, I certainly hope they will support the Stenholm-Smith amendment, because the discipline is absolutely necessary, because the record of Congress is one of profligate spending. We need the sobriety of a constitutional amendment to put discipline into this system we have up here in Washington.

□ 2250

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would simply like to say in closing that, as I said many times before, everybody has their favorite philosopher. People talk about Plato, they talk about Aristotle. I talk about archy the cockroach, and archy said something which I think fits this debate. He said:

> Man always fails because he is not honest enough to succeed. There are not enough men continuously on the square with themselves and with other men. The system of government does not matter so much, the thing that matters is what men do with any kind of system they happen to have.

I really think that is true in this case. I do not believe that we need a constitutional amendment to bring back fiscal sanity to the U.S. Government. But if the majority of this House feels that we do, and apparently they do, then it seems to me that we have an obligation, while using the force of the Constitution, to reintroduce the Government to fiscal sanity. We have the obligation in the process not to enshrine in the Constitution the principle of minority rule, especially on something as important as economic policy. And I also think that we have an obligation not to threaten Social Security. And I think most of all we have an institutional obligation to reintroduce the Presidency to its responsibilities to be real in the kind of budgets they send, because as I said earlier in the debate, no Congress going back to Harry Truman has ever changed any President's budget by any more than 3 percent. The fact is that Congress over the last decade has appropriated in all but 1 year less than the President asked for, and, in fact, over that decade has appropriated over $20 billion lower than the President has asked.

The other thing I think we have an obligation to do is to begin the process now rather than waiting until the hereafter, as we are asked to do by some of the other amendments before us this evening.

So I would urge support for the Gephardt-Obey amendment when it is before us tomorrow.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I appreciate the gentleman's thoughtful statement. I am curious, since the gentleman is opposed to a constitutional balanced budget requirement, but is in favor of the administration being an active partner in it——

Mr. OBEY. No; I am the sponsor of the Gephardt amendment.

Mr. RIGGS. I realize that. But the gentleman made some statements which I would like to clarify if I might. Does the gentleman support a Presidential line-item veto?

Mr. OBEY. Our amendment is better than a line-item veto authority which has nothing whatsoever to do with spending. It has everything to do with power. Under our amendment we say that the Congress will not be able to raise the total spending level above the amount recommended by the President at the beginning of any fiscal year. We give the Congress the authority to debate priorities within that overall cap. And since the Congress has very rarely exceeded spending recommended by the President, I think what we are simply doing is recommending what, in fact, is reality. And I think it is better than a line-item veto because it is honest. It gives the President the authority to control spending levels, but it does not give him the power to control every jot and tiddle within that limit.

Mr. RIGGS. So just to clarify, if the gentleman will yield for a moment more, the gentleman then does support a balanced budget amendment?

Mr. OBEY. I do not regard any of these as balanced budget amendments. None of these amendments will balance the budget. What they do is build in institutional incentives one way or another. But any one of them that claims to balance the budget is in my view a fraud.

Mr. SANTORUM. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. SANTORUM. Mr. Chairman, I am curious that the gentleman criticizes the amendments that are being offered by the gentleman from Texas [Mr. BARTON], and the gentleman from Arizona [Mr. KYL], because they enshrine supermajority rule. Yet in your amendment you enshrine a program that was just created what, 50 years ago, 55 years ago. You enshrine in the Constitution a program, a Government program that was adopted back in the 1930's, you enshrine it in the Constitution in perpetuity.

Mr. OBEY. Which program is the gentleman describing? Is the gentleman against Social Security?

Mr. SANTORUM. I am not saying that I am against it. I am just saying that if you are a constitutional purist, be a constitutional purist.

Mr. OBEY. Does the gentleman think we ought to cut Social Security? I do not.

Mr. SANTORUM. There we go again. Here we go again. Let us throw fear out into this debate again.

The CHAIRMAN pro tempore (Mr. MFUME). The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM] to close debate.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would make just a few closing points. First I want to sincerely thank Mr. SMITH, Ms. SNOWE, Mr. MOODY, Mr. CARPER, Mr. BARTON, Mr. TAUZIN, all of our staff and all of the other staff who have worked throughout this day, throughout the last week, and for many throughout the last many years as we have reached the point now in debate in which we look forward to once again voting whether or not we shall in fact have a constitutional amendment to require a balanced budget.

I have never inferred in the slightest that our amendment will balance the budget. What we have contended, very close to 290 Members, and we shall see tomorrow, what we have contended is that we do need an additional restraint, an additional reason, an additional backbone firmer or whatever you might want to call it to give this Congress, this President, the next President and the next Congress the courage or the reason to do that which we believe is extremely important to the future of this country.

We have had many references today about our children and our grandchildren, and I think that is what it is all about. And I, like the gentlewoman from South Carolina, wonder what the senior citizens who have been flooding the phones really are thinking. I wonder if they really realize that what they are saying is that we want more today so that you can pay more tomorrow. You cannot escape that.

I appreciate the fact that we have not quite gone over the edge today in once again politicizing Social Security, because that would be a mistake to go over the edge on that one again, because I think in the final analysis we are going to have to have the support of every single citizen in America if we are going to deal with this debt and deficit.

I have asked over and over and answered the question over and over: Do you believe that our debt and our deficit are important? If you say no, then let us just keep on trucking. If you believe that it is, as those of us who support this amendment believe that it is, then let us take a look at how we can in fact give us those necessary tools.

I have been amused by many of my colleagues today who have talked about the need of courage and leadership. I cannot help but remember in 1984, April 4, Roemer, 59 Members had the courage. If we had had 218 that day we would not be here talking about a $400 million deficit.

I remember May 23, 1985, Leath, SLATTERY, MacKay, and JIM SLATTERY of Kansas is still with us, and the other two have retired. Once again, we had an opportunity to show courage on this floor of the House and 56 men and women stepped forward that day to provide the courage and the leadership.

March 23, 1988, our colleague from Minnesota, TIM PENNY, in one of his many moves, and that day 27 of us stepped forward.

And then just a few weeks ago we had the walls vote. And again it is interesting to read the editorials and listen to the conversation and the debate and the statements about courage and the importance of the deficit and why we believe our way is right. Check the voting record.

□ 2300

There are quite a few Members who stood up that day that have spoken today, but as we look back over a period of 6, 8, 10 years, we have been lacking. You know, I cannot help but wonder, as many of my colleagues I know have, what it was like 200-plus years ago when our forefathers sat down and wrote the original Constitution. We read about that. We have studied it in the history books, and we find that most of us marvel that they were ever able to find in that case, not 200 votes, a majority of votes. There were 52, was it, who were supposed to be there. Forty-three showed up, and how they ever got a consensus, but they did, because they were willing to compromise.

Do you know what I say to those who oppose this tomorrow? It is a very close vote. We can win it 290 to 145. We can lose it 289 to 146.

I would submit to the Members that those of us who believe that we are ready to step up to the plate and that the Constitution is a very serious document and that our amendment to it is taken very seriously, that we will have a much better opportunity to find 218 votes to provide the courage for dealing with it in the Congress out of that 289 than we are going to find in the 146. Perhaps I am wrong, and I too, like my chairman, the gentleman from California [Mr. PANETTA], of the Committee on the Budget, win or lose tomorrow, this Member is going to be extremely interested in enforcement.

Because win or lose tomorrow, the problem will still be there, and we are still going to have to deal with it. It is still going to require courage and willingness to compromise and dropping some of our personal desires. The ones of us who absolutely have to have it perfect and convince our folks back home that we have got all the ideas and try to explain why 217 do not agree with us.

I listened to my colleague, the gentleman from California [Mr. DELLUMS], very attentively today, and every year he brings up his amendment, and he gets less than 100 votes. Then I hear folks on the other side that say, "You know, if you use the 'T' word, you are off the reservation. You are never going to sit down and talk." If you eliminate 100 on this side and 150 over here, where are we going to get 218 votes? Most of us in the 290 are saying, "Look, let us deal with it seriously, but we need a constitutional amendment."

Believe it or not, we need something to give us the courage and the reason to do something which is necessary. I wish we did not have to do it. I wish I did not have to stand here and say that. But I believe it in my heart that it is the truth.

Therefore, as we close the debate tonight, as we look forward to tomorrow, I cannot think of a better way to close it than to say to all who are interested in this question: Do not forget the children.

Mr. Chairman, I am including for the RECORD the section-by-section analysis of our amendment that I had promised the gentleman from California [Mr. PANETTA]. It is here, and we will be submitting it for the RECORD. The specific questions, we believe, are answered in this. Should they not be, we will have the entire answers to his questions by 9 o'clock in the morning. I submit this for the RECORD at this time.

SECTION-BY-SECTION ANALYSIS

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.J. RES. 290 OFFERED BY MR. STENHOLM

Section 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

This section sets forth the general rule of this Article, and the central principle to be observed and enforced, that the Government of the United States shall not live beyond the means provided for it by the true sovereign, the people.

Therefore, this section establishes, as a norm of federal fiscal policy and process, that the government's spending should not exceed its income. While popularly—indeed, universally—referred to as requiring a "balanced budget", its mandate is both simpler and more comprehensive, requiring a balance (or surplus) of cash inflows relative to cash outflows.

Any departure from the general rule in this section and its guiding principles should be an extraordinary event, based on a compelling need. As is commonly the case with constitutionally established parameters for the legislative process, no attempt is made to enumerate all the circumstances that might justify deficit spending; if a three-fifths supermajority of each House of Congress believes an emergency, crisis, or urgency exists (and if the President concurs), it does. This formulation both makes the option of deficit spending difficult to exercise, yet available when a fairly strong national consensus exists.

Detailed analysis:

"Total outlays" and "total receipts" are defined below in Section 7.

". . . fiscal year . . ." is intended as a term defined in statute and having no other, specific, constitutional standing. It is a commonly understood term in both private and public usage. While the definition of a fiscal year could be changed from time to time, the concept is sufficiently well understood that a blatant attempt to contravene the intent of the amendment would not be acceptable.

For example, creation of a "transition fiscal year" of 18 months to facilitate reforms in the budget process clearly would be consistent with the amendment. On the other hand, legislation purporting to implement the amendment that promised to balance the budget for the fiscal year 1993–2008, with little or nothing in the way of procedural discipline in the early portion of that "year", clearly would be unconstitutional. Certainly, a simple "rule of reason" would be applied to any statutory definition of a "fiscal year".

"* * *" is a term readily obvious in its intent, spirit, and application. It is mandatory language simply meaning you may not. Saying that "Total outlays * * * shall not exceed total receipts" states both the goal to be pursued and the yardstick by which successful compliance with this amendment is measured. It prohibits fiscal behavior intended or reasonably likely to produce a deficit within a fiscal year.

"* * * three-fifths of the whole number of each House of Congress * * *" indicates the minimum proportion (60%) of the total membership of each House needed to approve expenditures producing a deficit. Currently, this would mean 60 of the 100 Senators and 261 of the 435 Representatives.

The term "whole number" is derived from, and intended to be consistent with, the use of the phrase in the 12th Amendment to the Constitution, "two-thirds of the whole number of Senators" (which is set as the quorum necessary for the purpose of electing the Vice President in case no candidate receives an Electoral College majority).

"* * * shall provide by law * * *" both states a simple consistency with other provisions of the Constitution and clarifies a difference between the deficit spending provided for under this amendment and a deficit planned for in a Congressional Budget Resolution.

Article I, Section 7, Clause 3 of the Constitution states: "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States" for signature or a veto. Clearly, a vote by both Houses that results in deficit spending would be such a vote.

However, an additional reason for adding this clarifying language is that such a vote might easily be confused with the deficit that may be estimated in a budget resolution, which currently is not presented to the President. While budget resolutions are Concurrent Resolutions generally passed by both Houses, concurrence is not necessary, since budget resolutions actually fall under the "Rules of its Proceedings" that "(e)ach House may determine" under Article I, Section 5, Clause 2. This is because budget resolutions merely set target amounts for subsequent budget decisions made within each House. (The ultimate decisions requiring concurrence, appropriations or other direct spending bills, are presented to the President.) In fact, the House often has proceeded to act pursuant to a House-passed budget resolution in prior to and in lieu of House-Senate agreement on a single resolution.

Obviously, the ⅗ vote on permitting a deficit under this amendment is not a determination of an internal rule in either House, but has direct and immediate consequences external to the rules of either House. Therefore, the words "by law" state what normally would be obvious, but which might be confusing here, due to current budget resolution procedures.

"* * * a specific excess of outlays over receipts * * *" means that the maximum amount of deficit spending to be allowed must be clearly identified. Thus, enforcement of the amendment through the political process will be facilitated by improving elected officials' accountability to the public. The specific excess which is provided for by law would not apply to outlays in more than one fiscal year and may, in fact, apply to an excess that occurs over a shorter period, such as the remainder of a fiscal year, when the law is enacted mid-year.

Ensuring such accountability is a cornerstone of the Balanced Budget Amendment, and restores the public's general interest in fiscal responsibility to an equal competitive footing with the special interests who demand programmatic spending and tax preferences. Today, federal officials can reap the rewards of satisfying the incremental demands of special interests without ever having an individual decision identified as a decision that results in a deficit. This informational imbalance is corrected by the mandate in Section 1 that deficit spending can not occur without a specific identification of the amount.

Changes from H.J. Res. 290, as introduced:

As originally introduced, Section 1 of H.J. Res. 290 read:

"Prior to each fiscal year, the Congress and the President shall agree on an estimate of total receipts for that fiscal year by enactment of a law devoted solely to that subject. Total outlays for that year shall not exceed the level of estimated receipts set forth in such law, unless three-fifths of the whole number of each House of Congress shall provide, by a rollcall vote, for a specific excess of outlays over estimated receipts."

The new Section 1 in the substitute takes cognizance of numerous comments offered, regarding the original language, in 1987 and 1990 hearings in the House Committee on the Judiciary, 1992 hearings in the House Committee on the Budget, during House floor debate in 1990, and otherwise. The authors have attempted to be responsive to all thoughtful comments and criticisms and to streamline and simplify the language.

"Prior to each fiscal year" was deleted both as hortatory (possibly even surplus) language, and in response to the inevitable question, "What if it isn't done by the beginning of the fiscal year?" Such simple timing questions are best left up to implementation and enforcement legislation.

"Congress and the President shall agree" was removed because "agree" truly was hortatory language. Although it stated a laudable goal, this phrase caused some confusion and raised a question of the legal consequences of a lack of an actual agreement. The words, "by enactment of a law", in the original language referring to establishing a receipts estimate, have clear meaning within the Constitution currently and would control, rather than the hortatory "agree" language. It was intended that Congress still could override a presidential veto of a receipts estimate. In deleting all of the first sentence of the original Section 1, all such possible confusion is also removed.

"* * * an estimate of total receipts * * * by enactment of a law devoted solely to that subject * * *" is deleted from Section 1 to remove the mandating of a specific procedural step that, however beneficial, is not necessary in the Constitution.

The authors in no way intend for the substitute to require a less flexible process in the establishment of a receipts estimate and the use of that single estimate as a benchmark against which to measure total outlays throughout the fiscal year. On the contrary, the substitute provides the same flexibility as would have been permitted under H.J. Res. 290 as introduced, and consistent with the language and purpose of Section 1 of the substitute. The permissible use of estimated receipts is moved to a new Section 6 which requires implementation and enforcement legislation.

Section 2. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

No section of this Article should be read in isolation, especially Section 1. Section 2 provides the essential mechanism which not only enforces an honest budgeting process in pursuit of the general rule and principle stated in Section 1, but also will operate to make the amendment self-enforcing.

This Section is inspired by the often-quoted desire expressed by Thomas Jefferson, in his November 26, 1798 letter to John Taylor:

"I wish it were possible to obtain a single amendment to our constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its constitution; I mean an additional article, taking from the government the power of borrowing."

The authors here have drawn from recent experiences of the government and modern economic theory to reach a compromise with then-Vice President and later President Jefferson: Section 2 takes from the government the power of borrowing, unless three-fifths of the total membership of both Houses votes to approve a specific increase in the amount that may be borrowed.

Section 2 provides strong enforcement, indeed, for the provisions of Section 1. When the government runs a deficit, that necessitates additional borrowing to meet its obligations. Failure to authorize that level of borrowing could, in a worst-case scenario, result in a default by the government of the United States. Treasury securities might not be redeemed. Government services could be threatened with a shutdown, subject to the availability of receipts.

Today, such a consequence is occasionally threatened when an impasse with Congress or between Congress and the President jeopardizes passage of essentially ministerial legislation raising the statutory limit on the public debt by a simple majority. Under this amendment, the threat of default would loom when the government runs a deficit, thus providing one of the most powerful incentives imaginable for balancing the budget.

The simple threat of default does not fully explain the way Section 2 will operate to enforce the fiscal norm of balancing outlays and receipts. Because a debt-increase bill represents an admission of failure of enormous magnitude, passage is always a difficult matter.

Under current law, Members of Congress not infrequently have rounded up 50% plus one of the Members of one House to threaten to push the government to the brink of insolvency unless a pet amendment is added to this must-pass legislation, despite consistent efforts by the Administration and the Congressional leadership of both parties in both Houses to pass a "clean" debt bill. This "debt bill blackmail", in fact, was the tactic used to enact the original Gramm-Rudman-Hollings law of 1985.

By lowering the "blackmail threshold" associated with passage of the regular debt limit bill from 50% plus one in either body to 40%+ one, Section 2 increases the motivation of the Administration and the Leadership, including the Chairs of the relevant committees, to do whatever is necessary, legislatively and cooperatively, even to the point of balancing the budget, to avoid facing such a difficult debt vote.

It is in no way the intent of the authors and supporters of this amendment that a default or shutdown should happen. However, the threat of such consequences is analogous to the deterrence effect of fines or legal damages in other situations.

Because borrowing, and increases in any limits on cumulative borrowing, must be enacted in law, Section 2 makes the amendment effectively self-enforcing. Such legislation usually involves large enough numbers of dollars to be borrowed that extensions of authority to borrow generally are used up in a year or so. The current statutory limit on the public debt, enacted as a part of the Budget Enforcement Act late in 1990 and allowing borrowing into 1993, is very much an exception in this regard; this lengthy term of borrowing, not quite three years, was made possible only by the status of the Act as an extraordinary, five-year plan. Virtually no elected official can stand the political heat of supporting a huge, multi-year increase in the government's level of indebtedness. This simple political dynamic will ensure that the self-enforcement provided by Section 2 occurs frequently enough to be effective.

Finally, when three-fifths of both Houses have "gutted up" and, under Section 1, voted explicitly for a specific excess of outlays for an identified purpose, there is no intent in this amendment to "punish" them by later forcing a second three-fifths vote on the debt limit. Both decisions can be approved by the same, single, three-fifths vote in the same legislation.

Detailed analysis:

* * * debt of the United States held by the public * * *" is a widely used and understood measurement tool. The Congressional Budget Office's January 1992 Economic and Budget Outlook: Fiscal Years 1993–1997 book, in its Glossary, defines "Publicly held federal debt" simply as: "Debt issued by the federal government and held by nonfederal investors (including the Federal Reserve System)." On page 66 of the same volume, CBO further explains, "Debt held by the public represents the government's appetite for credit and is the most useful measure of federal debt." The current, widely used and accepted meaning of "debt held by the public" is intended to be the controlling definition under this Article.

The "debt held by the public" differs from the gross federal debt in that the latter, according to CBO, page 66, "includes the securities (about $1 trillion and climbing) issued to government trust funds." The gross debt is the "close cousin" (per CBO) of the "public debt".

The Congressional Research Service's Manual on the Federal Budget Process, December 24, 1991, in its glossary, defines "Public debt" as: "Amounts borrowed by the Treasury Department or the Federal Financing Bank from the public or from another fund or account. The public debt does not include agency debt (amounts borrowed by other agencies of the Federal Government). The total public debt is subject to a statutory limit."

A requirement of a three-fifths vote on the "public debt" has been used in some previous formulations of the Balanced Budget Amendment. The use, here, of "debt held by the public" is a refinement based on a 1990 recommendation by the Administration and subsequent review by the authors of the implications of using the different measures of debt. "Debt held by the public" has been chosen for two reasons:

First, as pointed out by CBO, common sense suggests that the most appropriate benchmark to use is the federal government's borrowing from all non-federal-government sources.

Second, the purpose of this section is to motivate an avoidance of deficits. When the

Social Security or other federal trust funds run surpluses, this does not cause total outlays to exceed total receipts and the government does not increase its borrowing from non-government sources. Therefore, Congress and the President should not be forced to surmount the three-fifths vote hurdle on debt bills if they have not run a deficit and increased net federal borrowing. Section 2 matches the benchmark used in the enforcement process to the policy objectives desired.

"The limit on the debt * * * held by the public * * *" obviously assumes the establishment of a new statutory limit on this measure of federal borrowing. This limit may be established in addition to, or as a replacement for, the current statutory limit on the public debt. Article I, Section 8 of the Constitution simply says, "The Congress shall have Power * * * To borrow Money on the Credit of the United States. * * *" The exact process of carrying out this power is left up to the Congress to provide for by law.

When establishing a new statutory limit on the debt held by the public (which will require a three-fifths vote to increase), Congress may or may not wish to continue to set by statute a limit on the public debt. The fact that a simple majority could continue to be required to pass such a public debt limit would not, in any way, create procedural or legal conflicts. At times when a trust fund surplus necessitates an increase in the public debt, such action would become more ministerial and less difficult than currently is the case. Increases in both limits certainly could be contained in the same bill that is passed by a three-fifths vote.

Changes from H.J. Res. 290, as introduced: The substitute makes no changes to this section as it appeared in the Article as introduced.

Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

In Section 3, the amendment extends to the President's annual budget the same norm of fiscal balance expected of the Congress.

The current statutory requirement that the President submit a budget is codified in the Constitution to ensure that the President remains engaged with Congress in the budget process. Of course, this requirement of submission of a single document in no way alters the current constitutional balance of powers or separation of responsibilities. It also is perfectly consistent with the current constitutional provisions that the President "shall * * * recommend to [Congress'] Consideration such Measures as he shall judge necessary and expedient" (Article II, Section 3).

Detailed analysis:

"Prior to each fiscal year * * *" was retained in Section 3 because of the long-understood legislative principle that deadlines certain can be set, and in fact are commonly expected to be set, for specific actions by the Executive. Currently, the deadline for submission of the President's budget is set by statute and occurs well in advance of the fiscal year for which it is written. Such statutory provisions are, and will remain, consistent with Section 3.

"* * * a proposed budget * * *" means a document similar, in broad terms, to that which is regularly submitted under current law. The amendment in no way restricts the discretion of Congress to enact changes in what is or is not required in such a budget, as long as the document remains useful for the purposes of planning federal spending activities.

"* * * in which total outlays do not exceed total receipts." per se, a "budget" is a document in which all relevant future numbers are planned, recommended, projected, estimated, or assumed. This is true, as a matter of definition, of all documents called "budgets," public or private. Therefore, no qualifiers are added to this language in Section 3, such as "estimated receipts" or "recommended outlays". To include such terms would be redundant at best, inadvertently confusing or limiting at worst.

Changes from H.J. Res. 290, as introduced: The substitute makes no changes to this section as it appeared in the Article as introduced.

Section 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

The purpose of this section is to increase the accountability of Members of Congress when they consider legislation to increase revenue, in light of the amendment's requirements to balance receipts and outlays. The increased pressure the amendment will create for fiscal discipline may increase temptation to shield a certain amount of legislative decision-making from public view. Tax bills have been known to pass, occasionally, by voice vote.

The enhanced "tax accountability" (or, more precisely, accountability with regard to passage of bills to increase federal revenue) provided by the unvarying requirement for a rollcall vote, is supplemented by the requirement that such bill also shall not become law unless passed by a supermajority, in this case a majority of the whole number of each House.

The rollcall vote and supermajority requirements will serve to maintain a level playing field between the public's more general and diffuse interest in restraining the government's appetite for revenues and the more focused pressure that special interest groups can apply for individual spending programs.

Detailed analysis:

"No bill * * * shall become law unless * * *" is drafted in the negative to conform to the style used in Article I of the Constitution, in phrases such as, "No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census * * *" and "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law * * *."

"* * * revenue * * *" has the same meaning here as in Article I, Section 7, which states, "All Bills for raising Revenues shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

"* * * bill to increase revenue * * *" means legislation making policy changes in the government's exercise of its sovereign power to tax or otherwise compel payments to the government. "Revenues" and "receipts" are largely synonymous, but not always so, especially when being used prospectively. Both are expressed in terms of quantities of dollars flowing into the Treasury. However, "revenue" is more closely connected to the tax rates, tax base, Customs rates, or other policy criteria formulated to produce inflows of receipts. A "receipt" is a more purely and more comprehensive quantitative concept. For example, a bill to step up Internal Revenue Service enforcement of current tax laws and enhance collection of taxes currently going uncollected definitely would result in increased receipts, but would not be "a bill to increase revenue," and therefore, not subject to the requirement of a majority of the whole House for passage. ("Receipts" are further defined under Section 7.)

"* * * majority of the whole number of each House * * *" means, under current law, never less than 218 votes among the 435 Members of the House of Representatives and never less than 51 votes among the 100 Members of the Senate. The "whole number of each House" is defined under Section 1, above.

Changes from H.J. Res. 290, as introduced: The substitute makes no changes to this section as it appeared in the Article as introduced.

Section 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

This section reaffirms the traditional priority presumptively attached to matters of national self-defense. In such cases, especially when the Congress and the President have taken an action as extraordinary as declaring war, financing that effort should proceed unimpeded by any requirement of additional, extraordinary votes.

Detailed analysis:

The first sentence of Section 5, or a virtually identical counterpart, has been a fixture in almost every major version of the Balanced Budget Amendment over the years. Consistent with Article I, Section 7, Clause 3, such a simple majority vote to waive this Article would have to be presented to the President for his or her approval.

The second sentence recognizes that, for most of the military conflicts in which the United States has engaged, there was not a formal declaration of war. Nevertheless, a sufficient self-defense interest is present in such situations that a Section 1 supermajority should not be required to fund such an engagement. Further definition of the criteria set forth for the "majority of the whole number" waiver in Section 5 is not needed, since the Section requires simply that the joint resolution required for the waiver declare such conditions to be present.

Changes from H.J. Res. 290, as introduced: The first sentence of the substitute Section 5 makes no changes to this section as it appeared in the Article as introduced. The second sentence, which has been added in this substitute, has been approved by the Senate Committee on the Judiciary as an amendment to companion legislation, S.J.Res. 18. The difference between and graduation of the waiver requirements in the two sentences is intentional, and is based on the principle that the threshold of difficulty for deficit spending should be raised as the declared level of the seriousness of the military engagement declines.

Section 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

This section requires the adoption of legislation necessary, appropriate, and reasonable to enforce and implement the Balanced Budget Amendment. There is no need—and arguably it would be a bad idea—explicitly to foreclose the possibility of judicial interpretation or enforcement. However, this language further tilts presumptions of such responsibilities toward extremely limited court involvement. This language also is intended to prevent the possibility of an interpretation that could shift the current balance of power among the branches in favor of the Executive.

Detailed analysis:

"The Congress shall enforce and implement * * *" differs from clauses included in several other amendments that state, "The Congress shall have power to enforce * * *." This latter clause has been employed only where there was concern that the question could arise as to whether Congress had the power to pre-empt state laws or constitutions or was venturing impermissible beyond its constitutionally enumerated powers and into the rights reserved to the states or the people.

Here, no such question of pre-emption is conceivable. Congress clearly has the power to enforce and implement this Article, under the "necessary and proper" clause in Article I, Section 8, which states: "The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the government of the United States, or in any Department or Officer thereof.

Unlike previous amendments, this section creates a positive obligation on the part of Congress to enact appropriate implementation and enforcement legislation. As a practical matter, this language simply requires what is inevitable and predictable. It is a simple statement that, however well-designed, a constitutional amendment dealing with subject matter as complicated as the federal budget process needs to be supplemented with legislation. It is a means of owning up to the truth in the arguments made by many Members of Congress—both supporters and opponents—that Members must expect to do more than cast this one vote to pass this one amendment, to ensure that deficits are brought down and, ultimately, eliminated.

"* * * which may rely on estimates of outlays and receipts." This phrase allows Congress the flexibility in explicit language that it will need in practical effect, to make reasonable decisions and use reasonable estimates, when appropriate, as a means of achieving the normative result required in Section 1. To some extent, this phrase, too, states the obvious, that the process of budgeting and taxing and spending inevitably involves relying on estimates. "Estimates" means good faith, responsible, and reasonable estimates made with honest intent to implement Section 1 and not evade it.

The estimates contemplated in Section 6 do not apply in any way to a determination of the amount of debt referenced in Section 2. "Debt" there means actual, not estimated, debt.

Section 1 provides the standard by against which compliance with the amendment is measured. Section 6 clarifies that implementation and enforcement legislation may provide for the use of reasonable and appropriate estimates in the process of complying with Section 1. Section 6 is intended to support, strengthen, and aid the effectiveness of the other provisions of the amendment. This provision also will provide additional insurance against intrusion by the courts into the finer details of questions of compliance with the amendment.

Section 6 must not be interpreted in any way that would weaken or allow evasion of any other provision of this amendment. Over the course of the fiscal year, outlays may not exceed receipts. To the extent that any reasonable and lawful action can be taken to prevent an excess, it must be taken. On the other hand, for example, a brief dip in receipts or jump in outlays need not trigger a sequester, rescission, or other offsetting action if there it is reasonable to assume that such a "glitch" will be offset naturally in the near-term by normal economic or budgetary fluctuations.

In order to allow for an unexpected shortfall of receipts or an unexpected increase in outlays without triggering a three-fifths debt vote under Section 2, it would be necessary that the actual debt held by the public be held below the debt limit, by a sufficient amount to offset the amount by which actual receipts or outlays may differ from estimated receipts or outlays.

It also should be noted that outlays are both more predictable and more controllable than receipts. Therefore, the handling of outlays necessarily must be held to a stricter standard than the treatment of receipts. To be more specific, of course, is difficult until the actual design of implementation and enforcement legislation emerges. In all cases, the standard to be applied to the accuracy and adjustment of estimates is to be a rule of reason.

Changes from H.J. Res. 290, as introduced:

Section 6 is a new section. It was added to this substitute in part to clarify the role of Congress in the implementation and enforcement of the amendment, in part to require the enactment of such legislation, and in part to clarify that whatever process Congress enacts to enforce this amendment may provide for the use of reasonable estimates.

It is also the intent of this provision to allow the use of a single level of total estimated receipts for a fiscal year, enacted into law at the beginning of the budget process, as the fixed target amount which outlays throughout the fiscal year may not exceed. In other words, Section 6 is intended to allow Congress to enact into law the process of measuring actual outlays against a fixed receipts estimate in the same way that was outlined in H.J. Res. 290 as introduced. Nothing in H.J. Res. 290 as introduced would have prevented Congress from imposing a more stringent process of measuring actual outlays against constantly-updated receipts estimates throughout the fiscal year. Section 6 of the substitute is no more and no less restrictive in this regard.

Section 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

This section makes clear that, for purposes of computing a deficit, balance, or surplus under this amendment, there is no such thing as "off-budget" receipts or outlays. By requiring all cash inflows and outflows to be counted, the most commonly anticipated loopholes are prevented from ever being created. Simple refinancing of outstanding debt at the same net cost of borrowing would not be affected in the normal course of business and, of course, borrowing is not considered a receipt, but rather is recognized as only the means of financing deficit spending.

As currently used and reported, both "receipts" and "outlays" are well-understood, inclusive concepts used with consistency in the budgetary process.

Detailed analysis:

"* * * receipts * * *" is to be interpreted consistently with the use of "Receipts" in Article I, Section 9, Clause 7, which provides, in part, that "a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

The definition of "budget receipts" in A Glossary of Terms Used in the Budget Process (1981), as quoted in S. Rept. 99–162 and S. Rept. 99–163 (committee reports on S.J. Res. 13 and 225, respectively) still applies:

Collections from the public (based on the Government's exercise of its sovereign powers) and from payments by participants in certain voluntary Federal social insurance programs. These collections, also called governmental receipts, consist primarily of tax receipts and social insurance premiums, but also include receipts from court fines, certain licenses, and deposits of earnings by the Federal Reserve Systems. Gifts and contributions (as distinguished from payments for services or cost-sharing deposits by State and local governments) are also counted as budget receipts. Budget receipts are compared with total outlays in calculating the budget surplus or deficit. Excluded from budget receipts are offsetting receipts which are counted as deductions from budget authority and outlays rather than as budget receipts.

"* * * outlays * * *" means all disbursements from the U.S. Treasury, directly or indirectly through federal or quasi-federal agencies created or under the authority of Acts of Congress. The Glossary (as cited above) defines "outlays" as follows:

Obligations are generally liquidated when checks are issued or cash disbursed. Such payments are called outlays. In lieu of issuing checks, obligations may also be liquidated (and outlays occur) by the maturing of interest coupons in the case of some bonds, or by the issuance of bonds or notes (or increases in the redemption value of bonds outstanding). Outlays during a fiscal year may be for payment of obligations incurred in prior years (prior-year outlays) or in the same year. Outlays, therefore, flow in part from unexpected balances of prior-year budget authority and in part from budget authority provided for the year in which the money is spent. Total budget outlays are stated net of offsetting collections, and exclude outlays of off-budget Federal entities. The terms expenditure and net disbursement are frequently used interchangeably with the term outlays.

Glossary defines "budget authority" as:

Authority provided by law to enter into obligations which will result in immediate or future outlays involving Federal Government funds, except that budget authority does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government. The basic forms of budget authority are appropriations, authority to borrow, and contract authority. The latter two types of authority are also commonly referred to as "backdoor authority".

"Expenditures", in fact, also appears in Article I, Section 9, Clause 7 as quoted above, and is used there in symmetry with "Receipts". "Outlays" is used in this Section because of that word's overwhelmingly prevalent use in recent and current budget terminology.

Changes from H.J. Res. 290, as introduced:

The substitute makes no changes to this section as it appeared in the Article as introduced.

Section 8. This article shall take effect beginning with fiscal year 1998 or with the second fiscal year beginning after its ratification, whichever is later.

By passing this amendment and sending it to the states for ratification, the Congress intends to bind itself, in mutual cooperation with the President, to adopt an orderly deficit reduction plan that will bring the budget into compliance with this amendment no later than fiscal year 1998.

Changes from H.J. Res. 290, as introduced:

The effective date has been moved from fiscal year 1995 or the second fiscal year to fiscal year 1998 or the second fiscal year. This change reflects both the passage of time since H.J. Res. 268, 101st Congress, was considered on the House floor in 1990 (with the fiscal 1995 date) and a realistic, consensus estimate of the time needed to allow for a "glide path" down to a zero deficit.

Questions and Answers About H.J. Res. 290, Balanced Budget Constitutional Amendment

Won't a constitutional requirement of a "balanced budget" simply invite moving some items off-budget?

H.J. Res. 290 does not require that a single document, a "budget," be written in balance. Instead, it deals with actual spending and taxing bills, and how actual outlays conform to estimated receipts. Taking any item "off-budget" would have absolutely no effect on the operation of H.J. Res. 290.

Wouldn't the temptation remain great to commit some other evasion, such as manipulating the definitions of terms used in the BBA?

Terms such as "outlays", "receipts", "debt held by the public", and "raising revenue" either already appear in the Constitution or are commonly understood. In the 99th Congress, Senate Reports 99-162 and 99-163 and Senate floor debate on S.J. Res. 225, and in the 101st Congress, the House floor debate, went to some lengths to establish a legislative history for and preventing misinterpretation of these and other terms as used in a BBA. This year the House Budget Committee compiled a formidable amount of testimony on all sides. It also remains the appropriate role of the Members engaged in floor debate this year to build similarly clear definitions.

Won't the BBA be unenforceable in other ways, causing erosion of respect for other Constitutional provisions as well?

To a certain extent, the provisions of H.J. Res. 290 are self-enforcing or interactively enforcing. Effective enforcement and orderly implementation certainly are expected in the form of enabling legislation; Members such as the Chairman of the Budget Committee have served notice most effectively in that regard. Beyond that, enforcement either is implied by the ramifications of stalemate or inaction or, to a very limited degree, could be obtained in the courts.

The Constitution requires Congress and the President to take the necessary steps to carry out Constitutional mandates. Congress is empowered to make all laws that are "necessary and proper to execute the mandate of the constitution." The President and Members of Congress take only one oath, promising to "preserve, protect and defend the constitution." It is assumed that Congress and the President will monitor each other and to the limits of their authority enforce the provisions of the amendment against the other.

The public will also have a significant role. A breach of the amendments' provisions would be readily apparent, and if a breach occurs a political firestorm very likely would erupt from the public. Public accountability is provided for in the provision that requires any vote to run a deficit to specify which outlays are "excess."

Finally, as a last resort, the judicial branch may act to insure that the Congress and President do not subvert the amendment. A member of Congress or an appropriate Administration official probably would have standing to file suit challenging legislation that subverted the amendment.

Wouldn't H.J. Res. 290 dangerously and inappropriately transfer power to the courts in a whole new area by opening up to court challenge on Constitutional grounds virtually every budgetary decision made by Congress (and the President)?

The courts could make only a limited range of decisions on a limited number of issues. They could invalidate an individual appropriation or tax Act. They could rule as to whether a given Act of Congress or action by the Executive violated the requirements of this amendment. Indeed, a limited role is appropriate: In the words of *Marbury* v. *Madison*, the judiciary has a fundamental obligation to "say what the law is."

But it would be inappropriate for the courts, and it would be inappropriate to call upon the courts, to rewrite budget priorities and fiscal law. Senate Reports 99-162 and 99-163 and the accompanying Senate debate once again provide much guidance, this time as to how the "political question" doctrine of *Baker* vs. *Carr*, 369 U.S. 186 (1962), the requirement to a justicable case or controversy (see e.g., *Aetna Life Insurance Co.* vs. *Haworth*, 300 U.S. 227 (1937), and questions of standing would prevent the floodgates of litigation from opening upon the process in place under a suitable BBA. For example, *Riegle* v. *Federal Open Market Committee*, 656 F.2d 873 (DC Cir. 1981), "counsel[led] the courts to refrain from hearing cases which represent the most obvious intrusion by the judiciary into the legislative arena: challenges concerning congressional action or inaction regarding legislation."

The traditional judicial doctrine of "standing" requires that a plaintiff has a direct and specific, personal stake or injury. A "generalized" or "undifferentiated" public grievance, such as would suggest "taxpayer" standing vis-a-vis macroeconomic policy decisions, is not recognized.

Most questions that will arise as to compliance or enforcement will either be resolved through enabling legislation or will arise during policy-making events that trigger the self-enforcing mechanisms in the BBA (i.e., 3/5 vote to pass an increase the debt that results from a deficit in a given year) or currently in place (i.e., threat of government shutdown if a legislative deadlock persists).

Finally, absolutely no role for the courts is foreseen beyond that of making a determination as to whether an Act of Congress or an Executive action is unconstitutional and a court order not to execute such Act or action. A purely restraining role is anticipated for the courts and could be guaranteed by Congress in appropriate legislation specifying standing, jurisdiction, and remedies.

If the judiciary is involved, couldn't a case drag on for years past the fiscal year in question, making every case moot?

The courts have shown an ability and willingness to expedite their processes in an emergency. Recent examples are the reapportionment cases involving Massachusetts and Montana that went all the way to the Supreme Court and were resolved in a matter of months. Congress could further ensure expeditious handling, for example, giving the Supreme Court exclusive and original jurisdiction over cases arising under the BBA.

What if the President and Congress do not enact necessary legislation required in implementing and enforcing statutes?

Currently, under the Constitution, if Congress fails to make appropriations or provide for further Treasury borrowing the government faces risk of shutdown. We will face the same result if Congress fails to pass necessary legislation required by implementing legislation. Absent the enactment of some other specific procedure, and assuming a deficit situation begins developing in a fiscal year, the amendment obviously implies that responsibility on the part of Congress and the Executive to estimate receipts and monitor outlays on an ongoing basis and to identify the point during the fiscal year at which disbursements simply will have to cease.

In any event, of course, failure to enact legislation or take other positive actions required or implied by this amendment will result in the "train wreck" of an increase in the debt held by the public needing to pass by a three-fifths vote of both Houses.

What if Congress, ignoring the provisions in H.J. Res. 290, nevertheless passes appropriations in excess of estimated revenues?

The general charge that outlays not exceed receipts creates a general obligation for Congress and the Executive to construct a statutory framework to enforce and implement the BBA, in advance of its effective date. Indeed, such legislation would be essential in managing the budget down its "glide path" to an eventual balance. The ultimate form of such legislation could include a revised Gramm-Rudman-Hollings type sequester, an enhanced Pay-as-you-go mechanism, or some other process reforms.

The language of Section 1 also creates an ongoing obligation to monitor outlays and make sure they do not breach the target amount fixed in an estimate of receipts. This does not envision any sort of discretionary "impoundment" power on the part of the President or courts. However, the Executive branch would be under an obligation to estimate whether outlays will occur faster or at higher levels than expected and to notify Congress promptly. If an offsetting rescission is not enacted or other appropriate legislative action not taken, then the President would be bound, at the point at which the government "runs out of money," to stop issuing checks (unless, of course such exigencies already have been accounted for in enforcement and implementation legislation in advance).

The deterrent of a budgetary "train wreck" always exists to motivate responsible budgeting: either the possibility of a government shutdown or of the need to round up ⅗ of both Houses to pass a debt increase bill without any "blackmail amendments." (For example, Gramm-Rudman-Hollings was a "blackmail amendment" attached to a debt ceiling bill in 1985, when 51 Senators refused to pass a "clean" bill.)

What is to prevent Congress and the President from drastically over-estimating revenues and then declaring "oops," when outlays and receipts are unbalanced at the end of the fiscal year?

If such a scenario occurred, Congress would have to pass a debt ceiling increase by a three-fifths vote. The threat of a "train wreck" on the debt limit vote provides a powerful incentive for truth-in-budgeting. Any such mis-estimates will catch up rapidly with its authors within a year. A transparent mis-estimate would be subject to the very public process of budget-making. Congress and the President would avoid a widely publicized "mistake" because of its political impact.

Why is H.J. Res. 290, as introduced, different from previous BBA versions, in that it requires 3/5 vote to raise the limit on federal "debt held by the public", rather than the "public" or "gross" debt?

When the Social Security, and other trust funds run surpluses, those surpluses are invested in U.S. Treasury securities, meaning they are borrowed by the U.S. Treasury and the "public debt" (approximately the same as the "gross federal debt") is increased by that amount. Such borrowing is an intragovernmental transfer between accounts, and does NOT increase the "debt held by the public." Since the intent of the debt limit vote in the BBA is to enforce the amendment and deter deficits, the "debt held by the public" is the closest currently-used and commonly-understood measure of indebtedness that approximates the amount that indebtedness has been increased because of total deficit spending. In other words, H.J. Res. 290 was not meant to "punish" Congress by requiring a difficult 3/5 vote just because trust funds are running a surplus.

If a contracting economy causes a revenue shortfall, wouldn't harmful, pro-cyclical measures, such as cutting spending or raising taxes be required in mid-year?

Not under H.J. Res. 290. This BBA was designed to react flexibly to sudden changes in the economy by establishing the joint receipts estimate as the outlay ceiling for the entire fiscal year. A revenue shortfall would not precipitate any mandatory changes in taxing or spending.

If a contracting economy causes social spending outlays to rise in mid-year, would compensating action be required?

Possibly. Rather than try to anticipate every economic contingency in Constitutional language, the authors of H.J. Res. 290 wrote what they believe remains a sufficiently flexible amendment. Several responses are possible; for example:

(1) Congress can only control what is reasonably controllable. Often, such outlay changes will be sufficiently small that it cannot be determined with reasonable precision that an imbalance will exist at the end of the fiscal year. In such a case, no adjustment would be necessary.

(2) To the extent such outlay increases are foreseeable and fairly certain, a mid-year adjustment might be necessary, relying on offsetting rescissions or other account adjustments, as is the case when a supplemental appropriations must be made deficit-neutral.

(3) If Congress and the President agree that the economic situation warrants outlay levels above the receipts ceiling, achieving a 3/5 majority to approve such spending is not an insurmountable hurdle.

What if a law enacted in the good faith belief which is revenue-neutral turns out to increase revenues?

As with other laws that may be challenged on Constitutional grounds, if it were shown that Congress and the President acted in good faith and had a reasonable basis for projecting revenue-neutrality, the law would not be struck down.

What if a bill provides for both increases and decreases in revenues?

H.J. Res. 290 refers to a "bill to raise revenue." The clear intent is to look to the overall revenue effect of a bill.

What effect would H.J. Res. 290 have if in the process of building a "consensus deficit-reduction bill," revenue increases were combined with spending reductions?

H.J. Res. 290 differs from some previous BBAs in that it does not require a "vote directed solely to that subject" in the case of increasing revenues. Certainly, most of the sponsors of H.J. Res. 290 would not object to such language. However, as currently written, H.J. Res. 290 simply would require the authors and managers of such a combination bill to make a strategic decision as to whether they preferred to offer separate revenue and spending-cut bills or to subject the spending-cut provisions tied to the revenue-raising provisions in a single bill, with a need to pass by a majority of the whole membership.

Couldn't the various super-majority requirements in H.J. Res. 290 thwart the wills of majorities in both Houses and the President?

Yes. Such is also the case with Senate filibusters, Gramm-Rudman-Hollings points of order, and other procedures today. As is the case with all super-majority requirements in the Constitution (or in law), the purpose is to protect the immediate rights of a significant minority, and arguably the long-term rights of the people, against a "tyranny of the majority," a phrase frequently invoked by the nation's Founders.

In the case of H.J. Res. 290, a sufficient structural bias exists for deficit spending and against accountability in tax decisions that compensating super-majority protections are warranted. Moreover, it is noteworthy that the super-majority levels involved are reasonable and modest.

Shouldn't economic policy be kept out of the Constitution?

Economics is politics and vice-versa. Governance inescapably involves addressing questions of economics. Moreover, our Constitution is replete with economic policy. For example, it refers to private property rights; prescribes Congressional (and Executive) roles in federal fiscal activities such as raising revenue, spending, and borrowing; provides for uniform duties, imposts, and excises; discusses the regulation of interstate commerce; discusses the coinage and value of money; and deals with counterfeiting, patents, and but whether it encompasses broad and fundamental principles, its relevance is not transitory, and its importance is far-reaching in scope and over time. The need for a BBA and the proposal of H.J. Res. 290 in response meet this test.

Shouldn't the federal government have the flexibility to enact counter-cyclical economic measures?

Yes, and this flexibility is preserved in H.J. Res. 290 by allowing Congress to spend in excess of revenues if three-fifths of the members agree that deficit spending is warranted. What the amendment would do is mitigate against the structural bias to spend and borrow (and raise taxes somewhat in preference to restraining spending) in good times as well as bad. In restoring this level playing field, H.J. Res. 290 strikes a reasonable balance between requiring fiscal responsibility and allowing flexibility.

Wouldn't adopting a BBA result in cutbacks in services for the poor and needy, for senior citizens, for health and housing programs, and even possibly for defense programs?

The BBA itself would do none of these things. It would force the Executive and Legislative Branches to prioritize within a balance of receipts and outlays and force into the light of day what actual decisions and trade-offs are necessary. If this does not result in cutbacks of government programs, it will ensure that we pay for all the government we want.

Since "the BBA itself would do none of these things," isn't it just a "political free lunch," raising false hopes while diverting attention from the real and difficult budget decisions that need to be made?

Far from that, H.J. Res. 290 would force Congress, the President, and the public to own up to the hard choices that need to be made. It is general because most provisions in the Constitution, encompassing broad principles as they do, should be broadly worded. But its result will be to make unavoidable the asking of those questions some in elective office have avoided: How much government do we want? How willing are we to pay for it? Which programs should be priorities?

Should the Constitution dictate such details as the budgetary period (fiscal year)?

Some such reasonable parameters are necessary to provide for an enforceable amendment. Again, the authors are receptive to perfecting changes, although it is important that whatever parameter is used is not susceptible to subterfuge (e.g., merely including a term like "fiscal period" to be defined in statute). Senate Reports 99-162 and 99-163 suggested using "fiscal year," but allowed that a reasonable statutory re-definition could include a biennial "year."

Doesn't H.J. Res. 290 imply that the President would have enhanced powers to block spending based on a pretext of unconstitutionality?

A frequent criticism of previous BBA proposals has been that the President is not brought into the budget process sufficiently to share the responsibility of governing and the blame of impasse, although the President can criticize the Congress that "holds the purse strings." H.J. Res. 290 recognizes the accepted role the President has played under statute since the 1920s, by requiring the President to submit a balanced budget. The President must also share fiscal and political responsibility with Congress for H.J. Res. 290's joint receipts estimate. But beyond the role in that new joint estimate H.J. Res. 290 does not broaden in any way the powers of the President. On the other hand, it does make the President more accountable for how the budget process proceeds.

Why do so many economic analyses project devastating results under a BBA?

Those that do generally assume either (1) that a balanced budget would be imposed immediately, without transition, or (2) that the requirement for balance will be adhered to without exception and that Congress (and the President in his or her recommendations) will not exercise its perrogatives under a flexible amendment to enact counter-cyclical measures.

This amendment will not go into effect until, at the earliest, two years after ratification. Once passed through both houses, we would hope that Congress would recognize the impending deadline and act to meet that date by which the budget must be balanced. By allowing a multi-year phase in, we believe any such "drastic" economic effects would be diminished, if not erased.

This amendment has the flexibility to address economic emergencies through the 3/5 release vote on balancing the budget. This allows Congress and the President to act in response to circumstances such as a recession or some other emergency, while insuring that such a decision is made in a fiscally responsible manner.

Of what use is a BBA in today's atmosphere of impending fiscal crisis, if it won't be in force for several years?

(1) A BBA is a long-term proposition. It should be adopted because it is a valid response to a long-term and structurally inherent problem.

(2) It's long-term nature not withstanding, even a BBA that is not in effect for several years will prompt deficit-reduction actions in anticipation of its being in place. Therefore, submission of the amendment to the states would stimulate an immediate response in federal fiscal behavior.

Questions, Answers, and Responses by Hon. Charles W. Stenholm to the Statement of Alan Morrison of Public Citizen

Mr. Morrison, you conclude your testimony by stating, "if my testimony has frightened you, that was my intent in giving it." I think you will find that, like me, most Members of Congress find the specter of a $4 trillion debt far more terrifying than anything in your testimony. The vision of what we are doing to our children and grandchildren is much more disturbing and frightening.

We believe that the primary purpose of the United States Constitution is for the protection of the rights of U.S. citizens. Unfortunately, when it comes to fiscal matters, the Congress and the President have not protected the rights of our youngest and yet-to-be-born citizens. That is why we look to the Constitution now.

As I read your testimony, it seemed to me that you included a few red herrings, a few things on which reasonable people can disagree, but very few suggestions for things which we can fix within the amendment.

You have expressed your personal legal opinion about the ultimate consequences of what the amendment would be, vis-a-vis the courts. Other competent legal opinions abound. For example, John C. Armor, Adjunct scholar for Constitutional Studies at the American Legislative Exchange Council has written, "My view is the Court would probably use standard, Declaratory Judgment powers all federal courts now have, to state whether a budget is in excess. If so, it would strike it down, leaving the cure of the problem to Congress."

The point here is that no one should be misled: there are multiple opinions on the Constitutional questions involved here.

I appreciate your comments and believe you have very sincere and deeply felt reasons for arriving at the bottom line which you deliver at the end of your [prepared] statement: That "the Balanced Budget Constitutional Amendment is a terrible idea." I believe that this bottom line, understandably, is what has determined the rest of your statement.

We in the legislating business understand just as well as you in the litigating business the tactic of trying to kill a proposition you oppose by attempting to question it to death. I am disappointed that your statement contains virtually nothing but questions. That's kind of the easy way out. I think a detached scholar would have supplied some of both, questions and answers. And those of us who have worked for years in support of the Balanced Budget Amendment realize it is our responsibility to make sure the answers are available.

Mr. Morrison, these volumes I'm holding up are just some of the reports that the Senate Judiciary Committee has issued over the years on such an amendment. We have had a little more difficult time over here in the House establishing legislative history, since we have had to do so almost exclusively from the Floor, in a limited amount of time, and only on two occasions. Nevertheless, we have built a considerable record. This clipped stack of papers is a copy of the House's October 1, 1982 debate on a balanced budget amendment. And here I am holding up the 1992 Senate debate. Next, I have the July 17, 1990 Congressional Record containing that day's debate on H.J. Res. 268, the predecessor to this year's H.J. Res. 290. Finally, this collection represents several days of Senate Floor debate in 1986.

I hold up these exhibits for a simple reason: Of all the skeptical questions I have heard raised in these hearings, there are answers. Most of them have been answered thoroughly and exhaustively in these documents and debates. The folks who have come in here and asked, "What's the definition of an 'outlay'?" or, "Aren't we worried about the courts writing budgets?" just haven't read these materials. These and other questions have already been answered.

I don't want to take up an extreme amount of time here, today, Mr. Chairman, but I do make the commitment that I and my staff will make sure that, prior to and during Floor debate, we will refer to, reproduce, and augment the legislative record that already has been built so that the House produces a clear and sufficient record for our amendment.

This hearing is supposed to focus on the operation and enforcement of the amendment. First, I want to emphasize—and I can't emphasize it strongly enough—when ratified, this Constitutional amendment will not be operating in a vacuum. There will be implementing and enforcing legislation. The Chairman and I have a slight difference as to timing, but there will be follow-up legislation.

Implementing legislation is the usual and appropriate place to work out procedural details. We've spent 125 years writing implementing legislation for the 13th, 14th, and 15th Amendments, the Civil Rights Amendments that followed in the wake of the Civil War. Many think we haven't finished writing such legislation. We've spent 89 years writing implementing legislation for the 16th Amendment, authorizing a federal income tax, with no end in sight.

The earliest our amendment is likely to take effect is fiscal 1997. That gives us adequate time to carefully and thoroughly write and consider implementing and enforcing legislation—and to bring the President to the table in that process, as well. From the Budget act of 1974 to Gramm-Rudman-Hollings I, II, and III, to the 1990 Budget Enforcement Act, we've seen that months of negotiation and attention to detail is necessary to write any major budget process legislation.

But a Constitutional amendment is different from that legislation. It's supposed to be a framework. Its language is supposed to be elegantly simple. But it has to be adequately and completely enough formulated to be enforceable and practicable.

This is one of the main reasons we have so much legislative history. Over the last five years, I've worked with our former House colleague Larry Craig and current colleagues Bob Smith, Tom Carper, Olympia Snowe, Jim Moody, and others, to comb through that legislative record, to listen to the questions and criticisms, and to come up with an amendment that is brief enough but complete enough to belong in the Constitution, tough enough but flexible enough to stand the test of time.

Once we as a Congress have decided to put ourselves in this particular box, requiring us and the President to balance outlays and receipts, then we can figure out how to work within the confines of that box.

Now, I do want to address specifically some of the points you have raised today, Mr. Morrison.

Let's go right to the question of court enforcement, first. There are numerous court precedents that limit a party's "standing" to bring cases into federal courts, especially in areas where the courts traditionally have deferred to the elective branches in their Constitutional role of making "political decisions", and in cases where there is only a "generalized grievance * * * common to all members of the public" (U.S. v. Richardson, 418 U.S. 166, 177, 179–80 (1974)). The court has an obligation to "say what the law is" (Marbury v. Madison, 1 Cranch, 137, 177 (1803)), but it also consistently has preferred to prescribing the least intrusive remedy that the law requires.

Under our amendment, and assuming for the moment that Congress does not further legislate on the court issue, the court would be limited to finding individual Acts of Congress unconstitutional and to restraining the Executive from some action or activity.

But, going back to that assumption I just mentioned: The Congress can, through legislation, confer, deny, or limit court jurisdiction over cases arising under this amendment. The Congress can, through statute, confer or deny standing. The Congress can say what—if any—specific remedies a court could apply. The Congress can provide for expedited adjudication. I think it's appropriate—and good—for the relevant committees of jurisdiction to sit down after H.J. Res. 290 goes out to the states for ratification and go over the role of the courts in detail.

However, there are two additional, major reasons that I feel the courts will virtually never be called upon to resolve questions arising under this amendment.

The first is that implementing, procedural legislation will be enacted to handle the details of how to operate under, and enforce the amendment. We may have Gramm-Rudman-Hollings IV or V, we may have Son-of-Budget Enforcement Act, or we may have something new and different. But Congress—with some input from the President—will decide whether there's a sequester, what programs will be priorities, and how spending caps will be complied with.

Second, the principal sponsors of H.J. Res. 290 have spent years listening to comments such as yours and others. We have built on and refined earlier proposals and have included two provisions in H.J. Res. 290 that will help make it self-enforcing.

The first self-enforcing provision is the requirement that a receipts estimate be enacted as a prerequisite for the rest of the budget process to go forward. You and others have correctly guessed what happens if no receipts estimate is enacted: The same thing as happens under current law if Congress and the President fail to agree on spending levels or if the debt limit were not raised on schedule: The government shuts down. If outlays can not exceed estimated receipts, and receipts have not been estimated, then outlays can not go forward, except by the ⅗ vote the amendment allows to spend in excess of estimated receipts.

You, and others, have raised the question, "What if Congress routinely gets in the habit of providing for excess outlays by a ⅗ vote year after year after year?"

My answer to that is simple: If the government habitually waives the amendment, then there really is no hope for our children's economic future. But that is the direction in which we are headed under the current system. At least the Balanced Budget Amendment would make it harder to run those deficits and would hold the nation's elected officials fully and publicly accountable.

Incidentally, you and others have raised a valid complaint about the word "agree" in our amendment. Obviously, our intent is to require enactment of a law establishing a receipts estimate. Those are the words in our amendment that already have meaning under the Constitution. But I will talk to my other principal sponsors, and I think we can offer a technical amendment to clarify the confusion caused by requiring the President and Congress to "agree."

The second self-enforcement mechanism in our amendment is the ⅗ vote requirement for increasing the limit on debt held by the public. Such a vote will be unnecessary if we balance the budget every year. Such a vote will serve as a significant deterrent to gaming the system or to using a Rosy Scenario receipts estimate. The debt limit vote operates especially as a motivator on precisely those most responsible for managing the budget process: The Congressional Leadership and the President, since these principals are always those most concerned about any debt limit votes.

One final point: I find more than a little surprising your assertion that parties will sue, as a result of enforcement of this amendment, for more spending. I don't see how the court could order the Congress or the President to violate the Constitution to fulfill some obligation that doesn't already exist pursuant to another Constitutional mandate.

I don't want to put you on the spot this moment, but if you can find a Supreme Court case in which the government was forced to spend to provide a benefit which, by law, it had decided not to provide, I would appreciate it if you could share that case with my staff so that we can avoid any misunderstandings or misinterpretations when we build our legislative record.

Ms. PELOSI. Mr. Chairman, I rise in support of H.R. 5260, legislation to extend the current emergency unemployment compensation program. This bill would provide up to 26 weeks of additional unemployment benefits to workers who exhaust their regular State unemployment benefits after June 13, 1992. This bill also modifies the permanent extended benefits program to facilitate making future benefits available during high unemployment periods.

The millions of people who are still unemployed would strongly disagree with the President's statements that the current economic downturn has improved. In May, the number of unemployed persons increased by 349,000 to 9.5 million, raising the unemployment rate to 7.5 percent. This is the highest unemployment rate American workers have faced since August 1984. The President tells us not to worry because this increase is largely explained by school kids trying to find summer jobs, however 3.4 million of these individuals have been out of work for more than 15 weeks, the highest level since November 1983. And, most of this increase is accounted for by the 2 million persons who have been out of work for more than 6 months.

Mr. Chairman, the Congressional Budget Office projects only a modest recovery in the second half of this year. Now is not the time to cede our good judgment to statistical economic indicators and turn our backs on individuals who are unable to find jobs. Unless this legislation is enacted, the current temporary extended benefits program will expire July 4. Mr. Chairman, having their unemployment benefits pulled out from under them is not the way for this country's unemployed workers to commemorate America's Independence Day.

Mr. BROOMFIELD. Mr. Chairman, I want to express my strong support for House Joint Resolution 290, the balanced budget amendment.

I have served in this body for 36 years, and I cannot recall a time when Congress has been held in lower esteem by the American people.

We wring our hands when it comes to dealing with the problems that concern them, be it health care, the banking system, or even the recession.

But that doesn't stop us from spending their money—and spending their children's money as we run unprecedented deficits year in and year out.

Today, we have an opportunity to change the harsh judgment that is being brought to bear against the 102d Congress.

If we are willing to put politics aside and do what's right for America, this Congress could be remembered as the Congress that finally put an end to this sea of red ink that is threatening to bankrupt our Nation.

As I prepare to retire, I am often asked What is the most important vote you have cast in Congress?

During my career, I have cast many historic votes.

I voted for the landmark Civil Rights Act of 1964.

I supported the Jackson-Vanik amendment that demanded that the Soviet Union respect the human rights of its citizens if it was going to get most-favored-nation trading status from the United States.

And I helped pass the legislation that gave the President the authorization he needed to stand up to Saddam Hussein in the Persian Gulf.

But today's vote, if it is successful, may well overshadow all these.

I don't take the decision to amend our Constitution lightly. Nor do I kid myself that a constitutional amendment will instantly make all our budget problems disappear.

But a balanced budget amendment will take away the congressional charge card and accomplish what nothing else has succeeded in doing since I arrived here 36 years ago—it will force Congress to make the hard choices.

Making decisions is exactly what our constituents sent us here to do. Instead, we have become expert at avoiding them.

At what price? A national debt that is going to top $4 trillion. Interest payments alone consume 62 cents of your personal income tax dollars.

And your children's taxes.

I have four young grandchildren. I want them to be able to enjoy the fruits of their labor, not hand them over to Uncle Sam to pay the bills we have left them.

I urge my colleagues to stop mortgaging the future. Pass the balanced budget amendment today and send it to the States for ratification and we will leave a legacy to be proud of.

Mr. CONDIT. Mr. Chairman, I rise today in support of House Joint Resolution 290, the Stenholm proposal for a constitutional amendment to require a balanced Federal budget. I do not take this position lightly. We should not trifle with our Constitution. But, as we have seen in recent years, our political institutions have failed to come to grips with the financial bankruptcy of our Nation.

Mr. Chairman, in 1992, the U.S. Government will spend more money it doesn't have than any time in the history of our Nation. Never before, in time of world war or great depression, has our Government's budget fallen so far into the red. In just the last 10 years, our national debt has tripled—and now approaches $4 trillion.

What does this mean in real terms?

Our National Government, in this next fiscal year, will be spending more to pay debt service than any other item in the Federal budget—including defense, Social Security, and Medicare.

Were it not for this debt service obligation, we would have $300 billion available to help balance the budget, pay for comprehensive national health care, enact a middle class tax cut, or provide aid to our cities and counties.

We add over $1 billion to the national debt every day.

For every $200 billion we add to the debt, we obligate our children to pay an additional $7,000 in taxes for interest costs alone over their lives as taxpayers.

There is no easy solution to this problem. Any politician who suggests that a solution can be painless or who suggests a solution is not necessary is lying to the American people. I believe that we have only one option: We must bite the bullet and make the tough choices. The only way that discipline can be imposed on both the President and the Congress is for the adoption of a constitutional amendment mandating a balanced Federal budget. Short of that, I am afraid, will spell the economic doom of this Nation. I urge my fellow colleagues to support House Joint Resolution 290.

Ms. OAKAR. Mr. Chairman, I rise today out of concern that once again, a concerted effort is underway to attack the benefits of our Nation's Social Security, civil service, military, veterans, and railroad retirees. I am pleased to have the opportunity to support the distinguished majority leader's amendment to legislation establishing a constitutional requirement for a balanced budget. This amendment deals honestly with the American public on how we consider the Social Security trust fund in the context of the Federal budget. I worked hard alongside my colleague, the gentleman from North Dakota, [Mr. DORGAN], to ensure off budget status of the Social Security trust funds. Social Security is a trust—a promise to our people of financial security in retirement. If the Congress has really taken Social Security off budget, as we promised the American people in the last Congress, there is no good reason that trust fund should be a part of this discussion.

For too many retired Americans, two-thirds of whom are women, Social Security means the difference between poverty and just getting by. Yet Social Security is not a handout, it is their money. By the same token, a cost-of-living adjustment is not some kind of extra benefit, an annual COLA holds the line and protects the value of these fixed incomes. A one time elimination of the COLA will immediately push at least 160,000 Americans below the Federal poverty line.

Mr. Chairman, we must ensure that the Social Security trust fund is protected from would-be raiders. For the very same reason, we must go one step further to protect Federal, military, veterans, and railroad retiree benefits from the potential chopping block, as well. I believe our Nation must move toward a balanced budget. Yet, without continued vigilance, the end result of the required across-the-board cuts could mean an 11-percent reduction in these retirees' income. To make my point clear, today I will reintroduce cost of living adjustment equity legislation for all Federal annuitants. This legislation ensures that all Federal annuitants are guaranteed a full cost-of-living adjustment next year, including Social Security, veterans, military, railroad, and civil service annuitants. In the 101st Congress I introduced a similar bill, which attracted almost 370 cosponsors. I hope that all of my colleagues will join with me, once more, in support of retirement security for all Federal annuitants.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to House Joint Resolution 290 and urge my colleagues to vote down this misguided attempt at reducing our burgeoning deficit.

First let me say that I certainly agree with the basic principle of what we are debating today, namely, that our budget process is in desperate need of reform and that the tremendous budget deficit and Federal debt are placing a ball and chain around the leg of each and every one of our children. A decade of living the fiscal high-life by the Federal Government during the 1980's has produced more red ink than all of the previous 200 years of our history combined. The deficit inhibits our economy, stifles growth, and forces our Government to operate under extraordinary constraints. I am, however, saddened that we have found it necessary to come to this point of actually putting our Nation's fiscal policy within the body of our Constitution. Now I'm not a constitutional scholar, but I do know that amending the most basic document of our democracy is something that should be based on reason and facts, not hysteria generated by public opinion polls and election year politics.

Yesterday we had the opportunity to vote on a proposal, which I supported, to write into law a balanced budget statute. This measure would have required the President to do something George Bush or Ronald Reagan never did—submit a balanced budget to the Congress—by 1998. Unlike the amendment, the statutory approach would have taken effect in fiscal year 1994, rather than circulating among the States for the next 4 or 5 years, where ratification is far from guaranteed. Furthermore, it would have provided for a gentle transition into a balanced budget without affecting Social Security. But with a Ross Perot-like fanaticism, many of my colleagues have latched on to this untested, unproven constitutional amendment, regardless of the possible consequences, in the hope that it will somehow painlessly put our country back on the right track to fiscal responsibility.

What troubles me, Mr. Chairman, is that I don't think they or the people really realize what it is going to mean to have to cut $400 billion from the Federal budget. "Let's have a balanced budget," sounds great; but it's where this money is going to come from that scares me. Those who are the most vocal supporters of this motion claim that it will not affect Social Security or Medicare. Inasmuch as the President has said that he will not cut defense any more than it has already been cut and certainly will not raise taxes, and inasmuch as we certainly can't stop paying the interest on our astronomical debt, that doesn't leave a whole lot of Government spending to cut or revenue generating options to fall back on. Yet somehow this amendment is being touted as the magic snake oil which is going to suddenly cut through the Washington gridlock and instill us all with a sense of bipartisan cooperation and brotherhood. And if you believe that I have a Ouija board to sell you.

The rhetoric is indeed confusing, Mr. Chairman. When one hears the President speaking of his massive urban renewal plan in one breath, but speaking of a balanced budget amendment in another, you have to wonder how he intends to pull it off. The two are not complimentary objectives. Clearly, as a Member from an urban congressional district, I have serious concerns over the possible effects of broad, across-the-board budget cuts. Many of my constituents depend on the Federal Government for the barest essentials of life: housing, food, health care. And with the classic circle of poverty showing little sign of abating, the results of Federal austerity could be tragic.

In this election year many of my colleagues are likely to support House Joint Resolution 290 for purely political advantage. But what will those who do tell your constituents when the real cuts are going to have to be made. Few of you who embrace Stenholm expressed a willingness to raise taxes on the rich. And I haven't heard you say much about the fact that entitlements will have to be scaled back. Earlier today, I heard one of my colleagues extolling the virtues of the American dairy industry. I wonder if that Member will be willing to cut dairy subsidies to his State in order to help cut the deficit. And what about Members who represent the farmers? Will they be willing to open up the 1990 farm bill to look for unnecessary spending within these programs? I do not know what you will do in such cases but I do know that all of us better be prepared to have our favorite Federal program come under the scrutiny of this balanced budget amendment.

When most Americans think of Federal spending, they generally only think about welfare, food stamps, and housing programs, or that, frankly, Federal spending plays no role in their life. They forget that the Federal Government spends money on highways, bridges, food safety, crime fighting, national parks, and allocates billions of dollars to help keep your local taxes lower. Each and every one of these and all other Federal programs will be affected.

Mr. Chairman, we already have the necessary tools in place to help fight runaway spending, but unfortunately we seem to collectively lack the intestinal fortitude to implement them. Even if this measure passes, legislation will still have to be passed to give this amendment the appropriate mechanisms to cut the deficit. rather than looking to the Constitution, I think we should be looking at ourselves and our individual determination, or lack thereof as the case may be, to balance the budget. Mr. Chairman, this legislation, well intentional though it may be, is pure and simple window dressing and I urge my colleagues to vote "no" on House Joint Resolution 290.

Mr. KANJORSKI. Mr. Chairman, although I strongly support efforts to reduce the Federal deficit, and believe that reducing the Federal deficit must be a top national priority, I cannot in good conscience vote for House Joint Resolution 290, the so-called balanced budget amendment. I welcome this opportunity to explain my vote.

On January 3, 1991, I along with every other Member of the 102d Congress, swore a sacred oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic."

The so-called balanced budget amendment is the biggest domestic assault on the Constitution of the United States since the Civil War. It is a classic example of the old adage that the ends, no matter how worthy, do not always justify the means.

The balanced budget amendment is fatally flawed in four ways. It promises more than it can deliver. It is based on a fundamental misunderstanding of Federal and State budgets. If it does work, its consequences will be devastating for average working families and senior citizens on fixed incomes, as well as for the economy as a whole. And it is constitutionally unsound.

I will elaborate on the four fatal flaws of the so-called balanced budget amendment, describe the possible calamitous consequences of its enactment, particularly in northeastern and central Pennsylvania, provide the analysis of noted economists and businessmen on it, and then offer my own constructive alternative to reduce the budget deficit.

THE AMENDMENT PROMISES MORE THAN IT CAN DELIVER

Dr. Robert D. Reischauer, the Director of the Congressional Budget Office, has described the so-called balance budget amendment as:

> Another empty promise, one that further erodes public confidence in our political institutions. * * * A balanced budget amendment, in and of itself, is not a solution. * * * In this election year, it would be a cruel hoax to suggest to the American public that one more procedural promise in the form of a constitutional amendment is going to get the job done.

Nothing in the amendment describes how the budget is to be balanced, what programs should be cut, and what taxes should be raised. It is not a self-fulfilling prophecy.

Adopting an amendment which says that the budget is to be balanced does not make it so, any more than adopting an amendment saying that the Earth is flat would make it flat.

The truth is that balancing the budget requires tough decisions on specific programs and specific taxes. It requires tough decisions which no President has been willing to make for several decades. Despite all the balanced budget rhetoric that we have heard from this President and his predecessor, neither one has proposed even a single balanced budget over the last 12 years.

The amendment is a political ploy designed to make politicians look good while actually making no difficult or painful decisions. It is a veritable fig leaf created to give its proponents cover until after the next election.

Dr. Lawrence Chimerine, senior economic counselor and DRI/McGraw-Hill fellow at the highly regarded Economic Strategy Institute, summed up the so-called balanced budget amendment as follows:

> In my judgment, it is simply another gimmick like * * * Gramm-Rudman. * * * It will not only be an ineffective tool in dealing with the problem, but in my view is simply a way to attempt to avoid what will be difficult choices.
>
> It is likely to encourage even more use of optimistic forecasts, program underestimation, moving programs off-budget, and other similar techniques in order to avoid the tough decisions that will need to be made to actually balance the budget. Thus, the balanced budget amendment has the potential of making the budget process even more flawed than it was in the 1980's.
>
> * * * adoption of a Federal balanced budget amendment would create a tendency to increase the amount of off budgeting and other budgetary gimmicks. Since we're already had 12 years of this, this would be a very undesirable result.

THE AMENDMENT IS BASED ON A MISUNDERSTANDING OF FEDERAL AND STATE BUDGETS

I frequently hear the complaint, "I have to balance my budget. State and local governments have to balance their budgets. Why is the Federal Government unable to balance its budget?"

The short answer is that the Federal Government uses a stricter set of accounting rules than State and local governments, businesses, and household.

The Federal Government uses what is called a unified budget in which all expenses, revenues, and assets are listed on one ledger sheet. State and local governments, as well as most businesses and households, however, have two separate budgets: an operating budget for day-to-day expenses, and a separate capital budget for investments in assets which will continue to have a value at the end of this fiscal year.

For State and local governments, examples of operating expenses are salaries for municipal employees and teachers, welfare payments, and the cost of garbage collection. State and local capital expenditures include roads, sewer and water systems, school buildings, prisons and dike systems.

For businesses, operating expenses include employee labor costs, and the cost of parts and raw materials. Capital expenses include the cost of new plant and equipment, and the development of new products and production methods.

For households, operating expenses include food, clothing, and medical care. Capital expenses include home, car, and furniture costs.

If State and local governments, businesses, and households were measured using the stricter "unified" budget standard used by the Federal Government, none of them would have balanced budgets.

State and local governments, businesses, and households all borrow money for capital expenditures, and often even for operating expenses. Thus, like the Federal Government, they are all technically in debt.

If you own a home, and have a home loan, you are in debt. If you own a car, and have a car loan, you are in debt. If you have an outstanding credit card balance because you purchased furniture or took a vacation, you are in debt. Many people are continuously in debt from the day they become old enough to sign a loan agreement, to the day they die.

Debt, in and of itself, is not necessarily bad if a government, a business, or a household has assets, or collateral, to back up that debt.

Your house stands behind your home loan, your car behind your car loan. A plant or purchase commitments stand behind commercial loans. Physical assets such as schools, prisons, roads, and sewer systems stand behind State and local bond issues.

Much of what the Federal Government purchases each year has similar value. It is just that under the Federal Government's stricter accounting standards, it does not get credit for the value of these assets on its books, the way that State and local governments, businesses, and households do.

Each year the Federal Government spends hundreds of billions of dollars on items which retain value long after the end of the fiscal year. It buys ships, planes, and weapons for the Defense Department. It builds highways and airports. It funds community development and builds housing for senior citizens. It funds water and sewage system construction projects, finances industrial development, dredges waterways, and cleans up hazardous wastesites. It also has vast holdings of land with a virtually incalculable worth.

Stephen D. Gold, the Director of the Center for the Study of the States has written that:

> The experience of the states does not buttress the case for a federal balanced budget amendment. * * * It is naive to believe that since states balance their budgets, the Federal Government should be able to so as well. States do not always balance their budgets. Many states avoid deficits only by using funds carried over from previous years or by relying on gimmicks that often represent unsound policy.
>
> California is probably the state that has the greatest similarity to the fiscal predicament of the federal government. Despite a balanced budget requirement, a relatively strict limitation on state spending passed in 1979 and Proposition 13, it has had deficits three times in the past decade (in 1983, 1988 and 1991). Another enormous deficit is inevitable this year. $9 billion is a good estimate of its size. * * * no cure for the deficit is in sight. The state credit rating was reduced last year, and another reduction is probable before long. California's predicament clearly shows that a balanced budget provision is no panacea. In fact, at present it seems almost an irrelevancy.

A study by the CATO Institute, a very conservative think tank, revealed that State and local governments have created more than 25,000 off-budget entities which tax and spend outside the normal budget process. According to Roy Ash, Budget Director under Presidents Nixon and Ford:

> These account for hundreds of billions of dollars of ever growing debt even while states live with constitutionally mandated balanced budgets.

Dr. Louis Fisher of the Library of Congress notes that this proliferation of special State and local budget entities has the additional disadvantage of fragmenting State and local governments and weakening accountability to citizens, thus further undermining public confidence in Government.

A 1985 study by the independent, nonpartisan, General Accounting Office, pointed out that in some States the percentage of funds covered by balanced budget requirements was as low as 46 percent of total expenditures, and in no State was it more than 66 percent of total expenditures.

If you applied the same 34 to 54 percent discount to the Federal budget, it would also be in surplus.

Similarly, in the past, debt backed by the full faith and credit of State and local governments made up almost all of State and local borrowing. Today, full faith and credit debt makes up less than a third of all State and local borrowing, and debt incurred by special districts and authorities makes up more than two-thirds of all State and local borrowing.

Even the President's own Office of Management and Budget estimates that more than $256 billion of this year's budget is for capital expenditures. If that $256 billion worth of expenditures—and the interest associated with previous years' expenditures for capital assets—was in a separate capital budget, the Federal Government's operating budget would look very different.

When comparing the fiscal health of the Federal Government with the fiscal health of State and local governments, businesses, or households, it is important to use identical measuring sticks so that you are comparing apples to apples, rather than apples to oranges. If the Federal Government had to liquidate its holdings, and pay off all of its debt today, as individuals do when they die, and as businesses do when they go out of business, the Federal Government would have more than enough assets to pay off all of its debt.

IF THE AMENDMENT DOES WORK, THE CONSEQUENCES WILL BE DEVASTATING FOR NORTHEASTERN AND CENTRAL PENNSYLVANIA, AND FOR OUR NATIONAL ECONOMY

If we assume that the amendment is effective, its implementation will be devastating for average working families, senior citizens living on fixed incomes, and for the economy of our Nation and region.

In the upcoming fiscal year, 1993, the budget for the Federal Government is estimated to be as follows:

Outlays, $1,500 billion.
Revenues, $1,173 billion.
Deficit, $327 billion.

Of our total $1,500 billion in outlays, $214 billion is for interest on the national debt, an item which cannot be cut. Outlays for all other expenses thus total $1,286.

If we want to balance the budget by cutting all programs equally, including such vital programs as Social Security, Medicare, and veterans' benefits, then we have to cut $327 billion out of a total of $1,286 billion.

That is almost exactly a 25 percent cut in every program, popular and unpopular, vital and expendable, alike.

Imagine the impact in our area of a 25-percent cut in every program the Federal Government operates. Imagine telling senior citizens that instead of getting a cost-of-living adjustment [COLA] this year their benefits are going to be cut by 25 percent. Imagine telling them that their Medicare costs are also increasing by 25 percent.

In just Pennsylvania's 11th Congressional District alone in fiscal year 1990—the most recent year for which data is available—senior citizens received more than $539,668,407 in Social Security benefits. Medicare benefits totaled $315,905,880. VA compensation and pensions totaled an additional $53,923,317. The Black Lung Compensation Program provided $108,943,333 in benefits to retired mine workers, their survivors and dependents.

A 25-percent cut in these programs would reduce the income of senior citizens in northeastern and central Pennsylvania by $254,610,234. And remember, this figure is low because the data is almost 3 years old.

A $250 million dollar cut in Federal spending in the 11th Congressional District for just these 4 programs is roughly equivalent to laying-off all of the employees of the 10 largest private employers in our district. Imagine the devastating impact of layoffs that large.

We also have to remember that in addition to the hardships which cuts of this magnitude will impose on senior citizens, there is an additional ripple effect because these individuals will have to reduce their expenditures for food, shelter, clothing and other necessities of life. This will hurt many other necessities of life. This will hurt many other local businesses, and result in increased unemployment and business bankruptcies.

Families USA estimates that the average Pennsylvania senior citizen would lose at least $1,873 a year in Social Security and Medicare benefits if the amendment is passed. Statewide, senior citizens would lose more than $4.2 billion dollars a year. Ron Pollack, the executive director of Families USA says, "That would be like cutting off Social Security checks 2 weeks before Thankgiving and not starting them up again until a week after Christmas." Pollack added, "President Bush's constitutional budget amendment is like a dagger aimed at the heart of Medicare."

In fiscal year 1990 the Federal Government spent over $3,713,922,334 in the 11th Congressional District. A 25-percent across-the-board cut would remove $928,480,583 from our local economy. The ripple effect will magnify the impact of these cuts by more than 100 percent.

A $928 million cut in Federal spending in the 11th Congressional District is roughly the equivalent of laying-off all of the employees of the 25 largest private employers in the district.

Let us assume, as many do, that Social Security, Medicare, and veterans benefits are too popular to be cut by 25 percent and that the most that will happen is that their funding will be frozen, that is no COLA's.

Funding for these three programs totals $469 billion. If we subtract $469 billion and the $214 billion payment for interest on the national debt from our total outlays, all that remains is $817 billion.

In order to balance the budget we then need to cut $327 billion from a total of $817 billion. That is almost exactly a 40-percent across-the-board cut in every Federal program.

What does that mean? To begin with, it means a 40-percent cut in the $108,943,333 our district receives in black lung compensation. That is a $43,577,333 cut. Since relatively few areas of the country benefit from the Black Lung Compensation Program, we cannot assume that it will be immune from budget cuts. In fact, it is a likely candidate for complete elimination.

This also means a 40-percent cut in defense spending. And 40-percent cuts in the FBI, the Drug Enforcement Administration, air traffic control, medical research, student loans, Head Start, food and drug inspection, environmental cleanups and regulation, school lunches, flood protection, job training, unemployment compensation, and economic development.

Overall it means $1.2 billion less will be spent in the 11th Congressional District, and thus more layoffs and more business bankruptcies, particularly when we take into account the multiplier effect.

But President Bush tells us he will veto any bill that cuts that much from the defense budget. He insists that we spend at least $296 billion on defense.

To date, the Congress has not overridden even one of President Bush's vetoes because overriding a veto takes a two-thirds majority. That means that if President Bush insists on spending $296 billion for defense, he will probably get his way.

If we subtract President Bush's $296 billion in defense spending from the outlays we are allowed to cut, then we must cut $327 billion form a remaining budget of only $521 billion. That would require a 63-percent across-the-board cut in all of the programs listed above.

In the Black Lung Program alone, that means a $68,634,300 cut in our congressional district.

Overall it means $1.9 billion less will be spent in the 11th Congressional District, and thus even more layoffs and even more business bankruptcies, particularly when the multiplier effect is taken into account.

Wharton Econometrics, one of the Nation's most prestigious economic forecasting firms, predicts that in just the first year after the amendment goes into effect, Pennsylvania will lose 176,000 jobs and suffer a loss of $31.6 billion in personal income if the amendment is adopted. These are consequences we cannot afford.

THE AMENDMENT IS CONSTITUTIONALLY UNSOUND

The Constitution is the lifeblood of our democracy. It is not a document with which to trifle. Since it was drafted two centuries ago, it has been amended only 27 times. When you consider that the first 10 amendments, the Bill of Rights, were adopted almost immediately after ratification, the Constitution has been amended only 17 times in 200 years. That is an average of less than once a decade.

Mr. Roy L. Ash, the president of Litton Industries, a Fortune 500 company, and the Director of the Office of Management and Budget under both Presidents Nixon and Ford summed up the constitutional argument against the so-called balanced budget amendment quite succinctly:

> The Constitution is not a trivial document. It's meant to be binding, in a very serious way. The other side of the coin is that it articulates citizen rights. Under the amendment proposed, Federal taxing, spending, and even bookkeeping would be subject to challenge, in the courts, by any citizen of standing who could assert his own idea of how the books should have been kept and how taxing and spending should have been conducted. Do we want the Federal courts to be our fiscal policy makers too? And establish our bookkeeping rules?

We have already seen in a number of cities what happens when the Federal courts take over local school districts. We also know what has happened in the telecommunications field when a Federal judge attempted to micromanage an entire industry. Neither has been very successful. Both have outraged the public. Yet these takeovers will pale in comparison to what will happen when unelected Federal judges, with life tenure, attempt to set budgetary policy.

Massive judicial involvement is inevitable because the terms of the proposed amendment are vague and subject to multiple interpretations. And there is no way to definitively define them all in the Constitution.

Alan B. Morrison, a noted constitutional scholar who has won several landmark cases before the U.S. Supreme Court, has outlined just a few of the provisions of the amendment which would be endlessly litigated:

What is a fiscal year?

Can a fiscal year be changed?

What is an outlay?

Does the amendment cover only actual cash outlays, or does it also cover obligations to spend in future years, such as when the Government buys an aircraft carrier over 5 years or makes a mortgage commitment for 30 years?

How should programs with their own trust funds like Social Security and the highway trust fund be treated?

What about quasi-governmental entities like Amtrak, Conrail, the Federal Home Loan Mortgage Corporation, Postal Service, the Tennessee Valley Authority, and the Student Loan Marketing Association?

How are direct Federal loans to be treated? Are they outlays?

How are Federal loan guarantees to be treated? Are they outlays?

How should Federal insurance, like crop insurance, mortgage insurance, deposit insurance, and flood insurance, be treated? Are they outlays?

What is a revenue?

What is a user fee?

What happens if the President waits until the end of the fiscal year before sending his proposed budget to the Congress?

What happens if the President's economic assumptions are inaccurate, and who determines if they are inaccurate?

What happens if the President and the Congress cannot agree on a budget? Who makes the cuts then?

What happens if actual receipts are less than estimated receipts?

Who determines if funds are being spent at a rate which will, by the end of the year, exceed the allowed amount? As Morrison put it:

> This would mean that the Federal courts would be in the business of having to review all of the complicated budget data to decide whether the spending laws were in compliance with the Constitution, on a highly accelerated schedule, with new data coming in

> all the time, and with the extraordinary time pressures that the inevitable end of the fiscal year places upon litigants and the trial judge, let alone the judges in the courts of appeals and the Supreme Court.

If cuts have to be made in the middle of a fiscal year, how will they be made?

How will conflicts be resolved between this amendment and the constitutional prohibition on laws impairing the obligation of contracts?

Should funds be counted as outlays the day a check is written or only when the check is presented for payment?

If the Government shifts the cost of running certain programs to the private sector is this a tax?

Does the amendment implicitly give the President line-item veto power?

The so-called balanced budget amendment would do serious damage to the delicate system of checks and balances the Founding Fathers established for our Nation. The balance of power among the three branches of our Government would be forever changed. The executive and judicial branches would assume virtually full control over the budget and the Government.

Mr. Morrison concluded his testimony on the so-called balanced-budget amendment by stating:

> Each of you should ask yourselves whether you really want the federal courts to control the federal government. Do you really think that litigation is a preferable solution to negotiation between the Congress and the President? * * * the Balanced Budget Constitutional Amendment is a terrible idea. Unbalanced budgets may be bad for the economy, but this solution is plainly worse for everyone, except perhaps for the lawyers who will be handling the cases.

With all of these questions up in the air and subject to litigation, a likely result of the adoption of the so-called balanced budget amendment is a constitutional crisis. The amendment may tell us where we want to go, but it does not tell us how to get there, nor does it guarantee that we ever will.

A BETTER WAY

Fortunately, there are alternatives to a constitutional amendment which can bring our budget under control without devastating our economy and without undermining our Constitution.

ADOPT A CAPITAL BUDGET

Like the States, most businesses, and most families, the Federal Government should separate capital spending from normal operating expenses. Expenditures for capital assets which will retain a value—highways, weapons systems, national parks, et cetera—should be financed through a separate capital budget, just as States' roads, businesses' plants, and families' homes are financed. The Federal Government spends more than a quarter of a trillion dollars each year on capital assets that retain a value for many years. Separating these expenditures, and the tens of billions of dollars of interest costs associated with them, into a separate capital budget will provide a more accurate accounting of Federal assets and liabilities.

ADOPT BIENNIAL BUDGETING

Annual budgets may have made sense 50 or 100 years ago, but in today's more complex world the Federal Government should switch to 2-year [biennial] budgeting. A 2-year budget would provide greater certainty to the budget process and makes it possible to do more advance planning and to take greater advantage of economies of scale. Some economists suggest that just switching to biennial budgeting could reduce overall expenditures by 5 to 10 percent.

PRIORITIZE FEDERAL SPENDING—UTILIZE ZERO-BASED BUDGETING

We must set priorities. Currently, last year's budget is used as the "baseline" for this year's budget. This process must stop and we must convert to zero-based budgeting, where no expenditure is taken for granted. Using this approach, in each 2-year budget cycle, each program must demonstrate its continued worth. Instead of instituting across-the-board cuts which hurt valuable programs as much as less valuable programs, we must prioritize our spending. This may mean the total elimination of some less valuable programs in order to preserve more critical programs.

CUT FOREIGN AID

Foreign aid may be only 1 percent of the overall Federal budget, but it is an area which can and must be cut. Until we get our economic house back in order we can no longer afford to be every Nation's favorite spendthrift uncle. Since the end of World War II, the United States has been the most generous nation on earth. In today's environment, however, it is fiscal lunacy to continue borrowing money only to hand it out as foreign aid to other countries.

ACKNOWLEDGE THAT THE COLD WAR IS OVER

The President is simply wrong when he says the defense budget cannot be cut. The cold war is over and we have won. It is time to redeploy our resources to meet our domestic needs, including cutting the deficit.

Instead of redeploying, however, the United States still has hundreds of thousands of troops in Europe and Asia. We can bring many of those troops home, or ask our European and Asian allies to pay for the cost of keeping our troops on their soil. If they want our assistance in keeping the peace, they should defray our expenses.

Similarly, we can eliminate redundant weapons systems, reduce our orders for new weapons, and cancel work on ultra-expensive and unreliable proposals like star wars, Brilliant Pebbles, and the B-2 bomber. Why spend billions on a new plane which appears not to work, especially when the Soviet military is a shambles and there no longer is any radar to evade? Cutting star wars alone would save $4.3 billion this year, and hundreds of billions over the next several decades.

CUT LOW-PRIORITY DOMESTIC SPENDING

When you are rich you can afford to buy everything. When tough economic times come, however, you have to tighten your belt. Over the last few months, for example, I have voted to eliminate funding for both the superconducting super collider, a multibillion dollar theoretical physics research project with no known practical applications, and for the space station. In the best of times, these projects might be worth undertaking. In today's economic environment, however, we cannot afford these two projects which will cost nearly $9 billion this year, $40 billion over the next decade, and more than $125 billion over their lifetimes. The easiest way to control spending, is by stopping it before it is too late to back out.

CAREFULLY CULL "PORK" AND "FAT"

In the last month the Congress has successfully cut $8.2 billion from President Bush's original budget request for this year. This process should continue. A little bit here and a little bit there really does add up. Nothing infuriates me, or the American people, more than hearing that Federal funds have been used for some absurd or unnecessary project. While earmarked projects are not necessarily all bad, they should have to prove their worth like every other Federal program.

It is commonly, but inaccurately, believed that Congress is responsible for most spending and that the President is always trying to rein in congressional spending. In reality, it is the President who is usually the "big spender," and the Congress which is curbing presidential spending requests.

Since the end of World War II, Congress has appropriated $189 billion less than the President has requested. Just since 1984, Congress has appropriated $44.6 billion less than President Reagan and Bush requested.

ELIMINATE ADMINISTRATIVE WASTE IN HEALTH CARE

The cost of health care is the single fastest growing portion of the Federal budget. It is also the fastest growing portion of most families' budgets, which is why so many people are pressing for a national health insurance system.

While our current health care system has made medical advances which many people never even dreamed of a generation ago, it has also spawned a paperwork and billing morass which consumes nearly one-third of all expenditures for health care. We need to adopt a simplified and streamlined accounting and billing system as part of a national health insurance plan which will eliminate this expensive waste of scarce Federal and family resources. Doctors, patients, insurance companies, and the Government alike should spend more time and money on actually providing health care, and less time fighting over bills and paperwork.

CLOSE FOREIGN TAX LOOPHOLE

Each year foreign companies use fancy accounting gimmicks to transfer hundreds of billions of dollars in income and profits from the United States to other nations. As a result, the United States is deprived of $30 to $40 billion a year in tax revenue it should be receiving. In addition, American workers lose job opportunities because production is moved offshore in order to take advantage of this tax loophole. Congress should pass my bill, H.R. 4304, to close this unconscionable tax loophole.

MAKE THE TAX CODE MORE PROGRESSIVE

It is not fair that an individual making $10 million a year pays the same tax rate as a person making $100,000 a year. There should be more than three tax brackets. Multimillionaires made out like bandits in the 1980's as a result of supply-side economics, those who have made the most in the past, should be willing to contribute the most to our deficit problems.

The steps I have outlined will not, in and of themselves, eliminate all of our deficit problem overnight. As I have documented, no reasonable plan to balance the budget immediately exists. That should not come as a surprise since, after all, the problem was not created overnight.

Nonetheless, we can, on a bipartisan basis, make substantial and meaningful steps toward a balanced budget. Regardless of the success or failure of this amendment, I am committed to making the hard decisions that are necessary. I want to work with the President, and Members from both parties, to leave our children and grandchildren a legacy of accomplishment, instead of a millstone of debt.

Mr. COYNE. Mr. Chairman, any proposal to amend the U.S. Constitution demands the most solemn debate and careful attention of the House. This is especially true of proposals to adopt a constitutional amendment to balance the Federal budget.

There is no question that the Federal deficit must be controlled. I strongly support a balanced budget, and I am willing to cast the votes necessary to cut the deficit. The United States cannot afford $400 billion deficits. Still, I oppose amending the U.S. Constitution—America's guarantee of liberty and democracy—to paper over a basic political dispute over national budget priorities.

The Stenholm balanced budget amendment would shatter the basic foundations laid by America's Founding Fathers for the operation of the legislative, executive and judicial branches of government. This proposed amendment radically alters the system of checks and balances devised to guide our Republic through political debates and national crises. This amendment shifts final responsibility for Federal budget decisions from men and women elected by the will of the people to a body of appointed Federal judges holding office for life.

The Stenholm amendment would require that, prior to each fiscal year, the Congress and the President agree on an estimate of total receipts for that fiscal year by enactment of a law devoted solely to that purpose. What would happen if there was no agreement? Could either the President or the Congress seek judicial intervention to force the other party to accept its estimate, with the possibility that Federal judges could simply pass down their own estimate from the bench? The American people expect their elected representatives to make budget decisions and not hide behind the robes of Federal judges.

A Federal budget reflects the priorities of the American people. Congress deals each year with budget decisions affecting Social Security, the health needs of seniors, the poor, and working Americans, educational opportunities, economic development, and national security. Under our democratic system of Government, Congress must eventually make these decisions on the basis of majorities reflecting the will of the people.

The Stenholm amendment would overturn the principle of majority rule in favor of government by a minority whenever the needs of the American people demand spending in excess of receipts.

This amendment allows a 40-percent minority of the full House and Senate to defeat any proposal which necessitate outlays over estimated receipts. This minority would be able to block disaster relief for any community, defeat proposals to extend unemployment benefits, or deny senior citizens an increase in the Social Security earnings limit ceiling if such proposals required spending in excess of estimated receipts.

The Stenholm amendment is not the answer to our Nation's budget deficit problems. The budget deficit problem was not created because of the lack of a constitutional amendment. The problem is the lack of political will shown by elected officials who talk about balanced budgets but never offer the level of personal commitment required to actually balance a budget. Not one Republican President has submitted a balanced budget in the past 12 years. Reagan and Bush talk about balanced budgets and amendments to the U.S. Constitution but they have never presented a budget that pays for itself.

If George Bush left the White House today, the legacy of the Reagan and Bush administration would be a national debt in excess of $3.8 trillion. Members of the House may recall that the total accumulated Federal debt of over 20 years was $914 billion in 1980 when Jimmy Carter left the White House.

What George Bush called voodoo economics in 1980 led to this explosion of debt and deficits. The Reagan-Bush-Qualye policies of cutting taxes for the wealthy and increasing defense spending played a central role in tripling the national debt. Huge deficits were inevitable in the face of Democratic opposition to gutting programs serving middle class families, the working poor, seniors and America's children.

It is worth noting that President Bush has endorsed a balanced budget amendment for future presidents but is unwilling to defend his own efforts to control the deficit. The 1990 budget agreement cut the growth of the deficit by a total of $496.2 billion over 5 years through a combination of tax increases, program cuts and spending controls. Unfortunately, the heat of the current political year was apparently too much for President Bush to defend his part in crafting this deficit reduction agreement.

If President Bush is unwilling to offer the strong political leadership required to implement a limited deficit control program over 5 years, then how can we expect him to make the tough decisions that would be required if the Stenholm amendment were part of the Constitution today.

The Stenholm balanced budget amendment would devastate the U.S. economy and lower the standard of living for millions of Americans. The chairman of the House Budget Committee has detailed some of the steps which would have to be taken if the budget were to be completely balanced by 1997 when the Stenholm amendment might go into effect. Specific steps would likely include $45 billion in Medicare cuts, reduction of Social Security and other retirement COLA's; cancellation of space station and super collider, elimination of Amtrak and mass transit subsidies, and many other spending reductions. If one accepts that these massive spending cuts would accomplish two-thirds of all deficit reduction, Congress would still have to enact a range of tax increases, which could include steps to limit the tax benefit of itemized deductions to 15 percent; or an increase in the personal income tax rates to a range of 15.5 to 39 percent, plus a 1 percent increase in the corporate income tax rate, plus a cap on the mortgage interest deduction at $20,000 for couples and $12,000 for singles.

I am willing to cast the tough votes needed to control deficit spending but I am not willing to sacrifice the U.S. Constitution and the needs of the American people. My budget priorities are the working men and women, middle class Americans, who would suffer from meat axe budget cutting proposals under the Stenholm balanced budget amendment.

Mr. Chairman, Congress and the President should sit down and agree on budget priorities that include paying for what is spent. Real deficit control should start today. We should not pass this challenge on to a future Congress and President. The Stenholm amendment should be rejected.

Mr. WILLIAMS. Mr. Chairman, the proposals to amend the Constitution to require a balanced budget do little to guarantee a balanced budget. In the absence of clear enforcement procedures, it is a destructive amendment because it would involve the courts in establishing fiscal policy. By doing so, it represents the most dramatic break with elected representative government in our country's history and would give control of our economy to the branch of government that has no experience or expertise in fiscal matters.

The Constitution is designed for statements of fundamental principle, and not for matters subject to waiver. No other constitutional principle, free speech or equal protection, can be waived away.

This rigid fiscal policy does not belong in the Constitution. A requirement of an annual balanced budget inhibits the operation of the automatic stabilizers currently built into the Federal budget.

At present, tax revenues fall and outlays for unemployment compensation rise when the economy falls into a recession. These responses lessen the severity of an economic downturn, at the cost of a temporary increase in the deficit. This is a normal condition during a recession. Prohibiting deficits or making it very difficult to get them authorized would force us to raise taxes and/or cut outlays during a recession. Such action would push us deeper into a recession.

During this century, we had a balanced budget from 1920–30 just prior to our worst depression in our country's history. We also had one 1947–48, 1951, 1956–57, 1960, and 1969. Generally speaking, our country has operated well with minimum deficits.

In the past, our country's fiscal history has been punctuated by deficits when we have invested in our future growth, in roads, in the education of our children, in research and development. Deficits are not inherently bad or wrong so long as borrowing is used for future growth and investment.

No one disagrees that the accumulated debt of the Reagan-Bush era must be reduced. However, by treating all spending identically, as would occur under a balanced budget, the very investments which are needed for economic growth would be stifled.

The Stenholm amendment shifts the balance of power in the Congress from the majority to the minority by requiring a three-fifths "super majority." Our country's fiscal policy should not be left to a minority in either House of the Congress.

The effective data for the Stenholm balanced budget amendment is 1997. The budget for that year is now projected to be $1.73 trillion, and the deficit $236 billion. That assumes that the S&L bailout will be over, that we will enjoy economic growth with low inflation in the interim, and that no new programs will be added without paying for them. Interest will still remain at about 15 percent of the 1997 budget. The facts are to reach a balanced budget:

Without a Social Security cut or a major tax increase, the rest of the budget would have to be cut by more than one-sixth or 17 percent below current law.

If defense was also protected from cuts, the rest of the budget would have to be reduced by about a fourth or 25 percent.

To erase the deficit with taxes alone, taxes would have to be raised by about one-seventh or 14 percent.

THE STATE BUDGET MODEL

Should we model our budget after the States? President Reagan thought so and made the claim in 1984: "the balanced budget amendment * * * would force the Federal Government to do what so many States and municipalities and all average Americans are forced to do * * * to live within its means. * * *'"

The facts are otherwise. States do not live within their means, they borrow. If States actually balanced their budgets, we would never hear about States and local bonds and worries about bond ratings.

Limitations on the authority of State legislatures to borrow have been circumvented by the creation of numerous special districts and authorities with borrowing authority.

Since these limitations usually only apply to "full faith and credit debt" secured by general revenues of the Government, States turn increasingly to nonguaranteed bonds to avoid debt limitations. During the last decade, full faith and credit debt grew 52 percent, from $49 billion in 1980 to $75 billion in 1990; while nonguaranteed debt grew 241 percent, from $71 to $241 billion.

The fact that 31 States have balanced budget constitutional constraints requiring Governors to submit a balanced budget and legislatures to pass one, does not lead us to a similar position for the Federal budget. Capital projects, universities, highways, income from mineral production, and retirement and pension funds are outside the realm of State operating budgets.

The President's budget for 1993 projected a deficit of $337 billion. This year, in the President's own budget document, the President's budget was presented using the California model and deficit of $537 billion resulted. Clearly, the answer is not to follow the pattern of the States.

Mr. RINALDO. Mr. Chairman, I rise in support of the proposed amendment to the Constitution to require a supermajority vote in Congress to pass a Federal budget that is not balanced.

I do so without any great confidence that this resolution is some kind of magic formula that will automatically and painlessly eliminate the deficit. The only thing worse than this amendment is the fact that it has become necessary.

We are all familiar with the figures on the size of the Federal budget deficit. In my view, the most telling fact is that next year interest payments on the deficit are going to be the largest single category of Federal spending, surpassing the national defense and Social Security. Fifteen percent of our budget will go toward paying for our past overspending, and we will get nothing in terms of current benefits or services in return for this enormous expenditure.

Opponents of this measure are exhorting House Members to act courageously by voting against the proposed amendment. But what is courageous about voting essentially to continue the status quo? For more than a decade, Congress has been subject to statutory requirements that we keep spending within the bounds of available revenues, and for all of those years ways have been found to circumvent the requirements.

Opponents claim that this proposal is an election-year gimmick being pushed by that all-purpose villain, the special interest group. In point of fact, most of the special interest groups I have heard from on this amendment have been opposed to it. On the one hand, they claim that it will do nothing to cut the budget deficit, and on the other hand they predict that it will inevitably lead to severe reductions in the most vital Government services. Opponents of the resolution have already played the Social Security card, trying to persuade low-income retirees that their Social Security benefits will be completely cut off if this amendment passes. If we really want to do the politically expedient thing in an election year, we should defeat this resolution and continue with business as usual.

I am going to vote for this resolution, however, because I feel that the future of our country is more important than the political future of any individual Member of Congress. Unless effective action is taken now to reduce the deficit, our children will not have the same standard of living that we have enjoyed. As our economy deteriorates, there will be more demand for Government services and fewer financial resources for the Government to tap. To some extent, we are already seeing this happen, and we must reverse the situation before it becomes any worse.

It is certainly true, as opponents of the resolution argue, that Congress should intelligently evaluate spending choices and continue funding for the most vital Federal programs. The proposed constitutional amendment in no way prevents Congress from setting these spending priorities. All it says is that spending decisions must be made with a view to the amount of money that is actually available. Programs that are less than necessary, that are nice but not critical, will have to be allowed to lapse, but funding for the most important programs can certainly be preserved. Far from preventing us from carrying out these responsibilities, the proposed amendment will force us to determine priorities more carefully and to be more energetic about finding and eliminating waste from the Federal budget. I am confident that Members of this body will have enough respect for the Constitution to give this amendment more than the lip service that has been given to previous attempts to statutorily require a balanced Federal budget.

What opponents of the amendment are really saying is that it is more important to meet current demands for Federal spending than it is to prevent a future financial disaster. They say that they are concerned about the deficit, but they emphasize the dire consequences of doing anything about it. These arguments against the balanced budget amendment are really arguments in favor of an indefinite continuation of deficit spending.

This country cannot afford to have its Government continue with such a disastrous fiscal policy any longer. It is time now for Congress to exercise the leadership the public expects from us and to put our Government on the road to a balanced budget by the beginning of the new century. I urge my colleagues to join me in supporting the balanced budget resolution.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of passing a balanced budget amendment to the Constitution.

The time has come to make fiscal responsibility part of the core of our American Government. It is past time that balancing the budget became more than just a good idea.

While the deficit may seem so outrageous as not to be real, it's damaging effects on the American economy and the American family are very real. The interest on the Federal debt alone takes up to 14 percent of the Federal budget.

In others words, the Federal Government spends more money just to pay the interest on the Federal debt than it spends on the total of education, training, employment, social services, health, and the environment. Reducing the deficit is the only way to reduce this dangerous drain on limited Federal funds.

Statutory requirements for a balanced budget have not worked. Congress has repeatedly passed supposedly tough laws demanding a balanced budget, only to see the rules changed later in the game to serve the convenience of congressional big spenders. Now the United States is faced with A $400 billion deficit and an accumulated debt of about $4 trillion. Balanced budget statutes have not worked.

However, this recent move to pass a balanced budget amendment, did not originate here in Congress. Rather, the cry for a constitutional basis for balancing the Federal budget came from outside the beltway. My constituents told me that they wanted Congress to follow the same principle that they and every other American family must practice, do not spend more than you have.

Importantly, however, I continue to oppose tax increases and I believe that the budget should be balanced by limiting Federal spending. If Federal revenues need to be increased, Congress should focus on job creation and economic growth. Tax increases will stifle job creation and further weaken the economy.

I urge my colleagues to support amending the Constitution to require a balanced budget. Further, I urge your support for measures that will balance the budget by limiting spending, not raising taxes.

Mr. GALLO. Mr. Chairman, I rise today in support of the balanced budget amendment to the Constitution. I firmly believe that we must pass this resolution and send this amendment to the States for ratification.

Deficit spending is out of control. This year, the Federal deficit will reach $399 billion. The total national debt will soon surpass the $4 trillion mark. This year, 62 cents out of every dollar paid in income taxes will go to pay the interest on the national debt. This can not continue.

Over the course of the past 10 years, Congress has enacted a number of laws designed to bring the budget into balance. None of them have worked. The big spenders in Congress have always found a loophole to keep them from having to meet the requirements of these laws.

That is why I believe that we must send a balanced budget amendment to the States for ratification.

Unfortunately, a number of people and organizations opposed to this amendment have been using scare tactics to try to derail the growing effort to enact this much needed constitutional requirement.

I recognize that thoughtful people can have sincere disagreements about the wisdom of enacting a balanced budget amendment. I respect these honest differences, honestly stated. That is what our country is all about.

However, I deplore the cynical attempts by some to frighten the American people—especially senior citizens—with doomsday predictions that have no basis in fact or reality.

They maintain, for example, that drastic cuts in programs like Social Security and Medicare will have to be made if this amendment is passed.

They suggest that the balanced budget amendment is really a wolf in sheep's clothing, hiding a secret agenda to balance the budget on the backs of America's seniors.

Then they suggest that the only way to turn back this assault is by making a phone call—and by sending them a check.

I deplore this cruel attempt to manipulate the American people with half-truths and fear.

What they are saying is simply not true.

The balanced budget amendment provides for a phase-in period; the earliest it will take effect is in fiscal year 1998, 5 years from now. That means we will have the time we need—if we start today—to bring the budget into balance.

The Congressional Budget Office—not the administration—projects that Federal Government revenues will grow over the course of the next 5 years from $1.102 trillion to $1.492 trillion. If we can just slow the growth in Federal spending, we will be able to balance the budget without having to cut important programs or raise taxes. I believe the Federal Government should be able to make do on $1.5 trillion a year.

By running these huge deficits, we are leaving unpaid a huge debt that will have to be made good by our children and grandchildren. A child born today inherits a $16,000 debt—that is his or her share of our exploding national debt. I can not, in good conscience, let this trend continue.

Mr. Chairman, I urge my colleagues to pass this resolution with a resounding show of support. Let us show the American people that we are capable of doing the right thing. Pass the balanced budget amendment.

Mr. SENSENBRENNER. Mr. Chairman, Congress found its way around Gramm-Rudman and abandoned its limited controls. In the current session, Congress tried to ditch one of the few meaningful disciplines in the Budget Enforcement Act of 1990, the firewalls. Chances are, the majority leadership will have its way and the firewalls will come down before long. What this says is that Congress will continue piling up debt and circumventing statutory spending restraints until the good credit of the U.S. Government collapses. Future generations will look back on today's decision as a turning point, either toward restoring the credit of the U.S. Government and affording unborn Americans a standard of living similar or better than that we have come to expect, or reducing future generations to eroded living standards, chronic debt, and an America incapable of providing opportunity or prosperity.

I have long supported a balanced budget amendment to the Constitution. In fact, one of my first acts after being elected to Congress was to introduce balanced budget amendment legislation. Since this time, the lessons of climbing deficits and out-of-control spending should convince even the skeptics that this remedy is necessary. In fact, I hope Congress goes even further, providing the President line-item veto authority of pork-barrel spending. Congress must not flinch when presented this historic opportunity to prescribe the antidote for its failings.

The balanced budget constitutional amendment is supported by the great majority of Americans because Congress has proven itself helpless in addressing deficits. Deficit spending means Congress can avoid setting priorities and making the difficult decisions. Congress has become so accustomed to financing programs in the red, the implications of our actions are lost and diluted by the sheer magnitude of the numbers involved and by assurances that all Government programs are absolutely essential. A balanced budget constitutional amendment will force Congress to implement enforcement mechanisms with the weight of this country's primary charter guiding our decisions. Opponents of the amendment refer to a lack of congressional courage as the only obstacle to fiscal responsibility. In that case, a constitutional amendment provides the very spine Congress lacks.

In the same way an alcoholic fears putting the cork in the bottle for the very last time, the fear and trepidation concerning the balanced budget constitutional amendment are understandable. However, we cannot keep the bottle open and hold out hope that some unforeseen action will give Congress the political will to abstain from taking a drink. History, and the odds are against this happening, and we cannot gamble with the future of America any longer.

Mr. ANNUNZIO. Mr. Chairman, the balanced budget amendment is a sugar-coated misnomer. After you scrape away the sugar, the whole thing stinks.

Is it any wonder that over 400 of the Nation's leading economists have come out against the amendment. Most of them predict that passage of the amendment would throw the economy into a depression.

And it is not only economists who are opposed to the amendment. Groups ranging from organized labor to senior citizen groups and the U.S. Chamber of Commerce also oppose the amendment.

And here is what former President Gerald Ford, who served in this body for 25 years, had to say about the balanced budget amendment, he called the proposal a gimmick.

Now, before we rush forward to embrace this proposal, let me remind Members of this body of a previous attempt that Congress made to get cozy with a sugar-coated misnomer.

In 1988, a public law was enacted called the Medicare catastrophic coverage bill, which in effect, imposed an $800 surcharge on Medicare recipients. You will recall the outcry from every corner of this Nation. You will recall the cards, letters, and phone calls from constituents in record numbers. You will recall that there was such an outcry against that law that we had to come back in the next Congress and repeal it. Have we learned nothing from our mistakes?

Now remember, we were only talking about an $800 surcharge in the 1988 Medicare legislation. The balanced budget amendment, it is estimated, would cost the average Social Security recipient $1,027 in lost payments in 1995. The Medicare beneficiary would lose $679 in benefits in 1995 under the balanced budget approach.

Ron Pollack, executive director of Families USA, said that the constitutional amendment is "a dagger aimed at the heart of Medicare * * * and it will also slash Social Security benefits for 42 million Americans."

Now, what I would like to know is what is going to happen when those 42 million Americans realize that the balanced budget amendment is going to be balanced on their meager pocketbooks and wallets?

This legislation is not going to cause any financial hardships for the rich and big businesses, but it is going to cause severe economic problems for those who can least afford any reduction in their income—namely our veterans, our elderly, and other Social Security beneficiaries.

The name "balanced budget" has a wonderful ring to it. It is the type of legislative title that we can all dance around and lead cheers much like a college pep rally. But like that sugar-coated misnomer, what we see with the balanced budget amendment is not what you get. Let's call this amendment by its real name, the "Social Security and Medicare payment reduction constitutional amendment." How many of you want to lead cheers at that pep rally?

Like the Medicare catastrophic coverage legislation, the balanced budget amendment is going to launch a howl of protest from our senior citizens. We can either answer their concerns now, by voting against the constitutional amendment now, or we can wait until they are marching on Washington, and frantically try to come up with the solution to the problem.

In conclusion, let me say to the Members of this body, before you vote on a constitutional amendment, do you really want to take a chance of having 42 million Americans led into further economic hardship?

Mr. STARK. Mr. Chairman, I am not going to vote for any of these amendments today, but I will vote against enough spending and for enough cost savings this year to ensure that if a majority of Members made similar votes, we would not have a deficit this year—we would have a surplus. I note for the record that in checking my votes for the last 3 years—1989, 1990, and 1991—I voted against House passage of $897.4 billion in Federal spending. If a majority of Members had cast similar votes, we would have had surplus budgets in 2 out of 3 years and a near balance in the third.

We do not need a constitutional amendment to tell us how to do our duty and how to make tough choices.

Nevertheless, I expect that one version of the amendment will pass. It will then be most interesting to see how the President and Members begin to enforce the restraints.

In the last several weeks, the Ways and Means Health Subcommittee Democrats and I have developed a health cost containment bill designed to stop the outrageous inflation in health care costs in our society. I would say to all the Members that you will never balance the Federal budget until you can control health care costs. Our proposal sets a budget for health care expenditures in our society at about 15 percent of gross domestic product. By the year 2001 it will save the Federal Government about $91 billion a year; in 2002 it will save $114 billion per year. Equally important, it will save the private sector $230 billion in 2001 and $291 billion in 2002, thus enabling American industry and workers to be more competitive. To give an example, today GM spends about $1,023 on employee health costs for every vehicle it makes. In the year 2000, without cost containment, the price will be $2,127 per vehicle, $1,656 in 1992 constant dollars. With cost containment, the cost in 8 years can be held to $1,295 in constant dollars. I mention this as an example of the kind of step we should take. But, I also note that the President, the House Republican Members, and many Members of my own party who are avid supporters of the balanced budget amendments oppose our efforts to enact these health care savings. I would hope that those who vote for constitutional amendments today will also support efforts to contain health care costs.

In the coming weeks, I plan on seeking permission to offer amendments to eliminate the Selective Service System and U.S. Information Agency libraries that are operating in NATO and OECD countries. They are clearly bureaucracies that have helped win the cold war, but which are no longer necessary. It is incredible that we are paying for four USIA libraries in Australia, for example, when domestic libraries throughout America are being shut down and curtailed. I don't think that we need to spend taxpayer dollars on information centers to convince the Aussies that they should resist communism.

I recently polled my congressional district on where they would like to see budget cuts, and I received over 4,000 responses urging cuts in a wide variety of areas. The overwhelming majority of my constituents favor major cuts in weapons spending, and I did vote against the Defense authorization bill because its spending levels were too high. My constituents also oppose foreign aid spending, agricultural subsidies, the level of NASA spending, and irrigation projects. They also supported increases in corporate taxes and taxes on the upper income. I will be voting accordingly in the coming weeks, and I hope that the passage of this amendment will help encourage other Members to support these tough choices.

Mr. GREEN of New York. Mr. Chairman, while I support restraining runaway Federal spending and eliminating our troubling $400 billion budget deficit, I rise in strong opposition to all the measures being considered that would amend our Constitution to require balanced budget.

It is imperative that the Government maintain the ability to react to economic trends, especially in times of recession or world crises. The balanced budget amendments are economically perverse. They would require spending cuts or tax increases as recessions cut revenues and increase calls on entitlements like welfare and Medicaid. A better prescription for recreating the Great Depression cannot be imagined.

But it will be argued that the amendments have emergency escape provisions. However, since they require a supermajority—three-fifths—of the Members to breach a balanced budget we would permanently alter the constitutional principle of majority rule as well as create the potential of tyranny by a minority. Not only could a minority deny Congress the ability to exempt itself from a balanced budget in time of recession or emergency, it could, if it so chose, extract concessions from the majority totally unrelated to the emergency at hand as a price for its support.

These balanced budget amendments also fail to guarantee a balanced budget because they do not provide for an enforcement mechanism. As my colleagues know, beyond deceiving the American people, amending our Constitution does absolutely nothing to reduce or eliminate our $400 billion budget deficit. It does nothing to eliminate our $4 trillion national debt. Balancing the budget requires more than idle words and painless gimmicks. There must be political will and fiscal resolve.

I urge my colleagues to vote no on all the balanced budget amendments. Let us balance our budget. However, let us not destroy the constitutional principle of majority rule by giving control of our economic destiny to a minority.

Mr. PASTOR. Mr. Chairman, after nearly a generation—23 years—of borrowing from the future to pay for current consumption, it is time that the Congress and the President face up to the reality of paying our bills with our current revenue. Currently, we are getting further into debt at the rate of about $1 billion per day; or $1,600 for every man, woman, and child per year. Our total public debt is approaching $4 trillion. The interest alone to service this debt is 14 percent of the Federal budget and growing. The deficit is sapping the strength of our economy, and it must be attacked aggressively. We just cannot continue to mortgage the future to pay for the present.

The deficit is the result of excessive spending combined with insufficient revenues. The Congress, the President, and the American people agree that taxes are already too high and most agree on the need to reduce Government spending in general, but unfortunately we all cherish the use of public money for particular programs that we believe serve an important need.

Keynesian economists tell us that Government spending is good during economic downturns, much like an aspirin is used for a headache. John Maynard Keynes also warned that surpluses are necessary in periods of prosperity. But over the last 23 years, we have an undisciplined political system that encourages spending without balancing revenues and without regard for the economic cycle.

We are at a critical decision point on the fiscal future of our country. We must find the courage to make the tough, but compassionate and fair decisions on spending priorities; and to balance these priorities with equitable tax policies that encourage future growth.

My friends, this debate is born out of desperation. In the last 7 years this body has struggled to enact statutory balanced budget requirements. Attempts to impose spending limits by Gramm-Rudman I and II, and by negotiated agreements between the President and the Congress have failed because of our insatiable thirst to spend money we do not have. We even fought a war—the Persian Gulf war—off-budget.

Do we need to amend the Constitution to balance the budget? Of course, we don't. Will we balance the budget without an amendment? Probably not. Will an amendment help us to achieve a balanced budget? Maybe. Winston Churchill said "* * * No one pretends that democracy is perfect or all wise. Indeed, it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time." Similarly, a balanced budget amendment is better than anything that has been tried or proposed thus far to restore sanity to our fiscal policy.

We now have before us several choices for a balanced budget amendment. Of primary concern is the future of Social Security. I view Social Security as a covenant between the people and their government; a covenant that should not be broken unilaterally. Therefore, Social Security must be self-supporting and off-budget. I also believe that the principle of majority rule need not be abandoned in order to achieve sound fiscal policy. Finally, the responsibility for developing a comprehensive Federal budget rests with the President. That need not and should not change.

I will vote for House Joint Resolution 496, the only choice that meets these criteria—protect Social Security, preserve majority rule, retain Presidential responsibility—to amend the Constitution to provide a balanced budget of the U.S. Government. The next step will be to agree on the enforcement mechanisms that will allow for the tough decisions.

Mr. ALLARD. Mr. Chairman, today I rise in full support of the balanced budget amendment.

The discharge of this bill in less than 9 hours speaks to the outrage of average American citizens who are demanding accountability from Congress, including a balanced budget amendment. The balanced budget amendment was successfully discharged from the Judiciary Committee by the signature of at least 218 of our colleagues. This is only the second time in the history of the House of Representatives that a discharge petition has been completed in 1 day.

This amendment would require the President to propose a balanced budget and the Congress to adopt a balanced budget, unless three-fifths of both the House and the Senate agree to unbalance the budget for a particular year.

By raising the threshold of difficulty for deficit spending and requiring House members to go on record to raise taxes, this amendment would force the President and Congress to set priorities rather than allowing them to postpone tough budget decisions from one year to the next.

The legislation further states that it will take effect the second fiscal year after ratification by three-quarters of the States or by 1998 whichever is later. I am convinced that it's possible to do this without cutting spending from year to year or raise taxes any further. It does mean that uncontrolled spending cannot continue and that Congress must set priorities and be accountable.

I feel that we need limits on spending and taxes. The balanced budget amendment is a step in the right direction. A more complete solution would be to limit the increase in receipts and limit the increase in spending.

By limiting receipts so that they do not increase at a rate greater than the increase in national income says that Government should not have more than the average Americans—working Americans who have to pay the bill.

The proposal to limit spending to 19 percent of the gross national product is another way of bringing the huge Federal bureaucracy under control. The average level of Federal tax revenues collected over last 25 years has been 19 percent of the GNP.

These are all reasonable proposals, especially when taken in their total context. Remember, Congress can respond to emergencies with a supermajority vote. One of the exceptions that is reasonable is a declaration of war.

Further, I support a line-item veto. And I will vote to include the line-item veto to provide the President with authority to enforce the balanced budget and spending limitations requirements. This is used in 43 States and I see no reason why Congress cannot implement this important fiscal tool.

These are all thoughtful solutions when combined with the balanced budget amendment. This is not being Draconian, it is recognizing that the working American family has the right to keep their hard-earned money. This Nation needs to start making a commitment to reduce the size of Government, not increase it.

We must be more accountable in the Congress. The balanced budget amendment is another brick which we should be put in place to build a foundation of accountability.

Those who oppose the amendment say it will destroy our future. In reality, all generations are counting on us to pass this amendment, young and old alike.

My colleagues, our children, and our children's children are placing their future in our hands, we must take this opportunity and regain control of the economic future of this Nation.

Balance the budget now.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in support of the balanced budget amendment. It's a little difficult to find something different to say. The same issues have been raised over and over again. They basically revolve around the contention from those opposed to the amendment that it isn't needed—that all we need to do is buckle down and come to grips with the problem. The other side says Congress has had 30 years to do that and failed—and the American people want success at least once.

It's amazing to me the level of passion the opponents of this amendment have brought to the floor. They introduced the question of changes in Social Security, obviously designed to bring about fear on the part of Social Security recipients. The fact is that nothing in this amendment changes the relationship to Social Security from what it is this very day. Indeed, Social Security is designed to be off budget—it's funded by its own tax and, in my view, really has nothing to do with balancing the operating budget of the United States.

Opponents say a balanced budget amendment is just an easy way out—that you can pass this and still not have to balance the budget. It's my belief that the evidence shows we do not balance the budget without some kind of constitutional discipline. Obviously, it's not a perfect approach. It has to be followed by continued tough votes. But, there's no reason to expect Congress will be successful in being financially responsible by continuing to do what the Congress has done for the last 30 years.

The opponents of a balanced budget amendment continue to suggest that the deficit is completely the fault of the President. I don't happen to accept that argument; but rather than to quarrel with it, let me simply say that the Congress—the House of Representatives, in particular—has the opportunity and, indeed, the responsibility to change the President's budget if they don't like it. And, in fact, there has been substantial change. The change, however, has not resulted in a balanced budget, but in a greater deficit.

I must say, Mr. Chairman, I'm impressed with the gentleman from California, the chairman of the Budget Committee. But I am puzzled with his insistence that we don't need an amendment; we just need to "face tough issues." Mr. Chairman, that could have been said for many, many years; and that could have been done for many, many years. We could have faced tough issues. The fact is, this House is set up in such a way that each Member wants to do something for his constituency and will insist upon that particular expenditure being made, regardless of what it does to the overall level of expenditures. I've sat here and marveled in this House during my 3-year tenure at the same people who come to the floor in the morning talking about the irresponsibility of not balancing the budget and coming in the afternoon arguing for projects for their districts, or indeed, entire agency budgets, that exceed the previous year's spending by 10, 12, 15 percent. And then they behave as if there's no relationship between the two things.

Mr. Chairman, there's a great unrest in the country about the operation of the Federal Government and the area of financial responsibility is one of the chief areas of contention. I'm absolutely amazed that the core of opposition to this amendment comes generally from people who have been here a very long time who continually take to the floor here and, I suspect even more often at home, and talk about needed change and then rise with great indignation to oppose any change that might make a difference in what the Congress has been doing with regard to balancing the budget.

I am for a balanced budget. I hope this Congress will be for a balanced budget. I think we need to do something different if we expect results that differ from what we've had for too many years.

I urge my colleagues to vote "yes" on the balanced budget amendment.

Mr. STENHOLM. Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. RAY] having assumed the chair, Mr. MFUME, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation, had come to no resolution thereon.

GENERAL LEAVE

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on House Joint Resolution 290, the joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE 11TH ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

In accordance with the requirements of section 657 of the Department of Energy Organization Act (Public Law 95–91; 42 U.S.C. 7267), I transmit herewith the 11th Annual Report of the Department of Energy, which covers the year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *June 10, 1992*.

COMMUNICATION FROM THE HONORABLE BOB MICHEL, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 8, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303(c) of Public Law 101-549, I hereby appoint Dr. Virginia V. Weldon of St. Louis, Missouri, to the Risk Assessment and Management Commission.

Sincerely,

BOB MICHEL,
Republican Leader.

VOTE FOR KYL-ALLEN AMENDMENT TO BALANCED BUDGET AMENDMENT

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KYL. Mr. Speaker, the first amendment that we are going to have the opportunity to vote on to balance the budget will be an amendment offered by myself and the gentleman from Virginia, Mr. GEORGE ALLEN. It will be the Fish substitute, and it will either be voted on late this evening or tomorrow morning.

This substitute limits Federal spending. As an article in today's Wall Street Journal by Paul Craig Roberts points out, limiting Federal spending is really the only way to go. As he notes, most people who would like to see a balanced budget, "really have their sights on constraining spending." Without a spending limit, he notes, a balanced budget requirement is likely to result in politicians assigning public spending responsibilities to private businesses and individuals, and that is why he says an outright spending limit such as the one that we have proposed keeps the real targets in sight.

What is more, he notes that by tying it to the gross national product, our spending limit provides an incentive to the Congress to promote pro-economic-growth policies, because in that way, by increasing the size of the gross national product, we increase Federal revenues and, therefore, have more money to spend.

I include for the RECORD this article from the Wall Street Journal by Paul Craig Roberts, and I urge my colleagues to support a Federal spending limit as the way to balance the Federal budget. That would be an "aye" vote on the first amendment. Support the Kyl-Allen amendment.

The article referred to follows:

[The Wall Street Journal, Wednesday, June 10, 1992]

BUDGET CONTROL: THE AMENDMENT CAN GO WRONG

(By Paul Craig Roberts)

To improve its image with the public, Washington is gearing up to pass a balanced budget amendment to the Constitution. Many people who would like to see a balanced budget are nevertheless worried that the amendment would become a constitutional device for raising taxes. Sen. Bob Kasten (R., Wis.), among others, wants to add a tax limitation to the amendment to ensure it does the intended job of controlling spending. However, in light of recent action by the Supreme Court, even this could fail. Without a spending limit, a balanced budget requirement is likely to result in politicians assigning public spending responsibilities to private businesses and individuals.

Recently the court let stand a square-footage tax (called a "fee") imposed on commercial developers by the city of Sacramento, Calif. The proceeds are to be used to finance welfare housing. The developers argued that it was a violation of their rights to assign to them social responsibilities normally borne by all taxpayers. However, the city hired a consultant to argue that workers attracted by building jobs remained on the city's hands afterward, unemployed and unhoused. The Ninth U.S. Circuit Court of Appeals accepted the argument, and declared the "fees" to have "a rational relationship to a public cost."

Judge Robert Beezer understood what was afoot and dissented, declaring it to be a violation of the takings clause to single out developers to underwrite social policy. Looking into the future, Judge Beezer warned that "we can be expected next to uphold exactions imposed on developers to subsidize small-business retailers, child-care programs, food services and health-care delivery systems."

The judge could just was well have added taxes on restaurants and clothing manufacturers to feed and clothe the needy, taxes on automobile dealerships to pay for traffic police, and taxes on newspapers, bottlers and packaging companies to finance garbage removal. Booksellers could be assessed to pay for public libraries, and blue-eyed blonds could be taxed to provide reparations for "oppressed minorities."

With casual empiricism and a "logical relationship" as the only tests the new extractions must meet, all of these taxes and others are potential revenue sources. It seems bound to happen sooner or later, but a balanced budget amendment that does not restrict spending will speed the process. We would be no better off with the increased uncertainty and higher cost of capital from saddling industries and businesses with public responsibilities that we are with a deficit.

Most supporters of a balanced budget amendment really have their sights on constraining spending. It is true that the combination of a tax limit and a borrowing limit is a spending limit, but it is also true that this roundabout approach lets the focus slip off spending. An outright spending limit, such as the one proposed by Rep. Jon Kyl (R., Ariz.), keeps the real target in sight. There are different approaches to limiting spending. One way is to hold the growth of spending below the real growth rate of the economy. Rep. Kyl's way is to limit spending to 19 percent of the gross national product. This way Congress wants more money to spend. It must support policies that encourage economic growth.

Balancing the budget is much simpler than the enormous effort required to devise, pass and ratify a balanced budget amendment. All the government has to do is hold the growth of spending below the growth of the economy. If impatient, we can freeze the budget for a year or two. No one would be materially harmed by receiving the same amount of money next year as this year. No political revolution would occur, and widows and orphans would not starve in the streets. The deficit would be the only casualty.

A president who made this case could sustain a budget freeze with vetoes. it is the absence of leadership and political will that forces us to turn to constitutional restraints. The problem here is that if governments and the special interests they serve don't want spending constrained, a constitutional requirement will prove ineffective. There is a good argument that a constitutional rule is harder for governments to ignore than a statutory requirement. The cost of evading a constitutional rule is higher and requires more effort than it took to get around the Gramm-Rudman-Hollings balanced budget act, for example.

However, if we think government will ignore or evade a constitutional requirement for a balanced budget, we should not pass one. If the government does not abide by the spirit and law of the requirement, the result is to cheapen all other constitutional protections. Is a balanced budget worth taking that chance?

Rules often have unexpected results. Many supporters of the Budget Control Act of 1974 thought it would produce a balanced budget. Politicians could legislate big deficits by voting in favor of separate appropriation bills. By forcing politicians to vote on the size of the deficit directly, the Budget Act would put the big spenders on the spot and ensure lower limits on spending.

However, it did not work out that way. Economic policy justified budget deficits as a full employment policy, and politicians structured the vote on the budget in terms of employment vs. unemployment, not in terms of red ink vs. a balanced budget. The Budget Act further raised the deficit by stripping away the president's impoundment power.

A balanced budget amendment could be self-defeating for another reason. Just at the time when a fed up public is beginning to hold politicians accountable, we risk slipping into the belief that we can deal with the problem of government with another rule. An alternative is to get on with the revolt and break up the system that has turned public finance into a lotto for organized interests.

THE EARTH SUMMIT CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SCHEUER] is recognized for 5 minutes.

Mr. SCHEUER. Mr. Speaker, I just had the experience of spending 4 days in Rio at the Earth Summit Convention with over 150 nations of the world represented by their chiefs of state. It was a galvanizing experience. The hope, the excitement, the enthusiasm ran very high.

But I feel that despite the opportunity presented by this conference, the opportunity to reorder our priorities and to achieve identifiable progress is not high. I am not optimistic that the UNCED Conference, the U.N. conference, will produce dramatic results. It did produce excitement. It did raise the consciousness level of the world. It was covered massively by the media, the press, radio, television, and so it was a consciousness-raising experience. That is an advantage.

I think that the delegates felt that this was not the end, rather it was a beginning. Mr. Speaker, it was the beginning of a path that could achieve real progress over the next 5 years or perhaps 10 years.

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We found in at least three areas that I will describe the international will and the international consensus to accomplish a worthwhile objective was thwarted by a self-serving, very narrowly and perhaps selfishly directed minority of the nations there.

Unfortunately, the United Nations operates on a consensus basis. There are perfectly good reasons and it is self-evident that should be so, but in a case like this where 1 nation out of 150 feels very strongly particularly about the subject and are willing to use their muscle to produce it, they can destroy, they can rend apart that consensus and prevent the 150 nations of the world who feel deeply motivated to make progress. They can prevent them from achieving anything, and unfortunately that happened. I will describe three instances in which that took place.

The first instance was in the case of Saudi Arabia where Saudi Arabia was the one single minority voice threatening to disrupt an international consensus on the use of renewal energy.

Now, Saudi Arabia perhaps spoke for some of the other oil-producing nations of the Persian Gulf and perhaps oil producing countries elsewhere; but they are insisting, even as I speak, that the section in Agenda 21, which is the long specific agenda of the detailed projects which were being treated, that the Agenda 21 section on the use of renewable and alternative sources of energy be rewritten—imagine—be rewritten so as to remove any suggestion that alternative sources of energy, renewable sources of energy such as solar, wind, tidal, hydro, biomass, geothermal, that they be written out of the documents and that the rational, logical quest from the leaders of the developing world and the developed world alike for a more environmentally sustainable use of energy that would reduce the world's dependence on fossil fuel and particularly oil, petroleum, be reduced.

Now, Mr. Speaker, we all know that during the consideration of our energy bill in the House here only a month ago, massive attention and energy and time were devoted to reducing this country's dependence on fossil fuel, and we gave all kinds of encouragement to the application of conservation, to the application of energy efficiency, to more efficient motors, to more efficient lighting, more efficient systems of air-conditioning, heating and the like.

Here in the international arena where it is even more critically needed, especially by the leaders of the developing world, we find Saudi Arabia was using its muscle to remove any reference to the desirability of reducing the Earth's reliance or even addiction to fossil fuel that is getting us into such desperate trouble with global warning and the like around the world.

They wished to reduce also any reference to the promotion of sustainable development through energy efficiency, transportation, industrial development, stratospheric ozone depletion and transboundary air pollution.

While negotiations on the elimination of this chapter are ongoing, it defies logic for the centerpiece of the document for this environmental conference to remain silent on the issue of sustainable energy production.

There are two other instances of that same use of insistent destruction of consensus.

The second was our country's lack of forthrightness in dealing with the biodiversity convention.

The SPEAKER pro tempore (Mr. RAY). The time of the gentleman from New York has expired.

S. 250, MOTOR VOTER LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, today the Rules Committee granted a closed rule for consideration of S. 250, the Senate-passed motor voter legislation.

The rule makes in order a Republican substitute which I am including in the RECORD at this point:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 250 OFFERED BY MR. MICHEL OF ILLINOIS

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Enhancement Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right to vote is a fundamental right;

(2) it is the responsibility of each citizen to exercise that right;

(3) it is the duty of the Federal, State, and local governments to promote the exercise of that right;

(4) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office;

(5) such laws and procedures can disproportionately harm voter participation in such elections by members of various groups, including racial minorities;

(6) all citizens of the United States are entitled to be protected from voter fraud and from voter registration lists that contain the names of ineligible or nonexistent voters, which dilute the worth of qualified votes honestly cast; and

(7) all citizens of the United States are entitled to be governed by elected and appointed public officers who are responsible to them and who govern in the public interest without corruption, self-dealing, or favoritism.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase registration of citizens as voters in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to enhance voter participation in elections for Federal office;

(3) to protect the integrity of the electoral process;

(4) to ensure that maintenance of accurate and current official voter registration lists; and

(5) to guarantee to the State, and to their citizens, a republican form of government, including elections conducted free of fraud, and governmental processes conducted free of corruption, self-dealing, or favoritism.

TITLE I—VOTER REGISTRATION ENHANCEMENT

SEC. 101. FEDERAL COORDINATION AND BIENNIAL ASSESSMENT.

The Attorney General—

(1) shall be responsible for coordination of Federal functions under this Act;

(2) shall provide information to the States with respect to State responsibilities under this Act; and

(3) shall, not later than June 30 of each even-numbered year, submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2 calendar years and providing recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act.

SEC. 102. RESPONSIBILITY OF CHIEF STATE ELECTION OFFICIAL.

The chief State election official of each State shall be responsible for coordination of State functions under this title.

SEC. 103. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General—

(1) for making grants under this section for fiscal years 1992, 1993, and 1994, a total of $25,000,000; and

(2) such additional sums as may be necessary for administrative expenses of the Attorney General in carrying out this title.

(b) BLOCK GRANTS.—(1) From the amounts appropriated under subsection (a) for any fiscal year, the Attorney General shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration.

(2) To qualify for a grant under paragraph (1), a State shall match any amount of Federal funds dollar for dollar with State funds for voter registration enhancement activities, such as, but not limited to—

(A) providing for voter registration for elections for Federal office at State departments of motor vehicles; and

(B) providing for uniform and non-discriminatory programs to ensure that official voter registration lists are accurate and current in each State.

(c) ALLOCATION OF GRANTS.—(1) The Attorney General shall by regulation establish criteria for allocation of grants among States based on—

(A) the number of residents of each State;

(B) the percentage of eligible voters in each State not registered to vote; and

(C) other appropriate factors.

(2) In promulgating criteria pursuant to paragraph (1), the Attorney General shall give special consideration to State-sponsored programs designed to improve registration in counties with voter registration percentages significantly lower than that for the State as a whole.

(d) Administrative Requirements.—(1) The Attorney General shall by regulation establish administrative requirements necessary to carry out this section.

(2) To be eligible to receive a grant under this section, a State shall certify that the State—

(A) has in place legislative authority and a plan to implement procedures to promote and facilitate, to an extent and in such manner as the Attorney General may deem adequate to carry out purposes of this title, voter registration for Federal elections in connection with applications for drivers' licenses;

(B) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(C) agrees that any amount received through a grant under this section for any period will be used to supplement and increase any State, local, or other non-Federal funds that would, in the absence of the grant, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(D) has established fiscal control and fund accounting procedures to ensure the proper disbursement of, and accounting for, grants made to the State under this section.

(3) The Attorney General may not prescribe for a State the manner of compliance with the requirements of this subsection.

(e) Reports.—(1) The chief State election official of a State that receives a grant under this section shall submit to the Attorney General annual reports on its activities under this section.

(2) A report required by paragraph (1) shall be in such form and contain such information as the Attorney General, after consultation with chief State election officials, determines to be necessary to—

(A) determine whether grant amounts were expended in accordance with this section;

(B) describe activities under this section; and

(C) provide a record of the progress made toward achieving the purposes for which the block grants were provided.

SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State;

(2) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(3) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)); and

(4) the term "State" has the meaning in section 301(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(12)).

TITLE II—PUBLIC CORRUPTION

SEC. 201. ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.

(a) Amendment of Title 18 of the United States Code.—Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 226. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the honest services of an official or employee of the United States or the State, political subdivision, or Indian tribal government shall be fined under this title, imprisoned for not more than 20 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the jurisdiction in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned for not more than 20 years, or both.

"(c) Whoever, being a public official or an official or employee of the United States, a State, a political subdivision of a State, or an Indian tribal government, in a circumstance described in subsection (d), defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the right to have the affairs of the United States, the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title, imprisoned for not more than 20 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice of attempting to do so the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(e) Whoever defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title, imprisoned for not more than 20 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States, a State, a political subdivision of a State, or an Indian tribal government, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title, imprisoned for not more than 5 years, or both.

"(g) For the purposes of this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a government or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that such person will be so nominated, appointed, or selected;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201(a) and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(4) the term 'under color of official authority' includes any person who represents that such person controls, is an agent of, or otherwise acts on behalf of an official, a public official, or a person who has been selected to be a public official.".

(b) Technical Amendments.—(1) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 202. FRAUD IN INTERSTATE COMMERCE.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 203. PRESERVATION OF THE EFFECT OF STATE LAW THAT PROVIDES GREATER PROTECTION AGAINST VOTE FRAUD.

In the case of any conflict between the provisions of this Act and any provision of the civil or criminal law of any State, the law of the State shall prevail to the extent that such State law provides for more stringent suppression of vote fraud than this Act.

Amend the title so as to read "An Act to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.".

A SALUTE TO FATHER DOMINIC OLIVIERI AND 50 YEARS OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, I am pleased to recognize Father Dominic Olivieri and commend him for his 50 years of service as a priest. Father Dom has set an example of service and public commitment which deserves the notice of the U.S. House of Representatives.

Father Dominic Olivieri will be saluted for his 50 years of service as a priest at the celebration of a Golden Jubilee Mass in his parish, the Immaculate Conception in the Bloomfield area of Pittsburgh, at 3 p.m. on Sunday, June 14, 1992. This special Mass commemorates a half century of devotion to priestly duties which began in June 1942, when Father Dominic Olivieri was ordained a priest.

On many occasions, Father Dom has shared with his parishioners and many friends in Pittsburgh an explanation of his motivations to serve as a priest for over 50 years. He has noted the lessons he learned from his parents, Louis and Christina Olivieri, who emigrated from Abruzzi, Italy, to Derry, PA. The fifth of nine surviving children, Dominic Olivieri was taught to set high standards for himself, enjoy the beauty of the God's creation, and savor the wonders of life.

As one of seven children who graduated from college, Father Dom was the only son to enter the priesthood. He graduated from St. Vincent Seminary in Latrobe, PA, in 1942, and was ordained on June 14, 1942. Over the years, he has served in a number of parishes before being named pastor in 1969 of Bloomfield's Immaculate Conception where he has served up to the present time.

Father Dom has compiled a record of outstanding accomplishment over the course of 50 years of dedicated service to local parishes. He helped in the building of the present Mount St. Peter's Church as an assistant in the New Kensington parish. He served as a loyal administrator in Bloomfield when the local pastor, Father DiFrancesco, was in poor health. At Regina Coeli, on Pittsburgh's North Side, he played a central role in working with Father Biondi in a successful effort to have the church pay off its debt. As the pastor of St. Lucy's, Mahoningtown, Father Dom was nominated Man of the Year for the energetic work he performed on behalf of the people of his parish who were victims of a flood that devastated half of the town. Following the directives of Bishop Dearden, Father Dom joined two Sharpsburg parishes, St. Joseph and Madonna, and was recognized again for his service by being selected Man of the Year by the people of Sharpsburg.

As the present pastor of Immaculate Conception Parish in Bloomfield, Father Dom has labored over the past 24 years to provide the people of his parish with service reflecting the highest standards of priestly devotion. He led a successful campaign to clear the parish ledger of the large debt held at the time he became pastor. Father Dom has given his full energy to the task of providing local parents with the option of sending their children to a Catholic school. His dynamic leadership has helped to keep open the largest school in the diocese of Pittsburgh, providing a first-class educational environment for over 500 local students.

Father Dom's record of service extends far beyond the parish confines. He serves as a chaplain of the American War Vets, and was recognized for his service by being named as Man of the Year. In addition, he serves as a chaplain for the Fraternal Order of Police.

It is hardly surprising that Father Dom would be selected Bloomfield's Man of the Year in light of his outstanding service to Immaculate Conception Parish and the community of Bloomfield. Father Dom has earned communitywide reputation for his dedication to serving every member of his parish. He has served his parish with selfless devotion and has always been ready to respond cheerfully and tirelessly to the needs of the people of this community.

Mr. Speaker, I am proud to salute Father Dominic Olivieri for his 50 years of service as a priest. I wish him the best in his continued service to the people of his parish and to our community.

OVERPOPULATION AND UNCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GREEN] is recognized for 5 minutes.

Mr. GREEN of New York. Mr. Speaker, I commend Mr. MILLER for requesting this special order, which provides an opportunity for those Members of Congress who recently attended the U.N. Conference on Environment and Development to share their views of that historic event.

The U.N. Conference on Environment and Development, convened in Rio De Janiero, has been 3 years in preparation with more than 170 nations and 10,000 delegates attending.

I do not disagree with the principles or the goals of the Conference; who would not agree that we need a global partnership to "protect the integrity of the global environmental and developmental system?" I am seriously concerned, however, that after reading through the overview and the 27 principles presented by the Preparatory Committee, I see that the words "overpopulation" or "voluntary family planning services" are never once mentioned.

And nowhere in the text of UNCED's chapter on "Demographic Dynamics" are the words "family planning" or "contraceptives" mentioned. Those two phrases were purposefully omitted during the course of delicate negotiations on a chapter that, with more courage and leadership, should have been called Population Stabilization.

To discuss environment without focusing on population is missing the point. Without worldwide attention to this issue, I fear for the quality of life for all earth's inhabitants.

Principle 1 does state that:

> Human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

Principle 8 does state that:

> To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies (emphasis added).

But nowhere do the UNCED principles spell out that one of the most serious threats facing our global environment is overpopulation. When we look at global warming, destruction of the tropical rain forests, and the elimination of species diversity, we must understand the connection between those phenomena and the population explosion. Money spent to address our growing environmental problems will be wasted unless we simultaneously address the population issue. Halving the per capita emission of greenhouse gases accomplishes nothing if we double the earth's human population.

It is not a connection we can leave to some future convention on the environment. The often-used phrase "before it is too late" truly applies here. At the beginning of this century, the world had approximately 1.5 billion people. Today there are almost 5.4 billion, with 95 million more added every year. Without strong leadership supporting international family planning programs, experts predict that in just 35 years the world's population is likely to double in size to 10 billion.

An invaluable resource in understanding the interrelation of population and environment has been produced by the United Nations. In its pamphlet, "Population and the Environment: The Challenges Ahead", the United Nation points out "It is unrealistic to discuss sustainable development and a common future without reference to socioeconomic constraints and related forces impacting on the environment and the world's resources base. The debate is also meaningless if population issues are ushered to the sidelines."

Population issues not only have been ushered to the sidelines in the UNCED proposed text, they have been buried 6 feet under. And we all know the reason. It may be acceptable to talk about "appropriate demographic policies" but discussing population stabilization makes people nervous. Extreme antiabortionists have been successful in reducing U.S. support for voluntary family planning efforts around the world. They have moved their rhetoric from forced abortions to birth control counseling, but allowing this influence to pervade UNCED, makes UNCED meaningless.

Tropical forests are being destroyed at an alarming rate; about 11 million hectares a year, according to the United Nations. But, will it also point out that population growth may be responsible for up to 80 percent of recent deforestation in the tropics as growing populations slash and burn forests to scratch out a few acres to farm?

There is also the problem of dwindling and polluted freshwater resources. "In much of sub-Saharan Africa, the Middle East and parts of Asia, water consumption will reach 30–100 percent of available reserves in 10–15 years—a result of population growth and inefficiencies in use," according to the U.N. environment pamphlet. Will UNCED deal only with dwindling water and not address the causes?

I attended the UNCED conference in Rio, despite the State Department warnings of crime, cholera, and overcrowding. I went because there is a message to be delivered. And that message is:

Environmental solutions without population stabilization do not work.

In many cases, the United Nations points out, "attained family size exceeds desired family size" and more of our resources must be focused on maternal and child health care and family planning services.

We must recognize the fundamental importance of women's role in the world, especially in developing countries, where women play a pivotal role in managing the environment, but are too often overlooked in development programs.

The United States, for its part passed legislation in 1973 mandating that special attention be given to development projects aimed at better integrating women into their national economies, thus improving their status and assisting the total development effort. Nearly 20 years later, however, this concept is more often tolerated than encouraged in U.S. development planning and practice. Improving the status of women around the world means devoting the necessary resources to ensure ready access to family planning services, as well as improving access to maternal and child health care, education and employment opportunities. Women need to be a central priority in development policy, not an afterthought.

Overall, I believe the Rio Conference dodged an extremely important responsibility by failing to focus on the issue of overpopulation. It should have been insisted on by the administration. As Congressman George Bush said in 1970 when he chaired a Republican Task Force on Population and Earth Resources:

> By the end of this decade, family planning and birth control should be as important to every parent as the family budget. As U.S. Representative to the United Nations George Bush said, economic development overseas would be a miserable failure unless the developing countries had the knowledge and supplies their families needed to control fertility.

To this I would add, when its all said and done, UNCED will fail if we let politics rather than science guide it in dealing with the population explosion.

On another issue, while at the conference, I had the pleasure of attending a press conference sponsored by the Consortium for International Earth Science Information Network [CIESIN]. This consortium, comprised of some of our Nation's most outstanding universities, and given the task of managing much of NASA's environmental data, proposes that our Nation lead the way in sharing environmental data. This is a laudable goal, and one in which the United States, with its wealth of data, can lead the way. CIESIN is uniquely situated to assist in this effort and I support this concept. Shared knowledge about environmental and developmental processes is the common basis for decisionmaking among all peoples, and I feel it is incumbent on our Nation to share these resources.

In closing, I should also like to include, for the RECORD, an excellent piece by Anna Quindlen entitled, "Zero Population Talk" which was printed in today's New York Times.

ZERO POPULATION TALK

(Anna Quindlen)

With each day that passes the Earth Summit begins to seem more and more like the planet versus the President of the United States. The President touts an initiative on forest protection and the developing nations say we're playing bully boys. The rest of the world agrees on a biodiversity treaty and the President says it's too expensive.

And so far George Bush has saved his greatest passion for that most critical of environmental issues: Who in blazes leaked a memo designed to embarrass the head of the Environmental Protection Agency?

So much for deforestation, global warming, the greenhouse effect and the world community. The conference does not look promising. The fact is that it has not looked promising for some time, ever since a central issue of environmental moment was taken off the table.

The issue was population growth.

It's difficult to imagine that anyone could take a serious and substantive look at the environment without considering the effect of people. We fell trees for our houses, work in factories that produce effluents, buy products that pile up in landfills, burn fuels that foul the air, produce wastes that taint the oceans.

The more of us there are, the more these things take place. It's not a simple equation; it is possible for us to learn to use fewer trees, produce less garbage, make less of a mess of things. Those are some of the issues being explored in Brazil.

But the idea that population growth would not be a linchpin of this summit is preposterous. It was also inevitable. When pre-summit bickering between developed and developing nations began, the Vatican stepped into the breach. And family planning became a no-show. No separation of church and state here. The ban on birth control espoused by the Catholic Church—but ignored by millions of its own people—has shaped the summit for those of all faiths.

For years the United States has been a leader in international family planning, and that leadership made a difference; because of American aid, the numbers of people in developing countries who use birth control has soared.

But in 1984 we enforced the first gag rule, the one that said we would end aid to any international agency that mentioned abortion, the one that sent a signal about what kind of nation we'd become. And when preparations were under way for Rio, we were so obdurate about maintaining our old life styles that we were in no position to persuade other nations to change their own. Mr. Bush, whose idea of the long view is always November, was not the man to break a deadlock on what George Zeidenstein, the president of the Population Council, described as "overpopulation versus overconsumption."

We're not simply talking about too many people here, the fact that some estimates have world population doubling in the next century on what already seems to be a "No Vacancy" planet. And we're not talking population control, the forced limitation of family size. Family size should be a matter of informed choice.

In many nations, it's not—not informed, and not a choice. In some countries, women sneak off for contraception because their husbands still consider family size a measure of their manhood. In others, contraceptives are just a rumor, a diaphragm a dream, and abortion the primary method of birth control.

All over the world there are women who want to space and limit their child-bearing, not because of the global environment but because of their own environment—the contents of their cupboards, the limits of their stamina. Their governments have been either indifferent to those needs or, influenced by religious leaders, hostile to them.

At the Earth Summit those needs are barely acknowledged, except for a clause that urges countries to adopt "appropriate demographic policies." Yet one doomsday prediction after another says that in the centuries to come untenable levels of population will be staved off only by famine, disease or wars. How can anyone think those preferable to the condom, the intrauterine device or the birth control pill? "There are too many of us," a nurse in a clinic in Africa said last month of the malnourished children of her country. There is no strong voice to speak for her, and so many others like her, at the Earth Summit. Because of that, we all lose.

THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. SANTORUM] is recognized for 60 minutes.

Mr. SANTORUM. Mr. Speaker, I am here today with my colleague, the gentleman from California [Mr. RIGGS].

For those of you who cannot sleep tonight on the East Coast or on the West Coast or maybe even just getting home from work, we have had a long day today debating the balanced budget amendment and having an opportunity in and out of meetings and other things to listen to it. I think it was a good quality debate.

One of the things that I thought was lacking really up until the end of the debate was a good healthy exchange of ideas. It is unfortunate the hour is so late here that we could not keep some Members around that were not under the constraints of time. Every Member wanted to get their 2 minutes in, to really have some give and take and some prodding and some questioning as to what are the motives behind the efforts to either support and oppose, really true debate as opposed to everyone getting up here and either pointing the finger at the other side or sort of giving their 2 minute spiel that at least presents their opinion, instead of the interaction that true debate yields as far as enlightenment not only to Members of this body, but I am told there are some who are still undecided on this issue, but certainly the American public for the record and for those who might be observing.

The SPEAKER pro tempore (Mr. RAY). The Chair would note that the gentleman should not address the television audience.

Mr. SANTORUM. One of the reasons I wanted to get up and talk was I wanted to take the opportunity to observe that we, and I say we being Members, younger Members who have been interested in reforming this institution, have been criticized many times in our actions saying, "Why don't you address the real issues of the day down here? Why don't you get to the real substantive issues instead of"—in their opinion—"monkeying around with the institution?"

Obviously, I do not agree with their connotation of monkeying around with the institution. What I think we have done is to shine light into some areas that absolutely need to be exposed; but I wanted to take some time tonight to talk about one of the real issues, one of the real reform issues that I have been supporting since I decided to run for office back in late 1988 or early 1989, and that is the balanced budget amendment.

I cannot help but express the true sense of just bewilderment when I see 2 days back to back, 1 full day today talking about how much we want to balance the budget, and even the folks who are against the balanced budget amendment all come to the floor and say how much they want to balance this budget, yet just yesterday—yesterday, I mean, the ink is not even dry on the record, just yesterday we voted here in this House to increase the Federal deficit by almost $5 billion more.

□ 2320

Yesterday. And today we are here debating like, "Well, we are really going to get religion here and we are going to do the right thing and reduce the deficit." And as the chairman of the Committee on the Budget, for whom I have the greatest respect, the gentleman from California [Mr. PANETTA] has said many, many times, these involve tough choices. I can tell you as someone who comes from an area with very high unemployment and chronic high unemployment for a long time that a vote against unemployment extension, no matter whether I supported another version or whatever the case may be, a single vote against that is a very, very difficult vote. I did it, and I had the opportunity just yesterday before the vote, when I got a call from someone in my district who is unemployed, I picked up the phone after it rang, and he said, "I wanted to talk to Congressman Santorum." I said, "You got him." He said, "How are you going to vote on the unemployment extension?" I said, "I am going to vote against it." He said, "Well, I am unemployed. My benefits may be running out, they are not going to run out real soon but they may be running out by the end of the year, and I need that unemployment extension because of the strike situation."

And I said, "Well, certainly the problem is not that I do not support unemployment extension, everybody in this chamber supports unemployment extension. But what I cannot support is I cannot support, No. 1, raising taxes, particularly raising taxes on the people in my State disproportionately to the rest of the country, because of the way they changed the taxation by increasing the base on which you tax from $7,000 to $27,000 of salary and then lowering the rate. It penalizes high-wage States, like Pennsylvania."

But also, it increases the deficit. And I said, "It is not fair to you and to your children to not only increase taxes and make it harder for you to get a job if a job ever opens up, and, No. 2, increase the deficit on you and your children and, as a result, you have to pay more and more toward the national debt."

So I said that I could not support it. He said, "I understand. I agree with you." He said, "I would vote against it too."

So I believe that even though the panic around here is "my goodness, you can't vote against unemployment extensions, because it is politically undoable," I think we sell the American public short, I think you sell the unemployed short. These people want the benefits, sure they want their benefits, they deserve the benefits in these tough economic times. But they want to do the right thing, too. They want to make sure that we are doing the right thing here, and the right thing is to be responsible every day in this House of Representatives, every day, not just for the balanced-budget amendment when it comes up, but every day to be responsible in this chamber.

And we are not. We are simply not.

The principal reason I wanted to take this few minutes is that I wanted to talk in brief at this point with the gentleman from California. I believe the gentleman from California would like some time at this point, and I yield to him.

Mr. RIGGS. Mr. Speaker, I would be happy to stay with the gentleman as he continues his special order because I know as a valued member of the Committee on the Budget he has extensive knowledge of this particular subject area and has a real contribution to make in terms of where we might go from tomorrow, assuming the balance budget amendment does pass. We are then confronted with the further challenge of having to come up with a budget enforcement mechanism, a budget enforcement process, as well as confronted with, I think, the long-overdue need to revolutionize the budgetary process around here, to really get into more of a long-term thinking and planning mode where do, perhaps, the Federal budget on a minimum 2-year, perhaps better yet, a 5-year budget cycle, rather than this year-to-year or every 2 years election-to-election contest that we currently use.

But I do want to, at the outset, thank the gentleman for conducting this special order. I want to say to him that I realize he is most sincere in his desire to address the Federal budget deficit at the No. 1 problem facing us as an institution and as a country and society today. I know it is his concern for the Santorum children, the one that is here and the one that is on the way, that motivates him to take the well tonight and do the special order. I like to believe in my heart of hearts that it is also concern for my kids, the Riggs kids, which motivated me to run for Congress in the first place, it motivates me to make that weekly cross-country commute because I really do believe that this is all about their future. And it was out of concern for their future and, as I said earlier, the erosion of the quality of life and the fact that our generation will be fundamentally failing in our primary legacy to make the world a better place for our children than we inherited from our parents.

Those are the motivating factors that drive us to put on this special order tonight, to implore any undecided colleagues to step up and do the right thing tomorrow, to carefully consider the various amendments that we will take up under the king-of-the-hill procedure prior to the vote and final passage for a constitutional balanced budget amendment.

I also want to say to the gentleman, since I think he and I think very much alike, that we are aware of the extraordinary pressures that are brought to bear on a Member of Congress and make it very difficult to perform our fundamental duty pursuant to the Constitution, and that is to prioritize Federal spending.

Mr. Speaker, you learn very quickly when you come back to this body, the extraordinary honor and privilege as that surely is—and it really is the opportunity and privilege of a lifetime—but you learn very quickly that there are certain inert political pressures that come with being a Member of Congress. Internally the pressure is to go along to get along. The external pressure imposed is that of a demanding public and all of our constituencies to spread the money around so that the message that comes through to a new Member is, A, do whatever it takes to come back to this place, do whatever it takes to get reelected, whatever it takes to perpetuate yourself in office.

That too often means, again, trying, as I said, trying to be all things to all people, trying to spread the Federal dole around so we give a little bit of the pie to everybody.

You learn very quickly that the way to get reelected is by saying "yes" and spending money, not by saying "no" and trying to conserve.

Mr. SANTORUM. If I might interrupt the gentleman for a moment, the point I was trying to make earlier in the debate was how many bills are sponsored in the Congress to raise spending. It is approximately a ratio of: For every 200 bills that raise spending in the Congress that we introduce in the Congress, there is 1 bill introduced to cut spending. And if you look at the vast majority—and I do not have the most recent budget tracking system that the National Taxpayers Union has put together—but it is at least 95 percent of the Members of Congress have sponsored bills which would—the net result of that 95 percent of the Members of Congress would even further increase the national debt.

What I was saying earlier was that it is even odder that the folks who are opposing the balanced budget amendment and saying that what we need is to discuss the issues, and after we get some leadership and discuss the issues we will be able to solve this problem, have sponsored on average about $128 billion more in deficit spending as a result of the bills that they would like to see become law. They have their names on it. Versus the folks who are supporting the balanced-budget amendment on average are sponsoring about $27 billion more in spending. But still that gives you an idea that at least some of the folks who are for a balanced budget are serious about reducing Federal spending. Unfortunately, some are not so serious.

I have seen, and the gentleman has cosponsored many of them—some bills that would reduce spending, and I put my name on the line. I got that question at many, many town meetings, "Well, Congressman, you said you are going to cut spending. Where are you going to cut spending? Well, then I pull out of my briefcase a stack of bills about this high, saying, "Here is where I will cut spending. Here is the budget that I put together with JOHN KASICH and TOM DELAY, JOHN MILLER, and here is where we will do it." And I hand them out. I show my constituents where we are going to cut spending and how we can begin to reduce the deficit.

I explain the problem that has been explained here so eloquently by many as to the problem. And I say to them we have to make these tough choices. I again agree with the chairman of the Committee on the Budget that you are not going to balance this deficit by cutting waste, fraud, and abuse. There is not enough waste, fraud, and abuse in this Government to balance the budget. I am convinced of that. What we have to do is we have to reform a lot of programs, we have to encourage productivity, which will help our deficit situation because it will result in growth. And what we have got to do is make very tough decisions on what we are going to spend money on and set priorities, and that is something that we just simply do not do in this place.

□ 2330

It is all well, OK. We can stick a few dollars in here and a few dollars there just to keep everybody off our backs, and I yield back.

Mr. RIGGS. Mr. Speaker, I appreciate the observations of the gentleman, and he is so right because I guess we have to honestly acknowledge that the passion for spending around this place is bipartisan and universal.

Mr. SANTORUM. No question.

Mr. RIGGS. And it is is something, as a relative newcomer to the body, one learns in the earliest days of their service, and it is an example of how far we have to go.

I mean I think the distinguished chairman of the Committee on the Budget was gracious enough to come down to the floor tonight and engage in genuine debate, and the gentleman, as a very valuable member of the Committee on the Budget, has made the stipulation operating from the premise at the outset that all Federal budget items have to be on the table. I personally believe that the balanced budget amendment and what will follow it will be very healthy for the economy and very healthy for the American political process and will go a long way toward restoring voter confidence and restoring trust in Government.

But just as an indication of how far we have to go, as the gentlenman knows, the Bush administration has proposed a means of means testing, or needs testing, for Medicare benefits. Of course they accompanied that with malpractice reform proposals that would lower Medicare costs or at least help control soaring medical costs, and specifically in the Medicare Program, but that proposal was a very modest one and, as I recall it—

Mr. SANTORUM. I will explain it exactly because I use this as an example in every town meeting I go to, and it has to do with Medicare part B, and there are two parts to Medicare. There is Medicare part A, in which every person as a working American—although as a Member of Congress we get questioned about that, but I will testify at 11:30 at night I am working American. I pay taxes into the Social Security trust fund for Medicare part A, which is basically hospitalization coverage when I retire.

There is a separate Medicare Program, Medicare part B. Medicare part B is not funded, one dime, out of the Social Security trust fund. It is not funded by payroll taxes that one pays to the Social Security trust fund. It is funded. It is a public insurance program. It is not mandatory. Anybody, if they are eligible age-wise, they are eligible to participate in this program.

But it is funded by two revenue streams. The first revenue stream is by premiums paid by retirees. Retirees pay $31.80 a month for Medicare part B coverage. In fact, the $31.80 that seniors pay covers 25 percent of the cost of the program. The other 75 percent is taken from the general fund, from general revenues, and we have a situation where we have a family of four, parents, and maybe both have minimum wage jobs, no health insurance, barely making it, probably have some sort of assistance from the Government to begin with, paying taxes into the Federal Government.

So, Ross Perot could buy Medicare part B and be subsidized at 75 percent of the cost of that, and most people, when I tell them that at my town meetings, say, "That's outrageous. There is no way people with high incomes need to get that kind of subsidy from the regular, ordinary taxpayer," and I say to them, "Well, the President put together a very modest proposal. We modified it a little bit. Our proposal was starting at $70,000 per couple—now you have a couple, age 65 or older, earning $75,000 a year. We begin at that point, $70,000 a year. We begin at that point to increase the premium ever so slightly. So, at $80,000 a year, you're probably paying $40 a month for this program, up to $200,000 of income. At $200,000 you pay the full fare, $120, or something like that which still, by the way, and I've checked with some insurers, is a good deal. At that point you're on your own."

It just has no political support in this body, none.

Mr. RIGGS. Mr. Speaker, if the gentleman will yield for just a moment, my recollection is we have been through two budget cycles, or we are nearly through the second cycle since we came here in January of last year.

Both times the administration has proposed this form of needs testing, or means testing actually, for Medicare part B benefits, and, as the gentleman put it, it is a very modest proposal. Both times these proposals have been declared political nonstarters on Capitol Hill.

Mr. SANTORUM. That is absolutely right, and the reaction I get from people is just amazement that we cannot pass something that is just a real minor reform, and, to be perfectly candid with the gentleman, but yet a very principled reform, but we hear all the arguments about fairness. My goodness, what is fair about families without health insurance subsidizing people that are making hundreds of thousands and maybe even millions of dollars a year in their health insurance bills?

I mean that is absolutely absurd that something like that goes on, and I say to people, "if you think that's bad, of the $700 billion to almost $800 billion in entitlement programs, what are listed as entitlement programs in the Federal Government, whether they be agriculture, or retirement, or unemployment compensation, just name it, all the entitlement programs, aid to families with dependent children, just name it; all those programs of the nearly $800 billion that is spent," I ask people, "How much of that money do you think—how much of that $800 billion goes to people at or below the poverty level, because that's what these programs are supposed to be about. They're supposed to be poverty programs."

Well, Mr. Speaker, people say, "Oh, I don't know; half or maybe 25 percent," because they are cynical, and I say, "How about 12 percent? How about $1 out of every $8 goes to people at or below the poverty level?"

Now these were supposed to be safety net programs, and they have not—they have sort of transformed into safety net programs, and my theory on that is they transform into middle class entitlement programs in a sense because that is where most of the votes are, and if we can keep that money coming, then we can make sure that we can maintain it. I know the control and the political electability of keeping those benefits coming to those folks.

Mr. Speaker, that to me is again the kind of cynicism that goes on around her that I think the American public is fed up with. I think they want tough choices. I have had person after person come up to me after my meetings and say, "You know, you're absolutely right. You know, I don't need to have this kind of benefit and, you know, I take it because I'm a good consumer and I should take it," and I certainly do not fault the people for doing so.

However, Mr. Speaker, we have a responsibility for future generations, not to allow that kind of largess, in some instances, to punish future generations.

Mr. RIGGS. I agree with the gentleman. If the gentleman will yield, I think the American people, and this is a real strong sense derived from 38 town hall meetings in 18 months, but I think the American people are willing to make sacrifices provided that we demonstrate the leadership from here and provided also that we set a personal example by tightening our own belts, and by that I mean the money we spend on ourselves, the legislative branch appropriation.

Mr. Speaker, this was certainly an issue in 1990 when the Congress granted itself a pay raise, a substantial increase, 40 percent or better, and the issue then was not whether or not the salary was commensurate with the duties and responsibility of the position.

Having been here, having performed those duties and responsibilities for 18 months, I have to say that I believe the salary rate or the level of compensation is commensurate with the duties and responsibilities of the position. But the message that we were sending to the American people at a time of record deficits is that we were unwilling to tighten our own belts, and we were unwilling to set a permanent example of what must follow if we are going to get the Federal budget in balance.

I also view this, and I sort of whispered it in the ear of gentleman from California [Mr. ROHRABACHER], and he used this in his final comments as we ended the debate. But I really view the balanced budget legislation as a congressional empowerment act for a lack of a better term.

□ 2340

I am absolutely convinced that this legislation, assuming that it passes the House tomorrow, that it is passed by the other body, and then ratified by 38 or more States, I really believe that this legislation will empower the Members of Congress to deal with other policy issues, whether we are talking about congressional reform, health care reform, as several Members in the debate earlier today alluded to the fact that we must control soaring medical costs because it is a very expensive and ever-increasing item of the Federal budget, as the gentleman from the Committee on the Budget well knows and just alluded to in his comments regarding the Medicare Program.

It will also help us again I think take a healthy look and reexamine our own internal budgetary process. Fundamentally and ultimately it will probably lead to this body, through its Committee on the Budget, reexamining how we perform and deliver basic governmental services. And we are going to have to become obviously, as the gentleman well knows, much more entrepreneurial in the delivery of those services.

My pet peeve is it will at least put some credibility behind the statements you hear all too frequently in this body and the other body about demanding reciprocity in trade.

I hear Members out there all the time saying that free trade means fair trade. But as long as we are going to foreign investors and asking them to finance our deficit, I seriously question how much credibility those statements have, how much leverage we have in trade negotiations.

I am sure the gentleman agrees with me that it is very uncommon for a consumer to walk into a bank and dictate the terms by which they will borrow money from the lender. That is essentially the kind of situation we have now, particularly as we look to the Japanese to finance our budget deficit.

So the ultimate ramifications of this bill are vast indeed. It will surely be probably more than anything else we could do, including term limits or truly fundamental campaign finance reform, is empower Members of Congress to go about their business and perform their basic financial responsibilities.

Mr. SANTORUM. I want to pick up on that empowerment theme, because, the gentleman from Wisconsin [Mr. OBEY] quoted a gentleman, Archie, and I can't recall his last name, I think it was Cutler, but the last part of the quote was the important thing is what men do with any kind of system you might have.

Well, that is true. The important thing is the character and what we actually do here. But the rules we play by are certainly very important to find out, the result of what men can do, and what men through whatever motivation is necessary are forced to do. That is something that was sort of brushed over.

I mean, if we had a system that specifically said, you know, it does not require a balanced budget, and in fact encourages you not to balance the budget, maybe if we had a constitutional amendment that says the budget would be out of balance by such and such a percent, you would have a field day.

Whatever mechanism is set up, we see this in the Committee on Rules all the time. I mean, the rules of how a place is governed dictate in many instances what happens and what comes out of the institution.

I think the rule of requiring fiscal discipline and forcing Members to make those tough choices, I mean deficits, certainly deficits of this size, other than in wartime, where just really unheard of in the early years of the democracy, and really it is a rather recent phenomena.

When we did have deficits we quickly paid them off in subsequent years, because that was sort of expected. This is a very recent phenomena. This Congress has to change as, unfortunately, this country is changed, and I think that gets back into a whole lot of things as far as the political environment and your accountability and a whole lot of other things.

If the gentleman would like some more time?

Mr. RIGGS. I would just like to follow up on the last comment the gentleman made, and that is one of the other things, and I know this is the eternal optimist in me speaking, but one other thing that I hope will come from this process, this balanced budget act leading to congressional empowerment, is that perhaps Members of Congress at long last will be able to summon the will and demonstrate the leadership ability to address the many perverse incentives that permeate American society today. Whether we are talking about a tax policy that awards consumption and spending over savings and investment, or a political process, such as we have, and make no mistake about it, budgeting decisions around this place are primarily influenced in terms of discretionary funds by political considerations.

We have a political process in this country today that rewards spending, or increasing spending, and cutting taxes. That is a chief contributing cause of how we have gotten into this mess.

So eventually, and I hope sooner than later, we are going to have to change the budgeting process of the Federal Government to one that is much more performance-based. That is to say, we are going to have to make budgetary decisions based on competition and results, and much less on seniority, connections, and political input, which is how budgeting decisions are made at the present time.

So I commend the gentleman for his leadership in this regard and will happily follow his lead as we press on beyond the balanced budget amendment and try to get fundamental budget reform in the House of Representatives.

Mr. SANTORUM. I thank the gentleman. One of the things I was saying in a lot of the talks I gave and radio interviews I gave during the time of the bank scandal, I said, in fact I said on the "Phil Donohue Show" when the people seemed to be very excited and riled up and angry with what was going on here in the Congress and the perks that were handed out and the abuses at the bank, and people had real passion and real fire in their eyes.

And I said to them, I said, "I hope you have that same passion when it comes to important issues that we face here in the Congress, and that you write your Congressman and call them up and express that passion for this instance, for the real reforms that are necessary in this Congress."

What I am hearing, and I have not gotten any calls personally on this, but what I am hearing is that the special interests are at work. That the phone calls are coming in through the score tactics of the special interests.

I take this as our failure. I take this as the failure of the people of America. I take it as our failure to better communicate the message that I think is necessary to reach people, that we have not communicated to America somehow what we are doing here and how important it is. We have debates on the floor of the House, but somehow that message does not permeate out as it did maybe with the bank scandal.

I was looking up at the gallery most of the day, and I did not see any media up there covering what I think is a very historic debate. There was nobody up there.

My goodness, when we were talking about the bank scandal it was SRO up there. That is a pretty sad commentary on the media and the media's obligation in my opinion to at least give the opportunity for the American public to get as excited about reform of their budgetary system in this country as they are about reform of their House banking system in this country.

I want to thank the gentleman for taking the time to be with me here and communicating for the purpose of the RECORD what our feelings are and how important it is to do that.

In closing, I wanted to talk just briefly about the reason that I think the balanced budget is so important. It is this little lady right here who is sitting in a wash basin. Her name is Elizabeth Ann Santorum. She is 14 months old now.

I took the liberty of looking at Elizabeth's future when it comes to the financial affairs of this country.

When Elizabeth was born on April 9, 1991, her share of the national debt was about $15,000. She came into this world in debt, as every American comes into this world in debt. We had a $3.6 trillion debt.

When my little girl goes to first grade, she is going to owe roughly $20,000.

□ 2350

The debt will be over $5 trillion. When my little girl gets out of grade school, she will owe $26,000, and the debt will be over $7.29 trillion.

By the way, these are very conservative estimates. They include Social Security surpluses. They include just about everything.

We tried to make the most conservative estimates we could. When she graduates from high school, very proud, as I am sure I will be of her, $32,000 she will owe toward the national debt.

By the way, we are adjusting for population increases. So as the population is growing, it is still, the deficit outpaces.

Finally, when Elizabeth Anne graduates from college, as I hope she will, she will owe $36,000, in addition probably three or four times that amount in student loans. And the national debt will be $11 trillion. That is if we do nothing today and tomorrow.

That is if we stand up and give all the reasons to say no again. If we stand up and say the special interests are just too powerful, coming back here, getting reelected is just too important to me.

Say to those people who are on the phone, who are calling saying, "Please don't pass this balanced budget amendment because it may some day in the future result in some change of Social Security, God knows what." I think you and I both know that will not happen, but the fear is out there.

I would suggest to them to look not at my little girl but look in the faces of their children and their grandchildren who, by the way, if we look at where the Federal money is spent in this country, Federal spending per capita on children, the most recent figures I could come up with was 1987, per child we spent in this country $854 per child on Federal Government spending. Per person over 65, we spent $10,010, over 10 to 1.

Look that child in the face, your grandchild, your niece, and say, "It is more important for me than for you to not leave you an opportunity to have at least the same quality of life, the same chances, not better, because it is getting harder out there, not better, just the same as I had."

I can tell my colleagues every meeting I go to, my generation is not counting on Social Security. They are not counting on it at all. They know that 50, 60 years from now it may not be around.

Consider the little ones, the ones that do not have the special interests calling. Consider them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NICHOLS (at the request of Mr. MICHEL), for today and the balance of the week, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SANTORUM) to revise and extend their remarks and include extraneous material:)

Mr. SANTORUM, for 60 minutes, today, and for 5 minutes on June 11.

Mr. MICHEL, for 5 minutes, today.

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. JONTZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SANTORUM) and to include extraneous matter:)

Mr. GREEN of New York.
Mr. MACHTLEY.
Mr. GILMAN.
Mr. BEREUTER.
Mr. MCEWEN.
Mr. ZIMMER.
Mr. ROS-LEHTINEN.
Mr. HOPKINS.
Mr. FAWELL.
Mr. RITTER.

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Ms. PELOSI in two instances.
Mr. FEIGHAN.
Mr. TRAXLER.
Mr. SWETT.
Mr. HOYER.
Mr. KOSTMAYER.
Mr. TORRES.
Mr. SCHEUER.
Mr. CARDIN.
Mr. GUARINI.
Mr. PEASE.
Mr. JACOBS.
Mr. BRYANT.
Mrs. LOWEY of New York in two instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 273. Joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1642. An act to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes;

H.R. 1917. An act for the relief of Michael Wu; and

H.R. 2556. An act entitled the "Los Padres Condor Range and River Protection Act."

ADJOURNMENT

Mr. RIGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, accordingly (at 11 o'clock and 55 minutes p.m.) the House adjourned until tomorrow, Thursday, June 11, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executives communications were taken from the Speaker's table and referred as follows:

3728. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiscal year 1992 security assistance program allocations; foreign military financing grants (FMF–G); to the Committee on Appropriations.

3729. A letter from the Under Secretary of Defense, transmitting notification for funding to test conventional defense equipment manufactured by major allies of the United States, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

3730. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of Receipts and Disbursements of the Office of the Public Service Commission's Agency Trust Fund," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3731. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting its quarterly report concerning human rights activities in Ethiopia, covering the period January 15 through April 14, 1992, pursuant to Public Law 100–456, section 1310(c) (102 Stat. 2065); to the Committee on Foreign Affairs.

3732. A letter from the Under Secretary of State for Management, transmitting the International Narcotics Control Program for fiscal year 1992 financial plan, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on Foreign Affairs.

3733. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Kenneth L. Brown, of California, Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Ghana, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3734. A letter from the Corporation for Public Broadcasting, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3735. A letter from the inspector general, Office of Personnel Management, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3736. A letter from the Chairman, Panama Canal Commission, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3737. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3738. A letter from the Federal Prison Industries, Inc., Department of Justice, transmitting the fiscal year 1991 annual report of the board of directors of Federal Prison Industries, Inc., pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

3739. A letter from the U.S. Coast Guard, Department of Transportation, transmitting a report on options to prevent exotic species from entering U.S. waters in ships' ballast water, pursuant to Public Law 101–225, section 207(a) (103 Stat. 1913); to the Committee on Merchant Marine and Fisheries.

3740. A letter from the Secretary of Transportation, transmitting a biennial report, "The Status of the Nation's Local Mass Transportation: Performance and Conditions," pursuant to 49 U.S.C. 308(e); to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SOLARZ (for himself, Mr. HAMILTON, Mr. GILMAN, Mrs. MORELLA, Mr. RANGEL, Mr. LEWIS of Georgia, and Mr. BERMAN):

H.R. 5360. A bill to reaffirm the obligation of the United States to refrain from the involuntary return of refugees outside the United States; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. ENGEL:

H.R. 5361. A bill to establish an agency to coordinate activities related to exports; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, and Energy and Commerce.

By Mr. GLICKMAN:

H.R. 5362. A bill to amend the Federal Aviation Act of 1958 relating to general aviation accidents; jointly, to the Committees on Public Works and Transportation, the Judiciary, and Energy and Commerce.

By Mr. HAYES of Illinois (for himself, Mr. HORTON, Mrs. BYRON, Mr. GILMAN, Mr. MCCLOSKEY, Mr. MCNULTY, and Mrs. COLLINS of Michigan):

H.R. 5363. A bill to amend title 39, United States Code, to permit essential civilians supporting military operations, in an overseas area designated by the President, to mail at no cost, letters or recorded communications of a personal nature; to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER:

H.R. 5364. A bill to direct the Secretary of Health and Human Services to conduct a study of the feasibility and desirability of exempting services furnished to individuals who are over 21 and under 65 years of age in private freestanding psychiatric hospitals from the rule prohibiting Federal financial participation under title XIX of the Social Security Act for services furnished to such individuals in an institution for mental diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KOSTMAYER (for himself, Mr. MILLER of California, Mr. VENTO, Mr. DORGAN of North Dakota, Mr. PETRI, Mr. ZIMMER, and Mr. ANDREWS of Maine):

H.R. 5365. A bill to amend the Reclamation Project Act of 1939 to reform irrigation assistance repayments and to require the Secretary of the Interior to redetermine the ability of irrigators to repay construction charges at least every 5 years; to the Committee on Interior and Insular Affairs.

By Mr. LEACH (for himself, Mr. DURBIN, Mr. NUSSLE, Mr. EMERSON, Mr. NAGLE, Mr. PENNY, Mr. LIGHTFOOT, Mr. GRANDY, Mr. MICHEL, Ms. MOLINARI, Mr. JONTZ, Mr. COLEMAN of Missouri, Mr. BILIRAKIS, Mr. TALLON, Mr. DORGAN of North Dakota, Mr. SLATTERY, Mr. WALSH, Mr. PETERSON of Minnesota, Mr. BEREUTER, Mr. JOHNSON of South Dakota, Mr. ALLEN, Mr. EVANS, Mr. BOEHNER, Ms. NORTON, Mr. COX of Illinois, Mr. LANCASTER, Ms. LONG, Mr. ATKINS, Mr. HASTERT, Mr. BRUCE, and Mrs. MEYERS of Kansas):

H.R. 5366. A bill to require that all Federal printing be performed using cost-competitive inks whose pigment vehicles are made entirely from soybean oil, and for other purposes; jointly, to the Committees on House Administration and Government Operations.

By Ms. OAKAR:

H.R. 5367. A bill to provide for cost-of-living adjustments in 1993 under certain Government retirement programs; jointly, to the Committees on Post Office and Civil Service, Armed Services, Foreign Affairs, Intelligence (Permanent Select), and Energy and Commerce.

By Mr. OBEY:

H.R. 5368. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

By Mr. PAYNE of Virginia:

H.R. 5369. A bill to modify the boundary of Appomattox National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. ROBERTS (for himself, Mr. POSHARD, Mr. THOMAS of Wyoming, Mr. WILLIAMS, Mr. ESPY, Mr. SYNAR, Mr. LANCASTER, Mr. PAYNE of Virginia, and Mr. JOHNSON of South Dakota):

H.R. 5370. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act with respect to health professional shortage areas; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SANTORUM:

H.R. 5371. A bill to suspend until January 1, 1995, the duty on n-butylisocyanate; to the Committee on Ways and Means.

H.R. 5372. A bill to suspend until January 1, 1995, the duty on cyclohexylisocyanate; to the Committee on Ways and Means.

By Mr. ORTON:

H.J. Res. 506. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. WOLF, Mr. MCMILLEN of Maryland, Mrs. MORELLA, Mr. CARDIN, Mrs. BENTLEY, and Mr. MORAN):

H. Con. Res. 331. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Public Works and Transportation.

By Mr. ROBERTS:

H. Res. 478. Resolution to establish a panel of constitutional experts to recommend to the House an appropriate process for its selection of a President under the 12th and 20th articles of amendment to the Constitution; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

485. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to "Japan-Bashing" and "America-Bashing"; jointly, to the Committees on Ways and Means, the Judiciary, and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 258: Ms. PELOSI.

H.R. 784: Mr. MCCLOSKEY and Mr. DORNAN of California.

H.R. 806: Mr. BROWN.

H.R. 815: Mr. SANGMEISTER.

H.R. 911: Mr. PACKARD.

H.R. 1244: Mr. ENGEL.

H.R. 1443: Mr. HOCHBRUECKNER and Ms. KAPTUR.

H.R. 1473: Mr. STALLINGS.

H.R. 1536: Mr. SHAW.

H.R. 1916: Mr. ROE.

H.R. 2070: Mr. GUARINI and Mr. SWETT.

H.R. 2083: Mr. LEVIN of Michigan.

H.R. 2248: Mr. STUDDS.

H.R. 2966: Mr. OBERSTAR.

H.R. 3071: Mr. STALLINGS, Mr. COX of California, and Mr. ALLEN.

H.R. 3164: Mr. LIPINSKI, Mr. WALSH, and Mr. HAYES of Illinois.

H.R. 3258: Mr. RAY.

H.R. 3311: Mr. MCCOLLUM.

H.R. 3373: Mr. GRANDY and Mr. RITTER.

H.R. 3471: Mr. FISH.

H.R. 3477: Mr. GALLO.

H.R. 3598: Mr. LIPINSKI.

H.R. 3871: Mr. RAVENEL, Mr. ABERCROMBIE, Mr. MANTON, Mr. POSHARD, Mr. MACHTLEY, Mr. SCHEUER, Mr. LIPINSKI, Mr. MRAZEK, and Mr. SABO.

H.R. 3986: Mrs. BOXER.

H.R. 3989: Mr. FISH.

H.R. 3992: Mr. FISH.

H.R. 4008: Mr. FOGLIETTA, Mr. ENGEL, Mr. BUSTAMANTE, and Mr. ZELIFF.

H.R. 4031: Mr. BROWN.

H.R. 4034: Mr. FISH.

H.R. 4083: Mr. COYNE and Mrs. LLOYD.

H.R. 4104: Mr. HYDE.

H.R. 4176: Mr. LAUGHLIN.

H.R. 4208: Mr. MCDERMOTT.

H.R. 4275: Mr. OWENS of New York, Mr. LANTOS, Mr. SWETT, and Mr. SMITH of New Jersey.

H.R. 4320: Mr. TOWNS, Mr. WILSON, Mr. TORRES, Mrs. SCHROEDER, and Ms. DELAURO.

H.R. 4571: Mr. BROWN, Mr. SANGMEISTER, Mr. ATKINS, Mr. SERRANO, and Mr. HAYES of Illinois.

H.R. 4595: Mr. LAGOMARSINO and Mr. WOLF.

H.R. 4600: Mr. ZIMMER.

H.R. 4601: Mr. ZIMMER.

H.R. 4602: Mr. ZIMMER.

H.R. 4603: Mr. ZIMMER.

H.R. 4604: Mr. ZIMMER.

H.R. 4605: Mr. ZIMMER.

H.R. 4606: Mr. ZIMMER.

H.R. 4608: Mr. ZIMMER.

H.R. 4609: Mr. ZIMMER.

H.R. 4689: Mr. COX of California, Mr. KASICH, Mr. DOOLITTLE, and Mr. BROWN.

H.R. 4790: Mr. DEFAZIO, Mr. PAXON, Mr. WALSH, Mr. QUILLEN, Mrs. SCHROEDER, Mr. TRAXLER, Mr. KOPETSKI, Mr. ZELIFF, Mr. EWING, and Mr. SCHUMER.

H.R. 4961. Mr. DOOLITTLE.

H.R. 5000: Mr. GILCREST.

H.R. 5010: Mr. BEILENSON, Mr. HAYES of Illinois, and Mr. BUSTAMANTE.

H.R. 5014: Mr. BEREUTER, Mr. NAGLE, Mr. KLUG, and Mr. DINGELL.

H.R. 5024: Mr. DIXON, Mr. TRAXLER, Mr. BATEMAN, Mr. CLEMENT, Mr. QUILLEN, and Mr. BONIOR.

H.R. 5124: Mr. HYDE and Mr. OWENS of New York.

H.R. 5126; Mr. ABERCROMBIE, Mr. BOEHLERT, Mr. CALLAHAN, Mr. CONDIT, Mr. DINGELL, Mr. DWYER of New Jersey, Mr. GEKAS, Mr. GREEN of New York, Mr. HOAGLAND, Mr. JENKINS, Mr. KLECZKA, Mr. LAROCCO, Mr. LENT, Mr. MICHEL, Mr. RITTER, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. VISCLOSKY, Mr. WILLIAMS, Ms. MOLINARI, Mr. GEPHARDT, Mr. KASICH, Mr. BILBRAY, Mr. BUSTAMANTE, Mr. CARR, Mr. DAVIS, Mr. DOWNEY, Mr. FAZIO, Mr. GEREN of Texas, Mr. HERTEL, Mr. HOBSON, Mr. JOHNSON of Texas, Mr. LAFALCE, Mr. LEHMAN of California, Mr. MCGRATH, Mr. MOORHEAD, Mr. ROGERS, Mr. SIKORSKI, Mr. THOMAS of Georgia, Mr. WHEAT, Mr. WOLPE, Mr. FROST, Mr. ROWLAND, and Mr. HAMMERSCHMIDT.

H.R. 5155: Mr. KOPETSKI and Mr. SOLOMON.

H.R. 5209: Mr. HAYES of Illinois.

H.R. 5219: Mr. EVANS and Mr. BUSTAMANTE.

H.R. 5229: Mr. BALLENGER, Mr. HANCOCK, Mr. ALLEN, Mr. THOMAS of Wyoming, Mr. KYL, Mr. BUNNING, Mr. DELAY, Mr. BOEHNER, Ms. ROS-LEHTINEN, Mr. ZELIFF, Mr. DOOLITTLE, and Mr. GINGRICH.

H.R. 5240: Mr. WALSH, Mr. BOEHLERT, Mr. BILIRAKIS, Mr. ROBERTS, Ms. SLAUGHTER, Mr. KLUG, Mr. STUDDS, Mr. SUNDQUIST, Mr. COX of California, Mr. GUNDERSON, and Mr. SHAYS.

H.R. 5258: Mr. BALLENGER, Mr. DANNEMEYER, Mr. GILCHREST, Mr. HENRY, Mr. MCGRATH, Mr. HORTON, Mr. INHOFE, Mr. ZELIFF, Mr. RITTER, Mr. SENSENBRENNER, Mr. AUCOIN, Mr. BUSTAMANTE, Mr. JOHNSON of South Dakota, Mr. HALL of Ohio, Mr. JONES of Georgia, Mr. MANTON, Mr. MAVROULES, Mr. KENNEDY, Mr. MCCURDY, Mrs. MINK, Mr. OBERSTAR, Mr. PENNY, Mr. SISISKY, Mr. PRICE, Mr. SWIFT, and Mr. TOWNS.

H.R. 5263: Mr. COLORADO.

H.R. 5282: Mr. BUSTAMANTE and Mr. FEIGHAN.

H.R. 5325: Mr. COUGHLIN and Mr. MCEWEN.

H.J. Res. 239: Mrs. MEYERS of Kansas.

H.J. Res. 271: Mr. DE LA GARZA, Mr. BOEHLERT, Mr. SKAGGS, Mr. KOPETSKI, Ms. KAPTUR, Mr. MORAN, Mr. PAYNE of Virginia, Mr. GEREN of Texas, Mr. MCCURDY, Mr. BEVILL, Mr. PASTOR, Mr. BEILENSON, Mrs. BOXER, Mr. FAZIO, Mr. LANTOS, Mr. MARTINEZ, Mr. WAXMAN, Mr. MCMILLEN of Maryland, Mr. SWETT, Mr. LAUGHLIN, and Mr. HAMMERSCHMIDT.

H.J. Res. 351: Mr. FISH.

H.J. Res. 391: Mr. MCCLOSKEY and Mr. KOLTER.

H.J. Res. 455: Mr. LIPINSKI, Mr. ARCHER, Mr. CALLAHAN, Mr. CLEMENT, Mr. COLEMAN of Texas, Mr. BENNETT, Mr. RANGEL, Mr. ESPY, Mr. GINGRICH, Mr. GRANDY, Mr. EDWARDS of Texas, Mr. DOOLITTLE, Mr. DE LUGO, Mr. KASICH, and Mr. GEREN of Texas.

H.J. Res. 469: Mr. BEVILL, Mr. VENTO, Mr. SANGMEISTER, Ms. DELAURO, Mr. DYMALLY, Mr. MCDERMOTT, Mr. DARDEN, Mr. SHAW, Mr. LEWIS of Georgia, Mr. COLEMAN of Texas, Mr. EMERSON, Mr. DEFAZIO, Mr. ACKERMAN, Mr. WAXMAN, and Mr. LEVINE of California.

H.J. Res. 476: Mr. DOWNEY, Mr. DEFAZIO, Mr. BRUCE, Mr. HAMMERSCHMIDT, and Mr. FOGLIETTA.

H.J. Res. 478: Mr. EVANS, Mr. BUSTAMANTE, Mr. HALL of Ohio, and Mr. DINGELL.

H.J. Res. 479: Mr. HUGHES, Mr. QUILLEN, Mr. SANGMEISTER, Mr. BUSTAMANTE, and Mr. TORRICELLI.

H.J. Res. 486: Mr. WAXMAN, Mr. HAMMERSCHMIDT, Mr. GILCHREST, Mr. LENT, Mr. RANGEL, Mr. MCDERMOTT, Mr. MORAN, Mr. KASICH, Mr. BORSKI, Mr. BREWSTER, Mr. HAMILTON, Mr. PICKETT, Mr. STOKES, Mr. JEFFERSON, Mr. SHAYS, Mr. BARTON of Texas, Ms. NORTON, Mr. MONTGOMERY, Mr. OBERSTAR, Mr. HERTEL, Mr. GUNDERSON, Mr. DE LA GARZA, Mr. CONDIT, Mr. LIVINGSTON, Ms. SNOWE, Mr. KILDEE, Mr. TAYLOR of North Carolina, Mr. ROHRABACHER, Mr. WISE, Mr.

PERKINS, Mr. KOPETSKI, Mr. NAGLE, Mr. MCMILLEN of Maryland, Mr. COLEMAN of Texas, Mr. SMITH of Florida, Ms. PELOSI, Mr. DORNAN of California, Mr. MARTIN, Mr. BLILEY, Mr. COX of California, Mrs. MINK, Mr. FAWELL, Mr. GILMAN, Mr. HUNTER, Mr. HYDE, Mr. PURSELL, Mr. LEWIS of Florida, Mr. MCCRERY, Mr. MCGRATH, Mr. MCCOLLUM, Mr. MCDADE, Mr. INHOFE, Mr. EMERSON, Mr. PAXON, Mr. QUILLEN, Mr. MFUME, Mr. LEWIS of California, Mr. RINALDO, Mr. RHODES, Mr. RIGGS, Mrs. JOHNSON of Connecticut, Mr. MAZZOLI, Mr. TOWNS, Ms. HORN, Mr. GUARINI, Mr. BUSTAMANTE, Mr. ESPY, Mr. HOCHBRUECKNER, Mr. LAFALCE, Mr. LIPINSKI, Mr. STARK, Mr. FAZIO, Mr. CHAPMAN, Mr. FALEOMAVAEGA, Mr. HASTERT, Mr. ROEMER, Mr. SISISKY, Mr. FROST, Mr. RAMSTAD, Mrs. VUCANOVICH, Mr. CAMP, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. MCCLOSKEY, Mr. WYLIE, Mr. BATEMAN, Mr. HORTON, Mr. RAVENEL, Mr. HANSEN, Mr. BENNETT, Mr. COBLE, Mr. SCHAEFER, Mr. WALSH, Mr. JONES of Georgia, Mr. WEISS, Mr. YATRON, Mr. ASPIN, Mr. BERMAN, Mr. BILBRAY, Mr. COSTELLO, Mr. CLEMENT, Mr. DICKS, Mr. DELLUMS, Mr. DIXON, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EVANS, Mr. GEREN of Texas, Mr. CONYERS, Mr. MOAKLEY, Mr. MURPHY, Mr. ROE, Mr. SABO, Mr. SAVAGE, Mr. SCHEUER, Mr. SERRANO, Mr. SHARP, Mr. SKELTON, Mr. SOLARZ, Mr. VOLKMER, Mrs. UNSOELD, Mr. OWENS of New York, Mr. TRAXLER, Mr. TORRICELLI, Mr. SLATTERY, Mr. SPRATT, Mr. STAGGERS, Mr. WOLPE, Mr. MCNULTY, Mr. NATCHER, Mr. NEAL of North Carolina, Mr. PRICE, Mr. BACCHUS, Mr. CALLAHAN, Mr. THOMAS of Georgia, Mr. BUNNING, Mr. SHAW, Mr. WEBER, Mr. SAXTON, Mr. MAVROULES, Mr. TORRES, Mr. SCHIFF, Mr. REGULA, Mr. VANDER JAGT, Mr. IRELAND, Mr. GINGRICH, Mr. COUGHLIN, Mr. GEKAS, and Mr. SKEEN.

H.J. Res. 495: Mr. STOKES, Mr. SOLOMON, Mr. FROST, Mr. SANGMEISTER, Mr. BUSTAMANTE, and Mr. SAXTON.

H. Con. Res. 298: Mr. SCHIFF, Ms. MOLINARI, Mr. KOPETSKI, Mr. WOLPE, Mr. STOKES, Mrs. BOXER, Mr. JOHNSTON of Florida, Mr. BURTON of Indiana, Mr. DURBIN, Mr. EVANS, Mr. LANCASTER, Mr. HUGHES, Mr. GLICKMAN, Mr. GILLMOR, Mr. JEFFERSON, Mr. FISH, Mr. SHAW, and Mr. PAXON.

H. Con. Res. 316: Mr. MCHUGH, Mr. LIGHTFOOT, Mr. SISISKY, Ms. DELAURO, Mr. FASCELL, Mrs. KENNELLY, Mr. GEPHARDT, Mr. MILLER of Washington, Mr. SMITH of New Jersey, and Mr. BURTON of Indiana.

H. Con. Res. 321: Mr. LANCASTER, Mr. PAYNE of Virginia, Mr. MARLENEE, Mr. ESPY, and Mr. JOHNSON of South Dakota.

H. Con. Res. 325: Mrs. SCHROEDER, Mr. KOPETSKI, Mr. GIBBONS, Mr. HAYES of Illinois, and Mr. MCMILLEN of Maryland.

H. Res. 272: Mr. GUNDERSON, Mr. ENGEL, and Mr. FISH.

H. Res. 314: Mr. BROWN.

H. Res. 372: Ms. SLAUGHTER, Mr. STALLINGS, Mr. GREEN of New York, and Mr. FISH.

H. Res. 417: Mr. KLECZKA.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. Res. 290

By Mr. KYL of Arizona:

—Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Except as provided in this article, outlays of the United States Government for any fiscal year may not exceed its receipts for that fiscal year.

"SECTION 2. Except as provided in this article, the outlays of the United States Government for a fiscal year may not exceed 19 percent of the Nation's gross national product for that fiscal year.

"SECTION 3. The Congress may, by law, provide for suspension of the effect of sections 1 or 2 of this article for any fiscal year for which three-fifths of the whole number of each House shall provide, by a rollcall vote, for a specific excess of outlays over receipts or over 19 percent of the Nation's gross national product.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 5. The President shall have power, when any Bill, including any vote, resolution, or order, which contains any item of spending authority, is presented to him pursuant to section 7 Article I of this Constitution, to separately approve, reduce, or disapprove any spending provision, or part of any spending provision, contained therein.

"When the President exercises this power, he shall signify in writing such portions of the Bill he has approved and which portions he had reduced. These portions, to the extent not reduced, shall then become a law. The President shall return with his objections any disapproved or reduced positions of a Bill to the House in which the Bill originated. The Congress shall separately reconsider each such returned portion of the Bill in the manner prescribed for disapproved Bills in section 7 of Article I of this Constitution. Any portion of a Bill which shall not have been returned or approved by the President within 10 days (Sundays excepted) after it shall have been presented to him shall become a law, unless the Congress by their adjournment prevent its return, in which case it shall not become a law.

"SECTION 6. Items of spending authority are those portions of a Bill that appropriate money from the Treasury or that otherwise authorize or limit the withdrawal or obligation of money from the Treasury. Such items shall include, without being limited to, items of appropriations, spending authorizations, authority to borrow money on the credit of the United States or otherwise, dedications of revenues, entitlements, uses of assets, insurance, guarantees of borrowing, and any authority to incur obligations.

"SECTION 7. Sections 1, 2, 3, and 4 of this article shall apply to the third fiscal year beginning after its ratification and to subsequent fiscal years, but not to fiscal years beginning before October 1, 1996. Sections 5 and 6 of this article shall take effect upon ratification of this article.

EXTENSIONS OF REMARKS

THE NEW REPUBLIC ON THE 6-DAY WAR

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. FEIGHAN. Mr. Speaker, today marks the 25th anniversary of the successful conclusion of the 6-day war in which Israel repelled an attack by the combined armies of Egypt, Syria, Jordan, Saudi Arabia, and Iraq. Today, a quarter century later, it is difficult recalling how miraculous Israel's swift victory seemed. In fact, just prior to Israel's preemptive strike that eliminated the Egyptian air force, it appeared that it was Israel that would be eliminated.

As Ahmad Shuqairi, then head of the PLO put it, the Israeli survivors of the Arab attack would be "repatriated to their countries of origin * * * but I estimate none of them will survive." The rhetoric emanating from more traditional Arab leaders was no more soothing. The call throughout the Arab world was for eradicating Israel. The survivors of the Holocaust, and their progeny, were under a death sentence.

It didn't turn out that way. Instead, the Israeli defense forces struck first and, when the fighting ended, Israel had reunified the divided city of Jerusalem and won control of the West Bank, the Sinai Peninsula, and the Golan Heights.

It is worth noting that, contrary to a common view, the Middle East conflict did not begin with Israel's 1967 victory. The Arab States, united in determination to destroy Israel, were not waging war for the Palestinians or for the West Bank. The West Bank was then under Jordanian control. If the Arab world had any interest in establishing a state for the Palestinians, a state with Jerusalem as its capital, it could have done so at any point between 1948 and 1967.

But there was no interest in establishing any sort of West Bank state for the Palestinians until the West Bank fell under Israeli control. It was only then, after 1967, that the West Bank became the core of the Arab-Israeli dispute. Before then, no one much cared about who controlled it. Just as no one much cared about the Palestinians.

Today much has changed. Fortunately, on all sides, there seems to be a growing resolve about ending the Arab-Israeli conflict and solving the problem of the displaced Palestinians. But let us not forget how we came to the current situation. That situation is not ideal but it is infinitely superior to the alternative we would be living with if Israel had not prevailed in 1967: a world without a Jewish state, a world without Israel, a world in which the haven built for the survivors of the Holocaust was wiped out.

Mr. Speaker, I want to commend to your attention an editorial in the June 22, 1992, New Republic which sums up the legacy of the 1967 war. I have become accustomed to seeing the best writing on politics, international affairs, and recently, cultural events appearing in New Republic. Under its new editor, Andrew Sullivan, New Republic has secured its place as the leading opinion journal in this country. This editorial is typical of the high quality we have all come to expect from this magazine.

[From the New Republic, June 22, 1992]

THE GOOD WAR

The present cartography of the Middle East owes its origins to the League of Nations and to the warrant the League gave the victorious powers of World War I to contrive new states out of the huge, inchoate (but collapsed) Ottoman Empire. The first partition of Palestine in 1922 would be followed by another partition in 1947, but the quarter of 1 percent of Ottoman lands vouchsafed to the Jews would yet be too much for the Arabs. On the morrow of Israel's founding in 1948 a war was waged against the new state, and lost; and the land that the U.N. had envisaged for yet one more Arab state, this to be in western Palestine, was occupied by Jordan and Egypt. Then, in 1967, the Arab states started another war, the Six-Day War, more traumatic in outcome than even the first. After dazzling defensive maneuvers Israel occupied the land from which Egypt, Syria, and Jordan had launched their coordinated acts of aggression. And, true to form, the big powers soon began counseling concessions Israel might make to concililate its irreconcilable enemies, concessions that would restore the perils under which it had lived for twenty years.

George Bush himself has a hankering for this status quo ante, and is infuriated that Israel won't follow his nostalgic lead. He is not alone in this impatience. Memory plays tricks on history, and doubtless there are millions who believe the Israeli occupation of the disputed territories is a cause of the Jewish-Arab conflict rather than one of its consequences.

It is now a quarter century since Gamal Abdel Nasser, incited by the Soviet Union, whipped up a hysteria that enticed the other Arabs into what they had been persuaded would be the final reckoning with the Jews. As Fouad Ajami has reminded us, the then head of the Palestine Liberation Organization, Ahmad Shuqairi, assured the world that Israelis "born elsewhere would be repatriated to their countries of origin." The rest could remain in Palestine but, as Shuqairi put it, "I estimate none of them will survive." Now such rhetoric seems the stuff of phantasm, but Israelis cannot overlook—and we shouldn't either—the grisly routines of carnage and plunder that still obtain in the Arab world, most assuredly in its two strongest states, Syria and Iraq, and also in the state-presumptive of Palestine. Of the latter there is ample evidence, first in the brutal but widely ignored behavior of the PLO when it lorded over southern Lebanon from 1976 to 1982, and, more recently, in the nearly 600 assassinations carried out with pickax and butcher knife against other Palestinians by "the children of stones," so-called, gangsters with an armed doctrine.

Twenty-five years ago, this magazine editorialized: "To appreciate the shattering significance of Israel's victory, one must try to imagine the world as it would have been had Israel lost on the battlefield or remained passive only to expire later from slow strangulation." Radical Arab states would have won the upper hand against the petroleum dynasts, and the Soviets would have held the Arab card in world politics. We did not grasp this in 1967, so we watched the agony of the Jews from afar. The fact is that Israel fought with its back to the sea, and it fought against an attempted genocide. It also learned lessons about whom it should not trust. When Nasser demanded that the U.N. secretary-general withdraw international forces from the Egyptian-Israeli border, a cowed U Thant capitulated, and within days there were 80,000 Egyptian troops in Gaza. Then Nasser closed the Straits of Tiran to Israeli shipping, cutting the beleaguered country off from trade with East Africa and Asia. (The Suez Canal had already been closed to vessels to and from Israel.) The Dutch were willing to run the blockade in the Gulf of Aqaba but only with others, and the significant other, the United States, wouldn't think of it, not even Israel's putative great friend, Lyndon Johnson. The American guarantee that had persuaded Israel to evacuate the Sinai in 1957 had turned out to be no guarantee at all. So while the United States played for time, the Israelis were playing for their lives. They stood alone and fought alone, and they won't forget that they had only the handwringing of Washington on their side. What would have happened had they not succeeded in taking out virtually the entire Egyptian air force in the first few hours of June 5 is too horrendous to contemplate.

Historians these days speculate in what they call "counter-factuals." Suppose, then, that the Israelis had won the war but not held the West Bank. Of one thing we can be sure: there would not now be in the territories anything remotely like a Palestinian state. Palestinian nationalism would have been a secret, soundly kept in check by King Hussein. But if such an entity did exist, it would be neither democratic nor pluralistic nor even tolerant. Actually, no such order now exists anywhere in the Arab world; and the world of the Palestinians, despite its elegant and eloquent spokesmen and spokeswomen, is very much a part of that world. How else can we read the Palestinian enthusiasm for Saddam's Iraq? Such enthusiasm is not easily romanticized even by those who have romanticized the Soviets and the Chinese elites, the Cubans and the North Vietnamese.

On the right, however, romanticization is hardly the motive. In ratifying the extension of Syrian dominion over Lebanon, in certifying Iraq's established borders as inviolate, Messrs. Bush and Baker have assented to exquisite suffering as a quotidian fact of Arab political life. Their sympathy for the Palestinians is about as convincing as their sympathy for the Jews. We believe that even-handedness with reference to Israel and the Arab states would be an inappropriate U.S. policy in the Middle East: our country

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

should not be neutral between a proven friend and habitual foes, between a democratic polity and seasoned tyrannies. But this administration is not even neutral. Since the Bush ascendancy America has clearly tilted against Israel. And it is not just atmospherics. We know, for example, what Washington wants from Israel in the early stages of negotiations. It wants Israel to give up settlements. But what does Washington want from the Arab states? Nothing discernible. In fact, it remains mute when Syria and its Lebanese satrap ignore the multilateral regional talks that Baker has touted as the innovative keystone of the peace process.

And what does Washington ultimately want from Israel? It has let slip from the United States still supports the right of refugee Arabs of 1948 (and their descendents) to return to their old homes in Haifa and Safed. Needless to say, this right of return does not, in the official American view, extend to uprooted Jews who not so long ago lived in Hebron and east Jerusalem. (Of course, those Jews who demand their right of return to Silwan don't acknowledge an Arab right to return to Baka.) The American reiteration of a U.N. resolution passed more than forty years ago encourages the Arab states, who need scarce encouragement, to magnify their demands. It also suggests the administration in fact accepts what the Israeli right has long charged: that what is at issue at the conference is not simply the occupied territories but the character of Jerusalem and of pre-1967 Israel itself.

Now, it would be good if Israel were able to ease its rule over the one-and-a-half million Arabs in the territories. Occupations debilitate occupied and occupiers alike. Maybe there is a formula, consistent with Israeli security, whereby the burden of the Jewish military presence could be lifted from the Palestinian Arabs and a measure of autonomy given them, of a kind no one contemplates for the Kurds or Shiites of Iraq or the Maronites of Lebanon. In the meantime it is instructive to note that both the administration (with its heavy-handed obiter dicta) and the Palestinians (by an intensification of terror) are doing everything they can to ensure a continuation of hardline Likud government. Could it be that they know a genuinely conciliatory Labor government would preclude Washington from imposing its own preferred solutions on Jerusalem? But even these would not enhance the career of democracy and constitutionalism among the Arabs. Arab politics is what it is: the Palestinians will not suddenly produce the great exception. In any case, it is neither democracy nor constitutionalism that motivates Bush. He just wants to cut Israel down to size.

But doing so carries with it responsibilities that even an administration unfriendly to Israel will not be able to avoid. An Israel deprived of what it requires to defend itself will expect the United States to compensate for its loss of strategic advantages. This means that the United States would need to be committed to guaranteeing Israel's security against all foes. We might try to enmesh the U.N. in these assurances, but such an arrangement would add no moral authority to the enterprise, either for Israel or for the Arabs. The crucial ingredient, American will, would be suspect from the start, and the Arab states would test it relentlessly. It is not, moreover, just American politics that would cripple us, as it did in 1967, but the now permanently degraded state of our economy, a factor that does not explain American inaction twenty-five years ago. There is also the fact that no American guarantees, however well intended and however reliable, can possibly protect the Israelis from terrorism, that psychologically unnerving and politically destabilizing weapon of the displaced and the resentful.

What persuades the United States to become an instrument of this resentment against Israel? What concrete concerns do Americans have in the alleys of Nablus and Jenin? Not many. As it happens, Israel has a greater interest in finding a more peaceful way of living with its neighbors than we do. We can encourage the Israelis to be more daring in their concessions, more generous. But if we bully them into ceding those small margins of safety that may mean the difference between life and death, we are setting them up for a fall, and setting ourselves up for one too. In 1967, seeing that the United States would not honor our grave commitments to the Jewish state, Israel had the courage and wherewithal to strike for its own survival. In doing so it also served American interests well. The next time it won't be so easy. We should not push our luck.

IN HONOR OF ELIZABETH AND SHERMAN SMITH: CELEBRATING THEIR GOLDEN ANNIVERSARY ON JULY 13, 1992

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. PANETTA. Mr. Speaker, I rise today in honor of Elizabeth and Sherman Smith who will be celebrating their 50th wedding anniversary on June 13, 1992.

Sherman Smith was serving in the U.S. Army stationed at Fort Sill, OK when he and Liz were married on June 13, 1942. In July, only a month after their wedding, Sherman attended Officers Candidate School and was commissioned as a 2d lieutenant in September 1942. Sherman's first duty assignment was at Fort Robinson, AR and then in February 1943, Sherman and Liz were stationed at Fort Huachuca, AZ with the 92d Infantry Division. In October 1943, Sherman attended flight school in Tuskegee, AL and then returned to Fort Sill for advanced training. In 1944, Sherman received a U.S. Army pilot designation and was assigned to New Guinea. At this time, Liz was pregnant with their first child, and moved to Los Angeles to be with her mother where in April, their son, Sherman, Jr. was born. In June, when Liz bought their first home, Sherman returned from New Guinea to see his son for the first time. In 1945, Sherman was sent to Fort Jackson, SC and in 1950, while stationed in Japan, was sent to fight in the Korean war. Liz and Sherman, Jr. remained in Japan during the war and then in 1951, the three were united again and returned stateside where Sherman began rotary wing pilot training. For the last 10 years of Sherman's military career, he and his family were based in all parts of the country until, while based at Fort Ord, Sherman retired from the military service. He began work as a civil servant at Fort Ord and retired a second time in 1989.

Throughout the years, both Sherman and Liz have volunteered their time and services to their community. Sherman was elected to serve on the Monterey Peninsula College board of trustees and has served as a member for the past 27 years. Liz served on the grand jury and has been actively involved with the NAACP and the Monterey Bay Links. Both have worked hard to help improve the living conditions of the community. They have fought for public education, for better working conditions, and for civil rights. They have served both family and community and we, the 16th Congressional District of California, are deeply grateful for their contributions.

Mr. Speaker, I ask my colleagues to join me now in congratulating Sherman and Liz on their golden anniversary. I have known Sherman and Liz for many years. My wife, Sylvia, and I have worked with them on many local issues, and we are thankful for their active participation in the community.

There are very few people who are able to experience the kind of love and commitment that Liz and Sherman have shared, and their dedication to friends, family, and the community is an inspiration to those they come in contact with. It is my hope that they will continue to share a lifetime of happiness with each other for many years to come.

VISITING NURSE ASSOCIATION RAISES FUNDS FOR HOMELESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the outstanding service to the homeless and the ill provided by the Visiting Nurse Association of Dade County. As one of the United Way agencies in Dade County, The Visiting Nurse Association has provided care to the sick, elderly, and high risk infants for over 47 years. They are often the only recourse for indigent patients who, released from a hospital, still need comprehensive health care, but have no family, funds, or insurance to provide care in the home, and often have no home. The visiting nurses are often the only resource available to AIDS patients, who are often made indigent by their inability to work and the high cost of treatment for this insidious disease.

On June 13 of this year, under the leadership of Dorothy Brown-Forrest, the Visiting Nurse Association is hosting a fundraiser to gather funds for their service to the needy. The proceeds will be used to increase the number of needy patients they can serve, to obtain medical supplies, medicines, and food.

The banquet will honor two of the founders of the Dade County Visiting Nurse Association.

Dr. Jean Jones Perdue served as an associate professor at the University of Miami Medical School. She developed a home care program while serving as medical director of the Continuing Patient Care Division at Jackson Memorial Hospital. She went on to serve the community as Medical Director of the Dade County Department of Welfare, and the Nation as a member of the White House Conference on Aging.

Dr. James J. Hudson began his public service in the U.S. Navy in 1944. After his Naval service he entered private medical practice with his father. He has served on the boards of numerous community agencies including the Papanicolaou Cancer Research Center, Fairhaven Nursing Center, Floridian Nursing Home, and the Suzanna Wesley Retirement Village. He served on the board of the Visiting Nurse Association longer than any other member in the history of the association.

Mr. Speaker, I commend the Visiting Nurse Association for their greatly needed service to the poor and infirm of Dade County. And I thank Dr. Hudson and Dr. Perdue for their valuable service to that organization, to the community, and to the United States.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF LOWELL HIGH SCHOOL'S FORENSIC SOCIETY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. PELOSI. Mr. Speaker, I rise today to commemorate the 100th anniversary of San Francisco's Lowell High School Forensic Society. The forensic program at Lowell, designated as the oldest high school speech and debate society in the United States, has brought real credit to the school, while providing many students with the poise and confidence necessary for future professional careers.

The Lowell Forensic Society was founded in 1892 by a group of students, who held meetings out of their homes with the intention of honing their public speaking skills. In 1897, the group obtained faculty sponsors and was granted permission to hold their meetings at the high school, where the society has met ever since. Originally, the society limited its activity to debates between members, but soon expanded to meet teams from Berkeley, Oakland, and Santa Clara, then competed throughout the State, as well as the national level.

Throughout the years, Lowell's forensic program has earned great respect and filled the school's trophy cases. In 1930, the Lowell High School team debated collegiate teams from Stanford and UC Berkeley and won each competition handily. Lowell quickly consolidated its position as the preeminent power in high school debating.

Forensics has been consistently one of the most popular programs at the Lowell High School. This is due in no small part to two men who were responsible for 70 years of stewardship of Lowell debating—George Lorbeer, who served as forensic coach from 1921–54. and Jack Anderson, a former Lowell student. Mr. Lorbeer was a guiding force in cultivating young, bright debating champions, many of whom went on to distinguish themselves in the fields of law, politics, and literature. In 1990, Mr. Lorbeer's contributions prompted his induction into the California High School Speech Association Hall of Fame. Mr. Anderson, one of Lowell's champion debaters in the 1940's has worked for the past 38 years to encourage a host of young students to develop their intellectual skills and speaking prowess through debate.

Noted Lowell Forensic Society alumni include former California Gov. Edmund G. "Pat" Brown, and entertainer Carol Channing. Many lawyers, judges, and members of the State senate and assembly also have been products of this program.

Mr. Speaker, I salute the Lowell High School Forensic Society and its past and present members, and I sincerely hope that Mr. Lorbeer's debating philosophy—"The only losers are those who do not participate"—may serve as an anthem for many future generations at Lowell High School.

CLEAN AIR

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. OWENS of Utah. Mr. Speaker, the environmental President has done it again, or rather, not done it again. This time he has again taken on the clear intent of Congress to give the American people control of their air quality. This is only the 35th time in the last year and a half that the President and his surrogate DAN QUAYLE have violated not just the spirit but the law of the Clean Air Act Amendments of 1990 in their overtly antienvironmental administrative rulemaking. He has even, and not for the first time, muzzled his valiant but beleaguered director of the EPA, Bill Reilly, who surely must miss those halcyon days at the World Wildlife Fund at times like these.

The President has insisted that the EPA issue regulations that prevent public involvement when industry seeks to increase the amount of air pollution it is permitted to release into the air. If we aren't even notified of an increase in air pollution in our neighborhoods through implementation of the Clean Air Act amendments, how can we hope to improve air quality and drive industry toward tighter pollution controls? Bill Reilly said the Clean Air Act amendments were plain on their face in providing for public notification, involvement, and review, and they are. But Congress giveth, and the President taketh away. It's extraconstitutional, illegal, and improper. It raises serious questions about the President's much ballyhooed commitment to clean air.

Let's clear the air on November 3. Let's make George Bush an exenvironmental President. It almost makes you miss Ronald Reagan. He had no environmental agenda, conscience, or commitment, either, but at least he had the courage to admit it.

A SALUTE TO DALE MELSNESS, A TRUE AMERICAN HERO

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. STOKES. Mr. Speaker, on Tuesday, June 9, the U.S. Congress in conjunction with National Partners will honor 14 Pathfinders award winners for their unique contributions to the fight against AIDS. I am honored to have had one of my constituents nominated for this important award. National Partners recognized Dale Melsness for his leadership and achievements in the fight against HIV/AIDS.

I rise today to salute Dale Melsness, an outstanding citizen in my district, who has helped many people in the fight against AIDS. Having spent numerous hours counseling AIDS patients throughout the Cleveland area, Mr. Melsness is the epitome of a first-class citizen.

As one of the Ohio organizers for the Names Project Memorial quilt, Mr. Melsness realizes the importance of AIDS education. He has dedicated his energy to informing local students, families, teachers and workers about the dangers of the virus. Mr. Melsness uses the Names Project Memorial quilt as a tool to help family members of the AIDS victims. As the family members sew new patterns onto the quilt, a catharsis period is created. It is at this point that Mr. Melsness acts as a listener, counselor, and friend.

Mr. Melsness' ability to make a difference in the lives of others and his desire to create avenues for those in need has made him a "pathfinder" as defined by National Partners.

Mr. Speaker, fighting AIDS is a battle Mr. Melsness has chosen to combat despite the lack of tangible rewards. His reward is knowing he has helped someone who would not have been helped otherwise. His reward is knowing he has been the emotional support for someone in need. His reward is knowing he had made the difference in someone's life.

Mr. Melsness also helped to return happiness to the lives of the AIDS patients by lending his talents to the theatrical world in the name of AIDS. As the technical director for a community theater, Mr. Melsness often uses the theater as a vehicle in the fight against AIDS.

Mr. Melsness is a unique Cleveland native because unlike the majority of the other 130 people recognized by National Partners, he is not a member of the health profession. Mr. Melsness has chosen to help HIV/AIDS patients out of a desire to help his fellow man.

Mr. Speaker, it is the kindness exuded by people such as Mr. Melsness which makes me proud to be a representative of the 21st district. Also, I strongly believe that people with Mr. Melsness' high caliber are a much needed rare breed. At this time, I would like to join the organization, National Partners, in honoring Mr. Melsness.

HISPANIC CONTRIBUTION TO U.S. MILITARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, this country has had numerous heroes who have served in the military and risked their very existence. As inheritors of the freedom they arduously fought for, many are becoming increasingly aware of the contributions Hispanics have made in the Armed Forces of the United States.

For example, Pfc. Jose Valdez found himself fighting the enemy and the odds in a World War II battle as he valiantly and unselfishly placed his life on the line for the lives of fellow soldiers. He fought ruthlessly to protect the other members of the patrol. During the battle, a bullet pierced his stomach and emerged from his back. But his injury would not discourage his fight for the lives of his comrades. Private Valdez' bold and courageous fight cost him his life, yet he made it possible for the other soldiers to escape enemy gunfire.

But we must be careful to understand that what truly makes Private Valdez stand out is not simply the fact that he is Hispanic but more importantly, that he gave his life so that all may enjoy freedom.

Since the American Revolution through the Vietnam war and up to the gulf war, Hispanics have had a major impact in the success of the U.S. Armed Forces. Many soldiers have come to fight for the same freedom they once lost in their own countries. The painful reminder of this loss will not allow them the same fate in their new American home.

Generation after generation, Hispanics from throughout the world are joining the Armed Forces in larger numbers. From privates to generals and every rank in between, men and women serve with pride, dignity, and self-respect. They fight side by side their non-Hispanic counterparts—the tears in their eyes caused by the same sorrows, the sweat of their brow by the same battles, and the precious blood they've sacrificed for the same freedoms.

Vietnam era veteran Victor Fernandez has researched and collected information on the lives of the many Hispanics who have fought in American wars. He has used these materials to put together an exhibit which honors these men and women and recognizes them for their role in American history. Among Mr. Fernandez' findings, he lists the 38 Hispanic recipients of the Congressional Medal of Honor.

His work is on display in Washington, DC, and during the "Somos Uno" conference in Albany, NY. Mr. Fernandez has plans to take his exhibit around the Nation. It is his hope, as it is all of ours, that this part of Hispanic-American history reminds all of the barriers crossed and the contributions Hispanics have made in the military as well as in all aspects of American society.

In their honor, it is fitting that we remember these men and women as Hispanics who continue to make us proud of our heritage and our love of freedom and democracy.

TRIBUTE TO JOHN INSKEEP

HON. MIKE KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. KOPETSKI. Mr. Speaker, I rise today to pay tribute to one of Oregon's greatest sons who passed away last Friday in Portland.

John Inskeep, a pioneer conservationist, is a well known figure in my home State of Oregon. He was an early advocate of the preservation of forests, farm lands, rivers, and clean air.

Mr. Speaker, I am including in the RECORD the obituary of John Inskeep from the June 6, 1992 edition of the Oregonian, which highlights the achievements of this decent man.

Mr. Speaker, on behalf of all Oregonians, I extend my condolences to his family and friends. John Inskeep is greatly missed.

[From the Oregonian, June 6, 1992]

PIONEER CONSERVATIONIST JOHN INSKEEP DIES

(By Pete Bysom)

John J. Inskeep, a pioneer Oregon conservationist and former Clackamas County agricultural extension agent and Oregon state senator, died Friday in a Portland care center.

No service will be held. Mr. Inskeep was 95.

After spending five years with the Kansas Extension Service, Mr. Inskeep moved to Oregon City in 1926 to become Clackamas County's extension agent. A recognized authority on agriculture, he was instrumental in helping revitalize the county's flagging farm economy.

During his 35-year career, Mr. Inskeep introduced holly growing to Clackamas County and worked to improve the water quality of the Clackamas and Molalla rivers. He also supported the management of fish and game resources in the county.

An early advocate of the preservation of forests, farm lands, rivers and clean air, he encouraged Christmas tree farming in Clackamas County and the Williamette Valley. By the early 1980s, Clackamas County had become the leading producer of Christmas trees in the United States.

Mr. Inskeep was instrumental in forming the Farm-Forestry Association of Clackamas County, later known as the Oregon Small Woodlands Association. He was a past chairman of the Keep Oregon Green Committee and had been the recipient of numerous awards of merit from the U.S. Department of Agriculture. He retired in 1961.

The next year he was elected to the state Senate from Clackamas County, a position he occupied for two terms. He served on numerous Senate committees and was chairman of the Fish and Game Commission in 1969.

Active in the Oregon City Rotary Club for many years, he had been president of the club and was a district director for Rotary. He also served as director of the Tri-City Chamber of Commerce.

Mr. Inskeep's many years of promoting environmental responsibility inspired the naming of the John Inskeep Environmental Learning Center at Clackamas Community College in his honor.

The center, which was begun in 1974 and completed during the early 1980s, was designed to teach both students and members of the public about recycling, botany, biology and environmental awareness.

The 3½-acre expanse comprises ponds, creeks, wooded paths, hills and meadows and a variety of wildlife, as well as an environmentally harmonious pavilion and a recycling depot.

Before its transformation into a nature repository, the area had been an industrial wasteland of roadways, parking lots and wastewater lagoons that were the remnants of an abandoned berry processing plant.

Mr. Inskeep was born Aug. 16, 1896, in Bryan, Texas. He graduated from Purdue University and served as a lieutenant in the U.S. Army during World War I. He married Beatrice Holt in 1922. She died in 1978. He earned a master's degree in economics from Oregon State College, now OSU, in 1941 and had taught at the university.

Survivors include his second wife, Anna of Wilsonville; his son, J. Jerry Jr. of Portland; his daughter, Bettie Givens of Temecula, Calif.; five grandchildren; and six great-grandchildren.

Burial will be at Riverview Abbey Mausoleum.

The family suggests that memorials be contributions to the John Inskeep Environmental Learning Center.

PREMONITIONS OF WHITE MAN IN INDIAN CULTURES IV

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues a recollection of James Paytiamo, a member of the Acoma Pueblo, as published in a book entitled "Native American Testimony." The story recounts the premonitions of his elders about what happens as Indians adopt the ways of the white men—people with grey eyes. The editorial comment which precedes the recollection is provided also.

EASY LIFE OF THE GRAY-EYED

The old Acoma Pueblo in New Mexico's Valencia County stands atop a steep rocky mesa 357 feet high. Today most of the Acoma people inhabit communities closer to the highway and Albuquerque—sixty miles from Acoma. But in summertime many families return to their adobe houses high on the mesa. Then the narrow, dusty streets bustle almost as in the old days. James Paytiamo spent his childhood there, and his reminiscence of daily life at Acoma. "Flaming Arrow's People," was published in 1932. This excerpt differs from the other prophecy stories in that during Paytiamo's childhood, the existence of the white man was an established fact. What the old Acoma caciques, or headmen, seem to foretell here are the destructive influences white culture will have on the traditional Acoma way of life.

I can just remember the old men of my village. Old age was simply a delightful time, when the old men sat on the sunny doorsteps, playing in the sun with the children, until they fell asleep. At last they failed to wake up.

These old, old men used to prophesy about the coming of the white man. They would go about tapping with their canes on the adobe floor of the house, and call to us children:

"Listen! Listen! The gray-eyed people are coming nearer and nearer. They are building an iron road. They are coming nearer every day. There will be a time when you will mix with these people. That is when the Gray Eyes are going to get you to drink black, hot water, which you will drink whenever you eat. Then your teeth will become soft. They will get you to smoke at a young age, so that your eyes will run tears on windy days, and your eyesight will be poor. Your joints will crack when you want to move slowly and softly.

"You will sleep on soft beds and will not like to rise early. When you begin to wear heavy clothes and sleep under heavy covers, then you will grow lazy. Then there will be no more singing heard in the valleys as you walk.

"When you begin to eat with iron sticks, your tones will grow louder. You will speak louder and overtalk your parents. You will grow disobedient. Then when you mix with these gray-eyed people, you will learn their ways, you will break up homes, and murder and steal."

Such things have come true, and I compare my generation with the old generation. We are not good as they were; neither are we healthy as they were.

How did these old men know what was coming? That is what I would like to know.

JAMES PAYTIAMO,
Acoma Pueblo.

UNITED STATES FLAG LINER SERVICE INTERNATIONAL COMPETITIVENESS ACT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 10, 1992

Mr. MACHTLEY. Mr. Speaker, I am pleased that the administration is proceeding with a critical review of existing maritime policies under the auspices of a policy coordinating group chaired by the Secretary of Transportation.

Military, economic and political concerns demand that our nation have an active and effective commercial U.S.-flag fleet crewed by American civilian mariners.

As the policy coordinating group continues its work, I would urge them to consider the proposals established by Sea-Land Service, American President Lines, and other shipping interests with front-line experience in international shipping. Together, these two American flag shipping companies transported more than 80 percent of all the container loads needed by the U.S. military during Operation Desert Shield and Operation Desert Storm. They provided the oceangoing link to the battlesite that played an important role in our successful military effort.

Because of the instability in so many parts of the globe, as the Persian Gulf war demonstrated, it is especially important that we continue to build a strong domestic shipping industry, and that we not rely too heavily on foreign interests. American consumers and American importers and exporters cannot be placed at the mercy of foreign vessel operations. The fact that during the Persian Gulf war we had the support of the vast majority of the world's nations should not lull us into false security to expect that we will always have such broad international support of our objectives abroad.

A self-sufficient transport operation of both military and non-military cargo on American flag and American-manned ships is important to our national security and to our Nation's continued industrial strength. Policy proposals from proven front-line industry leaders such as Sea-Land and American President Lines should be fully considered as the Policy Coordinating Committee reviews national objectives for a strong U.S.-flag merchant marine.

A brief explanation of the proposed "United States-flag Liner Service International Competitiveness Act" put forward by Sea-Land and American President Lines follows:

U.S.-FLAG LINER SERVICE INTERNATIONAL COMPETITIVENESS ACT

Summary

Currently, United States laws regulate and tax operators of U.S.-flag liner vessels more heavily than foreign nations regulate or tax their liner carriers. The differences significantly and adversely affect the ability of the U.S.-flag liner fleet to compete with foreign-flag operators in international markets. The U.S.-flag market share in the industry has steadily declined and is now less than 20 percent of liner cargo in U.S. foreign commerce.

Without prompt, major, and comprehensive U.S. Government action to level the international playing field for U.S.-flag liner carriers, it seems unlikely that a U.S.-flag liner shipping industry will continue for long.

The draft United States-Flag Liner Service International Competitiveness Act would help rectify the competitive disadvantages facing U.S.-flag liner operators through amendments to:

Maritime regulatory statutes:

The tax code, and

Statutes governing Department of Defense procurement of waterborne and intermodal transportation services.

Regulatory Burdens

Worldwide maritime shipping is based on uniform standards regarding vessel design, equipment, maintenance and operation. These standards, addressed in international agreements, allow a ship flying the flag of one nation to be accepted at the ports of other nations as long as the ship meets international standards.

The United States, however, has developed additional and unnecessary standards that are pricing U.S.-flag ships out of the market.

Design and equipment standards that provide no actual safety benefit add five to eight percent by themselves—or $5 to $8 million—to the cost of building a ship for operation under the U.S.-flag.

Needlessly narrow specifications prevent U.S. shipbuilders from acquiring materials from many of the most competitive, state-of-the-art suppliers.

Allowing U.S.-flag ships to meet the same standards that the U.S. accepts for foreign-flag ships could help U.S. companies compete as equals.

Tax Burdens

Foreign countries give their ships beneficial tax treatment to enhance their competitive position. U.S. tax policy includes some features that place the U.S. maritime industry at a dramatic disadvantage.

Foreign ships have shorter depreciation schedules.

Foreign nations offer substantial tax deferment devices to their flag fleets.

These and other policies allow foreign-flag ships to compete as more than equals when calling at U.S. ports. U.S.-flag ships cannot compete effectively if their own country is going to tax them more heavily than foreign nations tax their merchant fleets.

National Security Implications

Operation Desert Storm demonstrated the efficiency and cost-effectiveness of military sealift operations performed by privately-owned and operated U.S.-flag ships. These commercial services—and the highly-trained and reliable U.S. citizen-mariners who crew these ships—will be lost to the Defense Department if U.S.-flag ships continue to be unfairly regulated and taxed.

Without a privately-financed U.S.-flag fleet the nation will be forced to spend limited post-Cold War resources on military-based sealift operations that will cost substantially more than private programs currently in place.

Thus, the draft bill takes the position that Defense Department programs are among the U.S. Government activities that must be conducted with recognition that the U.S.-flag liner fleet is a valuable national asset.

At a minimum, the so-called Wilson-Weeks Agreement should be codified and modernized to ensure the Defense Department relies upon United States-flag commercial carriers. Equally important, United States-flag carriers must be fairly compensated for the actual carriage of cargo and to ensure their availability in time of national crisis. Finally, the types of cargo subject to United States-flag shipping requirements must be more clearly and properly defined, and contracting procedures should be revised to meet and satisfy mutual needs and concerns.

HARD WORK PAYS OFF FOR LITTLE HAITI GROCERY STORE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today, Mr. and Mrs. Jean Leonard, who were recently featured in the Miami Herald for opening Leonard's Market in Miami's Little Haiti, an area many retailers have bypassed. Utilizing their experience working at a New York drugstore chain, Mr. Leonard and his wife Raymonde, have expanded their retail grocery store into becoming a major independent store. The article, "Supermarket Blazes a trail in Little Haiti," by Gregg Fields, tells their story:

It's the kind of attractive, bright grocery that dots many a suburban American landscape humming refrigerator cases, a whirring cash register, clean tile floors.

But this isn't a chain outlet, and it's not in a suburb. It's Leonard's Market on well-worn Northeast Second Avenue, the main drag for Little Haiti.

"I am trying to set a new standard for Haitian businesses," says owner Jean Leonard, beaming with pride. "And I hope other Haitian businesses will follow."

Clearly, this is not a typical business operator. Leonard is independent, in an era when food retailing is dominated by huge chains. He chose to locate in Little Haiti a neighborhood that many other retailers have bypassed.

And, he did it with the help of bank loans, an accomplishment that most small businesses never achieve.

Success is far from assured—the store is still in the grand opening stage. But Leonard possesses traits often associated with those small business owners who make it. There is determination, having managed to squirrel away money that he pumped into his store. There is luck in that he found an influential friend who steered him through the maze of lender requirements. And there is, of course, hard work Leonard and his wife, Raymonde, are together working a total of 30 hours a day.

DREAMS OF EXPANSION

They don't mind. This first store, he promises, is just the start.

"I want, eventually to have a chain of stores in Miami," he says, "Why not?"

Leonard came to the United States 22 years ago from his native Haiti. He went to New York City. He and his wife found jobs at a regional drugstore chain.

"That made all the difference," Raymonde says. Their jobs gave them experience in everything from customer service to merchandising.

Four years ago, the climate and the expense of Long Island led them to Miami.

"I wanted to be on my own," Leonard says. "And to be near my people." referring to the burgeoning Little Haiti community in Northeast Miami.

Leonard started with a 1,000-square-foot store. Opened in late 1988 it was rather threadbare. But it was just down the street from the Caribbean Marketplace.

The marketplace with its award-winning architecture was envisioned as the cornerstone of Little Haiti redevelopment when it opened in 1990. Although it didn't really work out that way—the center has had its share of struggles—Leonard's market prospered by offering the basic goods that the working-class neighborhood needs.

But he needed more space. His monthly revenues rose to $30,000, and Leonard believed he could raise that by another third if he had more room. Having saved $30,000 he sat his sights on a building next door that was more than twice as large.

MONEY TO EXPAND

He decided to apply to a bank for a $75,000 loan.

And that's where the problems started. The first institution he went to never replied: The second, Barnett Bank turned him down.

He wondered if it wasn't discrimination—because he was black, because he wasn't in a more prestigious neighborhood. People who don't come into the area, he says mistakenly believe that it has a high crime rate. Or that a retailer can't make a living there.

"This is a good area," he says. "If you have something that's modern and clean people will find you."

He plunged forward plowing his savings into renovations without a loan. And he called John Little an attorney at Legal Services, and told him of his loan problems.

Little, an activist on minority lending issues, represents the Haitian Task Force. The organization owns the space Leonard wanted. If Leonard couldn't get his loan, he couldn't move. The Haitian Task Force's building would go into foreclosure. An effort at redevelopment would fail.

"I was helping him, but I was also helping my client," Little says.

Little couldn't believe Barnett had turned Leonard down.

"They said his projections for sales growth in the new place were too rosy," Little says. "But what they failed to see was, he was grossing enough to pay his mortgage even if sales didn't rise at all."

FLAWED APPLICATION

Perhaps. But Leonard's first application was also badly organized, says Barbara Rose, the Barnett officer whose efforts eventually got Leonard a loan.

"It wasn't just badly done," she says. "There were contradictions in it."

Rose is a senior vice president in charge of compliance with the Community Reinvestment Act. The Federal law requires that banks tend to the borrowing needs of their entire communities, not just the affluent sections.

With Little's help, Leonard drew up a second application to Barnett. Little has a personal computer, and with the use of spreadsheet software he developed a detailed financial plan.

Rose also got involved. She went to Leonard's accountant for detailed financial information. She also interviewed Leonard because she found his concept confusing.

* * * * *

LITTLE COMPETITION

She came away convinced that Leonard knew his clientele. And the area, she says, seemed ripe for such a facility: There aren't any Publix or Winn-Dixie stores in Little Haiti.

Leonard, by this point, was becoming evermore anxious about getting a loan. He had sunk his entire savings into the new store; if he didn't finish, the money was lost.

He found the interviews with bankers exhaustive, almost grueling.

"Sometimes you feel like saying 'Never mind,'" he acknowledges.

Meanwhile, Little, the attorney, mentioned his grocer client to Stan Kryder, an executive with First Union National Bank. "I told him, 'Barnett's interested in this guy in Little Haiti,'" Little says with a laugh.

First Union, the largest bank in Dade County, doesn't have a branch in Little Haiti. So Kryder dispatched a loan officer to Leonard's store to take an application.

Says Kryder, "If it weren't for John Little, we probably would have never heard of Jean Leonard."

One day, in February, after five months of trying, the call came in. Barnett and First Union would each provide $30,000. It wasn't the $75,000 he'd hoped for, but it was enough. "I jumped," he says.

Although he and his wife plan a night out to celebrate, they haven't had time yet. "We work 7:30 a.m. to 10 p.m.," he says. "That's the key to success: Put in the hours."

He adds: "That's what they told me when I came to this country. You can have anything you want, if you work for it."

I am pleased to pay tribute to these entrepreneurs by reprinting this article from the Miami Herald. Their story is typical of the many entrepreneurs who made sacrifices to make their dreams a reality, and helped make America what it is today. As Mr. Leonard said, "That's what they told me when I came to this country: You can have anything you want, if you work for it."

PHARMACEUTICAL PRICING POLICIES ARE A SERIOUS BARRIER TO IMMUNIZING U.S. BABIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. STARK. Mr. Speaker, why do parts of the United States have lower immunization rates than many parts of the Third World?

The answer lies in the pharmaceutical pricing policies of many U.S. drug companies. How can the prices of needed medications be so much higher here in America than the prices in many Third World countries?

The Pharmaceutical Manufacturers Association is quick to proclaim the cost effectiveness of its products and how they save the U.S. consumer money through preventive care. But how can the neediest of Americans—the 37 million without insurance, the 30 million on food stamps, the 10 million unemployed-benefit from cost effectiveness if they can't afford the medicines in the first place?

The following American Medical News letter to the editor, "Why is Vaccine Costly," of June 8, 1992, tells it like it is:

WHY IS VACCINE COSTLY?

The March 9 AMN had an article on the high cost of hepatitis B immunization. A 1 ml. dose cost $36 to $50 in the United States. The price for Engerix-B vaccine delivered to the physician in Singapore is $12U.S.; in Suva, Fiji, $15.72 U.S.; in Nairobi, Kenya, $12 U.S.; in Karachi, Pakistan, $9.57 U.S.; and in Wellington, New Zealand, $10.62 U.S.

This vaccine costs as much as 500% more in the United States than elsewhere. Why? Whether this difference in market price is secondary to costs of transportation, recovery of research and development, application for FDA approval, liability premiums or corporate profit, a major vaccination program is hampered by costs. Concerned health care providers and the paying public should be informed about why their hepatitis B vaccine is so much more expensive.

JAMES W. BAYUK, MD,
Regional Medical Officer.
AMERICAN EMBASSY, JAKARTA, INDONESIA.

A TRIBUTE TO ANTHONY WESTERMANN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to my constituent, Mr. Anthony Westermann of Carlyle, IL, who recently retired as chairman of the board and director of the Mercantile Bank of Carlyle. Nearly 60 years ago, he began his banking career at the bank, then known as the Farmers and Merchants Bank. Since that time, he rose through the ranks, from the position of clerk to chairman of the board, and under his direction the bank prospered.

Mr. Westermann was an astute businessman, but he combined his expertise with compassion and kindness. Those who sought his financial assistance were met with a sympathetic ear and a large measure of generosity, qualities which earned him the affection and respect of all who know him. I met Mr. Westermann during one of my visits to Carlyle, and remember well his warm and welcoming approach. However, I believe the essence of his character and the sentiments of the people are best expressed in the Carlyle Union Banner editorial which I now insert into the RECORD. I join all the citizens of Carlyle in extending their deep gratitude for his outstanding service to the community and their best wishes to him in the years ahead.

WESTERMANN RETIREMENT OUR LOSS

(By Warren Dempsey)

Anthony J. Westermann made it official last Friday. He retired as chairman of the board and as a director of the Mercantile Bank of Carlyle.

Mr. Westermann, and Mr. Westermann alone knows, how many struggling businesses . . . how many struggling farmers . . . how many struggling people he helped along the way.

Often times, when it was just "bad banking business" to loan money, Mr. Westermann came to the rescue and signed personal guarantees or notes to get someone or some business back on their feet.

Sometimes he "lost", but more often he "won" and Carlyle and his bank are the better for it. The present ownership of this newspaper evolved from the old struggling Carlyle Democrat. We had less than 500 subscribers and a press that would run 500 2-page papers an hour back in 1949.

This week's paper would have consumed 143 hours of feeding one sheet at a time on that old Cincinnati press, in contrast to the newer King web press that takes about an hour.

We thank Mr. Westermann for his involvement with us and with countless others who succeeded because of his financial generosity.

That generosity paid off for him, too. When we came in 1949, Mr. Westermann was cashier of the Farmers and Merchants Bank, and the financial institution had assets of $2.038 million. He assumed the presidency of the bank in 1954 and its assets have grown past the $50 million mark.

We, and countless others he helped, simply say thank you . . . we appreciate the help you gave us . . . and never will forget your many kindnesses.

TRIBUTE TO SHERIFF THOMAS HAMMAN

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. MCEWEN. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a courageous young man from Ohio. Last August Sheriff Thomas Hamman risked his own life to save that of little 7-year-old Zachary Moss, who was being held hostage at gunpoint.

On August 21, 1991, Randy Moss of Waverly, OH, kidnaped his wife Andrea and his son Zachary from their Pike County home. Andrea Moss was able to escape and immediately called the police. Deputies chased Randy Moss and young Zachary down a dead end alley in Pleasant Valley, where the youngster was held at gunpoint for 5 hours while Hamman and other duputies tried to negotiate with the father.

After hours of talks, Randy Moss finally agreed to surrender. However, he then shot his son in the chest and turned the gun on himself. Sheriff Hamman, acting quickly and decisively, seized the 7-year-old and protected the child with his own body while Randy Moss killed himself.

For his bravery, Sheriff Hamman was awarded the State's highest honor for courageous performance in the line of duty, the Ohio Distinguished Law Enforcement Valor Award. Upon receiving the award Hamman stated, "I'm thrilled to death the people in my profession would recognize me. The incident itself was a tragedy. We had a job to do, and I think we did it."

Mr. Speaker, that is an act of valor that should be remembered by all. Sheriff Hamman displayed tremendous courage and bravery in the face of great danger, and I would like to congratulate him for his award. Please find enclosed a copy of the articles which appeared in the Chillicothe Gazette and the Columbus Dispatch.

[From the Chillicothe Gazette, May 15, 1992]

SHERIFF RECEIVES HONOR FOR VALOR

(By Lou Moliterno)

Sheriff Thomas Hamman has been given the state's highest honor for valor in the line of duty—the Ohio Distinguished Law Enforcement Valor Award.

Hamman was given the award for his actions during a hostage crisis Aug. 20, 1991. In the incident, Randy Moss, 32, of Waverly, held his son, Zachary Moss, 7, at gunpoint for five hours while Hamman and deputies stood by negotiating for the child's release.

Earlier that day, Moss had kidnapped his wife, Andrea Moss, and the boy from their Pike County home. The woman was able to escape and called deputies, who chased Moss to a dead-end street in Pleasant Valley.

The incident ended when Randy Moss agreed to surrender, then shot his son before turning the gun on himself and taking his own life. Hammer grabbed the wounded 7-year-old, shielding him with his own body as Randy Moss shot himself.

Zachary Moss was treated for a gunshot wound to the chest at Children's Hospital in Columbus. He has since recovered from his injuries.

"I'm thrilled to death that people in my profession would recognize me," Hamman said this morning. "The incident itself was a tragedy. We had a job to do, and I think we did it."

Hamman was given the award at a banquet held Thursday night in Dublin.

[From the Columbus Dispatch, May 29, 1992]

IN LINE OF DUTY—ROSS COUNTY SHERIFF RICHLY DESERVES MEDAL

In an age when television breezily creates amazing cop heroes who predictably overcome incredible odds to save lives week after week, real-life officers who put their lives on the line for someone else may seem like pale imitations of fiction. Too bad. The real men and women who patrol the streets and respond to real emergencies deserve public recognition and thanks.

It's good to know that Ross County Sheriff Thomas Hamman recently received the attorney general's Ohio Distinguished Law Enforcement Valor Award for rescuing a wounded 7-year-old boy from his revolver-wielding father.

Last Aug. 20 an anger-consumer Piketon man forced his estranged wife and son into a car and drove off. The woman escaped, and eventually law-enforcement officers, pursuing the man, trapped him on a dead-end street. Hamman tried for several hours to talk the father into releasing the boy. No dice.

The man finally said he would surrender, but suddenly a shot rang out from the car.

"Daddy, you shot me."

Hamman flew into action. As the sheriff reached for the door of the auto, the driver shot himself, then pointed his gun at the boy again. Hamman grabbed the lad by the T-shirt, pulled him out of the car and blocked the father's line of fire with his own body. It was gun vs. gun for a moment; then the father slumped, dead by his own hand.

The 7-year-old survived the hideous incident.

It's hard to imagine a bolder act of selflessness than Hamman's swift intervention.

The award of valor is indeed well deserved.

THE NEW WORLD SYMPHONY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, we have in this country a unique musical resource dedicated to the training and development of young concert musicians. The New World Symphony, based in the Lincoln Theatre in Miami Beach, is the only postgraduate training orchestra in America.

Now in its fifth year of operation, the New World Symphony provides an opportunity for young musicians like violinist Gustavo Correa of Miami to work with other young musicians from around the country, like horn player Larry Williams of Maryland, and Violinists Darrin Qualls, from Gresham, OR, and Laura Hilgeman from Indianapolis, IN. They have the opportunity to meet and work with their peers from other countries, too; from Roglit Ishay of Tel Aviv, Israel to Keisuke Ikuma of Saitoma, Japan.

Led by Conductor Michael Tilson Thomas, the 95-member orchestra provides these young musicians with opportunities they could not get in any other setting. They have the opportunity to rehearse in much greater depth than a major orchestra can afford to do. They are encouraged to develop their creativity, not just the technical proficiency required by grownup orchestras. And they have time to ask questions and learn. After an average of 3 years, members of the New World Symphony are able to go on to major orchestras around the world. Horn players Thomas Hadley and David Bushnell are now at the Florida Philharmonic in Tampa. T. Alan Stewart plays the double bass for the National Symphony Orchestra, and Orna Carmel plays cello for the Orquestra de Castillo in Spain.

The Independent, of London, England published two articles about the New World Symphony's tour of the United Kingdom earlier this year, which I would like to include in the RECORD:

PIONEERS ON STARSHIP AMERICA

(By Edward Seckerson)

They used to show movies at the Lincoln Theatre, Miami Beach; but it's been a while since the last picture show. These days they make music there. The New World Symphony, America's one and only national training orchestra, calls it home; in a sense, dreams are still made there. Over the last few weeks this 95-strong cross-section of the nation's brightest and best have been putting together the bill of fare for their first UK tour: Mozart, Brahms, Prokofiev, and Gershwin have been rubbing shoulders; the phantasmagorical pageantry of Charles

Ives's seminal Fourth Symphony has all but taken the Lincoln Theatre apart at the seams. Next Sunday the same symphony promises to consume the Barbican in London: there can be no greater gesture of magnanimity from the New World to the old country.

So is the pioneering spirit of the New World Symphony a true reflection of its name? It would seem so. Since its inception in 1987, this ambitious and comprehensive training program has become more and more inextricably bound up with the rebirth of Miami's South Beach community—a cultural focus, if you like, for the style conscious Art Decorich "American Riviera", as it's now sometimes called.

Michael Tilson Thomas is the orchestra's Columbus, its founder and spiritual godfather: he knows all about the importance of good beginnings, the growing pains of coming of age as a musician, the insecurities, the indecisions. He created the New World Symphony to be a kind of musical internship, a live-in working community where talented post-graduates could develop a sense of what it is really like to be part of a busy symphony orchestra: a place to explore the repertory and confront the key issues of style. It might provide the vital stepping-stone to that "job of jobs".

"Young musicians ask a lot of questions and very often the questions they ask prompt me to consider the music in a way that I have never done before. So it really does take my own thinking further to work with them. And it's so rewarding seeing gifted but inexperienced players grow in confidence and awareness and start seeing beyond the dots and dashes on the page to the subtext of the music."

Tilson Thomas is a stickler for subtext. What is the background here, what is this music really saying? What is our connection to it? No one at NWS is likely to be thinking: "Forget the history lesson—do you want it louder or softer?" Besides, there are ways of enlivening even basic technical information: "Tutta forza everybody—take no prisoners." Or conversely, "Violins, just take this out of the air—just graze the string . . . I want you to play this minuet as if 'on point'."

With players as impressionable and receptive as these, so much depends upon knowing exactly which buttons to press. Violinist Alison Heydt seconds that: "Michael is a natural motivator. He has a knack for making you feel that everything hangs upon the way you play a particular phrase."

Bassoonist Eric Hall values Tilson Thomas's ability to create space for the wind soloists to express their individuality. "Michael is not in the business of cloning—in this orchestra you have a chance to experiment with your own style and sound. And the system of rotation means that we all get to experience the very different demands of principal and supporting roles."

Which is another way of saying that everyone at NWS gets to occupy the hottest seats. Not that there are anything but hot seats in the Fourth Symphony of Charles Ives. This will be the second time in its short history that the orchestra has made this fantastic voyage of discovery aboard the Starship America.

THE MIAMI VOICE

(By Meredith Oakes)

How does a youth orchestra from Florida fill the Barbican on its first visit? Telephone bills must have been high. The New World Symphony, founded in 1988 by Michael Tilson Thomas, bears witness to his extraordinary powers of mobilization. Every American in London seemed to have become part of Friday's audience. By Sunday, the English accents had re-taken the foyer in a late surge of interest suggesting that last-minute publicity can work wonders in a good cause.

Florida is, in effect, host to an American national youth orchestra where players in their twenties can serve an "internship" while establishing their careers—a generous host, with state money and private sponsorship joining national funding. The programme book for this British tour was a down-home newsletter, celebrating major private donors in print and pictures.

Sunday's all-American concert was the greatest success of the two, with the riskiest work, the Charles Ives Fourth Symphony, scoring the final definitive triumph. Tilson Thomas spoke first of Ive's aspiration: to bring an entire chaos of human sounds into visionary communion. The the London Philharmonic Choir sang, with brisk elegance, the hymn tunes that are staples of the work. The performance followed straight on. For Ives, noise and pre-existing music were concrete elements of equal status, and he was the concrete mixer, throwing together a new, much-needed substance in a refreshing roar.

The playing was wonderfully rowdy and wonderfully exact. The multiple tunes meshed like cogs within a huge, rhythmically irresistible machine. Different sections jumped to their feet to launch their themes like people in a crowd throwing their hats. Christopher Oldfather, in the orchestral piano part, looked like an etiolated, bearded, ponytailed hermit and played as if hearing voices in the desert. The quiet, sudden end, with Ive's world lapped in tranquil elemental cradle sounds, left a sharp afterimage in the silence.

The first concert (Mozart, Prokofiev, Brahms) had told us, inevitably, that the orchestra is full of talent. The sound was chunky: precision and sensitivity without overgrooming. Among many fine principals, the clarinettist Todd Levy produced a discreet, voluptuous tone that even in this company was special. Seldom has Michael Tilson Thomas seemed more at home, relaxed and instinctive, whether subtly directing the most natural headlong flow of Mozartean energy, or sitting at the keyboard playing Gershwin with dazzling octaves and stomping bass (is this where Messiaen got his best chords?).

Joanna Macgregor, soloist in Prokofiev's Second Piano Concerto, was technically magnificent, and true in spirit to the composer's grand exuberance, though even she couldn't come up with all of the energy all of the time: how many pianists can?

Mr. Speaker, I commend Ted Arison, owner of Carnival Cruise Lines, and one of the founders of the New World Symphony. I commend cofounders Woody Weiser, now chairman of the board, Jeffrey Babcock, and conductor Michael Tilson Thomas. Their commitment to developing the musical culture of this country, supported by orchestra president Christopher Dunworth and his able staff, has provided us an important and unique cultural resource.

IN RECOGNITION OF ROBERT MORALES

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. PELOSI. Mr. Speaker, I rise today in recognition of a special individual, Mr. Robert Morales, an outstanding leader in the San Francisco labor movement and civic community.

Robert Morales was born in El Salvador, and emigrated to the United States at the age of 16. He graduated from Galileo High School, in San Francisco's Marina District, in 1960. From 1961 to 1963, Bob served in the U.S. Army.

He started his career in the union movement in 1964 with the Metal Polishers & Platers Union, Local 128, AFL–CIO, where he rose to the position of business-treasurer. In 1973, he became the business representative with Teamsters Local 350, the Sanitary Truck Drivers & Helpers. From 1976 to the present, he has served as secretary-treasurer of local 350. In 1981 Bob became a member of the Executive Board of Teamsters Joint Council No. 7, which serves over 75,000 members. He is also the first vice-president of the Hispanic Caucus of the Western Conference of Teamsters.

Bob has distinguished himself as an effective negotiator who has gained the strong and enthusiastic support of union members throughout the bay area. He is known as a consensus builder, and has adapted to the changing patterns of labor-management relations. Indeed, Bob engineered the largest solid waste management contract for his union in the United States.

As a past member of the San Francisco Film Commission, the San Francisco Board of Supervisors' Arts Task Force, the San Francisco Private Industry Council, and the Industrial Relations Research Association, Bob exhibits persuasiveness, innovation and creativity in dealing with any problem or issue that comes before him.

Bob has been accorded many honors for his philanthropic and charitable work by the San Francisco community, including the prestigious A. Philip Randolph Award, the San Francisco Labor Helping Hand Award, the Martin Luther King Award, and countless commendations. He is presently the president of the City College of San Francisco Foundation, helping guide City College into the next century.

On Friday, June 5, the Bay Area Union Labor Party will honor Bob with its 1992 Leadership Award. It awards an individual who excels in all areas of life. Mr. Speaker, I join the community in recognizing before this Congress the achievements of Bob Morales, who truly excels in all areas of life.

COMMENTARY ON THE RETIREMENT OF DR. RONALD W. SIMCOX

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. FAWELL. Mr. Speaker, at this time when there is a pervasive national concern regarding the adequacy of our public school system, it is a pleasure for me to direct the attention of this House to the accomplishments of Superintendent Ronald W. Simcox of Hinsdale Elementary School District 181 in Hinsdale, Illinois. After 23 years of distinguished service in this position, Ron Simcox will retire on July 1 of this year. He leaves with the deep gratitude of students, teachers, and parents who are all beneficiaries of his energetic, innovative and skillful administration.

Ron Simcox likes lighthouses. They adorn the walls of his office in paintings and are pictured on coffee mugs. Miniature lighthouses perch on his bookshelves and a lighthouse door knocker is mounted on his office door. To him, the symbolism of the lighthouse is compelling. He sees quality education, education that presses forward against the leading edge of dynamic new knowledge, as lighting the way to an exciting, richly productive future.

When he chose the field of public education as his life career, Ron Simcox reached out to equip himself with the best credentials. He earned his bachelor's degree in mathematics and physics at Aurora College in Illinois, and followed this with a master's degree in school administration at Miami University in Ohio. He earned his doctorate in the same field at the University of Illinois in Urbana-Champaign.

After teaching in Illinois and Ohio schools, Ron served first as assistant superintendent, then superintendent of School District 86 in DeKalb, Illinois. In 1969 he was chosen as school superintendent of both the elementary and high school districts in Hinsdale, Illinois. For the last 19 years he has served as superintendent of Hinsdale Elementary District 181.

Ron Simcox' school administration has been marked by sound management practices, accomplishing his goals for the school system within budget after inheriting a history of deficits. At the same time he has implemented innovative curriculum changes which introduced the boys and girls of Hinsdale and neighboring communities to essential new areas of knowledge which they will need to be successful adults. These students understand the importance of science in their world, the importance of computer technology in their world, the importance of art and the natural environment in their world.

Aside from his responsibilities as school district administrator, Dr. Simcox has maintained an active civic interest in other vital concerns of the Village of Hinsdale. He and his wife Bette are both involved in community activities. Their three children matriculated through the schools of district 181. Ron has served terms as president of both the Rotary and the Chamber of Commerce. He served as chairman of Cub Scout and Boy Scout Troops. He is past president of the Campo Fiesta Foundation that supports a camp for girls.

And so, still in the vigor of his years, Ron Simcox veers off from this adult lifetime of intense and magnificently productive activity to go into retirement. I feel confident that, being Ron Simcox, he has already explored new areas that are worthy of his intellect, energy and experience. In whatever he may choose to do, all of his friends wish him well.

EARTH SUMMIT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. OWENS of Utah. Mr. Speaker, I fear that one of the real opportunities for human kind on Earth may pass away during the next week without the achievements and agreements we should rightly expect. I fear this because the environmental President, as is his habit, is once again standing as the lone, sole obstacle to actually creating an environmental and economic agenda for the Earth and our future.

There is, as the President has said, a new world order on the horizon. But it will be the result of accord, not between the East and West, but between North and South. No one has to lose in this negotiation. And none of us wins if the Earth is lost. The North needs to commit to the pursuit of new technologies that we can share with the South to prevent both pollution and possible climate change, and the South needs to commit to a renewed respect for the biodiversity of this planet so much of which happens to be under their care. We will both pay somewhat in the short term for the preservation of this one and only Earth. We will both benefit enormously in the long term from the protection of our home. There is no other way.

We talk a lot about the big picture back here in Washington. But the big picture we should be concerned with right now is the photograph of our beautiful blue planet floating alone in the black void of space. My friend from Utah, Senator GARN, who is attending the Earth Summit, could tell us a little about the power of that image from the window of a space shuttle. But too many of us have seen the picture without really absorbing its meaning. We need to decide right now how much of our harmful impact on the planet is essential and unavoidable and how much of our impact can and should be curtailed. We live on a finite planet. The realization is slow in hitting us—and no nation can seek a waiver form the rest in our role as caretakers and custodians and guardians.

In Rio this week, the world will make its first joint effort to plan for the biological and economic future. The American voice, I believe, will be strangely silent, as the environmental President comes mute when faced with real, politically difficult, but absolutely essential, decisions. This isn't leadership. It isn't even followership. It is jumping ship. The world needs more than hot air from George Bush. I hope we contribute more than blustering to this grand and ambitious discussion.

For the past century, we have led the world in environmental protection. We have provided the model for national parks, for clean air, and clean water laws, for wildlife preservation. This week, we will puzzle the world entirely if we abdicate that role and slink away without action, without commitment, and incredibly enough, from the President's standpoint at least, without guilt.

This is not a time for the United States to seek competitive advantage through being a more determined polluter than other nations. The Earth has been voiceless for far too long. Join in the chorus this week, Mr. President. Don't sing off key. We need a hymn, not the dirge we've heard for the past 3½ years. We are witnessing the utterly ludicrous spectacle of the so-called environmental President standing as the champion of industry and development at any price at the one time in Earth's history to this point when the voice of reason and moderation and love for this planet must be heard from the most powerful, most resource-hungry, and wealthiest Nation on Earth. How could the press and media miss this delicious irony? How could we not be ashamed and embarrassed, that this far-sighted and devoted effort should be blind sided by an American President? Teddy Roosevelt must be averting his eyes on Mount Rushmore. At least Ronald Reagan never had the colossal gall to try and deceive us. He had no environmental commitment or conscience and simply admitted it.

Surprise us, Mr. President. Show us you can transcend myopic, partisan politics. Plan for the future. Ensure our children's heritage. Be valiant. In any case, whatever you do, be assured we will give you all the credit you deserve.

AIRCRAFT MAINTENANCE FIRM RISES OUT OF MIAMI'S AIRLINE TROUBLES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Miami's Professional Modification Services, Inc. [PMS], which recently was featured in the Miami Herald. The company, which is owned mainly by four former Eastern Airlines mechanics, has experienced explosive growth in the last 3 years. The article "Plane Repair Firm Reaching Great Heights" by Larry Birger tells how PMS has become Miami's largest employer of those who lost their jobs due to recent airline bankruptcies:

> One month before the Eastern Airlines strike began in March 1989, sheet metal mechanic Tony Aulet took a part-time job at Professional Modification Services Inc. a fledgling aircraft maintenance company at Miami International Airport.
>
> "I knew that if the strike lasted for any length of time, I'd be hard-pressed to support my family unless I found a job," Aulet recalls.
>
> Twenty-six months later, Aulet says he couldn't have made a smarter decision though he had no idea at the time that the walkout which he supported would lead to the carrier's demise.
>
> While their stories differ, hundreds of the Eastern, Pan American, World Airways, and

Midway Airlines maintenance workers also have joined Professional Modification Services often called PMS. The company's labor force has grown from less than 50 at the time Aulet came aboard to more than 430 now at least; 90 percent being from Eastern, Pan Am and Midway.

REVENUES SOAR

The reason is PMS' explosive growth. Since 1989, when the company grossed $6.9 million revenues have climbed spectacularly. They hit $11 million in 1990, $18 million in 1991 and are expected to top $25 million this year. Profits have kept pace, the company says, but it declines to disclose them.

One reason the company is so attractive to the former airline workers is that four of its five owners are former Eastern mechanics and well-known at the airport Henry Alvarez, president Manny Garcia vice president-tech services, Thomas Chamberlain, vice president, sales and Ralph Dominquez general manager.

A TRAGIC NOVEL

"A lot of people told us we were crazy, that Eastern would never close down." Alvarez says. "But all of us had the feeling that the airline was like a tragic novel, that it was only a few pages from the end."

Besides, PMS was handling maintenance for several more carriers, such as Evergreen International. Avensa and American Transair, and the Eastern Four were tiring of pulling double work shifts.

The Eastern mechanics started out doing major maintenance checks on 727s that range in cost from $350,000 to $1.5 million. Now the company specializes in similar checks of DC-9s as well.

By the time the four ventured out on their own their reputation for doing good work had spread. It wasn't long before they signed contracts to maintain the U.S. Postal Service's fleet of 727's that are flown by Ryan International Airlines.

Other major contracts included maintenance for Midway jets, a business the company lost when Midway went out of business and for DHL the giant counter company.

Bruce Terrell, heavy maintenance manager for Ryan, has nothing but praise for PMS skills in overhauling its 25 727's and seven DC-9s "Price-wise, PMS is very competitive and they do quality work," Terrell says.

The flow of contracts has increased so dramatically that more space became a must. The company leases Hangar S, once used by Pan Am and the hangar abandoned by Midway when it went under in late 1991. Both hangars are on the Northwest 36th Street side of the airport.

When the Midway hangar was leased it had an extension attached to its north side. known as a "dog house" That allows PMS to increase the number of 727 aircraft that can be serviced at any one time from two to three.

PMS latest coup was winning a contract to maintain the Trump Shuttle fleet of 727's that operates between New York and Washington and New York and Boston. USAir flies the routes.

Alvarez is quick to credit the skill, tenacity and devotion of the ex-Eastern, Pan Am and Midway mechanics for the company's quality and on-time performance.

SEEKS TOP WORKERS

But he also says that not all former workers for major airlines need apply at PMS. The company is careful to hire only those mechanics who they knew to have good work habits when they worked for the large carriers.

PMS is a nonunion shop and wages average $14.50 to $15.50 an hour, though some employees earn as much as $22 an hour. While workers get medical insurance and paid vacations of up to three weeks there is no pension plan nor flight privileges, something the former airline employees were accustomed to receiving.

While most workers pledge fidelity to PMS, Alvarez concedes that 30 percent to 35 percent would probably leave for a position with a major airline if offered the opportunity, even if it means leaving Miami. Indeed some are being hired by American and Northwest airlines, at lower pay than PMS offers.

"There's just that feeling of security and the flight privileges that is attractive." Aulet says. He was earning 21.59 an hour at Eastern and began at $14 an hour at PMS. His current salary, two years later is still below what he was making when the strike began.

"Our pay scales and benefits are designed to keep us competitive and remain in business." Alvarez says, "Sure, we could pay higher wages and go broke, but then no one would benefit, least of all the employees who work for PMS."

I am happy to pay tribute to PMS chairman, Yoel Saraf; president, Henry Alvarez; vice president, tech services, Manny Garcia; vice president, sales, Thomas Chamberlain; and general manager, Ralph Dominquez by reprinting this article. They have shown how you can go far beyond your goals through hard work and determination. PMS is well equipped to face the challenge of filling the void left by Eastern Airlines.

HAWKEN WHIZ KID CARWIL JAMES GETS SLOT ON ELITE CLUB

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. STOKES. Mr. Speaker, I rise today to recognize a young man from my congressional district who was featured recently in the Cleveland newspaper the Plain Dealer. Carwil James is an outstanding 16-year-old student from Hawken School who has been chosen along with five other American students to participate on the international delegation of the U.S. Physics Team. Members of the team will compete against Chinese and German students in Helsinki, Finland in the 23d International Physics Olympiad.

I had the distinct pleasure of meeting Carwil when he was 12 years old. At that time, Carwil was representing Hawken School and the State of Ohio in the 1989 National Mathcounts Competition and boasting a 1,300 SAT score.

Mr. Speaker, Carwil is a bright young man of immense talent who is destined for success. I join his proud parents Frank and Carolyn James along with his principal and instructors at Hawken School in commending him on this great accomplishment. At this time, I would like to share with my colleagues the article from the Plain Dealer:

HAWKEN WHIZ KID GETS SLOT ON ELITE CLUB: THE FISH TO COMPETE IN WORLD PHYSICS OLYMPIAD

(By Stephen Koff)

Chester Township.—Doogie Howser's got nothing on The Fish.

First of all, The Fish, a.k.a. Carwil James, is a self-described eccentric. The 16-year-old from East Cleveland likes to start conversations with strangers in restaurants just to see what they'll say.

Second, The Fish, who goes by "Fish-e" (pronounced "fish-ee"), is extraordinarily smart, with an out-of-the-stratosphere IQ of 176, he says. Observes Bob Shurtz, physics teacher at the private Hawken School near Gates Mills: "There's probably very little comparison between him and most other students."

Make that most other students everywhere. This is more than hyperbole; the precocious Carwil has just become a member of an elite club of high school students who are smarter in physics than all other high school students in America.

There are only five slots on the international delegation of the U.S. Physics Team, which will compete against such countries as China and Germany in July in Helsinki, Finland, in the 23rd International Physics Olympiad. Carwil, of 16057 Brewster Rd., won one of those five slots last week at a national competition in College Park, Md.

"I'm excited about it and really happy that I made it," he said yesterday, in between end-of-year exams at Hawken. "I wasn't certain that I was going to."

Such uncertainty seems uncharacteristic for this teen-age whiz kid, who skipped his sophomore year of high school and will pass over his senior year so he can start college next fall at Northwestern University in Evanston, Ill. But physics teacher Shurtz had faith, having seen what else his student could do. Last year, Carwil was the Ohio physics champion in the state Test of Scholastic Achievement, Shurtz said.

And although he's still in high school, Carwil has been taking abstract algebra and linear algebra courses at John Carroll University, and scoring at the top of the class.

He also gets A's in math and plans a double major in physics and math. But in English and Spanish, he's only human: He only gets scores of 90, he said, out of 100 possible points.

There's something about science and math, and it may be in his genes. His father, Frank James, was a pathologist who now owns a microscope sales and repair business, James Micro Service. His mother, Carolyn James, was a genetics researcher who now works with her husband in the business. Carwil said he has a half-brother and two half-sisters, but all are in their 40s, so he did not grow up with them.

Whatever its source, his gift is by all accounts extraordinary. "If I'm introducing a new topic and I'm explaining what theorum we're investigating, what theorum we're about to learn, he can grasp what the theorum is and how to apply it before the rest of the class even understands what the heck the question was," Shurtz said.

The ultimate test will be in Finland, where teams from more than 30 countries will compete. Individual team members will get written and laboratory tests, with college-level material that Carwil and the others have not been exposed to. They'll be given just enough information to prove how smart they are—to show whether they can apply everything they've learned to the new applications and make sense of it all.

All expenses, including the Maryland qualifying trip, are being covered by corporate sponsors including BP Research, IBM, General Electric and Lockheed. The American team is supervised by the American Association of Physics Teachers, a division of the American Institute of Physics.

When he was younger, Carwil was told by another student at Hawken that it was impossible for high school freshmen to pass physics, normally taken in the junior or senior year. "So I took it," he said.

After college, he says he'll probably pursue an advanced degree. But when asked what his ultimate plans are, the genius leaves and the normal 16-year-old high schooler comes out—the one who calls himself "Fish-e" because, "Fish are just generally associated with lots of stuff."

What's he plan to do with all this physics? "I have no idea," he says.

TRIBUTE TO COLONEL WILLIAM R. HUMBAUGH

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. HOPKINS. Mr. Speaker, I want to bring to the attention of this House an example of exemplary dedication and service to our Nation. On July 29, 1992, Col. William R. Humbaugh will leave his command of the Lexington-Blue Grass Army Depot in Kentucky. Colonel Humbaugh has served in this post since July 24, 1990, compiling a record of excellence and demonstrating the utmost sensitivity to the needs of the depot's employees during the upheavals of the base realignment and closure and downsizing actions.

I insert the following proclamation by the employees of the Lexington-Blue Grass Army Depot into the RECORD:

LEXINGTON AND BLUE GRASS FACILITIES

PROCLAMATION

Mission First, People Always

This proclamation issued 11 June 1992, by the Lexington-Blue Grass Army Depot employees, at the Lexington Facility, Lexington, Kentucky, and at the Blue Grass Facility, Richmond, Kentucky, do hereby proclaim as follows:

1. Whereas, Colonel William R. Humbaugh, has faithfully served as Commander of the Lexington and Blue Grass Facilities, hereinafter referred to as the Lexington-Blue Grass Army Depot, during the period of 24 July 1990 through 29 July 1992, with total dedication to us (the employees), to our employer (the Department of Army), and to our country (the United States of America).

a. For us, the employees of the Lexington-Blue Grass Army Depot, Colonel William R. Humbaugh has implemented a "we care about you" attitude that has rolled downhill from the highest level of management to the first line supervisor. The Lexington Facility was announced as being on the "hit list" of Base Realignment and Closure (BRAC), 28 December 1988; pressure on the Blue Grass Facility to be realigned was evident as Phase I of the BRAC actions resulted in relocation of employees. In addition to BRAC, an action called the Defense Management Review (DMR) "downsized" our personnel in a reduction-in-force effort. A major population of our depot employees were affected by the BRAC law and the DMR. Mental and emotional stresses went hand in hand within an unstable job market throughout the world and an uncertain employment future for our Kentucky federal workers. "We care about you," Colonel Humbaugh said, and with candor and compassion, here are some ways in which he dispersed vital BRAC information within his organization:

(1) The "we care about you" briefings relating to BRAC actions were discussed on a one-on-one basis for those who wanted to attend a monthly, early morning, informal meeting called the Commander's Breakfast. In addition to BRAC information, any employee who attended this breakfast had the opportunity to talk about any issue or concern that was significant to them or to the depot population as a whole. Also, if any employee had not met with Colonel Humbaugh personally, they were encouraged to use the Commander's Breakfast as an opportunity for conversation and "old-fashioned camaraderie." Colonel Humbaugh used the "nothing much, but simple touch" to communicate effectively in these meetings. From the first, we knew that the breakfast was an open meeting; however, if there was a matter to be brought to his attention, but not publicly, we had the chance to voice this concern at the end of the meeting with him privately.

(2) The "we care about you" town meetings were held quarterly, at the Lexington and Blue Grass Facilities with the latest BRAC information outlined in oral presentations and with time-line charts developed to ensure that all realignment locations and actions were public. Key personnel were on hand to answer questions in their field of expertise. Whether the subject matter was direction of an orderly transition of facilities and personnel from the Lexington Facility to the Blue Grass Facility, or an explanation of the 300th Transportation Group's—"Roving Wheels 1992"—movement of the general supply items from the Lexington Facility to Chambersburg, Pennsylvania's Letterkenny Army Depot, Colonel Humbaugh spoke to his audience with dignity and with confidence.

(3) Colonel Humbaugh supported the "we care about you" publications, both weekly and monthly, that informed and entertained the employees of this depot. An employee could look in the Weekly Bulletin and identify the daily duty officer, read the lunch menus for the Thoroughbred and Igloo Club restaurants, locate the representatives for U.S. Savings Bonds, become aware of the most recent job announcements, or buy furniture or an automobile. The Thoroughbred Review, the depot's monthly newspaper, focused on feature stories at the depot level up through higher headquarters: the United States Army Depot System Command (DESCOM) and the United States Army Materiel Command (AMC). Also, featured in the newspaper was an entire page devoted to the Commander's comments, called the Commander's Column. In this column, the Commander offered a personal view of what was going on in and around the depot, headquarters and throughout the world. He talked about issues and concerns. He offered solutions to problems because "we care about you" was his philosophy.

b. For our employer, the Department of Army, Colonel William R. Humbaugh has earned the reputation that "no one does it better" than the Lexington-Blue Grass Army Depot. Even though the Defense Management Review actions resulted in a 24 percent reduction in personnel strength, the Desert Shield and Storm conflict increased the depot mission over 100 percent.

(1) Employees of the Lexington-Blue Grass Army Depot processed over 50,000 individual documents in support of the United States and coalition forces deployed to southwest Asia (SWA). They worked a 2-shift operation to meet the "no one does it better" shipping demands for ammunition, general supplies and communications/electronic equipment.

(a) Statistically, the tonnage of ammunition and supplies shipped to SWA equates to 70 tons per the "no one does it better" Lexington-Blue Grass Army Depot employee; for a period of time this was the record tonnage for being the "most ammunition shipped from any of the other Army installations within the depot system." This recognition was earned by the movement of 51,003 short tons of multiple launch rocket pods, C-4 explosives, impulse cartridges, artillery projectiles, and artillery propelling charges.

(b) Further, shipments of general supplies and equipment totaled some 6,799 short tons of stock, such as, chemical protective masks and hoods, decontamination agent, chemical detector kits, chemical filters, desert camouflage nets, tents, body armor, and energy absorbing pads for airdropping equipment. In addition, the "no one does it better" Kentucky employees, shipped within a 16-hour period, 35 truckloads of camouflage nets to the Army's soon to be deployed 24th Mechanized Infantry Division.

(c) Nine hundred and thirteen short tons of major equipment items were shipped by the "no one does it better" employees; eight transporters (weighing 54 tons each) for moving and dockloading; forty-one customized vans for tactical and repairing communications and electronics equipment; and one oil analysis van to predict engine life and to alert operators of potential failure. From concept to shipping, which previously took more than a year, the teamwork of Colonel Humbaugh's employees built this second mobile oil analysis van within a 3-month period.

(d) Lexington-Blue Grass Army Depot was the Army's only source for secure communications equipment and materials, shipping 107,687 items of electronic encoding equipment for secure communications systems. Also, shipped were 28,103 encryption coding keys, devices which code and activate the electronic encoding equipment that prevented the enemy forces from monitoring the radio traffic of our home team.

(e) The "no one does it better" teamwork shipped 890 fully loaded rail cars, dispatched over 5000 fully loaded semi-trailers and 6000 (plus) partial loads.

(2) In support of the Army's military personnel, Colonel Humbaugh personally approved the deployment of 35 (2 military, 33 civilians) "no one does it better" Lexington-Blue Grass Army Depot employees to serve their country in the Desert Shield and Storm War.

c. For our country, the United States of America, Colonel William R. has been distinguished as a soldier with exemplary behavior in war and peace. He has received the Bronze Star Medal, the Defense Meritorious Service Medal, three awards of the Meritorious Service Medal, the Air Medal, three awards of the Army Commendation Medal, and the Meritorious Unit Citation. His courage and loyalty as a military man, his dedication to his wife (Nancy) and sons (Scott and Mark), are cornerstones for the spirit of America that our forefathers did not find freedom to exercise in other countries.

2. Therefore, be it hereby proclaimed by the employees at the Lexington-Blue Grass Army Depot, in the One Hundred and Second Congress of the United States of America, that:

Whereas, Colonel William R. Humbaugh has been a person of sincere empathy to each of us in an action called Base Realignment and Closure, and we are sure that "he cares about us."

Whereas, Colonel William R. Humbaugh has been our team leader as the depot earned the reputation of "no one does it better," and we are confident that no one will seize that position from us.

Whereas, Colonel William R. Humbaugh has been a man of exemplary courage in his Army career, and an example to follow in family values.

3. And therefore, we, the employees of the Lexington-Blue Grass Army Depot, thank Colonel Humbaugh for his gracious and courteous manner, his considerate ways, his individual attention to each person that came into contact with him. In the words of our 30th President of the United States of America, Calvin Coolidge: "No person was ever honored for what he received, honor has been the reward for what he gave." Today, we honor and thank you, Colonel William R. Humbaugh. We salute you on a job well done.

TOBI AND MARTIN ROGOWSKY HONORED

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mrs. LOWEY of New York. Mr. Speaker, this evening the UJA-Federation Campaign in Westchester County is honoring my good friends, Tobi and Martin Rogowsky. Tobi and Marty Rogowsky are leaders in our community whose efforts have made a dramatic difference in our quality of life.

Tobi Rogowsky has served our community unselfishly. She has been actively involved with the American Jewish Committee, serving as vice president of the Westchester Chapter and a member of its National Affairs Commission. She also serves as sisterhood president of the Jewish Community Center of Harrison, and on the executive committee on Harrison Hadassah. Throughout her work, she has been an inspiration to many and has stood as a powerful advocate for values important to our society's future.

Marty Rogowsky is now in his second term as a member of the Westchester County Board of Legislators, and in that capacity has worked hard not only to represent his constituents, but to bring them personally into an active role in the government of our county. Beyond his tireless work on the county board, Marty has found the time to devote himself to many other worthwhile efforts. He serves on the boards of the Jewish Community Center of Harrison and of the Westchester Chapter of the American Jewish Committee. He also dedicates time to the board of the Westchester Division of the American Cancer Society, the Port Chester-Rye Brook Chamber of Commerce, and Port Chester's Carver Center.

Tobi and Marty Rogowsky understand Westchester County. From his days as administrative assistant to Congressman Richard Ottinger, Marty has made it his business to know Westchester, its needs, and concerns. Likewise, Tobi has been deeply involved in many aspects of the life of our community. It has been my privilege in the Congress to work with these special people to further many important goals. I know that my colleagues join me in paying tribute to their numerous contributions and in encouraging them to continue their important work for years to come.

CONGRESSMAN LANTOS SPEAKS OUT AGAINST CHILD LABOR

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. PEASE. Mr. Speaker, in recent years I have actively sought to throw a spotlight on the resurgence of child labor abuses in America and the prevalence of the commercial exploitation of children in many countries around the world. Throughout my efforts, I have been joined by a steadfast ally in Congressman TOM LANTOS from California.

I commend to my colleagues for reading the attached article that my distinguished colleague, Congressman TOM LANTOS published earlier this year in the Labor Law Journal:

THE SILENCE OF THE KIDS: CHILDREN AT RISK IN THE WORKPLACE

(By Congressman Tom Lantos)

Today, more than 50 years after passage of the Fair Labor Standards Act of 1938 which is our nation's primary law regulating child labor, child labor violations remain a serious problem in the United States. There are growing numbers of children being exploited, injured, and maimed in the workplace.

Beginning in March 1990, the House Government Operations Subcommittee on Employment and Housing, which I chair, has held a series of hearings on children at risk in the workplace, and the escalation of child labor law violations across the nation.

At these hearings we heard dramatic testimony from Matthew Garvey, a Maryland youth whose leg was torn off by a blowing machine while working at a car wash when he was only 13. Suzanne Boutros from Indiana, whose 17-year old son, Jesse, was killed while driving to deliver a Domino's pizza; Claude and Jackie Hucorne, a Pennsylvania couple whose 17-year old son, Michael, was killed working in a supermarket while operating a baling machine that compresses cardboard boxes into flat bales; Joseph Curley from Pennsylvania, whose 15-year old son, Kevin, while working in a bakery where his parents thought he was bagging rolls, was killed when he got pulled inside the dough-mixing machine he was cleaning; Jennifer Forshee, who at the age of 15 cut off the top of her right middle finger while operating a slicing machine at a Burger King in Santa Rosa California; and Augustino Nieves. A 14-year old Mexican farmworker, who works 13 hours a day, in a stooped position picking strawberries in the fields of California, with pesticides such as sulphur stinging his eyes and burning his throat, and earning on a "best day" about $2.80 an hour.

It is important initially to recognize the value of work experience for youngsters, in that it can build character, teach them responsibility, provide training, and in some cases is an economic necessity. My concern and focus, however has not been on children working, but on children working excessive hours, in hazardous jobs, operating dangerous machinery, performing work in sweatshop conditions, and being exploited in the fields—all in violation of the Fair Labor Standards Act.

The most important job for our young people, who represent the future of our nation, is to get an education. Teachers report that excessively long work hours have a negative impact on youngsters' performance and achievement in school. Long work hours during school weeks provide little time for school homework and sometimes result in children falling asleep in the classroom. It also does not appear that most youngsters work because of economic necessity. A 1991 report by the General Accounting Office found that a larger percentage of children from families with annual incomes of over $60,000 were likely to be employed than those from families with annual incomes under $20,000.

There is an overemphasis on work among our young people to the detriment of study. While more than two-thirds of American teenagers work, in Japan the comparable figure is only 2 percent. While Japanese teenagers are in school studying math and science and learning about bullet trains, American teenagers are working to deliver pizzas in less than 30 minutes.

RAMPANT CHILD LABOR LAW VIOLATIONS

The number of federal child labor law violations has risen sharply in recent years, up from 10,000 in 1983 to over 40,000 in 1990. It appears that many employers have been following the Burger King law—"sometimes you've gotta break the rules."

On March 12–14, 1990, not coincidentally just days before the subcommittee's March 16 child labor hearing, the Labor Department, under the leadership and initiative of then-Secretary Elizabeth Dole, conducted a three-day nationwide sweep called "Operation Child Watch." A strike force of 500 investigators examined 3,400 businesses and found 7,000 young people working in violation of federal child labor laws. On June 6, 1990, again not coincidentally just two days before the subcommittee's June 8 child labor hearing, the Labor Department conducted a second sweep. Additional "Operation Child Watch" sweeps were carried out in mid-August and late September 1990.

Nationally, the four child labor strike forces or sweeps in 1990, which consisted of more than 9,500 child labor investigations, found over 29,000 child labor violations. These violations constitute almost 70 percent of the Labor Department's Fiscal Year 1990 total of 42,696 violations, and more than the 25,000 violations detected in Fiscal Year 1989. The 1990 Operation Child Watch strike forces found more than 28,000 youngsters working in violation of the Fair Labor Standards Act. This included 1,000 young people under the age of 14 found to be working illegally. In fact, child labor violations were found at about 41 percent of the businesses investigated.

These Labor Department sweeps helped to focus national attention on how significant and widespread the illegal employment of children is today and the undetected nature of the problem. If the Labor Department, using 500 investigators could find over 16,000 child labor violations during a three-day sweep in March 1990, imagine how many violations could be detected by a vigorous year-round enforcement program.

In a June 1991 report, the General Accounting Office estimated levels of illegal child labor employment far greater than the levels detected by the Labor Department. Based on available data, the GAP conservatively estimated that in 1988 about 166,000 or about 18 percent of all employed 15-year olds were working in violation of federal child labor laws, far above the approximately 14,000 children the Labor Department found illegally employed in 1988.

While the Omnibus Budget Reconciliation Act of 1990 increased the maximum civil penalty for each child labor violation from $1,000 to $10,000, the new law required that the fines collected for child labor violations be deposited in the general fund of the U.S. Treasury. In the past, money collected for child labor penalties went to the Labor Department's Wage and Hour Division and was used for child labor enforcement activities.

Child labor complaints are rare. For example, last year there were less than 10 child labor complaints filed in California. Young people are often ignorant of their rights under the law, or they are afraid and do not complain about being exploited. Parents, too, are uninformed about child labor laws and about the hazards facing their children at work. Accordingly, the child labor enforcement program must be a directed one. There is a need for investigators to go out and detect where the child labor violations are occurring, even though there are very few complaints to respond to.

Former Secretary of Labor Elizabeth Dole told us that "the cop was on the beat." Incredibly, the number of Labor Department investigators has actually gone down nationally. As of June 1991, the Labor Department's Wage and Hour Division, which enforces the child labor provisions of the Fair Labor Standards Act, had 878 investigators for the entire country, almost 9 percent below the 961 investigators it had in Fiscal Year 1990. These 878 Wage and Hour Division investigators are also responsible for enforcing the minimum wage, overtime, and other provisions of the Fair Labor Standards Act, as well as provisions of the Immigration Nursing Relief Act, the Immigration Reform Act, and the Employee Polygraph Protection Act. The GAO estimated that Wage and Hour Investigators spend less than 5 percent of their time on child labor cases.

When I questioned Labor Department officials last summer about the need for more investigators, their response was "we have enough resources" and "we are maximizing resources we have." These responses are comparable to a police chief telling me that reducing the size of the police force would enable them to do a much better job of preventing crime. With more resources and more investigators, the number of detected child labor violations would be significantly higher.

The escalation of illegally employed children in the United States appears also to result in increased incidents of serious injury and death among children in the workplace. There is a need for more reliable data on the nature and extent of work-related injuries to children. For example, between 1983 and 1990, a seven-year period, the Labor Department detected a total of 1,475 serious injuries to children in the workplace. However, a recent study by Dr. Robert Ryder, Dr. Philip Landrigan, and Dr. Susan Pollack of the Mt. Sinai School of Medicine found that based on worker compensation data, an alarming total of 1,333 workers' compensation awards to children under the age of 18 in New York State alone in just 1986. Of these worker compensation awards, 99 went to children under the age of 15; 541 to children for a permanent disability; and 6 for work-related deaths. The reported injuries to working children in New York State in 1986 included chemical burns (12), thermal burns (108), lacerations (436), fractures (238), head injuries (109), amputations (21) and injuries of multiple body parts (87).

NEED FOR LEGISLATION

In April 1991, with Congressmen Donald Pease of Ohio and Charles Schumer of New York, I introduced child labor legislation entitled the Young American Workers' Bill of Rights. This bill, H.R. 2076, updates and strengthens the 1938 child labor law. It puts teeth into the Act by providing criminal sanctions for willful violations that result in death or serious injury to young people (maximum 5 years in prison) or that result in serious bodily injury to a child (maximum 5 years in prison). It provides that willful and repeated violators of child labor laws are ineligible for federal grants loans, or contracts for 5 years, and also are ineligible to pay the subminimum youth training wage. Further, it requires the Labor Department to publish and regularly circulate the names and addresses of employers who willfully violate child labor laws.

Civil fines by themselves against large companies often amount to no more than a slap on the wrist. When I questioned Robert Nugent, Jr., the president of Jack In The Box, a fast food chain with an annual business volume of $700 million, about the Labor Department citations totalling $125,000 issued against his company for child labor violations (later reduced to $94,000), he readily acknowledged it was "not a severe financial deterrent."

This bill for the first time establishes limits, 5 hours per school day and 25 hours per week, on the number of hours that 16- and 17-day olds can work when school is session. It also requires work permits for young people under the age of 18.

H.R. 2076 also authorizes a private right of action in cases of serious injury or death for minors and their families against child labor violators. Senators Howard Metzenbaum of Ohio and Christopher Dodd of Connecticut have introduced similar child labor legislation in the Senate, as S. 600.

SHIFT AT THE LABOR DEPARTMENT

In 1990, Labor Secretary Elizabeth Dole, prompted in part by our hearings, expressed a commitment "to protect America's children," and subsequently initiated a crackdown on child labor violations. However, under the current Secretary of Labor Lynn Martin, there has been a shift from enforcement to education and outreach efforts. In Fiscal Year 1991 the number of child labor investigations declined to 31,763, down 24 percent from 41,782 in Fiscal Year 1990, and 20 percent lower than the 39,986 investigations conducted in Fiscal Year 1989. The child labor program has been decentralized and spun off to regional offices with limited resources and with little monitoring by Washington headquarters. At a subcommittee hearing in August 1991, William Buhl, the Labor Department Wage and Hour Administrator for Region IX in California, was asked to describe some of the so-called "innovative approaches" his office had used. He spoke of writing to employers where there may be child labor violations and having these employers do self-audits!

I would therefore like to see a more visible and a far more vigorous commitment, from the top down in the Labor Department. A commitment from Secretary Lynn Martin to protect those who most need protection—our children. Working children are being injured, maimed, and exploited, often without complaint. The silence of the kids continues.

TRIBUTE TO NEW ENGLAND COLLEGE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. SWETT. Mr. Speaker, this week the American Newcomen Society of the United States is honoring the New England College of Henniker, NH, at a special tribute dinner. I want to add my praises and congratulations to this outstanding college for their many fine accomplishments. I also want to commend the American Newcomen Society for recognizing New England College.

New England College has had great success in preparing its students for life in the global village. Its concept of one college with two campuses in two countries and its commitment to educate its students with a world view has produced students with an appreciation and readiness to succeed in today's world.

This world we now live in is extremely dynamic and complex. Many of the dictatorships of yesterday have become the democracies of today, and unfortunately, the reverse is also true—some of the democracies of yesterday are the dictatorships of today.

In the face of these dizzying changes, information and education have become even more critical to sound decisionmaking. For example, if I were setting up a plant in central Asia, it would be important for me to understand the region and know how politically stable it is. If I were planning to conduct business in Europe, it would be very important for me to know the status of the Maestricht Treaty and of the European Community in general.

New England College, with its dual campuses, has its finger on the transatlantic pulse. This unique program ensures that students learn about the world not only through books, but also through life experience. Education becomes more meaningful to the student when the information being taught is constantly reinforced through experience. The opportunity to live in another country is a very effective way to ensure that today's students gain an understanding of the complexity of life in an interdependent world.

This physical duality of the educational experience at New England College is enhanced by the individual attention to the student that New England College emphasizes. Support from faculty, an academic skills center, and small classes provide an environment in which each student can excel. These support mechanisms ensure that the liberal education that New England College provides can take root in fertile soil. The students' power of thought and reasoning are enhanced, giving them the ability to react and adjust to any given situation.

These three components of the New England College experience: Its two campus system, its student-centered approach, and its liberal education will help to ensure that today's New England College students will become tomorrow's leaders.

Mr. Speaker, I ask my colleagues to join me in paying tribute to New England College on their receipt of the Newcomen Society's recognition. It has been over 40 great years since the founding of New England College. I look forward to again saluting New England College on its golden anniversary of achievement in another 10 years.

INTERNATIONAL FAIR COMPETITION ACT OF 1992

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. BRYANT. Mr. Speaker, there are substantial indications that foreign manufacturers in certain industries use the superprofits earned in their closed home markets to engage in predatory practices in the United States. Therefore, I have introduced the International Fair Competition Act of 1992. This bill will amend existing antitrust laws to safeguard our free markets from anticompetitive conduct originating abroad. The unfair competitive strategy of using monopoly power in one market to engage in predatory pricing in another market is crippling American manufacturers and causing widespread loss of U.S. jobs. While the antitrust laws clearly would prohibit this type of conduct if engaged in by U.S. companies, these laws have limited application to the conduct of foreign companies operating in our market.

In 1986, in the case of Matsushita Electric Industrial Co. versus Zenith Radio, the Supreme Court held that—in spite of a finding by the court of appeals of monopolist practices—U.S. plaintiffs "cannot recover antitrust damages based on cartelization of * * * [a foreign] market, because American antitrust laws do not regulate the competitive conditions of other nations' economies." 475 U.S. 590, 1986. While the Court left open the possibility of a lawsuit where the foreign-based predator engages in systematic price discrimination in the United States, it placed a condition on such a suit which makes it a virtually unusable remedy for a still-functioning American business. The condition is that a plaintiff must not only prove that the price discrimination has resulted from the exercise of monopoly power, but that—after driving competitors out of business—the predator then raised prices "to recoup the predator's losses and to harvest some additional gain." Unfortunately, the only Americans who benefit from the Supreme Court's interpretation are the bankruptcy trustees and lawyers for decimated U.S. companies.

For nearly a century our Nation has benefited from a national policy—embodied in our antitrust laws—which encourages aggressive, fair competition among suppliers of goods and services. The result has been the most dynamic marketplace on earth in which consumers enjoy a plethora of choices found nowhere else and where entrepreneurs can be confident that the competitor with the best product at the best price will thrive.

The effectiveness of our system of antitrust enforcement is now being eroded by the fact that American consumers and businesses now find themselves functioning in an international marketplace which was never envisioned when the Sherman Act and the Clayton Act were written early in this century. Some of our trading partners use a different rulebook and permit predatory practices—particularly when doing business in our marketplace—which long ago have been abandoned by U.S. business. Unfortunately, the Supreme Court has failed to interpret our laws to encompass effectively internationally based anticompetitive and predatory behavior.

Enactment of the International Fair Competition Act will give victims of anticompetitive, predatory practices originating outside our borders the ability to seek effective relief in U.S. courts.

Briefly, the bill amends existing antitrust laws as follows:

It permits suits for treble damages against anyone who commonly and systematically exports into the United States an article to be sold at a price less than the its average total cost, where:

The effect is to destroy or injure commerce, prevent establishment of a line of commerce, or substantially lessen competition in the United States and,

The foreign country exporting the article lacks effective price competitors or is substantially closed to effective international competition.

Mr. Speaker, the International Fair Competition Act is not a trade bill. It does not prevent the sale of any foreign-made products in the United States. It does not stop a foreign-based company from selling goods in the United States at prices which are lower than those charged in its home market. It simply updates our Nation's system of private antitrust enforcement to prevent foreign-based companies from exporting the fruits of monopoly power in their home markets into the United States to the detriment of our industries and our economy. This bill will discourage foreign-based companies from using monopoly power in their home markets to force customers in those markets to pay the cost of the predatory activity in the United States.

I look forward to working with my colleagues to bring this much needed legislation to the floor for action this session.

H.R. 5348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Fair Competition Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) all nations should enact and vigorously enforce strong competition laws to benefit consumers, encourage international competition, and foster growth in jobs, productivity, and investment;

(2) industries should not be allowed to take advantage of weak or nonexistent competition law enforcement in their home markets to compete unfairly in markets that do have strong competition laws and effective enforcement;

(3) existing United States antitrust law is inadequate to prevent international competitors from unfairly exploiting United States markets; it should be amended to recognize that lack of competition abroad should not result in unfair competition domestically; and

(4) United States antitrust laws applicable to foreign competitors that export articles to the United States market should be consistent with United States antitrust laws that are applicable to domestic business conduct.

SEC. 3. EXPORTATION OF THE UNITED STATES AND SALE OF ARTICLES BELOW COST.

(a) AMENDMENT.—The first paragraph of section 801 of the Act of September 8, 1916 (15 U.S.C. 72), is amended to read as follows:

"It shall be unlawful for any person that exports or assists in exporting an article from a foreign country into the United States, commonly and systematically to export the article into, cause the article to be exported into, or cause the article to be sold within the United States, at a price that is less than the average total cost of the article, if—

"(1) the effect of such importation or sale may be to—

"(A) destroy or injure commerce in the United States;

"(B) prevent the establishment of a line of commerce in the United States; or

"(C) substantially lessen competition or tend to create a monopoly in any line of commerce in any section of the country; and

"(2) the foreign country's market in the article—

"(A) lacks effective price competition among competitors; or

"(B) is substantially closed to effective international competition.".

(b) The second paragraph of section 802 of the Act of September 8, 1916 (15 U.S.C. 72), is repealed.

SISTER DESENA TO RECEIVE THE CROSS PRO ECCLESIA ET PONTIFICE MEDAL

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. GUARINI. Mr. Speaker and distinguished colleagues, I ask you to join me in recognizing Sister Jeannette Desena, M.P.F. Sister Desena, a native of Bayonne, NJ, will be the recipient of the Cross Pro Ecclesia et Pontifice Medal, which the Roman Catholic Church considers to be one of the highest honors that can be bestowed upon a religious or lay person. Sister Jeannette will receive the award on Thursday, June 11, for her outstanding work on behalf of the Holy Mother Church. Archbishop Theodore McCarrick will officiate at the ceremony in the Sacred Heart Cathedral in Newark.

Sister Jeannette is the daughter of Lucy Desena and the late John Desena. She graduated from Roosevelt School, and later attended Holy Family Academy. She left to become a sister with the Community of Religious Sisters Filippini, becoming the first young lady to enter the convent from the parish of Our Lady of Assumption. She later attended Villa Walsh Academy, St. Elizabeth College, Seton Hall University, Fordham University, Kean College, Dunbartron College (Washington, DC), and Steubenville College (Ohio). She holds a B.S. and an M.A. in education, as well as certifications in administration and supervision.

Besides having been a teacher in elementary and secondary schools, Sister Jeannette has been an elementary school principal, a community elementary school supervisor, the elementary assistant superintendent of the Archdiocese of Newark, and has served in the dioceses of Newark, Paterson, Scranton, New

York, and Brooklyn. She is currently the principal of the Ironbound Interparochial Elementary School, in Newark. At the present time, she is a member of the board of trustees of the Benedictine Academy, a member of the Rutgers University Curriculum Advisory Board, and is also a member of the Archdiocesan Task Force for Essex County. She is a eucharistic minister and lector, and as a speaker, is in much demand at PTA and Rosary Society meetings.

Sister Jeannette has received many awards of excellence, including the NCEA Presidential Award, the Archdiocesesan Board of Education Award—(for service to schools in the archdiocese)—and recognition from the Essex County Principals' Association for her outstanding contributions to education.

Mr. Speaker and distinguished colleagues, I ask you to join me in recognizing Sister Desena for her dedication and excellent work and in congratulating her for being awarded the Cross Pro Ecclesia et Pontifice Medal.

MIAMI INSTITUTE OF PSYCHOLOGY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the Miami Institute of Psychology, a division of the Caribbean Center for Advanced Studies, and their innovative approach to mental health services and education. The Caribbean Center and the Miami Institute of Psychology are dedicated to providing services and education in a way that accepts different behaviors based on the social, spiritual, and cultural differences of the people they serve. With the leadership of Dr. Salvador Santiago-Negron, president of the Caribbean Center of Advanced Studies, Dr. Evelyn Diaz and Theresa Abizu-Diaz of the Miami Institute, the center has been training psychologists in Puerto Rico and Miami since 1966.

The Caribbean Center for Advanced Studies originated in 1966 when the Puerto Rico Institute of Psychology was founded as the first mental health educational institution on the island. The few mental health professionals in Puerto Rico at that time had been trained off the island. These professionals created the Puerto Rico Institute of Psychology to develop and teach theories and practical methods of mental health treatment which take into account the cultural differences among their patients.

The Miami Institute of Psychology was established in 1980 to serve the need in the continental United States for graduate psychology programs sensitive to cultural issues. As part of its service to the community of Miami, the Miami Institute of Psychology operates the Goodman Psychological Services Center. Under the direction of Dr. Cristina Rivera and Dr. Gladys Lorenzo, the Goodman Center provides mental health services to indigent people and to the criminal justice system, as well as offering services on a sliding fee scale based on the patient's ability to pay.

Mr. Speaker, I commend the Caribbean Center for Advanced Studies and the Miami Institute of Psychology for their efforts to understand each of us on our own terms and for trying to help us work together to create a better society for all mankind.

STILL MORE TRUTH ABOUT PRORATIONING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. SCHEUER. Mr. Speaker, since the House passed the Markey-Scheuer natural gas prorationing amendment to the energy bill last month, we have heard over and over again that State prorationing amendments are not designed to jack up prices. They are only designed to prevent physical waste and protect correlative rights. If that were true then there would be no problem because the amendment does nothing to prevent States from exercising such traditional regulatory powers.

But unfortunately, the motives of those who advocate increased prorationing are not that pure. They are trying to use prorationing to raise the price of gas. Just read the local newspapers from producing States and you will get a good idea what people in the gas patch think the purpose of prorationing is.

From the April 6, 1992 Dallas Morning News:

> At the heart of today's challenge is the price of natural gas * * * Those who favor restricting 'allowables' (prorationing), as the industry refers to monthly production levels, argue that when supplies are reduced, supply and demand will be placed in equilibrium. At that point, one may expect to see a rise in the price of natural gas.

The Dallas Morning News recognized that Texas could raise prices and probably get away with it:

> The sticky wicket here is that not all industry folks are convinced that a reduction in supply will match levels of demand. Texas Independents for Natural Gas argues that if Texas gas supplies are restricted, other gas-producing States, as well as Canada, will fill the void.
>
> Perhaps, That's what makes rationing gas production a risk. But it should not be forgotten that Texas produces approximately 27 percent of the nation's natural gas. Texas, Oklahoma, Louisiana together produce nearly 50 percent of the nation's natural gas. And Oklahoma Gov. David Walters and the Oklahoma Legislature have approved a reduction in the State's gas output. Louisiana is considering a reduction provision.

The March 25, 1992 issue of the Fort Worth Morning News had an editorial on prorationing which stated. "The Railroad Commission is considering a proposal to limit production of natural gas in Texas to help bolster prices." Not much ambiguity there. Prorationing proponents aren't out there to protect correlative rights; they want to jack up the price.

The New Orleans Times Picayune wrote in its March 22, 1992 issue, "Now some producers want State governments to limit production to raise prices. It sounds like something on the order of an OPEC for natural gas." Exactly. On March 24, 1992 the Houston Chronicle reported, "Thus comes the proposal to reduce production 'allowables' set by the Texas Railroad Commission. Proposals known as Rule 29 and the Interim measures, aimed at decreasing the State's natural gas output, are before the commission. The clear hope is that by tightening supplies and forcing up prices the industry will be rescued." The article added, "The idea of reducing production in the hopes of driving up prices has an undeniable populist appeal."

Prorationing supporters from producing States continue to assert that they are not interested in using prorationing to raise prices. If their own local newspapers do not agree with them, why should we?

When the House passed the Markey-Scheuer amendment, it did the right thing.

H.R. 5006, FISCAL YEAR 1993 DEFENSE AUTHORIZATION BILL

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. MORRISON. Mr. Speaker, because I had to leave for my home State of Washington late Thursday, June 4, I was absent for portions of the consideration of the fiscal year 1993 Defense authorization bill. Therefore, I would like to share my views now on that legislation.

As Members of Congress, we have an important mission: How will we respond to a dramatically changed security threat? We asked ourselves this question as the Berlin Wall fell. We asked ourselves this question when the Soviet Union dissolved. And we asked ourselves this question as Saddam Hussein conceded defeat in the aftermath of Desert Storm.

I have always supported a strong national defense, one which could overwhelm any opposition or threat which might arise. But the level of necessary spending must be set according to a grounded, threat-based approach. Those of us who supported much of the defense buildup in the early 1980's were responding to the legitimate military dangers posed by the Soviet Union and Warsaw Pact. But today, I can continue to be a supporter of a strong national defense and at the same time recognize that in this changed world, a smaller U.S. force represents just as much military might as our 1980's force levels, relative to the threat. With this authorization bill, I believe we are beginning to craft a reasonable response to this new and evolving security threat.

For these reasons, after we debated the initial House version of the budget resolution, I joined four of my Republican colleagues in voting to double the President's proposed Defense budget cuts over the next 5 years, in support of Panetta B. The American people are clammering for a Congress which will be more responsive to the real world. The level of Defense spending authorized by the Armed Services Committee, at the level of the House-passed budget resolution, is a signal that Congress can meet the challenge, that it can make the difficult decisions on some of today's major issues.

Again, our Defense spending must be that level needed to meet the security threat to our country and our allies. Our Defense budget cannot be a "jobs" bill, though we must recognize the employment implications of the decisions we make, both within the services and in the civilian sector. Having said that, we can reduce spending without pulling the rug out from under those who won the cold war for us. Chairman ASPIN has identified necessary cuts which can be made outside the personnel accounts, in such areas as excess inventories, overseas basing costs, and slower weapons acquisition. In addition, our colleague in the other body, Senator NUNN, has crafted an intelligent package of incentives and benefits to encourage folks to leave the military early, to ease the burden on those who wish to stay. Finally, this House bill will contain $1 billion in economic conversion funding, to assist those in both the military and civilian sectors who might be dislocated as a result of the cuts we make. Investing in training and conversion for these folks today saves us a great deal of money tomorrow.

On a more specific note, I have mixed feelings about finishing the B–2 fleet at 20 planes. On the one hand, any time a diminished threat means we no longer need to procure a new weapon, a great victory has been won. The B–2's original mission of taking out Soviet mobile targets during a nuclear conflict is obsolete. At the same time, it is a shame that we won't be able to field a fully realized fleet of the most technologically advanced plane in the sky. This is one of those difficult decisions which confront us, and I believe the Armed Services Committee has found the proper balance. The 20 planes will allow us to stay on top of technology advances without committing unnecessary resources to a plane whose original mission has disappeared.

In short, I am pleased to see the House adopt a defense authorization bill which responds in a far-sighted, responsible manner to the evolving world security situation.

FESTA ITALIANA COMES TO NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. PALLONE. Mr. Speaker, on Saturday, June 13, 1992, the Garden State Arts Center in Holmdel, NJ, will be the site of the 22d annual Festa Italiana. This colorful, informative, and fun-filled event attracts thousands of people from all over New Jersey and the New York metropolitan area, and I will be proud to be one of those in attendance.

The theme of this year's event is the 500th anniversary of Christopher Columbus' arrival in the New World. The discovery made by this son of Italy in the year 1492 is clearly one of the most important events in human history. This sailor from Genoa had that rare combination of vision and courage to make possible the voyage that completely altered the Western concept of the world. People of Italian descent are justifiably proud that this historical giant emerged from the land of Italy.

Mr. Speaker, being an Italian-American myself, I know only too well the persistence of negative stereotypes that continue to plague people of Italian descent. It saddens me that the brilliant accomplishments of Italians, dating back for centuries, are too often overlooked. Meanwhile, ugly images continue to shape many people's idea of the Italian nation and culture. Italians have played a tremendous role in shaping and advancing civilization—on both sides of the Atlantic.

Events like this weekend's Festa Italiana hold the promise of increasing public awareness of the positive aspects of the Italian legacy, including major advancements in the arts and sciences, continued leadership in the world movement toward democracy, and a spirit of hospitality, generosity, and a unique love of life. I hope that Italian-Americans will come to the Festa to rediscover an important part of their identity, and I hope non-Italians will turn out to learn about and enjoy our traditions and way of life.

Saturday's event is being organized by volunteers from all over New Jersey. The chairman of the event is Mr. Anthony Lordi, Jr., of Linden, NJ. For all their hard work, I salute Mr. Lordi and his dedicated corps of volunteers.

In addition to performances and exhibits about traditional and contemporary Italian culture, Saturday's Festa will include several stars of the entertainment world, including Jerry Vale, Mary Mancini, John Pizzi, and New Jersey's own Uncle Floyd Vivino.

Arriverderci, e viva gli Italiani.

CIVILIAN MAILING PRIVILEGES BILL

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. HAYES of Illinois. Mr. Speaker, at the request of the Department of Defense, I am introducing legislation to permit essential civilians supporting military operations, in an area overseas designated by the President, to mail at no cost personal letters or recorded communications.

The bill would grant civilians who are essential to the support of military operations overseas the same free mailing privileges authorized for military service members. It is specifically aimed at essential civilian personnel who are both authorized to use the Military Postal Service and who are working in support of military operations. Currently, they are not eligible to receive the free mailing privileges granted to the service members.

The administration supports this bill and the Postal Service, which will be reimbursed for all costs, has no objections.

I urge my colleagues to cosponsor this legislation.

TRIBUTE TO RITA WEINGARTEN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mrs. LOWEY of New York. Mr. Speaker, this evening the Westchester Chapter of Women in Communications is honoring a remarkable woman, Rita Weingarten, with their Matrix Award. Rita has been a leader in civic and corporate affairs and an inspiration and role model to many women as they strive to break the glass ceiling.

Rita has been instrumental in the growth of the Westchester Chapter of Women in Communications. She has served the group in many capacities, including vice president for programs, vice president for professional development, and as president.

Rita is an innovative leader who has worked to bring people and community organizations together in pursuit of common goals. Her work toward the formation of the Westchester Corporate Volunteer Council has provided young people with important work experience and nonprofit groups with critical assistance. That help is particularly important now as difficult economic times make entering the job force even more difficult.

Even while pursuing a busy career in governmental and public affairs, Rita always finds the time to take on additional responsibilities, serving our community as chair of the corporate community jobs project, and, in the past, as president of the Volunteer Service Bureau, and the Westchester Health Planning Council. Her dedicated work on behalf of the March of Dimes, College Careers, Lend-A-Hand, and the Youth Counseling League, demonstrate her deep commitment to our youth and our community at large. Through her professional career and community service Rita has been more than willing to use her talents and energies to help others fulfill their aspirations.

When something needs to be done, Rita Weingarten is one person to whom we can turn in confidence. Indeed, she knows how to get results, and she has truly made a difference for many in our community and beyond. Rita also understands the importance of women in our society working to move forward in every sphere. As she has pursued her own career, she has broken barriers. In doing so, she has opened new opportunities for other women. Rita understands that the glass ceiling will only be removed as it is shattered in every sector of our society.

Indeed, Rita Weingarten is a deserving recipient of the Matrix Award. I know it will encourage her to continue her hard work and leadership.

TURKEY'S PRESIDENT VETOES JUDICIAL REFORM LEGISLATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. HOYER. Mr. Speaker, I rise today to note with disappointment an apparent setback in the new Turkish Government's democratization program. An important package of judicial reforms, which had been approved by the Turkish Parliament on May 21, was vetoed yesterday by President Turgut Ozal. The amendments to the Penal Proceedings Act, which had been debated since the government of Suleyman Demirel was installed last November, were a key element of a much heralded "democratization package."

The reforms addressed numerous problem areas often cited by human rights observers as obstacles to Turkey's continued democratic development. The proposed measures included: a shortening of pretrial detention periods to meet international standards; permitting the presence of lawyers during all periods of detention and providing legal assistance free of charge to needy defendants; reaffirming constitutional prohibitions on the use of torture or other means of coercion during all detention periods, and prohibiting the use of evidence obtained through illegal means.

Mr. Speaker, in explaining the reasons for vetoing the legislation, President Ozal cited unacceptable dangers posed by alleged terrorists freed because of shortened permissible detention periods. The real and serious terrorist threat in Turkey cannot be discounted, yet human rights reforms and the fair treatment of all criminal defendants should not be made contingent upon the cessation of terrorist activity. While all nations have a right, indeed a duty, to protect the security of their citizens and the inviolability of their borders, they are also obligated to protect the human rights and fundamental freedoms of all their citizens. A difficult balance is required, but I believe that a nation must come down on the side of protecting individual freedoms.

Mr. Speaker, I wish to take this opportunity also to commend the members of the Turkish Grand National Assembly for their efforts in crafting this farsighted, progressive, and greatly needed legislation. Unfortunately, the fate of the judicial reform package remains uncertain. The legislation will now be sent back to the Parliament, where it will either be amended or resubmitted to President Ozal in its present form. If resubmitted without changes, the President, under terms of the Turkish Constitution, will not be able to exercise his veto a second time.

Mr. Speaker, it is the hope of all who support the democratic State of Turkey that the much needed reforms as outlined in the legislation be adopted as soon as possible. Anything less would appear to represent a diminished effort by the Government of Turkey to fulfill commitments undertaken in the Helsinki process and other international human rights documents.

"BONANZAS" WOULD BE A MISTAKE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. JACOBS. Mr. Speaker, when one thinks of Social Security, one should automatically think of four names, Roosevelt, Cohen, Myers, and Ball.

This excellently eloquent article was written by Bob Myers and Bob Ball, two of the pioneers of the financial fortress which we call Social Security.

"BONANZAS" WOULD BE A MISTAKE

(By Robert M. Ball and Robert J. Myers)

In the guise of providing "justice" to a group of retired persons who are already receiving the equitable and fair amount of Social Security benefits that Congress intended, we may be about to witness a giveaway that will match anything resulting from HUD scandals and the S&L mess.

These retirees call themselves "notch babies."

Originally, they consisted of individuals born in 1917–21. But lately, proposals have been made to expand their ranks to include people born in 1922–26. The "notch babies" claim that they have been cheated by the government out of rightfully earned Social Security benefits. (Of course, not everyone born during those years supports the demand of the "notch babies"; in fact, quite the opposite may be true.) But, are these demands fair? Let's look at the facts.

In 1972, the procedure which Congress adopted to provide automatic cost of living adjustments unintentionally resulted in over-indexed benefits under the economic conditions which occurred shortly thereafter. This meant that unless changes were made, in the long run some people would have been eligible for far higher benefits than have ever been intended (some, for example, would have been eligible for benefits when they retired that would have been higher than the earnings on which their benefits were based.) Under those provisions, the Social Security trust fund would have been completely exhausted in a few decades.

In 1977, Congress decided to remedy its mistake. Rather than reducing benefits for those already retired, the lawmakers developed a plan to gradually lower the unintentionally high benefits for those retiring in the future. The plan included three benefit computation methods: (1) the old method that continues to those born before 1917, (2) the new method that applies to those born in 1917 or thereafter, and (3) a transitional method designed to ease the impact of the change in computation methods for those born in 1917–21. Persons born during that five-year period can have their benefits calculated using the new method and the transitional method and they receive whichever amount is higher, (in fact, had it not been for the transitional method, many individuals born in 1917–21 would be receiving lower benefits than they are today.)

Despite this, some retirees born during those five years, 1917–21, who did not retire at age 62, but rather worked well beyond them, have complained bitterly about what they call the "notch": a situation in which their Social Security benefits may be lower than those of individuals with comparable earnings records who were born in 1910–16 (and who might be called "bonanza babies" because they are receiving higher benefits than Congress intended.)

Never mind that the "notch babies" are getting the equitable, actuarially fair benefits the Congress intended and are receiving benefits computed in the same way as all those who come after. Instead they are demanding that their benefits be raised so that they can also be "bonanza babies."

To make matters worse, some groups purporting to represent these individuals have sought to expand the definition of "notch babies" to include those born 1922–26. They argue that the proposed "correction" of benefits for those born in 1917–21 would create a new "notch" for those born during the following five-year period. Of course, this strategy would also double the number of potential contributors to the group seeking "justice" for them.

What's the bottom line? Even a so-called "watered down" proposal now before Congress to raise benefits for "notch babies" would cost the Social Security trust funds an estimated $324 billion, including the loss of interest on moneys needed to pay the additional benefits. Clearly, the current Social Security financing plan—crafted in 1983 after months of negotiations and quite successful to date—does not provide for this or any other major new expenditure.

Congress made a mistake in 1972 resulting in windfalls for those retirees born shortly before those now complaining. Nearly 20 years later, it would only compound the error by greatly expanding the number of people who would receive such "bonanzas."

(Robert M. Ball was Commissioner of Social Security from 1962 to 1973. Robert J. Myers was Chief Actuary of the Social Security Administration from 1947 to 1982. Both served with the President's National Commission on Social Security Reform in 1982 and 1983.)

JOHN HALL LEADS BEACON COUNCIL'S MINORITY BUSINESS PROGRAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize John Hall, who recently was featured in the Miami Herald after becoming the vice president of Minority Business and Economic Development for Miami's Beacon Council. The article, "Man who 'makes things happen' leads Beacon's minority program" by Charles Rabin describes how Mr. Hall's background prepared him for this new challenge:

John Hall has been named vice president of Minority Business and Economic Development for Miami's Beacon Council.

"Minorities, specifically blacks, must improve their skill level," Hall said. "There must be an educational and training link. They must do better."

In his new job, Hall will try to establish closer working relations between minorities and the business and economic community. "Frankly, we're still defining the role the department will play," he said.

Upon his appointment last month, Hall took a leave of absence from his own company, Urban Development Corp. of Greater Miami, to work full-time with the Beacon Council. Urban Development works on planning with Greater Miami Neighborhoods and Tools for Change, nonprofit organizations that exist to help Dade's underprivileged.

Beacon Council President John C. Anderson said he selected Hall because he "makes things happen."

"I clearly recruited John Hall," he said. "I quietly began talking with black community leaders and John's name kept popping up."

COMMUNITY SERVICE

The appointment is one more step by Hall along a road of community service.

While an undergraduate at Howard University in Washington, Hall spent time working for Sens. Mike Monroney of Oklahoma and Thomas Eagleton of Missouri.

"I started as an office boy with Monroney and ended up writing speeches and running his campaign," Hall said.

He worked for Eagleton in the same capacity during his run for the vice presidency with George McGovern, until Eagleton was asked to step down after public disclosure of his psychiatric treatment.

After Howard, Hall graduated from the Harvard Business School in 1971. He went directly into minority business development, serving the National Council for Equal Business Opportunity in Washington for two years.

He joined Mark Battles Associates in 1973, a firm that specialized in applied government research, after the company agreed to give him controlling interest if he could turn its fortunes around. He stayed there for 12 years, closed shop and moved to Miami in 1985.

WATSON ISLAND PROJECTS

That year Hall was recruited by Miami Marine Exposition Inc., to assist in projects planned for Watson Island. But three months later he left to start his own firm.

"He's a people person," Anderson said. "He communicates complex issues very easily, and he's got an extremely strong background."

Hall, 46, who is married and has three children, likes Florida's "ups and downs."

"My most defined goal is the employment of minorities with little education; it's one of the biggest problems in America," he said. "I would like to facilitate putting a major dent in the number of nonworking minority, specifically blacks, in Dade County."

I am happy to pay tribute to Mr. Hall by reprinting this article. His extensive experience and commitment will be a major asset in the Beacon Council's war on unemployment.

TELLING THE TRUTH ABOUT PALAU

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. DE LUGO. Mr. Speaker, last week, the United Nations Trusteeship Council completed its regular annual meeting on the territory that the United States is responsible for administering on behalf of the United Nations: the western Pacific islands of Palau.

Our distinguished colleague from California, GEORGE MILLER, and I were very disappointed by the written report that the executive branch submitted to the Council on how our Nation discharged its responsibilities regarding Palau in 1991. It failed to report realities that were inconsistent with the administration's policy goals.

The most egregious example of this was found in its selective reporting of our primary trusteeship obligation: developing the territory into a self-governing status in accordance with the wishes of its people. Mr. MILLER, as chairman of the full Interior and Insular Affairs Committee, and I, as chairman of the Insular and International Affairs Subcommittee pointed out the report's deficiencies in this regard to the Secretary of State in a letter that I will include in the RECORD with this statement.

In our letter, Chairman MILLER and I also objected to the administration's efforts to pressure Palau into approving a compact of free association that the United States has approved through legislation that we sponsored. The administration has been applying this pressure in a number of ways, including repeatedly suggesting that independence—which most Palauans do not seem to want—is the only alternative to approving the compact as it has already been approved by the United States.

In fact, there are other alternatives, including working out modifications to the compact, as Palau's leaders have proposed and as the bipartisan leadership of the Interior and Insular Affairs Committee has recommended. Trying to limit the options, as the administration has, does a disservice to our Nation's commitment of self-determination in Palau. It may also prove to be counterproductive in terms of finally resolving the future political status of the islands.

The unfairness of the administration's approach—particulary because tiny Palau has almost no power in comparison to our great Nation's almost total power—was very clearly explained in an editorial in the Pacific Daily News that commented on the letter that Chairman MILLER and I sent to Secretary Baker on this matter. I will also include this editorial in the RECORD.

In contrast to the administration's sanitized report on the situation in Palau, the territory's Minister of State more accurately described the situation in his address to the Trusteeship Council: That he did so comes as no surprise because Minister Santos Olikong was one of the leaders of the successful fight against political intimidation and corruption in the islands. He defied physical attack and first made many of us in this House aware of problems of Palau, which caused us to insist that these problems be addressed. I will also include in the RECORD excerpts from his statement that are related to the status issue:

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, DC, June 1, 1992.

Hon. JAMES A. BAKER III,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: We are appalled by the inadequate and inaccurate information on political advancement contained in the fiscal year 1991 report to the United Nations on the administration of the Territory of the Pacific Islands.

A total of only about one page in this 190 page report is devoted to how our nation discharged its primary trusteeship obligation: developing the islands of Palau into a self-governing status in accordance with the freely expressed wishes of its people. And this scant treatment is deficient and misleading.

The following statements, which represent most of what was reported on this preeminent responsibility, require correction.

Palau's executive branch "emphasized that free association continued to be the status of choice for the people." (p. 53)

In fact, Palau's executive and legislative leadership emphasized many times that, while they still prefer free association, they believe the proposed compact for it (which Palau has not approved in seven referenda) will not be approved by their people "as is."

"No progress towards resolution of the political status situation was made." (p. 53)

In fact, Palau's leaders agreed upon modification to the compact that they believed would enable the future status to be resolved.

The United States "will continue to provide whatever assistance and counsel is necessary and requested in order that the people of Palau may resolve their political status as expeditiously as possible." (p. 95)

In fact, the Administration has consistently declined Palau's repeated requests to try to work out compact modifications that its united leaders have said are necessary.

The United States prefers the compact of free association approved by the Congress in 1986 "but is prepared to consider independence." (p. 97)

In fact, the 1986 law did not authorize the compact to be implemented. Instead, this authority was granted by a 1989 law that also effectively modified the compact. Further, as the primary sponsors of that law, we must remind you that the approval was made subject to Palau's actual approval of the compact—which has still not occurred. This approval was granted because, even though the compact had not been actually approved, the compact had been supported by the majority of Palau's people . . . and not because we "preferred" it.

Our commitment has been the same as that which the United States assumed in entering into the Trusteeship Agreement: to support the political development of Palau based on the self-determination of its people. As chairmen of the committee and subcommittee of the House with jurisdiction over trust territory matters, we would consider whatever self-governing status they sought. The Administration's repeated suggestions of independence—which they do not seem to want—as the alternative to the compact is a thinly-veiled threat unbecoming of a great nation.

Finally on this matter, we note that the report does make some reference to the efforts of Palau's leaders to have the compact modified by noting that they met with Administration officials and appeared before the Subcommittee on Insular and International Affairs. But the explanations of their purpose—"to discuss the possibility of reopening a dialogue on modifying the Compact . . . to discuss a number of issues of vital concern . . . including political status . . . [and to make proposals] to resolve the impasse on political status" (p. 8) really do not explain their position.

Additionally, the report also does not explain the efforts of Palau and the Congress to prevent the Department of the Interior from dictating Palau's budget contrary to Palau's constitutional processes and it glosses over other problems facing Palau.

One of our nation's greatest strengths is our commitment to the truth. We do not need to mask it as totalitarian states do.

In closing, we want to recognize that Ambassador Tahir-Kheli's statement in the U.N. Trusteeship Council last week was more forthcoming than the report was on the status issue, although the statement erroneously suggested congressional acceptance of Administration views. We also recognize that the Department of State is not ultimately responsible for the report's deficiencies because the material for it was furnished by the Interior Department, which is fully responsible under law for the administration of the trust territory. However, since the report was transmitted by the State Department, we strongly urge that you have its incomplete and misleading statements corrected.

Sincerely,

RON DE LUGO,

Chairman, Subcommittee on Insular and International Affairs.
GEORGE MILLER,
Chairman.

[From the Pacific Daily News, June 5, 1992]

GIVE HELP, RESPECT IN PALAU'S QUEST

We agree with U.S. Rep. George Miller and Congress Del. Ron de Lugo, the State Department has been bullying Palau and it has managed to get the United Nations to go along with the act. In an embarrassing display of power, especially in the last few years, the U.S. has managed to let Palau know that it does not respect the wishes of Palau's people.

Palauans have adopted a constitution, but demands from the United States concerning certain measures in the document have caused problems. Palau's president says he's fed up with Palauans being blamed for stalemate. So are we. If the United States would accept the constitution as a mandate of the Palauan people, this hullabaloo would probably not be taking place.

Let's say Palau doesn't like the United States constitution's part about the right to bear arms. Palau harps on this point for a decade and demands the U.S. become gun free like Palau. Palau loans some money, not much mind you, to anti-gun activists in the states. The activists manage to get some referendums placed on some ballots over the years, but no one in the U.S. can reach a vote that would override the Constitution. The United States government, of course, ignores Palau. The Constitution is a document that is a mandate of its citizens guaranteeing certain rights that Americans feel are important for existence as a society. It certainly isn't going to let a bunch of islanders tell it what to do. But Palau isn't finished. It takes its case to the United Nations, says it has given the U.S. many chances to see the light and now wants action.

So the U.N., believing Palau is being totally honest and is disclosing all, tells the U.S. to ignore its people, drop the constitutional right to bear arms or it will see that the union is dissolved and each state is forced to be independent.

This scenario is improbable and impossible, because Palau wields little power on the world scene. But reversing roles, this is what is happening to Palau now.

The congressmen said the U.S. commitment should be "to support the political development of Palau based on the self-determination of its people." They're right.

If the Palauan people feel strongly enough about the provisions in their constitution, they should stick by their guns and go for independence. But what bothers us is that the U.S. hasn't left Palau in a good position to do this. It hasn't returned the country to its level of self-sufficiency that it enjoyed before the war, thus putting Palau in a terrible predicament.

The July 13 vote is pivotal to settling the hard feelings brought on by this stalemate so Palau can perserve.

OPENING STATEMENT BY HON. SANTOS OLIKONG

Mr. President and distinguished Members of the United Nations Trusteeship Council, the termination of the last trusteeship on Earth must be the goal and the purpose of this 1992 Council Session. Together let us review the events of the last year and address the prevailing issues preventing the dissolution of the trusteeship and devise a plan of its eventual termination, and take bold and decisive steps to achieve Palau's goal of true self rule . . .

Last year, we reported the formation of a working group to identify and propose to the United States modifications to the compact in the context of present realities and the changing world order. Palau suggested the removal of nuclear provisions from the Compact, but was advised right away that this was not acceptable; it sought a shorter term of the Free Association relationship and redesignation of land areas which the United States could commandeer for military purposes. These proposed Compact modifications were formally relayed to U.S. Ambassador James Wilkinson, who led the delegation of the Administering Authority in your last two annual sessions, during his two visits to Palau to hear our concerns and seek common grounds with us. They were also officially transmitted in writing to the United States Government by the Palauan political leadership last October 1991. Unfortunately, on April 7, 1992, the United States Department of State responded by summarily rejecting all the proposed modifications. And while I understand that the United States has concerns of its own, we cannot figure out why it took the Administering Authority nearly a year just to say "No" in the end.

Palau continues to seek ways to resolve the political status issue. Shortly after the Visiting Mission left, a citizens' petition to allow ratification of the Compact by a simple majority vote was presented to the government. That petition has been verified by our Election Commission to bear valid signatures of more than 25% of our registered voters as required by our Constitution for any popular initiative to be effective. Upon its receipt, President Etpison formally submitted a legislative proposal to our National Congress designed to provide for a Constitutional Amendment Referendum as requested by the Petition. But since the proposed bill did not get enacted by the Congress in time to insure a vote within the 90-day period specified in the Petition, the President has set July 13, 1992 as the referendum date. President Etpison and other leaders of Palau had hoped for a congressional act calling for a referendum to amend the Constitution. However, all interests appear to agree that the Petition, through executive order, must be placed before the voters, to be accepted or rejected in a fair and open election, as the voters decide.

I cannot predict now what the outcome of that vote will be. Absent modifications in the Compact which Palau's leadership had hoped to obtain from the Administering Authority, the electorate may refuse to change the 75% requirement for a Compact approval which had frustrated seven previous plebiscites. Even if the Petition passes, we cannot be certain that our voters will subsequently approve the present version of the Compact, unless some better assurances come about from the United States relating to military land use rights and the term of the agreement. I sincerely hope, however, that within the next one year, the United States and Palau will come to terms on their future relations and that this Council can then terminate the World's remaining trust territory.

President Etpison, who staunchly supports the Compact of Free Association with the proposed modifications, has declared that the Eight Referendum on the Compact will be the last . . . Should the Palauan voters in the polls reject the Compact of Free Association, with or without our suggested changes, then Palau and its people will have no other choice but must explore an alternate status arrangement.

We are determined to put an honorable end to the trusteeship in the first year of the next administration. This we hope to work out with the blessings of the Divine Providence, with your helping hand, and with the goodwill of the United States of America. This we hope to achieve in the spirit of peace, harmony and understanding.

KOM KMAL MESULAND.

DOES OUR CURRENT MEDICAID LAW MAKE SENSE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. KOSTMAYER. Mr. Speaker, under current law, Federal funds may not be used for Medicaid-eligible patients to get mental health services in private, freestanding psychiatric hospitals. If, however, the identical services are provided in a psychiatric facility affiliated with a hospital Federal funds may be used. Given that both the services and the reimbursements are identical, this rule appears to be arbitrary and unfair.

The State of Pennsylvania has chosen to provide Medicaid reimbursement for private, freestanding psychiatric hospitals using 100 percent State funds. Using the experience in Pennsylvania, we can now determine the appropriateness of providing Medicaid funding for private, freestanding psychiatric hospitals.

Today, I am introducing legislation to determine the feasibility and desirability of providing such reimbursement. This legislation authorizes the Secretary of Health and Human Services to conduct a study analyzing any variation in utilization, costs, and quality of care between private, freestanding hospitals and those affiliated with hospitals.

We in Congress need to understand the implications of Federal rules and regulations currently in place. This study will help Congress determine whether the provision of the Medicaid law prohibiting payments to private, freestanding psychiatric hospitals makes sense, or if following the Pennsylvania example, changes in reimbursement can occur without undermining patient care or increasing costs to the Federal Government.

I encourage all of my colleagues to cosponsor this important legislation and learn about the implications of our Medicare policy.

TRIBUTE TO MRS. FRANCES MORTEN FROELICHER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. CARDIN. Mr. Speaker, I rise today to recognize and pay tribute to Mrs. Frances Morton Froelicher—teacher, citizen city planner, and community organizer. Mrs. Froelicher has been a catalyst for change in the Baltimore and Maryland communities. A "Jenny Appleseed" of ideas, her greatest talent has been in bringing new ideas from the fringe into the mainstream, cajoling the system into embracing change.

Mrs. Froelicher's success in the crusade for better housing and planning in Baltimore was characterized by her founding of the Citizens Planning and Housing Association in 1941 and her tenure as its executive director from 1945 to 1969. Unafraid to promote change, she pushed through a series of reforms that made CPHA's one of the most successful citizens group in Baltimore.

After her retirement from the CPHA in 1970, Mrs. Froelicher set her signs on improving the environment. The Air Quality Division of the Maryland State Department of Health and Mental Hygiene asked Mrs. Froelicher to organize a coalition to support air quality standards. She created the Better Air Coalition that was formed with more than 50 participating groups. Her efforts resulted in adopting strict standards aimed at improving air quality.

Mrs. Froelicher's continuing interest in the environment also led her to found the Baltimore Environmental Center in 1971, to organize Pennsylvania's South Mountain Audubon, to chair the Water Pollution Committee of the Monroe County, FL, League of Women Voters, and to organize and preside over the Strawberry Hill Foundation.

I would like my colleagues to join with me in saluting Frances Morton Froelicher, whose innovative goals combined with intense dedication and altruism, have helped improve all our lives.

TRIBUTE TO THE NATIONAL ASSOCIATION OF HEALTH UNIT COORDINATORS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. GILMAN. Mr. Speaker, it is an honor and a distinct pleasure for me to once again commend and congratulate Ms. Dorothy Barnum for her hard-working dedication and unrelenting effort in promoting the ideals and goals of the Mid-Hudson Valley Chapter of National Association of Health Unit Coordinators in the 22d Congressional District of New York.

Celebrating their 12th anniversary in August of this year, the National Association of Health Unit Coordinators, making rapid advancements in medicine and encouraging the growth and expansion of health unit coordinators, continues to strive for excellence by adopting a Code of Ethics and Standards of Practice and carrying on education programs that assist health unit coordinators in remaining knowledgeable with the ever advancing technology of the health care field.

In the past 11 years, the association has generated a number of nationally certified programs as well as instituted standards of practice and accreditation. Mr. Speaker, it is vitally important for the public to be informed of the valuable contributions that National Association of Health Unit Coordinators provide in the health care system and the commitment to excellence and professionalism that they are constantly struggling to achieve.

Accordingly, I invite my colleagues to join today in congratulating Ms. Barnum and the Mid-Hudson Valley Chapter on their third anniversary as well as the National Association of Health Unit Coordinators as they celebrate their path of excellence and their founding on August 23, 1992.

CONGRESSMAN ZIMMER SALUTES JEWISH HERITAGE FESTIVAL

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. ZIMMER. Mr. Speaker, New Jersey is a state rich in cultural diversity. Our proximity to Ellis Island made New Jersey a gateway into America for immigrants since before the turn of century. Now they fly over the Statue of Liberty and land at Newark International Airport.

This week will see a particularly meaningful example of my home State's role in America's tradition as a great melting pot when New Jersey's Jewish Heritage Festival begins. Thanks to the spread of freedom and human rights around the world, this year's festival will be attended by Soviet, Syrian, and Ethiopian Jews.

The festival is a decades-old celebration of the unique Jewish culture. That these immigrants can attend such a celebration and are now free to practice their religion—as they never could in the Soviet Union, Syria, and Ethiopia—serves to remind us all of how lucky we are to live in the United States.

Mr. Speaker, I want to praise the organizers of this festival for highlighting their won cultural heritage which is thousands of years old and still very much an integral part of the diverse cultural fabric of our Nation.

TRIBUTE TO BERNARD POITIER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the outstanding service rendered to the community of Miami, and the young people of Florida by Bernard Poitier. A man who saw his dream of going into business for himself come true in 1970, Bernard Poitier returns to his community what he has earned from it.

Once his funeral home was established, Bernard Poitier became pastor of his own church, and began working hard to make an impact on his community. He targeted students as the place to start, and is serving as a mentor for students, and supports student activities and sporting events.

The Miami Herald published an article about this outstanding citizen, which I would like to include in the RECORD:

LONGTIME FUNERAL DIRECTOR GIVES BACK TO COMMUNITY

(By Olympia Duhart)

When Bernard Poitier was a little boy, he was on a constant quest for dead animals. Dogs, cats, rats, mice. He even scooped up road kills when he found them.

Poitier buried the animals. He would convert the back yard of his Liberty City home into a funeral parlor, pour bleach over the carcasses to "embalm" the animals, and recruit his sisters to serve as mourners. Sometimes, he'd even slip a dog into one of his mother's dresses before he said the last rites and lowered it into the ground.

"I always knew I wanted to run a funeral home," said Poitier, who owns Poitier Funeral Home in Liberty City. "That's been my dream since day one."

On Christmas Day 1970, Poitier saw his dream realized. He opened his own funeral parlor on the corner of Northwest 62nd Street and 23rd Avenue. Twenty-two years later, the building still stands on the same corner.

The business has grown to include a casket business, a church, and a business office. A new parlor is slated to open next month. Poitier, who ran away from his first encounter with a dead human body, also has changed. He became pastor of his own church five years ago, is considering running for county mayor and is working hard to make an impact in his community.

He has targeted students as his top priority. A former teacher, Poitier serves as a mentor for students at several Liberty City schools, sponsoring hot dog parties and buying trophies. He was recently recognized for his efforts when the Miami Commission named him one of five outstanding citizens of the year.

"I think it's a great idea," said Jeanette Goa, principal of Holmes Elementary. "If we call him or leave a message for him to come, he will stop and come right on over and talk with us."

Goa said Poitier takes kids to his funeral home to "shadow" him as he works, encourages kids to open bank accounts and sponsors class parties. Poitier also sponsors study sessions for students on Tuesday afternoon at his church, St. Luke-Cousin Memorial AME Church.

"You have to remember where you come from," said Poitier, who grew up on Liberty City. "I firmly believe that if you do good toward people, good things will come back to you."

Mr. Speaker, I commend Bernard Poitier for his outstanding community service and his commitment to the youth of Miami.

TRIBUTE TO ALVA GENE FOWLER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. CONDIT. Mr. Speaker, I rise today to honor Commander Alva Gene Fowler of the Ceres, CA, Department of Public Safety who will be retiring on June 30, 1992, after 22 years of dedicated service.

Gene Fowler entered local law enforcement when he became a reserve deputy sheriff for the Stanislaus County Sheriff's Department in January 1970. In October of 1970, he was hired as a full-time police officer with the city of Ceres. On September 11, 1973, Mr. Fowler was promoted to detective. In 1975, he was promoted to sergeant. In June 1982, he was promoted to the position of detective sergeant. In 1983, Gene was made police commander in which he had the responsibility of supervising the services and police divisions for the public safety department. He has served in that position for nearly 9 years.

I had the pleasure of serving with Gene Fowler while I was a city councilman and mayor of Ceres. His dedication to the department and the people he served will be sorely missed. I would like to wish Gene and his wife, Ella, well as they are able to enjoy life a little more after his retirement.

TRIBUTE TO THE NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. GREEN of New York. Mr. Speaker, I rise today to honor the National Alliance of Postal and Federal Employees, the oldest black-led labor union in the Nation, which will celebrate its 79th anniversary this October. In celebration of that landmark anniversary, in August, the union will hold a 40th Biennial National Convention in New York City.

I should like to thank Noel V.S. Murrain, the President of the Alliance, and Mr. James M. McGee, National President of the National Alliance of Postal and Federal Employees for all of their hard work with the organization and their undying dedication to making the labor union a success. Further, I should like to thank the Chairman of the 40th Biennial National Convention Committee, Wendy J. Kelly-Carter for her efforts in organizing this convention.

I should also like to congratulate the President and the Vice President of the Alliance for their organization of the Nation's most respected black-led labor union. As a result of their efforts, this union gives black employees an opportunity to benefit within their union.

I join my colleagues in extending the best to all of the members of the National Alliance of Postal and Federal Employees.

TRIBUTE TO JAMES SHIMEL

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. TRAXLER. Mr. Speaker, I'd like to take this opportunity to salute a distinguished gentleman, James Shimel, from my hometown of Bay City, MI. James Shimel received on June 9 the Pathfinders Award, the highest recognition of his support for HIV-positive victims. This award was given to 14 outstanding individuals from across America in recognition of their leadership, achievements and dedication to the fight against HIV/AIDS. A consortium of 18 nationally recognized organizations known as the National Partners presented the Pathfinders Awards to the winners.

As a member of the American Red Cross HIV/AIDS task force in Bay City MI, Mr. Shimel has quietly become a leader in the tri-county areas for increasing HIV/AIDS awareness and prevention. Of particular note is the volunteer time and emotional support he has given to the residents of Hope House, a place which has provided housing to HIV/AIDS infected people who have nowhere to go. The courageous work done by ordinary citizens like James Shimel reminds us how a tragedy like AIDS can produce remarkable human responses.

Regardless of Mr. Shimel's own difficulties with multiple sclerosis, he has put his own health and welfare aside to help others in need. His leadership, courage, and compassion in the fight against AIDS should serve as an inspiration to us all. Please join me in congratulating James Shimel upon receiving the Pathfinders Award and for his courage and leadership in the fight against HIV/AIDS.

THE 20TH ANNUAL JEWISH CULTURAL FESTIVAL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. PALLONE. Mr. Speaker, on Sunday, June 14, 1992, the Garden State Arts Center in Holmdel, NJ, will be the site of the 20th annual Jewish Cultural Festival. This enjoyable and informative event always attracts thousands of visitors from all over New Jersey and the New York Metropolitan area, and I will be proud to be one of those in attendance.

The theme of this year's festival is a Salute To Israel. Recently, the State of Israel celebrated the 44th anniversary of its independence. During those years, Israel has made unbelievable strides that are the envy of much of the world—even if many other nations still go through the motions of denying Israel's legitimacy. Israel has successfully absorbed wave after wave of new immigrants, from the traumatized survivors of the Holocaust in Europe, to the masses of Sephardic Jews escaping poverty and religious discrimination in Arab lands. More recently, Israel has again astounded the world—and confounded her critics—by providing a new home and a new hope to the long-suffering Jewish communities of the former Soviet Union and Ethiopia. All the while, the Israelis have built up an impressive agricultural and industrial infrastructure, successfully defended their country against hostile neighbors and, most amazing of all, adhered to the principles of democracy.

These days, the America-Israel relation is going through a rather negative period, one that I hope will prove to be a short-lived phase. Questions are being raised about the need for the continued close relationship between our two nations. I say that it would be a big mistake to abandon this alliance, which has been and still is vital to long-term stability and security. The current controversy over United States loan guaranties to Israel is a particularly sad spectacle for friends of Israel to behold. It troubles that much of the controversy is rooted in a simple misunderstanding of what the loan guaranty really means. It is not a $10 billion giveaway to Israel from United States taxpayers. The United States would simply be co-signing loans for one of the World's safest credit risks. In fact, the United States economy stands to benefit, in the short and long term, from new contracts for the hard-pressed American housing industry, and increased exports of raw materials and manufactured goods as the Israeli economy continues to grow and expand. Thus, the loan guaranties truly benefit both of our nations—the true test of the value of any bilateral alliance.

Sadly, the ugly virus of anti-Semitism continues to plague our society, and much of the criticism of Israel seems rooted in this form of irrational hatred. It is important that the leaders of the Jewish community, as well as all people of good will, fight against the hatred and the stereotypes that are targeted at Jewish-American citizens. One way to do this is to highlight the many significant contributions that Jews have made to world culture in general and American society in particular, through events such as this weekend's Cultural Festival. We will probably always have to deal with the malevolent influence of hate mongers striking at the margins of our society. But I am confident that the American people have the will, the courage and the national institutions to keep the hate mongers at the margins while dedicating our Nation to accepting and embracing the diversity that is our greatest strength.

I would particularly like to pay tribute to the chairman of this year's festival, Mr. Martin Hacker of Metuchen, NJ. He and the many volunteers who have worked to organize this year's event have put together a program that includes a wide range of cultural activities, and which will feature the actors Lou Jacobi and Paul Zim and the New Jersey Klesmer Band. We who live in the Central Jersey area are indeed fortunate to have such an event in our region.

TRIBUTE TO SISTER MARY THOMAS ZINKAND, R.S.M.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute and give special thanks to Sister Mary Thomas Zinkand, R.S.M. on the occasion of her retirement as president and chief executive officer of Mercy Medical Center, a Catholic, community oriented hospital, in Baltimore, MD. She will be greatly missed for her dedication, compassion, and commitment to helping all peoples. The Mercy Hospital Board of Trustees honored Sister Mary Thomas at a community brunch in Baltimore on Saturday, May 16.

Sister Mary Thomas, a Baltimore native, grew up in Hamilton and studied nursing at the Mercy Hospital School of Nursing and Mount Agnes College. As a graduate nurse in pediatrics at Mercy Hospital, she made the decision to become a nun. She later went on to earn a master's degree in hospital administration from St. Louis University.

Sister Mary Thomas' 35-year tenure at Mercy Hospital is marked by her tremendous compassion for and understanding of the unique needs of the underprivileged and indigent. Throughout her years of service, Sister Mary has not faltered in her commitment to the Mercy community and the people of Baltimore.

In honor of Sister Mary's retirement, Archbishop William H. Keeler awarded her the archdiocesan Medal of Honor. Auxiliary Bishop P. Francis Murphy presided over a special mass in her honor on May 17 at the Basilica of the Assumption where he attributed the compassionate environment at Mercy to Sister Mary Thomas.

Mr. Speaker, Sister Mary Thomas Zinkand's dedication, commitment, and generosity to others will be greatly missed at Mercy. Her life's work is an inspiration which will live on in the hearts of those who have had the good fortune to know her, and will continue to serve as a model of devotion to the community.

TRIBUTE TO THE ART OF GUIDO MENA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the remarkable work of Miami artist Guido Mena. Born in Havana, Cuba in 1956, Guido Mena moved to the United States with his family in 1960. He has achieved a level of success in both commercial and fine art which is all the more unusual because he is colorblind.

The Miami Herald published an article about this remarkable artist, titled "Artist with eye for color is colorblind," which I would like to include in the RECORD:

When artist Guido Mena splashed vivid hues across the poster he created for the annual Calle Ocho festival, he captured the festival's exuberance—as well as that of the city.

But, Mena says, few people who see his work realize that he is colorblind. Clearly the condition didn't matter when the Kiwanis Club of Little Havana commissioned Mena to create the 1992 poster for Carnaval Miami.

"Guido is an excellent artist with a great capacity to communicate," said Leslie Pantin, founding president of the club and promotions manager for Carnaval Miami.

Born in Havana in 1956, Mena came to Miami in 1960 with his family. His colorblindness was discovered when he was a student at Coral Park Senior High, where he won several arts awards.

"The diagnosis was a surprise, but it did not change my mind about studying painting," he said.

He went to Pratt Institute in Brooklyn, where he earned a bachelor's degree in art in 1982. He launched his professional career that same year.

"For a time, I worked mainly in black and white," he said. "But then a professor urged me to develop my skills in color work. From that moment on, I developed the tools to have complete control of my palette."

His paintings attest to that control. Bright colors are used to vary images and figures.

"I'm a loner who wants to become totally dedicated to painting," he said. "I don't follow anyone's footsteps, not in my commercial or artistic work. I follow my own instincts."

Mena's most widely distributed commercial assignment was the cover of the 1987–88 Southern Bell telephone directory. Some 2.3 million copies were printed. He also designed the menu cover at Monty's restaurant, an item many tourists keep as a souvenir.

In 1990, Mena broke into the fine arts world with his painting *The Knockout*.

Based on a boxing image, it was one of 52 works selected for a national exhibition of contemporary art organized by the Society of Four Arts of Palm Beach.

"I'm painting a lot now because the experiences of Palm Beach and the poster tell me that people are interested in my work," he said. "Maybe people can identify with my images because they share the reality from which those images emerge."

Mena is preparing a portfolio with samples of his work. He captures the intensity of domino players or the anguish of Cuban rafters at sea. He doesn't limit himself.

"Miami is a special and unique city. There's much to do here," Mena said. "I want my art and my colors to be part of its magic."

Mr. Speaker, I commend Guido Mena for his perserverance in the face of incredible challenge, and his contribution to the richness of our art and culture.

A CONGRESSIONAL SALUTE TO THE SOROPTIMIST INTERNATIONAL OF DOWNEY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. ANDERSON. Mr. Speaker, on Friday, June 12, 1992, the Soroptimist International of Downey will hold its installation of officers ceremony. It is with great pleasure that I rise today to pay tribute to this exceptional organization which will celebrate its 40th anniversary this year.

Soroptimist International was founded October 3, 1921, in Oakland, CA, by a diverse group of professional women. From this humble beginning, Soroptimist International has grown to become the largest classified service organization for executive and professional business women. It lists some 80,000 members from over 3,500 occupations and professions in 82 countries around the world. Membership in this organization is by invitation only and is based on a classification principle which assures a broad spectrum of representation from the economic life of the community.

At the heart of this organization is service. Soroptimists serve their local communities through six programs of service: economic and social development, education, environment, health, human rights/status of women, and international goodwill and understanding. The type of service Soroptimists offer is directly related to their community's needs. They provide shelters for abused women and children, design and implement literacy programs, environmental protection programs, health and drug programs, and hold seminars on career opportunities and money management to name just a few.

On an international scale, Soroptimists have united to bring water to drought plagued countries in Africa and to teach marketable skills to women in the Southwest Pacific, India, and the Philippines. They have provided immediate assistance to earthquake victims in Mexico and continue their support by offering programs on sanitation, nutrition, and education.

In addition to these worthy causes, Soroptimists provide awards and recognition programs in their local communities. These award programs are designed to recognize and support individuals in their quest for upward mobility and the improvement of their life. The training award is given annually to women who are working to improve their economic status through education. The youth citizenship award recognizes outstanding contributions by young people their school, community, country, and world. The making a difference for women program honors individuals who have made notable contributions toward the advancement of women.

Mr. Speaker, the members of Soroptimists are proud to be a part of an organization whose sole purpose is to improve the quality of life for their fellow human beings. They are women at their best helping others to become the best that they can be.

On this most special and deserving occasion, my wife, Lee, joins me in extending this congressional salute to the members of this notable organization. We wish Soroptimist International of Downey and their new officers another 40 memorable years.

THE MURDER OF BOSNIA-HERZEGOVINA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. HOYER. Mr. Speaker, it is very difficult for most Americans, myself included, to imagine the horrific atrocities which are now being carried out against the people of Bosnia-Herzegovina by Serbian President Slobodan Milosevic and his henchmen. We have read press accounts about the indiscriminate killing of thousands of innocent men, women, and children. We have seen the pictures of mortar and artillery rounds crashing down on Sarajevo. Yet it seems almost surreal. How can such cruelty exist in this world?

The following statement, given this week at the CSCE followup meeting in Helsinki by Bosnian Foreign Minister Haris Silajdzic, leaves no doubt that this senseless massacre is indeed taking place. It also calls on the CSCE to rapidly bring into play the process that will lead to peace. I fully support the recommendations of Mr. Silajdzic, and ask that the following statement be placed, in its entirety, in the RECORD.

STATEMENT BY DR. HARIS SILAJDZIC, FOREIGN MINISTER, REPUBLIC OF BOSNIA-HERZEGOVINA

Mr. Chairman, distinguished colleagues, we meet at a perilous time for the people of Bosnia-Herzegovina and for the Conference on Security and Cooperation in Europe.

During the last month since I spoke with you, the situation in Bosnia-Herzegovina has gone from bad to worse. Incessant shelling continues. More than 5,200 persons have died. Some 20,000 have been wounded. And more than one million are homeless.

The war of aggression by Serbia against its neighbors has been unrelenting. Sarajevo, once the proud host of the 1984 Winter Olympics, has been under heavy artillery assault for two months.

It has been especially heavy in the last 30 hours. This weekend, 30 people were killed and more than 100 injured. Serb forces, ringing Sarajevo, pounded our capital with heavy artillery, rockets and mortars.

The night sky was ablaze with buildings and explosions. Sarajevo's streets are littered with rubble and shattered glass. Hospitals are packed with wounded and mortuaries are full.

Street fighting has erupted in the suburb of Dobrinja, where 40,000 people face imminent starvation and death from the repeated attacks.

Some 400,000 of our citizens are trapped in Sarajevo and fear starvation. United Nations and Red Cross relief convoys have repeatedly been blocked form distributing food and medicine.

The main water reservoir is damaged. There is virtually no water to fight the conflagration. Two major hospitals have been severely damaged. The telephone system is almost totally inoperative.

Last Friday in the town of Ljesevo, 25 people were slaughtered. In Kozarac last week, more than 500 people were killed after a rain of grenades hit the town.

Serbian concentration camps have been set up. More than 1,000 people have been subjected to horrible torture. Families have been separated. Many have been sent to work camps.

We have confirmed that the Yugoslav Army has placed Scud missiles on Mount Vlasic, near Travnik about 150 kilometers from Sarajevo.

New, more deadly 165-mm artillery have been injected into the war by Serbia.

What we know and what you have seen on television are but the tip of the ice berg. Many towns along the border with Serbia have been cut off totally. One can only imagine the horror perpetrated there.

I spoke with President Izetbegovic yesterday. He confirmed the latest details of this onslaught against civilized society. We will have video-tape documentation of these atrocities for CSCE very shortly.

Property damage in the Balkan brutality may reach $100 billion. Entire factories have been stolen. In Mostar, the Soko airplane factory was dismantled and moved to Serbia. Our economy is at a standstill.

The Milosevic Method is clear. The finger prints unmistakable.

It started in Kosova in the late 1980s. Military occupation. Parliament dissolved. Media under strict controls. Purges.

It moved to Slovenia briefly, and then the Croatia 11 months ago. Now Bosnia-Herzegovina is feeling the irrational wrath of this man who has been described by Time magazine as "The Butcher of the Balkans."

The aggression was planned carefully, cunningly, cynically.

The pathetic pattern in Croatia and Bosnia-Harzegovina started with heavy artillery shelling. Murders and massacres followed. Non-Serbs who did not leave were driven out, or shot. Burning, looting, plundering ensued. Population resettlement occurred, as Serbs moved into the homes of Croatians and Bosnians.

This last step is now underway in Sarajevo and elsewhere in my country. Bosnia-Herzegovina has no artillery. We have no rockets. We have no military jets. We face a Yugoslav Army general in charge of the aggression who is part and parcel of the Milosevic war machine. We confront 1,000 paramilitary insurgents from Serbia and Montenegro who will stop at nothing.

The aggressor has boasted about his intention to level Sarajevo. At this point, he is pursuing it with impunity. A year ago, the Yugoslav Army dug it self in to the hills around Sarajevo. An officer was asked why. He answered, "To protect the city from an air attack." From these very positions, the aggressor is now firing on Sarajevo's innocent citizens.

The are playing loosely and freely with people's lives. Not only in my country, but in the entire region. An ecological disaster threatens Central Europe if Yugoslav fighters attack the chemical plant in Tuzla.

The chemical facility stocks 125 times more chlorine than that found at the Union Carbide plant in Bhopal, India, in 1984. The air and artillery attack on Tuzla could lead to a major environmental catastrophe.

To call this as an "ethnic war" is to play into the hands of the aggressors. It can only be described as a barbaric incursion aimed at "ethnic cleansing" and "ethnic purification" by the aggressors. Milosevic and his henchmen seek to annihilate our history in a blatant attempt to kill our sense of identity and belonging, to eradicate our spirit.

History will recount this as a war of "cultural genocide." As in Croatia, Bosnia has witnessed destruction or damage to 122 monuments, mosques, churches, synagogues, historic building and museums.

The aggressor has committed virtually every crime imaginable. Massacre. Torture. Murder. Intimidation. Repression. Oppression. Crimes against humanity. In many instances, these horrors surpass those of the darkest days of World War II.

We do not seek revenge. However, those responsible for these reprehensible actions must be brought to justice. We know who they are. They have no respect for human life. Their prosecution will discourage other potential tyrants.

What kind of people are these? Have they no civility? Do they care anything about human rights? Are they so corrupt that they will kill babies, mothers and fathers with impunity?

The world must answer these questions. And the answers must come soon. Very soon. The foundations of civilized society face assault.

If we do not act now, who will? If we don't have the will, who does?

Respect for human rights. Fundamental freedoms. Equal rights. Self-determination. Territorial integrity. Peaceful settlement of disputes. Inviolability of frontiers. The guiding principles of CSCE are falling prey to the aggressor.

Over the last two years, CSCE and the international community have recognized the threat posed by Serbia to its neighbors.

The Committee of Senior Officials has expressed concern about "the rising tension in Yugoslavia." The Conference has acknowledged the gross violation of human rights and the clear evidence of aggression.

On May 12, in an unprecedented step, the delegation of former Yugoslavia was excluded from participating in decisions related to the crisis until the end of this month.

Last Thursday, NATO foreign ministers gave us a key to rescuing the starving and stopping the carnage. The unprecedented use of NATO troops and equipment for peacekeeping operations in Bosnia-Herzegovina will send a stunning signal to the world that tyrants will not be tolerated, that human life is sacred, that civil rights are sacrosanct.

Today, we urgently appeal to CSCE to rapidly bring into play the process that will lead to peace.

Specifically, a security zone must be established around Sarajevo and escorted relief convoys must be allowed to distribute food and medicine.

The aggressor's military flights over Bosnia-Herzegovina must be prevented.

His artillery must be dismantled, neutralized, or placed under international control.

Our citizens must be permitted to return to their homes and live securely in peace.

There is no reason for inaction. The government of Bosnia-Herzegovina seeks only peace. It is a democracy, committed to human rights and a free market economy. It is only just that peace should be imposed after so many sanctions, so many appeals, so many attempts at dealing with the expansionist policies of the Milosevic regime.

For the 5,200 people who have died, it is too late. For the 20,000 wounded, the damage is done. For the million made homeless, life is a hell. For the thousands of little children waiting for a piece of bread and a cup of water, starvation creeps up.

Each day counts. Each hour counts.

If this assault on civility is allowed, there is not much hope for humanity. If this affront to mankind is sustained, there is not much reason for the Conference on Security and Cooperation in Europe to exist.

Let us try our very best to stop the suffering of the people of Bosnia-Herzegovina.

Let us by our actions prevent despotic regimes, now and in the future, from fomenting their fanaticism.

Let us act now.

BALANCE NEEDED IN ENVIRONMENTAL DISCUSSIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. BEREUTER. Mr. Speaker, as leaders from around the world meet in Rio de Janeiro for the Earth summit, the world's attention has appropriately been focused on the current and future threats to the environment. Certainly this is not an issue to be ignored. However, it appears that a disproportionate amount of the focus has been placed on the most dire environmental scenarios that have been offered.

Obviously, great attention needs to be paid to the very real threats posed by environmental neglect and, where appropriate, corrective action should be taken. However, these decisions need to be based on rational facts rather than emotional appeals designed to frighten people into action. The cause of environmental protection is harmed by unsubstantiated claims of impending global disaster. Such an approach tends to obviate other views on the issue and makes it more difficult to engage in serious debate about the situation and the best methods to effect meaningful change.

Unfortunately, it seems that anyone who promotes environmental protection on the basis of facts and evidence rather than emotion is accused of being an enemy of the environment. For that reason, I commend the following excerpts from an article in the June 1, 1992, issue of Newsweek to my colleagues.

This commentary, written by the distinguished economist, Robert J. Samuelson, offers a balanced and often overlooked view of the environmental situation:

THE END IS NOT AT HAND

(By Robert J. Samuelson)

Whoever coined the phrase "save the planet" is a public-relations genius. It conveys the sense of impending catastrophe and high purpose that has wrapped environmentalism in an aura of moral urgency. It also typifies environmentalism's rhetorical excesses, which, in any other context, would be seen as wild exaggeration or simple dishonesty.

Up to a point, our environmental awareness has checked a mindless enthusiasm for unrestrained economic growth. We have sensibly curbed some of growth's harmful side effects. But environmentalism increasingly resembles a holy crusade addicted to hype and ignorant of history. Every environmental ill is depicted as an onrushing calamity that—if not stopped—will end life as we know it.

Take the latest scare: the green-house effect. We're presented with the horrifying specter of a world that incinerates itself. Act now, or sizzle later. Food supplies will wither. Glaciers will melt. Coastal areas will flood. In fact, the probable losses from any greenhouse warming are modest: 1 to 2 percent of our economy's output by the year 2050, estimates economist William Cline. The loss seems even smaller compared with the expected growth of the economy (a doubling) over the same period.

Unfortunately, the impulse of many environmentalists is to vilify and simplify. Critics of environmental restrictions are portrayed as selfish and ignorant creeps. Doomsday scenarios are developed to prove the seriousness of environmental dangers. Cline's recent greenhouse study projected warming 250 years into the future. Guess what, it increases sharply. This is an absurd exercise akin to predicting life in 1992 at the time of the French and Indian War (1754-63).

The rhetorical overkill is not just innocent excess. It clouds our understanding. For starters, it minimizes the great progress that has been made, especially in industrialized countries. In the United States, air and water pollution have dropped dramatically. Since 1960, particulate emissions (soot, cinders) are down by 65 percent. Lead emissions have fallen by 97 percent since 1970. Smog has declined in most cities.

What's also lost is the awkward necessity for choices. Your environmental benefit may be my job. Not every benefit is worth having at any cost. Economists estimate that environmental regulations depress the economy's output by 2.6 to 5 percent, or about $150 billion to $290 billion. (Note: this is larger than the estimated impact of global warming.) For that cost, we've lowered health risks and improved our surroundings. But some gains are small compared with the costs. And some costs are needlessly high because regulations are rigid.

BALANCE

The worst sin of environmental excess is its bias against economic growth. The cure for the immense problems of poor countries usually lies with economic growth. A recent report from the World Bank estimates that more than 1 billion people lack healthy water supplies and sanitary facilities. The result is hundreds of millions of cases of diarrhea annually and the deaths of 3 million children (2 million of which the World Bank judges avoidable). Only by becoming wealthier can countries correct these conditions.

Similarly, wealthier societies have both the desire and the income to clean their air and water. Advanced nations have urban-air-pollution levels only a sixth that of the poorest countries. Finally, economic growth tends to reduce high birthrates, as children survive longer and women escape traditional roles.

Yes, we have environmental problems. Reactors in the former Soviet Union pose safety risks. Economic growth and the environment can be at odds. Growth generates carbon-dioxide emissions and causes more waste. But these problems are not—as environmental rhetoric implies—the main obstacles to sustained development. The biggest hurdle is inept government. Inept government fostered unsafe Soviet reactors. Inept government hampers food production in poor countries by, say, preventing farmers from earning adequate returns on their crops.

By now, everyone is an environmentalist. But the label is increasingly meaningless, because not all environmental problems are equally serious and even the serious ones need to be balanced against other concerns. Environmentalism should hold the hype. It should inform us more and frighten us less.

HONORING MERCEDES PARKS, PRINCIPAL OF AEOLIAN ELEMENTARY SCHOOL—RETIREMENT ON JUNE 30, 1992

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual and dedicated public servant, Mrs. Mercedes Parks, principal of Aeolian Elementary School in Whittier, CA. Mrs. Parks is retiring from public education after 38 years of teaching our youth and will be honored at a special awards assembly on Tuesday, June 16, 1992.

Mrs. Parks received her bachelor of arts and masters degrees from Whittier College. She also completed a variety of continuing education coursework at California State University, Los Angeles and Pepperdine University.

Mrs. Parks has dedicated her career to the field of education. She began her tenure with the Los Nietos School District in 1952 as an instructor and speech and language teacher at Rancho Santa Gertrudes School. She served as head teacher, speech specialist and acting assistant principal of Wallace S. Wiggins School from 1975–81. In 1983 she was a summer school teacher for the severely handicapped at Ada S. Nelson School and she also served as a speech specialist from 1981–85. She then moved to Aeolian Elementary School and assumed the position of principal, where she has served since 1985.

She has been an active member of the National Professional Educators' Society [Delta Kappa Gamma], Kiwanis Club of Whittier, and served as the president of the Los Nietos Teachers Association. Further, she received the PTA Honorary Life Member Award, Kiwanis Rookie of the Year Award and she has participated in numerous teaching related conferences.

I have had the opportunity to visit Aeolian Elementary School on several occasions as a teacher, observer, and presenter. On those occasions, I have witnessed that Mrs. Parks is indeed a dynamic individual who is well respected by students and teachers alike.

Mr. Speaker, on June 16, 1992, students, teachers, administrators, and civic leaders will gather to honor Mrs. Mercedes Parks for her tremendous contributions to the field of education and to our community. I ask my colleagues to join me in saluting this exceptional woman for her outstanding record of education service to the young people of my district.

TRIBUTE TO THE ART OF LUIS MEDINA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the remarkable work of the late artist and photographer Luis Medina.

Born in Cuba in 1942, Luis Medina was exiled to the United States with his family in 1958. After working and studying art in Europe, he returned to Miami so he could earn enough money to complete an associate of arts at Miami Dade Junior College. He enrolled in the School of the Art Institute of Chicago, and completed his studies on merit scholarships.

Although he originally enrolled as a sculpture student, after working on a photography project with his childhood friend, Jose Lopez, he shifted his focus to photography. He earned a fellowship, the Fred J. Forster traveling fellowship, and used that period to travel across the United States developing his photographic abilities. The photographs which resulted from that trip were shown in exhibitions in Chicago, IL; Helsinki, Finland, and Sydney and Melbourne in Australia.

He continued his photography, supporting himself through teaching and lecturing, while producing more critically acclaimed photography exhibits, including a series on street gangs in 1982, for which he placed himself in danger for his art, with resulting photographs unlike any ever before taken in Chicago. Likewise, his exploration of Haitian voodoo was a revelation to those who are remote from it.

In 1985, Luis Medina died suddenly of a rare neurological disease. There has since been no photographer to take the place he created for himself. His photographic archives are presently being held by the Art Institute of Chicago so that an exhibition of his unique work can be prepared and published.

Mr. Speaker, I am pleased to offer tribute to Luis Medina and his extraordinary work, and his contribution to the richness of our art and culture. I congratulate Luis' mother, Olga Bohorques, for continuing a memorial at the Art Institute of Chicago in his name.

DEATH OF WILLIAM G. McGOWAN, CHAIRMAN OF MCI COMMUNICATIONS CORP.

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. RITTER. Mr. Speaker, there was a time in this Nation's history when every American held tightly to a very basic belief: That an individual could achieve whatever they set their mind to, regardless of the odds, if they only persevere. Bill McGowan, who we lost this past Monday, was in my view and the view of many others the living embodiment of this simple principle. We are poorer for his loss, but so much the richer for the life he led.

His life was a celebration of competition and competition infused his vision of the future of telecommunications. Here was a man who started with a single microwave link between St. Louis, MO, and Chicago, IL, and saw it grow into an international corporation with almost $9.5 billion in revenues. Millions of Americans today enjoy the benefits of the robust competition in the telecommunications industry which Bill McGowan inspired. The odds against his success were high, but he persevered and accomplished that which he set out to do.

And that, I believe, is the essential lesson of Mr. McGowan's life. It is a lesson which America must never forget.

A TRIBUTE TO AMBASSADOR PHILIP C. HABIB

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1992

Mr. FEIGHAN. Mr. Speaker, I note with deep regret the recent passing of the distinguished diplomat, Ambassador Philip C. Habib, who has been rightfully reckoned as the "Foreign Service Officer of his generation." Also today, Wednesday, June 10, a memorial service is being held in Ambassador Habib's memory at the National Cathedral.

It was after his retirement that Ambassador Habib was called upon to mediate some of the world's toughest problem spots: Lebanon, Central America, and the Philippines. We all recall the memorable role that Mr. Habib played as the personal representative of President Reagan for the Middle East from 1981–83 that brought the Ambassador's diplomatic wizardry—long appreciated by Presidents and Secretaries of State—to the public's attention.

The mission to mediate peace in Lebanon was of special significance to Ambassador Habib, as Lebanon was the land of his parents, and he always bemoaned that "we almost had it" in resolving the Lebanese conflict. His attention to the fate of Lebanon remained; he was a trustee of the American University of Beirut and was instrumental in founding and advising the American Task Force for Lebanon.

Mr. Speaker, let us all salute a noble and courageous public servant of the United States, the Honorable Philip C. Habib. For the RECORD I want to include these tributes from the New York Times and the Washington Post:

[From the New York Times, May 27, 1992]

PHILIP C. HABIB, LEADING U.S. DIPLOMAT IN ASIA AND MIDDLE EAST, IS DEAD AT 72

(By Catherine S. Manegold)

Philip C. Habib, a Brooklyn-born Lebanese-American who was one of the United States policymakers in the Middle East and Asia for decades, died Monday while vacationing in France. He was 72 years old.

Mr. Habib died of a heart attack, the United States Embassy said. He lived in Belmont, Calif.

Mr. Habib served in the Foreign Service for nearly three decades, and many years in retirement as a trouble shooter, crafting for himself a reputation as a tough and shrewd negotiator. He is credited with helping to arrange the cease-fire in Lebanon and the Palestine Liberation Organization's withdrawal from that country in 1982 following the Israeli invasion. He also played an important role in persuading President Ferdinand E. Marcos of the Philippines to go into exile in 1986.

ADVISOR TO 3 ADMINISTRATIONS

A former Ambassador to South Korea, he helped craft foreign policy across the region both in that capacity and later as a top advisor to three Administrations. Although he officially retired from the Foreign Service in 1978, citing health problems, he was recalled just a year later to work as a special adviser to Secretary of State Cyrus R. Vance.

He became known as a tough troubleshooter on behalf of the United States. His final assignment came in 1987, when he was called upon by President Reagan to be a special envoy in Central America. He resigned that post, and severed his ties with Government in August of that year.

Just before his death, Mr. Habib had travelled to Evian, France to give a speech at the Bilderberg Conference, an annual meeting of European and United States scholars and intellectuals. Dr. Henry A. Kissinger, who also spoke at that conference, yesterday recalled Mr. Habib as "Every Secretary of State's idea of a great foreign service officer."

MET IN VIETNAM

Dr. Kissinger first met Mr. Habib in Vietnam in the mid 1960's and recalled having been immediately impressed with his acumen and irreverence.

"I was taken to meet him by Ambassador Lodge." Dr. Kissinger said in a telephone interview, referring to Henry Cabot Lodge, who was then United States Ambassador to Saigon, "And when I met him, he said, 'I bet you are one of those Harvard smart alecs who knows everything.' Then he told me to go to the provinces and 'see what was really going on.'"

In his speech at the Bilderberg Conference, Mr. Habib spoke about the need to maintain the North Atlantic Treaty Organization and the importance of America's ties with Europe. Then, according to those who attended, in a departure from his usual preoccupations with foreign affairs, he spoke at length about United States domestic issues stressing the need for America to stand by its moral principles.

Friends said his involvement in that conference was typical of the elder statesman who, despite near fatal heart attacks dating to the late 1970's and two open-heart surgeries, never abandoned his interest in world affairs.

"He had no business going to these things," said Leslie H. Gelb, a former Pentagon and State Department official who worked with Mr. Habib in the 1960's at the height of the Vietnam conflict. "But he wanted to live, not just stay alive." Mr. Gelb is now a columnist with The New York Times.

REMEMBERED BY FRIENDS

Mr. Habib was remembered yesterday by friends as a man of zest, creativity and relentless earnestness in the face of great odds.

"He was the guy everybody knew," said Morton Abramowitz, the president of the Carnegie Endowment for International Peace, and a veteran of 30 years in the State Department. "Phil's career runs the gamut of all U.S. foreign policy. But he was particularly involved in the transformation of Asia. He contributed fundamentally to the shaping of foreign policy in that area."

Although Mr. Habib's expertise in the Foreign Service was mostly in Asia, particularly in Vietnam in the 1960's, where he was involved in the behind-the-scenes politics in Washington that eventually led President Johnson in 1968 to press for a negotiated end to the war, he was perhaps best remembered in later years for his work in the Middle East.

LEBANESE FROM BENSONHURST

A Lebanese Maronite Christian who grew up in a predominantly Jewish section of Bensonhurst, Mr. Habib became Undersecretary of State for Political Affairs in 1976. He remained in that post in the new Carter Administration and continued until he suffered the first of his heart attacks in December 1977.

In retirement, he became a popular trouble-shooter for President Reagan. He was called upon to help hammer out a peace settlement in Lebanon, which later collapsed. For that work, he was awarded the Presidential Medal of Freedom, in 1982.

In fact, his diplomatic career started almost on a whim. According to his daughter, Phyllis, Mr. Habib had planned a career as a forest ranger. A graduate of the College of Forestry and Wildlife and Range Sciences at the University of Idaho, Mr. Habib was studying for his Ph.D. in agricultural economics at the University of California at Berkeley when he spotted a notice for a test to enter the State Department. "He decided to take the test," said Ms. Habib, "And he passed it." His first assignments took him to postings in Canada and New Zealand.

The Vietnam War changed his life, however, and established his career as a diplomat.

"He was one of my heroes," Mr. Kissinger said. "The great thing about him was that he was a terrific soldier." Inside the State Department he won a reputation as a man who would fight over issues about which he cared deeply. Yet he was known, too, as a professional who followed orders.

During his tenure as Secretary of State, Mr. Kissinger said he relied heavily on Mr. Habib's advice. "I might not do what he said," he recalled. "But I wouldn't make a move without finding out what he thought."

Mr. Habib, a gourmet and connoisseur of fine wines, was on vacation with friends in Puligny-Montrachet, in the Cote d'Or region, when he collapsed, his daughter, said. Agence France-Presse, the French news agency, reported that he suffered a heart attack at his hotel and could not be revived by a medical team.

Mr. Habib was living in retirement in the family's home of 17 years in Belmont, California. He was a Senior Research Fellow at the Hoover Institution at Stanford University, and was on the Board of Directors of the American University in Beirut. He also served on the Board of Directors of the Audi Bank of California, according to his daughter.

After his retirement, Mr. Habib remained an active alumnus of the University of Idaho where he set up the Philip Habib Endowment for the Study of Environmental Issues and World Peace.

Among other honors, Mr. Habib was decorated commander of France's Legion of Honor in 1988.

He is survived by his wife, Marjorie W. Habib; two daughters, Phyllis, and Susan W. Michaels of Vestal, N.Y. and a granddaughter, Maren K. Michaels.

[From the Washington Post, May 27, 1992]

PHILIP C. HABIB, 72, DIES; U.S. PEACE NEGOTIATOR

(By J.Y. Smith)

Philip C. Habib, 72, a career State Department official whose mastery of complex situations, skill at negotiation and seemingly inexhaustible patience led to key roles in efforts to bring peace to Vietnam, the Middle East and Central America, died of a heart attack May 25 in Puligny-Montrachet, France.

A resident of Belmont, Calif., since retiring from the State Department in 1978, he was on a private visit to the wine country of Burgundy when he was stricken.

The State Department issued a statement yesterday hailing Mr. Habib for his "profound contribution to U.S. foreign policy" and the "enduring legacy" of his work. It described him as a "man of great courage, unparalleled tenacity, high intellect and deep warmth."

From 1968 to 1971, Mr. Habib was a member of the U.S. delegation to the Paris talks that eventually ended the U.S. involvement in Vietnam, and for part of that time he was acting head of the delegation. Throughout his tenure his knowledge of the situation was regarded as crucial to the U.S. side, and he conducted some of the most difficult sessions with the North Vietnamese himself.

His next post was as ambassador to South Korea, where he served from 1971 to 1974. Recalled to Washington, he was named assistant secretary of state for East Asian and Pacific affairs. In 1976, he was promoted to undersecretary of state for political affairs, the highest post available to a career official.

Mr. Habib received that appointment from President Gerald R. Ford, and he continued in the job under President Jimmy Carter. He laid the groundwork for the Camp David Accords—the result of the dramatic meeting at the presidential retreat at Camp David, Md., of Carter, Israeli Prime Minister Menachem Begin and Egyptian President Anwar Sadat to discuss a settlement of the Arab-Israeli dispute.

Mr. Habib's retirement in 1978 was prompted by a heart attack—it was his second in six years—and he became a visiting professor at Stanford University and then a research fellow at the Hoover Institution.

In 1981, he was summoned by President Ronald Reagan to be his personal representative to the Middle East. The particular flash point at the time was Lebanon, torn by civil war and harried by rapacious neighbors. During two years of shuttle diplomacy Mr. Habib searched for a way to end the violence. Partly as a result of this work, Secretary of State George P. Shultz negotiated an agreement between Israel and Lebanon, but it foundered on Syrian intransigence and was never ratified. Mr. Habib, no longer welcome to the Syrians, returned to private life.

In 1986, Reagan called again. This time it was to appoint him a special envoy to the Philippines. In the same year, he was named a special presidential envoy to Central America. In 1987, he resigned when the administration ignored his advice to join an initiative that was started by other Central American governments to bring peace to Nicaragua.

Born in Brooklyn, N.Y., the son of a Lebanese grocer, Philip Charles Habib grew up a Catholic in a Jewish neighborhood. He graduated from the University of Idaho. After World War II service in the Army, he went to the University of California at Berkeley, where he earned a doctorate in economics. (His dissertation was on the economics of the lumber industry.)

By that time the degree was conferred in 1952, Mr. Habib had embarked long since on his career in diplomacy. In 1949, he was commissioned a foreign service officer. His first posts were in Ottawa and Wellington, New Zealand. He then returned to Washington. From 1958 to 1960, he was consul general in Port-of-Spain, Trinidad.

In 1962, after another period in Washington, he joined the U.S. Embassy in South Korea as political counselor. In 1965, with U.S. involvement in Vietnam deepening, he was assigned to the U.S. Embassy in Saigon, where he was chief political adviser to Ambassador Henry Cabot Lodge. In 1967, he returned to Washington as deputy assistant secretary of state for East Asian and Pacific affairs.

By that time, Mr. Habib was recognized as the State Department's leading authority on Southeast Asian affairs. He was thus a natural choice to join the talks in Paris that opened that year.

In his memoirs, former secretary of state Henry Kissinger described Mr. Habib as being "the antithesis of the public stereotype of the elegant, excessively genteel Foreign Service officer. He was rough, blunt, direct, as far from the 'striped-pants' image as it is possible to be."

W. Averell Harriman, one of those who served as chief U.S. representative at the Paris talks during Mr. Habib's time there, once remarked that a notable strength of Mr. Habib was his ability "to understand the other man's point of view." Many colleagues remarked on Mr. Habib's capacity for hard work, and he himself was quoted as saying, "If you are working 9 to 5 and if your wife is contented, you are not doing your job."

Mr. Habib was a former president of the Foreign Service Association and a recipient of the Rockefeller Public Service Award, the President's Award for Distinguished Public Service and the Presidential Medal of Freedom.

Survivors include his wife, the former Marjorie W. Slightam, whom he married in 1942, and two daughters, Phyllis and Susan.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 11, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 12

9:30 a.m.
Joint Economic
Technology and National Security Subcommittee
To resume hearings to examine the Nation's telecommunications and information infrastructure, focusing on the potential of a switched broadband network.
SD-628

JUNE 15

10:30 a.m.
Finance
Health for Families and the Uninsured Subcommittee
To hold hearings to examine various States' plans for improving access to health care and controlling health care costs.
SD-215

JUNE 16

9:30 a.m.
Energy and Natural Resources
To hold hearings on the safety of Soviet-designed nuclear power plants and on the technical and financial assistance being offered by Western nations to help improve the safety of these plants.
SD-366

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the current condition of the thrift industry and the outlook for its future.
SD-538

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1805, to revise title 17, United States Code, to clarify news reporting monitoring as a fair use exception to the exclusive rights of a copyright owner.
SD-226

2:30 p.m.
Select on Indian Affairs
Business meeting, to mark up S. 2481, authorizing funds for programs of the Indian Health Care Improvement Act.
SR-418

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine telecommunications technology as related to the field of education.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Finance

To resume hearings to examine comprehensive health care reform, focusing on proposals for instituting universal coverage through public health insurance programs.

SD–215

Rules and Administration

Business meeting, to mark up pending calendar business.

SR–301

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the government of the District of Columbia.

SD–138

Veterans' Affairs

Business meeting, to mark up pending calendar business.

SR–418

10:30 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine the current condition of the thrift industry and the outlook for its future.

SD–538

Foreign Relations

To hold hearings on the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (Treaty Doc. 102-30).

SD–419

2:00 p.m.

Armed Services

To resume hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the bomber "roadmap" and related bomber programs, and on the Tri-Service Standoff Attack Missile (TSSAM).

SR–222

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings to examine issues relating to maritime reform.

SR–253

Energy and Natural Resources

To hold hearings on the nominations of Jerry Jay Langdon, of Texas, and William C. Liedtke III, of Oklahoma, each to be a Member of the Federal Energy Regulatory Commission, Department of Energy.

SD–366

JUNE 18

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 2232, to require manufacturers of new automobiles to affix a label containing certain consumer information on each automobile manufactured after a specified year.

SR–253

Energy and Natural Resources

To hold hearings to examine State regulation of natural gas production.

SD–366

Finance

To continue hearings to examine comprehensive health care reform, focusing on proposals for tax-incentive based health care reform.

SD–215

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine international aspects of Asian organized crime.

SD–342

Select on Indian Affairs

To hold hearings on S. 2044, to assist Native Americans in assuring the survival and continuing vitality of their languages.

SR–485

2:00 p.m.

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold oversight hearings on the U.S. and Foreign Commercial Service, Department of Commerce.

SR–253

JUNE 19

9:30 a.m.

Select on Indian Affairs

To hold hearings on the proposed Crow Settlement Act.

SR–485

10:00 a.m.

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings to examine the U.S. Fish and Wildlife Service's administration of the National Wildlife Refuge System, and on S. 1862, to improve the administration, management, and compatibility process of the National Wildlife Refuge System.

SD–406

JUNE 23

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the National Telecommunications Information Administration, Department of Commerce.

SR–253

10:00 a.m.

Foreign Relations

To hold hearings on the Treaty Between the U.S. and USSR on the Reduction and Limitation of Strategic Offensive Arms (The Start Treaty), signed in Moscow on July 31, 1991, and Protocol thereto dated May 23, 1992 (Treaty Doc. 102–20).

SD–419

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 225, to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia, S. 1925, to remove a restriction from a parcel of land owned by the city of North Charleston, South Carolina, in order to permit a land exchange, S. 2563, to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in New Jersey, S. 2006, to establish the Fox River National Heritage Corridor in Wisconsin, H.R. 2181, to permit the Secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by Ohio, H.R. 2444, to revise the boundaries of the George Washington Birthplace National Monument, and H.R. 3519, to authorize the establishment of the Steamtown National Historic Site.

SD–366

JUNE 24

9:30 a.m.

Select on Indian Affairs

To hold hearings on proposed legislation relating to the National Indian Policy Center.

SR–485

JUNE 25

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S.1879, to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, S.1990, to authorize the transfer of certain facilities and lands in the Wenatchee National Forest, Washington, S.2392, to establish a right-of-way corridor for electric power transmission lines in the Sunrise Mountain in the State of Nevada, S. 2397, to expand the boundaries of the Yucca House National Monument in Colorado, to authorize the acquisition of certain lands with the boundaries, S. 2606, to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands, and S. 2749, to grant a right of use and occupancy of a certain tract of land in Yosemite National Park to George R. Lange and Lucille F. Lange.

SD–366

JULY 1

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on mobile communications.

SR–253

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on H.R. 1096, to authorize funds for fiscal years 1992 through 1995 for programs, functions, and activities of the Bureau of Land Management, Department of the Interior.

SD–366

JULY 2

9:30 a.m.

Select on Indian Affairs

To hold oversight hearings on fractionated heirships, Indian probate, oil and gas royalty management, land consolidation demonstration programs.

SR–485

10:00 a.m.

Veterans' Affairs

To hold hearings on S. 2028, to revise title 38, United States Code, to improve and expand health care and health-care related services furnished to women veterans by the Department of Veterans Affairs.

SR-418

JULY 22

9:30 a.m.

Rules and Administration

To hold hearings on S. 2748, to authorize the Library of Congress to provide certain information products and services.

SR-301

AUGUST 4

9:30 a.m.

Select on Indian Affairs

To hold hearings on S. 2746, to extend the purposes of the Overseas Private Investment Corporation to include American Indian Tribes and Alaska Natives.

SR-485

HOUSE OF REPRESENTATIVES—*Thursday, June 11, 1992*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

You have blessed us with all good gifts, gracious God, and with thankful hearts we express our gratitude. You have created us with opportunities to serve other people in their need, to share together in respect and affection, and to be faithful in the responsibilities we have been given. In this moment of prayer, we ask for the gifts of wisdom and discernment that in our words and in our actions we will do justice, love mercy, and walk humbly with You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WISE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WISE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 112, not voting 38, as follows:

[Roll No. 182]

YEAS—284

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Archer
Aspin
Atkins
AuCoin
Bacchus
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Cardin
Carper
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Cunningham
Darden
DeLauro
Dellums
Derrick
Dicks
Dingell
Donnelly
Dooley
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Pursell
Rahall
Ravenel
Ray
Reed
Rhodes
Richardson
Rinaldo
Ritter
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—112

Allard
Allen
Armey
Baker
Ballenger
Barrett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Clinger
Coble
Crane
Dannemeyer
DeLay
Dickinson
Doolittle
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Inhofe
Jacobs
James
Johnson (CT)
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCrery
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Paxon
Porter
Quillen
Ramstad
Regula
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Upton
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—38

Alexander
Anthony
Applegate
Bonior
Campbell (CO)
Carr
Chapman
Coughlin
Cox (CA)
Davis
de la Garza
DeFazio
Dixon
Dornan (CA)
Edwards (OK)
Gaydos
Hall (OH)
Hefner
Hunter
Ireland
Laughlin
Lehman (FL)
Livingston
Morrison
Neal (NC)
Nichols
Perkins
Price
Rangel
Sanders
Savage
Tallon
Traxler
Washington
Waters
Weber
Williams
Wilson

□ 1025

Mr. SHAYS changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentleman from Kentucky [Mr. HUBBARD] kindly come forward and lead the House in the Pledge of Allegiance.

Mr. HUBBARD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain up to five 1-minute statements on each side of the aisle.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, there are many reasons why we should pass a balanced budget amendment to the Constitution.

First, we begin the process of pulling this country out of potential economic chaos. Our Nation simply cannot continue to endure record deficits and an ever-deepening national debt.

This year our Federal Government will spend about $3 for every $2 it takes in.

Surely we are aware that we in Congress do not have the political courage to pass a balanced budget through legislation. We haven't done that during the 18 years I've been in the House of Representatives.

If this constitutional amendment takes effect by 1997 it will, of course, require approval by two-thirds majorities in the House and Senate and ratification by 38 States.

Even now we are telling the American people we can balance the budget with spending cuts alone. The truth is that balancing the budget will require both tax increases and spending cuts.

The public clearly is fed up with business as usual in Washington.

Our gross Federal debt is at $4 trillion and rising.

Some who oppose a constitutional amendment today opposed the Gramm-Rudman approach to deficit reduction several years ago. Obviously, the 1985 Gramm-Rudman law didn't work to actually lower Federal spending.

The constitutional amendment approach is necessary, workable, and right.

Our current laws, our budget process, our authorization and appropriations bills simply do not require us to spend only the Federal dollars we take in as revenue.

We need a constitutional amendment to enforce the fiscal discipline which we now lack.

PUBLIC DEBT CLOCK FOR CAPITOL

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, over the past few days, we have heard metaphor after metaphor trying to explain the magnitude of our national debt. The Members of this House and the people of this Nation have been told that we are drowning in a sea of red ink, that the interest on our debt is enough to fund the budgets of many countries, and that we add to that debt at a rate of over $1 billion a day.

But $400 billion per year is so large a sum that many in this Chamber believe it to be something surreal. Ah, but $11,500 per second, everyone can relate to that.

Think about it: Just during the time I have been speaking, we have added almost $700,000 to the deficit.

Mr. Speaker, today, I am introducing a bill to let the Members of the House know exactly how much we are adding to the deficit on a minute-by-minute basis. This legislation will direct the Architect of the Capitol to design, construct, and install a public debt clock in the basement rotunda of the Cannon House Office Building, similar to the one situated in Times Square, New York City, the money to be raised by voluntary contributions.

This clock will tick off our ever growing public debt, and every time we leave our offices to vote, we will see the exact consequences of our actions. Day after day, hour after hour, minute after minute, the House of Representatives will be reminded that a deadly scythe is hanging over the Nation and only we can make the hard choices necessary to defeat it.

□ 1030

AMERICA NEEDS THE MONEY HERE

Mr. TRAFICANT. Mr. Speaker, America is bankrupt. The deficit is nearing $500 billion a year, $500 billion. Things are so bad, Clinton is playing the sax. Perot is playing politics, and Congress is debating a constitutional amendment to balance the budget.

President Bush wants to give Boris Yeltsin $12 billion. I think it is time for Congress to tell the President to shove that $12 billion up his deficit.

We are bankrupt. We need the money over here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). I would remind our friends in the gallery, we are delighted to have them here but they are to refrain from responding either positively or negatively to any statements made on the floor.

VINT HILL FARMS STATION

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, in June 1942, when the United States was still reeling and responding from the devastation and treachery of the Pearl Harbor attack, a 700-acre tract of land was purchased near Warrenton, VA, by the U.S. Army. Throughout the remainder of World War II, Vint Hill Farms Station became one of our country's most important and productive intelligence gathering assets. During its 50-year history of outstanding service to Americans and our vital interests, Vint Hill Farms Station has distinguished itself serving our Nation's intelligence needs during the Korean and Vietnam conflicts, military actions in Grenada and Panama, as well as last year's victory in the Persian Gulf.

Nearly 4,000 army and civilian personnel continue today the distinguished tradition of excellence at Vint Hill Farms. It is home to the U.S. Army Materiel Command and the Army Communications-Electronics Command who serve with extraordinary competence, compelling devotion to duty, and unparalleled achievement.

I ask that my colleagues join me in saluting the soldiers, employees, and their families at the U.S. Army's Vint Hill Farms Station on the occasion of their golden anniversary celebration.

INTRODUCTION OF THE LONG-TERM CARE INSURANCE STANDARDS AND CONSUMER PROTECTION ACT OF 1992

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, many Americans are purchasing a product which fairly and effectively protects their assets in case they need expensive nursing home or home care services in their later years. However, many other Americans are being encouraged to throw their money away. In fact, many elderly Americans are being outright swindled, and they often can do absolutely nothing about it. As far as I am concerned, this must stop immediately.

Long-term care insurance is a very tricky, relatively new product. The policies and benefits which are being offered are still evolving and are experiencing growing pains. This explains some of the shortcomings of this market and I anticipate that these kinks will be worked out over time.

But additionally, there are other problems which stem from insurers, agents, and regulators not taking steps which they already recognize would satisfy important needs of consumers. Still other problems stem from deliberate disregard for consumer interests and needs.

Thus, today I am introducing the Long-Term Care Insurance Standards and Consumer Protection Act of 1992 to remedy some of these inadequacies and fill the gaps which serve no one's best interests. It focuses entirely on the private insurance market, and includes no provisions for a publicly financed program, in order to institute reforms in the near future, and save tens of thousands of Americans from falling into traps that they currently face.

The bill calls for standardization of terms and definitions to enable consumers to better understand policy benefits and compare policies from one insurer to the next. It also standardizes eligibility criteria for the receipt of benefits and outlaws the fineprint gatekeepers which some insurers have used to deny claims. It establishes agent training and certification requirements and prohibits the shady practices which have plagued consumers and drawn negative attention to this product.

The bill also takes steps to limit rises in premiums and postclaims underwriting, and it sharply increases the amount of information that consumers and regulators would receive about the market and specific policies. It would also ensure that all policies have certain protective features, such as rights to return the policy within 30 days if not satisfied, to upgrade to better policies, to receive nonforfeiture benefits, to purchase protection against inflation, and to designate representatives in case an elderly policyholder forgets to pay premiums. At the same time, my bill would preserve for insurers the flexibility to package benefits in creative, effective, and attractive ways.

Perhaps most significantly, this bill gives consumers a true voice in the process. It establishes a system, modeled after the structure established by Congress for MediGap insurance in the OBRA 1990 legislation, whereby States would have the primary regulatory role. But it goes further by ensuring the role that consumers would play in the promulgation of standards and the enforcement of their rights.

The Subcommittee on Commerce, Consumer Protection and Competitiveness, which I chair, will be holding a hearing on my bill and others on Thursday, June 18. Last year, on October 24, we held a hearing on the long-term care insurance industry and the current paltry efforts to regulate them, which illuminated many of the shortcomings that this bill aims to cure.

The hearing not only pointed out problem areas, but also stressed that many of them occur with alarming frequency. It is already clear that action cannot be delayed. Every day that long-term care insurance is sold in absence of necessary reforms, more groundwork is laid which is likely to fester into full-blown problems in the years to come. Many insurers and agents are entirely scrupulous, but there also are ones who are not. Unless we can put an end to abuses, the whole long-term care insurance field will suffer.

Mr. Speaker, as Ms. Janet Shikles of the General Accounting Office testified at our October 24 hearing, "I think the potential for abuse here is much, much greater than in the MediGap area." Congress acted responsibly by establishing concrete reforms for the MediGap market last year. With long-term care insurance, the stakes are even greater. Let's embrace our duty to serve and protect America's older and elderly people. I encourage my colleagues to join me in moving forward on this just and necessary effort by cosponsoring the Long-Term Care Insurance Standards and Consumer Protection Act of 1992.

ROSS PEROT ON THE ISSUES

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, there was an interesting call-in with Ross Perot on television this morning. We learned a few things.

The balanced budget amendment to the Constitution. He is against it. We need another Gramm-Rudman, he said. Good luck. It worked so well before.

On polls, he said they are simply weather forecasts. How about the poll he took before getting into the campaign, he was asked. That was not him, he said. That was an associate. Of course, he paid for it.

On the dairy program, what the farmer needs is a better price for his product, Perot said. True enough. But how would we get there? By stopping Washington bureaucrats from becoming lobbyists. No kidding. That is what he said.

And how about saving $20 billion by taking the rich off Social Security? It is meant to be voluntary and only apply to people like him, he said. Only billionaires, I guess. And how about his criticism of Vice President QUAYLE for using the Murphy Brown issue when he himself had criticized Doogie Howser. Not the same, he said. His criticism was before he became a candidate. But wait a minute. He supposedly is still not a candidate.

And on free parking, he said Government officials should not get it because he cannot park free at airports. No, he just gets the taxpayer to spend $300 million to buy him a whole airport. Very interesting.

LET US MAKE THE HARD CHOICES

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, I hear it argued in the case of the constitutional provision to prevent Government borrowing that the provision will not make the hard choices. This is true. It will only leave the country with no choice but to make the hard choices about how to spend what we ourselves have earned, rather than what our children one day will earn.

If we make the hard choice to force the hard choices, our children will grow up in gratitude to their Nation and their parents.

THE BALANCED BUDGET AMENDMENT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, 200 years ago, Thomas Jefferson wrote that if he could add just one amendment to the Constitution, it would be a prohibition against Congress borrowing money. Such an amendment, he reasoned, would defend the American people from the tyranny of government. A balanced budget amendment, in effect, would keep the Federal Government within the bounds outlined in the Constitution.

Unfortunately, Mr. Jefferson never got his amendment and the Government we have now is the personification of Jefferson's fears—a bloated and ineffective mass that stretches its constitutional authority to the limit.

Not surprisingly, as the sizes of the Government and the Federal deficit have grown, the call for enacting a balanced budget amendment has gained momentum, despite strong opposition from the Democratic leadership in Congress.

LAST TIME AROUND

Two years ago the House of Representatives rejected a BBA by just seven votes. At the time, the President and congressional leaders were engaged in round-the-clock budget negotiations designed to reduce the deficit over the next 5 years by $500 billion.

The congressional participants of those negotiations were vehemently opposed to the BBA, stating that it would tilt the balance of power, trivialize the Constitution, and abdicate Congress' responsibility to set fiscal policy. What we need, they argued, is the strength and determination to make the tough choices.

REALLY BIG NUMBERS

Two years later, those tough choices never materialized. Instead of reducing the deficit, the budget agreement actually increased it. In fact, since the 1990 budget agreement was signed into law, the Federal debt has grown by over $700 billion.

According to the National Taxpayers Union, the national debt has increased 1,240 percent since 1960, 620 percent since 1975, 329 percent since 1980, and 114 percent since 1985. In other words, we've doubled our Federal debt in the last 6 years.

Just the interest on the Federal debt will total $316 billion next year. That is going to be the largest item in the Federal budget, 105 percent of our Social Security payments, 27 percent of all Federal revenues, and 61 percent of all individual income taxes.

Going back to Jefferson's time, the Federal Government would have to borrow $40,000 every minute for the last 200 years to equal our current $4 trillion debt. Looking to the future, every

American born in the next 100 years will begin life with $10,000 debt as their birthright.

OPPOSITION TO THE AMENDMENT

Despite these overwhelming numbers, some groups still oppose the BBA. There are those who fear a balanced budget amendment will tie the hands of Congress and force it to cut some programs in order to fund others. They fear that Congress will have to set priorities and then stick with them.

Ironically, this is the best argument for the balanced budget amendment. The fact that so many special interest groups object to the balanced budget amendment because it would restrict Congress' ability to make funding decisions and make the budget process less flexible just reinforces the need for the amendment.

One particular group concerned about the BBA are America's seniors, who worry that a BBA will force reductions in Social Security benefits. These concerns are misplaced. The biggest threat to Social Security is not the BBA, but rather today's record-high deficit that threatens the economic and fiscal viability of the program. By reducing the deficit, the BBA will actually protect the future of Social Security.

Second, there are those groups who question the effectiveness of a balanced budget amendment. They claim it is just a feel-good measure which will fail to reduce the deficit and will add lots of unnecessary detail to the Constitution.

The Constitution is already full of detail and there is nothing trivial about mandating that Congress live within its means. Furthermore, this group of BBA opponents should confer with the first group of BBA opponents; their arguments are contradictory.

Finally, some conservatives oppose the BBA because it will encourage tax increases. They fear the balanced budget amendment will provide Washington's big spenders with a constitutional mandate to raise taxes.

These concerns ignore the safeguards included in three of the four possible BBA's. These safeguards include making it more difficult to pass tax increases, caps on total outlays, and more stringent requirements to raise the debt ceiling.

CONCLUSION

Mr. Speaker, let us end this deficit madness. Let us live up to the Jeffersonian idea of limited and responsible Government and allow future generations of Americans to decide for themselves what they want to do with their earnings. While the balanced budget amendment is not the final answer to our fiscal problems, it will provide a measure of discipline that doesn't exist now. For that reason, I applaud this effort and strongly support the balanced budget amendment.

SOME 352 REASONS TO SUPPORT THE BALANCED BUDGET AMENDMENT

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, over the past few days, we have heard many reasons why we should or should not vote for an amendment to the Constitution requiring a balanced budget.

This morning, I would like to share with my colleagues 352 very important reasons why we must pass such an amendment.

This is a group of students brought to Washington by the Columbus, GA, area Lions Clubs in April. Unfortunately, each one of these young people is already responsible for 15,200 dollars' worth of our $3.8 trillion national debt.

Let us not drive our children deeper into debt. Vote for the Stenholm amendment today. These 352 great reasons are counting on you.

THE KYL-ALLEN AMENDMENT

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, in just 1 minute we are going to begin the debate on the first of the four alternatives that we will have an opportunity to vote on today to balance the Federal budget. Not much is known, I believe, about the Kyl-Allen proposal, which is the first one to be voted upon.

I want to just tell my colleagues two quick things about it, and I ask them to listen carefully to the explanation of the debate.

I think you will like it. If, for example, you support the line-item veto, you will want to support Kyl-Allen because it is the only of the four alternatives that gives the President the line-item veto authority for two purposes. First of all, to help enforce this provision. And second, to bring the President into the equation to be an equal player with the Congress in this endeavor.

The second feature of it is to limit spending to 19 percent of the gross national product. The reason for that is to encourage the Congress to support progrowth economic policies so that as our gross national product grows, revenues to the Treasury grow. And therefore, the Congress will have sufficient funds to expend on all the programs that we support.

Those are two very good features to our proposal, which are somewhat different from the others. I hope that they will support the Kyl-Allen proposal.

□ 1040

PROPOSING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR A BALANCED BUDGET

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to House Resolution 450, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 290).

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, with Mr. THORNTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 10, 1992, all time for general debate had expired.

Without objection, the joint resolution is considered as having been read under the 5-minute rule.

There was no objection.

The text of House Joint Resolution 290 is as follows:

H.J. RES. 290

Resolved,

ARTICLE —.

SECTION 1. Prior to each fiscal year, the Congress and the President shall agree on an estimate of total receipts for the fiscal year by enactment of a law devoted solely to that subject. Total outlays for that year shall not exceed the level of estimated receipts set forth in such law, unless three-fifths of the whole number of each House of Congress shall provide, by a rollcall vote, for a specific excess of outlays over estimated receipts.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The provisions of this article may be waived for any fiscal year in which a declaration of war is in effect.

SECTION 6. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 7. This article shall take effect beginning with fiscal year 1995 or with the second fiscal year beginning after its ratification, whichever is later.

The CHAIRMAN. No amendments to the joint resolution are in order except the following amendments, which shall be considered only in the following order, which shall not be subject to amendment, and which shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent of the amendment:

First, an amendment in the nature of a substitute offered by the gentleman from New York [Mr. FISH] or his designee;

Second, an amendment in the nature of a substitute offered by the gentleman from Texas [Mr. BARTON] or his designee;

Third, an amendment in the nature of a substitute offered by the gentleman from Texas [Mr. BROOKS] or his designee;

Fourth, an amendment in the nature of a substitute, which shall consist of the text of any comparable joint resolution as passed by the Senate; and

Fifth, an amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM] or his designee;

If more than one of the amendments in the nature of a substitute is adopted, only the last amendment adopted shall be considered as having been finally adopted and reported back to the House.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair would ask, is the gentleman designated by the gentleman from New York [Mr. FISH]?

Mr. KYL. I am the gentleman's designee for this purpose, Mr. Chairman.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. KYL: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Except as provided in this article, outlays of the United States Government for any fiscal year may not exceed its receipts for that fiscal year.

"SECTION 2. Except as provided in this article, the outlays of the United States Government for a fiscal year may not exceed 19 percent of the Nation's gross national product for that fiscal year.

"SECTION 3. The Congress may, by law, provide for suspension of the effect of sections 1 or 2 of this article for any fiscal year for which three-fifths of the whole number of each House shall provide, by a rollcall vote, for a specific excess of outlays over receipts or over 19 percent of the Nation's gross national product.

"SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 5. The President shall have power, when any Bill, including any vote, resolution, or order, which contains any item of spending authority, is presented to him pursuant to section 7 of Article I of this Constitution, to separately approve, reduce, or disapprove any spending provision, or part of any spending provision, contained therein.

"When the President exercises this power, he shall signify in writing such portions of the Bill he has approved and which portions he has reduced. These portions, to the extent not reduced, shall then become a law. The President shall return with his objections any disapproved or reduced portions of a Bill to the House in which the Bill originated. The Congress shall separately reconsider each such returned portion of the Bill in the manner prescribed for disapproved Bills in section 7 of Article I of this Constitution. Any portion of a Bill which shall not have been returned or approved by the President within 10 days (Sundays excepted) after it shall have been presented to him shall become a law, unless the Congress by their adjournment prevent its return, in which case it shall not become a law.

"SECTION 6. Items of spending authority are those portions of a Bill that appropriate money from the Treasury or that otherwise authorize or limit the withdrawal or obligation of money from the Treasury. Such items shall include, without being limited to, items of appropriations, spending authorizations, authority to borrow money on the credit of the United States or otherwise, dedications of revenues, entitlements, uses of assets, insurance, guarantees of borrowing, and any authority to incur obligations.

"SECTION 7. Sections 1, 2, 3, and 4 of this article shall apply to the third fiscal year beginning after its ratification and to subsequent fiscal years, but not to fiscal years beginning before October 1, 1996. Sections 5 and 6 of this article shall take effect upon ratification of this article.

Mr. KYL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The gentleman from Arizona [Mr. KYL] will be recognized for 30 minutes.

Is there a Member opposed?

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Arizona.

The CHAIRMAN. The gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 30 minutes in opposition, and will control the time.

The Chair recognizes the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the amendment I have at the desk—the balanced budget-spending limitation amendment—has been cosponsored by the gentleman from Virginia, GEORGE ALLEN. It is similar to the freestanding resolution, House Joint Resolution 143, which I introduced last year, and which has been cosponsored by 112 Members of this body.

Mr. Chairman, the Kyl-Allen amendment does three things: First, it requires a balanced Federal budget. Second, it limits Federal spending to 19 percent of gross national product [GNP], the average level of revenue the Federal Government has collected over the last 25 years. Third, it provides the President with line-item veto authority in order to enforce the foregoing requirements.

The amendment allows the balanced budget and spending limitation requirements to be waived by a three-fifths vote of each House for a given year and for a specified excess of outlays over receipts or over 19 percent of GNP. We do this in recognition of the fact that national emergencies—military as well as economic—may arise from time to time that will require additional spending.

The Kyl-Allen amendment would, in effect, put the Federal Government on an allowance. By telling the Government how much it could spend—up to 19 percent of GNP—our amendment would force the Government to be more cost conscious and to prioritize its spending. And, it would prevent Congress from balancing the budget by massive tax increases.

By tying Federal spending to GNP, the Kyl-Allen amendment also gives Congress the incentive to enact progrowth economic policies.

Kyl-Allen seeks to create a bigger pie of Federal spending to go around. Instead of constantly trying to divide limited resources among an ever increasing number of groups within our society, Kyl-Allen will force Congress to support initiatives to stimulate economic growth. The result will be not only a healthier economy—more jobs and better wages—but more money for Congress to devote to the programs it determines are important.

According to Dr. James M. Buchanan, the 1986 Nobel laureate in economic sciences:

> Reducing government as a share of GNP from its current level of 25 percent to, say, 20 percent would generate roughly a two percent increase in the rate of growth in GNP. And back-of-the-envelope arithmetic suggests that by the early 2000s, and forever beyond, the real value of the programs financed by government would be larger than they would be under the regime that keeps government's share at 25 percent.

Mr. Chairman, Kyl-Allen will ensure a balanced budget.

It will promote economic growth.

It will impose discipline by giving the President a line-item veto.

Mr. Chairman, I urge my colleagues to support the Kyl-Allen amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I rise in opposition to this amendment. I am also opposed to a constitutional amendment to require Congress and the President to enact a balanced budget except if 60 percent of the House and Senate vote to ignore the Constitution and other provisions added by the Kyl amendment. I find it exceedingly difficult to understand the argument that a constitutional amendment is needed so badly that it provides for a escape hatch with a mere 60-percent vote. This 60 percent vote escape will be an incentive to a great deal of unwanted mischief. The end result will not be the balanced budget goal which this amendment seeks.

I believe that the President and the Congress have not had an opportunity to really face this issue in all honesty.

First, if we really wanted to balance the budget we do not need to do it by amending the Constitution. We have to do it with a serious proposal from the President and from the leaders of this discharge petition as to exactly what is to be cut in order to bring the budget into balance. It is this element which is missing from this debate. What will you agree to cut? Social Security? Medicare? Medicaid? Veterans benefits? Housing assistance? Student financial assistance? Farm subsidies? B-2 bombers? SDI? Space station? Supercolliding super conductor? Until we know what you propose to cut, it is unrealistic to assume the people in the country will stand up and cheer this mindless abdication of our responsibility to govern. To adopt this constitutional amendment is to capitulate to hysteria without knowing what the consequences will be and the untold harm and suffering that this action will cause.

Second, the argument that was made all day yesterday is that Congress has failed to act to bring the budget under control and that the deficit projected at nearly $400 billion will bankrupt this country.

Let me say that the cry for this constitutional amendment seems to be based on the size of the deficit.

Have we taken a critical look at exactly what this deficit is? I recently asked the CBO to provide me with literature on this matter. I know that when the California Constitution and other State constitutions call for a balanced budget it typically refers to the operating budget. The Capital budget is provided for separately and usually allows for borrowing with certain limitations.

In 1967 during the Vietnam war President Johnson with his budget advisers created the unified budget concept. The unified budget does not make any distinction between operating and capital expenses, and thus the deficit includes long-term capital investments which yield economic rates of return equal or greater than private capital. To lump into one unified budget, capital investments in infrastructure and in research and in education is acceptable for its simplicity, but if this type of unified budget yielding a larger deficit because it includes capital costs, is to be the basis for a constitutional straitjacket, it then must be rejected because it threatens the very essence of the principle of Federal investment and economic growth.

An analysis that I have just seen states that the fiscal year 1993 budget without capital costs would have an operating deficit of $95 billion. It shows an estimated deficit of $351.9 billion. With capital outlays listed as $218 billion taken out, research and development at $75 billion taken out, and education and training at $42.5 billion removed, it would leave an operating budget deficit of $95.8 billion.

It is time for the Congress to reconstitute the budget in a way that most citizens understand. In our own family budget we make our paycheck pay for our daily living expenses but we don't expect to pay up our mortgage in 1 year.

It is time for Congress to clearly state what capital investments which have a long-term value in excess of 10, 20, or even 30 years. As in the State budgetary process and in the way we handle our own family budgets these capital costs should be budgeted separately. Capital costs clearly justify borrowing. We borrow to buy a home.

The American people do not have a clear understanding about what we mean by our unified budget. They do not know that the budget deficit includes capital construction costs. I am certain that if they did, they would not want it included in the required balanced budget amendment.

What I believe the American people want is for us to make sure that the operating expenses of the Federal Government match up to the revenues. I believe with equal certainty that they would support investments in our Nation's future in the form of borrowing for capital improvements, needed infrastructure, mass transit systems, airports, sewer systems, water systems, parks, and other permanent improvements to the communities in which we live and which enhance our economic future and our quality of life.

Mr. Chairman, I urge this amendment and the main resolution be voted down.

□ 1050

Mr. KYL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I am convinced that for 1¾ centuries of our history to have a balanced budget amendment to the Constitution would have been folly; based on the last 25 years of "me generation" politics, not to put a restraint on legislators would be folly.

Of the four approaches under consideration today, what distinguishes the Kyl-Allen amendment is that it is the only one to couple balancing the budget with a restraint on spending. Frankly, a restraint on spending is more important than a balanced budget amendment. We can have a budget in balance at 30 or 40 percent of gross domestic product [GDP] and it would be a disaster. The budget could be slightly out of whack at 19 percent of GDP and the economy would be far better off.

A combination approach—a balanced budget amendment coupled with a restraint on spending and a line-item veto—is the optimal approach. It is the best housing policy, the best small business program, the best young farmer initiative.

The effect on the economy of implementation of such restraints on Congress will be to cause banks to use their deposit base to make loans to individuals and businesses for growth instead of to buy Treasury bills for stability.

Here, I would stress that even with the reduction of interest rates over the last year and a half, rates are still at historically high levels in relation to inflation. Real interest rates can only be reduced if the cost of government is reduced.

Finally, although not precisely quantifiable, it is clear the fiscal deficit is directly linked to the trade deficit. We are unlikely to balance our trade until we balance our budget.

For the sake of jobs, for the sake of economic growth, for the sake of export promotion, I urge support for a balanced budget amendment, especially the immediate option before us. It is the most compelling choice before the House today.

The CHAIRMAN. The Chair is informed that the gentleman from California [Mr. PANETTA] will be recognized to control the time of the gentleman from Minnesota [Mr. OBERSTAR]. Without objection, the gentleman from California is recognized.

There was no objection.

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are now approaching the specific amendments that put into the Constitution a requirement dealing with a balanced budget.

I want to remind Members that we are not just talking about legislation here, we are not just talking about legislation that can be voted on, that can be passed on to the Senate, that can be amended, that can be changed. We are talking about a constitutional amendment, and that constitutional amendment would be placed in this Nation's most sacred document, our Constitution.

The last thing we want to use the Constitution for, the last thing we want to use the Constitution for is to put some kind if mindless formula into the Constitution, and then say we are going to stick to this formula no matter what, no matter when, no matter how. That is not what the Constitution was intended for by our forefathers. Our forefathers intended to define the powers within the various branches of Government, to define the rights of the people, not to use the Constitution to set any kind of mindless formula.

What do we have here. In this proposed amendment you set a formula, 19 percent. You cannot spend any more over 19 percent of GNP. Where does the 19 percent come from? Where does that come from? It is the idea of the gentleman from Arizona [Mr. KYL] that maybe that is the level we ought to use.

Well, why not use 15 percent, or why not use 16 percent, or why not use 17 percent, or why not use 11 percent? And where does the 19 percent come from? Oh, well, that is the average of what we have had in revenue since World War II. I understand that argument.

Well, fine. Then why do we not build in the average for spending since World War II? Oh, no, cannot do that. That is wrong.

I mean, when we start using mindless formulas and start to build them into the Constitution we become mindless; we become mindless.

But let us take this proposal on its merits and look at the substance of what it does. It says we are going to get to 19 percent. We are not going to do anything to raise revenues. What does that mean? It means you take it all out of the spending side.

I went through that particular approach in the debate yesterday. If you want to do $600 billion in deficit reduction you have got to do $600 billion on the spending side, largely out of entitlements because entitlements make up 46 percent of the spending side. And I say this not to—not to scare people, but we ought not to kid people either about what is involved here. We ought to be very straight with the American people that if we are going to take $600 billion out of the spending side, we ought to be very clear where it is coming from. So you have to do $600 billion, according to the Congressional Budget Office.

Surely a big chunk of that has to come out of health care programs. In Medicare in the very least you have to achieve about a $114 billion savings. That means you either have to raise laboratory fees, you have to put a freeze on what you pay to hospitals, put a freeze on what you pay to doctors, add copayments, put cost containment on health care.

That is not enough, the $114 billion to get to $300 billion. We have to do some retirement programs as well. If you are going to get the money you need to get the savings. So you have to look at the cost-of-living indexing, you have to look at other approaches to try to tighten up on the retirement side.

You have to look at farm programs, and if you are going to try to get $300 billion you have to talk about reducing target prices on the farm program.

□ 1100

Now, that is where it is at. You have got to cut defense as well. The gentleman from Arizona [Mr. KYL] is a big defender of the defense bill, but you have got to cut defense, and you have got to cut nondefense, probably have to put a hard freeze into place.

For the sake of argument, let us assume that is what we have to do. That is what we have to do, and that is what we have to do if you want to get $600 billion in deficit reduction. The question I want to ask is: As you deal with $600 billion and you are trying to share the sacrifice of doing that, what about the wealthy? What about the wealthy? What price do they pay in all of this? What burden do they share in all of this?

According to the Kyl amendment, you cannot raise their taxes. No; no. That is off bounds. How about premiums? How about premiums on the wealthy people who benefit from entitlements? That is the administration's approach. Cannot increase their premiums; that is a revenue increase. What about fees for services? That is a legitimate area. Oh, cannot increase fees. That is a revenue. What about if we wanted to do more infrastructure, and we think perhaps we ought to lift the gas tax in this country a bit in order to pay for more infrastructure? That is a logical argument for me. No; no. Cannot do it under this approach, because we are going to take it all out of the hide of the elderly, of senior citizens, of farmers, of veterans, of children, of the poor, but not a dime from the rich, not a dime from the rich.

What this amendment does is it builds in supply-side economics into the Constitution of the United States, and the end result of this kind of amendment is to make the rich richer and the poor poorer.

I have argued that putting a constitutional amendment into the Constitution to balance the budget is bad, because it is going to create an economic crisis, and it plays with economic policy. It is bad enough to play games with economic policy, but what this amendment does is it plays games with social policy as well, and it is for all of those reasons that I strongly oppose this amendment.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from Arizona.

Mr. KYL. Mr. Chairman, I just wanted the gentleman to yield to make the point that our amendment, of course, does not preclude the raising of revenues. It limits spending. I think the gentleman is aware of that.

Mr. PANETTA. If you get a three-fifths vote; if you get a three-fifths vote.

Mr. KYL. No. The three-fifths vote allows the Congress either to unbalance the budget or to spend more than 19 percent of GNP. Our proposal says nothing about revenues whatsoever.

Mr. PANETTA. Is it not the case you could not increase any kind of program beyond the 19 percent unless you had a three-fifths vote in the institution?

Mr. KYL. That is correct.

Mr. PANETTA. Fine. So the cuts come on a majority basis. We cut senior citizens by a majority vote, we cut the farmers by a majority vote, we cut the veterans by a majority vote, but, ah, yes, when it comes to perhaps the increasing of the premiums or increasing taxes, you have got to do that on a three-fifths vote. That is bad economic policy, and it is bad social policy.

Mr. KYL. If the gentleman will yield further for 10 seconds, we say absolutely nothing about a three-fifths majority to raise taxes, fees, premiums, or anything else. We do not have a three-fifths requirement for raising taxes or revenue of any kind.

Mr. PANETTA. Answer the question, can you raise revenues beyond 19 percent without a three-fifths vote?

Mr. KYL. Yes.

Mr. PANETTA. You can?

Mr. KYL. Yes.

Mr. PANETTA. So what is the point? The point here is what then?

Mr. KYL. You cannot spend them.

Mr. PANETTA. You cannot spend it at 19 percent. But can you provide, for example, a health care program for the country, a comprehensive health care program, and reach out and provide additional revenues to pay for that health care program under your proposal?

Mr. KYL. You can do that by two ways, first of all, by the three-fifths vote.

Mr. PANETTA. That is what I am saying; that is what I am saying. You need a three-fifths vote to implement policy here even if it is on a pay-as-you-go approach. You have implemented a mindless formula that says when it comes to what I agree to, which is to cut spending, do that by a majority vote. When it comes to the idea of paying for programs that we may all believe in, you have got to do that by a three-fifths vote.

Mr. KYL. If the gentleman will yield for another 10 seconds, you can raise revenues all you want to with a majority vote. To exceed the spending limit, you would have to have a three-fifths vote. I would hope the gentleman would not continue to refer to this as a mindless proposal. A lot of thought has gone into this. The gentleman might disagree with it, but it is not mindless.

Mr. PANETTA. When you put any kind of percentage approach of GNP into the Constitution of the United States, my friend, that is mindless.

Mr. Chairman, I reserve the balance of my time.

Mr. KYL. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. ALLEN], the coauthor of this proposal.

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, if Congress is really serious about balancing the budget and protecting our children and grandchildren from unmanageable, burgeoning debt, we must pass the most responsible and enforceable balanced budget amendment which will promote economic growth. The Kyl-Allen amendment, which we will vote on today, is the best solution for American taxpayers and our economy.

It is the only substitute which limits Federal spending to 19 percent of the gross national product and actually gives Congress an incentive to adopt positive economic growth policies. By limiting Federal spending, Kyl-Allen provides taxpayer protection by preventing Congress from increasing taxation and spending, and allows Congress to waive the balanced budget and spending limitation provision only with a three-fifths vote of the total membership of the House and Senate. Requiring a super majority to approve spending over 19 percent of the GNP places a constraint on the profligate spending habits of Congress. Spending gets Congressmen reelected and they will continue to spend unless the Constitution stops them.

Most importantly, Kyl-Allen is the only amendment offered with an enforcement mechanism—the line-item veto. Giving the President the line-item veto not only will cut the fat from the meat in Federal appropriation bills but will increase Government accountability. I know that my constituents would like to know where their tax dollars go and which Congressmen vote to sustain or eliminate wasteful Federal programs and projects. Wouldn't your constituents like to know who is responsible for:

First, $120,000 to study the disposal of cow manure.

Second, $200,000 for Vidalia onion storage.

Third, $100,000 for mesquite and prickly pear cactus research.

Fourth, $94,000 for asparagus yield decline.

Fifth, $1.5 million for a theater in New York City.

Sixth, $1 million for a parking garage in Kentucky.

The list goes on and on.

The Federal budget process has operated unchecked for too long and left our country with nearly a $4 trillion debt. It is time to handcuff the irresponsible, spendthrift practices of the Federal Government.

Kyl-Allen gives the President the authority that 43 Governors have, the line-item veto. The line-item veto would prevent Congress from spending scarce Federal dollars on such wasteful, often ridiculous programs. Lou Uhler, president of the Tax Limitation Committee, said:

> It's about time, if we're going to ask the President to share the rap for out-of-control spending, that we give him a tool to control it. The line-item veto would do just that.

The time has come to shed a scrutinizing light on the pork barreling and budget padding that is so prevalent on Capitol Hill. If the President had a line-item veto, he would be held accountable for the pork barrel legislation that crossed his desk and, similarly, every Congressman voting to override or sustain the veto would be accountable to their constituents. Both the President and the Congress would be responsible for the consequences of their appropriations.

Think about it: 43 States have provision for a line-item veto for the chief executive. If you represent one of those States, then you surely understand the value of such a tool in controlling wasteful spending. I ask you to represent your State, and the interests of every American taxpayer, by supporting the line-item veto for the President as part of the balanced budget amendment.

Every day, Congress spends $1 billion more than the Federal Treasury receives. The Government has run deficits in 53 out of the last 61 years, and 30 out of the last 31 years. All this despite the fact that Congress has raised taxes 56 times over the last 30 years. For the sake of our children and grandchildren, we cannot allow our deficit and national debt to continue growing out of control.

I respectfully submit that the Kyl-Allen balanced budget profligate taxing and spending habits of Congress. Fiscal irresponsibility and lack of Government accountability have necessitated the sobriety of this balanced budget amendment.

In today's Richmond Times-Dispatch, Walter Williams writes:

> Test your Congressman's sincerity. Demand a spending limitation provision in the proposed Balanced Budget Act and watch him lie.

I urge my colleagues to support the only balanced budget amendment to the Constitution which contains a spending limitation and taxpayer protection, promotes economic growth, and includes a line-item veto provision: Please support the Kyl-Allen substitute.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, in the early 1980's the Reagan-Bush team, in alliance with corporate America and some congressional Democrats, successfully adopted Reaganomics as our national economic strategy. Reaganomics included huge tax breaks for the rich, a massive binge of military spending, and serious cutbacks in Federal aid to cities, to education, and to a host of human service programs.

Ten years later, we are reaping the harvest of Reaganomics. The income of the richest 1 percent of our population have doubled at the same time as the median personal income—without even accounting for inflation—has declined in more than half our States. The wealthiest 1 percent of the population now owns more of the Nation's wealth than the bottom 90 percent. Our cities are in ruin, our health care system is disintegrating. As many as 2 million of our citizens, half of them children, sleep out on the streets.

In the mid-1980's, the Reagan-Bush team, in alliance with corporate America and some congressional Democrats, gave us deregulation. What has deregulation and getting the Government off our backs meant to the savings and loan industry? An orgy of real estate speculation diverted hundreds of billions of dollars which otherwise might have been used to rebuild American industry. Banks failed by the hundreds; the RTC has closed over 650 failed S&L's. Taxpayers must pick up a tab of $500 billion in order to bail out the banks, one-quarter of which were engaged in fraud and outright thievery.

Now, to add insult to injury, they're at it again. The same people who brought us Reaganomics and S&L deregulation now have another gimmick to sell: A constitutional amendment to require balanced budgets. They once again want to benefit the rich and powerful at the expense of working people, the elderly, the poor, the sick—and our children.

No Reagan-Bush administration ever submitted a balanced budget. In the last dozen years, the national debt has soared from $1 to $4 trillion. This year's deficit alone is projected at $400 billion.

The dangerous and shameful national deficit has a cause. Presidents Reagan and Bush, along with the leadership of Congress, ignored desperately needed and fundamental changes in four major areas of the Federal budget: Tax policy, military spending, the S&L bailout, and health care. Led by President Bush, proponents of the balanced budget amendment have rejected every serious opportunity to reduce the deficit.

Despite the fact that the wealthiest people in our country have gotten much richer, and have enjoyed hundreds of billions of dollars in tax breaks during the last decade, the President and the leadership of Congress have refused to raise taxes on the rich and the large corporations.

Despite the fact that military spending was increased by 50 percent in the 1980's, despite the fact that the cold war is over and the Warsaw Pact no longer exists, they have refused to make the very substantial cuts in military spending that we can now afford to make.

They have refused all efforts to deal with the S&L bailout on a pay-as-you-go basis, calling it off-budget while dumping the entire bailout into the deficit.

And they have refused to develop an effective cost-containment strategy to control spiraling health care costs, despite proposals available for a universal single-payer national health care system. While this Nation spends more per capita on health care than any other on Earth, 85 million Americans go without adequate medical coverage—and our Medicaid and Medicare budgets soar.

The balanced budget amendment advocated by the Nation's leadership will no doubt solve our deficit crisis as effectively as Reaganomics and deregulation solved tax inequity and the S&L situation. It is being proposed by true paragons of courage, leaders who refuse to address the budget now but are only too ready to let the budget amendment go into effect a number of years from now, or when they are out of office.

What will be the impact of this administration and legislative cowardice? Clearly, it will mean devastation for the elderly, the sick, the poor, and working people because the budget will be balanced on their backs. Cutting spending without taxing the rich and slashing the military budget will require draconian reductions in Social Security, Medicare, Medicaid, housing, mass transit, health care, veterans' benefits, college loans, and virtually every program which benefits ordinary Americans. And if taxes must be raised, Congress is likely to use the amendment as an excuse for instituting regressive taxes, which fall most heavily on working people and the middle class. A balanced budget amendment will only accelerate the Nation's rapid move toward an oligarchic structure, where the rich and the powerful control—and benefit from—nearly every aspect of American life.

Should the President and Congress address the deficit issue? Absolutely. But they should do so in a fair and progressive way, not by preying on the weak and the vulnerable. The budget can and should be balanced through a radical reorientation of our priorities in four key areas, not through cowardly constitutional gimmickry. Without courage, without real and very rare political leadership, Congress and the President will simply perpetuate the increasingly discredited political status quo. It is time to put aside the hoax and get down to serious work.

□ 1110

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, we have just heard from the only registered Socialist in this House.

Now let us hear from the real world. You know, there are two ways to balance the budget. One is to cut spending. The other is to raise taxes. The Kyl amendment ensures that the budget will be balanced by holding the line on spending and not by raising taxes through the roof. The Kyl amendment will ensure that outlays do not exceed 19 percent of the gross national product. Since this is approximately what we are already taking in from taxes, it means that the budget will be balanced through spending cuts and not by raising taxes.

Mr. Chairman, the Kyl amendment also includes a line-item veto, which will enable the President to cut unnecessary pork out of any bloated spending bills.

Mr. Chairman, I want you to listen to this: There is a recent report by the General Accounting Office, that all of us quote from on the floor all the time, which projects that if nothing is done to reverse current trends, Federal spending could increase from—listen—23 percent of the gross national product today to over 42 percent by the year 2020. That is 28 years down the road.

The report concludes that "inaction is not a sustainable policy." Not only is it not a sustainable policy, it is a total disaster.

That is what we are dealing with here today.

Mr. Chairman, we have to balance the budget and we have to do it without ever increasing levels of spending. The Kyl amendment is the way to achieve a balanced budget and keep taxes down. That is what the American people want. That is what they demand. We ask them to tighten their belts. We have to tighten ours, and the only way to do it is to enact the Kyl amendment.

For God's sake, please vote for it.

Mr. KYL. Mr. Chairman, I yield 5½ minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I have studied all four of those proposals that we will deal with today. I support three of them, and the fourth, the one I do not support is a mindless proposal and it is for that reason I do not support it; but of all the proposals before us, I support most enthusiastically the Kyl-Allen proposal.

The reason? This proposal is the only proposal that keeps its eye on the ball and provides an enforcement mechanism that is a mandatory limit on spending.

Let me talk for a moment about why we need a balanced budget amendment. I regret that we do. It is possible we should not need one, but there have been two particular events in the recent history of this country that make it necessary. First, after the political lessons learned by the Great Society Program, this Congress transformed the budget. The budget was comprised of 15 percent entitlement spending in 1965. Today it is 52 percent entitlement spending.

This, Mr. Chairman, is what I call partisan pork, and the party that so proudly takes responsibility for all of this entitlement spending is the Democratic Party that has been in control of Congress throughout most of this time, both Houses, this House throughout all the time.

Now, of that entitlement spending, let us recognize the fact that only one out of every seven entitlement dollars goes to somebody at or below the poverty level of income.

Do not tell me, Mr. Chairman, that you cannot make reforms in the way we spend the generosity of the American people when only $1 out of every $7, or 52 percent of the $1½ trillion of their money that we spend goes to people at or below the poverty level of income. It is balderdash to say we cannot reform that.

In fact, we have had reforms which have been voted down in this Congress.

The fact is that less than 20 percent of those entitlement dollars are means tested. By means tested we simply say demonstrate to the American people that you have a genuine need for them to sacrifice their hard-earned money in your support and we will extend that support—less than 20 percent.

Ross Perot's son is as capable today of getting financial aid for his education as my nephew, and my nephew's father does not earn nearly so much as Ross Perot, or for that matter nearly so much as I do.

Now, one of the other things we must understand about all this mandatory spending, two-thirds of the budget, is that throughout my entire lifetime the growing American economy has every year generated increases in revenue. For example, in 1963 the citizens of this country contributed $6½ billion in tax revenue to the Federal Government. By 1990, that had risen to over $1 trillion.

Every year the economy has supported this Government with more and more tax revenue because the economy is growing, but for every dollar's worth of revenue increase we so generously forked over to this Government, they automatically spent $1.59 in increased Government spending. Spending is clearly the problem.

We have grown to the point where 25 percent of the gross national product of this country is consumed by the Federal Government. That is too big.

Now, we have had some focus on the 19 percent figure. The Kyl amendment says bring it down to 19 percent of GNP. That is not something new. That is in the law of this land.

The Humphrey-Hawkins bill, a Democrat bill, in 1979 when Jimmy Carter was President was amended to say that spending should be at 19 percent of GNP. That is the law of this land. It is not something somebody dreamed up. It is something we should have been living by. It exists today in the fabled folklore of fiscal responsibility of the Democrat Party.

□ 1120

It is a number they liked to talk about when they claim they did something responsible one time by setting a goal, but they never have tried to live up to it.

Now the other thing which my colleagues must understand that makes necessary a balanced budget amendment is the great power grab of 1974, when the Democrats passed the Budget Reform Act of 1974. They cut the President out of the process, and, when they did so, they left themselves with the power, and they left the President with the accountability, and anybody in America could tell you, "When you separate power from accountability, you got a perfect formula for irresponsibility."

Mr. Chairman, the Kyl amendment closes that gap. The 19 percent says, "You can spend more, Congress, only if the economy grows more." For the first time we would have a constitutional incentive for the politicians in this body to encourage growth in the economy and prosperity for the American working man and woman. This gives that incentive.

Mr. Chairman, I say we must vote for this.

Mr. KYL. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I rise in strong support of the Kyl-Allen amendment.

First, it requires a balanced budget; second, it does so by limiting spending, not by raising taxes; and, third, it provides the President a line-item veto authority to help enforce the spending cuts, and I want to talk about that.

We need a constitutional amendment in order to balance the budget. I have been working on passing a balanced budget amendment since I first came to Congress. We almost did it in 1982. If we had, we would be operating with a balanced budget today. Instead, since that time we have added more than $1½ trillion to the public debt.

Second, Kyl-Allen balances the budget by limiting spending. Balancing the budget by raising taxes would be like planting weeds in a garden, or putting fleas on a dog—all backwards. Balancing the budget by higher taxes would damage the economy as much as the deficit does. We need a less expensive Government.

Finally, Kyl-Allen provides the President with a line-item veto. I support the amendment not in spite of the line-item veto, but because of it. There are good, intellectual reasons to be cautious about the effects of a line-item veto and over the years, I have tried to spell out those concerns. But if the line-item veto is like a wolf at the door, the deficit has become a wolf in the kitchen. Not a dangerous possibility, but a deadly reality.

Our public debt is nearing $4 trillion. I have done everything I know of to cut spending. I supported Gramm-Rudman; voted for sequesters, for freezing the budget; supported 3-, 5-, 7-percent cuts to appropriations bills; cut foreign aid by $18 billion, I've developed my own budgets, developed my own economic growth plans and I tried to get a bill passed to give the President the right to sign or veto appropriations bills one at a time, even if Congress put them all in one omnibus bill. But the deficit keeps growing.

Intellectually, the possibilities of what a line-veto might do to the balance of powers worries me. But the reality of a $400 billion deficit and a $4 trillion public debt worries me even more. Let the Congress, under its Constitutional authority, delegate to the President a line-item veto to implement a balanced budget. Balance the budget by cutting spending. Support the Kyl-Allen amendment.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. SMITH], one of the cosponsors of the Stenholm-Smith amendment which I support.

Mr. SMITH of Oregon. Mr. Chairman, this amendment has been called mindless. That kind of surprises me because I thought maybe $400 billion deficits or $4 trillion debts might be mindless. The facts are that anytime we try to restrict spending, those of us who do will be criticized by some in this body; there is no doubt about that. This amendment is a limitation on spending, and, of course, that is what we are talking about here.

Especially, Mr. Chairman, I want to address the line-item veto. We have heard that somehow this is a transfer from the legislative to the executive branch of Government, and the facts are such that I will ask my colleagues, "Have you heard from 43 Governors or 43 States? Have you heard any criticism of that?" I have not. "What about the criticism sometimes of the abuse of line-item veto? Have you heard from any of the Governors in this country that the Governors abused line-item veto?" I have not, but if my colleagues have, they are going to be replaced.

Mr. Chairman, this is a good amendment. I support it.

Mr. PANETTA. Mr. Chairman, I yield 3½ minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I respectfully rise to express my sharp opposition to the Kyl-Allen proposal and to all of the balanced budget amendments being offered today.

When I was growing up, we all believed that in America, each new generation would be better off than the one that came before. After 15 years of numbing deficits, we have all but ensured that our children will have a lower standard of living than we do. We have borrowed enormous amounts of money to live on today—money that our kids will have to pay back tomorrow.

The U.S. Government is $4 trillion in debt. This year's deficit is expected to reach $400 billion. Interest on this debt is now the fastest growing item in our budget. What we spend to service this debt far exceeds what we spend to immunize our children, to educate them, and to prepare them for the future.

This selfish shortsightedness must stop. We need a balanced budget and we need to start now. While I am deeply committed to controlling Federal deficit spending, I am opposed to amending the Constitution to require a balanced budget. The President and the Congress need to muster the political will to get deficit spending under control, rather than hide behind a balanced budget amendment, especially one lacking an enforcement mechanism. There is currently no constitutional or statutory prohibition preventing the President from proposing, or Congress from enacting, a balanced budget.

I share the American people's frustration that the President and Congress have not been able to work together to get deficit spending under control. Indeed, we have almost reached the point where net interest payments on our debt equals spending on domestic discretionary programs.

For example, in fiscal year 1991, we spent $196 billion on domestic programs and $196 billion spent on interest. The Congressional Budget Office [CBO] predicts that domestic discretionary spending for the next several years will be roughly equal to net interest payments on the national debt. By fiscal year 1996, however, CBO projects that we will spend more for interest on our debt, $262 billion, than for domestic programs, $258 billion. Further, CBO expects this trend to continue if we do not begin to reduce the deficit now.

I have joined the lonely battle in Congress to balance the budget now. I have voted to save more than $130 billion by not supporting the Lawrence Welk Museum, dubious financing of the savings and loan bailout, and a variety of foreign aid programs. I did not vote against supporting these programs because they are without merit. I voted against them because we must start somewhere to reduce our enormous Federal deficit.

Because we will not succeed unless we take a comprehensive approach to revenues and spending, I'm also backing the Balanced Budget Enforcement Act of 1992, H.R. 5272. Introduced by our distinguished colleague from California and chairman of the Budget Committee, LEON PANETTA, this bill would begin to cut the deficit this year and balance the budget by 1997. By producing real cuts and balancing our continued spending against the revenues we take in, H.R. 5272 would mandate $37 billion in new deficit reduction in fiscal year 1993. It requires $560 billion in new deficit reduction over 5 years. This action would lead to $70 billion in savings on interest payments, which would result in $630 billion in total deficit reduction by 1997.

In recent testimony before the Budget Committee, CBO Director Robert Reischauer lauded the Panetta bill as a fair and effective way to reduce the deficit. Indeed, he concluded his testimony by stating:

> Passing a constitutional amendment to balance the budget cannot substitute for the heavy lifting that is necessary to cut the deficit. If a balanced budget amendment is enacted, however, it must be accompanied by both a plan to balance the budget and a mechanism to enforce the plan. Even if a balanced budget amendment is not passed, deficit reduction will still be necessary. . . . Deficit reduction should be of paramount importance to this Congress and future Congresses until the job is done. Making hard choices about taxing and spending accomplishes that, in contrast to enshrining a balanced budget amendment goal in the Constitution. The bottom line is that real policy changes and enforcement are both necessary for deficit reduction; and constitutional amendment alone is not.

Dr. Reischauer also outlined several principles that should be contained in comprehensive deficit reduction. Arguing against special exemptions from concerted deficit reduction, he stated:

> Perhaps the most important means to encourage consensus is to ensure that the effects of any actions to enforce the amendment are spread broadly. . . . Enforcement legislation that spreads the budgetary pain broadly, then, is preferable to that which singles out specific programs for large reductions.

Instead of making these tough choices now, some Members propose amending the Constitution as a solution. But this simply postpones making tough choices now. Others believe if they support a constitutional amendment to require a balanced budget in the future, they can get through their elections this year without having to stop the spending spree.

The founders of our Nation had the courage, vision and will to give us one of the greatest political documents in the history of mankind—the U.S. Constitution. This ingenious document has provided the structure and guaranteed the freedoms that have made the United States the greatest country on Earth. Its strength and endurance are due in large part to its simplicity. The brevity of the Constitution allows it to enshrine and protect the most basic human rights while not tying the hands of future decisionmakers about how to achieve its lofty goals. It is for all these reasons that the Constitution has survived more than 200 years with very few changes.

Now, some are pretending that the solution to our budgetary problems lies in amending the Constitution. This is a shortsighted, procedural approach.

We never solved our most serious problems through procedure. Lincoln did not win the Civil War by amending the Constitution. It took courage, strength of conviction, and ultimately the sacrifice of hundreds of thousands of men and women who saved the Union. It was not a constitutional amendment that stopped Hitler. It was the strength and resolve of free people around the world that brought an end to Naziism.

In each of these cases, we solved our problems by acting decisively and courageously, even when it required sacrifice. We must solve our current economic crisis by acting with the same courage and determination.

Joseph Heller wrote a book some years ago titled "Something Happened." And something did happen to the courage of those who stood up to a King of England. Something happened to the courage of 600,000 men and women who gave their lives in the mid-1800's to keep this country together. Something happened to the courage of all those who lived through, survived, and succeeded in the Great Depression. And something happened to the tens of millions of people who sacrificed their lives through their courage to defeat Adolph Hitler.

The Constitution, in each of those instances after the Revolutionary War, provided the freedoms and institutions to deal with the topic that we are discussing today. So why change? Because the President doesn't have the power to provide a balanced budget tomorrow and submit it to the Congress of the United States? No. Because the Congress can't pass a balanced budget on its own? No. Perhaps I'm missing some rule or regulation. I doubt it. I say no to changing the fundamental document on which this country was founded and under which it has existed for more than two centuries.

Courage still exists in this world. Think about the countless tens of thousands, if not millions, of people in Eastern Europe during the Soviet domination who gave their lives to come here. Think about the people who have drowned in Southeast Asia and the Caribbean to come here. Think about the people who have exercised courage and died in boxcars from Central America to come here.

We just need a good dose of courage here to understand that courage is not automatically transmitted across the ages like cost of living adjustments are so easily each year. The authors of the Constitution gave us a lot. But they could not transmit the courage to ensure that each successive generation would act in the best interests of the next. Each generation, our generation, we here today, have to find that courage within ourselves. Are we to fall so short now after so many have fallen to give us our future today? Surely, asking every American—including ourselves—to simply take a little bit less of an increase next year, and the year after that, is not as difficult as asking people to give their lives like we did earlier this Congress.

As Chairman PANETTA said:

> If the President and the Congress were really serious about balancing the budget, he would propose a balanced budget and Congress would adopt one. Instead, we are going through the charade of a constitutional amendment, which will provide some moral force at best, and, at worst, bring the same disrepute on the Constitution that we have already brought on the President and the Congress.

Postponing these hard decisions by starting down the long road to amending the Constitution would be a fraud. It would be pretending to do something while only postponing the hard choices. It would be shielding timid public officials from the consequences of their inaction.

I must admit to one doubt about my position. That is, if the amendment fails, the impetus for serious deficit reduction will also disappear. I hope I am wrong.

I implore my colleagues to defeat all of these proposed balanced budget amendments. I conclude on the note that in either event—passage or failure of one of the proposals today—I pledge my commitment, courage, and all of my energies to see that real budget enforcement, along the lines suggested my Chairman PANETTA, is brought to the floor this summer, is passed this summer, and implemented this year. To do less simply means sacrificing the quality of our children's lives and forfeiting the gift given to us through the blood and sacrifice of those who came before.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, let me say to my colleague that the Kyl amendment really goes to the heart of the matter. The heart of the matter is prosperity. It is economic growth, and it is—how do we get an economy growing sufficiently to pay our bills? It is not just a numbers game, it is creating jobs, it is innovation in the private sector, it is resources in the private sector.

Without the Kyl amendment, there is a real danger of massive forced tax increases to balance the budget; but as experience shows, such tax increases turn off the economy and make things even worse.

Take a look at the Budget Act of 1990. I was surprised to hear my colleagues take to the floor from the other side of the aisle claiming credit for being disciplined, for being rigorous for doing what's necessary to balance the budget. Many of us actually voted for that bill—we had troops in the Persian Gulf; we were about to go to war; there was near choas in Washington—but to claim credit for it when it actually was disaster surprises me because recent history shows it resulted in turning off the emerging economic recovery and sent us into a double dip of recession because the tax increases negatively impacted on the economy, threw people out of work, and yes our budget deficit ballooned. That's right the loss of economic growth actually made the deficit worse.

The balanced budget amendment needs some kind of spending limitation, which the Kyl amendment gives us, to avoid negative economic effects of tax increases similar to what we saw—result from the 1990 act.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, on this floor yesterday one of the Members from the leadership on the other side of the aisle got up and indicated that only during the Reagan administration have we had deficits. I do not know if we think the American people are that stupid or not, but according to every record we have, since 1960 the deficit has increased 1,240 percent; since 1965, 620 percent; since 1980, 329 percent; and 114 percent since 1985. This is an insidious disease that has caught this institution. We cannot seem to control the spending. We are going to exceed $300 billion in debt this year.

The amendment we have before us encompasses everything. It gives us the balanced budget amendment, it gives us the line-item veto, and it gives us the opportunity to really make a definitive statement that we are going to do something positive about this. The world is not going to be fooled if we vote for the Gephardt amendment. They are not going to be fooled by that.

Mr. Chairman, we need to vote for something meaningful.

Mr. KYL. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, I support the Kyl-Allen amendment because it gives the President a needed tool to ensure a balanced budget. That is the line-item veto. This works in our States, and it will work in our Nation. This Nation cannot wait a second longer for a balanced budget.

Federal spending is out of control. Americans cannot afford an amendment with an escape hatch like what we see in the Gephardt substitute. We must stop the $10,000-per-second hemorrhage that we pay in interest on our national debt every day.

Mr. Chairman, let us respond to what America is saying. Let us pass this amendment that limits spending without raising taxes, and let us pass it now.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today to express my strong opposition to House Joint Resolution 290 and to the Kyl-Allen proposal, legislation for a balanced budget amendment to the Constitution.

Call it bumper sticker politics. Call it grist for network news sound bites. But by any name, this legislation is the worst kind of election year gimmickry.

This gimmick has a tragic price tag for Los Angeles, Chicago, my own Philadelphia and cities across the country—and for the people who live in them. They will be the ones who pay the heaviest price.

I have dedicated myself to the plight of our Nation's cities.

Last May, I was joined by 80 of our colleagues to establish the congressional urban caucus to focus attention on the needs of urban America.

Under any scenario, implementing the balanced budget amendment, in an irresponsible manner, as is proposed, will mean drastic spending cuts in programs vital to U.S. cities.

Most Federal programs not already gutted or terminated under the Reagan-Bush years will be cut or killed.

Homeless programs, food stamps, operating subsidies for mass transit, public housing construction, indigent care for hospitals, student loan programs, economic conversion assistance for military downsizing.

The list goes on and on.

Cities like my own, Philadelphia, are already struggling with fiscal crisis.

A recent study estimates that the rapid cuts in programs mandated by the balanced budget amendment would triple State and local deficits.

Cities would be forced to raise taxes even higher. City economies would hit rock bottom.

Don't get me wrong.

The huge deficit we face is devastating to our economy. We must act responsibly and tackle the deficit.

But there is nothing wrong with borrowing small amounts to make investments in capital. Let us face it—few of us would own our own homes or cars without borrowing money. It is vital that we are able to make critical investments to rebuild our schools, highways, mass transit systems, and airports.

What is wrong and what is devastating to our economy is a deficit so grossly out of proportion to our revenues. A deficit that strangles any economic growth.

What the people want is not a balanced budget amendment.

They want a balanced budget.

And we are elected to make the tough decisions needed to cut the deficit and bring the budget into balance.

We are elected to tell the people the truth and not hide behind rhetoric.

We must tell them that the balanced budget amendment really means—devastating cuts in entitlement programs like Medicare and Social Security. And constraints that tie our hands when we need to make capital investments to revitalize our economy.

We cannot postpone the pain of dealing with the deficit.

Let us do what needs to be done. Let us do it now.

Let's do it rationally—in a manner and time frame that does not sink an already foundering economy. And does not balance the budget on the backs of those who can least afford it.

We need to display the real leadership needed to deal with the deficit.

The kind of leadership that cannot be condensed in a sound bite for the 6:30 network news.

I urge my colleagues to exercise this leadership and reject this month's political fashion trend.

Vote no on Stenholm and allow for economic growth and survival of our cities.

Mr. KYL. Mr. Chairman, I yield 1 minute to the cosponsor of the Kyl-Allen amendment, the gentleman from Virginia [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we have heard comments here from the gentleman from Pennsylvania and others in opposition to the Kyl-Allen balanced budget amendment to the Constitution. They argue that the Constitution should not be amended. Obviously, the constitutional framers thought that the Constitution should and could be amended in the future for pressing needs. Clearly, a $400 billion deficit this year, spending $1 billion a day more than we are receiving in revenues, is a pressing need because we are loading our future generations with perpetual debt. Incidentally, to pay this debt will cause inflation of our currency which is most cruel to those on fixed incomes.

The gentleman from Pennsylvania says we ought to continue to spend money by going into small debt. A deficit of $400 billion a year is not small debt. The opponents of this amendment are talking about fears and employing scare tactics, trying to say that somehow we should not add this amendment to the Constitution, saying that we have to get the economy moving.

Let us see what the Citizens for a Sound Economy said about this amendment. According to them—and I quote:

> The Kyl-Allen approach would provide even big spenders in Congress with strong incentives to implement pro-growth policies: in order to spend more money, they must first expand GNP. In that light, pro-growth policies such as deregulation, privatization, and free trade agreements would be even more attractive as policy initiatives.

Mr. Chairman, the Kyl-Allen amendment provides spending limits and positive economic growth policies plus gives the President the power of the line-item veto to cut out wasteful pork-barrel spending. We need sobriety and thoughtful positive solutions to this continual Federal deficit sham and debt of nearly $4 trillion debt. Americans expect more than the farcical scare tactics of the opponents who want to avoid discipline, scrutiny, and accountability.

□ 1140

Mr. KYL. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, we are killing the goose that laid the golden egg. This debt is going to bring down the Social Security recipients, the farmer, the working person, the young person, and anyone who hopes to have a future in this country.

We have to get a framework, such as Kyl-Allen version of the balanced budget amendment provides, by requiring a balanced budget for the Federal Government, by instituting the line-item veto, which is so critical to our success, and by having the spending limits.

Mr. Chairman, this amendment is good for America. It helps everyone. So let us help the goose that laid the golden egg, not shoot it, by supporting this amendment.

Mr. KYL. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. WEBER], who will be sorely missed from this body in years to come.

Mr. WEBER. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I have a little different view of this debate than some of my colleagues on both sides of the aisle. I believe that the economy drives the budget much more than the fact that the budget drives the economy, which leads me to be somewhat concerned about everything we are doing here today.

Nonetheless, of all the measures before us, clearly the one that I am most comfortable with is the Kyl amendment.

I must say to my good friend, the gentleman from California [Mr. PANETTA], the distinguished chairman of the Committee on the Budget, one of the finest Members of this body, I was not sure I was going to speak for the Kyl amendment until I heard the gentleman speak on the floor of the House, Then I felt compelled to come down here.

First of all, I heard the distinguished gentleman from California [Mr. PANETTA] use the term "mindless" repeatedly in discussing the proposal of the gentleman from Arizona [Mr KYL].

With all due respect, I must say if there is anything mindless in this debate, it is the continuing defense of the 1990 Budget Act, which has given us a stagnant economy and a higher deficit, and which is defended to us on the grounds that it has strengthened the economy and reduced the deficit, I guess if I were here another 12 years, Mr. Chairman, I still would not quite understand that.

But it is my concern about that approach to fiscal policy that causes me to come to the floor and support the Kyl amendment.

Mr. Chairman, as I said, I have deep concerns, expressed by the distinguished chairman and by some on the other side of the aisle, about enshrining a balanced budget amendment in the Constitution of the United States. Perhaps it is necessary because of the significant size of our deficit. But I am concerned about it because of what it does not tell the American people.

Mr. Chairman, it does not tell the American people anything about how we intend to achieve a balanced budget. It does not tell the American people anything about our vision for America and our vision for this economy.

Do we as a Congress have any vision to share with the American people economically, other than the notion of a balanced budget? What about economic growth? What about savings in productivity? What about distribution of income that the gentleman from California has mentioned? What about the size of government itself and its intrusiveness into our lives? Are all of these incidental matters we are simply supposed to put aside now?

Many of those who come to those in favor of a balanced budget amendment, would apparently say yes. We have heard a lot of discussion here today about what the American people want. Mr. Chairman, I think the American people want a strong and growing economy, with good jobs, with higher disposable income, I think the American people want a less intrusive government, not a more intrusive government.

Now, my friends, the gentleman from Arizona [Mr. KYL] and the gentleman from Virginia [Mr. ALLEN], have committed one grievous sin, and they are paying for it on the floor today. They alone have given to the American people an idea of what their vision is of the economy in the context of a balanced budget. They have dared come before us and say, "Our vision is of a smaller, or at least a limited, government; a vibrant and growing private sector; and a controlled tax burden."

Mr. Chairman, all others that will come before us in the course of this day are basically saying, "We are going to balance the budget, and we will tell you later how we are going to do it." Maybe with $400 billion tax increases, maybe by decimating programs for senior citizens, maybe by cutting the farmers in my district, maybe by leaving us with no national defense, or probably by some combination of the above.

Only the Kyl-Allen amendment comes before us today and says, "Yes, we are going to make hard decisions, and we will tell you what our vision is of this country and its economy. We believe controlling spending and hence controlling taxes is the key to a stronger economy. We believe," I would imply, that a 2-percent-growth rate, to which I believe we are sentenced if we continue to try to balance the budget with higher taxes every year, is unacceptable to Americans, whether they are Republicans or Democrats, employed or unemployed, and we do not think we will achieve better than that unless we control the deficit by spending reductions and tax restraints."

Mr. Chairman, only the Kyl amendment tells us that.

Now, I suppose you can make a powerful argument that if this amendment fails, we have no choice other than to go down some other path and let the American people wonder what road we are going to take to a balanced budget, and hope that we do not make the mistake of doing it at the expense of higher taxes.

But anything other than the Kyl amendment, in my judgment, offers us the probability that the miserable experience of the 1990 Budget Act, with or without the balanced budget amendment, is going to be repeated year after year after year, as we fruitlessly attempt to balance the budget by higher taxes, which inevitably will grind the economy a little bit further into the dust.

Mr. Chairman, I think at some point the American people are going to say to this body, yes, we want a balanced budget, but not at the expense of economic growth, not at the expense of a larger, more intrusive, more ironclad Government. We want a balanced budget at a lower level that maximizes the growth rate of the American people, provides higher jobs, provides rising disposable income, and controls the tax burden.

Mr. Chairman, our only opportunity to vote for that vision of America and that vision of this economy is the Kyl-Allen amendment, which I am proud to support.

Mr. KYL. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished Republican whip.

The CHAIRMAN. The Chair would state that the gentleman from Arizona [Mr. KYL] has 2 minutes remaining.

Mr. KYL. Mr. Chairman, might I inquire of the Chair, according to my calculations, I should have 3 minutes remaining.

The CHAIRMAN. We will doublecheck.

Mr. KYL. It is my understanding the gentleman from California wishes to close and he has 3 minutes remaining, and that I have 3 minutes remaining and I wish to close.

Mr. PANETTA. Mr. Chairman, my understanding is the gentleman from Arizona [Mr. KYL] has the right to close the debate. I just have two brief speakers.

Mr. KYL. Mr. Chairman, if the gentleman has two speakers, I would prefer he proceed at this time.

Mr. PANETTA. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I am stunned by the source of this amendment. Because the gentleman from Arizona [Mr. KYL] serves with such great distinction on the Committee on Government Operations, I cannot believe he would add this amendment to this flawed concept of putting a fiscal remedy into the Constitution of the United States.

Mr. Chairman, what the gentleman is really saying is that the Congress should go out of business. If we have got two-fifths, less than a majority necessary to change the laws already in the bill, then we give the President a line-item veto. Is there anything left for a House of Representatives to do?

On taxes, no new taxes. Great. That means the wealthy will make out like bandits. But who will sustain the cuts? The Social Security recipients.

Thank you. Hello, Social Security recipients in America. That is what this amendment will do for you.

Mr. KYL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to make two key points about the Kyl-Allen approach. First, it is the one chance to pass a line-item veto to cut out waste and spending, and it is the one chance to shrink the budget spending side by cutting out the pork barrel that is not necessary, is not vital.

Second, it is the one proposal that emphasizes jobs and economic growth.

Mr. Chairman, the only way you can spend more in the Government would be if you created more jobs, created a bigger economy, and had a better growing America. That is why Citizens for a Sound Economy said it was the one proposal with strong incentives to implement progrowth policy. So if you favor more jobs, a bigger economy, greater take-home pay, and if you want a line-item veto to cut out waste in spending, the Kyl-Allen amendment is in fact a solid "yes" vote.

Mr. PANETTA. Mr. Chairman, I yield the balance of my time to the gentlewoman from Missouri [Ms. HORN].

□ 1150

Ms. HORN. Mr. Chairman, I rise in support of the Gephardt-Obey balanced budget amendment to the Constitution of the United States. After observing over the past weeks the votes of many backers of the other proposed amendments, it became obvious to me that a large share of the backers on both sides of the aisles were unwilling to cut any spending from expensive and questionable programs such as B-2 bombers, star wars, *Seawolf* submarines, and soon to come, superconducting super colliders. They were also unwilling to insist that our allies pay a greater and fairer share of their defense or that we further reduce our troop presence in dozens of countries around the world.

Mr. Chairman, these actions indicate that 40 percent of the Members of this body might continue spending of this type while balancing the budget at the expense of investing in the American people of the American economy. These votes convinced me that we would continue as a nation once again to make cuts in those very activities that will allow our economy to expand, that will keep and create good jobs for our workers, that will ensure productivity increases and economic growth.

The Gephardt-Obey amendment, which exempts funds coming into the Social Security trust fund, at least offers senior assurance that they will be treated fairly with other geographic and demographic groups in our society. This has not been the case in the two White House budgets that have been sent to this Congress during my brief tenure.

Mr. Chairman, the last time any of us saw a balanced Federal budget was 1969. As many of my colleagues have correctly pointed out, Presidents during the last 23 years have failed to send to the Congress a balanced budget. And this Congress has responded to the false hope of the American public—that they could indeed have it now and pay for it later—to their demands for lowering taxes while increasing services and benefits. Congress has failed to take the steps necessary to cut substantially these Presidential budgets, to convince the American people that their hopes were indeed built on terribly false premises and that their demands were being made at the expenses of their children and grandchildren.

The President has continuously berated this institution for its failure to live within its means, yet in his 4 years in office he has never submitted anything close to a balanced budget. The President criticizes an institution of 535 Members for failure to agree on something as complex as our Federal budget when he, with the power of the bully pulpit of the White House and acting alone, cannot or will not put one on paper and send it to us.

Mr. Chairman, I also am greatly frustrated and concerned that we are voting on these amendments before we have done anything to detail the process by which the budget will actually be balanced. We have also failed to enumerate a set of spending cut principles for ourselves and for the American public that will ensure that when cuts are made, they will be fair, spread over all geographic areas, all programs, all departments of government, all generations. It is my strong conviction that these tough votes should have been taken before we all cast the easy vote. It is easy and necessary to vote that our budget should indeed be balanced, that this is vital to the economic security of this Nation, that we must amend our most sacred document, the Constitution, to do so.

I do not know whether adding an amendment to the Constitution to require a balanced budget will produce the desired effect. Nobody does. There are countless unanswered questions about how the amendment will be implemented once it is ratified by the States. Still, these fears, however justified, do not deter my support for a balanced budget amendment. My fears about the great unknowns of this amendment are overshadowed by the crisis that this country will face if we continue to mortgage the future of our children.

Mr. Chairman, I urge support for the Gephardt-Obey balanced budget amendment.

Mr. KYL. Mr. Chairman, I yield myself the balance of my time.

This has been a good debate. I think there are two points that need to be considered here in closing. The first is to repeat a comment that was made by the gentleman from Iowa [Mr. LEACH] which I think was one of the most important things said during this debate.

He said, ultimately, a spending limit is much more important than a balanced budget because, he said, if we end up balancing the budget but spending 30 to 40 percent of the GNP, it would be disastrous for this country. And that is why we have focused on limiting spending, because we know that overspending and taxes could kill the economy. It can kill jobs. It can kill hope for American people. And that is why we have used the concept of a spending limit in our proposal.

The second thing that was said that I found interesting was a point that the gentleman from California [Mr. PANETTA] has raised. Essentially, I would characterize his point as being that we cannot get there from here. We have got a $400 billion deficit, and we just cannot bring it down.

I think the answer is given by the OMB. Mr. Darman, for example, projects that at a 3-percent growth in the economy, we can balance the budget without raising taxes during the next 5 years. That, again, is why we have focused in the Kyl-Allen amendment on incentives for growth, because ultimately growth is what is going to be necessary for us to both provide for our needs and not overtax our people.

Finally, the Kyl-Allen amendment is the only amendment that allows us to vote on the line-item veto. I urge a "yes" vote on Kyl-Allen.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. KYL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KYL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 258, not voting 6, as follows:

[Roll No. 183]

AYES—170

Allard
Allen
Andrews (NJ)
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Nichols
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Petri
Porter
Poshard
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—258

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Barnard
Beilenson
Berman
Bevill
Blackwell
Boehlert
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Price
Pursell
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—6

Anthony
Bonior
Campbell (CO)
Davis
Hefner
Traxler

☐ 1217

Mrs. KENNELLY and Messrs. PURSELL, McMILLEN of Maryland, RANGEL, and VOLKMER changed their vote from "aye" to "no."

Mr. ERDREICH changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BARTON of Texas: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, Congress shall adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may amend such statement provided revised outlays are not greater than revised receipts. Congress may provide in such statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree, by a rollcall vote, to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. The amount of Federal public debt as of the first day of the second fiscal year beginning after the ratification of this Article shall become a permanent limit on such debt and there shall be no increase in such amount less three-fifths of the whole number of each House of Congress shall have passed a bill, by a rollcall vote, approving such increase and such bill has become law.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

"SECTION 4. Total receipts for any fiscal year set forth in the statement adopted pursuant to the first section of this Article shall not increase by a rate greater than the rate of increase in national income in the second prior fiscal year, unless a three-fifths majority of the whole number of each House of Congress shall have passed a bill, by a rollcall vote, directed solely to approving specific additional receipts and such bill has become law.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. Congress shall enforce and implement this Article by appropriate legislation.

"SECTION 7. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 1998 or with the second fiscal year beginning after its ratification, whichever is later.".

□ 1220

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. BARTON] will be recognized for 30 minutes, and a Member opposed, the gentleman from California [Mr. PANETTA], will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that 15 minutes of my time be yielded to the gentleman from Louisiana [Mr. TAUZIN] to use and delegate as he sees fit.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, today I, and 1,000 of my constituents who have signed a petition to me, rise in support of the Barton substitute amendment. This amendment will not only ensure that the American Government is run with a balanced budget, but will also protect the American taxpayer from the tax-and-spend majority.

First, we must balance the Federal budget. Those arguing against this amendment argue that we currently have the power to balance the budget, but that everyone involved lacks the will. They say that we do not need this amendment. They say hard work and willpower will result in us balancing the budget. The same people making this argument are the tax and spenders who have absolutely no interest in balancing this budget. They are most concerned in seeing that all the special interest groups with their snouts in the trough keep getting Government moneys, paid for by our future generations.

Every one of our constituents, the American people, must live within their means. Fiscal responsibility dictates that they do not spend more than they bring in. Yet their elected representatives keep voting to spend more than they bring in, regardless of the fact that nearly 80 percent of them are screaming for us to balance the budget. We must begin to listen to their wisdom, and not turn a blind eye to their pleas.

Last, I support the Barton amendment because big government stifles personal freedoms. Without an amendment which would make it more difficult to raise taxes, the tax and spenders will simply raise taxes and crush growth. Government will continue to run out of control, stifling personal freedoms. Congress will not be forced to make the tough choices about which programs to cut. I say the free ride is over for this Congress. I say it is time to make the tough choices, and for that reason I am supporting the Barton amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank my good friend and colleague for yielding me this time.

Mr. Chairman, I strongly support the Barton balanced budget amendment.

We are here to decide whether to put our economic house in order or pawn the furniture to pay the rent.

Pass or fail, the balanced budget amendment is the right action for the wrong reasons.

It is right to break the Federal Government of the habit of spending more than it takes in.

It is right to wean the Government from its habit of overtaxing the American people.

But it is unfortunate that Congress has become addicted to spending and borrowing and taxing. It is regrettable that Congress must be forced to exercise self-discipline.

Congress has proved itself incapable of fiscal restraint.

The Federal Government is borrowing $1 billion a day to pay for its spending habits.

This year, the Federal deficit will reach nearly $400 billion.

Over 20 years have passed since our Nation has balanced its budget.

The last time America ended the year with a budget surplus was 1969. Before that, it was 1957.

In 1990 we passed the largest tax increase in history, and in 1991 we passed the largest budget deficit ever.

We cannot continue down this road. We must not pawn our prosperity or bankrupt our country.

We must pass the Barton amendment that not only limits the ability to deficit spend, but also limits the ability to raise taxes.

No issue so well defines the basic differences between the Republican and Democratic Parties.

For decades, Republican candidates, Republican officeholders, and Republican Presidents have embraced a balanced budget amendment.

Democratic leaders have opposed it. Democratic leaders say it won't work.

Yet 49 States have balanced budget requirements.

Forty-nine States cannot be wrong. If State governments can do it, so can the Federal Government.

Critics say it will hurt essential Government programs.

But the budget can be balanced if annual spending is limited to a 3-percent increase and if Government overhead, not people or programs, is targeted.

We do not need to raise taxes to balance the budget.

We need to force fiscal discipline upon Congress. That is why the Barton amendment is the best of all the alternatives we will consider.

It realizes the reality that requiring a supermajority to deficit spend without requiring a supermajority to increase taxation will mean a constitutional bias toward taxation.

Democratic leaders say the balanced budget amendment can't be enforced. That is true, if they ignore the will of the people and their own oath of office to uphold the Constitution.

The stakes in the debate on the balanced budget amendment are high.

On one side is politics as usual. On the other side is real reform.

On one side is economic decay. On the other side is economic strength.

The cause of real reform and economic strength requires our every effort.

As General Grant said during another battle, "[We] propose to fight it out on this line, if it takes all summer."

I urge my colleagues to vote in favor of responsible government and support the Barton balanced budget amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I, too, wish to rise in strong support of the Barton amendment and urge its passage.

Mr. Chairman, I rise today in support of Mr. BARTON's amendment, and also to offer my observations on this debate.

Today, Congress must dig deep and vote to pass the balanced budget amendment to the Constitution. I say dig deep because I feel that for some of my colleagues, this vote is one which requires that they search their conscience for guidance about what is right.

Yesterday, listening to the debate, I was struck by the statements of many of my distinguished colleagues. Their conviction was clear and apparent. I admire conviction, but I fail to understand those in this body whose convictions are guiding them toward a vote against this amendment.

I find some of the arguments I heard yesterday unbelievable. Here is a cold, hard fact: The $400 billion Federal budget deficit is the direct result of Congress insatiable appetite for spending. Period. We must set tough guidelines and rules to govern the budget process. Otherwise, our huge deficit will eat this country alive. This means amending the Constitution so that Congress cannot simply legislate around the law.

Over and over again, we heard that a balanced budget amendment to the Constitution was a gimmick, a quick fix, and an easy solution. We were told that all we need to do as a legislative body is find the political will to make tough choices. All these catchy phrases lose their impact when we consider the $400 billion deficit that looms over this country because Congress has not been willing or able to make tough choices.

Over and over, the defense was singled out as some kind of a symbol of the evil of Government spending. As if defending our country and our people was somehow a misdirected effort of money and energy. What is worse: Those who scream the loudest for defense cuts do not support using those savings for deficit reduction. They advocate greater spending. The result: The deficit remains the same. If we shut down the Pentagon tonight, the Federal budget deficit is till eating away at our future. Singling the defense budget as the root of deficit evils is the real gimmick.

Let me point out that the budget process and the budget itself is complex and uncontrolled. As I said yesterday, it is chaotic. We need a few simple rules, which we cannot circumvent, to bring order to this chaos. The most fundamental rule should be that we cannot spend more than we take in.

In this debate, those speaking the loudest against the balanced budget amendment are among the biggest spenders in the Congress. Do not believe them. Vote for the Barton amendment to balance the budget.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Mr. Chairman, I rise in very strong support of a balanced budget amendment, particularly the Barton substitute and its provision requiring a three-fifths majority of this body to raise taxes.

Mr. Chairman, I rise to voice my support for a balanced budget amendment, specifically the Barton-Tauzin substitute now under consideration.

And so importantly, I rise to speak for my constituents who support a balanced budget amendment. Like the American public in general, Nebraskans in the Third Congressional District overwhelmingly, by at least a 3-to-1 margin, support amending the Constitution to require the Federal Government to live within its means.

I supported the Kyl-Allen substitute, just considered, one of the most important reasons being its provision granting the President line-item veto authority. Our efforts toward fiscal responsibility can only be enhanced by requiring more leadership and help from the President, whichever party is in the White House. We may not move the line-item veto forward with this balanced budget amendment, but sooner or later we will enact this enforcement mechanism if we are serious about bringing Federal spending under control.

I will now vote for the Barton-Tauzin substitute, the key element of this substitute being the requirement that taxes cannot be increased without a three-fifths rollcall vote of the total membership in the House and Senate.

I take stock in the lessons of history and cannot ignore human nature. Given a choice between reining in or cutting spending for a runaway, but politically popular program, and the choice of raising some tax, I fear that the tax increase will win time and time again. Our efforts for a balanced budget should not focus on just one side of the ledger sheet; I think we are in trouble because this Government spends too much money. The language in the Barton substitute addresses this problem.

I rise with no misconceptions about what we are trying to do by approving a constitutional amendment. A balanced budget amendment is no panacea—that fact has been clearly outlined in the hours of debate, both yesterday and today.

A balanced budget amendment offers no cure for the sick tax and tax, spend and spend attitude that has driven this country into a near bottomless pit of debt. A balanced budget amendment itself doesn't set priorities and make the tough choices for us about Federal spending. It is only the gun to our head—forced discipline—discipline Congress has been unable to impose upon itself.

And I say to my colleague, if we have the resolve to finally send the States a balanced budget amendment, let us have the resolve to get started now on deficit reduction and a balanced budget. Let us start now to more carefully scrutinize current Federal spending, shifting budget priorities to meet the Nation's most urgent needs, eliminating those programs that have outlived their usefulness, and making further progress toward eliminating fraud and abuse. The fiscal 1993 appropriations will soon be on the floor; let us cast our votes on those bills, remembering our votes today.

And that vote today should represent the majority of Americans who have no faith in the collective resolve of Congress. Their faith is in the U.S. Constitution, and they want the Constitution to include a balanced budget amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the Barton amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, colleagues, the difference between the Barton amendment and Stenholm-Smith is simply that Barton extends to three-fifths those people necessary to pass taxes. I endorse that idea, and I think it is a good amendment.

The problem here, in my experience, has simply been that there are three ways that we can introduce new legislation. The first way, of course, is to deficit finance. That is easy, because nobody counts it. The second way, of course, is to find another program you want to cut. Nobody wants to cut programs. We all want to be Santa Claus around here. Cutting programs is an awful thing to do. Of course, the third, most onerous thing to do is to increase taxes.

What we are all about here is to try to make it more difficult to deficit finance and to place the real discussion in debate where it belongs, between reducing spending and increasing taxes. That is where it belongs.

This helps the idea of increasing taxes. I support it enthusiastically.

Mr. PANETTA. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the distinguished chairman of the Committee on the Budget for the hard work that he has done on this.

Our Nation's Constitution has guided us for 200 years and represents the aspirations of oppressed peoples around the world.

Proof of the wisdom of our Founders is seen in the fact that only 17 amendments have been added since the Bill of Rights. Probably the only really stupid amendment to have been added was the 18th, establishing prohibition, which was repealed by the 21st amendment.

I fear the outcome of this debate could prove equally foolish if we follow the advice of the constitutional amendment President and muck up our Constitution with flag-burning amendments and no abortion amendments and balanced budget amendments.

Nevertheless, the prospect of a $400 billion deficit for the current year makes my hair stand on end. I am deeply concerned about shackling the generation of my grandchildren with the excesses of today. I am willing to make the tough choices to reduce that deficit now.

However, I believe it is a scandalous fraud to suggest to the American people that a constitutional amendment is an easy answer to balancing our budget. If achieving a balanced budget could be accomplished as easily as a wave of the hand, certainly Presidents Bush or Reagan could have presented this body with something close to a balanced budget proposal. This Nation has not had a balanced budget since 1969—and it isn't because of appropriations to study Belgian endive or the establishment of Lawrence Welk museums.

Every Member of this Chamber has gotten letters from constituents suggesting that if we would just cut foreign aid, grants to lazy welfare mothers, eliminate perks, and reduce congressional salaries and staff, we'd be well on the way to a balanced budget. Everyone here knows that is rubbish. While the balanced budget amendment we're debating would not take effect until fiscal year 1998, let's talk about some of the numbers we would be looking at if it were in effect today.

We spend some $17 billion on foreign aid, some $16 billion on aid for families with dependent children, and $2.3 billion to operate Congress. If we were to eliminate every single dime of foreign aid, throw every welfare mother and her children into the streets to beg, and close this great Capitol building and meet in a tent in the parking lot, we'd have eliminated less than 10 percent of the current budget deficit. If we were to then throw in the entire national defense of some $280 billion, discharging every single man and woman in uniform and closing every military base both abroad and in the United States and just parking our Navy and Air Force, we still wouldn't have eliminated our budget deficit.

Many of the proponents of this amendment have emphatically stated that enactment of the measure will not result in any adverse impact on Social Security. However, no senior citizen listening to this debate today should fail to notice that the same claim is not being made about Medicare. The claim isn't being made because it can't be made.

This amendment is to become effective in fiscal year 1998. The Congressional Budget Office estimates that our deficit that year will be $265 billion. During that year CBO estimates our interest payments on the public debt will constitute a shocking $432 billion. We can do very little to cut that cost, but the same can't be said about Medicare, which is the fastest growing and most expensive program operated by the Government and will cost an estimated $244 billion in 1998. Balancing the budget will mean very real cuts or very real taxes that are going to impact very real people. To say otherwise is to lie to the American people.

In addition, as the U.S. Chamber of Commerce points out in its opposition to this amendment, we would need to raise taxes. I'm willing to stand here right now and vote for legislation that makes the wealthiest people in this Nation pay their fair share, that takes into account the fact that the cold war is over, and that tells the American people we simply can't afford multibillion dollar space stations these days.

It is a fraud. It is a fraud to say, "We must act now." I heard one of my colleagues say, "This Nation cannot wait a second longer." Mr. Chairman, this is not action demanded now by the American people. This is "vote now—action later." Let us not bump into the future that which we should do and could do today.

It is fraud because it is the ultimate abdication of the Constitution that we, my colleagues, swore to defend.

It is a fraud because it is the ultimate of cynical campaign promises dictated by pollsters and consultants who advise their clients for a pretty buck that this is one more way to try to fool the public that words can substitute for action.

☐ 1230

It is a fraud because it shifts control. It has less to do with controlling spending and more to do with a revolutionary takeover of this Nation, a takeover without a shot from a gun, but rather through desecrating the Constitution. It is wrong. It is un-American. It is against the flag to give through the Constitution the ability of a tyrannical minority to set basic fiscal policy.

Finally, it is a fraud because while it purports to force the Congress to be fiscally responsible, in fact it shifts to the court that responsibility.

Judge Bork has previously written to the Speaker of the House regarding the balanced budget amendment:

> The proposed amendment specifies no enforcement procedure in the event of its violation. * * * If the courts allowed taxpayer standing in view of the special nature of this amendment, or if the courts decided to allow standing to members of Congress, the results might be even worse than no judicial enforcement. Scores or hundreds of suits might be filed in federal district courts around the country. Many of these suits would be founded on different theories of how the amendment has been violated. The confusion, not to mention the burden on the court system, would be enormous. Nothing would be settled, moreover, until one or more of such actions finally reached the Supreme Court. That means we could expect a decision about fiscal year 1992, for example, no earlier than fiscal year 1997. Nor is it at all clear what could be done if the court found that the amendment had been violated five years earlier.

Imagine, Mr. Chairman, the specter of groups taking to the Supreme Court and asking them to determine what are the correct budget figures.

I was elected, Mr. Chairman, to defend the Constitution, not to abdicate the responsibilities I swore to defend and not to desecrate that great document.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and my colleagues, we are debating the Barton-Tauzin amendment now, and to put things in perspective the Barton-Tauzin amendment is drafted identically to the Stenholm amendment and the Simon amendment on the Senate side, with one exception. The Barton-Tauzin amendment contains a tax limitation feature.

Now, let me explain that. The tax limitation feature does not say that this Congress, this Government, cannot raise taxes in order to help balance the budget, as the Stenholm-Simon amendment would require. The tax limitation simply says that this Congress cannot by a majority vote raise taxes any higher than the rate of GDP [gross domestic product].

In other words, we cannot by a majority vote under this limitation raise taxes or grow Government faster than the growth of the American economy, the growth of the pocketbooks of Americans who put up the money for this Government.

Now, the amendment does not, however, say that this Congress cannot if it needs to go beyond that in increasing revenue. Under this tax limitation feature, if the Congress and the President agree that we need more revenue than the growth of the national domestic product, we could by a super majority, three-fifths, actually exceed that limitation.

So in effect, the only difference between the Stenholm amendment, the Simon bill, and this Barton-Tauzin amendment, is this single feature that makes it harder to raise revenue faster than the growth of the American domestic product, in essence saying that the first choice we ought to make is to restrain our spending appetite before we by a majority vote simply ask the American public to put up more and more money for this Government.

Now, this Barton-Tauzin amendment is supported by 13 national associations, not the least of which are the U.S. Chamber of Commerce, the Citizens for a Sound Economy, the Citizens Against Waste, the National Federation of Independent Businesses, the National Cattlemen's Association, the National Association of Manufacturers, the American Farm Bureau, the U.S. Business and Industrial Council, among many others.

Now, why is it important that the national amendment to balance the budget includes some limitation on the appetite of the Congress or the appetite of this Government to raise spending? Well, I think it is contained in a simple argument. The basic objective of an amendment to balance the Federal budget ought to be to limit Government growth to the growth of the gross national product in America, the growth of our pocketbooks.

Why? Because we ought to know what we are spending, and we ought to know what Government we are getting for that spending.

You see, deficit spending by its nature is a way of fighting the real cost of Government. Covering a deficit is a distant thing, a far away thing. Paying for it today is difficult, but if you can hide it, if you can put it off into the future when Americans never know what the cost of their Government really is.

To balance the budget, Americans really ought to know what the cost of the Government they get is and they ought to get the Government they pay for and we ought not to spend money we do not have. That is the simple theory.

And why do we think a tax limitation amendment ought to be added? Why do 13 national associations join with us and countless other Americans support this proposal? It is simply because we believe that Government should not be growing faster than Americans can afford to pay for it, faster than the growth of the American pocketbook, except under extraordinary conditions, where this body can come together in a super majority and provide for it.

Mr. Chairman and my colleagues, the Barton-Tauzin amendment ought to be the one we put before the American public. It ought to be the one the American public has a chance to vote on, because it and it alone represents a chance for the American public to say not only that it wants a balanced budget, but it also wants Congress to restrain its appetite for ever-increasing taxation.

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I come today to the floor, not as a Member from a particular district, but rather as one who has spent her entire life as a constitutional lawyer and scholar. I have myself argued before the Supreme Court of the United States, but I would rue the day that any lawyer argues the financial fate of the United States of America before an unelected body.

The only time there has been serious intervention by the Supreme Court in our economic affairs was, of course, in the 1930's when the Court blocked vital economic reforms approved by the majority of the Congress and then the packing of the court was attempted. The blocking of the reforms was wrong. The packing of the Court was wrong.

What we had on our hands was a constitutional crisis. Only by happenstance did something more serious not develop.

Most of the respected constitutional lawyers in this country and most of the respected economists in this country oppose these amendments proposed to the Constitution.

Interestingly, it is not often that lawyers and economists are on the same side, but their disciplines teach them much that deserves our attention. The genius of the Constitution was the judgment of the Framers and the judgment of most others since as to what should be constitutionalized and what should not be constitutionalized.

Now, the Framers had perfect judgment. We have not been quite so smart. We Americans who followed them have erred from time to time, as in prohibition, but we are not too dumb to learn.

Almost nothing, my friends, should be constitutionalized. Democracy does not build in rigidities. It does just the opposite. It constitutionalizes very little because it wants to be able to change quickly and very often. If we were to make a list of what should and should not be constitutionalized, there would be perhaps a dozen items on the constitutional list, and financial matters would not even make the list.

We must not start now to fine tune items in the Constitution, because if we do, that will be the end of constitutional government as we have known it and the beginning of banana republic instability in the United States of America.

The Barton resolution and its cousins do not merely trivialize the Constitution; they destroy 200 years of successful constitutional government by highjacking the Constitution for purposes it can never serve in a democracy. I can only hope that if this matter is passed and it ever comes before the Supreme Court of the United States it will be regarded as a political question and the court simply will refuse to hear it. We must accept this responsibility, and only we can.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, when my son, Collin, was born last December in a Wisconsin hospital, he got two bills very quickly in his young life. One for his stay with his mom in the hospital, and the other, rather neatly tucked in his baby blue blanket, was a tab for $16,000, his share of our current national debt.

Right now we have a $4 trillion debt in this country, and his brothers, ages 3 and 7, have pinned up on their bulletin board in their bedroom their bill for $16,000 for their percentage of the national debt.

How much is $4 trillion? Enough to send tonight $75 to every man, woman, and child in the world. And, we would still have enough money left over to send a pizza to every home in America, every week for the rest of the year.

My hometown paper, the Wisconsin State Journal, published an incisive series of stories about the deficit earlier this year called Mortgaging our Future—an accurate description of what this Nation has done.

Because we, in this House, have put off tough decisions year after year so we could get back here next session to put off more painful decisions.

The Barton balanced budget amendment will guarantee we get spending under control. And, that our first instinct to balance the budget should be to cut Government spending, not raise taxes. As one of my constituents from Madison recently wrote: "You don't control a fat pig's weight by feeding it more corn." It is time to go on a balanced budget diet.

□ 1240

Mr. PANETTA. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. I thank the chairman for yielding this time to me.

Mr. Chairman, I rise to express my strenuous opposition to the Stenholm balanced budget amendment.

This debate is about far more than the critical task of balancing the Federal budget. The Stenholm amendment strikes me as a dangerous and insidious means of fundamentally altering articles 1, 2, and 3 of the Constitution, upsetting the separation and balance of powers that has served this Nation so well for two centuries.

And who gains? The executive and the judiciary, at the expense of the Congress. Has our confidence in our ability to make the tough choices ebbed so dramatically that we would cast away for all time the carefully wrought balance among the three branches of government?

Does anyone doubt that this amendment fundamentally elevates the role of the President in the budget process? Indeed, the President may well contend that the amendment confers upon him line item veto authority. And certainly we face the unprecedented prospect of the courts ordering cuts in fundamental Federal programs to comply with the amendment.

At a time when U.S. constitutional law experts have fanned out around the globe, advising brand new democracies on how to write their constitutions, it is a bitter irony that we find ourselves on the verge of forsaking the very model so many seek to emulate.

Many of my colleagues who support this amendment have done so out of a reluctance to saddle future generations with the burden of our national debt.

I concur. But I am equally loathe to consign our children to relieve the terrible constitutional crises of our past:

A Supreme Court nullifying acts of Congress designed to pull the United States out of the depression and to ease the pain of our fellow citizens; and

The Congress and the President locked in combat over the President's efforts to impound appropriated funds.

And unless the amendment before us is merely hortatory, a suggestion I am certain its proponents would roundly deny, our children face the prospect of an unelected judiciary plunging into the adjudication of patently political questions they have strenuously and wisely sought to avoid for over 200 years.

I do not want to give the impression that my objections are rooted solely in concerns over process. To be candid, they are not.

I am convinced that this amendment, which inherently requires the deepest cuts in periods of slowest growth, will send our faltering economy into a devastating tailspin.

I do believe in a social safety net, not only for the needy Americans who must rely on it from time to time, but also because of the naturally stabilizing effect it has on our economy, to the benefit of us all.

It is particularly dismaying that our consideration of this amendment comes at a time when—at long last—so many of us have recognized that we need to make carefully targeted public investments to help our economy grow. Education and training, infrastructure, early intervention programs for at-risk youth, research and development: these are precisely the national priorities that will be undermined by this amendment.

To my colleagues who grieve over the Americans of limited means who must shoulder an unfair share of the interest on the national debt, I would say that while I share your sense of economic justice, I must respectfully dispute your optimism over the outcome of this amendment. Can it seriously be doubted that it is precisely the programs lacking powerful constituencies that will be hurt the most? To vote in the name of equity for an amendment that will produce a most inequitable result strikes me as an absurdity—especially now that the amendment has been revised to make it markedly easier to waive in cases of military, as opposed to domestic, emergencies.

I can only second the observation that by favoring spending cuts over increases in revenue, this proposition is dramatically regressive in its social and economic consequences.

Face reality: wealthy individuals and corporations get their Government benefits from tax subsidies. Yet this amendment favors cuts in direct spending—entitlements and discretionary—and that is precisely the source of the Federal assistance for the middle class and the poor.

And we certainly will not be able to say that we did not envision the consequences, for we most assuredly can: Projections indicate that Social Security and Medicare would be cut by a total of $67 billion in 1995, or $1,706 per beneficiary. In my State of California, 4 million Social Security beneficiaries would lose a total of $4.2 billion, and 3.4 million Medicare beneficiaries would lose $2.5 billion.

I cannot countenance inflicting that pain on the oldest and sickest of Americans.

I am prepared to face the political heat for making the fair and just choices necessary to eliminate unconscionable deficits. Let us not rig the process so that the fair outcome becomes impossible, and then claim that the amendment made us do it.

I urge my colleagues to reject House Joint Resolution 290.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. I thank the gentleman for yielding this time to me.

Mr. Chairman, we cannot afford further delays and postponements on the passage of an effective constitutional restraint on tax increases and runaway growth of the Federal debt. Servicing our massive debt is already the largest single expenditure in the budget, and we need a new mechanism, a new procedure like that embodied in the amendment sponsored by the gentleman from Louisiana [Mr. TAUZIN], and the gentleman from Texas [Mr. BARTON], to force fiscal discipline and responsibility upon Congress and the President.

When last year's deficit came in at a record high of $269 billion, I think the need for a new mechanism became all too clear to most people. This amendment would prevent Congress from enacting a tax increase without a specific 60-percent majority voting in favor of it. It would require a balanced budget unless the same three-fifths majority votes otherwise.

In numerous town meetings and discussions with constituents in my congressional district, people have expressed overwhelming support for a constitutional amendment. In their view, nothing else has worked and it is time for a wholesale change in the procedure.

But this amendment goes beyond that. What I have found in New Jersey, particular where we have had a tax revolt for the past couple of years, is that people want to limit the Government growth to what the United States produces, and that is essentially what this amendment would do. It would say that we can allow expenditures to increase with the GNP, but we do not want them to increase beyond the GNP unless the Congress specifically votes the specific tax provision that would allow that to occur.

We have been through Gramm-Rudman I and Gramm-Rudman II, we have had the Budget Enforcement Act, and we have had the budget summit agreements. We have tried each of these tools, yet we still have record deficits and we are still adding yearly to a massive Federal debt that is stifling our economy today and that hangs like a dark cloud over our children's future. To depart from the agonizingly consistent pattern we have seen in recent years in which the President fails to produce a balanced budget and the Congress fails to approve a balanced budget, we need a strong and irresistible mandate that this amendment and this constitutional amendment would provide.

I urge its adoption. I think the constitutional amendment itself, the balanced budget amendment, is the most important issue we will be dealing with in this Congress, and I believe the tax limitation amendment is just as important.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong opposition to House Joint Resolution 248, the balanced budget constitutional amendment offered by the gentleman from Texas [Mr. BARTON]. This amendment is ill-considered and dangerous, and should be strongly opposed by all Members of this House.

Let me be clear—I fully support the goal of deficit reduction. I have helped to lead that battle for many years. The Ways and Means Committee has borne the heaviest burden of any committee of the House to achieve meaningful deficit reduction over the last 12 years. In seven of the nine reconciliation bills since 1981, more than half of all the deficit reduction enacted was accomplished by the Ways and Means Committee. Indeed, in four of those nine bills, the Ways and Means Committee contributed 80 percent or more of the total deficit reduction.

The Ways and Means Committee was the first committee to voluntarily impose a pay-as-you-go, deficit-neutral requirement on itself. Deficit neutrality was a fundamental tenet of our tax reform efforts in the mid-1980's. It has been the primary principle of the way our committee done business ever since.

So, it is not the goal of a balanced budget that I oppose; it is the means of accomplishing that goal in the Barton amendment that I oppose.

The Barton amendment would require that Congress be responsible for balancing the budget, but ties our hands, making it even more difficult for us to do so. It lets the President off the hook, giving him little responsibility for actually accomplishing deficit reduction and greater leverage over Congress. It provides to any minority group of Members the power to thwart the will of the majority, threatening institutional inertia and economic instability.

The Barton amendment is dangerous because it would subject the Congress to Presidential manipulation and microscopic judicial review. Is it not ironic that this amendment is offered by the minority party, those who have traditionally been opposed to an imperial Presidency and judicial activism?

The Barton amendment would allow the balanced budget requirement to be waived by the Congress in the event of declared war. Keep in mind that neither the Korean war, nor the Vietnam war, nor the recent Persian Gulf war was a declared war. If the Barton amendment had been in effect on those occasions, a waiver would have been invalid. The Congress and the President would have had to choose between fulfilling the U.S. role as world leader to defend democracy and to reestablish world peace, and violating our duty under the constitution to balance the budget. Is that a choice that the President and the legislative branch of the world's most powerful nation should have to confront at a time of international crisis?

All of these flaws provide sufficient reason to reject the Barton amendment. But, I say to my colleagues, the bad news does not end here.

The most objectionable aspect of this proposed amendment is that it would allow the will of the few to stymie the will of the many. It would require a three-fifths majority vote for increases in the deficit, for increases in revenues, or for increases in the debt limit. This would allow any minority coalition, whether members of the minority party or not, to obstruct the will of the majority, representing in turn, the majority will of the American people. This would allow a minority coalition to prevent responsible economic stabilization in times of recession; to prevent revenue increases to fund necessary Government activities including national defense, or to improve efficiency and fairness through the tax system; to prevent a necessary increase in Government debt to avoid disruption of vital public services or entitlement payments.

Government by minority rule is no government at all. It is stalemate. It is gridlock. It is frustration and inaction. Do we not all feel we have had enough of that already?

Mr. Chairman, I ask my colleagues to think about the questions I have raised today. Answer them honestly and then vote "no" on the Barton amendment.

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Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SCHAEFER].

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER].

The CHAIRMAN. The gentleman from Colorado [Mr. SCHAEFER] is recognized for 3 minutes.

Mr. SCHAEFER. Mr. Chairman, I rise today in support of the Barton version of the balanced budget amendment to the U.S. Constitution.

When Members of Congress vote to raise taxes, they typically claim they are being fiscally responsible, or are making the hard choices. If a balanced budget amendment to the Constitution is ratified without a tax limitation clause, however, we will soon hear them declare the formerly inconceivable: "The Constitution made me raise your taxes."

The House of Representatives is set to vote on a balanced budget amendment, and the Senate has voted to bring one to the floor sometime this month. In the House, 278 Representatives have cosponsored the most popular version of the amendment—only 12 votes short of the two-thirds majority needed to pass a constitutional amendment. Indeed, this may be the best chance we have ever had to pass an amendment. Given the unprecedented public frustration with Congress this election year, enough Members seeking to redeem themselves with their constituents may provide the needed votes to send it over the top.

Polls have consistently shown that three-quarters of the American people support a balanced budget amendment to the Constitution. Two decades of failed congressional attempts to reform the budget process, leaving us with record annual deficits and a national debt approaching $4 trillion, has made it clear that such drastic action is needed to balance the budget. Congress' efforts to police itself have failed because the congressional majority invariably waives the spending limits it imposes on itself. Only an amendment to the Constitution will provide the unconditional budget restraints that Congress cannot ignore or weaken on a whim.

Not all balanced budget amendments are created equal, however, Mr. Chairman. The most popular version being considered, by Representative CHARLIE STENHOLM, requires that "total outlays * * * shall not exceed * * * receipts." This is nothing more than the simple, commonsense formula that every American family and most State and local governments must live by each day. In times of war or economic emergency, Congress retains the flexibility to borrow money if a three-fifths supermajority of both the House and Senate votes to do so.

By itself, however, a balanced budget requirement will only treat the symptoms of deficit spending without applying the needed cure: Restraints on the uncontrolled growth of the Federal Government. A constitutional requirement that "outlays shall not exceed receipts" merely limits Government borrowing. Because Congress would still need only a simple majority to raise taxes to meet this requirement, it would still not restrain the spending machine that created the need for borrowing in the first place.

The current budget process is biased in favor of deficit spending. Special interests demanding taxpayer funds are often better represented than the general interest of taxpayers themselves. Therefore, without a provision to make tax increases harder for Congress to approve, a balanced budget amendment would only create a procedural path of least resistance in favor of tax increases. This means Congress would simply raise taxes to meet constitutional balanced budget requirements. When election year comes around, Congressmen who voted to balance the budget on the backs of the American taxpayer can honestly say that "The Constitution made me do it."

Congress can prevent this by voting to require a three-fifths supermajority of both the House and the Senate to increase taxes. A tax limitation clause, like that proposed by Representative JOE BARTON, will force Congress to take a serious look at the outrageous waste that slips into the budget every year. Priorities would have to be set. The hard decisions which Congress has ducked for so long would have to be made. In other words, the Federal Government would have to plan its budget the same way every other government and household in America must.

With a tax limitation clause in a balanced budget amendment, Congressmen could not tell you that the Constitution forced them to raise taxes. Instead, they could use the Constitution to combat special interests. Members of Congress would tell lobbyists, "I like your program, but the Constitution prevents us from increasing spending without cutting it somewhere else. Where should we cut?" Special interests would be forced to compete with each other for taxpayer dollars, rather than maintaining their coalition against the taxpayers. Spending decisions will once again be constrained by the available resources.

I would also like to take a closer look at some of the arguments opponents of the balanced budget amendment have marshaled to defeat it. First, they tell us that political will alone is enough to balance the budget. Amending the Constitution is unnecessary, we are told.

Opponents of the balanced budget amendment insist that budget discipline is best realized by statute, and that a constitutional amendment is no substitute for the hard political choices to reduce the deficit and control spending. This is certainly true, but irrelevant.

Congress has tried—and miserably failed—to balance the budget by statute for nearly two decades. Despite good intentions, Congress has proven time and again that it is prepared to waive any inconvenient spending limit it has imposed upon itself. The unfortunate truth is that Congress may ignore the law because it makes the law.

Congress has made major changes in the budget process at least four times in the last two decades. Each time, the deficit has skyrocketed. Let's look briefly at this sad history.

Congress' first attempt to impose order and discipline on its fiscal matters came in 1974. More than a decade of missed deadlines, waived restrictions, and increasing deficits ensued.

In 1985, Congress adopted the so-called Gramm-Rudman-Hollings Act, which set decreasing deficit targets to be met each year, until the deficit was eliminated in 1991. The Federal Government, by the way, ran a record-breaking deficit of $269 billion that year. Under Gramm-Rudman, if Congress failed to meet those targets, an automatic sequestration occurred, cutting spending across the board to make up the difference.

Congress failed to make those targets, and faced the reality of a forced sequestration of billions of dollars. Rather than cut spending to avoid the drastic effects of sequestration, Congress revised the Gramm-Rudman law in 1987. It set new higher deficit targets, and delayed the date for balancing the budget until 1993. In reality, the deficit has been estimated to be $350 billion that year.

By 1990, Gramm-Rudman called for a deficit target of $64 billion. But out-of-control spending and recession had created a deficit of $300 billion that year. The threat of an almost $240 billion sequestration being too much to bear, Congress and President Bush effectively scrapped Gramm-Rudman and passed the Budget Enforcement Act of 1990 [BEA].

Instead of deficit targets to be met each year, the BEA set spending caps. Because budget discipline was no longer explicitly tied to improving the deficit, as it was under Gramm-Rudman, the spending caps were easily circumvented by numerous loopholes in the BEA. For example, Congress and the President could declare an emergency and spend as much as they wished without violating the BEA. The deficit, however, skyrocketed as billions of dollars of new spending was designated "emergency."

Yes, Mr. Chairman, Congress and the President currently possess the power to balance the budget. They don't, however, have the political will to honestly exercise that power. Objecting to the balanced budget amendment on the grounds that we do not need constitutional mandates hanging over the head of Congress is really an argument for scrapping most of the Constitution. As Milton Friedman points out, Congress and the President have the power to preserve the freedom of speech without the first amendment, but does that make the first amendment unnecessary?

Likewise, only an amendment to the Constitution will provide the unconditional budget restraints that Congress cannot ignore or weaken on a whim.

Opponents to the balanced budget amendment also tell us that Congress can only balance the budget with massive spending cuts and tax hikes. Members of Congress are being barraged with pleadings from special interests to vote against a balanced budget amendment. Almost without exception, these special interests claim they favor a balanced budget—in theory, at least, but not just now.

These special interests are using scare tactics to rile their memberships. Many Members of Congress have even joined them in spinning tales of approaching calamities.

Mr. Chairman, these Chicken-Little tales are not true. House Republicans have for years advanced the idea that, if Congress only held the rate of spending increases to around 4 percent, we could balance the budget in just a few years. Increasing tax revenues from an expanding economy and incomplete indexation generates enough excess revenue to run a surplus each year, if only Congress didn't continually escalate spending faster than these revenues expanded.

The most recent study by the Heritage Foundation on this subject shows that a 4-percent cap on spending increases would result in a balanced budget by 1998. Congress can balance the budget without massive spending cuts or even tax increases. But not if we continue to increase spending several times faster than the increase in national income.

Yet, that is the very course we are following. For example, Federal spending increased 11.5 percent this year alone. Domestic discretionary spending increased 10.6 percent, while entitlements rose an astounding 22.5 percent. Mr. Chairman, this is not the path to deficit reduction, nor will it ever be.

The budget can be balanced without major dislocations in the Federal Government. In fact, OMB Director Richard Darman recently stated that the budget could be balanced as early as 1997 without touching Social Security and without raising taxes, if economic growth reaches a reasonable rate over coming years. In other words, spending cuts may turn out to be tolerable, and tax increases not necessary at all.

No one believes that ridding ourselves of a $400 billion deficit will be painless. But it will not be the end-of-world cataclysm predicted by special interests.

Lastly, Mr. Chairman, opponents of the balanced budget amendment tell us that the notion of a balanced budget is only an economic theory, and that this theory does not deserve to be permanently woven into the fabric of the Constitution and American life.

This claim is the most preposterous of all those I have so far examined. No concept is more a part of traditional American fiscal policy than that of the balanced budget. For the first century and a half of the American Republic, the requirement of balancing the budget during peacetime was part of the unwritten constitution. For the Founders and succeeding generations, allowing expenditures to exceed receipts was a violation of deeply held moral principles.

Even the enormous public debts accumulated during the Civil War did little to change the attitude of the country toward a balanced budget: A 28-year run of consecutive post-war surpluses allowed the Government to pay off its debts. In fact, until this century, the norm of an annual balanced budget continued to exert considerable influence over the exercise of public policy. Any significant departures from balance or from efforts to repay existing public debt were treated as sources of alarm.

To the detriment of ourselves and our children, that is not the case today. Congress is no longer bound by the fiscal restraints written into the Constitution, nor by any unwritten moral imperatives to balance the budget.

Nevertheless, a balanced budget is no more a peculiar theory than is other unwritten constitutional customs like judicial review, political parties, and the Presidential Cabinet. And until recent times, it found no less favor with the leaders of the United States. We have all, by now, heard Thomas Jefferson's famous quote that, if he could add but one amendment to the Constitution, he would forbid the Government from going into debt. He also warned us that "The public debt is the greatest of dangers to be feared by a republican government." From Mr. Jefferson's time until only recently, the importance of balancing the outlays and receipts of the Government has been clear to all. Let me quote some less famous passages from other Presidents of the United States.

President John Adams said, "The consequences arising from the continual accumulation of public debts in other countries ought to admonish us to be careful to prevent their growth in our own."

Later, President Andrew Jackson wrote that, "Once the budget is balanced and the debts paid off, our population will be relieved from a considerable portion of its present burdens and will find not only new motives to patriotic affection, but additional means for the display of individual enterprise."

President William McKinley flat-out believed, "The government should not be permitted to run behind its debt."

Possibly the best quote from a former President comes from Woodrow Wilson, who said, "Money being spend without new taxation and appropriation without accompanying taxation is as bad as taxation without representation."

Clearly, Mr. Chairman, a balanced Federal budget is not some passing fancy, advocated only by idealogues. It is has always been an unspoken part of this constitutional Republic. The ratification of a balanced budget amendment will restore fiscal responsibility to its rightful place in our constitutional system.

In conclusion, Mr. Chairman, it has often been said, tongue-in-cheek, that if the Founding Fathers thought taxation without representation was bad, they should be here to see taxation with representation. But there is little humor in the knowledge that Americans have lost control of the very Government that was founded to secure their rights. Our Government "of the people and by the people" is producing results that the people oppose. No American is in favor of continual deficit spending, yet the fact remains that the Federal Government has been in the red 30 of the last 31 years, with no end in sight. Because of the inherent tax-and-spend bias of our representative legislature, amending the Constitution is the only route by which the general interest of the public can be restored to preeminence in the minds of lawmakers.

Regardless of which version is sent to the States, a balanced budget amendment will not be a cure-all for our Federal budget crisis. It certainly will be no replacement for the tough choices necessary to get spending under control. It will, however, force Congress to exert the discipline needed to finally make those decisions.

Please join me in supporting the Barton version of the balanced budget amendment.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate the gentleman from California [Mr. PANETTA] yielding this time to me.

Mr. Chairman, a previous speaker said that he has on the bedroom wall of his two young children a certificate that shows how much they owe, what their share is of the national debt. It is probably depressing to try to sleep with that hanging on the wall.

I have a 5-year-old boy and a 3-year-old girl, and I choose not to hang deficit information on the wall. But, if I chose to hang something on their wall, I guess it would probably be this:

It is 10 pounds, 2,000 pages. It is President Bush's budget. He sent it to us 3 months ago, and it is what he says he wants for my children.

Mr. Chairman, I would like to share this with my colleagues because it is radically different than the debate we are hearing here on the floor of the House. "Go to page 25," I tell my children, "and look at what the President says he wants for our future." This President, who says he is a conservative, says he wants to add $2.21 trillion in deficits between now and fiscal year 1997. This is proposed this year and for the following 5 years' budgets. Not once does he propose a balanced budget between now and 1998. He proposes, from now until 1998, $1 billion a day, every day, every week, every month for 6 years, spending that exceeds our revenue—$1 billion a day in deficits, every day for 6 years. That comes from the White House.

Mr. Chairman, I am going to vote for a balanced budget amendment today. I am not going to vote for this one because I think it is without merit. But I am going to vote for one today. I did not come to Congress expecting to have to do that. I am not going to do it because President Bush wants it. I am going to do it because I think President Bush and President Reagan in their Presidencies have provided irresponsible leadership in fiscal policy, and this Congress has not had the courage, or the willingness, to do much about it.

My colleagues, we do not have a choice. We have to deal with these deficits.

A couple of weeks ago the chief economist of the Deutsche Bank testified before Congress, and he said, "By 1997 the world's leading manufacturing country will be Japan. By 1997 Japan will assume the rank of No. 1 manufacturing country in the world. Shortly after 2000, Japan will assume the rank of the world's leading economic power."

Now my children go to sleep at night, as I did in a small town in North Dakota, hoping to wake up in a country that is No. 1 with the biggest, the best, the strongest, the fastest growing economy, but that is not true anymore. Why? Because these deficits crowd out savings. Savings equal investment. Investment equals growth.

And the chief economist for the Deutsche Bank said this. He said, "The Japanese invest $440 billion a year more in plant and equipment than we do." What does that mean? They have newer plants and equipment, and more efficient, more productive, and they beat the pants off us in the international marketplace.

Why is all this happening? Because our money is being spent—and we are seeing this incredible budget deficit—not to invest, not to create savings. We are seeing it squandered. We are spending our children's heritage, and it has got to stop.

Now there are two arguments on the floor. One says, "I'm not going to vote it because it won't work," and the other says, "I'm not going to vote for it because it will work." I am going to vote for it today because it might work, and we do not have a choice. It is not whether we do something about these deficits, it is when and how, and one of these days we have to take the first step.

Mr. TAUZIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in strong support of House Joint Resolution 290.

This bill would require the President to submit and Congress to enact a balanced budget in fiscal year 1995. A three-fifths vote in both Houses would be necessary to unbalance the budget or increase the debt limit.

I have been a long-standing supporter of a constitutional amendment requiring a balanced budget amendment. I think this is our best hope to put America on a path to eliminating our $400 billion deficit and $4 trillion debt. Clearly, the existing budget process has failed in dealing with the deficit. A balanced budget amendment will promote fiscal discipline and should be enacted.

Reducing the Federal budget deficit is one of the most important issues facing this Congress. The debt burden has a tremendous impact on the fiscal and economic well-being of the Nation. It cripples the economy, draining public and private savings. A sustained deficit will jeopardize our future growth and prosperity. Our children and grandchildren did not create this debt and they should not have to suffer the consequences.

The deficit is not just a Federal issue, it is a local, personal issue, that impacts all Americans directly. This year, the Federal Government will borrow close to $400 billion to run its programs with the interest on the debt taking almost one budget dollar in seven. The resources that are going to pay off old debts are not available for education and health care and to assist folks build new businesses and provide incentives for growth and job creation. This is money not going toward programs that serve the poor, children, and the elderly.

If we work to substantially reduce the deficit, we can expect lower interest rates, and more investment in economic development, jobs, housing, infrastructure, transportation, education, the environment, and research and development. Every dollar we don't borrow today, strengthens the economy for future generations of Americans. Deficit reduction is essential to raise national savings, investment, and living standards.

Passage of House Joint Resolution 290 is only the first step in the tough choices that will have to be made in the months ahead. But I feel this is a step which must be taken. We must take a stand on controlling Federal spending, reducing the deficit and providing some measure of fiscal accountability to the Federal Government. A balanced budget amendment will require that. This is the most responsible step we can take to turn this economy around.

Opponents of the balanced budget amendment have alleged that it will hurt folks who are Social Security and Medicare beneficiaries. I never would have voted for it if this was the case. In reality, it is just the opposite. If high deficits continue, essential programs such as these could be jeopardized by the drain on the economy that comes with pouring so much of our resources into debt payments.

Of course, we need to protect Social Security. I have always been a strong champion of our senior citizens, and have worked to make sure that the benefits they have earned are ready for them when they retire. There is absolutely nothing in the language of House Joint Resolution 290 that would subject the Social Security Program to cutbacks. Under this amendment, Congress would have complete discretion to fully fund Social Security benefits—and could enact legislation to fully protect the Social Security Program from any reductions.

Since Social Security is already protected under current budget statutes, it is very likely that it would continue to be protected under legislation implementing the Stenholm constitutional amendment.

The balanced budget amendment will help strengthen the economy for all Americans. I urge its adoption.

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Mr. TAUZIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of creating a balanced budget amendment to our Constitution.

My reasons are simple. The fiscal policy of this Nation is seriously ill. In fact, it is suffering an acute case of paranoia with frequent moments of seizure and paralysis. In the past, we have tried to treat this illness with mind altering drugs in the form of an unenforceable statute. Well, it just hasn't worked. Our fiscal illness has actually gotten worse, it has come to the point where major brain surgery is the only political option open to us.

Yes, the Nation's mental illness has gotten far worse; the lack of credible executive leadership, political posturing, greed, special interest programs, and a sheer lack of national courage, has caused our fiscal behavior to become increasingly unpredictable and our leadership more irrational. Mr. Chairman, the taxpayers of this great Nation have determined that brain surgery is necessary to sever the discord between the executive and the legislative branches of our Government to force predictable and cooperative behavior.

This is serious surgery. However, without it the patient will die. Following surgery we face a period of tough rehabilitation. The action taken here today is just the first step toward a return to fiscal responsibility. Today's vote is an easy one compared to the hard decisions that we must make in the coming months as we reestablish national priorities that will ensure that this Nation remains economically competitive and that our children and grandchildren have the opportunities afforded to earlier generations.

Let us send a balanced budget amendment to our respective States for their ratification now. The future of this country depends on it .

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I have heard previous speakers say this morning that what we need is a whole radical restructuring of the system around here. I do not believe that. I am against this amendment and other similar amendments. I think what we need is a radical restructuring of the kind of leadership that we are getting from the White House and the kind of courageous decisionmaking that we need to get from 435 Members of the House and 100 Members of the Senate.

Now, in 1980, when the Reagan administration came into power, we had a national budget debt of less than $1 trillion. We substantially operated on a pay-as-you-go system.

At the present time that has quadrupled, my colleagues, to about $4 trillion. What we need are Presidents who are willing to come and give us a proposal for a balanced budget that we have not seen or heard a glimmer of in a decade.

During World War II, the greatest, most expensive war in our history, from 1940 to 1945 our national debt went up—how much do you think? $1 trillion. No, about $195 billion.

Today, every year our national debt increases 50 percent more than that, in the $300 to $350 billion range, approaching $400 billion, twice as much as we increased the national budget debt during the 5 years of our experience in World War II. And we did not raise taxes a great deal, but there were more people paying taxes.

So we managed to get through, substantially on a pay-as-you-go basis, because we had Presidents and Congresses in those days that were willing to look at the situation in front of them and do their duty.

In the last decade we have been engaged in an absolute consumer spending frenzy, and our Government has buttressed this by a policy of spend and spend and spend and borrow and borrow.

Mr. Chairman, I do not know how the central bankers in Japan and West Germany are going to continue to hold our paper unless we achieve some mental and moral discipline in this country. That is what we need. We do not need a balanced budget as a crutch. What we have is an unwillingness in the executive branch, and to some extent here, to take responsibility for governing intelligently.

The voters sent us down here not with wine and roses, but to make tough decisions. That is what we are paid for, and that is what the President is paid for.

So we do not need to hide behind the balanced budget. That is a sign of indecision, weakness, a purpose of evading our responsibilities, and an absolute absence of will to do the right thing. What we have to do is show more leadership, face up to our problems, and rely on the voters to make the right decisions and to reward us for having the courage to do the right thing, to bring spending outlays and tax income into some kind of convergence.

Now, we defeated a balanced budget amendment in the past and we should defeat it today. We have defeated other trivial constitutional amendments, amendments which merely respond to the political frenzy of the time, like the flag burning amendment. We did not need them, and it is perfectly obvious we do not need this amendment now. We do not need a balanced budget amendment now. We need the determination and the strength to do the right thing for the next generation.

Mr. BARTON of Texas. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Washington [Mr. MILLER], chief sponsor of my amendment.

Mr. MILLER of Washington. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, we are in the midst of a historic debate, a debate started over 200 years ago when Thomas Jefferson became the first American statesman to advocate a constitutional amendment that would limit the Government the power to borrow, that would limit the Government the power to spend now and tax later.

Now, 200 years later, we have a chance to act on Mr. Jefferson's advice. We have before us a constitutional amendment not only requiring a three-fifths vote to have an unbalanced budget, but requiring a three-fifths vote to raise taxes at a rate greater than the rate of growth in national income. Not a three-fifths vote just to raise taxes. You can do that by a majority. But if you are raising taxes faster than the economic pie is growing, then it has to be three-fifths.

Mr. Chairman, many of us who have sponsored this amendment have some reluctance to sponsor a constitutional amendment. One should always be cautious about that. But we do so not only because of the string of deficits, 23 straight years, not only because of the rising mound of interest on the debt, because, looking back over the last several decades, we see $1.59 of spending increases passed by this Congress for every $1 in tax hikes; because we see as a percentage of national income Government spending in this country growing from 25 to 30, to 35, to 43 percent.

That is why we offer these amendments. That is why groups that range from the National Federation of Independent Businesses to the U.S. Chamber of Commerce, to Americans for Tax Reform, to Citizens Against Government Waste, join us in supporting this amendment.

Mr. Chairman, one of my distinguished colleagues earlier said this amendment is an abdication of Congress' responsibility. Nonsense. That abdication is what has been going on over the last several decades, when Congress did not pass balanced budgets, when we raised taxes at a rate faster than the growth of national income.

This amendment will make sure we do not abdicate our responsibility. It will provide us the fiscal discipline necessary.

Once in a while, my colleagues, we have a chance to act for future generations. We have a chance here today to follow Mr. Jefferson's advice, to restrain the appetite to spend now and tax later. Let us pass this balanced budget and tax limitation amendment today.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, it is hard to get up and oppose a balanced budget amendment, a good bumper sticker slogan, a good sound bite. All America, from coast to coast, loves a good political slogan.

☐ 1310

The fact of the matter is, if we are goig to take the action, it ought to be predicated on what we know and what we can do. A mentor of mine in this body who has now left, sadly, the gentleman from Arizona, Congressman Udall, used to say, "There are those in Washington, two types, those that don't know and those that don't know they don't know."

I think, Mr. Chairman, what we have here is a case of those that do not know what they do not know. They have good intentions, but let us look at the 1980's.

This has been the trial ground for trying out, attempting to develop formulas for dealing with the budget. It started with the Gramm-Rudman-Hollings in various formulations. Not a single year went by that this Congress did not try to fix that particular formula, that vehicle, so that it would work and move us to a balanced budget, so it would limit spending.

What has the outcome been? I do not question the good intentions of those, but it has been a decade when we have had higher and higher deficits. In other words, we have quadrupled the total debt—the deficit—from what it had been before that in 12 years.

Lack of leadership, lack of knowledge, we don't have a handle on this problem. We have had that budget-cutting car back in the garage to fix every year, and it has not done the job yesterday or today. Because Congress, the administration, and the economists cannot predict in 5 years, we cannot predict in 5 months what is going to happen with the economy—the limits of our knowledge.

It is time we understand and admit our limitations in terms of what we can predict about the economy and the revenue, costs and the debt and realize what we can do and can't do.

They say, "Look at the States. The States are able to do it." Look at Minnesota: Shifting budget dates, capital budgets, all sorts of gimmicks to justify what they refer to as a balanced budget, according to whose scorecard?

Now some in Congress and the President say we are ready. This budget process isn't working.

The laws we have passed would not take the passenger across town without breaking down and some propose to push it to the end of the cliff, this vehicle that we have developed, and in 5 or 6 years we are going to push it off. And we are going to let it fly off that cliff. Will this lemon of a vehicle sprout wings?

What is going to happen after all? They claim we have tried all else, therefore, the new improved Gramm-Rudman balanced budget constitutional amendment is going to suddenly fly, and it is going to get airborne. And we are going to have lift, and it is going to move on to a wonderful new world—winging its way to Utopia and a balanced budget. Don't forget your rabbit's foot. Something else—some of us just simply don't buy such fantasy based on the history, the good intentions, the reality of what has occurred today.

I would suggest to my colleagues, think about our history over the past years rather than setting up this Congress and this Nation for failure with regards to not just political failure but economic failure far worse in the final analysis.

I am concerned about the enormous budget deficits which cloud our economy and jeopardize the future standard of living of our children and grandchildren. Throughout my career, I have supported numerous measures aimed at reducing Government spending, increasing revenues in an equitable way from a variety of sources and eliminating ineffective or wasteful Federal programs.

These balanced budget amendments, even with the detailed good intentions, will not deal with today's budget nor the 1993 budget. In fact, the prime proposal before us states an effective date of 1997, or 3 years after the Constitution would be amended. Balanced budget amendments would do nothing to prevent the use of unrealistic economic assumptions or budget gimmicks, including the use of the Social Security trust fund to mask the true size of the deficit. Neither will these amendments make the hard choices to cut programs or increase revenues that have not been made as our record deficit has risen. It is perhaps the greatest irony that, despite the rhetoric these constitutional amendments provide no enforcement power. That too, we hear, will be considered at a later date. This sounds an awful lot like our old friend Wimpy who was always glad to pay Tuesday for a hamburger today.

Mr. Chairman, we must look beyond the balanced budget amendment and yet another process fix proposed to be enshrined in the Constitution. Such measures promise to answer deficit problems tomorrow instead of today. What the public and Congress must work for is substantive action now for meaningful Federal budget cuts, changing budget priorities, and a refocusing of our national commitments in the real world. Making decisions about reductions in important programs isn't simple. Of course, we don't all agree as to what constitutes an unnecessary or lower priority expenditure within our national budget. Week after week, we vote, and programs rise or fall based on our actions. We do not need a constitutional amendment to perform this task and such an amendment with supermajorities would make this goal even more difficult. Today we can't attain a majority for an agreed budget policy path and this initiative requires supermajorities to act, extending to the House and Senate through the Constitution—the same type of limits the Senate imposes upon itself through its cloture rule.

The simplicity of these solutions is their greatest fault. None state how you accomplish the task. Many, many serious questions have arisen and remain about how this amendment would be followed if passed. For example, the role of the Federal judges and the courts is not clear. What happens to the economy if the Federal budget is being litigated to death is not clear. What is not fuzzy, however, is that the balanced budget amendment has become a political panacea—nearly an aphrodisiac for those not willing to make the hard choices.

Mr. Chairman, Congress has not been and will not be alone in making these choices. Since our current President entered the White House in 1989, the Congress has provided the administration approximately $50 billion less than was requested in discretionary spending, the nonmandated spending categories that matter. So while we have been partisanly admonished as the sole appropriators and the big spenders, the fact of the matter is that every spending appropriations law enacted during this administration has been signed into law by President Bush.

The President and Congress need to address the deficit today. We need public policy based on substance—not on some sacrosanct process that purports to magically make decisions painless. The balanced budget amendment measure raises expectations that will only come down to disappointments—shifting budget dates and assumptions, court decisions, and the ability for a minority in Congress to thwart the will of the people in time of need or crisis. This would be a fundamental shift of power in our governmental process, rearranging and limiting the power of the elected public officials and enshrining the appointed—the unelected.

The issues surrounding the deficit and the budget are complex, not lending themselves to bumper sticker slogans or television sound bites. The consequence of writing into the Constitution an inflexible and unclear budget process may well result in more harm than good, and unlike a bad law, will be very difficult to correct. I urge my colleagues to oppose these amendments to avoid this uncertain, unpredictable measure to rewrite and saddle our basic document, the Constitution, with this amendment and dilute the law of the land.

Mr. TAUZIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Chairman, I rise in support of a constitutional amendment to require a balanced budget. Of those offered today, the Barton-Tauzin substitute is the best. Do I have concerns about constitutionally requiring a balanced budget by 1998? Yes, I do. But those concerns are outweighed by the concerns I have about maintaining the status quo. We simply cannot continue to spend more than we take in. We cannot continue to pile more and more debt on the next generation of Americans.

It is time for the Congress to look in the mirror and admit that we're hooked on spending, admit that we need help. Like so many other addictions, this one hurts not only us, but those we love. The treatment for our illness will be difficult. It will mean short-term pain for many in our society. The treatment will be, for awhile, austerity. And it will hurt. But, when we have finally kicked the habit, learned to live within our means, our country will be far more able to cope with the challenges of the next century. And, because we will have ceased living at the expense of those who follow us, we will feel better about ourselves.

The chairman of the budget committee stated that we would need to adopt further legislation in order to implement the goal of a balanced budget. While that is certainly true, the adoption of a constitutional amendment requiring a balanced budget will mean that, for the first time in a long time, Congress will actually have to address budgetary concerns through legislation, and not just make speeches about balancing the budget. I, for one, welcome the prospect of citizens having the right to use the courts to mandate that Congress act in a fiscally responsible manner. It is time for action on what I believe to be the problem posing the most serious adverse consequences to the future of our country—our continuing deficits. Adopting a constitutional amendment to require a balanced budget means action to solve the problem must be taken—finally.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, two constitutional powers of Congress overshadow all the rest in their seriousness and the obligation they impose on each of us who happens for a brief time to hold the office of Representative. They are the power to declare war and the power to amend the Constitution itself.

This 102d Congress now will have been called upon to meet the sober and profound responsibility envisioned by the Founders in both these areas. I pray that we find and exercise the individual and collective courage and wisdom to have fulfilled that responsibility in a manner that history will see as having done honor to the Congress and to the Constitution we are sworn to uphold.

Like most Americans, I am deeply worried about how the Federal Government is digging the country into an ever deeper hole of debt. Since 1980 the national debt has quadrupled, putting our economic future at risk, compromising our ability to deal with the country's current problems, and indenturing our children.

On too many occasions recently, I've seen a failure of the political will needed for the difficult, concrete decisions required to make headway against the deficit. In April, for instance, only 68 out of 435 of us in the House said "no" to a new tax concession for a relatively small group of Social Security recipients—a tax break that will cost over $7 billion that we'll have to borrow over just the next 5 years, with much more to come. Last week, we failed to make any serious reductions in our first post-cold war defense budget.

Based on this kind of experience, I have concluded that it will take the added legal and moral authority of a constitutional amendment to force the government to solve this problem, and not just talk about it. That's why I have cosponsored the balanced budget amendment to the Constitution authored by Mr. GEPHARDT, Mr. OBEY, and Mr. MURTHA, which would do just that.

This proposal would:

Require the President to submit a balanced budget every year, and prohibit Congress from spending, in total, any more money than recommended by the President in that budget;

Allow deficit spending only if the President declared an emergency and the Congress approved that declaration. Then, the deficit approved by Congress could not exceed that recommended by the President;

Be accompanied by strict statutory enforcement provisions, to be enacted now, to bring the budget in balance by the time the amendment takes effect, with automatic spending cuts and tax increases if interim deficit targets aren't met, and

Exempt the Social Security trust fund, which has a surplus, from these calculations, so its balance couldn't be used to mask the deficit and so Social Security benefits wouldn't be subject to automatic cuts.

This would be far more effective and workable than the form of balanced budget amendment that's been before Congress for several years. The more people look at that proposal—sponsored in the House primarily by Representative STENHOLM—the more they dislike it. That's why, for instance, the U.S. Chamber of Commerce opposes the Stenholm amendment.

Because the Stenholm proposal lacks any enforcement provisions, it would likely mean the Federal courts would end up overseeing the Government's spending and tax decisions—a frightening prospect. What's worse, it would enshrine in the Constitution the principle of minority rule, by requiring a three-fifths vote in the House and the Senate to approve any deficit spending, even in time of war. This would give only 41 senators, for instance, virtual control over the most important issues facing the country.

While the whole point of the balanced budget amendment is to eliminate deficit spending, all of us recognize that there may come a time when we are faced with a truly dire national emergency. The Gephardt amendment would allow for deficit spending if the President submits a declaration of national urgency, and the Congress approves it. This would allow us to respond appropriately when the President and Congress agree there is a clear and present national emergency, not just in a time of war, but in another time of extraordinary national need as well.

The Gephardt amendment allows the President and a majority in Congress to determine there is a national emergency, instead of the straitjacket of giving 40 percent of one House of Congress the power to block the way. It preserves the principle of majority rule, not minority rule. We have always made our choices following that principle, and to depart from it invites a state of gridlock more intractable than that we are now enduring.

The Gephardt proposal would provide for real deficit reduction without shifting the delicate balance of power embodied in the Constitution. To amend the Constitution to call for a balanced budget is one thing, but to amend it to abdicate our responsibilities to the rule of the minority is uncalled for, and unwise.

With trust in government at such a low point, what we do not need is an election year gimmick, which sounds great for now but postpones the real decisions and responsibility until the next Congress, or the one after that. We cannot afford for the attack on this problem to be like a mirage—always receding on the horizon, always the subject of a promise that we will take care of it in 5 years. Absent any clear implementing or enforcement provisions, that is all we have in the Stenholm proposal.

We are putting $1 billion a day on the national tab. That is absolutely horrific, and the American people rightly demand an end to it. Clearly, a large majority of Members have heard their demand and are prepared to act.

But, let us be mindful of the historic duty that falls to us when we presume to change the Constitution. We must know what exactly we are about. This is no place to risk a serious encounter with the law of unintended consequences. I believe the Gephardt approach, with its concurrent enforcement provisions, meets the test.

I am nonetheless disappointed that we have come to this point. For, in truth, it is an acknowledgement of our failure and our lack of self-discipline. My dear Republican father once commended to me the following words of the British parliamentarian and political philosopher, Edmund Burke:

> Men are qualified for civil liberty in exact proportion to their disposition to put mortal chains on their appetites. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters.

So, we are here to prove again our qualification for civil liberty—for representative self-government by a free people. We have demonstrated for a dozen years our insatiable appetite.

Now comes the time to refashion the mortal chains—the Constitution—to bring our appetite to heel.

Mr. BARTON of Texas. Mr. Chairman, I believe as the chief sponsor of the amendment, I have the right to close.

The CHAIRMAN pro tempore (Mr. MFUME). The gentleman is correct.

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in strong opposition to the Stenholm balanced budget constitutional amendment.

The fundamental question before this body today is whether we are ready to lead this Nation by making the tough choices that will build a better future, or whether we will choose to rely on a budget gimmick to hide our inaction and indecision.

Our Nation's budget is out of whack. Deficits have been so high for so long that our total national debt has reached incomprehensible levels. Simply paying the interest on this debt cost our Nation $286 billion last fiscal year, or $1,000 for every American citizen. This debt is severely damaging our economy and threatening the security of our children.

But time after time, we choose to rely on budget gimmickry to create the perception of action, rather than doing what is right: Making the tough choices, cutting out waste and fraud, and balancing this budget once and for all.

The Gramm-Rudman law was enacted, containing a new budget process to force tough action on the deficit. And this worked so poorly that we now have the highest deficits in history—$269 billion last year alone.

This year, we propose to tamper with our Constitution to do much the same thing—force ourselves to do what we were elected to do—lead this Nation.

But this budget gimmick, like all of the others, is deeply and fundamentally flawed.

Let's make one thing perfectly clear. This amendment is designed to make us feel like we did something, while it's business as usual for another decade. That's right, the amendment may not be ratified for almost another decade. How can we tolerate such a delay? How can we perpetrate this fraud on the public?

No constitutional amendment can magically give the President or the Congress the courage to cut the budget. Thus, enforcement of the amendment is likely to lie in the hands of the Federal court system.

I ask my colleagues, do the American people truly want unelected Federal judges raising their taxes and cutting their Social Security and Medicare? The answer is clearly, "No."

Tragically, the amendment makes no distinction between investments in our Nation's future and lower priority Government spending. It will absolutely cripple our Nation's ability to invest for the long term, and virtually guarantee a long-term economic decline.

The point is often made that States rely on similar budget limitations. But this claim distorts the facts. Most States separate capital expenses from operating expenses in their budgets. The Stenholm amendment does no such thing. It will prevent essential investments in education, job creation and infrastructure that are urgently needed in my congressional district and the Nation as a whole.

For instance, unless we invest now in sewage treatment construction, Long Island Sound, the economic linchpin of Westchester County, will die, mortally wounding an already ailing local economy. Unless we invest now in highways, bridges, and rail networks, we will lose precious jobs and drive the economy from recession into depression. And unless we invest right now in training our youth to compete effectively in the 21st century the very security of our Nation will be in doubt.

Further, the Stenholm amendment's supermajority provisions will actually empower a superminority. Under these provisions, 40 percent of each body, plus one, will be able to control the outcome of each year's budget debate. That means that narrow special interests, not the people, will gain greater control over the Federal budget. Special interests already wield too much power over the Federal purse strings. In fact, that is one major reason why we are in the mess we are in. We need to put the people back in charge of the Federal budget.

The Stenholm constitutional amendment calls on Congress and the President to agree each year on the amount of Federal receipts, and keep spending below that level. But over the last 10 years, actual receipts have fallen short of the administration's previous year projections by a full $248 billion.

So this balanced budget amendment institutionalizes the treachery of rosy predictions, followed by continued deficit spending a those predictions fall far short of reality.

And who knows what types of subterfuges will now be used to hide deficit spending? Many of the same Members who come to this Chamber today in support of a balanced budget amendment also voted for a taxpayer-financed bailout of the savings and loans—much of which was taken completely off-budget. If this amendment takes effect, there will be a new cottage industry in schemes to move spending off-budget, fudge budget figures, and obfuscate the truth about the real budget deficit.

Mr. Chairman, let's call a spade a spade. The Stenholm balanced budget constitutional amendment is the product of an era in which feel-good, do-nothing politics is in style.

Under this brand of politics, politicians pose for the cameras with their newly passed budget balancing amendment. Then they turn around and continue spending like there is no tomorrow.

There is absolutely nothing stopping the President of the United States from sending us a balanced budget, and there is absolutely nothing stopping this Chamber from approving one.

Again, the fundamental question facing us today is whether we will do what we were sent here to do. Will we cut the budget or not? Will we govern with style or govern with substance? Will we vote for real cuts or vote for false promises?

To the Members of this body, I say, "get real." Let us reject the sham of the Stenholm constitutional amendment, and commit ourselves to the real task we face—the difficult, unpopular, but ultimately necessary and heroic task of balancing the budget.

Then, and only then, will Members of this body have fulfilled the trust of the American people.

□ 1320

The CHAIRMAN pro tempore. The Chairman would advise the Members that the gentleman from California [Mr. PANETTA] has 4½ minutes remaining, the gentleman from Louisiana [Mr. TAUZIN] has 4 minutes remaining, and the gentleman from Texas [Mr. BARTON] has 5 minutes remaining.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this debate is not about slogans. It is not about sound bites or bumper stickers. This is about a central question of the direction of this Government under the direction of the people of the United States of America as it charters this Government and its Constitution, pretty serious stuff.

It is a debate about projections and expectations. That is hard to debate, because it is hard to see the future, but we can look at the immediate past to get a guide, an idea of what is coming.

Here is the immediate past. Milton Friedman indicated to us in a letter that "the budgetary developments of the past several years have been counter-productive: total spending, taxes, and deficits have all risen as a percentage of national income." What that means in layman's terms is that this Government and its deficit is growing a lot faster than the American economy. That ought to trouble the heck out of us, particularly if one is unemployed.

Second, we can look at what is happening in the growth of Federal spending and we ought to get alarmed. While Federal spending during the first 4 Reagan years only increased 7.6 percent, and while it actually only increased by 2.6 percent in the last 4 Reagan years, look at what has happened in this administration.

In this administration Federal spending has increased at a rate of 14.8 percent. That is according to the current CBO and OMB numbers, 14.8 percent. That is a rate faster than the last year of the Carter administration, in which spending only increased at a rate of 12.3 percent. We are going downhill fast.

To those of us who are worried about adopting this amendment and putting it before the people of the United States, and who think that we can exercise fiscal discipline on our own and we ought to be doing it, the answer is we are not doing it too good. In fact, however, we are doing just what the American people sent us up here to do under the current set of instructions.

The current set of instructions are for each of us to come to Washington and take back as much Federal money to our home districts as we can get, and we do a great job of that. We do such a great job of it that collectively we take back each year to our districts more than our districts collectively have sent to Washington, and we cannot keep doing that forever.

However, as long as those are our instructions, who should be surprised that we do not carry those instructions out? Who should be surprised that we do not continue to overspend when the instructions are to go get every dollar we can and bring it home?

What we need in America is a new set of instructions, a set of instructions that says, "Do what you can for our district, do what you can for America, just quit spending money we have not sent you. Quit spending us into debt, into backruptcy." That set of instructions is what this debate is all about.

Let me tell the Members, we have heard a lot about electronic town meetings in America this Presidential election year. This is it, folks. This is the big enchilada. This is the big electronic town meeting. This is where we are debating the most serious question the American public ever has to decide, I think, in my tenure in public office, whether to adopt an amendment to the Constitution to demand a balanced budget and to restrain taxes.

What better town hall meeting to have than this one? Would it not be a shame if, after we have the town hall meeting, the American public never had a chance electronically to vote back and tell us what they thought? That is what it is all about. This is not about whether the Members or I think the amendment ought to be adopted to the Constitution, although we may want it to be adopted. The question is whether we are going to give the American public, after this town hall meeting, a chance for them to decide whether the Constitution ought to be amended to require a balanced budget; whether they ought to send us that new set of instructions embodied in the Constitution not to spend money we do not have, or to get control of this excessive spending, this spending into bankruptcy.

Would it not be a shame if, after this great electronic town hall meeting, the people of America never had a chance to express themselves on this new set of instruction? That is what the debate is about. We can be worried about the consequences, we can be afraid of the dangerous nature of amending the Constitution, but in the end it is really a question the American public ought to answer.

When we conclude this debate, this great town hall meeting, we ought to give them a chance. We ought to adopt the Barton-Tauzin amendment to go before the public.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, first let me just congratulate our colleague, the gentleman from California [Mr. PANETTA] for doing a superb job. We do not have a problem with the Constitution. That is not the problem. The problem we have is sorting out the priorities, making those tough decisions. If you cannot make those tough decisions, you should not be here. I can and will.

My colleague from Louisiana [Mr. TAUZIN] said that we have to change our line-of-duty instructions. Members of Congress are still going to come to Congress to represent their districts. That is one of their duties. I would say to my colleague, he knows that. The gentleman from Texas [Mr. BARTON] is still going to work for the superconducting super collider for his district in Texas. We all know that. We still have to make the decisions between programs, options and initiatives—that is sorting out the national priorities. We are not going to change that. We do not have to write into the Constitution basically new instructions. We know what the instructions are. We need to get on with the serious business of getting our fiscal house in order. Now—not 1997, or 1998, or 1999.

I worry about Barton and the other constitutional amendments because, frankly, they are workable, for one thing. Our budget process in the 1970's worked fairly well. The spending levels did not depart too greatly from the spending targets or levels contemplated. We just never required that we have a balanced budget. We did grossly misestimate too often, and we found all kinds of loopholes to avoid Gramm-Rudman-Hollings we were creative with on-budget, off-budget, and so-called emergency escape hatches. In fact, we are going to have a supplemental in a few days which rewrites the definition of "emergency" once again to spend. We have some things in there that are far from an emergency; worthy projects, but they are not emergencies.

Frankly, there is nothing wrong with spending for the right things. We are going to have to invest in a lot of things: infrastructure in this country, education, and our cities. We have to rebuild America. That is going to require basically reaching consensus. What Barton is going to do is make it much more difficult to reach consensus to do our job. That is what this debate is all about.

Frankly, we should only amend the Constitution when it is the option of last resort. We can write a statutory balanced budget amendment tomorrow and give Members of Congress a point of order should anyone offer a bill or an amendment that breaks that budget. We can develop that kind of a mechanism—I have favored that for years. Indeed HENRY HYDE and I have offered such legislation for years. We have not done that. I hope if we reject these constitutional amendments, that will be the next order of business in this House. Let us reject Barton.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, the basic difference between the Barton-Tauzin amendment and others is that it seeks to point the finger at taxes as part of our problem. It would require a three-fifths vote to increase any tax, and it would not allow revenue to grow faster than national income.

Let us look at the big deficits we have and try to find out what caused them. The Federal deficit has gone from 2.0 percent of our GDP in 1982 to 4.8 percent of our GDP in 1991; from 2 to 4.8 percent. What caused that? It sure was not spending.

If we look at all spending for the Federal Government, other than net interest, including the defense buildup, spending actually declined as a share of GDP from 20.3 to 20.0 percent. If that is the case, then, if it was not big spending, then what did cause the deficits?

Let us look at the revenue side. Corporate income tax revenues in that 11-year period declined from 2.4 to 1.7 percent of GDP; less revenue, deficit. Individual income tax revenues declined from 9.2 to 8.3 percent of GDP; less revenue, bigger deficits.

Fundamentally, our $4 trillion deficit or debt is caused by loss of revenue. The $4 trillion debt is caused by the 1981 tax cut and misguided supply-side economics. It is a mistake for us now to tie the hands of future Congresses as this amendment would do. Vote "no" on Barton-Tauzin.

□ 1330

Mr. PANETTA. Mr. Chairman, I yield myself my remaining 30 seconds.

Mr. PANETTA. Mr. Chairman, my concern with all of these amendments is that none of them, none of them tells you how you reduce the deficit. None of them makes the hard choices.

This amendment not only fails to tell you how you make the hard choices, it tells you what you cannot do. If you are going to reduce the deficit, it has to be a shared sacrifice, and everything has to be on the table. Everything has to be on the table, spending and taxes. Otherwise, you do not reduce the deficit.

Ross Perot is right. You do not need it. Leadership cannot be found in any constitutional amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield myself my remaining 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, we are here today to protect our future and our children's future. As has already been pointed out, the national debt for each man, woman, and child in this country today is over $16,000. It is going up at a rate of over $1,000 a year.

My oldest son, who was born in 1970, has never lived in a year in which the budget at the Federal Government has been balanced. We have had 23 straight years of deficits. The last President to submit a balanced budget and the last Congress to pass a balanced budget was Richard Nixon in 1969. That is an all-time record string of annual deficits for this country.

I must say that I am honored by the caliber of the opposition to the Barton-Tauzin amendment, including the distinguished chairman of the Budget Committee, the distinguished chairman of the Ways and Means Committee, the ranking Democrat on Energy and Commerce, and one of the senior members of the Judiciary Committee. Sometimes you are known by the caliber of your opposition, and as Congressman DICK ARMEY says, I am getting my rear end chewed on by a better class of people, and I appreciate that.

The main thing that we are debating in Barton-Tauzin is whether if you believe you should balance the Federal budget, which a vast majority of this body does, and hopefully two-thirds will agree to at some point in the day, should you allow or make it easier for taxes to be raised in order to accomplish the balanced budget. Myself, Mr. MILLER, Mr. PALLONE, and Mr. TAUZIN say you should not make it easier to raise taxes. Mr. STENHOLM, Mr. SMITH, Ms. SNOWE, and Mr. CARPER say you take a 60-percent supermajority to borrow money. So do we. Mr. STENHOLM, Mr. SMITH, Ms. SNOWE, and Mr. CARPER say it takes a 60-percent supermajority to raise the national debt ceiling. So do we. Mr. SMITH, Mr. STENHOLM, Ms. SNOWE, and Mr. CARPER say the Congress shall implement, by appropriate legislation the balanced budget amendment. So do we. Mr. SMITH, Mr. STENHOLM, Ms. SNOWE, and Mr. CARPER say a constitutional majority, which is 218 in the House, and 51 in the Senate are necessary to raise taxes. We say a 60-percent vote is necessary to raise taxes greater than the rate of growth in the national income. We are identical to Stenholm-Smith, word for word in four sections. We are totally identical except for some minor terminology in seven of the eight sections. The difference between their amendment and our amendment is in the vote received to raise taxes.

Since 1981 we have raised in this country an additional $555 billion in revenue, an average of $55.5 billion a year. We have raised spending during that same period $657 billion. Our problem is not insufficient revenue; our problem is an unwillingness to cut spending.

Myself, Mr. TAUZIN, and Mr. MILLER simply say make it just as difficult to make that decision to raise taxes as it is to borrow money. Nothing more, nothing less.

Many, many groups have endorsed Barton-Tauzin as their preference. Many people, President Reagan, President Bush, and Milton Friedman—the Nobel Prize winner—have endorsed Barton-Tauzin. I am enclosing their letters outlining their support. Thirteen groups, including the U.S. Chamber of Commerce, the National Federation of Independent Businesses have endorsed Barton-Tauzin as their preference.

As PHIL GRAMM likes to say, the distinguished Senator from Texas, everyone wants to get to balanced budget heaven, but we just do not want to make the sacrifices necessary to get there. We know that sacrifices are going to be made necessary. We are not saying it is a rosy scenario. We know this Congress has got to show courage. I agree with the chairman of the Budget Committee, we have to show courage, but we have to have discipline that will help us get that courage.

This country, time after time, when involved in a military conflict has been willing to make sacrifices. But in every serious war we have had to resort to a draft to get people to do their patriotic duty. That is what the balanced budget amendment is. It is time to institute a balanced budget draft, and the Barton-Tauzin balanced budget amendment simply says that draft shall not make it easier to raise taxes than cut spending.

The late Winston Churchill said he loved America because America always did the right thing after they had tried everything else. We have tried everything else. The distinguished chairman of the Budget Committee has admitted as much on the record in his hearings. It is now time to pass a balanced budget amendment to the Constitution, and the best balanced budget amendment on the floor today is Barton-Tauzin. Please support it.

HOOVER INSTITUTION ON
WAR, REVOLUTION AND PEACE,
Stanford, CA, May 5, 1992.

Congressman JOE BARTON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BARTON: I am pleased to learn that you and Congressmen Tauzin, Miller and Pallone have once again introduced a bill proposing a balanced budget/tax limitation amendment to the U.S. Constitution. Such an amendment, provided that it contains, as your bill does, an effective provision for limiting total taxes and therefore total spending, is even more urgent than it has been in the past.

The budgetary developments of the past several years have been counter-productive: total spending, taxes and deficits have all risen as a percentage of national income. These developments render a balanced budget/tax limitation amendment essential if we are to avoid continuing down the slippery slope toward the complete socialization of our economy. We are, by my standards, already more than halfway there. And so far, no alternative mechanism to stop that drift has been proposed.

I strongly support the notion of linking permitted tax revenues to prior growth in national income. Without such a limit, any balanced budget amendment is likely to be a fig leaf.

Sincerely yours,

MILTON FRIEDMAN,
Senior Research Fellow.

THE WHITE HOUSE,
Washington, June 9, 1992.

Hon. JOE BARTON,
House of Representatives,
Washington, DC.

DEAR JOE: Three years ago, in my first address to the Congress as President, I urged adoption of a balanced budget amendment to the Constitution. This is an amendment that many have sought for a long time. It is not radical. It rests on common sense. It would bring to the Federal Government the fiscal discipline that forty-four States have applied to themselves. Now, at last, there is a realistic opportunity to move this needed proposal forward.

The House will vote on the balanced budget constitutional amendment this week. This vote will bear directly on the quality of Americans' lives for generations to come.

I strongly support the Barton-Tauzin amendment. This amendment would prevent the debt limit or taxes from being raised without the consent of three-fifths of both Houses of Congress. If the Barton amendment fails to gain a two-thirds majority, I will also support the Stenholm-Smith-Carper-Snowe amendment. The Stenholm amendment requires that three-fifths of both Houses of Congress must vote to approve any increase in the limit on the Federal debt held by the public.

The issue of overriding importance is whether we can secure a balanced budget constitutional amendment. This issue is not partisan, it is moral. What is at stake is the future economic security of the American people.

Throughout the history of this great Nation, amendments to the Constitution have been adopted when needed to protect fundamental rights that ordinary political processes may not adequately respect. The Bill of Rights is the earliest and best-known example. A balanced budget constitutional amendment is both necessary and appropriate to protect the interests of a group of Americans who are not yet able to represent themselves: the citizens of future generations.

I urge the Congress to adopt promptly a balanced budget constitutional amendment.

Sincerely,

GEORGE BUSH.

BUSH LEADS THE WAY

(By Ronald Reagan)

LOS ANGELES.—Here I go again. . . .

Ten years ago, in a speech on the Capitol steps, I urged Congress to adopt a balanced-budget amendment. I reminded Congress of a warning by Thomas Jefferson: "The public debt is the greatest of dangers to be feared." Since then, Congress has refused to work with the President and pass the amendment and has shown little restraint in spending.

While pundits will want to blame the White House for deficits, the blame game won't work. Congress alone has responsibility and authority for passing budgets, and Congress alone can balance them. No finger-pointing will change that. As the debt soars toward $4 trillion, not surprisingly Congress suffers from its lowest approval rating in decades.

But this year, Congress has a chance to restore public faith in our Government. Today it is debating a balanced-budget amendment more seriously than ever before. Several versions compete for approval but each requires these basics: The President must submit a balanced budget; Congress must pass a balanced budget; at year's end, spending cannot outrun revenues, and Congress can engage in deficit spending only if both chambers vote to do so.

The best proposals add something more: a requirement that Congress approve increases in spending and taxation by "super-majority" votes—60 percent of each house. The super-majority requirement insures that Congress treats your money with the same respect that you do.

An amendment as proposed by President Bush will do more than obliterate deficits. It also will encourage wise social and economic policies. The system does not punish members of Congress when they waste taxpayers' money. It often rewards big spenders with political-action committee contributions and new terms of office.

A sound balanced-budget amendment reverses this trend by restraining spending and taxation. It's important to understand that tax increases don't balance budgets. In recent years, Congress raised taxes dozens of times. In each case, Congressional spending outpaced the tax increase, and the deficit grew.

Today, each new dollar in revenue inspires Congress to spend an additional $1.59. The way Congress loves to spend money reminds me of a T-shirt I saw that said: "How can I be out of money? I still have some checks left!" A balanced-budget amendment also ought to support growth. If we balance the budget by taking every last dime that workers earn, we haven't accomplished a thing. In the post-cold-war world, the U.S. must remain competitive, strong and vigorous. We must not heap taxes, massive Government borrowing and burdensome regulations on workers and entrepreneurs.

The need to restrain Government gets more urgent every day. Total government spending (Federal, state and local) consumes more than one in every three dollars produced by the economy. Congress has balanced only five budgets since 1950, the last in 1969.

If present trends continue, total debt will exceed our gross domestic product within the next 20 to 25 years. In other words, the Government will owe more money than the economy generates. To put it in perspective, every child in America arrives on this earth owing $16,000 for the Government's profligacy.

Worse, mandatory spending—entitlement and other programs that grow without Congressional review or approval—consume almost two-thirds of today's Federal budget. In addition, Congress increasingly imposes new burdens on state and local government without providing the money to finance them. That's unfair and irresponsible, and President Bush wisely has vowed to veto measures that include such mandates.

We cannot possibly balance the budget unless we show the courage to bring these programs under control. It doesn't require Draconian action. If we simply limit the growth in spending per beneficiary to the rate of inflation, we save tens of billions of dollars.

But Congress has not risen to this challenge. Even though the amendment is popular with Americans, Congress has refused to pass it. Congress has also refused to give the President the line-item veto most governors have. Even when Congress adopted budget discipline under the Gramm-Rudman-Hollings law, it dropped the restraints at the first opportunity. Some in Congress also want to abandon the restraints of the 1990 Budget Act, just as they begin to take full effect.

A balanced-budget amendment provides the discipline that members of Congress say they want and need. George Washington said in his Farewell Address, "The basis of our political system is the right of the people to make and to alter their constitutions of government." Today, we have a historic opportunity to approve an amendment that restrains spending and liberates the taxpayer. We can take a bold step toward a dynamic society where government is truly the servant of the people.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. MFUME). The Chair will remind Members that they should not quote Members of the other body.

All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. BARTON].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PANETTA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 227, not voting 7, as follows:

[Roll No. 184]

AYES—200

Allard
Allen
Andrews (NJ)
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Broomfield
Browder
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
James
Jenkins
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Myers
Nichols
Nussle
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Peterson (FL)
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Sisisky
Skeen
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—227

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Beilenson
Bennett
Berman
Bilbray
Blackwell
Boehlert
Borski
Boucher
Boxer
Brewster
Brooks
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Costello
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Huckaby
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—7

Anthony
Bonior
Hefner
Ireland
Shuster
Traxler
Whitten

☐ 1355

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore (Mr. MFUME). Is the gentleman offering the amendment as the designee of the gentleman from Texas [Mr. BROOKS]?

Mr. GEPHARDT. That is correct, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GEPHARDT: Strike out all after the resolving clause and insert:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Prior to each fiscal year, the President shall propose to the Congress a budget for the United States Government for that year in which total expenditures do not exceed total receipts, unless that budget is accompanied by a Presidential Declaration of National Urgency for that fiscal year.

"SECTION 2. The Congress shall not approve total expenditures in excess of total receipts for the fiscal year unless it has been approved by a majority vote of the whole number of each House by rollcall vote, a Presidential Declaration of National Urgency for the fiscal year.

"SECTION 3. In no case shall the Congress approve a budget for any fiscal year which is estimated to result in a higher amount of total expenditures than those recommended by the President for that fiscal year.

"SECTION 4. Total expenditures shall include all expenditures of the United States Government except expenditures for the redemption of any form of debt and for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds. Total receipts shall include all receipts of the United States Government except those derived from net borrowing in any form and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds.

"SECTION 5. The Congress shall have the power and responsibility to enforce this article by appropriate legislation.

"SECTION 6. This article shall take effect beginning with the fiscal year immediately after its ratification.".

☐ 1400

The CHAIRMAN pro tempore (Mr. MFUME). Pursuant to the rule, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, to open the debate, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I have, as you know, very great doubts about putting in the Constitution anybody's economic philosophical preferences. But it is apparent to me that the House is determined to do that, and I can live with it.

I can buy the idea of using the moral force of the Constitution to enforce fiscal sanity. What I cannot buy is the idea that we ought to enshrine in the Constitution the principle of minority rule, and that is the only thing that the Stenholm amendment does.

If you examine the Stenholm amendment, you cannot show me one word that cuts one dime off the deficit or one dime off spending limits. All the Stenholm amendment says is if a budget is going to be produced with a deficit other than zero, that we have to have 60 percent of the politicians in Washington agree to that. Now, in my view, that is not going to help the matter; it is going to make it worse.

It is going to raise the cost to get agreement on budgets because every single small group will simply say, "Oh, sure, I will support this, but you got to get my piece into the pie." That means that the pie is going to get bigger and the cost is going to be more to the taxpayer.

In contrast, the Gephardt amendment does the following: It says that the President every year has to submit a balanced budget. No President has done that in 12 years. It says that if the President disagrees with that, then he must sign a statement of national urgency setting a different deficit target and that target has to be approved by a constitutional majority of both houses. If you have 9 Senators off running for President somewhere, too bad, you still have to have 51 votes in order to pass it.

Third, it says Congress may not approve any deficit whatsoever unless the President first asks to take the country off the zero deficit. And it says that the Congress can approve no budget which exceeds in spending the amount which is asked for by the President.

For those of you who want an item veto, this is better than an item veto. An item veto was never about cost control, it was about power. But what this says is that we would be willing to live with the President setting the spending ceiling but Congress will retain its ability to argue within that ceiling about budget priorities. I think that is a reasonable compromise.

The last thing it does is it says we are going to begin this presumption now, in the here and now, not in the hereafter. Under the Stenholm amendment, the President is not, nobody is, required to submit a balanced budget until 1999. We require that process to begin the first year after ratification.

I do not believe that George Bush ought to be able to pretend to the country that he is for a balanced budget but conveniently support a proposition which would allow him, even if he were reelected for the next 4 years, to be the only future President who would not be obligated to submit a balanced budget to this Congress.

I think the Gephardt-Obey amendment is tougher, it is more real. It is accompanied, as you know, by a statutory provision which would contain an enforcement mechanism.

Mr. Chairman, the principle that ought to govern us at all times, I think, is the maximization of accountability. One of the reasons this country is so frustrated is because they cannot tell who is doing what and who is responsible for what. When you deny to any majority in our system that ability to actually pass its program on something as basic as economics, you add to the confusion and you add to public frustration, you add to public cynicism. That results in less and less faith in the system. We ought not do that.

That is why we ought to adopt the Gephardt amendment, not the Stenholm amendment.

The CHAIRMAN pro tempore. Does the gentleman from New York [Mr. FISH] rise in opposition to the amendment?

Mr. FISH. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. FISH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I ask unanimous consent that I be permitted to yield one-half of my 30 minutes to the gentleman from Texas [Mr. STENHOLM], and I ask unanimous consent that he may be able to yield time as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Chairman, I further ask that the Chair recognize Mr. STENHOLM and myself every other time in rotation.

The CHAIRMAN pro tempore. The gentleman may proceed.

Mr. FISH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I oppose the Gephardt substitute because it does not provide an effective mechanism for achieving a balanced budget. In contrast to other proposals—including the Stenholm substitute—that require a three-fifths vote of the total membership of each House, the Gephardt substitute permits deficit spending if a mere majority of House and Senate Members vote to approve a so-called Presidential declaration of national urgency. Expenditures could exceed income without a broad consensus in the Congress—thus effectively perpetuating the current disastrous situation. Although I commend the proponents of the Gephardt substitute for recognizing the wide support in the country for a constitutional amendment, the pending proposal falls far short of meaningful change.

Those who argue that other proposals threaten Social Security ignore the reality that runaway deficits pose the greatest danger to the integrity of this essential program. A constitutional amendment that imposes no substantial checks on deficit spending squanders this national opportunity to bring under control the mushrooming interest payments on our national debt—payments that will make it progressively more difficult to meet the needs of our older citizens.

I urge my colleagues to vote against the Gephardt substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. GEPHARDT. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, for the last 5 years I have probably handled more discretionary money in the subcommittee I chair than any other subcommittee chairman. As most of us know, in listening to this balanced budget amendment, $1.5 trillion budgets contain about half a trillion dollars in discretionary and between $300 and $260 billion in military spending. Over the years, the subcommittee, your Subcommittee on Defense of the Committee on Appropriations, has cut more from the budget than any other single group. We have cut $154 billion from the Federal budget. There is no one else who can make that claim.

So we know what it is to cut the budget. My concern with the amendment of the gentleman from Texas [Mr. STENHOLM] is the fact that it puts it off for 6 years. When the gentleman from Wisconsin [Mr. OBEY] and I first introduced this amendment and were joined in by the majority leader, the gentleman from Missouri [Mr. GEPHARDT], we came to the conclusion that this could not be put off any longer. The last balanced budget we had was 1968 and 1969, and since that time it went up gradually until 1980, and then it escalated substantially. But if we are going to discipline ourselves, it has to be done immediately.

□ 1410

If we allow it to go another 6 years, I am convinced we will have a national calamity, and, when they blame the Congress, I got some figures from the Committee on Appropriations which I think are important:

Since 1945 we have reduced the budget by $188 billion. In other words, budgets submitted by the President have been reduced by $188 billion. We have reduced $31 billion since 1979, 201 bills were presented, and 187 appropriation bills have been signed by the President; 14 vetoed, 1 overridden, and 13 worked out and were signed by the President. President Carter vetoed one, on school desegregation. President Reagan vetoed six, five for money. And President Bush vetoed seven, six for abortion and one for the budget.

Now that leads me to believe that there is a misunderstanding about who is responsible. We have a joint responsibility in this Congress with the White House to reduce the deficit. For the first time in history the interest on the deficit is larger than the defense spending.

But there is no way putting it off 6 years is going to solve the problem. I believe we have to have implementing legislation right now.

I think, in order to discipline this House, all of us have the same idea. I know 2 years ago—in the last 2 years I have been campaigning at home, and people are willing to raise taxes. They are willing to reduce spending, if they see it happening. But they do not have confidence that we are going to do it, and the thing that concerns me about the amendment of the gentleman from Texas [Mr. STENHOLM] is that he is talking about doing it 6 years from now. We are talking about doing it right now.

And I think that is important. I think it is important that we do not put any additional restrictions on trying to pass legislation, and I know how it works, as far as practical politics goes.

I saw somebody get up the other day and talk about unworthy military spending. They talked about unnecessary military spending, and yet we have preserved the free world. We have deterred and kept the world from an international confrontation, a nuclear confrontation, by the money we have spent. The American people have been the most unselfish people in the world by paying for the nuclear deterrent which has prevented a war. So, the money we spent was to prevent a war.

That same person was up saying the defense spending was unworthy. A letter was on my desk asking me to increase our defense budget by $1.2 billion for a program that he was personally interested in.

So, it goes both ways, and I get it all the time, and all of us do in every program. Mr. Chairman, we want somebody else's program to be cut. We are all in it together. And, admittedly, we have to have some discipline, and a constitutional amendment, without restrictions, starting now, is the answer to our problem.

Mr. Chairman, I urge my colleagues to vote for the Gephardt-Obey-Murtha amendment.

Mr. STENHOLM. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, first I want to commend the majority leader, the gentleman from Missouri [Mr. GEPHARDT], for making the philosophical leap of now supporting a constitutional amendment. It pleases me that now the majority of my fellow Democrats support the philosophical idea of amending the Constitution. We are now talking about the differences between the amendments, and I rise in opposition to the Gephardt-Obey amendment because it sets an unrealistic date.

If my colleagues have been listening to the chairman of the Committee on the Budget for the past 2 days now, they have heard him say "difficult, tough choices." We cannot do it in 3 years. Therefore, that is a major reason to oppose this amendment.

Second, and more importantly, the Gephardt-Obey amendment is not the right constitutional amendment because it is dangerous to the very program it purports to protect, Social Security. Three reasons:

The amendment simply lists the names of the two trust funds to be protected. Congress will be able to shift anything it wants to to these trust funds, which obviously will damage the integrity of the program.

No. 2, with this amendment in place there will be great temptation to cut Social Security taxes which would be off-budget as a way of politically balancing the raising of regular taxes. The result of this tradeoff would be to have a balanced budget on the books, but to move toward an insolvent Social Security program unable to enhance or even to protect benefits.

No. 3, the effect of either of the two previous possibilities would be the continued increase in the deficit and the debt. This would serve only to exacerbate what is already the greatest threat to Social Security trust funds, the enormous demand on the Federal Government to make rapidly growing interest payments. This is a danger with a $4 trillion debt. It is a much greater danger with a potential $8 to $10 trillion debt.

I urge my colleagues to oppose this amendment, support the Stenholm amendment. It moves in the direction we need to go without taking unnecessary risks to the Social Security trust fund.

Mr. GEPHARDT. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Chairman, I thank the gentleman from Missouri [Mr. GEPHARDT] for yielding this time to me, and, Mr. President, I rise in support of the Gephardt-Obey amendment. It is the best of a bad lot of amendments to the Constitution of the United States. But I think what it does do much better than any of the others is that it gives us a better working relationship with the President of the United States.

Since 1981, believe it or not, taxes have been cut to individuals in businesses to the tune of about $1 trillion. Defense was increased in the neighborhood of about $2 trillion. Interest on the national debt has either tripled or quadrupled. Is it any wonder that we are where we are today with nearly a $4 trillion total debt?

Now I have heard George Bush and lots of others expound, a lot of Republicans say, "No new taxes." So, I ask my colleagues, "How in the hell do you think that you're going to balance the budget?"

I guarantee that, if we have any one of these, we are going to have to increase taxes. There is no magic wand that is going to do it. Taxes will be increased on individuals, and they are going to be increased on the corporations and the businesses who are sending in the telegrams saying, "Don't vote for anything except Stenholm."

I can say that the programs that are going to be cut are going to be the senior citizens, going to be the veterans, health care, students, Head Start, WIC, and I say, "Hey, take your pick. Whatever you want. You're going to have to take some of them, and, if you don't do it, the courts are going to do it for you."

Yes, there is going to be a balanced budget amendment. It is going to pass, but do not bet the House, and I mean our own House, on the fact that the 38 States are going to pass it.

As my colleagues know, the total debt since 1981 is $944 billion, and that was since George Washington was in office. Today it is four times that much. And in all those years George Bush and Ronald Reagan said time and time again that the economic salvation to the country is a balanced budget.

Mr. Chairman, I cannot deny that; I cannot say that is not true. Yet in 12 years they have never once, never once ever, introduced a balanced budget to this Congress. Neither one put their guts where their mouth was, and they knew the political consequences of what was going to happen to them if they did that.

But I think what they did, they put their political career ahead of their country, and so did the Congress of the United States.

I stated before that I have an Applegate plan that I think is very good. It is a jump-start plan which will help to get things going, and I think it is common sense, and, if we could pass these programs, there is going to be very little left that we really will have to do, and we do not need the balanced budget amendment to do it.

□ 1420

First of all, No. 1, we will cut foreign aid by 60 percent. That is good. Then we are going to change the trade laws and stop the unnecessary exporting of our jobs and our businesses overseas, give American businesses access to the world trade markets, and put jobs back in the country and have those people pay taxes. So that we are going to resurrect American industries through tax incentives. That means we are going to spend a little bit of money to make money, but we have to do it to offset foregin subsidies.

Reduced defense. None of you defense-minded guys are going to like this, but I say we can reduce it by $100 billion in 5 years.

Then we are going to collect all of the back taxes from all of the deadbeats that have refused to pay their taxes to the U.S. Government, and then we are going to collect all of the money from the defaulted loans from individuals and foreign countries.

Then we are going to tax all of the foreign corporations who do business in the United States who get off the hook.

Then we are going to cut waste, cut fat out of all of these Federal agencies, and save many billions of dollars.

Last, we are going to stop selling America, stop selling our farms, our timber, our manufacturing plants, and stop sending everything out of the country. We will put people back to work and we will have the taxes to balance this budget.

Mr. FISH. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in opposition to the Gephardt amendment and in strong support of the Stenholm amendment. I would like to make three points.

First, a balanced budget amendment to the constitution only incorporates basic, sound fiscal principles into our founding document. I believe such an amendment merely reflects the assumptions of our founding fathers. They believed government could not spend revenues it did not have. I hope passage of this amendment will assure just that.

Second, we are here today because this House does not obey the laws it makes. This very week many who now rail against a balanced budget amendment voted to provide new benefits to the unemployed, and not pay for them in the year the money is spent. Furthermore, the House did this by breaking the law. Now, the House is much too smart to openly break the law, but waiving our own budget law amounts to the same thing.

This is an important point. We have a law now that requires that new expenditures be backed by the money to pay for them in the year the expenditures are made. That's the law. Earlier this week many of you voted to suspend this law, so we could legally break it. The sad truth is that this House needs a constitutional requirement for a balanced budget because it routinely breaks the laws that require balancing new spending with new revenues.

Will the Gephardt amendment provide the discipline? Not likely, because it allows its waiver whenever there is "urgent need." Just look at the long line of spending bills currently lined up to march through the loophole of the emergency provisions of our pay-as-you-go law that came out of the budget summit agreement. Look at the halls outside this chamber lined with lobbyists who know perfectly well that if we slow deficit spending, their interests will have to compete with others and demonstrate their importance to the national interest. Currently, only President Bush's stalwart veto has prevented a real surge of spending as the election nears even with our current balanced budget laws. The weak provisions of the Gephardt amendment will not alter this game.

But what will be the consequences of a balanced budget amendment? That is the question worrying many, including our seniors. I believe the consequences will be positive.

First, a balanced budget amendment will give us all good reason to adopt policies that will help the economy grow. Remember all the studies we did in the 1980's on how to make America more competitive? Every study came up with roughly the same dozen or so proposals, to help business compete and expand, but each offended some interest groups so we could never act on most of them. Just this week the Republicans were denied the right to offer a package to stimulate the economy and produce the very jobs that will reduce unemployment. On most of them with a balanced budget amendment, economic growth will be essential to produce the revenues necessary to solve today's problems. With a balanced budget amendment Congress will finally focus effectively on economic growth policies.

Second, a balanced budget amendment will force us to pay attention to early warning signs of big financial trouble. We could have avoided much of the health care crisis now facing us, if we had had to address the cost drives in Medicare, instead of nationally micromanaging prices to get a few bucks here and there to spend elsewhere or mask our sky-rocketing budget deficit. This year, as we spend $40 billion of Medicare's $100 billion on last month of life care, we have held no hearing and done no work on how we can responsibly prevent this hemorrhage of limited resources on non-health restoring care. Yet in 8½ years Medicare will probably cost more than any defense budget in our history. The Congress can duck the big problems now because quietly, it just absorbs the loss in the growing deficit.

Will the Stenholm amendment endanger Social Security? Absolutely not. Not unless the Members of Congress vote to change the law and this is certainly one Member of Congress that will not let the retirement security of our seniors be eroded. And frankly, I don't know a Member of this body that is not truly and honestly committed to Social Security benefits and the integrity of the Social Security System.

Mr. Chairman, I say to my colleagues, that a balanced budget amendment will merely restore fiscal discipline to Congress's management of our citizen's tax dollars.

We will care more about economic growth.

We will face the tough decisions in a timely fashion before the costs overwhelm our resources and damage other needed programs. In fact, we know far better than our constituents the special interests the House will have to take on if we pass a balanced budget amendment * * * but we also know we'll sleep far better. Seniors will be more secure. Taxpayers will regain their confidence in democracy. Children will have a future of opportunity.

I ask my colleagues, to oppose the Gephardt amendment and support the Stenholm amendment. We all know the vote on the Stenholm amendment is the only serious balanced budget vote. Because it is identical to the Senate bill, it will not go to conference and so cannot be stopped by a few powerful men. This time, let the people win.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair would like to advise Members controlling the debate time that the gentleman from Missouri [Mr. GEPHARDT] has 17 minutes remaining, the gentleman from New York [Mr. FISH] has 10½ minutes remaining, and the gentleman from Texas [Mr. STENHOLM] has 13 minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise not in opposition to any of these amendments, but in support of the Stenholm balanced budget amendment. This is the true balanced budget amendment that our Nation needs to put our fiscal house in order. No one has a greater commitment to the future of America than CHARLIE STENHOLM and it has been a pleasure working with him all these years. We believe the time has come to get our Government on the right track.

When I speak to my constituents about the deficit, I try to explain that the American people and Members of Congress want to reduce the deficit, but at the same time do not want a reduction in Government programs. We all know that something must give.

The Stenholm balanced budget amendment will provide the stick to see that the tough decisions are made to reduce our deficit. This is not an easy vote, but we must stand up now for the sake of our Nation's fiscal future and get us out of the sea of red ink.

As I watched my daughter graduate from college yesterday, I realized that our Nation has not had a balanced budget during her lifetime. Much has been said about leaving this debt for future generations to bear. We must correct this injustice. We simply cannot afford to mortgage the future of our young people.

This constitutional amendment for our fiscal future is a necessity if there ever was one. The times demand it. We cannot continue to go on the way we are going. We must not think about special interests or what might happen when tougher votes follow. The American people sent us here to do what has to be done and they deserve our devotion to duty.

I urge my colleagues to put aside the bickering over how to reduce the deficit and agree that we absolutely must balance our budget. Vote for the Stenholm balanced budget amendment and for this Nation's fiscal recovery.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I believe that this is a very important day in the history of our country. I would like to support a constitutional amendment to limit the deficit of our country; but I have a problem with the distinguished majority leader's version. It is a sincere problem, and I would like to express it. Indeed, I would even yield what time I might have to hear an answer, if possible.

Mr. Chairman, as I read the amendment offered by the distinguished majority leader, the President must submit a balanced budget, and it could be, let's say at 50 percent of today's spending limit. The Congress then has to deal with a budget of, let's say, 50 percent of today's spending limit, and they decide they just cannot do it, we are going to have to spend some more.

As I read the amendment offered by the distinguished majority leader, they are not empowered to do it. Even two-thirds of the House and two-thirds of the Senate are not empowered to do it, because they cannot do anything except approve a Presidential declaration of national urgency.

The only way to go above the expenditure limit is if the President first puts in that declaration of national urgency and then the Congress comes back and approves it. That is where the gentleman from Missouri [Mr. GEPHARDT] has a requirement of a majority vote on a rollcall.

If I am right in my interpretation of that, we have for the first time in over 200 years created an absolute veto. It cannot be overridden by two-thirds of the House and Senate.

We have done very well in this country these 200-plus years with this as a backstop: if the President is irresponsible, two-thirds of the House and two-thirds of the Senate can make law anyway. But as I read this, it would no longer be so.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of California. I would be pleased to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Let me simply say I think that is the strongest feature of this approach. I would urge the gentleman, because I know he is a very thoughtful person, to read the statement before the Committee on Rules by Lou Fisher of the CRS, the testimony he gave in March 1991.

□ 1430

Mr. CAMPBELL of California. Mr. Chairman, if that is the case, I would respond, I respectfully understand but this is very, very dangerous. If the gentleman's answer is, I got it right; let me just repeat for all of my colleagues, two-thirds of the Senate, two-thirds of the House cannot do what they think is right if the President decides not to issue that national declaration.

We have never done that before. It is an absolute power to the Executive. We should not do it. I cannot, in good conscience, support it.

Mr. GEPHARDT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, philosophically I am opposed to messing with the Constitution to try and solve an economic and financial problem. I talked yesterday about the need for will and political courage in the House. I want to address that because I came from a notch year correction news conference held at noon today.

I would like to call to the attention of the House that I discovered a problem. We have identified some Members, and I do not know who those Members are but I wish they would stand up when they are voting here today and identify themselves. There are 287 Members of this House that are in favor of correcting the notch inequity that came into the law when we compromised the Social Security problem. There are going to have to be 290 Members who vote to amend the Constitution. That will forever close the possibility of correcting the notch years. Let me repeat that to the notch year citizens that are listening to this program. The passage of this amendment will for all time prevent the correction of the notch years.

We discovered there has to be 143 hypocrites in this House. I am not going to identify myself as a hypocrite because I am on the notch year correction, and I am going to vote against the Stenholm amendment to the Constitution that will prevent its correction. But before my colleagues cast their vote, will they raise both of their hands today and say, I am a hypocrite on the notch year, but I am happy to be responsible on balancing the budget?

But we cannot have it both ways. And maybe that is the problem, the lack of will and courage and political guts in this House, that we are going to have 143 Members of this House prove conclusively that they are hypocrites on the notch years with the senior citizens and they are going to try and appeal to the other 70 percent of the population and say they were responsible for a balanced budget.

My colleagues, we cannot have it both ways. Please, take off the cloak of anonymity and identify yourselves. Those senior citizens and those notch year babies have a right to know that you are not going to support what you say you are supporting.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, I will vote against this and all of the proposals to amend the U.S. Constitution to require a balanced Federal budget.

What we need in order to accomplish a balanced budget is not a constitutional amendment. What we need is leadership and followership.

We desperately need leadership from the White House. The American people are crying out for leadership. On deficit reduction, we have not had leadership for 12 years.

We also need followership from Congress. If the President leads, Congress must follow. I believe it will.

With Presidential leadership on deficit elimination, a constitutional amendment is unnecessary.

Without Presidential leadership and responsible congressional action, a constitutional amendment will hardly be worth the paper it is written on. The bottom line is that simple.

Leadership is the key.

Mr. GEPHARDT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I want to say, I think this is a very, very important amendment. And I hope Members pass it because of one reason.

We have a system in this country in which irresponsibility is what is rewarded. And if we want to be responsible, we are in real trouble politically.

The only way we are going to make this work is to deal with something like the Gephardt amendment which talks about the Presidential role, and the President must have a role in this.

Think about it. If we had been in a parliamentary system for the last so many years, this Government would have fallen year, after year, after year, because we have not had a President that could bring a budget to this floor that could get anywhere close to a majority.

Therefore, they can act very irresponsibly, and that gives the Congress a very low target to hit at.

I think what the Perot phenomenon is is they are tired of us saying it is the President's fault. They are tired of the President saying it is the Congress' fault. They want to see something done about this, and as I look at these different amendments, it seems to me that the Gephardt amendment is the one that says "Both have to deal." And until we get both dealing, I do not think we are going to have anything come out the other side.

I have never been for constitutional amendments for this. I do not think one runs to the Constitution every single time there is a problem, that it is supposed to be a large generic document. But this is the first year I have finally decided something absolutely must be done. But while we stand up, we must not stampede. We must not totally stampede this institution or the Constitution.

I think that the substitute we are talking about here is the one that is best written. It is the one that keeps the two branches of government in the loop. We must realize that the Office of Management and Budget and the President is still the chief fiscal officer of this Government. If we do not like that, we ought to change that.

But to give them that power and not give them any responsibility will never solve the problem.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Chairman, I cannot think of any more clear evidence of the demoralization of the Democratic leadership of this House than the Gephardt proposal. It is not the President of the United States, it is not the Senate of the United States, it is not the Supreme Court which under our Constitution has the primary authority to deal with fiscal matters.

Under our Constitution, all revenue bills must originate in this House and, by long tradition, all appropriation bills originate in this House.

But rather than assume the responsibility which the Constitution and long tradition have imposed on this body to shape the fiscal course of the Nation, the Democratic leadership now proposes to give away our historical constitutional powers to the executive branch, as the gentleman from California has described.

I think that shows that the Democrats, after 38 years of control of this House, have simply lost the ability to govern and to fulfill the constitutional responsibilities and the historic responsibilities that this House has.

Giving away our powers to the executive branch is not the answer. Exercising those powers, responding to our responsibilities under the Constitution and our historical traditions is the way to deal with the deficit.

And if the Democratic leadership is not prepared to do that, I think it is time for the Nation to change that leadership and give others with more responsibility that opportunity.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair would advise Members controlling debate time that the gentleman from Missouri [Mr. GEPHARDT] has 13 minutes remaining. The gentleman from New York [Mr. FISH] has 6½ minutes remaining, and the gentleman from Texas [Mr. STENHOLM] has 10 minutes remaining.

Mr. GEPHARDT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

I do rise in support of the balanced budget amendment to the Constitution of the United States. I think it is extremely important, however, that we understand what it is that we are about to do should we adopt the Gephardt amendment, the one that I support.

Mr. Chairman, today I reluctantly rise in support of a balanced budget amendment to the Constitution. Reluctant not because I disagree that as a matter of public policy a balanced budget is necessary or that a constitutional requirement for such is not desirable; but because the Stenholm amendment does not do what it claims to do. The Stenholm amendment will not balance the budget. I have long been a supporter of a balanced budget amendment. As a member of the Texas State Legislature, I operated under a constitutional requirement to maintain a balanced budget for 10 years. For 10 years, my colleagues and I did just what you and I should be doing now, that is to make the tough decisions and to establish priorities for government spending. We must balance the Federal budget and we must take the steps to balance it immediately. Today, Mr. Chairman, I rise in support of the majority leader's substitute because it is a better amendment. The Gephardt substitute is a real amendment—not just another charade, not a lie to the American people. This substitute amendment will require George Bush to finally, after 12 long years, submit a balanced budget to the Congress for consideration.

This substitute measure does not require supermajorities of votes to conduct the business of government. The supermajority provisions contained in the Stenholm amendment, which would serve only to empower the minority, are both ill-conceived and dangerous. Majority rule has prevailed in this country for 200 years, and I see no reason to change that system of government now. Majority rule lies at the very heart of democratic government. I am not willing to let the minority, particularly this minority, set fiscal policy for this country. Because we all know what sort of economic policies the minority embrace. They support the supply side, trickle down, voodoo economics of George Bush and Ronald Reagan. An economic policy which declares we can reduce government revenues and increase spending, that we can shift the tax burden from the wealthy to the working men and women of America, shift massive amounts of wealth from the middle class to the wealthiest and everything will be fine because the free market will take care of us. Well, we all now know from painful experience that that policy is a dismal failure. Now 12 years later, as we find ourselves in a seemingly unending recession, when this President is in serious political trouble, he is looking for cover in the form of an amendment which will give power to the minority. The failure of Republican economic policies over the last 12 years has brought us where we are today.

More importantly, under the Gephardt substitute Social Security will be exempted from the budget calculations under the provisions set out in the substitute. It therefore protects Social Security from possible spending cuts. Social Security is not a social welfare program. Social Security is a contract between this Government and the people of the United States, many of whom have served our country valiantly in two World Wars, people who have contributed into this system and relied upon their Government to protect their retirement benefits. The American people understand that payments into the Social Security trust fund are separate from revenue. They work hard in the fields and factories of this country to make their contributions into the Social Security trust fund; those payments should not be subject to any fiscal policy relating to our inability to balance the national budget.

Additionally, the Gephardt substitute will take effect immediately upon ratification; not in 5 or more years, but immediately. It is not enough to make a politically easy vote and then simply ignore the problem for the next 5 years. Let us make everyone who claims to support balanced budget amendments live with the consequences of the vote we will be making today. Let us vote for legislation that will take effect immediately. While the President purports to be a champion of a balanced budget amendment, he has had 12 opportunities to present a balanced budget to Congress and has yet to do so. His latest budget, submitted just a few months ago, provides for $2 trillion of new debt over the next 5 years. It is imperative to pass legislation that takes effect immediately if we are serious about reducing the debt and not simply paying the measure lip service in an election year.

Make no mistake about it, our decision today will have a lasting impact on government's ability to deal with the problems of a modern America and rapidly changing world politics. The easy vote today, the most politically attractive vote today is, of course, to vote for the Stenholm amendment. But it is the wrong vote. Why do we not start today making the tough decisions. Why do we not start today casting the tough votes and support the Gephardt substitute and defeat the Stenholm amendment. If you think government is stalemated today, if you think there is a mess, if you think that we cannot get anything done today, just wait until the Stenholm amendment becomes law. Let us not compound the mistakes of the past 12 years by tying our hands. Let us do the right thing. Let us make the tough choices. That is what we were sent here to do.

□ 1440

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL of North Carolina. Mr. Chairman, our Constitution is a document of freedom, and the first 10 amendments go even further to protect our people from damaging government action.

I've come to see this constitutional amendment to require balanced Federal budgets in much the same light as I see our first 10 amendments—as a limitation on the Government's power to harm our people.

Mr. Chairman, if we could choose one policy that would do more than any other to solve our country's economic problems, it would be to increase our level of savings. And the Federal budget deficit is the single largest dissavings in our economy.

Savings are essential if we are to generate new plant and equipment to provide new, more competitive, higher paying jobs for our people. Increased savings is the key to a prosperous future. And conversely, Mr. Chairman, hardly any policy will do more damage to our people than continued deficit spending. If not reigned in, deficit spending will turn our country into a banana republic, staggering under a load of debt, unable to compete, unable to grow and provide jobs, unable to improve education, unable to care for our environment, unable to improve health care, unable to fight drugs and crime, and unable to offer hope and opportunity for our people.

In just the last 12 years, Mr. Chairman, we have quadrupled the national debt. It took over 200 years to accumulate just under $1 trillion of debt and most of that debt was incurred during wartime. But in the last 12 years we have increased our national debt by over 400 percent to more than $4 trillion. We did so by following policies recommended by Presidents who were reputed to be the most conservative in recent times.

It is a shame that this constitutional amendment is necessary. But if we won't be fiscally responsible under a conservative President, during peacetime, when economic conditions are good, then when will we? I am convinced, Mr. Chairman, that we will not solve our budget problems without the discipline of this constitutional amendment.

Mr. Chairman, there always seem to be good reasons to increase debt. In the 1960's it was for guns and butter—to finance the Vietnam war and social programs at the same time, without increasing taxes. In the 1970's it was to avoid recession and create employment. In the 1980's it was to cut taxes and increase military spending. In the 1990's it is simply because government seems unwilling to face up to the deficit problem—an unwillingness to pay our bills. It is that unwillingness to pay for what we want, a continuing unwillingness to take the responsible view, that necessitates a constitutional amendment.

I became convinced a long time ago, even before the last 12 years of folly, that we should require the discipline of a balanced budget. In 1977, I first introduced a balanced budget amendment, one that I think is superior to what we're considering here today, because of its simplicity and its consistency with the rest of the Constitution. I will not be able to offer my amendment because of the rule under which we are proceeding today. But let me point out that if we had passed such an amendment when I first offered it in 1977, this Nation would have $3 trillion less in debt. But, better late than never and definitely better the Stenholm approved than nothing. We can spare ourselves and our children, and our grandchildren a lot of debt and agony if we pass the amendment before us today.

My version of an amendment House Joint Resolution 25, says quite simply:

> Except in cases of national emergency, as determined by a three fifths vote of the Congress, expenditures of the United States government in fiscal year shall not exceed its revenues for that fiscal year.

This is a broad statement of principle, consistent with other amendments to the Constitution. It's clear and easy to understand. It's not a complicated formula, and it provides for much needed flexibility if there is a war, recession, disaster, or other national emergency. Under this approach, a balanced budget would be required, but Congress and the administration would be able to deal with any true national crisis. I like it better than the Stenholm version but its really not very different.

In essence, both amendments would make it more difficult for us to spend and would require us to choose. That is really what a Constitutional amendment to stop deficit spending is all about—a requirement that we establish priorities and choose. We would set limits and then decide in our democratic way how to spend a limited pot of money.

Mr. Chairman, in addition to House Joint Resolution 25, I have also introduced House Joint Resolution 26. House Joint Resolution 26 includes the same language as House Joint Resolution 25, but also limits spending to no more than 20 percent of the gross national product. The 20-percent limitation also could be waived in a national emergency, as determined by the Congress.

The 20-percent cap commits us to at least an 80-percent private sector economy. I know that this is a little arbitrary, but for a long period of time, from after World War II, for about 20 years, we had generous social programs and paid for much of two wars, and yet Federal Government spending never exceeded 20 percent of the gross national product.

Our economic strength and jobs are essentially derived from our private sector. It is our strength and we should maintain a commitment to it. Incidently, if spending is not allowed to exceed 20 percent of gross national product, taxes should not exceed that amount either, so this approach would automatically have the effect of capping taxes.

I think this concept of a commitment to a private sector economy is as important as a commitment to a balanced budget. We could have a balanced budget with government taking and spending half, or 60 or 75 percent, of the gross national product, and that certainly would not be a desirable outcome. I think that political pressures will hold Federal spending to some reasonable level over time, but I believe this 20-percent limit would be a most valuable one and I wish we could have adopted it today.

If we had passed an amendment in 1977 we also would not have to be spending about $240 billion a year to pay interest on the new debt that we've accumulated under the Republican economic plan. This debt is like a whole new government program; the interest payments are the third largest item in the budget—after defense and Social Security. This new program is totally nonproductive and devours revenue that should go to other national priorities such as education, health care, and the environment.

Mr. Chairman, I would now like to deal with some of the criticisms raised by our colleagues regarding this proposed constitutional amendment. First, the argument that all we need are laws, that a constitutional amendment is not needed. We should all know by now that laws against deficit spending are inadequate. We have passed numerous laws against deficit spending over the years, but all of these have failed because any law can be superseded by another law. Clearly, a law alone is not adequate.

Some argue that this amendment is not a good idea because it doesn't say how we will accomplish a balanced budget and doesn't contain any mechanism to enforce a balanced budget. That's correct but it is also irrelevant. Neither the first amendment guaranteeing freedom of speech and religion, and so forth nor any of the others are self-enforcing. That's up to our Government.

Of course we won't end deficits just by passing this constitutional amendment. The amendment sets national policy, but it will be up to the Congress and the President to implement that policy. Just as there are constant challenges to and debates about the constitutional amendments protecting our freedoms of speech, religion, and so on, we will have to face challenges to the balanced budget amendment. There will be attempts to evade or modify the amendment.

Mr. Chairman, we will have to work constantly to make sure that the balanced budget concept is implemented honestly. We will have to enforce this amendment by appropriate legislation. Laws will be needed to lay out procedure for developing annual budgets and one of these should require that the President submit an annual balanced budget.

Congress might have to pass other laws as well to assure that the amendment is not evaded through clever accounting or creative definitions. A new process of adopting and passing budgets might have to be developed. And Mr. Chairman, I expect the courts may eventually rule in cases affected by this amendment, at which time Congress and the President might agree that fine tuning through the legislative process is necessary.

None of these potential problems is a legitimate argument against passing the amendment.

Mr. Chairman, others have argued that passing this amendment would somehow violate the spirit of our Founding Fathers, that the Founding Fathers would not have wanted any economic ideas in the Constitution, that we would trivialize our Constitution by adding this constraint.

Not so, Mr. Chairman, I did a little research to determine what the Founding Fathers had to say on this subject. I quickly found that the men most active in writing our Declaration of Independence, Constitution, and Bill of Rights looked favorably on the kind of amendment we are considering today. The Founding Fathers would be appalled by our Government's financial mess and probably would regret not having included a balanced budget provision in the Constitution.

Let us consider these words of advice from the Founding Fathers:

THOMAS JEFFERSON

"I wish it were possible to obtain a single amendment to our constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its constitution; I mean an additional article, taking from the federal government the power of borrowing."—letter to John Taylor, 1798.

"I place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared."—letter to Governor Plumer, 1816.

"I am for applying all the possible savings of the public revenue to the discharge of the national debt."—letter to Elbridge Gerry, 1799.

"To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude."—letter to Samuel Kerchival, 1816.

"There does not exist an engine so corruptive of the government and so demoralizing of the nation as a public debt. It will bring on us more ruin at home than all the enemies abroad* * *"—letter to Nathaniel Macon, 1821.

GEORGE WASHINGTON

"Avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear."—Farewell Address, 1796.

JAMES MADISON

"I go on the principle that a public debt is a public curse, and in a republican government a greater curse than in any other."—letter to Henry Lee, 1790.

Yes, Mr. Chairman, the Founding Fathers knew well the dangers of public debt. They would not find fault with what we are doing here. In fact, they probably would scold us for not doing it sooner, for letting ourselves get in this mess.

Mr. Chairman, by adding a balanced budget amendment we will help protect our citizens from irresponsible government—from fiscal policies that, if not checked, will bankrupt our country and rob us of our economic potential and freedom. It is essential that we pass this amendment today.

Mr. GEPHARDT. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, on August 14, 1935, when he signed the Social Security Act, President Franklin Roosevelt said this:

> We can never insure 100 percent of the population against 100 percent of the hazards and vicissitudes of life. (B)ut we have tried to frame a law which will give some measure of protection to the average citizen and his family * * * against poverty-ridden old age.

This program, in good times and in bad, in peacetime, and in war, has been the most successful, most effective and most popular social program enacted by this Government in our history.

Uniquely, among the arsenal of Federal efforts, Social Security is running a surplus and doing its job.

In its very first budget, the Reagan-Bush administration asked for $20 billion in Social Security cuts. These were the cuts that became law in the Omnibus Budget Reconciliation Act of 1981. The minimum benefit was eliminated, and death benefits were trimmed back. None of the savings were dedicated to the solvency of the system; all were claimed for deficit reduction.

Now, $3 trillion in Federal debt later, in a year the Federal Government will spend $400 billion more than it will take in, the supporters of the Stenholm amendment say we can balance the Federal budget without touching Social Security.

If that argument is correct, and I believe it is, there is every reason to write into the balanced budget amendment to the Constitution an exemption for Social Security, and every reason to be concerned about an amendment that is silent on this issue, in view of what occurred a little more than a decade ago.

The fundamental difference between the Gephardt-Obey-Bonior amendment and the Stenholm amendment is that our resolution specifically protects Social Security and the Stenholm amendment is silent and leaves it vulnerable.

There is no disagreement between the sponsors of the amendments voted on today over whether the budget should be balanced.

Yes; we will still need enforcement tools, and the will to make the difficult decisions. But we will also need the moral authority of the Constitution to buttress and reinforce our efforts to get control over deficit spending.

So our amendment requires the President to submit a balanced budget every fiscal year. Although Presidents Reagan and Bush believe so much in a balanced budget, and as President Bush lobbies hard for an amendment without the Social Security exemption, neither of these Presidents in 12 years submitted a balanced budget to the Congress. Adoption of our amendment will require that this be done.

We will dispense with the annual dead on arrival exercise of political gamesmanship and require the exertion of national leadership on both ends of Pennsylvania Avenue.

Although the Congress has appropriated less than what both of these Presidents requested, our amendment prevents this body from approving any budget which spends more than the budget submitted by the President.

Our amendment acknowledges that severe emergencies may force this Government to take extraordinary measures or risk economic collapse. These circumstances may impel the President to send Congress a declaration of national urgency.

If the cause is legitimate, our response should not be encumbered by the actions of a willful minority. So our amendment preserves the concept of majority rule in adopting unbalanced budgets when they are necessary.

If a balanced budget Constitutional amendment is to be adopted, as the sponsors of this amendment believe it should, it must embody the right policy, it must require Presidential leadership, it must preserve the principle of majority rule, and it must protect Social Security. Our amendment accomplishes these ends.

I urge my colleagues—do in your heart what you know is right. Vote your conscience and for the right policy to get this important job done. Choose a path for deficit reduction that embraces good values, and that offers the best approach for a balanced budget and a just society. I urge adoption of the pending amendment.

□ 1450

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am going to provide reluctant support for the Stenholm amendment, but I will rise in vigorous opposition to the Gephardt balanced budget alternative, because this proposal is the epitome of how we should not proceed in the discussions on balancing the budget.

Attempts to fence off heretofore sacrosanct programs such as Social Security from budget calculations are exactly what has caused us to reach the sorry impasse that now requires a constitutional remedy for what statutes could not fix. And if we support Gephardt today, we are basically taking what is already a fairly cynical exercise and imbuing it with a hypocrisy which is unworthy of this debate.

I did not support the Barton amendment because I do not think you can take taxes off the table if you are going to try and solve a $400 billion deficit problem. And simultaneously, you cannot take entitlements off the table if we are serious about enforcing the mechanism we hope to pass today. In the last few days, if you are like me, you have received many calls from seniors terrified that what is going to happen is that they will be impoverished by deep cuts in Social Security because of this balanced budget amendment. These politically generated horror stories are speaking volumes about the need for a constitutional amendment, a mechanism that does not prefer one program over another.

Let us replace that politically motivated horror story with a real one. Today, one in every five children in America lives in poverty, yet 60 percent of all Federal spending goes to just 12 percent of our population, the elderly. The elderly in America have the highest amount of discretionary income of any demographic group. In 1991, however, we spent $4.6 billion providing Medicare benefits to households with incomes over $100,000 or more. Of the $1.78 trillion the Federal Government spent in 1989, $339 billion or about 28 percent went to people over 65—nearly all of it distributed in nonmeans tested programs. But in contrast, children received only $47 billion or about 4 percent of total Federal spending, and almost every one of those programs is means tested. Means tested, Mr. Chairman, for people who have no possible means of income.

If you support this amendment, if you support this version, you are not just pitting entitlements against discretionary spending, as did Gramm-Rudman. You pit entitlements against each other. You pit Social Security against Medicare. But what you are really doing is pitting grandparents against grandchildren. That is an intergenerational war which nobody wants, and nobody can win.

Vote "no".

Mr. GEPHARDT. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of the Gephardt-Obey amendment.

Mr. Chairman, the concern for the specifics of a deficit reduction plan apply whether a balanced budget amendment is passed or not—unless you believe that the continued massive deficits are sustainable over the long term. The grim reality of an explosion of interest payment liability has already resulted in a budget that applies more money to paying off bonds to the wealthy than is contained in the entire discretionary portion of the Federal budget. This liability is not only threatening to tie Congress' hands for all time relative to developing new responses to domestic problems, but constitutes world history's greatest transfer of wealth from working people to the affluent.

Since health care cost increases are combining with interest payment increases as the engine pushing higher budget deficits, it appears to me that a balanced budget approach will virtually mandate an aggressive national program of health care and cost containment.

Keynesian economics is supposed to involve governmental deficits during times of economic recession. We have been creating huge deficits during times of economic growth and now find the budget so strapped that meaningful pump priming from the Federal budget is impossible. The balance between revenue and operating budgets has to be restored to make future Keynesian initiatives possible. Further, the amendment being considered allows deficit spending with a 60-percent vote—the same vote that is required in the Senate for cloture. The House will have to live with voting requirements that have always existed in the Senate, but that shouldn't prove impossible.

Implementation of a balanced budget will likely involve a combination of tax increases, means testing of entitlements, and program cuts. It must include an aggressive health care cost containment plan.

I sometimes have the impression that some of the people who speak in opposition to a balanced budget amendment are not really so concerned with the Constitution as they are worried about actually having to terminate a $400 billion per year addiction to public debt. Withdrawal from addiction is always painful, but for the sake of preserving the Federal Government's ability to deal with social problems of the future, it is essential that we begin the process now.

Greater leadership from the White House and Congress would have been far preferable to an amendment, and there is assurance that an amendment will work significantly better than Gramm-Rudman or the 1990 bipartisan budget plan. Nonetheless, I support efforts to impose on elected officials a need to make clear choices, and on American public to recognize that the Reaganomic have your cake and eat it too days are over.

Mr. GEPHARDT. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I come to the well today not opposed to a constitutional amendment. I can support the amendment offered by the gentleman from Wisconsin [Mr. OBEY], because I believe it provides the flexibility needed for us to face up to our fiscal emergencies, and because I think it does provide for a shared responsibility between the executive and the legislative branch. And I am going to be among I guess many who will admit that when the Budget Act of 1974 was adopted we left the Executive out of the process.

The President today is not accountable really. He sends a package up here, and it is either dead on arrival or ignored by his own administration. We need to bring the Executive into the process. But we need to do it on a fair and equitable basis, and the Obey resolution does that. It gives the President the burden and the glory, if he can succeed in submitting a balanced budget. And it makes him play a role that I think we have long neglected.

But it also forces us to face up to our responsibilities and to vote up or down every year if we are not prepared to pass a balanced budget.

We need in this process more accountability. We do not need supermajorities that cause us to spend more money to induce the minority into coalition politics so in fact we can do our business.

I come from the State of California which is in constant gridlock because it requires more than a majority to pass any kind of funding, whether it is taxes or spending increases, the State budget, what have you. We do not need to go down the road toward further gridlock. We need to be working back toward accountability so that the majority can rule, and if it does not do the work of the people, it is more easily identified and thrown out of office.

The public understands that we have not been making the tough decisions. It seems to me the best way to make sure that in the future they can tell who has been doing the job is to let the majority rule, and if they fail, let them pay the price.

It seems to me that the Obey resolution does preserve that very important principle, and I urge my colleagues who believe it is time for a constitutional amendment to balance the budget to take that fair and equitable solution.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARCHER], the ranking Republican on the Committee on Ways and Means.

Mr. ARCHER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would say to my colleagues that in my opinion, this moment, this week, is historic for this country. We will probably not make a more important decision in our congressional lives as to whether we keep this democracy under the framework of a constitutional republic or whether we jeopardize it, because we are only a 200-year-old experiment, doing rather nicely, but with no guarantee that it will go on forever.

Four hundred years before Christ, Socrates in the great Greek democracy said, "when the masses of people find they can vote themselves prosperity from the public treasury, democracy is no longer possible." How close are we to that?

And there are those who say all we need to do is embrace our responsibility as Congressmen, by simple statute. What have we been doing for the last 21, 22 years? Budget act after budget act, balanced budget act after balanced budget act, Gramm-Rudman, the Budget Enforcement Act of 1990. Where has that responsibility been exercised by a majority in Congress.

We are kidding ourselves when we talk about flexibility. Greater flexibility is not what we need. We need a discipline written into the Constitution of this country to give us a chance to survive for another 200 years. And we need it without taking major areas off of the inclusion within the mandate to debate the priorities in full, then make those decisions, tough as they are. We have done it in Texas year after year because it is in our Constitution, and it works.

But when it became clear to the Democrat leadership that we were going to have a significant chance to pass the Stenholm-Smith constitutional amendment, which has the only broad-based support on a bipartisan basis with a chance to get two-thirds of the vote, there was a concern that maybe it just might pass. And so they devised this stalking horse, the Gephardt-Obey amendment, to siphon off enough votes, and to give cover for those who do not want the discipline. It is that pure and simple.

If you want the discipline, vote against Gephardt-Obey and vote for Stenholm-Smith.

□ 1500

Mr. STENHOLM. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, as I have done many times, I rise in support of a balanced budget amendment, but I have to rise in opposition to the majority leader's amendment.

The gentleman from Missouri [Mr. GEPHARDT] is a good majority leader, but today he is wrong on this amendment.

Fourteen years ago when I first came to Congress, I stood proudly with the gentleman from Texas [Mr. STENHOLM] and six other Members and advocated a balanced budget amendment. I came to this body under unusual circumstances. My husband had died while a Member, and he was running for reelection. Within 24 hours, I was the nominee to take his place on the ballot. I was elected to represent the people of the Sixth Congressional District of Maryland.

It seems to me, as a housewife and a mother and a volunteer in my community, that you had to pay your bills. You could not spend what you did not have. If the money was not there, it did not come out of the checkbook.

How naive I was. We have continued to spend, and spend, and spend. The things that I though were true then are still true today, all except for one: spend, spend, spend. Now, 14 years later, you, my colleagues, have an opportunity to join with that original group of eight and support the Stenholm amendment.

Mr. Chairman, we can show the American people that Congress can and will address and make the hard choices. We need to defeat the Gephardt amendment.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to my friend, the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to the Gephardt amendment and in strong support of the Stenholm amendment.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, Oliver Cromwell said of the unproductive Long Parliament in 1654, "It is not fit that you sit here any longer," and with that it was dismissed. The American people, I think, should be looking to say the same thing to the House of Representatives in which I serve today.

I rise in support of the Stenholm amendment and in opposition to the Gephardt amendment.

I want to share with my colleagues and the American people that there is hope for all of us without savaging Social Security or cutting it one bit. This Member from California, a member of the Committee on the Budget, presented an alternative budget earlier this year that, would you believe, would have got us to a balanced budget by 1996 by restraining the growth in Federal spending. That is what is necessary. What is lacking in this institution is any ability to restrain growth. It would have gotten to a balanced budget not by raising anybody's taxes but by restraining growth in domestic discretionary, and in defense, and foreign aid. We would have frozen them essentially. With foreign aid, we would have cut it 25 percent. For defense, we would have cut it 5 percent for 1993. Domestic discretionary we would have frozen it for 1993, with a 2-percent raise thereafter. As to the whole host of the social welfare spending in this country, we would have let Medicare and Medicaid grow with the rate of inflation plus 2.5 percent plus the increase of new beneficiaries. It would have preserved all of the benefits for Social Security, for Federal retirement, for veterans' compensation and pensions. For other entitlements such as Food Stamps and AFDC and SSI, there would have been no changes.

One major change and one that is necessary is for us to recognize that this experiment with a dollar backed by nothing for the last 24 years should be over. We would have refinanced a good portion of the national debt with gold-backed bonds that can be sold at 2-percent interest and reduce the horrendous interest cost expense. These are the changes that are needed.

I would suggest to my colleagues that I have heard the statement made that we are in this mess because Presidents are spending more than Congress appropriates. I have an analysis here of the budget requests of President Reagan in his 8 years versus what Congress appropriated. In every year except one, Congress appropriated far more money than what President Reagan asked for.

We are in this mess not because we are undertaxed but because Congress has no fiscal discipline.

FEDERAL BUDGETS—THE PRESIDENT VERSUS CONGRESS

[Outlay dollars in billions]

Function	President's requests			Actual outlays		
	WED[1]	CBO[2]	OMB[3]	WED	CBO	OMB
Fiscal year 1982:						
National defense	188.9	188.8	186.3	185.3	185.3	185.3
Medicare	46.6	47.1	43.2	46.6	46.6	46.6
Social security	159.6	154.7	156.7	156.0	156.0	156.0
Net interest	82.6	82.5	68.4	85.0	85.0	85.0
Other	217.8	221.1	253.6	272.8	255.5	272.9
Total	695.5	695.3	708.1	745.7	728.4	745.7
Fiscal year 1983:						
National defense	221.1	221.1	220.0	209.9	209.9	209.9
Medicare	55.4	55.4	51.0	52.6	52.6	52.6
Social security	173.5	173.5	175.3	170.7	170.7	170.7
Net interest	112.5	112.5	97.1	89.8	89.9	89.9
Other	195.1	195.1	230.1	285.3	273.0	285.3
Total	757.6	757.6	773.3	808.3	796.0	808.3
Fiscal year 1984:						
National defense	245.3	245.3	245.0	227.4	227.4	227.4
Medicare	59.8	59.8	59.8	57.5	57.5	57.5
Social security	178.2	178.2	178.9	178.2	178.2	178.2
Net interest	103.2	103.2	106.3	111.1	111.1	111.1
Other	262.0	262.0	273.4	277.6	267.6	277.5
Total	848.5	848.5	863.3	851.8	841.8	851.8
Fiscal year 1985:						
National defense	272.0	272.0	272.0	252.7	251.5	252.7
Medicare	69.7	69.7	69.8	65.8	64.3	65.8
Social security	190.6	190.6	190.6	188.6	190.2	188.6
Net interest	116.1	116.1	116.1	129.4	129.4	129.4
Other	277.1	277.1	291.7	309.8	301.4	309.7
Total	925.5	925.5	940.3	946.3	936.8	946.3
Fiscal year 1986:						
National defense	285.7	285.7	285.7	273.4	273.4	273.4
Medicare	67.2	67.2	67.2	70.2	70.2	70.2
Social security	202.2	202.2	202.4	198.8	198.8	198.8
Net interest	142.6	142.6	142.6	136.0	136.0	136.0
Other	276.0	276.0	276.1	311.9	311.6	311.6
Total	973.7	973.7	973.9	990.3	989.8	989.8
	COM[4]			COM		
Fiscal year 1987:						
National defense	282.2			282.0		
Medicare	70.2			75.1		
Social security	212.2			207.4		
Net interest	148.0			138.6		
Other	281.4			300.7		
Total	994.0			1,003.8		
Fiscal year 1988:						
National defense	297.6			290.4		
Medicare	73.0			78.9		
Social security	219.4			219.3		
Net interest	139.0			151.7		
Other	295.3			323.7		
Total	1,024.3			1,064.0		
Fiscal year 1989:						
National defense	294.0			303.6		
Medicare	84.0			85.0		
Social security	233.8			232.5		
Net interest	151.8			169.1		
Other	330.6			352.4		
Total	1,094.2			1,142.6		
Fiscal year 1990:						
National defense	303.0			297		
Medicare	94.9			97		
Social security	246.7			249		
Net interest	170.1			179		
Other	337.1			380		
Total	1,151.8			1,202		

FEDERAL BUDGETS—THE PRESIDENT VERSUS CONGRESS—Continued

[Outlay dollars in billions]

Function	President's requests			Actual outlays		
	WED[1]	CBO[2]	OMB[3]	WED	CBO	OMB
Cumulative:						
National defense	2,389.8	2,389.7	2,385.8	2,316	2,315	2,316
Medicare	620.8	621.3	613.1	630	629	630
Social security	1,816.2	1,811.3	1,815.9	1,800	1,802	1,800
Net interest	1,165.9	1,165.8	1,139.3	1,186	1,186	1,186
Other	2,472.4	2,476.7	2,569.2	2,816	2,768	2,815
Total	8,465.1	8,464.8	8,523.3	8,749	8,700	8,749
Deviations fiscal year 1982—1988[6]						
National defense	−74	−75	−70			
Medicare	+9	+8	+17			
Social security	−16	−9	−16			
Net interest	+20	+20	+47			
Other	+344	+291	+246			
Total	+284	+235	+226			

[1] Rep. W.E. Dannemeyer: President's budgets as submitted (FY 82 Reagan budget sutmitted in March, 1981); actual outlays as reported.

[2] Congressional Budget Office: President's budgets as submitted, excluding off-budget programs (FFB); actual outlays (updated), excluding off-budget programs.

[3] Office of Management & Budget: original budget requests adjusted for comparable accounting (defense includes imputed accruals for military retirement, Medicare includes premiums as offsetting receipts, totals include off-budget outlays).

[4] Composite: estimates have been identical beginning in FY 1987.

[5] Estimated

[6] Actual outlays less President's requests.

I ask for an "aye" vote for the Stenholm amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN]

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, yesterday a young man from North Dakota named Rick Hieb came to see me. Rick was an astronaut on the last shuttle mission. I told Rick how I sat at home and watched transfixed when that shuttle mission ran into trouble. I sat in the evening and watched them traveling through space at 18,000 miles an hour, three of them walking in space trying to manhandle a 9,000-pound satellite. They failed twice before in the previous 2 days. Now they were out there 6 hours, walking in space at that speed, trying to get this satellite under control.

The lesson, I told him, was to all of us once again that there is no dishonor in trying and failing. There is dishonor, in my judgment, in failing to try.

That is what I worry about here today in Washington and in this Chamber. Look, we do not have a choice anymore.

I am going to vote for a constitutional amendment today. We do not have any choice about doing that. We rode straight into a box canyon and, yes, Reagan and Bush rode the lead horses, and they were proud of it, and, yes, we rode in columns of two right into the canyon behind them.

Mr. Chairman, there is simply no running room left. There is only one way out.

This country is losing its edge, it is losing its grip, it is losing in international competition, and it is losing its economic future. Some way, somehow, someone has to stand up and decide we have got to change things.

Today, Thursday, we will add $1.5 billion to the Federal debt. Our Government will spend $1.5 billion more today than we take in.

Can anyone here justify that?

If we said we spent $400 billion more this year than we had, but we cured cancer with it, I would say amen, hallelujah, that was a wonderful investment. We are not talking about that. We are talking about operating budget deficits that cripple this country's economic future. Somebody somehow has to do something about it.

Frankly, I do not want to continue serving in public office if we are servants to further slipping into the quagmire of economic decline. I want to be a part of the solution.

Will this solve the problem today? I do not know for sure. But it does create the right framework for action. I intend to vote for anything that changes what has been happening in this country, because I want this country to grow again, and I want this country to be great again.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, today I must reluctantly rise in opposition to the amendment, with all respect to my majority leader. I must disagree with him on this amendment.

We do want to include the President. We want to involve him. We want to give him more responsibility in the budget process, but we do not want a king.

Our Constitution must direct us for the next 200 years as it has the past 200 years.

There are two fatal flaws in this amendment which I believe would transfer the power of the purse from this body where it rests in the Constitution to the President. Those flaws are, first of all, we cannot act without a declaration of national urgency from the President under this amendment; and, second, under section 3, we cannot act to spend money in excess of that which the President recommends.

Now, shortsightedly that may, in fact, be a good idea. But suppose in the future we have surplus, suppose in the future this body and the Senate decide that we need to spend for education or infrastructure and we were to increase taxes to do that. We could not, if in fact the President submitted a budget with less spending. We by the Constitution would be restricted.

This amendment would transfer power of the purse to the President. I must affiliate myself with my friend, the gentleman from California. This amendment must not be passed. I must oppose it.

☐ 1510

Mr. FISH. Mr. Chairman, I yield the balance of our time to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Chairman, I would like to ask the distinguished majority leader this question.

If the President submits a horrible budget, but it happens to be balanced, does not the Gephardt amendment prevent two-thirds of the House and two-thirds of the Senate from overriding him?

Mr. Chairman, I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Chairman, the gentleman is correct in understanding that one of the efforts in our amendment is to give more responsibility to the Chief Executive for how much is spent and when and whether or not we will try to get out of the requirement that we have a balanced budget, because we feel that is the most appropriate way to go about this.

Mr. CAMPBELL of California. Reclaiming my time, Mr. Chairman, I thank the gentleman. I believe that makes the point. We must not give the President an absolute veto. Two-thirds of the Senate, two-thirds of the House, in the final analysis should have the power to express the will of the people.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, the Gephardt/Obey alternative to the balanced budget amendment is an ineffective alternative to the real balanced budget amendment, which is the Stenholm amendment.

Our distinguished majority leader, Mr. GEPHARDT, moments ago said the Gephardt/Obey alternative gives more responsibility to the President regarding deficit spending and a balanced budget.

Is it now time we in Congress should take some responsibility regarding wild, reckless Federal spending and a $4 trillion national debt?

Surely the time has come—today—when we in the U.S. House of Representatives do the responsible task and vote a two-thirds majority for a constitutional amendment which will require us to balance our Federal budget.

Our Nation is drowning in debt.

This is the time and this is the place to vote for the best way to ultimately balance the Federal budget.

Thomas Jefferson said in 1789: "The public debt is the greatest of dangers to be feared by our Government." that was true then. And now, 203 years later, it is truer than ever.

I urge my colleagues to vote "no" on Gephardt/Obey and "yes" to the Stenholm amendment.

Mr. Chairman, I include the following open letter:

THE BALANCED BUDGET
AMENDMENT COALITION,
June 5, 1992.

AN OPEN LETTER TO MEMBERS OF THE HOUSE OF REPRESENTATIVES

The undersigned organizations urge you to vote for and support the Balanced Budget Amendment, H.J. Res. 290, as introduced by Representatives Stenholm, Smith, Carper, and Snowe.

H.J. Res. 290 has broad bipartisan support (278 total house cosponsors) and certainly holds the greatest potential for House passage. in 1990, a similar amendment fell just seven votes short of the two-thirds required for passage.

The need for this Constitutional Amendment has become obvious. Last year's federal budget deficit reached a record high of $269 billion. This year's deficit is estimated at an incredible $400 billion and FY '93 is presently expected to produce a deficit in excess of $350 billion.

Together, FY '91, '92, and '93 will add a total of $1 trillion in new federal debt. This shocking achievement contrasts sharply with the fact that it took 200 years for the federal government to accumulate the first $1 trillion in national debt.

We can no longer afford to postpone the passage of an effective Constitutional restraint on federal debt. In FY '93 alone, the cost of financing a $4 trillion plus national debt will exceed $315 billion in interest payments, the largest single expenditure in the federal budget. The time for action is now.

H.J. Res. 290 is a sound amendment that has evolved through years of work by the principal sponsors. It provides the Constitutional strength to make balanced federal budgets the norm, rather than the rate exception (once in the past 30 years), and it offers the proper flexibility to deal with national emergencies.

H.J. Res. 290 is also designed to make raising federal taxes more difficult. It would require a majority of the whole number of both houses of Congress—by roll call vote—to enact any tax increase. This adds accountability as well as an appropriate focus on spending restraint.

Unless action is taken now, federal debt and deficits will continue to cripple our economy and mortgage our children's future. For those important reasons, we urge you to pass H.J. Res. 290, the Balanced Budget Amendment.

Sincerely,

National Taxpayers Union, National Cattlemen's Association, Associated Builders & Contractors, American Farm Bureau Federation, Concerned Women for America, Americans for a Balanced Budget, American Legislative Exchange Council, International Mass Retail Association, National American Wholesale Grocers Association, Independent Bakers Association, National Independent Dairy Foods Association, and Irrigation Association.

Motorcycle Industry Council, American Supply Association, American Machine Tool Distributors, and American Tax Reduction Movement.

National Lumber & Building Material Dealers Association, National Truck Equipment Association, Door & Hardware Institute, Steel Service Center Institute, American Association of Boomers, and National Grange.

U.S. Federation of Small Businesses, Associated Equipment Distributors, Beer Drinkers of America, Truck Renting and Leasing Association, American Bakers Association, National Association of Homebuilders, National Association of Plumbing-Heating-Cooling Contractors, American Subcontractors Association, Howard Jarvis Taxpayers Association (CA), Connecticut Taxpayers Committee, Alliance of California Taxpayers & Involved Voters (ACTIV), and Citizens for Limited Taxation (MA).

United Taxpayers of New Jersey, Citizens Against Higher Taxes (PA), North Carolina Taxpayers Union, Texans for Limited Taxation, National Taxpayers Union of Ohio, Iowans for Tax Relief, Hands Across New Jersey, National Taxpayers United of Illinois, Tax Accountability '92 (IL), Angry Taxpayers Action Committee (IL), Northwest Ohio (Toledo) Taxpayer Action Network, and Cleveland Taxpayer Action Network (OH).

Alameda County Waste Watchers (CA), Taxpayers United of Minnesota, Texas Association of Concerned Taxpayers (TACT), West Virginia State Taxpayers Action Network, El Paso Voters Coalition (TX), Akron Taxpayers Alliance (OH), San Jose Family Taxpayers Outreach (CA), Taxpayers United for the Michigan Constitution, Taxpayers United for Assessment Cuts (MI), Delaware Taxpayer Mobilization Corps., Floridians for Tax Relief, Macomb County Taxpayers Association (MI), Florida State Citizens Against Government Waste, Tax PAC, Inc. (NY), Westchester Taxpayers Alliance (NY), and South Carolina Association of Taxpayers.

Mr. STENHOLM. Mr. Chairman, I yield the remaining amount of my time to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, with all due respect to our distinguished and respected majority leader, I rise in opposition to his proposal and in support of the Stenholm amendment.

The proposal before us has a number of serious flaws. The most substantive serious flaw is the fact that it sets up two budgets essentially. It sets up a disciplined budget and an undisciplined budget.

On the one hand it sets up a budget that contains the spending of the United States which would achieve a balanced budget, and yet it exempts another section called Social Security.

Now, while it exempts that other budget called Social Security, it does not pin down the definition of that budget. It does not say that Social Security shall mean what Social Security means to most people in America, retirement, health care, and disability.

It does not say, for example, that the Congress of the United States could not include a whole host of other programs under the title of Social Security and thereby accomplish spending in an undisciplined budget.

In effect, this budget proposal for a balanced budget sets up on the one hand a case for discipline; on the other hand, a wide open loophole for Congress to spend as we have spent in the past, without regard to how much money we take in, without regard to how much deficit we create, without regard to how much debt we pile on future generations.

Now, there are some, and here is another serious flaw, there are some in this House who will vote for this amendment because they do not want to appear to be voting against Social Security and they like the notion that this seems to protect Social Security.

For those who want to vote that way and nevertheless still vote for the real balanced budget amendment that will be proposed before us as the king of the hill amendment, the Stenholm amendment coming up, I have no quarrel; but the problem I have with this amendment more than any other problem is that intended or not, it is a heck of a good place for people to hide. It is a heck of a good place for Members to say, "Well, I voted for a balanced budget amendment, the one that would have protected Social Security, but I didn't want to vote for that Stenholm amendment because it didn't have any language on Social Security in it," and to go home to the people of their district who want a balanced budget amendment, who want a chance to vote for one and say, "I'm sorry we didn't give you one, but I really voted for one. I voted for the Gephardt amendment to protect Social Security."

The truth is if you want to protect Social Security for Americans, we have to pass a balanced budget amendment and put some discipline in our spending. If we do not, every social program, our defense, our roads, our highways, our bridges, our hospitals, everything we do good for Americans or try to do good from this body will be in jeopardy, everything we do good.

As the interest on the Federal debt creeps up higher and higher, occupies a larger portion of our budget, drives away money we ought to have to take care of our senior citizens and our sick and our elderly and our children ought to get a good education, to put together roads and bridges and infrastructure for America and build a strong economy, as that interest eats up that money, Social Security and every program we have is threatened.

If you really want to protect Social Security, do not hide under this amendment. Do not go home and try to tell your folks you really were for a balanced budget, but you are sorry you did not get one.

Vote either for or against this amendment, I really do not care, but make sure in the end you end up voting for the only one that will be king of the hill, that will give Americans a chance to put some controls on this outrageous Federal spending and give us a chance to really protect Social Security for Americans who depend on it and who ought to have a right to depend on it in the future.

We are piling up this debt. It has got to end. It ought to end here. It ends with the adoption of the Stenholm amendment.

Mr. GEPHARDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Gephardt balanced budget amendment.

Mr. Chairman: I am for a balanced budget and believe we should get started right now. We ought to be able to meet this responsibility without amending our Constitution, but I am supporting a constitutional amendment today to make certain we live up to our responsibilities.

There is only one amendment before us today which would require action during the first year after it is adopted. That same balanced budget amendment, the Gephardt amendment, is the only amendment which would prohibit the Congress from spending more than the President requests during any budget year.

The Gephardt balanced budget amendment is the only amendment which protects our Social Security system by recognizing that the Social Security trust fund, which is operating at a surplus, should not be subject to constitutionally required reductions because we spend money somewhere else.

The other proposed amendments before us today have serious flaws. They all make distinctions in the size of the vote required to spend money. A simple majority can send aid to Russia in the interest of our national security, but it would take a supermajority of 60 percent of the Members of the House and Senate to approve relief for earthquake victims in California, or flood relief in Arkansas.

The alternative measure would not become effective before 1998. I cannot support an amendment which once again shifts responsibility to future Congresses. We should be bound today by whatever limits we impose on the future, and our goal of a balanced budget will be advanced by adopting the Gephardt balanced budget amendment.

Mr. GEPHARDT. Mr. Chairman, I yield the balance of our time to the gentleman from Illinois [Mr. ROSTENKOWSKI], the distinguished chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong support of House Joint Resolution 496, the Gephardt-Bonior-Rostenkowski-Obey resolution.

As chairman of the Ways and Means Committee, I have devoted much time and energy over the last 12 years to reducing the deficit. All of the major bills reported from the Committee on Ways and Means during the last decade have either reduced the deficit significantly or have been deficit neutral. The Tax Reform Act of 1986, catastrophic health insurance, the Family Support Act of 1988, and various other bills reported from the Ways and Means Committee have all been revenue neutral and adhered to the pay-as-you-go discipline. The Rostenkowski challenge, which I was proud to unveil in March 1990, was the forerunner of the 1990 budget agreement.

The need to reduce the deficit has never been greater. Our current deficit of $400 billion is now at an all-time high and is escalating rapidly. As a result, we are borrowing more and saving less. Such actions impede, rather than promote, economic growth. The standard of living of our children and grandchildren is greatly at risk if we do not get the deficit under control. This much, I hope we all can agree on.

The question, then, is how to achieve this critical goal? I am absolutely convinced that the Stenholm constitutional amendment is not the answer. Experience has taught us that it is difficult to achieve agreement on any kind of deficit reduction package whether it reduces spending or increases taxes or both. The supermajority vote required under the Stenholm proposal will paralyze this body by granting minority coalitions even more power. At the same time, the President will be absolved of nearly all responsibility for deficit reduction. In addition, any constitutional amendment will give rise to inappropriate uses of governmental mandates or other forms of off-budget spending or accounting gimmicks.

I have served in Congress under eight different Presidents. In the last 12 years, the debt held by the public has quadrupled from $700 billion when Jimmy Carter left the White House to $4 trillion today. The huge deficits and increases in public debt are due to the lack of Presidential leadership evidenced by the fact that deficit reduction has never been a priority of either the Reagan or Bush administrations. Never once in 12 years has either President Reagan or President Bush ever submitted a balanced budget to Congress for its consideration.

However, this lack of Presidential leadership should not stampede us into making deficit-cutting legislation more difficult to pass, as the Stenholm amendment would do, or turning over critical questions of enforcement to either the executive or judicial branches of Government.

I support the Gephardt substitute as the lesser of evils. In my opinion, the appropriate way to reduce the deficit—one that worked for over 200 years—is for the President to lead the country and for the Congress to enact spending and tax policies that produce a balanced budget.

Unfortunately, the runaway deficit makes that task an extremely painful one today. But procedural or constitutional mandates cannot alone produce a balanced budget. Difficult and painful choices must be made by elected officials—who are both representatives of and accountable to the American people.

I fear, however, that many Members will claim that, by voting for a balanced budget constitutional amendment, they have voted to reduce the deficit. Nothing could be farther from reality.

I cannot stand idly by and watch Members of this Congress pretend to be for fiscal discipline and a balanced budget, while repeatedly sponsoring bills and signing discharge petitions that would bring bills to this floor that would add billions of dollars to the deficit.

Our colleague from California, Mr. PANETTA, and the Budget Committee have produced a variety of scenarios that could lead to a balanced budget. They have provided a valuable service to this House and the American people by presenting the tough choices that would have to be made to achieve a balanced budget. Let me provide three examples of my own. First, to eliminate the deficit by 1997, corporate and individual income tax rates would have to be raised by 6 percent; itemized deductions would have to be cut by 30 percent; the tax on Social Security benefits would have to be increased, as would cigarette taxes, alcohol taxes, and energy taxes. As an alternative, in order to eliminate the deficit by 1997 with an entirely new revenue source in addition to all existing taxes, we would have to impose a value-added tax at a rate of 20 percent.

Finally, for those of you who think we should balance the budget solely by cutting spending, let me explain its implications: Defense would have to be cut by another 20 percent; all nondefense discretionary spending would have to be frozen for 5 years, as would COLA's and Medicare provider payments. In addition, the Medicaid matching rate would have to be reduced by 21 percentage points; Veterans Disability Program and agricultural subsidies cut; and various fees for hydroelectric power, grazing fees, water, and recreation increased.

Obviously, any of these options as well as those of Mr. PANETTA will be very difficult to achieve. But make no mistake about it. If a balanced budget amendment is passed by the necessary two-thirds vote of the Congress and ratified by the necessary three-fourths of the States, painful options such as those I have described will be brought to the floor of this House for votes.

The time has come to stop passing the buck. If you are prepared to support a balanced budget amendment today, you must also be prepared to make the difficult choices and cast the difficult votes to reduce the deficit when the implementation bills are brought to this floor. You will not be able to deceive your constituents and the American public—and you shouldn't deceive yourselves.

I support the leadership substitute for two reasons. First, the substitute would expressly exclude Social Security from the balanced budget requirement and shield the program from mindless and heartless reductions. Second, the substitute would also maintain the principle of majority rule.

Social Security is not running a deficit—the rest of the Government is. Social Security is fully financed. In fact, it is running a surplus. It does not make sense to cut Social Security benefits when the deficit spending is being done by the rest of Government.

In addition, the leadership substitute eliminates a vote on the most objectionable feature of the Stenholm amendment: The three-fifths majority that would be required to increase the deficit or the debt limit. In effect, elimination of this provision would prevent any minority coalition from easily obstructing the will of the majority. It would prevent minority coalitions from blocking responsible economic stabilization in times of recessions, and spending that may be necessary to avoid disruption of public services or entitlement payments.

Mr. Chairman, for all these reasons, I urge my colleagues to support the leadership amendment.

Mr. KLECZKA. Mr. Chairman, I rise in support of the Gephardt-Obey constitutional amendment to balance the Federal budget. I supported a balanced budget amendment in the 101st Congress. It did not pass the House.

As you know, there are several alternatives to provide for a constitutional budget. One would effectively prevent tax increases to help balance the budget. Another requires 6-percent supermajorities to deficit spend. Both are too restrictive because both hamstring our ability to provide the balanced budget the American people request.

The Gephardt-Obey substitute is a well-thought out plan. It is more responsible than the other proposals. It recognizes the sacrifices required to reach a balanced budget must be shared fairly. It allows a majority in Congress to approve tax changes or deficit spend if necessary.

On spending, under House Joint Resolution 290, the majority does not rule unless there is a declaration of war. Economic emergencies or recessions would be worsened by the restraints contained in this plan. We may not be able to provide unemployment benefits for those laid off in recessions, or food or heating assistance for children put into poverty.

The Gephardt-Obey amendment establishes a procedure for the President to respond to economic distress. He could sign a declaration of economic urgency to make adjustments which unbalance the budget.

On taxes, the Gephardt-Obey substitute allows additional revenue to be prescribed by the majority, and its enforcement plan would spread the burden among the income classes.

Mr. Chairman, we are here to try to undo over two decades of deficits. Our last balanced budget was achieved in fiscal year 1969. Reversing this course will be a formidable task. One can draw an analogy to the courageous firefighters in Kuwait who capped oil wells raging in flames. They had to have the tools necessary to perform the unpleasant but critical task. The Gephardt-Obey substitute ensures Congress has the tools it needs to do its job, which may also be unpleasant, but critical to our economy and standard of living.

Some say all we have to do is reduce spending, and only spending. With that in mind, note the Congressional Budget Office estimated that some $600 billion in deficit reduction is needed to prepare for a balanced budget. To put this amount in perspective, $600 billion in reduced spending would require elimination of all transportation funding for 18 years—18 years. True, spending cuts can be spread out among programs. Take our largest discretionary expenditure—defense. To prepare for this deficit reduction, all defense funding would have to be completely killed for 2 full years. No troops. No transport. No national security. That is the magnitude of the task. The Gephardt-Obey substitute allows the majority to achieve deficit reduction with all available options, not just reduced spending.

The Gephardt-Obey substitute also correctly separates Social Security receipts and expenditures from budget calculations. Social Security is social insurance. It is self-financed with payroll contributions into a trust fund, and benefits are paid from this trust fund. Its separate outlays are funded by separate payroll taxes, so it should continue to be separate from other budget items. Our Nation's elderly paid into this system. The Gephardt-Obey plan ensures benefits will be there for them.

Another concern with the other proposals is the 60-percent votes on revenue or spending. This is very significant. It puts the will of the House in the hands of a minority. While a majority of the House is 218 Members, a 60-percent supermajority is 261 members. In other words, only 43 Members of the House will control the destiny of legislation in the House. That is 9 percent of the membership of this body. This minority rule would put a stranglehold on the will of the House.

Clearly, we need to have the tools to balance the budget, to ensure the integrity of Social Security, and to protect majority rule in our legislative body. I urge my colleagues to join in support of the Gephardt-Obey substitute for a balanced budget.

Mr. CHANDLER. Mr. Chairman, I rise in opposition to the Gephardt substitute to the balanced budget amendment.

Today's up or down vote on the balanced budget amendment is a rare opportunity for Congress to show the people of America that Washington is listening.

But, last week, we learned that old time, business as usual politics, would taint this debate in the form of legislation to provide political cover for the big spenders who oppose the balanced budget amendment.

The Gephardt substitute is a crass political maneuver. It is a political trick trotted out by politicians worried about their jobs. With defeat imminent, the big spenders have resorted to Chicken Little tactics in an attempt to scare senior citizens.

Scaring older Americans by telling them their Social Security benefits are at risk is a desperate attempt by the big spenders to run from tough choices and keep the pork flowing.

I find such political tricks deplorable. We should be able to debate the merits of the balanced budget amendment without resorting to shameless maneuvers that denigrate the overwhelming majority of Americans who demand that we adopt this amendment.

I urge my colleagues to vote against business as usual. I urge my colleagues to reject crass political maneuvers. Vote against the Gephardt substitute.

Mr. CUNNINGHAM. Mr. Chairman, after listening to this debate, I am left with the impression that some Members just do not get it. When the American people are crying for action and change here in Washington, some Members think that we can go through the usual charades, avoid action, and blame the White House for everything.

Well, Mr. Chairman, it won't wash this time. The Gephardt amendment before us is hollow. It finally became clear that the House would work its will on this issue. Despite the public opposition of the Democratic leadership, we are voting on this today because a majority of members are saying, enough. This House and the American people know that the Gephardt amendment won't do what it's supposed to do.

Why does the Democratic leadership oppose the Stenholm balanced budget amendment? It's simple—this will take away the power to spend and spend. It will put a brake on the practice of doling out pork here and there, with no regard to the impact on the deficit of the economy.

Now, I have heard some strange comments since I arrived here in 1991, but today just may break some records. The Gephardt amendment will supposedly balance the budget, yet it relies on a simple majority. Well, Mr. Chairman, that is precisely the problem we face today. It is too easy today to spend money. And despite claims to the contrary, a meaningless amendment without a supermajority requirement won't change that.

I've heard some Members criticize the Stenholm amendment saying that it will lead to minority rule, that it will leave Congress paralyzed and hostage to the special interests. This couldn't be further from the truth. House Joint Resolution 290 will give us the power to say "no." The Stenholm amendment will simply mean that there will have to be an overwhelming need for deficit spending.

Some Members have called the Stenholm amendment dangerous. Well, obviously the American people don't see it that way. The only people who perceive a balanced budget as dangerous are those who profit from deficit spending: the special interests and the porkbarrel elite.

Years of congressional irresponsibility mean that we need some discipline. I can assure my colleagues that need will have to be demonstrated. And that is the point of the Stenholm amendment.

It is too easy to spend here today. We designate anything and everything as emergency spending. We pass meaningless statutes to reduce the deficit, then exempt every program in sight, and wonder why the deficit climbed again.

I have heard that today that the American people have no faith in Congress. Well, many Members on this side of the aisle have no faith in the majority. The Gephardt amendment is the same old Democratic song, third verse. It is more taxes and more deficit spending, just as we saw in 1986 and in 1990.

Mr. Chairman, the Stenholm amendment is the American people's check and balance against a Congress that is sadly out of touch and out of control. We need to pass this amendment and we need to clean House. I urge my colleagues to defeat the Gephardt amendment and support the real balanced budget amendment, the Stenholm amendment.

Mr. RAY. Mr. Chairman, I rise in opposition to the Gephardt amendment. This amendment would do nothing to change business as usual. Under this proposal, a simple majority in Congress could determine each year to approve an unbalanced budget, and drive us deeper in debt.

Mr. Chairman, that is what we have got now. That is why we have a $3.8 trillion debt.

Now is not the time for smokescreens or gimmicks.

Let's do something real. Let's do something that will really attack our national debt.

Mr. Chairman, I urge my colleagues to vote against the Gephardt alternative, and to vote to pass the Stenholm amendment.

Mr. MARKEY. Mr. Chairman, the last time we voted on the balanced budget amendment, I vetoed "no". That was 2 years ago, and under normal circumstances, there would be no reason to change my position now.

But these are not normal circumstances. For years we have been on a spending spree—not just with the public purse, but with our private purses as well. Our $4 trillion national debt should be viewed not just in contrast to previous national debts, but also in relation to the nearly $8.5 trillion in private debt that now hangs over our economy like a storm cloud, blocking any growth. Slowly, but surely, we are grinding to a halt.

Instead of investing in educating our children, or cleaning up toxic waste, or repairing our roads and sewers, or funding a national health care system, we make interest payments on the debt. Next year this interest alone will total $300 billion. This is a crisis. It is getting worse, not better. It demands a crises response.

So today we are seriously contemplating an amendment to the Constitution of the United States as a source of budget discipline. We have been driven to this point by a cascading series of blunders which, in my mind, have been committed by just two Presidents of the United States, Ronald Reagan and George Bush.

Now I am not saying that others have not abetted these blunders, particularly Congress. But in our constitutional system, only the President is given a national mandate. President Reagan ran for President by ridiculing President Carter's unbalanced budgets. The public believed he was sincere and gave him a mandate. President Bush did the same thing and was given the same mandate.

What did these two men do with their balanced the budget mandate?

They proposed 12 unbalanced budgets in a row, every single one of them a whopper compared to anything Jimmy Carter ever proposed.

Yes, it is true that Congress has been unsuccessful in reducing the overall deficit levels that the President has proposed. We have mighty wars over which programs should be cut and which should be saved, but all within a deficit target that is provided to us by the President. We accept that target, provided to us by the Office of Management and Budget. Every single budget target sent to us by the President has been met every single year, but we have not done the dirty work that he refuses to do.

So here we are, stuck with a $500 billion annual deficit, a national debt of $4 trillion, and an anemic economy that no longer has the vigor needed to grow out of this mess.

As a result, I have given balanced budget amendments a closer look, and I have concluded that if we adopt such an amendment, the President would be more likely to send Congress a balanced budget and the Congress would follow that lead.

But that is only half the story.

I'm under no illusions about the priorities of a Republican President that would be reflected in a balanced budget. His balanced budget will protect the wealthy and the cold war military-industrial complex from the demands of our undereducated children, of our desperate poor, of our uninsured sick, and of our decaying public infrastructure. His budget will spark the moral equivalent of war, a war between those who want to maintain the status quo and those who want to break with the cold war and begin a new era of rebuilding our domestic strength.

Nor should we harbor any illusions that this will be good for the economy any time soon. In fact, this will involve a sudden contraction of debt not unlike the contraction of lending by the banks that followed the rampant speculation of Reagan's deregulatory 1980's. That contraction has been devastating to the economy of my State. Tens of thousands of people have been thrown out of work as the national credit pendulum has swung wildly from cowboy capitalism to the credit crunch.

Therefore, while I believe that a balanced budget amendment has become necessary, I cannot support something as radical as the Stenholm amendment. This is going to be a very difficult balancing act, moving out of this valley of debt without killing the economy, and doing it in a way that is fair to all Americans. We already have enough gridlock in Congress without creating new, artificial barriers such as the supermajorities required by Stenholm.

The only way this can be done is to maintain enough flexibility that we can adjust to national emergencies as they arise, and to prevent the President from trashing the Social Security system to escape his responsibility for controlling the deficit. The Stenholm amendment, for example, would cut average Social Security benefits to the elderly by $1,000 a year.

That is why I favor the approach of the majority leader, Mr. GEPHARDT. It will force the President to propose a balanced budget, it will prevent him from raiding the Social Security system, and it will provide enough flexibility that unforeseen fiscal disasters can be addressed wisely when they arise.

I urge my colleagues to support the Gephardt amendment and to vote against the Stenholm amendment.

Mr. HUGHES. Mr. Chairman, I rise in opposition to all of the proposed constitutional amendments.

There has been a lot of debate about the causes of our current economic quagmire, and there are many. I do not think it serves any purpose for us to try to rehash what went wrong in the 1980's that brought us to where we are today. Many of us on both sides of this issue knew that the tax cuts, excessive military buildup, and inadequate financial regulation made it very likely that we would one day land in the economic crisis that we face in this country today.

Now the question is how should we move ahead—how do we create a brighter future for us and for our children. I really believe that balancing the Federal budget would be the best economic growth package that the Congress could pass. For those of you that agree with me, the next question then becomes what is the best way to balance the budget. I do not believe that the so-called balanced budget amendments before us today are the answer to that question.

Indeed, I am afraid that they are just political gimmicks—another way for Congress to claim it did something without doing anything at all. I am very concerned that these proposals will do more harm than good since they contain no mechanism for actually producing the balanced budgets that I think we all really seek. These vague and simplistic amendments might make us feel better, but they would not accomplish their stated goal.

For example, none of the proposals specifies exactly what it means. What do terms like revenues mean? Are the proceeds from issuing Treasury bonds revenues? If they are, these amendments would have no impact on the deficit at all. Other questions that need to be resolved include how we are going to deal with off-budget items.

We heard some testimony in the Judiciary Committee a number of years ago from the Congressional Research Service on what would be required to clear up these kinds of questions. They estimated that 14 to 15 pages would have to be added to the Constitution to define all of the necessary terms and rules for deciding how to treat all of the Government's various financial operation—15 pages.

If we put into the Constitution every time we had a crisis, political, social, or economic in this country, we would have a Constitution that would be 100 pages long. Can you imagine what that would do to our basic fabric, our organic law that we all revere? It would decimate it.

The Constitution provides fundamental rights and divides responsibilities among the branches of Government, a balance of power that a balanced budget amendment would destroy. Do we in Congress and do the American people really want to give the unelected Judiciary the responsibility for setting tax and spending priorities? Is that what you want to do to representative Government in this country?

There should be no question in anybody's mind, and certainly not in the minds of the American public, that the borrow-and-spend policies of the past 12 years have left our Nation mired in debt and struggling under anemic growth. The long painful recession we are experiencing now is, in my judgment, in large measure due to the irresponsible policies that we have seen of late.

Spend now and pay later is a great philosophy when you are in the now part of it. Unfortunately, we have reached the later part where we have to pay for what we spend, and we have indeed mortgaged the futures of our children and our grandchildren, and it scares me to think of all that has happened in this country.

The citizens of our country are aware of the fact that the spending binge is over and feel-good politics is no longer acceptable, but that is what we have once again. In fact, the balanced budget amendment should be named the feel-good amendment, because there is no mechanism, or even a suggestion of how to proceed, to balance the budget if Congress and the President fail to agree on a balanced budget.

The only way to deal with this problem is to make the tough choices on spending and taxes. I have heard a lot of debate today about what needs to be done and the failure of leadership, and there is enough failure to go around.

It is certainly up to the Congress to pass a budget each year, but the budget process begins, as my colleagues know on both sides of the aisle, with the President. The President submits a budget and Congress takes that document as the starting point for its own actions. Year after year, Congress passes a budget that is very close in overall spending to what the President initially proposed.

I have not seen a balanced budget submitted to Congress by any of the four Presidents who have held the office since I was first elected. I have not seen one budget submitted that was anywhere near in balance. Without leadership from the President, without the President explaining to the American people what types of painful sacrifices will be needed, it is impossible for Congress to build the consensus needed to enact a balanced budget.

It is ironic that less than 2 years after this Congress and this President agreed on a deficit reduction plan that, by the President's own estimates, will leave us with a $180 billion deficit in 1997, we hear a lot of rhetoric about putting something into the Constitution that will balance the budget by that same year. No one in this Congress was willing to propose a package of spending cuts that would balance the budget by 1997, nor would anyone propose enough tax increases to do it. What is more, many members, and the President, now say that they would not support the tax increases that bill imposed.

The 1990 budget agreement, which I opposed because it did not go far enough, is also a prime example of why we do not need to amend the Constitution. Congress has stayed within the spending guidelines of that statute, and Congress is again on a path to keep spending below the level requested by the President in his budget. Nothing in the Constitution would prevent us from passing a new law requiring smaller deficits.

For years I offered, along with Congressman HENRY HYDE, a balanced budget amendment that would require the President to submit balanced budgets to Congress each year, and prohibit Congress from even considering any budget where spending exceeds revenues, except in times of declared war or national emergency. That is a realistic way to balance the budget without tinkering with the Constitution and without having to wait years until a constitutional amendment can be ratified by the States.

Frankly, I am also disappointed that some of the proposals would take off the table any area of the budget, whether it be entitlements, military spending, or the nondefense domestic part of the budget. Every part of the budget, even taxes, must be considered if we are to succeed in the difficult task of balancing the budget.

In conclusion, Mr. Chairman, we do not need a constitutional amendment. We need to be honest with the American people about the choices before us. We cannot afford to be all things to all people. We have to focus our resources on the key investments our country needs to prosper. Do we need basic science or a superconducting super collider? Do we need highways or space stations? A domestic technology base or military bases in Europe.

By the same token, we have to focus our tax code on more efficient incentives—targeted investment incentives rather than across-the-board giveaways. We also need a through review of corporate tax breaks to make sure that incentive programs are producing economic growth in our country.

IThe keys to our success will be setting priorities, making choices, and taking the tough steps necessary to live within our means. None of the proposed amendments will help us achieve any of these goals, and I urge my colleagues to vote against them.

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The CHAIRMAN pro tempore (Mr. MFUME). All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEPHARDT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 327, not voting 4, as follows:

[Roll No. 185]

AYES—103

Abercrombie
Ackerman
Andrews (NJ)
Applegate
Aspin
Bacchus
Bevill
Bilbray
Bilirakis
Bonior
Boucher
Boxer
Browder
Brown
Bruce
Bustamante
Campbell (CO)
Carr
Chapman
Coleman (TX)
Cooper
Costello
Cox (IL)
de la Garza
DeFazio
DeLauro
Dingell
Durbin
Early
Eckart
Engel
English
Fazio
Feighan
Frost
Gaydos
Gephardt
Gibbons
Gonzalez
Gordon
Hall (TX)
Hamilton
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Jefferson
Johnson (SD)
Jones (NC)
Jontz
Kaptur
Kennedy
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LaRocco
Lipinski
Long
Manton
Markey
Mazzoli
McMillen (MD)
McNulty
Moran
Murphy
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Neal (MA)
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Obey
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Pallone
Pastor
Peterson (FL)
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Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Sangmeister
Sarpalius
Schroeder
Skaggs
Stallings
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Taylor (MS)
Thornton
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NOES—327

Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Archer
Armey
Atkins
AuCoin
Baker
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Dorgan (ND)
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Edwards (OK)
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Frank (MA)
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Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (TX)
Johnston
Jones (GA)
Kanjorski
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Lowery (CA)
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Martinez
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McMillan (NC)
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Morella
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Nowak
Nussle
Oberstar
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
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Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
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Pickett
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Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Regula
Rhodes
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Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
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Sawyer
Saxton
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Schiff
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Williams
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Anthony
Hefner
Traxler
Whitten

☐ 1542

Messrs. MARTINEZ, GILCHREST, MCDADE, KANJORSKI, and NAGLE changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM: Strike all after the word "Resolved" and insert the following:

by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposal budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 1998 or with the second fiscal year beginning after its ratification, whichever is later.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 30 minutes, and a Member opposed, the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget, will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

☐ 1550

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I rise in support of the Stenholm-Smith amendment and against fiscal irresponsibility by special interest groups.

Mr. Chairman, I rise in strong support of a constitutional amendment to force this Congress to balance the budget. We have already heard many strong arguments in favor of this proposal and I will not cover them again.

Instead, I would like to take this opportunity to point out to my colleagues that the dynamics of this debate only serve to highlight the reason we need a balanced budget amendment even more.

The public should take notice that the groups which feed the most at the public trough are screaming the loudest in opposition to a balanced budget amendment.

What are these groups afraid of?

The balanced budget amendment would force this Congress to simply set priorities.

Are these groups afraid of competition?

The big-spending, liberal special-interest groups are not interested in competing for the limited Federal taxpayers' dollars. They prefer that the Government just print more money for them to spend. Fiscal responsibility is not in their vocabulary.

These groups have always opposed cutting any waste or fat in the Government. They have no problem at all with heaping ever more debt on our children.

The balanced budget amendment has been considered several times over the last decade. And each time the liberal special interests have opposed it and chose instead to pile more debt on our children.

In 1980, each child born that year immediately inherited a debt of almost $4,000.

In 1985, because no balanced budget amendment was adopted, children that year inherited more than $7,600 in debt. Yet, still the liberal special interest groups worked hard to block passage of the amendment in 1989.

By 1990, our children were burdened with almost $12,800 in debt.

Is that enough?

Is it any wonder that young families have trouble saving money for a downpayment on a home?

Is it any wonder that the Federal Government's consumption of more than one-quarter of all of our economic activity has driven up interest rates and halted economic growth?

Economic growth increases the wealth of our country and that means an increase in the standard of living.

I ask my colleagues if saddling each new child born this year with more than $14,000 of debt is enough?

Is burdening each and every American with more than $1,000 in interest payments each year on this debt enough?

The big-spending, liberal special-interest groups say "no." They want to kill this amendment for fiscal responsibility. They want the debt for each child born in 1995 to soar to almost $20,000.

This special-interest spending has got to be controlled. The time to pass the amendment is now.

The American people are overwhelmingly in favor of Congress passing a constitutional balanced budget amendment. Yet the special interests are working overtime to abuse the will of the taxpayers.

What's worse, is that the vast majority of the money being used to lobby against the balanced budget amendment is coming from the forced dues of union workers.

Let me just take a moment of my colleagues' time to mention a list of just some of the unions who are using coerced dues from their union members to oppose the balanced budget amendment:

Amalgamated Clothing and Textile Workers Union [ACTWU].

American Federation of State, County, and Municipal Employees.

American Federation of Government Employees [AFGE].

American Federation of Teachers.

American Postal Workers Union [APWU].

International Association of Machinists and Aerospace Workers [IAMAW].

International Brotherhood of Teamsters.

International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers [IUE].

National Association of Retired Federal Employees [NARFE].

National Farmers Union.

National Council of Senior Citizens.

National Association of Social Workers.

National Education Association [NEA].

National Rural Letter Carriers' Association.

Service Employees International Union.

United Brotherhood of Carpenters and Joiners.

Union members, like all Americans, are outraged at the fiscal irresponsibility of Congress.

Union members, like all Americans, want to see a balanced budget amendment to the Constitution passed.

Unfortunately, this is just another example of union workers' money being used against their political wishes by the special-interest union bosses. Union members have a right to demand a refund of their union dues going to political causes, like opposition to the balanced budget amendment. That's their right under the Supreme Court's Beck decision.

I urge union workers to demand an end to abuse of their dues and I urge my colleagues to demand an end to fiscal irresponsibility and support the constitutional amendment to balance the budget.

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent that my time of 30 minutes be divided equally between myself and the gentleman from Oregon [Mr. SMITH] and that we be recognized alternately.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Mr. Chairman, I would like to summarize the changes made in the Stenholm substitute. It should be noted that the changes included are generally minor and technical in nature, and in no case significantly change the intent or operation of the amendment. The changes are a result of suggestions from other Members for improved language which will clarify what the intention of the amendment has always been. In addition, the changes reflect agreement with our counterparts in the other body, Senator PAUL SIMON, Senator LARRY CRAIG, and other leaders in this effort who will be offering identical language when that body considers this issue.

The changes are as follows:

The concept of using estimated receipts is moved from Section 1 to a new enforcement section stating that "Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." This allows Congress to set estimated receipts targets exactly the same way as in House Joint Resolution 290, as introduced, and also recognizes that in the regular budget process and in the implementation and enforcement of this amendment, the Budget Committees, other committees, CBO, OMB and other agencies sometimes must deal with estimated outlays and receipts in order to influence or control actual outlays and receipts; this is a simple matter recognizing the practicalities of the new budget process.

The effective date will be 1998 or the second fiscal year beginning after ratification. This simply reflect the passage of time since the introduction of the amendment and allows a reasonable phase in time for the amendment.

The waiver for times of declared war is expanded to include "any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security * * *" This is exactly the same language offered by Senator HEFLIN and was approved by the full Judiciary Committee.

I understand that there has been some misinformation being spread about this last section. This waiver only applies when U.S. forces are engaged in a shooting war. It will not, as has been suggested, allow us to waive the amendment to send money to foreign countries faced with a crisis or to spend money on a military buildup when U.S. forces are not engaged in hostilities. The substitute does not change the intent of House Joint Resolution 290, not but simply reflects the reality that U.S. forces may be engaged in a military conflict that is a real, shooting war in every respect, but for which the formality of a declaration is missing.

I would again emphasize that no substantial change is created by these improvements in language. All materials explaining the impact of the amendment which I have distributed previously remain valid and relevant. Those of us who have long supported House Joint Resolution 290 appreciate all input we received into these changes and feel that a stronger constitutional proposal has resulted.

I urge our colleagues to support the Stenholm substitute and vote for final passage of the balanced budget constitutional amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, among our Constitution's great contributions is that it protects the basic rights of our people from each other and from their government. Now that great contribution continues. To assure that no generation of Americans has the right to pass its own financial burdens forward, we consider the balanced budget amendment to the Constitution.

In previous years I have always opposed this effort. I believed that financial responsibility, lost during the Reagan years, would be restored without constitutional change. In good faith, I can no longer maintain that belief.

A conspiracy of irresponsibility between succeeding Presidents, the Congress and current generations of Americans must be broken. Future generations must be protected.

This is the moment to take a stand. It invites years of difficult choices and real pain, but it is right. It is responsible. It is time to begin restoring financial sanity to America.

The Stenholm balanced budget amendment offers this choice. It is right. I urge my colleagues today to take a stand for the future and protect future generations.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, as a primary cosponsor of the Stenholm amendment, I rise today in support. We all recognize that amending the Constitution is a serious undertaking, but the time has come not to allow this and future Congresses and Presidents to blithely continue wayward fiscal practices. This amendment will require the President and the Congress to govern responsibly. It is the only vehicle before us that will guarantee that a balanced budget will be the rule rather than the exception.

The real strength of this amendment is that it requires a three-fifths majority vote to incur a deficit. Without such a requirement, a simple majority will be able to override the constitutional directive to balance a budget and reduce these provisions to a mere constitutional suggestion.

To allow a majority in Congress to continue deficit spending is nothing more than the status quo. That is what makes the three-fifths requirement in this amendment an imperative.

If the economic circumstances are not sufficient to generate bipartisan support of three-fifths of each House to create a deficit, then, in my view, the budget ought to be balanced.

The issue is very simple. Except in extraordinary times, a balanced budget should be the norm. The States have to balance their budgets under any circumstances. But we recognize that we have macroeconomic considerations, and that is why we have the three-fifths supermajority in the amendment.

At its very essence, this amendment is the only proposal that will actually ensure a balanced budget. That is why it rises above all others.

My colleagues, the purpose of amending the Constitution is not for window dressing. It is not for more games or gimmicks. It is to protect present and future generations from the crushing weight of every-escalating debt that we have failed, as an institution, to control. It is time to show the American people that we understand the grave nature of growing deficits and that we are as concerned about them as they are.

I want the children of this country to be able to live and thrive and work in a Nation that is free from the bondage of debt. Our generation owes that much to the next.

The stakes are to high. The future of this country is too precarious. If my colleagues agree with that statement, that we cannot proceed with business as usual, I urge them to support the Stenholm amendment.

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I rise in support of the Stenholm-Smith amendment. It is the only way to ensure that the Congress and the President will face up to the hard realities of fiscal responsibility.

Mr. Chairman, we need a constitutional amendment to balance the Federal budget—statutes just won't do. In every Congress since I was first elected, I have sponsored a bill calling for just such an amendment, and I rise today as an original cosponsor of House Joint Resolution 290, to urge my colleagues to support the bill.

If simply passing a balanced budget statute were enough to force Congress to get its act together, the deficit would have been eliminated years ago. Since 1917, Congress has passed legislation to control Federal spending at least a half dozen times. In recent years, I have voted for several of these measures, believing they were positive, if inadequate, steps in the right direction. But, over the longrun, every one of these statutory attempts at fiscal responsibility has failed. Congress, fearful of making tough decisions, has either used accounting gimmicks to get around its own spending restrictions, or has, with a wink and a smile, passed a new law overriding the old.

The result of this lack of fiscal discipline is appalling. Our national debt is approaching $4 trillion—it took us 200 years to rack up the first $1 trillion, and only 10 years to accumulate an additional debt 3 times that level. During the coming year, this country will spend more to service its debt than the entire Federal Government collected in revenues just 20 years ago. Our deficit is adding up at the rate of $7.7 billion per week, $1.1 billion per day, $12,731 per second. By the time debate on the balanced budget amendment has been completed, our deficit will have grown by almost $600 million. There is no time to waste.

To say that Federal spending is out of control is an understatement. Yet, even in the face of these astounding figures, some are still insisting that a balanced budget amendment, which will force Congress to adhere to its budget rules, is not necessary. Well, they're wrong. History makes it very clear that Congress will take definitive action to control the deficit only when it has no other choice. Congress may be able to ignore the laws it passes, but it cannot—and will not—disregard the Constitution.

Today we have the opportunity to end, once and for all, the deficit cycle destined to drag us into decline and decay. We have the opportunity to call a halt to the endless shell games and accounting chicanery that have all too often resulted from earlier efforts to control the deficit monster. Today we have the opportunity to ensure that Congress, and the President, face up the hard realities of fiscal policy.

Only when a balanced budget amendment is included in the Constitution will Congress approach this matter in a way necessary to prioritize spending and get the deficit under control. I strongly support this balanced budget amendment, and I urge my colleagues to join me in voting for the bill.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME]

Mr. MFUME. Mr. Chairman, I rise in opposition to the amendment.

Mr. PANETTA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Stenholm amendment.

Mr. Chairman, I rise in opposition to a constitutional amendment to require a balanced budget and urge my colleagues in the strongest possible terms not to buy into this new budget deception, the latest in a long string of gimmicks thrust upon us by those who would have us abdicate our responsibility to make the choices our constituents sent us here to make.

Gramm-Rudman. The son of Gramm-Rudman, the Budget Enforcement Act. All of these were feeble attempts to rein in the deficit by remote control. Pass a law, pass the buck really, and hope the fiscal policy choices required to comply with that law suddenly will become easier. All the smoke and mirrors in those trick game boxes did not work. They did not reduce the deficit.

Who are we trying to fool? Is the deficit any smaller? No way. In 1985, when the Gramm-Rudman law was passed, the budget deficit was $212.3 billion. This year, Mr. Chairman, 7 budget-crunching years later, the fiscal 1992 shortfall will be a staggering $399.4 billion.

Who are we trying to fool? The American people can see for themselves the deficit isn't getting any smaller. They can see for themselves an economic recovery that, instead of gathering steam, is hiccuping, because the deficit's drain on our fiscal reserves restrains the upward trend. That drain, in terms of interest payments to foreigners, and the Government's vorcacious appetite for borrowing, holds us back when we so desperately need to be investing in our infrastructure and our future, our children, our people.

Who are we trying to fool? To my Democratic colleagues I say this: Adopting a constitutional amendment to balance the budget is handing President Bush and the Republican party an underserved political victory no Democrat should support. This administration and the Reagan administration before it fought desperately for this amendment to hide, to disguise, and to cover up their own failures. Ronald Reagan and George Bush promised they would balance the budget. Not once, not one single time in the decade they have controlled the White House have they proposed a balanced budget for this country.

Just who are they trying to fool? A balanced budget amendment to the Constitution is a travesty. We should be embarrassed to tell our citizens that we have failed so miserably at the most basic responsibility of our elected office that we are going to clutter up the Constitution to divert their attention.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I rise in strenuous opposition to the constitutional amendment. It is misnamed the balanced budget amendment. Really it is the Trojan horse amendment.

Mr. Chairman, if you really think that voting for this amendment will get you through this year's election and then all will be well, you better look in the mouth of this gift horse. Inside you will see the budgetary shell game perpetuated on the American people back in 1981 with so-called supply side economics. If this amendment is ratified, we will enshrine in our constitution the soak-the-middle-class philosophy of the recent decade of greed.

We all remember the voodoo economic principle that underlay supply side economics. It was the siren call that you could have your cake and eat it too. You could cut taxes. Somehow deficits would not balloon because magically revenue would increase if marginal tax rates fell.

The noted political scientist, Aaron Wildavsky, in his definitive history of Reagan-era budgetary politics, "The Deficit and the Public Interest: The Search for Responsible Budgeting in the 1980's," identified the most important reason for the 1981 tax cuts—to force spending cuts. Wildavsky calls the 1981 tax cuts the children's allowance theory, quoting President Ronald Reagan's own words in a February 1981 address to the Nation:

> Over the past decades, we've talked of curtailing Government so that we can then lower the tax burden. Sometimes, we've even taken a run at doing that. But there were always those who told us that taxes couldn't be cut until spending was reduced. Well, you know we can lecture our children about extravagance until we run out of voice and breath. Or we can cure their extravagance simply by reducing their allowance.

Well, we reduced the Federal Government's allowance during the 1980's. The best measure of the impact on the economy over time of Government taxation or spending is to express the revenue or spending as a percent of gross domestic product [GDP]. As a percentage of gross domestic product, Federal revenue declined from 1980 to 1990 from 19.6 to 18.9 percent. This 0.7-percentage-point decline is not an insignificant sum. In 1991 dollars, 0.7 percentage points of GDP equals $40 billion. If it were not for the Social Security tax increases from the 1983 amendments, the revenue decline would have been 1.5 percentage points, or $85 billion in 1991 dollars.

Far more than we usually admit in these days of congressional criticism, we cut spending in the 1980's. Thus, we bought into Reagan's children's allowance approach to the

Federal budget. Domestic discretionary spending declined 1.6 percentage points from 4.9 to 3.3 percent of gross domestic product, or $91 billion in 1991 dollars. It is well known that spending for defense and international affairs, the other two types of discretionary spending, increased during the 1980's. Less well known, is the fact that the increase for these categories was far less than the decrease in domestic discretionary spending. In 1980, defense and international affairs combined consumed 5.6 percent of gross domestic product. By 1990, their share had risen to 5.8 percent, or a 0.2-percentage-point increase. In 1991 dollars, this was an increase of $11 billion. In other words, the 1.3 percentage points of gross domestic product cut in domestic discretionary spending was more than six times the 0.2-percentage-point increase for defense and international affairs combined.

Another budgetary myth the balanced budget amendment seeks to perpetuate is the hoary notion that entitlement spending is out of control. Somewhat at variance with that myth is the fact that between 1980 and 1990, entitlement spending as a percentage of gross domestic product decreased 0.6 percentage points from 11 to 10.4 percent. Actually, the only entitlement programs which are now growing at a rapid rate are Medicare and Medicaid. These programs increased by 1 percentage point over this period. Thus, the decline as a percentage of gross domestic product of all entitlements, except Medicare and Medicaid, was 1.6 percentage points between 1980 and 1990.

The Social Security Program deserves particular attention in any discussion of entitlement spending. In 1980, Social Security spending was 4.4 percent of gross domestic product. By 1990, it had increased one-tenth of 1 percentage point to 4.5 percent. To show Social Security's burden on the deficit, however, you have to factor in revenue from the Social Security payroll tax. In 1980, the Social Security payroll tax, excluding Medicare, was 4.3 percent of the gross domestic product. Social Security was running a deficit.

The Congress took decisive action to halt this deficit in the 1983 Social Security amendments. To ensure the solvency of Social Security, Congress increased the payroll tax, reduced the benefits of all current Social Security recipients, and reduced the future entitlement of all American workers and their families. These harsh measures were necessary to restore the system to solvency.

The strong medicine worked. In 1990, the Social Security payroll tax revenue was 5.2 percent of gross domestic product. Revenue was 0.7-percentage-points above spending. Social Security was financially sound again, and because its surplus is included in the deficit calculation, it is being used to mask spending in the operating budget.

What these statistics show is that the Congress held down spending much more than the proponents of this misguided constitutional amendment would lead us to believe.

It is imperative that we understand the reasons for deficit spending if we are to successfully bring the deficits under control. For that reason, I am a cosponsor of H.R. 4192, the Truth in Budgeting Act of 1992, which will make clear the degree to which retirement programs are self-financing.

What is really driving the deficit now are three factors:

First, we gave the wealthy a lot of tax cuts in the 1980's. While the huge middle class tax increase as a result of the Social Security Amendments of 1983 offset about 60 percent of revenue loss from these tax cuts, the corporate and income tax base is far less than it was at the beginning of the 1980's.

Second, our interest payments are going through the ceiling. Just the interest payments that the Treasury makes to the public went up 1.4 percentage points of gross domestic product between 1980 and 1990. These interest payments are a regressive form of expenditure. Tax payments by Americans at all income levels finance these interest payments which are paid on securities held primarily by upper income taxpayers.

Third, spending for deposit insurance for commercial banks and savings and loans skyrocketed during the 1980's. This spending was actually negative in 1980. The premiums that banks and savings and loan associations paid were greater than the spending to cover insolvent banks. In contrast, by 1990, spending was $58.1 billion, or 1.1 percent of gross domestic product in that year.

Thus, proponents of this constitutional amendment, particularly those who want to make it harder to raise revenue than to cut spending, are really engaging in a form of political demagoguery. First, they ignore the spending reductions that the Congress enacted in the 1980's. Then, they insist that the budget be balanced through spending cuts. They want the rich to be able to take the money and run in the form of the massive tax cuts enacted in the 1980's. Thus, this amendment is really an effort to enshrine in our Constitution the 1980's decade of greed.

I urge my colleagues to reject this Trojan horse and show the American people that Congress can and will govern.

BACKUP TABLE FOR GROSS DOMESTIC PRODUCT ESTIMATES

Sources of increase in deficit as a percentage of GDP from −2.8 percent in 1980 to −4.0 percent in 1990

Tax Cut (+)/increase (−):	
Social Security	−0.9
Other revenue	1.5
Subtotal: Revenue	.7
Spending increase (+)/reduction (−) entitlements:	
Social Security	.1
Medicare/Medicaid	1.0
Means-tested other than Medicaid	.1
Other entitlements	−1.8
Subtotal: Entitlements	−.6
Discretionary:	
Domestic	−1.6
Defense/international	.2
Subtotal: Discretionary	−1.4
Deposit Insurance	1.1
Net Interest	1.4
Subtotal: Spending	.5
Total deficit increase	1.2

Mr. PANETTA. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I rise in firm opposition to the Stenholm substitute to House Joint Resolution 290. For too long now, we at both ends of Pennsylvania Avenue have abdicated our responsibility to make the difficult choices necessary to put our fiscal house in order. Instead, we have erected mechanical structures that supposedly would do the job that we, in fact, were elected to do. This is really what the budget process, and all its refinements like Gramm-Rudman I, Gramm-Rudman II, and so on, were all about. They were legislative erector-set structures whose elaborate looks and fancy bells and whistles disguised their essential unreality.

Now comes the mother of all erector sets, the ultimate tribute to our child-like fascination with mechanical structures—a balanced budget constitutional amendment. All we have to do is plug it in and stand back and watch it balance the budget. Let's forget the functional craftsmanship that used to mark legislation like the workings of a hand-made watch. Let us just get a battery operated drug store model and we'll keep perfect fiscal time. If you believe that, then there will be a run on magic wands and divining rods in the near future.

Mr. Chairman, the reality is that this amendment is an outrageous and dangerous abdication of our responsibilities as elected officials. It stands on its head the basic principle that should guide our activities as representatives of the people: The principle of accountability. It is filled with words and phrases that open the door to the same games and dodges and abuses that got us in the fix we're in today. "Total outlays for any fiscal year shall not exceed total receipts," it says. What are total outlays? Total outlays, it tells us, are all outlays (except debt repayment). What are total receipts? Total receipts, it seems, are all receipts (except borrowed money). Those who find these definitions a little circular should be pleased to know that section 6 of the Stenholm proposal gives the Congress the power to enforce and implement the amendment by appropriate legislation. And so, presumably, through this appropriate legislation, we could simply define ourselves into a balanced budget, and right out of reality-based fiscal accountability.

Mr. Chairman, we have heard speaker after speaker come to the well over the past several days and tell us that we must pass a balanced budget amendment because the people are fed up. I agree that the people are fed up, but we might ask ourselves just what it is they are fed up about. I believe that more than anything else they are fed up with the cynical manipulation of the legislative process, the games that have been played with definitions and guidelines, the record of current and past Presidents using their bully pulpit to piously proclaim their support for a balanced budget while adding $2 trillion to our national debt.

Mr. Chairman, all this amendment will do, all this amendment can do, is to add to the people's sense of frustration, cynicism, and anger. The effective date section of the Stenholm amendment, ensuring that it will go into effect no sooner than fiscal year 1998, is the final straw. It gives the proponents of this amendment on both ends of Pennsylvania Avenue the chance to show that they've gotten religion, without making them do anything of substance for years and years and years. In this regard, the Stenholm balanced budget constitutional amendment is the updated legislative embodiment of St. Augustine's prayer: "Give me chastity and continence, but not just now."

Mr. Chairman, the American people deserve better than this. They deserve more than another round of games and charades that serve only the purpose of getting us by the next election by covering us on the budget-is-out-of-control issue. Let us put aside this amendment and get down to the real work of making tough decisions, of deciding what it is we want Government to do, and how we want Government to pay for it. That's what we were sent here to do. Or, at least that's why I came here.

□ 1600

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I rise in strong support of the Stenholm amendment, and ask my colleagues to do the same.

I do so because this is a time of genuine economic distress in our country, and it is past time for partisanship and petty politics. The American people want us to put aside election year antics, to act, and to act now. The Stenholm amendment provides the course least likely to cause greater economic turmoil and most likely to bring a strong and growing economy long term. Only by increasing both public and private investment can America solve the problems which are eating at our social stability, and only when deficits are brought under control are these investments possible.

I am not a strong supporter of President Bush's budgetary policies. I have found them to be almost totally lacking in vision and completely devoid of courage, except for the 1990 budget agreement, which, alone among Utah's congressional delegation, I stood to support in October 1990. Earlier this spring, however, I voted for the Republican tax package because it was more inducive of growth and because I believed then, as I do now, that it was time for us to provide a bipartisan response to helping America's small business community. After the President's veto of the tax bill sent to him by the Congress, I cast what was, I believe, my only vote ever to sustain a Presidential veto. Throughout my congressional career I have pushed for a capital gains differential, and for investment tax and research and development tax credits—all in pursuit of allowing America's small businesses and entrepreneurs the opportunity to better compete in world markets.

Today, once again, I vote with the President to force future presidents and congresses to abide by the discipline of a constitutional requirement to balance our budget. I am embarrassed that congressional lack of courage and political will have brought us to the strange position that we must place future congresses in tighter strictures, to give them less flexibility with future budgets. I do so very, very reluctantly, and only because I have concluded that the prime element of fiscal discipline, courage, is lacking here, and that procedural and structural changes are required to deal with that reality.

When I campaigned to return to Congress in 1986, I did not think we needed to amend the Constitution to balance the budget. I argued that all we needed was courage. But, 6 months into the job, after giving serious attention to the budget, I was led to the conclusion that the obligation to balance our spending and revenues does, in fact, require this drastic action. We still need courage, now more than ever. But we also need the legal and institutional discipline which only an amendment can impose on our actions.

First, let's consider the political history of budgets and budget deficits. Back in the days when budgets were kept in line, basically until the 1960's, courage played only a minimal role. Budgets were balanced through the power structure of the Congress and through the discipline of the two-party system. In those good old days of imposed balanced budgets, fiscal austerity did not arise from the collective good judgment of a democratically elected body. It came from the iron fist of congressional leadership. Members of the leadership could take tough actions in part because they could impose discipline, and because they usually held safe, unthreatened congressional seats, operating inside the private places of the institution where opponents and the media did not have access to the information which could cause political grief back home. Rules were structured so that the Leadership was not as subject to the whims of its backbenchers. Under such a system, now gone the way of the Edsel automobile, it was comparatively easy to balance the budget.

Then came Watergate and the Vietnam war and instantaneous, live television coverage and investigative reporting. With these events came a terrible public distrust of concentrations of power, and a concomitant politicians fear of looking weak at home. I remember vividly this wave of antigovernment sentiment when I was first elected to Congress in 1972. That era's distrust of the military and the Presidency carried over to impact reforms in the structure of the budget process. In my first term in Congress, now nearly 20 years ago, we stripped the President of his impoundment authority and democratized the authorization and appropriations processes.

We have since evolved into a body of free agents. We no longer campaign on the basis of our seniority or of our party affiliation. Rather, we tell our constituents "I'm one of you. I'm working for you." Mr. Chairman, Congressmen work harder at staying in touch with their constituents, and that is good. But the unfortunate result is that too many in Congress are so sensitive to and preoccupied by short-term parochial interests that they find it impossible to grapple with challenges to our Nation's fiscal stability.

Lack of discipline in the Congress, combined with the Reagan-Bush administrations' voodoo economic policies, have left us with a cumulative debt approaching $4 trillion. As a percentage of our GNP, debt held by the public has doubled in the past 12 years. Debt service is the second or third highest item in the budget, depending on how you calculate it, and is sapping resources away from our children's future by taking precious resources from education and infrastructure and R&D and health care. It is the single greatest impediment to short term economic recovery and the long-term quality of life of our children and their children's children.

The promises of the Reagan and Bush Administrations, combined with congressional unwillingness to say "no" to any job-producing scheme, usually under the heading of "national defense," have given too many Americans the notion that deficit reduction is somehow a painless task. Those who have perpetuated that myth have done America's budgetmakers—and all Americans—a terrible disservice, and presented today's Congress with an almost impossible political conundrum.

Opponents of the amendment claim that we unduly jeopardize Social Security and Medicare benefits with passage of a Constitutional amendment. Mr. Chairman, that is simply not true. The independence of the social security trust fund will not only be protected, it will be strengthened. The retirement fund which is to be built up to take care of the huge numbers of America's postwar baby boomers will have better prospects under the discipline which this amendment lays down. If we don't address our growing deficits now, we will place the Social Security trust fund under more jeopardy 20 years down the line. Under today's gross overspending, that trust fund is in genuine danger, and one can gloomily predict that unless we start balancing our budget, and doing it now, there will come a time within the next 10 to 15 years when stress between the generations will reach breaking point.

Nowhere in the balanced budget amendment is Social Security ever mentioned. Any serious deficit reduction scheme, be it by statute or constitutional amendment, has the potential to impact entitlement benefits, but will not jeopardize the independence of the Social Security trust fund. We will not allow the budget to be balanced on the backs of retired Americans—that is an absolute commitment.

Social Security is insulated both by statute and by political reality. Under existing law, Social Security remains off-budget for the purpose of meeting deficit reduction targets. Any legislation that would change the actuarial balance of the Social Security trust fund remains subject to a point of order in the Senate and the House. The balanced budget amendment does not change existing law. The interests of Social Security recipients are well-protected in the current political system, and will remain protected upon passage of an amendment.

Critics of an amendment make the valid point that the Congress must not be hamstrung in its ability to enact effective countercyclical fiscal policies. Unfortunately, our current budget structure and statute have already precluded such action, because of our huge accumulation of debt.

Upon passage of the Stenholm amendment, I will pursue further my hope that a capital account can be established within the Federal budget, whether this constitutional amendment is ratified or not. We must reclassify Federal spending as "capital investment" or "current expenses." Regardless of whether a majority or supermajority is required to allow the Government to borrow, we should make certain that we are borrowing for the future of our children rather than our own generation's consumption. In fact, a credible case can be made that borrowing to rebuild America's infrastructure is a legitimate policy goal. State governments, as members know, balance their operating budgets—not their capital budgets. It is this capital account in state budgets that allows for investment in public works and transportation, and that enables states to promote and facilitate economic development and growth.

Mr. Chairman, I and many others in the Congress from both sides of the aisle believe that we must move to a similar system of capital budgeting for the Federal Government. If we're going to deficit-spend into the future, we should make certain to borrow only for those programs which truly constitute investments in our economy. Should the amendment pass, we must establish a capital account in the budget which would include the progrowth programs of the Federal Government—programs in commercial infrastructure, civilian R&D and education. Each is integral to our economic vitality and must not be undermined by the amendment.

By sheltering long-term investments from short-term political winds, a system of capital budgeting will minimize the impact of the balanced budget amendment on the Federal Government's investment-oriented expenditures. A balanced budget amendment will kill our economy only if we, as representatives of the people, fail to prioritize our spending responsibly. A capital account can enable us to prioritize our spending without undermining those programs integral to our economic growth. When we move on to debate enforcement and implementing legislation in the months ahead, I think I speak for a number of Members who believe that a capital budgeting system must be the eventual goal of those deliberations.

Mr. Chairman, our entire political system deserves the blame for our fiscal mess, from voters all the way up to Presidents. Columnists and pundits are quick to blame the shortsighted ways of our constituencies and the compliant nature of Members of the Congress. They have a point, but we are fooling ourselves and trying to fool the public by absolving ourselves of our responsibilities.

These responsibilities go well beyond looking after the specific needs of our own districts. Our responsibilities begin with matters of national importance. Where there are bad national programs with good jobs created at home, we must take a stand and be willing to say "no" to such wasteful, unneeded Federal expenditures. Our folks at home must reevaluate their stake in federally funded programs. We must use our access to the public and the press to educate our constituents of the tough choices that must be made. It is not easy, but it is necessary.

A full-fledged, thoughtful and candid debate about the budget is long overdue. I'm going to support the Stenholm amendment, because I think it is the most properly focused and intellectually honest. We must put on display our priorities, our courage, and the realities of our budgetary excesses, and the President must join us by using his bully pulpit to educate voters as to where our real budget-cutting opportunities lie.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I lost my dad this year. He was at the same time a very ordinary and yet extraordinary man. Dad rarely earned above the poverty line, but he never had a credit card. He never signed a mortgage. He never made any time purchase, never in his life. Yet dad left my mother fairly well off. She is well taken care of.

Dad, ordinary and extraordinary man that he was, understood something that I think most ordinary Americans understand, that the easiest dollar to spend is the dollar we do not have to work for, the dollar we do not have to earn, the dollar we never get except by borrowing it. Even those credit card companies that used to send dad credit cards, before he would send them back, begging him to borrow money and spend it, even those credit card companies who sent those cards to us understand something most ordinary Americans understand. They put a limit on us. They put a limit on the easy spending of those borrowed dollars. Dad understood it, and most Americans understand it.

For the moms and dads across this country who watch us pile up debt, spending that easy money that we never have to raise, that we never have to earn, they would like the chance to put a limit on our credit card. They would like a chance to put some limits on our spending habits. The Stenholm amendment is our chance to give them a chance to instruct us to set some limits and then live by those limits. It is that simple. It is not any more complicated than that.

What we vote on in just a few minutes is the opportunity for every mom and every dad and every taxpayer in this country to begin to discipline us in a way dad disciplined his spending habits in his life. On his behalf, on behalf of all the taxpaying citizens in America, let us adopt the Stenholm amendment and give them that chance.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, the Stenholm amendment is a product of desperation, not inspiration. It reflects the frustration of a Congress and a nation which have seen recordbreaking deficits ignored, but before we embark on the historic mission of amending our Constitution we should recall how we arrived at this moment.

This amendment is the direct result of the mismanagement and misguided policies of Presidents Ronald Reagan and George Bush and the compliance of conservative Democrats who supported this amendment. Their devotion to supply-side economics, reduced taxes on the wealthy while wasting billions of dollars on military spending, this discredited economic theory literally bankrupted America.

More than anything, this amendment is Ronald Reagan's revenge. He came to Washington dedicated to slashing social programs like Social Security and Medicare. He could not get the job done, but he left a deficit behind him that is nothing short of a time bomb that will explode and reduce the benefits of the poor elderly across America.

The Reagan-Bush agenda did not end with shredding America's safety net. No, their reactionary program was also dedicated to reducing the power of the most direct representation of the American people in our Government, the Congress. The Stenholm amendment, more than anything else, marks a historic transfer of power from the people of this Nation through their Congress to unelected Federal judges and the faceless number crunchers in the executive branch.

While the Republicans have failed to win control of the Congress, they now, through this amendment, seek to strip it of its power, and ironically, they are joined by Democrats who are supporting the idea of a 60-percent majority to carry on the ordinary business of government. These same Democrats sign on to an amendment which gives Federal courts more power in decisionmaking than has historically been the province of Congress.

Constitutional scholars as liberal as Lawrence Tribe, as conservative as Robert Bork, have predicted the Stenholm amendment will result in a litigation nightmare. Courts will make the decisions, the people will not. It should be noted the same coalition of Republicans and conservatives who bring us this amendment today brought us Gramm-Latta in 1981, which created this mess.

A word about the words of debate. If the Members have listened for 2 days, they have heard two words from this well more often than not, "courage" and "discipline." But if the Members will look at the voting records of the so-called champions of the Stenholm amendment, they will find their fervor for balanced budgets is not matched by their voting records. Of the 279 cosponsors of the Stenholm amendment, exactly 57, 57, voted last week to cut $1 billion out of the wasteful star wars program. Sixty-nine of the 279 voted to cut the cost overrun space station. Only 100 would vote to eliminate the super collider boondoggle.

The supporters of the balanced budget amendment are long on rhetoric but short on political courage when it comes to actually cutting the deficit.

President Bush, who has never produced a balanced budget, anxiously supports this amendment, which delays the day of reckoning beyond the term of the next President. President Reagan and President Bush have preached the salvation of balanced budget amendments while practicing the policies, the wasteful policies, of Reaganomics and recordbreaking deficits.

If the Stenholm amendment is not the answer, what is? The American people know the answer to that. We do not need an amendment, we need a leader. We need a President of the United States who next January will take his hand off the Bible, turn to the people of the United States, and give them the truth about dealing with this deficit. He will anger some of us with his candor, but we will follow his leadership.

□ 1610

It is clear that the incumbent President cannot face that responsibility. I hope the President is of my party and can, or perhaps he will be an independent party candidate who will have that kind of courage.

This amendment cannot give a spinal transplant to the President or to Congress. It will replace a deficit crisis with a constitutional crisis. It is an act of political desperation which could haunt us for generations.

I beg my colleagues to resist the impulse to enact this simple, misguided amendment.

Mr. SMITH of Oregon. Mr. Chairman, I am delighted to yield 1 minute to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, I would like to address my remarks to my colleagues on both sides of the aisle who are wary of using the Constitution to do that which we should do ourselves, because I share that wariness. In fact I did not decide until yesterday that I was going to join in this effort, because I perceive a danger to the Constitution by amending it for these purposes, and I believe that danger is real. But I also believe that danger is manageable.

But the danger to our Republic of constant deficit spending and rising debt is even more real, and shows absolutely no sign of being managed by this administration or other administrations or this Congress.

The only thing that is more sacred to this organization, to myself than our Constitution is our Republic. And I would far rather see an amended Constitution which will govern a strong, vital, vibrant Republic than to see an unamended Constitution which will govern over a republic that is a mere shell of itself, its destruction caused by deficits and by debt.

Please vote to support our Republic.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do not claim to return to this Chamber with a clear mandate on any particular issue. But there is one thing that I learned very clearly in my Senate race in California, and that is that the American people want leadership, not false promises.

This balanced budget will eventually be seen as exactly what angers the American people, a false promise instead of the disciplined leadership which is needed to make the very tough choices that we are faced with every single day in this body. We do not need to tinker with the Constitution of the United States to balance our budget.

Mr. Chairman, I rise in opposition to all of the balanced budget amendments on the floor today.

I do so not because I am not concerned about the Federal deficit, I am. No society can tolerate the fiscal irresponsibility which has allowed our national debt to more than triple over the last 12 years.

Unless some fiscal discipline is brought to the budget process, we endanger our country's economic future and take from future Congresses the ability to set priorities and spend Federal dollars on important national priorities.

The fact that we are here debating these amendments, and that so many of my colleagues are willing to support what many of us know is bad economics is an indictment of our political system and the failure of our leaders to lead.

The task facing government in the 1990's is to increase productive Federal investment in our future.

That means rebuilding our decaying infrastructure, improving the quality of our schools, and building the information highways necessary for the knowledge-intensive economy of the future.

These kinds of investments helped make our country the most powerful and prosperous in the world and laid the foundation for what is rightfully known as the American century.

Unfortunately, none of the amendments before us today make a distinction between the kind of productive expenditures necessary for the future and the orgy of waste and consumption which characterized the 1980's.

At precisely the time when we should be increasing spending in our future, passage of any of these amendments will limit the Federal Government's ability to invest in the future.

If the President wants to balance the Federal budget, let him submit one to Congress, and if a majority of my colleagues want a balanced budget let them make the tough choices needed to craft one.

The failure of our political leaders to do this is precisely why the public is so angry and frustrated with our political system and elected officials.

I urge my colleagues to join with me today in defeating these well intentioned but misguided proposals, and begin the process necessary to get our economy back on a sound footing and building a prosperous and secure economic future for our children and theirs.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I rise in strong support of the Stenholm amendment.

It took 200 years of this country's history—39 Presidents—to run up $900 billion worth of debt. In the last 12 years, this body along with the President of the United States has quadrupled that debt. It now costs us $315 billion a year worth of interest alone to pay off that debt.

I am supposed to have joined, according to some of the last speakers, with the cabal of Republicans and conservative Democrats that are designing a plan to eventually hurt the working people and the poor people of this country. Nothing could be farther from the truth. The debt as it is set up in this Nation today has more destructive power over the poor people in this country than any single program or any single raising or lowering of taxes on the rich that has occurred. When we think about what is going on with this debt, we see the fact that if we had held onto the debt the way it was in 1980 we would have $245 billion a year, every single year to pay for national health insurance, to pay for housing, to pay for health care, to pay for the education of our kids, to stop the crime on the streets.

But that money is gone. And think of where it goes. It goes to the wealthiest Americans, and it goes to foreigners overseas, and it goes to our corporations, those individuals that buy up the debt of this land. That is what is going on. We have an enormous transfer of wealth from the working people and the poor who pay the taxes to the superwealthy that buy the bonds, and it is time that we understand that when we talk about what has gone on in America, when we talk about the fact that real men of courage would stand and vote for the bills, I would certainly vote for the bills that call for a balanced budget, but the reality is that we cannot get the votes. We have simply never even come close to the votes that are necessary to get any kind of semblance of a balanced budget in this Congress on any year since I have been here, and I do not see anybody coming down the pike that seems to be going to stop.

So if we are really interested in standing up to the powers that be in this country, then let us get together and get a balanced budget amendment passed in the Constitution that will draw a line across to the future generation's tracks that say that we care, as every other generation of Americans has cared about the future generations of this land.

I have two young sons, Matt and Joe, and this is going to be the first generation of Americans, our generation, the people in this Chamber today are going to hand down a Nation that is less able to compete with the Germans, less able to compete with the Japanese, less able to pick up the destiny of this land because of our excesses.

If our generation cannot get its act together, then by goodness we need to have a constitutional amendment that, as my father used to say, will get us on with ourselves. Let us get it on with ourselves, Mr. Chairman, and let us get this bill passed.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. For my friends, supporters of the Stenholm amendment have come up with a very novel idea, a novel solution to all of America's problems. It is so good I think we should extend it everywhere else.

If you are worried about your constituents being mugged and hit over the head, let us pass a constitutional amendment abolishing crime. Abracadabra, our streets are safe.

Worried about the conflict in Yugoslavia? A constitutional amendment prohibiting fighting between the Serbs and the Croats. Shazam. Peace comes to Yugoslavia.

Worried about the scourage of AIDS? A constitutional amendment abolishing AIDS, no more incurable diseases. Hocus-pocus.

My friends, those amendments are absurd. This amendment is equally absurd for the very reason that you cannot, cannot, cannot just wish something away.

In this body we have not had the fortitude and courage to either raise taxes or cut spending on programs we care about. Until we do that we will not balance the budget, constitutional amendment or not.

And do you know what, ladies and gentleman? I will bet half the Members who vote for this are quaking in their boots hoping that it does not become part of the Constitution, because if it does and they are then asked to raise taxes, to cut Social Security, to cut defense, to cut spending programs, they will vote no and be stuck between a rock and a hard place. I was going to say something else, but I figured my words would be taken down, Mr. Chairman.

So my colleagues, do not fall for this. Yes, I say to my colleague from Massachusetts, we are mortgaging away the future, but that is not because we did not have a constitutional amendment. It is because every one of us does not want to cut spending in the programs we care about, and does not want to raise taxes on our constituents. And no constitutional amendment will convince either the American people who feel the same way we do or the Members of this body to change.

Reject this nostrum, reject this hypocrisy and get down to the business of really solving America's problems.

□ 1620

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, this morning I left my home in McPherson, KS, to come back to Washington because I wanted to be here to vote in favor of the balanced budget amendment.

I was in McPherson in the middle of the week to be with my wife, Connie. She has just been diagnosed as having cancer and faces surgery in the morning.

But, Connie and I decided I should come back to Washington to speak for the people of my State because this issue, more than any other, symbolizes the reason I decided to run for Congress and the frustration of the people of Kansas.

For years, the people of my State have pleaded with the Government to do something about the deficit. They stood by patiently as one politician after another promised them Gramm-Rudman would balance the budget. It didn't. More politicians stepped forward and told them the 1990 budget agreement, which raised their taxes, would reduce the deficit. It did not.

The people of Kansas elected me to Congress not to talk about reducing the deficit, but to do something about it. I promised them I would, and that is why I am voting in favor of the balanced budget amendment.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have served in this body for 10 years. I followed the Congress before I came, and certainly since I have been here, and I do not think this Congress is that much different than the Congresses which have for the first 200 years of this Nation's history done the business of the people.

But in that same 10-year period, what was an $800 billion total accumulated national debt skyrocketed to $4 trillion, five times what it was. Is it the Congress' fault? Did these five Congresses that I participated in become so different and so profligate in spending that they could do five times what had been done in the 200 previous years? The answer is no.

What happened was that the leadership in the White House changed, changed so dramatically, so drastically, and so badly for the fate of this country that we are now in the position of having to debate amending the Constitution of the United States to right the wrong of the Presidencies of Reagan and Bush.

Not once in 12 years that they sent a budget here did they send one up that was balanced. Yet, in that 12 years, this Congress and the four preceding ones appropriated less money than they asked for.

Mr. and Mrs. America out there, do you want to know how you fix deficit spending and what we have got in the way of national debt? Elect a President who will do what he says. For 12 years they did not. They lied to the American people. It is the time now to tell the truth.

Get a leader and elect a leader that will submit a balanced budget. We have done our job. We gave them less money to spend than they asked for.

This Congress is not that different than the 100 previous Congresses that preceded it. It is what the leadership of the country in the White House was all about, and the Americans who paid for this profligate spending for that 10-year period are going to pay again if you adopt this, the elderly, the poor, the sick, the infirm, Meals on Wheels, student lunches, student loans, NIH for research into cancer, you name it, they will suffer. Let us do the right thing. Do the thing we were elected to do.

Keep spending less than the President asks for. Make the American people vote for a President who will, in fact, lead for a balanced budget. That is the way to solve this problem, not this roundly condemned amendment.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I rise in support of the Stenholm amendment.

Mr. Chairman, I rise in support of House Joint Resolution 290, the Stenholm balanced budget amendment.

Let no one question the peril we face as a nation and the importance of this debate. The clearest and most present danger to our country's security is a national debt that has tripled in 12 years and budget deficits that have increased from some $59 billion in 1979 to over $400 billion today—with no end in sight.

Past experiences have shown that statutory fixes and procedural changes mandating a balanced budget have not worked. We have held budget summits and passed deficit reduction plans, that I have supported. However, in the end, we continue to run huge deficits. Over the past decade, we have passed at least five statutes intended to create a balanced budget, while at the same time, the debt continues to bloat.

By now we all should know that political will alone is not enough to balance the Federal budget.

This amendment asks the Federal Government to live within its means—as every citizen and most States must do. Already, 62 cents of every dollar of personal income tax paid is used to pay off interest on the national debt. Our overreliance on the debt to finance the Government is heading us toward economic disaster.

In the State of Texas, we have a similar provision in the State constitution. Texas has to make the hard choices necessary to balance its budget. It is time that the Federal Government do the same. We need to begin making constitutionally compelled choices. We cannot fund everything we are asked to fund. The Federal Government is already overextended and cannot afford to fund everything it has.

Some argue that this amendment will somehow hurt senior citizens. It concerns me to hear from constituents who have been told that this amendment calls for huge cuts to Social Security. This argument is not true. What should terrorize seniors is $400 billion deficits and a debt that has tripled in just 12 years. That burden of debt threatens every program and our overall economy.

The amendment does not change in any way the existing status of Social Security. The current protection of the trust fund would not be eliminated by this amendment. We know that the greatest threat to the Social Security Program is the rapidly increasing Federal debt. As interest payments continue to soar, they will continue to crowd out other spending including, eventually, Social Security.

The Stenholm amendment will force the President and Congress to take responsibility for setting budget priorities. Critics say that this amendment will cause deep cuts in specific programs. In truth, with $400 billion deficits, too many unnecessary programs get funded. No one has to ask the tough questions? To make the hard choices. It is future generations that have to pay the bill. When my Committee on Ways and Means markup a bill, lobbyists of all stripes and persuasions line the halls outside our committee room. There is only one constituency that is never adequately represented: children. And they are the ones who have the most to lose by this ever increasing debt. We have no right to push this debt on them.

Haphazard changes should not be made to our Nation's most important document. But we are faced with continued deficits of hundreds of billions of dollars, a national debt that soars toward $4 trillion, and a government so out of control that it cannot and will not curb its insatiable appetite. These are realities that threaten our future and our children's future. I have two young daughters and it is for them and their generation that I am standing here today. The United States has run a growing deficit in every year of my young daughters' lives. That is unacceptable and it must change. A constitutional amendment is the only option we have that will force us—Democrat and Republican, liberal and conservative alike, the Congress and the President—to work to get our fiscal house in order and bring about the balanced budget that we so urgently need.

Mr. STENHOLM Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. SANGMEISTER]

Mr. SANGMEISTER. Mr. Chairman, I rise in strong support of the Stenholm amendment.

Mr. Chairman, I rise today to support the balanced budget amendment offered by my colleague from Texas [Mr. STENHOLM]. I support the balanced budget amendment because I believe that fundamental change is required for Congress to reduce spending. Clearly, both Congress and the President have had the opportunity to reduce the deficit—but neither have chosen to. In fact, the sad truth is that the President and Congress have not worked together to balance the budget since 1969. The gentleman from Texas, amendment would elevate the issue of a balanced budget to a constitutional responsibility and force all of us—the President, Congress and citizens who benefit from Government spending—to finally make the tough choices.

Make no mistake about it, however, balancing our $1.5 trillion budget will be much more difficult than cutting $500,000 to renovate the home of Lawrence Welk. It will require all of us to set policy priorities and decide between tax cuts, military buildups, and national health care. We can make these tough choices, and if we were forced to decide between national health care and B–2 bombers, I am confident we would finally cancel the B–2.

From the days of our Founding Fathers until the start of World War II, balanced budgets were the unwritten rule by which the Government abided. Today, we have abandoned this principle and deficit spending has become the norm. The time has come for Congress to change the rules back and specifically add a balanced budget requirement to the Constitution. I urge my colleagues to support House Joint Resolution 290.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of his amendment, but very reluctant support because I really do not think that we need an amendment to balance the budget. What we need is a plan and some sort of fortitude to take that plan on.

Mr. Chairman, I would ask the gentleman from Texas just what his thinking is as to when we might have what I consider to be the real essence of this effort, a plan brought forward to the House. Does the gentleman have any thoughts on that, when that could happen? Because we do not want to leave the American people, I hope, with a misimpression that passing this today or tomorrow or whenever is going to balance the budget. I will not do it.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I am happy to yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I refer the gentleman to section 6 of our amendment in which it says:

> The Congress shall enforce and implement this article by appropriate legislation.

Much has been made of the fact that we are ducking and weaving. If we pass this today, we, 290 of us, are dedicated to starting that process tomorrow.

Mr. MAZZOLI. May I ask one further question? Because if the amendment passes here and the other body, it would go to the people. What is the gentleman's feeling on what this Chamber should do with regard to spending while this process of ratification is under way?

Mr. STENHOLM. If the gentleman will yield further, I think we ought to continue what we started in the budget process this year. For the first time in modern history, at least my time in Congress, we passed a budget that froze spending and cut from it. I think we can do better for the remainder of this year.

Mr. MAZZOLI. I hope so. I thank the gentleman.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, I am outraged at the budget deficit. I voted for every major deficit reduction agreement since I have come to Congress. I have conducted numerous town meetings.

At first, the Government was spending $5 for every $4 it took in, then $4 for $3, now it is down $3 to $2.

Today the Government spent nearly as much on interest as on all our domestic discretionary programs. We are mortgaging our children's futures, my grandchild's future.

I am so outraged at the deficit that I oppose the Stenholm amendment. We need action now, not later, real deficit reduction, not a new facade, no more palliatives, no more smokescreens, no more delays. We need to step up to the plate right now and take a whack at the deficit, not send out a lineup that will not play until 1996.

For example, health care, some of us have been working on a plan to cut health care costs $75 billion the first 5 years in the public sector and 200 in the private sector.

In a word, the Stenholm amendment is the wrong idea at the right time. I cannot support it. Instead, I urge we get busy on the deficit and right now.

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as a lifelong fiscal conservative and cosponsor of House Joint Resolution 290, I rise in strong support of the Stenholm amendment.

Mr. Chairman, with a soaring national debt and American families straining to meet a growing tax burden, now is the time for Congress to do its part to add real accountability and real discipline to the budget process. While the balanced budget amendment will not solve our deficit problem by itself, it will give us a vital weapon, and more importantly, compel us to fight for fiscal responsibility.

The trends are as obvious as they are alarming. The fiscal year 1992 Federal budget is a record $1.475 trillion and the Government will have to borrow nearly $400 billion to pay its bills, up from $150 billion as recently as 1989. When adjusted for inflation, this year's deficit is equal to the entire Federal budget for 1965. To put it in a historical perspective, 1992 marks the 23d consecutive year and the 31st out of the last 32 that the Federal Government will spend more than it takes in.

Every single dollar of deficit spending places a financial burden upon future generations. This year, as the price for excessive spending in the past, Americans will pay $200 billion in net interest payments. As long as our deficit is allowed to grow, interest payments will consume ever increasing percentages of the Federal budget. It is simply no wonder that my Long Island constituents and most of the American people believe that our country is heading in the wrong direction.

My neighbors across Nassau County, who already face a tax burden among the very highest in the Nation, want to see an end to wasteful government spending. They are tired of reading about pork barrel projects and unnecessary and ineffective government programs. Yet, year after year, in spite of the talk; in spite of the promises; in spite of the Gramm-Rudman law; in spite of the budget summits; the leaders of the majority party in Congress have shown that they are unable to resist demands from their special interest friends for more and more spending.

With this vote, we can stand up for today's overburdened taxpayers and generations as yet unborn who have had their future mortgaged by the profligate spending of this and recent Congresses.

Mr. Chairman, amending the Constitution is a serious step that should never be taken lightly. However, the American people can no longer tolerate a budget process that provides political rewards to those who would willingly leave our children and grandchildren with nothing but a mountain of debt. The magnitude of the problem demands that prompt and meaningful action be taken to decisively change Congress' attitude toward spending. That is why I urge the House to pass House Joint Resolution 290, send it to the States for ratification, and help ensure prosperity for current and future generations of Americans.

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the amendment.

Mr. Chairman, I ask that you and my colleagues indulge me for a moment in a trip down memory lane.

It is September 12, 1973.

And it is probably a beautiful autumn day in our Nation's Capital.

On the floor of this House on the day I introduced a resolution—a resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

Mr. Chairman, now 19 years later, I stand on the floor of this House, speaking on behalf of a constitutional amendment to balance the budget.

I am sure you may understand that I have an acute sense of deja vu all over again.

In fact, let me just recycle a few words from remarks I made on behalf of a constitutional amendment in 1973, "Now, however, I think the time has come when the people again * * * expect their elected Representatives to behave in responsible ways which will bring Federal spending under control, eliminate [the] deficit, and begin to reduce our gigantic national debt * * *"

Nineteen years later, and our country needs more than ever, to bring Federal spending under control, eliminate the deficit, and begin to reduce our gigantic national debt.

Since 1979, our debt has quadrupled, from $897 billion to $4 trillion today. Four trillion dollars—that's 4, followed by 12 zeros.

Just the interest on the national debt has grown from $37 billion in 1976 to $200 billion in fiscal year 1993. This part of our budget was the third largest item in 1976 but will now consume the largest share of our budget, 21 percent of all Federal spending! This will exceed, by over $80 billion, all funds spent on domestic discretionary programs—programs such as housing, education, medical research, transportation, and law enforcement.

Let me highlight some other statistics.

The United States now faces a $400 billion annual deficit and it's growing by $1.1 billion a day. That translates to $45 million every hour or $12,000 per second.

The national debt has increased 1240 percent since 1970.

The Federal debt per person is $19,984. For a family of four, that adds up to $64,000.

The United States has not had a balanced budget since 1969.

Consumers pay 62 cents of every personal income tax dollar to pay interest on the debt.

I know we have all heard these statistics over these past 2 days, and we have been wrestling with the problem of the deficit for the last 2 decades.

But maybe we have become immunized to the real impact of these statistics.

Let's look at the real impact of the Federal deficit. We know that in capital markets, we all compete—private and public borrowers—with the Federal Government for funds. And it is personal savings that basically underwrites our borrowing and debt, including the national deficit and private mortgages on homes.

Well, the deficit on personal savings currently stands at 225 percent—from 38 percent in the 1970's. That translates into higher interest rates and skyrocketing inflation—and subsequent recession and unemployment. That means less capital to build new factories which provide new jobs. That means less capital for investing in research and development for the new technologies that will be the industries of tomorrow. That means less capital to address the needs of our crumbling infrastructure—our interstates and bridges. That means a lower standard of living for all of us.

Critics might argue that our interest rates have actually gone down, and inflation is low, so maybe the deficit isn't all that bad. I agree that our interest rates have decreased, and yes, inflation has not risen appreciably. But there's a reason for it—foreign investment. During the 1980's, these foreign investors purchased billions of dollars of Government securities—in effect loaning us the money to pay not our deficit, but to pay the interest on our deficit. And in a global economy which is increasingly experiencing difficulties, foreign investment isn't going to be able to bail us out in the future.

I am sure my colleagues would agree that the $200 billion that the Federal Government spends on interest payments would be clearly more wisely spent on programs for our senior citizens, jobs for our workers, and education for our children.

Mr. Chairman, during these deliberations, we've also discussed the hardship and pain cutting the Federal deficit will cause. And I understand and emphathize with those. But if I can remind my colleagues, there's real pain in our communities today. Right now. We cannot afford to put potential reductions in Federal spending off until sometime down the road.

I join 77 percent of the American people who favor a balanced budget amendment. On behalf of those individuals and communities hurting today, and on behalf of future generations, we must pass this measure today.

Mr. Chairman, America is waiting.

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise in strong support of House Joint Resolution 290.

I rise to offer my very strong support for House Joint Resolution 290, the constitutional amendment to balance the budget. As a cosponsor of the Stenholm amendment, I am pleased that this debate has refocused critical attention on the important issue of Federal fiscal responsibility.

When I was elected to Congress in 1986, balancing the budget was one of my top priorities. Since my first day in office, I have consistently supported a variety of efforts aimed at reducing the size of government. Whether it was rescinding appropriations or implementing the recommendations of the Grace Commission, I have supported measures to reduce the budget deficit and the national debt. Because the President, Congress, and the American public cannot voluntarily agree on how to restrict government spending, I feel that I have absolutely no choice but to support the balanced budget amendment.

Although it is an imperfect tool, enactment of the balanced budget amendment is imperative if we are to maintain our Nation's long-term economic security. We cannot continue to spend money that we do not have. If we cannot control this rapidly growing monster, it will quickly overwhelm us. Clearly, Congress has been negligent in its fiscal duty. But, no matter how late in coming, the balanced budget amendment presents us with a historic opportunity to exercise some political leadership.

The portion of our annual budget devoted to the interest on the national debt is mindboggling. It not only crowds out private sector borrowing and investment, which slows economic growth, but it also crowds out Federal spending on important and desperately needed domestic programs. We cannot continue to ignore this sad reality: The budget deficit is a self-inflicted wound on our Nation's ability to remain competitive in the international economy.

If we do not balance the budget, more and more money will be needed to service the national debt. That means less money for the programs we all want to fund. As the deficit and national debt continue to grow, we will not be able to afford more money for education, child care programs, infrastructure, et cetera. While the balanced budget amendment will require some tough, painful choices in the near future, the long-term prospects for increased domestic spending, without a balanced budget, worries me much, much more.

Regrettably, this debate has been turned into a struggle of generations by both proponents and opponents of the balanced budget amendment. However, it is too simplistic to frame this debate as one generation battling against another. Every American, no matter what age, should be concerned about this issue. If we do not do something today, the entire Nation will greatly suffer.

It is important to note that the Stenholm amendment does not specify cuts in any discretionary or entitlement programs. Those decisions are left for later, but they will eventually be made. While I know that many seniors in my district are concerned about maintaining the integrity of the Social Security system, I am confident that older Americans can remain secure about the status of this program.

In the past, Congress has rejected any efforts to raid the Social Security trust fund. I do not anticipate that this situation will change. Our seniors deserve to receive what they have paid into the system, and I will help to ensure the safety of our Nation's Social Security system.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Washington [Mr. CHANDLER], an outstanding Congressman.

Mr. CHANDLER. Mr. Chairman, I rise in support of the balanced budget amendment to the Constitution and will be voting for the Stenholm substitute.

Americans are angry. They are frustrated with congressional gridlock and the inability of Congress to get anything done.

They look on in disbelief as this place flounders.

But if you think the American people are mad now, just defeat this one ray of hope we have for reducing the Federal deficit, and you will really see a revolt.

Today's vote is an opportunity to show the American people that Congress is finally listening.

At kitchen tables around our Nation, Mr. Chairman, American families impose their own balanced budget amendment.

It is called balancing the checkbook to pay the mortgage and other household bills, build a nest egg and try to have something left over for family recreation.

And when the bottom line does not show a positive balance, families sacrifice.

They eat at home, not in restaurants. The old car does the trick for another year. A camping trip to the lake wins out over Disneyland.

American families want the same kind of restraint on the Congress of the United States.

Mr. Chairman, the days of asking the liberal big spenders to show some restraint are over. It is time to force restraint.

If they will not rein themselves in, we will do it for them. The balanced budget amendment is not business-as-usual nor another attempt to rearrange the deck chairs on a sinking ship. This is real reform.

Mr. Chairman, those who argue today that Congress will balance the budget without a constitutional amendment are simply wrong.

Congressional spending habits of the last decade expose the hollowness of that argument.

When I was first elected to Congress, my top priority was fiscal responsibility.

Our 1992 group proposed spending reduction plans—budget leading to a balance.

We never had a majority. We did not just lose. We were often laughed at.

I have worked with my good friend and colleague from Oregon, Mr. SMITH, and Mr. STENHOLM of Texas for passage of reduced budgets.

We have tried.

In the last decade, Federal spending has more than doubled.

In spite of our attempts.

Interest payments on our accumulated debt consume 13 percent of the Federal budget each year.

The deficit is now estimated to be over $350 billion, and the national debt is close to topping $4 trillion this year.

Deficits gnaw at the future of our children. Deficits are an anchor on this great ship of state.

Without the balanced budget amendment, big spenders will continue to put off tough decisions.

It is time we stopped the big spenders from mortgaging the economic future of our children and grandchildren.

Mr. Chairman, the big spenders are out of touch with the American people.

Let us pass the balanced budget amendment. We dare not let the people down now. Let's prove, for once, we hear and we respond.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I rise in opposition to the Stenholm amendment.

If you want to assure that the Social Security trust fund is raided, vote for this amendment.

Now, you know, the Reagan-Bush team had tried to raid Social Security for a long time. Remember the first Reagan budget? They raided Social Security by $29 billion.

The Gephardt amendment held harmless Social Security. Not this amendment, it is smack in the middle of it.

We all know that Social Security is the second largest item in the budget. Where do you think they will go? To money that does not belong to them. Social Security is a contract. We should hold it harmless from this amendment.

This amendment will slash Social Security benefits for 42 million Americans. It will force a million of the elderly into poverty. It will make millions more to be near poor. And think of the future generations who will not have those billions of dollars that are current in surplus in that budget.

Some of us are trying to reform Social Security. We want my offset bill to pass. We want the Notch bill to pass.

If you want to assure that this will never happen, vote for the Stenholm amendment

Now, President Bush says he lacks the constitutional power to enforce a balanced budget, and yet he has never submitted to Congress a balanced budget. I submit that the President's problem is not a lack of constitutional power, but a lack of political constitution.

Defeat the Stenholm amendment. Do not let them raid the Social Security trust fund.

And incidentally, they will also be privy to raiding the retirees' trust fund for Federal employees, railroad retirees and veterans who have access to a source of income.

Mr. Chairman, defeat this amendment. It is bad news.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I rise in strong support of House Joint Resolution 290, the Stenholm balanced budget amendment to the Constitution. I do so because we must get our runaway deficits under control.

With a $4 trillion national debt—most of it from the last decade—we cannot afford to continue these deficits. Our economic future depends on it. The debt deprives us of the investment we need to improve our economic productivity and the skills of our work force. Without this kind of forward-looking investment, the General Accounting Office projects that living standards in America will begin to decline by the year 2015.

The debt is also taking its toll on our present economy. Interest payments on the debt are the fastest growing expenditure in the Federal budget and are expected to exceed $300 billion next year. That is larger than our entire budget for discretionary domestic programs.

I realize that a balanced budget amendment is not the ideal solution to this budgetary crisis. Ideally, Congress and the President would balance the budget every year as a matter of good policy. But I have come to realize that the ideal is not possible in this case. On seven occasions in the last two decades we have passed balanced budget laws to bring our deficits under control. Seven times these efforts have failed. The most recent was the budget agreement of 1990.

I also realize that a balanced budget amendment is going to require some tough decisions. Decisions that may be unpopular at home. But that is exactly the point. It is time we stop passing budgets that please every interest group at the expense of the general welfare of the Nation.

Unfortunately, Mr. Chairman, I believe there is no other way we can bring fiscal responsibility back to our Government. We have come to the last resort. A necessary last resort. I urge my colleagues to adopt the Stenholm balanced budget amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from Wisconsin [Mr. MOODY], one of the chief cosponsors of this legislation, who has worked extremely hard to get us to this point in the debate.

Mr. MOODY. Mr. Chairman, everyone, including those who blame the Congress and those who blame the President, knows that the deficit policies we operate under cannot continue. They are crippling our country's future, stealing from our children, mortgaging America to foreigners and transferring billions of dollars of income from middle-income Americans who pay the taxes to bond-holding Americans who tend to be high on the income scale. That cannot continue.

The GAO study that was put in the RECORD last night lays out the dire situation we are in.

So what do we do? Do we rely on human nature to change, including in this body? Should we wait for a change in human character? Do we wait for that will power we have been hearing about to suddenly materialize, or do we change the rules under which we work? We have to change those rules.

In every walk of life, changing the ground rules changes the behavior.

This amendment that the gentleman from Texas [Mr. STENHOLM] and others of us have put forward is not a sign of weakness. It is a sign of realism, that we will not change behavior without changing the rules.

It is not a substitute for action, as many have stood up and claimed. This will force action, require action, starting right away. It is a guide to action.

And by the way, in reference to the comments of the gentlewoman from Ohio [Ms. OAKAR], this is not a threat to Social Security. Social Security is running a surplus. It is a contract that should not and need not be violated to balance the budget. No Congress that I know of would do that in any event. I would oppose any effort to reduce Social Security benefits.

It will challenge Medicare's administrative costs, which is the most rapidly rising part of the entire debt. Medicare benefits should not be cut. The overhead and administrative waste should be cut.

Here is why I like the Stenholm amendment. It will force choices to occur. Let me show you this chart.

There are three things that we can do when we know we are going to have an imbalance. We can raise taxes. We usually say no to that.

We can cut spending. Well, we know what happens to that—we do not do it.

Those each require a simple majority of 218 votes.

Or under the Stenholm amendment we can select debt. Notice, only under this amendment do we have to actually select debt.

Right now under our current arrangement, we do not select debt. We say no to this, no to that, and debt happens. It is an outcome. It is not selected. It just happens. Debt is the shock absorber of the economy under current rules. That cannot continue because we know where it is leading us.

We have to force ourselves to say that we will accept a specific level of debt.

And notice, to raise debt it does not take a simple majority. It takes 60 percent, and that is how it should be, because debt is a serious outcome. Debt is a very bad outcome. It is one that we have to confront and begin to change.

So the 60-percent majority in this instance is warranted, and I urge my friends to support this amendment.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Mr. Chairman, I rise in opposition to the Stenholm amendment.

This vote on the balanced budget amendment is one of the most difficult I have faced since I have come to Washington. Many people have told me that it should not be a difficult vote: I am listed as a cosponsor of House Joint Resolution 290, I have voted for versions of it in the past and people at home know that we absolutely must bring our financial house in order or face certain economic decline. All of my colleagues from South Carolina, including those in the other body, support a balanced budget amendment. So what is the problem? All I need to do is to get on board this resolution and go home as the champion of fiscal responsibility. But I will not vote for the Stenholm amendment.

It would be much easier to be consistent, to not admit I had changed my mind, to go ahead and vote with my South Carolina colleagues. What changed my mind is the hard fact that as we are about to vote on this, there is not a wisp of a plan between the President and the Congress to actually make the hard choices, to do the heavy lifting, to balance the budget. To pass this command into our Constitution, without having the slightest consensus on how to do it, is not leadership. It is the flailing of a Congress and a President who are 5 months away from an election, facing an angry electorate, with a recordbreaking $400 billion deficit. And we see our calendars, we're already in the middle of June and feeling the election jitters and the pressure to convince people that things are going to change around here, without actually changing anything around here.

These amendments are the opposite of change, believe it or not. When you put it in simple terms it sounds kind of crazy: What we are wanting to do is pass an amendment to take effect years from now, which two-thirds of the States have to approve, which would tell us to do something from above that we already know the people want us to do now: Balance the budget. It is a picture of indecisiveness, of weakness and of irrelevance.

I believe the people of the Sixth District, and the Nation, will see, if they do not already, that we have a leadership problem, not a problem with our Constitution. And putting this in our Constitution will not provide the leadership. In fact, it shows the opposite. Instead of actually balancing the budget, we want the painless courage of a balanced budget amendment.

To pass the Stenholm amendment will be worse than doing nothing. It has serious implications for our system of government and the economy. The supermajority requirement will tie the Congress' and the President's hands in reacting to recessions and national emergencies. There is a great deal of credible evidence that it will have the effect of deepening and prolonging recessions.

There are many troubling questions regarding how this amendment would operate. The Constitution is a sacred document. I believe it should be reserved for setting the fundamental structure of our political system and for setting down and ensuring civil liberties. It should not be used to clean up the mess we have made, largely in the last 12 years, by not making the tough decisions. Imagine all of our convoluted budget procedure becoming a matter of constitutional law.

We have the tools we need to get our fiscal house in order. The Congress has the power to appropriate and rescind funds; the President has the power to veto spending bills and to propose a budget. The only thing lacking is the will to do it. And I don't believe for a minute that vague language which has been hastily nailed onto our beautiful Constitution will suddenly give everybody religion, and we will assemble under the pure light of this amendment and make hard and wise choices.

I am not willing to gamble the American economy and the U.S. Constitution on a distant mirage. The Congress has the tools and the power to make these hard choices beginning now. The people rightfully expect us to make these choices as their Representatives. They should not have to wait on an academic mandate from the Constitution.

So let us get on with it. Make no mistake about it—I support immediate action to balance the budget. That is why I am opposed to this amendment. We do not need to wait years for a command to come out of the sky to tell us what the people of this country want us to do.

While I oppose the amendment, I am thankful for the debate, which may finally provide the wake-up call for this body and President Bush to stop blaming everyone else in sight and take real and responsible action to reduce and eventually eliminate the deficit.

One more trick in the bag, one more mirage, one more political grandstand will not do it.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SNYAR. Mr. Chairman, we, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves, are now considering adding an accounting provision to the document that has guided the Republic for over 200 years. For those two centuries and more, empires have fallen and monarchies have vanished, nations have come and gone like the passing of the seasons, and yet our Republic has endured. Am I wrong in giving some credit to the Constitution in creating this unprecedented political miracle and am I wrong in considering any change to its text is an undertaking in which we should engage with the utmost skepticism and trepidation?

This amendment is nothing more than the constitutional equivalent of hanging garlic in the widow to ward off vampires. It does not balance the budget, does not restore the public credit, does not bring integrity to the Federal accounts, and does not reduce the outstanding indebtedness of the United States. It does nothing except make us feel good. And like most feel-good philosophies, it creates a superficial aura of good will by providing a convenient excuse to avoid the painful responsibility for our own actions. It places the deliberations of the U.S. Congress on some sort of automatic pilot so that we can shrug our shoulders back in our district and tell the voters that we cannot be held accountable for the choices we made in this Chamber. Instead, like a legislative version of the insanity defense, we will claim that our votes were not the product of a free will and we are not therefore responsible for them. Like an army that will not fight, like a choir that will not sing, like a navy that will not go to sea, like a football team that will not enter the stadium, we seem to be heading toward the oxymoronic spectacle of a Congress that will not vote. This is not why you were elected and it is not why I took my seat in this House. I urge rejection of this amendment.

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. NUSSLE].

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Mr. NUSSLE. Mr. Chairman, I rise in very strong, committed support to the Stenholm amendment. I challenge the Congress to write a strategic plan for the future of this country.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding this time to me.

Mr. Chairman, to those who supported the Kyl-Allen amendment, thank you.

I also supported Tauzin-Barton. I strongly urge my colleagues to vote "aye" on Stenholm-Smith.

If 435 amendments would have been made in order, each of us would have introduced different proposals to solve our budget woes. But 435 proposals will not produce a consensus. Stenholm-Smith is a consensus of Republicans and Democrats, House and Senate, liberals and conservatives. It is the only proposal that can become law.

Let us not make perfection the enemy of the good. Each of us can find some fault with Stenholm-Smith, but it will help to get our financial house in order. In effect, it will shift the burden from those who want to tax and spend from those who want to balance the budget. That is a worthwhile improvement in our process.

Some say this amendment is not needed, that we can exercise willpower. Others say it is unworkable because we cannot; we will find ways around it. Both of these arguments cannot be true.

I believe the second argument is partially true. Some in Congress will seek ways to avoid complying, but that proves that the first argument is wrong, and it proves the need for the amendment.

Congress finds it very difficult to exercise constraint on its own. Only by putting roadblocks in its way will Congress make progress in reducing the deficit.

Stenholm-Smith is a significant roadblock to profligate spending.

The idea is to put Congress and the President on an allowance like our hardworking constituents have to do. Do you want to spend money? Money that you do not have? Mortgage your future? Then vote "no." But if you want to put an end to business-as-usual, to really do something about the deficit instead of just talking about it, and if you care about our children and our grandchildren, then vote "yes" on Stenholm-Smith. And if you are still in doubt, vote "aye." Keep the process moving. Let your constituents and State legislatures have their way. They cannot fault you for that. Vote "aye" on Stenholm-Smith.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, this is the constitutional amendment to raise taxes and wreck the economy. A lot of you heroes are going to vote for it, I suppose. But none of you is putting your money where your mouth is; none of you will show us the list of taxes that you will raise, or the programs that you will cut, which will add up to the balanced budget you say you are committed to.

If I am wrong in that, I would like to see Members raise their hands right now. Raise your hands, heroes, and I would like to call out your names. Submit your list and I will put it in the RECORD, the list of your cuts and taxes, into the RECORD. Mr. STENHOLM, Mr. MOODY, and Mr. VALENTINE raise their hands. I would be interested in reading their list.

Then there is President Bush. He says he can balance the budget by the magic of economic growth. My question is: If that is so, why has he not done so? He and his allies have had 12 years; not only have they failed to produce growth or a balanced budget, but Reagan and Bush have never even proposed a balanced budget.

And now the same political carnival that has quadrupled the national debt says it has yet another magic potion for America, for the economy. But, my friends, this is not a magic potion, this is Jonestown Kool-Aid for the American economy and for social security, make no mistake.

Here is what this charade is all about: The Republican White House and its allies here have tried to cut Medicare, have tried to cut Medicaid, have tried to freeze Social Security and steal the peace dividend. And what they really want most of all is a national value-added sales tax. What they failed to get through the front door they intend to sneak through this, through the back door.

We have thousands of people coming home from the military looking for work. We have a major economic challenge from Japan and Europe. We must have the private and public investments in order to respond as a country. This amendment stops us cold. It would leave us with a third-rate economy, Third World wages and seniors stranded on third base—and that is wrong.

What we ought to be debating today is a Marshall plan for America: Cut cold war military spending by $1 trillion by the year 2000, use that for real deficit reduction and for investments that America desperately needs to be No. 1 again economically: education, technology, infrastructure—that is a real plan. That is what we should be debating here today, not some charade that sounds good in an election year but will leave us staggering under a staggering tax increase and leave us with a crippled economy.

Vote "no" on this raise-tax, wreck-the-economy constitutional amendment.

I'll tell you what my voters are saying. On Tuesday, June 9, in Portland OR, over 30 representatives of groups and coalitions organized a press conference urging Congress to oppose the constitutional amendment to balance the Federal budget. Instead, they asked Congress to take responsible action in reducing the deficit and making long-term investments in education, in creating jobs, and in promoting economic growth in our communities. Here's what these voters said:

The call for a balanced budget amendment provides a politically correct sound bite—but questioning reveals that the amendment does not address the current imbalance in federal programs or payments and that the bite will not be from sound, but rather from domestic programs, particularly discretionary ones.—Ellen Lowe, Ecumenical Ministries of Oregon.

I'm here today because I don't want people to find out, somewhere down the road, that we signed away the chance to complete Westside Light Rail * * *. Instead, I want to see an honest debate over the direction our country is headed. If that happens, I'm confident that people will support investments in transit. People understand that transit saves energy, reduces air pollution, and gives seniors and persons with disabilities and lower-income people a way to get around. But that won't happen with this farce.—Nita Brueggeman, TRI-MET board member.

While the need for fiscal responsibility is unquestioned, a balanced budget constitutional amendment is the wrong mechanism to use to reduce the enormous federal deficit and achieve a balanced budget. This amendment would pose grave risks to the U.S. economy, threaten the already precarious situation of state and local governments around the country, and have long term negative impacts on programs central to the American Jewish community. Programs that target the economically disadvantaged refugee resettlement, and foreign aid are but a few of the initiatives that would be devastated if a balanced budget provision was amended to the Constitution—Judith Kahn, Area Director, The American Jewish Committee, Portland Chapter.

The Human Services Coalition of Oregon (HSCO) has added its voice to the fight against the Balanced Budget Amendment. HSCO, a statewide coalition with more than 175 human service organizations and individuals, has long noted the serious erosion in federal participation in support of housing, health care, and social services, * * *. It would be most appropriate to ask specifically how the gap would be made up. What programs would be cut? What taxes would be raised? These important questions are not answered by the proposed balanced budget amendment. HSCO has already spoken out on the federal budget in support of a "peace dividend," combining cuts in military spending with deficit reduction while investing in education, human services, and public works. We urge Congress to reject the quick fix of the Balanced Budget Amendment and to exercise their existing constitutional authority to provide for a fair and reasonable budget.—John Mullin, HSCO Co-Chair.

The Oregon Student Lobby believes that such an amendment will have devastating effects on domestic programs dealing with human services and human development, and it will certainly make it harder for student financial aid programs to be properly funded. Just look at the track record that funding for these programs has racked up in the last couple of years. With close examination anyone would come to the conclusion, that with the passage of a balanced budget amendment many of the federal government's social programs would be severely crippled due to a lack of funding. OSL believes that such an amendment would tie the hands of the President and the Congress in ways that are not in the best interest of the nation for the long run.—Robert Nosse, Executive Director, Oregon Student Lobby.

The much discussed proposal for a balanced budget amendment to the Constitution would wreak havoc on Oregon forcing its unemployment rate up while lowering the personal income of its residents * * * Wharton Econometrics Forecasting Associates (WEFA), one of the nation's most prestigious economic forecasting firms, found that Oregon would lose 69,000 jobs and suffer a loss of $9.4 billion in personal income in 1995 if a constitutional amendment requiring a balanced budget were enacted.—Ken Allen, Oregon AFSCME.

Common Cause . . . also opposes the Balanced Budget Constitutional Amendment for the following reasons: The Balanced Budget Amendment would profoundly change our constitutional system of government. Political gimmicks are no substitute for political will. The balanced budget amendment would undermine the United States Constitution. The proponents' argument that a balanced budget requirement has worked at the state level is an illusionary comparison that simply does not stand up to scrutiny.—David Buchanan, Executive Director, Oregon Common Cause.

Putting the balanced budget requirement into the Constitution would destroy government's ability to manage the economy during economic downturns. The result will be larger, deeper, more frequent recessions.—Brad Witt, secretary-treasurer, Oregon AFL-CIO.

In our zeal to reduce the deficit, we must not abrogate our responsibility for the care of our children. The Balanced Budget Amendment does not distinguish between spending and investment. We have an obligation to invest in our children's future by providing adequate funds for education and other essential programs. The Balanced Budget Amendment would remove the government's flexibility to set priorities and guide economic policy.—Karen Famous, President, Oregon Education Association.

It will drag the courts into setting economic policy. It will make it even more difficult for Congress and the President to resolve domestic issues and to help resolve foreign issues. And it will increase the severity and duration of recessions, and the resulting instability and uncertainty will promote short-term over long-term investment. Can Congress tell us with a straight face that passing a constitutional amendment requiring a balanced federal budget reflects fiscal responsibility? Whenever I face an onerous task I'm invariably tempted to indulge in avoidance behavior such as sharpening pencils or sorting socks. Congress has simply taken avoidance behavior to an extreme. We know the choices are agonizing. We know that setting priorities and distributing the benefits and burdens are tough. But that's what we elected Congress to do. Though it may be too much to expect, it's not too much to ask.—W. Ed Whitelaw, President ECO Northwest, Professor of Economics, University of Oregon.

We need to build America, not reduce America. Only massive public investment in infrastructure, urban redevelopment, education, and health care will bring back industry, jobs, and prosperity to this nation. Members of Congress have shown their unwillingness to tax the rich or massively reduce defense spending, but they seem willing to try this gimmick of a balanced budget.—Jan Mihara, Co-Chair, Portland Rainbow Coalition.

Over the past ten years Congress and the Administration have cut the heart out of the funding of human services, making deep cuts of $112 billion from those services, exclusive of Medicare and Medicaid. The Balanced Budget Amendment currently before Congress will compound the problems engendered by these short-sighted actions and propel millions of American families into poverty. The burden of the balanced budget will be borne disproportionately by the poor and middle economic classes who receive most of their share of the government they pay for through services and programs * * * many states operate with balanced budgets, but they very sensibly exempt the long-term capital investments which are so necessary to insure a viable, healthy and economically stable future * * *. It is a very myopic view to look for ways to balance the budget by cutting or eliminating programs which provide food, shelter or health care to children. Every dollar saved in the short run is a lifelong deficit in the long run. Sound investments in job training, childhood nutrition, education, and access to basic health care represent the only true path to long-term economic stability.—Caroline Frengle, Executive Director, Food for Lane County.

These proposals threaten more than $200 million of federal student aid programs supporting low- and middle-income college student throughout Oregon—programs that provide more than two-thirds of all student aid in the state.—Dr. Gary Andeen, Executive Director of the Oregon Independent Colleges Association.

We recognize the need to reduce the federal deficit. And we also acknowledge that this cannot be done without reduced expenditures and probably tax increases. However, before supporting an amendment, we would like to know exactly where Congress would take action. In a plan proposed by Representative Leon Panetta, Chairman of the Committee on the Budget, student financial aid programs as well as other college aid programs are likely to suffer substantially. This is an era of increasing revenue problems for state and local governments, especially here in Oregon, that have already resulted in cuts in post-secondary education. We feel that it is incumbent on everyone who vote for this amendment to announce where they propose cuts. Priorities should be in public investment that would lead to economic growth. Education and training at all levels are a key to this strategy.—Karen L. Garst, Executive Director, Oregon Community College Association.

This amendment would obviously require some combination of tax increase and cuts in domestic or military spending. My assumption is that any domestic cuts would require substantial cuts in Title IV financial aid funds which directly impact the ability of low- and middle-income students to attend post-secondary schools here in Oregon. This tied to Ballot Measure 5 cutbacks present a potentially bleak picture for the training needs of Oregon employers as we enter the late 1990's on into the 21st century.—F. William King, Executive Director, Western Business College and Oregon Polytechnic Institute.

The funding of two major federal education programs, both of which contribute heavily to achieving one of the most important National Education Goals—assuring that all students begin school ready to learn—could be placed in severe jeopardy if a Constitutional balanced budget amendment goes forward. * * * In addition to the direct social impact of federal program funding reductions on children and their families, the effect of such a national fiscal policy imposes an economic strain on the nation at a time when it is ill-prepared for the shock. The nation, in some areas, still reels from recessionary unemployment and, despite allegations to the contrary, has yet to experience the promised economic recovery.—Robert L. "Ozzie" Rose, Executive Director of the Confederation of Oregon School Administrators and John C. Marshall, Director of Legislative Services, Oregon School Boards Association.

Currently, the Federal government spends a disproportionate amount of taxpayer's money on defense and non-direct people services. Due to this historical pattern, we find it hard to believe that those expenditures would suffer under a balanced budget * * *. Again, we vow our support to counteract such actions by the congressional body and endear support of others to join our cause.—Samuel Pierce. Executive Director, Minority Youth Concerns Action Program.

Oregon's congressional delegation could, at this time, be fighting to increase funding for this program because of TEFAP's proven ability to give private nonprofit agencies an effective resource in fighting the effects of hunger and inadequate nutrition in their comnmunites.—Tom Finley, Program Director, Columbia Pacific Food Bank.

Primarily because of the disproportionate effect the amendment would have on human services programs, we urge Congress not to adopt this proposal. The budget should not be balanced at the expense of the poor.—Jerry Bieberle, Community Action Directors of Oregon.

As the statewide association representing artists, arts organizations, patrons, and all Oregonians who value the contribution made by the arts in communities throughout this country, Oregon Advocate for the Arts is concerned about the implications inherent in the proposed balanced budget amendments being put forth in Congress.—Oregon Advocates for the Arts.

On behalf of Oregon Food Bank, which through 19 regional food banks distributes emergency food to over 600 helping agencies covering every county in Oregon, I express our opposition to Senate Joint Resolution 18 and House Joint Resolution 290 to balance the federal budget. It would be impossible for our network to make up for the cuts in federal nutrition programs that will surely happen if the Balanced Budget Amendment is passed in Congress and ratified by a majority of states. Our private, nonprofit network provided emergency food assistance to over 427,000 Oregonians last year. These Oregonians are the unemployed, working poor, children, and elderly. They are also recently laid-off middle-class workers who are suffering the effects of a waning economy.—Rachel Bristol Little, Executive Director, Oregon Food Bank.

Transition Projects, a not-for-profit organization serving the homeless, stands in strong opposition to a Balanced Budget Amendment. The proposed amendment would further jeopardize the already inadequate funding available to support programs for our most underserved and vulnerable members of society. Programs for the homeless have recently suffered severe cutbacks in funding, additional reductions will translate into tragic and unnecessary loss of life.—Transition Projects, Inc.

I wish to humbly express my concerns regarding the Balanced Budget Amendment * * * it represents a serious threat to refugee communities in this country and particularly in Oregon. The refugee communities in Oregon have worked hard to become productive and self-sufficient. For Oregon to maintain its capacity to effectively and successfully resettle current and future refugee arrivals, it is imperative that potential threats to the domestic resettlement program be identified and avoided.—Nady Tan, Executive Director, International Refugee Center of Oregon.

As professional social workers, NASW members are often on the front lines of human service delivery systems in the United States. We have heard concern expressed by Americans who are worried about job security, lack of adequate health care, housing, education, and training. Investments in these areas are necessary to produce long-term growth. However, if the balanced Budget Amendment is enacted, these are the very areas that would experience massive cuts.—Marie Evans, National Association of Social Workers, Inc., Oregon Chapter.

A few small, modestly funded federal coastal programs have generated benefits estimated in the billions of dollars. Yet, they have been constantly under siege since 1980. Unknowingly and unintentionally, new balanced budget legislation can achieve what the Congress has so long fought, the extinction of programs that have sustained endangered resources, jobs, and ways of life.—Earl Buckley, National Coastal Resources Institute.

The Oregon Primary Care Association, representing community health clinics, is very concerned about the serious consequences the implementation of the currently proposed Balanced Budget Amendment will have upon low-income Oregon residents and upon people without health insurance. The current proposal will wipe out many federally supported programs for unemployed and vulnerable people.—Ian Timm, Executive Director, Oregon Primary Care Association.

Mr. Chairman, the gentleman from Texas [Mr. STENHOLM] has informed me that his tax increase and spending cut figures date from 1985 when the deficit was half what it is today.

I am awaiting the list from the gentleman from North Carolina [Mr. VALENTINE].

The gentleman from Wisconsin [Mr. MOODY] has supplied me with broad categories for 1997: $110 billion in defense cuts, $120.8 billion in domestic and foreign affairs spending, $39.2 billion in tax fairness, and $34 billion in interest saved by phasing in these measures in the years 1992–96. This totals $304 billion, which is consistent with the CBO deficit projections for 1997.

The gentleman from Wisconsin [Mr. MOODY] informs me that he is preparing a detailed list of tax and spending measures and will have it ready for release shortly. Mr. Chairman, I appreciate the gentleman's cooperation and I must say we all know Mr. MOODY to be an outstanding Member of Congress in every way; I regret that we are on opposite sides of this issue.

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I congratulate the gentleman from Oregon for this work on the balanced budget amendment.

Throughout the history of our great Republic, there have been many times when this body has been called upon to guide the Nation through periods of extraordinary difficulty, or to challenge the Nation to meet new social or moral obligations.

The 37th and 38th Congresses met the challenge of saving the Union. The 60th Congress launched a period of progressive reform, the 73d Congress launched the New Deal, and the 89th Congress launched the Great Society. The 97th Congress radically cut taxes and restructured government.

And for what will this—the 102d Congress—be remembered?

If we were to ask the American people today to describe this Congress, I fear we would hear a great deal about bounced checks, strident partisanship, and inflammatory debate—and very little about substantive accomplishments. We have an opportunity to change that impression. We have the opportunity to have this Congress remembered as the Congress which had the guts to put this country back on the road to fiscal integrity.

There is no issue on which this body will vote this session that will have greater impact on the future of our Nation than that which we are considering today. It is the defining issue of this Congress.

During this debate, we will hear that the balanced budget amendment is: First, completely unnecessary and useless; second, a draconian measure which will bring us to economic ruin; or third, a certain salvation from economic ruin. It is none of these.

To those who argue it isn't necessary, saying that we do not need a balanced budget amendment because Congress already has all of the powers it needs to balance the budget is like saying that we really do not need laws against speeding because automobiles are all equipped with brakes and speedometers. It may be technically accurate, but it sure doesn't stand up in a reality check.

Of course Congress has all of the tools it needs to balance the budget—just like an addict theoretically has all of the mental tools he needs to stop poisoning his body with drugs—but, just as the drug user is addicted to the chemicals he injects or snorts into his body, the Congress and the people we represent have become addicted to programs whose costs have risen beyond our ability to pay, and to a philosophy that it is OK to spend money we do not have. And, just like the vast majority of addicts must be externally restrained and gradually forced off of the addictive drugs, so must we force the Congress and the American people off of the addiction of deficit financing.

To those who say it is draconian and will cause economic ruin, what could be more draconian than bankrupting the country with debt? What could be more draconian than mortgaging our children's future? What could be more draconian than endangering the future of Social Security and Medicare by draining the Treasury to pay the interest on our debt?

To those who say it will be a cure-all, it won't—but, it is a necessary step. We need—and the American people need—the discipline of a constitutional amendment to help us break our horrible addiction to spending what we do not have. We need this amendment to make it clear to those of us here—and to our constituents back home—that we have to pay for what we receive.

But, you say, we can do that without an amendment. Can we? We have given no indication that we can.

In this week alone, we have been asked to vote on legislation to spend $2 billion we do not have to assist our cities. It is a worthy cause, but we do not have the money—and yet we were asked to vote for it in spite of the deficit. If this balanced budget amendment were in effect, we could not pass such a measure—unless we cut expenditures elsewhere or raised additional revenue. It will force us to—and help us to—put each vote in proper perspective.

No, this measure will not be a cure-all, but it is necessary. It will be helpful.

The 102d Congress has the opportunity to be remembered for something besides scandals and partisan bickering. We have the opportunity to do something good for our constituents—and for their children. We have the opportunity to do something good for America. It is about time we did.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in support of the Stenholm amendment.

Mr. Chairman, "obscene" is a word that is used quite frequently in this town, and for years the Supreme Court of the United States has grappled to find a definition of the word "obscene."

They have not succeeded. But I can tell you all what is obscene: A $4 trillion national debt is obscene, a $4 trillion national debt that requires us to spend $784 million every single day just in interest on that national debt. That does not feed anybody or clothe anybody or educate anybody or take care of anybody's health care needs. That is $784 million every 24 hours just to service the national debt. I am not overly excited about the balanced budget amendment, and I have been like a lot of my colleagues not one to worship on the altar of a balanced budget amendment; but the facts dictate that we have to be forced into action. I would like to think that we have the resolve, that we could do it on our own, but we fail year after year after year. And for those of you in this Chamber who are not listening to the American people, let me tell you what they are saying loud and clear: "Get your house in order."

Support Stenholm.

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Stenholm substitute.

Mr. Chairman, I wish to express my firm support for House Joint Resolution 290, establishing a balanced budget amendment to the U.S. Constitution. I am proud to be a cosponsor of this historic legislation.

The growing Federal deficit and national debt remain the most important problem facing our Nation. We have lost control of the budget process. The Federal deficit has been growing exponentially for the past decade, skyrocketing from $83 billion in 1980 to more than $416 billion this year. Such shocking excess expenditures drive up interest rates, stunt economic growth, reduce productivity, and ultimately wither our economy.

Each year brings the addition of billions of dollars of extra debt. In fact, our national debt of $4 trillion increases by approximately $12,000 per second. In fiscal year 1993 alone, we will spend $315 billion—the largest single expenditure in the Federal budget—just to finance the debt, without reducing it a single penny. If our national debt is not significantly reduced, interest payments will continue to grow to the point that they further crowd out other forms of Federal spending, eventually forcing the reduction of entitlement expenditures, including Social Security, just to finance debt interest payments.

We cannot afford not to balance the budget. We are stealing away the hopes of productivity, of meaningful jobs and livable wages, and of an economic climate conducive to entrepreneurship and opportunity from our children.

Many of those who oppose the passage of a balanced budget amendment claim that it cannot substitute for fiscal responsibility on the part of Congress. I agree completely. But I find it ironic that the proponents of this argument often hold the most fiscally irresponsible records in Congress.

The enforcement of a balanced budget amendment won't always be popular. Programs could be cut, benefits may be capped, proposed infrastructure projects may go unfunded, salaries may be frozen, and some taxes may be raised. During the right thing is not always easy, but it is still the best thing to do. I am pleased to fully support House Joint Resolution 290, and I urge my colleagues to do likewise.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman and colleagues, I am struck by the lack of substantive arguments that we hear from the opponents of a balanced budget amendment. I mean they all come up here and rail against amending the Constitution to require a balanced budget, that if we do so, we are going to have a very tough decision, it is going to be tough, there is going to be pain and suffering. But are you against the concept of a balanced budget? I have not heard anybody come to the floor and say we ought not have a balanced budget. Well, if you are for a balanced budget, then what could you possibly have against a constitutional amendment requiring the budget of the United States to be balanced? I do not understand. If it is good, let us put it in the Constitution; if it is bad, say so. But I do not hear the opponents saying that. I think they know it is good and it belongs in the Constitution.

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Mr. PANETTA. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman and my colleagues, I began this debate by saying this is perhaps one of the most important debates that we can conduct in the House of Representatives when we consider an amendment to this Nation's most sacred, our Constitution, and I want to take this time to commend all of those, the authors of the various amendments, those who have joined in this debate, because I believe everyone sincerely desires to try to deal with what I believe is the most serious crisis that confronts this Nation today, our deficit.

I just do not fundamentally believe, Mr. Chairman, that the answer lies in a constitutional amendment. No amendment balances the budget. No amendment makes the tough choices that need to be made. And no amendment will give us the courage, the guts and the leadership to make those tough choices.

History has been mentioned during this debate a number of times, about what kind of heritage we want to leave our children, and, surely, none of us want to leave the heritage of a huge deficit to our children and their children.

But neither do we want to leave a lasting constitutional memorial to the failure of leadership in the 1990's, and that is what this amendment constitutes.

Our forefathers left the greatest heritage to all of us and to our children in the Constitution, and for 200 years that Constitution has worked, not just because of the document, but because there were people and Presidents who wanted to make it work.

Deficits are not new. They are not new at all. Deficits have been faced by 28 of the 41 Presidents of this country.

Thomas Jefferson has been mentioned here as supporting a constitutional amendment. Thomas Jefferson reduced the deficit during his administration by 34 percent. James Monroe faced deficits after the War of 1812 and reduced them; John Quincy Adams, by 40 percent; Andrew Jackson reduced deficits by 93 percent; President Pierce, Johnson, Grant, Hayes, Arthur, Cleveland, Harrison, McKinley, Theodore Roosevelt, Harding, Coolidge, Harry Truman. Every one of them reduced deficits, and they did not need a constitutional amendment to do it.

Here we are at the end of the cold war, and what is President Bush saying, and what are the Members of the 102d Congress saying? We are saying, "We're so weak, we're so cowardly, we're so helpless, that we've got to amend the Constitution of the Untied States to give us a little spine." That is not the heritage that I want to leave for my children.

My parents came to this country as immigrants. They did not need a law to tell them they had to sacrifice to give their children a better life, and we do not need a constitutional amendment to tell us that we have to sacrifice to give our children a better life.

Mr. Chairman, this issue is not going to go away with or without a constitutional amendment, and I do not intend for it to go away because I will bring to the floor an enforcement procedure to move us toward a balanced budget with tough enforcement regardless of what happens. Because it is in the day-to-day battles on this floor that we decide whether we reduce the deficit or not.

That, my colleagues, is what our forefathers intended. They wanted us to fight those battles each day on this floor. That is what will determine the quality of the character of the Members of this institution and of the President of the United States, and it is that which will determine the true strength of our constitution, of ourselves and of our democracy.

Please stand with history and reject this constitutional amendment.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, some of my colleagues have argued that a constitutional amendment is not needed to correct a process that produces a deficit every year, and a national debt of over $3.8 trillion. These nay-sayers claim that such an amendment is impractical and have listed all sorts of opinions as to why such an amendment would not work.

Unfortunately, Mr. Chairman, they have not offered a single reasonable alternative. Rather, they only argue doom and gloom, and snipe at the one idea that might work.

Mr. Chairman, the truth of the matter is that every single American's portion of the national debt currently stands at over $15,000. This is rising every second, every minute, and every hour of every day. We are driving our grandchildren and their children deeper and deeper into debt. We must stop, now!

The opponents would have it continue business as usual. Buy now, feel good, let our future generations pick up the tab.

I ask my colleagues to stop this disastrous downward spiral. Vote for the Stenholm constitutional amendment. Put in place the one hurdle that might actually slow the dangerous practice of borrowing without regard for our Nation's future. We cannot wait any longer.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from Delaware [Mr. CARPER], a member who has worked tirelessly over the last several hours, days, weeks, months, and years to get us to the point today where we are in this debate.

Mr. CARPER. Mr. Chairman, I thank the gentleman from Texas [Mr. STENHOLM] for yielding this time to me. I want to thank him for his strong leadership and for enabling me to pull in harness with him and with many of our colleagues in this effort.

Mr. Chairman, when I came here 10 years ago to this body, I was not convinced that we needed a constitutional amendment to require Presidents to lead on an issue as important as this one and to raise, at least somewhat, the threshold of difficulty for the Congress to unbalance budgets.

In 1974, when we passed the Budget Reform Act, our national debt stood at $483 billion. In 1981, when we passed the law called Gramm-Latta, our national debt stood at $994 billion. In 1985, when we passed Gramm-Rudman I, our national debt stood at $1.8 trillion. In 1987, when we passed Gramm-Rudman II, our national debt had risen to $2.3 trillion. In 1990, when we passed the 5-year deficit reduction plan, our national debt stood at $3.2 trillion. And, we are still counting. We will add more than $300 billion this year, and we will add more than $300 billion next year. As far as the eye can see, we see more red ink.

When I came here, Mr. Chairman, I believed that Presidents would have the courage to lead. I have not seen that with respect to our fiscal policy. If there is no other portion of our amendment that deserves to be adopted, it is the requirement that, in 1998, the next person that we elect as the President of the United States will be required to submit a budget that is in balance in that year. Not 3 years down the line. Not 4 years down the line, not 5 years down the line, but in that year. And, having required the President to do so, we in the Congress would have some responsibility, too. Could we then unbalance that budget? I bet we can. Yes we could. Would we need a three-fifths vote to do that? Yes, we should raise the threshold of difficulty to that level.

Many of our phones rang off the hook this week. Senior citizens, our friends in the labor unions, other special interest groups; "For God's sake," they would say, "please don't vote for that amendment."

Well, let me tell my colleagues who has not called us this week: my young sons, Ben and Christopher, have not called. Our children and grandchildren have not phoned. Their generations are the ones who have the most at stake in the issue before us today. What do they have to look forward to? What standard of living can they expect if nothing changes? Real family income will not grow; it will contract. Real wages in this country will continue to drop, not rise. Productivity in this country will grow little, if at all. Americans are not investing to make us more productive as a nation. There is little to invest. Our Federal Government deficit is consuming most of what we save.

If we do not pass this amendment, what will we do? I ask my colleague, the gentleman from California [Mr. PANETTA], what will we do? How in God's name are we going to muster the courage to vote for any kind of tough enforcement package that you bring forward if we can't adopt, and take this first step today?

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. CARPER. No, I do not have the time.

Mr. PANETTA. Just do it, just do it.

Mr. CARPER. My colleagues, if we do not take this step today, we are unlikely to take the others that are needed later this year. We are certainly not going to have a candidate for President who will muster the courage to unveil to the American people a meaningful deficit reduction package. Absent the moral force of the constitution and the political shield that the constitution could provide, the next President is unlikely to lead us back to fiscal sanity. Absent Presidential leadership, the next Congress will not lead our Nation either.

Mr. SMITH of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I came to this House 28 years ago, intending to leave a government that was smaller, not bigger. Since that time, Government has grown uncontrollably and spending is completely out of control. There is no discipline or shame.

The deficit problem is a direct result of uncontrolled spending, not a lack of revenue. Taxpayer monies have been poured down a hole that will take generations to get out of, and the ones that dug it are waving shovels yelling something about the sky falling if we pass the amendment.

There are many in the House that oppose the balanced budget amendment because it will prevent Congress from breaking budget agreements and avoiding spending controls. The balanced budget amendment conflicts with their primary goal—expansion of the welfare State.

We have had all kinds of solutions to the debt in various shapes, sizes and forms, but they were simply shadows lost in election year nights. Gramm-Latta, Gramm-Rudman, Gramm-Rudman-Hollings, various budget agreements—all well meaning, but in the end, ignored.

There is no question in my mind that the deficit problem is rooted in the spending habits of Congress. The balanced budget amendment is the only tool remaining to save our children from the burden of irresponsibility.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to the esteemed whip, the gentleman from Georgia [Mr. GINGRICH].

□ 1700

Mr. GINGRICH. Mr. Chairman, let me first say that I want to recognize the extraordinary bipartisan effort that the gentleman from Texas [Mr. STENHOLM], the gentleman from Oregon [Mr. SMITH], and all of the team on a bipartisan basis has put together.

We are faced with a clear choice. If the current deficits are okay, vote "no"; if a huge debt is OK, vote "no"; if skyrocketing interest payments are OK, vote "no"; if you think we can go on and on without change, vote "no."

But if you believe the time has come to set down a marker for the Federal Government, to insist on a balanced budget, to require real change, if you think that it is patently clear that in fact Congress has not had the will to balance the budget and Presidents have not submitted balanced budgets, and that therefore we simply must change and insist on a balanced budget, then I would suggest that the only step that makes any sense, the only step that has any hope of working, is to vote "yes."

This has been a bipartisan effort on both sides to truly come together, to try to do something for America. I think our children and grandchildren deserve a commitment to a balanced budget, to controlling the deficit, and to controlling spending, and I urge a yes vote.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, Congress cannot substitute a process for a policy. I oppose the Stenholm amendment because it represents exactly what is wrong with Washington. When you do not want to or cannot make the tough choices—pass the buck. When the vacuum of leadership in Washington is exposed to the American people—do anything it takes, as quickly as possible, to create the perception of doing something.

The main problem with this amendment is that it pretends to be something that it is not. It pretends to be a policy that will balance the budget—a magic formula for curing all our budgetary problems. Don't be fooled by the slick packaging. All this amendment will do is lengthen and complicate the budget process. All it will do is add more layers of procedural redtape to the process, and in so doing it will only serve to add to the already destructive budgetary gridlock.

The budget cannot be balanced by words promising fiscal responsibility. The budget can only be balanced through a systematic plan of action which requires that the elected officials of this country make the difficult choices. This is precisely where the Stenholm amendment fails—this is exactly where it pretends to be something it is not.

Mr. PANETTA. Mr. Chairman, I yield the balance of my time to the gentleman from Washington [Mr. FOLEY], the distinguished Speaker of the House.

The CHAIRMAN. The gentleman from Washington [Mr. FOLEY] is recognized for 3½ minutes.

Mr. FOLEY. Mr. Chairman, this is a momentous vote for the House and for the country. I think it is obvious that both proponents and opponents of this constitutional amendment are deeply concerned about the state of our country's fiscal health, about the enormous deficits, and about the huge debt that is burdening our economic future. The good intentions of Members on both sides should be stated and conceded.

The speaker that just left the well, the distinguished Republican whip, is flat out wrong when he says a vote against this amendment is a vote for national debt and national deficits, a vote for continued high-interest rates and so on.

Nobody in this Chamber has come forward here to argue for the continuation of national debt at the levels we are experiencing it or the deficit. But for some it is extremely difficult to imagine an administration now claiming to be so firmly committed to this amendment that for 12 years, both under President Bush and his predecessor, has not on even one occasion submitted or recommended to Congress levels of spending that would balance the Federal budget. According to the Congressional Budget Office, even if one assumes that all of their legislative priorities were enacted and all of their estimates were to come true this would not have been the case.

But that is the past. The question is: What happens for the future?

We are now presented with the suggestion that only by a constitutional amendment, only by amending the fundamental document of this country, can either a President or a Congress summon the courage and determination to deal with the fundamental fiscal problems of the Nation.

What a shame—a shame—to suggest that neither Members of Congress nor the President of the United States, whoever they may be, are able to act responsibly and courageously, and we have to have the artificial, as it were, demand of the Constitution behind us.

The Constitution will not balance the budget. It will not bestow courage automatically upon its ratification, if it should be ratified, to see to it that budgets would be balanced.

Only with the political will that so many say is missing will that occur. If one thinks that the balanced budget amendment will automatically guarantee that essential element or prevent any evasion of it, they have no knowledge of what has happened in the States as they have dealt with similar questions. The creation of new mandates to State and local authorities, the regulation of business to impose upon the private sector responsibilities now borne by the Federal Government, 100 different things could be done.

My concern is that it will make the task of fiscal responsibility more difficult, more complicated, and more elusive, if we adopt this amendment than if we reject it.

To put it bluntly, to adopt the amendment will make the problem worse—worse—not better, particularly because the amendment would impose the requirement of supermajorities, 60 percent, three-fifths of all who sit in this Chamber and in the other body, and in doing so, give enormous new power to minorities over the majority. I am not speaking of racial minorities, ethnic minorities, or even the political minority in this Chamber which happens at this particular time to be the Republican Party. It could be the Democratic Party in the future. What I am speaking of is the incentive that such a requirement gives to any factions who wish to organize, whether regionally, industrially, for any special purpose, to block what might be necessary in a time of recession or national emergency.

With a forced balancing of a budget in a time of recession, we could see that recession steadily deepening, perhaps into a depression, and the loss of any kind of flexibility in dealing with the country's problems.

It is true in most years we should have a balanced budget, just as in some years we should have surpluses rather than a merely balanced budget. But the risk of default on Government securities which could occur with this proposed amendment would not only not help balance the budget, it would create the problem of interest rates being immediately raised for U.S. Government securities and all interest rates in the country. Economic disasters can occur as a result of this attempted constitutional amendment.

The interposition of the courts is another grave problem here. Judge Bork wrote me a letter a year ago in which he said that the idea that the courts could settle disputes arising under the amendment was either a vain hope or a dismal prospect.

The idea of hundreds of lawsuits being filed, even if Members of Congress and Attorneys General are the only ones who have standing, risks the intervention of the least representative of our national branches of government, the judiciary, entering into the most fundamental responsibility of free men and women to determine the course of how the assets and resources of the country should be applied and to what purposes.

Members, we all want to see the deficit reduced. We must do it. If half of the courage expressed in the rhetoric presented today in support of this amendment will stand behind a proposal which the Committee on the Budget will shortly produce on the floor, we can establish the process to reduce the deficit.

Let us summon the courage that rhetorically is so broad in this House today and apply it to the task of reducing the deficit, of restoring fiscal sanity to the country, but let us do it by sparing the Constitution.

Mr. SMITH of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I first want to thank the 45 Democrats and 155 Republicans who voted for the Barton-Tauzin amendment. We had an honest debate, an up-or-down vote, and I think that is all one can ask for in a democracy. My amendment did not win, and so now I am very proud to pin on the Stenholm-Smith balanced budget amendment pin.

It is a very workable amendment, it is a very practical amendment. It requires the President to submit a balanced budget, it requires the Congress to pass a balanced budget, it requires a 60-percent vote to borrow money, a 60-percent vote to raise the debt ceiling. It has an effective implementation clause, and a fair effective date of 1998. It also has a very effective act of war and military conflict clause.

Mr. Chairman, for those people that said we should have the courage to do it anyway, let me simply say we have not had a balanced budget in 23 years, since 1969. The Presidents that the distinguished chairman of the Committee on the Budget talked about are dead. The Congressmen that helped them pass those budgets, with the exception of the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Kentucky [Mr. NATCHER], are no longer in office.

Mr. Chairman, if one is in doubt, the past has failed. Let us look to the future. Let us vote for the gentleman from Oregon [Mr. SMITH] and the gentleman from Texas [Mr. STENHOLM].

It is not a panacea, it is not a perfect solution, but it is the first step. And if we do not have the first step, we cannot have the second step.

Let us vote for Stenholm-Smith.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from Oregon [Mr. SMITH] is recognized for 3 minutes.

Mr. SMITH of Oregon. Mr. Chairman, I first want to thank my friend, the gentleman from Texas [Mr. STENHOLM], who has worked with me, and I with him, over these many years. It has been a joyful experience and a hands-on kind of relationship I will always cherish.

□ 1710

Mr. Chairman, over the last 2 days and the last 10 years, in fact since I have been here, I have listened to the same charges made. It is the President of the United States fault.

Well, I recall exactly that when I arrived there was a $1 trillion debt, that is true. Now there is a $4 trillion debt. That is true. We have had two Presidents, but the same Congress. Maybe the President is at fault here. But what about the Congress?

Does not Congress spend money? If my colleagues want to help us control the President, join in this amendment. That is what it is about. It is about controlling the President and the Congress.

We have heard that this program will be thrown into the courts. We have heard it impacts Social Security, Medicare, Medicaid, agriculture, the heavens will collapse, my goodness gracious, if this should pass.

Do my colleagues know who they are listening to? They are listening to the big spenders who have been here all this time. They are listening to the problem, not the solution. We are going to help you with the solution, if you will help us pass this amendment.

The opponents have said that the amendment will not work. We are going to simply ignore it, while at the same time they argue interestingly enough, it is going to devastate the economy. That is a blatant contradiction, obviously.

It will work, and that is the troublesome part for some here.

Opponents have said the amendment assumes all kinds of false, rosy scenarios. Wrong.

I understand the frustration of the chairman of the Committee on the Budget, simply because a bipartisan majority of his own committee supports this balanced budget amendment. Does that not illustrate the division between us? Does it not demonstrate the need to develop a new approach to a very, very difficult deficit problem.

And worst of all, opponents claim that the amendment threatens Social Security to frighten Americans, America's senior citizens, and to stampede Congress in opposing the only answer to the chronic deficit spending there is around.

Senior citizens have enough to worry about without being harassed and used by those who support the same failed system that got us into this mess.

Mr. Chairman, if America had better prisons, the people would lock us up and throw away the key. I ask my colleagues, what gives us the right to drown future generations in a sea of debt?

Mr. Chairman, this Congress cannot control deficits and we never will without a balanced budget amendment. All we can do is point fingers.

We have heard it, but we are all guilty. So let us stop the fingerpointing. We have a historic opportunity today to do something right, to look to the long-term public interest rather than a short-term political gain.

We can fulfill Thomas Jefferson's vision of a government that treats fiscal responsibility as a duty, not a dodge. We can make this country a better, more prosperous place for our children, their children, and the generations to follow. We can unify this Government, increase our responsibility and the President's responsibility, and we can make the measure of statesmanship how much we can save and not how much we can spend.

Mr. Chairman, I urge my colleagues to vote for the future, not the past. Support the Stenholm-Smith balanced budget amendment.

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has 2¾ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I rise in strong opposition to all of the amendments.

Mr. Chairman, when the magician David Copperfield made the Statue of Liberty disappear, few people believed that the statue had actually left Liberty Island. On TV it looked as though the magician had performed his intended feat. But if anyone would have investigated further, they would have found Lady Liberty still standing as tall as ever.

So it goes enacting a constitutional amendment to balance the budget. Neither the President nor the Congress has shown any inclination to balance the Federal budget. Yet each continues to find ways to finesse the issue.

Presidents Reagan and Bush have paid plenty of lip service to the idea of a balanced budget, but they have never submitted a balanced budget to the American people. Instead they supported deregulating government. They made it easier for the country to sink further into debt and despair, without providing any real solutions.

The Congress, on the other hand, has missed many opportunities to balance the budget. Gramm-Rudman I, Gramm-Rudman II and the most recent failure—the Budget Enforcement Act. Instead of cutting waste, Congress folded to the interest of defense spending and pork-barrel politics and further added to the Federal debt.

Congress has even failed to cut waste and shift resources to respond to this recession. That measure was defeated because we could not find a consensus large enough to cut waste to relieve the misery most Americans are now feeling.

Many of the individuals who defeated that legislation are now touting support for a balanced budget amendment. But I have yet to hear a supporter of this amendment talk about the specifics of balancing the budget. I have yet to hear anyone make a commitment to eliminate programs in their State to lay the foundation of a balanced budget.

No one has talked about scrapping the super collider to pay for housing; No one has proposed real cuts in star wars to pay for the growing Medicare bill; and no one has stood up to suggest eliminating the space station to raise enough revenue to pay for other vital programs under a balanced budget.

Yet many here today will want to grab the political bonus of voting on a constitutional amendment.

The American people, however, are not fooled by this debate. They know that this is not about accounting procedure or balancing figures. They understand that today's debate is really about leadership and courage—about current priorities and future predicament.

The American people cannot wait until tomorrow for answers. There is real pain out there. There is a great cry from every city and town for the Government to send help. But nothing in the constitutional amendment can respond to this kind of emergency. Nothing in these amendments can provide answers to these massive problems.

Last week the Labor Department reported an unemployment figure of 7.5 percent. In Chicago yesterday, 3,000 people waited under the hot sun to apply for 1 of 350 jobs. And yet neither the President nor sponsors of this amendment have proposed a single measure to respond to their anguish.

There is no mistaking that the budget deficit is one of the most critical problems facing us today. But at what cost do we strike the balance and on whose back is the burden laid.

The world has changed and the need for a large international presence is over. The AIDS epidemic, our crumbling cities, poverty, education, and environment should be our new priorities.

But without a specific plan for cuts and increases, a balanced budget amendment is far less a panacea, than a catalyst for problems. It is the type of generalized policymaking that started this country down the slippery slope of the 1980's. And like many of those policies, these proposals are void of direction and lack a sound basis in reality.

Today's votes are one of the most important votes of this Congress. For some, it may be one of the most important votes of their careers. But for many, many Americans who now languish on the edge of society, this vote determines whether we bring them back into the fold, or whether they fall into the abyss.

Congress can therefore continue in this vein by passing a constitutional amendment or we can start anew, defeat the constitutional amendments and pass a budget resolution for next year that begins to reduce the deficit by cutting specific, wasteful programs—especially in the bloated defense area—and which recognizes the pain and responds to the cry of the American people.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I first want to thank the gentleman from Oregon [Mr. SMITH], the gentlewoman from Maine [Ms. SNOWE], the gentleman from Delaware [Mr. CARPER], the gentleman from Wisconsin [Mr. MOODY] and all of the remaining 278 cosponsors of the balanced budget amendment that we now are about to vote for. I also want to thank the Speaker for the many courtesies that he and the leadership have given to us also to get us to this point and to commend the chairman of the Committee on the Budget [Mr. PANETTA] for the manner in which he has conducted the debate over these last many hours.

Today, many have talked about the past, but we now must begin to talk about the future. The past we can do nothing about. The future we can do a lot about.

I have the definite feel at this moment that change is in the air and that we are about to change that which we have all talked about and that is a $4 trillion debt, going up by $400 billion this year, $326 billion next year, and as far as the eye can see. Unless we have a change, we have a problem.

I do not quarrel with the motives of any Member. Some have misinterpreted what I say. I respect the right of every Member to stand in this Chamber and to express themselves. That is what it is all about.

It matters, though, not how much we believe we are right; unless we can convince 217 of our colleagues to go with us, it does not happen.

Many of my colleagues have chastized those of us who support this because our record is not pure. I submit for the RECORD, going back to 1984, when we had the Roemer budget on the floor, that failed by 59 to 338. Some of us were voting there; very few, if any, critics were voting. The Reid-Slatterly-MacKay vote in 1985, 56 of us stood up for it. Very few of those who have criticized the 278 were there when a vote counted.

The Penny amendment in 1988, 27 of us stood up for that one. Very few, if any, stood up that day when it would have made a difference with this body and not the other end of Pennsylvania Avenue.

But if we want to get more recent, remember the firewalls vote. And here, with all due respect to my chairman, with all due respect to my chairman and the courage and all the things that he has said so fervently, Mr. Chairman, you were not with us that day. You believed, when it was whether we were going to reduce the deficit or spend it at that time, you were not with us. But you have been with us most of the other times. I say that respectfully.

You look at the votes over the last several days, the Kennelly vote went down. Thank goodness. For the first time we began to recognize there are no cheap votes. The Kyl amendment went down. The Barton amendment went down. The Gephardt amendment went way down.

We are in danger of doing once again what the people are blaming us for, all talk and no action.

If we vote this one down, we will have spent 2 days and we have accomplished nothing. If we vote this one up, 290 of us have committed that we are serious, and I would submit to my colleagues who have been critical, I believe it will be much easier to get 218 votes to do something out of 290 than to get 218 votes out of 146, if you beat us today.

My final point, please let us not decide this finally today. Let the people decide. Do not let the House of Representatives by one vote say to the people, "You have no choice." Let us send it to the Senate. Let us send it out to the State legislatures. Let us let the people decide. Let us start tomorrow with our actions, which I am dedicated to do. Let us start tomorrow.

The only way we can truly start tomorrow is to pass this amendment today.

Please, let us remember that this whole debate is not about us. It is about our children and our grandchildren. And if we vote "no" today, what are we going to say to them tomorrow?

Mr. PORTER. Mr. Chairman, I would like to thank my colleagues from Texas and Oregon who have worked hard to champion this amendment to the House floor.

Mr. Chairman, I am an original cosponsor of the balanced budget amendment, and I will continue to support its enactment. But, in doing so, I must also temper my remarks today with a measure of regret. No, I do not regret the fact that we are amending our Constitution—a step I don't take lightly—what I regret is the lack of political will and courage which brought this day upon us.

No statute or constitutional amendment, however well-crafted, can serve as substitute for courage and will when it comes to deficit reduction. We have, in previous years, attempted institutional reforms which were aimed at reducing the growing gap between Federal revenues and expenditures.

One has only to look at the history of Gramm-Rudman to understand just how ineffective the systemic reform approach can be. In 1985, we adopted the original Gramm-Rudman law, and we claimed victory over the fiscal insanity which plagued our budgeting procedure for over 10 years. As soon as we were forced to identify and eliminate outdated programs, as soon as we had to make the hard choices, we amended the law to set higher deficit targets and postponed the tough decisions for another day, another year, another Congress. The first amendment to Gramm-Rudman came only 2 years after the original. Gramm-Ruddman II lasted only 2 years before it was scrapped and replaced by the budget Enforcement Act of 1990. Again, after only 2 years under the BEA, attempts were made in this body to break the agreement and allow offsetting transfers between categories—between defense and domestic spending, Mr. Chairman—not between defense and deficit reduction.

No external mechanism can bring fiscal sanity back into this institution unless there is a collective will among all the members to solve the problem. We, as individual Members, must stop insisting that the difficult decisions be made on the back of each other's priorities. We must find the courage to spread the pain of spending restraint across all budget functions and augment this process by the systematic and careful elimination of wasteful and outdated programs. Without a collective will, no rule or law—constitutional or otherwise—will do our work for us.

In 1983, our Nation's debt stood at $1.1 trillion. Today it is hovering around the $4 trillion and growing by over $1 billion per day. In addition, we are spending the Social Security reserves which were sold to the American public as their protection against future liabilities. But who's kidding whom, Mr. Chairman. The taxpayers don't need the kind of protection Congress is providing—they need protection from Congress and its profligate spending.

Mr. Chairman, I urge my colleagues to support this amendment. But no one should believe for a minute that the deficit problem is thereby solved. Only by elevating its solution to our No. 1 domestic priority and by placing the economic opportunity of our children and grandchildren ahead of our own are we ever going to put our fiscal house in order.

By allowing the proliferation of debt to continue, we are destroying the standard of living for generations to come and committing a crime against our own offspring. That crime, Mr. Chairman, is fiscal child abuse. Not only are we saddling our Nation's children with over $4 trillion in national debt, but we are, in addition, in the process of dismantling their Social Security system. A worker retiring in 1990 at age 65 paid only a combined 2 percent of his or her salary into Social Security at age 20; 20-year-old workers today contribute a combined rate of over 12 percent to Social Security alone. In fact, taxes at all levels of government now absorb over 50 percent of the average wage-earner's income. That is a socialized economy, Mr. Chairman. That is madness, and if we let it continue, it will destroy us.

The amendment before us today sets our sights where they must be. But only political will and courage—items seldom found within this Chamber of late—can right the wrongs of the last decade.

Mr. WALKER. Mr. Chairman, let the games end. The deficit crisis we face is too serious and the depth of the public's cynicism and despair too great to permit the kind of political gamesmanship that underlies the offering of this amendment.

It is absolutely outrageous that we are being asked to consider an amendment to the U.S. Constitution, and fundamental law of our land, without even having the text of the amendment we are to be voting on printed in the CONGRESSIONAL RECORD until today. The authors of the amendment, cognizant of the erosion of support for the amendment as it was originally introduced, have been working feverishly to find the magic formula that would hold the two-thirds majority required for passage. And so we are treated to this 11th hour revision. I would say to my colleagues that this is a far too serious matter to be treated in such a cynical and cavalier manner.

Mr. Chairman, no one here today would deny the tremendous importance of reducing the Federal deficit. As interest payments claim an ever larger percentage of the Federal budget, our ability to make those investments which are critical to our economy and to the future of our Nation is being severely undermined.

Our future is being mortgaged by the explosion of national indebtedness that has occurred this past decade. That is economic foolishness. It is also immoral. We have no right to transfer onto future generations the burden of our own fiscal irresponsibility.

But the proposed constitutional amendment before us offers only illusion in place of a realistic commitment to get our fiscal house in order. Indeed, for some of the amendment's advocates it is little more than a smokescreen to mask their responsibility for accepting the supply side madness that set us down the path of economic destruction. In the words of CBO Director Reischauer, "The problem is not the process, the problem is the problem." We need no amendment to the fundamental law of the land to undo a terrible policy error that was made 12 years ago. We simply need to change the policy. What is needed is not constitutional change, but new leadership from the White House, new courage in the Congress to make the tough political decisions, and new acceptance by the electorate of the burdens that must be assumed if we are to restore our Nation's economic vitality.

Mr. Chairman, this amendment is not only unnecessary. It is also a dangerous trap, both economically and politically. Economically, it is serously deficient in making no distinction between immediate consumption and long-term investment. As many of the Nation's leading economists have warned, the Stenholm amendment, by requiring that everything be paid out of current revenue, would discourage the long-term public investments that are so urgently needed. The cynicism of the amendment's sponsors is revealed in the last minute change that has been made in the amendment's effective date. By moving up the date of implementation to 1998, the drafters would insulate current Members of Congress—and, not so incidentally, the President—from the ultimately destructive consequences of their action. Members who vote for the Stenholm amendment will be able to point to their vote as evidence of their fiscal responsibility without ever having to face up to the real costs of this ill-conceived constitutional change.

Politically, the Stenholm amendment, by requiring a three-fifths majority to unbalance the budget, would enshrine in the constitution the principle of minority rule, in which a small number of Members could hold the Congress and the Nation hostage. With a 40-percent minority permitted to block action, the proposed amendment would virtually guarantee more rather than less policy gridlock.

Equally frightening, the proposed constitutional amendment risks involving the courts in adjudicating its various provisions for years to come. It is likely, indeed, that the courts would be dragged into the debate over national budget priorities—virtually insuring the compounding of or economic crisis with a constitutional crisis. Moreover, it would seem rather unlikely that most Americans would be very enthusiastic with the prospect of unelected judges involving themselves in the making of national economic policy. The Stenholm amendment proposes a dangerous shift of power to the judicial branch, and its acceptance would signify a terrible abdication of responsibility by the Congress.

Mr. Chairman, the Washington Post recently editorialized against the trivialization of the Constitution by the proposed constitutional amendment. In the words of the Post, "The Constitution should not become the permanent monument to a temporary failure of political will."

Mr. Chairman, balancing the Federal budget requires political will, not a constitutional amendment. The Stenholm amendment must be rejected.

Mr. REED. Mr. Chairman, I am a new Member of this House. But I am well aware of three facts: First, we must come to grips with deficit spending. Second, that a number of statutory efforts to control the deficit have not succeeded, and Third, such efforts will fail in the absence of political will and an end to the current legislative gridlock in our Nation's Capitol.

For these reasons, I rise in support of the Gephardt-Bonior-Obey balanced budget amendment and in opposition to the Stenholm amendment.

Before I go into the reasoning behind my decision I would like to outline why I do not support Mr. STENHOLM's proposed balanced budget amendment and similar proposals.

The Stenholm amendment contains a number of flaws, but none is more glaring than the threat it poses to Social Security. I agree that we need to balance the budget, but the cost should not be born by those who can least afford it—the disabled and elderly. In the midst of all this talk of a lack of political will, I will not vote for a constitutional proposal which would allow the Social Security trust fund to be raided as a source of funds to balance the budget. Social Security is at the core of our social compact with the American people. It is too important to be placed on the chopping block.

Furthermore, the Stenholm balanced budget amendment would not place budgetary responsibility on the shoulders of both the President and the Congress. The Gephardt-Bonior-Obey amendment requires the President to submit a balanced budget request. And, Gephardt/Bonior/Obey would not permit the Congress to spend more than the President has requested, unless the President submits a declaration of national urgency. The President must be part of the budget process, not a casual onlooker who can attempt to use the budget process as an excuse rather than an opportunity to lead.

Moreover, the Stenholm amendment would change a fundamental facet of our Nation's political system—majority rule. Indeed, one of the voting percentage provisions I find hardest to swallow is the requirement that three-fifths would be required to exceed spending limits for domestic crises, but only a simple majority would be required for a national defense emergency. The Constitution does not require a supermajority vote to declare war and it should not require a supermajority to declare a domestic emergency. Domestic and military emergencies should be treated equally, as they are in Gephardt-Bonior-Obey.

Finally, the Stenholm amendment is an invitation to litigate rather than legislate budgets. Establishing a constitutional imperative to balance the budget will inevitably draw the courts into a myriad of questions involving procedures, definitions, and substance. Disgruntled participants in the process will flock to the courts to urge their views. Representative government could be transformed into rule by judicial fiat.

Mr. Chairman, no Member should think that passing a balanced budget amendment will close the gap between spending and revenues. The ratification process could take years. And, ultimately it will be legislative acts, not constitutional provisions that will balance the budget. We can not and must not wait for ratification of a balanced budget amendment to start the process of reducing the deficit. As the best 12 years demonstrate, the claim that we will grow our way out of a deficit is false. We must start to examine and debate all methods of controlling the deficit. These are, as many of my colleagues have said, tough choices that require guts.

When presented with tough choices many of my colleague have failed to make cuts. I voted to cut the space station. I have urged an end to the super collider, and I voted to cut SDI. Rarely do Members have a chance to vote on an individual program. But when this House has been offered the chance, as the above votes attest, not enough Members have demonstrated the requisite political will. It is my strong hope that this debate will not be swept aside, that we will debate our priorities, start to make tough choices, and begin to vote on all methods of deficit reduction. I urge my colleagues to prove that their talk of cutting programs and tough choices are not mere empty promises because the American people are fed up with promises.

Mr. Chairman, as I said before, I am a new Member of this body. I came here because of the fundamental beliefs instilled in me by my parents. I know firsthand the benefits of government. My experience at West Point and in the Army are amongst my greatest moments. My public service is a recognition of the positive effects of government, and I will fight tooth and nail for the programs I believe to be the best for the people of Rhode Island. I will fight for health care. I will fight to bring rationality to our agricultural subsidy programs. I will fight to end the super collider, the space station, star wars, the B–2, and any program that is not the most important and most direly needed. I will not give up my belief that Government has a role to play in education, housing, health care, and the economy. Within this framework, I am ready to start making the tough choices.

We all recognize that the people of America are angry. Like us, they are frustrated that the hard choices have not been made in the past. The hollow promises of growing out of the deficit have failed us. Statutory provisions have been sidetracked by gimmickry, rosy OMB forecasts, and unexpected expenditures like the savings and loan bailout. I do not support amending the Constitution lightly. It is a universal and timeless document that has inspired millions. But to create confidence in our Government and put real teeth into spending limits, I rise in support of the Gephardt-Bonior-Obey balanced budget amendment.

Mr. SHAYS. Mr. Chairman, I don't know who shares more of the blame for our annual budget deficits:

The President, for not submitting a balanced budget to Congress;

The Congress, for not balancing the budgets it approves and sends to the President for signature;

The President, for not vetoing the unbalanced budgets he receives from Congress; or

The Members of Congress—on both sides of the aisle—who vote for programs again and again, year in and year out, without providing the funds to pay for them.

What I do know is this:

This year, our budget deficit will be nearly $450 billion.

Next year, this year's budget deficit will cost the U.S. taxpayer $22 billion in interest payments, and $22 billion the year after that, and $22 billion the year after that, and so on, ad infinitum.

In the last 12 years, our national debt has increased fivefold—from $800 to $4,000 billion, or $4 trillion.

And the cost of paying the interest on this national debt now accounts for 18 percent of our entire Federal budget.

Balancing the budget is not the enemy; the deficits and the debt that results are the enemy. The United States is in danger of becoming a third-rate nation if it continues to allow these deficits to drain our precious resources.

We need to get our financial house in order and balance the Federal budget. And if it takes a balanced budget amendment to help get the job done, then so be it.

Mr. BRUCE. Mr. Chairman, today, this House will consider what some have argued is one of the most historic and important votes that we as a Congress will have the privilege of debating. An amendment to the Constitution of the United States should not be taken lightly. It is a document that has endured for over 200 years and has led this Nation through times of war, peace, economic prosperity, and hardship. At the same time, it has protected the right of individuals and has allowed this body and the Government as a whole to respond to the changing needs and demands of its citizens.

There is little debate that the Federal deficit is out of control. As our interest payments grow daily, we are finding it more and more difficult to respond to the problems that confront our Nation. If we are serious about solving the health care crisis, or the educational crisis, or any other crisis, we must first begin to practice fiscal responsibility.

This Congress has attempted a number of times to statutorily change the budget rules and procedures to put our fiscal house in order. But nothing has worked and the problems have only increased. So we come here today to take the ultimate step—an amendment to the Constitution.

I will support the balanced budget amendment and urge my colleagues to do the same. The health of our Nation is increasingly at risk and we cannot continue to mortgage the future of our children. Decisive action is needed, and I applaud Members of this House in bringing a balanced budget amendment to the floor.

Though I believe that a balanced budget amendment is necessary, I do have some concerns that many of us share on the future of this measure. What we do here today is only the beginning. It will not by itself solve our budget problems or truly force us to live with fiscal responsibility. Indeed without a long-term commitment to make tough and difficult decisions, this amendment will go the way of past attempts to eliminate the deficit.

I hope and expect that this balanced budget amendment will be adopted and added to the Constitution. But no amendment, no legislation, will arm Members of Congress or the President with the political will to do what is right. That must come from each of us individually and is what we were elected to do. So after we finish on this constitutional proposal, the real work begins. I urge my colleagues to remember what we have started today, and to insist that we forever faithfully and fully protect and defend the Constitution.

Ms. LONG. Mr. Chairman, we have witnessed a historic debate in which arguments on both sides of the balanced budget amendment question have been effectively presented.

I ran for U.S. Senate in 1986, for the House in 1988, and was finally elected in 1989. All of this time, I was opposed to amending our Constitution to require balancing the Federal budget.

It was not until I came to the Congress that I really appreciated the fact that budgeting theories were only theories, and that what was driving the spending of legislators was the fact that people were demanding that resources be provided for their needs and interests. But, at the same time, the people demanded that we balance the budget. We, as Members of Congress, were supposed to figure it out and make the tough choices. We were supposed to come up with a good compromise that would meet the needs of the people who elected us while balancing the budget. The problem is that we met many of the needs but did little to balance the budget.

Now, we find ourselves in a dangerous situation with regard to debt. We can no longer leave the budget on automatic pilot. We have to take control.

Some of what we know about a balanced budget amendment is not pretty. For those who think that Members are supporting the amendment for purely political reasons, let me suggest that while supporting the amendment today may be popular, the many votes over many years that it will take to keep your word to the voters will not be popular. We will have to cut spending. That will not be politically popular. We will have to look at revenues. We know that will not be politically popular. We will have to look at entitlements which will also not be popular. Supporting a balanced budget amendment is not a good political vote. But I firmly believe that it is a good vote for our country.

The Stenholm amendment is an approach which can work. It will be painful in many ways, and tough choices will have to be made. But, we know that the pain now will be less than it would if we continued to let debt grow as it is now.

I pledge to join with the membership to make those tough choices for our country. I look forward to beginning that work immediately.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Stenholm-Smith substitute to House Joint Resolution 290. To amend our Constitution is not a step to be taken lightly. Since the Bill of Rights was ratified over 2 centuries ago, only 17 amendments have become part of the basic law of this Nation. I have come to the conclusion that one more is necessary.

The budget submitted by the Bush administration in January is a scary document. Its deficit projection is a record $399 billion for the current year, up $50 billion from earlier estimates, and $352 billion in fiscal year 1993. In the short term, this is because of the recession, but the administration is forecasting annual deficits of at least $200 billion as far as the eye can see. In fact, as we approach the end of the decade, the long-term trend is for annual deficits to become larger, not smaller.

The national debt, which was $908 billion when President Reagan was elected and $2.6 trillion when President Bush was elected, is estimated to be almost $6 trillion in 5 years. To put this number in perspective, it is approximately what the total GNP for our country will be this year. This to me is totally unacceptable. For the sake of our children and grandchildren, we must change the system to stop incurring deficits year after year. I do not wish to cast blame on either the legislative or executive branch of Government, but the current budgeting system is one that permits both to escape responsibility for the deficit. This has to be changed. I now believe it is necessary to put fiscal accountability into the Constitution.

A number of proponents of government programs in which I deeply believe—and as chairman of the House Select Committee on Hunger have worked to support—have urged that I vote against this resolution because they believe it will lead to large cuts in these programs. However, we must realize that unless we get our fiscal house in order, our economy cannot continue to generate sufficient resources to support these programs either, since more and more of our revenue will go to pay the debt we have been accumulating. A dollar that goes for interest is not spent on health care or nutrition, housing or education, or investment in our infrastructure or defense. It does not create employment opportunities; indeed, by absorbing a greater share of national savings, there will be far fewer jobs created in our economy. Simply put, a balanced budget amendment is not the enemy of people's programs, it is essential to their mission.

I do not believe it is necessary to have a balanced budget in all cases, and the Stenholm-Smith substitute does contain necessary safeguards to react to extraordinary circumstances. But, over the past quarter-century, we have had both booms and busts, and periods of inflation and recession, and have not achieved a balanced budget in any year. I suspect that we shall never see a balanced budget again unless this resolution becomes law. We have been consuming beyond our means at the expense of our children. Therefore, I strongly urge the adoption of this amendment.

Mr. POSHARD. Mr. Chairman, recently I traveled into every county in my congressional district. I talked with thousands of people representing hundreds of professions across nearly 40 counties in southern Illinois. I can tell you that there is disconnectedness between the people and this Congress.

The people who I talked with don't trust Congress any longer to enact solid public policy. They see their basic societal institutions failing, especially when compared to the institutions of other countries. Our children are scoring in the lower ¼ percentile on tests in math and science compared to children from other nations. Our financial institutions are being bailed out with hundreds of billions of dollars of taxpayers' money. Our health care system fails to provide accessibility to millions of Americans and millions more cannot afford the health insurance they have. Our infrastructure base is crumbling. Our manufacturing base is being lost to other countries.

In general, Americans see a declining quality of life and, intuitively, they suspect as we in this Congress concretely know, that underlying the decline of these institutions is the horrendous debt which this country has incurred. That is why I favor the passage of this balanced budget amendment. Because, even as a Member of Congress, I am not sure that we will ever find the will to resolve this problem without constitutional prodding.

But, Mr. Chairman, all of us here know that passing this amendment will not in itself require us to do what must be done. We still must make the hard choices to eliminate unnecessary spending and to put this country on a pay-as-you-go basis to meet the basic needs of our society. Borrow and spend does not work. It only destroys the future for our children.

I rise in strong support of this amendment. I have worked diligently with Mr. STENHOLM and others in seeking to convince other Members of the need for passage. I hope that other Members will join us here today in passing this historic measure and in laying out the process for resolving our fiscal problems in America.

Mr. PENNY. Mr. Chairman, is it necessary to have an amendment of the Constitution to balance the Federal budget? The answer is "no." Is it what must be done at this time? The answer is "yes."

And why have we reached this point, Mr. Chairman? We have made good faith efforts in the past: Gramm-Rudman-Hollings I, Gramm-Rudman II, and the 1990 budget agreement which was passed in the Omnibus Budget Reconciliation Act that year. In spite of these attempts at getting a handle on spending and reducing the deficit, our national debt is growing sharply. This fiscal year, 1992, we will add almost $400 billion to the debt, and next year, 1993, the deficit is projected to exceed $400 billion. With deficits of this magnitude, by the turn of the century, the national debt will exceed $6 trillion, and our yearly interest payments will exceed $1 trillion. Yes, $1 trillion. Each living American, man, woman, and child, will owe over $20,000—and that just to make the interest payment. Each year, we putoff a final, comprehensive budget solution, we directly subtract from the future wealth of this country.

Very simply, without a deficit solution, we consign ourselves, our children, and our children's children to fewer economic opportunities. We will make it more difficult for jobs to be created, for our grandchildren to afford a college education and own their own home. All the things our generation took for granted will be denied future generations.

Is this the legacy we desire to leave our children? A legacy of debt? I do not think so, and I am certain that most Members would not want to leave their children such a legacy.

The measure before us today does not guarantee a balanced budget nor does it preclude deficit spending in extraordinary times, such as war or economic recession. The Stenholm amendment instead enshrines fiscal responsibility in the Constitution and provides a stronger incentive to produce a balanced budget than other measures passed by the Congress in the past.

But passage of this constitutional amendment is only the beginning of what must be done by this Congress. After passage, we will need to debate and pass implementing legislation and an enforcement plan. In my view, this is the real challenge before us. Symbolism will have to give way to tough choices. The President will be called to present his ideas for deficit reduction, and we in the Congress will need to put before the American people our own plan. The proverbial bullet will have to be bitten.

Domestic discretionary spending, the military, entitlements, international assistance, and taxes will have to be placed on the table. If we do not take this course of action—if all we do is pass a constitutional amendment and then refuse to actually balance the budget—the Congress and this President will have failed the American people.

It is our responsibility to actually make this amendment work. The real test is not the balanced budget amendment vote, but instead when we vote to make the cuts necessary to save our children from paying our debts.

I know the authors of the amendment will be at the budget-cutting table and I hope the rest of our colleagues are too, Mr. Chairman.

In closing, let me congratulate CHARLIE STENHOLM for his years of dedicated work that has produced this historic debate and will—hopefully—will result in adoption of the amendment before us today.

For our Founders, like Thomas Jefferson, who wanted a constitutional amendment like this one and for the future generations yet to come, let us pass this measure.

Mr. HOUGHTON. Mr. Chairman, I rise in support of the Stenholm-Smith balanced budget amendment.

The arguments on whether to have a balanced budget amendment have caught the attention even of those unfamiliar with the arcane and nonsensical Washington budget process.

Budgets are financial goals to be met. Balanced budgets and Washington are oxymorons. Nobody here meets the arithmetic written down at the beginning of the year as goals. Nobody.

We have budget buzz words such as Gramm and Latta and Rudman and Hollings. All good men. All unable to get truth into our system of accounts. Miss a budget, too bad. No one goes to the woodshed. If the arithmetic doesn't add up, we'll change the vocabulary. "Emergency" is not a bad word with which to begin.

I'm against tampering with the Ten Commandments of our Nation—the Constitution. It's bad practice.

I came here as an idealistic businessman tempered in the fire of tough budgeting. The budget was our scorecard. The numbers weren't always pleasant, but they were out there to tackle almost as a sacred oath. It wasn't the budget in itself that made the difference. The key was, did you do what you said you would do. If you didn't, it meant slow disaster. Remember, in private business one can go belly up. There, one doesn't have the luxury of printing money.

In sports it's the same. The uniforms, the stands, the publicity, the aura—they're all nice—but to succeed you have got to put numbers on the scoreboard. And the way to put numbers on the board is to keep your eyes on the field.

The balanced budget amendment forces us to keep our eyes on the field. It's that simple. Like having a single vision lens. It focuses attention.

Now the opponents of this amendment are probably right, at least intellectually. The courts get into the act, and what do they know about budgets? The Constitution really is no place for economic policy. You put a straitjacket on the Federal Government when it should have flexibility—and lots of it.

All of these arguments are true. They are the same ones I made when I first came here. "Why pass a law," I used to ask, "to protect you from yourself?" After all, what more do you need than to get up and yell: "Hey guys, governments can go bust just like companies and families. Look at Mexico—or even closer to home, look at New York City." Let's cut this nonsense—get ourselves into balance, so we don't do the same. Sounds simple, doesn't it? But it isn't because it doesn't happen.

Now there are alternatives. We could sit around pulling petals off the flower—"Will we, won't we." But I don't think that would play in Peoria. We could, as Charles Schultz of the Brookings Institution has written, slide to a slow financial death.

But why do that? Most other countries don't. Most States don't. Why? Because they have balanced budget mechanisms tucked some place in their bylaws or constitutions. With our track record, this argument sounds good to me. We've tried everything else. If it works, fine. If not, we'll change it; but it won't be easy. The citizens and the key document of this Nation will not permit ease. They'll be the sentinels. They'll be a stronger part of the process. And maybe that is what this exercise is all about.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PANETTA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 279, noes 153, not voting 2, as follows:

[Roll No. 186]

AYES—279

Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Anthony
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Derrick
Dickinson
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Ewing
Fawell
Feighan
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jontz
Kasich
Kennedy
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Marlenee
Martin
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Myers
Natcher
Neal (NC)
Nichols
Nussle
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—153

Abercrombie
Ackerman
Alexander
Andrews (ME)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Beilenson
Berman
Blackwell
Bonior
Borski
Boucher
Boxer
Brooks
Brown
Bustamante
Cardin
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Coyne
DeLauro
Dellums
Dicks
Dingell
Dixon
Downey
Durbin
Dwyer
Dymally
Edwards (CA)
Engel
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Green
Guarini
Hamilton
Hayes (IL)
Hertel
Hochbrueckner
Horn
Hughes
Jefferson
Jones (NC)
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Mrazek
Murphy
Murtha
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Pickett
Rahall
Rangel
Reed
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thornton
Torres
Towns
Traficant
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

NOT VOTING—2

Hefner
Traxler

☐ 1738

Mr. JONES of North Carolina changed his vote from "aye" to "no."

Mr. CLINGER changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

Mr. FAWELL. Mr. Chairman, I rise today in support of House Joint Resolution 290.

Those who oppose the balanced budget amendment to the Constitution have eloquently answered every question put to them—except the most important one. What is their alternative? How will they force Congress and the President to balance the budget?

The simple truth is that every other means of balancing the budget has been a dismal and complete failure. Congress tried establishing an elaborate budget process in 1974. It failed to balance budgets. Congress and the President tried to eliminate deficits with Gramm-Rudman in 1985. It was waived time and time again, the targets set back year after year. We tried by amending appropriation bills to freeze spending at prior year's levels. That failed. We tried with the 1990 deficit reduction agreement. The deficit grew to record levels.

Laws don't work because Congress makes the laws. Congress can change the laws. Congress can repeal the laws. Congress can ignore the laws. My colleagues, even Congress cannot ignore the Constitution. That is what this is all about.

In a recent article, columnist Michael Kinsley referred to comments by Robert Reischauer, Director of CBO, who called the balanced budget amendment a cruel hoax because the public is not being told what the balanced budget would entail. But Kinsley asks:

> But is it a cruel hoax? It would be if the three-fifths escape clause became a routing exercise. But if the amendment produced actual fiscal discipline even 4 or 5 years down the road, it would be a kind hoax, not a cruel one. Sort of like enticing a beloved relative into a drug treatment program.

I agree. Until there is a constitutional mandate on Congress to balance the budget, Congress appears to be too cowardly to do so. But, as Kinsley points out:

> * * * That cowardice will catch up with them one way or another. They'll either have to face the music in 4 or 5 years or retire in order to avoid it. In fact, the balanced budget amendment could make that other constitutional cure-all—term limits—superfluous.

Touché. Yet, even now, as public support for a balanced budget amendment is swelling and Congress professes to have seen the light—or at least, felt the heat—it ardently resists giving up its pork barrel spending habits, sort of like an alcoholic who doesn't know he's sick. Last month, Congress rejected the opportunity to double the cuts in wasteful spending by adding the President's rescission proposals to the rescission bill. This rejection was a classic example of business as usual—protecting pork for Members' districts while proclaiming fiscal virtue.

This should not be surprising. Kinsley rightly observed that voters are at times "hypocrites about Federal spending: Hating it in general, cherishing it in particular. Politicians of both parties cater to this hypocrisy."

Unfortunately, this endless spending and borrowing has come back to haunt us. Congress' liberal overspending has paralyzed this body. We now are forced to spend $300 billion just to pay interest on the national debt. Its tentacles proscribe our ability to realistically meet such national concerns as health care, Head Start, or to mend the sorry state of our tax laws, which provide disincentives for saving and investments. We haven't balanced a budget for 23 years in a row—for 31 of the last 32 years. Deficit spending is ingrained in this body. Even at this time those who have the power of leadership in both Houses of Congress are working assiduously to convince us not to lessen their power to spend and borrow.

We should listen to what Thomas Jefferson wrote about such pleas, some 200 years ago:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of our Government to the genuine principles of our Constitution. I mean an additional article, taking from the government the power of borrowing.

Jefferson also said:

> In questions of power, let no more be heard of confidence in man, but bind him from mischief by the chains of the Constitution.

I say, let no more be heard of confidence in the way this body has been operated for the last 23 years, but bind it from further profligate overspending by the chains of the Constitution. I hope that those chains may be enough to convince this Congress that it must balance budgets.

Mrs. MORELLA. Mr. Chairman, after much deliberation and with some reluctance, I have decided to support House Joint Resolution 290 which, if adopted by two-thirds of the House of Representatives and the Senate, would send to the States for consideration a balanced budget amendment to the Constitution.

I do not cast this vote lightly, nor do I have any misconceived notions about the sacrifices and difficulties that this amendment will likely entail if it is ratified by the States. I take very seriously the objections raised by opponents of this measure, and I have weighed my decision very carefully.

Mr. Chairman, a balanced budget amendment to the Constitution is not a panacea for our Nation's economic ills; it will not single-handedly rebuild a fiscal house that has taken more than a decade to imperil, and it will not magically accomplish what political will has thus far failed to achieve. But Mr. Chairman, I am deeply saddened to admit that we simply do not have a choice—we must take action.

The Federal Government's annual budget deficit has mushroomed from $79 billion in 1981 to nearly $400 billion today. During that same period, our national debt has skyrocketed from $785 billion to $3.8 trillion. Interest payments on the national debt, once a relatively small part of the Federal budget, have grown faster than any other expenditure; this year they will account for nearly 15 percent of all outlays, and next year they will be the largest single component of the Federal budget. In fact, in 1993 we will spend more on debt-incurred interest payments than on all domestic discretionary expenditures combined. Clearly, this situation cannot go on indefinitely; our looming mountain of debt has slowed economic growth, exacerbated the recession, and limited our ability to devote our resources to vital human needs. Our Nation cannot continue on this path toward mortgaging its future; it cannot bequeath to future generations little more than a legacy of debt.

Mr. Chairman, I am concerned about the potential impact of a balanced budget amendment on our Nation's domestic priorities, including our vital human resources. For this reason, I will work tirelessly to ensure that we do not balance the budget on the backs of those who are most vulnerable in our society—our children, our elderly, our poor. I will continue to work for significant reductions in military spending, for comprehensive health care reform to reduce the cost of Medicare and Medicaid while protecting its beneficiaries, to raise additional revenues when necessary, and many other efforts. In the end, I believe that all Americans will benefit, for a reduced debt burden will help revitalize our economy, spur our beleaguered industries, and pave the way for sustained investment in our citizens, rather than our creditors.

Mr. Chairman, I wish that it had not taken a balanced budget amendment to force Congress and the President to come to grips with the crisis that is our national debt. But to my great dismay it has. I am casting my vote for this amendment fully aware of the sacrifices its passage could entail, but equally aware of the economic tragedy our Nation will face if we choose to stand by and do nothing. Mr. Chairman, when all is said and done, I believe that future generations will look back and say that we did the right thing.

Mr. LEHMAN of California. Mr. Chairman, I rise before my colleagues to express my opposition to the so-called balanced budget amendment that we are considering today. It's like we are selling the public an empty box. It has a nice wrapping, but there is nothing inside. None of the various options we are voting on today requires any spending reductions or tax increases. Why? Because these options are not intended to deal with the problem of the Federal deficit but to do one thing, and that is buy us a free ride until November. But believe me, it will come home to roost.

The proponents of this amendment are perpetuating a fraud on the public. The idea around here is that we are going to be able to vote for this and not ever have to face the hard choices. Keep in mind that at the earliest this amendment will go into effect is 1998. Where will this President be when it comes time to make the difficult choices?

Yes, we must reduce the deficit. I think we can all agree on that. The deficit is crowding out investment and slowing down the economy. The answer, however, is not to approve a simplistic balanced budget amendment. The answer is to begin to make the tough choices now to reduce the deficit. You can't legislate guts and you can't legislate political will. Tough choices must be made to reduce the deficit, and no political gimmicks can cover up this reality. By voting for this amendment, we abdicate all responsibility for rational and sound decisionmaking in the immediate future.

As the Stenholm amendment proposes, no debt or revenue increases can be approved without a three-fifths majority of the House and Senate, accentuating the problem of legislative gridlock—the same gridlock that has led to the voter outrage we now face. I want to see how fiscally conservative the supporters of this amendment will be when they are called on to make deep cuts in Social Security to meet the balanced budget requirements. If we choose the other option which exempts Social Security, we make tax increases and spending cuts—particularly big-ticket items like Medicare and defense—even bigger targets. Clearly, there is only one choice and that is to start today to deal with the deficit problem in a realistic and fair manner.

I support balancing the budget. I have voted in support of balanced budget bills in this Congress and in the 101st Congress. However, I do not support higher taxes for businesses and individuals. I do not support reducing the deficit at the expense of Social Security beneficiaries. I do not support crippling such programs as education, transportation, and crime prevention. All of these would be called for under the balanced budget proposal we are likely to pass today.

We should freeze discretionary spending, cut the now irrelevant portion of the military budget, reduce the Federal bureaucracy through attrition, and provide economic incentives to spur economic growth and productivity.

If I believed that a constitutional amendment would really have an impact on our burgeoning deficit, I would support it. However, this amendment is simply a way for some in this Chamber to claim political courage where none exists.

Clearly there is no easy solution to our Nation's current budget crisis. But by pretending that this amendment would make it any easier or any less painful to reduce the deficit is simply another politically expedient gimmick. If we are not prepared to make the tough choices now, we will be no better prepared to make them under a balanced budget amendment.

Mr. JONTZ. Mr. Chairman, I rise today to express my support for the balanced budget amendment to the Constitution, House Joint

Resolution 290, sponsored by Mr. STENHOLM of Texas. I have advocated such an amendment since I first came to Congress in 1987. I voted for the amendment in 1990 when it was defeated by only seven votes on the House floor, and I will be gratified when, this year, we finally pass the amendment. A balanced budget amendment is not in itself a solution to the fiscal dilemma Congress faces, but it is a necessary part of that solution. The other part of the solution is for us all to find the courage to make the hard choices and restore fiscal responsibility to our budget process.

Congress has wrestled with the problem of our continuing deficit for almost two decades. During the 1960's our budget deficit averaged $6 billion a year. In the 1970's, we averaged a $35 billion deficit. In the 1980's, deficits averaged $156 billion, and so far in the 1990's we are averaging $296 billion a year.

The Congressional Budget and Impoundment Control Act of 1974 was thought then to be a solution to overspending. Since then we have had Gramm-Rudman-Hollings, and Gramm-Rudman-Hollings II, and finally, after failing to pass a balanced budget amendment in 1990, we passed the Budget Enforcement Act. But in spite of those efforts, this year's deficit will set another record, $400 billion.

As you know, Mr. Chairman, the national debt is approaching $3.8 trillion. We will pay over $200 million in interest this year on that debt. That is almost 6 times as much as the Federal Government will spend on education and job training. Interest payments for fiscal year 1993 are estimated to exceed $316 billion. That will be the largest item in the budget, $7,005 for every family of four in America. This interest payment will consume 27 percent of all Federal revenues for 1933.

We are mortgaging the future of our children and grandchildren, not just by saddling them with an unconscionable debt, but also by sacrificing our Nation's human and physical infrastructure on which future generations will rely for their economic well-being.

The increasing national debt also exacerbates the gap between the well-to-do and the average American. Debt payments are transfer payments from working people, who pay most of our taxes, to the economically powerful, both at home and abroad, who finance our deficit spending. Mr. Chairman, we can't afford from a fiscal, social, or moral point of view to continue to incur these massive deficits. We need the balanced budget amendment to help put our house in order.

The Stenholm amendment, House Joint Resolution 290, would require Congress and the President to work together to limit Federal Government spending to the amount of Federal Government receipts. The President would be required to submit a balanced budget to Congress, and we in Congress would be required to pass a balanced budget. Except in the case of a declaration of war, no deficit spending would be allowed without a super majority, a 60-percent vote, in both Houses of Congress. Neither would any increase in the national debt limit be allowed without a 60 percent vote.

The key is to put discipline in the system while providing flexibility. The Stenholm balanced budget amendment allows for sufficient flexibility to deal with unforseen economic circumstances. It does not require a single document, a budget, be agreed to. Instead it deals with overall spending and revenues. It requires that we not spend any more than we take in, but it does not specifically require any particular tax increase or spending cut. The Constitution should not have an inherent preference for spending or for taxes. Those decisions are properly left to the Congress to determine as it sees fit, to meet the changing needs of our Nation.

In many ways House Joint Resolution 290 provides the Constitution with a self-enforcing mechanism to balance the Federal budget. The most effective enforcement is the requirement of a 60-percent vote to spend in excess of estimated revenues and a 60-percent vote to raise the debt limit. Failure to approve spending legislation under this amendment will have the same effect that such a failure has now, the Government would shut down.

Following passage of this balanced budget amendment, Congress and the President will have until at least 1997 to develop and refine the procedural details to implement a balanced budget. We have the time to make the tough decisions necessary to restore order to our fiscal house. But we will not have time to waste. Eliminating a $400 billion deficit in 5 years will take a concerted effort. This balanced budget amendment will give us the resolve to reach that goal.

Forty or more States operate under a balanced budget constitutional requirement and do so effectively. I served for 12 years in the Indiana General Assembly under such a rule. It was very difficult requirement to meet, but the process also resulted in a balanced budget. This Congress can live with that process, and our country needs it.

Mr. Chairman, the balanced budget amendment is not a partisan question. Since 1969, both Republican and Democratic Presidents have failed to submit balanced budgets to Congress, and congressional majorities of Democrats and Republicans have passed deficit budgets. Our failure to deal with the deficit is a national problem, and the balanced budget amendment is a national solution. It requires the President, Democrat or Republican, to submit a balanced budget, and it requires Congress, Democrat or Republican, to enact an balanced budget.

Passing this amendment is the first step, the beginning of the necessary process to balance the budget, not the end. I am convinced that it will take a constitutional amendment to accomplish this goal, but we can and must do it.

Finally, Mr. Chairman, the question of a continiously growing Federal debt is a moral question. It is unconscionable for us to impose on future generations the costs of our own excesses. Jefferson said it best:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

I agree with Jefferson. Let us now establish in the Constitution of the United States the legal, as well as moral, prohibition against spending our grandchildren's money.

Mr. FRANKS of Connecticut. Mr. Chairman, as an original cosponsor of the balanced budget/spending limitation amendment House Joint Resolution 447, I rise in support of the Kyl-Allen amendment. This amendment is the only one that gives the President the line-item veto and allow Congress to gain control of Federal spending and reduce the deficit.

The Kyl-Allen amendment is the only amendment, offered today, which includes the line-item veto authority for the President to assist in reducing wasteful spending. Since I arrived in Washington, I have observed that Congress has a hard time saying "no" to spending items. In 1992 Congress included about $8 billion dollars worth of pork projects. Congress spent a lot of money on Federal studies: $150,000 for a recyclable fishnet study, $2 million for an undersea research center, $250,000 for information and analysis of Hawaiian sea turtles, $10 million to study military stress on families, $100,000 for a black bear study, the list goes on. Establishment of centers is another favorite pork item. The 1992 budget included $2.7 million for the Abraham Lincoln Research and Interpretive Center, $25 million for a Federal building and U.S. courthouse in West Virginia, $393,000 food marketing policy center, and $50,000 food processing center. Finally research is another big ticket item; $340,000 for fish marketing, $1,435,000 for potato research, $361,000 for seafood harvesting processing and marketing and $94,000 for asparagus yield decline.

In response to spending such as this, I introduced legislation which would grant such authority to the President and am pleased to see this provision included in the balanced budget debate. Line item authority would give the President a real opportunity to eliminate pork barrel projects from Federal legislation. I believe that granting the President line-item veto authority will encourage Congress to carefully evaluate the legislation they fund. This process would be a major step forward in eliminating pork projects, as well as, programs which just don't work.

Pork projects will not last long when all spending is scrutinized. Who wants to spend $1,942,000 for a food consortium when the Government could use that money for the WIC Program? The competition for funds will require many programs to prove their worth. It will allow programs which are successful and save money to expand. Aside from the budgetary benefits, the Kyl-Allen amendment will see that taxpayer money is being spent most efficiently.

The need for a balanced budget amendment has become very apparent. The Federal deficit is now approaching $400 billion and Federal spending continues to increase. Congress has already passed several statutory bills which would balance the budget. However, despite the passage of these bills, the deficit and Federal spending have continued to grow, reaching all time high levels. Congress needs to try another approach to getting Federal spending under control. It is time to pass legislation that will require Members of Congress to work more seriously at reducing Federal spending and the deficit. A constitutional amendment to balance the budget will help Members to do just that.

The Kyl-Allen amendment is the amendment that Congress should pass today. If this amendment fails, I will support the Barton and Stenholm amendments which will give Congress the necessary tools to implement a plan to balance the budget and reduce the deficit.

Mr. DANNEMEYER. Mr. Chairman, the lamentations pour forth from big spenders who refuse to cut spending under any circumstances. They wail that, under a balanced budget constitutional amendment—or any other vehicle, for that matter—it is utterly impossible to reduce outlays sufficient to eliminate the deficit. In the trenchant words of W.C. Fields, that is pure taradiddle.

The voices in the wilderness who argue that we will be faced with two realities under such constitutional constraints, raising taxes and raiding Social Security, are either stupid or duplicitous. They cower before special interests that practice rank intimidation in their venal attempt to suck even more out of the Nation's lifeblood at taxpayers' expense. These budget vampires must be forcibly weaned from the Federal trough.

It is altogether possible to gradually reduce budget deficits over, say, a 5-year span. A freeze of Federal spending during that period would save nearly $400 billion. The fiscal year 1997 deficit would be sufficiently manageable so that additional revenues generated from an accelerating economy—which would occur as a result of being on a zero-deficit spiral—would eradicate any remaining shortfall.

Another proposal, which I offered as a substitute to the concurrent budget resolution for fiscal year 1993, had a mix of components: a 1-year 25 percent reduction in foreign aid followed by a freeze, 5 percent annual reductions in defense through fiscal year 1997, a cap on health programs—allowing for beneficiary increases plus inflation plus an additional 2.5 percent—and a 1-year freeze—with 2 percent growth thereafter—in domestic discretionary accounts. Finally, marketable debt—$915 billion in 1993, $1.7 trillion over 5 years—is refinanced to achieve major savings in interest payments. This proposal would achieve $750 billion in deficit reduction over a 5-year period and result in a balanced budget by fiscal year 1996.

I wholeheartedly support House Joint Resolution 290 and applaud the herculean efforts of my valued friend, Mr. STENHOLM, to bring this matter before the House. I need hardly to remind anyone that I have championed balanced budgets since I first arrived in Congress in 1979. I have produced 13 budget substitutes since 1980 which, if not resulting in a balanced budget, at least trended toward that goal. Moreover, I have cosponsored House Joint Resolution 143, introduced by Mr. Kyl of Arizona, and House Joint Resolution 248, by Mr. BARTON of Texas, in addition to the Stenholm resolution. I prefer to make it more difficult to enact tax increases but any of these resolutions is preferable to the status quo.

Washington is not really the seat of the people's government. It is a cocoon in which power brokers who have stayed around too long breathe the same hot air and regurge the same inbred ideas, sustained only by the life support system provided by those special interest vampires determined to preserve their hallowed breeding ground. These people still cannot understand the driving force which is today propelling the Ross Perot campaign. There is monumental resentment against the way Washington does business. The cry is no longer "Get the job done," it is "You are incapable of getting the job done."

A constitutional amendment is a terrible way of dealing with the Federal budget. But it has become apparent that the people who have driven this Nation to the brink of bankruptcy cannot be entrusted with its salvation. Oliver Cromwell savaged the unproductive and irresponsible Long Parliament in 1654 with "It is not fit that you sit here any longer." This is now the rallying cry of the American public, especially the taxpayers who have been paying for this profligacy long enough. It is time for the cocoon dwellers to repair to the local pub and hoist a brew. And wonder why their world is turning upside down.

Mr. SERRANO. Mr. Chairman, I rise in strong opposition to the proposed constitutional amendments to balance the budget.

Our colleagues are driven by various motives in their efforts to call for a balanced budget amendment. Some of these are well intentioned, some are blatantly political. Often it can be difficult to distinguish between the two.

Our Nation's leading economists—seven Nobel laureates among them—have spoken out forcefully against this misguided initiative. In a statement issued June 2, 447 economists from across the Nation asserted their unanimous conviction that a balanced budget amendment would be contrary to the national interest.

The Group of 447 ended their statement as follows:

> Frustration with the reckless fiscal policies of the past decade is understandable. Indeed, many of the signatories to this letter have been among the foremost critics of the policies that have contributed to high budget deficits and large increases in the national debt. But the proposed balanced budget amendment is not a solution. Indeed, it would worsen the Nation's economic prospects.

The best economic minds in the country agree that a balanced budget amendment would be bad for the country as a whole.

I know from my own experience that a balanced budget amendment would be absolutely devastating to the most vulnerable members of our society. The problems that impoverished families already endure—lack of affordable housing, community development, inadequate schools, unemployment assistance, and insufficient access to health care—would be exacerbated.

The increase in legislative gridlock that would result from a balanced budget amendment would block our efforts to make the crucial investments in education, health care, housing and infrastructure development needed to promote jobs and rekindle an economy in severe fiscal distress.

The Congressional Budget Office estimates that, by 1997, we would need to cut $236 billion in deficit spending from the budget. These cuts would all but destroy much needed federally funded social programs. Researchers state that unmerciful cuts in Social Security and Medicare alone would force 1 million elderly into poverty. Cutting Federal expenditures on critical social services, will only worsen the devastating conditions Americans face on a daily basis. Currently, there are 9.4 million Americans without jobs. Even more disillusioning is that approximately 1.1 million discouraged people have stopped looking for work.

Mr. Chairman, in conclusion this balanced budget amendment would deprive us of the ability and flexibility to meet urgent domestic needs and would unfairly add to the burdens of the destitute. We must defeat these balanced budget amendment proposals and get on with the business of governance.

Mr. GILLMOR. Mr. Chairman, I support the passage of a balanced budget amendment. I served as a State senator before being elected to Congress, as have other Members of this body. I saw what it was like to write budgets that eliminated deficits. I witnessed the temptation, in those final days before a budget had to be balanced, to just go ahead and spend the money on some popular program and say, "we will just make it up next year." But we resisted that temptation. Congress has not.

In Ohio, we resisted the temptation not because State legislators were inherently better than Members of Congress. It was because our Constitution required us to make the tough choices. We couldn't just find some convenient way around it. We had to make sacrifices. I believe that anything less than that kind of environment at the Federal level will simply not work. How do I know? I have evidence. Four trillion pieces of evidence.

And to those who say that a balanced budget amendment is too inflexible when critical national needs have to be addressed, I say this. What can be more inflexible than paying interest on the debt to the tune of $200 billion a year? Interest consumes one of every seven Federal tax dollars, and is growing. What can be a bigger thief from pressing national needs than that?

Mr. Chairman, let us make the first of many difficult spending choices ahead. Let's pass the balanced budget amendment.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the constitutional amendment to require a balanced budget with mixed emotions.

While there is no question that annual Federal deficits and the mounting national debt are the single greatest threat to our nation's economy, I view with trepidation the prospect of amending the Constitution of the United States. This is the single greatest document of democracy the world has ever known. It steadfastly has stood the test of time throughout our history, in times of prosperity and in times of crisis. Our forefathers authored the Constitution with such foresight that there have only been 26 amendments over the past 2 centuries and 10 of those were the Bill of Rights.

Amendments to the Constitution should be reserved for only the most select of purposes. Unfortunately, as our national debt approaches the $4 trillion mark, such a time has arrived to put in place a constitutional requirement that the Congress balance Federal expenditures and revenues just as our States must do an just as our Nation's taxpayers must do.

The sad truth is Congress does not need a constitutional amendment with super majority voting requirements to balance the Federal budget. All that has ever been required, from the very First Congress to this 102d Congress is the willingness of a simple majority of the members of the House and Senate to cast the tough votes that are required to balance the annual budget.

As one who consistently has cast these difficult votes, I know that it is not without a price. The most serious charges ever raised against me in a campaign is that I opposed various bills creating or expanding federal programs. However, because a majority of my colleagues over the years did not join me in opposing those programs, the annual Federal deficit has continued to rise to the point where it will exceed $400 billion this year.

Our Nation is so deeply in debt that the annual interest payment on the national debt will approach $300 billion in this fiscal year. In fact, since 1982, we have had no choice but to spend $2.274 trillion just on the interest on the national debt. These funds do not go to improve education for our children, provide health care for our people, build roads or bridges, or provide for our national defense. They are simply the finance charges we must bear for years of deficit spending.

Many have urged the House to defeat this legislation today because they say it threatens to reduce Social Security benefits for older Americans. To that I say the Social Security Program is not at the root of our growing national debt and therefore should not be a part of the solution. The fact is Social Security is a self-financing program which is in actuarial balance. It currently is running a $30 billion annual surplus which will increase to $60 billion by fiscal year 1997.

Throughout the past decade, the only actions Congress has taken to affect Social Security benefits have been to keep the program in close actuarial balance well into the next century. No benefits have been cut or cost of living adjustments delayed to reduce Federal expenditures.

As the representative of more Social Security recipients than any other Member of this House, and as chairman of the Congressional Social Security Caucus, I am proud of my work to protect Social Security benefits and to maintain its financial stability. Just as Social Security has been exempted from Federal budget cuts over the past decade, as long as I serve in this House I will continue to ensure that Social Security remains exempt from any spending cuts required to meet a constitutionally mandated balanced budget. Instead, the debate will have to focus on reducing the size and scope of the same Federal programs which were established by Congress over the past 20 years and which have driven our growing annual deficits.

Earlier today, I supported the amendment of my colleague from Arizona Mr. KYL, which would have included in the constitutional amendment a line-item veto authority for the President. This is the same tool which has proven so effective to the Governors of States in meeting their requirement to balance their State budgets. It would provide the President, as an equal partner with Congress in meeting the constitutional mandate for a balanced budget, with an important enforcement measure to ensure that if Congress does not fulfill its fiscal responsibilities that the President has the ability to do so.

The subsequent amendment by the majority leader, Mr. GEPHARDT, is a farce which would lack the teeth and enforcement tools necessary to hold Congress true to the constitutional amendment's requirement of a balanced budget. It would allow a simple majority of this House to break the promise of a balanced Federal budget. If we are to take the historic step of amending the U.S. Constitution, we should do so with an ironclad provision which will leave no way out for Congress to do anything other than balance the Federal budget.

Clearly legislative gimmicks such as Gramm-Rudman-Hollings were powerless to turn the tide of Federal deficit spending. They lacked the clout and backing of the United States Constitution and were simply subject to the majority rule of this House which led to waiver after waiver of enforcement provisions and ultimately a $400 billion deficit this year.

Mr. Chairman, the American people demand a balanced Federal budget and they have elected us to make the difficult decisions which will restore fiscal discipline and sanity to the Federal Government. An unbreakable Constitutional amendment appears to be the only mechanism which will enable us to achieve this goal. It is important to reiterate that a balanced Federal budget which provides for full payment of Social Security benefits are not contrary goals but are my commitment to the people I serve.

Although I continue to believe that we should not approach any attempt to alter the Constitution of the United States lightly, the time has come to get our fiscal house in order. With this landmark vote today, we tell the American people that this Congress is finally serious about getting down to the business of making the difficult decisions and casting the tough votes to balance Federal revenues and expenditures. This is the responsible way to stop mortgaging our Nation's and our childrens' future.

Mr. HALL of Texas. Mr. Chairman, I rise today in support of allowing the people of this country the right to vote for or against a balanced budget amendment—the simple right for citizen input. We shouldn't legislate a balanced budget—but the taxpayers and citizens should have that right.

Every year, every week, every day we add to that debt. Even as we debate this amendment, the interest on our debt is compounding and we are sinking further in debt. Next year, our deficit is projected to be $327 billion. That trend cannot continue without dire consequences. Deficit spending endangers the cost-of-living allowances for some senior citizens and retirees. It can deny veterans the programs they deserve. It can break this Nation.

Mr. Chairman, small businesses make up a large portion of my constituency. And if those businessmen and women spend more money than they earn one year, they have a problem. If they do it year after year after year, they go broke. Our Government is facing the same problem. We are headed for bankruptcy.

However, this week we have the opportunity to do something about Government spending. For years, many of my colleagues on both sides of the aisle and I have called for a balanced budget amendment. This week we have the opportunity to make that a reality. This week we must make that a reality.

Mr. Chairman, it is not right for us to continue spending money that we do not intend to pay back. I have seen a breakdown of the national debt that lists everyone we are borrowing money from. But in reality we are borrowing it from our children and our grandchildren. Because if we don't pay back this huge debt, they will have to. If we are not willing to make tough choices today, our children and grandchildren will be forced to face even tougher hardships and decisions in the future. And that is wrong.

I have heard the arguments and read the letters from Members of Congress and analysts and special interest groups saying that deficit spending is not that bad. Mr. Chairman, it is that bad—in fact, it's worse than bad. Borrowing money from our children so that we do not have to make difficult decisions is terrible.

We can balance the budget. We can stop deficit spending. We can preserve a fiscally sound government for our children and grandchildren. It will not be easy. But in the long run, it will be worth it.

Let's give our constituents and our home States the opportunity to express their views on this incredibly important issue. Let's pass this amendment. Let the American people have a say in this matter, and together start down the long, arduous path to fiscal responsibility.

Again, I urge my fellow Members of Congress to support a balanced budget amendment.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the balanced budget constitutional amendments being considered by the House.

My main concern with all of the amendments is that they do not tell us how to achieve a balanced budget. Rather, they simply state that we must have a balanced budget by a designated time in the future.

Everyone believes that we can and should address our deficit problem. But we cannot put ourselves in a position where all programs are treated equally under the budget knife.

The Gephardt-Bonior-Obey amendment is the most realistic approach of all the amendments because it does not allow the will of the minority to rule. The bill also exempts Social Security from budget calculations and that is good. We should not balance the budget on the backs of our elderly. But we also should not balance it by making drastic cuts in nutrition programs for children, financial aid for our students, and job training programs. We need to protect important domestic programs that were already cut to the bone under the Reagan-Bush administrations.

The Gephardt-Bonior-Obey amendment requires the President to send to Congress a budget in which total expenditures do not exceed total receipts, unless the budget is accompanied by a Presidential declaration of national urgency for that fiscal year.

This, in my opinion, is where we run into trouble. What will Congress do when we have a President who chooses to ignore situations we deem to be emergencies. For example, it took over 18 months for Congress to convince President Bush that the country was in a recession and that our people needed extended unemployment benefits to get them through these hard times. It took three attempts to provide unemployed workers with extended benefits before the President signed a bill into law. Under the Gephardt-Bonior-Obey proposal, Congress would be prohibited from considering emergency legislation without a Presidential declaration.

Mr. Chairman, we need the political will to address our deficit problem. Adding an amendment to the Constitution is not the answer. Leadership is the answer. We need a President who gives more than lip service to deficit reduction. I watched the President's news conference last week and counted the number of times he expressed his support for a balanced budget amendment. Sixteen times, the President called on Congress to pass a balanced budget amendment. Yet this President, and his predecessor, Ronald Reagan, have never produced a budget that was anywhere near being balanced. In fact, it was their ability to push an agenda that reduced taxes on the rich while increasing Pentagon spending which caused the deficit to skyrocket in the first place. More debt was accumulated during the first 5 years of the Reagan-Bush administration than the grand total accumulated in 200 years under all previous Presidents from George Washington to Jimmy Carter.

The other balanced budget amendments put off the real pain until the end of this decade—well beyond the end of the Bush Presidency. He would have never had to submit a balanced budget during his term. No wonder why it is so easy for the President to support this amendment.

The American people want us to address the deficit problem in a realistic manner. They do not want any more gimmicks that will allow elected Representatives to say they are for a balanced budget but continue to vote for unnecessary big-ticket items such as the space station, SDI, and the superconducting super collider. We were sent here to lead, to make the tough decisions, to do the right thing by our people. Adding a few words to the Constitution will not make a difference. Tough spending decisions and, yes, maybe even a tax increase on the wealthy will make a difference.

Earlier this week we had an opportunity to pass legislation that would require the President to submit and the Congress to pass balanced budgets every year, starting in fiscal 1993. I voted for this measure, which failed by a vote of 220 to 199.

Have we decided that we cannot do anything unless it is written into the Constitution? Had we enacted that legislation, we could be using our precious time working on deficit reduction proposals. Instead, we are considering amendments that must be ratified by 38 States and will not go into effect until the end of this decade.

As my colleague Congressman LEON PANETTA stated:

> There are many members here who are willing to make a great riverboat gamble with our economy and our Constitution in order to inject courage into cowards and to place a spine into the spineless.

I am not willing to take that gamble. My constituents deserve better representation than that.

Mr. KANJORSKI. Mr. Chairman, yesterday I addressed the House to set forth my concerns over the so-called balanced budget amendment, a proposal which is one of the biggest smoke and mirror acts in our Nation's history.

I expressed my surprise that an administration which has been in office for 12 straight years, and which has failed to submit a balanced budget in even one of those 12 years, was attempting to convince us that we need to amend the Constitution to balance the budget.

I noted that even a school child knows that adopting an amendment which says that the budget must be balanced does not make it so, any more than adopting an amendment saying that the Earth is flat would make it flat.

This amendment is a political ploy designed to make politicians look good without actually making any difficult or painful decisions.

If, and when, the so-called balanced budget amendment takes effect, the consequences for our Constitution, our national economy, and for middle-income families and senior citizens in northeastern and central Pennsylvania, will be devastating.

Families USA estimates that in the first year alone senior citizens in Pennsylvania will lose at least $1,873 in Social Security and Medicare benefits.

That is why they call this the Scrooge amendment because it is the equivalent of cutting off pension for senior citizens 2 weeks before Thanksgiving and not restoring them until a week after Christmas.

Wharton Econometrics, one of the Nation's most prestigious economic forecasting firms, predicts that in just the first year alone Pennsylvania will lose 176,000 jobs and $31.6 billion in income.

In Pennsylvania's 11th Congressional District alone, nearly $1 billion will be removed from the local economy. The ripple effect of this dramatic change will be magnified several times over as workers are laid off and businesses are forced to close. That is like shutting down the 25 largest businesses in the 11th District and laying off all their employees.

Twenty years ago this month tropical storm Agnes wreaked havoc on northeastern and central Pennsylvania. The adoption of this amendment will be just as devastating.

The people of Pennsylvania know how long it took for us to recover from that cataclysmic event. But at least tropical storm Agnes was an act of God. Let us not destroy our economy with a self-inflicted wound.

We can and should cut the budget deficit. For 6 of the last 8 years the Congress has done just that, cut tens of billions of dollars from the budgets proposed by Presidents Reagan and Bush.

We can and should do more. Yesterday I outlined how we could cut funding for foreign aid, for unnecessary defense systems, for low-priority domestic programs, and where there is no justification. I also described why we should adopt a separate capital budget as State and local governments do so that our books more accurately reflect the value of Federal assets. Biennial, 2-year budgeting should also be adopted so that spending is better planned, and we should utilize zero-based budgeting so that programs have to prove their worth instead of resting on their past laurels. Finally, we should close foreign tax loopholes which are robbing us of $30 to $40 billion a year in tax revenues, and we should make the tax code more progressive so that millionaires pay more than average working families.

If we make those changes we can significantly reduce our deficit, without doing damage to our Constitution, and without imposing draconian cuts in Social Security, Medicare, black lung, student loans, cancer research, the FBI, job training, drug abuse and interdiction, and other essential programs.

Today, I would like to share with my colleagues some of what noted economists journalists, public interest groups, and even respected conservative businessmen and public officials are saying about the so-called balanced budget amendment.

Opposition to the so-called balanced budget amendment is widespread among citizens, economists, journalist, and businessmen of all parties and ideologies. Here are some excerpts of what others are saying about it.

BALANCED BUDGET AMENDMENT

PROMINENT ECONOMISTS OPPOSE AMENDMENT

On Tuesday, June 2, 1992 a coalition of more than 400 prominent economists, including 7 recipients of the Nobel Prize in economics, announced their opposition to the amendment declaring that it "is not a solution. Indeed, it would worsen the nation's economic prospects."

They noted that the amendment assumes a degree of economic forecasting accuracy which is not possible and that, "The ensuing instability would add to investor uncertainty and promote shorter time horizons in business planning—the opposite of what the nation needs."

"The amendment would give rise to inappropriate uses of government mandates, regulations, tax breaks, and new forms of 'off-budget' spending designed to evade the amendment's rigid Constitutional restrictions on taxing and spending."

"Putting the U.S. government in such policy straight-jacket could have serious negative consequences for global economic stability."

"Even if economic forecasting could be done with pinpoint accuracy, requiring balanced budgets in each fiscal year regardless of prevailing economic circumstances is bad public policy."

LAW PROFESSORS AND DEANS OPPOSE AMENDMENT

On Monday, June 8, 1992 a coalition of more than 150 prominent law professors and deans, announced their opposition to the amendment. They declared:

"We write as deans and law professors with differing political views and differing views about what needs to be done about the federal budget. We are, however, unanimous in believing that balancing the federal budget should not be done—and need not be done—by amending our nation's basic charter."

"One of the great values of the Constitution is the flexibility which enabled it to serve as the legal foundation of our democracy for more than 200 years. This amendment would unwisely write a rigid fiscal policy into the document without regard to unforeseeable economic conditions."

"Under this amendment, the responsibility for enforcing a balanced budget will fall upon the judiciary. We are gravely concerned with the harm certain to be done to the judiciary by requiring the courts to address fiscal and budgetary questions for which they are completely unsuited—questions ranging from the interpretation of the amendment to the reliability of estimates of future revenues."

"To use the Constitution to divert attention from the responsibility of the President and Congress to solve the deficit problem not only trivialize the Constitution, but undermines the honor and respect that the American people have for our basic charter."

"This amendment also damages a primary constitutional principle—that of majority rule."

"We believe that to elevate a balanced budget to permanent constitutional status is damaging to the integrity of the Constitution, is unwise fiscal policy and is historically unsound."

PUBLIC INTEREST GROUPS OPPOSE AMENDMENT

A similar coalition of more than 100 public interest groups including, the League of Women Voters, Common Cause, and the National Council of Churches, also opposes the amendment. Even groups as diverse as the Chamber of Commerce and the AFL–CIO oppose the amendment.

FORMER PRESIDENT FORD

Former President Ford denounced the balanced budget amendment effort as "only another crutch" that opportunists in Congress are using "instead of hard-headed votes" to trim the deficit.

WHARTON ECONOMETRICS PREDICTS MASSIVE UNEMPLOYMENT AND TAX INCREASES

Projects that actually achieving a balanced federal budget by 1995 would mean:

3.4 million fewer jobs would be available.

A loss of 176,000 jobs the first year alone in the state of Pennsylvania.

Personal income in Pennsylvania would also drop by $31.6 billion.

Unemployment, instead of coming down sharply from current recessionary levels, would increase nearly 50 percent.

State and local budget deficits would triple to $67 billion.

Federal personal income taxes would rise 19.3 percent. Corporate taxes would also increase sharply.

Social Security taxes would increase, and benefits would be cut by at least 8 percent, as would Veterans benefits.

The nation's Gross Domestic Product (GDP) would drop 4.1 percent.

FAMILIES USA PREDICTS DEVASTATING CUTS IN SOCIAL SECURITY AND MEDICARE

Families USA, a nationwide senior citizen and family advocacy group calculates that adoption of the amendment will cut $1,873 a year from the average Pennsylvania senior citizen's Social Security and Medicare benefits.

The amendment "will make Medicare unafforable for millions of our parents and grandparents. It will also slash Social Security benefits for 42 million Americans."

It will "cut Social Security Checks by an amount equal to seven weeks' worth of benefits in the year 1995."

"That would be like cutting off Social Security checks two weeks before Thanksgiving and not starting them up again until a week after Christmas."

LOCAL COLUMNIST TOM BIGLER

"Like Bush's claim—after 11 years in office—that now is the 'time for change,' Reagan pretended to be blithely oblivious to the irony that his call for debt limitation came from a president under whose administration the national debt tripled. Nor would he acknowledge the hypocrisy of proposing that such an amendment apply to his successor but not to his administration."

"That the balanced budget proposal now is a serious proposal is not because of economics or even because of any ground swell of informed and considered public opinion. It exists because so many members of the Congress (and of other elected bodies, as well) and their publics have lost the courage to put country and principle ahead of personal advantage. This has left them vulnerable to the simple-minded and unprincipled."

"There is no substitute for individual responsibility, individual accountability, individual freedom, and for rational government, but the proposed amendment would strip this government and its people of all of these."

HOBART ROWEN, NATIONALLY SYNDICATED ECONOMIC COLUMNIST

"One of the worst pieces of legislation in many years, a balanced budget amendment, if passed and ratified by 38 states, could put the government in a straight jacket limiting its response to social and economic emergencies such as the Los Angeles riot or national business recessions."

"The balanced budget amendment is nothing less than a congressional sleight of hand: It's a promise that the budget will be balanced, with no actions taken to put it into effect—now. The job is left to future generations."

"A balanced budget amendment would result in the same intellectual dishonesty that typified Gramm-Rudman: rosy economic scenarios and accounting gimmickry to make the deficit look smaller than it really is."

"In the end, there are only two possible results that could emerge from the balanced budget amendment."

"First, the strictures would be evaded, as they were during the Gramm-Rudman era, with the costs of providing necessary goods and services fobbed off on already economically depressed state governments."

"Or, it could meet the predictions of its supporters and actually work. That assumption may be worse than an assumption that it would be impotent."

RUDOLPH G. PENNER, ECONOMIC DIRECTOR, KPMG PEAT MARWICK ACCOUNTING FIRM

"If there is little political will to realize a goal, putting it into the Constitution will not help. Thus, a constitutional amendment requiring a balanced budget will work as well as the Prohibition amendment."

"The futility of using constitutions to balance budgets is clear from the experience of state governments. While 49 have constitutional provisions or legislation requiring a balanced budget, many routinely resort to outrageous accounting gimmicks to 'balance' budgets, and many have created, 'off-budget' agencies. State provisions, which generally apply only to operating budgets, often permit borrowing for capital budgets."

"In short, whether the amendment worked or did not work, it would be a disaster."

JUDGE ROBERT H. BORK

"Though I agree that government spending is a serious problem, H.J. Res. 268 seems to me a thoroughly ill-conceived proposal for several reasons."

"1. The proposed constitution amendment is unlikely to be effective. . . ."

"2. The proposed amendment specifies no enforcement procedures. . . . It may be thought that the amendment can be enforced . . . by lawsuits. That is either a vain hope or a dismal prospect."

"If the courts allowed [lawsuits] . . . the results might be worse than no judicial enforcement. Scores or hundreds of suits might be filed. . . . The confusion, not to mention the burden on the court system, would be enormous. Nothing would be settled, moreover, until one or more of such actions finally reached the Supreme Court. That means we could expect a decision about fiscal year 1992, for example, no earlier than fiscal year 1997. Nor is it at all clear what could be done if the Court found that the amendment had been violated five years earlier."

"Despite the urgency of the problem the proposed constitutional amendment seeks to address, for the reasons given, the cure seems likely to be either ineffective or damaging, and perhaps both."

MALCOLM S. FORBES, EDTIOR-IN-CHIEF, FORBES MAGAZINE

"Congress seems ready to pass a balanced budget amendment to the Constitution. Not since prohibition has there been a proposal so fraught with danger."

"But the problems with this seemingly sensible idea are numerous."

"Would there be any distinction between outlays for expenses and for capital items? It is astonishing that the largest entity in the world, the U.S. government, books money spent for pencils the same way as money invested in buildings and highways, even though the latter have a useful life of many years. Businesses use depreciation. States also have separate budgets for current expenses and for capital items. People buying a house would be in violations of a balanced budget amendment: A mortgage would be regarded as deficit financing."

"How would government loan guarantees, explicit and implicit, be treated? . . . One can see how the amendment could be flouted by granting guarantees, since they wouldn't show up as an immediate expense."

ROY L. ASH, PRESIDENT, LITTON INDUSTRIES, FORMER DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET UNDER PRESIDENTS NIXON AND FORD

"A constitutional amendment is not the answer to fiscal discipline because it would be operationally unworkable, let alone counterproductive. The devil is in the unavoidable operational details necessary to make it work."

"The greater the number of votes needed to allow the breaking of the budget, the more the situation is tantamount to announcing that the spending train is about to pull out of the station; those who help release the brakes will get their favorite programs aboard. The more votes needed to release the brakes, the more it costs to get those last votes."

"The Constitution is not a trivial document. It's meant to be binding, in a very serious way. The other side of the coin is that it articulates citizen rights. Under the amendment proposed, Federal taxing, spending, and even bookkeeping would be subject to challenge, in the courts, by any citizen of standing who could assert his own idea of how the books should have been kept and how taxing and spending should have been conducted. Do we want the Federal courts to be our fiscal policy makers too? And establish our bookkeeping rules?"

"Were the proposed constitutional amendment to be in place and applied, years of economic decline, which automatically add billions of dollars to unemployment and other stabilizing expenditures, would force offsetting the Herculean reductions of other programs, further exacerbating the decline."

"Fundamentally, it can be counterproductive, and even dangerous, to say that a balanced annual budget is our government's foremost economic goal."

"In contrast to Federal bookkeeping, states don't charge the cost of new schools, prisons and other capital facilities to their current budgets but instead finance them outside and off their budgets by issuing bonds."

"It is not at all unusual for the amount of off-budget state bonds issued—that is, money borrowed—to exceed the states' reported budget surpluses, equivalent to a deficit according to federal accounting rules."

THE WASHINGTON POST

"Trivializing the Constitution,—The balanced budget amendments to the Constitution that Congress is considering are copouts that would neither require balanced budgets nor likely help achieve them. Instead, while pretending otherwise, they would again postpone the difficult decisions they imply, encourage further evasions, trivialize the Constitution and almost certainly entangle future fiscal policy in the courts. . . . These sloppy, dangerous proposals are the ultimate expression of the weakness and dithering and flight from responsibility they purport to correct. They are yet another way of letting those who are elected to govern evade accountability for acts of governing."

"It's not that hard to balance the budget—not intellectually anyway. You have to vote to increase taxes and/or cut spending. That's what the president and members are already in such disrepute for refusing to do. These amendments are nothing more than attempts to give them cover for refusing to do it a few years longer. Let the next administration and Congress do it. Always the next. If they're going to vote to reduce the deficit, as well they should, it's fair to ask them to tell us how, and not just procedurally as they have so often done before. Which programs? Which taxes? The Constitution should not become the permanent monument to a temporary failure of political will."

THE NEW YORK TIMES

"Unbalanced, it's wrong in principle and destructive in practice. It may sound like a direct remedy for Washington's toying with trillions in deficit spending. In fact, such an amendment would threaten precisely the long-term investments society needs most and risk pushing a soft economy into icy recession."

"By lumping all outlays together, the amendment discourages expensive investment in, for instance, cancer research, as compared with short-term giveaways. This indiscriminate definition also invites evasion—such as loading new entitlements onto the backs of state governments and employers."

"The amendment could do immeasurable harm. . . . Businesses borrow to invest. Even states required to balance their operating budgets, borrow for capital investment."

"There are other problems. The proposed amendment raises grave questions about responsible governance. A balanced budget amendment would turn America of the future into a poorer place."

THE BALTIMORE SUN

"Balanced Budget Gambit—This cynical, hypocritical gesture would be the final insult to voters from a bunch of politicians who are in the process of approving a $400 billion deficit."

"Before the citizenry falls for Washington's latest scam, it should demand that this president and this Congress first enact measures that would come to grips with the budget crisis now. A balanced budget amendment would not do that. It would merely pass on the nation's fiscal burdens to future officeholders while permitting the current crop of incumbents to posture outrageously."

CHARLES L. SCHULZE, SENIOR FELLOW, THE BROOKINGS INSTITUTION

"In the highly likely event that the 10-year impasse between the Congress and the president and among various groups of American citizens over how to balance the budget will not be broken, a constitutional crisis may well occur."

"Once the amendment is enforced, the performance of the U.S. economy could be seriously damaged. One of the features of our economy, which has kept modern business cycles less violent than was true earlier in American history, is the automatic stabilizing character of the federal budget. When recessions occur, budget revenues automatically fall and spending rises, helping to sustain the economy through a period of weakness. Under the amendment, a determined minority in either chamber of Congress could force highly depressing spending cuts (or less likely, tax increases) during recessions, driving the economy deeper into trouble."

WALTER DELLINGER, PROFESSOR OF LAW, DUKE UNIVERSITY

"It would be wonderful if we could simply declare by constitutional amendment that henceforth the air would be clean, the streets free of drugs and the budget forever in balance. But merely saying those things in the Constitution does not make them happen. Putting false promises in the Constitution is not a trivial matter. It breeds disrespect for the rule of law."

"Proposing a balanced budget amendment would not be a step toward a balanced budget, but a diversion from that goal. Its adoption would cut no spending and raise no revenue. Because it provides an excuse for avoiding real steps to reduce the deficit, its proposal by Congress would disserve both the Constitution and the goal of fiscal responsibility."

STUART E. EIZENSTAT, FORMER CHIEF DOMESTIC POLICY ADVISOR TO THE PRESIDENT

"The balanced budget amendment to the U.S. Constitution is the wrong remedy for our budget-deficit disease. It would place fiscal policy in a straight jacket, greatly complicate the most important responsibility of the president—the proper management of the nation's economy—and exacerbate economic downturns by requiring recession-induced deficits to be reduced by tax increases and/or spending cuts at precisely the wrong time in the economic cycle."

"As the imperative of balancing the federal budget each year impinged on Washington, the federal government will meet inevitable public demands for increased services by imposing greater mandates on already hard-pressed states, shifting even greater responsibilities and cost to states, removing burdens and dollars from federal books."

DR. LAWRENCE CHIMERINE, SENIOR ECONOMIC COUNSELOR, DRI/MCGRAW-HILL FELLOW, ECONOMIC STRATEGY INSTITUTE

"Many of those who advocate a constitutional amendment to balance the Federal budget do so under the false premise that the enormous deficits of the last twelve years have been the result of overspending by Congress. Today's massive deficits, as well as those during the 1980's, were directly attributable to the misguided economic policies that were implemented in the early 1980's under the banner of supply-side economics."

"The incentive effects of supply-side tax cuts were inconsistent with most empirical evidence, and thus were enormously overstated."

"The [budget] problem was worsened by the use of extremely optimistic (and usually inconsistent) economic assumptions, understatement of program costs, budgetary gimmicks, etc."

"The real problem, was the lack of leadership by the Administration during those years, and the spreading of a number of budgetary myths or lies that perpetuated the inaction."

"The assertion by the current and previous Administration that the problem is not on the revenue side because tax revenues have actually increased as a result of tax cuts of the early 1980's is utterly ridiculous. Both personal and corporate income tax collections as a share of income and profits respectively are far below where they were a decade ago."

"The truth is, however, that Congress has appropriated less money for discretionary programs than the Administration asked for in ten out of the last twelve years."

"Despite the urgency of reducing future budget deficits, I am strongly opposed to the enactment of a balanced budget amendment. In my judgment, it is simply another gimmick like Gramm-Rudman. It will not only be an ineffective tool in dealing with the problem, but in my view is simply a way to attempt to avoid what will be difficult choices."

It is likely to encourage even more use of optimistic forecasts, program underestimation, moving programs off-budget, and other similar techniques in order to avoid the tough decisions that will need to be made to actually balance the budget. Thus, the balanced budget amendment has the potential of making the budget process even more flawed than it was in the 1980's."

"Adoption of a federal balanced budget amendment would create a tendency to increase the amount of off budgeting and other budgetary gimmicks. Since we've already had twelve years of this, this would be a very undesirable result."

DR. LOUIS FISHER, SENIOR SPECIALIST, CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS

"The amendment would have three effects. First, presidential power is likely to increase. Second, a number of fiscal and budgetary issues will be decided by federal judges. Third, Congress will be weakened."

"A balanced budget amendment will not, in fact, eliminate indebtedness."

"States and all average Americans do not live within their means. They borrow. To that extent they 'mortgage their children's future.' If states spent only what they took in as revenues, there would be no need for the limits on indebtedness found in state constitutions. A GAO report in 1985 pointed out that in some states the percentage of funds covered by balanced budget requirements is as low as 46 percent. Major activities not covered by state balanced budget requirements include highway construction/maintenance, pension benefits, and capital activities. The size of the state budget that is actually balanced ranges from 47 to 66 percent of the total budget."

"States do not, in fact balance their budgets. They balance their operating (or general) budgets, not their capital budgets. Over the years they have devised a number of techniques for running large debts."

"States impose limitations on the authority of state legislatures and local governments to borrow, but these limits have been circumvented by the creation of special districts and authorities with borrowing authority. These circumventions fragment state government and weaken accountability to citizens. Since the limits usually apply only to "full faith and credit" debt, secured by the general revenues of the government, states turn increasingly to non guaranteed bonds to avoid debt limitations. Full faith and credit debt, which used to account for almost all of state and local long-term debt, has now declined to about thirty percent of the total."

"If the two branches are deadlocked because no public consensus exists for reducing the deficit, why expect compliance with a constitutional amendment? All the tricks for escaping deficit targets embodied in statutory remedies, such as Gramm-Rudman, could be dwarfed by new heights of accounting ingenuity."

"If citizens want benefits without being taxed for them, Congress will find ways to disguise the deficit. Instead of dealing with a deficit of known size, honestly displayed, the incentive will be to paper it over, push it undergound, and shove it to the future."

"Is it a good idea to have a confrontation every year over a macro revenue bill? That would be an open opportunity to churn the tax code once a year. How can businesses make investment decisions with confidence in such an uncertain tax environment?"

"In my judgment, the lack of presidential leadership has been the single largest contributor to quadrupling the deficit since 1980."

DR. ROBERT D. REISCHAUER, DIRECTOR, CONGRESSIONAL BUDGET OFFICE

"The problem has never been that the nation could not agree on the goal—a greatly reduced deficit. Rather it has been that we could not summon up the will to achieve this objective because it requires sacrificing other desirable objectives—namely keeping taxes low and maintaining government services."

"A balanced budget amendment could be little more than another empty promise, one that further erodes public confidence in our political institutions."

"A balanced budget amendment, on its own, does not advance the chances for lowering federal borrowing, and if it worked it would undermine the stabilizing role of the federal government."

"A balanced budget amendment risks interfering with the ability of the federal government to stabilize the economy."

"The economic harm from frequent tax rate changes occurs because people cannot adjust their behavior to reflect the effects of taxes on incentives to work and invest if those taxes are continually changing."

"Government agencies would have to shorten their planning cycles. Government contractors would demand higher prices to do work for the government knowing that it could be terminated abruptly."

"Probably the most important difficulty with a balanced budget rules is that it offers many opportunities for avoidance or evasion."

"States have frequently taken actions to evade their own balanced budget requirements."

"Balanced budget requirements of states normally apply only to operating budgets, with capital budgets and employee pension funds excluded from consideration."

"State balanced budget rules, which vary substantially from state to state, offer broad scope for evasion. Three-fourths of the states spent more money than they took in during fiscal year 1991."

"If the amendment takes effect with the deficit still in the hundreds of billions of dollars, the Congress would be faced with the Hobson's choice of enforcing the new rule and inducing a deep recession or waiving the rule from the start, which would clearly be an inauspicious beginning for the new era. Should no progress be made during the transition, bond markets are likely to react negatively, making the economy falter and the deficit grow."

"A balanced budget amendment, in and of itself, is not a solution."

"In this election year, it would be a cruel hoax to suggest to the American public that one more procedural promise in the form of a constitutional amendment is going to get the job done. The deficit cannot be brought down without making painful decisions to cut specific programs and raise particular taxes."

STEVEN D. GOLD, DIRECTOR, CENTER FOR THE STUDY OF THE STATES

"A federal balanced budget amendment could result in more frequent tax increases, lower spending for many programs than would othewise occur, heavy reliance on fiscal gimmickry, and the shifting of fiscal burdens to state and local governments."

"The experience of the states demonstrates that a balanced budget amendment need not be in the constitution to be effective. States officials where the requirement is statutory appear to be just as serious about balancing their budgets as those in states with constitutional requirements."

"The experience of the states does not buttress the case for a federal balanced budget amendment."

"It is naive to believe that since states balance their budgets, the federal government should be able to so as well. States do not always balance their budgets. Many states avoid deficits only by using funds carried over from previous years or by relying on gimmicks that often represent unsound policy."

"California is probably the state that has the greatest similarity to the fiscal predicament of the federal government. Despite a balanced budget requirement, a relatively strict limitation on state spending passed in 1979 and Proposition 13, it has had deficits three times in the past decade (in 1983, 1988 and 1991). Another enormous deficit is inevitable this year. $9 billion is a good estimate of its size. No cure for the deficit is in sight. The state credit rating was reduced last year, and another reduction is probably before long. California's predicament clearly shows that a balanced budget provision is no panacea. In fact, at present it seems almost an irrelevancy."

BILL FRENZEL, FORMER GOP MEMBER OF CONGRESS & AMENDMENT SUPPORTER

"No matter what form you put it in, there are a lot of things wrong with any BBA."

"No one can predict for certain it will work."

If it does work, it will create one enormous economic disaster when it is first effective. An abrupt trip from the current baseline, or even a reduced one, to a balanced budget, regardless of the mix of taxes or spending reductions, will be a painful journey for most of our citizens."

"Do you want the Courts in fiscal policy determinations?"

"If it [the Balanced Budget Amendment] were one of a series of reasonable alternatives, most observes would rate it near the bottom of the totem pole."

"The BBA has been called the nuclear warhead of fiscal policy. Its dangerous. It might hurt the throwers more than it hurts its intended target."

Mr. BORSKI. Mr. Chairman, I rise in opposition to House Joint Resolution 290, the constitutional amendment that would require a balanced Federal budget.

My decision comes after much soul searching and is perhaps one of the most difficult decisions I have made as a Member of this body, but my reasoning comes down to one basic fact. A constitutional amendment to balance the budget is simply unnecessary.

It is unnecessary because we can do the very same job on our own, without a constitutional amendment.

Why haven't we balanced the budget? Why do we have a deficit of $327 billion? Why do we have a national debt of almost $4 trillion? Because of a lack of political will and leadership, the kind of leadership that comes from the one person with the responsibility of meeting the divergent needs of all Americans: the President of the United States.

In my 10 years in Congress I have never seen a budget submitted by a President that was remotely close to being balanced. In fact, I have seen budget proposals that a majority of Members from the President's own party have been unable to support.

We don't need a constitutional amendment compelling us to balance a budget. We need political will and Presidential leadership. We need a serious decisionmaker to make serious decisions.

This President has certainly demonstrated he has that capacity for leading a nation when it comes to foreign affairs.

This is the President who led America to war. He inspired an entire nation and indeed the world to oppose aggression in the Middle East. And, most important, he convinced a majority of the United States Congress to send American troops to the Persian Gulf. When the President led, the Nation and Congress followed.

He aroused an entire nation. He hit the airwaves, he outlined a plan. He provided motivation. He persuaded the Nation that war in the gulf was right.

Only the President can provide the leadership necessary to rally the American people and the Congress again, this time for responsible deficit reduction.

Yet he has failed to convince.

We don't need a constitutional amendment to balance the budget, we need a President who will convince the American public that tough budgetary decisions need to be made to reduce the budget deficit and return the American economy to prosperity.

I hope this constitutional amendment does not become law. But what will happen if it is approved by the House and the Senate, is ratified by the States, and does become law?

The House Budget Committee says we would have to eliminate a $600 billion deficit by 1997. How would we do that? Would we generate $300 billion in revenues and mandate $300 billion in cuts? Would we raise taxes without making spending cuts? What taxes would we raise? How high would they go? Would we tax middle Americans more? Would we tax Social Security benefits? Would we raise the gas tax? Would we put an additional tax on unemployed workers who are already paying tax on their unemployment compensation?

What if we decide not to raise the revenues? That would mean $600 billion in cuts. Defense cuts won't generate enough. Do we turn to nondefense discretionary spending? What will that mean to services we take for granted? Would we close our airports because we couldn't pay our air traffic controllers? Would we shut down our train stations because we couldn't pay the switchmen? Would we stop all medical research because we couldn't fund the work?

If we don't cut discretionary spending we have only one other option: entitlements. Do we cut Social Security? If so, how much? The American Association of Retired Persons says cuts could be as high as $1,100 a year. Some in this body tell us we can balance the budget without touching Social Security. If so, what about Medicare? Would the deductible go up? Would the premiums go up? Is that what we want to do to America's seniors? What will we do with Medicaid? What about veterans' benefits?

What will we say to our cities when they turn to the Federal Government for help?

What will we say to mothers who depend on Federal programs to feed their youngsters?

What do we do to help the unemployed? How do we fund cleanup from disasters?

What do we do with our Nation's infrastructure?

And the most important question of all: What happens if we cannot achieve a balanced budget? Does the Supreme Court decide what cuts would balance the budget? Does the Supreme Court become the lawmaking branch of government?

This is certainly not what our Founding Fathers had in mind when they wrote this Constitution over 200 years ago.

No, Mr. Chairman. These questions lead us right back to one answer. What will balance the budget is not an amendment.

It is a focused, risk-taking leader who will propose cuts that could be made, suggest tax measures that could be tolerated and lead American off this budgetary roller coaster.

Congress has listened to a leader before. Congress will listen again.

I urge my colleagues to oppose the constitutional amendment for balancing the budget.

Mr. SWIFT. Mr. Chairman, H.L. Mencken said, "There is always an easy solution to every human problem; neat, plausible and wrong."

Once again the American public is being touted an imaginary cure-all for our very real problem with the Federal deficit. Pass one bill—the balanced budget amendment—we are told, and we will resolve all the budgetary troubles that have bedeviled the Nation over the past 10 years.

Fraud is an ugly word, because it assumes an insincerity of purpose. Many who are proposing this amendment are, I know, sincere. Nevertheless, the proposal—if enacted—would be fraudulent because it simply will not do what its supporters claim it will. In the end, it will be a simple solution, a plausible remedy, and a failure. Let me discuss why:

First, the amendment does not, in fact, require a balanced budget at all. The amendment relies on estimated receipts unless three-fifths of the total memberships of each House vote to do otherwise. There are two weasel words. Estimates are notoriously unreliable. And the unless means that nothing in the amendment guarantees that a balanced budget will actually be achieved.

What it really says is you can continue deficit spending but with a three fifths vote required instead of a simple majority. That makes it a little tougher, to be sure. But it's just 43 more votes than now required. Just over a month ago we lifted the earnings limitation on Social Security recipients at an unfunded cost of $7.3 billion over 5 years. Some 340 Members voted for this because it was very popular with seniors. That's 79 more votes than would be required to unbalance the budget under the so-called balanced budget amendment.

So the amendment will not even live up to its title. It is not, in fact, a balanced budget amendment at all.

Second, the amendment does not define the word "budget," providing another loophole.

When we talk about a budget for families, businesses, or even State governments we are usually referring to the operating budget. Major expenditures—your house, a new factory, highways—are put in a capital budget. Our State's constitutional requirement for a balanced budget applies only to the operating budget. Businesses budget that way, too. So do families.

Only the Federal Government includes both operating costs and capital costs in a unified budget. By simply changing how we budget—making it conform with the methods used by States, businesses, and families—we could move all the capital expenditures off budget. Nothing in the amendment prevents that.

So, the amendment is not a foot-thick steel door to protect the Treasury. It is made of paper lace. It may get a lot of Members of Congress through this next election, claiming they voted for a balanced budget amendment. Later—much later—the reality will become apparent.

Third, the fact that it won't work is not the only flaw in the proposal. The amendment will damage a basic constitutional principle. By requiring the so-called super majority or three-fifths majority to break the budget, even in times of military or economic crisis it establishes the dangerous precedent of minority rule as opposed to the basic American concept of majority rule.

This will greatly increase the power of special interest factions, giving them great leverage with which to pursue their agendas by blocking action on the budget until they get their way. This will not work in every instance, but it will when minority interest groups are well organized. The precedent is a very bad one.

At this point it is fair to ask, "What can we do about the runaway budget problem?"

One solution is suggested by an interesting and little-known fact: Since the days of Harry Truman, no Congress has changed a budget presented by any President by more than 3 percent—up or down.

Another fact: During the two terms of President Reagan, Congress appropriated less money than the President asked for in his budget—actually came up with an overall smaller deficit than President Reagan proposed to Congress during those years.

Yet, we have come to believe that the deficit is Congress' problem. The fact is that Presidents are central to the budget process. It is a shared responsibility and both ends of Pennsylvania Avenue need to be involved in balancing a budget.

Without having to amend the Constitution, we can require the President to send Congress a balanced budget. Or we could let him send any budget he wished plus a balanced budget, so the difference between what he believes we need and what we can afford would be clear. That would give Congress and the American people an opportunity to measure needs against resources and truly focus a debate on where to cut and/or where to raise revenues.

Such a proposal would tend to keep us all honest—Presidents, Senators, Congressmen, and even the public. It would focus us all on some very tough choices rather than on glib solutions that will not work but stave off the day when we have to get serious about the budget.

Finally, let me say that I think the idea that six Senators recently proposed on "nightline" is a good one. Three Democrats and three Republicans proposed to Ted Koppel that all three candidates for President: George Bush, Bill Clinton, and Ross Perot each be given 1 hour of TV time during which they would be questioned by two retiring Senators about precisely how they would deal with the deficit. The Senators are KENT CONRAD, a retiring Democrat from North Dakota, and WARREN RUDMAN, retiring Republican from new Hampshire. Both are respected and both have a record of fiscal responsibility.

They would press each candidate to do more than say they are for a balanced budget. They would insist each tell the people how they would do it: which programs are cut and how much, which taxes are raised and how much, how long would it take to bring the budget under control, what circumstances would justify deficit spending.

This would put the focus on how to reduce the deficit rather than on rhetoric about the fact we should do it.

There is much in our country that requires investment—spending of Federal dollars so we can reap benefits in the future. But there are many ways we can discipline our spending as well, especially if we do it in a fair and balanced way. I have voted for such proposals in the past, but most went down to defeat. The rhetoric of a balanced budget amendment is easier and much less painful than actually cutting programs and/or raising taxes.

We have the means to deal with it if we only will do it. The amendment will not force us to do that—well-intentioned though it may be. Alternatives I've discussed here, frankly, are less dramatic but hold more promise. We should pursue them vigorously.

Mr. TAYLOR of North Carolina. Mr. Chairman, I urge my colleagues to support House Joint Resolution 290, the balanced budget amendment. As one of the 278 cosponsors of this amendment, I'm delighted that we have finally won the opportunity to bring this bill before the full House for a vote.

Despite the overwhelming support the balanced budget amendment has in the House, a small group of congressional leaders has managed to keep the bill bottled up in committee. but earlier this year, I joined other balanced budget amendment supporters signing a discharge petition to bring the bill directly to the House floor.

As I've noted many times before, I don't view the balanced budget amendment as a cure-all. But the amendment does represent an important first step to bringing some fiscal sanity to Congress. Many Members of Congress have repeatedly demonstrated that they are completely incapable of exercising fiscal responsibility. In fact, if families or small businesses in western North Carolina managed their financial affairs the way Congress has managed the affairs of our Nation, they would be put out of business.

By passing the Balanced Budget Amendment, we may force Congress to set spending priorities. Redundant and unnecessary spending programs would have to be eliminated. Bureaucratic redtape and government waste hopefully would be put under a microscope. Pork-barrel spending and congressional junkets, perks, and privileges might be abolished.

I believe, and The Seniors Coalition—a senior citizens organization with over 1 million members—agrees, that both Medicare and the Social Security trust funds must be protected from political manipulation. We also agree that by eliminating waste, and pork-barrel and low-priority programs, we can balance the Federal budget while fully preserving Social Security and Medicare and without raising taxes.

Opponents of our bill have tried to cast this bill as a choice between either balancing the budget on the backs of our senior citizens or adding to the deficit and thereby mortgaging the futures of our children and grandchildren. They are wrong. The balanced budget amendment instead will force Congress to set spending priorities and to finally live within its means.

As I noted earlier, the balanced budget amendment is not a cure-all, but only a start to returning some fiscal sanity to Washington. I also support, for example, requiring a three-fifths supermajority to raise taxes and giving the President the line-item veto.

The American people are fed up with Congress. They see Members of Congress who are incapable of balancing either their own or their Nation's check books. And they see Members of Congress who seem more concerned with their own perks, privileges, and pay raises than tackling the serious problems facing our Nation.

Because this bill will force Congress to accept its fiscal responsibility to our people, I wholeheartedly support the balance budget amendment and I urge my colleagues to pass this important and sorely needed bill.

Mr. PASTOR. Mr. Chairman, we are now in the second day of debate on the balanced budget amendment. I was elected to the Congress after 15 years as a county supervisor. As a county supervisor, a balanced budget was not an issue for debate. It was an imperative that was adhered to without exception because it was good government.

That is what the people are now demanding from us—good government. And that is not asking a lot. We tried Gramm-Rudman twice and it didn't work. We tried to negotiate an agreement with the President and that didn't work either. And we just voted down still another attempt on Tuesday.

Today we are going to vote on several alternatives to amend the Constitution. This is desperate measure to do what we must do. In our desperation we must protect the social contract that the Government has with Social Security recipients' we must preserve the democratic principle of majority rule; and we must retain Presidential responsibility and accountability for submitting a balanced budget. Only the Gephardt-Bonior-Rostenkowski-Obey substitute meets these standards, and that is the only alternative now before us that meets the test of good government.

Mr. LIGHTFOOT. Mr. Chairman, I applaud the growing momentum in Congress for the balanced budget amendment. It's amazing how many converts we see supporting a balanced budget amendment now that the public is finally getting fed up with the do nothing, irresponsible, tax-and-spend attitude of Congress. I only wish it had been passed over 10 years ago, before our public debt passed the trillion dollar mark and before billions of taxpayer dollars were wasted.

There are two arguments against the amendment: Funding for Social Security, Medicare, and other worthwhile Government programs would be endangered; and the Congress should be able to balance the Federal budget without a mandate from the Constitution.

The amendment does not change in any way the existing status of Social Security as statutory protections would remain in place. In fact, it is my concern about the future of these programs that leads me to support the amendment. Interest payments on the debt accounted for 17 percent of Federal expenditures in fiscal year 1991, second only to entitlement spending. Over the next few years, this percentage will continue to grow, swallowing up a greater share of dollars each year. Funds that could go to worthwhile programs, such as Medicare, Head Start, and the Women, Infants and Children [WIC] Program will instead go to feed payments on the debt.

In regard to the argument that Congress should have the discipline to balance the budget on its own: I agree. Congress should have the ability and fortitude to balance the budget on it's own. Unfortunately, history has shown that Congress lacks this discipline. It is the lack of fiscal courage that has brought us to this point.

What were your taxes 5 years ago? Ten years ago? Look at how much more you pay now. What has been the result? More Government spending and a 3.9 trillion dollar debt. The Democratic controlled Congress has shown time and time again that it cannot exercise the needed discipline to cut spending and balance the Federal budget on its own. A balanced budget amendment would make Congress prioritize its spending decisions and eliminate wasteful, pork-barrel spending.

The American taxpayer deserves fiscal accountability. If such accountability cannot be achieved any other way—and it obviously cannot—then it is time to take the drastic step of mandating a balanced budget. A balanced budget amendment will indeed force many difficult spending decisions. However, it is better to make these decisions now, while we still have the ability to do so. Otherwise, sooner or later, they will be forced upon us.

□ 1740

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the speaker having resumed the chair, Mr. THORNTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, pursuant to House Resolution 450, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GREEN OF NEW YORK

Mr. GREEN of New York. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. GREEN of New York. Mr. Speaker, I am opposed to the joint resolution.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GREEN of New York moves to recommit the joint resolution, House Joint Resolution 290, to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 280, noes 153, answered not voting 2, as follows:

[Roll No. 187]

AYES—280

Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Anthony
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis

Bliley
Boehlert
Boehner
Brewster
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Derrick
Dickinson
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Ewing
Fawell
Feighan
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)

Hefley
Henry
Herger
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kasich
Kennedy
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Marlenee
Martin
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Myers
Natcher
Neal (NC)
Nichols
Nussle
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Parker
Patterson
Paxon

Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—153

Abercrombie
Ackerman
Alexander
Andrews (ME)
Annunzio
Applegate

Aspin
Atkins
AuCoin
Beilenson
Berman
Blackwell

Bonior
Borski
Boucher
Boxer
Brooks
Brown

Bustamante
Cardin
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Coyne
DeLauro
Dellums
Dicks
Dingell
Dixon
Downey
Durbin
Dwyer
Dymally
Edwards (CA)
Engel
Evans
Fascell
Fazio
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Green
Guarini
Hamilton
Hayes (IL)
Hertel
Hochbrueckner
Horn
Hughes
Jefferson
Kanjorski
Kaptur
Kennelly

Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Mrazek
Murphy
Murtha
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Owens (NY)
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Pickett

Rahall
Rangel
Reed
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thornton
Torres
Towns
Traficant
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

NOT VOTING—2

Hefner
Traxler

□ 1759

Mr. FORD of Tennessee changed his vote from "aye" to "no."

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 113. Concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

□ 1800

REPORT ON H.R. 5373, ENERGY AND WATER APPROPRIATIONS ACT, FISCAL YEAR 1993

Mr. BEVILL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102–555) on the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MYERS of Indiana reserved all points of order on the bill.

APPOINTMENT OF MEMBERS OF THE NATIONAL WOMEN'S BUSINESS COUNCIL

The SPEAKER. Pursuant to section 403(A)(3) of Public Law 100–533, the Chair appoints the following members on the part of the House to the National Women's Business Council to fill the existing vacancies thereon:

Ms. Pastora San Juan Cafferty, Chicago, IL; and Ms. Barbara L. Laughlin, Buffalo, NY.

APPOINTMENT OF MEMBERS TO THE NATIONAL COMMISSION ON DEFENSE AND NATIONAL SECURITY

The SPEAKER. Pursuant to the provisions of section 8104 of Public Law 101–511, the Chair appoints the following members to the National Commission on Defense and National Security on the part of the House: Mr. Harold Brown, Washington, DC, Vice Chairman; Mr. William James Perry, Los Altos, CA, and Mr. Calvin A.H. Waller, Colorado Springs, CO.

REPORT ON RESOLUTION WAIVING ALL POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1306, ADAMHA REORGANIZATION ACT, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY from the Committee on Rules submitted a privileged report (Rept. No. 102–557) waiving all points of order against the conference report on the bill (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs, and for other purposes, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 250, NATIONAL VOTER REGISTRATION ENHANCEMENT ACT OF 1992

Mr. MOAKLEY from the Committee on Rules submitted a privileged report (Rept. No. 102–558) on the resolution (H. Res. 480) providing for the consideration of the bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 192, TO ESTABLISH A JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. MOAKLEY from the Committee on Rules submitted a privileged report (Rept. No. 102–559) on the resolution (H. Res. 481) waiving certain points of order during consideration of the concurrent resolution (H. Con. Res. 192) to establish a Joint Committee on the Organization of Congress, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5055, COAST GUARD AUTHORIZATION ACT OF 1992

Mr. MOAKLEY from the Committee on Rules submitted a privileged report (Rept. No. 102–560) on the resolution (H. Res. 482) providing for the consideration of the bill (H.R. 5055) to authorize appropriations for the Coast Guard for fiscal year 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4996, JOBS THROUGH EXPORTS ACT OF 1992

Mr. MOAKLEY from the Committee on Rules submitted a privileged report (Rept. No. 102–561) on the resolution (H. Res. 483) providing for consideration of the bill (H.R. 4996) to extend the authorities of the Overseas Private Investment Corporation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I take this 1 minute so that I might inquire of the majority leader the program for the balance of this week and surely the projection for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the majority leader, the distinguished gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the Republican leader for yielding.

Mr. Speaker, the votes are finished for today. There will be no further votes or business. There will not be votes on tomorrow.

Monday, June 15, the House will meet at noon to consider four bills on suspension, but recorded votes will be postponed until Tuesday, June 16. We will take up:

House Concurrent Resolution —, authorizing the use of the Capitol Grounds for the Greater Washington Soapbox Derby;

H.R. 4548, International Peacekeeping Act of 1992;

H.R. 4999, Pennsylvania Avenue Development Corporation; and

H.R. 2660, Holocaust Memorial Council.

On Tuesday, June 16, the House will meet at noon to consider S. 250, National Voter Registration Act, subject to a rule, and House Concurrent Resolution 192, Joint Committee on the Organization of Congress, subject to a rule. Again, the votes, if there are any from the suspensions on Monday, will be held on Tuesday.

On Wednesday, June 17, and the balance of the week, the House will meet at 10 a.m. On Wednesday, the House will recess immediately and reconvene at 11 a.m., to receive His Excellency Boris Yeltsin, President of the Russian Federation, in a joint meeting. Following the joint meeting, the House will reconvene for legislative business as follows:

H.R. —, energy and water development appropriations for fiscal year 1993; subject to a rule.

H.R. 4996, Jobs Through Exports Act of 1992; subject to a rule.

H.R. 5099, Central Valley Project Improvement Act; subject to a rule.

H.R. 5055, Coast Guard Authorization Act of 1992; subject to a rule.

Further action on H.R. 5132, the dire emergency supplemental conference report, is expected. Obviously, conference reports may be brought up at any time.

Mr. MICHEL. Mr. Speaker, might I inquire of the majority leader about the alcohol, drug abuse and mental health conference report? That was at one time to be considered, I thought, and then pulled. Is there any reason for that?

Mr. GEPHARDT. If the gentleman will continue to yield, it is my understanding that the committee is trying to work on an acceptable bill and they will be coming back with it as soon as they can.

Mr. MICHEL. And might I inquire that if the NIH conference report were to be vetoed, would it be eligible to come up next week?

Mr. GEPHARDT. If the gentleman would yield further, we are considering how to handle that matter if that action is taken. I suppose we are still hoping that there may be a signature on that bill. We will have to time that, if that were to happen, depending on when it actually happens.

Mr. MICHEL. And what are the prospects for meeting next Friday?

Mr. GEPHARDT. I would urge Members to keep that date open, as we announced previously. I am not certain now that there will definitely be votes on Friday, but we are in the season of appropriations and we have asked Members to keep Fridays on their schedule to be in Washington and will obviously let them know as soon as we can if there is a change in that plan.

Mr. MICHEL. I thank the distinguished gentleman and yield back the balance of my time.

ADJOURNMENT TO MONDAY, JUNE 15, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON WEDNESDAY, JUNE 17, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, June 17, 1992, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Boris Yeltsin, President of the Russian Federation.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RE-REFERRAL OF H.R. 5109, DEFENSE DIVERSIFICATION AND COMMUNITY ADJUSTMENT ACT OF 1992, AND H.R. 5116, DEFENSE ECONOMIC ADJUSTMENT, CONVERSION, AND REINVESTMENT ACT OF 1992 TO INCLUDE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. KOLTER. Mr. Speaker, I ask unanimous consent that H.R. 5109, the Defense Diversification and Community Adjustment Act of 1992, and H.R. 5116, the Defense Economic Adjustment, Conversion, and Reinvesment Act of 1992, which were referred to the Committees on Armed Services, Education and Labor, Small Business, and Banking, Finance and Urban Affairs, be re-referred to include the Committee on Public Works and Transportation.

This request has been cleared by both the majority and minority of the above mentioned committees and the minority leadership of the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

IN RECOGNITION OF FORMER CONGRESSMAN, HON. WILLIAM MAILLIARD

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. PELOSI. Mr. Speaker, it is with deep sorrow that I rise to inform my colleagues of the death of former Member of the House Congressman William Mailliard, who represented San Francisco in this House with great distinction for 21 years. A dedicated public servant, Congressman Mailliard played an instrumental role in the preservation of Point Reyes National Seashore, an environmental treasure that will benefit many generations of Californians. Congressman Mailliard also worked tirelessly with the late Congressman Phillip Burton in developing bipartisan support for the Golden Gate National Recreation Area.

I would like to submit an article from the San Francisco Chronicle, which details just a few of Congressman Mailliard's many accomplishments including his service as an Ambassador. I hope my colleagues will join with me in mourning the untimely loss of a fine statesman who made such a great contribution to the city of San Francisco, as well as our country, and extend our condolences to his wife Millicent and the entire Mailliard family.

[From the San Francisco Chronicle, June 11, 1992]

WILLIAM MAILLIARD DIES OF HEART ATTACK

(By Jack Viets)

Former San Francisco Congressman William S. Mailliard collapsed and died from a heart attack at Dulles International Airport near Washington, D.C., yesterday.

Mailliard and his wife, Millicent, were preparing to fly west for a celebration of his 75th birthday at the Mailliard Ranch in Mendocino County when he was stricken.

His seven children, six grandchildren, nieces and nephews and sister-in-law Charlotte Mailliard Swig were scheduled to attend the family birthday reunion.

Mailliard, a third-generation San Franciscan from a family long active in San Francisco social, cultural and business affairs, represented his city in the House of Representatives for 21 years.

He retired from the House in early 1974 after he was nominated by President Richard Nixon to be the U.S. ambassador to the Organization of American States.

His old heavily Republican Fourth Congressional District had been reapportioned to include strong Democratic areas of the city and part of Marin County, and he decided not to seek re-election. Democrat John Burton succeeded him in the seat, which is currently held by Barbara Boxer.

Before he left the House to become OAS ambassador, Mailliard touched on a theme that is being echoed today by politicians who are retiring from Congress.

"It is not only that the job has become a great deal more demanding and difficult; (the House) has become bad-tempered." Mailliard said. "It isn't fun anymore. Politics has become much more polarized. . . ."

In the House, Mailliard was the ranking Republican member of the Foreign Affairs Committee and a senior member of the Merchant Marine and Fisheries Committee.

He was most proud of his work on the legislation that created the Point Reyes National Seashore and the Golden Gate National Recreation Area. He was a co-sponsor with the late Phillip Burton of the bill that created the Golden Gate parkland.

After retiring as OAS ambassador when Democrat Jimmy Carter was elected president in 1976, Mailliard became active in the Former Members of Congress organization, serving as both secretary and president and representing the United States at numerous foreign diplomatic functions.

Mailliard, a 1939 graduate of Yale University, was visiting in London when World War II erupted. Three days before England declared war on Nazi Germany, he volunteered to serve as an assistant naval attache in the U.S. Embassy there.

Later, during three years of combat duty in the Southwest Pacific, he took part in the planning and execution of 56 amphibious assault landings. He was awarded a Silver Star, a Bronze Star and numerous campaign ribbons. After the war, he served as an admiral in the Navy Reserve.

Mailliard was a member of the Pacific Union Club.

In addition to his wife, he is survived by his children, William S. Mailliard Jr. of Petaluma, Antoinette Mailliard of San Francisco, Henry Ward Mailliard of Watsonville, Kristina Mailliard of Santa Rosa, Julia Ward Mailliard of Washington, D.C., Josephine Mailliard Fleming of Arlington, Va., and Victoria Leigh Mailliard of Connecticut and by six grandchildren.

Funeral services will be held at 2 p.m., Monday at St. Luke's Episcopal Church at Van Ness Avenue and Clay Street in San Francisco. The family prefers memorial gifts to the Mailliard Scholarship Fund at Taft School, Watertown, Conn. 06795, or to the California Academy of Sciences.

☐ 1810

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. LANCASTER) laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, June 10, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation on June 10, 1992. These resolutions authorize studies of potential water resources projects by the Army Corps of Engineers.

Sincerely,
ROBERT A. ROE,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, June 10, 1992.

Hon. Thomas S. Foley,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith a copy of the resolutions approved today by the Committee on Public Works and Transportation, as per the attached listing.

With all good wishes.

Sincerely,
ROBERT A. ROE,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON VETERANS AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Veterans' Affairs, which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 28, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Section 8104(a) of title 38, United States Code, requires that the Committees on Veterans Affairs adopt a resolution approving major medical construction projects costing $2 million or more and leases of $500,000 or more proposed by the Department of Veterans Affairs for each fiscal year.

The House Committee on Veterans Affairs met on May 28, 1992, and authorized leasing and construction of various projects for fiscal year 1993 by unanimous voice vote.

A copy of the Resolution adopted by the Committee and a listing of the projects authorized are enclosed.

Sincerely
G.V. (SONNY) MONTGOMERY,
Chairman.

There was no objection.

BIODIVERSITY TREATY UNITING THE WORLD, BUT NOT THE UNITED STATES

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, President Bush left for the Earth summit today with many in America disappointed at his decisions.

This should be a time for the United States to stand alongside the other nations of the world in the pride and knowledge that we are confronting some of the most important issues of our day.

By failing to agree to sign the Biodiversity Treaty we abdicate our leadership role at the time when the world needs us most. First, we were the only nation to oppose strict schedules and targets for limiting the dangers that cause global warming. Now, we refuse to sign the Biodiversity Treaty.

Protecting the diversity of life on this planet is important. Modern agriculture and medicine have benefited profoundly from the identification and use of genetic material and chemical compounds found in wild species, tropical species in particular. And entire ecosystems provide valuable services such as the recycling of nutrients, purification of water, and fixation of carbon dioxide.

We are in danger of losing the species and ecosystems that we depend on. And we must act quickly. If we do not move to protect the diversity of life on this planet now there will be nothing left to protect. And, Mr. Speaker, I know whereof I speak.

The natural environment in my State of Hawaii is one of our planet's most magnificent treasures and home to more unique species than any place of similar size on Earth. Yet we also have the most alarming concentration of species teetering on the brink of extinction.

Some 20 percent of the Nation's endangered birds and plants are from Hawaii and the number is growing. Twelve endangered forest bird species are down to such low numbers that they may be beyond recovery. And for at least 93 Hawaiian plant species fewer than 100 individuals survive.

The loss of these species in Hawaii is happening because of the encroachment of civilization on Hawaii's unique ecosystem, and it is a reflection of the crisis that is happening in the entire world. Developing nations have made it clear that they need our assistance to guard against the similar encroachment that is happening to them. If we don't provide that assistance now it will be too late.

At Rio we had an opportunity to join with other nations in a firm commitment to the protection of our environment, and the preservation of our endangered species and ecosystems. Instead we are standing in their way.

Mr. Speaker, the protection of biodiversity cannot be a divisive issue. It is a cause that unites us all. The world will be united in this endeavor—the world, that is, except for the United States.

HEALTHY ENVIRONMENT, HEALTHY ECONOMY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, conservation has become a dirty word for many of us. Burdensome environmental regulations in the areas of energy production, industrial manufacturing, and product use has led to job losses, questionable schemes like clean air credits, and no apparent improvement to our environment.

Simply put, we provide regulations without providing the technology to implement them. The result has been a shrinking of the U.S. industrial base, loss of U.S. competitiveness abroad, and loss of jobs at home.

But healthy environment and healthy economy need not be mutually exclusive.

Today, I am introducing a bill to create a National Environmental Technologies Agency. The purpose of this agency would be to facilitate the development of environmentally safe technologies by assisting the efforts of private industry, universities, nonprofit research centers, and government laboratories in these areas.

Environmental cleanup technology will be a $1.2 trillion business over the next 10 years. Healthy environment can mean healthy economy.

I urge my colleagues to cosponsor this environmental legislation.

TITLE IX LAWS MUST BE ENFORCED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, nearly 20 years ago, the Congress passed title IX of the Education Amendments of the 1972 Civil Rights Act, the principal Federal law prohibiting sex discrimination in education. This law has not been enforced to the degree that it should, but one of the fruits of title IX has been greater opportunities for women athletes to compete not just in college, but on the high school level.

In Chicago's Seventh Congressional District, my district, the John Marshall Metropolitan High School girls basketball team presents a shining example of excellence in high school sports and what can happen when you give girls a chance to play ball. On March 7, the Lady Commandos, led by Coach Dorothy Gaters, won their fifth Illinois State High School Championship. These outstanding student athletes also won their 14th city championship this year.

If I sound particularly proud of these young women, it's because I am. I have fought for the equitable distribution of athletic scholarship funds to girls and boys wishing to participate in collegiate athletics consistent with title IX. At least two members of the Lady Commandos, Herilanda Thighpen and LaShonda Price, have won scholarships and will be playing for college teams next fall.

At a recent hearing conducted by my Subcommittee on Commerce, Consumer Protection, and Competitiveness on title IX, Dr. Christine H.B. Grant, the women's athletic director at the University of Iowa, testified that:

> denying girls with equal opportunities in a variety of sports at an early age is an irreparable loss that will last a lifetime, because, in all likelihood, these girls will later lack the skill and the confidence to participate in high school and beyond.

In many parts of Chicago, Los Angeles, and other large urban centers, there is plenty of evidence of what happens when young people are denied opportunities or don't take advantage of opportunities to participate in productive activities such as organized sports.

Certainly, the entire Lady Commandos basketball team should be recognized for their achievements, as well as Coach Gaters, Marie Scott, team captain; Principal John Gibson, the families of the team members, and the Marshall High School community on the West Side of Chicago. They should all be congratulated for the accomplishments and continued success of a sports program that has succeeded against all odds in one of the toughest neighborhoods in the country.

Since title IX was adopted in 1972, there has been a boom in the number of teams and number of female athletes at the high school and college levels. According to a recent study, the greatest increases in the expansion of opportunities for women occurred in the first 6 years after the law was passed.

Twenty years ago, fewer than 300,000 girls played high school sports. Today, the number is approaching 2 million. the biggest explosion in girl athletes competing on the high school level occurred between 1971 and 1978. Between 1978 and 1991, as the Reagan Court and the Grove City decision gutted title IX, the number of girl athletes competing on the scholastic level increased by only 4 percent.

A similar pattern has occurred on the college level. In the last 5 years, the male-female ratio of NCAA athletes has remained relatively stable with female athletes ranging between 33.4 percent and 33.6 percent of the total athlete population, according to the Woman's Sports Foundation.

I have been conducting a series of hearings on intercollegiate athletics. The overwhelming body of evidence at our hearings indicate that most colleges and universities have a sorry record when it comes to carrying out the letter or the spirit of title IX, which calls for equal opportunity for men and women in athletics. It's pretty sad to think that after Congress passes a law, so little has been done to enforce it.

Mr. Speaker, we have seen great gains in the last two decades for girls and women in sports, but like so many areas in our great country, this is one that still needs improvement.

As Dr. Donna Lopiano, executive director, Women's Sports Foundation put it: "Sports in our society is still a right for little boys and a privilege for little girls."

In the coming weeks, I will continue to talk about the problems besetting women as they seek full and equal participation in intercollegiate sports.

I intend to do all within my power to see that title IX laws are enforced to continue the expansion of opportunities for girls and women to participate in high school and college sports. We owe our children no less.

□ 1820

TRIBUTE TO REV. FOLASA TITIALII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, it is with great pleasure and a distinct honor for me to share with you and my colleagues in the House—a special commendation and recognition of one of the great spiritual leaders of the Samoan community here in the United States. I am especially pleased that Rev. Folasa Titialii and his lovely wife, Ave, are with us in this great Chamber, as they have been wanting to visit our Nation's Capitol for some time now; and furthermore, the Samoan community here in the Washington area, particularly our Samoan military families, are all looking forward to worshipping together with Reverend Titialii this Sunday at the Fort Myer chapel. I am certain Reverend Titialii's spiritual message will be one of tremendous value and meaning to our community here in Washington.

Reverend Titialii's ministry for the past 35 years for the Samoan community in the city of Seattle, WA, has earned him tremendous respect and reverence from church members of some nine Samoan church organizations within the Seattle community area.

Mr. Speaker, I had the privilege of visiting with Reverend Titialii and the Samoan community 2 weeks ago in Seattle, and I was deeply moved by his keen sense of commitment to provide for both the temporal and spiritual needs of the several church congregations of which he has responsibility over—but not only for his Samoan people, Mr. Speaker, but to anyone who is in need. Reverend Titialii is always there to minister and to provide assistance.

Reverend Titialii's dedication and commitment to service reminds me of a story told of Saint Francis of Assisi. It was said that the mayor, the politicians, and all the top officials of this certain town were so outraged and angry at Saint Francis for not showing up on time—and to the surprise of these community leaders, they discovered outside the town limits that Saint Francis of Assisi was having a great time fellowshipping and playing with the children of the town.

Reverend Titialii's love for our Nation's youth is demonstrated by the fact that he continues to provide one of the most successful church youth programs within the Seattle community—whereby the young people participate in wholesome recreational and social activities, but at the same time Reverend Titialii never fails to participate himself, but then afterwards share with these young people the true meaning of Christian living and fellowshipping.

Reverend Titialii and his lovely wife, Ave, are proud parents of eight grown-up children, who have their own families and are successful citizens of the community in Seattle. One of them, a daughter, Jacinta, a graduate of the University of Washington Law School, is currently conducting a very successful law practice in Seattle.

Again a special tribute to Reverend Titialii and his wife, Ave, for their emphasis of the importance of education and with a very unique situation that their daughter, to my knowledge, is the only practicing attorney in the State of Washington who is of Samoan ancestry.

Again, Mr. Speaker, Reverend Titialii is to be commended for his devotion and dedication to his work in the ministry, and I just want to let him know that many lives, including mine, have been touched by their ministry—always, never failing, to bring out all the Christ-like attributes in people, and to share with every human being the true meaning and spirit of the Savior's sermon on the mount.

Thank you Reverend Titialii for your tremendous contribution as a spiritual leader of the Samoan people, and for being true and faithful to your divine calling, not only as a servant, but as a friend of your fellowmen.

NOW WHAT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, I guess the proper question now is: Now what? Now what?

We just came through 2 days of really very eloquent and stirring debate about the condition of America's economy and the condition of America's books out of balance. Yet at the end of this 2-day debate, during which four separate constitutional amendments or prospective constitutional amendments were voted on, three of which were voted down and one of which was voted up but not by the requisite two-thirds vote, we have more or less come up empty-handed. We have waved our hands and pounded on the podium, and we have summoned up all of the rhetoric and the words that we could summon from the dictionary and the thesauruses, and where are we?

Some who might have observed these proceedings reached the wrong conclusion that Congress has once again wrung its hands collectively and walked away from a problem, and once again Congress cannot seem to get its act together.

There is another analysis of what happened, and that could be that amendments to the Constitution are so profound, so weighty, and so pretentious, that even this debt crisis, and I do not think there is any question that both sides of all of these four amendments agree that there is a debt crisis, that even this debt crisis does not rise in magnitude and in passion and in substance enough that it should be dealt with in the basic document of our land, the Constitution of this country, that it just simply does not warrant that kind of action.

I believe that a constitutional amendment could have been voted up today correctly. I happened to support two of the four that were offered. I was not happy to do so. I have said many times that you do not need to have a balanced budget amendment to balance the budget. What you need is a plan of action which would include spending cuts and revenue increases. But even more than that, you need the intestinal fortitude, the courage, as we say at home in Kentucky, the guts to get the job done, and that is very difficult.

But once again we have reached this point where we have discussed several amendments and rejected them all. So what action should we take? What should we now do?

We could have what some would call business as usual, where we sort of wring our hands and say, well, it is impossible to do this job. We should not amend the Constitution, and we cannot get to the discussion of these issues of spending cuts and tax increases, so let us just hope that something passes, just like a summer storm passes, and soon the sun will shine and everything will be hunky-dory again.

□ 1830

Mr. Speaker, I think that would be obviously not an effective strategy, looking at it from a purely strategic standpoint, nor would it be honest and honorable with the constituents and taxpayers of the country. It would be deemed by some cynical and by others as hypercritical. So I think that which is business as usual would not be the action that now transpires.

I think that what ought to be done is really what I suggested earlier this week, which is somewhat fanciful. Certainly, it is unprecedented, and maybe it is not even workable. But I think it has elements and seeds in it that perhaps could germinate into a workable plan.

Parenthetically, from discussions I have had with some of my colleagues who heard my special order earlier this week, some of them think it might have some merit.

Pose it in sort of an overstated way, that we basically lock the doors of this Chamber. We keep the Members basically at the task of developing a battle plan, a program, a plan which would reduce the deficit to some workable amount, if not entirely eliminate the deficit by some year in the future. We basically suspend other committee actions so that Members have the full opportunity to attend the sessions and observe, perhaps by means of television, but one way or the other to participate. And by putting on the floor under the openness of open rules all of the Tax Code and all of the spending categories—and there are three now, the domestic category, the international category, and the defense category—and under this open rule have the Tax Code out there and all the spending. And then let every Member, every man and woman in this body, have a shot at that plan, a shot to offer a plan, make amendments to other Members' plans.

In effect, to open the floor to a full and fair debate, which would be observed by the people of the country, to see if we cannot work our way out of this. Because once again, I think we need to do something.

I was struck earlier in the debate, because there is some evidence that there is an easy vote. The easy vote was to vote on the constitutional amendment. The tougher vote will be on the package. Again, I would hope that despite the fact that we vote down all of the constitutional amendments, I hope that this is really phase 1 of the phase of bringing America's deficits into control and its budget into balance.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. JOHNSON of Texas) to revise and extend his remarks and include extraneous material:)

Mr. LENT, for 5 minutes, on June 23.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. KANJORSKI, for 60 minutes, on June 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. JOHNSON of Texas) and to include extraneous matter:)

Mr. SOLOMON.
Mr. GILMAN.
Mr. LEWIS of California.
Mr. BLILEY.
Mr. PETRI.
Mr. BALLENGER.
Mr. GINGRICH in 2 instances.
Mr. GOODLING.
Mr. LIGHTFOOT.
Mr. COBLE.
Mr. BROOMFIELD.
Mr. MACHTLEY.
Mr. HANSEN.
Mr. GALLO.
Ms. ROS-LEHTINEN in two instances.
Mrs. MORELLA.
Mr. DANNEMEYER.
Mr. GOSS.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. FASCELL in two instances.
Mr. DOWNEY.
Mr. MONTGOMERY in two instances.
Mr. WOLPE.
Mr. MOAKLEY.
Mr. TOWNS.
Mr. BRYANT.
Mr. NOWAK.
Mr. PANETTA.
Mr. PENNY.
Mr. TRAFICANT.
Mr. LANTOS.
Mr. NEAL of Massachusetts.
Mr. MURTHA.
Ms. OAKAR.
Mr. WEISS.
Mr. SCHEUER.
Mr. CONYERS.
Mr. KILDEE.
Mrs. SCHROEDER in two instances.
Ms. LONG.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 113. Concurrent resolution concerning the twenty-fifth anniversary of the reunification of Jerusalem; to the Committee on Foreign Affairs.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 442.—Joint resolution to designate July 5, 1992, through July 11, 1992, as "National Awareness Week for Life-Saving Techniques"; and

H.J. Res. 445. Joint resolution designating June 1992 as "National Scleroderma Awareness Month."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 756. An Act to amend title 17, United States Code, the copyright renewal provisions, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, June 15, 1992, at noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report of a committee of the United States House of Representatives concerning the foreign currencies used by them for official foreign travel during the first quarter of 1992 pursuant to Public Law 95–354 is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Forign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William F. Clinger, Jr	1/5	1/8	Russia		1,018.00		(3)				1,018.00
	1/8	1/12	Portugal		1,100.00		(3)				1,100.00
Theodore Jacobs	1/20	2/3	Japan		3,781.00		3,095.00				6,876.00
							51.19				51.19
Hon. John Conyers, Jr	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Hon. Major R. Owens	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Hon. John W. Cox, Jr	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Hon. Frank Horton	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Hon. Steven Schiff	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Hon. Craig Thomas	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Hon. Ronald K. Machtley	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Frank Clemente	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Ellen Rayner	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Robert Weiner	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Donald Upson	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Brian Jones	1/22	1/25	Canada		451.00		[4]599.08				1,050.08
Hon. Collin C. Peterson	1/22	1/25	Canada		451.00		[4]345.63				796.63
							242.17				242.17
Hon. J. Dennis Hastert	1/22	1/25	Canada		451.00		[4]345.63				796.63
							137.00				137.00
Hon. Scott L. Klug	1/22	1/24	Canada		306.00		[4]345.63				651.63
							223.00				223.00
Hon. Bernie Sanders	1/22	1/25	Canada		451.00		[4]345.63				796.63
							221.00				221.00
Hon. Albert G. Bustamante	2/2	2/3	Mexico		286.50		188.00				474.50
							[4]950.54				950.54
Committee total					13,256.50		13,679.38				26,935.88

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military airfare not reported by Foreign Affairs Committee.

[4] Military aircraft.

JOHN CONYERS, Jr., Chairman, May 15, 1992.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3741. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification that DOD has completed delivery of the defense articles, services, and training on the attached list under the authority of P.D. 90-33; to the Committee on Armed Services.

3742. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 4990, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Operations.

3743. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to improve the management and efficiency of the U.S. Coast Guard, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

3744. A letter from the Secretary of the Treasury, transmitting the Department's 1992 report on intermarket coordination; jointly to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEVILL: Committee on Appropriations. H.R. 5373, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes (Rept. 102-555). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. Report on the subdivision of budget totals for fiscal year 1993 (Rept. 102-556). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 479. Resolution waiving all points of order against the conference report on the bill (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs, and for other purposes, and against the consideration of such conference report (Rept. 102-557). Referred to the House Calendar.

Mr. WHEAT: Committee on Rules. House Resolution 480. Resolution providing for the consideration of S. 250, an act to establish national voter registration procedures for Federal elections, and for other purposes (Rept. 102-558). Referred to the House Calendar.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 481. Resolution waiving certain points of order during consideration of the concurrent resolution (H. Con. Res. 192) to establish a Joint Committee on the Organization of Congress (Rept. No. 102-559). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 482. Resolution providing for the consideration of H.R. 5055, a bill to authorize appropriations for the Coast Guard for fiscal year 1993, and for other purposes (Rept. 102-560). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 483. Resolution providing for the consideration of H.R. 4996, a bill to extend the authorities of the Overseas Private Investment Corporation, and for other purposes (Rept. 102-561). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 5373. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

By Mrs. BENTLEY:

H.R. 5374. A bill entitled "National Environmental Technologies Agency Act of 1992"; jointly, to the Committees on Science, Space, and Technology, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. BEREUTER (for himself, Mr. WYLIE, Mr. ROBERTS, Mr. NEAL of North Carolina, Mr. BARNARD, Mr. RIDGE, Mr. ROTH, Mr. MCCANDLESS, Mr. BAKER, Mr. STEARNS, Mr. GILLMOR, Mr. PAXON, Mr. DUNCAN, Mr. CAMPBELL of California, Mr. HANCOCK, Mr. NUSSLE, Mr. THOMAS of Wyoming, Mr. JOHNSON of Texas, Mr. COMBEST, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. MCCRERY, Mr. PETERSON of Minnesota, Mr. VANDER JAGT, Mr. WEBER, Mr. ARMEY, Mr. RIGGS, and Mrs. PATTERSON):

H.R. 5375. A bill to exempt certain financial institutions from the examination requirements of the Community Reinvestment

Act of 1977; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. COLLINS of Illinois (for herself and Mr. KOSTMAYER):

H.R. 5376. A bill to amend the Social Security Act to improve the quality of long-term care insurance and to protect consumers through the establishment of national standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. HORTON, Mr. ENGLISH, Mr. WAXMAN, Mr. CLINGER, Mr. SYNAR, Mr. MCCANDLESS, Mr. BARNARD, Mr. SHAYS, Mr. LANTOS, Mr. ZELIFF, Mr. OWENS of New York, Mr. HOBSON, Mr. KLECZKA, Mr. BUSTAMANTE, Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mrs. MINK, Mr. THORNTON, Mr. PETERSON of Minnesota, Mr. COX of Illinois, Mr. SANDERS, Mr. PICKLE, Mr. DICKINSON, Mr. ANDERSON, Mr. CALLAHAN, Mr. BRYANT, Mr. FIELDS, Mr. PENNY, Mr. LIVINGSTON, Mr. STALLINGS, Mr. SWETT, Mr. HAMILTON, Mr. ORTIZ, Mr. DELLUMS, Mrs. UNSOELD, Mr. VOLKMER, Mr. JACOBS, Mr. OXLEY, and Mr. WILSON):

H.R. 5377. A bill to amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that act, and for other purposes; to the Committee on Government Operations.

By Mr. COX of California (for himself, Mr. WASHINGTON, and Mr. CAMPBELL of California):

H.R. 5378. A bill to amend the Internal Revenue Code of 1986 to provide for the designation of turbo enterprise zones to assist those areas of Los Angeles affected by recent rioting and to assist other areas of high unemployment; to the Committee on Ways and Means.

By Mr. GOODLING (for himself and Mr. BALLENGER):

H.R. 5379. A bill to reauthorize and improve educational opportunities for individuals who are deaf and for other purposes; to the Committee on Education and Labor.

By Mr. HYDE:

H.R. 5380. A bill to require periodic assessments of the impact and effectiveness of U.S. economic assistance to foreign countries; to the Committee on Foreign Affairs.

By Mrs. LLOYD (for herself, Ms. PELOSI, Ms. SLAUGHTER, Ms. NORTON, Mrs. MINK, Mrs. UNSOELD, Mrs. SCHROEDER, and Mrs. PATTERSON):

H.R. 5381. A bill to amend the Public Health Service Act to provide for the development or expansion of research centers on women's midlife health, including menopause and menopausal health conditions; to the Committee on Energy and Commerce.

By Mr. MARTINEZ:

H.R. 5382. A bill to assist Native Americans in assuring the survival and continuing vitality of their languages; to the Committee on Interior and Insular Affairs.

By Mr. MAZZOLI:

H.R. 5383. A bill to amend the Immigration and Nationality Act to extend for 3 years the authorization of appropriations for domestic refugee assistance; to the Committee on the Judiciary.

By Mr. MCEWEN (for himself, Mr. INHOFE, Mr. VALENTINE, Mr. GEREN of Texas, Mr. PAYNE of Virginia, Mr. HANCOCK, Mr. CHANDLER, Mr. BALLENGER, Mr. PACKARD, Mr. PETRI, Mr. LIGHTFOOT, Mr. COX of California, and Mr. PARKER):

H.R. 5384. A bill to amend the Federal Aviation Act of 1958 relating to the civil penalty assessment program; to the Committee on Public Works and Transportation.

By Mr. NEAL of Massachusetts:

H.R. 5385. A bill to require insured depository institutions to include a notice relating to the $100,000 limitation on deposit insurance coverage in periodic account statements provided to account holders; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PETRI (by request):

H.R. 5386. A bill to improve enforcement of the Employee Retirement Income Security Act of 1974, by adding requirements with respect to multiple employer welfare arrangements; to the Committee on Education and Labor.

By Mr. REGULA:

H.R. 5387. A bill to provide for a 2-year Federal budget cycle, and for other purposes; jointly to the Committees on Government Operations and Rules.

H.R. 5388. A bill to provide that, beginning with fiscal year 1995, the President transmit to Congress and Congress consider a budget permitting no more than a 4-percent growth in budget authority and outlays, and providing for a balanced budget for fiscal year 1999 and subsequent years, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. SCHEUER (for himself, Mrs. MORELLA, Mr. BROWN, Mr. WOLPE, Mr. BEILENSON, Ms. HORN, Mr. BLAZ, Mr. GEJDENSON, Mr. MCMILLEN of Maryland, Mr. MCDERMOTT, Mr. SIKORSKI, Mr. HUGHES, Mr. HERTEL, Mr. KOSTMAYER, and Mr. NOWAK):

H.R. 5389. A bill to establish a National Center for Biological Resources (Research and Development) to facilitate the collection, synthesis, and dissemination of information relating to the sustainable use, research, development and conservation of biological resources; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. SOLOMON:

H.R. 5390. A bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit with respect to certain domestically produced business property; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 5391. A bill to exempt from the antitrust laws certain joint activities of institutions of higher education; to the Committee on the Judiciary.

By Mr. WOLPE (for himself and Mr. HENRY):

H.R. 5392. A bill to establish in the National Institute of Standards and Technology a program for electronic commerce to promote the use of electronic commerce by manufacturing firms in the United States, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. ZIMMER:

H.R. 5393. A bill to terminate the Space Station Freedom Program; to the Committee on Science, Space, and Technology.

By Mr. CLINGER (for himself, Mr. LIVINGSTON, Mr. PACKARD, and Mr. DOOLITTLE):

H. Res. 484. Resolution directing the Architect of the Capitol to place a public debt clock in the Cannon House Office Building; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. THOMAS of Wyoming.

H.R. 252: Mrs. MINK.

H.R. 254: Mr. TOWNS, Mr. TRAFICANT, and Mr. PURSELL.

H.R. 389: Mr. BROWN.

H.R. 428: Mrs. UNSOELD.

H.R. 446: Mr. TORRICELLI.

H.R. 643: Mr. PERKINS.

H.R. 784: Mr. RANGEL, Mrs. LLOYD, and Mr. JEFFERSON.

H.R. 786: Mr. GLICKMAN.

H.R. 911: Mr. MAVROULES and Mr. HANCOCK.

H.R. 917: Mr. EARLY and Mr. BROOKS.

H.R. 1110: Mr. WILLIAMS.

H.R. 1124: Mr. BEVILL and Mrs. VUCANOVICH.

H.R. 1472: Mr. SHAW.

H.R. 1554: Ms. KAPTUR and Mr. ATKINS.

H.R. 1768: Mr. WISE, Mr. DOWNEY, Mr. MCEWEN, Mr. GALLEGLY, and Mr. STEARNS.

H.R. 1771: Mr. BILIRAKIS and Mr. BONIOR.

H.R. 2179: Mr. EWING.

H.R. 2234: Mr. DEFAZIO and Mr. TAYLOR of North Carolina.

H.R. 2242: Mrs. BOXER.

H.R. 2695: Mr. MORRISON, Mr. DORNAN of California, Mr. COX of California, Mr. HOLLOWAY, and Mr. BALLENGER.

H.R. 2734: Mr. POSHARD and Mr. GEPHARDT.

H.R. 2862: Mr. GUNDERSON, Mr. RANGEL, Mrs. JOHNSON of Connecticut, and Mr. LEHMAN of California.

H.R. 2876: Mr. JOHNSON of Texas, Mr. DICKINSON, Mr. INHOFE, and Mr. ARMEY.

H.R. 2898: Mr. LANTOS and Mrs. BYRON.

H.R. 2919: Mr. ZELIFF.

H.R. 3030: Mr. MCCRERY, Mr. SISISKY, and Mr. FRANK of Massachusetts.

H.R. 3349: Mr. FISH and Mr. MARTINEZ.

H.R. 3438: Mr. HOLLOWAY.

H.R. 3439: Mr. HOLLOWAY.

H.R. 3440: Mr. HOLLOWAY.

H.R. 3441: Mr. HOLLOWAY.

H.R. 3442: Mr. HOLLOWAY.

H.R. 3518: Mr. BUSTAMANTE, Mr. ENGEL, and Mr. FROST.

H.R. 3598: Mr. COBLE.

H.R. 3599: Mr. FISH and Mr. BUSTAMANTE.

H.R. 3603: Mr. ABERCROMBIE, Mr. MAVROULES, Mr. CONYERS, Mr. WOLPE, Mr. BONIOR, Mr. CARDIN, Mr. SAVAGE, Mr. KILDEE, Mr. FRANK of Massachusetts, Mrs. LOWEY of New York, and Mr. YATES.

H.R. 3605: Mr. HOLLOWAY.

H.R. 3689: Mr. EDWARDS of California.

H.R. 3806: Mr. PANETTA, Ms. HORN, Mr. TORRES, and Mr. SOLOMON.

H.R. 3843: Mr. BARNARD.

H.R. 4025: Mr. EWING.

H.R. 4045: Mr. MACHTLEY and Mr. TORRICELLI.

H.R. 4061: Mr. HAYES of Illinois.

H.R. 4312: Mr. DOWNEY, Mr. TAUZIN, and Mr. ANDREWS of Maine.

H.R. 4383: Mr. GILMAN, Ms. NORTON, Ms. KAPTUR, Mr. TRAFICANT, Mrs. LOWEY of New York, Mr. MACHTLEY, Mr. MCGRATH, and Mr. SANDERS.

H.R. 4399: Mr. HALL of Ohio.

H.R. 4434: Mr. SERRANO and Mr. RANGEL.

H.R. 4585: Mr. WAXMAN, Mr. HOCHBRUECKNER, and Mr. FOGLIETTA.

H.R. 4591: Mrs. COLLINS of Illinois.

H.R. 4750: Mr. MCNULTY.

H.R. 4840: Mr. WILSON and Mr. FIELDS.

H.R. 4897: Mr. WALSH and Mr. GINGRICH.

H.R. 4924: Mr. ZELIFF.

H.R. 4930: Mr. SMITH of Texas.

H.R. 4944: Mr. HERGER.

H.R. 4975: Mr. HOBSON, Mr. GOSS, Mr. RIGGS, Mr. WELDON, Mr. EDWARDS of Oklahoma, Mr. KLUG, Mr. COX of California, Mr. HASTERT, Mr. FAWELL, Mr. HUGHES, Mrs. UNSOELD, Mr. JEFFERSON, and Mr. JONTZ.

H.R. 5013: Mr. WELDON.

H.R. 5020: Mr. HAYES of Illinois, Mr. STALLINGS, Mr. BILIRAKIS, Mr. VENTO, Mr. EVANS, Mr. BUSTAMANTE, Mr. MAVROULES, and Mr. FROST.

H.R. 5036: Mr. CLAY, Mr. HAYES of Illinois, Mr. BLACKWELL, and Mr. TOWNS.

H.R. 5108: Mr. SPENCE.

H.R. 5211: Mr. DORGAN of North Dakota, Mr. HUGHES, and Mr. FROST.

H.R. 5214: Mrs. MINK.

H.R. 5237: Mr. SYNAR and Mr. BURTON of Indiana.

H.R. 5255: Mr. LAGOMARSINO.

H.R. 5274: Mr. MCCANDLESS, Mr. TOWNS, Mr. STARK, Mr. LIPINSKI, Mr. GUARINI, Mr. EMERSON, Mr. POSHARD, Mr. DANNEMEYER, Mr. HUGHES, Mr. LAFALCE, Mr. HORTON, Mr. LEACH, Mr. TORRICELLI, and Mr. ATKINS.

H.R. 5282: Mr. LEVIN of Michigan.

H.R. 5307: Mr. SMITH of Florida, Mr. SCHIFF, Mr. WALSH, Mr. PETERSON of Minnesota, and Mr. BACCHUS.

H.R. 5316: Mrs. PATTERSON and Mr. GUNDERSON.

H.R. 5320: Mr. BUSTAMANTE, Mr. PAYNE of Virginia, Mr. SOLOMON, and Mr. ROE.

H.J. Res. 152: Mr. SAXTON.

H.J. Res. 237: Ms. PELOSI, Mr. SABO, Mr. HUTTO, Mr. MCCLOSKEY, Mr. ROEMER, Mr. LAFALCE, Mr. AUCOIN, Mrs. COLLINS of Illinois, and Mrs. MEYERS of Kansas.

H.J. Res. 271: Mr. OWENS of Utah, Mr. DELLUMS, Mr. GEJDENSON, Mr. ROE, Mr. FISH, and Mr. GINGRICH.

H.J. Res. 357: Mr. HOLLOWAY.

H.J. Res. 391: Mr. SWETT and Mrs. VUCANOVICH.

H.J. Res. 411: Mr. LIPINSKI, Mr. HENRY, and Mr. ROWLAND.

H.J. Res. 413: Mr. SOLOMON, Mr. FASCELL, Mr. NOWAK, Mr. WALSH, Mr. ROE, Mr. HUGHES, Mr. GUARINI, Mr. MARTINEZ, Mr. RANGEL, Mr. SERRANO, Mr. QUILLEN, Mr. KASICH, Mr. FALEOMAVAEGA, and Mr. MAVROULES.

H.J. Res. 415: Mr. FISH, Mr. HARRIS, Mr. HORTON, Mr. DORNAN of California, and Mr. KOLTER.

H.J. Res. 435: Mr. TRAXLER, Mr. ABERCROMBIE, Mr. DIXON, Mr. ROYBAL, Mr. ANNUNZIO, Mr. BONIOR, Mr. HUBBARD, Mr. NEAL of Massachusetts, and Mr. JONTZ.

H.J. Res. 459: Mr. COBLE, Mr. COLEMAN of Texas, Mr. DE LA GARZA, Mr. HAYES of Illinois, Mr. MAVROULES, Ms. OAKAR, Mr. PALLONE, Mr. PRICE, Mr. SMITH of Florida, and Mr. TRAFICANT.

H.J. Res. 475: Mr. PICKETT, Ms. DELAURO, Mr. FROST, Mr. BUSTAMANTE, and Mr. OWENS of Utah.

H.J. Res. 486: Mr. YOUNG of Alaska and Mrs. MEYERS of Kansas.

H.J. Res. 491: Mr. TALLON and Mr. CARPER.

H.J. Res. 498: Mr. PETERSON of Florida, Mr. DOWNEY, Mr. RAMSTAD, Mr. HORTON, Mr. LEWIS of Florida, Mr. TOWNS, Mr. SABO, Mr. LIPINSKI, Mr. WALSH, Mr. SAVAGE, Mr. EWING, and Mr. CHANDLER.

H.J. Res. 500: Mr. KILDEE, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MACHTLEY, Mr. MARTIN, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MOAKLEY, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MORAN, Mr. MRAZEK, Mr. NATCHER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OWENS of Utah, Mr. QUILLEN, Mr. RANGEL, Mr. RAVENEL, Mr. RINALDO, Mr. ROE, Mr. SABO, Mr. SCHEUER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SISISKY, Mr. SKEEN, Mr. ABERCROMBIE, Mr. ANDERSON, Mr. APPLEGATE, Mr. BENNETT, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Mr. BROWDER, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARDIN, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DONNELLY, Mr. DORNAN of California, Mr. DOWNEY, Mr. DURBIN, Mr. DYMALLY, Mr. DWYER of New Jersey, Mr. ENGEL, Mr. ESPY, Mr. FEIGHAN, Mr. FISH, Mr. FLAKE, Mr. FROST, Mr. GALLO, Mr. GILMAN, Mr. GORDON, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HERTEL, Mr. HOCHBRUECKNER, Ms. HORN, Mr. HORTON, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JONTZ, Mr. KASICH, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SOLARZ, Mr. SOLOMON, Mr. STAGGERS, Mr. STUDDS, Mr. TOWNS, Mr. TRAFICANT, Mr. TRAXLER, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WALSH, Mr. WEISS, Mr. WELDON, Mr. WOLF, Mr. WOLPE, and Mr. YATRON.

H. Con. Res. 180: Mr. GILCHREST and Mr. LEWIS of Georgia.

H. Con. Res. 246: Mr. SWETT, Mr. OWENS of New York, Mr. CLAY, Mr. FLAKE, Mr. ENGEL, Mr. MCNULTY, Mrs. MINK, Mr. ENGLISH, Mr. MACHTLEY, Mr. COSTELLO, and Mr. SOLOMON.

H. Res. 414: Mr. BATEMAN and Mr. THOMAS of Wyoming.

H. Res. 422: Mrs. PATTERSON, Mr. SMITH of New Jersey, and Mr. EVANS.

H. Res. 439: Mr. SWETT, Mr. LANCASTER, Mr. BARRETT, and Mr. HUGHES.

H. Res. 448: Mr. TORRICELLI, Mr. ENGEL, and Mr. LAGOMARSINO.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4996

By Mr. ANDREWS of New Jersey:

—Page 50, line 13, strike "Such" and all that follows through page 51, line 3.

—Page 51, insert the following after line 3:

"(3) MANNER OF REPORTING EFFECTS ON EMPLOYMENT.—In reporting the projections on employment required by this subsection, the Corporation shall specify, with respect to each project—

"(A) any loss of jobs in the United States caused by the project, whether or not the project itself creates other jobs; and

"(B) the country in which the project is located, and the economic sector involved in the project.

—Page 2, strike line 4 and all that follows through page 55, line 23, and insert the following:

TITLE I—TERMINATION OF OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 101. TERMINATION OF OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) TERMINATION OF AUTHORITY TO MAKE NEW OBLIGATIONS.—(1) Effective 60 days after the date of the enactment of this Act, the Overseas Private Investment Corporation shall not issue any insurance, guaranties, or reinsurance, make any loan, or acquire any securities, under section 234 of the Foreign Assistance Act of 1961, enter into any agreements for any other activity authorized by such section 234, or enter into risk sharing arrangements authorized by section 234A of that Act.

(2) Paragraph (1) does not require the termination of any contract or other agreement entered into before such paragraph takes effect.

(b) TERMINATION OF OPIC.—Effective 180 days after the date of the enactment of this Act, the Overseas Private Investment Corporation is abolished.

(c) TRANSFER OF OPERATIONS TO OMB.—The Director of the Office of Management and Budget shall, effective 180 days after the date of the enactment of this Act, perform the functions of the Overseas Private Investment Corporation with respect to contracts and agreements described in subsection (a)(2) until the expiration of such contracts and agreements, but shall not renew any such contract or agreement. The Director shall take the necessary steps to wind up the affairs of the Corporation.

(d) REPEAL OF AUTHORITIES.—Effective 180 days after the date of the enactment of this Act, title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 and following) is repealed, but shall continue to apply with respect to functions performed by the Director of the Office of Management and Budget under subsection (c).

(e) APPROPRIATIONS.—Funds available to the Corporation shall, upon the effective date of the repeal made by subsection (d), be transferred to the Director of the Office of Management and Budget for use in performing the functions of the Corporation under subsection (c). Upon the expiration of the contracts and agreements with respect to which the Director is exercising such functions, any unexpended balances of the funds transferred under this subsection shall be deposited in the Treasury as miscellaneous receipts.

SEC. 102. SAVINGS PROVISIONS.

(a) PRIOR DETERMINATIONS NOT AFFECTED.—The repeal made by section 101(d) of the provisions of law set forth in such section shall not affect any order, determination, regulation, or contract that has been issued, made, or allowed to become effective under such provisions before the effective date of the repeal. All such orders, determinations, regulation, and contracts shall continue in effect until modified, superseded, terminated, set aside, or revoked in accordance with law by the President, the Director of the Office of Management and Budget, or other authorized official, a court of competent jurisdiction, or by operation by law.

(b) PENDING PROCEEDINGS.—

(1) The repeal made by section 101(d) shall not affect any proceedings, including notices of proposed rulemaking, pending on the effective date of the repeal, before the Overseas Private Investment Corporation, except that no insurance, reinsurance, guarantee, or loan may be issued pursuant to any application pending on such effective date. Such proceedings, to the extent that they relate to functions performed by the Director of the Office of Management and Budget after such repeal, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Director, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(2) The Director of the Office of Management and Budget is authorized to issue regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) ACTIONS.—Except as provided in subsection (e)—

(1) the provisions of this title shall not affect suits commenced before the effective date of the repeal made by section 101(d); and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this title had not been enacted.

(d) Liabilities Incurred.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Overseas Private Investment Corporation, shall abate by reason of the enactment of this title. No cause of action by or against the Overseas Private Investment Corporation, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this title.

(e) Parties.—If, before the effective date of the repeal made by section 101, the Overseas Private Investment Corporation or officer thereof in the official capacity of such officer, is a party to a suit, then such suit shall be continued with the Director of the Office of Management and Budget substituted or added as a party.

(f) Review.—Orders and actions of the Director of the Office of Management and Budget in the exercise of functions of the Overseas Private Investment Corporation shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Overseas Private Investment Corporation. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function of the Overseas Private Investment Corporation shall apply to the exercise of such function by the Director of the Office of Management and Budget.

SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Title 5, United States Code.—(1) Section 5314 of title 5, United States Code, is amended by striking:

"President, Overseas Private Investment Corporation.".

(2) Section 5315 of title 5, United States Code, is amended by striking:

"Executive Vice President, Overseas Private Investment Corporation.".

(3) Section 5316 of title 5, United States Code, is amended by striking:

"Vice Presidents, Overseas Private Investment Corporation (3).".

(b) Other Amendments and Repeals.—(1) Section 222(a) of the Foreign Assistance Act of 1961 is amended by inserting after "section 238(c)" the following: "as in effect on the day before the effective date of the repeal of that section made by section 101(d) of the OPIC Abolition and Domestic Employment Opportunity Act".

(2) The following provisions of law are repealed:

(A) Section 5(b)(2) of the Overseas Private Investment Corporation Amendments Act of 1981 (22 U.S.C. 2194a).

(B) Section 5 of the Taiwan Relations Act (22 U.S.C. 3304).

(C) Section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991.

(D) Subsections (b), (c), and (d) of section 597 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990.

(E) Section 109 and 111 of the Overseas Private Investment Corporation Amendments Act of 1988, as enacted by reference in section 555 of Public Law 100-461.

(c) Effective Date.—The amendments made by this section take effect 180 days after the date of the enactment of this Act.

H.R. 4996

By Mr. BEREUTER:

—Add the following new title at the end of the bill:

TITLE VI—BASIC INFRASTRUCTURE FOR DEVELOPMENT

SEC. 601. CAPITAL PROJECTS FOR POVERTY ALLEVIATION AND ENVIRONMENTAL SAFETY AND SUSTAINABILITY.

(a) Purposes.—The Administrator of the Agency for International Development shall develop a program, in accordance with subsection (b), that focuses on developmentally sound capital projects for basic infrastructure that will measurably alleviate the worst manifestations of poverty or directly promote environmental safety and sustainability at the community level, taking into consideration development needs of the host country and export opportunities for services and goods from the United States.

(b) Activities of AID.—In order to carry out subsection (a), the Administrator of AID shall, working with AID technical support staff, regional bureau staff, and country missions, identify and provide funding for capital projects to alleviate the worst manifestations of poverty or to promote environmental safety and sustainability at the community level in countries receiving assistance under the Foreign Assistance Act of 1961. Such projects may include basic sanitation systems, basic water supply and treatment, pollution control, and rural infrastructure benefiting poor communities or establishing environmentally sustainable patterns of rural development. Such projects should have measurable positive effects on indicators of human and environmental health.

SEC. 602. COORDINATION.

The President shall utilize the existing interagency coordination mechanism to coordinate activities under this title with other relevant activities of the United States Government.

SEC. 603. REPORTS TO CONGRESS ON CAPITAL PROJECTS.

Not later than February 1, 1993, and each year thereafter, the President shall submit to the Congress a report describing the extent to which United States Government resources have been expended specifically to support capital projects under this title.

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "AID" means the Agency for International Development; and

(2) the term "capital project" means a project involving the construction, expansion, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related engineering design (concept and detail) and other services, the procurement of equipment (including any related services), and feasibility studies or similar engineering and economic studies.

SENATE—*Thursday, June 11, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

** * * although they knew God, they did not glorify him as God, neither were they thankful.*—Romans 1:21.

Glorious God, our Father in heaven, perfect in love and patience, the Bible equates thanklessness with godlessness. Daily we enjoy common benefits and blessings which we take for granted. We always have more than we need of everything, ignoring or forgetting those who never have enough of anything they need. We waste food while others are hungry. We drink fresh water, sleep in comfortable beds, wear clean clothes, when all around us are those who do not have these benefits. Yet, rarely do we acknowledge to You, O God, our gratitude.

Forgive us, Lord, for living as though God is not important, for professing faith in God and then behaving as though God is nonexistent. Forgive us for presuming upon Your constant care and provision. Forgive us for operating as though we are on our own, limited by the material and the secular, indifferent to the one who gave us life, who sustains us, without whose rule in history there would be chaos.

Mighty God, awaken us to the immeasurable, tragic consequences that accrue when we live our lives as though there is no God.

In Your name and to Your glory, O Lord, our God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senate majority leader.

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of proceedings has been approved to date and that the time for the two leaders has been reserved for their use later in the day?

The ACTING PRESIDENT pro tempore. The Senator is correct.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, under the previous order, there will be a period for morning business to commence momentarily and to extend until 11:45 a.m. today, during which time Senators will be permitted to speak for specified time periods as described in the order. At 11:45, the Senate will resume consideration of S. 55, legislation relating to striker replacements, and under the order printed at page 2 of today's Senate Calendar, debate on that legislation will occur from 11:45 until 4:45 or for a period of 5 hours today, with the time equally divided and controlled between Senator METZENBAUM and Senator HATCH. At 4:45, there will be a vote on a motion to invoke cloture on the bill and the mandatory live quorum has been waived.

So Senators should be aware that those Senators who wish to address the bill will have the opportunity to do so between 11:45 and 4:45 and that a vote on the motion to invoke cloture on the bill will occur at 4:45 p.m.

Depending upon the result of that vote, there may be further votes this evening. I will review the matter with the distinguished Republican leader and make a decision and announcement in that regard sometime following the 4:45 p.m. vote.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each, with the following Senators to be recognized in a specified order: The Senator from South Carolina [Mr. HOLLINGS] to be recognized to speak for up to 45 minutes; the Senator from Missouri [Mr. DANFORTH] recognized to speak for up to 40 minutes; and the Senator from Washington [Mr. GORTON] recognized to speak for up to 20 minutes.

Under the previous order, the Chair recognizes the Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. I thank the distinguished Chair, and I thank the distinguished leader for arranging this time on the floor. Let the record show, Mr. President, that this Senator from South Carolina is not one to impose on the time of the colleagues except on matters of real significance.

BALANCED BUDGET AMENDMENT

Mr. HOLLINGS. Mr. President, at this time we really come to the end of a long road with regard to the struggle to control deficits. The big issue is why do we need a constitutional amendment. We already have the authority to balance the budget legislatively, and yet we have chronically failed to do so. I would turn to Thomas Jefferson to frame this debate. Thomas Jefferson stated, "I place economy among the first and most important virtues, and public debt as the greatest danger to be feared." And that is precisely our dilemma, Mr. President: We have lost that fear and we now need a constitutional amendment to reinstate it.

I used Jefferson's word "fear." I also see it as a matter of conscience. In the past, there has been, generally speaking, a conscience within this body, within the House of Representatives, within the Congress, within the executive branch, and within the Government. There has been a conscience over the many, many years to act with fiscal responsibility. It was almost a given that we all must work toward paying our bills.

I want to emphasize that particular point because we hear now casual statements of not just despair but "what are you waiting for? It is impossible. You know a balanced budget is not going to happen. It has never happened before." Totally false.

Let us go back to Harry Truman. He balanced the budget. That so-called wild-spending Democrat, he was alive and alert and engaged politically. No President was ever derided more for allegedly excessive spending. But the truth of the matter is Truman bal-

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

anced the budget in 1947, 1948, 1949, and 1951, and Eisenhower after him in 1956, 1957 and 1960. Then after Eisenhower President Kennedy ran a budget deficit of $7.1 billion. We had a rescission amounting to more than that just last week. Kennedy ran a deficit of $7.1 billion in 1962 and reduced it to $4.8 billion in 1963.

Likewise with President Lyndon Johnson. Our Government and its leaders still operated with that fear, that fear, as Jefferson said, "the public debt is the greatest danger to be feared." We still had that fear, that conscience, under Lyndon Baines Johnson.

And I was participatory at that particular time. George Mahon of Texas was chairman of the Appropriations Committee over on the House side. We were trying to get the Government back into the black. There was a very great sensitivity, a great concern, a conscience on the part of Lyndon Baines Johnson to pay honestly for the guns and butter, the Great Society, and the cost of the war in Vietnam.

Mr. President, everybody ought to note this historical record. You will not get these historical facts reported by the media. They just cover this thing up here like a spectator sport. Who is on top? Here and now. And they couldn't care less and have no sense of history or feeling.

But in 1968, before President Nixon took office in 1969, President Johnson was called by Chairman Mahon by way of Marvin Watson over in the House side. And President Johnson said, "Go ahead, cut the deficit another $5 billion." And we cut the budget back to $184 billion for fiscal 1969.

We had better wake up. Today, the net interest cost alone exceeds the size of the entire budget in 1969. In the past, we drafted and passed balanced budgets. We insisted on balanced budgets.

Very few Senators today can say that. I say it with pride, and President Johnson called for it. And he left a $3.2 billion surplus, paying in full for Social Security, Medicare, Medicaid, Title I, aid to the disadvantaged, school programs, Great Society, EOE, Legal Services, EPA—all of those things plus the cost of the war. And yet he still turned a $3.2 billion surplus.

So let us sober up. We hear these wild statements. Only one balanced budget in 200 years. Nonsense. We passed balanced budgets and surplus budgets because we still had that fear, that conscience, with regard to avoiding deficits. You could not get elected unless you preached and practiced fiscal responsibility.

I say this advisedly, because this Senator has, as far back as 1959, obtained the first AAA created for the State of South Carolina, the first State in the entire South, all the way from Maryland through Texas. And we did so by balancing the South Carolina State budget. We now have a balanced budget requirement in my State, and we sought to impose the same requirement nationally through the initiative of Gramm-Rudman-Hollings. I was not only participatory, but I made that agreement possible.

My colleagues; namely, the Senator from Texas [Mr. GRAMM] was going to cut Social Security, cut all of the entitlement programs. There would be no cuts in defense. I will show you the original Gramm-Rudman program. It would not have gotten 10 votes in the U.S. Senate. But we worked it out, and together we had a majority not only of Republicans but a majority of Democrats who voted for Gramm-Rudman-Hollings.

But let us get back now to the record of that conference in 1973. President Nixon came to town, and he enacted new federalism. His idea was to get rid of Washington, the Federal programs, and lump them together and send them back to the States in the form of block grants.

President Reagan came to town with the same approach, calling it federalism. When President Nixon did that, we elected to pass the regularly established working program. And then we had one of those summits, and President Nixon said, just pass them both. You have the block grants. You have the regularly established Federal student loans and other programs. I will sign them both. He did.

But then Nixon rescinded, he impounded, he deferred. We had to take him up to the Supreme Court, and the Supreme Court found that he could not defer, and he could not rescind, and he could not impound.

As a result the 1969 surplus of $3.2 billion became the deficit of $23 billion in 1971 and then in 1973 with the OPEC cartel, and the oil crisis, we jumped it up to $53 billion in 1975. And when President Ford left office, he had a $74 billion deficit.

I remember that figure very well because in 1980, this Senator was chairman of the Budget Committee. President Reagan had just been elected on Tuesday, and it was Friday when I met with President Carter in the Oval Office. And I said to President Carter, "Mr. President, you are going to have a deficit bigger than you inherited from President Ford."

And he said "Dickens, you say."

I said "Yes, sir. We have just gotten the projection. It is going to be about $75 billion."

He said, "What are we going to do?"

I said "There is a fancy word called reconciliation. It just means cut."

He said, "Do you think you can do it?"

I said "I am pretty sure I can, if you leave me alone."

He had his minions over here, wonderful fellows—Jim McIntyre and Herkie Harris. They were spending right and left to reelect Jimmy Carter. But, in any event, President Carter said go to it.

I came back on the floor, and I went to those who have been characterized as my liberal spending friends, Senator Magnuson of Washington, Senator Church of Idaho, Senator Culver of Iowa, Senator George McGovern of South Dakota, Senator Gaylord Nelson of Wisconsin, Senator Birch Bayh of Indiana. I said, "You have to give me a vote. We have to cut this deficit back because we have the largest ever, $75 billion. No Democrat will ever get reelected to anything if that deficit stands."

My point, Mr. President, is that there was still that Jeffersonian fear of debt. There was that sense of conscience instilled in Democrat Truman, in Democrat Kennedy, in Democrat Johnson, and in Democrat Carter. Those Presidents knew they had to lead and they did.

We were headed in the right direction. Then came the economic era we all know, historically, as voodoo. As an aside, there was an op-ed piece in yesterday's New York Times by the king of voodoo, Ronald Reagan. Permit me to read from his article in the New York Times:

> Congress alone has responsibility, and authority for passing budgets and Congress alone can balance them.

That is one of the biggest, most misleading shibboleths you ever heard. Congress does not do anything on its own that gets into law. You have to have the President's signature. And aside from one little supplemental bill in 1981 the king of voodoo signed every dollar spent for over the 8 years of his presidency.

It was from 1981 through 1986, when the President was a Republican and when this United States Senate was Republican, that Washington lost that conscience, Washington lost that fear of deficits. They practiced voodoo, they went amuck, and started deficits.

When I was chairman of the Budget Committee under Carter, I was worried about a record $75 billion deficit. But Reagan and Bush gave us the first $100 billion deficit, the first $200 billion deficit, the first $300 billion deficit, the first $400 billion deficit.

I warned them each time. You are going to understand my frustration, and I warned them again this June that by the end of September the deficit will be $500 billion, if we use honest figures. It is going up, up, up and away.

I knew as Governor that the budget had to be balanced if we were going to attract new industry to South Carolina. No one was going to move industry down to South Carolina unless we were on a pay-as-you-go basis. They were not going to invest in Podunk. Investors demand a fiscally sound State in order to grow and prosper.

But beginning in 1981 here in Washington, we lost that appropriate fear and conscience. What happened? There was a leadership, but they led in the wrong direction. They said do not worry about deficits. We are going to grow out of it. We will cut all of the revenues and grow our way to a balanced budget.

I stood right here at this same desk and opposed the 1981 Reaganomics. Senator Mathias on the other side of the aisle helped us. Eleven of us voted against that voodoo and for the spending cuts. Only 3 of the 11 who voted against the tax cuts also voted for the spending cuts. But, in any event, that is where it all started. Gridlock is not the problem. The problem is when Democrats and Republicans get together with sweetheart deals to cut taxes and raise spending. That is how we got into this particular trouble.

I fought for 5 years to pass a freeze to counter the recklessness of the early 1980's. Everybody knows Senator Baker was the majority leader from Tennessee. He and I worked on the freeze. He told me, "You take the floor and present it, and I will get in and say it is worth thinking of, and we will start working together."

I did, but Donald Regan tackled us from behind and said, "No way, we are not going to freeze."

We have a freeze in this budget finally in 1992. But this was back in 1982. We tried in 1983 and 1984. And in 1985, to the credit of the Republicans, they wheeled the now Governor of California in here in a prone position after an appendectomy, through those double doors, there, and he raised his hand and said "aye" at 1 o'clock in the morning.

We got a freeze, and we went over later that morning to the Oval Office and sat down with the President, and before we could start talking, the President said, "Now, wait a minute. Before you gentlemen start, the Speaker came over, and Tip and I sat out underneath the oak tree yesterday afternoon and we had a little toddy, and the Speaker turned to me and said, 'Mr. President, if you take my Social Security spending, I will take your defense spending.' Reagan said, "It is a deal."

So Reagan told us in the Oval Office, "I am glad to see you gentlemen here this morning, but we already have a deal." I could see Senator DOLE throwing his pencil down and Senator DOMENICI and everybody else started fussing and said, "Mr. President, you will ruin us all. We bit the bullet, and now you are going in the other direction, up with Social Security and defense, up, up and away."

I came back over and I and my friend, Senator GRAMM from Texas, had the seeds of a plan. He was in the majority, and if I could clean it up, we could go. And we had a tough time.

The leadership was opposed to Gramm-Rudman-Hollings. President Reagan, I can assure you, was opposed to it in the beginning. The Washington Post and all of the elites were opposed. But the idea finally went out and we got Gramm-Rudman-Hollings, we had to make sensible exemptions for Social Security, food stamps, and other means tested programs.

But we allowed for cuts across the board, and in the first full year of Gramm-Rudman-Hollings we brought the deficit down from $221 billion to $150 billion. We had an immediate sequester, a cut across the board, by March of 1986. By 1987, we had gotten it down, and in 1988 we were in trouble trying to meet the deficit-reduction target, because if you remember, we had the stock market crash in October. We had the election coming up in 1988, and so instead of a 5-year plan from 1986 to 1991, with a balanced budget by 1991, we had to extend it to 1993.

In short, they began to cook the books. I could see what was happening. In a very surreptitious way with these so-called budget summits, what was happening was an adulteration, a disabling, a mutilation of Gramm-Rudman-Hollings. Gramm-Rudman-Hollings was to spur us to fiscal responsibility, and they claimed it was working by citing false statistics of wonderful growth and minimal interest costs, and, thereby, everybody went around crowing, "We have got the discipline, and it is working, it is working." Meanwhile, they were adulterating Gramm-Rudman-Hollings.

Then, of course, with the summit in 1990, they dispensed with any pretense of discipline. They did away with the Gramm-Rudman-Hollings targets and replaced them with the gimmick of saying we are going to have savings, not targets, to see whether or not there is a cut across the board. We are going to remove the discipline, and instead we will talk about how much we saved.

It is just like my wonderful wife coming in and I ask, "Where did you get that dress?"

And she said, "It was only $147."

I said, "$147?"

She said, "Yeah. But it was on the rack for $447. I saved you $300."

Egads. If that is the kind of budget and economics we are going to use here in the National Government, we better welcome Yeltsin and tell him not only get that crowd straightened out in Russia, but come to town here and get us straightened out, too.

So what you have, in essence, is attempt after attempt by this particular Senator, trying his best with freezes, Gramm-Rudman-Hollings, the line-item veto, and so on, trying to restore fiscal discipline.

The cry now is for leadership. Heavens above, I have to listen to that over on the House side in yesterday's debate, saying "what we need is leadership," and the poor friends over there cannot understand that we already have leadership. The problem is they are leading in the other direction, the wrong direction.

I can tell you how bad off we are. The President of the United States, last year, said in his State of the Union, categorically, "We are headed in the right direction; we are reducing the deficit $500 billion in 5 years."

Absolutely false. We were and are headed in the wrong direction, increasing the deficit $500 billion in 1 year. We have been letting him off the hook with these silly statements, totally misleading the American people, with that whiny self-deprecating, "Oh, I am trying my best; the Congress is spending me blind," when he is leading in the other direction. And if you try to do anything, he says, "Read my lips."

And it is not just the executive branch that is far off base. Listen to the leadership in the legislative branch yesterday. We saw our distinguished friend Mr. PANETTA—I say this in tremendous respect—he has had a difficult job. I have been chairman of a Budget Committee. But the gentlemen from California [Mr. PANETTA] said, "We do not need a constitutional amendment. We really do not. What we need is leadership. The fact is that in 1990 we enacted and carried out the largest deficit reduction package in the history of this country. In 1990, when the President of the United States said 'Let's sit down and develop a deficit reduction package of $500 billion', we did it?"

Mr. President, that is totally false. They did not do it. They went in the other direction. Now you begin to understand the frustration, why we need a constitutional amendment, because we have got the leadership in the executive branch leading in the other direction saying do not worry about it, you are not going to have to pay the bill. Read our lips, get rid of the Government.

And then you come over in the legislative branch and the chairman of the House Budget Committee says, "We did it, we reduced the deficit $500 billion, we got together and did it." The truth of the matter is that they increased the deficit $500 billion. It is up to more than $400 billion now. If you do not use the trust funds, it will be $500 billion by the end of this fiscal year. Jefferson said: "I place economy among the first and most important virtues, and public debt as the greatest danger to be feared." But today we lack that fear, we are actually leading against it.

There are those who are going around here now, Mr. President, talking about values, values, values. You've got the Vice President, he has family values. What greater value could there be than leaving a better lot and a reduced debt for your children?

I will never forget when Charles Kuralt a few years ago spoke to the Spartanburg Chamber of Commerce. He is a popular fellow in our backyard. He made the annual address, and he was reminiscing and remarking upon his 40 years of covering the news, and On The

Road with Charles Kuralt. He traveled all over this land by bicycle, car, bus and everything else. He said: in the early days, historically, when we started this United States of America, there was always a language of hope, the language of doing for the next generation, even if you look at the speeches made during the Civil War. You look at the rhetoric then, there was talk of hope and of trying to leave a better lot for our children and grandchildren.

In the darkest days of the Depression, all the public rhetoric—read it, look at it—even then it was that we are going to join hands and pull together, sacrifice together and do better. We are having a tough time, but we are going to leave things better for our kids.

He said, "A remarkable change has come about." And he was talking in the late 1980's, the selfish 1980's, the "me generation," the right now, instant coffee, instant banking, instant gratification. It was in the 1980's, he said, that the politicians and pollsters became absorbed with the present at the expense of the future. And there was not any fear or concern or conscience as to the future for the children and grandchildren. It was all for the senior citizens. It was all for me and now. There was no sacrifice. In fact, you were politically stupid to advocate sacrifice. The incentive was to not pay the bill. And he was talking at a time when the deficit was $200 billion, the deficit was going back up after we had reduced it in fiscal 1987.

I will never forget talking to him after the dinner. I said, "Well, we had it in the right direction and we got it down. We were supposed to get it down to $100 billion and we could easily have had a balanced budget, operating in the black, but now we have gone up to $200 billion and I am afraid it is going to $300 billion." Today, it is up and on the way to $500 billion.

So, yes, let's talk about values—the values Jefferson talked about. President Jefferson said, "I place economy among the first and most important virtues."

If Vice President QUAYLE wants to go around and talk about family values, let him not limit himself; he shouldn't just talk about good manners, honesty, hard work, academics, courtesy, and so on.

Let him talk about a value he can do something about right now, because he is part of the conspiracy. Let him talk about paying the bills. And mind you me, we are in one heck of a dilemma around here when they talk about gridlock, when the truth of the matter is that when they conspire and get together—that is when this country gets in trouble. That is why we need this constitutional amendment. The executive and legislative branches have conspired and colluded too long. They cooked the books, 1988 and 1989. They got together again in 1990. That was not gridlock. It was cooperation to concoct a sweetheart deal.

They all came back and praised themselves and said they were heading in the right direction. And the chairman of the Budget Committee really believes this. That is the sad thing. He believes we did it and reduced the deficit.

You have another act going on. I saw on TV about distinctions between capital budgets and operating budgets—trying to obfuscate, like the octopus, you know, you squirt out that dark ink and then steal away in the darkness. They say the States exclude capital budgets from their balanced budget requirements. What they don't say is that the States operate with the line item veto we tried to get.

The President goes along just enough to identify with these issues. But the line item veto is held up in the Rules Committee. He could get his crowd to help report it out. No, they bring it up here on a budget point of order. They have talked about the growth plan, the growth plan. They bring the President's growth plan to the floor despite the fact that it would have increased the deficit. Their vehicle was the Packwood-Dole amendment, but they needed to waive the Budget Act because it would have increased the deficit. All they wanted to do was just get credit with the pollsters, not to truly pass a bill. The truth of the matter is, if they want to know what is wrong down there at the White House, President Bush does not want anything, save reelection.

I am a U.S. Senator. I cannot tell my people back home or anywhere else where I have really denied the President. I happened to have supported him most recently on his defense spending proposal. Others are talking about cutting defense more deeply. I think President Bush is right. Where I think he is right, I support him.

But it is foolishness, now, when he comes forth and makes these categorical statements and misleads the American people that we can balance the budget very, very easily and all we need to do is get rid of waste, fraud, and abuse.

On that particular point, let me put in the RECORD, Mr. President, two things. First, of course, on the point I am just making here, the discretionary outlays by category for fiscal 1992. Right here in this fiscal year defense is $313 billion; international foreign affairs is $20 billion; domestic discretionary is $214 billion.

Second, the mandatory spending of Social Security, Medicare, means-tested supplementary security income, child care, retirement, unemployment, veterans, and so on, they add up to $708 billion. Gross interest is $297 billion.

I said earlier, when I started my comments, this Senator voted on a 1969 budget that was balanced at $184 billion, including the interest costs, including defense costs, including Social Security, including all domestic spending, including foreign aid and everything. You can see how far off base we have gotten.

If you eliminated the entire category of domestic discretionary, namely the $214 billion for 1993, you would still have a $200 billion deficit. Think on that. These people are talking about waste, fraud, and abuse. I am against waste. I am against fraud. In fact, the biggest fraud is just what is going on, these sweetheart deals, saying we are headed in the right direction when we are not; sweetheart deals, saying there is lack of leadership when they are leading aggressively in the opposite direction.

Fraud about gridlock—there is no gridlock. You are not supposed to rush through legislation up here. More to the point, anything the President wants, the President gets. And what the President does not want, the President does not get. He has 28 vetoes, none of them overridden. He signed—I am going to have to make an exception by this time next week—he has signed every dollar spent in the U.S. Government. He has vetoed an appropriations bill due to abortion provision, but as soon as we kicked that out, he approved the spending.

Now they are getting very sensitive about spending, and the emergency supplemental that we passed—for Los Angeles, for women, infants, and children nutrition, for Head Start, which the President said he favors—he wants to veto that so he can posture, now, during this campaign: He wants to say I am Horatio at the bridge, and I am stopping that spending Congress.

Baloney. The problem is not gridlock; the problem is sweetheart deals. They get what they want.

Yes, we now have a Democratic-led Congress. But we have White House control. They control. You cannot call up a bill if they choose to filibuster, if you have to get cloture.

The name of the game is drag your feet, show that Congress is incompetent, emulate Harry Truman running against Congress in 1948. That is the only hope George Bush has. So object, drag your feet, raise the technicality, make us file cloture—in a word, control us. Control us.

So I ask unanimous consent to have printed in the RECORD the Outlays by Category, and a document entitled "Hollings, D'Amato, Heflin, Bond Plan."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Mr. President, last fall, I got together with various Senators on a bipartisan plan that we submitted in the Budget Committee. We said: What we ought to do is cut domestic discretionary spending, the bureaucracy, by 10 percent. Cut defense, but no further than the President recommended. Freeze all the rest of the domestic discretionary. And with the $19.4 billion saved, allocate most of that to stimulating the economy through investment incentives. We called for the investment tax credit, accelerated depreciation, reduced capital gains taxes, credits for first-time home buyers, restoration of passive losses on real estate, and more.

We also provided for local communities by boasting revenue sharing and other things. That is included here in the RECORD.

We have tried. We have tried reconciliations, rescissions, freezes, Gramm-Rudman-Hollings—everything in the world. And we cannot get anybody's attention. So when you have the folks talking about reducing the deficit, and saying we did so 2 years ago, and really believing that—I am convinced President Bush really thought he was reducing the deficit when he was increasing it $500 billion; I really believe Chairman PANETTA believes what he says—you are in real trouble. The ox is in the ditch.

What we have to do is, if we cannot get discipline from the President, if we cannot get it from the Congress, we have to get it from the Constitution. I know this amendment causes problems, but I would rather live with those problems having restored that conscience, and having reinstilled that fear of debt and deficits that Jefferson referred to two centuries ago.

Finally, it should be noted, they say the Social Security recipients are now leading a fight against this balanced budget amendment because they are afraid their benefits might be cut. Let me tell the Social Security recipients this. Right now we are spending $1 billion a week of the Social Security trust fund for the deficit. And we have been doing that, now, for several years.

Senator MOYNIHAN and I tried to repair this last January, if you remember, and they voted us down. So by the year 1999, we will owe Social Security $1 trillion. We are putting these little slips of paper, IOU's, in the desk drawer. When they pull out the desk drawer, they will not have the money; they will have the slips of paper. And nobody is going to increase taxes a trillion bucks to pay full Social Security benefits in the future.

They have already taken it. That is what is happening now. A key reason why I support this constitutional amendment is that it would halt the systematic and total embezzlement of the Social Security trust fund and the Medicare trust fund. So do not frighten people by saying this amendment threatens Social Security. The truth is that it will save Social Security.

Tell people the truth. The trouble in this body is, as old Mark Twain said long ago, the truth is such a precious thing it must be used very sparingly.

I yield the floor.

EXHIBIT 1

Outlays by category fiscal 1992

[In billions of dollars]

Defense discretionary	313
International discretionary	20
Domestic discretionary	214
Subtotal	547
Mandatory spending:	
Social Security	285
Medicare	128
Medicaid	68
Welfare (AFDC & F.S.)	38
Means-tested (SSI & child)	36
Retirement	68
Unemployment	33
Others (vets, farm, grants)	52
Subtotal	708
Deposit insurance (S&L, BIF)	67
Gross interest	−297
Trust fund interest	−79
Other interest	−17
Net interest	201
Offsetting receipts (retirement, energy, timber)	−69
Total	1,454

HOLLINGS, D'AMATO, HEFLIN, BOND PLAN: TO STIMULATE THE ECONOMY WITHOUT INCREASING TAXES, WITHOUT INCREASING THE DEFICIT, WITHOUT DIVIDING AMERICA

SAVINGS (OUTLAYS)

1. 10% Reduction of Civilian Workforce (through attrition over 3 years):

Reduction:	Percent
	Percent
1993	3.3
1994	3.3
1995	3.4
Savings:	
1993	1.1
1994	3.6
1995	6.5

Savings: $1 billion.

2. Freeze International Discretionary at 1992 levels:

Outlays: 1992, $20; 1993, $21.

Savings: $1 billion.

3. Freeze Domestic Discretionary at 92 levels (exempts all entitlements including Social Security, military, civil service colas, medicare, medicaid, SSI, food stamps, vets):

Outlays: 1992, 215; 1993, 225.

Savings: $10 billion.

4. President's Defense savings:

CBO Baseline: BA, $302.3; O, 307.0.

Hollings: BA: 281.0; O: 291.4.

1993 savings: BA, 21.3; O: 15.6.

Savings: 5.4 billion.

5. Cut $2 billion from Intelligence:

Savings: $2 billion.

Total first year savings: $19.4 billion.

INVESTMENT

Private Sector Investment:	
1. Investment Tax Credit	−9.0
2. Capital Gains	+3.7
3. Accelerated depreciation	−3.1
4. IRA/Savings Accounts	−3.6
5. Real Estate	−1.0
6. R&D Tax Credit	−0.8
Costs: 13.8 billion.	
Public Sector Investment:	
1. Revenue Sharing ($2 billion)	
2. Head Start/WIC	
3. Education/ Technical Training Centers	
4. Manufacturing Centers	
5. Community Health Centers	
6. Advanced Technology Programs	
7. National Science Foundation	
Costs: $5.6 billion.	

Total first year costs: $19.4 billion.

Increase in the deficit=0.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from California [Mr. CRANSTON].

Mr. CRANSTON. Mr. President, I rise to set forth another view on the matter of the constitutional amendment to balance the budget. We need to greatly reduce the deficit. We need to greatly reduce the national debt. But a constitutional amendment to do so is not the way to go.

Rather than setting forth my own views at this stage of the rising national debate and debate in the Congress on this matter, I propose to cite just a few views from various sources.

One might think the Chamber of Commerce of the United States would favor this proposed amendment. The Chamber of Commerce opposes the proposed constitutional amendment to balance the budget. Let me read briefly from a letter addressed to Members of the House. Apparently, that body will vote today on this matter.

In a letter dated June 5, the president of the Chamber of Commerce, Richard L. Lesher said, among other things:

> We strongly believe that H.J. Res. 290 would result in large tax increases, aimed primarily at businesses. Moreover, none of the amendments likely to pass both Houses provides any significant restraint on spending, which the U.S. Chamber's Board of Directors believes is the primary source of the deficit. Consequently, the Board has voted to oppose a balanced budget amendment at this time and urges you to vote "no" on H.J. Res. 290.

At another point in the letter, the Chamber of Commerce states:

> The U.S. Constitution was designed by the Founding Fathers specifically to protect the American people and the free enterprise system from an ever-encroaching federal government. Amending the Constitution is very serious business, and poorly conceived changes, well-intentioned as they may be, could produce unwanted and even economically destructive behavior on the part of Congress and the President. For these reasons, the Chamber opposes H.J. Res. 290.
>
> * * *

Let me read also, Mr. President, from a statement prepared by Roy L. Ash, who was Director of the Office of Management and Budget in the Nixon and Ford administrations. He states, in an article opposing the proposed constitutional amendment to balance the budget, the following:

> The government pays out its cash to meet obligations incurred by earlier actions, sometimes years earlier—for example, the issuance of bonds that require life-of-bond interest, the purchase of airplanes to be paid for when delivered, commitments to make Social Security payments, guarantees of

> international obligations etc. What will happen under the proposed amendment when the bills for these commitments come due but previous outlays during the year have already "used up" all the year's receipts? Is government bond interest not to be paid? Will aircraft builders be told to keep their planes, since there's no money? Will Social Security recipients be told, "We're sorry, maybe next year"?
>
> By this well-intended constitutional amendment, we will have made all financial obligations undertaken by the U.S. government merely contingent ones, to be paid when cash is available.
>
> Thus, with adoption of one amendment, we will have dealt a serious blow to one of this country's basic assets: the inestimable value of its sovereign full faith and credit. Concerned as we are by members of the House writing a few thousand dollars of checks with no money in their personal accounts, will we now allow them to write billions of dollars of uncovered checks on the nation's accounts?

That ends the quote from Roy Ash, former Director of the Office of Management and Budget.

Let me turn to an account in the New York Times, which appeared yesterday, citing many other people from many other walks of life—experts, scholars—who oppose the constitutional amendment. The article states:

> Among policymakers, economists and good-government groups, the idea of using the Constitution to balance the Federal budget is a matter of intense debate. But among scholars of the Constitution there is something approaching a consensus: it is not a very good idea.
>
> From conservatives like Robert H. Bork, the former judge, teacher and Justice Department official, to liberals like Laurence H. Tribe, a Harvard law professor who helped lead the effort to defeat Mr. Bork's nomination to the Supreme Court, the general view is that a budget-balancing amendment would be an empty promise that would demean the Constitution and invite chaos into the courts.
>
> "The whole thing strikes me as potential for a big legal mess," said Mr. Bork, now at the American Enterprise Institute, a conservative research organization. Professor Tribe, who favors a far more active role for the judiciary than Mr. Bork, said the proposed amendment would cause a "litigation nightmare."

Let me turn now, Mr. President, to quote briefly from a statement made yesterday by Gov. Bill Clinton, of Arkansas, who said:

> The people who say they can just raise taxes and cut spending and balance the budget are only giving you a prescription for a worse recession.

The article states that Mr. Clinton stated that such an approach would lead to increased taxes and prevent the country from borrowing for needed investment in highways, bridges, sewers, or education. He said:

> I think we ought to be restrictive in borrowing just to spend money on a year-in-year-out basis. Where I come from in farming country, we call that eating our seed corn.

He stated:

> I want to make a real distinction between investing in the future and just spending on a daily basis." The article states that Governor Clinton stated that passing a balanced budget amendment would allow Republicans to evade responsibility for failing to address the rising deficit during the years they have held the White House. "This is just a way that the President can put his responsibility off past the second term. Once you go through the constitutional amendment process, it is going to take years to do it. Meanwhile, this President and his predecessor never presented anything that got close to a balanced budget.

Mr. President, I yield the floor, although there are many other experts I might quote from many walks of life who oppose this balanced budget amendment.

Mr. DANFORTH addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri [Mr. DANFORTH] is recognized to speak for up to 40 minutes.

THE 100TH ANNIVERSARY OF ST. LOUIS CARDINALS BASEBALL

Mr. DANFORTH. Mr. President, I will, in a few minutes, send a resolution to the desk and ask for its immediate consideration. The resolution will be offered on behalf of myself and Senators BOND, EXON, SIMON, DIXON, PRYOR, and THURMOND.

As most, if not all, of my colleagues are undoubtedly aware, today marks the 100th anniversary of National League baseball in the city of St. Louis, MO. My hope had been, of course, that some recognition of that fact would be observed by the Senate, perhaps providing an opportunity for Members of the Senate to make a pilgrimage to St. Louis. It seems at least as important to this Senator as observing the Paris Air Show, but because the Senate will be in session, those of us who follow the St. Louis Cardinals will have to settle for a mere resolution noting this great occurrence.

The resolution sets out the illustrious history of National League baseball in St. Louis and it points out that the St. Louis Cardinals have won nine world series championships, more than any other National League team, and 15 National League pennants. It notes also that 20 Cardinal players have been inducted into the Hall of Fame.

The resolution, after a number of whereas clauses, concludes with a resolution "that the St. Louis Cardinals are to be commended on the celebration of their 100th anniversary on June 11, 1992, in the light of their outstanding success on the field, the tremendous enjoyment they have provided their fans, and their significant contributions to our national pastime, St. Louis and the Nation."

Mr. President, today, the St. Louis Cardinals celebrate the 100th anniversary of National League baseball in my hometown. To me, the most remarkable aspect of this celebration is the continuity the Cardinals represent in St. Louis. Cardinal baseball has been a constant for a century. Any person who lived in St. Louis at any time in past 100 years has been touched by the Cardinals. The Cardinals have been a constant center of stability, pride, and excitement for generations of people in St. Louis, across Missouri, and in many other States.

The magic and thrilling words "play ball" opened the club's first game in 1892. Founded in that year, the team was originally named the "Browns" and briefly called the "Perfectos." They became permanently known as the Cardinals in 1899. Legend has it that Willie McHale, a St. Louis Republic reporter, overheard a female fan say, "Oh, what a lovely shade of cardinal (on the uniforms)." From then on, McHale called the team the "Cardinals" and the nickname stuck.

The rest is baseball history. The success of the organization on the field, and off, is legendary.

In the Cardinals 100-year history, the team has won over 7,500 games, 9 World Series titles, and 15 National League pennants. The club holds the National League record for most pennants and World Series titles. The Cardinals have produced 37 hall of famers, including 6 managers, 11 pitchers, and 20 fielders. In fact, it is possible to field a complete team—one player at every position—with Cardinal hall of famers.

The Cardinals story, of course, goes beyond Cooperstown and the record books. The true charm of the Cardinals is the personality exuded by the teams and individual characters who thrilled those generations of St. Louis baseball fans.

Rogers Hornsby showed Cardinal followers of the 1920's what hitting was all about. Hornsby hit over .400 in three seasons, earning him the title. "Greatest Righthanded Batter of All Time." Hornsby and pitcher Grover Cleveland Alexander led the team to their first World Championship in 1926 as the Cardinals defeated Babe Ruth and the mighty New York Yankees four games to three.

In the 1930's, Redbird fans were entertained by the Gashouse Gang, a collection of Cardinals destined for the all-time nickname list. Jerome "Dizzy" Dean; Frankie "the Fordham Flash" Frish; and Joe "Ducky" Medwick were Cardinal fixtures during that exciting decade. In 1934, the Gashouse Gang won the National League pennant on the last day of the season and then beat the Detroit Tigers 4-3 in the World Series. Dizzy Dean and his brother, Paul, who combined for 49 wins during the season, each won 2 in the fall classic.

The 1944 World Series marked the third and the last time in major league history that all the games were played at the same site. Sportsman's Park was the venue for that all-St. Louis series between the Cardinals and Browns. Led by 1944's National League MVP, shortshop Marty Marion, the Cardinals downed the Browns 4-2 to win the championship.

Recent chapters in Cardinal history are headlined by the feats of a trio of superstars, Stan Musial, Bob Gibson, and Lou Brock.

Stan "the Man" garnered the most Cardinal club records as the ruler of baseball in the 1940's and 1950's. He is the all-time Cardinal leader in games, at-bats, hits, runs, total bases, doubles, triples, home runs, and runs batted in. Musial won seven National League batting titles in his 22-year career and hit for a career batting average of .331.

Bob Gibson led the Cardinals to the 1967 World Championship by pitching three complete game victories and allowing only 14 hits as the Cards beat the Red Sox. Gibson followed in 1968 with perhaps the greatest single season ever for a major league pitcher. Gibson went 22-9 with a 1.12 earned run average and, at one point, won 15 games in a row, including 10 shutouts.

Lou Brock made running the bases an art form. Cardinal fans of the 1970's were his thrilled admirers. Brock is the all-time leading base stealer in National League history, with 938. He amassed more than 3,000 hits in his career.

Another constant in the Cardinals storied past is the strong bond between the club and its diehard fans. From the era of Rogers Hornsby to the modern day wizardry of Ozzie Smith, Cardinal partisans have turned out in record numbers to cheer on their beloved Redbirds.

The Cardinals began keeping attendance records in 1901. Since that time, more than 90 million fans have flocked to the four ballparks—Robison Field, Sportsman's Park, Old Busch Stadium, and Busch Memorial Stadium—to support the team. The club reached the 1 million mark in single season attendance back in 1946. In the 45 seasons since, the Cardinals have drawn more than 1 million fans in all but 6 seasons.

The Cardinals have surpassed the 2 million mark in attendance in each of the last 10 seasons. Total attendance during that span is 25,644,302 for an average of more than 2.5 million per season. The club has topped the 3 million mark twice, in 1987 and 1989.

So, Mr. President, to me, the most remarkable thing about this anniversary is the bond of affection between Cardinal baseball and the millions of people who follow the exploits of the red bird perched on the bat. The relationship between the Cardinals and their fans in St. Louis and nationwide should be commended today.

That relationship, constant for 100 years, symbolizes what is best about our national pastime.

So, Mr. President, I now send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SANFORD). The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 313) to commend the St. Louis baseball team as it celebrates its 100th anniversary on June 11, 1992.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DANFORTH. Mr. President, I yield whatever time he desires to my colleague from Missouri, Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate my senior colleague's leadership. I am very pleased to join with him and others in presenting this resolution commending the St. Louis Cardinals baseball team as it celebrates its 100th anniversary. As Senator DANFORTH has noted, the Cardinals were founded and began play in the major leagues a century ago today as the St. Louis Browns. In 1899, they became the Cardinals.

As a team, the St. Louis Cardinals can boast an outstanding history in our national pastime, winning 9 world championships, more than any National League team, as well as 15 National League pennants.

The Redbirds have had their share of individual standouts as well, such as Stan Musial, a three time most valuable player and winner of seven batting titles; Bob Gibson who holds the major league pitching record for lowest earned run average; Lou Brock, the all time leading base stealer in national league history; and more recently, Ozzie Smith, known as "the Wizard" who has won ten consecutive gold gloves and recently hit for the two thousandth time, thus earning his nickname. Such players seem synonomous with the game itself. Although, the Cardinals can claim 20 players, 11 pitchers, and 6 managers that hang on the walls of the Hall of Fame in Cooperstown, NY.

My review of these accomplishments would not be complete without commending the more than 90 million fans who have attended Cardinal home games at 4 different stadiums since records were kept in 1901. Frequently acknowledged nationwide as the best in baseball, around 3 million Cardinal fans each year attend home games. The Cardinals draw fans from all over Missouri, as well as the surrounding States of Illinois, Iowa, Arkansas, Tennessee, Kentucky, and Indiana, lending support to the statistic that more fans last season attended Cardinal games than live in the entire St. Louis City area.

For those of us who grew up in the Midwest, our boyhood memories usually revolve around summers spent in the evening with families listening to Cardinal baseball games, the voice of Harry Carey, talking about the greats we have already mentioned as well as names like Marty Marion, Red Schoendienst, Enos Slaughter, Ken Boyer, Harvey Haddix, enough to give any young man the aspiration, the hope and the dream that someday he might be able to play baseball and certainly to join in the triumphs and to share in the disappointments each time the Cardinals win or lose.

This tie that binds so many of us who have grown up in the Cardinal era before other baseball teams moved west of the Mississippi is something that is a very fond part of my memory.

I would also be remiss if I did not recognize that the Cardinals organization, their players, and the owners, donate their time and resources to the St. Louis community. They are truly an institution that is a vital part and an inseparable symbol of St. Louis. The St. Louis Cardinal baseball players today are participating in the program Reviving Baseball in the Inner Cities.

It is a pleasure to join with Senator DANFORTH and others in sending a hardy congratulations to the St. Louis organization on their 100th anniversary, for their outstanding success on the field, the tremendous enjoyment they have provided their fans and their significant contributions to our national pastime, to St. Louis and the Nation. It is with regret that we have to take this action in Washington without being able to be present to see the greats of Cardinal baseball. But I know that fans from all across the country will be focusing on St. Louis, as a truly distinguished group of players who have inspired the Nation and who have served their country in many different ways gather in St. Louis in these coming days. Our very best wishes go along with them, and although the resolution does not explicitly state it, there are fond hopes that they will get back to their winning ways to celebrate this significant anniversary.

I reserve the remainder of the time. I yield the floor.

Mr. PRYOR. Mr. President, I want to commemorate a very special day in history for a very special American institution.

I am talking about the 100th anniversary of the St. Louis Cardinals baseball club.

The Cardinals are a big part of life in my home State of Arkansas. Countless Arkansans made the pilgrimage north to St. Louis each season to root for the Cardinals. Thousands more listen to the Cardinals on the 18 Arkansas Cardinal affiliate radio stations, such as KXON 1420 AM in Hot Springs and KOKR 105.5 FM in Newport. Fans can also watch the Cardinals on KASN channel 38 in Little Rock and KRBI channel 46 in Fort Smith. Making the Arkansas connection with the Cardinals even stronger, Little Rock is the proud home of the Cards' AA farm club, the famous Arkansas Travelers.

The Travelers, playing from Little Rock's Ray Winder Field, have been a farm team for the Cardinals since 1966. They have won eight Texas League championships in their illustrious history as a Cardinal club and sent countless players on to the major league St. Louis Cardinals. The Travelers can currently be heard on KARN 920 AM with the Travelers' broadcaster for the last 32 years, Jim Elder.

Arkansas' close association with the Cardinals is one which stretches across all one hundred years of Cardinal history. In fact, Arkansas has sent to St. Louis some of the greatest ballplayers in their history.

Who can forget the excitement that the great Arkansan and Hall of Famer Dizzy Dean and his brother Paul, better known as "Daffy," brought to the old Sportsman's Park in the 1930's? As members of the infamous "Gashouse Gang," both Dizzy and Daffy helped guide the Cardinals to three pennants and two world championships between 1930 and 1934. Dizzy and Daffy came from the small northwest Arkansas town of Lucas and thrilled audiences for years with their outstanding pitching, setting records which still stand today.

The list of great Arkansan Cardinals does not end there. Lon Warneke, from Mount Ida, AR, earned the name "the Arkansas Hummingbird" as he pitched 77 victories in 5 years for the Cardinals in the 1950's. Lou Brock, an El Dorado, AR native, had over 3,000 hits and held the Major League record for stolen bases when he retired in 1979. And from my own Ouachita County came Dick Hughes, an outstanding pitcher who played on the 1967 world championship Cardinals team.

These Arkansans have helped the Cardinals win 15 pennants and 9 World Series over the last 100 years. The Cardinals also have 31 players and 6 managers in the Baseball Hall of Fame, including the previously mentioned Arkansans, Lou Brock and Dizzy Dean.

Over the last century, baseball has become an integral part of the American consciousness. Baseball has become so much a way of American life as to be called "America's pastime." Well, if baseball is America's pastime, then the Cardinals have been Arkansas' pastime for the last century. I would like to thank the Cardinals for 100 years of great baseball. I wish them a second hundred years as successful and glorious as their first.

Mr. DIXON. Mr. President, as a proud native of southwestern, Illinois, I would like to take this opportunity to salute my hometown team, the St. Louis Cardinals, on the occasion of their 100th anniversary in major league baseball.

The Cardinals, one of baseball's oldest and most successful franchises, have continuously provided enjoyment for children of all ages for the last 100 years. My heartiest congratulations to a fine organization and an outstanding representative of our national pastime.

Please allow me a moment to muse about my hometown team. The St. Louis Cardinals have won nine world series championships. They have won 15 National League pennants and have 20 players in Cooperstown, NY, at the Baseball Hall of Fame.

Over the years there have been many great players to wear the Cardinal uniform. The likes of Stan "the Man" Musial, Dizzy Dean and his brother Daffy, Rogers Hornsby, Todd Worrell and "the Wizard" Ozzie Smith to name only a few. Many of my fellow Illinoisans have also played for the great Cardinal teams. "Sonny" Jim Bottomley, an outstanding first baseman, from Nolomis, IL, played on the first world championship team in 1926. Hall of Famer Manager Albert "Red" Schoendienst, of Germantown, IL, managed the Cardinals to two back-to-back pennants in 1967 and 1968, winning a world championship in 1967.

Another fellow Illinoisan, and future Hall of Famer, Whitey "Rat" Herzog, of New Athens, IL, managed the Cardinals to three national league pennants in the 1980's and a world championship in 1982. The current vice president/general manager and former shortstop during the 1960's, Dal Maxvill, is another fellow Illinoisan and is the pride of Granite City, IL.

If my distinguished colleagues will indulge me for another moment, I would like to read a quote from the movie "Field of Dreams":

> The one constant thru all the years * * * has been baseball. America has rolled by like an army of steamrollers. It has been erased like a blackboard, rebuilt and erased again, but, baseball has marked the time; this field, this game, is a part of our past * * * it reminds us, of all that once was good and could be again.

The baseball Cardinals have marked the time for generations of Illinoisans. The Cardinals are a part of me and a part of sports fans from the Shawnee National Forest, to the bright lights of our eastern division rivals in Chicago, and all around the great State of Illinois.

My home State of Illinois, and my hometown team from St. Louis, may be separated by the mighty Mississippi River but my devotion to each is unequaled.

Mr. DANFORTH. Mr. President, as Senator BOND indicated, tonight there is going to be a major party in St. Louis to be held on the field at Busch Stadium. I do not know how many tens of thousands of people are expected to be there. I think some 50 former greats of the Cardinals are to be on hand. Obviously, we would like to be present for that great occasion. We will certainly be there in our hearts if not physically, but in the meantime this resolution is the best we can do to commemorate the centennial of this great Midwestern institution, the St. Louis Cardinals.

I see no other Senator who desires to speak on this matter, and therefore, Mr. President, I think we are ready to put the question.

Mr. SIMON. Mr. President, a centennial celebration that has meaning for millions of Americans in the Nation's heartland is taking place today in St. Louis. One hundred years ago, the St. Louis Cardinals began playing professional baseball in the National League. Baseball fans throughout the United States—and many by now around the globe—are well acquainted with the excitement and standard of excellence that have been part and parcel of the Cardinals legacy since 1892.

I wonder if Abner Doubleday and Alexander Cartwright ever imagined that the game they developed would become the revered national pastime. Baseball's language, intricacies and heroes are truly part of our American identity. The French author Jacques Barzun was right when he wrote, "Whoever wishes to know the heart and mind of America had better learn baseball."

Each of us has our favorite teams, players and memories, and for this baseball fan, the St. Louis Cardinals hold a special place in my heart. Like millions, I have been a Cardinals fan for many, many years.

Through all the talented players who have worn the birds on the bat over the years, through a league record 9 World Series championships, 15 National League pennants and 37 Hall of Fame inductees, the Cardinals' progress has been one way their fans have marked the passage of time.

For instance, in 1934, the scrappy play and hilarious showmanship of the Cardinals—the fabled "Gas House Gang" of Dizzy Dean, Frank Frisch, Joe Medwick and Pepper Martin—lifted the Nation's spirits in the depths of the Great Depression. That championship season—the Cards' third title in 9 years—ranks among the most memorable chapters of baseball history.

In 1942, when we were in the midst of World War II, the Cards again ruled the baseball world. Led by one of baseball's greatest outfield combinations—Enos Slaughter, Terry Moore and Mount Vernon, ILs' Stan Musial—the "St. Louis Swifties" roared to the pennant, then dispatched the Yankees in the World Series.

In 1946, we saw the end of the war, the beginning of American preeminence in international affairs and another world championship in old Sportsman's Park at Grand and Dodier Streets. These Redbirds flourished with Musial, Slaughter, Walker Cooper and a freckle-faced second baseman from Germantown, IL, named Red Schoendienst.

By 1964, we were mourning the death of our youngest elected president, watching tensions escalate in Vietnam and were taking the first steps toward racial equality with the passage of the Civil Rights Act. And once again, the St. Louis Cardinals were National League champions, capping a thrilling pennant race in the last month of the season to finish first. Not even Mickey Mantle could deny the Cards another World Series victory; the combined talents of Lou Brock, Bob Gibson, Ken Boyer and future league president, Bill White carried the Cardinals past New York.

In 1967, the Cardinals again were perched at baseball's pinnacle. Playing in the shadow of the gleaming Gateway Arch in new Busch Stadium—the centerpiece of the hugely successful St. Louis riverfront revitalization—Gibson, Brock, Curt Flood, Orlando Cepeda, Tim McCarver led the Cardinals to their eighth world title.

Although they did not produce a world title in 1968—they were edged in seven games in the World Series—the St. Louis Cardinals outdistanced their National League rivals in pitchers in baseball history: 22 wins, 9 losses, 15 straight victories, 10 shutouts and a major league record earned-run average of 1.12 for the season. Lou Brock, who was well on his way to 3,000 hits and becoming the all-time National League stolen base leader, batted .464 in the series to become the most prolific hitter in World Series competition.

In the 1980's, America faced the challenges of transition abroad, as well as at home. The Cardinals continued their enviable tradition of success, with pennant-winning seasons under the skilled leadership of manager Whitey Herzog. The Cardinals of the eighties relied on timely hitting, airtight defense and blinding speed on the bases. The cornerstone of these champions was Ozzie Smith, the "Wizard of Oz," whose acrobatic play at shortstop earned him 10 consecutive gold gloves and established the standard by which all future shortstops would be judged.

The St. Louis Cardinals have exemplified baseball excellence for 100 years, and as they enter their second century, the team is more popular than ever. The Cardinals are the envy of other sports franchises because of the tremendous loyalty of their fans. The Redbirds have drawn more than 2 million fans to Busch Stadium every summer for years; not bad, considering the entire St. Louis metropolitan area comprises about 3 million people.

In the years before television and west coast baseball, the Cardinals, as the westernmost franchise, were truly America's team. Millions of Americans throughout the South and the Great Plains thrilled to the voices of the legendary Harry Caray and Jack Buck over KMOX radio in St. Louis. Despite expansion, Cardinal loyalty remains deep, as fans from my own State of Illinois, as well as Missouri, Iowa, Indiana, Kentucky, Tennessee, and Arkansas, continue to patronize and watch and listen to the games at Busch Stadium. The Cardinal legacy has been a powerful magnet for bringing people together.

It is this shared bond between people—this die-hard loyalty—that makes the Cardinals and their fans such an indispensable part of baseball.

I am proud to extend my congratulations and my warmest regards to the entire St. Louis Cardinal organization on its 100th anniversary in major league baseball.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. Res. 313

Whereas the St. Louis Cardinals were founded and began play in the Major Leagues as the St. Louis Browns in 1892 and have played continuously in St. Louis since that time;

Whereas the St. Louis Cardinals have won 9 World Series Championships, more than any other National League team, and 15 National League Pennants;

Whereas 20 Cardinal players, 11 pitchers, and 6 managers have been inducted into the Baseball Hall of Fame;

Whereas Cardinal players have been selected the National League's Most Valuable Player 17 times;

Whereas Cardinal players have won National League batting titles during 21 seasons, and on 4 occasions, Cardinals have hit for an average of over .400 for a season;

Whereas the Cardinals play an exciting style of baseball that emphasizes team speed, defense, and outstanding pitching;

Whereas Rogers Hornsby hit for an average of over .400 for three seasons, earning him the nickname of "The Greatest Righthanded Batter of All Time";

Whereas in 1934 "Dizzy" Dean won 30 games, a feat no National League pitcher has matched since, and in the 1934 and 1935 seasons, Dizzy Dean and his brother Paul combined for a Major League record for brothers of 96 victories over two seasons;

Whereas Stan Musial's 22-year career with the Cardinals, which included seven batting titles and three Most Valuable Player awards, is the third longest in Major League history with a single team, and he later promoted athletics in the United States by serving as the Chairman of the President's Council on Physical Fitness under Presidents Kennedy and Johnson;

Whereas in 1968 Bob Gibson set a major league record for starting pitchers with an earned run average of 1.12, and during that season won 15 games in a row, including 10 shutouts;

Whereas Lou Brock is the all-time leading base stealer in National League history, and in 1985 the Cardinals were only the fifth team in Major League history to steal over 300 bases as a team;

Whereas Ozzie Smith has been a "Wizzard" in the infield and at the plate, dazzling modern-day Redbird fans, while winning 10 consecutive Gold Gloves;

Whereas over 89 million fans have attended Cardinals home games at four stadiums since attendance records were first kept in 1901;

Whereas fans from Missouri, Illinois, Iowa, Arkansas, Tennessee, Kentucky, Indiana, and Nebraska now regularly attend Cardinals games and 40 percent of the fans attending games are from outside the St. Louis area; and

Whereas the Cardinals organization and players regularly donate their time and resources to the community, most notably the Reviving Baseball in the Inner Cities program which establishes baseball programs in communities where none exist otherwise: Now, therefore, be it

Resolved, That the St. Louis Cardinals are to be commended on the celebration of their 100th anniversary on June 11, 1992, in light of their outstanding success on the field, the tremendous enjoyment they have provided their fans, and their significant contributions to our national pastime, St. Louis, and the Nation.

SEXUAL ABUSE OF WOMEN IN MILITARY

Mr. CRANSTON. Mr. President, I rise to make an announcement of a very serious problem that the Veterans' Affairs Committee is about to look into. I rise to announce that the Veterans' Affairs Committee, which I chair, has launched an inquiry to determine if the Department of Veterans Affairs currently is capable of providing adequate counseling and treatment to perhaps tens of thousands of women who have suffered serious sexual abuse such as physical harassment and rape while in military service.

My impression is that the department is not prepared to give these women the counseling and the help that they need. Our preliminary interviews indicate that women veterans have extensive need for counseling to deal with the after effects of service-connected sexual trauma but that these needs are not being met.

The real needs may be extensive. A Boston VA psychologist, Dr. Jessica Wolfe, and a Menlo Park, CA, VA nurse-counselor, Joan Furey, R.N., found that 29 percent of a group of 202 women Vietnam veterans—not specifically selected for having health or emotional problems—disclosed in 1990 that they had experienced a sexual encounter accompanied by force or the threat of force, which constitutes rape, during their military service.

Moreover, a Department of Defense study in 1988 showed that 5 percent of the women surveyed reported they had been subjected to rape, attempted rape, or sexual assault in military service. All told, nearly two out of three reported some form of sexual harassment while on active duty.

Currently, there are some 1.2 million women veterans. If those percentages are accurate, it could mean that over 60,000 women veterans were the victims of physical sexual abuse while in military service.

Moreover, the figures indicate that approximately 800,000 other women may have experienced a nonphysical form of sexual harassment and some of them may also need counseling.

Specialized training is needed to help women deal with the long-term psychological consequences of sexual abuse and rape. But these techniques apparently have not yet been provided to VA's mental health personnel or readjustment counseling staff. Instances have been reported to me of women actually being refused treatment.

In preparation for public hearings June 30 and July 2, the committee staff is conducting a survey of PTSD [post-traumatic stress disorder] clinics in the VA, Vet Centers, and VA Medical Centers to determine the number of women seeking VA assistance for sexual traumas experienced in military service.

We are also consulting widely to determine the best ways to provide the needed treatment and to reach out to the thousands of women veterans who may need counseling or treatment but who are not now coming to the VA, perhaps because they are aware of the fact that they will not get what they need when they go to the VA.

Also, I have offered to coordinate with the Senate Armed Services Committee to achieve a more complete understanding of these matters and the most effective approaches to addressing both the roots of the problem and the long-term consequences.

Obviously, the problems of today's active duty personnel become the problems of tomorrow's veterans.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR MOYNIHAN'S SPEECH TO THE NATIONAL PRESS CLUB

Mr. BYRD. Mr. President, a remarkable Senator made a remarkable speech to the National Press Club here in Washington on June 5, and that same Senator made a remarkable prediction some years ago. I will just quote a few lines from his speech to the National Press Club. Of course, I am talking about the highly esteemed, very able Senator from New York [Mr. MOYNIHAN]. They were talking about budget deficits.

"The first thing to know about the budget deficit is that it was designed to paralyze domestic policy."

"That it was designed," Senator MOYNIHAN said.

I can testify that this is difficult to comprehend. The policy—"starve the beast" was one inside formulation—was put in place during the first months of the Reagan administration, having been formulated the previous autumn. I will protect my sources, but will note that early on I pointed this out. No one believed a word I said.

Senator MOYNIHAN then went on the quote Haynes Johnson, who in his fine study titled "Sleepwalking Through History, America in the Reagan Years," had this to say:

Haynes Johnson said:

Moynihan was the first to charge that the Reagan administration "consciously and deliberately brought about" higher deficits to force congressional domestic cuts. Moynihan was denounced and then proven correct—except that cuts to achieve balanced budgets were never made, and deficits ballooned ever higher.

I will not read further from the speech. I see that other Senators are on the floor.

Mr. President, I ask unanimous consent that the speech made by Senator MOYNIHAN to the National Press Club on June 5, 1992 be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THREE CONDITIONS OF COHERENCE IN FOREIGN POLICY

(By Daniel Patrick Moynihan)

The Press Club Record, Volume XLII, No. 21 no less, states that today I will lay out "some guideposts for a coherent U.S. foreign policy in the confusing turmoil of a post-Soviet world." The term guidepost indicates directions. I would ask your indulgence to talk instead about *conditions*. That is to say, the conditions under which the United States can advance a coherent foreign policy in the period ahead. Among these are: solvency, economic stability, openness.

By solvency I refer to the budget deficit which is now systemic and is on the verge of becoming unstable. Some months ago, the Director of the Office of Management and Budget, Mr. Darman, testified before the Finance Committee that the deficit as a percentage of GNP could begin to compound later in this decade. This morning our distinguished Comptroller General, Charles A. Bowsher, reported to our Subcommittee on Deficits, Debt Management and International Debt that "current taxing and spending policies" will drive the deficit to 20.6 percent of GNP by 2020. He uses the term "explode".

This would effectively immobilize the United States in much, if not most aspects of world affairs. This pattern is already in evidence. The lead story in this morning's New York Times has this headline: "White House Snubs U.S. Envoy's Plea To Sign Rio Treaty; Delegate Gets a 'Flat No'; Environmental Chief Declares American Stand Is 'Major Subject' of Concern."

The offlead, this one: "Bill To Aid Former Soviet Lands Is Stuck in Capitol Hill Quagmire; Domestic Issues and Elections Block Momentum."

Both stories deal with economic development; both reflect the "post-Soviet" nature of foreign policy, which is that increasingly it is made of issues that formerly were almost exclusively within the realm of domestic policy. This trend has been going on for a century. It was simply overshadowed and somewhat interrupted by the cold war.

The first thing to know about the budget deficit is that it was designed to paralyze domestic policy. I can testify that this is difficult to comprehend. The policy—"starve the beast" was one inside formulation—was put in place during the first months of the Reagan administration, having been formulated the previous autumn. I will protect my sources, but will note that early on I pointed this out. No one believed a word I said. In his fine study, *Sleepwalking Through History, America in the Reagan Years*, Haynes Johnson is most emphatic and most generous in this regard.

"Moynihan was the first to charge that the Reagan administration "consciously and deliberately brought about" higher deficits to force congressional domestic cuts. Moynihan was denounced and then proven correct—except that cuts to achieve balanced budgets were never made, and deficits ballooned even higher."

In fairness to Stockman, in time he did realize that the conspiracy to subvert the processes of democratic government was not working. Here are passages from his memoir, *The Triumph of Politics: Why the Reagan Revolution Failed*, published in 1986. At its 1980 convention, the Republican party had endorsed both a 30-percent tax cut and a radical reduction in business taxes to be brought about by collapsing depreciation schedules into three categories of ten, five, and three years. Stockman states:

"I discovered that to balance the budget we would need huge spending cuts too—more than $100 billion per year. The fabled revenue feedback of the Laffer curve had thus slid into the grave of fiscal mythology forty days after the supp-side banner had been hoisted by at the GOP convention.

"These dramatic changes in both my comprehension of budget estimating and the true fiscal math of the supply-side budget program occurred almost overnight. That should have been cause for second thoughts and reassessment of the whole proposition.

"But it didn't happen that way.

"At the time, the prospect of needing well over $100 billion in domestic spending cuts to keep the Republican budget in equilibrium appeared more as an opportunity than as a roadblock. Once Governor Reagan got an electoral mandate for Kemp-Roth and 10-5-3, then we would have the Second Republic's craven politicians pinned to the wall. They would have to dismantle its bloated, wasteful, and unjust spending enterprises—or risk national ruin.

"The idea of a real fiscal revolution, a frontal attack on the welfare state, was beginning to seem more and more plausible."

It would not be easy work. Revolutions rarely are. Election night over, Stockman went home for four hours sleep. "Tomorrow, the revolution would begin." Mind, however,

"The supply-side economic policy revolution could add up only if deep dents were kicked in the side of the welfare state. This meant remaining in the political trenches year after year until the middle of the decade. The work of shrinking back the spending boundaries of the state had to proceed in tandem with the automatic fall of its revenue claim on the national economy, as the multiyear tax cuts achieved full maturity."

Enter, alas, the politicians.

"The Cabinet was not disposed to that kind of patient attack on spending. . . . The President never had the foggiest notion."

Stockman now states that not to have anticipated such a response was a failing on his part. But at the time, he saw it entirely as a failure on the part of the politicians. In his zeal, and it shines through his memoir, he could not imagine that they would not do what he had made it necessary for them to do.

"The success of the Reagan Revolution depended upon the willingness of the politicians to turn against their own handiwork—the bloated budget of the American welfare state. Why would they do this? Because they had to! In the final analysis, I had made fiscal necessity the mother of political invention."

The hell he had. Defense spending kept rising—the cold war was seen to be intensifying—and most domestic cuts just didn't happen. He would write that the Reagan administration's refusal to accept the need for new revenues when the need became obvious "was a willful act of ignorance and grotesque irresponsibility." He concludes: "In the entire twentieth-century history of the nation there has been nothing to rival it." This is correct. But observe that there was no cost. In 1984, I spoke to the Commonwealth Club of California—two years before Stockman's confessions—and put it this way.

". . . As no political generation in history, ours may turn out to be one that squandered the nation's past, and paralyzed its future, and never noticed either."

No one understood a word of this. But even I did not think it would grow so bad that we would end up willing to debase the Constitution of the United States rather than face up to what we have done to ourselves. For the deficit is not systemic, it's simply the aftermath of a failed attempt by young radicals to change the way America governs itself. How did Stockman put it? To make "fiscal necessity the mother of political invention."

I do not think we will ever understand what we did and so I do not think this condition of coherence will be met.

A second condition of coherence is economic stability. Here I can be brief. With the end of the cold war, we enter fully into an age of persistent downward pressure on the wages of American workers. This has been happening for a generation now, following exactly the expansion of world trade. Average weekly earnings in the United States today are lower than the week President Eisenhower left office. This will soon, or is already phasing into a downward pressure on employment itself.

This is easily enough explained. At mid-century, the United States had a huge proportion of world manufacturing capacity. Accordingly, American workers were in a monopsonist position; manufacturers had no choice but to buy their labor. There are now, what?, forty choices in terms of manufacturing economies around the world. Roger E. Brinner of DRI/McGraw-Hill writes that "Increasing free trade with the developing world is creating tremendous stress in the mature industrial economies: the opportunity to move production and assembly technologies abroad removes a previously captive privilege from the manufacturing workers of the U.S."—and note this—"Japan and Europe. The NAFTA and EC expansion point to extended trends in this direction." Semi-skilled labor is now in gross over-supply world-wide, thus manufacturing wages will be held down and income distribution will tend to become even more skewed. This has been shown in a recent paper by Steven J. Davis of the University of Chicago School of Business. Investigating movements in relative wages and wage inequality across thirteen of the world's major economies he finds:

"Most advanced industrialized economies show increase, often large, in wage inequality during the 1980s; none show declining wage inequality. In contrast, three of four middle income countries considered here show sharply declining wage inequality during the 1980s."

This finding, of course, is also turning up in government studies here in Washington, but the results will be fudged until November. No matter, the trend will be with us indefinitely.

Brinner writes that there are, accordingly, three options. Two lazy: "greater trade protectionism and intensely progressive taxation/welfare systems." The alternative, to upgrade the competitiveness of the threatened workers and their production facilities is surely within the range of possibility. But our political system is not now turning in this direction. Again, we must wait until November to see.

A third condition of coherence is openness, by which I mean an end to the secrecy system that developed over a half-century of war and the prospect of war. For a period I hoped that the end of the Soviet system might bring an end to its mirror image here in the United States. It has not. It now appears that it will not.

I have spoken before of this matter, and don't wish to become repetitive. To the contrary, I will use the occasion to be done with the subject.

Accordingly, I will say it one last time. For forty years the Central Intelligence Agency told the President of the United States everything there was to know about the Soviet Union save the detail that it was heading for internal collapse. The Agency says this is not so. The President, a former head of the Agency, agrees. The relevant Congressional committees do not disagree. And there the matter rests.

The failure, as best I can puzzle it out, has two sources. First, a huge exaggeration of Soviet economic growth. Starting with the Gaither Commission of 1957 the intelligence community pretty much stuck to a projection which (in the specific case of the Gaither Commission) would have the Soviet GNP surpass the U.S.—next year.

Here is Allen Dulles in 1959:

"[W]e should frankly face up to the very sobering implications of the Soviet economic program and the striking progress they have made over the last decade. . . . If the Soviet industrial growth rate persists at 8 or 9 percent per annum over the next decade, as is forecast, the gap between our two economies by 1970 will be dangerously narrowed unless our own industrial growth rate is substantially increased from the present pace."

Let me note that James Schlesinger thought this was nonsense at the time and said so. I recall Walt Rostow remarking in 1961 that he was not one of the "six percent forever" persons—that being the more sober "community" consensus, although still wrong. But here is one D.C.I. testifying in 1979:

"The USSR enters this period of slowing growth with a per capita national output . . . in the same league with . . . the UK, and Japan."

Two years before we will count down the CIA reported per capita GNP in East Germany higher than in West Germany!

A second source of intelligence failure is more elusive but possibly more significant. As the cold war went on and on and on, became routinized, the intelligence community touch with the ideological origins of the conflict. Namely, that a significant portion of world opinion believed that communism was correct and that world communism was inevitable. In a succession of shocks, going as far back as the Molotov-Ribbentrop Pact of 1939, this belief died. This was clear by the 1970s. In 1979, in *Newsweek* I wrote that the Soviet Union would break up in the 1980s. By the time the 1980s arrived, you would have thought the signs were unmistakable. Not so.

All honor then to Admiral Stansfield Turner, D.C.I. under President Carter. In a *Foreign Affairs* article last winter, he wrote of the "enormity" of the failure of the intelligence community to see what was coming:

"We should not gloss over the enormity of this failure to forecast the magnitude of the Soviet crisis. . . . I never heard a suggestion from the CIA, or the intelligence arms of the departments of defense of state, that numerous Soviets recognized a growing, systemic economic problem. . . . On this one, the corporate view missed by a mile."

It happened on his watch, he says. And on others'. Albeit, "Today we hear some revisionist rumblings that the CIA did in fact see the Soviet collapse emerging after all." The revisionists have prevailed, period.

To go back for a moment to source of failure, just this week I was talking with a former senior intelligence officer of the highest rank, who retired in 1987. He too was puzzled. He recalled Soviet defectors who "would tell us in anguished terms that the system was collapsing." So what? What "we were doing was counting missiles." Technique had triumphed over politics. He concluded, wistfully, "When I retired there was not a single person in Washington who would have believed that the wall would come down in 1989. If I had suggested it might, they would have packed me off to St. Elizabeth's."

George F. Kennan had seen that a policy of containment directed against Stalin's U.S.S.R. required, as he later wrote, "an adequate balance of opposing power, primarily political (because that was where the threat was) but also, in a defensive sense, military. A routinized, apolitical intelligence community gradually lost sight of the primacy of politics. The time came when the political power of the Soviet Union had all but vanished. Our intelligence community missed it altogether.

Does this matter? Of course, it matters. One of the reasons we are on the verge of insolvency is that our Presidents were persuaded that we might have to stand off the Russians at Harlingen, Texas, and that no expense was too great to prevent another Alamo. But more. Secrecy is to government what clogged arteries are to the heart. Information ceases to flow. Instability commences. It will seem hard to believe but 22 years ago, Frederick Seitz sometime president of Rockefeller University, chaired the Defense Science Board Task Force on Secrecy which declared that we would be better off if we put an end to classification altogether and on our own. Here is the summary:

"1. The Task Force considered the matter of classification from several viewpoints; however, it focused its main attention on the classification of scientific and technical information.

"2. The Task Force noted that it is unlikely that classified information will remain secure for periods as long as five years, and it is more reasonable to assume that it will become known by others in periods as short as one year through independent discovery, clandestine disclosure or other means.

"3. The Task Force noted that the classification of information has both negative as well as positive aspects. On the negative side, in addition to the dollar costs of operating under conditions of classification and of maintaining our information security system, classification establishes barriers between nations, creates areas of uncertainty in the public mind on policy issues, and impedes the flow of useful information within our own country as well as abroad.

"4. The Task Force noted that more might be gained than lost if our nation were to adopt—unilaterally, if necessary—a policy of complete openness in all areas of information, but agreed that in spite of the great advantages that might accrue from such a policy, it is not a practical proposal at the present time."

But to say again, this is not likely to happen, a vast secrecy system remains in place, with a vast budget that is also secret. It is hugely prone to error, and is now confirmed in the thought that it never makes mistakes.

All in all, then, there is not much prospect of coherence in foreign policy.

Mr. BYRD. Mr. President, I have another item which I wish to place in the RECORD. This comes from the Washington Post of Wednesday, yesterday, June 10, 1992. It is titled, "A Seasoned Argument," by Robert H. Bork.

Mr. President, I think it would be well worth the time of Senators and House Members who may not have read this article to take the time and read it in its entirety. I would do so myself, but I do not want to impose on other Senators at this point.

Mr. President, I ask unanimous consent that the article, which is actually a letter, a July 10, 1990, letter, from former Supreme Court nominee and Appeals Court Judge Robert Bork, to Speaker of the House THOMAS FOLEY, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SEASONED ARGUMENT

(Two years ago, the House was considering a balanced budget amendment very similar to the one it votes on this week. The following is a July 10, 1990, letter from former Supreme Court nominee and appeals court Judge Robert H. Bork to Speaker of the House Thomas F. Foley, in which he presents his arguments against the amendment:)

Dear Mr. Speaker: I write to express my opposition to House Joint Resolution 268, "Proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation." Though I agree that government spending is a serious problem, H.J. Res. 268 seems to me a thoroughly ill-conceived proposal for several reasons.

1. The proposed constitutional amendment is unlikely to be effective in controlling any Congress that wishes to spend money. Government has ways of using society's wealth that do not depend upon taxation, borrowing, or inflation. The most obvious is regulation. Government need spend nothing on a program if it can find groups in the private sector that can be made to spend their own funds. Much of the heavy expenditure of funds to give us clean air or occupational safety, for example, does not appear in any governmental budget and requires neither taxing nor governmental spending. Industry is simply required to use its own funds. That technique could be used with respect to a variety of programs such as health care. The effect of diverting society's resources to governmental purposes would be the same as an increase in taxation, except that it would be less equitable because the burden would be borne by particular segments of the society rather than by all subject to taxation.

It may be objected that this is too cynical a view of Congress. That is not a valid objection. H.J. Res. 268 itself rests on the assumption that Congress will not behave responsibly in the absence of a constitutional amendment.

2. The provisions of the amendment could also be rendered ineffective by an estimate of total receipts for a fiscal year that was too optimistic. Excessive optimism about future revenues is a phenomenon that has been known to happen before in government.

3. If, as a result of over-optimistic estimates of receipts, outlays outran revenues, it is not clear what remedies would be available. Given the proposal's restrictions on debt increases, it may be that the result would be some defaults by the United States.

4. The proposed amendment specifies no enforcement procedures in the event of its violation. The operation of the budget and appropriations process is highly complex, and it is likely that disagreements will arise as to whether the amendment has been complied with. It may be thought that the amendment can be enforced, as many other provisions of the Constitution are, by lawsuits. That is either a vain hope or a dismal prospect.

The hope may be vain because the courts, including the Supreme Court, have routinely denied standing to those suing in the capacity of taxpayers or citizens. Thus, the amendment might well prove to be nothing more than an unenforceable exhortation addressed to Congress. That would demean the Constitution and increase the cynicism of those Americans who had expected the amendment to cure an urgent problem.

If the courts allowed taxpayer standing in view of the special nature of this amendment, or if the courts decided to allow standing to members of Congress, the results might be even worse than no judicial enforcement. Scores of hundreds of suits might be filed in federal district courts around the country. Many of these suits would be founded on different theories of how the amendment had been violated. The confusion, not to mention the burden on the court system, would be enormous. Nothing would be settled, moreover, until one or more of such actions finally reached the Supreme Court. That means we could expect a decision about fiscal year 1992, for example, no earlier than fiscal year 1997. Nor is it at all clear what could be done if the court found that the amendment had been violated five years earlier.

There seems to be two possibilities. The court could, exercising its powers newly found in *Missouri v. Jenkins*, order Congress to increase taxes to cover prior expenditures. Alternatively, the court could begin to cut spending programs in the current year to produce a surplus adequate to cover the overspending of the year under review. Either way, the judiciary would have effectively assumed a considerable degree of control over the fiscal affairs of the United States. Supervision would be continuous since lawsuits could be expected every fiscal year. That outcome cannot be desired by anyone, including the courts.

Despite the urgency of the problem the proposed constitutional amendment seeks to address, for the reasons given, the cure seems likely to be either ineffective or damaging, and perhaps both.

Yours truly,

ROBERT H. BORK.

Mr. BYRD. Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized to speak under the previous order up to 20 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of Senate Joint Resolution 312 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Several Senators addressed the Chair.

Mr. WARNER. Mr. President, will the Senator yield for a unanimous consent request? I ask unanimous consent that the Senator from Virginia be permitted, as in morning business, to speak for not to exceed 5 minutes, following the remarks of my colleagues who are identified as cosponsors.

I wish to identify myself as an original cosponsor.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object, it is my understanding that at 11:45, we are to go into consideration of S. 55.

It is also my understanding—I think we had indicated to Members on the other side there are a number of Senators on this side who wish to speak on that issue. There are limitations of time today.

If the 5 minutes, or whatever time is needed over there, is to be taken from Senator HATCH's time, I certainly have no objection. But I do not feel we have the luxury of enough time.

Mr. MCCONNELL. If the Senator will yield, there are just three of us who would like to comment on the constitutional amendment. Would that severely restrict?

Mr. METZENBAUM. On Senator HATCH's time?

The PRESIDING OFFICER. Will the Senator modify his request?

Mr. WARNER. I believe the Senator from Virginia has the floor for a unanimous-consent request. I want to accommodate everyone.

Is the Senator from Delaware able to respond on behalf of Senator HATCH?

Mr. ROTH. No; I am not.

Mr. WARNER. I would be presumptuous. We have not as yet consulted with Senator HATCH.

This special order still has how many minutes to run, Mr. President?

The PRESIDING OFFICER. Two minutes and forty-eight seconds.

Mr. METZENBAUM. Two minutes for each Senator?

Mr. WARNER. It is my understanding there is a 20-minute special order, on which there are 2 minutes and a fraction left.

It was the request of the Senator from Virginia to ask for an additional 5 minutes within which to accommodate the remarks of the Senator from Virginia, and possibly the remarks of the Senator from Missouri.

And then the Senator from Kentucky would have the remainder of the 20-minute order?

Mr. McCONNELL. Will the Senator from Virginia yield? Since we are using up the time, as the principal cosponsor of the Gorton amendment I would like to come next, if I may.

Mr. WARNER. In no way was the Senator from Virginia trying to evade that. I will withdraw the request.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard. The Senator from Washington has the floor.

Mr. GORTON. The Senator from Washington has yielded the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senator from Kentucky, the Senator from Missouri, and the Senator from Virginia be granted 5 minutes each of Senator HATCH's time on the bill at this particular juncture.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. Mr. President, I am to be yielded 5 minutes from ORRIN HATCH. If you would just add my name to the end?

Mr. McCONNELL. And the Senator from Delaware, an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection. It is so ordered.

The Senator may proceed.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McCONNELL, Mr. BOND, and Mr. WARNER pertaining to the introduction of Senate Joint Resolution 312 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEFENSE TRANSITION IN THE AMERICAN ECONOMY

Mr. METZENBAUM. Mr. President, as a member of the Senate task force on defense conversion, I wish to join my colleagues who spoke so eloquently on this important issue yesterday.

It is time that we in Government took steps to develop a comprehensive plan to aid workers who have been, and those who will be, adversely affected by reductions in spending for national defense. According to the Office of Technology Assessment, 350,000 defense workers will lose their jobs every year between now and 1997.

I want to commend our colleague from Arkansas for chairing the Senate Democratic defense conversion task force. It is largely through his leadership that we have produced a set of solid recommendations on how to lessen the burden of defense conversion on workers and communities throughout the country. These recommendations include investing in additional retraining efforts; capital assistance for businesses wishing to convert to civilian production; assistance to communities hard hit by base closings; and improvements in developing commercial applications for defense-funded research and development.

While the task force's recommendations cover a broad range of retraining and reinvestment issues, it is by no means an exhaustive study of what ought to be done. We were constrained by what the task force believed could reasonably be accomplished given the tremendous budget deficit we face today.

Mr. President, I wish to acknowledge the efforts being made on the other side of the aisle with respect to defense conversion. I understand a Republican task force, chaired by Senator RUDMAN, is studying the issue, and I am looking forward to having their recommendations.

In addition, I understand the President has produced an outline for defense adjustment, although I must admit, I have some reservations about his plans. They are largely restatements of proposals he made in his 1993 budget, and some of the spending involves releasing funds that Congress already appropriated. Nevertheless, I am pleased that there is recognition on both sides of the aisle that conversion from defense to civilian production is a reality that we must address.

Mr. President, I look forward to continuing our work in this area. Given the wideranging support for legislation, I urge my colleagues in Congress and our friends in the White House to place this issue at the top of the priority list this year.

I yield the floor.

TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina recuperating following heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Boxscore".

The information is provided to me by the staff of Senator HELMS. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at $3,940,424,414,165.77, as of the close of business on Tuesday, June 9, 1992.

On a per capita basis, every man, woman, and child owes $15,340.81—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

GERMAN DAY IN PHILADELPHIA

Mr. SPECTER. Mr. President, Edward Rendell, mayor of the city of Philadelphia, has proclaimed Sunday, June 14, 1992, as "German Day" in Philadelphia.

From 1830 to 1930, nearly 6 million Germans emigrated to the United States and became an integral part of its ethnic fabric. Through their industriousness, they converted a virgin wilderness into fertile farmland. Their hard work and ingenuity contributed greatly to the development of numerous industries, including steelmaking, lumbering, food processing, brewing and the creation of electrical appliances.

In addition to their many contributions to agriculture and industry, German-Americans have also added immeasurably to the cultural diversity of the United States. Those who have made noteworthy contributions include Gen. Friedrich Wilhelm von Steuben, who converted George Washington's Revolutionary Army from a demoralized group at Valley Forge into a first-rate fighting force; Walter Damrosch, one of the founding members of the New York Philharmonic Orchestra; Albert Bierstadt, an insightful political cartoonist; and Thomas Nast, who first designated the donkey and the elephant as symbols for the Democratic and Republican parties.

Hundreds of thousands of German-Americans reside in my State of Pennsylvania. The first of these came over almost 300 years ago on October 6, 1683 to establish a settlement in Philadelphia, today known as Germantown. Residents of the Philadelphia area will be taking part in the city's annual celebration of "German Day" this coming Sunday at the Erzebirge Club in Warminster, PA.

It is therefore fitting that the U.S. Senate recognize the many contributions of German-Americans to our Nation's greatness and to wish every success to the "German Day" celebration in Philadelphia.

FRANCIS HOPKINSON

Mr. LAUTENBERG. Mr. President, this weekend, we will celebrate Flag Day and I rise today to recognize the special contributions of an extraordinary New Jerseyan who helped to shape our Nation's history and has a special connection to our flag. Mr. Francis Hopkinson was the designer of the unofficial American flag, which served as the model for today's American flag. Hopkinson was also a signer of the Declaration of Independence and creator of the Great Seal of the United States and the New Jersey State seal.

Born in 1737, Hopkinson had the opportunity to meet and work with the outstanding individuals of his time including George Washington, Benjamin Franklin, and Benjamin West. His creative mind lead him to many accomplishments in the areas of music, art, and literature. He wrote the cantata, "Temple of Minerva," which is credited as the first American attempt at opera. While a member of the Continental Congress, Hopkinson created caricatures of his colleagues and became noted for his ability to make crayon portraits and heraldic emblems. Perhaps Hopkinson's most important contributions were his writings. He wrote poems and satirical essays that roused the patriot cause and ridiculed the British. His best known work is "The Battle of the Kegs" which details the day the British looted his house. These writings were widely circulated and added fire to the spirit of the Revolution.

Although historians cite strong evidence that indicates Hopkinson was the designer of the official American flag, he has not been given the credit he deserves. While Betsy Ross may have produced the flag, strong evidence indicates that she did not design the Stars and Stripes. After designing the American flag, the Great Seal of the United States and various other Government emblems, Hopkins requested payment for his services in the form of "a Quarter Cask of the Public Wine * * * for these Labours of Fancy." Congress turned him down on the assumption that as a public servant, these tasks were a part of his job requirements. Through his caricature work, Hopkinson had gained a few enemies in Congress who refused to give him credit for his contributions and creativity.

Francis Hopkinson went on to become a Federal circuit judge until he died from apoplexy at the age of 53. He is buried at the Christ Church burial ground. Today, his house in Bordentown is on the National Register of Historic Places.

Mr. President, it is ironic that not one school in the State of New Jersey bears Hopkinson's name. To my knowledge, there are also no streets named in his honor. Francis Hopkinson dedicated his life to celebrating and fighting for American independence. I would like to thank Earl Williams, a local historian, who has been working diligently to increase awareness of Hopkinson. For all of Hopkinson's great contributions that are still with us today, his name is unknown to many of the people who honor the flag and who have fought behind it. I ask recognition of Francis Hopkinson for designing the Stars and Stripes and believe he should be honored for his exceptional commitment to his new country.

TRIBUTE TO CAPT. OWEN "CASEY" CASON

Mr. GRAHAM. Mr. President, it is often said that law enforcement is a foundation of our civilized society. I am honored to offer a tribute to an outstanding officer who personified the best in law enforcement: Capt. Owen "Casey" Cason.

Cancer claimed Captain Cason on June 10 in Winter Haven, FL. He was 80, survived by his wife Patricia Adams Cason and daughter Patricia Cason of Miami. The State of Florida mourns the loss of a great public servant, promoter of physical fitness and friend of youth.

Captain Cason's law enforcement career spanned 5 decades of vast change in Florida. A native of Lakeland, FL, he joined the Florida Highway Patrol [FHP] in 1941 and rejoined after war duty in the Army.

Trooper Cason served in Lake City, Lake Butler, Jacksonville, Panama City, DeFuniak Springs, and Pensacola, earning promotions along the way.

He switched to the Florida Department of Law Enforcement [FDLE] in 1973, working as a driver and guard for then-Gov. Reubin Askew. He served five Governors with distinction: Askew, Wayne Mixson, Bob Martinez, Lawton Chiles, and myself. The Graham family—my wife Adele and our four daughters—was privileged to have called him a friend.

Captain Cason was a guard at the Governor's mansion and elsewhere. In carrying out his duties, Captain Cason did not separate the public from their Governors. On the contrary, he had a gift for making visitors and guests feel welcome.

Thousands of Floridians came to know the warm smile of a gentle man they affectionately nicknamed "Casey." While he made people feel at ease, he was also tough. Anyone who shook his hand could attest to his iron grip.

Troopers from northwest Florida recall that Captain Cason once dove into Pensacola Bay in freezing weather to rescue a victim of a traffic accident.

In 1985, the new Florida Highway Patrol station at Pensacola was dedicated and named for Captain Cason.

Captain Cason, who played football at Lakeland High School—all-State tackle, 1931—and the University of Oklahoma, stayed in shape. Celebrating his 80th birthday last September, Captain Casey was one of the most fit octogenarians in America.

On his 80th birthday—like he did so often—Captain Cason ran up 22 flights of stairs at the capitol in Tallahassee. One of my fondest memories of my friend Casey is of my trying to keep pace with this 80-year-old jogger during his workout.

His commitment to physical fitness was inspirational. I am one of the countless Floridians who shed extra weight and improved my health thanks to his encouragement.

Perhaps Captain Cason's greatest legacy is the thousands of young people he influenced through Boys State and Boys Nation. His patriotism, commitment to excellence and enthusiasm for life personified leadership and compassion.

His outreach to youth was a trademark for decades. In 1947, he was named morale and welfare counselor at Florida American Legion Boys State and served in that capacity through 1991. Captain Cason was a counselor at Boys Nation for 25 years.

Law enforcement colleagues in the Florida Panhandle recall Christmas parties years ago for young people hosted by the Florida Highway Patrol. A man named Casey would show up as Santa Claus.

"Here's the kind of guy Casey was," recalls a former officer in a poignant summary of Captain Cason's character. "He would pick up the newspaper and see a story about someone down on their luck and sit down to write a check right then. He wouldn't tell anyone."

The world may never know all his acts of charity. But we do know that we were blessed by a special man with a big heart, a firm grip and a kind smile. We will miss our friend, Capt. Owen "Casey" Cason, and we will salute his memory by trying to meet the high standards he set during the 80 years of his rich and full life.

WAIT FOR THE TRUTH ON PAN AM 103

Mr. MOYNIHAN. Mr. President, today the New York Times reports what appears to be the beginning of a peace offensive by Libya. The Times notes that the Libyan state-controlled press has recently criticized Colonel Qadhafi and proposed reconciliation with the West and adds:

> At a time when Libya is under United Nations sanctions for refusing to turn over Libyans suspected of helping blow up American and French airlines, it was unclear whether the press criticism represented genuine rebellion or was part of a plan by Colonel Qadhafi to repair his ties to the West.
>
> Most Western diplomats interviewed here learned toward the second conclusion.* * *

Mr. President, we cannot—we must not—take the bait in this transparent attempt to placate the West. What the world wants in this matter is more than just gestures. Put simply, Mr. President, what the world wants and what the United States must demand is the truth. Those who committed the crime of bombing Pan Am flight 103 must be brought to justice.

I urge the administration to refuse to be distracted by any efforts by Libya to weaken the resolve of the international community to obtain the truth and justice in this matter. If there is to be a new world order, it must include a collective resolve to combat a state-sponsored terrorism with vigor.

SHERM STRICKHOUSER, DEAN OF TALK RADIO

Mr. PELL. Mr. President, Rhode Islanders lost a good friend over the weekend when Sherm Strickhouser, "the dean" of Rhode Island talk radio, died at his home. As one who appeared as his guest throughout the years, I am particularly saddened that his voice has been silenced.

Sherm already had more than a decade of radio experience behind him, when I believe I first appeared with him and Jack Comely on their WJAR-Radio show almost three decades ago. He always welcomed me, whether it was on radio or television, on WJAR, WICE, WHIM, WHJJ, or WPRO.

Throughout our long association, I have always found Sherm to be a particularly rare and special individual. He was comfortable with himself and could make his guests feel right at home on his show. They trusted him to be fair, and he never failed them.

It was always a pleasure to visit with Sherm, not just because of his wit and insight. He was exactly what he aspired to be a professional. Sherm was thoughtful and, fortunately for us, he said what he thought with charm and a dash of wry cynicism.

I believe that his straightforward approach, coupled with his genuine concern for individuals and his personal warmth, explain why his show drew such a wide audience. Sherm never twisted facts or created controversies to boost his show's ratings.

Sherm clearly found a home at WPRO-Radio, where he was blessed with colleagues who valued his work, his integrity and his insight.

A stroke 2 years ago left him with halting speech, but he recovered enough to appear for weekly 1 hour radio visits with Maryanne Sorentino on the "Maryanne Sorentino Show." His speech may have been blurred but his mind clearly was as sharp as ever.

Ron St. Pierre, station manager for WPRO-Radio, spoke for many of us when he said: "In the far recesses of our hearts and minds, we had that hope that he could come back."

Now we know that his voice has been stilled, but we should not forget the hope expressed so well in his theme song by Vera Lynn: "Til We Meet Again." Until then, Sherm will be sorely missed by all Rhode Islanders, who knew and loved him.

Mr. President, I ask unanimous consent that two articles from the Providence, RI, Journal of June 9, 1992, be entered into the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Providence (RI) Journal, June 9, 1992]

"THE DEAN" OF R.I. TALK RADIO

(By John Martin)

Radio talk show host Sherman Allen Strickhouser, "Sherm" to everyone who knew him and anyone who ever heard him, died at his home in Warwick yesterday at the age of 60.

His friend of 40 years and former WJAR-TV colleague, Lester Keats, said the broadcast veteran—inducted last month into the Rhode Island Heritage Hall of Fame—was found yesterday morning by a housekeeper. He had been in good health, said Keats, who had dined with Strickhouser Saturday. Keats said doctors believe that Strickhouser died in his sleep of heart failure.

Known as "The Dean" of local talk radio, Strickhouser's broadcasting career spanned 41 years. His first job was at WBRU-FM, where he worked while attending Brown University. He worked at WICE, WJAR radio and TV, WHIM and WHJJ.

Strickhouser was host of WPRO-AM's morning talk show when he suffered a stroke in May 1990. But he was back on WPRO by the end of the year to thank listeners for thousands of cards and letters and to vow that he would return to the airwaves.

"I'll be back," he told listeners to the station's Salty Brine Show. "I don't know when, but I'll be back." Last November, he began making weekly visits to WPRO's Mary Ann Sorrentino Show. Although the stroke left him with halting speech, his affable wit and characteristic wry cynicism were intact.

"I hope that one hour a week was important in his life," Sorrentino said last night. "There were parts of it that must have been demoralizing and awful. But he never said that. He never complained."

"We knew how debilitating it was for him," said WPRO station manager Ron St. Pierre, who knew Strickhouser 14 years, working with him at WHJJ and at WPRO. "In the far recesses of our hearts and minds, we had that hope that he could come back. Boy, wouldn't that be something! That goes away today. It's painful."

WPRO traffic reporter Ton DiBiasio, who worked with Strickhouser for many years and was a close friend, was stunned by the news of his death.

"At first I wasn't even going to bother going into work tomorrow," DiBiasio said. "I didn't feel like I'd want to be on the air. But then I thought, he's say 'That's bush league.' You know. He was a pro."

Governor Bruce Sundlum mourned Strickhouser's death. As an Outlet Communications executive, Sundlum was Strickhouser's boss at WJAR.

"I've lost a friend who I loved as a friend and respected as a broadcaster," the governor said. "Talk radio reached its peak in this state with his performances. He had the courage to say it like it was, and the honesty to never distort for his own personal point of view."

Strickhouser was born in Passaic, N.J., when his mother was accompanying his father, a Cranston chemist, on a business trip. He attended La Salle Academy and Brown University. At Brown, he walked into student-operated WBRU; on a lark, he auditioned for an announcing job.

He took an immediate interest in broadcasting and soon changed his major from chemistry to English literature, a discipline he felt would enhance his career.

After graduating from Brown he went to work for WICE; by the time he was 23, he was program director. He became a talk show host at WJAR in the '60s, sharing the spotlight with Jack Comely. He left radio to become program director at WJAR-TV in 1969, but five years later he came back, joining Comely in a talk revival on WICE.

He was fired by WICE in 1979 when he balked at giving up his talk show as the station changed to a music format. He ended up at WHIM and later WHJJ, where a format change in the early '80s found him once again behind the mike taking calls from Rhode Islanders complaining of corruption, ineptitude and scandal—or just shooting the breeze.

He was suspended by WHJJ in June 1989, when he announced that he would move to WPRO when his contract expired at the end of the year. He debuted on WPRO the following August.

Strickhouser is perhaps best remembered by listeners for his happy-go-lucky personality. If provoked, however, he could argue passionately with callers. It was never knowing what might get him riled that kept many listeners tuned in. His hearty laugh was an unmistakable sound on local airwaves, as was his theme song, Vera Lynn's 'Til We Meet Again.

What Mike Butler, a producer at WHJJ in the mid-80s, remembers most is Strickhouser's warmth and humility.

"I was just starting out, didn't know much about the business and he treated me very well," Butler recalled. "He would always say not to take radio too seriously. He had the attitude that it wasn't brain surgery we were conducting.

"He would tell me that when it's all said and done, it's how you conduct yourself with other people that will matter in the end."

After his stroke, Strickhouser was asked if he felt life had dealt him a bad hand. Six months after being stricken he had recovered in every way, except his speech—the means by which he had lived for nearly 40 years.

"I'll tell you two things," he said, clearly. "There are people worse than me. Dying. Thank God I'm not doing that. The other thing, I'm always—what's the word? Happy. Always was; still am.

"Every day I get up, I say 'Damn, it's great.' Because there are people (who have suffered strokes) who are worse than me. I know I'm screwed up, but tomorrow's another day."

In 1980, Strickhouser said in a Journal-Bulletin interview at WHJJ, "A hundred years from now, grass will be growing where we're standing.

"People in the business who take themselves too seriously are one, boring, and two, a little bit shallow. They're awfully surprised when they get canned and the world doesn't end.

"But this does beat working for a living. No doubt about that, babe. Beats the hell out of sweating on the docks."

[From the Providence (RI) Journal, June 9, 1992]

SHERM STRICKHOUSER DIES AT 60; VETERAN R.I. TALK SHOW HOST

WARWICK.—Radio and television talk show host Sherman A. "Sherm" Strickhouser died yesterday at home.

Last fall he returned as a co-host with Mary Ann Sorrentino on the morning WPRO talk show he had hosted before suffering a stroke in 1990. Last month, Mr.

Strickhouser, 60, was inducted in the Rhode Island Heritage Hall of Fame.

A longtime friend and colleague, Lester Keats, said doctors believed Mr. Strickhouser died in his sleep of heart failure.

Mr. Strickhouser began his radio broadcasting career while in college working for WBRU and, at the same time, for WICE. After graduating from Brown in 1954, he went to work for WJAR-AM as a disc jockey, and was later promoted to program director.

Mr. Strickhouser left radio for a short time and worked in the late 1960s and early 1970s as program director for Channel 10. He left Channel 10 and worked as a talk show host for WICE, and later as a disc jockey for WHIM.

He then moved to WHJJ as a talk show host in the late 1980s. From 1988 through May of 1990 he hosted interview, a Sunday morning talk show on Channel 10, and had his radio talk show on WPRO-AM.

He was an ardent fan of the Chicago Cubs baseball team.

Born in Passaic, N.J., a son of the late Sherman I. and Julia A. (Butler) Strickhouser, he lived in Cranston, East Greenwich and East Providence before moving to Halifax Drive in Warwick in 1988.

Mr. Strickhouser was a 1950 graduate of LaSalle Academy.

He leaves a sister, Barbara J. Powers of Newburyport, Mass.

A Mass of Christian Burial will be celebrated Thursday at 10 a.m. at St. Francis Church, Jefferson Boulevard, Warwick. Burial will be in St. Mary Cemetery, Newburyport.

STUDY OF SECRETARY OF VETERANS AFFAIRS' DECISION TO CLOSE THE MARTINEZ VA MEDICAL CENTER

Mr. CRANSTON. Mr. President, as many of my colleagues know, last August Secretary of Veterans Affairs Edward J. Derwinski announced plans to close the VA Medical Center in Martinez, CA, because of concerns about the safety of the facility in the event of an earthquake in the bay area. Since then, I, along with a number of my colleagues in the California delegation, have been deeply involved in addressing a wide variety of issues related to the closure decision.

Mr. President, in this connection, I want to acknowledge the work of the Earthquakes and Public Policy Task Force of the Woodrow Wilson School of Public and International Affairs of Princeton University, which conducted an assessment of the validity of VA's analysis relating to the seismic risk of the site and building.

This task force, led by Dr. Gregory E. van der Vink, a member of the faculty of the Woodrow Wilson School, and consisting of senior commissioner Jason Albert and task force members Charlie Adams, Rebecca Bill, Karen Demers, Kristin Garcia, Sofia Haque, Roxanne Jamshidi, Sharon Katz, and David Marshall carried out a thoroughgoing review and, on May 5, 1992, presented its report to the Veterans' Affairs Committee and other interested parties.

Mr. President, the Earthquakes and Public Policy Task Force provides a good example of a mutually beneficial relationship between the policymaking community and educational institutions. The students in the policy task force gained firsthand experience in the development of public policy, and the committee received useful technical analysis to assist in our decisionmaking. I congratulate Princeton University's Woodrow Wilson School for providing its students with such an insightful educational exercise, and I extend my deep appreciation to the members of the task force for their thorough analysis and thoughtful comments.

PUBLIC BROADCASTING—S. 1504

Mr. COHEN. Mr. President, I rise today to discuss my votes during last week's debate on the public broadcasting bill. On June 3, the Senate, with my support, voted overwhelmingly to pass S. 1504, the 3-year reauthorization bill for the Corporation for Public Broadcasting [CPB]. The CPB is a private, nonprofit corporation created by the Public Broadcasting Act of 1967 to promote youth in and foster the development of high quality, educational, informational, and cultural programming for all Americans. In my view, CPB is fulfilling these goals. I have consistently advocated funding for public broadcasting and I will continue to do so.

That is not to say what I did not have some concerns about the funding levels contained in S. 1504. The bill as passed by the Senate authorizes $1.1 billion for fiscal years 1994 through 1996. This represents a 50-percent increase over CPB's current budget. Mr. President, we are at a very difficult time in the history of our country. The economic recession and the rising unemployment rate have taken a grave toll on many Americans in my State and others throughout the Nation. I have heard repeatedly from my constituents about how difficult the past 2 years have been for them. Americans are losing their jobs, they are unable to pay for the rising costs of health care and they are finding it increasingly difficult to pay for basic necessities such as food and shelter.

We are facing a $400 billion deficit this year. It is the single most damaging problem in our economy today. Our economy suffers from a lack of savings and a lack of investment. Both deficiencies are caused by excessive public borrowing. We seem completely unable to come to terms with this deficit. We all lament it and make speeches about it, but we seem unwilling to do much about it.

For this reason, I joined a number of my colleagues in supporting an amendment offered by Senator LOTT that would have frozen funding at $275 million per year and, thereby, save $285 million over the 3-year period. I do not want my vote in any way to be viewed as a vote against public broadcasting. I voted in favor of the Lott amendment because I do not feel that a 50-percent increase for this program can be justified this year. My colleagues here in the U.S. Senate and I often talk about the need to reduce Federal spending and control the growing deficit. This vote, in my view, was an opportunity to act on those proclamations. While I would have liked to see some increase over the current funding, the choice before the Senate was a vote for $1.1 billion or $825 million, a 50-percent increase or a freeze on funding. While the vote to freeze funding was certainly not a popular one, I believe it was a fiscally responsible one. The Lott amendment failed and I supported final passage of the bill to express my continued support for public broadcasting.

Americans throughout the country have benefited from the quality and the diversity of public broadcasting programs. Programming provided by the Public Broadcasting Service [PBS] and National Public Radio [NPR] has played an important role in the education of our Nation's citizens. "The MacNeil/Lehrer Newshour," "Morning Edition," and "All Things Considered" provide citizens with indepth news and public affairs information. Programs ranging from "Sesame Street" and "Mister Rogers' Neighborhood" to high school diploma-equivalency programs and college credit courses are important to our children and their education. The CPB has brought programs such as "Nova," "The Civil War," "Live From Lincoln Center," and "Masterpiece Theater" into the living rooms of Americans in urban and rural areas across the United States. The CPB has made possible programming such as "Made in Maine," "Mainewatch," and "The Gift of Acadia" which depict the beauty of my State and provide viewers with information about the views and the lives of its citizens.

More than 87 million Americans a week, nearly 40 percent of the population, tuned into public television during the 1990–91 season. Public broadcasting reaches 86 percent of Americans who have a radio signal and 98 percent of Americans with a television signal. Public broadcasting in my State of Maine enjoys enormous public support. It finds funding from a variety of sources including: Congress, individual subscribers, businesses, educational institutions, and governments at State and local levels. The willingness and the desire of the 60,000 people in Maine who continue to support WCBB and MPBN, Maine's public broadcasting stations, is a strong indication of their appeal and of their success. I heard from many of my constituents urging me to support continued funding for PBS programming.

Community radio and television programming is a vital source of public affairs information, particularly in rural areas. The CPB makes its programming available via satellite to those living in rural America who might otherwise be deprived of the benefits of public broadcasting because they do not have access to the over-the-air broadcast stations or cable television. In addition to providing funds for the CPB, S. 1504 contains funding for the Public Telecommunications Facilities Program [PTFP]. The PTFP has provided public broadcasting stations in my state with financial assistance to purchase equipment to establish new stations and upgrade existing equipment.

In closing, I believe that public broadcasting has enriched the lives of many Americans and increased citizen awareness of current events happening here at home and around the world. The benefits of public broadcasting are many, and I am pleased that the Senate, following months of discussions on the various issues involved in this debate, has passed this important legislation.

NATIONAL WIRELESS TELECOMMUNICATIONS MONTH

Mr. PRESSLER. Mr. President, the cellular telephone industry is celebrating a milestone this month. In just eight and one-half years, the industry has completed its wireless network and begun service to every area designated by the Federal Communications Commission. Wireless communication technology will continue to advance well into the next century and will provide rural Americans with an exciting new means of communication.

Mr. President, the cellular industry has moved quickly to provide service to rural America. When the FCC designed cellular service, it looked beyond urban centers and designated 428 rural markets that would receive this new technology. From August 1989, when the first rural market was activated in Hawaii, to June of this year, the industry aggressively has built a system that brings cellular phone service to every rural area of the country.

Cellular service is the newest communications tool available to smaller towns and rural Americans. My own State of South Dakota began statewide cellular service last year. The versatility of wireless technology allows it to be used in places where other telecommunications technologies do not function. Farmers use portable phones on their combines; ranchers with handheld phones keep in touch when on horseback; and veterinarians in places remote from traditional communications links, can utilize new wireless technology as a diagnostic tool.

Mr. President, as we commemorate National Wireless Telecommunications Month, it is important to remember we must build a wireless network that is available everywhere. Rural America and smaller cities need the same level of communications services as urban areas. That should be our goal, and that, fortunately, is where the wireless industry is headed.

BEN B. BODNE—WHITE KNIGHT OF THE ALGONQUIN ROUND TABLE

Mr. HOLLINGS. Mr. President, it was with tremendous sadness that I learned of Ben B. Bodne's death last month. Ben was a Pennsylvanian by birth, but lived in Charleston, SC, most of his young adult life, earning a comfortable fortune in the oil distribution business. It was with that fortune that he bought Manhattan's famed Algonquin Hotel in 1946.

Ben and his wife, the former Mary Mazo of Charleston, first stayed at the Algonquin on their honeymoon, and were utterly taken by its ambience and celebrity clientele. Ben dabbled in sports promotions, and once considered bidding on the Pittsburgh Pirates baseball team. Mary said he could buy the Pirates if he would buy her the Algonquin. As it turned out, Ben didn't get the Pirates, but Mary did get her beloved Algonquin.

It was love at first sight for Mary—love for the Algonquin, I mean. Its mahogany panels, quirky furnishings, and aristocratic charm all reminded her so much of Charleston.

Of course, the Algonquin, which is located on the edge of the theater district between Fifth Avenue and the Avenue of the Americas, had long been famous for its Round Table that drew Dorothy Parker, Douglas Fairbanks, Jr., Eddie Cantor, Beatrice Lillie, and so many other colorful figures. Legend has it that the New Yorker magazine was hatched at the Long Table. The New Yorker's editorial offices were located across 44th street from the Algonquin, and the Round Table was frequented by its star writers, including E.B. White, James Thurber, Brendan Gill, and William Shawn. Alan J. Lerner wrote "My Fair Lady" in room 908.

Despite this legendary past, by the time Ben purchased the Algonquin, it had fallen on hard times. In fact, it had declined so precipitously that one contemporary described it as being on the verge of becoming a West Side flophouse.

To his everlasting credit, Ben devoted himself to restoring the Algonquin to its former splendor, and he succeeded magnificently. He and Mary lived in the 10th floor apartment, which she refurbished in elegant columns, chintz, and Charleston antiques. Ben served as owner and president of the Algonquin for 41 years, and to him goes the credit for reviving and maintaining the great Round Table tradition. Even after selling the Algonquin in 1987, he and Mary maintained their 10th-floor apartment, and, of course, Mary continues living there today.

Mr. President, Ben Bodne was as fine a man and gentleman as you will ever meet. He was beloved not only by Mary and their daughters, Renee and Barbara, but by so many others who enjoyed the grace of his company. For me, personally, he was a wonderful friend. I will miss him greatly.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WORKPLACE FAIRNESS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 55, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 55) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. I yield to the distinguished leader.

SENATOR HELMS DOING WELL

Mr. DOLE. Mr. President, I ask this time be taken out of my leader's time. I will just be about 30 seconds. I wish to report I have just had a phone conversation with Senator HELMS, who is in the hospital. He is doing very well. He said he has one foot out of intensive care and one foot in intensive care, but he wanted to thank his many colleagues, Democrats and Republicans alike, for their best wishes for his speedy recovery, and he wanted me to report to everyone that he is on the mend. He will be back soon.

I thank the Presiding Officer.

WORKPLACE FAIRNESS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. ADAMS. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. ADAMS. It was my understanding that I was assigned time from 11:45 for 15 minutes on this bill. I am inquiring as to what is the status now as to the time and the recognition and so on, so that I know when I am supposed to speak.

The PRESIDING OFFICER. The Chair finds no previous order relative to the Senator from Washington.

Mr. ADAMS. It was my understanding that the Senator from Ohio was the manager and was recognized, and that we had made arrangements with him for the utilization of time. I do not object for the other side to start first; I just want to know the order.

The PRESIDING OFFICER. Under the previous order, time for debate between now and 4:45 is to be equally divided and controlled by the Senator from Ohio [Mr. METZENBAUM] and the Senator from Utah [Mr. HATCH].

Mr. ADAMS. That is what I was inquiring.

In other words, are you starting to rotate?

The PRESIDING OFFICER. This time taken from Mr. HATCH's time. The Senator from Delaware under a previous order is granted 5 minutes.

Mr. ADAMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2834 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I yield 15 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. I thank the Chair. I thank Senator METZENBAUM for this time.

THE SEATTLE MARINERS

Mr. ADAMS. Mr. President, this week's announcement that major league baseball's ownership committee has unanimously recommended approval of the purchase of the Seattle Mariners by the Baseball Club of Seattle is being cheered throughout the Pacific Northwest.

At long last, the Mariners will have local ownership, something that has been sorely lacking during the 16-year life of the franchise.

The Mariners, under the new ownership, will also make baseball history, by becoming the first franchise to attract significant investment by a Pacific rim trading partner, the Nintendo Co. of Kyoto, Japan.

Nintendo of North America is located in Redmond, WA. They are a major local employer, and have stepped forward with a significant financial commitment to help make the Mariners a winner.

Saving the Seattle Mariners was the kind of team effort that those of us from the Northwest take pride in accomplishing.

Special recognition should certainly be given to those local officials and private parties who worked long and hard to put together a unique ownership package that was acceptable to major league baseball.

Gov. Booth Gardner, Seattle Mayor Norm Rice, King County Executive Tim Hill and the investor group led by John Ellis and Mr. Yamauchi were the leaders of this winning team effort.

Baseball Commissioner Fay Vincent showed the kind of leadership that our national pastime needed at a critical juncture in its history.

My colleague, Senator GORTON, whose interest in keeping major league baseball in Seattle goes back over 20 years deserves a special word of recognition.

As Washington State attorney general, SLADE GORTON worked closely with Seattle attorney William Dwyer, not a Federal judge, in litigating the complicated issues that were unresolved when Seattle's earlier franchise, the Pilots, left town.

Today, the cloud of potential litigation is lifted. The Seattle Mariners will remain right where they are. And Ken Griffey, Jr., Edgar Martinez, Kevin Mitchell, Dave Fleming, and all the other Mariners and their fans can focus on putting together a winning team under the ownership of the Baseball Club of Seattle. This is a great day for baseball.

Mr. President, I ask unanimous consent that an article from the Washington Post of June 11, 1992, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BASEBALL'S JAPANESE INVESTOR

It wasn't necessarily xenophobia (or worse, racial prejudice, as some alleged) that caused major league baseball owners to get so upset early this year at the idea of a Japanese businessman joining their numbers. baseball has its reasons for trying to keep teams under local ownership; most are hometown institutions, considered, by boosters at least, to be civic necessities.

But in the case of the Seattle Mariners, it turned out that foreign ownership was going to be the only means of keeping the hometown team home. Nobody but Hiroshi Yamauchi, president of Nintendo Co. Ltd. of Kyoto, was ready to come up with the huge amount of money needed to buy the franchise and keep it in Seattle. So the owners, who only last December had adopted a rule against foreign (that is, non-North American) money, apparently decided to let things "evolve," as one baseball official put it, and, this week finally agreed to an arrangement that is, like the strike zone of recent years, nicely adapted to changed circumstances.

Mr. Yamauchi, whose company is a major presence around Seattle and who has strong ties to the area, will put up a majority of the money (about $75 million of a total of $125 million), but will have only a minority holding in the club. Moreover, he and some fellow Japanese investors will have no control over day-to-day operations of the franchise (that will be in the hands of a retired electric utility executive). "The non-North American investment is essentially passive," said Mr. Vincent. "They're not controlling it at all."

Given the history of essentially active North American control of the team, that could prove to be a mixed blessing for Seattle. Since the demise of our own Senators, the Mariners have done a pretty good job of upholding the old saw about Washington: "First in war, first in peace and last in the American League."

But at least for now, the city has a new lease on baseball, and baseball has given signs of a flexibility that should serve it well as the game becomes increasingly cosmopolitan. Local ownership is generally a good thing, but people and their money do get around these days, and other criteria may also be applicable to prospective owners: keeping in touch, for example, showing concern for the team's city, having the right motives and hiring good people to run the organization.

With regard to motives, the 64-year-old Mr. Yamauchi said earlier this year, in an interview with a Japanese business magazine, "This offer is not being undertaken as business, but rather as a form of community service. Japan has the United States to thank for its miraculous postwar recovery and economic growth, and Nintendo has also been allowed to do business in America. I owe a great debt to the United States, and I want to do everything in my power to pay it back." That seems reason enough to let him play a little ball.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. ADAMS. Next, Mr. President, I would like to take a few minutes today to outline my concerns about the various proposals to pass a balanced budget amendment to the Constitution.

Make no mistake. This is not a debate about fiscal responsibility. Or about really getting our economic house in order. This is a political debate.

The balanced budget amendment proposals are designed to provide political cover. They seek to fend off constituent frustration. They are not the strong discipline or bitter medicine our national accounts need. This is a debate about symbolism. It is not about balancing the budget.

If approved, however, a balanced budget constitutional amendment would have more than symbolic effect on our Government's balance of power. It would allow the President and a minority in Congress to control the purse. We have fought off many attacks on the legislative branch, in the context of war powers and regulatory authority. And now Congress' last bastion, the power of the purse, is under attack.

As the first chairman of the House Budget Committee to take a budget through in 1975 and 1976, I have given much thought to the problems of deficit reduction in general and to a constitutional amendment in particular.

I believed then, as I believe now, that a constitutional amendment without real reform of our budget accounts would devastate our economy and destroy not only the budget process but create real chaos. We need real budget reform and real deficit reduction before we consider a constitutional amendment. A constitutional amendment alone is smoke and mirrors.

This is a time for restructuring our budget to provide a more direct and honest accounting of our receipts and outlays.

I am an original cosponsor of legislation introduced this Congress by our colleague, Senator SANFORD, to divide the overall budget into three separate accounts, each with a separate funding mechanism. Harvard economist Robert Reich outlined a similar proposal to the Senate Appropriations Committee in February. There can be other systems.

The common denominator of the two proposals is the separation of our current spending from past obligations and future investments.

Past obligations are our debts to present and future retirees. They should be financed out of trust funds that are insulated from our discretionary spending.

Current operating costs include salaries and other programmatic outlays. They should be financed from tax receipts.

Future investments are our multiyear expenditures in infrastructure, defense, and education and should be financed by borrowing.

The problem with the current deficit is not so much its size but its makeup. We have been borrowing to support current spending rather than borrowing to make productive investment in our Nation's future. The United States carried far more debt as a percentage of GNP in the 19th century than we do today. But all of that borrowing went toward investment in railroads, canals, roads, and telegraph lines—the kind of infrastructure development and improvement that made us an economic giant and enabled us to pay off our debts with ease.

I am not optimistic that we will enact real budget reform this year. Without such reform, however, the approval of a balanced budget amendment will wreak utter havoc.

There are no specifics in these proposals: Social Security might be exempted or it might not. A supermajority of Congress might be needed to raise taxes or to raise the debt ceiling or it might not. Congress might get serious about balancing the budget before the amendment is ratified by three-quarters of the States or it might not. The President might submit a balanced budget before he is required to or he might not.

The amendment also drags our Constitution into the fiscal fray. The Supreme Court could be called on to referee budget battles between the Congress and the administration. Moreover, it would put a straitjacket on the Government's ability to stimulate the economy during times of recession by deficit spending. The automatic stabilization provided by unemployment insurance would be negated. No distinction could be made between spending on productive investment and spending on current programs.

A balanced budget amendment would also upset the Constitution's guiding principle of majority rule. It would allow a minority to reject proposed tax increases, deficit spending, or adjustments in the debt ceiling. It would greatly strengthen the judicial branch at the expense of the legislative and executive branches.

One last point. Although everyone would be hard-hit by a balanced budget amendment, States in particular would suffer. Over the past decade, the Federal Government has saved many States and cities from financial disaster. A balanced budget amendment would prevent this kind of assistance. Moreover, it is likely the Federal Government would seek to off-load more services and programs onto the States. We have seen the beginning of this under the Reagan-Bush administrations.

The committee for a responsible Federal budget has estimated that the budget could be balanced by fiscal year 1997 if we begin the process this session. We would need to cut close to 1 percent of GDP each year—which amounts to about $60 billion. If we wait, however, the cost and the length of time to achieve balance will only increase.

I urge my colleagues to examine a balanced budget amendment on its merits. Weigh it against the merits of undertaking serious budget reform and deficit reduction now. There is no comparison between the two. We all know—every last one of us—which is the right course of action. Let's be honest with ourselves and with the American people. I hope that the balanced budget amendment will be defeated.

Mr. President, I want to compliment the Chair for his astuteness in introducing a statutory change in the way in which we do budgeting.

I ask unanimous consent that two articles from the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 11, 1992]

THE HOUSE SHOULD VOTE NO

The worst combination in politics is to have the blame but not the power. That's the lowly condition that House Democrats will be imposing on themselves if they adopt the defeatist balanced budget amendment to the Constitution on which they are scheduled to vote today.

The Democrats are expected easily to retain control of the House (and will likely retain control of the Senate as well, where the same arguments apply). As the majority party, they will rightly be held responsible for whatever the House does—and does not—achieve. Sharply divided as they are, it is hard enough for them to fashion and pass a coherent program even now, when they have a majority of more than 100 votes—and a majority is all they need. The principal amendment would make it harder still; for the crucial decisions, it would require more than a majority.

The budget would not necessarily have to be balanced under the amendment—but it would take a vote of three-fifths of both houses to unbalance it, or to increase the debt. The intended effect would be to enshrine minority rule. "Empowerment" has become a talismanic word among Republicans; now you know what it means. The power of single-interest and other splinter groups would be increased; the ability of Congress to respond to changed economic and other circumstances would be reduced. Gridlock would become more likely, not less so—and the deficit each year would be much likelier to go up than down. To assemble the votes for a budget, more interest groups would have to be satisfied, nor fewer; the more the groups, the higher the cost. We've said it before: majorities are cheaper.

The budget should indeed be balanced. The problem is not just the cost of borrowing now, but the likely cost not too many years from now of the retirement of the baby boomers and the increased borrowing that that may entail. But an amendment is no substitute for the tax increases and spending cuts that a balanced budget requires—and that their support for an amendment allows the president and Congress not to enact but to defer. The amendment is being used as an election-year fig leaf for the past failures of both elected branches to pursue a responsible policy. But that's an abuse of the Constitution. They have already mortgaged future revenues; now they would mortgage their own power as well. The amendment is the ultimate expression of the weakness it purports to correct. The House should vote it down.

[From the Washington Post, June 11, 1992]

THE I.O.U.S.A. AMENDMENT

The public's support for a constitutional amendment to balance the budget stems from deep-seated frustration with the workings of government. It is a call for a heroic "Hail Mary play" to win the game. Unfortunately, those who want it ignore the almost certain, and serious, unintended consequences that would be unleashed by amending the Constitution to balance the budget.

Let's consider just two of them. Sen. Paul Simon's version would require that annual federal "outlays" (cash paid out by the government) not exceed "receipts" (cash received) for that year. That would seems a clear-cut way to balance the budget. But what else would it do, even if unintentionally?

The government pays out its cash to meet obligations incurred by earlier actions, sometimes years earlier—for example, the issuance of bonds that require life-of-bond interest, the purchase of airplanes to be paid for when delivered, commitments to make Social Security payments, guarantees of international obligations etc. What will happen under the proposed amendment when the bills for these commitments come due but previous outlays during the year have already "used up" all the year's receipts? Is government bond interest not to be paid? Will aircraft builders be told to keep their planes, since there's no money? Will Social Security recipients be told, "We're sorry, maybe next year"?

By this well-intended constitutional amendment, we will have made all financial obligations undertaken by the U.S. government merely contingent ones, to be paid when cash is available.

Thus, with adoption of one amendment, we will have dealt a serious blow to one of this country's basic assets: the inestimable value of its sovereign full faith and credit. Concerned as we are by members of the House writing a few thousand dollars of checks with no money in their personal accounts, will we now allow them to write billions of dollars of uncovered checks on the nation's accounts?

Then there is the House version of the proposed amendment. it would require that at the beginning of each year the president and Congress agree on a level of expected receipts for that year and limit outlays for the year to those expected receipt levels. But suppose the president and Congress don't agree (it wouldn't be the first time). One may want to raise taxes and spend more; the other may want to reduce spending or even reduce taxes. Nothing, not even the Constitution, could force them to agree. Has Congress or has the president violated the Constitution? Who goes to jail—so to speak—for the offense of not agreeing? This is just one of many bases for court intervention if the amendment is adopted.

The very embedding of any principle in the Constitution not only opens the way for but invites open-ended litigation in the federal courts. Will the federal courts, including the Supreme Court, become the country's budgeters? In addition to the administration's Office of Management and Budget and the Congressional Budget Office will we now have an SOB (Supreme Court Office of the Budget—well, okay, SCOB) making fiscal policy for the nation? If so, the federal district courts and Supreme Court would be determining both tax policy (who pays taxes, what kind and how much) and spending policy (which federal programs would be canceled and which kept, and at what levels).

These two possible unintended consequences alone are grounds enough to reject outright the idea of a constitutional amendment. And there are other equally troubling possibilities, ranging from unintended effects on our defense capability to the likely prospect of mandated spending by business on functions (medical costs for instance) that might otherwise be paid by government.

Furthermore, as those of us who have been in the business know very well, any amendment in the arcane field of budgeting can be circumvented by so many technicalities that the constitution of the united States itself will have been trivialized.

So, let's save the Constitution; let's save the best credit rating in the world; let's save our courts from an impossible task and in the process save the American people from the unintended consequences of a well-intended ideas.

Mr. ADAMS. Lastly, Mr. President, I just want people to understand that the predicament that we are in on a balanced budget is not going to be solved by an amendment to the Constitution of the United States. It was and is a political problem, and to those who doubt that, I recommend for their reading "The Triumph of Politics" by David Stockman, who was OMB Director. And particularly go to chapter 5, where it says, "The Counter-Revolution Begins," and I will just read one statement in there which says: "There was no economic magic. I had made fiscal necessity the mother of political invention."

If you read this book you will see how Stockman finally comes to say mea culpa, mea culpa, I take responsibility along with others for cutting taxes, raising defense expenditures, not cutting the rest of the budget, and creating the national debt that we have today and the imbalance in the budget. It is a political problem. It was a political problem then. It is a political problem now.

You cannot compare the Federal Government to a State. As the first Budget chairman, in the House of Representatives, I was well aware of the fact that many States had constitutional amendments that limited their spending. But let me just point out that until we have a capital budget or its equivalent as stated by Senator SANFORD and myself where you have a capital budget as well as an operating budget, you cannot possibly have a constitutional amendment that balances the budget.

WORKPLACE FAIRNESS ACT

The Senate continued with the consideration of the bill.

Mr. ADAMS. Mr. President, as we begin debate on S. 55, the Workplace Fairness Act, our unemployment figures are at their highest levels in 8 years. Real wages over that same time have declined dramatically. American workers are reaping a grim harvest of 12 years of Republican administrations.

One of the most disturbing trends throughout the Reagan and Bush administrations has been the use of permanent replacements for striking workers. We must stop this dangerous trend. We must restore a level playing field in labor-management relations. Passage of the Workplace Fairness Act will do just that.

In the relatively obscure Mackay decision of 1938, the Supreme Court made passing reference to an employer's right to hire permanent replacement workers during a strike. With almost total disregard for the National Labor Relations Act, the Supreme Court that same year used a bad case to make a bad law.

However, in the four decades that followed the Mackay decision, the "right" to hire permanent replacements for striking workers was rarely invoked by employers. The vast majority of them recognized the public interest was best served by negotiations with striking employees, leading to a mutually acceptable contract.

With good faith and a level playing field, management and labor are capable of working together, even during a strike, to settle labor disputes.

The current climate of hostility toward striking workers came with President Ronald Reagan's decision to fire, and blacklist, 12,000 striking air traffic controllers. His action and advocacy of the permanent replacement of strikers has legitimized a decade of bad-faith labor negotiating techniques.

With the White House giving a green light to striker replacement, numerous employers began to view this as a legitimate cost-saving strategy. In the 1980's and 1990's, thousands of hard working and loyal employees became victims of the policy.

Traditionally, union-negotiated labor wages have set the standard in this country for wages and health benefits for all workers. As labor wages and benefits have been hammered down over more than a decade, our society has suffered greatly.

What happened to the air traffic controllers during the Reagan administration was tragic. It was well stated by one commentator that "if PATCO was Fort Sumter, then Caterpillar was Appomattox."

I congratulate labor for trying to make peace at this point by introducing a proposal of arbitration in exchange for certain rights to curb strikes. They have had to do this because they have been battered, battered by a series of things which may not have passed this body but have caused enormous changes in American society and enormous hurt to working people.

Real wages have declined in this country for working people dramatically, and this is the last nail in the coffin because there has been appointed under the Reagan and Bush administrations an NLRB that will not really declare anything an unfair labor practice, and therefore every strike that is attempted becomes an economic strike, not an unfair labor practice strike, and that brings into play this horrifying thing of permanent replacement for striking workers.

That is just a big lot of words that says if you go out on strike, you are fired. And the people of America that have had the courage to do this, many of them, are now in our homeless population; many of them cannot meet their mortgages; many of them are those that are now working at $5-an-hour jobs, rather than $12-an-hour jobs.

We have to have S. 55 in order to restore a level playing field because the thing that is forgotten every time by management and by those in Government in support of the permanent replacement of strikers is who do you sell your goods to? It is all well and good to lay off 10,000 people here, and 10,000 people there, and 5,000 someplace else, and replace them with somebody else at lower wages, or replace them not at all, and then wonder why it is that you have a recession and you cannot sell your products.

We have had a great change in the last 12 years in labor-management relations. This country has based its labor-management relations on three strong parties, the Government, business, and labor, and when two join together against the third, they you destroy the whole process. That is what has happened. Government and management have joined and labor has suffered. Organized labor is now down to between 12 and 15 million out of our total work force.

Yes, they have had some problems. And, yes, we have passed laws that are labor reform to say that you should not do things that are either illegal or improper in the running of unions. But most unions are very well run.

Their basic principle, Mr. President, is so simple, which is that a single worker in an industrialized society cannot possibly face the might and the money of an organized management, particularly an organized management that wants givebacks, wants to do away with health benefits, wants to go to the lowest common wage denominator.

Why have real wages declined in the last 9 years? It is very obvious. They have declined because they have been forced down. They have been forced down, and part of it has been the impossibility to strike.

This current climate of hostilities started not with the Mackay case when President Reagan said I am going to fire and then blacklist 12,000 PATCO striking air traffic controllers. his action, and the advocacy of permanent replacement of strikers, legitimized a decade of bad-faith labor negotiating techniques.

How does it work? Business owns the NLRB and so they do not find that the practice being requested is unfair.

Let me tell you how it works. Management comes in, and says "we want you to give us back this amount of wages, do away with this amount of health benefit, and we will in the meantime do away with several thousand jobs. We need to make more money, and we are not going to negotiate anymore. This is our offer, take it or leave it. There used to be a time when they had to keep negotiating and keep trying. Now they do not.

The NLRB decisions and this right of permanent replacement of strikers means that they lay it on the table, it is declared to be an economic matter, and so out go the employees, down go the wages, and there is no bargaining. It just stops.

You know, in the 1980's and 1990's, thousands and thousands of hard-working and loyal employees became victims of this policy. I just want to give you some examples in my own State, Mr. President, bitter examples, because Washington had had labor peace for many years. We have had a high standard of living. We have had people that are working people earning good money, not getting rich but earning good money, solid middle class. What happened?

In my own State of Washington, we have endured several bitter examples of employers bringing in permanent replacement workers simply to break the union. Meatcutters and timber workers in Everett and Spokane, workers at Nord Door in Everett, at Washington Beef and Crystal Laundry in Yakima, at Payless Drug Stores and Verns Pies in Spokane, and at the Auto Dealers Association in King County. For many of these workers, the permanent replacement tactic has spelled the loss of financial security, jeopardized home mortgages, caused repossession of autos and damaged creditworthiness. If we fail to act on S. 55, the list of displaced union workers will continue to grow.

Last year, in an article in a Seattle newspaper, Reagan's Secretary of State George Shultz, said that in "a healthy workplace, it is very important that there be some system of checks and balances." Shultiz emphasized the importance of what he called a "system of industrial jurisprudence," which covers dispute settlement through collective bargaining, grievance procedures, and arbitration, with the right of strike as a last resort. Shultz' conclusion was that "free societies and free trade unions go together."

A healthy relationship between organized labor and management produces a well-trained, experienced work force. This ensures a company's and a country's long-term productivity and competitiveness. Our major economic competitors, including Japan, Germany, France, and Canada, prohibit and severely restrict the use of permanent replacements.

In the late 1980's, employers threatened permanent replacements, in roughly one out of every three strikes. In roughly half of these strikes, employers advertised for replacements before the strike even began. We must not allow this to continue.

The decision to go out on strike is a serious one. Reached only after much soul-searching and careful deliberations. Workers do not take them lightly. Going without a paycheck or health insurance, without the ability to make mortgage or car payments is not taken lightly. American workers strike as a last resort.

Some have suggested that the ability to hire permanent replacements shortens strikes. The facts say otherwise. A recent study by the Economic Policy Institute has determined that between 1984 and 1988, permanent replacements radically lengthened labor disputes. The mean duration of strikes in which permanent replacements were hired was 363 days. When no replacements were hired, that number shrank to 64 days. When a labor dispute is transformed from a disagreement over compensation and other issues to one involving each striker's job, that labor-management balance is upset and strikes are longer and uglier.

The very integrity of the National Labor Relations Act and our country's commitment to collective bargaining is at stake here. Also at stake is our Nation's ability to compete in a world economy. An ability that depends upon a collective bargaining system that is fair, balanced, and sensitive to the rights of workers. I urge my colleagues to carefully review the recent history of this issue. I urge them to join with those of us who believe the Mackay ruling must be legislatively reversed.

Mr. President, I ask unanimous consent that immediately following my remarks, an article from the Washington Post appear concerning the new proposal on this bill.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 11, 1992]

LABOR SHIFTS, OFFERS TO CURB STRIKE RIGHTS

(By Frank Swoboda and Helen Dewar)

Organized labor yesterday offered to limit its ability to strike if Congress would restrict the use of permanent replacement workers by employers in contract disputes.

The proposal by the AFL-CIO represents the first time labor has agreed to restrict its basic ability to strike since passage of the National Labor Relations Act more than half a century ago.

The compromise also reflects the degree of labor's desperation as it struggles to win congressional support for protection against the use of permanent replacements for striking union members. The threat has escalated since President Reagan replaced striking air traffic controllers in August 1981.

More recently, Caterpillar Inc. used the threat of permanent replacements to force the United Auto Workers to end a five-month strike and return to work without a contract settlement.

Under the proposal introduced by Sen. Robert Packwood (R-Ore.), employers and unions would be asked to submit all unresolved issues in a contract dispute to a fact-finding panel appointed by the Federal Mediation and Conciliation Service.

If the employer accepted and the union rejected the panel's recommendations, the employer would be free to hire permanent replacement workers in the event of a strike. However, if the union agreed to the mediator's recommendations, the employer would be barred from hiring permanent replacements should a strike occur.

AFL-CIO Secretary-Treasurer Thomas Donahue called the proposal "a change in our historic position" toward collective bargaining. But many businesses are unlikely to embrace any proposal that would restrict their legal rights because they feel they have gained the upper hand.

At the same time, the proposal could bring about a measure of labor peace at a time when U.S. companies are facing increasing global competition.

The House approved a simple ban on the use of permanent striker replacements last July by a vote of 247 to 182. But the bill has been kept off the Senate floor for most of this year by the threat of a Republican filibuster. Supporters of the legislation need 60 votes to force it to the floor.

The compromise amendment, with the union's strike-limiting offer, was worked out late Monday at a meeting of top union leaders and AFL-CIO President Lane Kirkland in an effort to gather enough votes to block a GOP filibuster. "It's no secret we're working for 60 votes for cloture," Donahue said.

The Senate Democratic leadership had told labor it would not schedule a vote on the measure until it was convinced there were enough votes to prevent a filibuster. The leadership yesterday scheduled a vote for late today.

AFL-CIO officials would not predict how many supporters they expected in today's vote, but they appeared confident they would get at least 58 without the votes of Sens. Albert Gore (D-Tenn.) and Timothy Wirth (D-Colo.), who are attending the environmental summit in Brazil. If labor gets 58 votes without the two men, Senate Democratic leaders have guaranteed the unions a second vote when Gore and Wirth return, sources said.

Both labor and business estimated there were four Democrats and five Republicans uncommitted on the bill.

Labor has the support of a majority in the Senate for the bill but, so far, has been short of the 67 votes needed to override a presidential veto.

The Packwood amendment appeared to catch both business and the Bush administration by surprise yesterday. The unions did not present the proposal to either group before it was introduced.

Pete Lunnie, a lobbyist for the National Association of Manufacturers, said late yesterday that his group had not had a chance to study the strike-limiting proposal, but he predicted it would not change his group's opposition to the legislation.

"Our position has been that there's no need to change the law," Lunnie said. He predicted, however, that Thursday's vote would be a "crap shoot." There was no immediate reaction from the Bush administration.

The Packwood proposal is a process patterned after the procedures used to settle labor disputes between the U.S. Postal Service and its employees.

Unlike government workers, however, union members would not lose their right to strike. But workers who refused to submit their dispute to a fact-finding panel would be risking their jobs to preserve their basic right to strike.

If both sides refused to accept the terms of the fact-finding panel, the employer would be allowed to hire permanent replacements unless the union agreed to end any subsequent strike by accepting the contract terms proposed by the panel.

"In general," Packwood said in a prepared statement, "the legality of hiring permanent replacements would turn on whether the union or the employer was more willing to resolve the dispute peacefully and without resort to economic weapons."

"This presents the possibility of a whole new pattern of labor relations," Donahue said. He said the proposal could make the collective bargaining process "less confrontational."

Donahue, who met with several uncommitted members of the Senate yesterday afternoon, said "either party has the right to say I don't want to play, but they pay a price for saying it."

He said it would be the first time that both parties in a wide range of labor disputes would have the option of submitting their disagreements to a fact-finding panel.

Mr. METZENBAUM. I yield 12 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Senator from Ohio, and I thank the Senator from Utah for accommodating my schedule.

I rise to support S. 55. I think it is the most important piece of workplace legislation introduced before the Senate this year. The bill is designed to combat an unfair labor practice which has undercut the collective bargaining process in our country, namely, the permanent replacement of striking workers.

Mr. President, I have heard it argued that this piece of legislation is a solution in search of a problem. I have heard this bill described as a special interest bill. So let me put this into some historical context, because I think much is at stake, not just for unions, but for working people, and for that matter, for what this country is all about.

In the 1930's, many of our parents or grandparents struggled, and because of their struggles, I think they made this a better country, not just for themselves but for all of us. From these struggles emerged some modest protections against the terror of unemployment. From the struggle, American workers gained some protections, against strikebreaking, a minimum wage, the right to join a union, collective bargaining rights, and the establishment of labor-management framework for collective bargaining.

Mr. President, I suggest to you that the decade of the 1980's was a decade where we essentially overturned a half century of people's history. It was a decade of wages depressed, of all sorts of demands on working people: Health care benefits taken away, pension benefits taken away, unions busted, strikes defeated, broken dreams, broken lives and broken families.

Unions, Mr. President, do not just defend unions. Unions have been the only institutions in American society that have consistently defended the bottom 50 percent of the population. That is what is at stake with this legislation.

Mr. President, I disagree with the logic of the Mackay Radio Supreme Court decision. It did not and does not make a lot of sense to say, on the one hand, that a business cannot fire people who go out on strike, but a business or company can permanently replace them. That is a distinction that does not make a difference. But we have lived with that for decades, during which we had a labor-management contract, we had relatively good relations, and we did well as a nation. Then there was PATCO and the decade of the 1980's.

Mr. President, what has happened over this last decade and, unfortunately, into the 1990's, is that the right to strike has become the right to be fired. What is at issue here is whether or not working people are going to have a right to organize and to bargain collectively. That is what is at issue.

Mr. President, I smile when I hear some of my colleagues—those on the other side—say that S. 55 would upset the delicate balance. Whose balance of labor-management relations are they talking about?

Mr. President, when I hear people say that this bill is a solution in search of a problem, I wonder where they have been. When I hear people say that this bill is unnecessary, I am prompted to want to invite them to come to the cities and small towns from Minnesota to Maine. I wish they could have heard Thomas Pratt, father of eight children, who worked at International Paper in Maine, who testified recently before the Senate Labor Committee on which I sit. "Each month," he said before our committee, "I feel a little further behind, dipping into my small savings and eventually depleting it. Also I saved a little for each of my children hoping to be able to help them through college." He went on strike and was permanently replaced, with devastating consequences for his family. Charles Noonan, the town manager from Jay, testified.

"The hiring of permanent replacements has caused tremendous problems within the community, not only during the strike, but continuing problems, problems which will last generations. It has torn this community apart. Friendships which have existed have been torn apart," he goes on.

Mr. President, this is not an abstract issue. That is why I thank the Senator from Ohio for introducing this. This is all about people's lives. I saw it at Hormel Neat Packing in Austin; at Quality Tool; at United Brass and Metal Manufacturing in St. Paul. I could go on with a long list of strikes in which permanent replacement have been used.

But the important point is that it is not just the people who have been permanently replaced that would be affected by this legislation. It is all the men and women that I have talked to in Minnesota, and other States as well, who have worked under terrible working conditions. Their contracts are not satisfactory. They have seen their health care benefits taken away, pension benefits taken away, real wages deteriorate, holidays taken away, and they have essentially lost their right to bargain collectively, because they know their right to strike will not be protected. Too often, the troubling pattern of the 1980's union-busting approach is repeated.

The pattern works like this: Unfair concessions on their workers. Those workers are then forced out on strike. They are then permanently replaced. Shortly after that, their union is decertified. In other words, Mr. President, this consistent pattern of union busting has affected not only union people but the wages and working conditions of the vast majority of citizens within our country.

Finally, Mr. President, I have no patience—and I am willing to engage in this debate—with those who say that somehow this would upset a delicate labor-management balance. Again, I raise the question: Whose delicate balance? Because most of the people I know who work for hourly wage have seen time wages depressed and have been hurt badly. I have no patience with the argument that if this piece of legislation is passed, it will somehow hurt the economic performance and international competition of our country.

Mr. President, I just have three points, by way of conclusion:

First, as a matter of fact, the United States of America will do well economically when we have a real labor-management partnership, where there is a high level of morale and high levels of productivity and stability in the work force. You certainly do not get that when companies permanently replace people who are out on strike.

Second, in just about every other advanced economy that I know of, there is legislation on the books that prohibits companies from permanently replacing working people who are out on strike.

Finally, this piece of legislation does not upset a delicate balance between labor and management in current law. Rather, it corrects an imbalance in favor of employers. That balance was upset at the end of the 1980's, and it has gone on and on and on in the wrong direction. We simply have to have a partnership. We have to have labor and management working together. We have to have women and men in the work force really believing in their company. We have to do well economically.

I think this legislation must become the law of the land. I urge my colleagues not to filibuster. At the very minimum, let us go on with the bill and have the debate. I think personally this piece of legislation could make an enormous difference to the people of the United States, not just in terms of economic performance, but also in terms of bringing about more bread and more justice for people. And for that reason alone, I am very proud to speak for it.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to comment a little on this so-called compromise.

As so often is the case with controversial legislation coming out of the Senate Committee on Labor and Human Resources, there has been a whirlwind of rumors about what would happen over the next several days when we brought this bill up. Unfortunately, this is not an infrequent occurrence when it comes to labor legislation. The committee reports a measure, even though the proponents know the legislation will not become law unless it is significantly modified.

Our committee does that all the time. They are afraid to face a full committee investigation into what they are doing. So they wait until they get here, pretend they have a lot that is inviolate, pass it through the House and say we are going to change it now because we realize there are some defects in this, defects that we pointed out during the hearing. That is what they are trying to do now.

Instead, the committee majority waits until the floor to decide what it wants to do with the legislation. In some instances, both sides of the issue sit down and work out a real compromise, as was the case last year on the civil rights bill, but only after we had gone through 2 years of a lot of slogging. In other instances, however, the majority on the committee goes into furious negotiations with itself and the bill's supporters. At the last minute, they rush out and breathlessly announce that a compromise has been reached. All further debate is called off, and we are expected to pass the so-called solution after only moments of review.

That is typical of the Labor and Human Resources Committee and it is typical of the power of this one special interest group.

Apparently, we are witnessing the latter scenario—breathlessly rushing in here and saying, oh, we have a compromise; everybody can accept it now. And we are supposed to just pass that after a few minutes' reflection here on the floor. I suppose it will be about 2 hours of reflection and real substance.

As I understand, the proponents of the legislation may be on the verge of announcing a new solution. I suspect that Senator PACKWOOD will run in at the last minute and say, we have a wonderful solution to this. We understand the solution. As I understand the new proposal, it will be offered by Senator PACKWOOD and it can be found in one of a number of amendments the Senator filed yesterday.

Let me make one point as clearly as I can. The compromise suggested by Senator PACKWOOD is no compromise and in many ways is even worse than S. 55. Let me repeat myself. The proposed compromise does not correct the fundamental problems with S. 55. Almost everybody, even those who are voting for it, realizes what a defective bill it is.

The proposed compromise only makes the fundamental problems with S. 55 worse. And the ultimate effect of the compromise will be no different in the end than the effect of S. 55. The right to hire permanent replacements, the one leverage that the management has, will become totally worthless under the compromise.

I do not reach this conclusion easily. As I noted yesterday, S. 55 is an unusually poor piece of legislation, but, unfortunately, the purported compromise is even more far-reaching than what we were discussing yesterday. It would not only overturn the Mackay doctrine, which has existed for 54 years, upheld by the Supreme Court time after time, but it would also overturn much of the law which governs collective bargaining in this country. If you had a problem with S. 55, you will also have serious concerns with this alleged compromise.

As introduced by Senator METZENBAUM, S. 55 would overturn 54 years of legal precedent and practice. It would overturn years of Supreme Court law. It would destroy the current balance in Federal labor law, which places both unions and employers at economic risk—a risk that pushes both parties toward a settlement.

Employees have the powerful economic weapon of going on strike if an employer's offer is unreasonable. Similarly, employers have the powerful economic weapon of permanently replacing striking employees, if they choose, if the union's demands are unreasonable. There is a balance. It works. It has worked for 54 years and we are just going to throw it out the window at the last minute with a last-ditch, poorly written compromise. Well, that balance crafted in current law has stood the test of time for more than 50 years.

S. 55 would eliminate the economic weapon provided employers but, at the same time, it would preserve and protect the correlative rights of unions. Employers would not be able to hire permanent replacements, regardless of how long the union is on strike, regardless of how unreasonable the union's demands, and regardless of a company's market realities.

The proposed compromise goes further. Not only does it effectively eliminate the right to hire permanent replacements, it would insert the Federal Government into virtually every collective-bargaining dispute in the United States. Yesterday, the sponsor of S. 55 stated that the real purpose behind S. 55 was to save the American labor movement. Apparently that purpose has changed. Today, the purpose behind S. 55 is to completely overhaul bargaining in America and place it in the ever competent hands of the Federal Government.

We all know how competent those hands are. But that is what they are going to do with this particular compromise.

Under the amendment—now it is not a substitute, by the way; it still keeps S. 55 alive—under the amendment, there is no requirement that either party make any attempt to negotiate when they have a problem. In fact, unlike current law, it appears that a union can choose to go on strike immediately or it can file a written request for factfinding by the Federal Mediation and Conciliation Service. The amendment does not specify when the request can or must be filed. It does not specify whether the parties are required to bargain to an impasse or bargain in good faith. It does not address the issue of mandatory or permissive bargaining. Apparently, these details will be filled in at some later point, but by not addressing them, the authors of the amendment have basically destroyed that basic rules governing collective bargaining in the United States today if this bill passes.

Once the request for factfinding is filed, an employer has two choices. It can refuse the request and subsequently lose the right to hire permanent replacements if the union goes out on strike. The union has a choice. The employer does not. It also loses permanently the right to invoke factfinding and arbitration. The union on the other hand can resurrect its right at any time it wants to.

Moreover, the proposal does not even come close to providing employers with comparable rights to those provided unions. The delicate balance in labor-management relations will be gone once and for all. For example, an employer, on its own, cannot request factfinding. It is entirely within the union's discretion whether and when to initiate this process.

Similarly, while the union, acting on its own, has the right to prevent replacements, permanent replacements, the employer has no right to prevent strikes.

The alternative option is for the employer to agree to factfinding, even if it has no idea as to what the unresolved issues are. It must be remembered that this is another area that the amendment fails to clarify; namely, what is meant by unresolved issues. One can only assume that the entire collective-bargaining agreement would be—in fact, will be—an unresolved issue. Moreover, the discovery powers afforded unions may be far greater under this proposal than currently offered unions under current law. That leads to all kinds of additional costs.

I mentioned the health care system yesterday, the acute care help in hospitals and how they can be shut down, and how people can die, and how problems can arise, all because the strength is given over to the unions. There will not be a delicate balance.

Once the dispute is pending before the factfinding panel, the status quo is frozen and the union may not strike and the employer may not engage in a lockout.

The factfinding panel must be appointed within 10 days. The panel will consist of one labor representative, one management representative, and an independent arbitrator. Why three members are necessary is unclear, however, I would assume the most important member is the independent arbitrator. The panel, then, has roughly 45 days to have a hearing and issue a report. After the report is issued, the parties have 7 calendar days to inform the Federal Mediation and Conciliation Service whether they will accept the recommendations. That is collective-bargaining?

It should be noted that the amendment also fails to account for the great difference in the type of contracts governed by the National Labor Relations Act. They can range from small employers involved in one facility to national agreements covering numerous plants and operations in a variety of States. With regard to the latter, it is certainly questionable whether 45 days will be enough time.

I do not think anybody would doubt that there would be lots of questions about that.

At this point it gets very confusing. If both parties agree, the report will serve as a basis for the new collective-bargaining agreement. If, under this scenario, the parties subsequently have difficulty on the actual language of the agreement, either party may suggest or may request the factfinding panel to supplement its initial report with the necessary contractual language.

In other words, the Federal Government can write the collective-bargaining agreement.

Let me make myself clear. Either party can request that the factfinding panel actually write the contract—either party. Can you imagine? I cannot imagine the unions doing this, except they know that the Government is generally going to be on their side. They pretty well feel that way.

I have to tell you, I do not know of anybody in management who would want this kind of compulsory situation where the Government writes the collective-bargaining agreement. Come on. Anybody who has ever been concerned about labor-management relations has to say this is one of the worst ideas that has come up in years, and therefore it must be something that serves one side a lot more than the other. That is the conclusion you have to reach. And I have to tell you, there have to be management people all over this country who are quaking in their boots. If this is what is going to be the law, it would be miserable.

If the union agrees with the report but the employer does not, the union may go out on strike. And the employer, from that point on, cannot hire permanent replacements. And more important, the employer cannot change its mind.

The union can, but the employer cannot. Is that fair? Is that what is likely to lead to a resolution of labor problems in our society? Give me a break.

If the employer agrees with the report and the union does not agree, the union can still go out on strike. They can still go out on strike, but the employer at that point may hire replacements for the strikers. But that right is limited under this amendment. The union can still go out on strike and wait and see whether the employer is willing to hire permanent replacements. If it appears the employer will try to replace the strikers, the union can instantly change its mind and agree to the recommendations of the factfinding panel. It can simply make an unconditional offer to return to work, file another notice, and start the entire process all over again.

Talk about convoluting labor-management relations and giving all the power to one side. There is no way that the right to hire permanent replacements will continue to exist. There is just no way.

Finally, if neither party agrees to the report of the factfinding panel, the union can go on strike and the employer can hire replacements for the strikers. But this right is, once again, virtually worthless. At any time in this process, the union can simply say that it will accept the report of the factfinding panel. If they find their power slipping away, they just accept the report, which bats the employer from that point on from hiring permanent replacements.

What employer would ever attempt to hire permanent replacements? No employer could ever make a good-faith offer of permanent employment, because once the union sees the employer is serious in its efforts to replace the strikers, it can either agree to the report of the factfinding panel or make an unconditional offer to return to work and begin the entire process once again, until it gets a better agreement.

How is this an improvement on our current system? What denigration to what really happens to be a very good system of checks and balances on both, helping each to try to get to an agreement, rather than to an impasse.

In other words, under this proposal, the Packwood-Metzenbaum proposal, an employer can utilize permanent replacements in only two instances. The first is where the union goes out on strike and does not request a factfinding panel. The second is that the employer first agrees to compulsory arbitration. Nonetheless, in both instances the union has the ability to cut off that right whenever it chooses to do so.

When one pierces the veil of confusion and contradictions, a simple fact becomes clear. There is no difference between the effect of S. 55 and the proposed compromise. Both proposals would eliminate the right of employers to hire permanent replacements, because most employers will never be able to survive all of the hurdles that would have to be crossed under this bill as amended by Packwood.

Under the proposal, unless the union is extremely foolish and races out on strike without going through the arbitration process, the only way a company could hire permanent replacements is if it first agrees to compulsory arbitration.

Why would a union rush right out to strike when they could demand the compulsory arbitration? If they like the agreement, accept it; if they do not like the agreement, reject it and go out on strike then. And if the employer tries to hire permanent replacements, they immediately come back in and say: We will take the agreement after all. And once they take it, they can then, a short while thereafter, just go and do it again. It would not take long for management to just cave in every time—if they want to stay in business, that is.

Some may wonder what is wrong with this scenario, with making it virtually impossible for employers to ever hire permanent replacements. One must remember the real purpose behind an employer's right to hire permanent replacements. The vast majority of employers do not want to hire permanent replacements. But the fact that they can serves as a restraint on the economic demands the unions can make on employers. Once that restraint is eliminated—and this bill will virtually eliminate it; it will eliminate it—the only boundary on the requests of union leaders will be the limits of their own imaginations.

Present labor law balances the competing economic interests of labor and management. The compromise, in contrast, would eliminate those balances by allowing the union to bypass negotiations and the requirements of good-faith bargaining, and go directly to arbitration. It would eliminate the obligation to bargain to an impasse. It would make voluntary arbitration compulsory, allowing the union to force a company into the arbitration process, regardless of the employer's wishes.

Under the compromise, a company could not force a union into binding arbitration. As a result, a union will always be in control of the employer's right to hire replacement workers under the proposed compromise, making the right effectively worthless.

Under the National Labor Relations Act as now written, the role of Government is to bring labor and management together to negotiate in good faith. The Government referees the playing field under current law making sure neither party violates any of the rules of the negotiating game. It does not write the agreement between the parties. The law is premised on the principle that the parties themselves are in the best position to bargain to an agreement that addresses each party's concern.

The compromise, however, not only overturns the Mackay doctrine, a 54-year-old doctrine sustained year after year, and eliminates the concept of good-faith bargaining, it creates a de facto court of arbitration.

The closest existing practice to what is being proposed is current congressional handling of railroad labor strikes. Anyone who is familiar with this scenario understands what an unsatisfactory process this has become. Both sides have expressed interest in reform.

Oddly, this proposal, the Packwood-Metzenbaum proposal, would extend the scenario over all businesses and industries in the United States. The proposed compromise even dictates a new standard for collective bargaining agreements. Instead of the current standard 3-year contract, the proposal specifies that agreements reached under the proposals cannot extend beyond 2 years, a major change in collective bargaining law. In fact, unions could ask the arbitrator for a 1-year agreement in order to hasten the return to negotiations for a new, more generous agreement.

Mr. President, the common practice of arbitrators and mediators is to split the difference between the parties. Under this proposal, it would be in the interest of a labor organization and perhaps even in the interest of the management team to be as unreasonable as possible in order to win more during this factfinding process. This is not the conjecture of those who oppose this bill. As observed by Prof. Thomas Kochan, a well-known academics expert in labor policy, who has appeared frequently before the Labor and Human Resources Committee:

> The parties avoid making compromises they might otherwise be willing to make, because they fear the factfinder or arbitrator will split the difference because their stated position. * * * Thus, the bargaining process is chilled.

When parties position themselves at extremes, the basic element of good faith bargaining under current law is destroyed. As Professor Kochan states:

> Each party tends to hold back concessions when bargaining under these procedures, rather than lay its best offer or bottom-line position on the table.

It is striking that the proposal would have us adopt procedures similar to those currently used in the Postal Service labor disputes, except for one key provision. Postal workers, by law, are not allowed to go on strike. There is a real difference. The Packwood proposal puts employers between a rock and a hard place. Few, if any, employers have found binding arbitration a sound method of resolving labor relations disputes because arbitrators typically try "to split the baby" instead of developing a workable economic package. The knowledge that at any time the union could throw the dispute before an arbitrator, thus removing any control the company might have once had over the negotiations, will be a powerful bargaining weapon for labor unions and one-sided bargaining weapon for labor unions and an unfair bargaining weapon for labor unions.

The compromise provides that the factfinding board shall consist of one member representing the labor organization, one member representing the employer, and one "neutral member experienced in factfinding and interest arbitration."

Who selects the "neutral"? How does Congress intend to keep the process by which the Government selects neutrals from becoming politicized?

Mr. President, there is one additional issue that should not be overlooked. As I understand, the Packwood compromise is an addition to S. 55, not a substitute for S. 55. At first I was surprised at the formulation given the way in which some have described the compromise. It was not until I reread the proposal that I caught this immense loophole. I want to congratulate the authors of this proposal. As is so often the case with labor law, this is one of those subtle little word changes in which entire laws rise and fall. S. 55 bans the use of replacement workers in all disputes involving a labor organization that is, one, certified; two, recognized; or three, "* * * on the basis of written authorizations by a majority of the unit employees who are seeking to be certified or recognized."

The Packwood-Metzenbaum compromise, however, only applies to labor disputes involving recognized labor organizations, the smallest of the three categories mentioned above.

To the uninitiated, this is a pretty insignificant difference. To labor law experts, it makes all the difference in the world. Most labor disputes involve labor organizations that are certified, and they would not be covered by the Packwood-Metzenbaum amendment. What the proponents purport to give with one hand they actually take away with the other. Some have been marketing the Packwood proposal as a real compromise, yet it would address only a fraction of the labor disputes under S. 55.

Mr. President, S. 55 may be one of the most far-reaching and damaging pieces of legislation that we will consider this session. It will have a direct impact on millions of American workers, both union and nonunion, and millions of American businesses, large and small. No one will be immune, except perhaps this body, from the consequences of this bill because everybody knows we never apply these types of approaches to ourselves; we just apply them to everybody else out there. And then we wonder why the people have such a disdain for Congress. And to do it at the last minute, in a last-ditch amendment, something that is so poorly written that it leaves all of these threads untied, I have to tell you, it is really pathetic.

What we decide to do on S. 55 will have an impact that will last for years after all of us have left this Chamber. I only hope that, if this compromise is sprung in this body at the 11th hour, we look behind the labels and focus on the substance of the proposal. Overturning 54 years of legal precedent and practice should not be based on a whim, a guess, a hope, or simply on the characterization and explanations of only one party to this debate. S. 55 would overturn 54 years of Federal labor law. It encourages employees to go on strike. It ignores violence. It will have a devastating impact on the economy. It would benefit only one special-interest group at the expense of the rest of working men and women, at the expense of the free-enterprise system and, at the expense of public health and safety.

Faced with these problems, after more than 1 entire year, the proponents have rushed out a new compromise which they claim fixes the problems with S. 55. Unfortunately, the alleged fix is, in many regards, even worse than the original bill. It still eliminates the restraints on unions that stem from an employer's ability to hire permanent replacements, and in perhaps the ultimate congressional conceit, it would insert the Federal Government directly into the collective bargaining process for the first time.

We all know what would happen if that takes place. The mediators would do what mediators are charged with doing: Resolve the dispute by splitting the differences between the parties. If my colleagues feel compulsory arbitration is the ultimate solution, they should talk to some of the local public officials about the economic consequences of this approach where they are subject to it.

The proposal overturns existing law, which requires parties to bargain to an impasse, it overturns the doctrine of bargaining in good faith, and it apparently overturns most of the existing case law and precedent surrounding permissive and mandatory subjects of bargaining, and, even worse, after describing the proposal as a compromise, it turns out that the Packwood amendment would only apply to a fraction of the labor disputes covered by S. 55.

Mr. President, now is not the time to overhaul not only the Mackay doctrine but also most of the existing Federal labor law that governs labor disputes.

The alleged proposal is so poorly worded and incomplete that it will take years to rectify the damage that it will cause to existing law. When one looks at the fine print, it becomes evident that the AFL–CIO has given up nothing in the proposal. Normally, an employer enters arbitration in exchange for a promise from the union not to strike. That is not the case here. Nothing in either S. 55 or the proposal interferes with the union's right to strike. In fact, this proposal simply gives unions the additional option of picking between the strike or an arbitrator's award. What balance is in here for employers? I have not found it. I do not see any. I do not see any fairness here. I really do not believe this body is going to do this to this country. I hope it will not. I just hope and pray that it will not.

(Mr. KERREY assumed the chair.)

Mr. HATCH. I hope my colleagues will join me in resisting the majority leader's request to invoke cloture. S. 55 is flawed, and the alleged proposal does nothing to fix these flaws, and this is the most pathetic way of legislating that I know of. They go through hearings in front of the Labor Committee and then ignore the whole doggone bill when they get here because they know it is not a good bill; they know they cannot justify it intellectually. They know they are doing it for a special interest group that wants preemptive control of the collective bargaining process. We should not allow that to happen and sway the delicate balance that amounts to fairness on both sides. They do it at the last minute with an idiotic amendment that is poorly written, that would just lead to unfairness and disruption of our whole collective bargaining process in this country that was fought for and established for years and years and decades and decades, all at the last minute without one second of hearings.

We all know that it is commonly an argument brought up that, gee whiz, this is a common ploy of the Labor Committee because they know that most people really, if they look at this seriously, cannot agree with the type of legislation they bring out of that committee. They have always had the votes in committee because it has always been a stacked committee and those who are of the liberal persuasion have always dominated the committee. Never has there been an exception to that. So they can bring anything they want to out of the committee.

You would think they would correct the legislation, at least make it straight-up legislation in the committee, rather than trying to change it at the last minute. If the changes were good or added one decent thing to the bill, that might be another matter. These changes are not only bad, they are pathetic. And I do not know how anybody can, in good conscience, stand up and argue for them.

Mr. President, there is so much more to say but at this time I reserve the remainder of my time.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. I thank the Senator from Ohio for his time and his leadership. I want to put forth some simple points and principles.

For over 40 years the world has lived under the threat of the use of nuclear weapons. Thank God, there was general recognition that a nuclear weapon was an option that should never be used. Permanent worker replacement in an economic strike is that kind of weapon that should never be used, but increasingly it has been used. Just as the world is finding a way to put away nuclear weapons, we need to find a way to put aside this practice that has so harmed and disrupted our communities.

It is for the sake of fundamental fairness in the workplace that I became a cosponsor of this legislation shortly after coming to the Senate last year. And I did so because of experience as Pennsylvania's secretary of labor and industry for 4½ years where I saw the incredible human hardship brought upon workers, their families, whole communities, and companies and unions alike, by the permanent replacement of workers who exercised their right to strike.

This practice of using permanent replacements to disrupt the process of collective bargaining is a recent development in labor relations in Pennsylvania, like the rest of the country, particularly during the last decade. One need only visit communities, as I have done, that have been torn apart by the use of striker replacements, to see homes where the working parent has left to find a job somewhere else, where families are torn apart, where lifetime savings evaporate, where the homes themselves undergo foreclosure, where the tax base of the community erodes, and where the community is divided against itself. Examples of this abound in Pennsylvania.

Maybe the best known was the case of the International Paper Co. strike a few years ago that disrupted the lives of hundreds of residents in Lock Haven, PA, a community with a population of 9,230. Nationwide, over 2,500 workers lost their jobs in that strike to permanent replacements, many of these in Pennsylvania.

The use of those permanent replacements brought wounds to Lock Haven that you cannot imagine. Scars remain. Wounds are still open. It was not good for the company; it was not good for the union; it was not good for the community; it was not good for the citizens of Pennsylvania.

Then in Columbia, a small town in Lancaster County, a lockout and worker replacement at Grinnell Corp., owned by Tyco Labs, lasted from October 1987 through April 1989. While the normal work force of that company was 850 workers at the foundry and factory, over 2,500 replacement workers were used over 18 months. Eventually the union won a new contract but the hardships on those families, and the homes that were lost, and the effect on that community, needs to be known by this body. Those wounds are still open.

The use of replacement workers can also jeopardize public health and safety. Nowhere is this clearer than in the Greyhound strike where a replacement driver drove a bus off the Pennsylvania Turnpike in June 1991, killing 1 passenger and injuring 14 others. The replacement driver had been issued, hastily, a commercial license just 1 day before the incident. The National Transportation Safety Board concluded that the employer failed to ensure that the driver had met even the company's own minimum driver standards.

The Federal Highway Administration has proposed over $200,000 in fines against Greyhound, including 27 alleged instances in which drivers who failed drug tests were nonetheless allowed to operate buses in 1991. The company has indicated it is not going to contest those charges.

Practices like these are not the way to promote fair collective bargaining or promote public health and safety. The use of permanent replacement workers stifles what we need most in this country to become competitive in the world: labor-management cooperation in the promotion of increased productivity.

In Pennsylvania, as secretary of labor and industry, I spent a lot of my time promoting and building a whole network of joint labor/management cooperative programs with companies and school districts all over Pennsylvania. Nothing sets back that program more than the use of permanent replacements which wholly undermines the cooperative spirit.

It happens in school districts. There was a prolonged strike in Turkeyfoot Township, Somerset County, where permanent replacements were the constant and essential threat. Again, it is hard to describe the bitterness that resulted and is still lasting in that rural community. It was bad for the school; it was bad for the students, bad for the teachers, bad for the parents, bad for the school board, bad for that community.

Maybe the simplest way to put my point is that in labor-management relations divorce is not the answer. It is a last resort. Workers can ask for decertification of the union, but the house of labor and the house of business should be seen as one house. They must not be divided against each other, and setting up and permitting divorce by permanent replacement of the workers of a company is the last thing we want to happen in this country.

Mr. President, this legislation does not make strikes risk free. Strikes are always painful for both sides. They are the last resort.

But this legislation does recognize the changing dynamics of labor relations during the past 12 years and it corrects the imbalance that we have seen growing.

Furthermore—one last point—ending permanent replacement workers as an option through this legislation is vital to the health of a free labor union movement in this country. A free strong labor movement is vital to the growth of democratic institutions everywhere in the world, including the United States of America, from Solidarity in Gdansk to Solidarity House in Detroit.

Free trade unions have been in the vanguard of social and economic progress for the last century. In areas like child labor, minimum wage, overtime pay, retirement benefits, and health care that affect working people as well as in areas like civil and human rights at home and abroad, the American labor movement has been a leader in advancing the quality of human life.

I predict, Mr. President, that just as with those other reforms once sought by labor, child labor laws, minimum wages, the plant closing law a few years ago, the dire predictions on what would happen and how bad it would be will not turn out to be true in this case. In those cases we look back and say, why did we not do it sooner?

I presided over the beginning of the plant-closing advanced-warning law in Pennsylvania. Everywhere that happened, where there was advanced notice, it turned out to be good for the company, for the unions, for the workers, for the community. There was planning. We took job centers right into the factories themselves. Maximum assistance was given and maximum productivity continued in those companies until the closings or the mass layoffs occurred. I predict that is what is going to happen in this field when we see that permanent replacement is a practice of the past through this legislation.

Mr. President, the findings of the Wagner Act of 1935 ring as true today as they did then by declaring that the policy of the United States is to encourage collective bargaining by protecting the exercise by workers of their full freedom of association. This legislation restores the ability of American workers to exercise their collective bargaining rights without fear of reprisal.

I urge the Senate to pass S. 55.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I will yield 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for up to 5 minutes.

Mr. GRAMM. Mr. President, there are many arguments that can be made against this bill. I am sure that those who have been following the debate have heard the arguments that the bill is less than fair, that the bill would tilt the delicate balance between the rights of the business and the rights of workers, and that our labor bargaining relationship, which has evolved in law over the last 50 years, would be turned on its head. But I think that is getting too complicated.

In fact, this is about as simple an issue as you could ever debate. I think when the votes are tallied up this afternoon we are going to have fairly clear evidence about where people stand on one of the central issues that we debate here on the floor of the Senate all the time, and that is who believes in economic freedom and who does not?

The basic issue boils down to the following: what are the rights of the employee and what are the rights of the employer?

Mr. President, I feel very strongly that if I do not want to work for you, I have a right to quit. If I do not think you pay good enough wages, or I do not like the working conditions, or we have some kind of dispute, the fundamental source of my freedom in a free society is that I have the right to say that I will not work for you anymore. I also have the right, without using coercive power, to go out and urge other people not to work for you. I do not think anybody disputes those basic rights.

But what this bill says, in essence, is not only do I have the right to refuse to work for you, a right which no one denies, and a right I certainly support and have exercised myself, but I also have the right to prevent you from hiring anybody else to take my place.

Mr. President, that is a basic abridgment of the rights of the people who put up their time, their talent, and their money, who create the businesses, who generate the jobs, and who ultimately are at least a coequal partner with labor in making the economy go.

If workers refuse to work for somebody because of a dispute, say about wages, and if there are other people that are willing to work, to say that this employer cannot hire them, infringes on the fundamental rights of our people. If we did not have a legal system which is very perverted in my opinion, where we protect the right of two consenting adults to do anything other than engage in commerce and create jobs, this bill would be laughed out of the American courts. But what we are trying to do here is to say, not only does labor have the right to strike—which we all agree that it does—but that the employer cannot hire somebody else who is willing to work.

So one of the things we are going to know when this vote is cast is who does and who does not believe in economic freedom.

If this bill is passed and really becomes the law of the land, it would be bad because it would make America less competitive. It would inflate wages. It would delink wages from productivity. And as a result in a competitive world, we would see a decline in American living standards.

I am opposed to this bill for all those reasons. But the main reason I am opposed to this bill is because it is wrong. I have a right not to work for you and that right is protected. But if I do not want to work for you and somebody else does, you have a right to hire them. What this bill tries to do is take away from you that legitimate right.

This bill ought to be rejected, not just because it is bad economic policy, but it ought to be rejected because it is wrong.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I yield myself such time as is necessary.

The Senator from Texas just addressed this body and indicated that somehow under this proposal the employer could not hire people to work if there were a strike. That just is not correct. The employer has every right to bring in replacements on a temporary basis, to use executives of the company, use any kind of temporary help that he or she wants to bring in.

The real question is does the Senator from Texas—or any other Member of this body—not recognize that people who have worked 10, 20, 30, and 40 years have some rights? That they helped to build the company? Without them there would not be that corporation.

It is true that some of these new owners, these leverage buyout artists, these fast-buck people, who come in, take over the company, and boom, immediately they want to fire everybody. They want to change things around. They do not want a union contract.

I would just say to my friend from Texas, just realize these are people, decent American people, these are people who work for a living, who take home a paycheck every week, who are concerned about their families, who want their children to get an education, and they have a disagreement with their employer. And the question is when they have that disagreement, do they get terminated permanently, and striker replacements are brought in, or do they have a right to get their jobs back?

Then, my colleague says that in a competitive world we would see a decline in living standards if this legislation were to pass. Other opponents of this legislation argued that the bill would hurt the international competitiveness of U.S. industry.

This argument is absurd, and it is simply wrong on the facts. Virtually every piece of legislation to protect workers that comes before this body, almost every single one of them, is attacked by the business community with the claim it is going to hurt our international competitiveness. Rarely does the legislation in question have that effect.

For example, we heard the same protests about international competitiveness in 1988, when the Senate was considering legislation that I had proposed to this body to require employers to give workers 60 days notice before a plant closed. My colleague from Utah, Senator HATCH, warned, that the bill "would take away one of the most significant competitive advantages this country now has over its European trading partners," and would "compound the difficulties American companies have had making significant inroads into foreign markets."

Senator THURMOND claimed that:

> The plant closing provision would limit the ability of American business to improve productivity, increase efficiency, restructure and compete with overseas manufacturers.

Senator QUAYLE, now our Vice President, stated that "The true effect of the plant closing law would be to make American business less competitive."

I say to my colleagues in the Senate, after its enactment, let us fact it: The 60-day notice bill has had no impact whatsoever on the competitiveness of U.S. industry, prompting U.S. News and World Report to call it the disaster that never happened. That did not come from a labor organization. That did not come from one of the Senators who had voted for it. That was from U.S. News & World Report calling it the disaster that never happened.

This argument that is being made today is as much of a red herring in this debate as it has been on so many occasions in the past. The fact of the matter is, if you look at virtually all of our significant trading partners, you will find that they prohibit hiring permanent replacement workers in response to a strike. At the hearing on this bill in the previous Congress, two different witnesses testified about the workplace rules in a number of other countries, including Japan, Canada, and many European countries.

Mr. President, Japan does not allow an employer to discharge a striking employee. To quote from the study conducted by the Library of Congress, "The employer practice of discharging striking members and replacing them with newly hired workers is still unknown in Japan." "Still unknown in Japan."

The argument is made that this is going to hurt our international competitiveness. Japan does not seem to be having any problem in clobbering us on a number of different fronts, and they do not have strikers being replaced in the event of a labor dispute.

Any argument that Japan has a competitive advantage of United States companies because they can replace striking workers is clearly without basis.

In Canada, the law is clear in four Provinces that striking workers cannot be permanently replaced. In a fifth Province, Ontario, the hiring of permanent replacements is severely restricted. According to Professor Katherine Stone of Cardoza Law School, and the other five Provinces, the law is unsettled.

The law in Germany clearly protects the rights of workers not to be permanently replaced.

We all know that Germany just went through some major, major strikes, and they did not even talk about bringing in permanent replacements. According to Professor Stone, again,

> In Germany, a strike suspends but does not terminate the individual employment contract. Thus, participants in a lawful strike have a right to reinstatement in their former job at the end of a strike.

That is, quoting her, they cannot be permanently replaced.

This is true no matter how long the strike lasts. The workers who return following a strike cannot suffer a loss in status or seniority. Similarly, in Belgium, France, Greece, The Netherlands, Italy, and Sweden, strikers may not be permanently replaced. To quote again from the report by the Library of Congress:

> As a matter of principle, a strike in these countries does not constitute a breach of contract. In most of these countries, the strike brings about only a temporary suspension of the labor contract.

Continuing the quote:

> Thus, none of these countries empowers an employer to terminate the striking workers' employment and hire permanent replacement workers.

I could describe the law in all these European nations in some detail but let it suffice that none of them permits what we now allow in the United States under the Mackay Radio decision. Only in Great Britain and South Africa do workers have to worry about such unfair treatment.

How is it that in the face of these facts the opponents of this bill can argue that U.S. industry would be unfairly disadvantaged by the legislation we are considering today? That argument has no basis in fact. On the contrary, I think U.S. industry would be better off adopting the rules of our trading partners. These countries have obviously determined that fairness and good relations with workers yield competitive benefits.

In many of these countries, the trade union movement is stronger than in our own and is growing. Does that put these countries at a competitive disadvantage? Obviously not.

According to what the Members of this body say every day, these countries are winning the international trade battle. Maybe it is time we stopped trying to destroy trade unionism in America and look to our trading partners for lessons on how to foster it. Maybe it is time we remember that America has been strongest in the world's markets when our trade union movement was the strongest.

I urge my colleagues to look around the world, and to adopt this legislation. It is consistent with how workers are and should be treated.

Mr. President, I yield the floor.

(Mr. ROBB assumed the chair.)

Mr. HATCH. Will the Senator yield for a question or two?

Mr. METZENBAUM. Yes, on his time.

Mr. HATCH. Is the Senator fully aware that in Germany, more than one union can represent the employees in the same workplace unit? In Germany, there is a prohibition against strikes where there is no union representation. In Germany there is conversion into an illegal strike whenever picketers use intimidation as a tactic.

None of these apply in this country, I might add. In Germany, there is a prohibition against a strike being severe enough to grievously wound a company.

When you start saying let us adopt Germany's laws, there are a lot of reasons they may have a difference on this issue with us because of the much higher laws in Germany than we have here.

Do not throw Germany or any of these other industrialized countries up to me, because very few of them have the rights for union members that our collective bargaining laws allow.

So I wanted to point that out.

I reserve the remainder of my time.

Mr. GRAMM. Will the Senator yield me 2 minutes?

Mr. HATCH. I am happy to.

Mr. GRAMM. I am not going to get into a dispute about what labor law is in Germany or Japan.

Quite frankly, I think speaking of all this in these abstract terms about labor-management relations and laws in other countries, really, is a way of confusing the issue. I think that the proposed legislation before us is so outrageous that it can be defended only in one way, and that is by trying to confuse people about what is involved here.

Let us just reduce it down to its simplest form. You have somebody who is working, and you have somebody who has invested and has created a job. In the American system, if the worker wants to quit, the worker has a right to quit. If somebody comes along and offers a better job or better working conditions, the worker has a right to quit and go work somewhere else. That is the beauty of our system: Our basic right to vote with our feet.

However, if the worker says to the employer, "I do not like the wages you are paying and I am not going to work," the employer can go in and negotiate and try to raise wages, or the employer can go out and hire somebody else.

Mr. President, what gives us the right to infringe on the basic economic freedom of the people who save the money, created the capital, and created the jobs? It is one thing to say that I have a right not to work for you, but it is quite another thing to say that I can deny you the right to hire anybody else.

The distinguished Senator from Ohio tries to create a distinction where there is no difference. If I have the right, if I quit working for you, to come back at any moment and force you to fire the guy who was willing to work for you, that person has no established relationship with you. That is not a person whose human capital you can afford to invest in. That is not a person that you can afford to train.

So you can beat around the bush all you want, but what is at issue here is denying people who have created capital and jobs their basic economic rights.

Mr. President, what we really have here is a power grab by organized labor.

I think it is very interesting that this bill does not protect the nonunion workers who strike. If you have a company, and it is represented partly by union employees and partly by nonunion employees and they all go out on strike over wages, this bill says is that when the union decides to go back the company has to hire back the union workers but it does not have to hire back the nonunion workers. Are nonunion workers any less American? Does the Constitution set out one Bill of Rights for union people and another Bill of Rights for people who do not join a union? No.

This bill is not about workers' rights. This bill is about strengthening organized labor's ability to demand higher wages without relationship to productivity and, in the process, be guaranteed that if that effort failed, they could always come back and be restored to the position they were in before.

If you are going to have balance in negotiations, both sides have to have something to lose. The worker can lose the job that he voluntarily leaves, and the employer can lose a good worker if he lets the good worker go. That is the balance of economic freedom. That is the balance that ought to be preserved here.

A vote for this bill is against basic economic freedom in America. This bill ought to be defeated.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time charged be divided equally.

The PRESIDING OFFICER. Without objection, time will be charged equally against both sides.

The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PACKWOOD. Who controls time?

The PRESIDING OFFICER. The Chair reminds the Senator from Oregon that the Senators from Ohio and Utah control time.

Mr. PACKWOOD. Could I have 15 minutes?

Mr. METZENBAUM. Certainly.

The PRESIDING OFFICER. The Senator from Oregon is recognized for up to 15 minutes, under time chargeable to the Senator from Ohio.

Mr. PACKWOOD. Mr. President, I am going to offer—after cloture, not today—a compromise that I hope is a rational compromise in this dispute.

This is an area, labor relations, that I come to with some degree of experience—I do not want to say expertise—but at least some degree of experience. When I was a young lawyer in my first job I was with a large Portland law firm and I was the low man on the totem pole. And for 4½ years, I practiced labor law representing employers.

I do not want to overemphasize the significance. I did not do the immense, big employers; the more senior partners did that. But in those 4½ years I negotiated contracts, representing employers, which were arbitrated; usually arbitration of grievances under an existing contract. It is very unusual to have arbitration of a contract where both sides agree to be bound by the arbitrator's decision about what the contract ought to be. It is not unusual—in fact, it is quite common in labor contracts now—to arbitrate grievances inside the contract.

You fire somebody, and you say he is a lazy, shiftless bum. This is what the employer says. The union says: No, no; the reason you fired him is because he is gay, and you cannot do that. And you arbitrate that as to the reason for the firing.

I have been involved in mediation frequently. Mediation should not be confused with arbitration. Arbitration usually is agreed to by both parties, and it is binding. Mediation simply means both parties agree that a third party will attempt to mediate their differences. The principal Federal agency that does that is the Federal Mediation and Conciliation Service, and they do, by and large, a pretty good job. Quite often, in fact, they perform a function that the United Nations on occasion can perform, when two nations cannot quite agree, but they are happy to have a third party come in. It allows each of them to save face. And the Federal Mediation and Conciliation Service does that.

It may even make recommendations. Usually, the mediator just tries to get the parties to agree; but on occasion the mediator will make recommendations. They are not binding; neither party has to accept them. But sometimes it is helpful to have a third party say this is what you ought to do. And both sides can say, OK; I guess that makes sense. And, again, it allows you to save a little bit of face.

Then, I have been involved in some National Labor Relations cases, handling cases before the National Labor Relations Board, defending employers against charges of unfair labor practices. So I have a sense of what happens when you are negotiating and when you can see a strike coming.

I did discover—it was very interesting; I will not mention which unions—that some were unions that were not as strong as others. In those days, $5 or $6, when I was doing this, would have been a fair-size wage. Some unions would ask for $5, and you knew they would settle for $3.80. But you would only get there when you had 15 or 20 meetings.

Some unions would say $5. You knew they meant $4.80 and no less. And if you did not agree with that they were going to strike, and it did not take you two meetings to figure it out. There is a psychology to it.

But the amendment I am going to offer should not be confused with arbitration or compulsory arbitration, especially. It is not that. It is much more akin to mediation. But I would call it kind of a quasi-compelled mediation. You do not have to do it. The union does not have to do it; the employer does not have to do it. But there are some penalties involved if you do not do it.

Here is roughly the way it works. You have reached an impasse. You cannot reach a contract. So the union says: We would like to have a mediation panel. They have to say this 7 days before they are going to go on strike. The employer gets notice as to whether or not they want to accept the offer of the panel.

If the parties agree, each side picks one person. The employers pick one; the unions pick one. And then the two of them are to pick a third person. So you have a three-person mediation panel. If the two sides cannot agree upon a third person, then the Federal Mediation and Conciliation Service appoints the third person.

Now you have the panel together, the mediation panel. And if both sides agree to the panel, then you have the status quo for 45 days. You cannot strike; you cannot permanently replace anybody; you cannot have a lockout during these 45 days. The status quo exists; the existing contract exists, in other words. And during the 45 days—and by law, this is all the time you have if this amendment passes—during those 45 days, the mediation panel attempts to get the parties together.

But it also is a factfinding panel, and it also has the power to make recommendations. And in this sense it is more like the Railway Labor Act than the Federal Mediation and Conciliation Service, which usually does not make public recommendations.

This panel will make recommendations. They will say: 45 days are up. We have listened to the union; we have listened to the employers. Here is our suggestion as to how this dispute ought to be settled. We agree with the employer that the wages ought to be $10 an hour. We agree with the unions, however, that there ought to be time-and-a-half for every hour worked over 8 in a day, rather than just every hour worked over 40 in a week. We find the unions correct on that.

They go down and make their recommendations. They give them to the parties.

Now, if both sides agree to the panel's recommendation—both sides—then that becomes the contract for 2 years. But both sides have to agree to it, and there is no compulsion that you have to agree.

If, however—and this is where the penalty comes, assuming that, indeed, both sides have agreed—if the union agrees to the panel's recommendations and the employer does not, and the union strikes—the panel has said: Here is what we think. The union says: OK, we did not get everything we want, but we will accept it. The employer says no. Then, if the union strikes, there can be no permanent replacements. That is, if the union agrees with the panel and the employer does not.

If the employer agrees—and very frankly, in these kinds of cases, no side in mediation is ever totally happy, other than, in my experience in labor relations, both sides hate a strike. The unions do not really want to strike, and the employers do not want to have a strike. But if you are in a situation—and it can happen just as often as not—where the employer says of the mediation panel recommendations: All right, I did not get everything I wanted but I will accept it; and the union does not accept it and strikes, then the employer is free to hire permanent replacements.

Here is the critical key. Once the union makes that decision—the panel has said: Here's our recommendations. The employer said: I will accept it. The union does not.

If the employer agrees—and very frankly, in these kinds of cases, no side in mediation is ever totally happy, other than, in my experience in labor relations, both sides hate a strike. The unions do not really want to strike, and the employers do not want to have a strike. But if you are in a situation—and it can happen just as often as not—where the employer says of the mediation panel recommendations: All right, I did not get everything I wanted but I will accept it; and the union does not accept it and strikes, then the employer is free to hire permanent replacements.

Here is the critical key. Once the union makes that decision—the panel has said: Here's our recommendations. The employer said: I will accept it. The union does not. It goes on strike, and the employer is free to have permanent replacements. There is no turning back for the union. They cannot, 2 or 3 days later, after the permanent replacements are starting to be hired, say: Oh, we think we will accept the panel's recommendation.

They do it at the start. If they do not do it at the start—they make the decision whether they are going to strike or not. If they make the decision to strike, there is no turning back. And that, in and of itself, is going to cause a union to think twice before it goes out. Even if it does not like the recommendations, it is going to think very seriously about going back to the employer and saying: Well, you know, we do not really like exactly what the mediation panel said, but if you want just give a little bit more—just a little bit more here—we will agree to a contract.

And the employer thinks to himself: Well, that is a little more than the mediation panel suggested, but if I accept that, I have a contract. There will be no strike, and I will not have to hire the permanent replacements.

Most employers do not want to do that. So there is a great value in the union being in a position where it cannot really pick and choose. It cannot say: We do not like the panel's recommendation; we think we will go on strike. And just as the employer is starting to hire permanent replacements, the union says: We think we will change our minds and accept the panel recommendations.

They are giving up that right.

Let us take the last situation: Both sides disagree with the panel, neither of them like it, and the union goes on strike. In that case, the employer can still permanently replace. However, given this situation where both sides said, "No, we do not want the recommendation," if the union subsequently agrees, then there can be no more permanent replacements, but those who have been hired stay, and the union workers who have been replaced to that date are out because the union did not accept this at the start.

That is the proposal. It is a relatively simple proposal. I will say on behalf of the unions, I was surprised that they would accept this when I made the suggestion because I am well aware of what an anathema it is to organized labor to in any way consider any limitation or any legal impediment on their right to strike, and in this case, they are rising a lot and they are putting the power of the strike—I guess I should not say the right to strike, but the power of the strike—in a much less powerful position than it would otherwise be because they are going to have the opprobrium of the law against them if they turn down this panel's recommendation, and the employer will say, "I was sensible; I agreed with this panel's report."

So I hope, after we vote today on cloture, that some of those who maybe cannot bring themselves to support S. 55 in the form that it is in would be willing to look at this amendment and say: This could be a historic turning point in labor relations in this country. This amendment could be the day that we turn against the ultimate final weapon, the strike or the lockout, and say, is there a more conciliatory way to harmonize our differences in labor relations? If we find that way, it is going to be a happy day for employers and a happy day for unions and an excellent day for the competitive position for this country in the world.

I will be on this subject again. If cloture fails today, I will be on this subject again, and I very much hope the Senate will look kindly upon this and say this is the first breakthrough that we have had since the passage of the National Labor Relations Act almost 50 years ago that gives hope for some kind of conciliatory conclusion to labor battles rather than just the ultimate strike or lockout.

Mr. President, I ask unanimous consent to print a summary of the amendment.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PACKWOOD AMENDMENT TO THE WORKPLACE FAIRNESS ACT

I. SUMMARY OF THE BILL

The compromise amendment to the striker replacement legislation (S. 55) would do the following in the event of an economic dispute between labor and management:

1. the union has 7 days before striking to notify the employer and the Federal Mediation and Conciliation Service (FMCS) that they agree to accept the formation of a fact finding panel.

a. The panel consists of 3 members. One chosen by the union, one by management, and the final member agreed upon by the two parties. The amendment states that the panel will be selected "in the manner provided for in 39 U.S.C., Section 1207(c)(1)," which mediates disputes between the Postal Service and its unions.

2. under the amendment, if the union does not give the 7 days notification, then it does not receive the protection of the permanent replacement prohibition afforded to in the underlying legislation;

3. If both labor and management agree to allow the panel to conduct hearings and issue a decision, then the current collective bargaining agreement holds for the 45 day period. The *status quo* also includes the prohibition of:

a. a strike, and

b. the hiring of permanent replacements.

4. if the employer does not agree to the establishment of the panel, the s/he is prohibited from hiring permanent replacements.

II. RECOMMENDATIONS BY THE FACT FINDING BOARD

1. The union and management have within 7 days after the 45-day period of the fact-finding panel to accept the panel's recommendations. If both parties accept the recommendations, the new collective bargaining agreement is effective for a maximum of two years.

2. If the union accepts the panel's recommendations and management does not and the union strikes, then they are prohibited from hiring permanent replacement workers. This is the same as if the union accepted and management did not accept the creation of the mediation panel.

3. If labor does not accept the panel's decision and then strikes, then the employer is free to hire permanent replacement workers. The union does not have the option of accepting the recommendations once the strike begins.

4. If both management and labor do not agree to the panel's decision and the union strikes, then the employees can be permanently replaced.

a. If, however, the union later decides that it will accept the panel's recommendations, then the employer must stop the hiring of permanent replacement workers. Those employers whose positions were filled by replacements will not be hired back.

III. COMPROMISE TO BOTH LABOR AND BUSINESS

Currently, one of management's greatest concerns is that the bill in its present form would force them to accept demands made by labor because they are prohibited from hiring permanent replacement workers. The compromise amendment would:

1. Allow a *non-binding* mediation board to investigate the dispute and issue its recommendations; and

2. Leave the decision to the parties if they want mediation. The union decides if it wants to be protected from being permanently replaced; the employer decides if it wants the power to permanently replace.

3. Penalize labor for striking by being permanently replaced if they do not seek mediation through the fact finding panel or do not accept the fact finding recommendations.

Mr. HATCH. May I ask the Senator. We have what purports to be the language. Could I have a copy of the language?

Mr. PACKWOOD. That is the language.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized for up to 5 minutes.

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator HATCH, from Utah, for his leadership. Also, I would like to make a couple comments concerning the underlying legislation, S. 55, the striker replacement bill.

Mr. President, this bill, S. 55, and Packwood substitute amendment, in this Senator's opinion, are trying to fix a problem that does not exist. But, if they are successful, this legislation will create a lot of problems for American employers and employees. The individuals who supposedly this legislation seeks to help in my opinion, will be hurt in the long run. This legislation will make it more difficult for employees to have jobs at all. As a small businessman, I know what it is like to try to keep a business operating, and sometimes there are labor disputes. I would certainly agree with the Senator from Oregon when he said a strike is a losing situation for both sides. It is a loser for the unions and it is a loser for management. Strikes occur when the two sides are not able to communicate and work out their differences, and that is regrettable and has a lot of negative consequences for all the people involved. The fact is that employers view a strike as potentially crippling and will do all they can to avoid it—as will most unions.

I do believe that people have the right to get together collectively, to organize, and to bargain in good faith with an employer. If that is to their advantage and they deem it is to their advantage, that is their right. Those individuals also have a very critical right to withhold their services if they are not satisfied with the economic conditions in a workplace situation. They may withhold their services, either individually or collectively, if they so choose. No one should be compelled to work at any place if they are not satisfied with the working environment, the wages, or the conditions of employment. These are fundamental rights which are protected by the National Labor Relations Act.

Likewise, an employer has the right to keep the doors open. They have the right, if for some reason the employees decide to collectively not work, go on strike, an employer has the right to hire replacement workers. I say hire replacement workers. They have the right to hire permanent replacement workers because, in many businesses and industries, that is the only real option available. There are many jobs that temporary workers are not a realistic option.

I say ultimately that this legislation would not be beneficial for the working people because, if an employer is not able to keep the doors open, we are going to have less jobs. If an employer is not able to keep their plant operating during a work stoppage, those jobs could be lost and possibly lost forever.

Therefore, I think it is vitally important that we look at this legislation today and, ask ourselves if it is needed? And I say the answer is without a doubt it is not needed.

The second question is, why is it here? I would say a lot of leaders in organized labor want the Congress to try to achieve some of the goals that they have not been successful in achieving at the bargaining table.

And, third, I really say to my colleagues, we are wasting our time. We are flat wasting our time. This bill is not going to become law. The votes are in both House and the Senate to sustain the President's veto. The President has already stated that he would veto this legislation.

So, frankly, if the votes are there to sustain the veto, what we are doing is the same thing we did on campaign finance reform. Again, the Democratic Party is trying to push this through, they know it was going to be vetoed, and that the veto will be sustained as has been the case on a number of other pieces of legislation we have been working on this year. Frankly, everyone in the Chamber, everyone who has been working on this issue is well aware of where the votes are, is well aware of where the administration stands, and is well aware that this is not going to become law.

I, for one, would like to see us work on some things that would make some positive, significant economic contributions.

Mr. PACKWOOD. Will the Senator yield?

Mr. NICKLES. Mr. President, I ask the Senator to give me an additional minute.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Oklahoma is recognized for 1 additional minute.

Mr. NICKLES. Mr. President, I would like to conclude by saying I really wish we would not spend our time working on legislation that has no chance whatsoever of becoming law. Instead, let us work together and put together a tax package, I say to Senator PACKWOOD, the ranking Republican on the Finance Committee—let us work on a tax package that can employ people. Let us make some changes that we can agree on, changes in the Tax Code.

I think a lot of us would agree mistakes were made in 1986 or 1990. Maybe we could pull together thoughts, elements that we happen to agree on—maybe it is on health or maybe it is on the Tax Code—that would help our economy, that would make some positive changes. Maybe we could work on some things which would help us collectively in a bipartisan fashion to get the deficit down without waiting for the balanced budget amendment. There are a lot of things we could and should be doing on a serious economic basis. The legislation we have before us today is not one of those.

Mr. PACKWOOD. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. METZENBAUM. One minute.

Mr. PACKWOOD. I agree there is no point in wasting our time. All sides feel passionately about this. In order to avoid wasting time, why not pass it, send it down to the President and let him veto it. That would save us all the time.

Mr. NICKLES. I tell my colleague from Oregon, I do not think it is good legislation. I do not think we should try to assist passing legislation so we can count on the President to veto it. I think a lot of people want that to happen. They think by passing this legislation and having the President veto it, it will help them in the elections. I think the same thing has happened on unemployment compensation. I think the same thing has happened on the supplemental appropriations bill, where again Congress, mostly controlled by the Democrats in the House and the Senate, thought here is a supplemental; the President asked for $480 million, let us pass $2 billion and make him veto it.

Mr. PACKWOOD. Regardless of the merits or demerits, I am not suggesting anybody change their vote. I am just saying, to accommodate the Senator's argument about let us quit wasting time, why go through a couple hours of debate and a cloture vote. Why not pass it, send it down, and cease the time-wasting.

Mr. NICKLES. There is a real desire amongst a lot of people, maybe the majority in both the House and the Senate, who would love to pass this legislation down to the White House and have the President veto it, which he probably will end up doing, again simply to gain political points.

The PRESIDING OFFICER. The time has expired.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I will just take 15 seconds. First of all, this is very bad legislation, and the Senator's amendment makes it even worse, in our opinion. And we think we have an obligation to resolve this matter.

I yield 10 minutes to the distinguished Senator from Vermont.

PACKWOOD AMENDMENT

Mr. JEFFORDS. Mr. President, there is no area that raises the emotions to a higher pitch than disputes between labor and management. I have spent in the past many hours and years working in the area of labor law; I studied it; I also was the author of Vermont's labor laws, conceiving of such things as the right of public employees to strike, the first state, I believe, in the country to do that.

So I understand pretty much the problems with which we are dealing, and I agonized from yesterday to today over the proposal of my colleague, one who I have such tremendous respect for, Senator PACKWOOD, on his addition to the arguments. I must say that I see merit in the approach that he has taken and that the unions have come forth with, and I commend them for doing that.

But I must speak in opposition to his amendment. I am not sure why it is but labor-management relations always seem to have reached the boiling point by the time we address them in Congress. Our system seems unique in many ways, notably in its reliance on confrontation in the workplace and on the Senate floor.

Maybe this is because our labor law is relatively young. Up until just over 50 years ago, labor rights were virtually nonexistent and organizing and collective bargaining were rare indeed. Collective bargaining did not really come of age until the Wagner Act erected statutory protections.

The world has undergone revolution after revolution in the last 50 years, and I think it is fair to question whether the structure established 50 years ago is still as appropriate now as it was then.

Unfortunately, that was not the inquiry conducted by the Labor Committee during its hearings on S. 55. I mean no disrespect, as it is true of most hearings, but essentially our hearings were designed to make the case for legislation that had already been drafted rather than to determine the scope and nature of a problem to which legislation could be directed.

There are many aspects of collective bargaining that we might have productively pursued. As I voiced during these hearings, it troubles me that unfair labor practice strikers must wait so long for a resolution of their charges, sometimes years. Further, the sanctions against employers in these instances seem to be insufficient.

As I noted during those hearings, the celebrated cases where permanent replacements have been used, the Daily News, Eastern Airlines, Greyhound, hardly seem to be models of successful corporate strategies. But maybe there is some value in looking at the special circumstances of concessionary bargaining, if there is some way that we could agree on defining so nebulous a term. I think we should really take a look at whether the law is adequate with respect to such bargaining or should we treat it differently.

I think, too, that we should look at first contracts, where there is no established bargaining relationship. Perhaps a third-party intermediary could play a useful role in these difficult situations. As one who supported labor reform in the late 1970's, I am certainly open to suggestions on ways to streamline the process on deciding whether or not a group of workers wishes to organize.

But the biggest problem in the workplace is not the law. It is the phenomenon of the shrinking of our world. We were an insular power in 1938, one of many, and we emerged from World War II as the greatest economic power on the planet. It is not surprising, given that our country was spared from damage during the war, that the 1950's and 1960's witnessed an economic boom in our country, nor is it surprising that our preeminence was eroded in the decades that followed as other countries rebuilt and retooled.

Look at unionization rates. PATCO, if it had any impact, was a pimple with respect to that. And incidentally, I supported the union in that one. I think they were unfairly treated. Union membership has been in steady decline since the 1950's as manufacturing employment stagnated and foreign trade pressures increased. In 1935, we could afford to consider labor-management relations in isolation. In 1992, we no longer have that luxury, nor do we have the luxury of wasting our resources, human and economic, on bitter strikes and lockouts. I think some businesses know this and some unions do, too. Some of us in the Congress are coming to the same conclusion as well. Thus, I want to commend my colleague, BOB PACKWOOD, for trying to craft an amendment to temper somewhat the escalation of conflict of our current collective bargaining system.

Although factfinding is alien to most private bargaining relationships today, it might be a constructive addition in the right context. I wish we had spent time in our hearings exploring this sort of option rather than making a demon out of the Daily News.

It is difficult for me to understand all the implications of Senator PACKWOOD's amendment, coming as it does on the eve of our vote. Numerous questions arise as to how it would be applied in the many and varied situations which constitute modern collective bargaining. The well-meaning but meager summaries and explanatory statements which have been offered simply cannot and do not address all of these concerns. In the few hours that I have been given, and based on my reading of the amendment, I find that I cannot give it my support. As a technical matter, I am not sure if it is drafted correctly. As I read it, S. 55 would apply its prohibition on permanent replacements in labor disputes involving unions which were "certified or recognized" representatives of a bargaining unit, or "seeking to be so certified are recognized" on the basis of employee authorization cards.

However the Packwood amendment would insert its new procedure into the situation only where the labor dispute involved a labor organization that is the "recognized exclusive representative of the striking employees." The vast majority of labor-management collective bargaining relationships follow the certification of a union's representative status after NLRB or RLA supervised elections.

Thus, only those relatively few situations in which an employer voluntarily recognizes a union's status, which by definition would seem to be a harmonious situation, would be affected by this amendment. In all other cases, the blanket prohibition of permanent replacements contained in the unamended text of S. 55 would apply.

This effect may well be unintentional, but I see it as undeniable based on the language of the amendment. Even where this defect cured, I cannot subscribe to the amendment's intent. Although it is described in the Washington Post as a revolutionary restructuring of collective bargaining and the first union-sponsored limitation on the right to strike, I really do not see it as such.

As a practical matter, it might impel the union toward accepting the factfinder's recommendation, but there is no penalty on the union for failing to do so relative to current law. In fact, it seems to give a union as many as four bites of the apple in its effort to get the best possible terms before bringing the parties back to the current status quo of a strike with the possibility of permanent replacements. The opportunities for employers are fewer and the penalties higher.

I would be happy to consider a proposal that would provide a greater incentive for employers to reach an agreement, but it cannot be a one-way street. Unions, too, must have greater incentives for such an approach to be fair. While an employer might be denied his right to use permanent replacements under the current proposal, the right to strike would be unfettered.

I am not one who believes unions are or would be strike happy. A strike is an economic hardship, albeit one made in the hope of economic gain. But employers must have a real right to try to maintain their operations to offset the union's right to strike. If after testing the waters in negotiations, the union sees it can easily be displaced by qualified workers at the price it refused, it can block the employer's effort to do so by submitting to mediation, try for more by striking, and go back to work if the strike fails.

I also wonder if this proposal might actually prevent parties from reaching partial agreement. I do not know how the parties might choose to posture if they know a dispute is likely to be mediated. If this possibility lies down the road, even good-faith efforts will be constrained.

For example, if an employer has a fixed pot of money to spend on an agreement and knows that any outstanding issues will be sent back to a fact-finder, will it be likely to settle on a price on wage and pension issues and leave health care out as a wild card? My guess is the employer will not and will insist all issues either be settled or submitted to the factfinding.

Given the size of this task, the fact finder would have a difficult time reaching conclusions in 45 days. This is particularly true if you bear in mind that the factfinding board consists of a labor member, an employer member, and a neutral member. If there is disagreement, as one might expect between the interested parties, does the neutral have to side with one or the other to have a majority recommendation from the board? And if the neutral does not, is there a deadlock and then what?

Key to any decision by the factfinding board is the standard that must follow. Senator PACKWOOD'S amendment requires that recommendations be designed to achieve a prompt, peaceful, and just settlement of the dispute. I would guess this standard "prompt, peaceful, and just" was written with some care.

Since the predicate for this process is a potential strike, presumably organized labor must be satisfied for the above standard to be met. It is not clear to me that economic considerations for the employer would be a consideration for the factfinding. Issues like market share, profitability, or foreign compensation would not seem to figure into the Board's decision.

Just a few months ago the Vermont Legislature considered this same proposal for its employers not covered by the NLRA, or the RLA. Interestingly, one of the principal groups affected, teachers, now submit to factfinding. The Vermont Legislature rejected this approach, feeling it would undermine the current collective-bargaining process in our State.

I think we must reach the same conclusion. Our current system is far from perfect, and I think constructive changes can be made. This bill alone or as amended is not among them. I urge my colleagues to oppose it. But again I want to say that I am very pleased with the fact that we have seen a new suggestion come forward with respect to how to handle some of these most difficult cases in collective bargaining.

As I mentioned earlier, concessionary cases, ones where the employees are asked to give up something for which they already have bargained, are the kind of situations where I think we ought to look at some dispute resolution process other than the threat of strikes and permanent replacements. In addition, I know from my own experience in labor relations, that the first contract after successful organization by a union is so very hard to reach. Thus, I can see some advantages to looking at other options for those situations and treating them separately.

GENERAL POINTS OF DISAGREEMENT

Mr. President, no traditional labor law issue has recently so galvanized the actions of the interested parties as the legislative debate on banning the hiring of permanent replacement workers. While everyone can agree that this issue cuts to the very heart of the collective-bargaining relationship, there is wide disagreement as to whether passage of this legislation will help or hurt the institution of collective bargaining.

Needless to say, we need to agree on whether there is a problem requiring a legislative solution before passing that solution into law. I have tried to keep an open mind on these issues and I have carefully considered the hard facts and anecdotal testimony presented both in support and opposition.

At the outset, let me say that I take no great joy in adopting the position that I do on this legislation. Historically I have more often than not supported the legislative initiatives of organized labor, and certainly have done so far more frequently than organized labor has supported me. I come to my position not because of a hidebound opposition to unions, but rather because I genuinely disagree with their conclusion that this legislation will be good for American workers, American business, or the American economy in general.

Perhaps what is needed is to open up a broad-based discussion on the way in which labor relations disputes are resolved. I am a supporter of the American system of collective bargaining and I believe, for the most part, that it does a good job. However, that system works better for all concerned in times of economic expansion than it does in times of recession. This is elementary and understandable, just as is the desire to change the rules of the game when your side is not winning. But that is just not the way we do things, nor should we in this case.

Mr. President, I, for one, would be willing to explore the options which exist in the area of alternative dispute resolution. We do have some history in this country on this issue. There are segments of the work force which have the right to bargain collectively but not the right to strike. In those instances, various systems have been devised for resolving disputes on which the parties themselves cannot agree. Perhaps, just perhaps, it is time to begin moving away from the ultimate labor warfare of strikes, lockouts, and replacement workers and toward some alternative system. However, my willingness to engage in this dialogue does not signal any agreement with the present legislation. If one of the legs of a stool is a bit long you trim a bit off the long leg until it sits squarely, you don't chop off the whole thing. S. 55 chops off one leg of the collective-bargaining stool and for that reason I believe it is too extreme in its remedy.

Mr. President, we are talking here about overturning a 50-year-old Supreme Court precedent that has been reaffirmed on numerous occasions by subsequent court and NLRB decisions. The Congress itself has previously examined this very issue and has always chosen to leave the Mackay doctrine intact. Given these facts, I simply cannot conclude that the legislative reversal of that precedent as proposed by S. 55 is warranted by any facts or circumstances that have been brought to light.

I am no stranger to congressional efforts to reverse wrong and controversial Supreme Court decisions. In fact, I spent much of the past 2 years in the effort to enact legislation reversing several wrongheaded civil rights decisions of the Court. Ultimately, we were able to reach a consensus in this debate and pass the Civil Rights Act of 1991.

I believe that the key to our success in that effort was the core agreement that some type of legislative action was necessary. As legislators and policymakers we had legitimate disagreements as to the exact measures which should be enacted to correct the Supreme Court's missteps on civil rights litigation. However, virtually everyone, including the administration, agreed from the outset that at least some action had to be taken. From this seed we were able to bring to flower a final product which could be overwhelmingly passed by the Congress and signed into law by the President.

The pursuit of good social policy can compel the Congress to act in such situations and I have not been reluctant to answer the call. Indeed, Mr. President, I find it all the more difficult to believe that the Mackay decision was indeed contrary to the intent of the Wagner Act precisely because the contemporary Congress failed to take action to reverse the Court's holding. The record seems to indicate the ratification of the Court's interpretation not only by the contemporary Congress, but also specifically by the act's principal sponsor, Senator Wagner.

My difficulty with S. 55 is that I am not convinced there is a problem with the hiring of permanent striker replacements that requires any legislative solution, much less the specific solution advocated by this bill. I am not alone in this conclusion Mr. President. The data produced is at best inconclusive on whether this is a growing trend in the business community or that it is any more prevalent now than it was in the past.

There have been some suggestions that the pace of NLRB procedures in cases where permanent replacements have been hired might be sped up, but not one seems too enthused about this approach. In fact, it seems that the delays are really more in the courts after the Board has concluded its activities than in the Board procedures themselves.

The ultimate question, Mr. President, is why change the standard on hiring permanent replacement workers after all these years? Has the context of American labor relations so changed in recent years that the balance drawn in Mackay has tipped?

The best answer, and the one I would most readily accept, is that anything 50 years old needs to have a checkup or tuneup to make sure it's still in working order. This would be reasonable as a center from which to build support. The proponents of this bill do not begin from this premise, and I can only guess why this is so. This reasoning clearly could justify the type of investigation of the issues and search for solutions which I suggested at the outset of these comments. However, it does not dictate the particular outcome proposed by S. 55. If the complete reversal of the Mackay doctrine is not guaranteed, the supporters of S. 55 apparently want no part of such a reasoned approach.

The bill's supporters promote the banning of permanent replacements on the basis of a number of facts and conclusions:

First, the decline in the number of strikes and the continued downward slide in union membership figures are allegedly linked to fear of permanent replacement;

Second, the GAO opinion poll and its various revised versions cite an overall impression by those involved in labor relations that permanent replacements were used more in the 1980's than in the 1970's;

Third, finally, we are warned that a growing number of employers see hiring permanent replacements as a seductive alternative to good faith contract negotiations. To these employers, the Mackay doctrine supposedly is an invitation to provoke a strike in order to replace union workers with a less costly and presumably more pliant nonunion work force.

However, Mr. President, the very statistics and trends cited in support of the bill are subject to different interpretations which do not argue for the banning of permanent replacements. Thus, the decline in union membership may well result more from the sorry competitive state of blue-collar industries in the industrial heartland of America, where unions have historically been strong, than from a scheme by employers to provoke strikes and rid themselves of unions.

This is especially so since the replaced strikers continue to have the status of employees for at least 1 year. Even if replacements are hired, the employer must continue to bargain in good faith with the union. Further, unless it is decertified by a majority of the employees, the union continues to represent both the strikers and the replacements. The mere act of replacement does not create a presumption that the union has lost its majority support, and thus, does not guarantee the union will lose its representative status and be ousted from the employer's establishment once and for all.

The GAO study reveals that only 3 percent of strikers were replaced in 1989, down from 4 percent in 1985. A followup AFL–CIO study on the incidence of strike replacements found that 11 percent of strikers were replaced in 1990. However, it should be noted, that study surveyed only strikes involving 1,000 or more workers—less than 7 percent of all strikes—and was conducted only among union officials.

The actual incidence of strikers losing their jobs to replacement is likely to be even smaller than these reports indicate. The cited data fails to account for strikers reinstated as the result of: First, strike settlement agreements; second, NLRB orders in unfair labor practice strikes; or third, vacancies created by the departure of replacement workers.

Even on the issue of employers announcing the intention to use replacements, either or after commencement of a strike, neither the GAO study nor any other reliable source reveals a significant upward trend in this practice by employers.

Further, I would interpret the reduction in the number of strikes as a hopeful sign that we are moving into the age of greater labor-management cooperation, and not as an evil omen that growing numbers of employers want to join the ranks of the labor law bandits.

Mr. President, I simply do not see the hordes of employers lining up to follow the shining examples of companies that have replaced their workers in the context addressed by this bill. Frank Lorenzo's involvement in the airline industry is not an American business success story. Greyhound Bus Lines and the New York Daily News are mere shells of their former selves. For the coming generations of business executives, the actions of those companies that have pursued the course of forcing unions out on strike in order to replace the workers is only seen as a negative example, a demonstration of how not to conduct a successful business enterprise. Thus, I think the fear of a growing tide of this behavior is unjustified.

Despite the few high profile examples which are cited in support of this bill, the vast majority of the business community, and even some members of organized labor, have come to recognize that "busting unions" by forcing workers out on strike and permanently replacing them is simply bad economics and, thus, bad business practice. This is so because of the basic bottom-line analysis that any company must make in determining whether to adopt a replacement strategy: Is it less costly to settle with the strikers, or to hire new workers—presumably with a lower wage and benefits package—but to bear the expense of training them and also the cost of lost productivity, lost market share and lost profits during the 5 to 8 years it might take for the new hires to become as capable as the old work force?

Faced with these economic realities Mr. President, it is not surprising that so few companies take the replacement option. We are told that unions and workers do not lightly call for and engage in strikes because of the cost to them in lost wages and benefits. Well, as one would expect of a balanced situation, employers too must weigh the cost of replacements against the benefits to be gained. No employer lightly makes the decision to proceed in this fashion, and those that do so often have no other viable option.

I think it is more rational to conclude that the Daily News, Greyhound and Eastern Airlines represent aberrations rather than a behavioral norm that many employers would want to imitate. To the extent that the beginning of a trend is suspected, it may have been nothing more than a reflection of the merger-mad, go-go spirit of the 1980's, with its massive amounts of debt-driven desperation on the part of over leveraged companies. This era has now been recognized for its counterproductive excesses and consigned to history. There is no basis for concluding that it represents the wave of the future.

Finally, we should ask ourselves, what is rational or beneficial about promoting more rather than less labor unrest? Why should we aspire to have more strikes?

I have always been a proponent of maintaining a fair balance between the interests of workers and employers. It is my natural inclination to support legislation designed to preserve such a balance where it exists or to create balance where it is absent.

In the area of strike replacements, the NLRB and the courts have addressed the issue down through the years dating back to the 1938 Mackay Radio decision of the Supreme Court. In my opinion, the job of balancing the right of employees to withhold their labor in pursuit of their collective economic objectives against the right of employers to continue operations despite such strikes has been pretty well achieved.

Mr. President, the Vermont State Legislature has just recently considered this issue in the form of a state striker replacement law proposal quite similar to S. 55. That proposal failed to pass the legislature and, thus, has not become the law of Vermont. All reports indicate that the deciding factor in the rejection of that bill was the strong belief by a majority of the members that such a law would tip the balance in collective bargaining too heavily in the favor of organized labor, and particularly so with regard to school board negotiations with teachers unions. Further, there was strong sentiment that such a law would make Vermont a less hospitable locale for business and put the State at a competitive disadvantage for business growth and economic expansion. I view the Vermont experience as a type of mini-referendum on this issue and I take some measure of guidance from that experience.

Accordingly, Mr. President, I do not believe that there is a pressing need to change the present state of the law with regard to the hiring of permanent replacement workers. We are in wide disagreement on whether there is a problem here which requires a legislative solution. Until that issue is examined in detail and viable alternative proposals are developed, I believe it would be a mistake to take the broad slashing strokes at the existing law.

For these reasons, I voted against S. 55 when it was considered in the Committee on Labor and Human Resources, and I will vote against its passage by the full Senate.

Thank you, Mr. President. I yield the floor.

INTERNATIONAL COMPETITIVENESS AND STRIKER REPLACEMENTS

Mr. President, I rise again today in further opposition to the passage of S. 55, the striker replacement bill. I have previously stated my opposition in broad general terms and I have been joined by a number of my colleagues in this opposition. In the debate thus far we have heard that there is no clear showing of a need for this legislation. The statistics cited in support of the bill do not demonstrate or provide irrebuttable evidence of a failed policy. Rather, they show a longstanding and well reasoned policy which has most often balanced the respective needs of the competing parties.

There is also concern for demographic trends that warn this Nation is on the verge of a severe labor shortage. As the pool of available workers shrinks, we are going to see employers less able to replace segments of their work force for any reason. In many areas of the country, hiring workers to replace strikers will simply not be an option. Knowing this, I believe that employers will be loath to push employees permanently out the door in the types of disputes addressed by this bill. Rather, the quest will be to find creative and cost effective ways to hang on to trained and skilled workers. The practice of hiring permanent replacements, which I don't believe is a growing trend, will soon become a dead issue without the need for this legislation.

However, Mr. President, my focus today is slightly different. The remainder of my comments will be directed at the issue of international competition, how it has reshaped our country and how I feel that the striker replacement bill will adversely affect this issue.

The global economy has changed dramatically since the 1950's and 1960's when American manufacturing was the dominant international force. This was a time when the costs of production could readily be passed on to consumers. American business was successful and organized labor reflected that success.

Although no precise date can be cited, around 25 years ago things changed. Forces began to emerge which were beyond the control of policy makers, beyond the control of business executives and beyond the control of labor leaders. Clearly, these forces were many and complex in their interrelationships, but suffice it to say that primary among them were rapidly rising energy costs and the availability of inexpensive and high quality imported goods. Cheap imports had been around for some time, but they generally were poor substitutes for American made goods. Most in this Chamber should be able to remember when "made in Japan" was code for cheap and shoddy. This perception has been completely reversed today.

Certainly it can be argued that American business did not react well to the challenges of the changing world economy. I certainly do not contend that any blame should be laid at the feet of organized labor to the exclusion of those American businessmen who were shortsighted in their response and sought only to secure quick profits at the expense of planning and investment in the future. Suffice it to say that changes did occur. Many businesses established production facilities overseas to serve their domestic markets. Others changed or abandoned product lines, ceding these markets or products to foreign competitors. Still others, however, confronted the challenges by addressing costs: costs of energy; costs of excessive management layers; and costs of labor and production.

While these adjustments have not been easy, and they certainly are not yet completed, American competitiveness is finally and slowly recovering. And now comes the striker replacement bill.

Mr. President, this legislation will surely encourage more strikes, shift the balance of power in labor negotiations to favor labor unions and produce noncompetitive wage settlements. These are not just my conclusions. They are the concerns expressed by the Carter administration Commerce Department when a much narrower replacement ban was being discussed as part of the labor law reform effort in the 1970's.

Any of these considerations is enough to make a strategic planner shudder. Anyone who is considering an expansion or an investment in Vermont, Texas, Oregon, or overseas, must evaluate the labor costs and the labor climate. Strikes at the construction phase of a new facility increase interest payments and delay product development. Strikes during production tie up resources and cripple sales. Organizing strikes at a trucking firm or other supplier separate the consumer from the product. Companies which manufacture their goods outside of this country and import them into the United States will have fewer of these problems, and this is true whether they are American or foreign owned. Their products will not bear the cost of the striker replacement bill.

Accordingly, by causing an increase in production costs—forcing employers to accept higher wages and benefits or more costly manning or production practices without regard to whether such costs can be passed along to consumers—S. 55 would hinder U.S. industries' effectiveness in competing in world markets. The bill would make American businesses less efficient and less able to respond to changes in world market conditions. This would translate into a smaller market share for American products at home and abroad. The resulting contraction in the American economy means that American workers would lose jobs and be permanently replaced, not by the so-called scabs who take their jobs during strikes, but rather by workers overseas whose employers operate with a vast competitive advantage.

Mr. President, this is the point at which the proponents of S. 55 usually point out that the countries which are our closest economic competitors—including Japan and Germany—do not permit the permanent replacement of strikers. In fact, they say, these countries have thrived economically without the evil entailed in the MacKay doctrine. However, what this comparative defense of the bill ignores is the fact that the laws of these other countries differ from American law in many more ways than just their treatment of this one issue. And not only are the laws different, but also the social and cultural contexts in which the laws developed. All are part of a package which is unique to each country and which is not as readily imported and exported from one to another as are the products of their industry.

The ultimate undoing of this element of the proponents' argument is that they clearly would be unwilling to adopt all of the laws and practices of any one of these supposedly enlightened countries. Whether it is the Japanese system with its almost feudal allegiance of workers to a single company, or Germany's prohibition of strikes severe enough to grievously wound an employer and its conversion of lawful strikes to unlawful status whenever picketers use intimidation as a tactic, American unions are not ready to make a wholesale swap. Looking at these issues in any other context leaves us with apple and orange comparisons leading to only invalid conclusions.

What it all comes back to Mr. President, is whether there is any good reason, in the American context, for a law banning the practice of permanent replacement. I submit that the proponents of this legislation have failed to show good cause for the change they advocate. I will admit that I am affected by the anecdotal testimony which we've heard in the hearings. I sympathize with the families who have suffered hardships and with the communities which have been disrupted by the throes and agony of protracted labor disputes.

However, Mr. President, if the objective of S. 55 is to end the pain and disruption caused by strikes, what sense does it make to enact laws destined to produce more strikes? We could better achieve the desired result by outlawing strikes altogether. Again I submit that this is not a result which would please the supporters of S. 55, nor do I personally advocate such an extreme response. But don't miss the point that this solution is no more radical in terms of upsetting the tried and true history of American labor relations law than the one proposed in S. 55.

In closing Mr. President, let me clearly state to my colleagues that labor policy cannot be legislated in a vacuum. We must be cognizant of social, cultural and legal underpinnings of our existing policies and the impact which proposed changes will have on these elements. Under the 1938 decision of the Supreme Court in Mackay Radio, employees have the right to strike to protest employer practices or to support their collective demands. Employers, on the other hand, have the right to operate during the strike. These are the competing interests which must be balanced. I believe that the Mackay decision struck the proper balance all those years ago, and it still holds true today. We should heed the old adage not to fix things that are not broken.

Mr. President, I oppose the passage of S. 55 and I yield the floor.

Mr. METZENBAUM. Mr. President, I yield myself such time as may be necessary.

I rise to say a few words regarding the compromise proposal just referred to by my colleague and good friend from Oregon. I have been working with him as well as organized labor to try to fashion an appropriate middle ground.

I believe that we have here a sound, reasonable proposal that would address the permanent replacement problem by encouraging the peaceful cooperative labor relations without settlements on either unions or employers.

Let us face it. Organized labor in this country has traditionally and consistently opposed compulsory arbitration. There is no compulsory arbitration in this proposal. It is worked out very well in such a manner that the parties can agree, or reach agreement to disagree, and under those circumstances each has certain responsibilities or in some instances perhaps penalties that they pay.

I frankly believe that a ban on the use of permanent replacements is what we should enact, but I believe and I am aware of the fact that a number of the Members of this body have been seeking a compromise. I learned long ago that the legislative process is one of give and take.

The Packwood language makes a major change in labor-management relations between employers and their employees. The addition proposed by Senator PACKWOOD would establish a qualified ban on the use of permanent replacements, a qualified ban. An employer would remain free to hire permanent replacements unless the union had shown its willingness to seek a peaceful resolution of the dispute through a neutral third party.

My colleague from Utah—and I did not get all the details of his statement, but he was saying something about the fact that you cannot have a neutral third party, that it is going to be appointed by the Federal Mediation and Conciliation Service. Let us face it. You have this kind of a situation every day of the week in America today where you have arbitrators appointed by impartial sources, and in those cases actually handing down final decisions.

This would not be a final decision. This would be a position that was arrived at by the three parties who made up the mediation panel. They would try to work together to get the parties to agree. If they did not get them to agree, they would come forth with their recommendation. Nobody would be obligated to accept this. If they did not, each party would come under certain responsibilities as provided for in the legislation.

Those who oppose S. 55 have spent a lot of time crying wolf about a possible increase in confrontations between labor and management. Well, the Packwood proposal calls their bluff, and it does it well.

I believe the factfinding process set forth here would give a real push toward the peaceful settlement of labor disputes. I am amazed in some respects that labor has been willing to accept it, but I think it is a major step forward on their part, and I am sorry that management has not seen fit to step forward and provide the same kind of support because what has occurred here is that under the Packwood proposal the union has an incentive to invoke the factfinding process and to accept the factfinding board's recommendations in order to avoid the risk of having strikers being permanently replaced. On the other hand, the employer would have a similar incentive in order to preserve the option of using permanent replacements should the union call a strike.

The only time the employer would forfeit its right to hire permanent replacements when a union strikes would be if the employer were not willing to go as far as the union in seeking a peaceful settlement through a neutral third party. And any employer that will not go that far surely does not deserve the right to fire lawful strikers.

In sum, Mr. President, I regret that we have to consider a compromise at all, but this is a reasonable proposal, one that will promote peaceful settlements, and minimize labor-management unrest. As the manager of the bill, I am prepared to accept it, when it is offered by Senator PACKWOOD, following the cloture vote.

To some who have inquired of me during the day that it would be my thought that if accepted we would drop it in the conference with the House, you have my assurance that would not be the case.

I hope those who have been talking about the need to encourage labor stability and avoid the disruptive effect of strikes will practice what they preach and stand up, support cloture, and indicate their support of this amendment.

Mr. PACKWOOD. Will the Senator from Ohio yield me 5 minutes?

Mr. METZENBAUM. I yield the Senator from Oregon 5 minutes.

Mr. PACKWOOD. I am grateful that the manager will be willing to accept my amendment. I will offer it whenever the cloture vote is over, and if we want to do it tonight or tomorrow, fine.

I want to clear up one thing my friend, Senator JEFFORDS, represented, the difference between certification and representation. These are technical terms that I did not mention.

Certification means that the National Labor Relations Board has certified this union as representing the employees. Sometimes you do that with an election, literally. You have a representation election for the purpose of deciding who is the bargaining agent. That often happens because you may have two unions trying to organize the same group, and the employer is not quite sure who he or she is to deal with. But once you are certified by the National Labor Relations Board, you are also recognized, unless—this is the unless—the employer refuses to deal with you.

You get certified by turning in a certain number of cards with signatures on them that says I want the United Food and Commercial Workers to represent us in this grocery store, and if you have a certain percentage, the National Labor Relations Board can certify you. The employer may say "I still do not think we represent a majority of the employees," in which case the National Labor Relations Board is compelled, if the union asks for it, to hold what is known as a representation election.

Just, does the union speak for the employee? It has nothing to do with what is in the contract. Do they recognize it?

I did not mean for this mediation panel, or want it to be involved in who should be the bargaining agent for the employees. I do not want them to make the decision as to whether it is the Teamsters or United Food and Commercial Workers. We have a law that does that. It is an expedited election, and it works well.

This is not a loophole of the law. I genuinely meant to leave the present law in place that determines who legally represents the employees. Once that is determined, I then meant for this factfinding panel to operate as I explained it in my opening comments.

I will say again that I am appreciative to the manager of the bill, Senator METZENBAUM, for being willing to accept the amendment. I will be prepared to offer it whenever it is appropriate.

I thank the Chair.

Mr. HATCH. If I could ask the distinguished Senator something. In his draft, it says the commencement of a labor dispute was "an employee of an employer in a bargaining unit in which a labor organization was the certified,"—this is S. 55. We are using that language which basically your amendment adopts—"or two, recognizes exclusive representatives; or three, on the basis of written authorization by a majority of the united employees who are seeking to be so certified or recognized."

There are three different categories there. It seems to me if you go further in the 3(a), it says, "the provision of section 1 and 2 shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours, or other terms and conditions of employment," which does leave out the other two.

It is very complex and very ambiguous, not clear. Frankly, it still leaves the striker replacement legislation, the underlying legislation, fully in force.

Is the distinguished Senator from Colorado prepared to speak?

Mr. BROWN. I am. I ask for 10 minutes from the distinguished Senator.

Mr. HATCH. I yield 10 minutes.

Mr. BROWN. Thank you for the opportunity to address the Senate Chamber on this measure. I also thank the distinguished Senator from Oregon for his amendment. It is an effort to bring the two sides closer together. I wanted to address some fundamentals of the bill before addressing Senator PACKWOOD's amendment itself.

Mr. President, I believe, and I think most Americans believe, that our labor laws ought to strike a balance between the powers of management and the powers of labor. The simple fact is that it is in our interest in this country to have this system work, and work effectively, to bring about a harmony of purpose between employer and employee.

I am convinced that that does not work well when one side or the other has a monopoly on power. The enormous advantage that management had during the past century is something that precipitated the very labor laws we debate today. The simple fact that management had a preponderance of the power during the 19th century is part of what built an American determination to change that, to redress the situation, and to provide a balance of bargaining power.

Likewise, Mr. President, I believe a monopoly of power and a preponderance of power in the hands of unions could be damaging to our country as well. What Americans want is not a clear victory or a monopoly of power on one side or the other. What they want is a fair fight. They want an opportunity for people to reach a mutually beneficial solution, and they want to make sure that the rights of either labor or management are not extinguished. It is thus with that commitment toward a balanced labor-management agreement that I look at this particular provision.

The suggestion that you should not be allowed to hire striker replacements is, by any person's definition, an enormous and fundamental change in the labor law of this country, a law that has stood for 57 years. This would provide a dramatic departure, by any definition, from the past history of our country and our labor laws.

I want to spend a moment on that, because I think the enormity of the change proposed here ought to be considered when one looks at this measure. The meaning of the measure, I think, is clearly established. In 1935, a Senate Education and Labor Committee memo addressed the particular subject of the Wagner bill, S. 1958, which "provides that the labor dispute shall be current, and the employer is free to hasten its end by hiring a new permanent crew of workers in running the plant on a normal basis."

That was entered into the records in 1935 when the measure was passed. It was the clear intent from the very start of the debate with regard to that labor law that the right to hire permanent replacements was indeed a right reserved for the business, the enterprise, itself. The simple fact is that this is not something that was vague or unaddressed or unreasoned or unthought. It was very clear from the very start of the labor law that permanent replacement would be an option that an employer could use under certain circumstances.

The Mackay doctrine was endorsed, in effect, by Senator Wagner in 1939, 1 year after the decision came down that addressed this very subject. Here is what he said:

> Every step that the Supreme Court has taken toward clarifying the meaning and defining the scope of the act has made it easier for workers and employers to deal successfully under its provisions.

That is his reference to the Mackay case. That is a ratification or affirmation by the very sponsor of the act itself that the right to hire permanent replacements was a fundamental part of passing that act.

The Mackay doctrine was also accepted by Senator LaFollette, Wagner's coauthor of the National Labor Relations Act. Here is what the Senator said:

> The bill does not deprive an employer of the right to secure legitimate replacements so that he can renew operations with the force of bona fide employees to operate his plant on a permanent basis.

Mr. President, the facts are very clear from both of the cosponsors of the original measure, from the Senate Records, and from the rulings of the Supreme Court. The original intent of this act, that has lasted for 57 years, was to allow permanent striker replacements. It was part of the balance envisioned between management and labor in this country.

Take a look at the Supreme Court cases. Since 1938 the Supreme Court has held that employers have the right to sustain their business during a strike, the Mackay decision that we talked about. Here are the words of Justice Brennan. This is not a conservative Justice. He speaks in the Buffalo Linen case which came down in 1957.

> Although the act protects the right of the employees to strike in support of their demands—

A reasonable effort to provide power for unions; those are my words, not his—

> Although the act protects the right of employees to strike in support of their demands, this protection is not so absolute as to deny self-help by employers when legitimate interests of employees and employers collide.

That is what we are discussing today. Justice Stewart, speaking in 1965 in the American Shipbuilding case, addressed the subject as well. Here is what Justice Stewart said:

> The right to bargain collectively does not entitle any right to insist on one's positions free from economic disadvantage. The right to strike as commonly understood is a right to cease to work. Nothing more.

The intent of the law itself, the intent of the sponsors of the law, and the interpretations of the Supreme Court have been quite clear. The simple fact is it has always been considered one of the offsetting balances in the power between labor and management to have the right of permanent replacement of strikers if they chose to go out on economic strike.

Are there costs on both sides? Of course there are, enormous costs. But it should be noted here, for those who are not familiar with it, that the right to hire permanent replacements is not an absolute right. Already recognized in the law and in the cases is a very clear admonition.

You cannot hire permanent replacements now if there are unfair labor practices exercised by management. That is very clear. We already have on the books a provision that prevents permanent replacement if there are unfair labor practices.

I guess the question this body has to address is: Do you want to permanently change a fundamental feature of the labor law of this Nation? There are those who do. There are those who see honestly and sincerely a need to add additional power to unions in the bargaining process.

I hope, before this body takes this step, before they decide to change a law that stood for 57 years, before they decide to change an aspect that reflects the very will and the intent of the authors of this statute, that they would stop to think whether we are destroying the balance between management and labor.

This is not a question of which side you are on, whether you favor labor or management. It is a question of what will work best in the American system. it is a question of what is fair.

It is very clear that permanent replacement workers have guaranteed rights to reinstatement when jobs open up and have the right to be placed on a preferential hiring list.

I believe it was stated earlier in this very Chamber that the current law allows someone to simply lose all rights if they are replaced. That is not true. The current law provides protections for those workers who have gone out on economic strike and have been replaced by permanent replacements; they retain the right to be rehired under those circumstances.

Mr. President, ultimately what this body has to decide is whether or not we tip the balance of power between management and labor, whether or not we make it very difficult to continue operations if there is a strike. That decision is not one that can be made solely within the confines of the United States. If there is one thing that I hope the Members of this body will keep in mind when they make their decision, it is that regardless of what we decide here, regardless of what the United States does, that we have to compete in a world market. In the United States, for us to have jobs, there has to be a competitive workplace.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. BROWN. I ask the distinguished Senator from Utah for 5 additional minutes.

Mr. HATCH. I yield the Senator 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. BROWN. Mr. President, I think the fundamental question we must address is whether or not we end up making the United States a less desirable place to locate a plant than our other major competitive nations around the world. I think that has to be looked at carefully.

We do not want in this Nation the kind of sweatshops that exist in other places around the world. But, at the same time, we want to retain a competitive edge with regard to developed countries which ensures not only that our workers are treated fairly but ensures also that this is still an inviting place in which to locate a plant and provide jobs and opportunity.

I talked just this morning with an employer who literally ships paper claims for processing to Ireland. Overnight, the claims are processed there on computer and the results sent back via satellite. What they have literally done is taken jobs out of the United States and shipped them to Ireland. Why? Because the conditions allow them to operate in a more cost-effective manner over there.

I suppose many of us are horrified at that; wished it would never happen, but it is a reality of what the workplace is today. The simple fact is we have to compete. If we make it dramatically more expensive to produce, to process, to provide services in the United States, we will simply lose those jobs entirely.

Are there minimum conditions we ought to have for workers? Absolutely. We address those in dramatic fashion through the Fair Labor Standards Act, through OSHA, through a variety of minimum wage proposals, and perhaps there are other things that we will do as well. But if we make this change in labor law, we will make a change that will have an enormous impact with the workers of our economy.

This bill is an antijobs bill. This measure makes us less competitive in a world marketplace. This measure, if adopted, will lose American jobs, not add jobs. This bill will make employed Americans lose jobs overseas. That is an unpleasant truth. We may not like it. But the reality is we are in a world marketplace.

We have to face the working men and women of this country when we finish our day's work here and when we finish this year. If this measure passes, what we will have done is make it less likely that the men and women who live in American can have a job.

Now, it may be we can turn to union leaders and say that, because this bill has passed we have stood up for you. But if ultimately fewer Americans have jobs and opportunities, fewer taxes are paid, fewer goods and services are produced in this Nation, this body would bear responsibility for that.

I come back to believing this: We want to keep America competitive. We want to make it an exciting and dramatic and progressive place to provide jobs and opportunities. We want to treat American workers fairly. What is needed, in my opinion, is a balance, not a preponderance of power on the part of labor and not a balance of power or preponderance of power on the part of management, but a fair reasonable balance.

Senator Wagner wrote about that and talked about that 57 years ago. I think it would be a mistake to change a fundamental precept that Senator Wagner put in our laws so long ago, and that has served us so well.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I am indeed sorry my friend from Colorado was not on the floor before, because I addressed myself to the very issue about which he has been speaking, and that is the question of competitiveness. Had he been here, he would have learned that Germany and France and Japan, and practically every major industrial nation in the world, do not have anything similar to the United States's situation of terminating strikers during a strike; replacing them permanently. That just is not the reality of the world in which we live. They do not even have any concept of that kind of Japan, which is obviously, at the moment, our major competitor.

Talk about fairness and equity; I think around here we try to blame everything on international competitiveness. You cannot justify doing what you are trying to do to the American worker in this bill by claiming that you need to do it by reason of international competitiveness. The argument just does not hold water.

I yield the floor.

Mr. BROWN. I wonder if the distinguished Senator from Utah will yield me 5 additional minutes to respond to that point?

Mr. HATCH. May I yield the Senator 3 additional minutes?

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. BROWN. Mr. President, I think the distinguished Senator from Ohio raises an important point. It is quite true there are other nations in this world we do compete with, as he points out, that have no similar provisions to Mackay. But I think the record would be incomplete if we did not also look at the other provisions they have.

Let me be very succinct, but I think to the point. All European and Scandinavian companies make strikers ineligible for unemployment benefits. As I think the Members of this body know, that is not true in the United States. Under a variety of circumstances, U.S. strikers and others affected by a strike are eligible for unemployment benefits, a fundamental difference. I suspect American unions would not trade places, given those two aspects of the law.

In Canada, it is required a union give employees the right to decide for themselves whether or not to strike. That is a provision we do not have in our law.

The Netherlands gives broad judicial authority to enjoin strikes, far broader than anything that has ever been contemplated in the United States.

Germany converts legal strikes to illegal ones whenever pickets use intimidation as a tactic. That is not generally practiced in the United States.

France, Germany, and Italy allow more than one union to represent employees in performing the same work, a fundamental difference.

France, Italy, Belgium, and The Netherlands permit individual bargaining or unilateral employer action to supersede collective bargaining agreement provisions. That is a provision the unions would not want to adopt, with regard to Europe.

Germany prohibits strikes severe enough to grievously wound a company. That is a provision our unions would not find acceptable as part of American law.

France eliminates any requirement that management and unions try to reach any agreement. That is a provision we would not want in the American labor law.

Great Britain and Canada prohibit strikes seeking union recognition, and that is a provision that American labor would be mortified to have in American labor law, and I think would be wrong, as well as many of the other thing we have talked about.

I think what is needed here is a balanced approach. No one is suggesting American labor law is perfect. It has many problems. And ultimately, much of the fairness in these laws must depend on their enforcement: On the courts and on the National Labor Relations Board, and the decisions they hand down.

But this change would fundamentally alter the balance of labor law in the United States. I think it would make us uncompetitive with the competitors we have just mentioned.

Mr. HATCH. Mr. President, I yield 10 minutes to the distinguished Senator from Wyoming, and I thank the distinguished Senator from Colorado for a good job.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. SIMPSON. Mr. President, I thank my friend from Utah, who does such a splendid job in managing bills in the committees and subcommittees on which he is the ranking member; and my friend from Colorado, who speaks with great clarity on so many issues. What an important addition he is to this place.

Mr. President, I note with great interest that the proponents of this measure have attempted to portray their bill as an effort to protect the rights of working Americans. Well, a goal like that is admirable and no one has worked harder on that than the Senator from Ohio, all his life in the Senate. It is a goal we all support vigorously and enthusiastically. But I do not believe that the pending legislation does anything really significant to achieve that end.

I think it is so important to clarify at the outset precisely what the so-called Workplace Fairness Act would accomplish. I think it is always delightful to look at the titles of issues that come before us. Because the more glorious the title, usually the more horrendous the legislation. I can think of many of those in the past.

But two things strike me as being highly unfair in this so-called Fairness Act. First, the measure would deny employers, both large and small, the means by which to continue their operations during a labor stoppage by explicitly prohibiting the hiring of permanent replacement workers during a labor strike, a labor dispute.

Second, it penalizes nonstriking workers by denying them promotions or seniority that are earned while a strike is in process. That is a very interesting provision in this bill. This bill specifically forbids workers who choose not to strike from receiving any employment preference that they have rightfully earned as a result of having worked while others were striking.

The proposal essentially says that if a small group of employees go on strike, all others must put their careers on hold, apparently, automatically foregoing any promotions to which they may be entitled, until the disgruntled employees return to work. This is truly a bizarre policy to lump into a workplace fairness measure.

It is very clear that what this proposal would do would be to radically redefine over 50 years of well-established Federal labor law. When Congress enacted the National Labor Relations Act in 1935, its stated purpose was to restore a quality of bargaining power between employers and employees. The NLRA guaranteed workers the right to strike in order to enforce their bargaining demands, and it allowed employers to continue operating their businesses during a strike if they could find these replacement workers.

Then, 3 years later came the Mackay case, NLRB versus Mackay Radio. Employees could hire permanent replacements during an economic strike, but not during an unfair labor practice strike. The obvious purpose was to give workers greater leverage in issues of workplace fairness disputes, but to moderate and equalize that leverage in order to eliminate hostage taking over salaries and benefits. The Mackay case has been the law of the land for 54 years, and with a few notable exceptions, it has resulted in good-faith bargaining between employers and employees.

So, Mr. President, if a strike is based solely on economic matters—for improved wages, benefits, working conditions—employers have the right to replace striking workers with permanent employees. That does not mean, however, that striking employees have no further claim on their jobs. In fact, the laws on the books give striking employees precedence over all other job applicants for new vacancies. This is a protection that significantly reduces the risks that are taken by employees who decide to stage an economic strike.

No one disputes that workers take a risk when they go on strike. You bet they do. Similarly, employers take a risk when they resist employee demands and allow a strike to take place. You bet they do. For employees, the risk is they may lose their jobs if the employer's business fails or if permanent replacements are rehired. And when members of the United Auto Workers walked away from $35,000-a-year jobs at Caterpillar, they knew there was a substantial risk that other skilled workers might find such terms of employment to be quite acceptable. And they did.

For the employers, the risk is a potential long-term economic disaster for the company. If a strike is allowed to occur, a production shutdown or slowdown may make it difficult for an employer to pay his bills in the short term, and the resulting disruption in services may cause him or her to lose valued customers in the long term.

In addition, the employer runs the further risk of having the strike declared an unfair labor strike, and having to reimburse the strikers with back pay. If the employer has hired replacement workers, the back pay liability effectively doubles his or her payroll costs for the period of time involved. Clearly, these are significant risks that are not taken lightly by prudent employers. The stakes for both sides of a labor dispute are high. That is exactly as it should be.

Therefore, the balance of risk is a critically important element in the dynamics of collective bargaining. Risk provides the incentive that is so necessary for both employers and employees to negotiate and compromise whatever differences may exist, and to get a resolution.

The bottom line is that this proposed legislation would grossly undermine this balance, with unions and employees free to stop and resume work whenever and wherever they wish without consequence. It would take the risk out of striking. Workers would lose pay during the strike but they would not risk their jobs. The inevitable result would be more strikes.

What of the employer under this proposal? He would be left with the choice of either closing his business for the duration of the strike, even as bills come due, or acceding to union wage demands he cannot afford, and may then close his doors for good. Are those really the kinds of conditions we want to force upon businessmen and women in this country at a time when our national economy is severely stressed and when unemployment is a serious concern to millions of Americans? Does anyone really think that this ought to be the priority legislation before the Congress?

The reality is that this bill would pose an especially harsh burden on many small and struggling businesses that lack the resources to withstand a production shutdown. In the end, this legislation will cost jobs. What a curious thing for the Democratic leadership to be pushing so hard.

Mr. President, in a few days we will once again consider legislation to extend unemployment benefits. That will be the third time we have acted to provide that. It shows that we care about the unemployed and want to help them through tough times. But I find it extremely hard to reconcile this expression of concern with what is being considered here today. This legislation will impede our efforts to stimulate the economy and to create jobs for American workers, and, ultimately, it will result in American jobs being permanently replaced by foreign jobs overseas.

I regret that this seems entirely consistent with the Democratic agenda this year. So the question I must come back with is, why are we even considering this legislation, particularly now? Its proponents see it as an opportunity to create a powerful bargaining tool for the unions. That is what this is really about. It is world-class special-interest legislation.

I am not in any way opposed to unions. My father was a member of the United Mine Workers Union. I am very proud of him. But we cannot lose sight of the right of those who have chosen, as is their perfect right, not to associate with labor unions.

I think the American people who may be watching are probably wondering why the Senate has chosen to spend the time on this issue today with so many other pressing needs clearly demanding our attention. If they watch long enough, I think they might just figure it all out. This entire debate is about whether or not we want to increase the political clout of unions. It has to do with politics, not workplace fairness. There will be plenty more of that in the coming weeks of this political year.

Take a look at what happened the other day in the House. The House Democratic leadership has said that they do not want to deal with health care over there because they have gridlock among their Members. So they do not want to go to the floor with a bill because they know that the Republican alternative will likely be accepted, and will be signed into law. So in one breath they are telling us that this is a do-nothing-know-nothing President with no agenda, and in the other breath they are telling us that they are at a gridlock in the House because they do not want to take up a Republican health proposal that will pass. You cannot have it both ways. No wonder people are plain fed up to the gills with that kind of attitude. Go take a look at that one. That was a curious one. That was an interesting message for us: "Do not let the Republican health care alternative get to the floor because that proposal is so good that it will pass and a majority of Democrats will vote for it. Then the President will sign it, and that would be tragic in an election year! Heaven forbid, we give the President something he could use to his advantage."

So I suggest we turn our attention away from this disruptive and divisive piece of legislation and start looking for ways to help both employers and employees and do it with Democrats and Republicans helping.

Instead of encouraging workers to revolt and turn against their employers, we might encourage labor and management to work together to improve the global competitiveness of American companies.

As I hear the same people often who speak on this issue bashing Japan, it is Japan that has employers and employees in labor and management sit down and talk about honest things instead of divisive legislation like this in a political year. The sole purpose is to roll another one of these rocks down Pennsylvania Avenue and hope it will land under the President's chair, somehow get a fuse in it, and detonate once more.

Mr. President, I would also like to offer some brief comments on the Packwood amendment. The so-called compromise does, indeed, add a new and interesting twist to this debate. This proposal clearly is the result of some creative and imaginative thought and effort. But it is unacceptable.

Like the underlying bill, the Packwood amendment upsets the balance between employer and employee rights, and it completely disrupts the collective bargaining process by inserting the Federal Government in situations where it does not belong. This proposal has not been studied at the committee level—as it surely should have been.

The most striking thing about this proposal is that it actually discourages the two parties from achieving a resolution on their own. Let us consider the extreme example of what could happen. In theory, every labor union in the United States could demand better wages, benefits, or working conditions simply by submitting their demands before the proposed factfinding board. They would then wait for the Board's decision.

Some would be pleased by the outcome and others will not be pleased. But none of them risk anything as long as they accept the recommendations—which of course, will never leave them worse off than before. The bottom line is that unions risk nothing under this proposal as long as they accept the Board's recommendations. Unions will not always win, but they have nothing to lose by trying.

There is risk for the unions if they choose to reject the recommendations, but that is a decision they can make for themselves. If unions act prudently, they should never lose. They get to control their own fate. But there is nothing in this bill that provides employers with a corresponding increase in the control of their fate.

I urge my colleagues to reject this legislation.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. SYMMS. Mr. President, I rise to join in the comments that my colleagues from Wyoming and Utah have made and strongly oppose S. 55, which makes it illegal for companies to offer permanent positions during a strike. If enacted, Mr. President, in my view, S. 55 would destroy the element of economic balance in a collective-bargaining system. We all favor collective bargaining, but it would destroy the balance, which is already tilted, in my view, in favor of the union negotiators under Federal law.

When labor-management negotiations occur, Mr. President, each side has certain economic tools and incentives to arrive at a resolution of the dispute. It is always in the best interest of both the companies and the employees to resolve the disputes without a strike. It is always hard to make up the lost effort, the lost earnings, the lost values that are eroded away when we cannot settle these disputes. So our job, in my view, is to keep it as balanced as possible so disputes can be settled without a strike.

That balance is that labor has the right to strike, but management has the right to hire replacements. Those are undesirable options on both sides in a dispute, but the union's potent right to strike is counterbalanced in this instance by the lawful right of the employer to continue operations with replacement employees. That is what this is all about.

In my view, Mr. President, S. 55 is very misnamed. Truth in labeling does not apply to the U.S. Senate, obviously. The Workplace Fairness Act is what the proponents call it. I think a more accurate name for it would be the Push Button Strike Act because of the ease with which strikes could be called, extended, and enforced by union bosses if the bill became law by leaving employers defenseless against the devastating effects of a strike.

This bill would remove the incentive for either side to negotiate to reach a fair, voluntary resolution of the disputes. The employer either capitulates at the bargaining table or capitulates in the bankruptcy court. That is what it amounts to. It would just be a push-button strike bill, and somebody sitting in a big office in Pittsburgh or New York or Washington, or wherever the headquarters of the union is, can push a button and they can cause a strike to happen all over the country.

By banning permanent replacements, this bill will encourage strikes. It is as simple as that. This push-button strike bill is a special-interest economy wrecker, Mr. President. It is an economy wrecker. It would give the union militants the power to call any strike they wish as easy as pushing a button. Strikes would erupt across the country and small businesses, which hire most of the people, would have to cave in or they will be shut down. Thousands of workers will be forced to pay union dues. Hundreds of thousands of jobs would be lost in the turmoil, and in our troubled economy, this is the last thing the Americans want us to do here in Congress.

I hope the American people will support those of us who are engaged in this filibuster and will contact their Senators and urge them to vote against cloture. We ought to get this bill off the floor and not discuss it.

I have to admit, Mr. President, it is tempting to this Senator to go ahead and vote for cloture, get it up, let them debate it, get everybody on record on the bill, and let the President veto it and sustain the veto and then we can run with this in the election. I am not managing this bill, so that is not the way we are going.

I can tell you this bill would be bad for America, and the American people know it. They know it is an economy wrecker, and they want to keep a balance. Most people I know, whether they are conservatives or liberals, think that the collective-bargaining situation should be kept balanced so that both sides have equal tools. This would clearly tilt it to one side.

I think sometimes, Mr. President, we have forgotten the days when major work stoppages were as common as the 6 o'clock news.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SYMMS. I ask unanimous consent I might have 4 more minutes.

The PRESIDING OFFICER. The time is controlled by the Senator from Utah.

Mr. HATCH. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 2 additional minutes.

Mr. SYMMS. Mr. President, the small retail businesses around the country remember the days when they were unable to withstand a shutdown due to the major work stoppages in the manufacturing, service, and transportation industries on which every small business depends.

Over the past decade, we have seen a significant decline in strikes and work stoppages. If you want to return to those almost forgotten days of strikes and lockouts, this bill is for you, Mr. President. But I think most Americans view fewer strikes in a free market system to be a mark of economic progress. In 1980, there were 187 major work stoppages, meaning strikes involving 1,000 or more workers, and the number has declined to under 100 in 1982 to a record low of 40 in 1988. Last year there were only 44 major work stoppages.

There is one other point I want to make. I know I am running out of time. In addition to the harm it would do to American business and the economy, the push button striker bill, as I prefer to call it, would eliminate some important rights of American workers.

Under this bill, the union members who oppose the strike and choose to cross the picket lines and work, based on moral or financial considerations, will be punished. Those members who choose to work during a strike will be stripped of promotion, seniority, and job assignments while the strike is in progress, and when the strike is over, the striking worker must be the preferred worker over those who did not strike for whatever jobs remain. That is absolutely blatantly unfair, Mr. President. So if the employer is forced to reduce his or her labor force because of financial losses incurred during the strike, the nonstriking workers will be the first to lose their jobs. I cannot imagine anything less fair, Mr. President. Talk about a power grab for the union bosses at the expense of the dedicated, hardworking employees, who are looking forward to their future to raise their own families. This would be an absolute travesty to the hardworking, dedicated Americans.

Again, Mr. President, S. 55 would overturn more than half a century of labor law. It would strike down well-established precedent that has been repeatedly upheld by the Supreme Court and ratified by Congress. The current law encourages collective bargaining and voluntary resolutions of disputes. I urge my colleagues to oppose this bill.

The PRESIDING OFFICER (Mr. WOFFORD). Who yields time?

Mr. METZENBAUM. Mr. President, I yield 10 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from Ohio.

Mr. President, I rise today to address S. 55, the Workplace Fairness Act, which we are discussing and which is now pending.

I remind my colleagues of the assessment of labor and capital made in an address to Congress by a great American Leader years ago, and I quote from that address:

> Labor is prior to, and independent of capital. Capital is only the fruit of labor and could never have existed if labor had not first existed. Labor is the superior of capital and deserves much higher consideration.

Mr. President, this was not a quote from John L. Lewis or Franklin Roosevelt. This speech was delivered by President Abraham Lincoln in 1861.

Mr. President, Lincoln's words do not tell us how we should vote on the details of S. 55, but I think his words do offer us guidance on the spirit of the debate. If I felt, Mr. President, that the status quo today was acceptable, I would not vote to invoke cloture because I do not favor S. 55 as it now exists. I believe, however, there is a problem today, a problem between management and labor that must be acknowledged and that must be addressed legislatively.

The rise of organized labor in this country coincided with the longest period of sustained economic growth in the history of the world, the growth that created our American middle class, an enormous middle class, the growth that financed the American dream and its successful defense during the cold war.

Mr. President, our system of labor relations is based on recognizing the rights of workers to organize and bargain collectively, if they so desire, and operates according to a predictable and balanced system for bargaining in case of disputes over labor practices as well as economic issues. Although I personally believe that many strikes today are increasingly outmoded and in a lot of cases counterproductive to the interests of workers, I also believe that the right to strike remains a fundamental right of American workers. This right to strike is one of the first victims of totalitarian regimes when they take over, whether they are regimes of the right or whether they are regimes of the left.

In short, Mr. President, the right to strike is not only fundamental to our labor relations, it is also fundamental to our democratic system itself.

This right to strike comes with an essential right of American workers not to be fired for exercising their rights. This principle is firmly fixed in our labor laws and accepted by most leaders in management as well as labor.

Mr. President, this fundamental precept has been seriously eroded in practice in the last few years in America. When permanent replacement of workers occurs at the very outset of a strike or even before the strike begins, this is tantamount to firing. When the threat of permanent replacement becomes the up front leverage in the collective bargaining between union and management, the collective bargaining process itself is tilted.

For these reasons, Mr. President, I believe this issue must be addressed by this body. I will, therefore, vote for cloture to prevent this bill from being killed by a minority of Senators without giving the Senate as a whole an opportunity to fully discuss this bill as well as to discuss and act on amendments to this bill.

I must add, Mr. President, that I do not plan to vote for S. 55 on final passage unless it is changed, and changed substantially. I believe employers should be able to permanently replace workers at some point if a strike continues for a long period of time. At some point employers should be able to assure temporary workers that their jobs, indeed, are permanent.

Also at issue here are the rights of union workers who do not strike, the rights of union workers who strike, cross over and return to work because of their own conviction or because of serious economic hardship, and also the rights of temporary or nonunion workers.

Mr. President, I do not stand here today pretending to be a labor expert. I know the law in this area well enough to know it is complex and complicated. I do not have a specific amendment or series of amendments in mind at this point, but I hope that if cloture is invoked the Senate will have an opportunity to vote on amendments which correct the present tilt against labor without creating a future tilt against management.

I believe the Packwood substitute that our colleagues have talked about on the floor today is a positive step in that direction, but I also believe it, too, can be improved.

S. 55 does not at this point achieve the balance that I think is necessary. I think it tilts too far in one direction. But there is no reason this bill cannot be amended to correct today's unfairness to labor without creating an unfairness to management and a tilt in the process in the other direction.

Mr. President, I am well acquainted with the arguments of the opponents of S. 55. Some of them I agree with. But there are fundamental arguments I do not agree with. Opponents of S. 55 would like to kill this legislation without permitting the Senate to work its will in finding the proper balance in this area to protect the rights of workers who strike, workers who do not strike, replacements, and employers.

Opponents argue that any change in present law restricting permanent replacements would disrupt American business' ability to compete in the world environment.

Mr. President, I do not find this argument persuasive after looking at what other countries in the world do in this area. Japan, Germany, and France, to name just a few other industrialized nations, prohibit the hiring of permanent replacements. Denying employers this weapon does not appear to prevent these countries from competing very successfully in the global economy. Opponents of any change also argue that unless business is allowed to permanently replace, they cannot hire replacement workers and their business is jeopardized.

Mr. President, I believe this argument is refuted by the General Accounting Office report which shows that 97 percent of all replacements are temporary—not permanent.

Most Senators have probably seen the 1991 General Accounting Office report that documents the use of permanent striker replacements in economic disputes during the eighties. The report found that only 4 percent of striking employees were permanently replaced in 1985, and 3 percent in 1989.

But these figures do not tell how many strikes occurred or cannot occur because collective bargaining was tilted at the very outset by the threat to replace, and in some instances—I have checked it out and found it to be accurate—that permanent replacements begin to be recruited some 60 to 90 days before even a contract expires. This means that the collective bargaining process itself is being tilted in this environment. I believe these figures from the GAO are inconsistent with the assertion that replacing with temporary workers is a threat to American business.

Opponents also argue that this bill will harm small and nonunion businesses. While I understand that amendments have been added to S. 55 to clarify that it would not apply to nonunion businesses, I however remain concerned about this issue. This is a real issue. It is a legitimate issue. And if cloture is invoked, I will support clarifying amendments which minimize S. 55's impact on nonunion businesses.

Mr. President, after hearing all of the arguments on both sides of this issue I have concluded:

First, there is a growing misuse of the right to permanently replace by businesses who threaten permanent replacement at the beginning of the collective bargaining process;

Second, the right to permanently replace in a growing number of cases is being used by some, not all, but by some as tantamount to the right to fire;

Third, that this first resort use of permanent replacements must be changed while also preserving this management option in the case of prolonged stalemate or certainly in the case of bad faith on the union side.

Mr. President, I hope that a striker replacement bill will emerge or a substitute or amendment will emerge to S. 55 which will address these problems in a constructive way.

These improvements to S. 55 and the underlying issue itself can only be addressed if cloture is invoked, and I will vote to invoke cloture.

I thank my colleague from Ohio for yielding.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, just at the time when we should be promoting economic growth and jobs in private industry, we begin considering a bill which would have the opposite effect. The so-called striker replacement legislation, which we began considering yesterday, would send the wrong signals to the citizens of this country—both businessmen and employees alike. It could paralyze one of the very foundational cornerstones of this country—the free market.

The legislation before us today, S. 55, fundamentally alters over 50 years of labor law by shifting the existing labor-management balance of power to favor big labor and unions. It would guarantee workers that they cannot lose their jobs during a strike, and would prohibit employers from hiring permanent replacement workers in certain circumstances. In short, it takes the risks out of striking. As Secretary of Labor Lynn Martin has recently stated "* * * S. 55 would alter crucial checks and balances * * * and thereby create an environment ripe for confrontation, intransigence, and an increase in work stoppages."

Since there is no risk of job loss, workers would have everything to gain, and virtually nothing to lose by going on strike. What is the likely result? More and more strikes. This runs directly counter to the underpinnings of current law, which encourages negotiations and conciliation. As testimony in the Labor and Human Resources Committee of Prof. Edward Kelly of the Society for Human Resource Management indicates:

> The economic strike is a protected and complex employee weapon in the collective bargaining arsenal. While the economic strike has a long tradition and has proven to be effective in bringing the parties together, it is not the favored means of achieving agreement. Not labor's favored means, not the government's favored means, and not the employer's favored means. The legal parameter for an employee and employer involved in an economic strike have been developed over the last half century, and have been designed to insure that disputes get resolved without destroying the underlying bargaining structure, what Professor Estreicher, Professor of Law at the New York University School of Law, calls the "bounded conflict" principle. The Mackay replacement rule, first established by the Supreme Court in the case of *NLRB* v. *Mackay Radio & Telegraph Co*, issued in 1938 and refined in a number of important Supreme Court rulings, has been an important part of the mechanism providing for effective and legitimate use of the economic strike. Changing the boundaries in the absence of compelling empirically verifiable data, is not warranted. The available data does not justify a change.

Mr. President, I have heard from numerous constituents in my home State on the striker bill and they are very concerned about its detrimental impact. I want to take a few minutes to read from portions of some of these letters.

From Roger Milliken, chairman, chief executive officer of Milliken:

> I understand that a larger effort is being mounted by labor unions which would change the law to prohibit employers from hiring permanent replacement workers in the event of an economic strike.
>
> To me this would be removing one of the freedoms that are very, very important in this country.
>
> Large companies are really at the mercy of a large, organized strike, as we have seen recently in the Caterpillar situation, and if the odds were totally loaded in favor of labor, we in this country could find ourselves unable to compete internationally.

From the Berkeley County Economic Development Board:

> The Berkeley County Economic Development Board feels that this legislation, if passed, would be detrimental to our industries and large businesses by upsetting the historical balance of economic power between unions and employers.

From the Fluor Daniel Co.:

> 1. The right to operate a business during a labor dispute is as fundamental as the right to strike. During economic disputes, the employer's basic right to operate has always included the ability to hire replacement workers for permanent positions.
>
> 2. The right to hire permanent replacement workers has served well to temper the demands of unions and to limit the burdens on all affected businesses. This bill encourages strikes and work stoppages.
>
> 3. The effects of work stoppages extend far beyond the parties to negotiations. Strikes in the construction industry hurt all persons involved with projects: contractors and subcontractors, their suppliers and customers, and their employees.
>
> 4. An obvious side effect of the legislation, as domestic costs rise, will be fewer construction projects in this country. This will cost jobs not only in the construction industry, but also in manufacturing and services as well.

From: Keys Printing:

> This bill, if enacted, would provide incentives for work stoppages. We all have sympathy for the American workers who have seen their jobs disappear. This bill would not help prevent the loss of more jobs; indeed, it would almost assure that more jobs would be lost because work stoppages would put some companies out of business.

From the Southern Metal Works, Inc.:

> This bill would encourage strikes and work stoppages. It would also foster economic inefficiencies by forcing employers to accept unreasonable conditions to do business. Automobile manufacturers faced such inefficiences in the 1960s and 1970s. The old argument was that all employers would face the same inefficiencies, so it wouldn't really matter. Competition from Japan shattered that myth. We are in a world market in which only the most efficient survive.

From International Paper:

> Such legislation is based on the faulty assumption that the collective bargaining process does not work—when in truth, the process does produce an agreement in the great majority of instances.

From Cryovac:

> This legislation could also drastically increase the number and severity of union and non-union strikes, thereby interfering with interstate commerce and reducing the productivity of American business. The result could have a serious effect on the nation's ability to compete in the global market.

From Santee Carriers, Inc.:

> I feel the passage of this bill would be very bad for South Carolina and our transportation industry.

From Phillips Fibers Corp.:

> If enacted, I believe two outcomes are inevitable—both of which will be disastrous in our current struggle to meet increasing global competition:
>
> Some companies, faced with uncompetitive union demands, will not reach agreements and strikes will occur. The inability to continue operations will drive the company's customers elsewhere, crippling or destroying the business; and,
>
> Some companies, faced with uncompetitive union demands, will be forced to agree in an effort to continue to remain in business. Inevitably, however, these uncompetitive settlements will lead to a gradual, but altogether certain, destruction of the business.

Mr. President, I also wish to point out that over 100 associations and organizations—representing a wide variety of interests—oppose this bill. There may be more. Some of these include: The American Textile Manufacturers Institute, the American Small Businesses Association, the Council on Labor Law Equality, the Associated Builders & Contractors, the Food Marketing Institute, the American Feed Industry Association, the Business Roundtable, Citizens for a Sound Economy, National Association of Home Builders, the U.S. Chamber of Commerce, and many, many more.

I would like to now take a few minutes to provide some historical perspective on the use of replacement workers. One of the first issues addressed by the National Labor Relations Board and the courts following the enactment of the Wagner Act in 1935 was the question of the rights of employers and employees during an economic strike—which is frequently over wages. In the Mackay Radio case in 1938, the Supreme Court rules that when faced with an economic strike, an employer may carry on its business with replacement workers.

The Court made clear that at the end of the strike, the employer is not required to displace any working employee that had attained permanent status. So, in other words, the employer was not required to re-hire the strikers.

The Supreme Court reaffirmed this decision in 1990 in the Curtis Matheson case. Once again, the Court stated that an employer is not required to discharge permanent replacement workers, to make room for returning strikers. Rather, the employer must only reinstate strikers as vacancies arise. Furthermore, the employer may not discriminate on the basis of union activity in determining which returning strikers to reinstate. The employer must base all reinstatement decisions upon nondiscriminatory factors such as skill or ability. As is evident, there are reasonable protections for strikers under existing law, and there is provision for reinstatement as vacancies occur.

Since the mid-1930's, the law concerning reinstatement and other rights of replaced economic strikers has evolved through a series of legislative changes and judicial interpretations. These rights fall into two categories: First, the continuing right to reinstatement as vacancies arise; and second, the right to reinstatement in National Labor Relations Board elections concerning union representation. While not the direct subject of the debate today, the evolution of the voting rights of economic strikers highlights the congressional awareness and approval of an employer's right to continue operations utilizing permanent replacements.

Under the Wagner Act of 1935, the National Labor Relations Board originally took the position that economic strikers were entitled to vote in NLRB elections, but that permanent replacements were not. In two subsequent cases decided in 1938 and 1941, the Board reversed itself and ruled that both strikers and replacements should be entitled to vote. Later, in 1959 Congress amended the act to specifically provide that replacement workers were entitled to vote in NLRB elections conducted within 12 months of the commencement of the strike pursuant to regulations promulgated by the Board.

So, Mr. President, we see that Congress, through amendments to the Wagner Act, acknowledged not only the importance of replacement workers, but also their right to participate in union elections.

The existing structure of our Federal labor law has served and continues to serve the interests of productive collective bargaining. S. 55 will not, as a practical matter, address the problems that it seeks to remedy. In fact, as mentioned earlier, the potential exists for this legislation to exacerbate labor-management conflict, and inhibit effective collective bargaining—all to the detriment of American workers and businesses.

The suggestion that the current law allowance for permanent replacements during an economic strike is a widely used management panacea does not hold water. Its limited utilization alone suggests that it is not a weapon of first resort. In making judgments on how or whether to continue operations during a strike, management factors into the equation the very real economic costs of replacements in recruiting, hiring, and training. It factors morale costs such as the possible damage to the collective bargaining relationship that will result from the determination to use replacement workers. Current law puts very significant restrictions on the recruitment of replacements and on what management can offer to replacements.

Under present law, the employer who chooses to use permanent replacements during an economic strike also operates under a heavy obligation to insure full compliance with the provisions of the National Labor Relations Act. The employer must insure that it takes no steps or engages in no activity which could convert the economic strike into an unfair labor practice strike. Employing replacements is simply not an attractive tool for anything other than to keep the business in operation while the parties put their proposals to the test of a strike.

According to the General Accounting Office, permanent replacements during economic strikes were hired in only 17 percent of all 1989 strikes, and a total of 4 percent of all striking employees were replaced. The report does not indicate how many of that 4 percent regained positions as a result of a strike settlement, or were hired as appropriate positions became available. So, the number of persons who actually and permanently lost their jobs as a result of an employer hiring permanent replacements is perhaps even less than the GAO figures would indicate.

Mr. President, the economic, political, and legal costs of a strike are always part and parcel of the calculations used by both parties of the bargaining table. The proposed legislation would unilaterally withdraw an important management weapon from the employer, tilting the balance of power in a manner not justified by recent collective bargaining practice.

In summary, the existing collective bargaining climate represents an appropriate and acceptable balance between labor and management. It has generally resulted in equitable contracts and relative labor peace. Any change in this current structure, in the absence of compelling need, is unwarranted. The proposed legislation would guarantee workers that they cannot lose their jobs during a strike, and would prohibit employers from hiring permanent replacement workers. The bill will have very negative effects on the general public and on all of the parties engaged in collective bargaining—not only on the picket line, but also at the bargaining table. I urge my colleagues to oppose this measure.

In closing, I wish to note my plans to offer, at the appropriate time, a previously filed amendment which would redefine extortion for purposes of the Hobbs Act.

I ask unanimous consent that copies of the letters I previously referenced be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Milliken,
Spartanburg, SC, April 20, 1992.

Hon. Strom Thurmond,
Russell Senate Office Building, Washington, DC.

Dear Senator: I understand that a large effort is being mounted by labor unions which would change the law to prohibit employers from hiring permanent replacement workers in the event of an economic strike.

To me this would be removing one of the freedoms that are very, very important in this country.

Large companies are really at the mercy of a large, organized strike, as we have seen recently in the Caterpillar situation, and if the odds were totally loaded in favor of labor, we in this country could find ourselves unable to compete internationally.

Thanks for your consideration of the request that this should come before the Senate as you vote against it.

Best wishes,

Roger Milliken.

Berkeley County,
Economic Development Board,
April 13, 1992.

Hon. Strom Thurmond,
Russell Senate Office Building,
Washington, DC.

Dear Senator Thurmond: We are concerned that Senate Bill 55, the Striker Replacement Bill may be on the Senate Floor for consideration before the Easter recess.

The Berkeley County Economic Development Board feels that this legislation, if passed, would be detrimental to our industries and large businesses by upsetting the historical balance of economic power between unions and employers.

On behalf of the Berkeley County Economic Development Board, we request you not only to vote no against this bill, but also oppose any cloture motions to limit debate.

We deeply appreciate your consideration of this matter and anticipate your support in keeping our South Carolina businesses healthy in this time of economic uncertainty.

Yours very truly,

T. A. Mayberry,
Chairman, Berkeley County Economic Development Board.

Fluor Daniel,
Greenville, SC,
June 5, 1992.

Hon. Strom Thurmond,
U.S. Senate,
Russell Building, Washington, DC.

Dear Senator Thurmond: The Senate will soon take up Striker Replacement legislation (S. 55), a bill to ban the hiring of permanent replacement workers during strikes. I am writing to express serious concerns about this legislation and urge you to oppose the legislation in any form.

The following are some of the points I want to raise:

1. The right to operate a business during a labor dispute is as fundamental as the right to strike. During economic disputes, the employer's basic right to operate has always included the ability to hire replacement workers for permanent positions.

2. The right to hire permanent replacement workers has served well to temper the demands of unions and to limit the burdens on all affected businesses. The bill encourages strikes and work stoppages.

3. The effects of work stoppages extend far beyond the parties to negotiations. Strikes in the construction industry hurt all persons involved with projects: contractors and subcontractors, their suppliers and customers, and their employees.

4. An obvious side effect of the legislation, as domestic costs rise, will be fewer construction projects in this country. This will cost jobs not only in the construction industry, but also in manufacturing and services as well.

I thank you for your attention to this matter and request that you please inform me of your views.

Sincerely,

Estelle Gordon.

Keys Printing,
March 23, 1992.

Senator Strom Thurmond,
U.S. Senate,
Washington, DC.

Hon. Strom Thurmond: When the Senate considers S. 55, the Strike Bill, please oppose it. This bill, if enacted, would provide incentives for work stoppages. We all have sympathy for the American workers who have seen their jobs disappear. This bill would not help prevent the loss of more jobs; indeed, it would almost assure that more jobs would be lost because work stoppages would put some companies out of business.

Please let me know how you vote on this important bill.

Sincerely,

Barbara L. Franklin,
Manager, Human Resources.

Southern Metal Works, Inc.,
Columbia, SC, June 1, 1992.

Re: Striker Replacement Legislation (S. 55).
Hon. Storm Thurmond,
U.S. Senate,
Washington, DC.

Dear Senator Thurmond: We urge you to oppose Striker Replacement Legislation (S. 55), a bill which would ban the hiring of permanent replacement workers during strikes.

This legislation would deny employers the right to continue business operations during labor disputes, even when those disputes are economic in nature. In our opinion, the right to operate a business is fundamental; it is just as important as the right to strike. When the disputes are monetary, then economics should settle the issue. The only way this can occur is if employers and strikers both have the opportunity to shop the job market.

This bill would encourage strikes and work stoppages. It would also foster economic inefficiencies by forcing employers to accept unreasonable conditions to do business. Automobile manufacturers faced such inefficiencies in the 1960s and 1970s. The old argument was that all employers would face the same inefficiencies, so it wouldn't really matter. Competition from Japan shattered that myth. We are in a world market in which only the most efficient survive.

If we raise our wages artificially high with such unfair legislation, then not only will our goods not sell abroad, but jobs will also go overseas. Clearly, the same workers this bill purports to assist would be the ones who would lose the most.

A strike at one facility, or one construction site, affects far more than one employer. It hurts contractors, subcontractors, vendors, distributors, and customers. Once again, this means that it eventually hurts American workers.

Senator Thurmond, please oppose this legislation for the sake of employers, employees, and consumers across this great nation and here at home in South Carolina.

Sincerely,

Andrew V. Bowden, Sr.,
President.

International Paper,
March 18, 1992.

Hon. Strom Thurmond,
U.S. Senate,
Washington, DC.

Dear Senator Thurmond: S. 55, legislation to ban the hiring of permanent replacement workers during an economic strike, is currently pending in the Senate.

I congratulate you on your continued opposition to this legislation. As you are aware S. 55 would effectively prevent employers from continuing to operate during a labor dispute, and possibly require them to lay off many other workers not directly involved in the dispute.

I also appreciate your continued recognition that such legislation is based on the faulty assumption that the collective bargaining process does not work—when in truth, the process does produce an agreement in the great majority of instances.

Again, I support your continued opposition to S. 55, and look forward to hearing from you on your most recent efforts to prevent its passage.

Sincerely,

Roger H. Purrington,
Mill Manager.

Jack E. Powers, SPHR,
March 20, 1992.

Hon. Strom Thurmond,
U.S. Senate,
Washington, DC.

Dear Strom Thurmond: I am writing you today to urge you to vote against (S. 55), the Striker Replacement Act.

Over the past fifty years, Federal labor law has crafted a delicate balance between employers and employees in labor negotiations which encourages both parties to settle their disputes at the bargaining table, not through disruptive tactics. To attempt to legislatively disturb this delicate balance would not be in the best interest of either our company or the nation's overall labor policy.

As we see it, the proposed legislation would prohibit employers from hiring permanent replacement workers and force companies to accept unreasonable union demands (such as inflationary wage increases) or be forced to endure a strike which could destroy their business. This leaves employers with little, if any, recourse.

This legislation could also drastically increase the number and severity of union and non-union strikes, thereby interfering with interstate commerce and reducing the productivity of American business. The result could have a serious effect on the nation's ability to compete in the global market.

Finally, employees who have no dispute with the employer will be harmed by strikes elsewhere in the company when the employer is forced to shut down because of a strike affecting a unit which is key to the overall operation. Therefore, we urge you to vote to keep America working and vote against S. 55. Thank you.

Sincerely,

Jack E. Powers.

SANTEE CARRIERS, INC.,
Holly Hill, SC, April 28, 1992.

Senator STROM THURMOND,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: I am writing requesting your opposition to the "Kennedy-Metzenbaum Pushbutton Strike Bill" (S.55/H.R.5).

I feel the passage of this bill would be very bad for South Carolina and our transportation industry.

We do not need this type of legislation, please oppose this bill!

Very Truly Yours,

R.L. WILLIAMSON,
President.

PHILLIPS FIBERS CORP.,
April 23, 1992.

Hon. STROM THURMOND,
U.S. Senator, Washington, DC.

DEAR SENATOR THURMOND: I am writing you to express my strong opposition to S. 55, or the "Striker Bill" as it has become known. It is my understanding that you may be voting on this bill soon, and I wanted to again express my objections, and ask that you oppose this proposed legislation.

My primary concern is that this bill could dramatically shift the balance of power that has existed in labor-management relations in the U.S. for more than 50 years. It would do so by giving a union the ability to effectively shut down a business if its economic demands—no matter how outrageous—were not met. Taking away a company's option to utilize replacement workers, who are assured of their current legal rights to continued employment, is the same as taking away the option to hire replacements at all.

If enacted, I believe two outcomes are inevitable—both of which will be disastrous in our current struggle to meet increasing global competition:

"Some companies, faced with uncompetitive union demands, will not reach agreements and strikes will occur. The inability to continue operations will drive the company's customers elsewhere, crippling or destroying the business; and,

"Some companies, faced with uncompetitive union demands, will be forced to agree in an effort to continue to remain in business. Inevitable, however, these uncompetitive settlments will lead to a gradual, but altogether certain, destruction of the business."

There are other negative aspects of this bill, but these two points are the most damaging. I hope you will agree with me that passage of S. 55 would be a serious blow to our international competitiveness, and move our country in exactly the opposite direction that we need to go.

I urge you to oppose this legislation, and look forward to hearing from you on this very important subject.

Sincerely yours,

ARCHIE I. BARRON.

Mr. HATCH. Mr. President, I yield 6 minutes to the distinguished Senator from Minnesota.

Mr. DURENBERGER. Mr. President, we are currently debating S. 55, the striker replacement bill, one of the most far-reaching changes proposed to our collective bargaining system since we passed the Taft-Hartley bill in 1947 that prohibited secondary picketing. This change is a significant modification to current law, and I look forward to addressing my colleagues at some point in the near future on where I stand specifically on S. 55.

But for now, we are faced with a cloture vote on S. 55, and must decide whether to cut off debate on the bill.

So I must begin by taking a little time to recount my personal involvement in the bill. I met with a wide variety of Minnesota labor leaders and business owners before I cast my first vote on this bill in the Labor and Human Resources Committee last summer. I must say that the working people of Minnesota and their labor leaders made a very strong and I must say persuasive argument about the problems that workers faced today in America, in many of our industries compared to the problems that they faced 10 years ago. But I was not convinced that S. 55, as proposed, was the answer to those problems, and accordingly I voted against the bill in the committee markup.

Over the past 6 months I have held a series of meetings with labor leaders and workers in Minnesota and the labor leaders here in Washington, DC. I have consistently indicated I do not oppose all changes in our collective bargaining laws. Times change, and our laws must change with the times.

This is a global economy. Our employers will remain competitive in that economy. They must remain competitive in order to provide long-term job security to working men and women. But I remain concerned that some employers are taking advantage of our new marketplace. Therefore, I have remained open to legislative solutions that protect our workers who are being taken advantage of.

Mr. President, we met with organized labor in Washington some months ago, and they basically told me that they were not interested in any compromise on S. 55. In their view, it was S. 55 or nothing. So they closed the door.

Yesterday about this same time, just eactly 24 hours ago, the door in my office opened up and so did what they called "opportunity," and they offered this Packwood compromise, the so-called middle ground position. Under that compromise, the parties would be able to submit their contract dispute to a three judge factfinding panel which would issue recommendations to the parties, and I think we know all the rest.

But the most important part of the Packwood proposal is that if the employer rejected the panel's recommendations the union could strike, but the employees could not be permanently replaced. In short the terms of S. 55 under those circumstances would apply.

On the other hand, if the union rejected the panel's recommendations, then current law would apply and the workers would face the possibility of permanent replacement.

The reason the Packwood compromise caught my interest is that the factfinding panel might address one of the concerns that I have about S. 55. Opponents of S. 55 have argued that it "does not take into account that the union rather than the employer may be the party that fails to offer a reasonable bargaining proposal or that rejects a reasonable bargaining proposal." That is a legitimate concern, and in my view it is one of S. 55's fatal flaws.

So the Packwood proposal caught my eye. But this proposal was placed in front of me as I say 24 hours ago with labor's recommendation that I vote for cloture so I could support the Packwood compromise. I have not had time to study the implications of the compromise for our collective bargaining system. And as the distinguished Senator from Oregon stated on this floor long ago, in the middle of another series of debates on a similar subject: "We make more mistakes in haste than opportunities we lose in delay."

Mr. President, the Packwood proposal is a fundamental change to our labor relations system, and I regret we have not had time to hold hearings to understand the far-reaching implications of this change.

In the 24 hours since I received the proposal, however, I have thought about some of the consequences that might flow from it's adoption.

First, current law encourages dispute resolution, because both parties have a great deal to lose by failing to reach agreement. But the Packwood bill provides no such incentive to settle. It allows the opportunity to see whether they could get more out of the factfinding board.

At the same time, the hearing before the factfinding board is actually a form of interest arbitration. Parties litigate, in effect, before bodies like this. They posture and take extreme positions, knowing the arbitrator may split the difference between two extreme positions.

The Packwood bill will change the current system that encourages a convergence of positions, to a new regime that encourages divergence.

It is ironic that the compromise that was designed to address the fact that labor perhaps could take unreasonable positions at the bargaining table still contains strong incentives for the parties to take extreme positions before the factfinding body.

I would like to find out if the experts in the employment community share my instinct for how the Packwood proposal would work in real life. But because they waited to share the compromise, that is impossible.

I have a few other reservations about the proposal. By removing the contract negotiations from the parties, the compromise proposal encourages the parties to abdicate their responsibility they have to their membership. They will end up asking the factfinding panel to make the decisions about how much the employer can afford to pay employees, whether the CPI or producer price index can be used, or which work rules should remain in effect.

The result may be that both parties will take extreme positions before the arbitrator and then inform their stakeholders that they have to accept any unfortunate result, not because of the reality of the marketplace requires it, but because the arbitrator dictates the result.

The Caterpillar situation is a good example that will be spoken about. The UAW might know that pattern-bargaining is a relic of the past, but they could never sell their membership on it. So let the factfinder do the job. Everything I have said is conjecture, but without hearings, we will not know of the hidden incentives.

I recommend to my colleagues that they vote against cloture on S. 55 and then they recommit S. 55, as amended by the Packwood amendment, to the Labor and Human Resources Committee with instructions to report it back as soon as possible. If ever a situation calls for a motion to recommit a bill, this has to be it. I urge the leadership to present us with such an opportunity.

I yield the floor.

Mr. HATCH. Mr. President, I reserve the remainder of my time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Arkansas?

Mr. METZENBAUM. I yield the Senator 3 minutes.

Mr. BUMPERS. Will the Senator withhold that a minute, and I will be right back with him?

Mr. METZENBAUM. I withdraw the request and suggest the absence of the quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I have in my hand a statement by three former Secretaries of Labor with respect to the Packwood amendment to S. 55. The statement comes from W. Willard Wirtz, who was Secretary of Labor under Kennedy and Johnson; John T. Dunlop, of the Nixon-Ford administration, and F. Ray Marshall, Secretary of Labor during the Carter administration.

They say in their statement:

> The Packwood amendment provides a unique opportunity to greatly improve the prospects for a rational and peaceful resolution for collective bargaining disputes. The amendment provides a strong incentive for both parties to seek an objective analysis of the respective positions by an impartial fact finder.
>
> Under the proposal, the union is encouraged to invoke and accept the factfinding process, if it wishes to avoid the prospect of its members being permanently replaced in a strike. Similarly, management is induced to place its bargaining position under the objective scrutiny of a fact finder as a precondition to hiring permanent replacement workers.
>
> This measure, we believe, can help prevent premature, ill-advised, and costly strikes from occurring. By doing so, it will promote greater stability within the collective bargaining process, help America's effort to improve productivity, and enhance our Nation's competitive position in the world economy.

Signed by the three former Secretaries of Labor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Will the Senator yield me 3 minutes?

Mr. METZENBAUM. Yes.

Mr. BUMPERS. Mr. President, I have been listening to this debate this afternoon, and I want to say that, first of all, I have been chagrined that many Senators here would not like to do something to prevent some abuses that have occurred in labor-management relations because of the ability of business to replace strikers.

Labor makes the point that they do not have much to bargain with—we know if they go out on strike they may be replaced. That is an irrefutable argument. On the other hand, there would be a big transfer of economic power if S. 55 became law.

So I have always felt that the two sides were entirely too polarized, and they ought to be trying to work out something that would be beneficial to both sides, or at least beneficial to the extent that neither side would be severely crippled or hurt.

So, while I could not support S. 55 in its present form, and because I do not know precisely which amendments are at the desk that would be offered on S. 55, I am going to vote against cloture.

The Packwood proposal, I think, is a good-faith effort to do what come of us around here have been saying needs to be done. There needs to be some kind of a compromise struck. The principal reason I am going to vote against cloture is that it limits the time and the amendments we can consider.

I think the Packwood proposal has some merit.

Unhappily, I did not see it until yesterday afternoon until around 3 or 4 o'clock. I know that there are virtually no amendments at the desk to the Packwood proposal. If you vote cloture, you are not going to be able to change the Packwood amendment at all, not because the amendment is not germane, but because no amendments have been offered. I can tell you that I have a couple of amendments that I may want to offer to the Packwood amendment. But if I vote for cloture, I will be precluded from doing that.

So, Mr. President, for all of those reasons, I am not going to vote for cloture at this time. I want to examine the Packwood proposal further. I think it would be premature to vote cloture now with a possible compromise possible.

I heard the Senator from Ohio say that the Packwood proposal is acceptable to him. I thought Senator NUNN said all of these things pretty well a while ago. He says he is going to vote for cloture but against S. 55. But he, like I, felt that the Packwood proposal was moving in a direction that might be very beneficial to all of us.

I yield the floor, Mr. President.

Mr. METZENBAUM. Will the Senator yield for a question?

Mr. BUMPERS. Yes.

Mr. METZENBAUM. Did I understand the statement of the Senator from Arkansas to mean that at this point he is going to vote against cloture; that he thinks that the Packwood amendment moves this measure very much in the direction he thinks is appropriate, but that he has some concerns about whether or not thereafter it would be subject to amendments which he may wish to offer; and that assuming that those other amendments were offered and were acceptable to the manager of the bill, that the Senator from Arkansas would thereafter be inclined to vote for cloture?

Mr. BUMPERS. I am not saying that, I say to the Senator.

What I am saying is that the Packwood proposal is worthy of considerable debate here because, as I said, it moves this body in the right direction. I do not have my amendments prepared, but I have my staff working on them. They are not going to be ready within 45 minutes, which is about how long I would have to file them under the rules of the Senate.

Mr. METZENBAUM. I understand that. But let us assume that the amendments of the Senator were acceptable; would the Senator thereafter be inclined to vote for cloture?

Mr. BUMPERS. I do not want to commit myself, because I have not yet fully analyzed the Packwood amendment. I have analyzed it to the extent that I know it is infinitely preferable to others and, in my opinion, to S. 55. I think that it moves the Senate in the right direction.

Mr. METZENBAUM. Does the Senator from Massachusetts seek recognition?

Mr. KENNEDY. Not just yet.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask the Senator from New York be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the front page of the Washington Post this morning reported one of the most important, promising events—a true event—in the long history of employee-management relations in the United States. The AFL-CIO, Mr. Lane Kirkland, the President; and Mr. Thomas Donahue, the secretary-treasurer, both distinguished, able, proven leaders of their group, persons of consequence in our national life, have made the most extraordinary offer in collective bargaining that we have ever seen in the more than a century's history of the AFL. That is to say, one of the most stable, important institutions in the United States and in the free world.

They have said that labor was prepared—and they were speaking for the executive council, for the whole of the labor movement—that they were willing to enter into an agreement, have a statutory provision whereby the Federal Mediation and Conciliation Service would take under advisement a labor dispute and offer a solution, offer a resolution.

This is not, properly speaking, arbitration. It just says: Here is a possible agreement you might reach. And if the labor party to the dispute said fine, we agree, then labor would retain the right it has always had, as we have understood it since the National Labor Relations Act of 1937, which is that if a work action, a strike, follows, the employees involved cannot be replaced. There has to be an agreement reached through collective bargaining. If, on the other hand, the union does not accept, then the employers are free, if a strike follows or if a strike is in place, to hire replacement workers.

A more generous, a more statesmanlike offer I cannot remember in the long history of this issue.

I need hardly say this to the Presiding Officer, who has been a secretary of labor in the State of Pennsylvania. I came to Washington 31 years ago as an assistant to Arthur J. Goldberg, then the Secretary of Labor in President Kennedy's administration and later Mr. Justice Goldberg. I was an Assistant Secretary of Labor.

I have worked with the labor movement on the amazing range of issues that engaged them, many that the public often does not know much about, particularly in international affairs. They were the first group in the world, for example, to rush to the aid of Solidarity, the workers' movement which began the breakup of communism in Poland.

But that apart, in the history of labor-management relations I have never known so important an offer. That offer is on the table. That offer is right here on the table and, if the U.S. Senate is concerned with labor peace, is concerned with the health of industrial relations in an industrial democracy, we ought to take that offer up today.

I think some of us will recall that not long ago George Shultz, the distinguished former Secretary of State, also former Secretary of Labor, gave a long speech in which he said:

> Does America know what the labor movement means to it? Does it know? You cannot have a democracy in an industrial society—or at least there is no industrial society that does have a democratic society—without a democratic trade union movement.

Now that movement has made an extraordinary offer. It does not have its equal, to my knowledge, anywhere else in the world. But, then, nowhere else in the world is there quite the equal of our labor movement, with its history, its responsibility.

I think since the time the AFL-CIO was established in 1881-86, more properly—there was Gompers, there was a gentleman who had a 1-year term, there was Green, there was Meany, there is Kirkland. I think in this century and more there have been about 15 Presidents of the United States, and 5 presidents of the AFL-CIO—but a mere 6 of the AFL-CIO.

The stability, the citizenship, the institutional memory, the profound responsibility of the American labor movement has no equal, in my view, anywhere. It is on display here today, sir. It is on the table. Let us take this offer and accept it.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. Leadership time is reserved. But at this moment, since a vote is scheduled at a time certain, it would take consent.

Mr. DOLE. I ask unanimous consent I may use 5 minutes at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I urge my colleagues on both sides of the aisle to vote against cloture on this legislation.

My position on this bill is hardly a secret. I have openly opposed it since it surfaced last Congress as one of the worst ideas to float around this place in a long time. And that is saying a lot, because there are a lot of bad ideas floating around this place every day.

My opposition to this legislation is particularly strong, given that we are trying to get the economy back on track and create jobs. And the urgency of our attack is all the more important given the events in Los Angeles.

Yet, all this bill would do is to ensure that those businesses struggling to keep their heads above water or turning a profit will be forced to close their doors for good.

If this is part of the Democratic strategy to get the economy going—if this is part of their growth strategy—I think my colleagues on the other side of the aisle need to read this bill again. It is an antigrowth proposal in its purest form. Indeed, a better name for this bill would be the Plant Closing Act of 1992. Some also refer to it as the Strike Breeder Act which also seems an apt description.

The cornerstone of this bill is that it would reverse over 50 years of labor law by guaranteeing workers striking over economic issues a job when they decide to return to work.

The logic of this proposal escapes me. If workers striking over a big wage increase do not have the threat of replacement workers bringing them to the negotiating table, businesses will simply have to cave in to their demands or close down operations and go out of business. It is that simple—this is not a difficult issue.

We saw this in the recent Caterpillar labor dispute where the threat of replacement workers after 5 months of the strike brought labor back to work while negotiations continue.

If S. 55 had been law, Caterpillar would have had no option but to accept union demands and one of America's industrial success stories would be forced—over time—into extinction.

The bottom line of this legislation is that it will mean more strikes and more anticompetitive collective-bargaining agreements. It will squeeze businesses into eliminating jobs in order to protect the lifetime jobs of strikers who will be given carte blanche to extort uneconomic wage increases.

If my colleagues on the other side of the aisle think the American people support this legislation, they need to think again. In an April 1992 Time/CNN poll which asked the question and I quote: "Do you favor a Federal law that would prohibit employers from hiring permanent replacements for striking workers?"—60 percent said "No" and a mere 29 percent said "Yes."

Mr. President, I would also like to draw attention to the fact that this legislation is about as special interest as it gets around this place. I am surprised Common Cause is not up in the gallery, because they always like to keep track of special interest legislation. And believe me, this is special interest legislation.

The bill was amended in committee to make it clear that its protections only extend to workers that are union organized or where a union is seeking to organize them and has authorization cards from a majority of the workers. That is special interest legislation.

With the union stamp of approval all over this legislation, I might also add that in the ongoing 1991-92 election cycle, as of April 28, labor union political action committees have given

$13,887,561 to House and Senate candidates. Just short of 94 percent of that money—nearly $13 million—has been given to Democrat candidates.

These numbers are comparable to the 1989-90 election when labor unions contributed nearly $35 million to congressional candidates—with over 93 percent of that money finding its way into Democrat campaigns. No wonder this bill is a big part of the Democrat agenda. No wonder it is on the floor today, when we ought to be talking about jobs and growth and getting people back to work again.

Finally, Mr. President, just want to comment briefly on the supposed grand compromise being floated.

It is no compromise. It is the typical last ditch effort to try and switch some votes through a smokescreen. This bill has been on the calendar almost a year and a few hours before the vote we are starting to hear about some compromise.

For those confused by or interested in the compromise, you better read the language carefully for if you do, you will see that it does nothing to fix S. 55. The amendment does nothing to maintain the existing balance of the collective bargaining system—a balance that S. 55 destroys. It still leaves all of the cards in the unions' hand.

By being guaranteed the option of a fact finding board, unions are still insulated from all risks of striking. There is still no incentive to sit down at the bargaining table and hammer out a deal.

Rather, the amendment will encourage unions to avoid settlement negotiations, to opt for a factfinding board, and then to pursue a strike strategy where the union hopes it can extort an even better deal. If that strategy fails, the union still gets the recommendations of the fact finding board which ultimately become the floor of any dispute resolution. That is not collective bargaining in any sense of the word.

All the employer can do in these circumstances—having lost control over his business—is to sit on the sidelines and watch his company go down the tubes.

And for those non-union employees who are part of the business or for those employes of other businesses that depend on the products and services of the disrupted business,—they will suffer greatly the harmful effects of this legislation.

Mr. President, let me just conclude by saying that we all know what a vote to invoke cloture means around this place. It cuts off debate. It cuts off amendments. It is the same as a vote on final passage. A vote in favor of invoking cloture is that Member's stamp of approval that the bill is fine as is—that it's best for the country and their constituents.

Well, in my book, this bill is anything but acceptable.

It will completely undermine the collective bargaining system in this country. It will breed strikes and hurt businesses and their workers. All it amounts to is a big power grab by the unions at the expense of job creation and economic recovery.

In my opinion, it is unfortunate that the Senate's time has even been consumed with this bill when there is much more pressing business for us to consider.

Obviously, my colleagues on the other side of the aisle disagree with me for they control the agenda around this place.

I hope that reason and good policy will prevail around this place and that cloture will not be invoked on this bill.

It seems to me this is not the opportune time. I hope my colleagues on both sides of the aisle will consider what they may be doing here today if, in fact, cloture was invoked, and if this legislation should then move on and be passed.

It would be vetoed and the veto would be upheld. But I think we have a pretty good record on collective bargaining. If we want to give all the options to one side, then we ought to pass this legislation. But I have to believe there are a lot of fair-minded businessmen and business women in America, too, who ought to have some balance and some protection. They may not have $13 million to throw around in politics, or $35 million, as labor unions put out in 1989 and 1990. But they have some rights. And sometime we have to speak up for those rights here in the Senate of the United States.

So, Mr. President, I hope there will be insufficient votes to invoke cloture; there ought to be. I should not even be close.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged equally against both sides.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time do the supporters of the legislation have?

The PRESIDING OFFICER. The Senator has 49 minutes.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, I listened with some interest to the comments of the distinguished minority leader describing this legislation as "special-interest legislation." It is special-interest legislation—for working families in this country. And I listened with great interest to the minority leader's comment that businessmen and women ought to get a break, that they ought to have certain rights, that they ought to be represented.

Who in the world does the minority leader think has been protecting businessmen and women over the last 12 years? When we were trying to get an increase in the minimum wage to protect working families, what did this administration do? Thumbs down: special-interest legislation.

Did the administration support the Family-Medical Leave Act, which would permit a parent who has a sick child to take 12 weeks to care for that child without losing their job? Absolutely not: special-interest legislation. Thumbs down, the administration says.

And when we were battling last year for a day care bill to provide efficient, affordable, effective day care? Absolutely not, thumbs down: special-interest legislation.

When the Clean Air Act was on the floor of the U.S. Senate, this administration supported weakening amendments all along the way. Why? Because the act was, evidently, special-interest legislation—to ensure that the families of this country were going to be able to breathe clean air. We know where the real special interest was. It was in the major companies and corporations that were trying to gut that program.

For the first time in the history of this Nation since the passage of the Minimum Wage Act, men and women who work for the minimum wage do not live above the poverty line. We have seen a 50-percent increase in the number of working men and women living below the poverty line in the last 5 or 6 years. But the administration says, oh, no, we cannot afford an increase in the minimum wage, because such a charge would be special interest legislation.

The real special interests are the interests that protect the salaries of many chief executive officers in this country. These salaries have gone up as much as 200 percent in the last 10 years, while the real wages of working men and women, who are the backbone of this Nation, have continued to decline.

So, Mr. President, in light of this administration's record I find the minority leader's comments particularly unpersuasive. The effort by some of the major corporations in this country to use dicta from a 1938 case to undermine workers' rights is very troubling. All of us understand the basic premise of the law: you cannot fire a striker. You cannot fire him, that is the law. But, oh, yes, you can permanently replace that person. That is legal—even though it is completely inconsistent with the spirit and the purpose of the law.

The arguments by those who resist our effort are part of the same mentality that we have seen throughout the last 10 years. It is the same mentality that supported acquisitions and mergers, at the cost of millions of dollars in pension rights, for whom? Working men and women who had built up those rights over a long period of time. It is those workers in those plants and factories who are going to be paying for years as a result of the ripoffs in the savings and loan industry.

I remember the arguments on the other side of the aisle just 6 years ago when we were trying to enact plant closing legislation. This bill said that, if management was going to close a plant and lay off individuals who had worked 30 years in that plant, they could not tell that individual when he comes to work on Friday that he has lost his job, effective Monday. Again, this was called special-interest legislation. The fundamental issue was fairness and decency. The American people finally spoke on that issue and Congress overturned a Presidential veto.

It is interesting that, whenever we come to the floor to support programs for education, or Head Start, or job training, these programs are decried as wasteful budget busters. But when it comes to the SDI program, or another billion dollar B-2 bomber, that is a prudent investment. When you support the President of the United States, you are a statesman. When you oppose him, you are a grubby politician and an instrument of special interests. That is hogwash. Hopefully, the American people can see that it is, because it is so obvious, I believe, on its face.

Mr. President, one of the most unfortunate aspects of the way in which we deal with questions of national labor policy in this country is the polarization over the basic question of whether employees should have a voice in the workplace.

We hear a lot of talk from this administration about empowerment, but when it comes to empowering Americans to exert some control over their working lives and conditions in the workplace, the reaction from the administration and from most of the business community is almost invariably negative.

The fact is that there is enormous reluctance and resistance to extending the principles of democracy that we value so much in this society to the place where most Americans spend the bulk of their adult lives—the workplace.

Increasingly, the United States stands alone in this regard. Throughout the world, modern industrial democracies have recognized the need to extend democracy to the workplace.

Those countries have long ago come to terms with the fact that their workers are their most important economic resource. Our principal economic competitors understand that, unless they invest in their human resources, unless they learn to treat their workers as intelligent, thinking, men and women, not as interchangeable cogs in plant machinery, they will not be able to compete effectively in the world economy and maintain high standards of living for their people.

I commend to my colleagues an excellent, bipartisan report, "America's Choice," coauthored by former Senator Brock, former chairman of the Republican National Committee, and Ray Marshall, the former Secretary of Labor under President Carter. This report analyzes what other countries, including our principal competitors, are doing in terms of their work force and how they value that work force. America is going to have to compete internationally with Europe and Japan, and there will come a time when the American people will come to understand the difference in attitude between America and its principal competitors toward workers, their families, and the issues they care about—education, training, day care, health care, and the like.

Those nations have made the decision to pay high wages and compete internationally, and they are doing it. Yet in America we see a continuing effort to deny dignity to working men and women, who are the backbone of this Nation.

We have witnessed a massive increase over the last decade in the use of permanent replacements to crush strikes, break unions and enable employers to discard workers with years of loyal service to their employers. This tactic is further evidence of the extremist view of labor relations that prevails in too many corporate board rooms. It is part and parcel of an economic crisis that is leading this country down the low-wage path toward inferior status in the global economy. And I say, it is time to call a halt.

Opponents claims that the ability of employers to hire permanent replacements is an important weapon against unreasonable demands by employees and their unions. They say that without the discipline that the threat of permanent replacements brings to the collective bargaining process, employers would be forced to yield to outrageous wage demands that would drive them out of business and hurt the economy.

But the competitive problems of our economy are not the fault of our workers. When you look at productivity—the output of goods and services per person—the United States still leads the rest of the world. The American worker's overall productivity is still 30 percent higher than his counterpart in Japan, and manufacturing productivity is 28 percent higher. Far from being lazy, American workers are working longer and harder and more effectively today than ever before.

The real problem is that despite this increased effort—despite the fact that more Americans are working longer hours—real wages are falling. In order to maintain family incomes, in real terms, at the levels that prevailed in 1970, Americans have had to put more of their family members to work. With two-wage-earner families now the norm rather than the exception, average middle-class Americans have good reason to wonder why, despite all the effort, they still feel themselves falling behind.

Despite all the talk about the importance of maintaining a high-wage, high-skills economy, too many U.S. employers have committed themselves to the low-wage path. Rather than increasing their investments in the education and training of their workers to achieve productivity gains, American business by and large continues to react to competitive pressure by slashing labor costs—by aggressively opposing unionization, by moving production to low-wage countries, by pushing technology design to replace workers or "dumb down" work, and by replacing higher paid workers with low-wage workers, contingent workers, and "part-time" workers.

The use of permanent replacements as part of a competitive strategy based on driving down labor costs is not only wrong, it is foolish. It sends the message to employees that they are disposable assets, that there is no such thing as job security, that their loyalty to their employer will not be rewarded by reciprocal loyalty from their employer. As a result, the possibilities for meaningful cooperation are destroyed.

A recent study by two professors of management at Carnegie Mellon University examined worker-participation programs in thousands of plants in the machinery and metal working industries in an attempt to determine how effective these plants have been in improving efficiency and productivity. What they found was that management-driven worker participation schemes that did not truly empower workers were usually unsuccessful.

The results of their study showed that non-union workplaces with labor-management problem-solving committees were significantly less efficient than union workplaces with similar labor-management problem-solving programs.

"For collaborative problem-solving to succeed," they concluded, "it must be possible for employees to achieve outcomes that also empower them."

In management-initiated programs where the employees did not have true independent representation through a union, "the narrow focus and limited objectives for which these programs were designed" did not create the trust and commitment that is needed for such efforts to succeed.

We have heard already today much debate about the compromise proposal that Senator PACKWOOD is prepared to offer.

Yesterday, and earlier today, opponents of this bill repeatedly argued that if S. 55 were enacted into law, unions would have free license to make outrageous wage demands that could not realistically be met—that without the ability to use permanent replacements, firms would be forced to capitulate, no matter what the cost to the long-term viability of the firm and its ability to survive in today's competitive climate.

The compromise proposed by Senator PACKWOOD completely addresses that concern.

In any strike which occurs, employers would continue to have the ability to hire permanent replacements, unless the union were willing to submit the dispute to a third party—a separate factfinding board that would evaluate the parties' bargaining positions and make recommendations for settlement of the dispute.

Under no circumstances would employers be forced to accept a union's bargaining demand, or even the recommendation of this factfinding panel.

The only real limitation on the employer's ability to hire permanent replacements would occur if the union were willing to accept the factfinder's recommendation, but the employer was not. This is an entirely realistic compromise that deserves the support of the Senate, and I intend to urge that it be adopted at the appropriate time. In the meantime, I urge the Senate to invoke cloture, and end this unconscionable filibuster against the rights and needs of American working men and women.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. I want to thank the Senator from Massachusetts, chairman of the Labor and Human Resources Committee, for the strong and very supportive statement in connection with this legislation, and all that he has done to bring it to the floor to help us obtain passage.

The Senator from Iowa, I believe, seeks recognition. I yield 10 minutes to the Senator from Iowa.

Mr. HARKIN. Madam President, I thank the Senator for yielding me this time.

Madam President, this bill, S. 55, is the right bill at the right time. It is the right time to start saying that we in America are going to stick by our work force and that we are going to have the best trained, best educated, best motivated work force anywhere in the world. And the way to do that is through this legislation because this bill will restore a fundamental principle to our labor-management relationship, the right of workers to strike without fear of having their jobs taken by replacement workers.

For the past decade the workers' right to strike has been undermined. Deny workers the right to strike and you deny the right to bargain for better wages and better working conditions: you destroy the very fundamental basis for labor in America, and you destroy their motivation and their incentive.

Where is the incentive for employers to bargain in good faith if they can just replace everybody that disagrees with them? Without this bill, the right to strike is a hollow right because there is no right to strike. Without the right to withhold one's labor, the workers have absolutely no bargaining power whatsoever, and then they just become pieces of equipment, pieces of machinery to be used up and thrown out.

For nearly 40 years employers, despite the Mackay decision, refused to resort to permanent replacements. When disagreements arose, management relied on temporary replacements or supervisory management until the strike was over, once strikes were settled, they brought the workers back on.

That was before the 1980's, before companies like the New York Daily News and Frank Lorenzo's Eastern brought in scabs to break the strikes and break the backs of unions. Many of the companies relying on this practice were purchased in the merger mania of the past decade.

One of the reasons I believe that business did not resort to permanent replacement workers in the years after the 1938 decision was because there was an allegiance, whereby employers felt a closer working relationship with the workers. But after the merger mania people bought businesses, they had no loyalty to their communities, no loyalty to their companies and, most of all, no loyalty to the work force. Workers were treated as debits, thrown out, without benefits, without health insurance, without jobs.

And the mother of all modern day private sector strikebreaking companies is Phelps Dodge. Between July and September of 1983 it permanently replaced some 2,000 copper miners, mill and smelter workers, in Arizona. For the workers the strike was about wages. But for the company, its goal was the destruction of the union. The means to do this was replacement workers. And you do not have to take my word for it. Listen to a former executive of Phelps Dodge who since confessed to Chicago attorney Jonathan Rosenblum: "In the end, it became clear that the only way you could win was to kill the union." Who said that? The former executive was none other than William Seidman, the recently retired chairman of the FDIC.

The workers lost. Today, 8 years later, the steelworkers local stands vacant. And Phelps Dodge, whose Arizona operations are now wholly union-free, became the model for other corporations bent on destroying its unions during the 1980's.

Greyhound followed Phelps Dodge. After Greyhound came Continental Airlines (1983), the Chicago Tribune (1985), the Hormel meatpacking company (1985), International Paper (1987), Eastern Airlines (1989), Greyhound again (1990), New York Daily News (1991), Holsum Bread (1991), and most recently Caterpillar.

For all the opponents of this bill talk about this bill tipping the balance, the scales have been tipped over the past decade, and the statistics tell the story. In 1970, 30 percent of the American work force was organized. Today, it's fallen to just 16 percent.

The fate not just of all workers but of our entire economy depends on organized labor, organized labor that is well motivated and well trained and has a stake in its jobs. We know that because labor has been at the forefront of every battle to provide dignity, and worth, and opportunity to all working Americans.

I say to people wherever I go, when they question me about my support for labor, let me ask you some questions: Do you like Social Security? Do you like Medicare? Do you like minimum wage, the fact that we have a minimum wage in this country? Do you like the fact that we have laws providing for safe workplaces? How about paid vacations, do you like the idea that you have a paid vacation every year? How about retirement programs? Health benefits? Time-and-a-half overtime? Do you like the idea if you work overtime you get time-and-a-half? Pretty good idea?

How about the 8-hour workday? Do you like the 8-hour workday? If you like all those things, then you had better thank organized labor, because it was organized labor that was in the forefront of the fight to bring these to America.

I also believe a strong argument can be made that our economic competitiveness is tied to the strength of the labor movement. It is no coincidence that while organized labor's share of the work force dropped by half in America, the productivity of American workers declined by a third.

It is no coincidence that while labor was strong, from 1960 to 1973, we produced an average of 2.9 percent more every year than the year before. Since 1973, as labor declined, our productivity has dropped to less than 1 percent, behind Japan, Germany, Great Britain, and Italy.

If we are going to win in the international marketplace, we have to have the best-trained, most productive, and best motivated work force in the world. But we do not have a system like Germany has to train our workers. We do not provide job training to high school graduates like they do in Japan.

The only segment of the American work force that delivers world-class apprenticeship training and vocational training are labor unions. We get quality craftsmanship in return. Go compare a house built by union carpenters, union electricians, union brick layers, compare it to a house built by all nonunion workers. I have done it. You can see the difference. Houses built by union workers are well built, and last a long time. The nonunion ones are often shoddy. And that is a perfect metaphor for the rest of our economy.

If we encourage the dismantling of labor unions, America is going to be shooting itself in the foot. The choice today is not just about whether we intend to save organized labor, it is about the future of the American economy, about quality work. If we continue down the low-wage, low-skill, low-productivity path, we are on the road to becoming a second-class economy. Without this bill, employers will have no incentives to pursue the high-skill, high-wage path.

Lastly, this is not just about an economic issue. This is not just dollars and cents. It is about human rights. It is about the rights of people, about dignity and the worth of the individual. It is about caring about what people are and who are they are. It is about treating people not like pieces of equipment and machinery, but as decent human beings with families to care for.

I will end my remarks by telling a story about someone very close to me. This person worked for a very small manufacturing company in Des Moines, IA; worked for them for 23 years. In his first 10 years there he did not miss one day of work and was not late once.

The owner of the plant had a big dinner, gave him a gold watch. In 23 years this person received all kinds of awards for productivity.

The owner of the plant got old, retired, sold the plant to investors. And they came in and said: we know how to increase our profits. We will get rid of all the people who have been working this long time, hire new people, pay them less, and skip town with the profits.

But there was one problem. The plant was unionized. United Auto Workers. So what they decided, they were going to bust the union. One of the owners openly bragged, "Come down to the plant in Des Moines, and we will show you how." They would not reach an agreement. For 23 years there had been no labor strife at this plant. The owner bargained in good faith, workers, signed a contract and moved ahead.

Now all of a sudden they had labor problems. New owners refused to bargain. There was a strike. The new investors brought in the scabs, the so-called permanent replacement workers, and busted the union.

What I did not tell you is this person I am telling you about is my brother, Frank. He put 23 years of his life in there, 23 years.

The second thing I did not tell you, was my brother is disabled. That was a good thing about the previous owner of that plant. He hired disabled people and gave them dignity and worth.

Then the new investors came in, decided to throw all the workers out.

There are two things my brother said to me in my life that I will never forget, one when he went away to the deaf school, Iowa School of the Deaf and Dumb, he told me: "I may be deaf but I am not dumb."

The second thing he said to me is after he lost his job at Delavan's he said:

> I feel like a piece of machinery. They used me up, and then they threw me out in the trash. They told me: "That is where you belong."

There was a lot of disabled people who worked there. What was good about Mr. Delavan, he hired people to work there. Paid them well. Gave them good retirement benefits, let them have the pride and dignity.

But these new investors said: "We have to bust the union." That is exactly what they did.

My brother was then 54 years old. He was not alone. There are a lot of people in the same situation. A lot of people had families to care for, worked there all their lives.

That is why I feel so strongly about this bill. It is not right. It is not right that people like my brother and other workers in our American society get treated that way. It is just not right and it is not fair. So that is why this legislation is necessary.

There are good managers and there are good owners out there. Mr. Delavan was one of them. There are people who want to do what is right. But ever since the Phelps Dodge case, and the onslaught of the Reagan administration with the traffic air controllers strike, we have been on this downhill slide.

This bill is about economic competitiveness and whether we will be competitive in the world economy. It's about whether we will have a well-trained, well-motivated work force. That will only come about if our workers have pride and dignity in themselves, and if they feel that the people who run the plants and own the plants and the managers respect them and respect who they are and give them some dignity.

Lastly, this bill is about human rights. It is about the worth and value of human beings and their work product. It is about whether or not American workers are pieces of equipment and pieces of machinery that can be depreciated down, used up, and thrown out on the trash heap of life. We are better than that as Americans.

Now is the time to stop this downward slide. That is what is important about this legislation.

I have heard many say we cannot support this for one or another reason. I daresay that any Senator on this floor that went through what I went through with my brother would be out here voting for this bill. If you see it on personal terms and you see it up close, and you see what happens to people who are caught up in this process to people who exercise their freedom and their rights under American laws are thrown out of their jobs, lose their homes, families, broken up, lose their dignity, their pride. If you were to witness this tragedy like I have, then you would be voting for this bill.

So I ask all my colleagues on behalf of my brother, Frank, and many more like him all over America, let us restore some pride and dignity to our American workers. Thank you.

Mr. MITCHELL. Who yields time?

Mr. METZENBAUM. Madam President, how much time is left?

The PRESIDING OFFICER. The Senator has 22 minutes 20 seconds.

Mr. METZENBAUM. The Senator from Utah?

The PRESIDING OFFICER. Seven minutes.

Mr. METZENBAUM. Madam President, I yield 3 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President.

I thank the Senator from Ohio, and actually I had a chance to speak this morning. So I will just take a couple of minutes to respond to the remarks of the Senator from Iowa.

I think really what is at stake here is that we have to have some balance between labor and management, if we are going to do well economically. The Mackay Radio decision was a difficult one to figure out. The Supreme Court said, back in the late thirties, that employers could not fire people for going out and striking, but they could permanently replace them. And that is a distinction without difference. But we lived with that for a long time.

There was a contract between labor and management, and we did well with that contract. And then that contract was torn up by Reagan, and during the decade of the 1980's, the right to strike has been the right to be replaced.

Senator HARKIN spoke about his brother Frank, and I cannot speak about it in such a personal way, but I have certainly seen what happened to so many people. I think what is at issue here today is this vote is whether or not working people will have the right to bargain, whether working people have the right to organize and bargain collectively.

Madam President, I think the whole future for our country is whether or not we restore some balance; there certainly is not any balance now. Too many people have been thrown out of work, and the wages have been depressed. So many people in the workplace just do not have the bargaining power. We are seeing a middle class that is just in decline.

I really believe that what this piece of legislation is all about is to simply make sure that we eliminate an unfair labor practice which has really undercut the bargaining process in this country through the permanent replacement of workers.

Madam President, let me be clear in my conclusion that, for my own self, I do not want to legitimate in any way, shape, or form any initiative that really undercuts working people and legitimates permanent replacement of workers in any way. I think this bill is so important, because what it does is it empowers working people, and it gives them a sense of empowerment, and it gives working people respect; and if we empower our work force and we respect our work force and we invest in our work force and we invest in our businesses, then we will do better as a nation.

Senator HARKIN is right that unless we pass this bill, we will not do better. I think that is what it is all about—making public policy that leads our Nation forward in the right direction.

I yield the rest of my time.

Mr. METZENBAUM. Madam President, we are coming down to the end of the discussion and debate on this bill, and there have been legal arguments made, including arguments having to do with international trade, and a host of other subjects.

But when all is said and done, what is before us is truly a moral question. The question is: Do we in the U.S. Senate think that there ought to be an organized labor movement in this country, or do we think it is right to destroy that movement and operate the country's businesses without any organized labor movement?

This country has been a worldwide symbol of economic strength, and social justice, and democracy. My question is: Do we not want to preserve a movement which affords workers the opportunity to be heard, to negotiate, to bargain for better health care, for secure retirement, for a decent life for their families? Or do we say, no, we do not want to do that. We would rather have employers able to do whatever they want.

We now let employers pay their executives unbelievable millions of dollars in salaries, and we now let them get all sorts of goodies and benefits, including private planes and vacations and everything else, to the point that, even today, there are stockholders committees rising up in anger at what their executives are doing for themselves.

What those executives have done for this country is nothing, compared to what the organized labor movement in this country has done. Does anyone in this body, no matter how reactionary, no matter how right wing, or what their principles are, does anybody argue or claim that we would have Social Security or Head Start, or safety standards in the workplace, or unemployment insurance, or minimum wages, or a host of other laws that are on the books, if there had not been an organized labor movement in this country?

Unions oftentimes find themselves fighting for benefits that they have already won for themselves. But they stand steadfast here in the corridors and back home, fighting for all workers, not just for union workers. And now the effort is being made across the board, across this country, to destroy the American organized labor movement. The union movement in this country has benefited every single working man and woman in this country, and many who are not working but who have benefited by reason of union support for legislative proposals. And that goes whether the people benefiting were union men or women or nonunion men and women.

But now employers are saying, "Look, you workers worked 20 years and you worked 30 years and you worked 40 years for the company, but you had the audacity to disagree with management as to what your wages should be. Out, get out and stay out."

That was not the way it was before Ronald Reagan came into office. That was not the way it was at all. But what happened when Ronald Reagan came in and fired the PATCO employees and never permitted them to return to work, caused them to pay a higher penalty than murderers and rapists and arsonists pay as far as imprisonment is concerned. They were not imprisoned; they were just rendered unable to do their life's work. Many of those PATCO employees had been working there for years. They never had a chance to get their jobs back. That is what is happening now in the American workplace. Employers are actually going out and hiring striker replacements before the strike has occurred, before the strike has even been threatened.

You simply cannot take away the only meaningful tool in the hands of working people in this country today and, yet, that is what you are prepared to do; that is what a minority of this body is prepared to do by not permitting us to go to a vote on the bill.

There is no question that a majority of this body is prepared to support this legislation; whether or not there are three-fifths is arguable. Probably not. But the fact is that, at this moment, the majority of this body is prepared to support the legislative proposal, and certainly with the Packwood amendment on it, more than a bare majority is supported.

Madam President, a strike is never undertaken lightly. Workers are never eager to forgo their wages, and walk picket lines, and strain their families financially and emotionally. A strike tears at the fabric of friendships, and sometimes two brothers are on different sides of the issue. A strike throws an entire community into chaos.

What we are trying to do here is to pass a piece of legislation and make it easier for management and labor to work together for the benefit of all. But, no, there are some who say it will not work, unless we have legislation on the books that makes it possible to break unions, to bust unions, to eliminate strikers, to bring in replacements.

Madam President, I just say to you, if this legislation goes down, some may think they have won a victory, and they may have a temporary victory at best. But in the long run, this country and its people will suffer.

I reserve the remainder of my time.

Mr. HATCH addressed to Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, no matter what gloss you put on this, no matter how much you try to make this bill sound like it is a good bill, even with the Packwood amendment, what you have here is a complete change in basic American collective bargaining law; law that has been established through all kinds of bitter confrontations over the last 54 years ever since the Mackay doctrine came forth, sustained by the Supreme Court year after year, where the unions have an absolute right to strike. Now they want an absolute right to win every strike.

I uphold the union's right to strike, but the offset to that is the right of the business person to save their business by hiring permanent replacements—an option that is very seldom used. No business wants to do that. But the mere threat that they can do that oftentimes brings the parties to the bargaining table where they can put it together; and, where they cannot, then why should the business have to go down because the union not only has the right to strike but the business would not have a right to hire permanent replacements?

Let us be honest about it. Some businesses would be dead tomorrow if they had a major strike and they could not hire permanent replacements, especially in the construction work. Other businesses, like Caterpillar, could take 5 months of a strike. Even though they had offered $40,000 average salary to every blue-collar worker, they could take that for 5 months. But then they finally reached the point where they could not take it anymore. They said "Look, we want you back. We want good relations. We want to do what is right here. But if you do not come back, we are going to have to permanently replace you." It was the last thing they could do. It was their leverage and, of course, they came back.

Now you have the Packwood amendment which, if they can ultimately invoke cloture, the Packwood amendment would give the unions the right to demand a special board, a factfinding board, to be established within 7 days and that within 45 days then they will resolve the problem. The only thing is the amendment is drafted so poorly that the unions pick one of the arbitrators, management picks one of the arbitrators, and it does not tell you who picks the other one.

The author of the amendment said, well, the two of them get together and pick. Well, what if they cannot? The fact is, I think the way it is written it would have to be picked by the Federal Mediation and Conciliation Service. If that is so, you are going to have compulsory arbitration, something neither side has wanted, and for good reason. It does not work right. And generally neither side is ever going to be very happy. Both of them generally will not be happy and they are going to try to split the difference, which means the unions are going to come in with outrageous demands and business will probably come in with outrageous offers and there will not be any way of splitting the difference. You are going to see a change in collective bargaining relationships forever and ever in this country.

This is ridiculous. Is not only a small, modest change in labor relations law. This is major wholesale upheaval in labor relations law.

When do we get it? We got it today about 2 o'clock. That is after all the hearings, the committee markup, everybody working on it, and today we get this major wholesale change after the House passes the so-called striker replacement bill; we get this major wholesale change today which has all kinds of defects in it, and would ultimately ruin the system that we have today.

For instance, if organized labor decides to accept the recommendation of the three, assuming you could ever get the three appointed, if they decide to accept that, then the business is forever on that issue barred from hiring permanent replacements if the business rejects it. So the business is extorted into having to accept it or losing the only bit of leverage it has.

Let us say the union does not accept it, and it has a right to hire permanent replacement. The problem is the minute it does, the union is going to come back in, once they know the business is serious about it, and they are going to say we are going to accept it after all. Then the minute they accept it, and the business has not been able to hire the permanent replacements, then they are going to turn around again and say, oh, but we want another board, examining board. Once we get this other examining board we will go through this process again and again and again until the business person says, "My gosh, what hope is there for us? What are we going to do? We can't keep fighting this kind of one-sided, uneven balance, where there is no evenness, there is no equality."

Call this the Workplace Fairness Act? That is the biggest joke in the world. It is the "One-Way Street Act." One way in favor of the unions. It is a one-way street act. It is certainly not a fairness in the workplace act.

If you look at the original bill which everybody touted as such a fair thing, called the Workplace Fairness Act, almost everybody admits today it is a terrible bill. Now, because they feel they are going to lose on cloture here today—I do not know whether they will or will not—but if they lose on cloture today, they are all of a sudden coming in here with a wholesale change in labor relations law that overturns 54 years, multiple Supreme Court decisions, and the Mackay doctrine, which has worked well for 54 years.

Now, what is fair or just about that? And management is just going to have to eat it. Well, that is crazy.

Even the people who have come here and said they are going to vote for cloture, like the distinguished Senator from Georgia, even those people say "I do not even agree with the Packwood amendment; it may be a step in the right direction," they say, "but I do not even agree with that." Well, there is good reason why they should not. It is way out of line. A wholesale change in what happens to be the most delicate balance in our country that keeps us from becoming like Europe.

There are all kinds of protections against labor in Europe that we do not allow here. So do not limit your citation of European Labor Law to only their ban on permanent replacements. The reason they do not is there are all kinds of other protections that the business people have over there that we would not permit here. This is one where in fairness we ought to turn this down.

I hope everybody votes against cloture. I will be happy if we have the equivalent of 41; I will be pleased with that. I call on our colleagues to do that.

Thank you, Madam President.

The PRESIDING OFFICER. The time of the Senator from Utah has now expired.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio, the chairman of the subcommittee, has 12 remaining minutes.

Mr. METZENBAUM. My colleague talked about this as a one-way street. I just have to believe that somehow his eyesight is not working very well. Because for 40 years employers never brought in striker replacements and business prospered very well during that 40 years; employers got along with their employees. They bargained with their unions. There were no problems.

Sure, there were differences at times. But it was only after 1980, after President Reagan fired the PATCO employees, it was only then that the employers got the signal that that was an acceptable mode of conduct. So they started bringing in striker replacements, firing their present workers and, as a consequence, it has pretty much decimated the American trade union movement. There is no question it has made unions tremendously weak in the face of employer willingness to bring in replacements.

In the Phelps Dodge strike, the employer cut the wages of the employees 50 percent, 50 percent. So the employees went out on strike and the employer brought in striker replacements. Does anybody in this body really think that was fair?

Now we have the Packwood amendment, which I indicated I was prepared to accept after the cloture vote. And it is again suggested that somehow this is unbalanced. How can it possibly be unbalanced when each side has one representative, each side has to submit the matter to independent three member panel. Does anybody really suggest that the Federal Mediation and Conciliation Service is going to appoint somebody that is biased in favor of labor?

That is a part of the administration. The Federal Mediation and Conciliation Service is a part of the Bush administration. Is somebody now suggesting that they are going to appoint people that are favorable and sympathetic to labor? Come on; who are you kidding? This is the kind of procedure that is used every day of the week. Only in other cases it is voluntary arbitration, and employers and employees oftentimes submit their disputes to arbitration.

This is not that. This is a situation where the conciliator, the mediator, can come up with a recommendation. If the recommendation is accepted by the parties, that is it. But if the union accepts the recommendations, but the employer fails to accept them, the workers have the right to go out on strike and they cannot be replaced. And vice versa, if the union fails to accept the recommendations, then the employer can bring in striker replacements.

So I say this is a very fair approach. It is really a major step in the right direction with respect to labor-management relations. But even that does not satisfy my colleague.

Madam President, I think we are about ready to go to the vote in a couple of minutes. I hope my colleagues will see fit to cast a vote to protect working people in this country, to give working people a legitimate right to organize and to bargain collectively.

It has worked well in this country for a number of years. It is now in trouble by reason of striker replacements. I would like to see it get back on the track.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. Does the Senator from Ohio have any time remaining?

The PRESIDING OFFICER. The Senator from Ohio has approximately 5 minutes.

Mr. COATS. Mr. President, S. 55 proposes sweeping changes in our Nation's labor law, overturning more than 50 years of experience and case law, and upsetting the fundamental economic balance Congress struck between labor and management when it passed the National Labor Relations Act—Wagner Act—in 1935.

Since the MacKay decision in 1938, the threat of business shut downs has been tempered by the fact that strikers may be replaced. The National Labor Relation Act puts the players on equal playing field, guaranteeing employees the right to strike to enforce their bargaining demands, while ensuring employers the ability to operate their businesses as best they can during a strike. Current law exposes both sides to risk. The shared risk helps to drive the collective bargaining process which should be a shared goal in labor negotiations.

Proponents of this legislation argue that permanent replacements inhibit strikes and the effectiveness of strikes, and thus interfere fundamentally with the right to strike. It therefore seems to reason that if permanent replacements are banned, we will be eliminating the only disincentive to strike, and may actually cause labor to look to strikes as the weapon of first choice rather than of last resort. Clearly this does not serve to foster meaningful negotiations or mutual compromise. If the outcome of a strike is guaranteed, meaningful bargaining is virtually eliminated.

Secretary of Labor Lynn Martin writes:

> S. 55 would promote labor unrest, disrupt the flow of commerce, expose our economy to anticompetitive effects of inflationary collective bargaining agreements, and adversely affect nonstriking workers, customers, suppliers, and consumers.

The problem facing labor and management today is not the level playing field in the collective bargaining process. It is the level playing field that will permit U.S. businesses to survive and to meet the challenges of global competition. If an employer cannot meet those challenges, then the question of where the balance of power is in an economic labor dispute is a moot point. If a business cannot compete, it does not pay wages or provide benefits or offer any semblance of employment security.

Employment security should be at the heart of this debate. What the bill's proponents fail to recognize is that most companies are far beyond the objectives of this bill is looking at the same issue. Talk to the most successful businesses in your State, and you will find that the hierarchical, authoritarian systems of the past are being abandoned and are being replaced by team concepts and total quality management. There is a growing recognition that being a world class organization in today's economy requires every employee of a company to take responsibility for the quality of the product which ultimately reaches the customer. It requires that every employee understand that high productivity and high quality at the lowest possible cost is essential to competitive success.

To accomplish this overriding goal, businesses—managers and workers—are coming to grips with the fact that the job security of any individual worker is not tied to the right to strike, but to the ability of his or her employer to adapt to an environment characterized by constant change. And the ability of an employer to adapt is, in turn, dependent in large measure on how well trained and skilled its work force is.

S. 55 is not a job security bill, although its sponsors may want to characterize it as such. Its passage would destroy, rather than enhance job security. It would enable labor to shutdown permanently many small companies. Such companies are financially unable to cease production for a long period of time and are rendered especially vulnerable by S. 55. Most press accounts portray this situation as involving a large, impersonal, powerful company and a small, weak union. However, the reverse is often reality. The company is small and struggling for economic survival, and the union is large and powerful with many resources at their command. The loss of small companies would severely damage our national economy and add to our already high unemployment. The pain created would touch numerous individuals, families, and whole communities and would undercut companies ability to compete in the international marketplace.

But even if we focus on the larger industries in the United States, I fail to see how passage of this legislation is in the interest of labor or management. If we look at two industries—steel and automotive—what we see are major restructuring efforts that seek to create cost controls that are vital for their long term viability. Yes, some workers may lose their jobs and that is tragic, but it would be even more tragic for the Congress to take steps that will virtually assure that this painful process is rendered even more contentious.

We need legislation to keep Americans working. However this bill would result in making American products far too expensive to compete against Europe and Japan—countries that reject our entire collective-bargaining system—or anywhere else in the world. S. 55 would literally destroy this new spirit of efficiency in American business and put us at a competitive disadvantage that would be impossible to overcome.

Current law maintains the parity necessary to provide incentives for both labor and management to negotiate a settlement helpful to both parties and to the national economy. S. 55 disrupts this needed balance. Labor's incentive to negotiate is lessened by the awareness that they can remain on strike indefinitely and at some time in the future return to a job that by law must be held open for them. Management would have no choice but to give in to employee demands.

Mr. President, not only does this bill threaten American competitiveness, the legislation would effectively punish those who fail to join a union or honor a picket line. Workers in this Nation are guaranteed the right to strike and the right not to strike. If those who choose to honor the right not to strike or the right to refrain from union membership are penalized by being displaced by those who choose to strike, the right not to strike is invalidated.

This bill is a solution in search of a problem. There is no evidence that the use of permanent replacements has become widespread in the 1980's. Between 1985 and 1990 only 3 out of 20 strikes involved the use of permanent replacements, and in these cases only a small number of workers were actually replaced. The hiring of permanent replacements is not widespread and thus does not need to be addressed by any bill.

Rather than create greater rifts between labor and management, ways must be developed to increase the partnership between these two traditional foes. Each needs the other. The well-being of our Nation depends on their working as a team.

In 1965, the Warren court stated:

> The right to bargain collectively does not entail any right to insist on one's position free from economic disadvantages. * * * The right to strike as commonly understood is the right to cease work—nothing more.

S. 55 works against the development of the needed cooperation and team work by destroying the incentives to create an environment where bargaining to meet both sets of needs is conducted.

S. 55 deepens the divisions between these two groups who must learn to work in tandem in order to meet the new set of demands created by the global economy.

S. 55 should be rejected.

Mr. DODD. Mr. President, I rise today in support of the Workplace Fairness Act to protect the rights of working Americans to withhold their labor during a strike.

As men and women across this Nation struggle to survive the economic pressures of this recession, they look to each of us to build a stronger economy. Many of us make jobs and economic growth our number one priority.

No one should be fooled about this legislation—S. 55 is about jobs. It is about quality jobs and the ability of workers across this Nation to effect change in their workplaces—to improve their wages, health benefits, and retirement security.

Workers have few powerful tools at their disposal—collective bargaining and the right to strike are their fundamental means of effecting change. But these tools mean little when an employer can bring in a permanant replacement to take the job of a striking worker.

Strikes rarely begin over workers' jobs, usually they are about a contract, health benefits, or a wage package. However, the moment a permanent replacement is hired the focus shifts from negotiations on the issue of the strike to a contentious battle of wills over the future of each striking employees' job.

This scenario has become all to common in the last decade. Since the disastrous air traffic controllers strike in 1981, more and more employers, following the lead of President Reagan, have hired permanent replacement workers during strikes. It has even become routine for employers to advertise for replacement workers before a strike has begun. The GAO reported that, in one-third of the strikes studied, employers threatened to use permanent replacement workers and hired them in 17 percent of the strikes, replacing 4 percent of all striking workers. The impact of the use of permanent replacements is clear—it was certainly not productive in the Eastern Airlines dispute or at the New York Daily News.

This legislation redresses this imbalance. It would prohibit employers from hiring permanent replacements for employees who are engaged in a strike over economic issues. Additionally, it would prohibit employers from providing preference to workers who offer to return to work over those employees who continue to participate in the labor dispute.

I understand that Senator PACKWOOD will propose an amendment to further refine this legislation and ensure that it results in balanced, fair, and peaceful labor negotiations. Before a strike action, the dispute would be submitted to an unbiased third party who would offer a fair compromise settlement. If the employees agree to the settlement but the employer does not, then the workers can exercise their right to strike and the employer is prohibited from hiring permanent replacements. If it is the employees who disagree with the settlement, then they must strike at their own risk.

Mr. President, the Packwood proposal does not send as strong a message as the original bill, but it does ensure fairness in the workplace—the goal of this legislation. Both employers and workers' rights are clearly protected under these provisions and I will support them when Senator PACKWOOD offers his package.

Mr. President, a strike is a risky proposition on both sides of the picket lines. Employees forgo their salaries and benefits and employers are denied the labor of their workers. The risks on both sides provide the incentives which keep the process going—permanent striker replacement workers eliminate the risk for employers and throw the system out of balance. S. 55 restores this balance. I urge my colleagues to join me in strong support of this motion for cloture.

Mr. KERREY. Mr. President, today I rise to express my strong support for the Workplace Fairness Act. This is an issue of simple fairness and equity. Under the current collective-bargaining process, union members who exercise their right to strike are threatened by employer reprisals, namely the permanent replacement of their jobs. While wishing to negotiate in good faith, workers recognize that they simply do not have the leverage to try and reach a mutually accepted settlement. Moreover, management may force a confrontation to discourage employees from jeopardizing their livelihood. This scenario certainly does not contribute to our Nation's economic properity.

Let me briefly review the historical and legal background pertinent to this issue. From its outset, the National Labor Relations Act of 1935 clearly demonstrates that the right to strike is critical in providing the balance that makes the bargaining process work.

The act expressly recognizes the central importance of the right to strike. Section 7 establishes the employees' right to engage in concerted activities for mutual aid or protection, which includes the right to withhold labor when all other means of settlement have failed. Section 13 provides that "nothing in this Act * * * shall be construed so as either to interfere with or impede or diminish in any way the right to strike."

The act also expressly recognizes that for employee rights to be meaningful, employees must be protected from employer-imposed sanctions for their exercise of these rights. Thus section 8 broadly prohibits employers from taking actions that "interfere with, restrain, or coerce employees in the exercise of" their section 7 rights. Section 8 goes on and specifically prohibits employers from "discrimination in regard to hire or tenure of employment or any term or condition of employment" on the basis of employee union-related activities.

The Supreme Court in the 1938 decision of Mackay Radio and Telegraph Co. versus the National Labor Relations Board, interpreted the NLRA's protection of workers' right to strike as not precluding employers from hiring employees to temporarily or permanently replace striking workers. If the strike is deemed to be for unfair labor practice reasons, the striking workers are entitled to full reinstatement upon their offer to return to work. However, if the strike is for economic reasons, the employer must only rehire striking workers when or if vacancies become available.

Essentially, the Court held that strikers generally have the right of reinstatement at the end of an economic strike, but they lose that right if they have been replaced. The Mackay decision has been interpreted to allow employers covered by the National Railway Labor Act of 1926 to replace striking workers permanently as well. Without the right of reinstatement at the end of an economic strike, employees lose their bargaining power and thus lose their effectiveness as an organized labor force.

Until the last decade, employers found alternatives to the permanent replacement of striking workers. They realized that hiring permanent replacements would destabilize their workplaces, damage productivity, and destroy the positive relationships with employees and the community.

After President Reagan fired and permanently replaced approximately 12,000 striking air traffic controllers in 1981, employers have significantly increased their use or threatened use of permanent replacements. This practice totally undermines the worker's right to strike and the very purpose of organized labor—collective bargaining.

Free choice is a basic goal of our labor law. The Mackay Court described free choice as allowing employees to freely exercise their right to join unions, be they good, bad, or indifferent members or abstain from joining any union without imperiling their livelihood. The same Court stated that an employer has a right to protect and continue his or her business in the time of a strike. Currently, an employer's right to protect and continue his or her business outweighs the employees' right of free choice. The Workplace Fairness Act achieves the needed balance for the bargaining process to work in the best interests of both labor and management.

Indeed, the bargaining table as we know it no longer exists. Management has no incentive to bargain. Instead, any hint of labor unrest allows management to be unyielding during the negotiation process and precludes a close examination of the disputed issues. Current labor law fortifies management's position, and as a consequence, the strike threat is often eviscerated, in fear that these jobs will be permanently replaced. Clearly the balance has tipped in management's favor.

Regrettably, this tool works even more effectively during a recession. Economic hardships coupled with the lack of jobs compel individuals to seek any available employment opportunity. Employers acknowledge that this climate is conducive to the hiring of permanent replacements if such a situation arises. Permanent replacements then pit workers against one another and add to an already bitter and acrimonious situation. As a result, should unions contemplate a strike, management can dictate the outcome of the negotiation by depriving the workers of a strike weapon.

Our country's greatest goal is to enhance and strengthen America's competitiveness. Protecting our workers contributes to this end. To increase productivity, we must ensure that American workers are not relegated to inferior positions that fail to demand respect from our global competitors. If we do not preserve a fair balance of power, we jeopardize our efforts to achieve industrial strength. Our workers are the backbone of this Nation, and they deserve the right to strike without being discharged.

The doctrine of permanent replacements has eroded essential management and labor cooperation. How can we improve our labor force and the quality of our products if Government obstructs workers from acting in their own best interests? By imposing these barriers to frustrate a worker's statutory right to strike, we fail to legitimize the dignity of our work force. Thus, a vote against this bill is counteractive to our country's imperatives.

Ideally, strikes would not occur. They cause disruptions in business and workers without paychecks. Both sides suffer. Strikes destroy communities and families. That is why strikes are a rarity and only used as a last resort. Workers value their employment and have no intention of crippling their employer. On the contrary, they often feel a personal responsibility to improve their work force because they are proud to be a part of it. Consequently, workers may respond to their disappointment of the company's concessions by determining that they have no recourse except to strike. Such a decision, however, does not suggest disloyalty to one's job.

The absence of permanent replacements will not proliferate strikes and impair the operation of companies. Rather, it will foster collective action by both management and labor and press for a stronger relationship between the two sides. Both management and labor will again be equally protected by labor laws thereby pressuring both sides to settle disagreements as quickly as possible. Establishing a level playing field providing workers with the same rights they enjoyed prior to the Mackay decision should be a priority for our economic interests. If the permanent replacement of workers is prohibited, we will witness fewer strikes and a healthier work environment. By creating a fairer employment environment, the Workplace Fairness Act will strengthen, not weaken, our Nation's ability to compete in the global economy.

Mr. McCONNELL. Mr. President, this is truly astounding, as the country is emerging from an economic recession, as communities struggle to recover from plant layoffs and closings, as workers fight to hang onto their jobs, as unemployed Americans strive to find jobs, as business fights to stay in business, what is the U.S. Senate doing?

Debating whether to throw Miracle Gro on labor-management strife in the form of S. 55, the so-called Workplace Fairness Act.

Brilliant.

For 50 years, the Supreme Court's Mackay decision has provided balance in labor-management negotiations. Currently, workers are protected from being permanently replaced in the event of an unfair labor practice strike. Employers may temporarily replace workers in these instances but must, when the strike is over, return strikers to their jobs.

However, in the event of an economic strike in which union members exercise their right to strike in order to secure a more lucrative package, under Mackay employers have the right to say: "No, sorry, can't afford it"—return to your job or you will be permanently replaced. Employers only rarely have exercised their right, but it is an essential component in labor-management negotiation.

The fact is that in any labor-management negotiation, a union's ultimate leverage is the frightening specter of a crippling strike that forces the company either into bankruptcy or a settlement. Conversely, a company's leverage is the specter of strikers being permanently replaced.

Mutually assured destruction, in a sense.

Mr. President, the current labor-management climate isn't always pretty, but it is fair. Free enterprise is not risk-free, but it is the fairest system I know of.

S. 55, the Workplace Fairness Act—a misnomer I might add—would turn fairness on its head. Unions could call strikes with no fear of losing jobs in the process, unless of course the company goes out of business. But at least workers would not have been replaced. Fair, right? Wrong.

In might seem fair to union members, on the surface. Where Mr. President, is the fairness in this for business owners, stockholders, managers, non-union members, and the legions who are affected when one industry suffers from strikes?

Let me give an example. The American Farm Bureau Federation oppose S. 55. You might ask why is this group so concerned about this bill? Because, Mr. President, its 4 million farm and ranch families depend on transportation and processing—two heavily unionized industries—to get their commodities to market.

What happens if American farmers and ranchers can't get their commodities to market? Well, Senators are going to hear from a lot of constituents who went to the grocery store and found it looking a lot like the Soviet Union. Bare cupboards. Astronomical prices.

That is illustrative of the reverberations that major strikes can cause throughout this country.

And what about union members—the very people this bill purports to protect? Protect from what? Perhaps under S. 55 they would not suffer the indignity or fear of being permanently replaced—rather a rare occurrence, by the way, according to a GAO study requested by supporters of the bill. How about the terror of being permanently unemployed?

What a consolation. Instead of losing your job by being replaced, you have the privilege of losing your job when the company goes under.

To subject businesses to crippling strikes hardly enhances competitiveness or employment prospects in the United States. It could, inadvertently, help make EC 1992 a giant success.

Europe would be very grateful; the most generous thing the United States has done for them since the Marshall plan.

Mr. President, S. 55 is irrational, unless one owes big labor a vote. This may be the biggest quid pro quo in the history of Congress.

Big labor bosses have made no secret that S. 55 is their No. 1 priority. It is a relatively new initiative, but it certainly has taken the place by storm.

Coincidentally, labor PAC money and labor soft money has also taken this place by storm.

The Teamsters Union, never a slouch in elections, is numero uno on the PAC list for this election cycle. PAC contributions of $1.4 million just since last January—up 55 percent over the same period in the 1990 election cycle.

Let's look at some of the other members of the congressional PAC–10 and how they are affected by this legislation:

No. 2. Trial lawyers—they must be salivating at the prospects of lucrative litigation under this and other fairness bills.

No. 3. American Federation of State, County & Municipal Employees.

No. 5. International Brotherhood of Electrical Workers.

No. 7. International Association of Machinists and Aerospace Workers.

No. 10. United Auto Workers.

What a surprise: nearly half of the PAC–10 are labor unions—all of these labor unions want this bill passed. The total for all labor PAC contributions to Democrats in 1990: $30 million. To date this cycle: $15 million. Just to Democrats.

Mr. President, as we all know, Labor PAC money is only the tip of the iceberg. Labor soft money tells the real story. Labor soft money underwrites labor PAC's. Labor soft money runs phone banks. Labor soft money registers select people to vote. Labor soft money buses these select people to the polls. Labor soft money will see to it that every union member in America reads about how unfair Republicans are for opposing this fairness bill.

As the National Journal noted this year, in an article reporting on big labor's involvement in the Democratic Presidential nominating process:

> Typically of much greater value [than PAC contributions] to the candidates are the experienced volunteers that unions can provide to run phone banks and perform other nuts-and-bolts organizational chores. The unions can, and do, spend millions of dollars from their treasuries encouraging their own members to support a union-endorsed candidate. These so-called communication costs are exempt from federal limits on contributions to presidential candidates. The unions can also run voter registration drives among their members.

Mr. President, that may explain why Bill Clinton—longtime Governor of a right-to-work State—has found old-time labor religion as a Presidential candidate and supports the striker replacement bill.

That is also why the Democrats campaign finance reform bill was conspicuously silent on the issue of labor soft money. That is why every time Republicans offer an amendment to shed a little light on labor union soft money, it is resoundly defeated on a party-line vote.

Nevertheless, I intend to offer the Senate yet another opportunity to come clean on the issue of labor soft money and will put forth an amendment to that effect. As the distinguished minority leader, Senator DOLE, has eloquently observed, this process needs a little legislative Lysol.

I also will offer an amendment to ban PAC contributions by labor unions, corporations, or any special interest organization. No more PAC–10; no more PAC's, at all.

Two years ago, Democrats cried uncle and finally adopted as part of their campaign finance reform bill, the Republican proposal to unilaterally ban PAC contributions. But, when the Democrats' bill come back from conference a couple months ago, the PAC-ban provision had mysteriously disappeared.

If cloture is not invoked, I will offer an amendment to resurrect the PAC-ban. Certainly, my colleagues who support this bill would like to dispel any notion of a quid pro quo in the future. My amendment would restore some measure of credibility on that score.

Mr. President, if big business staged a political blitzkrieg on this scale, to provide massive funding behind a single legislative issue, say, repeal Davis-Bacon, Common Cause would be beating on the FEC's doors screaming for action. Heck, they might even call for an independent counsel.

How is it, with all the pressing issues facing this country, S. 55 floats to the top of the congressional agenda? Not the national agenda mind you, the congressional agenda.

Mr. President, I think we are just throwing big labor a bone with this cloture vote.

Mr. President, I will close with some advice to supporters of this bill: Be careful what you wish for, you might get it.

NATIONAL INSTITUTE FOR
LABOR RELATIONS RESEARCH,
Springfield, VA.

In 1976, Victor Riesel, noted labor columnist and expert, estimated that the amount of "in-kind" union political spending was $100 million.[1] This was ten times the reported amount of $10 million given to federal candidates. Also, in 1978, Ralph de Toledano wrote that labor experts estimate that union "in-kind" spending was 8 to 10 times the reported amount of contributions to candidates.[2] Based on these formulas and an expenditure of $34.7 million to federal candidates in the 1989–90 election cycle, we can then say that organized labor spent $347 million on "in-kind" contributions. During the 1989–90 election cycle, labor PACS received $88.9 million and disbursed $84.6 million.[3] Congressional Quarterly, March 31, 1990 states that "Experts estimate that a union or company spends a minimum of 50 cents for every $1 the PAC raises."

The $347 million per election cycle for "in-kind" expenditures does not appear to be an unreasonable estimate when one looks at the reported examples included below:

"Labor put up seed money to start Wofford's campaign for the Senate. The steelworkers put 52 union people to work full time for him, and they were joined by activists from other unions." Los Angeles Times, Nov. 12, 1991, Harry Bernstein Column.

"Some 45 unions, including auto, steel, and communications workers, teachers and letter carriers, contributed over half of $5 million raised for the Democrats' five-year "project 500," and unions 'give us the bodies' for polling and research, a party spokesman says." The Wall Street Journal, Sept. 25, 1990.

"The stewards have received training and each is responsible for contacting 20 to 30 coworkers. In addition, IAM plans to distribute some 3 million pieces of literature to its 850,000 members during the last two weeks of the campaign." Daily Labor Report, No. 214, Nov. 4, 1988.

"As in the earlier October 12 Leaflet Day, many of the members of the AFL–CIO Executive Council and other top union officers will be out at jobsites to lead the effort. Council members involved in the election campaign have been asked by AFL–CIO President Lane Kirkland to take a direct role in "battleground states" where they have substantial membership." Dubuque Leader, Nov. 4, 1988.

"John Thomas of the Ohio AFL–CIO's Columbus staff said his organization will spend between $50,000 and $70,000 for phone banks . . .". The Cincinnati Enquirer, May 5, 1984.

"As of October 1, no less than 60 International staff and council staff members were assigned to work full-time in 56 campaigns for U.S. Representative. One hundred and fourteen AFSCME phone banks, an aggregate of 1,500 phones, were generating more than one million calls per week." Public Employee, June, 1984.

"The unions in the AFL–CIO have mounted an impressive state effort in Alabama. With 16 phone banks across the state, the unions have 107 paid workers making thousands of calls to identify Mr. Mondale's labor supporters and turn them out at the polls." The New York Times, March 9, 1984.

"The national union (NEA) is preparing packages of statistics and talking points for state and local officials and is distributing to its 1,400 locals about 500 copies of a six-minute videotape in which Mondale tells how teachers can help him." National Journal, Sept. 29, 1984.

"Jerry P. Clark, AFSCME's political director, said the union's national office had assigned about a dozen of its staff to work in 15 targeted states . . ." National Journal, Sept. 29, 1984.

"With the distribution of these manuals, the American Federation of Labor and Congress of Industrial Organizations began training almost its entire field staff of professional union organizers to operate as political organizers in behalf of former Vice President Walter F. Mondale's Presidential campaign." The New York Times, Nov. 8, 1984.

Murray Seegar, the AFL–CIO's information director said in the National Journal, March 15, 1986 that the "labor federation has no estimate of its own . . .' if you have a telephone bank, all done by volunteers, say, 25 people calling for four hours, how much is it worth? Is it the minimum wage, is it what they would be earning if they were stringing electrical cable somewhere . . . ? There is no way to value it'."

However, a summary of the LM–2 and LM–3 forms for the reporting year 1987 indicates that labor unions have an annual expenditure of $2.4 billion per year on union salaries and benefits. This is equal to $9.1 million per working day. If only one-third of these staff salaries ($3 mil.) spent 90 days working for candidates during an election cycle, we would have an "in-kind" expenditure of $270 million, and this is most likely a conservative estimate.

Mr. MURKOWSKI. Mr. President, I rise today to express my opposition to the motion to invoke cloture on S. 55. We should not limit debate on an issue that has such far-reaching implications for American workers, business, and consumers.

Unfortunately, this issue has been mischaracterized as a vote on the continued existence and viability of organized labor in the United States—that somehow the right of union members to strike is threatened. While that inflammatory characterization may draw attention to this issue, it is not an accurate representation of the facts.

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[1] The Commercial Appeal, Memphis, Tennessee, Sept. 5, 1976, Victor Riesel column.

[2] National Review, Aug. 4, 1978.

[3] Federal Election Commission, Washington, DC.

ECONOMIC VERSUS UNFAIR LABOR PRACTICE STRIKES

Contrary to some of the rhetoric we have heard in this debate, S. 55 does not involve all strikes. Under current law it is illegal to hire permanent replacement workers in cases of labor disputes based on unfair labor practices. The issue today only involves labor disputes centered on economic matters. According to the National Labor Relations Act, employers cannot hire permanent replacements in strikes based on an employer's unfair labor practices, such as a refusal to bargain or firing an employee because of his or her union activity. In an unfair labor practice strike, an employer is required to reinstate workers to their former positions and may also be liable for back pay.

The act does however, permit an employer to hire replacement workers if the strike is based on purely economic reasons. The hiring of replacement workers in these cases is legitimate, as set forth in the Supreme Court's 1938 decisions in NLRB versus Mackay Radio & Telegraph Co. Under Mackay, those workers who have been replaced have a right to reinstatement as jobs become available.

It is important that the right of employees to strike be balanced with an employer's right to operate a business. In 1983 the Supreme Court in Belknap versus Hale recognized that "the very purpose of enabling an employer to offer permanent employment to replacements is to permit the employer to keep his business running during the strike." S. 55 would eliminate this important distinction, prohibiting the use of permanent replacements whether the dispute concerns an unfair labor practice or a purely economic issue.

S. 55 IS ANTI-WORKER

My reason for opposing S. 55 is not to deny jobs to American workers. This is not an attempt to prevent Americans from providing for their families. Mr. President, I oppose S. 55 because I believe its passage would hurt American workers. Its detrimental impact on American business would only serve to hurt U.S. competitiveness in the global marketplace, and could force the closure of U.S. businesses. It could drive businesses overseas, where companies could operate free from the strictures of U.S. law. Companies which manufacture and import goods from the outside the U.S. will not bear the costs of striker replacement legislation. Passage of S. 55 will hamper U.S. competitiveness, cost American jobs, and slow future jobs creation. This is something I cannot support.

Opponents of S. 55 are not conspirators attempting to eliminate the right to strike. I believe most of my colleagues would agree that the strike weapon is an important tool to be used to level the playing field and provide needed balance in the bargaining power between employer and employee. Strikes have been used very effectively over the years by organized labor to make important strides in the working conditions of Americans. Those who oppose S. 55 do not seek to diminish those accomplishments. Rather, we want to continue to preserve the delicate balance in labor-management relations. S. 55 is designed to distort that balance, giving labor an unfair advantage at the bargaining table that was not envisioned by the National Labor Relations Act.

FIFTY YEARS OF LABOR LAW

S. 55 would overturn more than 50 years of well-established principles of labor law and may actually cause significant harm to the working men and women in this country and our economy. If enacted, S. 55 would change longstanding labor policy by substantially altering the balance in labor relations that has been part of this country's legal framework and has given us a collective bargaining system that works.

Employees have the right to strike under current law—the ultimate collective bargaining weapon that unions can bring to bear on an employer's business. What proponents of S. 55 are now seeking is not protection of the right to strike, but the ability to force employers to accede to union demands at the bargaining table. Overturning the Mackay doctrine threatens to change the collective bargaining process in a way that would give unions control over the terms and conditions of employment, free from the market forces of supply and demand.

Proponents argue that S. 55 is needed to restore the balance in collective bargaining and to protect the rights of workers. In fact, this bill would have the opposite effect. It would significantly tilt the balance in favor of organized labor by limiting the ability of employers to operate during a strike and by favoring striking employees over those who choose to exercise their statutory right not to strike.

By opposing this bill I am trying to protect and preserve fairness in the workplace. We must maintain jobs for American workers, to allow U.S. companies to be competitive in world markets, and to provide goods and services to consumers at affordable prices. In contrast, this bill enhances the interests of one group under the law at the expense of American businesses, workers and consumers.

NEGATIVE IMPACT ON WORKERS

While I appreciate the appeal of this issue to the rank and file, I believe the leadership of the national unions do their members a disservice by making this a litmus test for union solidarity without fully disclosing the downsides of the legislation. Disproportionately increasing the power of the strike weapon will force many businesses to close, unable to weather extended strikes without the employees needed to maintain operations. The bill will not ensure that these employers will accede to unions demands, since often a company's refusal to accept union's offer is dictated by the need to reduce costs to operate more efficiently and competitively in an increasingly demanding marketplace.

In addition, S. 55 will also have the negative impact of inducing employers that may have used union labor to choose to operate with non-union employees. This is particularly true in the construction industry, where extended strike activity can shut down an entire project, affecting a multitude of contractors and subcontractors. Due to the unique nature of the construction industry, with multiemployer job sites, transient workforces and strict construction deadlines, the adverse impact of S. 55 on an already weakened industry could be severe. The costs of extended labor disputes to owners, contractors, subcontractors, suppliers, employees and consumers would be enormous. This is especially true in my own State of Alaska, where weather conditions make for a shortened construction season.

IMPACT ON ALASKA

As with all of the votes I cast in this body, I must consider the impact of S. 55 on my home State of Alaska. According to the executive director of the AFL-CIO for Alaska, S. 55 does not affect my State, where the number of strikes is minimal. On issues that truly do impact Alaska labor, I am very proud of my record here in the Senate. My record clearly indicates my support for the working men and women of Alaska.

Mr. President, I have consistently, without exception, supported the Davis-Bacon Act and the benefits it provides by maintaining the local prevailing wage and a resident workforce on federal construction projects. My local hire amendment secured a hiring preference for Alaskans on military construction projects in my State. The only local hire legislation to stand the test of time. At my request a Wage and Hour Division office was established in Fairbanks to ensure enforcement of my local hire amendment and the prevailing wage rates required by Davis-Bacon. I supported the extension of unemployment benefits, especially important in light of my State's high unemployment rate, and the parental leave bill, a benefit essential to working parents. My support of the Highway bill helped to bring in over $1.4 billion for Alaska over the next 6 years, providing jobs and infrastructure the State needs to foster economic growth and the diversification of our economy. Defense appropriations legislation I supported obtained $135 million in funding for this fiscal year for military construction projects in Alaska. I was successful in convincing the Department of

Labor to give approval to a Job Corps center that will be a vital addition to my State. The center will provide Alaskan youth with the technical skills they will need to become productive members of Alaska's workforce. The center is expected to train approximately 350 students per year, and should also produce more than 90 permanent jobs for instructors and staff. Construction of the facility will provide immediate boost to local economy by generating approximately 200 construction and related jobs. Mr. President, when the Senate has considered jobs creations initiatives or legislation providing benefits essential to working families, I have consistently supported the working men and women of Alaska.

CONCLUSION

Mr. President, current law preserves the balance in the labor-management negotiation process. Therefore, I must oppose efforts to promote adversarial labor-management relations that will lead to additional strikes and labor disputes in these difficult economic times, and ultimately weaken our economy and our Nation.

Mr. SPECTER. Mr. President, I am voting in favor of cloture because I believe the Senate should come to grips with the important issue of permanently replacing strikers. This is an extremely important matter for both sides and it should be resolved in a deliberative manner.

Collective bargaining has been the basis for harmonious labor relations in the United States for decades. Prior to the air traffic controllers' strike in 1981, permanent replacement of strikers had not become a critical issue even though it was not prohibited by Federal law.

Feelings on this issue are intense. Workers contend that permanent replacement of strikers, in effect, nullifies the right to strike and obliterates the collective-bargaining process. Employers contend that the replacement of strikers is a basic freedom and is indispensable if they are to stay competitive and remain in business. Constituent contracts on this issue go far beyond letters, telephone calls and meetings, to the extent of casual contacts on the streets, in restaurants, wherever I travel.

I have been working to find a compromise which would best accommodate all conflicting points of view.

When controversial legislation like this arises, it is typical for approximately 40 Senators to line up on each side with about 20 Senators in the middle trying to work out a compromise. With our current divided Government, it is plain that there will not be legislation unless a compromise can be effected. While there may be sufficient votes for passage, it is reasonably clear that there will not be sufficient votes to override a Presidential veto. So far, during his term, all 28 of the President's vetoes have been sustained.

In my judgment, the best approach is to try to work out a compromise as we did on the Civil Rights Act of 1991. That was a highly contentious bill which took months of protracted negotiation before a solution could be found acceptable to the Congress and the President.

It is my hope that a similar acceptable compromise can be found on this legislation. As a move in that direction, cloture should be invoked so that the Senate may focus on this issue, work its will and do its best to find a solution which best accommodates the competing views.

Mrs. KASSEBAUM. Mr. President, I rise to express my opposition to S. 55. I do so not because I am unsympathetic to the very real concerns of organized labor. I oppose S. 55 because I believe it will be a significant step in the wrong direction for relations between labor and management and, ultimately, for our economy as well.

Particularly today, in this age of global competition, we should be looking for ways to encourage labor and management to work together, rather than driving them apart.

I have listened closely to the arguments on both sides of this issue. It is interesting that debate on this bill has shifted from workplace fairness to focus on what is really at the heart of the matter—the survival of organized labor. I can well understand this concern.

Union representation in the private sector has been falling for the last 20 years. Some even estimate that private sector membership could drop from 12 percent of the labor force today, to only 8 percent by the year 2000.

There is reason to be disturbed by this trend. Though I support right-to-work laws and often disagree with union positions, I still believe unions have a legitimate role to play in the workplace. Labor can serve as a useful check to curbing the excesses of management and as a strong voice for the interests of union and nonunion workers alike.

However, reversing 50 years of labor law, as this bill would do, is not the answer. Though proponents cite a growing use of permanent replacements, the evidence suggests otherwise. According to the General Accounting Office, permanent replacements were hired in only 17 percent of the strikes in 1985 and 1989, involving only 4 percent of those workers who chose to strike. The practice of using permanent replacements is not widespread.

Nonetheless, it is argued that recent labor disputes, such as the Caterpillar strike, reveal that management's ultimate goal is to use permanent replacements to destroy unions. If true, a company that adopts this strategy does so at its own peril because in most cases, such as the Greyhound and Eastern bankruptcies, the company is the ultimate loser.

What these well-publicized cases really show is the extent to which labor and management relations have now deteriorated. They show that current law does provide a rough balance—when disagreements arise, everyone's livelihood is put at risk.

No one wins when management and labor square off in a war of attrition, where workers lose their jobs and businesses are forced into bankruptcy. This adversarial approach to resolving disputes was useful—perhaps necessary—30 years ago. The United States was still insulated from foreign competition.

Unfortunately, this power model, as one scholar has called it, is outdated in today's global economy. Arnold Weber, now president of Northwestern University, argues that where outcomes are to be decided on the basis of power, even when unions win, their victories are likely to be Pyrrhic. Their prospects in terms of long-term employment do not improve, given the mobility of capital in today's markets. Businesses simply invest elsewhere.

Professor Weber suggests that what is necessary is an adaptive approach to labor relations, which would stress efforts to adapt practices to the new economic environment. He recommends an emphasis on problem-solving rather than adverserial bargaining, on flexibility in the face of change rather than the protection of the status quo.

Underlying this approach is the assumption that it is in the best interest of both sides to cooperate, in order to ensure the viability of their enterprise. If a business survives, so will its jobs.

Sadly, this mutual goal of management and labor is often overlooked in favor of more narrow, short-term interests on both sides. Thus, at a time when employers have sought to encourage employee participation in decision-making, organized labor has been less than enthusiastic.

At the same time, even as executive pay has reached new highs, management has been slow to recognize the value of investing in a highly skilled labor force, focusing instead on the short-term bottom line.

Both sides must be willing to work together, which will not happen if S. 55 becomes law. By focusing on the competing interests of labor and management, this bill will only perpetuate our current, outmoded approach. S. 55 assumes that the interests of labor and management are incompatible, at a time when we should be encouraging both to work toward common goals.

By promoting confrontation, this bill will lead to more, not fewer, strikes. The impact of disruptive work stoppages on business and the economy as a whole should be obvious. Less obvious is the fact that in the long run this measure will only further the decline of organized labor.

It will create an incentive for businesses to further automate and eliminate jobs, to avoid the increased threat of strikes. Even more labor-intensive operations will move across the border. More importantly, S. 55 will further forestall the much-needed change, innovation, and flexibility that will keep our labor force competitive with the rest of the world.

Congress does have a role to play in creating an atmosphere that will encourage management and labor to work together. For example, we can address the underlying cause of many labor disputes—the rapidly increasing cost of health care.

Many employers simply cannot keep pace with the rising cost of present levels of health coverage. Labor is understandably reluctant to carry this growing cost burden. Comprehensive health care reform would do much to relieve one of the main sources of strain between management and labor. The legislation we are now considering will only increase that strain.

Finally, Mr. President, there has been some discussion on a compromise amendment, which has yet to be offered. From what I understand, this amendment will be a substantial revision of current law.

Arbitration may address some of the concerns I have about current process, but none of us know all of the ramifications of this proposal or what its full impact will be on either management or labor. If cloture is invoked, we will have very little time to sort out the consequences of this proposal or possible alternatives. While I appreciate the efforts of Senator PACKWOOD, I cannot support cloture under these circumstances.

Mr. SARBANES. Mr. President, I rise today in strong support of S. 55, the Workplace Fairness Act. As you know, this important legislation would amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination against employees based on their participation in a labor dispute. It is my firmly held view that this proposal is critical to ensuring the protection of the fundamental right of our Nation's workers to organize, participate in collective bargaining, and exercise their lawful right to strike without risking their livelihoods.

While the National Labor Relations Act [NLRA], enacted in 1935, expressly prohibited any action by employers which would serve to undermine the right to strike, the 1938 Supreme Court decision in Mackay Radio authorized the hiring of permanent replacements for striking workers, thereby forfeiting employees' rights to participate in most forms of peaceful secondary activity without the threat of being permanently replaced in their jobs.

For over 40 years, the Mackay doctrine had little practical effect since most employers recognized the value of a stable and experienced work force and sought to avoid the heightened confrontation resulting from the hiring of permanent replacements. However, in 1981, with action by the Reagan administration to fire and permanently replace 12,000 striking air traffic controllers, over 40 years of a reasoned and balanced relationship between employers and union workers ended, with many employers adopting a much more aggressive and hostile strategy toward employees participating in a lawful strike. More recently, the Supreme Court expanded Mackay in the 1989 Trans World Airlines decision to include employees under the Railway Labor Act and, even more damaging, to allow employers to give seniority and additional benefits to junior employees who broke picket lines.

Together, these factors have resulted in a tremendous increase in the hiring of permanent replacement workers over the last decade, with tens of thousands of striking employees permanently replaced and hundreds of thousands of workers threatened with this possibility. In effect, union busting has replaced negotiation as the primary strategy for some employers, and has resulted in a diminution of the union movement and the collective bargaining process which has been so important in guaranteeing safe workplace conditions, fair wages, and adequate health benefits.

It is interesting to note that the United States is one of the few industrialized nations that permits the permanent replacement of striking workers. Germany and Japan, our chief competitors internationally, not only do not allow for the hiring of permanent replacements, but have far greater protections for striking workers. According to a recent study by the MIT Commission on Industrial Productivity, competitiveness may hinge less on cost than on the speed at which a company is able to adapt to new technology and changing market conditions. Many analysts view this flexibility as a function of cooperative labor/management relations which allow for decisions about lines of production. It is this type of cooperation which contributes directly to increased competitiveness that is undermined by allowing the permanent replacement of striking workers.

Mr. President, the enactment of the Workplace Fairness Act is in my view imperative to restore a healthy balance in labor/management negotiations and to ensure a sound future for organized labor in our Nation. I want to thank the distinguished Senator from Ohio for his longstanding leadership in this area and strongly urge my colleagues to support this very important legislation.

(At the request of Senator MITCHELL, the following statement was ordered printed in the RECORD:)

• Mr. GORE. Mr. President, I regret that I am unable to be present today to vote on this important measure due to my responsibilities as chairman of the Senate delegation to the U.N. Conference on Environment and Development in Rio de Janeiro, Brazil, being held this week. I strongly support the Workplace Fairness Act, S. 55 and would have voted in favor of this measure had I been present today.

I want to congratulate the chairman of the Labor and Human Resources Committee Senator KENNEDY and the chairman of the Labor Subcommittee Senator METZENBAUM for working hard to get this bill before the Senate. I believe that workers in a union shop should be able to negotiate in good faith with an employer without the fear of being permanently replaced while the negotiation process is in effect.

I sincerely hope that, should cloture fail today, a second vote might be scheduled early next week. This is an important measure not only for organized labor, but a measure of equity for our entire society.•

Mr. PELL. Mr. President, I wholeheartedly support congressional efforts to prevent the hiring of replacement of striking workers. In my view, the right to strike is a fundamental right of working people that has been used in the past as an effective tool to obtain safer working conditions, fair compensation and reasonable hours.

Unfortunately, the right to strike has been rendered more and more meaningless in recent years by the increased practice of hiring replacement workers to take the jobs of striking workers.

I have witnessed a great deal of progress over the years in congressional efforts to maintain the difficult balance between the interests of employer and employee. Legislation to prevent the use of replacement workers is a legitimate step in Congress' ongoing efforts to maintain this balance.

I urge my colleagues to vote in favor of cloture on this measure.

Mr. GLENN. Mr. President, I rise today to express my support for one of the most important pieces of legislation facing Congress in this session—the Workplace Fairness Act. S. 55 prohibits employers from hiring permanent replacements for workers who go out on strike, thereby protecting the integrity of a strike.

In my view, the Workplace Fairness Act is an appropriate name for S. 55 because that is what the bill is all about—restoring fairness and encouraging good faith bargaining between labor and management.

More than half a century ago, Congress passed the National Labor Relations Act [NLRA] as the principal Federal law governing labor-management relations in the United States. In light of congressional interest in promoting collective bargaining as a means of resolving labor-management disputes over economic and noneconomic issues, the NLRA was designed to encourage certain peaceful self-help options, including the right to strike.

The right to strike is the principal economic tool of labor. The NLRA establishes the right of employees to join unions, to bargain collectively, and in absence of an agreement when negotiations break down, the right to strike without fear of reprisals from employers, such as discipline or discharge.

However, in a 1938 decision, *NLRB* v. *Mackay Radio & Telegraph Co.*, 304 U.S. 333 (1938), the Supreme Court in dicta left a gaping hole in U.S. labor policy as it regards the protection of striking employees from reprisals. The Court stated that an employer's "right to protect and continue his business" justified the hiring of permanent replacements for employees who were on an economic strike.

Consequently, employees can strike to protect their economic interests without being discharged or disciplined, but they can be permanently replaced. This result is illogical and unjust—a legal anomaly which creates a real and serious problem for employees.

By preventing the hiring of permanent replacements for striking employees, S. 55 clears up this ambiguity in the law which has been used in recent times to subvert the value of an economic strike.

In the 1981, President Reagan authorized the firing and permanent replacement of 12,000 striking air traffic controllers. This act had a significant impact on the way many American employers view economic strikes. For example, prior to 1981, the use of permanent replacements was a unique form of self-help, seldom resorted to by employers.

However, a 1990 report by the General Accounting Office [GAO] estimated that approximately 14,000 striking workers covered by the NLRA were permanently replaced in 1985, 14,000 more in 1989. These numbers do not include strikes covered by the Railway Labor Act [RLA], such as the 8,000 striking pilots, machinists and flight attendants permanently replaced by Continental Airlines in 1985, and the 7,000 striking employees of Eastern Airlines in 1989.

Two Supreme Court decisions following Mackay further contributed to increased use of permanent replacements. In *Belknap, Inc.* v. *Hale*, 463 U.S. 491 (1983) the Court held that replacement workers promised permanent status could enforce this promise in State court against an employer that subsequently agreed to reinstate strikers. Further, in *Trans World Airlines* v. *Independent Federation of Flight Attendants*, 489 U.S. 426 (1989), the Court further eroded strike protections by holding that junior employees who "cross over" a picket line to return to work may be given positions superior to those they would normally hold, thus encouraging junior employees to break the strike for economic benefits which might take years otherwise to acquire.

Clearly, employer reaction to this strike-weakening trend by the Supreme Court, coupled with the lead of the administration, has greatly tilted the balance of power in favor of management in labor-management disputes over economic issues.

S. 55 restores the balance of power to a more neutral playing field, giving both sides a fair opportunity to use whatever lawful resources are available to them while maintaining sound and established U.S. labor policy.

Moreover, the bill has been amended to address certain concerns raised by the business community in its opposition to the measure. It applies only to certified union shops—or shops pending union certification—where the union represents the majority of the employees. Consequently, S. 55 would not affect most small businesses, which are traditionally nonunion shops.

In sum, I support S. 55 because it restores the fairness to the collective bargaining process envisioned by Congress when it enacted the NLRA to ensure workplace fairness. I will vote for this legislation, and I urge my colleagues to do the same.

Mr. LEVIN. Mr. President, I am pleased to be an original cosponsor of the Workplace Fairness Act (S. 55) which would make it an unfair labor practice under the National Labor Relations Act and the Railway Labor Act to hire permanent replacement workers during an economic strike. This legislation would restore an appropriate balance to the collective bargaining process in which differences between businesses and employees are worked out at the bargaining table.

The National Labor Relations Act [NLRA] has been the primary Federal law governing labor relations in the United States for more than five decades. the Act emphasizes collective bargaining as the best method for resolving labor-management disputes, and promotes an atmosphere of equal power between labor and management in dispute resolution.

In recent years, however, the delicate balance has been threatened by the regular use of permanent replacement workers. Although management has been free under the NLRA to hire permanent replacements during an economic strike since 1938, this practice was rarely used by employers.

In the early 1980s, the scale began to tilt. The shift began with the firing of 11,500 striking air traffic controllers by Ronald Reagan in 1981. Similarly ugly disputes involving International Paper, Eastern Airlines, and Greyhound Lines among other were tragically prolonged by the use of permanent replacements.

A report filed in 1990 by the General Accounting Office [GAO] found that employers threatened to hire permanent replacements in one-third of the strikes during the 1980s. Permanent replacements actually were hired in about 17 percent of those strikes. The report also found that most of the employers and workers it interviewed believed that replacement workers were hired more often in the 1980s than in the preceding decade.

We need the Workplace Fairness Act to prevent the negative economic effects of prolonged disputes. A recent study conducted by Wayne State University in Detroit indicates that in the long run, the profitability of companies that adopt confrontational tactics like the hiring of permanent replacement workers is less than that of companies that adopt a cooperative approach to labor relations.

We need the Workplace Fairness Act to ensure that both sides come to the bargaining table on equal footing. The ability of employers to hire permanent replacements puts striking workers at a severe disadvantage at the bargaining table. It increases the likelihood that they will be presented with only two options: accept the offer, or lose your job. These options are corrosive to the cooperative spirit between business and labor that is essential if the collective bargaining process is to endure.

Mr. BRADLEY. Mr. President, global competition, rapid technological change, and a frantic decade of corporate greed have put unbearable stress on the American worker. Worst of all, at a time when the compact of trust between labor and management most needed strengthening, that compact instead became weaker. Nothing better symbolizes that collapse of trust in the workplace than the trend toward using permanent replacement workers to break strikes, and, with them, organized labor unions.

It is about time that we realize that we are all in this together. If it is worker vs. management, rich against poor, pitted against each other in vicious disputes like those that laid waste to Eastern Airlines and Greyhound, we will never be able to build a society that lifts everyone to the higher ground. For most of our history as an industrialized nation with a strong labor movement, we have understood this. Although companies had, in theory, the right to hire permanent replacements for strikers, they rarely did so, because they treated their work force as an investment. Workers were not interchangeable parts but partners in the quest for productivity and partners in a community.

But in the last decade, things changed. A few managements, often new owners with no connection to their community, began to see labor disputes as an opportunity to increase cash flow by breaking the union and replacing the workers most active in negotiating for better working conditions. In almost 1 in 5 strikes, some workers were replaced, and 1 in 3 disputes were settled under the threat of permanent replacement. The ultimate measure of this trend is the average hourly wage in the private sector, which dropped by more than $1 in the 1980's. A worker does not have to be permanently replaced for his or her family to be hurt by the tilting of the balance of power away from organization labor.

While some workers lost jobs and others lost wages, no one has gained from the trend toward hiring permanent replacements. Strikes were no shorter. The companies that hired replacements were not healthier. And our economy did not gain an advantage over the other industrialized countries in the world, all but two of which ban permanent replacements.

The case for this bill was eloquently stated last year by Bishop Frank Rodimer of Paterson, NJ, speaking for the U.S. Catholic Conference:

> The right to strike without fear of reprisal is a fundamental right in a democratic society. The continued weakening of unions is a serious threat to our social fabric. We have to decide whether we will be a country where workers' rights are dependent on the good will of employers, or whether we will be a country where the dignity of work and the right of workers are protected by the law of the land.

In a competitive world, the United States will not have the luxury of long brutal strikes or of management tactics that displace skilled, committed, experienced, organized workers. We will need a new compact in the American work force, an honest effort to rebuild the trust between management and labor. As a first step toward trust we must take the most brutal and least productive tactic, the hiring or threat of hiring permanent replacement workers, off the table for good.

I understand how controversial this legislation is, and I commend Senator Packwood and the AFL-CIO for working hard on a compromise that will make it possible for us to pass a real law, rather than just make a point. Our objective is to restore the balance between management and labor, not tilt it in another direction. For those who had questions about whether the original bill served that purpose, the Packwood amendment should answer those questions. America's workers have already waited too long for a fair balance to be restored.

CLOTURE MOTION

The PRESIDING OFFICER. All time has now been yielded back or expired. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the committee substitute for S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes:

George Mitchell, Howard M. Metzenbaum, Paul Wellstone, Claiborne Pell, Paul Simon, Alan Cranston, Bill Bradley, Harris Wofford, Daniel P. Moynihan, Tom Daschle, Daniel K. Inouye, Barbara A. Mikulski, John F. Kerry, Al Gore, Carl Levin, Max Baucus.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that the debate on the committee substitute for S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

On this vote, the Senator from Tennessee [Mr. GORE] is paired with the Senator from North Carolina [Mr. HELMS]. If present and voting, the Senator from Tennessee would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN] is necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from Utah [Mr. GARN] would vote "nay."

On this vote, the Senator from North Carolina [Mr. HELMS] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Tennessee would vote "yea."

The PRESIDING OFFICER (Mr. LAUTENBERG). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—55

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bradley
Breaux
Bryan
Burdick
Byrd
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Heflin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wofford

NAYS—41

Bond
Boren
Brown
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Craig
Danforth
Dole
Domenici
Durenberger
Gorton
Gramm
Grassley
Hatch
Hollings
Jeffords
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Pryor
Roth
Rudman
Sanford
Seymour
Simpson
Smith
Symms
Thurmond
Wallop
Warner

NOT VOTING—4

Garn
Gore
Helms
Wirth

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader is recognized.

Mr. MITCHELL. Mr. President and Members of the Senate, 55 Senators voted to invoke cloture, 41 Senators voted not to invoke cloture. Less than 60 votes having been cast for cloture, cloture is not invoked on the bill. Therefore, the bill now remains before the Senate and is, of course, open to amendment for any Senator who wishes to offer an amendment.

I just a few moments ago discussed the matter with the distinguished Republican leader, and it is my intention that the bill remain before the Senate today and tomorrow, open for amendment and debate as any Senator wishes to either debate or attempt to amend the bill, and that, if amendments are offered and the debate concluded, votes are possible.

I am not aware of the number of amendments that are being considered or who the Senators are that intend to offer them. So I am unable at this time to provide any guidance as to what will occur for the remainder of the day and tomorrow in that regard.

On tomorrow, the bill then having been open for amendment for at least the rest of today and tomorrow, I will review the matter with the managers of the bill, the distinguished chairman, the Senators from Ohio and Utah, and of course the Republican leader, and make a decision at that time on how best to proceed further on this matter.

Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, we have one problem on this. The manager on this side cannot be present tomorrow. The Senator from Oregon has an amendment. He is not quite prepared to offer that amendment. He wants to make some minor changes in the amendment. Would it be possible to agree to have another cloture vote Tuesday?

Mr. MITCHELL. If that is what the distinguished Republican leader wishes, then I will certainly, as I have always done, give that careful consideration. Let me discuss it with my colleagues, and get back with the Republican, on that, and make a decision, and make an announcement.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I just want to join in urging that the Senate continue the debate and discussion on this issue which is of fundamental importance to the fairness of working Americans.

I do not think that there is any mystery that working Americans have been shortchanged over the period of the last 12 years. We have been unable to gain parental leave, or a good day care program, increase in minimum wage, and we have seen how their legitimate rights have been compromised with a series of mergers and acquisitions; the compromising of pension programs. We have seen the power of OMB in gutting important OSHA regulations to try to protect the workers in the workplace.

We had some debate about the rights of working men and women versus the rights of the corporate world. What we have seen over the period of the last 10 years are CEO salaries increasing some 300 percent while the numbers of working families that are below the poverty line—these are working men and women—have increased by 50 percent. The disparity continues to grow.

The most effective way to try to protect those particular rights is to ensure what made this country the strong industrial nation that it has been through the forties, fifties, sixties, and seventies, and that is to have a strong competitive system which permits the economic rights of working families to be protected.

I think all of us know that two of our colleagues, Senator WIRTH, and Senator GORE, are attending an extremely important meeting involving environmental issues, which is of core importance to the American people, and to people all over the world. I know from my own conversations there are those in this body who believe that on an issue as important as this that we ought to have more time to debate and discuss, and would be willing to at least consider the possibility of supporting cloture next week.

So I applaud the efforts of the majority leader, the Senator from Ohio, and the 55 Members of the Senate. That is a majority of the Members of this body who believe in the economic rights for workers. I look forward to hopefully being successful in achieving the cloture vote so at least we can get a final disposition on this issue

I thank the Chair.

Mr. HATCH. Mr. President, I listened with interest to the comments of the distinguished Senator from Massachusetts. As he knows I have a great deal of respect for him, but let us be honest about this. This bill is carefully drafted, passed through the House of Representatives, and now that it is here and they realize that they cannot pass it in its current form they are trying to amend it as a last ditch in a way that will completely disrupt the whole management-labor relations laws of this country.

If that is the way we are going to do law in this country, then I fully understand why the American people are so doggoned disgusted with the Congress of the United States.

It happens all the time in the Labor Committee on labor issues. They come up with this wonderful bill that they say is going to pass through the whole Congress, they have 1 day of hearings, maybe 2, then they bring it to the floor of the House. It passes over there, or the Senate; it passes here, and then goes to the other body. Then all of a sudden they find that there are some serious defects, which we have been pointing out all along, and then they come up with a so-called compromise that now they have to amend again because we have pointed out defects in that compromise. And there is no way on this green Earth that they can correct that compromise amendment without changing the basic labor laws of this country and the delicate balance that exists to keep labor strikes in this country.

I have to tell you. This is not an insignificant issue. To start throwing up that is, about the salaries of corporate officials. Come on, 50 percent of the businesses in this country are small businesses. Most of them will not know $100,000 from $3 million. Most of them are not paid an awful lot of money. Most of them are trying and gutting it out trying to keep their businesses going. A lot of the so-called big businesses are just trying to keep going in light of worldwide competition.

And to hear that side talk, you would think that my gosh, they are all fat cats out there trying to rape the individual laborers in this country. There are some of those. I decry them, too. But they are surely the exception.

I get tired of all the demagoguery about how rotten the corporate world is, and the business world is, which includes 50 percent of small business people in this country—80 percent, if you really get honest about it; 80 percent of the businesses in this country have 20 or fewer employees. We act like they are all rapacious corporate raiders. If the truth is known, an awful lot of the big business corporate leaders are people who cave in every time they turn around to organized labor. Then they complain about their businesses are going down the drain. We have seen it in the steel industry. We have seen it in the automobile industry. We are seeing it in the coal industry.

Next week in the Finance Committee we are going to have another big problem with the coal industry, and part of the problem is that some of these leaders have always been willing to cave in on anything.

So where do you categorize those business leaders, wonderful heroes in this country? They have made us uncompetitive.

I can go person-to-person on corporate leaders and tell you the good ones and the bad ones. But the vast majority of them, 80 percent of them, are small business people who have less than 20 employees. And they do not make this kind of money, and they cannot stand this kind of upheaval in the labor market.

If you want to kill this country, the way to do it is with this kind of legislation. If you think the Packwood amendment is going to help, my gosh, it makes it even worse than it was before. It stacks it in a one-way street in favor of organized labor.

I will stand here and fight for the rights of organized labor to keep their delicate balance so that they cannot be run over by business. Boy, anybody who thinks you can run over organized labor they do not understand what is going on.

But I also think we ought to fight for the business side so that there is a delicate balance there. No business wants to permanently replace their employees and go through the burden of retraining them, with all the costs of retraining, and helping them. Nobody wants that. They want to get along with their laboring people. They want to get along with their unions. It is good business to get along with their unions, and rightly so. They are copartners in making most businesses that are unionized go. But there are times when the only leverage that the business community has, the only leverage after being struck, is to say, look, we cannot survive unless you come back to work.

If you do not want to, here is the best offer we can make. My gosh, we are going to have to permanently replace you despite of all the concessions being made to us. It is the only way to save our business. You want to take that right away. Either way, the bill, S. 55, or the Packwood amendment, takes that away. It is unfair.

Let me tell you, I have to say, all but five Republicans voted against cloture today—all but five. All but five Democrats voted for cloture. I have to say to my democratic colleagues, if what you are trying to do is embarrass the President so he has to veto this bill, he already said it.

The President will have a recommendation from his top leaders to veto this bill, if it passes. So we are wasting the time of this country, going through another week of this kind of gibberish, knowing it is going to be vetoed, and knowing it is going to be upheld. Frankly, why? Because many in this body, knowing that this is terrible legislation, knowing that it overturns better than a half century of settled labor, that has worked so well in this country for so many years, they want to please one side on this issue at basically all costs.

Let me tell you, as one of the few men in this whole Congress of 535 members, I get a little tired of being the one who has to stand up and point out the defects in these pieces of labor legislation. I get a little tired of having people just vote because it is in their political interest to vote that way, and not stand up for our country and for both labor and business.

There is going to come a time when you can pass whatever you want to in this body, and then you live with it and see this country go right down the drain. I get a little tired of hearing people come out and brag about Germany and the European nations, who do not allow permanent replacements, but they do not allow tough strikes either, and a whole raft of other things that we permit because we want open relations and fairness in the workplace. So do not sell me on Europe. Europe, in many ways, does in the labor movement, compared to the United States of America.

There will come a time when you Democrats and a few Republicans can pass anything you want to around here, but do not come to me and say at that particular time that you did not have a responsibility for the country going down the drain, because you will have. If this kind of outrageous overturning of 54 years of settled, good labor law that has been fair to both sides happens to be overturned by this bill, and I will tell you, those of you who know it is a dog, and know what a bad bill it is, that are voting for it anyway, because it is in your political interest to do so, you are going to have to be responsible.

In the end, you are going to have to be responsible when some demagogs arise on the other side and turn things around the other way, where there will not be the fairness either way, and there will not be the fairness to the labor unions either, which I want to see survive. It is time for some of us to start thinking about the country. I am sick that more of us do not. If there was anything to commend in this legislation, I would. But to start talking about corporate salaries and things that are political in nature, rather than the merits of this matter, I think is a mistake.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the submission of Senate Resolution 314 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, what is the present business of the Senate?

The PRESIDING OFFICER. The committee substitute to S. 55 is the pending question.

Mr. SANFORD. Mr. President, I ask unanimous consent to be permitted to speak as in morning business for a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. SANFORD. I thank the Chair.

(The remarks of Mr. SANFORD pertaining to the introduction of S. 2838 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, earlier, following the cloture vote, I advised the Senate that the pending bill would be before the Senate and available for amendment. I was advised by the distinguished Republican leader and by the managers that no Senator is prepared to offer an amendment at this time. We have had a series of speeches, all I believe unrelated to the pending bill.

MORNING BUSINESS

Mr. MITCHELL. Accordingly, Mr. President, I ask unanimous consent that there now be a period for morning business during which Senators be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

HANDGUNS

Mr. CHAFEE. Mr. President, we have just seen 1 more week of handgun slaughter, another week of ghastly injuries and deaths from handguns.

Yesterday, Mr. President, a 6-year-old New Haven boy was riding the schoolbus home from school and he was hit in the head by a bullet from a semiautomatic handgun.

Let me just briefly read, Mr. President, from the clipping here from the local newspaper.

CONNECTICUT KINDERGARTNER SHOT IN HEAD ON BUS

NEW HAVEN, CT.—A kindergartner on a school bus got caught in the crossfire between 2 gangs yesterday and was shot in the head, authorities said. Cesar Sandoval, 6, was in critical condition at Yale/New Haven Hospital where surgeons were unable to immediately remove the bullet.

Mr. President, just consider the scene. He is 6 years old. He is in kindergarten. He is riding home from school in the bus. There were a handful of kindergartners, six other youngsters, in the bus with him, who had waved goodbye to their teachers; children heading home just like other youngsters.

Now, picture what the scene must have been like. As one girl on the bus, a 6-year-old, said she "felt a bullet graze her hair" and, of course, as I said, the 6-year-old boy was hit with a .9 mm slug from a handgun just above his left ear.

After 3 hours of surgery he is in critical condition in the pediatric intensive care unit of Yale/New Haven Hospital. His survival is in doubt.

Mr. President, I do not think any of us can get used to this, and certainly we should not get used to it. We should not say, none of us, that this is just the way things are.

Mr. President, what is going on in this country? Does going to school mean exposure to handguns and to death? As you know, my position is we should ban all handguns, get rid of them, no manufacture, no sale, no importation, no transportation, no possession of a handgun. There are 66 million handguns in the United States of America today, with 2 million being added every year.

Another headline in today's Washington Post: "Killings Invade a Child's World. Two Slain Execution-Style near D.C. Elementary School." This story describes in harrowing detail the discovery of two teenagers bound hand and foot with duct tape, shot execution-style, and left less than a 100 yards away from Weatherless Elementary School's "Family Day" celebration picnic.

How do you explain to an excited 6- or 7-year-old they must cancel the picnic because someone—two someones—have been executed nearby? And I am confident, by handguns.

Headline No. 3, Mr. President: Yesterday's New York Times. "Water Gunplay Provokes Shooting of 2." A 16-year-old boy who accidentally sprayed a bystander with a Super Soaker water pistol received a bullet in the spine for his mistake. The boy has been told he will have difficulty ever walking again. This incident mirrors one that occurred in Boston a few weeks ago, where a 15-year-old was fatally wounded by a gunshot when caught in a fight involving these water pistols.

And what is the solution? What are the authorities going to do? They are going to ban the water pistols. They do not ban the handguns; they ban the water pistols. We have everything upside-down in this country of ours.

Mr. President, when I first gave a statement of the impact of handguns on schools and the impact of handguns on health care in our Nation, and said that I was presenting legislation next week to ban all handguns in our country, several Senate colleagues were very kind to approach me or drop me a note "congratulating me on my courage." That was extremely nice.

But it seems to me that we have things upside-down here, if it takes courage to oppose what is going on in our country with these handguns.

It is ironic, Mr. President. Yesterday, the Government banned the sale of infant pillows, which were blamed for the suffocation of 36 youngsters over the course of 2 years. Yet, it is estimated in the last 2 years, over 275 children—I am not talking adults; I am talking children—have been killed by handguns. So if we are banning pillows, let us ban handguns.

Mr. President, I hope we can get somewhere with this legislation, and I thank the Chair. And I thank all those who have been kind enough to speak to me about this.

I might say, we have plenty of room for cosponsors. The list has not been filled. But I believe—I am absolutely confident—that over the course of the next decade, every family in America—and I am not talking mother and father and two children; I am talking family: mothers, brothers, nieces, nephews, uncles, aunts—every family in America is going to be touched by these handguns, touched in a very, very unfortunate and tragic fashion.

Mr. President, I ask unanimous consent to have printed in the RECORD the two articles relating to these shootings: One from the New York Times, dated June 10, 1992; and one from the Washington Post, dated June 11, 1992.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 10, 1992]

WATER GUNPLAY PROVOKES SHOOTING OF TWO

(By Bruce Weber)

A man who was inadvertently squirted Monday night with a high-powered water gun, the latest trend in toy weaponry, angrily pulled a real gun and sprayed the corner with bullets, wounding two young men, the police said.

One of the victims, Richard Cooke, 16 years old, and several friends had been horsing around with water guns on the northwest corner of Eighth Avenue and 153d Street in Harlem about 11:30 P.M., when Mr. Cooke took aim at one of them and missed, a witness said.

The spray hit another man, who the police said opened fire with a real gun and then fled. Mr. Cooke was shot in the lower back, and a bystander, Maurice Anderson, 29, was shot in the left ankle. Both were reported in stable condition yesterday at Harlem Hospital.

"DIDN'T WANT TO BE WET"

"He wet somebody who didn't want to be wet," said Sgt. Michael Mulcahy, who was the first officer on the scene Monday night. "The guy apparently became incensed."

The incident is the latest in a series of violent episodes across the country involving the water guns, including the death of a 15-year-old Boston boy last month who was shot after a squirt-gun showdown escalated into the real thing. Yesterday's shooting took place only hours after the Mayor of Boston, Raymond L. Flynn, asked merchants in his city to remove the new guns, known as *Super Soakers*, from their shelves.

In an interview last night at the hospital after surgery on his ankle, Mr. Anderson said there were about eight young people with water guns on the corner when he was shot Monday night. When Mr. Cooke sprayed the gunman's blue and green jumpsuit, Mr. Anderson said, "Richie was scared because he realized the guy had a gun.

"I was just trying to talk to him. I said: 'Yo, this is just water. It ain't going to hurt you.' Then he pulled out a gun from his waist and started shooting at random, but he was aiming at Richie because Richie got him wet."

Speaking drowsily as the effects of the anesthetic from the surgery lingered, Mr. Anderson said that he was in pain and that doctors had told him that he would have difficulty walking. He said he himself had not been carrying a water gun. The guns that others had, he said, had been bought that day.

"JUST HAVING FUN"

"It was a hot day and we were just having fun," he said. "The water gun is an innocent toy. I don't know why he got so mad."

The guns, which can shoot a forceful jet of water as far as 50 feet, have become widely popular. The neighborhood around the shooting, a volatile and potentially violent place on any given day, was filled with Soaker-packing children yesterday afternoon.

Walking along Frederick Douglass Boulevard a few blocks from the shooting, Edward Guerra was shop-herding his two boys, Bruce, 9, and Alexis home from an outing in the park. Both the boys—and Mr. Guerra too—were toting Super-Soakers and yellow plastic back-pack tanks.

"They only play with me," said Mr. Guerra, who said he paid $20 apiece for the guns. "They have supervision." He said he had heard about the shooting the night before.

A FATAL SHOOTING

The police said that less than four hours after the water-gun incident, another shooting took place on the same street corner, in front of the Edwin and Robert Food Market, which had been closed at 10 P.M. The police said that at about 3:20 A.M. on Tuesday, a blue van carrying three men in their 20's drove by the corner and fired into a crowd of teen-agers, killing one of them and wounding three others.

The police said they were not ruling out a connection between the shootings but had no evidence tying them together.

As police investigators canvassed the block yesterday afternoon looking for witnesses, area residents lamented the unhappy pattern of violence in the neighborhood. A few doors down from the site of the shootings, Shirley Greene, the owner of Shirley's Soul Food Restaurant, and Doris Gaskin, owner of Dot's Beauty Salon, expressed their frustration and bitterness.

"It was a quiet night," said Ms. Greene, who left her restaurant at 11 P.M. on Monday, just before the first shooting. "But there's always something going on around here, always."

Ms. Gaskin added: "You do what you got to do and get out of here. After dark, you get out."

[From the Washington Post, June 11, 1992]

KILLINGS INVADE A CHILD'S WORLD

(By Gabriel Escobar)

The District children who every morning amble past the boarded apartments, cut through the dump at the side of the housing project and then descend the cracked stairs to their school were spared yesterday only by an accident of timing: Someone else had already found the bloodied corpses of the teenagers.

They were lying in a three-sided cinderblock shed with a crumbling tin roof, their hands and feet bound with duct tape. Neither was more than 18 years old, and whoever shot them placed them close together, face-to-face. The blood was so heavy that it flowed out of the shed and down the asphalt slope.

On a day when Weatherless Elementary School was hosting Family Day, the grisly discovery outside the Fort Dupont Dwellings in Southeast Washington canceled a parade that would have passed the scene of the killings. The decision was made by the school principal, who at first considered giving up but then steadfastly refused to let the violence destroy the outing.

The execution-style slayings, reported to police about 8:17 a.m., continued a violent pattern that began almost two weeks ago and now has District detectives investigating four separate double homicide. Over the last 11 days, 27 people have been killed in the city, raising the year's homicide total to 197, three fewer than at the same time in 1991.

Less than four hours after police found the bodies of the two teenagers, some of the same officials were summoned to the scene of another double shooting about a half-mile away, on Hanna Place SE. This time, a woman was killed and her companion wounded by a group of men who burst in and sought out their targets, finding them on the first and second floors of a house occupied by at least one small child.

The names of the victims were not released because they had not been identified or relatives had not been informed. Deputy Police Chief Charles Bacon, whose 6th District includes the sites of both shootings, said no link had emerged between the two cases. "Could be, but there's nothing to tell us that right now," he said.

Police said both of yesterday's shootings appeared cold and calculated, as are many slayings in the District. But finding two teenagers slain on a school path was a brutal and uncommon intrusion into the daily lives of more than 300 school-children.

Parents who had planned to attend the Weatherless festivities were left speechless and in limbo, holding blankets and bags of potato chips for a party that had momentarily lost its spirit.

"She was all excited. She got up extra early," Willis Montgomery said of her 6-year-old daughter, Shannon. "I can hear her now. 'It's not our fault that somebody got killed. Why can't we have a picnic?'"

While the elite REDRUM unit, made up of police officers and federal Drug Enforcement Administration officers, combed through garbage cans looking for clues, Principal Isaac Jackson gathered the children across the street and inside the school, trying to salvage the day. After briefly considering canceling the event, Jackson said he changed his mind and decided to address the children.

"They saw very little and had very little to say about the situation altogether," said

Jackson, who summarized his advice to the children as follows: "We want you to always make sure you do the right thing. We want you to have a wonderful time."

Jackson's decision to let the children out into the grassy area, where they ate and played with their parents, fostered a familial atmosphere that contrasted sharply with what was going on less than 100 yards away, across an open field and near the corner of 40th and D streets SE.

About 11 a.m., small children walked out carrying potato chips, their cheeks painted with red roses and yellow daisies. "Set [those] bags down and come get punch," one of the parents told them. Across the street, one police official said detectives had tentatively identified one victim but had no clue on the other. Firefighters were called to hose down the blood, a housekeeping measure seldom employed in a city that has set homicide records for four consecutive years.

"It's horrible, especially for kids to see it," said a police official assigned to REDRUM—murder spelled backward. The unit normally works on cases in which there is a clear connection with New York drug dealers, but in this case it was called because of the "obvious brutality" and the fact that there were two young people dead, the official said.

Although police and school officials said the children probably did not see the bodies, some parents were not convinced. "I know they saw it because they come right down those steps," said Donna Daniels, who has two daughters in the school, Chrystal, 7, and Olaunda, 6.

"They said they had heard some kids hollering, but they kept going," Daniels said of her own children, whom she questioned later. "And I'm glad of that. . . . They have a tendency to block things like that in the back of their minds, but when they're older, it comes out."

Bacon, whose district has been largely spared in the recent wave of violence, said the Metropolitan Police Boys and Girls Club in his area has psychologists and psychiatrists who counsel children. "It affects them in other ways," he said of the violence. "These things leave permanent scars on young kids."

The Hanna Place shooting occurred about noon, and as with the double homicide, police said they had no motives or suspects. Two neighbors said the woman, who was in her late teens or early twenties, had lived on the 5100 block for about 10 years.

The child of the woman was taken away by his maternal aunt. One police official said there were several other people in the house when the gunmen entered and asked for someone by name. The official said it did not appear the child was in either of the rooms where the victims were found.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Maine [Mr. COHEN] for not to exceed 3 minutes, and that I may be protected in my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

AMERICAN SECURITY INTERESTS IN EUROPE

Mr. COHEN. Mr. President, with the end of the cold war and the continuing budgetary crisis, we can and must reduce the levels of our military force deployments overseas. At the same time, this does not mean that we should retreat to our shores. Our commitment to NATO is not a favor to Europe but a means to protect our own interests. The tragic history of the first half of this century and the remarkable success of the second half has taught us that maintaining peace in Europe requires American involvement. This is best mediated through NATO, albeit a significantly transformed NATO in which our European allies bear much greater responsibilities.

The United States and its NATO have already begun the process of shifting responsibilities. NATO command structure is being redesigned, with European military officers assuming more responsibility and American officers less. Moreover, the United States is rapidly withdrawing forces from Europe, and by 1995 we will have cut our force levels in Europe by more than half. The Bush administration's current position is that it would like to hold our forces at that new level of about 150,000 troops and airforce personnel for the indefinite future. In my view, once the current planned cuts are implemented, we will be able to make additional significant reductions as the European integration process continues and Europeans are better able to assume defense responsibilities.

To move down this path, however, requires that our allies remain convinced of our commitment to Europe. If we try to reduce our force levels in Europe any more abruptly than we now are doing, it could undermine confidence in the American commitment and thereby disrupt the European integration process, which is already under great stress in the wake of the Danish referendum. The ironic result of accelerated cuts in U.S. deployments in Europe could be that it would be more difficult to shift defense responsibilities to our European allies.

In summary, we already are making rapid and deep reductions in our force levels in Europe, and while we should plan to cut them even further, we cannot cut them much faster than is now being done.

These views are consistent with the recommendations of a study group convened by the Johns Hopkins Foreign Policy Institute.

Participating in this study group with me were Senators NUNN and LUGAR; Representatives HAMILTON and MCCURDY; and a wide range of former high ranking officials, including Secretaries of Defense Harold Brown, Frank Carlucci, Melvin Laird, and James Schlesinger; Secretary of State Edmund Muskie; JCS Chairman David Jones; Zbigniew Brzezinski; and others. The report was released yesterday at a hearing of the Senate Armed Services Committee by Gen. Edward "Shy" Meyer, former Army Chief of Staff.

I was pleased that a number of Republican and Democratic members of the Armed Services Committee endorsed the conclusion that while we can reduce our forces in Europe further than proposed by the administration, we should not seek to cut them any faster.

This stands in sharp contrast to the recent vote by the House of Representatives to change the statutory European troop strength cap to 100,000 as of October 1, 1995. Both the witnesses at yesterday's hearing and the just released Foreign Policy Institute report point out the folly of this approach, whose effect would not be to shift responsibilities, but to shirk them.

Mr. President, I would urge my colleagues to read the Foreign Policy Institute report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Johns Hopkins Foreign Policy Institution, June 1992]

THE FRANCO-GERMAN CORPS AND THE FUTURE OF EUROPEAN SECURITY: IMPLICATIONS FOR U.S. POLICY

I. THE NEW EUROPE

The conclusions and recommendations below, and the general thrust (though not necessarily every sentence) of the following working memorandum on The Franco-German Corps have been endorsed by David Abshire, Barry Blechman, Harold Brown, Zbigniew Brzezinski, Richard Burt, Frank Carlucci, William Cohen, Lee Hamilton, Arthur Hartman, Richard Helms, David Jones, Melvin Laird, Richard Lugar, Dave McCurdy, Edward Meyer, Edmund Muskie, Paul Nitze, Sam Nunn, Henry Owen, J. Robert Schaetzel, James Schlesinger, William Simon, Walter Slocombe, Helmut Sonnenfeldt, and George Vest.

The cold war ended in Europe, and the effects of the closing of the era of East-West confrontation will be most profound on that continent. Europe was the cockpit of the cold war, just as U.S. foreign and defense policy has been primarily concerned with Europe since the beginning of the twentieth century. The majority of U.S. Forces stationed abroad have been located in Europe, totaling more than 300,000 military personnel at the end of the cold war. A substantial share of the U.S. Defense budget has been either directly or indirectly related to the requirements of European defense, and the United States has extended its nuclear deterrent as necessary to defend Europe from Soviet aggression.

With the end of the bipolar division of Europe and the scheduled withdrawal of the remaining Russian forces from eastern Germany by the end of 1994, the strategic situation will have been fully transformed. In addition to these changes in the East, the Western portion of the Continent is also undergoing a transformation associated with the closer integration of the countries of the European Community (EC). This trend will continue despite the recent negative Danish vote. In the defense area this trend toward integration has been accelerated by the intention, declared by the French president and the German chancellor in October 1991, to form a Franco-German corps [see page 5 for a description of this proposal], the decision taken by the twelve states of the EC at the December 1991 Maastricht summit to move toward a common foreign and defense policy, and the evident intent of some of them to use the Western European Union (WEU) as the structure appropriate to achieve that end.

These developments, combined with a growing preoccupation with domestic economic and social problems in the United States, are generating a fundamental reassessment of U.S. Foreign and defense policy. The future U.S. Role in the new Europe will be at the center of this reassessment.

II. THE CONTINUED PRESENCE OF U.S. FORCES IN EUROPE

The United States will continue to have an important national interest in remaining a major influence in Europe, militarily, politically, and economically. Having been drawn in this century into the two world wars, as well as the cold war, partly by European nationalism and imbalances in the European state system, the United States has a continuing interest in helping to prevent new disequilibria in post-cold war Europe. Although there has never been an explicit linkage between the U.S. military and economic roles in Europe, it is reasonable to assume, even after the disappearance of the Soviet threat (along with the Soviet Union itself), that a continuing U.S. security presence in Europe may give the United States added weight in nonmilitary areas, including trade.

A U.S. military withdrawal from Europe would result in a substantial devaluation of U.S. political influence in Europe and would risk the end of the stability provided, in part, by the U.S. commitment to European security. A leadership vacuum could result. This would place great pressure on the Federal Republic of Germany to assume a leadership role in European security and create corresponding concerns in other European countries, West and East. Such a development would therefore cause serious domestic political divisions as well as uneasiness among its neighbors. The possible emergence of an independent German nuclear force, which could lie at the end of this road, would be a profoundly unsettling option.

Perhaps the greatest risk to the future of European security is a renationalization of defense and foreign policies. The maintenance of the integrated military command structure is important in discouraging the renationalization of security in post-cold war Europe. More broadly, the United States has played a crucial role in North Atlantic Treaty Organization (NATO) as a balancing force between often divergent European views. Until and unless a stronger European identity emerges, only the United States can play this role. In the present period of uncertainty and transition, this role is of special significance. The United States will also have to provide leadership in shaping a new NATO relationship to the countries of Central and Eastern Europe. The creation of the North Atlantic Cooperation Council is an important step in this direction that should be followed by further discussions.

The United States should also take the lead in ensuring that a transatlantic competition in arms production and arms sales does not increase with the end of the cold war. As arms production winds down, cooperative agreements among Western partners are essential to avoid a dangerous competition in Third World markets and duplication of efforts in the West. Western nations should increase their efforts to promote specialization in defense production and to link U.S. and European defense production in a coherent strategy that will promote, rather than undermine, transatlantic defense cooperation. It is in the U.S. interest, therefore, to recognize the need to avoid any path that could lead to the renationalization of Europe, and to understand that, although its leadership role in Europe will surely diminish, U.S. forces should remain in Europe for sound national interest reasons.

The mission of these U.S. forces is likely to shift appreciably over the current decade. The tactical nuclear role is dramatically decreased by the change in the conventional balance—recognized in arms control agreements—and by the emergence of a new political and strategic environment in Europe. The role of U.S. strategic forces will also be substantially reduced, although these forces will continue to provide some extended deterrence for Europe. The remaining nuclear, chemical, and biological potential of Russia and other nations of the Commonwealth of Independent States (CIS) states will continue to pose a large potential threat to European security, especially given the volatile political and economic environment in the CIS. The United States is the only state capable of credibly counterbalancing this threat in Europe.

U.S. conventional forces in Europe, while reduced, will continue to be needed to provide a stabilizing influence, especially in maintaining a multinational command framework for defense planning that includes the United States along with European nations, which NATO provides. Forces will also be needed to provide a reconstitution based on reactive forces in case of a renewed Russian threat. Conventional U.S. forces stationed in Europe should also be available for missions outside of the NATO area to meet threats to Atlantic security. The role of U.S. forces in assisting peacekeeping operations within Europe to cope with conflicts that may arise from ethnic nationalism is less clear but should not be ruled out, particularly in light of the recent decision by NATO foreign ministers to provide peacekeeping forces under the Conference on Security and Cooperation in Europe (CSCE) mandate. Finally, U.S. forces will need to cooperate with their European allies in a number of nontraditional military roles to deal with possible future problem areas, roles that could include counter-terrorist actions and civic action in Eastern Europe and in the nations of the former Soviet Union.

For all these reasons, a substantial U.S. conventional force needs to remain in Europe. The U.S. administration currently plans to reduce the number of military personnel deployed in Europe to 150,000 troops by 1995, but to maintain that level indefinitely. This probably is high, given political and economic realities on both sides of the Atlantic. The administration and Congress should plan, however, on a base force of between 75,000 and 100,000 in Europe in the latter half of the decade. While the missions for U.S. forces in post-cold war Europe will be important, the presence of this base force need not be limited to any specific threat scenario or mission (though it should be sized with several contingent uses in mind). The fundamental point is that this U.S. presence would be a major force for European and international stability.

III. SUPPORTING THE EUROPEANIZATION OF NATO

The U.S. position that NATO be the primary instrument for structuring European security—and certainly the primary vehicle for U.S. participation—should not close off the ability of the Europeans to develop complementary ways of securing Europe in a changed environment. A New Atlanticism based on partnership is the best way to a stable transatlantic relationship in the next century. The process of European economic political and security integration is one of potential and great historical significance. It can serve U.S. interests as well, in the security no less than in the economic field.

The efforts of Europeans to cooperate and coordinate and even integrate their defense efforts can also promote the continued integration of Germany within a broad multilateral framework. The planned Franco—German corps is one step in this direction. A greater European role in defense will also make legitimate the defense efforts of these countries in European political and budgetary environment that is likely to be inhospitable to the military. With national defense subsumed in a European framework, defense costs could also be better controlled through greater rationalization of procurement and production. Such innovations as the growing role of the WEU, the Franco-German corps, and other special multinational corps being developed in NATO also legitimize multinational alternatives to national military forces.

Greater Europeanization of defense also provides a revised framework for European security for when the United States is no longer willing or able to play the dominant role that it did during the cold war. Europeans, especially the Germans, are hedging their bets against such a contingency. It is in the U.S. interest, therefore, that a Europeanization option be available. The United States should continue to emphasize that the best way for Europeanization of defense to proceed is within the NATO framework and that the details are up to the Europeans to work out in consultation with the United States. it should recognize that any significant European defense Identity is probably a decade—or decades—away and that there will be an extended period of transition during which the United States must play a central role in shaping what finally emerges.

POLICY RECOMMENDATIONS

Specifically, the United States should undertake the following policies and actions over the next five years:

1. The administration and leaders of Congress from both parties should clearly state that the United States will maintain a significant force presence in Europe and the present circumstances merit a force of 75,000 to 100,000 through the 1990s, although the United States should change its mix of forces somewhat away from land and toward air and maritime forces. While the U.S. army presence in Germany will be reduced, the U.S. naval presence will be maintained in the Mediterranean and the Atlantic. In any event, the United States should make it clear that its vital national interest is to remain engaged in European security arrangements so long as its presence continues to have strong European support.

2. U.S. ground and air forces should be rotated frequently between Europe and the United States, where they would train and exercise. Dependents will remain in the United States. This would lower the cost of stationing U.S. forces in Europe, reduce the problems associated with environmental protests in Germany, and enhance acceptance of the continuing presence of U.S. forces by public opinion in the United States and Europe.

3. The United States should foster and increase the European role in the NATO com-

mand structure and should do what it can to rationalize European defense decision-making processes. It should not now propose, however, that a European be named Supreme Allied Commander, Europe (SACEUR). The Europeans desire that an American remain in command, and a shift at this time away from an American would be widely interpreted in Europe as a signal of a U.S. withdrawal. The United States should be willing to accept a European officer as SACEUR as soon as European NATO members believe it appropriate. While General Shalikashvili has been nominated by the president to replace General Galvin as SACEUR, and while we support this appointment, at the next opportunity the United States should nominate a U.S. air force, rather than an army, general officer as SACEUR. An air force SACEUR would reflect the shift away from U.S. ground forces toward a greater air role and would also be compatible with nuclear release procedures, as nuclear weapons in Europe in the future are likely to be exclusively air delivered.

4. The United States should welcome European steps to revitalize the WEU and should do what it can to strengthen WEU–NATO cooperation and coordination. It should recognize that any meaningful WEU defense identity will take a long time to emerge and that Europe is likely to be dependent on the United States in the nuclear area as well as in logistics, intelligence, communications, reconnaissance, and transport for a long time to come. The WEU should start out close to but separate from NATO and, if over the coming decade the EC takes on a security dimension, could move toward a role as the EC's military arm.

5. The United States should look upon the creation and further development of the Franco-German corps as a possible first step in what may become an effort to create a European army. The creation of such a corps will provide a rationale for the continued presence of French forces in Germany and will support U.S. efforts to increase French involvement in NATO activities. The United States should also be prepared to link other multinational corps developed by NATO to the Franco-German corps and to work out appropriate command relationships, joint exercises, and other combined efforts. This would strengthen the rationale both in the United States and in Germany for the continued presence of significant numbers of U.S. forces in post-cold war Germany. The United States should also expand cooperation with the French on air defense and should try to link France in any NATO effort to develop antitactical ballistic missile (ATBM) capabilities.

6. The United States should also respond with support to an evolution of an out-of-area mission for the Franco-German corps. This mission would expand the role of German forces beyond that limited to the direct defense of German or NATO territory and would permit the beginning of an out-of-area role for NATO and WEU forces in the future. Close coordination between the Franco-German corps and NATO's Rapid Reaction Force would permit the common tactics, training, doctrine, and interoperability that proved so vital in the Gulf War to be both reinforced and expanded. Planning for rapid reaction should be done within NATO, but application of planning could be carried out by NATO, WEU, or other multinational forces.

These recommendations are designed to permit the United States' allies to do more if they wish to "Europeanize" the responsibilities for the future security of the Continent while the United States maintains a significant, if altered, military role in post-cold war Europe. Among the most important lessons of the cold war is that a close European-U.S. partnership is essential to a stable Europe and to an open and prosperous global economic and political system, and that closer European integration can contribute to such a partnership. With the end of four decades of East-West confrontation, policymakers on both sides of the Atlantic should not forget this lesson.

THE FRANCO-GERMAN CORPS

MAJOR ELEMENTS OF THE PLAN

On October 16, 1991, President Francois Mitterrand of France and Chancellor Helmut Kohl of Germany announced a plan to accelerate European security cooperation dramatically. In a letter to the chairman of the European Council they proposed strengthening the WEU and placing it under the control of the EC via the Council of Ministers. As a concrete step toward European security union, they agreed to form a Franco-German corps that would serve as the nucleus of a future European army. The force of about 35,000 would go far beyond the symbolic Franco-German brigade, which was established a few years earlier. Kohl and Mitterrand added more details to their proposal on May 22, 1992, in a meeting held in La Rochelle, France. The contours of the plan are as follows:

The Franco-German corps would be the nucleus of a European army. (Belgium, Italy, Spain, and Luxembourg are considering joining; however, the Netherlands and the United Kingdom are not.)

The corps, to be headquartered in Strasbourg, would consist of the Franco-German brigade set up in 1989 along with two German mechanized brigades and a French armored division. About 10,000 French troops (out of the 50,000-member force stationed in Germany during the cold war) would remain in Germany, and German staff officers would be stationed in Strasbourg.

Under the central concept of the "dual hatting" of commands and units, German units would be assigned to both NATO and the WEU—in effect, flying both flags. In the longer term the Franco-German corps would be transformed into WEU units. These units would be available both for NATO and WEU assignments and for national roles. They could be pulled for exercises within both NATO and the WEU. In the event of an attack on NATO territory the corps would be placed under the operational control of NATO's military command.

National representation in NATO and the WEU would be consolidated, so that, for example, the German ambassador to NATO, would also be the German representative to the WEU. WEU headquarters would also be moved from London to Brussels. The WEU would set up a planning and coordination staff to work with NATO; the two would work especially closely on logistics, transport, and reconnaissance.

It is expected that the General Secretariat and the Ministerial Council of the WEU and the EC would work together and the regular consultations of WEU states within NATO would lead to a strengthening of the Atlantic Alliance.

Close cooperation between the WEU and the states of Central and Eastern Europe, similar to the cooperation proposed by NATO, would be opened.

EUROPEAN NOTICES

The key motives that lie behind the Franco-German initiative center around the desire and opportunity for a more integrated and independent Europe in a continent no longer divided into opposing military alliances. The initiative is part of a broader trend toward European integration, which was reinforced by the EC's Maastricht Summit in December 1991. The economic and political impetus for this closer integration includes considerations that seem to have gained strength in the post-cold war era.

All European states, with the possible exception of the United Kingdom, wish to bind unified Germany more closely within the broad, multilateral context of the EC.

European governmental and business leaders believe that only an integrated European market will have sufficient scope to allow European firms to compete with U.S. and Japanese multi-national corporations in the global marketplace. This holds for defense industries as well.

Expectations are growing among European leaders of a major decline in the U.S. military and political role in the future Europe owing to the down-scaling, if not the end, of the East-West conflict and to the growing domestic demands of the Americans agenda.

Europeans have less need for U.S. protection in post-Soviet Eurasia.

All of these trends have led the architects of the Franco-German proposal to conclude that Europe must be ready to assume a larger role in its own defense—either because as the French believe, this is desirable for a return to greatness, or because as the Germans fear, it is inevitable, given the strategic and political changes accompanying the end of bi-polar Europe.

It should be noted, however, that everyone, including the French, wishes to see a continued U.S. military and political presence in Europe. The United States is still regarded as the only Western power capable of balancing the pretensions of a revived Russian threat in the future; it alone can defend Western interests on a massive scale when they are threatened outside of Europe, as was demonstrated in the Gulf War. Further, a continued U.S. presence reassures Europeans (including Germans) against the renationalization of European defense. It also prevents Germany from being pushed into the kind of leadership position that neither it nor its neighbors desire.

Consequently, all the new initiatives for a greater European security identity have stressed their complementarity with NATO. Disagreements within Europe have centered around the centrality of NATO, with the United Kingdom and the Netherlands resisting any efforts that could be construed as diminishing the Atlantic Alliance.

ADMINISTRATION CONCERNS

The Bush administration's reservations about the Franco-German initiative and other moves toward a more independent Europe center around concerns that the United States' role would be marginalized in Europe by these efforts and that the stable structures of security that have been built around this role would not be replaced with adequate substitutes. Specifically, the administration:

Is concerned about signs that a European regional bloc is emerging both in the trade and security areas and that this bloc might become a rival rather than a partner of the United States. Fears of a post-1992 EC "Fortress Europe" have been rekindled by the failure to reach agreement in the Uruguay round of the General Agreement on Tariffs and Trade (GATT) negotiations.

Questions the ability of the new Europe to deal with security in the post-cold war era, given Germany's indecisive role following unification and Europe's lack of a common response to the Gulf War and the Yugoslavian crisis.

Views the possible development of the WEU as a separate European pillar, rather than as a bridge to NATO, as facilitating European bloc-building against U.S. positions and fostering a decoupling of the United States from Europe.

Views a dimunition of NATO's role as dangerous because it might encourage neo-isolationism in the United States.

Fears that the WEU could intervene militarily in Eastern Europe, pulling the United States in with it.

Does not want to be excluded from serious European policy discussions in which Russia participates.

Desires European support in future out of area situations and fears that a more independent Europe would be an obstacle rather than an ally in this regard.

(This memorandum on the proposed Franco-German Corps was prepared by Stephen F. Szabo, acting executive director for the Foreign Policy Institute.)

Mr. COHEN. Mr. President, let me again thank the Senator from West Virginia for yielding to me.

The PRESIDING OFFICER. The distinguished President pro tempore is recognized.

Mr. BYRD. The distinguished Senator is welcome.

Mr. President, the leader of Russia, Mr. Boris Yeltsin, will be visiting Washington next week for an official summit meeting with President Bush and, as I understand it, to address a joint meeting of the House and Senate.

In addition, I understand that he will be visiting the Senate to exchange views with Members of this body on a number of vitally important matters which concern our two nations. This is a seminal event, beyond the cold war, and every effort must be made to deepen and stabilize the common ground that has opened up between us in the aftermath of that long confrontation. In a few days of fast and furious meetings and media events, we will be faced with a communications challenge, and while opportunities for enhancing our relationship and reaching consensus and agreements are clearly available, there are also possibilities for disappointments and disillusionment. There are many important items on the table, including the question of military forces in the post-Soviet Union, aid from the United States to assist in the difficult problems of transition to democracy and free markets in Russia and the other former Soviet states, and the question of strategic cooperation in the weapons area, particularly SDI and START.

In these tumultuous times, it is vital that we make the right choices. Having spent hundreds of billions of dollars during the cold war to deter Soviet aggression, certainly we would be foolish not to try to ensure that Russia and the other Soviet states do not deteriorate into economic catastrophe resulting in a rise of authoritarianism. Yet, at a time when the American economy is in an extended major recession, when unemployment has skyrocketed, when our budget deficits remain huge, the American people must rightly question any foreign aid. It is a tough sell, but, Mr. President, it is even tougher when it becomes complicated by the continued presence of Soviet forces in sovereign states such as the Baltic nations. There is an inevitable linkage between such issues, as my colleagues well know, but that is a matter which could cause misunderstandings with Mr. Yeltsin and his associates.

Furthermore, there have been some rather mixed signals on the matter of the status and the future of the American SDI program, and the enthusiasm in this body for some kind of galactic, giltedged scheme for a joint SDI shield against surprise attacks by third parties. Mr. Yeltsin should not assume that such a scheme has the support of the Congress. It most assuredly does not have this Senator's support. Also, I think it important to communicate the views of the Senate regarding a fair, balanced and ambitious arms control treaty, based on the work done to date on START.

We need to take this opportunity to radically reduce these inventories, on both sides of the world, but the emphasis must be on fairness and perceived fairness. If the proud Russian leadership gets the idea that we are pushing them into a blatantly unbalanced situation, as some reports now indicate, there could be a negative reaction and the chances of early treaty approval might well vanish. In the best of circumstances, it will be very difficult to get a treaty of monumental importance through the Senate this year, especially one in which the details are unknown to the Senate at this time. And if there is an attempt to rush something through, the effort runs a high risk of failure. So, Mr. President, on these matters—on aid, on SDI, on the Soviet presence in the Baltics, on arms control—the Senate must play a responsible role, and I hope that Mr. Yeltsin will take the time to understand that role and the views of this body on all those matters over which, under our Constitution, we share decisionmaking responsibility with the President. Every effort must be made at full, honest, clear communications with President Yeltsin and his associates next week.

When the discussion between President Bush and Yeltsin turns to the topic of aid to the former republics, I encourage President Bush to raise the concerns shared by many here in the Congress that the Russians continue to maintain what is basically an occupying force in the independent Baltic nations. The leaders of Latvia, Lithuania, and Estonia consider the presence of troops of the former Soviet military to be the most serious threat to their nations' fledgling democracies, and I agree with them.

Since they gained their independence, the Baltic governments have been negotiating, first with the Soviet Government headed by President Gorbachev, and now with President Yeltsin's representatives, for the withdrawal of those troops. So far, they have met with little success. The principal obstacle appears to be the lack of housing and jobs in Russia to which the troops can return, and not some sinister plot by the Russians to retain control of the Baltic nations. However, the presence of these foreign troops continues to stand as a reminder to the Baltic governments that international recognition of their independence is not enough to secure their sovereignty.

The Russian Government continues to maintain between 100,000 and 200,000 troops in the Baltics, 60,000 of them in Latvia. This includes a major naval base at Liepaja, as well as a major naval repair facility outside of Riga, where the Soviets are preparing submarines for export to Iran and Libya—two nations which might well point those same subs in our direction over the next few years.

The troops present two urgent problems for the Baltic governments. First, as long as they remain without the permission of the host country, they constitute an occupying army and pose a threat to the sovereignty of the Baltic nations. Officials from the three Baltic States fear that a coup by Russian hardliners may still be a possibility. If that comes to pass before a complete withdrawal of Russian troops, then a new militaristic regime could easily reassert control of these three small nations. If, however, the troops are withdrawn, then any new, antagonistic, Russian regime would have to invade the Baltic States, a much less likely scenario.

The second problem facing the Baltic governments is the potential for civil unrest resulting from the presence of the troops. Many of the Russians, particularly the officers, I am advised, do not want to return home, but would prefer to stay in the Baltics where the living conditions are generally better. Unfortunately, these officers would prefer to see the Baltic States return to Russian control, and there are strong indications that some of these nationalistic officers participate in activities to agitate the large ethnic Russian populations in the three countries.

The peoples of Latvia, Lithuania, and Estonia have been the vanguard of change in what was once the Soviet Empire. After 50 years of occupation and oppression, these people have led the way to freedom and democracy. In the January 1991 Soviet crackdown, many made the ultimate sacrifice by laying down their lives for the cause of freedom. We must not forget that the sacrifice was made and we must not forget how easily the fate of the Baltic nations was bargained away in 1939 by Hitler and Stalin. If President Yeltsin is serious about reforming his country, and if he wants American aid and support, he should know the depth of our commitment to the freedom of the Baltic nations. We need an early, satisfactory conclusion of negotiations between Mr. Yeltsin's government and the Baltic governments, in the form of an agreement acceptable to those nations for the orderly withdrawal of Russian military occupying forces. I should think such agreements would certainly make passage of any CIS aid package more palatable in this body. I suggest that President Bush take the opportunity to make that point clear.

President Yeltsin should also be made aware that the Strategic Defense Initiative is under major review in the Senate. In light of everything that has been stated in the last several months about the lack of a strategic threat to the United States and the immaturity of SDI technology for deployment, I think we are warranted in scaling back that program. Last week, very damaging testimony in the way of revelations concerning the high technological risks and poor program planning and execution in the SDI organization shocked the Armed Services Committee. Spending billions of dollars chasing a star wars comic book concept, while putting a major arms control treaty and future arms reductions at risk, does not necessarily serve U.S. security interests.

Press reports indicate that the administration may press Mr. Yeltsin to modify the anti-ballistic missile treaty, which celebrated its 20th anniversary last month. The administration is seeking concessions for two additional ground-based radars for the Strategic Defense Initiative, one each in the Northeastern and Northwestern United States. This would be the first step in virtually gutting the ABM Treaty. President Yeltsin has expressed his continuing support for the treaty, and he is right to do so. The ABM Treaty is one of the greatest successes of arms control, setting fundamental and far-reaching limits on an entire segment of the arms race. It has undoubtedly saved the United States billions of dollars in the past 20 years, dollars that SDI would now squander in an environment of reduced threat.

Reports indicate that the administration may try to seduce President Yeltsin into giving away the ABM Treaty with vague promises of support for the Russian Space Agency and even more vague talk of an international missile defense system. The newly hatched international missile defense system has little support in the United States or among our allies. I agree with the statements attributed to Secretary of Defense Cheney that the United States should not share its technology secrets with the former Soviet states under any scheme. Mr. Yeltsin—and the United States—should be struggling to get out of the arms business, not becoming embroiled in costly, unproven, and unneeded boondoggles. Neither we nor the Russians have the money to waste on this effort.

Indeed, recent revelations and admissions continue to prove that the strategic defense initiative remains a technological fantasy wrought by scientists too long in the laboratory and too far removed from the realities of the current world environment. The recent disclosure of a May 15 memorandum by Assistant Secretary of Defense David Chu notes that the proposal for achieving the initial deployment is "almost certain to suffer early, significant cost growth and schedule slippage." And in fact, the deployment date has already slipped by a year, to 1998, with admissions from Deputy Secretary of Defense Donald Atwood that it might slip some more.

Dr. Chu's memorandum clearly indicates that the fast track Pentagon plan for SDI would skip important performance tests, increasing the risk of failure. He recommended a revised plan that would delay the system's deployment by as much as 6 years, from 1997 to 2003. Secretary Atwood, in his testimony before the Armed Services Committee, flatly admitted that the current plan, to skip critical testing and normal acquisition processes, would now be a terrible mistake. The distinguished chairman of the Armed Services Committee was frankly and openly alarmed by this testimony. So am I. The Congress has clearly been misled by zealots who have pushed exaggerated claims and promises in exchange for large sums of money, which they have been flinging around in all directions.

A more reasonable plan, it would seem to me, would be to focus on theater missile defenses for near-term deployment and keep the ground- and space-based defenses for the Limited Defense System in the research and development phase where they properly belong until they can be proven technically feasible and until there is a clearly articulated need for deployment.

The strategic defense initiative must face the same kind of hard, rational, fiscal choices that every other large program now faces. This Nation cannot continue to throw money at every Buck Rogers gizmo that a contractor, or somebody in the Pentagon, dreams up. Almost $8 billion of the $30 billion spent so far on SDI has been sunk into projects that were later canceled.

We should not rush to deploy technologically immature ground- and space-based antiballistic missile systems. Nor should we, or President Yeltsin, commit to farfetched plans for international ballistic missile defenses. Strengthening nonproliferation regimes and reducing the cold war strategic arsenals are far more cost effective means of boosting our national security and prosperity—as well as the security and prosperity of every other nation on the globe—than are attempts to barricade our Nation behind radars and missiles and to saturate the skies with weaponry. Rather than diverting our efforts to armaments and fanciful defensive shields, the United States and our former adversary should concentrate our efforts on our economies, and our pressing national priorities.

Mr. President, I ask unanimous consent that a memorandum from the Assistant Secretary of Defense for Program Analysis and Evaluation on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, May 15, 1992.

MEMORANDUM FOR THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION

Subject: Comments on the Strategic Defense Initiative Organization's (SDIO's) Proposed Acquisition Strategy for an Initial National Missile Defense (NMD) Deployment.

The purpose of this memorandum is to respond to your request made at Tuesday's meeting for comments on SDIO's plans for the initial NMD deployment.

SUBMISSION OF THE 180-DAY REPORT SHOULD BE DEFERRED UNTIL AFTER THE JUNE SUMMIT

Resolution of ABM Treaty issues regarding the compliance of proposed space- and ground-based sensor systems and modifications permitting multiple-site deployments is central to determining the preferred design, cost, and effectiveness of an initial ballistic missile defense deployment. Absent favorable resolution of these issues, there may be no cost- and operationally-effective initial deployment possible at a single site. Consequently, I recommend that the 180-Day Report be submitted after the June summit between Presidents Bush and Yeltsin; this would be the earliest time at which we would have an understanding of how outstanding treaty issues might be resolved.

SDIO'S PROPOSED ACQUISITION PLAN FOR THE INITIAL DEPLOYMENT CONTAINS EXCESSIVE COST AND SCHEDULE RISK

In our judgment, SDIO's proposal contains excessive risk of cost growth and schedule slippage in the ground-based interceptor (GBI) dem/val fabrication program due to a compressed design phase uninformed by flight and system testing. Authority to fabricate 40 dem/val interceptors is granted at program inception, in the absence of any design worker testing. Furthermore, to meet the 1997 initial deployment date, the SDIO schedule requires commitment to production of GBIs earmarked for deployment before any system testing with the Kwajalein NMD test radar could be conducted.

Likewise, we believe SDIO's proposal also contains an unrealistic, compressed schedule for defining, implementing, and testing early warning radar (EWR) upgrades, and a highly concurrent, compressed program for designing, building, and testing the initial deployment command center and associated terrestrial and satellite communications.

Thus, the SDIO proposal for achieving the initial deployment is almost certain to suffor early, significant cost growth and schedule slippage. Worse, it could lead to technologically inferior—or inadequate—choices, in the compromises that so often characterize programs that get into this kind of trouble. In short, the proposal challenges the central principles of the revised acquisition system that you and the Deputy Secretary have labored so hard to put into place. There are good reasons for those principles, and it is for those reasons that I believe the proposal should be revised to follow your principles. Our concerns regarding the risks associated with the SDIO's plans for the initial NMD deployment are discussed in more detail at Tab 1; my recommendations for revising the proposal are outlined in the sections that follow.

INITIAL NMD DEPLOYMENT SHOULD BE BASED ON AN EVENT-BASED ACQUISITION PROGRAM

I strongly recommend that we pursue a standard acquisition program for initial deployment, but incorporate an event-based strategy that couples authority to proceed with demonstrated achievements of a rigorous test program. The GBI and battle management, command, control, and communications (BM/C^3) acquisition programs contained in FY92 President's Budget would be modified somewhat to adopt an event-based acquisition strategy. This program would conform fully to the department's major systems acquisition procedures, and because it eliminates concurrency, would entail much lower risk than SDIO'S proposal. Production hardware (vice dem/val hardware) would be used to support the initial deployment.

Based on SDIO's estimates of the time required to execute the plan in the FY92 budget, this event-based approach—if "normal" times to complete events characterized its progress—could result in an initial deployment in FY02 or FY03. Because the approach is event-based, however, successes during any phase would naturally offer an opportunity to accelerate the program, and SDIO should be encouraged to strive for such success. A more detailed description of this program is provided at Tab 2.

FABRICATION OF DEM/VAL HARDWARE FOR OPERATIONAL DEPLOYMENT SHOULD BE CONTINGENT ON SUCCESSFUL SYSTEM TESTING

Although I would prefer not to deploy operationally dem/val hardware, if we decide this is necessary to accelerate initial deployment over the standard program, then at a minimum we should restructure the SDIO proposal to reduce risk substantially and enhance our confidence that the deployed hardware would be operationally effective. To achieve this objective, we should overlay an event-based dem/val deployment program on the standard event-based acquisition program, which would still be used to acquire the objective GBI and BM/C^3 systems. (Tab 3 contains a more detailed description of a restructured SDIO proposal that permits deployment of dem/val hardware along these lines.)

In this event-based overlay, authority to fabricate dem/val GBIs would be made contingent upon test program results; no fabrication authority, other than for ERIS test vehicles would be granted at program inception. The decision to begin long-lead purchases for fabrication of up to 20 dem/va GBIs for test purposes only would be made at the final design review, which would be made contingent upon successful flight test at Kwajalein of at least three ERIS vehicles. The decision to begin fabrication of up to 60 additional dem/val interceptors for the initial deployment would be made contingent upon successful completion of three system tests at Kwajalein using the NMD test GBR and dem/val BM/C^3 hardware and software.

This restructured SDIO proposal contains less risk because it couples authority to proceed past key decision points to successful test demonstrations; i.e., it attempts to conduct during dem/val many of the performance assurance and test activities normally conducted in EMD. Nonetheless, this approach must be assessed overall as high risk because it would deploy dem/val hardware for operational use; it would also likely require the department to seek relief from a number of statutes and directives (see Tab 3). (In this regard, I support the comments made to Dr. Schneiter by the CAIG Chairman in his May 14, 1992 memorandum.)

A program involving the operational deployment of dem/val hardware is likely to be more expensive than the standard acquisition approach I recommend. Increased cost is caused by conducting additional tests to assure performance of the dem/val system, and replacement after FY02 of the dem/val GBIs and BM/C^3 systems deployed initially with production GBIs and final, validated BM/C^3 software and hardware.

Based on SDIO's estimates of the time required to design and fabricate dem/val GBIs, this restructured version of the SDIO proposal would probably achieve initial deployment in FY99, at the earliest. Because the program is event-based, however, opportunities for acceleration could occur.

COST-EFFECTIVENESS OF AN INITIAL DEPLOYMENT IS ADDRESSED IN THE GPALS COEA

The Missile Defense Act (MDA) stipulates that the initial deployment should be cost- and operationally-effective. At Tuesday's meeting, you asked if the cost-effectiveness of the initial deployment had been analyzed. This issue is being addressed as part of the overall GPALS COEA that the SDIO is preparing in response to the guidance you issued in September, 1991.

Draft versions of the GPALS COEA technical report and Appendices prepared by SDIO's Architecture Integration Study contractors have been delivered to OASD (PA&E) and to the Institute for Defense Analyses (IDA). We have asked IDA to perform an independent review of the objectivity and accuracy of the COEA as a means of satisfying the requirement in DoDD 5000.2 that a COEA be conducted by an analysis activity independent of the program office. The COEA addresses four classes of objective GPALS deployments (all ground-based, ground-oased with space-based sensors, space- and ground-based sensors and weapons, and all space-based), as well as several alternative early deployment architectures. My office will provide an interim assessment of the COEA in support of the July DAB review of GPALS.

CONCLUSION

From the information available to date, I do not believe it is possible to construct an acquisition program for initial NMD deployment in FY97 that has acceptable cost and performance risk. The fundamental reason for this situation is that SDIO's plans—as recently as the submission of the FY92 President's Budget—have been focused on initial deployment of space-based weapons and sensors beginning in FY99, followed by ground-based deployments beginning in FY01. Thus, the MDA requires us to reverse long-standing program priorities and to accelerate ground-based deployments by at least four years. In the aftermath of the $1 billion reduction mandated by the MDA to SDIO's FY92 request, I fear this is an impossible task.

If we decide to pursue an accelerated initial deployment with dem/val hardware, I would suggest adopting a restructured version of SDIO's proposal along the lines I have described. Furthermore, SDIO should be tasked to prepare a separate acquisition program baseline and exit criteria for the dem/val deployment for review and approval at the upcoming July DAB. This would quantify the performance, cost, and schedule expected of the dem/val deployment and distinguish it from the standard acquisition program for the objective system. I would urge that we characterize any operational deployment of dem/val as an option and decide at a date to be established whether that option should be pursued.

I am aware of the suggestions made by SDIO that we describe an initial dem/val deployment program as being composed of user operational evaluation equipment (UOE) (or as an "emplacement"). In contrast to the THAAD program, in which the UOE equipment is meant primarily for testing, the UOE approach is inappropriate for the initial deployment. Flight tests demonstrating the integrated operational effectiveness of the initial NMD interceptors, radar, and BM/C^3 can be conducted only at the Kwajalein test range. There is little if any, system testing or evaluation that would provide information superior to that obtained at Kwajalein that could be performed at the initial deployment site in the United States. Moreover, labelling the initial deployment as UOE is unlikely to preclude it from being viewed outside the department as a fully operational system. Thus, I recommend that we forthrightly characterize the initial NMD deployment as an operational system. Thus, I recommend that we forthrightly characterize the initial NMD deployment as an operational system and that we not pursue initial deployment with dem/val hardware at a single site unless we are convinced that it has military utility and is operationally effective.

I also recommend that the issues raised by the DAB principals in response to your request for comments (most of which are likely to be highly contentious) be resolved prior to additional testimony by Ambassador Cooper to Congressional committees regarding plans for the initial deployment. In particular, the Ambassador's testimony before the Senate Armed Services Committee scheduled for May 20 should be deferred until a final draft of the 180-Day Report has been reviewed within the department; to do otherwise would preempt the report.

DAVID S.C. CHU,
Assistant Secretary of Defense (Program Analysis and Evaluation).

COMMENTS ON SDIO'S PROPOSAL FOR THE INITIAL NATIONAL MISSILE DEFENSE (NMD) DEPLOYMENT

SDIO's proposal contains excessive risk of cost growth and schedule slippage in the ground-based interceptor (GBI) dem/val fabrication program due to a compressed design phase uninformed by flight and system testing.

Authority to fabricate 40 dem/val GBIs (10 for deployment and 30 for flight testing) is granted at the inception of the program before any design work or tests have been completed.

The first kill vehicle flight test occurs after design freeze.

The first flight test of an integrated kill vehicle and booster occurs one year after start of fabrication.

The first system test at Kwajalein of the interceptor and radar occurs within six months of completion of the fabrication of the first 40 interceptors.

The option to begin long-lead purchases of technology-pacing items for fabrication of 65 additional dem/val interceptors for use in the initial deployment is exercised prior to any system tests of the interceptor, radar, and BM/C^3 systems.

Only four and one-half years are allotted to design and deploy the dem/val GBI. The Institute for Defense Analyses study of the characteristics of acquisition programs for contemporary munitions systems (including air and ground-launched tactical missiles) found an average advanced development time of 45 months and an average full-scale engineering development time of 85 months; thus, on average, over 10 years elapsed prior to availability of systems that could be deployed for operational use.

The unrealistic assumption is made that design changes to correct problems realized during tests conducted concurrently with fabrication could be implemented without cost growth or schedule slippage in the fabrication program.

SDIO's proposal contains an unrealistic, compressed schedule for defining, implementing, and testing early warning radar (EWR) upgrades:

Definition of needed upgrades and preparation of requests for proposals is allotted only three months.

Only three years are allotted to design, build, install, and test all radar upgrade hardware and software and all hardware and software for a new radar data fusion center. The five programs that became the Cheyenne Mountain Upgrade (CMU) program in FY89 were started in the period FY83–87. FOC for CMU is scheduled now for FY96.

SDIO's proposal contains a highly concurrent, compressed program for designing, building, and testing the initial deployment command center and associated terrestrial and satellite communications:

No definition of command center functions or needed communications is provided, implying that requirements definition will be performed as part of the (compressed) design phase; normally, requirements are defined before design begins.

Proof-of-concept and deployable command and control capabilities are developed concurrently.

Shipment of deployable command and control products for installation at the initial site deployment (and possible remote sites) occurs simultaneously with planned initial site activation at the beginning of FY97.

Only four years are allotted for definition, development, fabrication, installation (or launch), and testing of all terrestrial and satellite communications needed for the initial deployment. (After requirements are defined, the best design programs for the simplest new military communications satellites require about four years to design, build, test, and launch the first development satellite. Satellite communications needed for the initial deployment would need to support uninterrupted data rates of tens to hundreds of kilobits per second in a nuclear environment; there are no existing systems that could satisfy this need. Milstar medium-data-rate (which is already oversubscribed) will be available for use in FY99 at the earliest, and is not designed to provide uninterrupted medium-data-rate service in a nuclear environment.)

Description of an Event-Based Standard Acquisition Program for Initial National Missile Defense Deployment

This attachment describes an initial deployment achieved by proceeding with the standard (i.e., conforming fully to the department's acquisition procedures for the acquisition of major systems) GBI and battle management, command, control, and communications (BM/C^3) acquisition programs contained in the FY92 President's Budget, modified to adopt an event-based acquisition strategy:

Begin GBI EMD after completion of at least three successful integrated system tests of the dem/val interceptor, NMD test GBR, and dem/val BM/C^3 software and hardware at Kwajalein.

This would provide confidence that a complete set of issues requiring resolution during EMD have been identified.

Deploy production GBIs after completion of initial operational test and evaluation of the integrated system (performed at Kwajalein and Grand Forks).

This would provide confidence that the deployed production interceptors, radar, and BM/C^3 would function properly as an effective system.

Initiate early warning radar (EWR) upgrade and BM/C^3 dem/val after completion of a rigorous requirements definition process; i.e., after defining the needed upgrades, BM/C^3 functions, and terrestrial and satellite communications separately for the initial and subsequent deployments. Adopt final plans for EWR upgrades and BM/C^3 after the dem/val integrated system tests at Kwajalein.

This would provide confidence that expensive rework of EWR and BM/C^3 software could be avoided.

Based on SDIO's estimates of the time required to execute the plan in the FY92 budget, adopting this standard approach would likely mean that the initial deployment would occur in FY02 or FY03. Because the approach is event-based, however, successes during any phase would naturally offer an opportunity to accelerate the program.

Description of a Restructured Version of SDIO's Proposal for Initial Deployment with Dem/Val Hardware

This attachment describes a restructured version of SDIO's proposal that overlays an event-based dem/val deployment program on the standard event-based acquisition program used to acquire the objective GBI and BM/C^3 systems.

A standard, event-based acquisition program would be used to acquire the objective GBI and BM/C^3 systems.

Authority to fabricate dem/val GBIs would be made contingent upon test program results; no fabrication authority, other than for ERIS test vehicles (see immediately below), would be granted at program inception.

The final design review for the dem/val GBIs would be made contingent upon successful flight test at Kwajalein of at least three ERIS vehicles using upgraded seekers and semi-autonomous discrimination algorithms designed according to plans presented at the initial design review.

This would provide confidence that the semi-autonomous GBI kill vehicle needed to enable a single site to protect the contiguous 48 states would function properly.

The decision to fabricate up to 20 dem/val GBIs for test purposes only would be made at the final design review.

The decision to begin long-lead purchases for fabrication of up to 60 additional dem/val interceptors for the initial deployment would be made contingent upon the successful completion of three system tests at Kwajalein using the NMD test GBR and dem/val BM/C^3 hardware and software; the decision would be made by the USD(A).

This would provide confidence that the dem/val interceptors and BM/C^3 would function properly as an integrated, effective system when deployed at Grand Forks.

Based on SDIO's estimates of the time required to design and fabricate dem/val GBIs, this restructured version of the SDIO proposal would probably achieve initial deployment in FY99, at the earliest.

Deployment of dem/val hardware would likely require the department to seek relief from provisions of the following statutes and directives:

Title 10, United States Code

Sec. 2366:

1. MDAP may not proceed beyond LRIP until after survivability and lethality testing.

2. Testing must be early enough to permit time to include fixes into production items.

3. SECDEF may waive testing if he certifies that testing is too expensive or impractical. But:

a. He must do that before Milestone II.

b. Must report to Congress how survivability and lethality will be demonstrated.

4. SECDEF must report testing results to Congress.

Sec. 2399:

1. MDAP may not proceed beyond LRIP without OT&E.

2. Dir, OT&E must approve test plans.

3. Dir, OT&E must determine from testing if the item is effective and suitable for combat.

4. MDAP may not proceed beyond LRIP until results are reported to Congress.

5. OT&E based upon computer modeling, simulation or analysis are not satisfactory for the statute.

Sec. 2400:

1. LRIP will produce minimum quantity necessary:

a. to provide OT&E test articles,

b. to establish an initial production base, and

c. to insure an orderly transition to full production.

Sec. 2432:

1. Requires reporting of program in Selected Acquisition reports. After start of EMD, R&D only SARs are not acceptable.

2. SARs require both baselines and full life cycle costs.

Sec. 2433:

1. Requires Unit Cost reports for programs submitting SARs. Specific reporting requirements to Congress by the SECDEF exist for cost variances of specified amounts. This section is triggered by SAR reporting, i.e. if a SAR is required, cost reporting is also required.

Sec. 2434:

1. Prior to approval of EMD, or production and deployment by the Secretary, an independent cost estimate is required.

2. Thirty days prior to approval of EMD by the Secretary, a manpower report must be submitted to the military committees of Congress.

Sec. 2435:

1. Requires a program baseline (with technical characteristics) for any program in EMD or production.

Title 41 United States Code

Section 401:

1. Establishes the policies of Congress for procurement. The acquisition strategy of

SDIO conflicts with many Congressional policies.

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. SIMON. Mr. President, I have just learned what the House action is on the balanced budget amendment. From my perspective—and I think from the perspective of the future of our country—it is unfortunate the decision that was made there. The question then comes up whether it should be brought up here. I did work with the majority leader, and I am sure I am not saying anything out of school when I say he was reluctant in the direction of scheduling the balanced budget amendment over here.

I see no point in bringing it up this year in the Senate. My intention is to bring it up next year, at the beginning of the year, when we come back, when the House will have a different composition, when the Senate will have a somewhat different composition.

I also want to express my gratitude to the Members of the Senate with whom I worked as well as those who were in the opposition who worked hard. The majority leader was one of those. Senator BYRD was one of those. On our side, I should not start thanking people because I am going to miss a great many, but Senator STROM THURMOND, Senator ORRIN HATCH, Senator LARRY CRAIG on the Republican side were really great, and Senator DECONCINI and Senator HEFLIN, Senator BRYAN on our side were very helpful. I am sure I am missing others.

Let me also pay tribute to the personal members of my staff, Brant Lee and Susan Kaplan particularly, who worked very hard on this.

What I hope has come out of it, regardless of the vote in the house, is that we have focused a little more on this gargantuan problem of the deficit. We have to see to it that future generations have the kind of an opportunity we have had. We cannot do that if we continue down the course we are on right now. I hope in some way, whether it is a constitutional amendment in the future, or some other means, we can face our responsibilities. There is no politically popular way of solving this problem, and we have to recognize that. We are going to have to face up to the pain. The sooner we face up to the pain, the less painful it is going to be in the long run.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I thank the distinguished Senator from illinois for his comments. I had earlier in the year, following a series of discussions with Senator SIMON and others, made a commitment to Senator SIMON that I would make a good-faith effort to bring the balanced budget amendment before the Senate. And although I am opposed to such an amendment, it was my intention to honor that commitment, as Senator SIMON knows; we have discussed this on a regular basis almost daily, indeed, for the past few weeks. We discussed the possibility of bringing it up shortly after the House acted, had the House approved the amendment. In view of the action in the House today, and Senator SIMON'S statement that was just made, it is not my intention to bring the matter before the Senate this year because we all recognize that it would simply be a waste of time since no final action would be possible and since we have such a large number of other measures with which we must deal.

Before concluding, I want to pay tribute to Senator SIMON, with whom I disagree on this issue and disagree strongly, as he and I have discussed both publicly and privately on many occasions. But for shear perseverance, for shear tenacity, for shear single-mindedness of purpose, when committed to an objective, there is no one in the Senate who exceeds Senator SIMON. He, through the force of his own personality and efforts, obtained from me the commitment to bring the matter before the Senate at a time when I did not share his view on it. And I still do not share his view on it.

So I am thankful to him for the statement he has just made in which the commitment which I made to him is no longer imposed upon me, and he has graciously indicated that he does not see any point in proceeding and I agree.

I want to make one final comment, and that is about a Senator who is not here, who is also very heavily engaged in the subject and that is of course Senator BYRD, who with similar skill, tenacity, and perseverance argued the opposition point of view from that advocated by Senator SIMON. All of us stand in awe of Senator BYRD's knowledge of the Senate and his reverence for the institutions of our Government, and I believe he brought to this debate a skill and knowledge that is unmatched.

So I conclude, Mr. President, by again thanking my friend and colleague from Illinois, and saying that if by the grace of God we are both back in the Senate next January in our current positions, why, I look forward to discussing the matter with him again at that time.

Mr. President, I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I just wanted to say that I am delighted by the position taken by the majority leader on this vitally important matter. I am glad that we do not have to go through this debate over this fundamentally important matter.

I want to join in paying tribute to the misguided efforts of the Senator from Illinois, my very dear friend, who is a great Senator. I happen to disagree with him on this particular issue, one of the few differences we have had during our time together in the Senate.

I join in paying tribute to Senator ROBERT BYRD, whose work against the constitutional amendment was prodigious, persuasive, and I believe would have been successful.

Having worked once again on counting votes in the Senate, while it was an uphill battle from the very beginning, I believe the tide was turning in the country, was turning in the Senate as it turned in the House, and that this amendment had we gone through the battle and come down to a vote would have gone down to defeat. We have been picking up votes day by day or picking up people who moved from planning to vote for it or leaning that way to moving to uncertainty.

I believe as two of the Presidential candidates have now agreed, Governor Clinton, and Ross Perot, that this amendment would have been a disaster for our country, for many, many reasons that have been expressed on this floor or would have been expressed on this floor. There was a time when sentiment in the country and in the Congress seemed to indicate that a constitutional amendment to prohibit flag burning was going to sail through this body and into the Constitution. But the tide turned on that issue, too, as I believed it would from the outset, and I have believed from the outset that the tide would turn on this issue. It has turned, and I think that is very good for our country.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEE BROWN SPEAKS BEFORE DEMOCRATIC NATIONAL PLATFORM COMMITTEE

Mr. MOYNIHAN. Mr. President, Lee Brown, New York City's able and esteemed police commissioner, spoke last month before the Democratic National Platform Committee in Cleveland. He was the only police official invited to testify. Commissioner Brown offered a troubling yet exact assessment of the great difficulties law enforcement officials must deal with in the face of the societal upheaval taking place in our cities. Among the tactics he advocates most strongly is community policing, as opposed to the superficial reassurance of the paramilitary response. It is worthwhile to note that the Christopher Commission, which made recommendations on reforming the Los Angeles Police Department after the Rodney King incident, advised that this same approach be taken. Mr. President, I ask that the text of Commissioner Brown's testimony before the Democratic National Platform Committee be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF COMMISSIONER BROWN

I think it is significant that you have invited a police official to testify before the Committee. It is significant because now, more than at any time in American history, the police are asked to cope with the collapse of a range of social institutions—a collapse that would have seemed unimaginable to the nation's leaders of just a generation past. It would be equally unimaginable that the Federal government would fail to muster the resources necessary to rescue our cities from drug addiction, crime and disorder.

Yet, a debt-ridden Federal government has turned to financially strapped state and local governments, and to private philanthropy with its limited commitment to such enterprises, to do what perhaps only the national government can do. This paucity of national resolve is exemplified in New York City by the fact that as Police Commissioner, I assign nearly as many officers to narcotics enforcement in New York City alone, as are assigned by the Drug-Enforcement Administration to all of the United States and the World.

Washington has declared war on drugs many times. But it never deployed the troops: Not in terms of enforcement, not in terms of prevention, not in terms of treatment, not in terms of research. Instead, the police and the public-at-large are left to deal every day with the consequences of widespread drug addiction and trafficking.

The consequences include a brisk gun trade that is evidenced by the confiscation of over 19,000 illegal guns last year in New York City alone. The consequences include the murder of 69 American police officers in 1991. The consequences include the ongoing AIDS epidemic.

Cops today are policing the debris of social and institutional collapse. The collapse includes the failure of primary and secondary schools in so many of the nation's urban centers. It includes the collapse of affordable health services, and affordable housing. It is marked by a dearth of residential care for people who are severely, mentally ill. The ultimate safety net, the family, has also collapsed in many places, with more and more American households headed by single women with children, living in poverty.

Faced with the instability that stems from these failures, the police officer's job is more demanding and complex than ever before. Police are dealing with the emotionally disturbed people on the street, who over a decade ago would have been living in a state-run hospital. Police are dealing with vagrants without the benefit of vagrancy laws. Police dealing with people made homeless by drug or alcohol addiction, with few places to send them for shelter or treatment or a job. Police are dealing with violent teens without the ability to influence parents, if parents are present to begin with. Police are asked to respond to racially and ethnically-charged disputes, with little or no control over the factors that give rise to the bias, resentment and fear.

As to underlying causes, I would urge that the Platform Committee examine closely the implications of recent data from the Federal Reserve and Internal Revenue Service that showed that the top one percent of the American population has more combined wealth than the "bottom" 90 percent.

The fact that one percent of America is richer than nearly everybody else combined is a police problem waiting to happen. Unattended, difference of this magnitude can turn police forces into occupation armies.

No police officer in America wants his job relegated to that of border guard on the frontier between rich and poor. No cop wants that, and no President should let it happen.

If you were to ask me to cite the single, most important crime prevention measure I would want in my arsenal as a law enforcement executive, I would say "Jobs." Guarantee meaningful employment for everyone willing and able to work and you will have done the one thing that is most likely to lower the crime rate in America.

With respect to safety in the African American community, the Federal government has already identified six specific problems. It now needs to attack them. They are: Immediate access to firearms, alcohol and drug abuse, drug trafficking, poverty, racial discrimination and the cultural acceptance of violent behavior. The Federal Centers for Disease Control has cited these six as the contributing factors in making homicide the leading cause of death among young black men. The fact that homicide is the leading cause of death for any segment of the population, or that it is so widespread it is tracked like a communicable disease, should place the causes of homicide on the top of any President's domestic agenda.

It has become obvious to me that whatever the successes of conventional policing—and there have been many—police officers cannot go it alone in face of massive social dysfunction and displacement. The police must form partnerships in the community, and use all the resources of government, business, the schools—all the resources available to it—to try to resolve some of the recurring problems that tend to keep 911 ringing off the hook.

That is why I believe in community policing.

Under Mayor Dinkins' "Safe Streets, Safe City" comprehensive crime control program, community policing lets neighborhood people help identify and solve their own problems. Community policing also gives individual police officers a chance to be more creative and independent in their approach to police work. It lets them be problem solvers. Community policing is a working partnership between the police and the law-abiding public to prevent crime, arrest offenders, find solutions to repeat problems, and ultimately to enhance the quality of life, particularly in its residential neighborhoods.

My vision of community policing is to have a police officer or a group of officers and their supervisors responsible for every street or group of streets in a city. I want police officers to know the community well.

We are implementing community policing in New York City. And while it may still be too early to draw firm conclusions, I am encouraged by the fact that last year we experienced an across-the-board decrease in each and every major crime category for the first time in 36 years.

I am also encouraged by the fact that New York City was relatively unscathed by the disorder that erupted in Los Angeles and spread to other cities.

However, I am concerned that if crime-related problems grow in severity and complexity, there will be a temptation to revert to the superficial reassurance of the paramilitary response.

Just as there is resurgent interest in the death penalty as a deterrent to crime, there will be arguments that the police maintain a repressive posture and prepare for battle in the modern urban environment.

There is a danger that if urban conditions continue to worsen in cities across America, there will be mounting pressure to abandon community policing and use the police as temporary occupying forces, there to put down disturbances.

Sometimes overwhelming police numbers are required to insure the peace, but more often, they are not. An effective, community-oriented police presence is a deterrent to neighborhood violence in the first instance.

We should make the police officers permanent, highly visible fixtures in the neighborhood, known personally to the people who live and work there.

To revert to an "us against them" posture, will only make things worse, both for community residents and the police. I can assure you that, in the end, the community police officer permanently assigned to a neighborhood is a better deterrent to unrest than a SWAT team waiting in the wings.

The ultimate deterrent to crime and unrest involves addressing some of their underlying causes. It is a role beyond the police. But at least community policing invites everyone else into the process.

Community policing recognizes something that can-do organizations like the police sometimes won't readily admit. It acknowledges that the people most affected by crime may be the best people to help us attack the problems and find the solutions.

As I see it, community policing is the future of policing in America. It is worthy of any national platform, and should be supported at the highest levels of government.

TRIBUTE TO AL STANGO

Mr. BIDEN. Mr. President, to say that an event marks the end of an era, has become almost a cliche; but in the case I have in mind, it is neither overstatement nor mere convenience that leads me to that description.

The retirement from public office of Alfred A. Stango is, truly, the end of an era. The name may not be familiar to many in Washington, but I can assure you, it is the stuff of legend in Delaware.

Al Stango arrived in Lewes, DE, in 1952; in 1962, he was elected to public office as a town commissioner; and in 1967, the citizens of Lewes promoted Al Stango to mayor, an office he held for 25 years, ending with his retirement last month and the ceremonial passing of the mayor's gavel.

During his long and distinguished tenure, Mayor Stango presided over a period of tremendous growth and complex challenges for the town of Lewes.

It was not an easy time to be in charge, and over all those years the mayor was bound to have some critics and maybe even a few enemies, no matter what he did.

Al Stango did not start many of the fights, but neither did he shy away from any of the battles.

He was always willing to do the hard work of government: To take the long-term view; to make the tough decisions; and to put his ability and integrity as a leader on the line, for what he believed was right.

Al Stango did his job, and he did it well.

And obviously, that's not just my judgment;

It's also the view of the citizens who kept Al Stango in the mayor's office for a quarter century.

In addition, Al Stango's service has never been limited to the responsibilities of his elective town office.

Among the community organizations Al has served as president—as president—are:

The Lewes Lions Club; the Lewes Little League; the Lower Delaware Shrine Club; the Sussex County Association of Towns; and the Delaware League of Local Governments.

The organizations, boards, and councils which Al Stango has served as a member are far too numerous to name. But let me just note that the beneficiaries of his service range from the local hospital to the local library, from the University of Delaware's research program to the council on police training, from the church vestry to the State commission on adult entertainment.

And while Mayor Stango was involved in all these efforts and the burdens of office, he managed somehow to find the time to run a business and, most important of all, to have a family—a family which includes his wife of 53 years, Madeline, his son and daughter, two grandchildren and a great-grandchild.

This is the rich and varied fabric of Al Stango's life; and from a very personal perspective, I would like to add just one more thread.

What is not evident from any biography, but is, in my view, among his most important and admirable characteristics, is the quality of Al Stango's friendship.

Just as Mayor Stango has been so generous in devoting 25 years of his life to public service, he has always been equally generous with his energies and his time in personal relationships.

And just as he never dodged the hard responsibilities during difficult times in office, Al Stango has never been a fair-weather friend, never indulged in the kind of political relationships in which loyalty is a four-letter word.

In friendship, as in public leadership, Al is in the fight until the finish, and I can tell you from experience, there are few things more comforting than having him on your side.

When Mayor Stango passed the gavel to his successor, an era did indeed come to an end; but the legacy of the past 25 years of leadership and service will continue to serve the people of Lewes and to inspire all of us in government who are lucky enough to know Al for a great many years to come.

I am proud to call the Senate's attention to the achievements and civic contributions of Al Stango—an outstanding local leader of my State, a generous man with deeply held values of family, service and citizenship, a friend who has my respect, admiration and sincerest gratitude.

TRIBUTE TO WILLIAM G. TURNER, JR.

Mr. BIDEN. Mr. President, in 1948, a young World War II veteran, named William G. Turner, Jr., took a $35-a-week draftsman's job in the Department of Public Works of my hometown—Wilmington, DE.

On that day began one of the most admirable careers of public service that I have ever encountered.

For 44 years—the last 23 of them as commissioner of public works—Bill Turner has served the city of Wilmington with something beyond distinction.

Mr. Turner has received a number of professional awards and commendations, including recognition as Delaware's Engineer of the Year.

But no tribute could be greater, or more reflective of how exceptional a person and professional he is, than the fact that people who have never agreed on anything else in their lives, are absolutely united in their respect and regard for Bill Turner.

Through his able leadership of a department with some 350 employees and an annual budget of $50 million, through his commitment to doing what was right for the city and its residents, without concern for political maneuvering or personal recognition, always with a modest manner and usually with himself as his favorite target for both criticism and humor, Bill Turner has earned the kind of universal praise that is not supposed to be possible for a government career of making tough choices and hard decisions.

That is why when Mr. Turner announced his retirement effective June 30, a newspaper article could objectively describe him as, "The city's highly regarded public works commissioner," and report that he was the consummate public servant, according to all four of the Wilmington Mayors who have served during Bill Turner's tenure in the commissioner's office.

That is why several years before his retirement, a new city public works facility was named for him, and why Wilmington's current mayor referred to him as "an institution in Delaware * * * kind of our Mount Rushmore, in terms of being a landmark for excellence * * * and public service."

Now, at age 65, Bill Turner plans to take it a little easier, staying involved but spending more time with his wife of 50 years and their family.

In his letter of resignation, Mr. Turner wrote of his 44 years of public service, "if I have made a difference for the better of our residents, then the effort has been worthwhile."

Bill Turner's efforts have been more than worthwhile: they have been extraordinary.

The legacy of his work will continue to make a difference for the better for Wilmington; and the commitment and integrity he brought to his office will always be an inspiration, to all who seek to uphold the highest standards and deepest trust of public service.

Bill Turner has reminded us that this is a noble profession, and in so doing, he has made Wilmington and all of us in Delaware very proud-and very grateful.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of Calendar Nos. 480 and 481; that the committee amendment where appropriate be agreed to, that the resolutions and concurrent resolutions be agreed to en bloc; that the motions to reconsider be laid upon the table, en bloc; further, that any statements relating to these calendar items appear at the appropriate place in the record; and, that the consideration of these items appear individually in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING THE ASSASSINATION OF JUDGE GIOVANNI FALCONE

The resolution (S. Res. 308) to condemn the assassination of Judge Giovanni Falcone, was considered, and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. Res. 308

Whereas, Judge Giovanni Falcone was brutally assassinated along with his wife Francesca on a highway outside of Palermo, Italy on May 23, 1992;

Whereas, his death was an attack on the state of Italy and the Italian-American working Group, of which Judge Falcone was a member, and which is jointly chaired by the Attorney General of the United States and the Italian Minister of the Interior, and which is dedicated to the investigation and prosecution of organized criminal activities;

Whereas, Judge Falcone had achieved the status of national hero for his great work;

Whereas, he led a successful operation that culminated in the December 1987 convictions of three hundred and forty-two Mafiosi, who received a total of two thousand six hundred and sixty-five years in prison, including nineteen life sentences for their legion of crimes;

Whereas, he successfully pursued major international investigations including the 1986 New York "Pizza Connection" cases that led to the conviction of seventeen people of importing heroin worth $1,600,000,000;

Whereas, Judge Falcone was the Justice Ministry's Director of penal Affairs and was in line to be nominated for the post of "super anti-Mafia prosecutor," a position which he had long advocated; and

Whereas, his intricate knowledge of the Mafia created enormous confidence among informers and investigators alike: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the assassination of Italian Judge Giovanni Falcone is a profound loss to Italy, the United States, and the world and is strongly condemned; and

(2) the Italian-American Working Group, of which he was a member, should vigorously continue its primary mission as well as investigate and prosecute those who perpetrated this violent crime.

SENSE OF THE CONGRESS REGARDING THE KURDS IN NORTHERN IRAQ

The concurrent resolution (H. Con. Res. 299) expressing the sense of the Congress regarding the Kurds in Northern Iraq, was considered, and agreed to.

The preamble was agreed to.

NATIONAL SPINA BIFIDA AWARENESS MONTH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 470, designating September 1992 as "National Spina Bifida Awareness Month," just received from the House; that the joint resolution be deemed read three times, and passed; that the motion to reconsider be laid upon the table; that the preamble agreed to; further, that any statements relating to this measure be placed in the record at an appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am pleased that there is bipartisan agreement to accept and pass House Joint Resolution 470, designating the month of September 1992 as "National Spina Bifida Awareness Month."

Spina bifida is a birth defect of the spinal column that results from the failure of the spine to close properly in the first 3 weeks of pregnancy. The single most common disabling birth defect in the United States, spina bifida occurs in approximately 18,000 children. In fact, the incidence of spina bifida is greater than that of muscular dystrophy, multiple sclerosis, cystic fibrosis, and polio combined.

Passage of this resolution will assist in educating the American public about this disability that afflicts tens of thousands of children each year. Only through increased national awareness and research will the quality of life for people with disabilities be enhanced while continuing to invest in preventive efforts aimed at ameliorating congenital disabilities.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore [Mr. BYRD] announced that on June 10, 1992, during the recess of the Senate, he had signed the following enrolled bills:

H.R. 1642. An act to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes;

H.R. 1917. An act for the relief of Michael Wu; and

H.R. 2556. An act entitled the "Los Padres Condor Range and River Protection Act."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3406. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report on the expenditures from moneys appropriated to the Architect of the Capitol for the period October 1, 1991, through March 31, 1992; to the Committee on Appropriations.

EC–3407. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation to repeal section 7299a(a) of title 10, United States Code, to permit distribution of assignments and contracts for construction of combatant vessels and escort vessels on the basis of economic and military considerations; to the Committee on Armed Services.

EC–3408. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Housing Act of 1949 a Rural Housing Voucher Program; to the Committee on Banking, Housing and Urban Affairs.

EC–3409. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, a semiannual report prepared by the Inspector General of the Farm Credit Administration for the period October 1, 1991, through March 31, 1992; to the Committee on Governmental Affairs.

EC–3410. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, a report from the Office of the Inspector General for the Federal Housing Finance Board for the six month period ending March 31, 1992; to the Committee on Governmental Affairs.

EC–3411. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on applications made for orders and extensions of orders approving electronic surveillance during calendar year 1991; to the Committee on the Judiciary.

EC–3412. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the activities implemented by the States during the fourth year of the Child Abuse and Neglect Prevention Challenge Grant Program administered by the National Center on Child Abuse and Neglect during fiscal year 1989; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment:

H.R. 3237. A bill to extend the terms of office of members of the Foreign Claims Settlement Commission from 3 to 6 years.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 299. A concurrent resolution expressing the sense of the Congress regarding the Kurds in northern Iraq.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Res. 306. A resolution relating to the enforcement of United Nations Security Council resolutions calling for the cessation of hostilities in the former territory of Yugoslavia.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 308. A resolution to condemn the assassination of Judge Giovanni Falcone.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Susan H. Black, of Florida, to be United States Circuit Judge for the Eleventh Circuit;

Sonia Sotomayor, of New York, to be United States District Judge for the Southern District of New York;

Loretta A. Preska, of New York, to be United States District Judge for the Southern District of New York;

Irene M. Keeley, of West Virginia, to be United States District Judge for the Northern District of West Virginia; and

By Mr. BIDEN, from the Committee on the Judiciary:

Kay Cole James, of Virginia, to be Associate Director for National Drug Control Policy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Pamela J. Turner, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1995.

Peter Jon de Vos, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Peter Jon de Vos.

Post: U.S. Ambassador to the United Republic of Tanzania.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: Paul Louis deVos, none; Elizabeth Suzanne deVos (deceased).
5. Grandparents names: Deceased.
6. Brothers and spouses names: None.
7. Sister and spouses names: Gretchen Banks (husband deceased), Lurline DeVos, none.

Robert E. Gribbin III, of Alabama, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert E. Gribbin III.

Post: Central African Republic.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Connie, none.
3. Children and spouses names: Matt and Mark, none.
4. Parents names: Elsie and Emmet Gribbin, none.
5. Grandparents names: Deceased.
6. Brothers and spouses names: Joe and Jane Gribbin, none; Scott and Paula Gribbin, none.
7. Sisters and spouses names: Alice and Newt Allen, none; Millie and John Tucker, none.

William Henry Gerald FitzGerald, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: William H.G. FitzGerald.

Post: Ambassador to Ireland.

Contributions, Amount, Date and Donee:

1. Self: February 18, 1987, No. 6037, D.C. Republican Committee, $250; February 20, 1987, No. 6050, George Bush for President, $1,000; June 24, 1987, No. 6302, Fund for America's Future, $5,000; June 19, 1987, No. 6282, Duval for Senate 1987, $100; September 22, 1987, No. 6435, Republican Senatorial Inner Circle, $1,000; Totals, $7,350.

Madison National Bank: January 15, 1988, No. 6703, Committee to Re-Elect Claudine, $100; February 24, 1988, No. 6787, People for John Heinz, $250; February 29, 1988, No. 6793, Senator Chafee Committee, $500; April 7, 1988, No. 6849, Senator Orrin Hatch, $500; April 13, 1988, No. 6872, Republican Party Builders, $500; April 19, 1988, No. 6890, The Fund for America's Future, $5,000; May 2, 1988, No. 6914, D.C. Republican Campaign Committee, $200; July 21, 1988, No. 7056, Friends of Orrin Hatch, $250; September 21, 1988, No. 7147, Alan Keyes for U.S. Senate, $100; September 21, 1988, No. 7149, People for John Heinz, $200; September 29, 1988, No. 7160, D.C. Republican Committee, $500; October 17, 1988, No. 7205, People for John Heinz, $300; October 25, 1988, No. 7222, Senator Chafee Committee, $500; October 31, 1988, No. 7230, Friends of Connie Morella for Congress, $100; November 1, 1988, No. 7239, People for John Heinz, $250; Total, $9,250. September 19, 1989, No. 7829, Weld for Governor, $200; September 21, 1989, No. 7839, NCPAC, $500; September 3, 1989, No. 7861, Hyde for Congress Committee, $500; November 1, 1989, No. 7918, Weld for Governor, $200; November 6, 1989, No. 7934, Rob Mosbacher for Lt. Governor, $1,000; Total, $2,400.

January 2, 1990, No. 8061, Friends of Larry Pressler, $2,000; February 12, 1990, No. 8144, Committee to Re-Elect Claudine, $50; February 12, 1990, No. 8145, D.C. Mayoral Exploratory Committee, $2,000; April 4, 1990, No. 8267, Frelinghuysen for Congress, $100; May 31, 1990, No. 8362, Re-elect Senator Pell Committee, $350; June 6, 1990, No. 8376, Friends of Claudine, $40; June 13, 1990, No. 8395, Ron Machtley for Congress, $100; June 26, 1990, No. 8409, Friends of Larry Pressler, $1,000; July 24, 1990, No. 8459, William Weld for Governor, $1,000; August 6, 1990, No. 8462, Paul Cellucci for Lt. Governor, $1,000; September 12, 1990, No. 8522, Re-elect Senator Pell Committee, $500; September 28, 1990, No. 8571, Singleton 1990, $100; November 5, 1990, No. 8619, Singleton 1990, $100; November 5, 1990, No. 8621, Pennsylvania Senate Republican Campaign Committee, $500; October 27, 1990, No. 8625, Julie Finley for City Council, $400; October 29, 1990, No. 8626, John McGovern for Congress, $500; December 26, 1990, No. 8731, Dixon Inaugural Committee, $1,500; Total, $11,240.

Madison National Bank—430-008-4: September 18, 1991, No. 9118, Thornburgh for Senate Committee, $1,000; October 23, 1991, No. 9055, Weld Committee, $250. American Security Bank—55-117-32-906: August 22, 1991, No. 1057, Committee to Confirm Clarence Thomas, $100; November 4, 1991, No. 9073, Bush-Quayle 1992 Primary Committee, Inc., $1,000. January 29, 1992, No. 9237, Bush-Quayle Compliance Committee, $1,000; February 21, 1992, No. 9281, President Bush Dinner Committee, $3,000.

2. Spouse: Annelise R. Fitzgerald. Political Contributions 1990. Account No. 3-207-218: October 28, 1991, No. 2642, Julie Finley for City Council, $400. 1992: January 29, 1992, No. 1269, Bush-Quayle 1992—Compliance Committee, $1,000; January 29, 1992, No. 1268, Bush-Quayle 1992, $1,000. 1987-1991, none.
3. Children and spouses names: None.
4. Parents names: None.
5. Grandparents names: None.
6. Brothers and spouses names: None.
7. Sisters and spouses names: None.

Marc Allen Baas, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Marc Allen Baas.

Post: Addis Ababa.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: No children.
4. Parents names: R. Jack Baas, Jeanette R. Baas. Jeanette R. Baas, $25, June 21, 1987, Democratic National Committee; $35, October 23, 1987, DNC; $35, July 3, 1988, DNC; $25, October 24, 1988, DNC; $35, February 1, 1989; DNC; $25, May 7, 1989, Senator Carl Levin; $35, September 11, 1990, DNC; $35, January 14, 1991, DNC; $45, November 10, 1991, DNC.
5. Grandparents names: William Baas, deceased; Cornelia Prester Baas, deceased; Cornelius Rylaarsdam, deceased; Marie Antoinette Rylaarsdam, deceased.
6. Brothers and spouses names: Curt Baas, none; Debbie Baas, none.
7. Sisters and spouses names: Myra Smith, none; Ron Smith, none; Cara Brzezinski, none; Rick Brzezinski, none.

Lauralee M. Peters, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Lauralee M. Peters.

Post: Sierra Leone.

Contributions, amount, date, and donee:

1. Self, Lauralee M. Peters, none.
2. Spouse, Lee M. Peters, none.
3. Children and spouses, David, Evelyn, Edward, and Matthew Peters, none.
4. Parents, Arthur W. Milberg (deceased), Opal I. Milberg, $25 in 1988, Michael Dukakis.
5. Grandparents, all deceased.
6. Brothers and spouses, Raymond F. Milberg and spouse Catherine Milberg, $50 in 1988, GOP Victory Fund.
7. Sisters and spouses, none.

Hume Alexander Horan, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Hume Alexander Horan.

Post: Ivory Coast.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, Alexander, Margaret, and Jonathan, none.
4. Parents, deceased.
5. Grandparents, deceased.

6. Brothers and spouses, none.
7. Sisters and spouses names, Leyla Brennan, John Brennan, sister volunteers for Senator Danforth but says any contributions in cash or otherwise are her business alone.

Donald K. Petterson, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Sudan.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Donald K. Petterson.
Post: Ambassador to Sudan.
Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, Julieta Petterson, none.
3. Children and spouses names, Susan, Brian, Julie, John, none.
4. Parents, Walter Petterson (deceased), Muriel Petterson, none.
5. Grandparents, deceased.
6. Brothers and spouses, Walter Petterson, Robert Petterson (wife Barbara Petterson) none.
7. Sisters and spouses, none.

Dennis P. Barrett, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Madagascar.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Dennis Patrick Barrett.
Post: Madagascar.
Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, Rosemary Barrett, none.
3. Children and spouses, Tracey and Faiyaz Haider, Kellen R. Barrett, none.
4. Parents, deceased.
5. Grandparents, deceased.
6. Brothers and spouses, deceased.
7. Sisters and spouses, Mary Ann Maloney and James, none.

Richard Goodwin Capen, Jr., of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard Goodwin Capen, Jr.
Post: Ambassador to Spain.
Contributions, amount, date, and donee:
1. Self, $1,000, January 5, 1992, Bush/Quayle 1992 Committee, $1,000, January 5, 1992, Bush/Quayle Compliance Committee.
2. Spouse, $1,000, January 5, 1992, Bush/Quayle Compliance Committee.
3. Children and spouses, Chris, Kelly, Carrie, none.
4. Parents, Mr. and Mr. Clyde Hufbauer, none.
5. Grandparents, deceased.
6. Brothers and spouses, Mr. David Capen, Mr. and Mrs. James L. Lambert IV, none.
7. Sisters and spouses, none.

Roger A. McGuire, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Roger A. McGuire.
Post: Ambassador to Guinea-Bissau.
Contributions, amount, date, and donee:
1. Self, Roger A. McGuire, none.
2. Spouse, Harriet C. McGuire, none.
3. Children and spouses, Sara C. McGuire, Case L. McGuire, none.
4. Parents, deceased.
5. Grandparents, deceased.
6. Brothers and spouses, none.
7. Sisters and spouses, none.

William Lacy Swing, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nigeria.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: William Lacy Swing.
Post: Ambassador to the Republic of Nigeria.
Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, (N.A.)
3. Children and spouses, Brian Curtis Swing, none.
4. Parents, Baxter Dermot Swing, Mary Frances Swing, none.
5. Grandparents, James R. Swing, Bessie Mae Swing, none.
6. Brothers and spouses, James Bryce Swing, Arlene Swing, ca. $2000 in 1988 to RNC and Presidential Task Force (member) and ca. $1000 a year since to RNC and PTF.
7. Sisters and spouses, Anna Leonard, Lawrence Leonard, ca. $100 a year to Republican National Committee and related organizations.

Reginald Bartholomew, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Reginald Bartholomew.
Post: Ambassador to NATO.
Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, Rose-Anne, none.
3. Children and Spouses, Xian and Ana, Sylvie, Damien and Ann, Jon Bartholomew, none.
4. Parents, deceased.
5. Grandparents, deceased.
6. Brothers and spouses, David and Maryann Bartholomew, none.
7. Sisters and spouses, N.A.

Adrian A. Basora, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech and Slovak Federal Republic.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Adrian A. Basora.
Post: Czech and Slovak Republic.
Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, Pauline M. Barnes, none.
3. Children and spouses, Andrea C. Basora, none.
4. Parents, Maria M. Basora, none. Miguel A. Basora, deceased.
5. Grandparents, Francisca Sola and Marcelino Sola, deceased.
6. Brothers and spouses, none.
7. Sisters and spouses, none.

Peter Barry Teeley, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States to Canada.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Contributions, amount, date, and donee:
1. Self, $1,000, 1986, George Bush PAC Fund for America Future.
2. Spouse, none.
3. Children and spouses, Adrienne Teeley, none. Susan Teeley Risi, and Thomas Risi, none. Laura Teeley, and Randall Teeley, none.
4. Parents, Francis and Winifred Teeley, none.
5. Grandparents, deceased.
6. Brothers and spouses, N.A.
7. Sisters and spouses, N.A.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 2833. A bill to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe and the United States and various other issues pertaining to the Crow Indian Reservation; to the Select Committee on Indian Affairs.

By Mr. ROTH:

S. 2834. A bill to designate the United States Post Office Building located at 100 Main Street, Millsboro, Delaware, as the "John J. Williams Post Office Building"; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2835. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish provisions regarding the composition and labeling of dietary supplements; to the Committee on Labor and Human Resources.

By Mr. MCCAIN]:

S. 2836. A bill to promote economic development on Indian reservations by making loans to States to assist States in constructing roads on Indian reservations; to the Select Committee on Indian Affairs.

By Mr. HARKIN:

S. 2837. A bill to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug; to the Committee on Labor and Human Resources.

By Mr. SANFORD:

S. 2838. A bill to require that the operating segment of the Federal budget be balanced in fiscal year 1994 and that the entire budget be balanced by fiscal year 1998 and to provide tough enforcement mechanisms to guarantee the budget is balanced; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports the other committee has thirty days to report or be discharged.

By Mr. SHELBY (for himself, Mr. AKAKA, Mr. DASCHLE, Mr. FORD, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mr. STEVENS, and Mr. THURMOND):

S. 2839. A bill to prohibit the transfer under foreign assistance or military sales programs of construction or fire equipment from Department of Defense stocks; to the Committee on Armed Services.

By Mr. SHELBY:

S. 2840. A bill to amend chapter 11 of title 38, United States Code, to provide that a veteran who is a former prisoner of war detained or interned for not less than 90 days shall be deemed to have a service-connected disability rated at not less than 50 percent for the purposes of determining the benefits due to such veterans; to the Committee on Veterans Affairs.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2841. A bill to provide for the minting of coins to commemorate the World University Games; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS (for himself, Mr. THURMOND, and Mr. MCCAIN):

S. 2842. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to certain Federal property selected for disposal, leasing, and transfer, and for other purposes; to the Committee on Environment and Public Works.

By Mr. NUNN:

S. 2843. A bill to amend the Employee Retirement Income Security Act of 1974 to protect employees whose health benefits are provided through multiple employer welfare arrangements, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GORTON (for himself, Mr. BOND, Mr. MCCONNELL, Mr. WARNER, and Mr. STEVENS):

S.J. Res. 312. A joint resolution proposing an amendment to the Constitution to provide for a runoff election for the offices of the President and Vice President of the United States if no candidate receives a majority of the electoral college; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DANFORTH (for himself, Mr. BOND, Mr. EXON, Mr. SIMON, Mr. DIXON, Mr. PRYOR, and Mr. THURMOND):

S. Res. 313. A resolution to commend the St. Louis Cardinals baseball team as it celebrates its 100th anniversary on June 11, 1992; considered and agreed to.

By Mr. DECONCINI (for himself and Mr. LIEBERMAN):

S. Res. 314. A resolution concerning the provision of humanitarian aid to civilian populations in and around Sarajevo; to the Committee on Foreign Relations.

By Mr. ROTH (for himself and Mr. LIEBERMAN):

S. Con. Res. 124. A concurrent resolution relative to NATO and present security concerns; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 2833. A bill to resolve the 107th meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation; to the Select Committee on Indian Affairs.

CROW SETTLEMENT ACT

• Mr. BAUCUS. Mr. President, I rise today and together with my colleague, Senator BURNS, introduce legislation that will begin the final stage of a process that will correct a mistake made by the Federal Government over 100 years ago. That mistake, a survey error that mistakenly established the eastern boundary of the Crow Indian Reservation far short of what was required by treaty, has bedeviled the Crow Tribe for more than a century. This bill will, when passed, correct that error.

In 1868, the Crow Nation signed the Fort Laramie Treaty that established the tribe's reservation and set the eastern boundary of that reservation as the 107th meridian. Sixteen years later, the Federal Government established the Northern Cheyenne Reservation on the eastern boundary of the Crow Reservation, its western boundary set as the 107th meridian. For more than a century, these two tribes have lived as neighbors, sharing a common boundary that was improperly surveyed. The Crow Tribe lost over 36,000 acres because of this error. Nearly 13,000 of those acres lie within the Northern Cheyenne Reservation.

Mr. President, the boundaries established by treaty constituted a solemn promise to the Crow Tribe. This was to be their land in perpetuity. The assets and natural resources of the reservation were reserved to the tribe for its benefit. And yet, before the tribe even had an opportunity to begin settling upon the reservation, a mistake had already diminished the land base significantly.

Tragically, the history in Indian country is replete with examples of Congress taking back from the tribes what it had once given them forever. Often times, this was done intentionally, and adequate recompense is probably beyond our wisdom or capability. However, in this instance, good will and persistence have produced a framework whereby—this one time—we can reverse the mistakes of history. By moving this bill forward, we can do the right thing.

Over the last 2 years, the current tribal chairwoman of the Crow Tribe—Chairwoman Clara Nomee—has dedicated her efforts to finding a way to rectify an error that has constructively operated to her tribe's detriment these many years. The Federal Government has joined her in this endeavor, to their credit, and the negotiations to settle this dispute have produced, in a broad sense, principles that could constitute the elements of a compensation agreement. Many of those elements are contained in this bill. As we move this bill forward, negotiations between the parties will continue, further refining their positions. Both parties are steadily moving together and the end of this dispute is within view.

Mr. President, Senator BURNS and I are confident that the will exists to correct an error that has operated to the detriment of the Crow Tribe for over a century. The Department of Interior is putting its shoulder to the wheel. The tribe has dedicated itself to solving this dispute. As this bill is further refined through the committee process, I fully expect a finalized version in the immediate future. Senator BURNS and I look forward to working with all parties to assure that result.•

By Mr. ROTH:

S. 2834. A bill to designate the U.S. Post Office Building located at 100 Main Street, Millsboro, DE, as the "John J. Williams Post Office Building"; to the Committee on Environment and Public Works.

JOHN J. WILLIAMS POST OFFICE BUILDING

Mr. ROTH. Mr. President, I rise to introduce legislation to pay tribute to a remarkable man, an individual who served the State of Delaware for 24 years in the Senate and whose career was highlighted by his absolute integrity and dedication as a public servant. John J. Williams served Delaware for four Senate terms, and throughout that period was a tireless public servant in pursuit of waste, corruption, and injustice.

The legislation I am introducing today will establish a lasting tribute to this great man, in the town where he grew up, where he lived, and where he retired after leaving the Senate in 1970. This legislation designates the new U.S. post office building located at 100 Main Street, Millsboro, DE, as the "John J. Williams Post Office Building."

When John Williams died in January 1988, our great State mourned his passing. There were moving tributes and warm memories of the man who served his people both wisely and well for 24 years in the Senate. Members from both parties took the Senate floor to honor John Williams. During his career in the Senate, John Williams established a national reputation for honesty and integrity. This was a basic part of his character. He earned this reputation as his dogged search for the truth was apparent throughout his work. And the titles others bestowed upon him aptly reflected this core belief: "Watchdog of the Nation," the "Conscience of the Senate," "Mr. Integrity," and "Honest John."

John Williams was born on May 17, 1904, one of 11 children, and grew up in Sussex County, DE, attending local schools and graduating from the old Frankford High School. As a young man, he came to the town of Millsboro and married Miss Elsie Steele of Millsboro. Prior to his service in the Senate, he built a successful poultry business with his brothers in Millsboro. And during his retirement, he and his wife Elsie settled comfortably in Millsboro, where they had lived for many years.

John Williams was elected to the Senate in 1946. He came to the Senate as a humble, unassuming businessman and chicken feed dealer. In his back pocket was a high school diploma—nothing more. But in this Chamber, he held his own against highly educated lawyers and the greatest political minds in America. He did so through the tireless pursuit of the truth, often pouring over documents in search of the facts necessary to convince himself that he was in the right. I will always remember him saying that "BILL, I will never in my life attack anyone until I am 125 percent certain that he is guilty of wrongdoing." Unlike many of the accusations we often hear today, John Williams' fight against graft and corruption was never motivated by politics.

Throughout his career he pursued corruption in government, with notable investigations involving the Internal Revenue Service and the Department of Agriculture. He uncovered wrongdoing involving members of both parties, and pursued all of his investigations with equal vigor and in a nonpolitical manner. Throughout his 24 years in the Senate, John Williams dedicated himself to uncovering fraud and mismanagement, and his investigations were some of the most successful in our history.

Mr. President, John Williams served our Nation with great integrity and spirit. He never sought glory or gain for himself in the service of his country. He made the people of Delaware, and particularly the residents of Millsboro, very proud. With the new post office soon to be dedicated in John Williams' hometown, this designation is a small tribute to an individual who served our Nation and his State so well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF UNITED STATES POST OFFICE BUILDING LOCATED AT 100 MAIN STREET, MILLSBORO, DELAWARE.

The United States Post Office Building located at 100 Main Street, Millsboro, Delaware is designated as the "John J. Williams Post Office Building". Any reference to such building in any law, rule, map, document, record, or other paper of the United States shall be considered to be a reference to the "John J. Williams Post Office Building".

By Mr. HATCH:

S. 2835. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish provisions regarding the composition and labeling of dietary supplements; to the Committee on Labor and Human Resources.

HEALTH FREEDOM ACT OF 1992

Mr. HATCH. Mr. President, I am introducing today, the Health Freedom Act of 1992. After hearing from constituents in my State, including both consumers and manufacturers of dietary supplement products, I strongly believe that this new legislation will help protect dietary supplements from unnecessary regulation.

There is a growing body of research that indicates that dietary supplements can help promote health and prevent certain diseases. In our free market system, consumers should be able to purchase dietary supplements, and companies should be free to sell these products so long as the labeling and advertising is truthful and nonmisleading and there exists a reasonable scientific basis for product claims.

Dietary supplements are purchased because many consumers want to add supplemental quantities of vitamins, minerals, herbs, or other similar food substances to their ordinary or usual diet. Common examples of such products include vitamin C tablets, multivitamin/multimineral supplements, and capsules that provide herbs or fish oil.

In our free society consumers should be able to purchase any food they want—whether it is an egg, ice cream, a steak, coffee, potato chips, or a dietary supplement—regardless of whether some of those in the Federal Government approve. Unfortunately, however, some people in the government including some people at the U.S. Food and Drug Administration [FDA] appear to have unfairly treated dietary supplements and have tried to establish unreasonable regulatory burdens on such products. For example, although FDA readily allows people to eat conventional food products that may be high in saturated fat, cholesterol, caffeine, sodium, or calories, or lacking in important vitamins or minerals, yet the agency raises regulatory objections over safe dietary supplements of food substances that are desired by many consumers and that may be recommended by nutritionists or other health professionals. The Health Freedom Act of 1992 would correct this situation in several important ways.

DEFINITION OF "DIETARY SUPPLEMENT"

First, the new law would provide a definition of the class of products to which it applies. It would define a dietary supplement as an article that includes, and is intended to supplement the diet with, a vitamin, a mineral, an herb, or another similar nutritional substance, including a concentrate or an extract of such a substance.

DIETARY SUPPLEMENTS ARE NOT DRUGS

Next, the new law would provide that a dietary supplement shall not be considered a drug solely because of the potency of a substance in the supplement. This provision, in essence, would extend to all dietary supplements a principle that section 411 of the FDC Act—commonly known as the Proxmire amendments—has already established for vitamins and minerals—that is, that FDA may not classify a food substance as a drug solely because it exceeds the level of potency that FDA believes is nutritionally rational or useful. 21 U.S.C. 350(a)(1)(B).

The new law would also provide that a dietary supplement shall not be deemed to be a drug solely because the labeling or advertising for the supplement provides information concerning the potency of a substance in the supplement. This is a logical extension of the point described above—that is, neither: first, the potency nor; second, truthful information in labeling or advertising about the potency of a safe substance in a dietary supplement should cause that supplement to be deemed to be a drug.

The new law would also clarify that a dietary supplement shall not be considered to be a drug solely because the labeling or advertising for the supplement contains a health claim of the type permitted by the new law.

DIETARY SUPPLEMENTS ARE NOT FOOD ADDITIVES

The new law would state that a food substance provided by a dietary supplement is not subject to regulation by FDA as a food additive, provided that the substance is identified in the labeling of the supplement as being provided by the product.

I believe food additive status for ingredients in dietary supplements should be reserved for chemical preservatives, sequestrants, emulsifiers, solvents, processing aids, or other such technical or functional agents. Indeed, I understand that these kinds of additives are often not used at all in dietary supplements. FDA should not be allowed to assert food additive requirements to prevent consumers from obtaining safe vitamins, minerals, herbs, or other similar food substances that they knowingly want to consume and to add to their diets by means of a dietary supplement.

This is not just a theoretical concern. For example, FDA has asserted that compounds of chrominum are "unapproved food additives" and thus illegal when added to dietary supplements, even though it is clear that chromium is an essential mineral that: First, is extremely safe—in the trivalent form commonly used in dietary supplements—and; second, is not present in optimum amounts in all American diets. (See the National Academy of Sciences, Recommended Dietary Allowances [10th ed. 1989, pp. 241–243] for a review of the safety and usefulness of trivalent chromium.)

Chromium is currently found in many dietary supplement products, including major national brands of multivitamin/multimineral products such as "Centrum," "One-A-Day," "Theragran-N," and "Geritol," as well as in numerous other dietary supplement products sold in health food stores. FDA should not be allowed to prevent consumers from obtaining chromium or supplements of other safe food substances by asserting that such foods are "food additives."

It is important to note that preventing FDA from regulating food substances in dietary supplements as food additives does not deprive FDA of ample authority to protect consumers from unsafe products. Section 402(a)(1) of the FDC Act, 21 U.S.C. section 342(a)(1), would continue to apply to dietary supplements. This section prohibits a food—including a dietary supplement—from bearing or containing any "poisonous or deleterious substance which may render it injurious to health." Under this section of the FDC Act, however, FDA must have some basis to show that a food substance is poisonous or deleterious and may render a product injurious to health before the agency can deprive consumers of foods that they want to purchase and consume—and that is just as it should be in a free society.

TRUTHFUL HEALTH INFORMATION PERMITTED

The new law would also provide that labeling or advertising about a dietary supplement may include claims or other information concerning the relationship of the supplement, or of one or more substances provided by the supplement, or of the absence of one or more of these substances, to a disease or health-related condition, provided, that such claims or other information are truthful and not misleading, and, that there is scientific evidence, whether published or unpublished, that provides a reasonable basis for such claims or other information.

As I observed recently when we passed the Nutrition Labeling and Education Act, "By their very nature, the dietary supplements must be marketed so that the consumer is informed of the health or disease-prevention benefits that may be conferred. Greater flexibility is thus required to permit communication of these benefits. This increased regulatory flexibility is also mandated by the very rapid pace of scientific advances here and abroad linking the prevention of long-term disease to improved nutritional supplementation. For these reasons, a more lenient standard for dietary supplements is envisioned." CONGRESSIONAL RECORD—Senate, p. S 16611 (October 24, 1990).

Nevertheless, after passage of that act, FDA has tried to impose severe restraints on the freedom of dietary supplement manufacturers to provide truthful disease- and health-related information in labeling. 56 Fed. Reg. 60537 (November 27, 1991). The new Health Freedom Act of 1992 would correct this situation and clearly permit such information in labeling or advertising, provided that the information is truthful and not misleading and that there is a reasonable scientific basis for the information. I believe this is a standard that most Americans would readily support.

NO PRIOR RESTRAINTS BY FDA ON TRUTHFUL LABELING OR ADVERTISING

Furthermore, the Health Freedom Act of 1992 would provide that FDA shall not establish any requirement that disease- or health-related claims or other information concerning a dietary supplement must be approved by or conform to a regulation issued by FDA before they may be used in labeling or advertising. This provision is needed because FDA has recently proposed regulations that would not allow any disease- or health-related information—including truthful information—to be provided in labeling for dietary supplements until FDA first issues a regulation approving the information. 56 Fed. 60537 (November 27, 1991).

If a labeling claim is made that is false or misleading, or if there is otherwise no reasonable basis for a claim, FDA has, and would continue to have, ample authority to take action against the subject product, as a misbranded food. 21 U.S.C. section 343(a). Petitions to FDA to issue regulations can be extremely time-consuming and costly to prepare, and it typically takes FDA 3 to 5 years to issue a new regulation. Health- and disease-related information about food substances should not be subject to such burdensome and delaying prior restraints. Furthermore, enforcement convenience for FDA should not be given priority over freedom of commercial speech.

RIGHT TO JUDICIAL REVIEW OF FDA WARNING LETTERS

Finally, the new legislation would provide that if FDA issues a warning letter concerning a dietary supplement, asserting that a disease- or health-related claim is false or misleading or that there is insufficient scientific evidence to support the claim, the manufacturer or other responsible party may seek direct judicial review of the merits of FDA's assertion. FDA currently maintains that when it issues a warning letter to a dietary supplement company, the company cannot test the validity of the agency's allegations by seeking immediate court review. The new law would be clear that this is not the case.

Mr. President, I believe this bill is reasonable and proper and will be welcomed by all Americans, and should be supported by Senators of both parties, regardless of whether they are consumers of dietary supplement products. In our free society, consumers should be able to purchase dietary supplements, and companies should be free to sell such substances to consumers, with truthful and nonmisleading labeling and advertising information that is supported by a reasonable scientific basis, without undue governmental interference with the free flow of such products and information. Accordingly, I strongly encourage all of my colleagues in the Senate to give their support to the Health Freedom Act of 1992.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section analysis, and a brief summary be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Freedom Act of 1992".

SEC. 2. DEFINITIONS.

(a) DIETARY SUPPLEMENT.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following new paragraph:

"(ff) the term 'dietary supplement' means an article that—

"(1) includes, and is intended to supplement the diet with—

"(A) a vitamin;

"(B) a mineral;

"(C) an herb; or

"(D) another similar nutritional substance, including a concentrate or extract of an item described in clause (A), (B), or (C); and

"(2)(A) is intended for ingestion in a form described in paragraph (1)(B)(i) or (2) of section 411(c), or another similar form; or

"(B) complies with section 411(c)(1)(B)(ii).".

(b) DRUG.—Section 201(g)(1) of such Act is amended by adding at the end the following: "A dietary supplement shall not be considered to be a drug solely because of the potency of a substance in the dietary supplement. A dietary supplement shall not be considered to be a drug under clause (B) solely because the labeling or advertising for the supplement contains a claim, or provides information, that is described in section 413(b) and meets the requirements specified in paragraphs (1) and (2) of such section, or that concerns the potency of a substance in the supplement.".

(c) FOOD ADDITIVE.—Section 201(s) of such Act is amended—

(1) by redesignating subparagraphs (1) through (5) as clauses (A) through (E), respectively;

(2) by inserting "(1)" after "(s)"; and

(3) by adding at the end the following:

"(2) A substance in a dietary supplement is not a food additive if the substance is identified in the labeling of the dietary supplement as a substance provided by the product to supplement the diet.".

SEC. 3. DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 413. LABELING AND ADVERTISING OF DIETARY SUPPLEMENTS.

"(a) DESCRIPTION.—Notwithstanding any other provision of this Act, an article that is a dietary supplement may be described as a dietary supplement in labeling or advertising.

"(b) RELATIONSHIP TO DISEASE OR HEALTH-RELATED CONDITION.—Notwithstanding any other provision of this Act, labeling or advertising for a dietary supplement may include a claim or other information that characterizes the relationship of the dietary supplement, or of one or more of the substances provided by the dietary supplement, or of the absence of one or more of the substances, to a disease or health-related condition, if—

"(1) such time or other information is truthful and not misleading; and

"(2) there is scientific evidence, whether published or unpublished, that provides a reasonable basis for such claim or other information.

"(c) PROHIBITION ON PRIOR APPROVAL OR REGULATION.—Notwithstanding any other provision of this Act, the Secretary shall not establish any requirement that such a claim or other information that meets the requirements specified in paragraph (1) and (2) of subsection (b) shall be approved by or conform to a regulation issued by the Secretary before the claim or information may be used.

"(d) ACTIONS.—

"(1) RIGHT OF ACTION.—If the Secretary asserts that labeling or advertising for a dietary supplement includes such a claim or other information that fails to comply with paragraph (1) or (2) of subsection (b), whether the Secretary makes the assertion in a warning letter issued by an officer or employee of the Department, or in connection with another action to enforce a provision of this Act, the manufacturer, processor, packer, distributor, or retailer, of the dietary supplement, or other person to whom the assertion is addressed, may—

"(A) bring an action in a United States district court in any appropriate judicial district under section 1391 of title 28, United States Code, to secure a declaratory judgment regarding the validity of the assertion; and

"(B) obtain any other means of judicial review authorized by law.

"(2) INFERENCE.—The absence of any action described in subparagraph (A) or (B) in paragraph (1) with respect to an assertion shall not establish any inference that the assertion is valid.".

(b) CONFORMING AMENDMENT.—Section 403(r)(5) of such Act (21 U.S.C. 343(r)(5)) is amended by striking clause (D).

SECTION-BY-SECTION ANALYSIS OF S. 2835, THE HEALTH FREEDOM ACT OF 1992

Section 1 of the bill provides that it may be cited as the "Health Freedom Act of 1992."

Section 2(a) of the bill would provide a definition of the "dietary supplement" products that are encompassed by the new legislation. The term "dietary supplement" would be defined as an article that includes and is intended to supplement the diet with a vitamin, a mineral, an herb, or another similar nutritional substance, including a concentrate or extract of such a substance, and that is intended for ingestion in a form that is recognized as appropriate for dietary supplements of vitamins or minerals by section 411(c) of the Federal Food, Drug, and Cosmetic Act (FDC Act), 21 U.S.C. section 350(c) (generally, in tablet, capsule, or droplet form) or in another similar form.

Section 2(b) of the bill would provide that a dietary supplement shall not be considered to be a drug solely because of the potency of a substance in the supplement, or because labeling or advertising for the supplement contains a disease- or health-related claim that is authorized by section 3 of the bill and that meets the requirements specified in section 3 for such claims, or because the labeling of the supplement provides truthful information concerning the potency of substances contained in the supplement.

Section 2(c) of the bill would provide that a substance in a dietary supplement shall not be subject to regulation as a "food additive" if the substance is identified in the labeling of the dietary supplement as a substance provided by the product to supplement the diet. Substances that are added to dietary supplements would continue to be subject to the safety-related requirements of section 402(a)(1) of the FDC Act, 21 U.S.C. section 342(a)(1), which provides that a food (including a dietary supplement) shall be deemed to be adulterated if it contains a poisonous or deleterious substance which may render it injurious to health.

Section 3 of the bill would add a new section 413 to the FDC Act, entitled "Labeling and Advertising of Dietary Supplements."

New section 413(a) of the FDC Act would provide that an article that meets the definition of a "dietary supplement," as established by section 2(a) of the bill, may be described as a "dietary supplement" in labeling or advertising.

New section 413(b) of the FDC Act would provide that labeling or advertising for a dietary supplement may include a claim or other information that characterizes the relationship of the supplement, or of one or more substances provided by the supplement, or of the absence of one of more of the substances, to a disease or health-related condition, if (1) such claim or other information is truthtful and not misleading, and (2) there is scientific evidence, whether published or unpublished, that provides a reasonable basis for such claim or other information.

New section 413(c) of the FDC Act would prohibit the Secretary of Health and Human Services, including the U.S. Food and Drug Administration, (FDA), which reports to the Secretary, from establishing any requirement that a claim or other information of the type described in new section 413(b) of that Act be approved by or conform to a regulation issued by the Secretary (FDA) before the claim or information may be used. The purpose of this provision is to prevent FDA from establishing any requirement for preapproval by the agency of truthful and nonmisleading disease- or health-related information that is supported by reasonable scientific evidence. Of course, if a claim or other information concerning disease or health is used in labeling or advertising for a dietary supplement, and such claim is *not* truthful, or is misleading, or if there is no scientific evidence that provides a reasonable basis for the claim or other information, FDA may take regulatory action against the use of the claim or other information, pursuant to numerous existing sections of the FDC Act, including sections 201(n) 301–304, and 403(a), 21 U.S.C. sections 321(n), 331–334, and 343(a).

New section 413(d)(1) of the FDC Act would provide that if the Secretary of Health and Human Services asserts that labeling for a dietary supplement includes a disease- or health-related claim or other information that is false or misleading, or that is not supported by a reasonable basis of scientific evidence, whether the Secretary makes the assertion in a warning letter issued by FDA or in some other manner, the responsible company may bring an action for declaratory judgment in a United States district court to obtain a ruling regarding the validity of the government's assertion, in addition to obtaining judicial review of the merits of the government's assertion by any other means authorized by law.

New section 413(d)(2) of the FDC Act would provide, however, that if a company that receives a warning letter from FDA does not seek judicial review of the letter, the absence of an action for judicial review shall not establish any inference that FDA's assertion of impropriety, i.e. in the warning letter, is valid.

If a company receives a warning letter from FDA, is should have the right to seek judicial review of the merits of that warning letter if it should want to do so. However, it can be time-consuming and expensive for a company to seek such judicial review. Instead, a company that believes it is acting properly is entitled to continue its labeling and advertising, and need not seek judicial review. If, thereafter, FDA should bring an enforcement action in court, pursuant 21 U.S.C. sections 334 and 343(a) or otherwise, asserting that the company's labeling or advertising is improper, the burden would continue to lie upon the government to show that the labeling or advertising failed to meet the statutory standard of section 343(a) of the FDC Act or was otherwise improper.

Finally, section 3(b) of the Health Freedom Act of 1992 would amend section 403(r)(5) of the FDC Act, 21 U.S.C. section 343(r)(5), by striking clause (D). This would eliminate the section of the FDC Act that was added by the Nutrition Labeling and Education Act, which provided for the Secretary of Health and Human Services (FDA) to establish a "procedure and standard" respecting the validity of disease- or health-related claims for dietary supplement products, but which did not establish specific criteria for the procedure and standard. That provision is no longer needed in view of the new bill, which establishes specific criteria to govern such claims in labeling and advertising for dietary supplement products.

BILL SUMMARY OF THE HEALTH FREEDOM ACT OF 1992

The purpose of the "Health Freedom Act of 1992" is to help assure that consumers who wish to purchase dietary supplements such as vitamins, minerals and herbs may do so in a framework that allows consumers the maximum amount of choice in the marketplace while retaining a proper level of public health safeguards.

There is a growing body of research that indicates that dietary supplements can help promote health and prevent certain diseases. In a free market system, consumers should be able to purchase supplemental quantities of safe food substances, and companies should be free to sell these supplements so long as the product labeling and advertising is truthful and nonmisleading and there exists a reasonable scientific basis for product claims.

The "Health Freedom Act of 1992" defines dietary supplements as articles that supplement the diet with vitamins, minerals, herbs, or other similar nutritional substances, including concentrates or extracts. The Act provides that a dietary supplement shall not be considered to be a drug solely because of the potency of a substance in the dietary supplement or because its labeling bears a health claim authorized by the Act or provides information about the potency of the dietary supplement.

Under the provisions of the Act, a food substance provided by a dietary supplement cannot be considered a food additive if it is identified in the labeling. Dietary supplements remain subject to the safety provisions of section 402(a)(1) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 342(a)(1)).

The "Health Freedom Act of 1992" establishes a new section 413 of the Federal Food, Drug, and Cosmetic Act entitled, "Labeling and Advertising of Dietary Supplements." Under new section 413, health claims are permitted for dietary supplements that are, (1) truthful and not misleading, and (2) supported by scientific evidence, whether published or unpublished, that provides a reasonable basis for such claims. The Food and Drug Administration is prohibited from establishing pre-clearance requirements for such health claims.

If the Food and Drug Administration challenges a health claim as false, misleading or not scientifically valid, the responsible company may seek a declaratory judgment in the appropriate federal court. A company's decision not to seek judicial review shall not result in an inference that the Food and Drug Administration's assertion is valid. The burden of proof shall continue to rest upon the Food and Drug Administration to demonstrate that the health claim fails to meet the standard of evidence set forth under the Act.

The "Health Freedom Act of 1992" repeals the provision of the Nutrition Labeling and Education Act that permits the Food and Drug Administration to establish a procedure and standard respecting the validity of disease or health related claims for dietary supplements because the new Act provides specific standards to govern such supplements.

By Mr. McCAIN:

S. 2836. A bill to promote economic development on Indian reservations by making loans to States to assist States in constructing roads on Indian reservations; to the Select Committee on Indian Affairs.

INDIAN RESERVATION ECONOMIC DEVELOPMENT ACT

Mr. McCAIN. Mr. President, today I'm introducing legislation to help upgrade Maricopa Road—a very important highway to the State of Arizona and the Gila River Indian Community.

The measure would permit the Bureau of Indian Affairs to loan Indian road program money to the State of Arizona to improve the portion of Maricopa Road located on the reservation.

Maricopa Road, also known as State Route 347, is a critical transportation corridor which connects Interstate 10 and Interstate 8 in Arizona. Completion of road improvement is critical to economic development efforts on the reservation and throughout the surrounding area.

Most of the work to upgrade Maricopa Road from a two-lane to a four-lane highway has been completed, except for the 9-mile stretch on the reservation. This is due, in part, to a legal prohibition on the use of county bond money on tribal land.

The legislation I've introduced would permit the timely upgrade of the tribal portion of the road. It would do so by enabling the Bureau of Indian Affairs to loan money from the Indian road program to the State. The loan would be repaid by the Arizona Department of Transportation within 5 years under terms to be worked out between the BIA and the State of Arizona.

Without this loan, road improvements across the Gila River Indian Reservation will take many years. Such a delay would have adverse impacts on highway safety and deprive the tribe of the commercial benefits of the needed improvements.

I want my colleagues to know that the authorization language is not specific to Maricopa Road. Any qualifying project would be eligible for the loan up to a certain portion of the Indian road program. However, the program can only finance road improvements on tribal land, and the plan must have the approval of the affected tribes.

I'm certain some will wonder whether loans of this nature would deprive nonparticipating tribes. As we all know, the Intermodal Surface Transportation Efficiency Act [ISTEA] signed by the President last year authorized a greatly expanded Indian roads program. This money is allocated by the Bureau to its area offices which, in turn, fund qualified tribal projects. Any unused funds are returned to the Bureau. There is a good possibility that funding will exceed contracting capacity in certain areas over the next several years. I anticipate and expect that a portion of this pass back money could be used for loan purposes. Even if that is not the case, the program will not deprive any region or tribe of Indian road program money since the revenue will be repaid.

The loan program I suggest is a creative and economical means of putting taxpayer dollars to work. It will enable us to fund road improvements on reservation while recouping the money so that other vital tribal projects can be pursued. In the case of Maricopa Road, the loan program will foster cooperative relationships between the State and the tribe. In these times of limited resources and pressing infrastructure needs, Federal, State, and local governments must explore all reasonable alternatives for funding through intergovernmental partnerships. I hope that this example can be replicated elsewhere.

I look forward to working with the members of the Indian Affairs Committee and the Committee on Environment and Public Works to approve this vital legislation in the near future.

I ask that letters of support from the Gila River Indian Community, Governor Symington Ak-Chin Indian Community, and the Penal County Board of Supervisors and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROAD CONSTRUCTION.

To assist in the completion of State highway improvement projects that promote economic development on Indian reservations, the Secretary of the Interior, from moneys apportioned for Indian reservation roads from the Highway Trust Fund for any fiscal year, is authorized, at the request, by tribal resolution, of any Indian tribe, to make loans to any State for use by such State in the construction of portions of corridors, routes or highways of that State which are located within the reservation boundaries of the Indian tribe submitting such resolution.

SEC. 2. TERMS.

(a) NEGOTIATIONS.—Subject to subsection (b), the terms of each loan made to a State pursuant to this Act shall be negotiated by the State and the Secretary of the Interior.

(b) REPAYMENTS.—Each loan made pursuant to this Act shall be made subject to the requirements that—

(1) the repayment of the loan by the State shall be completed within 60 months following the date on which the proceeds of the loan are made available to such State;

(2) repayment of the loan by the State to the Secretary of the Interior is guaranteed by the State which obtained the loan; and

(3) the project for which the loan was negotiated is included in the adopted construction improvement program of such State.

SEC. 3. LOAN APPLICATION.

Any loan made under this Act shall be made pursuant to an application submitted to the Secretary of the Interior by a State. The application shall be submitted at such time, in such manner and form, and contain such information and conditions, as the Secretary of the Interior shall prescribe.

SEC. 4. AGGREGATE AMOUNT OF LOANS.

The Secretary of the Interior is authorized to make loans under this Act, in any fiscal year, in an amount which does not exceed, in the aggregate, 10 percent of the amount apportioned for that fiscal year for Indian reservation roads from the Highway Trust Fund.

SEC. 5. REPAYMENT OF LOAN.

Moneys received by the Secretary of the Interior as repayment of a loan under this Act, together with any interest thereon, shall be available to the Secretary, without fiscal year limitation, for use for Indian reservation roads in the same manner and for the same purpose as that for which it was initially apportioned to the Secretary of the Interior.

STATE OF ARIZONA,
EXECUTIVE OFFICE,
Phoenix, AZ, June 3, 1992.

Re Legislation to Facilitate Maricopa Road Improvements.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR JOHN: I am pleased to learn that you are considering sponsoring legislation to give the Bureau of Indian Affairs the ability to loan funds for Maricopa Road/State Route 347 Project.

In these times of limited resources and pressing infrastructure needs, the State of Arizona and local governments must explore all reasonable alternatives for funding through intergovernmental and private/public cooperation.

I am a long-time supporter of the Maricopa Road Project as a model of such cooperation to build needed highways. Your assistance in crafting appropriate legislation which would allow BIA involvement in this important project would be greatly appreciated.

Best personal regards,

FIFE SYMINGTON,
Governor.

GILA RIVER INDIAN COMMUNITY,
Sacaton, AZ, June 9, 1992.

Re Maricopa Road Legislation.

Hon. JOHN MCCAIN,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Gila River Indian Community, I would like to request your assistance through sponsorship of legislation to facilitate the completion of the Maricopa Road Project.

Along with your staff, Pinal County and the Gila River Indian Community have been working to find an innovative method of providing funding for the last section of the Maricopa Road Project still to be constructed. It appears that if the necessary legislation is in place, the Bureau of Indian Affairs would be willing to loan ADOT all or part of the $10–12 million necessary to finish the project.

Maricopa Road has long been high among the transportation priorities for the Gila River Indian Community and completion of the new four-lane highway would greatly improve our transportation network and enhance our economic development potential.

We are very appreciative of all of your efforts to date on the Maricopa Road Project, and are hopeful that together we can successfully complete this project which will serve as a model for future projects between Indian Communities and the State of Arizona.

Sincerely,

THOMAS R. WHITE,
Governor.

AK-CHIN INDIAN COMMUNITY,
Maricopa, AZ, June 8, 1992.

Re Maricopa Road Legislation.

Hon. JOHN MCCAIN,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Ak-Chin Indian Community would like to express to you our support for the proposed legislation that would enable the Bureau of Indian Affairs to loan funds to ADOT for the completion of Maricopa Road. Thanks to your efforts and those of Senator DeConcini last year in securing the $3.5 million demonstration project grant, all of Maricopa Road on our reservation is now funded and soon to be under construction.

Many of our community members drive Maricopa Road everyday, and the improved highway is providing them with a safe route to and from the Phoenix area. Although all of the Ak-Chin portion of the highway is funded, we look forward to the day the entire road is four-lanes wide.

Pinal County and the Gila River Indian Community have briefed us on the legislation that you are proposing to introduce, and we are very supportive of this plan and thankful for your efforts on our behalf. We are in the final stages of a Transportation Plan for our reservation and have identified the completion of Maricopa Road as our top priority.

Upon request, we can provide a formal resolution of support.

Sincerely,

FRANKLIN P. SAM,
Secretary.

PINAL COUNTY,
Florence, AZ, June 9, 1992.

Re Maricopa Road Legislation.

Hon. JOHN MCCAIN,
Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of Pinal County, I am writing to ask for your support in finalizing the funding package for the Maricopa Road Project. The last section of the roadway lacking full funding is the portion on the Gila River Indian Reservation in Pinal County. Through the efforts of Arizona's Congressional delegation, the project is well ahead of schedule and with your assistance Maricopa Road can be completed in 1993. This would be a remarkable achievement considering that the project was only formally initiated in mid-1989.

For the past several months, our staffs have been working on a plan to fund the remainder of the project. I believe that the proposed legislation that would allow the Bureau of Indian Affairs to loan the funds to ADOT for the project is an excellent idea, and exemplifies the ingenuity and innovative thinking that has been the trademark of this project.

Pinal County is very appreciative of your assistance on this project, and we are already reaping the economic benefits of the new highway. Nissan has just completed a major expansion of their auto test center near Maricopa Road, and Volkswagen has just begun construction of their own test track and facility east of the town of Maricopa. Both companies cite the new highway as a major factor in their decisions to build in western Pinal County.

I realize that you have already done a great deal of work on this project, but I am hopeful that you can help us this last time. Thank you for all your help, and let me know if I can be of any assistance to you.

Sincerely,

DEAN WEATHERLY,
District 3 Supervisor.

Mr. DECONCINI. Mr. President, I am pleased to join my colleague, Senator JOHN MCCAIN, in the cosponsorship of a bill that will put the final touches on State Route 347, Maricopa Road.

As my colleagues on the Appropriations Committee know, I am a longstanding supporter of this project. On two occasions, I was able to secure Federal funding for the reconstruction of this highway. This bill will enable the State of Arizona to complete the final stage of this very worthwhile endeavor.

The importance of this project cannot be overstated. When completed, Maricopa Road will strengthen the infrastructure of central Arizona, making the area more attractive to industry, bringing new jobs and expanding the tax base of the area. Such positive economic implications will surely extend to the two Indian reservations that surround the Maricopa Road.

In addition, the collaboration of the State of Arizona, Maricopa and Pinal, the Federal Government, private landowners and two Indian communities give renewed promise to future cooperative efforts between State, private, and Indian organizations.

Mr. President, I am deeply committed to fostering solid relations between the Government and Indian tribes. I believe this bill will indicate Congress' dedication to that cause, while meeting important transportation needs and furthering economic growth.

By Mr. HARKIN:

S. 2837. A bill to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug; to the Committee on Labor and Human Resources.

DES EDUCATION AND RESEARCH AMENDMENTS OF 1992

• Mr. HARKIN. Mr. President, I rise today to introduce legislation that is of vital importance to some 10 million Americans. These 10 million people were inappropriately exposed to a drug, diethylstilbestrol or DES, during pregnancy or in utero. This exposure has been linked to a variety of health problems, including a number of forms of cancer. Despite the large number of Americans involved and an estimated long-term cost to the Nation of $100 billion, there has been an insufficient amount of research into the long-term effects of this type of DES exposure and little done to educate consumers or health professionals about this problem. The DES Education and Research Amendments of 1992 addresses those two important shortcomings.

DES is a synthetic estrogen that was legally prescribed to approximately 5 million women between 1941 and 1971 to prevent miscarriage. In the early 1950's, a clinical study showed that DES treatment was ineffective in preventing miscarriage and its use for this purpose gradually declined until 1970, when a report documented a rare form of vaginal cancer in daughters of women who had taken DES during pregnancy. FDA banned use of DES by pregnant women in 1971.

A number of studies have demonstrated that children born to women given DES during their pregnancy—often referred to as "DES daughters" and "DES sons"—have higher than normal rates of reproductive tract abnormalities which can be associated with increased rates of miscarriages and infertility. In addition, DES daughters are at increased risk of getting a rare form of vaginal cancer and possibly cancer of the cervix. Studies now also appear to show that their mothers who took DES are at increased risk of getting breast cancer. Perhaps the most common concern that has been raised regarding the impact on "DES daughters" and "DES sons" is infertility, but the extent of this problem is not fully documented.

One of the reasons that there has not been more attention to the problems associated with this type of DES exposure is that DES children do not display symptoms until they are in their twenties and thirties. As a result, a very large number of DES-related cases are just now appearing. In addition, because of the lack of education and information, many of these DES-related problems have not been recognized as such.

Despite the fact that DES prescribed to pregnant women has been conclusively shown to cause vaginal cancer, and probably also causes cervical and breast cancer, a very large number of Americans who are at risk to these diseases because of their DES exposure are totally unaware of this risk. They are therefore unaware of problems to be on the look out for and what preventive or precautionary steps might be taken. Lives and money are at risk because people are not aware that they must seek regular and early examinations to detect these cancers early in order to prevent progression to an advanced stage. Also, those women and men who may be infertile because of their exposure to this use of DES need to be so advised and appropriately counseled to prevent multiple unnecessary examinations and what may be unrealistic expectations. A nationwide information campaign is essential to address these needs.

In addition, research has not yet fully defined the extent of the risk to breast and cervical cancer, or the extent and full scope of reproductive and other possible abnormalities among women who were prescribed DES, their children and grandchildren. It is therefore essential that the necessary research be conducted to more fully define these adverse health effects and to more fully determine the extent of the risk to these diseases among exposed Americans.

The legislation I am introducing today, the DES Education and Research amendments of 1992 is straightforward. It would do two things. First, it would require the Director of the National Institutes of Health [NIH], in consultation which the NIH Office on Research on Women's Health, to conduct one or more longitudinal studies to evaluate all relevant health outcomes and their relationship to exposure to DES among women who were prescribed the drug during pregnancy and their offspring. Second, the bill would require the Director of the NIH, or the heads of other Federal agencies, to conduct and support development of a nationwide program to inform, educate and train health professionals and the general public regarding this type of DES exposure and related adverse health effects. The bill builds on action taken last year by the Appropriations Subcommittee on Labor, Health and Human Services Education and Labor, which I chair, directing the NIH to give priority to longitudinal studies of those expose to DES during pregnancy or in utero. It authorizes of $1 million in fiscal year 1993 and $500 thousand for fiscal years 1994 and 1995 in order to carry out these important activities.

Mr. President, because so many women were prescribed DES over 3 decades, the majority of Americans have a family member or a friend who has been exposed to this drug. In my home State of Iowa, it is estimated that over 114,000 women and men are at risk to the adverse health effects of DES due to this type of exposure. The letters I have received from DES women and DES daughters relate very troubling testimonials to the fear and the anguish often faced by those exposed to this legally prescribed drug. Mrs. Cynthia Wanamaker of Des Moines writes that she was exposed to DES in utero 32 years ago. She said that for her DES exposure has meant many agonizing years of infertility, a miscarriage and an extremely difficult pregnancy that required constant monitoring and bed rest. She feels very fortunate to have a healthy six-month old child. Ms. Kristin Evenson of Iowa City told me that she has been through multiple medical examinations for what she was told was "a textbook case of DES-induced abnormality" which has resulted in several biopsies and surgery which has left her "so scarred that pregnancy is only a slim theoretical possibility".

It is clear that tens of thousands of other women have similar stories—many of them are not yet aware that their medical problems are caused by exposure to DES many years ago. It is also clear that many doctors and other health professionals are not fully informed about DES-related medical problems. As a result of this widespread concern, a grassroots organization DES Action, has taken the lead in pressing for more research and better professional and public education. Their efforts to promote legislation for this purpose has been strongly supported by a coalition of medical and consumer groups, including the American Fertility Society, the Alliance for Consumer Rights, the American Medical Women's Association, the National Women's Health Network, and the YWCA of the USA.

Mr. President, in conclusion, I want to commend my colleague in the House of Representatives, Representative LOUISE SLAUGHTER who has introduced similar legislation there earlier this year for her leadership in standing up for improved women's health and help for DES exposed Americans. And I urge my colleagues to join me in supporting this important health legislation. I ask unanimous consent that a copy of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DES Education and Research Amendments of 1992".

SEC. 2. FINDINGS.

With respect to diethylstilbestrol (a drug commonly known as DES), the Congress finds that—

(1) research on the health effects of DES should be given priority by the National Institutes of Health (and the matter is discussed in House Report 102-121 and Senate Report 102-104);

(2) in the mistaken belief that DES would prevent miscarriage, the drug was prescribed for an estimated 5,000,000 pregnant women in the United States during the 30-year period beginning January 1, 1938, exposing both the women and the in utero children of the women;

(3) an estimated 10,000,000 individuals in the United States therefore have been exposed to DES;

(4) in November 1971, the Food and Drug Administration issued a bulletin advising against the use of DES during pregnancy, and the bulletin was issued pursuant to reports that linked the occurrence in young women of a rare vaginal cancer with the in utero exposure of the women to the drug;

(5) DES is considered a carcinogen and a teratogen;

(6) in the case of pregnant women to whom DES was administered, studies have found that the women have a 44.5 percent greater risk for breast cancer and may be at increased risk for endocrine-related cancer;

(7) among women who were exposed to DES in utero, an estimated 1 in 1,000 will develop clear cell cancer of the vagina or cervix;

(8) while the survival rate for clear cell cancer is 80 percent or greater, there is no known treatment for recurrent cases;

(9) 50 percent of women exposed to DES in utero were born with birth defects attributable to such exposure, and the birth defects can result in infertility, miscarriage, ectopic pregnancy, premature delivery, or other reproductive disorders;

(10) in the case of men, in utero exposure to DES has been linked with a wide range of reproductive-tract disorders;

(11) it is crucial that existing studies of DES cohorts be maintained and expanded; and

(12) research on DES may yield important information about the effects of estrogen drugs on female health and contribute to scientific knowledge about the development of cancer.

SEC. 3. ESTABLISHMENT OF PROGRAM REGARDING DRUG DIETHYLSTILBESTROL.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new subpart:

"Subpart 14—Multiagency Programs

"DIETHYLSTILBESTROL

"SEC. 464L. (a) The Secretary, acting as appropriate through the Director of NIH or the heads of other agencies, shall establish a program for the conduct and support of research and training, the dissemination of health information, and other programs with respect to the diagnosis and treatment of conditions associated with exposure to the drug known as diethylstilbestrol (in this section referred to as 'DES').

"1(b) In carrying out subsection (a), the Secretary, after consultation with nonprofit private entities representing individuals who have been exposed to DES, shall conduct or support programs to educate health professionals and the public on the drug, including the importance of identifying and treating individuals who have been exposed to the drug.

"(c) After consultation with the Office of Research on Women's Health and acting through the Director of NIH and the Directors of the appropriate national research institutes, the Secretary shall conduct or support one or more longitudinal studies to determine the following with respect to individuals who have been exposed to DES and the relationship of DES thereto:

"(1) In the case of women, the incidence of clear cell cancer (including recurrences), the long-term health effects of the cancer, and the effects of treatments for the cancer.

"(2) The incidence of breast cancer and gynecological cancers.

"(3) The incidence of impaired endocrine systems.

"(4) The incidence of impaired immune systems, including autoimmune disease.

"(5) The incidence of impaired reproductive systems, including prostate impairments.

"(6) The incidence of diseases or disorders among the children of individuals who were exposed in utero.

"(d) For purposes of this section, an individual shall be considered to have been exposed to DES if—

"(1) on or after January 1, 1938, the drug was administered to the individual while the individual was pregnant; or

"(2) the individual was exposed to the drug in utero.

"(e) In addition to any other authorization of appropriations available for carrying out this section, there are authorized to be appropriated for carrying out subsection (b) $1,000,000 for fiscal year 1993, and $500,000 for each of the fiscal years 1994 and 1995.".●

By Mr. SANFORD:

S. 2838. A bill to require that the operating segment of the Federal budget be balanced in fiscal year 1994 and that the entire budget be balanced by fiscal year 1998 and to provide tough enforcement mechanisms to guarantee the budget is balanced, pursuant to the order of August 4, 1977; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

HONEST BALANCED BUDGET ACT

Mr. SANFORD. Mr. President, I am introducing legislation today to require a balanced Federal budget starting now, whether or not Congress passes a constitutional amendment, whether or not States ratify a constitutional amendment, and without the use of trust fund trickery. The Honest Balanced Budget Act could produce a surplus in the Federal budget—an honest surplus without trust fund coverup—by 1998. I am not here to debate whether or not we should pass a constitutional amendment. I am here to insist that we face our duty right now, and start the balanced budget process in the next budget.

The national debt is compounding and running away. We cannot wait for a constitutional amendment to require the President and Congress to balance the budget. This maneuver will not require the President ever to balance a budget, even if he is reelected to a second term. A constitutional amendment permitting a President to take 5 years to produce a balanced budget is not an acceptable solution. We cannot let the President totally off the hook at a time when Presidential leadership is absolutely necessary.

The American people want the job done now.

The Honest Balanced Budget Act requires that the operating segment of the budget be balanced in the next budget Congress will consider, the fiscal year 1994 budget. Operating segment leaves out interest which cannot be paid in full all at once, and prohibits using all trust funds, including Social Security, to conceal the full deficit. Everything else is the operating budget. We can balance that, and we can start reducing the interest and debt.

Beginning in fiscal year 1995, the process of getting at the bulk of the debt increase, the interest, will begin. We must be realistic about the amount of deficit reduction that can be fairly achieved without throwing the country into a worse recession. Most economists believe that annual deficit reduction at an amount equal to 1 percent of gross domestic product is about the maximum that can be done without doing harm to the economy. This amount of deficit reduction clearly will require very tough decisions, but nobody with a real understanding of the Federal budget thinks it will be easy to balance the budget.

We must produce an honest balanced budget—one that stops the growth of debt. People in North Carolina and throughout the country expect to get a balanced budget from the President and Congress that will stop debt increase. The constitutional amendments being considered do not do this; in fact, most would allow considerable debt to continue piling up. They require a budget with a false balance.

If the Federal budget was balanced this year as required by Senate Joint Resolution 18, between now and the year 2000, more than $1.3 trillion more would be added to the Federal debt, further increasing interest costs we cannot now afford. Senate Joint Resolution 18 anticipates and provides for a false balance, but I am not debating Senate Joint Resolution 18; I am insisting that we stop the use of trust fund surplus in a manner that covers up debt increase. The Honest Balanced Budget Act would simply require an honest balanced budget without such deceit. Everything else that adds to the national debt must be brought into balance if we are to stop the debt increases.

This legislation contains enforcement provisions beyond that required by earlier deficit reduction efforts. A point of order can be raised against any budget proposed that is not in full compliance with this act, against any legislation that changes this act, against any legislation that requires outlays that exceed the statutory debt limit, and against increasing the statutory debt limit beyond an established amount.

This legislation includes provisions to stop the increases in the statutory debt limit once interest has been brought under control.

This legislation stops the deficit budget at its source. It requires the Congress to return to the President any budget not balanced in accord with this legislation. It then requires the Congress to keep it balanced.

Mr. President, I ask unanimous consent that a section-by-section analysis and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REPEALER.

(a) SHORT TITLE.—This Act may be cited as the "Honest Balanced Budget Act".

(b) REPEALER.—Effective beginning fiscal year 1994, parts C, D, and E of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

SEC. 2. BALANCING THE OPERATING SEGMENT OF THE BUDGET.

(a) IN GENERAL.—Effective fiscal year 1994 and each fiscal year thereafter, the outlays of the operating segment of the budget of the United States Government shall not exceed receipts for any fiscal year. Any surplus in the operating segment of the budget shall be applied to deficit reduction.

(b) PAY-AS-YOU-GO.—If in any fiscal year the outlays of the operating segment of the budget exceed receipts, the deficit shall be eliminated through revenue increases or spending reductions.

(c) WAIVER.—In case of war, recession, or natural disaster, the requirements of this section may be waived if the President requests the waiver and the Congress approves the waiver by a vote of three-fifths of the membership in both Houses. Any operating segment deficit spending in a fiscal year subject to a waiver under this section shall be paid for in full by being placed as an item in the operating segment of the budget in the following fiscal year.

(d) DEFINITIONS.—For the purposes of this Act—

(1) the term "operating segment of the budget" means all receipts and expenditures of all Federal entities, other than those in the retirement funds budget and excluding interest;

(2) the term "surplus in the operating segment of the budget" means the surplus of receipts over outlays (excluding interest) occurring without any change in the law or required by a change in the law; and

(3) the term "retirement funds budget" includes receipts and expenditures for—

(A) the Federal Old-Age and Survivors Insurance Trust Fund;

(B) the Federal Hospital Insurance Trust Fund;

(C) the Civil Service Retirement and Disability Fund;

(D) the Military Retirement Fund;

(E) the Federal Supplementary Medical Insurance Trust Fund;

(F) the Federal Disability Insurance Trust Fund;

(G) the Railroad Retirement Fund; and

(H) such other funds or accounts that the Director of Management and Budget (in cooperation with the Comptroller General, the Director of the Congressional Budget Office, and the Chairman and the Ranking Minority Member of the Committees on the Budget of the Senate and the House of Representatives) determines should be classified as retirement trust funds in order to fulfill the purposes of this section.

SEC. 3. BALANCING THE BUDGET BY FISCAL YEAR 1998.

(a) IN GENERAL.—The budget, excluding the trust funds, shall be balanced not later than fiscal year 1998 and each fiscal year thereafter.

(b) BALANCED BUDGET PLAN.—The President and the Congress shall develop and implement a plan to—

(1) beginning fiscal year 1995, balance the budget, excluding the trust funds, not later than fiscal year 1998; and

(2) after balancing the budget as required by paragraph (1), pay down the debt to a reasonable level over a set period of time in order to reduce annual interest costs.

(c) WAIVER.—In case of war, recession, or natural disaster, the requirements of this section may be waived if the President requests the waiver and the Congress approves the waiver by a vote of three-fifths of the membership in both Houses. Any deficit spending in a fiscal year subject to a waiver under this section shall be paid for in full by being placed as an item in the budget in the following fiscal year.

(d) DEFINITION.—For the purposes of this section, the budget, excluding the trust funds, shall be deemed to have a deficit in a fiscal year equal to the increase in the debt subject to the limit for such fiscal year.

SEC. 4. ENFORCEMENT PROVISIONS.

(a) BALANCED BUDGETS.—

(1) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would cause outlays to exceed receipts in violation of section 2 or 3.

(2) WAIVER OR SUSPENSION.—The provisions of the subsection may be waived or suspended in the Senate or the House of Representatives only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(b) CHANGES IN THIS ACT.—

(1) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report to change any provision of this Act.

(2) WAIVER OR SUSPENSION.—The provisions of the subsection may be waived or suspended in the Senate or the House of Representatives only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) CAP ON INCREASE IN STATUTORY DEBT.—

(1) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that—

(A) would cause an increase in the statutory debt after December 31, 1998; or

(B) increases the statutory debt limit in excess of the level of statutory debt on December 31, 1998.

(2) WAIVER OR SUSPENSION.—The provisions of the subsection may be waived or suspended in the Senate or the House of Representatives only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) RESTORING DEBT LEVEL.—Not later than the date that is 24 months after the date a waiver or suspension is agreed to under this subsection that causes an increase in the statutory debt in excess of the statutory debt level on December 31, 1998, the statutory debt level shall be reduced to a level not in excess of the statutory debt level on December 31, 1998.

SEC. 5. PRESIDENT'S BUDGET.

(a) PRESIDENT'S BUDGET.—Effective for fiscal year 1994, the budget of the United States Government submitted by the President shall comply with the requirements of this Act.

(b) CONGRESSIONAL REJECTION.—If the Congress agrees to a concurrent resolution in which it is determined that the President's budget does not comply with subsection (a), the President's budget shall be returned to the President with a letter of reprimand and a request that a new budget be submitted in compliance with this Act.

SEC. 6. INTEREST AND PUBLIC DEBT REDUCTION POLICY.

It is the policy of the United States that—

(1) not later than December 31, 1993, the Congress shall amend the Internal Revenue Code to establish a special interest and debt retirement account dedicated to the reduction of interest and the public debt to be activated by the President if he concludes that it is necessary;

(2) any revenues collected for interest and debt retirement shall be especially titled so that citizens may be aware of their purpose;

(3) any revenues collected for interest and debt retirement shall be deposited to a separate trust fund account;

(4) the trust fund shall be used only for the reduction of interest and the retirement of the public debt;

(5) the Secretary of the Treasury shall administer the account with the advice of a bipartisan board consisting of the Secretary of the Treasury, as chairman, the Chairman and Ranking Minority Members of the Committee on Finance, the Committee on Ways and Means, and the Committees on the Budget of the Senate and the House of Representatives, and the Chairman of the Federal Reserve Board; and

(6) any special dedicated interest and debt retirement tax enacted shall expire upon the elimination of public debt to a target level of not more than 20 percent of the average Gross Domestic Product over the previous 3 years or to a level set by the Congress.

THE HONEST BALANCED BUDGET

"The Honest Balanced Budget Act" requires a balanced budget no later than fiscal year 1998 without the use of Social Security and all other trust fund reserves, with or without a Constitutional Amendment to require a balanced budget. It would halt the growth of the Federal Debt and stabilize the annual interest obligation on the debt.

Section 1. Short Title; Repealer.

Repeals parts C, D and E of the Balanced Budget and Emergency Deficit Control Act of 1985 this bill replaces.

Section 2. Balancing the Operating Segment of the Budget.

Requires a balanced operating segment of the budget, excluding interest, effective fiscal year 1994 and thereafter.

It also requires that the operating segment of the budget must become pay-as-you-go. Any new spending must be paid for. Any surplus in the operating segment from current law must be used for deficit reduction.

This section can be waived by a vote of three-fifths of members in the House and Senate in case of war, recession, or natural disaster.

The Operating Segment of the budget includes everything except Social Security and Federal retirement trust funds. Interest is excluded from the requirement to balance the operating budget, but is included when the full budget is in balance.

Section 3. Balancing the Budget by Fiscal Year 1998.

The budget excluding trust funds shall be balanced not later than fiscal year 1998 and every year thereafter. Beginning in fiscal year 1995 the amount of annual deficit reduction should equal one percent of GNP. Once a balance is achieved, a plan for paying down debt should be developed and implemented.

Also, this section redefines deficit to be the annual increase in the statutory debt subject to the limit.

This section may be waived by a vote of three-fifths of members in the House and Senate in case of war, recession, or natural disaster.

Section 4. Enforcement Provisions.

Includes a point of order against any bill, resolution, amendment, or conference report that would cause outlays to exceed receipts in violation of section 2 or 3, requiring a three-fifths vote of the Members in the Senate and House to waive.

Creates a point of order against any bill, resolution, amendment, or conference report to change any provision of this Act, requiring a three-fifths vote of the Members in the Senate and the House of Representatives to waive.

Also creates a new point of order against any bill, resolution, amendment, or conference report increasing the statutory debt limit after December 31, 1998, requiring a three-fifth vote of Members in the Senate and House of Representatives to waive. The same point of order would apply to any measure to increase the statutory debt limit after December 31, 1998.

It also requires that should the debt limit be increased, it must be restored to the December 31, 1998 level in no more than two years.

Section 5. President's Budget.

Requires that the President's budget proposals fully comply with this act and if not Congress must consider a resolution of disapproval whereby the budget will be returned to the President with a reprimand request that a new budget be submitted in compliance with this Act.

Section 6. Interest and Public Debt Reduction.

Requires the creation of a special trust account to receive revenues dedicated for pay interest and reduce debt.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2841. A bill to provide for the minting of coins to commemorate the World University Games; to the Committee on Banking, Housing, and Urban Affairs.

WORLD UNIVERSITY GAMES COMMEMORATIVE COIN ACT

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation authorizing the minting of two coins commemorating an historic event, to be held in Buffalo, NY, during the summer of 1993—the World University Games.

The World University Games began in 1923, and are recognized throughout the world as an outstanding international sporting event. In fact, Mr. President, the World University Games are twice as large as the winter Olympics and second in size only to the summer Olympics.

Mr. President, this is truly a unique event for the United States. In the 70-year history of the World University Games, this event has never before been hosted by the United States. The World University Games are expected to draw over 7,000 athletes and officials from more than 120 countries. Hosting the World University Games will not only give America the opportunity to demonstrate a commitment to the continued growth of amateur sports, but will also afford the United States the opportunity to promote the growing spirit of international cooperation.

My bill provides for the minting of two World University Games commemorative coins, a $5 gold coin and a $1 silver coin. The revenues generated by the sales of these commemorative coins will be used to defray the costs of hosting such a worthwhile event, at no cost to the United States Treasury. It is anticipated that sales of the World University Games coins will generate $3 to $5 million. By enacting this legislation, Congress can help offer amateur athletes the opportunity to compete on an international scale among the best athletes the world has to offer.

Mr. President, this bill is an excellent opportunity to display the commitment of the U.S. Senate to seeing the continued success of our young, aspiring athletes throughout this great country.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "World University Games Commemorative Coin Act of 1992".

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE-DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall issue not more than 200,000 five-dollar coins which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of such five-dollar coins shall be emblematic of the participation of American athletes in the World University Games. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1993", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE-DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 2,000,000 one-dollar coins which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of such dollar coins shall be emblematic of the participation of American athletes in the World University Games. On each such coin there shall be a designation of the value of the coin, an inscription of the year "1993", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) LEGAL TENDER.—The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

(a) SILVER BULLION.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

(b) GOLD BULLION.—The Secretary shall obtain gold for the coins minted under this Act pursuant to the authority of the Secretary under existing law.

SEC. 4. SELECTION OF DESIGN.

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the Greater Buffalo Athletic Corporation and the Commission of Fine Arts.

SEC. 5. SALE OF THE COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of $35 per coin for the five-dollar coins and $7 per coin for the one-dollar coins.

SEC. 6. ISSUANCE OF THE COINS.

(a) GOLD COINS.—The five-dollar coins authorized under this Act shall be issued in uncirculated and proof qualities and shall be struck at the United States Bullion Depository at West Point.

(b) SILVER COINS.—The one-dollar coins authorized under this Act may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike each such quality.

(c) SUNSET PROVISION.—No coins shall be minted under this Act after June 30, 1997.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

All surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Greater Buffalo Athletic Corporation. Such amounts shall be used by the Greater Buffalo Athletic Corporation to support local or community amateur athletic programs, to erect facilities for the use of such athletes, and to underwrite the cost of sponsoring the World University Games.

SEC. 9. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Greater Buffalo Athletic Corporation as may be related to the expenditures of amounts paid under section 8.

SEC. 10. COINAGE PROFIT FUND.

Notwithstanding any other provisions of law—

(1) all amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this Act from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

SEC. 11. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this Act shall result in no net cost to the United States Government.

(b) ADEQUATE SECURITY FOR PAYMENT REQUIRED.—No coins shall be issued under this Act unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee for full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.•

By Mr. NUNN:

S. 2843. A bill to amend the Employee Retirement Income Security Act of 1974 to protect employees whose health benefits are provided through multiple employer welfare arrangements, and for other purposes; to the Committee on Labor and Human Resources.

MULTIPLE EMPLOYER WELFARE ARRANGEMENT REFORM ACT OF 1992

• Mr. NUNN. Mr. President, I rise today to introduce legislation designed to curb the abusive practices of certain unscrupulous promoters of employee health insurance plans known as multiple employer welfare arrangements, or MEWA's. My bill, the Multiple Employer Welfare Arrangement Reform Act of 1992, is the direct result of hearings held by the Senate Permanent Subcommittee on Investigations which revealed how, despite the best efforts of Congress over the years, these promoters have continued to use the Federal Employee Retirement Income Security Act [ERISA] as a shield with which to repel the legitimate efforts of State insurance regulators to protect consumers.

In a report on this issue released in March of this year, the subcommittee found that ambiguities caused by the overlap of federal regulation of employee benefit plans under ERISA and State regulation of insurance under the McCarran-Ferguson Act have hindered the effective oversight of MEWA's. These ambiguities have created a regulatory vacuum with respect to MEWAs which has allowed a class of insurance conmen to bilk unsuspecting employers and employees of millions of dollars, leaving hundreds of thousands of working people with worthless insurance, unpaid medical bills, and, in many instances, an inability to obtain future health care coverage.

In order to appreciate how we have reached this state of affairs, one must understand the salient feature of MEWA's which differentiates them from other insurance plans. MEWA's, by definition, are arrangements which are formed for the purpose of allowing employers to provide welfare benefits—typically health benefits—to their employees.

Although health insurance would usually fall within the traditional purview of state insurance laws, health benefit plans offered to employees as a consequence of their employment were subjected to Federal regulation in 1974. In that year Congress passed ERISA for the purpose of providing uniform Federal regulation to employee pension and welfare benefit plans. Although State insurance laws technically are not preempted by ERISA, States are effectively prohibited by ERISA from applying such laws to employee welfare benefit plans which offer insurance.

At the same time that it prohibited the imposition of State regulation on employee welfare benefit plans, ERISA provided for little, if any, substantive Federal regulation of these plans. ERISA was enacted primarily to protect employee pension plans; as such, the vast majority of its provisons—which are overseen by the U.S. Department of Labor—are specific to the regulation of pension plans, including provisions as to minimum funding standards, benefit accrual, and the establishment of a Federal guaranty fund. With respect to employee welfare benefit plans, however, there are no such requirements. ERISA contains no standards as to minimum reserve levels, contribution levels, mandated benefits, or the establishment of a guaranty fund for employee welfare benefit plans, all of which are standard features of State insurance regulations.

Unfortunately the operators of fraudulent MEWA's know this only too well. They know that by claiming status as an employee welfare benefit plan they may be able to evade the requirements of State law without having imposed upon them any comparable requirements under Federal law. Thus, what had been intended as a system of dual regulation has, in effect, turned into a system of no regulation.

The typical MEWA fraud is, at its core, nothing more than a classic Ponzi scheme in which today's benefit claims are paid out of tomorrow's premium moneys. Cloaking themselves in the mantle of an ERISA plan, the promoters of fraudulent MEWA schemes lure employers into enrolling their employees in what appears to be an attractive health benefits package at low premium rates. In reality, however, most of these plans are actuarially unsound, maintain little or no reserves, and are constantly subjected to exorbitant fees, commissions, administrative expenses, executive salaries, and in many cases, outright looting.

Efforts by insurance regulators to bring these plans in line with State insurance laws have often resulted in frustration. Confident of their ability to use the preemption provisions of ERISA to their advantage, many operators of fraudulent MEWA's have consciously ignored State regulatory requirements and have challenged State efforts to investigate and assert jurisdiction over their activities. One Texas MEWA filed a Federal district court suit against the State board of insurance to enjoin it from attempting to assert jurisdiction over the MEWA, claiming that the board's actions were inconsistent with title I of ERISA. A similar suit filed by a MEWA operator against Connecticut's Commissioner of Insurance is still pending in Federal district court in that State.

Even if the States ultimately prevail over a MEWA in court, it is often the unscrupulous MEWA promoters who nevertheless come out the true winners. By forcing the State to undertake the expensive and time-consuming process of civil litigation, the promoters have not only made the State think twice about challenging MEWA's in the future, but they have more than likely bought themselves enough time to reap an enormous amount in premiums. As one State regulator testifying before the subcommittee pointed out, when it comes to fraudulent MEWA schemes, "time is money."

Unfortunately, Mr. President, the victims of this abuse have been, almost by definition, those who can least afford it—individuals of modest salaries who have found themselves with enormous unpaid medical bills for claims they had assumed would be covered by their insurance plan. They are people like Robert Wagner, a North Carolina truck driver and single father of two who incurred $12,000 in medical bills as a result of suffering a heart attack at the age of 35. In emotional testimony, Mr. Wagner told the subcommittee how he came to realize that the insurance for which he had faithfully paid monthly premiums was a worthless sham—the product of a fraudulent MEWA scheme which had deceived not only Mr. Wagner's employer, but over 100 other employers in some eight different States. Mr. Wagner also told the subcommittee how he had been left with the burden of paying off that $12,000 on an annual salary of only $10,000 a year, something which he likened to having $12,000 stolen from him. Perhaps even more distressing was Mr. Wagner's testimony as to his inability to secure new health insurance because his heart condition is considered a preexisting condition for which most insurers will not provide coverage.

There are also victims like Mark Frank, a salesman from Alabama who almost lost his 2-year old daughter to leukemia when the hospital that was to perform a bone marrow transplant for her stopped testing donors after finding out that Mr. Frank's insurance was, in essence, nonexistent—again, the product of a fraudulent MEWA. Mr. Frank thought that his prayers had been answered when a new company took over the coverage from the MEWA and agreed to accept his daughter with her existing condition, thus allowing her transplant operation to go forward. However, the company that took over Mr. Frank's coverage turned out itself to be a fraudulent MEWA. The medical bills for his daughter's treatment totaled over $250,000—none of which was paid by either MEWA. Mr. Frank, who makes $25,000 to $30,000 a year, told the subcommittee he had no idea how he would be able to pay these bills.

Mr. President, we cannot allow these types of tragedies to continue. A recent report by the General Accounting Office found that between 1988 and 1991 alone, fraudulent MEWA's left more than 398,000 participants with over $123 million in unpaid claims. The perpetrators of these schemes are engaging in the cruelest of hoaxes, building their lavish lifestyles on the shattered lives of innocent men, women, and children, while using a Federal statute to coat their activities with a veneer of legitimacy.

What is perhaps most distrubing about the current MEWA problem, though, is that this type of fraud is nothing new. Indeed, it has been going on almost since the original passage of ERISA in 1974, and Congress has in fact already attempted to address these problems once before. Almost 10 years ago to the day, Illinois Congressman John Erlenborn stood in the House of Representatives to introduce the Multiple Employer Welfare Arrangement Act of 1982 as an amendment to ERISA. That bill, which was passed by Congress and became law in early 1983, was an attempt to clarify the extent to which the States could regulate MEWA's.

Whether the Erlenborn amendment settled the issue of State authority over MEWA's has been a subject of debate ever since. Despite the Congressman's own insistence that the authority of States is now settled, and pronouncements by the Department of Labor that States may exercise authority over MEWA's in most instances, one thing is clear—State insurance regulators continue to face battles over ERISA preemption issues as MEWA promoters have turned ERISA into a tactical legal weapon to circumvent legitimate State supervision.

My bill therefore attempts once and for all to resolve whatever ambiguities may remain over the ability of States to regulate MEWA's. In addition, I have attempted to address some new twists on the MEWA problem which have arisen in recent years. My bill is a simple bill. Its intent is to make clear that a MEWA may be subjected to State insurance regulation, regardless of whether it is an employee welfare benefit plan under ERISA. Quite frankly, it is inconceivable to me that Congress could ever have intended that a product that walks like insurance, talks like insurance, and acts like insurance could somehow, by invoking the name of ERISA, avoid the safety and soundness protections of State insurance law. Yet, if it takes one more reiteration of this basic premise to help stop these abuses, then it is incumbent upon us to do so.

We owe at least that much to the hard-working men and women of this country who participate in these plans and who pay their premiums with every paycheck. We owe them the peace of mind that when a medical emergency arises, they will indeed receive the medical care and financial assistance to which they are entitled.

What follows is a section-by-section description of the provisions of the Multiple Welfare Arrangement Reform Act of 1992:

SECTION-BY-SECTION DESCRIPTION

SECTION 1

Section 1 sets forth the short title for the Act and provides that, unless otherwise provided, all amendments in the Act shall be treated as amendments to the Employee Retirement Income Security Act of 1974 ("ERISA").

SECTION 2

Section 2 modifies ERISA's current preemption rules with respect to multiple employer welfare arrangements ("MEWA's") to provide that in the case of a MEWA which is not fully insured, State licensure requirements, and other State laws and regulations as are necessary to monitor and enforce compliance with such requirements, shall not be treated as inconsistent with ERISA. This provision is designed to clarify the ability of the States to require self-insured MEWAs (including those which may qualify as employee welfare benefit plans) to comply with state licensing laws, and is a codification of an existing advisory opinion issued by the Department of Labor on this topic (See U.S. Department of Labor Pension and Welfare Benefits Administration Opinion Letter 90-18A, July 2, 1990).

This section also provides that nothing in ERISA shall be construed to prohibit a State from requiring a person to provide information or documentation to the State for the purpose of determining whether an entity is a MEWA and, if the entity is a MEWA, whether any State law is applicable to such MEWA. This provision addresses past abuses in which some MEWA promoters have attempted to use ERISA's preemption provisions as grounds for refusing to provide appropriate state regulatory authorities with the information necessary to determine whether in fact their entity is a MEWA subject to state regulation.

This section further provides that nothing in ERISA shall be construed as prohibiting a State from applying generally applicable State licensure requirements to the services of contract administrators or other professionals, even if the services of such professionals are provided to an employee welfare benefit plan or other arrangement. In the past, some third party administrators working with MEWAs have attempted to use ERISA's preemption provisions as a means of evading state professional licensing statutes. This provision would clarify that States maintain a legitimate interest in licensing certain professionals, even if the services of such professionals are provided to ERISA-covered entities.

Section 2 also amends the current ERISA provision for determining whether a MEWA is fully insured to provide that such determination shall depend on whether the insurer is licensed to engage in the business of insurance in the state in which the benefits it guarantees are being provided. The current ERISA provision only looks to whether the insurer is licensed in a state.

SECTION 3

Section 3 establishes a test by which to determine whether the provision of benefits by an employee leasing arrangement constitutes a MEWA. In the past, a number of MEWA promoters have attempted to organize themselves as employee leasing companies in order to claim that they were single employers exempt from state regulation by ERISA's preemption provisions. In order to prevent such abuses, this section provides that an employee leasing arrangement that provides benefits to leased employees shall be considered to be operating a MEWA if:

(1) the leasing company does not retain, both legally and in fact, the right of direction and control within the scope of employment over the individuals whose services are supplied;

(2) the leasing company's responsibility for payment of wages, payroll-related taxes, and employee benefits is, either legally or in fact, dependent upon payment by the client company to the leasing company for its services;

(3) the leasing company uses the services of licensed insurance agents or brokers to solicit, advertise, or market its services; or

(4) the leasing company employs or provides benefits to any owner or director of, or any partner in, the client company.

Section 3 also establishes a test for determining whether an employee welfare benefit plan or other arrangement established pursuant to a collective bargaining agreement constitutes a MEWA. Under current ERISA provisions, a plan or other arrangement established pursuant to a collective bargaining agreement is excluded from the definition of a MEWA. Some MEWA promoters, however, have used this exclusion in order to market participation in collectively bargained plans by offering individuals "associate membership" in a union. Although the union sponsoring the plan does not enter into a collective bargaining agreement with the employers of these associate members, and in many cases apparently does not represent the associate members for any other purpose, the promoters of these plans have claimed that they nevertheless fall under the collective bargaining exclusion because the benefit plan being marketed was originally established pursuant to a collective bargaining agreement. This section therefore attempts to separate these activities from those of unions whose plans are expanded as the result of true collective bargaining on behalf of represented employees by setting limits on those participants which legitimately can be covered by a collectively bargained plan or arrangement.

SECTION 4

Section 4 establishes a new criminal penalty of $5000 in fines or 1 year imprisonment for anyone who willfully makes a false representation to any employer, any employee, any employee's beneficiary, any State, or the Secretary as to an entity's status under ERISA. In the past some MEWA promoters have used false claims that their health plans was "ERISA-covered" as a means of luring unwitting employers and employees into enrolling. Claims of ERISA qualification have also been used by some promoters in order to frustrate legitimate investigation and regulation of their plans. This section would subject such activities to criminal prosecution.

SECTION 5

Section 5 provides that a State may apply to the Secretary of Labor for delegation of the Secretary's investigative and civil enforcement authorities with respect to those provisions of ERISA applicable to MEWAs, and that the Secretary shall approve such delegation unless he determines that it would result in a lack of enforcement. This provision not only would greatly expand civil enforcement efforts, but would thereby allow the Secretary to devote greater attention to criminal and multi-state enforcement efforts.

This section also requires that the Secretary shall designate a Deputy Assistant Secretary within the Pension and Welfare Benefits Administration who shall act as a liaison with the States on matters relating to MEWAs. This individual shall be responsible for providing enforcement assistance and continuing technical assistance to the states, as well as for assisting the States in obtaining timely and complete responses from the Department in response to requests for advisory opinions on issues involving MEWAs. These functions were all included in a letter promising increased cooperation between the Department and the States issued by then-Secretary of Labor Dole to the Insurance Commissioners of the fifty states on the eve of the Subcommittee's hearing on the MEWA issue. The designation of a specific individual within the Department responsible for fulfilling these functions would greatly assist the States in taking advantage of this opportunity for further cooperation.•

By Mr. GORTON (for himself, Mr. BOND, Mr. MCCONNELL, Mr. WARNER, and Mr. STEVENS):

S.J. Res. 312. Joint resolution proposing an amendment to the Constitution to provide for a runoff election for the offices of the President and Vice President of the United States if no candidate receives a majority of the electoral college; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR A RUNOFF ELECTION FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. GORTON. Mr. President, it is a basic tenet of the American system of elections—as understood by American citizens—that the person who wins the most votes should win the election. In the election for President of the United States—the person who wins the most electoral votes should win. However, an antiquated provision in our Constitution—the 12th amendment—settles deadlocks in a way that allows Congress to ignore the will of the people. Specifically, if no candidate for President receives a majority, 270, of electoral votes, then the House of Representatives, picks the next President, and can pick the candidate who finishes as low as third in the electoral vote. The 12th amendment needs to be changed—now.

Although it is desirable and necessary to amend the Constitution before the 1992 Presidential election, there may not be enough time due to the lengthy ratification process. However, now is the time to begin discussion of methods to improve the electoral system while the matter receives national attention.

I am introducing today a constitutional amendment to eliminate the possibility that Congress could select the President and Vice President and to assure that, in a situation in which no Presidential candidate receives a majority of electoral votes, the American people will determine the winner, by means of a simple national run-off election. The run-off will be a contest between the two candidates receiving the largest number of electoral votes in the general election.

The Framers of the United States Constitution designed the Electoral College method of selecting the President and Vice President because they thought it, as Hamilton stated in No. 68 of the Federalist Papers, "desirable to afford as little opportunity as possible to tumult and disorder." In the last decade of the 20th century nothing could be more tumultuous and disorderly than to permit the Congress, rather than the American people, to decide who should be President and Vice President, especially if that person chosen was not the candidate receiving the most votes. Yet, again, that is precisely what can happen under the 12th amendment.

Let us consider the 12th amendment. That amendment provides that if no Presidential candidate receives a majority of the electoral college votes, today 270, then the election of the President goes to the House of Representatives and the election of the Vice President goes to the Senate. Members of the House choose among the three candidates who received the most electoral votes. Each State has only one vote and a simple majority of its representatives is required to cast its vote. In effect, the House may choose as President a candidate who received the least popular—or electoral—votes of all three top finishers. The Senate, pursuant to the 12th amendment, chooses between the top two Vice Presidential candidates.

An election of the President by the House has occurred only twice: In 1801, before ratification of the 12th amendment, when Thomas Jefferson beat Aaron Burr, and in 1825 when John Quincy Adams was selected over Andrew Jackson and William Crawford.

The 1824–25 election warns us of the inadequacies of the 12th amendment. In that election John Quincy Adams received 108,740 popular votes compared to 153,544 for Jackson, 84 electoral votes to Jackson's 99 and Crawford's 41. The electoral deadlock was broken by the House which gave 13 States to Adams, 7 to Jackson, and 4 to Crawford. That 1825 election was considered at the time to have been a robbery, staged by dirty politicians in Congress, by which the people's will—at least the will of the greatest number of people—that Andrew Jackson be President, was flouted.

That was 1825. Can you imagine the consequences of such an outcome today? Mr. President, I do not exaggerate when I say that I tremble for the future of our country and its system of government when I imagine the reaction of the American people if Congress, under the current 12th amendment, chose someone for President who had not received the most votes. My concern was eloquently expressed by columnist Charles Krauthammer in the Washington Post on May 29. I ask unanimous consent that Mr. Krauthammer's article be entered into the RECORD at the conclusion of my remarks.

Mr. President, this essay describes my plan, the Gorton pledge, to vote for the popular vote winner, regardless of party, and to ask other Members of Congress to do the same, as a way of dealing with the case of an electoral deadlock this fall. I urge my colleagues to give this plan serious consideration if we are to avoid a repeat of 1825. Ignoring the will of the people simply would not be accepted by Americans today, but that kind of result is precisely the threat we face.

In addition to encouraging candidates and incumbents to adopt the Gorton pledge, I am introducing a constitutional amendment to change our electoral system to avoid a scenario which was dubious in 1824, but is dangerous and threatening in 1992. Whether there is enough time to amend the Constitution before this fall's elections is questionable; questionable though clearly desirable. Still, regardless of whether it can be done now, the amendment is important for the future.

Mr. President, the 12th amendment is a dangerous antique. It is dangerous for the reasons I have already explained. It is an antique because it is leftover from an era when our leaders had a different conception of the role of citizens in the election of our President.

If there is one star which has illuminated and guided the march through history of the American system, that star has been democratic participation in our electoral process—a star that has guided us toward wider participation and more direct election of our leaders.

Consider the past. In 1800 the only citizens allowed to vote in the Presidential election were landowning white males. And even that limited group could not vote for the candidate of their choice. Instead, they voted for electors. Those electors were allowed by law and expected by custom to vote for whichever candidate they thought best. The very purpose of having electors was to take the election out of the hands of the unwashed masses and put it in the hands of the enlightened few, under the theory that the people could not be trusted to make the best choice. Then, if these few, enlightened electors could not decide, another limited group—Members of Congress—were to choose the President and vice president.

In 1800, that limited pool of white male landowners was not even entrusted with the right to elect U.S. Senators. State legislators from each State were the only people permitted to choose the U.S. Senators from their State.

Now consider the march toward wider participation and more direct election of our leaders. Step by step we have widened participation in our elections so that today virtually every citizen 18 years and older regardless of race, sex, wealth, or social station is entitled to vote in every election for every public office in America.

At the same time we have moved toward more direct election by the public of our national leaders. I mentioned that the original Constitution did not allow the people to vote to select their U.S. Senator. This system was changed in 1913 when the 17th amendment was ratified, allowing the people directly to elect their Senators.

Similarly, the operation of the electoral college has changed to make more direct our election of President. We have changed the role of electors by custom and in many States by law. Today, by custom, electors vote for the Presidential candidate who carried the greatest number of popular votes in the electors home State. In fact, only seven of 5,896 electors since 1948 have been so-called faithless electors who have not followed the vote of the plurality of voters in their State. Today, in many States political parties are permitted to require unbreakable pledges from Presidential electors. Those pledges, which were upheld as constitutional by the U.S. Supreme Court in *Ray* versus Blair in 1952, have led to predictable results in the electoral vote.

The Senate faces a proposal, Senate Joint Resolution 297, introduced last month by the Senator from Arkansas [Mr. PRYOR] to determine Presidential winners by a single, nationwide, popular, without regard to State boundaries. A direct runoff election is required if no candidate receives 40 percent of the vote. If the current Presidential election is thrown to the House, I believe it will be among those electoral reform proposals that are seriously considered by the next Congress.

I commend the Senator for his efforts to improve our electoral system, particularly because it precludes the possibility that concerns me most that the selection of the President will be made in the House of Representatives. However, I firmly oppose his proposal because, by abolishing the electoral college, it contradicts the Framers' intent, jeopardizes the interests of smaller and medium size States, and minimizes the participation of the entire Western United States.

While it is not my primary purpose here to defend the electoral college system, its value and purpose needs explanation during discussions to abolish it. Our Founding Fathers established the electoral college for two reasons: First, because they did not trust the public to be informed, and second, because they valued the role of individual States in the election of President. Clearly, the first reason is no longer credible in our television and computer age. The electoral college system remains, however, fundamental to the interests citizens in smaller and average-sized States.

Without the need for candidates to win electoral votes in each State, candidates would focus their energies on only the three or four most populous States with the largest media markets and the easiest access to the television networks. Issues of State and regional interest like grazing fees, military bases, utility rates, wheat prices, coal production, fishing rights, Tennessee Valley Authority—indeed any regional issue—would become irrelevant and ignored as residents of smaller States were passed by as insignificant to the ultimate goal of maximizing popular votes. Senators recognized this dilemma the last time a direct election proposal came to the floor in 1979. The resolution was carried by a vote of 51 to 48, 16 votes short of the necessary two-thirds majority.

Western States would be harmed most by the Senator from Arkansas' proposal. With the broadcasting of exit polls and actual vote counts predicting the final outcome, residents in the West would find little reason to participate in an election that was already a done deal. Local and State elections would be harmed as voter turnout declines. Currently, the election of electors maintains the significance of turnout in the West. A direct election would result, therefore, in a marked reduction of participation in the West in many the Presidential elections.

Finally, Mr. President, the direct election proposal would result in chaotic and costly recounts. With only a popular vote to rely on, a narrow margin in a national election would require endless recounts in all States. If past recounts are any indication, the results would be subject to every form of corruption and scheming. The end product of a direct election system therefore could be stalemate, or even worse, tumult and disorder.

Still electoral reform is needed. Some of those calling for a radical reform of the electoral system argue that there is possibility that the winner of the popular vote can be different than the winner of the electoral vote and that therefore we should eliminate the electoral college system. That possibility, which has occurred clearly only once, in 1888, in our Nation's history, can be virtually eliminated without losing the immense Federal value of the electoral college. Instead, we should eliminate the possibility that electors can vote independently of the will of the people from their States. My amendment does that. But it retains the central value of State-by-State elections thus assuring a truly national election for President.

The electoral college system reflects the people's will and in no conceivable circumstance can that system of voting for President achieve a result far different from the popular vote—but the 12th amendment allows the will of the people to be subjected to the ambitions of Congress.

It is not the power of the electoral college to elect the President and Vice President that should concern us, it is the result if it does not do so.

My amendment will eliminate the danger posed by the 12th amendment and it represents another important step in our historical march toward letting the people's will—not that of a select few—choose our national leader.

How will my amendment work? Again, the basic idea is simple: It will not change the structure of our current election for President—unless no candidate wins a majority of electoral votes. If, however, no candidate receives 270 electoral votes in the general election, then a national runoff between the two candidates receiving the most electoral votes will be held 3 weeks or less after it is certain that no candidate has achieved a majority.

Specifically, the proposed amendment provides for a neutral officer—the Chief Justice of the United States—to certify on the day after the general election, or as soon thereafter as an electoral college deadlock is reasonably certain, the existence of such a deadlock; the certification will result in a national run-off election on the third Tuesday thereafter.

In addition, faithless electors will be prohibited. Instead, electors will be required to vote for the candidate who wins the statewide popular vote. After certification of an electoral deadlock in the general election, chosen electors are discharged. The runoff election will operate in precisely the same manner as the general election, however, and electors chosen at that time will meet 2 weeks later to cast their votes for President and Vice President.

In the very remote possibility of an electoral tie in the runoff election, the Chief Justice of the United States will cast one electoral vote for the candidate that has received the most popular votes in the runoff.

The primary purpose of this proposed amendment is to preclude the election of the President and Vice President by Congress, a possibility we face this fall. Although I believe the Founders may have underestimated the detrimental effect such an event would have on a nation, they had the right idea. Hamilton's skepticism of Congress' ability to select the President was apparent in Federalist 68 when he wrote that the appointment of the Presidency cannot "depend on any preexisting bodies of men who might be tampered with beforehand to prostitute their votes; but they have referred it in the first instance to an immediate act of the people of America, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment."

The only fundamental change to the electoral system called for by this amendment is to remove the House from the process of choosing the President and of the Senate from selecting the Vice President and to replace that possibility with an election reflecting the will of the people. Unlike proposals to provide for a direct election, this amendment, by improving, not abolishing, the electoral college, maintains the critical role that smaller- and medium-sized States play now in a national election.

In sum, Mr. President, I look forward to discussing my proposal to amend the Constitution with my colleagues in the coming days and weeks. It is urgent that we do our part to improve our electoral system.

I want to thank my good friend from Kentucky, Mr. MCCONNELL, for his invaluable contribution to this joint resolution. Indeed, his expertise and interest in this area were relied upon in every provision. Over the last week especially, the Senator and I held lengthy discussions concerning the many complications that are involved when reforming the electoral system. Without his guidance on this matter, this joint resolution would not have been possible. I am grateful for his critical support and that of my good friends, Mr. WARNER from Virginia, and Mr. BOND from Missouri.

I ask unanimous consent that the text of the joint resolution and the article mentioned earlier be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 312

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid if ratified by the legislatures of three-fourths of the States within 7 years after the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. The electors of President and Vice President shall be appointed by means of a general election in each State, in which the people of the State cast votes for candidates for the offices of President and Vice President, in the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President.

"SECTION 2. Unless it is declared that runoff elections are necessary pursuant to section 4, the electors of President and Vice President of each State appointed in the general election shall meet and give their votes on the first Wednesday after the second Monday in December following the date of the general election at such place in each State as the legislature of the State shall direct.

"SECTION 3. The Chief Justice of the United States shall declare the result of the voting in the general election on the day after the date of the general elections, or as soon thereafter as the Chief Justice can ascertain with reasonable certainty the existence of either a majority or a lack of a majority of electors for candidates for President and Vice President. If it appears that no candidates will receive the votes of a majority of the electors for the offices of President and Vice President, the Chief Justice shall declare that runoff elections are necessary, and—

"(1) the electors appointed in the general election shall be discharged; and

"(2) electors of President and Vice President shall be appointed by means of a runoff election in each State, in which the people of the State cast votes for the candidates for the offices of President and Vice President who would have received the two greatest numbers of votes of the electors in all of the States in the general election, on the third Tuesday following the date of the declaration.

"SECTION 4. The electors of President and Vice President of each State appointed in the runoff election shall meet and give their votes, at such place and time (not later than the thirty-first day of December following the date of the runoff election) in each State as the legislature of the State shall direct.

"SECTION 5. The Chief Justice of the United States shall declare the result of the voting in the runoff election as soon as the Chief Justice can ascertain with reasonable certainty the existence of either a majority or a lack of a majority of electors for candidates for President and Vice President. If no candidates received the votes of a majority of the electors for the offices of President and Vice President, the Chief Justice shall cast one electoral vote for the candidates who, in the judgment of the Chief Justice, which judgment shall be conclusive, received the greater aggregate number of votes for President and Vice President in the runoff elections in all of the States.

"SECTION 6. Each elector in a general election and in a runoff election, before casting a vote in a meeting of electors, shall take an oath under penalty of law that the elector will cast his or her vote for the candidates who received the greatest number of votes in the State in the election.

"SECTION 7. For the purposes of this article, the District constituting the seat of Government of the United States shall be considered to be a State.

"SECTION 8. The Congress shall have power to implement and enforce this article by appropriate legislation.

"SECTION 9. This article shall take effect one year after the twenty-first day of January following ratification.".

EXHIBIT 1

AVOIDING THE ELECTORAL TRAIN WRECK

(By Charles Krauthammer)

The country has enough troubles. The last thing it needs is a crisis of presidential legitimacy. It may very well get one next January.

No one knows if Ross Perot can continue his high-wire act. But for now there is a very serious three-way race for the presidency, which creates the very serious possibility that no candidate will get enough electoral votes to win. At which point, the convolutions and contrivances of the 12th Amendment take over. For the first time since 1824, the selection of the president would be thrown to the House of Representatives. And 1824, remember, created a presidency that Andrew Jackson, winner of the popular vote, rightly deemed stolen.

It is not hard to imagine the lurid scenarios that might follow an electoral college deadlock. House members flagrantly bartering their presidential votes. A popular vote loser—perhaps a No. 3—selected president. A deadlocked House leaving the Senate's choice for vice president to be sworn in on Jan. 20, 1993, to fill the vacant office of president.

Any of these scenarios is possible. And every one creates a crisis of presidential legitimacy: the perception of the Oval Office acquired by barter or stealth mere accident. We are looking at a coming train wreck.

A wreck, however, that is easily and totally preventable. The problem is that the 12th Amendment tells the House to elect a president but does not tell a House member how to vote. The solution has been suggested by Sen. Slade Gorton (R-Wash.). He suggests that if, under the 12th Amendment, the vice presidential choice goes to the Senate, no matter whom he personally prefers, no matter whom his party prefers, no matter who carries Washington state, he will feel obliged to vote for whoever wins the most votes country-wide.

If every candidate for the House and Senate pledges now to do the same—now before anyone knows who will come out on top—we are guaranteed against deadlock, delay and dirty dealing. We are guaranteed to end up with a president and vice president with the most popular votes and therefore enjoying the kind of legitimacy they will need to govern.

Not every member of Congress will support this idea. But you only need a substantial majority signing on the ensure a quick, orderly and just presidential selection. Moreover, if enough members of Congress and challengers make the pledge and raise it as a campaign issue, the popular pressure created would severely discourage congressmen from acting otherwise.

To see the beauty of Gorton's idea, consider the alternatives. There are five ways in which a member can vote if the presidency is thrown to the House: according to the dictates of his (1) conscience, (2) party, (3) district, (4) state, (5) county.

Conscience. Voting one's conscience is perhaps what the Founders intended. But the Founders intended many things, including an electoral college free to vote its conscience too, and the country would never stand for that today. People elect House members to tax and spend and bring home the bacon, not to independently pick a president. The people consider that right reserved for them. That is why they have a separate line on the ballot marked "President." Moreover, given the low current standing of the House, it would be particularly unfortunate for any president to be seen as its creature.

Party. To vote by party would give us a Democratic president even if he came in second or third. It would look like low politics, and it would be.

District or State. For a representative to vote for whoever carried his district or state is more defensible, but still parochial. It might satisfy some narrow view of representation, but it introduces large elements of arbitrariness. Under the 12th Amendment, every state's House delegation has one vote, and 26 votes elect a president. Thus, if the first-place finisher carried all of California's 52 districts and the third-place finisher carried Vermont's single district, both candidates would have earned an equal 1/26th of the House vote needed for winning the presidency. Technically correct. Politically absurd.

The only way, the guaranteed way, to avoid absurdity is for members of Congress to pledge to follow the dictate of the country and pledge to support the overall popular-vote winner.

Why the popular vote winner and not the electoral college winner? That is a subsidiary question. It is as old as the republic and worthy of debate—some other day, some other year. For today, there is no point in burdening an already complicated and potentially dangerous situation with arcane arguments about the electoral college. Better to agree arbitrarily to go this time with the popular vote winner and decide the future of the electoral college later.

For the future, too, we will need a more durable solution to the 12th Amendment problem than the Gorton pledge. Given the decline of the two major parties, Perot may not be the last serious third-party candidate we live to see. How to avoid nightmare scenarios? Abolish the 12th Amendment and adopt a very simple substitute: In the event that no candidate wins an absolute majority on Election Day, a runoff election between the two leading vote-getters should be held two weeks later. The one who gets the most votes the second time around becomes president of the United States.

There is no time in 1992 to enact such a constitutional amendment. However, sticking to the Gorton Rule for 1992 and adopting a new 12th amendment later would avert once and for all any crises of presidential succession. We can then safely go back to tending our other crises, of which, God knows, we have enough.

Mr. McCONNELL. Mr. President, the amendment that my friend from Washington has described is the result of discussions that not only he engaged in within his own office, but the two of us engaged in. I was working on this issue independently.

We have consulted over the last week or so, and I think we agreed here that this is a proposal that gets the job done in terms of our current potential in this country to have what most Americans would consider an undemocratic selection of the President of the United States.

Let me say, the issue of what changes, if any, should be made in the 12th amendment has not historically in the Senate been a partisan issue. The subject of going to direct popular election of the President was last voted on in the Senate in 1979. There are some 48 Senators who are still here who participated that day in that debate and that vote: 26 Senators who are still here voted to go to direct popular election; 22 voted to retain the electoral college.

In terms of party, among the Democrats who voted against direct popular election who still serve in the Senate were Senator BIDEN, Senator BRADLEY, Senator BUMPERS, Senator HEFLIN, Senator HOLLINGS, Senator MOYNIHAN, Senator NUNN, and Senator SARBANES.

I cite this only to make the point that there seems not to be any particular partisan implications involved in this great debate. As a matter of fact, the most creative thinking done on this issue over the years was by the late Senator Sam Ervin of South Carolina. I recall listening to him in the late 1960's when I was a staff person here, at great length, on the subject of the electoral college and what changes, if any, should be made.

It is the goal of the constitutional amendment offered by Senator GORTON, myself, Senator BOND, Senator WARNER, and others, to retain the electoral college simply because it guarantees that we do have national elections for President. But it is the goal of this amendment also to help ensure that the American people, in fact, get to choose the President of the United States.

So this amendment provides the opportunity for a runoff election. If no candidate receives a majority of the electoral vote in the initial election, the top two candidates in the electoral college would then participate in a runoff. And that runoff would also be determined by the electoral college outcome.

In the very remote likelihood that the runoff between the top two did not produce a clear winner, then the Chief Justice would make every effort to certify whoever had won the popular vote. That might be a complicated process, but that is an objective, neutral observer of the political process.

Mr. President, it is also important, and this amendment and this amendment does do this—and Senator Ervin thought it is was important—we get rid of the faithless elector. Even though it has rarely happened in our history, it is possible for the electors, under today's system, to ignore the wishes of the voters in their particular States and do whatever they choose. The amendment we are offering today eliminates the faithless elector.

If we are going to amend the Constitution, it needs be be for a serious and significant reason. I do not think there is anybody serving in Congress today, and certainly not the American people, who think it is a terrific idea to resolve electoral college gridlock the way it would be resolved under existing law, and the way it was resolved in 1825, with each State having one vote.

Put another way, Vermont—just to pick out a State with one Congressman—would have just as much say-so in electing the President of the United States as California or Virginia: one unit vote. I do not think most Americans would believe that was a fair way to resolve the process.

So the amendment we have offered today—the Senator from Washington, myself, the Senator from Missouri, and the Senator from Virginia—provides an opportunity for the people to determine the outcome. But it retains the electoral college because the electoral college guarantees that medium- and small-size States will still be a factor in the election of the President of the United States.

Otherwise, as the Senator from Washington has pointed out, the effort would be made simply to run up the score; all the time would be spent in the major States with huge populations attempting to drive up the popular vote to the maximum extent possible, thereby dealing out of the process all the medium- and small-size States.

I believe the constitutional amendment that has been proposed here gets the job done. It eliminates the faithless elector, retains the electoral college, and gives an opportunity for the American people to determine who wins in the event that no candidate gets an electoral-vote majority in the first election.

This is the way to go, Mr. President, having spent 20 years, not constantly, but off and on, thinking about this issue and having listened to Senator Ervin for many days back in the late sixties. This is the kind of amendment, I say to my friend from Washington, I think my friend Sam Ervin would have liked. He would have liked this amendment.

Mr. President, among the cycles of modern American politics there is once every decade or so a phenomenon where a third party candidate breezes in and prompts all kinds of dire predictions, fanciful scenarios, and calls for banishment of the electoral college.

George Wallace, John Anderson, and now Ross Perot. Like shooting stars, the first two flared brightly and then fizzled. We will see about the latest; he is still sizzling at the moment. And in their wake, there are reams of op-eds, committee hearings and proposals to do away with the electoral college.

These periodic reviews of the presidential electoral process have been fascinating exercises in second-guessing the Founding Fathers and speculating as to the outcome of proposed solutions, were they to be enacted.

We must not merely retrofit a solution to solve past problems or problems that have not even occurred yet. We must anticipate how our actions will affect generations to come.

I, for one, have come away from all this with renewed appreciation for the work our Founding Fathers did in drafting the Constitution. It was a remarkable feat. Without benefit of legislative counsel and thousands of staffers, they devised a system to ensure that 200 years later, a quarter of a billion people living in 50 States strewn over several time zones would thrive as one cohesive Nation.

The electoral college is a crucial component of this country's national electoral process. It ensures that Presidents must have broad-based support throughout the Nation. It tempers the extremes and provides some of the glue which keeps these 50 diverse States and regions together.

Mr. President, the Electoral College has been an unqualified success. However, there is one element of the 12th Amendment to the Constitution which needs to be modified.

Currently, in the event no candidate attains a majority of electoral college votes—270 at this time—then the House of Representatives is called upon to settle the election. Each delegation caucuses among itself and then gets one vote. One State/one vote.

Mr. President, that is not democratic. It certainly is not representative of the 50 States or the people. It simply is not fair to treat California and Vermont as equals. Yet, Vermont under the 12th amendment has equal say as California in determining who becomes President should that decision be made in the House of Representatives.

As the American people have migrated west over the last two centuries, this aspect of the 12th amendment has been seriously compromised. It is out of whack, so to speak.

To rectify this shortcoming of the 12th amendment while preserving the electoral college, Senator GORTON and I are introducing a constitutional amendment to:

In the event of an electoral deadlock, where no candidate achieves a majority of electoral votes, our resolution would require a runoff election between the top two recipients of electoral college votes.

Our resolution would appoint the Chief Justice of the Supreme Court to determine whether a deadlock had occurred and therefore necessitated a runoff.

The runoff would operate in exactly the same manner as the general—only compressed.

In the extremely unlikely circumstance that the runoff election produces a tie vote in the electoral college—something that defies mathematical probability—our resolution would empower the Chief Justice of the Supreme Court to cast the tiebreaking vote for the candidate who won the largest share of the popular vote.

This last feature of our resolution is a major departure from the current system, in that the vote of the people ultimately determines the outcome of the election and not a vote taken in Congress.

Mr. BOND. Mr. President, today I am very proud to join my colleagues, Senators GORTON, MCCONNELL, and WARNER, in proposing a constitutional amendment to let the people decide who to elect as President, not the Congress. The entry of Mr. Ross Perot into the Presidential race has made this election year unlike any we have seen in recent history. However, it has also sent all of us scrambling to review the Constitution to see what happens if no one candidate gets an absolute majority of electoral votes. This, of course, has led to wild speculation about the possibilities and has given pundits and political junkies one more think to chew on.

Mr. President, I join with my colleagues and the millions of Americans who are very uncomfortable with the idea that the next President of the United States could well be elected by the House of Representatives despite a vote of the people of this country to the contrary.

When I heard the chairman of the Democratic Party say he believed Democrats in the House should vote for the Democratic candidate regardless, even if he came in in third place, it became clear to me how this could lead to a real crisis of faith in the system by the voters of the United States.

Since then, I have heard repeated calls to partisanship over the peoples' wishes repeated in various forums. I believe that this arrogant disregard, or the potential for the arrogant disregard, of the voters' wishes should be addressed, and that is another reason why I am joining my colleagues in support of this proposal today.

Our amendment as already described is reasonably simple. If no one wins an outright electoral majority on the first try, the top two have a runoff 3 weeks later. This ensures that the people decide. It also resolves the question in a much quicker way than waiting for 2 months for the new House to be sworn in. That in itself could be a significant problem in these days of very rapid communication and rapidly developing world events. And it takes away the potential of a constitutional crisis that could occur if we wait while wheeling and dealing to sway reluctant or undecided Members of the House goes on. The history of the Jackson-Adams House of Representatives election is one that we care not to repeat and we cannot afford to repeat.

The proposal before us today retains the electoral college system for the runoff election as well as giving the Chief Justice of the Supreme Court a very limited role. I appreciate the fact that my colleague from Washington agreed to change the person who would be given that role. I think the Chief Justice can act in this matter because it is basically a determination that would be made. The role would simply be to certify that no one has the requisite 270 electoral votes, thus calling for a runoff. The Chief Justice would then be given a new authority, largely ministerial, once the determination is made if a tie-breaking vote for the President is needed. It would happen only in the highly unlikely event that two candidates tied 269 votes. In that event, the Chief Justice would then be required to cast the vote for the winner of the popular vote. I believe this approach is straightforward, it is easy to understand, it makes sense, and I believe that many States will be willing to move quickly to pass such a proposal in order to have it in place for this fall.

Clearly, if this is a danger this fall, we should act now and at least give the States the opportunity to try. But, for the future, we need to make sure that this is clarified because the election of the President is an important, serious event, and the people should be making the decision, not House or Senate Members. I urge my colleagues to join in this effort.

Mr. WARNER. I thank the Chair. Mr. President, I am privileged to associate myself with my three distinguished colleagues from the States of Washington, Kentucky, and Missouri and to be an original cosponsor of this amendment. I salute them for their erudite presentation of a very technical, complicated and little understood amendment of our Constitution.

I confess that I went back and got a book that I used in law school many, many years ago to refresh my recollection, if, indeed, I retained any recollection, about the 12th amendment. It is probably the least read, least studied amendment in the Constitution. I think my colleague from Washington pointed out that it contains the longest sentence to be found anywhere in the Constitution.

Nevertheless, it seems to me there is a twofold purpose for the proposed amendment. No. 1 has been adequately stated by my colleagues: The technical steps Congress is required to follow. We must move this discussion from the realm of the constitutional scholar to the doorstep of every American voter. But the second is that, by our debate on this amendment, we alert America to the risks we face should this country be thrust into a 12th amendment procedure.

I start with the general election held traditionally the first Tuesday in November. The results of that election go to the electoral college, and if they deadlock, the 12th amendment then requires the Congress to act after it convenes in January of the following year. For a period of 60 days, the Nation remains in doubt as to who will be the President and Vice President of the United States. In such an instance, our Nation would be faced with serious dilemmas.

Mr. President, I would interject here that my remarks today are carefully made in a nonpartisan spirit. The study and analysis of the 12th amendment, given we are likely to have a three-way Presidential race, now becomes a responsibility of every American voter. As Americans go through the process of making up their minds as to whom they will vote for this 12th amendment process may be a factor in their decisions.

The second part of my remarks relates to the 60 day at least, period between the November 3 general election and action by Congress beginning January 4 of the following year, 1993. First, history shows that America's financial markets have a number of times, gone into a financial decline of some magnitude when third-party candidacies begin to cast doubt upon the outcome of a general election.

I ask unanimous consent to print in the RECORD, at the end of my remarks, an article from the Washington Post of June 7, 1992, which traces the history of the impact of third-party candidacies on the financial markets.

There being no objection, the article was ordered to be printed in the Record, as follows:

THIRD-PARTY CANDIDATES HAVE HURT MARKET IN PAST

(By John Crudele)

If history repeats, Ross Perot's growing strength as an independent presidential candidate won't be good for stocks next year.

According to stock market historian Yale Hirsch, equity prices have reacted very negatively to strong third-party presidential candidates in the past.

For instance, Hirsch says stock prices fell 41 percent in the bear market that followed James Weaver's run for president on the Populist ticket in 1892. And Weaver only garnered 8.5 percent of the popular vote in losing to Grover Cleveland.

And when former president Theodore Roosevelt tried to recapture the highest office on the Bull Moose Ticket in 1912, the stock market responded by falling 24.1 percent, according to Hirsch, who writes the annual "Stock Traders Almanac," Roosevelt got 27.4 percent of the popular vote, which was enough to split the Republican Party and help Democrat Woodrow Wilson become the 28th president of the United States.

Perot, of course, isn't a declared candidate yet. But he is expected to announce his intentions to run later this month—on June 27, his birthday.

So far, Wall Street has barely reacted to Perot, but maybe it should start worrying, especially since stock prices are at unreasonably high levels.

Here's some more history. When Henry Wallace and Strom Thurmond both challenged for the presidency as independents in 1948, the bear market that followed caused stocks to fall 16.3 percent, says Hirsch. George Wallace's run for high office in 1968 was followed by a 35.9 percent drop in stock prices. And John Anderson's mildly successful effort in 1980 was followed by a 24.7 percent drop in equity prices.

Other things, of course, were occurring in all of those years that could have caused the stock market to crack. Recessions. Voter discontent. Unemployment. Civic unrest. Trouble overseas. Sort of like what's happening now.

But history has another message. The month of June, by and large, is a safe time for stocks. Hirsch says equity prices fell during June in only one presidential election year since 1952.

That was in 1972, when the Standard & Poor's 500 stock index declined 2.2 percent. In every other June when a president was being elected, the index climbed.

"During the primary season, stocks go up and down because the climate is a little strained. But once investors get a feel for who the candidates will be, they go on with their investing," says Hirsch.

But a strong third-party candidate could throw things out of whack—next year or maybe sooner.

In two weeks there will be another "triple witching hour" for Wall Street, and some traders believe it could turn into a humdinger on the up side.

Triple witching hour is, of course, when stock index futures, index options and regular stock options all expire within 24 hours. Past expirations have been marked by high volatility and wild, erratic trading. But stock prices have mostly moved upward on these days.

Some traders in Chicago think this upcoming expiration—on June 19—could be much like last December's, when stock prices soared. These traders, incidentally, are otherwise very negative on the prospects for stocks.

Back in December, the stock market was given a boost by a full percentage point cut in the Federal Reserve's discount rate on Dec. 18. The rate cut was meant to help the economy, but since Dec. 20 was also a triple witching hour, it ended up greatly benefiting the stock market.

Traders say that with the economy sagging badly in December, a number of big trading houses on Wall Street were shorting the stock market—that is, selling stock they didn't own as a wager on falling prices. Many did this by selling short Standard & Poor's 500 call options—a higher-tech way to bet against the market.

When the Fed cut interest rates, these short sellers were forced to cover their positions by buying back the call options. And this helped push stock prices higher, not only in December but also in early January.

A similar battle could be shaping up now.

Traders say at least two major trading firms—which I can't name—are currently short a large amount of call options. And if stock prices climb a bit more—say, just a few dozen points as measured by the Dow Jones industrial average—these trading firms will need to cover their shorts by next Friday.

And that could cause a lot of stock buying in the next week.

All of this "triple witching hour" stuff is merely the shorts (pessimists) facing off against the longs (optimists). And right now the optimists are in control of the market.

Traders say that if the S&P 500 index can be pushed through the 420 level (it closed at 413.48 Friday), it will put enormous pressure on the shorts. If that index climbs yet another 5 points—to 425—the pressure will be intense.

The shorts, however, could get a reprieve if bond prices decline.

Once the "triple witching hour" is out of the way, the stock market could start to benefit from the usual end-of-the-quarter window dressing by professional investors. So the market could be safe for another month.

Profits were moderate for most of the pros in the first half of this year. So mutual funds and professional money managers will try hard to keep from losing those gains in June.

Once their six-month performance is secure, however, the stock market could start looking at fundamentals again. So, come July, the market's focus could shift away from trading strategies and toward things like Ross Perot, corporate profitability and the economy.

Mr. WARNER. Mr. President, when the succession of Presidential leadership becomes uncertain, our financial markets have been weakened. More institutional turmoil and uncertainty in this critical period in 1992–93 must be avoided.

Third, there are national security implications. Should this country be faced in that period of 60 days or more, while we operate under procedure of the 12th amendment, with decisions which affect the utilization of our military, unilaterally, or our ability to support alliances with other nations to resolve problems beyond our shores, it would be increasingly difficult. Our President has to think about how his decisions might impact on his candidacy before the House of Representatives. This situation could induce a despot to test the President's will.

So these are just three other aspects that I urge my colleagues and, indeed, all Americans, to consider as we move toward this general election. If the 12th amendment comes into play, we have a period of at least 60 days between the first Tuesday in November and the convening of a new Congress in which unique problems could face this country, both economically and militarily.

I would like to add that I was first alerted to this constitutional dilemma by a very distinguished lawyer in Washington, Lloyd Cutler, who detailed his insights in an op-ed article in the Washington Post on May 20, 1992. I ask unanimous consent that that and other pieces that I have collected on this subject be printed in the Record.

In conclusion, Mr. President, I bring to the attention of my colleagues a very famous poem by Henry Wadsworth Longfellow that begins, "sail on O ship of State, sail on O Union strong and great."

The age-old fear of sailors was to be "in irons"—losing all speed and utterly unable to maneuver because of the position of the sails relative to the wind.

Our ship of State must not be permitted to fall into irons through inaction or lack of vision. The amendment we propose today sets a decisive course.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, May 20, 1992]

ELECTION 1992: THE PLOT THICKENS

(By Lloyd N. Culter)

The best-kept secret in the American Constitution is the 12th Amendment. It provides that if no presidential candidate receives a majority of the electoral votes, the new House of Representatives decides the winner. That has happened only once, in the four-way race among John Quincy Adams, Andrew Jackson, Henry Clay and William H. Crawford in 1824. In 1992, judging by current polls, it can well happen again.

If George Bush, Bill Clinton and Ross Perot each win some of the 538 electoral votes on Nov. 3, but none of them wins the required majority of 270, we will have to wait until sometime after Congress convenes in January 1993 before we will know the identity of the next president. The same applies to the identity of the next vice president. Under the 12th amendment, the new House of Representatives will choose among the three top finishers in number of electoral votes for president and elect one of them president. At the same time, the new Senate will choose among the two top finishers in number of electoral votes for vice president (which are counted separately) and elect one of them vice president.

All this sounds simple enough. But wait. Under the 12th Amendment, the House will not ballot on a one-representative, one-vote basis, as it normally does. It will ballot on a one-state, one-vote basis, with each state voting by a caucus of its representatives. A majority of the states (26) is needed to elect the president.

The one-state, one-vote system creates an infinite variety of fascinating possibilities. Pundits and political junkies will have the time of their lives calculating the potential permutations and outcomes. The candidates, the parties, the PACs and the new Congress will go out of their minds wheeling and dealing to tilt the system one way or another.

Here are just a few of the myriad possibilities:

The 26 least populous states, with only 16 percent of the total population, could elect the next president over the opposition of 24 states with 84 percent of the population.

If the new House has the same party makeup as the present House, there will be 31 state delegations with a Democratic majority, 10 with a Republican majority, eight dead-even and one (Vermont) with a single independent member. That sounds great for the Democrats, but wait again. In 24 state delegations, the margin one way or the other is only one or two votes. In those states, as in the eight dead-even states and Vermont (33 out of the 50), the switch of a single representative's vote could swing the state one way or another or create a tied caucus, which would prevent the tied state from voting.

In addition to the 33 state delegations that could switch sides if deals are cut that change one or two votes, the members from states with clear Democratic or Republican majorities are far from certain to vote on party lines. Suppose you are elected or reelected as a Democratic member from Indiana (with a current 8-2 Democratic margin), but George Bush wins the Indiana popular vote with Bill Clinton running second or third. Would you have the political courage to cast your Indiana caucus ballot for Clinton?

For all these reasons, whoever finishes first in the popular or electoral vote is no sure thing to be elected by the House. Andrew Jackson had a 3-2 plurality over John Quincy Adams in popular votes and a 15-vote margin over Adams in electoral votes, but the House elected Adams president. All the same, if Clinton can finish first, second or even a close third in the popular or electoral vote, he probably has the best chance of being elected by the strongly Democratic House.

Are you still with me?

To complicate matters further, remember that at the same time the House elects the president, the Senate elects the vice president. The Senate decides on a one-man, one-vote basis, and in the present Senate, the Democrats have a 57-43 margin. Will the Senate wait until the House has selected a president and then meekly ratify the House's choice by electing the president-elect's chosen running mate as vice president? Or will the Senate prove its independence and equality with the House by electing a vice president of a different party from the president-elect? If so, would the next president allow the vice president to represent him even at funerals?

Don't stop reading yet. Like the plot of a Verdi opera, the 12th and 20th amendments contain even more bizarre twists. If the House has not elected a president by Inauguration Day (changed by the 20th Amendment from March 4 to Jan. 20) then the vice president chosen by the Senate "shall act as president," even though the House may later elect a president who ran on a different ticket from that of the Senate-elected vice president. And if the House has not elected a president and the Senate has not elected a vice president by Jan. 20, then under the 20th Amendment "the Congress may by law provide" who shall act as president. Congress has passed such a law, and it provides that the speaker of the House, who will almost certainly be a Democrat, shall act as president.

Enough already? The plot has one more twist. Can the speaker of the House constitutionally "act as president" unless he resigns as speaker and as a member of the House? Under Article I, Section 7, "no person holding any office under the United States shall be a member of either house during his continuance in office." Isn't "acting as president" holding an office under the United States? If so, is it worth resigning from the House to serve a few days or weeks as president? The Present speaker's reply would be a resounding yes, because the most satisfying position in the United States is that of ex-president.

We like to think of our Constitution as the finest instrument of government ever devised. Come next January, will we say: "except for the 12th Amendment"?

AFTER THE PEOPLE VOTE—A GUIDE TO THE ELECTORAL COLLEGE

WHAT IF NO ONE HAS A MAJORITY?

Once the Congress has met and counted and certified the electoral votes, the Twelfth Amendment of the Constitution sets the basic provisions for decision if no presidential candidate has received the requisite majority:

"From the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice."

The House chooses a President

Should a presidential election be thrown into Congress for decision, there are precedents, rules, laws, and procedures for making decisions—but also much room for the particular Congress to determine its own format and rules.

Provisions in the Twelfth and Twentieth Amendments of the Constitution determine the basic role of the House of Representatives in this process. With regard to the mechanics of the House decision, the House, as in other matters, sets its own rules and procedures. The precedents set by the House in February 1825 in deciding the election of 1824 provide some guidance.

The House could follow these precedents, or if it wished, ignore them and draw up a new set of procedures.

The new procedures would be unlikely to differ greatly from the 1825 set, except in one key respect—in 1825, the old, or lame-duck, House made the presidential selection. The Twentieth Amendment changed the date of convention of the new Congress from March 20 to January 3, thus seating the new Congress before the January 6 statutory date for counting the electoral votes in Congress. Congress could conceivably set this statutory date back, empowering the old Congress to make the presidential decision. That is most unlikely, however, particularly since the record of deliberation on the Twentieth Amendment reflects a clear intention to have this decision in the hands of the new Congress.

Of the specific precedents from 1825, one is of particular significance: the requirement of a majority of a state's whole delegation to vote for a candidate in order for the state vote to be cast. If no candidate gets a majority, the state was recorded as divided, and no vote was cast. In the 102nd Congress, taking office in January 1991, thirty-one state delegations had Democratic majorities, ten had Republican majorities, eight were evenly divided between the two parties, and one, Vermont, had an independent as its sole member. If a few House seats shifted from one party to the other in, for example, the 1992 elections, or if only a few votes by House members were cast for a third-party candidate in state delegations, enough divided states could be created to prevent any presidential candidate from getting the twenty-six state votes needed to win.

The Senate chooses a Vice President

The Twelfth Amendment of the Constitution also sets the basic provisions for decision if no vice presidential candidate has received the requisite majority of electoral votes: "from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice." The Senate has selected a vice president once, in 1837, when President-elect Martin Van Buren's running mate, Richard Johnson, because of a personal scandal, received one fewer than a majority of electoral votes. He was, however, elected by the Senate.

Unlike members of the House, senators, vote as individuals, not as part of a state delegation, and they choose between the top two candidates, not the top three. Moreover, the requirements for a quorum in the Senate—two-thirds of the full Senate, or, a present, sixty-seven senators—are more stringent than in the House, where only one member from two-thirds of the states is needed. Thus, a boycott by members of one party in the Senate could prevent a choice of vice president, if that party had more than the thirty-four senators needed to block a quorum.

ADDITIONAL COSPONSORS

S. 456

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 456, a bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 757

At the request of Mr. LEAHY, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 757, a bill to amend the Food Stamp Act of 1977 to respond to the hunger emergency afflicting American families and children, to attack the causes of hunger among all Americans, to ensure an adequate diet for low-income people who are homeless or at risk of homelessness because of the shortage of affordable housing, to promote self-sufficiency among food stamp recipients, to assist families affected by adverse economic conditions, to simplify food assistance programs' administration, and for other purposes.

S. 1178

At the request of Mr. ROTH, his name was added as a cosponsor of S. 1178, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenditures for vehicles which may be fueled by clean-burning fuels, for converting vehicles so that such vehicles may be so fueled, or for facilities for the delivery of such fuels, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2180

At the request of Mr. GRASSLEY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2180, a bill to provide greater access to civil justice by reducing costs and delay and for other purposes.

S. 2244

At the request of Mr. THURMOND, the names of the Senator from Ohio [Mr. GLENN], the Senator from North Carolina [Mr. SANFORD], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 2244, a bill to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict.

S. 2341

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 2341, a bill to provide for the assessment and reduction of lead-based paint hazards in housing

S. 2387

At the request of Mr. LEAHY, the names of the Senator from Iowa [Mr. HARKIN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children (WIC) and of Head Start programs, to expand the Job Corps program, and for other purposes.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2624

At the request of Mr. GLENN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2644

At the request of Mrs. KASSEBAUM, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2644, a bill to require the Secretary of Transportation to require passenger and freight trains to install and use certain lights for purposes of safety.

S. 2652

At the request of Mr. BIDEN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2652, a bill to provide enhanced penalties for commission of fraud in connection with the provision of or receipt of payment for health care services, and for other purposes.

S. 2656

At the request of Mr. FORD, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. AKAKA], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2656, a bill to amend the Petroleum Marketing Practices Act.

S. 2667

At the request of Mr. HEFLIN, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2682

At the request of Mr. BUMPERS, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

S. 2808

At the request of Mr. MITCHELL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2808, a bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment until 1993 provided certain conditions are met.

S. 2813

At the request of Mr. GORE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2813, a bill to establish in the Government Printing Office an electronic gateway to provide public access to a wide range of Federal databases containing public information stored electronically.

S. 2826

At the request of Mr. KENNEDY, the names of the Senator from Connecticut [Mr. DODD], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2826, a bill to reaffirm the obligation of the United States to refrain from the involuntary return of refugees outside the United States.

SENATE JOINT RESOLUTION 241

At the request of Mr. SPECTER, the names of the Senator from Virginia [Mr. WARNER], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 241, Designating October 1992 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the names of the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. SANFORD], the Senator from Massachusetts [Mr. KERRY], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 242, A joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 248, A joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. KASTEN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 262, A joint resolution designating July 4, 1992, as "Buy American Day."

SENATE JOINT RESOLUTION 284

At the request of Mr. SPECTER, the names of the Senator from Montana [Mr. BURNS], the Senator from Utah [Mr. GARN], the Senator from Kansas [Mr. DOLE], the Senator from Arizona [Mr. MCCAIN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Oregon [Mr. PACKWOOD], the Senator from Alaska [Mr. STEVENS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from West Virginia [Mr. BYRD], the Senator from Florida [Mr. GRAHAM], the Senator from Arkansas [Mr. BUMPERS], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 284, a joint resolution designating August 4, 1992, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Joint Resolution 295, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 303

At the request of Mr. SPECTER, his name was added as a cosponsor of Senate Joint Resolution 303, a joint resolution to designate October 1992 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 305

At the request of Mr. SIMON, the names of the Senator from Indiana [Mr. COATS], the Senator from Tennessee [Mr. GORE], the Senator from Idaho [Mr. SYMMS], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 305, a joint resolution to designate October 1992 as "Polish American Heritage Month."

SENATE CONCURRENT RESOLUTION 81

At the request of Ms. MIKULSKI, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Washington [Mr. ADAMS], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Mr. SARBANES], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Hawaii [Mr. INOUYE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Concurrent Resolution 81, a concurrent resolution expressing the sense of the Congress regarding visionary art as a national treasure and regarding the American Visionary Art Museum as a national repository and educational center for visionary art.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. MOYNIHAN, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

SENATE CONCURRENT RESOLUTION 124—RELATIVE TO NATO AND PRESENT SECURITY CONCERNS

Mr. ROTH (for himself and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 124

Whereas, the North Atlantic Treaty Organization has, for more than forty years, successfully deterred aggression against the West by the armed forces fo the Warsaw Pact and the Soviet Union;

Whereas, the Warsaw Pact no longer exists;

Whereas, the Soviet Union has devolved into a commonwealth of sovereign, independent republics;

Whereas, the members of the North Atlantic Treaty Organization share many common interests in deterring aggression, conflict and economic dislocation both within and beyond Europe's geographic boundaries: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the Sense of the Congress that the international security situation has undergone radical change and that the North Atlantic Treaty Organization should adapt to this new environment by addressing security concerns beyond the North Atlantic area.

Therefore, the President of the United States is requested to open discussions with the heads of state of NATO's various member states, with a view to adapting the alliance to current realities.

• Mr. ROTH. Mr. President, several months ago I came to the floor of the Senate to urge the North Atlantic Treaty Organization to adapt to massive changes in the global security environment. It pained me then, and it pains me now, to note that, though the cold war has ended, we do not inhabit a perfect world. The interests of this Nation, and of all Western nations are still threatened from a number of angles, particularly as a result of the proliferation of nuclear, chemical, biological, and conventional weaponry.

It is my firm belief that these threats can best be addressed by the members of the North Atlantic Treaty acting in concert rather than by the United States acting along.

Consequently, I submitted a concurrent resolution calling upon the President to begin negotiating with NATO's various heads of state with a view to having the alliance adapt to changed realities in the global security situation. Since my submission of that concurrent resolution, I have been in consultation with the junior Senator from Connecticut Senator LIEBERMAN. He drew to my attention the critical need to have NATO address security threats from outside NATO's geographic area. I had been aware of this need myself and had called upon NATO to broaden its area of operation. However, Senator LIEBERMAN felt the issue to be of sufficient importance to merit being directly addressed in the concurrent resolution.

Upon reflection, I agree with him. Consequently, I am today submitting a modified version of my original concurrent resolution on behalf of myself and the junior Senator from Connecticut [Mr. LIEBERMAN].•

• Mr. LIEBERMAN. Mr. President, with the end of the cold war, the foundations of NATO may well erode as Americans and Europeans call into question the necessity of the Atlantic Alliance. To ward off this danger, NATO must adapt to the post-cold war era by expanding its mission and making adjustments in its organizational structure.

This is not to say that NATO's original mission, protecting Western Europe from a military threat from the East, has entirely disappeared. Even with the collapse of the U.S.S.R., Russia's nuclear arsenal is much larger than NATO's European arsenal and Russia's population is nearly as large as that of NATO's military core nations, Germany, France, and Britain. Given the fragility of democracy in the former Soviet Union, we should be cautious about dismissing entirely NATO's continued defensive mission in Western Europe.

NATO also continues to serve important purposes by institutionalizing ties between the United States and Western Europe and firmly anchoring Germany to the West. These links are particularly important when trade frictions are fraying United States-European relations and Germany is becoming a more assertive power.

Nonetheless, NATO and America must adapt to the post-cold war world. The American people will not want to continue to keep 150,000 troops in Europe indefinitely, as the Pentagon has stated it wants to. The United States must maintain a presence that leaves no doubt that it is firmly committed to European security, but further reductions can be made to less than 100,000.

Adapting to a new era also means that the Europeans should take on a greater role in the Alliance's decision-making processes. Such a transfer of responsibility could induce the French to play a greater role in the Alliance's military activities, thereby lightening the burden for the United States. Greater French participation in NATO could reduce Paris's attempts to set up a European defense structure outside of NATO.

NATO's missions, as well as its organization, must also adapt to new realities. To date, NATO have interpreted its founding treaty as limiting joint military operations to the defense of NATO's territory. This danger has receded, but other problems have emerged. NATO foreign ministers are to be commended for recently agreeing to participate in peacekeeping operations outside of Western Europe, such as in Bosnia.

NATO must also make clear that it considers political or military pressure on Poland, Hungary, and Czechoslovakia as a challenge to Western security. NATO and the United States should increase their cooperation with the military forces of these countries, including training, the exchange of military personnel, intelligence, and perhaps the sale and leasing of military equipment. The eventual modernization of Eastern European armed forces with Western military equipment, particularly communications and air defenses, would in turn help facilitate their coordination with NATO in any future crisis.

Finally, NATO should also promote policies that facilitate the commitment of forces to the Third World in the event of a major crisis. While the proliferation of weapons of mass destruction will represent the most serious security threat in future years, NATO has no mandate, and therefore, no contingency plans to deal with these challenges. This failing was underlined by NATO's unwillingness to act as a united organization in the gulf war; if it had, America would have not had to shoulder such a heavy burden. NATO should, therefore, begin to reorient its military equipment, training, and doctrine for possible engagements outside of Europe. This should include conducting more joint training exercises in the desert areas of the United States, as opposed to Europe's northern climate.

In the new era, NATO's European members should make a larger contribution to their own security interests; the role of the United States should be less dominant and more supportive. A more flexible and less costly deployment of U.S. forces in Europe will encourage the Europeans to do more and defuse unhappiness among the U.S. public about excessive military commitments. At the same time, NATO must be willing to act to defend its vital interests outside of Europe, where more dangerous threats to its security now lie. This will lighten the burden on the United States. If NATO can successfully adapt to the post-cold-war era, it will be as influential and effective in the next century as it has been in the present one.●

SENATE RESOLUTION 313—COMMENDING THE ST. LOUIS CARDINALS BASEBALL TEAM ON ITS 100TH ANNIVERSARY

Mr. DANFORTH (for himself, Mr. Bond, Mr. Exon, Mr. Simon, Mr. Dixon, Mr. Pryor, and Mr. Thurmond) submitted the following resolution; which was considered and agreed to:

S. Res. 313

Whereas the St. Louis Cardinals were founded and began play in the Major Leagues as the St. Louis Browns in 1892 and have played continuously in St. Louis since that time;

Whereas the St. Louis Cardinals have won 9 World Series Championships, more than any other National League team, and 15 National League pennants;

Whereas 20 Cardinal players, 11 pitchers, and 6 managers have been inducted into the Baseball Hall of Fame;

Whereas Cardinal players have been selected the National League's Most Valuable Player 17 times;

Whereas Cardinal players have won National League batting titles during 21 seasons, and on four occasions, Cardinals have hit for an average of over .400 for a season;

Whereas the Cardinals play an exciting style of baseball that emphasizes team speed, defense, and outstanding pitching;

Whereas Rogers Hornsby hit for an average of over .400 for three seasons, earning him the nickname of "The Greatest Righthanded Batter of All Time";

Whereas in 1934 "Dizzy" Dean won 30 games, a feat no National League pitcher has matched since, and in the 1934 and 1935 seasons, Dizzy Dean and his brother Paul combined for a Major League record for brothers of 96 victories over two seasons;

Whereas Stan Musial's 22-year career with the Cardinals, which included seven batting titles and three most Valuable Player awards, is the third longest in major league history with a single team, and he later promoted athletics in the United States by serving as the Chairman of the President's Council on Physical Fitness under Presidents Kennedy and Johnson;

Whereas in 1968 Bob Gibson set a major league record for starting pitchers with an earned run average of 1.12, and during that season won 15 games in a row, including 10 shutouts;

Whereas Lou Brock is the all-time leading base stealer in National League history, and in 1985 the Cardinals were only the fifth team in Major League history to steal over 300 bases as a team;

Whereas Ozzie Smith has been a "Wizard" in the infield and at the plate, dazzling modern-day Redbird fans, while winning 10 consecutive Gold Gloves;

Whereas over 89 million fans have attended Cardinals home games at four stadiums since attendance records were first kept in 1901;

Whereas fans from Missouri, Illinois, Iowa, Arkansas, Tennessee, Kentucky, Indiana, and Nebraska now regularly attend Cardinals games and 40 percent of the fans attending games are from outside the St. Louis area; and

Whereas the Cardinals organiziation and players regularly donate their time and resources to the community, most notably the Reviving Baseball in the Inner Cities program which establishes baseball programs in communities where none exist otherwise: Now, therefore, be it

Resolved, That the St. Louis Cardinals are to be commended on the celebration of their 100th anniversary on June 11, 1992, in light of their outstanding success on the field, the tremendous enjoyment they have provided their fans, and their significant contributions to our national pastime, St. Louis, and the Nation.

SENATE RESOLUTION 314—RELATIVE TO THE FORMER REPUBLIC OF YUGOSLAVIA

Mr. DeConcini (for himself and Mr. Lieberman) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 314

Whereas Serbia stand in clear and gross and uncorrected violation of all ten Principles Guiding Relations Between Participating States of the Conference on Security and Cooperation of Europe (CSCE);

Whereas the CSCE states have condemned the gross violation of human rights and brutal aggression on the part of Serbia;

Whereas Serbia and Serbian-backed forces are responsible for instigating the deaths of many thousands of citizens of Bosnia-Hercegovina, including innocent men, women and children;

Whereas Serbian-backed forces are responsible for crimes against humanity;

Whereas Serbia and Serbian-backed forces have attempted to undermine the democratically elected government of Bosnia-Hercegovina;

Whereas Serbian-backed forces have attempted to undermine the democratically elected government of Bosnia-Hercegovina;

Whereas Serbian-backed forces have trapped over 400,000 civilians in the capital city of Sarajevo;

Whereas attempts to bring about a permanent cessation of hostilities precipitated by Serbia and Serbian-backed forces in Bosnia-Hercegovina through negotiations have failed;

Whereas Serbian-backed forces have repeatedly blocked United Nations and Red Cross relief convoys carrying much-needed supplies of food and medicine;

Whereas the Security Council of the United Nations voted unanimously to dispatch additional forces to reopen Sarajevo's airport and permit delivery of supplies of humanitarian assistance to the city's beleaguered population;

Whereas the president of the democratically elected government of Bosnia-Hercegovina has issued an urgent appeal for immediate assistance from the international community;

Whereas the situation in Sarejavo has reached a critical point requiring immediate and decisive action: Now, therefore, be it

Resolved, That the United States should take immediate steps, through a multilateral effort, to ensure the delivery of humanitarian aid to civilian populations in and around Sarajevo, including through the use of military force, if required, under the auspices of the United Nations, the Conference on Security and Cooperation in Europe, and/or NATO.

Mr. DeConcini. Mr. President, I rise on another subject matter that was before us today, and I am going to take only a short moment to urge my Senate colleagues to carefully review a resolution I am introducing, and in a moment I will ask unanimous consent that this appear as in morning business, regarding the problem in the former Republic of Yugoslavia, particularly, Bosnia-Herzegovina and Sarajevo. I have been on the Helsinki Commission for a number of years and have had an opportunity to visit and see the dismantling of not only the Soviet Union, but of the Republic of Yugoslavia. It is very important, Mr. President, that this country take a firm stand and be prepared to move forward with some positive, even military action, if necessary, to stop the Communist regime of Mr. Milosevic in Serbia today.

AMENDMENTS SUBMITTED

WORKPLACE FAIRNESS ACT

BINGAMAN AMENDMENT NO. 2043

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill (S. 55) to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes, as follows:

In lieu of the matter to be inserted insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) for a period of 1 year following the commencement of a strike, to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, for a period of one year following the commencement of a strike, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

GRAMM AMENDMENT NO. 2044

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to an amendment to the bill S. 55, supra; as follows:

(The text of amendment No. 2044 is identical to the text of amendment No. 1992 proposed by Mr. GRAMM and printed in the RECORD of yesterday, June 10, 1992 on pages 14128 through 14192.)

BINGAMAN AMENDMENT NO. 2045

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to an amendment to the bill S. 55, supra, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) for a period of 1 year following the commencement of a strike, to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, for a period of one year following the commencement of a strike, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

BIDEN AMENDMENT NO. 2046

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to an amendment to the bill S. 55, supra, as follows:

AMENDMENT NO. 2046

Strike all after the first word in the pending amendment and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control and Law Enforcement Act of 1991".

SEC. 2. TABLE OF TITLES.

The following is the table of titles for this Act:

TITLE I—DEATH PENALTY
TITLE II—HABEAS CORPUS REFORM
TITLE III—EXCLUSIONARY RULE
TITLE IV—COERCED CONFESSIONS
TITLE V—FIREARMS
TITLE VI—OBSTRUCTION OF JUSTICE
TITLE VII—YOUTH VIOLENCE
TITLE VIII—TERRORISM
TITLE IX—SEXUAL VIOLENCE AND CHILD ABUSE
TITLE X—CRIME VICTIMS
TITLE XI—STATE AND LOCAL LAW ENFORCEMENT
TITLE XII—PROVISIONS RELATING TO POLICE OFFICERS
TITLE XIII—FEDERAL LAW ENFORCEMENT AGENCIES
TITLE XIV—PRISONS
TITLE XV—RURAL CRIME
TITLE XVI—DRUG CONTROL
TITLE XVII—DRUNK DRIVING PROVISIONS
TITLE XVIII—COMMISSIONS
TITLE XIX—BAIL POSTING REPORTING
TITLE XX—MOTOR VEHICLE THEFT PREVENTION
TITLE XXI—PROTECTIONS FOR THE ELDERLY
TITLE XXII—CONSUMER PROTECTION
TITLE XXIII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS
TITLE XXIV—SAVINGS AND LOAN PROSECUTION TASK FORCE
TITLE XXV—SENTENCING PROVISIONS
TITLE XXVI—SENTENCING AND MAGISTRATES AMENDMENT
TITLE XXVII—COMPUTER CRIME
TITLE XXVIII—PARENTAL KIDNAPPING
TITLE XXIX—SAFE SCHOOLS
TITLE XXX—MISCELLANEOUS
TITLE XXXI—TECHNICALS

TITLE I—DEATH PENALTY

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1991".

SEC. 102. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) IN GENERAL.—Part II of title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.

"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381 of this title;

"(2) an offense described in section 1751(c) of this title, if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) IMPAIRED CAPACITY.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) FORSEEABILITY.—The defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"(5) NO PRIOR CRIMINAL RECORD.—The defendant did not have a significant prior history of other criminal conduct.

"(6) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(7) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

"(8) OTHER FACTORS.—Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) PRIOR ESPIONAGE OR TREASON OFFENSE.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) GRAVE RISK TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) GRAVE RISK OF DEATH.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c) of this title, as amended by this Act, the defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm as defined in section 921 of this title; or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use of attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMITTING OFFENSE.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or title III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(13) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of such Act.

"(14) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if the official is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he is engaged in the performance of his official duties;

"(ii) because of the performance of his official duties; or

"(iii) because of his status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"§3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (2) or (3), an aggravating factor required to be considered under section 3592(c) is found to exist,

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether a sentence of death shall be imposed rather than a lesser sentence. The jury or the court, if there is no jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence.

"(f) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§3594. Imposition of a sentence of death

"Upon a finding under section 3593(e) that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without parole.

"§3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for appeal under the rules of criminal procedure,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of

death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed on that person.

"§3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§3598. Special provisions for Indian country.

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country as defined in section 1151 of this title, and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) AMENDMENT OF CHAPTER ANALYSIS.—The chapter analysis of part II of title 18, United States Code, is amended by adding the following new item after the item relating to chapter 227:

"228. Death sentence.................3591".

SEC. 103. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) AIRCRAFTS AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(3) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(6) MURDER.—(A) The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(B) Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(7) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(8) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(9) PRESIDENTIAL ASSASSINATIONS.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section, if the conduct constitutes an attempt to kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) by death or imprisonment for any term of years or for life.".

(10) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(11) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(12) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(13) RACKETEERING.—(A) Section 1958 of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(B) Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;".

(14) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both;".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking subsection (c).

SEC. 104. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 105. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§1118. Murder by a Federal prisoner

"(a) OFFENSE.—Whoever, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

"(b) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) the term 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death; and

"(3) the term 'murder' means a first degree or second degree murder as defined by section 1111 of this title.".

(b) AMENDMENT OF CHAPTER ANALYSIS.—The table of sections at the beginnng of chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1118. Murder by a Federal prisoner.".

SEC. 106. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

SEC. 107. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

Section 1114(a) of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111 of this title, or, in the case of manslaughter, a sentence as provided under section 1112 of this title,".

SEC. 108. DEATH PENALTY FOR DRUG KINGPINS.

(a) SHORT TITLE. This section may be cited as the "Death Penalty for Drug Kingpins Act of 1991".

(b) IN GENERAL.—Title 18, chapter 228, section 3591 of the United States Code (as created by this Act), is further amended by—

(1) striking the "(3)" before the words "any other offense for which" and inserting a "(6)";

(2) inserting after the words "death of the President; or", the following:

"(3) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C.

848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section, which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B).

"(4) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or member of the family or household of such a person;

"(5) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, acting with a state of mind described in subsection (6), engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation; or"; and

(3) at the end of section 3592, title 18, United States Code, add the following:

"(d) AGGRAVATING FACTORS FOR DRUG OFFENSE DEATH PENALTY.—In determining whether a sentence of death is justified for an offense described in section 3591(3)-(6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist—

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(4) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

"(5) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 418 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(6) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 419 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(7) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved conduct proscribed by section 420 of the Controlled Substances Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant. The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.".

SEC. 109. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) SHORT TITLE.—This section may be cited as the "Drive-By Shooting Prevention Act of 1991".

(b) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Drive-by shooting

"(a) OFFENSE AND PENALTIES.—

"(1) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, or by fine as provided under this title, or both.

"(2) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, kills any person shall, if the killing—

"(A) is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title, imprisoned for any term of years or for life, or both.

"(b) MAJOR DRUG OFFENSE DEFINED.—A major drug offense within the meaning of subsection (a) is one of the following:

"(1) a continuing criminal enterprise, punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) or punishable under section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); or

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).".

(c) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"36. Drive-by shooting.".

SEC. 110. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§1118. Foreign murder of United States nationals

"(a) Whoever, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113 of this title.

"(b) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same act or omission.

"(c) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the act or omission took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this subsection is not subject to judicial review.

"(d) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) CONFORMING AMENDMENT.—Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1118".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Foreign Murder of United States Nationals.".

SEC. 111. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended by redesignating section 2245 as section 2246, and by adding the following new section:

"§2245. Sexual abuse resulting in death

"Whoever, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and adding the following:

"2245. Sexual abuse resulting in death
"2246. Definitions for chapter.".

SEC. 112. DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 113. MURDER BY ESCAPED PRISONERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§1120. Murder by escaped prisoners

"(a) IN GENERAL.—Whoever, having escaped from a Federal prison where such person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112 of this title.

"(b) DEFINITION.—As used in this section, the terms 'Federal prison' and 'term of life imprisonment' have the meanings given those terms in section 1118 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, *United States Code, is amended by adding at the end the following:*

"1120. Murder by escaped prisoners.".

SEC. 114. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding after the subsections added by subtitle B of title V of this Act the following:

"(o) Whoever, in the course of a violation of subsection (c) of this section, causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder as defined in section 1111 of this title, be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter as defined in section 1112 of this title, be punished as provided in that section.".

SEC. 115. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended by—

(a) redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g) respectively;

(b) in subsection (a), striking "(c)" and inserting "(d)"; and

(c) inserting after subsection (b) the following:

"(c) Whoever kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall—

"(1) in the case of a killing constituting murder as defined in section 1111(a) of this title, be punished by death or imprisoned for any term of years or for life; and

"(2) in the case of any other killing or an attempted killing, be subject to the penalties provided for engaging in such conduct within the special maritime and territorial jurisdiction of the United States under sections 1112 and 1113 of this title.".

TITLE II—HABEAS CORPUS REFORM

SEC. 201. SHORT TITLE.

This title may be cited as the "Habeas Corpus Reform Act of 1991".

SEC. 202. STATUTE OF LIMITATIONS.

Section 2254 of title 28, United States Code, is amended by adding at the end the following:

"(g)(1) In the case of an applicant under sentence of death, any application for habeas corpus relief under this section must be filed in the appropriate district court not later than one year after—

"(A) the date of denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal or unitary review of the conviction and sentence is filed, within the time limits established by law, in the Supreme Court;

"(B) the date of issuance of the mandate of the highest court of the State on direct appeal or unitary review of the conviction and sentence, if a petition for a writ of certiorari is not filed, within the time limits established by law, in the Supreme Court; or

"(C) the date of issuance of the mandate of the Supreme Court, if on a petition for a writ of certiorari the Supreme Court grants the writ, and disposes of the case in a manner that leaves the capital sentence undisturbed.

"(2) The time requirements established by this section shall be tolled—

"(A) during any period in which the State has failed to provide counsel as required in section 2257 of this chapter;

"(B) during the period from the date the applicant files an application for State postconviction relief until final disposition of the application by the State appellate courts, if all filing deadlines are met; and

"(C) during an additional period not to exceed 90 days, if counsel moves for an extension in the district court that would have jurisdiction of a habeas corpus application and makes a showing of good cause.".

SEC. 203. STAYS OF EXECUTION IN CAPITAL CASES.

Section 2251 of title 28, United States Code, is amended—

(1) by inserting "(a)(1)" before the first paragraph;

(2) by inserting "(2)" before the second paragraph; and

(3) by adding at the end the following:

"(b) In the case of an individual under sentence of death, a warrant or order setting an execution shall be stayed upon application to any court that would have jurisdiction over an application for habeas corpus under this chapter. The stay shall be contingent upon reasonable diligence by the individual in pursuing relief with respect to such sentence and shall expire if—

"(1) the individual fails to apply for relief under this chapter within the time requirements established by section 2254(g) of this chapter;

"(2) upon completion of district court and court of appeals review under section 2254 of this chapter, the application is denied and—

"(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

"(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition; or

"(C) a timely petition for certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel qualified under section 2257 of this chapter and after being advised of the consequences of the decision, an individual waives the right to pursue relief under this chapter.".

SEC. 204. LAW APPLICABLE.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§2256. Law applicable

"In an action filed under this chapter, the court shall not apply a new rule. For purposes of this section, the term 'new rule' means a clear break from precedent, announced by the Supreme Court of the United States, that could not reasonably have been anticipated at the time the claimant's sentence became final in State court.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2256. Law applicable.".

SEC. 205. COUNSEL IN CAPITAL CASES; STATE COURT.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§2257. Counsel in capital cases; State court

"(a) A State in which capital punishment may be imposed shall provide legal services to—

"(1) indigents charged with offenses for which capital punishment is sought;

"(2) indigents who have been sentenced to death and who seek appellate, collateral, or unitary review in State court; and

"(3) indigents who have been sentenced to death and who seek certiorari review of State court judgments in the United States Supreme Court.

"(b) The State shall establish an appointing authority, which shall be—

"(1) a statewide defender organization;

"(2) a resource center; or

"(3) a committee appointed by the highest State court, comprised of members of the bar with substantial experience in, or commitment to, criminal justice.

"(c) The appointing authority shall—

"(1) publish a roster of attorneys qualified to be appointed in capital cases, procedures by which attorneys are appointed, and standards governing qualifications and performance of counsel, which shall include—

"(A) knowledge and understanding of pertinent legal authorities regarding issues in capital cases;

"(B) skills in the conduct of negotiations and litigation in capital cases, the investigation of capital cases and the psychiatric history and current condition of capital clients, and the preparation and writing of legal papers in capital cases;

"(C) in the case of counsel appointed for the trial or sentencing stages, 5 years of experience as a prosecutor or defense counsel in criminal felony cases; and

"(D) in the case of counsel appointed for the appellate, postconviction, or unitary review stages, 3 years of experience as a prosecutor or defense counsel in criminal felony cases;

"(2) monitor the performance of attorneys appointed and delete from the roster any attorney who fails to meet qualification and performance standards; and

"(3) appoint a defense team, which shall include at least 2 attorneys, to represent a client at the relevant stage of proceedings, promptly upon receiving notice of the need for the appointment from the relevant State court.

"(d) An attorney who is not listed on the roster shall be appointed only on the request of the client concerned and in circumstances in which the attorney requested is able to provide the client with quality legal representation.

"(e) No counsel appointed pursuant to this section to represent a prisoner in State postconviction proceedings shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made, unless the prisoner and counsel expressly request continued representation.

"(f) The ineffectiveness or incompetence of counsel appointed pursuant to this section during State or Federal postconviction proceedings shall not be a ground for relief in a proceeding arising under section 2254 of this title. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal postconviction proceedings.

"(g) Upon receipt of notice from the appointing authority that an individual entitled to the appointment of counsel under this section has declined to accept such an appointment, the court requesting the appointment shall conduct, or cause to be conducted, a hearing, at which the individual and counsel proposed to be appointed under this section shall be present, to determine the individual's competency to decline the appointment, and whether the individual has knowingly and intelligently declined it.

"(h) Attorneys appointed from the private bar shall be compensated on an hourly basis and at a reasonable rate in light of the attorney's qualifications and experience and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases and shall be reimbursed for expenses reasonably incurred in representing the client, including the costs of law clerks, paralegals, investigators, experts, or other support services.

"(i) Support services for staff attorneys of a defender organization or resource center shall be equal to the services listed in subsection (h).

"(j) If a State fails to provide counsel in a proceeding specified in subsection (a), or coun-

sel appointed for such a proceeding fails substantially to meet the qualification standards specified in subsections (c)(1) or (d), or the performance standards established by the appointing authority, the court, in an action under this chapter, shall neither presume findings of fact made in such proceeding to be correct nor decline to consider a claim on the ground that it was not raised in such proceeding at the time or in the manner prescribed by State law.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"2257. Counsel in capital cases; State court.".

SEC 206. SUCCESSIVE FEDERAL PETITIONS.

Section 2244(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting ", in the case of an applicant not under sentence of death," after "When"; and

(3) by adding at the end the following:

"(2) In the case of an applicant under sentence of death, a claim presented in a second or successive application, that was not presented in a prior application under this chapter, shall be dismissed unless—

"(A) the applicant shows that—

"(i) the basis of the claim could not have been discovered by the exercise of reasonable diligence before the applicant filed the prior application; or

"(ii) the failure to raise the claim in the prior application was due to action by State officials in violation of the Constitution of the United States; and

"(B) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the applicant's guilt of the offense or offenses for which the capital sentence was imposed, or in the validity of that sentence under Federal law.".

SEC. 207. CERTIFICATES OF PROBABLE CAUSE.

The third paragraph of section 2253, title 28, United States Code, is amended to read as follows:

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, unless the justice or judge who rendered the order or a circuit justice or judge issues a certificate of probable cause. However, an applicant under sentence of death shall have a right of appeal without a certification of probable cause, except after denial of a second or successive application.".

SEC. 208. FUNDING FOR DEATH PENALTY PROSECUTIONS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new section:

"Sec. 515. Notwithstanding any other provision of this subpart, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.".

TITLE III—EXCLUSIONARY RULE

SEC. 301. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT.

(a) In General.—Chapter 109 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§2237. Evidence obtained by invalid warrant

"Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in reasonable reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless—

"(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

"(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

"(3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

"(4) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid.".

(b) Amendment to Chapter Analysis.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end thereof the following:

"2237. Evidence obtained by invalid warrant."

TITLE IV—COERCED CONFESSIONS

SEC. 401. COERCED CONFESSIONS.

The admission into evidence of a coerced confession shall not be considered harmless error. For the purposes of this section, a confession is coerced if it is elicited in violation of the fifth or fourteenth articles of amendment to the Constitution of the United States.

TITLE V—FIREARMS

Subtitle A—Brady Handgun Violence Prevention Act

SEC. 501. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NONLICENSEE.

(a) Interim Provision.—

(1) In general.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that the Attorney General certifies under section 512(d)(1) of the Violent Crime Control and Law Enforcement Act of 1991 that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 5 business days (as defined by days in which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit that—

"(I) allows the transferee to possess a handgun; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

"(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law, except that this subparagraph shall not apply to a State that, on the date of certification pursuant to section 502(d) of the Violent Crime Control and Law Enforcement Act of 1991, is not in compliance with the timetable established pursuant to section 502(c) of such Act;

"(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether the transferee has a criminal record or whether there is any other legal impediment to the transferee's receiving a handgun, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

"(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

"(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement and any record containing information derived from the statement;

"(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

"(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

"(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

"(8) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.".

(2) HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

"(t)(1) Beginning on the date that the Attorney General certifies under section 502(d)(1) of the Violent Crime Control and Law Enforcement Act of 1991 that the national instant criminal background check system is established (except as provided in paragraphs (2) and (3) of such section), a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not such a licensee, unless—

"(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 503 of such Act;

"(B) the system notifies the licensee that the system has not located any record that demonstrates that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section or any State or local law; and

"(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

"(2) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

"(A)(i) such other person has presented to the licensee a permit that—

"(I) allows such other person to possess a firearm; and

"(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

"(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

"(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

"(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

"(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (u)(8)); and

"(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

"(3) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n), and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(4) In addition to the authority provided under section 923(e), if the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than $5,000.

"(5) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

"(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

"(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

SEC. 502. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—The Attorney General of the United States shall establish a national instant criminal background check system that any licensee may contact for information on whether receipt of a firearm by a prospective transferee thereof would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law.

(b) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(c) PROVISION OF STATE CRIMINAL RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 6 months after the date of enactment of this Act, the Attorney General shall—

(A) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems will communicate with the national system;

(B) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on line capacity basis to the national system;

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State achieve, by the end of 5 years after the date of enactment of this Act, at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years and continue to maintain such a system.

(d) NATIONAL SYSTEM CERTIFICATION.—(1) On the date that is 30 months after the date of enactment of this Act, and at any time thereafter, the Attorney General shall determine whether—

(A) the national system has achieved at least 80 percent currency of case dispositions in computerized criminal history files for all cases in which there has been an event of activity within the last 5 years on a national average basis; and

(B) the States are in compliance with the timetable established pursuant to subsection (c),

and, if so, shall certify that the national system is established.

(2) If, on the date of certification in paragraph (1) of this subsection, a State is not in compliance with the timetable established pursuant to subsection (c) of this section, section 922(s) of title 18, United States Code, shall remain in effect in such State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with its timetable after the date of certification in paragraph (1) of this subsection, and section 922(s) of title 18, United States Code, shall not apply to such State and section 922(t) of such title shall apply to the State.

(3) Six years after the date of enactment of this Act, the Attorney General shall certify whether or not a State is in compliance with subsection (c)(2) of this section and if the State is not in compliance, section 922(s) of title 18, United States Code, shall apply to the State and section 922(t) of such title shall not apply to the State. The Attorney General shall certify if a State subject to the provisions of section 922(s) under the preceding sentence achieves compliance with the standards in subsection (c)(2) of this section, and section 922(s) of title 18, United States Code, shall not apply to the State and section 922(t) of such title shall apply to the State.

(e) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

(f) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information that to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

(h) REGULATIONS.—After 90 days notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) PROHIBITIONS RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—

(1) require that any record or portion thereof maintained by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited by section 922(g) or (n) of title 18, United States Code, from receiving a firearm.

(j) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term "licensee" means a licensed importer, licensed manufacturer, or licensed dealer under section 923 of title 18, United States Code.

(2) OTHER TERMS.—The terms "firearm", "licensed importer", "licensed manufacturer", and "licensed dealer" have the meanings stated in section 921(a) (3), (9), (10), and (11), respectively, of title 18, United States Code.

SEC. 503. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) IMPROVEMENTS IN STATE RECORDS.—

(1) USE OF FORMULA GRANTS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 502 of the Violent Crime Control and Law Enforcement Act of 1991, for the purpose of implementing such Act.".

(2) ADDITIONAL FUNDING.—

(A) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(i) for the creation of a computerized criminal history record system or improvement of an existing system;

(ii) to improve accessibility to the national instant criminal background system; and

(iii) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subparagraph (A) a total of $100,000,000 for fiscal year 1992 and all fiscal years thereafter.

(b) WITHHOLDING STATE FUNDS.—Effective on the date of enactment of this Act the Attorney General may reduce by up to 50 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for such State under section 502(c) of this Act.

(c) WITHHOLDING OF DEPARTMENT OF JUSTICE FUNDS.—If the Attorney General does not certify the national instant criminal background check system pursuant to section 502(d)(1) by—

(1) 30 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 30 months after the date of enactment of this Act falls shall be reduced by 5 percent on a monthly basis; and

(2) 42 months after the date of enactment of this Act the general administrative funds appropriated to the Department of Justice for the fiscal year beginning in the calendar year in which the date that is 42 months after the date of enactment of this Act falls shall be reduced by 10 percent on a monthly basis.

Subtitle B—Gun Crime Penalties

SEC. 511. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Section 924(c)(1) of title 18, United States Code, is amended by striking "and if the firearm is a short-barreled rifle, short-barreled shotgun" and inserting "if the firearm is a semiautomatic firearm, a short-barreled rifle, or a short-barreled shotgun,".

(b) SEMIAUTOMATIC FIREARM.—Section 921(a) of such title is amended by adding after the paragraph added by section 501(a)(2) of this Act the following:

"(30) The term 'semiautomatic firearm' means any repeating firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.".

SEC. 512. INCREASED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.

Section 844(h) of title 18, United States Code, is amended by striking "ten" and inserting "twenty".

SEC. 513. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(i) Whoever, with the intent to engage in or to promote conduct which—

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

"(3) constitutes a crime of violence (as defined in subsection (c)(3),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned for not more than ten years, fined under this title, or both.".

SEC. 514. THEFT OF FIREARMS AND EXPLOSIVES.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsection added by section 513 of this Act the following:

"(j) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not less than 2 nor more than 10 years, and may be fined under this title, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(k) Whoever steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not less than 2 or more than 10 years, or fined under this title, or both.".

SEC. 515. CONFORMING AMENDMENT PROVIDING MANDATORY REVOCATION OF SUPERVISED RELEASE FOR POSSESSION OF A FIREARM.

Section 3583 of title 18, United States Code is amended by adding at the end the following:

"(h) MANDATORY REVOCATION FOR POSSESSION OF A FIREARM.—If the court has provided, as a condition of supervised release, that the defendant refrain from possessing a firearm, and if the defendant is in actual possession of a firearm, as that term is defined in section 921 of this title, at any time prior to the expiration or termination of the term of supervised release, the court shall, after a hearing pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation, revoke the term of supervised release and, subject to the limitations of paragraph (e)(3) of this section, require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision.".

SEC. 516. REVOCATION OF PROBATION.

(a) Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3); or

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm,

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 517. INCREASED PENALTY FOR KNOWINGLY MAKING FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (a)(1)(B), by striking out "(a)(6),"; and

(2) in subsection (a)(2), by inserting "(a)(6)," after "subsections".

SEC. 518. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting "or possess" after "to receive".

SEC. 519. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.

Section 844(c) of title 18, United States Code, is amended by redesignating subsection (c) as subsection (c)(1) and by adding paragraphs (2) and (3) as follows:

"(2) Notwithstanding the provisions of paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture where it is impracticable or unsafe to remove the materials to a place of storage, or where it is unsafe to store them, the seizing officer is authorized to destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least one credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

"(3) Within sixty days after any destruction made pursuant to paragraph (2), the owner of, including any person having an interest in, the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

"(A) the property has not been used or involved in a violation of law; or

"(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.".

SEC. 520. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.

(a) Section 924(e)(1) of title 18, United States Code, is amended by striking ", and such person shall not be eligible for parole with respect to the sentence imposed under this subsection".

(b) Section 924(c)(1) of title 18, United States Code, is amended by striking "No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.".

SEC. 521. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.

Section 922(j) of title 18, United States Code, is amended to read as follows:

"(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.".

SEC. 522. USING A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.

Section 924(c)(1) of title 18, United States Code, is amended by inserting "or during and in relation to any felony punishable under chapter 25 (relating to counterfeiting and forgery) of this title" after "for which he may be prosecuted in a court of the United States,".

SEC. 523. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

(a) 1 PRIOR CONVICTION.—Section 924(a)(2) of title 18, United States Code, is amended by inserting ", and if the violation is of section 922(g)(1) by a person who has a previous conviction for a violent felony or a serious drug offense (as defined in subsections (e)(2) (A) and (B) of this section), a sentence imposed under this paragraph shall include a term of imprisonment of not less than five years" before the period.

(b) 2 PRIOR CONVICTIONS.—Section 924 of such title is amended by adding after the subsections added by sections 513 and 514(a) of this Act the following:

"(k)(1) Notwithstanding subsection (a)(2) of this section, any person who violates section 922(g) and has 2 previous convictions by any court referred to in section 922(g)(1) for a violent felony (as defined in subsection (e)(2)(B) of this section) or a serious drug offense (as defined in subsection (e)(2)(A) of this section) committed on occasions different from one another shall be fined as provided in this title, imprisoned not less than 10 years and not more than 20 years, or both.

"(2) Notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).".

SEC. 524. RECEIPT OF FIREARMS BY NONRESIDENT.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.".

SEC. 525. FIREARMS AND EXPLOSIVES CONSPIRACY.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 513, 514(a), and 523(b) of this Act the following:

"(l) Whoever conspires to commit any offense defined in this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding after the subsection added by section 514(b) of this Act the following:

"(l) Whoever conspires to commit any offense defined in this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 526. STUDY OF INCENDIARY AMMUNITION; REPORT TO CONGRESS.

(a) STUDY.—The Secretary of the Treasury shall conduct a study of the incendiary ammunition offered for sale under the brand name "Dragon's Breath" and also known as the "Three Second Flame Thrower", and all incendiary ammunition of similar function or effect, for the purpose of determining whether there is a reasonable sporting use for such ammunition and whether there is a reasonable use for such ammunition in law enforcement.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on the Judiciary of the House of Representatives a report containing the results of the study required by subsection (a) and recommendations for such legislative or administrative action, with respect to the ammunition referred to in subsection (a), as the Secretary deems appropriate.

SEC. 527. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) FIREARMS.—Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 513, 514(a), 523(b), and 525(a) of this Act the following:

"(m) Whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer or licensed collector shall be fined in accordance with this title, imprisoned not more than ten years, or both.".

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding after the subsections added by sections 514(b) and 525(b) of this Act the following:

"(m) Whoever steals any explosive material from a licensed importer, licensed manufacturer or licensed dealer, or from any permittee shall be fined in accordance with this title, imprisoned not more than ten years, or both.".

SEC. 528. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.

Section 842(d) of title 18, United States Code, is amended by striking "licensee" and inserting "person".

SEC. 529. CLARIFICATION OF "BURGLARY" UNDER THE ARMED CAREER CRIMINAL STATUTE.

Section 924(e)(2) of title 18, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and " at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) the term 'burglary' means any crime punishable by a term of imprisonment exceeding one year and consisting of entering or remaining surreptitiously within a building that is the property of another with intent to engage in conduct constituting a Federal or State offense.".

SEC. 530. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.

Section 924 of title 18, United States Code, is amended by adding after the subsections added by sections 513, 514(a), 523(b), 525(a), and 527(a) of this Act the following:

"(n) Whoever, with the intent to engage in conduct which constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.".

TITLE VI—OBSTRUCTION OF JUSTICE

SEC. 601. PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by designating the current text as subsection (a);

(2) by striking "fined not more than $5,000 or imprisoned not more than five years, or both." and inserting "punished as provided in subsection (b).";

(3) by adding at the end the following:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title;

"(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than twenty years; and

"(3) in any other case, imprisonment for not more than ten years."; and

"(4) in subsection (a), as so designated by this section, by striking "commissioner" each place it appears and inserting "magistrate judge".

SEC. 602. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting after the section heading a new subsection (a) as follows:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole or release pending judicial proceedings given by a person to a law enforcement officer; shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than twenty years.".

SEC. 603. DEATH PENALTY FOR THE MURDER OF STATE OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 205 of this Act, is amended by adding at the end the following:

"§ 1119. Killing persons aiding Federal investigations

"Whoever intentionally kills—

"(1) a State or local official, law enforcement officer, or other officer or employee while working with Federal law enforcement officials in furtherance of a Federal criminal investigation—

"(A) while the victim is engaged in the performance of official duties;

"(B) because of the performance of the victim's official duties; or

"(C) because of the victim's status as a public servant; or

"(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced according to the terms of section 1111 of title 18, United States Code, including by sentence of death or by imprisonment for life.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1119. Killing persons aiding Federal investigations.".

SEC. 604. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.

Section 1512(a)(2)(A) of title 18, United States Code, is amended to read as follows:

"(A) in the case of murder as defined in section 1111 of this title, the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112 of this title;".

TITLE VII—YOUTH VIOLENCE

SEC. 701. STRENGTHENING FEDERAL PENALTIES FOR EMPLOYING CHILDREN TO DISTRIBUTE DRUGS.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended as follows:

(1) at the end of subsection (b) by adding the following:

"(c) Notwithstanding any other provision of law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to violate any provision of this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to assist in avoiding detection or apprehension for any offense of this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, or fine, or both, up to triple that authorized by section 841(b) of this title.";

(2) in subsection (c) by—

(A) striking "(c)" and inserting in lieu thereof "(d)";

(B) inserting "or (c)" after "imposed under subsection (b)"; and

(C) inserting "or (c)" after "convicted under subsection (b)";

(3) in subsection (d) by striking "(d)" and inserting in lieu thereof "(e)".

SEC. 702. INCREASED PENALTY FOR TRAVEL ACT VIOLATIONS.

Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than 5 years, or both" and inserting "and thereafter performs or attempts to perform (A) any of the acts specified in subparagraphs (1) and (3) shall be fined under this title or imprisoned for not more than 5 years, or both or (B) any of the acts specified in subparagraph (2) shall be fined under this title or imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life".

SEC. 703. COMMENCEMENT OF JUVENILE PROCEEDING.

Section 5032 of title 18, United States Code, is amended by striking "Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until" and inserting "A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until".

SEC. 704. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 25 the following:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.
"521. Criminal street gangs.

"§521. Criminal street gangs

"(a) Whoever, under the circumstances described in subsection (c) of this section, commits an offense described in subsection (b) of this section, shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. Such sentence of imprisonment shall run consecutively to any other sentence imposed.

"(b) The offenses referred to in subsection (a) of this section are—

"(1) any Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act) for which the maximum penalty is not less than five years;

"(2) any Federal felony crime of violence;

"(3) a conspiracy to commit any of the offenses described in paragraphs (1) through (3) of this subsection.

"(c) The circumstances referred to in subsection (a) of this section are that the offense described in subsection (b) was committed as a member of, or on behalf of, a criminal street gang and that person has been convicted, within the past 5 years for—

"(1) any offense listed in subsection (b) of this section;

"(2) any State offense—

"(A) involving a controlled substance (as defined in section 102 of the Controlled Substances Act) for which the maximum penalty is not less than one year after imprisonment; or

"(B) that is a crime of violence; for which the maximum penalty is more than 1 year's imprisonment; or

"(3) any Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

"(4) a conspiracy to commit any of the offenses described in paragraphs (1) through (3) of this subsection.

"(d) For purposes of this section—

"(1) the term 'criminal street gang' means any group, club, organization, or association of 5 or more persons—

"(A) whose members engage or have engaged within the past 5 years, in a continuing series of violations of any offense treated in subsection (b); and

"(B) whose activities affect interstate or foreign commerce; and

"(2) the term 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following:

"26. Criminal street gangs .... 521".

TITLE VIII—TERRORISM

Subtitle A—Terrorism: Civil Remedy

SEC. 801. SHORT TITLE.

This subtitle may be cited as the "Antiterrorism Act of 1991".

SEC. 802. TERRORISM.

(a) TERRORISM.—Chapter 113A of title 18, United States Code, as amended by subsection (d) of this section, is amended—

(1) in section 2331 by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 as 2332, and striking the heading for section 2332 as so redesignated and inserting the following:

"§2332. Criminal penalties";

(3) by inserting before section 2332 as so redesignated the following:

"§2331. Definitions

"As used in this chapter—

"(1) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(2) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

"(3) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property; and

"(4) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin.";

(4) by adding immediately after section 2332 as redesignated the following new sections:

"§2333. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his person, property, or business by reason of an act of international terrorism, or his estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPED UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 1472 (i), (k), (l), (n), or (r) of title 49 App. shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) ESTOPPED UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§2334. Jurisdiction and venue

"(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 of this title may be served in any other district where the defendant resides, is found, or has an agent.

"(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

"§2335. Limitation of actions

"(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 4 years from the date the cause of action accrued.

"(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of his whereabouts, shall not be reckoned within this period of limitation.

"§2336. Other limitations

"No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

"§2337. Suits against Government officials

"No action shall be maintained under section 2333 of this title against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his official capacity or under color of legal authority.

"§2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter."; and

(5) by amending the table of sections at the beginning of the chapter to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.

"2331. Definitions
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.".

(b) TABLE OF CONTENTS.—The table of chapters at the beginning of part 1, title 18, United States Code, is amended by striking:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals .... 2331"

and inserting in lieu thereof:

"113A. Terrorism .... 2331".

(c) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act.

Subtitle B—Maritime Navigation and Fixed Platforms

SEC. 803. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

Chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"§2280. Violence against maritime navigation

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

"(3) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

"(4) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

"(5) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

"(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safe navigation of a ship;

"(7) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (6); or

"(8) attempts to do any act prohibited under paragraphs (1) through (7);

shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results, from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do any act prohibited under paragraphs (2), (3) or (5) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b)—

"(1) in the case of a covered ship, if—

"(A) such activity is committed—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group;

"(ii) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

"(iii) in the United States and the activity is not prohibited as a crime by the State in which the activity takes place; or

"(iv) the activity takes place on a ship flying the flag of a foreign country or outside the United States, by a national of the United States or by a stateless person whose habitual residence is in the United States;

"(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

"(C) the offender is later found in the United States after such activity is committed;

"(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

"(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

"(d) As used in this section, the term—

"(1) the term 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles or any other floating craft; but such term does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

"(2) the term 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

"(3) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) the term 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.

"§2281. Violence against maritime fixed platforms

"(a) Whoever unlawfully and intentionally—

"(1) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

"(2) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

"(3) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

"(4) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

"(5) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (1) through (4); or

"(6) attempts to do anything prohibited under paragraphs (1) through (5);

shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) Whoever threatens to do anything prohibited under paragraphs (2) or (3) of subsection (a), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title or imprisoned not more than five years, or both.

"(c) There is jurisdiction over the prohibited activity in subsections (a) and (b) if—

"(1) such activity is committed against or on board a fixed platform—

"(A) that is located on the continental shelf of the United States, if—

"(i) by a person engaged in terrorism or who acts on behalf of a terrorist group; or

"(ii) if the activity is not prohibited as a crime by the State in which the activity takes place;

"(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

"(C) in an attempt to compel the United States to do or abstain from doing any act;

"(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

"(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

"(d) As used in this section, the term—

"(1) 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea;

"(2) 'fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes;

"(3) 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.".

SEC. 804. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding at the end thereof the following:

"2280. Violence against maritime navigation.
"2281. Violence against maritime fixed platforms.".

SEC. 805. EFFECTIVE DATES.

This subtitle and the amendments made by this subtitle shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

Subtitle C—General Provisions

SEC. 819. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction, as defined in the statute enacted by subsection (b) of this section, gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, as added by the preceding section, is amended by inserting after section 2332 the following new section:

"§2332a. Use of weapons of mass destruction

"(a) Whoever uses, or attempts or conspires to use, a weapon of mass destruction—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) For purposes of this section—

"(1) 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) 'weapon of mass destruction' means—

"(a) any destructive device as defined in section 921 of this title;

"(b) poison gas;

"(c) any weapon involving a disease organism; or

"(d) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2332 the following:

"2332a. Use of weapons of mass destruction.".

SEC. 804. ENHANCED PENALTIES FOR CERTAIN OFFENSES.

(a) SECTION 1705(b).—Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking "$50,000" and inserting"$1,000,000".

(b) SECTION 1705(a).—Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking "$10,000" and inserting "$1,000,000".

(c) SECTION 1541.—Section 1541 of title 18, United States Code, is amended—

(1) by striking "$500" and inserting "$250,000"; and

(2) by striking "one year" and inserting "five years".

(d) CHAPTER 75.—Sections 1542, 1543, 1544 and 1546 of title 18, United States Code, are each amended—

(1) by striking "$2,000" each place it appears and inserting "$250,000"; and

(2) by striking "five years" each place it appears and inserting "ten years".

(e) SECTION 1545.—Section 1545 of title 18, United States Code, is amended—

(1) by striking "$2,000" and inserting "$250,000"; and

(2) by striking "three years" and inserting "ten years".

SEC. 821. TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

The Congress hereby declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

SEC. 822. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.

Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended by—

(1) inserting after "title" in subsection (a) the following: "or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, Territory, Possession, or District"; and

(2) inserting at the end thereof the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Territory, Possession, or District, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Territory, Possession, or District it would lie within if the boundaries of such State, Territory, Possession, or District were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 823. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.

Section 7 of title 18, United States Code (relating to the special maritime and territorial jurisdiction of the United States), is amended by inserting at the end thereof the following new paragraph:

"(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.".

SEC. 824. TORTURE.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

"CHAPTER 113B—TORTURE

"Sec.
2340. Definitions.
2340A. Torture.
2340B. Exclusive remedies.

"§2340. Definitions

"As used in this chapter—

"(1) 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

"(2) 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from: (a) the intentional infliction or threatened infliction of severe physical pain or suffering; (b) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (c) the threat of imminent death; or (d) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

"(3) 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301(38)).

"§2340A. Torture

"(a) Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than twenty years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if: (1) the alleged offender is a national of the United States; or (2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

"§2340B. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

"113B. Torture .... 2340.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of enactment of this section; or

(2) the date the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 825. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following:

"§3286. Extension of statute of limitations for certain terrorism offenses

"Notwithstanding the provisions of section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section 36 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2340A (torture) of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)), unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 is amended by inserting below the item for:

"3285. Criminal contempt."

the following:

"3286. Extension of statute of limitations for certain terrorism offenses.".

SEC. 826. F.B.I. ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

"(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States; or

"(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.".

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after "Senate" the following: ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,".

SEC. 827. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"§36. Violence at international airports

"(a) Whoever unlawfully and intentionally, using any device, substance or weapon—

"(1) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious bodily injury or death; or

"(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport;

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title or imprisoned not more than twenty years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

"(b) There is jurisdiction over the prohibited activity in subsection (a) if—

"(1) the prohibited activity takes place in the United States and—

"(A) the perpetrator of the prohibited activity engages in terrorism or acts on behalf of a terrorist group;

"(B) the activity violates subsection (a)(1) and the person against whom the violence is directed is engaged in international air travel;

"(C) the activity violates subsection (a)(2) and the facility or aircraft destroyed or damaged is owned by or leased by a foreign flag carrier or the services disrupted are primarily for the benefit of such a carrier; or

"(D) the activity is not prohibited as a crime by the law of the State in which the airport is located; or

"(2) the prohibited activity takes place outside of the United States and the offender is later found in the United States.

"(c) For the purposes of this section, the terms 'terrorism' and 'terrorist group' have, respectively, the meanings given those terms in section 140 of Public Law 100–204 (22 U.S.C. 2656f).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"36. Violence at international airports.".

(c) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2) the date the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

SEC. 828. PREVENTING ACTS OF TERRORISM AGAINST CIVILIAN AVIATION.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 37. Violations of Federal aviation security regulations

"Whoever willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) issued pursuant to section 1356 and 1357 of title 49, United States Code, shall be fined under this title or imprisoned for not more than one year, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"37. Violation of Federal aviation security regulations.

SEC. 829. COUNTERFEITING UNITED STATES CURRENCY ABROAD.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new section:

"§ 470. Counterfeit acts committed outside the United States

"Whoever, outside the United States, engages in the act of—

"(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or

"(2) making, dealing, or possessing any plate, stone, or other thing, or any part thereof, used to counterfeit such obligation or security,

if such act would constitute a violation of section 471, 473, or 474 of this title if committed within the United States, shall be fined under this title, imprisoned for not more than 15 years, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 25 of title 18, United States Code, is amended by adding before section 471 the following:

"471. Counterfeit acts committed outside the United States.".

(c) TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item for chapter 25 and inserting the following:

"25. Counterfeiting and forgery .... 470".

SEC. 830. ECONOMIC TERRORISM TASK FORCE.

(a) ESTABLISHMENT AND PURPOSE.—There is established an Economic Terrorism Task Force to—

(1) assess the threat of terrorist actions directed against the United States economy, including actions directed against the United States government and actions against United States business interests;

(2) assess the adequacy of existing policies and procedures designed to prevent terrorist actions directed against the United States economy; and

(3) recommend administrative and legislative actions to prevent terrorist actions directed against the United States economy.

(b) MEMBERSHIP.—The Economic Terrorism Task Force shall be chaired by the Secretary of State, or his designee, and consist of the following members:

(1) the Director of Central Intelligence;

(2) the Director of the Federal Bureau of Investigation;

(3) the Director of the United States Secret Service;

(4) the Administrator of the Federal Aviation Administration;

(5) the Chairman of the Board of Governors of the Federal Reserve;

(6) the Under Secretary of the Treasury for Finance; and

(7) such other members of the Departments of Defense, Justice, State, Treasury, or any other agency of the United States government, as the Secretary of State may designate.

(c) ADMINISTRATIVE PROVISIONS.—The provisions of the Federal Advisory Committee Act shall not apply with respect to the Economic Terrorism Task Force.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the chairman of the Economic Terrorism Task Force shall submit a report to the President and the Congress detailing the findings and recommendations of the task force. If the report of the task force is classified, an unclassified version shall be prepared for public distribution.

SEC. 831. TERRORIST DEATH PENALTY ACT.

Section 2332(a)(1) of title 18 of the United States Code is amended to read as follows:

"(1)(A) if the killing is murder as defined in section 1111(a) of this title, be fined under this title, punished by death or imprisonment for any term of years or for life, or both;".

SEC. 832. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an increase of not less than three levels in the base offense level for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

SEC. 833. ALIEN WITNESS COOPERATION.

(a) ESTABLISHMENT OF NEW NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (Q),

(2) by striking the period at the end of subparagraph (R) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(S) subject to section 214(j), an alien—

"(i) who the Attorney General determines (I) is in possession of critical reliable information concerning a criminal organization or enterprise, and (II) is willing to supply such information to Federal or State law enforcement authorities or a Federal or State court of law, and

"(ii) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise,

and the spouse and minor children of the alien if accompanying, or following to join, the alien.".

(b) CONDITIONS OF ENTRY.—

(1) WAIVER OF GROUNDS FOR EXCLUSION.—Section 212(d) of such Act (8 U.S.C. 1182(d)) is amended by inserting at the beginning the following new paragraph:

"(1) The Attorney General may, in his discretion, waive the application of subsection (a) (other than paragraph (3)(E) thereof) in the case of a nonimmigrant described in section 101(a)(15)(S), if the Attorney General deems it in the national interest. Any such waiver shall be deemed a waiver of any comparable ground for deportation under section 241(a)(1)(A).".

(2) NUMERICAL LIMITATIONS; PERIOD OF ADMISSION ETC.—Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(j)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 100.

"(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

"(3) The period of admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

"(4) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant (A) shall report not less often than quarterly to the Commissioner such information concerning the alien's whereabouts and activities as the Attorney General may require, (B) may not be convicted of any criminal offense in the United States after the date of such admission, and (C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status.

"(5) The Attorney General shall submit a report annually to the Committees on the Judiciary of the House of Representatives and of the Senate concerning (A) the number of such nonimmigrants admitted, (B) the number of successful criminal prosecutions or investigations resulting from cooperation of such aliens, (C) the number of such nonimmigrants whose admission has not resulted in successful criminal prosecution or investigation, and (D) the number of such nonimmigrants who have failed to report quarterly (as required under paragraph (4)) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.".

(3) PROHIBITION OF CHANGE OF STATUS.—Section 248(1) of such Act (8 U.S.C. 1258(1)) is amended by striking "or (K)" and inserting "(K), or (S)".

(c) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 245 of such Act (8 U.S.C. 1255), as amended by section 2(c) of the Armed Forces Immigration Adjustment Act of 1991, is amended by adding at the end the following new subsection:

"(h)(1) If, in the opinion of the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S) has supplied information described in clauses (i) and (ii) of such section, and

"(B) the provision of such information has substantially contributed to the success of an authorized criminal investigation or the successful prosecution of an individual described in clause (ii) of such section,

the Attorney General may adjust the status of the alien (and the spouse and child of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under section 201(d) and 203(b)(4) for the fiscal year then current.".

(2) EXCLUSIVE MEANS OF ADJUSTMENT.—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended by striking "or" before "(4)" and by inserting before the period at the end the following: "; or (5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S)".

(d) EXTENDING PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of such Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by inserting "(or 10 years in the case of an alien provided lawful permanent resident status under section 245(h))" after "five years".

SEC. 834. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding the following new section:

"§ 2339A. Providing material support to terrorists

"Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or 2339 of this title, or section 902(i) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1472(i)), or in preparation for or carrying out the concealment of an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both. For purposes of this section, the term 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113A of title 18, United States Code, is amended by adding the following:

"2339A. Providing material support to terrorists.".

TITLE IX—SEXUAL VIOLENCE AND CHILD ABUSE

Subtitle A—Sexual Abuse

SEC. 901. SEXUAL ABUSE AMENDMENTS.

(a) DEFINITIONS OF SEXUAL ACT AND SEXUAL CONTACT FOR VICTIMS UNDER THE AGE OF 16.—Paragraph (2) of section 2245 of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C) by striking "; and" and inserting in lieu thereof "; or"; and

(3) by inserting a new subparagraph (D) as follows:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

Subtitle B—Child Protection

SEC. 911 SHORT TITLE.

This subtitle may be cited as the "National Child Protection Act of 1991".

SEC. 912. PURPOSES.

The purposes of this subtitle are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

SEC. 913. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this subtitle;

(2) the term "background check crime" means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance;

(3) the term "child" means a person who is a child for purposes of the criminal child abuse law of a State;

(4) the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(5) the term "child abuse crime" means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(6) the term "child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, a brief description of the child abuse crime or offenses for which the person has been arrested or is under indictment or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, under indictment for, or convicted of, a child abuse crime;

(7) the term "child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children;

(8) the term "domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(9) the term "exploitation" means child pornography and child prostitution;

(10) the term "mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(11) the term "national criminal background check system" means the system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(12) the term "negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child;

(13) the term "physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(14) the term "provider" means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(15) the term "qualified entity" means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services;

(16) the term "sex crime" means an act of sexual abuse that is a criminal act;

(17) the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(18) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

SEC. 914. REPORTING BY THE STATES.

(a) IN GENERAL.—An authorized criminal justice agency of a State shall report child abuse crime information to, or index child abuse crime information in, the national criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS THROUGH THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis through the national criminal background check system;

(B) establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this Act; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of final case dispositions in computerized criminal history files for all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain at least 80 percent currency of final case dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve full disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) Liaison.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) Annual Summary.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) Annual Report.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) Study of Child Abuse Offenders.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 3, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 915. BACKGROUND CHECKS.

(a) In General.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and shall respond promptly to the inquiry.

(b) Guidelines.—(1) The Attorney General shall establish guidelines for State background check procedures established under subsection (a), which guidelines shall include the requirements and protections of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime; and

(ii) may not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a) be limited to the conviction or pending indictment information reasonably required to accomplish the purposes of this Act;

(F) that the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge; and

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the provider who is the subject of a background check;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check;

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis a background check; and

(K) that a State or Federal provider of criminal history records, and any employee thereof, shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a criminal background check, or due to a criminal history record's being incomplete.

(c) Equivalent Procedures.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this Act, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this Act and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) Regulations.—(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this Act, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 916. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.

(a) Use of Formula Grants for Improvements in State Records and Systems.—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 914 of the National Child Protection Act of 1991 with the Attorney General for the purpose of implementing the National Child Protection Act of 1991.".

(b) Additional Funding Grants for the Improvement of Child Abuse Crime Information.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1992, 1993, and 1994.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 914 of this Act.

Subtitle C—Crimes Against Children

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "Jacob Wetterling Crimes Against Children Registration Act".

SEC. 922. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term "criminal offense against a victim who is a minor" includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE F.B.I.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints for child care services providers.

SEC. 923. STATE COMPLIANCE.

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of the enactment of this Act in which to implement the provisions of this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 25 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

TITLE X—CRIME VICTIMS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Victims' Rights and Restitution Act of 1991".

SEC. 1002. AVAILABILITY OF FUNDS.

Section 1402 of the Victims of Crime Act of 1984, as amended, is amended—

(a) by striking subsection (c) and redesignating (d), (e), (f) and (g) as subsections (c), (d), (e), and (f), respective; and

(b) by adding a new subsection (c) to read as follows:

"(c) Availability of funds for expenditure; grant program percentages

"(1) Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection for grants under this chapter without fiscal year limitation.

"(2) The Fund shall be available as follows:

"(A) The first $6,200,000 deposited in the Fund in each of the fiscal years 1992 through 1995 and the first $3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18, United States Code.

"(B) Of the first $100,000,000 deposited in the Fund in a particular fiscal year—

"(i) 49.5 percent shall be available for grants under section 10602 of this title;

"(ii) 45 percent shall be available for grants under section 10603(a) of this title;

"(iii) 1 percent shall be available for grants under section 10603(c) of this title; and

"(iv) 4.5 percent shall be available for grants as provided in section 10603a of this title.

"(C) The next $5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 10603a of this title.

"(D) The next $4,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603(a) of this title.

"(E) Any deposits in the Fund in a particular fiscal year that remain after the funds are distributed under subparagraphs (A) through (D) shall be available as follows:

"(i) 47.5 percent shall be available for grants under section 10602 of this title;

"(ii) 47.5 percent shall be available for grants under section 10603(a) of this title; and

"(iii) 5 percent shall be available for grants under section 10603(c)(1)(B) of this title.".

SEC. 1003. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

"(1) such crime victim compensation program shall not pay that compensation; and

"(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.".

SEC. 1004. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "and" following the semicolon in subdivision (a)(1)(B);

(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof "; and";

(3) inserting after subdivision (a)(1)(C) the following:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the second to last sentence of subdivision (a)(1), striking "equivalent opportunity" and inserting in lieu thereof "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) inserting "the victim," before "or the attorney for the Government."; and

(6) adding at the end the following:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) 'victim' means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

"(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

TITLE XI—STATE AND LOCAL LAW ENFORCEMENT

Subtitle A—Safer Streets and Neighborhoods

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the "Safer Streets and Neighborhoods Act of 1991".

SEC. 1102. GRANTS TO STATE AND LOCAL AGENCIES.

Paragraph (5) of section 1001(a) of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(5) There are authorized to be appropriated $1,000,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal years 1993 and 1994 to carry out the programs under parts D and E of this title.".

SEC. 1103. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 211 of the Department of Justice Appropriations Act, 1990 (Public Law 101–162) and section 601 of the Crime Control Act of 1990 (Public Law 101–647), is amended by striking "1991" and inserting "1992".

SEC. 1104. GRANTS FOR MULTI-JURISDICTIONAL DRUG TASK FORCES.

Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(f)), is amended to delete the first word and insert the following: "Except for grants awarded to State and local governments for the purpose of participating in multi-jurisdictional drug task forces, no".

SEC. 1105. FEDERAL SHARE.

Section 504(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3754(a)) is amended by striking "not—" and all that follows through "per centum;" the last place it appears, and inserting the following: "not for any fiscal year be expended for more than 75 percent".

SEC. 1106. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) as redesignated by section 1153 of this Act and inserting the following:

"(7) There are authorized to be appropriated such sums as may be necessary for fiscal year 1991 and $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out chapter B of subpart 2 of part E of this title.".

SEC. 1107. LIMITATION ON GRANT DISTRIBUTION.

(a) AMENDMENT.—Section 510(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(b)) is amended by inserting "non-Federal" after "with".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1991.

Subtitle B—DNA Identification

SEC. 1121. SHORT TITLE.

This subtitle may be cited as the "DNA Identification Act of 1991".

SEC. 1122. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) in paragraph (20) by striking "and" at the end,

(2) in paragraph (21) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

"(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

"(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1991;

"(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

"(i) to criminal justice agencies for law enforcement identification purposes;

"(ii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

"(iii) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

"(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1991.".

(c) AUTHORIZATION OF APPROPRIATION.—For each of the fiscal years 1992 through 1996, there are authorized to be appropriated $10 million for grants to the states for DNA analysis.

SEC. 1123. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from state and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5. U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

SEC. 1124. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION

(a) The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1991;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1991; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(C) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

SEC. 1125. FEDERAL BUREAU OF INVESTIGATION

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123(b). Within one year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph,

the term "blind external test" means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For five years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than $100,000.

SEC. 1126. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Bureau of Investigation $2,000,000 for each of fiscal years 1992 through 1996 to carry out sections 1123, 1124, and 1125 of this Act.

Subtitle C—Department of Justice Community Substance Abuse Prevention

SEC. 1131. SHORT TITLE.

This section may be cited as the "Department of Justice Community Substance Abuse Prevention Act of 1991".

SEC. 1132. COMMUNITY PARTNERSHIPS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end thereof the following:

"Subpart 4—Community Coalitions on Substance Abuse

"GRANTS TO COMBAT SUBSTANCE ABUSE

"SEC. 531. (a) DEFINITION.—As used in this section, the term 'eligible coalition' means an association, consisting of at least seven organizations, agencies, and individuals that are concerned about preventing substance abuse, that shall include—

"(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

"(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

"(b) GRANT PROGRAM.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall make grants to eligible coalitions in order to—

"(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

"(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

"(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

"(4) develop a consensus regarding the priorities of a community concerning substance abuse;

"(5) develop a plan to implement such priorities; and

"(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

"(c) COMMUNITY PARTICIPATION.—In developing and implementing a substance abuse prevention program, a coalition receiving funds under subsection (b) shall—

"(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

"(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

"(d) APPLICATION.—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such application shall—

"(1) describe and, to the extent possible, document the nature and extent of the substance abuse problem, emphasizing who is at risk and specifying which groups of individuals should be targeted for prevention and intervention;

"(2) describe the activities needing financial assistance;

"(3) identify participating agencies, organizations, and individuals;

"(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

"(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan referred to in subsection (b)(5) and to report on such plan to the Attorney General on an annual basis; and

"(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

"(e) PRIORITY.—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

"(1) provides evidence of significant substance abuse;

"(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

"(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

"(4) demonstrates a commitment and a high priority for preventing substance abuse; and

"(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

"(f) REVIEW.—Each coalition receiving money pursuant to the provisions of this section shall submit an annual report to the Attorney General, and the appropriate State agency, evaluating the effectiveness of the plan described in subsection (b)(5) and containing such additional information as the Attorney General, or the appropriate State agency, may prescribe. The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. Such review shall—

"(1) evaluate the grant program established in this section to determine its effectiveness;

"(2) implement necessary changes to the program that can be done by the Attorney General; and

"(3) recommend any statutory changes that are necessary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.".

(c) AMENDMENT TO TABLE OF SECTIONS.—The table of sections of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end thereof the following:

"SUBPART 4—COMMUNITY COALITION ON SUBSTANCE ABUSE

"Sec. 531. Grants to combat substance abuse.".

Subtitle D—Bindover System for Certain Violent Juveniles

SEC. 1141. BINDOVER SYSTEM.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 1002, is amended—

(1) in paragraph (21) by striking "and" at the end;

(2) in paragraph (22) by striking the period at the end and inserting "; and"; and

(3) inserting after paragraph (22) the following:

"(23) programs which address the need for effective bindover systems for the prosecution of violent 16- and 17-year olds in courts with jurisdiction over adults for the crimes of—

"(A) murder in the first degree;

"(B) murder in the second degree;

"(C) attempted murder;

"(D) armed robbery when armed with a firearm;

"(E) aggravated battery or assault when armed with a firearm;

"(F) criminal sexual penetration when armed with a firearm; and

"(G) drive-by shootings as described in section 931 of title 18, United States Code." effective April 10, 1991.

Subtitle E—Community Policing; Cop on the Beat

SEC. 1151. SHORT TITLE.

This title may be cited as "The Community Policing; Cop on the Beat Act of 1991".

SEC. 1152. COMMUNITY POLICING; COP ON THE BEAT.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part P as part Q;

(2) by redesignating section 1601 as section 1701; and

(3) by inserting after part O the following:

"PART P—COMMUNITY POLICING; COP ON THE BEAT GRANTS

"SEC. 1601. GRANT AUTHORIZATION.

"(a) GRANT PROJECTS.—The Director of the Bureau of Justice Assistance may make grants to units of local government and to community groups to establish or expand cooperative efforts between police and a community for the purposes of increasing police presence in the community, including—

"(1) developing innovative neighborhood-oriented policing programs;

"(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community;

"(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

"(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

"(5) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level;

"(6) providing training and problem solving for community crime problems;

"(7) providing training in cultural differences for law enforcement officials;

"(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

"(9) developing crime prevention programs in communities which have experienced a recent increase in gang-related violence; and

"(10) developing projects following the model under subsection (b).

"(b) Model Project.—The Director shall develop a written model that informs community members regarding—

"(1) how to identify the existence of a drug or gang house;

"(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

"(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in such community.

"SEC. 1602. APPLICATION.

"(a) In General.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) In such application, one office, or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

"(b) General Contents.—Each application under subsection (a) shall include—

"(1) a request for funds available under this part for the purposes described in section 1601;

"(2) a description of the areas and populations to be served by the grant; and

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(c) Comprehensive Plan.—Each application shall include a comprehensive plan which contains—

"(1) a description of the crime problems within the areas targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant shall be used to fill those gaps;

"(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

"(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall collect to measure progress toward meeting project goals.

"SEC. 1603. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) Allocation.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

"(b) Administrative Cost Limitation.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

"(c) Renewal of Grants.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, subject to the availability of funds, if the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1602(c).

"(d) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1602 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1604. AWARD OF GRANTS.

"(a) Selection of Recipients.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

"(1) Need and Ability.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1602(c).

"(2) Community-wide Response.—Evidence of the ability to coordinate community-wide response to crime.

"(3) Maintain Program.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

"(b) Geographic Distribution.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 1605. REPORTS.

"(a) Report to Director.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1602(c).

"(b) Report to Congress.—The Director shall submit to the Congress a report by October 1 of each year that shall contain a detailed statement regarding grant awards, activities of grant recipients, and an evaluation of projects established under this part.

"SEC. 1606. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) The term 'Director' means the Director of the Bureau of Justice Assistance.".

(b) Conforming Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part P and inserting the following:

"Part P—Community Policing; Cop on the Beat Grants

"Sec. 1601. Grant authorization.
"Sec. 1602. Application.
"Sec. 1603. Allocation of funds; limitation on grants.
"Sec. 1604. Award of grants.
"Sec. 1605. Reports.
"Sec. 1606. Definitions.

"Part Q—Transition; Effective Date; Repealer

"Sec. 1701. Continuation of rules, authorities, and proceedings.".

SEC. 1153. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) by redesignating the last 3 paragraphs as paragraphs (7), (8), and (9); and

(2) by adding after paragraph (9) the following:

"(10) There are authorized to be appropriated $150,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part P.".

Subtitle F—Drug Testing of Arrested Individuals

SEC. 1161. DRUG TESTING UPON ARREST.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1151 of this Act, is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following:

"PART Q—GRANTS FOR DRUG TESTING UPON ARREST

"SEC. 1701. GRANT AUTHORIZATION.

The Director of the Bureau of Justice Assistance is authorized to make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a drug testing project when individuals are arrested and during the pretrial period.

"SEC. 1702. STATE APPLICATIONS.

"(a) General Requirements.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) Mandatory Assurances.—To be eligible to receive funds under this part, a State must agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

"(c) Central Office.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1703. LOCAL APPLICATIONS.

"(a) In General.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1702(c).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) Distribution to Units of Local Government.—A State that receives funds under

section 1701 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1704. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in such State bears to the number of individuals arrested in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified in such State's application.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1701, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1702 for the fiscal year for which the projects receive assistance under this part.

"(d) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 1705. REPORT.

"A State or unit of local government that receives funds under this part shall submit to the Director a report in March of each fiscal year that funds are received under this part regarding the effectiveness of the drug testing project.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1152 of this Act, is amended by striking the matter relating to part Q and inserting the following:

"PART Q—DRUG TESTING FOR INDIVIDUALS ARRESTED

"Sec. 1701. Grant authorization.
"Sec. 1702. State applications.
"Sec. 1703. Local applications.
"Sec. 1704. Allocation and distribution of funds.
"Sec. 1705. Report.

"PART R—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

SEC. 1162. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1153 of this Act, is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated $100,000,000 for the fiscal years 1992, 1993, and 1994 to carry out the projects under part Q.".

Subtitle G—Racial and Ethnic Bias Study Grants

SEC. 1171. STUDY GRANTS

(a) FINDINGS.—The Congress finds that—

(1) equality under law is tested most profoundly by whether a legal system tolerates race playing a role in the criminal justice system; and

(2) States should examine their criminal justice systems in order to ensure that racial and ethnic bias has no part in such criminal justice systems.

(b) AUTHORIZATION OF GRANT PROGRAM.—

(1) IN GENERAL.—The Attorney General, through the Bureau of Justice Assistance, is authorized to make grants to States that have established by State law or by the court of last resort a plan for analyzing the role of race in that State's criminal justice system. Such plan shall include recommendations designed to correct any findings that racial and ethnic bias plays such a role.

(2) CRITERIA FOR GRANTS.—Grants under this subsection shall be awarded based upon criteria established by the Attorney General. In establishing the criteria, the Attorney General shall take into consideration the population of the respective States, the racial and ethnic composition of the population of the States, and the crime rates of the States.

(3) REPORTS BY STATES.—Recipients of grants under this subsection shall report the findings and recommendations of studies funded by grants under this subsection to the Congress within reasonable time limits established by the Attorney General.

(4) REIMBURSEMENT OF STATES.—Grants may be made to reimburse States for work started prior to the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out the provisions of this section.

Subtitle H—Midnight Basketball

SEC. 1181. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE ANTICRIME PROGRAMS.

(a) AUTHORITY.—The Attorney General of the United States, in consultation with the Secretary of Housing and Urban Development, shall make grants, to the extent that amounts are approved in appropriations Acts under subsection (m) to—

(1) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of subsection (d); and

(2) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—Subject to paragraph (2), grants under subsection (a)(1) may be made only to the following eligible entities:

(A) Entities eligible under section 520(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(b)) for a grant under section 520(a) of such Act.

(B) Nonprofit organizations providing crime prevention, employment counseling, job training, or other educational services.

(C) Nonprofit organizations providing federally-assisted low-income housing.

(2) PROHIBITION ON SECOND GRANTS.—A grant under subsection (a)(1) may not be made to an eligible entity if the entity has previously received a grant under such subsection, except that the Attorney General may exempt an eligible advisory entity from the prohibition under this paragraph in extraordinary circumstances.

(c) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under subsection (a)(1) may use such amounts only—

(1) to establish or carry out a midnight basketball league program under subsection (d);

(2) for salaries for administrators and staff of the program;

(3) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

(4) for costs of training and assistance provided under subsection (d)(9).

(d) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under subsection (a)(1) shall establish a midnight basketball league program as follows:

(1) The program shall establish a basketball league of not less than 8 teams having 10 players each.

(2) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing.

(3) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

(A) A substantial problem regarding use or sale of illegal drugs.

(B) A high incidence of crimes committed by youths or young adults.

(C) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

(D) A high incidence of pregnancy or a high birth rate, among adolescents.

(E) A high unemployment rate for youths and young adults.

(F) A high rate of high school drop-outs.

(4) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held at or near the site of the games.

(5) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Attorney General in consultation with the Secretary of Housing and Urban Development and the Secretary of Labor, and with the Advisory Committee.

(6) Basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

(7) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

(8) The program shall comply with any criteria established by the Attorney General in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee established under subsection (i).

(9) Administrators or organizers of the program shall receive training and technical assist-

ance provided by eligible advisory entities receiving grants under subsection (h).

(e) GRANT AMOUNT LIMITATIONS.—

(1) PRIVATE CONTRIBUTIONS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, may not make a grant under subsection (a)(1) to an eligible entity that applies for a grant under subsection (f) unless the applicant entity certifies to the Attorney General and the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

(A) In each of the first 2 years that amounts from the grant are disbursed (under paragraph (4)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

(B) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term "funds from non-Federal sources" includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under subsection (a)(1)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

(3) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under subsection (a)(1) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

(4) MAXIMUM AND MINIMUM GRANT AMOUNTS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, may not make a grant under subsection (a)(1) to any single eligible entity in an amount less than $50,000 or exceeding $125,000.

(5) DISBURSEMENT.—Amounts provided under a grant under subsection (a)(1) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

(A) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

(B) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

(f) APPLICATIONS.—To be eligible to receive a grant under subsection (a)(1), an eligible entity shall submit to the Attorney General an application in the form and manner required by the Attorney General (after consultation the Secretary of Housing and Urban Development and with the Advisory Committee), which shall include—

(1) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

(2) letters of agreement from service providers to provide training and counseling services required under subsection (d) and a description of such service providers;

(3) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under subsection (d) and a description of the facilities;

(4) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

(5) evidence that the neighborhood or community served by the program meets the requirements of subsection (d)(3).

(g) SELECTION.—The Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee, shall select eligible entities that have submitted applications under subsection (f) to receive grants under subsection (a)(1). The Attorney General, in consultation with the Secretary of Housing and Urban Development and with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

(h) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under subsection (a)(2) shall be made as follows:

(1) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

(A) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under subsection (d); and

(B) have provided technical assistance to other entities regarding establishment and operation of such programs.

(2) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under subsection (a)(1) of this section and section 520(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a(a)) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection.

(3) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under subsection (m)(2) in each fiscal year, the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make technical assistance grants under subsection (a)(2). In each fiscal year that such amounts are available the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make 2 such grants, as follows:

(A) One grant shall be made to an eligible advisory entity for development of midnight basketball league programs in public housing projects.

(B) One grant shall be made to an eligible advisory entity for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $50,000.

(i) ADVISORY COMMITTEE.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall appoint an Advisory Committee to assist in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

(1) Not fewer than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under subsection (a)(2).

(2) A representative of the Office for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

(3) A representative of the Department of Education, who shall be selected by the Secretary of Education.

(4) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

(5) A representative of the Department of Labor, who shall be selected by the Secretary of Labor.

(j) REPORTS.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall require each eligible entity receiving a grant under subsection (a)(1) and each eligible advisory entity receiving a grant under subsection (a)(2) to submit for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

(k) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to subsection (m)(3), the Attorney General, in consultation with the Secretary of Housing and Urban Development, shall make a grant to one entity qualified to carry out a study under this subsection. The entity shall use such grant amounts to carry out a study of the effectiveness of midnight basketball league programs at reducing crime and increasing employability under subsection (d) of eligible entities receiving grants under subsection (a)(1). The Attorney General, in consultation with the Secretary of Housing and Urban Development, shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Attorney General and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this subsection is made.

(l) DEFINITIONS.—For purposes of this section:

(1) The term "Advisory Committee" means the Advisory Committee established under subsection (i).

(2) The term "eligible advisory entity" means an entity meeting the requirements under subsection (h)(1).

(3) The term "eligible entity" means an entity described under subsection (b)(1).

(4) The term "federally assisted low-income housing" has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for grants under subsection (a)(1), $2,500,000 in each of fiscal years 1992 and 1993;

(2) for technical assistance grants under subsection (a)(2), $100,000 in each of fiscal years 1992 and 1993; and

(3) for a study grant under subsection (k), $250,000 in fiscal year 1992.

SEC. 1191. GRANT PROGRAM.

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended in part B by—

(1) inserting after the heading for such part the following:

"Subpart I—General Grant Programs"; and

(2) adding at the end thereof a new subpart II, as follows:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

"(3) To develop within the juvenile justice system, including the juvenile corrections system, new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) To reduce juvenile drug and gang-related activity in public housing projects;

"(5) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

"(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic or artistic enrichment that also teach that drug and gang involvement are wrong;

"(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in the drug trafficking, drug use or gang-related activities;

"(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

"(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers; and

"(10) To provide education and treatment programs for youth exposed to severe violence in their homes, schools or neighborhoods.

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement.

"(c) Of the funds made available to each State under this section (Formula Grants) 50 per centum of the funds made available to each State in any fiscal year shall be used for juvenile drug supply reduction programs and 50 per centum shall be used for juvenile drug demand reduction programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) The purpose of this section is to provide additional Federal assistance and support to identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs. In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(b) The Administrator is authorized to make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231. The Administrator shall have final authority over all funds awarded under this subchapter.

"(c) Of the total amount appropriated for this subchapter, 20 per centum shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 232(a). Grants made under this section may be made for amounts up to 100 per centum of the costs of the programs or projects.

"SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE CRIME AND DRUG DEMAND REDUCTION GRANTS

"SEC. 233. (a) The purpose of this section is—

"(1) to provide additional Federal assistance and support to promising new programs that specifically and effectively address the unique crime and drug and alcohol related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities;

"(2) to replicate and demonstrate these programs to serve as models that could be used, in whole or in part, in other similarly situated communities; and

"(3) to provide technical assistance and training to public or private organizations to implement similar programs.

"(b) The Administrator is authorized to make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231, if the beneficiaries of the grantee's program are juveniles living at or near International Port of Entry or in other international border communities, including rural localities. The Administrator shall have final authority over all funds awarded under this section.

"(c) Of the total amount appropriated for this subchapter, 5 per centum shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 233(a). Grants made under this section may be made for amounts up to 100 per centum of the costs of the programs.

"AUTHORIZATION

"SEC. 234. There is authorized to be appropriated $100,000,000 in fiscal year 1992 and such sums as may be necessary in fiscal year 1993 to carry out the purposes of this subpart.

"ALLOCATION OF FUND

"SEC. 235. Of the total amounts appropriated under this subpart in any fiscal year the amount remaining after setting aside the amounts required to be reserved to carry out section 232 (Discretionary Grants) shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States;

"(2) Of the total funds remaining after the allocation under paragraph (a), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles of such State bears to the population of juveniles of all the participating the States.

"APPLICATION

"SEC. 236. (a) Each State applying for grants under section 231 (Formula Grants) and each public or private entity applying for grants under section 232 (Discretionary Grants) shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) To the extent practical, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the applications required under part I (general juvenile justice formula grant) and part C (special emphasis prevention and treatment grants), including the procedures relating to competition.

"(c) In addition to the requirements prescribed in subsection (b), each State application submitted under section 231 shall include a detailed description of how the funds made available shall be coordinated with Federal assistance provided in parts B and C of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 and by the Bureau of Justice Assistance under the Drug Control and System Improvement Grant program.

"REVIEW AND APPROVAL OF APPLICATIONS

"SEC. 237. The procedures and time limits imposed on the Federal and State Governments under sections 505 and 508, respectively, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.".

Subtitle I—Trauma Centers

SEC. 1195. TRAUMA CENTERS AND CRIME-RELATED VIOLENCE.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101–590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—REIMBURSEMENT FOR UNCOMPENSATED TRAUMA CARE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence due to crime. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the trauma center demonstrates a significant incidence of uncompensated care debt as a result of treating a population of patients that has been served by the center for the period specified in subparagraph (B) for trauma, including a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located; and

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 5-year period specified in section 1241(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the two fiscal years immediately succeeding the fiscal year for which a grant is received;

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A); and

"(3) the center will establish a trauma registry not later than 6 months from the date on which the grant is received that shall include such information as the Secretary shall require.

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) LIMITATION ON AMOUNT OF GRANT.—The Secretary may not make a grant to any single trauma center in an amount that exceeds $2,000,000 in any fiscal year.

"(d) CONSULTATION.—Grants shall be awarded under section 1241(a) only after the Secretary has consulted with the state official responsible for emergency medical services, or another appropriate state official, in the State of the prospective grantee.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 1196. CONFORMING AMENDMENTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101–590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

Subtitle J—Certainty of Punishment for Young Offenders

SEC. 1198. SHORT TITLE.

This subtitle may be cited as the "Certainty of Punishment for Young Offenders Act of 1991".

SEC. 1199. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1161 of this Act, is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

(3) by inserting after part Q the following:

"PART R—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1801. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse, including alcohol abuse, and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

"SEC. 1802. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(1) shall prepare the application as required under section 1802; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1803. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 1801(a) to carry out the projects described in the application submitted by such applicant under section 1802 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1802 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1801(b) for young offenders.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1804. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1802(b).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1801 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1805. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

"(b) Local Distribution.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 1801 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 1801.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1801, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) Federal Share.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1802(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1806. EVALUATION.

"(a) In General.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) Distribution.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) Administrative Costs.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) Conforming Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1162 of this Act, is amended by striking the matter relating to part R and inserting the following:

"Part R—Alternative Punishments for Young Offenders

"Sec. 1801. Grant authorization.
"Sec. 1802. State applications.
"Sec. 1803. Review of State applications.
"Sec. 1804. Local applications.
"Sec. 1805. Allocation and distribution of funds.
"Sec. 1806. Evaluation.

"Part S—Transition; Effective Date; Repealer

"Sec. 1901. Continuation of rules, authorities, and proceedings.".

(c) Definition.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), as amended by section 1421 of this Act, is amended by adding after paragraph (24) the following:

"(25) The term 'young offender' means an individual 28 years of age or younger.".

(d) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (11) the following:

"(12) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part R.".

TITLE XII—PROVISIONS RELATING TO POLICE OFFICERS

Subtitle A—Law Enforcement Family Support

SEC. 1201. LAW ENFORCEMENT FAMILY SUPPORT.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1199 of this Act is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as 2001; and

(3) by inserting after part R the following:

"PART S—FAMILY SUPPORT

"SEC. 1901. DUTIES OF DIRECTOR.

"The Director shall—

"(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

"(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

"(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

"(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

"(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

"(6) determine issues to be researched by the Bureau and by grant recipients.

"SEC. 1902. GENERAL AUTHORIZATION.

"The Director is authorized to make grants to States and local law enforcement agencies to provide family support services to law enforcement personnel.

"SEC. 1903. USES OF FUNDS.

"(a) In General.—A State or local law enforcement agency that receives a grant under this Act shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

"(b) Required Activities.—A law enforcement agency that receives funds under this Act shall provide at least one of the following services:

"(1) Counseling for law enforcement family members.

"(2) Child care on a 24-hour basis.

"(3) Marital and adolescent support groups.

"(4) Stress reduction programs.

"(5) Stress education for law enforcement recruits and families.

"(c) Optional Activities.—A law enforcement agency that receives funds under this Act may provide the following services:

"(1) Post-shooting debriefing for officers and their spouses.

"(2) Group therapy.

"(3) Hypertension clinics.

"(4) Critical incident response on a 24-hour basis.

"(5) Law enforcement family crisis telephone services on a 24-hour basis.

"(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

"(7) Counseling for peers.

"(8) Counseling for families of personnel killed in the line of duty.

"(9) Seminars regarding alcohol, drug use, gambling, and overeating.

"SEC. 1904. APPLICATIONS.

"A law enforcement agency desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

"(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

"(2) include a statement from the highest ranking law enforcement official from the State or locality applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

"(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this Act.

"SEC. 1905. AWARD OF GRANTS; LIMITATION.

"(a) Grant Distribution.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(b) Duration.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency for a period not to exceed 5 years. In any application from a State or local law enforcement agency for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

"(c) Limitation.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency may be used for administrative purposes.

"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.

"The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency to study issues of importance in the law enforcement field as determined by the Director.

"SEC. 1907. REPORTS.

"(a) Report from Grant Recipients.—A State or local law enforcement agency that receives a grant under this Act shall submit to the Director an annual report that includes—

"(1) program descriptions;

"(2) the number of staff employed to administer programs;

"(3) the number of individuals who participated in programs; and

"(4) an evaluation of the effectiveness of grant programs.

"(b) Report From Director.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

"(2) Such report shall contain—

"(A) a description of the types of projects developed or improved through funds received under this Act;

"(B) a description of exemplary projects and activities developed;

"(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

"(D) the number of individuals served in each location and throughout the country.

"SEC. 1908. DEFINITIONS.

"For purposes of this part—

"(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

"(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1199 of this Act, is amended by striking the matter relating to part V and inserting the following:

"PART S—FAMILY SUPPORT

"Sec. 1901. Duties of director.
"Sec. 1902. General authorization.
"Sec. 1903. Uses of funds.
"Sec. 1904. Applications.
"Sec. 1905. Award of grants; limitation.
"Sec. 1906. Discretionary research grants.
"Sec. 1907. Reports.
"Sec. 1908. Definitions.

"PART T—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 2001. Continuation of rules, authorities, and privileges.".

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1199 of this Act, is amended by adding after paragraph (11) the following:

"(12) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996. Not more than 20 percent of such funds may be used to accomplish the duties of the Director under section 1901 in part S of this Act, including administrative costs, research, and training programs.".

Subtitle B—Police Pattern or Practice

SEC. 1211. PATTERN OR PRACTICE CASES; CAUSE OF ACTION.

Chapter 21 of title 42, United States Code, is amended by adding the following new section:

"SECTION 1998. PATTERN OR PRACTICE CASES.

"(a) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities, secured or protected by the Constitution or laws of the United States.

"(b) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.".

SEC. 1212. DATA ON USE OF EXCESSIVE FORCE.

(a) ATTORNEY GENERAL TO COLLECT.—The Attorney General shall, through the victimization surveys conducted by the Bureau of Justice Statistics, acquire data about the use of excessive force by law enforcement officers.

(b) LIMITATION ON USE OF DATA.—Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer.

(c) ANNUAL SUMMARY.—The Attorney general shall publish an annual summary of the data acquired under this section.

Subtitle C—Police Corps and Law Enforcement Officers Training and Education

SEC. 1221. SHORT TITLE.

This title may be cited as the "Police Corps and Law Enforcement Training and Education Act".

SEC. 1222. PURPOSES.

The purposes of this title are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 1223. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director (referred to in this title as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in subtitle A and the Law Enforcement Scholarship program established in subtitle B and shall have authority to promulgate regulations to implement this title.

SEC. 1224. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under subtitle A or the Law Enforcement Scholarship program under subtitle B shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this title;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program;

(4) if the State desires to participate in the Police Corps program under subtitle A, meet the requirements of section 1236; and

(5) if the State desires to participate in the Law Enforcement Scholarship program under subtitle B, meet the requirements of section 826.

CHAPTER 1—POLICE CORPS PROGRAM

SEC. 1231. DEFINITIONS.

For the purposes of this subtitle—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(4) the term "participant" means a participant in the Police Corps program selected pursuant to section 1233;

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(6) the term "State Police Corps program" means a State police corps program approved under section 1236.

SEC. 1232. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director is authorized to award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(4) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(5)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director is authorized to make payments to a participant to reimburse such participant for the costs of educational expenses if such student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any one student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study, and

(2) where a participant has enrolled in the program upon or after transfer to a four-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—(1) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director. Each such agreement shall contain assurances that the participant shall—

(A) after successful completion of a baccalaureate program and training as prescribed in section 1234, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study);

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 1234; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent in the event that the conditions of subparagraphs (A) and (B) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) In the event that a scholarship recipient is unable to comply with the repayment provision set forth in subparagraph (B) of paragraph (1) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

(g) DEFINITION.—For the purposes of this section the term "institution of higher education" has the meaning given that term in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

SEC. 1233. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 1235(c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this title, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 1235, and such a participant shall be subject to the same benefits and obligations under this subtitle as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 1235, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this Act that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education (as described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)))—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 1234. POLICE CORPS TRAINING.

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this subtitle.

(2) The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces), to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a partici-

pant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) Further Training.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 1236 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) Course of Training.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) Evaluation of Participants.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) Stipend.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 1235. SERVICE OBLIGATION.

(a) Swearing In.—Upon satisfactory completion of the participant's course of education and training program established in section 1234 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) Rights and Responsibilities.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) Discipline.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1232, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1232(d)(1)(C) shall not apply.

(d) Lay-offs.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1232, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1232(d)(1)(C) shall not apply.

SEC. 1236. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 1233;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 1237. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $100,000,000 for each of fiscal years 1992 and 1993, and $200,000,000 for each of fiscal years 1994, 1995, and 1996.

CHAPTER 2—LAW ENFORCEMENT SCHOLARSHIP PROGRAM

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the "Law Enforcement Scholarships and Recruitment Act".

SEC. 1242. DEFINITIONS.

As used in this subtitle—

(1) the term "Director" means the Director of the Bureau of Justice Assistance;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree;

including the cost of tuition, fees, books, supplies, and related expenses;

(3) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 1243. ALLOTMENT.

From amounts appropriated pursuant to the authority of section 11, the Director shall allot—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such funds to States on the basis of the shortage of law enforcement personnel and the need for assistance under this subtitle in the State compared to the shortage of law enforcement personnel and the need for assistance under this subtitle in all States.

SEC. 1244. PROGRAM ESTABLISHED.

(a) Use of Allotment.—

(1) In general.—Each State receiving an allotment pursuant to section 823 shall use such allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment during a period not to exceed one year.

(2) Employment.—The employment described in subparagraph (B) of paragraph (1) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an accredited institution of higher education and who demonstrate an interest in undertaking a career in law enforcement. Such employment shall not be in a law enforcement position. Such employment shall consist of performing meaningful tasks that inform such students of the nature of the tasks performed by law enforcement agencies.

(b) Payments; Federal Share; Non-Federal Share.—

(1) Payments.—The Secretary shall pay to each State receiving an allotment under section 823 the Federal share of the cost of the activities described in the application submitted pursuant to section 827.

(2) Federal share.—The Federal share shall not exceed 60 percent.

(3) Non-federal share.—The non-Federal share of the cost of scholarships and student employment provided under this subtitle shall be supplied from sources other than the Federal Government.

(c) Lead Agency.—Each State receiving an allotment under section 823 shall designate an appropriate State agency to serve as the lead agency to conduct a scholarship program, a student employment program, or both in the State in accordance with this subtitle.

(d) Responsibilities of Director.—The Director shall be responsible for the administration of the programs conducted pursuant to this subtitle and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this subtitle.

(e) Administrative Expenses.—Each State receiving an allotment under section 823 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) Special Rule.—Each State receiving an allotment under section 823 shall ensure that each scholarship recipient under this subtitle be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(g) SUPPLEMENTATION OF FUNDING.—Funds received under this subtitle shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 1245. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—Scholarships awarded under this subtitle shall be for a period of one academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this subtitle may use such scholarship for educational expenses at any accredited institution of higher education.

SEC. 1246. ELIGIBILITY.

(a) SCHOLARSHIPS.—An individual shall be eligible to receive a scholarship under this subtitle if such individual has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—An individual who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this subtitle.

SEC. 1247. STATE APPLICATION.

Each State desiring an allotment under section 823 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. Each such application shall—

(1) describe the scholarship program and the student employment program for which assistance under this subtitle is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this subtitle;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this subtitle and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this subtitle;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of individuals receiving scholarships under this subtitle;

(7) with respect to such student employment program, identify—

(A) the employment tasks students will be assigned to perform;

(B) the compensation students will be paid to perform such tasks; and

(C) the training students will receive as part of their participation in such program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 1248. LOCAL APPLICATION.

(a) IN GENERAL.—Each individual who desires a scholarship or employment under this subtitle shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require. Each such application shall describe the academic courses for which a scholarship is sought, or the location and duration of employment sought, as appropriate.

(b) PRIORITY.—In awarding scholarships and providing student employment under this subtitle, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

SEC. 1249. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—Each individual who receives a scholarship under this subtitle shall enter into an agreement with the Director.

(b) CONTENTS.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual will work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay the entire scholarship awarded under this subtitle in accordance with such terms and conditions as the Director shall prescribe, in the event that the requirements of such agreement are not complied with unless the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this subtitle may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this subtitle.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.— Except as provided in paragraph (2), each individual awarded a scholarship under this subtitle shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which funds are received under such scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this subtitle shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than 6 months nor more than 2 years.

SEC. 1250. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 to carry out this subtitle.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for any fiscal year—

(1) 75 percent shall be available to provide scholarships described in section 824(a)(1)(A); and

(2) 25 percent shall be available to provide employment described in sections 1244(a)(1)(B) and 1244(a)(2).

CHAPTER 3—REPORTS

SEC. 1261. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS.—No later than April 1 of each fiscal year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program authorized by subtitle A, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program;

(3) state the number of present and past scholarship recipients under subtitle B, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement;

(4) describe the geographic, racial, and gender dispersion of scholarship recipients under subtitle B; and

(5) describe the progress of the programs authorized by this title and make recommendations for changes in the programs.

(b) SPECIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to Congress containing a plan to expand the assistance provided under subtitle B to Federal law enforcement officers. Such plan shall contain information of the number and type of Federal law enforcement officers eligible for such assistance.

Subtitle D—Study Rights of Police Officers

SEC. 1271. STUDY ON OFFICERS' RIGHTS.

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;

(2) conduct of questioning;

(3) counsel;

(4) hearings;

(5) appeal; and

(6) sanctions.

Not later than one year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

TITLE XIII—FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Federal Law Enforcement Act of 1991".

SEC. 1302. AUTHORIZATION FOR FEDERAL LAW ENFORCEMENT AGENCIES.

There is authorized to be appropriated for fiscal year 1992, $345,500,000 (which shall be in addition to any other appropriations) to be allocated as follows:

(1) For the Drug Enforcement Administration, $100,500,000, which shall include:

(A) not to exceed $45,000,000 to hire, equip and train not less than 350 agents and necessary support personnel to expand DEA investigations and operations against drug trafficking organizations in rural areas;

(B) not to exceed $25,000,000 to expand DEA State and Local Task Forces, including payment of state and local overtime, equipment and personnel costs; and

(C) not to exceed $5,000,000 to hire, equip and train not less than 50 special agents and necessary support personnel to investigate violations of the Controlled Substances Act relating to anabolic steroids.

(2) For the Federal Bureau of Investigation, $98,000,000, for the hiring of additional agents

and support personnel to be dedicated to the investigation of drug trafficking organizations;

(3) For the Immigration and Naturalization Service, $45,000,000, to be further allocated as follows:

(A) $25,000,000 to hire, train and equip no fewer than 500 full-time equivalent Border Patrol officer positions;

(B) $20,000,000, to hire, train and equip no fewer than 400 full-time equivalent INS criminal investigators dedicated to drug trafficking by illegal aliens and to deportations of criminal aliens.

(4) For the United States attorneys, $45,000,000 to hire and train not less than 350 additional prosecutors and support personnel dedicated to the prosecution of drug trafficking and related offenses;

(5) For the United States Marshals Service, $10,000,000;

(6) For the Bureau of Alcohol, Tobacco, and Firearms, $15,000,000 to hire, equip and train not less than 100 special agents and support personnel to investigate firearms violations committed by drug trafficking organizations, particularly violent gangs;

(7) For the United States courts, $20,000,000 for additional magistrates, probation officers, other personnel and equipment to address the case-load generated by the additional investigative and prosecutorial resources provided in this title; and

(8) For Federal defender services, $12,000,000 for the defense of persons prosecuted for drug trafficking and related crimes.

SEC. 1303. AUTHORIZATION OF FUNDS FOR CONSTRUCTION OF A UNITED STATES ATTORNEYS' OFFICE IN PHILADELPHIA, PENNSYLVANIA.

There is hereby authorized to be appropriated $35,000,000 to remain available until expended, to plan, acquire a site, design, construct, buildout, equip, and prepare for use an office building to house the United States Attorneys Office in Philadelphia, Pennsylvania, notwithstanding any other provision of law: Provided, That the site is at or in close physical proximity to the site selected for the construction of the Philadelphia Metropolitan Detention Center: Provided further, That the site selected for the Philadelphia United States Attorneys Office shall be approved by the Attorney General and notification submitted to the Congress as required by law.

TITLE XIV—PRISONS

Subtitle A—Federal Prisons

SEC. 1401. PRISONER'S PLACE OF IMPRISONMENT.

Paragraph (b) of section 3621 of title 18, United States Code, is amended by inserting after subsection (5) the following: "However, the bureau may not consider the social or economic status of the prisoner in designating the place of the prisoner's imprisonment.".

SEC. 1402. PRISON IMPACT ASSESSMENTS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

"§4047. Prison impact assessments

"(a) Any submission of legislation by the Judicial or Executive branch which could increase or decrease the number of persons incarcerated or in Federal penal institutions shall be accompanied by a prison impact statement, as defined in subsection (b) of this section.

"(b) The Attorney General shall, in consultation with the Sentencing Commission and the Administrative Office of the United States Courts, prepare and furnish prison impact assessments under subsection (c) of this section, and in response to requests from Congress for information relating to a pending measure or matter that might affect the number of defendants processed through the Federal criminal justice system. A prison impact assessment on pending legislation must be supplied within 7 days of any request. A prison impact assessment shall include—

"(1) projections of the impact on prison, probation, and post prison supervision populations;

"(2) an estimate of the fiscal impact of such population changes on Federal expenditures, including those for construction and operation of correctional facilities for the current fiscal year and 5 succeeding fiscal years;

"(3) an analysis of any other significant factor affecting the cost of the measure and its impact on the operations of components of the criminal justice system; and

"(4) a statement of the methodologies and assumptions utilized in preparing the assessment.

"(c) The Attorney General shall prepare and transmit to the Congress, by March 1 of each year, a prison impact assessment reflecting the cumulative effect of all relevant changes in the law taking effect during the preceding calendar year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 is amended by adding at the end the following new item:

"4047. Prison impact assessments.".

SEC. 1403. FEDERAL PRISONER DRUG TESTING.

(a) SHORT TITLE.—This title may be cited as the "Federal Prisoner Drug Testing Act of 1991".

(b) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

"§3608. Drug testing of Federal offenders on post-conviction release

"The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each judicial district the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title.".

(2) The table of sections at the beginning of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

"3608. Drug testing of Federal offenders on post-conviction release.".

(c) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and";

(3) by adding at the end the following new paragraph:

"(4) for a felony, a misdemeanor, or an infraction, that the defendant refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on probation and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant."; and

(4) by adding at the end the following: "The results of a drug test administered in accordance with paragraph (4) shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A defendant who tests positive may be detained pending verification of a positive drug test result. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test administered in accordance with paragraph - (4). ".

(d) CONDITIONS ON SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: "The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test.".

(e) CONDITIONS OF PAROLE.—Section 4209(a) of title 18, United States Code, is amended by inserting after the first sentence the following: "In every case, the Commission shall also impose as a condition of parole that the parolee pass a drug test prior to release and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the Commission) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the Commission for any individual parolee if it determines that there is good cause for doing so. The results of a drug test administered in accordance with the provisions of the preceding sentence shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The Commission shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test.".

SEC. 1404. DRUG TREATMENT IN FEDERAL PRISONS.

(a) SHORT TITLE.—This section may be cited as the "Drug Treatment in Federal Prisons Act of 1991".

(b) DEFINITIONS.—

As used in this section—

(1) the term "residential substance abuse treatment" means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

(2) the term "eligible prisoner" means a prisoner who is—

(A) determined by the Bureau of Prisons to have a substance abuse problem; and

(B) willing to participate in a residential substance abuse treatment program.

(c) IMPLEMENTATION OF SUBSTANCE ABUSE TREATMENT REQUIREMENT.—

(1) In order to carry out the requirement of the last sentence of section 3621(b) of title 18, United States Code, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide residential substance abuse treatment—

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1993;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1994; and

(C) for all eligible prisoners by the end of fiscal year 1995 and thereafter.

(2) Section 3621 of title 18, United States Code, is amended by adding at the end the following:

"(d) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

"(1) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under subsection (b) of this section, shall remain in the custody of the Bureau for such time (as limited by paragraph (2) of this subsection) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for drug abuse and discontinue such conditions on determining that drug abuse has recurred.

"(2) PERIOD OF CUSTODY.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.".

(d) REPORT.—The Bureau of Prisons shall transmit to the Congress on January 1, 1993, and on January 1 of each year thereafter, a report. Such report shall contain—

(1) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(2) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(3) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1991 and each fiscal year thereafter such sums as may be necessary to carry out this title.

SEC. 1405. PRISON FOR VIOLENT DRUG OFFENDERS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The total population of Federal, State, and local prisons and jails increased by 84 percent between 1980 and 1988 and currently numbers more than 900,000 people.

(2) More than 60 percent of all prisoners have a history of drug abuse or are regularly using drugs while in prison, but only 11 percent of State prison inmates and 7 percent of Federal prisoners are enrolled in drug treatment programs. Hundreds of thousands of prisoners are not receiving needed drug treatment while incarcerated, and the number of such persons is increasing rapidly.

(3) Drug-abusing prisoners are highly likely to return to crime upon release, but the recidivism rate is much lower for those who successfully complete treatment programs. Providing drug treatment to prisoners during incarceration therefore provides an opportunity to break the cycle of recidivism, reducing the crime rate and future prison overcrowding.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the fiscal year ending September 30, 1992, the following amounts:

(1) $600,000,000 for the construction of 10 regional prisons; and

(2) $100,000,000 for the operation of such regional prisons for one year.

Such amounts shall be in addition to any other amounts authorized to be appropriated to the Bureau of Prisons.

(c) LOCATION AND POPULATION.—The regional prisons authorized by this section shall be located in places chosen by the Director of the Bureau of Prisons, after consulting with the Director of National Drug Control Policy, not less than 6 months after the effective date of this section. Each such facility shall be used to accommodate a population consisting of State and Federal prisoners in proportions of 20 percent Federal and 80 percent State.

(d) ELIGIBILITY OF PRISONERS.—The regional prisons authorized by this section shall be used to incarcerate State and Federal prisoners who have release dates of not more than 2 years from the date of assignment to the prison and who have been found to have substance abuse problems requiring long-term treatment.

(e) STATE RESPONSIBILITIES.—(1) The States shall select prisoners for assignment to the regional prisons who, in addition to satisfying eligibility criteria otherwise specified in this section, have long-term drug abuse problems and serious criminal histories. Selection of such persons is necessary for the regional prison program to have the maximum impact on the crime rate and future prison overcrowding, since such persons are the ones most likely to commit new crimes following release. Prisoners selected for assignment to a regional prison must agree to the assignment.

(2) Any State seeking to refer a State prisoner to a regional prison shall submit to the Director of the Bureau of Prisons (referred to as the "Director") an aftercare plan setting forth the provisions that the State will make for the continued treatment of the prisoner in a therapeutic community following release. The aftercare plan shall also contain provisions for vocational job training where appropriate.

(3) The State referring the prisoner to the regional prison (referred to as the "sending State") shall reimburse the Bureau of Prisons for the full cost of the incarceration and treatment of the prisoner, except that if the prisoner successfully completes the treatment program, the Director shall return to the sending State 25 percent of the amount paid for that prisoner. The total amount returned to each State under this paragraph in each fiscal year shall be used by that State to provide the aftercare treatment required by paragraph (2).

(f) POWERS OF THE DIRECTOR.—(1) The Director shall have the exclusive right to determine whether or not a State or Federal prisoner satisfies the eligibility requirements of this section, and whether the prisoner is to be accepted into the regional prison program. The Director shall have the right to make this determination after the staff of the regional prison has had an opportunity to interview the prisoner in person.

(2) The Director shall have the exclusive right to determine if a prisoner in the regional treatment program is complying with all of the conditions and requirements of the program. The Director shall have the authority to return any prisoner not complying with the conditions and requirements of the program to the sending State at any time. The Director shall notify the sending State whenever such prisoner is returned that the prisoner has not successfully completed the treatment program.

SEC. 1406. BOOT CAMPS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall establish within the Bureau of Prisons 10 military-style boot camp prisons (referred to in this section as "boot camps"). The boot camps will be located on closed military installations on sites to be chosen by the Director of the Bureau of Prisons, after consultation with the Director of National Drug Control Policy, and will provide a highly regimented schedule of strict discipline, physical training, work, drill, and ceremony characteristic of military basic training as well as remedial education and treatment for substance abuse.

(b) CAPACITY.—Each boot camp shall be designed to accommodate between 200 and 300 inmates for periods of not less than 90 days and not greater than 120 days. Not more than 20 percent of the inmates shall be Federal prisoners. The remaining inmates shall be State prisoners who are accepted for participation in the boot camp program pursuant to subsection (d).

(c) FEDERAL PRISONERS.—Section 3582 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) BOOT CAMP PRISON AS A SENTENCING ALTERNATIVE.—(1) The court, in imposing sentence in the circumstances described in paragraph (2), may designate the defendant as eligible for placement in a boot camp prison. The Bureau of Prisons shall determine whether a defendant so designated will be assigned to a boot camp prison.

"(2) A defendant may be designated as eligible for placement in boot camp prison if—

"(A) the defendant—

"(i) is under 25 years of age;

"(ii) has no prior conviction for which he or she has served more than 10 days incarceration; and

"(iii) has been convicted of an offense involving a controlled substance punishable under the Controlled Substances Act or the Controlled Substances Export and Import Act, or any other offense if the defendant, at the time of arrest or at any time thereafter, tested positive for the presence of a controlled substance in his or her blood or urine; and

"(B) the sentencing court finds that the defendant's total offense level under the Federal sentencing guidelines is level 15 or less.

"(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate to any other correctional facility in the Federal prison system.

"(4) Successful completion of assignment to a boot camp shall constitute satisfaction of any period of active incarceration, but shall not affect any aspect of a sentence relating to a fine, restitution, or supervised release.".

(d) STATE PRISONERS.—(1) The head of a State corrections department or the head's designee may apply for boot camp placement for any per-

son who has been convicted of a criminal offense in that State, or who anticipates entering a plea of guilty of such offense, but who has not yet been sentenced. Such application shall be made to the Bureau of Prisons and shall be in the form designated by the Director of the Bureau of Prisons and shall contain a statement certified by the head of the State corrections department or the head's designee that at the time of sentencing the applicant is likely to be eligible for assignment to a boot camp pursuant to paragraph (2). The Bureau of Prisons shall respond to such applications within 30 days so that the sentencing court is aware of the result of the application at the time of sentencing. In responding to such applications, the Bureau of Prisons shall determine, on the basis of the availability of space, whether a defendant who becomes eligible for assignment to a boot camp prison at the time of sentencing will be so assigned.

(2) A person convicted of a State criminal offense shall be eligible for assignment to a boot camp if he or she—

(A) is under 25 years of age;

(B) has no prior conviction for which he or she has served more than 10 days incarceration;

(C) has been sentenced to a term of imprisonment that will be satisfied under the law of the sentencing State if the defendant successfully completes a term of not less than 90 days nor more than 120 days in a boot camp;

(D) has been designated by the sentencing court as eligible for assignment to a boot camp; and

(E) has been convicted of an offense involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or any other offense if the defendant is eligible for assignment to a boot camp under State law.

(3) If the Director of the Bureau of Prisons finds that an inmate placed in a boot camp prison pursuant to this subsection has willfully refused to comply with the conditions of confinement in the boot camp, the Director may transfer the inmate back to the jurisdiction of the State sentencing court.

(4) Any State referring a prisoner to a boot camp shall reimburse the Bureau of Prisons for the full cost of the incarceration of the prisoner, except that if the prisoner successfully completes the boot camp program, the Bureau of Prisons shall return to the State 20 percent of the amount paid for that prisoner. The total amount returned to each State under this paragraph in each fiscal year shall be used by that State to provide the aftercare supervision and services required by paragraph (e).

(e) POST-RELEASE SUPERVISION.—(1) Any State seeking to refer a State prisoner to a boot camp prison shall submit to the Director of the Bureau of Prisons an aftercare plan setting forth the provisions that the State will make for the continued supervision of the prisoner following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(2) The Bureau of Prisons shall develop an aftercare plan setting forth the provisions that will be made for the continued supervision of Federal prisoners following release. The aftercare plan shall also contain provisions for educational and vocational training and drug or other counseling and treatment where appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000,000 for fiscal year 1992, available until expended, of which not more than $12,500,000 shall be used to convert each closed military base to a boot camp prison and not more than $2,500,000 shall be used to operate each boot camp for one fiscal year. Such amounts shall be in addition to any other amounts authorized to be appropriated to the Bureau of Prisons.

Subtitle B—State Prisons

SEC. 1421. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.

This section may be cited as the "Substance Abuse Treatment in State Prisons Act of 1991".

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1201 of this Act, is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following:

"PART U—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"SEC. 2001. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

"SEC. 2002. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State alcohol and drug abuse agency.

"(b) DRUG TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, halfway house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

"(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when such individuals leave prison at the end of a sentence or on parole.

"(d) STATE OFFICE.—The office designated under section 507 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757)—

"(1) shall prepare the application as required under section 1902; and

"(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 2003. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Bureau shall make a grant under section 1901 to carry out the projects described in the application submitted under section 1902 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1902 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1902 for the fiscal year for which the projects receive assistance under this part.

"SEC. 2005. EVALUATION.

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1201 of this Act, is amended by striking the matter relating to part T and inserting the following:

"PART T—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 2001. Grant authorization.
"Sec. 2002. State applications.
"Sec. 2003. Review of State applications.
"Sec. 2004. Allocation and distribution of funds.
"Sec. 2005. Evaluation.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2101. Continuation of rules, authorities, and proceedings.".

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding after paragraph (25) the following:

"(26) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1202 of this Act, is amended by adding after paragraph (10) the following:

"(14) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part T.".

SEC. 1422. MANDATORY LITERACY PROGRAM.

(a) ESTABLISHMENT.—The chief correctional officer of each State correctional system may establish a demonstration, or statewide functional literacy program.

(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a systemwide mandatory functional literacy program, as required by subsection (b), and if appropriate, information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies who elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(e) DEFINITION.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

(f) LIFE SKILLS TRAINING GRANTS.—(1) The Attorney General is authorized to make grants to State and local correctional agencies to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

(2) To be eligible to receive a grant under this subsection, a State or local correctional agency shall—

(A) submit an application to the Attorney General or his designee at such time, in such manner, and containing such information as the Attorney General shall require; and

(B) agree to report annually to the Attorney General on the participation rate, cost, and effectiveness of the program and any other aspect of the program upon which the Attorney General may request information.

(3) In awarding grants under this section, the Attorney General shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Attorney General may establish a procedure for renewal of the grants under paragraph (1).

(5) For the purposes of this section, the term "life skills" shall include, but not be limited to, self-development, communication skills, job and financial skills development, education, interpersonal and family relationships, and stress and anger management.

SEC. 1423. NATIONAL INSTITUTE OF JUSTICE STUDY.

(a) FEASIBILITY STUDY.—The National Institute of Justice shall study the feasibility of establishing a clearinghouse to provide information to interested persons to facilitate the transfer of prisoners in State correctional institutions to other such correctional institutions, pursuant to the Interstate Corrections Compact or other applicable interstate compact, for the purpose of allowing prisoners to serve their prison sentences at correctional institutions in close proximity to their families.

(b) REPORT TO CONGRESS.—The National Institute of Justice shall, not later than 1 year after the date of the enactment of this Act, submit to the Committees on the Judiciary of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (a), together with any recommendations the Institute may have on establishing a clearinghouse described in such subsection.

(c) DEFINITION.—For purposes of this section, the term "State" includes the District of Columbia and any territory or possession of the United States.

SEC. 1424. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State.

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

SEC. 1425. NOTIFICATION OF RELEASE OF PRISONERS.

Section 4042 of title 18, United States Code, is amended—

(1) by striking "The Bureau" and inserting "(a) IN GENERAL.—The Bureau";

(2) by striking "This section" and inserting "(c) Application of Section.—This section";

(3) in paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection—

(A) by striking "Provide" and inserting "provide"; and

(B) by striking the period at the end and inserting "; and";

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection, the following new paragraph:

"(5) provide notice of release of prisoners in accordance with subsection (b)."; and

(5) by inserting after subsection (a), as designated by paragraph (1) of this subsection, the following new subsection:

"(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

"(2) A notice under paragraph (1) shall disclose—

"(A) the prisoner's name;

"(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

"(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

"(3) A prisoner is described in this paragraph if the prisoner was convicted of—

"(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

"(B) a crime of violence, as that term is defined in section 924(c)(3).

"(4) The notice provided under this section shall be used solely for law enforcement purposes.".

SEC. 1426. APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.

In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to supervised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

TITLE XV—RURAL CRIME

Subtitle A—Fighting Drug Trafficking in Rural Areas

SEC. 1501. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—The second paragraph (7) of section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "(7)" and inserting "(8)"; and

(2) by striking "and such" and all that follows through "part O" and inserting "$50,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994 to carry out part O of this title".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting "$250,000".

SEC. 1502. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1503. CROSS-DESIGNATION OF FEDERAL OFFICERS.

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(5) with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this title.

SEC. 1504. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of the fiscal years 1992, 1993 and 1994 to carry out the purposes of subsection (a) of this section.

Subtitle B—Rural Drug Prevention and Treatment

SEC. 1511. RURAL SUBSTANCE ABUSE TREATMENT AND EDUCATION GRANTS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following new section:

"SEC. 509H. RURAL SUBSTANCE ABUSE TREATMENT.

"(a) IN GENERAL.—The Director of the Office for Treatment Improvement (hereafter referred to in this section as the 'Director') shall establish a program to provide grants to hospitals, community health centers, migrant health centers, health entities of Indian tribes and tribal organizations (as defined in section 1913(b)(5)), and other appropriate entities that serve nonmetropolitan areas to assist such entities in developing and implementing projects that provide, or expand the availability of, substance abuse treatment services.

"(b) REQUIREMENTS.—To receive a grant under this section a hospital, community health center, or treatment facility shall—

"(1) serve a nonmetropolitan area or have a substance abuse treatment program that is designed to serve a nonmetropolitan area;

"(2) operate, or have a plan to operate, an approved substance abuse treatment program;

"(3) agree to coordinate the project assisted under this section with substance abuse treatment activities within the State and local agencies responsible for substance abuse treatment; and

"(4) prepare and submit an application in accordance with subsection (c).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

"(2) COORDINATED APPLICATIONS.—State agencies that are responsible for substance abuse treatment may submit coordinated grant applications on behalf of entities that are eligible for grants pursuant to subsection (b).

"(d) PREVENTION PROGRAMS.—

"(1) IN GENERAL.—Each entity receiving a grant under this section may use a portion of such grant funds to further community-based substance abuse prevention activities.

"(2) REGULATIONS.—The Director, in consultation with the Director of the Office of Substance Abuse Prevention, shall promulgate regulations regarding the activities described in paragraph (1).

"(e) SPECIAL CONSIDERATION.—In awarding grants under this section the Director shall give priority to—

"(1) projects sponsored by rural hospitals that are qualified to receive rural health care transition grants as provided for in section 4005(e) of the Omnibus Budget Reconciliation Act of 1987;

"(2) projects serving nonmetropolitan areas that establish links and coordinate activities between hospitals, community health centers, community mental health centers, and substance abuse treatment centers; and

"(3) projects that are designed to serve areas that have no available existing treatment facilities.

"(f) DURATION.—Grants awarded under subsection (a) shall be for a period not to exceed 3 years, except that the Director may establish a procedure for renewal of grants under subsection (a).

"(g) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, the Director shall provide grants to fund at least one project in each State.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $25,000,000 for each of the fiscal years 1992 and 1993.".

SEC. 1512. CLEARINGHOUSE PROGRAM.

Section 509 of the Public Health Service Act (42 U.S.C. 290aa–7) is amended—

(1) in paragraph (3), by striking "and" at the end thereof;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs—

"(5) to gather information pertaining to rural drug abuse treatment and education projects funded by the Alcohol, Drug Abuse, and Mental Health Administration, as well as other such projects operating throughout the United States; and

"(6) to disseminate such information to rural hospitals, community health centers, community mental health centers, treatment facilities, community organizations, and other interested individuals.".

Subtitle C—Drug Free Truck Stops and Safety Rest Areas

SEC. 1521. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.

(a) SHORT TITLE.—This section may be cited as the "Drug Free Truck Stop Act".

(b) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

"TRANSPORTATION SAFETY OFFENSES

"SEC. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

"(1) twice the maximum punishment authorized by section 401(b); and

"(2) at least twice any term of supervised release authorized by section 401(b) for a first offense.

Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.

"(b) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is punishable—

"(1) by the greater of (A) a term of imprisonment of not less than 3 years and not more than life imprisonment or (B) 3 times the maximum punishment authorized by section 401(b); and

"(2) by at least 3 times any term of supervised release authorized by section 401(b) for a first offense.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under chapter 311 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.

"(d) For purposes of this section—

"(1) the term 'safety rest area' means a roadside facility with parking facilities for the rest or other needs of motorists; and

"(2) the term 'truck stop' means any facility (including any parking lot appurtenant thereto) that has the capacity to provide fuel or service, or both, to any commercial motor vehicle as defined under section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986, operating in commerce as defined in section 12019(3) of such Act and that is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.".

(2) CONFORMING AMENDMENTS.—

(A) CROSS REFERENCE.—Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by inserting "409," immediately before "418," each place it appears.

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by *striking the item relating to section 409, the following new item:*

"Sec. 409. Transportation safety offenses.".

(c) SENTENCING GUIDELINES.—

(1) PROMULGATION OF GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide that a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (c), shall be assigned an offense level under chapter 2 of the sentencing guidelines that is—

(A) two levels greater than the level that would have been assigned for the underlying controlled substance offense; and

(B) in no event less than level 26.

(2) IMPLEMENTATION BY SENTENCING COMMISSION.—If the sentencing guidelines are amended after the date of enactment of this Act, the Sentencing Commission shall implement the instruction set forth in paragraph (1) so as to achieve a comparable result.

(3) LIMITATION.—The guidelines described in paragraph (1), as promulgated or amended under this subsection, shall provide that an offense that could be subject to multiple enhancements pursuant to this subsection is subject to not more than one such enhancement.

TITLE XVI—DRUG CONTROL

Subtitle A—Drug Emergency Areas

SEC. 1601. DRUG EMERGENCY AREAS.

Section 1005 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504) is amended by adding at the end the following:

"(e) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) In the event that a major drug-related emergency exists throughout a State or a part of a State or where the threat of a drug-related emergency exists to part of a State bordering part of a foreign country where a drug-related emergency is known to exist, the President may, in consultation with the Director and other appropriate officials, declare such State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or otherwise authorized by law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug smuggling, drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

"(2) PROCEDURE FOR DECLARATION.—(A) All requests for a declaration by the President designating an area to be a drug emergency area shall be made, in writing, by the Governor or chief executive officer of any affected State or local government, respectively, and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) Any request made under subparagraph (A) of this paragraph shall be based on a written finding that the major drug-related emergency is of such severity and magnitude, that Federal assistance is necessary to assure an effective response to save lives, and to protect property and public health and safety.

"(C) The President shall not limit declarations made under this subsection to highly-populated centers of drug trafficking, drug smuggling, drug use or drug-related violence, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor(s) or chief executive officer(s) shall—

"(i) take appropriate action under State or local law and furnish such information on the nature and amount of State and local resources which have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining that government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (where possible quantitative goals) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review any request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving such application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President is authorized to make grants to State or local governments of up to, in the aggregate for any single major drug-related emergency, $50,000,000.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year. In any case where Federal assistance is provided under this Act, the Governor(s) or chief executive officer(s) may apply to the President, through the Director, for an extension of assistance beyond 1 year. The President, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) Any State or local government receiving Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Not later than 90 days after the date of the enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as may be necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—Assistance under this subsection shall be subject to annual audit by the Comptroller General.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1992, 1993, and 1994, $300,000,000 to carry out this subsection.".

Subtitle B—Precursor Chemicals

SEC. 1611. SHORT TITLE.

This subtitle may be cited as "The Chemical Control and Environmental Responsibility Act of 1991".

SEC. 1612. DEFINITION AMENDMENTS.

(a) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking "any listed precursor chemical or listed essential chemical" and by inserting in lieu thereof "any list I chemical or any list II chemical";

(2) in paragraph (34) by striking "listed precursor chemical" and by inserting in lieu thereof "list I chemical" and by striking "critical to the creation" and by inserting in lieu thereof "important to the manufacture";

(3) in paragraph (35) by striking "listed essential chemical" and inserting in lieu thereof "list II chemical" and by striking "that is used as a solvent, reagent, or catalyst" and by inserting in lieu thereof ", which is not a list I chemical, that is used";

(4) in paragraph (40) by striking "listed precursor chemical or a listed essential chemical" and by inserting in lieu thereof "list I chemical or a list II chemical" in both places it appears.

(b) Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)(A) by striking "precursor chemical" and inserting in lieu thereof "list I chemical";

(2) in subsection (a)(1)(B) by striking "an essential chemical" and inserting in lieu thereof "a list II chemical";

(3) in subsection (c)(2)(D) by striking "precursor chemical" and inserting in lieu thereof "chemical control".

(c) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34) by inserting ", its esters," before "and" in subparagraphs (A), (F), and (H);

(2) in paragraph (38) by striking the period and inserting in lieu thereof "or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine.";

(3) in paragraph (39)(A) by striking "or exportation" and inserting in lieu thereof ", exportation or any international transaction which does not involve the importation or exportation of a listed chemical into or out of the United States if a broker or trader located in the United States participates in the transaction,";

(4) in paragraph (39)(A)(iii) by inserting "or any category of transaction for a specific listed chemical or chemicals" after "transaction";

(5) in paragraph (39)(A)(iv) by striking the semi-colon and inserting in lieu thereof "unless the listed chemical is ephedrine as defined in paragraph (34)(C) of this section or any other listed chemical which the Attorney General may be regulation designate as not subject to this exemption after finding that such action would serve the regulatory purposes of this chapter in order to prevent diversion and the total quantity of the ephedrine or other listed chemical designated pursuant to this paragraph included in the transaction equals or exceeds the threshold established for that chemical by the Attorney General;";

(6) in paragraph (39)(A)(v) by striking the semi-colon and inserting in lieu thereof "which the Attorney General has by regulation designated as exempt from the application of this chapter based on a finding that the mixture is

formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;"; and

(7) by adding a new paragraph as follows:

"(42) the terms 'broker' or 'trader' mean a person who assists in arranging an international transaction in a listed chemical by negotiating contracts, serving as an agent or intermediary, or bringing a buyer, seller and/or transporter together.".

SEC. 1613. REGISTRATION REQUIREMENT.

(a) Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting in lieu thereof "and to the registration and control of regulated persons and of regulated transactions.".

(b) Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting "or list I chemical" after "controlled substance" in each place it appears;

(2) in subsection (b) by inserting "or list I chemicals" after "controlled substances" and by inserting "or chemicals" after "such substances";

(3) in subsection (c) by inserting "or list I chemical" after "controlled substance" each place it appears; and

(4) in subsection (e) by inserting "or list I chemicals" after "controlled substances".

(c) Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

"(h) The Attorney General shall register an applicant to distribute a list I chemical unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against diversion of listed chemicals into other than legitimate channels;

"(2) compliance with applicable Federal, State and local law;

"(3) prior conviction record of applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

"(4) past experience in the manufacture and distribution of chemicals; and

"(5) such other factors as may be relevant to and consistent with the public health and safety.".

(d) Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a) by inserting "or a list I chemical" after "controlled substance" in each place it appears and by inserting "or list I chemicals" after "controlled substances";

(2) in subsection (b) by inserting "or list I chemical" after "controlled substance";

(3) in subsection (f) by inserting "or list I chemicals" after "controlled substances" each place it appears; and

(4) in subsection (g) by inserting "or list I chemicals" after "controlled substances" each place it appears and by inserting "or list I chemical" after "controlled substance" each place it appears.

(e) Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) by redesignating subsection (c) as subsection (c)(1);

(2) by adding at the end the following:

"(2) The Attorney General shall register an applicant to import or export a list I chemical unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in paragraphs (1) through (5) of section 303(h) shall be considered.";

(3) in subsection (d)(3) by inserting "or list I chemical or chemicals," after "substances,";

(4) in subsection (d)(6) by inserting "or list I chemicals" after "controlled substances" each place it appears;

(5) in subsection (e) by striking "and 307" and inserting "307, and 310"; and

(6) in subsections (f), (g) and (h) by inserting "or list I chemicals" after "controlled substances" each place it appears.

(f) Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking "or" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(9) who is a regulated person to distribute, import or export a list I chemical without the registration required by this title.".

SEC. 1614. REPORTING OF LISTED CHEMICAL MANUFACTURING.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by striking "(b) Each" and inserting "(b)(1) Each";

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)";

(4) by striking "paragraph (2)" each place it appears and inserting "subparagraph (B)";

(5) by striking "paragraph (3)" each place it appears and inserting "subparagraph (C)"; and

(6) by adding at the end the following:

"(2) Each regulated person who manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by him.".

SEC. 1615. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.

(a) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding the following new subsection:

"(e) Any person located in the United States who is a broker or trader for an international transaction in a listed chemical which is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, record keeping, and other requirements placed upon exporters of listed chemicals by this title and title II.".

(b) Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

"(d) Any person who knowingly or intentionally—

"(1) imports or exports listed chemical with intent to manufacture a controlled substance in violation of this chapter;

"(2) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, in violation of the laws of the country to which the chemical is exported;

"(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this chapter;

"(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.".

SEC. 1616. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.

(a) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding the following new subsection:

"(f)(1) The Attorney General may by regulation require that the 15 day advance notice requirement of subsection (a) of this section apply to all exports of specific listed chemicals to specified nations, regardless of the status of certain customers in such country as "regular customers" if he finds that such action is necessary to support effective diversion control programs or is required by treaty or other international agreement to which the United States is a party;

"(2) The Attorney General may by regulation waive the 15 day advance notice requirement for exports of specific listed chemicals to specified countries if he determines that such advance notice is not required for effective chemical control. If such advance notice requirement is waived, exporters of such listed chemicals shall be required to either submit reports of individual exportations or to submit periodic reports of the exportation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.

"(3) The Attorney General may by regulation waive the 15 day advance notice requirement for the importation of specific listed chemicals if he determines that such requirement is not necessary for effective chemical control. If such advance notice requirement is waived, importers of such listed chemicals shall be required to either submit reports of individual importations or to submit periodic reports of the importation of such listed chemicals to the Attorney General at such time or times and containing such information as the Attorney General shall establish by regulation.".

(b) Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) (as amended by section 1615(b)) is amended by—

(1) inserting "or" after the semicolon at the end of paragraph (4); and

(2) adding a new paragraph (5) as follows:

"(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 of this title applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the advance notice requirement granted pursuant to section 1018(d)(1) or (2) of this title by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported;".

SEC. 1617. AMENDMENTS TO LIST I.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended:

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P) through (T) as (O) through (S), subparagraph (V) as (T), and subparagraph (X) as (U), respectively;

(3) by inserting after subparagraph (U), as so redesignated by paragraph (2), the following:

"(V) benzaldehyde.

"(W) nitroethane.";

(4) by redesignating subparagraph (Y) as (X); and

(5) by striking "(M) through (X)" in redesignated subparagraph (X) and inserting in lieu thereof "(M) through (U)".

SEC. 1618. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.

(a) Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

"(37) The term 'regular importer' means, with respect to a specific listed chemical, a person

who has an established record as an importer of that listed chemical that is reported to the Attorney General.".

(b) Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1) by striking "regular supplier of the regulated person." and inserting in lieu thereof "to an importation by a regular importer.";

(2) in subsection (b)(2) by striking "a customer or supplier of a regulated person" and inserting in lieu thereof "a customer of a regulated person or to an importer" and by striking "regular supplier" and inserting in lieu thereof "the importer as a regular importer"; and

(3) in subsection (c)(1) by striking "regular supplier" and inserting in lieu thereof "regular importer".

SEC. 1619. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.

Section 510(a)(2) of the Controlled Substances Act (21 U.S.C. 880(a)(2)) is amended to read as follows:

"(2) places, including factories, warehouses, or other establishments, and conveyances, where persons registered under section 303 of this title (or exempt from such registration under section 302(d) of this title or by regulation of the Attorney General), or a regulated person may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to such activity are maintained.".

SEC. 1620. THRESHOLD AMOUNTS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)) is amended by inserting "a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical," before "a threshold amount, including a cumulative threshold amount of multiple transactions".

SEC. 1621. MANAGEMENT OF LISTED CHEMICALS.

(a) Part C of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 310 the following new section:

"MANAGEMENT OF LISTED CHEMICALS

"SEC. 311. (a) It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001 through 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921–6925).

"(b)(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

"(2) Pursuant to paragraph (1), a defendant shall be assessed the following costs to the United States, a State, or other authority or person that undertakes to correct the results of the improper management of a listed chemical:

"(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property; and

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a Class D felony, or in the case of a willful violation, as a Class C felony.

"(B) It is the sense of the Congress that guidelines issued by the Sentencing Commission regarding sentencing under this paragraph should recommend that the term of imprisonment for the violation of subsection (a) should not be less than 5 years, nor less than 10 years in the case of a willful violation.

"(4) The Court may order that all or a portion of the earnings from work performed by a defendant in prison be withheld for payment of costs assessed under paragraph (2).

"(c) The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; or"; and

(3) by adding the following new paragraph at the end thereof:

"(11) for costs assessed under section 311(b) of the Controlled Substances Act.".

Subtitle C—General Provisions

SEC. 1631. CRIMINAL PENALTY FOR FAILURE TO OBEY ORDER TO LAND.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following new section:

"§2237. Order to land

"(a)(1) A pilot or operator of an aircraft that has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, who intentionally fails to obey an order to land issued by an authorized Federal law enforcement officer who has observed conduct or is otherwise in possession of information establishing reasonable suspicion that the aircraft is being used unlawfully in violation of the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act, or section 1956 or 1957 of this title (relating to money laundering), shall be fined under this title, or imprisoned not more than two years, or both.

"(2) The Secretary of the Treasury and the Secretary of Transportation, in consultation with the Attorney General, shall make rules governing the means by which a Federal law enforcement officer may communicate an order to land to a pilot or operator of an aircraft.

"(3) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 or another law the Customs Service enforces or administers, or the authority of a Federal law enforcement officer under a law of the United States to order an aircraft to land.

"(b) A foreign nation may consent or waive objection to the United States enforcing the laws of the United States by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(c) For purposes of this section—

"(1) the term 'aircraft subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, when that nation consents to United States enforcement of United States law; and

"(C) over the high seas, an aircraft without nationality, an aircraft of the United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the United States enforcement of United States law; and

"(2) the term 'Federal law enforcement officer' has the same meaning that term has in section 115 of this title.

"(d) An aircraft that is used in violation of this section is liable in rem for a fine imposed under this section.

"(e) An aircraft that is used in violation of this section may be seized and forfeited. The laws relating to seizure and forfeiture for violation of the customs laws, including available defenses such as innocent owner provisions, apply to aircraft seized or forfeited under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

"2237. Order to land.".

SEC. 1632. AMENDMENT TO THE MANSFIELD AMENDMENT TO PERMIT MARITIME LAW ENFORCEMENT OPERATIONS IN ARCHIPELAGIC WATERS.

Section 481(c)(4) of Public Law 87-195 (22 U.S.C. 2291)(c)(4)) is amended by inserting ", and archipelagic waters" after "territorial sea".

SEC. 1633. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before "Any" the following new sentence: "Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.";

(2) in subsection (d)(1)(A), by inserting after "a firearm or destructive device" the following: "or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection";

(3) in subsection (d)(1)(B), by inserting before "ammunition," the following: "marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,";

(4) in subsection (d)(1)(C), by inserting "methamphetamine, its salts, isomers, and salts of its isomers," after "a narcotic drug,";

(5) in subsection (d)(1)(D), by inserting "(A), (B), or" before "(C)"; and

(6) in subsection (b), by striking "(c)" each place it appears and inserting in lieu thereof "(d)".

SEC. 1634. CLOSE LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding "or $500, whichever is greater" after "value of the article".

SEC. 1635. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER THE RICO STATUTE.

Section 1961(1) of title 18, United States Code, is amended by striking "narcotic or other dangerous drugs" each place it appears and inserting in lieu thereof "a controlled substance or listed chemical, as defined in section 102 of the Controlled Substances Act".

SEC. 1636. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(1) Sections 401(b)(1) (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) and sections 1010(b) (1), (2), and (3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are each amended in the sentence or sentences beginning "If any person commits" by striking "one or more prior convictions" through "have become final" and inserting in lieu thereof "a prior conviction for a felony drug offense has become final";

(2) Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking "one or more prior con-

victions of him for a felony under any provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final" and inserting in lieu thereof "one or more prior convictions of such person for a felony for a felony drug offense have become final".

(3) Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning "For purposes of this subparagraph, the term 'felony drug offense' means";

(4) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following new paragraph:

"(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.".

SEC. 1637. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 1638. ANABOLIC STEROIDS PENALTIES.

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following:

"(b)(1) Whoever, being a physical trainer or adviser to an individual, endeavors to persuade or induce that individual to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both. If such individual has not attained the age of 18 years, the maximum imprisonment shall be 5 years.

"(2) As used in this subsection, the term 'physical trainer or adviser' means any professional or amateur coach, manager, trainer, instructor, or other such person, who provides any athletic or physical instruction, training, advice, assistance, or other such service to any person.".

SEC. 1639. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISION OF PUBLIC LAW 101-516 WHICH CONDITIONS PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THAT STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of Public Law 101-516, section 333. This program shall notify the Governors and State Representatives of the requirements of Public Law 101-516, section 333.

SEC. 1640. ADVERTISING.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by inserting after subsection (b) the following:

"(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publications, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. The term 'advertisement' does not include material which merely advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance."; and

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively.

SEC. 1641. INCREASED PENALTIES FOR DRUG-DEALING IN "DRUG-FREE" ZONES.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place it appears and inserting "5 years".

SEC. 1642. NATIONAL DRUG CONTROL STRATEGY.

(a) IN GENERAL.—Section 1005(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is amended by adding at the end the following:

"(5) Beginning with the first submission of a National Drug Control Strategy to Congress after the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1991, the goals, objectives, and priorities of such Strategy shall include a goal for expanding the availability of treatment for drug addiction.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who are in need of such treatment.

SEC. 1643. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE SUMS OF CASH IN EXCESS OF $10,000 IN WEAPON SCREENING.

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended by redesignating subsection (c) as subsection (d) and by adding after subsection (b) the following new subsection:

"(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR CASH IN EXCESS OF $10,000.—Not later than 90 days after the date of the enactment of this section, the Administrator shall issue regulations requiring employees and agents referred to in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers a controlled substance the possession of which may be a violation of Federal or State law, or any sizable sums of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.".

SEC. 1644. MANDATORY PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.

(a) DECLARATION OF POLICY.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) AMENDMENT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding the following new paragraph at the end thereof:

"(7)(A) In a case under section 404 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 1 year without release, to be served consecutively to any other sentence imposed for the simple possession itself.

"(B) In a case under this section involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility, such person shall be sentenced to a term of imprisonment of not less than 10 years without release, to be served consecutively to any other sentence imposed for the possession with intent to distribute or the distribution itself.

"(C) Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person sentenced under this paragraph. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed under this paragraph.".

TITLE XVII—DRUNK DRIVING PROVISIONS

SEC. 1701. SHORT TITLE.

This title may be cited as the "Drunk Driving Child Protection Act of 1991".

SEC. 1702. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended by—

(1) striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) adding at the end thereof the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.".

SEC. 1703. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

TITLE XVIII—COMMISSIONS

Subtitle A—Commission on Crime and Violence

SEC. 1801. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

There is established a commission to be known as the "National Commission on Crime and Violence in America". The Commission shall be composed of 22 members, appointed as follows:

(1) 6 persons by the President;

(2) 8 persons by the Speaker of the House of Representatives, two of whom shall be appointed on the recommendation of the minority leader; and

(3) 8 persons by the President pro tempore of the Senate, six of whom shall be appointed on the recommendation of the majority leader of the Senate and two of whom shall be appointed on the recommendation of the minority leader of the Senate.

SEC. 1802. PURPOSE.

The purposes of the Commission are as follows:

(1) To develop a comprehensive and effective crime control plan which will serve as a "blueprint" for action in the 1990's. The report shall

include an estimated cost for implementing any recommendations made by the Commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control plan.

(4) To recommend improvements in the coordination of local, State, Federal, and international border crime control efforts.

(5) To make a comprehensive study of the economic and social factors lending to or contributing to crime and specific proposals for legislative and administrative actions to reduce crime and the elements that contribute to it.

(6) To recommend means of targeting finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective possible crime control and protection of the community and public safety, with particular emphasis on examining the issue of possible disproportionate incarceration rates among black males and any other minority group disproportionately represented in State and Federal correctional populations, and to consider increased use of alternatives to incarceration which offer a reasonable prospect of equal or better crime control at equal or less cost.

SEC. 1803. RESPONSIBILITIES OF THE COMMISSION.

The commission shall be responsible for the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes to state and Federal law have had in controlling crime and violence.

(3) Examining the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth.

(4) Examining the problem of youth gangs and provide recommendations as to how to reduce youth involvement in violent crime.

(5) Examining the extent to which assault weapons and high power firearms have contributed to violence and murder in America.

(6) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate.

(7) Review all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components in developing the crime control plan.

Subtitle B—National Commission to Study the Causes of the Demand for Drugs in the United States

SEC. 1821. SHORT TITLE.

This subtitle may be cited as the "National Commission to Study the Causes of the Demand for Drugs in the United States".

SEC. 1822. ESTABLISHMENT.

There is established a National Commission to Study the Causes of the Demand for Drugs in the United States (hereinafter in this Act referred to as the "Commission").

SEC. 1823. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) examine the root causes of illicit drug use and abuse in the United States, including by compiling existing research regarding those root causes;

(2) evaluate the efforts being made to prevent drug abuse;

(3) identify the existing gaps in drug abuse policy that result from the lack of attention to the root causes of drug abuse;

(4) assess the needs of Government at all levels for resources and policies for reducing the overall desire of individuals to experiment with and abuse illicit drugs; and

(5) make recommendations regarding necessary improvements in policies for reducing the use of illicit drugs in the United States.

(b) EXAMINATION.—Matters examined by the Commission under this section shall include the following:

(1) CHARACTERISTICS.—The characteristics of potential illicit drug users and abusers or drug traffickers, including age and social, economic, and educational backgrounds.

(2) ENVIRONMENT.—Environmental factors that contribute to illicit drug use and abuse, including the correlation between unemployment, poverty, and homelessness on drug experimentation and abuse.

(3) ASSOCIATIONS AND SOCIAL RELATIONSHIPS.—The effects of substance use and abuse by a relative or friend in contributing to the likelihood and desire of an individual to experiment with illicit drugs.

(4) CULTURE.—Aspects of, and changes in, philosophical or religious beliefs, cultural values, attitudes toward authority, status of basic social units (such as families), and traditions that contribute to illicit drug use and abuse.

(5) PHYSIOLOGICAL AND PSYCHOLOGICAL FACTORS.—The physiological and psychological factors that contribute to the desire for illicit drugs.

(6) EFFORTS OF GOVERNMENTS.—The current status of Federal, State, and local efforts regarding the causes of illicit drug use and abuse, including a review of drug strategies being promoted by Federal, State, and local authorities to address the causes of illicit drug use and abuse.

SEC. 1824. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 13 members, as follows:

(A) PRESIDENT.—Three individuals appointed by the President.

(B) SENATE.—Five individuals appointed jointly by the majority and minority leaders of the Senate. Not more than 3 members appointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug user.

(C) HOUSE OF REPRESENTATIVES.—Five individuals appointed jointly by the Speaker, majority leader, and minority leader of the House of Representatives. Not more than 3 members appointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug abuser.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology,
(ii) psychology,
(iii) law,
(iv) bio-medicine,
(v) addiction, and
(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(b) PROHIBITION AGAINST OFFICER OR EMPLOYEE.—Each individual appointed under subsection (a) shall not be an officer or employee of any government and shall be qualified to serve the Commission by virtue of education, training, or experience.

(c) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(d) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(e) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(g) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(h) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(i) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 1825. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1826. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized *by the Commission, take any action the Commission is authorized to take by this section.*

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1827. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than 1 year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1828. TERMINATION.

The Commission shall terminate on the date which is 2 years after the Members of the Commission have met and designated a Chairperson and Vice Chairperson.

Subtitle C—National Commission to Support Law Enforcement

SECTION 1831. SHORT TITLE.

This subtitle may be cited as the "National Commission to Support Law Enforcement Act".

SEC. 1832. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review twenty-five years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

SEC. 1833. ESTABLISHMENT.

There is established a national commission to be known as the "National Commission to Support Law Enforcement" (referred to in this title as the "Commission").

SEC. 1834. DUTIES.

(a) IN GENERAL. —The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) EMPLOYMENT.—The conditions of law enforcement employment.

(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) RESEARCH AND TRAINING.—The status of law enforcement research and education and training.

(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

SEC. 1835. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from national law enforcement organizations representing law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate.

(B) One shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Majority Leader of the Senate.

(9) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Speaker of the House of Representatives.

(10) One individual representing a State or local governmental entity, such as a governor, mayor, or State attorney general, to be appointed by the President.

(b) COMPTROLLER GENERAL.—The Comptroller General shall serve in an advisory capacity and shall oversee the methodology and approach of the Commission's study.

(c) CHAIRPERSON.—Upon their appointment the members of the Commission shall select one of their number to act as chairperson.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) APPOINTMENT DATES.—Members of the Commission shall be appointed no later than 90 days after the enactment of this title.

SEC. 1836. EXPERTS AND CONSULTANTS.

(a) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this title.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 1837. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for purposes of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and

under the same conditions as other Federal agencies.

SEC. 1838. REPORT.

Not later than the expiration of the eighteen-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

SEC. 1839. TERMINATION.

The Commission shall cease to exist upon the expiration of the sixty-day period beginning on the date on which the Commission submits its report under section 1838.

SEC. 1840. REPEALS.

Title XXXIV of the Crime Control Act of 1990 (Public Law 101–647; 104 Stat. 4918) and title II, section 211B of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (Public Law 101–515; 104 Stat. 2122) are repealed.

TITLE XIX—BAIL POSTING REPORTING

SEC. 1901. SHORT TITLE.

This title may be cited as the "Illegal Drug Profits Act of 1991".

SEC. 1902. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) In General.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000, and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) Criminal Offenses.—For purposes of subsection (a), the term "criminal offense" means—

(1) any Federal criminal offense involving a controlled substance,

(2) racketeering (as defined in section 1951, 1952, or 1955 of title 18, United States Code),

(3) money laundering (as defined in section 1956 or 1957 of title 18, United States Code), or

(4) any violation of State criminal law involving offenses substantially similar to the offenses described in the preceding paragraphs.

(c) Copy to Prosecutors.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney, and

(2) the office of the local prosecuting attorney, for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) Regulations.—The Secretary of the Treasury shall promulgate such regulations as are necessary within 90 days of the enactment of this title.

(e) Effective Date.—This section shall become effective 60 days after the date of the promulgation of regulations under subsection (c).

TITLE XX—MOTOR VEHICLE THEFT PREVENTION

SEC. 2001. SHORT TITLE.

This title may be cited as the "Motor Vehicle Theft Prevention Act".

SEC. 2002. MOTOR VEHICLE THEFT PREVENTION PROGRAM.

(a) In General.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the "program") under which—

(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner's vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) Uniform Decal or Device Designs.—

(1) In general.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

(2) Type of design.—The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) Voluntary Consent Form.—The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

(4) include any additional information that the Attorney General may reasonably require.

(d) Specified Conditions Under Which Stops May Be Authorized.—

(1) In general.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may not be based on race, creed, color, national origin, gender, or age. These conditions may include—

(A) the operation of the vehicle during certain hours of the day; or

(B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner.

(2) More than one set of conditions.—The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

(3) No new conditions without consent.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

(4) Limited participation by States and localities.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

(e) Motor Vehicles for Hire.—

(1) Notification to lessees.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

(2) Type of notice.—The notice required by this subsection shall—

(A) be in writing;

(B) be in a prominent format to be determined by the Attorney General; and

(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

(3) Fine for failure to provide notice.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

(f) Notification of Police.—As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

(g) Regulations.—The Attorney General shall promulgate regulations to implement this section.

(h) Authorization of Appropriations.—There are authorized such sums as are necessary to carry out this section.

SEC. 2002. ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

(a) Basic Offense.—Subsection (a) of section 511 of title 18, United States Code, is amended to read as follows:

"(a) Whoever, with intent to further the theft of a vehicle, knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, or a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, shall be fined under this title or imprisoned not more than five years, or both.".

(b) Excepted Persons.—Paragraph (2) of section 511(b) of title 18, United States Code, is amended by—

(1) striking "and" after the semicolon in subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) adding at the end thereof the following:

"(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the owner of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—

"(i) the owner or his authorized agent;

"(ii) applicable State or local law; or

"(iii) regulations promulgated by the Attorney General to implement the Motor Vehicle Theft Prevention Act.".

(c) Definition.—Section 511 of title 18, United States Code, is amended by adding at the end thereof the following:

''(d) For purposes of subsection (a) of this section, the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act for the purpose of obstructing its visibility.''.

(d) UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding after section 511 the following new section:

"§511A. Unauthorized application of theft prevention decal or device

''(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, unless authorized to do so pursuant to the Motor Vehicle Theft Prevention Act, shall be punished by a fine not to exceed $1,000.

''(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to the Motor Vehicle Theft Prevention Act.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 25 of title 18, United States Code, is amended by adding immediately after the item for section 511 the following:

''511A. Unauthorized application of theft prevention decal or device.''.

TITLE XXI—PROTECTIONS FOR THE ELDERLY

SEC. 2101. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) GRANT.—The Attorney General shall award a grant to an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) ELIGIBLE ORGANIZATION.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1992, 1993, and 1994.

SEC. 2102. CRIMES AGAINST THE ELDERLY.

(a) IN GENERAL.—Pursuant to its authority under the Sentencing Reform Act of 1984 and section 21 of the Sentencing Act of 1987 (including its authority to amend the sentencing guidelines and policy statements) and its authority to make such amendments on an emergency basis, the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense.

(b) CRITERIA.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that—

(1) the guidelines provide for increasingly severe punishment for a defendant commensurate with the degree of physical harm caused to the elderly victim;

(2) the guidelines take appropriate account of the vulnerability of the victim; and

(3) the guidelines provide enhanced punishment for a defendant convicted of a crime of violence against an elderly victim who has previously been convicted of a crime of violence against an elderly victim, regardless of whether the conviction occurred in Federal or State court.

(c) DEFINITIONS.—As used in this section—

(1) the term ''crime of violence'' means an offense under section 113, 114, 1111, 1112, 1113, 1117, 2241, 2242, or 2244 of title 18, United States Code; and

(2) the term ''elderly victim'' means a victim who is 65 years of age or older at the time of an offense.

TITLE XXII—CONSUMER PROTECTION

SEC. 2201. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

''(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully and materially overvalues any land, property or security—

''(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

''(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

''(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

''(b)(1) Whoever—

''(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

''(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

''(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropriation described in paragraph (1) jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

''(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

''(A) deceive any person about the financial condition or solvency of such business, or

''(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person about the financial condition or solvency of such business,

shall be punished as provided in paragraph (2).

''(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years.

''(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

''(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

''(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

''(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

''(f) As used in this section—

''(1) the term 'business of insurance' means—

''(A) the writing of insurance, or

''(B) the reinsuring of risks,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

''(2) the term 'insurer' means any entity the business activity of which is the writing of insurance or the reinsuring of risks or any receiver or similar official or any liquidating agent for such an entity, in his or her capacity as such, and includes any person who acts as, or is, an officer, director, agent, or employee of that business;

''(3) the term 'interstate commerce' means—

''(A) commerce within the District of Columbia, or any territory or possession of the United States;

''(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

"(C) all commerce between points within the same State through any place outside such State; or

"(D) all other commerce over which the United States has jurisdiction; and

"(4) the term 'State' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"§1034. Civil penalties and injunctions for violations of section 1033

"(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of such title is amended by adding at the end the following new item:

"1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.

"1034. Civil penalties and injunctions for violations of section 1033.".

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by inserting "or" at the end of subparagraph (C); and

(C) by adding at the end the following new subparagraph:

"(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;".

(2) LIMITATIONS.—Section 3293 of such title is amended by inserting "1033," after "1014,".

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Whoever—

"(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or

"(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

"(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.".

SEC. 2202. CONSUMER PROTECTION AGAINST CREDIT CARD FRAUD ACT OF 1991.

(a) SHORT TITLE.—This section may be cited as the "Consumer Protection Against Credit Card Fraud Act of 1991".

(b) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during any one-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, one or more evidences or records of transactions made by an access device;".

(c) TECHNICAL AMENDMENTS.—Section 1029 of title 18, United States Code, as amended by subsection (b), is amended—

(1) in subsection (a) by striking "or" at the end of paragraph (3);

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e) by—

(A) striking "and" at the end of paragraph (5);

(B) adding "and" at the end of paragraph (6); and

(C) adding at the end thereof the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether it is affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 2203. MAIL FRAUD.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

TITLE XXIII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS

SEC. 2301. SHORT TITLE.

This title may be cited as the "Financial Institutions Fraud Prosecution Act of 1991".

SEC. 2302. FEDERAL DEPOSIT INSURANCE ACT AMENDMENT.

Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)) is amended in paragraph (2)(A)(i)(I)—

(1) by striking "or 1956"; and

(2) by inserting "1517, 1956, or 1957".

SEC. 2303. FEDERAL CREDIT UNION ACT AMENDMENTS.

Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

"(d) PROHIBITION.—

"(1) IN GENERAL.—Except with prior written consent of the Board—

"(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

"(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

"(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

"(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

"(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

"(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

"(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.".

SEC. 2304. CRIME CONTROL ACT AMENDMENT.

Section 2546 of the Crime Control Act of 1990 (Public Law 101-647, 104 Stat. 4885) is amended by adding at the end the following:

"(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.".

TITLE XXIV—SAVINGS AND LOAN PROSECUTION TASK FORCE

SEC. 2401. SAVINGS AND LOAN PROSECUTION TASK FORCE.

The Attorney General shall establish within the Justice Department a savings and loan criminal fraud task force to prosecute in an aggressive manner those criminal cases involving savings and loan institutions.

TITLE XXV—SENTENCING PROVISIONS

SEC. 2501. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 2502. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.

Section 3563(a)(3) of title 18, United States Code, is amended by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance".

SEC. 2503. REVOCATION OF PROBATION.

(a) IN GENERAL.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A"; and

(2) by striking the last sentence.

(b) MANDATORY REVOCATION.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

"(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO COOPERATE IN DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing, thereby violating the condition imposed by section 3563(a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.".

SEC. 2504. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), by striking "possess illegal controlled substances" and inserting "unlawfully possess a controlled substance";

(2) in subsection (e)—

(A) by striking "person" each place such term appears in such subsection and inserting "defendant"; and

(B) by amending paragraph (3) to read as follows:

"(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or"; and

(3) by striking subsection (g) and inserting the following:

"(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COOPERATE WITH DRUG TESTING.—If the defendant—

"(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

"(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

"(3) refuses to cooperate in drug testing imposed as a condition of supervised release;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

"(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.".

TITLE XXVI—SENTENCING AND MAGISTRATES AMENDMENTS

SEC. 2601. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561(a)(3) of title 18, United States Code, is amended by adding at the end: "However, this paragraph does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.".

SEC. 2602. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding "other than a petty offense" after "misdemeanor"; and

(2) in subsection (g) by amending the first sentence to read as follows: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.".

SEC. 2603. CONFORMING AUTHORITY FOR MAGISTRATES TO REVOKE SUPERVISED RELEASE IN ADDITION TO PROBATION IN MISDEMEANOR CASES IN WHICH THE MAGISTRATE IMPOSED SENTENCE.

Section 3401(d) of title 18, United States Code, is amended by adding at the end the following: "A magistrate judge who has sentenced a person to a term of supervised release shall also have power to revoke or modify the term or conditions of such supervised release.".

TITLE XXVII—COMPUTER CRIME

SEC. 2701. COMPUTER ABUSE AMENDMENTS ACT OF 1991.

(a) SHORT TITLE.—This title may be cited as the "Computer Abuse Amendments Act of 1991".

(b) PROHIBITION.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

"(5)(A) through means of a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

"(i) the person causing the transmission intends that such transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

"(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

"(ii) the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to one or more other persons of value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

"(B) through means of a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

"(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

"(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

"(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

"(ii) if the transmission of the harmful component of the program, information, code, or command—

"(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

"(II)(aa) causes loss or damage to one or more other persons of a value aggregating $1,000 or more during any 1-year period; or

"(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals;".

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking "and" after the semicolon;

(2) in paragraph (3)(A) by inserting "(A)" after "(a)(5)"; and

(3) in paragraph (3)(B) by striking the period at the end thereof and inserting "; and"; and

(4) by adding at the end thereof the following:

"(4) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).".

(d) Civil Action.—Section 1030 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Any person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless such action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.".

(e) Reporting Requirements.—Section 1030 of title 18 United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Attorney General and the Secretary of the Treasury shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning investigations and prosecutions under section 1030(a)(5) of title 18, United States Code.".

(f) Prohibition.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting "adversely" before "affects the use of the Government's operation of such computer".

TITLE XXVIII—PARENTAL KIDNAPPING

SEC. 2801. SHORT TITLE.

This subtitle may be cited as the "International Parental Kidnapping Crime Act of 1991".

SEC. 2802. TITLE 18 AMENDMENT.

(a) In General.—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following:

"§1204. International parental kidnapping

"(a) Whoever removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) As used in this section—

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights', with respect to a child, means the right to physical custody of the child—

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) It shall be an affirmative defense under this section that—

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

"(2) the defendant was fleeing an incidence or pattern of domestic violence;

"(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

"(d) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.".

(b) Sense of the Congress.—It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent.

(c) Clerical Amendment.—The table of sections at the beginning of chapter 55 of title 18, United States Code, is amended by adding at the end the following:

"1204. International parental kidnapping.".

SEC. 2803. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701–10713) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

TITLE XXIX—SAFE SCHOOLS

Subtitle A—Safe Schools

SEC. 2901. SHORT TITLE.

This title may be cited as the "Safe Schools Act of 1991".

SEC. 2902. SAFE SCHOOLS.

(a) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1421 of this Act, is amended—

(1) by redesignating part U as part Y;

(2) by redesignating section 2101 as section 2201; and

(3) by inserting after part T the following:

"PART U—SAFE SCHOOLS ASSISTANCE

"SEC. 2101. GRANT AUTHORIZATION.

"(a) In General.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

"(b) Model Project.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in English and in Spanish in a timely fashion and make such model available to any local educational agency that requests such information.

"SEC. 2102. USE OF FUNDS.

"Grants made by the Director under this part shall be used—

"(1) to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence, and illegal drugs and alcohol;

"(2) for counseling programs for victims of crime within schools;

"(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

"(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

"SEC. 2103. APPLICATIONS.

"(a) In General.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(b) Requirements.—Each application under subsection (a) shall include—

"(1) a request for funds for the purposes described in section 2002;

"(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

"(3) assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

"(4) statistical information in such form and containing such information that the Director may require regarding crime within schools served by such local educational agency.

"(c) Comprehensive Plan.—Each application shall include a comprehensive plan that shall contain—

"(1) a description of the crime problems within the schools targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filed with existing resources;

"(4) an explanation of how the requested grant will be used to fill gaps;

"(5) a description of the system the applicant will establish to prevent and reduce crime problems; and

"(6) a description of educational materials to be developed in Spanish.

"SEC. 2104. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) Administrative Cost Limitation.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

"(b) Renewal of Grants.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

"(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

"(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2003(c).

"SEC. 2105. AWARD OF GRANTS.

"(a) Selection of Recipients.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

"(1) Crime Problem.—The nature and scope of the crime problem in the targeted schools.

"(2) Need and Ability.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2003(c).

"(3) Population.—The number of students to be served by the plan required under section 2003(c).

"(b) Geographic Distribution.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 2106. REPORTS.

"(a) Report to Director.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2003(c).

"(b) Report to Congress.—The Director shall submit to the Committee on Education and Labor and the Committee on the Judiciary a report by October 1 of each year in which grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under 2003(b)(4), and an evaluation of programs established under this part.

"SEC. 2107. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1421 of this Act, is amended by striking the matter relating to part U and inserting the following:

"PART U—SAFE SCHOOLS ASSISTANCE

"Sec. 2101. Grant authorization.
"Sec. 2102. Use of funds.
"Sec. 2103. Applications.
"Sec. 2104. Allocation of funds; limitations on grants.
"Sec. 2105. Award of grants.
"Sec. 2106. Reports.
"Sec. 2107. Definitions.

"PART U—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 2201. Continuation of rules, authorities, and proceedings.".

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1421 of this Act, is amended by adding after paragraph (14) the following:

"(15) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the projects under part U.".

Subtitle B—Miscellaneous Provisions

SEC. 2912. RECORDS.

Section 438(a)(4)(B)(ii) of the General Education Provisions Act (20 U.S.C. 1232g(a)(4)(B)(ii)) is amended to read as follows:

"(ii) records maintained by a law enforcement unit of the education agency or institution that were created by that law enforcement unit for the purpose of law enforcement.".

SEC. 2913. DRUG ABUSE RESISTANCE EDUCATION PROGRAMS.

Subsection (c) of section 5122 of the Drug-Free Schools and Communities Act of 1986, as amended by section 1504(3) of Public Law 101–647, is amended by inserting "or local governments with the concurrence of local educational agencies" after "for grants to local educational agencies".

TITLE XXX—MISCELLANEOUS

Subtitle A—Increases in Penalties

SEC. 3001. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting ", where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases," after "shall";

(2) in subsection (b) by inserting "or inflicts bodily injury" after "weapon".

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000" and inserting "under this title";

(2) by inserting ", or inflicts bodily injury," after "weapon"; and

(3) by striking "not more than $10,000" and inserting "under this title".

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "of not more than $1,000" and inserting "under this title"; and

(B) by striking "five" and inserting "ten"; and

(2) in subsection (e)—

(A) by striking "of not more than $300" and inserting "under this title"; and

(B) by striking "three" and inserting "six".

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking "not more than $5,000," and inserting "under this title,";

(2) by inserting "the assault involved in the use of a dangerous weapon, or" after "if";

(3) by striking "not more than $10,000" and inserting "under this title"; and

(4) by striking "for".

(e) PRESIDENT AND PRESIDENT'S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking "not more than $10,000," both places it appears and inserting "under this title,";

(2) by striking "not more than $5,000," and inserting "under this title,"; and

(3) by inserting "the assault involved the use of a dangerous weapon, or" after "if".

SEC. 3002. INCREASED MAXIMUM PENALTY FOR MANSLAUGHTER.

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "fined under this title or" after "shall be" in the second undesignated paragraph; and

(B) by inserting ", or both" after "years";

(2) by striking "not more than $1,000" and inserting "under this title"; and

(3) by striking "three" and inserting "six".

SEC. 3003. INCREASED MAXIMUM PENALTIES FOR CIVIL RIGHTS VIOLATIONS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking "not more than $10,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "results";

(3) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(4) by inserting ", or both" after "life".

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

(1) by striking "more more than $1,000" an inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire," after "bodily injury results";

(3) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or" after "death results";

(4) by striking "shall be subject to imprisonment" and inserting "imprisoned"; and

(5) by inserting ", or both" after "life".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking "not more than $1,000" and inserting "under this title";

(2) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results;

(3) by striking "not more than $10,000" and inserting "under this title";

(4) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(5) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(6) by inserting ", or both" after "life".

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting "from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill" after "death results";

(2) in subsection (c)(2)—

(A) by striking "serious"; and

(B) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results"; and

(3) by amending subsection (e) to read as follows:

"(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.".

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) in the caption by striking "bodily injury; death;";

(2) by striking "not more than $1,000," and inserting "under this title";

(3) by inserting "from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire" after "bodily injury results";

(4) by striking "not more than $10,000," and inserting "under this title";

(5) by inserting "from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill," after "death results";

(6) by striking "subject to imprisonment" and inserting "fined under this title or imprisoned"; and

(7) by inserting ", or both" after "life".

Subtitle B—Extension of Protection of Civil Rights Statutes

SEC. 3011. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking "inhabitant of" and inserting "person in".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended—

(1) by striking "inhabitant of" and inserting "person in"; and

(2) by striking "such inhabitant" and inserting "such person".

Subtitle C—Audit and Report

SEC. 3021. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS.

(a) STATE REQUIREMENT.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

"(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

"(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.".

(b) INCLUSION IN ATTORNEY GENERAL'S REPORT.—Section 524(c)(6)(C) of title 28, United States Code, is amended by adding at the end the following flush sentence: "The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7).".

SEC. 3022. REPORT TO CONGRESS ON ADMINISTRATIVE AND CONTRACTING EXPENSES.

Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).".

Subtitle D—Counterfeit Goods Traffic

SEC. 3031. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence by striking "imprisoned not more than five years" and inserting "imprisoned not more than 10 years"; and

(2) in the second sentence by striking "imprisoned not more than fifteen years" and inserting "imprisoned not more than 20 years".

(b) LAUNDERING MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or section 2319 (relating to copyright infringement)," and inserting "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services),".

Subtitle E—Gambling

SEC. 3041. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization (including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5))) that has governmental authority within the territorial boundaries of the United States (including on lands described in section 4(4) of such Act (25 U.S.C. 2703(4))),

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographic references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§3704. Applicability

"(a) Section 3702 shall not apply to—

"(1) a lottery in operation in a State or subdivision of a State, to the extent that such a lottery actually was conducted by that State or subdivision at any time during the period beginning January 1, 1976 and ending August 31, 1990;

"(2) a betting, gambling, or wagering scheme in operation in a State or subdivision of a State, other than a lottery described in paragraph (1), where both—

"(A) such scheme was authorized by a statute as in effect on August 31, 1990; and

"(B) any scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or subdivision at any time during the period beginning September 1, 1989, and ending August 31, 1990, pursuant to the law of that State or subdivision;

"(3) a betting, gambling, or wagering scheme, other than a lottery described in paragraph (1), conducted exclusively in casinos located in a municipality, but only to the extent that—

"(A) such scheme or a similar scheme was in operation in that municipality not later than one year after the effective date of this chapter; and

"(B) any commercial casino gaming scheme was in operation in such municipality throughout the 10-year period ending on such effective date pursuant to a comprehensive system of State regulation authorized by that State's constitution and applicable solely to such municipality; or

"(4) parimutuel animal racing or jai-alai games.

"(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure .... 3001";

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection .... 3701".

SEC. 3042. CRIMINAL HISTORY RECORD INFORMATION FOR THE ENFORCEMENT OF LAWS RELATING TO GAMING.

A State gaming enforcement office located within a State Attorney General's office may obtain from the Interstate Identification Index of the FBI criminal history record information for licensing purposes through an authorized criminal justice agency.

SEC. 3043. CLARIFYING AMENDMENTS REGARDING SCOPE OF PROHIBITION AGAINST GAMBLING ON SHIPS IN INTERNATIONAL WATERS.

(a) DEFINITION OF GAMBLING SHIP IN TITLE 18.—The first paragraph of section 1081 of title 18, United States Code, is amended by adding at the end the following: "Such term does not include a vessel with respect to gambling aboard such vessel beyond the territorial waters of the United States during a covered voyage (as defined in section 4472 of the Internal Revenue Code of 1986).".

(b) CLARIFICATIONS OF, AND LIMITATIONS ON, GAMBLING DEVICES PROHIBITIONS.—

(1) TRANSPORT TO A PLACE IN A STATE, ETC..—Section 2 of the Act of January 2, 1951 (15 U.S.C. 1172; commonly referred to as the "Johnson Act"), is amended—

(A) by inserting before the first paragraph the following: "(a) GENERAL RULE.—";

(B) in subsection (a) (as so designated) by striking ", District of Columbia,";

(C) by inserting before the second paragraph the following: "(b) AUTHORITY OF FEDERAL TRADE COMMISSION.—"; and

(D) by adding at the end the following:

"(c) EXCEPTION.—This section does not prohibit the transport of a gambling device to a place in a State or a possession of the United States on a vessel on a voyage, if—

"(1) use of the gambling device on a portion of that voyage is, by reason of subsection (b) of section 5, not a violation of that section; and

"(2) the gambling device remains on board that vessel while in that State.".

(2) REPAIR, OTHER TRANSPORT, ETC.—Section 5 of that Act (15 U.S.C. 1175) is amended—

(A) by inserting before "It shall be unlawful" the following: "(a) GENERAL RULE.—";

(B) by inserting before the period at the end the following: ", including on a vessel documented under chapter 121 of title 46, United States Code, or documented under the laws of a foreign country"; and

(C) by adding at the end the following:

"(d) EXCEPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section does not prohibit—

"(A) the repair, transport, possession, or use of a gambling device on a vessel that is on waters that are not within the boundaries of any State or possession of the United States; or

"(B) the transport or possession, on a voyage, of a gambling device on a vessel in waters that

are within the boundaries of any State or possession of the United States, if—

"(i) use of the gambling device on a portion of that voyage is, by reason of subparagraph (A), not a violation of this section; and

"(ii) the gambling device remains on board that vessel while within the boundaries of that State or possession.

"(2) APPLICATION TO CERTAIN VOYAGES.—

"(A) GENERAL RULE.—Paragraph (1)(A) does not apply to the repair or use of a gambling device on a vessel that is on a voyage or segment of a voyage described in subparagraph (B) of this paragraph if the State or possession of the United States in which the voyage or segment begins and ends has enacted a statute the terms of which prohibit that repair or use on that voyage or segment.

"(B) VOYAGE AND SEGMENT DESCRIBED.—A voyage or segment of a voyage referred to in subparagraph (A) is a voyage or segment, respectively—

"(i) that begins and ends in the same State or possession of the United States, and

"(ii) during which the vessel does not make an intervening stop in another State or possession of the United States or a foreign country.".

(3) BOUNDARIES DEFINED.—The first section of that Act (15 U.S.C. 1171) is amended by adding at the end the following:

"(f) The term 'boundaries' has the same meaning given that term in section 2 of the Submerged Lands Act (43 U.S.C. 1301).".

Subtitle F—White Collar Crime Amendments

SEC. 3051. RECEIVING THE PROCEEDS OF EXTORTION OR KIDNAPPING.

(a) PROCEEDS OF EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

"§ 880. Receiving the proceeds of extortion

"Whoever receives, possesses, conceals, or disposes of any money or other property which was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than one year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than three years, fined under this title, or both."; and

(2) in the table of sections, by adding at the end the following new item:

"880. Receiving the proceeds of extortion.".

(b) RANSOM MONEY.—Section 1202 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection "(a)"; and

(2) by adding the following new subsections:

"(b) Whoever transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than one year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than ten years, fined under this title, or both.

"(c) For purposes of this section, the term 'State' has the meaning set forth in section 245(d) of this title.".

SEC. 3052. RECEIVING THE PROCEEDS OF A POSTAL ROBBERY.

Section 2114 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsections (a); and

(2) by adding at the end the following new subsection:

"(b) Whoever receives, possesses, conceals, or disposes of any money or other property which has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than ten years, fined under this title, or both.".

SEC. 3053. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting "section 1968 of this title, section 3733 of title 31, United States Code or" before "the Antitrust Civil Process Act".

SEC. 3054. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.

Section 3059A of title 18, United States Code, is amended—

(1) by inserting "225," after "215";

(2) by striking "or" before "1344"; and

(3) by inserting ", or 1517" after "1344".

SEC. 3055. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.

Section 2113 of title 18, United States Code, is amended by adding at the end the following:

"(h) As used in this section, the term 'savings and loan association' means (1) any Federal savings association or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation, and (2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) which is operating under the laws of the United States.".

SEC. 3056. CONFORMING DEFINITION OF "1 YEAR PERIOD" IN 18 U.S.C. 1516.

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting "(i)" before "the term"; and

(2) by inserting before the period the following: ", and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any one-year period' in section 666 of this title.".

Subtitle G—Other Provisions

SEC. 3061. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

SEC. 3062. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§ 3239. Optional venue for espionage and related offenses

"The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

"(1) section 793, 794, 798, or section 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

"(3) section 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) or (c));

may be in the District of Columbia or in any other district authorized by law.".

(b) TECHNICAL AMENDMENT.—The item relating to section 3239 in the table of sections of chapter 211 of title 18, United States Code, is amended to read as follows:

"3239. Optional venue for espionage and related offense.".

SEC. 3063. UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§21. Stolen or counterfeit nature of property for certain crimes defined

"(a) Wherever in this title it is an element of an offense that—

"(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

"(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) For purposes of this section, the term 'official representation' means any representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

(b) TECHNICAL AMENDMENT.—The table of sections of chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"21. Stolen or counterfeit nature of property for certain crimes defined.".

SEC. 3064. UNDERCOVER OPERATIONS—CHURNING.

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (relating to effective date) is amended to read as follows:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall cease to apply after December 31, 1994.".

SEC. 3065. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 3066. WIRETAPS.

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (c);

(2) by inserting "or" at the end of paragraph (d); and

(3) by adding after paragraph (d) the following new paragraph:

"(e)(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e), 2516, and 2518 of this subchapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,".

SEC. 3067. THEFTS OF MAJOR ART WORKS.

(a) OFFENSE.—Chapter 31 of title 18, United States Code, is amended by adding at the end thereof the following:

"§668. Theft of a major art work

"(a) Whoever steals or obtains by fraud any object of cultural heritage held in a museum, or

knowing the same to have been stolen, converted, or taken by fraud receives, conceals, stores, sells, exhibits, or disposes of such goods, shall be fined under this title, imprisoned for not more than the maximum term of imprisonment for a class C felony, or both.

"(b) Notwithstanding section 3282 of this title, the statute of limitations for an offense under this section shall be 20 years.

"(c) The property of a person convicted of an offense under this section shall be subject to criminal forfeiture under section 982 of this title.

"(d) For purposes of this section—

"(1) The term 'museum' means an organized and permanent institution, situated in the United States, essentially educational or aesthetic in purpose with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public on some regularly scheduled period.

"(2) The term 'stolen object of cultural heritage' means an object stolen from a museum after the effective date of this title reported to law enforcement authorities as stolen and registered with the International Foundation for Art Research, or any equivalent registry.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end thereof the following:

"668. Theft of a major art work.".

SEC. 3068. BALANCE IN THE CRIMINAL JUSTICE SYSTEM.

(a) FINDINGS.—The Congress finds that—

(1) an adequately supported Federal judiciary is essential to the enforcement of law and order in the United States, and

(2) section 331 of title 28 provides in pertinent part that the Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation, and

(3) in 1990, in response to the recommendations of the Judicial Conference for additional judgeships, Congress enacted legislation creating 85 additional judgeships with an effective date of December 1, 1990, and

(4) only one of these vacancies has been filled, and

(5) during the current administration, it has taken an average of 502 days from the time a judgeship becomes vacant until such vacancy is filled, and

(6) the enactment of legislation providing additional funding for the investigation and prosecution facets of the criminal justice system has a direct and positive impact on the needs and workload of the Judiciary, which is already severely overloaded with criminal cases, and

(7) recommendations by the Judicial Conference for the filling of judicial vacancies are currently made on the basis of historical data alone, and

(8) the General Accounting Office, pursuant to the 1988 Anti-Drug Abuse Act, has developed a computer model that measures the potential effect of fiscal increases on one or more parts of the criminal justice system on the Judiciary, and

(9) the General Accounting Office has established that an increase in the resources allocated to the investigative and prosecutorial parts of the criminal justice system, brings about an increase in the number of criminal cases filed, which in turn adds to the need for additional judgeships, and

(10) the allocation of resources to portions of the Federal criminal justice system other than the Judiciary contributes to the need for additional judgeships that cannot be anticipated by the use of historical data alone, and

(11) the use of historical data alone, because of its inability to project the need for additional judgeships attributable to the increase in criminal caseload adds to the delay in meeting the needs of the Judiciary.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Judicial Conference should be encouraged to make its recommendations to Congress for additional judgeships utilizing historical data and a workload estimate model designed to anticipate an increase in criminal filings resulting from increased funding in one or more components of the Federal criminal justice system, and to take into account the time expended in the appointive and confirmation process.

SEC. 3069. AWARD OF ATTORNEY'S FEES.

Section 519 of title 28, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Except"; and

(2) by adding at the end the following new subsection:

"(b) AWARD OF FEES.—

"(1) CURRENT EMPLOYEES.—Upon the application of any current employee of the Department of Justice or of any Federal public defender's office who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for reasonable attorney's fees incurred by that employee as a result of such investigation.

"(2) FORMER EMPLOYEES.—Upon the application of any former employee of the Department of Justice or of any Federal public defender's office who was the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this Act by the Department of Justice, which investigation related to such employee's discharge of his or her official duties, and which investigation resulted in neither disciplinary action nor criminal indictment against such employee, the Attorney General shall award reimbursement for those reasonable attorney's fees incurred by that former employee as a result of such investigation.

"(3) EVALUATION OF AWARD.—The Attorney General may make an inquiry into the reasonableness of the sum requested. In making such inquiry the Attorney General shall consider:

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for legal services in the community in which the investigation took place.".

SEC. 3070. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.

Section 3432 of title 18, United States Code, is amended by inserting before the period the following: ", except that such list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person".

SEC. 3071. MISUSE OF INITIALS "DEA".

(a) AMENDMENT.—Section 709 of title 18, United States Code, is amended—

(1) in the thirteenth unnumbered paragraph by striking "words—" and inserting "words; or"; and

(2) by inserting after the thirteenth unnumbered paragraph the following new paragraph:

"Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date that is 90 days after the date of enactment of this Act.

SEC. 3072. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.

(a) ROBBERY AND BURGLARY.—(1) Section 2111 of title 18, United States Code, is amended by inserting "or attempts to take" after "takes".

(2) Section 2112 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(3) Section 2114 of title 18, United States Code, is amended by inserting "or attempts to rob" after "robs".

(b) KIDNAPPING.—Section 1201(d) of title 18, United States Code, is amended by striking "Whoever attempts to violate subsection (a)(4) or (a)(5)" and inserting "Whoever attempts to violate subsections (a)".

(c) SMUGGLING.—Section 545 of title 18, United States Code, is amended by inserting "or attempts to smuggle or clandestinely introduce" after "smuggles, or clandestinely introduces".

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting "or attempts to commit any of the foregoing offenses" before "shall be punished", and

(B) by inserting "or attempted damage" after "damage" each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys".

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting "or attempts to damage" after "damages" each place it appears;

(B) by inserting "or attempts to cause" after "causes"; and

(C) by inserting "or would if the attempted offense had been completed have exceeded" after "exceeds" each place it appears.

SEC. 3073. DEFINITION OF LIVESTOCK.

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph relating to the definition of "cattle" the following:

"'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, or the carcasses thereof;".

TITLE XXXI—TECHNICAL CORRECTIONS

SEC. 3101. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) CROSS REFERENCE CORRECTIONS.—(1) Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of",

(2) in subsection (c) by striking "subsections (b) and (c)" and inserting "subsection (b)",

(3) in subsection (e) by striking "or (e)" and inserting "or (f)",

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking ", taking into consideration subsection (e) but", and

(ii) by striking "this subsection," and inserting "this subsection", and

(B) in subparagraph (B) by striking "amount" and inserting "funds".

(b) Correctional Options Grants.—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by striking "subsection (a)(1) and (2)" and inserting "paragraphs (1) and (2) of subsection (a)", and

(B) in paragraph (2) by striking "States" and inserting "public agencies".

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (a) by striking "for section" each place it appears and inserting "shall be used to make grants under section", and

(B) in subsection (b) by striking "sections 515(a)(1) or (a)(3)" and inserting "paragraphs (1) or (3) of section 515(a)".

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended by inserting "(other than chapter B of subpart 2)" after "and E".

(c) Denial or Termination of Grant.—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking "M,," and inserting "M,".

(d) Definitions.—Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended in paragraph (3) by striking "and N" and inserting "N, O, P, Q, R, S, T, U, V, and W".

(f) Public Safety Officers Disability Benefits.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

(1) in section 1201—

(A) in subsection (a) by striking "subsection (g)" and inserting "subsection (h),", and

(B) in subsection (b)—

(i) by striking "subsection (g)" and inserting "subsection (h)",

(ii) by striking "personal", and

(iii) in the first proviso by striking "section" and inserting "subsection", and

(2) in section 1204(3) by striking "who was responding to a fire, rescue or police emergency".

(g) Headings.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART M—REGIONAL INFORMATION SHARING SYSTEMS".

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

"PART O—RURAL DRUG ENFORCEMENT".

(h) Table of Contents.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking "Drug Control and System Improvement Grant" and inserting "drug control and system improvement grant",

(2) in the item relating to section 1403 by striking "Application" and inserting "Applications", and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(i) Other Technical Amendments.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) by striking "crime,," and inserting "crime,",

(2) in section 302(c)(19) by striking a period at the end and inserting a semicolon,

(3) in section 602(a)(1) by striking "chapter 315" and inserting "chapter 319",

(4) in section 603(a)(6) by striking "605" and inserting "606",

(5) in section 605 by striking "this section" and inserting "this part",

(6) in section 606(b) by striking "and Statistics" and inserting "Statistics",

(7) in section 801(b)—

(A) by striking "parts D," and inserting "parts",

(B) by striking "part D" each place it appears and inserting "subpart 1 of part E",

(C) by striking "403(a)" and inserting "501", and

(D) by striking "403" and inserting "503",

(8) in the first sentence of section 802(b) by striking "part D," and inserting "subpart 1 of part E or under part",

(9) in the second sentence of section 804(b) by striking "Prevention or" and inserting "Prevention, or",

(10) in section 808 by striking "408, 1308," and inserting "507",

(11) in section 809(c)(2)(H) by striking "805" and inserting "804",

(12) in section 811(e) by striking "Law Enforcement Assistance Administration" and inserting "Bureau of Justice Assistance",

(13) in section 901(a)(3) by striking "and," and inserting ", and",

(14) in section 1001(c) by striking "parts" and inserting "part".

(j) Conforming Amendment to Other Law.—Section 4351(b) of title 18, United States Code, is amended by striking "Administrator of the Law Enforcement Assistance Administration" and inserting "Director of the Bureau of Justice Assistance".

SEC. 3102. GENERAL TITLE 18 CORRECTIONS.

(a) Section 1031.—Section 1031(g)(2) of title 18, United States Code, is amended by striking "a government" and inserting "a Government".

(b) Section 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking "Banks" and inserting "banks".

(c) Section 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking "Transactions" and inserting "transactions" in lieu thereof.

(d) Section 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma which follows a comma.

(e) Elimination of Obsolete Cross Reference.—Section 3293 of title 18, United States Code, is amended by striking "1008,".

(f) Elimination of Duplicate Subsection Designation.—Section 1031 of title 18, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

(g) Clerical Amendment to Part I Table of Chapters.—The item relating to chapter 33 in the table of chapters for part I of title 18, United States Code, is amended by striking "701" and inserting "700".

(h) Amendment to Section 924(a)(1)(b).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "(q)" and inserting "(r)".

(i) Amendment to Section 3143.—The last sentence of section 3143(b) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

(j) Amendment to Table of Chapters.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to the chapter 113A added by section 132 of Public Law 102-27, but subsequently repealed.

(k) Punctuation Correction.—Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking the semicolon at the end and inserting a comma.

(l) Table of Contents Correction.—The table of contents for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"3509. Child Victims' and child witnesses' rights.".

(m) Elimination of Superfluous Comma.—Section 3742(b) of title 18, United States Code, is amended by striking "Government," and inserting "Government".

SEC. 3103. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.

(a) Section 1791 of Title 18.—Section 1791(b) of title 18, United States Code, is amended by striking "(c)" each place it appears and inserting "(d)".

(b) Section 1956 of Title 18.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act (21 U.S.C. 863)".

(c) Section 2703 of Title 18.—Section 2703(d) of title 18, United States Code, is amended by striking "section 3126(2)(A)" and inserting "section 3127(2)(A)".

(d) Section 666 of Title 18.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking "and" at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting "; and".

(e) Section 4247 of Title 18.—Section 4247(h) of title 18, United States Code, is amended by striking "subsection (e) of sections 4241, 4243, 4244, 4245, or 4246," and inserting "subsection (e) of sections 4241, 4244, 4245, or 4246, or subsection (f) of section 4243,".

(f) Section 408 of the Controlled Substance.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking "subsection (d)(1)" and inserting "subsection (c)(1)".

(g) Maritime Drug Law Enforcement Act.—(1) Section 994(h) of title 28, United States Code, is amended by striking "section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)" each place it appears and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(2) Section 924(e) of title 18, United States Code, is amended by striking "the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)" and inserting "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)".

(h) Section 2596 of the Crime Control Act of 1990.—Section 2596(d) of the Crime Control Act of 1990 is amended, effective retroactively to the date of enactment of such Act, by striking "951(c)(1)" and inserting "951(c)(2)".

(i) Section 3143 of Title 18.—The last sentence of section 3143(b)(1) of title 18, United States Code, is amended by striking "(b)(2)(D)" and inserting "(1)(B)(iv)".

SEC. 3104. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

Title 18, United States Code, is amended—

(1) in section 212, by striking "or of any National Agricultural Credit Corporation," and by striking "or National Agricultural Credit Corporations,";

(2) in section 213, by striking "or examiner of National Agricultural Credit Corporations";

(3) in section 709, by striking the seventh and thirteenth paragraphs;

(4) in section 711, by striking the second paragraph;

(5) by striking section 754, and amending the table of sections for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006, by striking "Reconstruction Finance Corporation,", and by striking "Farmers' Home Corporation,";

(7) in section 658, by striking "Farmers' Home Corporation,";

(8) in section 1013, by striking ", or by any National Agricultural Credit Corporation";

(9) in section 1160, by striking "white person" and inserting "non-Indian";

(10) in section 1698, by striking the second paragraph;

(11) by striking sections 1904 and 1908, and amending the table of sections for chapter 93 by striking the items relating to such sections;

(12) in section 1909, by inserting "or" before "farm credit examiner" and by striking "or an examiner of National Agricultural Credit Corporations,";

(13) by striking sections 2157 and 2391, and amending the table of sections for chapters 105 and 115, respectively, by striking the items relating to such sections;

(14) in section 2257 by striking the subsections (f) and (g) that were enacted by Public Law 100–690;

(15) in section 3113, by striking the third paragraph;

(16) in section 3281, by striking "except for offenses barred by the provisions of law existing on August 4, 1939";

(17) in section 443, by striking "or (3) five years after 12 o'clock noon of December 31, 1946,"; and

(18) in sections 542, 544, and 545, by striking "the Philippine Islands,".

SEC. 3105. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.

Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is amended, in subsection (a)(3), by striking "issuer" and inserting in lieu thereof "domestic concern".

SEC. 3106. ELIMINATION OF REDUNDANT PENALTY PROVISION IN 18 U.S.C. 1116.

Section 1116(a) of title 18, United States Code, is amended by striking ", and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

SEC. 3107. ELIMINATION OF REDUNDANT PENALTY.

Section 1864(c) of title 18, United States Code, is amended by striking "(b) (3), (4), or (5)" and inserting in lieu thereof "(b)(5)".

SEC. 3108. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.

Title 18, United States Code, is amended—

(1) in section 513(c)(4), by striking "association or persons" and inserting in lieu thereof "association of persons";

(2) in section 1956(e), by striking "Evironmental" and inserting in lieu thereof "Environmental";

(3) in section 3125, by striking the quotation marks in paragraph (a)(2), and by striking "provider for" and inserting in lieu thereof "provider of" in subsection (d);

(4) in section 3731, by striking "order of a district courts" and inserting in lieu thereof "order of a district court" in the second undesignated paragraph; and

(5) in section 151, by striking "mean" and inserting "means".

(6) in section 208(b), by inserting "if" after "(4)";

(7) in section 209(d), by striking "under the terms of the chapter 41" and inserting "under the terms of chapter 41";

(8) in section 1014, by inserting a comma after "National Credit Union Administration Board"; and

(9) in section 3291, by striking "the afore-mentioned" and inserting "such".

SEC. 3109. OTHER TECHNICAL AMENDMENTS.

(a) SECTION 419 OF CONTROLLED SUBSTANCES ACT.—Section 419(b) of the Controlled Substances Act (21 U.S.C. 860(b)) is amended by striking "years Penalties" and inserting "years. Penalties".

(b) SECTION 667.—Section 667 of title 18, United States Code, is amended by adding at the end the following: "The term 'livestock' has the meaning set forth in section 2311 of this title.".

(c) SECTION 1114.—Section 1114 of title 18, United States Code, is amended by striking "or any other officer, agency, or employee of the United States" and inserting "or any other officer or employee of the United States or any agency thereof".

(d) SECTION 408 OF CONTROLLED SUBSTANCES ACT.—Section 408(q)(8) of the Controlled Substances Act (21 U.S.C. 848(q)(8)) is amended by striking "applications, for writ" and inserting "applications for writ".

SEC. 3110. CORRECTIONS OF ERRORS FOUND DURING CODIFICATION

Title 18, United States Code, is amended—

(1) in section 212, by striking "218" and inserting "213";

(2) in section 1917—

(A) by striking "Civil Service Commission" and inserting "Office of Personnel Management"; and

(B) by striking "the Commission" in paragraph (1) and inserting "such Office";

(3) by transferring the table of sections for each subchapter of each of chapters 227 and 229 to follow the heading of that subchapter;

(4) so that the heading of section 1170 reads as follows:

"§1170. Illegal trafficking in Native American human remains and cultural items";

(5) so that the item relating to section 1170 in the table of sections at the beginning of chapter 53 reads as follows:

"1170. Illegal trafficking in Native American human remains and cultural items.";

(6) in section 3509(a), by striking paragraph (11) and redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(7) in section 3509—

(A) by striking out "subdivision" each place it appears and inserting "subsection"; and

(B) by striking out "government" each place it appears and inserting "Government";

(8) in section 2252(a)(3)(B), by striking "materails" and inserting " materials";

(9) in section 14, by striking "45," and "608, 611, 612,";

(10) in section 3059A—

(A) in subsection (b), by striking "this subsection" and inserting "subsection"; and

(B) in subsection (c), by striking "this subsection" and inserting "subsection";

(11) in section 1761(c)—

(A) by striking "and" at the end of paragraph (1);

(B) by inserting "and" at the end of paragraph (3); and

(C) by striking the period at the end of paragraph (2)(B) and inserting a semicolon;

(12) in the table of sections at the beginning of chapter 11—

(A) in the item relating to section 203, by inserting a comma after "officers" and by striking the comma after "others"; and

(B) in the item relating to section 204, by inserting "the" before "United States Court of Appeals for the Federal Circuit";

(13) in the table of sections at the beginning of chapter 23, in the item relating to section 437, by striking the period immediately following "Indians";

(14) in the table of sections at the beginning of chapter 25, in the item relating to section 491, by striking the period immediately following "paper used as money";

(15) in section 207(a)(3), by striking "Clarification of Restrictions" and inserting "Clarification of restrictions";

(16) in section 176, by striking "the government" and inserting "the Government";

(17) in section 3059A(e)(2)(iii), by striking "backpay" and inserting "back pay"; and

(18) by adding a period at the end of the item relating to section 3059A in the table of sections at the beginning of chapter 203.

SEC. 3111. PROBLEMS RELATED TO EXECUTION OF PRIOR AMENDMENTS.

(a) INCORRECT REFERENCE AND PUNCTUATION CORRECTION.—(1) Section 2587(b) of the Crime Control Act of 1990 is repealed, effective on the date such section took effect.

(2) Section 2587(b) of Public Law 101–647 is amended, effective the date such section took effect, by striking "The chapter heading for" and inserting "The table of sections at the beginning of".

(3) The item relating to section 3059A in the table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding a period at the end.

(b) LACK OF PUNCTUATION IN STRICKEN LANGUAGE.—Section 46(b) of Public Law 99–646 is amended, effective on the date such section took effect, so that—

(A) in paragraph (1), the matter proposed to be stricken from the beginning of section 201(b) of title 18, United States Code, reads "(b) Whoever, directly"; and

(B) in paragraph (2), a comma, rather than a semicolon, appears after "his lawful duty" in the matter to be stricken from paragraph (3) of section 201(b) of such title.

(c) BIOLOGICAL WEAPONS.—(1) Section 3 of the Biological Weapons Anti-Terrorism Act of 1989 is amended, effective on the date such section took effect in subsection (b), by striking "2516(c)" and inserting "2516(1)(c)".

(2) The item in the table of chapters for part I of title 18, United States Code, that relates to chapter 10 is amended by striking "Weapons" and inserting "weapons".

(d) PLACEMENT OF NEW SECTION.—Section 404(a) of Public Law 101–630 is amended, effective on the date such section took effect, by striking "adding at the end thereof" each place it appears and inserting "inserting after section 1169".

(e) ELIMINATION OF ERRONEOUS CHARACTERIZATION OF MATTER INSERTED.—Section 225(a) of Public Law 101–674 is amended, effective on the date such section took effect, by striking "new rule".

(f) CLARIFICATION OF PLACEMENT OF AMENDMENT.—Section 1205(c) of Public Law 101–647 is amended, effective the date such section took effect, by inserting "at the end" after "adding".

(g) ELIMINATION OF DUPLICATE AMENDMENT.—Section 1606 of Public Law 101–647 (amending section 1114 of title 18, United States Code) is repealed effective the date of the enactment of such section.

(h) ERROR IN AMENDMENT PHRASING.—Section 3502 of Public Law 101–647 is amended, effective the date such section took effect, by striking "10" and inserting "ten".

(i)0 CLARIFICATION THAT AMENDMENTS WERE TO TITLE 18.—Sections 3524, 3525, and 3528 of Public Law 101–647 are each amended, effective the date such sections took effect, by inserting "of title 18, United States Code" before "is amended".

(j) CORRECTION OF PARAGRAPH REFERENCE.—Section 3527 of Public Law 101–647 is amended, effective the date such section took effect, by striking "4th" and inserting "5th".

(k) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1345.—Section 3542 of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(l) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1956.—Section 3557(2)(E) of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(m) CLARIFICATION OF PLACEMENT OF AMENDMENTS.—Public Law 101–647 is amended, effective the date of the enactment of such Public Law—

(1) in section 3564(1), by inserting "each place it appears" after the quotation mark following "2251" the first place it appears; and

(2) in section 3565(3)(A), by inserting "each place it appears" after the quotation mark following "subchapter".

(n) CORRECTION OF WORD QUOTED IN AMENDMENT.—Section 3586(1) of Public Law 101–647 is amended, effective the date such section took effect, by striking "fines" and inserting "fine".

(o) ELIMINATION OF OBSOLETE TECHNICAL AMENDMENT TO SECTION 4013.—Section 3599 of Public Law 101–647 is repealed, effective the date of the enactment of such Public Law.

(p) CORRECTION OF DIRECTORY LANGUAGE.—Section 3550 of Public Law 101–647 is amended, effective the date such section took effect, by striking "not more than".

(q) REPEAL OF DUPLICATE PROVISIONS.—(1) Section 3568 of Public Law 101–647 is repealed, effective the date such section took effect.

(2) Section 1213 of Public Law 101–647 is repealed, effective the date such section took effect.

(r) CORRECTION OF WORDS QUOTED IN AMENDMENT.—Section 2531(3) of Public Law 101–647 is amended, effective the date such section took effect, by striking "1679(c)(2)" and inserting "1679a(c)(2)".

(s) FORFEITURE.—(1) Section 1401 of Public Law 101–647 is amended, effective the date such section took effect—

(A) by inserting a comma after ", 5316"; and

(B) by inserting "the first place it appears" after the quotation mark following "5313(a)".

(2) Section 2525(a)(2) of Public Law 101–647 is amended, effective the date such section took effect, by striking "108(3)" and inserting "2508(3)".

SEC. 3115. AMENDMENTS TO SECTION 1956 OF TITLE 18 TO ELIMINATE DUPLICATE PREDICATE CRIMES.

Section 1956 of title 18, United States Code, is amended—

(1) in subsection (c)(7)(D), by striking "section 1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud),";

(2) in subsection (a)(2) and in subsection (b), by striking "transportation" each place it appears and inserting "transportation, transmission, or transfer";

(3) in subsection (a)(3), by striking "represented by a law enforcement officer" and inserting "represented"; and

(4) in subsection (c)(7)(E), by striking the period that follows a period.

SEC. 3116. AMENDMENTS TO PART V OF TITLE 18.

Part V of title 18, United States Code, is amended—

(1) by inserting after the heading for such part the following:

"CHAPTER 601—IMMUNITY OF WITNESSES";

(2) in section 6001(1)—

(A) by striking "Atomic Energy Commission" and inserting "Nuclear Regulatory Commission"; and

(B) by striking "the Subversive Activities Control Board,"

(3) by striking "part" the first place it appears and inserting "chapter"; and

(4) by striking "part" each other place it appears and inserting "title".

PACKWOOD AMENDMENTS NOS. 2047 THROUGH 2094

(Ordered to lie on the table.)

Mr. PACKWOOD submitted 48 amendments intended to be proposed by him to an amendment to the bill S. 55, supra, as follows:

AMENDMENT NO. 2047

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of title 29, United States Code, that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2048

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calender days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2049

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (b). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and or its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2050

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2051

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreements.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2052

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing

wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreements.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2053

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreements.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2054

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures

until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT No. 2055

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purposes of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2056

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

AMENDMENT NO. 2057

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) as amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized, and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individal that is based on the fact that the indvidual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2058

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 43 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures

until the earlier of 43 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 43 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) as amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized, and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT No. 2059

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 42 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 42 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 42 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (i) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT No. 2060

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provision of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for setting the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) if, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth", and

(2) by adding at the end thereof the following

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute with an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized, and

"(B) in connection with that dispute, has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2061

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but consituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended.

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized, and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2062

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph.

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a williness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Concilation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does not accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) as amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute has an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized, and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT No. 2063

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating that labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following

"(b) No carrier, or officer or agent of the carrier shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorization by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collecting through that labor organization."

"(2) to withhold or deny any other employment right or privilege an employer, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This act shall be effective on the day after the date of enactment.

AMENDMENT No. 2064

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action——

"(i) to hire a permanent replacement for an employee who——

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following.

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft on class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute was exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2065

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute of a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 39, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute of fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during the time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) Of, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorization by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employer, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

AMENDMENT NO. 2066

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 39, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth.": and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meet the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

AMENDMENT NO. 2067

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employment who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute, has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

AMENDMENT NO. 2068

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective three days after the date of enactment.

AMENDMENT NO. 2069

Strike all after the first word and insert in lieu thereof the following:

SEC. 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service to the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth "; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft on class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute was exercised the right to join, to organized, to assist in organizing, or to bargain collectivity through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective four days after the date of enactment.

Amendment No. 2070

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof of following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute."

(iii)(A) the provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 43 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 43 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 43 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's officer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute, has exercised the right to join, to organize, to assist in organizing, or to bargain collectivity through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

Amendment No. 2071

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 42 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 42 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 42 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SECTION 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2072

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing

wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days; (ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2073

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii) (A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days; (ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issues or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth", and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

AMENDMENT NO. 2074

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, no officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized, and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective three days after the date of enactment.

AMENDMENT NO. 2075

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or "; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of title 29, United States Code that: (i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days; (ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth", and

(2) by adding at the end thereof the following

(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized, and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective four days after the date of enactment.

AMENDMENT NO. 2076

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has preformed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2077

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by section 1207(c)(2) of title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2078

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting ", or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified on recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee for the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed,or indicated a willingness to be employed during the dispute".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2079

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over these employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (a). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute."

SEC. 3. EFFECTIVE DATE.

This act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2080

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in section 1207(b) of title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

Amendment No. 2081

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report in issues with 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendations, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues, if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serve such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

Amendment No. 2082

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

Amendment No. 2083

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding board issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization's acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

Amendment No. 2084

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves as written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any action taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2085

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2086

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wage, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section

1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2087

At the appropriate place insert:

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

AMENDMENT NO. 2088

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (b). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either part may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2089

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (b). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing

wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective three days after the date of enactment.

AMENDMENT NO. 2090

Strike all after the first word and insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (b). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either part may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively --and labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT No. 2091

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (b). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either part may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2092

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either part may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2093

Strike all after the first word and insert in lieu thereof the following:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective on the day after the date of enactment.

AMENDMENT NO. 2094

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that and labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

SEC. 3. EFFECTIVE DATE.

This Act shall be effective two days after the date of enactment.

HATCH AMENDMENTS NOS. 2095 THROUGH 2190

(Ordered to lie on the table.)

Mr. HATCH submitted 96 amendments intended to be proposed by him to an amendment to the bill S. 55, supra, as follows:

Amendment No. 2095

At the appropriate place insert the following:

"This act shall not apply in the case of a labor organization that has engaged in threats of violence, acts of violence, harassment or intimidation in connection with the labor dispute involved, against the employer, against any of its agents, against any employees or against an employer's property.".

Amendment No. 2096

At the appropriate place insert the following:

";

"This act shall not apply except that this paragraph shall not apply to a labor dispute that costs the State, city, county or other political subdivision of the State in which the dispute incurs more than $100,000 in additional wages and overtime expenses for law enforcement or other employees of that state, city, county or political subdivision, and the labor organization involved shall be liable for any such expenses.".

Amendment No. 2097

At the appropriate place insert the following:

";

"This act shall not apply except that this paragraph shall apply if the labor organization involved has, prior to the commencement of the labor dispute, threatened to prohibit an employer from continuing to operate during a labor dispute or has engaged in conduct, other than authorizing striking employees to withhold their services, that is aimed at interfering with an employer's ability to continue to operate during the labor dispute.".

Amendment No. 2098

At the appropriate place insert the following:

"This act shall not apply (1) in the case of a labor organization that has engaged in threats of violence, acts of violence, harassment or intimidation in connection with the labor dispute involved, against the employer, against any of its agents, against any employees or against an employer's property; (2) or to a labor dispute that costs the State, city, county or other political subdivision of the State in which the dispute incurs more than $100,000 in additional wages and overtime expenses for law enforcement or other employees of that State, city, county or political subdivision, and the labor organization involved shall be liable for any such expenses; or (3) in the case that any employee who, under the terms of the employer's last contract offer, would be paid in wages and benefits an amount that exceeds 150 percent of the per capita personal income of persons employed within the State in which that employee is employed.".

Amendment No. 2099

At the appropriate place, insert the following new section:

SEC. . TERMINATION OF PROVISIONS.

The amendments made by this Act shall terminate if, in the 1-year period following the date of enactment of this Act, at least one employer is forced to go out of business because of an inability to hire permanent replacements for employees who are engaged in a labor dispute that did not involve an unfair labor practice committed by the employer.

Amendment No. 2100

At the appropriate place, insert the following new section:

SEC. . CONSTRUCTION.

The provisions of this Act shall not apply to an employer who—

(1) is engaged in a labor dispute that does not involve an unfair labor practice committed by the employer; and

(2) has voluntarily stopped working as a result of such labor dispute;

if the employer has been notified by at least five other qualified individuals that they would be willing to be hired under the terms of the employer's contract offer rejected by the labor organization and with the rights of permanent replacements to replace the employee.

Amendment No. 2101

At the appropriate place insert the following:

"The provisions of this Act shall not apply to—

"(I) employers engaged in delivery of health care services (such as hospitals and nursing homes);

"(II) employers who do not have the capacity to stockpile the goods they manufacture;

"(III) employers whose cost of training new employees exceed $5,000; and

"(IV) employers engaged in a strike in which the final collective bargaining contract offer made by the labor organization prior to the strike exceeds the previous wage and benefit level of unit employees by 10 percent or more.".

Amendment No. 2102

At the appropriate place, insert the following new section:

SEC. . TERMINATION OF PROVISIONS.

The amendments made by this Act shall terminate if, in the 1-year period following the date of enactment of this Act, the number of labor disputes involving a cessation of work increases by at least 10 percent as compared to the number of labor disputes involving a cessation of work in 1992.

Amendment No. 2103

At the appropriate place, insert the following new section:

SEC. . PROHIBITION AGAINST SECONDARY BOYCOTTS.

Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by adding at the end thereof the following new item:

"TWELFTH. PROHIBITION AGAINST SECONDARY BOYCOTTS.

"It shall be unlawful for a labor organization or its agents to force or require any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other persons, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of its employees unless such labor organization has been certified as the representative of such employees under the provisions of this Act: *Provided*, That nothing in this section shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing.".

AMENDMENT NO. 2104

At the appropriate place, insert the following new section:

SEC. . DEFINITION.

Section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)) is amended by adding the following new sentence at the end thereof: "For purposes of this Act, the term 'labor organization' shall include all affiliates of a labor organization and the actions of any such affiliate shall be deemed to be binding on any parent labor organization or other affiliates.".

AMENDMENT NO. 2105

At the appropriate place, insert the following new section:

SEC. . AGENTS OF LABOR ORGANIZATIONS.

Section 2(13) of the National Labor Relations Act (29 U.S.C. 152(13)) is amended by adding the following new sentence at the end thereof: "Any member of a labor organization shall be deemed to be an agent of that labor organization, and such member's actions shall be binding on the labor organization without regard to whether such action was authorized or subsequently ratified.".

AMENDMENT NO. 2106

At the appropriate place, insert the following new section:

SEC. . ANTIDISCRIMINATION.

(a) IN GENERAL.—Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is inserting before the semicolon at the end thereof the following: "*Provided further*, That nothing in this subsection shall permit any employer who has contracts with an agency of the United States of America for the furnishing of supplies or services, or for the use of real or personal property, including lease arrangements, to require membership in or financial support to any labor organization as a condition of employment.".

(b) BUILDING OR CONSTRUCTION EMPLOYEES.—Section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) by inserting before the period the following: "*Provided further*, That nothing in this subsection shall permit any employer engaged in the construction industry who has contracts with an agency of the United States of America to require membership in or financial support to any labor organization as a condition of employment.".

AMENDMENT NO. 2107

At the appropriate place, insert the following new section:

SEC. . OBLIGATION TO BARGAIN COLLECTIVELY.

Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended—

(1) by inserting striking out "*Provided*" and inserting in lieu thereof the following: "*Provided*, That nothing in this subsection shall require an employer to negotiate with a representative of a labor organization who has been convicted of violating the criminal laws of the United States, or any State, district or territory, or who has committed an act of violence against the employers, against any of its employees or agents, or against its property: *Provided further*".

AMENDMENT NO. 2108

At the appropriate place, insert the following new section:

SEC. . DUTY OF FAIR REPRESENTATION.

Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2) It shall be the duty of each exclusive representative to represent fairly all persons for which it serves as the exclusive representative bargaining agreement: Provided, That in making determinations regarding whether the exclusive representative has fulfilled its duty of fair representation, the Board shall consider all relevant circumstances, including:

"(A) whether all covered employees had a voice in selecting the exclusive collective bargaining representative;

"(B) whether all covered employees had a voice in negotiating the collective bargaining agreement;

"(C) whether and to what extent, any group of employees that were not included within the bargaining unit when the collective bargaining unit was negotiated has interests with respect to job assignments, job referrals, handling of grievances, or any other terms or conditions of employment; and

"(D) whether any employees who were not represented by the exclusive collective bargaining representative during the negotiation of the collective bargaining agreement have been given less favorable treatment by such representative with respect to job assignments, job referrals, handling of grievances, or any other terms or conditions of employment.

"An Office of Fair Representation shall be established within the Office of General Counsel whose purpose shall be to assist the General Counsel in the investigation of charges made by employees alleging violations of the duty of fair representation under this subsection.".

AMENDMENT NO. 2109

At the appropriate place, insert the following new section:

SEC. . CERTAIN VIOLATIONS AND PENALTIES.

Section 209 of the Labor-Management Reporting and Disclosure Act (29 U.S.C. 439) is amended—

(1) in subsection (a), by striking out "one year" and inserting in lieu thereof "five years";

(2) in subsection (b), by striking out "one year" and inserting in lieu thereof "five years"; and

(3) in subsection (c), by striking out "one year" and inserting in lieu thereof "five years".

AMENDMENT NO. 2110

At the appropriate place, insert the following new section:

SEC. . CONDUCT NOT PROTECTED.

Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended—

(1) by inserting before "*Provided*," the following new proviso: *Provided*, That it shall be an unfair labor practice for a labor organization or any of its members to engage in any activity not specifically protected by this title in support of a collective bargaining demand:"; and

(2) by striking out *Provided*, That where" and inserting in lieu thereof *Provided further*, That where".

AMENDMENT NO. 2111

At the appropriate place, insert the following new section:

SEC. . ENHANCED COMPETITIVENESS.

Section 610 of the Labor-Management Reporting and Disclosure Act (29 U.S.C. 530) is amended—

(1) by striking out "for the purpose of interfering with or preventing the exercise of" in the first sentence;

(2) by striking out "$1,000" and inserting in lieu thereof "$10,000"; and

(3) by striking out "one year" and inserting in lieu thereof "five years".

AMENDMENT NO. 2112

At the appropriate place, insert the following new section:

SEC. . LIABILITY FOR BACKPAY.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by adding at the end thereof the following new sentence: "The Board may order a labor organization found to have violated section 8(b)(1)(A) to reimburse all employees for wages that were lost or diminished as a result of the labor organization's unfair labor practices.".

AMENDMENT NO. 2113

At the appropriate place, insert the following new section:

SEC. . DEMOCRACY WITHIN LABOR UNIONS.

Section 401(e) of the Labor-Management Relations Act of 1959 (29 U.S.C. 481(e)) is amended by adding at the end thereof the following new sentence: "An organization may not prohibit a member from holding an office within such organization based on the fact that such member has applied for a supervisory or managerial position with an employer.".

AMENDMENT NO. 2114

Strike out all after the first word and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Rights Act of 1992".

SEC. 2. VIOLENCE AS AN UNFAIR LABOR PRACTICE.

(a) EMPLOYER UNFAIR LABOR PRACTICE.—Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end the following new paragraph:

"(6) to encourage, incite, or engage in acts or threats of violence, intimidation or harassment against employees as a means of achieving the collective bargaining objectives of the employer.".

(b) LABOR ORGANIZATION UNFAIR LABOR PRACTICE.—Section 8(b) of such Act (29 U.S.C. 158(b)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (7) the following new paragraph:

"(8) to encourage, incite, or engage in acts or threats of violence, intimidation or harassment against employees as a means of achieving the collective bargaining or organizational objectives of the labor organization.".

SEC. 3. EXPANSION OF BACK PAY REMEDIES:

Section 10(c) of the National Labor Relations Act (42 U.S.C. 160(c)) is amended by inserting after the first proviso the following new proviso the following: "*And provided further*, That when an employer is found to have engaged in conduct violating section 8(a)(6) or when a labor organization is found to have engaged in conduct violating 8(b)(8), that has resulted in a loss of pay by an employee or employees, backpay shall be required to be paid by the employer in cases of violations of 8(a)(6) and by labor organizations in cases of violations of 8(b)(8):".

AMENDMENT NO. 2115

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON IMPOSITION OF FINES.

Section 8(b)(1) of the National Labor Relations Act (29 U.S.C. 158(b)(1)) is amended by striking out the first semicolon and inserting in lieu thereof the following: ": *Provided further*, That it shall be an unfair labor practice for a labor organization to threaten or impose any fine or other economic sanction against any person in the exercise of rights under this Act (including the right to refrain from any or all concerted activity or to invoke the processes of the Board);".

AMENDMENT NO. 2116

At the appropriate place, insert the following new section:

SEC. . EXTORTION WITH RESPECT TO LABOR DISPUTES.

Paragraph (2) of subsection (b) of section 1951 of title 18, United States Code, is amended to read as follows:

"(2)(A) The term 'extortion' means the obtaining of the property of another—

"(i) by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged; or

"(ii) under color of official right.

"(B) In a prosecution under subparagraph (A)(i) in which the threat or fear is based upon conduct by an agent or member of a labor organization consisting of an act of bodily injury to a person or damage to property, the pendency, at the time of such conduct, of a labor dispute, as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9)), the outcome of which could result in the obtaining of employment benefits by the actor, does not constitute prima facie evidence, that property was obtained by such conduct.".

AMENDMENT NO. 2117

At the appropriate place, insert the following new section:

SEC. . SECRET BALLOT ELECTIONS.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the first proviso the following new proviso: "*Provided further*, That no order of the Board shall issue requiring any employer to bargain with any labor organization unless such labor organization has been certified as the exclusive representative of its employees following a secret ballot election conducted pursuant to section 9 of this Act (29 U.S.C. 159:".

AMENDMENT NO. 2118

At the appropriate place, insert the following new section:

SEC. . RESTITUTION.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the first proviso, the following new proviso: "*Provided further*, That the Board may order the restitution of money damages arising out of and caused by a strike or other means of coercion or force which the Board shall determine to be an unfair labor practice under section 8(b), but nothing in this proviso shall be interpreted to preclude an injured party from pursuing any other remedy available at law, in equity, or otherwise.".

AMENDMENT NO. 2119

At the appropriate place, insert the following new section:

SEC. . RESTITUTION.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the first proviso, the following new proviso: "*Provided further*, That the Board may order the restitution of money damages to individuals or entities which the Board shall determine were the victims of violent acts during an otherwise lawful strike, but nothing in this proviso shall be interpreted to preclude an injured party from pursuing any other remedy available at law, in equity, or otherwise:".

AMENDMENT NO. 2120

At the appropriate place, insert the following new section:

SEC. . SECRET BALLOT ELECTIONS FOR STRIKES.

Title III of the Labor-Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 305. SECRET BALLOT ELECTIONS FOR STRIKES.

"(a) IN GENERAL.—It shall be unlawful for a labor organization or its agents to engage in a strike that has not been ratified or approved in a secret ballot election by a majority of employees in the appropriate unit who voted in such election.

"(b) INJUNCTIONS.—Any employee injured as the result of a violation of subsection (a) may petition a district court of the United States having jurisdiction of the parties to enjoin the violation.

"(c) JURISDICTION OF COURT.—The court shall have jurisdiction to enjoin a violation under this section. If the court determines that there has been a violation of subsection 9(a), it shall award monetary damages and other appropriate relief to the employees affected by such action including reasonable attorney's fees and costs to the party bringing such action.".

AMENDMENT NO. 2121

Strike out all after the first word and insert in lieu thereof the following:

SECTION 1. DISCRIMINATORY ACTIVITY AS BASIS FOR OBJECTION TO CERTIFICATION.

Section 10 of the National Labor Relations Act (29 U.S.C. 160) is amended by adding at the end thereof the following new subsection:

"(n) Notwithstanding any other provision of law, an employer or employee may object to the certification of an organization as the exclusive bargaining representative for purposes of collective bargaining on the basis that such organization has engaged, or is engaging, in discrimination based on race, color, religion, gender or national origin. Such discriminatory activity may also be raised as a defense by an employer for the employer's refusal to bargain collectively with a labor organization.".

AMENDMENT NO. 2122

At the appropriate place, add the following:

"Subsections (i) and (ii) shall not apply in any case where a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work."

AMENDMENT NO. 2123

At the appropriate place, add the following:

"Subsections (1) and (2) shall not apply in any case where a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work."

AMENDMENT NO. 2124

At the appropriate place, add the following new section:

SEC. . "Section 1 and section 2 shall not apply in any case where a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work."

AMENDMENT NO. 2125

At the appropriate place add the following:

"The prohibitions contained in subsections (i) and (ii) shall not apply if such prohibition would cause an employer to suffer a major contract cancellation, to incur a substantial penalty due to failure to meet a contract deadline, to commit a breach of contract, or otherwise to sustain a significant economic injury due to failure to fulfill a contractual obligation undertaken prior to the labor dispute."

AMENDMENT NO. 2126

At the appropriate place add the following:

"The prohibitions contained in subsections (1) and (2) shall not apply if such prohibition would cause an employer to suffer a major contract cancellation, to incur a substantial penalty due to failure to meet a contract deadline, to commit a breach of contract, or otherwise to sustain a significant economic injury due to failure to fulfill a contractual obligation undertaken prior to the labor dispute."

AMENDMENT NO. 2127

At the appropriate place add the following new section:

SEC. . "The prohibitions contained in section 1 and section 2 shall not apply if such prohibition would cause an employer to suffer a major contract cancellation, to incur a substantial penalty due to failure to meet a contract deadline, to commit a breach of contract, or otherwise to sustain a significant economic injury due to failure to fulfill a contractual obligation undertaken prior to the labor dispute."

AMENDMENT NO. 2128

At the appropriate place add the following:

"If, as a result of the prohibitions contained in subsections (i) and (ii), a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 2129

At the appropriate place add the following: "If, as a result of the prohibitions contained in subsections (1) and (2), a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 2130

At the appropriate place add the following: SEC. . "If, as a result of the prohibitions contained in section 1 and section 2, a strike or imminent strike would result in substantial and grievous economic injury to an employer's operations, resulting in a loss of income for other employees of such employer who are not engaged in bargaining unit work, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 2131

At the appropriate place, insert the following:

"SEC. . No employer in the construction industry who withdraws from a collective bargaining agreement or multiemployer pension plan shall encur any withdrawal liability under subtitle E of subchapter II of the Employee Retirement Income Security Act, as amended, 29, USC section 1361, et seq., if such withdrawal has occurred prior to two years from the date of enactment of this act."

AMENDMENT NO. 2132

At the appropriate place, insert the following new section:

"SEC. . Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. §158(a)(3)) is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof a colon; and

(2) by adding the following new proviso at the end thereof:

"*Provided further*, That nothing in this subsection shall permit any employer who has contracts with an agency of the United States of America for the furnishing of supplies or services, or for the use of real or personal property, including lease arrangements, to require membership in or financial support to any labor organization as a condition of employment."

AMENDMENT NO. 2133

At the appropriate place, insert the following new section:

"SEC. . Section 8(f) of the National Labor Relations Act (29 U.S.C. §158(f)) is amended—

(1) by striking out the period at the end thereof and inserting in lieu thereof of a colon: and

(2) by adding the following new proviso at the end thereof:

"*Provided further*, That nothing in this subsection shall permit any employer engaged in the construction industry who has contracts with an agency of the United States of America to require membership in or financial support to any labor organization as a condition of employment."

AMENDMENT NO. 2134

At the appropriate place, insert the following:

"SEC. . Any person who is employed in the Office of Organized Crime and Racketeering (or its successor), Office of the Inspector General, Department of Labor, who conducts investigations of alleged or suspected felony criminal violations of statutes including but not limited to the Labor-Management Reporting and Disclosures Act of 1959, and the Employee Retirement Income Security Act of 1947, as administered by the Secretary of Labor or any agency of the Department of Labor and who is designated by the Inspector General of the Department of Labor may—

"(1) make an arrest without a warrant for any such felony criminal violation if such violation is committed in his presence or if such employee has probable cause to believe such violation is being committed in his presence or if such employee has probable cause to believe such violation is being or has been committed, by the person to be arrested, in the presence of such employee;

"(2) execute a warrant for an arrest for the search of premises, or the seizure of evidence if such warrant is issued under authority of the United States upon probable cause to believe that such violation has been committed; and

"(3) carry a firearm in accordance with rules issued by the Secretary of Labor, which such employee is engaged in the performance of official duties under the authority provided in section 6, or described in section 9, of the Inspector General Act of 1978."

AMENDMENT NO. 2135

At the appropriate place, insert the following:

Sec. . Section 501 of the Labor-Management Reporting and Disclosure Act (29 U.S.C. §501) is amended—

(1) by redesignating subsection (c) as subsection (d); and by adding the following new subsection (c):

"(c) Civil actions by the U.S. Department of Labor.—When any officer, agent, shop steward, or representative of any labor organization is alleged to have violated the duties declared in subsection (a) of this section, or where the Secretary of Labor is of the belief that such duties have been violated, the Secretary of Labor shall investigate the alleged violations and, where appropriate, institute a civil action in any district court of the United States to enforce the duties and requirements of subsection (a): *Provided*, that this subsection shall not act as a limitation on the rights of any member of a labor organization provided under subsection (b)."

AMENDMENT NO. 2136

At the appropriate place, insert the following:

"Sec. . Section 14(b) of the National Labor Relations Act (29 U.S.C. §164(b)) is amended by adding at the end thereof the following new sentence: "Any such prohibitions by any state or territory shall apply to any property of the United States located within such a state or territory."'"

AMENDMENT NO. 2137

At the appropriate place, insert the following:

Sec. . Section 439 of the Labor-management Reporting and Disclosure Act (29 U.S.C. §439) is amended—

(1) by striking out "one year" in subsection (a), and by adding in lieu thereof "five years";

(2) by striking out "one year" in subsection (b), and by adding in lieu thereof "five years";

(3) by striking out "one year" in subsection (c), and by adding in lieu thereof "five years."

AMENDMENT NO. 2138

At the appropriate place, insert the following:

"Sec. . Section 530 of the Labor-management Reporting and Disclosure Act (29 U.S.C. §530) is amended—

(1) by striking out "for the purpose of interfering with or preventing the exercise of" in the first sentence of the section:

(2) by striking out "$1,000" and "one year" in the second sentence of the section;

(3) by adding after the words "shall be fined not more than" in the second sentence the following: "10,000"; and

(4) by adding after the words "or imprisoned for not more than" in the second sentence the following "five years."

AMENDMENT NO. 2139

At the appropriate place, insert the following new section:

"Sec. . Section 2(5) of the National Labor Relations Act (29 U.S.C. §152(5)) is amended by adding the following new sentence to the end thereof: "For the purposes of this Act, the term "labor organization" shall include all affiliates of a labor organization and the actions of any such affiliate shall be deemed binding on any parent labor organization or other affiliates."'"

AMENDMENT NO. 2140

At the appropriate place, insert the following:

"SEC. . Section 411(a) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. §411(a)) is amended by adding at the end thereof the following new paragraph:

"(6) EMPLOYMENT REFERRAL.—In the case of a labor organization that refers applicants to an employer for employment with such employer, such organization may not make such referrals in a manner that is inconsistent with constitution and bylaws of such organization."'"

AMENDMENT NO. 2141

At the appropriate place, insert the following:

"SEC. . Section 2(13) (29 U.S.C. §152(13)) of the National Labor Relations Act is amended by adding the following new sentence at the end thereof: "Any member of a labor organization shall be deemed to be an agent of said labor organization, and such member's actions shall be binding on said labor organization without regard to whether said action was authorized or subsequently ratified."'"

AMENDMENT NO. 2142

At the appropriate place, insert the following new section:

"SEC. . (a) Section 2(5) of the National Labor Relations Act (29 U.S.C. §152(5)) is amended by adding to the end thereof the following new sentence: "For purposes of this Act the term "labor organization" shall include all affiliates of a labor organization and the actions of any one affiliate shall be deemed binding on any parent and other affiliates."

(b) Paragraph 1(B) of Section 504(b) of Title 5, United States Code, is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof a colon; and

(2) by adding to the end thereof the following new proviso:

"*Provided*, That the net worth of a labor organization shall be determined with reference to Section 2(5) of the National Labor Relations Act (29 U.S.C. §152(5)).

(c) Paragraph B of Section 2412(d)(2) of Title 28, United States Code, is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof a colon; and

(2) by adding to the end thereof the following new proviso:

"*Provided*, That the net worth of a labor organization shall be determined with reference to Section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)).

AMENDMENT NO. 2143

At the appropriate place, insert the following new section:

"SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. §158(d)) is amended—

"(1) by inserting after the colon following the first occurrence of the word "concession" the following new proviso: "*Provided*, That it shall be an unfair labor practice for a labor organization to make a proposal which directly or indirectly affects employees outside the bargaining unit represented by such labor organization."

"(2) by striking out the word "*Provided*" and inserting in lieu thereof the phrase "*Provided further*.""

AMENDMENT NO. 2144

At the appropriate place, insert the following new section:

"SEC. . Section 19 of the National Labor Relations Act (29 U.S.C. §169) is amended by inserting after the phase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who has a strongly held moral or personal conviction against joining or financially supporting labor organizations."

AMENDMENT NO. 2145

At the appropriate place, insert the following new section:

"SEC. . Section 302(c) of the Labor Management Relations Act (29 U.S.C. §186(c)) is amended by striking out the semicolon in clause (4) and inserting in lieu thereof a colon; and by inserting the following new proviso at the end thereof:

"*Provided, however*, That nothing contained herein shall be construed as permitting such deductions in any state or territory in which such deductions are prohibited by State or Territorial law."

AMENDMENT NO. 2146

At the appropriate place, insert the following new section:

"SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. §158(d)) is amended—

(1) by inserting after the phrase "but such obligation does not compel either party to agree to a proposal or require the making of a concession;" the following new proviso:

"*Provided*, That nothing in this subsection shall require an employer to negotiate with a representative of a labor organization who has been convicted of violating the criminal laws of the United States, or any state, district or territory, or who has committed an act of violence against the employers, against any of its employees or agents, or against its property;" and

(2) by inserting "*further*" after "*Provided*" preceding the phrase "That where there is in effect a collective-bargaining contract * * *."

AMENDMENT NO. 2147

At the appropriate place, insert the following new section:

"SEC. . (a) Section 8(d) of the National Labor Relations Act (29 U.S.C. §158(d)) is amended by inserting the following new paragraph at the end thereof:

"No employer shall be compelled to bargain with, and it shall not be unlawful under this Act for an employer to refuse to bargain with, any individual prohibited from representing a labor organization as provided in Section 504(a) of the Labor-Management Reporting and Disclosure Act (29 U.S.C. §504(a)).

(b) Section 504(a) of the Labor-Management Reporting and Disclosure Act (29 U.S.C. §504(a)) is amended by inserting after the clause, "assault which inflicts grievous bodily injury," the following new clauses: "assault or threat of assault upon any employee, serious strike misconduct,"""

AMENDMENT NO. 2148

At the appropriate place, insert the following new section:

"SEC. . (a) Section 8(d) of the National Labor Relations Act (29 U.S.C. §158(d)) is amended by inserting the following new paragraph at the end thereof:

"No employer shall be compelled to bargain with, and it shall not be unlawful under this Act for an employer to refuse to bargain with, any individual prohibited from representing a labor organization as provided in Section 504(a) of the Labor-Management Reporting and Disclosure Act (29 U.S.C. §504(a)).

(b) Section 504(a) of the Labor-Management Reporting and Disclosure Act (29 U.S.C. §504(a)) is amended by inserting after the clause, "assault which inflicts grievous bodily injury," the following new clauses: "assault or threat of assault upon any employee, serious strike misconduct,"""

AMENDMENT NO. 2149

At the appropriate place, add the following:

"Subsections (i) and (ii) shall not apply in any case in which the labor organization involved in the labor dispute concerned engages in or encourages its members to engage in violence during the dispute."

AMENDMENT NO. 2150

At the appropriate place, add the following:

"Subsections (1) and (2) shall not apply in any case in which the labor organization involved in the labor dispute concerned engages in or encourages its members to engage in violence during the dispute."

AMENDMENT NO. 2151

At the appropriate place, add the following:

Sec. . "The provisions in section 1 and section 2 shall not apply in any case in which the labor organization involved in the labor dispute concerned engages in or encourages its members to engage in violence during the dispute."

AMENDMENT NO. 2152

At the appropriate place, add the following:

"Subsections (i) and (ii) shall not apply in any case in which a strike or imminent strike poses a threat to the public health or safety."

AMENDMENT NO. 2153

At the appropriate place, add the following:

"Subsections (1) and (2) shall not apply in any case in which a strike or imminent strike poses a threat to the public health or safety."

AMENDMENT NO. 2154

At the appropriate place, add the following new section:

Sec. . "The provisions in section 1 and section 2 shall not apply in any case in which a strike or imminent strike poses a threat to the public health or safety."

AMENDMENT NO. 2155

At the appropriate place, add the following:

"If, as a result of the prohibitions contained in subsections (i) and (ii), a strike or imminent strike poses a threat to public health or safety, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 2156

At the appropriate place add the following:

"If, as a result of the prohibitions contained in subsections (1) and (2), a strike or imminent strike poses a threat to public health or safety, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 2157

At the appropriate place add the following new section:

SEC. . "If, as a result of the prohibitions contained in section 1 and section 2, a strike or imminent strike poses a threat to public health or safety, the employer involved in the strike or General Counsel of the Board, acting on behalf of the Board, may petition any United States district court within any district where the strike has or will occur for appropriate injunctive relief. Upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law."

AMENDMENT NO. 2158

At the appropriate place, insert the following new section:

"SEC. . That (a) Paragraph (2) of subsection 1951 of title 18, United States Code, is amended to read as follows:

"(2) The term '*extortion*' means the obtaining of property from another, with his or her consent, induced by use of actual or threatened force, violence or fear thereof, or wrongful use of fear not involving force or violence, or under color of official right."

(b) Subsection (c) of such section is amended to read as follows:

"(c) Nothing in this section shall be construed as indicating an intent on the part of the Congress—

"(1) to repeal, modify, or affect section 17 of title 15, the Act of March 23, 1932, popularly known as the Norris-La Guardia Act (47 Stat. 70: 29 U.S.C. §52, 101, 115, 151–166), or the Railway Labor Act (45 U.S.C. §151–188);

"(2) to exclude Federal jurisdiction over the offenses defined in this section on the ground that the conduct is also a violation of State or local law, or the conduct, if it involves force, violence or fear of force or violence, takes place in the course of a legitimate business or labor dispute or in pursuit of a legitimate business or labor objective; or

"(3) to chill legitimate labor activity by authorizing Federal prosecution for offenses occurring during a labor dispute which do not involve extortion. This intent would preclude prosecution, under this section, of conduct which is incidental to peaceful picketing in the course of a legitimate labor dispute, as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. §150(9)), and consists solely of minor bodily injury, or minor damage to property, or a threat of such minor injury or damage, and is not intended to obtain property. Such excluded offenses shall continue to be subject to prosecution by State and local authorities having jurisdiction over them."

(c) Section 1951 is amended by adding at the end thereof the following:

(d) It is a bar to a prosecution under this section that the conduct of the defendant—

"(1) was incidental to peaceful picketing in the course of a legitimate labor dispute, as defined in section 2(9) of the National Labor Relations Act, as amended (29 U.S.C. §152(9));

"(2) consisted solely of minor bodily injury, or minor damage to property not exceeding a value of $2,500, or a threat of such minor injury or damage; and

"(3) was not intended to obtain property."

AMENDMENT NO. 2159

At the appropriate place, insert the following new section:

"SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. §158(d)) is amended by inserting after the colon at the end of paragraph (4) the following new provisions: "*Provided further*, That where there is in effect a collective bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that such employees shall not engage in a strike or other concerted refusal to perform work for any reason whatsoever during the term of such contract regardless of whether such strike or other concerted refusal to perform work is actually authorized by the representative of such employees subject to the provisions of Section 9(a): *And, Provided Further*, That where such strike or other concerted refusal to perform work occurs, the duty to bargain collectively shall also mean that the representative of such employees subject to the provisions of Section 9(a) shall take all steps reasonably necessary to end such strike or other concerted refusal to perform work."

AMENDMENT NO. 2160

At the appropriate place, insert the following:

"SEC. . Section 2(13) of the National Labor Relations Act (29 U.S.C. §152(13)) is amended by inserting at the end thereof the following new sentence:

"Any person engaged in a strike or other concerted refusal to perform work, or any other concerted activity, shall be considered an "agent" of all other persons with whom such action was taken, and as "agent" of the labor organization, if any, of which any such person is a member."

AMENDMENT NO. 2161

At the appropriate place, insert the following:

"SEC. . Section 10(c) of the National Labor Relations Act (29 U.S.C. §160(c)) is amended by inserting after the phrase, "responsible for the discrimination suffered by him," the following new proviso:

"*Provided further*, That the board may order the restitution of money damages arising out of and caused by a strike or other means of coercion or force which the Board shall determine to be an unfair labor practice under Section 8(b) of this Act (29 U.S.C. §158(b)), but nothing in this proviso shall be interpreted to preclude an injured party from pursuing any other remedy available at law, in equity, or otherwise."

AMENDMENT NO. 2162

At the appropriate place, insert the following:

"SEC. . Section 8(b) of the National Labor Relations Act (29 U.S.C. §158(b)) is amended—

(1) by striking out the "and" at the end of subsection (6) of such section; and

(2) by striking out the period at the end of subsection (7) of such section and inserting in lieu thereof "; and"; and

(3) by adding the following new subsection at the end thereof:

"(8) to engage in a strike, or slowdown, or other refusal to work for any reason during the term of any collective bargaining agreement to which the labor organization is a signatory when such agreement contains a provision prohibiting strikes. For purposes of this subsection any such strike, slowdown, or refusal to work by any member of a labor organizations shall be deemed an act of said labor organization."

AMENDMENT NO. 2163

At the appropriate place, insert the following:

"SEC. . Section 14(c)(1) of the National Labor Relations Act (29 U.S.C.§164(c)) is amended—

(1) by striking out the proviso thereto; and

(2) by adding after the colon the following new proviso:

"Provided, That the Board shall assert jurisdiction over any labor dispute involving any non retail enterprise which has an outflow or inflow across state lines of at least $1,000,000 per annum, whether such outflow or inflow is regarded as direct or indirect, and involving any retail enterprise which has a gross volume of business of at least $10,000,000 per annum. No later than November 1, 1992, and each year thereafter, the board shall adjust and publish in the Federal register such standards to reflect changes in the Consumer price Index (all items-United States city average) published by the Bureau of labor Statistics."

AMENDMENT NO. 2164

At the appropriate place, insert the following:

"SEC. . Section 2(2) of the National Labor Relations Act (29 U.S.C. §152(2)) is amended by inserting after the phrase, "or any State or political subdivision thereof" the following new phrase: "any employer which shares an intimate relationship or connection with the United States or any State or political subdivision thereof."

AMENDMENT NO. 2165

At the appropriate place, insert the following:

"SEC. . Section 14(c)(1) of the National Labor Relations Act (29 U.S.C. §164(c)(1)) is amended—

(1) by striking the period and inserting in lieu thereof a comma; and

(20) by adding the following at the end thereof; "adjusted on August 1, 1960, and each year thereafter, to reflect changes in the Consumer Price Index (all items—United States city average) published by the Bureau of Labor Statistics for the one-year period ending the preceding July 31. No later than November 1, 1992, and each year thereafter, the Board shall publish such standards, as adjusted in accordance with the preceding sentence, in the Federal register."

AMENDMENT NO. 2166

At the appropriate place, insert the following:

"SEC. Section 303(a) of the labor Management Relations Act (29 U.S.C. §187(a)) is amended by striking out "section 8(b)(4)" and inserting in lieu thereof "Section 8(b)".

AMENDMENT NO. 2167

At the appropriate place, insert the following:

"SEC. . Section 9(a) of the National Labor Relations Act (29 U.S.C. §159(a)) is amended by striking out "a unit appropriate" in the phrase "in a unit appropriate for such purposes" and inserting in lieu thereof "the most appropriate unit".

AMENDMENT NO. 2168

At the appropriate place, insert the following:

SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. §158(d)) is amended by adding the following new paragraph at the end thereof:

"Notwithstanding any of the foregoing, no employer shall have a duty to bargain collectively with any labor organization which has been determined, in whole or in part, to be an enterprise operated by a pattern of racketeering within the meaning of 18 U.S.C. §1961 *et seq.* by a court of the United States in any civil or criminal action for a period of ten years from the date of such determination."

AMENDMENT NO. 2169

At the appropriate place, insert the following:

"SEC. . Section 301(a) of the Labor Management Relations Act (29 U.S.C. §185(a)) is amended by adding at the end thereof the following new sentence:

"This section shall not apply to, and a district court shall not have subject matter jurisdiction over, a nonsignatory to a collective bargaining agreement, where no rights or duties of the non-signatory party are stated in the terms and conditions of the contract."

AMENDMENT NO. 2170

At the appropriate place, insert the following:

"SEC. . Section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) is amended—

(1) by inserting after the colon following the word "concession" the following new proviso:

"Provided, That this Section shall not require any employer to bargain collectively with respect to any decision which affects the scope, direction, or nature of its business, and which is not prohibited by other provisions of this Act, to discontinue, contract out, relocate, sell, or otherwise change, modify, restructure, or dispose of its business, plant, equipment, or operations, or any part thereof, except that, on request, the employer (unless the collective bargaining agreement between the parties defines their duties in such circumstances) without having to defer the decision or any action pursuant thereto, shall after making such decision meet and bargain with the representative of any affected employees concerning the effects, if any, of such action upon such employees;"; and

(2) by inserting before the comma preceding the phrase "That where there is in effect a collective-bargaining contract" the word "*further*."

AMENDMENT NO. 2171

At the appropriate place add the following:

"(iii) except that the prohibitions contained in subsections (i) and (ii) will not apply unless a simple majority of the employees in the bargaining unit or bargaining units involved in such labor dispute have voted by secret ballot to conduct such labor dispute, and the election is conducted under the supervision of the National Labor Relations Board."

AMENDMENT NO. 2172

At the appropriate place add the following:

"(3) except that the prohibitions contained in subsections (1) and (2) will not apply unless a simple majority of the employees in the bargaining unit or bargaining units involved in such labor dispute have voted by secret ballot to conduct such labor dispute, and the election is conducted under the supervision of the National Labor Relations Board."

AMENDMENT NO. 2173

At the appropriate place add the following new section:

SEC. . "The prohibitions contained in section 1 and section 2 will not apply unless a simple majority of the employees in the bargaining unit or bargaining units involved in such labor dispute have voted by secret ballot to conduct such labor dispute, and the election is conducted under the supervision of the National Labor Relations Board."

AMENDMENT NO. 2174

At the appropriate place insert the following:

"The prohibitions contained in subsections (i) and (ii) shall apply only if a referendum was conducted by secret ballot with a simple majority of the employees in the bargaining unit or bargaining units affected voting to conduct an economic strike."

AMENDMENT NO. 2175

At the appropriate place insert the following:

"The prohibitions contained in subsections (1) and (2) shall apply only if a referendum was conducted by secret ballot with a simple majority of the employees in the bargaining unit or bargaining units affected voting to conduct an economic strike."

AMENDMENT NO. 2176

At the appropriate place add the following new section:

SEC. "The prohibitions contained in section 1 and section 2 shall apply only if a referendum was conducted by secret ballot with a simple majority of the employees in the bargaining unit or bargaining units affected voting to conduct an economic strike."

AMENDMENT NO. 2177

At the appropriate place, insert the following:

"SEC. . Section 10(c) of the National Labor Relations Act (29 U.S.C. section 160(c)) is amended by inserting after the following new proviso: "Provided further, That no order of the Board shall issue requiring any employer to bargain with any labor organization unless such labor organization has been certified as the exclusive representative of his employees following a secret ballot election conducted pursuant to Section 9 of this Act (29 U.S.C. section 159)."

AMENDMENT NO. 2178

At the appropriate place, insert the following:

"SEC. . Section 10(b) of the National Labor Relations Act (29 U.S.C. §160(b)) is amended—

(1) by striking out the period at the end of the first sentence and inserting in lieu thereof a colon; and

(2) by adding the following new proviso at the end thereof: "*Provided further,* That no complaint shall be issued based upon any unfair labor practice not specifically alleged in timely charge".

AMENDMENT NO. 2179

At the appropriate place, insert the following:

"SEC. Section 10(b) of the National Labor Relations Act (29 U.S.C. §160(b)) is amended—

(1) by striking out the period at the end of the second sentence and inserting in lieu thereof a colon; and

(2) by inserting the following new proviso after the colon:

"*Provided*, That no such amendment shall relate back to the original filing of the complaint, for the purposes of this subsection, unless the claim asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading."

AMENDMENT NO. 2180

At the appropriate place, insert the following:

"SEC. . Section 9(c) of the National Labor Relations Act (29 U.S.C. §159(c)) is amended by adding the following paragraph at the end thereof:

(6) "Notwithstanding any of the foregoing, the Board shall not certify as a representative of employees under this Act any labor organization which has been determined to be, in whole or in part, an enterprise operated by a pattern of racketeering within the meaning of 18 U.S.C. §1961 *et seq.* by a court of the United States in any civil or criminal action for a period of ten years from the date of such determination."

AMENDMENT NO. 2181

At the appropriate place, insert the following:

"SEC. . Section 3(d) of the National Labor Relations Act (29 U.S.C. §153(d)) is amended—

(1) by striking out the period at the end of the third sentence and inserting in lieu thereof a colon; and

(2) by adding the following new proviso: "*Provided*, That where the General Counsel shall delegate this authority to issue complaints under Section 10, the General Counsel shall provide an appeal procedure with final review personally by the General Counsel of any decision to issue such complaints."

AMENDMENT NO. 2182

At the appropriate place, insert the following:

"It is the sense of the Congress that the National Labor Relations Board should give first priority and use the utmost speed to process unfair labor practice cases that involve the reinstatement of strikers who have been permanently replaced."

AMENDMENT NO. 2183

At the appropriate place, insert the following:

"SEC. . Section 10(k) of the National Labor Relations Act (29 U.S.C. §160(k)) is amended by adding the following new sentence at the end thereof:

"At a hearing pursuant to this subsection, the burden shall be upon the labor organization challenging the particular work assignment to demonstrate its entitlement to said work assignment by clear and convincing evidence."

AMENDMENT NO. 2184

At the appropriate place, insert the following:

"Sec. . Section 14 of the National Labor Relations Act (29 U.S.C. §164) is amended by adding the following new subsection: "(d) Nothing herein shall require the presence of a union representative, or other individual, at any interview, conducted by an employer with any employee."

AMENDMENT NO. 2185

At the appropriate place, insert the following:

"Sec. . Section 8(b)(6) of the National Labor Relations Act (29 U.S.C. §158(b)(6)) is amended by inserting after the second occurrence of the word "performed" and before the semicolon, a comma and the following new clause:

"or for services for which the employer has no need or does not desire, or for services which are of no bona fide economic value to the employer".".

AMENDMENT NO. 2186

At the appropriate place, insert the following new section:

SEC. 3. PREVENTION OF DISCRIMINATION AGAINST EMPLOYEES FOR FAILING TO PAY FOR THE POLITICAL ACTIVITIES OF A LABOR ORGANIZATION.

"An employee cannot be obligated to pay, through union dues or any other mandatory payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns."

AMENDMENT NO. 2187

At the appropriate place, insert the following new section:

SEC. 3. PREVENTION OF DISCRIMINATION AGAINST EMPLOYEES FOR FAILING TO PAY FOR THE POLITICAL ACTIVITIES OF A LABOR ORGANIZATION.

"No employee may be required to join any labor organization, but if a collective bargaining agreement covering an employee purports to require membership or payment of dues or other fees to a labor organization as a condition of employment, the employee may elect instead to pay an agency fee to the labor organization.

"The amount of the agency fee shall be limited to the employee's pro rata share of the cost of the labor organization's exclusive representation services to the employee's collective bargaining unit, including collective bargaining, contract administration, and grievance adjustment."

AMENDMENT NO. 2188

At the appropriate place add the following: "The prohibitions contained in subsections (i) and (ii) shall not apply if the employer, acting in good faith, can demonstrate it had a reasonable basis to believe that it would suffer significant economic injury as a result of such prohibition.

AMENDMENT NO. 2189

At the appropriate place add the following: "The prohibitions contained in subsections (1) and (2) shall not apply if the employer, acting in good faith, can demonstrate it had a reasonable basis to believe that it would suffer significant economic injury as a result of such prohibition.

AMENDMENT NO. 2190

At the appropriate place add the following new section:

Sec. "The prohibition contained in section 1 and section 2 shall not apply if the employer, acting in good faith, can demonstrate it had a reasonable basis to believe that it would suffer significant economic injury as a result of such prohibition.

KENNEDY AMENDMENT NOS. 2191 THROUGH 2241

(Ordered to lie on the table.)

Mr. KENNEDY submitted 51 amendments intended to be proposed by him to an amendment to the bill S. 55, supra; as follows:

AMENDMENT NO. 2191

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. PREVENTION OF DISCRIMINATION AGAINST EMPLOYEES FOR FAILING TO PAY FOR THE POLITICAL ACTIVITIES OF LABOR ORGANIZATIONS.

An employee who is not a member of a labor organization, and who has notified the organization in writing in the manner provided for in the organization's lawful rules for providing such a notification, of his/her objection to providing financial support for the organization's expenditures that go for political activities, including but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns, shall not be required to pay that pro rata share of his/her dues or of any equivalent payment otherwise due and payable under lawful union security agreement.

AMENDMENT NO. 2192

Strike all after the first word and insert in lieu thereof the following:

SEC. 3. PREVENTION OF DISCRIMINATION AGAINST EMPLOYEES FOR FAILING TO PAY FOR THE POLITICAL ACTIVITIES OF LABOR ORGANIZATIONS.

An employee who is not a member of a labor organization, and who has notified the organization in writing in the manner provided for in the organization's lawful rules for providing such a notification, of his/her objection to providing financial support for the organization's expenditures that go for political activities, including but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns, shall not be required to pay that pro rata share of his/her dues or of any equivalent payment otherwise due and payable under lawful union security agreement.

AMENDMENT NO. 2193

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2194

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2195

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2196

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2197

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2198

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2199

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2200

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2201

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2202

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2203

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2204

In lieu of the matter proposed to be inserted, insert the following:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2205

At the appropriate place insert:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2206

Strike all after the first word and insert in lieu thereof the following:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

Amendment No. 2207

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

Amendment No. 2208

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

Amendment No. 2209

At the appropriate place insert:

SEC. .(a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

Amendment No. 2210

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

Amendment No. 2211

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

Amendment No. 2212

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

Amendment No. 2213

In lieu of the matter proposed to be inserted, insert the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

Amendment No. 2214

In lieu of the matter proposed to be inserted, insert the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

Amendment No. 2215

In lieu of the matter proposed to be inserted, insert the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

Amendment No. 2216

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was unauthorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

Amendment No. 2217

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was unauthorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

Amendment No. 2218

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was unauthorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

Amendment No. 2219

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was unauthorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

Amendment No. 2220

At the appropriate place insert:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was unauthorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

Amendment No. 2221

At the appropriate place insert:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was unauthorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

Amendment No. 2222

At the appropriate place, insert:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

Amendment No. 2223

At the appropriate place, insert:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

Amendment No. 2224

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

Amendment No. 2225

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

Amendment No. 2226

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2227

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2228

At the appropriate place, insert:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2229

At the appropriate place, insert:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2230

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2231

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2232

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2233

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2234

At the appropriate place insert:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity, *provided that*, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization, *provided that*, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law, *provided that*, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT No. 2235

Strike all after the first word and insert in lieu thereof the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity, *provided that*, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization, *provided that*, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engaged in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law, *provided that*, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT No. 2236

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity, *provided that*, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization, *provided that*, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law, *provided that*, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT No. 2237

In lieu of the matter proposed to be inserted, insert the following:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion.

AMENDMENT No. 2238

Strike all after the first word and insert in lieu thereof the following:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion.

AMENDMENT No. 2239

At the appropriate place insert:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining to financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion.

AMENDMENT No. 2240

Strike out all after the first word and insert in lieu thereof the following:

SEC. 3. PREVENTION OF DISCRIMINATION AGAINST EMPLOYEE FOR FAILING TO PAY FOR THE POLITICAL ACTIVITIES OF LABOR ORGANIZATIONS.

An employee who is not a member of a labor organization, and who has notified the organization in writing in the manner provided for in the organization's lawful rules for providing such a notification, of his/her objection to providing financial support for the organization's expenditures that go for political activities, including but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns, shall not be required to pay that pro rate share of his/her dues or of any equivalent payment otherwise due and payable under a lawful union security agreement.

Amendment No. 2241

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. PREVENTION OF DISCRIMINATION AGAINST EMPLOYEE FOR FAILING TO PAY FOR THE POLITICAL ACTIVITIES OF LABOR ORGANIZATIONS.

An employee who is not a member of a labor organization, and who has notified the organization in writing in the manner provided for in the organization's lawful rules for providing such a notification, of his/her objection to providing financial support for the organization's expenditures that go for political activities, including but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns, shall not be required to pay that pro rata share of his/her dues or of any equivalent payment otherwise due and payable under a lawful union security agreement.

METZENBAUM AMENDMENTS NOS. 2242 THROUGH 2364

(Ordered to lie on the table.)

Mr. METZENBAUM submitted 121 amendments intended to be proposed by him to an amendment to the bill S. 55, supra, as follows:

Amendment No. 2242

Strike all after the first word and insert in lieu thereof the following:

(3) The provisions of subsection (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. §160), unless the organization notifies the National Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

Amendment No. 2243

In lieu of the matter proposed to be inserted, insert the following:

(3) The provisions of subsection (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. §160), unless the organization notifies the National Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

Amendment No. 2244

Strike all after the first word and insert in lieu thereof the following:

(3) The provisions of subsection (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. §160), unless the organization notifies the National Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

Amendment No. 2245

In lieu of the matter proposed to be inserted, insert the following:

(3) The provisions of subsection (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. §160), unless the organization notifies the National Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

Amendment No. 2246

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (b). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 43 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 43 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 43 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either part may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth." and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through and labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

(3) The provisions of subsection (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. §160), unless the organization notifies the National Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

AMENDMENT NO. 2247

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (b). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

(3) The provisions of subsection (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. §160), unless the organization notifies the Federal Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

AMENDMENT NO. 2248

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.".

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth"; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively—and labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (i) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

(3) The provisions of subsection (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. §160), unless the organization notifies the National Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

AMENDMENT NO. 2249

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (b). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 45 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 45 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 45 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either part may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

(3) The provisions of subsection (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. §160), unless the organization notifies the National Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

AMENDMENT NO. 2250

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either part may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsection (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven—day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized: and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

(3) The provisions of subsection (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. §160), unless the organization notifies the National Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

AMENDMENT NO. 2251

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (b). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code, that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer served such written notice during the seven-day peiod and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

(3) The provisions of subsections (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. 160), unless the organization

notifies the National Mediation Board in writing within 30 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

AMENDMENT NO. 2252

Strike all after the first word and insert in lieu thereof the following:

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6) to promise, to threaten, or take other action—

"(i) to hire a permanent replacement for an employee who—

"(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

"(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.

(iii)(A) The provisions of subsections (i) and (ii) shall not apply to a strike by a labor organization that is the recognized exclusive representative of the striking employees over those employees' wages, hours or other terms and conditions of employment, unless the labor organization, at least seven calendar days before engaging in any such strike, serves a written notice upon the employer stating the labor organization's willingness to submit all unresolved issues in the dispute to a fact-finding board as set forth in subsection (B). A copy of the union's notice shall be mailed to the Federal Mediation and Conciliation Service.

(B) If the labor organization serves notice as provided in subsection (A), the employer shall respond within seven calendar days and shall mail a copy of its response to the Federal Mediation and Conciliation Service. If the employer does not accept the union's offer to submit the unresolved issues to fact-finding, the provisions of sections (i) and (ii) shall apply for the duration of the labor dispute. If the employer does accept that offer, the dispute shall be submitted to a fact-finding board of the kind provided for in Section 1207(b) of Title 39 of the United States Code but constituted of one member representing the labor organization, one member representing the employer, and one neutral member experienced in fact-finding and interest arbitration all selected within ten calendar days in the manner provided for in Section 1207(c)(1) of that title. The fact-finding board shall conduct a hearing of the kind required by Section 1207(c)(2) of Title 39 and shall within 44 calendar days after its appointment issue a report of its findings and of its recommendations for settling the unresolved issues so as to achieve a prompt, peaceful and just settlement of the dispute. By agreeing to submit all unresolved issues to fact-finding as provided in this section, the parties shall be deemed to have made an agreement, enforceable under Section 185 of Title 29, United States Code, that:

(i) the parties' preexisting collective bargaining agreement, if any, or the existing wages, hours, and other terms and conditions of employment in effect at the time of the union's offer to submit the dispute to fact-finding, shall be extended from the date of the union's offer to utilize those procedures until the earlier of 44 calendar days after the board is appointed or until the fact-finding board issues its report, provided that if the fact-finding report issues within 44 calendar days of the board's appointment, the collective bargaining agreement or preexisting employment conditions shall continue in effect for an additional seven calendar days;

(ii) during this time period, there shall be no strike or lockout over any issue submitted to the fact-finding board or that is otherwise prohibited by the parties' preexisting collective bargaining agreement.

(C) Within seven calendar days after a fact-finding board issues its report, the employer and the labor organization shall serve written notice on the Federal Mediation and Conciliation Service stating whether the party accepts the fact-finding recommendations. At the conclusion of the seven-day period, the Federal Mediation and Conciliation Service shall notify the parties as to whether the labor organization and/or the employer has accepted the board's recommendations. If both the labor organization and the employer have so accepted, the fact-finding recommendations as to all unresolved issues, and the parties' agreement on all issues that were resolved by agreement, shall be deemed to be a collective bargaining agreement between the employer and the labor organization enforceable pursuant to section 185 of this title. Should the parties be unable to reach agreement on reducing that contract to writing, either party may request the fact-finding board to supplement its initial report with the necessary contractual language. The resulting agreement shall be deemed to have a duration of two years unless the fact-finding recommendations are for a lesser duration.

(D) If, within seven calendar days after a fact-finding board submits its report and recommendation, the labor organization serves written notice to the Federal Mediation and Conciliation Service of the labor organization acceptance of the recommendations of the fact-finding board and the employer does not serve written notice of a like acceptance, the provisions of subsections (i) and (ii) shall apply from the earlier of the dates on which the fact-finding report was issued or was due to be issued under subsection (A). The provisions of subsections (i) and (ii) shall not apply after a fact-finding report issues if the labor organization fails to serve written notice of an acceptance of the fact-finding recommendations during the seven-day period, provided that if neither the labor organization nor the employer serves such written notice during the seven-day period and the labor organization thereafter serves such written notice upon the employer, the provisions of subsections (i) and (ii) shall apply with respect to any actions taken by the employer on and after the date the employer receives the labor organization's offer.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES..

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end thereof the following:

"(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for the employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class to which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing or to bargain collectively through that labor organization, or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.".

(3) The provisions of subsections (1) and (2) shall not apply to a strike by an organization which is the recognized representative of the striking employees over those employees' rates of pay, rules or working conditions which commences after an Emergency Board issues a report as provided for in §10 of this Act (45 U.S.C. 160), unless the organization notifies the National Mediation Board in writing within 20 days after the Emergency Board issues its report that the organization accepts the recommendations of the Emergency Board; Provided that if neither the organization nor the carrier so notify the Mediation Board within 20 days after the Emergency Board issues its report and the organization thereafter serves written notice of acceptance upon the carrier, the provisions of subsections (1) and (2) shall apply with respect to any actions taken by the carrier on or after the date the carrier receives the organization's notice. If both the organization and the carrier accept the recommendations of the Board, those recommendations as to all unresolved issues shall be deemed to be an agreement between the carrier and the organization. Should the parties be unable to agree on reducing the agreement to writing, either party may request the Emergency Board to supplement its initial report with the necessary contractual language.

AMENDMENT NO. 2253

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2254

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2255

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2256

In lieu of the matter proposed to be inserted, insert the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise.".

AMENDMENT NO. 2257

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2258

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2259

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2260

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2261

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2262

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2263

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2264

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2265

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2266

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2267

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2268

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2269

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2270

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2271

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2272

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2273

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2274

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2275

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2276

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2277

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2278

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2279

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2280

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2281

In lieu of the matter proposed to be inserted, insert the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2282

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2283

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2284

Strike all after the first word and insert in lieu thereof the following:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2285

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2286

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2287

At the appropriate place insert:

Subsections (i) and (ii) shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2288

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute."

AMENDMENT NO. 2289

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute."

AMENDMENT NO. 2290

In lieu of the matter proposed to be inserted, insert the following:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2291

At the appropriate place insert:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2292

At the appropriate place insert:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2293

At the appropriate place insert:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2294

Strike all after the first word and insert in lieu thereof the following:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2295

Strike all after the first word and insert in lieu thereof the following:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2296

Strike all after the first word and insert in lieu thereof the following:

SEC. . The provisions in section 1 and section 2 shall not be construed to authorize the issuance of any order requiring the reinstatement of any individual as an employee who has been discharged for cause, including for violent acts committed in connection with a labor dispute.

AMENDMENT NO. 2297

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2298

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2299

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2300

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2301

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2302

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2303

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2304

At the appropriate place insert:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2305

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2306

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2307

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2308

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2309

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2310

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2311

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2312

Strike all after the first word and insert in lieu thereof the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2313

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,"."

AMENDMENT NO. 2314

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,"."

AMENDMENT NO. 2315

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,"."

AMENDMENT NO. 2316

In lieu of the matter proposed to be inserted, insert the following:

"SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,"."

AMENDMENT NO. 2317

In lieu of the matter proposed to be inserted, insert the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "In any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2318

In lieu of the matter proposed to be inserted, insert the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "In any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2319

In lieu of the matter proposed to be inserted, insert the following:

SEC. . (a) Section 8(b)(1)(A) of the National Labor Relations Act is amended by inserting after the phrase "to restrain or coerce" the following new clause: "in any manner, including but not limited to, by acts of violence, threats of violence, or acts of intimidation, either at the place of employment or otherwise,".

AMENDMENT NO. 2320

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

AMENDMENT NO. 2321

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

AMENDMENT NO. 2322

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

AMENDMENT No. 2323

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

AMENDMENT No. 2324

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

AMENDMENT No. 2325

At the appropriate place insert:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

AMENDMENT No. 2326

At the appropriate place insert:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws.

AMENDMENT No. 2327

At the appropriate place insert:

"The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership has approved for authorizing strikes pursuant to the labor organization's constitution and bylaws."

AMENDMENT No. 2328

At the appropriate place insert:

"The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes."

AMENDMENT No. 2329

At the appropriate place insert:

"The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes."

AMENDMENT No. 2330

At the appropriate place insert:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2331

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2332

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2333

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2334

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2335

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2336

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in subsections (i) and (ii) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2337

At the appropriate place insert:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2338

At the appropriate place insert:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2339

At the appropriate place insert:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2340

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT No. 2341

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT NO. 2342

Strike all after the first word and insert in lieu thereof the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT NO. 2343

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT NO. 2344

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT NO. 2345

In lieu of the matter proposed to be inserted, insert the following:

The prohibitions contained in Sections (1) and (2) shall apply only if the strike was authorized either (A) by secret ballot vote with a majority of the members of the labor organization calling the strike voting to conduct the strike, or (B) by such other means as the labor organization's membership, by secret ballot vote or by vote of the delegates to a convention elected by secret ballot, has approved for authorizing strikes.

AMENDMENT NO. 2346

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity: *Provided*, That, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT NO. 2347

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity: *Provided*, That, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT NO. 2348

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity: *Provided*, That, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT NO. 2349

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity: *Provided*, That, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT NO. 2350

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity: *Provided*, That, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT NO. 2351

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity: *Provided*, That, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT No. 2352

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity: *Provided*, That, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT No. 2353

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity: *Provided*, That, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT No. 2354

In lieu of the matter proposed to be inserted, insert the following:

except that prior to or after the commencement of any strike, an employer may notify each employee in the bargaining unit

(I) of the employee's right to refrain from engaging in such strike activity: *Provided*, That, if the employer gives such notice the employer shall also notify the employee of his right to participate in such strike activity;

(II) that the employee may not be subjected to restraint or coercion by the labor organization: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that he may not be subjected to restraint or coercion by the employer, and that members of the labor organization may be disciplined for failing to engage in such activity; and

(III) that the employee, if a member of the labor organization, may avoid said discipline by resigning from the labor organization utilizing procedures specified in the constitution and by-laws or, if none, in accordance with law: *Provided*, That, if the employer gives such notice the employer shall also notify the employee that any member who resigns from the union is not eligible to participate in elections and referendums conducted among union members.

AMENDMENT No. 2355

At the appropriate place insert:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion".

AMENDMENT No. 2356

At the appropriate place insert:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion".

AMENDMENT No. 2357

At the appropriate place insert:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion".

AMENDMENT No. 2358

Strike all after the first word and insert in lieu thereof the following:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion".

AMENDMENT No. 2359

Strike all after the first word and insert in lieu thereof the following:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion".

AMENDMENT No. 2360

Strike all after the first word and insert in lieu thereof the following:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion".

AMENDMENT No. 2361

In lieu of the matter proposed to be inserted, insert the following:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion".

AMENDMENT No. 2362

In lieu of the matter proposed to be inserted, insert the following:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion".

AMENDMENT No. 2363

In lieu of the matter proposed to be inserted, insert the following:

SEC. . Section 19 of the National Labor Relations Act is amended by inserting after the phrase "objections to joining or financially supporting labor organizations" the phrase, "or any employee who held a strongly held moral or philosophical conviction which occupies a place in the employee's life parallel to that of a bona fide religion".

AMENDMENT No. 2364

In lieu of the matter proposed to be inserted, insert the following:

(a) IN GENERAL.—Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end thereof the following new subsection:

"(c)(1) A labor organization that receives payments, directly or indirectly (through any of its subsidiaries, branches, divisions, departments, or local units), pursuant to an agreement that requires covered employees who are members of the organization to make payments of dues to the organization and employees who are not members of the organization to make payments in lieu of dues to the organization shall establish the objection procedures described in paragraph (2).

"(2) The procedures under this paragraph are as follows:

"(A) The labor organization, directly or through its subsidiaries, branches, divisions, departments, or local units, shall provide an employee who is not a member of the organization with—

"(i) an opportunity at least once in each yearly period to file an objection to making payments to fund the organization's expenses for political activities; and

"(ii) reasonable notice of the nature and extent of the organization's political activities and of the time, place, and manner for filing such an objection.

"(B) If an employee objects under the procedures described in subparagraph (A), any payment during the objection period by the employee to the labor organization in lieu of dues shall be reduced by an amount which bears the same ratio to such payment as the organization's expenses for political activities bears to the organization's total expenses.

"(C) The determination of the ratio under subparagraph (B) shall be based on a reasonable allocation of the labor organization's expenses using such allocation methods as are recognized by independent certified public accountants as generally acceptable with respect to nonprofit organizations, taking into consideration the special problems and functions of a labor organization.

"(D) The labor organization, directly or through its subsidiaries, branches, divisions, departments, or local units—

"(i) shall provide an employee who objects under the procedures described in subparagraph (A) with an adequate explanation of the organization's method of calculating the portion of the amounts payable by the employee during the objection period which are allocable to expenses for political activities (including an opinion of an independent certified public accountant on the organization's allocation of expenses);

"(ii) shall arrange for prompt arbitration before an impartial arbitrator of any challenges by such objecting employee to the organization's calculation described in clause (i); and

"(iii) shall, pending the arbitrator's decision under clause (ii), hold in escrow any amount, which is reasonably in dispute, paid by an employee who makes such a challenge.

"(3) An employee claiming to be aggrieved by a violation of this subsection may bring a civil action against the labor organization in any district court of the United States having jurisdiction over the parties. If the court finds that the labor organization has violated this subsection, the court may order the labor organization to refund the excess payments collected from the employee, and may grant such equitable relief as the court deems appropriate.

"(4)(A) The requirements of this subsection are in lieu of any requirement limiting the financial obligations of objecting employees under any other provision of Federal law (including the National Labor Relations Act, as amended, and the Railway Labor Act, as amended).

"(B) Nothing contained in this section shall limit the rights and remedies of employees of any State or political subdivision thereof under the laws of the State or political subdivision thereof.

"(5) As used in this subsection—

"(A) the term 'political activities' include any activities by a labor organization in connection with any Federal, State, or local election for public office, any partisan political cause, and any ideological cause that is not reasonably related to advancing the employment interests of employees the organization it represents; and

"(B) the term 'labor organization' has the meaning given such term by subsection (b)(1)."

(b) Effective Date.—The amendment made by this section shall apply to periods after December 31, 1992.

FORD AMENDMENT NOS. 2365 THROUGH 2370

(Ordered to lie on the table.)

Mr. FORD submitted six amendments intended to be proposed by him to an amendment to the bill S. 55, supra, as follows:

Amendment No. 2365

At the appropriate place, insert the following:

SEC. . APPLICATION TO CONGRESS.

(a) Leadership Task Force.—The Majority and Minority leaders of the Senate and the Speaker and Minority leader of the House of Representatives shall establish a leadership task force to examine the feasibility of applying the National Labor Relations Act to Congress. The task force shall be composed of—

(1) three members of the Senate, of which—

(A) one member shall be appointed by the President Pro Tempore of the Senate;

(B) one member shall be appointed by the Majority leader of the Senate; and

(C) one member shall be appointed by the Minority leader of the Senate; and

(2) three members of the House of Representatives, of which—

(A) one member shall be appointed by the Speaker of the House of Representatives;

(B) one member shall be appointed by the Majority leader of the House of Representatives; and

(C) one member shall be appointed by the Minority leader of the House of Representatives.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the leadership task force established under subsection (a) shall prepare and submit to the Congress a report concerning the examination conducted under such subsection. Such report shall contain the results of such examination and a determination by the leadership task force as to the feasibility of applying the National Labor Relations Act to the Congress.

(c) Effect of Determination.—If in the report submitted under subsection (b), the leadership task force determines that it is feasible to apply the National Labor Relations Act to the Congress, the Congress shall take all appropriate rulemaking action to implement such determination.

(d) Relation to Other Provisions.—Notwithstanding any other provision of this Act, the requirements of this section shall supersede any other requirements in this Act with respect to the date on which the provisions of this Act become effective and such provisions shall take effect on the date of enactment.

Amendment No. 2366

At the appropriate place, insert the following:

SEC. . APPLICATION TO CONGRESS.

(a) Leadership Task Force.—The Majority and Minority leaders of the Senate and the Speaker and Minority leader of the House of Representatives shall establish a leadership task force to examine the feasibility of applying the National Labor Relations Act to Congress. The task force shall be composed of—

(1) three members of the Senate, of which—

(A) one member shall be appointed by the President Pro Tempore of the Senate;

(B) one member shall be appointed by the Majority leader of the Senate; and

(C) one member shall be appointed by the Minority leader of the Senate; and

(2) three members of the House of Representatives, of which—

(A) one member shall be appointed by the Speaker of the House of Representatives;

(B) one member shall be appointed by the Majority leader of the House of Representatives; and

(C) one member shall be appointed by the Minority leader of the House of Representatives.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the leadership task force established under subsection (a) shall prepare and submit to the Congress a report concerning the examination conducted under such subsection. Such report shall contain the results of such examination and a determination by the leadership task force as to the feasibility of applying the National Labor Relations Act to the Congress.

(c) Effect of Determination.—If in the report submitted under subsection (b), the leadership task force determines that it is feasible to apply the National Labor Relations Act to the Congress, the Congress shall take all appropriate rulemaking action to implement such determination.

(d) Relation to Other Provisions.—Notwithstanding any other provision of this Act, the requirements of this section shall supersede any other requirements in this Act with respect to the date on which the provisions of this Act become effective and such provisions shall take effect on the date of enactment.

Amendment No. 2367

At the appropriate place, insert the following:

SEC. . APPLICATION TO CONGRESS.

(a) Leadership Task Force.—The Majority and Minority leaders of the Senate and the Speaker and Minority leader of the House of Representatives shall establish a leadership task force to examine the feasibility of applying the National Labor Relations Act to Congress. The task force shall be composed of—

(1) three members of the Senate, of which—

(A) one member shall be appointed by the President Pro Tempore of the Senate;

(B) one member shall be appointed by the Majority leader of the Senate; and

(C) one member shall be appointed by the Minority leader of the Senate; and

(2) three members of the House of Representatives, of which—

(A) one member shall be appointed by the Speaker of the House of Representatives;

(B) one member shall be appointed by the Majority leader of the House of Representatives; and

(C) one member shall be appointed by the Minority leader of the House of Representatives.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the leadership task force established under subsection (a) shall prepare and submit to the Congress a report concerning the examination conducted under such subsection. Such report shall contain the results of such examination and a determination by the leadership task force as to the feasibility of applying the National Labor Relations Act to the Congress.

(c) Effect of Determination.—If in the report submitted under subsection (b), the leadership task force determines that it is feasible to apply the National Labor Relations Act to the Congress, the Congress shall take all appropriate rulemaking action to implement such determination.

(d) Relation to Other Provisions.—Notwithstanding any other provision of this Act, the requirements of this section shall supersede any other requirements in this Act with respect to the date on which the provisions of this Act become effective and such provisions shall take effect on the date of enactment.

Amendment No. 2368

At the appropriate place, insert the following:

SEC. . APPLICATION TO CONGRESS.

(a) LEADERSHIP TASK FORCE.—The Majority and Minority leaders of the Senate and the Speaker and Minority leader of the House of Representatives shall establish a leadership task force to examine the feasibility of applying the National Labor Relations Act to Congress. The task force shall be composed of—

(1) three members of the Senate, of which—

(A) one member shall be appointed by the President Pro Tempore of the Senate;

(B) one member shall be appointed by the Majority leader of the Senate; and

(C) one member shall be appointed by the Minority leader of the Senate; and

(2) three members of the House of Representatives, of which—

(A) one member shall be appointed by the Speaker of the House of Representatives;

(B) one member shall be appointed by the Majority leader of the House of Representatives; and

(C) one member shall be appointed by the Minority leader of the House of Representatives.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the leadership task force established under subsection (a) shall prepare and submit to the Congress a report concerning the examination conducted under such subsection. Such report shall contain the results of such examination and a determination by the leadership task force as to the feasibility of applying the National Labor Relations Act to the Congress.

(c) EFFECT OF DETERMINATION.—If in the report submitted under subsection (b), the leadership task force determines that it is feasible to apply the National Labor Relations Act to the Congress, the Congress shall take all appropriate rulemaking action to implement such determination.

(d) RELATION TO OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the requirements of this section shall supersede any other requirements in this Act with respect to the date on which the provisions of this Act become effective and such provisions shall take effect on the date of enactment.

AMENDMENT NO. 2369

At the appropriate place, insert the following:

SEC. . APPLICATION TO CONGRESS.

(a) LEADERSHIP TASK FORCE.—The Majority and Minority leaders of the Senate and the Speaker and Minority leader of the House of Representatives shall establish a leadership task force to examine the feasibility of applying the National Labor Relations Act to Congress. The task force shall be composed of—

(1) three members of the Senate, of which—

(A) one member shall be appointed by the President Pro Tempore of the Senate;

(B) one member shall be appointed by the Majority leader of the Senate; and

(C) one member shall be appointed by the Minority leader of the Senate; and

(2) three members of the House of Representatives, of which—

(A) one member shall be appointed by the Speaker of the House of Representatives;

(B) one member shall by appointed by the Majority leader of the House of Representatives; and

(C) one member shall be appointed by the Minority leader of the House of Representatives.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the leadership task force established under subsection (a) shall prepare and submit to the Congress a report concerning the examination conducted under such subsection. Such report shall contain the results of such examination and a determination by the leadership task force as to the feasibility of applying the National Labor Relations Act to the Congress.

(c) EFFECT OF DETERMINATION.—If in the report submitted under subsection (b), the leadership task force determines that it is feasible to apply the National Labor Relations Act to the Congress, the Congress shall take all appropriate rulemaking action to implement such determination.

(d) RELATION TO OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the requirements of this section shall supersede any other requirements in this Act with respect to the date on which the provisions of this Act become effective and such provisions shall take effect on the date of enactment.

AMENDMENT NO. 2370

At the appropriate place, insert the following:

SEC. . APPLICATION TO CONGRESS.

(a) LEADERSHIP TASK FORCE.—The Majority and Minority leaders of the Senate and the Speaker and Minority leader of the House of Representatives shall establish a leadership task force to examine the feasibility of applying the National Labor Relations Act to Congress. The task force shall be composed of—

(1) three members of the Senate, of which—

(A) one member shall be appointed by the President Pro Tempore of the Senate;

(B) one member shall be appointed by the Majority leader of the Senate; and

(C) one member shall be appointed by the Minority leader of the Senate; and

(2) three members of the House of Representatives, of which—

(A) one member shall be appointed by the Speaker of the House of Representatives;

(B) one member shall be appointed by the Majority leader of the House of Representatives; and

(C) one member shall be appointed by the Minority leader of the House of Representatives.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the leadership task force established under subsection (a) shall prepare and submit to the Congress a report concerning the examination conducted under such subsection. Such report shall contain the results of such examination and a determination by the leadership task force as to the feasibility of applying the National Labor Relations Act to the Congress.

(c) EFFECT OF DETERMINATION.—If in the report submitted under subsection (b), the leadership task force determines that it is feasible to apply the National Labor Relations Act to the Congress, the Congress shall take all appropriate rulemaking action to implement such determination.

(d) RELATION TO OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the requirements of this section shall supersede any other requirements in this Act with respect to the date on which the provisions of this Act become effective and such provisions shall take effect on the date of enactment.

FORD (AND MITCHELL) AMENDMENT NO. 2371

(Ordered to lie on the table.)

Mr. FORD (for himself and Mr. MITCHELL) submitted an amendment intended to be proposed by them to an amendment to the bill S. 55, supra, as follows:

At the appropriate place, insert the following:

SEC. . APPLICATION TO CONGRESS.

(a) LEADERSHIP TASK FORCE.—The Majority and Minority leaders of the Senate and the Speaker and Minority leader of the House of Representatives shall establish a leadership task force to examine the feasibility of applying certain Federal labor and civil rights laws to Congress. The task force shall be composed of—

(1) three members of the Senate, of which—

(A) one member shall be appointed by the President Pro Tempore of the Senate;

(B) one member shall be appointed by the Majority leader of the Senate; and

(C) one member shall be appointed by the Minority leader of the Senate; and

(2) three members of the House of Representatives, of which—

(A) one member shall be appointed by the Speaker of the House of Representatives;

(B) one member shall be appointed by the Majority leader of the House of Representatives; and

(C) one member shall be appointed by the Minority leader of the House of Representatives.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the leadership task force established under subsection (a) shall prepare and submit to the Congress a report concerning the examination conducted under such subsection. Such report shall contain the results of such examination and a determination by the leadership task force as to the feasibility of applying the National Labor Relations Act to the Congress.

(c) EFFECT OF DETERMINATION.—If in the report submitted under subsection (b), the leadership task force determines that it is feasible to apply the laws referred to in subsection (a) to the Congress, the Congress shall take all appropriate rulemaking action to implement such determination.

(d) RELATION TO OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the requirements of this section shall supersede any other requirements in this Act with respect to the date on which the provisions of this Act become effective and such provisions shall take effect on the date of enactment.

(e) DEFINITION.—As used in subsection (a), the term "Federal labor and civil rights laws" means—

(1) the Civil rights Act of 1964 (42 U.S.C. 2000e et seq.);

(2) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(3) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(4) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(5) sections 1977 and 1977A of the Revised Statutes (42 U.S.C. 1981 and 1981a);

(6) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(7) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(8) the Equal Pay Act of 1963 (29 U.S.C. 206); and

(9) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing on Asian Organized Crime: The New International Criminal.

This hearing will take place on Thursday, June 18, 1992, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel F. Rinzel of the subcommittee's minority staff at 224-9157.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 11, 1992, at 11:30 a.m. on the nomination of Gregory F. Chapados to be Assistant Secretary of Commerce for Communications and Information.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate of June 11, 1992, immediately following the 9:30 a.m. nomination hearing on results of the space shuttle *Endeavour* mission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 11, at 2 p.m. to hold a hearing on Yugoslavia: The question of intervention.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on June 11, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on S. 2684, the Jicarilla Apache Tribe Water Rights Settlement Act; and S. 2507, the Ak-Chin Water Use Amendments Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, June 11, at 9:30 a.m. for a hearing on the legislation: S. 1958, reauthorization of GSA and S. 2619, multiple award contract.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Thursday, June 11, 1992, at 12:30 p.m., in open session, to receive testimony on Department of Energy workforce transition and conversion issues, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993; S. 2483, the Department of Energy Defense Nuclear Facilities Adjustment Assistance Act; and S. 2506, the Department of Energy Defense Nuclear Facilities Workforce Restructuring Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Thursday, June 11, 1992, at 2 p.m., in open session, to receive testimony on the bomber "roadmap" and related bomber programs, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, June 11, 1992, at 10 a.m.

I. NOMINATIONS

UNITED STATES CIRCUIT JUDGES

Susan H. Black, to be United States Circuit Judge for the Eleventh Circuit.

UNITED STATES DISTRICT JUDGES

Irene M. Keeley, to be United States District Judge for the Northern District of West Virginia,

Loretta A. Preska, to be United States District Judge for the Southern District of New York and

Sonia Sotomayor, to be United States District Judge, Southern District, New York.

OFFICE OF NATIONAL DRUG CONTROL POLICY

Kay Cole James, to be Associate Director, Office of National Drug Control Policy.

II. BILLS

S. 1521—A bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of hard-core pornographic material—McConnell.

S. 1941—A bill to amend the Immigration and Nationality Act for the purpose of reforming procedures for the resettlement of refugees of the United States—Kennedy.

S. 1096—A bill to ensure the protection of motion picture copyrights, and for other purposes—Kohl.

S. 2236—A bill, with an amendment, to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the Act—Simon.

H.R. 2324—A bill to amend Title 28, United States Code, with respect to witness fees—Hughes.

H.R. 2549—A bill to make technical corrections to Chapter 5 of Title 5, United States Code—Frank.

H.R. 3237—A bill to extend the terms of office of members of the foreign claims settlement commission from 3 to 6 years—Frank.

H.R. 3379—A bill to amend Section 574 of Title 5, United States Code, relating to the authorities of the Administrative Conference—Frank.

S. 1569—A bill, in the nature of a substitute with an amendment, to implement the recommendations of the Federal Courts Committee, and for other purposes—Heflin.

S. 2099—A bill, in the nature of a substitute, to amend the Immigration and Nationality Act to designate special inquiry officers as immigration judges and to provide for the compensation of such judges—Kennedy.

S. 2087—A bill to prohibit certain use of the terms "Visiting Nurse Association", "Visiting Nurse Service", "VNA", and "VNS"—Simon.

S. 1697, A bill to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes—Specter.

S. 2610, A bill to amend the antitrust laws to provide a cause of action for persons injured in United States commerce by unfair foreign competition—Metzenbaum.

S. 2792, A bill to amend and authorize appropriations for the continued implementation of the Juvenile Justice and Delinquency Prevention Act of 1974—Kohl.

S. 790, A bill to amend the antitrust laws in order to preserve and promote wholesale and retail competition in the retail gasoline market—DeConcini.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 11, at 10 a.m. to consider and vote on pending business items.

NOMINATIONS[1]

(1) Mr. Adrian A. Basora, of New Hampshire, to be Ambassador to the Czech and Slovak Federal Republic.

(2) Mr. Richard Goodwin Capen, Jr., of Florida, to be Ambassador to Spain.

(3) Mr. William Henry Gerald FitzGerald, of the District of Columbia, to be Ambassador to Ireland.

(4) Mr. Peter Barry Teeley, of Virginia, to be Ambassador to Canada.

(5) Mr. Reginald Bartholomew, of the District of Columbia, to be the U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank of Ambassador.

(6) Mr. Marc Allen Baas, of Florida, to be Ambassador to Ethiopia.

(7) Mr. Hume Alexander Horan, of the District of Columbia, to be Ambassador to the Republic of Cote d'Ivoire.

(8) Ms. Lauralee M. Peters, of Virginia, to be Ambassador to the Republic of Sierra Leone.

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[1] All nominees are contingent upon the successful completion of their hearings.

(9) Mr. Donald K. Petterson, of California, to be Ambassador to the Republic of the Sudan.

(10) Ms. Pamela J. Turner, of the District of Columbia, to be a Member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1995. (Reappointment)

(11) Mr. Dennis P. Barrett, of Washington, to be Ambassador to the Democratic Republic of Madagascar.

(12) Mr. Peter Jon de Vos, of Florida, to be Ambassador to the United Republic of Tanzania.

(13) Mr. Robert E. Gribbin III, of Alabama, to be Ambassador to the Central African Republic.

(14) Mr. Roger A. McGuire, of Ohio, to be Ambassador to the Republic of Guinea-Bissau.

(15) Mr. William Lacy Swing, of North Carolina, to be Ambassador to the Federal Republic of Nigeria.

TREATIES

(1) Treaty Doc. 102–22, Protocol on Environmental Protection to the Antarctic Treaty.

(2) Treaty Doc. 99–1, Partial revision of the Radio Regulations (Geneva, 1979) of the International Telecommunication Union and a Final Protocol.

(3) Treaty Doc. 100–7, Regional Agreement for the Medium Frequency Broadcasting Service (Rio de Janeiro, 1981) in Region 2, with annexes, and a Final Protocol.

(4) Treaty Doc. 102–10, Regional Agreement for the Use of the Band 1605–1705 kHz (Rio de Janeiro, 1988) in Region 2, with annexes, and two U.S. Statements as contained in the Final Protocol.

(5) Treaty Doc. 102–13, International Telecommunications Regulations, with Appendices (Melbourne, 1988).

(6) Treaty Doc. 102–27, Partial Revision (1988), Radio Regulations, relating to Space Radiocommunications Services.

(7) Treaty Doc. 102–28, partial Revision (1985), Radio Regulations, relating to Broadcasting-Satellite Service in Region 2.

(8) Treaty Doc. 102–29, 1987 Partial Revision of Radio Regulations for Mobile Services.

LEGISLATION

(1) S. Res. 306, relating to the enforcement of U.N. Security Council resolutions calling for the cessation of hostilities in the former territory of Yugoslavia.

(2) S. Res. 308, condemning the assassination of Judge Giovanni Falcone.

(3) H. Con. Res. 299, expressing the sense of the Congress regarding the Kurds in northern Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMENDING JIM KIMBALL, JOHN IRISH AND DALE MANCE, ARIZONA CONSERVATION CORPS

• Mr. DECONCINI. Mr. President, I rise today to recognize the work of three individuals who were honored yesterday by the Secretary of Agriculture at the Department's Honor Awards Ceremony. Jim Kimball of the Tonto National Forest, John Irish of the Coconino National Forest, and Dale Mance of the Coronado National Forest are being recognized for developing and implementing the Arizona Conservation Corps, a program that involves young people in the conservation, rehabilitation, and improvement of Arizona's natural resources.

The Arizona Conservation Corps is a unique program which meets youth employment needs while improving Arizona's environment. Young adults who participate in the program acquire valuable on-the-job training, develop strong communication skills, and come away from the experience with increased confidence and community pride. More importantly, they are instilled with an awareness of their responsibility to the care of the environment—a value they will hopefully pass on to their own children. In addition, most corps members are paid minimum wage and receive a voucher that can be applied toward tuition at any Arizona university.

The first crew of the Arizona Conservation Crops began work on the Coconino National Forest and were soon followed by three other crews in Yuma, Phoenix, and Tucson. They built a fence for the Arizona Game and Fish Department and the Rocky Mountain Elk Foundation and did some archaeological work at Elden Pueblo as well. And this is only the beginning.

I ask that my colleagues join me in applauding Jim Kimball, John Irish, and Dale Mance for their dedication and commitment to seeing the Arizona Conservation Corps become a reality. These individuals have demonstrated that a little innovation and a lot of hard work can make a real difference in the lives of many of Arizona's youths.•

FORT MADISON RODEO

• Mr. GRASSLEY. Mr. President, on May 16, 1992, I had the opportunity to attend a regional qualifying Iowa High School Rodeo in Fort Madison, IA. It was truly a rewarding experience to observe these young cowgirls and cowboys participating in an activity that exemplifies what is right and good with our American youth today. High school rodeo competition, as athletics, brings families together and develops strong friendships. It builds respect among peers and self-esteem within individuals. Unlike the gang warfare we witness throughout the country today, rodeo competition provides a true test of courage and toughness.

High school rodeo competition builds character. It brings out the best qualities in our youth and it provides an opportunity to exercise the values developed through competition, determination, sportsmanship, and hard work.

Yet there is more, Mr. President, for two traits were obvious among those Iowa youth in Fort Madison that day. Respect and appreciation. Respect for their animals, for their peers, for their families, for their country, and appreciation for the opportunity to be the best they could be through their own individual efforts.

Mr. President, in these times of substance abuse, gang warfare, and dubious morals, it is gratifying to know that in America we have alternatives—wholesome activities such as high school rodeos. Therefore, I commend the participants, the volunteers, and the fans who have developed Iowa High School Rodeo into such a valuable asset for the State of Iowa.•

HEARD THE ONE ABOUT THE WELFARE QUEEN?

• Mr. SIMON. Mr. President, William Greider, a writer for Rolling Stone who once was a reporter for the Wheaton Daily Journal in Illinois when it still existed as a daily newspaper, recently wrote in National Affairs an article under the heading, "Heard the One About the Welfare Queen?"

His conclusion is that a jobs bill offering a real alternative to those on welfare is a direction that we should go.

Mr. Greider is a thoughtful observer of the American scene. He has a new book out. "Who Will Tell the People: The Betrayal of American Democracy." I have not read it, but it has been receiving some excellent reviews.

I mention this simply to suggest that William Greider is not someone who ordinarily writes superficially, and I believe my colleagues will find his comments of interest.

I ask to insert his article into the RECORD at this point.

The article follows:

HEARD THE ONE ABOUT THE WELFARE QUEEN?

As the media fixated on the day-to-day fortunes of Bill Clinton and Jerry Brown, the president and his side-kick were out test-marketing themes for their fall campaign. Judging by their remarks, Bush and Quayle evidently intend to portray themselves as country-club versions of David Duke—bashing the poor people on welfare and promising, in a high-minded way, of course, to kick some butt.

In February, Dan Quayle traveled to New York City to deride the caldron of social disorder that the "welfare state" has produced there. In his State of the Union address, George Bush grumbled about welfare reform and vowed to "make the able-bodies work." The duo's rhetoric is weak spined compared with the Gipper's zesty demunications of welfare queens, but voters will get the idea nonetheless.

Bush and Quayle are actually following the lead set by the states. Last October, Michigan cut 82,000 people off its emergency welfare rolls and shrank benefits. In November, Maryland slashed benefits paid under Aid to Families With Dependent Children, the basic program for families, by thirty percent. Tennessee's governor has called for a fifteen-percent cut in AFDC checks for a mother with two children—to $157 a month. California governor Pete Wilson, whom the pundits call the next Mr. GOP, has launched a clever attack on welfare recipients. He scheduled a statewide referendum on this question: Shall we cut AFDC benefits by twenty-five percent?

The state's maneuverings are driven by their own budget crises: As the recession shrinks tax revenue drastically, something has to go. "During fiscal crises," says Julie Strawn of the Center on Budget and Policy Priorities, "when many parts of state budgets are protected by powerful special interests, programs for the poor make easy targets."

For Bush and Quayle, the incentive is political survival—the need to concoct a campaign of lurid diversions that will distract voters from the larger reality. Poor people are always ripe for blame, especially poor people who happen to be black. In hard times, as resentments accumulate otherwise decent people cannot do any thing to the powerful, so they direct their righteous indignation at those below them on the ladder. David Duke profitably unfurled the antiwelfare banner, and Pat Buchanan grabbed ahold. Now Bush and Quayle are going to snatch it from them.

Actually, the poor are a more reliable economic barometer than most of the hyped statistics from Washington. If you want to know the true condition of American prosperity, it is aptly summarized in this single fact: 24 million Americans—nearly one of every ten—are now on food stamps and the number grows each month. Think about it: One in ten citizens is reduced to relying on the government to put food on the table.

The poor are also better forecasters than most economists. Welfare rolls started to soar in late 1989—more than a year before the White House and Federal Reserve admitted that the country was in recession. There is a good reason for this: When the national economy catches a cold, the working poor get pneumonia.

In fact, after staying relatively constant for fifteen years, welfare rolls have exploded in the Bush era. The number of families on AFDC increased by nearly a quarter from July 1989 to October 1991—nearly 1 million new families. The economic recovery that the Bushies regularly announce will not be for real until this grim trend is reversed.

Instead of facing the reality reflected in these numbers, politicians of both parties prefer to moralize about the lapsed values of poor folks. Why won't they work for a living? What is happening to the family? Sociologists advance elaborate theories about out-of-wedlock births to explain why so many Americans are suddenly signing up for assistance. Conservatives blame the ingrained habits of dependency; liberals blame the lack of job training, day care and other assistance.

As everyone knows, the subtext to the attack on welfare is race: Why are blacks so shiftless? Even Duke doesn't put it quite so bluntly, but then he doesn't have to. Welfare works as a political issue because it taps into enduring racial antagonisms. The stereotype is so strong—the ghetto mama as broodmare—that the actual facts would shock most voters. But most voters will never hear the facts; few politicians dare challenge popular prejudices.

For starters, most poor people do not receive welfare checks. That is, fewer than forty percent of families living below the official poverty line actually receive money from the government. It's hard to understand how welfare checks have undermined the moral fiber of the poor, as conservatives like to argue, when most poor people don't even get one.

Two-thirds of all poor people are white. Most of the poor do not live in squalid housing projects in New York or Chicago or other big cities; they live in rural areas and small towns, even the suburbs. The states with the highest concentrations of hungry poor are Texas, South Dakota and Missouri. Poor people know this: That's why so many of them, hoping to find a better life, moved to cities.

When families go on welfare, it is typically because the wage earner lost a job and couldn't find another one before the rent came due. Welfare is still a badge of shame for most people, white and black, and they get off as soon as possible. The majority are on AFDC for less than a year, a quarter of them for less than four months. A minority—one in three—stay on for two years or longer, many of these, it's true, live more or less permanently on the dole. But the hard core—fewer than 1 million families—provides the stereotype that obscures all others.

Even long-term recipients don't quite fit the conventional image. Despite the mythology, the birthrate of AFDC mothers is not higher than that of other women, according to one state study. A nationwide survey found that welfare mothers in states like California with higher benefits do not have more babies than the welfare mothers in states with meager benefits. In fact, in the last twenty years, the number of children in the average AFDC family has dropped from three to two.

The welfare stereotype injures all poor people, especially the working poor. Two-thirds of all poor families include at least one worker, usually doing society's dirtiest and least-rewarding jobs. But the stereotype is most damaging to blacks. The image of the welfare mama encourages the ancient fantasy of white supremacy while it obscures the progress blacks have achieved. In 1960 fewer than forty percent of blacks aged twenty-five to thirty had completed high school. By 1989 more than eighty percent had. In 1960 only 12.1 percent of working black men held white-collar jobs. By 1990, 34.4 percent did. Gross inequalities still divide the races, but black families increased their share of aggregate family income dramatically over the last thirty years, from 5.4 percent to 7.2 percent.

None of these facts is secret, yet none of them figure in the continuing debate about welfare. Both liberals and conservatives conveniently evade the contradictions by focusing their attention on the hardest case—the hard-core minority—as if the welfare mama, not the economy, were the real problem.

Fixing up the poor, has been a liberal obsession since the Sixties. The Great Society's war on poverty launched scores of programs to train the impoverished for better jobs in the private sector. The economy was growing robustly then, and planners innocently believed that the problem of poverty involved the poor's personal shortcomings. Some of the programs even worked. But the dimensions of poverty and welfare didn't change. Indeed, they grew worse as American prosperity began to lose its glow.

Conservatives have always favored a simpler approach to improve the poor: Shove them off the dole. The Reagan era popularized the theory that overly generous benefits had created a burgeoning culture of dependency and loose morals. But the conservatives' make-'em-work rhetoric actually originated in the Sixties too. Welfare was "reformed" in 1967 when the Work Incentive Program was created to wean people from the trough. Reagan stiffened the terms in 1981 with new "work-fare" rules—but to no avail. Poverty has proved as resistant to conservative solutions as to liberal ones.

The two ideological camps more or less coalesced in 1988 when welfare was reformed yet again. Conservatives accepted the liberals' argument that substantial front money was needed for job training and other assistance in order to prepare AFDC mothers to find work. Liberals bowed to conservatives' insistence that once able-bodied people were helped to overcome their shortcomings, they should be on their own to find a job—or else.

Thus, if you believe the pieties surrounding the so-called landmark legislation enacted in 1988, the welfare problem has already been solved. All the bromides about the poor taking "responsibility" that politicians, including Clinton, are trotting out this year were already acted on four years ago. The results to date are perversely backward. People have not found jobs and gotten off welfare rolls. In fact, many more have gotten on.

What happened? As is often the case, neither the president nor Congress was prepared to spend the kind of money—$4 billion to $5 billion a year—that would be needed to fulfill their rhetoric. State governments weren't either. Only sixty percent of the $1 billion authorized in federal aid has been used by the states, since they don't want to put up the matching money from their own budgets. Fixing up poor people is very, very expensive—especially when you start with the hardest cases.

Even if the government were willing to spend the money, it is not at all clear that much would change. Among the hard core, many AFDC recipients are gravely incapacitated (and yes, some are plain lazy). But even ambitious workers typically don't improve their incomes by much more than a few hundred dollars a year—not enough to get above the poverty line. And if they do succeed in getting off welfare, they forfeit the health care provided by Medicaid and enter the precarious world of low-wage jobs. Their meager gains and self-sufficiency are often wiped out when the next recession comes along.

The larger reality that politicians evade year after year is that the welfare problem is not centered in the behavior and moral values of the poor. It is located in the job market: The jobs and wages that are available are not adequate to support all Americans. The government can fix up poor people until it turns blue, and still that reality won't change.

Poverty is like any other marketplace ruled by supply and demand. The basic problem is that too many workers are chasing too few jobs. As with other commodities, a surplus of labor drives down the price—that is, wages and benefits. Conservatives ought to understand this, since they're always preaching market principles. But they ignore such an analysis because it argues for government intervention more fundamental than scrutinizing the lives of the poor.

An economic approach would be aimed at the millions of poor who are already capable of work but can't find a job that pays enough to live on. We need either a substantial increase in the minimum wage or large-scale programs to create jobs for the jobless or, preferably, both. Pumping real incomes into poorer communities would help reverse the social deterioration there. It would give struggling people tangible opportunities to take responsibility for their own lives and, not incidentally, give the taxpayers a tangible return for their money.

Obviously, confronting the economics of poverty is not a hot idea in the current climate. It contradicts popular notions about the poor. And it threatens to disrupt the affairs of existing businesses. In the present scheme, taxpayers are actually subsidizing employers who don't pay living wages or provide benefits like health care. When the working poor fall into personal distress, the government comes to their aid, and we all end up paying.

There are still some old-fashioned economic liberals left in Congress—a few at least—who understand the relevance of economic solutions. For several years Senator Paul Simon has pushed for a major jobs program to create work for people to tend to the long list of neglected public projects in every community, from sidewalk repair to park refurbishment.

The prejudice against public-financed jobs runs deep, but Simon's idea gained an important ally this year when Senator David Boren, a certified conservative, came aboard as a cosponsor. The Boren-Simon bill would begin frugally—funding community-level jobs that pay ten percent above welfare benefits or the minimum wage, whichever is higher. The jobs would be open to anyone who is out of work and unable to find a private-sector job. But the jobs program would also extend a ladder to those who are trying to get off welfare. Among other things, it would allow poor people to keep their Medicaid health coverage—so they will not be penalized for going to work.

Boren and Simon have taken the idea straight from Roosevelt, whose New Deal programs created jobs for 4.6 million people during the Depression. As it becomes clear that the long-term economic outlook of the Nineties is not brightening, perhaps more politicians will be driven to face the fundamentals. A major jobs program will cost billions, and it will not necessarily eliminate the worst cases of welfare dependency. But as reform, it has this powerful virtue—it's real.●

FELIX RAPAPORT, M.D. RECEIVES RECOGNITION

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to Felix T. Rapaport, whose long and outstanding medical career was climaxed this month by his election to membership in the prestigious Academy of Sciences of the Institut de France. This marks an important moment in America as my constituent becomes the first American surgeon to have gained this distinction in the history of the Academy.

Felix T. Rapaport, MD, is professor of surgery and director of University Hospital's transplantation service. Dr. Rapaport provided the original demonstration of tissue types in man by skin-grafting experiments. Prof. Jean Dausset of the University of Paris collaborated closely with Dr. Rapaport on this 17-year-long series of experiments which culminated in the discovery of the human leukocyte antigen [HLA] system of human histocompatibility. For this discovery which laid the scientific foundation for organ transplantation in humans, Dr. Dausset was awarded the 1980 Nobel Prize for Medicine and Physiology.

The Academy of Sciences of the Institut de France was originally founded by Jean Baptiste Colbert in 1666 under the auspices of Louis XIV and constitutes one of the most select groups of physicians and scientists in Europe. The election of foreign members is limited to a select few. Distinguished Americans honored in the past by membership in the academy were Benjamin Franklin and Albert Einstein.

Dr. Rapaport's distinguished career began at New York University where he graduated in 1954, did his surgical residency and subsequently joined the faculty, rising to the rank of professor and director of the transplantation and immunology division in the surgery department. In 1977, he joined the faculty of the surgery department of the State University of New York at Stony Brook, and founded the transplantation service.

Long recognized as a leading force in the field of organ transplantation, Dr. Rapaport is founding officer of the Transplantation Society, serving as president of the society from 1978 to 1980. Since 1968, he has been editor-in-chief of Transplantation Proceedings, one of the most influential journals in surgery. He has served as president of the New York Regional Transplant Program and as a member of the board of directors of the United Network of Organ Sharing. On numerous occasions he has served as a consultant to national scientific organizations and to Federal and State agencies on matters pertaining to organ transplantation. In addition, he organized and continues to direct a highly successful academic and clinical renal transplant program at Stony Brook to meet the needs of patients with advanced kidney disease on Long Island.

Dr. Rapaport is no stranger to awards and accolades. He has received the French Grand Croix des Palmes Academiques, the Gold Medal of Paris, the Gold Medal of the Societe d'Encouragement au Bien, New York University School of Medicine Alumni Association Achievement Award, and the Howard University Transplant Center and National Institutes of Health-National Institute Samuel L. Kountz Award.

Mr. President, I am proud to represent distinguished individuals such as Felix Rapaport. I congratulate Dr. Rapaport for his recent recognition and for his many achievements throughout his celebrated medical career. I ask that my colleagues join me in recognizing this exemplary man.●

TRIBUTE TO WINCHESTER

● Mr. MCCONNELL. Mr. President, I rise today to recognize Winchester, a town situated in the rolling hills of central Kentucky.

Winchester is a small town in the process of slowly evolving into a small city. The citizens enjoy living in the shadow of a larger city like Lexington; it gives Winchester the comforts of a small town and the benefits of a city.

In the interest of keeping Winchester economically sound, the town has recently opened a 100-acre industrial park to attract and retain industry. This continues the citizens belief that they can aggressively pursue the future even while they take pride in the past.

One particular tradition that the people of Winchester take great pride in is manufacturing their very own soft drink. Ale-8-One has been bottled in Winchester since 1926. Because it is only bottled in central Kentucky, very often families often find themselves shipping cases of the drink to loved ones who have moved away.

The town of Winchester displays the community spirit that is so important to the American way of life. It is for this reason I believe that Winchester deserves to be recognized.

Mr. President, I ask that the following article from the Louisville Courier-Journal be submitted into the CONGRESSIONAL RECORD.

The article follows:

WINCHESTER

(By Jay Blanton)

It's a safe bet that not many towns can boast of their own soft drink.

But in Winchester, it's hard to go anywhere without running into a bottle of Ale-8.

I bet you wouldn't go in a house in Winchester that doesn't have an Ale-8 in it," said Winchester Mayor Clyde Heflin. "The kids especially, they love it."

Ale-8-One Bottling Co., a small family-owned operation, has been there for folks in Winchester since it was founded in 1926. In fact, the drink has been there for people even when they weren't in Winchester.

It's not uncommon for parents to mail cases of the ginger-flavored soft drink to sons or daughters away in college, said Riley Rogers Walton, a company vice president. It was shipped to Vietnam and, more recently, to the Middle East during Operation Desert Storm.

Walton said if you drive by the county high school most mornings you can see kids lugging green bottles of Ale-8. Word is that the high school janitor has made a tidy sum collecting the deposit on returnable bottles.

"People locally are very possessive of Ale-8," Walton said.

For most of its history, Ale-8 has been marketed only within 50 miles of Winchester. The drink was developed by G. L. Wainscott, who held a name-the-product contest: The name selected stood for "a late one," in honor of being the latest soft drink. The logo was copyrighted in 1935.

Frank A. Rogers Jr., chairman of the company, still prefers to spend his time on the bottling line rather than in the corporate office. Rogers just doesn't like being in an office, said Walton, his daughter. He used to deliver drinks and talk to country-store owners about the company's service—the personal touch that sits well with people in Winchester. Ale-8 is a prime example of the type of community pride that pervades this growing Central Kentucky community.

Although the company has made moves recently to expand throughout the state, it's still a home-grown business that has profited by providing for home folks. And that's typical for Winchester, people here say.

"I could sit here for all morning and talk about things that occurred," where community people got involved, said Ed Burtner, Winchester's city manager. "They have truly come from the community."

For example, when Trapp Elementary School burned down in 1984, parents and others led the effort to get funding to rebuild the school on its original site.

When the community's movie house, the Leeds Theater, closed, it was converted into a center for the performing arts. The Winchester Council for the Arts is planning a production of "The King and I" for this month.

"It's a very caring community," Burtner said. "When there's a problem or a challenge . . . the people tend to rally around."

That sort of generous attitude was present from Winchester's inception. County justices were considering three sites for the county seat—the place that is now Winchester, plus Strode's Station and Hood's Station. By a one-vote margin, the land that would be Winchester was chosen.

The deciding vote was cast by John Strode, owner of Strode's Station. Strode, according to one historical account, considered Winchester a better site for a town. (The community was named for a settlement in Virginia, which had been named after an English town.)

Since its founding, Winchester has been the center of activity for Clark County. And for the last several years, the community has experienced slow, controlled growth, said Clark County Judge Executive James Allen.

In the process, it has gone from a small rural town to a growing Central Kentucky city that is continuing to change. "It is in the process of evolving," said William Blakeman, longtime editor of the Winchester Sun.

Blakeman said Winchester still has a small-town charm, yet it's becoming more and more sophisticated. Not many small towns, for example, can boast of a Council for the Arts, or of raising funds for a YMCA.

"We're not a sleepy town, looking to sit still," said James Freedman, administrator of the Clark Regional Medical Center, the town's 100-bed hospital.

Winchester has undoubtedly benefited from its proximity to Lexington. A short, scenic drive down U.S. 60 puts you in downtown Lexington. Winchester also has easy access to Interstates 64 and 75 and the Mountain Parkway, a primary route into Eastern Kentucky.

Lexington provides jobs for many Winchester residents, making it a bedroom community for the Fayette County seat.

As in many other towns, some businesses have left Winchester's downtown. Consequently, Winchester has its urban sprawl. Hardee's, McDonald's, Wendy's and gas stations are strewn along U.S. 60 leading out of town. Downtown Winchester has no anchor stores. A few empty storefronts can be found along Main Street. A couple of diners advertising home "cookin'" remain among the antique shops, flower stores and small shops housed in old stone buildings.

"I think you would have to describe Winchester as typical (of) rural-urban America," said Donald Pace, Clark County school superintendent. "That is, we still take tremendous pride in the heritage of the past, but yet we aggressively pursue the visions required to be a success in the future."

That success will undoubtedly be based on Winchester and Clark County's ability to recruit business.

About five years ago, the tourism commission, chamber of commerce and industrial authority merged to improve industrial recruitment. A 100-acre industrial park has opened and about a dozen businesses are located there. Another 240 acres has been set aside for additional businesses.

Some of those businesses have only replaced operations that shut down or dramatically reduced their work forces. Rockwell International had more than 1,500 employees in the late 1970s. Today it has fewer than 200, and it is scheduled for complete shutdown this fall. Bundy Tubing laid off about 400 workers a few years ago. South Central Bell also eliminated 300 jobs in Winchester, Allen said.

But Freedman said Winchester can bank on its location to recruit industry.

Lexington, he said, wants to be the hub for retail, education and culture in Central Kentucky. That makes it possible for industries to be recruited to the other counties in the region.

Also, it's only a 30-minute drive east to the edge of the 660,000-acre Daniel Boone National Forest. Cave Run Lake, Red River Gorge and Natural Bridge are nearby tourist attractions.

The need to recruit industry stems from what residents think is Winchester's greatest challenge. As Freedman put it, "Can we offer our children enough opportunities to keep them at home and prevent Winchester from being just another dying, small town?"

The blend of rural and urban found here, along with the community's willingness to adapt and change, makes success likely. Even through the ups and downs of luring businesses to the area, one thing Winchester folks know they can count on is its people.

William E. Snowden, a Winchester dentist, has cared for residents for 35 years. But for a few weeks every year, Snowden does his part to take care of people around the world.

Haiti, Africa and South America are some of the places where Snowden has traveled to provide free dental care to impoverished people—a practice he started in 1965 after a visit to Haiti. He's planning a trip now to Pakistan.

"It's strictly a spiritual situation," said Snowden, a deeply religious man. He "saw that I had a skill that people needed. . . . My plans are to continue doing this as long as I have the health."

Not everyone in Winchester has such an international or spiritual calling. But the urge to provide help in times of trouble seems pervasive.

"Winchester's always been that way," said Snowden, who retired from his practice recently. "Whenever the call was there people always came to the front to it. We work together, I think, as well as any community."

It is that attraction to small-town values in the shadow of a cosmopolitan city that seems to keep people in Winchester and provide a bright hope for its future.

"To me Winchester is a place where you can have your cake and eat it, too," Freedman said.

Except in this Central Kentucky community, you had better eat that cake with a certain ginger soft drink.

Population (1988); Winchester, 15,216; Clark County, 29,496.

Per capita income (1988); $13,435 or $605 above the state average.

Jobs (1989); Total, 9,931; Manufacturing, 3,267; Wholesale & Retail Trade, 2,429; Services, 1,340; State/Local Government, 1,044.

Big employers: Leggett & Platt Inc., electric beds, bed frames, mattresses units and box springs, 550; GTE Products Corp., lighting equipment, 440; Winchester Clothing, men's sport coats and suits, 360; Quality Manufacturing Co., production and special machinery, assembly of typewriter ribbons, 200; Winchester Farms Dairy, juice and milk processing, 176.

Media: Newspaper—The Winchester Sun (daily). Radio—WHRS 1380-AM, big bad music; WLFX 100.1-FM, audit contemporary music.

Transportation: Road—Winchester is served by Interstate 64, the Mountain Parkway, U.S. 60, and Ky. 89, 627 and 1958. Air—Winchester is 14 miles from the Mount Sterling-Montgomery County Airport and 27 miles from Bluegrass Airport in Lexington. Rail—Mainline rail service is provided by CSX Transportation. Trucking—Thirty-two companies provide service.

Education: Clark County Schools, about 6,800 students.

Topography: Rolling bluegrass farmland surrounds Winchester.

FAMOUS FACTS AND FIGURES

If you see kids with green 12-ounce bottles in their hands, chances are they're drinking Ale-8-One. The sweet soft drink has been bottled in Winchester since 1928, and is marketed almost solely in Central Kentucky.

Kentucky isn't the only place celebrating its bicentennial this year. Clark County, named for Revolutionary War hero George Rogers Clark, was founded in 1792. Winchester was founded a year later.

Winchester and Clark County have been the home at one time or another to a fair share of famous folk: Helen Thomas, who has been United Press International's White House correspondent since President Dwight D. Eisenhower's term, was born in Winchester. Joel Hart, an internationally acclaimed sculptor of the 1800s; also was born in Clark County. The county was home to two governors, Charles Scott, 1808–1812, and James Clark, 1836–1839.

Clark County also is known for its rich history in high school sports. Among the achievements: Oliver High School won the state basketball tournament for black schools in 1934; Clark County High School won the state tournament in 1951; and the Clark County Cardinals won the "91 4-A football championship.

Clark County has more than 80 churches. Providence Baptist Church, founded in 1790, is the oldest church west of the Allegheny Mountains.●

RESOLUTION RE: HUMANITARIAN AID SAFE PASSAGE FOR BOSNIA-HERCEGOVINA

● Mr. DECONCINI. Mr. President, for most of my Senate career I have been actively involved in the CSCE or Helsinki process as it is commonly known. I am committed to the CSCE because I firmly believe that promotion of the CSCE principles offers our best hope for achieving lasting peace. The CSCE is predicated on respect for fundamental freedoms, human rights and self-determination. The CSCE has provided the framework which offers Europe the greatest hope in this dynamic but fragile post-cold war period for achieving enduring peace. It binds together those who are genuinely striving to weave a fabric or real democracy around the whole of Europe. But tragically, there are still those in parts of Europe who have another agenda, an agenda which threatens to tear this delicate fabric of freedom apart.

We must not let that happen. I am speaking, Mr. President, of the horror which is occurring in the small but sovereign nation of Bosnia-Hercegovina. Bosnia has embraced the CSCE principles and has achieved its independence through the democratic process. For this, that country and its people are being systematically and barbarically destroyed. I submit, Mr. President, that if the West allows this carnage to continue, the hope of an end to tyrannical rule in parts of Europe which the fall of the Berlin Wall so euphorically heralded will be shattered—shattered before that hope even had a chance to become a true reality.

And what a hope that was. Can any of us in this body forget what it felt like to watch the people of East Germany rejoice as they brought down the Berlin Wall? Can any of us forget the excitement we felt over the prospect of the death of communism—a dream which many of us thought would not come in our lifetime? It has been more than 50 years since the West spoke in frightened whispers of concentration camps and selective exterminations and acts of barbarism too terrible to even contemplate much less admit were really happening. Well, Mr. President, today, those horrors are happening again. Although not anywhere near the scale which took place under Hitler, the fact that ethnic cleansing is taking place again in Europe at all is frightening.

I will not recount the chronology of Serbian and Serbian-backed aggression in Croatia and Bosnia. We have all watched the Serbian military's wave of terror over the past few months. Suffice it to say that the conflict in Bosnia has reached a point at which the West must act. The military aggressors in Bosnia are refusing to play by any international standards even to the point of not allowing humanitarian assistance to get through to the people of Sarajevo. As the Bosnia foreign minister said to me recently, "have we reached a point that we can simply watch the whole population starve?"

We can help, Mr. President in ways which will not involve American troops on the ground. Having virtually exhausted economic and diplomatic options, we must now use our considerable influence in the United Nations and NATO to forge a coalition of member states in those bodies to create a secure zone around Sarajevo through which humanitarian aid can pass. To this end, I am today, introducing a resolution which urges the United States to take immediate steps to build this type of multilateral initiative—steps which could involve the use of military force, if required.

I am not advocating full-scale military involvement. I am simply saying that the United States must use its leadership in the United Nations to secure the safe passage of humanitarian aid and we can no longer rely on cease-fires to take hold. We cannot wait because the people of Bosnia cannot wait. They are dying as we speak of starvation. They are dying from wounds inflicted because cease-fires are not taking hold. I am told by military experts that there are many military options which can be effective and which will not involve a large-scale military operation. I urge the administration to begin working now with the member states of the United Nations and NATO to utilize the resources available to them in order to ensure that the people of Sarajevo and other parts of Bosnia do not continue to perish because of lack of food and medical assistance.

I ask that a copy of the resolution to which I referred be printed in the RECORD.

The resolution follows:

S. RES. 314

Whereas Serbia stands in clear and gross and uncorrected violation of all ten Principles Guiding Relations Between Participating States of the Conference on Security and Cooperation of Europe (CSCE);

Whereas the CSCE states have condemned the gross violation of human rights and brutal aggression on the part of Serbia;

Whereas Serbia and Serbian-backed forces are responsible for instigating the deaths of many thousands of citizens of Bosnia-Hercegovina, including innocent men, women and children;

Whereas Serbian-backed forces are responsible for crimes against humanity;

Whereas Serbia and Serbian-backed forces have attempted to undermine the democratically elected government of Bosnia-Hercegovina;

Whereas Serbian-backed forces have trapped over 400,000 civilians in the capital city of Sarajevo;

Whereas attempts to bring about permanent cessation of hostilities precipitated by Serbia and Serbian-backed forces in Bosnia-Hercegovina through negotiations have failed;

Whereas Serbian-backed forces have repeatedly blocked United Nations and Red Cross relief convoys carrying much-needed supplies of food and medicine;

Whereas the Security Council of the United Nations voted unanimously to dispatch additional forces to reopen Sarajevo's airport and permit delivery of supplies of humanitarian assistance to the city's beleaguered population;

Whereas the president of the democratically elected government of Bosnia-Hercegovina has issued an urgent appeal for immediate assistance from the international community;

Whereas the situation in Sarajevo has reached a critical point requiring immediate and decisive action: Now, therefore, be it

Resolved, That the United States should take immediate steps, through a multilateral effort, to ensure the delivery of humanitarian aid to civilian populations in and around Sarajevo, including through the use of military force, if required, under the auspices of the United Nations, the Conference on Security and Cooperation in Europe, and/or NATO.•

THE 37TH ANNUAL DETAILED FINANCIAL REPORT OF SENATOR PAUL SIMON

• Mr. SIMON. Mr. President, it has been my practice in each of the 37 years I have spent in public life to volunteer a detailed accounting of my finances.

I ask that my financial report for 1991 be printed in the RECORD.

The financial report and related announcement follow:

ANNOUNCEMENT

For the 37th consecutive year that he has held public office, U.S. Senator Paul Simon, D-Ill., has released a detailed description of his income, assets and liabilities.

Simon has been making the voluntary annual statements longer than any other national officeholder, according to his office. Simon set his policy when he entered public service as a state representative in 1955 from the world of business. He followed the practice during his eight years in the Illinois House of Representatives, six years in the Illinois Senate, four years as lieutenant governor, ten years in the U.S. House of Representatives, and now seven years in the U.S. Senate. The listing predates disclosure requirements of state and federal law and continues to exceed those requirements. Senate rules today require only the listing of income in broad brackets. His practice also has set the standard for officeholders in Illinois. Simon also continues to exceed Senate requirements by listing detailed income for his wife, Jeanne.

The Illinois senator lists 1991 income for himself and Jeanne Simon totaling $183,433.63. The figure includes his Senate salary, honoraria and reimbursements for travel and other expenses and other items.

The Simons had assets of $423,798.27 and liabilities of $159,334.85 for a net worth of $264,463.42. Earlier disclosures have shown Simon to be one of the least wealthy members of the Senate.

Detailed Income Statement of Paul and Jeanne Simon—1991

General income (Paul Simon):	
Salary, U.S. Senate	$110,728.82
State of Illinois, General Assembly System	19,796.88
Book Royalties	2,000.00
U.S. Senate, Expense Reimbursement	16,958.38
Paul Simon Official Office Account, Expense Reimbursement	52.81
Simon for Senate, Expense Reimbursement	712.29
Blue Cross/Blue Shield, Payment for health care costs	156.46
Williamson County Sesquicentennial Committee, Refund	45.00
Land's End, Refund	18.75
Equicor, Payment for health care costs	15.00
Amoco, Battery Refund	8.00
University of South Carolina, Expense Reimbursement	282.21
Columbia County Democratic Committee, Expense Reimbursement	160.22
Teachers of English to Speakers of Other Languages, Expense Reimbursement	120.36

National Cable Television, Expense Reimbursement	296.00
Honoraria:	
National Association of Independent Colleges and Universities, Talk	1,000.00
National Association of Private Psychiatric Hospitals, Talk	2,000.00
Educational Testing Services, Talk	1,200.00
Stockton State College, Talk	1,000.00
Graphic Communications International Inc, Talk	1,500.00
National Cable Television Association, Talk	1,500.00
University of South Carolina, Talk	1,500.00
Christian Science Publishing Society, Article	50.00
ITT Educational Foundation, Talk	2,000.00
American Council on International Personnel, Talk	2,000.00
American Hospital Association, Talk	1,500.00
Siemens Corp, Talk ($500.00 to Dana College)	2,000.00
National Association of Retail Druggists, Talk	1,000.00
Vesper Society, Talk	1,500.00
General income (Jeanne Simon):	
Washington Financial Group	1,900.00
Social Security—(entirely donated to charitable causes)	6,088.40
University of South Carolina, Expense Reimbursement	488.72
Bradley for Congress, Expense Reimbursement	443.00
Southern Illinois Conference, Methodist Church, Expense Reimbursement	30.00
University of Illinois, Expense Reimbursement	159.00
Interest income:	
U.S. Senate Federal Credit Union	431.63
General American Life	243.31
Polish National Alliance of U.S.A	29.75
U.S. Treasury	40.99
State of Illinois	12.77
Dividends:	
Adams Express	345.56
Bethlehem Steel	2.00
Quaker Oats	64.00
Scott Paper	6.40
Pax World	325.10
Chock Full O'Nuts	2.40
Ralston Purina	30.45
Dreyfus Convertible Securities Fund	126.94
Franklin Money Fund	205.06
Dreyfus Bond Fund	1,308.87
American Express Fund	2.62
Wal-Mart Stores	7.80
Credit Union One	.56
Pacific Gas & Electric	32.80
Texas Instruments	4.32
Total income	183,433.63

PAUL AND JEANNE SIMON NET WORTH STATEMENT DECEMBER 31, 1991

General assets:	
First Bank of Carbondale, Checking Account	$10.93
Credit Union, Rantoul	12.83
U.S. Senate Federal Credit Union, Checking Account	1,181.79
Loan, Senator Paul Simon Official Office Account	2,000.00
American Express, Dividend Fund	2.62
U.S. Savings Bonds	1,838.00
Deposit, Harbour Square Apartments	50.00
General American Life Insurance, Cash Value and Deposit	8,080.58
Polish National Alliance Insurance, Cash Value and Deposit	2,281.50
Congressional Retirement System, Cash Value	67,138.25
Thrift Savings Plan	6,852.52
11.8 Acres & Home, Makanda, IL. (Appraised in 1987)	204,000.00
Furniture and Presidential Autograph Collection	18,000.00
1991 Chevrolet	14,000.0
1983 Ford Mustang	1,500.00
Stock and bond holdings with number of shares:	
Adams Express, 227	4,313.00
Bethlehem Steel, 5	70.00
Chock Full O'Nuts, 10	83.75
Dreyfus, Bond Fund, 1,527	19,732.33
Dreyfus Convertible Securities Fund, 405	3,533.17
Franklin Fund, 8,301	8,301.05
Intergroup, Inc. 25	212.50
Jet-Lite, 120 (Approximate)	300.00
Lomas & Nettleton, Mortgage Inv. SBI, 100	162.50
Pax World Fund, 179	2,639.65
Quaker Oats, 40	2,995.00
Ralston Purina, 30	1,703.55
Rohr Industries, 6	126.75
Scott Paper, 8	279.00
United M&M, 8	5.50
Wal-Mart Stores, Inc., 48	2,826.00
Pacific Gas & Electric, 40	1,300.00
General Cinema Corp., 7	133.00
Texas Instruments, 12	369.00
Fisher-Price, 8	270.00
IRA—Paul:	
American Express Funds	385.60
Adams Express	8,930.00
Fisher Price	945.00
Lands End	503.63
Pacific Enterprises	1,470.00
Pacific Gas & Electric	1,300.00
Pepsico	1,084.00
Price	1,206.00
Quaker Oats	10,632.25
Ralston Purina	1,127.50
Servicemaster	447.00
Southwest Water	1,182.50
Tootsie Roll Industries	1,614.25
Total	30,827.73
IRA—Jeanne:	
American Express Funds	462.77
Adams Express	9,823.00
Lands End	651.75
Pacific Gas & Electric	1,300.00
Pepsico	1,422.75
Quaker Oats	299.50
Ralston Purina	2,706.00
Total	16,665.77
Total assets	423,798.27
Liabilities:	
Polish National Insurance, Loan	1,413.70
General American Insurance, Loan	3,021.15
Talman Home Mortgage Corp, Mortgage	154,900.00
Total liabilities	159,334.85

Total assets	423,798.27
Total liabilities	159,334.85
Net worth	264,463.42

GIFTS, Received of more than $25.00 value, outside immediate family [1]

Tennis shoes from Richard Raymond, value unknown.

Miscellaneous small gifts from organizations and officials of Taiwan, value unknown.

Clock from Roble Olhaye, Embassy of Djibouti, value unknown.

Silk scarf from Barbara Bush, value unknown.

Seven inch Chinese horse statue from Dr. Michael Tcheng, value unknown.

Pillow from Navajo Indians, value unknown.

Penn State football tickets (2) from Penn State, value unknown.

Grocery samples from R.J.R. Nabisco, value unknown.

Book on American magazines, approx. $60.00.●

ARMS DEALERS TAKE TAXPAYERS FOR A RIDE

● Mr. HARKIN. Mr. President, I would like to call to my colleagues' attention to an article in the June 10 Christian Science Monitor by Caleb Rossiter, the director of the Project on Demilitarization and Democracy. The article, titled "Arms Dealers Take Taxpayers for a Ride" shows the importance to our economic future and to our moral values of demilitarization in the developing world. Dr. Rossiter applauds the House for passing an amendment to the Defense authorization that stops Pentagon subsidies for private arms exporters, and calls on the Senate to follow suit. I understand that Senator BIDEN is working to address this issue in the Senate.

Outrageous as these subsidies are, though, they are really only the tip of the iceberg of this administration's support for militarization in the developing world. As Dr. Rossiter says in the article, that policy is penny-wise and pound foolish, preserving a few thousand arms exporting jobs at the expense of the millions of civilian exporting jobs that would be created for Americans if developing countries reduced their military spending and settled their conflicts.

To combat this broader problem, I have introduced a bill to put demilitarization by developing countries at the top of the U.S. foreign policy agenda. The bill—modeled after human rights law that I helped enact in the 1970's which has since become a mainstay of our foreign policy—would condition U.S. support for loans from multilateral banks on reduced military spending by recipients. I urge my colleagues to cosponsor this legislation.

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[1] The law requires disclosure only of gifts of $100 and over. Paul Simon's statement includes *all* non-family gifts of more than $25, whatever the source.●

Dr. Rossiter worked closely with me and my staff on a variety of initiatives in foreign policy during his 7 years on the staff of the Arms Control and Foreign Policy Caucus, and I wish him every success in his campaign to create a consensus that demilitarization and true democracy must go hand in hand in the developing world, and that U.S. policy must promote both.

I ask that a copy of Dr. Rossiter's article be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, June 10, 1992]

ARMS DEALERS TAKE TAXPAYERS FOR A RIDE

(By Caleb Rossiter)

Did you ever want to take a spin in one of those really neat Stealth fighters? But you know you could never afford it, right? Wrong. Taxpayers are paying the tabs run up by multimillion-dollar corporations like McDonnell Douglas when they display their wares at international military "trade fairs."

Here's how it works. Step 1: The Pentagon pays the cost of taking lots of its fancy United States-made planes and tanks to overseas arms bazaars. Step 2: Taxpayers pay the Pentagon back. Step 3: McDonnell Douglas and other arms manufacturers make lots of money from overseas sales. It's that simple. The complicated part is paying for it: The expenses for just one of these many trade fairs can run to $1 million for fuel and maintenance, and if a $30 million jet crashes on the way back from a fair, as one recently did in Singapore, guess who gets to pay for it?

The frantic post-cold-war drive by US arms-makers to replace sales to the Pentagon with sales to developing nations is being subsidized by American taxpayers. This has the potential to do as much damage to the American economy as the savings-and-loan debacle (a few hundred billion dollars, at latest count).

The weapons merchants say that arms sales are good for US jobs and good for America. (About the effects on developing countries they are strangely silent.) Some important people are taking the bait. Deputy Secretary of State Lawrence Eagleburger has said that the Pentagon, along with the Departments of State and Commerce, "support the marketing efforts of US companies in the defense trade arena [overseas]." US embassies in the third world are devoting diplomatic skills to helping US defense firms contact possible weapons buyers.

But militarization overseas is both a moral and an economic disaster, not just for the developing world, but for the US as well.

Forty million people have died in 125 conflicts since 1945, the year that the US and the USSR began using the developing world as the gameboard for their elaborate ideological chess game. The cold war in the developed world often meant hot wars in the developing world. Ironically, the end of the cold war threatens to heat things up even more, if increased arms sales to developing regions are any indication. If arms manufacturers have their way, nations too broke to feed their citizens will out-spend their current $200 billion annual military budget (already four times their foreign aid).

Four out of 5 people on this planet live in the developing world. Because we now have a global economy, what happens in four-fifths of the world necessarily affects us. For example, a study by the congressional Joint Economic Committee revealed that the recession in the developing world in the 1980s cost America $440 billion in export receipts and 1.8 million jobs, a full quarter of our unemployment. With recession in the third world slowly ending, American exports to developing nations have again picked up, and the Commerce Department reported this month that the increase provided 400,000 jobs last year.

But militarization is one of the major barriers to continued growth for the developing world, and hence for us. Investment is driven out and growth is driven down by military spending, civil wars, and the political power of armed forces that keep half the developing nations in dictatorship and another quarter in limbo between elections and full democracy. If we won't care about heavily militarized developing countries on moral grounds, can't we at least care on economic grounds?

It is penny-wise and pound-foolish for the Pentagon to promote arms exports, preserving a few jobs now at the expense of the many more that would come from a dramatically demilitarized world. Rep. Howard Berman (D) of California, understanding this much, has pushed an amendment through the House that will put a stop to these Pentagon subsidies. Now it is up to the Senate, whose upcoming vote on the matter will decide whether US policy speaks to arms manufacturers or to the US taxpayer. The taxpayers have been paying for somebody else's joyride long enough.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11:30 a.m. tomorrow; that the Journal of proceedings be deemed approved; that the time for the two leaders be reserved for their use later in the day; and that there be a period of morning business from 11:30 a.m. until 12 noon tomorrow with Senators permitted to speak therein for up to 10 minutes each; that at 12 noon the Senate return to the consideration of the pending bill, S. 55.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I now ask unanimous consent that Senator SIMPSON be recognized for such time as he may wish, and that upon the completion of his remarks the Senate stand in recess as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO SENATOR PAUL SIMON

Mr. SIMPSON. Mr. President, I thank the majority leader for his courtesy. I realize the hour is late, and I am not going to transgress but a moment. I want to pay tribute to Senator SIMON, who has worked so doggedly and persistently with regard to the balanced budget amendment.

I think all of us who have legislated for many years know the feeling of when you have worked so hard on something, and you see the reality of its inability to be processed, simply because of the situation in the House and now also in the Senate, and that sometimes gives one a lump in the throat.

I just wanted to say that I have known PAUL SIMON for over 20 years. We served together as legislators, respectively in Wyoming and Illinois, and I have always been impressed by his sincerity, his extraordinary civility, and his thoroughness. It is regrettable that we will not deal with the issue in a sensible way with regard to the balanced budget, but it will not go away. There has been a common theme of those of our colleagues who are leaving this place voluntarily—that is, Senator RUDMAN, Senator WIRTH, and Senator CONRAD—all of them saying, in essence, we all know what we have to do. Indeed, we all do know what we have to do, and that is to deal with this part of the budget which is on automatic pilot. That is indeed what we do not do.

So I just want to commend the Senator from Illinois for his courage and his intrepid persistence, and as we look into this issue in the months to come, we are going to have to do something, because I challenge any member in this body from either side of the aisle to prove to me by their own rollcall votes how they have contributed to rolling back the debt, which is $4 trillion, or the deficit, which is $400 billion.

Courage is something we talk of, but it cannot be followed in the CONGRESSIONAL RECORD in the yeas and the nays. It is not in there. It never will be in there, as long as the constituent groups beat the brains out of the people who say they will cut it back, because if you are known as one of those people, you will not be here. Anyone with the extraordinary courage to go and vote to deal with the entitlements, to deal with with veterans benefits, to deal with Social Security, and to deal with health care, part B premiums, is quickly retired, so the people are getting about all they deserve.

So to those Senators who voluntarily are leaving, I ask Senator SYMMS and Senator CRANSTON and Senator ADAMS, and all of them who have all said, "we all know what we have to do," since we do not do it, will not do it, cannot do it, there is one way to do it when you are a Member of the legislative body, and that is when everything else fails to work, why not try something else, and the try would be the balanced budget amendment. It will come, and Senator SIMON and Senator THURMOND will be right there pressing us to do it once again, and they should. It will come to pass, and I commend them both.

I yield the floor.

RECESS UNTIL TOMORROW AT 11:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 11:30 a.m. tomorrow.

Thereupon, the Senate, at 6:23 p.m., recessed until Friday, June 12, 1992, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 11, 1992:

LEGAL SERVICES CORPORATION

NORMAN D. SHUMWAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING JULY 13, 1993, VICE LUIS GUINOT, JR., RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM AUGUST 2, 1991, TO SEPTEMBER 10, 1991.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

LYLE E ALLEN, [redacted]
GREGORY C BASSETT, [redacted]
ROBERT A BONNEAU, [redacted]
TIMOTHY E BREUHL, [redacted]
VIRGIL D CLARK, [redacted]
SAMUEL DIGIROLAMO, [redacted]
JOHN F DISOSWAY, [redacted]
JAMES V FIORELLI [redacted]
ROBERT P FRANZ [redacted]
PAUL GIBBONS, [redacted]
MICHAEL J HAUGEN [redacted]
ARLO G HAWK, [redacted]
WILLIAM G HENDRICKSON, [redacted]
CHARLES W HOLLAND, [redacted]
MICHAEL G JAMES, [redacted]
NOEL L KEMMERICH, [redacted]
DENNIS J KERKMAN, [redacted]
ALBERT E LASSITER, [redacted]
KATHLEEN D LESJAK, [redacted]
VIRGIL W LLOYD, [redacted]
JAMES M MAGINNIS, [redacted]
JAMES A MCDEVITT, [redacted]
ROLLAND T MCHUGHES, III, [redacted]
JAY A MENGEL, [redacted]
JOHN D NAVIN, [redacted]
DANNY P NICE, [redacted]
RICHARD NORWOOD, [redacted]
JEFFREY H OKAZAKI, [redacted]
LOUIS OLIVAS, [redacted]
DONALD J QUENNEVILLE, [redacted]
RAYMOND J RAUENHORST, [redacted]
ELDRED J ROSENTHAL [redacted]
CARROLL F SITES, [redacted]
GEORGE R G SOULE, [redacted]
JAMES E STEVENS, [redacted]
RICHARD L TOLBERT, [redacted]
DENNIS W VANIDESTINE, [redacted]
ROBERT E WITMER, [redacted]

JUDGE ADVOCATE

To be colonel

GEORGE G BRANTLEY, [redacted]
FREDERICK B HUNT, [redacted]
JOHN T JOHNSON, [redacted]
KARL W KRISTOFF, [redacted]
EDWARD S ZANATY, [redacted]

MEDICAL CORPS

To be colonel

JAMES A CAMPBELL [redacted]
MICHAEL O DANIELS [redacted]
NORMAN L ELLIOTT, [redacted]
EDITH P MITCHELL, [redacted]

NURSE CORPS

To be colonel

MARYANN B. MECOM [redacted]
CAROL M. THOMAS, [redacted]

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

JAMES T. CARPER [redacted]
JAMES J. COOKE, [redacted]
WILLIAM R. MANSFIELD [redacted]
LARRY L. RALSTON, [redacted]
RONALD J. RENDE, [redacted]
RONALD C. STECKLEIN, [redacted]
JIMMY D. TAYLOR, [redacted]
MATHEW A. THOMPSON, [redacted]
ERVIN VESELY, JR. [redacted]
ALVIN R. WILLIAMS, [redacted]

CHAPLAIN CORPS

To be colonel

MARK A. LINDER, [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

WILLIAM D. ESHEE, JR. [redacted]
JAMES P. MCBRIDE [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

ROLAND G. ALGER, [redacted]
JONATHAN A. BILLINGS, [redacted]
RONALD L. CHUBB, [redacted]
DAVID C. HARRIS, [redacted]
BILLY R. HARTBARGER, [redacted]
DANNY H. HICKMAN, [redacted]
BILLY D. HOOK, [redacted]
JORDAN M. HUGHES, [redacted]
RANDALL E. JOHNSON, [redacted]
RONALD D. JOHNSON, [redacted]
MICHAEL D. LEDBETTER, [redacted]
GEORGE W. MCCULLEY, JR., [redacted]
FRANCIS S. NASH, [redacted]
WALTER PAUL, [redacted]
GUSTAV J. PERSON, [redacted]
GARY A. QUICK, [redacted]
ANGEL M. RIVERA, [redacted]
LLOYD C. ROBERTS, [redacted]
KENNETH B. ROBINSON, [redacted]
BURTHEL THOMAS, [redacted]
REX E. THOMPSON, [redacted]
KEN J. VAHLE, [redacted]
LARRY D. VANHORN, [redacted]
EDWARD W. WHITAKER, JR., [redacted]
TIMOTHY J. WRIGHT, [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

JERRY L. DAVIS, [redacted]
RICHARD E. FLATH, [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

PHILLIP B. BOUDREAUX, [redacted]

MEDICAL CORPS

To be lieutenant colonel

MICHAEL D. KNEELAND, [redacted]
CHRIS F. MAASDAM, [redacted]
ROY R. TAYLOR, [redacted]
KEITH W. WEAVER [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. TERRY N. ALLEN, [redacted] 3/15/92
MAJ. GREGORY A. BOSE, [redacted] 3/9/92
MAJ. JAMES M. BURNS, [redacted] 3/23/92
MAJ. DOUGLAS C. CLARK, [redacted] 3/7/92
MAJ. ROSS D. COLLINS, [redacted] 3/14/92
MAJ. ARTHUR O. COMPTON, [redacted] 3/25/92
MAJ. JOHN R. CROFT, [redacted] 3/8/92
MAJ. JOHN L. CROMWELL, [redacted] 3/20/92
MAJ. STEPHEN J. DECKER, [redacted] 3/7/92
MAJ. KEITH A. DOUGLAS, [redacted] 3/8/92
MAJ. DANIEL J. FERNANDEZ [redacted] 3/23/92
MAJ. JAMES J. FIELDS, [redacted] 3/18/92
MAJ. HERBERT J. FOARD [redacted] 3/17/92
MAJ. GERALD J. FOJTIK, [redacted] 3/7/92
MAJ. STEVEN D. FRIEDRICKS [redacted] 2/18/92
MAJ. ROGER D. GILLESPIE [redacted] 3/18/92
MAJ. TIMOTHY J. GOLDAMMER, [redacted] 2/20/92
MAJ. DENNIS R. GOODLING, [redacted] 1/16/92
MAJ. WILLIAM V. S. HESTER [redacted] 3/20/92
MAJ. RAYMOND R. KLOCKE, [redacted] 3/7/92
MAJ. WILEY R. KUYRKENDALL [redacted] 3/27/92
MAJ. DANIEL M. LEE, [redacted] 3/7/92
MAJ. THOMAS J. MADIGAN, [redacted] 3/25/92
MAJ. DENNIS M. MAST, [redacted] 3/10/92
MAJ. TONY J. MEFFORD, [redacted] 3/7/92
MAJ. ALPHONSO MEZA, JR., [redacted] 3/20/92
MAJ. MARK C. MULKEY, [redacted] 2/19/92
MAJ. OSCAR A. NEILL, [redacted] 3/24/92
MAJ. PAUL J. RHODES, [redacted] 3/8/92
MAJ. LARRY S. RODEKOHR, [redacted] 3/9/92
MAJ. RONALD E. SHOOPMAN, [redacted] 3/23/92
MAJ. FREDERICK H. SMITH, [redacted] 3/19/92
MAJ. LOUIS W. SMITH, [redacted] 3/2/92
MAJ. WILLIAM E. STICKEL, [redacted] 3/20/92
MAJ. DIRK M. SUERETH, [redacted] 1/16/92
MAJ. RAYMOND E. THOMAS, JR., [redacted] 3/12/92
MAJ. ANDREW R. TUSON, [redacted] 3/15/92
MAJ. DANIEL C. VANWYK, [redacted] 3/17/92
MAJ. DANIEL G. WELLS, [redacted], 3/8/92

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJOR BLAIR D. JAYNES, [redacted] 3/14/92
MAJOR JOHN H. VINCENT, JR., [redacted] 3/5/92

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. ROBERT L. LUBBEN, [redacted] 3/22/92

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJ. LYNN F. CHISM, [redacted] 3/8/92
MAJ. JOHN C. IRWIN, [redacted] 3/20/92
MAJ. FRANCIS K. MANUEL, [redacted] 3/25/92
MAJ. DONALD E. MCCOY [redacted], 3/14/92

MEDICAL CORPS

To be lieutenant colonel

MAJ. CLEE E. LLOYD, [redacted] 3/15/92
MAJ. JOSEPH K. MARTIN, [redacted] 3/14/92
MAJ. ROBERT A. MAY, [redacted] 3/8/92
MAJ. JAMES K. RITTERBUSCH, JR., [redacted] 3/14/92
MAJ. PHILLIP E. STYKA, [redacted] 3/7/92

NURSE CORPS

To be lieutenant colonel

MAJ. MICHAEL R. HARRIS, [redacted] 3/18/92

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

ROBERT J. AGRO, [redacted]
ALAN L. ALDRICH, [redacted]
PAUL D. ALLEN, JR, [redacted]
PEDER A. ANDERSON, [redacted]
WILLIAM T. ANDERSON, [redacted]
ROBIN L. AUSTIN, [redacted]
RICHARD G. AVERITT, III, [redacted]
RICHARD R. BARNETT, [redacted]
JOHN M. BARR, II, [redacted]
JOHN W. BERGMAN, [redacted]
WILLARD D. BLALOCK, [redacted]
RAYMOND O. BLUM, [redacted]
WILLIAM J. BONNER, JR, [redacted]
CLIFFORD A. BRAHMSTADT, [redacted]
MATTHEW R. CAMPBELL, [redacted]
WILLIAM A. CAMPBELL, JR, [redacted]
TIMOTHY J. CARNEY, [redacted]
JOHN E. CODREA, [redacted]
FRANCIS L. COLLINS, III, [redacted]
ROBERT M. DANIEL, [redacted]
WILLIAM R. DANIEL, [redacted]
JAMES W. DARE, [redacted]
ANDREW B. DAVIS, [redacted]
PETER A. DOLAN, JR, [redacted]
DAVID D. DZARA, [redacted]
STEPHEN M. ENGLEHARDT, [redacted]
BILL J. ENGLISH, [redacted]
ALAN E. FABISZAK, [redacted]
PHILLIP F. FARGOTSTEIN, [redacted]
PAUL M. FELIX, [redacted]
GEOFFREY B. FELTNER, [redacted]
DANIEL R. FOLEY, [redacted]
MICHAEL J. FORD, [redacted]
RODNEY A. FORD, JR, [redacted]
MICHAEL J. FUHRMANN, [redacted]
JAMES R. GILL, [redacted]
JIMMIE W. GLENN, [redacted]
JAMES D. GORIAN, [redacted]
WILLIAM D. GRIER, II, [redacted]
DENNIS R. GROSE, [redacted]
ROBERT L. GRUBER, [redacted]
WILLIAM R. HACKNEY, III, [redacted]
NATHAN S. HALL, [redacted]
STEPHAN A. HANVEY, [redacted]
MICHAEL W. HENIG, [redacted]
CHARLES R. HOBBS, [redacted]
DOLORES K. HOFFMAN, [redacted]
HUGH J. HOLLOMAN, [redacted]
WILLIAM D. HOSMER, JR, [redacted]
JOHN E. HOWARD, [redacted]
JAMES R. HUOVINEN, [redacted]
JOHN W. JANDORA, [redacted]
THOMAS L. KANASKY, JR, [redacted]
DAVID C. KURNER, [redacted]
RONALD W. LARSON, [redacted]
FLEET S. LENTZ, JR, [redacted]

CLINTON R. LISTON, [redacted]
WILLIAM C. LOOP, [redacted]
JOSEPH H. MAHONEY, [redacted]
GERALD A. MARACCHINI, [redacted]
STEPHEN M. MCCARTNEY, [redacted]
EMIL H. MESSIKOMER, III, [redacted]
SPENCER M. MORROW, [redacted]
DAVID C. MOYNIHAN, [redacted]
CHARLES T. MUSE, [redacted]
ARNOLD E. MYHRA, [redacted]
MICHAEL C. OSAJDA, [redacted]
PAUL H. PARILLA, [redacted]
PERRY L. PICKERT, [redacted]
THOMAS J. PITMAN, [redacted]
JAMES T. RAGSDALE, [redacted]
ROBERT D. RAINES, [redacted]
KURT B. REDFERN, [redacted]
JAMES E. REIER, [redacted]
HARRY S. RIDDICK, JR, [redacted]
EUGENE A. RITTI, [redacted]
JOHN R. ROE, [redacted]
JAMES M. ROSEN, [redacted]
JAMES R. SANDBERG, [redacted]
EDWARD J. SANDRICK, [redacted]
GALEN H. SARVINSKI, [redacted]
JOSEPH E. SAWYER, JR, [redacted]
ROBERT W. SCHIMMEL, [redacted]
COURTNEY C. SCHRON, [redacted]
DANIEL G. SHILLITO, [redacted]
JAMES D. SHIMP, [redacted]
JOHN G. SHOUSE, [redacted]
THOMAS W. SHREEVE, [redacted]
RICHARD N. SHUCK, [redacted]
GARY R. SLONE, [redacted]
EARL R. SMITH, [redacted]
FRANKLIN B. SMITH, [redacted]
WALTER H. SMITH, JR, [redacted]
WALTER L. STARNES, JR, [redacted]
FRANCIS M. STEC, [redacted]
GLENN W. STICKEL, [redacted]
JAN P. THOMAS, [redacted]
THOMAS M. TIGUE, [redacted]
PATRICK J. TRAY, [redacted]
MARTIN R. VANDENBROOK, [redacted]
GERALD A. VIANELLO, [redacted]
LEO V. WILLIAMS, III, [redacted]
LESLIE K. WILLIAMS, [redacted]
ROBERT D. WITHERS, [redacted]

EXTENSIONS OF REMARKS

NO DUE PROCESS OF EPA CONTRACTORS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. GINGRICH. Mr. Speaker, some months ago, Members on this side of the aisle complained bitterly about the practice of congressional committees dominated by the majority party engaging in political witch hunts. We sought, unsuccessfully, to limit the legislative appropriation provided to the General Accounting Office to preclude its use as a partisan tool by certain committees. As all too often happens here, our efforts were blunted by majority party blindness to the important issues of fairness, due process, and the wise expenditure of taxpayer dollars.

I call your attention to an article entitled "No Due Process for EPA Contractors." Authored by procurement expert J. Kent Holland, Jr., with the assistance of Kathleen C. Barger, it relates to a recent hearing held by the Energy and Commerce Subcommittee on Oversight and Investigations. Holland's article describes how the EPA and one of its Superfund contractors with an outstanding performance rating were pummeled with inaccurate and unfair allegations.

Not only was there no pretense of due process during the hearing, according to Holland, but there was a manifest contempt for the due process procedures of the Federal Acquisition Regulations which pertain to any dispute in contracting matters.

It is painfully evident from Holland's account, as well as the observations of others, that the subcommittee refused to accept the contractor's assertions that sensationalized charges of alleged improper billing were not true. The engineering firm stated unequivocally that the items in question had never been charged to the taxpayer. On the contrary, they had in fact underbilled the EPA, and long overdue government audits would confirm these facts.

The subcommittee, in its zeal to score partisan points against the executive branch, ignored the fact that EPA's inspector general, the man who is charged with performing audits of this contractor, had not completed any regular annual audits on this company for the past 6 years. I remind you, Mr. Speaker, that inspectors general too are creatures of the legislative branch.

Despite not doing his job, the inspector general gleefully plied on in a bid to curry favor with the subcommittee and to avoid criticism on his own agency's shortcomings. The General Accounting Office, rather than providing a balanced and independent perspective, shamefully gave a selective presentation of facts to support conclusions directed by the subcommittee's aggressive staff.

It is little wonder that so many among the electorate hold Congress in contempt for its lack of integrity and financial irresponsibility. Mr. Speaker, I urge you, as well as my colleagues, to carefully examine this important article.

[From WATER/Engineering & Management, May 1992]

NO DUE PROCESS FOR EPA CONTRACTORS

(By J. Kent Holland, Jr.)

Engineers and contractors who work on Environmental Protection Agency (EPA) funded projects such as Superfund cleanup actions and wastewater treatment plant construction may be surprised to learn that due process on their contract disputes and cost issues may be a thing of the past. Congressman John Dingell (D-Mich.) and his Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce recently conducted a public hearing concerning the billing practices of a major consulting engineering firm engaged in an EPA contract.

Congressmen at the hearing lectured, ridiculed, and bullied the witnesses who testified on behalf of EPA and the contractor. Congressmen accused the contractor of overbilling EPA, and they accused EPA of dumbly standing by while it happened. The contractor and the EPA's director of the Procurement and Contracts Management Division attempted to explain to the congressmen that EPA had not yet even audited the costs in question and that, without such an audit, EPA cannot judge the allowability of the indirect overhead costs in issue.

Once an audit of a government contract is performed, the relevant federal agency and the contractor will review and comment on it before any action is taken. Audit recommendations are often incorrect and, therefore, not followed in their entirety by the agency.

EPA testified that the particular contractor in question had an excellent performance record over its many years of performing EPA contracts and that, on the one occasion where an audit recommended the disallowance of some costs, EPA and the contractor were able to reach an agreement on the disallowance. This mandated process, based on the Federal Acquisition Regulation (FAR), has served EPA and its contractors well and is now being threatened by a few congressmen.

Under the Constitution, the Contract Disputes Act (CDA) and various federal regulations, due process of law must be provided to contractors. This provision means an opportunity to rebut a final agency determination and challenge it in court. The theatrical subcommittee hearing entitled "Egregious Billing Practices of EPA Superfund Contractor," made a mockery of due process and served no apparent legitimate purpose that could not have been better served in due course under the CDA.

When the contractor tried to show to the congressmen several provisions of the FAR and court decisions supporting the appropriateness of the costs in question. Mr. Dingell interrupted the witness and, with a wave of the hand, said something to the effect of, "Never mind, I'm sure you will be able to show those to the Contracting Officer later." He may as well have said, "Don't confuse me with the facts, my mind is already made up." And so the show went on.

Under pressure from the committee, Christian Holmes, the Acting Assistant Administrator of the EPA Office of Administration and Resources Management, testified that he believed contractors should not claim various costs although they "might technically be allowable under the regulations." He testified that, rather than apply the FAR to cost allowability, he would apply his own standard to reject and disallow costs based on what he thinks public perception will accept. Having testified that he intends to violate the standards of the FAR and breach established engineering contracts which incorporate the FAR, Mr. Holmes unwittingly has put EPA in a no-win situation in the contract disputes that will surely be litigated.

The costs that congressmen take issue with are not direct costs charged to EPA, but rather indirect overhead costs similar to those of other corporations and even local governments. Since municipalities and engineers are reimbursed for indirect costs incurred in performing work on wastewater treatment construction grant projects, these issues could affect the indirect costs claimed by hundreds of engineering firms and potentially thousands of EPA grantees.

The current federal procurement process, including the cost principles, was developed based on years of Congressional and Executive agency review and consideration. The system is an interlocking set of complex regulations, particularly those regulations relating to cost allowability questions. For example, in government contract terminology, allowability has four essential factors—reasonableness, allocability, proper accounting, and specific exclusions.

Serious Constitutional issues arise when one or a few congressmen seek to circumvent the will of the rest of Congress by suggesting ad hoc unilateral changes without legislative enactment of established procurement rules.

COST REASONABLENESS

Additionally, the term reasonableness as defined by the FAR does not mean that it must be reasonable to one congressman or even to the press. Rather, under FAR §31.201-3, "a cost is reasonable if in its nature and amount, it does not exceed that which would be incurred by a prudent person in the conduct of competitive business." Thus, reasonableness of costs is judged by the standards of an industry, e.g., is this cost one that a competitive business would incur in its operations?

INDIRECT OVERHEAD EXPENSES

The procurement process is based upon the concept that, as in all services or products, a certain amount of the costs include a portion of such indirect overhead expenses as long as these costs are reasonable for that industry.

The congressmen's inexperience with the subject of indirect costs and indirect cost rates was demonstrated when they expressed shock that the engineering firm in question claimed a "bloated" indirect cost rate of a little more than 150 percent. EPA testified

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that this was within the normal rates. In fact, the EPA Handbook of Procedure of the Construction Grants Program specifically uses 150 percent as a typical indirect cost rate for engineering firms.

What is particularly disturbing about the Congressional inquiry is the obvious effort by the congressmen to create the impression that the engineering firm billed EPA directly for things such as candies and deer suits for a Christmas party when, in fact, these items were merely part of the overhead to be shared on a pro rata basis on all projects, both commercial and public.

EMPLOYEE MORALE

Furthermore, Employee Morale costs covered by FAR §31.205-13, are allowable. Thus "aggregate costs incurred on activities designated to improve working conditions, employee-employer relations, employee morale and employee performance are allowable . . . to the extent that the net amount is reasonable."

Since items such as banquets, flowers, holiday parties, etc. are allowable costs, (Brown Engineering Co., ASBCA No. 68 30-31, 61-2 BCA 3225), they do not have to pass a separate individually conceived test of a lone congressmen or even a Congressional subcommittee.

EMPLOYEE COMPENSATION

Compensation for employees is also given specific treatment under FAR §31.205-6. Such compensation includes "all remuneration paid currently or deferred" and specifically includes such items as salaries, wages, director and executive committee member fees, bonuses (including stock bonuses), incentive awards, employee stock options, and other fringe benefits.

As with other items of cost, the test is that the compensation in total must be reasonable for the work performed given the commercial practices for that industry. Some benefits, such as bonuses, must also be paid under an established corporate plan or policy. A plan such as that of the contractor who testified to the subcommittee, which has been in existence for approximately 20 years and covers 800 employees, may well be allowable. If it is not, however, it will take a court to so rule, and the opinion of Congressman Dingell and his subcommittee will not be relevant in that litigation.

CONCLUSION

The FAR states that the overall objective of its rules on allowability of costs is to ensure that "all organizations of similar types doing similar work will follow the same cost principles and procedures" FAR §31.101. To achieve this uniformity, all civilian agency deviations from cost principles must be approved by the head of the agency. The Office of Federal Procurement Policy then has the authority to review all agency regulations to ensure consistency with other FAR mandates. FAR cost accounting standards (CAS) now apply to all civilian agencies, and some of Mr. Dingell's suggestions would not be consistent with CAS.

There are, therefore, appropriate channels to be used by interested persons, including individual congressmen and their subcommittees, who would like to effect change in the procurement regulations. If these congressmen do not believe that certain currently allowable costs such as Santa Claus suits or deer suits used at an employee Christmas banquet should be included in a company's allowable overhead, they should work to revise the cost rules for future procurements instead of berating contractors for including these allowable costs and criticizing EPA for paying its appropriate share of the costs.

Perhaps a hypothetical case will help put the subcommittee hearing into proper perspective. For example, a family of 12 files an income tax return and claims the 12 personal exemptions to which it is legally entitled, and a congressman feels that families should not have so many children and that it is shameful to claim all those exemptions. Lacking the ability to enact legislation to change the tax law to reduce the number of exemptions that can be claimed, he instead conducts a Congressional subcommittee hearing where he can ridicule and scorn this tax-paying family for its large size—his hope being to intimidate them and other tax payers into not claiming all of their dependents as exemptions. Similar intimidations with an equivalent result would appear to be the goal of Congressman Dingell's subcommittee hearing on EPA contractors.

AMENDMENT TO H.R. 4310, THE NATIONAL MARINE SANCTUARY PROGRAM REAUTHORIZATION AND IMPROVEMENT ACT OF 1992

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. PANETTA. Mr. Speaker, I rise today to inform my colleagues of my intention to offer an amendment to H.R. 4310, the National Marine Sanctuary Program Reauthorization and Improvement Act of 1992, to legislatively designate the Monterey Bay National Marine Sanctuary [MBNMS]. H.R. 4310 has been ordered reported from the Committee on Merchant Marine and Fisheries and may be brought to the House floor for consideration as soon as next week.

In 1988 the Congress passed legislation I authored to mandate the designation of the Monterey Bay as a national marine sanctuary. The law required that the MBNMS be designated no later than December 31, 1989. More than 2 years later, the administration has yet to release the final environmental impact statement/management plan [FEIS] for the MBNMS. Much of the delay associated with the Monterey site has been due to the national marine sanctuary program's unfortunate lack of resources. Many months have been lost however by battles fought within the administration to obstruct the National Oceanic and Atmospheric Administration's [NOAA] efforts to provide adequate protection behind the sanctuary designation.

For example, in February 1990 I was informed by the Office of Management and Budget that the draft regulations for Monterey were being held up due to the Department of Interior and Department of Energy's objections to NOAA's proposed oil and gas ban for the Monterey sanctuary. I immediately sent a telegram to the President expressing my disbelief that his administration—which claimed to oppose offshore oil and gas development in environmentally sensitive areas—would even consider permitting oil development in a national marine sanctuary. It was not only the administration's failure to recognize the inappropriateness of permitting oil drilling in a sanctuary that was objectionable, but also its usurping of the public review process by continuing these interagency negotiations behind closed doors. Six months later, in August 1990, the administration released the draft Monterey regulations to the public—with the oil and gas ban in tact.

It is my understanding that NOAA has completed its substantive work in the final Monterey regulations in January and the document has been undergoing administrative review for the past several months. I was pleased by the administrative's announcement in January that it has completed work on the document and was endorsing the largest boundary alternative for the sanctuary. I along with Governor Wilson, Senator SEYMOUR, Senator CRANSTON, and Representative CAMPBELL wrote to Secretary Mosbacher in support of the expanded boundary alternative for the Monterey Bay site last October. It is my belief that this boundary alternative will provide the full range of biological communities in the Monterey Bay site last October. It is my belief that this boundary alternative will provide the full range of biological communities in the Monterey Bay region with the comprehensive protection the sanctuary designation is designed to achieve.

On November 20 of this past year, I engaged our colleague Chairman DENNIS HERTEL of the Subcommittee on Oceanography, the Great Lakes, and the Outer Continental Shelf in a colloquy regarding the delays associated with the designation of the Monterey Bay National Marine Sanctuary. In an effort to promote prompt action on Monterey, Chairman HERTEL committed to pursuing legislation to mandate the designation of the Monterey Bay National Marine Sanctuary, with particular boundaries and an oil and gas activities prohibition, should NOAA fail to release the management plan for Monterey by February 3, 1992. I would point out that this deadline was more than reasonable as NOAA had informed me at the time that it would need 6 more weeks to complete its work on the final regulations for Monterey.

As NOAA failed to meet this deadline, I introduced legislation on February 4 to designate the Monterey Bay National Marine Sanctuary—H.R. 4148. The legislation designates the sanctuary upon enactment with the largest boundary alternative and a permanent oil and gas prohibition. The remainder of the regulations for the sanctuary are permitted to be competed per the normal regulatory process.

I was reluctant to introduce this legislation as I did not want to hamper NOAA's ability to satisfactorily compete its work on the Monterey regulations. I was concerned however that given the administration's track record on the Monterey site, the designation would continue to be plagued by delays absent legislative action to statutorily designate the sanctuary.

I hope that ultimately it will not be necessary for the Congress to enact this legislation and that the administration will move quickly to release the final management plan for Monterey Bay. In the interim, however, I will continue to work with the Committee on Merchant Marine and Fisheries in pursuit of this legislation. I hope that my colleagues will be supportive of this measure. A copy of my proposed amendment follows:

AMENDMENT TO H.R. 4310 OFFERED BY MR. PANETTA OF CALIFORNIA

At the end of the bill add the following:

SEC. . MONTEREY BAY NATIONAL MARINE SANCTUARY.

(a) DESIGNATION.—The area described in subsection (b)(1) is designated as the Monterey Bay National Marine Sanctuary (hereinafter in this section referred to as the "Sanctuary"), and shall be a national marine sanctuary under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.). The Sanctuary shall be managed and regulations enforced under all applicable provisions of that title as if the Sanctuary had been designated under that title.

(b) AREA INCLUDED.—

(1) IN GENERAL.—Subject to paragraph (2), the area referred to in subsection (a) consist of all submerged lands and waters including living marine and other resources within and on those lands and waters, within the areas described and depicted as Boundary Alternative 5 in the Draft Environmental Impact Statement and Management Plan for the Proposed Monterey Bay National Marine Sanctuary, published by the Department of Commerce in August 1990.

(2) AREAS WITHIN STATE OF CALIFORNIA.—The designation under subsection (a) shall not take effect for any area located within the waters of the State of California if, not later than 45 days after the date of the enactment of this Act, the Governor of the State of California objects in writing to the Secretary of Commerce.

(c) MANAGEMENT.—

(1) MANAGEMENT PLAN.—The Secretary of Commerce shall issue a management plan and such regulations as may be necessary for the Sanctuary in accordance with section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434).

(2) OIL AND GAS ACTIVITIES PROHIBITED.—Notwithstanding any other provision of law, exploration for, developing, and producing oil, gas, and other minerals in the Sanctuary is prohibited.

TRIBUTE TO THE GRADUATING CLASS OF SPRINGFIELD AREA HIGH SCHOOL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. TRAFICANT. Mr. Speaker, I rise here today to honor the class of graduating seniors from the Springfield Local High School in my 17th Congressional District.

Mr. Speaker, this is an incredibly bright group of students. In a class of less than 100 students, 12 of them are on the list of students selected by the National Honor Society. Plus, 19 students, a full 20 percent of the graduating class, are receiving honors diplomas. The entire student body is a collection of gifted artists, athletes, scholars, scientists, and diligent workers. I know that I speak for Mr. Tom Davis, principal of Springfield Local, and the entire faculty in saying that we are very proud of the entire senior class.

Several students received awards at the ceremony for their academic achievements that included National Honor Society and/or honors diplomas. They are: Aaron Anthonsen, Kari Barger, Cynthia Boyd, Karen Butt, Brian Fix, Megan Gillis, Eric Kemp, Ryan Knight, Sharri Molnar, John Meyers, Rebecca Palatinus, Christopher Persing, Rox Ann Pitzo, Jason Protain, Heather Ricciardi, Cindy Reinhart, Carrie Ross, Jill Schaade, Evan Shwartz, Paul Wentz, and Susan Williams.

Mr. Speaker, it gives me great joy to see a class like this come from my district. America's future looks brighter and brighter with young people like those at Springfield Local High School. I offer them hearty congratulations and wish them well in the future.

JONATHAN ALMOND IS WINNER OF JEFFERSON AWARDS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Jonathan Almond as the Rhode Island winner of this year's Jefferson Awards. Jonathan, a third grade student at Saylesville Elementary School in Lincoln, has served his community and fellow citizens by volunteering at the local fire department. He works each day by doing odd jobs around the station including everything from cleaning the station to rolling up firehoses. He helps his fellow classmates by sharing his knowledge through videos, magazines, posters, and even fire equipment that he brings to class.

The Jefferson Awards were established in 1972 by Jacqueline Kennedy Onassis and Senator Robert Taft, Jr., to recognize the dedication, sacrifice, and accomplishments of individuals serving the American people, and strive to develop new leadership.

In 1990, the Jefferson Awards and the Weekly Reader began a joint effort to recognize students in the community. In January 1990, readers were asked to participate in helping their neighbors by involving themselves in community service. This is the program that helped start Jonathan Almond's participation at the firehouse.

I congratulate Jonathan Almond for his award. I wish him the best of luck in all his future endeavors.

TRIBUTE TO RUBEN BERRIOS MARTINEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. Ruben Berrios Martinez, president of the Puerto Rican Independence Party. Mr. Berrios Martinez is an exceptional individual whose role in Puerto Rican politics is of incomparable significance.

Mr. Berrios Martinez received his B.A. and B. Sc. degrees from Georgetown University. He then went on to receive his J.D. and his LL.M. degrees from Yale University and his doctorate in international law from Oxford University. In 1973, Mr. Berrios Martinez became president of the Puerto Rican Independence Party, a position he has held ever since. Under his guidance, the party has recovered from its previous fragmentation and instability to become a solid, respected political force in Puerto Rico.

In addition to his position as president of the Puerto Rican Independence Party, Mr. Berrios Martinez is professor of international law at the University of Puerto Rico; member of the executive board of the Latin American Association of Human Rights; vice president of the Permanent Conference of Political Parties of Latin America; and president of the conference's Commission for Haiti, the Eastern Caribbean and Colonial Cases.

Mr. Berrios Martinez is a highly popular figure in his native Puerto Rico, as is evidenced by the fact that he is the Puerto Rican Senator who has obtained the largest number of votes in an election in Puerto Rican history. He is also well known all over the world for his eloquence, particularly with regard to the distinction between nationality and ethnic minority, and his commitment to the Puerto Rico independence movement. Throughout his struggle to obtain independence for Puerto Rico, Mr. Berrios Martinez has steadfastly refused to succumb to the obstacles that have arisen in his path and has valiantly endured hardships such as imprisonment with a unique determination.

Mr. Berrios Martinez is an extraordinary individual whose invaluable contributions to the independence movement in Puerto Rico will have a lasting impact on the island's political history. This week, Mr. Berrios Martinez will receive the award named after Pedro Albizu Campos at one of the many festivities that will be held in celebration of the New York Puerto Rican parade. The commitment and dedication of Mr. Berrios Martinez to his ideals and to his native land are commendable and it is an honor for me to rise today to congratulate Mr. Berrios Martinez on his many accomplishments and wish him all the best as he continues to play a major role in determining the future political status of Puerto Rico.

DR. ISMAEL HERNANDEZ AND THE PASTEUR MEDICAL CENTERS CELEBRATE 25 YEARS OF SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Dr. Ismael Hernandez and his wife Alma for 25 years of service to the community. The first Pasteur clinic was opened on June 17, 1967, in the city of Hialeah and its primary focus was the recently arrived Cuban refugees. Two years later, the Pasteur clinic expanded by opening its first pediatric clinic to serve not only Hialeah, but greater Miami as well.

These clinics brought with them a concept that had been used back in Cuba. In Cuba, clinics were set up to serve the poor of the island. The poor could join the clinic for a set fee and receive medical care when needed. The concept is now better known as a health maintenance organization. Twenty-five years ago, this method was largely unheard of in the United States.

Over the past quarter century, the Pasteur Clinics have grown to eight locations. The clinics now serve over 60,000 patients and employ 382 health care providers and support personnel. The patients now include not only members of the clinics but private, Medicare and Medicaid patients as well.

Under the leadership of Dr. Hernandez, the Pasteur Medical Centers also carried on the tradition of community involvement that marked the original clinics. The Pasteur Clinics and Dr. Hernandez have worked with, or donated to, many other community groups for the betterment of all of south Florida. These groups include: Big Brothers and Big Sisters, the Greater Miami Chamber of Commerce, the Asociacion Interamericana de Hombres de Empresa, the Latin Chamber of Commerce-USA, the Hialeah Chamber of Commerce, Miami Children's Hospital, Project New Born of Jackson Memorial Hospital, La Liga Contra el Cancer, the American Cancer Society, United Way, the American Red Cross Hispanic Division, El Centro Hispano Catolico, the Latin Builders Association, and the National Hispanic Commission on Bone Marrow Transplants. Dr. Hernandez is also a member of the board of the Jose Marti Foundation.

In recognition of the Pasteur Medical Centers contributions to Hialeah, the city council has named 32d Street as Pasteur Boulevard.

As part of this anniversary celebration, the Pasteur Medical Centers will be awarding five scholarships. These scholarships will be awarded to the children of members or the grandchildren of the centers' Medicare patients. The awards will be allocated on the basis of both grades and economic need.

Mr. Speaker, I commend Dr. Ismael Hernandez, his wife Alma, and all the hard working people at Pasteur Medical Centers for a quarter century of devoted community service. I wish them well on the occasion of their silver anniversary and look forward to their golden anniversary.

MARILYN PERLMAN HONORED

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mrs. LOWEY of New York. Mr. Speaker, it is a great pleasure to join the Jewish Community Council of Mount Vernon as they honor my good friend Marilyn Perlman for her contributions to the Mount Vernon Jewish community. Marilyn has committed herself to tireless work to improve the quality of life for the entire population of Westchester.

Marilyn's leadership qualities have placed her in important roles in our community. Her leadership has been the driving force behind the very active programs of the YM–YWHA of Mount Vernon. The dedication which Marilyn has given to the Y and to the many individuals who have made it an important part of their lives has endeared her to many. She and her husband, Daniel, were also instrumental in forming the American Veterans' Committee, to recognize and provide assistance to those who have served our Nation bravely and at great personal risk. She has also found time to serve the Council of Community Services, and the Free Synagogue.

Marilyn's talents and energies know no bounds. She continues to be an active participant in Jewish and civic organizations. She is a life member of Hadassah, the Brandeis Women's Committee, and the National Council of Jewish Women.

Inclusion in the Book of Honor is an important recognition of the values which her life embodies and of her dedication to our community. As I have worked in the Congress to shape policies to meet the real needs of our communities and to tap the true human potential in our neighborhoods, Marilyn Perlman has provided invaluable support to community organizations striving to achieve the same ends. Her unfailing belief in the power each of us has to enhance the lives of others should serve as an inspiration to us all. I know that my colleagues join me in recognizing Marilyn Perlman for her many contributions and in extending our best wishes to her as she continues her service.

CRISES IN CYPRUS AND SOUTHERN YUGOSLAVIA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. WEISS. Mr. Speaker, in establishing the new world order, we cannot forget our oldest and most reliable allies. The historic relations maintained with Greece and Cyprus and the security benefits derived from those relationships are immeasurable. But in the past weeks, the need to reassert our friendship is greater than at any point in recent years.

While the United Nations talks over Cyprus have failed once again, the intransigence of the Turkish Cypriot delegation has defused all attempts by President Vassiliou to bring the negotiators back to the table. In Yugoslavia, a self-proclaimed republic in the southern most region has become equally as difficult. By forcibly absconding the historic Greek name of Macedonia, the republic now threatens the stability of a region that continues to have crucial strategic and economic importance to our Nation.

As a member of the Foreign Affairs Committee, I call upon the President, as I have done many times in the past, to recognize the seriousness of these issues and to become more engaged. Both situations are in critical stages and the United States is by far the most credible nation to support a just resolution. The Turkish Cypriot delegation must be urged to restart the negotiations toward a lasting peace, and no recognition of Macedonia should be granted.

I hope the President will accept the challenge to solve the crises in Cyprus and southern Yugoslavia. Our country's loyalty with our allies is being tested, the security network that took 40 years to build is on the verge of being undermined, and most of all, the principles by which this Nation stands are at serious risk.

BLUE RIBBON PANEL ON TELECOMMUNICATIONS MEETS IN MOSCOW

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. FASCELL. Mr. Speaker, recently, a meeting took place in Moscow between the Ministers of Telecommunications, of the independent States of Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia Tajikistan, Turkmenistan, Uzbekistan, and the Ukraine and the members of the private sector Telecommunications Blue Ribbon Panel of the United States Department of State Advisory Committee on International Communications and Information Policy. The advisory committee is chartered to provide a communications input to the U.S. policy development process.

This type of public/private sector cooperation should be used as model of how to formulate effective policy and programs that are both helpful to U.S. interest and which delivers targeted assistance overseas which should be more effective because of the inclusive nature of its formulation. I would like to include in the RECORD at this point a copy of the communique which was issued jointly at the end of the meeting:

COMMUNIQUE: TELECOMMUNICATIONS BLUE RIBBON PANEL INITIATIVE, MAY 25–26

Ministers of Telecommunications, or their representatives, of the Independent States of Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine; responsible for development and regulation of telecommunications infrastructure and services in the respective States:

The private sector Telecommunications Blue Ribbon Panel of the United States Department of State Advisory Committee on International Communications and Information Policy which is chartered to provide a communications input to the US foreign policy development process chaired by Ambassador Leonard H. Marks, accompanied by Ambassador Bradley P. Holmes, US Coordinator and Director, Bureau of International Communications and Information Policy, United States Department of State, and including Committee members: Mr. Andres Bande, President, Ameritech International; Mr. Richard Callahan, President, U.S. West International and Business Development Group; Mr. John Koehler, Senior Vice-President, Hughes Aircraft Company; Mr. David Markey, Senior Vice-President, Bell South; Mr. Travis Marshall, Deputy for Telecommunications to the Chief Executive Officer, Motorola; Mr. Tom Norris, Corporate Vice-President, ATT; Mr. Eugene Sekulow, Senior Vice-President, NYNEX; Dr. C.J. Waylan, President, GTE, Spacenet Corporation; and Mr. Bohdan Bulawka, Executive secretary of the Advisory Committee;

Met for two days of discussions in Moscow, May 25-26, in order to:

1. Identify plans and programs for telecommunications development in the Independent States.

2. Identify impediments and obstacles to greater Western participation in development of telecommunications in the Independent States.

3. Identify telecommunications technical assistance projects which can be undertaken on a bilateral basis with Independent States and on a multilateral basis with the Council of Heads of Telecommunications Administrations of the Regional Commonwealth in the field of Communications.

The information presented by Independent States on plans and programs for telecommunications development will be published in a report.

The Blue Ribbon Panel in its final reports, will also put forth to the US Department of State the following list of telecommunications technical assistance projects and needs identified by the Independent States for early consideration of implementation.

Training of specialists in the marketplace economy in the areas of:

Spectrum planning

Establishment of tariffs and rates

International telecommunications

Organizations, e.g. ITU, CCITT, CCIR

Telecommunications technologies and networks/cellular, packet switched, satellite, digital switching and value-added services

Law and regulation/licensing and standards

Analysis and design of networks

Analysis and conceptual design efforts for:

Modernization of local networks

Interconnection into international network

Solution to communications problems for remote regions

Cellular and mobile communications

Data communications networks

Workshops and interchanges on general topics, based on marketplace economics, of:

Privatization

Licensing and standards law and regulation

Marketing

Establishment of tariffs and rates

Organizational structure and management of telecommunications

International relations and interfaces with administrations

In addition, there will be proposed, a program of educational exchange, curriculum development and faculty contacts between the telecommunications institutes in the States of the region and corresponding institutions in the United States.

There will be a special emphasis on the technical, financial and regulatory problems of providing telecommunications to remote regions.

In addition to these general items, there were suggestions for technical assistance to particular States, such as Armenia, for restoration of telecommunications in earthquake damaged areas and the development of earthquake emergency measures and Moldova for master planning. The Panel has noted these specific requests and will respond to them.

The appropriate U.S. associations of private sector interests will be asked to consider the suggestion of a program for manufacture of telecommunications equipment by joint-ventures between U.S. firms and institutions such as Concern Telecom. It is agreed that these additional efforts will be conducted outside of the scope of the Blue Ribbon Panel Initiative.

Participants in the Blue Ribbon Panel discussions agreed that the Initiative should continue on a regularized basis, including bilateral work with Independent States and multilateral contacts through the Regional Commonwealth in the field of Communications. It was agreed that the next round of work could include:

1. A seminar-workshop to be organized through the Council of Heads of Telecommunications Administrations of the Regional Commonwealth in the field of Communications on areas of mutual interest to be decided by the Council and the United States;

2. Follow-up contacts via diplomatic channels in the Independent States on bilateral implementation of various aspects of the technical assistance projects and needs identified in this Communique; and

3. An annual review of the program of activities.

This communique issued in Moscow, May 26, 1992 in the Russian and English languages by:

Leonard H. Marks, Chairman, Blue Ribbon.

Andres Bande, President, Ameritech International.

Richard Callahan, President, U.S. West Diversified.

John Koehler, Senior Vice-President, Hughes Aircraft Company.

David Markey, Senior Vice-President, Bell South.

Grigor Pogpatyan, Minister of Communications, the Republic of Armenia.

Vladimir Ulasic, Deputy Minister of Communications, the Republic of Belarus.

Oleg Keshelava, Minister of Communications, the Republic of Georgia.

Aldar Tungushbayev, Deputy Minister of Communications, the Republic of Kazakhstan.

Emil Bektenov, Minister of Communications, the Republic of Kyrgyzstan.

Travis Marshall, Deputy for Telecommunications, to the Chief Executive Officer, Motorola.

Tom Norris, Senior Vice-President, AT&T.

Eugene Sekulov, Senior Vice-President, NYNEX.

C.J. Waylan, President, GTE Spacenet.

Adolf Jakobson, First Deputy Director of Communications, Latvian Republic.

Viktoras Maĉiulis, Assistant of Vice-Minister PTT, Lithuanian Republic.

Stepan Muzyka, Deputy Minister of Communications, the Republic of Moldova.

Vladimir Bulgak, Minister of Communications, Russian Federation.

Ibrahim Usmanov, Minister of Communications, the Republic of Tadjikistan.

Shakhargeldy Muradov, Minister of Communications of Turkmenistan.

Vladimir Kravchenko, Deputy Minister of Communications, the Republic of Uzbeklstan.

Oleg Prozhyvalskiy, Minister of Communications, Ukraine.

HONORED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. MCDERMOTT. Mr. Speaker, this week, the King County Housing Authority was honored by the Department of Housing and Urban Development [HUD] with the Excellence in Management Award. I am proud to have the King County Housing Authority in my district; its near perfect rating is evidence of its outstanding management and service to public housing residents. With its 98.6 percent grade under the Public Housing Management Assessment Program [PHMAP] the King County Housing Authority gives public housing a good name.

The King County Housing Authority was one of two housing authorities in the country presented with this award. Congress directed HUD in the National Affordable Housing Act to develop an objective set of criteria to evaluate the management of public housing. Among the factors measured were rent collections, resident initiatives, modernization, the condition of the units, the vacancy rate, and energy consumption. In all of these areas the King County Housing Authority performed in an exemplary way.

For years, public housing has been derided by some for being a wasteful and inefficient use of taxpayer dollars. As such, public housing is rarely spared the budgetary axe during lean times, as we saw with the disproportionate cuts housing suffered during the recent budget recisions. The next time we make budgetary decisions with regard to housing we should remember the fine example set by the King County Housing Authority.

CARMEN ARIAS YGLESIAS HELD AS POLITICAL PRISONER IN CUBA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the continuing violations of human rights by the Communist dictatorship in Cuba. On April 19 of this year, Carmen Arias Yglesias, the director of public relations for "Movimiento: Luchadores por la Libertad e Independencia de Cuba," a Cuban human rights organization, was arrested without cause by Fidel Castro's state security apparatus. After searching her house for 6 hours, the security agents seized her notes on human rights violations in Cuba, along with her personal photos, address book, and personal letters.

The organization Carmen Yglesias is a member of is legally registered with the Cuban Ministry of Justice. Her service to that organization legal, even under the laws Castro has imposed on Cuba. When her family, and an attorney inquired of the authorities shortly after her arrest they were told that she would be held no more than 96 hours. Many weeks have gone by, and the state security agency continues to hold her without filing any charge against her. Their actions are in violation of existing Cuban laws, as well as a gross violation of the most basic of human rights.

Mr. Speaker, I denounce the illegal and unjustifiable detention of Carmen Yglesias, and many others who are held as political prisoners by the Communist dictatorship in Cuba. They must not be permitted to continue. Just as strongly, Mr. Speaker, I commend the outstanding personal courage of Carmen

Yglesias, and of thousands of others who are working to return freedom and independence to Cuba.

TRIBUTE TO HERBERT A. KENYON, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. TRAFICANT. Mr. Speaker, I would like to congratulate Herbert A. Kenyon, Jr., a sergeant first class in my 17th Congressional District of Ohio on his retirement from the Army.

Herbert's career began in 1966 with 18 months of service in Germany. When he rejoined the Armed Forces in 1974, he spent 4 more years in Berlin. He spent 4 years as an army recruiter and has recruited in the Youngstown-Warren area since 1987. In 1981, he joined the active National Guard, and after 20 active years in the service, Herbert begins his retirement on June 30, 1992. His wife, Jaccie, and their two sons Christopher and Matthew will join in the celebration with a retirement party on June 27. In his retirement, Herbert will enjoy his position as a pastor at Faith Chapel Open Bible Church.

Mr. Speaker, Herbert Kenyon, Jr. has performed a great service to our Armed Forces throughout his career. I want to wish him well in his retirement and congratulate him on a job well done.

A NEW PERSPECTIVE ON ENVIRONMENTAL POLICY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. GINGRICH. Mr. Speaker, there has recently been a lot of talk about what we are and are not doing to protect our environment, both on the national and international scale. Conservatives have been criticized for not doing enough and being insensitive to our environmental needs. There have been assertions that we are uncaring and unsympathetic to the protection of animals and the valuable wilderness areas in which they live; that we have no concern for the quality of our air, our land, and our water; and that we are only interested in destruction, pollution, and waste.

Mr. Speaker, I think it is time to set the record straight. We fully realize how important our environment is. We too enjoy the outdoors: Swimming in clean lakes, hiking through pristine forests, climbing majestic peaks, viewing animals in their natural and unspoiled habitat, and exploring various regions of our country and our world which are so rich in biodiversity and natural wonders, as well as ensuring that our air and water are healthy and free of pollutants.

However, it is also time for the left to understand that we humans are creatures too, that we are also an integral part of the global environment. Our environmental problems are complex, but not overwhelming. Instead of merely throwing money at bureaucratic projects and cutting off land from any human access, we must work to develop constructive and integrated policies where humans are included as part of the solution to environmental problems.

We should work to accommodate and protect all species. Environmental protection and economic development are not mutually exclusive; it is possible to pursue both at the same time. In fact, as we develop, modernize, and grow, we strive for cleaner, more efficient, and more environmentally sound industries. As technology advances, so do the chances for survival for the plants and animals of our planet.

Mr. Speaker, we need to develop a new definition of environmentalism. We need a Perestroika for the environment. We desire to integrate a healthy environment with a healthy economy. We have a deep interest in preventing pollution, reducing waste, and discouraging the use of dangerous toxins to ensure the public health of all Americans. We need to focus on outdoor use oriented policies. We want to be involved with the environment in an active way. We all want to protect our forests and lakes so that we and future generations can enjoy these precious resources for many years to come.

To enjoy our natural surroundings, we must have access to these areas and manage them in a way which protects fragile ecosystems but does not exclude human involvement and activity. Moreover, because entrepreneurial incentives are far superior to the bureaucratic command structure for instituting change, we need to create financial benefits and maximize economic incentives so that businesses are fiscally able to be environmentally friendly as well as sustain economic growth.

Mr. Speaker, I ask that we, as both leaders who make the laws and citizens who enjoy the oudoors, work to fashion rational and economically sensible environmental policies which strike a balance between developmental and conservationist concerns to maximize the benefits of preserving our natural resources.

TRIBUTE TO THE PENTECOSTAL CHURCH OF GOD

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the International Movement of the Pentecostal Church of God. Next week, from June 16 to June 19, the International Movement of the Pentecostal Church of God will be celebrating its fifth convention. This event, which will be held for the first time in New York City, will gather together members of the Hispanic clergy from all over the world.

The International Movement of the Pentecostal Church of God began its evangelical work in Puerto Rico toward the end of 1916 when the first missionaries arrived on the island from Hawaii. These missionaries were Puerto Ricans who had left the island at the beginning of the century in search of a better life and were now returning to their homeland with the message of the Pentecostal Church. In November 1921, after five very productive yet difficult years of labor, the International Movement of the Pentecostal Church of God drew up and proclaimed its first statutes and the First Assembly of the International Movement of the Pentecostal Church of God was held in the city of Arecibo. In order to ensure the legal protection that would facilitate its development, it was decided that the International Movement of the Pentecostal Church of God would be registered with the Secretary of State of Puerto Rico, an event which took place in February 1992.

Today, the International Movement of the Pentecostal Church of God is well established all over the world—the Caribbean, Central and South America, Mexico, Europe, and the United States. Due to this rapid expansion, the statutes of the International Movement of the Pentecostal Church of God have been revised several times throughout the years—in 1951, in 1965, and, most recently, in 1981. The most recent revision took place as a result of the assembly held in the city of Caguas in February 1981. On this occasion, a resolution that made provisions for the revision of the administrative structure of the organization was unanimously approved. The objective of this resolution was to facilitate the development of each branch of the International Movement of the Pentecostal Church of God within a unifying, indestructible framework based on the concept that all believers are equal.

After having been drafted and having passed the rigorous scrutiny of the general assembly, the constitution and rules and regulations of the International Movement of the Pentecostal Church of God was ratified and proclaimed on June 17, 1982, during an assembly held in the city of Humacao, PR.

Now, 10 years later, Rev. Pedro Martinez Lugo, international president; Rev. Isaac Hernandez, eastern regional president; and Rev. Luis Morales, public relations, will gather in New York City together with several thousand clergy to celebrate the fifth convention of the International Movement of the Pentecostal Church of God. Mr. Speaker, please join me today in saluting this outstanding organization and wishing them a very successful fifth convention.

PENNY PRAISES AFL-CIO PROPOSAL

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. PENNY. Mr. Speaker, yesterday, the AFL-CIO announced its support for a proposal to break the deadlock in the other body on the Workplace Fairness Act (S. 55 and H.R. 5). Under the proposal employers and unions would submit all unresolved issues to a special panel appointed by the Federal Mediation and Conciliation Service [FMCS].

If the employer accepted and the union rejected the finding of the FMCS, then the employer would be allowed to hire permanent replacement workers. On the other hand, if the employer rejected and the union accepted a finding, the employer would be barred from hiring permanent replacements for striking workers.

Mr. Speaker, in my view, this is a proposal that holds out the chance for greater labor-management cooperation. The AFL–CIO, frequently criticized for refusing to change its policies, is to be commended for this thoughtful compromise.

Mr. Speaker, as an active supporter of H.R. 5, I have no problem with an outright ban on the use of permanent replacement workers. In my view, no worker should lose his or her job simply for exercising their lawful right to strike. But the proposal put forward by the AFL–CIO is an innovative compromise and is fair.

I urge the business community, which has in the past expressed support for the expanded use of mediation to avoid strikes and other labor disruptions, to look favorably on this proposal.

Mr. Speaker, I ask that a copy of this morning's Washington Post article further outlining this matter be included in the RECORD:

[From the Washington Post, June 11, 1992]

LABOR SHIFTS, OFFERS TO CURB STRIKE RIGHTS—UNIONS SEEK TO LIMIT REPLACEMENT WORKERS

(By Frank Swoboda and Helen Dewar)

Organized labor yesterday offered to limit its ability to strike if Congress would restrict the use of permanent replacement workers by employers in contract disputes.

The proposal by the AFL–CIO represents the first time labor has agreed to restrict its basic ability to strike since passage of the National Labor Relations Act more than half a century ago.

The compromise also reflects the degree of labor's desperation as it struggles to win congressional support for protection against the use of permanent replacements for striking union members. The threat has escalated since President Reagan replaced striking air traffic controllers in August 1981.

More recently, Caterpillar Inc. used the threat of permanent replacements to force the United Auto Workers to end a five-month strike and return to work without a contract settlement.

Under the proposal introduced by Sen. Robert Packwood (R-Ore.), employers and unions would be asked to submit all unresolved issues in a contract dispute to a fact-finding panel appointed by the Federal Mediation and Conciliation Service.

If the employer accepted and the union rejected the panel's recommendations, the employer would be free to hire permanent replacement workers in the event of a strike. However, if the union agreed to the mediator's recommendations, the employer would be barred from hiring permanent replacements should a strike occur.

AFL–CIO Secretary-Treasurer Thomas Donahue called the proposal "a change in our historic position" toward collective bargaining. But many businesses are unlikely to embrace any proposal that would restrict their legal rights because they feel they have gained the upper hand.

At the same time, the proposal could bring about a measure of labor peace at a time when U.S. companies are facing increasing global competition.

The House approved a simple ban on the use of permanent striker replacements last July by a vote of 247 to 182. But the bill has been kept off the Senate floor for most of this year by the threat of a Republican filibuster. Supporters of the legislation need 60 votes to force it to the floor.

The compromise amendment, with the union's strike-limiting offer, was worked out late Monday at a meeting of top union leaders and AFL–CIO President Lane Kirkland in an effort to gather enough votes to block a GOP filibuster. "It's no secret we're working for 60 votes for cloture," Donahue said.

The Senate Democratic leadership had told labor it would not schedule a vote on the measure until it was convinced there were enough votes to prevent a filibuster. The leadership yesterday scheduled a vote for late today.

AFL–CIO officials would not predict how many supporters they expected in today's vote, but they appeared confident they would get at least 58 without the votes of Sens. Albert Gore (D-Tenn.) and Timothy Wirth (D-Colo.), who are attending the environmental summit in Brazil. If labor gets 58 votes without the two men, Senate Democratic leaders have guaranteed the unions a second vote when Gore and Wirth return, sources said.

Both labor and business estimated there were four Democrats and five Republicans who are uncommitted on the bill.

Labor has the support of a majority in the Senate for the bill, but, so far, has been short of the 67 votes needed to override a presidential veto.

The Packwood amendment appeared to catch both business and the Bush administration by surprise yesterday. The unions did not present the proposal to either group before it was introduced.

Pete Lunnie, a lobbyist for the National Association of Manufacturers, said late yesterday that his group had not had a chance to study the strike-limiting proposal, but he predicted it would not change his group's opposition to the legislation.

"Our position has been that there's no need to change the law," Lunnie said. He predicted, however, that Thursday's vote would be a "crap shoot." There was no immediate reaction from the Bush administration.

The Packwood proposal is a process patterned after the procedures used to settle labor disputes between the U.S. Postal Service and its employees.

Unlike government workers, however, union members would not lost their right to strike. But workers who refused to submit their dispute to a fact-finding panel would be risking their jobs to preserve their basic right to strike.

If both sides refused to accept the terms of the fact-finding panel, the employer would be allowed to hire permanent replacements unless the union agreed to end any subsequent strike by accepting the contract terms proposed by the panel.

"In general," Packwood said in a prepared statement, "the legality of hiring permanent replacements would turn on whether the union or the employer was more willing to resolve the dispute peacefully and without resort to economic weapons."

"This presents the possibility of a whole new pattern of labor relations," Donahue said. He said the proposal could make the collective bargaining process "less confrontational."

Donahue, who met with several uncommitted members of the Senate yesterday afternoon, said "either party has the right to say I don't want to play, but they pay a price for saying it."

He said it would be the first time that both parties in a wide range of labor disputes would have the option of submitting their disagreements to a fact-finding panel.

VA MEDICINE IS GOOD MEDICINE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. MONTGOMERY. Mr. Speaker, in recent years, our veterans' hospitals have gotten a bum rap—admittedly, some criticism is deserved—due to isolated situations which have been used to tag VA health care in general as inferior, even unnecessary.

I and my colleagues on the Veterans' Affairs Committee have proclaimed for some time now that, notwithstanding inadequate and dwindling resources, VA medicine is good medicine. Now, U.S. News & World Report has corroborated our claim with an article which, in essence, says the VA stacks up well against other health care providers.

The following report, hopefully, will prompt its readers to reevaluate any negative images they might have of what goes on behind the walls of a VA medical facility.

MILITARY MEDICINE—THE IMAGE AND THE REALITY OF VETERANS' HOSPITALS

(By Steven Findlay)

The veterans' hospital as whipping boy is old hat. Congress, the media and veterans' groups routinely catalog wrongdoings, mishaps and poor care at the network of 171 hospitals run by the Department of Veterans Affairs. The portrait of the wounded veteran tended by dedicated VA doctors and nurses has given way to one of dispirited men slumped in squalid hallways at decaying and chaotic facilities. Films like "Born on the Fourth of July" and "Article 99" reinforce the grim image.

Is it a fair rap? Few would argue that VA hospitals epitomize the best the nation has to offer. Since the late 1970s, the problem-beset system has struggled to redefine its peacetime mission at the same time the veteran population dwindled but got older and sicker. The system now serves about 3 million patients a year. Federal funding, at $13.6 billion this year for medical care, has been squeezed in the deficit vise; VA hospital funding has grown 7 percent a year on average since 1980, while health-care costs have risen at an annual rate of more than 10 percent. The crunch has forced many VA hospitals to close wards, curtail services and the purchase of new equipment, delay modernizations and begin charging some veterans for what had been totally free care. Attracting skilled doctors hasn't been easy, either, when specialists in heart surgery, radiology and anesthesiology can earn as much as 40 percent more in the private sector. "The system is in serious trouble," says Larry Rivers, executive director of the Veterans of Foreign Wars office in Washington, DC. "I'd give it a C plus today at most, down from an A 15 years ago."

But the overwhelming bleakness of the portrait is strained. On the few measures of hospital quality available, VA hospitals recently have performed as well as or better than non-VA hospitals. For example, VA medical centers slightly outscored their civilian counterparts—by 10 points on a scale of 1 to 100—in 1991 reviews by the Joint Commission on Accreditation of Healthcare Organizations. The group measures such quality indicators as procedures for monitoring infections and availability of proper equipment in pathology labs. And in a VA study comparing deaths and complications in 1991 after 250,000 surgical procedures in VA hospitals and 360,000 procedures in non-VA hospitals, the VA hospitals came out "totally comparable" to the wider hospital community, says Galen Barbour, the VA's associate chief medical director for quality management. Like their civilian cousins, however, VA hospitals are just starting to measure the long-term success of treatments.

SPIRITED DEFENSE

For all their gripes, veterans' groups also vigorously defend VA hospitals and say that shortcomings are frequently overstated. "The quality-of-care issue is blown way out of proportion in the media," says Frank Buxton, deputy director of veterans' affairs and rehabilitation at the American Legion. Individual veterans tend to praise the clinical care, even if they grumble at the VA's creaky inefficiencies. Arnold Johnson, a 74-year-old veteran who spent 42 months as a prisoner of war in Japan and the Philippines during World War II, had heart bypass surgery last June at the Minneapolis VA Medical Center. He says the care and support he got there over three weeks "couldn't have been better." Johnson has fewer kind words, though, for the routine care he gets at the Sioux Falls VA hospital near his home in Roslyn, S.D., where he often is kept waiting half a day to see a doctor for a scheduled appointment.

Similarly, Joe Fox, a Vietnam veteran, credits his recovery from two bullet wounds in 1968 to the staff at the VA Medical Center in Long Beach, Calif. One wound had left him paralyzed from the waist down; the other shattered his forearm. "The care was first rate," says Fox, now 43. But he says the hospital's 120-bed spinal cord injury unit, where he now volunteers, has fallen on hard times. "They have more trouble now keeping good staff around and don't always have the latest equipment," says Fox, a director of the Paralyzed Veterans of America. A spokesman for the Long Beach center says the spinal cord ward offers exemplary care.

As with non-VA medical centers, VA hospitals vary widely in performance. Affiliation with a medical school is one rough guide to quality. Of the 171 hospitals in the system, 127 are linked to medical schools as teaching centers, with some of the relationships dating back to World War I. These larger hospitals often work at the leading edge of research and take part in clinical trials of new drugs and surgical procedures. Logically, VA hospitals have specialized in war-related injuries like those involving permanent damage to the spinal cord or amputation. The Palo Alto (Calif.) and Seattle VA Medical Centers are widely regarded as leaders in research into prosthetics. Not all VA hospitals fit the old and decaying stereotype, either. VA medical centers in Augusta, Ga.; Baltimore; Bay Pines, Fla.; the Bronx, New York; Columbia, S.C.; Houston; Little Rock, Ark.; Martinsburg, W.Va.; Minneapolis; Portland, Ore.; Richmond, Va., and Seattle all were built in the 1980s and have state-of-the-art facilities.

The system seems to work best for veterans who need highly specialized care. Orthopedic surgery patients travel free to the VA hospitals in Indianapolis, Denver, Seattle or Boston; veterans in line for organ transplants usually wind up at the highly regarded programs in Pittsburgh and Portland. Cancer patients in the Northeast go to the Boston VA and those in the Southwest to San Antonio. The Washington, D.C., VA hospital is a magnet for eastern seaboard veterans in need of cardiac pacemakers.

FAST FEET

The VA has acknowledged current medical realities. Eight VA hospitals now have AIDS programs; all told, they care for 1 of every 15 AIDS patients in the nation. Four of those programs, at VA hospitals in New York, Miami, West Los Angeles and San Francisco, were cited by specialists surveyed by *U.S. News* as among the better institutions offering AIDS care. (None, however, made the statistical cutoff to rank among the very best.) The VA also pioneered in identifying and treating post-traumatic stress disorder (PTSD) when thousands of Vietnam vets returned from that war angry and unable to readjust to society. Twenty-one VA hospitals have special PTSD wards, which generally get good reviews from veterans' organizations. But waits of a month or more for treatment are common, in keeping with the VA's spotty record in actually delivering timely care.

The VA's image promises to remain a problem. Despite the advances and more attention to solving problems, the scrutiny and bad news seem relentless. Last month, for example, the VA halted all surgery under general anesthesia at the hulking, 1,000-bed VA Medical Center in North Chicago, Ill. A review showed the hospital wasn't doing enough surgery to keep surgeons' skills sharp. A previous review had linked 16 deaths at the hospital in 1989 and 1990 to negligent care. A controversial congressional investigation released last November alleged poor quality care at 30 VA hospitals, based on high rates of postoperative complications, infections and pneumonia. (The VA and two independent reviewers said the study didn't consider that the hospitals in question served the sickest and oldest vets.) A few recent VA snafus go Hollywood one better. Three decomposed bodies found in March in a wooded thicket near the VA Medical Center in Salem, Va., were identified as patients. Two had been missing since last November, the third for 15 years. The VA admitted the search for the missing patients had been "cursory."

Veterans are also up in arms these days about VA eligibility requirements. The VA's problems became so acute in the late 1980s that in 1989 Congress, unwilling to approve the additional billions demanded by veterans' groups to prop up the system, tightened eligibility requirements to substantially limit access to free VA hospital care. Today, single vets with incomes below $19,000 and married vets with family incomes below $22,600 are given first priority, along with ex-POWs and vets with service-related injuries or disabilities. Thousands of other veterans vie for care on a space-available basis, which at some crowded urban VA hospitals often means no care at all. "The eligibility requirements are a mess," says the American Legion's Buxton. "They need a total overhaul."

Congress, however, is unlikely to ease the restrictions soon or to hike the VA's health-care budget enough to fill all the holes or allow more vets to be treated. In fact, as health-care costs continue to climb, many VA hospitals may be forced to cut back even further. One proposal on the table would dismantle the system and turn VA hospitals into community facilities for vets and nonvets alike. The VA and veteran's groups oppose such a plan for now. As an interim step, Veterans Affairs Secretary Edward J. Derwinski wants to transform several small VA hospitals into nursing homes and make the major hospitals "centers of excellence" in higher-profile specialties such as heart surgery and neurosurgery. "Our hospitals don't have the resources anymore to be all things to all vets," Derwinski concedes. "But I don't think it's time to take the whole thing apart."

Ironically, veterans themselves may doom VA hospitals by displaying a ready willingness to abandon them as the nation moves toward a new kind of health-care system. A pending report by the General Accounting Office, Congress's watchdog agency, estimates that nearly half the veterans who use VA hospitals would go elsewhere if a universal health plan gave them their choice of hospital. And in a 246-page study released last month, the Paralyzed Veterans of America projected that under a system of universal health coverage, only 12 to 15 large, state-of-the-art VA hospitals would be needed by the year 2000. The concept of universal health coverage, of course, is not universally embraced. But until it is, veterans who turn to the VA for medical care could do a lot worse, especially for free.

H.R. 5006, DEPARTMENT OF DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 1993

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. VENTO. Mr. Speaker, on June 5 the House passed H.R. 5006, the Department of Defense authorization bill for fiscal year 1993 by a vote of 198 to 168. I voted against final passage of the bill.

Chairman ASPIN and the members of the Armed Services Committee were certainly faced with a very difficult task of attempting to reduce and redirect defense spending in light of new geopolitical realities, such as the total collapse of the Soviet Union and the Warsaw Pact. This task was made even more formidable by the fact that substantial reductions in defense spending could also mean further dislocations for defense workers in many communities nationwide, including the Twin Cities area in Minnesota. With our Nation mired in the longest lasting recession in half a century, and unemployment rising, the prospect of eliminating jobs in the defense industry was certainly not one which the House relished.

The reductions in defense related work have served to highlight just how unprepared the Nation is to absorb these many highly skilled workers into productive occupations. We are now reaping the unwelcome consequences of not having a national industrial policy and not having a strong economic conversion policy so that defense industry workers could make a smoother transition from producing products for military use to producing products for civilian commercial use.

But this policy was by design, not by happenstance. During the past decade, the Reagan and Bush administrations have systematically taken apart such planning and tools and rejected any attempts to develop a new structure in place of the old one.

In this regard, I am pleased that the defense bill passed by the House does begin to modestly meet the challenges of economic conversion. Better late than never. The budget resolution passed earlier this year earmarked $1 billion of the fiscal year 1993 defense budget to assist laid-off defense workers and military personnel, as well as communities, to adjust to the sharp decline in defense spending resulting from the collapse of the Soviet Union. It is particularly appropriate, in my view, that these funds are scored against the defense budget rather than from general revenues or other Federal sources of funding.

Specifically, $180 million is authorized to help displaced military and civilian workers become math and science teachers in needy communities. Another $150 million is earmarked for public-private sector consortiums to develop critical technologies and $50 million is set aside for investment in companies developing such technologies. Another $200 million is authorized for job training for former defense workers. Finally, State and local governments may be eligible for up to $100 million in grants to assist them in industrial and economic diversification. As a member of the Banking Subcommittee on Economic Stabilization, I have learned firsthand about the economic hardships which fall on communities that rely heavily on defense spending. Even on those communities with diverse economies, such as the Twin Cities area, the cumulative effects of layoffs and other dislocations in defense can have a significant impact on State and local government spending for job training, unemployment assistance, and other government support programs.

There were several other important amendments which I was pleased to support and some of which were adopted by the House. I supported several of the so-called burdensharing amendments that were adopted, including the Frank amendment, which would cut $3.5 billion from funds earmarked to maintain United States troops in Europe, Japan, and South Korea. The Frank amendment, which also specified that United States troops may remain stationed abroad if the host nations offset the mandated cut in United States funding, moves us firmly forward toward requiring our allies to bear a greater share of the cost of their own defense.

Similarly, the House adopted the Schroeder amendment, barring the deployment in Europe of more than 100,000 United States military personnel after fiscal year 1995. The House also adopted the Gephardt amendment, requiring the number of United States personnel stationed abroad to be reduced by the end of fiscal year 1995 to no more than 60 percent of the number deployed at the end of fiscal year 1992. Finally, the House also adopted the Kasich-Panetta amendment, requiring that the President negotiate agreements with South Korea and our NATO allies so that by the end of fiscal year 1994, those countries would absorb almost all of the costs incurred in their countries by United States forces—other than the salaries of United States nationals. It is estimated that this amendment alone could save $1 billion over 2 years.

The time has long since passed when these host nations should expect the American taxpayers to write out a blank check for their own national defense, especially when many of these beneficiary nations have become industrialized economic competitors of the United States and American workers. The United States simply cannot afford to continue picking up the total cost of permanently deploying a force of nearly half a million troops abroad when there is no military threat which justifies such a deployment.

Regarding arms control, I was also pleased that the House overwhelmingly adopted an amendment by Chairmen ASPIN and FASCELL to earmark additional assistance to help dismantle the former Soviet nuclear arsenal. As a result of the recent agreement negotiated between the United States and the Russian Government, the nuclear arsenals of both the United States and the former Soviet Union will fall well below the numbers previously negotiated in the START talks last year.

The Committee acted wisely, in my view, in rejecting the Bush administration's proposal for immediate wholesale reductions in National Guard and Reserve Forces. While there are necessarily going to be some future reductions in these units to complement reductions in active duty forces, the scale and scope of the proposed cuts were not justified. The Committee has demonstrated that it apparently understands the value of citizen-soldiers and the so-called total force structure of our Armed Forces better than the administration.

Mr. Speaker, while these elements of the bill which I have previously noted move in the right direction, nevertheless, in my view, the final product does not go far enough fast enough.

Specifically, the bill protects too many exotic, expensive, and questionable weapons systems financed by shifting funds from operations, maintenance, overhead, and infrastructure accounts on a 1-year basis, really postponing the decisions that should be made today and fudging on the budget process using a loophole.

For example, even though many of my colleagues, including myself, believed that we had finally stopped the B–2 bomber program last year, H.R. 5006 authorizes $2.7 billion more for the purchase of four additional B–2s beyond the 16 aircraft which the Congress authorized last year. Even though the Armed Services Committee bill includes some significant conditions on the actual final procurement, not the least of which is that Congress would have to vote yet again on this controversial program, the fact remains that the funds for the potential purchase of newly authorized aircraft are fenced in the bill and cannot be spent for other urgent nondefense budget priorities. This is a dubious process, especially at a difficult time when there are so many urgent domestic needs in our country which demand action.

The bill authorizes $4.3 billion for the strategic defense initiative [SDI]. While this amount is $1.1 billion below the Bush administration's request for the controversial anti-missile defense program, it is higher than the amount the Armed Services Committee recommended last year. Rather than deploying the cold-war-inspired massive space-based missile defense system envisioned by President Reagan, the program's objective now is to deploy within the next several years a fleet of ground-based missile interceptors to block a relatively small number of warheads. As the SDI Program is being redefined, however, we read disturbing reports recently of SDI Program officials taking numerous so-called official business trips, some with their families, to luxurious Hawaiian resorts. Regrettably, the House did not adopt the amendment offered by Congressman DURBIN, which would have slowed work on the SDI Program to allow a more careful and thoughtful analysis of what we hope to accomplish with SDI.

Mr. Speaker, in summary, the American people have won the longest, most expensive war in the Nation's history; the cold war. After nearly 50 years and billions of dollars, isn't it time that the American people realize some of the rewards or dividends of winning that long and difficult struggle? With so many other urgent domestic needs, from housing to health care, to education, and more, the American people deserve real and more substantial reductions in defense spending than those provided under this legislation. That is why I voted for the Dellums-Waters amendment, which would have provided for a 10-percent reduction of approximately $27.4 billion more than the amount authorized in the Committee bill. Regrettably, the amendment was not adopted. However, that fact does not obscure the point that we cannot continue waging a war that is over at a cost that we can no longer afford with an enemy that no longer exists.

Mr. Speaker, this DOD authorization bill is business as usual. But the fundamental problem has greatly changed in the global environment. The House is still trying to solve yesterday's problem while avoiding today's reality with no vision of tomorrow's future.

SIOUX TAYLOR HONORED BY MOUNT VERNON YOUTH BUREAU BOARD

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mrs. LOWEY of New York. Mr. Speaker, tonight the good people of Mount Vernon honors one of their finest, Sioux Taylor. It is truly a pleasure to join the Mount Vernon Youth Bureau as they recognize Sioux Taylor for her years of committed work on behalf of our youth and the leadership she has given to the community at large.

Sioux Taylor served Mount Vernon as executive director of the Mount Vernon Youth Bureau since 1978 until her recent appointment as the city's commissioner of recreation. While heading the youth bureau she took innovative approaches to meet the needs of Mount Vernon youth and she effectively administered diverse programs. Her efforts made an important contribution toward strengthening the families of Mount Vernon.

Sioux Taylor understands full well that our children are our future and that we must invest in them. Her dedicated work to enhance their quality of life has created new opportunities for these young people giving them the potential to succeed and the self-confidence to pursue their dreams.

Sioux Taylor's dedication has earned her well-deserved recognition. She was named Woman of the Year for outstanding community service in 1975, Social Worker of the Year for

Westchester County in 1988, Social Worker of the Year for New York State in 1989, and was most recently honored for her outstanding work with children and youth by the Westchester Childrens' Association.

Knowing Sioux Taylor as I do, I know that she will continue her vigorous and enlightened service at the Department of Recreation. No doubt, her leadership will move that department to undertake new challenges through expanded services. The work of this remarkable woman has been of great help as I have worked to shape Federal policies important to the young people who have been the focus of her life. Her unfailing belief in our youth and in our future is a source of inspiration.

I know that my colleagues join me in extending our appreciation to Sioux Taylor for her consistent work to ensure that no child is left behind in our society. We congratulate her on her many achievements and wish her well as she moves on to face new challenges and continues to serve the people of Mount Vernon as commissioner of recreation.

COSPONSORING THE ADMINISTRATION'S BILL TO REAUTHORIZE THE EDUCATION OF THE DEAF ACT AMENDMENTS OF 1986

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. BALLENGER. Mr. Speaker, today I am cosponsoring the administration's bill to reauthorize the Education of the Deaf Act of 1986, a bill to extend and amend the authorizations for Gallaudet University and the National Technical Institute for the Deaf [NTID].

Gallaudet University provides college preparatory, undergraduate, graduate, and continuing education programs for individuals who are deaf or hard of hearing. The Federal appropriation provides approximately 73 percent of the university's total budget. Gallaudet also maintains and operates the Model Secondary School for the Deaf [MSSD] and the Kendall Demonstration Elementary School [KDES]. These two schools operate as national models and sources of information for parents and teachers on the education of children and youth who are deaf or hard of hearing. The Department of Education provides 100 percent of the cost for both schools.

The National Technical Institute for the Deaf provides postsecondary technical education and training for individuals who are deaf or hard of hearing. Federal funds account for approximately 83 percent of its budget.

The Education of the Deaf Act of 1986 also created the Commission on the Education of the Deaf to study the quality of education for individuals who are deaf or hard of hearing. The work of the Commission concluded in 1988 with a report of its findings and recommendations to the President and the Congress.

Overall, the administration's bill seeks to increase accountability for funds provided to both Gallaudet University and NTID and improve the administration of their programs. It would combine the authority for the elementary and secondary programs at KDES and MSSD. Currently, these programs are authorized separately in the act. This provision would set forth administrative requirements for KDES and MSSD, in order to consolidate current requirements for both schools to ensure consistent application of requirements to both institutions. Emphasis would be placed on serving additional populations at these two model demonstration schools: Students who are lower-achieving academically, who come from non-English speaking homes, and who have additional disabling conditions.

The bill proposed to extend the basic protections of part B of the Individuals with Disabilities Education Act [IDEA] to children placed by their parents in KDES or MSSD. Those protections, which are now applied to any local, intermediate, or State educational agency that refers a child to or places a child in the elementary or secondary programs at Gallaudet ensure that the child is provided special education and related services in accordance with part by of IDEA. Presently there is no equivalent protection for children placed by their parents in these programs.

The bill would add a new section to the act that would require Gallaudet and NTID to limit their enrollment of foreign students. Foreign students now account for approximately 13 percent of the student body at Gallaudet and 12 percent at NTID. The bill would also require postsecondary foreign students to pay a tuition surcharge, which would be phased in over several years. I support these provisions because I have some concerns about the Federal Government subsidizing the cost of educating foreign students, and foreign students competing with U.S. students for admission. This proposal would reduce the current Federal subsidy to foreign students and would provide that foreign students and their countries of origin pay a more equitable share of the cost of their education. In addition, it is my hope that Gallaudet and NTID will continue their Federal mission to prepare U.S. students who are deaf or hard of hearing to meet their admission criteria so that more U.S. students who are deaf or hard of hearing can attend these institutions.

As another accountability measure, the administration bill would provide that any Federal funds appropriated for Gallaudet University—including KDES and MSSD—and NTID must be expended in accordance with cost principles established by the Secretary of Education for institutions of higher education. Federal cost principles applicable to educational institutions, which require costs to be necessary and reasonable, would provide an objective measure against which expenditures by these institutions could be evaluated. The bill would allow the Secretary to determine which principles should apply to these institutions. My concern with this provision is that the proposal does not specify which cost principles would apply to Gallaudet and NTID. I support the application of the cost principles to both institutions, however, I agree with my colleagues that the provision should be very clear which specific principles should apply and which should not.

Mr. Speaker, I believe that overall the administration's bill is a solid good bill which we can build upon in developing bipartisan legislation to reauthorize Gallaudet and the National Technical Institute for the Deaf and I am hopeful that a majority of these proposals will be included in the bipartisan House bill.

WORSE THAN UNBALANCED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. BEREUTER. Mr. Speaker, I commend to my colleagues the following editorial which appeared in the New York Times on June 9, 1992. While this editorial does not support a constitutional amendment requiring a balanced budget, it does illustrate flaws contained in the Gephardt amendment to House Joint Resolution 290.

[From the New York Times, June 9, 1992]

WORSE THAN UNBALANCED

This week the House will vote on a series of constitutional amendments, all bad, that would require a balanced budget. Each would tilt spending away from long-term investment, the very opposite of sane policy. Worse yet, byzantine tactics by opponents of the amendments might backfire and produce the worst possible result.

Yes, the economy would be better off with a balanced to Federal budget. But only if "balance" is defined to take account of inflation, growth and—most important—the economy's need for public investment. None of the proposed bills make sensible discriminations. None deserve to pass.

The crucial votes come on Thursday, when four proposed amendments will be voted in present order. Whichever amendment passes last, by majority vote, go on to a second vote, which requires a two-thirds majority for passage.

The first key vote will be a proposal by the majority leader, Richard Gephardi, that would require balancing the budget without touching Social Security. The exemption makes a bad idea truly horrific. Congress would have to chop hundreds of billions out of the deficit—eviscerating investments in infrastructure, education and research—without asking the elderly to share the burden. That builds a constitutional safeguard for the elderly, who, as a group, are better off than many who would bear the brunt of cutbacks.

The next vote will be on an amendment sponsored by Charles Stenholm of Texas, which makes no such exemption. That's still unacceptable, but at least doesn't victimize the non-elderly.

Incredibly, some opponents of a constitutional remedy plan to vote for Gephardt. They can thus claim to back fiscal prudence and the elderly. Next, these opponents expect the Stenholm amendment to carry, replacing Mr. Gephardt's proposal. When the Stenholm version comes up for a second vote, opponents can then vote to, telling voters they couldn't vote for a law that would victimize the elderly.

But this is a dangerous game. If Stenholm loses in the first round of voting, which is increasingly possible, the even worse Gephardt amendment could be the only one still in play. * * *

AIDS MEMORIAL IN VILLAGE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. WEISS. Mr. Speaker, on June 26, New Yorkers will gather in Greenwich Village to dedicate a permanent memorial to those loved ones we have lost to AIDS. With the lighting of the eternal flame, and the candlelight vigil following, we will celebrate each individual life, and mourn their absence. In the words of Jacques Garon, executive director of the Christopher Street Festival Committee, who with St. Veronica's Church will administer the memorial, "we all need a way to share our grief and find sustaining hope and strength in the continuing fight against AIDS."

The AIDS Memorial in the Village is particularly poignant to me as a Representative of the 17th Congressional District. For the past 10 years, my district has known all too well the ravages of AIDS. With more than 35,000 people infected with HIV and an estimated 6,500 living with AIDS, we are one of the hardest hit constituencies in the country.

As I join with New Yorkers in remembering our friends, neighbors, and family, I remind my colleagues in Congress that the battle against AIDS must be a highest national priority. I challenge the Bush administration to provide greater funding, show more compassion, and exhibit stronger leadership in this time of crisis. Our collective commitment to this struggle can make a difference and hopefully, will prevent the addition of more names to a memorial.

CASH MANAGEMENT IMPROVEMENT ACT: ASSURING ORDERLY IMPLEMENTATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. CONYERS. Mr. Speaker, 2 years ago Congress passed into law the Cash Management Improvement Act of 1990. This legislation was reported by the Committee on Government Operations, which I chair, and resolve a longstanding source of friction in intergovernmental relations by improving the efficiency and equity in the transfer of funds between the Federal Government and the States.

At that time, the Act contained a two-year effective date—a year for the regulations to be issued, and another year for the States to make systems changes, negotiate payment agreements with the Treasury, train personnel, issue guidance to State agencies and otherwise comply with the act.

However, because of several delays, the U.S. Treasury has not issued its implementing regulations in final form. These delays have made it impossible for the States to implement the new law within the mandated timeframe. In fact, some States would need to call a special session of their legislature to avoid violating Federal law. We must act to correct this unfair burden on our State governments.

Today I am introducing on behalf of 22 members of the Committee on Government Operations, a bill that will extend the effective date of the Cash Mangement Improvement Act from October 24, 1992 to July 1, 1993, or the first day of the fiscal year which begins in 1993, whichever is later. This will permit the States sufficient time to amend their laws and make the major operational and administrative adjustments required by the Act.

This measure enjoys broad bipartisan support. I have worked very closely in drafting this bill with the ranking minority member of the Committee on Government Operations, Representative FRANK HORTON. In addition, this legislation has the support of the National Governors Association, the National Conference of State Legislatures, the National Association of State Treasurers, and the National Association of State Auditors, Comptrollers and Treasurers.

Every State will benefit from this legislation. I urge my colleagues to support its passage and provide our State governments the cooperation they need to comply with the act.

The text of our bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cash Management Improvement Act Amendments of 1992".

SEC. 2. PROVISION OF ADEQUATE TIME FOR IMPLEMENTATION.

The Cash Management Improvement Act of 1990 (Public Law 101-453; 104 Stat. 1058) is amended—

(1) in section 4(c) (31 U.S.C. 3335 note), by striking "by the date which is 2 years after the date of the enactment of this Act" and inserting "with respect to each State";

(2) in section 5 (31 U.S.C. 6503 note)—

(A) in subsection (d)(1), by striking "not later than 2 years after the date of the enactment of this Act" and inserting "July 1, 1993, or by the first day of a fiscal year of the State which begins in 1993, whichever is later";

(B) in subsection (d)(2), by striking "2 years after the date of the enactment of this Act" and inserting "on July 1, 1993, or by the first day of a fiscal year of the State which begins in 1993, whichever is later"; and

(C) in subsection (e), by striking "2 years after the date of enactment of this Act" and inserting "for a State on July 1, 1993, or on the first day of a fiscal year of the State which begins in 1993, whichever is later"; and

(3) in section 6 (31 U.S.C. 6503 note), by—

(A) striking "Four" and inserting "Five"; and

(B) striking "submit" the first place that term appears and inserting "prepare".

MEMORIAL DAY 1992—AND A LOOK TO THE FUTURE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. MURTHA. Mr. Speaker, Memorial Day has traditionally been one of the most solemn and patriotic days for Americans.

This year I had the opportunity to join many American veterans and their families at a ceremony in Indiana County where we honored a fallen hero of the Persian Gulf conflict. I found the spirit of patriotism and commitment to America to still be very strong among these families who served our Nation.

But I also saw reports from other locations that were disturbing. In some areas, traditional parades were called off. Some news accounts carried reports about people failing to recognize or commemorate the significance of Memorial Day.

We can never forget the dedication of America's veterans and their families. The surge of peace we now all welcome is a direct result of the commitment of these brave Americans. A speech by a leader of the Vietnam Veterans of America called for a "moral equivalent of war" against racism, crime, child abuse, and the lack of adequate health care—and those are the very kinds of principles and opportunities that American veterans defended and fought for throughout the world. Without the work of our veterans, the flight for those dreams wouldn't be possible.

It's been my pleasure to help develop the Memorial Day celebration held this year for the third time at the Capitol and broadcast to the Nation by PBS. This should truly become our national Memorial Day celebration. But it should not stand alone—it should follow the tradition of community Memorial Day celebration earlier in the day.

We can never allow our Nation's veterans to become "The Forgotten American." Let us rededicate ourselves to remember the sacrifices of our veterans and their families. Let us rededicate ourselves to making Memorial Day the veteran's national day of recognition. Let us as a Congress rededicate ourselves to recognizing veterans in our laws. Let us always remember that America is the best, and that American veterans have been vital in keeping it that way.

HOUSE JOINT RESOLUTION 480, TO DISAPPROVE THE D.C. HEALTH CARE BENEFITS EXTENSION ACT OF 1992

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. BLILEY. Mr. Speaker, today the Committee on the District of Columbia will mark up House Joint Resolution 480, a resolution to disapprove the District of Columbia Health Care Benefits Extension Act of 1992—D.C. Act 9-188. Under home rule, Congress is free to disapprove any council act for any reason that it sees fit. Indeed, under section 601 of the Home Rule Act, Congress retains the power to enact "legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council."

The majority members of the D.C. Committee, however, have traditionally been unwilling to exercise to its full extent the committee's disapproval powers. Instead, the committee has adopted a stringent test to determine whether a measure of the D.C. council merits disapproval. Under the test, a council measure merits disapproval if it impinges on the Federal interest, if it falls outside of the council's legislative power under the Home Rule Act, or if it conflicts with a provision of the Constitution.

Last Thursday, witnesses presented substantial evidence that the D.C. Health Benefits Extension Act violates not just one, but all three of the majority's tests to determine whether a local measure merits disapproval. Since the hearing, a great deal of work has been done to review the impact of a Federal statute, the Employees Retirement Income Security Act of 1974 [ERISA] on D.C. Act 9–188. ERISA expressly preempts, that is, renders null and void, any State statute—including D.C. statutes—that "relate to" a private medical benefits plan. Last November, the D.C. Circuit struck down a D.C. workers' compensation statute on the grounds that it "made reference" to ERISA-covered medical plans and was therefore preempted. The U.S. Supreme Court has time and again described the preemption provision of ERISA as creating an "area of exclusive Federal concern." Surely, there could be no clearer instance of a local statute impinging upon the Federal interest than a statute which runs afoul of ERISA.

ERISA clearly removes from the District, as it does from the States, the power to regulate private employer health benefit plans. Thus, not only is the Federal interest impinged, but the D.C. Council, by legislating in this area, has gone beyond the grant of legislative authority conferred in the Home Rule Act. And finally, once Congress has acted to preempt State power, contrary State statutes cannot be enforced consistent with the Constitution. Thus, to the extent that this statute would have an effect on private employers, its enforcement is barred by the Constitution and the third test is fulfilled.

D.C. Act 9–188 provides that registered domestic partners may receive certain benefits. For government employees, those benefits are spelled out in the act. For private sector employees, the act expressly encourages business to provide such benefits by providing special tax benefits. Further, the act prohibits employers from "diminishing" domestic partner benefits once those benefits have been provided.

First, ERISA expressly preempts any act that "relates to" a private health benefits plan. Further, in a decision issued last November, the D.C. Circuit ruled in the Greater Washington Board of Trade case that any statute which explicitly "makes reference" to an ERISA-covered plan is preempted. Thus, it is clear on its face, that the Health Benefits Extension Act is nullified under Federal law. Sections 11 and 12(d) of the act clearly make "reference" to ERISA-covered benefits plans. It would seem, then, that there is a clear case for preemption under ERISA.

Last week the D.C. Committee heard testimony from James E. Patterson, a leading labor lawyer and ERISA expert who, after careful examination of the act, reached the following conclusions:

> [T]he Act, insofar as it relates to private employee benefit plans, would be preempted by ERISA. The Act, as it exists, refers directly to ERISA-covered employee benefit plans and impermissibly regulates the ability of an employee benefit plan to alter benefits for "domestic partners." It also utilizes state tax law to affect an employee benefit plan and interferes in the uniform administration of such plans. For all of these reasons, the statute, as applied to private employee benefit plans, would be preempted by ERISA.

It was not, apparently, until after their own testimony had been submitted that the witnesses appearing on behalf of the city read the expert testimony on ERISA preemption. Reflecting on the matter overnight, the District's witnesses concluded that ERISA was a "non-issue." They drew this conclusion despite the fact that, not 6 months earlier, a Federal appeals court had struck down a D.C. workers' compensation statute on the grounds that it simply "made reference" to ERISA-covered medical plans and was therefore preempted.

Mr. Speaker, the council simply failed to consider ERISA when it considers the D.C. Health Benefits Extension Act. ERISA went unmentioned during the council's hearing on the act and is not discussed in the council report on the act. Having failed to consider ERISA during its own legislative process, the city is now defending its creation with the incredible claim that it never intended the Health Benefits Extension Act to be subject to preemption under ERISA.

Of course, it is quite likely that the council did not intend to produce a statute that would be preempted by ERISA. But whether it intended to or not is irrelevant as the act itself clearly attempts to regulate private health benefits plans. All sides admit that section 11 is a direct inducement to the private sector that relate to ERISA-covered plans. And section 12, which prohibits the diminishment of domestic partner benefits, clearly covers "employment benefit program[s] or plan[s]."

Although the city now claims that section 12 only applies to health benefits provided to D.C. government employees, it is worth noting that in other sections of the act where the council intended to govern only benefits to D.C. government employees, the act refers directly to the D.C. Employees Health Benefits Program. The coercive language of section 12, however, on its face applies to any "employment benefit program or plan" without limitation.

All sides agree that section 12 falls afoul of ERISA if it applies to private plans. The city's 11th-hour denials fly in the face of the plain meaning of section 12 and lack credibility.

The city's position is undermined not only by the wording of the statute, but by the council's own committee report on the bill which states:

> It is the Committee's intent that by expanding access to group health insurance, the discrimination suffered by families identified as domestic partners will be eliminated.
>
> It is the Committee's intent that the registration process establish the basis for domestic partners and the children of the partnership having the same access to group health insurance policies offered by the District Government and by the private industry as the traditional family.

It is simply too late for the city to claim that it did not intend to regulate the private sector. It is simply too late to claim that it did not intend to violate ERISA. While the city clearly failed to consider the implications of ERISA, let me say that the city has not produced any evidence to support its new position that it did not intend to extend rights and benefits in the private sector. After all, this is supposed to be a health benefits extension act, is it not? Two months before the act was passed, the D.C. Office of Personnel had already stated, in writing, that only 25 to 50 District employees would change their enrollment to take advantage of these benefits. Surely the District Council intended to benefit more than just 50 people.

There are other issues raised by the Health Benefits Extension Act, such as its patently unfair discrimination against families, that merit our great concern. The Supreme Court, in its opinion in *Moore* v. *City of Cleveland, Ohio,* 431 U.S. 494, 503–04 (1977), stated that the "tradition of uncles, aunts, cousins, and especially grandparents sharing a household along with parents and children has roots equally venerable and equally deserving of constitutional recognition." Yet, it is precisely against both the nuclear and the extended family that D.C. Act 9–188 works its discrimination. However, the Congress need not even reach those issues to determine that the act violates the standards put forth by the D.C. Committee and should be disapproved.

With great deference to the local council, the D.C. committee has already placed a heavy burden on members who seek resolutions of disapproval. In this case, the burden has been overcome. Having met the tests, additional obstacles should not be placed in the way nor should Congress defer to other Government agencies to take action. Based on the record before it, Congress can only conclude that the local act conflicts with ERISA and therefore must be disapproved.

Finally, Mr. Speaker, given the weighty ERISA issues that are involved in our consideration of the Health Benefits Extension Act, we are setting a dangerous precedent by failing to refer this matter to either the Committee on Education and Labor or the Committee on Ways and Means. As you know, both of these committees have jurisdiction over ERISA. The failure to make such referrals points not only to a flaw in the legislative process in this instance, but may point to an even greater flaw in the provisions of the Home Rule Act itself. The 30-day congressional review period provided in section 602 of the Home Rule Act is scarcely enough time to allow for the referrals that would have been appropriate in this instance and which surely would be appropriate for the review of future District measures which involve areas where more than one committee of the House would have expertise. The failure of process in this case should provide the Congress with a lesson to bear in mind when it considers any future change to the Home Rule Act.

IN RECOGNITION OF HILLEL'S FOREIGN STUDENT SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. LANTOS. Mr. Speaker, on June 15, I will host an event celebrating Hillel Foreign

Student Service. Today, I would like to pay tribute to this extraordinary program that rescued 124 young European Jews in the turbulent years before and after World War II and brought them to the United States to rebuild their lives. I am one of those individuals.

The B'nai B'rith Hillel Foundations arranged for universities throughout the country to find places for foreign students on their already overcrowded campuses, and to give them scholarship money. Local Hillel foundations and Jewish fraternities and sororities graciously offered student lodging, board, and friendship. B'nai B'rith lodges and B'nai B'rith Women chapters across the country raised funds for scholarship support.

Highlighting the important role that Hillel played and continues to play, the celebration on June 15 will reunite old friends and allow others to meet for the first time. It will also allow each of the participants to appreciate and share in the accomplishments and fullness of each other's lives.

The rescued students came from many places in Europe and around the world: Austria, Czechoslovakia, France, Germany, Greece, Hungary, Poland, Romania, and North Africa. Some came in small groups, others came separately. Some were childhood friends, others knew no one. While their backgrounds may have differed, each came with a desire to learn, to receive an education, and to contribute to the richness that is America.

The Hillel Foreign Student Service participants have taken the promise of America and have fulfilled the dream that Hillel inspired. Their lives have been rich and full. They have married and now have extended families of children and grandchildren. Through initiative and personal drive they have achieved great professional prominence: Academic appointments in medicine, political science, physics, and economics; successful business owners in textile manufacturing, medical, supplies, engineering, and architecture; careers in art, library science, medicine and law. They are active in the community and hold positions of civic leadership. In short, they have become excellent Americans.

During the celebration we will pay special tribute to the foundation of the program, Dr. Abram Sachar. This program would not have existed without the creativity, determination and genius that Dr. Sachar brought to this extraordinary effort. Dr. Sachar was the founding international director of the B'nai B'rith Hillel Foundations and the chancellor of Brandeis University. His unwavering support and commitment were a proud symbol of hope to many of us.

Also joining us on this evening will be Marilyn Appelbaum Tallman who administered the program and Rabbi Max Ticktin, former Hillel director at the University of Wisconsin who assisted the five students studying at Wisconsin. Eva Hevesi Erlich, whose father Francis (Ferenc) Hevesi was chief rabbi of Hungary and assisted in organizing the program in Europe, will be present as well. I want to thank Mrs. Erlich who has worked tirelessly in planning the celebration as a tribute to her father's efforts. Finally, I thank my wife, Annette, for her involvement and guidance in organizing this celebration.

Mr. Speaker, although the span of 50 years has made it difficult to locate many of the individuals, 44 have been found. It is my pleasure to recognize each of them and the universities that they attended:

Henry Amar, Ohio State University; Tibor Beerman, University of Texas; Julius Blum, University of Georgia; Frinna Boldt, Julliard School of Music; Randolph Braham, City College of New York; Alfred Buchler, University of Colorado; Joseph Buszminski, New York University; Robert Diamant, Miami University; Morris Eisenberg, University of California-Berkeley; Marietta Emont, University of Wisconsin; David Epstein, Ohio State University; Peter Farago, Rhode Island School of Design; Eva Finkelstein, Agnes Scott College; Curt Frankenstein, American Academy of Art; George Fried, University of Wisconsin; Rachelle Gabriel, University of Denver; Isak Gerson, Union College; John Galambos, University of Georgia; Rudy Grunfeld, Indiana University; Ruth Herzog, University of Illinois; Edith Hirsch, University of Illinois; Erica Kadesky, Hamline University; Dora Kaplan, Virginia Tech; George Kennedy, Texas A & M University; Michael Kesler, Massachusetts Institute of Technology; Alena Kleiner-Cantor, University of Illinois; Louis Kpolin, University of Wisconsin; Tom Lantos, University of Washington; Esther Lerner, University of Michigan; Egon Loebner, University of Buffalo; John Macsai, Miami University; Edith Millman, University of Kentucky; Jacob Mincer, Emory University; Henry Oselka, University of Utah; Steven Pressler, University of Wisconsin; Emmerich Robitschek, University of North Dakota; Eugene Schoenfeld, Washington University; Peter Schwartz, University of Maine; Fred Singer, Ohio State University; Alex Sonnenwirth, University of Nebraska; Charles Sternbach, University of Alabama; John Stoessinger, Grinell University; Laszlo Tauber, University of South Dakota (faculty appointment); Mischa Zaks, Roosevelt University.

REMEMBERING AND HONORING ROSIE THE RIVETER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. BROOMFIELD. Mr. Speaker, last December the Nation observed the 50th anniversary of the Japanese attack on Pearl Harbor.

For the next 3 years we will be remembering millions of brave Americans in uniform who fought in World War II. At great personal sacrifice they served their country in humid jungles on small islands in the South Pacific, under a blazing Sun in the deserts of North Africa, and through long, cold winters in Northern Europe.

The men and women who served in the Armed Forces during that great conflict were genuine American heroes.

But we should not lose sight of those who stayed at home, the men and women who became the great Arsenal of Democracy. They provided our troops with rifles, tanks, battleships, canteens, tent poles, aircraft propellers, jeeps, combat boots—thousands upon thousands of items needed to feed, clothe, transport and arm a great military force on the move.

This Sunday, the city of Mount Clemens, MI will celebrate Flag Day with a parade. One float in that parade, a float sponsored by United Auto Workers Local 909, will feature some real unsung heroes of World War II—the many American women who left the comforts of home to replace men on the production lines of tank factories, food processors, shipbuilding yards, and the many other businesses that supplied our troops abroad and kept the American economic machine humming.

History will remember them through the character Rosie the Riveter, but these great American women took on just about every line of work that was necessary to the war effort.

Geri Suma, who is coordinating the Salute to Rosie the Riveter float, tells me that she has managed to get in touch with 70 women who served in American industry during the war. Many of them have told her that they were never really recognized for their efforts.

It's not too late to make up for that oversight, and I am glad that UAW Local 909 had the imagination and good sense to start the ball rolling by featuring Rosie the Riveter at the Mount Clemens Flag Day Parade.

Geri Suma hopes other communities around America will pick upon the initiative of Local 909 and honor their Rosie in upcoming parades. That's a good idea, and I commend it to my fellow Members.

Until then, let me just say that this one Congressman has long been proud and respectful of the role that American women played during the war in difficult and often dangerous occupations. We couldn't have won the war without them, and I believe, even so many years later, that they deserve every honor a grateful nation chooses to bestow on them.

A recent article in Tech Center News describes the role of women in the automotive industry and, in particular, the role of Rosie the Riveter. I insert it in the RECORD.

"ROSIE THE RIVETER" SHOWCASES ROLE OF WOMEN IN AUTOMOTIVE INDUSTRY

(By Annessa L. Carlisle)

Glass ceilings, equal pay and childcare are concerns of today's working women, in fact, they are concerns that women have had since they first entered the workforce nearly a century ago.

The Detroit Historical Museum has put together an exhibit exploring the evolution of women's role in the workplace, particularly the auto industry. And, as the curators discovered, things may have changed on the surface, but women's issues remain much the same.

Titled "No Such Thing as Women's Work: Women at Work in the Automobile Industry," the exhibit focuses on three historical periods of the Detroit auto industry to gain an overall view of women in the industry and what their opportunities have been over the years.

"The basic emphasis is that women have gone from low-paying, low-responsibility, traditionally female work to a changing climate that created other opportunities," said Dave Driscoll, curator of Industrial History.

To document the first period, from 1900 to the beginning of World War II, Driscoll and other curators used historical photos obtained from the Champion Spark Plug Co. showing women at work in the old Detroit factory. The exhibit also houses on original spark plug-shaping machine. Like those shown in the photographs.

The second period, 1941-59 depicts a "Rosie the Riveter" image of women taking on most of the industrial responsibilities while the men went off to War. For this portion of the exhibit, costume curators found an original outfit worn by a woman who worked during that time at McCord Radiator.

While job availability for women continued to increase during both these periods, it was only recently that technical fields have opened to them. This is illustrated by the third portion of the exhibit, which depicts a female engineer. The figure was actually modeled after a female plant manager in Supplier Quality Engineering at Ford Motor Co.

"Even though her dress is different from earlier periods, she still faced many issues that women earlier did," said museum spokesperson LeNeysa Featherstone. "She is unique in that she is one of only two females to hold the plant managers' position."

Since opening April 10, Driscoll said the World War II era of the exhibit seem to be the most popular.

"That's the one that's in most people's memory," he said. "The contemporary one might be too familiar. But World War II is romantic now. It was a time of industrial strength and a real positive time for this city."

The exhibit was originally scheduled for March, which was national Women's Month. However, it also serves as a preview for the larger "Motor City" project. That exhibit, which will focus on the impact of the automotive industry on the social and economic history of the Detroit area is scheduled to open in 1993.

According to Driscoll, among the things planned for the exhibit is displaying a complete body-drop setup from GM's Clark Street assembly plant.

"This was a sort of market-testing for the Motor City project," Driscoll said. "We wondered, 'will female visitors be interested in the auto industry?' "

The exhibit will remain up at the Detroit Historical Museum, 5401 Woodward at Kirby, until the fall. Admission to the museum is free.

So far, the female-geared exhibit has garnered favorable interest. In conjunction with its opening, museum officials held a public forum April 11 which featured the film "With Babies and Banners," which looks at women's role in the 1937 GM sit-down strike.

PICKETT SALUTES GRADUATES OF ITT TECHNICAL INSTITUTE

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. PICKETT. Mr. Speaker, on Sunday, June 7, I had the pleasure of speaking to the graduating class of the ITT Technical Institute in Norfolk, VA. These graduates have completed a rigorous program in electronic engineering and other vocational disciplines and are well equipped to enter the increasingly technical workplace of the 21st century. I join the institute's very fine director, Mr. Dennis R. McCloskey, and the staff and faculty of the institute in commending these graduates on a job well done.

At this time, I am pleased to present the names of these graduates to the House:

Charles Bell II, Chesapeake, VA.
Johnny Boykins, Portsmouth, VA.
Glenda Burnett, Fort Story, VA.
Jeffery Call, Virginia Beach, VA.
William Chambers, Chesapeake, VA.
David Coe, Dale City, VA.
Tracy Gatling, Winston, N.C.
Terral Hall, Surry, VA.
Jasper Holmes, Spring Grove, VA.
Gregory Johnson, Jr., Virginia Beach, VA.
David Kelley, Virginia Beach, VA.
Edward Kolesaric, Virginia Beach, VA.
Jeffrey Lancaster, Chester, VA.
Allen Langley, Virginia Beach, VA.
Robert Lewis, Portsmouth, VA.
Lance Maguder, Virginia Beach, VA.
Erika Mendelson, Hampton, VA.
Paul Parr, Chesapeake, VA.
Donald Patterson, Norfolk, VA.
Willie Rountree, Suffolk, VA.
Stephen Sattie, Virginia Beach, VA.
Dennis Seran, Norfolk, VA.
Glenn Snelling, Newport News, VA.
Wiliam Stancil, Virginia Beach, VA.
Steven Stein, Virginia Beach, VA.
Rachel Young, Virginia Beach, VA.

CLEVELAND CLINIC RECOGNIZED

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Ms. OAKAR. Mr. Speaker, it is with great pride that I rise to commend the writers and editors of the June 15, 1992, edition of U.S. News & World Report for their excellent cover piece, "America's Best Hospitals." I am delighted that this special article recognizes the Cleveland Clinic Foundation, in Cleveland, OH, as one of our Nation's 10 best hospitals.

It comes as no surprise to those of us who have long recognized that Cleveland, a city founded on the frontier of our new Nation, has remained on the frontier of many of the most important advances in medical science. The city's many fine hospitals, including our community hospitals, are all worthy of recognition. The people of Greater Cleveland know that they are blessed with several of the world's premier health care centers. It is no coincidence that nearly 24 percent of Cleveland jobs are in health related fields.

In the June 15 edition, the Cleveland Clinic Foundation was named best in five special categories which include cardiology, gastroenterology, neurology, orthopedics, and urology. The Cleveland Clinic Foundation is a national and regional referral center composed of over 500 physicians practicing in a not-for-profit group practice setting. Under the fine leadership of Dr. Floyd Loop, the Cleveland Clinic has reached out to the residents of northeast Ohio as well. The Cleveland Clinic has been at the forefront of many of the advances in our Nation's health care system including implementation of less radical techniques to treat cancer of the breast to the development and refinement of coronary artery bypass surgery.

Mr. Speaker, this deserved recognition of the Cleveland Clinic Foundation as America's best, is a tribute to the dedicated health care professionals and employees who serve throughout northeast Ohio. It speaks directly to the work ethic, the care and the compassion, that makes Cleveland such a dynamic American city.

I congratulate Dr. Loop and all associated with the Cleveland Clinic. We are proud of you.

LOW-INCOME WORKERS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mrs. SCHROEDER. Mr. Speaker, we've had a lot of fingerpointing and heard a lot of charges and countercharges from both the left and the right as to what caused the Los Angeles riot. But a new report from the Census Bureau points to one unequivocal fact that has added to the frustration and despair of Americans living on the brink of economic disaster: There has been a dramatic increase in the number of full-time workers with low-paying jobs in the past decade. In 1990, nearly one-fifth of all full-time workers earned less than $12,195.

The census report notes that the sharp rise in the number of low earners affects all kinds of workers—young, old, men, women, single, married, whites, and minorities.

If America's workers cannot earn enough to keep their heads above water, is it any wonder that despair, hopelessness, and frustration set in? Americans have always prided themselves on their self-sufficiency. But what do we tell workers who can't earn a living wage?

The increase in low-wage earners reflects long-term structural changes in our economy. We won't solve the problems that led to Los Angeles if we don't begin to invest in the long-term economic needs of America's families.

That means starting when their children are born. That is why I've been pushing for inclusion of my Kidsnet proposal—full funding for Head Start, WIC, and childhood immunization—in any urban aid package this Congress pursues. If kids aren't ready to enter kindergarten, they will never be able to compete in the labor market of the 21st century. And the cycle of poverty and despair will only continue.

BALANCED BUDGET WOULD STOP SOCIAL SECURITY "THIEVERY"

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. FAWELL. Mr. Speaker, I rise in support of the proposed balanced budget amendment, House Joint Resolution 290. I also rise to address the misinformation that is being spread around this Chamber and the country about the impact of this amendment on Social Security. Contrary to the popular notion in this debate, the most important thing we can do to ensure the long-term solvency of the Social Security system is to reduce the national debt. The Seniors Coalition, a nonprofit, nonpartisan seniors advocacy group, representing over 1 million members and supporters, has articulated this reality in a press release yesterday, which I would like to submit for the RECORD;

BALANCED BUDGET WOULD STOP SOCIAL SECURITY "THIEVERY"

"The Balanced Budget Amendment is a crucial component of the Seniors Coalition's campaign to protect the Social Security Trust Fund from what some members of Congress have called Congressional 'thievery'," said Jake Hansen, Executive Director of the Seniors Coalition, a non-profit, non-partisan organization with over 1,000,000 members and supporters in all fifty states.

"Currently, Social Security is operating with a cash reserve of less than 2 years. Some claim that today's high FICA taxes are creating a much larger surplus to 'cushion' the system when the 'baby boomer' generation retires, but where is the money?;" asks Mr. Hansen.

"The answer is that it has been 'borrowed' by the government through U.S. bonds to finance the federal deficit."

"Many in Congress claim that these 'I.O.U.s' will be paid back to Social Security to meet the needs of tomorrow's retirees, but when a nation has a debt of over 4 trillion, and not a penny has been paid back since the last balanced budget in 1969, can we trust the retirement of millions of Americans to a government IOU?"

"The farther into debt the nation falls, the less likely we will ever pay off all of the nation's debt to the Social Security Trust Fund. Future benefits (guaranteed by the now worthless bonds) will have to be paid for with higher taxes or benefit cuts."

"Forcing the Administration and Congress to balance the budget would mean no additional government bonds to finance the deficit, and no more 'borrowing' from the Social Security Trust Fund. This would truly protect the future of our nation's retirees."

"What about the argument that a balanced budget would require Social Security cuts? Wrong again. According to Congressional Budget Office figures, Social Security and Medicare could be fully funded, increases and all, if between now and 1997 other government programs would shrink by less than 3 percent annually."

LODGE 1341, CATSKILL ELKS, CELEBRATES 75 YEARS OF SERVICE TO THE COMMUNITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. SOLOMON. Mr. Speaker, today I'd like to single out for recognition a group that has promoted, among its other worthy projects, the welfare of our veterans while typifying the spirit of voluntarism that has made such a comeback in America in recent years.

The Catskill Lodge, Benevolent and Protective Order of Elks, No. 1341, will be celebrating its 75th anniversary on Saturday, July 11. It has been 75 years of outstanding service to the community.

Certainly, Mr. Speaker, Catskill Elks Lodge No. 1341 is what President Bush had in mind when he first articulated his thousand points of light challenge to all Americans. This is a great country not so much because of what we do here in Washington, but because of what thousands, even millions of Americans do in their neighborhoods every year. They give of themselves and make their communities nicer places in which to live and work.

Leading that effort have been groups like the Elks, patriotic organizations of which I am proud and privileged to be a member.

Like other Elks lodges, No. 1341 has been at the forefront of community service programs. This lodge has been extremely active in youth programs, drug awareness, and veterans programs. In fact, their veterans program has been recognized as the best in New York five times in the past 8 years, and in 1991 as the best in the country for lodges of this size. As the former ranking member of the Veterans' Affairs Committee, I am especially proud of the work lodge 1341 has done for our Nation's veterans.

Mr. Speaker, the Elks of Lodge 1341 have helped make Catskill the delightful community it still is today. I ask you and all Members to join me in recognizing the lodge's 75 years of service and in wishing them many more.

GENDER BIAS IN OUR SCHOOLS

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Ms. LONG. Mr. Speaker, I comment for the RECORD today to bring attention to the important issue of gender bias in our Nation's school systems. A decade-long study recently released by the American Association of University Women [AAUW], reveals that girls do not receive the same attention as boys in the classroom.

As a former educator myself, I realize the importance of creating a positive learning atmosphere for all students. It is for this reason that I find the recent comments of Diane Ravitch, Assistant Secretary of Education, so disturbing. She stated on national television, "If people believe this is a serious problem, they should send their daughters to single-sex schools."

These comments concern me because they contribute to the problem, not the solution. We must confront the problem of gender bias, not ignore it. By increasing awareness of gender bias we may help to eliminate it and provide an atmosphere that will encourage each child to reach his or her full potential regardless of sex.

In this regard, today, over 50 colleagues and I are sending a letter to Education Secretary Lamar Alexander regarding this matter. I have taken the liberty of inserting the letter in the RECORD for the benefit of my colleagues and others who are interested in this issue.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 11, 1992.

Hon. LAMAR ALEXANDER,
Secretary, Department of Education,
Washington, DC.

DEAR SECRETARY ALEXANDER: As you may know, the American Association of University Women (AAUW) recently released a report entitled "How Schools Shortchange Girls." This report contained the results of studies which have been conducted over the past decade in order to assess gender equity in our school system. Contained in this report are surprising information and statistics indicating that frequently girls do not receive the same amount of attention or encouragement as boys.

We feel this is a serious issue which must be addressed. The studies included in the AAUW report indicate that girls do not emerge from our schools with the same degree of confidence and self-esteem as boys, that curriculum rarely, if ever, focuses on the achievements of women, and that many methods of testing favor boys. In the long run, these factors can severely restrict the ability of girls to achieve their full potential.

In response to an interview conducted by "Dateline NBC" on this issue, Diane Ravitch, Assistant Secretary for the Office of Educational Research and Improvement of the Department of Education, remarked,

"If people believe this is a serious problem, they should send their daughters to single-sex schools."

Earlier in the interview Ms. Ravitch also referred to this concern, which can be supported by a great deal of research, as "whining" about gender bias. We feel these are inappropriate and offensive remarks, especially by someone who represents public education in our country.

Mr. Secretary, sending a child to a private, single-sex school is not the answer. Creating gender equity in our schools is. We hope that the remarks made by Ms. Ravitch do not reflect the views of the Department of Education and that efforts to create gender equity in our nation's school system will receive your support.

Thank you in advance for your attention to this matter. We look forward to working with you in the future to address this serious concern.

Sincerely,

Rep. Major R. Owens, Rep. Patsy T. Mink, Senator Brock Adams, Rep. Wayne Owens, Rep. Charles A. Hayes, Rep. Ronald V. Dellums, Rep. Jill Long, Rep. Jolene Unsoeld, Rep. Les AuCoin, Rep. John Olver, Rep. Barney Frank, Rep. James Traficant.

Senator Dennis DeConcini, Rep. Peter Kostmayer, Rep. Patricia Schroeder, Rep. Barbara Boxer, Rep. Bernard Dwyer, Rep. Frank Pallone, Rep. Edward Feighan, Senator Tom Harkin, Rep. Bruce Vento, Rep. Barbara Kennelly, Rep. Bernard Sanders, Rep. Mervyn Dymally, Rep. Mary Rose Oakar, Rep. David Nagle, Rep. Gary Ackerman.

Rep. Eliot Engel, Rep. James R. Olin, Rep. Richard J. Durbin, Rep. Frank J. Guarini, Rep. Harry Johnston, Rep. Joan Kelly Horn, Rep. Richard Swett, Rep. Ed Towns, Rep. Tom McMillen, Rep. Eleanor Holmes Norton, Rep. Howard Wolpe, Rep. Thomas Andrews, Rep. Maxine Waters, Rep. Matthew G. Martinez, Senator Harry Reid, Rep. Nancy Pelosi, Rep. William Jefferson, Rep. Don Edwards, Rep. Harley Staggers, Rep. Ron Wyden, Rep. Ronald Coleman, Rep. Lane Evans, Rep. Louise Slaughter, Senator Quentin Burdick.

PROPOSALS TO AMEND THE INVESTMENT ADVISERS ACT OF 1940

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. DINGELL. Mr. Speaker, in the near future, the Committee on Energy and Commerce plans to act on the Investment Adviser Regulatory Enhancement and Disclosure Act of 1992. I intend to be an original sponsor. And I urge my colleagues to support this bill.

Our Subcommittee on Telecommunications and Finance has completed a thorough process of review of a draft bill by the SEC, State securities regulators, and industry groups, and held 2 days—June 4 and June 10—of rigorous hearings that included a GAO audit of the SEC's investment adviser program. The record shows that the current level of oversight and inspection of investment advisers is woefully inadequate. Testified SEC Chairman Breeden: "Based upon the staff we are able to devote to adviser inspections, the interval between routine inspections for small advisers could be almost 30 years." Warned the GAO in its report: "SEC's oversight of investment advisers provides investors little assurance that the information they receive from advisers is accurate or that advisers operate in accordance with the requirements of the 1940 act and SEC regulations. . . . If the oversight program is not improved, the 1940 act may be doing more harm than good by giving investors the illusion that SEC-registered advisers have a 'seal of approval.'"

The indictment this year of Steven Wymer, an adviser to more than 60 State and local government entities such as Marshalltown, IA, Redlands, CA, the Salt Lake City School District, the States of Florida and Wyoming, the Texas Public Funds Investment Pool, Weld County, CO, and many others with over $1 billion under management, illustrates the need for this legislation.

Mr. Wymer is accused of selling services by promising high, risk-free gains and, when the investments failed to achieve those gains, of engaging in fictitious trades and mailing to clients false confirmations and monthly statements showing considerable gains. To fund the fictitious gains, client withdrawals, and his fees, Wymer is charged with moving assets, Ponzi fashion, from accounts of other clients in a scheme that is estimated to have cost his clients over $100 million. This alleged fraud was discovered by the SEC during a "cause" inspection triggered by a complaint unrelated to the fraud. The conduct otherwise may have gone on undetected for some time; the SEC does not have the resources to inspect on a regular basis. Industry experts tell us that Wymer's scheme is not all that difficult to pull off under the present regulatory and inspection scheme.

On January 2, 1992, Wymer was indicted on 30 counts of securities fraud, mail fraud, money laundering, make false statements to Commission staff and obstruction of justice. *U.S.* v. *Steven D. Wymer,* No. CR 92-2 (U.S.D.C., Central District of Cal.). On April 27, 1992, the Commission revoked the registration of Wymer's two investment advisory firms. Investment Advisers Act Rel. No. 1309 (Apr. 27, 1992). Congress needs to close the loop by passing our amendments to the Investment Advisers Act to protect the American investing public from unscrupulous practices and practitioners. We intend to work with our Republican Members to report to the House a strong bipartisan bill. There will be no action on other matters of interest to the securities industry, such as modifications to section 11(a) of the Securities Exchange Act of 1934, until we have acted favorably on this matter.

A copy of the section-by-section analysis of the Investment Adviser Regulatory Enhancement and Disclosure Act follows these remarks:

SECTION-BY-SECTION ANALYSIS OF THE INVESTMENT ADVISER REGULATORY ENHANCEMENT AND DISCLOSURE ACT OF 1992

SECTION 1. SHORT TITLE

This section sets forth the short title of the Act, the "Investment Adviser Regulatory Enhancement and Disclosure Act of 1992."

SECTION 2. ADDITIONAL RESOURCES FOR INVESTMENT ADVISER SUPERVISION

This section amends the Investment Advisers Act of 1940 ("Advisers Act") by adding new section 203A, requiring investment advisers to pay upon application for registration and annually thereafter a fee based upon assets under management.

Subsection 203A(a) provides that the Commission shall collect fees to recover the costs of increased inspections and surveys of persons registered or required to register under the Advisers Act. These fees will be deposited as an offsetting collection to the Commission's appropriation and will remain available until they are spent.

Paragraph (1) of subsection 203A(b) provides that when an investment adviser files an application for registration under the Advisers Act, the applicant must pay to the Commission a fee, no part of which will be refunded. If the applicant does not remit the fee together with the application, the filing of the application will not be deemed to have taken place.

Paragraph (2) of subsection 230A(b) requires each investment adviser whose application is effective on the last day of its fiscal year to pay to the Commission a fee. The fee must be paid and received by the Commission within the following 90 days, or such period of time as the Commission may designate by rule. No part of this fee will be refunded. Payment of the annual fee is not required if the adviser's registration has been withdrawn, cancelled, or revoked prior to that date.

Subsection 203A(c) sets out the amount of the fee to be paid, regardless of whether the adviser is applying initially for registration or remitting the fee required to be paid annually thereafter. The fee is to be calculated according to the following schedule, which is also contained in new section 203A:

Assets Under Management	*Fee due*
Less than $10,000,000	$300
$10,000,000 or more, but less than $25,000,000	500
$25,000,000 or more, but less than $50,000,000	1,000
$50,000,000 or more, but less than $100,000,000	2,500
$100,000,000 or more, but less than $500,000,000	4,000
$500,000,000 or more, but less than $5,000,000,000	5,000
$5,000,000 or more	7,000

Subsection 203A(d) gives the Commission the authority to adjust the initial and annual fees by reference to the percentage change in the Customer Price Index—U.S. City Average—All Items—All Urban Consumers, or a similar index that the Bureau of Labor Statistics of the U.S. Department of Labor may designate as its successor. The adjustment will reflect the percentage change in the index from the end of the month prior to the enactment of this section to the latest date for which the index is available.

Subsection 203A(e) gives the Commission authority to suspend the registration of any investment adviser if it finds, after notice, that the adviser has not been paid when due any fee required by section 203A. The Commission, at its discretion, may reinstate the adviser's registration after the adviser pays all fees due.

Subsection 203A(f) gives the Commission authority to adopt rules and regulations as necessary to carry out the purposes of section 203A.

Subsection (b) provides that new section 203A shall become effective upon adoption of the rules under subsection (f).

SECTION 3. INSPECTIONS AND SURVEYS

This section amends the Advisers Act by adding new section 223, which provides for the conduct of inspections and surveys.

Subsection 223(a) requires the Commission to establish and periodically revise a schedule for the regular inspection of investment advisers. This schedule must provide for more frequent inspections of certain investment advisers based on factors that increase the need for inspections of those investment advisers. Because the relative importance of such factors may change over time, the schedule should be revised periodically to take into account any such changes. Examples of factors that would dictate more frequent inspections are the frequency and nature of customer complaints, custody of funds and authority to exercise investment discretion.

In addition, this schedule must require more frequent inspections in order to (1) assure that new investment advisers have adequate compliance procedures through inspections of investment advisers within approximately one year of registration, taking into account the level of risk presented by advisers' activities and (2) conduct follow-up inspections of investment advisers found to have deficiencies that may continue to present high risks to their clients.

Subsection 223(b) requires the Commission to conduct periodic surveys to determine the extent of, and reasons for, the failure of persons to register as required by the Advisers Act. The Commission must prepare and implement a plan to reduce or eliminate such failures and report to Congress on its progress.

SECTION 4. COVERAGE OF STATUTE

Section 4(a). *Amendment to Definition of Investment Adviser.* This section adds the requirement of a Commission rulemaking to interpret the exclusions from the definition of "investment adviser" contained in clauses (B) and (C) of section 202(a)(11) of the Advisers Act.

Section 4(b). *Rulemaking Required.* Clause (B) excludes from the definition of investment adviser "any lawyer, accountant, engineer, or teacher" whose performance of investment advisory services "is solely incidental to the practice of his profession" and clause (C) excludes from the definition "any broker or dealer whose performance of such services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor".

This section requires the Commission to determine when the performance of services is considered to be solely incidental to the practice of the professions and the conduct of the businesses described in clauses (B) and (C) and also to determine when compensation is considered to be special compensation for purposes of clause (C).

In developing such rules, the Commission must establish standards for applying the following factors to determinations of when the exclusion under clause (B) is available to lawyers, accountants, engineers, and teachers: whether the person holds himself or herself out as an "investment adviser", "financial planner", "pension consultant", or similar term; whether the person receives compensation for providing advisory services on a basis different than the person is compensated for other professional services; and whether the advisory services are reasonably related to the person's other professional activities.

Similarly, it must establish standards for applying the following factors to determinations of when the exclusion under clause (C) is available to brokers and dealers: whether the person holds himself or herself out as an "investment adviser", "financial planner", "pension consultant", or similar term; whether the advisory services are reasonably related to the broker's or dealer's brokerage or dealer activities; and whether the broker or dealer receives compensation in a form other than customary brokerage commissions and markup.

In addition, the Commission must establish standards for applying the factor of whether the employee is acting within the scope of the employee's employment to determinations made under both clauses (B) and (C).

Section 4(c). *Use of Misleading Professional Names Prohibited*. This subsection amends section 203(a) of the Advisers Act to add a new paragraph (2) which prohibits the interstate use of the term "registered investment adviser" unless a person is registered under the Advisers Act. This paragraph also prohibits the interstate use of abbreviations of that term by any person. This paragraph is intended both to encourage registration by persons required to register and to preclude the use of confusing abbreviations.

SECTION 5. SUITABILITY AND OTHER ADVISER OBLIGATIONS

Section 5(a). *Amendment*. This section reorganizes section 206(1)–(4), with no attendant modification to the substance of those provisions. New subsections (a)(1) through (a)(4) and (b)(1) and (b)(2) are intended to have the same substantive content as before.

This section also amends the Advisers Act by adding to section 206, the general antifraud section of that Act, new paragraphs (5), (6), and (7), which set forth certain obligations for investment advisers.

Paragraph (5) sets forth a suitability requirement applicable to investment advisers. Investment advisers are fiduciaries, and as such, may not overreach or take unfair advantage of a client's trust. Sections 206(1) and 206(2) of the Advisers Act, together with the general fiduciary standards that bind investment advisers, require investment advisers to develop a reasonable basis for determining that their recommendations are suitable for a particular client. The Act makes the existing suitability requirement in the Advisers Act explicit. In order to satisfy this requirement, investment advisers must, prior to rendering the investment advice, make a reasonable effort to obtain from the client information concerning the client's financial situation, investment experience, and investment objectives. The adviser must also reasonably determine that the investment advice to be provided is suitable for the client.

The investment adviser must also maintain records concerning the suitability determination in accordance with such rules as the Commission shall prescribe.

New paragraph (6) of section 206 prohibits an investment adviser from guaranteeing that a specific result will be achieved as a result of the investment advisory services.

Section 5(b). *Exemptions and Special Rules*. Subsection (b) designates certain exemptions and special rules. Paragraphs (1) and (2) have been broken out from sections 206(3) and 206(4) as previously drafted, for purposes of statutory reorganization. These amendments have no impact on the substance of those provisions.

The suitability requirements imposed under subsection (a)(5) is not applicable to impersonal advisory services. Paragraph (3) defines impersonal advisory services, for purposes of subsection (a)(5), as any investment advisory services provided (i) by means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts; (ii) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security.

Section 5(b). *Rulemaking Required*. The Commission must issue the rules required under subsection (a)(5) within one year from the date of enactment.

SECTION 6. ADDITIONAL DISCLOSURE OBLIGATIONS OF INVESTMENT ADVISERS

Section 6(a). *Additional Obligations*. This section amends section 204 of the Advisers Act by adding a new subsection (b) entitled "Brochure Required".

Specifically, this subsection requires that before providing advisory services to any client and before the client enters into any contract for services, each registrant must disseminate to such client or prospective client a document disclosing material facts concerning certain matters. The Commission is required to prescribe the format of the document and the exact timing of its dissemination.

The document required to be so disseminated must include information concerning the background and qualifications of such person and of any employee providing investment advisory services to the client, compensation arrangements, the nature of services offered, business practices, methods for obtaining information on disciplinary history and registration of such person or any such employee, and conflicts of interest relating to such person or such employee which could reasonably be expected to impair the rendering of disinterested advice, including prominent disclosure of the conflicts involved in the receipt of commissions or other compensation on the sale of recommended investment products.

A new subsection (c), entitled "Transaction Reports", is also added. This subsection requires each registrant, at the time of recommending any transaction to any client, to provide to such client a written statement of any commission or other cash compensation such registered person will receive in connection with the sale of recommended investment products. This written statement is to be in such form, contain such information, and be provided in accordance with Commission regulations. This subsection does not apply to transactions for which registrants will not receive, directly or indirectly, any commission or other cash compensation, or in accounts for which the registrant is authorized to exercise investment discretion.

This section also provides for a new subsection (d) entitled "Periodic Reports". This provision requires each registered person to periodically provide to each client a written statement of the fees, expenses and other costs incurred by the client for all services provided by the adviser, the commissions earned by the investment adviser, and such other matters as the Commission shall prescribe. The Commission will establish the format of the statement and the timing of its delivery, for example on a quarterly basis. This format shall be designed to present the required information in a manner that readily permits clients to compare the costs charged by the investment adviser to the costs charged by other advisers for comparable services.

The above disclosures are not intended to supplant, but rather to supplement Part II of Form ADV and other disclosures required under the current brochure rule. To the extent that ADV or other mechanisms for disclosure satisfy the requirements of this Act, or to the extent that Part II of Form ADV can be revised to incorporate these requirements, the above provisions should be satisfied.

This section further amends the Advisers Act by adding new subsection 204(e), authorizing the Commission to require investment advisers to file with the Commission any fee, application, report, or notice required by the Advisers Act or by the rules thereunder through any person designated by the Commission for that purpose and to pay the reasonable costs associated with that filing.

Section 6(b). *Rulemaking Required*. The Commission must issue the above rules within one year from date of enactment of this Act.

SECTION 7. PRIVATE REMEDIES

This section creates a new section 209B, entitled "Liability for Violations". Section 209B would establish an express private right of action against investment advisers who engage in certain fraudulent conduct. Specifically, it would create private rights of action against investment advisers under the general antifraud provisions of the Advisers Act. Any investment adviser or person associated with an investment adviser who violates sections 206(a)(1) or 206(a)(2), or who knowingly violates section 206(a)(4), is liable in an action in any court of competent jurisdiction to any person who was injured by the violation. The Supreme Court in 1979 held in the *Transamerica* case that there exists no implied private right of action for damages under the antifraud provisions of the Advisers Act. The express private right of action created in this section would allow persons injured by violations of the antifraud provisions of the Advisers Act to sue for damages, thereby providing an important enhancement to the enforcement activities of the Commission.

This section also provides for joint and several liability for controlling persons of persons liable under new section 209B, unless the controlling person acted in good faith and did not directly or indirectly induce the act or acts constituting the violation or cause of action.

For purposes of section 209B, a statute of limitations precluding an action more than 5 years after the violation on which the action is based, or more than 3 years after discovery of the facts constituting the violation, whichever occurs first, is included.

SECTION 8. BOND REQUIREMENT

This section amends section 208 of the Advisers Act, which prohibits certain activities of investment advisers, by adding a new subsection (e) authorizing the Commission to require certain investment advisers to obtain a fidelity bond. The fidelity bond would provide a source of funds to make whole clients whole who have been defrauded through larceny or embezzlement. The authority granted to the Commission would extend to advisers with custody of client funds or securities, that have discretionary authority to direct client investments, or that advise investment companies.

In implementing this section, the Commission must consider the following: the degree of risk to client assets that is involved; the cost and availability of fidelity bonds; existing fidelity bonding requirements; and any alternative means to protect client assets.

SECTION 9. CONFIDENTIALITY

This section would amend section 208 of the Advisers Act by adding a new subsection (f) making it unlawful for any investment adviser to disclose the identity, financial affairs, or investments of any client unless the adviser is required to do so by law, unless the client consents to such disclosure, or unless the information disclosed is necessary and appropriate in order to effect a transaction for the account of the client. Client consent sufficient to waive the confidentiality of information would have to be informed and of an affirmative nature.

This section also makes it unlawful for any person to whom information is disclosed in order to effect a transaction for the account of a client to use such information for any purpose other than the effectuation of the client's transaction.

SECTION 10. DISQUALIFYING CONDUCT

Section 203(e) of the Advisers Act sets out conduct for which the Commission can suspend or revoke the registration of an investment adviser. Section 203(c) requires that the Commission deny registration to applicants that would be subject to such revocation or suspension. Section 9 of this legislation adds to the list of disqualifying conduct in section 203(e) a new paragraph (3) relating to a person that has been convicted within ten years preceding the filing of any application for registration or at any time thereafter of any crime that is punishable by imprisonment for one or more years or of a substantially equivalent crime by a foreign court of competent jurisdiction.

SECTION 11. FEDERAL-STATE COOPERATION

This section amends section 209 of the Advisers Act by adding a new subsection (f) that establishes the policy objective of greater Federal and State cooperation and coordination in the regulation of investment advisers in order to achieve the greatest effectiveness of regulation, inspection, and enforcement, and the greatest uniformity in Federal and State regulatory standards. To these ends, the Commission is required to conduct studies and hold meetings as necessary, and to submit to Congress, no later than 2 years after the date of enactment of this Act, any legislative recommendations necessary to carry out the policy and purposes set forth in this Act.

H.R. 4399 TO HELP RESOLVE DISPUTE OVER CYPRUS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. GALLO. Mr. Speaker, I rise today to discuss several issues of concern to me and to many of my constituents who can trace their proud heritage to the ancient and historic land of Greece. Today, the Greek people are facing increasing threats to their security and safety. It is time for the United States to renew its commitment to Greece and to the freedom-loving people of the cradle of democracy.

Recent events surrounding the break-up of Yugoslavia have captivated the world's attention. While we are pleased that many of the people of this Communist state are finding their freedom and securing their right of national self-determination, we are pained by the terrible cost that this process has exacted.

One of the more troubling aspects of this very tragic situation is the illegitimate appropriation of the historic and honorable name "Macedonia" by the remaining Yugoslav republic. There is only one, true Macedonia, the land of Alexander the Great and Aristotle, and that Macedonia is Greek.

The attempt by the remaining Yugoslavian Republic to claim this name can have only one purpose—to hide their expansionist designs on northern Greece, in continuation of policies first implemented in the wake of World War II by Yugoslav dictator Josef Tito.

Mr. Speaker, I recently joined scores of my colleagues in writing to President Bush to urge him to withhold recognition from the remaining Yugoslav Republic until this issue, and the other legitimate concerns of Greece, are addressed. I am confident that the President will continue to keep Greece's concerns in focus.

Another issue of continuing concern is the situation in Cyprus. I am a long-time supporter of the U.N. resolutions that have called for an end to the presence of all foreign troops on Cyprus. Yet, despite this U.N. resolution, and despite numerous entreaties by the United States to the Turkish Government over the years, Turkey's intransigence remains a serious obstacle to a successful resolution of this problem.

That is why I have recently cosponsored H.R. 4399, a bill introduced by my friend from New York, Representative BILL GREEN. This bill would prohibit all United States military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law.

In the past, I have supported the 7:10 ratio that we use to determine our aid to Greece and Turkey. I supported this formula because I believed it would help provide an incentive to Turkey to bring the Cyprus tragedy to a just conclusion. In fact, the Greek Government supports a continuation of that policy.

However, as we approach the 18th anniversary of the Turkish invasion of Cyprus, I can find precious little evidence that this policy has worked. That is why I am now supporting a complete prohibition on aid to Turkey. I believe it is time to turn up the heat, in the hope of cooling down the situation.

Greece has been, and continues to be, one of the most reliable allies the United States has had since we first walked on the world stage as a major player in World War I. Indeed, Greece is one of only four nations in the world that has supported us in every conflict since that war.

Mr. Speaker, I want the people of Greece to be certain that the United States stands by them, as they have by us. Every person who enjoys the fruits of democracy can thank the Greek people, whose forebears first enunciated the democratic ideal. Let us continue to support them, in word and deed, as the light from the democratic lamp, first lit in Greece centuries ago, increasingly shines for once-enslaved people around the world.

JAPANESE UNFAIR TRADING PRACTICES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. MOAKLEY. Mr. Speaker, I rise today to bring to your attention yet another example of United States business being overwhelmingly disadvantaged by Japanese unfair trading practices.

I am referring to Japan's Footwear Tariff Quota System that denies United States companies access to Japan's leather, non-athletic footwear market, while their Japanese counterparts enjoy equal and open access to our market.

While other categories of footwear are not so burdened with high tariffs and low quotas, this particular category, which accounts for the largest percentage of Japan's total footwear market, is effectively off limits to United States exporters, even though Japanese consumer demand for United States footwear is very strong. The total market for leather, non-athletic footwear has been estimated to be at least 216 million pairs per year, and is the third largest market for these shoes in the Western World. But this quota, erected as a barricade through which only a select few may pass, allows only 4.83 million pairs per year into Japan. Of this, the United States contributes roughly 480,000 pairs per year, a mere 0.22 percent of the estimated total market, even though Japanese consumer-demand for United States footwear is much greater.

As if this quota were not enough of a barrier to United States footwear, the duty that is imposed upon shoes entering Japan under the quota is an incredible 27 percent. This is more than three times the comparable duty required to enter the United States footwear market, and does not even take into account the cost of purchasing a quota allotment from the Japanese companies upon whom their government bestows the import certificates. Graciously, shoes are permitted in excess of the quota, but upon these a tariff of 60 percent is imposed, making them prohibitively expensive for Japanese footwear consumers, and locking United States products out of the market. Not surprisingly, no United States footwear of this type is imported above the quota amount.

This means that once again Americans are suffering from Japan's unwillingness to treat our industries as we treat theirs. Not only is the United States footwear industry locked out of the third largest footwear market, footwear exporters all over the world have had to turn to other markets that are truly open, such as ours. In fact, we share more than half of our footwear market with foreign manufacturers, relying upon free market competition to regulate this foreign share. But the favor has not been returned. And because other exporters have been diverted toward our market, we are producing less of this type of footwear—translating into fewer jobs for the increasingly large percentage of Americans already out of work.

Why should United States exporters be discriminated against when we extend all free trade courtesies to Japanese exporters? Why should the Japanese Government be allowed to shield their manufacturers from what is merely fair competition, which those same manufacturers benefit from in our own country? It is time we put an end to this abuse.

Although segments of the United States footwear industry have initiated lengthy and expensive investigations of Japan's Tariff Quota System, the results have been nothing more than the acknowledgement of a violation of the General Agreement on Tariffs and Trade [GAIT]. Our industry has exhausted all the avenues which our trade laws provide, yet the unfair practices continue. The Japanese have made only the most minor concessions. They have offered to increase their import quota up to 4 percent of their market, and to decrease the tariff rate to 40 percent. And they would take 5 years even to do this. Compare this to our footwear market which has no import quota, and an average duty rate of 8 percent. Minor increases in an originally minuscule quota, and small reductions of an overwhelmingly large tariff, translate into very small gains for United States leather footwear exporters.

The United States has no footwear quota, no prohibitive footwear tariffs, and should not accept incremental changes to a system that is blatantly unfair and unacceptable.

I hope that others who are tired of watching Japan take advantage of United States industries will join in our effort to engage the full persuasive powers of Congress and the executive branch to create a level playing field, to eliminate Japan's Footwear Tariff Quota System, and to allow the United States footwear industry access to Japan's consumers who want our footwear.

THE 10TH ANNIVERSARY FOR THREE OF ISRAEL'S MIA'S

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. GILMAN. Mr. Speaker, today marks the 10th anniversary of the battle of Sultan Yakoub in Lebanon, where units of the Israel Defense Forces engaged Syrian forces in a major effort on June 11, 1982. After the dust had cleared, it was evident that a number of soldiers were missing. While two men were exchanged several years later, and the body of a third was returned, Zachary Baumel, a dual American-Israeli national, Yehuda Katz, and Zvi Feldman remain unaccounted for to this very day.

For the past decade, Yona and Miriam Baumel, the parents or Zachary Baumel, have circled the globe in their tireless efforts to locate and free their son Zachary, and many of us have been impressed by their indefatigable resolve and courage. Despite all our appeals, and the commitment of the State Department and the Government of Israel, Zach and his comrades still remain outside our grasp. We can only pray that Zachary, Yehuda, and Zvi will soon be returned to their families and loved ones.

To mark this 10th anniversary, a special afternoon service will be conducted at the Western Wall in Jerusalem, and programs and educational activities about the topic of "Pidyon Shevuyim"—the redemption of captives—are being held throughout the country for children in schools and youth organizations. The citizens of Israel will make certain that these courageous young men are not forgotten.

Mr. Speaker, Zachary Baumel, Yehuda Katz, and Zvi Feldman deserve our sincere and redoubled efforts to bring about their release. Accordingly, I again urge the Government of Syria to cooperate in locating these three young men. We hope and pray that they will be swiftly reunited with their families and friends.

DISCHARGE OF COL. MARGARETHE CAMMERMEYER

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mrs. UNSOELD. Mr. Speaker, today marks the end of the 26 year military career of Col. Margarethe Cammermeyer, an officer in the Washington State Army National Guard. Her career is ending through no choice of her own, ending despite a blemish-free record that included a stint as a battlefield nurse during the height of the Vietnam war, despite having received the Bronze Star for her service in Vietnam, and despite having been named Veterans' Administration Nurse of the Year in 1985. Her career is ending not because of anything she did, but because of who she is—a lesbian.

Colonel Cammermeyer is just the latest of thousands in our Nation's Armed Forces who have been discharged because they were homosexuals. We have been told homosexuals are unsuitable in the military because their colleagues won't tolerate them and because they somehow can't control their sexual urges. The same kinds of arguments were used against minorities and women in the military. Colonel Cammermeyer and the thousands like her deserve the right to serve their Nation and to be judged by their performance, not by who they are.

TRIBUTE TO CHIEF RAYMOND WILLIAM FORSYTH

HON. CALVIN DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. DOOLEY. Mr. Speaker, on June 12, 1992, in Visalia, CA, the Visalia Police Association will pay tribute to retiring Chief of Police, Raymond William Forsyth, a man who has dedicated his life to public service in California's Central Valley.

Chief Forsyth is retiring after 32 years on the police force, 21 of which he served as chief of police. Although his career on the police force is coming to a close, Ray will continue to be a presence in the community as the new city manager of Visalia, CA.

Over the years, Chief Forsyth has proven his allegiance to the city of Visalia through his extensive involvement and leadership in many local community associations.

The chief has been a member of the Visalia Chamber of Commerce, the Visalia YMCA board of directors, the Sequoias Community College Criminal Justice Advisory Board, the Visalia County Center Rotary Club, the California Peace Officers Association, the Attorney General's Advisory Commission on Child Victim/Witness Act, the Tulare County Juvenile Justice Facility Steering Committee, and the Child Welfare Training Advisory Board.

Chief Forsyth has also dedicated much of his time to the enhancement of public education. He graduated from California State University of Fresno where he earned his bachelor of science degree. The chief later went on to receive his master of arts degree in Correctional Counseling at Chapman College in Orange, CA, and his doctor of philosophy degree from the University of Beverly Hills.

Using his extensive education and his earned teaching credentials, Chief Forsyth served as a faculty member of the Evening College at the College of the Sequoias in Visalia, CA. Over the years he has built an extensive collection of published articles that he either authored, or co-authored. Due to these efforts on behalf of the community, Chief Forsyth was awarded the Phi Delta Kappa Award for distinguished service and leadership to public education.

The city of Visalia has made a commendable decision in electing Raymond Forsyth to be the new city manager. Ray's dedication and loyalty to the welfare and growth of the Central Valley are invaluable and are greatly appreciated. I would like to join his colleagues, friends and family in honoring Ray for his commitment to the police force, and wish him the best of luck in his new endeavors.

INTRODUCTION OF THE MIDLIFE WOMEN'S HEALTH RESEARCH CENTERS ACT

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mrs. LLOYD. Mr. Speaker, today, I am introducing, with Representatives PELOSI, SLAUGH-

TER, NORTON, MINK, UNSOELD, SCHROEDER, and PATTERSON, the Midlife Women's Health Research Centers Act. This legislation would establish five regional centers aimed at improving medical care, education, and research on menopause and other health concerns specific to midlife and older women.

Menopause marks the end of reproductive fertility for woman and usually occurs around age 50. Every woman will experience menopause if she lives long enough. Despite this fact, and considering that menopause may play a significant role in women's susceptibility to disease in later life, surprisingly little attention and few resources have been devoted to understanding its health effects on women. As a result, women at menopause find themselves asking questions for which there are no decisive answers. This leads to great uncertainty about the most appropriate treatments for menopausal symptoms and preventive measures for disease in later life. The idea for this legislation came from a hearing I chaired through the Select Committee on Aging's Subcommittee on Housing and Consumer Interests, entitled, "Women at Midlife: Consumers of Second-Rate Health Care?" which focused on the lack of quality information and medical care for women's specific health concerns at midlife.

The Women's Health Research Center Act will work to fill that void through the expansion or development of five regional centers to conduct research on menopause and menopausal health conditions, develop model programs to improve education and information dissemination, and improve the direct medical care provided to midlife and older women.

The research to be conducted at the centers will include both clinical and basic research regarding the natural history of menopause, and the cause, diagnosis, early detection, prevention, control, and treatment of menopausal health conditions.

This research will supplement rather than duplicate the design of the women's health study at the National Institutes of Health, by studying both menopausal women—women whose menses have stopped for more than a year—and perimenopausal women—women passing from a reproductive to a nonreproductive state. The NIH study includes only menopausal women. Medical researchers believe that profound metabolic alterations in the perimenopause occur in different biological systems in the body and may have a profound significance in the health of older women. These include the skeletal, central nervous, urogenital, and cardiovascular systems. Thus an assessment of perimenopausal women will greatly add to our understanding of menopause and its significance.

Women who have experienced surgical menopause through the removal of the ovaries during hysterectomy will also be included. After caesarean section, hysterectomy is the most commonly performed procedure in the United States. While these women are at increased risk of osteoporosis and coronary heart disease, more needs to be known about the long-term effects of both estrogen depletion and replacement. This issue is also pertinent to women experiencing natural menopause.

Other priorities established in the bill include research on both hormonal and nonhormonal treatments of symptoms and menopausal health conditions, and the relationship between such conditions as cardiovascular disease, osteoporosis, bone fractures, bladder conditions, and breast and uterine cancers. The research also seeks to understand the menopause experience among various socioeconomic groups, ethnic groups, and racial groups.

The Women's Midlife Health Research Act's second aim is also to enhance the knowledge and training of physicians and other health care professionals. Due to the dearth of knowledge on menopause and menopausal health conditions, there are discrepancies regarding appropriate treatment of menopausal symptoms and preventive measures for disease in later life. The bill calls on the NIH and the Agency for Health Care Policy and Research to utilize the research knowledge gained at these regional centers and at the NIH and establish protocols on the prevention and treatment of menopause and menopausal health conditions.

Other provisions contained within the bill are the establishment of continuing education and training programs for physicians and other health care professionals. Information dissemination and outreach to the medical community and to women would also be a priority of the centers.

An important goal of the Women's Midlife Health Research Act is that it strives to improve the delivery of health care and information to women at midlife. Currently, many women at midlife do not know where to turn for information related to menopause. These model centers would have the advantage of offering comprehensive, coordinated care to women with an emphasis on wellness and disease prevention. All medical specialties, including gynecologists, endocrinologists, nutritionists, and psychologists, would be offered under one roof. In addition to clinical care, educational programs, health counseling, screening, and diagnostic services would also be included. Because the care is centralized, it can be more effective by offering group programs and education campaigns.

Why is this issue so critical? The demographics of our Nation provide part of the answer. Older women are the fastest growing segment of our population. The average life expectancy for a women is nearly 80 years of age. Almost three-quarters of our elderly population over age 85 are women. During the next 20 years, over 21 million women will celebrate their 50th birthdays. These demographics will dictate the future of health care delivery in our country.

Consider the costs of ignoring preventive health for women on diseases associated with postmenopausal women. Heart disease, the leading cause of death for women over age 50, costs our health care system more than $9 billion per year. More than one-third of hospital stays for women this age are attributed to cardiovascular disease. The cost to women is premature death and disability.

Osteoporosis affects more than 20 million women per year and costs our society $10 billion in medical bills. The cost to women is frailty, dependence, social isolation, and even death.

The Midlife Women's Health Research Act would address the critical lack of knowledge we currently have on menopause and related health conditions and improve the way health care is delivered to midlife and older women. I urge my colleagues to cosponsor and support this important piece of legislation.

GRETA CAMMERMEYER, AMERICAN HERO

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mrs. SCHROEDER. Mr. Speaker, Army National Guard Col. Doctor Greta Cammermeyer, the highest ranking person ever to be cashiered by the military for her sexual orientation, will receive her walking papers today. This comes after 26 years of distinguished service as a nurse on active duty, Reserve, and Guard status. Here are the highlights of Colonel Cammermeyer's 26 years:

The Bronze Star in Vietnam for 14 months of service, which included the Tet offensive, chief nurse in the Washington Army National Guard, the highest rating of clinical expertise and professionalism awarded by the Surgeon General in 1985, and the Veterans' Administration Nurse of the Year Award in 1985.

Despite appeals from the Washington State Governor and six of the eight members of the State's congressional delegation, the Washington National Guard commander, and the Assistant Defense Secretary during the Reagan administration, we will lose Colonel Cammermeyer not because of her conduct but because of who she is.

Colonel Cammermeyer admitted that she is a lesbian, which suddenly has made meaningless her exemplary service to America during peacetime and wartime.

The DOD ban on gays and lesbians not only ruins fine military careers, but it also ignores who people are: When Colonel Cammermeyer was a child, she and her family fled to America after the Nazis invaded her native Norway. She later joined the U.S. Army because she wanted to give something back to her adopted home for defeating the Nazis. She has more than paid her debt in service, sacrifice, and valor to this country. The Pentagon's treatment of her and thousands of other gay and lesbian soldiers and sailors is nothing less than un-American.

We have heard much lately about how certain Hollywood characters do not represent American values. In Colonel Cammermeyer we have a bona fide hero who represents the best American values: duty, honor, country:

[From the New York Times, May 31, 1992]

DISMISSED FROM ARMY AS LESBIAN, COLONEL WILL FIGHT HOMOSEXUAL BAN

(By Timothy Egan)

TACOMA, WASHINGTON—Having served 14 months in a war zone in Vietnam, given birth to four sons and worked daily with some of the most fragile American war veterans, Col. Margarethe Cammermeyer has seen her share of pain and torment.

But there was a moment Thursday afternoon, at the Washington National Guard headquarters just south of here, that broke her heart. After nearly 27 years in the military, Colonel Cammermeyer, the chief nurse of this state's guard, was discharged because she is a lesbian.

She wept, as did the man who was forced to dismiss her, Maj. Gen. Gregory P. Barlow, the commander of the Washington National Guard.

But this is not the end of Colonel Cammermeyer's involvement with the Federal Government. She said she would challenge her dismissal in Federal court, and her lawyers have expressed the hope that her case may ultimately overturn the 49-year ban on homosexuals in the military.

REITERATING POLICY

The Army refused on Friday to comment on Colonel Cammermeyer's case beyond reiterating its policy that regards homosexuality as "incompatible with military service." Defense Secretary Dick Cheney has said he has no plans to change the policy, though he has dismissed one reason cited against homosexuals, that they pose a security risk, "as something of an old chestnut."

In the last 10 years, more than 13,000 people have been discharged from all branches of the military because they are homosexuals. But few have had better credentials than the 50-year-old Colonel Cammermeyer, who is one of the highest-ranking members of the military ever to be removed for her sexual orientation.

When she was a child, her family fled the Nazis after they invaded her native Norway in World War II. After coming to America, she joined the Army in the early 1960's, was awarded a Bronze Star for her tour in Vietnam and in 1985 was chosen from among 34,000 candidates nationwide as the Veterans Administration's Nurse of the Year. While rising to the rank of chief nurse in the Washington Army National Guard, she got her doctorate in nursing at the University of Washington.

Her record was without blemishes, guard officials say. What derailed her career goal of becoming the nation's chief military nurse was a security clearance question that she was asked three years ago. After she applied for admission to a war college, Colonel Cammermeyer went through an extensive background check. Asked by a Pentagon official during a personal interview if she was a homosexual—something she said she had never been quite sure of for the last 10 years—Colonel Cammermeyer answered yes, without hesitation.

REPRESENTING NORMALITY

"I knew then that my career was over," she said Friday, as she strolled on the wooded grounds of the Veterans Administration hospital here, where she works with disabled former soldiers.

"What I hope to represent is a part of the normality of being homosexual, of not being in leather or shaving my hair, but rather showing how much we are all alike," she said. "If people can see" the sameness of me to you, then perhaps they won't have the walls that makes it so they have to hate us without a cause."

The issue was planned again on Friday when Ross Perot, the undeclared independent candidate for President, told Barbara Walters in an interview on the ABC News program "20/20" that he would not allow homosexuals to serve in certain Cabinet posts.

"It will distract from the work to be done," Mr. Perot said. He also indicated that he would not seek to overturn the ban on homosexuals in the military.

After Colonel Cammermeyer heard Mr. Perot's comments, she said, "I was frightened by them, really frightened."

BASED ON IGNORANCE

Officially, the military lists seven reasons for keeping homosexuals out of the service. These have to do with problems of morale, recruitment, discipline and privacy, among other factors.

"I'm not a threat," Colonel Cammermeyer said. "This is a regulation that is truly based on ignorance more than prejudice, but the two go hand in hand."

While Colonel Cammermeyer may not have the support of Mr. Cheney, her immediate commander in chief, Gov. Booth Gardner of Washington, has fully backed her.

"The Army and the United States of America are senselessly losing an outstanding individual who is eminently qualified to continue serving in the Washington National Guard," said Mr. Gardner, a Democrat.

Colonel Cammermeyer has until June 11 to leave the Guard. Her discharge was honorable, meaning she can receive her pension in 10 years, when she is 60, and she will stay in her civilian job as head nurse at the veterans hospital.

She also appeared to be getting considerable support from people calling in to radio talk shows and to her office on Friday.

The reaction here would tend to support Gallup polls over the last decade. They have shown a steady increase in support for homosexuals in the military to a point where a majority of people now favor overturning the ban.

At the same time, several cases that are working through the courts could ultimately set up a challenge to the ban before the Supreme Court. In two West Coast cases, the United States Court of Appeals for the Ninth Circuit in San Francisco has ruled against the military.

Lawyers for Colonel Cammermeyer say her case could be the next significant challenge to the policy.

FASCINATION WITH MILITARY

"You couldn't have a better client," said Amy Stephson, a lawyer with the Northwest Women's Law Clinic, which plans to file a suit in Seattle on Colonel Cammermeyer's behalf. She is such an asset to the service. "People tend to demonize the other side, but when you see that the other side is a gray-haired soldier, it changes things."

Colonel Cammermeyer said she had been fascinated by the military since she was a child. In part, she said, she joined the service because she wanted to give something back to America for helping to defeat the Nazis. But her eyes light up when she talks about the military's traditions.

"I love the wonder of the pomp and ceremony, and the system itself, the discipline and morale," she said. "I really do love the military. My problem is not with the military; it never has been. It is with the regulation that makes me into a stereotype."

She joined the Army as student nurse in 1961. Shortly after that, she met her husband, a career military man. When he was sent to Vietnam, she volunteered for duty in the war as well. His orders were canceled, hers were not, and she spent 14 months in Vietnam during the worst fighting of the war, the Tet offensive in 1968. Her job was to supervise a hospital for wounded and dying soldiers.

After returning home, she became pregnant. Since the service would not allow pregnant women to stay on, she was discharged. She had four children, all boys, and was married for 16 years. Her divorce, she said, was bitter and painful.

TRANSFER TO NATIONAL GUARD

She joined the Army Reserve in the 1970's, later transferring to the National Guard here.

Colonel Cammermeyer said she did not realize she was a lesbian until relatively late in her life, as part of what she called "a process of self-exploration, understanding how it is you become a full person."

"I was an old lady by the time I figured it out, with grown kids," she said.

Two of her boys, age 15 and 17, still live with her, and one has expressed an interest in joining the military. When he asked recently for his mother's advice, she gave an indirect answer.

"I have a very difficult time advocating going into an organization that discriminates," she said. "On the other hand, I firmly believe there will be a time when this regulation will be changed."

CHEEKTOWAGA PARISH OBSERVES 75TH ANNIVERSARY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. NOWAK. Mr. Speaker, I am delighted to take the opportunity to extend my congratulations to the St. John Gualbert Parish of Cheektowaga, NY, located in my congressional district, which is celebrating its 75th anniversary this year.

The parish began with the determination of 60 families. A wooden church and school were constructed and on June 3, 1917, the church was consecrated by Bishop Dennis Dougherty.

From that point on, St. John Gualbert's grew to accomodate the changing needs of the community. Today, it is a complex consisting of a Tudor-style church, rectory, convent, school, auditorium, and gymnasium facilities.

I am deeply grateful to Rev. Daniel Pokornowski, current pastor; Mrs. Ruth Peters, general chairperson of the diamond jubilee; and Mr. and Mrs. Louis Goszewski, chairpersons of the diamond jubilee program ad book, who provided me with the following brief history of St. John Gualbert Parish, which I would like to insert at this point in the RECORD:

A BRIEF SYNOPSIS OF SAINT JOHN GUALBERT PARISH

In late 1916 a first meeting of the people interested in beginning of a new parish commenced on the corner of Walden Avenue and Gualbert in the Mansion of the Late Rev. John Gualbert Pitass which was part of a farm and retreat home. A survey was taken and approximately 60 families were interested in forming a new parish. Pastor of St. Stanislaus Church and nephew of Rev. John Pitass informed the Organizing Persons that a Parcel of the Farm was set aside in the will of his late uncle for a Church and School and to be Named after his Uncle John Gualbert. This was a direct grant to the people wishing to develop a new congregation.

Early January 1917 plans were made for a church. A finance committee was formed and within months a new wooden Church was a reality and was consecrated by Bishop Dennis Dougherty on June 3rd, 1917.

On January 15, 1918 Bishop Charles Colton appointed the first resident Pastor; Father Peter Adamski.

After World War I, new home building increased in this area. In 1923 the school had to be expanded. Four more classrooms were added to accommodate the parish youth. The Church also began to outgrow its capacity.

May 13, 1928 ground was broken for a new Church which stands proud on the corner of Gualbert and Doat with beautiful Tudor Architecture. It has a seating capacity of 1200 persons.

January, 1940 a new rectory and church office was completed.

United States entered World War II and many sons of the Saint John Gualbert Parish answered the call to duty and gave their lives for their Country.

November 7th, 1943 Pastor Peter Adamski was elevated to Domestic Prelate which made the Parish proud of the distinction.

After 28 years of service to the Saint John Gualbert Parish Msgr. Peter Adamski was transferred to Saint Stanislaus Parish in Buffalo, New York to serve as Pastor.

In the year of 1956 a home and convent was constructed for the Felician Nuns that were instructing at Saint John Gualbert School and assisting in Church ceremonials.

Ground breaking ceremonies were held on November 9, 1958 for a new school. Classes began in the new structure in September, 1959. Bishop Joseph Burke officiated in blessing a most modern educational facility in the Buffalo area.

During the Easter season of 1960, the original Wooden Church Structure fell before the wreckers ball. New Auditorium and Gymnasium facilities were planned to occupy this side adjoining the new school building. The new building was dedicated on September 10, 1961. Msgr. Peter Adamski officiated and Blessed the Facility. This project completed the expansion of Saint John Gaulbert Parish.

Thanks to all parishioners who have made their sacrifices, so that their heirs can enjoy a great Educational Institution and a Beautiful Church to worship in.

This Parish has produced a number of priests which were ordained at its Alter. It has also produced many young women which have entered into the Sisterhood.

These persons left their homes to devote themselves unselfishly in their vocations to serve others.

First Assigned Pastor, Msgr. Prelate Peter Adamski.

Second Assigned Pastor, Msgr. Michael Biniszkiewicz.

Third Assigned Pastor, Msgr. Stanley Sierakowiki.

Fourth Assigned Pastor, Father Joseph Kuczka who was ordained in this Parish, and served it until his retirement. He is still enjoying his retirement.

Present and Fifth Pastor Assigned to administer is Rev. Daniel Pokornowski. His assistant is Vicar Father Thomas Gresock. Our church is also one designated to carry on the Polish Heritage of religion.

This year (1917–1992) we are commemorating our 75th anniversary. Our goal has been to renovate our church. Once again, parishioners have come to support this renewal project financially. Through this church community endeavor, we are also renewing our commitment to continued spiritual growth. Our theme is "May Our Church Glisten Like A Diamond". We take pride in our many years of achievement!

It is a pleasure for me to wish St. John Gualbert's Parish and its parishioners congratulations on 75 years of achievement and to wish they may continue to "Glisten Like A Diamond."

DAY OF SHAME FOR U.S. ARMY

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. McDERMOTT. Mr. Speaker, today is a shameful day for the U.S. Army. Today the Army has ended the distinguished 26-year career of Col. Margarethe Cammermeyer, chief nurse for the Washington State National Guard and a decorated Vietnam veteran.

The reason? Answering a standard question on an Army security form, Colonel Cammermeyer acknowledged that she is a lesbian. Because the Defense Department has a rule that homosexuality is "incompatible with military service," and over the objections of our State National Guard commander, our Governor, and our congressional delegation, she has been discharged.

That cruel action is a disgrace to this administration. Many thousands of gay and lesbian Americans have served our country with courage and dedication in the Armed Forces, most recently in the Persian Gulf. The Secretary of Defense has refused to defend the policy of discharging gays; he has called it "an old chestnut." Yet he allows Colonel Cammermeyer's career to be sacrificed.

The gentlewoman from Colorado, Mrs. SCHROEDER, has introduced H.R. 5208 to overturn this unjustifiable Defense Department policy. I urge my colleagues to join with me in cosponsoring this legislation.

I would like to insert in the RECORD, for the information of my colleagues, a copy of the letter our delegation sent to the Secretary of the Army on Colonel Cammermeyer's discharge, the Army's response, two news accounts of the discharge, and an editorial from the Seattle Times that cogently addresses the issue.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 28, 1991.
Mr. MICHAEL P. W. STONE,
Secretary of the Army,
The Pentagon, Washington, DC.

DEAR SECRETARY STONE: We have been informed of discharge proceedings now pending against an Army National Guard nurse which we feel warrant your attention.

Colonel Margarethe Cammermeyer has served since 1986 as the State Chief Nurse of the Washington State National Guard. She was recently recommended to become the Chief Nurse of the National Guard for the entire country. During the federal investigation for her Top Secret Security Clearance, required for her attendance at the War College, she honestly responded to questions posed to her for the first time regarding her sexual orientation.

We are informed that, as a result, the Sixth Army is seeking to withdraw her National Guard "federal recognition," which would result in her discharge immediately thereafter from the Washington State National Guard. An administrative board has reluctantly recommended such a discharge because of the standing Department of Defense policy against homosexuality. Colonel Cammermayer's local supervisor, Colonel George Koss, has requested her retention despite her disclosure.

For over three decades, Colonel Cammermayer has served her country with distinction. Among other things, she was awarded the Bronze Star in Vietnam and was selected V.A. Nurse of the Year in 1985. She has co-authored four published research papers, obtained the highest recognition of clinical expertise and begun doctoral studies toward her Ph.D. in Nursing in May of this year.

In our view, this record of superlative service throughout her career makes Colonel Cammermeyer's proposed discharge particularly outrageous. We find it hard to believe that the best interests of the Army—or our nation—are served by such a result.

We therefore request your immediate review of the proposed withdrawal of federal recognition from Colonel Margarethe Cammermeyer of the Washington National Guard. We appreciate your prompt attention to this matter and look forward to your reply.

Sincerely,
Gerry E. Studds, Jolene Unsoeld, James A. McDermott, Senator Brock Adams, John Miller, Noman D. Dicks, Sid Morrison.

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, November 1, 1992.
Hon. JIM MCDERMOTT,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCDERMOTT: This replies to your recent joint letter on behalf of Colonel Margarethe Cammermeyer concerning issues relating to the Sixth United States Army's administrative review board.

We agree that the service record of Colonel Cammermeyer is impressive. She has had a distinguished military career on active duty in the Army National Guard. However, Sixth Army convened a board of officers at the request of the Adjutant General of the Washington National Guard to review the recommendations referred to in your letter. The findings of that board have not been completed, and it would be inappropriate to speculate on the outcome.

The Department of Defense (DOD) has established procedures and policies which provide our nation with a highly trained disciplined, and dedicated group of professional officers and enlisted personnel. The Army regulation implementing the Department of Defense policy regarding homosexuality, Army Regulation 135–175, Separation of Officers, establishes Army policy, procedures, and guidelines for the separation of officer personnel for homosexuality. The regulation specifies that the presence in the military of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct is incompatible with military service.

Please be assured the board of officers will give Colonel Cammermeyer a fair review in accordance with the appropriate DOD and Army regulations. Thank you for your interest in this matter.

Sincerely,
G. KIM WINEUP,
Assistant Secretary of the Army
(Manpower and Reserve Affairs).

[From the Seattle Post-Intelligence, May 29, 1992]

GUARD BANS LESBIAN COLONEL

(By Ed Offley)

CAMP MURRAY.—In the end, none of it mattered: the Bronze Star for service in Vietnam, the solid record of achievement as a nurse both in uniform and civilian life for a quarter-century, the doctorate, or even the letters of support from her governor and congressional delegation.

Col. Margarethe Cammermeyer, chief nursing officer for the Washington Army National Guard, was told yesterday that she will have to leave active service in 14 days because of her sexual orientation.

She is a lesbian. And Pentagon rules banning homosexuals from military service are inflexible.

"I may be separating from the military, but I am not separating from the cause" of full rights for gays and lesbians, Cammermeyer said after a 30-minute session with Maj. Gen. Gregory P. Barlow, adjutant general of the Washington National Guard, who officially informed her of the dismissal.

Asked how the meeting went, she answered, "we wept together."

She will be honorably discharged with full pension and other benefits.

Three years ago, during an interview as part of the process to obtain a top secret security clearance, Cammermeyer said she told the truth. "When asked, I told him I was a lesbian," she said.

The admission triggered a three-year investigation and separation process under Defense Department regulations that ban homosexuals from military service.

Cammermeyer, 50, says she will challenge the ban in federal court, and has assembled a team of lawyers from the Northwest Women's Law Center and Lambda, a gay rights organization.

"I would not have put myself through the past three years if I had not planned to do everything in my power to try and overturn this regulation," Cammermeyer said earlier yesterday from American Lake Veterans Hospital, where she works as a nurse specialist. The hospital is near Fort Lewis.

Her case has come to a boil at a time when the Pentagon ban on homosexuals is making headlines elsewhere.

Rep. Patricia Schroeder, D-Colo., last week introduced legislation forbidding discrimination by the armed forces on the basis of sexual orientation, and a Navy flight officer in Virginia went on national television to reveal that he is gay.

But senior defense leaders, including Defense Secretary Dick Cheney and Gen. Colin Powell, chairman of the Joint Chiefs of Staff, continue to defend the ban.

"Before I would be prepared be change it (the ban on gays). I would have to be convinced that the change would not . . . interfere with overall military effectiveness and combat efficiency of . . . the United States military," Cheney told a National Press Club audience last week.

Pentagon spokesman Lt. Col. Doug Hart said: "Homosexuality is incompatible with military service. The presence of such members adversely affects the ability of the military service to maintain discipline, good order and morale, to foster mutual trust and confidence among service members, to ensure the integrity of system of rank and command."

Cammermeyer said she was heartened by the quiet show of support from many Guard officials, and by support from Gov. Booth Gardner and several congressional delegation members.

In a letter to Cheney last September, Gardner wrote, "In short, if Col. Cammermeyer's discharge becomes final, this would be both a significant loss to the state of Washington and a senseless end to the career of a distinguished, longtime member of the armed services."

Yesterday, Gardner said he was "deeply disappointed" by the dismissal of Cammermeyer, saying she has "few equals in the armed services."

Sen. Brock Adams, and Reps. Norm Dicks, John Miller, Sid Morrison, Al Swift, Jim McDermott and Jolene Unsoeld co-authored a letter with Rep. Gerry Studds, D-Mass., to Army Secretary Michael Stone, terming the automatic discharge procedure as "particularly outrageous" given Cammermeyer's record.

"It was inevitable that this would be the outcome and right from the beginning, her defense team prepared for this outcome," said Tacoma attorney and National Guard officer Margaret Bond, who represented Cammermeyer during the administrative process.

Yesterday, it fell to Barlow to inform Cammermeyer that her appeal of the board decision had been denied. He said it was one of the most difficult moments he has faced since taking over the Washington National Guard in 1989, particularly because he had personally marked Cammermeyer for "fast track" advancement several years ago.

"The fact that it has been decided (by the Pentagon) doesn't make it any easier for me to do this," Barlow said. "I have personal respect for her as a fellow officer and I have allowed every avenue she had to be considered (in her appeal)."

Cammermeyer said one of the few positive aspects of the case is that her fears that public disclosure of her sexual orientation would create hostility from acquaintances or coworkers have proved unfounded.

"All of the homophobia I was anticipating did not materialize," said Cammermeyer, who is divorced and the mother of four sons.

Cammermeyer is a specialist in neurological disorders.

Now, she plans a new career—as an activist willing to sacrifice her privacy and details of her private life to end what she calls an atmosphere of "witch hunts" against gays in the military.

"Unless there are people willing to challenge these regulations, the arbitrary nature of discrimination will continue," Cammermeyer said.

"If my case can be made an example, for someone who has had a successful career, I will have accomplished something in my 26½ years in the military."

[From the Seattle Times, May 29, 1992]

LESBIAN FORCED TO END 26-YEAR MILITARY CAREER

(By Peyton Whitely)

CAMP MURRAY, PIERCE COUNTY.—A woman walked out of a general's office here yesterday afternoon and, with a sense of calm and relief, told how a 26-year military career ended.

The woman was Col. Margarethe Cammermeyer, chief nurse for the Washington State National Guard.

A few minutes earlier, Maj. Gen. Greg Barlow, state Guard commander, told her she was being discharged from the service because she acknowledged being a lesbian.

"We wept together," said Cammermeyer, who explained that Barlow had been her commander for many years.

The charge is marking the end of one battle but the beginning of another, as she plans a legal fight to allow homosexuals to remain in the service.

Cammermeyer says as far as she knows she is the highest-ranking Army officer ever discharged for homosexuality.

"But not the highest-ranking that's been discovered," she added. "Most chose to retire."

A much-decorated rated Vietnam War veteran with a lengthy record of accomplishment in the Army, Cammermeyer maintained a military bearing throughout her questioning by reporters yesterday, speaking forcefully and distinctly while four rows of military decorations gleamed.

But inside, she said, she was in turmoil, experiencing both relief and despair.

"Inside, it's like it's over," she said. "There are no more surprises anymore."

For Cammermeyer, 50, the discharge came after a fight that openly began in 1989 when she answered a standard question on a military form. But she said the true issue of her lesbianism may have begun years earlier.

Born in Norway, Cammermeyer came to the United States in 1951. She graduated from the University of Maryland in 1963, attended Bellevue Community College, received a master's degree from the University of Washington in 1976 and a doctorate from the UW in 1991. She has lectured in Seattle University and Seattle Pacific University and has published dozens of medical documents.

She also married, had four sons—now 23, 19, 17 and 15—and joined the Army.

As an Army nurse, she served near Long Binh in Vietnam and received the Bronze Star for duty there. In 1985, she was named nurse of the year by the Veterans Administration, being selected from among 34,000 nurses nationwide. Since then, she has been serving at the American Lake Veterans Affairs Medical Center near here.

She was divorced in 1980 and said questions about her role in life may have begun emerging then.

"I chose to leave the marriage," she said.

But in 1989, while answering a standard question on an Army security form as she applied to become chief nurse for all National Guard units, she was asked about sexual preferences.

Cammermeyer responded by saying, "I am a lesbian."

Yesterday, she said she was not sorry for the disclosure and said she never considered not truthfully answering the question.

"It just happened," she said, explaining she'd never been formally asked about the issue before.

Cammermeyer said the disclosure effectively ended her military career.

Department of Defense rules say homosexuality is "incompatible with military service." Cammermeyer said Barlow had no choice but to follow department orders in discharging her, unless he chose to resign from the service himself.

Her discharge becomes effective in two weeks. Cammermeyer said she will be allowed to keep her retirement benefits.

She also said that if she prevails in her lawsuit, her discharge could be re-examined and she could rejoin the service.

Cammermeyer is represented by the Northwest Women's Law Center, as well as military counsel. She plans to file a lawsuit in federal court in Western Washington within a few weeks seeking to overturn the Defense Department policy on homosexuality.

[From the Seattle Times, May 31, 1992]

COLONEL CAMMERMEYER'S MARCH TO JUSTICE

The sacking of Col. Margarethe Cammermeyer puts on display the poverty of logic that belies the current ban on gays and lesbians in the Armed Forces.

Col. Cammermeyer is distinguished officer and health-care specialist who has earned both the Bronze Star and a doctorate. She is part of a generation of officers who achieved field-grade rank under the most professional and exacting standards ever seen in the uniformed services. Yet after 26 years she is being discharged from the Washington Army

National Guard for admitting her sexual orientation.

The issue of gays and lesbians in the military is not new, but the surprising thing about the debate is that the armed services are so far behind societal change. On other issues of group dynamics, the services have led the way in showing how Americans of different backgrounds, races, religions and heritage can be integrated toward common goals.

When President Harry Truman ended segregation in the military a half-century ago, it was the beginning of the long road to the modern army. Today, the armed forces are often cited as an example of how, by confronting racial tensions intelligently, an organization can deal with corrosive ignorance.

Just as the military was able to confront the waste of racism, so too should it deal with the issue of gays and lesbians in uniformed service.

The hinge that holds shut the door to homosexuals in the military is the presumed security risk that goes with hidden sexual behavior. In Col. Cammermeyer's case, the matter arose when she declared herself a lesbian at the beginning of a security check. Obviously, if sexual behavior is not hidden, it has no value to blackmailers. By banning homosexuals, the military creates a self-fulfilling prophesy. Without the ban, the presumed dangers of homosexual secrecy vanish.

But like racism, sexual attitudes are not honed on logic.

No one has suggested that gays and lesbians cannot serve their country bravely and well—no doubt thousands already have. The issue is institutional acceptance. Secretary of Defense Dick Cheney and the country's top soldier, Gen. Colin Powell, are against inclusion of homosexuals into the military. Same-sex orientation, they say, would be divisive in the ranks and reduce the effectiveness of the armed forces.

That has the hollow ring of historical recidivism. Blacks and whites will never live together in the same barracks, much less fight together, the critics of an integrated army said. Black troops could be led by white officers but never the reverse, was another old saw of yesterday's army. The force would never be cohesive or effective, critics said of Truman's edict.

With leadership from the top, from men who saw war and knew it makes race or gender irrelevant, an army was formed that is the best America has ever produced. Those who praise and uphold the military must accommodate themselves to the fact that it is no longer a white man's army. Every year, women graduate from the service academies. All the services routinely reach past color to find the brightest and bravest for promotion. Today's effectiveness of the Army, Navy, Air Force and Marines came from official indifference to the shibboleths of race and sex.

Anyone who has donned the uniform knows conformity is only on the surface. The Military is a hodge-podge of individuals who share time together with common understanding of duty, country and the qualities of leadership.

This time, leadership comes from Col. Cammermeyer who served her country well and may lead it to new understanding.

TO THE JEWS, JERUSALEM ITSELF IS A HOLY PLACE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. MACHTLEY. Mr. Speaker, the following editorial appeared in the June 6 edition of the Providence Journal Bulletin. I believe this well-written piece by Rabbi Leslie Gutterman of my State of Rhode Island successfully captures the importance of an undivided Jerusalem. I commend it to your attention.

TO THE JEWS, JERUSALEM ITSELF IS A HOLY PLACE

(By Leslie Y. Gutterman)

I once proudly showed off the plaques displayed on the Benefit Street historical homes to an out-of-town visitor. I wanted him to appreciate something of our rich Providence heritage. He remained singularly unimpressed. Then I realized it was foolish to try to dazzle someone who lived in Jerusalem, a city more than 3,000 years old.

With appropriate ceremony, the reunification of Jerusalem 25 years ago was celebrated this past week. Except for the 19 years between 1948 and 1967, Jerusalem has always been one city.

The Israel-Jordan armistice agreement implemented a partition of Jerusalem. Under its conditions, Israel had jurisdiction over most of the New City. Jordan kept East Jerusalem, including the Old City. Mount Scopus, home of the Hadassah Hospital and Hebrew University, was to be an international zone surrounded by Jordanian territory. Jews were to have access to their holy sites within the Old City and to the cultural and philanthropic institutions they built on Mount Scopus. These terms were flouted.

Until Israel's victory in the Six-Day War, Jews were prevented entry into the Old City. Ancient synagogues in the Jewish Quarter of the Old City were demolished. The oldest and largest Jewish cemetery on the Mount of Olives was systematically desecrated; Jewish tombstones were used to construct roads and latrines. The university and hospital remained unused.

Suddenly in 1967, barbed wire and concrete barriers were removed. Once again Jews could pray at the Western Wall of Solomon's Temple, the only Jewish Holy Place not destroyed by Jordan—presumably because on the same site stood two mosques.

One of the first acts of the Israeli government was to proclaim the inviolability of the Holy Places in a special law: "The Holy Places shall be protected from desecration and any other violation, and from anything likely to violate the freedom of access of the members of the various religions to these places" (June 22, 1967).

These provisions have been kept. Jerusalem is no longer a place of unnatural division. It is once again a reunited city.

Jerusalem has been holy to the Jewish people for almost three millennia. In times of Jewish sovereignty, it has been the nation's capital. For 2,000 years, Jews turned in its direction three times a day in prayer.

Our religious festivals commemorate Jerusalem. Hebrew scripture celebrates Jerusalem; it is mentioned more than 700 times: "If I forget thee, Jerusalem, may my right hand wither; may my tongue cling to the roof of my mouth if I don't place you above my highest joy" (Psalm 137).

No other people have had such special regard for this city. For Christians, Jerusalem is not so much a holy city as a place of Holy Places—the site of the Crucifixion, the Church of the Holy Sepulchre. It is devoid of national meaning for Christianity.

Jerusalem ranks third as a sacred city for Islam. Making a pilgrimage to Jerusalem is an act of personal piety, not a religious obligation as it is to Mecca and Medina.

As social critic and author Maria Syrkin observed, "Only Jerusalem, the city itself, not a particular shrine or site, has remained the focus of national and religious longing in Jewish history. And no other people, while ruling Jerusalem, chose the city for its capital. * * * For the last 200 years, Jews have constituted the majority of Jerusalem's population."

And now it is a city, which is what it has always been except for the brief interval—a single, united, open city where religious freedom and protection of the holy places are guaranteed, pledged to fulfill the vision implicit in the meaning of Jerusalem's name: "Ir-Shalom, a city of peace."

Leslie Y. Gutterman is rabbi of Temple Beth-El in Providence.

INTRODUCTION OF ADMINISTRATION'S MEWA REFORM BILL

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. PETRI. Mr. Speaker, at the request of the administration, I am today introducing the Multiple Employer Welfare Arrangements Enforcement Improvements Act of 1992. I am pleased that the legislation has been forwarded in time to be considered at House hearings to be held June 16, 1992, by my House Subcommittee on Labor-Management Relations.

The subcommittee will also take up two other bills, H.R. 2773 and H.R. 4919, amending the Employee Retirement Income Security Act of 1974 [ERISA] to reform the current treatment of multiple employer welfare arrangements [MEWA's].

The MEWA problem is severalfold. First, the present State and Federal regulation of multiple employer welfare arrangements has proven inadequate to prevent unscrupulous operators from using fraudulent practices in soliciting health coverage from cost-conscious employers and employees. When inadequate contributions and exorbitant expenses inevitably result in the insolvency of a mismanaged MEWA, the covered employees, and often the health care providers, are left holding the empty bag. Clearly, this is an untenable situation.

Another part of the problem stems from the first. Some States are taking steps to shut down legitimate MEWA's, many of which have been adequately providing health care benefits for decades, unless they become licensed insurers. Typically they are run by business associations like the auto dealers, realtors, bankers, or printers.

My bipartisan legislation, the Multiple Employer Health Benefits Protection Act of 1991—H.R. 2773—is intended to solve this serious MEWA problem. It would save the baby while adequately disposing of the bathwater. Legitimate organizations could continue to operate self-insured ERISA plans as long as they meet federally uniform actuarial reserve and other standards. The MEWA's which cannot or do not choose to meet such standards would be subject to civil and criminal penalties under new reporting and disclosure requirements. The law would also be clarified to make it easier for the States to further regulate or shut down, as unlicensed insurers, any remaining self-insured MEWA entities.

As described in the following summary, the administration bill follows a similar course in addressing the inadequacies of current law. Importantly, the administration now shares the view that a solution to the MEWA problem is urgently needed and long overdue.

Summary of Administration MEWA Legislation

Section 1: Multiple Employer Welfare Arrangement Enforcement Improvement Act of 1992.

Section 2: Change in Definition of Employee Welfare Benefit Plan.

The Proposal creates a *de minimis* rule, under which a plan, fund or program providing the type of benefits described in section 3(1) could meet the definition of "employee welfare benefit plan" provided that, at all times during the plan year, at least 95 percent of the aggregate number of all individuals covered under the plan are employees or former employees of the employer, or members or former members of the employee organization which established or maintains the plan, or their beneficiaries.

In addition, section 2 amends the definition of "employee welfare benefit plan" to include welfare arrangements maintained by franchise networks and to include welfare arrangements sponsored by two or more trades or businesses that are part of the same control group. The definitions of "franchise network" and "control group" are the same as the definitions of these terms in section 3(40). These amendments, in conjunction with amendments to section 3(40), would make clear that such arrangements are not MEWAs and are plans under ERISA.

Section 3: Change in MEWA Definition

This provision amends section (3)(40)(A)(i) to provide the following:

(1) Arrangements would be considered established pursuant to collective bargaining agreements, provided all participants are either employees subject to collective bargaining agreements, employees of the plan, or employees of the union. Former employees who are covered under the plan or who are receiving continuation health coverage under part 6 of ERISA would be treated as employees for purposes of the exclusion.

"Collective bargaining agreement" is defined as a written agreement between organizations which has been negotiated through a process of arm's length, good faith bargaining, pursuant to the National Labor Relations Act or other applicable law, where a broad range of matters pertaining to the employment relationship such as wages, rates of pay, hours of employment, grievances and conditions of employment in addition to employee benefits have been negotiated.

(2) Arrangements established or maintained by a franchise network would be excluded from the definition of a MEWA.

(3) An arrangement will not be considered to be a MEWA if, for any plan year of a plan, or any fiscal year of any other arrangement, it covers employees of trades or businesses which are within the same control group during such year or at any time during the preceding one-year period. This change allows the employees of a divested subsidiary or division of a company to remain in the company's plan for up to a year without the plan thereby becoming a MEWA.

(4) An arrangement or plan maintained by an "insurer" as defined in section 401(b)(2)(A) of ERISA, or a health maintenance organization licensed to do business in a state would be excluded from the definition of a MEWA.

(5) A plan established or maintained by a single employer will not be deemed to be a MEWA solely because the plan covers individuals who are not employees or former employees of the employer, or their beneficiaries, provided that, at all times during the plan year, at least 95 percent of the aggregate number of individuals covered under the plan are employees or former employees of the employer, or their beneficiaries.

Section 4: Amendments to Coverage Section of ERISA

This provision adds a new section 4(c), which provides that, except as provided in section 4(b), title I of ERISA shall apply to MEWAs engaged in commerce or any industry or activity affecting commerce. This provision is necessary because the provisions of ERISA currently apply solely to employee benefit plans. The legislation adds three provisions that are applicable to all MEWAs, whether or not they are employee welfare benefit plans: the registration requirement for MEWAs, the civil penalty for MEWAs that are not registered, and an enforcement provision that is applicable to MEWAs that offer or provide benefits to participants of an employee welfare benefit plan. Therefore, section 4(c) was necessary to extend ERISA coverage to MEWAs. Because the operative language of Title I relates solely to employee benefit plans in all other instances, the effect of section 4(c) is to extend ERISA coverage beyond existing law to non-plan MEWAs in only these three instances. Therefore, for example. MEWAs that are not plans may not take advantage of the general preemption provisions in section 514(a), because that section specifically provides for preemption of state laws only insofar as they relate to plans covered by ERISA.

Section 5: Registration Requirements

This provision amends ERISA by adding a new section 101(f) which requires the registration of all MEWAs providing benefits of medical care (within the meaning of section 213(d) of the Code.)

Section 6: Enforcement and Civil Penalties

This provision amends the civil penalty provisions in ERISA by adding a new section 502(c)(4), which provides that the Secretary may assess a civil penalty for the failure to file a MEWA registration statement under section 101(f), in the same manner as the assessment of civil penalties for the failure to file an annual report required under section 101(b)(4).

This provision also adds a new section 502(m) to ERISA giving the Federal courts authority to require certain non-exempted or non-state-licensed MEWAs to cease operations and to grant such additional relief necessary to protect the interest of the public and of persons having benefit claims against such MEWAs.

A primary purpose of this provision is to enable the Secretary to protect the public by obtaining an immediate cessation of activity by a MEWA that falls within the terms of this section without having to demonstrate the likelihood of immediate and irreparable harm to the persons who are provided benefits through the MEWA.

Section 7: Exemption From State Regulation for Multiple Employer Welfare Arrangements.

This provision amends ERISA's preemption provisions to allow the Secretary to exempt ERISA covered plans that are MEWAs which provide benefits of medical care (within the meaning of section 213(d) of the Internal Revenue Code of 1986) and which are not fully insured from state insurance regulation through administrative action. This authority would be modeled after the authority granted to the Secretary to issue exemptions from ERISA's prohibited transaction provisions. It is expected that any determination, under this or other sections of the bill, involving the definition of "medical care" under Section 213(d) of the Internal Revenue Code would be coordinated with the Secretary of the Treasury.

Before granting an exemption the Secretary would have to make findings that any exemption would be (1) administratively feasible, (2) in the interest of the plan and of its participants and beneficiaries, and (3) protective of the rights and benefits of participants and beneficiaries of such plan. The Secretary would give notice and allow interested persons, including insurance commissioners of the states in which the MEWA is currently operating or planning to operate within the next year, an opportunity to present their views. The burden of proof for an exemption would be on the applicant. In determining whether an exemption would be protective of the "rights and benefits" of participants and beneficiaries, consideration would be given to whether there would be a substantial likelihood that the plan would be able to provide the promised benefits. Among the things it is expected that the Secretary will consider in deciding whether to grant an exemption are whether the MEWA is controlled by its members or by an entrepreneur; the background and qualifications of the persons who control and administer the MEWA and the organizations which provide services to the MEWA; an opinion by an independent qualified actuary as to the adequacy of the provisions made by the MEWA for reserves, the nature and extent of any stop-loss insurance covering the MEWA, the adequacy of contribution rates to support the payment of obligations over the next 12 month period, and the current and projected values of assets and liabilities for the next 12 month period. It is expected that exemption applications for existing MEWAs will include an audited financial statement of the MEWA for the prior fiscal year of the MEWA certified by an independent certified public accountant and prior to the grant of an exemption, a certification by the accountant that there have been no material changes in the financial condition of the MEWA since the filing of the application. Any such exemption shall require the MEWA to inform all existing and potential contributing employers and participants in the MEWA that the MEWA is exempt from state insurance law and that there are no state or federal guarantees of the benefits in the event that the MEWA fails. It is also expected that one of the conditions of any exemption shall be a requirement that the MEWA submit audited annual financial statements and quarterly unaudited financial statements to the Department, all contributing employers and the state insurance commission of all states in which the MEWA offers or provides benefits.

This provision also provides, in section 514(b)(6)(b)(ii), that subparagraph (A), which applies the provisions of state insurance laws to MEWAs which are employee benefit plans, shall not apply until [18 months after the date of enactment] to a MEWA which is an employee welfare benefit plan, and which provides benefits for medical care on [the date of enactment] provided that the MEWA filed for an exemption from the applicability of state insurance laws prior to [180 days subsequent to enactment] and the Secretary did not find such application to be materially deficient within 90 days after receipt of the exemption application. However, the Secretary may, at any time determine that exclusion of a MEWA which is an employee benefit plan from the provisions of subparagraph (A) would be detrimental to the interests of participants and beneficiaries of such arrangement, in which case, the exclusion would cease as of the date of the finding. All determinations made by the Secretary under this subsection are in the Secretary's sole discretion and are nonreviewable.

Section 8: Clarification of States' Ability to Obtain Information From Plans for Purposes of Determining Whether the Plan is a MEWA.

This provision amends ERISA to clarify that the broad scope of ERISA's preemption provision cannot be used as a means to evade a determination of the proper extent to which the preemption provisions should apply under the terms of ERISA. As a result, all plans must comply with state laws requiring disclosure of information necessary to determine whether the plans are MEWAs, and, if they are MEWAs which have received exemptions under subsection (6)(B)(i) from the provisions of state insurance law or are relying on the provisions of subsection (6)(B)(ii) for such an exemption, to determine whether they are in compliance with the terms of such exemptions.

The Secretary, to the extent he or she considers appropriate, may enter into cooperative agreements as provided in section 506(a) with respect to the compliance with the provisions of this title by any MEWA and the person or persons responsible for the acquisition, disposition, control, or management of the cash or property of any MEWA.

Section 9: Effective Date.

The amendments become effective upon enactment.

CONFLICT OF CULTURES: EUROPEAN VS. INDIAN I

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102-188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues a recollection of Charles Alexander Eastman, a member of the Santee Sioux Tribe, as published in a book entitled Native American Testimony. The article recounts early meetings between Indian tribes and new settlers from other continents. The editorial comment which precedes the article is provided also.

THEIR WONDROUS WORKS AND WAYS

In 1862 the eastern Sioux Indians. the Santee of Minnesota, rose up against white settlers, killing some 800 men, women, and children within a month. American retaliation was swift, and Charles Alexander Eastman, then four years old, was among the Santee refugees who fled to Canada for sanctuary. When his father was turned over to United States authorities, relatives raised the boy near Fort Ellis in southern Manitoba.

Born with the Indian name "the Pitiful Last," but later called "the Winner" (Ohiyesa), Eastman did not see a white person until he was sixteen. He then became one of a stream of Indians who since the eighteenth century had attended Dartmouth College. In 1890 he earned his medical degree from Boston University. Just after the turn of the century his books on Sioux life and philosophy gained great popularity, especially among young readers. In this selection from the autobiographical work, *Indian Boyhood* (1902). Eastman recalls his own amazement at his uncle's eyewitness report on white culture.

I had heard marvelous things of this people. In some things we despised them; in others we regarded them as *wakan* (mysterious), a race whose power bordered upon the supernatural. I learned that they had made a "fireboat." I could not understand how they could unite two elements which cannot exist together. I thought the water would put out the fire, and the fire would consume the boat if it had the shadow of a chance. This was to me a preposterous thing! But when I was told that the Big Knives had created a "fire-boat-walks-on-mountains" (a locomotive) it was too much to believe....

I had seen guns and various other things brought to us by the French Canadians, so that I had already some notion of the supernatural gifts of the white man; but I had never before heard such tales as I listened to that morning. It was said that they had bridged the Missouri and Mississippi rivers, and that they made immense houses of store and brick, piled on top of one another until they were as high as high hills. My brain was puzzled with these things for many a day. Finally I asked my uncle why the Great Mystery gave such power to the Washichu (the rich)—sometimes we called them by this name—and not to us Dakotas [Sioux].

"For the same reason," he answered, "that he gave to Duta the skill to make fine bows and arrows, and to Wachesne no skill to make anything."

"And why do the Big Knives increase so much more in numbers than the Dakotas?" I continued.

"It has been said, and I think it must be true, that they have larger families than we do. I went into the house of an Eashicha (a German), and I counted no less than nine children. The eldest of them could not have been over fifteen. When my grandfather first visited them, down at the mouth of the Mississippi, they were comparatively few; later my father visited their Great Father at Washington, and they had already spread over the whole country.

"Certainly they are a heartless nation. They have made some of their people servants—yes, slaves! We have never believed in keeping slaves, but it seems that these Washichu do! It is our belief that they painted their servants black a long time ago, to tell them from the rest, and now the slaves have children born to them of the same color!

"The greatest object of their lives seems to be to acquire possessions—to be rich. They desire to possess the whole world. For thirty years they were trying to entice us to sell them our land. Finally the outbreak [Minnesota, 1862] gave them all, and we have been driven away from our beautiful country.

"They are a wonderful people. They have divided the day into hours, like the moons of the year. In fact, they measure everything. Not one of them would let so much as a turnip go from his field unless he received full value for it. I understand that their great men make a feast and invite many, but when the feast is over the guests are required to pay for what they have eaten before leaving the house. I myself saw at White Cliff (the name given to St. Paul, Minnesota) a man who kept a brass drum and a bell to call people to his table; but when he got them in he would make them pay for the food!

"I am also informed," said my uncle," but this I hardly believe, that their Great Chief (President) compels every man to pay him for the land he lives upon and all his personal goods—even for his own existence—every year!" (This was his idea of taxation.) "I am sure we could not live under such a law....

"In war they have leaders and war-chiefs of different grades. The common warriors are driven forward like a herd of antelopes to face the foe. It is on account of this manner of fighting—from compulsion and not from personal bravery—that we count no coup on them. A lone warrior can do much harm to a large army of them in a bad country."

It was this talk with my uncle that gave me my first clear idea of the white man.

CHARLES ALEXANDER EASTMAN,
Santee Sioux.

THE COLLEGE FINANCIAL AID PROTECTION ACT OF 1992

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. TOWNS. Mr. Speaker, today I am introducing the College Financial Aid Protection Act of 1992, which will remedy a grave error in the Justice Department's antitrust policy and practice.

Over a year ago, the Justice Department filed suit against eight colleges—Harvard, Brown, Cornell, Columbia, Dartmouth, the University of Pennsylvania, Princeton, Yale, and MIT. The suit charged these institutions of higher education with violations of the antitrust laws by meeting to discuss financial aid for students who had been admitted to more than one of the participating schools. These institutions meet every spring to reach a common calculation of students' needs and offer the same or similar percentage of financial assistance toward tuition and fees. For four decades, this system accomplished the widely advanced and publicly championed policy of assuring admission based on merit and dispensing financial aid based on need.

However, the Department of Justice, the Federal entity responsible for enforcing the law in the public interest, decided that these discussions rank up there with breaking up the insidious cartels and monopolies which have harmed commerce and industry. Once the Justice department filed suit, seven of the eight colleges—all except MIT—decided that it would be in their best interest to sign a consent decree instead of waging a protracted legal battle. The consent decree binds the colleges to end this cooperative arrangement.

This tuition discussion group is not a violation of the letter or the spirit of the law. In a normal antitrust case, businesses secretly and discretely collude to fix prices, terms, or other conditions incident to the sale or distribution of a product or service. These collusive tactics force consumers to pay more than the free market would dictate. The purpose of the antitrust laws have always been to spur legitimate competition based on the merit of the product or service or the ingenuity of the businessman. In this fair fight, the consumers' choice is the determining factor in the success or failure of an enterprise. Ultimately, this competition brings about the best deal for the consumer in price, quality and availability of goods. The controlling rationale is that the consumer benefits by ceasing any unfair practice which adversely affects the competitive process.

In this case, the practice which the Justice Department finds abhorrent has benefited the educational consumer—better known as the student—for over 40 years. The colleges have engaged in a socially propitious policy ensuring that tuition discounts are available to enable low and moderate income students to attend the college of their choice.

If this consent decree is not overturned, the educational process will be open to bidding wars and the financial aid process will be turned upside down. Universities will dispense academic scholarships via the same dubious mercenary contest which currently controls collegiate athletic awards. After determining amounts of aid to be warded, the universities will shop for meritorious students like they currently shop for star athletes. Universities with larger endowments will outbid colleges with smaller endowments for the best students. We will create a Nation in which the best and the brightest students will be lumped together at the biggest and the richest universities. Diversity of thought and opinion will be lost. The social, economic, and cultural interchange will not be an available item in the marketplace of ideals.

Once tuition becomes the pivotal issue, poor and middle class students will be unable to choose a college based on course offerings, intended area of concentration or any academically based factor. The sole issue will be price. We will no longer be able to encourage young people to attend the college of their choice. Instead we will have to tell them to attend the college that bids the most and offers the best deal.

I introduce this bill to remedy this unwise, unmerited, and unprecedented interpretation of the law. I urge my colleagues to join me in assuring the continuation of financial aid access for poor and middle-income students by cosponsoring the College Financial Aid Protection Act of 1992.

TRIBUTE TO MAJ. GEN. HARRY G. KAREGEANNES ON HIS RETIREMENT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. HANSEN. Mr. Speaker, Maj. Gen. Harry G. Karegeannes, commanding general of the U.S. Army Depot System Command [DESCOM], has served with honor in the U.S. Army for more than 34 years. Going in with the cavalry, and leaving as the commander of one of the Army's largest two-star commands, General Karegeannes has consistently shown superior leadership and professionalism.

The general's assignments have taken him across the United States and to Korea, Vietnam, and Germany. His many awards and decorations prove that every appointment was served with excellence.

At his last position, General Karegeannes was responsible for the employment and welfare of over 31,000 civilians, 1,075 military, and 4,400 contractor personnel. With a steady hand, General Karegeannes commanded these people to exemplary performance in support of the Army and its customers.

The general's unrivaled leadership and guidance has not wavered through the most turbulent of times—with recent years being the most difficult. The downsizing of the Army, deactivation of DESCOM programs and facilities as part of the base closure and realignment process, and increased public scrutiny of Government policies and procedures, have offered General Karegeannes challenges which he has met with distinction.

Other issues, such as budget cutbacks, stringent manpower ceilings, and competition of depot workloads, have had a grave impact on the missions and people within the general's depots and activities. Yet, while under the direction of General Karegeannes, these same installations have become leaders in productivity improvements and customer satisfaction.

While at DESCOM, General Karegeannes was responsible for an annual operating fund of $2 billion and a wholesale inventory valued at $27 billion. In addition, he played an unprecedented part in support of the multinational force deployed to Southwest Asia. Being the master logistician that he is, Major General Karegeannes developed and carried out a complex plan to deploy the tools, equipment, parts, and people needed to create a wholesale depot activity within Southwest Asia. This played a big role in the success of the war effort

The general was also instrumental in the development of a dedicated National Service Response force capable of responding to chemical and nuclear accidents. Because of his effort in this area, General Karegeannes was selected as a team leader for discussions with the Russian Government to aid in their planning of nuclear weapon destruction.

Major General Karegeannes has received the Distinguished Service Medal, the Legion of Merit, the Bronze Star Medal—with Oak Leaf Cluster—the Meritorious Service Medal—with Oak Leaf Cluster—the Joint Service Commendation Medal—with two Oak Leaf Clusters—and the Army General Staff Identification Badge.

Upon his retirement, Maj. Gen. Harry G. Karegeannes will be greatly missed by those who have served with him, the U.S. Army, and the Department of Defense. I wish him well in his future endeavors.

A TRIBUTE TO ALFRED GALLAGHER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. LEWIS of California. Mr. Speaker, 1 week ago today—June 4, 1992—United States lost a great man, an American patriot who placed the love of his family and his country above all else. Alfred Gallagher, who lived "up the mountain" in Crestline, CA, dutifully and gallantly served his country as a marine in World War II. In the defense of Guam, he was severely wounded by enemy gunfire, which cut short his promising military career. It by no means tempered his resolve as the remainder of his life was spent fighting against various threats to the American way of life.

Mr. Gallagher, with the assistance of his wife, Barbara, fought for the values and morality that have made this country great, namely family, patriotism, and individual freedoms. Mr. Speaker, it is with great sadness that I make this announcement and ask you and our colleagues to pay tribute today to this fine man.

THE UNITED STATES MUST TAKE THE LEAD IN BRINGING AN END TO VIOLENCE IN BOSNIA—THE VIEWS OF SENATOR RICHARD G. LUGAR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. LANTOS. Mr. Speaker, for over a year now we have witnessed the revolting spectacle of escalating violence in the republics of the former Yugoslavia. The Communist leaders of Serbia have utilized the military forces of the former central government of Yugoslavia and they have encouraged and inspired irregular Serbian forces in the conduct of a brutal unprincipled guerilla war against the peoples of republics which declared their independence of Yugoslavia by democratic majorities.

I regret to say, Mr. Speaker, that the administration has not pursued this most serious matter with the vigor and conviction that it should have. The violence continues and innocent women, children and men are suffering starvation, injury and death.

Yesterday, Senator RICHARD LUGAR of Indiana, the distinguished former chairman of the Senate Foreign Relations Committee, published an excellent op-ed piece for the Scripps-Howard News Service which was published in the Chicago Tribune and a number of other newspapers.

Mr. Speaker, Senator LUGAR's excellent article argues strongly that the United States must take the lead in bringing the bloodshed and violence in the former Yugoslavia to an end. He argues that the United States should take the lead in preparing for the use of force to restore democratic order in Yugoslavia if that should be necessary. I ask that this article be placed in the RECORD, and I urge my colleagues to give it serious and thoughtful attention.

[From the Chicago Tribune, June 11, 1992]

UNITED STATES SHOULD PREPARE TO ACT ON BOSNIA

(By Senator Richard G. Lugar)

The United States should step forward now to lead the United Nations and NATO to stern-enforcement of a cease-fire in Yugoslavia before it is too late.

The killing must stop, and we should generate the diplomatic momentum—and military will—necessary to provide a credible ultimatum.

The Security Council of the United Nations recently imposed economic sanctions against the Serbian government of Yugoslavia similar in scope to those imposed against Iraq in the summer of 1990. After some international argument on who should bear major responsibility for the comprehensive suffering in the former Yugoslavia, world leadership at the UN has pointed the finger at Serbian aggression and demanded an immediate and lasting cease-fire.

Economic sanctions might influence the aggressors if the further threat of military force were credible, but it is not. These conditions parallel the Iraq case of 1990, when statesmen argued that sanctions would eventually persuade Saddam Hussein to retreat from Kuwait.

In fact, the Security Council ultimately decided that sanctions alone would not move Iraqi aggressors, and a deadline of Jan. 15, 1991, was imposed for retreat after which military options might be employed.

I argued during November and December of 1990 that the United States should promptly debate authorizing President Bush to use military force to push Iraq out of Kuwait, and that our credibility would be suspect until majority votes were recorded in both houses. If we had voted promptly, Saddam might have recalculated his position and Desert Storm might not have been required.

Without those votes, Saddam tragically miscalculated and a deadly war was fought.

Some will argue that Yugoslavia is not Kuwait. Because the strategic interest in the fate of Yugoslavia is significantly less, military intervention is more difficult to support.

Currently, European countries are appalled by nearby bloodshed and destruction of priceless buildings, yet none of the European security organizations is capable of decisive action.

As a visiting French statesmen mentioned to me in early June, "You must remember that France and Germany have very different historical views on Serbia and Croatia." (In other words, "We have always liked one country, Germany likes the other one, and that's the way it is.")

In this atmosphere, the obvious temptation for the U.S. is to conclude that if various groups are intent upon civil warfare, they will probably persist until they are exhausted. To become involved in such centuries-old quarrels in which U.S. interests are hard to identify is to risk American lives and resources unjustifiably.

But now the UN has concluded that such civil warfare does have international security consequences. Military aggression is not an acceptable way of uniting ethnic groups. If such aggression is not promptly and decisively curtailed, the world community will suffer a series of dangerous consequences and potential expansion of regional warfare.

This comes at the same time that NATO leadership is trying to determine future missions for the alliance. The mission for NATO currently should be provision of stability and expanded human freedom in Europe.

The end of Soviet tyranny means that various ethnic groups who have lived uncomfortably together in a mutually suppressed condition are free to argue and fight and, worse still, to kill and try to dominate neighbors.

If these were small and local quarrels, the temptation would be to let the parties work it out unassisted. But the Yugoslavia case, which may be the forerunner of many others, involves tens of thousands of armed troops equipped with a multitude of sophisticated lethal weapons obtained from eager sellers all over the globe.

Once the pattern of ethnic and provincial warfare becomes a preferred means of imposing solutions, the world will be faced with weapons proliferation.

The world will be confronted also with an almost endless replication of wars predicated on easier access to arms and on the near certainty that neither the UN, NATO, nor any of the major world military powers will stop the mayhem.

In the current Yugoslavia situation, the Serbian government will attack Kosovo and Macedonia at its convenience. If this happens, the conflict within the former Yugoslavia would threaten to spill over the other states in the region.

The time for drawing the line has come.

The UN should authorize the use of force. NATO should draw up plans for a comprehensive use of force as thorough as that formulated for air, sea and ground forces in Desert Storm.

A final demand should be made for a cease-fire to be followed by diplomatic resolution of claims and boundaries, with the UN/NATO providing peace-keeping forces.

If the Yugoslavian-Serbian government does not yield, it should face sufficient military force to insure its certain and swift defeat.

The United States should take leadership of the process immediately. We alone have the military and moral authority to lead and to help produce the international authority needed for peaceful settlement.

Failure to settle this issue soon will invite petty dictators to engage in aggression while trying to suck in the greater powers as helpers—thus destabilizing hopes for peace, democracy, trade and travel in large regions of the world.

Our national interests lie in freedom, stability and peace in the world. We should prepare now for strong diplomatic and, if necessary, military action in Yugoslavia.

Sen. Richard G. Lugar (R-Ind.) is a member of the Senate Foreign Relations Committee.

INTRODUCING THE ADMINISTRATION'S BILL TO REAUTHORIZE THE EDUCATION OF THE DEAF ACT AMENDMENTS OF 1986

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. GOODLING. Mr. Speaker, today I am introducing the administration's bill to reauthorize the Education of the Deaf Act of 1986. This bill would extend and amend the authorizations for Gallaudet University and the National Technical Institute for the Deaf [NTID].

The Education of the Deaf Act provides for the education of individuals who are deaf or hard of hearing through Gallaudet University and NTID. Gallaudet University programs include the Kendall Demonstration Elementary School [KDES] and the Model Secondary School for the Deaf [MSSD], day and residential schools that operate as models and sources of information for parents and teachers on the education of children and youth who are deaf or hard of hearing. The Education of the Deaf Act also created the Commission on the Education of the Deaf to study the quality of education for individuals who are deaf or hard of hearing. Their 1988 report, "Toward Equality: Education of the Deaf," concluded the work of the Commission.

For fiscal year 1992, the Federal appropriation provided approximately 73 percent of the total income for Gallaudet University and 83 percent of the total income for NTID, not including Federal research grants, contracts, and student aid. KDES and MSSD receive 100 percent of their operating funds from the Federal Government. The bill seeks to increase accountability for funds provided to both Gallaudet University and NTID and improve the administration of their programs.

The bill would provide for a consolidated authority for KDES and MSSD to promote consistency within the program authorities and provide flexibility to Gallaudet University in the use of personnel and other resources. Emphasis would be placed on the development of innovative teaching and learning techniques that would address national needs as well as other emerging needs such as how to serve deaf students who have secondary disabilities or are lower achieving academically, from non-English-speaking homes, from rural area, or in classroom situations with hearing students.

The bill would extend the specific due process provisions of part B of the Individuals with Disabilities Education Act [IDEA] to children placed by their parents in KDES or MSSD. Presently the statute requires only that a local intermediate, or State educational agency that refers a child to or places a child in the elementary or secondary programs at Gallaudet ensure that the child is provided special education and related services in accordance with part B of IDEA. There is no equivalent protection for children placed by their parents in these programs. The administration's bill will provide such protection.

Foreign students now account for approximately 13 percent of the student body at Gallaudet and 12 percent at NTID. This bill would limit the number of new, incoming foreign students at Gallaudet and NTID to 10 percent of the total student enrollment. In addition, the bill would phase in an increase in the tuition surcharge paid by foreign students. I am aware of both sides of the controversy surrounding these provisions and I want to work with my colleagues on the Education and Labor Committee, the administration, and Gallaudet and NTID to address this issue in a bipartisan House bill.

As another accountability measure, the administration proposes that the appropriation for Gallaudet and NTID be expended in accordance with cost principles established by the Secretary of Education for institutions of higher education, but modified to reflect the unique nature and services of Gallaudet University and NTID. The principles contained in the Office of Management and Budget Circular A–21, as amended, delineate allowable and unallowable costs for colleges and universities receiving certain types of Federal grants. These principles would provide objective measures against which certain expenditures at Gallaudet and NTID could be compared. Finally, the bill would allow the Secretary to determine which principles should apply to these institutions. It is this provision that I have several concerns about. The proposal does not list the specific cost principles which would apply to Gallaudet and NTID. This provision needs to specify the particular cost principles which would be applicable to these institutions, rather than include broad language allowing the Secretary to modify the cost principles at any time. Specific cost principles will likely be included in a House bipartisan bill, however, it would not give the Secretary the discretion to determine at any time which principles should apply and which should not.

This bill represents a starting point for debate on the reauthorization and I am hopeful that the committee will bring a bipartisan House bill to the floor very soon.

A TRIBUTE TO LEON M. MIREAULT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, I wish to recognize and extend my immeasurable appreciation to one of Springfield's most dedicated, pious, and family-oriented citizens, Leon M. Mireault. After devoting over four decades of his life to the city of Springfield, I am saddened to see him retire from the city. However, I am pleased to be able to join in the remembrance of his deeds and contributions to the city. As a lifelong resident of Indian Orchard and member of St. Aloysius Parish, Indian Orchard, Leon has exemplified to the city of Springfield the true meaning of dedication and devotion to his faith.

Mr. Speaker, after graduating from the High School of Commerce in 1946, Mr. Mireault immediately began his extensive career serving the city of Springfield. After serving only 10 years as a junior clerk for the city, Leon attained the position of junior tax executive. During his fledgling years of service, Mr. Mireault allowed his dedication to Springfield only to be overshadowed by allegiance to his country which is seen by his enlistment into the U.S. Army from 1948 to 1950. By January of 1968, Leon was promoted to his final position in the city of Springfield, deputy city collector. His commitment and loyalty to the city endured the tenure of 9 mayors, from Mayor Daniel B. Brunton to the present mayor, Mayor Robert T. Markel.

I commend Leon Mireault for his strong devotion to the parish of St. Aloysius in Indian Orchard. In addition to serving on many diverse church committees, Leon taught Christian education for 29 years, 1960 to 1989. For his generous contribution and devotion to the religious education of his parish, Leon was honored with the Pope Pius X award. Mr. Speaker, his laudable efforts were extremely deserving of this award. In 1986, Mr. Mireault entered training in the permanent diaconate program for the Diocese of Springfield. By May 1991, he had completed the training and was ordained a permanent deacon for the Diocese of Springfield by Bishop Joseph F. Maguire. Currently, Leon is assigned to St. Rose De Lima Parish, Aldenville, MA.

I would also like to note that Mr. Mireault is a very devoted family man. On April 19, 1954, he was married to Marie J. Fontaine. Happily married for 38 years, Leon is the proud father of two sons and a daughter. His eldest son, David Anthony, presently resides with his wife, Nancy, on Pine Ridge Farm in Auburn, ME. David works as a court reporter, college instructor, and organic farmer. The middle child, Philip Leon, who is 3 years younger than David, resides in Keene, NH. Here Philip is engaged to Judy Winestock and is employed as a commercial loan officer at Granite Bank. His daughter and youngest child, Denise Rolande, presently lives in Springfield with her husband, Joseph Hannigan. Denise works at the Westvaco Envelope Division, Springfield, MA, as a technical support supervisor.

Leon Mireault was an active participant in his children's youth. Enjoying the company of his children, Leon spent his free time as the Cubmaster for Pack No. 4 at the First Congressional Church, Indian Orchard, MA, from 1963 to 1968. Leon was recognized by the Cub Scouts of America for his commitment and devotion to the members of his pack by presenting him with the esteemed Scouter's Key Award.

Mr. Speaker, although I am saddened to see such a dedicated and faithful citizen retire from his service to the city of Springfield, I am pleased to know that Leon Mireault has given a great deal to the city of Springfield. Since his service to the city has been concluded, Leon will now have the opportunity to focus all his time and energy toward his work for the church and enjoyment of his family. Although Leon leaves the city of Springfield with the major task of finding someone to fill his position, the city should look to Leon as an example of extraordinary service and extreme dedication to public service that should be exercised by all employees of the city. I take this opportunity to commend Leon M. Mireault for his outstanding devotion and tireless efforts to the city of Springfield and wish him the best in his retirement years.

THE ELECTRONIC COMMERCE ACT OF 1992

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. WOLPE. Mr. Speaker, today my colleague Mr. Henry and I are introducing legislation that would represent an important step toward the deployment of information technologies throughout the U.S. manufacturing sector.

One of the most important facets of future U.S. manufacturing competitiveness will be to improve coordination among manufacturers, their partners, and their suppliers. Information technologies offer the opportunity to dramatically reduce a product's time to market by facilitating the fast and accurate transfer of business and product data throughout the network of suppliers that contribute the parts of any finished product. Unfortunately, small- and medium-sized firms, which represent 98 percent of all manufacturers, and over 50 percent of all value-added in U.S. manufacturing, lack the resources to deploy information technologies needed to engage in what is called electronic commerce.

Nevertheless, U.S. industry is beginning to recognize the tremendous potential of electronic commerce. Given new priorities, the Department of Defense is moving away from maintaining vast inventories of weapons and toward developing a capacity to produce customized systems on demand. This goal will be very difficult to achieve, in great part because of the dependence on small supplier firms that lack information technologies to adequately respond to these demands.

The U.S. auto industry also sees electronic commerce as an essential way of improving the quality and delivery of purchased parts, and is consequently demanding that their suppliers accept electronic product data. These demands flood the supply chain causing great difficulties for subtier suppliers. For example, while stamping firms can generally accept electronic data, they are often unable to transmit these data to their suppliers, the diemakers. Rather than capitalize on the efficiency of electronic product data transfer, stamping firms must laboriously turn electronic files into paper drawings, and pass them on.

In both of the above cases, the key to achieving the goals of increased quality and reduced time to market is the effective deployment of information technologies among the small supplier firms.

Our legislation would establish a program for electronic commerce at the National Institute of Standards and Technology [NIST]. The program would be responsible for the development of new technologies and standards for electronic commerce, the selection and oversight of hub centers that will develop the tools and techniques necessary to deploy information technologies to small- and medium-sized firms, and the dissemination of technologies and standards through the existing network of regional manufacturing technology centers and other Federal and State small manufacturing assistance programs.

Mr. Speaker, the program for electronic commerce would represent an important step in our efforts to provide small- and medium-sized manufacturers with the technology and training they need to compete in the global marketplace.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Commerce Act of 1992".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds as follows:

(1) Information management and commerce technologies are among the most critical technologies for increasing the competitiveness of United States industry, but small- and medium-sized manufacturing firms face significant obstacles in the deployment and use of these technologies.

(2) A viable manufacturing base is a critical component of the United States economy, as the manufacturing base has consistently generated 22 percent of the United States gross national product, $950,000,000,000 annually, and employed 20 million people.

(3) Over one-half of United States value-added in manufacturing comes from small- and medium-sized manufacturing firms.

(4) Overhead and manufacturing costs account for one-third of total production costs, the majority of which pays for redundant information handling.

(5) New developments in manufacturing and networking offer small manufacturing firms an opportunity to increase their participation in product design, engineering, and support, thereby expanding their markets and creating new, higher-wage jobs not traditionally found in small- and medium-sized manufacturing firms.

(6) The existing network of federally funded business assistance programs and centers is the best delivery mechanism for deploying commerce technologies to small- and medium-sized manufacturing firms, but it lacks the educational and informational tools necessary to effectively carry out such a deployment.

(b) POLICY.—It is the policy of the United States to—

(1) harness the United States leadership in information management;

(2) utilize the existing network of Federal and State small business technical assistance programs and centers; and

(3) deploy information and commerce technologies throughout the manufacturing sector.

SEC. 3. PROGRAM FOR ELECTRONIC COMMERCE.

(a) ESTABLISHMENT OF PROGRAM.—There is established in the National Institute of Standards and Technology a Program for Electronic Commerce. The program shall be administered by the Director of this institute for the purpose of promoting the use of electronic commerce technologies by manufacturing firms, particularly small- and medium-sized manufacturing firms, in the United States.

(b) FUNCTIONS OF PROGRAM.—The Program established by subsection (a) shall—

(1) create an advanced manufacturing information and networking research program at the institute;

(2) lead the effort to develop new technologies that will be necessary for enterprise integration and electronic commerce;

(3) have primary responsibility for any standards created under the program;

(4) coordinate any activities relating to the certification of products with reference to standards created under the program; and

(5) coordinate its activities with the activities of other Federal agencies and initiatives relating to Computer Aided Acquisition and Logistics Support, electronic data interchange, flexible computer integrated manufacturing, and enterprise integration.

(c) ESTABLISHMENT OF CENTERS FOR ELECTRONIC COMMERCE.—Under the program established by subsection (a), and consistent with the mission and policies of the Institute, the Secretary of Commerce, acting through the Director, shall establish one or more Centers for Electronic Commerce for the purpose of assisting manufacturing firms, particularly small- and medium-sized manufacturing firms, to understand and implement electronic commerce technologies by—

(1) promoting participation by Federal laboratories, Universities, and vendors of information technology in the development of information management products for small- and medium-sized manufacturing firms;

(2) promoting the broad availability of information technologies targeted at small- and medium-sized manufacturing firms;

(3) analyzing the needs of small- and medium-sized manufacturing firms;

(4) developing tools to be used for the assessment of the needs of, and assistance to, small- and medium-sized manufacturing firms;

(5) promoting electronic commerce networks;

(6) preparing training packages and technology demonstrations;

(7) developing techniques for the efficient deployment of such technologies; and

(8) disseminating such information to the Regional Centers for the Transfer of Manufacturing Technology established by section 25 of the Act of March 3, 1901 (15 U.S.C. 278k), as well as to other research centers such as Computer Aided Acquisition and Logistics Support Shared Resource Centers and State sponsored research centers, outreach programs, and community colleges.

(d) AUTHORITY OF SECRETARY.—The Secretary, acting through the Director, is authorized to take all actions necessary and appropriate to operate the program, including the promulgation of criteria for the establishment of the centers under subsection (b).

SEC. 4. REGIONAL CENTERS.

Section 25(b) of the Act of March 3, 1901 (15 U.S.C. 278k(b)) is amended—

(1) in paragraph (2), by striking "and" at the end thereof;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the active transfer and dissemination of information, strategies, tools, and expertise received from the Centers of Electronic Commerce to a wide range of companies and enterprises, particularly small- and medium-sized manufacturing firms.".

SEC. 5 AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of carrying out the purposes of this Act, including the amendments made by section 4, $5,000,000 for fiscal year 1993, $10,000,000 for fiscal year 1994, and $12,000,000 for fiscal year 1995.

A CONGRESSIONAL SALUTE TO MS. JANE J. NETHERTON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a dynamic and inspiring woman whom I greatly admire, Ms. Jane Netherton. On Wednesday, June 17, 1992, the Long Beach Area Chamber of Commerce will hold its 101st inaugural celebration and honor their outgoing chair, Ms. Jane Netherton.

Jane has been a member of the Long Beach Area Chamber of Commerce for 9 years and has served a term as the chief financial officer. As chair of the 2,000 member organization since June 1990, Ms. Netherton has contributed enormously to the betterment of the community and has had a propitious impact on the organization as well. During her tenure as chair, Jane was one of Long Beach's leading business and economic development advocates. By virtue of her leadership, the chamber has energetically pursued policies and programs which protect and advance the greater Long Beach community. The chamber can cite many examples of how Jane's personal devotion has advanced the interests of the community. Ms. Netherton was instrumental in establishing a partnership with the city to secure State enterprise zone status for Long Beach. She coordinated the efforts of the chamber, city, and California State University, Long Beach in the development of an annual Long Beach economic forecast. In addition, while under her direction, the chamber created visionary long term transportation policies for the city.

Her qualifications for this leadership role are impressive. Since 1986, Jane has served as president and chief executive officer of the Long Beach based International City Bank. Prior to this post, Jane had held senior level positions with Harbor and Crocker National Banks.

With the demands of her time at a premium, Jane continues to remain active in many professional and civic activities. She has served in a leadership capacity with the California Bankers Association, National Association of Bank Women, and the Bank Administration Institute. Ms. Netherton was also included in the 1987 edition of "Who's Who in Finance and Industry."

Of her numerous successes, Jane is most proud of having served as the immediate past chair of the board of the Conservation Corps of Long Beach, and as a founding member of the Board of Governors for California State University of Long Beach. As chair of the corps, Jane was responsible for implementing a model program for the development and training of at-risk youths. At CSULB, Jane serves on the advisory board for the school of business and is actively involved with the Global 2000 project. This project's purpose is to prepare business students for the challenges of the future. Most recently, Jane was appointed by Gov. Pete Wilson as chair of the Capital and Economic Incentives Task Force of the Council on California Competitiveness.

Mr. Speaker, on this very special occasion, my wife, Lee joins me in extending our heartfelt thanks to Ms. Jane Netherton in recognition of her contributions to our community. She is truly a very special individual. We wish Jane and her sons, Jeff and Gregory Harrison, all the best in the years to come.

OUR NATIONAL BANNER OF FREEDOM

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mrs. MORELLA. Mr. Speaker, Sunday is Flag Day, the 215th anniversary of our national banner of freedom. That day and the Flag Week that follows offer each of us a special opportunity to reflect upon the values and virtues of our Nation.

As the Continental Congress evaluated the design of the proposed American flag and seal in the summer of 1777, the Secretary of the Congress, Charles Thomson, spoke quite literally about the flag's symbolism. He stated that the white signifies purity and innocence, the red signifies hardiness and valor, and the blue signifies vigilance, perservance, and justice. Truly, our national character is a combination of these traits.

Flag Day reminds us both of our Nation's victories and losses, much like the national day of reflection that just passed, Memorial Day. Though some may argue that these holidays have lost their true meaning in these very cynical times, I am proud that the patriotic spirit invaluable to our free society is alive and well in the communities of Montgomery County.

I would like to highlight three of the numerous Memorial Day activities held in my congressional district. Hundreds of citizens participated in the parade and ceremonies held in Rockville, MD to honor the U.S. Navy and Marine Corps. The honoring of the service men and women of the U.S. Navy and Marine Corps was particularly moving on the eve of the 50th anniversary of the Battle of Midway. The ceremony featured such distinguished members of the community as the mayor of Rockville, Douglas M. Duncan, Rear Adm. Richard Riddell and Brig. Gen. Joseph D. Stewart. The parade was a heartfelt tribute to our fellow citizens lost in wartime.

The Bethesda, MD community hosted a beautiful ceremony sponsored by the Sons of the American Revolution. As a lone bugler played taps, men and women of all ages reflected on friends and family who have participated in and leant support to past war efforts.

The keynote speaker, Mr. William S. Shepard, spoke eloquently. He harked back to the Civil War's Battle of Antietam and the brave men from North and South who forged "a nation from the heat of battle." In his very personal speech, Mr. Shepard touched on each of American's 20th century wars. He read excerpts from his father's World War I war diary leading up to the armistice of 1918, and told of his own tours of Vietnam. He mentioned now his relatives were affected by the Korean conflict, and described a recent visit he had with an elderly woman from Kentucky who had been interned in a POW camp by the Japanese during World War II. Mr. Shepard echoed the sentiments of many as he called for a rememberance of those on America's "honor roll of freedom and sacrifice that stretches from Lexington and Concord to the Gulf."

The services at the Wheaton Veterans Park offered an enormous outpouring of gratitude toward all of America's veterans, living and deceased. More than 1 million Americans have made the supreme sacrifice for their country, and millions more have had their lives irrevocably altered by combat experience. Norman Christeller kept the audience in rapt attention as he spoke. Many of those in attendance remembered relatives and loved ones from the 120,000 lost in World War I, the 450,000 lost in World War II, the 50,000 who died in the Korea conflict, the 60,000 lost in Vietnam, or the recent heroes who died in Desert Storm.

Whether on Memorial Day, Flag Day, or the other 363 days of the year, our flag continues to be among the few symbols that brings Americans together in a sense of unity and pride. Only the American Stars and Stripes has been planted on the Moon, placed on Mars, and hung in classrooms across our Nation. To quote the Pledge of Allegiance, which was drafted 100 years ago, our flag is an everlasting reminder that we are indeed "one nation under God, indivisible, with liberty and justice for all."

A TRIBUTE TO MS. LINDA WALKER

HON. PETE PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. PETERSON of Florida. Mr. Speaker, I rise today to salute the work of an extraordinary teacher in my district.

As many of my colleagues know, improving our Nation's educational system is a priority item on my agenda. As a former faculty member at Florida State University through the psychology department's special program at Dozier School for Boys in Marianna, I am familiar with the problems that educators face. As legislators, I believe that by not making a commitment to education, we do our children and society as a whole a terrible injustice. I believe education is the key to becoming a productive member of society.

This is why I am extremely proud to congratulate Ms. Linda L. Walker, a teacher at Cobb Middle School in Tallahassee, FL, for winning the 1991 Presidential Award for Excellence in Science and Mathematics Teaching for Elementary School Teachers.

What distinguishes Ms. Walker is her ability to involve students in learning activities. They become active participants in the educational process, and they learn to think as well as excel at math. Many of her students not only learn about mathematics, but gain an appreciation for the subject.

I recently had the pleasure of meeting Ms. Walker here in Washington, and she is indeed a credit to her profession. The Presidential Awards for Excellence in Science and Mathematics Teaching Program is designed to recognize and reward outstanding teachers who serve as models to their colleagues. Mr. Speaker, I can think of no better choice than Ms. Walker. Her tremendous enthusiasm and innovation could serve as an inspiration to us all.

CONGRESSMAN KILDEE HONORS CHRISTINE REED

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. KILDEE. Mr. Speaker, I rise before you today to honor a woman who has been a major force in the Flint community schools' program for native Americans, Christine Reed. On June 11, 1992, from 2 p.m. until 5 p.m. at Zimmerman Center, the parent group of the Flint community schools' Indian program will host a ceremony honoring Christine Reed for her many contributions to my hometown of Flint, MI.

Christine, a native American of Ottawa and Chippewa descent, is a member of the Mount Pleasant, MI reservation. She has lived in Flint for over 25 years. She has been organizing powwows in the Flint area since 1984. She established the first lodge for native Americans in Genesee County since Michigan attained statehood. Christine Reed is an active participant in the Genesee Valley Indian Association and has served on a number of State committees on issues pertaining to native Americans.

Currently a program officer for the Flint community schools, Christine Reed has been an active supporter of both the parent committee and the student organization. A tireless promoter of her native American heritage, she conducts arts and crafts workshops for both students and parents. She has been very valuable as a facilitator and a resource person for the entire school system as it seeks to integrate cultural diversity into its program of instruction.

Renowned for her skill as a storyteller, Christine has spoken to students, community organizations, and churches to broaden their understanding of the native American culture. Though she is retiring from the Flint community schools after 13 years of service to its program for native Americans, her hard work and kind spirit will remain with us always.

Mr. Speaker, it is with great pride that I rise before you today to ask you and my fellow Members of Congress to join me in honoring Christine Reed. Her total commitment to the positive development of the young people in our community will inspire many for years to come.

UNEMPLOYMENT COMPENSATION AMENDMENTS—H.R. 5260

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. CAMP. Mr. Speaker, Tuesday was business as usual here on Capitol Hill. The majority find an issue they feel paints those of us in the minority as insensitive and uncaring and propose legislation that is not aimed at solving a problem, but at achieving political gain.

It was with immense frustration that on Tuesday I voted in opposition to this latest round of unemployment compensation amendments. Solving the problem of unemployment and helping those in need was not the issue. Petty, election year politics was the issue.

As a cosponsor of each previous extension, I fully realize the needs of millions of Americans during these difficult economic times. However, this partisan stunt is nothing but an election year game designed to provoke a Presidential veto. The travesty here is that the people who are really getting played with are the Nation's unemployed.

This bill does not pay for itself, therefore the majority has decided to exempt it from the rules of the Budget Enforcement Act. It will increase the deficit by over $4 billion before 1996. This waiver is an attempt to avoid budget discipline with only a promise to reduce deficits in future years.

As part of the bill's strange financing scheme, it lowers the FUTA tax on employee earnings while it increases the wage base that is taxed—this will create a net tax increase of $4.2 billion over the next 10 years. This would be a disaster for individuals struggling to make it now, especially in the Northeast and, in my part of the country, the Midwest where, because of the cost of living, wages are generally higher.

Finally, Mr. Speaker, I find it difficult to believe that in this great Chamber of debate and ideas, we in the minority could not have an honest debate and vote on the merits of an alternative proposal that not only provides assistance to those out of work, but also provides incentives for creation of new jobs.

The Archer substitute, which I did support by voting against the rule on the majority's legislation, included an extension of unemployment benefits that actually pays for itself. It also provided economic growth incentives that will help to end this vicious cycle of a stagnant economy and actually help put people back to work and off of unemployment.

It included the popular first-time homebuyer credit, bipartisan-supported passive loss relief for real estate, indexation of capital gains, and a repeal of the luxury boat tax which has put thousands out of work in my State of Michigan. Why not help people find work and provide for themselves and their families, rather than just continue to provide a government handout.

In closing, I just want to say that unemployment is a crossroad. It can be a crossroad to employment or to welfare. What we did on Tuesday was pass a bill that will increase taxes and increase the ever-growing deficit. This bill will most assuredly push those who are unfortunate enough to not have a job closer to welfare than employment.

NATIONAL FEDERATION OF HOUSING COUNSELORS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the National Federation of Housing Counselors [NFHC] on the occasion of the organization's 19th annual conference in New Orleans from June 14 to 19, 1992. I have been asked to address this important assembly for several consecutive years as a keynote speaker and I am honored by the privilege.

The NFHC consists of over 700 members in 35 States that are skilled in the areas of mortgage default, prepurchase, rental delinquency, prerental and other housing counseling. Members of the organization help families with the acquisition and management of rented and owned homes.

As outlined in the NFHC pamphlet entitled "Empowering the Powerless Through the Provision of Information, Guidance and Advice," the NFHC itself operates a clearinghouse for housing information, Federal Government activities, and funding sources. It also maintains a certification program to develop standards for competent and efficient housing counseling. Moreover, it provides technical assistance to people and groups on the development of counseling programs and the delivery of services. Last, it represents the needs of low- and moderate-income families and their housing counselors in a variety of legislative and administrative forums.

I want to pay tribute to the president of NFHC, Jimmy Bennett, the vice president, Edward Nesbill, and especially to John Sewell, the legislation liaison for the NFHC, with whom I consult on the various issues of concern to the organization and on legislative initiatives of interest to the organization. Mr. Sewell is doing a great job and I am pleased to have worked with him over the years.

I am a strong advocate of Federal housing counseling programs and have worked to have certain programs reauthorized. In addition, I have worked to expand the reach of housing counselors so that they can better help Americans obtain and hold on to the dream of home ownership. By assisting individuals and families in purchasing homes and in avoiding foreclosure and eviction, housing counselors actually save the Federal Government money. A foreclosure on a government-backed loan costs the Federal Government about $28,000. HUD officials have testified that for every dollar invested in housing counseling, $6 are saved as a result of foreclosure avoidance.

In 1987, I authored a program, the Emergency Homeownership Counseling Program, that goes a step beyond Government programs that offer counseling assistance to homeowners with Government-backed loans. It offers assistance to homeowners with conventional loans who are in jeopardy of losing their home for reasons beyond their control. In an emergency situation, a homeowner should not be forced to give up his/her home because he/she cannot make a mortgage payment.

Over the years, in conjunction with the NFHC and the House committees of jurisdiction, I have made significant changes in the legislation. For example, lender institutions are now required to notify homeowners with conventional loans who are 45 days delinquent in making loan payments that housing counselors are available to assist them in avoiding foreclosure. Previously, there was no deadline for lender notification. As a result, lenders did not comply with the regulation.

A recent amendment to the law calls for the establishment of an entity to monitor lender compliance with the 45-day notification provision. In this way, we hope that we can force lenders to inform homeowners of delinquency in a timely manner. HUD has not yet established that entity. I am working to see that it does.

A toll free number for lenders to refer troubled homeowners to for counseling assistance has only recently been established, although the establishment of the number was authorized in 1987, as part of the original program.

Last April, at the request of NFHC, I introduced legislation, H.R. 4739, to require the certification and provide for the training of home ownership and rental counselors. There is a real need for this legislation. If the Federal Government is going to provide counseling agencies with Federal moneys for counseling services for prospective and troubled homeowners as well as renters, the Federal Government should ensure that housing consumers are getting the best quality assistance from those counselors.

I understand from various sources in the housing counseling field that there is a lot of misinformation passed along to housing consumers by counselors that are not qualified to assist them. Many housing counselors have not been trained for 12 years.

Under my legislation, all housing counselors employed by an agency or organization would have to be certified in order for the agency or organization to receive Federal housing counseling funding for services rendered.

The Secretary of HUD would be required to contract with a private entity that would, in turn, be required to carry out a training program for housing counselors and to administer a written exam to certify counselors. The measure requires that all counselors be certified as competent in the areas of financial management, property maintenance, responsibilities of home ownership and tenancy, fair housing laws and requirements, housing affordability and avoidance of, and responses to, rental and mortgage delinquency, and mortgage default.

The curriculum, standards, and procedures for training counselors and the format and content of the written exam to certify counselors would be set out in regulation by the Secretary of HUD. Prospective and present counselors can take training classes offered or be given study materials by the entity awarded this contract. Whereas training classes would be voluntary, the certification exam is mandatory.

Not every counseling agency and organization is federally funded, so this legislation cannot force the training and certification of all counselors. However, the legislation does direct the Secretary of HUD to encourage organizations engaged in providing housing counseling that do not receive Federal assistance to employ only individuals that are certified to provide counseling services.

My legislation stipulates that the training and certification program be in place and functioning 1 year after enactment of the bill and that 6 months after the program is up and running, housing counseling agencies employ only certified counselors. This timeframe gives counseling agencies an acceptable period of time to ensure that their counselors are trained and certified.

The measure authorizes an appropriation of $2 million to the organization chosen to provide the training and certifying service. The $2 million would be needed for administrative costs associated with implementing the program. If more funding is needed, the bill allows for the imposition of fees on individuals partaking in the program to cover the costs of providing the training and certification service. I urge your support of this important legislation.

I am working on other innovative and necessary legislative initiatives with the NFHC. I will continue to work at the Federal level to lessen the burden of housing counselors at the State and local level. Organizations such as the NFHC are exemplary, because they assist the Federal Government in seeing to the needs of low- and moderate-income households.

THE RED AND WHITE AND BLUE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. COBLE. Mr. Speaker, this Sunday, June 14, 1992, is Flag Day. This national day of recognition has been established to honor the flag of the United States. The hope is that all Americans will take a few moments this Sunday to think of what the flag means to them. To me it is more than a symbol. The flag is the material embodiment of the countless men and women who have defended this Nation for more than two centuries. The Stars and Stripes represent the blood, sweat, and tears which have been shed to keep our country free.

A former constituent of mine, who now resides in Miami, FL, wrote a poem which captures the true spirit of the flag. The words which Mr. Scotty Rankin wrote are a fitting tribute to Old Glory. As we celebrate Flag Day 1992, I hope these words will encourage people to join in the honoring of the American flag.

THE RED AND WHITE AND BLUE

(By Mr. S.M. Rankin)

Our spangled banner proudly spread
Has blood of heroes in its red.
And Liberty's pure shining light
Inpires us with its flawless white.
The cloudless blue of Freedom's skies
Protects us when Old Glory flies.
And since the whole is all the parts
We do not wonder that our hearts.
Are proud and eloquent and true
Fly high the red and white and blue.

TRIBUTE TO CAPE CORAL SCHOLARSHIP PROGRAM

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. GOSS. Mr. Speaker, at a time when graduation rates nationwide and in Florida are low, we are proud of all those young people who have stuck to their studies and graduated this spring. Today I am here to salute one group of high school seniors in my district who are no strangers to achievement, and who now have one more gold star to add to their list.

Their names are Michelle Anderson, Stephen Barnett, Jeffrey Cheatham, Amy Constantine, Anthony Ferrer, Jason Millott, Jeffery Parks, Jamie Rosenthal, and Traci Wilcox, and on June 6, they became well-deserved award recipients of the Cape Coral Mayor's Youth Fund Scholarship Program, a citywide effort raising thousands of dollars each year in scholarship money to invest in our youth.

I'm sharing this information because the partnership between the students and the community works so well and could be a great model for towns and cities around the country. These high school students, inspired by the dream of a college education, higher learning, and productive, rewarding lives, hit the books late into the night and have gotten involved in community endeavors. In turn, Mayor Mazurkiewicz and the people of Cape Coral have rewarded these efforts by stepping forward to play a part in securing a special opportunity for deserving graduates.

Mr. Speaker, this isn't just a one-time deal I'm talking about. For 10 years the city has displayed its commitment to our youth and their continuing education through this successful program. After their college education is complete, the idea is these young people come back to add their vitality and productivity to the community.

Cape Coral is a place where today's leaders are betting on their youth. I think it's a great bet.

EARTH SUMMIT IN RIO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Ms. PELOSI. Mr. Speaker, this week I had the honor of attending the Earth Summit in Rio. There were many important reasons for my interest in attending the Earth Summit. First, I represent a very active environmental community in San Francisco where the issues before the Earth Summit command wide attention. In fact, many San Franciscans traveled to Rio to continue their work on behalf of the global commons—Citizens Network for UNCED, the Global Community, Rainforest Action Network, the Sierra Club, and many others.

In concert with this interest was my desire for delegates from other countries to know that President Bush does not speak for all of America. The Bush administration does not speak for Congress, or for the thousands of Americans who are at the Earth Summit pressing daily for stronger global environmental stewardship. Earlier this year, I circulated a letter among my colleagues asking President Bush to go to Rio. Now, he's going but, mentally, he's miles away.

Another important objective was to follow up on legislation I introduced in 1989 to require multilateral development banks to conduct and make public their environmental assessments on funding projects. This legislation was included in the International Development and Finance Act and is now law in the United States. I raised this question in meetings with William Reilly, with United States negotiators and with parliamentarians from other countries and I am hopeful that my language will be included in all of the Earth Summit documents.

Throughout our meetings at the Earth Summit, a common thread emerged—What is the Earth's carrying capacity for human life? The greatest threat to maintaining biodiversity, protecting the world's forests and reducing global warming relates to the burgeoning numbers of people which will double again by the middle of next century.

As more and more people exploit their resources in an often desperate struggle to provide for themselves and their families, they further degrade their environment. In every society, the poor live shorter, less healthy lives than those who are better off. Perhaps one of the most obvious lessons to be learned from the Earth Summit is that there are human dimensions to be considered and that our investment in environmental protection is also an investment in human development.

The United States has relinquished its world leadership only to become a saboteur of the Earth Summit. On the eve of the President's visit to Rio, the United States role is perceived as one of failed leadership and missed opportunities on issues at the heart of the summit—climate change, forest protection, and biodiversity. Other nations of the world are prepared to chart a new course for environmentally sustainable economic development to preserve the biological order on which all life depends. The United States is isolated in its resistance to this new course.

The United States must face this environmental and economic imperative—to preserve the natural inheritance of future generations by our good stewardship of the Earth's natural heritage now.

BIOLOGICAL DIVERSITY: THE PLIGHT OF THE BAHAMIAN PARROT (1492–1992)

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1992

Mr. SCHEUER. Mr. Speaker, one of the greatest environmental problems facing the planet Earth is the loss of biological diversity. Scientists have estimated that, at present rates, 10 percent of the Earth's species may become extinct before the turn of the century. More than 25 percent of all living species may become extinct within the next couple of decades.

In fact, the current rate of loss of biological diversity is approaching the rate of the Cretaceous Period some 65 million years ago when the dinosaurs and about 50 percent of all other living species became extinct. What is unique about the current situation is the scale on which resource degradation is occurring and the absolute rate at which biological diversity is being reduced. Mr. Speaker, this is a self-inflicted catastrophe that must be prevented.

An example of the dramatic decline in biological diversity can be found in the Bahama Archipelago. In 1492, Christopher Columbus reported that the Bahamas contained flocks of parrots so numerous that they blocked the sun. In 1992, these parrots can be found on only two islands and continue to be the victims of extensive habitat destruction and other threats.

Mr. Speaker, I would like to bring to the attention of my colleagues an article on the plight of the Bahamian parrot written by Dr. Rosemarie Gnam for the May-June 1992, edition of Zoogoer:

JEWEL OF THE BAHAMAS

"There she goes, straight up. Look at how her blue wings glisten in the sunlight." The words suggest the latest high-tech development in airplane design, but in fact I was watching a parrot—Amazona leucocephala bahamensis—the white-headed Amazon parrot of the Bahamas, or simply, the Bahama parrot.

The colorful Bahama parrot once inhabited all of the major islands in the Bahama archipelago, where they were so abundant in 1492 that Columbus described these islands as having "flocks of parrots that obscure the sun." But, by the 1940s, parrots had disappeared from all but two islands—Great Abaco and Great Inagua. They were the victims of extensive habitat destruction, overhunting, and capture for the pet trade, threats that continue to endanger the remaining Bahama parrots as well as four other subspecies of Amazona leucocephala that live on other islands in the Caribbean. (Rather confusingly, A. leucocephala is generally known as the Cuban parrot; Cuba is home to two subspecies, while Grand Cayman and Cayman Brac each support one subspecies.) Five other West Indian parrot species are also endangered or threatened.

In the late 1970s, U.S. Fish & Wildlife Service ornithologist Noel Snyder and a team of field workers conducted a short study of the Bahama parrot, about which very little was then known. The results of their study called for more research and the development of a conservation management plan to avert the looming threat of the parrot's extinction. So in 1985, I set off to study the Bahama parrot's breeding biology and to assess its conservation status on Great Abaco.

UNDERGROUND PARROTS

I was particularly interested in the Bahama parrots on Great Abaco because these birds display an unusual subterranean nesting habit. All other New World parrots—and even the Bahama parrots living on Inagua—nest in tree cavities. And, while a few Old World parrots nest in burrows or holes in the ground, the Great Abaco Bahama parrots are unique in nesting underground in limestone cavities.

My field assistant Linda Delay and I arrived in search for the parrots and their nests. Instead, the "parrot girls," as we became known locally, were compelled to adopt the "laid-back" islander attitude while we waited for a radiator to arrive from the United States so our rented truck could be repaired. Secluded white-sand beaches lapped by crystal-blue waters eased the pain of waiting and we got to know a little about the island.

At about 617 square miles, Great Abaco is the second largest island in the Bahamas. It lies about 50 miles north of Nassau and about 200 miles east of Miami. Most of the island's 9,000 resident live in the town of Marsh Harbour and its offshore cays. Fishing and tourism provide most of the island's income.

Like the rest of the Bahamas, Abaco is a relatively flat, limestone island with a fairly dry, subtropical climate. Caribbean pine forests and native evergreen hardwood, or "coppice," scrub dominate the landscape. The parrots, which by our estimates number about 1,300, live in pine barrens on the southern end of Abaco, about 40 miles south of Marsh Harbour. This is where we headed when our truck at last was equipped with a radiator and ready for the bush.

It took us a week of walking the pine barrens to find our first parrot nest. Limestone cavities are abundant enough in the region to make walking treacherous. In one deep cavity I discovered a skeleton—the remains of a hunter's dog. But finding which of the many holes were being used by parrots was no easy task. We could only follow birds, hoping they would lead us to their nest, or search an area where we had seen parrots.

Finally our efforts were rewarded and I recorded this momentous moment in my log: "I examined the area where I'd earlier seen a parrot fly out from and located my first Bahama parrot nest, which I designated A01." And we soon learned that parrot nests are clumped in particular areas, making it a little easier to find additional nests.

To watch nesting pair A01, and later other pairs, we built blinds of plastic plumbing-pipe and burlap about 45 feet from the nest. From the blind, we could watch a pair 14 hours a day, from sunrise to sunset, to record their behavior without disturbing it. Six years and more than 100 parrot nests later, a good picture of the Abaco parrot's nesting biology has emerged. We've also been able to document the continued threats to the parrot's survival.

HIGH-QUALITY PARENTS—BUT FEW CHICKS

Abaco parrot lay clutches of two to five eggs in late May and early June. During egg-laying and incubation, the female stays in the nest hole almost around the clock. She depends on her mate for food, and leaves the nest only briefly to be fed by him. The male rarely enters the hole to feed the female. Instead, the male calls to his mate from a nearby pine or shrub and she immediately flies straight up out of the hole to join him. The pair then emit high, squawking, takeoff calls and fly to another clump of pines where the male regurgitates food for the female to eat. Feeding usually takes about 15 minutes and occurs four to six time a day. The rest of time the female is on the nest. Males take no part in incubation and, at night, even roost in areas away from nesting females.

Chicks hatch after an incubation period of about 28 days. In my study, the average number of chicks hatched per nest was just two—some 44 percent of the eggs laid in a clutch fail to hatch. Nests with three chicks were a rarity, and a four-chick nest was outstanding.

Parrot hatchlings are blind, helpless, and virtually naked, with only a few wisps of white down. For the first few days, the female remains in the nest and, overcoming his reluctance to enter the hole, the male comes in to feed the female and the chicks. Soon, however, the female begins to leave the nest to help her mate bring food to the chicks. By the time the chicks are three weeks old, the female spends no time at all in the nest hole, even at night, but both parents return five to seven times a day to feed their youngsters. At this stage, a chick's eyes are open, feather sheaths have erupted, and the now very cute young beg vigorously for food.

When they are not feeding their young, the parents are feeding themselves. Seeds from unripe cones of the Caribbean pine tree are a dietary staple for the parrots during the breeding seasons and provide protein for the growing chicks. Walking through the pines in midafternoon, I could find parrots simply by listening for the sounds of these cones falling to the ground. Parrots also eat the fruits of many shrubs, including such favorites as wild guava, pigeonberry, sabal pine, and poisonwood—a plant toxic to people, who break out into a rash on contact with it.

LEAVING THE NEST

By late August, eight weeks after hatching, the chicks are fully feathered and ready to leave the nest. The parents spend more time near the nest, feeding in nearby pines, waiting for the big day to arrive. They seem anxious for their long period of caring to end, squabbling with each other and mumbling soft weet calls to the begging chicks before going into the nest. It seems as if they are trying to coax their youngsters to leave, their weet call perhaps saying "You want food, then come out and get it."

From a blind, we would watch a chick slowly peep out of the nest hole, a little at a time, until finally its entire body, up to the wing tips, was out. Then in one swift, graceful motion the chick flies straight up and is joined by its parents in midair. Flanked by its parents, the newly fledged parrot flies out of view.

Through radiotelemetry, we learned that chicks and their parents join other parrots in communal roosts in the coppice scrub. In the communal roosts, which may include 60 to 75 individual parrots, the fledglings learn to find food and to avoid predators such as red-tailed hawks and barn owls. By the beginning of the next breeding season, the young are independent of their parents, but they will not breed themselves until they reach three years of age.

Mated pairs of adult parrots spend the nonbreeding season together, but within the large communal flocks. The flocks tend to stay in the coppice-scrub borders, where food is abundant in fall and winter. Then in the spring the pairs move into the forest interior for nesting, starting their annual cycle over again.

In any given year, fewer than 50 percent of all nesting Abaco parrots fledge young. In 1988, a record low of only 29 percent of pairs succeeded. And, even successful pairs fledge an average of just under two chicks per nesting effort. Nesting fails for a variety of reasons, including predation by cats, rats, and land crabs; flooding of nest holes during heavy rains; poaching of chicks for the pet trade; and egg abandonment by parents for unknown reasons.

Before the introduction of mammalian predators, flooding was probably the most significant cause of nest failures. Rainfall peaks in June on Abaco and some of the shallower nests flood, leading to egg loss or abandonment. Chicks may also drown. The parrots seem to learn from this experience and nest holes that have flooded are not reused in subsequent nesting seasons.

But because of their ground-nesting habits, parrots on Abaco are extremely vulnerable to nest predation by introduced mammals such as cats and rats. (Introduced mammals, especially feral cats, have wreaked havoc on ground-nesting birds on many islands, including the Galapagos and New Zealand.) Since 1988, more nests have been destroyed by feral cats than by anything else. Cats eat eggs and kill nesting females and chicks. I even lost nest A01 to cats, and recorded the sad story in my log: "I check nest A01. All four eggs crushed and the female killed—only the beak and feathers with fresh blood on them remain. As I leave the nest area, male A01 lands in pine and calls for the female. It will probably take all day for him to learn of his mate's fate because males will enter a nest only after repeated unsuccessful calling attempts."

Ground-nesting most likely evolved on Abaco because there are very few natural tree cavities for parrots to nest in and the absence of native mammalian predators made ground-nesting viable. People, with their pets and commensal pests, changed that. On Abaco, we temporarily alleviated the problem of feral cat predation by fencing off individual nests. But essential to the parrot's survival is a long-term program to control feral cats.

BEYOND THE FIRST STEP

In addition to feral cat predation, the greatest threat to the parrots on Abaco comes from increasing development pressure for agriculture and tourism. Creation of a parrot reserve and a national park on Abaco, now being discussed by the Bahamian government, needs to proceed quickly to ensure the long-term viability of the parrot population. Poaching for the illegal pet market also remains a problem, but less so in recent years thanks to education efforts on Abaco.

When I first went to Abaco, local people seemed to know very little about the Abaco parrot. For example, many of them were under the impression that there were thousands of these birds in the bush. Since then, however, people have learned a lot more about their endangered native parrot. Jill Weech, an enthusiastic Bahamian Forestry employee and a graduate of the National Zoo's Wildlife Conservation and Management Training Program, now teaches an environmental education program in Abaco's primary schools. Jill promotes a sense of pride in the Abaco parrot, which she regards as a Bahamian national treasure. She uses a video, posters, pamphlets, T-shirts, and even a "Let's Get to Know the Bahama Parrot" coloring book to get her message across.

Residents have also formed a grassroots group called the Friends of the Abaco Parrot, which has generally supported my research and conservation efforts. The Bahamian Quincentennial Secretariat has adopted the parrot as a symbol of the 500th anniversary of Columbus's voyage to the Bahamas. And in 1991, Bahamian Cay Gottlieb even composed a calypso song about the parrots:

Our parrots from Abaco
His feathers green, red, white, and blue
His voice is clear and loud
You can hear him high in the clouds
He's the prettiest bird on the isle
To protect him is surely worthwhile
Our parrots from Abaco.

These are all encouraging signs because the conservation of parrots, and all Bahamian wildlife, depends primarily on the care and concern of the people of the Bahamas.

(Rosemarie Gram works in the U.S. Congress as the American Institute of Biological Sciences' Congressional Fellow for 1991-92.)